Notice of Meeting

A meeting of the Environment Committee will be held in the Council Chambers & Committee Room 1, Forum North, Whangarei on:

Wednesday
11 August 2010
9.00 am

Committee
Councillor S J Deeming (Chairperson)
His Worship the Mayor
Cr V P D Cocurullo
Cr A D Goodhew
Cr S L Mai
Cr G M Martin
Cr B L Mclachlan
Cr S L Morgan
Cr K J Sutherland
Cr M R Williams

Vision Statement
To be a vibrant, attractive and thriving District by developing sustainable lifestyles based around our unique environment; the envy of New Zealand and recognised world wide.
INDEX

<table>
<thead>
<tr>
<th>Item No</th>
<th>Page No</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Minutes of a Meeting of the Environment Committee held 14 July 2010</td>
<td>1</td>
</tr>
<tr>
<td>3. Urban Design Strategy</td>
<td>25</td>
</tr>
<tr>
<td>4. Landscape Project – Focus Group Feedback</td>
<td>57</td>
</tr>
<tr>
<td>5. City Centre Urban Design Framework Methodology</td>
<td>59</td>
</tr>
<tr>
<td>6. Plan Change 78 – Port Nikau Joint Venture – Hearings Commissioners Recommendations</td>
<td>63</td>
</tr>
</tbody>
</table>

Recommendations contained in this agenda are NOT final decisions. Please refer to the minutes for resolutions.
1. Minutes: Environment Committee
Wednesday 14 July 2010

Minutes of a meeting of the Environment Committee of the Whangarei District Council held in the Council Chamber Forum North on Wednesday 14 July 2010 at 9.00 am

Present:
S J Deeming (Chairperson)
Crs V P D Cocurullo, A D Goodhew, S L Mai, G M Martin, B L McLachlan, S L Morgan and M R Williams

Apologies:
His Worship the Mayor and Cr Sutherland

Moved:  Cr Martin
Seconded:  Cr Goodhew

“That the apologies be sustained.”

Also Present:
Crs C B Christie, S M Glen and P R Halse

In Attendance:
Chief Operating Officer (J Thompson), Group Manager Environment (P Dell), Policy and Monitoring Manager (P Waanders), Resource Consents Manager (A Hartstone), Team Leader District Plan (N Williamson), Policy Planners (N Webb, E Cook, M McGrath), Executive Assistant (F Watson), Councillor Support (J Benyon) and Senior Meeting Co-ordinator (C Brindle)

1. Confirmation of Minutes of a Meeting of the Environment Committee held on 9 June 2010

Moved: Cr Williams
Seconded: Cr Cocurullo

“That the minutes of the meeting of the Environment Committee held on 9 June 2010, having been circulated, be taken as read and now confirmed and adopted as a true and correct record of proceedings of that meeting.”

2. Confirmation of Minutes of a Meeting of the Whangarei District Sub-Regional Growth Strategy Sub-Committee held on 15 June 2010

Moved: Cr Deeming
Seconded: Cr Martin

“That the minutes of the meeting of the Whangarei District Sub-Regional Growth Strategy Sub-Committee held on 15 June 2010, having been circulated, be taken as read and now confirmed and adopted as a true and correct record of proceedings of that meeting.”

   **Moved:** Cr Cocurullo  
   **Seconded:** Cr Morgan

   “1. That this report be received.

   2. That Councillor Williams be appointed to join the Hearings Commission on Plan Change 104 (Business 2 on Open Space at Springs Flat).”

   [CARRIED]

4. **Update on Growth Strategy**

   **Moved:** Cr Williams  
   **Seconded:** Cr Cocurullo

   “1. That this report be received.

   2. That the committee agree that a further round of consultation and submission is not required prior to the adoption of the Sustainable Futures 20/50 Growth Strategy.”

   [CARRIED]

5. **Plan Change 69 - Waipu Rezoning - Hearing Commissioners Recommendations**

   **Moved:** Cr Williams  
   **Seconded:** Cr Morgan

   “1. That the report and attachments be received.

   2. That the report and recommendations of the Commissioners be approved in terms of Clause 10 of the First Schedule of the Resource Management Act 1991.

   3. That the necessary notification of Council's Decision be given in terms of Clause 11 of the First Schedule of the Resource Management Act 1991.”

   [CARRIED]

The meeting closed at 9.42 am

Confirmed this 11th day of August 2010

S J Deeming (Chairperson)
2. Environment Group Monthly Report

Reporting Officer: Paul Dell (Group Manager Environment)
Date: 20 July 2010

Resource Consents

July has seen a steady increase in the number of Resource Consent applications received, noting that the number of subdivision consents being lodged remains pretty static. It is noted that no consent applications were rejected during the month.

The Department has managed to maintain 100% compliance with issuing of non-notified Resource Consents within statutory timeframes.

The Resource Management Act (RMA) Discount Regulations come into force on the 2 August 2010, so any application lodged on or after that date that exceeds statutory timeframes will be liable for a discount of 1% for every day it is late up to a maximum of 50%. The Department has reviewed its processes and has made changes to provide for any situation where a discount may be incurred.

Two key process matters have been recently identified for actioning. As of the 2 August 2010, some changes to the post-approval subdivision process (Section 223 and 224) will be instigated to achieve some efficiencies in terms of reducing both cost and timeframes. In addition, staff are currently considering a strengthening of the pre-lodgement process for Resource Consent applications. This is an approach that has been advocated by the Ministry for the Environment in terms of Councils receiving good quality applications to ensure timely processing of consents.

One decision was issued by the Hearings Commissioners as a result of a hearing during the month. This related to an application by Torin Orchids Limited for a six lot subdivision located at 47 Ngunguru Road, Tikipunga, and was granted.

Policy and Monitoring

The second wave of plan change hearings will commence soon and are scheduled for August to November 2010. Various plan changes awaiting the recommendations of Commissioners will be submitted to Council in September. A recommendation to appoint Commissioners is included at the end of this report.

The months of August and September will be very busy for the Councillors involved in the Sustainable Futures 30/50 Growth Strategy as the Strategy will be completed and workshopped with Councillors. Vast amounts of reading will be required, culminating in a report to full Council in September where it is anticipated the Strategy will be adopted.

As signatory to the Urban Design Protocol, Council will need to develop an Urban Design Strategy and Guidelines. These reports form part of the agenda and will also kick start the CBD review on the Town Basin walkway which will be used to develop the Urban Design Guidelines for that area.
Building Compliance

The first month of the Local Government year saw a marked drop in the receipt and issuing of Building Consents. While volume and values are better than this time last year the last month of July was a drop compared to the preceding five months. Consents issued were 121 and the number received stands at 109. The split between commercial and residential remained at the normal split of 20% consents being for commercial and 80% for residential. Out of a value of $9.7 million for residential, $8 million was for 33 new build houses. Of the 109 Building Consents issued 27 of these were fireplaces. The current suspension ratio is approximately 50% of Building Consents.

Inspections reversed the progressive trend over the last several months to a drop of -23% on last month, reporting 628 inspections. 152 Code Compliance Certificates (CCC's) were issued along with: 4 Certificates of Acceptance (COA's), 7 Certificates for Public Utilisation (CPUs) and two Notices to Fix (NTF). LIM's remain steady at 69 issued for the month. 75 PIM requests were received with another 32 Building Consent applicants choosing not to have a PIM.

Building Consents granted within 15 days were 72% and 97% within the statute time frame of 20 days. The average processing of a Building Consent from receipt to issue was 12 days.

Regulatory Services

During the month the Regulatory Services Department attended to inspections, monitoring and enforcement work across a wide range of work areas and within expected work load and trends. There are two Bills before Parliament which will be of interest to council. The first is the Food Act Bill which proposes amongst other matters the revocation of the Food Hygiene Regulations 1974 and will bring into law the new food control plan regime in food premises. Council has been working under a voluntary implementation programme (VIP) to introduce food premises to the new system and there are now 46 premises in the district operating with food control plans. It is envisaged that a new Food Act will come into law by the end of 2011.

The second Bill is the World Cup 2011 Empowerment Bill. The purpose of this Bill is to enable consent and regulatory approvals for temporary Rugby World Cup 2011-related activities and facilities to be considered expeditiously. The Bill establishes a new Rugby World Cup Authority which will determine applications for various consents and licenses within strict time frames during the world cup period of 1 September to 31 October. Applicants may seek approvals, declarations, or changes in conditions of approvals granted under other enactments. Each local authority hosting World Cup events is required to establish a Secretariat giving administration support to the Authority. The Secretariat will receive applications and forward them through to the Authority for determination within strict time frames. A temporary Rugby World Cup Liquor Licensing scheme is established under which the Authority may grant Rugby World Cup Liquor Licenses, in order to enable the additional hospitality requirements for the Rugby World Cup to be met. Enforcement provisions of the Sale of Liquor Act will continue to apply. The Bill is relatively complex and clarification is being sought as to how it will impact on council.
Resource Consents

The Resource Consents Manager (A Hartstone) reports for July 2010:

Volume of Resource Consents and Other Permissions Received

(N.B Other permissions includes s114, s125, s221, s243, s348, s357, Certificates of Compliance, Liquor Certificates)
Volume of Resource Consents and Other Permissions Processed

Resource Consents Processed

Other Permissions Processed
Volume of Resource Consents and Other Permissions Lodged with Council

Timeliness of Resource Consents and Other Permissions Processed

(N.B. The above graph includes other permission applications i.e. s127, s125, LC, RQ, and s348 but does not include applications that have utilised the provision of s37, in this monthly period being 5 applications).
Performance Indicators:

<table>
<thead>
<tr>
<th></th>
<th>This Month</th>
<th>Years Avg to Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Resource Consents</td>
<td>100%</td>
<td>84%</td>
</tr>
<tr>
<td>Non-notified consents processed within statutory timeframes</td>
<td>100%</td>
<td>95%</td>
</tr>
<tr>
<td>223 Issued</td>
<td>50%</td>
<td>73%</td>
</tr>
<tr>
<td>Within 10 w/days</td>
<td>0%</td>
<td>76%</td>
</tr>
<tr>
<td>224 Issued</td>
<td></td>
<td></td>
</tr>
<tr>
<td>232 Issued</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Timeliness of Notified Resource Consents processed - July 10

- Outside statutory timeframe: 68% (2)
- Within statutory timeframe: 31% (1)

Timeliness of Non-Notified Resource Consents processed - July 10

- Outside statutory timeframe: 0% (0)
- Within statutory timeframe: 100% (0)

Timeliness of Other Permissions Processed July 10

- Outside Annual Plan Timeframes: 0% (0)
- Within Annual Plan Timeframes: 100% (0)
Timeliness of Post-Approval Subdivision Certificates Processed

Number of Active and Suspended Files within the Tech 1 System

Rejected Applications:
There were no rejected applications during this monthly reporting period.
Appeals and Other Matters

One new appeal was received during the month relating to the consent for the Hatea Bridge crossing project. The sole issue of contention is the span height of the bridge associated with the bridge lifting mechanism. It appears that the Hearings Commissioners decision took into account various drawings and statements in the application and drew a conclusion on what the height should be and specified that height in a consent condition. The appeal seeks to change the maximum height to reflect more accurately the intentions of the design. This issue is likely to be resolved quickly given the nature of the issue in contention.

The following table provides an update of progress on existing appeals.

<table>
<thead>
<tr>
<th>Applicant</th>
<th>Appellant</th>
<th>Activity</th>
<th>Council Decision</th>
<th>Progress</th>
</tr>
</thead>
<tbody>
<tr>
<td>OB HOLDINGS</td>
<td>Applicant</td>
<td>44 lot subdivision</td>
<td>DECLINED</td>
<td>Awaiting Court decision</td>
</tr>
<tr>
<td>KIWIRAIL</td>
<td>WDC and Others</td>
<td>Decision on Rail Designation</td>
<td>APPROVED</td>
<td>Council currently mediating with Kiwirail but likely to be resolved</td>
</tr>
<tr>
<td>KIWIRAIL</td>
<td>Submitters</td>
<td>Land use consent (S89(2)) to construct rail line over reclaimed land</td>
<td>APPROVED</td>
<td>Court has directed mediation between parties</td>
</tr>
<tr>
<td>GOLF HARBOUR VIEWS LIMITED</td>
<td>Applicant</td>
<td>Cancellation of amalgamation conditions and consent notice</td>
<td>DECLINED IN PART</td>
<td>Awaiting advice regarding legal representation for appellant</td>
</tr>
<tr>
<td>HENDERSON</td>
<td>Oman Holdings</td>
<td>Construct a accessory building in Coastal Countryside</td>
<td>APPROVED</td>
<td>Council seeking early hearing date</td>
</tr>
<tr>
<td>WDC ROADING DEPT</td>
<td>WDC Dept</td>
<td>Construct Hatea Bridge crossing</td>
<td>APPROVED</td>
<td>Awaiting direction of the Court</td>
</tr>
</tbody>
</table>
Policy and Monitoring

The Policy and Monitoring Manager (P Waanders) reports for July 2010:

District Plan

The District Plan rolling review work programme is gaining heightened awareness among practitioners and stakeholders now that Plan Changes are being notified and heard with increased frequency. The team is exploring ways in which open days and workshops can be held during the submission period on plan changes to maximise their availability in a more cost effective way. Policy staff have finished pre-hearing meetings for the Management Plan and Urban Transition Environment (UTE) Plan Changes, discussion has been extremely useful, staff are preparing for and organising the hearing process.

a) Plan Changes

The following chart illustrates progress on the more significant plan changes presently being undertaken.

District Plan Change Progress
(i) Plan Change 65 (Longview Estuary Estate) - Rezoning of Coastal Countryside to Living 1 and 3 in Ngunguru. Council decision was to decline the application. An appeal against the decision was lodged with the Environment Court. Parties have indicated that mediation might be an option and a date was determined by the Court. Unfortunately the applicant is not yet ready to mediate.

(ii) Plan Change 69 (Waipu Rezoning) - Council approved the Commissioners recommendation at its meeting on 14 July 2010. The decision will be notified in the Leader on 27 July and the submitters have already been notified. The appeal period closes on 9 September 2010.

(iii) Plan Change 76 (Environmental Engineering Standards) - Environmental Engineering Standards 2010 ‘EES’ were adopted by Council 9 June 2010. To maintain District Plan integrity the referencing to EES must be updated in the District Plan. Council notified its intention to reference the EES for public comment last month, but received limited public comment. Policy staff are in the process of preparing a summary report and draft plan change for Council’s consideration in September.

(iv) Plan Change 78 (Port Nikau) - Mixed use development at the old City Port. The Commissioners have completed their deliberations and recommendations to Council and this is reported in the agenda.

(v) Plan Change 92 (Urban Form & Development) - Awaiting recommendations from the Commissioners.

(vi) Plan Change 93 (Urban Transition Environment) - The further submission period closed on 29 June 2010. Pre-hearing consultation is ongoing in preparation for a hearing which may be held in November.

(vii) Plan Change 94 (Papakainga Housing) - The further submission period closed on 6 July 2010. Pre-hearing consultation is near completion and Policy staff are commencing preparation for a hearing.
(viii) Plan Change 95 (Coastal Countryside Environment Review) - So far 9 submissions have been received. The submission period is open until 31 August. Notification includes over 1300 landowners plus community groups and iwi. During the notification period four drop-in sessions will be held at Mata, Taurikura, Pataua and Ngunguru where staff will be available to answer affected landowner’s questions regarding the plan change.

(ix) Plan Change 100 (Sites of Significance to Maori) - The draft methodology for the identification of sites of significance to Maori is being finalised.

(x) Plan Change 103 (Management Plan) - The further submission period closed on 29 June 2010. Pre-hearing consultation is near completion and Policy staff are commencing preparation for a hearing – probably in November.

(xi) Plan Change 104 (Business 2 and Open Space Zoning at Springs Flat) - The hearing was held on 2 August 2010.

(xii) Plan Change 105 (Living Environment Intensification) - Currently drafting possible criteria for intensification, reviewing alternatives for policy implementation and will prepare presentation materials for a further Focus Group meeting.

(xiii) Plan Change 113 (Ruakaka Racecourse) - A brochure has been prepared by the consultant, printed and sent to key stakeholders in the community for feedback which closes on 4 August 2010. Feedback from both the stakeholders and the Racing Club members will be incorporated into the master plan which will be presented for adoption to Council on 8 September.

(xiv) Plan Change 116 (Coastal Policy Areas) - The submission period is open until 31 August. To date no submissions have been received.

(xv) Plan Change 117 (Northpower Line Maintenance) – This private plan change was officially received on 20 July 2010. Copies have been distributed to a number of internal and external parties to check whether any further information is required from Northpower. We are awaiting their responses. Have started initial assessment to ascertain whether to recommend the plan change be accepted, adopted or rejected.

Plan Formulation

a) Rural Strategy

The methodology for the development of the Rural Strategy was confirmed at the June 2010 meeting of the Environment Committee. Data gathering and background research is presently being pulled together to inform stakeholder engagement. Identification of stakeholders and information holders is currently underway and consultation with these groups is programmed to occur over the latter half of this year.

b) Implementing the Urban Growth Strategy

Residential intensification project is being investigated further. Work is continuing on the development of objectives and policies that will enable residential intensification identified growth centres within Whangarei City. The Urban Designer and Senior Policy Planner are working on concept preliminary designs and design considerations for specific areas identified for intensification, which will be presented to the Focus Group meeting for consideration.

c) Coastal Management Strategy

Plan Changes 95 and 116 continue to be the focus of current work to implement the Coastal Management Strategy. The submission process will provide further guidance in relation to identifying priorities for implementing and monitoring the Coastal Management Strategy.
d) Papakainga Housing
Negotiations and pre-hearing meetings for papakainga housing were held throughout the month of July. Discussions have been very useful. At this stage the best approach is for a hearing to be scheduled for October.

e) Landscape
An Environment Discussion Focus Group Workshop was held on 19 July 2010, to discuss the proposed methodology for the identification and management of the District’s outstanding landscapes. Feedback is reported separately in this agenda.

f) Urban Design
The draft Urban Design Strategy and Urban Design Panel were presented for discussion and information at the Environment Discussion Focus Group meeting on 19 July. The draft Design Strategy and the methodology for the Town Basin/CBD re-visioning project will form part of this agenda.

g) Transportation and Parking
The department is continuing to work on policy development for transport and parking. This includes participating in corridor studies along State Highways 1, 14 and 15A, and the Whangarei southern city area. Policy staff are currently reviewing the recent draft document produced by New Zealand Transport Agency titled ‘Draft Network Plan for the Puhoi to Wellsford’. It is important for Whangarei District Council to keep a watching brief on this ongoing development for SH1. Work has continued on the review of the Parking Strategies developed in 2003 and 2006.

Strategic Planning/ State of the Environment Monitoring and Reporting

a) Environmental Monitoring
Monitoring of conservation covenants is continuing.

b) State of Environment Monitoring and Reporting
The State of the Environment Co-ordinator attended the Northland Kiwi Hui run by the Landcare Trust, and BNZ Save the Kiwi Trust. The purpose of the Hui was to inform of Kiwi response to the 2009/10 drought, update on the status of the Northland Kiwi Taxon Plan, and raise the possibility of forming a Northland Kiwi Forum.

c) Strategic Planning/ Sustainable Futures 30/ 50
All background research reports for the Growth Strategy are completed and on the Sustainable Futures 30/50 website. The website continues to receive visits from interested parties wishing to view the reports.

Work is continuing on writing the draft Growth Strategy which will go to the Whangarei District Sub-regional Growth Strategy Sub-committee on 2 August, will be workshopped with Councillors late August, and then go to full Council on 2 September for adoption.
Building Compliance

The Building Compliance Manager (B Rogers) reports for July 2010:

Building Inspection Numbers

Value of Building Consents
Performance Indicators

<table>
<thead>
<tr>
<th></th>
<th>This Month</th>
<th>Year's Average To Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Building Consents Processed In 15 Days</td>
<td>72%</td>
<td>72%</td>
</tr>
<tr>
<td>Building Consents Processed In 20 Days</td>
<td>97%</td>
<td>97%</td>
</tr>
<tr>
<td>LIMs (Required 100% in 10 Days)</td>
<td>100%</td>
<td>100%</td>
</tr>
<tr>
<td>PIMs Percentage Within 5 Days</td>
<td>100%</td>
<td>100%</td>
</tr>
<tr>
<td>Inspections (Completed within 48 Hrs)</td>
<td>100%</td>
<td>100%</td>
</tr>
<tr>
<td>Average Building Consents Processed Time</td>
<td>12</td>
<td>12</td>
</tr>
</tbody>
</table>

Note: ebenchmark average (12.40days) for last quarter
Building Consents Issued - Commercial and Residential Percentages

Percentage Commercial To Residential Building Consents Issued
26 June 2010 To 23 July 2010

Residential, $9,685,092.00, 78.36%
Commercial, $2,674,000.00, 21.64%
Regulatory Services

The Regulatory Services Manager (G Couchman) reports for July 2010:

Environmental Health

The following is a summary of inspections/samples/notifications addressed for the month of July 2010:

<table>
<thead>
<tr>
<th>ITEM</th>
<th>NO.</th>
<th>YEAR TO DATE</th>
</tr>
</thead>
<tbody>
<tr>
<td>No. of inspections carried out on Food premises</td>
<td>108</td>
<td>108</td>
</tr>
<tr>
<td>No. of inspections carried out on other premises e.g. hairdressers,</td>
<td>10</td>
<td>10</td>
</tr>
<tr>
<td>mobile shops, camping grounds</td>
<td></td>
<td></td>
</tr>
<tr>
<td>No. of water samples taken either at non-reticulated food premises</td>
<td>2</td>
<td>2</td>
</tr>
<tr>
<td>or marine sampling/fresh water sampling</td>
<td></td>
<td></td>
</tr>
<tr>
<td>No. of Health Act nuisances e.g. odour, noise, dust, drainage,</td>
<td>6</td>
<td>6</td>
</tr>
<tr>
<td>rodents, offal etc</td>
<td></td>
<td></td>
</tr>
<tr>
<td>No. of infectious diseases notified</td>
<td>16</td>
<td>16</td>
</tr>
<tr>
<td>Health seminars/conferences attended</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>AEE – Assessments of Environmental effects including monitoring</td>
<td>8</td>
<td>8</td>
</tr>
</tbody>
</table>

Meetings/Seminars Attended: Reiner Mussle, Jainesh Ram and Mohammed Ishrar attended an Alac workshop, at Spear Hospitality in Whangarei

Premises Inspection Grading

Each month inspections of food premises are undertaken prior to their annual registration.

This annual registration inspection includes an assessment of the premises in terms of council’s Food Premises Risk Evaluation System which assesses four areas of performance:

1. Premises Layout
2. Food Hygiene Conduct and Practices
3. Cleaning and Sanitising
4. Food Handler Training.

A grade is allocated to the occupier of each premise from this assessment.
# Food Premises Gradings for the Month of July 2010

<table>
<thead>
<tr>
<th>Grading</th>
<th>Premises</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Grade A+</strong></td>
<td>Refuel Café – ASB Leisure Centre, Western Hills Drive, Whangarei</td>
</tr>
</tbody>
</table>
| **Grade A** | Hook Inn Fresh Fish & Takeaway – 386 Kamo Road, Kamo, Whangarei  
Regency Pies – 45 Maunu Road, Whangarei  
No. 7 Bank Street Espresso – 7 Bank Street, Whangarei  
J & J Cakes on Wheels – 14 Mariposa Place, Kamo, Whangarei  
Hot Chocolate Café – 9 Kamo Road, Whangarei  
Tikipunga Fruit & Vegie – 159 Kiripaka Road, Tikipunga, Whangarei  
Tikipunga Foodmart – 175 Kiripaka Road, Tikipunga, Whangarei  
Café Latino – Mobile Coffee Van  
Rice and Noodles – 60 Walton Street, Whangarei  
Café Ritazza – 151 Maunu Road, Whangarei  
Black Stag – Ruru Way (Pvt), Waipu  
The Korna Store – 45 Morningside Road, Whangarei  
Rynoz – 79 Cameron Street, Whangarei  
Onerahi Superette – 16 Old Onerahi Road, Onerahi, Whangarei  
Whangarei Airport Café – 59 Handforth Street, Onerahi, Whangarei  
Café in the Park – 92 Otaika Road, Whangarei  
Flames International Hotel – Waverley Street, Onerahi, Whangarei  
Sapporo Sushi – Shop 12 Quality Street, Whangarei  
Destination Dairy – 1 Ewing Road Whangarei |
| **Grade B+** | Pizza Belgrade – 7 Bank Street, Whangarei  
Oriental Takeaway – 525 Kamo Road, Kamo, Whangarei  
Tornado Trading Post – 31 King Street, Hikurangi  
Butter Factory – 84 Bank Street, Whangarei  
Tikipunga Mobilmart – 209 Kiripaka Road, Tikipunga, Whangarei |
| **Grade B** | Export Meat Warehouse – 169 Kiripaka Road, Tikipunga, Whangarei  
Denby Dairy – 175 Kiripaka Road, Tikipunga, Whangarei  
Hikurangi Hotel – 16 King Street, Hikurangi  
Special Olympics – 174 Portland Road, Whangarei  
The Garden Gate – Shop 2, 45 The Centre, Waipu  
Onerahi Hammer Hardware – 1 Church Street, Onerahi, Whangarei |
| **Grade C** | Tikipunga Bakehouse – 161 Kiripaka Road, Tikipunga, Whangarei |
### Liquor Licensing - Monthly Statistics for July 2010

<table>
<thead>
<tr>
<th>Item</th>
<th>Number</th>
<th>Year to date</th>
</tr>
</thead>
<tbody>
<tr>
<td>No. Liquor Licensing applications received</td>
<td>52</td>
<td>52</td>
</tr>
<tr>
<td>No. of premises inspections (routine)</td>
<td>23</td>
<td>23</td>
</tr>
<tr>
<td>No. of premises inspections (monitoring operations)</td>
<td>20</td>
<td>20</td>
</tr>
<tr>
<td>No. of courses/seminars</td>
<td>3</td>
<td>3</td>
</tr>
</tbody>
</table>

### Regulatory Compliance

#### Compliance Investigation, Enforcement and Consent Monitoring

During the month the Regulatory Services Department attended to Complaint Investigations, Pool Inspections, Land Use Consent Monitoring and enforcement work across a wide range of work areas.

There were no enforcement actions taken in terms of Abatement Notices, Infringement Notices or Notices to Fix. Further to the removal of a dangerous tyre retaining wall in late June, work continues to legitimise the remaining structure.
Building Act Complaints 2010

Building Act Complaints

Number of Land Use Resource Consents Monitored
Environmental Northland
Animal, Noise and Bylaws Infringements – with 12 Month Average Comparison - July 2010

Parking by Type and Bylaw Infringements with 12 Month Average Comparison - July 2010
Recommendation

1. That this report be received.
2. That Councillor Merv Williams be appointed as Commissioner to join the Hearings Commission on Plan Change 93 (Urban Transition Environment).
3. That Councillor Shelley Deeming be appointed as Commissioner to join the Hearings Commission on Plan Change 103 (Management Plan).
3. Urban Design Strategy

Reporting Officer: Neil Landingin (Senior Specialist - Urban Design and Policy)
Date: 3 August 2010

Vision, Mission and Values
Urban design will form a major part of Council’s strategy for implementing its vision of a vibrant, attractive, and thriving district and its mission of creating the ultimate living environment. Although non-statutory, the Urban Design Strategy sets out the vision, design qualities, and mechanisms needed to shape the sustainable future of Whangarei’s built environment. It seeks to promote innovation and excellence in the design and planning of buildings and public spaces that are critical to achieving the best environmental outcomes for the community. The Strategy will allow Council to demonstrate its visionary leadership in terms of its commitment to the New Zealand Urban Design Protocol and for its recognition of the role of quality urban design to improving quality of life in Whangarei. The Strategy also ensures that the values of communication, customer first, and partnership are utilised in a manner that helps achieve the level of coordination and transparency that is envisaged in Council’s organisational strategy.

Local Government Act 2002 – The Four Well-Beings

Cultural: The Strategy seeks to involve all stakeholders in finalising the document regardless of their cultural background. It will create opportunities for preserving the cultural identity of Whangarei.

Economic: The Strategy will facilitate urban development that can help contribute to the revitalisation and economic growth of Whangarei.

Environmental: The Strategy will ensure that urban development occurs in a manner that will help achieve the best possible environmental outcome.

Social: The Strategy seeks to achieve a high quality of life for the community resulting from the creation of a high quality urban environment.

Background
Following the endorsement of the Environment Committee on 8 October 2008, Whangarei District Council became a signatory to the New Zealand Urban Design Protocol on 20 November 2008. As instructed, staff have started preparing design guides to help promote quality urban design in the District. The Urban Design Strategy represents some of the progress made by Council so far in the area of urban design and is submitted for endorsement by Council for public consultation.

Urban Design Strategy
The Urban Design Strategy, ‘Making Great Places to Shape our Future’, is the second of a series of non-statutory design guides that staff have prepared in order to promote quality design in Whangarei. The first was the Landscape Design Guidelines.

The Urban Design Strategy sets out the preferred vision of what high quality urban design should mean in the context of Whangarei, how it should look for both locals and visitors, and how we can achieve that vision. It seeks to provide direction to Council, developers, and individuals in determining projects so that they can contribute to the realisation of this vision for Whangarei. Essentially, the Strategy provides a way in which the desired Community Outcomes identified in the Long Term Council Community Plan (LTCCP) can be achieved through high quality urban design.
The formulation of Urban Design Strategy is motivated by:

1. The need to determine Whangarei's identity
2. The need to guide developments to promote integrated and high quality urban design
3. The need to provide clarity to investors, developers, and designers in terms of our urban design aspirations
4. The need to raise public awareness on how urban design can help improve Whangarei's built form and the quality of life in the community
5. The need to leverage off natural capital
6. The need to translate Council's vision of 'a vibrant, attractive and thriving district' in urban design terms.

The Strategy has identified the following eight major urban design issues as critical to shaping the future of Whangarei's built environment: location, sprawl, grain, focus, vitality, style, articulation, and equity (Section 3 in the attachment). In addressing these issues, the Strategy seeks to adopt a flexible yet incremental approach to allow change and thus opportunities to occur. It also encourages Council to take a supportive or catalytic role in urban design and development. Where Council investment is required, the Strategy ensures that the expenditure is proportional to the size and scale of the Whangarei economy. Most importantly, the Strategy seeks to promote the efficient use of our existing strengths in both the natural and built environments.

Features of the Strategy

1. Vision of high quality urban design, taking Whangarei to the state where it reclaims its traditional role as a leading meeting and destination place that successfully draws people to settle in the District.
2. Design qualities needed to achieve the vision of a successful meeting and destination place - compact, connected, distinctive, diverse, attractive, appropriate, sustainable, safe (Section 6 in the attachment).
3. Implementation (Section 7 in the attachment).
   a. Involvement
      • WDC - leadership, support, and collaborative role
      • Developers - delivery of high quality urban design
      • Organisations - advocacy and research
      • Community - neighbourhood planning.
   b. Mechanisms
      • High priority - strategic documents, urban design panel, media, events, meetings, public consultation
      • Medium priority - demonstration projects, education, design competitions, incentives, urban design unit
      • Low priority - policy review/intervention, consents
   c. Monitoring and Evaluation
      • Success will be assessed by measuring progress made towards achieving the vision of a high quality urban design.

Recommendation

1. That this report and attachment be received.
2. That the attached draft Urban Design Strategy be endorsed for public consultation pursuant to Section 78 of the Local Government Act.

Attachment:

3-1 Making Great Places to Shape our Future: An Urban Design Strategy for Whangarei District
# CONTENTS

List of Figures ........................................................................................................................................... 3  
List of Tables .............................................................................................................................................. 3  
1. Introduction ........................................................................................................................................... 4  
   1.1. What is Urban Design? .................................................................................................................... 4  
   1.2. The Value of High Quality Urban Design ..................................................................................... 4  
2. What is the Urban Design Strategy? ..................................................................................................... 5  
   2.1. Rationale .......................................................................................................................................... 5  
   2.2. Purpose ........................................................................................................................................... 5  
   2.3. Strategic Fit ..................................................................................................................................... 6  
   2.4. Structure ......................................................................................................................................... 7  
3. Urban Design Issues ............................................................................................................................. 8  
   3.1. Location .......................................................................................................................................... 8  
   3.2. Sprawl ............................................................................................................................................ 8  
   3.3. Grain .............................................................................................................................................. 9  
   3.4. Focus ............................................................................................................................................. 10  
   3.5. Vitality ........................................................................................................................................... 10  
   3.6. Style .............................................................................................................................................. 11  
   3.7. Articulation .................................................................................................................................... 11  
   3.8. Equity ............................................................................................................................................ 12  
4. Assumptions ......................................................................................................................................... 12  
   4.1. Change ........................................................................................................................................... 12  
   4.2. Size .............................................................................................................................................. 13  
   4.3. Utility ............................................................................................................................................ 13  
5. Vision of High Quality Urban Design ................................................................................................... 13  
6. Design Qualities and Objectives ......................................................................................................... 14  
   6.1. Compact ......................................................................................................................................... 14  
   6.2. Connected ..................................................................................................................................... 15  
   6.3. Distinctive ...................................................................................................................................... 17  
   6.4. Diverse .......................................................................................................................................... 18  
   6.5. Attractive ...................................................................................................................................... 19  
   6.6. Appropriate ................................................................................................................................... 20  
   6.7. Sustainable ................................................................................................................................... 22  
   6.8. Safe ............................................................................................................................................... 23  
7. The Means .......................................................................................................................................... 25  
   7.1. Involvement ................................................................................................................................... 25  
   7.2. Mechanisms .................................................................................................................................. 27  
   7.3. Monitoring and Evaluation .......................................................................................................... 29  
Other documents to consult .................................................................................................................... 30
LIST OF FIGURES

Figure 1. Elements of Urban Design ..................................................................................................... 4
Figure 2. Strategic fit of the Urban Design Strategy ............................................................................... 6
Figure 4. Gateway Concept ................................................................................................................. 8
Figure 5. Typical Countryside Development ....................................................................................... 8
Figure 6. Grain of Whangarei CBD ..................................................................................................... 9
Figure 7. Cameron Street Mall .............................................................................................................10
Figure 8. Bank Street Entry into Cameron Street ...................................................................................10
Figure 9. Architectural Styles of the City Centre ..................................................................................11
Figure 10. Spanish Steps, Rome .........................................................................................................11
Figure 11. Laurie Hall Park during Anzac Day .....................................................................................11
Figure 12. Shared Space ...................................................................................................................12
Figure 13. Landscaped Embankment ................................................................................................12
Figure 14. Open Space Concept for Whangarei .................................................................................13
Figure 15. The Town Basin Marina ..................................................................................................13
Figure 16. Concept of Mander Park Intensification ..........................................................................14
Figure 17. Citylink Public Transport ................................................................................................16
Figure 18. Stone Mulch and Hardy Tussocks ....................................................................................17
Figure 19. Diverse Use of Public Space ................................................................................................18
Figure 20. Claphams National Clock Museum ...................................................................................20
Figure 21. Whangarei Courthouse ....................................................................................................21
Figure 22. Use of Palms in CBD Streets .............................................................................................22
Figure 23. Railway Bridge Mural at Rust Ave. ....................................................................................24

LIST OF TABLES

Table 1. Design Objectives and Elements of a Compact Place ............................................................15
Table 2. Design Objectives and Elements of a Connected Place ........................................................16
Table 3. Design Objectives and Elements of a Distinctive Place ..........................................................18
Table 4. Design Objectives and Elements of a Diverse Place ...............................................................19
Table 5. Design Objectives and Elements of an Attractive Place .......................................................20
Table 6. Design Objectives and Elements of an Appropriate Place ................................................22
Table 7. Design Objectives and Elements of a Sustainable Place ....................................................23
Table 8. Design Objectives and Elements of a Safe Place ....................................................................24
Table 9. Council Involvement ...........................................................................................................25
Table 10. Developer Involvement .....................................................................................................26
Table 11. Organisation Involvement ...................................................................................................26
Table 12. Community Involvement ..................................................................................................27
Making Great Places to Shape Our Future
An Urban Design Strategy for Whangarei District

1. Introduction

Whangarei is Northland’s commercial heart, and the gateway to the region. Its close proximity to Auckland, mature industrial sector, key ports of entry, sub-tropical climate, unique rural-urban setting, and good reputation for healthy work/life balance, can make Whangarei a leading destination for migrants, students, investors, and tourists. Despite these positive characteristics and the District’s huge growth potential, Whangarei has lagged behind other districts in some key areas.

