

# 43 Town Basin Environment

## 43.1 Introduction

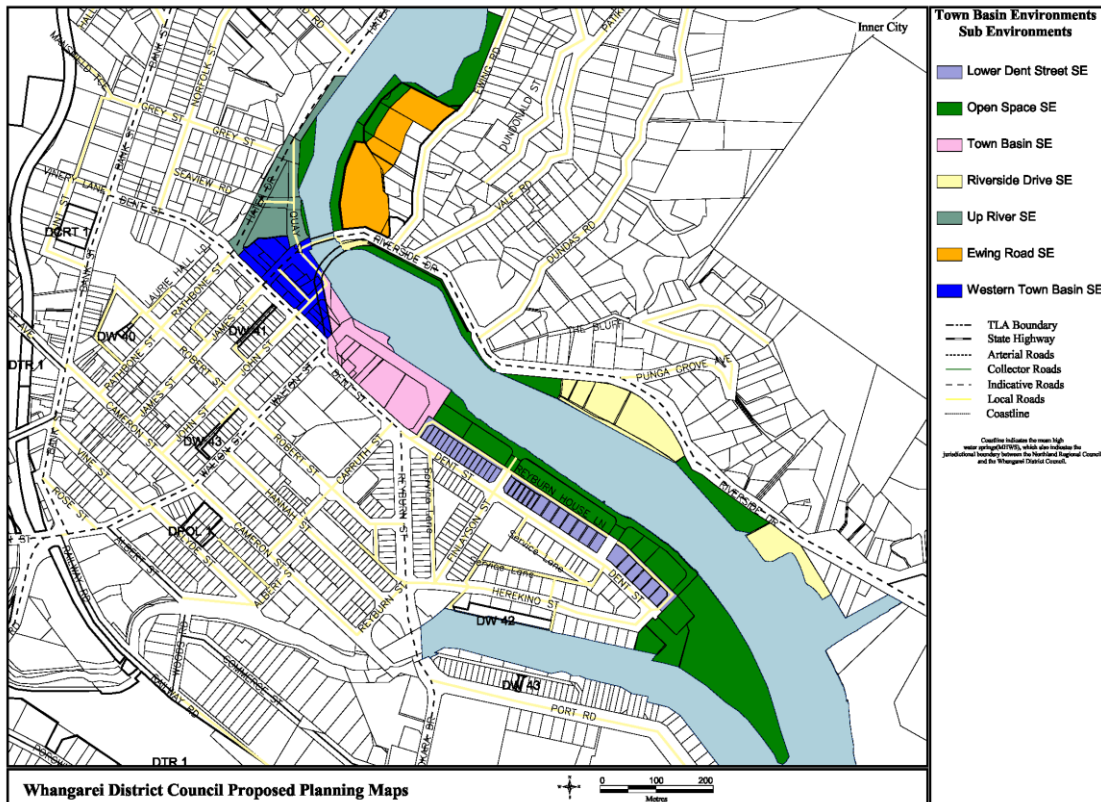
This Chapter is intended to provide rules governing land uses in the Town Basin Environment. The boundaries of this environment are detailed on the Planning Maps, with the sub-environment areas detailed in Figure 43. Road Transport and Resource Area rules also apply to the Town Basin Environment (in accordance with those areas indicated on the Planning Maps).

Whangarei’s Town Basin has developed since the 1990s and is an important and successful amenity and resource for Whangarei’s residents and visitors alike. Currently the main uses of this area are passive recreation and limited tourist, retail and entertainment facilities. These activities complement the diverse range of maritime activities taking place in the Basin, including fishing industry, recreation and commercial yachting, charter operations, boat construction, maintenance and repair and other tourist-related marine activity.

The existing Town Basin development is limited in geographic extent and there is significant opportunity to extend this area further along the waterfront (both up river and towards the harbour mouth). The following section sets out rules for the management of this wider Town Basin Environment.

The Town Basin also has a significant pre-European history that is of significance to Maori.

**Figure 43** (If this figure appears in greyscale refer to Volume 2 of this Plan)



## 43.2 Prohibited Activities

The following activities are prohibited. For these activities no resource consent shall be granted:

- Use, storage or disposal of radioactive material with an activity exceeding 1000 terabequerels;

## 43.3 Whangarei Town Basin Environment – Activity Rule Table

### 43.3.1 Activities Generally

#### A) Up-River Sub-Environment

<p>Within this sub-environment, any activity is a <b>permitted</b> activity if:</p> <p>a) It is not a residential or industrial activity.</p>	<p>Any activity that does not comply with a condition for a permitted activity is a <b>discretionary</b> activity.</p>
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#### B) Ewing Road Sub-Environment

