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Land Use and Subdivision Consent Application

**NORTHLAND DEVELOPMENT
CORPORATION LIMITED
'ORUKU LANDING'**

44 - 48 Riverside Drive, Whangarei

A topographic map with contour lines and a grid, serving as a background for the bottom section of the cover.

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Land Use and Subdivision Consent Application

NORTHLAND DEVELOPMENT CORPORATION LIMITED

‘ORUKU LANDING’

44 - 48 Riverside Drive, Whangarei

Report prepared for:	Northland Development Corporation Limited
Project	Oruku Landing
Author	Emma Miller, Associate
Reviewed by:	Brett Hood, Director
Consent Authority:	Whangarei District Council Northland Regional Council
Report reference:	15311
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APPLICATION FOR RESOURCE CONSENT UNDER SECTION 88 OF THE RESOURCE MANAGEMENT ACT 1991


To: Whangarei District Council
Private Bag 9023
WHANGAREI

Northland Regional Council
Private Bay 9021
WHANGAREI

1. Northland Development Corporation Limited, c/- Griffiths Project Management, Mansfield House, 127 Bank Street, WHANGAREI, 0110 applies for the resource consents described below:
 - a) Land use consent (WDC) to establish a hotel and entertainment precinct; 'Oruku Landing', that is generally comprised of the following:
 - A multipurpose conference and events centre; and
 - A four star hotel; and
 - A mixed use building incorporating residential apartments, car parking and retail/commercial tenancies; and
 - A 29 berth marina and jetty.
 - b) Land use consent (WDC & NRC) to undertake bulk earthworks associated with the site preparation.
 - c) Subdivision consent (WDC) to create four separate certificates of title for each of the proposed land uses.
 - d) Coastal permits (NRC) to allow the placement of structures in the CMA.
 - e) Coastal permits (NRC) to undertake capital and maintenance dredging associated with the development of the proposed marina.
 - f) Land use consent (NES) to allow the disturbance of soil that is identified as a HAIL site.

A full assessment of the proposal against the rules is attached at Appendix 4.
2. The activity to which the application relates (the proposed activity) is as follows:
 - a) To establish a hotel and entertainment precinct; 'Oruku Landing', as described in Section 3 of the following report.

- b) To undertake a four lot subdivision as described in Section 3 of the following report.
3. The names and addresses of the owners and occupier (other than the applicant) of the land to which the application related are as follows:
- Golden Kiwi Holdings Limited
4. The location of the proposed activities is as follows:
- 44 - 48 Riverside Drive, Whangarei
Lots 1 – 4 DP 40643, CFR NA1549/29
5. The other activities that are part of the proposal to which this application relates are as follows:
- N/A
6. The following additional resource consent are needed for the proposal to which this application relates and have been applied for:
- All consents required for this proposal have been applied for and are described above.
7. The following additional resource consents and statutory approvals maybe/are needed for the proposal to which this application relates but have not yet been applied for:
- N/A
8. We attach an assessment of effects on the environment that:
- (a) includes the information required by clause 6 of Schedule 4 of the Resource Management Act 1991;
and
- (b) addresses the matters specified in clause 7 of Schedule 4 of the Resource Management Act 1991;
and
- (c) includes such detail as corresponds with the scale and significance of the effects that the activity may have on the environment.
9. We attach an assessment of the proposed activity against the matters set out in Part 2 of the Resource Management Act 1991.
10. We attach an assessment of the proposed activity against any relevant provisions of a document referred to in section 104(1)(b) of the Resource Management Act 1991, including information required by clause 2(2) of Schedule 4 of that Act.
- Included is a check list of relevant Schedule 4 matters.
11. No other information is required to be included in the district or regional plan(s) or regulations.



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Signature of applicant (*or* person authorised to sign on behalf of applicant)

Emma Miller

July 2020

Date

Address for service:

Reyburn and Bryant 1999 Ltd
PO Box 191, Whangarei

Telephone:

s 9(2)(a)

Email:

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Contact person:

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9. Marina design (Total Marine)
10. Engineering and feasibility (Cato Bolam Consultants)
11. Landscape & Urban Design Concept (4 Sight Consulting)
12. Traffic assessment (Engineering Equilibrium)
13. Subdivision scheme plan (Reyburn & Bryant)
14. NDC Plan Change submission
15. Ecological effect assessment (4 Sight Consulting)
16. Noise effect assessment (Marshall Day Acoustics)
17. CIA
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20. Landscape and Visual Effects Assessment (Bridget Gilbert Landscape Architecture)
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22. Relevant objectives and policies

4S	4 Sight Consulting
AADT	Average Annual Daily Traffic
AEE	Assessment of Environmental Effects
BD	Brewer Davidson Architecture
BGLA	Bridget Gilbert Landscape Architecture
CB	Cato Bolam Consultants Limited
CBD	Central Business District
CD	Chart Datum
CIA	Cultural Impact Assessment
CMA	Coastal Marine Area
DA	Dalman Architects
DSI	Detailed Site Investigation
EE	Engineering Equilibrium
EES	Environmental Engineering Standards
FFL	Finished Floor Level
GFA	Gross Floor Area
GL	Geometria Limited
HAIL	Hazardous Activities and Industries List
HB	HB Architecture
MAU	Matakohe Architecture and Urbanism
MDA	Marshall Day Acoustics
MHWS	Mean High Water Springs
NDC	Northland Development Corporation
NES	National Environmental Standard
NRC	Northland Regional Council
NZCPS	New Zealand Coastal Policy Statement
OWDP	Operative Whangarei District Plan
PC	Plan Change
PRP	Proposed Regional Plan
PSI	Preliminary Site Investigation
RCP	Regional Coastal Plan
RL	Reduced Level
RMA	Resource Management Act, 1991
RPS	Regional Policy Statement
RWSP	Regional Water and Soil Plan
SMP	Site Management Plan
TT	Tonkin & Taylor

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TRA	Transport Chapter
TWM	Three Waters Management Chapter
WDC	Whangarei District Council
WDP	Whangarei District Plan
WZ	Waterfront Zone

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1.1 Report basis

This report has been prepared for Northland Development Corporation Limited (NDC) in support of a proposal to establish a hotel and entertainment precinct at 44 – 48 Riverside Drive, Whangarei, being 1.249ha of reclaimed land on the northern side of the Hatea River.

The proposal is to establish a comprehensive hotel and entertainment precinct, to be known as 'Okuru Landing', which will provide facilities in central Whangarei to enhance the local community and economy as well as attract visitors locally and internationally to the city. The proposal is comprised of the following components. These are:

- A multipurpose conference and events centre; and
- A four star hotel; and
- A mixed use building incorporating residential apartments, car parking and retail/commercial tenancies; and
- A 29 berth marina and jetty.

The proposal also involves a four lot subdivision to create separate certificates of title for each of the proposed land uses.

The application has been prepared in accordance with Section 88 and the Fourth Schedule of the Resource Management Act, 1991 (RMA). Section 88 of the RMA requires that resource consent applications be accompanied by an Assessment of Environmental Effects (AEE) in accordance with the Fourth Schedule. A Fourth Schedule checklist is attached at Appendix 1.

The report also includes an analysis of the relevant provisions of the district, regional and national planning documents that are pertinent to the assessment and decision required under s104 of the RMA.

1.2 Property details

Applicant	s 9(2)(a)
Land owner	s 9(2)(a)
Site location	s 9(2)(a)
Legal description	s 9(2)(a)
Certificates of title	s 9(2)(a)
Site area	1.2432ha
District Plan	Whangarei District Plan (WDP)
District Plan Zoning	Riverside Sub-Environment of the Town Basin Environment

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Other District Plan Notations	Schedule 4 Flood Susceptible Area Coastal Area
Plan Change 88C	Waterfront Zone –Mixed Use Area
Regional Coastal Plan	Marine 2 (Conservation) Management Area
Proposed Regional Plan	Whangarei City Centre Marine Zone Significant Marine Mammal and Seabird Area Marine Pollution Limits
Regional Policy Statement	Coastal Area
NRC Hazards	Coastal Flood Hazard Zones 0 - 2

Table 1: Property and Application Details.

1.3 Proposal summary

This application for resource consent seeks approval to establish a comprehensive hotel and entertainment precinct on land located between Riverside Drive and the Hatea River. Simply, the development proposal is a combination of buildings and facilities that together and in combination with the existing development around the Town Basin will create new and enhanced public and private spaces in central Whangarei. The proposal is a bold and enthusiastic project that aims to provide Whangarei with a world-class facility that will attract both locals and visitors alike to the site, enriching the local community and economy. It is hoped that it will act as both a catalyst for future development opportunities and that it will attract large and high-quality events to Whangarei. It will achieve these outcomes while also complementing the existing development projects that are either already established or underway.

The proposal is generally comprised of the following components, being:

- A multipurpose conference and events centre; and
- A four star hotel; and
- A mixed use building incorporating residential apartments, car parking and retail/commercial tenancies; and
- A 29 berth marina and jetty

Plans detailing each of the development components are set out in the plans attached at Appendix 2. Figure 2 below sets out the masterplan for the site development.

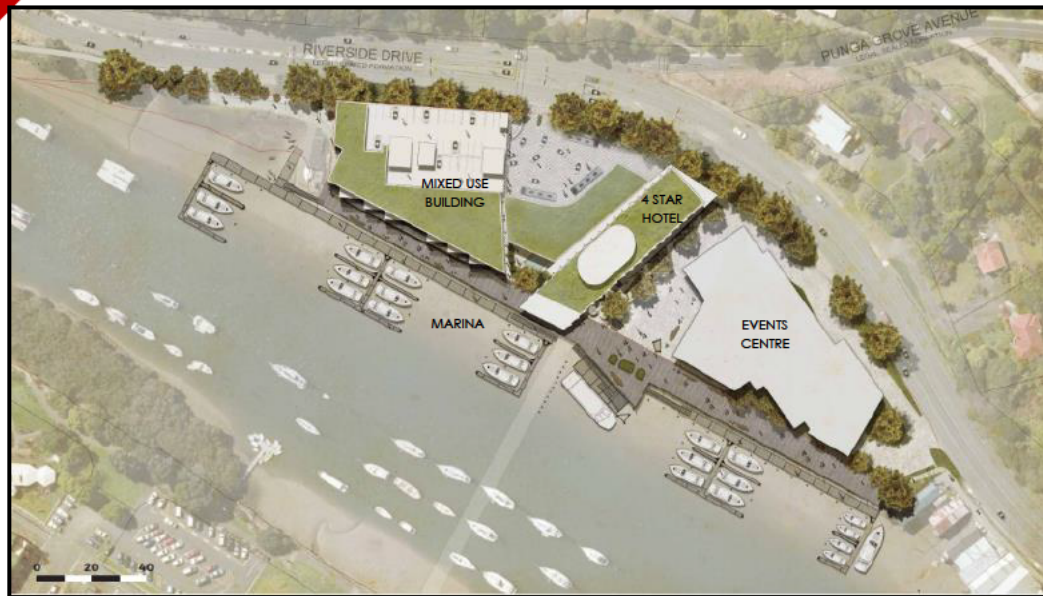
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Figure 2: Riverside Hotel & Entertainment Precinct Masterplan (Source: 4Sight)

Multipurpose conference and events centre

This is the key building for the proposed site development. It is located at the eastern end of the site, and has been designed to open up onto a new public plaza. It is a multi-purpose conference and events centre capable of accommodating up to 996 people with a variety of conference, theatre and entertainment modes.

The design includes a mezzanine level with café facilities as well as the usual ticketing and administration areas. The main façade will largely be glazed and will incorporate various design elements inspired by cultural references. The western end of the building incorporates a large high level canopy that will provide an architecturally interesting entrance area to the building that will also be integrated into the outdoor public plaza between the Events Centre and the 4 star hotel.

Service access to the building is proposed from the eastern end of the site to Riverside Drive. Loading areas, including manoeuvring areas suitable for trucks, are proposed to be inside the building, while storage and kitchen facilities are proposed underneath the building. Public car parking (in the mixed use building) will be accessed from a more centrally located vehicle crossing to Riverside Drive.

The building has been designed by HB Architects and the plans of the proposal are attached at Appendix 2.

Hotel

A four star hotel is proposed to be established on the site. The hotel is orientated perpendicular across the site (from Riverside Drive to the Hatea River) so as to align with pā and other key landmarks in the surrounding area. This alignment also enables most rooms to have some view of the river.

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The building will have five levels with the ground floor incorporating the lobby, a restaurant and bar as well as space for other associated activities that might include, by way of examples, a coffee shop, an ice cream shop, day spas and bicycle rental facilities. It is proposed that the hotel will have a living roof and a swimming pool is also proposed as part of the hotel amenities.

The 4 star hotel is proposed to have 132 rooms. This includes eight suites (two per floor) situated at the south end of the building, overlooking the river.

The design of the hotel involves the southern end of the building extending over the boardwalk which is part of the Hatea Loop walkway. The upper levels of the hotel will therefore extend beyond MHWS. However, public access to the CMA will not be affected by the proposal. Figure 3 below shows a concept design of the proposal that demonstrates the cantilevered southern end of the hotel.



Figure 3: 4 star hotel concept design (Source: Dalman Architects)

Access to the hotel, and the associated proposed car parking building will be over a new signalised intersection with Riverside Drive and Punga Grove Avenue.

As with the Conference and Events Centre, the facades of the hotel will incorporate various design elements inspired by cultural references.

The hotel has been designed by Dalman Architects and the plans are attached at Appendix 2.

Mixed use building

At the western end of the site it is proposed to locate a building that will occupy approximately 3,000m². The building is proposed to have a mixed use incorporating 17 residential apartments, five retail/commercial tenancies and a 189 space car parking building.

The apartments will 'wrap around' the proposed car parking building on the southern and western side ensuring that they will all overlook the Hatea River.

The building has been designed by HB Architects in association with Brewer Davidson Architecture and the plans of the proposal are attached at Appendix 2.

Marina

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A boutique marina is proposed to be located in the Hatea River in front of the site. This will include 29 berths ranging in size to accommodate different sized vessels.

A ferry terminal is also proposed as part of this aspect of the proposal. This will primarily enable ferries to operate between the Town Basin and Northport at the mouth of the Whangarei Harbour, where cruise ships are scheduled to arrive. A ferry service will enable cruise ship passengers to easily access Whangarei CBD, as well as providing opportunities for accessing other destinations along the length of the Harbour.

Associated with the marina development is the proposal to widen the existing boardwalk that forms the section of the Hatea Loop walkway in front of the subject site.

1.4 Strategic planning background

Over the past decade, strategic planning documents prepared by or in conjunction with the WDC have included consideration of the desire to develop the various spaces and facilities proposed by this development. The concepts are discussed in the Arts Culture and Heritage Policy document (2009), the 30|50 Growth Strategy (2010), the Whangarei 20/20 Momentum document (2016), and in the Whangarei City Centre Plan (2017). In 2019 a 10 year strategy for arts, culture and heritage and the draft District Growth Strategy were both published, and continue the discussion about the importance and relevance of the facilities proposed by this application. Relevant sections of these documents are attached at Appendix 3.

The Arts Culture and Heritage Policy identifies that the arts sector of the community is a key driver for tourism and economic development. It goes on to set a policy goal for the development of a large multi-purpose performance space.

The 30|50 Growth Strategy acknowledges that Whangarei has *'enormous potential to become an attractive, world class medium sized city.'* In order to achieve such a status the Strategy places importance on culture, the arts and entertainment and comments that it is essential for a district of Whangarei's size to offer a level of cultural amenities and entertainment facilities that meets the needs of its growing population, and the wider needs of the region. It goes on to identify that the arts, culture, heritage and civic amenities contribute to the economic, cultural, environmental and social wellbeing of the district.

The Whangarei 20/20 Momentum plan and the City Centre Plan both identify specific projects and development opportunities that will provide Whangarei with the chance to fulfil the objectives of the overarching policy documents. The subject site is identified in 20/20 as being an ideal location for a privately funded residential development which could include tourist accommodation, while the City Centre Plan identifies the property as a strategic site in the city, making it a key location for a catalyst for change. Suggestions for development opportunities on these sites include hotel development, civic buildings and inner city living options. In addition

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to specific development projects, the City Centre Plan encourages high quality development through exceptional urban design and the development of functional public open spaces.

He Rautaki Toi ā Rohe o Whangārei is a recent document prepared by Creative Northland and the WDC that sets a ten year strategy for achieving opportunities to better access the arts and cultural experiences in Whangārei. The Strategy specifically seeks to support the development of appropriate infrastructure and built spaces for the creation and presentation of the arts.

The draft District Growth Strategy identifies what is necessary within the district to allow it to continue to grow and develop over the next 30 years. It sets actions, infrastructure investments and ensures that decision making is coordinated to achieve the desired outcomes. It seeks to enable the continued regeneration of the central city, and to improve the amenity of this area.

The comprehensive and multi-faceted strategic plans and documents that exist for the Central Whangārei area all identify the importance of arts, culture and heritage for the city and the opportunities that this brings. As Whangārei continues to grow and develop, the city facilities and amenities need to keep pace. Facilities need to be modern, fit for purpose and able to cater for both the local population and visitors to the area. In order for Whangārei to be considered a world-class and mature city that is a serious option for conferences, performance arts and concerts that also has suitable accommodation options to provide for such events, investment needs to be made in the necessary facilities to achieve the opportunities that Whangārei deserves.

1.5 Northland Development Corporation

Northland Development Corporation Limited (NDC) is a company established by six Northlanders with backgrounds in land and property development. Together they identified the opportunity to develop a hotel and entertainment precinct in central Whangārei that will have quality infrastructures and will positively contribute to the local community and economy.

To better understand the opportunities and risks for such an ambitious project they have undertaken significant feasibility studies and are committed to providing a development that is user centred. To this end, as well as having commissioned economic and market feasibility reports they have also undertaken extensive interviews and consultation with the general Whangārei community, iwi representatives and potential user groups. Conversations about the need for a development of this nature, what it might look like, who might use it and what type of facilities do community groups require have all been had. The 'wish list' is extensive, but the aspiration to create a precinct that makes provision for as many of the desired outcomes as possible is a significant driver for NDC.

1.6 Reason for resource consent

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The property is located in the Riverside Drive Sub-Environment of the Town Basin Environment and is within the Coastal and Flood Susceptible Resource Areas in the Operative Whangarei District Plan (OWDP). In the recent Urban Plan Changes the site is located in the Mixed Use Area of the Waterfront Zone (WZ).

It is also located in the Marine 2 (Conservation) Management Area in the operative Northland Regional Coastal Plan (RCP) and the Marine 2 (Conservation) Management Area and the Whangarei City Centre Marine Zone in the proposed Northland Regional Plan (PRP).

The proposal requires resource consent from the WDC for a number of reasons, but the main reasons are due to the general nature of the proposed uses and the overall size and scale of the proposed buildings and in particular the proposed heights of the buildings. Additional reasons relate to car parking and earthworks. A full assessment of the reasons for resource consent are set out in Appendix 4.

A subdivision consent is also sought from the WDC to create four allotments that are generally configured to enable each of the proposed land uses to be located within a separate allotment.

Overall, a discretionary activity consent is sought from the WDC.

The proposal also requires resource consent from the NRC. A full assessment for the reasons for consent are also set out in Appendix 4. In summary, consent is required to undertake earthworks, establish structures in the CMA and undertake dredging.

Overall, a non-complying activity consent is sought from the NRC.

The soil disturbance necessary to develop the site requires consent with respect to the NES for Assessing and Managing Contaminants in Soil. The site is a HAIL site and the recorded concentrations of contaminants in the soil mean that a restricted discretionary activity consent is sought to enable the proposed earthworks to be undertaken.

1.7 Relevant title memorials

The subject site is comprised in a single certificate of title being NA1549/29. The title is comprised of four land parcels being Lots 1 -4 DP 40643. The title is identified as being part cancelled. The part cancellation relates to 58m² that was taken for road by the WDC in 1991. As such, the total area of the site is 1.2432ha. The title is owned by Golden Kiwi Holdings Limited.

The title is subject to a number of easements that are identified on DP523482 that are in favour of the WDC. The easements relate to the pedestrian and cycleway that is located along the coastal edge of the property. These easements are the legal right to enable the Hatea Loop to exist in this location. In addition, there is also a car parking easement on Lot 4. This is also in favour of the WDC.

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A copy of the certificate of title, DP523482 and the easement documents are attached at Appendix 5.

1.8 Other approvals required

It will be necessary to cancel the car parking easement created by 11153227.3. This resolution should be made pursuant to S243(e) of the RMA. Alternative car parking will be provided as part of the proposed development.

It will also be necessary to cancel the electricity and pedestrian and cycleway right of way easements created by 11153227.2. The easements are to be relocated to better align with the proposed development.

An approval regarding an extended lapse date of the consent is sought. It is proposed that this timeframe be doubled to provide 10 years to give effect to the WDC consents and the associated earthworks consents required from the NRC.

Building consents will be required for the proposed buildings. These will be applied for in due course.

1.9 Processing requests

Prior to the issue of any decision for this consent, please arrange to forward the draft conditions for our review and comment.

1.10 Statutory context

Section 104B of the RMA is associated with determining applications for non-complying activities:

Section 104B Determination of applications for discretionary or non-complying activities

After considering an application for a resource consent for a discretionary activity or non-complying activity, a consent authority—

(a) may grant or refuse the application; and

(b) if it grants the application, may impose conditions under section 108.

Section 104D of the RMA sets out specific restrictions that relate to considering non-complying activities, and is relevant for the consideration of the consent required to place structures in the CMA that does not have a functional need to be there. It states that:

Section 104D Particular restrictions for non-complying activities

a. Despite any decision made for the purpose of notification in relation to adverse effects, a consent authority may grant a resource consent for a non-complying activity only if it is satisfied that either—

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- (a) the adverse effects of the activity on the environment (other than any effect to which section 104(3)(a)(ii) applies) will be minor; or*
- (b) the application is for an activity that will not be contrary to the objectives and policies of—*
 - i. the relevant plan, if there is a plan but no proposed plan in respect of the activity; or*
 - ii. the relevant proposed plan, if there is a proposed plan but no relevant plan in respect of the activity; or*
 - iii. both the relevant plan and the relevant proposed plan, if there is both a plan and a proposed plan in respect of the activity.*

b. To avoid doubt, section 104(2) applies to the determination of an application for a non-complying activity.

Section 104(1) of the RMA sets out the matters that a consent authority must, subject to Part 2, have regard to when considering all applications for resource consent.

