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Port Nikau Development Area (PNDA)

Issues

The Port Nikau Development Area (PNDA) enables the development of a liveable, [mixed use environment](#) where people can practically live, work and play within the area with a specific focus on [amenity values](#), urban design and open space.

The PNDA has a suite of objectives, policies, and rules that will guide the assessment of resource consent applications. The rules require development to proceed in accordance with PNDA Plans and Building Typologies included in the chapter.

The objectives, policies and rules of the underlying zones do not apply to development under the PNDA, except in circumstances stated in the PNDA provisions.

PNDA Plans related to this chapter include:

- Underlying Zone PNDA plan;
- Sub-Area PNDA plan;
- Residential Area A building typologies;
- Residential Area B building typologies;
- Residential Area C building typologies;
- Residential A and Local Commercial Area D spatial layout plans;
- Port Nikau Public Realm Plan (street and open space networks);
- Street cross – sections.

The district wide objectives, policies and rules of the Subdivision Chapter does not apply to development in the PNDA unless otherwise stated in the PNDA provisions.

All other district wide objectives, policies and rules shall apply to development in the PNDA unless otherwise stated in the PNDA provisions.

Objectives

PNDA-O1 – Urban Design	Create a strong sense of place through application of urban design principles.
PNDA-O2 – Infrastructure	Ensure adequate provision of infrastructure and services to meet development capacity while recognising the impacts of development on existing infrastructure networks.
PNDA-O3 – Reverse Sensitivity	Manage reverse sensitivity effects between Zones and between incompatible land use activities.
PNDA-O4 – Range of Activities	Provide for mixed use development, including commercial, community and residential activities, that: <ol style="list-style-type: none"> 1. Provides for the community’s social and economic needs; 2. Improves community access to goods, services, community facilities, and opportunities for social interaction; 3. Manages adverse effects on the environment; 4. Does not undermine the vitality and viability of the City Centre; 5. Creates high levels of internal amenity through good quality urban design.
PNDA-O5 – Biodiversity	Development of the site allows for the maintenance of existing (pre-development) ecological values.

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PNDA-O6 – Open Space	To incorporate open space for recreation and public access to the coastal marine area .
Policies	
PNDA-P1 – Urban Design (Overall Development Structure)	Discourage development which is not consistent with the urban design principles in the PNDA plans.
PNDA-P2 – Built Form	To achieve high quality urban design outcomes by enabling medium density housing and providing for a mix of housing typologies to encourage a diverse community consistent with the PNDA plans.
PNDA-P3 – Street Networks and Formation	To ensure the provision of an effective and safe transport network: <ol style="list-style-type: none"> 1. A simple and legible street layout. 2. A street network that is linked to a well-connected movement system with choice of travel direction, and easy access to the Town Centre. 3. That streets are aligned to create viewshafts to the water, Town Centre, the central park, and the southern park. 4. The inclusion of park-side-streets to maximise the visibility of public reserves to create safe and active green spaces.
PNDA-P4 – Reticulated Infrastructure Services	To ensure that new lots and development are appropriately serviced by: <ol style="list-style-type: none"> 1. Either <ol style="list-style-type: none"> a. Requiring new lots to have a connection to reticulated infrastructure services (water, sewer, stormwater, electricity and telecommunications); or b. In the case of super lots, demonstrating that infrastructure services can be provided to the future lots upon further subdivision; and 2. Considering alternative locations for three waters infrastructure where there are reduced road widths in accordance with the PNDA street network and cross sections, and trees within berms that could adversely affect underground infrastructure.
PNDA-P5 – Reverse Sensitivity	To avoid, remedy, or mitigate adverse reverse sensitivity effects of sensitive activities by managing the design and location of sensitive activities in proximity to commercial and industrial activities in the neighbouring Light Industrial zones.
PNDA-P6 – Ecological Values	To recognise the existing wader bird habitat of ecological significance by retaining the existing open water buffer between the south-western boundary of the PNDA and the wader bird habitat (on the outer edge of the mangroves).
PNDA-P7 – Open Space	To provide open space that: <ol style="list-style-type: none"> 1. Meets the recreational needs applicable to the density of development. 2. Facilitates public access to the coastal marine area, recognising that some activities have an operational necessity to be located within riparian and coastal margins and that in some instances the exclusion of public access is necessary.

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PNDA-P8 – Mixed Use	To manage potential adverse <u>effects</u> of non-residential uses by confining commercial and community uses (other than home occupations) to the <u>Mixed Use</u> Area.
PNDA-P9 – Town Centre	Discourage development that does not achieve the following outcomes for the Town Centre: <ol style="list-style-type: none"> 1. A simple and legible street layout. 2. Enhanced vehicle circulation. 3. The linking of landmarks, such as the tide gauge <u>building</u>, the waterfront edge, and the marina, with strongly defined pedestrian and vehicle routes. 4. <u>Buildings</u>, public spaces, and street networks designed to create view shafts to the water, tide gauge <u>building</u>, and plaza. 5. Breaks in <u>built form</u> on the main street to ensure visibility of the plaza and public areas in order to create safe and active green spaces. 6. A tree lined main street and a network of open spaces. 7. Orientation of public areas to the north and west for solar gain where practicable.
PNDA-P10 – Subdivision	To encourage design and layout of <u>subdivision</u> that achieves the following: <ol style="list-style-type: none"> 1. Lots are shaped and sized to allow generous sunlight to living and outdoor spaces, and to provide high levels of onsite amenity and privacy. 2. Where possible, lots are located so that they over-look and front the <u>road</u> and open spaces. 3. The creation of multiple rear <u>sites</u> is limited, and where practicable avoided.

