

## Operative Whangarei District Plan

### Chapter 43.3 – Town Basin Environment – Riverside Drive Sub-environment - Activity Rule Table

<p>43.3.1 Activities Generally</p> <p>G) Riverside Drive Sub-environment</p>	<p><b>Discretionary</b></p>	<p>Activities are controlled by the Business 2 Environment rules, provided it is an activity directly associated with, or ancillary to the adjoining CMA.</p> <p>In this instance the proposed activities being an events centre, hotel and apartments are not directly associated with or ancillary to the CMA.</p>
<p>43.3.2 Hazardous substances</p>	<p>N/A</p>	<p>The proposal does not involve the use of hazardous substances.</p>
<p>43.3.3 Network Utility Services</p>	<p>N/A</p>	<p>The proposal does not involve any activity related to network utility services.</p>
<p>43.3.4 Provision of Parking</p>	<p><b>Discretionary</b></p>	<p>The required number of car parking is calculated as follows in accordance with Appendix 6:</p> <p><b>EVENTS CENTRE:</b> - 1 per 5 persons designed to be accommodated; 996 people; <b>199 carparks required</b></p> <p><b>HOTEL (4 STAR):</b> - 1 per unit, plus 1 for every 2 employees; 132 units, employees unknown; <b>132+ carparks required</b></p> <p>1 coach park is required per 30 beds – <b>4 coach parks</b></p> <p><b>APARTMENTS:</b> - 2 car parks per residential unit; 17 units proposed; <b>34 carparks required</b></p> <p><b>RETAIL TENANCIES:</b> - 1 car parks per 45m<sup>2</sup> GFA; 638.35m<sup>2</sup> proposed; <b>14 carparks required</b></p> <p><b>TOTAL 379+ CARPARKS REQUIRED</b></p> <p><b>189 CARPARKS PROPOSED IN CAR PARKING BUILDING</b></p> <p>Note: This has not taken into account ancillary activities such as restaurants, cafes, bars, marina, and hotel staff.</p> <p>Outdoor car parking shall not exceed 10 spaces – Possibly won't comply</p> <p>Car parking spaces will be in the basement and while technically with 27m of MHWS, will not be visible.</p>

		The balance of car parks to be provided within 400m of the site – Not complied with.
43.3.5 Traffic Movements	Permitted	Riverside Drive is an Arterial Road. The proposed accesses will comply with Sheet 4 of the WDC EES.
43.3.6 Signs	<b>Restricted Discretionary</b>	More than 3 signs are proposed on the site. Signs will be higher than 2m. The total area of signage will exceed 3m <sup>2</sup> .
43.3.7 Fences	N/A	No specific fencing is proposed.
43.3.8 Artificial Lighting	Permitted	Exterior lighting will comply with the standards of this rule.
43.3.12 Electromagnetic Radiation	N/A	The proposal does not involve electromagnetic radiation.
43.3.14 Outdoor Storage	N/A	The proposal does not involve any outdoor storage.
43.3.15 Aerials and Aerial Support Structures	N/A	The proposal does not involve any aerials.
<b>Chapter 43.4 – Town Basin Environment – Riverside Drive Sub-environment – Building Rule Table</b>		
43.4.1 Building Height C) Riverside Drive Sub-environment Max 15m Within 30m of MHWS max height is 10m	<b>Discretionary</b>	EVENTS CENTRE Roof – 12.6m Sign Lightbox – 16.5m HOTEL – 22m MIXED USE BUILDING – 18.5m All buildings exceed 10m within 30m of MHWS.
43.4.2 Building Coverage 50% (Total site area 1.2431ha) Maximum allowable coverage – 6,215.5m <sup>2</sup>	<b>Restricted Discretionary</b>	EVENTS CENTRE – 2,946m <sup>2</sup> HOTEL – 2,327m <sup>2</sup> MIXED USE – 2,519m <sup>2</sup> TOTAL – 7,792m <sup>2</sup>
43.4.3 Building Setbacks 3m from Open Space Environment Schedule 4 applies reducing the setback from MHWS to 9m.	<b>Restricted Discretionary</b>	Setback to MHWS is nil

