

Council Briefing Agenda

Date: Tuesday, 19 February, 2019

Time: 10:00 am

Location: Council Chamber
Forum North, Rust Avenue
Whangarei

Elected Members: Her Worship the Mayor Sheryl Mai
(Chairperson)

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 Innes

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.

1. Apologies

2. Reports

2.1 Urban and Services Plan Changes (Briefing 1)

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3. Closure of Meeting

2.1 Urban and Services Plan Changes (Briefing 1)

Meeting: Council Briefing
Date of meeting: 19 February 2019
Reporting officers: Robert Burgoyne, Sarah Brownie, Melissa McGrath, Evan Cook

1 Purpose

To discuss the proposed Urban and Services Plan Changes prior to seeking approval for formal notification.

2 Background

The Urban and Services Plan Changes propose the following new zones and district wide chapters, with associated objectives, policies and provisions:

New Urban Zones (Plan Change 88 (PC88))

- City Centre Zone (CC)
- Mixed-use Zone (MU)
- Commercial Zone (COM)
- Waterfront Zone (WZ)
- Shopping Centre Zone (SCZ)
- Local Commercial Zone (LC)
- Neighbourhood Commercial Zone (NC)
- Light Industrial Zone (LI)
- Heavy Industrial Zone (HI)
- Low-density Residential Zone (LDR)
- Medium-density Residential Zone (MDR)
- High-density Residential Zone (HDR)
- Residential Zone (RES)
- Precincts (PREC)
- Port Zone (SPPO)
- Airport Zone (SPA)
- Hospital Zone (SPH)

New Open Space Zones (Plan Change 115 (PC115))

- Conservation Zone (CON)
- Open Space Zone (OS)
- Sport and Active Recreation Zone (SAR)

New District Wide Chapters

- Plan Change 148 (PC148): Strategic Direction (SD)
- Plan Change 148 (PC148): Subdivision (SUB)
- Plan Change 109 (PC109): Transport (TRA)
- Plan Change 136 (PC136): Three Waters Management (TWM)
- Plan Change 147 (PC147): Earthworks (EARTH)
- Plan Change 82 (PC82): Lighting (NL)
- Plan Change 82 (PC82): Signs (SI)

As part of the proposed plan changes there are also changes proposed to the District Plan maps as well as consequential amendments and new definitions.

On 19 April 2018, the draft Urban and Services Plan Changes were presented at the Planning and Development Committee Scoping Meeting along with the proposal for the website based pre-notification consultation.

On 20 September 2018, a summary of the feedback received through pre-notification consultation was presented at the Planning and Development Committee Scoping Meeting.

On 11 December 2018, an overview of the implications of the draft National Planning Standards was presented at the Planning and Development Committee Scoping Meeting.

The Urban and Services Plan Changes have recently undergone legal review. Minor refinements to the plan changes may be required in response to this briefing, legal review feedback and changes to the draft National Planning Standards.

3 Discussion

Two briefings have been scheduled to discuss the Urban and Services Plan Changes, and will be structured as follows:

- Briefing 1 (February 19)
 - Part 1 – Overview of:
 - Strategic Direction
 - Urban Zones and Precincts
 - Part 2 – Questions and discussions
- Briefing 2 (March 5)
 - Part 1 – Recap of Briefing 1 and follow up discussion
 - Part 2 – Overview of:
 - Port, Airport and Hospital Zones
 - Open Space Zones
 - District Wide Chapters
 - Part 3 – Questions and discussions

A 'Cheat Sheet' has been attached to provide guidance on interpreting the proposed chapters and definitions. PowerPoint presentations, zone mapping and notification consultation content will be provided at the briefings. The proposed Plan Change has been drafted in the format mandated by the draft National Planning Standards. Standard definitions are included in attachment 18 to assist understanding of the terms referred to.

Following consideration at the briefings, the draft Plan Changes will be prepared for the Planning Committee for adoption in April and then follow the RMA notification process, doubling the statutory time for submissions. This would result in the following tentative plan change timeline:

- Submission Period: May – July
- Further submission Period: July – August
- Hearings: November/December 2019
- Commissioners Recommendation: February 2020

4 Attachments

1. Attachment Cheat Sheet
2. Strategic Direction (SD) Chapter
3. City Centre Zone (CC) Chapter
4. Mixed-use Zone (MU) Chapter

5. Commercial Zone (COM) Chapter
6. Waterfront Zone (WZ) Chapter
7. Shopping Centre Zone (SCZ) Chapter
8. Local Commercial Zone (LC) Chapter
9. Neighbourhood Commercial Zone (NC) Chapter
10. Light Industrial Zone (LI) Chapter
11. Heavy Industrial Zone (HI) Chapter
12. Low-density Residential Zone (LDR) Chapter
13. Medium-density Residential Zone (MDR) Chapter
14. High-density Residential Zone (HDR) Chapter
15. Residential Zone (RES) Chapter
16. Precincts (PREC) Chapter
17. Subdivision (SUB) Chapter
18. Proposed Definitions and Nesting Tables

Attachment Cheat Sheet

Overview

Each chapter contains an “Overview” section with a high-level description of the Chapter/Zone.

Objectives

XXX-O1 – [Objective Title]
(e.g. CC-O1 – *Amenity*)

Each chapter contains objectives within the red text box. Objectives are presented as “Chapter Acronym-O# – ‘Objective title’” in the left column with the Objective text in the right column.

Policies

XXX-P1 – [Policy Title]
(e.g. CC-P1 – *Character*)

Each chapter contains policies within the green text box. Policies are presented as “Chapter Acronym-P# – ‘Policy title’” in the left column with the Policy text in the right column.

Rules

XXX-R1 Rule Title (e.g. *Building Height*)

Where relevant, chapters contain rules in blue, purple and red boxes. Rules are presented as “Chapter Acronym-R# – ‘Rule title’” in the top row with the Rule text in the following rows. The ‘Rule Title’ forms part of the rule and should be read along with the Rule text. Generally, built form rules are listed first with activity rules following. The Rule text uses the following format:

Activity Status: [Insert activity status where the below rule details are complied with]

Activity Status when compliance not achieved: [Where relevant, insert activity status where the rule details are not complied with.]

Where:

1. [Insert rule detail]
(e.g. *The maximum building height is 8m*)

XXX-R2 Permitted (P) Rules

Any Permitted rules are contained in light blue boxes.

XXX-R3 Restricted Discretionary (RD) and Discretionary (D) Rules

Any Restricted Discretionary and Discretionary rules are contained in dark blue boxes.

XXX-R4 Non-Complying (NC) Rules

Any Non-Complying rules are contained in purple boxes.

XXX-R5 Prohibited (Pr) Rules

Any Prohibited Rules are contained in red boxes.

XXX-REQ1 Information Requirements

Where relevant, any information that is required to be provided along with a resource consent application is contained in green boxes.

Attachment Cheat Sheet

Definitions

A copy of the definitions proposed as part of the Urban and Services Plan Changes has been provided as Attachment #18. Where an operative definition has not been listed, then the definition within the Operative Whangarei District Plan applies and is not proposed to be amended as part of the Plan Changes. Definitions **highlighted in yellow** have been prescribed by the draft National Planning Standards and cannot be amended.

It is proposed to use “nesting tables” to group activity definitions into similar categories. There are five nesting tables proposed which gather specific land use activities into general groups. These include: Industrial Activities, Community Activities, Commercial Activities, Residential Activities and Rural Production Activities. Within each table activities are listed with the more general on term on the left and the more specific term on the right. Where a District Plan rule manages a general activity, that general activity includes all of the nested specific activities unless otherwise specified in the rules.

As part of Attachment #18 the nesting table definitions have been listed within the corresponding nesting tables, and all other definitions have been listed alphabetically.

Scope of Plan Change

In response to the draft National Planning Standards, the Urban and Services Plan Changes propose several consequential changes to the structure and layout of the District Plan. This includes “relocating” provisions to new chapters to be consistent with the draft National Planning Standards.

Provisions that are **highlighted in grey** are the result of consequential amendments and are not being notified for submissions.

RMA Activity Status

The Resource Management Act 1991 provides for the following classes of activities for resource consent:

- Permitted – Undertaken without resource consent, sometimes with performance standards to be met.
- Controlled – Resource consent required, Council must grant consent, conditions and consideration is limited to the specific rule breach and matters of control.
- Restricted Discretionary – Resource consent required, Council may decline, conditions and consideration is limited to the specific rule breach and matters of discretion, application may be notified.
- Discretionary – Resource consent required, Council may decline, no limit to discretion, application may be notified.
- Non-Complying – Resource consent required and can only be granted if council is satisfied that either the adverse effects of the activity on the environment will be minor or the activity will not be contrary to the objectives and policies of the plan.
- Prohibited – Resource consent will not be considered, activity is not to occur under any circumstances. Plan Change would be required to change the rule.

The proposed chapters use the following abbreviations to represent activity status:

P = Permitted; **C** = Controlled; **RD** = Restricted Discretionary; **D** = Discretionary; **NC** = Non-Complying; **Pr** = Prohibited

Strategic Direction (SD)

Overview

This chapter contains the key strategic approach to development that will address significant resource management issues of importance to the district. The chapter contains overarching objectives and policies that will guide decision making at a strategic level in relation to urban and rural development, and the management of open space and regionally significant industries. It also sets out how Maori Resource management provisions in part 2 of the RMA will be implemented through the plan.

Significant issues for the district that are addressed by the plan include the following:

- Managing growth and development;
- Managing existing and future development in areas subject to environmental risks.
- Protection of natural heritage (landscapes, biodiversity and natural features);
- Issues of significance to Mana Whenua;
- Protection of built and cultural heritage;
- Cumulative effects of development on the coastal environment
- Fragmentation of the rural environment;
- The efficient development and maintenance of infrastructure

The following Objectives and Policies apply when changing and implementing the District Plan. They should be read in addition to the objectives and policies in the relevant zone, as well as any district wide provisions that apply.

Objectives

SD-01 – Range of Zones	Provide for differing character and amenity values by having a range of Zones with differing expectations.
SD-02 – Rural and Urban Areas	Protect the range of amenity values and characteristics in Rural and Urban Areas.
SD-03 – Growth	Accommodate future growth with an emphasis on urban consolidation of Whangarei city, existing suburban nodes and rural villages, to avoid urban development sprawling into productive rural areas.
SD-04 – Sense of Place	Identify and protect buildings, sites, features and areas which are valued by the community and contribute to the Districts unique identity and sense of place.
SD-05 – Incompatible Activities	Avoid conflict between incompatible land use activities from new subdivision and development.

Strategic Direction (SD)

SD-O6 – Indigenous Biodiversity	Identify and protect the values and attributes of indigenous biological diversity (Significant Natural Areas) and maintain the extent and diversity of other indigenous biodiversity.
SD-O7 – Reticulated Infrastructure	Provide efficient and effective onsite and reticulated infrastructure in a sustainable manner and Co-ordinate new land use and development with infrastructure and services being established or extended.
SD-O8 – Cultural Values	Ensure that growth and development takes into consideration Maori cultural values.
SD-O9 – Land Use and Transport Planning	Maintain and enhance accessibility for communities and integrate land use and transport planning.
SD-O10 – Hazards	Minimise the risks and impacts of natural hazard events on people, property and infrastructure.

Objectives – Urban Area

SD-O11 – Residential and Business Demand	Ensure that there are sufficient opportunities for the development of residential and business land to meet demand.
SD-O12 – Urban Design	Promote safe, compact, sustainable and good quality urban design that responds positively to the local context.
SD-O13 – Unanticipated Activities	Manage and where appropriate avoid the establishment of activities that are incompatible with existing uses or unanticipated in the underlying zone.

Objectives – Rural Area

SD-O14 – Productive Functions	Protect the long-term viability of the productive functions of rural land in a manner that delivers economic benefit and sustains the environment.
SD-O15 – Rural Area Land Uses	Provide for a range of appropriate land uses in the Rural Area, including rural production activities, residential, rural residential, rural lifestyle, commercial, industrial, strategic rural industries, activities ancillary to farming or forestry and mineral extraction activities in appropriate areas.
SD-O16 – Viability of Productive Functions	Avoid adverse effects on the viability of the productive functions of rural land in the Rural Area resulting from ad hoc or scattered residential, rural residential and rural living subdivision and development.
SD-O17 – Rural Living	Consolidate rural living subdivision and development by zoning appropriate areas as RLZ.

Strategic Direction (SD)

SD-O18 – Rural Residential Development	Provide for areas of rural residential development on the fringe of Whangarei City while ensuring that these areas can accommodate future urban growth.
SD-O19 – Rural Villages	Provide for managed growth of rural villages.

Objectives – Open Space Area

SD-O20 – Sufficient Open Space	Provide sufficient quality open space for the social and cultural well-being of a growing population.
SD-O21 – Range of Open Space	Provide a range of open space land in the District to enable recreational, cultural, community, conservation, and educational use.

Objectives – Regionally Significant Infrastructure

SD-O22 – Recognised Benefits	Identify and protect Regionally Significant Infrastructure and recognise the benefits it provides.
SD-O23 – Adverse Effects	Avoid remedy or mitigate adverse effects of the development, operation and maintenance of Regionally Significant Infrastructure

Policies

SD-P1 – Range of Zones	To manage effects on character and amenity values, by providing for a range of Zones with differing expectations.
SD-P2 – Incompatible Land Uses	To manage the establishment and location of new activities to avoid conflicts between incompatible land uses.
SD-P3 – Natural Hazards	To avoid increasing the risk of natural hazards on people and property by: <ol style="list-style-type: none"> 1. avoiding zoning land for more intensive development within identified hazard prone areas; and 2. avoiding locating regionally significant and critical infrastructure within identified hazard zones, unless there is a functional or operational need for its location.
SD-P4 – Amenity	To ensure that the scale and nature of new land use activities are consistent with the existing level of amenity, and the stated overview for the relevant zone.
SD-P5 – Sustainable Infrastructure	To avoid adverse effects on the sustainable provision of infrastructure by ensuring that all subdivision and land use designs are appropriately designed located and constructed.
SD-P6 – Urban Expansion	To avoid inappropriate urban expansion by:

Strategic Direction (SD)

	<ol style="list-style-type: none"> 1. Ensuring that urban development occurs in a planned and coordinated manner where appropriate infrastructure and services can be provided. 2. Requiring new urban development to be consolidated within or adjacent to Urban Areas and rural villages, 3. Avoiding urban development sprawling into the Rural Area.
SD-P7 – Transport System	<p>To manage an effective and efficient transport system by:</p> <ol style="list-style-type: none"> 1. integrating and coordinating transport and land use planning; and 2. improving access to alternative transport options; and 3. enhancing the walkability of neighbourhoods.

Policies – Urban Area

SD-P8 – Housing and Business Capacity	<p>To ensure that there is sufficient housing and business land development capacity by zoning land where:</p> <ol style="list-style-type: none"> 1. Development is feasible and serviced with development infrastructure; or 2. Funding for development infrastructure is identified in the Long Term Plan.
SD-P9 – Alternative Modes of Transport	<p>To support alternative modes of transport by promoting higher residential densities around nodes of suburban development and public transport infrastructure.</p>
SD-P10 – Urban Design	<p>To protect character and amenity by managing built form and encouraging best practice urban design.</p>

Policies – Rural Area

SD-P11 – Highly Versatile Soils	<p>To protect highly versatile soils from activities which would materially reduce the potential for soil-based rural production activities.</p>
SD-P12 – Wastewater	<p>To manage the cumulative effects of onsite wastewater discharge in the RVRZ, RLZ and RUEZ by requiring site specific design and any other evidence and/or mitigation measures necessary to demonstrate that the effects of wastewater disposal can be adequately addressed.</p>

Policies – Open Space Area

SD-P13 – Open Space Linkages	<p>To increase the functionality and effectiveness of the open space network by ensuring that linkages are created between new and existing areas of open space through subdivision design.</p>
SD-P14 – Range of Open Space Zones	<p>To identify and manage the range of open space zones to provide for active sport and recreation, conservation and open space.</p>

Strategic Direction (SD)

Policies – Regionally Significant Infrastructure

SD-P15 – Benefits of Regionally Significant Infrastructure	To have regard to the social, economic and cultural benefits of regionally significant infrastructure by enabling the ongoing operation, maintenance and upgrading of regionally significant infrastructure where adverse effects can be avoided, remedied or mitigated.
SD-P16 – Adverse Effects of New Regionally Significant Infrastructure	To manage adverse effects created by new network utilities and regionally significant infrastructure by: <ol style="list-style-type: none"> 1. Allowing adverse effects that have been avoided remedied and mitigated to the extent that they are no more than minor; and 2. Ensuring damage to/or loss of the relationship of iwi with ancestral sites, sites of significance, wāhi tapu, customary activities and / or taonga is avoided or otherwise agreed to by the affected iwi or hapū.
SD-P17 – Adverse Effects of Existing Regionally Significant Infrastructure	Manage adverse effects from the operation, maintenance and upgrading of existing network utilities and regionally significant infrastructure by: <ol style="list-style-type: none"> 1. Allowing adverse effects that are not significant while the maintenance or upgrading is being undertaken; and 2. Requiring that any permanent adverse effects are the same or similar to the adverse effects that existed before the maintenance or upgrading was undertaken.

Policies – Zoning

SD-P18 – Resource Areas	To identify and protect biodiversity, outstanding landscapes and features, the natural character of the coastal environment, heritage features, and sites of significance to Maori from inappropriate subdivision and development by mapping resource areas, and applying rules to protect the values, attributes, characteristics and qualities of these areas.
SD-P19 – Special Purpose Zones	To provide for specific activities or areas where special circumstances apply by identifying and zoning areas as special purpose zones.
SD-P20 – City Centre Zone	To ensure that the viability, vibrancy and activity of the City Centre is maintained and enhanced by applying the City Centre Zone to a limited area: <ol style="list-style-type: none"> 1. In the core of Whangarei City where a consolidated centre is maintained. 2. With high amenity and active street frontages at ground floor. 3. Where existing uses and development support a vibrant and pedestrianised environment.

Strategic Direction (SD)

SD-P21 – Shopping Centre Zone	<p>To provide for large format retail activities by applying the Shopping Centre Zone where:</p> <ol style="list-style-type: none"> 1. The existing net retail area exceeds 2000m². 2. There is an existing average retail floor space greater than 450m². 3. Three or more existing retailers are located. 4. Multi-branding is present. 5. The centre can be planned, managed and developed as a single facility. 6. Shared common public facilities (parking, restrooms, rest areas, pedestrian network) are provided. 7. The City Centre is in proximity.
SD-P22 – Commercial Zone	<p>To provide for a mix of commercial, business and industrial activities without materially reducing the economic potential of other Business Zones by applying the Commercial Zone in locations where:</p> <ol style="list-style-type: none"> 1. There is a range of existing commercial, business and industrial activities. 2. Good transport access is available. 3. The area is within 1km of the City Centre Zone. 4. Amenity is generally low, but there is a low to moderate presence of active frontages at ground floor. 5. There is a low presence of residential and retail activities. 6. The criteria for the City Centre, Local Commercial, Waterfront, Light Industrial and Heavy Industrial Zones are not met.
SD-P23 – Mixed-use Zone	<p>To improve the amenity adjacent to the City Centre and provide opportunities for residential activities while minimising potential reverse sensitivity conflicts by providing for the Mixed-use Zone in locations that:</p> <ol style="list-style-type: none"> 1. Are adjacent to the City Centre Zone. 2. Are adjacent or in proximity to key arterial transport routes or the Waterfront Zone. 3. Have an existing presence of active frontages at ground floor. 4. Have an existing level of amenity that is not incompatible with residential activities.
SD-P24 – Light Industrial Zone	<p>To provide for smaller-scale industrial activities and larger scale trade retail type activities by providing for the Light Industrial Zone in locations that:</p> <ol style="list-style-type: none"> 1. Contain an existing range of industrial and large scale retail activities. 2. Are in proximity to major transport routes. 3. Enable adverse effects on proximate Residential and Open Space Zones to be avoided. 4. Have a low level of amenity with minimal existing active frontages at ground floor. 5. Have a supply of medium to large sized sites. 6. Are in proximity to key resources and infrastructure.

Strategic Direction (SD)

SD-P25 – Heavy Industrial Zone	<p>To enable larger-scale industrial activities to operate, expand and establish by providing for the Heavy Industrial Zone in locations that:</p> <ol style="list-style-type: none"> 1. Contain an existing presence of industrial activities. 2. Are in proximity to major transport routes. 3. Are not adjacent to more Residential Zones. 4. Have a low level of amenity with no existing active frontages at ground floor. 5. Have an existing supply of large sized sites. 6. Are in proximity to key resources and infrastructure.
SD-P26 – Local Commercial Zone	<p>To maintain the community focal point and provide convenient business and service activities by applying the LC in locations that:</p> <ol style="list-style-type: none"> 1. Are comprised of a range of existing small scale commercial and community activities to support the surrounding residential community. 2. Have predominately active street frontages and strong pedestrian networks. 3. Are not identified as hazard prone. 4. Are not located within 500m of the CC and maintain the viability of the CC. 5. Have an identified demand for business, service and community activities for the surrounding residential community. 6. Occupy up to a maximum total contiguous land area not exceeding 6ha.
SD-P27 – Neighbourhood Commercial Zone	<p>To maintain the community focal point and provide convenient business and service activities by applying the NC in locations that:</p> <ol style="list-style-type: none"> 1. Are comprised of a range of existing small scale commercial and community activities to support the surrounding residential community. 2. Have predominately active street frontages and strong pedestrian networks. 3. Occupy up to a maximum total contiguous land area not exceeding 1ha.
SD-P28 – Waterfront Zone	<p>To provide a mixed-use environment while protecting and promoting the maritime, open space, recreation and tourism themes of the Waterfront by applying the Waterfront Zone in locations:</p> <ol style="list-style-type: none"> 1. Adjacent to the Open Space Zone, Hatea River or Waiarohia Stream. 2. In proximity to the Hatea Loop Walkway and other major cultural and tourism facilities. 3. That are well connected to convenient transport routes, including routes for alternative modes of transport.

Strategic Direction (SD)

SD-P29 – Airport Zone	To recognise and provide for the Whangarei Airport as regionally significant infrastructure by applying the Airport Zone in locations where there is a functional need to support airport operations.
SD-P30 – Hospital Zone	To recognise the regionally significant nature of the Whangarei Hospital and provide for the wide range of existing and future medical facilities and supported activities by applying the Hospital Zone in locations where the Whangarei Base Hospital and associated medical facilities are currently located and operating.
SD-P31 – Medium-density, High-density and Residential Zones	<p>To provide for a range of residential activities to accommodate the population growth of Whangarei District by applying:</p> <ol style="list-style-type: none"> 1. The Medium-density Residential Zone in locations that: <ol style="list-style-type: none"> a. Are contiguous with existing Residential Zones in the Urban Area. b. Feature sufficient roading access to accommodate increased development. c. Are not identified as hazard prone. d. Do not comprise highly versatile soils, Outstanding Natural Landscapes or Features, High or Outstanding Natural Character, significant indigenous vegetation or numerous archaeological sites. e. Are serviced by Council's reticulated three waters infrastructure with sufficient capacity. f. Will not materially increase the potential for reverse sensitivity effects in the Rural Area. 2. The High-density Residential Zone in locations that: <ol style="list-style-type: none"> a. Meet the criteria under SD-P31.1. b. Are in proximity to commercial centres and sufficient public open space. c. Are feasible and/or profitable for higher density residential development. 3. The Residential Zone in locations that: <ol style="list-style-type: none"> a. Are contiguous with existing Residential Zones in the Urban Area. b. Are not identified as significantly hazard prone. c. Do not comprise highly versatile soils, Outstanding Natural Landscapes or Features, High or Outstanding Natural Character, significant indigenous vegetation or numerous archaeological sites. d. Do not compromise the future expansion of urban growth. e. Will not materially increase the potential for reverse sensitivity effects in the Rural Area.
SD-P32 – Conservation Zone	To protect and enhance natural, ecological, landscape, cultural and heritage values of the District by applying the CON in locations primarily publicly owned and operated:

Strategic Direction (SD)

	<ol style="list-style-type: none"> 1. Site is categorised as the following NZRA categories - unmanaged natural park areas, unmanaged recreation and ecological linkages, and unmanaged green space. 2. Area that plays a special role in educating residents and visitors and providing recreation opportunities. 3. Generally, the natural elements and unmodified nature of the area gives it a sense of wilderness and isolation. 4. Area that helps to preserve and define Whangarei's natural character and provide a connection to our natural heritage. 5. The management emphasis for the area is the conservation and protection of natural resources. 6. Levels of development, facilities and management range from none to medium. 7. There are minimal buildings and structures, ensuring a largely undeveloped area and open expanse of land.
SD-P33 – Sport and Active Recreation Zone	<p>To provide for a range of sport and active recreation opportunities by applying the SAR in locations primarily publicly owned and operated:</p> <ol style="list-style-type: none"> 1. Site is categorised by the following New Zealand Reserve Association Park Categories: sport and recreation, civic spaces, public gardens, and cultural heritage. 2. Primarily used for organised activities including events and indoor and outdoor organised sports. 3. Areas contain cultural and historical buildings and provide for heritage conservation 4. Area used for commemoration, mourning and remembrance. 5. Contains gardens developed to a high standard with collections of plants and landscaping for relaxation, contemplation, education, amenity/intrinsic value. 6. Area is used by local, district and regional population and visitors, includes venues for regional and national events, e.g. Toll Stadium. 7. Have a medium to high levels of development, facilities and management. 8. Contain buildings and structures to support active recreation, and or civic recreation, such as grandstands, sports and community buildings, toilets and changing facilities.
SD-P34 – Open Space Zone	<p>The establish a network of quality open spaces, providing for informal recreation by applying the OS in locations primarily publicly owned and operated:</p> <ol style="list-style-type: none"> 1. Site is categorised by the following New Zealand Reserve Association Park Categories: neighbourhood green space, managed recreation & ecological linkages, and managed natural park areas. 2. Primarily used for outdoor informal recreation and community use. 3. Area is used predominately by local residents. 4. Levels of development, facilities and management range from low to medium.

Strategic Direction (SD)

	<ol style="list-style-type: none"> 5. Limited buildings and structures that support the use of the public space, such as barbeques and picnic facilities, playgrounds, skate parks, informal hard courts, shelters, toilet and changing facilities, and small-scale community buildings. 6. Expected social interaction within the area is medium and ranges from small groups to 10 people.
SD-P35 – Rural Production Zone	<p>To identify areas as RPZ to provide for, the protection of productive rural land resources to enable a diverse range of rural production activities, activities that support rural production activities and rural communities; and to maintain biodiversity and rural character where:</p> <ol style="list-style-type: none"> 1. There is a prevalence of: <ol style="list-style-type: none"> a. Existing production land use. b. Significant ecological and biodiversity values, such as indigenous bush and wetlands. 2. Larger land parcels are prevalent and the area is not compromised by significant clusters of rural living built development. 3. An area is not: <ol style="list-style-type: none"> c. Located on the fringe of Whangarei City between the urban and rural environments. d. Suitable to provide for the future reticulated expansion of the Whangarei City Residential Zones. e. The criteria for the RUEZ and the RLZ are not met.
SD-P36 – Rural Living Zone	<p>To identify areas as RLZ to provide for a variety of rural living opportunities in the District without materially reducing the potential of the Rural Area for productive use of land by providing for the RLZ in locations that:</p> <ol style="list-style-type: none"> 1. Have an existing average allotment density between 2 and 4ha. 2. Demonstrate a predominantly rural living character. 3. Are not identified as hazard prone area. 4. Are not identified as an Outstanding Natural Landscape or Feature, Significant Indigenous Vegetation or Habitat, or an Outstanding Natural Character Area. 5. Do not gain direct access from an unsealed through road with significant volumes of traffic. 6. Are located within close proximity to community facilities, such as schools 7. Are not located in close proximity to existing reticulated infrastructure. 8. Will not materially increase the potential for reverse sensitivity effects in the Rural Area. 9. Do not materially reduce the potential for soil-based rural production activities on land with highly versatile soils or land with established rural production activities.
SD-P37 – Strategic Rural Industries Zone	<p>To identify the SRIZ in locations where established Strategic Rural Industries operate and to limit the addition of new locations through the</p>

Strategic Direction (SD)

	<p>statutory plan change process where it can be demonstrated that activities:</p> <ol style="list-style-type: none"> 1. Are consistent with the District Plan definition of 'Strategic Rural Industries'. 2. Have valid operational reasons to require a SRIZ. 3. Contribute positively to the economy of the District. 4. Provide local employment opportunities. 5. Can meet and fund local infrastructure requirements. 6. Incorporate appropriate mitigation and management methods designed to ensure environmental effects are acceptable in the area in which the activities are proposed to be located.
SD-P38 – Rural Village Zone	<p>To identify areas suitable for consolidated residential (RVRZ), commercial (RVCZ) and industrial (RVIZ) development within rural villages in locations that:</p> <ol style="list-style-type: none"> 1. Are contiguous with existing RVZ. 2. Are predominantly comprised of land uses and character consistent with the RVZ. 3. Are not identified as hazard prone. 4. Do not comprise high Land Use Capability Class soils, Outstanding Natural Landscapes or Features, High or Outstanding Natural Character or significant indigenous vegetation. 5. Are located in close proximity to existing reticulated infrastructure. 6. Do not compromise the long-term development potential of the rural village. 7. Have an identified demand for residential and/or commercial land to meet the projected growth requirements over the lifespan of the District Plan.
SD-P39 – Rural (Urban Expansion) Zone	<p>To identify areas as RUEZ that:</p> <ol style="list-style-type: none"> 1. Are contiguous with Residential Zones on the fringe of Whangarei City. 2. Are predominantly comprised of existing rural residential character. 3. Legitimise the zoning of existing clusters of rural residential development. 4. Are not identified as significantly hazard prone. 5. Do not comprise Outstanding Natural Landscapes or Features or significant indigenous vegetation. 6. Have existing lot density of less than 2 hectares. 7. Are predominately suitable for future reticulated urban expansion of Whangarei City. 8. Do not compromise the future expansion of urban growth. 9. Will not materially increase the potential for reverse sensitivity effects in the Rural Area.