All Zones

PNDA-R1 Any Activity
<ol style="list-style-type: none"> 1. Except for (2) and (3) below, the relevant rules of the district wide chapters apply unless otherwise stated in the PNDA rules. 2. The rules of the district wide Subdivision chapter do not apply to the PNDA. 3. The following rules and appendices of the district wide Transport Chapter do not apply to the Port Nikau Development Area: <ol style="list-style-type: none"> a. TRA-R5.2. b. TRA-R12. c. TRA-R14.4. d. TRA-R15. e. TRA-R16. f. TRA-R17. g. TRA-R18. h. TRA Appendix 2D and 2E.

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PNDA-R2 Financial Contributions	
<p>1. Any road upgrading or provision of public open space required under rules PNDA-R4 and PNDA-R5 may be provided in accordance with the Financial Contributions chapter (Chapter 80) of the Whangārei District Plan.</p>	
PNDA-R3 Minor Buildings	
<p>Activity Status: Permitted</p> <p><i>Note:</i></p> <p>1. Minor buildings are exempt from rules PNDA-R10 to PNDA-R12 and PNDA-R63 to PNDA-R66.</p>	
PNDA-R4 New and/or Upgraded Roads, Shared Access, Service Lanes, and Pedestrian Networks	
<p>Activity Status: Controlled</p> <p>Where:</p> <ol style="list-style-type: none"> 1. New and/or upgraded roads, shared access, service lanes, and footpaths are: <ol style="list-style-type: none"> a. Located in accordance with the PNDA Plans. b. Formed in accordance with the PNDA 'Street Sections' plans. <p>Matters of control:</p> <ol style="list-style-type: none"> 1. Design, construction, and maintenance of the road, shared access, or pedestrian network. 2. Traffic safety and visibility. 	<p>Activity Status when compliance not achieved: Restricted Discretionary</p> <p>Matters of discretion:</p> <ol style="list-style-type: none"> 1. Alternative location of open space and impact on PNDA layout. 2. Consideration of the Whangārei District Council Engineering Standards. 3. Urban design best practice. 4. Traffic and pedestrian safety and efficiency. 5. Vesting of streets and the split of linear parks between road to vest and reserve to vest with Whangārei District Council.
PNDA-R5 Open space	
<p>Activity status: Permitted</p> <p>Where:</p> <ol style="list-style-type: none"> 1. Open Space is spatially located in accordance with the PNDA Plans. 	<p>Activity Status when compliance not achieved: Restricted Discretionary</p> <p>Matters for discretion:</p> <ol style="list-style-type: none"> 1. Alternative location of open space and impact on PNDA layout. 2. Consideration of the Whangārei District Council Engineering Standards. 3. Urban design and landscape best practice. 4. Pedestrian safety and efficiency. 5. Vesting of open space with Whangārei District Council.

PNDA-R6	Subdivision
<p>Activity Status: Controlled</p> <p>Where:</p> <ol style="list-style-type: none"> 1. Every Super Lot: <ol style="list-style-type: none"> a. Spatially aligns with the PNDA plans, including the street network and the ability to accommodate the relevant building typologies. 2. Every allotment that does not contain an existing residential unit at the time of subdivision (excluding super lots) is capable of accommodating the building typologies under the PNDA plans and rules. 3. Every allotment that does contain an existing residential unit or building at the time of subdivision (including unit titles) complies with the PNDA permitted activity rules. 4. Open Space is spatially located in accordance with the PNDA Plans. <p>Matters over which control is reserved</p> <ol style="list-style-type: none"> 1. The ability to site appropriate building typologies within the proposed lots. 2. Fire rating on boundaries. 3. Compliance with the relevant PNDA plans. 4. The provision, location, design, capacity, connection, upgrading, staging and integration of infrastructure in accordance with the PNDA plans and rules. 5. The staged provision of park and/or public land (including public open space), spatially in accordance with the PNDA plans. 6. Public access to the CMA in accordance with the PNDA plans. 7. The need for consent notices to manage future built form on super lots, particularly the relationship of this built form with potential development on adjacent lots. 	<p>Activity Status when compliance not achieved with PNDA-R6.1 - 3 Discretionary</p> <p>Activity Status when compliance not achieved with PNDA-R6.4: Restricted Discretionary</p> <p>Matters for discretion:</p> <ol style="list-style-type: none"> 1. Alternative location of open space and impact on PNDA layout. 2. Consideration of the Whangārei District Council Engineering Standards. 3. Urban design and landscape best practice. 4. Pedestrian safety and efficiency.

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PNDA-R7	Rural Production Activity
<p>Activity status: Non Complying</p> <p>Where:</p> <ol style="list-style-type: none"> The activity is a primary activity or ancillary activity. 	

PNDA-R8	Any Building in Residential Area A	
<p>Activity Status: Permitted</p> <p>Where:</p> <ol style="list-style-type: none"> The building complies with the Building Typology shown on the PNDA plans. Buildings are located within the site in accordance with the locations shown on the PNDA plans. 		<p>Activity Status when compliance not achieved: Restricted Discretionary</p> <p>Matters for discretion:</p> <ol style="list-style-type: none"> The general urban design principles depicted on the PNDA plans. Shading and privacy for adjoining properties. The privacy of occupants. Effects on amenity values. Road frontage domination. Access to private open space.

