

# Council Seal of Approval

## Plan Change 91: Hazardous Substances

I hereby certify that the Whangārei District Council at their meeting on Thursday 21 September 2023 resolved to approve Plan Change 91 – Hazardous Substances in accordance with clause 17(1) of Schedule 1 to the Resource Management Act 1991. This Plan Change became operative on 4 October 2023.



Simon Weston

Chief Executive

Dated: 26-9-2023

# Council Seal of Approval

## Plan Change 150: Marsden City Private Plan Change

I hereby certify that the Whangārei District Council at their meeting on Thursday 18 May 2023 resolved to approve Plan Change 150 – Marsden City Private Plan following the resolution of outstanding appeals to that plan change. This Plan Change became operative on 14 June 2023.



Simon Weston  
Chief Executive  
Dated:




31-5-2023

# Council Seal of Approval

## Plan Change 109 Transport

I hereby certify that the Whangārei District Council at their meeting on Thursday 23 February 2023 resolved to approve Plan Change 109 – Transport following the resolution of outstanding appeals to that plan change. This Plan Change became operative on 8 March 2023.

Simon Weston  
Chief Executive  
Dated:



2-3-2023




# Council Seal of Approval

## Whangārei District Plan *Operative in Part*

I hereby certify that the Whangārei District Council at their meeting on Thursday 25 August 2022, resolved to make the Whangārei District Plan Appeals Version operative in part. In accordance with Clause 20 of Schedule 1 of the Resource Management Act the operative in part date is Thursday 15 September 2022.

Simon Weston  
Chief Executive  
Dated:

  
7.9.2022



## Low Density Residential Zone

### Issues

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

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

### Objectives

#### LRZ-01 Character

Maintain and enhance the low density and spacious character of the Low Density Residential Zone.

#### LRZ-02 Amenity

Subdivision and development maintain on-site amenity and the amenity of adjoining Low Density Residential Zone *sites*.

#### LRZ-03 Non-Residential Activities

*Residential activities* remain the dominant activity in the Low Density Residential Zone and any non-*residential activities* are compatible with residential amenity.

### Policies

#### LRZ-P1 Density and Character

To achieve a low density and spacious character by:

1. Managing the density of *residential activities* and minimum lot sizes.
2. Managing the height, bulk and form of development.
3. Enabling *residential units* on *allotments* of a size consistent with the low-density character of the Zone and that are able to accommodate on-site *wastewater* treatment and disposal.

### **LRZ-P2 Non-Residential Activities**

To protect the predominately residential nature of the zone by managing the establishment of non-*residential activities* and ensuring that any non-*residential activities* are of a nature, design, scale and appearance that is compatible with a residential context.

### **LRZ-P3 Supported Residential Care and Retirement Villages**

To enable a range of appropriate *residential activities* by providing for *supported residential care* and retirement villages where they are designed, located and managed to:

1. Provide a high level of amenity for residents.
2. Ensure any adverse effects on surrounding *Residential Zones* and *Open Space and Recreation Zones* are avoided.
3. Maintain the existing residential character of the surrounding environment.
4. Avoid, remedy or mitigate any adverse effects on infrastructure, including the transport network.

### **LRZ-P4 Impervious Areas**

To restrict *impervious areas* within *sites* in order to:

1. Manage *stormwater* runoff.
2. Protect and enhance *amenity values*.
3. Safeguard esplanade areas and waterfront walkways.

### **LRZ-P5 Subdivision**

To encourage design and layout of *subdivision* which achieves the following:

1. Lots are shaped and sized to allow generous sunlight to living and outdoor spaces, and provide high levels of on-site amenity and privacy.
2. Where possible, lots are located so that they overlook and front the road and *Open Space and Recreation Zones*.
3. The creation of multiple *rear sites* is limited, and where practicable avoided.

## Rules

### **LRZ-R1 Any Activity Not Otherwise Listed in This Chapter**

Activity Status: Permitted

Where:

1. Resource consent is not required under any rule of the District Plan.
2. The activity is not prohibited under any rule of the District Plan.

### **LRZ-R2 Minor Buildings**

Activity Status: Permitted

Note:

1. *Minor buildings are exempt from rules LRZ-R3 – R6.*

### **LRZ-R3 Building and Major Structure Height**

Activity Status: Permitted

Where:

1. The maximum *building* height and major structure height is 8m above *ground level*.

Activity Status when compliance not achieved: Discretionary

### **LRZ-R4 Building and Major Structure Setbacks**

Activity Status: Permitted

Where:

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

Activity Status when compliance not achieved with LRZ-R4.1(a) – (b): Restricted Discretionary

Matters of discretion:

1. The outlook and privacy of adjoining and adjacent properties.
2. Effects of shading and visual dominance on adjoining properties.
3. Effects on the streetscape character of the area.
4. Effects on the safety and efficiency of the transport network.

Activity Status when compliance not achieved with LRZ-R4.1(c): Discretionary

### **LRZ-R5 Building and Major Structure Height in Relation to Boundary**

Activity Status: Permitted

Where:

1. All *buildings* and *major structures* do not exceed a height equal to 3m above *ground level* plus the shortest horizontal distance between that part of the *building* or major structure and any *boundary* that is not adjoining a road.

