

**IN THE ENVIRONMENT COURT  
AT AUCKLAND**

**I TE KŌTI TAIAO O AOTEAROA  
KI TĀMAKI MAKĀURAU**

**Decision [2023] NZEnvC 004**

IN THE MATTER OF appeals under clause 14 of the First  
Schedule of the Resource Management  
Act 1991 relating to Plan Change 109 –  
Transport of the Urban and Services plan  
change package

BETWEEN

KIWIRAIL HOLDINGS LIMITED

(ENV-2020-AKL-000131)

WAKA KOTAHI NEW ZEALAND  
TRANSPORT AGENCY

(ENV-2020-AKL-000132)

MARSDEN CITY LIMITED  
PARTNERSHIP (through its general  
partner MARSDEN CITY  
DEVELOPMENT LIMITED)

(ENV-2022-AKL-000151)

Appellants

AND

WHANGĀREI DISTRICT COUNCIL

Respondent

AND

KĀINGA ORA – HOMES AND  
COMMUNITIES

FOODSTUFFS NORTH ISLAND  
LIMITED

THE UNIVERSITY OF  
AUCKLAND



SOUTHPARK CORPORATION  
LIMITED

Section 274 parties

Court: Environment Judge J A Smith sitting alone under s 279 of the Act

Date of Order: 18 January 2023

Date of Issue: 18 January 2023

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### CONSENT DETERMINATION

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A: Under section 279(1)(b) of the Resource Management Act 1991, the Environment Court, by consent, orders that:

- (1) The Noise and Vibration chapter and the Marsden City Precinct chapter of the Operative Whangarei District Plan are amended in accordance with Annexure 1;
- (2) The Planning Maps are amended in accordance with Annexure 2;
- (3) The District Wide – Noise topic is resolved in its entirety;
- (4) The appeals by KiwiRail Holdings Limited and Waka Kotahi New Zealand Transport Agency are resolved in their entirety;
- (5) The appeal by Marsden City Limited Partnership (through its general partner Marsden City Development Limited) is resolved through this determination and that in relation PC150 issued contemporaneously, except as to the issue of internal roading covered by the appeal on PC 150.

B: Under section 285 of the Resource Management Act 1991, there is no order as to costs.

C: I commend the Whangārei District Council on the prompt and reasonable resolution of the appeals and direct the amendments are incorporated into the plan Change. I understand the Change can then be made fully operative.

## REASONS

### Introduction

[1] This consent order relates to:

- (a) The appeals by KiwiRail Holdings Limited (**KiwiRail**) and Waka Kotahi New Zealand Transport Agency (**Waka Kotahi**) against the decision of the Whangārei District Council (**the Council**) on Plan Change 109 – Transport (**PC109**) of the Urban and Services plan change package (**the Urban and Services plan changes**) to the Operative Whangārei District Plan (**the Plan**); and
- (b) Consequential amendments associated with an appeal by Marsden City Limited Partnership through its general partner Marsden City Development Limited (**Marsden City Limited Partnership**) against the decision of the Council on Private Plan Change 150 – Marsden City (**PC150 – Marsden City**) to the Plan. This appeal is largely resolved by this determination and a separate determination issued contemporaneously in relation to PC150 but for one aspect relating to internal roading.

### PC109 Appeals

[2] The relevant aspects of the appeals by KiwiRail and Waka Kotahi seek new provisions to protect amenity and human health, and to manage reverse sensitivity effects, for noise sensitive activities in close proximity to the state highway and rail networks across Whangārei district.

[3] These aspects of the appeals were allocated to the District Wide Noise topic of the appeals against the Urban and Services plan changes.

[4] These are the last remaining appeals, and this is the last remaining appeals topic, against the Urban and Services plan changes.

[5] This consent order resolves the remainder of the KiwiRail and Waka Kotahi appeals and the entirety of the District Wide Noise topic.

### **Marsden city PC150 appeal**

[6] The Whangārei District Council are also processing appeals relating to change PC150 which in part deals with growth issues at Marsden Point and surrounding area. Marsden City Limited (through its general partner) filed appeals seeking more liberal provisions for development. Most issues have been resolved in a contemporaneous determination issued by this court on PC150.<sup>1</sup>

[7] In the course of discussions, it was agreed that noise sensitive activities (close to rail) at Marsden would be better dealt with as part of a district wide control rather than separately. Thus, the parties now agree and seek that this control be in the district wide provisions and also resolve the Marsden City appeal on this issue under PC150.

### **PC109**

#### ***Operative Plan***

[8] The Plan contains a Noise and Vibration (**NAV**) chapter including:

- (a) Permitted activity sound insulation requirements for noise sensitive activities located within certain zones;<sup>2</sup> and
- (b) Controlled activity rules for the construction of additional habitable rooms and new residential units within the mapped Outer Control Boundary of Whangārei Airport.<sup>3</sup>

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<sup>1</sup> [2023] NZEnvC 5.

<sup>2</sup> NAV.6.5 Sound Insulation Requirements.

<sup>3</sup> NAV.6.6 Activities Establishing near the Airport Zone.



[9] The only existing requirements in the Plan managing noise sensitive activities in close proximity to the state highway and rail networks apply to mapped locations at Marsden.<sup>4</sup>

[10] There are no district wide requirements in the NAV chapter (or elsewhere in the Plan) managing noise sensitive activities in close proximity to the state highway and rail networks across Whangārei district.

### ***Notification***

[11] The notified Urban and Services plan changes did not introduce any provisions managing noise sensitive activities in close proximity to the state highway and rail networks across Whangārei district.

### ***Submission***

[12] KiwiRail and Waka Kotahi made complementary submissions (**the submissions**) on PC109 seeking a new suite of provisions (an objective, a policy and a rule) to ensure that new activities which locate in close proximity to transport networks are protected from potential adverse health and amenity effects. The proposed rule would apply to new buildings, or alterations to existing buildings, that contain an activity sensitive to noise with reference to:

- (a) Road noise effects on noise sensitive activities in outdoor spaces, within 100m of a state highway carriageway;
- (b) Road and rail noise effects on new or altered buildings containing noise sensitive activities, within 100m of a state highway carriageway or 100m from the legal boundary of a rail corridor; and
- (c) Road and rail vibration effects on new or altered buildings containing noise sensitive activities, within 40m of a state highway carriageway or 60m from the legal boundary of a rail corridor.

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<sup>4</sup> NAV.6.5 Sound Insulation Requirements - Marsden Primary Centre Noise Zone 1 and Noise Zone 2A; Marsden City Precinct provisions.

### ***Decision***

[13] The Council decisions on the Plan Changes (**the Decisions**) did not introduce the new provisions requested in the submissions.

[14] The Decisions noted that further work was required to justify in section 32 terms the proposed provisions, including with reference to existing built development.

### ***Appeal***

[15] KiwiRail and Waka Kotahi appealed the Decisions seeking:

- (a) relief consistent with the submissions; or
- (b) alternative, additional or consequential relief to address the issues identified in the appeals.

### ***Parties***

[16] There are common s274 parties to the relevant aspects of the KiwiRail and Waka Kotahi appeals: Foodstuffs North Island Ltd, Kāinga Ora – Homes & Communities, Southpark Corporation Ltd, and University of Auckland. KiwiRail and Waka Kotahi are also s274 parties to each other's appeals.

[17] As we have noted Marsden City's interest arises from their appeal to PC150. Although this is specific to Marsden it raises the same issues as the PC109 appeals in this respect.

### ***Agreement reached***

[18] Following mediation and subsequent direct discussion the parties have reached agreement on a proposal to resolve the appeals.

[19] The agreement is founded on locating new provisions in the NAV chapter rather than in the Transport (**TRA**) chapter as sought in the appeals. The parties are agreed that the provisions are better located in the NAV chapter to align with the other plan objectives, policies and rules for noise, and that the National Planning Standards (**the Standards**) now require such provisions to be located in the NAV

chapter. The parties are satisfied that there is scope for this solution as both NAV and TRA are district wide chapters, and therefore there is no difference in application of the proposed rules. This is further addressed in the s32AA assessment below.

[20] The agreed amendments relate to the following provisions:

- (a) No new objectives or policies are required as the NAV chapter contains operative objectives and policies which appropriately support new provisions to protect human health and amenity, and to manage reverse sensitivity effects, for noise sensitive activities in close proximity to the state highway and rail networks across Whangārei district;
- (b) Noise effects from road traffic on state highways and rail traffic on noise sensitive activities in new buildings or alterations to existing buildings will be managed by:
  - (i) Throughout the Whangārei district, mapping a State Highway Noise Control Boundary overlay within the modelled 53dB noise contour (and up to a maximum width of 100m) from the state highway carriageway;
  - (ii) From the Whangārei rail yards south, mapping a Rail Noise Control Boundary overlay within the modelled 53dB noise contour (and up to a maximum width of 100m) from the legal boundary of the rail corridor;
  - (iii) Including new provisions within existing NAV.6.5 Sound Insulation Requirements applying to the State Highway Noise Control Boundary and the Rail Noise Control Boundary overlays, including new permitted activity sound insulation requirements and an appendix containing alternative construction standards, a restricted discretionary activity, advice notes, compliance standards, and a notification rule;
  - (iv) North of the Whangārei rail yards, mapping a Rail Noise Alert Area overlay within the modelled 53dB noise contour (and up to a

maximum width of 100m) from the legal boundary of the rail corridor, and including a new permitted activity rule and accompanying advice note in the NAV chapter.

- (c) Rail vibration effects on noise sensitive activities will be managed by mapping throughout the Whangārei district a Rail Vibration Alert Area overlay within 60m from the legal boundary of the rail corridor, and including a new permitted activity rule and accompanying advice note in the NAV chapter.
- (d) Waka Kotahi will not pursue provisions relating to:
  - (i) Noise effects on noise sensitive activities in outdoor spaces; or
  - (ii) Vibration effects from traffic on state highways.