PNDA-R9	Any Building in Residential Area B and C	
<p>Activity Status: Permitted</p> <p>Where:</p> <ol style="list-style-type: none"> Buildings comply with one of the Area B and C Building Typologies as shown on the PNDA plans and where they are located and orientated in accordance with the following criteria: <ol style="list-style-type: none"> For sites with a single frontage, the front façade of the building shall include a window from a habitable room and a door as the main entrance within the front façade that these are clear and visible. For sites with multiple public frontages, the building shall: <ol style="list-style-type: none"> Provide pedestrian access to each frontage; and Include a kitchen, dining room, living room or bedroom to each frontage; and Articulate each building frontage as if it is a front façade; and 		<p>Activity Status when compliance not achieved: Restricted Discretionary</p> <p>Matters for discretion:</p> <ol style="list-style-type: none"> The general urban design principles depicted on the PNDA plans. Shading and privacy for adjoining properties. The privacy of occupants. Effects on amenity values. Road frontage domination. Access to private open space.

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- iv. Shall locate the garage behind the front façade if the building; and
 - v. Shall maintain one main roof form that is extended to the front of the building for single storey dwellings; and
 - vi. Garages shall be setback from road frontages a minimum of 5.5m; and
 - vii. Shall comply with PNDA-R13; or
2. Buildings shall comply with PNDA-R10-R13.

PNDA-R10	Building and Major Structure Height	
	<p>Activity Status: Permitted</p> <p>Where:</p> <ol style="list-style-type: none"> The maximum <u>height</u> of <u>buildings</u> and <u>major structures</u> is 12m, except where the <u>building</u> or <u>major structure</u> is located within Residential Area A where the maximum <u>height</u> is 20m. 	<p>Activity Status when compliance not achieved: Restricted Discretionary</p> <p>Matters for discretion:</p> <ol style="list-style-type: none"> The general urban design principles depicted on the PNDA plans. Shading and privacy for adjoining properties.
PNDA-R11	Building and Major Structure Setbacks	
	<p>Activity Status: Permitted</p> <p>Where:</p> <ol style="list-style-type: none"> <u>Buildings</u> except within Residential Area A, and <u>major structures</u> are set back at least: <ul style="list-style-type: none"> a. 10m from MHWS, and b. 2m from the <u>road boundary</u>. Any <u>habitable room</u> of a <u>building</u> is set back at least 1m from side and rear boundaries, except where a common wall between two <u>buildings</u> on adjacent <u>sites</u> is proposed. Any non-habitable <u>building</u> or non-<u>habitable room</u> of a <u>building</u> is set back at least 1m from side and rear boundaries, allowing for a nil <u>setback</u> of 7.5m on any single <u>boundary</u> for a maximum total <u>building</u> length of 10.5 m on all boundaries. 	<p>Activity Status when compliance not achieved: Restricted Discretionary</p> <p>Matters for discretion:</p> <ol style="list-style-type: none"> The general urban design principles for <u>access</u> to the CMA depicted on the PNDA plans. The privacy of occupants. <u>Effects</u> on <u>amenity values</u>. <u>Road frontage</u> domination. <u>Access</u> to private open space.

PNDA-R12	Building Bulk in Relation to Boundary	
	<p>Activity Status: Permitted</p> <p>Where:</p> <ol style="list-style-type: none"> 1. Any part of a building, except within Residential Area A that is greater than 3.5m in height is confined within the arms of a single 150° angle formed by two lines intersecting at a common point on any side or rear boundary such that each line forms an angle of 15° with that boundary, except that: <ol style="list-style-type: none"> a. This rule does not apply where a common wall between two buildings on adjacent sites is proposed. <p><i>Note:</i></p> <ol style="list-style-type: none"> 1. <i>Measurements for PNDA-R12.1 can be taken from the furthest boundary when adjoining an access lot/ access leg.</i> 	<p>Activity Status when compliance not achieved: Restricted Discretionary</p> <p>Matters for discretion:</p> <ol style="list-style-type: none"> 1. Privacy and amenity of occupants on site. 2. Sufficient sunlight access to outdoor areas and habitable rooms within the site. 3. The proximity of the site to communal or public open space that has the potential to mitigate any lack of private outdoor living space.
PNDA-R13	Outdoor Living Courts	
	<p>Activity Status: Permitted</p> <p>Where:</p> <ol style="list-style-type: none"> 1. Every residential unit: <ol style="list-style-type: none"> a. With one or more habitable rooms at ground floor level provides an outdoor living court of at least 20m² and at least 4m depth. b. With all habitable rooms above ground floor with 1 bedrooms provides an outdoor living court of at least 4m² and at least 1.5m depth. c. With all habitable rooms above ground floor, with 2 or more bedrooms provides an outdoor living court of at least 8m² and at least 2.4m depth. 2. The outdoor living court is able to receive direct sunlight for at least 5 hours on the winter solstice over at least 50% of the minimum space required under PNDA-R13.1 above. 	<p>Activity Status when compliance not achieved: Restricted Discretionary</p> <p>Matters for discretion:</p> <ol style="list-style-type: none"> 1. Privacy and amenity of occupants on site. 2. Sufficient sunlight access to outdoor areas and habitable rooms within the site. 3. The proximity of the site to communal or public open space that has the potential to mitigate any lack of private outdoor living space. <p>Notification:</p> <p>Any restricted discretionary activity under PNDA-R13 shall not require the written consent of affected persons and shall not be notified or limited notified unless special circumstances exist under section 95A(4) of the RMA, 1991.</p>