The lack of sustained strategic support, vision, and initiatives relating to urban design are pressing issues that constrain development and growth. The potential role Whangarei’s growing cosmopolitan city centre and the District’s villages play as engines of growth is not articulated in urban design and development. To maximise this potential and secure their sustainable future, it is important that the built environment be enhanced to enhance Whangarei’s natural beauty to allow more people to live, work, study, play in and visit the District.

Council signed the New Zealand Urban Design Protocol in December 2008 as a commitment to increasing urban design practice in Whangarei. The Urban Design Strategy is a manifestation to that commitment. It provides an ongoing direction for the design and development of the urban environment in a manner that helps contribute to the sustainable future and success of the whole District of Whangarei.

1.1. What is Urban Design?

Urban design is the process of making better places by designing buildings, spaces and infrastructure that enhance the function, feel, and form of towns and cities. It helps to make the interface and relationship between buildings and spaces, between public and private domain, and between the natural and built environments work well in the context of urban growth and development.

Urban design equally considers aesthetics and the social, environmental, and economic consequences of development as well as the identity, character, and heritage that make up the fabric of towns and cities.

Urban design can be applied in various scales, ranging from larger towns and cities down to smaller streets, sections, buildings, their surrounding landscape or urban space. On a larger scale, urban design looks at how well connected and integrated the different parts of the city are and where synergies can be created between different activities. On a smaller scale, urban design ensures that the placement of street furniture or other elements of a specific place works well for diverse uses and people and contributes to their continued use, comfort, safety, and the overall look of the community.

The success of an urban design project relies on stakeholders working together to develop outcomes that encourage people to live, work, play in and visit public spaces. These undertakings should not occur in a piecemeal way but in an incremental fashion where all elements of the design are consciously brought together at different points in time to reinforce each other and arrive at a harmonious and sustainable whole. Urban design should work in a collaborative and comprehensive way at different scales and across economic, social, and environmental policies.

1.2. The Value of High Quality Urban Design

The importance of high quality urban design to the economic vitality of towns and cities is recognised internationally. Urban design policies played a crucial role in the transformation, economic development, and social rejuvenation of great cities. High quality urban design can help enhance sense of place, pride, and security, achieve greater efficiency in the use of resources, attract investments, and thereby create greater...
economic vitality. This results in a higher quality of life, which, essentially, is the important basis upon which towns and cities compete for investment and skilled workers.

Poorly designed public spaces can have significant adverse effects on the environment, economy, and the community. They can lead to degradation of natural resources, limit the opportunities for employment and growth, and generate widespread social costs to the community. People living in areas of poor urban design tend to have little pride in their environment, perceive it as unsafe, and its degradation and marginalisation can be ongoing.

Projects with good urban design may entail significant investment upfront but can be more profitable for developers and the wider community in the long term. Well-designed urban projects promote mixed-use activities that can help make the city adaptable and resilient in changing economic and business climate. Quality, safe, and secure public spaces encourage exercise, walking, and cycling which help increase the amount of street activity, making urban places the centre of economic interaction that advance enterprise, innovation, and tourism.

High quality urban design is expected to help enhance Whangarei’s cultural identity and character, increase awareness and sense of pride, integrate decision-making, increase business productivity and property value, make urban environments healthier and safer, attract the creative sector, investors, and visitors needed to propel local growth. It will also help to create a sense of place for the District and make it a choice destination rather than a halfway place.

2. **What is the Urban Design Strategy?**

Council is already a signatory to the New Zealand Urban Design Protocol but urban design is still a relatively new area of focus for Council. The Urban Design Strategy recognises urban design issues that constrain Whangarei’s full growth potential. The Strategy sets out, through the promotion of high quality urban design, the vision and the means for addressing those issues. It outlines the community’s expectations for a high quality urban environment and how Whangarei should look, feel, and function. The Strategy outlines the direction Council wishes to take regarding the future of our built environment and uses quality urban design as the main instrument for achieving this vision.

The Strategy essentially consists of the Action Plan that Council has submitted to the Ministry for Environment as part of its commitment under the Protocol. Rather than following a fixed timeframe, the Strategy promotes an ongoing implementing mechanism. It pays particular attention to medium and long-term plans, to allow the community's desire and appreciation of quality urban design to become more clearly expressed as ongoing strategic actions are met.

2.1. **Rationale**

The Urban Design Strategy for Whangarei is motivated by the need to:

1. describe Whangarei’s uniqueness, character, and sense of place
2. guide Council and the community by influencing future projects, plans, and policies to promote integrated and high quality urban design
3. provide clarity to investors, developers, and designers about Council’s urban design aspirations and direction
4. inform the public about the way urban design can improve Whangarei’s built form and the experience of people living, working, playing in, and visiting the District
5. leverage off Whangarei’s wide-ranging and outstanding natural capital
6. translate Council’s vision of ‘making Whangarei a vibrant, attractive and thriving District by developing sustainable lifestyles based around our unique environment, the envy of New Zealand and recognised worldwide’ so that this is achievable in urban design terms.

2.2. **Purpose**

It is expected that the Urban Design Strategy will help initiate activities that address the urban design needs of Whangarei. The short-term goal of the Strategy is to enable Council and the community to start to appreciate and promote the merits of a high quality urban design. In the end, it is expected that through the Strategy, Whangarei will emerge as a highly preferred District to live, work, study, play in, and visit in New Zealand. To achieve this, the Urban Design Strategy aims to:
1. state our vision and aspirations for promoting and delivering high quality urban design that will work well for Whangarei now and into the future
2. provide a framework for the physical context and guidelines to advance Whangarei’s existing and underrated strengths
3. better align, integrate, inform, and direct urban development to maximise Whangarei’s full growth potential while promoting high quality urban design
4. establish a programme of specific and cumulative urban design initiatives that is consistent with our Action Plan under the Protocol and with existing plans and strategies
5. provide a tool kit for determining the best solution for proposed urban development and preparation of further strategic documents such as the urban design framework and urban design guidelines
6. provide a platform for reviewing significant development proposals by Council’s interim in-house Urban Design Panel.

2.3. **Strategic Fit**

Although there is no statutory obligation for Council to formulate an Urban Design Strategy, the decision to do so is strongly influenced by a raft of legislations, policies, strategies, and plans at national, regional, and local levels. At the national level, the Urban Design Strategy is consistent with the intentions of the:

- New Zealand Urban Design Protocol
- New Zealand Transport Strategy 2008
- New Zealand Disability Strategy 2001
- Legislation which resulted in regional and local plans, policies, and strategies outlined below.

At the regional level, the Urban Design Strategy will support specific provisions in the:

- Northland Community Plan (LTCCP)
- Northland Regional Policy Statement
- Regional Land Transport Strategy for Northland.

At the District level, the Urban Design Strategy will complement and assist the following key plans, policies, and strategies for Whangarei by providing the physical and design context within which urban development is encouraged:

- Long Term Council Community Plan (LTCCP)
- Sustainable Futures 30/50
- The Operative District Plan
- Urban Growth Strategy 2003
- 20/20 Plus Living the Vision CBD Guideline Development Plan 2006
- Coastal Management Strategy 2003
- Urban and Coastal Structure Plans
- Walking and Cycling Strategy 2007
- Arts, Culture and Heritage Policy 2009
- Open Space Strategy 2001

Taking the overall picture, the Strategy sits under a spectrum of planning documents as outlined in Figure 2.
Essentially, to achieve Council’s strategic vision through high quality urban design, the Urban Design Strategy seeks to address the following six outcomes sought by the community under the LTCCP:

- **Community Outcome 1**
  A sustainable, environmentally responsible District which values its natural uniqueness

- **Community Outcome 2**
  A District which is safe and crime free

- **Community Outcome 3**
  A community which is healthy and educated

- **Community Outcome 4**
  A vibrant and growing local economy

- **Community Outcome 5**
  A District with community programmes and facilities for all

- **Community Outcome 6**
  A community which values its culture and heritage

### 2.4. Structure

The Urban Design Strategy sets out Whangarei’s vision of a high quality urban design outcome and suggests ways to achieve that outcome. The components of the Strategy are:

1) **Urban Design Issues**
   Eight major urban design challenges contribute to Whangarei’s lagging economic performance. These are location, sprawl, grain, focus, vitality, style, articulation, and equity. This section outlines these issues, their potential long-term economic effects to Whangarei, and the benefits of using urban design to address those issues.

2) **Assumptions**
   Certain circumstances are assumed critical to Whangarei’s success and sustainable future. These are that development should allow growth to occur in the urban environment, that any urban design solution should be as cost-efficient as possible for the size and scale of Whangarei, and that any undertaking should help enhance the District’s unique yet hidden environmental and cultural strengths, to help the economy achieve the desired outcomes.

3) **Vision of High Quality Urban Design**
   The vision represents the community’s interpretation of high quality urban design that will fit and work within the context of Whangarei now and into the future.

4) **Design Qualities**
   To help achieve the vision of high quality urban design and the six desired community outcomes under the LTCCP and help resolve the eight urban design issues, eight qualities of a high quality urban design have been identified to describe the success and future of Whangarei’s urban environment. These are that the built environment should be compact, connected, distinctive, diverse, attractive, appropriate, sustainable, and safe.

5) **Urban Design Objective**
   The urban design objectives are the detailed road map to achieving the desired qualities. They highlight what needs to be done in design terms, over which level of priority, and on which elements of design should they address.

6) **The Means**
   These are the strategic actions needed by all stakeholders to ensure that the design objectives can be implemented. They address how stakeholders can participate in delivering high quality urban design. While most of these initiatives apply to Council, many rely upon other stakeholders for Council to perform its duties well. While urban design initiatives tend to be costly in the outset, those selected as part of the Strategy are cost effective, proven, practical, and politically palatable ways to address multiple objectives and they are appropriate for the size and economy of Whangarei.
3. **Urban Design Issues**

Whangarei faces a number of significant economic, environmental, social, and cultural issues that challenge the aspirations and practice of urban design. This section describes those issues and outlines how urban design can help address them.

3.1. **Location**

Whangarei benefits from three key strategic advantages - being relatively close to Auckland, being the principal commercial District north of Auckland, and being directly accessible to State Highway 1. The benefits of this strategic location are however constrained by a number of problems.

*First*, the expansion of the city centre is geographically confined by the surrounding hills and harbour.

*Second*, although the first limitation creates opportunities for further intensification, future vertical development will be confronted with technical building constraint and potential flood risk since the central business District (CBD) was built on reclaimed land.

*Third*, although the city centre and key suburban centres (Ruakaka, Waipu, Kamo, and Hikurangi) are directly accessible through State Highway 1, they are visually detached from the highway, thereby reducing their ability to attract visitors or at least to function as halfway towns.

Urban design can help resolve Whangarei’s geographical barriers by enhancing satellite service centres, developing gateways and markers, and treatment of the physical environment that connects the centres and gateways. The long stretch of State Highway 1 provides opportunities for places and sequences of arrival and departure between centres in the District and within Northland. Apart from increasing economic vitality throughout the District, enhancing physical and visual connectivity will help increase Whangarei’s legibility in terms of directing future growth and promoting the District as an attractive integrated destination rather than just an uncoordinated halfway place to Northland.

![Gateway Concept](image3)

**Figure 3. Gateway Concept**

Gateway developments can help create a sense of arrival to urban environments. The long linear approaches to urban centres provide opportunities for the creation of excitement to these gateways.

3.2. **Sprawl**

As with other peripheral Districts in the country, the influx of cheaper cars and abundance of relatively inexpensive rural land exposes Whangarei to urban sprawl. Though relatively low-income, the District has a high car-dependency ratio of 1.5 cars per household. The city centre is therefore congested which makes it less attractive and safe to walk.

![Typical Countryside Development](image4)

**Figure 4. Typical Countryside Development**

Increased sprawl can reduce the ability of urban areas to attract inner city living.
Sprawl essentially leads to inefficient delivery of urban services, increased carbon dioxide emission from vehicles and increased Council costs for servicing remote residential developments. The spread of residential development also results in loss of rural character, high-class fertile soils, and reduces the economic sustainability of rural farms.

Urban design helps connect people, places, and spaces enabling them to function more efficiently and effectively. It can control sprawl by increasing the density and adaptability of the city and suburban centres to mixed-use activities. The gateway concept can also help contain and delineate the boundary between rural and urban areas and control urban sprawl. With increased intensification, vertical mixed-use developments and quality public spaces in urban areas, the rural areas can better be preserved, the rural-urban interface clearly defined, and sprawl can be effectively reduced.

Though sprawl into rural villages offers opportunities for the development of satellite towns for efficient servicing, in the Whangarei setting more than a third of detached vacation houses particularly in coastal areas remain unoccupied on most of the year so residential intensification in those areas is slow.

3.3. Grain

Grain refers to the pattern and arrangement of streets, building blocks, sections, open spaces, and other features within an urban area. Whangarei is an unplanned city that grew only in response to various uncoordinated developments. Although the District’s rural villages and towns have clearly defined street lines and urban form, the city centre suffers from weak grain and thereby poor legibility particularly to visitors.

The city centre has large block sizes that discourage walking and poor street hierarchy where streets are wide and all seemingly function as main non-pedestrian oriented streets. Points of entry and exit are unclear and connectivity to streets, open spaces, and amenity areas is poor.

Historically, Cameron Street was Whangarei’s main street but with the transformation of a small segment mid-length into a pedestrian mall, the flow of traffic into the CBD has become even more complicated. Nevertheless, due to recent developments, the triangular route formed by Dent, Bank, and Walton Streets appears to be the emerging main arterial route that helps define the CBD. Although Walton Street is increasingly becoming the CBD’s main street, it remains less pedestrian-oriented.

Urban design can help address the CBD’s street pattern by redirecting sightlines and establishing obvious entry points. For example, Mount Parihaka and the water edge can add visual amenity to CBD streets, encouraging pedestrians to walk towards the Town Basin precinct. Also, considering the walkability of the CBD being only 1 km in diameter, three entry points which are currently car-intensive, can serve as filtering points if these were provided with large public parking areas to reduce entry of cars and allow more people to walk into the CBD.
3.4. **Focus**

The CBD also suffers from a continuing loss of central focus spatially and in terms of its traditional role as commercial hub. This is due to reduced legibility, poor entrances, lack of a strong focal point, fragmented amenity development, heavy traffic around its edges, and presence of three other shopping centres within just a kilometre radius of the CBD. The nearby Okara Shopping Centre effectively competes with the CBD, offering cheaper large format retail and free long-term parking. Ironically, the presence of much nearer and similar retail precincts such as the Town Basin and Tarewa Centre reduces the central importance of the CBD.

Apparently, the lack of large central open spaces characterise the urban landscape of the entire District. Public squares not only promote social interaction and community activities, they provide a focal point for towns and cities. Although Cameron Street Mall serves as the CBD’s main public place, it remains a street just transformed into a pedestrian mall and therefore has a limited space. Although the rural villages have defined main streets where community activities concentrate, they too do not have large central open spaces.

Urban design plays a key role in enhancing the centrality and attractiveness of towns and cities. For example, the shopping centres at the edges of the CBD can help strengthen the importance of the city centre if public transport, visual connectivity, and streetscape amenity are enhanced to link these centres with the CBD. Improvements to the entrances can also help increase the centrality of the CBD. The Hatea River from the north and east, the railway embankment over-bridges from the west, and the Waiarohia Stream from the south, all provide design opportunities for a strong gateway and sense of approach to the CBD.

3.5. **Vitality**

Although a number of events happen daily in a number of venues around the District, they generally do not occur in public streets or open spaces. The lack of vitality in Whangarei’s urban environment is due to the cumulative effects of inadequate central open spaces, the poor amenity of city streets and public spaces, lack of public transport, absence of a strong creative sector, and restricted retail energy brought about by the limited opening hours of shops in the CBD and in the suburbs.

The size and location of Cameron Street Mall limits the commercial space available for commercial tenants to take advantage of increased pedestrian traffic. Footpaths around the CBD have low amenity due to poor gradient, furniture, and detailing. Unnecessary use of street furniture does not increase the quality and area of public space.

Vitality should be measured by the ability of successful towns and cities to attract more people rather than cars into public environments.

The creative sector is increasingly becoming a major player in the development of cities worldwide due to its ability to attract investments. The creative class consists of scientists, engineers, artists, musicians, architects, managers, professionals, and technicians. Although there is a growing arts industry in the District, this is not properly utilised to increase vitality. Further, though the natural beauty of the landscape can attract skilled workers in the outset, there is a lack of permanent, quality urban spaces to provide new employees with a pleasant and enjoyable working environment, particularly in the CBD.
Urban design can enhance the vitality of towns and cities through the development of larger, quality public spaces and streetscape that entice people to walk more and drive less. Apart from providing venues for community interaction and entrepreneurship, quality public spaces and streets also increase the vitality and success of shops around them. When shops around urban spaces cater to mixed-use activities, they offer, in return, extended retail hours and surveillance that keeps public spaces safe during the night.

3.6. Style

Another significant challenge to urban design practice in Whangarei is its eclectic architectural character. While a few rural villages (e.g., Waipu and Hikurangi) have retained distinct historical styles, the city centre does not have a single prominent architectural heritage.

Over 150 years of unplanned development, three styles emerged and contributed to the eclectic character of the city centre – early 19th century colonial architecture along the Town Basin; late 19th century Art Nouveau design along the crossroad of Bank and Cameron Streets; and recent post-war influences on light industrial buildings constructed on the reclaimed flat lands. The only new modern building in the CBD is the Police Station. Although the eclectic style is a distinctive character of the city centre, it creates problems in terms of legibility, order, and direction for future developments.

Urban design facilitates the protection and enhancement of heritage buildings and ensures that new buildings co-exist and blend with the dominant architectural style in the vicinity. With eclectic styles, several design solutions may be adopted to develop a harmonious building fabric. To blend facades of different styles, such treatments may include the use of a unifying colour, architectural detailing, and similar building materials. To combine varying designs of building blocks visually into a harmonious whole, a unifying streetscape such as pavement, furniture or landscape may be needed.

3.7. Articulation

Whangarei’s natural and historical environments provide a unique backdrop to the city centre and rural villages. The District has rich Maori history and cultural heritage, expansive white sand beaches, and wonderful lush green spaces. These elements can create a sense of place for Whangarei but are neither integrated nor expressed in the design of its built environment. Although the Town Basin precinct does provide such a distinct experience, it has not been fully utilised to help articulate a sense of place for the entire city centre.

FIGURE 8. ARCHITECTURAL STYLES OF THE CITY CENTRE

The distinct eras of architectural influence shown by Cameron Street Mall, Reyburn House, and Whangarei Police (clockwise) contribute to the eclectic character of the city centre.

FIGURE 9. SPANISH STEPS, ROME

Due to similarity in location and terrain, Laurie Hall Park (below) can be developed into a central plaza and parking at times, similar to the Spanish Steps piazza (above), but in a more rustic setting where walls of buildings help define the park’s centrality and provide natural surveillance.

FIGURE 10. LAURIE HALL PARK DURING ANZAC DAY

Source: Northern Advocate, 26/04/2010
Existing city parks and streams provide opportunities for quality urban design. However, they are not utilised to their full potential as good public spaces for the city centre. Laurie Hall Park has the right location, topography and size to be a central open space and a northern gateway icon for the CBD but it does not function as such. Probably due to shape, location, and access, Cafler Park appears to function as a backyard to Council buildings and the Central Library. Waiarohia Stream defines the southern edge and gateway to the city but has low amenity value.

Urban design plays a key role in developing public spaces that reflect the physical and historical character of the locality. It ensures that development enhances the natural and historical environment through the design of the appearance, position and function of the buildings and advocates greater collaboration to promote local perspectives.

3.8. Equity

The lack of access to public transport, affordable housing, central open space, and local perspectives in Whangarei is an urban design issue that can reduce use of the CBD by the disabled, elderly, and lower-income residents who constitute more than 20% of the population. This can lead to concerns about personal safety in the CBD outside business hours, anti-social behaviour, and perceived loss of pride that constrain any increase in commercial activities in the city centre.

High quality urban design can be misconstrued as a costly activity catering only to high-income communities, but it can also address social inequality in towns and cities. With rising land and housing costs, urban design can ensure that towns and cities maintain affordable, diverse, yet high-quality environments that people will enjoy living and working in, and visiting. By creating affordable, high-density, mixed-use neighbourhoods, expensive urban land is used more efficiently, urban services and facilities can benefit many rather than a few, and greater choice of housing types and activities is promoted. By improving the location and quality of key community services such as open space and public transport, walking is encouraged particularly for those who do not have to use the car. By positioning houses where they can maximise northern solar lighting and heating, low-income communities can save on energy costs. Urban design also adopts the principles of crime prevention through environmental design (CPTED) to promote efficiency and safety in public places so that they become accessible and available for all to use.

4. Assumptions

High quality urban design can be measured by its ability to address both the aesthetics and context of the built environment. While the Urban Design Strategy seeks to address the eight major urban design issues, future developments should also be based on three principal economic assumptions. These are (1) that the city continues to grow and change, (2) that any initiative is appropriate to the size of the population and economy of the District both now and into the future, and (3) that Whangarei’s existing yet hidden natural and cultural strengths are fully utilised in terms of adding value to the built environment.

4.1 Change

The city is an open system that has direct links with other regions both nationally and internationally. As such, it is constantly changing physically, socially, and economically to accommodate growth. The Strategy allows for changes to occur to Whangarei’s built form through quality urban design but that will help protect and enhance its natural and historical environment.

The changes can occur through a range of solutions: from restrained designs to large-scale demonstration
projects, from random to piecemeal yet incremental solutions, and from immediate to long-term methods. Solutions can also come in the form of catalysts simply to allow further changes to occur. Urban design initiatives should be ongoing and take advantage of opportunities as they occur. The Strategy does not therefore impose rules but only suggests ways to accommodate these opportunities. Good design is evolving. Thus, it cannot be achieved by mere prescription or regulation.

4.2 Size
Whangarei is a small economy relative to the national average. Although its population of around 75,000 represents 3% of the country, it contributes only 1.3% to the New Zealand economy. GDP per capita is therefore 20% lower than the national average. However, with 26 people per square kilometre of area, the District is relatively denser at 10 persons more than the national average of 16 people per square kilometre. The inverse relationship between GDP and density demonstrates that the District suffers from low productivity. It is therefore important that quality urban design is able to increase the District’s level of productivity through initiatives that are consistent with scale of the economy now and as it grows into the future. These initiatives should be able to allow business to flourish in the District while protecting and enhancing its natural and cultural assets to sustain its future.

4.3 Utility
Whangarei has a host of unique natural, historical, and manmade elements that, when fully utilised, can help contribute to a good sense of place, structure, and form for the built environment. As well, Council has a number of properties District-wide that can be used to influence high quality urban design. The Open Space Strategy 2001 has shown that out of the 3,152 hectares of open space land that Council manages, the economic benefit was only 11% of the maintenance costs. In the spirit of efficiency and Council leadership, the Strategy ensures that future developments build on current clear and unforeseen strengths of the District, its environment, location, economic, and cultural base. These should be recognised, identified, and therefore integrated in the design and development of the urban environment.

5. Vision of High Quality Urban Design
The name Whangarei comes from the Maori word Whangarei-te-rerenga-parāoa which means ‘a swimming or gathering place for whales’ and that can be further interpreted as ‘a meeting place of chiefs.’

Under the LTCCP, Council envisions Whangarei ‘as a vibrant, attractive and thriving District by developing sustainable lifestyles based around our unique environment, the envy of New Zealand and recognized worldwide.’ In addressing this vision and the challenges at hand, it is imperative that Whangarei operates under one working urban design vision that will help express its uniqueness, traditional role, aspirations, and the art of fulfilling Council’s mission of creating the ultimate living environment.

The vision of a high quality urban design for the District is that Whangarei thrives as a leading...
meeting and destination place that successfully draws people to settle to live, work, and revisit the District, now and through the future. The CBD, which is the heart of both Whangarei and Northland, is envisioned to transform into the best place it can possibly be to fulfil this role. Consistent with the qualities of a successful meeting and destination place, our urban environment needs to be compact, connected, distinctive, diverse, attractive, appropriate, sustainable, and safe.

6. Design Qualities and Objectives

To achieve Whangarei's vision as a leading destination and meeting place, it is important that future developments possess the following eight urban design qualities, expectations, or elements of a good public environment: **compact, connected, distinctive, diverse, attractive, appropriate, sustainable, and safe**. Each of these qualities will be assessed regarding their ability to address the desired outcomes of the community under the LTCCP and the urban design issues and how they contribute to high quality urban design. A number of strategic design objectives, their order of priority, and the elements of the physical environment that the urban design objectives are expected to influence, are also identified to set the framework for achieving the desired quality, for preparing further design and implementing guidelines, and ultimately for the design and development of future urban projects and Council initiatives.

6.1. Compact

Compact towns and cities can help define the physical boundaries and public perception of boundaries between rural and urban environments. To preserve the natural beauty of Whangarei, it is important that the interface between urban and rural areas avoids a looming homogeneity. The difference between the two environments would be greater if the difference between their densities was greater. Compact environments enable the build up of the critical mass needed to sustain public transport and the delivery of local services to counter ongoing suburban sprawl.

**Outcomes**

If we make our urban environment as compact as possible, we will be able to achieve the community's desires of valuing the natural resources and heritage, of promoting safety, of creating a vibrant and growing economy, and of promoting equal access to facilities.

**Issues**

**Location | Sprawl | Grain | Focus | Vitality | Equity**

It is imperative to make Whangarei's city centre and villages as compact as possible since their expansion is constrained by the geographical limits of its hills, native forest, harbour, and estuarine environment which also compose the District's natural beauty. By containing high quality, compact, walkable, mixed-use environments, the need to travel long distances for everyday tasks will be reduced and sprawl can be controlled. As the urban area continues to evolve and grow, it is important for urban land to be rationally used for compact vertical development, allowing room for large public spaces to flourish and enhance the grain, centrality and vitality of our city and villages. The future of Whangarei should therefore see more high density yet quality design in the urban environment.

**Benefits**

1. towns and neighbourhoods will become thriving, vibrant, mixed-use centres
2. walking will become an attractive way to...
get to places of work, study, shopping, and recreation
3. greater choices of living and business environments will evolve
4. large attractive public spaces will compensate for reduced access to private open space
5. access to services, activities, and transport options will improve
6. private land and public spaces will be used more efficiently
7. open space and healthier living will be preserved
8. more affordable housing will be possible
9. current and future public transport services will be supported
10. inner city retail, employment and recreation activities will be supported
11. traffic congestion, travel time, and vehicle emissions will be reduced
12. infrastructure costs will be reduced
13. household travel costs will be reduced
14. community focal points that promote social cohesion and sense of community will be promoted
15. social interaction from which grows a sense of community will be encouraged
16. mixed-use activities that enable day and night activity and natural surveillance will be promoted

**Urban Design Objectives**

**TABLE 1. DESIGN OBJECTIVES AND ELEMENTS OF A COMPACT PLACE**

<table>
<thead>
<tr>
<th>Objectives</th>
<th>Priority</th>
<th>Design Elements</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. To develop the inner city and suburban centres for both living and working.</td>
<td>High</td>
<td>Location, plot ratio, density, street layout, road widths, parks, squares, building height, facilities, block dimensions, public transport stops and facilities, berm width, footpath location and width</td>
</tr>
<tr>
<td>2. To promote the increase in density, intensity, and diversity of use of land that is within and in close proximity of urban centres and along major public transport corridors.</td>
<td>Med</td>
<td></td>
</tr>
<tr>
<td>3. To use an appropriate and sufficient living density to support local services and passenger transport facilities.</td>
<td>Low</td>
<td></td>
</tr>
<tr>
<td>4. To encourage redevelopment of derelict or brown field sites to reduce and delay the demand for greenfield land sites and supporting services.</td>
<td>Low</td>
<td></td>
</tr>
<tr>
<td>5. To discourage low-density development on land that is within and in close proximity of urban centres and along major public transport corridors.</td>
<td>Low</td>
<td></td>
</tr>
<tr>
<td>6. To ensure that compact developments contribute positively to the creation of high-quality streets and public places that will provide the recreational opportunities needed to compensate for the lack of private space in compact built environments.</td>
<td>Low</td>
<td></td>
</tr>
<tr>
<td>7. To adopt green “fence,” greenbelt, or gateway concepts to clearly define and contain compact urban from rural and countryside environments.</td>
<td>Low</td>
<td></td>
</tr>
</tbody>
</table>

6.2. **Connected**

On a larger scale, increased connectivity facilitates the integration between the service function of the urban centres and the amenity values of the natural and historical environment and this helps articulate a sense of place for Whangarei. On a neighbourhood level, it helps communities access local services and amenities. On a micro scale, increased connectivity helps coordinate the provision of public spaces or street furniture in relation to individual buildings and developments.

**Outcomes**

Developments with high level of connectivity can help achieve the community’s desire to promote safety, make people healthier, create a vibrant economy, promote equal access to facilities, and of valuing Whangarei’s rich culture and heritage.
Issues

Location | Sprawl | Grain | Focus | Vitality | Style | Equity

Good circulation is the life-blood of towns and cities. Successful meeting and destination places thrive when they are highly connected, accessible, and visible. Increasing the visual and physical connectors can help enhance legibility as it emphasises the transport corridors between the urban centres and State Highway 1, and between the urban centres and the entrance gateways that draw people into them.

Increased connectivity can reduce sprawl as services become more accessible to the community. It can improve urban grain since streets and building blocks will be shaped by new routes to suit public transport provisions.

Increased connectivity can help enhance the centrality and vitality of CBD if the transport links from the suburbs were enhanced. Improving public transport, shelters, and benches can also provide a unifying element in an area that has eclectic character. Most importantly, increasing the availability, affordability, and use of public transport, footpaths and cycleways, makes the built and natural environment more accessible to a diverse group of people including tourists. Whangarei’s future should see the city and rural villages becoming more walkable and less car-oriented.

Benefits

1. reduces dependence on car and thereby reduces air pollution
2. makes experience of using streets safer and provides passive surveillance
3. makes walking more enjoyable and removes sense of travelling from one end to another
4. provides opportunities for a sequential experience in city journeys such as the use of mid-block public spaces, pedestrian arcades, or a carpark building that services, for example, the CBD on one end and the Town Basin on the other
5. increases pedestrian activity and vitality between adjacent buildings
6. prevents disconnected pockets of space or creation of a no-man’s land by opening up more sight lines and pedestrian access
7. helps increase productivity due to savings in travel time and cost and improved health
8. provides opportunities for the development of walkable and connected urban precincts
9. facilitates movement and exchange of people, goods, and services
10. spreads unproductive traffic load
11. maximises the opportunity to support community and commercial activities

Urban Design Objectives

<table>
<thead>
<tr>
<th>Objectives</th>
<th>Priority</th>
<th>Design Elements</th>
</tr>
</thead>
<tbody>
<tr>
<td>To ensure that future intensive developments occur in areas that allow convenient access to urban services and amenities as well as to current and future major public transport provision.</td>
<td>High: ●</td>
<td>Paths, signage, lighting, vegetation, paving, streets, parks, squares, buildings, facilities, street layout, monuments, bridges, block dimensions, bus stops and facilities, footpath location and width, street corner splays, crossing points,</td>
</tr>
<tr>
<td>To encourage the development of buildings, spaces, and infrastructure that promotes walkability and pedestrian safety and discourages the use of car.</td>
<td>High: ●</td>
<td></td>
</tr>
<tr>
<td>To link all major places of interest within urban centres and the district through visual connectors, transport provision, and places or sequences of arrival and departure.</td>
<td>High: ●</td>
<td></td>
</tr>
<tr>
<td>To advocate for new and improved public transport systems and wide ranging, safe, and convenient walking and cycling routes for all regardless of culture, age, income or disabilities.</td>
<td>High: ●</td>
<td></td>
</tr>
</tbody>
</table>
To increase the accessibility and connectivity of public spaces, employment areas, local services and facilities, and amenities.

To reduce the sizes of urban blocks in order to make walking easier and shorter.

To encourage different land uses and facilities to concentrate in urban centres so that people’s time to visit more than one destination and thereby dependence on the car are reduced.

To design streets, crossings, cycling and pedestrian routes that exhibit high level of attraction, legibility, convenience, accessibility, and natural surveillance.

To facilitate the creation of new connections, mid-block spaces, and green linkages for walking.

To promote an integrated approach to public and private space design.