[21] Waka Kotahi, KiwiRail and the Council do not consider the statement in paragraph [22] of this order to be necessary but in the interests of an efficient settlement have agreed to its inclusion.

[22] The proposed provisions are for the purposes of addressing modelled noise effects from the North Island Main Trunk Line and State Highway Network, and reflect the particular circumstances of this District. Those provisions are not to be taken as a binding precedent for any other private or public plan change. The parties also agree that this statement does not preclude similar provisions being sought by any party in any other private or public plan change.

### **PC150 – Marsden City**

[23] An area of land at Marsden, bounded by a rail designation to the north and SH15 Port Marsden Highway to the south east, is identified in the Plan as Marsden Primary Centre zone. The zone chapter includes mapped noise zones which are listed in the operative NAV sound insulation requirements.<sup>5</sup>

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<sup>5</sup> NAV.6.5 Sound Insulation Requirements - Marsden Primary Centre Noise Zone 1 and Noise Zone 2A.

[24] PC150 – Marsden City sought to replace the Marsden Primary Centre chapter with a suite of National Planning Standards zones used elsewhere in the Plan (and a new Town Centre Zone) together with a Marsden City Precinct.

[25] The Council decision on PC150 – Marsden City (**the PC150 Decision**) predated the agreement to introduce district wide noise provisions through resolution of the KiwiRail and Waka Kotahi appeals.

[26] The PC150 Decision included:

- (a) Site-specific provisions and noise zones in the Marsden City Precinct chapter and updated nomenclature in the NAV chapter to protect human health and amenity, and to manage reverse sensitivity effects, for noise sensitive activities in close proximity to State Highway 15A and the rail designation adjacent to the Marsden City Precinct; and
- (b) An extension of the proposed Commercial zone at Marsden City (from approximately 70m from the northern boundary to 100m from the northern boundary) as a further response to potential rail noise effects.

[27] Following mediation of the Marsden City Limited Partnership appeal the parties to that appeal have agreed that, as a consequence of the agreed district wide provisions, the PC150 – Marsden City site-specific noise provisions (and relocation of the Commercial zone boundary at Marsden City) are no longer necessary or efficient and should be deleted. The agreed district-wide provisions will instead apply to Marsden City.

[28] The parties agree that jurisdiction for deleting the site-specific Marsden City provisions arises consequentially from the KiwiRail and Waka Kotahi appeals against PC109 which are intended to apply a consistent approach across the district.

[29] There are common parties to the two sets of appeals:

- (a) KiwiRail and Waka Kotahi are s274 parties to the relevant aspects of the Marsden City Limited Partnership appeal; and

- (b) Southpark Corporation Ltd, which has a beneficial interest in Marsden City Limited Partnership, is a s274 party to the relevant aspects of the KiwiRail and Waka Kotahi appeals.

[30] The removal of the PC150 - Marsden City site-specific noise provisions is therefore sought as a consequential amendment of the KiwiRail and Waka Kotahi appeals against PC109. The agreed changes relate to the following provisions:

- (a) Deletion of site-specific provisions in the Marsden City Precinct chapter in the Plan to protect human health and amenity, and to manage reverse sensitivity effects, for noise sensitive activities in close proximity to State Highway 15 and the rail designation adjacent to the Marsden City Precinct as these have been replaced by the district wide provisions; and
- (b) Deletion of references to Marsden Primary Centre Noise Zone 1 and Noise Zone 2A in the NAV chapter and addition of references to Town Centre Zone, to reflect PC150 – Marsden City nomenclature.

[31] The Commercial zone boundary in the Marsden City Precinct is addressed in separate consent documents with respect to PC150. A contemporaneous determination will be issued.<sup>6</sup> This consent determination should be read in conjunction with that consent determination.

### **Section 32AA Evaluation**

[32] Section 32AA of the Act requires a further evaluation for any changes to a proposal since the initial s 32 evaluation report. In this instance the changes are the introduction of specific provisions (through use of Noise Control Boundary and Alert Area overlays) for managing modelled road and rail noise effects on noise sensitive activities within new and altered buildings and any rail vibration effects on noise sensitive activities in close proximity to the state highway and rail networks across the Whangārei district.

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<sup>6</sup> [2023] NZEnvC 5.

[33] The issue as to PC109 vis a vis PC150 is of no substantive moment in my view. Both appeals deal with the same issue albeit only for Marsden in PC150 and there are some common parties. I conclude resolution in the general provision is more effective and efficient.

[34] The parties provided a joint memorandum covering s32AA and advised as follows:

***National Policy Statement on Urban Development***

[35] Whangārei is a “tier 2” urban environment under the National Policy Statement on Urban Development (**NPS-UD**).

[36] In April and August 2021 consent determinations for rezoning of land within urban environments in the Whangārei district, which give effect to the NPS-UD, were issued. Those include General Residential Zone and Medium Density Residential Zone in proximity to state highways and the rail corridor.

[37] Objective 1 of the NPS-UD provides:

**Objective 1:** New Zealand has well-functioning urban environments that enable all people and communities to provide for their social, economic, and cultural wellbeing, and for their health and safety, now and into the future.

[38] The agreed amendments to the Plan manage modelled road and rail noise effects on noise sensitive activities within new and altered buildings and any rail vibration effects on noise sensitive activities. Waka Kotahi, KiwiRail and the Council consider that the provisions do not compromise the ability to give effect to the NPS-UD, including by providing for permitted activity and consenting pathways. Kāinga Ora considers that the NPS-UD is not compromised in this particular context, due to the modelling exercise undertaken which results in a relatively limited spatial extent of provisions which attract consenting requirements and which apply over residentially zoned land (in particular the limited application of the Rail Noise Control Boundary over such land).

### ***Regionally Significant Infrastructure***

[39] State highways and railway lines are recognised as Regionally Significant Infrastructure (**RSI**) in the Regional Policy Statement for Northland<sup>7</sup> and in the Plan.<sup>8</sup>

[40] In March 2021 the consent determination for the RSI objectives and policies in the Plan, which give effect to the RPS, was issued. The RSI objectives and policies are located in the District Growth and Development (**DGD**) chapter of the Plan.

[41] The relevant RSI objectives and policies are:

#### **DGD-O13 – Identification and Protection**

Regionally Significant Infrastructure is identified and protected.

#### **DGD-O14 – Recognised Benefits**

The benefits of Regionally Significant Infrastructure are recognised and provided for.

#### **DGD-P15 – Benefits of Regionally Significant Infrastructure**

To recognise and provide for the social, economic and cultural benefits of Regionally Significant Infrastructure by enabling its ongoing operation, maintenance, development, and upgrading where adverse effects are managed

[42] The agreed amendments to the Plan give effect to the RSI objectives and policies by recognising the benefits of the state highway and rail networks and managing effects from traffic using those networks.

### ***Incompatible Activities and Reverse Sensitivity***

[43] Objectives and policies with respect to incompatible activities and reverse sensitivity are located in the DGD chapter and in the NAV chapter. The relevant objectives and policies are:

#### **DGD-O5 – Incompatible Activities and Reverse Sensitivity**

Avoid conflict between incompatible land use activities from new subdivision, use and development.

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<sup>7</sup> Part operative 9 May 2016, fully operative 15 May 2018.

<sup>8</sup> The Plan defines RSI as that listed in Appendix 3 to the RPS.



### **DGD-P2 – Incompatible Land Uses and Reverse Sensitivity**

To manage the establishment and location of new activities and expansion of existing activities to avoid conflicts between incompatible land uses.

#### **NAV.3 Objectives**

NAV.3.1. To enable a mix of activities to occur across a range of Zones, while ensuring that noise and vibration is managed within appropriate levels for the health and wellbeing of people and communities, and for the amenity and character of the local environment.

NAV.3.2. To ensure that activities that seek a high level of acoustic and vibration amenity do not unduly compromise the ability of other lawful activities to operate.

#### **NAV.4 Policies**

NAV.4.2. To avoid reverse sensitivity effects by:

- a. Requiring suitable acoustic design standards for noise sensitive activities located in or adjacent to areas anticipating high noise levels.
- b. Restricting noise sensitive activities in Zones where they could unduly compromise the continuing operation of appropriate business activities.
- c. Considering the use of other mechanisms, such as noise control boundaries, buffer areas or building setbacks, as appropriate tools to protect existing or future activities.

[44] The parties submit the agreed amendments to the Plan give effect to the objectives and policies with respect to incompatible activities and reverse sensitivity by mapping those areas where road and rail noise effects on noise sensitive activities within new and altered buildings and rail vibration effects on noise sensitive activities may occur and assisting to manage reverse sensitivity effects on RSI.

#### ***National Planning Standards***

[45] The Standards include direction 7 – District wide Matters Standard which provides as a mandatory direction:

33. If provisions for managing noise are addressed, they must be located in the Noise chapter. These provisions may include:

...

c. sound insulation requirements for sensitive activities and limits to the location of those activities relative to noise generating activities.

[46] The parties have therefore agreed that – while the appeals seek that the new provisions be located in the TRA chapter – the provisions must be located in the NAV chapter in order to comply with the Standards.

[47] As TRA and NAV are both district wide chapters the parties are satisfied that there is no difference in effect and no issue as to jurisdiction.

### ***Overlays***

[48] The Standards include direction 12 – District Spatial Layers Standard which provides:

An overlay spatially identifies distinctive values, risks or other factors which require management in a different manner from underlying zone provisions

[49] The Standards specify that “provisions” introduced by the spatial layer must be located in the appropriate district wide chapter.