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PNDA-R14	Fences	
	<p>Activity Status: Permitted</p> <p>Where:</p> <ol style="list-style-type: none"> 1. Fences do not exceed a height of 2m above ground level, except in front yards where the maximum height does not exceed 1.2m. 2. Notwithstanding (1) above, the maximum height of fences in front yards is 2m where living courts are located at the front of the dwelling. 3. Any fence within 3m of a road boundary is at least 50% visually permeable for any portion above 1m high. 4. Fences adjoining a public open space area are at least 50% visually permeable for any portion above 1.5m high. 5. Fencing is not fortified with barbed wire, broken glass or any form of electrification. 	<p>Activity Status when compliance not achieved: Restricted Discretionary</p> <p>Matters for discretion:</p> <ol style="list-style-type: none"> 1. Effects on the amenity value of the streetscape. 2. CPTED. 3. Privacy and amenity of occupants on site.
PNDA-R15	Landscaping	
	<p>Activity Status: Permitted</p> <p>Where:</p> <ol style="list-style-type: none"> 1. At least 25% of the net site area is in lawn or planted. 	<p>Activity Status when compliance not achieved: Discretionary</p>
PNDA-R16	Garages	
	<p>Activity Status: Permitted</p> <p>Where:</p> <ol style="list-style-type: none"> 1. Any ground floor garage which faces the street occupies less than 40% of the site frontage; or 2. The garage has a frontage exceeding 40%; <ol style="list-style-type: none"> i. The garage complies with the PNDA building typology in 	<p>Activity Status when compliance not achieved: Discretionary</p>

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<p>accordance with PNDA-R9 or PNDA-R8; and</p> <p>ii. Any adjoining <u>site</u> has an existing single <u>garage</u>.</p>

PNDA-R17	Hours of Operation	
	<p>Activity status: Permitted</p> <p>Where:</p> <ol style="list-style-type: none"> 1. Any non-residential activity does not operate or open for visitors, clients, deliveries or servicing outside the hours of 06:00 – 18:00. 	<p>Activity Status when compliance not achieved: Discretionary</p>

PNDA-R18	Principle Residential Unit	
PNDA-R19	Minor Residential Unit	
	<p>Activity status: Permitted</p> <p>Where:</p> <ol style="list-style-type: none"> 1. Every principal residential unit provides a <u>Net Floor Area</u> of at least: <ol style="list-style-type: none"> a. For 1 bedroom – 45m². b. For 2 bedrooms – 70m². c. For 3 bedrooms – 90m² 2. Every residential unit provides a living area that can receive direct sunlight for at least 5 hours on the winter solstice. 	<p>Activity Status when compliance not achieved: Restricted Discretionary</p> <p>Matters of discretion:</p> <ol style="list-style-type: none"> 1. The design, size and layout of <u>buildings</u> to provide appropriate privacy and amenity of occupants on-site. <p>Notification:</p> <p>Any restricted discretionary activity under PNDA-R18-R19 shall not require the written consent of affected persons and shall not be notified or limited notified unless special circumstances exist under section 95A(4) of the RMA 1991.</p>

Activities in Residential Areas 'A' and 'B'

PNDA-R20	Retail Activity	
PNDA-R21	Commercial Services	
PNDA-R22	Food and Beverage Activity	
PNDA-R23	Care Centre	
PNDA-R24	Visitor Accommodation	
	<p>Activity status: Permitted</p> <p>Where:</p>	<p>Activity Status when compliance not achieved: Discretionary</p>

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1. The activity is ancillary to a residential unit on the [site](#).
2. The principal operator of the activity is a permanent resident on the [site](#).
3. The activity does not include, before 0800 or after 1600 on any [day](#), the operation of machinery, receiving of customers or the loading or unloading of vehicles.
4. The activity generates less than 20 [traffic movements](#) per [day](#).
5. There is no carparking between the residential unit and the [road](#).
6. In addition to the principal operator the activity has no more than two persons engaged in providing the activity.
7. The activity does not exceed the use of 15% of the total GFA of all [buildings](#) on the [site](#).
8. The total area of signage is less than 0.25m² per [site](#).
9. There is no [illuminated](#) or flashing signage.
10. No more than 6 tariff-paid visitors are staying on-site at any one time.
11. Each [visitor accommodation](#) unit provides an outdoor living court of at least 6m² and at least 1.8m depth.

PNDA-R25 Supported Residential Care

PNDA-R26 Retirement Village Premises

Activity status: Permitted

Where:

1. The activity is a primary activity or [ancillary activity](#).

PNDA-R27 Place of Assembly

PNDA-R28 Emergency Services

PNDA-R29 Recreational Facilities

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PNDA-R30	Educational Facilities
<p>Activity status: Discretionary</p> <p>Where:</p> <ol style="list-style-type: none"> 1. The activity is a primary activity or ancillary activity. 	

PNDA-R31	Entertainment Facilities
PNDA-R32	Service Stations
PNDA-R33	Funeral Home
PNDA-R34	Hospital
PNDA-R35	Industrial Activities
PNDA-R36	General Commercial
PNDA-R37	General Community
<p>Activity status: Non Complying</p> <p>Where:</p> <ol style="list-style-type: none"> 1. The activity is a primary activity or ancillary activity. 	