Compliance Standard:

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

Activity Status when compliance not achieved: Restricted Discretionary

Matters of discretion:

1. The outlook and privacy of adjoining and adjacent properties.
2. Effects of shading and visual dominance on adjoining and adjacent properties.

### **LRZ-R6 Building and Major Structure Coverage**

Activity Status: Permitted

Where:

1. The maximum cumulative *building* and major structure coverage is 25% of the *net site area*.

Activity Status when compliance not achieved: Restricted Discretionary

Matters of discretion:

1. The scale and bulk of *buildings* and *major structures* in relation to the *site* and the existing built density of the locality.
2. The outlook and privacy of adjoining and adjacent properties.
3. Visual dominance of *buildings* and *major structures*.

### **LRZ-R7 Impervious Areas**

Activity Status: Permitted



Where:

1. The *impervious area* within the *site* does not exceed 35% of the *net site area*.
2. The *impervious area* is set back at least 5m from Mean High Water Springs and the top of the bank of any *river* that has a width exceeding 3m (excluding bridges, culverts and fences).

Activity Status when compliance not achieved: Discretionary

### **LRZ-R8 Fences**

Activity Status: Permitted

Where:

1. The fence has a maximum height of 2m above *ground level*.
2. The fence is not fortified with broken glass.
3. The fence is not fortified with any form of electrification or barbed wire except for stock exclusion purposes.

Activity Status when compliance not achieved: Restricted Discretionary

Matters of discretion:

1. Effects of shading and visual dominance on adjoining properties.
2. Urban design and passive surveillance.
3. Effects on streetscape character and amenity.
4. Health and safety effects.

### **LRZ-R9 Car Parking**

Activity Status: Permitted

Where:

1. Formed car parking spaces are located at least 2m from any road boundary, excluding any on-street car parking.

Activity Status when compliance not achieved: Restricted Discretionary

Matters of discretion:

1. Effects on the safety and efficiency of the transport network.
2. Effects on pedestrian and cyclist safety and navigability.

3. Effects on streetscape character and amenity.

### **LRZ-R10 Indigenous Vegetation Clearance**

Activity Status: Permitted

Where:

1. The clearance of *indigenous vegetation* either:
  - a. Does not exceed 500m<sup>2</sup> per *site* within each 10-year period from 15 July 2020; and
  - b. Is not within 20m of a *water body*; or
  - c. Is within a single *urban environment allotment*; or
  - d. Is associated with:
    - i. Routine maintenance within 7.5m of the *eaves* of existing *buildings*:
      - a) Including the removal of any tree where any part of the trunk is within the 7.5m distance.
      - b) Excluding damage to the roots or removal of any tree where the trunk is outside the 7.5m distance.
    - ii. Operation, maintenance and repair of existing tracks, lawns, gardens, fences, drains and other lawfully established activities
    - iii. Pest plant removal and biosecurity works.
    - iv. Vegetation removal for customary rights.
    - v. Conservation planting, including planting for ecological restoration purposes.

Activity Status when compliance not achieved: Discretionary

### **LRZ-R11 Outdoor Areas of Storage or Stockpiles**

Activity Status: Permitted

Where:

1. The outdoor area of *storage* or *stockpile*:
  - a. Complies with rule LRZ-R3.
  - b. Complies with rules LRZ-R4 – R6.

- c. Is screened from view from adjacent *public places* and surrounding *sites*, except for construction materials to be used on-site for a maximum period of 12 months within each 10-year period from 15 July 2020.

Activity Status when compliance with LRZ-R11.1(b) – (c) not achieved: Restricted Discretionary

Matters of discretion:

1. Effects in relation to dust and odour.
2. Visual amenity effects.
3. The matters of discretion in LRZ-R4 – R6.

Activity Status when compliance with LRZ-R11.1(a) not achieved: Discretionary

### **LRZ-R12 Farming**

Activity Status: Permitted

### **LRZ-R13 Supported Residential Care**

Activity Status: Permitted

Where:

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

Activity Status when compliance not achieved: Discretionary

### **LRZ-R14 Retirement Village**

Activity Status: Permitted

Where:

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

Activity Status when compliance not achieved: Discretionary

### **LRZ-R15 Principal Residential Unit**

Activity Status: Permitted

Where:

1. The maximum density is 1 *principal residential unit per 2,000m<sup>2</sup> net site area*, provided that 1 *principal residential unit* is permitted on a *site* of any size.

Activity Status when compliance not achieved: Discretionary

### **LRZ-R16 Minor Residential Unit**

Activity Status: Permitted

Where:

1. The maximum density is 1 *minor residential unit* per *principal residential unit* on the site.
2. The nearest distance between the *minor residential unit* and the *principal residential unit* does not exceed 15m.
3. The maximum *gross floor area* of the *minor residential unit* (including decking and *garage* areas) is 90m<sup>2</sup>.

Activity Status when compliance not achieved: Discretionary

### **LRZ-R17 Retail Activity**

Activity Status: Permitted

Where:

1. The activity is an *ancillary activity* to a *residential unit* on the site.
2. The principal operator of the activity is a permanent resident on the site.
3. The activity does not include, before 08:00 or after 18:00 on any day, the operation of machinery, receiving customers or the loading or unloading of vehicles.
4. The activity generates less than 20 *traffic movements* per site, per day.
5. There is no car parking between the *residential unit* and the road.
6. In addition to the principal operator, the activity has no more than two other persons engaged in providing the activity.
7. The activity does not exceed the use of 15% of the total *gross floor area* of all *buildings* on the site.
8. The total area of signage is less than 0.25m<sup>2</sup> per site.
9. There is no illuminated or moving signage.
10. Each *visitor accommodation* unit provides an *outdoor living court* of at least 6m<sup>2</sup> and at least 1.8m depth.