43.4.4 Daylight Angles	<b>Restricted Discretionary</b>	All the proposed buildings create infringements with respect to daylight angles in relation to MHWS.  The Mixed Use building also creates an infringement in relation to the adjoining Open Space Zone.
43.4.5 Landscaping	Permitted	Areas between the road and MHWS will be landscaped to comply with this rule.
43.4.6 Coastal Minimum Floor Level	Permitted	FFL will all be above 2.5m over One Tree Point Datum.
<b>Chapter 47 – Road Transport Rules</b>		
47.2.1 Parking and Loading	<b>Restricted Discretionary</b>	The number of car parks required by Appendix 6A has been calculated above for Rule 43.3.4. The calculation shows that 379+ car parks are required to comply. 189 car parks are proposed.  The location and design of the car parking spaces will comply with the standards of this rule.
47.2.4 On-site Manoeuvring	Permitted	No vehicle is required to reverse off the site onto Riverside Drive.
47.2.6 Lighting	Permitted	The parking and loading areas on the site will be illuminated at night as required by this rule.
47.2.11 Engineering Standards	<b>Restricted Discretionary</b>	The proposed accesses to the site are proposed to be specifically designed and are unlikely to comply with all relevant requirements of the EES.
47.2.12 Living Overlay	N/A	The site is not located in the Living Overlay.
<b>Chapter 56 – Natural Hazard Rules</b>		
56.2.1 Coastal Hazards	N/A	The site is not subject to Coastal Hazards
56.2.2 Earthworks	N/A	This rule relates to earthworks on sand dune complexes and in the Coastal Hazard Areas.
56.2.3 Flooding	Permitted	Engineering reports have been prepared that address the flooding hazard that applies to the site.

56.2.4 Mining Subsidence	N/A	The site is not subject to any Mining Subsidence
<b>NAV – Noise and Vibration</b>		
NAV.6.1 Noise Arising from Activities within Environments	<b>Discretionary</b>	<p>Compliance with the daytime and night time noise limits for properties located in the Living 1 Environment will not always be met. Exceedances are technically possible during activities such as concert breakdown activity.</p> <p>For “general” operation, it is proposed to allow for noise limits of 55 dB LAeq (daytime) and 45 dB LAeq and 75 dB LAFmax (night-time) in the Living and Open Space zones. These represent noise levels that are 5 dB higher than the zone standards.</p> <p>For “general” operation, compliance with the noise limits in the operative Town Basin and Business Environments and the proposed Waterfront and Mixed Use zone limits will occur.</p> <p>Additionally, it is proposed that three “events” per year may generate noise levels up to 75 dB LAeq at the adjacent living zone. This would represent a 10 dB exceedance of Rule 6.15 of the WDC District Plan three times a year.</p>
NAV.6.2 Construction Noise	<b>Discretionary</b>	Construction noise limits will be exceeded.
NAV.6.5 Sound Insulation Requirements	Permitted	The apartments and hotel will be appropriately insulated so as to ensure compliance with this rule.
<b>CA – Coastal Area</b>		
<p>CA.2.2 Permitted Activities</p> <p>1. Maintenance and minor upgrading of buildings and structures including those associated with public parks and reserves, network utilities, or community infrastructure is a permitted activity.</p> <p>2. Any other activity not requiring consent as a discretionary or non-complying activity is a permitted activity.</p>	<b>Discretionary</b>	As is demonstrated below, the proposal will require consent as a discretionary activity.

<i>3. Construction, alteration or maintenance of buildings or structures in the Business 4 Environment outside a High or Outstanding Natural Character Area.</i>		
CA.2.3(1) <i>Construction or external alteration of a building within both the Coastal Area and the Rural Production Environment but outside a High or Outstanding Natural Character Area:</i>	N/A	The site is not located within the Rural Production Environment.
CA.2.3(2) <i>Earthworks within the Coastal Area but outside a Business 4 Environment or a Strategic Rural Industry Environment</i>	<b>Discretionary</b>	Earthworks associated with the site work will exceed 500m <sup>3</sup> . Cuts will be necessary to construct the basement. However, these will be below ground and therefore have a negative height.
CA.2.3(3) <i>Earthworks within sand dunes,</i>	N/A	The site is not located within sand dunes.
CA.2.3(4) <i>The clearance of indigenous vegetation in the Coastal Area</i>	N/A	No indigenous vegetation needs to be cleared.
CA.2.3(5) <i>Farm quarry within the Coastal Area</i>	N/A	The proposal does not involve a farm quarry.
CA.2.3(6) <i>All other mineral extraction activities within the Coastal Area.</i>	N/A	The proposal does not involve mineral extraction.
CA.2.3(7) <i>National Grid Electricity Infrastructure.</i>	N/A	The proposal does not involve National Grid Electricity Infrastructure.