104 Consideration of applications

(1) When considering an application for a resource consent and any submissions received, the consent authority must, subject to Part 2, have regard to—

- (a) any actual and potential effects on the environment of allowing the activity; and*
 - (b) any relevant provisions of—*
 - (i) a national environmental standard:*
 - (ii) other regulations:*
 - (iii) a national policy statement:*
 - (iv) a New Zealand coastal policy statement:*
 - (v) a regional policy statement or proposed regional policy statement:*
 - (vi) a plan or proposed plan; and*
 - (c) any other matter the consent authority considers relevant and reasonably necessary to determine the application.*
- (2) When forming an opinion for the purposes of subsection (1)(a), a consent authority may disregard an adverse effect of the activity on the environment if a national environmental standard or the plan permits an activity with that effect.*

This report focuses on the relevant matters in s104(1) and S104D, and specifically:

- The actual and potential environmental effects (s104(1)(a) & s104D(1)(a)).
- The relevant provisions of the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health Regulations (s104(1)(b)(i))
- The relevant provisions of the New Zealand Coastal Policy Statement (s104(1)(b)(iv))
- The relevant provisions of the Northland Regional Policy Statement (s104(1)(b)(v))
- The relevant provisions of the Northland Regional Water and Soil Plan (s104(1)(b)(vi)).
- The relevant provisions of the Northland Regional Coastal Plan (s104(1)(b)(vi) & s104D(1)(b)).
- The relevant provisions of the Northland Proposed Regional Plan (s104(1)(b)(vi)).

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- The relevant provisions of the operative and proposed Whangarei District Plan (s104(1)(b)(vi)).

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THE SITE AND SURROUNDING ENVIRONMENT

2.1 Location

The subject site is located on a 1.2432ha site of reclaimed land on the northern bank of the Hatea River. The site is roughly rectangular in shape with a maximum length of approximately 240m and a maximum width of 57m. The northern boundary adjoins Riverside Drive and is slightly curved.

Figure 4 identifies the property in the surrounding locality.



Figure 4: Location Map (Source WDC GIS).

2.2 Existing use on the site

The existing land uses on the site are generally marine related services that involve boat storage, mechanical servicing, sales and maintenance and other commercial operations.



Figure 5: Examples of existing site development (Source: HB Architecture & Brewer Davidson)

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These businesses are accommodated in a number of existing buildings that are located in various locations on the site and at various distances from the boundaries. Plans included as part of the set attached at Appendix 2, show the position of the existing buildings on the site.

The site is located along the Hatea Loop walkway, a 4.2km walking and cycle track that circumnavigates the waterfront area. The Hatea Loop is located along the southern boundary of the site, and is legally protected by an easement that enables public access along this area of the property. The Loop is well patronised, with WDC surveys undertaken in 2017 reporting that the average hourly patronage is 202 on a weekend/public holiday and 74 on a weekday¹.



Figure 6: Photographs of Hatea Loop within the site (Source: HB Architecture & Brewer Davidson)

There is limited vegetation on the site. However, there are some significant pohutakawa trees along the Riverside Drive boundary of the property. These are visible in the aerial photograph at [Figure 4](#).

The riverbank (and the southern boundary of the site) is modified and is comprised of seawalls. However, there is small margin of intertidal shore at low tide. There is also a small areas of mangroves at the northern end of the site.



Figure 7: Seawall along river bank on the southern boundary of the site (Source: 4Sight)

The Hatea River has a dredged channel thoroughfare to the Town Basin Marina and pile moorings on the opposite side of the river. Overall, the marine environment is a modified one.

¹ Jewel of the city report – Hatea Loop (Huarahi o te Whai) 2017

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2.3 Land use in the surrounding area

The site is located close to the Whangarei CBD and is almost directly across the Hatea River from the commercial hub of the Town Basin where there is a wide range of uses consisting of galleries, shops, cafes, restaurants and playgrounds. The Hundertwasser Art Centre is also under construction in this area.

The site adjoins Riverside Drive which is a significant road that connects the suburb of Onerahi and the wider area of Whangarei Heads to the city. As its name suggests, it follows the edge of the Hatea River. Other land use activities in this area include the Whangarei Aquatic Centre, and the residential suburb of Riverside, which is established on the steep and lower slopes of Mt Parihaka. Figure 8 locates the subject site with reference to existing local points of interest and landmarks.

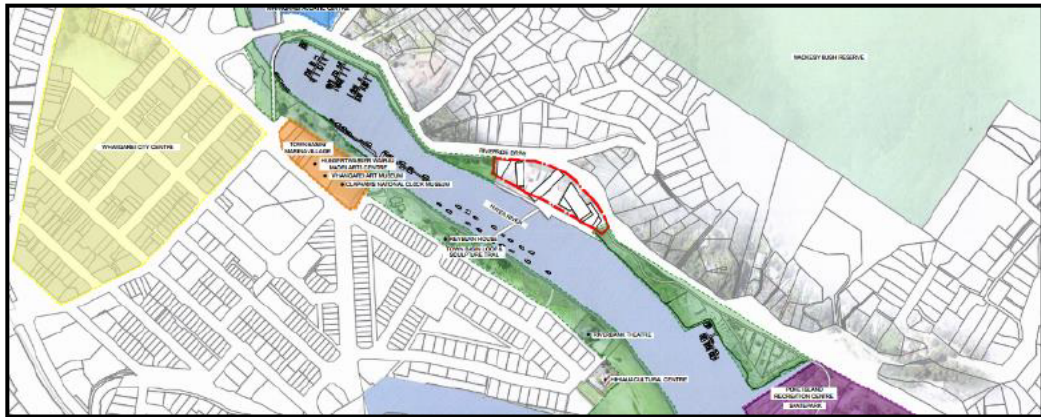


Figure 8: Surrounding points of interest (Source: HB Architecture & Brewer Davidson)

The land immediately joining the site at both the north western and south eastern ends of the property, are Council owned and zoned as Open Space.

2.4 Servicing

Council reticulated services, power and telecom are located in this area, generally located in the Riverside Drive road reserve.

A 225mmØ gravity sewer main is located in the opposite site of the Riverside Drive formation. The gravity reticulation extends 500m to the south east and discharges in the Riverside Drive Pump Station.

A 250mmØ concrete water main is located adjacent to the site, and there are several hydrants located on this main.

The existing site is a fully impervious surface and stormwater discharges are ultimately made to the Hatea River. Public 750mmØ concrete stormwater pipes are located at either end of the site that discharge separate upstream catchments to outlets at MHWL.

2.5 HAIL activities

Tonkin & Taylor have completed a PSI and DSI for the site and have recorded evidence of various contaminants across the property. The report is attached at Appendix 6.

The property is located in the Riverside Sub-Environment of the Town Basin Environment in the Operative Whangarei District Plan (WDP). It is also entirely located in the Coastal Area, the Flood Susceptible Resource Area and Schedule 4.

In the area adjoining the site, the Hatea River is zoned in the operative Regional Coastal Plan as being Marine 2 (Conservation) Management Area. In the proposed Regional Plan this is to be the Whangarei City Centre Marine Zone. Other relevant notations in the proposed Regional Plan include the Significant Marine Mammal and Seabird Area and Marine Pollution Limits.

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The site is also located with the Coastal Area as defined in the RPS.

Copies of the relevant Planning Maps are attached at Appendix 7.

3.1 Philosophy and background

As set out in Section 1.5 of this report NDC have made a commitment to developing a hotel and entertainment precinct in central Whangarei. They have identified that there is a lack of these types of facilities in Whangarei and as a result the city is forfeiting the opportunity to host conferences, accommodate theatre and dance productions and to provide quality accommodation for our guests.

A development incorporating hotels and entertainment facilities has been well supported and alluded to by the District Council over the years. The overarching concept has been incorporated into many strategic planning documents for the District as set out in Section 1.4 of this report.

To date, NDC have undertaken significant work related to the feasibility of this ambitious proposal. A large part of the feasibility has focused on the end users of the proposed facilities, and seeking to ensure that the development provides these users with what they want and require. NDC acknowledge that the engagement and collaboration of wider stakeholder groups at the design phase of the development is critical for generating community 'ownership' and excitement for the future of the precinct. Ultimately, it is NDC's goal to create a development that will deliver positive outcomes and benefits for the people of Whangarei and the Northland region as a whole.

3.2 Design principles

The design principles of the overall development are set out in the architectural design statement attached at Appendix 2. These have guided the design and their importance is significant. They are repeated here:

1. The overall design of the development is to be 'uniquely Whangarei'.
2. It is to be designed for locals and visitors and representative of all of Northland.
3. The development is to be warm, light, strong and adventurous, open, comfortable, welcoming, raw, genuine, vibrant, unique, natural, real and unstructured, environmentally sustainable, modern but not too shiny, connected and connecting.
4. There is to be a strong cultural narrative threaded seamlessly throughout the design.

An important aspect of the design is the visual and spatial relationships that the building will have with the surrounding natural environment and existing cultural elements.

The two main landmarks are Parihaka and the Hatea River. Connection with these landmarks is critical and the layout of the individual buildings on the site allows for views of these features through and across the site.

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Other sources of inspiration have also influenced the shape and appearance of the development, not least of which are Māori cultural values. Māori symbolism and references are incorporated throughout the design of the site and buildings. The cultural narratives are extensive and the Cultural Design Report prepared by Matakōhe Architecture and Urbanism attached at Appendix 8 details the narratives and how they are interpreted in the urban design, landscape design and architecture.

3.3 Proposed buildings

The proposed buildings have been collaboratively designed by HB Architecture (HB), Brewer Davidson Architecture (BD) and Dalman Architects (DA) and the plans of the proposal are attached at Appendix 2.

As set out in Section 1.3 of this report the proposal is generally comprised of the following components, being:

- A multipurpose events centre; and
- A four star hotel; and
- A mixed use building incorporating residential apartments, car parking and retail/commercial tenancies; and
- A 29 berth marina and jetty

The built details of the main components of the proposal and the associated uses are as follows:

Multipurpose conference and events centre – Oruku Landing

- This building is positioned at the eastern end of the site. The south eastern end of the building is located within the 9m setback from MHWS.
- A building with a footprint of 2,946m². 1,004m² of this space is the main hall/theatre space that has a 998 maximum occupancy. The remaining area is comprised of the foyer, the back of house facilities and a pre-function or café space. A significant canopy that extends over the entrance of the building is also included in the overall building coverage; and
- An additional 788m² is incorporated as a mezzanine level that includes spaces for meeting rooms and other conference facilities; and
- A basement level with an area of 1,552m² is also proposed that will largely accommodate storage space for chairs and stage equipment, including lifting mechanisms. Kitchen and loading areas will also be located on this level; and
- Both the theatre and the mezzanine level can be configured in various arrangements to cater for different types of functions or attendees.
- The pre-function/café space is proposed over two levels.

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- The building has a maximum height of 16.5m. This includes the sign light box that extends above the majority of the rest of the roof line. The majority of the building has a height of 12.6m; and
- The main façade will largely be glazed and will incorporate various design elements inspired by cultural references. The western end of the building incorporates a large high level canopy that will be integrated into the outdoor public plaza between the Events Centre and the 4 star hotel;
- The hours of operation are proposed as follows:
 - Functions and events will be held between 7.00am to 11.00pm seven days a week, with the exception of events that involve amplified music which will conclude at 10.30pm Sunday to Thursday, and still 11.00pm Friday and Saturday; and
 - 12 times per year, hours will be extended to conclude at 11.30pm Fridays and Saturdays and 11.00pm Sunday to Thursday; and
 - Activities not involving the public may occur prior to 7.00am and after 11.00pm. For example the set up for conferences or loading inside the loading dock.

Hotel

- A four star hotel is proposed to be established on the site. The building is centrally positioned on the site, and is aligned perpendicular to the Hatea River; and
- The building is located within the 9m setback from MHWS and the design is such that the southern end of the building extends over the boardwalk, beyond MHWS. The cantilevered design will ensure that public access to the CMA, and along the Hatea Loop Walkway will not be affected; and
- The hotel has building footprint of 1,281m². An additional 340m² will encompass the entry pavilion; and
- The building is proposed to have five levels, comprised of a ground level and four accommodation levels. The ground level will include the lobby and associated back of house facilities necessary to operate a hotel. It will also include space for a restaurant and bar as well as spaces to be tenanted separately to offer complimentary services or retail options; and
- 132 rooms will be accommodated across four floors. This includes eight suites (two per floor) situated at the south end of the building, overlooking the river; and
- A swimming pool; and
- The building has a maximum height of 22m; and
- The hotel is proposed to have a living roof.

DRAFTMixed use building

- A five storey mixed use building incorporating 17 residential apartments, five retail/commercial tenancies and a 189 space car parking building. The southern end of the building is located within the 9m setback from MHWS; and
- The apartments will 'wrap around' the proposed car parking building on the southern and western side ensuring that they will all overlook the Hatea River; and
- 189 carparks will be provided over five levels (one basement level and four above ground levels); and
- On ground level, a pedestrianised common area is proposed between the retail tenancies and the car parking building; and
- A living roof is proposed; and
- The building has a building footprint of 2,966m²; and
- The building has a maximum height of 18.5m; and
- The building has been designed by HB Architects in association with Brewer Davidson Architecture and the plans of the proposal are attached at Appendix 2.

3.4 Marina

A boutique marina is proposed to be located in the Hatea River in front of the site. The key elements of this proposal are as follows:

- 29 berths are proposed ranging in size to accommodate different sized vessels. A plan of the proposed layout has been prepared by Total Marine and is attached at Appendix 9; and
- The marina berths will have an approximate depth of RL 0.3m (-1.5m chart datum); and
- 1.06ha and 20,000m³ rising to 25,000m³ to account for over dredging of capital dredging is proposed to enable the development of the marina. Plans setting out the dredging have been prepared by Cato Bolam (CB) and are attached at Appendix 10; and
- A small area of mangrove removal is proposed to enable the development of the marina; and
- No reclamation is proposed; and
- A ferry terminal is to be incorporated in the marina design which will enable ferries to operate between the Town Basin and Northport at the mouth of the Whangarei Harbour, where cruise ships are scheduled to arrive; and

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- The existing boardwalk that forms the section of the Hatea Loop walkway in front of the subject site is proposed to be widened to have a maximum width of 8m. To enable this increase in width, it will be cantilevered beyond MHWS over the CMA.

3.5 Outdoor spaces and urban design

In addition to the buildings, significant landscaping and urban design components are proposed within the site to create welcoming and public spaces. 4Sight Consulting (4S) have undertaken much of the design with respect to this aspect of the proposal. Plans detailing the external space configurations and features are attached at Appendix 11.

3.6 Site development and servicing

In addition to the considerations that have been given to achieving a contextual response to the surrounding urban and natural environment, the layout and development of the site has also been designed cognisant of the relevant practical parameters applicable to the site. The location of services and power poles, the existing vehicle crossings and surrounding buildings have all been given due consideration.

Cato Bolam Consultants Limited (CB) have undertaken an engineering and feasibility report for the property and the proposed development and this is attached at Appendix 10.

Earthworks

In order to facilitate the construction of the buildings, including the basement levels 7000m³ of earthworks will be required. This will almost all be cut and will need to be removed from the site. This volume of earthworks will achieve a ground level of RL of 3.0m, and a basement level under the mixed use building and the multipurpose conference and events centre that is buried into the site. An earthworks plan is included as part of the CB report attached at Appendix 10. Figure 10 below indicates the proposed area of work.

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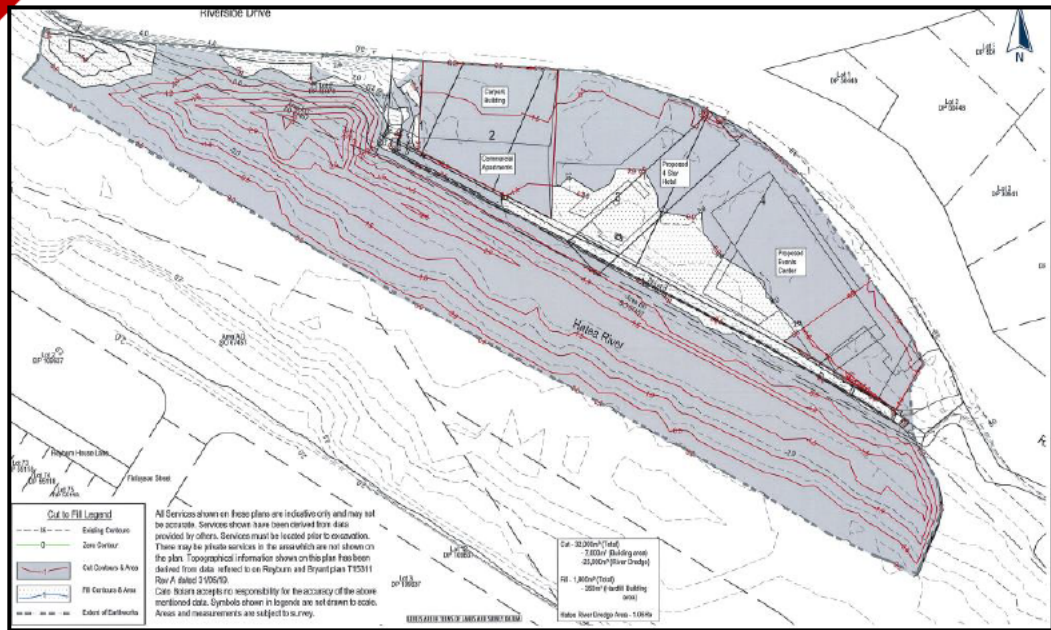


Figure 10: Proposed earthworks and dredging areas (Source: Cato Bolam)

As set out in Section 2.5 of this report, contamination of the site has been identified. Appropriate management and disposal of the contaminated soil will be undertaken in accordance with the recommendations in the TT report attached at Appendix 6.

Wastewater servicing

The proposed development will connect to the existing Council reticulated sewer system. CB has undertaken preliminary assessments of the network to determine the capacity of the existing system with the view to determining if it can accommodate the proposed development. The capacity of the pump station at Pohe Island is already lower than necessary and will require upgrades that may include additional storage and the upgrade of the rising main.

It is their recommendation that upgrades be made to the rising main with further upgrades to the pump station and telemetry. It is expected that detailed engineering plan design detailing connections and proposed upgrades will be required as conditions of consent.

Water reticulation

The proposed development will connect to the existing Council reticulated water system that is located in the Riverside Drive road reserve adjoining the site. Flow test data obtained by CB confirms that there are no critical restrictions to supplying water connections to the proposed development. It is expected that detailed engineering plan design detailing the connections will be required as conditions of consent.

Stormwater servicing

CB have undertaken an assessment of the existing stormwater infrastructure in and around the site as well as the proposed management of stormwater following the site development.

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Considerations have been given to the flooding hazard that applies to the site and how the proposed buildings will influence the overland flow paths.

It is noted that the existing site is fully impervious and as the proposal includes living roofs and pervious pavement technology the proposal will result in a reduction of impervious areas on the site.

All stormwater will be treated as required by best practice prior to being discharged from the site. No attenuation is proposed as there will be no additional impervious surfaces and the sites location next to the Hatea River.

Other services

There are existing underground electricity lines located within the Riverside Drive road reserve, and a transformer is located on the opposite side of the road. It will be necessary to duct the feed under the road and install additional transformers to replace the existing power connections to the site. Specific consultation will be carried out with Northpower to determine the preferred reticulation.

Fibre telecommunications and natural gas reticulation are both available to be used by the proposal and Northpower Fibre and First Gas have both confirmed that supply is available for the proposed development.

Dredging

In order to facilitate the proposed marina, it is necessary to dredge an area in the Hatea River of approximately 1.06ha immediately in front of the subject site. The maximum depth is 1.5m below CD and the approximate volume of material to be extracted is 25,000m³. The details of this part of the proposal are set out in the CB plans attached at Appendix 10. Figure 10 indicates the proposed area of work.

The dredged material will be removed from this area of the river bed and disposed of offsite. The dredging will be undertaken by contractors that regularly undertake work in the Hatea River channel in accordance with the existing consents held by the Whangarei Harbour Marina Management Trust.

In order to maintain the proposed depth and enable the efficient operation of the marina, it is expected that maintenance dredging will be undertaken of up to 10,000m³ per annum.

3.7 Traffic management

The proposal will generate traffic and a requirement for car parking. A traffic assessment that includes details for access, traffic management and car parking has been undertaken by Engineering Equilibrium (EE). Their report is attached at Appendix 12.

Access

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EE proposes to make changes to the existing access arrangements to the site making these more suitable for the proposed site development and uses. Four vehicle crossings to Riverside Drive are proposed from the site. These locations are identified in [Figure 11](#) on the following page.

Access A will be the primary access to the site, accessing the apartments, the hotel and the car parking building. It is proposed that a signalised intersection be installed on Riverside Drive that will control traffic entering and exiting the site as well as traffic accessing Punga Grove Avenue. It will also include a safe signalised crossing point for pedestrians on Riverside Drive. Preliminary layout plans are included as part of the EE report attached at Appendix 12.

Access B will only allow left turns into the site from Riverside Drive. It will provide an alternative access to the hotel and also enable coaches to enter the site at this point and then exit from Access A. No vehicles will be permitted to exit the site from this access.



Figure 11: Vehicle crossing locations (Source: Engineering Equilibrium)

Access C will only allow left turns exiting the site onto Riverside Drive. Furthermore it will only be a service vehicle access for those vehicles accessing the Events Centre.

Access D, like Access B will only allow left turns into the site from Riverside Drive. It will only be used by service vehicles dropping off equipment and other goods for use at the Events Centre.

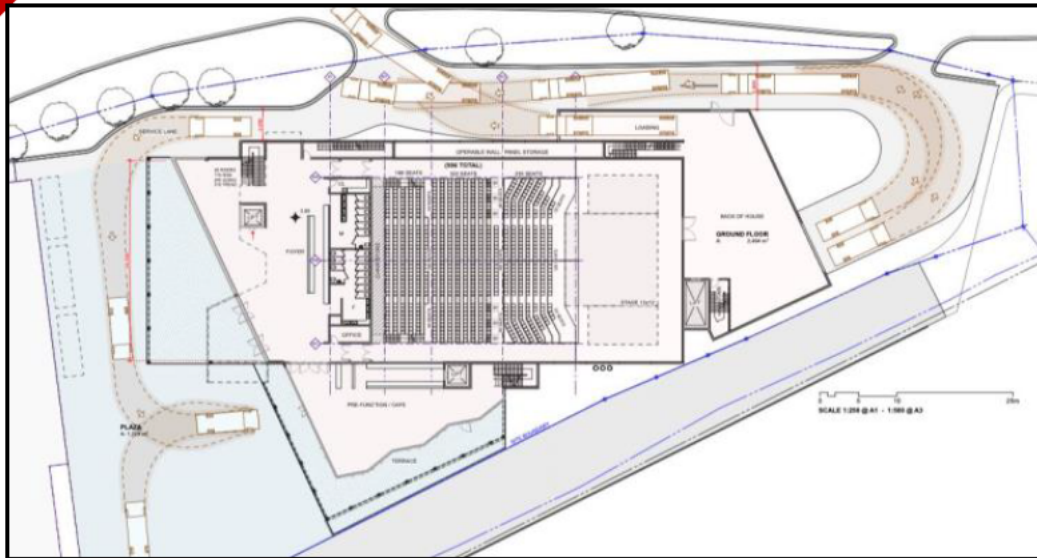
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Figure 12: Events Centre vehicle manoeuvring (Source: Engineering Equilibrium)

The design of the Events Centre and these access arrangements have been made cognisant of each other to ensure that service vehicles (potentially delivering large scale staging equipment) can safely manoeuvre inside the site with the loading areas being contained inside the building. The diagram in [Figure 12](#) on the previous page demonstrates the manoeuvring and the relationship with the building.

