

Plan Change 115: Open Space

Section 32 Evaluation Report

Prior to Notification

March 2019

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List of Abbreviations

Environmental Engineering Standards 2010	EES 2010
Environmental Engineering Standards 2018	ES 2018
Long Term Plan	LTP
Gross Floor Area	GFA
Local Government Act 2002	LGA
New Zealand Coastal Policy Statement	NZCPS
Regional Water and Soil Plan	RWSP
Draft Regional Plan	DRP
Northland Regional Council	NRC
Northland Regional Policy Statement	NRPS
Resource Management Act 1991	RMA
Section 32 of the RMA	s32
Section 42A of the RMA	s42A
Structure Plan	SP
Urban Growth Strategy	UGS
Whangarei District Growth Model	WDGM
Whangarei District Council Operative District Plan	WDP
Whangarei District Growth Strategy, Sustainable Futures 30/50	30/50
Whangarei 20/20 Plus	20/20 Plus
Crime Prevention through Environmental Design	CPTED
Parking Management Strategy 2011	PMS
City Centre Development Plan	CCDP
National Environmental Standards	NES
National Policy Statements	NPS
NPS on Urban Development	NPS:UDC
Outstanding Natural Landscapes	ONL
Outstanding Natural Feature	ONF
Mean High Water Springs	MHWS
City Centre Zone	CC
Mixed Use Zone	MU
Commercial Zone	COM
Residential Zone	RES
Low Density Residential Zone	LDR
Medium Density Residential Zone	MDR
High Density Residential Zone	HDR
Light Industrial Zone	LI
Heavy Industrial Zone	HI
Waterfront Zone	WZ
Shopping Centre Zone	SCZ
Neighbourhood Commercial Zone	NC
Local Commercial Zone	LC
Urban Area	UA
Living 1 Environment	L1
Living 2 Environment	L2
Living 3 Environment	L3
Business 1 Environment	B1
Business 2 Environment	B2
Business 3 Environment	B3
Business 4 Environment	B4

1 Introduction

1.1 Overview

1. PC115 is part of a comprehensive package of plan changes encompassing area specific zoning matters and district wide matters for Whangarei District. As a collective package the plan changes will introduce new zone chapters, with objectives, policies and rules; new district wide chapters, with objectives, policies and rules; changes to the Planning Maps; new definitions and consequential changes to the WDP. PC115 has been drafted to be consistent with the overall approach and format of the plan change package. The proposed plan changes are listed below and a s32 report has been prepared for each plan change to evaluate the matters relevant to that topic.

Proposed zoning plan changes

- Plan Change 88 – Urban Plan Changes Technical Introduction
- Plan Change 88A – City Centre Zone (PC88A)
- Plan Change 88B – Mixed-use Zone (PC88B)
- Plan Change 88C – Waterfront Zone (PC88C)
- Plan Change 88D – Commercial Zone (PC88D)
- Plan Change 88E – Local Commercial Zone and Neighbourhood Commercial Zone (PC88E)
- Plan Change 88F – Shopping Centre Zone (PC88F)
- Plan Change 88G – Light Industrial Zone (PC88G)
- Plan Change 88H – Heavy Industrial Zone (PC88H)
- Plan Change 88I – Living Zones (PC88I)
- Plan Change 88J – Precincts (PC88J)
- Plan Change 115 – Green Space Zones (PC115)
- Plan Change 143 – Airport Zone (PC143)
- Plan Change 144 – Port Zone (PC144)
- Plan Change 145 – Hospital Zone (PC145)

Proposed district wide plan changes

- Plan Change 148 – Strategic Direction and Subdivision (PC148)
- Plan Change 109 – Transport (PC109)
- Plan Change 136 – Three Waters Management (PC136)
- Plan Change 147 – Earthworks (PC147)
- Plan Change 82A – Signs (PC82A)

- Plan Change 82B – Lighting (PC82B)
2. This evaluation report provides an assessment of Proposed Plan Change 115 Open Space (PC115) and has been undertaken in accordance with Section 32 (s32) of the Resource Management Act 1991 (RMA).
 3. The Operative Whangarei District Plan (**WDP**) became operative on 3 May 2007. As part of its current District Plan rolling review process, Council has been reviewing its WDP provisions, including those relating to open space.
 4. This report has been prepared in accordance with the First Schedule of the RMA which sets out requirements applicable to the preparation, change and review of policy statements and plans. S32 requires Whangarei District Council (**WDC**) to examine the proposed open space related plan change objectives, associated policies, and other provisions, and to assess the anticipated environmental, economic, social, and cultural effects, benefits and costs of implementing the plan change.
 5. Since s32 evaluations represent an on-going process. This report constitutes the initial evaluation, with further revisions expected throughout the plan change process in response to submissions received following notification of the plan change.

1.2 The Proposed Plan Change

6. PC115 seeks to introduce district wide open space area objectives and policy and three new zones into the WDP, this being the Conservation Zone (**CON**), Sport and Active Recreation Zone (**SAR**) and the Open Space Zone (**OS**). PC115 will include:
 - Open Space Area objectives and policies proposed to be located within the proposed Strategic Direction Chapter.
 - New CON, SAR and OS Chapters – with objectives, policies and rules for the Zones, including land use provisions for the Zone.
 - New subdivision provisions for the CON, SAR and OS zones located within the proposed Subdivision Chapter.
 - Changes to the WDP Zone maps – denoting the CON, SAR and OS.
 - Consequential changes to the WDP.
7. PC115 includes a description of the proposed CON, SAR and OS to identify the environmental expectations and outcomes sought in the Zones through the proposed objectives, policies and rules. Refer to the **Proposed Plan Changes Text and Maps** volume for further detail.

2. Background to Plan Change 115: Open Space

2.1 What is Open Space?

8. According to Council's Open Space Strategy 2001:
9. Open spaces can be described according to the four main values they have:
 - Conservation values include plants and animals, wildlife habitats and ecological processes;
 - Landscape values include landform and land use, visual appreciation and the sense of place;
 - Recreation values include the opportunity for active and passive, formal or informal recreation activities;
 - Cultural values include sites with cultural or historic significance; they also arise from the lifestyle patterns and preferences of the present culture.
10. Open spaces in the Whangarei district encompass these values in a variety of areas within the urban and rural environment. These areas are used for a range of recreational, educational, cultural, community, and conservation purposes. To enable activities related to these purposes, open spaces contain a wide range of buildings and infrastructure such as sports and community clubrooms, barbeques and picnic facilities, playgrounds, skate parks, sports fields, hard courts, walking tracks, and toilets.
11. Open spaces include green spaces such as parks and reserves, sports fields, and cemeteries. They include areas that adjoin the coast or lakes, rivers and streams, which help to protect these often unique landscapes and ecosystems. Open spaces also include land and buildings used for civic and community purposes such as community halls and libraries.
12. Open spaces may contain sites with natural and/or historic heritage values, and they contribute to the general amenity of the area where they are located.
13. The Whangarei district has a large area of public open spaces which accommodate a multitude of recreational facilities and opportunities. These are a valued feature of the district, delivering a range of benefits which enhance the social, economic, environmental and cultural wellbeing of the community.

2.2 Why Review the District Plan Open Space Provisions?

14. S79 of the RMA requires that a local authority commence a review of the district plan provisions which have not been a subject of a plan change during the previous 10 years. Under this provision, the opportunity exists for Councils to undertake 'rolling reviews' of District Plan provisions which allow for the review of provisions on a topic by topic or zone by zone basis. Councils must complete a review of all District Plan provisions within any 10 year period.

15. In terms of s79 (2), if after a review of the provisions the local authority considers that the provisions require alteration, it must undertake a plan change. Should the local authority consider that no alteration is required it must still publicly notify the provision as if it were a change.
16. In 2011 Council adopted a rolling review method of reviewing the WDP. This has enabled an evolving WDP structure, with adjustments to chapter format possible throughout the process to be more consistent with how the provisions are applied in practice.
17. The WDP objectives and policies are separated into chapters based around resource management issues. The rolling review seeks to change the WDP structure to provide for a hierarchy of objectives and policies, providing opportunity for policy at a district wide, geographical, locality or neighbourhood context.
18. A five-yearly efficiency and effectiveness review of the WDP was completed in 2011. Analysis of the open space provisions has identified the following inefficiencies:
 - The Plan objectives identified as district wide provisions focus on quantity and form, timing, when and where open space is created, and types (conservation, recreation) but are not specific enough to require co-ordination of open space and linkages.
 - Policies are very general and do not specify how the objectives will be achieved. The policy provisions indicate that linkages between open space areas will be created. However, there is no detail in the plan of what linkages have been achieved and to identify missing links.
 - The policy provisions rely upon “meeting community needs” while not identifying what the community needs are.
 - The Plan does not detail what is to be achieved with open space. Outcomes may be different for each area, but the plan does not consider open space in this context.
 - There is no link between the use of land zoned open space in the Plan and the objectives and policies. Standard rules have been applied to the Open Space Environment with no policy link or justification.
 - The “amenity values” identified in Chapter 5 of the WDP have no real relevance to the actual values of open space.
19. Overall, there appears to be considerable overlap and confusion as to what the “Open Space Environment” is, and the provision of general open space, reserves and esplanade reserves within the WDP. Changing how the WDP provides for open space and recreation in the district will assist the Council’s ability to provide such facilities and locations.
20. The need to review and update Council’s open space provisions has been further strengthened by changes in legislation; national, regional and local policies including:
 - The introduction of New Zealand Coastal Policy Statement 2010 (**NZCPS**) has provided policy guidance about provision of open space and recreation opportunities in the coastal

environment. Objective 4 of the NZCPS seeks to maintain and enhance the public open space qualities and recreation opportunities of the coastal environment. Policy 18 recognises the need for public open space within and adjacent to the coastal marine area. Policy 19 recognises the public expectation of and need for walking access to and along the coast.

- Reserve Management Plans have been adopted for Parihaka and Hatea River (2009), William Fraser Park (2010) and Pukenui Forest (2009).
- The Open Space Review 2017 provides a stocktake of current open space provision, recommends changes to the WDP management framework to better manage open space and identifies open space requirements for current and future population according to national benchmarking.

2.3 WDP Provisions Managing Open Space

21. WDP issues, objectives, policies, rules and other methods directly related to open space are largely contained within the following policy and rule chapters:

- Open Space Policy: Chapter 15 (overview, objectives and policies).
- Open Space Environment: Chapter 46 (land use rules).
- Open Space Subdivision: Chapter 75 (subdivision rules).

22. The objectives for open space in Chapter 15 are:

15.3.1 Provide open space that meets community, recreational and conservation needs.

15.3.2 Where appropriate, create open space linkages that provide physical connections between ecosystems, and enhance biodiversity and recreational opportunities.

15.3.3 Provide open space and manage activities within open space in a manner that avoids remedies or mitigates adverse effects on the environment.

15.3.4 Protection of open space from subdivision, use and development inconsistent with their purpose.

23. Explanation and Reasons: Open space plays an important function in providing recreational and social opportunities for the public. For open space to serve this function, it is necessary that it is located, designed and equipped in a manner that promotes its use and meets the needs of the community. Open space can provide important linkages between significant ecological sites. Such linkages serve to enhance ecosystem connectivity and the biodiversity of an area by providing wildlife corridors that encourage movement of plants and animals between ecological sites. Such linkages need to be carefully managed and of a sufficient width to serve their purpose. Activities on open space areas can potentially result in adverse effects on the environmental qualities of the site and adjoining properties. It is therefore important that such activities are managed in such a way that avoids, remedies or mitigates these effects.

24. Six policies implement the open space objectives in Chapter 15 and focus on:
- Financial Contributions
 - New Reserves
 - Coastal Environment and Outstanding Landscape Areas
 - Open Space Linkages
 - Effects
 - Open Space Values
25. The Open Space Environment (Chapter 46) includes rules relating to:
- Activities such as residential, commercial, industrial, mineral extraction, indigenous vegetation clearance, hazardous substances, parking spaces, artificial lighting, and signs.
 - Built form including building floor area, building height and setbacks, daylight angles and floor levels.
26. Subdivision rules for the Open Space Environment (Chapter 75) allow for subdivision as a controlled activity if it is a boundary adjustment exchanging land for a conservation purpose, and no new lots are created. Otherwise subdivision that meets the most restrictive controlled activity subdivision rules for any adjoining Environment is a discretionary activity. Any other subdivision is a non-complying activity.