Activities for Residential Area 'C'

PNDA-R38	Trade Supplier	
PNDA-R39	Grocery Store	
PNDA-R40	General Retail	
PNDA-R41	Food and Beverage Activity	
PNDA-R42	Care Centre	
<p>Activity Status: Permitted</p> <p>Where:</p> <ol style="list-style-type: none"> 1. Any individual activity is less than 300m² per site. 2. The activity is a primary activity or ancillary activity. 		<p>Activity Status when compliance not achieved: Discretionary</p>

PNDA-R43	Commercial Services
PNDA-R44	Visitor Accommodation

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PNDA-R45	Place of Assembly
PNDA-R46	Recreational Facilities
PNDA-R47	Emergency Services
PNDA-R48	Educational Facilities

Activity Status: Permitted

Where:

1. The activity is a primary activity or [ancillary activity](#).

PNDA-R49	Standalone Car Parking Facility
PNDA-R50	Drive Through Facilities
PNDA-R51	Entertainment Facilities
PNDA-R52	Service Stations
PNDA-R53	General Commercial
PNDA-R54	General Community

Activity Status: Discretionary

Where:

1. The activity is a primary activity or [ancillary activity](#).

PNDA-R55	Industrial Activities
PNDA-R56	Motor Vehicle Sales
PNDA-R57	Garden Centres
PNDA-R58	Marine Retail
PNDA-R59	Hire Premise
PNDA-R60	Funeral Home
PNDA-R61	Hospital

Activity Status: Non-Complying

Where:

1. The activity is a primary activity or [ancillary activity](#).

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Local Commercial Area D

PNDA-R62	Building			
<p>Activity Status: Permitted</p> <p>Where</p> <ol style="list-style-type: none"> 1. Buildings are located in accordance with: <ol style="list-style-type: none"> a. The PNDA Plan; and b. PNDA-R63 to R67. 				
PNDA-R63	Building and Major Structure Height			
<table border="0" style="width: 100%;"> <tr> <td style="width: 50%; vertical-align: top;"> <p>Activity Status: Permitted</p> <p>Where:</p> <ol style="list-style-type: none"> 1. The maximum height of buildings or major structures is 20m. </td> <td style="width: 50%; vertical-align: top;"> <p>Activity Status when compliance not achieved: Discretionary</p> </td> </tr> </table>			<p>Activity Status: Permitted</p> <p>Where:</p> <ol style="list-style-type: none"> 1. The maximum height of buildings or major structures is 20m. 	<p>Activity Status when compliance not achieved: Discretionary</p>
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PNDA-R64	Building and Major Structure Setbacks from MHWS			
<table border="0" style="width: 100%;"> <tr> <td style="width: 50%; vertical-align: top;"> <p>Activity Status: Permitted</p> <p>Where:</p> <ol style="list-style-type: none"> 1. Any building is set back in accordance with the PNDA plans; or 2. Any building or major structure is set back at least 10m from MHWS. </td> <td style="width: 50%; vertical-align: top;"> <p>Activity Status when compliance not achieved: Restricted Discretionary</p> <p>Matters of discretion:</p> <ol style="list-style-type: none"> 1. The general urban design principles for access to the CMA depicted on the PNDA plans. </td> </tr> </table>			<p>Activity Status: Permitted</p> <p>Where:</p> <ol style="list-style-type: none"> 1. Any building is set back in accordance with the PNDA plans; or 2. Any building or major structure is set back at least 10m from MHWS. 	<p>Activity Status when compliance not achieved: Restricted Discretionary</p> <p>Matters of discretion:</p> <ol style="list-style-type: none"> 1. The general urban design principles for access to the CMA depicted on the PNDA plans.
<p>Activity Status: Permitted</p> <p>Where:</p> <ol style="list-style-type: none"> 1. Any building is set back in accordance with the PNDA plans; or 2. Any building or major structure is set back at least 10m from MHWS. 	<p>Activity Status when compliance not achieved: Restricted Discretionary</p> <p>Matters of discretion:</p> <ol style="list-style-type: none"> 1. The general urban design principles for access to the CMA depicted on the PNDA plans. 			
PNDA-R65	Building and Major Structure Setbacks			
<table border="0" style="width: 100%;"> <tr> <td style="width: 50%; vertical-align: top;"> <p>Activity Status: Permitted</p> <p>Where:</p> <ol style="list-style-type: none"> 1. Buildings are set back in accordance with the PNDA plans; or 2. Buildings or major structures are set back: <ol style="list-style-type: none"> a. 5m from a boundary that adjoins a Residential or Open Space and Recreation Zone. b. Zero setback from a road boundary at ground floor level for the entire length of the street frontage, except: <ol style="list-style-type: none"> i. A setback of up to 1.5m for a maximum width of 2.5m to allow </td> <td style="width: 50%; vertical-align: top;"> <p>Activity Status when compliance not achieved: Discretionary</p> </td> </tr> </table>			<p>Activity Status: Permitted</p> <p>Where:</p> <ol style="list-style-type: none"> 1. Buildings are set back in accordance with the PNDA plans; or 2. Buildings or major structures are set back: <ol style="list-style-type: none"> a. 5m from a boundary that adjoins a Residential or Open Space and Recreation Zone. b. Zero setback from a road boundary at ground floor level for the entire length of the street frontage, except: <ol style="list-style-type: none"> i. A setback of up to 1.5m for a maximum width of 2.5m to allow 	<p>Activity Status when compliance not achieved: Discretionary</p>
<p>Activity Status: Permitted</p> <p>Where:</p> <ol style="list-style-type: none"> 1. Buildings are set back in accordance with the PNDA plans; or 2. Buildings or major structures are set back: <ol style="list-style-type: none"> a. 5m from a boundary that adjoins a Residential or Open Space and Recreation Zone. b. Zero setback from a road boundary at ground floor level for the entire length of the street frontage, except: <ol style="list-style-type: none"> i. A setback of up to 1.5m for a maximum width of 2.5m to allow 	<p>Activity Status when compliance not achieved: Discretionary</p>			

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for a recessed pedestrian entrance.