[50] The Standards define “provisions” as:<sup>9</sup>

all content in a policy statement or plan, including but not limited to background content, issues, objectives, policies, methods, rules, and anticipated environmental results.

[51] The agreed amendments include both rules and non-rule methods (mapping, advice notes, compliance standards).<sup>10</sup>

### ***Mapping standard***

[52] The Standards include direction 13 - Mapping Standards, with a mandatory direction that a plan must use the symbols in table 20 of the Standards wherever maps

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<sup>9</sup> Standards direction 1 – Foundation Standard - Interpretation

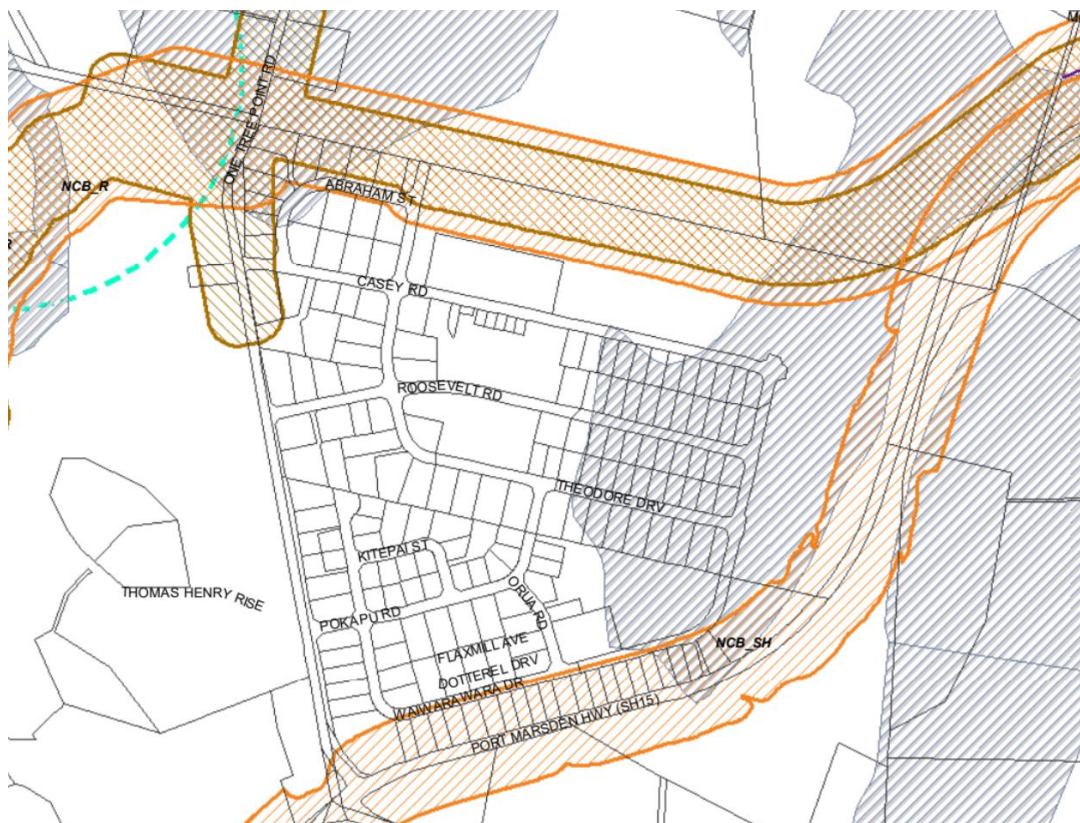
<sup>10</sup> RMA s75(1)(c) and (2)(b).

display the features listed in that table and, if required, that symbols may be labelled on maps.

[53] Standards Table 20 – Symbol representation includes orange diagonal hatching for noise control boundary overlays:

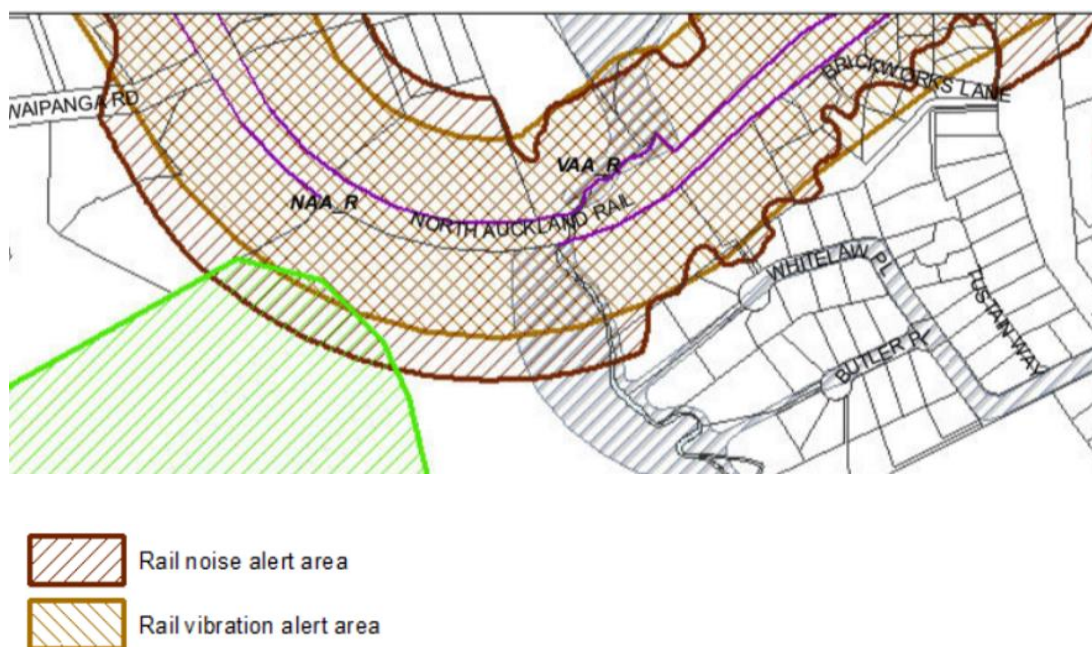
Noise control boundary overlay		Polygon Fill: None Angle: 45.00 Line width: 1 pts	Line separation: 5 pts RGB 245, 130, 33 Outline width: 2 pts
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[54] The agreed State Highway Noise Control Boundary and Rail Noise Control Boundary overlays have been mapped by the Council using the appropriate Standards symbology with the addition of labels to differentiate between the two overlays. A sample Plan map is included below (with the rail corridor at top denoted “NCB\_R” and the state highway at bottom denoted “NCB\_SH”):



 Noise Control Boundary Overlay

[55] The agreed Rail Noise Alert Area and Rail Vibration Alert Area overlays are not noise control boundaries and therefore do not fall within the mandatory mapping symbols in Table 20. These overlays have been mapped by the Council using notation and labels to differentiate between the two overlays. A sample Plan map is included below (with the vibration overlay denoted as “VAA\_R” and the noise overlay denoted as “NAA\_R”):



[56] When the Plan maps are viewed via the Council’s GIS, the four overlays (state highway and rail Noise Control Boundaries, and rail noise and rail vibration Alert Areas) can be turned on and off as separate layers to assist Plan users. The GIS menu showing the separate layers is included below:

#### e-plan layers:

- Noise control boundary overlay
  - Rail noise control boundary
  - State Highway noise control boundary
- Rail noise alert area
- Rail vibration alert area

### *Spatial mapping*

[57] The appeals sought provisions managing road and rail noise effects on new and altered buildings containing noise sensitive activities within 100m of a state highway carriageway or the rail corridor, and road and rail vibration effects on new and altered buildings containing noise sensitive activities within 40m of a state highway carriageway or 60m of the rail corridor.

[58] The agreed spatial mapping includes:

- (a) Throughout the Whangārei district, mapping a State Highway Noise Control Boundary overlay within the modelled 53dB noise contour (and up to a maximum width of 100m) from the state highway carriageway;
- (b) From the Whangārei rail yards south, mapping a Rail Noise Control Boundary overlay within the modelled 53dB noise contour (and up to a maximum width of 100m) from the legal boundary of the rail corridor;
- (c) North of the Whangārei rail yards, mapping a Rail Noise Alert Area overlay within the modelled 53dB noise contour (and up to a maximum width of 100m) from the legal boundary of the rail corridor; and
- (d) Throughout the Whangārei district, mapping a Rail Vibration Alert Area overlay within 60m from the legal boundary of the rail corridor.

[59] The parties consider that mapping the Noise Control Boundary overlays to the modelled 53dB noise contour is more efficient and effective than applying provisions within a blanket 100m from a state highway carriageway or the rail corridor. The use of a mapped overlay ensures that the rules apply to locations and sites which may be subject to a level of noise that could cause adverse effects, rather than standard distances. The overlay ensures that sites which bear the costs (e.g., cost of consents, noise reports and insulation) are the sites that experience the effects generated by the road and rail corridors and receive the benefits (through improved health and amenity). The use of a noise control boundary is consistent with existing provisions in the Plan regarding Whangārei Airport.

[60] The methodology for the noise contour modelling was prepared by noise experts for the Appellants and reviewed by experts for the Council and other parties. The modelling has taken into account topography, buildings, road and rail alignments, existing noise barriers, and ground absorption; traffic data and road surfaces; and train volumes, train speeds, train types, tracks and tunnels.

[61] Overall, the noise contour methodology has produced mapping (and therefore effects management) which is targeted to the properties where the effects are most likely to be experienced.