## Decisions Version of the Whangarei District Plan

<b>Waterfront Zone (WZ) (Mixed Use Area)</b>		
<i>WZ-R1 Any activity not otherwise listed in this chapter</i>	-	If resource consent is not required by any other rule and is not prohibited, the activity is permitted.
<i>WZ-R2 Minor Buildings</i>	N/A	There are no minor buildings proposed.
<i>WZ-R3 Building and Major Structure Height</i>	<b>Discretionary</b>	The proposed buildings all exceed 11m in height EVENTS CENTRE Roof – 12.6m Sign Lightbox – 16.5m HOTEL – 22m MIXED USE BUILDING – 18.5m
<i>WZ-R4 Building and Major Structure Setbacks</i>	<b>Discretionary</b>	No building is located within 3m of a Residential or Open Space and Recreation Zone boundary.  All proposed buildings are located within the 10m setback from MHWS.
<i>WZ-R5 Building and Major Structure Height in Relation to Boundary</i>	<b>Discretionary</b>	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.
<i>WZ-R6 Building Floor to Floor Height</i>	<b>Discretionary</b>	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.
<i>WZ-R7 Building Frontages</i>	<b>Discretionary</b>	It is unclear from the building plans if 55% of the building frontages at ground floor will be glazed.  The principal public entrances to the buildings do not all face the Hatea River.
<i>WZ-R8 Building and Major Structure Coverage</i>	<b>Discretionary</b>	Maximum allowable building coverage is 50%, and therefore 6,215.5m <sup>2</sup> is permitted.  EVENTS CENTRE – 2,946m <sup>2</sup> HOTEL – 2,327m <sup>2</sup> MIXED USE BUILDING – 2,519m <sup>2</sup> TOTAL – 7,792m <sup>2</sup>
<i>WZ-R9 Fences</i>	N/A	No fences are proposed.

<i>WZ-R10 Car Parking</i>	Permitted	Car parking is either located 2m from the road boundary or is located in a garage.
<i>WZ-R11 Outdoor Areas of Storage or Stockpiles</i>	N/A	No outdoor storage or stockpiles are proposed.
<i>WZ-R12 Artisan Industrial Activity</i>	Permitted	Specific tenancies are not known. However, the areas associated with potential tenancies in the hotel ground floor are all less than 300m <sup>2</sup> .
<i>WZ-R13 Residential Unit</i>	Permitted	Each of the apartments have 2 bedrooms. They all have an internal area of more than 70m <sup>2</sup> .  Each apartment also has an outdoor balcony (or courtyard) of more than 8m <sup>2</sup> , with a depth of more than 2.4m.
<i>WZ-R14 Grocery Store</i>	N/A	A grocery store is not proposed.
<i>WZ-R15 Marine Retail</i> <i>WZ-R16 Recreational Facilities</i> <i>WZ-R17 Educational Facilities</i>	Permitted	If any of these activities are to establish on the site they will be located on the ground floor (i.e bike/kayak hireage).
<i>WZ-R18 Commercial Services</i>	Permitted	If any commercial services are to establish on the site they will be located on the ground floor (i.e ice cream store/day spa).
<i>WZ-R19 General Retail</i> <i>WZ-R20 Food and Beverage Activity</i> <i>WZ-R21 Entertainment Facilities</i> <i>WZ-R22 Places of Assembly</i>	<b>Discretionary</b>	The Events Centre has a second storey associated with its design.  The proposed cafes and restaurants are likely to also be located above the ground floor.
<i>WZ-R23 Visitor Accommodation</i>	Permitted	The proposed hotel is permitted.
<i>WZ-R24 Marine Industry</i>	N/A	No marine industry activities are proposed.
<i>WZ-R25 General Industry</i> <i>WZ-R26 Manufacturing</i> <i>WZ-R27 Repair and Maintenance Services</i> <i>WZ-R28 Supported Residential Care</i> <i>WZ-R29 Retirement Village</i> <i>WZ-R30 Motor Vehicle Sales</i> <i>WZ-R31 Garden Centres</i>	N/A	None of these activities are proposed.