6.3. **Distinctive**

To be a successful meeting place and destination, Whangarei should look, feel, and differ distinctively from anywhere else with respect to people, heritage, and setting. This distinctive identity will form the fabric of an urban environment that invites people to engage, respond, relate, and create a bridge to the past, to become part of it.

**Outcomes**

The distinctive quality of future developments can help address the community’s desire to value Whangarei’s natural resources, culture, and heritage, and to create, through these assets, a vibrant and growing economy.

**Issues**

**Focus | Vitality | Style | Articulation**

It is important to celebrate and reinforce Whangarei’s unique points of difference. Making public places distinctive and reflective of our natural and historical uniqueness will help enhance the central importance, vitality, and character of our urban environment. In the future, Whangarei’s city centre and rural villages should be more distinctive, making the District a memorable, stimulating, comfortable, and human-scaled place to live, work, play, and visit.

**Benefits**

1. Local identity is preserved as features and elements are treasured by the community
2. Development becomes sensitive to significant buildings, sites, and landscape features
3. Natural and built heritage is protected
4. A living *tangata whenua* presence in an urban setting is promoted
5. A vernacular architecture is developed
6. Past layers of settlement and natural resources are uncovered, celebrated and given meaning

![FIGURE 17. STONE MULCH AND HARDY TUSSOCKS](image)
Urban Design Objectives

**TABLE 3. DESIGN OBJECTIVES AND ELEMENTS OF A DISTINCTIVE PLACE**

<table>
<thead>
<tr>
<th>Objectives</th>
<th>Priority</th>
<th>Design Elements</th>
</tr>
</thead>
<tbody>
<tr>
<td>1  To identify Whangarei's unique character by increasing visual</td>
<td>Med</td>
<td>Signage, vegetation, paving, streets, parks, squares, buildings, facilities,</td>
</tr>
<tr>
<td>representation of its distinctive natural beauty, rich local iwi</td>
<td></td>
<td>public art, monuments, bridges, bus stops and facilities, street corner</td>
</tr>
<tr>
<td>history of stories and significant places, and other heritage values in</td>
<td>Low</td>
<td>corners, entrances, key views, built heritage, water bodies and</td>
</tr>
<tr>
<td>the urban landscape.</td>
<td></td>
<td>indigenous plants.</td>
</tr>
<tr>
<td>2  To ensure that new developments respect, protect, support,</td>
<td>Med</td>
<td></td>
</tr>
<tr>
<td>and enhance the overall character of the district and the special</td>
<td></td>
<td></td>
</tr>
<tr>
<td>qualities and uniqueness of the neighbourhood and site.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>3  To develop Whangarei's creative sector as a catalyst to increasing</td>
<td>Med</td>
<td>corner splays, entrances, key views, built heritage, water bodies and</td>
</tr>
<tr>
<td>the identity of the district.</td>
<td></td>
<td>indigenous plants.</td>
</tr>
<tr>
<td>4  To create and improve existing pedestrian plazas that allow</td>
<td>Med</td>
<td></td>
</tr>
<tr>
<td>the celebration of Whangarei's natural point of difference.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>5  To promote the use of city furniture and detail that enhances</td>
<td>Low</td>
<td></td>
</tr>
<tr>
<td>Whangarei's identity.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

6.4. **Diverse**

For Whangarei to be successful as a meeting place and destination, the city and rural villages should create a character that encourages activities and facilities to flourish, that people of diverse cultures, races, and needs can relate to, that invites them to settle in the District.

**Outcomes**

The diverse quality of our built environment will address the community's desire to promote safety and peace, make people healthier and educated, create a vibrant economy, promote equal access to facilities, and value Whangarei's rich culture and heritage.

**Issues**

**Sprawl | Focus | Vitality | Style | Equity**

It is important that public spaces reflect the variety of landscapes, peoples, and cultures that define Whangarei. Diverse urban environments can control sprawl by encouraging the concentration of mixed-use activities in public places. They help to develop focal points in the city that become places of convergence for diverse people and activities, and contribute to the vitality of urban space. Diversity can also enhance the uniqueness of the city’s eclectic character and the emerging cosmopolitan nature of the community.

**Benefits**

1. respects and embraces different cultures and races necessary to attract migrants
2. encourages social interaction since diverse quality public places ranging from grand to intimate spaces enable multi-cultural celebrations and informal encounters
3. promotes multicultural identity through events, festivals and celebrations relating to local setting, farm produce, and lifestyle
4. increases accessibility to varied lifestyle choices and amenities
5. addresses the housing needs of all people
6. encourages inner city living and medium to high density housing
7. encourages the use of different public transport modes
8. provides opportunities for precinct planning
9. encourages economic success for people of all backgrounds and status
# Urban Design Objectives

## TABLE 4. DESIGN OBJECTIVES AND ELEMENTS OF A DIVERSE PLACE

<table>
<thead>
<tr>
<th>Objectives</th>
<th>Priority</th>
<th>Design Elements</th>
</tr>
</thead>
<tbody>
<tr>
<td>1  To encourage the development of facilities that reflect, celebrate, and enhance the rich cultural diversity of locals, visitors, and new residents.</td>
<td>High</td>
<td>Signage, paving, street and building design, open space provision, architectural details, artworks, building types, house size and types, facilities, monuments, bridge design, bus stops and facilities, gateways, built heritage, lighting</td>
</tr>
<tr>
<td>2  To promote choice and diversity in urban transport provision where public transport is the principal mode in the city centre.</td>
<td>Med</td>
<td></td>
</tr>
<tr>
<td>3  To promote choice and diversity in housing provision that caters to different household sizes, income, and ages, and where intensive affordable housing is the principal type in the city centre.</td>
<td>Low</td>
<td></td>
</tr>
<tr>
<td>4  To encourage mixed-use developments where living, working, shopping, and recreation thrive and work at all hours of the day and night for users and passers-by.</td>
<td>Low</td>
<td></td>
</tr>
<tr>
<td>5  To develop places that reflect Whangarei’s diverse culture and lifestyles and that which attract a vibrant mix of people of all ages and status.</td>
<td>High</td>
<td></td>
</tr>
<tr>
<td>6  To consider the annual cycle of special cultural events and festivals in the design of public spaces.</td>
<td>Med</td>
<td></td>
</tr>
<tr>
<td>7  To design streets, public spaces, and furniture adaptable enough to appeal to a variety of uses, experiences and special occasions, integrating areas of business, retail and housing that work well and minimise disruptions.</td>
<td>Low</td>
<td></td>
</tr>
<tr>
<td>8  To design public spaces that provide opportunity for special events outside of their core activities of living, working or shopping, in order to sustain a vibrant city life on weekends to maximise good weather conditions, with or without special celebrations.</td>
<td>Low</td>
<td></td>
</tr>
</tbody>
</table>

### 6.5. Attractive

Urban design is the art of making places beautiful and useful. It should offer not only a solution to the problem, it should offer a beautiful solution. To make public places useful, they should be attractive enough to encourage people to use them. In the context of Whangarei, they should not only be useful but successful at attracting people to meet with friends and business partners here and to settle and invest here. The increase in the critical mass of people, jobs, and activities that our attractive urban environment should bring is most crucial to the successful growth of Whangarei.

#### Outcomes

Attractive urban spaces will contribute to the achievement of all six desired outcomes of the community and harness the all-encompassing virtue of a high quality urban design.

#### Issues

**Location | Sprawl | Focus | Vitality | Style | Articulation | Equity**

Attractive public places can help address the majority of our urban design problems - poor location, sprawl, loss of central focus, lack of vitality, uncontrollable eclectic style, and equity issues. They can help articulate the sense of place and physical image that Whangarei seeks to embody to locals and visitors and they can convey the perception of safety and vitality that is needed to encourage public access and use. They can also help enhance and connect existing attractions and as a result create further new opportunities to celebrate the city.

Attractive public places allow events to flourish in the city. Both attractive places and events are instrumental to continuously celebrating the city. They can create memorable experiences to different people from their arrival until their departure from the District, enticing them to return and stay. For investors, attractive urban places should provide the confidence they need in terms of the viability and vibrancy of the place for doing business. For the creative, they should display a high-quality working environment that is suitable for
developing new ideas. For migrants, they should express certain elements of cosmopolitanism. To be successful as a meeting place and destination, our buildings and public spaces should look beautiful, functional, and stimulating to attract more people to live, work as well as visit the District.

**Benefits**

1. fosters a culture of creativity and innovation for all ages in the design of public and private open spaces, art works, buildings, landscape, and use of materials
2. promotes an image of a city that never sleeps, a vibrant street life, and thus looks and feels successful
3. adds value by increasing the economic viability of urban development
4. helps create a strong sense of place
5. provides opportunities for incorporating natural and historical values of the community
6. promotes agglomeration of activities which contribute to the development of key industry sectors
7. helps attract and retain highly skilled workers and businesses especially in the creative industry

**Urban Design Objectives**

**TABLE 5. DESIGN OBJECTIVES AND ELEMENTS OF AN ATTRACTIVE PLACE**

<table>
<thead>
<tr>
<th>Objectives</th>
<th>Priority</th>
<th>Design Elements</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 To make visual sense as the defining feature of new developments on both public and private lands.</td>
<td>High</td>
<td>Building edge, colour, texture, walls, signage, paving, roof and parapets, open space provision, architectural detailing, ornaments, public art, facilities, monuments, bridges, bus stops and facilities, street furniture, built heritage, lighting, gateway and entranceways, vistas</td>
</tr>
<tr>
<td>2 To encourage the development of high quality, lively, and attractive mixed-use urban environments.</td>
<td>Med</td>
<td></td>
</tr>
<tr>
<td>3 To raise public expectations and standards on the design and construction quality of streets, public spaces, and future developments.</td>
<td>Low</td>
<td></td>
</tr>
<tr>
<td>4 To increase accessibility of public places and spaces to all people of all ages and abilities.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>5 To design buildings, places, and ordinary everyday spaces that create a stunning distinct character for Whangarei.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>6 To foster gateway or entranceway development as key to attracting visitors, expressing community pride, and creating a sense of place.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>7 To design new buildings that revel in the mixture of old, new, and largely eclectic character of the district.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>8 To enhance the amenity value of the built environment at both day and night.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>9 To develop central public places that appeal to all types of people and accommodate a variety of occasions to further attract these people.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>10 To improve the design, quality, and appearance of new buildings in the city and suburban centres.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>11 To encourage the use of bright colours on street furniture and details to convey vibrancy in city streets.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>12 To consider various viewpoints in the design of buildings and spaces as an element of attraction.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**6.6. Appropriate**

Public buildings and spaces should be fit for purpose, affordable for the community and the District, and durable. It is important that the design of urban space fits with standard and international best practice and is appropriate for the context, site, community, city, and District. The design of urban developments will need to match with the physical form of the site, the intended capacity, its intended role in the community.
and the city, and the pattern by which people will use the space. It is also imperative that it is durable and cost-efficient relative to the size and scale of Whangarei.

Outcomes

Issues

Location | Sprawl | Grain | Focus | Vitality | Style | Articulation | Equity

High quality urban design must be appropriate for Whangarei and help to address all of the community’s desired outcomes as well as the District’s urban design issues.

Public buildings, spaces, services, and amenities should be provided where and when they are needed, and should be provided to meet their particular needs and intentions. For example, to encourage walking, no long term parking should be provided within the centre of the CBD. Permanent parking should however be provided for the use of disabled persons and for dropping off goods and visitors.

In terms of the physical appearance, it is proper that buildings abide by the adage ‘form follows function.’ However, since urban design recognises the need for buildings to be adaptable to changing times, some level of flexibility may be appropriate. For example, although institutions take a solid formal design, light informal designs such as that of the Whangarei Courthouse can be appropriate for future commercial use, the building being located at a strategic future pedestrian-oriented edge of the CBD.

To be successful as a meeting place and destination, our buildings and public spaces should fit with the context, purpose, and scale of Whangarei, both now and into the future.

Benefits

1. new developments and their intended purpose can contribute positively to the local context
2. new developments can influence the physical elements of succeeding developments to promote a harmonious whole
3. vernacular design and growth can be promoted
4. opportunities for integrated planning can be provided
5. legibility can be created in the expression of buildings and spaces
6. a sense of sense of order can be promoted
7. legibility can be increased
Urban Design Objectives

TABLE 6. DESIGN OBJECTIVES AND ELEMENTS OF AN APPROPRIATE PLACE

<table>
<thead>
<tr>
<th>Objectives</th>
<th>Priority</th>
<th>Design Elements</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. To discourage the use of strategic prime urban land for inefficient low-density development.</td>
<td>High</td>
<td>Signage, paving, building design, massing, setback, colour, subdivision, location and orientation, landscape elements, street layout, architectural detailing, open space provision, heritage articulation, materials, artworks, building types, house types, facilities, bus stops and facilities, street furniture, gateways, lighting, viewpoints, lights and shadow, corners, ground floor detailing, bay windows</td>
</tr>
<tr>
<td>2. To enhance the use, enjoyment, and advantages of existing public facilities and community activities to attract intensive development.</td>
<td>Med</td>
<td></td>
</tr>
<tr>
<td>3. To ensure that new developments fit with the physical, heritage, and local character of the site and contribute to creating a coherent sense of place and identity.</td>
<td>Low</td>
<td></td>
</tr>
<tr>
<td>4. To ensure that the design of buildings and spaces are appropriate for their purpose, setting, and grain of the existing neighbourhood.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>5. To ensure that new buildings and spaces contribute to enhancing rather than undermining the overall quality of public amenity.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>6. To provide for urban amenities and services only where and when they are needed.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>7. To consider in the design of public environments the elements that affect the transition toward intensification.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>8. To promote the design of buildings and spaces that express timeless qualities of symmetry, proportion, balance, harmony, scale, and rhythm appropriate to the context.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

6.7. Sustainable

Although the intended use can be flexible, the design of public places should be timeless. To remain a memorable, lasting, and effective meeting place and destination, Whangarei’s urban environment should be sustainable across all the four well-beings: environmental, economic, social, and cultural. High quality urban design should allow growth to occur where the natural environment is recognised and protected. It should continue to play a key role in the sustainability of the built form. When possible, developments should make efficient use of indigenous materials, energy, and other resources, to support the local industries. High quality urban design should be enduring but not compromise significant heritage values. It should also promote healthy living by encouraging walking and cycling.

Outcomes

Issues

Location | Sprawl | Grain | Focus | Vitality | Style | Equity

Since sustainable built environments contribute to all the four well-beings, they can address all of the community’s desired outcomes and the urban design issues.

It is important that Whangarei thrives in a manner where appropriate urban land use, enhanced natural beauty, and quality built form lead the way to our sustainable future. Growth will affect existing amenities as well as the lifestyle and travel patterns of communities, so it is imperative to find smarter ways to promote sustainable behaviour such as using resources wisely, reducing our impact on the environment, encouraging mixed-use developments, and increasing the adaptability of buildings and spaces to different climate and business conditions. Though style, taste, and
fashion are expected to change over time, the built environment should remain sustainable to secure the future of Whangarei.

**Benefits**

1. low-cost low-impact development
2. preservation of intrinsic value of landscape and ecological systems
3. opportunities for water-sensitive outcomes
4. opportunities for use of sustainable energy resources
5. reduced need for artificial lighting and air conditioning
6. relief from hard urban spaces
7. savings on maintenance cost
8. waste minimisation

**Urban Design Objectives**

<table>
<thead>
<tr>
<th>Objectives</th>
<th>Priority</th>
<th>Design Elements</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 To design public buildings and places with anticipation of the</td>
<td></td>
<td>Paved areas, parks and gardens, street furniture, lighting and solar</td>
</tr>
<tr>
<td>need for additional services in the future.</td>
<td></td>
<td>orientation, ventilation, gullies, vegetation, esplanade reserves, street</td>
</tr>
<tr>
<td></td>
<td></td>
<td>trees, water features, soil type and conditions, swales, building</td>
</tr>
<tr>
<td></td>
<td></td>
<td>materials, parking, buildings layout and form, site design</td>
</tr>
<tr>
<td>2 To encourage the development of lifetime neighbourhoods in the city</td>
<td></td>
<td></td>
</tr>
<tr>
<td>and suburban centres.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>3 To promote walking, cycling, and public transport as the preferred</td>
<td></td>
<td></td>
</tr>
<tr>
<td>means of access and lifestyle in the urban centres for both locals and</td>
<td></td>
<td></td>
</tr>
<tr>
<td>tourists.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>4 To ensure that the intrinsic value of ecological, cultural, amenity,</td>
<td></td>
<td></td>
</tr>
<tr>
<td>and intrinsic values of the environment are utilised and enhanced in</td>
<td></td>
<td></td>
</tr>
<tr>
<td>public and private developments.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>6 To ensure that public buildings and spaces are able to change and</td>
<td></td>
<td></td>
</tr>
<tr>
<td>adapt over time concerning future use.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>6 To ensure that public buildings and spaces are designed for</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Whangarei’s climatic conditions and reduce energy costs.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>7 To promote the efficient use of local energy and resources to extend</td>
<td></td>
<td></td>
</tr>
<tr>
<td>the life of buildings, structures and spaces.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>8 To encourage the use of materials which reduce waste production such</td>
<td></td>
<td></td>
</tr>
<tr>
<td>as those recycled, reused, or sourced from renewable resources.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>9 To promote the use of water sensitive urban design (WSUD) principles.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>10 To promote the use of the principles of low impact urban design and</td>
<td></td>
<td></td>
</tr>
<tr>
<td>development (LIUDD) in the design of buildings, public spaces and</td>
<td></td>
<td></td>
</tr>
<tr>
<td>carpark.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>11 To promote the use of materials and detailing that are durable and</td>
<td></td>
<td></td>
</tr>
<tr>
<td>easy to clean, fix, or replace if needed.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>12 To encourage when appropriate the conversion rather than</td>
<td></td>
<td></td>
</tr>
<tr>
<td>removal of existing buildings and spaces in inner urban areas due to</td>
<td></td>
<td></td>
</tr>
<tr>
<td>intensification, to reduce demolition waste and energy required for</td>
<td></td>
<td></td>
</tr>
<tr>
<td>producing new building materials.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Outcomes**

Safe public buildings and spaces help increase the mental and physical wellbeing of the people. Not only do they ensure public safety but they also create the feeling and perception that it is safe to go to public places. The assurance and perception of public safety not only help to increase pedestrian activity and accessibility;
they also promote healthy community lifestyle and increase the vibrancy and vitality that contribute to a growing local economy.

**Issues**

**Sprawl | Grain | Focus | Vitality | Equity**

Making public places safe and crime-free can also address a number of other urban design issues. It can reduce sprawl, as people will find urban places convenient, safer, and healthier for public walking, cycling, meeting, shopping, and inner city living. It is important that our built environment is human-scaled. It should be much more respectful of the people’s wellbeing, how they experience the city, and should give people priority over cars. This will facilitate urban intensification that will help further enhance the grain and form of urban centres. Increased safety will also make public spaces accessible to diverse cultures and sectors of the community. All these facilitate the increase in vitality and centrality of urban areas.

**Benefits**

1. increased sense of community stewardship, identity, and spirit
2. reduction in cases of graffiti
3. decrease in inappropriate social behaviour
4. enhanced mental and physical well-being of people
5. provision of natural surveillance which helps increase sense of vitality and safety on streets
6. support for development of local tourism and retail industries

**Urban Design Objectives**

**TABLE 8. DESIGN OBJECTIVES AND ELEMENTS OF A SAFE PLACE**

<table>
<thead>
<tr>
<th>Objectives</th>
<th>Priority</th>
<th>Design Elements</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. To design streets, buildings, and places that make people safe and feel safe while in the public or own private spaces.</td>
<td>High</td>
<td>Paved areas, open spaces, street furniture, colour, street lighting, window orientation, street trees and height, parking, road landscaping, building layout, site design, artworks, alleyways, street location and width, street cameras, billboards and signage, benches</td>
</tr>
<tr>
<td>2. To encourage a range of living, working, shopping and recreational activities on public environments and streets at different times of the day and night.</td>
<td>Med</td>
<td>●</td>
</tr>
<tr>
<td>3. To promote a 24-hour weeklong culture in the city centre that is full of energy, optimism, and vibrancy and that appeals to all ages and abilities.</td>
<td>Low</td>
<td>●</td>
</tr>
<tr>
<td>4. To embrace best practice principles on crime prevention through environmental design (CPTED).</td>
<td>High</td>
<td>●</td>
</tr>
<tr>
<td>5. To ensure that public buildings and spaces accommodate the needs of people with disabilities.</td>
<td>Med</td>
<td>●</td>
</tr>
<tr>
<td>6. To promote the use of traffic calmers and shared spaces in present and prospective pedestrian-oriented areas.</td>
<td>Low</td>
<td>●</td>
</tr>
<tr>
<td>7. To encourage the placement of windows facing public spaces and streets as a measure of increasing perception that the spaces are ‘owned and watched’ by the public.</td>
<td>High</td>
<td>●</td>
</tr>
<tr>
<td>8. To encourage the development of public art in city parks and streets.</td>
<td>Med</td>
<td>●</td>
</tr>
<tr>
<td>9. To promote the development of safe open-ended mid-block spaces and alleys within urban centres to encourage walking.</td>
<td>Low</td>
<td>●</td>
</tr>
<tr>
<td>10. To promote good maintenance of public spaces and street furniture as a sign of good care and ownership needed to deter anti-social behaviour.</td>
<td>Low</td>
<td>●</td>
</tr>
</tbody>
</table>
7. The Means

The achievement of the desired qualities and objectives for a high quality urban design in Whangarei would not be possible without ensuring the effective implementation of the design process.

7.1. Involvement

To achieve the vision of a leading meeting place and destination, it is imperative that future developments affecting the city and suburban centres in Whangarei involve all project stakeholders to ensure that design solutions satisfy the interests of community and industry sectors. The stakeholders mainly include Council, developers, organisations, and the community.

7.1.1. Council

Although the contribution of all stakeholders involved is needed to guarantee success, a large part of the urban design initiatives will be Council-driven. Council will need to demonstrate commitment through leadership and collaboration to secure the sustainable future of the District and to implement an integrated planning and growth management approach to meet its community governance responsibility. The value of any such initiative lies in the success of promoting a proactive rather than reactive culture towards the content and process of policy planning and project implementation. The table below mainly consists of those activities set forth by Council as part of its commitment under the New Zealand Urban Design Protocol.

### TABLE 9. COUNCIL INVOLVEMENT

<table>
<thead>
<tr>
<th>Council Objectives</th>
<th>Priority</th>
<th>Mechanisms</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>High</td>
<td>Med</td>
</tr>
<tr>
<td><strong>Leadership</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1 To raise urban design awareness in the wider public and development sector.</td>
<td>●</td>
<td>Media, events, public consultation</td>
</tr>
<tr>
<td>2 To develop further non-statutory documents to support the Urban Design Strategy and guide future development.</td>
<td>●</td>
<td>Strategic documents</td>
</tr>
<tr>
<td>3 To promote the value and place of Whangarei in regional, national and international context.</td>
<td>●</td>
<td>Media, education</td>
</tr>
<tr>
<td>4 To benchmark best practice as a means of attracting skilled workers and investors.</td>
<td>●</td>
<td>Education, media</td>
</tr>
<tr>
<td>5 To increase efficiency and capability of Council staff.</td>
<td>●</td>
<td>Education</td>
</tr>
<tr>
<td>6 To develop projects that identify and resolve specific areas of design improvement, illustrate the Urban Design Strategy, and test innovative approaches and solutions.</td>
<td>●</td>
<td>Demonstration projects</td>
</tr>
<tr>
<td>7 To reward high quality urban design in order to instigate improvement of key buildings, places, and properties.</td>
<td>●</td>
<td>Incentives</td>
</tr>
<tr>
<td>8 To create a unit within council tasked to promote quality urban design within and outside council.</td>
<td>●</td>
<td>Urban design unit</td>
</tr>
<tr>
<td>9 To incorporate urban design principles in current statutory plans, policies, and programmes.</td>
<td>●</td>
<td>Policy review</td>
</tr>
<tr>
<td>10 To ensure that poor quality design with significant effects to wider community is dealt with the use of statutory means.</td>
<td>●</td>
<td>Consents</td>
</tr>
<tr>
<td><strong>Collaboration</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>11 To ensure that stated urban design vision, information, funding, and support are able to inform decision-making process that is undertaken in a transparent manner.</td>
<td>●</td>
<td>Strategic documents</td>
</tr>
<tr>
<td>12 To incorporate urban design expectations in policy planning, service provision, capital projects, and decision-making.</td>
<td>●</td>
<td>Strategic documents</td>
</tr>
<tr>
<td>13 To share information and develop joint research and consultation with other organisations to improve practice.</td>
<td>●</td>
<td>Education, meetings</td>
</tr>
<tr>
<td>14 To develop multidisciplinary team and partner approach within and outside Council in order to take a holistic view on the continued development of the urban environment.</td>
<td>●</td>
<td>Urban design unit, meetings</td>
</tr>
<tr>
<td>15 To ensure social inclusion, equity, and industry participation in dealing with urban design issues and strategy documentation.</td>
<td>●</td>
<td>Meetings, public consultation</td>
</tr>
<tr>
<td>16 To ensure that new developments stem from strategic urban design motivation rather than regulatory constraints.</td>
<td>●</td>
<td>Meetings</td>
</tr>
</tbody>
</table>
7.1.2. Developers

Developers, together with landowners and investors, are the major players in the property market. They can make considerable influences over the market for the delivery of high quality urban design and ultimately over changing the urban landscape of Whangarei. It is recognised world over that quality adds value and thereby the chances of success of property developments. This does not however appear to manifest locally, demonstrating prolonged complacency. This occurs despite the fact that creative employment, which could make significant influence on innovation and quality, has risen in recent years. The bigger creative businesses such as property developers can fully utilise this available increase in creative talents and together contribute to developing high quality urban environments.

<table>
<thead>
<tr>
<th>TABLE 10. DEVELOPER INVOLVEMENT</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Developer Objectives</strong></td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td>1</td>
</tr>
<tr>
<td>2</td>
</tr>
<tr>
<td>3</td>
</tr>
<tr>
<td>4</td>
</tr>
<tr>
<td>5</td>
</tr>
<tr>
<td>6</td>
</tr>
</tbody>
</table>

7.1.3. Organisations

Organisations, institutes, and groups of professionals, consultants, or individuals with interest in design of the urban environment, can provide significant advisory, advocacy, education, training, and research support to the work of Council and developers.

<table>
<thead>
<tr>
<th>TABLE 11. ORGANISATION INVOLVEMENT</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Organisation Objectives</strong></td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td>1</td>
</tr>
<tr>
<td>2</td>
</tr>
<tr>
<td>3</td>
</tr>
<tr>
<td>4</td>
</tr>
<tr>
<td>5</td>
</tr>
<tr>
<td>4</td>
</tr>
<tr>
<td>5</td>
</tr>
</tbody>
</table>
7.1.4. **Community**

As end users of the urban environment, the community plays the most important role across all stages of planning, design, and implementation. The community consists of people from all diversities and origins and includes locals, migrants and visitors. *Tangata Whenua*, in particular, has specific *kaitiaki* roles and responsibilities to the environment and this should be recognised in the design process.

**TABLE 12. COMMUNITY INVOLVEMENT**

<table>
<thead>
<tr>
<th>Community Objectives</th>
<th>Priority</th>
<th>Mechanisms</th>
</tr>
</thead>
<tbody>
<tr>
<td>To recognise and perform their stewardship roles and responsibilities to enhancing the urban environment.</td>
<td>High</td>
<td>Public consultation</td>
</tr>
<tr>
<td>To lead in the design of their own neighbourhoods and proactively develop community action projects in partnership with the other stakeholders.</td>
<td>High</td>
<td>Demonstration projects, Meetings</td>
</tr>
<tr>
<td>To collaboratively work with Council by participating in public submissions, consultations, and network building.</td>
<td>High</td>
<td>Public consultation</td>
</tr>
<tr>
<td>To consistently demand for information at every level and stage of projects to increase urban design awareness.</td>
<td>High</td>
<td>Public consultation, meetings</td>
</tr>
<tr>
<td>To promote opportunities for helping people to identify and appreciate outstanding local values, stories, and other features necessary to building sense of place.</td>
<td>High</td>
<td>Education, demonstration projects</td>
</tr>
<tr>
<td>To practice high quality urban design in their own backyard.</td>
<td>High</td>
<td>Strategic documents, education</td>
</tr>
<tr>
<td>To advocate for alternative ways of changing our actions and behaviour with regard to improving the urban landscape in the community.</td>
<td>High</td>
<td>Media</td>
</tr>
</tbody>
</table>

7.2. **Mechanisms**

As shown in the tables above, a number of mechanisms can be adopted by the stakeholders when implementing the Urban Design Strategy. They are set out as follows according to priority:

7.2.1. **High priority**

1) **Strategic documents**

A number of urban design guides will be formulated out of this Urban Design Strategy such as urban design frameworks and guidelines. Framework plans identify elements of urban structure and the working image needed to resolve specific areas of design improvement such as the CBD. They provide a stable, easily recognisable frame of connection and places where change can occur for a specific area or development type. The design guidelines will illustrate how the elements of building or space design such as colour, materials and facade can best give effect to the design strategy and framework. These strategic documents will provide the consistent operational basis for designing, planning, and assessing vertical and horizontal developments needed by all stakeholders to reap the benefits of a high quality urban design.

2) **Urban design panel**

As well as from the formulation of further urban design guides, the urban design panel can provide free advice on proposals with significant impact on the urban environment. In the spirit of efficiency and effectiveness, rather than hiring external consultants, the panel can consist of Council staff who will highlight existing urban design roles and untapped strong design skills within divisions of Council. Considering their talents and commitment to the Protocol, the panel can provide advice on private and Council-initiated developments. The panel can help Council document project tender briefs, write guidelines for running design competitions, and build good working relationships with communities from early consultation and cooperation to project completion. It can also help negotiate deals to be used as leverage for encouraging property developers to grasp opportunities offered in prospective sites.

3) **Media**

Print, television, online information, billboards, and other forms of media can help increase urban design awareness in the community. The media can help enhance, connect, and make existing strong and attractive elements of the physical environment accessible.
4) **Events**
Events can facilitate celebration of the city, increase urban design awareness and display vigour in public places. Along with media, events can further create new opportunities to celebrate the city and increase activities needed to create a great sense of place.

5) **Meetings**
Meetings provide a good source of information in strategic planning. Stakeholder groups should be encouraged to organise regular and occasional meetings to increase collaboration and promote synergy of activities. Meetings also generate community buy-in that is needed during public consultation and eventual consent application.

6) **Public consultation**
Urban environments are built for communities themselves, so the public should always be consulted on policies and strategies that influence urban design. In the spirit of efficiency, this strategy and the ensuing design guides shall be open for public consultation once they become available and adopted by Council. Developers will be encouraged to undertake public consultation as an effective means of gaining public acceptance and therefore viability of their project proposals.

7.2.2. **Medium priority**

1) **Demonstration projects**
Urban design demonstration projects manifest commitment to quality design and materials, illustrate the kind of city we want, and inform best practice principles. Apart from justifying the use of public funds on Council land, they can be used as a promotional mechanism to raise the level of interest and public expectation of urban design, particularly for public buildings and spaces. They help promote distinctiveness, sense of order in the streetscape as well as refurbishment of heritage buildings. Such an undertaking should be an ongoing activity of Council, continuously displaying innovation and creativity as well pride in the city. Demonstration projects also convey to private developers the expectation that the same level of design and quality is expected of their developments. Among the potential projects for Council is the use of signature city furniture, paving, and detail.

2) **Education**
Research, seminars, and training support and promote internal and external educational programmes that will advance knowledge and understanding of the value of high quality urban design and of Whangarei’s unique natural environment and cultural heritage, to best determine the District’s unique sense of place. Conference attendance by Council staff increases capability and helps promote Whangarei at various levels of interest.

3) **Design competitions**
The development of urban design demonstration and other Council and private projects may benefit from the use of design competition by generating local creativity and public buy-in. The use of design competitions should not however depend on the level of cost of the project but on the degree of public interest and involvement that the proposed building or space will attract.

4) **Incentives**
To encourage individuals and developers to adopt high quality urban design principles, Council must formulate a policy on providing incentives to developments that promote high quality urban design. This may include provisions in the LTCCP for awarding best practice urban design and for giving subsidies to heritage building owners or developers in the form of reduced or delayed payment of development contributions, consents discounts, and rates holiday.

5) **Urban design unit**
The creation of an urban design unit tasked to promote high quality urban design within and outside Council demonstrates, in essence, the strong commitment of Council to the continued role of urban design in the development and growth of Whangarei. In addition, due to its strategic and facilitative role, the unit can help strengthen collaboration among the key stakeholders in the development sector.
7.2.3. **Low priority**

1) **Policy review**
   A number of plans, policies, and strategies were adopted by Council during the last decade in an effort to revitalise the city centre. Largely due to economic uncertainties, these were haphazard and the intents of these efforts did not materialise. The Urban Design Strategy combines all these efforts into one overarching vision and will be used as reference when reviewing previous related policy documents and, when appropriate, making revisions to reflect this vision.

2) **Consents**
   Although the strategic documents and urban design panel provide free advice to resource and building consent applicants, certain consent procedures based on existing District Plan and other statutory provisions will still need to be imposed to discourage poor design and quality.

7.3. **Monitoring and Evaluation**

The Urban Design Strategy adopts an ongoing incremental approach to building a high quality urban environment that will help develop Whangarei into a leading meeting place and destination and secure its sustainable future. To achieve this vision, urban development should be compact, connected, distinctive, diverse, attractive, appropriate, sustainable and safe. A number of design objectives, stakeholder responsibilities, and mechanisms have been identified and set according to their priorities for implementation.

By adopting an incremental approach, the Strategy can take advantage of opportunities as they occur and utilise these as appropriate to the state and scale of Whangarei at that point in time. While physical developments are important, it is expected that the strategic initiatives recommended here will provide opportunities and lessons for continuous learning and implementation geared towards achieving a sustainable future for Whangarei.

The success of this Strategy will nevertheless be measured on the ability of current and future initiatives to make Whangarei a successful meeting place and destination now and through the future.
Other documents to consult

The Urban Design Strategy for Whangarei is not a statutory document but provides useful guidance for Council, developers, organisations, and the community. It should be read in conjunction with other relevant statutory and strategic documents.