City Centre Zone (CC)

Overview

Whangarei's City Centre is a focal point of the District and provides vital retail, service, business and recreational needs for residents while also providing a key destination for visitors. It is envisaged that the City Centre Zone (CC) will be a strong, enduring and consolidated area serving as a base for commercial, retail and entertainment activities. It is anticipated that significant growth and investment will occur within the CC.

Historic dispersal of retail and hospitality activities and a lack of residents have undermined the economic viability and vitality of the CC. Economic and residential growth are encouraged within the CC and development should contribute towards achieving a safe, pleasant, vibrant, diverse and high amenity environment. Activities which are not consistent with the anticipated amenity and character within the CC are required to be located outside of the CC. It is essential that the built form within the CC contributes positively to the pedestrian experience and does not compromise the amenity of the CC.

A vital aspect to the success of the CC is the presence of residents. Residential activities are encouraged within the CC as this will enhance safety, vibrancy and commercial success.

Objectives

CC-01 – Vibrancy	Enable the development of the City Centre as an attractive and vibrant place to live, work and visit with a range of residential, commercial, retail and entertainment activities.
CC-02 – Discouraged Activities	Discourage noxious activities, activities with lower amenity, and activities which cater primarily for customers in private motor vehicles.
CC-03 – Residential Activities	Promote residential activities in the City Centre.
CC-04 – Urban Design	Require high quality urban design outcomes and incentivise exemplary design.
CC-05 – Active Frontage	Prioritise pedestrians and enhance active frontages at ground floor.

Policies	
CC-P1 – Character and Amenity	<p>To recognise the character and amenity values of the CC including but not limited to:</p> <ol style="list-style-type: none"> 1. A vibrant urban environment. 2. Medium to high intensity development. 3. A range of retail, commercial and business activities. 4. High levels of noise and lighting. 5. Moderate access to sunlight. 6. Presence of street trees. 7. Active building frontages, particularly at ground floor. 8. On-street parking with limited off-street parking. 9. Pedestrian and cyclist oriented.
CC-P2 – Activities	<p>To enhance the vibrancy, economic performance, walkability and amenity of the CC for residents and visitors by:</p> <ol style="list-style-type: none"> 1. Enabling residential activities, smaller scale retail activities, offices, restaurants, cafes, bars and entertainment facilities. 2. Avoiding rural production activities and industrial activities (except for small scale artisan industrial activities). 3. Requiring non-active uses (such as educational facilities and places of assembly) to be located above ground floor. 4. Managing the scale, design and nature of activities to ensure that: <ol style="list-style-type: none"> a. Active frontage is maintained and enhanced at ground floor. b. Activity and building design are complementary to the CC context and retain a fine grain character. c. Buildings are designed to be flexible and adaptable to a range of uses and do not unduly restrict potential future uses of the allotment. d. Standalone car parking facilities and other large single use buildings at ground floor are sleeved by smaller scale commercial activities.
CC-P3 – Active Frontage	<p>To require building design to achieve active frontage at ground floor to strengthen the interrelationship between buildings and the public realm.</p>
CC-P4 – Residential Activities	<p>To promote residential activities by encouraging residential units above ground floor while acknowledging that there may be a reduced level of residential amenity within the CC due to a mix of uses and late night activities.</p>
CC-P5 – Ground Floor Residential Activities	<p>To require residential units and minor residential units at ground floor to be designed and constructed in a manner which protects residential amenity and active frontages.</p>
CC-P6 – Residential Amenity	<p>To protect residential amenity by requiring residential units and minor residential units to provide sufficient internal space, outdoor living courts and noise insulation.</p>
CC-P7 – Outdoor Living Courts	<p>To mitigate adverse effects on residential amenity by providing communal outdoor living spaces where individual outdoor living courts are not practicable.</p>

City Centre Zone (CC)

CC-P8 – Building Scale and Design	To preserve sunlight access, retain a human scale in built form, encourage transitions in height and achieve façade articulation by managing building scale and design.
CC-P9 – Pedestrian-Centric Environment	To create a pedestrian-centric environment by: <ol style="list-style-type: none"> 1. Managing new vehicle crossings and car parking areas to retain a safe and accessible pedestrian network. 2. Requiring verandahs, which are limited in scale, along building frontages to create a defined building edge and provide shade and rain shelter. 3. Requiring sufficient allotment frontages to: <ol style="list-style-type: none"> a. Avoid rear allotments. b. Activate corner allotments. c. Maintain smaller allotment and block sizes which maintain the fine grain character of the CC.
CC-P10 – Incentives	To enable higher building densities and varied setbacks where active frontages or pedestrian connectivity are enhanced, residential activities are provided, or where green rooves are provided.

Rules

CC-R1 Any Activity Not Otherwise Listed in This Chapter

Activity Status: P (Permitted)

Where:

1. All relevant CC rules are complied with.
2. The activity is permitted under all relevant Overlay and District Wide rules.

CC-R2 Building Height

Activity Status: P

Where:

1. The minimum building height is 3 stories.
2. The maximum building height is 16m.

Activity Status when compliance not achieved:
D (Discretionary)

City Centre Zone (CC)

CC-R3 Bonus Building Height		
Activity Status: C (Controlled)	Activity Status when compliance not achieved: D	
Where:		
<div><div>1. The maximum building height is 24m and:</div><div><div>a. A Certification for Green Star – “Building Design” of a five-star rating or greater is provided by the New Zealand Green Building Code; or</div><div>b. At least one of the following is provided:</div><div><div>i. A green roof covering at least 50% of the total roof area.</div><div>ii. 1 – 3 residential units.</div></div></div></div>		
<div><div>2. The maximum building height is 32m and at least one of the following is provided:</div><div><div>a. A pedestrian arcade.</div><div>b. A through-site link.</div><div>c. More than 3 residential units.</div></div></div>		
Matters of Control:		
<div><div>1. Means of ensuring ongoing compliance with rule.</div><div>2. Appropriateness of through-site links and/or pedestrian arcades in terms of location, design, size and accessibility.</div></div>		

City Centre Zone (CC)

CC-R4 Building Setbacks		
Activity Status: P		Activity Status when compliance not achieved: D
Where:		
<ol style="list-style-type: none"> The building is within 0.5m of the road boundary at ground floor for the entire length of the street frontage for any front allotment, except any of the following: <ol style="list-style-type: none"> One setback of up to 1.5m for a maximum width of 2.5m to allow for a recessed pedestrian entrance. One setback of up to 6m for a maximum width of 6m to allow for a pedestrian arcade. One setback adjacent to the side boundary of the allotment for a maximum width of 6m to allow for a through-site link. 		

CC-R5 Building Floor-to-Ceiling Height		
Activity Status: P		Activity Status when compliance not achieved: D
Where:		
<ol style="list-style-type: none"> The minimum interior floor-to-ceiling height is: <ol style="list-style-type: none"> 3.5m at ground floor. 2.7m above ground floor. 		

CC-R6 Building Frontages		
Activity Status: P		Activity Status when compliance not achieved: D
Where:		
<ol style="list-style-type: none"> No continuous blank wall with an area greater than 10m² is visible from allotment frontage. At least 65% of the ground floor building frontage is clear glazing. Where the building is on a front allotment, the principal public entrance to the building is situated to face the road. 		

City Centre Zone (CC)

4. There are no roller doors (except security grills which allow views from the street into the premises) along site frontage.

CC-R7 Verandahs

Activity Status: P

Where:

1. Any building fronting a road provides a verandah:
 - a. Along the entire frontage of the building.
 - b. That is at least 3m above the footpath and no more than 4m above the footpath.
 - c. That has a minimum depth of 1.5m and a maximum depth of 2.5m.
 - d. That has a maximum fascia height of 0.5m.
2. No signage is located on top of the verandah.

Activity Status when compliance not achieved:
D

CC-R8 Fence Along a Road Boundary

Activity Status: P

Where:

1. The fence is required by by-law or for public health and safety.

Activity Status when compliance not achieved:
D

CC-R9 Outdoor Areas of Storage or Stockpiles

Activity Status: P

Where:

Activity Status when compliance not achieved:
D

City Centre Zone (CC)

1. The maximum height of any outdoor area of storage or stockpile is 8m.
2. Any outdoor area of storage or stockpile is screened from view from public places and surrounding allotments.

CC-R10 Artisan Industrial Activity

Activity Status: P

Where:

1. The maximum GFA of an individual activity is 300m².

Activity Status when compliance not achieved:
NC (Non-Complying)

CC-R11 Residential Unit

CC-R12 Minor Residential Unit

Activity Status: P

Where:

1. Every residential unit provides an internal area (excluding garages) of at least:
 - a. For 1 bedroom – 45m²
 - b. For 2 bedrooms – 70m²
 - c. For 3 bedrooms – 90m²
 - d. For more than 3 bedrooms – 90m² plus 12m² for each additional bedroom.
2. Every 1 bedroom residential unit or minor residential unit contains an outdoor living court of at least 4m² and at least 1.5m depth.
3. Every 2+ bedroom residential unit or minor residential unit contains an outdoor living court of at least 8m² and at least 2.4m depth.
4. Every residential unit or minor residential unit is above ground floor.

Activity Status when compliance not achieved:
RD (Restricted Discretionary)

Matters of discretion:

1. The design, size and layout of buildings to provide appropriate privacy and amenity for occupants on-site.
2. The proximity of the allotment to communal or public open space that has the potential to mitigate any lack of private outdoor living space.
3. Adverse effects on active frontage.

Notification:

Any application for a residential unit or minor residential unit which does not comply with Rules CC-R11-R12.1 – 3 shall not require the written approval of affected persons and shall not be notified or limited-notified unless Council decides that special circumstances exist under section 95A(4) of the Resource Management Act 1991.

City Centre Zone (CC)

CC-R13	General Retail	
CC-R14	Grocery Store	
	Activity Status: P	Activity Status when compliance not achieved: D
	Where:	
	1. The maximum GFA of any individual activity is 600m ² .	
CC-R15	Commercial Services	
CC-R16	Food and Beverage Activities	
CC-R17	Entertainment Facilities	
CC-R18	Visitor Accommodation	
	Activity Status: P	
CC-R19	Place of Assembly	
CC-R20	Recreational Facilities	
CC-R21	Care Centre	
CC-R22	Educational Facilities	
	Activity Status: P	Activity Status when compliance not achieved: D
	Where:	
	1. The activity is above ground floor.	
	2. The maximum GFA of any individual activity is 800m ² .	

City Centre Zone (CC)

CC-R25	Standalone Car Parking Facility
CC-R26	Car Parking Space Located Between the Building Frontage and Any Road Boundary
CC-R27	Farming
CC-R28	Supported Residential Care
CC-R29	Motor Vehicle Sales
CC-R30	Garden Centre
CC-R31	Marine Retail
CC-R32	Drive Through Facilities
CC-R33	Hire Premise
CC-R34	Service Station
CC-R35	Funeral Home
CC-R36	Emergency Service
CC-R37	Hospital
Activity Status: NC	

CC-R23	New Vehicle Crossing Over a Footpath
Activity Status: D	

CC-R24 Trade Suppliers

Activity Status: D

Where:

1. The maximum GFA of an individual activity is 600m².

Activity Status when compliance not achieved: NC

City Centre Zone (CC)

CC-R38	Plantation Forestry
CC-R39	Intensive Livestock Farming
CC-R40	Farm Quarrying
CC-R41	Seasonal Activity
CC-R42	General Industry
CC-R43	Manufacturing and Storage
CC-R44	Repair and Maintenance Services
CC-R45	Marine Industry
CC-R46	Waste Management Activity
CC-R47	Landfill Activity
Activity Status: Pr (Prohibited)	

Mixed-use Zone (MU)

Overview

The Mixed-use Zone (MU) seeks to enable activities and a built form that complement the City Centre and Waterfront Zones. The MU promotes active street frontages and a range of activities which aim to enhance economic growth and are compatible with residential activities. It is anticipated that the MU will experience incremental change in built form and character as amenity is improved and non-compatible landuses are relocated to enhance amenity and walkability.

Landuse controls and urban design standards have historically been permissive within the MU. This has diminished the amenity for residents and visitors and has reduced the feasible land supply available for commercial and residential activities. Various strategic documents have identified the MU as an area of change for the following reasons:

- A reasonable level of amenity should be maintained to improve connectivity and walkability between the MU and the City Centre and Waterfront Zones.
- The area is located along key streets, such as Cameron and Bank Streets, which should have high amenity and walkability.
- Promoting and increasing residential uses within and adjacent to the City Centre is a key objective within the Urban Area. By improving amenity and increasing certainty for developers, the MU is an appropriate area to provide for high density residential use.

To enable change within the MU, a mix of uses are provided for including residential activities, commercial services, retail activities, visitor accommodation and community activities. It is intended that these activities are complementary to the City Centre and Waterfront Zones. To protect the vibrancy and viability of the City Centre and Waterfront Zones, smaller scale retail and food and beverage activities are limited.

As increased residential use is a key objective within the MU and the City Centre, it is important to enhance amenity within the MU. Activities which detract from amenity, generate high volumes of traffic or operate outside normal business hours are discouraged.

Objectives

MU-O1 – Appropriate Activities	Accommodate a range of activities that do not undermine the strength, vibrancy and viability of the City Centre or Waterfront Zones.
MU-O2 – Residential Activities	Promote residential activities and avoid activities which would materially detract from residential amenity.
MU-O3 – Urban Form	Development achieves high quality urban form that positively interacts with the public realm and is sympathetic to the surrounding environment.
MU-O4 – Walkability	Prioritise pedestrians and improve walkability within the MU.
MU-O5 – Cross Boundary Effects	Manage adverse effects in relation to amenity, noise, sunlight access, visual dominance and traffic on adjacent Residential and Open Spaces Zones.

Mixed-use Zone (MU)

Policies	
MU-P1 – Character and Amenity	<p>To recognise the character and amenity values of the MU including, but not limited to:</p> <ol style="list-style-type: none"> 1. An active urban environment. 2. A medium to high scale of built development. 3. Moderate levels of noise during the daytime associated with traffic and commercial activities. 4. Moderate access to sunlight. 5. Active building frontages at ground floor. 6. On-street parking with limited off-street parking. 7. High presence of pedestrians and cyclists.
MU-P2 – Economic Growth	<p>To enable economic growth and employment opportunities while protecting walkability within the MU and the vitality and viability of the City Centre, Waterfront and Local Commercial Zones by:</p> <ol style="list-style-type: none"> 1. Enabling residential activities and compatible activities in terms of the nature, scale, design and hours of operation of the activity. 2. Managing and limiting cumulative effects associated with commercial sprawl outside of the City Centre, Waterfront and Local Commercial Zones and the Hīhīaua Precinct where activities may detract from or compete with these areas. 3. Managing the scale, design and nature of activities to ensure that: <ol style="list-style-type: none"> a. Active frontage is maintained and enhanced at ground floor. b. The activity and building design are complementary to the MU context and retain a moderately fine grain character. c. Standalone car parking facilities and other large single use buildings at ground floor are sleeved by smaller scale commercial activities. d. Activities which cater to private motorists, such as large scale retail activities, drive through facilities and service stations, do not compromise the walkability, streetscape or amenity of the MU.
MU-P3 – Residential Activities and Amenity	<p>To encourage residential uses and protect residential amenity by:</p> <ol style="list-style-type: none"> 1. Avoiding industrial and rural production activities where external adverse effects cannot be mitigated. 2. Managing non-residential activities which generate high levels of noise and/or motor vehicle traffic, or operate outside normal business hours. 3. Requiring residential units to provide sufficient internal space and outdoor living spaces. 4. Managing building scale and design to limit shading and building dominance.
MU-P4 – Ground Floor Residential Activities	<p>To protect residential amenity and active frontages by sensitively designing residential units at ground floor with regard to aspect such as outlook, outdoor living courts and private entrances.</p>
MU-P5 – Outdoor Living Courts	<p>To mitigate adverse effects on residential amenity by providing communal outdoor living spaces where individual outdoor living courts are not practicable.</p>
MU-P6 – Cross Boundary Effects	<p>To protect amenity in adjacent Residential and Open Spaces Zones by managing built form and requiring landscaping along shared zone boundaries.</p>
MU-P7 – Esplanade Areas	<p>To protect esplanade areas and reserve waterfront walkways by avoiding impervious areas adjacent to Mean High Water Springs and river banks.</p>

Mixed-use Zone (MU)

MU-P8 – Walkability	<p>To enhance walkability and street amenity by:</p> <ol style="list-style-type: none"> 1. Managing, and where appropriate avoiding, new vehicle crossings to retain a safe and accessible pedestrian network. 2. Requiring sufficient allotment frontages to: <ol style="list-style-type: none"> a. Avoid rear allotments. b. Activate corner allotments. c. Maintain smaller allotment and block sizes which maintain a moderately fine grain character within the MU.
MU-P9 – Incentives	To enable higher building densities and varied setbacks where active frontages or pedestrian connectivity are enhanced or residential activities are provided.

Rules

MU-R1 Any Activity Not Otherwise Listed in This Chapter

Activity Status: P (Permitted)

Where:

1. All relevant MU rules are complied with.
2. The activity is permitted under all relevant Overlay and District Wide rules.

MU-R2 Building Height

Activity Status: P

Where:

1. The maximum building height is 15m.

Activity Status when compliance not achieved:
D (Discretionary)

MU-R3 Bonus Building Height

Activity Status: C (Controlled)

Where:

1. The maximum building height is 21m and at least one of the following is provided on-site:
 - a. 2 or more residential units.
 - b. A through-site link.

Matters of Control:

1. Means of ensuring ongoing compliance with rule.
2. Appropriateness of through-site links in terms of location, design, size and accessibility.

Activity Status when compliance not achieved:
D

Mixed-use Zone (MU)

MU-R4 Building Setbacks		
Activity Status: P		Activity Status when compliance not achieved: D
Where:		
<ol style="list-style-type: none"> The building is within 1m of the road boundary for at least 75% of the street frontage for any front allotment, except any of the following: <ol style="list-style-type: none"> One setback of up to 3m for a maximum width of 2.5m to allow for a recessed pedestrian entrance. One setback adjacent to the side boundary of the allotment for a maximum width of 6m to allow for a through-site link. The building is set back at least: <ol style="list-style-type: none"> 3m from any Residential or Open Spaces Zone boundary. 27m from Mean High Water Springs or the top of the bank of any river that has a width exceeding 3m (excluding bridges, culverts and fences). 		
MU-R5 Building Height in Relation to Boundary		
Activity Status: P		Activity Status when compliance not achieved: D
Where:		
<ol style="list-style-type: none"> The building does not exceed a height equal to 4m plus the shortest horizontal distance between that part of the building and any Residential or Open Spaces Zone boundary. 		
MU-R6 Building Frontages		
Activity Status: P		Activity Status when compliance not achieved: D
Where:		
<ol style="list-style-type: none"> No continuous blank wall with an area greater than 16m² is visible from allotment frontage. At least 55% of the ground floor building frontage is clear glazing. 		

Mixed-use Zone (MU)

3. The principal public entrance to the building is situated to face the road where the building is on a front allotment.
4. There are no roller doors (except security grills which allow views from the street into the premises) along site frontage.

MU-R7 Impervious Areas

Activity Status: P

Where:

1. The impervious area is set back at least 5m from Mean High Water Springs or the top of the bank of any river that has a width exceeding 3m (excluding bridges, culverts and fences).

Activity Status when compliance not achieved:
D

MU-R8 Fence Along a Road Boundary

Activity Status: P

Where:

1. The fence is required by by-law or for public health and safety.

Activity Status when compliance not achieved:
D

MU-R9 Shared Boundary with a Residential or Open Spaces Zone

Activity Status: P

Where:

1. Any allotment boundary which is shared with a Residential or Open Spaces Zone is planted with trees or shrubs to a minimum height of 1.8m and a minimum depth of 1m, except within 5m of a road boundary where the minimum height is 1.2m.

Activity Status when compliance not achieved:
D

Mixed-use Zone (MU)

MU-R10 Outdoor Areas of Storage or Stockpiles	
<p>Activity Status: P</p> <p>Where:</p> <ol style="list-style-type: none"> Any outdoor area of storage or stockpile complies with rules MU-R2, R4.2 and R5. Any outdoor area of storage or stockpile is screened from view from public places and surrounding allotments. 	<p>Activity Status when compliance not achieved: D</p>
MU-R11 Residential Unit	
MU-R12 Minor Residential Unit	
<p>Activity Status: P</p> <p>Where:</p> <ol style="list-style-type: none"> Every residential unit provides an internal area (excluding garages) of at least: <ol style="list-style-type: none"> For 1 bedroom – 45m² For 2 bedrooms – 70m² For 3 bedrooms – 90m² For more than 3 bedrooms – 90m² plus 12m² for each additional bedroom. Every 1 bedroom residential unit or minor residential unit contains an outdoor living court of at least 4m² and at least 1.5m depth. Every 2+ bedroom residential unit or minor residential unit contains an outdoor living court of at least 8m² and at least 2.4m depth. Every residential unit or minor residential unit is above ground floor. 	<p>Activity Status when compliance not achieved: RD (Restricted Discretionary)</p> <p>Matters of discretion:</p> <ol style="list-style-type: none"> The design, size and layout of buildings to provide appropriate privacy and amenity for occupants on-site. The proximity of the allotment to communal or public open space that has the potential to mitigate any lack of private outdoor living space. Adverse effects on active frontage. <p>Notification:</p> <p>Any application for a residential unit or minor residential unit which does not comply with MU-R11-R12.1 – 3 shall not require the written consent of affected persons and shall not be notified or limited-notified unless Council decides that special circumstances exist under section 95A(4) of the Resource Management Act 1991.</p>

Mixed-use Zone (MU)

MU-R13 Trade Supplier

MU-R14 Grocery Store

MU-R15 General Retail

Activity Status: P

Where:

1. Any individual activity is between 250m² and 600m² GFA.

Activity Status when compliance not achieved:
D

MU-R16 Commercial Services

MU-R17 Visitor Accommodation

MU-R18 Place of Assembly

MU-R19 Recreational Facilities

MU-R20 Emergency Services

MU-R21 Educational Facilities

Activity Status: P

MU-R22 Any New Vehicle Crossing Over A Footpath

MU-R23 Standalone Car Parking Facility

MU-R24 Supported Residential Care

MU-R25 Drive Through Facility

MU-R26 Food and Beverage Activity

MU-R27 Entertainment Facility

MU-R28 Service Station

MU-R29 Care Centre

Activity Status: D

Mixed-use Zone (MU)

MU-R30	Any Car Parking Space Located Between the Building Frontage and Any Road Boundary of an Allotment
MU-R31	Farming
MU-R32	General Industry
MU-R33	Manufacturing and Storage
MU-R34	Repair and Maintenance Services
MU-R35	Artisan Industrial Activities
MU-R36	Marine Industry
MU-R37	Motor Vehicle Sales
MU-R38	Garden Centre
MU-R39	Marine Retail
MU-R40	Hire Premise
MU-R41	Funeral Home
MU-R42	Hospital

Activity Status: NC

MU-R43	Plantation Forestry
MU-R44	Intensive Livestock Farming
MU-R45	Farm Quarrying
MU-R46	Seasonal Activity
MU-R47	Waste Management Activity
MU-R48	Landfill Activity

Activity Status: Pr (Prohibited)

Commercial Zone (COM)

Overview

The Commercial Zone (COM) provides for a range of business activities that may not be appropriate for, or are unable to locate in higher amenity zones such as the City Centre or Local Commercial Zones. This includes activities ranging from smaller-scale industrial to commercial services, offices and trade suppliers. Often these activities may require larger sites than are available within other commercial centres and may be incompatible with the amenity expectations and purpose of other Business Zones.

Activities which adversely affect the vitality and viability of other Business Zones are not appropriate for the COM. For example, small-scale retail activities and restaurants are not appropriate as the presence of these activities, in combination with the potential for activities such as offices and entertainment facilities, may effectively create an unplanned centre and detract from established centres. Sensitive activities, such as residential activities, are also not envisaged due to the presence of incompatible industrial and commercial activities and the need to preserve land in the COM for out-of-centre commercial opportunities.

The COM is in proximity to the City Centre in areas with lower amenity levels due to existing development and activities. These areas generally have good transport access and exposure to customers. Due to the presence of pedestrians and the proximity to the City Centre, it is important to manage landuses and the design of development in the COM to contribute to an active frontage and manage adverse effects on amenity.

Objectives

COM-01 – Appropriate Activities	Provide for commercial and small-scale industrial activities that are not appropriate for the City Centre, Mixed-use, Waterfront, Neighbourhood Commercial or Local Commercial Zones.
COM-02 – Commercial Centres	Accommodate activities which do not undermine the strength, viability and vitality of the City Centre, Mixed-use, Waterfront, Neighbourhood Commercial or Local Commercial Zones.
COM-03 – Adverse Effects	Manage noxious, dangerous, offensive or objectionable effects to maintain a reasonable level of amenity, particularly at zone boundaries.
COM-04 – Reverse Sensitivity	Restrict sensitive activities which may generate reverse sensitivity or risk effects.
COM-05 – Amenity	Maintain, and where practicable enhance, amenity values and walkability within the COM and between other zones.
COM-06 – Cross Boundary Effects	Manage adverse effects in relation to amenity, noise, sunlight access, visual dominance and traffic on adjacent Residential and Open Spaces Zones.

Commercial Zone (COM)

Policies	
COM-P1 – Character and Amenity	<p>To recognise the character and amenity values of the COM including, but not limited to:</p> <ol style="list-style-type: none"> 1. A low to medium scale of built development. 2. High levels of noise during the daytime associated with traffic and commercial and industrial activities. 3. Low to moderate levels of noxious, dangerous, offensive or objectionable odour or noise. 4. High levels of vehicle traffic, particularly during daytime hours, unless on arterial routes where traffic is high throughout the day. 5. On-street and off-street parking. 6. A low to moderate presence of active building frontages. 7. Presence of landscaping to break up impervious areas.
COM-P2 – Enabled Activities	<p>To enable a range of activities which:</p> <ol style="list-style-type: none"> 1. Are not compatible with the City Centre, Mixed-use, Waterfront, Neighbourhood Commercial or Local Commercial Zones due to their scale and functional requirements and potential to generate adverse effects. 2. Are designed, located and operated to: <ol style="list-style-type: none"> a. Avoid, remedy or mitigate adverse external effects such as traffic, dust, noise and odours, especially in proximity to Residential and Open Space Zones. b. Minimise any potential reverse sensitivity effects.
COM-P3 – Commercial Centres	<p>To protect other commercial centres by avoiding activities which detract from, or compete with, the vitality and viability of the City Centre, Mixed-use, Waterfront, Neighbourhood Commercial or Local Commercial Zones.</p>
COM-P4 – Residential Activities	<p>To manage reverse sensitivity and risk effects by avoiding the establishment of residential activities.</p>
COM-P5 – Cross Zone Boundary Effects	<p>To protect amenity within the Mixed-use, Residential and Open Spaces Zones by:</p> <ol style="list-style-type: none"> 1. Requiring landscaping screening along zone boundaries. 2. Restricting hours of operation near zone boundaries. 3. Limiting built form to manage building dominance, sunlight access and residential amenity.
COM-P6 – Amenity	<p>To enhance walkability and streetscape amenity by requiring development to interact with street frontage and limiting the formation of rear allotments.</p>
COM-P7 – Impervious Areas	<p>To maintain and enhance amenity by managing impervious areas.</p>
COM-P8 – Esplanade Areas	<p>To protect esplanade areas and reserve waterfront walkways by avoiding impervious areas adjacent to Mean High Water Springs and river banks.</p>

Commercial Zone (COM)

COM-P9 – Subdivision	To limit the creation of small allotments through subdivision by requiring minimum lot sizes and frontage widths.
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Rules

COM-R1 Any Activity Not Otherwise Listed in This Chapter

Activity Status: P (Permitted)

Where:

1. All relevant COM rules are complied with.
2. The activity is permitted under all relevant Overlay and District Wide rules.

COM-R2 Building Height

Activity Status: P

Where:

1. The maximum building height is 15m.

Activity Status when compliance not achieved:
D (Discretionary)

COM-R3 Building Setbacks

Activity Status: P

Where:

1. The building is within 1m of the road boundary for at least 50% of the street frontage for any front allotment, excluding service stations.
2. The building is set back at least:
 - a. 3m from any Residential or Open Spaces Zone boundary.
 - b. 27m from Mean High Water Springs or the top of the bank of any river that has a width exceeding 3m (excluding bridges, culverts and fences).

Activity Status when compliance not achieved:
D

Commercial Zone (COM)

COM-R4 Building Height in Relation to Boundary		
Activity Status: P		Activity Status when compliance not achieved: D
Where:		
1. The building does not exceed a height equal to 3m plus the shortest horizontal distance between that part of the building and any Residential or Open Spaces Zone boundary.		
COM-R5 Building Frontages		
Activity Status: P		Activity Status when compliance not achieved: D
Where:		
1. No continuous blank wall with an area greater than 25m ² is visible from allotment frontage.		
2. At least 25% of the ground floor building frontage is clear glazing.		
3. A main public pedestrian entrance is provided within 3m of the allotment frontage, except for service stations where the main pedestrian entrance must be clearly visible from the allotment frontage.		
COM-R6 Impervious Areas		
Activity Status: P		Activity Status when compliance not achieved: D
Where:		
1. The impervious area within the allotment does not exceed 90% of the allotment area.		
2. The impervious area is set back at least 5m from Mean High Water Springs or the top of the bank of any river that has a width exceeding 3m (excluding bridges, culverts and fences).		