It is expected that detailed engineering plan design of the proposed access arrangements will be required as conditions of consent.

Car parking, loading and manoeuvring

189 car parks are proposed in the proposed car parking building and these will be available to users of the hotel and apartments. It is also anticipated that some public car parking will be available within the building for users of the conference and events centre. However, the majority of car parking for these users will be offsite within walking distance of the site. Shuttle transport will also be made available as necessary and this is expected to be detailed in a traffic management plan.

Short term drop off and pick up spaces will be provided (most likely at ground level) for the hotel and events centre users. These details will be developed as part of the comprehensive engineering plan design that is expected to be a consent condition requirement.

Two car parks within the car parking building will be allocated to each of the proposed apartments.

Accessible car parks will be provided as necessary to comply with the relevant rules and standards. An indicative car parking layout is included in the set of plans attached at Appendix 2. It is expected that this will be further developed for engineering plan approval prior to construction.

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Due to the nature of the function spaces proposed on the site, it is expected that large vehicles (trucks and coaches) will need to access the site regularly. The EE report sets out and demonstrates how these vehicles will access the property and the designated loading areas as well as how they will manoeuvre within the site.

3.8 Subdivision

The subdivision of the property is proposed to facilitate financial investment in the property so as to enable the development of the proposed land use activities. It will essentially create a separate allotment for each of the main land uses. Given the nature of the subdivision, reticulated service connections are not proposed to be installed and instead appropriately worded consent notices are proposed to advise that these services have not been provided.

The proposed lot configuration is depicted on the scheme plan prepared by Reyburn and Bryant attached at Appendix 13, and is summarised in the table below:

Lot Number	Area	Comments
1	1,245m ² (1,175m ² net)	<p>This allotment will contain the proposed apartment building and the associated commercial tenancies that will be orientated towards the public walkway and the Hatea River.</p> <p>The allotment has a 12.5m frontage to Riverside Drive.</p> <p>A new easement is proposed where necessary to accommodate the relocated section of the walkway. This is shown as easement A on the scheme plan attached at Appendix 13.</p> <p>This allotment is proposed to be amalgamated with proposed Lot 2 at Stage I of the proposal, and then cancelled as part of Stage II.</p>
2	1,765m ²	<p>This allotment will contain the proposed car parking building.</p> <p>Two existing water meters are located within this allotment.</p> <p>There are also existing vehicle crossings to Riverside Drive located along the frontage of this allotment.</p> <p>This allotment is proposed to be amalgamated with proposed Lot 1 at Stage I of the proposal, and then cancelled as part of Stage II.</p>
3	3,720m ² (3,670m ² net)	<p>This allotment will contain the proposed hotel.</p> <p>An existing water meter is located within this allotment.</p> <p>There are two existing vehicle crossings to this allotment. One at its western end and the other at the eastern end.</p>
4	5,760m ²	This allotment will contain the proposed events centre.

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	(5,425m ² net)	An existing water meter is located within this allotment. There is an existing vehicle crossing centrally located on the frontage of this allotment.
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Table 13: Proposed allotment details

The allotment areas are approximate and subject to survey.

There is no requirement to create an Esplanade Reserve (or Esplanade Strip) in this instance, as the existing title does not adjoin the Hatea River. Part Lot 3 DP 50078 is located between the subject site and the River.

The boundaries of the proposed Lots 3 and 4 have been located so to not dissect any existing buildings. However, the proposed boundary between Lots 1 and 2 will dissect existing buildings in this part of the site. Therefore it is proposed that the subdivision be staged as follows:

Stage I: Proposed Lots 1 and 2 to be amalgamated in one title, Lot 3 and Lot 4.

Stage II: Cancellation (pursuant to s241(3) of the RMA) of the amalgamation condition holding Lots 1 and 2 together.

This will enable the existing buildings located within proposed Lots 1 and 2 to remain while the development of the events centre and the hotel proceed.

3.9 Lapse date

It is proposed that the lapse date for the consents is doubled to ten (10) years from the date that the consents are issued. This is to enable sufficient time to undertake the more detailed design that is expected to be required as consent conditions.

3.10 Expiry date

Given the significant level of investment associated with the development, the proposed expiry date for the relevant Regional Council consents is 35 years from the date the consents are issued.

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SOURCE CONSENT ACTIVITY STATUS

4.1 Whangarei District Plan

The property is located in the Riverside Drive Sub-Environment of the Town Basin Environment in the operative WDP and is within the Flood Susceptible Resource Area and the Coastal Area. It is also subject to a scheduled overlay that affects the setback requirements from MHWS.

Council's decisions relating to the Urban and Services Plan Changes were notified on 3 June 2020. The subject site is location in the Mixed Use Area of the Waterfront Zone (WZ) in PC88C.

NDC made a submission supporting the intent of the proposed zone and also requested various amendments be made to the rules. A copy of the submission is attached at Appendix 14. The Council decision has not accepted the requested changes.

The District Planning Maps are attached at Appendix 7.

4.2 Operative Whangarei District Plan rule assessment

The proposal generates a number of infringements with the District Plan rules due the nature of the activities. An outline of the infringements are set out below, while a full assessment of the proposal against the relevant rules of the WDP is attached at Appendix 4.

Land use proposal

- Rule 43.3.1 (G) 'Activities Generally'

All activities are controlled by the Business 2 Environment rules, and are permitted provided compliance is achieved with those rules and the proposed activity is directly associated with, or ancillary to the adjoining CMA.

In this instance the proposed activities are not directly associated with or ancillary to the CMA, and therefore the proposed activity is a discretionary activity.

- Rule 43.3.4 'Provision of Parking Spaces' and Rule 47.2.1 'Parking and Loading'

Car parking calculations in accordance with Appendix 6 of the District Plan indicate that the proposed activities on the site generate a requirement for 379+ car parks. It is impossible to determine this number accurately due to not having any details regarding the ancillary activities² that will take place on the site. Notwithstanding what a complying number of carparks might be, it is not possible to provide them on site.

Rule 43.3.4 clearly sets out that outdoor car parks should not exceed 10 spaces and that they not be located within 2m of the road or 27m of MHWS. It is possible that more than 10

² Ancillary activities will include restaurants, cafes, bars, marina hotel staff etc

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outdoor car parks will be located on the site for the purpose of drop offs, while some of the car parks in the basement of the car parking building will be located inside the setback restrictions.

Lastly, it is not proposed that balance of required car parks be provided off site or confirmed by way of legal agreement with the Council (Rule 43.3.4 (d)).

The proposal is a discretionary activity with respect to Rule 43.3.4 and a restricted discretionary activity with respect to Rule 47.2.1. Where relevant, Council has restricted its discretion to the following matters:

- i. Parking space numbers;*
- ii. Availability of parking spaces;*
- iii. Parking area location;*
- iv. Parking area design;*
- v. Parking spaces for people with disabilities;*
- vi. Loading areas;*
- vii. Access design;*
- viii. Safety for pedestrians;*
- ix. Location of activity;*
- x. Type and frequency of use;*
- xi. Efficiency and safety of roads;*
- xii. On-site manoeuvring;*

▪ Rule 43.3.5 'Traffic Movements'

The activity gains access to an arterial road (Riverside Drive), and the proposed accesses will comply with Sheet 4 of the WDC EES.

The proposal is therefore a permitted activity with respect to this rule.

▪ Rule 43.3.6 'Signs'

Signage details are not yet known. However, it is clear that more than three signs will be proposed across the site. Some will be located at a height of more than 2m and overall they will have a combined area exceeding 3m².

The proposal is a restricted discretionary activity with respect to this rule. Council has restricted its discretion to the following matters:

- i. Traffic and pedestrian safety;*
- ii. Whether the proposed sign will have an effect on amenity values by:*
 - *Being visually inappropriate to the neighbourhood. The Council will ensure that general advertising signs do not dominate a site or the surrounding area and will limit such signs accordingly.*
 - *Being visually obtrusive on Living, Rural or Open Space Environments.*
 - *Creating an effect of clutter in the immediate area because of a poor relationship to other signs or elements. In general, clutter will be determined by the amount of signage, in relation to the frontage of a site.*
 - *Being sensitive (in terms of scale, form and harmony) to the building on which it is to be erected or displayed, to the immediate surroundings or to the places from which it can be seen.*

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- Obscuring or detracting from important visual landmarks of the city, such as visual landmarks or buildings or areas of architectural or heritage value.
 - Obscuring or detracting from landscape elements in the front yard of a site.
 - Being of such construction that its method of support or fixing is not aesthetically incorporated into its design.
- Rule 43.4.1 (G) 'Building Height'

Building height is restricted depending on the proximity of the building to MHWS. Where the building is more than 30m from MHWS the maximum permitted height is 15m, and within the 30m distance it is 10m.

All three buildings exceed 10m within 30m of MHWS.

The Conference and Events Centre will comply with the 15m height limit beyond 30m. However, the other three buildings will all exceed this maximum height limit.

The following diagrams (Figures 14 – 16) demonstrate the building heights in relation to their proximity to MHWS.

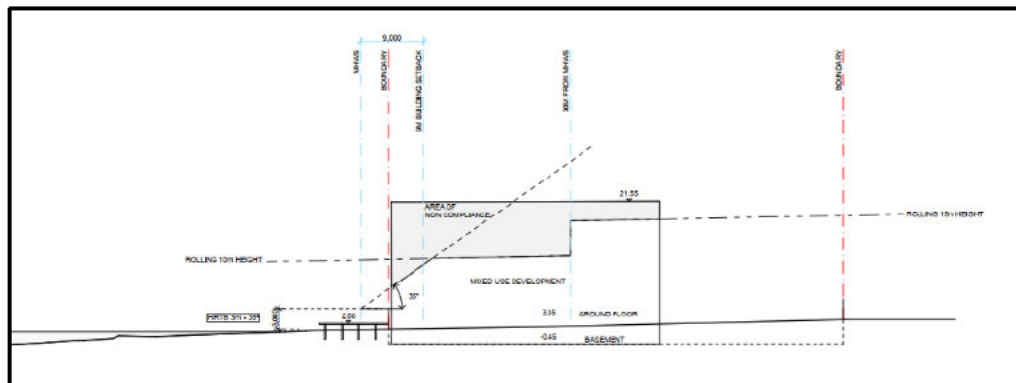


Figure 14: Section through mixed use building (Source: Architects plans)

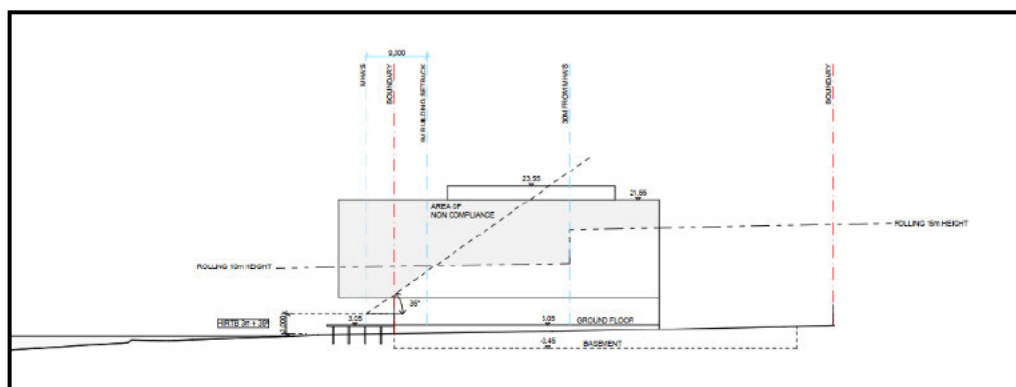


Figure 15: Section through four star hotel (Source: Architects plans)

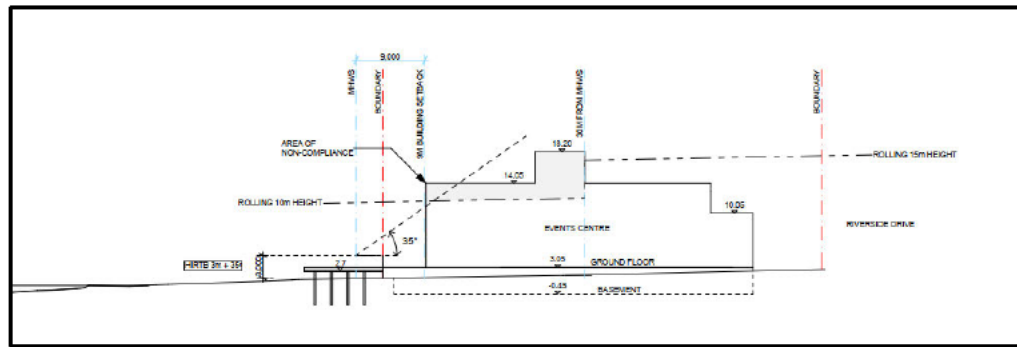
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Figure 16: Section through events centre (Source: Architects plans)

The proposed maximum building heights are as follows:

Conference and Events Centre – 16.5m

Hotel – 22m

Mixed use building – 18.5m

Given the heights of the proposed buildings both within and beyond the 30m setback from MHWS the proposal is a discretionary activity with respect to this rule.

- Rule 43.4.2 'Building Coverage'

The maximum permitted building coverage is restricted to 50% of the total site area. In this instance that amounts to an area of 6,215.5m².

Based on the building coverage of each of the three buildings (including the extended overhangs), the proposed coverage amounts to 7,792m².³

The proposal is therefore a restricted discretionary activity with respect to this rule. Council has restricted its discretion to the following matters:

- i. *The scale and bulk of the building in relation to the site;*
- ii. *The effect on the open space appearance and pedestrian access to and around the Town Basin Environment;*
- iii. *Effects of the building on the landscape values identified in the Town Basin Environment;*
- iv. *Effects on storm water*

- Rule 43.4.3 'Building Setbacks'

All buildings are required to be located at least 3m from an Open Space boundary. Land at either end of the property are located in this zone.

At both ends of the site the Conference and Events Centre and the Mixed Use Building comply with this setback requirement.

³ Much of the open area between the buildings are located on a raised podium. This area has not been included in the 'building coverage' calculation.

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Schedule 4 of the District Plan applies to the subject site and reduces the required setback from MHWS from 27m to 9m.

All three buildings are located within the 9m setback from MHWS. The hotel has the most significant infringement in relation to this rule having a nil setback from MHWS.

The swimming pool is a building in terms of the District Plan definition and it will also be located within the setback from MHWS.

The proposal is a restricted discretionary activity with respect to this rule. Council has restricted its discretion to the following matters:

- i. *The scale and bulk of the building in relation to the site;*
- ii. *Public access to and along Esplanade Reserves and MHWS;*
- iii. *Effects on the open space character of the Town Basin Environment;*
- iv. *Effects on the operation of the existing marina within the Hatea River.*

■ Rule 43.4.4 'Daylight Angles'

Daylight angles are relevant with respect to the boundaries with the Open Space Environment and with MHWS. Figures 14 to 16 demonstrate that a daylight angle infringement is created with respect to all three buildings in relation to MHWS.

The Mixed Use building also creates an infringement with respect to the adjoining Open Space property as demonstrated in Figure 17 on the following page.

The Events Centre will comply with this requirement in relation to the adjoining Open Space Environment.

The proposal is a restricted discretionary activity with respect to this rule. Council has restricted its discretion to the following matters:

- i. *The scale and bulk of the building in relation to the site;*
- ii. *The availability of daylight to pedestrian-oriented and open space areas*

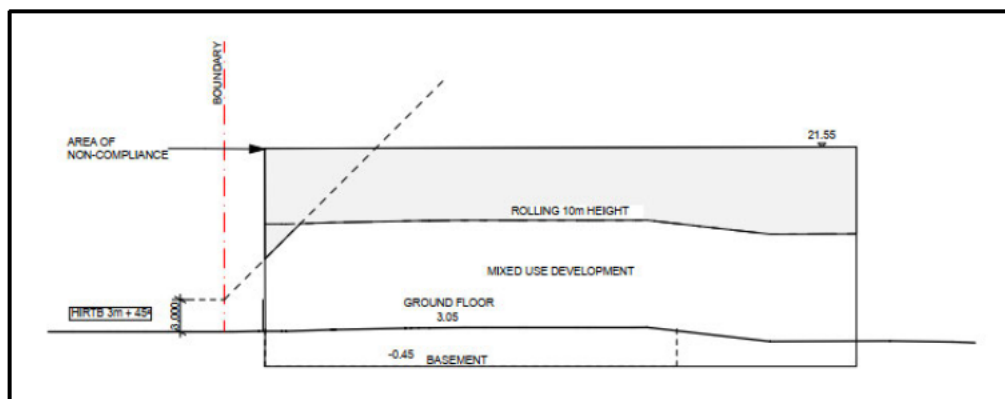


Figure 17: Section through mixed use building relative to the adjoining Open Space Environment (Source: Architects plans)

■ Rule 47.2.11 'Engineering Standards'

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The proposed accesses to the site are proposed to be specifically designed and are unlikely to comply with all relevant requirements of the EES. As such, the proposal is a restricted discretionary activity with respect to this rule. Council has restricted its discretion to those matters that do not comply with the WDC EES.

▪ NAV.6.1 'Noise Arising from Activities Within Environments'

Marshall Day Acoustics (MDA) have undertaken noise monitoring on the site and have modelled the likely noise to be generated from the site following development. Their assessment indicates that the noise generated from the site is not likely to comply with the limits set in this rule in relation to the Living 1 Environment properties on Riverside Drive.

As such, the proposal is a discretionary activity with respect to this rule.

▪ NAV.6.2 'Construction Noise'

The construction associated with the piling necessary for the building foundations is unlikely to comply with construction noise limits. MDA predict that a number of properties on The Bluff, Punga Grove Avenue and Riverside Drive will experience noise greater than permitted by the rule.

As such, the proposal is a discretionary activity with respect to this rule.

▪ CA.2.3(2) 'Earthworks within a Coastal Area'

The proposed volume of earthworks on the site is estimated to be 7,000m³ and will exceed the permitted volume of 500m³. As such the proposal is a discretionary activity.

Overall the land use proposal is a discretionary activity under the provisions of the operative WDP.

Subdivision

The proposed allotments all have a net site area of more than 100m². However, new allotments are proposed to be created and therefore the proposal is a discretionary activity with respect to Rule 74.3.1 'Allotment Area'.

Given that the proposed subdivision is designed to provide separate titles for each of the key land use components consideration of the existing buildings on the property has not been a priority. As such compliance with Rule 74.3.4 is not achieved and the proposal is a restricted discretionary activity with respect to this rule. Council has restricted its discretion to the following matters:

- i. *Effects on amenities, both on site and on neighbouring properties, including other allotments in the subdivision;*
- ii. *Opportunities to reduce the extent of any existing non-compliance with the Rules in this Plan;*
- iii. *Provision for on-site parking, loading, manoeuvring and access;*
- iv. *The matters referred to in any land use rules that are not complied with;*

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v. *Effects on health and safety.*

For similar reasons as set out above, connections to the reticulated services is not proposed at the time of subdivision. Therefore the proposal is a restricted discretionary activity with respect to Rules 74.3.10, 74.3.11 and 74.3.12. Council has restricted its discretion to the following matters:

- i. *The availability of water to each allotment sufficient for the likely land use;*
- ii. *Supplies of water for firefighting purposes;*
- iii. *The existing water infrastructure within the subdivision, and linkage with existing supply systems outside the subdivision;*
- iv. *Where there is no Council reticulated water supply, the safety and reliability of any proposed water supply;*
- v. *The need for land to be set aside and vested in the Council as a site for any public water supply;*
- vi. *The relevant provisions of Appendix 9 and the Whangarei District Council's Environmental Engineering Standards 2010*
- vii. *The need for a connection to a water supply for the allotment;*
- viii. *The proposed system's ability to ensure an adequate water supply for potable water and firefighting requirements;*
- ix. *The proposed system's ability to accommodate anticipated flows, and withstand pressures and loads.*
- x. *Control of water-borne contaminants entering water bodies;*
- xi. *The capacity of the Council's stormwater system to cater for increased runoff from the proposed allotments;*
- xii. *Effects of the proposed subdivision on surface runoff and drainage to, or from, adjoining properties and mitigation measures proposed;*
- xiii. *The existing stormwater infrastructure within the subdivision, and linkage with existing supply systems outside the subdivision;*
- xiv. *The need for land to be set aside and vested in the Council as a site for any public utility;*
- xv. *The need for a connection to a stormwater disposal system for the allotment;*
- xvi. *The proposed system's ability to protect property and the environment from the adverse effects of surface water;*
- xvii. *The proposed system's ability to accommodate the anticipated flows and withstand the anticipated loads.*
- xviii. *The effectiveness and efficiency of the proposed system;*
- xix. *The effects of the disposal system on health, safety and amenities;*
- xx. *Effects of the proposed system on adjoining properties;*
- xxi. *Control and monitoring of contaminants discharged to land or water;*
- xxii. *Where a Council system is not available, the effects of temporary systems pending availability of the Council system;*
- xxiii. *The need for land to be set aside and vested in the Council as a site for any public sewage utility;*
- xxiv. *The need for a connection to a sewage disposal system for the allotment;*
- xxv. *The capacity, availability and accessibility of any Council system to serve the proposed subdivision;*
- xxvi. *The proposed system's ability to treat sewage;*
- xxvii. *The proposed system's ability to accommodate anticipated flows and withstand the anticipated loads.*

The proposed subdivision complies with all other controlled activity rules.

Overall the subdivision proposal is a discretionary activity under the provisions of the operative WDP.

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4.3 Urban and Service Plan Changes rule assessment

The property is located in the Mixed Use Area of the Waterfront Zone (WZ) in PC88C. There are other relevant provisions in PC's 109, 136, 147, 148, 82A and 82B). These PC's relate to Transport, Three Waters Management, Earthworks, Subdivision, Signage and Lighting.

PC88C – Waterfront Zone

A discretionary activity consent is sought with respect to the bulk and location rules in this zone. An outline of the infringements are set out below, while a full assessment of the proposal against the relevant rules is attached at Appendix 4.

- WZ-R3 Building and Major Structure Height

A permitted height of 11m is provided in this Zone. The three proposed buildings all exceed this height limit.

- WZ-R4 Building and Major Structure Setbacks

The proposed buildings comply with the required 3m setback from the Open Space and Recreation Zone boundary. However, all three buildings are located inside the 10m setback from MHWS. The hotel has the most significant infringement in relation to this rule having a nil setback from MHWS.

- WZ-R5 Building and Major Structure Height in Relation to Boundary

The proposed mixed use building exceeds a height that is equal to 3m plus the shortest distance between the building and the Open Space Zone boundary. [Figure 17](#) demonstrates this infringement.

- WZ-R6 Building Floor to Floor Height

It is unlikely that the floor to floor heights on the ground floor of the hotel and apartments will have an interior height of 3.8m.

- WZ-R7 Building Frontages

For the purpose of this rule and based on the definition of 'building frontage', the elevation of the buildings that are required to be 55% glazed is the northern elevation that faces Riverside Drive. These frontages will not comply with the requirement to be 55% glazed.