Statutory Plans


Strategic Plans


Other References

4. **Landscape Project – Focus Group Feedback**

**Reporting Officer:** Melissa McGrath (Policy Planner)

**Date:** 21 July 2010

**Vision, Mission and Values**

The Landscape Project will review and update the District Plan provisions assisting in protecting the outstanding landscapes from inappropriate development, necessary for achieving the vision and mission of **creating the ultimate living environment**. The Rural Strategy will provide direction for the District Plan gaining opportunities to promote **innovation and excellence**. The Landscape Project will allow Council to take **visionary leadership** for the District. The proposed approach to progressing the Landscape Project set out in this report have been prepared through **communication, valuing employees and partnerships** with a view to ensuring coordination and transparency in our approach.

**Local Government Act 2002 – The Four Well-Beings**

- **Cultural:** Many of the outstanding landscapes fall in areas of cultural significance and protection of the landscape will lead to the protection of its cultural heritage.
- **Economic:** This project seeks to maintain economic viability, through the protection of outstanding landscapes from inappropriate development.
- **Environmental:** The outstanding landscape forms the physical basis of the District. The project, is seeking to more effectively manage subdivision and land development in a manner that achieves superior environmental results.
- **Social:** The amenity and character of the District are associated with the unique areas of open space and landscape. Inhabitants of the District and visitors will benefit from the protection of outstanding landscape.

**Background**

On 19 July 2010 an Environment Committee Focus Group was held discussing the need to progress with the Landscape Project, and ways in which to move forward. As outlined in the Focus Group presentation Council has a legal obligation under Part 2 of the Resource Management Act 1991, Matters of National Importance for the:

- Preservation of Natural Character
- Protection of Outstanding Natural Features and Landscapes from Inappropriate Development
- Protection of Significant Indigenous Vegetation and Habitats from Inappropriate Development
- Maintain and Enhance Access to Coast, Lakes, Rivers
- Relationship of Maori with ancestral lands, sites, waahi tapu and taonga
- Protection of Historic Heritage

**Landscape Project Background**

The landscape project has a complex history. Council’s lack of progress is now receiving criticism from Environment Court. Operative District Plan landscape provisions are based upon data collated and assessed by LA4 (Landscape Architects). In October 2003 Council resolved to review the LA4 assessment. Beca Planning and Stephen Brown were appointed to complete the review to identify the Districts:
• Outstanding landscapes
• Visual amenity landscapes
• Heritage landscapes
• Areas of coast with outstanding natural character values

Public consultation was undertaken following the Beca Planning Landscape Review. As a result of this consultation, the Landscape Review has not yet been implemented in the District Plan although Council has made various resolutions in that context which probably will not stand the test in Court.

District Plan Rolling Review and the Landscape Project

As a requirement of the District Plan Rolling Review and new District Plan layout, a new section for District Wide, Sense of Place is required. Landscape, particularly outstanding landscape is one component of this section. The data (LA4 Assessment) which the Operative District Plan is based upon is now 15 years old. Best practice in landscape assessment has changed significantly during this timeframe.

Alternative methods to achieve this were considered:
• Review existing Landscape Chapters in the Operative District Plan to increase description, policy and rules to improve assessment of appropriate development
• Proceed with LA4 approach distilling the components commencing with landforms, using the landform data to categorise types
• Use LA4 data as a starting point to trigger landscape assessment under Pigeon Bay criteria (Environment Court accepted means of assessment)

It is recommended that the Policy Team progress with the Landscape Project, salvaging as much data as possible from past assessments and seek to incorporate more up to date methods of landscape assessment.

Conclusion

The Policy Team will continue to undertake background research, confirm outstanding landscape areas (as required), and preparation of a proposed plan change with the intention of reporting back to the Environment Committee in early 2011. It is acknowledged from the Focus Group meeting, that the Policy Team should report back with the complete picture for the Environment Committee’s consideration.

Recommendation

1. That this report be received.
2. That the approach to the Landscape Project as set out in this report be endorsed.
5. City Centre Urban Design Framework Methodology

**Reporting Officer:** Paul Dell (Environment Group Manager)

**Date:** 3 August 2010

**Vision, Mission and Values**

Urban design will form part of Council’s major strategic implementing mechanisms for achieving its vision of a vibrant, attractive, and thriving district and its mission of creating the ultimate living environment. The City Centre Urban Design Framework Methodology will define the process for creating opportunities to promote innovation and excellence in the design and planning for the development of key elements needed to revitalise the CBD Core, Town Basin, and Outer CBD area in an integrated, sector-specific, and design-led manner. This process will allow Council to take visionary leadership by demonstrating commitment to the New Zealand Urban Design Protocol and by engaging key stakeholders in the planning process. It also ensures that the values of communication, customer first, and partnership are utilised in a manner that helps achieve the level of coordination and transparency that is envisaged in Council’s organisational strategy.

**Local Government Act 2002 – The Four Well-Beings**

**Cultural:** The methodology particularly highlights the involvement of key stakeholders in the planning process regardless of their cultural background. This allows for the creation of opportunities to protect the cultural identity of Whangarei.

**Economic:** The methodology ensures that those who will be most affected in the planning and outcome of the process are consulted. The resulting Urban Design Framework will therefore benefit those who are expected to facilitate development in ways that will help contribute to the revitalisation and economic growth of Whangarei.

**Environmental:** The methodology will involve representatives from the environment sector to ensure that the resulting framework plan promotes urban development in a manner that helps achieve the best possible environmental outcome.

**Social:** The methodology seeks to involve all sectors of the society to ensure that the framework plan is able to promote a high quality of life for the community.

**Background**

The revitalization of Whangarei’s city centre has been in the Council agenda since the nineties. Until recently, albeit poorly implemented, the 20/20 strategy remains Council’s manifestation to the community of its commitment to revitalizing the city centre. The City Centre Urban Design Framework builds on that commitment of the Council but in the context of its obligation both as a signatory to the New Zealand Urban Design Protocol and as a strategic mechanism to address public concerns on the need to revitalize the city centre that resulted from recent submissions made to the Annual Plan 2010-11.

As part of its commitment under the Protocol and following directive of the Environment Committee on October 8, 2008, Council needs to prepare design guides in order to promote quality urban design in Whangarei. Since the urban design framework is essentially a design guide intended to help coordinate and direct the design, planning, and future development of the city centre, it contributes to this commitment of Council under the Protocol.
City Centre Urban Design Framework

The City Centre Urban Design Framework is essentially a structural plan to be produced with reference to the Urban Design Strategy. Although non-statutory, its value lies in its purpose of developing a holistic design for the city centre. Unlike the previous 20/20 documents, the design framework will set at the outset the overarching vision for the city centre and will ensure that a logical sequence occurs from implementing this large-scale vision through to the individual elements that this entails. The framework will therefore set the general direction for developing the city centre so that the interface between the specific elements of the design, work well towards achieving this vision and that the resulting policies, programmes, and projects set forth in the framework are implemented in an efficient, incremental, integrated, and coordinated manner.

Consistent with the Urban Growth Strategy, the geographical boundary of the city centre shall cover the CBD Core (Business 1 Environment, including the link to the Town Basin), the Town Basin Environment, and the Outer CBD (Okara Park, Morningside, Avenues, Regent, including the links to the CBD and the Town Basin). Conceptually, the design framework will include the following sections:

1. Issue Analysis – where we are now in terms of the constraints and opportunities
2. Overarching vision – intended urban design outcome and role of the city centre
3. Approach – design-led, incremental, sector-led, site-specific, purpose-driven
4. Core principles – centrality, connectivity, unity, legibility, flexibility, identity
5. Spatial elements – precincts, gateways, networks, waterfront, public spaces
6. Design elements – buildings, activities, streetscape, landscape, community facilities
7. Framework Plan – map showing all elements of the vision for the city centre
8. Implementation – low/medium/high priorities rather than specific timeframes.

Proposed Methodology

Council has already released a concept plan for the Town Basin area through the ring of walkways proposal. The range of elements identified for the Town Basin area includes a review of the parking strategy, the walkways project, Victoria Bridge market, a hotel, the Hundertwasser Museum, Hihiaua Cultural Centre, commercial jetty, increased green space, an art walk, review of the lock/weir proposal, and the link to the CBD.

Planning for the Town Basin part of the design framework is expected to take place within the next six months while with the CBD Core/Outer areas it will take approximately twelve months, as it will require extensive review and consultation.

In order to come up with a site-specific, sector-specific, yet integrated design framework covering these two parts of the design framework in the planning process, the following methodology is proposed:
<table>
<thead>
<tr>
<th>Month</th>
<th>Town Basin</th>
<th>CBD Core / Outer CBD</th>
</tr>
</thead>
<tbody>
<tr>
<td>Aug 2010</td>
<td>Setup internal project team; Review what has been done; Prepare draft overall city centre concept plan, to include proposed ring of walkways project.</td>
<td>Conduct targeted stakeholder consultation to highlight issues, map constraints, identify priorities, and set an indicative timeline.</td>
</tr>
<tr>
<td>Sep 2010</td>
<td>Conduct targeted stakeholder consultation to highlight issues, map constraints, identify priorities, and set an indicative timeline.</td>
<td>Con...</td>
</tr>
<tr>
<td>Oct 2010</td>
<td>Estimate cost of Council projects in the Town Basin.</td>
<td>Prepare draft concept plan for revitalizing the CBD as core, for strengthening the CBD-Town Basin/Okara linkages, and for developing the CBD fringes as gateways to the core.</td>
</tr>
<tr>
<td>Nov 2010</td>
<td>Develop draft urban design framework for the Town Basin.</td>
<td>Estimate cost to Council for revitalizing the CBD Core and link/gateways from Outer areas.</td>
</tr>
<tr>
<td>Jan 2010</td>
<td>Finalise Town Basin Urban Design Framework.</td>
<td>Develop draft city centre urban design framework, to include the Town Basin area.</td>
</tr>
<tr>
<td>Feb 2010</td>
<td>Secure Council approval.</td>
<td></td>
</tr>
<tr>
<td>Mar 2010</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Apr 2010</td>
<td></td>
<td>Secure Council endorsement of draft framework and release for consultation to solicit general public feedback.</td>
</tr>
<tr>
<td>May 2010</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Jun 2010</td>
<td></td>
<td>Finalise City Centre Urban Design Framework and secure Council approval.</td>
</tr>
<tr>
<td>Jul 2010</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**City Centre Design Team**

Rather than hiring an urban design consultant, an internal project team (within Council) will be created and are expected to meet at least once a month. The team will report to the Environment Group Manager and will be composed of key staff from different groups and departments of the Council, with the leadership, technical skills, and experience needed in the development of the design framework.
**Target Stakeholders**

Target stakeholders are business and non-profit groups that have significant and specific interest in the development of the Town Basin area and the CBD/Outer area. Accordingly, two stakeholder workgroups will be created. A core group will also be created to address issues which overlap in the areas of the CBD and the Town Basin. Although the stakeholder consultation takes an area-specific sector-led approach, the drafting of the entire city centre urban design framework will take an integrated planning approach.

The City Centre Design Team will meet with the stakeholder workgroups approximately twice a month during the course of the consultation process.

The following describes the composition of the two stakeholder workgroups:

**CBD/Outer:** Representatives from local groups with specific interest in revitalizing the CBD and strengthening its role as the centre for commercial activity, retailing, entertainment, and civil functions in Whangarei.

**Town Basin:** Representatives from local groups with specific interest in the development of the Town Basin as a key recreational, tourist, artistic, and business precinct of the city centre and also in managing the environment to sustain this development.

The core group will include Councillors, representatives from regional and local groups, and individuals with interest in the development of events, business, property, manufacturing, tourism, and arts industry in Whangarei.

**Recommendation**

1. That this report be received.
2. That the proposed City Centre Urban Design Framework Methodology, as set out in this report, be endorsed.
3. That Councillors MR Williams and PR Halse be appointed as the Council representatives to the stakeholder workgroups.
6. Plan Change 78 - Port Nikau Joint Venture - Hearing Commissioners Recommendations

Reporting Officer: Nick Williamson (Team Leader- District Plan)
Date: 29 July 2010

Vision, Mission and Values
Plan Change 78 seeks to create a new mixed use environment in the lower Port Road area for inclusion into the District Plan to contribute to Council’s vision of creating the ultimate living environment. The master planning & precinct planning processes proposed in this zone represents an innovative approach to planning for the future development and growth of the Whangarei District. The plan change provides for more effective use of this underutilised land while recognising and protecting the unique and valued characteristics of locality.

Local Government Act 2002 - The Four Wellbeings

Cultural: The plan change promotes cultural wellbeing by ensuring that cultural and heritage values are identified and considered in future growth and development of the area.

Economic: The proposed zone change allows for development of presently underutilised land in a more flexible manner to better respond to the changing economic climate and to provide wider opportunities for future economic growth in the Whangarei District.

Environmental: The proposed zone change has taken into account all the environmental factors relevant to the both the future use of the site and the existing activities in the locality.

Social: The Plan Change promotes social wellbeing by providing more choice in living options for present and future generations in the Whangarei District.

Background
A request for a private plan change was made by Port Nikau Joint Venture to change the zoning of a 101 hectare site made up of a number of Titles, comprising predominantly reclaimed land, on the site of the old Whangarei Port from its current Business 4 zoning to a mixed use environment, referred to as the ‘Port Nikau Environment’.

The application has been prepared and presented in accordance with the requirements of the Resource Management Act and is supported by a number of technical reports compiled in order to adequately assess the potential effects of the proposal. Because this application was lodged prior to the commencement of the Resource Management Amendment (Streamlining & Simplification) Act 2009, the transitional provisions of that Act direct that the proposal be considered against the pre-amendment version of the Resource Management Act 1991.

The application was publicly notified on 8 January 2009 with the submission period closing on 9 February 2009. A summary of those submissions were made available to the public on 24 February 2009, with the further submissions closing on 27 March 2009.

A pre-hearing meeting was held on the 29 September 2009. The prehearing meeting was held for the purpose of enabling submitters to be fully aware of the Applicant’s response to the submissions that had been received. The pre-hearing had not been held to identify any matters in relation to the nature of evidence to be called, the order in which evidence is to be heard, or any timetable for the hearing.
The reporting planner identified some potential difficulties with the wording of the Plan Change as proposed by the applicant, but recommended that the Plan Change be approved subject to some amendments to the activity status of the respective master and precinct planning processes with a tiered approach which will ensure that a progressive assessment correlating with degree of certainty provided as the planning advances through the various stages of consent approval.

The hearing was held in the Council Chambers in Whangarei on the 17 – 19 November 2009; 21 December 2009; and 19-20 May 2010. Various adjournments were taken to allow caucusing by experts and negotiations between the parties. The Hearing Commissioners appointed by Council to hear submissions and make recommendations on the proposed Plan Change 78 were Councillor Mervyn Williams and Independent Commissioners Messrs John Childs and Alan Withy.

Topics raised at the Hearing were broad and complex. As such having reviewed all of the submissions, the evidence presented at the Hearing, and Council Planners Report, the Commissioners determined that the principle issues in contention regarding Plan Change 78 related to:

• Planning and activity status
• Future environments and permitted baseline
• Effects and reverse sensitivity including:
  o Rises in sea level
  o Noise
  o Odour and air quality
  o The operations of the cool store
  o Traffic
  o Access
  o Ecological and landscape
• Legal and procedural issues
• Maori issues
• Jurisdiction
• Master and Precinct Plans
• Reverse sensitivity covenants
• Structure plan declaration proceedings
• Chapter 50 and associated plans.

The Commissioners report and recommendations on submissions is attached (attachment 1). The Commissioners generally agreed with the recommendations of the Reporting Officer. As such the recommendation was that Plan Change 78 should be approved, with some modifications to wording of the proposed Chapter 50 and consequential changes to the subdivision provisions of the District Plan.

These modifications include:

• Changes in the requested activity status to discretionary activity status for Master Plans and restricted discretionary activity status for Precinct Plans. Consequential changes to the assessment criteria and restricted discretionary activities are also proposed.
• Amendments to the Buffer Zones between the Business 4 land to the north, the Carter Holt Harvey land to the west, and an extension to the south west adjacent to the harbour environment.
A ‘development schedule’ is to be included with the resource consent for precinct plans, which will set a floor area ‘budget’ of maximum permitted development levels for each type of development proposed within the precinct.

Consideration of traffic effects on specific routes is to be made at the precinct plan stage by reference to a specified Level of Services, including the opportunity for any traffic assessment to be peer reviewed by or on behalf of NZTA.

More opportunities for the consideration of reverse sensitivity effects in conjunction with the formulation and approval of precinct plans. A number of sensitive activities are prohibited from being established within the identified buffer areas, and the precinct plans are precluded from proposing any such activities in those areas.

Overall the Commissioners concluded that on balance the Plan Change, as amended by their recommendations, is consistent with the purpose and principles of Part 2 of the Resource Management Act 1991.

**Recommendation**

1. That the report and attachments be received.

2. That the report and recommendations of the Commissioners be approved in terms of Clause 29(4) of the First Schedule of the Resource Management Act 1991.


**Attachment:**

[6-1 Hearing Commissioners Decision Report]
Whangarei District Council

Recommendations of the Panel of Commissioners

Following Hearings held in the Whangarei District Council Chambers on:
- Tuesday 17 November 2009
- Wednesday 18 November 2009
- Thursday 19 November 2009
- Monday 21 December 2009
- Wednesday 19 May 2010
- Thursday 20 May 2010

Panel of Commissioners:
- Councillor Mervyn Williams
- Independent Commissioner John Childs
- Independent Commissioner Alan Withy (Chairman)

Private Plan Change No. 78, Port Nikau

CONTENTS:
1. Introduction 2
2. Abbreviations used in this report 2
3. Description of the Proposed Private Plan Change 3
4. Appearances 3
5. Procedural matters 4
6. Summary of evidence and submissions heard 5
7. Principal issues to be considered and analysis
   a. Planning and activity status 23
   b. Future environments and permitted baseline 23
   c. Effects and reverse sensitivity 24
      i. Rises in sea level 24
      ii. Noise 24
   iii. Odour and air quality 24
   iv. The operations of the cool store 25
   v. Traffic 25
   vi. Access 25
   vii. Ecological and landscape 25
   d. Other procedural issues 25
   e. Maori issues 26
   f. Jurisdiction 26
   g. Master and Precinct Plans 26
   h. Reverse sensitivity covenants 26
   i. Structure plan declaration proceedings 27
   j. Chapter 50 and associated plans 27
8. Statutory considerations 27
9. Conclusions 27
10. Recommendations 28

Appendices
A. List of documents tabled at the Hearing 29
B. Schedule of submissions including late submissions 33
C. Chapter 50 with recommended amendments 35
D. Decisions on submissions with reasons
E. Recommended consequential amendments to other chapters
Introduction

1. This report incorporates recommendations made by the Panel consisting of Independent Commissioners, Mr Alan Withy (Chair), Mr John Childs and Councillor Mervyn Williams, appointed by Whangarei District Council to hear and make recommendations on an application by Point Nikau Joint Venture for a Private Plan Change (Number 78) to the Whangarei District Plan.

2. The hearing was held in the Council Chambers in Whangarei on the 17 – 19 November 2009; 21 December 2009; and 19-20 May 2010. Various adjournments were taken to allow caucusing by experts and negotiations between the parties.

3. For reasons that are more fully detailed in the recommendations that follow, and pursuant to clause 29(4) of Schedule 1 to the Resource Management Act 1991 the Panel recommends that Council receive and implement the recommendations based on the request for PC78 and contained in this report.

Abbreviations used in this report

4. The following abbreviations are used in this report:

   “Applicant” means the Port Nikau Joint Venture that requested a private plan change in terms of Part 2 of Schedule 1 to the RMA.
   “CHH” means the submitters Carter Holt Harvey Ltd and Carter Holt Harvey Wood Products New Zealand Ltd.
   “Change” means a plan change to the Whangarei District Plan.
   “Commissioners” means the three commissioners appointed by Whangarei District Council to hear and recommend on PC78.
   “Council” means the Whangarei District Council.
   “DP” means the Whangarei District Plan.
   “District Plan” means the Whangarei District Plan.
   “NRC” means the Northland Regional Council.
   “PC” means a plan change to the Whangarei District Plan.
   “Panel” means the three commissioners appointed by Whangarei District Council to hear and recommend on PC78.
   “Parawhau” means Te Uri o te Tangata, Te Parawhau te Hapu.
   “PNJV” means the Port Nikau Joint Venture that requested PC78.
   “Port Nikau” means the joint venture that requested PC78 - the Applicant.
   “PPC” means private plan change.
   “Reporting Officer” means Ms Kellie Roland, the Independent RO.
   “RO” means Ms Kellie Roland, the Independent Reporting Officer.
   “RoR” means the Right of Reply by the Applicant.
   “Submitter” means a person who lodged a submission regarding PC78.
Description of the Proposed Private Plan Change

5. Point Nikau Joint Venture (PNJV) has sought a Private Plan Change to re-zone land at the southern end of Port Road Whangarei. The land involved includes part of the former Whangarei Port. The area is to be known as Port Nikau. The change involves a Mixed Use Zoning involving about 90 hectares of land. Changes were made during the hearing to include a buffer zone on the land together with a Master Plan and Precinct Plan process.

6. The form and detail of the proposal changed during the course of the hearing. The final form of the proposal was forwarded with the ‘final right of reply’ from Mr Webb Counsel for the applicant, dated 4 June 2010. The panel recommends acceptance of that proposal with certain amendments for reasons explained below.

Appearances

7. For the applicant Port Nikau Joint Venture.

- Mr Alan Webb – Counsel
- Mr Craig Heatley – Director
- Mr Tony Davis Colley – Director
- Mr John Robbins – General Manager
- Mr Ian McAlley – Planning Consultant
- Mr Leo Hills – Traffic Engineer
- Mr Jon Styles – Acoustic Consultant
- Mr Nevil Hegley – Acoustic Consultant

8. Submitters and experts who attended and spoke at the hearing

- Mr Franz Iseke  - Citizen and resident
- Mr David Child-Dennis - Citizen and resident
- Mr Rolf Fuchs  - Department of Conservation
- Mr Andrew Riddell  - Department of Conservation
- Mr Pari Walker  - Parawhau
- Ms Mira Norris  - Parawhau
- Ms Margaret Hicks  - Bream Bay Action Group
- Ms Judy Collins  - Northport Cool Store
- Mr David Grindle  - Northport Cool Store
- Mr Bruce Mulligan  - Northport Cool Store
- Mr Jonathan Gibbard  - Northland Regional Council
- Mr Vaughan Cooper  - Northland Regional Council
- Ms Alison Thompson  - Planning Consultant for Harvey Norman
- Ms Karen Price  - Counsel for CHH
- Mr Rod Davies  - Chief Executive Officer, CHH
- Ms Adrienne Millar  - Business Legal Counsel for CHH
- Ms Jennifer Carvill  - Planning Consultant for CHH
• Mr Curt Robinson - Acoustic Consultant for CHH
• Mr Ian Hamilton - Balance Agri-Nutrients Limited
• Mr Gerald Lanning - Counsel for NZTA
• Ms Angeline Butler - NZTA
• Mr Matthew Richards - Senior Resource Planner for NZTA
• Mr Nathan Harper - Traffic Engineer for NZTA
• Mr Owen Burn - Planning Consultant for NZTA

9. Whangarei District Council

• Ms Kellie Roland - Planning Consultant /Independent Reporting Officer
• Mr Nick Williamson - District Plan Team Leader
• Ms Melisa McGrath - Policy Planner
• Mr David Snowden - Group Manager, Infrastructure & Services
• Mr Solomon Tipene - Iwi Liaison Officer
• Ms Jan Lucas - Committee Secretary

Procedural Matters

10. Mr Pari Walker on behalf of Te Uri o te Tangata, Te Parawhau te Hapu raised the issue of the ownership of the Port Nikau land. He asserted the land is in ‘allodium title’ and that other proceedings were in train to confirm this status. He requested that the hearing should be suspended until the dispute had been dealt with. The Panel adjourned to consider this request and ruled that disputed ownership of land was not adequate reason to defer or abandon the hearing.

11. Various other submissions, documents, and information of a procedural nature were received during the course of the hearing. These were all received, taken into consideration and given appropriate weight in formulating the recommendations on the proposed Plan Change.

12. The issue of whether a Master Plan / Precinct Plan were within the terms of submissions made resulted in a legal opinion from Council’s legal advisers. ¹ This advised that the Department of Conservation (DOC) submission had raised concerns about the ‘ad hoc’ development without integrated planning. This was considered to be within the “Vivid Holdings” test:

\[ \text{... in that what is sought is the re-zoning of the same area with the same rules but with elements of integrated planning introduced as preliminary steps.}^2 \]

13. The Master Plan/tiered approach was therefore concluded to be valid, within the jurisdiction of the Commissioners and available in formulating recommendations to Council.

¹ Thomson Wilson Law letter dated 15 December 2009
² Vivid Holdings Ltd (re an application) [1999] NZRMA 467
14. Ms Karen Price, Counsel for CHH tabled an Application for declaration by the Environment Court, which challenges structure plans. That Application by Mr Russell Bartlett has not been determined at the time of finalising these recommendations. Ms Price suggested that the Declaration when issued could render invalid the Master Plan process inherent in PC78. We consider Mr Webb is correct (at least until the Application for Declaration is determined), when he said:

... There is no authority that the proposed master plan approach is in any sense illegal ... there is no legal impediment to ... approving the master plan approach. 3

Summary of Evidence and Submissions Heard

15. Ms Roland’s detailed report as RO had been pre-circulated and was taken as read. The report reviewed the Plan Change, and the submissions and further submissions received.

16. She advised that to deal with issues raised by Council’s Infrastructure and Service Managers and the Parks and Recreation Manager:

It is considered more appropriate that the activity status of the respective Master and Precinct Planning processes are amended to discretionary and restricted discretionary activities respectively or an equivalent tiered approach which will ensure that a progressive assessment co-relating with a degree of certainty provided is achieved. 4

17. The RO also said that if these matters:

“... can be addressed by the applicant, the application warrants approval”. 5

18. Mr Webb presented submissions as counsel for the applicant and said the proposal involved a strategically important piece of coastal land where the current zoning had outlived its usefulness. He said the Plan Change aims to:

... revitalise a strategically important piece of coastal land forming a gateway to Whangarei City. 6

19. He described the core issues as:

... reverse sensitivity, traffic and activity status... 7

---

3 Webb Final Right of Reply pages 17 & 18
4 RO Report page 47
5 Ibid
6 Webb Opening Submissions page 1
7 Ibid page 2
It became increasingly apparent as the hearing progressed that these were in fact the core issues.

20. He submitted that the proposed change involved:

- creating a new planning environment ...
- with a Master Plan required to be approved ...
- before any development proceeds... and
- involves integrated development in a sustainable manner.  

21. He explained the proposed District Plan layers as:

- Master Plan which would include infrastructure, urban design expectations, open space, networks.

- Precinct Plan – shape and form of development.

... followed by

- Subdivision.

- Building consent.

22. He addressed the legal background, including Part 2 matters and Sections 31 and 32. He advised that Regional Council consents would be required separate from the Master Plan. He submitted that the Panel had jurisdiction to consider a Master Plan as the issues had been raised in the DOC submission, although DOC called it a Structure Plan. We accept that we have such jurisdiction.

23. He challenged the RO recommendation to make the Master Plan a discretionary or restricted discretionary activity. He opposed a restricted discretionary status and preferred a controlled activity approach.

24. In relation to Treaty of Waitangi issues he submitted case law indicated that the Panel has no jurisdiction to remedy alleged historic wrongs, and we accept that.

25. Regarding reverse sensitivity he submitted that the main issues were noise, dust, odour and vibration from adjacent land, and said the question was “whether it is reasonable that such effects cannot be internalised and, if so, what should be done about it?”

26. In relation to CHH’s submissions he said its site was controlled by resource consents that deal with noise and air discharge effects. The proposed buffer zone would prohibit sensitive activities and a ‘no complaints covenant’ could be imposed on the titles.

---

8 Ibid
9 Ibid pages 4 & 5
10 Ibid page 9
11 Ibid pages 14 & 15
12 Ibid page 15
27. He advised that Council asset managers have agreed that significant mechanisms exist to control development in a sustainable way under the Master / Precinct Planning process, and that:

The application heralds a new era for progressive integrated and controlled planning for Whangarei City to complement the ODP.\textsuperscript{13}

28. \textbf{Mr Ian McAlley}, was called as planning consultant for the applicant and he discussed and analysed the proposal in detail. He described the intent of the Plan Change and the planning framework that would support new development on the site. He produced a new chapter for the District Plan and described it as a stand-alone provision.

29. He argued for revised District Plan Provisions involving Master and Precinct Planning with a tiered approach, flexibility and the following features:

\begin{enumerate}
\item a) Master Plan - controlled activity with certain exceptions.
\item b) Buffer zone to satisfy local industry – residential activities prohibited to deal with concerns of CHH and others.
\item c) If no Master Plan was in place - discretionary activity consent required.
\item d) Applications were to be non-notified - controlled activity status and approved on the basis of a brown fields area with very permissive rules.
\item e) The Master Plan would deal amongst other things with the infrastructure issues and apply to the whole site.
\item f) Precinct Plans would deal with smaller areas.
\end{enumerate}

30. He described the Plan Change as a ‘down zoning’ of the land, enabling development to occur in a flexible manner with increased amenity; promoting growth and allowing development to occur in an efficient manner.

31. He said the relevant statutory tests were satisfied for a Plan Change, and the potential adverse effects could be avoided, remedied or mitigated. He saw the change as having numerous potential benefits.

32. Mr McAlley discussed the following topics:

\begin{enumerate}
\item a) The Airport: He said the Styles Acoustics report indicated the site was not subject to any noise requirements in terms of the relevant standards, and that Rules for the site would ensure future development would not be sensitive to airport noise.
\end{enumerate}

\textsuperscript{13} Ibid page 22

29/7/10 – 10/81158
b) Infrastructure: He said stormwater and sewer systems would need to be upgraded; stormwater consents from the Regional Council would be required; and the Master and Precinct Plan process would allow infrastructure to be assessed and resolved.

c) Roading issues: These would be dealt with through the Master Plan and Precinct Plan process. In relation to the State Highway there were trigger points in the assessment process which would avoid potential effects on the State Highway.

33. Mr Leo Hills, traffic engineer identified the relevant transport documents and the Plan and Policy framework.

He described:

a) The existing transportation infrastructure in Whangarei.

b) The modelling undertaken.

c) Network deficiencies.

d) Future accessibility.

e) Plans of potential roading improvements.

34. He outlined indicative levels of development that triggered roading up-grades, and discussed various upgrades and improvements required to accommodate the ultimate development.

35. He considered the most likely upgrades to be Port Road between Port Nikau and Kioreroa Road and the Pine Valley Link. The latter would take pressure off Port Road and was likely to be required at about an 84% level of development. He advised roading impacts can be dealt with through the Master Plan and Precinct Plan process.

36. He concluded that:

a) The development proposed

   ... Can be established with only minor effects to the function, capacity or safety of the surrounding transport environment but that the level of development is dependent on the level of roading up-grades established.  

b) Future resource consents should include an independent traffic review.

---

14 Hills evidence page 39
c) Bus services and other travel demand measures should be dealt with in the Master and Precinct Plans process.

d) The traffic analysis is dependent on the Whangarei Transport Model and traffic generation for future resource consents needs to be reassessed in relation to what has been assumed in that model especially in relation to upgrade trigger levels.

e) Road upgrades are dependent on other roading upgrades planned by the Council and NZTA.

f) Detailed integrated transport assessments are required during subsequent stages in consultation with the Council and NZTA.

g) Integrated traffic assessments will be required once the nature of developments is known.

37. **Mr McAlley** then addressed the following matters: contamination; sea level rise; hazardous substances; public access; riparian margins; ecology; archaeology; and Tangata whenua issues.

38. He pointed out that the Plan Change included the Port Nikau matters in one Chapter which would avoid potential confusion for users of the District Plan.

39. He summarised the relevant reverse sensitivity issues as noise, air discharges, odour and dust. He discussed adjacent land uses indicating that some had existing use rights or resource consents including conditions that required the management of those land uses in a manner that adverse effects would not be received by land users in the Port Nikau Environment.

40. He said the buffer overlay would benefit some land owners; the cool store’s existing use rights would be recognised and maintained; and CHH noise levels and air discharges were controlled by its resource consents. He considered that there would be no reverse sensitivity effects related to noise generated by the development of the Port Nikau site.

41. He opposed a discretionary activity process but supported a controlled activity status on the basis that the relevant matters had been dealt with through this Plan Change process.

42. **Mr Jon Styles**, acoustic consultant, discussed reverse sensitivity issues in relation to noise. He outlined the CHH noise levels and said in his opinion the sawmill was incapable of generating noise greater than the proposed Plan Change controls if it complied with its resource consent noise level. He considered that there would be no reverse sensitivity effects experienced by the sawmill if the Plan Change went ahead, and that this would be assisted by a no complains covenant.

43. In his opinion potential adverse noise effects generated by the sawmill would be less than minor on the Port Nikau land, and it was unlikely that an application by
CHH to exceed the Business 4 noise limits would be approved. On the Port Nikau land the controls proposed in the Plan Change:

... will ensure that there is no noise related reverse sensitivity effects arising and that from CHH’s perspective it would not be the PPC that would limit any future development plans they might have with respect to noise. 15

44. Mr Tony Davis Colley, for the applicant advised that he had been working with the submitters on their concerns, and that he was endeavouring to resolve traffic issues. He saw the Plan Change as creating the opportunity to realise a long term vision for the city.

45. Mr Craig Heatley, for the applicant, also spoke in support of the Plan Change. He considered what was proposed was within the Vision Statement of the Whangarei District, and that as an investor he wanted certainty.

46. Mr Iseke, a submitter, raised the following concerns in written evidence:

   a) The size of the Plan Change and the uncertainty it brings because of its lack of clarity.

   b) Potential costs to ratepayers of infrastructure.

   c) Doubts that the uses requested will be realised.

   d) No apparent advantages to the local economy.

47. He argued the proposal should be dealt with in a District Plan review, and questioned whether the Plan Change was in accordance with sound resource management practice. He requested that the Plan Change be rejected.

48. Mr David Child-Dennis concerns were similar, but he also argued that the Plan Change would cause: adverse impacts on business in the area; burdens on ratepayers; risks from seismic waves and unusual tidal movements; and instability of the land.