Commercial Zone (COM)

COM-R7 Fences		
Activity Status: P		Activity Status when compliance not achieved: D
Where:		
1. Any fence within 2m of a road boundary is no higher than 2m.		
2. Any fence adjoining a Mixed-use, Residential, Open Spaces Zone or road boundary is not fortified with barbed wire, broken glass or any form of electrification.		
COM-R8 Shared Boundary with a Residential or Open Spaces Zone		
Activity Status: P		Activity Status when compliance not achieved: D
Where:		
1. Any allotment boundary which is shared with a Residential or Open Spaces Zone is planted with trees or shrubs to a minimum height of 1.8m and a minimum depth of 1m, except within 5m of a road boundary where the minimum height is 1.2m.		
COM-R9 Hours of Operation		
Activity Status: P		Activity Status when compliance not achieved: D
Where:		
1. Any activity which operates or is open for visitors, clients, deliveries or servicing outside the hours of 0600 and 2200 and is located at least 50m from a Residential Zone boundary.		
COM-R10 Outdoor Areas of Storage or Stockpiles		
Activity Status: P		Activity Status when compliance not achieved: D
Where:		

Commercial Zone (COM)

1. Any outdoor area of storage or stockpile complies with rules COM-R2, R3.2 and R4.
2. Any outdoor area of storage or stockpile is screened from view from public places and surrounding Residential or Open Spaces Zone allotments.

COM-R11 General Industry

COM-R12 Manufacturing and Storage

COM-R13 Repair and Maintenance Services

COM-R14 Artisan Industrial Activities

COM-R15 Marine Industry

Activity Status: P

Where:

1. Any individual activity is less than 1000m² GFA.
2. The activity is located at least 30m from any:
 - a. Existing sensitive activity in the Mixed-use Zone.
 - b. Residential or Open Spaces Zone boundary.

Activity Status when compliance not achieved:
D

Commercial Zone (COM)

COM-R16	Motor Vehicle Sales	
COM-R17	Garden Centre	
COM-R18	Trade Supplier	
COM-R19	Marine Retail	
COM-R20	Drive Through Facility	
COM-R21	Hire Premise	
COM-R22	Commercial Service	
COM-R23	Service Station	
	Activity Status: P	Activity Status when compliance not achieved: D
	Where:	
	1. The maximum GFA of any individual activity is 1000m ² .	
COM-R24	General Retail	
	Activity Status: P	Activity Status when compliance not achieved: NC (Non-Complying)
	Where:	
	1. The retail activity is ancillary to a permitted activity on-site and is less than 100m ² GFA; or	
	2. The goods sold on-site are also manufactured on-site, provided that the retailing shall be ancillary to the manufacturing. For this rule manufacturing excludes activities which comprise only the packaging, labeling, sorting, mixing or assembling of pre-made products.	
COM-R25	Food and Beverage Activity	
	Activity Status: P	Activity Status when compliance not achieved: NC
	Where:	

Commercial Zone (COM)

1. The maximum GFA of any individual activity is 250m².
2. The activity is not open for visitors or clients outside the hours of 0600 and 1600.

COM-R26 Grocery Store

COM-R27 Recreational Facility

COM-R28 Emergency Service

COM-R29 Educational Facilities

Activity Status: P

COM-R30 Entertainment Facility

COM-R31 Visitor Accommodation

COM-R32 Funeral Home

COM-R33 Place of Assembly

COM-R34 Care Centre

COM-R35 Hospital

Activity Status: D

COM-R36 Rural Production Activity

COM-R37 Landfill Activity

COM-R38 Waste Management Activity

COM-R39 Residential Activity

Activity Status: NC

Waterfront Zone (WZ)

Overview

The Waterfront Zone (WZ) manages land use and subdivision within Whangarei's Waterfront. Whangarei's Waterfront is located on the edge of the Hatea River and the Waiarohia Stream and is close to Whangarei's City Centre, being a significant destination for local and international visitors. The area has seen steady development since the 1990s. Today, the main uses of the area are active and passive recreation with a selection of tourism focused, retail, accommodation, restaurant and entertainment facilities. These activities are complimented by a diverse range of maritime activities, defining history and a rich cultural heritage. This is reflected by replica Victorian buildings, a heritage walkway, and an iconic wave and waka sculpture. Estuarine open spaces which access the waterfront and soft landscapes framed by a pedestrian loop through the Waterfront also contribute to the area's unique character and coherent sense of place.

The WZ provides important amenity for Whangarei City, being a hub for recreation, culture and tourism. A key aspect of the WZ is ensuring that development is physically and visually connected to the waterfront, the City Centre and the Open Space Zone. The built form in the WZ should be sufficient to provide for economic growth and development while also protecting view shafts of Parihaka and the waterfront, retaining a sense of openness and managing adverse effects on the adjacent Open Space and Medium-density Residential Zones.

The WZ is comprised of two distinct areas – The Waterfront Commercial Area and the Waterfront Mixed-use Area (see **Appendix 1**). The Waterfront Commercial Area connects the Waterfront Zone to the City Centre Zone and provides for a range of activities including small scale retail, restaurants, passive recreation and cultural activities along with artisan craft industries. The Waterfront Mixed-use Area extends along Hīhīaua Peninsula, Riverside Drive and Port Road, providing for residential, commercial and community activities along with maritime industrial activities that are compatible with sensitive activities.

Objectives

WZ-O1 – Pedestrians and Cyclists	Promote a safe, accessible and vibrant waterfront, which prioritises pedestrians and cyclists.
WZ-O2 – Enabled Development	Enable the development of the Waterfront Zone as a hub for tourism, recreation, arts and cultural activities.
WZ-O3 – Land uses	Support a range of land uses that complement the City Centre Zone and are compatible with surrounding Residential and Open Spaces Zones.
WZ-O4 – Amenity and Character	Protect and enhance the sense of place, amenity, character, cultural, heritage and recreational values unique to the Waterfront Zone.
WZ-O5 – Connections	Protect and enhance the Waterfront Zone's physical and visual connections with the coastal marine area and the City Centre.
WZ-O6 – Residential Activities	Promote residential activities in the Waterfront Mixed-use Area.

Waterfront Zone (WZ)

Policies	
WZ-P1 – Character and Amenity	<p>To recognise the character and amenity values of the Waterfront Zone including but not limited to:</p> <ol style="list-style-type: none"> 1. Accessible connections to the waterfront. 2. High levels of access to sunlight. 3. Moderate levels of noise. 4. Minimal exposure to noxious odour or noise associated with marine industrial activities. 5. Ample opportunities for formal and informal social interactions. 6. Limited off-street parking. 7. Pedestrian and cyclist oriented. 8. Historical and cultural significance of the area.
WZ-P2 – Land uses	<p>To provide for a range of land use activities which are compatible with the context of the predominant maritime, open space, arts, culture, retail, recreation and tourism themes of the Waterfront Zone.</p>
WZ-P3 – Subdivision and Development	<p>To require subdivision and development to be designed, constructed and operated so that they:</p> <ol style="list-style-type: none"> 1. Complement the character of the Waterfront Zone. 2. Enhance amenity values. 3. Protect cultural and historic heritage values. 4. Enable opportunities for passive surveillance. 5. Provide direct and safe pedestrian and cyclist routes.
WZ-P4 – View shafts	<p>To protect view shafts and improve walkability by providing areas for public open space and visual and physical connections within the Waterfront Zone and to adjacent zones.</p>
WZ-P5 – Bulk and Location	<p>To manage the bulk and location of structures to maintain a pedestrian scale of development and an open atmosphere with ample sunlight access.</p>
WZ-P6 – Esplanade Areas	<p>To ensure buildings and structures are sufficiently set back from Mean High Water Springs to protect esplanade areas and manage flooding risks.</p>
WZ-P7 – Active Frontage	<p>To require active frontage in building design at ground floor to strengthen the interrelationship between buildings and the public realm.</p>
WZ-P8 – Residential Activities and Visitor Accommodation	<p>To promote a mixed-use environment by enabling appropriately designed residential activities and visitor accommodation within the Waterfront Mixed-use area.</p>
WZ-P9 – Subdivision	<p>To enhance walkability and street amenity by requiring sufficient allotment frontages to:</p> <ol style="list-style-type: none"> 1. Avoid rear allotments. 2. Activate corner allotments. 3. Maintain smaller allotment and block sizes which result in a fine grain character within the WZ.

Waterfront Zone (WZ)

Rules

WZ-R1 Any Activity Not Otherwise Listed in This Chapter

Activity Status: P (Permitted)

Where:

1. All relevant WZ rules are complied with.
2. The activity is permitted under all relevant Overlay and District Wide rules.

WZ-R2 Building Height

Waterfront Commercial Area Activity Status: P

Where:

1. The maximum building height is 11m.

Waterfront Mixed-use Area

Where:

2. The maximum building height is 15m except within 30m of MHWS, where the height of any building shall not exceed 11m.

Activity Status when compliance not achieved: D (Discretionary)

WZ-R3 Building Setbacks

Activity Status: P

Where:

1. The building is set back at least:
 - a. 3m from any Residential or Open Spaces Zone boundary.
 - b. 10m from Mean High Water Springs or the top of the bank of any river that has a width exceeding 3m (excluding bridges, culverts and fences).

Activity Status when compliance not achieved: D

WZ-R4 Building Height in Relation to Boundary

Activity Status: P

Where:

1. The building does not exceed a height equal to 3m plus the shortest horizontal distance between that part of the building and any Residential or Open Spaces Zone boundary.

Activity Status when compliance not achieved: D

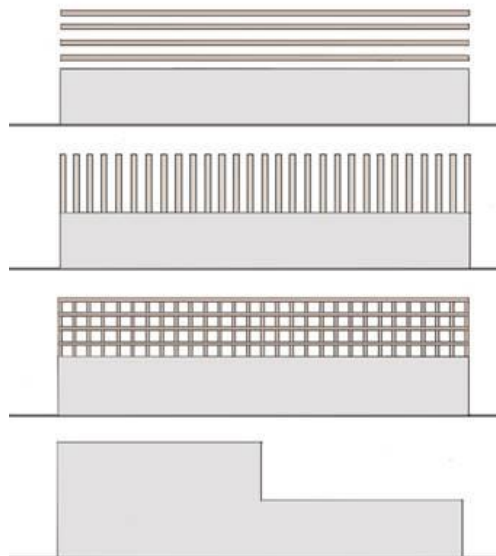
Waterfront Zone (WZ)

<p>WZ-R5 Building Floor-to-Ceiling Height</p> <p>Activity Status: P</p> <p>Where:</p> <ol style="list-style-type: none"> 1. The minimum interior floor-to-ceiling height is: <ol style="list-style-type: none"> a. 3.5m at ground floor. b. 2.7m above ground floor. 	<p>Activity Status when compliance not achieved: D</p>
<p>WZ-R6 Building Frontages</p> <p>Activity Status: P</p> <p>Where:</p> <ol style="list-style-type: none"> 1. No continuous blank wall with an area greater than 10m² is visible from a public boundary. 2. At least 55% of the ground floor of a building adjacent to allotment frontage or an Open Space Zone boundary is clear glazing. 3. A principal public entrance to the building is situated to face the road where the building is on a front allotment. 4. A principal public entrance to the building is situated to face the waterway where the building is on an allotment adjoining an Open Space Zone or the Coastal Marine Area. 	<p>Activity Status when compliance not achieved: D</p>
<p>WZ-R7 Building Coverage</p> <p>Activity Status: P</p> <p>Where:</p> <ol style="list-style-type: none"> 1. The maximum building coverage does not exceed 50% of an allotment. 	<p>Activity Status when compliance not achieved: D</p>

Waterfront Zone (WZ)

WZ-R8 Fences		
Activity Status: P		Activity Status when compliance not achieved: D
Where:		
<ol style="list-style-type: none"> Any fence has a maximum height of 2m. Any fence within 3m of a road boundary is at least 50% visually permeable for any portion above 1m high. Any fence within 30m of Mean High Water Springs or along a boundary shared with an Open Spaces Zone is at least 50% visually permeable for any portion above 1.5m high. Fencing is not fortified with barbed wire, broken glass or any form of electrification. 		

Figure 1: Examples of fences solid up to 1m and 50% visually permeable between 1m and 2m high



WZ-R9 Car Parking		
Activity Status: P		Activity Status when compliance not achieved: NC (Non-Complying)
Where:		
<ol style="list-style-type: none"> Any car parking spaces are located at least: <ol style="list-style-type: none"> 2m from any road boundary, excluding garages. 27m from Mean High Water Springs. 		

Waterfront Zone (WZ)

WZ-R10 Outdoor Areas of Storage or Stockpiles		
	Activity Status: P	Activity Status when compliance not achieved: D
	Where:	
	<ol style="list-style-type: none"> Any outdoor area of storage or stockpile: <ol style="list-style-type: none"> Complies with rules WZ-R2 – R4. Is screened from view from public places and surrounding allotments. 	
WZ-R11 Artisan Industrial Activity		
	Activity Status: P	Activity Status when compliance not achieved: NC
	Where:	
	<ol style="list-style-type: none"> The maximum GFA of an individual activity is 300m². 	
WZ-R12 Residential Unit		
WZ-R13 Minor Residential Unit		
Waterfront Commercial Area	Activity Status: NC	
Waterfront Mixed-use Area	Activity Status: P	Activity Status when compliance not achieved: RD (Restricted Discretionary)
	Where:	
	<ol style="list-style-type: none"> Every residential unit provides an internal area (excluding garages) of at least: <ol style="list-style-type: none"> For 1 bedroom – 45m² For 2 bedrooms – 70m² For 3 bedrooms – 90m² For more than 3 bedrooms – 90m² plus 12m² for each additional bedroom. Every 1 bedroom residential unit and minor residential unit contains an outdoor living court of at least 4m² and at least 1.5m depth. Every 2+ bedroom residential unit and minor residential unit contains an outdoor living court of at least 8m² and at least 2.4m depth. 	<p>Matters of discretion:</p> <ol style="list-style-type: none"> The design, size and layout of buildings to provide appropriate privacy and amenity for occupants on-site. The proximity of the allotment to communal or public open space that has the potential to mitigate any lack of private outdoor living space. Adverse effects on active frontage. <p>Notification:</p> <p>Any application for a residential unit or minor residential unit which does not comply with WZ-R12-R13 shall not require the written consent of affected persons and shall not be notified or limited-notified unless Council decides that special circumstances exist under section 95A(4) of the Resource Management Act 1991.</p>

Waterfront Zone (WZ)

WZ-R14	Grocery Store	
Waterfront Commercial Area	Activity Status: NC	
Waterfront Mixed-use Area	Activity Status: P Where: 1. The activity is located on ground floor. 2. The maximum GFA for any individual activity is 600m ² .	Activity Status when compliance not achieved: D
WZ-R15	Marine Retail	
WZ-R16	Recreational Facilities	
WZ-R17	Educational Facilities	
Waterfront Commercial Area	Activity Status: NC	
Waterfront Mixed-use Area	Activity Status: P Where: 1. The activity is located on ground floor.	Activity Status when compliance not achieved: D
WZ-R18	Commercial Services	
Waterfront Commercial Area	Activity Status: D	
Waterfront Mixed-use Area	Activity Status: P Where: 1. The activity is located on ground floor.	Activity Status when compliance not achieved: D

Waterfront Zone (WZ)

WZ-R19	General Retail	
WZ-R20	Food and Beverage Activity	
WZ-R21	Entertainment Facilities	
WZ-R22	Places of Assembly	
Waterfront Commercial Area	Activity Status: P	
Waterfront Mixed-use Area	Activity Status: P Where: 1. The activity is located on ground floor.	Activity Status when compliance not achieved: D
WZ-R23	Visitor Accommodation	
Waterfront Commercial Area	Activity Status: D	
Waterfront Mixed-use Area	Activity Status: P	
DP-R24	Marine Industry	
Waterfront Mixed-use Area	Activity Status: RD Matters of Restricted Discretion: 1. Adverse effects from objectionable and/or noxious odour, dust or noise emissions. 2. Whether the design, scale and nature of the activity is consistent with the character and purpose of the WZ. 3. The extent to which an active frontage is provided.	
Waterfront Commercial Area	Activity Status: NC	

Waterfront Zone (WZ)

WZ-R25	General Industry
WZ-R26	Manufacturing and Storage
WZ-R27	Repair and Maintenance Services
WZ-R28	Supported Residential Care
WZ-R29	Motor Vehicle Sales
WZ-R30	Garden Centres
WZ-R31	Trade Suppliers
WZ-R32	Drive Through facilities
WZ-R33	Hire Premise
WZ-R34	Service Stations
WZ-R35	Funeral Home
WZ-R36	Emergency Services
WZ-R37	Care Centre
Activity Status: NC	

WZ-R38	Rural Production Activity
WZ-R39	Waste Management facility
WZ-R40	Landfill
WZ-R41	Hospital
Activity Status: Pr (Prohibited)	

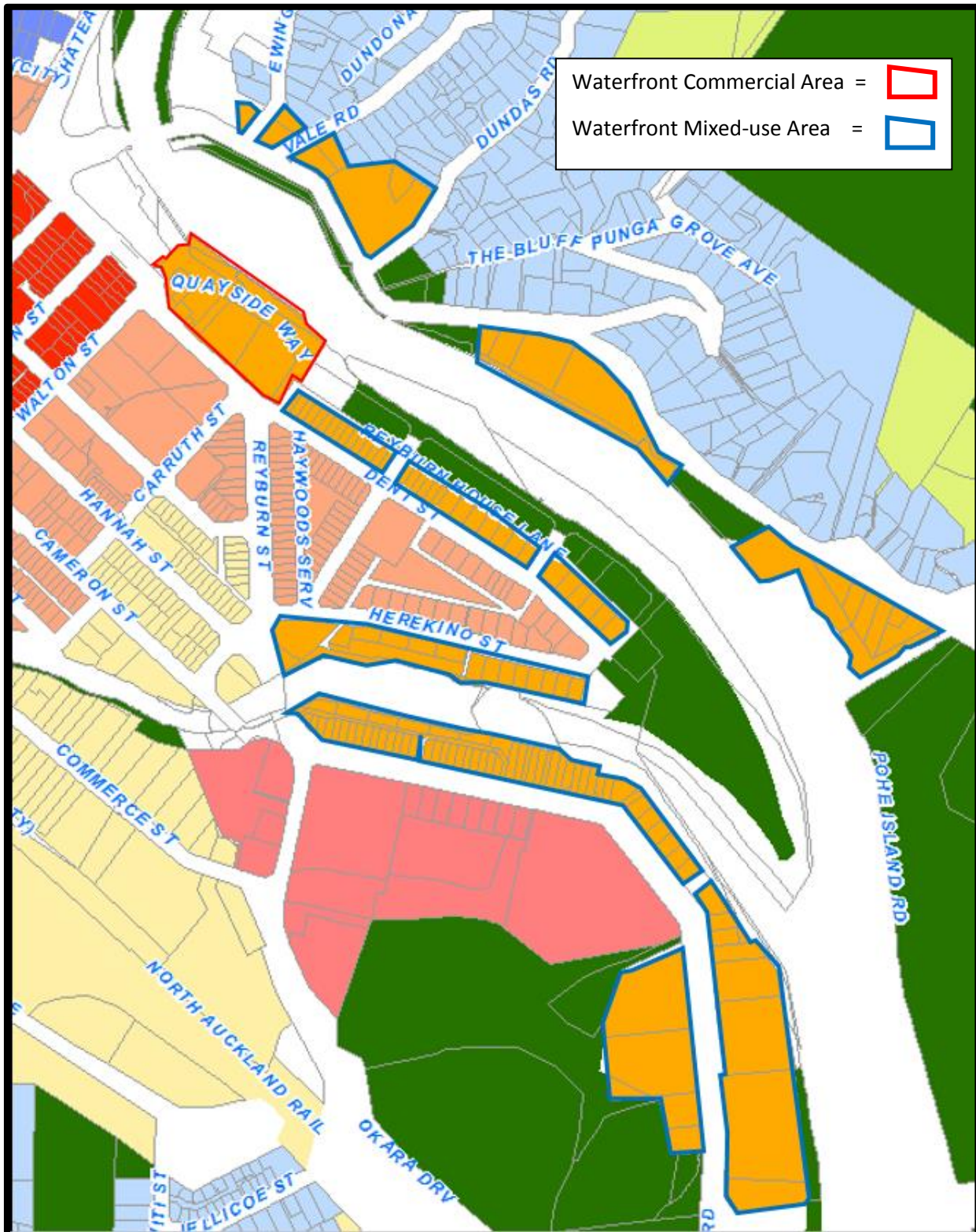
WZ-REQ1 Information Requirement

1. All applications for resource consent pursuant to WZ-R2 – R10 shall include an urban design assessment prepared by a suitably qualified and experienced professional which details:
 - a. Any consultation undertaken as part of any pre-application meetings with Council and any mitigation measures that were recommended by Council.
 - b. How the proposal is consistent with best practice urban design, the relevant objectives and policies and the WZ building bulk and location standards.
 - c. The effects on the surrounding character, amenity and safety with particular regard to building bulk, location and design and parking and transport.
 - d. Consideration of potential effects on adjacent neighbours.
 - e. The extent to which the allotment layout and any proposed landscaping helps to avoid or minimise the impacts on adjacent streets and public spaces or adjacent allotments.

Note:

1. *Acceptable means of compliance and best practice urban design guidance is contained within Whangarei District Council's Urban Design Guidelines.*

Appendix 1 – Waterfront Commercial and Mixed-use Areas Map



Shopping Centre Zone (SCZ)

Overview

The Shopping Centre Zone (SCZ) provides for the consolidation of Large Format Retail (LFR) within existing shopping centres. Shopping centres are generally characterised by a group of retail and other commercial establishments that is planned, developed and managed as a single property, comprising commercial multi-branded rental units and common areas. LFR is any retail with a gross floor area greater than 450m². The SCZ is intended for LFR only, with limited provision made for supporting small scale food and beverage activities such as cafes for the comfort of visitors and LFR employees.

LFR features comparative shopping 'destinations' and the need for large retail spaces. Providing opportunities for consumers to compare prices often leads to clustering of this type of development in precinct patterns. Shopping centres are car-focused and require sizeable areas for suitable vehicle access and on-site parking to cater for private motor vehicles. It is essential that shopping centres are designed to be safe and pleasant for pedestrians and cyclists as well.

High traffic volumes and the requirement for larger sites than are available in the City Centre and Local Centres mean that LFR is usually incompatible with the anticipated amenity and character of the other Zones. LFR can have significant adverse effects on the vitality and functioning of other commercial and/or retailing centres. Therefore, the extent to which LFR competes with the functions of other centres and affects amenity of neighbouring Environments must be carefully managed. The SCZ is intended to provide an area within which LFR can be consolidated to manage these potential effects.

The SCZ is located in the urban area where large land parcels are available within and adjacent to established shopping centres. The SCZ is only appropriate where local infrastructure (i.e. roads, wastewater and storm-water) has sufficient capacity to accommodate further development. The SCZ has been applied at three locations, being:

- Tarewa Shopping Centre
- Okara Shopping Centre
- Okara West Shopping Centre

Objectives

SCZ-01– Consolidation	Large Format Retail activities are located in consolidated shopping centres.
SCZ-02– Pedestrians	A safe, pedestrian friendly and convenient shopping environment is provided.
SCZ-03 – Centre Viability	The primacy, function and vitality of the City Centre, Local Centres and Waterfront are supported.
SCZ-04 - Adverse Effects	Adverse effects on adjacent zones are managed.
SCZ-05 – Urban Design	Development outcomes reflect best practice urban design.

Shopping Centre Zone (SCZ)

Policies	
SCZ-P1 – Shopping Centre Character	<p>To recognise the character and amenity values of the Shopping Centre Environment including:</p> <ol style="list-style-type: none"> 1. An active urban environment. 2. Large Format Retail activities with limited food and beverage activities. 3. Moderate intensity of development. 4. High levels of noise during the daytime. 5. High levels of vehicle traffic particularly during daytime hours. 6. Large off-street car parking areas. 7. High levels of on-site pedestrian traffic. 8. Presence of landscaping to limit visual impact and reduce impervious areas.
SCZ-P2 – Range of Large Format Retail	To provide for a range of Large Format Retail activities in a manner that complements the City Centre, Local Centre, and Waterfront Zones.
SCZ-P3 Small Scale Retail	To prevent small scale retail activities where they may undermine the economic viability and primacy of the City Centre Zone.
SCZ-P4 Food and Beverage Activity	To provide for supporting conveniences to Large Format Retail by allowing for a limited amount of small scale food and beverage activity within the Shopping Centre Zones.
SCZ-P5 Communal Facilities	To enhance shopper's experience within shopping centres by requiring activities to provide communal bathrooms, rubbish bins and rest areas.
SCZ-P6 Landscaping	<p>To preserve the character and amenity of adjoining zones by requiring high quality landscaping to:</p> <ol style="list-style-type: none"> 1. Enhance the character of the shopping centre. 2. Soften the effects of built form.
SCZ-P7 Building Exterior Treatment	<p>To preserve the character and amenity of adjoining zones and enhance the character and amenity of the SCZ by requiring the exterior treatment of buildings to:</p> <ol style="list-style-type: none"> 1. Enhance the character of the shopping centre. 2. Soften the effects of built form. 3. Be sensitive to and compatible with the character and amenity of adjoining Environments. 4. Positively contribute to the character and amenity of adjoining Waterfront or Open Space Zones. 5. Demonstrate best practice urban design
SCZ-P8 Pedestrians and Cyclists	To improve pedestrian and cyclist circulation and connections within shopping centres and to shopping centres, by requiring building design and positioning to positively contribute to pedestrian shopping experience.
SCZ-P9 Sunlight	To protect daylight access and outlook by managing built form adjacent to adjoining zones.

Shopping Centre Zone (SCZ)

SCZ-P10	Infrastructure	To remedy or mitigate the effects of Large Format Retail activities on the safe and efficient operation of the surrounding roading network, utility networks, and infrastructure.
SCZ-P11	Subdivision	To protect the Shopping Centre Zone for Large Format Retail land use by discouraging subdivision which reduces average net site area.
SCZ-P12	Esplanades and Reserves	To protect esplanade areas and reserve waterfront walkways by avoiding impervious surfaces adjacent to Mean High Water Springs and river banks.

SCZ-R1	An activity not otherwise listed in this chapter	
Shopping Centre Zone	Activity Status: P (Permitted) Where: <ol style="list-style-type: none"> 1. All relevant SCZ rules are complied with. 2. The activity is permitted under all relevant Overlay and District Wide rules. 3. Connections to footpaths and other clearly identified pedestrian connections within the shopping centre are provided. 4. Public bathroom facilities are provided within the SCZ and within 100m of the activity. 5. Public fixed rubbish bins are provided within the SCZ and within 50m of the activity. 6. A public landscaped seating area is provided within the SCZ and within 100m of the activity. 	Activity Status when compliance not achieved: D (Discretionary)

SCZ-R2	Building Height	
Shopping Centre Zone	Activity Status: P (Permitted) Where: <ol style="list-style-type: none"> 1. Building height does not exceed 15m. 	Activity Status when compliance not achieved: D (Discretionary)

Shopping Centre Zone (SCZ)

SCZ-R3	Height in Relation to Boundary	
Shopping Centre Zone	Activity Status: P (Permitted) Where: 1. The building does not exceed a height equal to 3m plus the shortest horizontal distance between that part of the building and the boundary of the adjacent site.	Activity Status when compliance not achieved: D (Discretionary)
SCZ-R4	Building Area	
Shopping Centre Zone	Activity Status: P (Permitted) Where: 1. Gross Floor Area of the building is more than 1600m ²	Activity Status when compliance not achieved: D (Discretionary)
SCZ-R5	Building Setbacks	
Shopping Centre Zone	Activity Status: P (Permitted) Where: 1. The building is at least 3m from any Open Space Zone boundary 2. The building is at least 27m from Mean High Water Springs 3. The building is at least 27m from the top of the bank of any river that has a width greater than 3m.	Activity Status when compliance not achieved: D (Discretionary)
SCZ-R6	Impervious Areas (excluding bridges, culverts and fences)	
Shopping Centre Zone	Activity Status: P (Permitted) Where: 1. The impervious area does not cause the total impervious area for the site to exceed 85%. 2. The impervious area is not within 5m of: <ol style="list-style-type: none"> Mean High Water Springs The top of the bank of any river that has a width exceeding 3m. 	Activity Status when compliance not achieved: D (Discretionary)

Shopping Centre Zone (SCZ)

SCZ-R7	Commercial Services	
Shopping Centre Zone	Activity Status: P (Permitted) Where: 1. The Net Leasable Area for the commercial service activity does not exceed 100m ² 2. The commercial service activity is accommodated in a building which also accommodates a retail activity.	Activity Status when compliance not achieved: D (Discretionary)
SCZ-R8	Food and Beverage Activities	
Shopping Centre Zone	Activity Status: P (Permitted) Where: 1. The Net Leasable Area does not exceed 250m ² 2. The total Net Leasable Area of food and beverage activities does not exceed 5% of the total Net Leasable Area for the shopping centre (when the food outlet is included). 3. The food and beverage activity is established in a building that also accommodates retail activity.	Activity Status when compliance not achieved: D (Discretionary)
SCZ-R9	Retail Activities	
Shopping Centre Zone	Activity Status: P (Permitted) Where: 1. The retail activity occupies more than 450m ² Net Leasable Area	Activity Status when compliance not achieved: D (Discretionary)
SCZ-R10	Supermarkets	
Shopping Centre Zone	Activity Status: P (Permitted) Where: 2. The retail activity occupies more than 450m ² Net Leasable Area	Activity Status when compliance not achieved: D (Discretionary)

Shopping Centre Zone (SCZ)

SCZ-R11	Motor Vehicle Sales
SCZ-R12	Garden Centres
SCZ-R13	Trade Supplier Activities
SCZ-R14	Marine Retail
SCZ-R15	Hire Premises and Facilities
SCZ-R16	Entertainment Facilities
SCZ-R17	Drive-thru Facilities
SCZ-R18	Visitor Accommodation
SCZ-R19	Service Stations
SCZ-R20	Funeral Homes
Activity Status: NC (Non-Complying)	

SCZ-R21	Rural Production Activities
SCZ-R22	Industrial Activities
SCZ-R23	Community Activities
SCZ-R24	Residential Activities
Activity Status: Pr (Prohibited)	

Rule Requirements

SCZ-REQ1	Information Requirements
Shopping Centre Zone	<ol style="list-style-type: none"> All applications for resource consent shall include an urban design assessment prepared by a suitably qualified and experienced professional which details: <ol style="list-style-type: none"> Any consultation undertaken with Council's Urban Design Panel and any conditions that were recommended by the Panel. Where Council's Urban Design Panel has not been consulted, an assessment containing reasons and justification for not consulting with the Panel. How the proposal is consistent with best practice Urban Design. The effects on the character, amenity, safety and the surrounding areas, with particular regard to building bulk, location and design and parking and transport. Consideration of potential effects on adjacent neighbours. Consideration of potential effects on interaction between public and private spaces. Consideration of any effects on the Waterfront Zone.