<p>Within this sub-environment, any activity is a <b>permitted</b> activity if:</p> <p>a) It is not a residential, commercial or industrial activity unless it is in accordance with a Reserve Management Plan, or a Conservation Management Strategy under the Conservation Act 1987, applicable to the land in this sub-environment; or</p> <p>b) It is an ancillary activity directly associated with recreation use and is not an industrial activity.</p>	<p>Any activity that does not comply with a condition for a permitted activity is a <b>discretionary</b> activity.</p>
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#### C) Town Basin Open Space Sub-Environment

<p>Within this sub-environment, any activity is a <b>permitted</b> activity if:</p> <p>a) It is in accordance with an approved Reserve Management Plan under the Reserves Act 1977, or a Conservation Management Strategy under the Conservation Act 1987, applicable to the land in this sub-environment.</p>	<p>Any activity that does not comply with a condition for a permitted activity is a <b>discretionary</b> activity.</p>
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#### D) Western Town Basin Sub-Environment

<p>Within this sub-environment,, any activity is a <b>permitted</b> activity if:</p> <p>a) It is permitted by the provisions of the Business 1 Environment (Rule 38.3).</p>	<p>Any activity that does not comply with a condition for a permitted activity is a <b>discretionary</b> activity.</p>
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**E) Town Basin Sub-Environment;**

<p>Within this sub-environment, any activity is a <b>permitted</b> activity if:</p> <p>a) It is permitted by the provisions of the Business 3 Environment (Rule 41.3); and</p> <p>b) It does not involve the following activities as defined in the Australian New Zealand Standards Industrial Classification (ANZSIC, 31 May 1991):</p> <ul style="list-style-type: none"> <li>i. Division C – manufacturing, <u>excluding</u> subdivision 216 (baker product manufacturing);</li> <li>ii. Division F – wholesale trade;</li> <li>iii. Subdivision 511 (supermarket and grocery stores) and 53 (motor vehicle retailing and services) of division g – retail trade.</li> </ul>	<p>Any activity that does not comply with a condition for a permitted activity is a <b>discretionary</b> activity.</p>
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**F) Lower Dent Street Sub-Environment**

<p>Within this sub-environment, any activity is a <b>permitted</b> activity if:</p> <p>a) It is permitted by the provisions of the Business 1 Environment (Rule 39.3);</p> <p>b) The gross floor area at ground level on the site does not exceed 300m<sup>2</sup>.</p>	<p>Any activity that does not comply with a condition for a permitted activity is a <b>discretionary</b> activity.</p>
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**G) Riverside Drive Sub-Environment**

<p>Within this sub-environment, any activity is a <b>permitted</b> activity if:</p> <p>a) It is permitted by the provisions of the Business 2 Environment (Table 40.4), provided it is directly associated with, or an ancillary use of the adjoining coastal marine area.</p>	<p>Any activity that does not comply with a condition for a permitted activity is a <b>discretionary</b> activity.</p>
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**43.3.2 Hazardous Substances**

	<p>The use, storage and on-site movement of any hazardous substances is a <b>restricted discretionary</b> activity if it complies with the conditions for 'permitted' activities in Appendix 8.</p> <p><b>Discretion is restricted to:</b></p> <ul style="list-style-type: none"> <li>i. The extent to which the activity depends, or requires proximity to the maritime environment;</li> <li>ii. The potential risks associated with the use, storage or on-site movement of such substances;</li> <li>iii. Potential risks to human health from fire or explosion;</li> </ul>
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	<p>iv. The use, storage and on-site movement of any hazardous substance is a non-complying activity if it does not comply with a condition for permitted activities in Appendix 8 (unless it has previously been identified as a prohibited activity in the Town Basin Environment).</p>
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### 43.3.3 Network Utility Services

<p>The following activities related to network utility services, excluding electricity infrastructure are a <b>permitted</b> activity:</p> <p>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 1.5m, a ground coverage not exceeding 3m<sup>2</sup>; and</p> <p>b) The establishment of network utility services for the purposes of wireless communication that comply with the rules for Aerials and Aerial Support Structures; and</p> <p>c) The minor upgrading, replacement, removal and maintenance of existing network utility service facilities; and</p> <p>d) The establishment of, or extension to, underground network utility services, including gas lines with a maximum operating pressure not exceeding 2000 kilopascals; and</p> <p>e) Network utility services associated with those activities permitted under General Activity Table 43.3 for the Environment.</p>	<p>Network utility services that do not comply with a performance standard for a permitted activity are a <b>restricted discretionary</b> activity.</p> <p><b>Discretion is restricted to:</b></p> <p>i. Scale and bulk and form of the installation(s) above the ground</p> <p>ii. Cumulative effects of additional structures;</p> <p>iii. Shading effects;</p> <p>iv. Effects on amenity values, particularly associated with the maritime setting of the Environment;</p> <p>v. Effects on landscape and/or streetscape values recognising high pedestrian areas;</p> <p>vi. Effects on ecological values;</p> <p>vii. Effects on heritage values and, in particular, those values associated with Reyburn House in the Town Basin Environment;</p> <p>viii. Effects on cultural values;</p> <p>ix. Public health and safety, including pedestrian mobility;</p> <p>x. Issues of reverse sensitivity;</p> <p>xi. Whether the works are minor.</p>
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### 43.3.4 Provision of Parking Spaces