Activity Status when compliance with up to two of rules LRZ-R17.4 – 10 is not achieved: Discretionary

Activity Status when compliance with more than two of the rules is not achieved or when compliance with any of rules LRZ-R17.1 – 3 is not achieved: Non-Complying

### **LRZ-R18 Commercial Services**

Activity Status: Permitted

Where:

1. The activity is an *ancillary activity* to a *residential unit* on the *site*.
2. The principal operator of the activity is a permanent resident on the *site*.
3. The activity does not include, before 08:00 or after 18:00 on any day, the operation of machinery, receiving customers or the loading or unloading of vehicles.
4. The activity generates less than 20 *traffic movements* per *site*, per day.
5. There is no car parking between the *residential unit* and the road.
6. In addition to the principal operator, the activity has no more than two other persons engaged in providing the activity.
7. The activity does not exceed the use of 15% of the total *gross floor area* of all *buildings* on the *site*.
8. The total area of signage is less than 0.25m<sup>2</sup> per *site*.
9. There is no illuminated or moving signage.
10. Each *visitor accommodation* unit provides an *outdoor living court* of at least 6m<sup>2</sup> and at least 1.8m depth.

Activity Status when compliance with up to two of rules LRZ-R18.4 – 10 is not achieved: Discretionary

Activity Status when compliance with more than two of the rules is not achieved or when compliance with any of rules LRZ-R18.1 – 3 is not achieved: Non-Complying

### **LRZ-R19 Food and Beverage Activity**

Activity Status: Permitted

Where:

1. The activity is an *ancillary activity* to a *residential unit* on the *site*.
2. The principal operator of the activity is a permanent resident on the *site*.

3. The activity does not include, before 08:00 or after 18:00 on any day, the operation of machinery, receiving customers or the loading or unloading of vehicles.
4. The activity generates less than 20 *traffic movements per site*, per day.
5. There is no car parking between the *residential unit* and the road.
6. In addition to the principal operator, the activity has no more than two other persons engaged in providing the activity.
7. The activity does not exceed the use of 15% of the total *gross floor area* of all *buildings* on the *site*.
8. The total area of signage is less than 0.25m<sup>2</sup> per *site*.
9. There is no illuminated or moving signage.
10. Each *visitor accommodation unit* provides an *outdoor living court* of at least 6m<sup>2</sup> and at least 1.8m depth.

Activity Status when compliance with up to two of rules LRZ-R19.4 – 10 is not achieved: Discretionary

Activity Status when compliance with more than two of the rules is not achieved or when compliance with any of rules LRZ-R19.1 – 3 is not achieved: Non-Complying

### **LRZ-R20 Care Centre**

Activity Status: Permitted

Where:

1. The activity is an *ancillary activity* to a *residential unit* on the *site*.
2. The principal operator of the activity is a permanent resident on the *site*.
3. The activity does not include, before 08:00 or after 18:00 on any day, the operation of machinery, receiving customers or the loading or unloading of vehicles.
4. The activity generates less than 20 *traffic movements per site*, per day.
5. There is no car parking between the *residential unit* and the road.
6. In addition to the principal operator, the activity has no more than two other persons engaged in providing the activity.
7. The activity does not exceed the use of 15% of the total *gross floor area* of all *buildings* on the *site*.
8. The total area of signage is less than 0.25m<sup>2</sup> per *site*.

9. There is no illuminated or moving signage.
10. Each *visitor accommodation* unit provides an *outdoor living court* of at least 6m<sup>2</sup> and at least 1.8m depth.

Activity Status when compliance with up to two of rules LRZ-R20.4 – 10 is not achieved: Discretionary

Activity Status when compliance with more than two of the rules is not achieved or when compliance with any of rules LRZ-R20.1 – 3 is not achieved: Non-Complying

### **LRZ-R21 Visitor Accommodation**

Activity Status: Permitted

Where:

1. The activity is an *ancillary activity* to a *residential unit* on the *site*.
2. The principal operator of the activity is a permanent resident on the *site*.
3. The activity does not include, before 08:00 or after 18:00 on any day, the operation of machinery, receiving customers or the loading or unloading of vehicles.
4. The activity generates less than 20 *traffic movements* per *site*, per day.
5. There is no car parking between the *residential unit* and the road.
6. In addition to the principal operator, the activity has no more than two other persons engaged in providing the activity.
7. The activity does not exceed the use of 15% of the total *gross floor area* of all *buildings* on the *site*.
8. The total area of signage is less than 0.25m<sup>2</sup> per *site*.
9. There is no illuminated or moving signage.
10. Each *visitor accommodation* unit provides an *outdoor living court* of at least 6m<sup>2</sup> and at least 1.8m depth.