Local Commercial Zone (LC)

Overview

The Local Commercial Zone (LC) provides for commercial, community and residential activities within the suburbs of Whangarei City, Ruakaka and Marsden Point. The LC is often the heart of a suburb providing a focus point for community functions and community identities. The LC services a wide area and contain activities such as supermarkets, a range of retail goods and services, small scale office activities and some community, recreation and health services.

LC is identified in suburbs with land areas that range between 2 – 6ha and varied shop sizes. Many are anchored by a traditional main street with active street frontages, high levels of pedestrian activity and links to public transport networks. A mix of on street and off street parking is provided in these larger local commercial areas, reflecting the fact that they serve a wider catchment than the Neighbourhood Commercial Zone. Opportunities exist for expansion and intensification to ensure that local commercial areas continue to meet the needs of the growing suburban populations.

LC within each major suburb are described below. It is expected that the individual characteristics of each LC area will be recognised in the preparation and assessment of any resource consent application.

Tikipunga

Tikipunga LC is located to the west of Paramount Parade. The LC area contains a mix of retail, food and beverage, and service activities, including a supermarket, post office, service station and a medical centre. Most of the shops are connected with pedestrian walkways and verandahs, with a large onsite parking area to the front of the buildings. Tikipunga Tavern is also located to the west of Paramount Parade. Community facilities, including a library, are situated within public land zoned Open Space adjoining the LC to the north.

Kensington

Kensington LC is situated around the intersection of Kensington Avenue and Kamo Road. Food and beverage, retail and service activities are prevalent, including takeaways, restaurants, cafes, postal and banking services, and a service station. A traditional strip of mainly food and beverage activities is located along the western side of Kamo Road, with an active frontage, pedestrian footpaths and verandas. Along Kensington Avenue there is a strong presence of medical service activities, including a private hospital, imaging facility and orthopedic centre.

Regent

Regent LC is situated around the intersection of Kamo Road and Manse and Donald Streets, and is in proximity to the City Centre. The LC contains two supermarkets on separate sites dominated by on-site, front of store parking. To the east of Kamo Road a more traditional strip of smaller scale retail and service activities are present with active frontages, pedestrian footpaths and verandas. Several places of assembly and a school are also located in the LC.

Kamo

Kamo LC is a compact mainstreet of buildings on, or in close proximity to, Kamo Road which provides a range of retail, service and community activities. The LC is bordered by schools, recreation areas, churches and identified mining hazard areas. Food and beverage, retail and service activities are prevalent, including takeaways, restaurants, cafes, postal and banking and commercial services, and two service stations. An active frontage, pedestrian footpaths and verandas are present on both sides of Kamo Road.

Local Commercial Zone (LC)

Onerahi

Onerahi LC is located to the west of Onerahi Road. It contains a mix of retail, food and beverage and service activities, including a supermarket, police station, medical centre, and postal services, reflecting the more isolated nature of Onerahi. The LC is bisected by two local roads, creating physical barriers maintaining separation between the row of smaller retail shops connected with pedestrian footpaths and verandas and the supermarket and a large hotel. Recreation and community services, including a library and hall, are located on public land zoned Open Space adjacent to the LC.

Maunu

Maunu LC is located at the intersection of Tui Crescent and State Highway 14. It contains a mix of retail, food, service activities and a medical centre. The LC is bisected by a local road and State Highway 14, resulting in a physical separation of activities. A row of smaller retail and food and beverage shops are connected with pedestrian footpaths and verandas along Tui Crescent. A larger area containing restaurant, garden centre, childcare and medical care is situated to the north of State Highway 14.

Ruakaka

Ruakaka LC is situated on the corner of Marsden Point Road and Peter Snell Road opposite the Bream Bay High School. It contains a range of retail, food and beverage and service activities, including a supermarket, bank, medical centre, kindergarten and police station. Most of the shops are connected by pedestrian walkways and verandas, with a large onsite parking area to the front of the buildings. A recreational area adjoins the LC on Peter Snell Road.

Raumaunga

A large vacant area is situated at the corner of State Highway 1 and Tauroa Street. McDonalds Restaurant is the only existing activity operating within the LC.

One Tree Point/Marsden Cove

Marsden Cove LC is located at Rauiri Drive, Marsden Cove. The LC is oriented around the marina with buildings fronting the waterways. A range of retail, food and beverage and service activities exist onsite which are strongly oriented toward providing for marine activities.

Objectives

LC-O1 – Range of Activities	Provide a distribution of LC that provide mixed use development, including commercial, community and residential activities, while not undermining the vitality and viability of the Central City.
LC-O2- Urban Character and Amenity	Maintain and enhance the urban character and amenity of LC.
LC-O3 – Urban Design	Development demonstrates high quality urban form that positively interacts with the public realm and responds positively to and enhances the character of the surrounding environment.
LC-O4 – Discouraged Activities	Discourage industrial activities to maintain the LC amenity and character.
LC-O5 – Commercial Sprawl	Contain commercial activities within the LC.

Local Commercial Zone (LC)

Policies	
LC-P1 – Character and Amenity	<p>To maintain and enhance the character and urban amenity values of the LC including but not limited to:</p> <ol style="list-style-type: none"> 1. An active urban environment with a mix of type and scale of activities. 2. Presence of community activities, street plantings/trees and street furniture. 3. A low to medium intensity and scale of built development. 4. High levels of noise during the daytime associated with traffic and commercial activities. 5. A moderate degree of privacy for residential activities. 6. Access to daylight. 7. No/limited exposure to noxious odour or noise associated with industrial activities. 8. High levels of vehicle traffic particularly during daytime hours. 9. On-street and off-street parking.
LC – P2 – Range of Activities	<p>To enable a range of activities that will enhance the vibrancy, community focus, economic performance and amenity of the Local Commercial Zone by:</p> <ol style="list-style-type: none"> 1. Encouraging residential activities, smaller scale retail activities, offices, tourist related activities, restaurants, cafes, bars and entertainment facilities. 2. Avoiding rural production and industrial activities (excluding small scale artisan industrial activities), large department stores, bulk goods and trade related retail. 3. Limiting large scale, destination-based community activities which do not enhance the vibrancy of the LC. 4. Requiring non-active uses to be located above ground floor. 5. Managing the scale, design and nature of activities to ensure that: <ol style="list-style-type: none"> a. An active frontage is maintained at ground floor. b. The activity and building design are complementary to the LC context and retain a fine grain character. c. The building is designed to be flexible and adaptable to a range of uses and does not unduly restrict potential future uses of the site. d. Large single use buildings, activities at ground floor and standalone car parking facilities are sleeved by smaller scale commercial activities.
LC-P4 – Mixed Use	<p>To encourage mixed use development by providing for residential activities primarily located above ground floor commercial uses.</p>
LC – P5 – Active Frontage	<p>To require active frontage at ground floor in building design to strengthen the interrelationship between buildings and the public realm.</p>
LC-P6 – Ground Floor Residential Activities	<p>To require residential units at ground floor to be designed and constructed in a manner which protects residential amenity and active frontages.</p>
LC-P7 – Residential Amenity	<p>To protect residential amenity by requiring residential units to provide sufficient internal space, outdoor living courts and noise insulation.</p>

Local Commercial Zone (LC)

LC – P9 - Pedestrian-Centric Environment	To create a pedestrian-centric environment by: <ol style="list-style-type: none"> 1. Managing new vehicle crossings and car parking areas to retain a safe and accessible pedestrian network. 2. Requiring verandahs along building frontages to create a defined building edge and provide shade and rain shelter. 3. Requiring sufficient site frontages to avoid rear sites and activate corner sites while maintaining smaller site and block sizes to retain the fine grain character of the LC.
LC – P10 - Zone Interface	To maintain the amenity and character which contributes to sense of place by managing built development and the interface between the Local Commercial Zone and Residential Zones.
LC – P11 – Discouraged Activities	To protect urban amenity by avoiding activities which have noxious, offensive, or undesirable qualities from locating within the Local Commercial Zone.
LC – P12 – Scale of Development	To avoid adverse effects on the Shopping Centre Zone by limiting the development of large scale commercial and retail activities such as supermarkets, large format retail and department stores.
LC – P13 – Vitality and Viability of City Centre	To avoid adverse effects on the vitality and viability of the City Centre and Mixed Use Zones by ensuring expansion of suburban local centres is provided only at a scale appropriate to the needs of the surrounding residential areas.
LC – P14 – Water Setbacks	To protect esplanade areas and reserve waterfront walkways by avoiding impervious surfaces adjacent to Mean High Water Springs and river banks.

Rules

LC-R1 An Activity Not Otherwise Listed in this Chapter	
Activity Status: P (Permitted)	
Where:	
<ol style="list-style-type: none"> 1. All relevant Local Commercial Zone rules are complied with. 2. The activity is permitted under all relevant Overlay and District Wide rules. 	
LC-R2 Building Height	
Activity Status: P (Permitted)	Activity Status when compliance not achieved: D (Discretionary)
Where:	
<ol style="list-style-type: none"> 1. The maximum height is 11m. 	

Local Commercial Zone (LC)

LC-R3 Building Setbacks		
LC-R3	<p>Activity Status: P (Permitted)</p> <p>Where:</p> <ol style="list-style-type: none"> The building is setback: <ol style="list-style-type: none"> 5m from a boundary that adjoins a Residential or Open Space Zone. 27m from Mean High Water Springs or the top of the bank of any river that has a width exceeding 3m (excluding bridges, culverts and fences). Excluding buildings within the Marsden Cove LC. The building is setback from 0.5m of the road boundary at ground floor for the entire length of the street frontage for any front site, except: <ol style="list-style-type: none"> A setback of up to 1.5m for a maximum width of 2.5m to allow for a recessed pedestrian entrance. 	<p>Activity Status when compliance not achieved: D (Discretionary)</p>
LC-R4 Building Floor-to-Ceiling Height		
	<p>Activity Status: P</p> <p>Where:</p> <ol style="list-style-type: none"> The minimum floor-to-ceiling height is: <ol style="list-style-type: none"> 3.5m at ground floor. 2.7m above ground floor. 	<p>Activity Status when compliance not achieved: D</p>
LC-R5 Building Height in Relation to Boundary		
LC-R5	<p>Activity Status: P (Permitted)</p> <p>Where:</p> <ol style="list-style-type: none"> No part of the building exceeds a height equal to 3m plus the shortest horizontal distance between that part of the building and the site boundary adjoining a Residential or Open Space Zone. 	<p>Activity Status when compliance not achieved: D (Discretionary)</p>

Local Commercial Zone (LC)

LC-R6 Building Frontages		
Activity Status: P (Permitted)		Activity Status when compliance not achieved: D (Discretionary)
Where:		
1. No continuous blank wall with an area greater than 25m ² is visible from allotment frontage.		
2. At least 65% of the ground floor building frontage is clear glazing.		
3. The main pedestrian entrance is provided within 3m of the allotment frontage, except for service stations.		
4. No roller door is situated along allotment frontage.		
LC-R7 Impervious Areas		
Activity Status: P (Permitted)		Activity Status when compliance not achieved: D (Discretionary)
Where:		
1. The impervious area within the allotment does not exceed 90% of the allotment area.		
2. Areas is further than 5m of Mean High Water Springs or the top of the bank of any river that has a width exceeding 3m (excluding bridges, culverts and fences).		
LC-R8 Shared Boundary with a Residential or Open Spaces Zone		
Activity Status: P		Activity Status when compliance not achieved: D
Where:		
1. Any site boundary which is shared with a Residential or Open Spaces Zone is planted with trees or shrubs to a minimum height of 1.8m and a minimum depth of 1m, except within 5m of a road boundary where the minimum height is 1.2m.		

Local Commercial Zone (LC)

LC-R9 Hours of Operation		
Activity Status: P (Permitted)		Activity Status when compliance not achieved: D (Discretionary)
Where:		
1. Any activity which operates or is open for visitors, clients, deliveries or servicing outside of the hours of 0600 - 2200, where the activity is located closer than 50m from a boundary with a Residential Zone.		
LC-R10 Any Fence		
Activity Status: P (Permitted)		Activity Status when compliance not achieved: D (Discretionary)
Where:		
1. The fence is along a road boundary and is required by a by-law or for public health and safety.		
2. Fencing up to 2m in height within 1m of any side or rear boundary.		
LC-R11 Car Parking		
Activity Status: P (Permitted)		Activity Status when compliance not achieved: D (Discretionary)
Where:		
1. No car parking space is located between the building frontage and road boundaries of sites.		
LC-R12 Outdoor Areas of Storage or Stockpiles		
Activity Status: P		Activity Status when compliance not achieved: D
Where:		
1. Any outdoor areas of storage or stockpile:		
a. Complies with rules LC-R2 – R4.		
b. Is screened from view from public places and surrounding Residential or Open Spaces Zone sites.		

Local Commercial Zone (LC)

LC-R13	Residential Unit	
	<p>Activity Status: P (Permitted)</p> <p>Where:</p> <ol style="list-style-type: none"> Every residential unit provides an internal area (excluding garages) of at least: <ol style="list-style-type: none"> For 1 bedroom – 45m² For 2 bedrooms – 70m² For 3 bedrooms – 90m² For more than 3 bedrooms – 90m² plus 12m² for each additional bedroom. Any 1 bedroom residential unit provides an outdoor living court of at least 4m² and at least 1.5m depth. Any 2+ bedroom residential unit contains an outdoor living court of at least 8m² and at least 2.4m depth. Every residential unit is above ground floor. 	<p>Activity Status when compliance not achieved: RD (Restricted Discretionary)</p> <p>Matters of discretion:</p> <ol style="list-style-type: none"> The design, size and layout of buildings to provide appropriate privacy and amenity for occupants on site. The proximity of the site to communal or public open space that has the potential to mitigate any lack of private outdoor living space. Adverse effects on active frontage. <p>Notification:</p> <p>Any application for a residential unit which does not comply with Rules LC-R13.1 – 3 shall not require the written consent of affected persons and shall not be notified or limited-notified unless Council decides that special circumstances exist under section 95A(4) of the Resource Management Act 1991.</p>
LC-R14	Minor Residential Unit	
	<p>Activity Status: P (Permitted)</p> <p>Where:</p> <ol style="list-style-type: none"> Any minor residential unit contains an outdoor living court of at least 4m² and at least 1.5m depth. Any 2+ bedroom minor residential unit contains an outdoor living court of at least 8m² and at least 2.4m depth. Every minor residential unit is above ground floor. 	<p>Activity Status when compliance not achieved: RD (Restricted Discretionary)</p> <p>Matters of discretion:</p> <ol style="list-style-type: none"> Those stated in LC-R13 <p>Notification:</p> <p>Any application for a minor residential unit which does not comply with Rules LC-R14.1 – 3 shall not require the written consent of affected persons and shall not be notified or limited-notified unless Council decides that special circumstances exist under section 95A(4) of the Resource Management Act 1991.</p>

Local Commercial Zone (LC)

LC-R14	Dairies	
LC-R15	Health Care Facilities	
LC-R16	Commercial Services	
LC-R17	Food and Beverage Activity	
	Activity Status: P (Permitted) Where: 1. Any individual activity is less than 300m ² GFA per site.	Activity Status when compliance not achieved: D (Discretionary)

LC-R18	Artisan Industrial Activities	
	Activity Status: P (Permitted) Where: 1. Any individual activity is less than 300m ² GFA per site. 2. The goods sold on site are also manufactured on site, provided that the retailing is ancillary to the manufacturing. For this rule manufacturing excludes activities which comprise only the packaging, labeling, sorting, mixing or assembling of pre-made products. 3. Any outdoor area associated with the activity is not located between the front of the building and the road.	Activity Status when compliance not achieved: D (Discretionary)

LC-R19	Place of Assembly	
LC-R20	Entertainment Facilities	
LC-R21	Recreational Facilities	
LC-R22	Emergency Services	
LC-R23	Educational Facilities	

Local Commercial Zone (LC)

Activity Status: P (Permitted)

Where:

1. Any individual activity is less than 1000m² GFA per site.
2. Any outdoor area associated with the activity is not located between the front of the building and the road.

Activity Status when compliance not achieved:
D (Discretionary)

LC-R24	A New Vehicle Crossing Over a Footpath
LC-R25	Supported Residential Care
LC-R26	Care Centre
LC-R27	Drive Through Facility
LC-R28	Supermarket
LC-R29	Visitor Accommodation
LC-R30	Service Station
LC-R31	Home Occupation
LC-R32	Funeral Home
LC-R33	Hospital
Activity Status: D (Discretionary)	

LC-R34	Marine Retail
LC-R35	Motor Vehicle Sales
LC-R36	Garden Centres
LC-R37	Trade Suppliers

Local Commercial Zone (LC)

Activity Status: D (Discretionary) Where: 1. An individual activity has a GFA less than 300m ² per site. 2. Any individual activity has an outdoor display or storage area: a. Less than 500m ² . b. Not located between the front of the building and the road.	Activity Status when compliance not achieved: (NC) Non-complying
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LC-R38	Rural Production Activities
LC-R39	General Industry
LC-R40	Manufacturing and Storage
LC-R41	Repair and Maintenance Services
LC-R42	Marine Industry
LC-R43	Hire Premise Activities
LC-R44	Minor Residential Unit
Activity Status: NC (Non-Complying)	

LC - R45	Waste Management Facility
LC – R46	Landfill
Activity Status: Pr (Prohibited)	

Neighbourhood Commercial Zone (NC)

Overview

The Neighbourhood Commercial Zone (NC) provides for a distribution of accessible neighbourhood commercial activities that provide goods and services to meet the day to day needs of communities.

The Neighbourhood Commercial Zone is distributed throughout the urban area of Whangarei City, Ruakaka and Marsden Point. Providing a limited range of everyday goods and services, NC are small in overall land area, up to 1ha, with shop sizes generally ranging from 100 – 300m² in gross floor area.

On street parking is generally provided, with limited off street parking. Being situated within residential areas it is essential that the range and scale of activities is compatible with neighbouring residential activity and local amenity values. Very limited opportunities exist for expansion of these NC.

The suburbs of the Avenues, Morningside, Otangarei and Otaika do not contain a large agglomeration of existing commercial and community activities, and therefore do not have a Local Commercial Zone.

Objectives

NC-O1 – Range of Activities	Provide a distribution of commercial and community activities, while not undermining the vitality and viability of the Local Commercial Zone.
NC-O2 Urban Character and Amenity	Maintain and enhance the urban character and amenity of the Neighbourhood Commercial Zone.
NC-O2 – Urban Design	Development demonstrates high quality urban form that positively interacts with the public realm and responds positively to and enhances the character of the surrounding environment.
NC-O3 – Discouraged Activities	Discourage noxious activities, activities with lower amenity, and activities which cater primarily for customers in private motor vehicles.

Policies

NC-P1 – Character and Amenity	<p>To recognise the character and urban amenity values of the Neighbourhood Commercial Zone including but not limited to:</p> <ol style="list-style-type: none"> 1. A low density of development and built form. 2. Presence of community activities, street plantings/trees and street furniture. 3. Moderate levels of noise during the daytime associated with traffic and commercial activities. 4. A moderate degree of privacy for residential activities. 5. No/limited exposure to noxious odour or noise associated with industrial activities. 6. Moderate levels of vehicle traffic particularly during daytime hours. 7. Moderate levels of illumination. 8. On-street and off-street parking.
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Neighbourhood Commercial Zone (NC)

	9. Ample access to daylight.
NC – P2 – Range of Activities	<p>To enable a range of activities that provide a distribution of small scale commercial and community services for residents by:</p> <ol style="list-style-type: none"> 1. Encouraging small scale dairies, commercial service activities and cafes. 2. Avoiding rural production and industrial activities, large scale commercial activities and destination-based community activities. 3. Enabling residential units in association with commercial and retail activities onsite. 4. Allowing home occupation where an active frontage is maintained and open to the public. 5. Managing the scale, design and nature of activities to ensure that: <ol style="list-style-type: none"> a. An active frontage is maintained at ground floor. b. The activity and building design are complementary to the NC context and retain a fine grain character. c. The building is designed to enhance the surrounding residential amenity.
NC-P3 – Ground Floor Residential Activities	To require residential units at ground floor to be designed and constructed in a manner which protects residential amenity and active frontages.
LCZ – P4 - Pedestrian-Centric Environment	To create a pedestrian-centric environment by requiring verandahs and promoting active building frontages.
NC-P5 – Residential Amenity	To protect residential amenity by requiring residential units to provide sufficient internal space, outdoor living courts and noise insulation.
NC– P6 - Zone Interface	To maintain the amenity and characteristics that contribute to sense of place by managing built development and the interface between the Neighbourhood Commercial Zone and Residential Zones.
NC – P7 – Discouraged Activities	To protect urban amenity by avoiding activities which have noxious, offensive, or undesirable qualities from locating within the Neighbourhood Commercial Zone.
NC– P8 – Water Setbacks	To protect esplanade areas and reserve waterfront walkways by avoiding impervious surfaces adjacent to Mean High Water Springs and river banks.
NC-P9 – Built Form	To maintain a built form that is consistent with the surrounding Residential Zones by limiting bulk and location of buildings.

NC-R1 An Activity Not Otherwise Listed in this Chapter

Activity Status: P (Permitted)

Where:

1. All relevant Neighbourhood Commercial Zone rules are complied with.
2. The activity is permitted under all relevant Overlay and District Wide rules.

Neighbourhood Commercial Zone (NC)

NC-R2 Building Height		
Activity Status: P (Permitted)		Activity Status when compliance not achieved: D (Discretionary)
Where:		
1. The maximum height is 8m.		

NC-R3 Building Setbacks		
Activity Status: P (Permitted)		Activity Status when compliance not achieved: D (Discretionary)
Where:		
1. The building is setback: <ul style="list-style-type: none">a. 5m from a boundary that adjoins a Residential or Open Space Zone.b. 27m from Mean High Water Springs or the top of the bank of any river that has a width exceeding 3m (excluding bridges, culverts and fences). 2. The building is setback 0.5m from the road boundary at ground floor for the entire length of the street frontage for any front site, except: <ul style="list-style-type: none">a. A setback of up to 1.5m for a maximum width of 2.5m to allow for a recessed pedestrian entrance.		

NC-R4 Building Height in Relation to Boundary		
Activity Status: P (Permitted)		Activity Status when compliance not achieved: D (Discretionary)
Where:		
1. No part of the building exceeds a height equal to 3m plus the shortest horizontal distance between that part of the building and the site boundary adjoining a Residential or Open Space Zone.		

Neighbourhood Commercial Zone (NC)

NC-R5 Building Frontages		
Activity Status: P (Permitted)		Activity Status when compliance not achieved: D (Discretionary)
Where:		
1. No continuous blank wall with an area greater than 25m ² is visible from allotment frontage.		
2. At least 65% of the ground floor building frontage is clear glazing.		
3. The main pedestrian entrance is provided within 3m of the allotment frontage.		
4. No roller door is situated along allotment frontage.		

NC-R6 Impervious Areas		
Activity Status: P (Permitted)		Activity Status when compliance not achieved: D (Discretionary)
Where:		
1. The impervious area within the allotment does not exceed 75% of the allotment area.		
2. Areas is further than 5m of Mean High Water Springs or the top of the bank of any river that has a width exceeding 3m (excluding bridges, culverts and fences).		

NC-R7 Hours of Operation		
Activity Status: P (Permitted)		Activity Status when compliance not achieved: D (Discretionary)
Where:		
1. Any activity which operates or is open for visitors, clients, deliveries or servicing outside of the hours of 0600 - 2200, where the activity is located closer than 50m from a boundary with a Residential Zone.		

Neighbourhood Commercial Zone (NC)

NC-R8	Any Fence	
	Activity Status: P (Permitted) Where: <ol style="list-style-type: none"> 1. The fence is along a road boundary and is required by a by-law or for public health and safety. 2. Fencing up to 2m in height within 1m of any side or rear boundary. 	Activity Status when compliance not achieved: D (Discretionary)
NC-R9	Car Parking	
	Activity Status: P (Permitted) Where: <ol style="list-style-type: none"> 1. The car parking space is not located between the building frontage and road boundaries of sites. 	Activity Status when compliance not achieved: D (Discretionary)
NC-R10	Verandahs	
	Activity Status: P (Permitted) Where: <ol style="list-style-type: none"> 1. Any building fronting a road contains a verandah: <ol style="list-style-type: none"> a. Along at least 90% of the frontage of the building. b. That is at least 3m and no more than 4m above the footpath. c. That has a minimum width of 1.5m and a maximum width of 2.5m. d. That has a maximum fascia height of 0.5m. 	Activity Status when compliance not achieved: D (Discretionary)

Neighbourhood Commercial Zone (NC)

NC-R11	Residential Unit	
	<p>Activity Status: P (Permitted)</p> <p>Where:</p> <ol style="list-style-type: none"> 1. The maximum density is 1 residential unit, per site. 2. The residential unit is ancillary to a commercial service, general retail or food and beverage activity within the site. 3. The residential unit provides an internal area (excluding garages) of at least: <ol style="list-style-type: none"> a. For 1 bedroom – 45m² b. For 2 bedrooms – 70m² c. For 3 bedrooms – 90m² d. For more than 3 bedrooms – 90m² plus 12m² for each additional bedroom. 4. Any 1 bedroom residential unit provides an outdoor living court of at least 4m² and at least 1.5m depth. 5. Any 2+ bedroom residential unit contains an outdoor living court of at least 8m² and at least 2.4m depth. 6. No residential unit is accessed from the road frontage. 	<p>Activity Status when compliance not achieved: RD (Restricted Discretionary)</p> <p>Notification:</p> <p>Any application for a residential unit which does not comply with the minimum internal area and outdoor living court requirements in NC-R11 shall not require the written consent of affected persons and shall not be notified or limited-notified unless Council decides that special circumstances exist under section 95A(4) of the Resource Management Act 1991.</p>
NC-R13	Dairies	
NC-R14	Commercial Service	
NC-R15	Health Care Facility	
NC-R17	Food and Beverage	

Neighbourhood Commercial Zone (NC)

<p>Activity Status: P (Permitted)</p> <p>Where:</p> <ol style="list-style-type: none"> Any individual activity: <ol style="list-style-type: none"> Has a GFA less than 300m² per allotment. Has an outdoor area: <ol style="list-style-type: none"> Less than 500m². Not located between the front of the building and the road. 	<p>Activity Status when compliance not achieved: D (Discretionary)</p>
NC-R18 Visitor Accommodation	
<p>Activity Status: P (Permitted)</p> <p>Where:</p> <ol style="list-style-type: none"> No more than 12 traff-paid visitors are staying on-site at any one time. No more than 2 accommodation units per 500m² are constructed or operated on site. Each accommodation unit provides a outdoor living court of at least 4m² and at least 1.5m depth. 	<p>Activity Status when compliance not achieved: D (Discretionary)</p>
NC-R19 Care Centre	
NC-R20 Supported Residential Care	
<p>Activity Status: P (Permitted)</p> <p>Where:</p> <ol style="list-style-type: none"> No more than 12 patients are staying on-site at any one time. No more than 2 accommodation units per 500m² are constructed or operated on site. Each accommodation unit provides a outdoor living court of at least 4m² and at least 1.5m depth. 	<p>Activity Status when compliance not achieved: D (Discretionary)</p>

Neighbourhood Commercial Zone (NC)

NC-R21	Minor Residential Unit
NC-R22	Place of Assembly
NC-R23	Recreational Facilities
NC-R24	Educational Facilities
NC-R25	Entertainment Facilities
Activity Status: D (Discretionary)	

NC-R26	General Retail Activity	
Activity Status: D (Discretionary)		Activity Status when compliance not achieved: (NC) Non-complying
Where:		
1. An individual retail activity has a: <ul style="list-style-type: none"> a. GFA greater than 250m² per allotment. b. An outdoor area: <ul style="list-style-type: none"> i. Less than 500m². ii. Not located between the front of the building and the road. 		

Neighbourhood Commercial Zone (NC)

NC-R27	Industrial Activities
NC– R28	Motor Vehicle Sales Activities
NC– R29	Marine Retail Activities
NC-R30	Garden Centres Activities
NC– R31	Trade Suppliers Activities
NC– R32	Drive Through Facilities Activities
NC– R33	Supermarkets Activities
NC-R34	Hire Premise
NC-R35	Emergency Services
NC– R36	Service Stations Activities
NC– R37	Funeral Homes Activities
NC– R38	Hospital Activities
Activity Status: NC (Non-Complying)	

NC – R39	Rural Production Activities
Activity Status: Pr (Prohibited)	

Light Industrial Zone (LI)

Overview

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

The LI provides for light industrial activities and larger scale retail activities that are compatible with industrial activities such as service stations, motor vehicle sales, garden centres, trade suppliers and hire premises. Supporting activities such as cafes and takeaway bars are also provided for. Other non-industrial activities are discouraged as a key principal of the LI is to preserve land for industrial and trade retail type uses.

Industrial activities range in scale and nature. Those anticipated within the LI are generally smaller in scale and carried out indoors and are unlikely to give rise to significant adverse effects beyond the site. This includes activities such as warehousing, bulk storage, light manufacturing and servicing activities. Therefore, sensitive activities are restricted within the LI and the scale, design and location of activities and buildings are managed, especially on allotments bordering Residential and Open Spaces Zones.