49. Mr Rolf Fuchs (supported by Mr Andrew Riddell), Department of Conservation, addressed RMA Part 2 and New Zealand Coastal Policy Statement matters. As written he considered the Plan Change was inconsistent with the RMA, New Zealand Coastal Policy Statement and District Plan. He said:

   a) He had concerns about the impact of the new zone on the adjoining Wader bird habitat in the estuary which was located on the south-western

---

15 Styles evidence page 6
boundary of the land, and asked for clear provisions to protect the Wader bird habitat.

b) The proposed Master Plan process met DOC’s submission/relief but he requested restricted discretionary activity status for the Master and Precinct Plans.

c) DOC seeks a rule requiring that the water set back and esplanade exemption does not apply to the Port Nikau Environment.

d) There was a need for effective objectives and policies to recognise the site’s unique features to provide an overall framework for development, including: public access to the shoreline on the southern boundaries of the site; riparian margins on this shore; roads and infrastructure not to affect ecological values of the Wader habitat.

e) He was concerned the Plan Change did not adequately deal with ecological enhancement or relevant District Plan objectives and indicated DOC wished to be involved in the Master Plan process.

50. **Ms Mira Norris** (represented by Mr Pari Walker) gave a background to the dispute over the ownership of the land. Mr Walker described ownership issues and argued sustainable management issues were inter-related. He referred to ‘allodial title’ and said Tangata whenua have not given consent to the Plan Change.

51. Mr Walker said old pa sites in the area had been destroyed; also that Ms Norris objected to the proposed Pine Valley Road link which had implications for landscape and fresh water values. He referred to ‘huge cultural issues’.

52. **Mr Tito** spoke through an interpreter as a representative of Parawhau. He raised the pain from the loss of land which had been progressively alienated by actions of the Crown and its agents. He discussed the ‘allodium title’ and Article 2 of the Treaty of Waitangi.

53. **Ms Margaret Hicks**, for the Bream Bay Action Group, described concerns including:

   a) Support for the claims of Parawhau.

   b) Opposition to the new zoning including residential uses in the area.

   c) Reverse sensitivity matters.

   d) Risk to public health from an unhealthy living environment.

   e) Increased fire risk.
f) Lack of infrastructure for residential needs including roading and who paid.

g) Effects of climate change, saltwater incursion and rising sea levels.

h) Threats to bird life from people and pets.

i) The importance of the surrounding tidal area for bird life.

j) Poor planning practice - the change would be a ‘recipe for conflict’.

54. She argued that:

Port Nikau and the surrounding foreshore is arguably the most important habitat for bird life in the entire harbour.  

55. Mr David Grindle, Counsel for Northport Cool Stores, advised that his client operated cool stores at the southern end of Port Road inside the area of the Port Nikau Plan Change; that these cool stores played a vital part in the Northland economy, and are a permanent feature of the facilities in Port Road, which operated in compliance with the current zoning of the land.

56. He said:

... one of the main issues for the cool stores was that of reverse sensitivity ... these risks make it completely unacceptable to allow non industrial activities to be set up within the area of this proposed plan change.

57. He opposed the Master Plan provision as it was not part of PC78 as publically notified, and the activities proposed within the mixed use zone, including residential and residential related activities. He was concerned that if the Plan Change went ahead there would be complaints against the establishment or expansion of industrial activities in the area. He supported the retention of the Business 4 zone as his client would not be threatened with the establishment of residential activities nearby under that zoning.

58. He opposed the ‘reverse sensitivity covenant’, saying the cool stores were in the middle of the area requested for mixed use. This would result in a mismatch between the cool stores and proposed nearby residential and related activities with the consequence of complaints.

59. He discussed the issue of hazardous substances, particularly Ammonia, arguing:

Clearly cool stores do not belong in residential neighbourhoods. At present Northport cool store is not in a residential area but the requester wants to change the locality to allow residential and related activities”.

16 Hicks evidence page 5
17 Grindle submissions page 1
18 Ibid page 8
60. He requested that the Plan Change make the removal of the rail line a ‘non complying activity that the Business 4 zoning be retained; and ‘controlled activity’ status’ be removed as it did not give the public an opportunity to participate.

61. **Mr Bruce Mulligan**, General Manager of Northport Cool Stores requested that the application be declined, outlined the cool store operations and described:

a) The importance of truck and rail deliveries and collections.

b) The suitability of Business 4 zoning.

c) The hazards associated with the operation with the use of anhydrous ammonia (NH3) which was dangerous to human health and could cause death.

d) Reverse sensitivity issues including hazards, noise from the refrigeration plant, railway movements, truck movements and the effect on amenity values.

e) The importance of the railway line which his Company was heavily reliant on.

f) Incompatibility of a cool store with a mixed use environment.

62. **Mr Jonathan Gibbard** spoke in support of a submission by the Northland Regional Council (NRC), and said.

a) The original submission of the NRC supported the application as appropriate but the support was conditional on certain issues being resolved.

b) There was jurisdiction in terms of the DOC submission to introduce the Master Plan approach. However NRC wanted continued involvement in the Master and Precinct Plan processes.

c) There remain issues of concern including land contamination, stormwater and waste water management, public access, reverse sensitivity, incompatible land uses, air quality, instability and sea level rise.

d) He opposed controlled activity status and supported the recommendation of a fully discretionary activity for the Master Plan and restricted discretionary activity for the Precinct Plan.

e) He advised that stormwater and sewerage would require NRC consents or compliance with the Regional Plan.
63. **Ms Alison Thompson**, Planning Consultant advised that Harvey Norman operate an outlet in Gum Digger Place in South Whangarei which is an area in transition. She discussed the various Plan Changes affecting the immediate area and indicated that it was essential that Council take an holistic and proactive approach to deal with road upgrading works. Her client’s main concerns related to the traffic implications of the PNJV development particularly the impacts on Rewa Rewa Road and its intersection with Gum Digger Place.

64. She supported the introduction of a Master Plan process which would assist in the delivery of a comprehensive development. Also the discretionary activity approach for the Master Plan and restricted discretionary activity status for Precinct Plans. If neither plan had been approved a non complying activity process would be required.

65. She argued the re-zoning required careful consideration to ensure that the necessary infrastructure including roading can be provided at a time and rate to support the development proposed.

66. **Carter Holt Harvey**: Mr Robert Davies - Chief Executive of CHH discussed the company’s mill operations at Union East Street. He said over the last two years a major capital upgrade project had been initiated. This had been undertaken on the basis that the surrounding land was zoned for industrial use with no risk of encroachment by sensitive communities and their associated expectations. It would continue to process Northland fibre for both the domestic and export markets. The mill made a major contribution to the economy for Whangarei by way of employment and through the added value occurring in New Zealand. Over 160 people were employed in the Whangarei facility and including contractors total site employment is over 170.

67. He said the replacement value of the mill was over $100 million New Zealand dollars, and CHH was responsible for annual direct expenditure in the Northland region in excess of $10 million.

68. He said he was opposed to the establishment of incompatible uses within close proximity to his operations. The company would require legally binding undertakings registered on the various titles and appropriate District Plan provisions, and he said no such agreements had been entered into.

69. **Ms Karen Price**, Counsel for CHH, indicated that the concern for CHH was reverse sensitivity issues as the mill has the potential as a heavy industrial activity to produce adverse environmental effects, which were either authorised by resource consents or by the zone provisions.

70. She raised concerns about the amendments to PC78 since notification and whether time should be allowed for the applicant to respond to the many objections raised at the hearing.
71. She then discussed reverse sensitivity concerns arising from the mixed use zoning on the Port Nikau site. These included dust and noise. The levels of amenity anticipated by various activities were generally incompatible with existing heavy industry in the near vicinity and the new receiving environment as proposed by PC78. She said:

*The mill is part of the existing environment and an important physical and economic resource pursuant to Part 2 of the Act that needs to be sustainably managed.*

72. She criticised the lack of proper noise assessment or comprehensive noise model and the lack of a reverse sensitivity assessment with respect to PC78. These were required for the applicant to fully assess its impact, and protection was needed from reverse sensitivity effects on existing neighbouring industrial operations for foreseeable future operations.

73. She argued the Section 32 analysis provided by the applicant omitted reverse sensitivity issues and also lacked a ‘fulsome’ cost benefit analysis and assessment of alternatives.

74. She submitted that reverse sensitivity is an effect in terms of Section 3 of the RMA and it required careful consideration and planning. She submitted that the Plan Change is:

*... not an efficient use and development of resources as it goes against sound resource management practice. The fundamental element is that compatible uses should be separated.*

75. She was also critical of the failure to assess effects on the Business 4 zoned land which is a limited physical resource, and concerned with the failure to assess traffic effects on neighbouring sites. She was also concerned about the flexibility of the Plan Change which prevented adequate assessment.

76. She argued that the Section 32 analysis was inadequate and fell well short of the statutory requirements, with incomplete information which may compromise the decision making process. She said the objectives, rules and other methods were not appropriate to achieve the purposes of the Act.

77. With regard to the Master Plan process her clients supported the recommendation that the Master Plan should be a discretionary activity particularly as CHH should be involved as a potentially affected party.

78. She summarised her clients’ submissions as follows:

   a) The mill is a major local and regional industrial asset, and must be sustainably managed.

---

19 Price submissions page 5
20 Ibid page 9
b) The mill has the potential to create off site effects in terms of odour, noise and other discharges to the environment which made it susceptible to complaints, regulatory action and unnecessary constraint should sensitive activities be constructed in close proximity. These potential reverse sensitivity effects must be considered and protected under the RMA.

c) Sound resource management practice suggests that incompatible land uses should be separated, as there were adverse impacts on neighbouring industrial sites.

d) The Plan Change was contrary to the sustainable management purpose of the RMA.

e) The Plan Change, given its nature and the potential effects at this location should be rejected, or if not:

... Council scrutiny should be maintained and others have the right to be involved as the Master and Precinct Plan stages progress.  

79. In conclusion she said:

... the reverse sensitivity effects are such that the Plan Change fails the necessary statutory tests, and does so by some margin. This is in the context of the Applicant’s failure to properly assess the Plan Change in terms of Section 32 of the RMA. Given the Applicant’s stated desire not to preclude any other parties, this Plan Change must go back to the drawing board.

80. Ms Adrienne Lee Miller, Business Legal Counsel for CHH, gave evidence and addressed the effects of the change as:

a) ... a real and significant risk to business security for Wood Products New Zealand particularly given the Whangarei Mill’s importance to both domestic and export markets.

b) Having the potential to constrain both the present mill and its future expansion.

c) Raising particular concerns of noise and odour complaints.

d) Introducing a newer adjacent mixed use zone that needs to be appropriately buffered and controlled.

e) Having the potential to impact significantly on despatch and movement of goods from CHH.

\[\text{Ibid page 17}\]
\[\text{Ibid}\]
\[\text{Miller evidence page 4}\]
81. She was critical of the reverse sensitivity covenant currently on the table, and said it was unacceptable to CHH.

82. In conclusion she argued that any interruption to her clients’ operations would be detrimental to the community and the Company’s investment in Whangarei. She thought that the Plan Change at this stage should be rejected or revised so that certainty was increased and appropriate provision included, to ensure the viability of established heavy industrial uses was not threatened.

83. **Ms Jennifer Carvill**, Planning Consultant for CHH, discussed:

   a) The loss of industrial land and the efficient use of residential land.

   b) The provision for residential and mixed use activities directly adjacent to heavy industrial activities located on Business 4 land.

   c) The Master Plan approach.

   d) Reverse sensitivity effects, arguing that they were likely to have economic effects on the milling operation particularly as sensitive new neighbours were likely to oppose or otherwise attempt to restrict operations as part of resource consent applications.

   e) Doubts that the buffer area was sufficient.

84. In relation to the Master Planning approach she opposed controlled activity status. She supported discretionary activity status for both Master and Precinct Plans, and notification for both.

85. In relation to adverse effects she said the key concerns for her client were reverse sensitivity, traffic, noise and air discharges. Other issues were stormwater and wastewater management, and potential effects on operations.

86. In conclusion she pointed to significant gaps in information, unresolved issues, the lack of assessment of some matters, and argued on that basis that the Plan Change should be rejected. If accepted she considered significant amendments would need to be made including:

   a) Changes to the activity status for Master Plan and Precinct Plan applications.

   b) Mandatory notification of such applications.

   c) The need to further address reverse sensitivity issues including expansion of the buffer overlay area.

   d) Further traffic mitigation measures.
87. **Mr Ian Hamilton**, gave evidence for Ballance Agri - Nutrients Ltd, and advised that Ballance had agreed to change its submission opposing the Plan Change and to support it provided:

   a) The buffer overlay zone is imposed on sufficient of the land.

   b) Certain activities including residential and related activities become a prohibited activity in the buffer overlay zone.

88. **NZ Transport Agency:** Mr Gerald Lanning, Counsel for the New Zealand Transport Agency (NZTA) advised that NZTA did not oppose the Plan Change in principle, but was opposed to the Master Plan and Precinct Plan approach. NZTA also sought modifications to the Plan Change which would ensure the effects on the State Highway and the wider transport network are adequately assessed and addressed through subsequent resource consent processes.

89. He said it was important that PC78 follows the most appropriate resource consent process taking into account the objectives of the proposed change, and the Council’s function of managing effects of the proposed land uses.

90. He argued for a restricted discretionary or discretionary activity approach to enable a full and proper assessment of effects in relation to the Plans. The actual and potential effects of whatever activities are permitted by the Master Plan must be adequately assessed and addressed. He requested modifications to the Plan Change to adequately address effects on the State Highway.

91. **Mr Matthew Richards**, gave evidence for NZTA and described: the role of NZTA under the Land Transport Amendment Act 2008; relevant statutory and non statutory documents including Government Policy Statement on Land Transport Funding 2009 / 2010 / 2018 / 2019; the significance of the State Highway network; NZTA’s costs sharing policy; and its involvement in the Whangarei area.

92. He advised that NZTA was not opposed to development on the Port Nikau site. However the effects of the development on the operation of State Highway 1 needed to be appropriately addressed, so that the increase in traffic did not have an adverse effect on the intersections of local roads and State Highway 1.

93. He expressed concerns that the provisions were too flexible and did not adequately address potential effects on State Highway 1 or provide adequate opportunities for NZTA to be part of the process going forward. PC78 had the potential to significantly affect the safe and efficient operation of the State Highway. It could only be mitigated by the upgrade of the State Highway 1 and Rewa Rewa Road intersection as well as potentially requiring other future road works on the State Highway.
94. He summarised that

   a) The Change in its current form has the potential to have an adverse effect on the safe, efficient and sustainable operation of the road network and particularly the Rewarewa Road intersection with State Highway 1.

   b) The rules needed to be modified to address these effects and that it is appropriate that financial contributions be made by Port Nikau Joint Venture towards the cost of these works.

95. **Mr John Harper**, Leader Transportation Modelling with Opus in Auckland, said the Master Plan and Precinct Plan should avoid a limitless scale or type of development in the Plan Change, which makes accurately forecasting the transportation effects of a development impossible.

96. He indicated concern with the likely proposed traffic generation, effects on the State Highway 1 and Rewa Rewa Road intersection, and general effects on State Highway 1. He suggested the Master and Precinct Plan process be widened and include that NZTA be consulted. From a transportation point of view the Master Plan should define targets or guidelines for the complete development of the Plan Change area. He was concerned there was no guidance in the Plan Change as to the desired land use mix.

97. **Mr Owen Burn**, Planning Consultant for NZTA, emphasised that the Council must think of the long term effects of development on the land, on the Port and physical resources in the district including State Highways.

98. He argued the Master and Precinct Plans were very open ended as to the possibility that the State Highway 1 and Rewa Rewa Road intersection may reach capacity at a certain level of development on the Port Nikau land. As a result an alternate connection from the site to the State Highway may be necessary. The Port Nikau Environment should provide for this in Master and Precinct Plan consent applications. and provide sufficient information in relation to land uses to allow sensible projections for the traffic generation of development to be made at the time applications are made. The Master Plan and Precinct Plan applications should include the necessary traffic impact assessments.

99. He also considered that appropriate financial contribution provisions should be included and these should be flexible enough to ensure improvements that are necessary to avoid traffic effects on State Highway from development within the environment, can be funded. He tabled a draft suite of provisions. He also argued that given the potential effects on the State Highway from traffic generated by development on the site, it was appropriate that the Plan Change require NZTA to be consulted in the formulation of the Master and Precinct Plans.

100. He suggested draft financial contribution provisions for the Plan Change, including that the Master Plan be a discretionary activity and a schedule of the
maximum level of development to be permitted in the environment, and a traffic impact assessment.

101. In relation to Precinct Plans he argued these should have restricted discretionary activity status, with the information required in the land use plan and schedule consistent with the Master Plan. They should include a traffic impact assessment and deal with new roading and upgrades that may be necessitated by the development of the precinct.

102. **Golden Bay Cement**: A submission was received from Golden Bay Cement stating they supported the proposal subject to the concept of ‘mixed-use’ and the new objectives and policies being clarified.

103. **Caucusing and negotiations**: In addition to the submissions and evidence described above, there were various negotiations between the parties, particularly between PNJV and CHH, and expert caucusing in relation to noise and traffic matters. The amount of progress made was disappointing and the Panel is left to determine much of the substance of recommendations to Council. We have carefully considered all the submissions, evidence, and reported outcomes of negotiations and caucusing, in determining our recommendations. We note that some of the reporting from negotiations and caucusing differed between the parties.

104. **Acoustics**: Mr Hegley appeared for the first time at the last day of hearings in May, and we found his evidence helpful in assessing the other acoustic evidence given by Messrs Robinson and Styles. Our conclusion is that noise issues can be adequately handled within PC78, and our recommendations reflect this.

105. **Planning**: Various planners assisted us with evidence. This included detailed reports from Planning Consultant Ms Kellie Roland and Mr Nick Williamson Council District Plan Team leader. When that is all considered together, it leads us to conclude that PC78 with suitable amendments can be recommended for council adoption. The Master and Precinct planning processes subject to discretionary and restricted discretionary applications respectively, will allow most of the planners’ concerns to be dealt with during that process. They will also allow public involvement, the potential for applications to be declined if they are inappropriate, and appeals to the Environment Court.

106. **Traffic**: The caucusing of traffic experts was disappointing, as it led to no consensus. However considering the evidence and outputs from caucusing, we conclude that appropriate traffic provisions can be satisfactorily incorporated within PC78. The process described in the previous paragraph will allow traffic issues also to be dealt with in an appropriate manner. Assessment criteria are included in the plan change document to properly assess traffic matters.
107. **Reporting Officer Comments:** Ms Kellie Roland, the independent RO and Mr Williamson, District Plan Team Leader, were invited to comment at various stages on the proposals. The pre-circulated report said:

   ... for the reasons outlined in this report, it is considered more appropriate that the activity status of the respective Master and Precinct Planning processes are amended to discretionary and restricted discretionary activities respectively or an equivalent tiered approach which will ensure that a progressive assessment correlating with a degree of certainty provided is achieved. It is considered if the above matters can be addressed by the Applicant, the application warrants approval. 24

   In December 2009 the RO confirmed that her opinion was unchanged.

108. For the May 2010 hearing the RO reported as follows:

   ... the changes made to Chapter 50 by the Applicant can be commended and address the majority of concerns raised by Council throughout previous hearings. It is considered that the work undertaken by the Applicant in respect to the CHH site is satisfactory to address previous reverse sensitivity concerns. ... however it is acknowledged that CHH has requested to be heard at the hearing. .... Subject to the changes outlined above, Council is generally supportive of Chapter 50 as presented by the applicant. 25

109. An opinion from Council Solicitors was tabled by the RO, which opined that as a matter of jurisdiction, the Master and Precinct Plan approach fell within the scope of the matters raised in submissions. The opinion particularly drew attention to the DOC submission. We accept and adopt that advice.

110. The RO argued that the more comprehensive the Master and Precinct Planning processes were, the simpler the consenting process should be. She and Mr Williamson supported a discretionary process for the Master Plan coupled with clear objectives, policies and assessment criteria.

111. In a Minute we issued during the December hearing, we indicated that at that stage we favoured discretionary activity status for Master Plans and restricted discretionary status for Precinct Plans. Having carefully considered all the arguments for and against, we see no reason to change our preliminary opinion.

112. **Right Of Reply:** Mr Webb provided a written RoR dated 4 June 2010, in which he addressed the matters arising at hearings in November and December 2009 and May 2010, plus the results of the traffic caucusing. Attached to the RoR was the finally requested text for Chapter 50 arising from numerous amendments during the course of proceedings.

---

24 RO Report May 2009 page 47
25 RO Report May 2010 page 5
113. He addressed the following topics:

a. reverse sensitivity  
b. traffic  
c. future environments  
d. planning  
e. other submitters  
f. councils  
g. conclusion  

114. With regard to reverse sensitivity, he noted that by the last day of the hearing and after protracted negotiations, only CHH continued to raise concerns. He submitted that there are two layers of protection - the ‘transition zone’ and ‘no complaints covenants’.

115. Traffic was subject to expert caucusing and Mr Webb submitted that Chapter 50 in its final form:

... provides a comprehensive framework for future planning for infrastructure to manage traffic effects for the next 20 years. ... The approach has been welcomed and endorsed by the Council ...

116. Mr Webb submitted the future environment includes the environment:

... as it might be modified by permitted activities under the district plan and the implementation of resource consents which have been granted where it appears likely that those consents will be implemented ...

117. Regarding planning and other submitters, he relied upon his submissions and the evidence given by Mr McAlley and others. He noted that the Councils’ support “… can be regarded as a strong endorsement of the application.”

118. In conclusion, he noted that the application is:

... supported by an extensive assessment of effects, added to in critical areas as the hearing has progressed. The text of Chapter 50 has also developed to explain more precisely the elements of the original application.

Principal issues to be considered and analysis

119. Our analysis is outlined under the following headings:

- Planning and activity status

---

26 Webb Right of Reply pages 1 & 2  
27 Ibid page 14  
28 Ibid pages 14 & 15  
29 Ibid page 20  
30 Ibid
Future environments and permitted baseline

Effects and reverse sensitivity including
- Rises in sea level
- Noise
- Odour and air quality
- The operations of the cool store
- Traffic
- Access
- Ecological and landscape

Legal and procedural issues
- Maori issues
- Jurisdiction
- Master and Precinct Plans
- Reverse sensitivity covenants
- Structure plan declaration proceedings
- Chapter 50 and associated plans

Planning and activity status:

120. The submissions and evidence we heard lead us to conclude that the basic approach to sustainable management planning inherent in PC78 was sound. We have recommended changes and amendments before Council adopts and implements the Change. The most significant of these would be recommendations of discretionary activity status for Master Plans and restricted discretionary activity status for Precinct Plans.

121. This report now turns to address effects and other relevant considerations including reverse sensitivity, noise and traffic that were identified as contentious early in the hearing process.

Future environments and permitted baseline:

122. Mr Webb reminded us that when considering these matters we should include:

... permitted activities under the district plan and ... resource consents which have been granted, ... but that ... consents that might be granted in the future ... are expressly excluded from consideration ... 31

123. We were provided with copies of consents CHH have been granted, and we heard considerable argument about them and possible future applications. Our conclusion is that PC78 may proceed without unreasonably restricting the valid rights and expectations of CHH. This is assisted by the activity status of the Master and Precinct Plan which bring with it the potential for the involvement of CHH. We note that some of the other submitters appear to have become generally satisfied by negotiations alongside the hearing, with the final form of what is proposed.

31 Ibid pages 14 & 15
Effects and reverse sensitivity:

124. From the evidence we heard, the effects of development permitted by PC78 may well be less difficult to manage than what is permitted under the existing zoning. However, the concerns of CHH and other submitters are understandable, and must be given appropriate weight.

125. We conclude that with the amendments we recommend to PC78, it should lead to suitable development that can be sustainably managed. Given the significant concessions made PNJV by way of buffer zones and rules during the hearing, we consider the concerns of submitters have been adequately addressed under this heading.

Rise in sea level:

126. The Bream Bay Action Group emphasised the dangers that may arise in future. Whilst recognising the potential dangers we conclude that they are not sufficiently established to prevent the development envisaged by Port Nikau. We note the intentions of the applicant to liaise with the Action Group. 32 We received no technical information that makes us recommend any change to the coastal minimum floor level of 2.5 m above One Tree Point Datum Mean Sea Level 1964.

Noise:

127. Noise was a particularly contentious issue, particularly towards the end of the hearing, and Mr Hegley was introduced to the proceedings on the last day. We accept Mr Hegley's statement that:

... CHH cannot generate 75dBA at the Business 4 boundary without breaching the Living Environment noise rules. 33

128. We conclude that PC78 including the buffer zone and other measures, adequately provides for protection of the rights of nearby industry, including CHH.

Odour and air quality:

129. Odour and air quality are controlled under health and safety legislation as well as the RMA. Air quality concerns are addressed by rules and conditions on consents. We have carefully considered the submissions and evidence and conclude that there is nothing under this heading to prevent PC78 proceeding.

---

32 Ibid page 19
33 Hegley evidence paragraph 2.3
recommended amendments adequately address the concerns raised by submissions.

The cool store:

130. Northport Cool Stores raised concerns relating to the change having adverse impacts on its operation. This includes safety issues arising from the goods it stores and the possibility that the railway line could cease to operate. We are satisfied that the assessment criteria can adequately deal with these issues.

Traffic:

131. Traffic issues were subject to caucusing and negotiations between the parties. The results were not as helpful as we expected but the separate outputs were sufficient to draw adequate conclusions and develop specific recommendations for amendments to PC78. Detailed assessment criteria and rules have been established to deal with this important issue. The appropriate contributions can be fixed on the best available information when Council considers applications for resource consents and impose appropriate conditions.

132. We have decided not to recommend provisions in Chapter 50 requiring traffic-generation-triggered contributions, concluding that such payments are better handled as part of the Master and Precinct Planning processes. Given the recommended discretionary and restricted discretionary status of such plans, we believe there will be ample opportunity for this matter to be properly addressed and determined at more suitable stages of planning and development.

Access

133. Concerns were expressed about both the desirability of uninterrupted access along the foreshore and the needs of some industrial activities (particularly those involving boats) to have direct access to the foreshore. We consider PC78 as amended provides a reasonable balance between these competing interests.

Ecological and landscape

134. Several submitters were very concerned for birdlife, ecological and landscape values in the Port Nikau area. The development is to be constrained by a buffer area and various rules. We consider these as amended provide reasonable protection for the matters of concern.

Other procedural issues

135. We note Mr Webb’s objection to both NZTA and CHH allegedly bringing further evidence through the caucusing process and addressing planning issues
under the heading of traffic concerns. Our consideration of the principal issues has been based on the submissions and evidence presented during hearing time, and the recommendations we make are similarly based.

Maori issues:

136. Two submitters claimed tangata whenua status at the hearing, and one specifically challenged the Panel’s authority to proceed with the hearing. On the first day of the hearing we withdrew to consider this challenge and decided to proceed with the hearing. Since then we have carefully referred to RMA Sections 6(e), 7(a), 7(aa), and 8. That has reinforced our view that not only did we have authority to proceed with the hearing, but also we had no grounds to refuse to do so.

Jurisdiction:

137. Challenges were made to the extensive amendments made to the proposal during the hearing. Having carefully considered all these matters, we rely upon the advice of Council’s solicitors, and from Mr Webb Counsel for Port Nikau, and conclude that PC78 as recommended in this report is based on sound interpretations of the Act and proper processes.

Master and Precinct Plans:

138. The master planning approach inherent in PC78, and the structure plan methodology was suggested to be in danger of being proved invalid or illegal. However the process is one that Council Officers support and they are progressively incorporating within the District Plan. As discussed above it was also anticipated in the submission of the Department of Conservation. It has been also been adopted as a sound planning technique by other territorial local authorities in New Zealand.

139. We consider the process to be suitable for application to the land at Port Nikau and recommend its adoption. However, we do consider that discretionary activity status is appropriate for Master Plans and limited discretionary activity status appropriate for Precinct Plans. Such processes will enable involvement by parties with legitimate interests in the outcomes.

Reverse sensitivity covenants:

140. Port Nikau offered to impose reverse sensitivity covenants on their land, and this offer was subject to negotiations outside the hearing between CHH and PNJV. A draft was attached to Mr Webb’s right of reply. 34 However there was no evidence of CHH accepting the draft covenant, either in principle or as to its

34 Webb Right of Reply, Attachment B, draft reverse sensitivity covenant
detail. In that situation we conclude that the covenants are irrelevant to our considerations. It is our opinion that the covenants would be desirable, but are not necessary for us to recommend adoption of PC78.

The Structure plans - declaration proceedings:

141. As mentioned above, we do not accept the challenge to structure plans as a reason for us to vary our recommendations in any way. If that challenge is successful, it would pose problems for this Council, and also for numerous other councils throughout the country. We have therefore disregarded it in our deliberations.

Chapter 50 and associated plans

142. Attached as Appendix C are our recommendations for the text of Chapter 50 as proposed by PC78 and incorporating amendments based on submissions received and our consideration. The plan indicating boundaries of areas is also attached and is only slightly amended from that proposed at the end of the hearings. It does include an enlarged buffer area to accommodate concerns regarding wildlife and other matters at the south-western extremity of the site.

Statutory considerations:

143. We have considered Council’s responsibilities particularly in terms of Sections 31, 32, 74, 5-8, and Part 2 generally.

144. We note that regional council issues do not require further consideration as any future development will be required to obtain relevant regional consents and the NRC will be able to become involved in the Master planning process if and where necessary.

145. This proposed plan change can be seen as facilitating sustainable management of a modified and depressed area of land in the District. That will allow the land to be developed in an efficient and sustainable manner while recognising important matters of protecting the coastal environment in which it is located and mitigating adverse environmental effects.

146. PC78 also has the potential for positive effects of allowing a run down area of land to be developed with economic benefits to the District and the region. In our opinion, these responsibilities have been exercised appropriately, and there is no reason why Council should not adopt PC78, with the amendments recommended in this report.

Conclusions

147. We conclude that with the various amendments, PC78 should be adopted. General reasons for our conclusions are given above. However, more detailed
reasons on groups of submissions can be found in Appendix D (Decisions on submissions with reasons). As provided for in the RMA the submitters have been grouped and indications given of the decisions that relate to their submissions.

Recommendations

148. Our recommendations are that Council adopt PC78, and include the various amendments proposed in this Report and its appendices.