Activity Status when compliance with up to two of rules LRZ-R21.4 – 10 is not achieved: Discretionary

Activity Status when compliance with more than two of the rules is not achieved or when compliance with any of rules LRZ-R21.1 – 3 is not achieved: Non-Complying

### **LRZ-R22 Place of Assembly**

Activity Status: Discretionary

Where:

1. The activity is a primary activity or *ancillary activity*.

**LRZ-R23 Educational Facilities**

Activity Status: Discretionary

Where:

1. The activity is a primary activity or *ancillary activity*.

**LRZ-R24 Entertainment Facilities**

Activity Status: Non-Complying

Where:

1. The activity is a primary activity or *ancillary activity*.

**LRZ-R25 Service Stations**

Activity Status: Non-Complying

Where:

1. The activity is a primary activity or *ancillary activity*.

**LRZ-R26 Funeral Home**

Activity Status: Non-Complying

Where:

1. The activity is a primary activity or *ancillary activity*.

**LRZ-R27 Recreational Facilities**

Activity Status: Non-Complying

Where:

1. The activity is a primary activity or *ancillary activity*.

**LRZ-R28 Emergency Services**

Activity Status: Non-Complying



Where:

1. The activity is a primary activity or *ancillary activity*.

**LRZ-R29 Hospital**

Activity Status: Non-Complying

Where:

1. The activity is a primary activity or *ancillary activity*.

**LRZ-R30 General Commercial**

Activity Status: Non-Complying

Where:

1. The activity is a primary activity or *ancillary activity*.

**LRZ-R31 General Community**

Activity Status: Non-Complying

Where:

1. The activity is a primary activity or *ancillary activity*.

**LRZ-R32 Plantation Forestry**

Activity Status: Prohibited

Where:

1. The activity is a primary activity or *ancillary activity*.

**LRZ-R33 Intensive Livestock Farming**

Activity Status: Prohibited

Where:

1. The activity is a primary activity or *ancillary activity*.

**LRZ-R34 Farm Quarrying**

Activity Status: Prohibited

Where:

1. The activity is a primary activity or *ancillary activity*.

### **LRZ-R35 Industrial Activities**

Activity Status: Prohibited

Where:

1. The activity is a primary activity or *ancillary activity*.

## **Parihaka Environmental Benefit Precinct (PREC12)**

### **Issues**

The Parihaka Environmental Benefit Precinct considers opportunities for *subdivision* resulting in *allotments* below the minimum lot size in the Low Density Residential Zone where:

- Positive ecological outcomes are achieved; and
- Development is designed to minimise the risks of *natural hazards*.

Subdivision in the Parihaka Environmental Benefit Precinct may be undertaken using either:

- a. The Parihaka Environmental Benefit Precinct *subdivision* rules; or
- b. The underlying Low Density Residential Zone *subdivision* rules in the Subdivision Chapter.

All relevant district-wide provisions apply.

All relevant underlying Low Density Residential Zone provisions apply, except that the more permissive bulk and location rules in PREC12-R2 – R6 apply to *sites* that have been created under PREC12-R8.

### **Objectives**

#### **PREC12-O1 Subdivision**

Have particular regard to opportunities for increased residential density where adverse effects are appropriately managed and existing ecological and biodiversity values are protected.

#### **PREC12-O2 Infrastructure**

Adverse effects on the *reticulated* water supply network are minimised.

#### **PREC12-O3 Natural Hazards**

Subdivision and future land uses are managed to minimise the risks from *natural hazards*.

## PREC12-O4 Ecology and Biodiversity

Subdivision, land use and development are managed to enhance and permanently protect ecological and biodiversity values.

### **Policies**

#### PREC12-P1 Residential Subdivision

To provide for a range of *site* sizes by enabling *subdivision* below the Low Density Residential Zone minimum *site* size where the existing ecological and biodiversity values within the *site* are enhanced and permanently protected.

#### PREC12-P2 Water Supply Infrastructure

To ensure that *subdivision* and future land uses are well integrated with the *reticulated* water supply network by:

1. Ensuring that sufficient capacity exists within the network to accommodate the proposed development; or
2. Requiring any upgrades which are needed to service the development to an appropriate level of service.

#### PREC12-P3 Natural Hazards

To manage *subdivision* and future land uses to:

1. Avoid locating activities and development in areas with a high risk of land instability hazard events.
2. Locate and design *subdivision* and future land uses to minimise risks and adverse effects on people, property and the environment.
3. Ensure that any adverse effects and the existing and *residual risks* do not endanger human life and are not likely to cause material damage to property or the environment.

#### PREC12-P4 Ecology and Biodiversity

To ensure that *subdivision*, land use and development:

1. Enhance and permanently protect the area of *indigenous vegetation* identified in Figure PREC12 2.

2. Locate vehicle *access* routes outside of the area of *indigenous vegetation* identified in Figure PREC12 2 unless:
  - a. There is a functional need to locate vehicle *access* routes within that area of *indigenous vegetation*; and
  - b. Adverse effects on ecological and biodiversity values within that area of *indigenous vegetation* will be no more than minor.