Objectives

LI-O1 – Industrial Activities	Industrial activities, which are not noxious or large in scale, establish and operate efficiently and effectively within the LI.
LI-O2 – Adverse Effects	Potential adverse effects on adjacent zones and the environment are avoided, remedied or mitigated.
LI-O3 – Ancillary Activities	Ancillary and supporting activities are enabled while ensuring that industrial land supply is not compromised and that the viability and vitality of other Business Zones are maintained.
LI-O4 – Reverse Sensitivity	Avoid activities that may generate reverse sensitivity effects or compromise the operation of future industrial activities within the LI.
LI-O5 – Subdivision	The supply of large allotments within the LI is preserved by managing inappropriate fragmentation from subdivision.

Policies

LI-P1 – Character and Amenity	<p>To recognise the character and amenity values of the LI including, but not limited to:</p> <ol style="list-style-type: none"> 1. High levels of noise associated with traffic and commercial and industrial activities. 2. Large allotments with on-site car parking. 3. Moderate levels of exposure to noxious odour, dust or noise. 4. High levels of vehicle traffic, particularly on arterial routes and during daytime hours.
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Light Industrial Zone (LI)

	5. A low presence of active building frontages and landscaping.
LI-P2 – Industrial Activities	To manage, and where appropriate avoid, large-scale industrial activities which have adverse effects on the surrounding environment, nearby sensitive activities or three waters infrastructure, which cannot be mitigated or remedied.
LI-P3 – Non-Industrial Activities	To manage non-industrial activities by ensuring that they: <ol style="list-style-type: none"> 1. Are not likely to generate reverse sensitivity effects. 2. Support, or are compatible with, the operation of industrial activities within the Zone. 3. Ensure that the potential establishment of future industrial activities is not compromised by the nature, scale and design of activities and buildings. 4. Do not compromise the viability and vitality of the City Centre, Waterfront, Mixed-use, Local Commercial, Neighbourhood Commercial and Shopping Centre Zones.
LI-P4 – Cross Zone Boundary Effects	To manage adverse effects of industrial activities and large scale commercial activities on more sensitive Zones by managing cross zone boundary effects, including through setbacks, building heights and landscaping.
LI-P5 – Esplanade Areas	To protect esplanade areas and manage stormwater by limiting buildings adjacent to Mean High Water Springs and river banks.
LI-P6 – Subdivision	To avoid the fragmentation of LI land where subdivision design and layout would not facilitate industrial and trade retail type activities.

Rules

LI-R1 An Activity Not Otherwise Listed in This Chapter

Activity Status: P (Permitted)

Where:

1. All relevant LI rules are complied with.
2. The activity is permitted under all relevant Overlay and District Wide rules.

LI-R2 Building Height

Activity Status: P

Where:

1. The maximum building height is 20m.

Activity Status when compliance not achieved:
D (Discretionary)

Light Industrial Zone (LI)

LI-R3	Building Setbacks	
	<p>Activity Status: P</p> <p>Where:</p> <ol style="list-style-type: none"> The building is set back at least: <ol style="list-style-type: none"> 2.5m from any road boundary. 5m from any Rural Production, Residential or Open Spaces Zone boundary. 3m from any Heavy Industrial, Local Commercial or Mixed-use Zone boundary. 27m from Mean High Water Springs or the top of the bank of any river that has a width exceeding 3m (excluding bridges, culverts and fences). 	<p>Activity Status when compliance not achieved: D</p>
LI-R4	Building Height in Relation to Boundary	
	<p>Activity Status: P</p> <p>Where:</p> <ol style="list-style-type: none"> The building does not exceed a height equal to 3m plus the shortest horizontal distance between that part of the building and any Rural Production, Residential or Open Spaces Zone boundary. 	<p>Activity Status when compliance not achieved: D</p>
LI-R5	Shared Boundary with a Rural Production, Low-density Residential, Residential or Open Spaces Zone	
	<p>Activity Status: P</p> <p>Where:</p> <ol style="list-style-type: none"> Any allotment boundary which is shared with a Rural Production, Low-density Residential, Residential or Open Spaces Zone is planted with trees or shrubs to a minimum height of 1.8m and a minimum depth of 2m, except within 5m of a road boundary where the minimum height is 1.2m. 	<p>Activity Status when compliance not achieved: D</p>

Light Industrial Zone (LI)

	2. Any industrial activity is located at least 30m from any Rural Production or Residential Zone boundary.	
LI-R6	Outdoor Areas of Storage or Stockpiles	
	Activity Status: P	Activity Status when compliance not achieved: D
	Where:	
	1. Any outdoor area of storage or stockpile complies with rules LI-R2 – R4.	
	2. Any outdoor area of storage or stockpile is screened from view from public places and surrounding Local Commercial, Mixed-use, Residential or Open Spaces Zone allotments.	
LI-R7	General Industry	
LI-R8	Manufacturing and Storage	
LI-R9	Repair and Maintenance Services	
LI-R10	Artisan Industrial Activities	
LI-R11	Marine Industry	
	Activity Status: P	Activity Status when compliance not achieved: RD (Restricted Discretionary)
	Where:	Matters of discretion:
	1. Any individual industrial activity operates within buildings and/or an outdoor area with a combined area less than 7,000m ² .	1. Adverse effects from objectionable and/or noxious odour, dust or noise emissions.
		2. Capacity of three waters networks.

Light Industrial Zone (LI)

LI-R12	Farming
LI-R13	Seasonal Activity
LI-R14	Motor Vehicle Sales
LI-R15	Garden Centre
LI-R16	Trade Supplier
LI-R17	Marine Retail
LI-R18	Drive Through Facility
LI-R19	Hire Premise
LI-R20	Service Station
LI-R21	Emergency Service
Activity Status: P	

LI-R22	General Retail	
Activity Status: P		Activity Status when compliance not achieved: NC (Non-Complying)
Where:		
1. The activity is:		
a. Ancillary to an industrial activity on the allotment.		
b. Less than 100m ² GFA.		

LI-R23	Commercial Service	
Activity Status: P		Activity Status when compliance not achieved: D
Where:		
1. The activity is:		
a. An ancillary activity to an industrial activity on the allotment; or		
b. Less than 250m ² GFA.		

Light Industrial Zone (LI)

LI-R24	Food and Beverage Activity	
	Activity Status: P	Activity Status when compliance not achieved: NC
	Where:	
	1. The maximum GFA of any individual activity is 250m ² .	
	2. The activity is not open for visitors or clients outside the hours of 0700 and 1600.	
LI-R25	Barbed Wire Fence Adjoining a Residential Zone, Open Spaces Zone or Road	
LI-R26	Grocery Store	
LI-R27	Funeral Home	
LI-R28	Recreational Facilities	
	Activity Status: D	
LI-R29	Waste Management Activity	
LI-R30	Landfill	
LI-R31	Plantation Forestry	
LI-R32	Intensive Livestock Farming	
LI-R33	Farm Quarrying	
LI-R34	Residential Activities	
LI-R35	Entertainment Facilities	
LI-R36	Visitor Accommodation	
LI-R37	Place of Assembly	
LI-R38	Care Centre	
LI-R39	Educational Facility	
LI-R40	Hospitals	
	Activity Status: NC	

Light Industrial Zone (LI)



Overview

The Heavy Industrial Zone (HI) provides for large scale, or heavy, industrial activities which contribute to the economic wellbeing of Whangarei and the wider Northland Region. Heavy industrial activities generally require large allotments with few constraints, access to freight routes, separation from sensitive land uses, and protection from the development of sensitive activities and other non-industrial land uses.

Industrial activities often produce objectionable odour, dust and noise emissions and use, store or produce hazardous materials. Consequently, the HI has a lower level of amenity when compared to other Zones and often comprises large buildings, stockpiles of materials, fenced concreted yards and restricted public access to allotments.

The HI is and should continue to be located away from more sensitive zones such as Residential and Open Spaces Zones, to ensure adverse effects on sensitive activities are minimised, as well as to prevent reverse sensitivity and increased risk effects that may limit the operation and expansion of industrial activities. To support this approach, it is critical to protect industrial activities from the encroaching development of sensitive activities.

Industrial activities have potential adverse effects on the environment that must be managed. These activities should not be located in significant natural, cultural or historic areas, or the Coastal Area unless they have a functional or operational need to do so (such as ports).

While industrial activities are the primary focus within the HI, the Zone also provides for activities which are inherently a part of industrial activities, such as small scale food and beverage activities and ancillary offices and retail activities, but only to the extent that they are required to facilitate the operation of industrial activities.

Objectives

HI-O1 – Effective and Efficient Functioning	Larger scale and noxious industrial activities function effectively and efficiently without constraint from non-compatible activities.
HI-O2 – Adverse Effects	Adverse effects on the natural environment and amenity of adjacent zones are managed.
HI-O3 – Ancillary Activities	Ancillary and supporting activities are controlled to ensure that industrial land supply is not compromised.
HI-O4 – Reverse Sensitivity	Activities that may compromise the operation of industrial activities within the HI, or generate reverse sensitivity or increased risk effects, are avoided.
HI-O5 – Subdivision	The supply of large allotments within the HI is preserved for larger scale industrial activities.

Heavy Industrial Zone (HI)

Policies	
HI-P1 – Character and Amenity	To recognise and protect the character and amenity values of the HI including, but not limited to: <ol style="list-style-type: none"> 1. High levels of noise and heavy traffic activity. 2. Large allotment sizes, often with restricted public access. 3. Moderate to high levels of exposure to potential nuisances such as odour and other air emissions.
HI-P2 – Industrial Activities	To enable larger scale and potentially noxious or objectionable industrial activities to locate and operate in the HI without unreasonable constraint from other activities.
HI-P3 – Small-Scale Industrial Activities	To manage small-scale industrial activities which may compromise the land supply for larger scale industrial activities or generate cumulative effects on land fragmentation.
HI-P4 – Non-Industrial Activities	To avoid non-industrial activities, including sensitive activities, except for activities that: <ol style="list-style-type: none"> 1. Support and are ancillary to the operation of industrial activities within the Zone, and are necessary to be located as part of the industrial activity. 2. Would not undermine the integrity of other Business Zones. 3. Do not generate reverse sensitivity or increased risk effects. 4. Do not have the potential to hinder or constrain the establishment of activities otherwise anticipated within the HI.
HI-P5 – Surrounding Environment	To manage the visual effects on the surrounding environment by limiting building height and requiring setbacks and landscaping, while recognising the functional and operational needs of industrial activities.
HI-P6 – Esplanade Areas	To protect esplanade areas and manage stormwater by limiting buildings adjacent to Mean High Water Springs and river banks.
HI-P7 – Subdivision	To avoid the fragmentation of HI land where subdivision design and layout would not facilitate industrial activities.

Rules	
HI-R1	<p>Any Activity Not Otherwise Listed in This Chapter</p> <p>Activity Status: P (Permitted)</p> <p>Where:</p> <ol style="list-style-type: none"> 1. All relevant HI rules are complied with. 2. The activity is permitted under all relevant Overlay and District Wide rules.

Heavy Industrial Zone (HI)

HI-R2	Building Height	
	Activity Status: P	Activity Status when compliance not achieved: D (Discretionary)
	Where:	
	<ol style="list-style-type: none"> 1. The maximum building height is 40m. 2. No more than 25% of the net allotment area is occupied by buildings that exceed 20m in height. 	
HI-R3	Building Setbacks	
	Activity Status: P	Activity Status when compliance not achieved: D
	Where:	
	<ol style="list-style-type: none"> 1. The building is set back at least: <ol style="list-style-type: none"> a. 4.5m from any road boundary. b. 3m from any Light Industrial Zone boundary. c. 20m from any Rural Production Environment or Open Spaces Zone boundary. d. 27m from Mean High Water Springs or the top of the bank of any river that has a width exceeding 3m (excluding bridges, culverts and fences). 	
HI-R4	Shared boundary with a Rural Production or Open Spaces Zone	
	Activity Status: P	Activity Status when compliance not achieved: D
	Where:	
	<ol style="list-style-type: none"> 1. Any allotments boundary which is shared with a Rural Production or Open Spaces Zone is planted with trees or shrubs to a minimum height of 1.8m and a minimum depth of 2m, except within 5m of a road boundary where the minimum height is 1.2m. 	

Heavy Industrial Zone (HI)

HI-R5	Outdoor Areas of Storage or Stockpiles	
	Activity Status: P	Activity Status when compliance not achieved: D
	Where:	
	1. Any outdoor area of storage or stockpile complies with rules HI-R2 – R3.	

HI-R6	Farming	
HI-R7	Seasonal Activity	
	Activity Status: P	

HI-R8	Industrial Activity	
	Activity Status: P	Activity Status when compliance not achieved: RD (Restricted Discretionary)
	Where:	Matters of discretion:
	1. Any individual industrial activity operates within buildings and/or an outdoor area with a combined area greater than 7,000m ² .	1. Cumulative effects resulting from the fragmentation of land suitable for larger scale industrial activities.

HI-R9	Motor Vehicle Sales	
HI-R10	Garden Centres	
HI-R11	Trade Suppliers	
HI-R12	Marine Retail	
HI-R13	Hire Premise	
HI-R14	General Retail	
HI-R15	Commercial Services	
	Activity Status: P	Activity Status when compliance not achieved: NC (Non-Complying)
	Where:	
	1. The activity is:	
	a. Ancillary to an industrial activity on the site.	

Heavy Industrial Zone (HI)

b. Less than 100m² GFA.

HI-R16 Food and Beverage Activity

Activity Status: P

Where:

1. The maximum GFA of an individual activity is 150m² per allotment.
2. The activity is not open for visitors or clients outside the hours of 0700 and 1600.

Activity Status when compliance not achieved:
NC

HI-R17 Service Station

Activity Status: P

Where:

1. Any retail from a service station does not exceed 50m² GFA, excluding the retail of petrol.

Activity Status when compliance not achieved:
NC

HI-R18 Emergency Service

Activity Status: D

Heavy Industrial Zone (HI)

HI-R19	Plantation Forestry
HI-R20	Intensive Livestock Farming
HI-R21	Farm Quarrying
HI-R22	Residential Activities
HI-R23	Drive Through Facilities
HI-R24	Grocery Stores
HI-R25	Entertainment Facilities
HI-R26	Visitor Accommodation
HI-R27	Funeral Home
HI-R28	Place of Assembly
HI-R29	Recreational Facilities
HI-R30	Care Centre
HI-R31	Educational Facility
HI-R32	Hospitals

Activity Status: NC

Low Density Residential Zone

Chapter (LDR)

Overview

The Low Density Residential Zone provides for people who wish to live in close proximity to Whangarei City and associated amenities, but prefer to live in areas that have a rural outlook, ambiance and amenity on a section large enough to achieve a high degree of privacy without being a maintenance burden. The Low Density Residential Zone is a residential zone with a rural outlook. Infrastructure and network utility operations are located within, and in proximity to this Zone.

The Low Density Residential Zone is situated on the fringes between Whangarei City Urban Zones and Rural Production Zone, where there has traditionally been a demand for this type of lifestyle. In addition to providing a rural outlook for the residential enclaves, the uninhabited areas are being preserved for their recreational or conservation potential. Some of these areas contain highly versatile soils, so the protection of these areas for their food producing potential by avoiding fragmentation and over capitalisation of the land is also expected.

The clustered low density residential enclave development pattern that is envisaged in the Low-density Zone constitutes the 'final form' of development for these areas. There is no intention that this will be a transition to a 'future urban zone'. Accordingly notwithstanding the proximity of any strictly 'urban' services (such as reticulated wastewater and water supply), Council will resist service expansion on the basis that it would constitute unplanned expansion of services beyond their predetermined limits.

Objectives

LDR-01 – Living Opportunities	Provide opportunities for people to live in close proximity to Whangarei City and associated amenities, in a manner that safeguards rural character and ecological and productive values.
LDR-02-Character	Preserve rural character and amenity whilst enabling low density residential development.
LDR-03– Clusters	Maximise the extent of privacy, openness and rural outlook between residential clusters.
LDR-04-Reverse Sensitivity	Manage reverse sensitivity where the uninhabited spaces around clusters are, or can be, used for productive agricultural or horticultural activities.
LDR-05-Non-Commerical Activities	Small scale non-residential activities are provided for where their effects are compatible with a Low Density Residential Zone.
LDR-06 Allotment Size	Allotment sizes are no larger than necessary to provide sufficient area for dwellings, accessory buildings and curtilage.

Policies

LDR-P1– Rural Character and Amenity	To preserve rural character and amenity whilst enabling low density residential development in a transitional zone and maintaining factors that contribute to rural character including:
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Low Density Residential Zone

Chapter (LDR)

	<ul style="list-style-type: none"> a. Dominance of natural landforms with built features and roading subservient to and cohesive with these. b. A sense of spaciousness. c. Low night time light levels. d. Dominance of natural features including landforms, watercourses, and vegetation.
LDR-P2- Earthworks	To manage the effects of soil disturbance, dust, and sediment runoff by limiting the maximum area of exposed earthworks.
LDR-P3- Reverse Sensitivity	To manage reverse sensitivity effects by preventing any habitable building from being located in close proximity to the boundary of a Quarry Resource Area, the Heavy Industry Zone or the Rural Production Zone.
LDR-P4 – Privacy and Sunlight	<p>To avoid dominance of buildings and loss of access to sunlight, and to maintain a high level of privacy by:</p> <ul style="list-style-type: none"> a. Managing the height of buildings and the height of buildings in relation to the distance from site boundaries. b. Locating and orientating building areas to ensure each have a rural outlook.
LDR-P5- Highly Versatile Soils	<p>To preserve the productive capacity of highly versatile soils by:</p> <ul style="list-style-type: none"> a. Limiting the extent of building coverage. b. Requiring the indefinite retention of 50% of the site. c. Requiring subdivision design and location of proposed building areas to be located on the least productive land.
LDR-P6- Biodiversity	To preserve rural character and amenity and to enhance biodiversity by protecting areas of indigenous vegetation and habitats, and precluding earthworks or the construction of buildings or structures in identified areas.
LDR-P7- Road Setbacks	To avoid ribbon development and maintain the rural outlook from State Highways and roads shown on the planning maps, by ensuring buildings and building areas are setback from the road boundary.
LDR-P8- Residential Intensity and Yield of Subdivision	<p>To avoid the loss of a sense of open space and rural outlook by:</p> <ul style="list-style-type: none"> a. Limiting the density of residential units. b. Limiting the yield of subdivision to reflect a low level residential intensity of development. c. Requiring uninhabited spaces between residential clusters to be contiguous and protected in perpetuity.
LDR-P9 – Non-Residential Activities	To protect character and amenity by restricting the establishment of non-residential activities and ensuring that any non-residential activities and home occupations are of a design, scale and appearance that is compatible with a residential context.
LDR-P10 – Esplanade Areas	To protect esplanade areas and reserve waterfront walkways by avoiding impervious areas adjacent to Mean High Water Springs and river banks.

Low Density Residential Zone

Chapter (LDR)

LDR-P11 Lot Size	To minimise the amount of unproductive land use and unnecessary curtilage by requiring additional allotments to be as small as practicable.
LDR-P12 Clustering	To consolidate built form and locate new building areas near any existing or proposed building areas so as to maximise the extent of uninhabited space between residential clusters.
LDR-P13 Subdivision Design	To design subdivision and development to preserve rural character and amenity by: <ol style="list-style-type: none"> Recognizing and taking into account all site specific elements and features. Requiring the maintenance and enhancement of any existing Indigenous Vegetation and Habitats and natural waterbodies. Recognising and maintaining any Sites of Significance to Maori.
LDRZ-P14 Environmental Enhancement	To consider multi-unit or infill development on those lots smaller than 2500m ² where higher densities of development are off-set by significant enhancement of natural and environmental features.
LDRZ-P15 Indigenous Vegetation	To preserve rural character and amenity and to enhance biodiversity by limiting clearance of indigenous vegetation or the disturbance of land in identified significant habitats.

Rules

LDR-R1 Any Activity Not Otherwise Listed in This Chapter

Activity Status: P

Where:

All relevant LDR rules are complied with.

The activity is permitted under all relevant Overlay and District Wide rules.

LDR-R2 Building Height

Activity Status: P

Where:

- The maximum building height is 8m.

Activity Status when compliance not achieved: D

Low Density Residential Zone

Chapter (LDR)

LDR-R3	Building Setback	
	Activity Status: P (Permitted) Where: <ol style="list-style-type: none"> The building is set back at least: <ol style="list-style-type: none"> 20m from the boundary of a road shown on the planning maps. 27m from Mean High Water Springs or the top of the bank of any river that has a width exceeding 3m (excluding bridges, culverts and fences). The building is located within 50m of: <ol style="list-style-type: none"> An existing building; or An approved building area within the Low-Density Residential Zone; or A site within a Residential Zone. 	Activity Status when compliance not achieved: D (Discretionary)

LDR-R4	Building Height in Relation of Boundary	
	Activity Status: P (Permitted) Where: <ol style="list-style-type: none"> No part of the building exceeds a height equal to 3m plus the shortest horizontal distance between that part of the building and the site boundary. 	Activity Status when compliance not achieved: D (Discretionary)

LDR-R5	Building Coverage	
	Activity Status: P (Permitted) Where: <ol style="list-style-type: none"> The coverage of all buildings does not exceed 500m² on any site. 	Activity Status when compliance not achieved: D (Discretionary)

Low Density Residential Zone

Chapter (LDR)

LDR-R6	Impervious Areas	
	<p>Activity Status: P (Permitted)</p> <p>Where:</p> <ol style="list-style-type: none"> 1. The cumulative impervious areas (including buildings) is less than 1,000m². 2. The impervious area is set back at least 5m from Mean High Water Springs or the top of the bank of any river that has a width exceeding 3m (excluding bridges, culverts and fences). 	<p>Activity Status when compliance not achieved: D (Discretionary)</p>
LDR-R7	Indigenous Vegetation Clearance	
	<p>Activity Status: P (Permitted)</p> <p>Where:</p> <ol style="list-style-type: none"> 1. The clearance of indigenous vegetation: <ol style="list-style-type: none"> a. Does not exceed 500m² per site within each 10 year period from [operative date]. b. Is not within 20m of a water body. c. Is associated with: <ol style="list-style-type: none"> i. Routine maintenance within 7.5m of the eaves of existing buildings: <ol style="list-style-type: none"> a) Including the removal of any tree where any part of the trunk is within the 7.5m distance. b) Excluding damage to the roots or removal of any tree where the trunk is outside the 7.5m distance. ii. Operation, maintenance and repair of existing tracks, lawns, gardens, fences, drains and other lawfully established activities iii. Pest plant removal and biosecurity works vi. Vegetation removal for customary rights v. Conservation planting, including planting for ecological restoration purposes. 	<p>Activity Status when compliance not achieved: D (Discretionary)</p>

Low Density Residential Zone

Chapter (LDR)

LDR-R8	Earthworks	
	<p>Activity Status: P (Permitted)</p> <p>Where:</p> <ol style="list-style-type: none"> 1. Within a 12 month period Less than 2000m² of exposed soil at any one time. 2. Any cut or fill height is less than 2m. 	<p>Activity Status when compliance not achieved: D (Discretionary)</p>
LDR-R9	Residential Unit	
	<p>Activity Status: P (Permitted)</p> <p>Where:</p> <ol style="list-style-type: none"> 1. The maximum density will not exceed one residential unit per 5000m². 2. The residential unit Is not constructed or located within an area previously identified as an area for indefinite retention, such as a no build, no residential or conservation covenant, consent notice or similar. 	<p>Activity Status when compliance not achieved: D (Discretionary) or Pr (Prohibited)</p>
LDR-R10	Sensitive Activity	
	<p>Activity Status: P (Permitted)</p> <p>Where:</p> <ol style="list-style-type: none"> 1. The Sensitive Activity is setback further than: <ol style="list-style-type: none"> a. 500m from a Quarry Resource Area. b. 500m from a Heavy Industry Zone c. 30m from the Rural Production Zone. 	<p>Activity Status when compliance not achieved: D (Discretionary)</p>

Low Density Residential Zone

Chapter (LDR)

LDR-R11	Commercial Service	
LDR-R12	Artisan Industrial Activities	
	Activity Status: P (Permitted) Where: <ol style="list-style-type: none"> 1. The activity <ol style="list-style-type: none"> a. Is ancillary to the primary residential activity on site. b. Does not exceed the use of 45m² GFA or 15% of the total GFA of all buildings on the site, whichever is the lesser. c. Has a total area of signage no greater than 0.25m², per site. d. Does not have illuminated or moving signage. e. Generates less than 20 traffic movements per day, per site. f. Operates or is open for visitors, clients, deliveries or servicing outside of the hours of 0600 -2200. g. There is car parking located between the residential unit and the road. h. In addition to the principal operator has no more than two other persons engaged in providing the activity. 	Activity Status when compliance not achieved: D (Discretionary)
LDR-R13	Seasonal Activities	
LDR-R14	Farming	
	Activity Status: P	
LDR-R15	Place of Assembly	
LDR-R16	Recreational Facilities	
LDR-R17	Educational Facilities	
	Activity Status: D (Discretionary)	

Low Density Residential Zone

Chapter (LDR)

LDR-R18	Plantation Forestry
LDR-R19	Intensive Livestock Farming
LDR-R20	Farm Quarrying
LDR-R21	General Industry
LDR-R22	Manufacturing and Storage
LDR-R23	Repair and Maintenance Service
LDR-R24	Marine Industry
LDR-R25	Motor Vehicle Sales
LDR-R26	Garden Centres
LDR-R27	Marine Retail
LDR-R28	Drive Through Facilities
LDR-R29	Hire Premise
LDR-R30	Service Stations
LDR-R31	Funeral Home
LDR-R32	Trade Suppliers
LDR-R33	Dairies
LDR-R34	Supermarkets
LDR-R35	General Retail
LDR-R36	Food and Beverage Activity
LDR-R37	Entertainment Facilities
LDR-R38	Visitor Accommodation
LDR-R39	Care Centre
LDR-R40	Health Care Facilities
LDR-R41	Emergency Services
LDR-R42	Hospital
Activity Status: NC (Non-Complying)	

Low Density Residential Zone

Chapter (LDR)

LDR-R42	Residential Unit within an Area Identified for Indefinite Retention
	Activity Status: Pr (Prohibited)
	Where:
	1. The construction or location of Residential Units within an area previously identified as an area for indefinite retention, such as a no build, no residential or conservation covenant, consent notice or similar.
LDR-R43	Marine Industry
LDR-R44	Waste Management Facility
LDR-R45	Landfill
	Activity Status: Pr (Prohibited)

Medium-density Residential Zone (MDR)

Overview

The Medium-density Residential Zone (MDR) provides predominantly for residential development within the Urban Area of Whangarei. The MDR provides for traditional suburban densities and housing forms, and is characterised by one to two storey stand-alone (detached) residential units on larger properties, consistent with an urban, medium density character. Over time, it is anticipated that the MDR will experience minimal, incremental and low impact change.

Commercial activities are discouraged in the MDR. However, some opportunities are provided for non-residential activities such as retail activities, commercial services, community activities and visitor accommodation, while ensuring that residential amenity and character are not compromised and that activities are sympathetic to the surrounding residential context.

Objectives

MDR-O1 – Density	Subdivision and development are consistent with the medium density built environment and are compatible with the amenity levels of medium density residential development.
MDR-O2 – Housing Variety	Provide for a range of allotment sizes and densities and low impact, minor residential units that help provide for affordable, diverse and multi-generational living.
MDR-O3 – Amenity	Subdivision and development provide quality on-site residential amenity for residents, adjoining allotments and the street.
MDR-O4 – Non-Residential Activities	Residential activities remain the dominant activity in MDR and any non-residential activities are compatible with residential amenity.

Policies

MDR-P1 – Density and Character	To achieve a medium density urban built character by: <ol style="list-style-type: none"> 1. Managing the number of households that can be accommodated on each allotment. 2. Managing the height, bulk and form of development. 3. Requiring sufficient outdoor living space and landscaping within each allotment. 4. Enabling residential development on allotments of an appropriate size and shape.
MDR-P2 – Development Scale and Design	To ensure that the physical scale and design of development is sympathetic to the form and scale of existing housing, so that change is managed and adverse effects in terms of dominance, intrusion of privacy and shading are minimised.
MDR-P3 – On-Site Amenity	To require residential activities to achieve appropriate levels of on-site amenity by providing: <ol style="list-style-type: none"> 1. Useable private outdoor living courts. 2. Sufficient access to sunlight throughout the year. 3. Adequate space to accommodate typical residential living requirements.

Medium-density Residential Zone (MDR)

MDR-P4 – Outdoor Living Courts	To provide for development that infringes minimum outdoor living court and sunlight access requirements only where the development is designed to minimise impacts on on-site amenity, including through communal outdoor living spaces.
MDR-P5 – Adjacent Properties	To mitigate adverse amenity effects on adjacent properties by sensitively designing residential development to: <ol style="list-style-type: none"> 1. Manage the intrusion of privacy and the extent of building dominance on adjacent residential units and outdoor living spaces. 2. Minimise the degree of overshadowing to any adjoining allotment or residential unit.
MDR-P6 – Residential Amenity and Character	To manage adverse effects on residential amenity and character by requiring developments to have regard to the way the development: <ol style="list-style-type: none"> 1. Provides street activation through connection between front doors and the street. 2. Provides landscaping that enhances on-site and local residential amenity, with particular regard to street frontage. 3. Avoids large continuous building facades or walls that are not articulated or broken down into smaller elements. 4. Relates to neighbouring properties by employing setbacks, sensitive building orientation and design, and landscaping to mitigate dominance and privacy impacts. 5. Provides an active interface to open space onto which it fronts. 6. Is sympathetic to other buildings in the vicinity, having regard to: <ol style="list-style-type: none"> a. Building materials and external appearance. b. Glazing treatment. c. Building bulk, scale and symmetry.
MDR-P7 – Impervious Areas	To restrict impervious areas within allotments in order to: <ol style="list-style-type: none"> 1. Manage stormwater runoff. 2. Protect and enhance amenity values. 3. Protect esplanade areas and reserve waterfront walkways.
MDR-P8 – Non-Residential Activities	To only enable non-residential activities where they: <ol style="list-style-type: none"> 1. Will not detract from the vitality and viability of commercial centres. 2. Are complementary in design, scale, nature and intensity to the residential context. 3. Avoid, remedy or mitigate adverse effects on residential amenity values such as noise, traffic, parking, lighting, glare and visual impact.
MDR-P9 – Comprehensive Design	To encourage subdivision and landuse proposals to be undertaken concurrently as part of a comprehensive design process.
MDR-P10 – Subdivision	To promote good design and layout of subdivision which achieves the following: <ol style="list-style-type: none"> 1. Lots are shaped and sized to allow adequate sunlight to outdoor living spaces, and to provide adequate on-site amenity and privacy. 2. Where possible, lots are located so that they over-look and front roads and open spaces.