PNDA-R66	Building Frontages	
	<p>Activity Status: Permitted</p> <p>Where:</p> <ol style="list-style-type: none"> 1. At least 65% of the building frontage at ground floor is clear glazing with no film or other covering or finish added to the glazing that would limit visibility through it. 2. The principal public entrance to the building is situated to face the road where the building is on a front site. 3. There are no roller doors, sectional doors or shutters (except emergency services and security grilles which allow views from the street into the premises) along the site frontage. 	<p>Activity Status when compliance not achieved: Discretionary</p>
PNDA-R67	Verandahs	
	<p>Activity Status: Permitted</p> <p>Where:</p> <ol style="list-style-type: none"> 1. All buildings within 2.0m of a road boundary are provided with verandahs: <ol style="list-style-type: none"> a. Along the entire frontage of the building (excluding vehicle access) and forms a continuous line of shelter with adjacent verandahs; and b. The clearance above the footpath is at least 3.0m and not more than 4.0m; and c. The Width of the verandah is: <ol style="list-style-type: none"> i. The width of the corresponding footpath less 600mm from the kerb line; and ii. A maximum of 5.0m 	<p>Activity Status when compliance not achieved: Discretionary</p>
PNDA-R68	Fences	
	<p>Activity Status: Permitted</p> <p>Where:</p>	<p>Activity Status when compliance not achieved: Discretionary</p>

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1. The fence is along a [site frontage](#) and is required by a by-law or for public health and safety; or
2. The fence is along a [road boundary](#).
3. Fencing within 1m of any side or rear [boundary](#) is no higher than 2m.

PNDA-R69	Outdoor Storage and Stockpiles	
	<p>Activity Status: Permitted</p> <p>Where:</p> <ol style="list-style-type: none"> 1. Any outdoor area of storage or stockpile: <ol style="list-style-type: none"> a. Complies with PNDA-R62. b. Is screened from view from public places and surrounding residential or open space zone sites. 	<p>Activity Status when compliance not achieved: Discretionary</p>
PNDA-R70	Carparking	
	<p>Activity Status: Permitted</p> <p>Where:</p> <ol style="list-style-type: none"> 1. All carparking is spatially positioned in accordance with the PNDA town centre plan. 	<p>Activity Status when compliance not achieved: Restricted Discretionary</p> <p>Matters of discretion:</p> <ol style="list-style-type: none"> 1. Availability of alternative modes of transport (including walking and public transport); 2. Trip generation. 3. Public amenity values.
PNDA-R71	Hours of Operation	
	<p>Activity status: Permitted</p> <p>Where:</p> <ol style="list-style-type: none"> 1. Any non-residential activity does not operate or open for visitors, clients, deliveries or servicing outside the hours of 06:00 – 22:00 where the activity is located closer than 50m from a boundary with a residential zone. 	<p>Activity Status when compliance not achieved: Discretionary</p>

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PNDA-R72	Principal Residential Unit	
PNDA-R73	Minor Residential Unit	
	<p>Activity Status: Permitted</p> <p>Where:</p> <ol style="list-style-type: none"> 1. Every principal residential unit provides an internal area (excluding <u>garages</u>) of at least: <ol style="list-style-type: none"> a. For 1 bedroom – 45 m² b. For 2 bedrooms – 70 m² c. For 3 bedrooms – 90 m² 2. Any 1 bedroom residential unit provides an outdoor living court of at least 4 m² and at least 1.5 m depth. 3. Any 2+ bedroom residential unit contains an outdoor living courts of at least 8 m² and at least 2.4 m depth. 4. Every residential unit is above ground floor. 	<p>Activity Status when compliance not achieved: Restricted Discretionary</p> <p>Matters of discretion:</p> <ol style="list-style-type: none"> 1. The design, size and layout of <u>buildings</u> to provide appropriate privacy and amenity of occupants on-site.
PNDA-R74	Grocery Stores	
	<p>Activity Status: Permitted</p> <p>Where:</p> <ol style="list-style-type: none"> 1. The GFA does not exceed 500m². 2. The activity is a primary activity or <u>ancillary activity</u>. 	<p>Activity Status when compliance not achieved: Discretionary</p>
PNDA-R75	Commercial Services	
PNDA-R76	Food and Beverage Activity	
PNDA-R77	General Retail	
	<p>Activity Status: Permitted</p> <p>Where:</p> <ol style="list-style-type: none"> 1. Any individual activity is less than 300m² per <u>site</u>. 2. The activity is a primary activity or <u>ancillary activity</u>. 	<p>Activity Status when compliance not achieved: Discretionary</p>

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PNDA-R78	Artisan Industrial Activities	
	<p>Activity Status: Permitted</p> <p>Where:</p> <ol style="list-style-type: none"> 1. The activity is a primary activity or <u>ancillary activity</u>. 2. Any individual activity is less than 300 m² GFA per <u>site</u>. 3. The goods sold on <u>site</u> are also manufactured on <u>site</u>, provided that the retailing is ancillary to the <u>manufacturing</u>. For this rule <u>manufacturing</u> excludes activities which comprise only the packaging, labelling, sorting, mixing or assembling of premade products. 4. Any outdoor area associated with the activity is not located between the front of the <u>building</u> and the <u>road</u>. 	<p>Activity Status when compliance not achieved: Discretionary</p>
PNDA-R79	Place of Assembly	
PNDA-R80	Entertainment Facilities	
PNDA-R81	Recreational Facilities	
PNDA-R82	Emergency Services	
PNDA-R83	Educational Facilities	
	<p>Activity Status: Permitted</p> <p>Where:</p> <ol style="list-style-type: none"> 1. The activity is a primary activity or <u>ancillary activity</u>. 2. Any individual activity is less than 1,000 m² GFA per <u>site</u>. 3. Any outdoor area associated with the activity is not located between the front of the <u>building</u> and the <u>road</u>. 	<p>Activity Status when compliance not achieved: Discretionary</p>
PNDA-R84	Visitor Accommodation	
	<p>Activity Status: Permitted</p> <p>Where:</p> <p>The activity is a primary activity or <u>ancillary activity</u>.</p>	