<p>Any activity is a <b>permitted</b> activity if:</p> <p>a) Parking spaces are provided in accordance with Chapter 47, except that the requirement for parking spaces to be provided on the same site as the activity shall not apply; and</p> <p>b) The total number of outdoor parking spaces on any site does not exceed 10 spaces; and</p> <p>c) No formed parking space is constructed or provided within 2.0m of a road boundary or within 27m of MHWS.</p> <p>d) The total or balance of the required number of parking spaces is provided elsewhere (this being</p>	<p>Any activity that does not comply with a condition for a permitted activity is a <b>discretionary</b> activity.</p> <p>A proposal to provide parking by way of cash in lieu is a <b>discretionary</b> activity.</p>
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<p>within 400m walking distance of the application site) and confirmed by way of a legal agreement with the Council.</p>	
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**43.3.5 Traffic Movements**

<p>Any activity is a <b>permitted</b> activity if:</p> <p>a) It does not generate more than 200 traffic movements in any average 24-hour period, where the activity gains access to a Local Road; and</p> <p>b) The activity complies with Sheet 4 of the Whangarei District Council's Environmental Engineering Standards 2010, where it gains access to a Collector of Arterial Road or a State Highway.</p> <p><b>Note:</b> Where the access is gained to a State Highway, liaison with Transit New Zealand will likely also be required.</p>	<p>Any activity that does not comply with a condition for a permitted activity is a <b>restricted discretionary</b> activity.</p> <p><b>Discretion is restricted to:</b></p> <ul style="list-style-type: none"> <li>i. Parking, loading and manoeuvring requirements;</li> <li>ii. The need for acceleration and/or deceleration lanes;</li> <li>iii. The type, frequency and timing of traffic;</li> <li>iv. The location of access ways with respect to residential and pedestrian-oriented activities;</li> <li>v. Safety of pedestrians;</li> <li>vi. Effects on the amenity of the locality, particularly the amenity of the commercial centre of the Town Basin development;</li> <li>vii. Efficiency and safety of roads, including traffic safety and visibility;</li> <li>viii. The need for forming or upgrading roads, in the vicinity of the site;</li> <li>ix. The need for traffic controls (including signs, signals and traffic islands).</li> </ul>
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**43.3.6 Signs**

<p>a) The construction or placement of a sign which is not visible from a public place or neighbouring property(s) is a <b>permitted</b> activity.</p> <p>b) The construction or placement of a sign which is visible from a public place or neighbouring property(s) is a <b>permitted</b> activity if:</p> <ul style="list-style-type: none"> <li>i. The sign is required under health and safety legislation; or</li> <li>ii. The sign is erected by a road control or maritime authority for the purposes of traffic control or public safety; or</li> <li>iii. The sign relates to goods and services available on site, or is a community sign; and</li> <li>iv. The sign does not obscure any official signs or traffic</li> </ul>	<p>Any activity that does not comply with a condition for a permitted activity is a <b>restricted discretionary</b> activity.</p> <p><b>Discretion is restricted to:</b></p> <ul style="list-style-type: none"> <li>i. Traffic and pedestrian safety;</li> <li>ii. Whether the proposed sign will have an effect on amenity values by: <ul style="list-style-type: none"> <li>• Being visually inappropriate to the neighbourhood. The Council will ensure that general advertising signs do not dominate a site or the surrounding area and will limit such signs accordingly.</li> <li>• Being visually obtrusive on Living, Rural or Open Space Environments.</li> <li>• Creating an effect of clutter in the immediate area because of a poor relationship to other signs or elements. In general, clutter</li> </ul> </li> </ul>
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<p>signals; and</p> <p>v. The sign is static, not flashing, and not illuminated; and</p> <p>vi. No more than 3 signs are displayed per site; and</p> <p>vii. The sign is no higher than 2.0m; and</p> <p>viii. The sign is no larger than 1.0m<sup>2</sup> and the total area of all signs is no greater than 3.0m<sup>2</sup>; and</p> <p>ix. The sign does not obscure any official signs placed by the Harbour Master for the marina.</p> <p><b>Notes:</b></p> <p>1. Signs within the legal road boundary, or on road verges and road reserves are regulated by Council Bylaws.</p> <p>2. Temporary signs, and signs on vehicles are regulated by Council Bylaws.</p> <p>3. Signs located in public places are regulated by Council Bylaws.</p>	<p>will be determined by the amount of signage, in relation to the frontage of a site.</p> <ul style="list-style-type: none"> <li>• Being sensitive (in terms of scale, form and harmony) to the building on which it is to be erected or displayed, to the immediate surroundings or to the places from which it can be seen.</li> <li>• Obscuring or detracting from important visual landmarks of the city, such as visual landmarks or buildings or areas of architectural or heritage value.</li> <li>• Obscuring or detracting from landscape elements in the front yard of a site.</li> <li>• Being of such construction that its method of support or fixing is not aesthetically incorporated into its design.</li> </ul>
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#### 43.3.7 Fences