Medium-density Residential Zone (MDR)

	<ol style="list-style-type: none"> The creation of multiple rear allotments is limited, and where practicable avoided. A permeable street network where the use of cul-de-sacs is limited. Connections within a development, and between developments and the public realm, are maximised. Opportunities for connections to public open space, services and facilities in the neighbourhood are identified and created.
MDR-P11 – Density	<p>To provide a range of allotment sizes and densities while protecting residential character and amenity by considering increased residential density where:</p> <ol style="list-style-type: none"> A mixture of housing typologies, including low-cost options, is provided. The location is supportive of pedestrians, cyclists and public transport. The area is in proximity to a commercial centre.

Rules

MDR-R1 Any Activity Not Otherwise Listed in This Chapter

Activity Status: P (Permitted)

Where:

- All relevant MDR rules are complied with.
- The activity is permitted under all relevant Overlay and District Wide rules.

MDR-R2 Building Height

Activity Status: P

Where:

- The maximum building height is 8m.

Activity Status when compliance not achieved:
D (Discretionary)

MDR-R3 Building Setbacks

Activity Status: P

Where:

- Any habitable room of a building is set back at least:
 - 4.5m from the road boundary.
 - 3m from side and rear boundaries, allowing for one 1.5m setback.
- Any non-habitable building or non-habitable room of a building (e.g.

Activity Status when compliance not achieved:
D

Medium-density Residential Zone (MDR)

garage, carport, lean-to) is set back at least:

- a. 4.5m from the road boundary.
 - b. 1.5m from any other boundary, allowing for a nil setback for a maximum building length of 7.5m on any single boundary for a maximum total building length of 10.5m on all boundaries.
 - c. 2.5m from a habitable room on any other allotment.
3. Any building is set back at least 27m from Mean High Water Springs or the top of the bank of any river that has a width exceeding 3m (excluding bridges, culverts and fences).

MDR-R4 Building Height in Relation to Boundary

Activity Status: P

Where:

1. No part of a building exceeds a height equal to 3m plus the shortest horizontal distance between that part of the building and any side or rear boundary.

Note:

1. *Measurements for this rule can be taken from the furthest boundary when adjoining an access lot/access leg.*

Activity Status when compliance not achieved:
D

MDR-R5 Outdoor Living Court

Activity Status: P

Where:

1. Every residential unit:
 - a. With one or more habitable rooms at ground floor level provides an outdoor living court of at least 20m² and at least 4m depth.
 - b. With all habitable rooms above ground floor provides an outdoor living court of at least 10m² and at least 2.4m depth.
2. Every minor residential unit:
 - a. With one or more habitable rooms at ground floor level provides an

Activity Status when compliance not achieved:
RD (Restricted Discretionary)

Matters of discretion:

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

Notification:

Medium-density Residential Zone (MDR)

<p>outdoor living court of at least 20m² and at least 4m depth.</p> <p>b. With all habitable rooms above ground floor provides an outdoor living court of at least 6m² and at least 1.8m depth.</p> <p>3. The outdoor living court is able to receive direct sunlight for at least 5 hours on the winter solstice over at least 50% of the minimum space required under MDR-R5.1-2.</p>	Any restricted discretionary activity shall not require the written consent of affected persons and shall not be notified or limited-notified unless Council decides that special circumstances exist under section 95A(4) of the Resource Management Act 1991.
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MDR-R6 Impervious Areas	
<p>Activity Status: P</p> <p>Where:</p> <ol style="list-style-type: none"> 1. The impervious area within the allotment does not exceed 60% of the allotment area. 2. The impervious area is set back at least 5m from Mean High Water Springs or the top of the bank of any river that has a width exceeding 3m (excluding bridges, culverts and fences). 	Activity Status when compliance not achieved: D

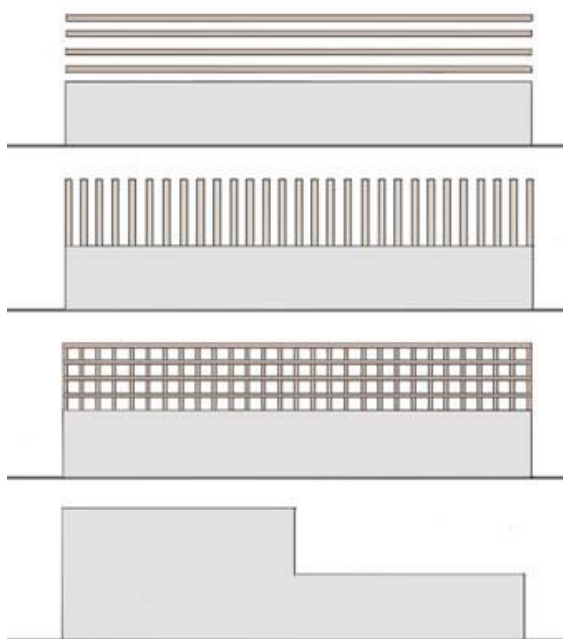
MDR-R7 Landscaping	
<p>Activity Status: P</p> <p>Where:</p> <ol style="list-style-type: none"> 1. At least 30% of the net allotment area is in landscaping. 	Activity Status when compliance not achieved: D

MDR-R8 Fences	
<p>Activity Status: P</p> <p>Where:</p> <ol style="list-style-type: none"> 1. Any fence has a maximum height of 2m. 2. Any fence within 3m of a road boundary is at least 50% visually permeable for any portion above 1m high. 3. Any fence along a boundary shared with an Open Spaces Zone is at least 50% 	Activity Status when compliance not achieved: D

Medium-density Residential Zone (MDR)

- visually permeable for any portion above 1.5m high.
4. Fencing is not fortified with barbed wire, broken glass or any form of electrification except for stock exclusion purposes where abutting the Rural Production Zone.

Figure 1: Examples of fences solid up to 1m and 50% visually permeable between 1m and 2m high



MDR-R9 Car Parking		
Activity Status: P		Activity Status when compliance not achieved: D
Where:		
1. Any car parking spaces are located at least 2m from any road boundary.		

MDR-R10 Outdoor Areas of Storage or Stockpiles		
Activity Status: P		Activity Status when compliance not achieved: D
Where:		
1. Any outdoor area of storage or stockpile: a. Complies with rules MDR-R2 – R4. b. Is screened from view from public places and surrounding allotments.		

Medium-density Residential Zone (MDR)

MDR-R11	Supported Residential Care	Activity Status when compliance not achieved: D
<p>Activity Status: P</p> <p>Where:</p> <ol style="list-style-type: none"> 1. The activity generates less than 25 traffic movements per day, per allotment. 		
MDR-R12	Residential Unit	Activity Status when compliance not achieved: D
<p>Activity Status: P</p> <p>Where:</p> <ol style="list-style-type: none"> 1. The maximum density is 1 residential unit per 450m² net allotment area provided that one residential unit is permitted on an allotment of any size. 2. The residential unit is separated by at least 3m from any other detached residential activity (excluding any associated minor residential unit). 3. The residential unit is separated by at least 6m from any other detached residential activity where there is an outdoor living court between the residential activities (excluding any associated minor residential unit). 		<p><i>Note: Refer to MDR-REQ1 for information requirements.</i></p>
MDR-R13	Minor Residential Unit	Activity Status when compliance not achieved: D
<p>Activity Status: P</p> <p>Where:</p> <ol style="list-style-type: none"> 1. The maximum density is 1 minor residential unit per residential unit on the allotment. 		<p><i>Note: Refer to MDR-REQ1 for information requirements.</i></p>

Medium-density Residential Zone (MDR)

MDR-R14	Retail Activity	
MDR-R15	Commercial Services	
MDR-R16	Food and Beverage Activity	
MDR-R17	Care Centre	
	<p>Activity Status: P</p> <p>Where:</p> <ol style="list-style-type: none"> 1. The activity is ancillary to a residential unit on the allotment. 2. The activity generates less than 20 traffic movements per day, per allotment. 3. There is no car parking between the residential unit and the road. 4. In addition to the principal operator, the activity has no more than two other persons engaged in providing the activity. 5. The activity does not exceed the use of 15% of the total GFA of all buildings on the allotment. 6. The total area of signage is less than 0.25m², per allotment. 7. There is no illuminated or moving signage. 	<p>Activity Status when compliance with up to two of the rules is not achieved: D</p> <p>Activity Status when compliance with more than two of the rules is not achieved: NC (Non-Complying)</p> <p>Notification:</p> <p>Any non-complying activity must be publicly notified.</p>
MDR-R18	Multi Unit Development	
	<p>Activity Status: RD</p> <p>Where:</p> <ol style="list-style-type: none"> 1. The activity meets Rules MDR-R2 – R4. <p>Matters of discretion:</p> <ol style="list-style-type: none"> 1. Appropriate privacy and amenity of the occupants on-site. 2. Sufficient sunlight access to outdoor living spaces and habitable rooms within the allotment. 3. The proximity of the allotment to communal or public open space that has the potential to mitigate any lack of private outdoor living space. 	<p>Activity Status when compliance not achieved: D</p>

Medium-density Residential Zone (MDR)

4. The suitability of the particular area for increased residential density, including:
 - a. The availability and accessibility of open space, public amenities and commercial activities in proximity.
 - b. Capacity and availability of infrastructure.
 - c. Road access and effects on transport, including availability of public and/or active transport options.

Notification:

Any restricted discretionary activity under MDR-R18 shall not require the written consent of affected persons and shall not be notified or limited-notified unless Council decides that special circumstances exist under section 95A(4) of the Resource Management Act 1991.

Note: Refer to MDR-REQ1 for information requirements.

MDR-R19 Visitor Accommodation

MDR-R20 Place of Assembly

MDR-R21 Emergency Services

Activity Status: D

MDR-R22 Entertainment Facilities

MDR-R23 Service Stations

MDR-R24 Funeral Home

MDR-R25 Recreational Facilities

MDR-R26 Educational Facilities

MDR-R27 Hospital

Activity Status: NC

Notification:

Any non-complying landuse activity must be publicly notified.

Medium-density Residential Zone (MDR)

MDR-R28 Rural Production Activity

MDR-R29 Industrial Activities

Activity Status: Pr (Prohibited)

Rule Requirements

MDR-REQ1 Information Requirement

1. All applications for resource consent pursuant to MDR-R12.1, MDR-R13 or MDR-R18 shall include an urban design assessment prepared by a suitably qualified and experienced professional which details:
 - a. Any consultation undertaken as part of any pre-application meetings with Council and any mitigation measures that were recommended by Council.
 - b. How the proposal is consistent with best practice urban design, the relevant objectives and policies and the MDR building bulk and location standards.
 - c. The effects on the neighbourhood character, residential amenity, safety and the surrounding residential area, with particular regard to building bulk, location and design and parking and transport.
 - d. Consideration of potential effects on adjacent neighbours.
 - e. The extent to which the allotment layout and any proposed landscaping helps to avoid or minimise the impacts on adjacent streets and public spaces or adjacent residential allotments.

Note:

1. *Acceptable means of compliance and best practice urban design guidance is contained within Whangarei District Council's Urban Design Guidelines 2018.*

High-density Residential Zone (HDR)

Overview

The High-density Residential Zone (HDR) provides predominantly for higher density residential development in urban areas with few constraints and that are within easy walking distance to public open space and commercial centres. Over the foreseeable future traditional single residential unit properties will likely remain a dominant feature within the HDR. However, incremental change can be expected with an increasing prevalence of terrace housing, semi-detached housing and detached townhouses on smaller sections.

While it is recognised that more intensive residential development has the potential to generate adverse effects on established residential environments, it can and should be well designed so that the layout and scale of housing complements established neighbourhoods. However, care has been taken not to set development controls at such a level that the feasibility of development may be unduly compromised.

It is expected that any changes to existing amenity levels resulting from further residential intensification will be gradual. Such changes will be off-set by advantages gained from increased neighbourhood activity and vitality, better population support for commercial centres, an emphasis on good quality urban design, a greater range of housing options, better utilisation of existing public facilities and infrastructure and reduced urban sprawl.

Commercial activities are discouraged in the HDR. However, some opportunities are provided for non-residential activities such as community activities, visitor accommodation, supported residential care and home occupations, while ensuring that residential amenity and character are not compromised and that the activity is sympathetic to the surrounding residential context.

Objectives

HDR-O1 –Density	Subdivision and development are consistent with the planned high density built environment and are compatible with the amenity levels of high density residential development.
HDR-O2 – Housing Capacity	Increase housing capacity, intensity and variety.
HDR-O3 – Amenity	Subdivision and development provide quality on-site residential amenity for residents, adjoining allotments and the street while acknowledging the potential for reduced on-site amenity due to increased building scale and density.
HDR-O4 – Non-Residential Activities	Residential activities remain the dominant activity in HDR and any non-residential activities are compatible with residential amenity.

High-density Residential Zone (HDR)

Policies	
HDR-P1 – Residential Activities	<p>To recognise and provide for the diverse accommodation needs of the community by:</p> <ol style="list-style-type: none"> 1. Allowing for decreased outdoor living space and landscaping provided that public open space is conveniently accessible. 2. Enabling a variety of high density housing types including terrace housing, semi-detached townhouses, compact detached townhouses and multi unit developments.
HDR-P2 – Development Scale and Design	<p>To ensure that the physical scale and design of development is sympathetic to the form and scale of existing housing, so that change is managed and adverse effects in terms of dominance, intrusion of privacy and shading are minimised.</p>
HDR-P3 – On-Site Amenity	<p>To require residential design to achieve good levels of on-site amenity by providing:</p> <ol style="list-style-type: none"> 1. Useable private outdoor living courts. 2. Sufficient access to sunlight throughout the year. 3. Adequate space to accommodate typical residential living requirements.
HDR-P4 – Outdoor Living Courts	<p>To provide for development that infringes minimum outdoor living court and sunlight access requirements only where the development is designed to minimise impacts on on-site amenity, including through communal outdoor living space.</p>
HDR-P5 – Adjacent Properties	<p>To mitigate adverse amenity effects on adjacent properties by sensitively designing residential development to:</p> <ol style="list-style-type: none"> 1. Manage the intrusion of privacy and the extent of building dominance on adjoining residential units and areas of outdoor amenity. 2. Minimise the degree of overshadowing or obstruction of sunlight penetration to any adjoining allotment or residential unit.
HDR-P6 – Residential Amenity and Character	<p>To manage adverse effects on residential amenity and character by requiring new developments to have regard to the way the development:</p> <ol style="list-style-type: none"> 1. Provides street activation through connection between front doors and the street. 2. Provides landscaping and planting that enhances on-site and local residential amenity, with particular regard to street frontage. 3. Avoids large continuous building facades or walls that are not articulated or broken down into smaller elements. 4. Relates to neighbouring properties by employing setbacks, sensitive building orientation and design, and landscaping to mitigate dominance and privacy impacts. 5. Provides an active interface to open space on to which it fronts. 6. Is sympathetic to other buildings in the vicinity, having regard to: <ol style="list-style-type: none"> a. Building materials and external appearance. b. Glazing treatment. c. Building bulk, scale and symmetry.

High-density Residential Zone (HDR)

HDR-P7 – Impervious Areas	To restrict impervious areas within allotments in order to: <ol style="list-style-type: none"> 1. Manage stormwater runoff. 2. Protect and enhance amenity values. 3. Protect esplanade areas and reserve waterfront walkways.
HDR-P8 – Non-Residential Activities	To only enable non-residential activities where they: <ol style="list-style-type: none"> 1. Will not detract from the vitality and viability of established commercial centres. 2. Are complementary in design, scale, nature and intensity to the residential context. 3. Avoid, remedy or mitigate adverse effects on residential amenity values such as noise, traffic, parking, lighting, glare and visual impact.
HDR-P9 – Comprehensive Design	To encourage subdivision and landuse proposals to be undertaken concurrently as part of a comprehensive design process.
HDR-P10 – Subdivision	To promote design and layout of subdivision which achieves the following: <ol style="list-style-type: none"> 1. Lots are shaped and sized to allow adequate sunlight to living and outdoor spaces, and to provide appropriate on-site amenity and privacy. 2. Where possible, lots are located so that they over-look and front roads and open spaces. 3. The creation of multiple rear allotments is limited, and where practicable avoided. 4. A permeable street network where the use of cul-de-sacs is limited. 5. Connections within a development, and between developments and the public realm, are maximised. 6. Opportunities for connections to public open space, services and facilities in the neighbourhood are identified and created.

Rules

HDR-R1 Any Activity Not Otherwise Listed in This Chapter

Activity Status: P (Permitted)

Where:

1. All relevant HDR rules are complied with.
2. The activity is permitted under all relevant Overlay and District Wide rules.

HDR-R2 Building Height

Activity Status: P

Where:

1. The maximum building height is 11m.

Activity Status when compliance not achieved: D (Discretionary)

High-density Residential Zone (HDR)

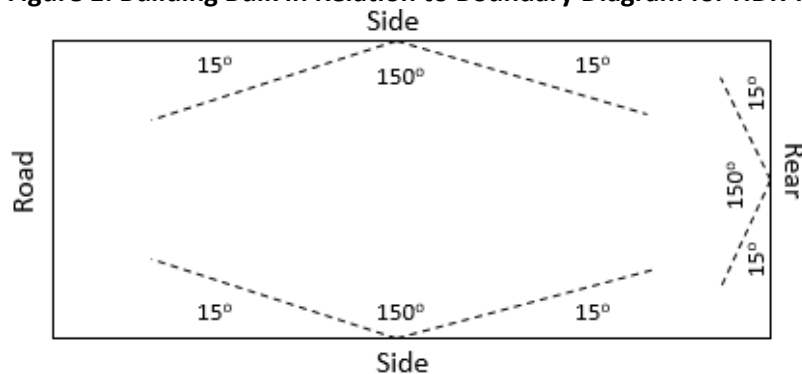
HDR-R3 Building Setbacks		
Activity Status: P		Activity Status when compliance not achieved: D
Where:		
<ol style="list-style-type: none"> Any building is set back at least: <ol style="list-style-type: none"> 2m from the road boundary. 27m from Mean High Water Springs or the top of the bank of any river that has a width exceeding 3m (excluding bridges, culverts and fences). Any habitable room of a building is set back at least 1.5m from side and rear boundaries, except where a common wall between two buildings on adjacent allotments is proposed. Any non-habitable building or non-habitable room of a building (e.g. garage, carport, lean-to) is set back at least: <ol style="list-style-type: none"> 1.5m from side and rear boundaries, allowing for a nil setback for a maximum building length of 7.5m on any single boundary for a maximum total building length of 10.5m on all boundaries. 2.5m from a habitable room on any other allotment. 		
HDR-R4 Building Bulk in Relation to Boundary		
Activity Status: P		Activity Status when compliance not achieved: D
Where:		
<ol style="list-style-type: none"> A building does not result in an existing residential or minor residential unit on a separate allotment no longer being able to comply with HDR-R5.2 or HDR-R14.2 or increase the degree of infringement for an existing residential or minor residential unit. Any part of a building that is greater than 3.5m in height is confined within the arms of a single 150° angle formed by two lines intersecting at a common point on any side or rear boundary such that each line forms an angle of 15° with that boundary. 		

High-density Residential Zone (HDR)

Notes:

1. HDR-R4.2 does not apply where a common wall between two buildings on adjacent allotments is proposed.
2. Measurements for HDR-R4.2 can be taken from the furthest boundary when adjoining an access lot/access leg.

Figure 1: Building Bulk in Relation to Boundary Diagram for HDR-R4.2



HDR-R5 Outdoor Living Court

Activity Status: P

Where:

1. Every residential and minor residential unit:
 - a. With one or more habitable rooms at ground floor level provides an outdoor living court of at least 20m² and at least 4m depth.
 - b. With all habitable rooms above ground floor with 1 or 2 bedrooms provides an outdoor living court of at least 6m² and at least 1.8m depth.
 - c. With all habitable rooms above ground with 3 or more bedrooms provides an outdoor living court of at least 10m² and at least 2.4m depth.
2. The outdoor living court is able to receive direct sunlight for at least 5 hours on the winter solstice over at least 50% of the minimum space required under HDR-R5.1.

Activity Status when compliance not achieved: RD (Restricted Discretionary)

Matters of discretion:

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

Notification:

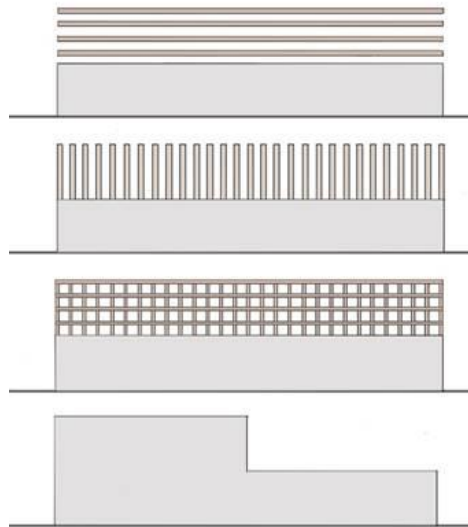
Any restricted discretionary activity under HDR-R5 shall not require the written consent of affected persons and shall not be notified or limited-notified unless Council decides that special circumstances exist under section 95A(4) of the Resource Management Act 1991.

High-density Residential Zone (HDR)

HDR-R6 Impervious Areas		
Activity Status: P		Activity Status when compliance not achieved: D
Where:		
<ol style="list-style-type: none"> 1. The impervious area within the allotment does not exceed 65% of the allotment area. 2. The impervious area is set back at least 5m from Mean High Water Springs or the top of the bank of any river that has a width exceeding 3m (excluding bridges, culverts and fences). 		
HDR-R7 Landscaping		
Activity Status: P		Activity Status when compliance not achieved: D
Where:		
<ol style="list-style-type: none"> 1. At least 25% of the net allotment area is in landscaping. 		
HDR-R8 Fences		
Activity Status: P		Activity Status when compliance not achieved: D
Where:		
<ol style="list-style-type: none"> 1. Any fence has a maximum height of 2m. 2. Any fence within 3m of a road boundary is at least 50% visually permeable for any portion above 1m high. 3. Any fence along a boundary shared with an Open Spaces Zone is at least 50% visually permeable for any portion above 1.5m high. 4. Fencing is not fortified with barbed wire, broken glass or any form of electrification except for stock exclusion purposes where abutting the Rural Production Zone. 		

High-density Residential Zone (HDR)

Figure 2: Examples of fences solid up to 1m and 50% visually permeable between 1m and 2m high



HDR-R9	Garages	
	Activity Status: P	Activity Status when compliance not achieved: D
	Where:	
	1. Any ground floor garage door which faces the street occupies less than 40% of the allotment frontage.	
HDR-R10	Car Parking	
	Activity Status: P	Activity Status when compliance not achieved: D
	Where:	
	1. Any car parking spaces within the allotment (excluding garages) are located at least 2m from any road boundary.	
HDR-R11	Outdoor Areas of Storage or Stockpiles	
	Activity Status: P	Activity Status when compliance not achieved: D
	Where:	
	1. Any outdoor area of storage or stockpile:	
	a. Complies with rules HDR-R2 – R4.	

High-density Residential Zone (HDR)

- b. Is screened from view from public places and surrounding allotments.

HDR-R12	Supported Residential Care	
	<p>Activity Status: P</p> <p>Where:</p> <ol style="list-style-type: none"> 1. The activity generates less than 25 traffic movements per day, per allotment. 	<p>Activity Status when compliance not achieved: D</p>
HDR-R13	Residential Unit	
HDR-R14	Minor Residential Unit	
	<p>Activity Status: P</p> <p>Where:</p> <ol style="list-style-type: none"> 1. Every residential unit provides an internal area (excluding garages) of at least: <ol style="list-style-type: none"> a. For 1 bedroom – 60m² b. For 2 bedrooms – 75m² c. For 3 bedrooms – 110m² d. For more than 3 bedrooms – 110m² plus 20m² for each additional bedroom. 2. Every residential unit and minor residential unit provides a living area that can receive direct sunlight for at least 5 hours on the winter solstice. 3. There is a separation distance of at least 6m from any window in a habitable room to a window of a habitable room in a separate residential activity (excluding any associated minor residential unit) where there is a direct line of sight between the windows. 	<p>Activity Status when compliance not achieved: RD</p> <p>Matters of discretion:</p> <ol style="list-style-type: none"> 1. The design, size and layout of buildings to provide appropriate privacy and amenity of occupants on-site. <p>Notification:</p> <p>Any restricted discretionary activity under HDR-R13-R14 shall not require the written consent of affected persons and shall not be notified or limited-notified unless Council decides that special circumstances exist under section 95A(4) of the Resource Management Act 1991.</p>

High-density Residential Zone (HDR)

HDR-R15	Retail Activity	
HDR-R16	Commercial Services	
HDR-R17	Food and Beverage Activity	
HDR-R18	Care Centre	
	<p>Activity Status: P</p> <p>Where:</p> <ol style="list-style-type: none"> 1. The activity is ancillary to a residential unit on the allotment. 2. The activity generates less than 20 traffic movements per day, per allotment. 3. There is no car parking between the residential unit and the road. 4. In addition to the principal operator, the activity has no more than two other persons engaged in providing the activity. 5. The activity does not exceed the use of 15% of the total GFA of all buildings on the allotment. 6. The total area of signage is less than 0.25m², per allotment. 7. There is no illuminated or moving signage. 	<p>Activity Status when compliance with up to two of the rules is not achieved: D</p> <p>Activity Status when compliance with more than two of the rules is not achieved: NC (Non-Complying)</p> <p>Notification:</p> <p>Any non-complying activity must be publicly notified.</p>
HDR-R19	Multi Unit Development	
	<p>Activity Status: RD</p> <p>Where:</p> <ol style="list-style-type: none"> 1. The activity meets Rules HDR-R2 – R4 and R9. <p>Matters of discretion:</p> <ol style="list-style-type: none"> 1. Appropriate privacy and amenity of the occupants on-site. 2. Sufficient sunlight access to outdoor living space and habitable rooms within the allotment. 	<p>Activity Status when compliance not achieved: D</p>

High-density Residential Zone (HDR)

3. The proximity of the allotment to communal or public open space that has the potential to mitigate any lack of private outdoor living space.
4. The suitability of the particular area for increased residential density, including:
 - a. The availability and accessibility of open space, public amenities and commercial activities in proximity.
 - b. Capacity and availability of infrastructure.
 - c. Road access and effects on transport, including availability of public and/or active transport options.

Notification:

Any restricted discretionary activity under HDR-R19 shall not require the written consent of affected persons and shall not be notified or limited-notified unless Council decides that special circumstances exist under section 95A(4) of the Resource Management Act 1991.

Note: Refer to HDR-REQ1 for information requirements.

HDR-R20 Visitor Accommodation

HDR-R21 Place of Assembly

HDR-R22 Emergency Services

Activity Status: D

High-density Residential Zone (HDR)

HDR-R23 Entertainment Facilities

HDR-R24 Service Stations

HDR-R25 Funeral Home

HDR-R26 Recreational Facilities

HDR-R27 Educational Facilities

HDR-R28 Hospital

Activity Status: NC

Notification:

Any non-complying landuse activity must be publicly notified.

HDR-R29 Rural Production Activity

HDR-R30 Industrial Activities

Activity Status: Pr (Prohibited)

Rule Requirements

HDR-REQ1 Information Requirement

1. All applications for resource consent pursuant to HDR-R19 shall include an urban design assessment prepared by a suitably qualified and experienced professional which details:
 - a. Any consultation undertaken as part of any pre-application meetings with Council and any mitigation measures that were recommended by Council.
 - b. How the proposal is consistent with best practice urban design, the relevant objectives and policies and the HDR building bulk and location standards.
 - c. The effects on the neighbourhood character, residential amenity, safety and the surrounding residential area, with particular regard to building bulk, location and design and parking and transport.
 - d. Consideration of potential effects on adjacent neighbours.
 - e. The extent to which the allotment layout and any proposed landscaping helps to avoid or minimise the impacts on adjacent streets and public spaces or adjacent residential allotments.

Note:

1. *Acceptable means of compliance and best practice urban design guidance is contained within Whangarei District Council's Urban Design Guidelines 2018.*

High-density Residential Zone (HDR)



Residential Zone (RES)

Overview

The Residential Zone (RES) provides for large lot, low density residential living on the periphery of the Urban Area where more intensive residential development is inappropriate. The zone forms a transition between urban density and the rural environment.

The principal focus of the RES is residential activities. Development patterns will generally be characterised by large un-serviced residential lots containing mid to large scale residential units, surrounded by large areas of open space. Commercial activities are actively discouraged in the RES. However, small scale non-residential activities are provided for where they are ancillary to residential activities.

Objectives

RES-O1 – Character	Maintain and enhance the low density and spacious character of the Zone.
RES-O2 – Amenity	Subdivision and development maintain on-site amenity and the amenity of adjoining RES allotments.
RES-O3 – Non-Residential Activities	Residential activities remain the dominant activity in RES and any non-residential activities are compatible with residential amenity.