(Independent Commissioner Alan Withy – Chair)

July, 2010

Appendices:

A. List of documents tabled at the Hearings

B. Schedule of submissions including late submissions

C. PNJV proposals with tracked recommended amendments

D. Decisions on submissions with reasons
A. List of documents tabled at hearings

Hearing 17-19 November 2009
Submissions, evidence and documents tabled

Submissions from legal counsel for Applicant - A Webb - Synopsis of Submissions

Evidence from planning consultant for applicant - Ian McAlley - 1 of 12
Evidence from planning consultant for applicant - Ian McAlley - 2 of 12 - Proposed Chapter 50 Port Nikau Environment
Evidence from planning consultant for applicant - Ian McAlley - 3 of 12 - Airport

Evidence from traffic consultant for applicant - Leo Hills - Traffic

Evidence from planning consultant for applicant - Ian McAlley - 4 of 12 - Infrastructure
Evidence from planning consultant for applicant - Ian McAlley - 5 of 12 - Land Contamination/Sea Level Rise/Hazardous Substances

Letter from Urlich McNab Kilpatrick re Allodial Title

Evidence from planning consultant for applicant - Ian McAlley - 6 of 12 - Public Access/Riparian Margins/Ecology

Evidence from planning consultant for applicant - Ian McAlley - 7 of 12 - General Submissions
Submissions and evidence from F Iseke

Submissions and evidence from D Child-Dennis

Submissions and evidence from DOC - Rolf Fuchs
Evidence from planning consultant for applicant - Ian McAlley - 8 of 12 - Tangata Whenua/Archaeology

Evidence from planning consultant for applicant - Ian McAlley - 9 of 12 - Objectives and Policies

Evidence from planning consultant of applicant - Ian McAlley - 10 of 12 - Uncertainty and Master Planning (memo)

Evidence from planning consultant for applicant - Ian McAlley - 11 of 12 - Uncertainty and Master Planning

Evidence from planning consultant for applicant - Ian McAlley - 12 of 12 - Reverse Sensitivity/Air Quality/Noise

Submissions and evidence from Pari Walker (on behalf of Mira Norris)

Submissions and evidence from Margaret Hicks (Bream Bay Action Group Inc)

Submissions and evidence from David Grindle - Webb Ross for Northport Coolstores Ltd
Submissions and evidence from Bruce Mulligan - Northport Coolstores Ltd
Submissions and evidence from Northland Regional Council - Jonathan Gibbard
Submissions and evidence from Harvey Norman - Alison Thompson
Evidence from Rod Davies - Carter Holt Harvey
Evidence from Adrienne Miller - Carter Holt Harvey
Evidence from Jennifer Carvill - Carter Holt Harvey - 1 of 2
Evidence from Jennifer Carvill - Carter Holt Harvey - 2 of 2 - Additional Comments
Submissions from Karen Price - Carter Holt Harvey
Submissions and evidence from Ballance Agri-Nutrients Ltd
Submissions from NZTA - Gerald Lanning - legal counsel
Evidence from NZTA - Matthew Richards
Evidence from NZTA - Nathan Harper
Evidence from NZTA - Owen Burn
Letter from WDC Parks Department re master plan/precinct plan
Whangarei District Council operative District Plan
Resource Management Act
Case Law: Rodney District Council
Copies of WDC resolutions passed, relating to setbacks from water marine area
Case Law: Ports of Auckland v Auckland City Council
Case Law: Lendich Construction Ltd v Waitakere City Council

Reconvened Hearing 21 December 2009
Submissions, evidence and documents tabled

Evidence - Ian McAlley - Planner for Applicant - Reverse Sensitivity/Noise 1 of 2
Submissions - Alan Webb - counsel for applicant - Reply Submissions
Evidence - Ian McAlley - planner for applicant - Reply to Planning Matters - 2 of 2
Email from - Paul Bonetti - Golden Bay Cement Portland
NZTA - letter/email
Submissions - Karen Price - legal counsel for Carter Holt Harvey

Submissions - Karen Price - legal counsel for Carter Holt Harvey - Reverse Sensitivity/ Noise - 2 of 5

Submissions - Karen Price - legal counsel for Carter Holt Harvey - letter from Jennifer Carvill - 3 of 5

Submissions - Karen Price legal counsel for Carter Holt Harvey Case Law Independent News Ak Ltd v Auckland International Airport etc - 4 of 5

Submissions - Karen Price legal counsel for Carter Holt Harvey - Case Law - Ngatarawa Trust etc v Hastings District Council - 5 of 5

Evidence - Jon Styles for the applicant - Acoustics - 1 of 2

Evidence - Jon Styles for the applicant - fax of previous acoustic assessment from Marshall Day

Thomson Wilson - Legal Opinion re jurisdiction

Whangarei District Council operative District Plan

Resource Management Act

Whangarei District Council operative District Plan map

Case Law : Christchurch City Council v David J Hampton

Case Law : B & D McNamara v The Tasman District Council

Case Law : The Minister of Defence v The Clutha District Council

Case Law : A Nanden and Another v Wellington City Council

WDC Agenda Item 16 October 2009 re Marine Precinct - Public Boat Ramp Access

WDC Agenda Item 13 May 2009 re Final Consideration of Private Plan Change 43 : SS Developments, plus extract from minutes

WDC Agenda Item 10 December 2008 re notification of Port Nikau Plan Change and extract from minutes

Business 4 Environment Rules (Chapter 42) from WDC District Plan

Countryside and Coastal Countryside Environment Rules (Chapter 38) from WDC District Plan

Notice of Decision on Application for a Change to Conditions of Consent to expand existing sawmill at Union East Street, Whangarei by TDC Sawmills

Change of Consent Conditions : TDC Investments 2 May 2008

Notice of Decision on Application for Land Use Consent by TDC Sawmills
Reconvened Hearing 19 May 2010
Submissions, evidence and documents tabled

Evidence 19 May 2010 - Harvey Norman (did not attend)

Submissions 19 May 2010 - Alan Webb for - 1 of 5

Evidence 19 May 2010 - Ian McAlley for 2 of 5

Evidence 19 May 2010 - Ian McAlley - Chapter 50 Port Nikau Environment - 3 of 5

Evidence 19 May 2010 - Nevill Hegley - Acoustics - 4 of 5

Evidence 19 May 2010 - Leo Hills - Traffic - 5 of 5

Submissions 19 May 2010 - Karen Price for Carter Holt Harvey - 1 of 4

Submissions 19 May 2010 - Karen price for Carter Holt Harvey - Letter from Jennifer Carvill with additional comments - 2 of 4

Submissions 19 May 2010 - Karen Price for Carter Holt Harvey - Chapter 50 with track changes - 3 of 4

Evidence 19 May 2010 - Curt Robinson from Marshall Day Acoustics for Carter Holt Harvey - 4 of 4

Evidence 19 May 2010 - DOC (did not attend)

Evidence 19 May 2010 - Owen Burn for NZTA - 1 of 2

Evidence 19 May 2010 - Nathan Harper for NZTA - 2 of 2

Evidence 19 May 2010 - Margaret Hicks for Bream Bay Action Group

Email from NZ Transport Agency re timeframe
### B. Schedule of submissions:

<table>
<thead>
<tr>
<th>Sub, ID</th>
<th>Subm Nbr</th>
<th>Subm Name 1</th>
<th>Subm Name 2</th>
<th>Received date by fax and/or post</th>
</tr>
</thead>
<tbody>
<tr>
<td>944</td>
<td>1836</td>
<td>Peter Williamson</td>
<td></td>
<td>9/01/2009</td>
</tr>
<tr>
<td>945</td>
<td>1837</td>
<td>Peter McDonald</td>
<td>Ltd</td>
<td>14/01/2009</td>
</tr>
<tr>
<td>950</td>
<td>1840</td>
<td>North Port</td>
<td>Coolstores (1989) Ltd</td>
<td>28/01/2009</td>
</tr>
<tr>
<td>951</td>
<td>1840</td>
<td>North Port</td>
<td>Coolstores (1989) Ltd</td>
<td>28/01/2009</td>
</tr>
<tr>
<td>952</td>
<td>1840</td>
<td>North Port</td>
<td>Coolstores (1989) Ltd</td>
<td>28/01/2009</td>
</tr>
<tr>
<td>954</td>
<td>1842</td>
<td>June Billings</td>
<td></td>
<td>27/01/2009</td>
</tr>
<tr>
<td>956</td>
<td>1741</td>
<td>NZ Historic Places Trust</td>
<td></td>
<td>29/01/2009</td>
</tr>
<tr>
<td>958</td>
<td>1844</td>
<td>Judi Gilbert</td>
<td></td>
<td>3/02/2009</td>
</tr>
<tr>
<td>959</td>
<td>1845</td>
<td>BRAVO 5 Limited</td>
<td></td>
<td>3/02/2009</td>
</tr>
<tr>
<td>960</td>
<td>1346</td>
<td>Franz G Iseke</td>
<td></td>
<td>5/02/2009</td>
</tr>
<tr>
<td>961</td>
<td>1847</td>
<td>Altherm Aluminium</td>
<td></td>
<td>15/01/2009</td>
</tr>
<tr>
<td>962</td>
<td>1646</td>
<td>David Child-Dennis</td>
<td></td>
<td>5/02/2009</td>
</tr>
<tr>
<td>964</td>
<td>1848</td>
<td>Alan Murgatroyd</td>
<td></td>
<td>13/01/2009</td>
</tr>
<tr>
<td>968</td>
<td>1853</td>
<td>Ashby Bennett Ltd</td>
<td></td>
<td>10/02/2009</td>
</tr>
<tr>
<td>983</td>
<td>1415</td>
<td>Bream Bay Action Group INC</td>
<td></td>
<td>17/02/2009</td>
</tr>
<tr>
<td>984</td>
<td>1860</td>
<td>Whangarei Saloon &amp; Stockcar Club</td>
<td></td>
<td>12/02/2009</td>
</tr>
<tr>
<td>985</td>
<td>154</td>
<td>Carter Holt Harvey</td>
<td></td>
<td>13/02/2009</td>
</tr>
<tr>
<td>986</td>
<td>1861</td>
<td>Paul Arthur Hope</td>
<td></td>
<td>13/02/2009</td>
</tr>
<tr>
<td>987</td>
<td>1649</td>
<td>Mira Norris</td>
<td></td>
<td>12/02/2009</td>
</tr>
<tr>
<td>988</td>
<td>828</td>
<td>Northland Regional Council</td>
<td></td>
<td>13/02/2009</td>
</tr>
<tr>
<td>989</td>
<td>405</td>
<td>Golden Bay Cement</td>
<td></td>
<td>13/02/2009</td>
</tr>
<tr>
<td>990</td>
<td>1859</td>
<td>Northland DHB</td>
<td></td>
<td>13/02/2009</td>
</tr>
<tr>
<td>991</td>
<td>1858</td>
<td>New Zealand Transport Agency</td>
<td></td>
<td>13/02/2009</td>
</tr>
<tr>
<td>992</td>
<td>267</td>
<td>Conservator Northland</td>
<td>Department of Conservation</td>
<td>13/02/2009</td>
</tr>
<tr>
<td>993</td>
<td>1862</td>
<td>AML Limited</td>
<td>(trading as Allied Concrete)</td>
<td>13/02/2009</td>
</tr>
<tr>
<td>994</td>
<td>1857</td>
<td>Ballance Agri-Nutrients</td>
<td></td>
<td>13/02/2009</td>
</tr>
<tr>
<td>995</td>
<td>1862</td>
<td>AML Limited</td>
<td>(trading as Allied Concrete)</td>
<td>13/02/2009</td>
</tr>
<tr>
<td>996</td>
<td>1862</td>
<td>AML Limited</td>
<td>(trading as Allied Concrete)</td>
<td>13/02/2009</td>
</tr>
</tbody>
</table>
Further submission list - closing date 27 March 2009

<table>
<thead>
<tr>
<th>Sub, ID</th>
<th>Subm Nbr</th>
<th>Subm Name 1</th>
<th>Subm Name 2</th>
<th>Received date by fax, email and/or post</th>
</tr>
</thead>
<tbody>
<tr>
<td>X631</td>
<td>1862</td>
<td>AML Limited (trading as Allied Concrete)</td>
<td>AML Limited (trading as Allied Concrete)</td>
<td>27/03/2009</td>
</tr>
<tr>
<td>X632</td>
<td>1862</td>
<td>AML Limited (trading as Allied Concrete)</td>
<td>AML Limited (trading as Allied Concrete)</td>
<td>27/03/2009</td>
</tr>
<tr>
<td>X633</td>
<td>1862</td>
<td>AML Limited (trading as Allied Concrete)</td>
<td>AML Limited (trading as Allied Concrete)</td>
<td>27/03/2009</td>
</tr>
<tr>
<td>X634</td>
<td>1862</td>
<td>AML Limited (trading as Allied Concrete)</td>
<td>AML Limited (trading as Allied Concrete)</td>
<td>27/03/2009</td>
</tr>
<tr>
<td>X617</td>
<td>1886</td>
<td>Hinemoa Apetera</td>
<td>Hinemoa Apetera</td>
<td>18/03/2009</td>
</tr>
<tr>
<td>X648</td>
<td>1857</td>
<td>Ballance Agri-Nutrients</td>
<td>Ballance Agri-Nutrients</td>
<td>27/03/2009</td>
</tr>
<tr>
<td>X649</td>
<td>1857</td>
<td>Ballance Agri-Nutrients</td>
<td>Ballance Agri-Nutrients</td>
<td>27/03/2009</td>
</tr>
<tr>
<td>X642</td>
<td>1415</td>
<td>Bream Bay Action Group INC</td>
<td>Bream Bay Action Group INC</td>
<td>27/03/2009</td>
</tr>
<tr>
<td>X650</td>
<td>1415</td>
<td>Bream Bay Action Group INC</td>
<td>Bream Bay Action Group INC</td>
<td>27/03/2009</td>
</tr>
<tr>
<td>X620</td>
<td>154</td>
<td>Carter Holt Harvey</td>
<td>Carter Holt Harvey</td>
<td>27/03/2009</td>
</tr>
<tr>
<td>X621</td>
<td>154</td>
<td>Carter Holt Harvey</td>
<td>Carter Holt Harvey</td>
<td>27/03/2009</td>
</tr>
<tr>
<td>X622</td>
<td>154</td>
<td>Carter Holt Harvey</td>
<td>Carter Holt Harvey</td>
<td>27/03/2009</td>
</tr>
<tr>
<td>X623</td>
<td>154</td>
<td>Carter Holt Harvey</td>
<td>Carter Holt Harvey</td>
<td>27/03/2009</td>
</tr>
<tr>
<td>X624</td>
<td>154</td>
<td>Carter Holt Harvey</td>
<td>Carter Holt Harvey</td>
<td>27/03/2009</td>
</tr>
<tr>
<td>X625</td>
<td>154</td>
<td>Carter Holt Harvey</td>
<td>Carter Holt Harvey</td>
<td>27/03/2009</td>
</tr>
<tr>
<td>X626</td>
<td>154</td>
<td>Carter Holt Harvey</td>
<td>Carter Holt Harvey</td>
<td>27/03/2009</td>
</tr>
<tr>
<td>X627</td>
<td>154</td>
<td>Carter Holt Harvey</td>
<td>Carter Holt Harvey</td>
<td>27/03/2009</td>
</tr>
<tr>
<td>X635</td>
<td>1710</td>
<td>Harvey Norman Stores (NZ) Pty Ltd</td>
<td>Harvey Norman Stores (NZ) Pty Ltd</td>
<td>26/03/2009</td>
</tr>
<tr>
<td>X636</td>
<td>1710</td>
<td>Harvey Norman Stores (NZ) Pty Ltd</td>
<td>Harvey Norman Stores (NZ) Pty Ltd</td>
<td>26/03/2009</td>
</tr>
<tr>
<td>X637</td>
<td>1710</td>
<td>Harvey Norman Stores (NZ) Pty Ltd</td>
<td>Harvey Norman Stores (NZ) Pty Ltd</td>
<td>26/03/2009</td>
</tr>
<tr>
<td>X638</td>
<td>1710</td>
<td>Harvey Norman Stores (NZ) Pty Ltd</td>
<td>Harvey Norman Stores (NZ) Pty Ltd</td>
<td>26/03/2009</td>
</tr>
<tr>
<td>X639</td>
<td>1710</td>
<td>Harvey Norman Stores (NZ) Pty Ltd</td>
<td>Harvey Norman Stores (NZ) Pty Ltd</td>
<td>26/03/2009</td>
</tr>
<tr>
<td>X658</td>
<td>1858</td>
<td>New Zealand Transport Agency</td>
<td>New Zealand Transport Agency</td>
<td>27/03/2009</td>
</tr>
<tr>
<td>X659</td>
<td>1858</td>
<td>New Zealand Transport Agency</td>
<td>New Zealand Transport Agency</td>
<td>27/03/2009</td>
</tr>
<tr>
<td>X661</td>
<td>1858</td>
<td>New Zealand Transport Agency</td>
<td>New Zealand Transport Agency</td>
<td>27/03/2009</td>
</tr>
</tbody>
</table>
C. PNJV proposals with tracked recommended amendments
50. **Port Nikau Environment**

50.1 **Description and Expectations**

Whangarei is experiencing significant population and economic growth with this growth projected to continue. The Port Nikau site, traditionally used for port related activities has largely become redundant due to the relocation of the majority of the port related activities to Marsden Point. The former heavy industrial zoning applied to the site is not considered appropriate now days, as it is assessed that potential exists to develop the site in a more compatible and sustainable manner.

The Port Nikau Environment is already provided with infrastructure services, is in close proximity to established core infrastructure and provides the opportunity to develop a mixed use environment, creating capacity for long-term commercial and residential growth, close to the city centre and within the existing urban limits, establishing potential to capitalise on growth opportunities for the City, the District and the Region. Port Nikau is designed to be a mixed use environment, located in close proximity to the CBD, thereby strengthening the overall form, capacity and range of land uses within Whangarei.

The development process to be applied in the Port Nikau Environment is designed to:

1. Enable the mixed use development of the site
2. Use urban design principles to lead the design process
3. Use a tiered approach for development assessment (Master Planning and Precinct Planning)
4. Allow flexibility with regard to: the assessment of development; the use of alternative design and engineering proposals; and the types of land use that occur in recognition of the long development timeframe of the site
5. Avoid reverse sensitivity effects.
6. Avoid adversely impacting on activities on land outside the Environment including in the adjacent Business 4 Environment

The development process adopted for the Port Nikau Environment is designed to enable a more flexible land use pattern to establish, creating greater opportunity to provide for economic growth opportunities, enabling a greater range of land uses and economic uses to occur. The implementation of an overall urban design strategy (Master Plan) will be the mechanism used to provide a framework and structure for the development of the Port Nikau site, a key component of which will be the incorporation into the design and development of the site of adequate and appropriate open space, including access to the
coastal marine area and an infrastructure framework that ensures that adequate services are provided.

In developing the Port Nikau site the following matters are considered to be particularly important:

a. Ensuring good urban design principles are adhered to and the provision of adequate and appropriate public and private open space;

b. The provision of adequate infrastructure services, particularly roading;

c. The management of the effects of hazards;

d. The avoidance of negative effects on ecology; and

e. The avoidance of reverse sensitivity effects.

The planning map at Appendix A details specific controls to achieve d. and e. above.

**50.2 Process for Development**

To ensure the integrated development of the Port Nikau site, a ‘Master Planning’ approach will be used. This approach requires several stages of development, set out in the following diagram:

<table>
<thead>
<tr>
<th>MASTER PLAN</th>
</tr>
</thead>
<tbody>
<tr>
<td>Covers the whole site</td>
</tr>
</tbody>
</table>

**PRECINCT PLAN**

| Covers a defined part of the site | Provides assumptions on end land uses, provides specific urban design elements to be applied within a defined ‘precinct’ and ensures that sufficient capacity will be provided with the | Restricted Activity | Discretionary Activity |
infrastructure services.

SUBDIVISION CONSENT

| Enables formal development of Precinct Plan | Divides site into individual lots and lays out roading and reserves pattern and services and ensure infrastructure is built to the required standards. | Controlled Activity |

BUILDING CONSENT

| Enables built development within lots created by subdivision process | Subject to Building Act requirements |

50.2.1 Master Plan

The Master Plan will:

- establish the overall infrastructure framework for the development of the site;
- assess the infrastructure and servicing requirements for the Port Nikau Environment recognise the requirements and possible restrictions related to infrastructure provision, both with regard to possible capacity restraints and also the physical provision of infrastructure (i.e. stormwater detention systems);
- establish an Open Space network and assess possible and appropriate access points to the coastal marine area;
- detail the overall urban design framework for the site;
- be consistent with the Port Nikau rules;
- Protection of environmentally sensitive areas; and
- Establish buffers to insulate the development from sensitive activities on sites both within and outside the Port Nikau Environment.

50.2.2 Precinct Plans

Precinct Plans will:
• apply to a defined area within the Port Nikau site;

• be consistent with the Master Plan;

• detail the location of possible land uses;

• detail specific urban design standards and bulk and location requirements to be applied within a particular Precinct;

• assess the servicing requirements (both physical and capacity wise) of land uses and ensure that the infrastructure requirements of a particular Precinct are in accordance with the servicing requirements/capacity allowance established at the Master Plan level;

• specifically detail the provision of public and private Open Space and access to the coastal marine area;

• make provision for specific, defined matters such as reverse sensitivity, ecological protection etc within the appropriate Precinct; and

• be consistent with the Port Nikau rules.

50.2.3 Subdivision and Built Development

Except as provided for below, subdivision and/or built development following the approval of a Master Plan and/or Precinct Plan can only occur once the relevant Plans have been granted consent. Such works will be in accordance with the Master and/or Precinct Plan and the Port Nikau Environment Rules.

Note:

A subdivision consent may be undertaken after the Master Plan and before the Precinct Plan(s) to give effect to identified elements of the Master Plan i.e. establishing main roads, subdividing the site into the Precinct blocks etc.

A subdivision consent may only be undertaken after the Master Plan and before the Precinct Plan(s) to establish infrastructure such as roads and subdividing the site into the precinct blocks.

Note: There are also Transitional Provisions that apply to development on the site prior to a Master Plan being approved – refer 50.5.1

50.2.4 Changes to a Master Plan and/or Precinct Plan

Any change to a Master Plan and/or Precinct Plan will require either new resource consent, or a change to the conditions of an existing consent.
50.3 Master Plan Applications

Any application for a Master Plan in the Port Nikau Environment will be a discretionary activity and shall include the following information.

.1 Urban Design and Open Space

a. A report is to be provided, prepared by an urban designer/planner/architect, who is a signatory to the New Zealand Urban Design Protocol, detailing general urban design elements that are to be applied over the entire site, developed in accordance with the New Zealand Urban Design Protocol; being:

i. general urban design principles that maybe applied in specified Precinct(s);

ii. roading cross sections for arterial (main) roads specifically detailing any provision to be made for car parking;

iii. an overall Open Space network detailing in general terms:

   1. the location of Open Space to be provided, including those areas adjacent to the Coastal Marine Area

   2. connections to be provided between areas of Open Space

   3. locations where public access will be provided to the Coastal Marine Area

b. Planting guidelines for road reserves and areas of Open Space
c. Guidelines for the provision of private open space including balconies and service provisions to be provided with residential development where applicable

Note: The provision of Open Space will require that areas of Open Space be provided in such a way that enables unrestricted public access in the same manner as a public park and/or reserve, but enables if desired, or necessary for Open Space land to remain in private ownership.

The provision of Open Space adjacent to the Coastal Marine Area may not result in one contiguous strip of Open Space being provided along the Coastal Marine edge, as it may be necessary to restrict public access from some areas of the coastal edge for the purposes of protection of the neighbouring ecological values, the maintenance of health and safety, to allow the siting of buildings and/or other activities that have an operational necessity to be on
the edge of/or over the Coastal Marine Area, or the design of the Open Space areas may have determined that it is desirable to provide other built form on the edge of the Coastal Marine Area.

.2 Infrastructure

a. An infrastructure framework is to be provided, prepared by registered engineers detailing the layout and required capacity of main trunk services to be provided for:

i. Roading (including provision for public transport, alternative modes and access to the state highway);

ii. Wastewater;

iii. Stormwater; and

iv. Water

v. Retention of the railway line and its ongoing use

vi. Other infrastructure

b. The infrastructure framework will detail where necessary those areas within the Port Nikau Environment required to be set aside (approximately) for the physical provision of infrastructure and network utility services and also detail any staging proposed as a means of managing and avoiding potential effects related to the provision of capacity within services external to the Port Nikau Site to accommodate the assessed future demand.

.3 Hazards

a. An assessment is to be provided of the extent any areas subject to natural hazards, as well as any geotechnical and ground contamination issues and methods to be applied to manage these hazards.

.4 Ecology

a. The Master Plan is to include an ecological buffer along the boundary of the site, as detailed in Appendix A.

b. An assessment as to how the ecological areas are to be protected on an ongoing basis.

.5 Reverse Sensitivity

An assessment and plan of the indicative land use pattern recognising the prohibited activities and the impacts on sensitive sites within and outside the Port Nikau
Environment. In particular it will include an analysis of potential noise and dust effects and impacts on sites which contain dangerous goods.

.6 Traffic Management

A report examining the traffic implications of the Master Plan.

.7 Railway line

An assessment of how the railway line is to be retained and to continue to operate.

.8 Assessment criteria

i. Whether the Master Plan sets out the key urban design qualities at a site wide level that ensure that physical development at a Precinct level in the Port Nikau Environment will adhere to the principles of the New Zealand Urban Design Protocol, in particular the key urban design qualities of: Context; Character; Choice; Connections; Creativity; Custodianship; and Collaboration

ii. Whether the design standards proposed reinforce and assist in achieving the key urban design elements of the Master Plan

iii. Whether the Open Space network enables unrestricted access by the public to open spaces; and is designed so that open spaces are accessible, readily usable, able to cater for a range of uses and users and linked in a legible manner; and where appropriate be adjacent to and provide access to the Coastal Marine Area.

iv. Whether providing public open space particularly adjacent to the Coastal Marine area, takes into consideration health and safety issues, particularly with regard to the safe and efficient operation of marine based industrial and commercial activities.

v. Whether the Infrastructure Framework accompanying the Master Plan accurately assesses the servicing requirements of the proposed development of the Port Nikau site and the capacity of infrastructure and services external to the Port Nikau site and how adverse effects arising are avoided, remedied or mitigated.

vi. Whether the assessment of natural hazards and/or ground contamination accurately defines those hazards that are applicable, or likely to be applicable to the development of the site and the methods to avoid, remedy or mitigate the effects of those hazards.
vii. Whether the assessment of and management of hazards on the site ensures that future development will not be negatively impacted upon by hazards and that development will not exacerbate the effects of known hazards.

viii. Whether the traffic assessment adequately deals with circulation within the site and any other related issues.

ix. Whether reverse sensitivity issues including impacts on sites within and outside the environment can be mitigated particularly in relation to sensitive uses including noise, dust and dangerous goods.

x. Whether the railway line is protected and can continue to operate

.9 Controlled Activities

A subdivision consent may be undertaken after the Master Plan and before the Precinct Plan(s) to give effect to identified elements of the Master Plan i.e. establishing main roads, subdividing the site into the Precinct blocks etc.

A subdivision consent may only be undertaken after the Master Plan and before the Precinct Plan(s) to establish infrastructure such as roads and subdividing the site into the precinct blocks.

.10 Discretionary Activities

- The Master Plan Process complying with the information requirements of Rule 50.3.

.11 Non-Complying Activities

Any master plan application that:

i. does not provide all of the information required above; and/or

ii. is not consistent with the Port Nikau Environment Rules.

shall be assessed to be a non-complying activity.

.12 Note: There are also Transitional Provisions that apply to development on the site prior to a Master Plan being approved – refer 50.5.1.

50.4 Precinct Plan Applications

Any application for a Precinct Plan in the Port Nikau Environment will be a restricted discretionary activity. It shall include the following information and be assessed against the matters over which control is reserved and be guided by the relevant assessment criteria.

.1 Master Plan
The Precinct Plan must give effect to the relevant conditions of the Master Plan and any conditions of other relevant granted consents/approvals including subdivision consents.

.2 Area and Location

a. The exact area that is to be the subject of the Precinct Plan must be detailed.

.3 Development Schedule

a. A schedule of the maximum level of development to be permitted within the Precinct expressed as:

   a. Gross floor area of retail activities
   b. Gross floor area of office activities
   c. Gross floor area of industrial activities
   d. Gross floor area of other activities
   e. Total number of household units

.4 Urban Design and Open Space

a. A report is to be provided, prepared by an urban designer/planner/architect, who is a signatory to the New Zealand Urban Design Protocol, detailing specific urban design principles that are to be applied within the particular Precinct. These design elements will be developed in accordance with the New Zealand Urban Design Protocol; being:

   i. specific urban design principles to be applied within the Precinct, including bulk and location and amenity controls;
   ii. design standards for streetscapes, including the design of street furniture (bollards, lighting poles etc);
   iii. roading cross sections for collector and local roads including intersections specifically detailing any provision to be made for car parking;
   iv. the location, dimensions and area of any shared/common and public car parking areas to be provided within the Precinct;
   v. Specific provisions for the servicing of buildings including rubbish, storage and mail deliveries;
   vi. specific details of the Open Space and vested Reserve network to be created within the individual Precinct, detailing in specific terms:
1. the location, dimensions and area of Open Space to be provided, including those areas adjacent to the Coastal Marine Area

2. connections to be provided between areas of Open Space and how those areas of Open Space relate to both the Master Plan and any adjacent Precinct Plans already approved

3. specific locations where public access will be provided adjacent to and to the Coastal Marine Area

vii. Specific details of the amount, area and type of private open space to be provided for residential and quasi residential activities.

b. Methods for implementing the planting guidelines for road reserves and areas of Open Space

c. The proposal is to comply with the Port Nikau Environment Rules

Note: The provision of Open Space will require that areas of Open Space be provided in such a way that enables unrestricted public access in the same manner as a public park and/or reserve, but enables if desired, or necessary for Open Space land to remain in private ownership.

The provision of Open Space adjacent to the Coastal Marine Area may not result in one contiguous strip of Open Space being provided along the Coastal Marine edge, as it may be necessary to restrict public access from some areas of the coastal edge for the purposes of protection of the neighbouring ecological values, the maintenance of health and safety, to allow the siting of buildings and/or other activities that have an operational necessity to be on the edge of/over the Coastal Marine Area, or the design of the Open Space areas may have determined that it is desirable to provide other built form on the edge of the Coastal Marine Area.

.5 Infrastructure Framework / Roading

a) An Integrated Traffic Assessment prepared by a suitably qualified and experienced traffic engineer shall be provided with a Precinct Plan application that includes all the following:

1) An assessment of vehicle trip generation and distribution based on the maximum development that can take place in terms of this Precinct Plan and any other consented Precinct Plans within the Port Nikau Environment. The assessment shall detail the assumptions upon which the assessment is made.
2) In addition to the above

The proposed development must take account of the approved Master Plan, other existing or consented Precinct Plans and resource consents and any other existing or approved development and the impacts to and on the roading network including:

a. Port Road from the Port Nikau Site 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 1.

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 site 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 and that existing negative effects, or poor levels of service are the responsibility of the Council and / or NZTA and / or others to rectify.

3) An analysis of the impacts of the full development of the Port Nikau Environment in terms of (1) above on traffic operations on existing local roads and State Highways including intersections.
4) Consideration of any current roading strategies prepared by or on behalf of the WDC and the NZ Transport Agency, including any relevant Regional and National Transport strategies.

5) 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.

6) All proposed internal roading networks, connections to existing roads and any additional new roading links external to the Port Nikau Environment which are necessary to support the permitted levels of development identified in (1) above.

7) A peer review of the assessment undertaken by or on behalf of the NZTA which confirms that there is sufficient capacity or planned capacity within the State Highway network to accommodate the predicted increase in traffic.

b) The Traffic Impact Assessment required in terms of (a) above shall demonstrate that traffic generation by the proposed development which is the subject of the application, shall not cause a reduction in the existing Level of Service for traffic movements at the intersection on the State Highway and its intersection.

c) An infrastructure framework is to be provided, prepared by registered engineers detailing the layout and required capacity of services to be provided for within the Precinct for:

1. Roading (including provision of public transport and alternative modes);
2. Wastewater;
3. Stormwater;
4. Water; and
5. Other services.

d) The infrastructure framework will detail where necessary with those areas within the Port Nikau site required to be set aside (approximately) for the physical provision of infrastructure and network utility services and also detail any staging proposed as a means of managing and avoiding potential effects related to the provision of infrastructure and service capacity both within the Port Nikau Site and infrastructure and services external to the Port Nikau Site to accommodate the assessed future demand as identified within the approved Master Plan.
e) The infrastructure network within the Precinct Plan is to detail the car parking standards to be applied in the assessment of the car parking requirements for shared/common and public car parking areas, including assessment methods to be applied where car parking areas serve multiple uses/sites and also detail the management/maintenance of shared/common car parking areas, which may include the vesting of such car parking areas in the Council once developed.

f) Roading - In addition to the information required in .4(a) above, with respect to roading and traffic effects:

i. For the intersection of SH1 and Rewarewa Road, the existing and predicted development must ensure the LOS for the traffic movements remain at Level C or better.

**Note:** For the purpose of this rule, LOS means Level of Service based on the average control delay per vehicle as defined in The Transportation Research Boards Highway Capacity Manual (HCM). Also any intersection upgrade does not have to be undertaken by the developer of the Precinct Plan under assessment as it is recognised that other parties have an interest in the upgrading of this intersection and other parties/uses generate traffic that has an effect on this intersection. Any requirement to upgrade maybe offset by a financial contribution (allowed for in Section 80.4 of the District Plan) or could be undertaken by others (refer to the requirements of Scheduled Activity Site or Overlay Area No. 21), including NZTA and/or WDC.

This should be dealt with as a condition on any approved resource consent.

.6 **Hazards**

a. Detail is to be provided of areas within the Precinct subject to hazards, including any geotechnical and ground contamination issues and methods to be applied to manage these hazards.

.7 **Ecology**

a. The relevant Precinct Plan(s) are to include provision for an ecological buffer along the boundary of the site (location defined in Appendix A), that will be established prior to the development of the adjoining Precinct(s).

b. The ecological buffer will:
i. be established between the development area and the south western boundary with the Coastal Marine Area, which encompasses a wader bird habitat;

ii. create an open water separation between the Coastal Marine Area and the development area as shown in Appendix B; and

iii. enable the protection of the pre-development ecological values of the land adjacent to the Port Nikau site (but beyond the buffer) along the boundary of the site (location defined in Appendix A).

.9 Matters which Control is Reserved Over

i. That the Precinct Plan implements the conditions/outcomes of the approved Master Plan;

ii. The provision of appropriate Open Space;

iii. The provision of appropriate Open Space adjacent to the Coastal Marine Area;

iv. The provision of servicing all activities;

v. The provision of public access to the Coastal Marine Area;

vi. The provision of private open space with residential activities;

vii. Parking loading and access;

viii. The provision of infrastructure services necessary to meet assessed demand;

ix. The impact of the proposal on adjacent public wastewater, stormwater and water supply infrastructure and networks and connections to those services;

x. The impact of the proposal on adjacent and linking public roading infrastructure and networks as defined by 50.4.4(d)(ii);

xi. The sequencing, timing and staging of development to meet the availability of capacity within infrastructure services required to meet assessed demand;

xii. The provision of infrastructure services necessary to avoid adverse environmental effects and ensure public health and safety is maintained;

xiii. The protection of the railway line;

xiv. The remediation of identified contaminated land if required;

xv. The identification and avoidance of effects of hazards;
xvi. Public access to areas assessed to be ecologically sensitive;
xvii. The requirement to obtain other consents and/or permissions;
xviii. The requirements/conditions of other consents and/or permissions;
xix. The impact of the proposal on the intersection of State Highway and Rewa
Rewa Road if the level of service defined in 50.4.5(a)(2) is proposed to be
exceeded; and
xx. Reverse sensitivity effects.

10 Assessment Criteria

i. Whether the Precinct Plan complies with the approved Master Plan;

ii. Whether the Precinct Plan set outs the specific key urban design qualities at a
Precinct level that ensure that development within the Precinct will adhere to
the principles of the New Zealand Urban Design Protocol, in particular the key
urban design qualities of: Context, Character, Choice, Connections, Creativity,
Custodianship, and Collaboration;

iii. Whether the design standards proposed reinforce and assist in achieving the
key urban design elements and any other conditions included in the approved
Master Plan;

iv. Whether the Open Space network is linked to assessed demand, enables
unrestricted access by the public to open spaces; is designed so that open
spaces are accessible, readily usable, able to cater for a range of uses and
users and linked in a legible manner and where appropriate be adjacent to
and provide access to the Coastal Marine Area;

v. Whether there is the provision of Open Space connectivity through and
across the site particularly from roads;

vi. Whether the provision of public access to and adjacent to the Coastal Marine
area does not risk endangering public health and safety;

vii. Whether the provision of public access to and adjacent to the Coastal Marine
Area includes consented structures, wharves etc;

viii. Whether the Infrastructure Framework accompanying the Precinct Plan
accurately assesses the servicing requirements of the proposed development,
both internal to the Precinct and external to the Precinct and can
demonstrate that adequate infrastructure services can, or will be provided to
meet estimated and agreed demand;
ix. Whether the staging of development is considered to be an acceptable means of managing the potential effects of development and there may be a deficiency in the capacity of services external to the Precinct to accommodate the demand on services created by the development within the Precinct;

tax. Whether the servicing arrangements are appropriate given the type of activities proposed;

txi. Whether the parking / loading arrangements are appropriate given the type of activities proposed;

txii. Whether the railway line can continue to operate.

txiii. Whether the assessment of hazards accurately defines those hazards applicable, or likely to be applicable to areas of the Precinct and details methods to avoid, remedy or mitigate the effects of hazards on future development and ensures that future building development does not exacerbate the effects of any known hazard;

txiv. Whether future development of any Precinct does not result in the ecological characteristics of the site, or the immediately surrounding area, directly impacted upon by the Precinct, deteriorating below pre-development levels and where possible and whether the ecological characteristics of the site and the surrounding area should be enhanced and protected;

txv. Where appropriate, the Precinct(s) adjacent to the ecological buffer must detail methodologies to avoid effects on the ecology adjacent to that part of the site and must ensure that future building development does not negatively impact on that ecology;

txvi. Whether the assessment of the numbers of vehicle movements in the peak hour includes assessments of actual vehicle movements, measured on Lower Port Road at the northern boundary of the Port Nikau site, assessed vehicle movements associated with approved and unimplemented, or partially implemented Precinct Plans and the assessed number of vehicle movements that will be generated by the Precinct Plan;

txvii. Whether the activities within the buffer and transition area are appropriate with regards to activities outside the Port Nikau Environment.