[62] With respect to rail noise, mapping has been split into northern and southern portions due to the difference in rail movements (and therefore rail noise effects) on different parts of the network:

- (a) The Rail Noise Control Boundary overlay applies from the Whangārei rail yards south. This overlay incorporates the rail designation for the Marsden line (to Northport). Existing rail movement data and future predictions indicate that this will be a relatively busy line in the Whangārei district context (including the addition of the Marsden line). That analysis (being the significant increase in predicted movements and the associated noise effects) supports this part of the network being mapped as a noise control boundary subject to sound insulation requirements;
- (b) The Rail Noise Alert Area overlay applies north of the Whangārei rail yards. Existing rail movement data and future predictions indicate that this is currently and will continue to be a relatively quiet line in the Whangārei district context. That analysis supports this part of the network being mapped as an Alert Area subject to advisory management tools rather than sound insulation requirements.

[63] With respect to rail vibration, existing data and knowledge indicates that rail vibration effects in the Whangārei district context are also most appropriately managed by mapping an Alert Area subject to advisory management tools rather than through vibration isolation requirements.

[64] The various provisions are addressed further below.

[65] The noise contour methodology, together with rail movements analysis, has resulted in mapping tailored to the Whangārei district context.

### ***Rules***

[66] The agreed amendments to the Plan comprise two different sets of rules - for the Noise Control Boundary overlays, and for the Alert Area overlays.

#### *Noise Control Boundary overlays*

[67] For the Noise Control Boundary overlays, new provisions have been agreed to be added to existing NAV.6.5 Sound Insulation Requirements for new buildings, or alterations to existing buildings, containing noise sensitive activities. This includes a new permitted activity rule, a restricted discretionary activity, advice notes, compliance standards specifying how measurements are undertaken, and a notification rule. The existing Plan definition of “noise sensitive activities” is used in the provisions.

[68] Activities captured by the Noise Control Boundary overlay mapping have five pathways to compliance with the permitted activity rule:

- (a) The space is designed, constructed and maintained to achieve the specified indoor design noise levels.<sup>11</sup>
- (b) The space is designed, constructed and maintained in accordance with the construction schedule contained in a new appendix.<sup>12</sup>
- (c) An acoustician demonstrates, by prediction or measurement, that the noise at all exterior façades is no more than 15 dB above the indoor design noise levels.<sup>13</sup>

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<sup>11</sup> NAV.6.5.3.

<sup>12</sup> NAV.6.5.4(d); NAV Appendix 1: NAV.6.5.4(d) Alternative Construction Schedule for Road and Rail Noise Control.

<sup>13</sup> NAV.6.5.4(b).

- (d) The nearest exterior façade of the building is at least 50m from the formed carriageway or railway track, and a solid building, fence, wall or landform blocks line of sight from all windows and doors to the formed carriageway or track.<sup>14</sup>
- (e) The construction is an alteration or extension to an existing building and:
- (i) For buildings other than residential units, or for external alterations to residential units, does not increase the gross floor area of the noise sensitive activity within the mapped noise control boundary.<sup>15</sup> This option enables alterations which are outside the spatial area of concern (such as on the façade of the building facing away from the road or rail corridor).
  - (ii) For internal alterations to residential units, does not increase the gross floor area of the noise sensitive activity within the mapped noise control boundary by more than 5m<sup>2</sup> per 10 year period (that is, the life of the Plan).<sup>16</sup> This enables re-allocation of space between existing habitable rooms (such as partitioning or combining of existing bedrooms), and modest conversion of non-habitable space to habitable space (such as incorporation of a hallway or linen cupboard into an adjacent bedroom), in order to improve the function of a residential unit<sup>17</sup> at minimal cost; but ensures that the conversion of larger non-habitable spaces into habitable space (such as conversion of attached garaging into additional bedrooms) provides appropriate sound insulation.

[69] The permitted activity acoustic standards have been developed with acoustic advice from independent acousticians for Waka Kotahi and KiwiRail, the Council, Kāinga Ora, and University of Auckland.

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<sup>14</sup> NAV.6.5.4(a).

<sup>15</sup> NAV.6.5.4(c) and (d).

<sup>16</sup> NAV.6.5.4(e).

<sup>17</sup> Such as to relieve overcrowding.



[70] The parties have agreed that where compliance is not achieved via the permitted activity pathways a restricted discretionary activity consent is required, with matters of discretion including effects on health and indoor amenity, alternatives, whether it will lead to undue constraints on the continuing operation of the state highway and rail corridors, mitigation provided by natural or built features, and the outcome of any consultation with Waka Kotahi or KiwiRail. These matters appropriately focus an application for resource consent on the relevant effects and potential site-specific responses.

[71] A notification rule specifies that restricted discretionary activities shall not be publicly notified or limited notified unless Waka Kotahi or KiwiRail is determined to be an affected person or special circumstances exist. The notification rule assists the provisions to be efficient and effective by providing clarity and increasing certainty.

[72] The parties consider that it is more appropriate to manage these noise effects through sound insulation requirements with multiple permitted activity pathways, rather than more limited pathways (the more restrictive alternative) or to leave the effects entirely unmanaged (the more permissive alternative).

*Rail Noise Alert Area and Rail Vibration Alert Area overlays*

[73] For the Noise Alert Area and Rail Vibration Alert Area overlays, new permitted activity rules and accompanying advice notes have been agreed to be added to the NAV chapter.

[74] The Alert Area overlays make existing and prospective property owners aware of the potential presence of effects so that they can make informed decisions about the construction or alteration of buildings containing noise sensitive activities, without placing obligations on those landowners. While KiwiRail considers the effects in these Areas still require management, for the purposes of settlement the parties have agreed the current and predicted level of rail noise and/or vibration in these locations do not justify the introduction of provisions which impose sound insulation and vibration isolation requirements on noise sensitive activities at this time.

[75] For each overlay a new permitted activity rule has been drawn from similar permitted activity rules in the Urban and Services plan changes chapters of the Plan.<sup>18</sup> These new rules clarify to Plan users and Council consents planners that activities within the mapped Alert Area overlays remain a permitted activity.<sup>19</sup>

[76] The accompanying advice notes to the permitted activity rules:

- (a) Explain that the Rail Noise Alert Area identifies the noise-sensitive area within a 53dB rail noise contour each side of the rail corridor, and that the Rail Vibration Alert Area identifies the vibration-sensitive area within 60metres each side of the rail corridor;
- (b) Explain that no specific district plan rules or notification requirements apply as a result of the Alert Areas; and
- (c) Advise that properties within the mapped overlays may experience rail noise and rail vibration.

[77] The parties consider that it is more appropriate to manage these noise and vibration effects through Alert Area overlays subject to advisory management tools which signal that higher levels of noise and vibration may be experienced in this location, rather than by imposing sound insulation and vibration isolation requirements on landowners (the more restrictive alternative) or leaving the effects entirely un-addressed (the more permissive alternative).

[78] The parties considered as an alternative method mapping the Alert Areas only in the Council's GIS (which is used to inform both LIMS and PIMs) rather than in the Plan. However, on balance, there are efficiencies in having all of the rail noise and vibration mapping (Noise Control Boundaries and Alert Areas) kept together in the Plan.

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<sup>18</sup> For example the General Residential Zone rule GRZ -R1 Any Activity Not Otherwise Listed in This Chapter.

<sup>19</sup> NAV.6.5A Activities within the Rail Noise Alert Area and NAV.6.5B Activities within the Rail Vibration Alert Area.

### ***PC150 Consequential Amendments***

[79] As a consequence of the agreed district wide provisions, the PC150 – Marsden City site-specific noise provisions sought by Marsden city Limited in their appeal to PC150 are no longer necessary or efficient.

[80] The agreed changes relate to the following provisions:

- (a) Deletion of site-specific provisions in the Marsden City Precinct chapter in the Plan as these have been replaced by the district wide provisions.
- (b) Replacement of outdated references to Marsden Primary Centre Noise Zone 1 and Noise Zone 2A in the NAV chapter with references to Town Centre Zone to reflect PC150 – Marsden City nomenclature.

### ***Sufficient information***

[81] The parties agree that this is not a situation where there is uncertain or insufficient information such that the risk of acting or not acting needs to be evaluated. The location of the state highway and rail corridors, and the adverse effects of road and rail noise with respect to noise sensitive activities, are well understood.

[82] As described earlier, since filing of the appeals the parties have worked collaboratively to develop the noise contour mapping methodology, and to achieve an appropriate balance between costs and benefits in the Whangārei district context through adoption of sound insulation requirements within the targeted modelled noise contour Noise Control Boundaries and advisory management tools within the Alert Areas.

### **Court Evaluation**

[83] In making this order the Court has now read and considered the appeals and the consent memorandum of the parties dated 30 November 2022.

[84] The Court is making this order under section 279(1) of the Act, such order being by consent, rather than representing a decision or determination on the merits pursuant to section 297. The Court understands for present purposes that:

- (a) all parties to the proceedings have executed the memorandum requesting this order;
- (b) all parties agree that the agreed amendments to the Noise and Vibration chapter resolve the KiwiRail and Waka Kotahi appeals in relation to the District Wide – Noise topic in full;
- (c) all parties agree that the agreed consequential amendments to the Noise and Vibration chapter and the Marsden City Precinct chapter resolve the appeal by Marsden City Limited Partnership (through its general partner Marsden City Development Limited) in part; and
- (d) all parties are satisfied that all matters proposed for the Court's endorsement fall within the Court's jurisdiction, and conform to the relevant requirements and objectives of the Act including, in particular, Part 2.

[85] This determination does not represent the outcome of a full hearing by the Court, but rather an agreement reached between parties represented by experienced counsel.

[86] The parties have provided an analysis under s 32AA regarding why the change in position is justified. I am satisfied that there is sound rationale for the changes.

[87] I am of the view that the inclusion of amendments into the NAV chapter rather than the TRA chapter is within scope. This gives effect to National Planning Standards directions 7 and 12, and the provisions apply district wide. Similarly, I have already concluded that the Marsden PC150 appeal on Noise is best addressed in the district wide provisions. This aids with certainty (uniform rule and clarity (in NAV section)).