Policies

RES-P1 – Density and Character	To achieve a low density and spacious character by: <ol style="list-style-type: none"> 1. Managing the density of development and minimum lot sizes. 2. Managing the height, bulk and form of development. 3. Enabling residential development on allotments of a size consistent with the low-density character of the Zone and that are able to accommodate on-site wastewater treatment and disposal.
RES-P2 – Non-Residential Activities	To protect the predominately residential nature of the Zone by managing the establishment of non-residential activities and ensuring that any non-residential activities are of a nature, design, scale and appearance that is compatible with a residential context.
RES-P3 – Impervious areas	To restrict impervious areas within allotments in order to: <ol style="list-style-type: none"> 1. Manage stormwater runoff. 2. Protect and enhance amenity values. 3. Protect esplanade areas and reserve waterfront walkways.
RES-P4 – Subdivision	To encourage design and layout of subdivision which achieves the following: <ol style="list-style-type: none"> 1. Lots are shaped and sized to allow generous sunlight to living and outdoor spaces, and provide high levels of on-site amenity and privacy. 2. Where possible, lots are located so that they over-look and front the road and open spaces.

Residential Zone (RES)

3. The creation of multiple rear allotment is limited, and where practicable avoided.

Rules

RES-R1 Any Activity Not Otherwise Listed in This Chapter

Activity Status: P (Permitted)

Where:

1. All relevant RES rules are complied with.
2. The activity is permitted under all relevant Overlay and District Wide rules.

RES-R2 Building Height

Activity Status: P

Where:

1. The maximum building height is 8m.

Activity Status when compliance not achieved:
D (Discretionary)

RES-R3 Building Setbacks

Activity Status: P

Where:

1. The building is set back at least:
 - a. 4.5m from the road boundary.
 - b. 3m from side and rear boundaries, allowing for one 2m setback.
 - c. 27m from Mean High Water Springs or the top of the bank of any river that has a width exceeding 3m (excluding bridges, culverts and fences).

Activity Status when compliance not achieved:
D

Residential Zone (RES)

RES-R4	Building Height in Relation to Boundary	
Activity Status: P		Activity Status when compliance not achieved: D
Where:		
1. No part of the building exceeds a height equal to 2m plus the shortest horizontal distance between that part of the building and any side or rear boundary.		
<i>Note:</i>		
1. <i>Measurements for this rule can be taken from the furthest boundary when adjoining an access lot/access leg.</i>		
RES-R5	Building Coverage	
Activity Status: P		Activity Status when compliance not achieved: D
Where:		
1. The maximum building coverage is 25% of the net allotment area.		
RES-R6	Impervious Areas	
Activity Status: P		Activity Status when compliance not achieved: D
Where:		
1. The impervious area within the allotment does not exceed 35% of the allotment area, or 1,000m ² , whichever is the lesser.		
2. The impervious area is set back at least 5m from Mean High Water Springs or the top of the bank of any river that has a width exceeding 3m (excluding bridges, culverts and fences).		
RES-R7	Landscaping	
Activity Status: P		Activity Status when compliance not achieved: D
Where:		
1. At least 40% of the net allotment area is in landscaping.		

Residential Zone (RES)

RES-R8	Fences	
	<p>Activity Status: P</p> <p>Where:</p> <ol style="list-style-type: none"> 1. Any fence has a maximum height of 2m. 2. Fencing is not fortified with barbed wire, broken glass or any form of electrification except for stock exclusion purposes where abutting the Rural Production Zone. 	<p>Activity Status when compliance not achieved: D</p>
RES-R9	Car Parking	
	<p>Activity Status: P</p> <p>Where:</p> <ol style="list-style-type: none"> 1. Any car parking spaces are located at least 2m from any road boundary. 	<p>Activity Status when compliance not achieved: D</p>

Residential Zone (RES)

RES-R10 Indigenous Vegetation Clearance		
<p>Activity Status: P</p> <p>Where:</p> <ol style="list-style-type: none"> 1. The clearance of indigenous vegetation: <ol style="list-style-type: none"> a. Does not exceed 500m² per allotment within each 10-year period from [Operative Date]; and b. Is not within 20m of a water body; or c. Is associated with: <ol style="list-style-type: none"> i. Routine maintenance within 7.5m of the eaves of existing buildings: <ol style="list-style-type: none"> 1. Including the removal of any tree where any part of the trunk is within the 7.5m distance. 2. Excluding damage to the roots or removal of any tree where the trunk is outside the 7.5m distance. ii. Operation, maintenance and repair of existing tracks, lawns, gardens, fences, drains and other lawfully established activities iii. Pest plant removal and biosecurity works iv. Vegetation removal for customary rights v. Conservation planting, including planting for ecological restoration purposes. 		<p>Activity Status when compliance not achieved: D</p>
RES-R11 Outdoor Areas of Storage or Stockpiles		
<p>Activity Status: P</p> <p>Where:</p> <ol style="list-style-type: none"> 1. Any outdoor area of storage or stockpile: <ol style="list-style-type: none"> a. Complies with rules RES-R2 – R4. 		<p>Activity Status when compliance not achieved: D</p>

Residential Zone (RES)

- b. Is screened from view from public places and surrounding allotments.

RES-R12 Farming

Activity Status: P

RES-R13 Supported Residential Care

Activity Status: P

Where:

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

Activity Status when compliance not achieved:
D

RES-R14 Residential Unit

Activity Status: P

Where:

1. The maximum density is 1 residential unit, per 2,000m² net allotment area, provided that one residential unit is permitted on an allotment of any size.

Activity Status when compliance not achieved:
D

RES-R15 Minor Residential Unit

Activity Status: P

Where:

1. The maximum density is 1 minor residential unit per residential unit on the allotment.

Activity Status when compliance not achieved:
D

Residential Zone (RES)

RES-R16	Retail Activity	
RES-R17	Commercial Services	
RES-R18	Food and Beverage Activity	
RES-R19	Care Centre	
	<p>Activity Status: P</p> <p>Where:</p> <ol style="list-style-type: none"> 1. The activity is ancillary to a residential unit on the allotment. 2. The activity generates less than 20 traffic movements per day, per allotment. 3. There is no car parking between the residential unit and the road. 4. In addition to the principal operator, the activity has no more than two other persons engaged in providing the activity. 5. The activity does not exceed the use of 15% of the total GFA of all buildings on the allotment. 6. The total area of signage is less than 0.25m², per allotment. 7. There is no illuminated or moving signage. 	<p>Activity Status when compliance with up to two of the rules is not achieved: D</p> <p>Activity Status when compliance with more than two of the rules is not achieved: NC (Non-Complying)</p> <p>Notification:</p> <p>Any non-complying activity must be publicly notified.</p>
RES-R20	Visitor Accommodation	
RES-R21	Place of Assembly	
	Activity Status: D	

Residential Zone (RES)

RES-R22 Entertainment Facilities

RES-R23 Service Stations

RES-R24 Funeral Home

RES-R25 Recreational Facilities

RES-R26 Emergency Services

RES-R27 Educational Facilities

RES-R28 Hospitals

Activity Status: NC

Notification:

Any non-complying landuse activity must be publicly notified.

RES-R29 Plantation Forestry

RES-R30 Intensive Livestock Farming

RES-R31 Farm Quarrying

RES-R32 Seasonal Activity

RES-R33 Industrial Activities

Activity Status: Pr (Prohibited)

Precincts (PREC)



Overview

A precinct spatially identifies and manages an area where two or more additional provisions apply which modify the policy approach of the underlying zone(s) or refine or modify land use outcomes. The objectives, policies and rules of the underlying Zone apply in addition to any relevant provisions of a Precinct unless stated otherwise.

Each precinct is provided as a different section with a unique name and purpose and includes objectives, policies and rules for that precinct.

Oil Refinery Precinct (ORP)

Overview

The Oil Refinery Precinct applies to the land associated with the Marsden Point Oil Refinery, which is identified as regionally significant infrastructure. The Precinct permits all activities that are associated with the refinery. Thus, in addition to the day to day running of the refinery, the Precinct provides for the needs of staff and visitors, and includes workers' accommodation.

Objectives

ORP-O1 – Regional Significance	Recognise and provide for the Marsden Point Oil Refinery as regionally significant infrastructure
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Policies

ORP-P1 – Oil Refinery Functioning	To enable the operation, maintenance and upgrading of the Marsden Point Oil Refinery by providing for activities which contribute to the primary function of the oil refinery.
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Rules

ORP-R1	Oil Refinery Activities
Activity Status: P (Permitted)	

Precincts (PREC)



Hīhīaua Peninsula Precinct (HPP)

Overview

The Hīhīaua Peninsula Precinct (HPP) enables an expanded range of mixed-use activities within a portion of the Mixed-use Zone between Dent and Herekino Streets. The activities supported by the HPP include residential units at ground floor, smaller scale retail activities and food and beverage activities. The objectives, policies and rules of the underlying Mixed-use Zone apply in addition to any relevant provisions of the HPP unless stated otherwise.

Objectives

HPP-O1 – Hīhīaua Peninsula	Hīhīaua Peninsula is a diverse, vibrant and attractive location to live, work and play.
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Policies

HPP-P1– Enabled Activities	To support a wider range of mixed-use activities by enabling smaller scale general retail activities and food and beverage activities.
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Rules

HPP-R1	Any Activity
	<p>Activity Status: P</p> <p>Where:</p> <ol style="list-style-type: none"> 1. The activity is permitted under the Mixed-use Zone, unless otherwise stated in the HPP. 2. The activity is permitted under all relevant Overlay and District Wide rules.
HPP-R2	Residential Unit
HPP-R3	Minor Residential Unit
	<p>Activity Status: P</p> <p>Where:</p> <p>Activity Status when compliance not achieved: RD</p> <p>Matters of discretion:</p>

Precincts (PREC)

1. Every residential unit provides an internal area (excluding garages) of at least:
 - a. For 1 bedroom – 45m²
 - b. For 2 bedrooms – 70m²
 - c. For 3 bedrooms – 90m²
 - d. For more than 3 bedrooms – 90m² plus 12m² for each additional bedroom.
2. Every 1 bedroom residential unit and minor residential unit contains an outdoor living court of at least 4m² and at least 1.5m depth.
3. Every 2+ bedroom residential unit and minor residential unit contains an outdoor living court of at least 8m² and at least 2.4m depth.

1. The design, size and layout of buildings to provide appropriate privacy and amenity for occupants on-site.
2. The proximity of the allotment to communal or public open space that has the potential to mitigate any lack of private outdoor living space.
3. Adverse effects on active frontage.

Notification:

Any application for a residential unit or minor residential unit which does not comply with HPP-R2-R3 shall not require the written consent of affected persons and shall not be notified or limited-notified unless Council decides that special circumstances exist under section 95A(4) of the Resource Management Act 1991.

HPP-R4	General Retail	
	Activity Status: P Where: <ol style="list-style-type: none"> 1. The maximum GFA of any individual activity is 600m². 	Activity Status when compliance not achieved: D

HPP-R5	Food and Beverage Activity	
	Activity Status: P	

Precincts (PREC)



Port Nikau Precinct (PNP)

Overview

The Port Nikau Precinct enables the development of a liveable, mixed use environment where people can practically live, work and play within the area with a specific focus on amenity values, urban design and open space.

The following underlying zones apply in the Port Nikau Precinct:

- High-density Residential Zone
- Mixed Use Zone
- Local Commercial Zone
- Light Industry Zone
- Heavy Industry Zone
- Open Space Zone

The objectives, policies and rules of the underlying Zone apply in addition to any relevant provisions of the PNP unless stated otherwise.

PNP Appendix A identifies:

- Buffer and Transition Areas where incompatible land use may occur and activities are managed.
- Noise Areas 1 and 2 where noise sensitive activities and exposure to noise is managed.
- Ecological Buffer to protect the existing bird wader habitat of ecological significance along the south-western boundary of the precinct.

Harbor Edge Shared Space where land based activities interact with water.

Objectives

PNP-O1 – Liveable Precinct	Create a liveable, mixed use environment where people can live, work and play within the Port Nikau Precinct.
PNP-O2 – Infrastructure and Services	Ensure adequate provision of infrastructure and services to meet development capacity while recognising the impacts of development on existing infrastructure networks.
PNP-O3 Biodiversity	Ensure that the development of the site allows for the maintenance of existing (pre-development) ecological values.
PNP-O4 Reverse Sensitivity	Manage reverse sensitivity effects between Zones and incompatible land use activities.
PNP-O5 Open Space	Create a strong network of open space for recreation and public access to the coastal marine area.

Precincts (PREC)



Policies	
PNP-P1 – Precinct	To enable development within the Port Nikau Precinct in accordance with the underlying Zones by the introduction of development controls.
PNP-P2 - Infrastructure and Services	To ensure the efficient provision of three waters infrastructure for the Port Nikau Precinct by the assessment of potential infrastructure requirements based upon the demand generated by proposed land uses.
PNP-P3 – Transport and Access	To ensure the provision of an efficient roading network, including alternative modes of transport and public transport by requiring the assessment of the development on the Port Nikau Precinct on the transport network.
PNP-P4 – Reverse Sensitivity	To avoid adverse reverse sensitivity effects of sensitive activities in close proximity to the Heavy Industry Zone by controlling activities in the Buffer and Transitional Areas.
PNP-P5 - Ecological Values	To recognise the existing bird wader habitat of ecological significance by providing a buffer along the south-western boundary of the precinct between the habitat and any proposed development.
PNP-P6 - Open Space	To provide open space, connections and access to the Coastal Marine Area by protecting the harbour edge shared space and creating pedestrian and cycle way links.
PNP-P7 – Marine Industry	To recognise the importance of marine industry and marine retail activities to the PNP, acknowledging the historical port and enabling such activities within the harbour edge shared space in the Light Industry Zone and PNP.

Rules

PNP-R1	Any Activity
	<p>Activity Status: P (Permitted)</p> <p>Where:</p> <ol style="list-style-type: none"> The activity is permitted under one of the following underlying zones, unless otherwise stated in the PNP: <ol style="list-style-type: none"> High-density Residential Zone Mixed Use Zone Local Commercial Zone Light Industry Zone Heavy Industry Zone Open Space Zone

Precincts (PREC)



	2. The activity requires consent in accordance with PNP-R1 the application shall comply with information requirement PNP-REQ1. 3. The activity is permitted under all relevant Overlay and District Wide rules.	
PNP-R2	Building Setback	
	<p>Activity Status: P (Permitted)</p> <p>Where:</p> <ol style="list-style-type: none"> Any building complies with the relevant Zone setback rules except setback from Mean High Water Springs. Any building not located within: <ol style="list-style-type: none"> The harbour edge shared space. 	<p>Activity Status when compliance not achieved: RD (Restricted Discretionary)</p> <p>Matters of discretion:</p> <ol style="list-style-type: none"> Provision of pedestrian and cycle access and link along the harbor edge shared space. Integration with the harbor edge shared space. Design and layout of development that: <ol style="list-style-type: none"> Responds to the shared space and coastal marine area. Creates connectivity for all movement types. Management of stormwater. Maintenance of public access to shared space and coastal marine area. Protection of ecological values of the ecological buffer and the area adjacent to the south-western boundary of the PNP. <p>The following policies will not apply to the PNP:</p> <ol style="list-style-type: none"> MU-P7 Esplanade Areas LCZ-P12 Water Setbacks LI-P5 Esplanade Areas HI-P6 Esplanade Areas <p>Where this activity complies with the following rule requirements:</p> <p><i>Note: Any application shall comply with information requirement PNP-REQ02.</i></p>

PNP-R3	Subdivision and/or Activity
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Precincts (PREC)

Activity Status: RD

Where:

1. The activity increases the number of traffic movements from the PNP by 200 one way movements.
2. Any subdivision of any allotment within the PNP larger than 7500m².

Matters of Discretion:

1. The impact of the proposal on adjacent and linking public roading infrastructure and networks.
2. The protection of the railway line.
3. The impact of the proposal on the intersection of State Highway and Rewa Rewa Road if the level of service is proposed to be exceeded.

Note: Any application shall comply with information requirement PNP-REQ03.

Activity Status when compliance not achieved: D

PNP-R4	Commercial Activities	
Mixed Use Zone	<p>Activity Status: D</p> <p>Where:</p> <ol style="list-style-type: none"> 1. The activity does not front a major road. <p><i>Note: Any application shall comply with information requirement PNP-REQ01.</i></p>	Activity Status when compliance not achieved: NC

PNP-R5	Sensitive Activity within the Buffer Area
PNP-R6	Residential Activity within the Transition Area
PNP-R7	Visitor Accommodation Activity within the Buffer Area
PNP-R8	Building and/or Structure within the Ecological Buffer

Precincts (PREC)



Activity Status: Pr

PNP-R9	Commercial or Retail Activity within the Buffer Area
	<p>Activity Status: Pr</p> <p>Where:</p> <ol style="list-style-type: none"> 1. The activity includes an: <ol style="list-style-type: none"> a. Outdoor eating or dining area. b. Reception Area.

Rule Requirements

PNP-REQ1	Information Requirement – Urban Design Assessment
Urban Design	<p>Any application shall include an urban design assessment prepared by a suitably qualified and experienced professional which details:</p> <ol style="list-style-type: none"> a. Any consultation undertaken as part of any pre-application meetings with Council and any mitigation measures that were recommended by Council. b. How the proposal is consistent with best practice urban design, the relevant objectives and policies and the relevant zone building bulk and location standards. c. The effects on the neighbourhood character, residential amenity, safety and the surrounding residential area, with particular regard to building bulk, location and design and parking and transport. d. Consideration of potential effects on adjacent neighbours. e. The extent to which the site layout and any proposed landscaping helps to avoid or minimise the impacts on adjacent streets and public spaces or adjacent residential sites. <p><i>Note: Acceptable means of compliance and best practice urban design guidance is contained within Whangarei District Council's Urban Design Guidelines.</i></p>
PNP-REQ2	Information Requirement – Harbor Edge Shared Space Assessment
Harbor Edge Shared Space	<ol style="list-style-type: none"> a. Any application shall include an assessment of environmental effects prepared by a suitably qualified and experienced professional which shall contain the following information: b. Context analysis, including how development will integrate with existing and future open space, pedestrian and cycleway access to and along the Coastal Marine Area. c. Details of the operational need of the activity to locate within the harbor edge shared space, including Coastal Marine Area access points. d. Urban and landscape design of the proposed activity including how it will be designed and operated to minimize disruption of the shared space. e. Assessment of the proposed areas of open space to be provided including the: <ol style="list-style-type: none"> i. Location, dimensions, and area of land. ii. Connections between areas of open space.

Precincts (PREC)



- iii. Provision of pedestrian and cycle access to and along the Coastal Marine Area.
- iv. Locations of where public access to the Coastal Marine Area.
- f. The location of proposed building areas and access, and the extent to which the proposal will mitigate adverse visual effects on the Coastal Area.

PNP-REQ3 Information Requirement - Traffic Impact Assessment

- Traffic** Any application shall be accompanied by an Integrated Traffic Assessment prepared by a suitably qualified and experienced traffic engineer which provides:
- i. An assessment of vehicle trip generation and distribution based on the maximum development that can take place in terms of this Precinct. The assessment shall detail the assumptions upon which the assessment is made.
 - ii. An assessment of how the proposed development will take account existing development or approved resource consents and the impacts to and on the roading network including:
 - a) Port Road from the Port Nikau Environment to the intersection with Kioreroa Road.
 - b) Port Road from Kioreroa Road to the intersection with Okara Drive (southern intersection).
 - c) Okara Drive from the intersection with Port Road to Porowini Ave intersection (under construction).
 - d) Okara Drive from Porowini Avenue to Port Road (North intersection).
 - e) Okara Drive from Port Road (North intersection) to Reyburn Street / Herekino Street intersection.
 - f) Kioreroa Road from the intersection with Port Road to Rewa Rewa Road.
 - g) Rewa Rewa Road from the intersection with Kioreroa Road to State Highway
 - h) Intersection of Gumdigger Place and Kioreroa Road.

Note: The roads and intersections detailed above shall be considered to be the maximum extent of the roading network potentially affected by the development of all or part of the Port Nikau Environment and therefore any requirements for upgrading shall be the result of assessed impacts on this portion of the roading network only. Any assessment of the impacts of the roading network are to firstly consider the current level of service that the road and / or intersection is performing at, to ensure that only new effects are considered.

- iii. An assessment of the impacts of the full development of the Port Nikau Precinct in terms of (i) above on traffic operations on existing local roads and State Highways including intersections.
- iv. Consideration of any current roading strategies prepared by or on behalf of the WDC and the New Zealand Transport Agency, including any relevant Regional and National Transport strategies.
- v. Consideration of alternative means of transport (e.g. public transport, provision for walking and cycling) that will reduce reliance on single occupancy motor vehicle trips.
- vi. All proposed internal roading networks, connections to existing roads and any additional new roading links external to the Port Nikau Precinct which are necessary to support the permitted levels of development identified in (i) above.
- vii. A peer review of the assessment undertaken by or on behalf of the New Zealand Transport Agency which confirms that there is sufficient capacity or planned capacity within the State Highway network to accommodate the predicted increase in traffic.

Precincts (PREC)



- viii. A demonstration that traffic generation by the proposed development will not cause a reduction in the existing Level of Service for traffic movements at the intersection on State Highway 1.

Subdivision (SUB)

Overview

Subdivision is the process of dividing a site or building into one or more additional sites or units, or changing an existing boundary location. The way a site is subdivided, including its size and shape, is important as it not only determines the quality and character of development, but also impacts on adjacent sites and the future use of the land. Subdivision affects the natural and physical environment and introduces long-term development patterns that cannot be easily changed.

Large-scale and greenfield subdivisions should be designed in an integrated way that contributes to sense of place, supports connectivity to the surrounding neighbourhood, and provides well-designed, accessible, sunny and safe open spaces.

Subdivision of land within overlays (Resource Areas) is subject to additional subdivision rules and standards in the relevant overlay chapter (e.g. Outstanding Natural Features and Landscapes, Historic Heritage, Coastal Area, Natural Hazard Areas).

Provision of infrastructure and services with the subdivision of land is achieved by compliance with district wide chapters such as Transport and Three Waters.

Māori land is exempt from the subdivision provisions of the Act and must be undertaken through the Māori Land Court.

Objectives

SUB-O1– Zone, Overlay and District Wide Objectives	Land is subdivided to achieve the objectives of each relevant zone, overlays and district wide provisions.
SUB-O2 Natural Features	Subdivision provides for the protection and enhancement of the District's: <ol style="list-style-type: none"> 1. Highly versatile soils 2. Outstanding Natural Features 3. Outstanding Natural Landscapes 4. Coastal Area 5. High Natural Character 6. Outstanding Natural Character 7. Significant Natural Areas 8. Sites of Significance to Maori 9. Historic Heritage
SUB-O3- Community Needs	Land is subdivided in a manner that provides for the needs of the community.
SUB-O4 - Infrastructure	Subdivision and development provides for the efficient and orderly provision of services and infrastructure.
SUB-O5 – Minimise Adverse Effects	Subdivision is designed to minimise any adverse effects on the environment and occurs in a sequenced and coherent manner.

Subdivision (SUB)

Policies	
SUB-P1– Zone, Overlay and District Wide Policies	<p>To enable subdivision where it meets the relevant zone, overlay and district wide policies, where subdivision and development is designed to :</p> <ol style="list-style-type: none"> 1. Reflect the patterns of development that are compatible with and reinforce the role, function and predominant character of the zone. 2. Maintain the integrity of the zone with lot sizes sufficient to accommodate intended land uses. 3. Respond positively to and is integrated with the surrounding context. 4. Appropriately avoid, Remedy or Mitigate adverse effects on: <ol style="list-style-type: none"> a. Outstanding Natural Features b. Outstanding Natural Landscapes c. Coastal Area d. High Natural Character e. Outstanding Natural Character f. Sites of Significance to Maori g. Historic Heritage
SUB-P2– Existing Development	<p>To provide for subdivision:</p> <ol style="list-style-type: none"> 1. Around existing development. 2. Where it enables creation of sites for uses that are in accordance with an approved land use resource consent. 3. Where there is compliance with district wide, overlay and zone rules.
SUB-P3- Boundary Adjustment	<p>To provide for minor boundary adjustments which enable a more efficient and effective use of land where there is compliance with district-wide, overlay and zone rules.</p>
SUB-P4 - Minor Residential Unit	<p>To protect amenity and character by avoiding the subdivision of minor residential units from principal residential units where resultant allotments do not comply with minimum lot size and residential density.</p>
SUB-P5 – Infrastructure	<p>To achieve efficient and effective provision of services and infrastructure by ensuring subdivision is capable of being provided with adequate services and infrastructure.</p>

Rules	
SUB-R1	<p>Any Activity Not Otherwise Listed in This Chapter</p> <p>Activity Status: C</p> <p>Where:</p> <ol style="list-style-type: none"> 1. All relevant SUB rules are complied with. 2. The activity is controlled under all relevant Overlay and District Wide rules.

Subdivision (SUB)

SUB-R2 Controlled Activity Subdivision

1. Control is reserved over the following matters:
 - a. The design, size, shape, gradient and location of any allotment.
 - b. The location of vehicle crossings, access or rights-of-way and proposed allotment boundaries so as to avoid ribbon development.
 - c. Location of existing buildings, access and manoeuvring, and private open space.
 - d. The location of proposed allotment boundaries and building areas so as to avoid potential conflicts between incompatible land use activities, including reverse sensitivity effects.
 - e. The location of proposed allotment boundaries, building areas and access ways or rights-of-way so as to avoid sites of Historic Heritage including Sites of Significance to Māori.
 - f. The provision, location, design, capacity, connection, upgrading, staging and integration of infrastructure.
 - g. In the RUEE, the protection of land within the proposed allotments to allow access and linkages to adjacent allotments for future infrastructure.
 - h. The provision of reserves, including esplanade reserves and strips.
 - i. Avoidance or mitigation of natural or man-made hazards.
 - j. The extent to which the subdivision avoids adverse effects on significant flora and fauna habitats, including methods of weed and pest management and measures to control cats and dogs.
 - k. Those matters described in sections 108 and 220 of the Resource Management Act.

SUB-R3 Discretionary Activity Subdivision

1. When assessing discretionary activity subdivision, assessments shall include (but not limited to) matters listed in SUB-R2 a- k and the following matters:
 - a. The efficient provision of services to the land being subdivided, and to nearby land that might be subdivided in future.
 - b. The necessity, extent and location of earthworks, the proposed type of machinery to be used and the hours of operation, potential adverse effects to ecological, historic heritage and landscape values and effects on water bodies including indigenous wetlands.
 - c. The potential for reverse sensitivity effects on existing lawfully established activities and any measures proposed to avoid remedy or mitigate those effects.

Subdivision (SUB)

SUB-R4	Any Subdivision	
All Zones	Activity Status: C	Activity Status when compliance not achieved: D
	Where:	
	1. The land contains a Site of Significance to Māori, or an area of historic heritage and the proposed boundaries are located to ensure that the whole Site of Significance to Maori or area of historic heritage is entirely within one of the allotments produced by the subdivision.	
	2. The land contains existing buildings and the boundaries of the proposed allotments result in compliance with the relevant zone permitted activity building setback, building coverage, impervious surface and height in relation to boundary rules.	
All zones other than RUEE, RLE, RPE, SRIE, HI and LI	3. Any allotment is provided with an underground connection or easements to secure connection to a reticulated electrical supply system at the boundary.	
RUEE	4. Any allotment is provided with a connection, or easements to secure connection, to a reticulated electrical supply system at the boundary of the net site area.	
RPE RLE	5. Any allotment is provided with the ability to connect, or easements to secure the ability to connect, to an electrical supply system at the boundary.	
SRIE RVCE RVIE HI LI	6. Any allotment is provided with a connection to a reticulated electrical supply system at the boundary; and	
	7. The electrical supply is underground where new roads are to be formed within	

Subdivision (SUB)

the subdivision or the existing electrical supply is underground.

All Zones

8. A below ground electrical supply system is provided where the subdivision is within an Outstanding Landscape Area or Outstanding Natural Character Area.

All Zones

9. The most efficient route for electrical supply to any allotment(s) is across other allotments or other land owned by the subdivider, and easements are provided to secure the route.