2.3.1 District Wide Policy

27. Other policy chapters with objectives and policies relating to open space are highlighted in Table 1 below:

TABLE 1: WDP RELEVANT OBJECTIVES AND POLICIES	
WDP Chapter	Objective/Policy
5. Amenity Values	5.3.4, 5.4.6, 5.4.14
6. Built Form and Development	6.3.15, 6.4.15
8. Subdivision and Development	8.3.4, 8.4.7, 8.4.8, 8.4.9, 8.4.16
10. The Coast	10.3.3, 10.4.3, 10.4.5
11. Riparian and Coastal Margins	11.3.2, 11.3.3, 11.4.3 - 15
12. Water Bodies	12.3.1
17. Indigenous Vegetation and Habitat	17.3.2, 17.4.2
NAV Noise and Vibration	4.5

2.3.2 Environments (Zones)

28. There are many open space-related rules and assessment criteria throughout the WDP. These are summarised as follows:

Rules

- Limit on commercial and industrial activities in proximity to Open Space Environment.
- Building height limit where site is adjacent to Open Space Environment.
- Building height in proximity to Open Space Environment must not infringe open space building daylight angles.
- Outdoor Storage must be screened from view from Open Space Environment.
- Minimum building setback from boundary with Open Space Environment.
- Scheduled Activities (various conditions relating to Open Space Environment).
- Provision/design/linkages of open space areas required in Master Plan/Precinct Plan for Port Nikau and Marsden Primary Centre.
- Noise rules applying to Open Space Environment and where a site adjoins Open Space Environment.
- Exclusion from noise rules where the activity is unamplified noise from sporting events in the Open Space Environment meeting hours of operation and duration limits.

Assessment criteria

- Outdoor living courts (open space nature of the neighbourhood, private open space).
- Signs (being visually intrusive on open space where site is near to Open Space Environment).
- Building coverage (effect on open space appearance).
- Building setback (effect on open space character of Environment, open space between buildings).
- Fences (effects on open space values of the Environment).
- Daylight angles (availability of daylight to open space areas).
- Landscaping (amenity and sense of open space within the Environment).
- Town Basin building development and style (design of individual open space areas will be guided by Reserve Management Plans).
- Esplanade reserves/esplanade priority areas.
- Future Environments comprehensive development plans (plans for open space and pedestrian access).
- Port Nikau/Marsden Primary Centre masterplan/precinct plan (the provision of appropriate open space, including adjacent to coastal marine area, public access to coastal marine area, linkages, unrestricted access).

- Noise (effects of noise on recreational or conservation areas within Open Space Environment)

Urban Design Guidelines for Kamo

- Many references to public open spaces, communal/shared open space and private open space.
29. It is noted that there is a difference between the rules which generally refer to the Open Space Environment, and the assessment criteria and guidelines which mainly refer to open space in a general sense, for example open space areas, character or values. This is appropriate as the Open Space Environment is defined and mapped and rules require certainty. Assessment criteria are more open and allow for the values of open space in a different context, for example private open space or the open space between buildings. Care should be taken to retain, and improve where possible, the delineation between the Open Space Environment and the broader sense of open space that is not zoned as such.
 30. PC115 does not propose to change how WDP Environments address activities on land adjoining Open Space Environment. Those provisions are contained within the relevant Environments, and will be considered as part of the rolling review of Environments.

2.3.3 Resource Areas

31. Resource Area Chapters that are relevant to open space are NPT Notable and Public Trees (Heritage Trees), 61. Esplanade Areas, HH. Historic Heritage and 60. Sites of Significance to Maori.
32. Plan Change 129 has reviewed the Heritage Trees provisions, proposing a Notable and Public Trees Resource Area chapter. The public trees provisions apply to trees within open space road reserve and public reserve areas. PC129 hearing was completed on 25 and 26 of February 2019.
33. Esplanade Area rules apply to subdivision adjacent to the coast and rivers, and specify where esplanade reserves or strips must be provided. The chapter also details esplanade priority areas (Appendix 5 and Resource Area Maps). Generally, the rules relate to allotments of less than 4.0 hectares, though in esplanade priority areas Council may wish to negotiate for an esplanade reserve when allotments greater than 4.0 hectares are created. Esplanade reserves or strips are vested in Council and are zoned Open Space Environment.
34. The heritage values of open spaces may be key to why some areas became reserves. These open space areas are likely to contain archaeological sites, sites of significance to Maori and scheduled built heritage. The provisions of the Historic Heritage (HH) and Sites of Significance to Maori chapters are also an important consideration in PC115, to avoid duplication and ensure consistency.

2.3.4 Designations

35. Designations are relevant to open spaces as there are many designations in the WDP for proposed reserves, and designations for infrastructural purposes on land zoned Open Space Environment. While it is best practice to not zone areas used primarily for infrastructure as open space, there may be occasions where land can serve a dual function (for example stream banks and surrounding land which acts as a flood corridor, and has shared walking and cycling paths, which provides passive recreational space).
36. Proposed Plan Change 134 has reviewed the designations in the WDP.

2.3.5 Financial Contributions

37. Chapter 80 of the WDP allows for the payment of a financial contribution per allotment, or land of equivalent value to be vested as reserve, where two or more lots or created.
38. WDC collects development contributions under the LGA 2002 in accordance with its Development Contributions Policy 2018. This policy sets a payment, or land/works equivalent, for parks and reserves land and development per household unit equivalent generated by subdivision or development. The catchments for allocating the parks and reserves development contributions are based on 30/50 Growth Strategy.

2.4 Resource Management Issues

39. Significant resource management issues affecting Open Space, as identified in the WDP are:
 - Insufficient Open Space, especially in the coastal environment, to provide for recreational opportunities, preservation of natural character and to provide for people's health and well-being.
 - Insufficient linkages between Open Spaces to enhance biodiversity and to provide recreational opportunities.
 - Current Open Space provision lacks strategic location and design.
 - Activities within, and adjacent to, Open Space can have adverse effects on the environment and adjoining sites.
40. The issues remain applicable to date. The Open Space Review 2017 aims to address the first three issues. The last issue will be managed by the objectives, policies and provisions proposed by PC115, and existing WDP provisions.
41. Additional issues include:
 - Increasing population and increasing development pressures means that current Open Spaces face future pressure from development and increased use by the public.
 - Visitors to the region, most of whom come to participate in some form of summer outdoor recreation, are putting pressure on existing reserve land (particularly in coastal areas).

- How to acquire the necessary additional public Open Spaces in appropriate locations and how to fund it.
- Recognising and providing for the relationship between Tangata Whenua and public Open Space.
- The single Open Space Environment is too broad to cover the range of values and uses in open spaces. The rules may be too strict or too permissive resulting in unnecessary resource consents or unmanaged adverse effects on the environment.
- How to manage major recreational facilities (includes sports stadia and commercial recreational/entertainment facilities), private open space e.g. golf courses and temporary recreational events/activities.
- Open Space Environment currently includes land for stormwater drainage, water reticulation or other utility services which impact upon or impede use of the area as open space.

3. Statutory Considerations

42. The WDP sits within a layered policy framework, which incorporates the RMA, National Policy Statements, National Environmental Standards, Iwi/hapu Management Plans, the Regional Policy Statement, Regional Plans, Structure Plans and Long Term Plans. Each of these policy documents and plans has been considered in accordance with the RMA. The relevant policy documents were taken into consideration when preparing PC115 are discussed in this section.

3.1 Resource Management Act 1991

43. The RMA provides the statutory framework for the sustainable management of natural and physical resources. The RMA defines sustainable management as:
44. 'managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic and cultural well being and for their health and safety'
45. Under the RMA it is mandatory for a territorial authority to prepare a district plan which manages land use and development within its territorial boundaries. The RMA requires district plans, and thereby changes to district plans whether private or Council initiated, to meet the purpose and principles of the RMA. Consideration has been given to the extent to which this plan change achieves the purpose and principles of Part 2 of the RMA.
46. The statutory context for the preparation and evaluation of plan changes under the RMA is summarised as follows:

Section 31 - One of the functions of the Council is to review the WDP to achieve integrated management of the effects of the use, development, or protection of land and associated natural and physical resources of the district.

Section 74 - Matters that the plan change must “accord with” and “have regard to” are set out in this section.

Section 75 - Higher order plans that the plan changes must “give effect to” are set out in this section.

Section 32 - The manner in which an evaluation of a plan change must be carried out is set out in this section.

3.2 National Policy

3.2.1 National Policy Statements

47. S55 of the RMA requires local authorities to recognise National Policy Statements (**NPS**) and s75 requires local authorities to give effect to them in their plans. There are currently five NPS:
- National Policy Statement on Urban Development Capacity
 - New Zealand Coastal Policy Statement
 - National Policy Statement for Freshwater Management
 - National Policy Statement for Renewable Electricity Generation
 - National Policy Statement on Electricity Transmission
48. The NPS on Urban Development Capacity (**NPS:UDC**) directs local authorities to provide sufficient development capacity for housing and business growth to meet demand. Therefore, the implications of the NPS:UDC are central to Council’s district plan making function.
49. Development capacity refers to the amount of development allowed by zoning and regulations in plans that is supported by infrastructure. Sufficient development capacity is necessary for urban land and development markets to function efficiently in order to meet community needs. In well-functioning markets, the supply of land, housing and business space matches demand at efficient (more affordable) prices. The Whangarei District is defined as High Growth by the NPS:UDC. While PC115 does not directly provide for development capacity, the provision of appropriate open space provides significantly to urban amenity. It is considered that PC115 will give effect to the NPS:UDC.
50. The NPS for Freshwater Management, Renewable Electricity Generation and Electricity Transmission do not specifically refer to open space, however the outcomes sought by these policy statements will be considered when planning the regulatory framework for the use and development of Open Spaces.
51. The NZCPS includes policy direction which identifies the importance of the characteristics and amenity of the coastal environment. The following policies have relevance to Open Spaces:
- Objective 4 seeks to maintain and enhance the public open space qualities and recreation opportunities of the coastal environment.

- Policy 6 refers to whether activities have a functional need to be located within coastal areas.
- Policy 18 recognises the need for public open space within and adjacent to the coastal marine area.
- Policy 19 recognises the public expectation of and need for walking access to and along the coast.

3.2.2 National Environmental Standards

52. National Environmental Standards (**NES**) are regulations issued under the RMA. They prescribe technical standards, methods and other requirements for environmental matters. Local and regional councils must enforce these standards (or if the standards allow, councils can enforce stricter standards). In this way, NESs ensure consistent minimum standards are maintained throughout all of New Zealand's regions and districts. The following standards are in force as regulations:

- National Environmental Standards for Air Quality
- National Environmental Standards for Sources of Drinking Water
- National Environmental Standards for Telecommunication Facilities
- National Environmental Standards for Electricity Transmission Activities
- National Environmental Standards for Assessing and Managing Contaminants in Soil to Protect Human Health
- National Environmental Standards for Plantation Forestry

53. PC115 has taken into account these standards to ensure consistency.

3.2.3 National Planning Standards

54. The National Planning Standards (**the Standards**) are scheduled to be gazetted in April 2019. The purpose of the Standards is to improve consistency in plan and policy statement structure, format and content. The Standards were introduced as part of the 2017 amendments to the Resource Management Act 1991. Their development is enabled by sections 58B–58J of the RMA. They support implementation of other national direction such as national policy statements and help people to comply with the procedural principles of the RMA.

55. The draft version of the Standards were released in June 2018 for public consultation and set requirements for different elements of plans including, structure and form, e-plan functionality, definitions, zones, mapping symbology and noise and vibration metric standards.

56. PC115 into account and is considered to be consistent with, the draft version of the Standards. The new zones have been selected from the standardised suite of zoning options provided for in the draft Standards.