<p>The construction or alteration of a fence is a <b>permitted</b> activity if:</p> <p>a) Fences within 2m of a boundary are no higher than 2m; and</p> <p>b) Boundary fences are not fortified with barbed wire, broken glass or any form of electrification; and</p> <p>c) Fences within 30m of MHWS are no higher than 1m (unless required by by-law to be higher for public health and safety).</p>	<p>Any activity that does not comply with a condition for a permitted activity is a <b>restricted discretionary</b> activity.</p> <p><b>Discretion is restricted to:</b></p> <ul style="list-style-type: none"> <li>i. Effects of shading;</li> <li>ii. Effects on amenity values, including the open space values and pedestrian-oriented focus of the Environment;</li> <li>iii. Effects on health and safety.</li> </ul>
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#### 43.3.8 Artificial Lighting

<p>Artificial lighting is a permitted activity if either:</p> <p>a) The lighting is required under health and safety legislation; or</p> <p>b) The light is a street light, navigation light, or traffic signal; or</p> <p>c) The following standards are complied with</p> <ul style="list-style-type: none"> <li>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</li> </ul>	<p>Any activity that does not comply with a standard for a permitted activity is a <b>restricted discretionary</b> activity.</p> <p><b>Discretion is limited to:</b></p> <ul style="list-style-type: none"> <li>i. Orientation, strength, intensity, colour, frequency of flashing of the light;</li> <li>ii. Effects on traffic safety (including maritime traffic);</li> <li>iii. Positive effects on pedestrian safety Effect on amenity values.</li> </ul>
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<p>reserve boundary; and</p> <p>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</p> <p>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</p> <p>d) The light is static, and is not flashing; (except in the case of lighting on vehicles associated with mineral extraction and related activities, or flashing beacons in accordance with the Land Transport Road Use Rule 2004.</p> <p>e) The artificial lighting complies with AS/NZS 1158/1996.</p> <p><b>Notes:</b></p> <p>1. If the object or device that contains Artificial Lighting is a sign, then Rule 42.3.6 Signs is solely applicable.</p> <p>2. See Appendix 15 for illustration of c) (ii) and (iii) above.</p>	
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**43.3.9 Noise** *(Deleted – refer to Noise and Vibration Chapter)*

**43.3.10 Construction Noise** *(Deleted – refer to Noise and Vibration Chapter)*

**43.3.11 Vibration** *(Deleted – refer to Noise and Vibration Chapter)*

**43.3.12 Electromagnetic Radiation**

<p>Electromagnetic Radiation from any activity is a <b>permitted</b> activity if:</p> <p>a) It complies with NZS 2772.1:1999 Radio Frequency Fields Part 1: Maximum Exposure Levels 3 kHz – 300 GHz; and</p> <p>b) A separation distance of 20m is maintained between the centre of any telecommunications mast and any residential activity, childcare, healthcare or education facility, or any place of assembly; and</p> <p>c) Prior to commencement of any radio frequency emissions, the following are sent to and received by the Monitoring Division of the Whangarei District Council:</p> <p style="padding-left: 20px;">i) Written notice of the location of the facility or proposed facility; and</p>	<p>Any activity that does not comply with a condition for a permitted activity is a <b>discretionary</b> activity.</p>
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<p>ii) A report prepared by a radio engineer / technician or other suitably qualified physical scientist, containing a prediction of whether or not NZS 2772.1:1991 will be complied with; and</p> <p>d) If the report provided under rule c) ii above predicts that radio frequencies will exceed the 25% exposure limit set for the general public in NZS 2772.1:1991, then within 3 months of the radio frequency emissions commencing, a report from the National Radiation Laboratory certifying compliance with NZS 2772.1:1991, based on measurements at the site, will be provided to the Monitoring Division of the Whangarei District Council.</p>	
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**43.3.13 Electricity Transmission Lines** (Deleted 13/01/2014 - refer to Network Utilities Chapter)