<p>WZ-R32 Trade Suppliers</p> <p>WZ-R33 Drive Through Facilities</p> <p>WZ-R34 Hire Premises</p> <p>WZ-R35 Service Stations</p> <p>WZ-R36 Funeral Home</p> <p>WZ-R37 Emergency Services</p> <p>WZ-R38 Care Centre</p> <p>WZ-R39 General Commercial</p> <p>WZ-R40 General Community</p>		
<p>WZ-R41 Rural Production Activity</p> <p>WZ-R42 Waste Management Facility</p> <p>WZ-R43 Landfill</p> <p>WZ-R44 Hospital</p>	N/A	None of these activities are proposed.
<p>WZ-REQ1 – Information Requirement</p>		An urban design assessment has been prepared by 4Sight. The visual and landscape assessment prepared by Bridget Gilbert also addresses matters required WZ-REQ1.
<p><b>Transport (TRA)</b></p>		
<p>TRA-R1 Any activity not otherwise listed in this chapter</p>		If resource consent is not required by any other rule and is not prohibited, the activity is permitted.
<p>TRA-R2 Parking – Required Spaces and Dimensions</p>	Permitted	<p>The subject site is located in the car parking and loading space exemption area identified in Appendix 1F.</p> <p>The proposal is therefore exempt from providing the minimum car parking and loading spaces required in Appendix 1A and 1C.</p>
<p>TRA-R3 Parking – Location and Identification</p>	Permitted	<p>No car parks will be located on a footpath, an access, a manoeuvring area or an outdoor living area.</p> <p>No carpark is located within a Strategic Road Protection Area.</p> <p>All carparks will be permanently marked and delineated.</p>
<p>TRA-R4 Parking – Gradient</p>	Permitted	All car parks will have a complying gradient.



<i>TRA-R5 Vehicle Crossings and Access – Design and Location</i>	<b>Restricted Discretionary</b>	<p>Riverside Drive is an arterial road. Only one vehicle crossing per site is permitted from a site accessing a road with this hierarchy. Four crossings are proposed. (Appendix 2A).</p> <p>Vehicle crossing A is located within the minimum distance from the Punga Grove Avenue. (Appendix 2B).</p> <p>It is unlikely that the required sight distances as set in Table TRA.8 will be achieved from the proposed vehicle crossings.</p> <p>All unused vehicle crossings will be reinstated.</p>
<i>TRA-R6 Vehicle Crossings and Access – Setbacks</i>	Permitted	The proposed vehicle crossings are located at least 30m from a railway crossing, 8m from a pedestrian crossing and 2m from a separate vehicle crossing.
<i>TRA-R7 Manoeuvring Space – Requirements of On-Site Manoeuvring Space</i>	Permitted	<p>All the car parking, loading spaces and manoeuvring areas are located so that:</p> <ul style="list-style-type: none"> <li>a. no vehicle is required to reverse onto the road;</li> <li>b. vehicles can leave the site without needing to move other vehicles;</li> <li>c. vehicles queuing for ticket vending machines will not obstruct entry or exit from the site;</li> <li>d. vehicles are only required to undertake one reverse manoeuvre in and out of a car park;</li> <li>e. the loading spaces comply with the required tracking curves</li> </ul>
<i>TRA-R8 Sealing and Formation Standards – Crossings, Access and Parking Areas</i>	Permitted	All car parking and accesses will be sealed
<i>TRA-R9 Strategic Road Protection Areas and Indicative Roads – Setbacks</i>	N/A	Riverside Drive is not a Strategic Road.
<i>TRA-R10 Landscaping – Landscaping Within Parking Areas</i>	N/A	No uncovered ground level car parks are proposed.
<i>TRA-R11 Landscaping – Tree Planting Within Parking Areas</i>	N/A	No uncovered ground level car parks are proposed.