3.2.4 Conservation Act 1987

57. The Department of Conservation (**DoC**) administers over 35,000 hectares of land in the Whangarei District land which has a wide variety of natural, conservation, historic and recreational values. PC115 places this land within the proposed Conservation Zone (**CON**).
58. The Conservation Act's purpose is to promote the conservation of NZ's natural and historic resources. It also established and sets out the roles and responsibilities of DoC.
59. The Conservation Act sets out the planning and management of land administered by DoC. This is an important consideration for PC115 as the planning and management of all land within the District under the RMA. Is done by the District Plan. The Conservation Act requires the preparation of Conservation Management Strategies to implement general policies and establish objectives for conservation areas. Conservation Management Plans may then be required to implement the strategy.
60. Under the RMA, compliance with District Plan rules is not required where:

4 (3) Section 9(3) does not apply to any work or activity of the Crown within the boundaries of any area of land held or managed under the Conservation Act 1987 or any other Act specified in Schedule 1 of that Act (other than land held for administrative purposes) that—

(a) is consistent with a conservation management strategy, conservation management plan, or management plan established under the Conservation Act 1987 or any other Act specified in Schedule 1 of that Act; and

(b) does not have a significant adverse effect beyond the boundary of the area of land.

3.2.5 Reserves Act 1977

61. The Reserves Act was established to acquire, preserve and manage areas for their conservation values or public recreational and educational values. Reserves may be vested in the Crown, territorial or regional councils. The Reserves Act requires a management plan to be prepared for each reserve. The plan must provide for the use and development, or protection and preservation, of the reserve, depending on its classification (scenic, recreation or nature reserve).
62. The Reserves Act is particularly relevant to PC115 as all land classified as reserve will be zoned and managed by the District Plan, under the RMA. However, s4(3) of the RMA excludes certain activities undertaken by the Crown, in reserves managed under the Reserves Act, from resource consent in certain cases.

3.2.6 Wildlife Act 1953 and National Parks Act 1980

63. The Wildlife Act provides for the protection of wildlife and the provision of wildlife sanctuaries, refuges and reserves. The National Parks Act provides for protecting in perpetuity areas that contain scenery of such distinctive quality, ecological systems, or natural features so beautiful, unique or scientifically important that their preservation is in the national interest. S4(3) of the RMA, excludes activities undertaken by the Crown, in areas administered under these Acts, from resource consent in certain cases.

3.2.7 Queen Elizabeth II National Trust Act 1977

64. The Act states that “the general functions of the Trust shall be to encourage and promote, for the benefit and enjoyment of the present and future generations of the people of New Zealand, the provision, protection, preservation, and enhancement of open space”.
65. The Queen Elizabeth National Trust (QEII Trust) works with private landowners to establish covenants on private land to protect special natural and cultural features. The covenants set out details such as what is being protected and why, and what can and cannot be done on the land.
66. Council has a database and map of these areas but they have not been zoned by PC115 due to the protections already afforded by the covenant deed and the variations within these deeds that make each covenant unique. It is the QEII Trust that enforces the covenant, not the Council.

3.2.8 Heritage New Zealand Pouhere Taonga Act 2014

67. Open spaces may contain identified or unidentified archaeological sites as well as built heritage and sites of significance to Māori. DoC currently manages 46 sites within Northland for heritage purposes, including small sites or large areas. For example; Bream Head Scenic Reserve contains the Home Point Battery which is a scheduled built heritage item.
68. In terms of the protection of archaeological sites, Heritage New Zealand (HNZ) has overarching statutory responsibility in New Zealand for this function, with many of these having significance to tangata whenua. The Heritage New Zealand Pouhere Taonga Act (HNZPT) protects archaeological sites, whether listed or unlisted, making it unlawful for any person to modify or destroy, or cause to be modified or destroyed, the whole or any part of an archaeological site without the prior authority of HNZ.
69. The HNZPT does not protect other heritage sites, relying on local authorities to implement policies and rules that protect these features. In the WDP this involves the identification and scheduling of significant built heritage items together with known significant archaeological sites warranting protection by way of specified controls (refer Chapter HH. Historic Heritage, BH. Built Heritage, and 60. Sites of Significance to Māori).

3.2.9 Local Government Act 2002

70. Sustainable development approaches are also incorporated in local government and building legislation. The purpose of local government is defined in section 10 of the Local Government Act 2002 (LGA) as being:
 - (a) *to enable democratic local decision-making and action by, and on behalf of, communities; and*
 - (b) *to promote the social, economic, environmental and cultural well-being of communities, in the present and for the future.*

71. The LGA thus enables regional and local authorities to develop their own provisions to address local issues and to include requirements for consultation to ensure plans reflect community-based objectives. As part of this process, councils are required to prepare Long Term Plans that detail council activities and priorities and explain how these will progress community outcomes over a 10 year period, setting a plan for decision-making and co-ordination of Council resources.

3.3 Regional Policy

3.3.1 Regional Policy Statement for Northland 2016 (RPS)

72. The Northland Regional Policy Statement (RPS) became operative on 9 May 2016. While the RPS does not contain issues that directly refer to the provision and management of open space, there are relevant references to regionally significant infrastructure, efficient and effective infrastructure, and regional form.
73. Objective 3.7 refers to recognising and promoting the benefits of regionally significant infrastructure. Policies include identifying such infrastructure in Appendix 3 to the RPS (refer Policy 5.3.1). Key active recreational areas such as Northland Events Centre and Kensington Stadium are identified as regionally significant infrastructure, and as such policy directs that they should be protected from reverse sensitivity and constraints to their operation, maintenance and upgrading should be reduced (refer Policy 5.1.3, 5.3.2, 5.3.3).
74. Objective 3.8 refers to providing efficient and effective infrastructure. Policies 5.2.1 and 5.2.3 are about encouraging infrastructure that is flexible, resilient and adaptable, and promoting infrastructure to provide opportunities for growth and economic development. These are relevant to the provision of open spaces and associated infrastructure.
75. Objective 3.11 refers to creating sustainable communities and integrating infrastructure with development. Policies direct planning and coordinating development (refer Policy 5.1.1), including the provision of guidelines for regional form and development and urban design (Appendix 2 of the RPS).
76. The Regional Form and Development Guidelines refer specifically to the provision of parks ...
“(f) Recognise the importance of and provide for parks, in regards to medium and large-scale residential and residential / mixed use development”. The guidelines also refer to public access ...
“(m) Maintain and improve public access to and along the coastal marine area, lakes and rivers”.
77. The Urban Design Guidelines have reference to open spaces under headings of “choice” and “connections”. The guidelines seek to ensure open spaces provide opportunities for all and that green networks provide linkages between private and public open space.

3.3.2 Northland Regional Plans

78. There are a number of operative Regional Plans for Northland that have been developed under the RMA. These include the Regional Water and Soil Plan, Air Quality Plan and the Coastal Plan. The Regional Coastal Plan implements policy from the NZCPS. Having reviewed each document and taking into account all of the provisions it is considered that the proposed objectives are consistent with the Regional Plans.
79. The Proposed Regional Plan (PRP) combines the operative Regional Plans into one combined plan. It is considered that PC115's proposed objectives are consistent with the PRP.

3.3.3 Conservation Management Strategy for Northland

80. The Conservation Management Strategy (CMS) for Northland was made operative in 2014. It sets out a vision for Northland and the distinctive features, values and issues of Northland.
81. Outcomes of relevance to open spaces are: more people to participate in recreation, more people to engage with conservation and value its benefits, conservation gains from more business partnerships.
82. As outlined in Section 6.2 above, the CMS notes that DoC is exempt from needing to obtain district council land use consents where activities are consistent with a Conservation Management Strategy and do not have significant adverse effects beyond the boundary of public conservation land. Appendix 1 of the CMS lists many of the activities that DoC considers meets the requirements for an exemption under section 4(3) of the RMA.
83. The CMS states there are two Conservation Management Plans for areas in Northland, one of which is in the Whangarei District – Pukenui Forest. WDC notes that this is in fact a Reserve Management Plan and it is examined in more detail in the section below.

3.4 District Policy

3.4.1 Whangarei District Growth Strategy – Sustainable Futures 30/50 (30/50)

84. The Whangarei District experienced significant growth over the period 2001 to 2008. Future growth for the district is projected to continue and in some parts of the district, particularly in the Marsden Point/Ruakaka area, has the potential to be substantial. This growth presents both challenges and opportunities to the district and its communities, individuals and families, businesses and governing bodies.
85. To manage the projected growth sustainably, Council formulated 30/50 as a long term Sub-regional Growth Strategy. 30/50 identified economic drivers of development, assessed future growth potential, determined existing and potential land use patterns, and assessed and planned for infrastructural requirements for the district over a 30-50 year time frame.

86. The environmental, social and cultural constraints on, and the consequences of, the anticipated development have been identified and assessed. This research and analysis enables a long term, integrated, strategic planning programme to be developed, based upon sustainability principles, which will assist the sustainable development of the district over the next 50 years.
87. 30/50 was adopted by Council on 22 September 2010. Following the completion of 30/50, there will be an extensive implementation phase together with an on-going review of the Strategy itself. 30/50 identified a preferred future development path (Future Three) chosen around which further analysis can be undertaken. Future Three represents a managed, consolidated development path based upon a structured five tier settlement pattern.
88. The 30/50 Implementation Plan 2013 specifies actions to be implemented within the WDP to achieve the strategic direction of 30/50. These actions are given priority timing. PC115 seeks to implement only the relevant actions within the 10 year life of the WDP.

3.4.2 Whangarei District Council Long Term Plan 2018 – 2028 (LTP)

89. The Local Government Act 2002 (LGA) requires every council to produce a long term plan every three years. The LTP outlines Council's activities and priorities for the next ten years, providing a long-term focus for decision-making. It also explains how work will be scheduled and funded. The LTP was adopted by Council in June 2018 and covers the period 1 July 2018 to 30 June 2028.
90. Key to Council activities is the provision of infrastructure. Because development and settlement patterns have effects on both the timing and costing of core infrastructure, the LTP, the Infrastructure Strategy and the supporting Asset Management Plans (AMPs) have been developed with regard to 30/50.
91. PC115 does not development capacity created but seeks to provide for the ability of infrastructure (Open Space) to provide appropriate services in accordance with the LTP and AMPs.

3.4.3 Open Space Strategy 2001

92. The Open Space Strategy show how the Council will provide, develop and maintain a network of high quality open spaces to meet the needs of the city and the District in the future. The strategy includes an assessment of existing spaces, future visions and priorities for open space. The Council's core open space functions are to protect valued open space and to provide adequate recreational opportunities to meet the needs of the community.
93. The Open Space Strategy identifies four main values. Ten guiding principles for the management of open space have also been developed. These are:
 1. A heritage to be proud of.
 2. Responding to pressure and demand.

3. Effective organisation of recreation.
 4. Potential for tourism.
 5. Fostering conservation.
 6. Enhancing urban areas.
 7. Protecting and accessing the coast and streams.
 8. Effective linkages.
 9. Promoting partnerships.
 10. Realistic goals.
94. The concepts and guiding principles of the Open Space Strategy have been integral to the drafting of PC115.

3.4.4 Open Space Review

95. The Open Space Review [**Attachment 1**] was undertaken in 2016 – 2018. The Review identifies that the total area of park land per resident population, provided in the Whangarei district, is significantly higher than for other districts in New Zealand. However, the review notes that most of this land is unmanaged conservation/natural areas and the district is currently undersupplied with recreational open space. The review proposes increasing recreational open space provision to meet national standards which will address the current shortfall and meet future demand for open space from the projected increased population.

3.4.5 Reserve Management Plans

96. WDC has the following current reserve management plans prepared under the Reserves Act 1977. The plans set the direction for the management and control of reserves for which WDC has responsibility.
- Kensington Park.
 - Parihaka and Hatea River Reserves.
 - William Fraser Memorial Park on Pohe Island.
 - Pukenui Forest – Ngahere 0 Pukenui.
97. The plans highlight the multitude of activities that occur on open space land and the challenges in managing these activities. The plans identify that commercial and tourism activities may be appropriate on reserve land, and have criteria for assessing the proposed activities.
98. The plans identify land that is not currently reserve land but is managed and used for open space purposes, often in conjunction with reserve land. The plans recommend that the relevant land is rezoned as Open Space Environment. PC115 seeks to implement these recommendations.
99. Also of relevance is the guidance in the Parihaka and Pukenui plans that where land is used for production forest, following harvest the land will be returned to native vegetation. This is proposed to be reflected in the land use provisions of PC115.

3.4.6 Blue/Green Network Strategy 2016 (BNG)

100. The BGN aims to create an attractive and environmentally sustainable urban environment that also addresses threats from flooding and future climate change. The four main themes of the BGN are:

- Enhancing and connecting our communities.
- Enhancing ecosystem services and ecological connectivity.
- Providing opportunities for economic development.
- Protecting our communities from natural hazards.