**43.3.14 Outdoor Storage**

<p>Any activity is a <b>permitted</b> activity if:</p> <p>a) Outdoor areas of storage or equipment comply with building height, setbacks and daylight angle rules (with the exception of yard setbacks from MHWS); and</p> <p>b) Outdoor areas of storage are screened from view at a Living or Open Space Environment or from open space areas within the Town Basin Environment; and</p> <p>c) That the best practicable option is adopted to prevent or minimise contaminants from entering watercourses or water bodies.</p>	<p>Any activity that does not comply with a condition for a permitted activity is a <b>restricted discretionary</b> activity.</p> <p><b>Discretion is restricted to:</b></p> <p>i. Potential dust, odour and other nuisance effects from the storage of stockpile of equipment or materials;</p> <p>ii. The potential for screening of any storage from other areas in the Town Basin Environment;</p> <p>iii. Quality of stormwater runoff from the site;</p> <p>iv. Effects on health and safety.</p>
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**43.3.15 Aerials and Aerial Support Structures**

<p>Aerials and/or aerial support structures are a <b>permitted</b> activity if:</p> <p>a) No dish exceeds a diameter of 2m; and</p> <p>b) No aerial (except for a dish aerial) exceeds a height of more than 4m above a building; and</p> <p>c) No dish aerial exceeds the height of the building; and</p> <p>d) All aerials and/or aerial support structures comply with the relevant building setback and daylight angle requirements for the Town Basin Environment (or sub-environment).</p>	<p>Any activity that does not comply with a condition for a permitted activity is a <b>restricted discretionary</b> activity.</p> <p><b>Discretion is restricted to:</b></p> <p>i. Effects on the amenity of the Town Basin Environments surrounding the site;</p> <p>ii. The design and external appearance of buildings and structures;</p> <p>iii. Landscape treatment and screening;</p> <p>iv. Site location and layout;</p> <p>v. Amenity effects, including visual effect and glare;</p> <p>vi. Construction materials;</p>
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	vii. Prominence on the site, taking into account public and private views, both within the Town Basin Environment and from surrounding environments (including the CMA).
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### 43.4 Whangarei Town Basin – Building Rule Table

#### 43.4.1 Building Height

##### A) Up-River Sub-Environment

<p>Within this sub-environment, construction or alteration of a building is a <b>permitted</b> activity if:</p> <p>a) The height of a building does not exceed 8m.</p>	<p>Construction or alteration of a building that does not comply with a condition for a permitted activity is a <b>restricted discretionary</b> activity.</p> <p><b>Discretion is restricted to:</b></p> <ul style="list-style-type: none"> <li>i. The scale and bulk of the building in relation to the site;</li> <li>ii. The extent to which the effects of height can be mitigated by setbacks to the road and the Hatea River or by landscaping or building design;</li> <li>iii. Effects of the building on the landscape values identified in the Town Basin Environment;</li> <li>iv. Effects on the availability of daylight to surrounding areas and, in particular, pedestrian areas.</li> </ul>
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##### B) Ewing Road Sub-Environment

<p>Within this sub-environment, construction or alteration of a building is a <b>permitted</b> activity if:</p> <p>a) The height of any building does not exceed 10.0m, excluding a dive tower or hydro slide tower, which may have a maximum height of 15.0m.</p>	<p>Any activity that does not comply with a condition for a permitted activity is a <b>discretionary</b> activity.</p>
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##### C) Western Town Basin Sub-Environment

<p>Within this sub-environment, construction or alteration of a building is a <b>permitted</b> activity if:</p> <p>a) The height of any building does not exceed 20m.</p>	<p>Any activity that does not comply with a condition for a permitted activity is a <b>discretionary</b> activity if:</p> <p>a) The height of any building does not exceed 25m.</p>
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**D) Town Basin Open Space Sub-Environment**

<p>Within this sub-environment, construction or alteration of a building is a <b>permitted</b> activity if:</p> <p>a) The height of any building does not exceed 8m, <b>except:</b></p> <p>i) Within 30m of MHWS, where the height of any building shall not exceed 4m.</p>	<p>Any activity that does not comply with a condition for a permitted activity is a <b>discretionary</b> activity if:</p> <p>a) The height of any building does not exceed 20m <b>except:</b></p> <p>i) Within 30m of MHWS, where the height of any building shall not exceed 8m.</p>
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**E) Town Basin Sub-Environment**