## Rules

### PREC12-R1 Minor Buildings

Activity Status: Permitted

Note:

1. *Minor buildings are exempt from rule PREC12-R2.*

### PREC12-R2 Building and Major Structure Setbacks in any Site Created Under PREC12-R8

Activity Status: Permitted

Where:

1. *All buildings and major structures are set back at least:*
  - a. 4.5 from road boundaries.
  - b. 3m from side and rear boundaries, allowing for one 1.5m *setback*.
  - c. 20m from Mean High Water Springs or the top of the bank of any *river* that has a width exceeding 3m (excluding bridges, culverts and fences).
2. *Except that non-habitable major structures and buildings, and non-habitable rooms of buildings, may be set back 0m for a maximum length of 7.5m on a single side or rear boundary and a maximum total length of 10.5m on all side and rear boundaries, provided they are setback at least 2.5m from habitable rooms on any other site.*

Activity Status when compliance not achieved with PREC12-R2.1(a) – (b) or R4.2: Restricted Discretionary

Matters of discretion:

1. The outlook and privacy of adjoining and adjacent properties.
2. Effects of shading and visual dominance on adjoining properties.

3. Impacts on the amenity of any adjacent public walkway.
4. Where PREC12-R2.1(a) is infringed, the effects on the:
  - a. Streetscape character anticipated within the Parihaka Environmental Benefit Precinct.
  - b. Safety and efficiency of the transport network.

Activity Status when compliance not achieved with PREC12-R2.1(c): Restricted Discretionary

Matters of discretion:

1. The effectiveness of the proposed method for controlling *stormwater* runoff.
2. That the proposal will maintain and enhance the *amenity values* of the area.
3. That esplanade areas and waterfront walkways are appropriately safeguarded.
4. The potential to establish an *esplanade reserve*.

### PREC12-R3 Outdoor Living Court in any Site Created Under PREC12-R8

Activity Status: Permitted

Where:

1. Every *principal residential unit*:
  - a. With 1 or more *habitable rooms* at ground floor level provides an *outdoor living court* of which at least 20m<sup>2</sup> has a minimum depth of 4m.
  - b. With all *habitable rooms* above ground floor provides an *outdoor living court* of which at least 8m<sup>2</sup> has a minimum depth of 2m.
2. Every *minor residential unit*:
  - a. With 1 or more *habitable rooms* at ground floor level provides an *outdoor living court* of which at least 10m<sup>2</sup> has a minimum depth of 2.4m.
  - b. With all *habitable rooms* above ground floor provides an *outdoor living court* of which at least 6m<sup>2</sup> has a minimum depth of 1.8m.
3. The *outdoor living court* is able to receive direct sunlight for at least 5 hours on the winter solstice over at least 50% of the minimum space required under PREC12-R3.1 – 2.

Activity Status when compliance not achieved: Restricted Discretionary

Matters of discretion:

1. Appropriate privacy and amenity of the occupants on-site.

2. Sufficient sunlight access to *outdoor living spaces* within the *site*.
3. The proximity of the *site* to communal or public open space that has the potential to mitigate any lack of private *outdoor living space*.

Notification:

Any restricted discretionary activity under PREC12-R3 shall not require the written consent of affected persons and shall not be notified or limited-notified unless Council decides that special circumstances exist under section 95A(4) of the Resource Management Act 1991.

### PREC12-R4 Impervious Areas in any Site Created Under PREC12-R8

Activity Status: Permitted

Where:

1. The *impervious area* within the *site* does not exceed 60% of the *net site area*.
2. The *impervious area* is set back at least 5m from Mean High Water Springs and the top of the bank of any *river* that has a width exceeding 3m (excluding bridges, culverts and fences).

Activity Status when compliance not achieved: Restricted Discretionary

Matters of Discretion:

1. The effectiveness of the proposed method for controlling *stormwater* runoff.
2. That the proposal will maintain and enhance the *amenity values* of the area.
3. That esplanade areas and waterfront walkways are appropriately safeguarded.

### PREC12-R5 Building and Major Structure Coverage in any Site Created Under PREC12-R8

Activity Status: Permitted

Where:

1. The maximum cumulative *building* and major structure coverage is 40% of the *net site area*.

Activity Status when compliance not achieved: Restricted Discretionary

Matters of discretion:

1. The scale and bulk of *buildings* and *major structures* in relation to the *site* and the existing built density of the locality.
2. The outlook and privacy of adjoining and adjacent properties.

3. Visual dominance of *buildings* and *major structures*.

### PREC12-R6 Fences in any Site Created Under PREC12-R8

Activity Status: Permitted

Where:

1. The fence has a maximum height of 2m above *ground level*.
2. Fencing within 3m of a road boundary is at least 50% visually permeable for any portion above 1m high.
3. Fencing along a *boundary* shared with an Open Space and Recreation Zone is at least 50% visually permeable for any portion above 1.5m high.
4. The fence is not fortified with broken glass.
5. The fence is not fortified with or any form of electrification or barbed wire except for stock exclusion purposes.

Activity Status when compliance not achieved: Restricted Discretionary

Matters of discretion:

1. Effects of shading and visual dominance on adjoining properties.
2. Urban design and passive surveillance.
3. Effects on streetscape character and amenity.
4. Health and safety effects.