In addition the principal public entrances to the buildings cannot face both Riverside Drive and the CMA.

- WZ-R8 Building and Major Structure Coverage

The maximum permitted building coverage is restricted to 50% of the total site area. In this instance that amounts to an area of 6,215.5m².

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Based on the building coverage of each of the three buildings (including the extended overhangs), the proposed coverage amounts to 7,792m².

In addition to the bulk and location matters consent is also required with regard to rules WZ-R20 and WZ-R21 as a discretionary activity as food, beverage and entertainment activities are proposed above the ground floor of the buildings.

PC109 – Transport

A restricted discretionary activity consent is required in accordance with TRA-R5, TRA-R13 and TRA-R17. The infringements relate to the number and location of vehicle crossings to Riverside Drive, the fact a subdivision is proposed and because major roading changes are proposed to Riverside Drive. The information requirements of TRA-REQ3 are included as part of the traffic assessment attached at Appendix 12.

Council has restricted its discretion to the following matters:

- i. *Location, size and design of vehicle crossings and access.*
- ii. *The safety and efficiency of the transport network for vehicles, pedestrians and cyclists*
- iii. *The extent to which the safety and efficiency of railway and road operations will be adversely affected.*
- iv. *Effects on the road network in the vicinity due to increased traffic from the subdivision.*
- v. *The need for footpaths, kerb and channel on roads in the vicinity, including for stormwater management.*
- vi. *The adequacy of the access for the anticipated use.*
- vii. *The ability of the access to contain required services.*
- viii. *Traffic safety and visibility.*
- ix. *Type, frequency and timing of traffic.*
- x. *Access design, and number and location of vehicle crossings.*
- xi. *Design and construction of any bridges or culverts.*
- xii. *The construction and maintenance of new vehicle crossings or alterations to existing vehicle crossings where proposed as part of the subdivision.*
- xiii. *Where relevant, the provision, location, design, capacity, connection, upgrading, staging and integration of transport infrastructure.*
- xiv. *Pedestrian and cycle connections to public roads from existing reserves and/or pedestrian accessways, especially where the connection will provide a significantly shorter distance.*
- xv. *Design of pedestrian and cycle connections to ensure ease of use, accessibility and safety.*
- xvi. *In the Rural (Urban Expansion) Zone, the protection of land within the proposed allotments to allow access and linkages to adjacent allotments for future transport infrastructure.*
- xvii. *Effects on the future growth or expansion of the transport network.*
- xviii. *The extent to which the subdivision impacts on the future ability to form a road or access within an indicative road or strategic road protection area, and any mitigation to not preclude that future formation.*
- xix. *The adequacy of the access for the anticipated use.*
- xx. *The ability of the access to contain required services.*
- xxi. *The provision, design and construction of the road or service lane.*
- xxii. *Effects on the sustainability, safety, efficiency, effectiveness and accessibility of the transport network.*
- xxiii. *Streetscape, urban design and amenity effects of the transport infrastructure.*
- xxiv. *Provision and encouragement of active and public modes of transport.*
- xxv. *Integration with surrounding land uses and transport infrastructure.*

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xxvi. *Recommendations and proposed mitigation measures of the Integrated Transport Assessment and any further information provided through the consent process.*

PC136 – Three Waters Management

All subdivision consents require a restricted discretionary activity consent in accordance with the rules relating to stormwater, wastewater and water supply. In the case of this application, at the time of subdivision connections to the reticulated networks is not proposed. Therefore with regard to rules TWM-R2 to TWM-R4 the subdivision consent is a discretionary activity.

PC182A – Signage

Signage details are not yet known. However, it is clear that more than three signs will be proposed across the site. Some will be located at a height of more than 3m and they are likely to be larger than 1m² while the combined area will exceed 3m². In addition the signs will be seen from beyond the site.

Restricted discretionary consent is required with respect to Rule SIGN-R2 and SIGN-R6. Discretion is restricted to the following matters:

- i. *Visual amenity and character effects including:*
 - a. *Within the zone it is located.*
 - b. *On adjacent or adjoining zones.*
 - c. *On public spaces.*
- ii. *Scale, location and design.*
- iii. *Lighting and traffic safety.*
- iv. *Impacts on landscape values and natural character.*
- v. *Impacts on cultural and heritage values.*
- vi. *Cumulative effects.*
- vii. *Duration of consent.*

A discretionary activity consent is also sought as some of the signage may be illuminated and be visible beyond the site.

PC148 – Subdivision

The proposed allotments all have a net site area of more than 100m², and frontage will be more than 6m. The subdivision is a controlled activity with respect to Rule SUB-R7.

Given that the proposed subdivision is designed to provide separate titles for each of the key land use components consideration of the existing buildings on the property has not been a priority. As such compliance with Rule SUB-R2 is not achieved in so far as the proposed boundaries are not located with respect to the existing buildings and the proposal is a restricted discretionary activity with respect to this rule. Council has restricted its discretion to the following matters:

- i. *The effect of the design and layout of the allotments and whether it enables the efficient use of land.*
- ii. *The effects of infrastructure and servicing*

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A full assessment of the proposal against the relevant provisions of the rules in these PC's is attached at Appendix 4.

Overall, the proposed application for resource consent is a discretionary activity in terms of the PC's.

4.4 Northland Regional Plans

The coastal area adjoining the subject site is located in the Marine 2 (Conservation) Management Area in the Operative Regional Coastal Plan. It is also subject to Coastal Flood Hazard Areas.

In the Proposed Regional Plan the adjoining coastal area is located in the Whangarei City Centre Marine Zone, and also within the Significant Marine Mammal and Seabird Area and Marine Pollution Limits.

The Regional Policy Statement also identifies that the site is located in the Coastal Area.

The relevant Regional Planning Maps are attached at Appendix 7.

4.5 Operative Regional Water and Soil Plan rule assessment

Chapter 33 sets out the rules for land disturbance. An outline of the infringements are set out below, while a full assessment of the proposal against the relevant rules of the ORWSP is attached at Appendix 4.

- Rule 33.2.1 provides for earthworks with a volume of more than 5,000m³ as a controlled activity, provided that the relevant environmental standards are complied with.

The proposal involves the disturbance of approximately 7,000m³ of material and the environmental standards can be complied with. Therefore the proposal is a controlled activity under the provisions of this rule.

Control is restricted to the following matters:

- i. The adequacy of sediment and runoff control measures;*
- ii. The location and extent of earthworks;*
- iii. The adequacy of site rehabilitation and revegetation measures to control sediment discharge and adverse effects on soil conservation;*
- iv. Information and monitoring requirements;*
- A related consent is required under Rule 22.2.1 for the discharge of stormwater related to the proposed earthworks. This is also a controlled activity and control is restricted to the following matters:
 - i. The permissible maximum concentration of contaminants in the discharge.*
 - ii. The size and zone of reasonable mixing.*
 - iii. The adequacy of the proposed stormwater management and treatment systems.*
 - iv. The adequacy of the proposed inlets to collect the stormwater at the design return period.*
 - v. The adequacy of the proposed measures to prevent scouring and erosion of riverbanks or river beds.*

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- vi. *The acceptable degree of flooding of adjacent properties.*
- vii. *Information and monitoring requirements.*
- viii. *The duration of any resource consent.*
- ix. *Any necessary staging of works.*

Overall, a controlled activity consent is sought with respect to the ORWSP.

4.6 Operative Coastal Plan rule assessment

Chapter 31.4 sets out the rules for all activities undertaken with the Marine 2 (Conservation) Management Area. An outline of the infringements are set out below, while a full assessment of the proposal against the relevant rules of the RCP is attached at Appendix 4.

- Rule 31.4.4 'Structures'

The proposed structures related to the alteration and extension of the boardwalk (31.4.4(m)) beyond MHWS and into the CMA and the cantilevered extension of the upper stories of the hotel (31.4.4(w)) over the CMA are both discretionary activities.

- Rule 31.4.8 'Dredging'

Dredging is proposed to be undertaken to enable the establishment of the proposed marina. 25,000m³ of capital dredging is proposed (31.4.8(g)). This is a discretionary activity.

Related consents are required to enable the continued maintenance dredging (31.4.8(d)) and for the disposal of dredged spoil (31.4.8(f)). These consents are also discretionary activities.

- Rule 31.4.9 'Marinas'

The placement of marina development is a discretionary activity (31.4.9(i)).

Overall, a discretionary activity consent is sought with respect to the OCP.

4.7 Proposed Regional Plan rule assessment

The proposal generates a number of infringements with the proposed Regional Plan rules due to the nature of the activities. Council decision was released on the PRP in May 2019, and a number of appeals were received. Mediation is currently being undertaken between the Council and appellants. The rules in the PRP have legal effect and therefore an outline of the infringements are set out below, while a full assessment of the proposal against the relevant rules of the PRP is attached at Appendix 4.

- Section C.1.1 'Coastal Structures'

The proposed extensions and additions to the boardwalk are likely to extend over the CMA. A controlled activity consent is required for this aspect of the proposal in accordance with Rule C.1.1.13. Control is restricted to the following matters:

- i. *Effects on coastal processes including effects on shoreline stability in the vicinity.*

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- ii. *Effects on public access to and along the coastal marine area.*
- iii. *Effects on public open space and visual amenity.*
- iv. *Use of structure.*
- v. *Effects on aquatic ecosystem health.*
- vi. *Effects of disturbance, deposition and discharge associated with construction, including use of heavy machinery*

The establishment of the proposed marina is a discretionary activity in accordance with Rule C.1.1.18.

Any structure located in the CMA that has no functional need to be in the CMA is a non-complying activity. The cantilevered extension of the upper stories of the four star hotel over the CMA does not have a 'functional need' to be located within this space, and therefore requires consent as a non-complying activity.

■ Section C.1.5 'Dredging'

Dredging is proposed to be undertaken to enable the establishment of the proposed marina. 25,000m³ of capital dredging is proposed and this is a discretionary activity with respect to rule C.1.5.12.

Related consents are required to enable the continued maintenance dredging (Rule C.1.5.9) is a controlled activity and control is restricted to the following matters:

- i. *The method used to carry out the activity.*
- ii. *The timing of the activity in relation to tides, seasons or other activities occurring in the area to be dredged.*
- iii. *Effects on coastal processes, including effects on the stability of the seabed and nearby shorelines.*
- iv. *The destruction, damage or disturbance of the foreshore or seabed, and discharge associated with the dredging activity.*
- v. *Effects on indigenous biodiversity and aquatic ecosystems health in the coastal marine area.*
- vi. *Navigation and safety (including requiring notification to the Regional Council's Harbourmaster and Maritime New Zealand).*
- vii. *Effects on the identified values of any mapped:*
 - a) *Nationally Significant Surf Break and Regionally Significant Surf break.*
 - b) *Historic Heritage Area or Site.*
 - c) *Site or Area of Significance to tangata whenua.*
 - d) *Significant Ecological Area.*
 - e) *Significant Bird Area.*
- viii. *Effects on the characteristics, qualities and values of mapped areas of Outstanding Natural Character or Outstanding Natural Features that make the area or feature outstanding.*
- ix. *Effects on tangata whenua and their taonga.*

■ Section C.6.8 'Contaminated Land'

The proposal involves the remediation of contaminated land, and therefore a controlled activity consent is required in accordance with C.6.8.3. Control is restricted to the following matters:

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- i. *The content, adequacy and implementation of the detailed site investigation report including:*
 - a) *site sampling, and*
 - b) *laboratory analysis, and*
 - c) *risk assessment.*
 - ii. *The need for, content, adequacy and implementation of a remedial action plan, site management plan, validation report and an ongoing site management plan, prepared by a suitably qualified and experienced practitioner, in accordance with the Contaminated Land Management Guidelines No. 1: Reporting on Contaminated Sites in New Zealand (Ministry for the Environment, 2011).*
- Section C.8.3 'Earthworks'

The site is located in a Flood Hazard Area and more than 1,000m³ of earthworks is proposed, and therefore a discretionary activity consent is required in accordance with C.8.3.3.4.

Overall, a non-complying activity consent is sought with respect to the PRP.

4.8 NES – soil contamination

All applications that involve subdivision, an activity that changes the use of a piece of land, or earthworks are subject to the provisions of the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health Regulations 2011. The regulation sets out the requirements for considering the potential for soil contamination, based on the HAIL (Hazardous Activities and Industries List) and the risk that this may pose to human health as a result of the proposed land use.

The proposal involves both a subdivision and a change in the use of the site, and based on the previous uses undertaken on the property, the site is a HAIL site. Accordingly, a DSI has been undertaken by Tonkin and Taylor and this is attached at Appendix 6.

The site is identified as a HAIL site for a number of reasons.

- Historical uses of the site has involved the manufacturing of pre-stressed concrete products (from approximately 1945-1970's).
- Office buildings on the site are known to have been constructed with fibrolite roofing.
- There have been recorded incidents indicating HAIL activities between 1994 and 2016.
- The site was reclaimed from the Hatea River before 1942.

Soil sampling has been undertaken as part of the DSI and heavy metals and asbestos have both been detected in the soil.

The proposed soil disturbance across the site will not comply with the permitted volumes set in Regulation 8.

As the asbestos concentrations on the site exceed the soil guideline values, consent is required as restricted discretionary activity in accordance with Regulation 10. Discretion is restricted to the following matters:

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- i. *the adequacy of the detailed site investigation, including—*
 - a. *site sampling:*
 - b. *laboratory analysis:*
 - c. *risk assessment:*
- ii. *the suitability of the piece of land for the proposed activity, given the amount and kind of soil contamination:*
- iii. *the approach to the remediation or ongoing management of the piece of land, including—*
 - a. *the remediation or management methods to address the risk posed by the contaminants to human health:*
 - b. *the timing of the remediation:*
 - c. *the standard of the remediation on completion:*
 - d. *the mitigation methods to address the risk posed by the contaminants to human health:*
 - e. *the mitigation measures for the piece of land, including the frequency and location of monitoring of specified contaminants:*
- iv. *the adequacy of the site management plan or the site validation report or both, as applicable:*
- v. *the transport, disposal, and tracking of soil and other materials taken away in the course of the activity:*
- vi. *the requirement for and conditions of a financial bond:*
- vii. *the timing and nature of the review of the conditions in the resource consent:*
- viii. *the duration of the resource consent.*

4.9 Overall activity status

Overall, the proposal is a discretionary activity with respect to the Whangarei District Council jurisdiction and a non-complying activity with respect to the Northland Regional Council. A restricted discretionary activity consent is also required with respect to the NES.

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ASSESSMENT OF ENVIRONMENTAL EFFECTS

5.1 Existing environment

Section 104(1)(a) requires a consideration of any actual and potential effects on the environment of allowing an activity. For the purposes of this consideration, it is necessary to establish the correct environment on which the effects are to be assessed.

Case law has determined that the definition of environment includes the future state of the environment as it might be modified by the implementation of resource consents and as it might be modified by the utilisation of rights to carry out permitted activities under a District or Regional Plan.

The existing state of the environment has been described in section 2 of this report. This section describes the site and the surrounding environment, including existing buildings and activities.

We are aware that there is an application being processed by the NRC that relates to a boat shed at the western end of the site. The consent application is to renew an existing consent to allow the existing structure to continue to be located within the CMA.

Other existing permits and consents issued by the NRC that are relevant to this application include the following:

1. AUT.007958.04.03 which relates to the ongoing maintenance dredging associated with the Town Basin and the Hatea River Channel.
2. APP.030800.01.02, which relates to the ongoing maintenance and removal of mangroves in and around the Town Basin area. The expiry date is 19 March 2048.
3. APP.031026.04.01, which relates to the structures associated with the existing seawall and walkway that are located within the CMA. The expiry date is 31 March 2047.

We are unaware of any other resource consents that might influence the existing environment.

Overall, the existing environmental context, including any other permitted activities in the surrounding environment make up the “existing environment” on which the effects of the proposal are to be assessed.

5.2 Permitted baseline

Section 104(2) of the RMA allows a consent authority to disregard an adverse effect of an activity on the environment if a plan (the WDP in this instance) permits an activity with that effect. This is commonly referred to as the permitted baseline.

It is considered that in terms of built development there is a relevant consideration to be given to what can be constructed on the site as a permitted activity.

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There is a relevant permitted baseline with respect to the height and the bulk of building development that can be undertaken on the site. These considerations can be summarised as follows:

- A maximum of 6,215.5m² building coverage; and
- 9m building setback from MHWS; and
- 35° daylight angle from MHWS; and
- A staggered maximum height of 10m within 30m of MHWS and 15m for the remainder of the property.

The sections prepared by HB and reproduced at Figures 14 – 17 in this report demonstrate the extent of the proposed buildings that fall within the permitted baseline. Consideration of a permitted development (with respect to bulk and location) provides some assistance with respect to the visual effects and landscape assessments.

Beyond the above consideration, there is a limited permitted baseline related to the proposed activities to be undertaken on the subject site. Permitted activities must be directly associated with or ancillary to the adjoining CMA. Any such activity is unlikely to provide a baseline that is helpful to disregard any effects associated with the proposed development.

Overall, there is a limited permitted baseline that applies to the consideration of the visual and landscape effect assessments. This enables the effect of buildings that comply with the bulk and location requirements to be disregarded.

5.3 Positive effects

This proposal seeks to establish a comprehensive hotel and entertainment precinct providing facilities in central Whangarei to enhance the local community and economy as well as attract visitors locally and internationally to the city. The development is identified in numerous strategic Council documents as being a key development along the waterfront and for the city.

The comprehensive and multi-faceted strategic plans and documents all identify the importance of arts, culture and heritage for the city and the opportunities that this brings. As Whangarei continues to grow and develop, the city facilities and amenities need to keep pace. Facilities need to be modern, fit for purpose and able to cater for both the local population and visitors to the area. In order for Whangarei to be considered a world-class and mature city investment needs to be made in the necessary facilities to achieve the opportunities that Whangarei deserves. In this respect, the proposed development achieves positive outcomes that will significantly contribute to the city.

The Town Basin and surrounding public land is the cultural and tourism hub of the city, developed around its historical heart. Therefore, the opportunity to build 'Oruku Landing' in this location

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adds to the function that is intended for this area. It creates an important draw card, bringing with it its own special amenity values. It is also anticipated that the buildings will contribute to the sense of place that is already becoming established in this area, and be an important asset that will add to the diverse range of land use, recreation and tourism opportunities along the Hatea River, all of which are important in providing for the community's cultural and economic wellbeing.

The outcomes this proposal seeks to achieve are all considered to be positive effects.

5.4 Economic effects

During the preliminary stages of determining feasibility Holworth HTL undertook a market demand and feasibility study for the proposed development. While that report is confidential to NDC it is possible to state that the assessment included a supply and demand study relating to both hotel accommodation and event and conference centre space, and it considered of the economic impact these facilities will have to the Whangarei and Northland economies. The findings of the report are summarised as follows:

- There is evidence that commercial accommodation nights have been increasing in Whangarei.
- Whangarei's position in the conference market is constrained; in particular due to a lack of suitable venue and associated accommodation to host functions and events.
- The co-location of a hotel and conference and events centre is fundamentally important to the success of both developments.
- The total estimated economic impact associated with the proposed development (hotel and conference and events centre) over the first five years of operation is in the order of \$31 million for the Whangarei economy. The conference and events centre is estimated to generate 54% of this total.

Based on the analysis undertaken by Holworth, the economic effect of the proposal to the Whangarei economy is positive.

5.5 Ecological effects

4Sight Consulting (4S) have undertaken an assessment of the potential ecological effects of the proposal and their report is attached at Appendix 15. Their assessment has focussed on the activities proposed to take place within the CMA and their investigations are limited to the localised physical marine elements of the proposal such as the proposed structures, dredging and the possible minor modifications of the marine edge.

It is proposed to dredge approximately 25,000m³ from the river bed immediately in front of the site, and to remove a small number of mangroves from the same area. 4S confirms that there

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are no special habitat values associated with this area of the Hatea River, and the dredging and mangrove removal will not generate any adverse ecological effects. Nevertheless, their report also comments that any potential effect on the seabed community is reversible and the newly exposed seabed after dredging will enable the colonisation of the site by the migration of mobile invertebrates migrating from adjacent zones.

During dredging there will be a temporary increase in the turbidity of the water resulting from the suspension of sediment associated with the disturbance of the seabed. It is assessed by 4S that the temporary elevations in turbidity will likely fall within the range currently experienced in the Town Basin area and will be localised. It is also likely to be similar to what is experienced during the existing consented maintenance dredging in the upper harbour.

The sediment quality in the proposed dredging area is typical of the upper Hatea River with slightly elevated levels of copper and lead. 4S concludes that these concentrations are not of concern and the dredging spoil can be handled and disposed of to land without causing risk to the marine environment.

4S concludes that the limited extent of mangrove removal will have a very low environmental effect. The mangroves to be removed are small in number and have patchy coverage. There are more substantial mangrove forests nearby that provide more significant and important habitats.

The proposed marina will provide berths for up to 29 boats. Best practice in terms of the operation of the marina will be employed ensuring there will be little to no risk with regard to bacteriological and viral contamination. Appropriate biosecurity management will also form part of the operation of the marina, ensuring that this risk is appropriately managed during the ongoing operation of the marina.

Overall, the ecological effects potentially generated by the proposal will be less than minor.

5.6 Traffic and parking effects

Once constructed and established, the use of all the activities proposed as part of Oruku Landing will generate traffic and a need for car parking spaces. An assessment of the effects relating to traffic has been undertaken by Engineering Equilibrium (EE), and their report is attached at Appendix 12. Their assessment has focussed on the following matters:

- Access and traffic generation;
- Car parking;
- Loading and manoeuvring;
- Pedestrians and cyclists

Access and traffic generation

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EE estimates that at full capacity the proposed development will generate a total of 1,702 trips a day. To manage the anticipated number of traffic movements to and from the site, as well as on the existing roading network EE has proposed significant changes to the access arrangements to the site. These are described in Section 3.6 of this report.

Given the anticipated number of vehicle movements, a signalised intersection has been determined to provide the best solution for controlling the efficiency of traffic in this location. Furthermore, sight distances are restricted in this location due to the radius curve of Riverside Drive, the proposed buildings and existing pohutukawa trees. Given these circumstances, the proposed signalised intersection will ensure that traffic effects associated with the primary access to the site will be less than minor. The intersection will control traffic on Riverside Drive, Punga Grove Avenue and the site.

The three other accesses are proposed to only allow traffic to use the respective crossing with a left hand turn, either as an entry or exit point. In addition, these crossings are mostly intended to be used by service vehicles or for drop-offs and pick-ups.

The proposed access arrangements have been specifically designed based on the intended use of the site and they will ensure that the effects on road safety and efficiency will be less than minor.

Car parking

The District Plan⁴ acknowledges that land at the Town Basin is a limited resource and therefore the rules promote the pedestrian orientated development of the area by encouraging car parking beyond the Environment and site. This concept is reinforced in the recent Plan Changes, which excludes this site from having to provide any car parking. These parameters are important for assessing the potential effects associated with car parking.