[88] I agree that the amendments do not compromise the ability to give effect to the NPS-UD. There is a limited spatial extent, and the purpose of the amendments is consistent with Objective 1 NPS-UD in that the focus of the changes is on protecting human health, wellbeing and amenity.

[89] I agree with the parties that the agreed amendments to the Plan give effect to the RSI objectives and policies by recognising the benefits of the state highway and rail networks and managing effects from traffic using those networks.

[90] The agreement reached gives effects to the NAV objective and policies which provide for noise, vibration, noise sensitive activities and reverse sensitivity.

[91] The agreed State Highway Noise Control Boundary and Rail Noise Control Boundary overlays have been mapped by the Council using the appropriate Standards symbology with the addition of labels to differentiate between the two overlays. The agreed Rail Noise Alert Area and Rail Vibration Alert Area overlays are appropriately differentiated and labelled. The ability to turn on and off the layers is practical and helpful.

[92] The overlays are efficient and will be effective in ensuring the rules have a focused application to locations which may be the subject of adverse effects, rather than standard distances. There is a balance of cost and benefit. I am satisfied that the noise contour modelling had expert input and the methodology and rail movement analysis has enabled targeted mapping.

### **Conclusion**

[93] I am of the view that it is beneficial to have pathways to compliance for activities within noise control boundary overlays. I am satisfied that the restricted discretionary matters of discretion focus on relevant effects and are targeted.

[94] I agree that the notification rules provide clarity and certainty.

[95] I consider the advisory management tools adopted in the alert area overlays strike an appropriate balance to ensure management without imposing obligations.

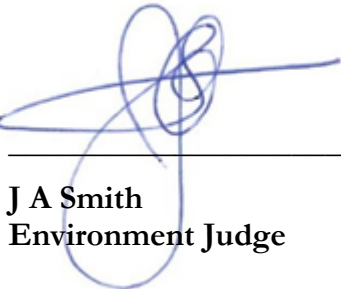
[96] I agree with the parties that as a consequence of the agreed district wide provisions, the PC150 – Marsden City site-specific noise provisions are no longer necessary or efficient.

[97] I conclude the parties have taken a robust and workable approach, and the agreed amendments are the most appropriate way to achieve the purpose of the Act and the objectives in the Plan. Overall, I consider the sustainable management purpose and the other relevant requirements of the Act are broadly met.

### Orders

[98] Therefore the Court orders, by consent, that:

- (a) the Noise and Vibration chapter and the Marsden City Precinct chapter of the Operative Whangarei District Plan are amended in accordance with Annexure 1;
- (b) The Planning Maps are amended in accordance with Annexure 2;
- (c) The District Wide – Noise topic is resolved in its entirety;
- (d) The appeals by KiwiRail Holdings Limited and Waka Kotahi New Zealand Transport Agency are resolved in their entirety;
- (e) The appeal by Marsden City Limited Partnership (through its general partner Marsden City Development Limited) is resolved through this determination and that in relation PC150 issued contemporaneously, except as to the issue of internal roading covered by the appeal on PC 150.
- (f) There is no order as to costs.



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**J A Smith**  
Environment Judge



## **Annexure 1**

(Please note that the Plan uses red underlined text for defined terms. Tracked amendments are in black text generally highlighted in yellow for deletions and blue for additions, except for significant blocks of new underlined text where only the heading is flagged in blue highlight)

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## NAV.1 Description and Expectations

Noise has the potential to cause adverse [effects](#), depending on a number of factors including frequency, timing, volume and the type of noise. Disturbance of sleep is often the greatest complaint in relation to noise, however other adverse [effects](#) include general nuisance, psychological and chronic health [effects](#), interference with speech communication and interference with learning processes, thinking and education.

Excessive noise can detract from the character and [amenity values](#) associated with the local [environment](#). Noise generating activities can also be restricted by noise 'sensitive' activities in proximity that seek a higher level of amenity ([reverse sensitivity](#)). In an urban sense noise is a significant issue (especially at [night](#)) in [mixed use](#) zones and in 'interface' areas where [noise sensitive activities](#) (e.g. residential uses) are located in close proximity to high noise emitting [land](#) uses (e.g. bars and panel beaters).

The Resource Management [Act](#) 1991 (RMA) addresses noise in two ways. First, under section 16 there is a duty on every occupier of [land](#) and every person carrying out an activity in, on, or under a [water body](#) or the [coastal marine area](#) to adopt the best practical option to not emit more than a reasonable level of noise. Section 16 of the [Act](#) states that a national environmental standard, plan or resource consent may prescribe noise emission standards. Section 16 therefore guides how district plans can address noise emissions.

The other way the RMA addresses noise is through the control of excessive noise. There are specific provisions in the [Act](#) to deal with excessive noise, which normally involves intermittent noise sources that require immediate attention, for example loud stereos associated with parties. The excessive noise provisions stand apart from district plan provisions.

Noise rules have been designed to provide an adequate level of protection from the potential [effects](#) of noise. The rules within this chapter provide certainty about the level of ambient sound permitted during



# Noise and Vibration

specific time frames within each Zone and acknowledge that there will be some noise associated with activities. The rules aim to strike a balance between the need for [land](#) to be used for its intended purpose while ensuring that other [land](#) users are not exposed to unreasonable levels of noise.

Permitted noise levels are set at a limit that is consistent with the character and [amenity values](#) anticipated in each Zone. Differing noise limits are established in interface areas between Zones to ensure that reasonable noise limits can be maintained. Reasonable noise limits are established for other activities such as, construction and [demolition](#), airport operation, temporary military training, use of explosives, helicopter landing areas, shooting ranges and [wind turbines](#).

In certain areas [noise sensitive activities](#) are restricted in order to ensure the unhindered and continued operation of high noise generating activities. In other areas the provision of acoustic insulation requirements for [buildings](#) containing [noise sensitive activities](#) in high noise [environments](#) will allow various activities to co-exist in Zones anticipating [mixed use](#). Guidance from the most recent New Zealand Standards will ensure that noise levels are measured and analysed in accordance with international best practice.

Vibration is generally only a concern adjacent to construction or [demolition](#) projects; where there is operation of mechanical plant near or attached to [buildings](#) or [structures](#); or in relation to explosives use and blasting. Accordingly vibration limits have been provided to ensure that vibration from construction, [demolition](#), fixed mechanical plant and use of explosives and blasting does not exceed reasonable levels. For construction, [demolition](#) and fixed mechanical plant, a simplified approach has been taken whereby single velocity limits have been specified. This approach is considered to be the least complicated and will ensure the required level of amenity if maintained. For explosives use and blasting a more flexible approach has been adopted to achieve operational efficiency and to ensure the required level of amenity is maintained.

## NAV.2 Eligibility

The following provisions shall apply district wide in addition to any other provisions in this District Plan applicable to the same area or [site](#).

## NAV.3 Objectives

1. To enable a mix of activities to occur across a range of Zones, while ensuring that noise and vibration is managed within appropriate levels for the health and wellbeing of people and communities, and for the amenity and character of the local [environment](#).
2. To ensure that activities that seek a high level of acoustic and vibration amenity do not unduly compromise the ability of other lawful activities to operate.

## NAV.4 Policies

1. To establish reasonable noise and vibration limits and controls that enable appropriate activities to operate while maintaining the characteristic [amenity values](#) of each Zone.
2. To avoid [reverse sensitivity effects](#) by:
  - a. Requiring suitable acoustic design standards for [noise sensitive activities](#) located in or adjacent to areas anticipating high noise levels.
  - b. Restricting [noise sensitive activities](#) in Zones where they could unduly compromise the continuing operation of appropriate [business](#) activities.
  - c. Considering the use of other mechanisms, such as noise control boundaries, [buffer areas](#) or [building setbacks](#), as appropriate tools to protect existing or future activities.

## Noise and Vibration

3. To ensure that high noise generating activities located in noise sensitive areas maintain the characteristic amenity values of each Zone by:
  - a. Establishing noise limits that are consistent with anticipated noise and vibration levels in each Zone.
  - b. Requiring high noise generating activities to provide suitable mitigation measures to maintain appropriate noise levels for the health and wellbeing of people and communities, and for the amenity and character of the local zone.
4. To avoid restricting primary production activities by providing provisions that acknowledge their seasonal characteristics, transitory periods of noisiness and the effects of reverse sensitivity.
5. To ensure that noise associated with activities in open spaces and on public recreational areas is appropriate to the amenity values anticipated in the surrounding environment.

### **NAV.5 Noise Measurement and Assessment**

Unless specified otherwise, noise shall be measured in accordance with New Zealand Standard NZS 6801:2008 “Acoustics – Measurement of environmental sound” and assessed in accordance with New Zealand Standard NZS6802:2008 “Acoustics - Environmental Noise.”

### **NAV.6 Permitted Activities**

Unless specifically stated otherwise, any activity shall be a permitted activity provided it complies with all of the noise standards given in the following section(s) NAV.6.1 – NAV.6.15 and all other relevant Zone and District Wide rules.