Matters over which control is reserved:

1. Matters listed in SUB-R2.

Subdivision (SUB)

SUB-R5	Subdivision by way of Boundary Relocation in the RPE	
	<p>Activity Status: C</p> <p>Where:</p> <ol style="list-style-type: none"> 1. The parent allotments existed at [Operative Date]. 2. No additional vehicle accesses are created. 3. Every allotment is able to accommodate a minimum 100m² building area on which a residential unit can be built so that there is compliance as a permitted activity with the relevant rules in the District Plan. 4. The boundaries of all allotments are drawn relative to existing buildings so that there is compliance as a permitted activity with any relevant zone, overlay or district wide rules. 5. There is no additional capacity for residential units permitted on the proposed allotments beyond the overall number or residential allotments permitted on the parent allotments in accordance with RCE.2.3.3. 6. Any allotment has a minimum net site area of 2,000m². <p>Matters over which control is reserved:</p> <ol style="list-style-type: none"> 1. Matters listed in SUB-R2; and 2. The potential to increase development rights beyond the rights available prior to the relocation. 	<p>Activity Status when compliance not achieved with SUB-R5.1 – 4: D (Discretionary)</p> <p>Activity Status when compliance not achieved with SUB-R5.5 – 6: NC (Non-Complying)</p>

Subdivision (SUB)

SUB-R6	Subdivision in the Low Density Residential Zone	
	<p>Activity Status: C</p> <p>Where:</p> <ol style="list-style-type: none"> 50% of the total allotment area (excluding public road, access ways and impervious areas) shall be retained indefinitely: <ol style="list-style-type: none"> By legal protection such as covenant, consent notice or encumbrance that precludes building residential units and minor residential units. As a contiguous area. The maximum allotment size does not exceed 2500m², except that more than 1 allotment may be larger where that allotment in its entirety is subject to a conservation covenant, Reserve Act covenant or similar restriction. Every allotment connected to a reticulated sewerage system has a minimum net site area of at least 500m². The yield of a subdivision shall not exceed one additional allotment per 5000m² of net site area. Every allotment shall identify a building area within 50m of an existing building or proposed building area within the Low Density Residential Zone. Every allotment contains an identified building area of at least 100m² within which a residential unit can be built so that there is compliance as a permitted activity with the underlying zone rules. Every allotment can contain a circle with a diameter of 16m, or a square of at least 14m by 14m. <p>Matters over which control is reserved:</p> <ol style="list-style-type: none"> Matters listed in SUB-R2. 	<p>Activity Status when compliance not achieved: D</p>

Subdivision (SUB)

SUB-R7	Subdivision in the Residential Zone	
	<p>Activity Status: C</p> <p>Where:</p> <ol style="list-style-type: none"> 1. Every allotment: <ol style="list-style-type: none"> a. Contains an identified building area of at least 100m² within which a residential unit can be built so that there is compliance as a permitted activity with the Residential Zone rules. b. Has a net allotment area of at least 2000m². c. Can contain a circle with a diameter of 16m, or a square of at least 14m by 14m. <p>Matters over which control is reserved:</p> <ol style="list-style-type: none"> 1. Matters listed in SUB-R2. 	<p>Activity Status when compliance not achieved: D</p>

SUB-R8	Subdivision in the Medium-density Residential and Neighbourhood Commercial Zones	
	<p>Activity Status: C</p> <p>Where:</p> <ol style="list-style-type: none"> 1. Every allotment: <ol style="list-style-type: none"> a. Has a net allotment area of at least 450m². b. Has a minimum frontage width of 14m. c. Can contain a circle with a diameter of 14m, or a square of at least 12m by 12m. <p>Matters over which control is reserved:</p> <ol style="list-style-type: none"> 1. Matters listed in SUB-R2. 2. The likely location of future buildings and their potential effect on the amenity of the locality. 3. The location and design of allotments to enable efficient use of land. 	<p>Activity Status when compliance not achieved: D</p>

Subdivision (SUB)

SUB-R9	Subdivision in the High Density Residential Zone	
	<p>Activity Status: C</p> <p>Where:</p> <ol style="list-style-type: none"> 1. Every unit title allotment created under the Unit Titles Act 2010 has a net allotment area of at least 50m². 2. Every allotment: <ol style="list-style-type: none"> a. Has a net allotment area of at least 300m². b. Has a minimum frontage width of 12m. c. Can contain a circle with a diameter of 12m, or a square of at least 10m by 10m. <p>Matters over which control is reserved:</p> <ol style="list-style-type: none"> 1. Matters listed in SUB-R2. 2. The likely location of future buildings and their potential effect on the amenity of the locality. 3. The location and design of allotments to enable efficient use of land. 	<p>Activity Status when compliance not achieved: D</p>
SUB-R10	Subdivision in the City Centre, Mixed Use, Waterfront or Local Commercial Zones	
	<p>Activity Status: C</p> <p>Where:</p> <ol style="list-style-type: none"> 1. Every unit title allotment created under the Unit Titles Act 2010 has a net allotment area of at least 50m². 2. Every allotment has a: <ol style="list-style-type: none"> a. Net allotment area not less than 100m². b. Frontage no less than 6m, or 12m in the case of a corner allotment. c. Frontage no greater than 30m, or 60m in the case of a corner allotment. <p>Matters over which control is reserved:</p> <ol style="list-style-type: none"> 1. Matters listed in SUB-R2. 2. Physical and visual linkages provided between allotments and surrounding public places. 	<p>Activity Status when compliance not achieved: D</p>

Subdivision (SUB)

SUB-R11	Subdivision in the Commercial Zone	
	<p>Activity Status: C</p> <p>Where:</p> <ol style="list-style-type: none"> 1. Every unit title allotment created under the Unit Titles Act 2010 has a net allotment area of at least 50m². 2. Every allotment has a: <ol style="list-style-type: none"> a. Net allotment area not less than 300m². b. Frontage no less than 15m, or 30m in the case of a corner allotment. <p>Matters over which control is reserved:</p> <ol style="list-style-type: none"> 1. Matters listed in SUB-R2. 	<p>Activity Status when compliance not achieved: D</p>
SUB-R12	Subdivision in the Light Industry Zone	
	<p>Activity Status: C</p> <p>Where:</p> <ol style="list-style-type: none"> 1. Every allotment has a net allotment area greater than 500m². <p>Matters over which control is reserved:</p> <ol style="list-style-type: none"> 1. Matters listed in SUB-R2. 2. The location and design of allotments to ensure that they are suitable for future industrial activities. 	<p>Activity Status when compliance not achieved: D</p>
SUB-R13	Subdivision in the Heavy Industry Zone	
	<p>Activity Status: C</p> <p>Where:</p> <ol style="list-style-type: none"> 1. Every allotment has a net allotment area greater than 8000m². <p>Matters over which control is reserved:</p> <ol style="list-style-type: none"> 1. Matters listed in SUB-R2. 2. The location and design of allotments to ensure that they are suitable for future industrial activities. 	<p>Activity Status when compliance not achieved: D</p>

Subdivision (SUB)

SUB-R14	Subdivision in the Open Space, Sport and Active Recreation and Conservation Zones	
	Activity Status: C Where: 1. No additional allotments are created. Matters over which control is reserved: 1. Matters listed in SUB-R2.	Activity Status when compliance not achieved: D

SUB-R15	Subdivision in the Shopping Centre, Port, Airport or Hospital Zones	
	Activity Status: D	

SUB-R16	Subdivision within areas subject to a 'no residential unit' restriction	
Low Density Residential Zone	Activity Status: Pr Where: 1. Any proposed allotment or part of any proposed allotment is within an area subject to any form of covenant, consent notice or encumbrance that precludes building residential unit and minor residential units.	

Definitions

Nesting Tables and Activity Definitions

Industrial Activities

Industrial Activities
means an activity for the primary purpose of:

- a) manufacturing, fabricating, processing, packing, storing, maintaining, or repairing goods; or
- b) research laboratories used for scientific, industrial or medical research; or
- c) yard-based storage, distribution and logistics activities; or
- d) any training facilities for any of the above activities.

General Industry

means any industry activity which is not manufacturing and storage, repair and maintenance services, artisan industrial activities, marine industry, waste management facilities or a landfill.

Manufacturing and storage

Activities involving:

- a) Making items by physical labour or machinery.
- b) Facilities used for the receipt, storage, handling and distribution of materials, articles or goods destined for a retail outlet, trader or manufacturer.
- c) Business that provides facilities to the public for storing possessions.
- d) Facility used for receiving, despatching or consolidating goods in transit by road, rail, air or sea.

Includes:

- a) assembly of items.
- b) direct collection of materials;
- c) articles or goods by traders;
- d) carriers' depots;
- e) courier services;
- f) mail distribution centres; and
- g) trucking depots.

Excludes:

- a) retail;
- b) service stations;
- c) composting plants; and
- d) refuse transfer stations.

Repair and maintenance services

Servicing, testing or repairing vessels, vehicles or machinery. Includes:

- a) articles or goods by traders.
- b) automotive mechanics;
- c) panel beating; and
- d) devanning, storage and testing of LPG cylinders.

Artisan industrial activities

means manufacture, repair, storage or maintenance associated with production of art, crafts or specialist foodstuffs.

Marine industry

means manufacture, repair, storage or maintenance associated with production or processing of boats, accessory goods or seafood.

Waste management facility

Facility used for receiving waste for transfer, treatment, disposal, or temporary storage. Includes:

- a) refuse transfer stations;
- b) and recycling.

Excludes landfills.

Landfill

means the use, or the previous use, of land for the primary purpose of the disposal of waste.

Definitions

Community Activities	
Community Activities <i>means the use of land and buildings for recreational, sporting, cultural, religious, educational or similar community and well-being purposes. Community activities may involve trading in goods, equipment or services, but are exempt from the Commercial Activities definition and rules relating to Commercial Activities.</i>	Place of Assembly <i>means facilities for the wellbeing of the community, generally on a not for profit basis. Includes:</i> <ul style="list-style-type: none"> a) Arts and cultural centres (including art galleries and museums); b) Places of worship; c) Community centres; d) Halls; e) Libraries; f) Marae; g) Citizens advice bureaux; h) Justice facilities; and i) Visitor information centres. <i>Excludes:</i> <ul style="list-style-type: none"> a) Entertainment facilities; and b) Care centres.
	Recreational Facilities <i>means a facility where the primary purpose is to provide for sport and recreation activities. Includes:</i> <ul style="list-style-type: none"> a) Recreation centres b) Aquatic facilities, swimming pools, both indoor and outdoor; c) Fitness centres and gymnasiums; and d) Indoor sports centres.
	Emergency Services
	Care Centre <i>means a facility used for any one or more of the following:</i> <ul style="list-style-type: none"> a) Children, in addition to the children of the person in charge, aged six years or younger are educated and cared for, and includes: childcare centres, crèches, kindergartens, kōhanga reo, playcentres and play groups; b) Early childhood learning services; c) Children, in addition to the children of the person in charge, aged five years or older and are cared for out of school hours; d) Elderly people are cared for during the day; and e) People with disabilities (including mental health, addiction, illness or intellectual disabilities) are cared for during the day. <i>Excludes:</i> <ul style="list-style-type: none"> a) Supported residential care. b) Care provided by family members within a residential activity.
	Educational Facilities <ul style="list-style-type: none"> a) means the use of land or building for the primary purpose of regular teaching or training in accordance with a pre-set syllabus by suitably qualified or experienced instructors; but b) does not include any industrial activity.
	Hospital <i>means any regionally significant infrastructure that provides for the medical, or surgical or psychiatric care and treatment of persons. Includes:</i> <ul style="list-style-type: none"> a) Accessory offices; b) Accessory retail including pharmacies, food and beverage, and florists; c) Accessory commercial services including banks and dry cleaners; d) Ambulance facilities and first aid training facilities; e) Conference facilities; f) Helicopter facilities;

Definitions

	g) <i>Hospices;</i> h) <i>Hospital maintenance and service facilities, including kitchens and laundries;</i> i) <i>Medical research and testing;</i> j) <i>Mortuaries;</i> k) <i>Rehabilitation facilities; and</i> l) <i>Training.</i>
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Commercial Activities		
Commercial Activities <i>means an activity with the primary purpose of trading in goods, equipment or services.</i>	Retail Activity <i>means land and/or buildings from which goods, merchandise, or equipment are sold, exposed, displayed or offered for sale or direct hire to the public.</i>	Motor Vehicle Sales <i>means the sale or hire of motor vehicles and caravans.</i>
		Garden Centres <i>means a shop for the sale of plants, trees or shrubs. Provided that the sale of the following is accessory to the sale of plants, trees or shrubs, it also includes the sale of:</i> <ul style="list-style-type: none"> a) <i>Landscaping supplies</i> b) <i>Bark and compost</i> c) <i>Statues and ornamental garden features.</i>
		Trade Suppliers <i>means a supplier in one or more of the categories below, engaged in sales to businesses and institutional customers but may also include sales to the general public:</i> <ul style="list-style-type: none"> a) <i>Automotive suppliers;</i> b) <i>Building suppliers;</i> c) <i>Catering equipment suppliers;</i> d) <i>Farming and agricultural suppliers;</i> e) <i>Industrial clothing and safety equipment suppliers;</i> f) <i>Landscape suppliers; and</i> g) <i>Office furniture, equipment and systems suppliers.</i>
		Marine Retail <i>means the sale or hire of boats, wholesale and retail sale of fish, and accessory goods and services.</i>
		Drive Through Facilities <i>means any part of any fast food or restaurant activity where the product is sold directly to the customer while in their vehicle.</i>
		Grocery Store <i>a self-service store selling mainly food, beverages and small household goods.</i>
		Hire Premise <i>means any facility used for the hiring of machinery and equipment. Includes:</i> <ul style="list-style-type: none"> a) <i>Servicing and maintenance of hire equipment; and</i> b) <i>Storing hire equipment</i> <i>Excludes: premises for the hire or loan of books video DVD and other similar entertainment items.</i>

Definitions

	<p>General Retail <i>means any retail activity which is not motor vehicle sales, garden centres, trade suppliers, marine retail drive through facilities, grocery stores or a hire premise.</i></p>
	<p>Commercial Services <i>means businesses that sell services rather than goods. For example: banks, real estate agents, travel agents, dry cleaners, health care facilities and hair dressers. Includes offices conducting activities within a building and focusing on business, government, professional, or financial services and includes the personal service elements of these activities offered to consumers or clients where visits by members of the public are accessory to the main use.</i></p>
	<p>Food and Beverage Activity <i>means activities where the primary business is selling food or beverages. Includes:</i></p> <ul style="list-style-type: none"> a) Restaurants and cafes; b) Food halls; and c) Takeaway food bars and bakeries. <p><i>Excludes retail shops; and grocery stores.</i></p>
	<p>Entertainment Facilities <i>Facility used for leisure or entertainment. Includes: nightclubs, theatres, cinemas and concert venues.</i></p>
	<p>Visitor Accommodation <i>means land and/or buildings used primarily for accommodating non-residents, subject to a tariff being paid.</i></p>
	<p>Service Stations</p>
	<p>Funeral Home <i>Facility used for holding funerals. Includes mortuary facilities and funeral chapels.</i></p>

Residential Activities	
<p>Residential activities <i>means the use of land and buildings by people for the primary purpose of living accommodation.</i></p>	<p>Supported Residential Care <i>means any facility used to provide accommodation and fulltime care for aged, or disabled people (including mental health, addiction, illness or intellectual disabilities). The facility must be certified under the Health and Disability Services (Safety) Act 2001 and comply with the Health and Disability Sector Standards 2001. Includes:</i></p> <ul style="list-style-type: none"> a) A rest home defined in section 58(4) of the Health and Disability Services (Safety) Act 2001; and b) Accessory nursing and medical care. c) A residential activity where care, including meal delivery service, is provided to the residents on-site. <p><i>Excludes:</i></p> <ul style="list-style-type: none"> a) Hospitals.
	<p>Residential Unit <i>means a building or part of a building that is used for a residential activity exclusively by one household, and must include sleeping, cooking, bathing and toilet facilities.</i></p>
	<p>Minor Residential Unit</p>

Definitions

Rural Production Activities	
Rural Production Activities	Farming
	Plantation forestry
	Intensive livestock farming
	Farm quarrying
	Seasonal activity

Other Definitions

Access Strip

has the same meaning as in section 2 of the RMA.

Active Frontage

means uses/buildings that have a visual connection with the street level (usually from a ground floor) and entrances from the street. It will involve a degree of clear glazing but does not need to be fully glazed. The design should imply to users on the street that there is proximity and interaction between them and people within buildings.

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.

Ancillary activity

means an activity that either provides support to, or is incidental and subsidiary to, the primary activity on the same site.

Annual Exceedance Probability (AEP)

The probability of exceedance of an event (generally a rainfall storm) within a period of one year. (1% AEP is equivalent to 1 in 100 year storm). Guidance on calculating AEP can be found in the Whangarei District Council Engineering Standards.

Bicycle Parking Spaces

means parking spaces available for bicycle parking which enable a cyclist to manoeuvre and attach a bicycle to each stand/space. Short stay spaces shall be clearly visible or signposted and located within 30m of public entrances to the activity. Long stay spaces shall be undercover, protected from inclement weather and secure from theft.

Definitions

Blank Wall

means a wall or side of a building that has no glazing, architectural detail, landscaping or artwork to enhance appearance adjacent roadways or pedestrian environments.

Boundary

means the legal perimeter of a site.:

Boundary Adjustment

means a subdivision that alters the existing boundary between adjoining sites, without altering the number of sites.

Boundary Relocation

means a subdivision in the RPZ that relocates an existing boundary between adjacent allotments where a separate computer freehold register (record of title as per Land Transfer Act 2017) has been issued, without:

- a) Altering the number of allotments.
- b) Cancelling existing amalgamation conditions.
- c) Creating additional capacity to further subdivide as a controlled activity in accordance with the relevant SUB rules.

For the purposes of this definition adjacent allotments means allotments that are:

- a) Part of a contiguous landholding; or
- b) Separated only by a road, access allotment, railway, stream or river.

Building

means any structure, whether temporary or permanent, moveable or fixed, that is enclosed, with 2 or more walls and a roof, or any structure that is similarly enclosed.

Building Coverage

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

Building Frontage

means a side of a building that is facing the frontage of the allotment.

Business Zones

means the City Centre, Mixed-use, Waterfront, Commercial, Shopping Centre, Local Commercial, Neighbourhood Commercial, Light Industrial and Heavy Industrial Zones.

Cleanfill

means an area used for the disposal of exclusively inert, non-decomposing material.

Coastal Marine Area

has the same meaning as in section 2 of the RMA.

Communal Open Space

means a quantity of outdoor area freely available to all residents on the allotment or site, exclusive of driveways, buildings, and private outdoor space of individual residential units.

Community Facility

means a non-profit facility primarily for recreational, sporting, cultural, safety and welfare, religious or similar community purposes.

Definitions

Community Sign

means a sign displaying information relating to the location of public facilities, place-names destinations of historical, cultural, spiritual, sporting, or scenic significance; and the advertising of public, sporting, recreation, community, social or cultural events.

Consolidated Sign installation

Means a sign which identifies or advertises at least three different businesses, activities, or events (or a combination thereof) within a single permanent structure.

Corner Allotment

means an allotment which is located on the corner of two intersecting roads.

Drinking Water

means water intended to be used for human consumption; and includes water intended to be used for food preparation, utensil washing, and oral or other personal hygiene.

Earthworks

means any land disturbance that changes the existing contour or ground level.

Electric Vehicle Charging Station

means a structure with the primary purpose of recharging an electric vehicle. The station must be available for public use.

End-of-trip Facilities

Means facilities provided primarily for cyclists but also for walkers and runners at the end of their trip. Includes showers and changing areas.

Freestanding Sign

Means a sign placed on or mounted or supported off the ground independent of any other building or structure for its primary support. Includes tower signs, pole signs, head post signs and goal post signs.

Front Allotment

means an allotment that is not a rear allotment.

Frontage

means any boundary of an allotment abutting a legal road, or contiguous to a boundary of a road designation.

Green Infrastructure

means natural ecosystems and built products, technologies, and practices that primarily use natural elements, or engineered systems that mimic natural processes, to provide utility services. This includes built infrastructure, such as rain gardens, natural elements in modified environments, and natural waterbodies.

Greywater

means untreated liquid waste from sources such as household sinks, basins, baths, showers and similar appliances but does not include any sewage.

Gross Floor Area (GFA)

means the sum of the total area of all floors of all buildings on the site (including any void areas in those floors, such as service shafts or lift or stairwells), measured from the exterior faces of exterior walls or from the centre line of walls separating 2 buildings and, in the absence of a wall on any side, measured to the exterior edge of the floor.

Definitions

Ground Level

means:

- a) the actual finished surface level of the ground after the most recent subdivision that created at least one additional allotment was completed (at the issue of the section 224c Certificate or the previous legislative requirement), but excludes any excavation or filling associated with the construction or alteration of a building;
- b) if the ground level cannot be identified under paragraph (a), the existing surface level of the ground, excluding areas of cut or fill associated with the construction or alteration of a building;
- c) if in any case under paragraph (a) or (b), a retaining wall or retaining structure is located on the boundary, the level on the front of the retaining wall or retaining structure where it intersects the boundary.

Habitable Room

means any room in a residential unit, visitor accommodation, educational facility, commercial activity or healthcare facility used for the purposes of teaching or respite care or used as a living room, dining room, sitting room, bedroom or similarly occupied room.

Hazardous Substance

has the same meaning as in section 2 of the RMA.

Height

means the vertical distance between ground level at any point and the highest part of the structure immediately above that point

Home Business

Means an occupation, craft, service or profession that is secondary to the use of the site for a residential activity.

Illuminated sign

Means any sign with a specifically designed means of illumination of the whole or any portion of its face. Includes internally illuminated and externally illuminated (floodlit) signs and reflective signs.

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
- artificial playing surfaces or fields.

Excludes:

- grass and bush areas
- gardens and other landscaped areas
- permeable paving and green roofs
- slatted decks.

Infrastructure

has the same meaning as in section 2 of the RMA.

Definitions

L_{Aeq}

has the same meaning as 'time-average A-weighted sound pressure level' in New Zealand Standard 6801:2008 Measurement of Environmental Sound.

L_{AFmax}

has the same meaning as the 'maximum A-frequency weighted, F-time weighted sound pressure level' in New Zealand Standard 6801:2008 Measurement of Environmental Sound.

L_{A90}

has the same meaning as 'Background sound level' in New Zealand Standard 6801:2008 Measurement of Environmental Sound.

L_{peak}

has the same meaning as 'Peak sound pressure level' in New Zealand Standard 6801:2008 Measurement of Environmental Sound.

L_{dn}

has the same meaning as the 'Day night level, or day-night average sound level' in New Zealand Standard 6801:2008 Measurement of Environmental Sound.

Land

has the same meaning as in section 2 of the RMA.

Landscaping

means any part of an allotment which is planted in lawns, trees, shrubs or gardens.

Land Disturbance

means the alteration to land, including by moving, cutting, placing, filling or excavation of soil, cleanfill, earth or substrare land.

Living Areas

means a living room, lounge, family room or dining room.

Major roading alteration to an existing public road

Includes road widening, realignment or extensions that take place outside the existing legal road reserve over an area greater than 50m².

Excludes:

- a) Routine maintenance for the safe operation of the transport network.
- b) Maintenance and minor upgrade works necessary to keep transport infrastructure in good condition or restore transport infrastructure to a good condition.
- c) Installation, maintenance and replacement of road signs, street lighting, landscaping, parking meters and other ancillary transport network structures or features.
- d) Activities required by by-law or for public health and safety.
- e) Construction works associated with installation/alterations to network utilities or vehicle crossings.
- f) Temporary traffic management.

Definitions

Minor Structure
includes:

- 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 equipment 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; or
- k) Any artificial crop protection or support structure in the RPZ.

Mixed use

means development that integrates compatible land uses such as commercial, residential and office.

Net Allotment Area

means the total area of the allotment, but does not include:

- a) any area of land that legally provides access to another allotment:
- b) any area of land used primarily for legal access to a rear allotment:
- c) any area of land subject to a designation that is intended to be taken or acquired under the Public Works Act 1981.

Net Site Area

means the total area of the site, but does not include:

- a) any area of land that legally provides access to another site:
- b) any area of land used primarily for legal access to a rear site:
- c) any area of land subject to a designation that is intended to be taken or acquired under the Public Works Act 1981.

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 and education facilities, excluding Airport staff and aviation training facilities or aero clubs (other than airport staff training facilities).

Non-Port Related Activities

means any activity undertaken within the Port Zone not identified under the definition of Port Activities.

Definitions

Oil Refinery Activities

means the use of land and/or buildings within the Oil Refinery Precinct for refinery related activities, including:

- a) Operation of storage and fuel tanks;
- b) Process plants;
- c) Cogeneration plants and associated transmission lines;
- d) Offices;
- e) Support and community activities;
- f) Visitor centres;
- g) Canteens/cafes and residential dwellings associated with the refinery; and
- h) Facilities catering to the needs of staff and visitors.

Outdoor Living Court

means an area of outdoor open space which may be either permeable or impervious or a combination of both and includes balconies, recessed 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 area and that does not contain structures that would impede its use for outdoor living purposes.

Outdoor Living Space

means an area of open space for the use of the occupants of the residential unit or units to which the space is allocated.

Pedestrian Arcade

means an area with a minimum dimension of 5m and minimum area of 30m² between a building and a public space that provides visual and pedestrian access onto the allotment and can be used for activities such as outdoor dining or informal leisure or recreation space.

Permanent All Weather Surface

means a pavement which is dust free and is trafficable under all weather conditions, with a sealed surface of, eg concrete, asphalt, bitumen.

Port Activities

means the use of land and/or building within the Port Zone for port related activities, including:

- a) Cargo handling, including the loading, unloading, storage, processing and transit of cargo;
- b) Debarking;
- c) Fumigation;
- d) Transport, storage and goods handling activities;
- e) Maritime passenger handling/services;
- f) Construction, maintenance and repair of port operations and facilities;
- g) Port administration;
- h) Refueling/fuel handing facilities;
- i) Activities associated with surface navigation, berthing;
- j) Maintenance or repair of a reclamation or drainage system;
- k) Marine and port accessory structures and services.

Definitions

Raft

has the same meaning as section 2 of the RMA.

Rear Allotment

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

Regionally Significant Infrastructure

means the infrastructure listed in Appendix 3 of the Regionally Policy Statement for Northland 2016.

Residential Zones

means the Residential, Low-density Residential, Medium-density Residential and High-density Residential Zones.

Reticulated Stormwater Area

Means any allotment within 200m of an existing public primary stormwater system as measured along existing and proposed roads, right of ways or access paths.

Reticulated Wastewater Area

Means any allotment:

- a) Within the Medium Density Residential, High Density Residential, Business Zones, etc.; or
- b) Within the RVE, etc. or the RUEE (except the Toetoe or Whau Valley areas of the RUEE) and within 150m of an existing public reticulated wastewater network (excluding rising mains).

Reticulated Water Supply Area

Means any allotment:

- a) Within the Medium Density Residential, High Density Residential, Business Zones, etc.; or
- b) Within 135m of an existing public reticulated water supply distribution main, as measured along existing and proposed roads, right of ways or access paths.

Retirement Village Premises

has the same meaning as in section 226A of the RMA.

Right of Way

means an area of land over which there is registered a legal document giving rights to pass over that land to the owners and occupiers of other land and shall have the same meaning, as defined in Schedule 4 of the Land Transfer Regulations 2002.

Road

has the same meaning as in section 2 of the RMA.

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 Zone 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 Zone as the land that surrounds them. Where a road runs along the boundary between two Zones, the boundary of the Zones 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 Zone.

Road Sign

Means any signs which is erected for the purpose of traffic control or public road safety, including illuminated and reflective signs where they are designed and operated in accordance with the requirements of the road controlling authority.

Definitions

Rural Zones

means the Rural Countryside, Strategic Rural Industries, Rural Village, Rural Living and Rural (Urban Expansion) Zones.

Sea-Farers Mission and Managers Accommodation

means Christian welfare centre located within the Port Zone providing communal facilities for transitional merchant seafarers. Includes a single residential unit to be used solely for the purpose of providing accommodation for the Manager/Pastor of the Sea Farers Mission and immediately family. Does not include motels or hotels, backpackers, bed and breakfast, farmstay or homestay accommodation, or any other types of accommodation.

Sensitive Activities

means, childcare and education facilities, Residential Activity and hospitals.

Service Lane

shall have the same meaning, as defined in Section 315 of the Local Government Act 1974 and includes any privateways in industrial/commercial developments.

Setback

means the distance between a structure or activity and the boundary of its site, or other feature specified in the Plan.

Sewage

means any water that contains any toilet or urinal waste, or any waste in water from industrial or commercial processes.

Sign

- a) means any device, character, graphic or electronic display, whether temporary or permanent, that is visible from beyond the site boundary, for the purposes of:
 - i identification of and provision of information about any activity, site or structure:
 - ii providing directions:
 - iii promoting goods, services or forthcoming events; and
- b) includes the frame, supporting device and any associated ancillary equipment whose principle function is to support the message or notice; and
- c) may be two- or three-dimensional, and manufactured, painted, written, printed, carved, embossed, inflated, projected onto, or fixed or attached to, any structure or natural object; and
- d) may be illuminated by an internal or external light source.

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 the total signage area that may be viewed from every 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.

Definitions

Site
means:

- a) an area of land comprised in a single computer freehold register (record of title as per Land Transfer Act 2017); or
- b) an area of land which comprises two or more adjoining legally defined allotments in such a way that the allotments cannot be administered separately without the prior consent of the Council; or
- c) the land comprised in a single allotment or balance area on an approved survey plan of subdivision for which a separate computer freehold register could be issued without further consent of the Council; or
- d) in the case of land subdivided under the Unit Title Act 1972 or the cross lease system, a site is deemed to be the whole of the land subject to the unit development or cross lease; or
- e) an area of adjacent land comprised in two or more computer freehold registers where an activity is occurring or proposed.

Standalone Car Park Facility

means either indoor or outdoor on-site car parking which is not directly associated with any other activity within the site.

Stormwater

means water from natural precipitation (including any contaminants it contains) that flows over land or structures (including in a network), to a waterbody or the coastal marine area.

Structure

means any building, equipment, device or other facility made by people and which is fixed to or located on land; and includes any raft, but excludes motorised vehicles that can be moved under their own power.

Subdivision

means:

- a) The division of an allotment:
 - i. By an application to the Registrar-General of Land 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 a term of 35; 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 the Registrar-General of Land for the issue of a separate certificate of title for any part of a unit on a unit plan; or
- b) An application to the Registrar-General of Land for the issue of a separate certificate of title in circumstances where the issue of that certificate of title is prohibited by section 226.

Swale

means an area of land that has been shaped to allow a watercourse to form during stormwater collection.

Temporary Activity

means any commercial activity undertaken in a temporary or moveable structure within a road or 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.

Definitions

Temporary Sign

Means any sign, whether portable or fixed which is placed to advertise or announce a specific event, or which pertains to a particular event or occurrence, or which is not designed or intended to be placed permanently. Examples of temporary signs include signs associated with; real-estate, election(s), construction or redevelopment.

Note: Unless otherwise stated community, signs will be considered as temporary signs where they are erected no more than 21 days prior to the event and are removed within two days after the event concludes.

Through-site Link

means a defined pedestrian access which is continuous and clearly identifiable and is designed specifically to traverse a site to connect roads or other public places or other through-site links. A through-site link provides a public pedestrian route which will generally be a shorter and more convenient route than the existing alternative.

Transport Infrastructure

means assets and structures that are necessary for the functioning of the transport network and that cater for the need of transport users.

Urban Area

Refers to areas that are considered 'urban' in the context of this chapter (and the wider District Plan), refers to both Residential and Business Zones and includes the Airport, Hospital, Port and Marsden Primary Centre Zones.

Wastewater

includes sewage, and greywater.

Waterbody

means fresh water or geothermal water in a river, lake, stream, pond, wetland, or aquifer, or any part thereof that is not located within the coastal marine area.

Water Sensitive Design

means an interdisciplinary approach to land use and development planning, design and implementation which integrates land use and water management, to minimise adverse effects on freshwater systems and coastal environments, particularly from stormwater runoff.