101. The BGN identifies three main waterways (Hatea River, Raumanga Stream and Waiarohia Stream) as primary corridors providing the greatest opportunity for recreational and commuter pathways and economic development in Whangarei City. Work around minor waterways would focus on creating ecological corridors that support biodiversity and increase public amenity throughout the city. Cross city connections will link suburbs away from waterways with greenspace, schools and other facilities.

102. Implementing the BGN would reduce the problems caused by flooding, enhance and help to restore ecological corridors and stream edges, improve water quality, increase “sense of place”, and connect people and places together. It would also seek to respect and provide acknowledgement of Māori cultural and spiritual values and may also lead to economic development and an increase in tourism opportunities.

103. PC115 is consistent with the BGN.

3.4.7 Operative Whangarei District Plan 2007 (WDP)

104. The relevant provisions of the WDP are detailed within Section 2.3 of this report.

105. A number of plan changes have been proposed as a part of the rolling review of the WDP. Those plan changes progressing at present include:

- Change 129: Notable and Public Trees – Hearing closed on 18 January 2019.
- Change 134 Designation – Submissions heard 25 February 2019.

106. PC115 has been drafted to be consistent and compatible with these plan changes. However, any amendments to the plan changes above resulting from submissions, decisions or appeals may need to be considered. Consequential changes may be required to ensure the interface between the Urban Plan Changes and the plan changes above remain appropriate.

3.5 Iwi and Hapu Management Plans

107. Five Iwi and Hapu Environmental Management Plans are recognised by WDC:

- Te Uiroroi Hapu Environmental Management Plan and Whatatiri Hapu Environmental Plan 2016.

- Ngati Hau Resource Management Unit Hapu Environmental Management Plan 2016.
- Patuharakeke Te Iwi Trust Board Environmental Management Plan 2014.
- Ngati Hine Iwi Environmental Management Plan 2008.
- Te Iwi O Ngatiwai Management Plan 2007.

108. These management plans are all of relevance to PC115, particularly in terms of their role in 'knowledge sharing' with WDC and guidelines relating to the use of natural resources.

109. The management plans all include issues, objectives, policies and methods relating to water. "10. Access to our water bodies and coast and its resource, especially kai moana, is a taonga tuku iho of Ngati Hine." (15. Ngati Hine) There is policy that general public access to the coast and waterways should not give precedence over spiritual and customary values and sites (5.8.3 Patuharakeke). There is also concern that general public access may violate sites and result in a decline in fisheries (27. Ngati Hine).

110. Other water issues in the management plans include ensuring wide riparian margins, esplanade reserves for all new subdivision and development, planting of indigenous vegetation (26. Ngatiwai) and providing incentives to protect riparian margins (15.4 Ngati Hine).

111. The management plans promote protection of indigenous vegetation, some specifying protection for indigenous trees over certain size and protection for all indigenous wetland and indigenous tidal trees (9.2.2 Ngatiwai). A suggested method to achieve this, as well as for the protection of indigenous fauna and wāhi tapu, is the provision of rates relief where areas are covenanted to protect indigenous trees, fauna or wāhi tapu (18(2a) Ngati Hine).

112. In terms of public reserves, the plans state that public reserves must be adequately resourced (5.7.3(e) Patuharakeke). "5.16 (c) New development should be levied to pay the full and true cost of infrastructure." and 5.16(d) Provision of public services to green field developments should not be at the expense of the needs of existing communities" (Te Uriroroi, Whatatiri). Joint Management and transfer of powers should be identified and agreed for Council owned reserves, especially those that contain wāhi tapu (2.4(n) Te Uriroroi, Whatatiri).

3.6 Neighbouring Territorial Authority District Plans

113. Kaipara District Plan (2013) classifies reserve areas and public open space as Resource Management Units (similar to WDP Resource Areas). Activities are generally permitted if in accordance with a Reserve Management Plan, Conservation Management Strategy, or Conservation Management Plan. If none such exists, then the underlying zone rules apply.

114. Because of the limited number of reserve and conservation management plans for open space areas within Whangarei district, it is considered that the approach of the Kaipara District Plan is not appropriate for the Whangarei District. However, it is also considered that

the approach proposed by PC115 is not inconsistent with the Kaipara District Plan, as both plans seek to provide, protect and manage public open spaces and reserves.

115. Far North District Plan (2009) has two open space zones; Recreation Zone and Conservation Zone. There are a number of provisions controlling development and use within these zones. The provisions are effects based, for example: limits on the scale of operation (based on employees and persons making use of facilities), hours of operation and traffic movements.
116. FNDC are actively reviewing their District Plan. PC115 is consistent with the Far North District Plan framework for managing open spaces, with a mix of activity and effects based provisions.

4 Consultation

117. Prior to the notification of PC115, consultation regarding the development of Whangarei's urban area and services has been undertaken. This consultation has informed the resource management issues in and the plan change options to address these issues.
118. The draft Plan Change was advertised to all plan holders, practitioners and iwi contacts, as well as being publicly available for pre-notification feedback, from June 2018 through August 2018. Feedback was received in the form of written comments, individual meetings, public meetings and hui with hapu representatives.
119. A consultation website was also developed for the Urban and Services Plan Changes which included an interactive map with draft mapping and an online survey with targeted questions. Throughout the consultation phase, additional questions were posted on Council's Facebook page to promote further discussion and engagement.
120. There were 673 comments/forms received in total between survey responses, formal feedback and Facebook comments.
121. The draft plan change was presented and work-shopped with Te Karearea and Te Huinga, iwi and hapu leaders.
122. Feedback was summarised and presented back to the Council's Planning Committee to inform the plan change drafting.

5. Proposed Conservation, Sport and Active Recreation and Open Space Zones

123. PC115 proposes to rezone public open space land into three zones to reflect the existing use, amenity and intended purpose. Three new zones are proposed consistent with the Standards. Each zone has a different purpose:

Open Space (OS) The purpose is to provide primarily for a range of passive and active recreational activities, and opportunities for relaxing and socialising, with limited facilities, structures and opportunities for relaxing and socialising.

Conservation (CON) The purpose is to provide primarily for the ongoing management of land that has a particular conservation focus.

Sport and Active Recreation (SAR) The purpose is to provide primarily for indoor and outdoor active recreation, sports and associated facilities, including large scale buildings and structures.

124. The amenity values of open space are highly valued and the three proposed zones (CON, SAR and OS) aim to maintain and enhance this amenity. Activities which are not consistent with the anticipated amenity, character and uses within the zones are encouraged to be located in other urban or rural zones. It is proposed to achieve these outcomes through zone mapping, a new suite of objectives, policies and provisions specific to the three proposed zones.

6. Section 32 Analysis

6.1 Appropriateness in Terms of Purpose of RMA

125. Council must evaluate in accordance with s32 of the RMA the extent to which each objective proposed in PC115 is the most appropriate way to achieve the purpose of the RMA. To confirm the appropriateness of the proposed objectives, report goes on to assess whether the proposed objectives are the most appropriate way to achieve the purpose of the RMA, other higher order documents and the WDP. The level of analysis undertaken in this report is appropriate to the scale of the proposal.

126. PC 115 proposes objectives for the district wide Strategic Direction Chapter, and each proposed zone. An alternative option to the proposed objectives is to rely on the existing higher order objectives in Part D of the WDP. However, the existing objectives are not considered to appropriately give effect to the RMA. The existing objectives do not provide for providing for different types of open space. Therefore, the existing objectives present additional costs and risk compared to the proposed objectives.

127. PC115 proposes the following objectives for Open Space Area to be located within the Strategic Direction Chapter, the reasons for which are detailed in Table 2:

TABLE 2: S32 ASSESSMENT OF PROPOSED OPEN SPACE AREA OBJECTIVES	
Proposed OSA Objectives	Reason/Issue
SD-O20 Provide sufficient quality open space for the social and cultural well-being of a growing population.	WDC is required to provide sufficient recreational infrastructure to meet the needs of the growing population. Demand on public open space increases as population grows and residential density increases. Technical assessment of current open space provision has concluded it is likely that existing open space and recreation facilities in the district will face future pressure from development and for increased use by the public.

<p>SD-O21</p> <p>Provide a range of open space land in the District to enable recreational, cultural, community, conservation, and educational use.</p>	<p>Open space provides for ecological, environmental, recreational, landscape, or heritage values. It is important that each area of open space is recognised for its specific type of open space values.</p> <p>The current WDP is not written with specific requirements and values of public recreation areas and open spaces in mind. As a result of this, activities and facilities that are central to the provision, maintenance and use of public recreation areas and open spaces may require resource consent which can lead to delays in development.</p>
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128. PC115 proposes the following objectives for CON, the reasons for which are detailed in Table 3:

TABLE 3: S32 ASSESSMENT OF PROPOSED CON OBJECTIVES	
Proposed CON Objectives	Reason/Issue
<p>CON-O1 Natural Environment</p> <p>Protect and enhance the natural, ecological, landscape, cultural and heritage values of the Conservation Zone.</p>	<p>Conservation areas of open space are sensitive environments often with extensive native vegetation cover or located in coastal environments.</p> <p>Protection of the values of the conservation zone are necessary to meet section 6 of the RMA.</p>
<p>CON-O2 Activities and Buildings</p> <p>Buildings associated with recreation, education, culture and conservation activities complement and do not compromise the values and qualities of the Conservation Zone.</p>	<p>Buildings and structures on inappropriate size or location have the potential to adversely affect the values of the CON.</p> <p>Protection of the values of the conservation zone are necessary to meet section 6 of the RMA.</p>

129. PC115 proposes the following objectives for SAR, the reasons for which are detailed in Table 4:

TABLE 4: S32 ASSESSMENT OF PROPOSED SAR OBJECTIVES	
Proposed SAR Objectives	Reason/Issue
<p>SAR-O1 Recreation and Community Activities</p> <p>Provide for a range of sport, active recreation and community activities.</p>	<p>Access to sport, recreation and community facilities is necessary to ensure community health and wellbeing.</p> <p>People need the ability to interact with a range of sporting, and recreational options, across the district.</p>
<p>SAR-O2 Adverse Effects</p> <p>Recognise the potential effects on adjacent sites and surrounding areas from sport, active recreation and community activities.</p>	<p>SAR provides for large scale active recreation activities, such as Kensington Stadium.</p> <p>Levels of noise and lighting from such activities are anticipated to be higher than those expected within surrounding residential zones.</p>
<p>SAR-O3 Ancillary Activities</p> <p>Enable activities directly associated with sport active recreation and community activities to enhance the use and enjoyment of the Sport and Active Recreation Zone.</p>	<p>It is common for complementary commercial activities to occur in conjunction with a recreational or community activity. It is necessary however to ensure that sport, recreation and community activity is the primary use on site and that ancillary activities do not adversely affect the viability of Business Zones.</p>

130. PC115 proposes the following objectives for OS, the reasons for which are detailed in Table 5:

TABLE 5: S32 ASSESSMENT OF PROPOSED OS OBJECTIVES	
Proposed OS Objectives	Reason/Issue

OS-O1 Informal Recreation Provide for quality public open spaces for informal recreation and small-scale community uses.	Access to neighbourhood parks and playgrounds found in informal recreation spaces is necessary to ensure community health and wellbeing. People need the ability to interact with a range informal open spaces, across the district.
OS-O2 Values Protect the amenity, cultural, historic and natural values of the OS.	Buildings and structures of inappropriate size or location have the potential to adversely affect the amenity of OS. Protection of the values are necessary to meet section 6 of the RMA.

TABLE 6: LINKAGE OF PROPOSED OBJECTIVES WITH PART 2 OF THE RMA

		Proposed Objectives								
		SD-O31	SD-O32	CON-O1	CON-O2	SAR-O1	SAR-O2	SAR-O3	OS-O1	OS-O2
RMA Part 2 Sections	5(2)(a)	√	√	√	√	√	√	√	√	√
	5(2)(b)									
	5(2)(c)									
	6(a)	√	√	√	√				√	√
	6(b)				√					
	6(c)				√					
	6(e)				√					
	6(f)				√					
	7(b)					√	√	√	√	√
	7(c)				√					
	7(d)									
	7(f)									

131. Part 2 of the RMA outlines the purpose and principles of the RMA. Table 6 demonstrates that the proposed objectives achieve the purpose of the RMA. Several sections within Part 2 of the RMA are not relevant to PC115. Additionally, with regard to s8, consultation with Tangata Whenua has been undertaken and no matters have been identified that would indicate that PC115 is inconsistent with s8.