<i>TRA-R12 Electric Vehicle Charging Station Parking Spaces – Number Requirements</i>	N/A	No car parking spaces are required by TRA Appendix 1.
<i>TRA-R13 Subdivision</i>	N/A	Subdivision is not part of this application.
<i>TRA-R14 Integrated Transport Assessment</i>	N/A	An ITA is not required, as no car parks are required in accordance with TRA Appendix 1, and subdivision in the WZ is not controlled.
<i>TRA-R15 Integrated Transport Assessment</i>	N/A	An ITA is not required, as no car parks are required in accordance with TRA Appendix 1, and subdivision in the WZ is not controlled.
<i>TRA-R16 Construction of Any New Public Road or Service Lane</i> <i>TRA-R17 Any Major Roding Alteration to an Existing Public Road</i>	<b>Restricted Discretionary</b>	It is proposed to make alterations to Riverside Drive with the installation of a new signalised intersection.
<i>TRA-REQ1 Information Requirement – RD ITA</i>	N/A	As per TRA-R14 an ITA is not required.
<i>TRA-REQ2 Information Requirement – Discretionary ITA</i>	N/A	As per TRA-R15 an ITA is not required.
<i>TRA-REQ3 Information Requirement – New Roads and Major Roding Alterations to an Existing Public Road</i>	N/A	The traffic assessment attached at <b>Appendix 12</b> provides details of the information required by this information requirement.
<b>Signs (SIGN)</b>		
<i>SIGN-R1 Any Activity Not Otherwise Listed in this Chapter</i>		If resource consent is not required by any other rule and is not prohibited, the activity is permitted.
<i>SIGN-R2 Any Sign Visible from Beyond the Site on which it is located</i>	<b>Restricted Discretionary</b>	No sign will obscure any official sign, traffic sign or traffic signal; No sign will restrict the view of motorists on Riverside Drive; All signs will relate to goods and services on the property or is a naming sign; Any sign will comply with the height in relation to boundary setback where adjacent to the Open Space Zones; No sign will resemble any official sign;

		A sign may be located within 100m of the proposed intersection on Riverside Drive.
<i>SIGN-R3 Any sign in Residential, Neighbourhood Centre, Marsden Primary Centre – Town Centre South, Rural Village Residential and Rural (Urban Expansion) Zones and Port Nikau Development Area – Residential Areas A-C</i>	N/A	The site is not located in these zones.
<i>SIGN-R4 Any sign in Rural Production and Rural Living Zones</i>	N/A	The site is not located in these zones.
<i>SIGN-R5 Any sign within Open Space and Natural Open Space Zones</i>	N/A	The site is not located in these zones.
<i>SIGN-R6 Any sign in the Waterfront Zone and Rural Village Centre Zone</i>	<b>Restricted Discretionary</b>	There will be more than three signs on the site; The height of a sign will exceed 3m; An individual sign will be larger than 1m <sup>2</sup> and all signs will exceed 3m <sup>2</sup> .
<i>SIGN-R7 Any Sign in the Airport Zone</i>	N/A	The site is not located in these zone.
<i>SIGN-R8 Any Sign within the Ruakaka Equine Zone</i>	N/A	The site is not located in these zone.
<i>SIGN-R9 Any Sign within the City Centre, Sport and Active Recreation, Rural Village Industry Zone, Mixed Use, Local Centre Zones and Port Nikau Development Area – Local Commercial Area D</i>	N/A	The site is not located in these zones.
<i>SIGN-R10 Any Sign within the Commercial, Shopping Centre, Light Industrial Zones</i>	N/A	The site is not located in these zones.
<i>SIGN-R11 Any Sign within the Heavy Industrial, Marsden Primary Centre Industry, Port and Strategic Rural Industries Zones</i>		The site is not located in these zones.
<i>SIGN-R12 Any Sign within the Hospital Zone</i>	N/A	The site is not located in this zone.