## NAV.6.1 Noise Arising from Activities within Zones

The following noise limits shall apply within and between Zones:

Noise emitted from any <u>site</u> in the following Zone	Noise measured within the applicable <u>boundary</u> of any of the following Zones (refer to following table for applicable assessment location)	Daytime 0700 to 2200 hours	Night-time 2200 to 0700 hours		Notes <sup>8,9</sup>
		dB <u>L<sub>Aeq</sub></u>	dB <u>L<sub>Aeq</sub></u>	dB <u>L<sub>AFmax</sub></u>	
Light Industrial Commercial Sport and Active Recreation	<u>Residential Zones</u> Neighbourhood Centre Natural Open Space Open Space Rural Production Rural Living Rural Village Residential Rural (Urban Expansion)	55	45	75	
Port Rural Village Industrial Heavy Industrial	<u>Residential Zones</u> Neighbourhood Centre Natural Open Space Open Space Rural Production Rural Living Rural Village Residential Rural (Urban Expansion)	55	45	75	
All Zones other than: Heavy Industrial Light Industrial Commercial Sport and Active Recreation Rural Village Industrial	<u>Residential Zones</u> Neighbourhood Centre Rural Production Rural Living Rural Village Residential Rural (Urban Expansion)	50	40	70	1, 2, 3
<u>Strategic Rural Industries</u> [All SIRZ]	Open Space Natural Open Space Rural Production City Centre Waterfront	55	40	70	1, 2, 3
All Zones other than: - <u>Strategic Rural Industries</u> [All SIRZ]	City Centre Waterfront	60	55	80	4, 5
	Light Industrial Commercial Sport and Active Recreation	65	60	80	

# Noise and Vibration

Noise emitted from any <u>site</u> in the following Zone	Noise measured within the applicable <u>boundary</u> of any of the following Zones (refer to following table for applicable assessment location)		Daytime 0700 to 2200 hours	Night-time 2200 to 0700 hours		Notes <sup>8,9</sup>
			dB <u>L<sub>Aeq</sub></u>	dB <u>L<sub>Aeq</sub></u>	dB <u>L<sub>AFmax</sub></u>	
	Shopping Centre					
	<u>Hospital</u>					
	Airport					
	<u>Mixed Use</u>		60	50	75	
	Local Centre					
	Rural Village Centre					
	<u>Town Centre</u>					
	Heavy Industrial		75	75	-	
Rural Village Industrial						
Strategic Rural Industrial [All SIRZ]						
<del>Marsden Primary Centre</del> <del>Noise Zone 1</del>		<del>65</del>	<del>65</del>	<del>70</del>	<del>3</del>	
Port Nikau Development Area		60	55	70	3	
<del>Marsden Primary Centre</del> <del>Noise Zone 2 and Noise Zone 2A</del>		<del>55</del>	<del>45</del>	<del>70</del>	<del>3</del>	
<del>Marsden Primary Centre</del> <del>Town Centre</del>		<del>55</del>	<del>45</del>	<del>70</del>	<del>3</del>	
Kauri <u>Strategic Rural Industries</u>	At the Kauri Milk Processing <u>Site</u> – Noise Control <u>Boundary</u>	Outer	55	45	75	9
<u>Mineral Extraction Areas</u>	Any <u>noise sensitive activity</u> not owned or controlled by the quarry owner or operator	<b>Low noise <u>Environment</u></b>			6, 7	
		50	40	70		
		<b>High noise <u>Environment</u></b>				
		55	45	75		

The above noise rules shall apply within the relevant boundary assessment location as set out below:

<u>Site boundary</u>	<u>Notional Boundary</u>
<ul style="list-style-type: none"> <li>Open Space</li> <li>Airport</li> <li>Port</li> <li>Port Nikau Development Area</li> <li><u>Town Centre</u></li> <li><del>Marsden Primary Centre – Noise Zone 1 and 2</del></li> </ul>	<ul style="list-style-type: none"> <li>Any <u>noise sensitive activity</u> not owned or controlled by the quarry owner or operator in a Quarrying <u>Resource Area</u></li> <li>Rural Production</li> <li>Rural Living</li> <li>Rural (Urban Expansion)</li> </ul>

<ul style="list-style-type: none"> <li>• <del>Marsden Primary Centre – Town Centre</del></li> <li>• City Centre</li> <li>• <u>Mixed Use</u></li> <li>• Commercial</li> <li>• Local Centre</li> <li>• Shopping Centre</li> <li>• Light Industrial</li> <li>• Heavy Industrial</li> <li>• Sport and Active Recreation</li> <li>• Waterfront</li> <li>• Medium Density Residential</li> <li>• General Residential</li> <li>• Neighbourhood Centre</li> <li>• <u>Hospital</u></li> <li>• Rural Village</li> </ul>	<ul style="list-style-type: none"> <li>• Low Density Residential</li> <li>• Large Lot Residential</li> <li>• Natural Open Space</li> </ul>
<p>Note: Except that where noise is generated from the Kauri Milk Processing <u>Site</u>, the noise rules shall apply at the Kauri Milk Processing <u>Site</u> – Noise Control <u>Boundary</u> as shown on the Planning Maps.</p>	

1. Normal residential activity occurring in any zone such as children’s play, spontaneous social activities, lawnmowing and home Maintenance work undertaken by/for the occupier is excluded from compliance with the noise rules during the daytime provided such activity is reasonable in terms of duration and noise level and in the case of home Maintenance does not exceed the rules for construction noise. This exclusion does not apply to non-residential land use within the Residential Zones (such as childcare centres).
2. NAV. 6.1 shall not apply to mobile machinery used for a limited duration as part of agricultural or horticultural activities occurring in the Rural Production, Rural Living, Rural (Urban Expansion) or Large Lot Residential Zones. Limited duration events are those activities normally associated with industry practice, of relatively short duration, and where no reasonable alternative is available. Any such activity shall be subject to Section 16 of the Resource Management Act.  
“Limited duration activities” in this context include, but are not limited to:
  - Spraying and harvesting of crops and/or weeds for horticultural or agricultural purposes e.g. topdressing or Aerial spraying
  - Primary forestry activities (not including milling or processing)
This exclusion does not apply to:
  - static irrigation pumps;
  - motorbikes that are being used for recreational purposes;
3. NAV.6.1 shall not apply if the activity under consideration is a mineral extraction activity included in the QRA Chapter Appendix 1. Where this occurs the limits and stated timeframes in Appendix 1 shall apply.
4. Noise generated by temporary activities in the Waterfront Zone may exceed the noise rules in any Zone for 12 days every calendar year provided that noise does not exceed a level of 65 dB L<sub>Aeq</sub> between 0900 and 2300 hours at the boundary of any Residential Zone.
5. In the City Centre Zone the “daytime” noise standard shall apply between 0700 and 0000 hours (midnight) on Fridays and Saturdays. The “night-time” noise standard shall apply between 0000 and 0700 hours on Saturday and Sunday mornings.
6. In Mineral Extraction Areas the “daytime” noise standard shall apply between 0630 and 2130 hours. The “night-time” noise standard shall apply between 2130 and 0630 hours.
7. Except where an alternative noise limit is provided for the activity within the District Plan [See Appendix 14 – Schedule of Existing Mineral Extraction Areas] then the activity shall comply with

the noise limit stated within the notional boundary of a noise sensitive activity not owned or controlled by the quarry owner or operator.

8. NAV.6.1 shall not apply to the following specific activities which are provided for elsewhere:
  - Construction activities. Refer to Section [NAV.6.2] for specific rule.
  - Wind turbines and wind farms. Refer to Section [NAV.6.3] for specific rule.
  - Shooting ranges. Refer to Section [NAV.6.4] for specific rule.
  - Helicopter and aircraft landing areas. Refer to Section [NAV.6.7] for specific rule.
  - Engine testing at the airport. Refer to Section [NAV.6.8] for specific rule.
  - Noise from explosives. Refer to Section [NAV.6.9] for specific rule.
  - Temporary military training activities. Refer to Section [NAV.6.10] for specific rule.
  - Bird Scaring devices. Refer to Section [NAV.6.11] for specific rule.
  - Road traffic noise. Refer to Section [NAV.6.12] for specific rule.
  - Frost fans. Refer to Section [NAV.6.13] for specific rule.
  - Emergency Generator Testing. Refer to Section [NAV.6.14] for specific rule.
9. The noise rules shall not apply to the following activities:
  - Level crossing warning devices.
  - The operation of emergency service vehicles or emergency callout sirens.
  - Noise from aircraft and helicopters when in flight.
  - Unamplified noise from sporting events in Open Space and Sport and Active Recreation Zone where these occur for up to 20 hours per week between 0700 and 2100 hours.
  - Unamplified noise from standard school outdoor activities where this occurs between 0700 and 1800 hours Monday to Sunday.
  - Rail movements within Fonterra's Kauri Milk Processing site (the area encompassed within Scheduled Activity 15); excluding the loading and unloading of goods from trains within the site.
  - Emergency generators used to ensure the continued operation of network utilities. This exemption shall not include emergency generator testing which are required to comply with NAV.6.14.
  - The noise limits do not apply to noise generated within the Marsden Point Energy Precinct when measured within a Conservation or Open Space zone.

## NAV.6.2 Construction Noise

Noise from demolition and construction, including that undertaken as part of temporary military training activities, shall comply with the guidelines and recommendations of NZS 6803: 1999 "Acoustics - Construction Noise". Noise levels shall be measured and assessed in accordance with New Zealand Standard NZS 6803: 1999 "Acoustics - Construction Noise". NAV.6.2 shall not apply to permitted Maintenance or utility works undertaken within the road carriageway of a road where:

- a. It has been demonstrated to Council that these works cannot reasonably comply with the referenced noise guidelines at the time when they must be carried out; and
- b. A construction noise and vibration management plan, as prepared by a Recognised Acoustician, has been provided to Council.

## NAV.6.3 Wind Turbines

Noise from wind turbines and wind farms shall comply with NZS6808:2010 “Acoustics – Wind farm noise”.

## NAV.6.4 Shooting Ranges

Where any new shooting range is established, or an existing shooting range or its use is altered or extended:

- Between 0900 and 1800 sound levels from the shooting range activity shall not exceed 50 dB L<sub>AFmax</sub> from the notional boundary of any noise sensitive activity or visitor accommodation and;
- Between 1800 and 2200 and 0730 and 0900 sound levels from the shooting range activity shall not exceed 40 dB L<sub>AFmax</sub> from the notional boundary of any noise sensitive activity or visitor accommodation and;
- No shooting shall occur between 2200 and 0730.