.10 Prohibited Activities

a. The relevant Precinct Plan(s) shall prohibit the following activities within the ‘Buffer Areas’ defined in Appendix A:

   i. Residential activities;
ii. Activities involving the care of elderly or sick people, or the education or care children;

iii. A provision of outdoor eating, dining or reception areas associated with any retail activities or commercial activities (for the avoidance of doubt, it is acknowledged that retail activities and commercial activities without outdoor eating, dining or reception areas are permitted); and

iv. Visitor accommodation.

**NOTE**

The relevant Precinct Plan(s) shall not provide for residential activities within the 'Transition Area' defined in Appendix A.

**Non-Complying Activity**

Any Precinct Plan application that does not meet the standards above.

**Discretionary Activity**

Any Precinct Plan application that:

i. does not provide all of the information required, or satisfy the relevant thresholds under 50.4; and

ii. does not give effect to the relevant conditions of the Master Plan and any conditions of other relevant granted consent / approvals.

**Restricted Discretionary Activity**

- Any Precinct Plan

**Controlled Activity**

- Subdivision within any approved precinct plans.

**Standards for Permitted Activities**

Permitted activities may only be carried out within a consented Precinct Plan area and must not result in the standards in the development schedule for the Precinct being exceeded.

**50.5 Port Nikau Environment Rules**

**50.5.1 Transitional Provisions**
Notwithstanding any of the rules contained in Chapter 50, the rules of the Business 4 Environment, both land use and subdivision will apply to the Port Nikau Environment until a Master Plan is approved for the Port Nikau site.

50.6 Port Nikau Environment – Activity Rule Table

Prohibited Activities

The following are prohibited activities, for which no resource consent shall be granted:

- Use, storage or disposal of radioactive material with an activity exceeding 1000 terabequerels.
- Certain land uses/activities as detailed in Rule 50.6.2

The following are prohibited activities within the ‘Buffer Areas’ defined in Appendix A:

i. Residential activities;

ii. Activities involving the care of elderly or sick people, or the education or care children;

iii. A provision of outdoor eating, dining or reception areas associated with any retail activities or commercial activities (for the avoidance of doubt, it is acknowledged that retail activities and commercial activities without outdoor eating, dining or reception areas are permitted); and

iv. Visitor accommodation.

Non Complying Activities

Residential activities are non-complying activities within the ‘Transition Area’ defined in Appendix A

NOTE: THE ACTIVITY STATUS OF MASTER AND PRECINCT PLANS AND SUBDIVISION APPLICATION IS SPECIFIED ABOVE

50.6.1 Master Plan and Precinct Plan Compliance

The following activity is a permitted activity in the Port Nikau Environment:

a. Any activity provided for within an approved Master Plan and an approved Precinct Plan

Any activity that does not comply with a condition for a permitted activity is a discretionary activity.

50.6.2 Activities Generally
Notwithstanding the rules below, any activity involving:

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>a.</td>
<td>Residential Activities;</td>
</tr>
<tr>
<td>b.</td>
<td>Activities involving the care of elderly or sick people, or the education or care children;</td>
</tr>
<tr>
<td>c.</td>
<td>A provision of outdoor eating, dining or reception areas associated with any retail activities or commercial activities (for the avoidance of doubt, it is acknowledged that retail activities and commercial activities without outdoor eating, dining or reception areas are permitted); and</td>
</tr>
<tr>
<td>d.</td>
<td>Visitor accommodation is a <strong>Prohibited Activity</strong> in the Buffer Area (defined in Appendix 1) of the Port Nikau Environment; and</td>
</tr>
</tbody>
</table>

Any activity involving:

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>a.</td>
<td>Residential Activities.</td>
</tr>
<tr>
<td></td>
<td>is a <strong>Non-Complying Activity</strong> in the Transitional Area (defined in Appendix 1) of the Port Nikau Environment</td>
</tr>
</tbody>
</table>

Taking into account the rules above, any activity in the Port Nikau Environment is a **permitted** activity if:

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>a)</td>
<td>It does not involve factory farming, mineral extraction, food irradiation; and</td>
</tr>
<tr>
<td>b)</td>
<td>It is not an activity involving any of the following on a commercial basis: bone boiling or crushing; fish cleaning, curing and processing; flax pulping; flock manufacturing or teasing of textiles; refuse accumulation; disposal of sewage; storage, drying or preserving of bones, hides, hooves, or skins; tallow melting; tanning; wood pulping; wool scouring; and</td>
</tr>
</tbody>
</table>

d) It is not an activity that is classified as an offensive trade in the Health Act 1956.

Any activity that does not comply with the standards for a discretionary activity is a **non-complying** activity.
pulping; flock manufacturing or teasing of textiles; refuse accumulation; disposal of sewage; storage, drying or preserving of bones, hides, hooves, or skins; tallow melting, tanning; wood pulping; wool scouring; and
c) It is not an activity that is classified as an offensive trade in the Health Act 1956

**Note:** Rules 50.6.9 and 50.6.10 impact on the location of activities within the Port Nikau Environment with regard to noise effects and should therefore be consulted in conjunction with Rule 50.6.2

### 50.6.3 Network Utility Operations

The following activities related to Network Utility Operations are a **permitted** activity:

a) The establishment of junction boxes, substations and other equipment cabinets required as part of a utility network that have a height no greater than 2.5m and a ground coverage not exceeding 4.5m$^2$; and

b) The establishment of, or extension to, overhead telecommunication and electricity lines located on single poles with a voltage not exceeding 110kV and a design capacity not exceeding 100MVA per circuit; and

c) The establishment of network utility operations for the purposes of wireless communication, or the measurement, collection and distribution of meteorological information, that comply

<table>
<thead>
<tr>
<th>Activity</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Network utility operations that do not comply with a condition for a permitted activity are a <strong>restricted discretionary</strong> activity.</td>
<td></td>
</tr>
</tbody>
</table>

**Discretion is restricted to:**

i. Scale, bulk and form of the installation(s) above ground;

ii. Cumulative effects of additional structures;

iii. Shading effects;

iv. Effects on amenity values;

v. Effects on landscape/streetscape values;

vi. Effects on ecological values;

vii. Effects on heritage values;

viii. Effects on cultural values;

ix. Effects on public health and safety;

x. Issues of reverse sensitivity;

xi. Those additional matters listed in Chapter 2.3.3.
with the rules for Aerials and Aerial Support Structures; and

d) The minor upgrading, replacement, removal and maintenance of existing facilities; and

e) The establishment of, or extension to, underground Network utility operations, including gas lines that have a maximum operating pressure not exceeding 2000 kilopascals.

### 50.6.4 Provision of Parking Spaces

<table>
<thead>
<tr>
<th>Any activity is a permitted activity if:</th>
<th>Any activity that does not comply with a condition for a permitted activity is a restricted discretionary activity.</th>
</tr>
</thead>
<tbody>
<tr>
<td>a) Parking spaces are provided in accordance with Chapter 47.</td>
<td>Discretion is restricted to:</td>
</tr>
<tr>
<td></td>
<td>i. Those matters listed in Chapter 47 Road Transport Rules</td>
</tr>
</tbody>
</table>

### 50.6.5 Traffic Movements

<table>
<thead>
<tr>
<th>Any activity is a permitted activity if:</th>
<th>Any activity that does not comply with a condition for a permitted activity is a restricted discretionary activity.</th>
</tr>
</thead>
<tbody>
<tr>
<td>a) It does not generate more than 200 traffic movements in any 24-hour period; or</td>
<td>Control is reserved over:</td>
</tr>
<tr>
<td>b) The activity complies with Appendix 6l where it gains access to a Collector or Arterial Road; and</td>
<td>i. The effects of parking, loading and manoeuvring on existing public roads;</td>
</tr>
<tr>
<td>c) It does not generate traffic movements in excess of those allowed for in the approved Master and/or Precinct Plan.</td>
<td>ii. Need for acceleration and deceleration lanes;</td>
</tr>
</tbody>
</table>

**Notes:**

1. Where access is gained to a

1. Where access is gained to a
Limited Access Section of State Highway, it may be necessary to liaise with Transit New Zealand.

vii. Traffic safety and visibility;

viii. Effects of dust;

ix. The effect on roads in the vicinity of the site and their ability to carry the traffic that the proposal will generate;

x. Need for traffic control, including signs, signals and traffic islands;

xi. The additional matters listed in Chapter 2.3.2.

50.6.6 Signs

The construction or placement of a sign that does not comply with a condition for a permitted activity is a restricted discretionary activity.

Discretion is restricted to:

i) Traffic safety;

ii) The visual amenity of the locality;

iii) The additional matters listed in Section 2.3.3.

a) The construction and placement of a sign which is not visible from a public place or neighbouring property(s) is a permitted activity.

b) The construction or placement of a sign which is visible from a public place or neighbouring property(s) is a permitted activity if:

i. The sign is required under health and safety legislation; or

ii. The sign is erected by a road traffic authority for the purposes of traffic control or public safety and it is located within the legal road reserve; or

iii. The sign does not obscure any official signs or traffic signals; and

iv. The sign is static, and not flashing;

v. If illuminated, the added illuminance (horizontal or vertical) onto any other site measured at the boundary does not exceed 10 lux at any
receiving property boundary or 15 lux at any road reserve boundary; and

vi. If illuminated, the sign is not within 20.0m of any road intersection; and

vii. Where the road has a speed limit of 70kph or greater, the sign is located so as to provide an unrestricted view to the motorist for a minimum distance of 250.0m.

**Note:**

1. Signs within the legal road boundary or on road verges and road reserves are regulated by Council Bylaws.
2. Temporary signs, and signs on vehicles are regulated by Council Bylaws.

Signs located in public places are regulated by Council Bylaws.

### 50.6.7 Fences

Any activity is a **permitted** activity if:

a) Fences within 4.5m of the road boundary are no higher than 3.0m.

Any activity that does not comply with a condition for a permitted activity is a **restricted discretionary** activity.

**Discretion is restricted to:**

i. Effects on amenity values;

ii. Effects on visual amenity;

iii. Effects on traffic safety;

iv. Effects on health and safety;

v. The additional matters listed in Chapter 2.3.3.

### 50.6.8 Artificial Lighting

Artificial lighting is a permitted activity if either:

Any activity that does not comply with a condition for a permitted activity is a **restricted**
a) The lighting is required under health and safety legislation; or

b) The light is a street light, navigation light, or traffic signal; or

c) The following standards are complied with

   i. The added illuminance onto any other site measured at the boundary does not exceed 10 lux at any receiving property boundary, or 15 lux at any road reserve boundary; and

   ii. The artificial light is shielded in such a manner that light emitted by the fixture is projected below a horizontal plane running through the lowest point on the fixture; and

   iii. The lower edge of the shield, as required by ii) above, is to be at or below the centreline of the light source; and

d) The light is static, and is not flashing; and

e) The artificial lighting complies with AS/NZS 1158/1996.

**Notes:**

1. If the object or device that contains Artificial Lighting is a sign, then Rule 50.6.6 Signs is solely applicable.

2. See Appendix 15 for illustration of c) (ii) and (iii) above.

**discretionary activity.**

**Discretion is restricted to:**

i. Orientation, strength, intensity, colour, frequency of flashing of the light;

ii. Effects on traffic safety;

iii. Positive effects on pedestrian safety;

iv. Effect on amenity values;

v. The additional matters listed in Chapter 2.3.3.

<table>
<thead>
<tr>
<th>50.6.9 Noise Zone 1</th>
<th></th>
</tr>
</thead>
</table>
Any activity is a **permitted** activity if:

a) Noise generated by any activity measured within the boundary of any other site in Noise Zone 1 as it applies to the Port Nikau Environment does not exceed:
   i) 65dBA $L_{eq(15min)}$ at any time; and
   ii) 70dBA $L_{max}$ between 2200 and 0700.

b) Noise generated by the activity measured within the boundary of any site in Noise Zone 2 as it applies to the Port Nikau Environment does not exceed:
   i) 60dBA $L_{eq(15min)}$ between the hours of 0700 and 2200; and
   ii) 55dBA $L_{eq(15min)}$ and 70dBA $L_{max}$ between the hours of 2200 and 0700

c) Noise generated by the activity measured at the boundary of the nearest site in a Living Environment or at the Notional Boundary of any residential unit in the Countryside Environment does not exceed:
   i) 55dBA $L_{10}$ between the hours of 0700 and 2200; and
   ii) 45dBA $L_{10}$ and 70dBA $L_{max}$ between the hours of 2200 and 0700 except for emergency service vehicles and the operation of emergency service call-out sirens; and

d) Except where expressly provided elsewhere in the Plan, sound levels in (a) and (b) shall be measured and assessed in accordance with NZS6801:2008 Acoustics – Measurement of

Any activity that does not comply with a condition for a permitted activity is a **restricted discretionary** activity.

**Discretion is restricted to:**

i. Maximum level of noise likely to be generated;

ii. The nature and frequency of the noise, including any special audible characteristics;

iii. Effect on nearby residential units;

iv. Compatibility with the Environment;

v. Compatibility with surrounding Environments;

vi. Length of time for which the specified noise level is exceeded, especially at night;

vii. Likely adverse effects on-site and beyond the site;

viii. Mitigation measures to reduce noise generation;

ix. The additional matters listed in Chapter 2.3.3.
Environmental Sound and assessed in accordance with NZS6802:2008 Acoustics – Environmental Noise; and  
e) Except where expressly provided elsewhere in the Plan, sound levels in (c) shall be measured and assessed in accordance with NZS6801:1991 Measurement of Sound and assessed in accordance with NZS6802:1991 Assessment of Environmental Sound; and  
f) Air blast over-pressure does not exceed 120dBC (peak) measured at the notional boundary of any residential unit.

### 50.6.10 Noise Zone 2

<table>
<thead>
<tr>
<th>Any activity is a <strong>permitted</strong> activity if:</th>
<th>Any activity that does not comply with a condition for a permitted activity is a <strong>restricted discretionary</strong> activity.</th>
</tr>
</thead>
<tbody>
<tr>
<td>a) Noise generated by any activity measured within the boundary of any other site in Noise Zone 2 as it applies to the Port Nikau Environment does not exceed:</td>
<td>Discretion is restricted to:</td>
</tr>
<tr>
<td>i) 60dBA $L_{Aeq(15min)}$ between the hours of 0700 and 2200; and</td>
<td>i. Maximum level of noise likely to be generated;</td>
</tr>
<tr>
<td>ii) 55dBA $L_{Aeq(15min)}$ and 70dBA $L_{A_{max}}$ between the hours of 2200 and 0700</td>
<td>ii. The nature and frequency of the noise, including any special audible characteristics;</td>
</tr>
<tr>
<td>b) Noise generated by the activity measured within the boundary of the nearest site in a Living Environment or at the Notional Boundary of any residential unit in the Countryside Environment does not exceed:</td>
<td>iii. Effect on nearby residential units;</td>
</tr>
<tr>
<td>i) 55dBA $L_{10}$ between the hours of 0700 and 2200; and</td>
<td>iv. Compatibility with the Environment;</td>
</tr>
<tr>
<td>ii) 45dBA $L_{10}$ and 70dBA $L_{A_{max}}$</td>
<td>v. Compatibility with surrounding Environments;</td>
</tr>
<tr>
<td>vi. <strong>Length of time for which the specified noise level is exceeded, especially at night:</strong></td>
<td>vi. Length of time for which the specified noise level is exceeded, especially at night;</td>
</tr>
<tr>
<td>vii. <strong>Likely adverse effects on-site and beyond the site:</strong></td>
<td>vii. Likely adverse effects on-site and beyond the site;</td>
</tr>
<tr>
<td>viii. <strong>Mitigation measures to</strong></td>
<td>viii. Mitigation measures to</td>
</tr>
</tbody>
</table>
between the hours of 2200 and 0700 except for emergency service vehicles and the operation of emergency service call-out sirens; and 
c) Except where expressly provided elsewhere in the Plan, sound levels in (a) shall be measured and assessed in accordance with NZS6801:2008 Acoustics – Measurement of Environmental Sound and assessed in accordance with NZS6802:2008 Acoustics – Environmental Noise; and 
d) Except where expressly provided elsewhere in the Plan, sound levels in (b) shall be measured and assessed in accordance with NZS6801:1991 Measurement of Sound and assessed in accordance with NZS6802:1991 Assessment of Environmental Sound; and 
e) Air blast over-pressure does not exceed 120dBC (peak) measured at the notional boundary of any residential unit.

50.6.11 Internal Noise Environment

The establishment or alteration or addition to any residential unit, facility for the care of the elderly or sick people, or the education or care of children, noise sensitive activity or place of assembly is a permitted activity if:

a) The building is designed and constructed in a manner as to provide an internal noise environment of:

i) 35dB $L_{Aeq(60min)}$ in any bedroom, at any time; and

Any activity that does not comply with a condition for a permitted activity is a restricted discretionary activity.

Discretion is restricted to:

i. Maximum level of noise likely to be received;

ii. Potential effects on people’s health and safety;

iii. Compatibility of the proposed use within the Environment;

iv. Compatibility of the proposed use with surrounding existing
ii) 45dB $L_{Aeq(60\text{min})}$ in any habitable rooms, or room for sleeping, convalescing, care or learning, at any time; and

iii) The noise being generated externally to the uses detailed above is being produced within the relevant levels defined in Rules 50.6.9 and 50.6.10.

b) At the same time and under the same physical conditions as the internal noise levels in (a) above, all bedrooms and other habitable rooms, or room for sleeping, convalescing, care or learning, will be adequately ventilated in accordance with the Building Code; and

c) After completion of the construction of the building, the consent holder shall submit a report to the satisfaction of Council, which is signed by a suitably qualified person, and which certifies that the building has been built in compliance with the noise and ventilation rules in (a) (i) and (ii) above.

d) In assessing compliance with the ventilation requirements of the Building Code for the purposes of part (b) of this rule above, no source or means of ventilation shall be taken into account unless it is available at all times while achieving the internal noise levels required under part (a) of this rule. For example, adjustable doors, windows or louvres may not be relied upon to meet the ventilation requirements of the Building Code if they can be adjusted to allow internal noise uses;

v. The length of time for which the internal noise environment will be greater than that specified, especially at night;

vi. The practicability of mitigation measures to reduce noise effects;

vii. The additional matters listed in Chapter 2.3.3.
levels to exceed those specified in part (a) of this rule, above.

**e)** The noise shall be measured with a sound level meter complying at least with the International Standard IEC 651 (1979): Sound Level Meter, Type 1.

**f)** Except where expressly provided elsewhere in the Plan, sound levels shall be measured and assessed in accordance with NZS6801:1991 Measurement of Sound and assessed in accordance with NZS6802:1991 Assessment of Environmental Sound.

### 50.6.12 Construction Noise

Any activity is a **permitted** activity if:

- **a)** Noise from construction, maintenance and demolition work, meets the limits in NZS 6803:1999 Acoustics – Construction Noise; and
- **b)** Sound levels are measured in accordance with NZS 6803:1999 Acoustics – Construction Noise.

Any activity that does not comply with a condition for a permitted activity is a **restricted discretionary** activity.

### 50.6.13 Vibration

Any activity is a **permitted** activity if:

- **a)** It does not exceed the vibration limits given in Appendix 10.

Any activity that does not comply with a condition for a permitted activity is a **restricted discretionary** activity.

**Discretion is restricted to:**

- i. Duration, time and type of vibration;
- ii. Effects on health and safety;
- iii. Effects on amenity values;
- iv. The additional matters listed
### 50.6.14 Electromagnetic Radiation

Any activity is a **permitted** activity if:

<table>
<thead>
<tr>
<th>Action</th>
<th>Outcome</th>
</tr>
</thead>
<tbody>
<tr>
<td>a) Exposures comply with NZS 2772.1:1999, Radio Frequency Fields Part 1: Maximum Exposure Levels 3 kHz – 300 GHz.</td>
<td>Any activity that does not comply with a condition for a permitted activity is a <strong>discretionary</strong> activity.</td>
</tr>
</tbody>
</table>

### 50.6.15 Outdoor Storage

Any activity is a **permitted** activity if:

<table>
<thead>
<tr>
<th>Action</th>
<th>Outcome</th>
</tr>
</thead>
<tbody>
<tr>
<td>a) Outdoor areas of storage or stockpiles of materials or equipment comply with building height, setbacks and daylight angle rules; and</td>
<td>Any activity that does not comply with a condition for a permitted activity is a <strong>restricted discretionary</strong> activity.</td>
</tr>
</tbody>
</table>
| b) Outdoor areas of storage or stockpiles of materials or equipment are contained or maintained to prevent the dispersal of dust or airborne contaminants beyond the site; and | **Discretion is restricted to:**
| c) Materials are stored in a way that does not provide a food source for vermin; and | i. Dust effects;  
| d) The best practicable option is adopted to prevent or minimise contaminants from stockpiles entering watercourses or water bodies. | ii. Smell effects;  
|                                                                 | iii. Visual effects;  
|                                                                 | iv. Amenity effects;  
|                                                                 | v. Effects on amenity values;  
|                                                                 | vi. Effects on health and safety;  
|                                                                 | vii. Quality of stormwater runoff;  
|                                                                 | viii. The additional matters listed in Chapter 2.3.3. |

### 50.6.16 Aerials and Aerial Support Structures

Aerials and/or aerial support structures are a **permitted** activity if:

<table>
<thead>
<tr>
<th>Action</th>
<th>Outcome</th>
</tr>
</thead>
<tbody>
<tr>
<td>a) No aerial or aerial support</td>
<td>Any aerial and/or aerial support structure that does not comply with a condition for a permitted activity is a <strong>restricted</strong> activity.</td>
</tr>
</tbody>
</table>
structure exceeds a diameter of 2.4m.

b) No aerial and/or aerial support structure exceeds a height of 39.0m and

c) All aerials and/or aerial support structures comply with the relevant building setback and daylight angle requirements for the Environment within which they are located, and

d) Any dish antenna located on a site of any listed Heritage Building or Object (refer to Appendix 3) is not visible from any public place.

Discretion is restricted to:

i. The design and external appearance of buildings and structures;

ii. Landscape treatment and screening;

iii. Site location and layout;

iv. Amenity effects including visual effect and glare;

v. Construction materials:

vi. The effects on a heritage item or heritage values; and

vii. The additional matters listed in Chapter 2.3.3

50.6.17 Electricity Transmission Lines

Any activity is a permitted activity if:

a) It does not result in the construction of any new building, or the extension of an existing building, within 20m of the centreline of a high voltage transmission line (66kV or greater).

Note:
In order to establish safe clearance distances, consultation with the affected transmission line owner will be necessary where a proposal involves the construction of a new building, or extension of existing building within 20m of the centreline of a high voltage transmission line.

Any activity that does not comply with a condition for a permitted activity is a restricted discretionary activity.

Discretion is restricted to:

i. The use, design and location of the building; and

ii. The mature size and location of any associated tree planting; and

iii. The degree of compliance with the NZ Electrical Code of Practice for Electrical Safe Distances (NZECP34:2001)

50.7 Port Nikau Environment - Building Rule Table

50.7.1 Building Height

Construction or alteration of a building is a permitted activity if: Construction or alteration of a building that does not comply
a) No part of the building exceeds 20.0m in height; but

b) A building may exceed a height of 20.0m provided that:
   i. No part of a building exceeds a height of 35.0m; and
   ii. No more than 25% of the net site area of the site is occupied by buildings that exceed 20.0m in height.

with a condition for a permitted activity is a restricted discretionary activity.

Discretion is restricted to:
   i. The scale and bulk of the building in relation to the site;
   ii. The built characteristic of the neighbourhood;
   iii. The extent to which the effects of the height can be mitigated by setbacks, planting, design or the topography of the site;
   iv. Effects on landscape values;
   v. Effects on availability of daylight;
   vi. Effects on amenity values;
   vii. The additional matters listed in Chapter 2.3.3.

### 50.7.2 Building Setbacks

Construction or alteration of a building is a permitted activity if the building is setback at least:

a) 2.5m from arterial road boundaries, or any building line restriction shown on the Planning Maps; and

b) 3.0m from any boundary a Business 4 Environment; and

c) 20.0m from any boundary of a Living, Countryside or Open Space Environment; and

d) 35.0m from any boundary of a Living, Countryside or Open Space Environment, where the building is in excess of 20.0m in height.

Note:
The provisions of Rules 58.2.6 and 59.2.3 also apply to building

Construction or alteration of a building that does not comply with a condition for a permitted activity is a restricted discretionary activity.

Discretion is restricted to:
   i. The outlook and privacy of adjoining and adjacent properties;
   ii. Shading of adjoining properties;
   iii. Effects on natural character;
   iv. Effects on landscape values;
   v. Effects on heritage values;
   vi. Effects on natural functioning of ecosystems;
   vii. The additional matters listed in Chapter 2.3.3.
## 50.7.3 Landscaping

Construction of a building, or site redevelopment, is a **permitted** activity if:

a) All land within 2.0m of the road boundary on arterial roads, other than accesses, is planted in trees, shrubs or grass; and  

b) The planting is completed within 6 months of occupation of the building and is maintained continuously thereafter.

Construction of a building or site redevelopment that does not comply with a condition for a permitted activity is a **restricted discretionary** activity.  

**Discretion is restricted to:**

i. Effects on neighbours;  
   
ii. Effects on the amenity of the locality;  
   
iii. Alternative means of landscaping or screening;  
   
iv. The additional matters listed in Chapter 2.3.3.

## 50.7.4 Coastal Minimum Floor Level

Construction or alteration of a building or structure is a **permitted** activity if:

a) There is a minimum floor level of 2.5m above One Tree Point Datum Mean Sea Level 1964.

The construction or alteration of a building or structure that does not comply with a condition for a permitted activity is a **restricted discretionary** activity.  

**Discretion is restricted to:**

i. Construction or alteration of a building or structure in relation to its location;  
   
ii. The avoidance, remediation or mitigation of coastal hazards;  
   
iii. Floor level in relation to One Tree Point Datum Mean Sea Level 1964;  
   
iv. The additional matters listed in Chapter 2.3.3.
50.8 Principal Reasons for Rules / Explanations

Activities Generally
This rule names various activities for which resource consent is required. The benefit of activity lists is that they are relatively easy to use. Where activities are grouped on the basis of like effects on differing Environments, the Plan can still reflect the effects based approach required by the Resource Management Act 1991.

The listed activities are all associated with effects that are considered to be unacceptable in this Environment without careful management. Effects of these activities are not consistent with the character, aims and values of this Environment and many of these activities have effects such that they require an offensive trade licence under the Health Act 1956.

Some particular land use activities have either been detailed as prohibited or non-complying particularly within the buffer and transition areas respectively, that apply to the Port Nikau Site. The control of these land uses in these areas is to ensure that reverse sensitivity effects on industrial activities in the vicinity resulting from potentially sensitive uses establishing in the Port Nikau Environment do not eventuate.

Provision of Parking Spaces
See Chapter 58.

Traffic Movements
The Port Nikau Environment has the potential to be very busy in terms of vehicle movements and significant increases in traffic can result in adverse effects on amenity, noise levels, pedestrian safety, road safety and efficiency, dust, odour and parking. This is particularly the case where access is gained directly from an arterial road, due to the existing volumes of traffic. This rule seeks to control activities that will result in significant increases in traffic to any area (including traffic that parks on or off the site or drives through the site), while allowing those activities that will not result in large volumes of traffic.

Signs
Signs may adversely affect the visual amenity and traffic safety in this Environment. They are therefore controlled, with regard to positioning to avoid conflict with traffic and also illumination.

Artificial Lighting
Lighting can interfere with the enjoyment of a property and the sleep of occupants. Direct spill light and glare are consequences of outdoor lighting used to illuminate property. The effect of the rule is to state lighting levels that are compatible with the existing lighting character of this Environment. Street lights, navigation lights and traffic signals are exempted from the rule to preserve traffic and personal safety.

Noise
Noise is one of the principal factors which can adversely affect appreciation of amenity. It can have an effect on people’s health in a psychological and physiological sense. It may interfere with communication and disturb concentration. In order to effectively manage noise in the Port Nikau Environment two ‘Noise Zones’ have been developed.

Noise Zone 1 is designed to enable 24 hour a day operations to occur and in particular makes allowance for land uses such as boat building and other light industrial and commercial operations to occur. It is recognised that the allowable noise limits in Zone 1 are such that very limited amenity would be available in outdoor living areas associated with residential activities and noise sensitive activities and the like, however these uses are permitted in this area (except for where they are specifically controlled in the buffer and transitional areas) subject to compliance with the internal noise environment rule which enables the interior of noise sensitive activities such as residential uses to be designed in such a manner as to enable indoor activities to occur in an appropriate environment. Noise Zone 2 is designed to provide a greater level of amenity for residential uses and noise sensitive activities and provide more of a mixed use environment than Zone 1 enables and this is reinforced through the lower night-time noise limits. However, it is recognised that the noise limits proposed for Zone 2 have the potential to have a negative effect on residential uses and noise sensitive activities; therefore the internal noise environment rule also applies in this

Combined the rules set a variety of noise limits, both at internal site boundaries and within the more sensitive Living and Countryside Environments. Sound levels shall be measured in accordance with the relevant New Zealand Standards, defined in the rules, to avoid confusion and ambiguity.

**Construction Noise**

The acceptability of construction work noise to the community depends on the type of activities that are affected by the noise, the expected duration and the normal background noise level at the places affected. Consequently, the recommended maximum noise level varies with the type of land use, and with the activities likely to occur at different times of the day.

**Vibration**

Vibration has nuisance effects, like noise, and can have major effects upon people’s enjoyment of their property. This is particularly so for residential properties, therefore this rule controls vibration effects to a standardised acceptable level for people and buildings.

**Electromagnetic Radiation**

Certain utilities and other activities emit electromagnetic radiation or create electric fields, which are a health concern to some people living near them. Radio Frequency Fields (RF) are produced by broadcasting and microwave transmission activity. It is the antennae used for sending the signal which produce the Electromagnetic Radiation (EMR), which is within the 3 kHz to 300 GHz range of non-ionising radiation. This Plan is taking a cautious approach to
the location of such activities within any Environments. An acceptable public level of exposure for EMR has been adopted from the New Zealand Standard, which has been thoroughly researched and based upon scientific evidence. Setting a minimum distance enables provision for access, maintenance and public safety.

Electricity Transmission Lines
The high voltage electricity transmission lines (66kV or greater), which supply power to the Whangarei District and the wider Northland Region, are an important physical resource. An uninterrupted power supply contributes significantly to the social and economic well-being of the Whangarei District and the Northland Region. Providing a balance between the protection of this physical resource and the potential adverse effects of its operation is important. A 20m separation distance from high voltage electricity transmission lines provides for public safety and ensures new developments do not compromise the efficient operation and maintenance of high voltage electricity transmission line.

Outdoor Storage
The storage of materials outside can have an adverse visual effect, as well as contributing to air emissions. The rule aims to lessen the effects of this and thus reduce the effect on the amenity of the Port Nikau Environment.

Aerials and Aerial Support Structures
The size and location of aerials and aerial support structures is controlled due to the visual intrusion or dominance that aerials and aerial support structures can have. The Plan also seeks to control the visual impact that aerials and aerial support structures can have on Heritage Buildings and Objects by requiring them to be located so they cannot be seen from public places.

Building Height
The height of buildings is an important factor in maintaining built amenity. Building height is limited to a scale generally considered acceptable in the Port Nikau Environment, with the permitted activity rule allowing for the development of commercial buildings, particularly those associated with boat building. Higher buildings require further assessment as to their suitability, and a resource consent application is required.

Building Setbacks
Building setbacks play an important role in the overall amenity of a neighbourhood. Setbacks are required adjacent to arterial roads to provide for and maintain a degree of spaciousness in an area and to maintain the existing streetscape. Side yard and rear yard setbacks from other Environments are intended to provide adjacent properties with some protection from the bulk of buildings in close proximity, and also to assist in the provision of open space between sites. Setbacks from water bodies and the coast are not specifically detailed as they are in other parts of the District Plan, but set backs from the coast will be provided through the requirement in the Master Plan and
associated Precinct Plans to provide Open Space adjacent to the Coastal Marine Area.

This design led approach to the provision of Open Space will ensure that public access to the coast and the coastal marine area is provided, in conjunction with the overall Open Space network for the Port Nikau site. Also, having no building setbacks from the Coastal Marine area will allow the siting of buildings and/or other activities that have an operational necessity to be on the edge of/or over the Coastal Marine Area to be located in this area, but the location of such buildings will have to be taken into consideration with the provision and design of Open Space areas and the overall urban design of the site.

**Landscaping**

This rule is to ensure activities maintain a high standard of amenity, and to mitigate the adverse visual effects of expanses

**Coastal Minimum Floor Level**

Coastal flooding is a hazard that needs to be addressed and this hazard is not restricted to those areas covered by the Coastal Hazard Areas. By ensuring that the floor level of structures and buildings is at least 2.5m above One Tree Point Datum Mean Sea Level 1964, this risk will be significantly reduced. The 2.5m will take into account a rise in sea level of 0.5m, plus the instances of a spring tide and the surges associated with coastal storms.
50.9 Objectives and Policies for the Port Nikau Environment

The objectives and policies for the Port Nikau Environment take precedence over the objectives and policies in the Plan, unless Chapter 50 is silent on any matter in which case the objectives and policies in the Plan apply.

50.9.1 Objectives for the Port Nikau Environment

Development of the Port Nikau site in an appropriate manner will:

.1 Enable a greater level of connectivity between the Port Nikau site and the CBD and the City and the water/harbour edge, improving the water entrance to the City and providing public access to the coastal marine area

.2 Create a mixed use environment, thereby strengthening the overall form, capacity and range of land uses within Whangarei, providing increased employment opportunities and commercial and residential capacity near the Central Business District (CBD) and regional sports facilities, with development in defined Precincts creating capacity for predicted long-term commercial and residential growth of the Port Nikau Environment

.3 Overall and within individual Precincts, be an example of good urban design, creating a liveable, mixed use environment where people can practically live, work and play within the Port Nikau Environment, providing employment based, commercial, retail and other land uses and a range of residential housing types and styles that will support a growing and increasingly diverse population

.4 Allow appropriate activities including industry within the Port Nikau Environment, with a buffer and transitional zone provided between industrial and mixed use activities to ensure compatibility of different land uses and activities and avoid reverse sensitivity effects

.5 Ensure adequate services and infrastructure are provided to the Port Nikau site and that there is sufficient land area set aside for the physical provision of infrastructure and that there is sufficient capacity, or planned capacity, within the various infrastructure services to cater for the demand assessed to be created by development at Port Nikau while recognising the impacts of development on existing infrastructure networks.