<i>SIGN-R13 Any sign on a Verandah</i>	N/A	No verandahs are proposed.
<i>SIGN-R14 Any Official Sign</i>	Permitted	Any official sign will comply with the illumination requirements of this rule.
<i>SIGN-R15 Any Road Sign</i>	Permitted	Any new road signs will be erected in accordance with the requirements of the Council.
<i>SIGN-R16 Any Community Sign</i>	Permitted	Any community sign will comply with the requirements of this rule.
<i>SIGN-R17 Any sign on a scheduled built heritage item or within the site surrounds</i>	N/A	There is no scheduled built heritage item on the site.
<i>SIGN-R18 Any Illuminated Sign Not Visible from Beyond the Site Boundary</i>	Permitted	Any illuminated sign not visible from beyond the site will comply with this rule.
<i>SIGN-R19 Any Illuminated Sign Visible from Beyond the Site Boundary</i>	N/A	The site is not located in the zones controlled by this rule.
<i>SIGN-R20 Any Illuminated Sign Visible from Beyond the Site Boundary</i>	<b>Discretionary</b>	It is possible that illuminated signs will be visible beyond the site.
<i>SIGN-R21 Consolidated Sign Installations</i>	N/A	This is not proposed.
<b>Three Waters Management (TWM)</b>		
<i>TWM-R1 Any Activity Not Otherwise Listed in This Chapter</i>		If resource consent is not required by any other rule and is not prohibited, the activity is permitted.
<i>TWM-R2 Stormwater - Subdivision</i>	N/A	No subdivision is proposed.
<i>TWM-R3 Wastewater - Subdivision</i>	N/A	No subdivision is proposed.
<i>TWM-R4 Water Supply - Subdivision</i>	N/A	No subdivision is proposed.
<i>TWM-R5 Integrated Three Waters Assessment - Subdivision</i>	N/A	No subdivision is proposed.
<i>TWM- R6 Integrated Three Waters Assessment - Landuse</i>	Permitted	The site is currently all sealed, and therefore the impervious area will not increase.

<i>TWM-REQ1 Information Requirement – Connection to Public Reticulated Three Waters Networks</i>	-	This information is provided in the engineering reports prepared to support the application.
<i>TWM-REQ2 Information Requirement – On-site Three Waters Management</i>	N/A	Connections to reticulated services will be made.
<i>TWM-REQ3 Information Requirement – Integrated Three Waters Assessments</i>	N/A	An application is not made under TWM-R5 – R6.
<b>Lighting (LIGHT)</b>		
<i>LIGHT-R1 Any Activity Not Otherwise Listed in this Chapter</i>	-	If resource consent is not required by any other rule and is not prohibited, the activity is permitted.
<i>LIGHT-R2 Any Artificial Lighting</i>		<ol style="list-style-type: none"> <li>1. Any artificial lighting will be shielded to that the light emitted is projected below a horizontal plane;</li> <li>2. The light will not be moving or flashing;</li> <li>3. The site is not located in these zones;</li> <li>4. The added illuminance on adjoining sites will comply with the standards of this rule.</li> <li>5. The activity will comply with LIGHT-REQ1</li> </ol>
<i>LIGHT-R3 Any Artificial Road Lighting</i>	N/A	No lighting will be erected in the road.
<i>LIGHT-R4 Any Health and Safety or Navigational Artificial Lighting</i>	Permitted	Any lighting erected for these purposes will comply with this rule.
<i>LIGHT-R5 Any Artificial Lighting for Mineral Extraction Activities in Quarrying Resource Areas</i>	N/A	The proposal does not involve mineral extraction and the site is not located in a QRA.
<i>LIGHT-R6 Any Car Parking or Loading Spaces in City Centre, Commercial, Light Industry, Heavy Industry, Waterfront, Marsden Primary Centre – Town Centre South and Industry, Rural Village Centre, Rural Village Industry Zones</i>	Permitted	Artificial lighting will be provided for the parking and loading areas and it will comply with the appropriate standards.

<i>LIGHT-R7 Any subdivision</i>	N/A	The proposed subdivision does not create any road, walkway or cycleway.
<i>LIGHT-REQ1 Lighting Measurement</i>	-	All lighting will be measured in accordance with this requirement.
<b>Earthworks (EARTH)</b>		
<i>EARTH-R1 Earthworks Associated with Subdivision</i>	N/A	Earthworks are only controlled if subdivision is occurring.