For the avoidance of doubt, in relation to alterations or extensions to an existing shooting range, compliance with items a, b and c is required for the altered or extended component of the activity.

## NAV.6.5 Sound Insulation Requirements

- Any noise sensitive activity established within a City Centre, Mixed Use, Commercial, Waterfront, Local Centre, Active Sport and Recreation, Rural Village Centre Zones, Port Nikau Development Area, or Town Centre Zone Marsden Primary Centre Noise Zone 1 or 2A, or within the [Kauri Milk Processing Site] – Noise Control Boundary shall be designed and constructed to ensure the following internal design noise levels:

Zones	Bedrooms and sleeping areas within dwellings or units 2200 – 0700 hours	Other habitable spaces within dwellings or units 0700 - 2200 hours	Teaching spaces, places of religious assembly, health and veterinary service <u>buildings</u> 0700 – 2200 hours
City Centre Sport and Active Recreation <u>Mixed Use</u> Local Centre Waterfront Rural Village Centre <u>Town Centre</u> [Kauri Milk Processing <u>Site</u> , Crofts Timber, GBC] – Noise Control <u>Boundary</u>	30 dB <u>L<sub>Aeq</sub></u>	40 dB <u>L<sub>Aeq</sub></u>	35 dB <u>L<sub>Aeq</sub></u>
Port Nikau Development Area	35 dB <u>L<sub>Aeq</sub></u>	45 dB <u>L<sub>Aeq</sub></u>	35 dB <u>L<sub>Aeq</sub></u>
<u>Marsden Primary Centre Noise Zone 1 and Noise Zone 2A</u>	<u>35 dB L<sub>Aeq</sub></u>	<u>45 dB L<sub>Aeq</sub></u>	<u>35 dB L<sub>Aeq</sub></u>

- For design purposes, the following external L<sub>eq</sub> noise levels shall be used. These noise levels shall be assumed to be incident on the façade.



Zone	Design noise level (dB L <sub>eq</sub> ) - incident							
	63	125	250	500	1k	2k	4k	dBA
<b>Bedrooms and Sleeping Areas</b>	Hz	Hz	Hz	Hz	Hz	Hz	Hz	
Waterfront	66	65	55	54	49	42	38	55
City Centre Sport and Active Recreation Port Nikau Development Area Marsden Primary Centre Noise Zone 2A	67	64	61	58	55	52	49	60
Mixed Use Local Centre Town Centre	57	54	51	48	45	42	39	50
Marsden Primary Centre Noise Zone 1	72	69	66	63	60	57	54	65
Kauri Milk Processing Site – Noise Control Boundary	65	6-	53	45	40	38	35	50
<b>Other Habitable Rooms</b>								
City Centre Waterfront Mixed Use Local Centre Town Centre	71	70	60	59	54	47	43	60
Sport and Active Recreation Port Nikau Development Area Marsden Primary Centre Noise Zone 1 and Noise Zone 2A	72	69	66	63	60	57	54	65
Kauri Milk Processing Site – Noise Control Boundary	65	60	54	45	40	38	35	50

3. Where any activity listed in NAV.6.5 Table 1 is located partly or wholly within the State Highway Noise Control Boundary or the Rail Noise Control Boundary, the entire room or space shall be designed, constructed and maintained to achieve the indoor design noise levels in NAV.6.5 Table 1.

**NAV.6.5 Table 1**

	<u>State Highway Noise Control Boundary</u>	<u>Rail Noise Control Boundary</u>
<b>Activity</b>	<u>L<sub>Aeq</sub>(24h) from state highway noise</u>	<u>L<sub>Aeq</sub>(1h) from railway corridor noise</u>
<b><u>Residential</u></b>		
Bedrooms	40 dB	35 dB
All other habitable rooms	40 dB	40 dB
<b><u>Educational</u></b>		
Lecture rooms / theatres, music studios, assembly halls	35 dB	35 dB
Teaching areas, conference rooms and drama studios	40 dB	40 dB
Libraries	45 dB	45 dB
Designated sleeping rooms for children aged 6 years or younger	40 dB	40 dB
<b><u>Hospitals</u></b>		
Overnight medical care, wards	40 dB	40 dB



Clinics, consulting rooms, theatres, nurses' stations	45 dB	45 dB
<b><u>Place of Assembly</u></b>		
Church, place of worship, marae	35 dB	35 dB

4. NAV.6.5.3 does not apply where any of NAV.6.5.4(a) – (f) apply:

- a. The nearest exterior façade of the building accommodating the activity listed in NAV.6.5 Table 1 is at least 50m from the formed carriageway of the state highway and 50m from the formed railway track and there is a solid building, fence, wall or landform that blocks the line of sight from all parts of all windows and doors to that activity to:
  - i. All parts of the formed carriageway of the state highway.
  - ii. All points 3.8m directly above the formed railway track; or
- b. It can be demonstrated by way of prediction or measurement by a Recognised Acoustician that the noise at all exterior façades of the listed activity is no more than 15 dB above the relevant noise levels in NAV.6.5 Table 1; or
- c. An alteration or extension to an existing building other than a residential unit does not increase the gross floor area of an activity listed in NAV.6.5 Table 1 within the State Highway Noise Control Boundary or the Rail Noise Control Boundary; or
- d. An **external** alteration or extension to an existing residential unit does not increase the gross floor area of an activity listed in NAV.6.5 Table 1 within the State Highway Noise Control Boundary or the Rail Noise Control Boundary; or
- e. An **internal** alteration to an existing residential unit does not increase the total gross floor area of activities listed in NAV.6.5 Table 1 by more than 5m<sup>2</sup> within each 10 year period from **operative date** within the State Highway Noise Control Boundary or the Rail Noise Control Boundary; or
- f. The activity is designed, constructed and maintained in accordance with the construction schedule in NAV Appendix 1 and meet the ventilation requirements at NAV.6.5.5.

3. 5. Where windows are required to be closed to achieve the sound levels in NAV.6.5.1 – 2, the room or space shall be designed, constructed and maintained to:

- a. Provide mechanical ventilation that satisfies clause G4 of the New Zealand **Building Code** and is adjustable by the occupant to control the ventilation rate in increments up to a high air flow setting that provides at least 6 air changes per hour; and
- b. Provide relief for equivalent volumes of spill air; and
- c. Provide cooling and heating that is controllable by the occupant and that can maintain the inside temperature of the room or space between 18°C and 25°C.

Ensure that where a ventilation or ~~cooling~~ cooling system is used that it does not generate more than 35dB<sub>L<sub>Aeq</sub></sub> when measured 1m away from any grille or diffuser at the minimum level required to achieve the temperatures in NAV.6.5.3(c).

6. Any activity which does not comply with NAV.6.5.3 is a Restricted Discretionary activity. Discretion is restricted to:

- a. The effects on people's health and internal residential amenity, including effects on future residents and effects from future levels of noise anticipated when the application is being assessed.
- b. Whether activity listed in NAV.6.5 Table 1 could be designed or located to achieve compliance with the rules.

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- c. The extent to which non-compliance with the rules could unduly compromise the continuing operation of the state highway corridor, or railway corridor as enabled within Designations KRH-1 and KRH-2.
- d. Any natural or built features of the site or surrounding area which will mitigate noise effects.
- e. The outcome of any consultation undertaken with Waka Kotahi or KiwiRail.

## Notes:

1. NAV.6.5.4(d) and (e) apply where an existing building continues to be used as a residential unit.
2. NAV.6.5.4(e) provides for:
  - a. alterations that partition, combine, or re-allocate space between, habitable rooms.
  - b. the incorporation of a maximum of 5m<sup>2</sup> of non-habitable space into habitable rooms.

## Note Compliance Standards:

1. A certificate from a **Recognised Acoustician**, ~~confirming that the building accommodating the noise sensitive activity will achieve the minimum sound insulation requirements,~~ is required to confirm compliance with the acoustic requirements of NAV.6.5. When confirming compliance with NAV.6.5.3 and NAV.6.5.4(b):

- a. Railway noise is assumed to:
  - i. be 70 dB LAeq(1h) at a distance of 12m from the track; and
  - ii. reduce at a rate of 3 dB per doubling of distance of up to 40m and 6 dB per doubling of distance beyond 40m.
- b. Road noise is based on measured or predicted noise levels plus 3 dB.

2. Where more than one standard within NAV.6.5 applies that requires insulation of a noise sensitive activity or a noise sensitive space from an external noise source, each of those standards must be complied with.

## Notification:

1. Any restricted discretionary activity under NAV.6.5.6 shall not be notified or limited notified unless Waka Kotahi or KiwiRail (as relevant) is determined to be an affected person in accordance with section 95B of the Resource Management Act 1991 or Council decides that special circumstances exist under section 94A(4) of the Resource Management Act 1991.

## **NAV.6.5A Activities within the Rail Noise Alert Area**

1. Within the Rail Noise Alert Area any activity is a permitted activity where:
  - a. Resource consent is not required under any rule of the District Plan.
  - b. The activity is not prohibited under any rule of the District Plan.

### Note:

1. The Rail Noise Alert Area identifies the noise-sensitive area within a 53dB rail noise contour each side of the rail corridor. Properties within this area may experience rail noise. No specific district plan rules or notification requirements apply as a result of this Rail Noise Alert Area.

## **NAV.6.5B Activities within the Rail Vibration Alert Area**

1. Within the Rail Vibration Alert Area any activity is a permitted activity where:
  - a. Resource consent is not required under any rule of the District Plan.

- b. The activity is not prohibited under any rule of the District Plan.