<p>Within this sub-environment, construction or alteration of a building is a <b>permitted</b> activity if:</p> <p>a) The height of any building does not exceed 11m.</p>	<p>Any activity that does not comply with a condition for a permitted activity is a <b>discretionary</b> activity if:</p> <p>a) The height of any building does not exceed 20m.</p>
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**F) Lower Dent Street Sub-Environment**

<p>Within this sub-environment, construction or alteration of a building is a <b>permitted</b> activity if:</p> <p>a) The height of any building does not exceed 11m.</p>	<p>Any activity that does not comply with a condition for a permitted activity is a <b>discretionary</b> activity if:</p> <p>a) The height of any building does not exceed 20m.</p>
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**G) Riverside Drive Sub-Environment**

<p>Within this sub-environment, construction or alteration of a building is a <b>permitted</b> activity if:</p> <p>a) The height of any building does not exceed 15m <b>except</b> within 30m of MHWS, where the height of any building shall not exceed 10m.</p>	<p>Any activity that does not comply with a condition for a permitted activity is a <b>discretionary</b> activity:</p> <p>a) The height of any building does not exceed 20m <b>except</b> within 30m of MHWS, where the height of any building shall not exceed 15m;</p> <p>b) Discretion is restricted to those matters identified in Table 43.4.1A above.</p>
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**43.4.2 Building Coverage**

<p>Unless stated otherwise, construction or alteration of a building is a <b>permitted</b> activity if:</p> <p>a) Total building coverage does not exceed 50% of any site.</p> <p><b>Note:</b> In calculating building coverage the area of any verandah is not included.</p>	<p>Construction or alteration of a building that does not comply with a condition for a permitted activity is a <b>restricted discretionary</b> activity.</p> <p><b>Discretion is restricted to:</b></p> <ol style="list-style-type: none"> <li>i. The scale and bulk of the building in relation to the site;</li> <li>ii. The effect on the open space appearance and pedestrian access to and around the Town Basin Environment;</li> <li>iii. Effects of the building on the landscape values identified in the Town Basin Environment;</li> <li>iv. Effects on storm water.</li> </ol>
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**A) Up-River Sub-Environment**

<p>Within this sub-environment, construction or alteration of a building is a <b>permitted</b> activity if:</p> <p>a) Total building coverage does not exceed 30% of a site.</p>	<p>Any activity that does not comply with a condition for a permitted activity is a <b>discretionary</b> activity.</p>
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**B) Western Town Basin Sub-Environment**

<p>Within this sub-environment, construction or alteration of a building is a <b>permitted</b> activity if:</p> <p>a) Total building coverage does not exceed 70% of a site</p>	<p>Any activity that does not comply with a condition for a permitted activity is a <b>discretionary</b> activity.</p>
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**C) Town Basin Open Space Sub-Environment**

<p>Within this sub-environment, construction or alteration of a building is a <b>permitted</b> activity if:</p> <p>a) Total building coverage does not exceed 30% of a site; and</p> <p>b) Any single building, or building addition does not have a building footprint of greater than 50m<sup>2</sup> and is in accordance with an approved Reserve Management Plan or Conservation Management Strategy.</p>	<p>Any activity that does not comply with a condition for a permitted activity is a <b>discretionary</b> activity.</p>
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**D) Ewing Road Sub-Environment**

<p>Within this sub-environment, construction or alteration of a building is a <b>permitted</b> activity if:</p> <p>a) Total building coverage does not exceed 70% of a site.</p>	<p>Any activity that does not comply with a condition for a permitted activity is a <b>restricted discretionary</b> activity.</p> <p><b>Discretion is restricted to:</b></p> <p>i. Those matters identified in Building Coverage in 43.4.2 above.</p>
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**43.4.3 Building Setbacks**

<p>Unless stated otherwise, construction or alteration of a building is a <b>permitted</b> activity if the building is:</p> <p>a) 3m from Living or Open Space Environment boundaries;</p> <p>b) Setback at least 27m from MHWS.</p> <p><b>Note:</b> Observe Map 39R for Schedule 4 or 5, as a result of Court's decision A060/2004.</p>	<p>Construction or alteration of a building that does not comply with a condition for a permitted activity is a <b>restricted discretionary</b> activity.</p> <p><b>Discretion is restricted to:</b></p> <p>i. The scale and bulk of the building in relation to the site;</p> <p>ii. Public access to and along Esplanade Reserves and MHWS;</p> <p>iii. Effects on the open space character of the Town Basin Environment;</p> <p>iv. Effects on the operation of the existing marina within the Hatea River.</p>
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**A) Town Basin Open Space Sub-Environment**

<p>Within this sub-environment, construction or alteration of a building is a <b>permitted</b> activity if the building is setback at least:</p> <p>a) 27m from Mean High Water Springs.</p>	<p>Any activity that does not comply with a condition for a permitted activity is a <b>discretionary</b> activity.</p>
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**B) River Sub Environment**