Released under the provision of  
the Official Information Act 1982

## Operative Regional Water and Soil Plan

<b>Chapter 33 - Rules for Land Disturbance Activities</b>		
<i>33.1.3 Earthworks not in a RPZ – Permitted standard</i>	N/A	More than 5,000m <sup>3</sup> of earthworks is proposed. The site is not in the Riparian Management Zone (RMZ) due to the lack of slope on the site.
<i>33.2.1 Earthworks not in a RPZ – Controlled standard</i>	<b>Controlled</b>	The site is not identified as being erosion prone land, and more than 5,000m <sup>3</sup> of earthworks is proposed. The total volume of earthworks is 7,000m <sup>3</sup> . The Environmental Standards of Chapter 32 will be complied with.
<b>Chapter 22 – Rules for Stormwater Discharges from Land Disturbance Activities</b>		
<i>22.1.1 Discharge of stormwater from a permitted land disturbance activity</i>	N/A	The land disturbance activity is controlled.
<i>22.2.1 Discharge of stormwater from a controlled land disturbance activity</i>	<b>Controlled</b>	The discharge of stormwater associated with the proposed earthworks will meet the requirements of this rule.
<b>Chapter 32 – Environmental Standards</b>		
<i>32.2.1 – Revegetation</i>	Complies	Unvegetated areas of the site will be revegetated following earthworks to ensure that an 80% ground cover is achieved within 24 months of the work finishing.
<i>32.2.2 Batters</i>	Complies	All batters and side castings will be appropriately stabilised top avoid slumping of upslope land.
<i>32.2.3 Roding/tracking</i>	Complies	All roading and tracking will be maintained throughout the course of undertaking the earthworks.

32.3.4 Stormwater control	Complies	Appropriate stormwater control measures will be implemented throughout the course of undertaking the earthworks.
---------------------------	----------	--

## Operative Coastal Plan

### Chapter 31.4.4 – Structures (Marine 2 (Conservation) Management Area)

31.4.4(m) - Structures <i>The alteration or extension of authorised structures</i>	<b>Discretionary</b>	Possibly relates to the extension of the boardwalks into the CMA.
31.4.4(w) - Structures <i>The erection or placement of any new structure.</i>	<b>Discretionary</b>	The extent of the 4 star hotel beyond MHWS (and therefore in the CMA).

### Chapter 31.4.8 – Dredging (Marine 2 (Conservation) Management Area)

31.4.8(g) – Dredging <i>Any capital dredging</i>	<b>Discretionary</b>	Dredging as required for the marina, up to 25,000m <sup>3</sup> over an area of 1.06ha.
31.4.8(d) Dredging <i>Maintenance dredging that is not otherwise a controlled activity under rule 31.4.8(c)</i>	<b>Discretionary</b>	Maintenance dredging as required for the marina, up to 10,000m <sup>3</sup> annually.
31.4.8(f) Dredging <i>Any dredging spoil disposal</i>	<b>Discretionary</b>	Potentially required.

### Chapter 31.4.9 – Marinas (Marine 2 (Conservation) Management Area)

31.4.9(i) – Marina <i>The placement of a marina development</i>	<b>Discretionary</b>	Section 31.4.13 is to be addressed.
--	----------------------	-------------------------------------



## Chapter 31.4.12 – Other (Marine 2 (Conservation) Management Area)

<p>31.4.12(b) – Mangrove removal</p> <p>In instances where:</p> <p>i) Mangroves have led to the obstruction of lawful public access to and along the CMA</p> <p>ii) Mangroves interfere with the reasonable and safe use of authorised structures</p> <p>iii) Mangroves are blocking channels and adjacent land is likely to flood</p>	<p>N/A</p>	<p>The proposed removal of mangroves is not for any of these purposes.</p>
<p>The removal of mangroves clearly requires authorisation in accordance with section 12(e) of the RMA, where it states:</p> <p><i>'no person may in the coastal marine area destroy, damage, or disturb any foreshore or seabed (other than for the purpose of lawfully harvesting any plant or animal) in a manner that has or is likely to have an adverse effect on historic heritage, unless expressly allowed by a national environmental standard, a rule in a regional coastal plan as well as a rule in a proposed regional plan for the same region (if there is one), or a resource consent.'</i></p>	<p><b>Discretionary</b></p> <p>(In accordance with Section 87B(1)(a) of the RMA.)</p>	<p>A small area of mangroves is proposed to be removed.</p>