.6 Provide infrastructure and services that will lead to positive environmental outcomes with scope to enhance the surrounding environment and ensure that the development of the site (in stages) does not limit future development through poorly planned services and infrastructure and where possible the potential impacts
of development are lessened through the use of low impact design systems for infrastructure.

.7 Incorporate over time new transport and traffic initiatives that result in adequate roading infrastructure (including necessary access to the state highway) being provided to accommodate the expected growth, with a roading hierarchy that is appropriate to the different activities within the area, incorporating pedestrian and cycleways and establishing further connections to the CBD and adjoining suburbs while recognising the impacts of development on the existing roading network.

.8 Provide adequate and appropriate Open Space creating a strong network of public open space, including places to enjoy a range of recreational activities including public access to the coastal marine area.

.9 Ensure that the development of the site allows for the maintenance of existing (pre-development) ecological values.

.10 Provide an opportunity to reinforce and develop a local sense of place and identity and maintain the historical identity of the site.

.11 Ensure that the design of the development takes into consideration and where possible mitigates any existing or potential hazards, in particular flooding, geotechnical issues and ground contamination.

.12 Recognise that the potential environmental effects of development in the Port Nikau Environment shall be taken into account and methods required to avoid, remedy and/or mitigates effects shall be defined as part of the Master Plan and/or Precinct Plan process. With regard to subdivision of the site, this will be recognised as one means by which to ensure that the necessary conditions of any Master Plan and/or Precinct Plan are implemented, in particular the requirement to provide infrastructure and services to accommodate future development.

50.10.1 Policies for the Port Nikau Environment

.1 Amenity Values

That changing land-use patterns are recognised and as a means of sustainably managing the use of land resources within the District that mixed use development is encouraged in the Port Nikau Environment, so long as the potential negative effects of different land-uses are effectively managed, whilst avoiding reverse sensitivity effects and maintaining amenity values.

Explanation and Reasons: As land becomes more expensive and as a resource becomes scarcer it will be necessary to more intensively develop land as a means of sustainably managing it. To more intensively develop land will increase the potential
for conflict between what could have traditionally been assessed to be incompatible land uses, however the use of new technologies to manage effects and the establishment of mixed-use developments where different uses can effectively cohabit will assist in sustainably managing the land resource.

.2 Mixed Use Environments

To ensure that the effects of activities located in mixed use environments do not have adverse effects on other uses within the Environment or on uses adjacent to or outside of the Environment, whilst acknowledging that the incorporation of potentially sensitive uses (e.g. noise sensitive activities and places of assembly) into a mixed use environment may require that the sensitive uses undertake mitigation measures to ensure that the effects generated by other activities, both within a mixed use environment and outside of a mixed use environment, do not impact negatively on the sensitive use.

Explanation and Reasons: The establishment of mixed use development is designed to enable a large number of different uses to co-locate in such a way that leads to an intensified use of land as a means of sustainably managing land use resources within the District. It is recognised that by intensifying land use patterns there is an increased potential for conflict between different land uses and therefore within the mixed use developments it is recognised that potentially sensitive land uses may have to mitigate against the possible effects of other land uses, thereby avoiding potential reverse sensitivity effects of establishing sensitive land uses amongst commercial and industrial land uses

.3 Mixed Used Development

The development of land in a mixed use manner will result in varying lot sizes and ownership structures which may not necessarily fit comfortably with the standard subdivision rules contained within the District Plan. Therefore, such subdivision rules shall only be used as a starting point in the assessment of subdivision applications, recognising that the control of land use activities through density provisions is a very basic means of managing land uses and that the suites of rules contained within the District Plan relating to the management of potential effects of land use activities should be taken into account when assessing the subdivision of mixed-use developments.

.4 Integration of Activities

The integration of different land use activities enables a more intensified use of land therefore assisting in sustainably managing the land use resource. However, it is recognised that integrating different land use activities can lead to negative effects being experienced by neighbouring land uses, as a result of what have traditionally
been seen to be incompatible land uses locating in close proximity to each other and therefore it must be demonstrated that the potential adverse effects of different land uses can be managed in such a way as to avoid adverse and reverse sensitivity effects.

**Explanation and Reasons:** The traditional use of zoning as a planning tool has sought to manage potentially adverse effects of different land uses by locating similar land uses in the same area and using distance as a buffer between potentially incompatible or more sensitive land uses. Managing development in this manner has the potential to lead to heavy reliance on motor vehicles, creating areas within an urban development that are effectively devoid of people, except for the purpose of work, with such areas having no life or vitality.

The positive integration of land uses and the creation of work, live and play environments is seen as a way of more sustainably managing land use resources, reducing dependence on motor vehicles and also creating communities with urban areas. By applying an ‘effects-based’ planning regime, rather than a ‘use’ based planning regime enables the potential effects between different land uses to be managed in a manner that ensures that suitable levels of amenity are maintained to enable the mixed use (Port Nikau) environment to flourish.

.5 **Management of Effects**

Where the potential effects of a proposed development are clearly known, the subdivision rules shall be used as a means to enable the orderly breakup and management of land, rather than a means by which to control effects however; where the potential effects of a proposed development are not known, then the subdivision rules should be applied in such a way as to enable the creation of allotments capable of accommodating the type of development that would be normally expected to locate in such an Environment.

.6 **Riparian and Coastal Margins**

To recognise that some types of industry and land use have an operational necessity to be located within riparian and coastal margins and that in some instances the exclusion of public access is necessary to ensure the efficient and safe operation of these types of industry and land use and also to protect public safety.

To recognise that riparian and coastal margins are a limited resource and that the ability to sympathetically develop such in a manner that encourages public use of riparian and coastal margins will enhance amenity values and add to the attractiveness of the District.
To recognise that riparian and coastal margins differ greatly within the District, both in their physical makeup and their potential use and that some riparian and coastal margins can become valuable public assets if developed in a manner that encourages high public use and enjoyment of such areas.

Explanation and Reasons: It is not always necessary that riparian and coastal margins be protected in such a way as to only enable limited use. Historically the Port Nikau Environment has been exempt from requirements to provide riparian access and esplanade reserves and has enabled building development up to the line of the coastal marine area in recognition of the sites use as a port.

Some riparian and coastal margins are located in areas where they provide the opportunity to support marine-based industry and activity and as such need to be developed in a manner that can provide for that activity and industry. It is also necessary to recognise that there is an increasing trend toward water edge development, particularly in urban areas that have coastal frontage and as such it is necessary to develop these areas in an appropriate manner to enable people to safely enjoy these areas. In the Port Nikau Environment it is recognised that the provision of high-quality public space and access to the coastal marine area is a very important consideration in the development of the site, however it is also recognised that adherence to very blunt planning tools such as predetermined building setbacks and requirements for the provision of esplanade reserves may not lead to the development of successful outcomes with regard to attractive, high amenity public space.

In accordance with Appendix 5 of the District Plan - Figure A5.1 A Port Areas exempt from Building Setback and Esplanade Requirements - the Port Nikau Environment will not have required building setbacks from the coastal marine area and the requirements of section 230 of the Resource Management Act with regard to the provision of esplanade reserves as part of the subdivision process will not be applicable.

Instead, within the Port Nikau Environment the provision of public open space adjacent to the coastal marine area and the provision of public access to the same will be provided as a result of the application of urban design principles through the Master Planning and Precinct Planning processes, ensuring that sufficient and adequate open space is provided within the Port Nikau area, including the integration of the requirements of industrial and commercial activities that operationally must locate adjacent to, or within the coastal marine area.

.7 Development of Riparian and Coastal Margins
The sympathetic and appropriate development of riparian and coastal margins shall be enabled in order to provide a variety of experiences within riparian and coastal margins, therefore encouraging appropriate public use, enhancing amenity values, enhancing and maintaining coastal landscape values (where they exist) and adding to the attractiveness of the coastline of the District.

.8 Operational Requirements

The provision of public access to riparian and coastal margins will not always be in the best interests of industry and commercial operations located in these areas, which have a necessity to locate adjacent to or within riparian and coastal margins and therefore allowance must be made for such industry and commercial operations when considering the establishment of esplanade reserves and/or strips.

.9 Public use of Riparian and Coastal Margins

The public use of riparian and coastal margins shall not be viewed as a threat, but as an opportunity, where through the appropriate provision of infrastructure, that people will be able to access the coast, potentially in large numbers, to enjoy riparian and coastal margins, where such development and use of public infrastructure does not threaten ecological, cultural and landscape values.

Explanation and Reasons: Within the Port Nikau Environment the provision of public space adjacent to the coastal marine area and the provision of public access to the coastal marine area will be facilitated through the application of urban design principles and integrated with built structures, some of which will extend into the coastal marine area. The provision of public space will not be uniform in width or size, particularly adjacent to the coastal marine area, but instead public space and esplanade reserve areas (both public and private) will be designed and provided to meet the reasonably foreseeable needs of the inhabitants of and visitors to the Port Nikau area.

.10 Subdivision and Development

More intensive subdivision and development should be encouraged in areas where existing infrastructure is provided as opposed to providing new infrastructure to extend services into currently undeveloped and un-serviced areas, except where the extension of infrastructure services is clearly allowed for in Council's strategic infrastructure planning.

Explanation and Reasons: There are existing zoned and serviced areas within the existing urban areas of the Whangarei District that are either undeveloped or underdeveloped and these areas should be encouraged to be developed, utilising the existing infrastructure and the infrastructure capacity that exists, as opposed to
extending infrastructure into new greenfield sites where the extension of such infrastructure is not included in the Council's strategic infrastructure planning. The potentially ad-hoc extension of Council infrastructure, if not planned correctly can lead to significant costs falling to the general public (rate payers) where such costs have already historically been borne in the provision of existing infrastructure in existing undeveloped and underdeveloped urban areas.

.11 Subdivision and Development

To enable the flexible subdivision of mixed-use developments, recognising that subdivision is for the purpose of providing legal title to physical resources (i.e. land and buildings) and not for managing potential effects between different land uses.

Explanation and Reasons: It is recognised that at times subdivision is used as a means of managing the potential adverse and reverse sensitivity effects between different land uses, however within mixed-use developments different land uses are bought together in close proximity where the potential negative effects have been managed through rules relating to the bulk and location of buildings, protection of amenity values and the avoidance of reverse sensitivity effects. Therefore, the application of subdivision rules in this instance must be flexible as the role of subdivision in this instance is to provide legal title to the land, not to attempt to manage effects between different land uses.

.12 Land Ownership

Differing methods and proposals for land ownership can have an effect on the way in which land is developed and subdivided and at times the subdivision rules of the District Plan will not cater well for some land development and land ownership proposals. Therefore, there must be care when applying the subdivision rules to any particular application to ensure that the subdivision rules are not being used solely as a means to attempt to control the potentially adverse effects of property development.

Explanation and Reasons: In residential and rural areas minimum lot sizes are at times enforced as a means of providing distance between dwellings or other land uses in order to maintain perceived urban and/or rural amenity.

In the Port Nikau Environment the application of land use rules (e.g. noise) will be the means by which potential effects are controlled and therefore the applicable subdivision rules are proposed in order to facilitate and manage property ownership, rather than controlling land use effects. Due to the number of potential land uses that may occur within the Port Nikau Environment the subdivision rules contain within them a high degree of flexibility to enable the effective subdivision of a large commercial site as well as individual apartments within a residential development.
.13 **Reverse Sensitivity**

Particular land uses in close proximity to heavy industrial uses can generate the potential for reverse sensitivity effects to arise and such effects are recognised and should be avoided. In the Port Nikau Environment specific land uses/activities have been controlled in the Buffer and Transitional Areas in order to avoid reverse sensitivity effects with neighbouring, established heavy industry. The establishment of sensitive land uses (as detailed in rule 50.6.1) in the Buffer and Transitional Areas should be avoided unless such land uses can successfully manage the lawfully occurring effects of neighbouring heavy industrial uses and avoid reverse sensitivity effects.

*Explanation and Reasons:* Various mitigation measures have been built into the Port Nikau Environment in order to manage the potential reverse sensitivity effects that can develop between sensitive land uses and the neighbouring heavy industrial uses. These mitigation measures include the control on the location of sensitive land uses, rules related to different ‘Noise Zones’, requirements for new development to insulate against noise and rules related to vibration and light spill. These methods combined are considered to effectively avoid the possibility for reverse sensitivity effects, but there is the opportunity for these rules to be relaxed in some instances, where it can be demonstrated that reverse sensitivity effects will not arise.

.14 **Transport and Access**

Access to and within the Port Nikau Environment shall be considered in the processing of any Master Plan and/or Precinct Plan application(s), with those roads and intersections potentially affected by development in the Port Nikau Environment having been defined in Rule 50.4.4(d)(ii). Access issues will focus on the provision of an efficient roading network, including provision for alternative modes of transport, including public transport, in alignment with Council’s related strategy and direction.

The assessment of the potential impact of development on the Port Nikau Environment on the transport network shall take into account any changes in the modes of transport being used, particularly the use of public transport.

*Explanation and Reasons:* Those roads and intersections potentially affected by development in the Port Nikau Environment have been defined in order that there is consistency with regard to the assessment of traffic and transport effects. Due to the incremental nature of the development that will occur within the Port Nikau Environment there is a necessity that the assessment of potential impacts on traffic and transport also be flexible with regard to changes in the modes of transport being used and in particular the degree with which public transport is being used, in order that appropriate roading capacity and access methods are provided for. In the
assessments of possible methods to provide for future roading and access requirements there should also be allowance made for the provision and promotion of alternative modes and an assumption that the provision of such modes will result in at least some use of these alternatives.

.15 **Provision of Infrastructure**

The provision of infrastructure must be a key consideration in assessing any Master Plan and/or Precinct Plan. In the assessment of potential infrastructure requirements the demand generated by proposed land uses must be assessed and the capacity required both on and off the site must be provided before the related demand/need occurs.

The use of new engineering initiatives for the provision of infrastructure and services are encouraged in the development of the Port Nikau Environment, where such initiatives will provide infrastructure and services more efficiently and have capacity to lead to positive environmental outcomes.

As part of the assessment of any Precinct Plan application it is necessary to carefully assess the staged nature of development and ensure that future development within the Precinct or external to that Precinct is not limited, through either the provision of under capacity services and/or the location of services without forethought to the requirement for future stages of development to connect to those services.

Explanation and Reasons: The provision of sufficient infrastructure is considered key to the successful development of the Port Nikau site. It is recognised that the capacity requirements of development must be carefully assessed in order to ensure that infrastructure internal and external to the site can meet the necessary demand. The provision of such infrastructure must be undertaken in an equitable manner, whereby those creating the demand are required to fairly provide and/or pay for such infrastructure.

There is also a necessity when assessing development requirements within the site that the planning and supply of infrastructure enables the long-term and future development of the site to occur and that the development of one Precinct does not preclude or limit the development of future Precincts. Also, due to the potentially long timeframe over which development on the Port Nikau site will occur, there is a recognition that there will be new engineering initiatives that will enable the provision of infrastructure and services in a more efficient, cost-effective and space conscious manner and that these new initiatives should be used where practicable.

.16 **Provision of Open Space**
The Open Space network provided within Port Nikau must be linked to assessed demand, enable unrestricted access by the public to Open Spaces; must be designed so that Open Spaces are accessible, readily usable, able to cater for a range of uses and users and linked in a legible manner.

Access for the public to the Coastal Marine Area will be provided by the Open Space network required to be provided for and incorporated into the development of the Port Nikau Environment.

*Explanation and Reasons: Open Space within the Port Nikau Environment will be provided by a design led approach, rather than mandatory provision. The provision of Open Space will be linked to an assessment of demand and will ensure that a suitable network of Open Space is created across the site. With regard to the ownership of the Open Space network, public ownership should not be presumed, but public access to any part of the Open Space network that is in private ownership will be provided in the same manner as publicly owned parks and reserves.*

*With regard to the provision of Open Space adjacent to the Coastal Marine Area and the provision of public access to the Coastal Marine Area, this will be provided as a key matter in the design of the overall Open Space network, but must take into account the competing demands of different land uses on the coastal marine edge and also the necessity in some parts of the site to potentially restrict public access in order to maintain health and safety and avoid effects on ecological values.*

.17 **Ecological Values**

The area to the southwest of the Port Nikau Environment shall be recognised as an existing bird wader habitat of ecological significance.

A buffer between the bird wader habitat and any development of the Port Nikau site shall be provided, with the buffer designed and provided in such a manner as to ensure the maintenance of existing pre-development ecological values of the area adjacent to the south-western boundary of the Port Nikau Environment.

.18 **Hazards**

As part of the assessment process of any Master Plan and/or Precinct Plan application(s) the extent of any hazards must be taken into account and effective means of avoiding, remediing and/or mitigating those hazards must be incorporated into the methods by which the site will be developed.

.19 **History**
When designing and developing the Open Space network within the Port Nikau Environment and in the naming of roads the history of the site should be taken into account.

CONSEQUENTIAL CHANGES UNDERLINED

74  SUBDIVISION RULES – BUSINESS 1, 2, 3, 4, TOWN BASIN, MARSDEN POINT PORT, PORT NIKAU AND AIRPORT ENVIRONMENTS

74.1  Introduction

This chapter contains subdivision rules for the Business 1, 2, 3, 4, Town Basin, Marsden Point Port, Port Nikau and Airport Environments. Additional subdivision rules are also contained in the Esplanade Priority Area rules (Chapter 61) and Financial Contributions (Chapter 80).

Chapters 1 and 2 describe activities and rules and how to read the rule table. See Chapter 70.3 for a list of matters to which controlled is reserved. These apply to every controlled activity mentioned in the rule table, in addition to the matters listed in the rules tables. Chapter 2.3.3 of the Plan lists those matters to which discretion is restricted, in addition to those matters listed in the rule tables.

All rules apply to subdivision in all Business Environments, and the Town Basin Airport, Port Nikau and Marsden Point Port Environments, unless otherwise stated.

74.2  Application of Rules

Unless otherwise stated, the rules in the rule table do not apply to allotments that are intended exclusively for utility, road, reserve or access purposes. The following rules apply to all allotments, including those used for utility, road, reserve or access purposes:

- Existing buildings;
- Sites of Significant to Maori;
- Property access;
- Stormwater;
- Earthworks;
- Stone walls.
- Outstanding Natural Features, including Geological Sites.
74.2.1 Subdivision in the Port Nikau Environment

Subdivision in accordance with the Port Nikau Environment subdivision rules can only be undertaken after a Master Plan and / or Precinct Plan has been approved. Following the approval of a Master Plan and / or Precinct Plan, any subdivision in the Port Nikau Environment shall be undertaken in accordance with the requirements of this Chapter.

74.3 Rule Table – Subdivision in Business 1, 2, 3, 4, Town Basin, Marsden Point Port, Port Nikau and, Airport Environments

74.3.1 Allotment Area

<table>
<thead>
<tr>
<th>Subdivision is a controlled activity if:</th>
<th>An activity that does not comply with a standard for a controlled activity is a discretionary activity as long as, in the Town Basin Open Space Sub-environment, the subdivision complies as a controlled activity with the standards of the Town Basin Environment. Subdivision in the Town Basin Open Space Sub-environment that does not comply with a standard for a discretionary activity is a non-complying activity.</th>
</tr>
</thead>
<tbody>
<tr>
<td>(a) In the Business 1, 3, Town Basin Port Nikau and Airport Environments, every allotment has a net site area of at least 100.0m², or</td>
<td></td>
</tr>
<tr>
<td><strong>Except</strong> in the Town Basin Open Space Sub-environment, where subdivision is a controlled activity only if no new allotments are created.</td>
<td></td>
</tr>
<tr>
<td>(b) In the Business 2 Environment, every allotment has a net site area of at least 300.0m²; or</td>
<td></td>
</tr>
<tr>
<td>(c) In the Business 4 and Marsden Point Port Environment, every allotment has a net site area of at least 1000.0m²; and</td>
<td></td>
</tr>
<tr>
<td>(d) Every allotment not connected to a reticulated sewerage system has a net site area of at least 2000.0m².</td>
<td></td>
</tr>
</tbody>
</table>

Control is reserved over:

<table>
<thead>
<tr>
<th>(a) Potential effects of permitted land uses on neighbouring properties;</th>
<th>(a) Potential effects of permitted land uses on neighbouring properties;</th>
</tr>
</thead>
<tbody>
<tr>
<td>(b) The efficiency of land use;</td>
<td>(b) The efficiency of land use;</td>
</tr>
<tr>
<td>(c) Effects on amenity values of neighbouring properties;</td>
<td>(c) Effects on amenity values of neighbouring properties;</td>
</tr>
</tbody>
</table>
(d) Effects on amenity values of the land being subdivided;

(e) The additional matters listed in Chapter 70.3.
Appendix A
Appendix A to Chapter 50
PROPOSED ZONING & OVERLAYS FOR THE PORT NIKAU DEVELOPMENT
For: PORT NIKAU JOINT VENTURE
Appendix A

North Port Cool Store Noise Levels & Buffer Zone for Compliance with PPC78 Night Time Noise Limit ($L_{Aeq}$ 55dBA)
Appendix B
Appendix B to Chapter 50
Coastal Wetland Open Water Buffer - Typical Cross Section

- Saltmarsh and wetland planting, species to include Sea Rush, Cabbage Tree and Ohiwa
- Pohutukawa to walkway edge
- Esplanade cycle and pedestrian walkway
- Series of gently graded terraces with salt marsh and wetland planting
- Nom. 2m tidal range
- Channel depth varies 0.5 - 1.5m
- Protection of existing coastal wetland

Scale: 1:200; date: 11.00.00; drawn by: [name]
### D. Individual decisions on each submission with reasons

<table>
<thead>
<tr>
<th>Issue</th>
<th>Submitter</th>
<th>Submitter ID</th>
<th>Decision on Issue</th>
<th>Reason For Decision</th>
</tr>
</thead>
<tbody>
<tr>
<td>Reverse Sensitivity</td>
<td>Northland Regional Council</td>
<td>828</td>
<td>Allowed in part</td>
<td>Taking into account the amendments recommended to PC78 the submissions received in relation to reverse sensitivity are rejected on the basis that the development will be suitable and will be able to be sustainably managed. Given the substantial concessions made P JV by way of buffer zones and rules during the hearing, it is considered the concerns of submitters have been adequately addressed. The submissions in this group are therefore allowed in part.</td>
</tr>
<tr>
<td></td>
<td>HW Richardson Group Limited</td>
<td>1862</td>
<td>Allowed in part</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Balance Agri-Nutrients</td>
<td>1857</td>
<td>Allowed in part</td>
<td></td>
</tr>
<tr>
<td></td>
<td>NorthPort Coolstores (1989) Limited</td>
<td>1841</td>
<td>Allowed in part</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Carter Holt Harvey Limited</td>
<td>154</td>
<td>Allowed in part</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Bream Bay Action Group</td>
<td>1415</td>
<td>Allowed in part</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Mira Norris</td>
<td>1649</td>
<td>Allowed in part</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Whangarei Saloon and Stockcar Club</td>
<td>1860</td>
<td>Allowed in part</td>
<td></td>
</tr>
<tr>
<td>Noise</td>
<td>Northland District Health Board</td>
<td>1859</td>
<td>Allowed in part</td>
<td>The submissions received in relation to noise effects are largely rejected on the basis that PC78 as amended including the buffer zone and other mitigation measures, adequately provide for protection of the rights of nearby industry, including CHH. The submissions in this group are therefore allowed in part.</td>
</tr>
<tr>
<td></td>
<td>Carter Holt Harvey Limited</td>
<td>154</td>
<td>Allowed in part</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Paul Arthur Hope</td>
<td>1861</td>
<td>Allowed in part</td>
<td></td>
</tr>
<tr>
<td>Odour</td>
<td>Northland District Health Board</td>
<td>1859</td>
<td>Allowed in part</td>
<td>Odour is controlled under health and safety legislation as well as the RMA. The submissions and evidence have been taken into account, however it is consider that there is nothing under this heading to prevent PC78 proceeding, subject to the recommended amendments. The submissions in relation to odour are on this basis allowed in part.</td>
</tr>
<tr>
<td></td>
<td>Carter Holt Harvey Limited</td>
<td>154</td>
<td>Allowed in part</td>
<td></td>
</tr>
<tr>
<td>Sea Level Rise</td>
<td>Northland Regional Council</td>
<td>828</td>
<td>Rejected</td>
<td>Whilst recognising the potential dangers, it is concluded that they are not sufficiently established to prevent the development envisaged by Port Nikau. The submissions in relation to sea level rise are rejected on this basis.</td>
</tr>
<tr>
<td></td>
<td>Bream Bay Action Group</td>
<td>1415</td>
<td>Rejected</td>
<td></td>
</tr>
</tbody>
</table>

29/7/10 – 10/81158
<table>
<thead>
<tr>
<th>Future Use of the Onerahi Airport</th>
<th>June Billings</th>
<th>1842</th>
<th>Allowed in part</th>
<th>Taking into account the amendments recommended to PC78, the development will be suitable and will be able to be sustainably managed. Given the substantial concessions made by PNJV by way of buffer zones and rules during the hearing, it is considered the concerns of submitters have been adequately addressed. The submissions in relation to the future use of the Onerahi Airport are allowed in part on this basis.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>A &amp; J Gilbert</td>
<td>1844</td>
<td>Allowed in part</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Bravo 5 Limited</td>
<td>1845</td>
<td>Allowed in part</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Alan Murgatroyd</td>
<td>1848</td>
<td>Allowed in part</td>
<td></td>
</tr>
<tr>
<td>Consistency with Purpose and Principles of the Resource Management Act 1991</td>
<td>Altherm Aluminium</td>
<td>1847</td>
<td>Allowed in part</td>
<td>Council’s responsibilities particularly in terms of Sections 31, 32, 74, 5-8, and Part 2 have been met in the assessment of this PPC. It is considered that these responsibilities have been exercised appropriately, and there is no reason why PC78 should not be adopted, subject to the various amendments recommended.</td>
</tr>
<tr>
<td></td>
<td>Peter McDonald Limited</td>
<td>1837</td>
<td>Allowed in part</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Harvey Norman Stores (NZ) Pty Limited</td>
<td>1710</td>
<td>Allowed in part</td>
<td></td>
</tr>
<tr>
<td></td>
<td>David Child-Dennis</td>
<td>1646</td>
<td>Allowed in part</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Ashby Bennett</td>
<td>1853</td>
<td>Allowed in part</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Franz G Iseke</td>
<td>1346</td>
<td>Allowed in part</td>
<td></td>
</tr>
<tr>
<td>Hazardous Substances and Contaminated Land</td>
<td>Northport Coolstores (1989) Limited</td>
<td>1841</td>
<td>Rejected</td>
<td>Taking into account the amendments recommended to PC78, particularly in relation to the proposed buffer zones and associated rules, the development will be suitable and will be able to be sustainably managed. Land contamination is not considered to be a relevant consideration in the assessment of this application. The risks can be sustainably managed by the Master and Precinct planning processes together with powers under the RMA and other legislation. It is considered the concerns of submitters can be adequately addressed. The submissions in relation to hazardous substances and contaminated land are rejected on this basis.</td>
</tr>
<tr>
<td>Northland District Health Board</td>
<td>1859</td>
<td>Rejected</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Traffic and Access Effects</td>
<td>Paul Arthur Hope</td>
<td>1861</td>
<td>Allowed in part</td>
<td>Taking into account the amendments recommended to PC78, the development will be suitable and will be able to be sustainably managed. As such, it is considered the concerns of submitters have been adequately addressed and the submissions in relation to traffic and access are only allowed in part on this basis.</td>
</tr>
<tr>
<td></td>
<td>Mira Norris</td>
<td>1649</td>
<td>Allowed in part</td>
<td></td>
</tr>
<tr>
<td></td>
<td>HW Richardson Group Limited</td>
<td>1862</td>
<td>Allowed in part</td>
<td></td>
</tr>
<tr>
<td></td>
<td>New Zealand Transport Agency</td>
<td>1818</td>
<td>Allowed in part</td>
<td></td>
</tr>
<tr>
<td>Category</td>
<td>Name</td>
<td>Decision</td>
<td>Notes</td>
<td></td>
</tr>
<tr>
<td>----------------------------------------------------</td>
<td>-------------------------------------------</td>
<td>----------</td>
<td>-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
<td></td>
</tr>
<tr>
<td><strong>Landscape and Amenity Effects</strong></td>
<td>Mr and Mrs McNicole</td>
<td>1870</td>
<td>Allowed in part Taking into account the amendments recommended to PC78, specifically in relation to the buffer area and building controls, it is considered the concerns of submitters have been adequately addressed and the submissions in relation to landscape and amenity effects are allowed in part on this basis.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Department of Conservation</td>
<td>267</td>
<td>Allowed in part</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Paul Arthur Hope</td>
<td>1861</td>
<td>Allowed in part</td>
<td></td>
</tr>
<tr>
<td><strong>Public Access to the Coastal Marine Environment</strong></td>
<td>Northland Regional Council</td>
<td>828</td>
<td>Allowed in part Taking into account the amendments recommended to PC78, the development will be suitable and will be able to be sustainably managed. Given the proposals by PNJV by way of providing access to the coastal environment, it is considered the concerns of submitters have been adequately addressed and the submissions in relation to public access are allowed in part on this basis.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Department of Conservation</td>
<td>267</td>
<td>Allowed in part</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Carter Holt Harvey Limited</td>
<td>154</td>
<td>Allowed in part</td>
<td></td>
</tr>
<tr>
<td><strong>Maori, Tangata Whenua and Archaeological Issues</strong></td>
<td>Mira Norris</td>
<td>1649</td>
<td>Rejected Taking into account Sections 6(e), 7(a), 7(aa), and 8 it is considered that the Council has the authority to consider the application, which does not compromise Maori or Tangata whenua values in accordance with the Act. Historical grievances should be addressed by other means. Archeological concerns can be addressed through the Master and Precinct planning processes.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Hinemoa Apehera</td>
<td>1886</td>
<td>Rejected</td>
<td></td>
</tr>
<tr>
<td></td>
<td>New Zealand Historic Places Trust</td>
<td>1741</td>
<td>Allowed in part</td>
<td></td>
</tr>
<tr>
<td><strong>Air Quality</strong></td>
<td>Northland Regional Council</td>
<td>828</td>
<td>Allowed in part Air Quality is controlled under health and safety legislation as well as the RMA. The submissions and evidence have been taken into account. However it is considered that there is nothing under this heading to prevent PC78 proceeding, subject to the recommended amendments. As such, the submissions in relation to air quality are allowed in part.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Northland District Health Board</td>
<td>1859</td>
<td>Allowed in part</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Carter Holt Harvey Limited</td>
<td>154</td>
<td>Allowed in part</td>
<td></td>
</tr>
<tr>
<td></td>
<td>HW Richardson Group Limited</td>
<td>1862</td>
<td>Allowed in part</td>
<td></td>
</tr>
</tbody>
</table>
Taking into account the amendments recommended to PC78, the development will be suitable and will be able to be sustainably managed. Given the proposals by PNJV by way of managing access to the coastal environment (and excluding access where necessary), it is considered the concerns of submitters have been adequately addressed. As such, the submissions in relation to ecological effects are allowed in part on this basis. We have recommended an extension to the buffer zone in the south-western extremity of the site to provide further protection in that location.

<table>
<thead>
<tr>
<th>Ecological Effects</th>
<th>Department of Conservation</th>
<th>267</th>
<th>Allowed in part</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bream Bay Action Group Inc</td>
<td>1415</td>
<td>Allowed in part</td>
<td></td>
</tr>
</tbody>
</table>

Taking into account the amendments recommended to PC78, specifically in relation to the provision of infrastructure services, the development will be suitable and will be able to be sustainably managed. On this basis, it is considered the concerns of submitters have been adequately addressed. As such, the submissions in relation to wastewater and stormwater effects are allowed in part on this basis.

<table>
<thead>
<tr>
<th>Wastewater and Stormwater Effects</th>
<th>Carter Holt Harvey Limited</th>
<th>154</th>
<th>Allowed in part</th>
</tr>
</thead>
<tbody>
<tr>
<td>Northland Regional Council</td>
<td>828</td>
<td>Allowed in part</td>
<td></td>
</tr>
</tbody>
</table>

Taking into account the amendments recommended to the Objectives, Policies, Rules and general text of PC78, it is considered the concerns of submitters have been adequately addressed.

<table>
<thead>
<tr>
<th>Suitability of Objectives, Policies and Rules Proposed</th>
<th>Carter Holt Harvey Limited</th>
<th>154</th>
<th>Allowed in part</th>
</tr>
</thead>
<tbody>
<tr>
<td>HW Richardson Group Limited</td>
<td>1862</td>
<td>Allowed in part</td>
<td></td>
</tr>
<tr>
<td>Golden Bay Cement</td>
<td>405</td>
<td>Allowed in part</td>
<td></td>
</tr>
<tr>
<td>New Zealand Transport Agency</td>
<td>1818</td>
<td>Allowed in part</td>
<td></td>
</tr>
<tr>
<td>Department of Conservation</td>
<td>267</td>
<td>Allowed in part</td>
<td></td>
</tr>
</tbody>
</table>

Taking into account the amendments recommended to PC78, the development will be suitable for the location in which it is proposed and will be able to be sustainably managed through the Objectives, Policies and Rules proposed. On this basis, it is considered the concerns of submitters have been adequately addressed and the submissions received in relation to this matter have been allowed in part accordingly.

<table>
<thead>
<tr>
<th>Zoning Concerns</th>
<th>Carter Holt Harvey Limited</th>
<th>154</th>
<th>Allowed in part</th>
</tr>
</thead>
<tbody>
<tr>
<td>Paul Arthur Hope</td>
<td>1861</td>
<td>Allowed in part</td>
<td></td>
</tr>
<tr>
<td>Use of Structure, Master and Precinct Plan</td>
<td>Carter Holt Harvey Limited</td>
<td>154</td>
<td>Allowed in part</td>
</tr>
<tr>
<td>-------------------------------------------</td>
<td>----------------------------</td>
<td>-----</td>
<td>----------------</td>
</tr>
<tr>
<td></td>
<td>Department of Conservation</td>
<td>267</td>
<td>Allowed in part</td>
</tr>
</tbody>
</table>

The "master planning approach" is inherent in PC78 as amended during the hearings and by our recommendations. The structure plan methodology was suggested to be in danger of being proved invalid or illegal. It is considered that the approach is suitable for application to the land at Port Nikau. Council will have to deal with the consequences of any successful challenge to this approach, along with numerous other councils throughout the country.