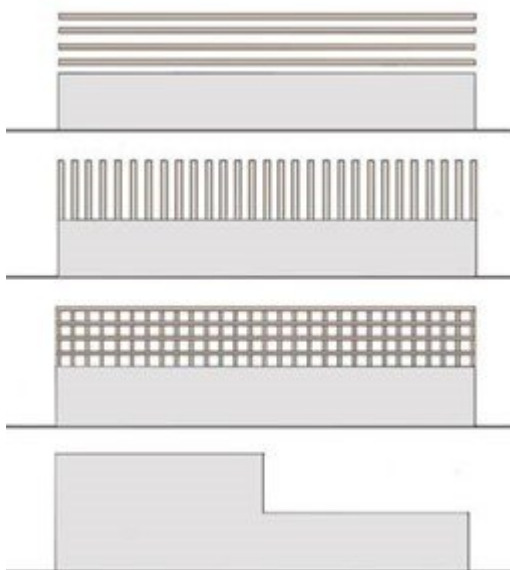


Figure PREC12 1. Examples of fences solid up to 1m and 50% visually permeable between 1m and 2m

## PREC12-R7 Principal Residential Unit in any Site Created Under PREC12-R8

Activity Status: Permitted

Where:

1. The maximum density is 1 *principal residential unit* per 400m<sup>2</sup> *net site area* provided that 1 *principal residential unit* is permitted on a *site* of any size.
2. Every *principal residential unit* is separated by at least 3m from any other detached residential unit (excluding any ancillary *minor residential unit*).
3. Every *principal residential unit* is separated by at least 6m from any other detached *residential unit* where there is an *outdoor living court* between the *residential units* (excluding any ancillary *minor residential unit*).
4. Every *residential unit* provides a *living area* that can receive direct sunlight for at least 5 hours on the winter solstice.
5. There is a separation distance of at least 6m from any window in a *habitable room* to a window of a *habitable room* in a separate *residential unit* (excluding any ancillary *minor residential unit*) where there is a direct line of sight between the windows.

Activity Status when compliance not achieved: Discretionary

Note:

1. Any application shall comply with information requirement rule PREC12-REQ4.

## PREC12-R8 Subdivision

Activity Status: Restricted Discretionary

Where:

1. Every *site* can contain a rectangle of at least 8m by 15m.
2. Every vacant *site* contains an identified *building area* of at least 100m<sup>2</sup> within which a *residential unit* can be built so that there is compliance as a permitted activity with the relevant Parihaka Environmental Benefit Precinct and Low Density Residential Zone rules.
3. Every *site* has a minimum *net site area* of at least 400m<sup>2</sup>.
4. The area of *indigenous vegetation* identified on Figure PREC12 2 is proposed to be legally protected in perpetuity in its entirety and managed on an on-going basis in accordance with an Ecological Management Plan, except that 1 internal vehicle *access route* may be provided within the area of *indigenous vegetation* identified on Figure PREC12 2.



## Matters of discretion:

1. The matters over which control is reserved in SUB-R5.
2. Effects on the existing *reticulated* water supply network, including effects on the water pressure available to the proposed *sites* and existing *sites* in the area.
3. Whether the servicing needs of the proposal require upgrades to the existing *reticulated* water supply network.
4. Effects on the ecological and biodiversity values within the *site* and within mapped features in the surrounding area that are greater than effects enabled by the underlying Low Density Residential Zone.
5. The location and design of vehicle *access* within the area of *indigenous vegetation* identified on Figure PREC12 2 and alternative route options for vehicle *access* outside of that area of *indigenous vegetation*.
6. Effects on the stability of land or any existing or future *structures*, and the potential to create new or exacerbate existing land instability hazards.
7. Effects of remediating the land instability hazard.
8. The intend use of the land and its vulnerability to the potential effects of land instability.
9. The design and location of any infrastructure and on-site services and their susceptibility to adverse effects from land instability hazards and potential risks to public health and the environment.
10. Recommendations and proposed conditions and remediation or mitigation measures of the site suitability report and any further information provided through the consent process.
11. The extent to which *site* boundaries reflect natural and physical boundaries, including mapped district-wide resources.

## Notes:

1. *Any application shall comply with information requirement rules PREC12-REQ1 – REQ3.*
2. *All relevant District-Wide and Overlay subdivision objectives, policies and rules apply in addition to PREC12-R8 except for SUB-R4.*
3. *PREC12-R8 may be used as an alternative to the Low Density Zone subdivision rules in SUB-R4.*

Activity Status when compliance is not achieved with PREC12-R8.1 – R8.2: Discretionary

Activity Status when compliance is not achieved with PREC12-R8.3 – R8.4: Non-Complying



Figure PREC12 2. Lot 1 DP 310956 Indigenous Vegetation to be Protected

### Information Requirement Rules

#### PREC12-REQ1 Ecological Report and Ecological Management Plan

1. Any application under rule PREC12-R8 must include an ecological report prepared by a suitably qualified and experienced ecologist which shall address the following matters:
  - a. An assessment of the effects of the potential development on the *indigenous vegetation* identified on Figure PREC12 2, including but not limited to:
    - i. Location and proximity of proposed *sites* and *building* platforms to that *indigenous vegetation*.
    - ii. Orientation of light, noise, reflective sources to minimise impact on resident fauna.
    - iii. *Building* platforms.
    - iv. Access, in particular vehicle *access* through that *indigenous vegetation* and consideration of alternative routes outside of that indigenous vegetation.
    - v. Earthworks.
    - vi. Services, including *stormwater*, *wastewater*, water supply, *telecommunications* networks, and energy (electricity or gas) networks.
    - vii. Pets, farmed animals, pests, weeds, garden escapes and green waste dumping.