132. Having assessed the proposed objectives against Part 2 of the RMA it is considered that they achieve the purpose of the RMA and promote sustainable management.

6.2 Appropriateness in Relation to Higher Order Documents

133. The provisions of higher order documents were considered in the formulation of the objectives and policies in PC115. Of particular relevance to PC115 are the RPS, the LTP, 30/50 and the Open Space Strategy. This report provides a comprehensive evaluation of the consistency of

PC115 in relation to relevant higher order documents. Table 9 provides an overview of the proposed objectives' consistency with the more relevant higher order documents.

		TABLE 9: LINKAGE OF PROPOSED OBJECTIVES WITH HIGHER ORDER DOCUMENTS								
		Proposed Objectives								
		SD-O31	SD-O32	CON-O1	CON-O2	SAR-O1	SAR-O2	SAR-O3	OS-O1	OS-O2
Higher Order Documents	RPS	√	√	√		√			√	
	LTP				√		√			√
	30/50	√		√	√	√	√	√	√	
	OSS									

6.3 Appropriateness of Proposed Policies and Methods

134. A s32 assessment must determine whether the proposed provisions are the most appropriate way to achieve the proposed objectives by undertaking a cost benefit analysis of the economic, social, environmental and cultural effects of the provisions, including whether opportunities for economic growth and employment are reduced or increased. The risk of acting or not acting where uncertain information exists must also be considered. Below is an assessment of the proposed provisions.

6.3.1 Policies

135. The proposed objectives seek to ensure the provision of different types of open spaces to meet the needs of the district. These objectives are achieved through the application of policies and methods.

136. The policies proposed are considered to achieve the objectives by:

- Identifying the character and amenity that is anticipated within the zones.
- Enabling activities that enhance the amenity, cultural, historical and natural values of CON, SAR and OS.
- Managing the scale and design of buildings to maintain amenity and character.
- Limiting the level of subdivision to protect open space land for its primary use.

137. The proposed policies are considered the most appropriate for achieving the objectives and provide a coherent link to the methods and rules. The use of clear and direct policies also aligns with the policy driven approach applied to the rolling review.

138. Table 10 below demonstrates that the policies implement the proposed objectives, and that the methods implement the proposed policies:

TABLE 10: LINKING OF PROPOSED PROVISIONS		
Proposed Objective	Proposed Policies	Proposed Methods
CON-O1 Natural Environment	CON-P1, CON-P5 – P7	CON-R2 – R37 + SUB-R11
CON-O2 Activities and Buildings	CON-P2 – P4	CON-R2 – R5
OS-O1 Informal Recreation	OS-P1	OS-R2 – R21 + SUB11
OS-O2 Values	OS-P2 – P6	OS-R2 – R5
SAR -O1 Recreation and Community Activities	SAR-P1, SAR-P3	SAR-R2-R4
SAR-O2 Adverse Effects	SAR-P2, SAR-P3, SAR-P6	SAR-R2-R30
SAR-O3 Associated Activities	SAR-P5	SAR-R6-R14

139. An alternative option to the proposed policies was to rely on the existing higher order policies in Part D of the WDP. However, the existing policies are not considered to be effective in clearly providing for different types of open space. Therefore, the existing policies present additional costs and risk compared to the proposed policies.

6.3.2 Proposed Zone Boundaries

140. Spatial mapping is an appropriate method of achieving the objectives of the zones as it identifies where the proposed new objectives and provisions do and do not apply. In order to determine whether or not an area is consistent with the CON, SAR or OS the following mapping criteria in conjunction with proposed zoning policy in the Strategic Direction chapter proposed in Plan Change PC148 have been considered:

TABLE 11 ZONE CRITERIA

Conservation Zone	Open Space Zone	Sport and Active Recreation Zone
<p>Land is owned by DoC and currently zoned Open Space Environment.</p> <p>Land is owned by WDC, or is privately owned, and is operated in accordance with one or more of the following criteria:</p> <ul style="list-style-type: none"> i. Site is categorised as the following New Zealand Reserve Association categories - unmanaged natural park areas, unmanaged recreation and ecological linkages, and unmanaged green space. ii. Area that plays a special role in educating residents and visitors and providing recreation opportunities. iii. Generally, the natural elements and unmodified nature of the area gives it a sense of wilderness and isolation. iv. Area that helps to preserve and define Whangarei's natural character and provide a connection to our natural heritage. v. The management emphasis for the area is the conservation and protection of natural resources. vi. Levels of development, facilities and management range from none to medium. vii. There are minimal buildings and structures, ensuring a largely undeveloped area and open expanse of land. viii. Where buildings and improvements are provided, they relate to conservation and land management, recreation, education, and visitor information. ix. May have limited public access. 	<p>Land is owned by WDC, or is privately owned, and meets one or more of the following criteria:</p> <ul style="list-style-type: none"> i. Site is categorised by the following New Zealand Reserve Association Park Categories: neighbourhood green space, managed recreation & ecological linkages, and managed natural park areas. ii. Primarily used for outdoor informal recreation and community use. iii. Area is used predominately by local residents. iv. Levels of development, facilities and management range from low to medium. v. Limited buildings and structures that support the use of the public space, such as barbeques and picnic facilities, playgrounds, skate parks, informal hard courts, shelters, toilet and changing facilities, and small-scale community buildings. vi. Expected social interaction within the area is medium. vii. Commercial activity is not enabled in Open Space Zone. Presence of limited temporary activities. <p>Examples include neighbourhood parks (Nixon St Park, Te Paka Cres Park), managed esplanade reserves and linkages (Hatea River), managed natural parks.</p>	<p>Land is owned by WDC, or is privately owned, and meets one or more of the following criteria:</p> <ul style="list-style-type: none"> i. Site is categorised by the following New Zealand Reserve Association Park Categories: sport and recreation, civic spaces, public gardens, and cultural heritage. ii. Primarily used for organised activities including events and indoor and outdoor organised sports. iii. Areas contain cultural and historical buildings and provide for heritage conservation iv. Area used for commemoration, mourning and remembrance. v. Contains gardens developed to a high standard with collections of plants and landscaping for relaxation, contemplation, education, amenity/intrinsic value. vi. Area is used by local, district and regional population and visitors, includes venues for regional and national events. vii. Have a medium to high levels of development, facilities and management. viii. Contain buildings and structures to support active recreation, and or civic recreation, such as grandstands, sports and community buildings, toilets and changing facilities. ix. Area where there is high public utilisation and social interaction with larger groups of people. x. Commercial activity enabled where it is ancillary to a sport and recreation activity. <p>Examples include major parks (referred to as destination parks, e.g. Mair Park), sports fields (Koropupu Community Sports Park), multi-sports facilities (Kensington Park), hardcourts and greens (Avenues Bowling Club), public</p>

<p>x. Expected social interaction within the area is low and ranges from solo to 5-10 people.</p> <p>xi. Commercial activity is not provided on site.</p> <p>Examples of such land include: bush reserves (Onoke Reserve, Pukenui Forest), headlands (Bream Head, Tutukaka), natural wetlands (Otakairangi Wetland, Hikurangi Swamp) and parts of the coastline (Whale Bay, Matapouri). Excludes conservation covenants, e.g. QEII and WDC. Includes privately owned areas such as Dragonfly Springs.</p>		<p>gardens (Cafler Park), community halls (Onerahi Community Centre), boat ramps (Parua Bay boat ramp). Excludes privately owned golf courses, sports facilities and gyms. Includes privately owned areas such as Quarry Gardens, Quarry Arts Centre, KiwiNorth.</p>
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141. In order to assess the appropriateness of the proposed spatial extent of the zones in achieving the objectives of the zones the following three options were evaluated:

- **Option 1:** Retain current Open Space Environment mapping (status quo).
- **Option 2:** Map using the criteria identified in Table 11, proposed policies in SD and zone areas land of that fail to meet the criteria and mapped WDP Open Space Environment consistent with the surrounding zone. (plan change option).
- **Option 3:** Map using different criteria which may result in more or less open space being identified.

142. Evaluation of these alternative options have been summarised in Table 12:

TABLE 12: EVALUATION OF ALTERNATIVES - MAPPING		
Option	Costs	Benefits
<p>Option 1 – status quo</p>	<p>Environmental</p> <p>Not all areas of open space are currently mapped, therefore environmental effects of use and development of some open spaces may not be managed.</p> <p>Relies on one Environment, so values unique to some open spaces may not be recognised and protected.</p> <p>Economic</p> <p>Not mapping all open space areas may reduce ability to develop open spaces.</p> <p>Social</p> <p>May restrict open space development thereby not providing social wellbeing.</p> <p>Cultural</p>	<p>Environmental/Cultural</p> <p>None known</p> <p>Economic</p> <p>No change to the current level of open space identification and development.</p> <p>Social</p> <p>Status quo so familiar to district plan users.</p>

	May restrict open space development thereby not providing for cultural wellbeing.	
Option 2 – map according to criteria (plan change option)	<p>Environmental None known.</p> <p>Economic Cost of undertaking plan change.</p> <p>Social None known.</p> <p>Cultural None known.</p>	<p>Environmental More land is identified as open space leading to better management of the environmental effects of use and development of open spaces.</p> <p>Land is categorised as three different open space zones, providing protection of differing values of open spaces e.g. natural and recreational.</p> <p>Consistent with the draft Standards.</p> <p>Economic Differing zones provide for open space development and use, increasing economic benefit to the district.</p> <p>Easier to identify varying types of open space and suitable land use and consenting requirements.</p> <p>Social Helps the public identify open space opportunities in the district, increasing social wellbeing.</p> <p>Use of best practice through benchmarking with rest of NZ, and consistent with recommendations in Open Space Review 2017.</p> <p>Cultural Identifies a range of open space opportunities integral to cultural wellbeing.</p>
Option 3 – mapping with different criteria	<p>Environmental Differing values of open spaces may not be recognised in criteria and areas may not be mapped as open space, resulting in lack of protection and management provision or restriction.</p> <p>May not be consistent with the draft Standards zone descriptions.</p> <p>Economic Cost of undertaking plan change.</p> <p>Uncertain criteria may lead to plan change appeals.</p> <p>Further technical reports required to support alternative criteria.</p> <p>May identify less open space for development and less</p>	<p>Environmental May provide for differing values of open space.</p> <p>Economic May identify more open space for development and subsequently more economic growth.</p> <p>Social and Cultural May provide adequate open space for social and cultural wellbeing.</p>

	<p>opportunity for economic growth.</p> <p>Social</p> <p>May not adequately provide open space for social wellbeing.</p> <p>Not consistent with Open Space Review 2017.</p> <p>Cultural</p> <p>May not adequately provide open space for cultural wellbeing.</p>	
Efficiency & Effectiveness	Efficiency	Effectiveness
Option 1	This option is not efficient at mapping varying open spaces, as it relies on one zone.	This option is not effective in achieving the objectives for open space.
Option 2 – plan change option	This option is considered an efficient method to map the varying open spaces according to values, and potential use and development.	This option is effective in achieving the objectives of PC115.
Option 3	This option is not efficient at mapping open spaces as it has uncertain outcomes and is not supported by technical expertise.	This option is not effective in mapping open spaces as it is not defined.
Economic growth and employment opportunities		
Open space development and use provides economic benefit to the district. Option 2 provides the most opportunity for open space development and use therefore providing the most economic growth and employment opportunities of the three options.		
Risk of acting and not acting if there is uncertain or insufficient information		
Option 3 has a risk of acting due to insufficient information. The other options have no risk of acting due to uncertain or insufficient information.		

143. Option 2 is the most appropriate for mapping where the zones apply. The criteria can also be applied to zoning changes, arising from submissions to PC115 or future plan change applications.

6.3.3 Proposed Provisions

144. The proposed provisions are assessed below. The proposed provisions are grouped by topic and effects. The evaluation of the provisions includes the identification of alternative options and an assessment of the costs, benefits, efficiency and effectiveness of the proposed provisions and the risks of acting and not acting.

Default to Permitted Activity Status

145. It is proposed within each zone of PC115 to provide a permitted activity rule whereby any activity which is not otherwise listed in the chapter defaults to a permitted activity provided

that all relevant rules within the Zone and any Overlay and District Wide rules are complied with.