Nevertheless, the proposed activities will generate a need for car parking and this is acknowledged. The design philosophy has therefore been to provide a car parking building. 189 carparks are to be provided. 37 of these spaces will be allocated to the apartments and the remaining 152 will be public parking. The onsite car parking will be available for the users of the apartments and the hotel. Short term drop off and pick up spaces will also be provided for the Events Centre and the hotel.

The EE report acknowledges that when the hotel is at full capacity there will be a shortfall of car parking spaces on the site. Nevertheless there is potential for some guests to arrive by coach and/or tour bus, reducing the need for car parking. The hotel also has the ability to offer offsite car parking options through valet and/or shuttle services to provide a suitable level of service to their guests.

⁴ Section 43.6 Principal Reasons for Rules/Explanations – Provision of Parking Spaces

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The EE report has undertaken an assessment of available car parks within walking distance of the site that would be available when events are held at the Events Centre. The report also considers the use of shuttle transportation. It is expected that an Event Transport Management Plan will be required by a condition of the consent and that they will be prepared and approved prior to events being held at the site.

The proposed car parking arrangements on the site are considered to be an appropriate balance for providing for the activities. It encourages people to consider alternative ways in which to access the site and does not use valuable waterfront land for car parking. The shortfall of car parks will not generate adverse effects.

Loading and manoeuvring

Due to the nature of the proposed activities, the site will be regularly accessed by coaches and trucks. Internal loading bays are included in the design of the Events Centre, enabling vehicles to be unloaded in all weather conditions and without generating significant noise.

The proposed access arrangements ensure that there is no need for any vehicle to reverse manoeuvre onto Riverside Drive.

Vehicle tracking and manoeuvring plans are detailed in the EE report.

Pedestrians and cyclists

The site is easily accessible for pedestrians and cyclists due to the location of the Hatea Loop Walkway that passes along the length of the waterfront boundary. This walkway provides good connections to other locations in the Town Basin area, and is well used. It is proposed that where this shared path passes in front of the site that it will be widened and upgraded, further enhancing the level of service and amenity value for pedestrians.

Overall, any effects relating to car parking and traffic are assessed to be less than minor.

5.7 Effects on reticulated service networks

Cato Bolam (CB) have undertaken an assessment of the existing three water reticulated network services to determine the capacity they have to accommodate the proposed development and their report is attached at Appendix 10.

In the case of wastewater, the existing network will require upgrading as there are capacity restrictions at the Riverside Drive Pump Station. Provided that the upgrades are sufficient to accommodate the expected flows from the proposed development the effect on this network will be less than minor.

The modelling undertaken with regard to water supply shows that there is sufficient capacity within the existing infrastructure to supply the proposed development. Nevertheless specific hydrant flow testing will be required.

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Given the location of the site next to the river no stormwater attenuation is necessary. Standard treatment of stormwater from the paved areas will be undertaken. All discharges will be directed to the existing piped outlets to the harbour without any upgrade to the pipework and infrastructure.

It is expected that consent conditions will require the preparation of detailed engineering plans to show reticulation of the site to the public infrastructure.

5.8 Noise effects

Marshall Day Acoustics (MDA) have undertaken an assessment of the potential noise effects of the proposal and their report is attached at Appendix 16. Their assessment has focussed on three matters:

- Operational noise;
- Construction noise and vibration; and
- Apartment and hotel sound insulation

Operational noise

Due to the multi-purpose nature of the proposed development there is a wide variety of different noise generating activities that have been considered in the assessment undertaken by MDA. These activities include:

- indoor entertainment noise;
- noise associated with festivals and outdoor concerts;
- event setup and breakdown noise;
- traffic related noise;
- hospitality/restaurant noise;
- building service plant noise

In order to understand the noise effect of these activities, MDA has undertaken measurements to determine the existing noise environment. The ambient noise measurements show that noise levels are already significantly higher than the District Plan noise limits in the Living Environment during both the day and night time, mostly due to the traffic noise from Riverside Drive. Based on the existing ambient noise environment and the activities likely to take place on the site, MDA have proposed noise limits that will ensure that any adverse effects arising from noise will be reasonable. The proposed noise limits are as follows:

Noise from general activities within the Events Centre:

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Activities within the Oruku Landing Entertainment Precinct site boundary, other than Special Events, Extended Events and excluding crowd noise and traffic noise, shall not exceed the following noise levels when measured at the notional boundary of any dwelling to the north of Riverside Drive or in any Open Space zone:

<i>Morning</i>	<i>0600-0700hrs</i>	<i>45 dB L_{Aeq}</i>
<i>Daytime</i>	<i>0700-2300hrs</i>	<i>55 dB L_{Aeq}</i>
<i>Night-time</i>	<i>2300-0600hrs</i>	<i>45 dB L_{Aeq}</i> <i>75 dB L_{AFmax}</i>

In addition to the above limits, noise from amplified music shall not exceed the following noise levels when measured at the notional boundary of any dwelling to the north of Riverside Drive:

<i>Sunday to Thursday</i>	<i>2230-0700hrs</i>	<i>55 dB L_{Zeq} @ 63 Hz</i>
<i>Friday and Saturday</i>	<i>2300-0700hrs</i>	<i>55 dB L_{Zeq} @ 63 Hz</i>

Extended events: For 12 events per year, the change over time from daytime to night-time may be extended by 30 minutes. The Council shall be notified of which events intend to use this extended cut off time. The public will be notified of each extended event not less than 7 days prior to the event.

The proposed events centre has been acoustically designed to ensure that noise generated inside the building will not exceed the proposed noise limits at the nearest dwellings on Riverside Drive. However, MDA acknowledges that the lower bass beats may be discernible to nearby residents especially later in the evening as background noise levels progressively decrease. Overall, MDA considers these noise levels to only be faintly audible and not annoying. It is recommended that a Noise Management Plan be prepared which will include liaison with neighbouring properties, and taking this into account any noise effects associate with activities taking place inside the Events Centre will be reasonable.

Festivals and outdoor concerts are anticipated to be held on occasion, and would likely be held in the relatively small (2,000m²) plaza between the Conference and Events Centre and hotel. MDA has considered the potential noise effects likely to be generated by such events. In doing so they have considered the orientation of stages both to the north and the south and the noise models show that for the southern orientations noise levels experienced in the adjoining residential area may reach 75dB L_{Aeq}. MDA comment that this is not an unreasonable level of noise given the ambient noise environment, and provided there is a limit of the number of events generating this level of noise per annum, and the events conclude at 2300 hours. To this end a specific condition relating to special outdoor events is proposed as follows:

Noise from Special Events:

The noise from Special Events excluding crowd noise but including testing or practice involving the use of electronic sound amplification are not required to comply with the general noise limit condition. Instead, these events shall not exceed the following noise limits when measured at any point at or within the boundary of any site to the north of Riverside Drive:

<i>1000hr – 2200hr</i>	<i>3 events per year</i>	<i>75 dB L_{Aeq}</i>
	<i>9 events per year</i>	<i>65 dB L_{Aeq}</i>
<i>The L_{AFmax} noise level for all activities shall not exceed 90dBA when measured over any 15 minute period between 1000hr – 2200hr</i>		

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The MDA report acknowledges that Special Events are likely to create temporary noise effects especially at 29 and 31 Punga Grove Avenue. The predicted noise levels may affect outdoor relaxation. However, this is likely to be depend on the residents' personal attitude towards hearing live music. Nevertheless easy communication will not be entirely precluded. The recommended consent condition requirement for a Noise Management Plan will reduce the potential noise annoyance from any Special Event.

Event setup and breakdown has the potential to cause disturbance to neighbouring residents. This is particularly due to the timing of these activities, which in the case of breakdown for touring shows, is likely to be immediately after the event between midnight and 0300. In order to avoid noise associated with these activities, the loading area is to be enclosed so that these activities take place inside. This will ensure that compliance with the proposed night time noise limits.

Noise generated by typical day to day traffic and small scale events associated with the activities on the site will not be perceptible at nearby dwellings. Furthermore, MDA report that traffic noise generated by an event at full capacity on the site may only be just perceptible, and usually at the conclusion of the event when traffic movements are concentrated. This will not generate an adverse effect that is more than minor.

Restaurants and cafes are proposed as part of the site development and it is anticipated that outdoor tables will be provided as part of the operation of these activities. MDA comments that typical outdoor dining is unlikely to cause the noise limits to be exceeded. Furthermore, it is not expected that these tenants will operate as bars after 2200hrs due to the potential for sleep disturbance of hotel guests.

All mechanical service plant associated with the proposed buildings will need to be designed and located appropriately to ensure compliance with noise limits. MDA recommend that at the time of the detailed design phase that the plans be reviewed by an acoustic engineer to confirm compliance.

Any effects on the amenity of the adjacent Riverside Drive Living Environment will predominantly occur during loud indoor concerts or during the few special events that may occur outdoors. These effects will be temporary and the overall effect will be mitigated by the restrictions proposed in the conditions. Overall and subject to compliance with the proposed noise limits and the preparation and approval of a Noise Management Plan, noise from the site will be reasonable.

Construction noise and vibration

MDA have undertaken an assessment of the likely activities associated with the construction of the proposed site development and made predictions in terms of the potential noise they might generate. They have taken into account the proximity of the existing residential properties to

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the north of the site. The noise likely to be generated by driving the piles associated with building foundations is not expected to comply with the noise limits at dwellings in close proximity to the site. The exceedance of the noise limits is predicted to be of limited duration and is not uncommon for urban construction activities. Best practice measures will be implemented as far as practicable and MDA recommends that consultation with the potentially affected parties be undertaken as part of the preparation of the Noise Management Plan that they recommend be prepared.

Similarly to construction noise, the proposed piling is also likely to exceed vibration limits in relation to residential units in close proximity to the site. The extent of the predicted vibration has the potential to create an annoyance, but it will not cause any cosmetic or structural damage to buildings. MDA recommend that a consent condition be imposed to manage vibration.

MDA state that short term exceedances of the construction noise limits are common (and typically unavoidable) for urban construction activities. Such exceedances are often considered reasonable if they are of a limited duration and best practicable option measures are implemented to avoid, remedy and mitigate the noise emissions as far as practicable. Overall, the noise management recommendations in the MDA report, are considered to represent the best practicable option required by the duties imposed by s16 of the RMA. Subject to the recommended management, noise and vibration levels will be reasonable.

Apartment and hotel sound insulation

The proposed apartments and the hotel rooms are noise sensitive activities and sound insulation measures in the design of the building is necessary to reduce reverse sensitivity effects for the occupants. The MDA report sets out the minimum construction requirements that will ensure compliance with the District Plan is met in this regard.

There will be no reverse sensitivity effects in relation to this matter.

Overall, provided compliance is achieved with the recommendations in the MDA report, the noise effects associated with the proposed development will be minor and the duties set out in Section 16 of the RMA can be met.

5.9 Lighting

To provide security and safety for users, lighting is proposed within the open and publicly accessible spaces of the development. These will be directed to the ground and designed to have no upward light component.

Some low-level lights are also expected to be installed along the access piers of the marina. These are also expect to be low level bollard type lights incorporated in the power and water plinths for each berth.

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The final lighting layout will be designed to comply with the permitted activity standards for the District Plan. On this basis, the lighting effects will be less than minor.

5.10 Effects on cultural values

Matakohe Architecture and Urbanism (MAU) have been appointed by hapū to work closely with Ngāi Kahu o Torongare to identify and record their cultural narratives, interpret them and to develop cultural landscape strategies. The cultural narratives are extensive and MAU details these and explains how they are interpreted in the urban design, landscape design and architecture in the Cultural Design Report attached at Appendix 8.

Some of the design interpretations are fundamental to the overall layout and development of the site. In particular the alignment of the buildings are cognisant of key landmarks such as the maunga (Parahaka), awa (Hātea River) and pā, creating connections between these landmarks. The spaces between the buildings are also important and the shapes that are created such as the 'v' between the hotel and the mixed use building symbolise the migratory flight pattern of kotuku (white heron).

Many subtle interpretations of the cultural narrative are proposed in the urban design, architecture and landscaping of the development and the MAU report sets out examples of these interpretations. Kete patterns are proposed for the facades of the buildings. These patterns acknowledge the history of the site as a food gathering area while the tightness of the weave pattern represents the permanence of a person's stay in each building.

- Events Centre – a loosely woven working kete pattern to represent short stays for the duration of an event;
- Hotel – a medium woven kete whakapuareare to represent overnight stays;
- Apartments – a tightly woven ornamental kete to represent the permanent living accommodation.



Figure 18: Examples of kete weaves (Source: Matakohe Architecture and Urbanism)

Cultural narratives, values and associations of significance to mana whenua have influenced the shape and appearance of the development, and symbolism and references have been incorporated throughout the design of the site and buildings.

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A CIA has been prepared on behalf of Ngāti Kahu O Torongare Te Parawhau Hapū, and this is attached at Appendix 17. This concludes that the hapū supports the proposal subject to the mitigation measures set out in the report. These measures are agreed to by NDC.

Given the high level of Māori and local hapū contribution and support of this project, the effects it will have on cultural values are expected to be positive.

5.11 Archaeological effects

Geometria Limited (GL) have undertaken an assessment of the potential archaeological effects of the proposal and their report is attached at Appendix 18.

There are no recorded archaeological sites on the site. However, there are four in the vicinity of the site located on the ridges and headlands either side of the site. The GL report sets out a detailed history of the development of central Whangarei and in particular discusses the development of the Parahaki Block which is now known as Punga Grove Road and The Bluff. It also discusses the various reclamations that have taken place along the Hatea River over the past century, which is how the subject site came to be.

Given the history of this area the GL report concludes that there is unlikely to be any buried archaeological features associated with the Maori occupation in the area or European settlement prior to 1900. The report also concludes that an archaeological authority from Heritage NZ is not required.

Overall, the archaeological effects of the proposed development will be less than minor.

5.12 Effects on public access and enjoyment of the CMA

The proposed buildings are all located within the 9m setback from MHWS, and at the closest will have a nil setback from MHWS. Furthermore, the design of the hotel is such that the upper stories will extend over MHWS and be located in the CMA, albeit the air space above the CMA, noting that it will not extend beyond the walkway.

Notwithstanding the proximity of the buildings to MHWS and the CMA, the public accessibility and enjoyment of the CMA will not be compromised by the proposed development, and in fact is likely to be enhanced.

4 Sight Consulting (4S) has completed a Landscape and Urban Design Concept for the proposal. This is attached at Appendix 11. This report and its recommendations seek to create spaces that will make connections between the urban and built fabric with people and nature, ultimately creating places that are healthy, and are enjoyable places to live, work and play in.

Key aspects of the design that will encourage accessibility and enjoyment to the CMA include:

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- A raised promenade along the edge of the Hatea River creating a space suitable for events, activities, markets, music, art and cultural celebration;
- A destination/node along the Hatea Loop, encouraging people to stop, gather, mingle and eat;
- A recreational space that will engage the community and visitors to the cultural history;
- Access along floating pontoons/boardwalks along the edge of the proposed marina and to access the ferry terminal at all tides
- A paddle board/kayak launching facility.

The concept plans included in the 4S report attached at Appendix 11 clearly show the proposed connections with the CMA and a small section of those plans are reproduced below in [Figure 19](#).



Figure 19: Urban design concept (Source: 4 Sight Consulting)

The proposed development will not adversely affect the existing pedestrian and cycle linkages along the edge of the city waterways. Rather, the proposal is expected to enhance these linkages.

Overall, the construction and establishment of the Hotel and Events Centre Precinct will not create any adverse effect on public access and enjoyment of the CMA.

5.13 Effects on natural hazards

The site is subject to a flood susceptible notation as identified on the Resource Area maps in the Whangarei District Plan. In order to address the potential effects of flooding Cato Bolam (CB) and Tonkin & Taylor (TT) have considered the proposal and copies of their reports are attached at Appendix 10 & 19.

In summary, it is their assessment that the recommended minimum finished floor level should be 300mm above the 50yr Coastal Hazard Flood level of RL2.7M. Given the proposed finished floor level of all the proposed buildings is 3360mm, this is considered to be appropriate and will not create a flood hazard. Furthermore the Whangarei District Council's recommended floor level for commercial premises is 2.8m.

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The CB report considers inundation as the major flood consideration. Given there are existing buildings on the site that provide significant overland flow and stream deflection the report concludes that the proposed buildings will have no more than minor effect on the overall flood and river hydrology. Overall, the consulting engineers are satisfied that the proposal will have a less than minor effect on natural hazards.

5.14 Effects on amenity values and landscape character

Bridget Gilbert Landscape Architecture (BGLA) has undertaken an assessment of the potential effects of the proposal on landscape character and amenity values. The report is attached at Appendix 20.

The subject site is established on land that was reclaimed at the time Riverside Drive was constructed. A range of marine based industrial businesses have established on the property that are now in a state of poor repair. Overall, the site has a modified dilapidated character. Importantly, the subject site is not located in any landscape area identified in either the District Plan or the RPS.

The proposed development of the site has been designed as a landmark development that will add another significant and important element to the range of public and community based activities and attractions already established in and around the Town Basin area. It is a development that has an overriding civic and community purpose and buildings such as these are generally of a scale to cater for the large numbers of people that typically gather in spaces of this nature. Therefore, there is a certain logic for buildings of the scale proposed. In addition, buildings of this type are normally located where they are easily accessible by people likely to use them.

The proposed development will add to the variety of experiences already on offer providing facilities for arts and culture as well as high end accommodation options that are currently lacking in the city. It will inject vitality into an undervalued and underutilised part of the city's riverscape, enhancing the perception of the Town Basin as a vibrant, attractive riverside hub.

Existing open space areas are proposed to be extended creating a wider promenade space that will extend along the length of the site. Spaces between the buildings will also be designed and landscaped to prioritise pedestrians and cyclists. In this respect the effects that the proposal will have on amenity values is positive.

Overall, and on a general basis, the effects of the proposal on the amenity values and landscape character of the area are positive.

5.15 Visual effects

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BGLA has undertaken an assessment of the potential visual effects of the proposal and their report is attached at Appendix 20.

BGLA has identified a number of viewing audiences that have the potential to be affected by the proposed development. These audiences include transitory audiences such as those using the Hatea Loop, Riverside Drive and other surrounding roads as well as users on the river. Occupants, visitors and residents of surrounding properties are also considered. The viewpoints from which BGLA has made their visual effect assessments are identified in their report and these are reproduced in [Figure 20](#) below.

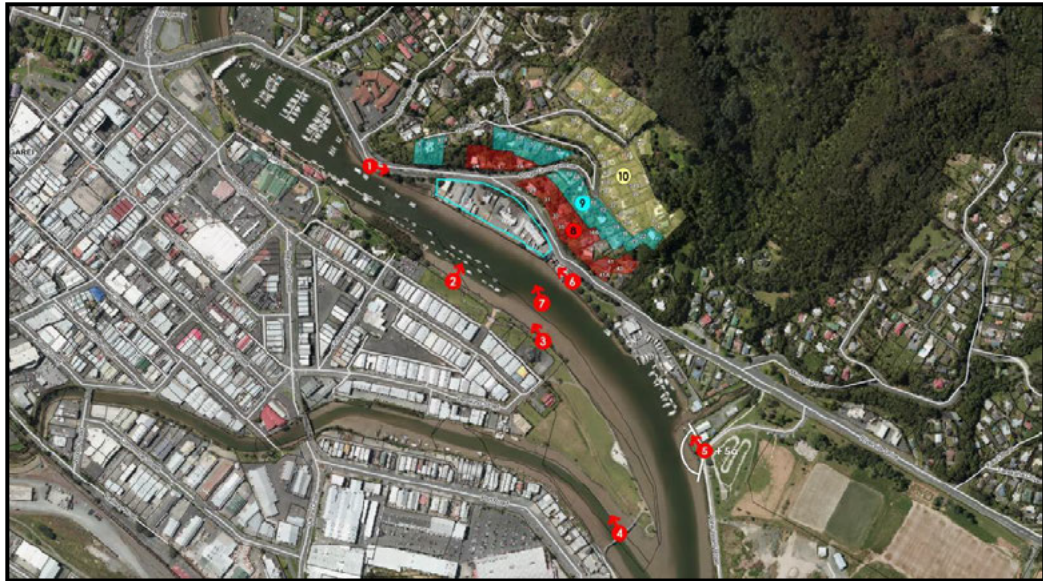


Figure 20: Viewing audiences (Source: BGLA Report)

BGLA has identified key visual amenity, natural character and landscape character attributes associated with the site and the local area. When making their assessment of the potential effects the proposed development may have, it is made in the context of these attributes. They are:

- The prominent and predominantly bush clad natural landform of Parihaka.
- The Hatea River corridor which forms an important, albeit modified, landscape feature.
- A natural character rating for the site and immediate area that favours the lower end of the spectrum as a consequence of the level or urban modification evident.
- The close proximity of the site to the Town Basin, comprising the focus for urban regeneration and the development of a cultural and marine hub for Whangarei City.
- The location of the site along the popular and appealing Hatea Loop Walk.
- The visibility of the site in attractive views from the Town Basin, river and riverside walkway that take in the river and Parihaka.

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- The visibility of the site (at least in part) from the settled lower slopes of Parihaka in views out across the river, city and harbour-scape.
- The reclaimed nature of the site, its generally dilapidated and inhospitable built character and the paucity of natural vegetation features evident.

The BGLA report identifies that for those public viewing audiences in close proximity to the proposed development there will be a noticeable change to their outlooks. Nevertheless, it is the conclusion of BGLA that the high quality design of all aspects of the development will ensure that it will not detract from the character or quality of the existing outlook. Instead, it will enhance the impression of a thriving and buzzing riverside cityscape and positively contribute to the urban context within which it will sit. For those audiences at close range, an appreciation of the high quality architectural and landscape treatments will also be evident.

The BGLA report acknowledges that the bulk and massing of the proposed development is appreciably larger than anticipated, but the overall built form will sit comfortably into the wider riverside context. It will read as a visually appropriate element along the base of the lower slopes of Mt Parihaka and perched beside the Hatea River. It will enhance the impression of this part of the Town Basin as an attractive, inviting and flourishing part of the cityscape, all of which are outcomes sought to be achieved by NDC.

The BGLA report is careful to identify that the outcomes described above depend on a number of factors that form components of the overall proposal. These factors are as follows, and consent conditions are expected that will ensure that these are implemented:

- The visually recessive colour palette and low reflectivity of the buildings which will ensure that built development tones sympathetically with the dark mottled greens of the vegetated backdrop.
- The visible elevation treatments.
- Climber planting on the mixed use building.

For the viewpoints further away from the site, the development will be partially screened and filtered by intervening vegetation and buildings. Distance will also contribute a moderating effect as despite the scale and size of the proposed development it will be seen in a wide cityscape panorama and as such will not be a prominent visual element.