<p>Commercial activity within this sub-environment, that is setback at least 6m from Hatea Drive and is setback from the Hatea River at least 40m is a <b>permitted activity</b>.</p>	<p>Any activity that does not comply with a condition for a permitted activity is a <b>restricted discretionary</b> activity.</p> <p><b>Discretion is restricted to:</b></p> <ol style="list-style-type: none"> <li>i. Pedestrian linkages across Hatea Drive and Riverside Drive;</li> <li>ii. Integration of development design with the adjacent Town Basin and the maritime setting;</li> <li>iii. Landscaping and 'green-space' linkages through the site to Hatea River and Town Basin.</li> </ol>
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**43.4.4 Daylight Angles**

<p>Construction or alteration of a building is a <b>permitted</b> activity if:</p> <p>a) It does not penetrate the daylight Angles defined in Appendix 11 for any building on a site adjacent to any Living, Open Space Environment, Up River Sub-Environment, Open Space Sub-Environment, Mean High Water Springs or the banks of a river.</p>	<p>Construction or alteration of a building that does not comply with a condition for a permitted activity is a <b>restricted discretionary</b> activity.</p> <p><b>Discretion is restricted to:</b></p> <ol style="list-style-type: none"> <li>i. The scale and bulk of the building in relation to the site;</li> <li>ii. The availability of daylight to pedestrian-oriented and open space areas.</li> </ol>
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**43.4.5 Landscaping**

<p>Construction or alteration of a building is a <b>permitted</b> activity if:</p> <p>a) Where buildings are setback by 2m or more from a road, all land within 2m from the road, other than access, is to be planted in trees, shrubs or other landscape features; and</p> <p>b) All land within 30m from MHWS that is not dedicated for buildings, hard landscaping, sealed or paved pedestrian access, is to be planted in trees, shrubs or grass.</p>	<p>Construction or alteration of a building that does not comply with a condition for a permitted activity is a <b>restricted discretionary</b> activity.</p> <p><b>Discretion is restricted to:</b></p> <ol style="list-style-type: none"> <li>i. The amenity and sense of open space of the Town Basin Environment; and</li> <li>ii. Landscaping elsewhere on the site and its contribution to the amenity of the Town Basin Environment.</li> </ol>
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**43.4.6 Coastal Minimum Floor Level**

<p>Construction or alteration of a building is a <b>permitted</b> activity if:</p> <p>a) There is a minimum floor level of 2.5m above One Tree Point Datum Mean Sea Level 1964.</p>	<p>Construction or alteration of a building that does not comply with a condition for a permitted activity is a <b>restricted discretionary</b> activity.</p> <p><b>Discretion is restricted to:</b></p> <ol style="list-style-type: none"> <li>i. Construction or alteration of a building, or structure in relation to</li> </ol>
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	<p>its location;</p> <p>ii. The avoidance, remediation or mitigation of coastal hazards;</p> <p>iii. Floor level in relation to One Tree Point Datum Mean Sea Level 1964;</p> <p>iv. The function of the building and floor level.</p>
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### 43.5 Building and Development Style

Appendix 7 of the District Plan provides a variety of design concepts for the Town Basin Environment. Some of these concepts and ideas have been developed by the local community and provide a variety of scenarios for development that is considered generally suitable within the Town Basin Environment. Supporting this Plan are development concepts for the Lower Dent Street area of the Town Basin Environment. These Plans are intended as a general guide for future development and to inform the public of the style of development envisaged by the provisions of the District Plan, as provided for in the above Environment provisions. Design of individual buildings and sites will be assessed at the time of consent application and against the relevant objectives and policies of the Plan. Design of individual open space areas will be guided by Reserve Management Plans.

It is envisaged that additional design and development concepts for other sections of the Town Basin Environment will be developed.

### 43.6 Principal Reasons for Rules / Explanations

#### Prohibited Activities

Activities that are not conducive to achieving a successful and vibrant Town Basin Environment are excluded from this Environment. These include the use, storage or disposal of radioactive material that exceeds 1000 terabequerels.

#### Activities Generally

This rule provides for any activity to be a permitted activity, in principal, and subject to compliance with all other permitted activity standards, consistent with the structure and philosophy of the Plan. Activities requiring resource consent are those which have been identified as requiring specific consideration, due to their potential to compromise the outcomes sought for the Town Basin Environment and/or their effects on this area.

#### Provision of Parking Spaces

Chapter 47 of the District Plan sets out the explanations for the general provisions for parking spaces. The additional controls in the Town Basin Environment recognise the limited land resource within the Town Basin precinct and seek to promote the pedestrian-oriented development of this area by encouraging utilisation of land beyond the Environment for parking activities.