- b. An Ecological Management Plan that specifies the protection measures proposed to ensure that the *indigenous vegetation* identified on Figure PREC12 2 remains protected in perpetuity, that includes how all of the following matters will be implemented prior to the Council issuing section 224(c) certificate:
  - i. The establishment of secure stock exclusion.
  - ii. Methods of animal and plant pest control.
  - iii. Identification of any indigenous taxa within the *site* and surrounding area that are listed as threatened or at risk in the NZ Threat classification system lists.
  - iv. An assessment of the effects of the potential development on any identified species in information requirement rule PREC12-REQ1.1(b)(iii) and the methods proposed to protect the species and monitoring on-going effects after *subdivision*.
  - v. Any additional protection and on-going management methods including but not limited to methods of weed and pest management and any measures to control cats, dogs, rabbits, rats, mustelids and possums.

#### PREC12-REQ2 Connection to Public Reticulated Water Supply Network

1. Any application under rule PREC12-R8 must include an assessment detailing:
  - a. Information from Council as to whether the existing *reticulated* water supply network can service the proposed development with sufficient water pressure.
  - b. Any upgrades and/or extensions to existing public *reticulated* water supply network that are proposed or necessary.
  - c. Where sufficient pressure is not available within the *reticulated* water supply network:
    - i. Upgrades proposed by the developer that are necessary to increase the network's pressure to accommodate the development; or
    - ii. The proposed timing and staging of development to ensure that it is coordinated with any planned Long Term Plan upgrades identified by Council which will provide adequate pressure.
  - d. Land and infrastructure to be vested in the Council.

#### PREC12-REQ3 Land Instability Hazards

1. Any application under rule PREC12-R8 must provide a site suitability report for the entire area of Lot 1 DP 310956 prepared by a suitably qualified and experienced geotechnical professional (e.g. Chartered Professional Engineer) which includes (but is not limited to) the following:
  - a. Topographic Survey (if not already available).

- b. A description of the geology and geomorphology of the *site* and immediate surrounding areas.
- c. Definition of the nature and continuity of the strata over the *site* to a depth below which slipping is most likely, by means of test pits and/or continuous recovery core drilling (unless existing exposures are adequate).
- d. Determination of the peak and residual shear strength parameters (either from laboratory tests or back analysis of relevant slope failures) and the sensitivity of the soil in each stratum in which, or interface on which, sliding is practicable.
- e. Assessment of groundwater levels and piezometric pressures in the strata during extreme infiltration conditions.
- f. Analysis of practicable failure mechanisms, relevant to the specific geology and geomorphology of the *site* using effective stresses.
- g. The geo-professional's opinion as to the stability of the ground and the preventative (or remedial) measures to be incorporated in the development.
- h. The geo-professional's opinion as to the stability of the whole slope (upon which the development *site* may form only part of) and the effects of the development (such as excavation, filling, removal of vegetation, disposal of *stormwater* or effluent *wastewater* into or over the area) on the whole slope.
- i. The geo-professional's opinion as to the suitability of the proposed *subdivision* and future land uses (including the nature, scale, density and location of future *residential units* and associated services that may be developed through the Parihaka Environmental Benefit Precinct rules) within the *site*.
- j. Definite conclusions and recommendations on any development restrictions, specifically addressing Section 106 of the Resource Management Act 1991 for any *subdivision*.

#### PREC12-REQ4 Urban Design and Density

1. All applications for resource consent pursuant to PREC12-R7 shall include an urban design assessment prepared by a suitably qualified and experienced professional which details:
  - a. An analysis of the *site* in relation to its context, including:
    - i. The key characteristics of the local area, including the character and scale of surrounding development including any cultural relationships or historic heritage features and clearly recording any matters which particularly contribute to the character of the area, that detract from the area.
    - ii. The landform and topography of the *site* and surrounding environment.

- iii. The ecology and habitat of the *site* and surrounding environment.
  - iv. Access to public and active *transport infrastructure*.
- b. An assessment of how the proposal contributes to the planned suburban environment of the area and is consistent with best practice urban design, including:
- i. Effects on the character of the area and neighbourhood, residential amenity and pedestrian and vehicular movements.
  - ii. The relationship of the proposed development to *public places* and how the proposal responds to any issues or characteristics identified in the site analysis.
  - iii. Any proposed measures to avoid or mitigate adverse effects on adjacent *public places* and residential *sites*.
  - iv. Any proposed measures to incorporate Māori design elements.
  - v. Any proposed measures to facilitate active and public transport.
- c. Any consultation undertaken as part of any pre-application meetings with Council and any mitigation measures that were recommended by Council.
- d. Any consultation undertaken with *mana whenua* and a summary of the results of that consultation.

*Note:*

1. *Acceptable means of compliance and best practice urban design guidance is contained within [Whangārei District Council's Urban Design Guidelines](#).*

## O'Shea Road Environmental Benefit Precinct (PREC17)

### Issues

The O'Shea Road Environmental Benefit Precinct enables development consistent with the Low Density Residential Zone where:

- Development is designed to minimise the risks of land instability *natural hazards*; and
- Positive ecological outcomes are achieved.

All relevant district-wide and underlying Low Density Residential Zone provisions apply in addition to the PREC17 provisions.

## Objectives

### PREC17-O1 Natural Hazards

Subdivision and future land uses are managed to minimise the risks from land instability *natural hazards*.

### PREC17-O2 Ecology and Biodiversity

Subdivision, land use and development are managed to enhance and permanently protect ecological and biodiversity values.