For the residential viewpoints on Parihaka, the lower properties are expected to have some view of the site beyond the dual carriageway of Riverside Drive. It is possible that some dwellings will have views of the river between the existing buildings and vegetation. For those properties that are slightly more elevated the proposed development may reduce the visibility of parts of the river. However, the wider riverscape will remain intact. Furthermore, the BGLA report concludes that the potential disbenefit

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Overall, the proposal will facilitate the establishment of a high quality built development that will replace the existing collection of dilapidated industrial buildings along the river's edge. BGLA concludes that the visual effects of the proposed development will range from less than minor to minor on the surrounding environment.

5.16 Effects on natural character

BGLA has briefly consider the potential effects of the proposal on natural character in their report attached at Appendix 20. The report identifies that the site and the surrounding area displays natural character values that rate towards the lower end of the spectrum. However, there are key elements in the landscape that contribute to the natural character values in and around the site. These include the river, the vegetation clad Parihaka and the various pohutukawa trees around the margin of the site.

The proposed development will have no effect on the natural character of Parihaka.

The retention of the pohutukawa trees around the site is sympathetic to the intentions of maintaining natural character.

While the development includes the introduction of structures into the river in front of the site, this form of development is a well-established part of the character in this part of the Hatea River. The proposed development will not detract from the experiential aspects of natural character associated with the river. Furthermore, the proposed structures in this area will activate public spaces and enhance the public accessibility to the river. BGLA considers this to be a benefit to the experiential aspects of natural character associated with the river.

Overall, the BGLA report concludes that the potential effects on natural character will be less than minor.

5.17 Effects on human health

As set out in section 4.8 of this report and in the DSI prepared by Tonkin and Taylor (TT) attached at Appendix 6 there are concentrations of asbestos on the site that exceed the soil guideline values.

The asbestos is centrally located on the site and is a result of the building materials used in the existing and previous structures on the site. The plans included in the TT report attached at Appendix 6 show the test locations. Elevated asbestos levels were recorded at SS02, SS04 and SS05. The relevant plan is reproduced below at [Figure 22](#).

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Figure 21: Soil test sites (Source Tonkin & Taylor)

All other tests undertaken on the site returned results that confirm there is no risk to human health.

Provided the recommendations of the DSI are adhered to, TT have concluded that the proposed redevelopment of the site will be less than minor in terms of the potential effects on human health. It is expected that a condition of consent will be to prepare an SMP for approval prior to undertaking any site work. Furthermore, the disposal of fill and soils will need to be to a facility that can receive asbestos contaminated waste at trace levels.

5.18 Earthworks effects

The proposed earthworks are necessary to allow the construction of the building foundations, the basement facilities as well as the proposed access arrangements.

The proposed buildings will generally be located in the areas where the earthworks are to be undertaken. This will ensure that any long term visual effects created by the earthworks will be avoided. In other cases, the earthworks are proposed for access arrangements, and upon completion there will be no exposed areas. In all cases, best practice methods for undertaking the earthworks will be used, including all appropriate sediment controls.

Overall, the effects of undertaking the proposed earthworks will be less than minor.

5.19 Hydrological and coastal process effects

4 Sight Consulting (4S) have undertaken an assessment of the potential hydrological effects of the proposal that might be generated by the proposed dredging for the proposed marina. Their report is attached at Appendix 21.

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4S recognise that the proposed dredging location is adjacent to the area covered by an existing consent⁵ held by the Whangarei Harbour Marina Management Trust to undertake dredging associated with both the Town Basin and the Hatea River Channel. Given these existing activities 4S assume that there are reasonably high sediment inputs in this hydrological system.

4S also recognise that due to the relatively straight section of the river in the location of the dredging there will be linear current flows through the area. In addition wave energy is not considered to be a significant contributor to the coastal and hydrological processes in this location. Boat wakes are also low due to the speed limit in the area.

The capital dredging will create a sediment sink which is expected to increase sedimentation rates in the area and this is to be managed by a maintenance dredging regime of up to 10,000 m³ per annum.

4S conclude that due to the linear current flows, the low wave energy environment and the proposed maintenance dredging routine any potential effects relating to hydrological and coastal processes from the proposed dredging will be less than minor.

5.20 Construction and temporary effects

The construction of the proposed development is expected to take place over a number of years, and the construction effects will largely be related to noise, vibration, traffic and earthworks. In all instances best practice measures will be implemented and it is expected that a construction management plan will be required as a consent condition to ensure that these effects are appropriately identified and managed.

Overall, and subject to the recommendations in the relevant technical reports, no unreasonable effects will be generated in relation to the construction of the proposed development.

5.21 Effects of subdivision

The proposed subdivision is intended to create separate titles for each of the main land uses, primarily to assist with enabling financial investment to be made for those uses. It is for this reason that consent notices are proposed to be registered on the allotments advising that they will not be connected to reticulated services, and that this will be the responsibility of the land use proposal. Nevertheless, should the proposed land use development as set out in this application not proceed, each of the proposed allotments have an existing vehicle crossing to Riverside Drive, and connections to the necessary services can be made as required.

Overall, the effects of the proposed subdivision will be less than minor.

⁵ NRC AUT.007958.04.03

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5.22 Overall effects

Overall and on balance, any potential adverse effects associated with the establishment of Oruku Landing will be appropriately managed. Taking into account the proposed mitigation measures and the conclusions of the attached technical reports, the effects of the proposed development will be minor, and no persons will be adversely affected by the development.

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PLANNING ASSESSMENT

6.1 Overview

An assessment against the objectives and policies of the District and Regional Plans aids the decision maker in determining whether there will be adverse effects on the integrity of the relevant planning documents. As such the relevant objectives and policies of the OWDP, the relevant proposed PC's, the ORWSP, ORCP and the PRP have been identified and have been assessed.

6.2 Key objectives and policies of the operative WDP

The operative WDP is an effects based plan and in most cases the relevant objectives and policies are not zone specific. They are instead arranged in chapters that are based on resource management themes. Nevertheless, there is a specific Town Basin chapter that acknowledges that this part of the District is distinctly different from other parts of the city and provides special amenity and function.

There are 24 policy chapters in the WDP, many of which contain provisions that, in a general sense, have some relevance to the proposal. The objectives and policies that are considered relevant to the proposal are set out in full at Appendix 22. These are largely focussed on seven general matters being:

- The compatibility of the proposal with existing amenity and character values; and
- The implementation of philosophies such as urban design; and
- The importance of recognising and providing for Māori interests; and
- Managing the effects of activities on the roading network and public reticulated infrastructure; and
- Managing hazards and effects based considerations (other than amenity);
- Coastal related considerations; and
- The specific amenity, recreation and cultural values of the Town Basin and CBD.

An assessment of these matters follows:

Amenity and character values

The objectives and policies that focus on this matter seek to ensure that the character and amenity values of a location are maintained by managing the potential effects in the context of the environment in which they are located. There is a strong focus on developments and

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activities having compatibility with amenity and character of the surrounding environment. Wording to this effect is repeated throughout the objectives and policies.⁶

Compatibility points to an ability for different activities to exist and operate harmoniously together. It suggests that symbiotic and reciprocal relationships between activities and uses will develop. It means that activities can operate successfully together and it suggests that compromise is likely. Ultimately it means that a balancing of considerations is necessary as compatibility is comprised of multiple components.

Oruku Landing is considered to be compatible with the amenity and character values of the surrounding area.

As set out in previous sections of this report, the site is located in an area where a variety of uses and activities are established. The position of the site next to the Hatea River and along the Hatea Loop Walkway means that there is a high level of public use in the surrounding area. Riverside Drive carries a relatively high volume of traffic and is the main road link from the CBD to Onerahi and Whangarei Heads. These factors contribute to the amenity and character values of the area. Other activities in the surrounding area include residential dwellings, marine related businesses, public open spaces, restaurants and retailing activities in the nearby Town Basin and CBD areas.

The activities proposed as part of Oruku Landing are compatible with the existing mixed use location. In order to be successful and to create the sense of place it seeks to achieve, Oruku Landing will rely on people using the proposed facilities, both in private and public capacities. Therefore, the location is important so as to be near to the population that will visit the site. It needs to be easily accessible and offer a variety of facilities that will appeal to a wide ranging audience. In this respect, the proposal is compatible with the existing environment and will positively contribute to the amenity and character values.

The use of the proposed facilities will generate noise and this has been considered by MD in their report attached at Appendix 16. The suite of mitigation measures that relate to the control and management of noise will ensure that the influence noise has on the overall amenity and character of the area is compatible with the surrounding environment.

Amenity and character values are also influenced by traffic. The proposal will generate traffic increasing the volumes on Riverside Drive, and creating a car parking demand. The EE report (attached at Appendix 12) sets out the proposal to signalise the intersection on Riverside Drive with Punga Grove Avenue and the main entrance to the property. This will ensure that the increased traffic volumes are compatible with the existing uses in the surrounding area. In addition, the car parking demand will be met by the provision of car parking on the site and

⁶ Objective 5.3.5, Policies 5.4.1, 5.4.2, 5.4.7, 5.4.8

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within reasonable walking distances from the site. This also ensures compatibility with the surrounding area.

The height and overall bulk of the proposed buildings will also influence the amenity and character of the surrounding area, and a consideration of the compatibility of the buildings is necessary with respect to the relevant objectives and policies. The proposed buildings are clearly substantial, and are larger than that anticipated by the District Plan. Nevertheless, the overall built form sits comfortably in the riverside setting. The high quality design of the overall development will ensure that it does not detract from the character or quality of the amenity and character of the surrounding area. Rather, the development will enhance the character of a thriving riverside cityscape at the Town Basin.

Despite the bulk and mass of the buildings, they have been designed to have interesting and detailed facades as well as living roofs. As such, they will contribute to an urban, built landscape that creates its own amenity and character values. In this respect the proposal is compatible with the surrounding amenity and character values.

Overall and on balance, the proposal is not inconsistent with the objectives and policies of the OWDP in relation to amenity and character values.

The implementation of Urban Design philosophies

While there are few objectives and policies that specifically seek to implement good urban design philosophy, there is overlap with those objectives and policies that relate to amenity and specifically to development within the Town Basin Environment.

There has been an overriding philosophy for the design team to achieve good urban design outcomes as part of this development and this is evident in the information presented as part of the proposal. Specifically, the Landscape and Urban Design Concept prepared by 4S and attached at Appendix 11 details the factors and considerations that have created the underlying design philosophy.

Overall, the proposed development is conscious of urban design principles and it achieves good urban design outcomes.

Recognition and provision of Māori interests

There is an obligation directed from the RMA to have recognition and regard to the relationship Maori have through their culture and tradition to land, water, sites and taonga. These matters are reflected in objectives and policies of the District Plan.

NDC have sought the involvement of Maori and tangata whenua throughout the process of developing this proposal, and these relationships are set to continue. Effective consultation and participation has been facilitated and cultural interests have been incorporated into the design of the project. The Cultural Design Report prepared by MAU and attached at Appendix 8 sets

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out the process and the outcomes achieved. In addition, a CIA report has been prepared on behalf of Ngāti Kahu O Torongare Te Parawhau Hapū. This is attached at Appendix 17 and advises that the hapū supports the proposal subject to the mitigation measures as set out in the CIA.

Overall the proposal achieves a genuine connection with Maori culture and tradition and it includes elements in the design that reflect an important cultural narrative. The proposal is consistent with the objectives and policies that relate to Maori interests.

Managing the effects on the roading network and public reticulated infrastructure

The proposed development seeks to intensively develop the subject site with a hotel, residential apartments, retail tenancies and a public conference and events centre. The extent of development necessitates the comprehensive provision of infrastructure and access arrangements. The objectives and policies of the District Plan seek to ensure that these services are effectively and efficiently provided for.

CB has confirmed in their report attached at Appendix 10 that there is sufficient capacity to accommodate the proposed development and that upgrades and extensions can be undertaken to fully accommodate the proposal.

Regarding access and the roading network, EE in their report attached at Appendix 12 have recommended a significant intersection upgrade involving the installation of traffic lights. This proposal is commensurate to the nature of the proposal and the anticipated numbers and types of traffic expected to access the site. It also ensures that the existing roading network is adequately managed and continues to operate safely and efficiently.

Pedestrians and cyclists are well catered for by the proposed development. It is proposed to widen the Hatea Loop walkway that passes along the waterfront boundary of the site. This ensures that the existing linkages are both maintained and enhanced. Consideration has also been given to how pedestrians will move and access the various components of the development within the site. Care has been taken to delineate spaces ensuring conflicts between various users are minimised. The 4S Urban Design report (Appendix 11) considers these intricacies.

189 carparks are proposed on site. The EE report attached at Appendix 12 considers the various uses on the site and concludes that the provisions of car parking is adequate to accommodate the proposed activities. It is acknowledged that it is impractical to provide a complying number of car parks on the site and that alternative options for accessing the site will be necessary for some events and functions held on the site. (e.g. shuttle buses, walking or cycling). The proposed uses will also generate cross overs where hotel guests will attend functions held in the Conference and Events Centre. The proposal is not unrealistic or uncommon and it appropriately balances the uses on the site.

Overall, the proposal is consistent with the objectives and policies that relate to the provision of infrastructure and roading.

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Hazards and other effects

There are a number of objectives and policies in the District Plan that seek to ensure potential adverse environmental effects are appropriately avoided, remedied or mitigated. The technical reports included as part of the application set out how this can be achieved, and the conclusions are summarised in Section 5 of this report. Where appropriate and relevant consent conditions are anticipated to ensure that the expected outcomes are achieved.

In terms of potential hazards, preliminary investigations indicate that the site is suitable for development. However, more detailed analysis will be necessary to detail the exact solutions appropriate to cater for the project. Retaining will be necessary as part of the basement design to ensure the stability of the site, while finished floor levels above 3.0m will be required to avoid adverse effects related to flooding. It is expected that conditions of consent will require detailed flood modelling to be undertaken that reflect the final building designs and site development.

Subject to appropriate detailed design the proposal will be consistent with the objectives and policies of the Plan that relate to these matters.

Coastal considerations

The location of the site on the edge of the Hatea River puts it inside the Coastal Area. Despite the location of the site, BGLA has determined that it displays natural character values that rate toward the lower end of the spectrum. This is due to the extent of modification that includes historic reclamation, existing commercial and industrial related buildings, seawalls and the Hatea Loop walkway. In a slightly wider context, there are elements of natural character, but these are not dominant. The area is significantly modified with built elements all along the coastal edge and structures and boats within the coastal space. This is a well-established part of the coastal character in this location.

The objectives and policies that encourage public access to the coastal margin are well accommodated by the proposal, with these elements being improved by the proposal.

The size and bulk of the proposed buildings will add a built element to this location that is considerably more substantial than any existing structure. Nevertheless, the site is not identified as an outstanding or high natural character area, and the natural character of the site has been determined to be low. Consolidating built form and development in an area of the coastal environment that is already compromised is consistent with the objectives and policies of the OWDP.

Specific amenity, recreation and cultural values of the Town Basin

The Whangarei Town Basin is distinctly different from other parts of the city and it provides special amenity and function. It has a strong sense of place that has been fostered by good urban design. The amenity values of this area are founded on the relationships between people using the area and a combination of the natural and built elements at the city centre. The activities

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established in this area seek to create an economically, socially and culturally vibrant community that is well used by both locals and visitors.

The proposed location, in so far as it is part of the Town Basin, clearly seeks to strengthen the area as the primary location within the District for culture, entertainment and tourism. It promotes opportunities for mixed use developments and for intensifying development within the city centre. Oruku Landing presents an opportunity to be able to enhance the special amenity and character values of the Town Basin area, ultimately strengthening these values that are unique to this area. A key component of this involves the integration of the public and open space around the buildings and private spaces.

It is intended that this development will become a key component of the Town Basin that will add to the cohesive development of the whole area, particularly focussing on entertainment, arts and tourism. There is formal recognition in the many strategic documents that have been developed for this area to provide for arts, entertainment and culture, while the site has also been identified as a key location for a catalyst for change.

Overall, the development of Oruku Landing is consistent with the objectives and policies that relate to the Town Basin Environment.

Conclusions

Having had regard to the relevant objectives and policies of the OWDP, overall and on balance, Oruku Landing is consistent with them.

6.3 Key objectives and policies of the proposed Plan Changes

As previously set out, the property is located in the Waterfront Zone (WZ) in PC88C, while there are also relevant provisions in service related PC's. Each of these chapters have associated objectives and policies that are relevant to the consideration of the proposal. The objectives and policies from the chapters contained in the Plan Changes that are considered relevant to this proposal are set out in full at Appendix 22. In summary, the proposal is consistent with the provisions for the following reasons.

Waterfront Zone

The focus of these provisions are largely similar to the OWDP. However, there is a stronger focus on creating a mixed use area that enables tourism related activities, and in particular those that encourage arts and cultural activities.⁷ A unique sense of place is described in the various objectives and policies. This specific amenity and character is expected to result by enabling mixed uses to establish as well as from the integration of public and private activities and spaces.

⁷ WZ-O2, WZ-O6, WZ-P2, WZ-P8

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The objectives and policies also place a strong emphasis on urban design principles, seeking to provide active frontages to buildings and to ensure visual and physical connections be made between different uses⁸. The prioritisation of pedestrians and cyclists is also encouraged. The proposal gives due consideration to these matters and the design achieves outcomes that are consistent with the objectives and policies.

WZ-O3 continues with the concept of compatibility as set out in the OWDP, in so far as the proposed land uses are compatible with the surrounding Residential and Open Space Zones. For the reasons already set out, this proposal is not inconsistent with this objective.

Overall, the proposed Oruku Landing development encapsulates the intentions and outcomes sought by the objectives and policies for the Waterfront Zone.

Transport

These objectives and policies focus on ensuring that a safe and functional transport network is provided. They are also closely linked to minimising adverse environmental effects.

The EE report attached at Appendix 12 describes the proposed transport arrangements and demonstrates that suitable and sufficient transport related infrastructure is provided to ensure the effective and efficient functioning of the development and the surrounding transport network (TRA-O4). The design and construction of the Riverside Drive upgrade, the pedestrian network and the internal manoeuvring areas will all be undertaken so as to provide a safe environment for all users and the expected capacity.⁹

The site is located within the identified area that is exempt from providing car parking. Nevertheless, 189 car parking spaces are to be provided on the site within the Mixed Use Building. These will all be located and constructed so as to comply with the relevant standards.¹⁰

Overall, the proposed transport arrangements associated with the Oruku Landing development will be consistent with the objectives and policies of the TRA Chapter.

Three Waters Management

These objectives and policies focus on ensuring that new subdivision and development adequately manages three water infrastructure. Efficient and effective networks should be provided and maintained and where connections to public reticulated networks is proposed that they have sufficient capacity.

⁸ WZ-O1, WZ-O4, WZ-O5, WZ-P4, WZ-P7, WZ-P-10

⁹ TRA-O1, TRA-P1, TRA-P2, TRA-P3

¹⁰ TRA-P9, TRA-P10

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The CB report attached at Appendix 10 describes the proposed three water arrangements and demonstrates that an effective, efficient integrated and comprehensive reticulated solution can be provided to the overall development.¹¹

It is proposed that infrastructure connections not be made in association with the subdivision. This is because the subdivision is simply a process to set up the more significant land use development and the infrastructural connections will be made as part of that development.

Where necessary assets will be vested and the fair and reasonable costs of the upgrades and extensions will be met by the applicant.¹²

Overall, the proposed three waters management associated with the Oruku Landing development will be consistent with the objectives and policies of the TWM Chapter.

District Growth and Development & Urban Form and Development

These chapters contain objectives and policies that have a high level strategic focus about growth and development in the District. Given this focus the objectives and policies seek to address significant resource management issues for the District and they generally provide direction with respect to the provision of zones, their purpose and their locations. Nevertheless, some have relevance to this application.

DGD-O8 seeks to ensure that growth and development takes into account Maori cultural values. This has been a cornerstone consideration of the proposed development and the information provided in the Cultural Design report and CIA (attached at Appendices 8 & 17) demonstrates that the proposal is consistent with this objective.

DGD-P4 seeks to ensure that the scale and nature of new development is complementary to the anticipated level of amenity in the relevant zone. The BGLA report (attached at Appendix 20) considers this matter in some detail and concludes that despite the obvious bulk and massing of the buildings that they will sit comfortably within the riverside setting. They will ultimately be the stimulus to create a vitality and vibrancy in this area along the Hatea River and within the Waterfront Zone that is currently undervalued. It is for these same reasons that the proposal is also consistent with UFD-O2 and UFD-O3.

Signage and Lighting

The extent or detail of the signage on the site has not been determined at this stage. This is not unusual given the nature of the proposal. Signage detail will depend on tenants, building names and operational details that are yet to be established. Nevertheless, signage will be a component of the overall development. All signage will be at a size and scale that is in proportion to the buildings and development. It will be efficient and functional, and considerate of the overall

¹¹ TWM-O1, TWM-O2, TWM-O3, TWM-P3

¹² TWM-P5, TWM-P9

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design as set out in the Urban Design report (attached at Appendix 11) for the complex. Furthermore, consideration with regard to placement will take into account traffic safety.

Lighting detail is also difficult to provide at this point for the same reasons as set out above. However, the urban design considerations have sought to ensure that appropriate lighting is provided within the public spaces to ensure safety and to generate a pleasant amenity and character within the development, especially at night.¹³

It is proposed that consent conditions requiring the approval of signage and lighting detail at the appropriate time be imposed as part of the overall development approval.

Subdivision

The subdivision of the property is proposed to facilitate financial investment in the property so as to enable the development of the proposed land use activities. It will essentially create a separate allotment for each of the main land uses. Therefore the subdivision is consistent with SUB-05 that seeks to minimise adverse effects by ensuring that it occurs in a sequenced and coherent manner. While reticulated service connections are not proposed to be installed as part of the subdivision process, all the allotments are capable of connection. Appropriately worded consent notices are proposed to advise that these services have not been provided as part of the subdivision.

Overall, the proposed subdivision is consistent with the relevant objectives and policies.

Conclusions

Having had regard to the relevant objectives and policies of the PC's, overall and on balance, Oruku Landing is considered to not be inconsistent with them.

6.4 District Plan weighting

The Plan Changes remain subject to appeal. Until this process has been resolved the proposed rules, objectives and policies cannot be considered in isolation from the existing operative District Plan. It remains necessary to continue to give some of the decision making weight to the operative provisions. Determining where the majority of the weight is to be put relates to the stage of the process and the nature of any appeals.

The appeal period does not close until the 15 July 2020, and at the time of writing no appeals have been received by the Council that relate to the parts of the Plan Changes relevant to this application. Therefore, there remains a high probability that appeals will be received, and based on submissions received in the earlier part of the process, that specific rules relevant to this proposal are susceptible to change.

¹³ LIGHT-O1, LIGHT-P1, LIGHT-P2, LIGHT-P3

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Without knowing any detail as to the nature of appeals or the scope of any change, the most weight still needs to be given to the operative District Plan in considering this application.