146. Reasonably practicable options for activities that are not stated in each chapter are as follows:

- **Option 1:** Proposed Plan Change – Include default to permitted activity.
- **Option 2:** Default to discretionary or non-complying activity for any activity that is not stated in the chapter as having a specified activity status.

147. It is considered that Option 1 represents the most appropriate option for the following reasons:

- The approach taken with PC115 (and the Urban Plan Changes) is to introduce a new set of activity definitions and have rules for each activity in every chapter. Under this approach, it is considered that all relevant activities have been considered and have been listed in the chapters. This avoids the risk of having unforeseen activities not being listed in the chapter and thereby defaulting to permitted. In addition, there are Overlay and District Wide chapters which cover topics such as noise and signs to ensure that these activities are managed even though they are not listed in each zone chapter.
- Option 2 would require a much more extensive list of activities to be provided in each chapter. For instance, there would need to be permitted activity thresholds for vegetation clearance, temporary activities, aerials, traffic movements, etc. in all of the urban plan change chapters. It is considered that Option 2 presents a greater risk of omitting activities which may be entirely acceptable in a particular zone and thereby requiring discretionary or non-complying consent for the activity with a limited policy framework to support any application.
- Option 1 provides for a higher level of economic growth and employment opportunities as it does not require consent for every activity that has not been stated in each chapter.
- There is risk associated with Option 1 if activities are unintentionally not stated in a chapter thereby enabling the activity as permitted; however, care has been taken to ensure that all appropriate activities have been covered within each chapter to minimise the risk of Option 1.

Building Height and Height in Relation to Boundary

148. The proposed objectives seek to provide for recreational and community activities while maintaining amenity and values of each relevant zone. The zones have very different levels of anticipated built form to achieve their relevant objectives.

149. Proposed Rules CON-, OS-R2 and SAR-R2 manages building height within the zones. The proposed maximum building height of 10m in the SAR is consistent with Business 2 Environment maximum building height. The maximum building height of 5.5m in the CON is consistent with the Coastal Area, High Natural Character and Outstanding Landscape maximum building height. The maximum building height of 8m in the OS is consistent with

the existing Open Space Environment and the Living Environments. An exemption for lighting towers is proposed in the SAR recognising the operational needs of active sport.

150. In conjunction with the maximum building height provision it is proposed to impose height in relation to boundary rules CON-R4, OS-R4, SAR-R4 to further protect amenity values of adjacent Residential zones. The WDP currently imposes rules relating to daylight angles where properties are adjacent to Living Environments. There has been a lack of clarity regarding this rule and it is considered that the proposed height in relation boundary provision will allow for more clarity in interpretation and implementation.

151. Alternatives considered were:

Option 1: Status Quo: Retain the current Open Space Environment 8m maximum building height limit rules and daylight angle rules.

Option 2: Tailor the maximum building height and apply the Height in Relation to Boundary rules appropriate to the built density expected of the zone (plan change option).

Option 3: Have no building height controls in the zones.

152. Evaluation of these alternative options have been summarised in Table 13:

TABLE 13: SECTION 32 ASSESSMENT OF BUILDING HEIGHT OPTIONS		
	Costs	Benefits
Option 1: Status Quo	<u>Environmental, Social and Cultural</u> None identified. <u>Economic</u> 8m building height is not flexible enough to allow taller buildings where these may be appropriate and have positive economic benefits.	<u>Environmental</u> Building heights are managed to minimise shading and dominance. <u>Economic and Social</u> None identified. <u>Cultural</u> None identified.
Option 2: Tailor building height Plan Change option	<u>Environmental</u> Changing the amenity of the zones. <u>Economic</u> Reduced ability to accommodate larger buildings in the SAR. <u>Social and Cultural</u> None identified.	<u>Environmental and Social</u> Building heights reflect the predominant and anticipated use of the zone and protect amenity. <u>Economic</u> Increased building height in SAR enables increased floor space. <u>Cultural</u> None identified.
Option 3: No maximum building heights	<u>Environmental, Social and Cultural</u> Without a maximum building height, there is the potential for adverse effects in relation to shading, human scale of development and change in the amenity of zones. <u>Economic</u> None identified.	<u>Environmental, Social and Cultural</u> Increased building height in SAR enables increased floor space. <u>Economic</u> Increased development opportunities with no height restrictions.
	Efficiency	Effectiveness

Option 1	Consultation and research have confirmed that the status quo option efficiently provides for development within the Open Space Environment.	A maximum 8m building height effectively achieves the objectives, for the OS, but fails to achieve the CON and SAR objectives.
Option 2	Option 2 is considered to be efficient as it tailors the height of the built environment to reflect the predominant use and amenity of the zones.	Option 2 would be effective in meeting the objectives of the zones to maintain amenity.
Option 3	Option 3 would result in no building height controls which will not result in any kind of management of effects, being completely inefficient and ineffective.	
Economic Growth and Employment Opportunities		
Option 3 provides the most economic growth and employment opportunities by not managing building height. Option 1 limits the opportunities for economic growth and employment, particularly in the SAR.		
Risk of acting and not acting if there is uncertain or insufficient information		
There is no known risk due to insufficient information.		

153. Option 2 (Plan change option) is considered to be the most appropriate method. Option 2 will achieve the expectations for the zones and achieve the proposed objectives.

Building Setbacks

154. The Open Space Environment imposes the same building setback as an adjoining Environment (zone) nearest the building site for front and other yards.

155. The proposed CON, SAR and OS building setbacks seek to impose the same setback rules as the WDP. The open spaces zones are distributed throughout the district and have many possible scenarios of adjoining zones which may or may not be affected by building proximity. This option is considered to be appropriate as it will maintain zone amenity.

Outdoor Areas of Storage

156. The OSE currently manages outdoor areas of storage or stockpiles to limit their size and manage discharges or adverse effects that may arise. However, the wording of the operative rules has created issues in the ability to monitor and enforce the rules. Proposed rules CON-R6, OS-R6 and SAR-R5 aim to retain the intent of the WDP storage and stockpile provisions, but improve on the wording to make it clearer. Alternatives considered were to retain the status quo or delete all storage and stockpile rules. The plan change option is considered more efficient than the status quo as it can be more easily interpreted and enforced, and is more effective than no rules as the issue would then be unmanaged and could have adverse amenity effects within the zones.

Indigenous Vegetation Clearance

157. The WDP has indigenous vegetation clearance rules where destruction or clearance of a contiguous area of 5ha or more, or an area of 1ha or more over 6m in height of indigenous vegetation requires a discretionary resource consent. The Rural, Coastal and Landscape plan changes identified a number of issues with the operative rules including the use of the terms 'contiguous' and 'predominantly', the lack of timeframes stated, the lack of exemptions

for any minor or necessary works and the fact that managing wetlands is a regional council function. Proposed Rules CON-R7, and OS-R7 seek to implement the same rules that were newly operative CA and LAN as the thresholds are considered appropriate.

158. The alternative provisions considered for indigenous vegetation clearance are:

Option 1 – Status quo, indigenous vegetation clearance rules where destruction or clearance of a contiguous area of less than 5ha, or an area of less than 1ha where vegetation is over 6m in height as a permitted activity.

Option 2 – Permitted indigenous vegetation removal, up to an area of 250m² in any 10 year period for OS and CON (plan change option).

Option 3 –Discretionary activity to remove any indigenous vegetation.

TABLE 14: EVALUATION OF ALTERNATIVES – INDIGENOUS VEGETATION CLEARANCE		
Option	Benefits	Costs
Option 1 – status quo	<p>Environmental Allows consistent controls on environmental effects of indigenous vegetation removal across all open spaces.</p> <p>Economic No change to the current level of consenting requirements.</p> <p>Social Status quo so familiar to district plan users.</p> <p>Cultural No change to current approach.</p>	<p>Environmental Permits a level of clearance based upon the size of the vegetation feature. Some provisions may not be relevant to open spaces e.g. clearance for a house site.</p> <p>Economic Cost of undertaking plan change.</p> <p>Social None known.</p> <p>Cultural None known.</p>
Option 2 – 250m² clearance in OS and CON	<p>Environmental Manages environmental effects of indigenous vegetation removal for each zone. Provides for instances of appropriate indigenous vegetation removal for open spaces.</p> <p>Economic Similar to current consenting requirements, similar cost.</p> <p>Social</p>	<p>Environmental Permits 250m² indigenous vegetation removal for specified use.</p> <p>Economic Cost of undertaking plan change.</p> <p>Social None known.</p> <p>Cultural None known.</p>

	Provides for the management of open spaces, which is integral to social wellbeing. Cultural Provides for vegetation removal for customary rights.	
Option 3 – Discretionary Activity to remove any vegetation.	Environmental Provides protection for indigenous vegetation. Economic May require less consenting, lower compliance costs and less potential delays. Social & Cultural None known.	Environmental May not provide adequate protection for indigenous vegetation. Economic Increased consenting requirements will restrict ability to undertake necessary maintenance. Social & Cultural None known.
Efficiency & Effectiveness	Efficiency	Effectiveness
Option1 – status quo	This option is not considered an efficient method to provide for indigenous vegetation clearance in open space areas, as it is too generic.	This option is not effective in achieving the objectives of PC115.
Option 2 –plan change option	This option is considered an efficient method to provide for indigenous vegetation clearance in open space areas.	This option is effective in achieving the objectives of PC115.
Option 3	This option is not efficient as it does not provide for appropriate indigenous vegetation clearance (e.g. maintenance) in open spaces.	This option is effective in managing the effects of indigenous vegetation removal in open spaces, is however overly restrictive for activities such as maintenance.
Economic growth and employment opportunities		
Open space development and use provides economic benefit to the district. All three options are considered to have low opportunities for economic growth and employment.		
Risk of acting and not acting if there is uncertain or insufficient information		
There is no risk of acting due to uncertain or insufficient information.		

159. Option 2 is considered to be the most appropriate method to achieve the objectives of PC115.

Nesting Table Activities

160. New definitions are proposed as part of the urban and services plan changes (refer to PC88)

It is necessary to ensure consistency with the proposed definitions and the draft Standards approach to provision of activities. Tables 15 -17 below provides an overview of the plan change option for each nesting table activity and the other options considered under this s32 assessment. Tables 15 -17 also demonstrates the costs and benefits associated with each proposed plan change option.

161. Principles applied to the control of activities:

- Management of activities in the zones is necessary to provide a balance between providing for activities that are appropriately located and protecting open space amenity.
- Commercial development within the SAR is important to support and complement recreational activities but it also has the potential to undermine other Business zones.
- The SAR is expected to provide primarily for Active Sport and Recreation activities.
- The OS is predominately located within the urban area of Whangarei District and management of activities is necessary to reduce cross boundary effects, with limited built form anticipated.
- The CON is focused on conservation. It is anticipated that some locations may be suitable for small scale tourist activities, campgrounds etc. Careful management of commercial activities is important.
- Farming is acknowledged as an efficient method of managing large areas of open space outside the SAR.