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PNDA-R85	Marine Retail
PNDA-R86	Motor Vehicle Sale
PNDA-R87	Garden Centres
PNDA-R88	Trade Suppliers
PNDA-R89	Supported Residential Care
PNDA-R90	Care Centre
PNDA-R91	Retirement Village
PNDA-R92	Drive-through Facility
PNDA-R93	Service Station
PNDA-R94	Funeral Home
PNDA-R95	Hospital
<p>Activity Status: Discretionary</p> <p>Where:</p> <p>The activity is a primary activity or ancillary activity.</p>	

PNDA-R96	General Industry
PNDA-R97	Manufacturing and Storage
PNDA-R98	Repair and Maintenance
PNDA-R99	Marine Industry
PNDA-R100	Hire Premise Activities
<p>Activity Status: Non Complying</p> <p>Where:</p> <p>The activity is a primary activity or ancillary activity.</p>	

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PNDA-R101	Waste Management Facility
PNDA-R102	Landfill
<p>Activity Status: Prohibited</p> <p>Where:</p> <p style="text-align: center;">The activity is a primary activity or <u>ancillary activity</u>.</p>	

PNDA-R103	Any Activity or Subdivision
<p>Activity Status: Permitted</p> <p>Where:</p> <ol style="list-style-type: none"> 1. The subdivision does not result in the total number of allotments within the PNDA exceeding 500. 2. The activity does not result in: <ol style="list-style-type: none"> a. The combined total number of residential units, retirement village units and supported residential care beds within the PNDA exceeding 500. b. The total GFA of all retail activities within the PNDA exceeding 1,000m². c. The total combined GFA of all industrial activities, commercial activities (excluding retail activities) and community activities within the PNDA exceeding 410m². <p><i>Notes:</i></p> <ol style="list-style-type: none"> 1. Refer to PNDA-R104 or PNDA-R105 where a subdivision or activity does not fall within the thresholds under PNDA-R103. 2. All relevant District Wide, Overlay and Development Area objectives, policies and rules apply in addition to PNDA-R103. 	

PNDA-R104	Any Activity or Subdivision	
<p>Activity Status: Permitted</p> <p>Where:</p> <ol style="list-style-type: none"> 1. Either: <ol style="list-style-type: none"> a. The subdivision results in the total number of allotments within the PNDA exceeding 500 but not exceeding 1,100; or b. The activity results in: <ol style="list-style-type: none"> i. The combined total number of residential units, retirement village units and supported residential care beds within the PNDA exceeding 500 but not exceeding 1,100; or ii. The total GFA of retail activities within the PNDA 		<p>Activity Status when compliance is not achieved with PNDA-R104.2 or PNDA-R104.3: Restricted Discretionary</p> <p>Matters of discretion:</p> <ol style="list-style-type: none"> 1. The extent to which traffic generated both within the Port Nikau Development Area and to/from the Port Nikau Development Area affects the operational capacity safety, efficiency, effectiveness and accessibility of the affected transport network outside of the Port Nikau Development Area. 2. Recommendations and proposed mitigation measures of the Integrated Transport Assessment and any

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<p>exceeding 1,000m² but not exceeding 4,500m²; or</p> <p>iii. The total combined GFA of all industrial activities, commercial activities (excluding retail activities) and community activities within the PNDA exceeding 410m² but not exceeding 4,050m².</p> <p>AND</p> <p>2. A Transport Statement satisfying the requirements of PNDA-REQ1 prepared by a Chartered Professional Engineer in the practice field of Transportation is submitted to Council prior to the earliest of the land use activities being established, or land use, building or subdivision consent application being lodged; and</p> <p>3. A statement prepared by a (separate) independent Chartered Professional Engineer in the practice field of Transportation accompanies the Transport Statement required under PNDA-R104.2 and confirms that the Transport Statement satisfies the requirements of PNDA-REQ1.</p> <p><i>Notes:</i></p> <p>1. Refer to PNDA-R103 or PNDA-R105 where a subdivision or activity does not fall within the thresholds under PNDA-R104.1.</p> <p>2. All relevant District Wide, Overlay and Development Area objectives, policies and rules apply in addition to PNDA-R104.</p>	<p>further information provided through the consent process.</p> <p>3. Required improvements, alterations or extensions to the affected transport network to mitigate adverse effects (including at level crossings).</p> <p>4. The extent to which alterations or upgrades to Port Road since [insert operative date] have increased the carrying capacity of the transport network.</p> <p><i>Notes:</i></p> <p>1 Any application shall comply with information requirement PNDA-REQ2.</p> <p>2 Any application under this rule will require assessment against the District Wide objectives and policies within the Transport Chapter.</p>
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PNDA-R105	Any Activity or Subdivision
<p>Activity Status: Restricted Discretionary</p> <p>Where:</p> <p>1. The subdivision results in the total number of allotments within the PNDA exceeding 1,100.</p> <p style="text-align: center;">or</p> <p>2. The activity results in:</p> <p style="margin-left: 20px;">a. The combined total number of residential units, retirement village units and supported residential care beds within the PNDA exceeding 1,100; or</p> <p style="margin-left: 20px;">b. The total GFA of retail activities within the PNDA exceeding 4,500m²; or</p> <p style="margin-left: 20px;">c. The total combined GFA of all industrial activities, commercial activities (excluding retail activities) and community activities within the PNDA exceeding 4,050m².</p>	

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Matters of discretion:

1. The extent to which traffic generated both within the Port Nikau Development Area and to/from the Port Nikau Development Area affects the operational capacity safety, efficiency, effectiveness and accessibility of the affected transport network outside of the Port Nikau Development Area.
2. Recommendations and proposed mitigation measures of the Integrated Transport Assessment and any further information provided through the consent process
3. Required improvements, alterations or extensions to the affected transport network to mitigate adverse effects (including at level crossings).