6.5 Regional Water and Soil Plan

Performance Standards and Assessment Criteria

The RWSP contains a list of seven assessment criterion in section 36.4. These criterion are set out and assessed in the following table:

Performance Standard	Assessment
a) The scale, method and timing of the land disturbance activity and the nature of the surrounding catchment.	<p>The extent of the proposed earthworks is set out in the report and plans prepared by CB attached at Appendix 10.</p> <p>6,200m³ of cut is to be removed from the site to enable the construction of the proposed buildings, including the basements.</p> <p>Best practice methodology will be used to undertake the work.</p>
b) The proximity of the land disturbance activity to any water body, the nature and sensitivity of the water body and any associated values and the likely effects on that water body.	<p>The site adjoins the Hatea River.</p> <p>Appropriate sediment and erosion control will be implemented during the undertaking of the proposed earthworks to ensure that the effects on the river are appropriately avoided or mitigated.</p>
c) The proximity of the land disturbance activity to any areas of significant indigenous vegetation and significant habitats of indigenous fauna that meet the criteria in Appendix 13B, any outstanding or significant natural feature identified in a regional or district plan, any known archaeological site or historic feature, waahi tapu or urupa; and any effects on them.	<p>No earthworks are proposed to be undertaken in any areas identified in Appendix 13B.</p> <p>Additionally, there are no known archaeological sites on the site.</p> <p>The area where the earthworks is proposed is already highly modified due to previous activities and the surrounding land uses.</p>
d) The expected efficiency of sediment control measures and any other mitigation measures.	<p>The sediment control measures that will be installed as part of the earthworks are expected to be effective in controlling any effects associated with the proposed earthworks.</p>

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e) The removal and/or any retention of vegetation and the expected efficiency of any re-vegetation and/or rehabilitation programme.	No significant vegetation is proposed to be removed in order to facilitate the earthworks.
f) The adequacy of any proposed monitoring programme to assess the effects of the activity on the environment.	Standard best practice monitoring procedures will be employed.
g) The practicality of alternative methods to undertake the activity and their likelihood of having reduced environmental effects.	No specific alternative methods have been considered in any detail.

Table 22: Performance Standard Assessment for earthworks

Objectives and Policies

The proposed earthworks are a controlled activity under the provisions of the RWSP and therefore are consistent with the relevant objectives and policies

6.6 Regional Coastal Plan

Performance Standards and Assessment Criteria

Section 31.4.13 of the RCP sets out general performance standards for activities in the Marine 2 (Conservation) Management Area. The elements of the proposal¹⁴ located in this area are measured against the standards in the following table:

Performance Standard	Assessment
Noise generated as a result of activity within the coastal marine area shall comply with the following standards: (i) the activity shall not cause excessive noise as defined in section 326 of the Resource Management Act; and (ii) any construction or maintenance activity near coastal subdivisions or other urban areas shall comply with the noise standards of the district council which is responsible for the use of the adjoining land.	The elements of the proposal located in the CMA will not cause excessive noise as defined in s 326 of the RMA. The site is located in proximity to the urban residential area of Riverside, and in particular residences on Punga Grove Avenue and The Bluff. The noise assessment undertaken by MDA and attached at Appendix 16 considers the effect of noise on these residents and concludes they can be appropriately managed through consent conditions. The MDA report predicts that construction activities will exceed the applicable noise standards in the WDP. The proposed mitigation measures will appropriately manage these.

¹⁴ Structures in the CMA (i.e boardwalk, cantilevered hotel), dredging and marina

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<p>All lighting associated with activities in the coastal marine area shall not by reason of its direction, colour or intensity, create:</p> <ul style="list-style-type: none"> (i) a hazard to navigation and safety; or (ii) a hazard to traffic safety on wharves, ramps, and adjacent roads; or (iii) a nuisance to other users of the surrounding coastal marine area or adjacent land. 	<p>Lighting will be designed to enhance navigation and safety, and will not create a nuisance for other users in the CMA or adjacent land.</p>
<p>Discharges to water shall, after reasonable mixing, comply with the relevant receiving water quality standards and shall not contain any contaminants which could cause:</p> <ul style="list-style-type: none"> (i) the production of conspicuous oil or grease films, scums or foams, or floatable or suspended materials. (ii) any conspicuous change in the colour or visual clarity of the receiving waters. (iii) any emission of objectionable odour. (iv) accumulation of debris on the foreshore or seabed underlying or adjacent to the discharge point. (v) any significant adverse effects on aquatic life or public health. 	<p>Discharges from the marina will not, after treatment and reasonable mixing, compromise water quality standards, or result in adverse effects relating to any of the other matters (i)-(v),</p>
<p>Any modification of the contour of the foreshore caused during any authorised construction or maintenance activity other than dredging shall be restored as soon as practicable after the completion of the construction or maintenance activity.</p>	<p>Not applicable.</p>
<p>Unless expressly authorised to do so by a coastal permit, structures within the coastal marine area shall not unduly impede safe navigation within natural drainage channels or unduly restrict the flow of flood waters within such channels.</p>	<p>None of the proposed structures will impede the safe navigation within the Hatea River.</p>
<p>Discharges of contaminants into air shall not:</p> <ul style="list-style-type: none"> (ii) Result in the discharge of black smoke apart from coal, oil or diesel burning equipment for a period of up to 15 minutes from startup from cold, or for soot blowing. (iii) Result in any offensive or objectionable odour, or any noxious or dangerous level of 	<p>Not applicable.</p>

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gases. (iv) Result in a discharge to air of offensive or objectionable dust.	
(iv) Result in concentrations of air pollutants that exceed as a minimum the National Ambient quality guidelines, May 2002.	

Table 23: General performance standards for activities in the Marine 2 (Conservation) Management Area

Section 32 of the RCP sets out additional assessment criteria for specific activities.

Section 32.2.1 sets out the criteria that applies to structures in the Marine 2 (Conservation) Management Area. The proposal is assessed against this criteria in the following table:

Assessment criteria	Assessment
1. Within Marine 1 and Marine 2 Management Areas, whether the proposed structure will be the only structure or the first of its type or the first of any significant size, within an estuary, embayment, or unmodified stretch of coastline and whether the approval of the proposed structure is likely to lead to additional proposals for structures or other types of use and development.	<p>The proposed structures are located in a modified urban environment, albeit the site displays some natural character.</p> <p>There are many examples of other structures along this stretch of the Hatea River. Sea walls are established along most of the edge of the river, and there are already boardwalks that form sections of the Hatea Loop established in the area. Small jetties and moorings are also located in the immediate location.</p> <p>Other larger structures, such as the Town Basin Marina and the various bridges, most notably being Te Matau ā Pohe are all established in close proximity to the site.</p>
2. Within Marine 3 Management Areas, the extent to which the structure enhances a safe or efficient marine farming operation or is otherwise required for marine farming operations.	N/A
3. Within Marine 4 Management Areas, the extent to which the structure provides for the requirements of recreational and commercial vessels and their use, including mooring, refuelling, loading and unloading.	N/A
4. Within Marine 5 Management Areas, the extent to which the structure enhances the safe or efficient port operation or is otherwise required for port operations.	N/A
5. The extent to which public access to and along the coastal marine area is maintained or enhanced through the use of the proposed structure.	The proposed structures will enhance the ability for the public to access the CMA.

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6. The degree of multiple use proposed.	<p>The proposed structures encourage multiple uses. The width of the proposed boardwalks will enable pedestrians, cyclists, food trucks, and seating to all be established on the area.</p> <p>The proposed marina will also be available for various users as well as being a space for passive use and observation.</p>
7. The use to which the proposed structure is to be put and the appropriateness of that use in the proposed locality.	<p>The proposed marina and boardwalk is an appropriate use in this locality. These structures complement the range of public spaces and other marine activities in the surrounding environment.</p> <p>The cantilevered component of the hotel adds an architectural design element to the structure. It will only occupy the air space above the CMA, (being the boardwalk and not the water) and will not prevent any other use of the coastal space. Given the existing modified urban environment that the building is to be located, it is appropriate to pursue an architectural design that will create modulation to the façade of the building and add interest to the structure. It will also create a shaded space underneath the overhang along the Hatea Loop contributing to a sense of place along this section of the walk.</p>
8. Whether the proposed structure is the appropriate size to avoid, remedy or mitigate adverse effects (the hierarchy of “avoidance” then “mitigation” then “remediation” shall be interpreted in accordance with Policy 3.2.2 of the NZCPS, 1994) on the coastal environment, taking into account its location and proposed function.	<p>The proposed marina is appropriately sized for this locality. It is small scale intended to complement the proposed land based activities. It provides opportunities for ferries to transport hotel guests up and down the river to both the Town Basin and to and from One Tree Point. It will not adversely affect other users in the CMA.</p> <p>As above, the cantilevered component of the hotel only occupies the air space above the boardwalk, and when considered in the context of the other built structures in this landscape the effects on the coastal environment are less than minor.</p>
9. The method of construction employed.	<p>The construction of the proposed structures will all be in accordance with best practice.</p>
10. The extent to which adverse visual effects are considered and the likely effectiveness of any mitigation measures proposed. In particular in relation to proposed buildings, consideration will be given to building height, roof pitch, size and orientation of glazing, colours of external surfaces, and the interrelationship with any	<p>While the proposed structures will result in a marked change from the existing environment, when considered in context of the other proposed land based components of the proposal, the visual effects will not be</p>

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existing buildings, towards minimising adverse visual effects. Where the structure is located in the Marine 5 Management Area, consideration will be given to the operational requirement for structures in that area when applying this criterion.	significant, and are appropriate given the existing modified urban location.
11. With the exclusion of Marine 5 (Port Facilities) Management Area, whether the proposed structure will compromise the recreational use of the site and the surrounding area.	N/A
12. Whether the proposed structure will be located in an area known to be prone to erosion and, if so, the extent to which alternatives to erecting or using the structure have been considered, including for structures associated with erosion control .	The proposed structures will be constructed in accordance with recommendations made by TT, including any recommendations relating to the erosion of dredged batters.
13. The extent to which the proposed structure will create erosion or siltation and the likely effectiveness of any avoidance or mitigation measures proposed.	The proposed structures will not create erosion or siltation.
14. In regard to proposed natural control structures, the extent to which alternatives to using structures and the alternative types of structures.	N/A
15. The extent to which sea-level rise has been taken into account in the location and design of the proposed structure.	Sea-level rise has been part of the considerations in the TT and CB reports, and it will form part of the detailed design expected to be undertaken at a later date to comply with consent conditions.
16. The necessity for any proposed alteration or extension of an existing structure and the extent to which the proposed alteration or extension will increase adverse effects, including those on adjoining land.	N/A

Table 24: Performance standards for structures in the Marine 2 (Conservation) Management Area

Section 32.2.5 sets out the criteria that applies to dredging. The proposal is assessed against this criteria in the following table:

Assessment criteria	Assessment
1. The degree to which alternative means of dredging have been assessed and the reasons for the method of dredging proposed.	The proposed dredging methodology is consistent with other dredging in the Hatea River. It is considered an appropriate methodology for this environment.

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2. Whether the proposed dredging activity is capital dredging or maintenance dredging.	The proposed dredging activity is capital and maintenance dredging. Intermittent maintenance dredging will be required following construction.
3. The quantity of spoil proposed to be removed.	The sediment quality of the proposed dredging area has been analysed by 4S. While there is evidence of some contamination due to a variety of existing activities impacting on the environment, the dredged material can be appropriately disposed of most probably at the WDC land disposal site at Kissing Point (the Bell Block).
4. Whether maintenance dredging will be required in future and, if so, at what frequency.	It is predicted that maintenance dredging will be required every year following the construction of the marina (up to 10,000 m ³ per year).
5. The extent to which provision is made for dealing with the likely effects of long-term maintenance dredging.	The effects of long-term maintenance dredging in the Hatea River are well understood, and will be less than minor in this locality.
6. Whether the proposed dredging activity is likely to result in increased water turbidity, or the release of oxygen-demanding substances, ammonia, or toxic material and, if so, to what degree.	<p>The 4S ecological report attached at Appendix 15 predicts a localised and temporary increase in turbidity during dredging.</p> <p>4S acknowledge that there are concentrations of contaminants in the dredge material, and that this is consistent with expectations. It does not warrant any special handling of the material.</p>
7. Whether the dredging activity could stimulate algal blooms.	The 4S report did not raise any concerns about the possibility of the proposed dredging resulting in algal blooms.
8. Whether the proposed dredging activity will influence natural water and sediment movement patterns and the effect of this on long-term water and sediment quality within the dredged area.	The 4S hydrology report attached at Appendix 21 predicts that the effects of the proposed dredging on natural water and sediment patterns will be less than minor, with no long-term water and sediment quality issues resulting from the proposed dredging.
9. The extent to which provision has been made to avoid or mitigate the adverse effects of dredging activity and the likely effectiveness of the mitigation measures proposed.	<p>The effects of the proposed dredging of this will site have been considered in the 4S Hydrology report.</p> <p>The effects of dredging activity in the Hatea River are well understood, and will be no more than minor.</p>
10. The extent to which alternative methods of disposal have been investigated, including alternative disposal sites on land and outside the coastal marine area.	Dredged material will likely be disposed of at the WDC land disposal site at Kissing Point (the Bell Block).

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11. The adequacy of disposal sites for dealing with the quantity of dredged material.	The WDC land disposal site can deal with the quantity of dredged material.
12. The characteristics of the proposed spoil disposal site in relation to the sediment type and quality of the dredged material including similarity of sediment characteristics and likelihood of long-term dispersal of contaminants through water current movement.	The nature of the proposed dredged material is similar to other dredged material disposed of at the WDC to land disposal site.
13. The extent to which the short term effects of dredging spoil disposal such as increased turbidity, release of nutrients, heavy metals, sulphides, organic materials or toxic substances, and disturbance of localised biological communities, are avoided or mitigated.	See 5 and 9 above.
14. Within the Marine 5 Management Area, the location where the dredging spoil disposal can be carried out.	N/A
15. Within the Marine 5 Management Area, the time during which the dredging spoil disposal can be carried out.	N/A

Table 25: Performance standards for dredging

Section 32.2.7 sets out the criteria that applies to marinas. The proposal is assessed against this criteria in the following table:

Assessment criteria	Assessment
1. The extent to which demand for the proposed marina has been demonstrated, in particular by local residents.	The proposed marina is a small boutique operation that is expected to complement the land based activities adjacent to it. On this basis, there is a demand for the proposed marina.
2. The scale, type and operational requirements of the marina in relation to the projected demand.	The scale, type and operational requirements of the proposed marina are appropriate given the projected demand.
3. The degree of exclusive occupation of space required in relation to the available space within the locality and effects on existing uses of the coastal space.	The proposed marina site is not subject to any specific existing uses, and it is not a high use space. While the proposed marina will involve the exclusive occupation of coastal space, most of the area will be accessible to the public.
4. The extent to which public access to and along the coastal marine area is provided for and maintained in compensation for the loss of	While an exclusive occupation area for the operation of the marina will be required, most of the surrounding area will be accessible to the public.

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public open space to marina berths and associated facilities.	In fact, public accessibility to the CMA is likely to be improved as a result of the overall development.
5. The extent to which any associated uses or developments are in scale with the size of the marina.	The proposed marina is generally considered to be secondary to the other proposed land based developments.
6. The extent to which services are provided for water supply, and the disposal of rubbish, sewage, oil, hull scrapings (including anti-fouling paints) and other waste products common to marina operation.	Marina services will include water supply, the disposal of rubbish, and the disposal of sewage. No boat maintenance facilities will be provided. These facilities are readily available in the surrounding environment.
7. The suitability of the site in terms of land availability to minimise the need for reclamation.	There is no reclamation proposed.
8. The suitability of the site in terms of opportunity for the land disposal of dredged material.	Dredged material will be disposed of at the WDC land disposal site (the Bell block).
9. The suitability of the site in terms of water depth to minimise the need for dredging and dredging spoil disposal and any (associated) reclamation.	The site requires capital dredging to a depth of approximately -1.5m CD to accommodate the proposed marina. Over the area of the marina site this amounts to approximately 25,000m ³ of capital dredging.
10. The extent to which facilities and commercial uses proposed as part of the marina complex are already available or proposed in the locality.	There are marinas elsewhere in the Hatea River, and resource consent has recently been granted to establish a new 130 berth marina immediately south of Te Matau a Pohe bridge. This proposed boutique marina is intended to offer a different style of facility that will be closely associated with the proposed land based activities. It is also proposed to offer a location for ferries to operate from providing a different operational component to the other marinas.
11. The extent to which provision is made for short-stay and long-stay visitor berths.	There is likely to be a mix of short and long stay berths. However, they are expected to be mostly short-stay.
12. The fate of any moorings effectively displaced by the marina and associated activities.	There are no moorings that will be displaced as a result of marina development.
13. The extent to which moorings in the vicinity can be rationalised with respect to marina development in terms of numbers and location.	N/A

Table 26: Performance standards for marinas

DRAFTObjectives and policiesMarine 2 and 4 (Context)

There are specific objectives and policies in Chapter 26 Marine 2 (conservation) and Chapter 28 Marine 4 (moorings including marinas) zones that are relevant to the proposed marina. While the marina site is not located in the Marina 4 zone, there are provisions within Chapter 28 that relate to applications for resource consent to establish marinas in the Marine 2 zone. Specifically, Policy 28.4 (7)(b) states that:

7. *When considering the appropriate location of marinas, the Council shall:*

- (b) *Provide for marina development within Marine 2, Marine 5 and Marine 6 Management Areas where such a development does not compromise the express values and purpose of that management area.*

Policy 28.4 (8) goes on to say that:

8. *The Council and consent authorities will, when considering a resource consent application or plan change request for a marina development, consider the appropriateness of the proposal against the following parameters:*

- *the location, intensity, character and scale is appropriate to the character, heritage and amenity values in the coastal environment including the land above mean high water springs; and*
- *the infrastructure (including sewage disposal, rubbish collection and parking) necessary for use, activities and development exists or is provided, within the Marine Management Area or within the adjoining district; and*
- *avoiding conflicts with other activities to the extent consistent with the purpose of the Marine Management Area; and*
- *avoiding as far as practicable adverse environmental effects (including cumulative effects); and*
- *take into account sites of cultural value; and*
- *taking into account likely changes to water quality and flushing characteristics and proposals for the management of discharges and for heavy metal monitoring program; and*
- *providing for the rationalisation and reduction of surrounding moorings; and - taking into account the need for reasonable provision of public access; and*
- *take into account the positive and negative social, cultural and economic well-being effects to the local area, including;*
 - *the extent to which there are economic benefits from the construction and use of the marina to the local economy; and*
 - *the extent to which there are social benefits of providing a greater number of people the opportunity to moor their vessels at sought after locations; and*
 - *the extent to which a more efficient use of water space will be achieved compared to the existing use of the water space for moorings, including whether the water space needed for moorings is reduced; and*
 - *the extent to which the demand for mooring space would be better met by a marina compared to other mooring systems; and*
- *any other matter the Council considers relevant.*

The other chapters relevant to the proposal are:

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- Chapter 7 Preservation of Natural Character
- Chapter 12 Cultural Heritage Values
- Chapter 15 Natural Hazard Management
- Chapter 17 Structures
- Chapter 22 Dredging and Dredging Spoil Disposal

Chapter 26 (Marine 2)

Regarding the relevant Marine 2 objectives and policies, the proposal achieves the intended environmental outcomes by:

- Locating the marina in an area where natural character has been compromised, and where the marina will be compatible with the amenity values of this specific locality¹⁵.

Chapter 28 (Marine 4)

Regarding the relevant Marine 4 objectives and policies, the proposal achieves the intended environmental outcomes by:

- Establishing the marina in an area where there is no conflict with other users, effects on the environment can be managed, amenity values are not compromised, public access to the coast is improved, and good connectivity to with the adjoining road and walkways can be achieved¹⁶.
- Achieving positive economic and social effects for the local economy, and positive social effects where a greater number of people will have the opportunity to berth their vessels at this sort after location¹⁷.

Chapter 7 (Preservation of Natural Character)

Regarding the relevant Chapter 7 objectives and policies, the proposal achieves the intended environmental outcomes because:

- The effects on natural character will be low to moderate given the existing modifications to the environment, and that the development will be confined to the immediate locality only¹⁸.

Chapter 12 (Cultural Heritage Values)

Regarding the Chapter 12 objectives and policies, the proposal achieves the intended environmental outcomes because:

¹⁵ Objective 26.3 (1), Policies 26.4 (2) and (3)

¹⁶ Policy 28.4 (8)

¹⁷ Policy 28.4 (8)

¹⁸ Objective 7.3, Policy 7.4 (1), Policy 7.4 (3)

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- There are no archaeological sites on the proposed marina site¹⁹.
- Tangata whenua have been consulted as part of the resource consent process²⁰.

Chapter 15 (Natural Hazard Management)

Regarding the relevant Chapter 15 objectives and policies, the proposal achieves the intended environmental outcomes because:

- The marina development and associated dredging the boardwalk structures will not exacerbate coastal hazards, including inundation and erosion²¹.
- The development of the marina and associated dredging is predicted to have minimal interference with natural sediment transport processes²².

Chapter 17 (Structures)

Regarding the relevant Chapter 17 objectives and policies, the proposal achieves the intended environmental outcomes because:

- The proposed boardwalk extension is an appropriate structure in this location and avoids adverse effects on the CMA. The proposed cantilevered component of the hotel is also appropriate in this location when considered in the context of the overall development. It will only occupy the air space above the boardwalk and will not prevent any other use of the coastal space²³.
- In the case of the proposed boardwalk extension it will allow for the continued use of the existing structures associated with the Hatea Loop Walkway²⁴.
- The structures proposed to be located within the CMA generally do not have an operational need to be located in this space. In addition, changes to the design could ensure that the structures be located outside the CMA. The structures also do not generally provide for multiple uses. Despite the lack of support the proposal has with the specifics of this policy²⁵ the development is still considered to be appropriate due to the merits of the proposal overall.
- The natural character in this location is compromised due to the existing modified urban environment along this section of the Hatea River, and the addition of the structures in the

¹⁹ Objective 12.3 (1), Policy 12.4 (1)

²⁰ Objective 12.3 (2), Policy 12.4 (2).

²¹ Objective 15.3 (1) and (2), Policy 15.4 (2)

²² Policy 15.4 (2)

²³ Objective 17.3

²⁴ Policy 17.4.1

²⁵ Policy 17.4.3

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CMA will not adversely affect this character. The proposal also will facilitate public access to the CMA, and the proposal has the support of tangata whenua.²⁶

- The proposed structures traverse the CMA boundary and the proposal is sufficiently integrated with the land based components of the development.²⁷
- All the proposed structures will be kept in good repair and appropriate construction materials will be used.²⁸

Chapter 22 (Dredging and Dredging Spoil Disposal)

Regarding the relevant Chapter 22 objectives and policies, the proposal achieves the intended environmental outcomes because:

- The proposed capital and maintenance dredging is necessary to facilitate proposed marina²⁹.
- The proposed capital and maintenance dredging can be carried out in a manner that avoids adverse effects on the environment³⁰.
- The proposed land based disposal site is already consented, and capable of accommodating the additional reached material³¹.

Overall, and on balance the proposal is considered to be consistent with the objectives and policies of the RCP, and in some instances finds direct support with them.

6.7 Proposed Regional Plan

The NRC released its decisions on the Proposed Regional Plan on 16 April 2019. Various appeals to the Environment Court have been received and mediation processes are ongoing.