TABLE 15: SECTION 32 ASSESSMENT OF PROPOSED SAR RULES FOR NESTING TABLE ACTIVITIES

Activity	Proposed Plan Change Option	Other Options Considered	Costs of Plan Change Option	Benefits of Plan Change Option
Rural Production Activities				
Rural Production Activities	Permitted if in accordance with an approved reserve management plan or otherwise non-complying.	<ul style="list-style-type: none"> • Permit all rural production activities. • Restrict some rural production activities. • Status quo – permit activities except for intensive livestock farming, animal boarding and offensive trades under the Health Act 1956 which are non-complying. • Discretionary. 	<ul style="list-style-type: none"> • Consent is required and policies are generally not supportive of rural production activities acknowledging that some industrial activities which are not necessarily noxious (e.g. warehousing and storage) are now non-complying in the SAR. 	<ul style="list-style-type: none"> • Sets clear expectations for community that rural production activities are not encouraged in the SAR. • Improves amenity within SAR and retains land for more appropriate uses. • Rural production activities are required to locate in more appropriate Zones.
Industrial Activities				
Industrial Activities	Permitted if in accordance with an approved reserve management plan or otherwise non-complying.	<ul style="list-style-type: none"> • Permit all industrial activities. • Prohibit all industrial activities • Status quo – permitted if it is in accordance with a reserve management plan. 	<ul style="list-style-type: none"> • Consent is required and policies are generally not supportive of industrial activities acknowledging that some industrial activities which are not necessarily noxious (e.g. warehousing and storage) are now non-complying in the SAR. 	<ul style="list-style-type: none"> • Industrial activities are required to locate in more appropriate zones which would avoid adverse effects from industrial activities and retain SAR land for more appropriate activities that are more consistent with the SAR objectives. • Improved amenity of SAR by avoiding adverse effects from industrial activities.
Residential Activities				
Residential Activities	Permitted if in accordance with an approved reserve management plan or otherwise non-complying.	<ul style="list-style-type: none"> • Permit all residential activities. • Prohibit all residential activities. • Status quo – permit activities where approved via a reserve management plan. 	<ul style="list-style-type: none"> • Consent is required and policies are generally not supportive of residential activities. 	<ul style="list-style-type: none"> • Residential activities are required to locate in more appropriate zones which would avoid adverse effects from industrial activities and retain SAR land for more appropriate activities that are more consistent with the SAR objectives.
Commercial Activities				

Motor Vehicle Sales	Permitted if in accordance with an approved reserve management plan or otherwise non-complying.	<ul style="list-style-type: none"> • Status quo - permitted if in accordance with an approved reserve management plan or non-complying. • Provide for these activities as either permitted or discretionary with a suite of effects based controls. • Prohibit these types of retail activities. 	<ul style="list-style-type: none"> • Consent would be required for these retail activities with policies that would not be strongly supportive. • Discretionary activity applications would be assessed on a case by case basis. • Increasing consenting cost to applicants. 	<ul style="list-style-type: none"> • Consistent with objectives, higher order policy direction and higher order documents. • Improved amenity of zones by managing these retail activities which could have negative character and amenity effects. • SAR land is retained for more suitable activities and these retail activities are encouraged to locate in more appropriate zones.
Garden Centres	Permitted if in accordance with an approved reserve management plan or otherwise discretionary.	<ul style="list-style-type: none"> • Permitted with no GFA limit. • Permitted with 300m² GFA limit. • Non-complying. 		
Marine Retail	Permitted if in accordance with an approved reserve management plan or otherwise non-complying.	<ul style="list-style-type: none"> • Status quo - permitted if in accordance with an approved reserve management plan or Non-complying. • Provide for these activities as either permitted or discretionary with a suite of effects based controls. • Prohibit these types of retail activities. 		
Drive Through Facilities				
Hire Premise				
Service Stations				
Funeral Home				
Trade Suppliers				
Grocery Store				
General Retail	Permitted if in accordance with an approved reserve management plan or otherwise discretionary.	<ul style="list-style-type: none"> • Permitted with no GFA limit. • Permitted with 300m² GFA limit. • Non-complying. 	<ul style="list-style-type: none"> • Consent would be required for these retail activities with a supportive policy recognising that these retail activities are often supportive of active recreation and community events. • Discretionary activity applications would be assessed on a case by case basis. 	<ul style="list-style-type: none"> • Consistent with objectives, higher order policy direction and higher order documents. • Improved amenity of zones by managing these retail activities which could have negative character and amenity effects. • SAR land is retained for more suitable activities and these retail activities are encouraged to locate in more appropriate zones.
Commercial Services				
Food and Beverage Activity				

Entertainment Facilities	Permitted.	<ul style="list-style-type: none"> • Permit all place of assembly and recreational facilities activities • Prohibit all place of assembly and recreational facilities activities. • Status quo – permit activities where approved via a reserve management plan. 	<ul style="list-style-type: none"> • It is appropriate for place of assembly and recreational facilities to be located within the SAR. 	<ul style="list-style-type: none"> • Consistent with objectives, higher order policy direction and higher order documents. • SAR land is maximised for appropriate use.
Visitor Accommodation	Permitted if in accordance with an approved reserve management plan or otherwise non-complying.	<ul style="list-style-type: none"> • Permit all visitor accommodation activities. • Prohibit all visitor accommodation activities. • Status quo – permit activities where approved via a reserve management plan. 	<ul style="list-style-type: none"> • Consent will be required for visitor accommodation activities. 	<ul style="list-style-type: none"> • Visitor accommodation activities are required to locate in more appropriate zones which would avoid adverse effects from industrial activities and retain SAR land for more appropriate activities that are more consistent with the SAR objectives.
Community Activities				
Place of Assembly	Permitted.	<ul style="list-style-type: none"> • Permit all place of assembly and recreational facilities activities • Prohibit all place of assembly and recreational facilities activities • Status quo – permit activities where approved via a reserve management plan. 	<ul style="list-style-type: none"> • None known. 	<ul style="list-style-type: none"> • Consistent with objectives, higher order policy direction and higher order documents. • SAR land is maximised for appropriate use.
Recreational Facilities				
Care Centre	Permitted if in accordance with an approved reserve management plan or otherwise non-complying.	<ul style="list-style-type: none"> • Permit all care centre activities • Prohibit all care centre activities • Status quo – permit activities where approved via a reserve management plan. 	<ul style="list-style-type: none"> • Consent will be required for care centre activities. 	<ul style="list-style-type: none"> • Care centre activities are required to locate in more appropriate zones which would avoid adverse effects from activities and retain SAR land for more appropriate activities that are more consistent with the SAR objectives.
Educational Facilities	Permitted	<ul style="list-style-type: none"> • Permit all educational facilities activities • Prohibit all educational facilities activities • Status quo – permit activities where approved via a reserve management plan. 	<ul style="list-style-type: none"> • None known. 	<ul style="list-style-type: none"> • Consistent with objectives, higher order policy direction and higher order documents. • SAR land is maximised for appropriate use.
Health Care Facilities	Permitted if in accordance with an approved reserve	<ul style="list-style-type: none"> • Permit all activities. • Prohibit all activities. 	<ul style="list-style-type: none"> • Consent would be required for these activities with policies that would not be strongly supportive. 	<ul style="list-style-type: none"> • Consistent with objectives, higher order policy direction and higher order documents.

Emergency Service	management plan or otherwise non-complying.	<ul style="list-style-type: none"> Status quo – permit activities where approved via a reserve management plan. 	<ul style="list-style-type: none"> Existing activities would rely on existing use rights and would require consent beyond existing use rights. 	<ul style="list-style-type: none"> Improved amenity of zones by managing these activities which could have negative character and amenity effects. SAR land is retained for more suitable activities and these activities are encouraged to locate in more appropriate zones.
Hospital				

TABLE 16: SECTION 32 ASSESSMENT OF PROPOSED CON RULES FOR NESTING TABLE ACTIVITIES

Activity	Proposed Plan Change Option	Other Options Considered	Costs of Plan Change Option	Benefits of Plan Change Option
Rural Production Activities				
Farming	Permitted	<ul style="list-style-type: none"> Prohibit farming. Status quo – permit activities except for intensive livestock farming, animal boarding and offensive trades under the Health Act 1956 which are non-complying. 	<ul style="list-style-type: none"> None known. 	<ul style="list-style-type: none"> Enables the management of larger areas of CON by grazing.
Plantation forestry	Permitted if in accordance with an approved reserve management plan or otherwise Non-complying.	<ul style="list-style-type: none"> Permit all rural production activities. Restrict some rural production activities. Status quo – permit activities except for intensive livestock farming, animal boarding and offensive trades under the Health Act 1956 which are non-complying. 	<ul style="list-style-type: none"> Consent would be required for these activities with policies that would not be strongly supportive. Existing activities would rely on existing use rights and would require consent beyond existing use rights. 	<ul style="list-style-type: none"> Consistent with objectives, higher order policy direction and higher order documents. Improved amenity of zones by managing these activities which could have negative character and amenity effects. CON land is retained for more suitable activities and these activities are encouraged to locate in more appropriate zones.
Intensive livestock farming				
Farm quarrying				
Seasonal activity				
Industrial Activities				
Industrial Activities	Permitted if in accordance with an approved reserve management plan or otherwise non-complying	<ul style="list-style-type: none"> Permit all industrial activities. Prohibit all industrial activities Status quo – permitted if it is in accordance with a reserve management plan. 	<ul style="list-style-type: none"> Consent is required and policies are generally not supportive of industrial activities acknowledging that some industrial activities which are not necessarily noxious (e.g. warehousing and storage) are now non-complying in the CON. 	<ul style="list-style-type: none"> Industrial activities are required to locate in more appropriate zones which would avoid adverse effects from industrial activities and retain CON land for more appropriate activities that are more consistent with the CON objectives. Improved amenity of CON by avoiding adverse effects from industrial activities.
Residential Activities				

Residential Units	Permitted if in accordance with an approved reserve management plan or Any combination of activities listed in rules CON-R11 to CON-R16 have: a. A cumulative GFA of less than 300m ² per allotment. b. cumulative outdoor area: i. Less than 500m ² . ii. Not located between the front of the building and the road.	<ul style="list-style-type: none"> • Permit all residential activities • Prohibit all residential activities • Status quo – permit activities where approved via a reserve management plan. 	<ul style="list-style-type: none"> • Consent will be required for residential activities. 	<ul style="list-style-type: none"> • Residential activities are required to locate in more appropriate zones which would avoid adverse effects from activities and retain CON land for more appropriate activities that are more consistent with the CON objectives.
Supported Residential Care	Permitted if in accordance with an approved reserve management plan or otherwise non-complying.	<ul style="list-style-type: none"> • Permit all activities • Discretionary activity. 	<ul style="list-style-type: none"> • Consent would be required for these activities with policies that would not be strongly supportive. • Existing activities would rely on existing use rights and would require consent beyond existing use rights. 	<ul style="list-style-type: none"> • These activities are required to locate in more appropriate zones which would avoid adverse effects from such activities and retain CON land for more appropriate activities that are more consistent with the CON objectives. • Improved amenity of CON by avoiding adverse effects from these activities.
Retirement Village				
Commercial Activities				
Motor Vehicle Sales	Permitted if in accordance with an approved reserve management plan or otherwise Non-complying	<ul style="list-style-type: none"> • Status quo - permitted if in accordance with an approved reserve management plan or Non-complying. • Provide for these activities as either permitted or discretionary with a suite of effects based controls. • Prohibit these types of retail activities. 	<ul style="list-style-type: none"> • Consent would be required for these retail activities with policies that would not be strongly supportive. • Existing activities would rely on existing use rights and would require consent beyond existing use rights. 	<ul style="list-style-type: none"> • Consistent with objectives, higher order policy direction and higher order documents. • Improved amenity of zones by managing these retail activities which could have negative character and amenity effects. • CON land is retained for more suitable activities and these retail activities are encouraged to locate in more appropriate zones.
Garden Centres				
Marine Retail				
Drive Through Facilities				
Hire Premise				
Service Stations				
Funeral Home				
Trade Suppliers				
Grocery Store				