### Proposed Regional Plan<sup>1</sup>

<h2>C.1.1 Coastal General Structures</h2>		
<p>C.1.1.13 – Structures in the Whangarei City Centre Marine Zone</p>	<p><b>Controlled</b></p>	<p>This relates to the boardwalk where it may extend over the CMA.</p> <p>It will also relate to the jetties</p>
<p>C.1.1.18 Structures in a Marina Zone, Whangarei City Centre Marine Zone or Coastal Commercial Zone</p>	<p><b>Discretionary</b></p>	<p>The marina structures</p>

<sup>1</sup> All still under appeal

<i>C.1.1.26 Structures with no functional need</i>	<b>Non-complying</b>	The extent of the 4 star hotel beyond MHWS (and therefore in the CMA).
<b>C.1.4 Mangrove Removal</b>		
<i>C.1.4.4 Mangrove removal in the Whangarei City Centre Marine Zone</i>	<b>Restricted Discretionary</b>	A small area of mangroves is proposed to be removed.
<b>C.1.5 Dredging</b>		
<i>C.1.5.9 Maintenance dredging</i>	<b>Controlled</b>	Maintenance dredging as required for the marina.
<i>C.1.5.12 Dredging, deposition and disturbance activities</i>	<b>Discretionary</b>	Capital dredging as required for the marina.
<b>C.6.4 Stormwater discharges</b>		
<i>C.6.4.2 Other stormwater discharges – Permitted activity</i>	Permitted	<ol style="list-style-type: none"> <li>1. The discharge is not from a public stormwater network or a high risk industrial premises;</li> <li>2. The discharge will not cause increased flooding on another property;</li> <li>3. The discharge is not from a hazardous substance storage area;</li> <li>4. The discharge is not from an industrial or trade premise;</li> <li>5. The discharge is not into a potentially contaminated area of land;</li> <li>6. The discharge will not cause permanent scouring or erosion;</li> <li>7. The discharge will not contain more than 15mg/l of petroleum hydrocarbons;</li> <li>8. The discharge will not cause any of the listed effects in the receiving water.</li> </ol>
<b>C.6.8 Contaminated Land</b>		
<i>C.6.8.3 Contaminated land remediation – Controlled activity</i>	<b>Controlled</b>	The proposal involves the remediation of contaminated land (asbestos).

### C.8.3 Earthworks

<i>C.8.3.1 Earthworks – Permitted activity</i>	Does not comply	The site location is in a Flood Hazard Area. More than 100m <sup>3</sup> of earthworks is proposed. 7,000m <sup>3</sup> is proposed
<i>C.8.3.2 Earthworks – Controlled activity</i>	Does not comply	The earthworks will be occurring within in a flood hazard area.
<i>C.8.3.3 Earthworks in a flood hazard area – Controlled activity</i>	Does not comply	More than 1,000m <sup>3</sup> of earthworks are proposed 7,000m <sup>3</sup> is proposed.
<i>C.8.3.3.4 Earthworks – Discretionary Activity</i>	<b>Discretionary</b>	All other earthworks are discretionary.

Released under the Provision of the Official Information Act 1982

## NES – For Assessing and Managing Contaminants in Soil to Protect Human Health

<b>Regulations</b>		
<i>8(3) – Disturbing Soil – Permitted Activity</i>	N/A	The volume of soil to be disturbed exceeds the maximum threshold of 8(3)(c).
<i>9(1) – Disturbing Soil – Controlled Activity</i>	N/A	The DSI finds that asbestos levels exceed the guideline value. Therefore 9(1)(b) cannot be met.
<i>10(1)&amp;(2) – Restricted Discretionary Activity</i>	<b>Restricted Discretionary</b>	A DSI for the property exists; It finds that asbestos concentrations exceed the applicable standard; The recommendations/conditions of the DSI will be complied with

Released under the provisions of the Official Information Act 1982