Policy relating to the proposal is contained in sections of the PRP that are categorised based on general themes that reflect the jurisdiction of the regional authority. In summary the following sections of the PRP are relevant:

- F.1 Objectives
- D.1 Tangata Whenua
- D.2 General
- D.4 Land and Water
- D.5 Coastal

²⁶ Policy 17.4.4

²⁷ Policy 17.4.7

²⁸ Policy 17.4.8

²⁹ Objective 22.3

³⁰ Objective 22.3

³¹ Objective 22.3 & Policy 22.4.7

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■ D.6 Natural Hazards

F.1 Objectives

- Parts of the proposed development are located in the CMA. The boardwalk extension makes efficient use of the space and it facilities access to the CMA, provides opportunities for public open space and recreational opportunities. The cantilevered hotel makes efficient use of the space it occupies in the CMA by only occupying the air space, while the portion that extends into the CMA is of an appropriate scale, extending no further than the boardwalk located beneath it.³²
- Tangata whenua have had and continue to have a role in the process for the development of the subject site.³³
- Appropriate investigations have been undertaken in relation to natural hazards and the proposed development has been designed accordingly to minimise these risks, specifically with regard to 100-year flood and coastal hazards.³⁴
- The proposed development seeks to enable and positively recognise activities that will contribute to Northland's physical resources.³⁵
- The proposal will ensure that the contaminated land located on the site will not cause risk to human health or the environment.³⁶

D.1 Tangata Whenua

- This consent application demonstrates that an assessment of the proposal has been undertaken in relation to the potential effects on tangata whenua. The report prepared by MAU is attached at Appendix 8 and the CIA is attached at Appendix 17.³⁷
- It is expected that the notification of this application will be made appropriately.³⁸
- The proposal incorporates cultural narratives that reflect the significance of the relationship that tangata whenua have with the site and surrounding area.³⁹

D.2 General

³² F.1.7

³³ F.1.8

³⁴ F.1.9

³⁵ F.1.10

³⁶ F.1.13

³⁷ D.1.1 & D.1.2

³⁸ D.1.3

³⁹ D.1.4 & D.1.5

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- The proposed development provides significant opportunities and potential to benefit the Whangarei and wider Northland communities in terms of their social, cultural and economic wellbeing. These benefits are set out in detail in previous sections of this report.⁴⁰
- Consideration to climate change has been had, and the design parameters have been incorporated into the proposal.⁴¹
- Given the significant level of investment required and the certainty of effects associated with the regional consents a maximum resource consent duration is appropriate.⁴²

D.4 Land and Water

- The proposed earthworks will be undertaken in accordance with good management practice and significant adverse effects will be avoided.⁴³

D.5 Coastal

- The proposed structures that are located in the CMA are for the purposes of public good and amenity.⁴⁴
- The proposed marina is a small scale boutique facility. Any effects generated by its establishment and operation will be adequately managed to ensure that they will be less than minor. It complements the adjoining land based activities and provides opportunities to achieve outcomes sought by structure plans and other Council non-statutory documents for the Town Basin area.⁴⁵
- The proposed dredging necessary to enable the construction of the marina will not cause any long term erosion, nor damage any authorised structure.⁴⁶
- The dredged material will likely be disposed of at the Bell Block which is well established as a suitable location for the deposition of dredged material from the Hatea River.⁴⁷
- Small areas of mangroves are required to be removed to enable the proposed development. The removal will enable better public access to the coast, including the continued use of the Hatea Loop. The removal is not for the purpose of improving private views. Given the small extent of the proposed removal, the effects on ecological values have been determined by 4S to be less than minor.⁴⁸

⁴⁰ D.2.2

⁴¹ D.2.3

⁴² D.2.12

⁴³ D.4.26

⁴⁴ D.5.10

⁴⁵ D.5.15, D.5.16

⁴⁶ D.5.22

⁴⁷ D.5.24

⁴⁸ D.5.26 & D.5.27

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D.6 Natural Hazards

- The proposed development can be designed to ensure that the risk from flood hazards will not worsen the risk on other people's property or the use of that property.⁴⁹

Overall, and on balance the proposal is considered to be consistent with the objectives and policies of the PRP, and in some instances finds direct support with them.

6.8 Regional Policy Statement

The RPS addresses the sustainable management of natural and physical resources across Northland. The document became operative on 9 May 2016. It contains several policies relevant to the proposal covering the following topics:

- Regional development and enabling economic well-being (including tourism).
- The use and allocation of coastal water space.
- Tangata whenua participation

The RPS also identifies notable and outstanding landscapes in the region, as well as the extent of the coastal environment. A copy of the RPS map is attached at Appendix 7. This map shows that the subject site is located in the coastal area. However, it is not identified as being either a notable or outstanding landscape.

Regional development

Objective 3.5 Enabling economic wellbeing

Northland's natural and physical resources are sustainably managed in a way that is attractive for business and investment that will improve the economic wellbeing of Northland and its communities.

Objective 3.11 Regional Form

Northland has sustainable built environments that effectively integrate infrastructure with subdivision, use and development, and have a sense of place, identity and a range of lifestyle, employment and transport choices.

These objectives seek to achieve economic well-being that makes Northland an attractive option for business and investment while also ensuring that the built environments develop with a sense of place and identity.

Oruku Landing is a purpose built precinct that will establish important community based facilities associated with tourism that is close to the Town Basin and other existing tourist attractions. The feasibility study undertaken by Holworth concludes that the proposal will improve Whangarei's position in the conference market and that the co-location of a hotel and

⁴⁹ D.6.5

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conference and events centre is fundamentally important to the success of both developments. The proposal represents a significant business investment in the Whangarei community which achieves the outcomes sought by Objective 3.5. It will continue to add to the reasons why Northland, and specifically Whangarei, is a worthwhile and reliable place to invest in.

Policy 5.1.1 seeks to achieve planned and co-ordinated development that is guided by good urban design so as to maintain or enhance the sense of place and character of the surrounding area. The policy makes specific provision for this character to differ where the proposed change is anticipated by Council strategic documents. In all instances the proposal will achieve an outcome that will enhance the sense of place associated with the Town Basin (through good urban design) and be in accordance with the strategic planning documents.

The development of Oruku Landing will contribute to the overall regional development and economic well-being sought by the RPS.

The use and allocation of coastal water space

Objective 3.10 Use and allocation of common resources

Efficiently use and allocate common natural resources, with a particular focus on:

- (a) Situations where demand is greater than supply;*
- (b) The use of freshwater and coastal water space; and*
- (c) Maximising the security and reliability of supply of common natural resources for users.*

This objective recognises the competing demands common resources (such as the coast) face and places importance on how they are used to ensure maximum benefit is gained. Policy 4.8 specifically relates to the use of coastal water space, and it is relevant to this proposal.

Policy 4.8.1(1)(a) seeks to only allow structures in the CMA where there is a functional need for it to be there. With regard to the proposed boardwalk extensions and the marina, there is a functional need for these structures to be located in this space. However, there is no functional need for the cantilevered section of the hotel to be located in the coastal area. Notwithstanding the policy that relates to functional need, Policy 4.8.1(2) makes provision for structures to be located in this space where they will make a significant positive contribution to the local area. It has been demonstrated in this report and the supporting technical reports that the hotel will positively contribute to the Whangarei area and therefore the extension of the building into the CMA airspace is consistent with this policy.

Given the value of the investment associated with the proposed development a full 35 year expiry date for the coastal permits is consistent with Policy 4.8.3.

The proposal generates a net gain in terms of public benefit.⁵⁰ While there are aspects of the development that are located in the coastal/public space of the Hatea River, this location is not

⁵⁰ Policy 4.8.4

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widely used for a public purpose. The proposed development will encourage public access to the CMA and improve land based open spaces in and around the proposed buildings. Linkages will be improved and new opportunities will be provided for public benefit in this area. It will also have positive economic and social effects that overall achieve a net public benefit.

Tangata whenua participation

Objective 3.12 Tangata whenua role in decision-making

Tangata whenua kaitiaki role is recognised and provided for in decision-making over natural and physical resources.

This proposal to establish Oruku Landing has been developed with input from local tangata whenua. Cultural narratives have been identified and are incorporated into the design of the precinct. The proposal has a strong alignment with the RPS in this respect.

Overall, the proposal sits comfortably within the overarching policy framework of the RPS.

6.9 Other matters

Section 104(1)(c) enables the consent authority to have regard to any other matter that is considered relevant and reasonably necessary to determine an application.

As set out in Section 1.5 of this report, there is long standing strategic support for this project. The property is identified as a strategic site in the city, making it a key location for a catalyst for change. Suggestions for development opportunities on these sites include hotel development, civic buildings and inner city living options. These references are made most recently being in the 30|50 Growth Strategy, the Arts Culture and Heritage Policy document and in the Whangarei City Centre Plan. Relevant sections of these documents are attached at Appendix 3.

While these strategic documents have no statutory weight in the consideration of the proposal, they do demonstrate the long standing and well documented strategic background that supports the development of an events centre and hotel at the Town Basin. Its continued inclusion in Council documents over the years also indicates the political support that this development has.

6.10 Regional Plan integrity

A decision to grant consent to this non-complying land use proposal will not adversely affect the integrity of the Proposed Regional Plan.

While the proposal is a non-complying activity under the rules of the PRP⁵¹, there are no objectives and policies that directly point to the rationale for the relevant rule. Indeed, in this case the proposal finds significant support in the objectives and policies of the PRP. Accordingly,

⁵¹ Due to the protrusion of the hotel into the CMA, and not having functional need to be there.

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the proposal does not compromise the intended outcomes and integrity of the Proposed Regional Plan.

When dealing with non-complying activities, the Environment Court has identified a need for there to be distinguishing characteristics associated with a site and proposal to justify an approval. To this end, there are distinctive characteristics that are not likely to be replicated by other proposals on any other land in the surrounding environment. These characteristics are:

1. Strategic planning support: Specific support for the development of an events centre and hotel in this location has been well documented in the WDC strategic documents over than past 30 years. This has culminated in the identification of this area as the 'heritage and culture experience precinct' in the Arts, Culture and Heritage Policy.
2. Architectural design: The proposed hotel has been architecturally designed with due consideration to a clear set of design principles to ensure that the building is meaningful and aesthetically pleasing. The design achieves visual and spatial relationships with the surrounding natural environment and existing cultural elements. Furthermore, the proposed building is not actually located within the water. While the building is located within the CMA, it is only related to the airspace above the water. This ensures that public access to the coastal area is maintained, and there is no physical considerations to be made in terms of structures being located in the waterway.
3. The site location: The site is distinctive in the sense that it is located in the wider Town Basin area. There is a unique and special sense of place that is associated with land and activities in this area that includes an element of public interest. On this basis, there is an opportunity to design and locate a building that is unlikely to be replicated in other locations.
4. Economic investment: The level of economic investment to be made in relation to the subject site is significant. The likelihood of other projects with similar value being pursued is low.

These characteristics justify a decision to grant consent to this proposal and demonstrate that such a decision will not set a precedent for other similar applications that might also seek approval in the future. The fact that the proposal does not compromise, and in fact finds support with the objectives and policies of the PRP, adds further weight to the granting of consent in this instance.

6.11 S104D – Gateway tests

S104D is only relevant in terms of the consents sought from the NRC.

In accordance with the conclusions reached in Section 5 of this report, any adverse effects associated with this aspect of the proposal will be minor. Accordingly, the proposal passes the gateway test outlined in s104D(1)(a) of the RMA.

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In accordance with sections 6.5 and 6.6 of this report, the proposal does not compromise any of the environmental outcomes sought by the relevant objectives and policies of the RCP and the PRP. The proposal therefore passes the gateway test under section 104D(1)(b) of the RMA.

6.12 New Zealand Coastal Policy Statement

The New Zealand Coastal Policy Statement ('NZCPS') is a national policy statement prepared under the RMA that came into effect on 3 December 2010. The purpose of the NZCPS is to state policies in order to achieve the purpose of the Act in relation to the coastal environment of New Zealand. The subject site is identified in the RPS (Appendix 7) as being located in the coastal environment. The NZCPS is therefore a relevant matter for consideration under s104(1)(b)(iv) of the Act.

The objectives and policies of the NZCPS recognises that development can be located in the coastal environment, particularly where it does not compromise natural character and landscape values. Relevant objectives and policies from the NZCPS are included at Appendix 22.

As previously established in the BGLA report attached at Appendix 20 the site and the surrounding area displays natural character values that rate towards the lower end of the spectrum. While the landscape values of the site and surrounding area are generally associated with the bush clad landform of Mt Parihaka, the visibility of the site in the context of the river and riverside walkway as well as the surrounding urban environment. In particular the site has low landscape value due to the general dilapidated and inhospitable existing built character. Importantly, the landscape character associated with the location is not attributable to coastal features.

At a high level the proposal is not contrary to any of the policies in the NZCPS that seek to avoid adverse effects on natural character and landscape values.

Objective 4 recognises that the CMA is an extensive area of public space and that public walking access to the CMA contributes to public open space and recreational opportunities in the coastal environment. The proposal facilitates and enhances these opportunities by widening the boardwalk and establishing floating boardwalks associated with the marina that will all be publicly accessible. A public paddle board/kayak launching facility is also proposed. In addition, public spaces are proposed around and between the buildings. Policy 18 and 19 build on Objective 4 by recognising the value of public open space within and adjacent to the CMA, especially in areas close to cities and towns. In this respect the proposal responds appropriately and provides public spaces and walking access that is sympathetic to the location and compatible with the natural character and amenity values of this coastal environment.

Objective 6 enables development in coastal areas where it will provide for a communities social, economic and cultural wellbeing. It recognises that protecting the values associated with the

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coastal environment does not preclude development within appropriate limits, places and forms. The BGLA report concludes that the proposal is appropriate for the subject site.

Policy 6 sets out the types of activities provided for in both the coastal environment and in the CMA. Specifically, Policy 6(1)(c) encourages the consolidation of development within existing urban settings where it will not contribute to sprawling or sporadic patterns of development. The proposal is consistent with this policy. The setback of the development from the CMA is practicable and reasonable to ensure the existing natural character is protected, while public access and amenity values of this part of the coastal environment will be improved. (Policy 6(1)(i)).

There are some components of the development that are located within the CMA. Policy 6(2) considers these activities. The addition of the marina and the extension of the public board walk will contribute to the social, economic and cultural wellbeing of the community and will enhance the public open space and recreation qualities and values of the CMA in this location. Policy 6(2)(d) recognises that activities without a functional need should generally not be located in the CMA. The cantilevered portion of the hotel extends into the airspace associated with the CMA, and does not have a functional need to be in this space. Nevertheless, the policy does not preclude non-functional activities from this space, and the design is such that the building will not overhang the water, it will not prevent public access to the CMA and it will be visually cohesive with the rest of the development. The image in Figure 27 demonstrates how the building will not be inappropriate in the context of the overall development.



Figure 27: Proposed hotel building (Source: HB Architects)

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Policy 13 seeks to preserve the natural character of the coastal environment and to protect it from inappropriate use and development. The BGLA report considered the effect that the proposed development will have on natural character and concludes that these effects will be less than minor.

Overall, the proposal is consistent with the relevant objectives and policies of the NZCPS.

6.13 Part 2 Assessment

In considering this application under s 104(1), the required assessment is subject to Part 2 of the Resource Management Act.

The purpose of the RMA, as contained in Section 5, is to promote the sustainable management of natural and physical resources. Section 5(2) states that:

- (2) In this Act, *sustainable management* means 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 while—
- (a) sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and
 - (b) safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and
 - (c) avoiding, remedying, or mitigating any adverse effects of activities on the environment.

The proposal accords with the purpose of the Act for the following reasons:

1. The proposed development will establish a comprehensive tourism, arts, cultural and entertainment precinct in the Town Basin that will provide for the social, economic and cultural wellbeing of the Whangarei community. The proposed development will establish modern, fit for purpose facilities that will cater for both the local population and visitors to the area. The needs of not only future generations, but also this generation, will be provided for by the proposed development.
2. In order for Whangarei to be considered a world-class and mature city that is a serious option for conferences, performance arts and concerts that also has suitable accommodation options to provide for such events, investment needs to be made in the necessary facilities to achieve the opportunities that Whangarei deserves.
3. The proposal is consistent with the strategic direction indicated by the WDC. It enhances the sense of place already associated with the Town Basin area.
4. The development of the site will promote cultural and heritage values. The incorporation of a cultural narrative into the architectural and landscape aspects of the proposal responds to Māori culture, both traditional and contemporary.
5. There are no adverse effects on human health associated with the proposal.

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In addition, the proposal does not offend any matters set out in Sections 6 and 7 of the Act, and it specifically takes into account the principles of the Treaty of Waitangi as sought by Section 8.

Overall, the proposal enables the sustainable use of the land and as such is a sustainable form of development that adequately considers the bottom lines specified in Part 2 of the Act.

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CONSULTATION AND NOTIFICATION

7.1 Consultation

NDC has undertaken significant consultation with respect to this proposal.

The consultation has involved interviews with the community about determining a need for a conference, entertainment and hotel development in Whangarei.

Consultation has also involved focus groups with various interested parties who may have an interest in using the proposed Conference and Events Centre. This has been to understand and determine the attributes that the facility will require to host various events and productions.

Consultation with tangata whenua has also been on going and this has been facilitated by MAU and Georgina Olsen. A CIA is attached at Appendix 17.

A preliminary pre application meeting was held with relevant WDC and NRC staff on 10 September 2019 to introduce staff to the proposal and seek preliminary comment and feedback.

7.2 Notification

Pursuant to S95A(5) of the RMA, the proposal is not precluded from public notification.

A consideration is therefore required under S95A(8) as to whether public notification is necessary. There are no rules that require public notification and in accordance with S95D the proposal will not have any potential adverse effects that are more than minor. Therefore pursuant to S95A(9)(b), the Council should not publicly notify the application, but it can consider whether to give limited notification under S95B.

Consideration has been given as to whether there are any potentially affected parties and as concluded in Section 5 of this report, there are no persons potentially affected. Therefore pursuant to S95B(10)(b), no person is required to be notified, and the application can be processed on a non-notified basis.

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CONSENT CONDITIONS

Various consent conditions are anticipated with respect to any decision made regarding this application. References are made with respect to conditions throughout this report and a summary for those expected conditions are set out below. This is not an exhaustive list, and it is requested that draft consent conditions be forwarded for review at the appropriate time.

Land use

1. That built development proceed in general accordance with the plans attached at Appendix 2.
2. Construction of the marina in general accordance with the plans attached at Appendix 9.
3. Engineering plans to detail infrastructural design in relation to:
 - a. Upgrades to wastewater infrastructure;
 - b. Upgrades to water reticulation and extensions;
 - c. Stormwater treatment;
 - d. Upgrades and installation of signalised intersection on Riverside Drive;
 - e. Upgrades to vehicle crossings;
 - f. Onsite vehicle manoeuvring detail and drop off zones.
4. Earthwork plans and associated erosion and sediment control plans.
5. Traffic Management Plan as per recommendations of EE report.
6. Event Transport Management Plan as per recommendations of EE report.
7. Noise Management Plan, as per recommendations of MDA report.
8. Event Management Plan, detailing number of annual events, special events and hours as per recommendations of MDA report.
9. Construction Management Plan, detailing all aspects of construction management, including vibration.
10. Detailed design in regard to mechanical plants be subject to an acoustic review to confirm compliance.
11. Construction requirements in relation to acoustic insulation for sensitive activities (i.e hotel rooms and apartments).
12. Lighting plan.
13. Signage plans.
14. Detailed flood modelling to reflect final building and site design.

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15. Site Management Plan (in regard to contaminated soils).
16. Compliance with accidental discovery protocol.
17. Compliance with CIA mitigation measures.
18. Preparation of detailed landscape plan, including hard and soft landscaping and details for living roofs.
19. Compliance with recommendations and details of the architectural drawings in terms of building materials, colours and glazing.
20. A 10 year lapse date.

Subdivision

1. Produce a survey plan that is generally in accordance with Reyburn and Bryant plan S15311.
2. Consent notice conditions advising that no reticulated service connections are provided to the proposed allotments.
3. S243(e) resolutions to cancel existing easements relating to electricity and pedestrian and cycleway right of way.

Regional Consents

1. Construction of the proposed marina in general accordance with the detail provided in the application.
2. That dredging take place in accordance with best practice.
3. An expiry date 35 years from the date consent is issued with regard to the structures within the CMA.

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CONCLUSION

This application has been prepared for Northland Development Corporation Limited (NDC) in support of a proposal to establish a comprehensive hotel and entertainment precinct, to be known as 'Okuru Landing', located in central Whangarei between Riverside Drive and the Hatea River. Simply, the development proposal is a combination of buildings and facilities that together and in combination with the existing development around the Town Basin will create new and enhanced public and private spaces in central Whangarei. It is hoped that it will act as both a catalyst for future development opportunities and that it will attract large and high-quality events to Whangarei. It will achieve these outcomes while also complementing the existing development projects that are either already established or underway.

The proposal is comprised of the following components:

- A multipurpose conference and events centre; and
- A four star hotel; and
- A mixed use building incorporating residential apartments, car parking and retail/commercial tenancies; and
- A 29 berth marina and jetty.

The proposal also involves a four lot subdivision to create separate certificates of title for each of the proposed land uses.

The proposal requires resource consent from the WDC for a number of reasons, but the main reasons are due to the general nature of the proposed uses and the overall size and scale of the proposed buildings and in particular the proposed heights of the buildings. A subdivision consent is also sought from the WDC to create four allotments that are generally configured to enable each of the proposed land uses to be located within a separate allotment. A further consent is also sought with respect to the NES to allow the disturbance of soil identified as a HAIL site. Overall, a discretionary activity consent is sought from the WDC.

The proposal also requires resource consent from the NRC to undertake earthworks, establish structures in the CMA and undertake dredging. Overall, a non-complying activity consent is sought from the NRC.

The environmental effects associated with the proposal have been assessed in section 5 of this report. Based on the conclusions made in the attached technical reports, it has been determined that the identified effects of the development can be appropriately mitigated and be minor. The assessment of environmental effects gives appropriate regard to s104(1)(a) of the RMA.

In accordance with section 6 of this report, the relevant planning provisions have been considered in the context of the proposal. The proposal is generally consistent with the policy direction of the WDP,

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particularly the relevant objectives and policies of the Town Basin Environment and the Waterfront Zone that relate to the special amenity and function this area of Whangarei City has. The proposal will facilitate the outcomes sought with regard to tourism and the growth necessary to create a mature and world class city. Considering the policy direction of the Regional plans, the proposal is not contrary to these. In fact, the proposal finds direct support across a wide range of relevant matters. Accordingly, the regional authority can be satisfied in terms of s104D(1)(b)(iii) of the RMA and appropriate regard has been given to s104(1)(b)(vi).

Overall, this proposal offers significant benefits to the Whangarei community in terms of tourism opportunities, economic development and growth. It represents a bold and enthusiastic landmark development that promises to provide Whangarei with a world-class facility attracting both locals and visitors alike to the site.