Notes:

1. *Refer to PNDA-R103 or PNDA-R104 where a subdivision or activity does not fall within the thresholds under PNDA-R105.*
2. *Any application shall comply with information requirement PNDA-REQ2.*
3. *Any application under this rule will require assessment against the District Wide objectives and policies within the Transport Chapter.*
4. *Any activity under PNDA-R105 is exempt from PNDR-R103 and PNDA-R104.*

PNDA-REQ1	Information Requirement – Transport Statement
	<ol style="list-style-type: none"> 1. The Transport Statement required by PNDA-R104.2 shall be prepared by a Chartered Professional Engineer in the practice field of Transportation and shall include: <ol style="list-style-type: none"> a. An evaluation of the estimated number of trips which will be generated by each transport mode (public transport, walking, cycling and private vehicles, including heavy vehicles), both within the Port Nikau Development Area and to/from the Port Nikau Development Area. b. A determination of the total number of traffic movements (inclusive of the proposed activity) into and out of the Port Nikau Development Area, and confirmation that this does not exceed 386 v/hr inbound and 741 v/hr outbound in the AM peak, and 777 v/hr inbound and 356 v/hr outbound in the PM peak.
PNDA-REQ2	Information Requirement – Integrated Transport Assessments
	<ol style="list-style-type: none"> 1. Any restricted discretionary application pursuant to PNDA-R103 – 105 shall include an Integrated Transport Assessment prepared by a Chartered Professional Engineer in the practice field of Transportation, which shall include: <ol style="list-style-type: none"> a. A description of the site characteristics, existing development, existing traffic conditions and trip generation, surrounding land uses, proposed activity and its intensity, and future development potential of the site. b. An assessment of the features of the affected transport network, including the following (where relevant to the proposal): <ol style="list-style-type: none"> i. Existing access arrangements, on-site car parking and crossing locations. ii. Existing internal vehicle and pedestrian circulation. iii. Existing walking and cycling networks in the surrounding area to which the site will connect. iv. Existing public transport service routes and frequencies including bus stops and lanes. v. Hours of operation for non-residential activities. vi. The adjacent transport network road hierarchy and the safety of the transport network in the vicinity including crash history. vii. The location and type of any existing level crossings in the locality. c. The existing level of development and future development potential within the Port Nikau Development Area. d. A description of the estimated number of trips which will be generated by each transport mode (public transport, walking, cycling and private vehicles, including heavy vehicles) both within the Port Nikau Development Area and to/from the Port Nikau Development Area. e. An assessment of the suitability of the proposal for all users within the development and connecting to the affected transport network. This shall include assessments of: <ol style="list-style-type: none"> i. The alignment of the transportation outcomes delivered by the proposed development with the relevant Transport Chapter objectives and policies.

- ii. The accessibility of the development for public transport and how the design of the development will encourage public transport use by considering the attractiveness, safety, distance and suitability of the walking routes between the site and the nearest existing bus stop.
- iii. The accessibility of the development for pedestrians and cyclists, and how the design of the development will encourage walking and cycling, particularly to nearby destinations such as reserves, other public spaces and commercial or community facilities.
- iv. Any safety implications that may detract from walking or cycling to/from the development.
- v. The accessibility of the development by private motor vehicles and the suitability of the proposed access and use of the site with respect to the safe, efficient and effective functioning of the surrounding transport network.
- f. An evaluation of the effects of the development on the affected transport network, including:
 - i. Transportation modelling of the proposed traffic generated both within the Port Nikau Development Area and to/from the Port Nikau Development Area.
 - ii. Impacts on the operation of public transport infrastructure, and any vehicle and pedestrian/cyclist conflicts likely to arise from vehicle movements to and from the development.
 - iii. The impacts that any additional vehicle movements are likely to have on the capacity and operation of surrounding road and rail networks, including any intersections and level crossings.
- g. Identification of any necessary mitigation measures that will be required to address any impacts on the affected transport network, including:
 - i. Potential mitigation measures needed including any improvements, upgrades, alterations or extensions to the affected transport network.
 - ii. Any mitigation required to achieve convenient and safe operation of access points and loading areas for all users.
 - i. How the design and layout of the proposed activity maximises opportunities, to the extent practical, for travel other than by private car.
 - ii. iv. Where appropriate, the use of Crime Prevention Through Environmental Design principles and techniques to mitigate any safety issues for pedestrians or cyclists. v. A description of measures that will be put in place to avoid or mitigate the effects of the construction process. vi. A summary of the Integrated Transport Assessment including key findings and implications that the development will have for transport including any proposed mitigation measures.
- h. An overview of the transport implications of existing land uses and any land use characteristics that affect the proposal, including in the wider surrounding area those that will affect assessment of the proposal.
 - i. A description of any proposed transport upgrades or changes within the vicinity of the proposed development such as known intersection or road upgrades, cycle infrastructure, parking restrictions or public transport upgrades or changes. If the proposed development is to be staged this description shall consider how the proposal will correspond with planned transport upgrades.

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Revision and Sign-off Sheet

Editor	Paragraph	Change Reference	Council Decision Date	Operative Date	Approved By
TC	Issues Chapter	Clause 16A Minor Amendments	12 July 2022	12 July 2022	DK

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