#### Signs

Signs may adversely affect the visual amenity and traffic safety of the Town Basin Environment and it is therefore considered that their control is warranted. However, in recognition of the commercial and retail focus of this Environment, limited provision is made for signs associated with activities occurring on-site.

#### Fences

High fences detract from amenity and reduce the feeling of open space. Given the open space, pedestrian and recreation values of the Town Basin Environment fencing is controlled.

### **Lighting**

In recognition of the cultural and amenity values of the Town Basin, provision has been made for the use of lighting where it can contribute to the amenity of the area, e.g. through the illumination of structural or sculptural features. However, light spill has the potential to adversely impact on activities on adjoining sites and therefore the rules require minimum light spill standards for properties adjoining the site.

### **Outdoor Storage**

The storage of materials outside can have an adverse visual effect and contribute to air emissions. This rule aims to protect the particular visual and amenity values of the Town Basin Environment by controlling the amount of outdoor storage.

### **Aerials and Aerial Support Structures**

Aerials and aerial support structures have the potential to have an adverse visual impact, particularly in an area that is recognised as having special amenity values. The maximum height of aerials and aerial support structures is limited to a scale generally considered appropriate, to ensure that the amenity values of the Town Basin are protected.

### **Building Height**

Height throughout the Environment is limited to a scale generally considered acceptable given the lower density of the Environment and the pedestrian and open space character, providing for a transition in height between the Town Basin and Central Business District of the City. The amenity of surrounding residential activities (to the north and north-west) is also recognised by maintaining daylight provisions.

### **Building Coverage**

The level of building coverage on a site is considered a significant factor in the open space character of an environment. Building coverage is considered very important in defining the overall amenity of the area, and controls on building coverage reflect the need for careful management.

### **Building Setbacks**

As with coverage, building setbacks are important in defining the sense of spaciousness and open space character of an Environment. The pedestrian focus of the Town Basin is recognised as an important aspect of the amenity and special character of the area, and the setbacks seek to ensure that the Environment retains a pedestrian scale of development and maintains daylight and view corridors for pedestrian areas.

### **Landscaping**

This rule seeks to ensure activities maintain a high standard of amenity through the Town Basin Environment and enhance the natural character values associated with the Coastal Marine Area and Hatea River.

### **Coastal Minimum Floor Level**

Coastal flooding is a hazard that needs to be addressed, particularly in proximity to the Hatea River. The Plan seeks to ensure that floor levels of those structures and buildings in the Town Basin Environment are at least 2.5m above One Tree Point Datum Mean Sea Level 1964, to minimise risk. However, provision for a lower building floor level has been provided for (as a restricted discretionary activity) in recognition that alternative measures may be employed to address hazard risk, and to recognise that a lower floor level may be warranted for particular activities.

### **Building and Development Style**

The Town Basin has developed with a special character and design theme, including a highly pedestrian-oriented maritime environment. Council and the



community have prepared design concepts and ideas for the future development of the Town Basin Environment. While it is recognised that implementation of the concept plan will depend on implementation largely beyond the ambit of the District Plan, the concepts and ideas have been included to assist those using and developing the Town Basin resource.

## Revision and Sign-off Sheet

Date Approved	Editor	Paragraph	Change Reference	Decision Date	Approved By
5 November 2007	FP	43.3.6 and 43.3.8	Insertion of Hyperlinks to Plan changes 41 and 42.		PW
11 July 2008	FP	43.3.6	Plan Change 41 Signs after Council decision	ES 9 July 2008	PW
11 July 2008	FP	43.3.8	Plan Change 42 Artificial Lighting after Council decision	ES 9 July 2008	PW
14 September 2010	FP	Reference to Chapter 2.3.3	Plan Change 106 consequential changes, this provision no longer exist.	Record 10/96471	PW
12 September 2012	LB	43.3.5	Plan Change 123B Referencing of EES 2010 Consequential Changes.	Operative Date 25 September 2012	PW
11 December 2013	MD	43.3.3 43.3.13	Plan Change 123A consequential changes 'Electricity Infrastructure'.	Operative Date 13 January 2014 TRIM 14/4071	PW
11 May 2016	TB	43.3.9 43.3.10 43.3.11	Deletion of Rules as a result of Plan Change 110 becoming operative.	Operative Date 24 May 2016 TRIM 16/52692	MM
14 September 2016	JM	43.3.15 43.6	Plan Change 124 becoming operative.	Operative date 28 September 2016 TRIM 16/106480	MM
6 March 2019	AM	Amendments throughout	Plan Changes 85 A-D, 86A & 102	Operative date 6 March 2019	MM

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