General Retail	Permitted if in accordance with an approved reserve management plan or Any combination of activities listed in rules CON-R11 to CON-R16 have: a. A cumulative GFA of less than 300m ² per allotment. b. cumulative outdoor area: i. Less than 500m ² . ii. Not located between the front of the building and the road	<ul style="list-style-type: none"> • Permitted with no GFA limit. • Non-complying. 	<ul style="list-style-type: none"> • Consent would be required for these activities with a supportive policy recognising that these activities are often supportive of conservation and community events. 	<ul style="list-style-type: none"> • Consistent with objectives, higher order policy direction and higher order documents. • Improved amenity of zones by managing these activities which could have negative character and amenity effects. • CON land is retained for more suitable activities and these activities are encouraged to locate in more appropriate zones. • Visitor accommodation activities are required to locate in more appropriate zones. • Retain CON land for more appropriate activities that are more consistent with the CON objectives.
Commercial Services				
Food and Beverage Activity				
Visitor Accommodation				
Entertainment Facilities	Permitted if in accordance with an approved reserve management plan or otherwise non-complying.	<ul style="list-style-type: none"> • Status quo - permitted if in accordance with an approved reserve management plan or Non-complying. • Provide for these activities as either permitted or discretionary with a suite of effects based controls. • Prohibit these types of retail activities. 	<ul style="list-style-type: none"> • Consent would be required for these activities with policies that would not be strongly supportive. 	<ul style="list-style-type: none"> • Consistent with objectives, higher order policy direction and higher order documents. • Improved amenity of zones by managing these activities which could have negative character and amenity effects. • CON land is retained for more suitable activities and these retail activities are encouraged to locate in more appropriate zones.
Community Activities				
Place of Assembly	Permitted if in accordance with an approved reserve management plan or Any combination of activities listed in rules CON-R11 to CON-R16 have: a. A cumulative GFA of less than 300m ² per allotment. b. cumulative outdoor area: i. Less than 500m ² .	<ul style="list-style-type: none"> • Permitted with no GFA limit. • Non-complying. 	<ul style="list-style-type: none"> • Consent would be required for these activities with a supportive policy recognising that these activities are often supportive of conservation and community events. 	<ul style="list-style-type: none"> • Consistent with objectives, higher order policy direction and higher order documents. • Improved amenity of zones by managing these activities which could have negative character and amenity effects. • CON land is retained for more suitable activities and these activities are encouraged to locate in more appropriate zones.
Recreational Facilities				
Educational Facilities				

	ii. Not located between the front of the building and the road			<ul style="list-style-type: none"> • Visitor accommodation activities are required to locate in more appropriate zones. • Retain CON land for more appropriate activities that are more consistent with the CON objectives.
Care Centre	Permitted if in accordance with an approved reserve management plan or otherwise non-complying.	<ul style="list-style-type: none"> • Status quo - permitted if in accordance with an approved reserve management plan or Non-complying. • Provide for these activities as either permitted or discretionary with a suite of effects based controls. • Prohibit these types of activities. 	<ul style="list-style-type: none"> • Consent would be required for these activities with policies that would not be strongly supportive. • Existing activities would rely on existing use rights and would require consent beyond existing use rights. 	<ul style="list-style-type: none"> • Consistent with objectives, higher order policy direction and higher order documents. • Improved amenity of zones by managing these activities which could have negative character and amenity effects. • CON land is retained for more suitable activities and these activities are encouraged to locate in more appropriate zones.
Educational Facilities	Permitted if in accordance with an approved reserve management plan or otherwise discretionary.	<ul style="list-style-type: none"> • Status quo - permitted if in accordance with an approved reserve management plan or Non-complying. • Provide for these activities as either permitted or discretionary with a suite of effects based controls. • Prohibit these types of activities 	<ul style="list-style-type: none"> • Consent would be required for these activities with a supportive policy recognising that these activities are sometimes appropriate. • Discretionary activity applications would be assessed on a case by case basis. 	
Health Care Facilities	Permitted if in accordance with an approved reserve management plan or otherwise non-complying.	<ul style="list-style-type: none"> • Status quo - permitted if in accordance with an approved reserve management plan or Non-complying. • Provide for these activities as either permitted or discretionary with a suite of effects based controls. • Prohibit these types of activities 	<ul style="list-style-type: none"> • Consent would be required for these activities with policies that would not be strongly supportive. • Existing activities would rely on existing use rights and would require consent beyond existing use rights. 	
Emergency Service				
Hospital				

TABLE 17: SECTION 32 ASSESSMENT OF PROPOSED OS RULES FOR NESTING TABLE ACTIVITIES

Activity	Proposed Plan Change Option	Other Options Considered	Costs of Plan Change Option	Benefits of Plan Change Option
Rural Production Activities				
Farming	Permitted.	<ul style="list-style-type: none"> • Restrict farming activities. • Status quo – permit activities except for intensive livestock farming, animal boarding and offensive trades under the Health Act 1956 which are non-complying. 	None known.	<ul style="list-style-type: none"> • Enables the management of larger areas of OS by grazing.
Plantation forestry Intensive livestock farming Farm quarrying Seasonal activity	Permitted if in accordance with an approved reserve management plan or otherwise non-complying.	<ul style="list-style-type: none"> • Permit all rural production activities. • Restrict some rural production activities. • Status quo – permit activities except for intensive livestock farming, animal boarding and offensive trades under the Health Act 1956 which are non-complying. 	<ul style="list-style-type: none"> • Consent would be required for these activities with policies that would not be strongly supportive. • Existing activities would rely on existing use rights and would require consent beyond existing use rights. 	<ul style="list-style-type: none"> • Consistent with objectives, higher order policy direction and higher order documents. • Improved amenity of zones by managing these activities which could have negative character and amenity effects. • OS land is retained for more suitable activities and these activities are encouraged to locate in more appropriate zones.
Industrial Activities				
Industrial Activities	Permitted if in accordance with an approved reserve management plan or otherwise non-complying.	<ul style="list-style-type: none"> • Permit all industrial activities. • Prohibit all industrial activities. • Status quo – permitted if it is in accordance with a reserve management plan. 	<ul style="list-style-type: none"> • Consent is required and policies are generally not supportive of industrial activities acknowledging that some industrial activities which are not necessarily noxious (e.g. warehousing and storage) are now non-complying in the OS. 	<ul style="list-style-type: none"> • Industrial activities are required to locate in more appropriate zones which would avoid adverse effects from industrial activities and retain OS land for more appropriate activities that are more consistent with the OS objectives. • Improved amenity of OS by avoiding adverse effects from industrial activities.
Residential Activities				

Residential Activities	Permitted if in accordance with an approved reserve management plan or otherwise non-complying.	<ul style="list-style-type: none"> • Permit all residential activities. • Prohibit all residential activities • Status quo – permit activities where approved via a reserve management plan. 	<ul style="list-style-type: none"> • Consent will be required for residential activities. 	<ul style="list-style-type: none"> • Residential activities are required to locate in more appropriate zones which would avoid adverse effects from industrial activities and retain OS land for more appropriate activities that are more consistent with the OS objectives.
Commercial Activities				
Commercial Activities	Permitted if in accordance with an approved reserve management plan or otherwise non-complying.	<ul style="list-style-type: none"> • Status quo - permitted if in accordance with an approved reserve management plan or non-complying. • Provide for these activities as either permitted or discretionary with a suite of effects based controls. • Prohibit these types of retail activities 	<ul style="list-style-type: none"> • Consent would be required for these retail activities with policies that would not be strongly supportive. • Existing activities would rely on existing use rights and would require consent beyond existing use rights. 	<ul style="list-style-type: none"> • Consistent with objectives, higher order policy direction and higher order documents. • Improved amenity of zones by managing these activities which could have negative character and amenity effects. • OS land is retained for more suitable activities and these activities are encouraged to locate in more appropriate zones.
Community Activities				
Place of Assembly	Permitted if in accordance with an approved reserve management plan or otherwise discretionary.	<ul style="list-style-type: none"> • Status quo - permitted if in accordance with an approved reserve management plan or non-complying. • Provide for these activities as either permitted or discretionary with a suite of effects based controls. • Prohibit these types of activities. 	<ul style="list-style-type: none"> • Consent would be required for these activities with a supportive policy recognising that these activities are sometimes appropriate. • Discretionary activity applications would be assessed on a case by case basis. 	<ul style="list-style-type: none"> • Consistent with objectives, higher order policy direction and higher order documents. • Improved amenity of zones by managing these activities which could have negative character and amenity effects. • OS land is retained for more suitable activities and these activities are encouraged to locate in more appropriate zones.
Recreational Facilities				
Care Centre	Permitted if in accordance with an approved reserve management plan or otherwise non-complying.	<ul style="list-style-type: none"> • Consent would be required for these activities with policies that would not be strongly supportive. • Existing activities would rely on existing use rights and would require consent beyond existing use rights. 		
Educational Facilities	Permitted if in accordance with an approved reserve management plan or otherwise discretionary.	<ul style="list-style-type: none"> • Consent would be required for these activities with a supportive policy recognising that these activities are sometimes appropriate. 		

			<ul style="list-style-type: none"> • Discretionary activity applications would be assessed on a case by case basis. 	
Health Care Facilities	Permitted if in accordance with an approved reserve management plan or otherwise non-complying.		<ul style="list-style-type: none"> • Consent would be required for these activities with policies that would not be strongly supportive. • Existing activities would rely on existing use rights and would require consent beyond existing use rights. 	
Emergency Service				
Hospital				

Efficiency and Effectiveness

162. It is considered that the proposed suite of rules for the nesting table activities are efficient and effective for the following reasons:

- The proposed rules provide a clearer expectation for the community and developers as to what types of activities are anticipated within the open space zones.
- The proposed rules are more effective than the status quo in managing adverse effects and achieving positive outcomes.
- The proposed rules provide for a permitted threshold of activities, in line with the objectives, so that consent requirements are not excessive.
- In combination with the other zones the nesting table activities are provided for in areas considered appropriate.

Economic Growth and Employment Opportunities

163. Rules managing the nesting table activities can have significant effects on economic growth and employment opportunities as they can dictate where certain business sectors can and cannot operate without consent. It is considered that the proposed rules provide for an appropriate range of activities to enable growth and employment while also protecting the amenity and character of the zones.

Risk of Acting and Not Acting if there is Uncertain or Insufficient Information

164. There is no known risk due to insufficient information.

Conclusion

165. The plan change options detailed within Tables 15 - 17 are considered to be the most appropriate methods to achieve the proposed SAR, CON and OS objectives.

Subdivision

166. The proposed objectives seek to protect, maintain and enhance open space throughout the District. To achieve these objectives, subdivision of land, minimum allotment size, allotment shape and minimum frontages within the zones must be carefully managed.

167. The WDP provides for subdivision in the Open Space Environment as a controlled activity only where an alteration of boundaries is proposed.

168. Alternatives considered were:

Option 1: Status Quo: Retain boundary adjustment subdivision only as a controlled activity.

Option 2: All subdivision is discretionary.

169. Evaluation of these alternative options have been summarised in Table 18:

TABLE 18: EVALUATION OF ALTERNATIVES – SUBDIVISION		
Option	Benefits	Costs
Option 1 –status quo, plan change option	<p>Environmental</p> <p>Allows controls on subdivision to ensure open space areas are retained and increased.</p> <p>Economic</p> <p>Provides that the ability to change boundaries without significant consenting costs, better enabling boundary adjustments to enlarge adjacent open space areas.</p> <p>Social</p> <p>Status quo so familiar to district plan users.</p> <p>Cultural</p> <p>None known.</p>	<p>Environmental</p> <p>None known.</p> <p>Economic</p> <p>Cost of undertaking plan change.</p> <p>Social</p> <p>None known.</p> <p>Cultural</p> <p>None known.</p>
Option 2 – all subdivision discretionary activity	<p>Environmental</p> <p>Allows comprehensive evaluation of every subdivision proposal of open space land.</p> <p>Economic</p> <p>None known.</p> <p>Social</p> <p>None known.</p> <p>Cultural</p> <p>None known.</p>	<p>Environmental</p> <p>None known.</p> <p>Economic</p> <p>May discourage subdivision thus missing out on open space gains and reducing potential economic growth.</p> <p>Higher consent and compliance costs and possibility of delays.</p> <p>No certainty for applicants as to whether consent will be granted.</p> <p>Cost of undertaking plan change.</p> <p>Social</p> <p>May limit the provision of open space thereby not providing social wellbeing.</p> <p>Cultural</p> <p>May limit the provision of open space thereby not providing for cultural wellbeing.</p>
Efficiency & Effectiveness	Efficiency	Effectiveness
Option1 –status quo, plan change option	This option is considered an efficient method to provide for subdivision in open space areas as it improves on the existing provisions.	This option is effective in achieving the objectives of PC115.
Option 2	This option is not considered an efficient method to provide for subdivision in open space areas as it is overly restrictive.	This option is not effective in achieving the objectives of PC115.
Economic growth and employment opportunities		

Open space development and use provides economic benefit to the district. These options are considered to have low opportunities for economic growth and employment, though Option 1 provides more opportunity than Option 2.

Risk of acting and not acting if there is uncertain or insufficient information

There is no risk of acting due to uncertain or insufficient information.

170. Option 1 is considered to be the most appropriate method to achieve the objectives of PC115.

7 Conclusion

171. Pursuant to s32 of the RMA, the proposed PC115 objectives have been analysed against Part 2 of the RMA and the relevant provisions of higher order plans and policy documents. It is considered that the proposed objectives are the most appropriate way to achieve the purpose of the RMA.

172. The proposed provisions have been detailed and compared against viable alternatives in terms of their costs, benefits, efficiency and effectiveness and risk in accordance with the relevant clauses of s32 of the RMA. The proposed provisions are considered to represent the most appropriate means of achieving the proposed objectives and of addressing the underlying resource management issues relating to open space.

Attachment 1: Open Space Review