## Policies

### PREC17-P1 Natural Hazards

To manage *subdivision* and future land uses to:

1. Avoid locating activities and development in areas with a high *residual risk* of land instability hazard events.
2. Locate and design *subdivision* and future land uses to minimise risks and adverse effects on people, property and the environment.
3. Ensure that any adverse effects and the existing and *residual risks* of *natural hazards* do not endanger human life and are not likely to cause material damage to property or the environment.

### PREC17-P2 Ecology and Biodiversity

To ensure that *subdivision*, land use and development enhance and permanently protect the areas of *indigenous vegetation* identified in Figure PREC17 1.

## Rules

### PREC17-R1 Indigenous Vegetation Clearance

Activity Status: Permitted

Where:

1. The clearance is permitted under LRZ-R10; and
2. The clearance is either:
  - a. Outside of the areas of *indigenous vegetation* identified on Figure PREC17 1; or



- b. Within the areas of *indigenous vegetation* identified on Figure PREC17 1 and is associated with:
  - i. Operation, maintenance and repair of existing tracks, fences and drains; or
  - ii. Pest plant removal and biosecurity works; or
  - iii. Conservation planting, including planting for ecological restoration purposes.

Activity Status when compliance not achieved: Discretionary

### PREC17-R2 Subdivision

Activity Status: Controlled

Where:

1. The areas of *indigenous vegetation* identified on Figure PREC17 1 are:
  - a. Proposed to be legally protected in perpetuity in their entirety.
  - b. Managed on an on-going basis in accordance with an Ecological Management Plan.

Matters of control:

1. The matters over which control is reserved in SUB-R4.
2. Effects on the ecological and biodiversity values within the *site*.
3. Effects on the stability of land or any existing or future *structures*, and the potential to create new or exacerbate existing land instability hazards.
4. Effects of remediating the land instability hazard.
5. The intended use of the land and its vulnerability to the potential effects of land instability.
6. The design and location of any infrastructure and on-site services and their susceptibility to adverse effects from land instability hazards and potential risks to public health and the environment.
7. Recommendations and proposed conditions and remediation or mitigation measures of the site suitability report and any further information provided through the consent process.
8. The extent to which *site* boundaries take account of natural and physical boundaries, including mapped district-wide resources and overlays.

Notes:

1. Any application shall comply with information requirement rules PREC17-REQ1 – REQ2.





- vii. Pets, farmed animals, pests, weeds, garden escapes and green waste dumping.
  - viii. The location of *site* boundaries, any adverse effects which may arise from the *boundary* location proposed (including where applicable any adverse effects which may arise as a result of fragmentation of contiguous *indigenous vegetation* if it is not held within a single *site*), and how the vegetation will be appropriately managed on an on-going basis.
  - ix. The mechanisms to ensure that the management plan required under information requirement rule PREC17-REQ1.1(b) applies to and binds future owners.
- b. An Ecological Management Plan that specifies the protection measures proposed to ensure that the *indigenous vegetation* identified on Figure PREC17 Map 1 remains protected in perpetuity, including how all of the following matters will be implemented prior to the Council issuing section 224(c) certificate:
- i. The establishment of secure stock exclusion.
  - ii. Methods of animal and plant pest control.
  - iii. Identification of any indigenous taxa within the *site* and surrounding area that are listed as threatened or at risk in the NZ Threat classification system lists.
  - iv. An assessment of the effects of the potential development on any identified species in information requirement rule PREC17-REQ1.1(b)(iii) and the methods proposed to protect the species and monitoring on-going effects after *subdivision*.
  - v. Any additional protection and on-going management methods including but not limited to methods of weed and pest management and any measures to control cats, dogs, rabbits, rats, mustelids and possums.

## PREC17-REQ2 Land Instability Hazards

1. Any application under rule PREC17-R2 must provide a site suitability report for the entire area of PREC17 prepared by a suitably qualified and experienced geotechnical professional (e.g. Chartered Professional Engineer) which includes (but is not limited to) the following:
  - a. Topographic Survey (if not already available).
  - b. A description of the geology and geomorphology of the *site* and immediate surrounding areas.
  - c. Definition of the nature and continuity of the strata over the *site* to a depth below which slipping is most likely, by means of test pits and/or continuous recovery core drilling (unless existing exposures are adequate).

- d. Determination of the peak and residual shear strength parameters (either from laboratory tests or back analysis of relevant slope failures) and the sensitivity of the soil in each stratum in which, or interface on which, sliding is practicable.
- e. Assessment of groundwater levels and piezometric pressures in the strata during extreme infiltration conditions.
- f. Analysis of practicable failure mechanisms, relevant to the specific geology and geomorphology of the *site* using effective stresses.
- g. The geo-professional's opinion as to the stability of the ground and the preventative (or remedial) measures to be incorporated in the development.
- h. The geo-professional's opinion as to the stability of the whole slope (upon which the development *site* may form only part of) and the effects of the development (such as excavation, filling, removal of vegetation, disposal of *stormwater* or effluent *wastewater* into or over the area) on the whole slope.
- i. The geo-professional's opinion as to the suitability of the proposed *subdivision* and future land uses (including the nature, scale, density and location of future *residential units* and associated services that may be developed through the Low Density Residential Zone rules) within the *site*.
- j. Definite conclusions and recommendations on any development restrictions, specifically addressing Section 106 of the Resource Management Act 1991 for any *subdivision*.