Note:

1. The Rail Vibration Alert Area identifies the vibration-sensitive area within 60metres each side of the rail corridor. Properties within this area may experience rail vibration. No specific district plan rules or notification requirements apply as a result of this Rail Vibration Alert Area.

### NAV.6.6 Activities Establishing near the Airport Zone

1. Within the Air Noise Margin:
  - a. A minor addition or alteration to an existing building, which is not to be used as a habitable room, is a permitted activity.
  - b. The following are **controlled** activities within the Outer Control Boundary:
    - i. The addition of a habitable room;
    - ii. The construction of a new residential unit if:
      - The net site area associated with each residential unit is at least 1000m<sup>2</sup>.
      - The proposed construction is the first residential unit upon an allotment that is less than 1000m<sup>2</sup> and that allotment existed before 1 December 2005.
    - iii. Visitor's accommodation.
  - c. Control is reserved over:
    - i. The effect of aircraft noise on the living standard within buildings or habitable rooms. Whether the design and materials used in the construction achieves an internal design level of 40 dB L<sub>dn</sub> for noise within any habitable room.
  - d. Any activity that does not comply with the standard for a **permitted** or **controlled** activity is a **discretionary** activity. See NAV.7 for Discretionary activity criteria.
2. Within the Air Noise Boundary:
  - a. New noise sensitive activities are **prohibited** activities
  - b. Visitor Accommodation is a **discretionary** activity:

**Note 1 - Conditions of consent:** Any application for land use consent for a residential or other noise-sensitive activity in the Outer Control Boundary, will be required to have a notice registered against its title and included in the LIM report which alerts the owner that the property falls within a noise-sensitive area and can therefore expect noise levels higher than would normally be expected in that Zone.

**Note 2 - Notification:** Council has identified reverse sensitivity effects that new noise-sensitive activities may have on the safe and efficient operation of the Whangārei Airport. It has also identified potential adverse effects of the Airport on noise-sensitive activities. Therefore, applications for resource consent may require the written approval of the Whangārei Airport as an affected party if such applications are to be considered on a non notified basis.

### NAV.6.7 Aircraft and Helicopter Landing Areas

Helicopter landing areas, including those used for military training activities, shall comply with and be measured and assessed in accordance with NZS 6807:1994 "Noise Management and Land Use Planning for Helicopter Landing Areas". NAV.6.7 shall not apply to emergency services helicopter movements. Noise from aircraft other than helicopters shall comply with NZS6805:1992 "Airport Noise Management and Land Use Planning."

The use of aircraft and helicopters undertaking [rural production activities](#) on an intermittent and infrequent basis are exempt from compliance with NAV.6.7.

### NAV.6.8 Engine Testing

Aircraft engine testing in the Airport Zone is a permitted activity if:

- a. Between the hours of 0700 and 2300, the noise generated by aircraft engine testing, assessed at any point within the [boundary](#) of any Residential Zone, does not exceed 55 dB [L<sub>Aeq</sub>](#) (16 hours) and 65 dB [L<sub>Aeq</sub>](#) (15 minutes);
- b. Between the hours of 2300 and 0700, noise generated by aircraft engine testing assessed at any point within the [boundary](#) of any Residential Zone, does not exceed 45dB [L<sub>Aeq</sub>](#) (8 hours) and 65 dB [L<sub>AFmax</sub>](#);
- c. Between the hours of 2300 and 0700, for the purposes of essential, unscheduled [Maintenance](#) and engine testing on a maximum of 15 occasions within any calendar year, noise generated within the [boundary](#) of any Residential Zone does not exceed 55 dB [L<sub>Aeq</sub>](#) (8 hours) and 70 dB [L<sub>AFmax</sub>](#). In these circumstances the noise limits set out in b. above shall not apply;
- d. The time, duration and other essential details of any testing undertaken in accordance with the requirements of c. above shall be recorded and advised to the Whangārei District Council within two weeks of any such event.

### NAV.6.9 Explosives Use

Peak noise levels from explosives, excluding those from Temporary Military Training Activities, use shall not exceed the following limits when measured within the [notional boundary](#) of any [building](#) set out in the following table:

Affected <a href="#">building</a> type	Permitted blasting time window	Number of blasts per year	Max peak sound level applying to all blasts dB <a href="#">L<sub>peak</sub></a>
Occupied <a href="#">noise sensitive activity</a> and <a href="#">visitor accommodation</a>	0700 to 1900 hours	≤ 20	120
		>20	115
Occupied commercial and industrial <a href="#">buildings</a>	All hours of occupation	All	125
Unoccupied <a href="#">buildings</a>	All times	All	140

### NAV.6.10 Temporary Military Training Activities

Temporary military training activities are permitted activities provided that they comply with the following rules:

1. *Weapons firing and/or the use of explosives*
  - a. Weapons firing and explosives use on any [site](#) shall not exceed a total of 31 [days](#) in any 365 [day](#) period.
  - b. Weapons firing and/or use of explosives shall comply with the following:

Table 1:

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Activity	Time (Monday to Sunday)	Separation distance required between the <b>Boundary</b> of the activity and the <b>notional boundary</b> to any <b>building</b> housing a <b>noise sensitive activity</b>
i. Live firing of weapons and single or multiple explosive events	0700 to 1900 hours	At least 1500m
	1900 to 0700 hours	At least 4500m
ii. Firing of blank ammunition	0700 to 1900 hours	At least 750m
	1900 to 0700 hours	At least 2250m

Table 2:

Rules to be complied with if minimum separation distances for sources NAV.6.10.1(i) and (ii) cannot be met:		
Rule	Time (Monday to Sunday)	Noise level at the <b>notional boundary</b> to an individual <b>building</b> housing a <b>noise sensitive activity</b>
(a)	0700-1900hrs	For the use of explosives: 120 dB <b>L<sub>peak</sub></b> For the use of small arms and pyrotechnics: 90 dB <b>L<sub>peak</sub></b> with one period in any 365 <b>day</b> period of up to five <b>days</b> consecutive use up to 120 dB <b>L<sub>peak</sub></b>
(b)	1900-0700hrs	For the use of explosives: 90 dB <b>L<sub>peak</sub></b> For the use of small arms and pyrotechnics: 60 dB <b>L<sub>peak</sub></b> with one period in any 365 <b>day</b> period of up to five <b>days</b> consecutive use up to 90 dB <b>L<sub>peak</sub></b>
(c)	<p>A Noise Management Plan prepared by a suitably qualified expert is provided to Council at least 15 working <b>days</b> prior to the activity taking place. The Noise Management Plan shall, as a minimum, contain:</p> <ul style="list-style-type: none"> <li>• A description of the <b>site</b> and activity including times, dates, and nature and location of the proposed training activities.</li> <li>• Methods to minimise the noise disturbance at noise sensitive receiver <b>sites</b> such as selection of location, orientation, timing of noisy activities to limit noise received at sensitive receiver <b>sites</b>.</li> <li>• A map showing potentially affected noise sensitive <b>sites</b> and predicted peak sound pressure levels for each of these locations.</li> <li>• A programme for notification and communication with the occupiers of affected noise sensitive <b>sites</b> prior to the activities commencing, including updates during the event.</li> <li>• A method for following up any complaints received during or after the event, and any proposed debriefing meetings with Council.</li> </ul>	

**Note:** “Small arms” include, but are not limited to, revolvers, self-loading pistols, rifles and carbines, assault rifles, submachine guns and light machine guns.

**Note:** “Explosives” include but are not limited to explosive charges, cannons, grenades, mortars and rockets.

2. *Mobile noise sources, excluding sources NAV.6.10.1(i) and (ii)*

- a. Activities shall comply with the “typical duration” noise limits set out in Tables 2 and 3 of *NZS6803:1999 Acoustics – Construction Noise* (with reference to ‘construction noise’ taken to refer to other, mobile noise sources) provided that no **building** housing a **noise sensitive activity** is exposed to noise above 35 dB **L<sub>AFmax</sub>** from a **Temporary Military Activity** mobile source for more than a total of 31 **days** in any 365 **day** period.
- b. Activities that do not comply with the duration limit in NAV.6.10.2(a) shall comply with the noise limits in NAV.6.10.3. Fixed (stationary noise sources).

**Note:** mobile noise sources (other than firing of weapons) include sources such as personnel, light and heavy vehicles, self-propelled equipment, earthmoving equipment.

3. *Fixed (stationary) noise sources, excluding sources NAV.6.10.1(i) and (ii)*

Time (Monday to Sunday)	Noise level at the <u>notional boundary</u> to any <u>building</u> housing a <u>noise sensitive activity</u> *	
0700 to 1900 hours	55 dB <u>L<sub>Aeq</sub></u> (15 min)	n.a.
1900 to 2200 hours	50 dB <u>L<sub>Aeq</sub></u> (15 min)	
2200 to 0700 hours the next <u>day</u>	45 dB <u>L<sub>Aeq</sub></u> (15 min)	75 dB <u>L<sub>AFmax</sub></u>

**Note:** fixed (stationary) noise sources (other than firing of weapons and explosives) include noise sources such as power generation, heating, ventilation or air conditioning systems, or water or wastewater pumping/treatment systems.

4. *Helicopter landing areas*

Helicopter landing areas shall comply with noise limits set out in NZS6807:1994 *Noise Management and Land Use Planning for Helicopter Landing Areas*.

5. *Restricted Discretionary Activities*

Any activity that does not comply with rules NAV.6.10.1 – NAV.6.10.4 shall be a Restricted Discretionary Activity. Discretion is restricted to those matters listed in NAV.7.1(a) – (m).

## NAV.6.11 Bird Scaring Devices

The use of bird scaring devices is a **permitted** activity in the Rural Production Zone if:

- Bird scaring devices do not operate between half an hour after sunset and half an hour before sunrise.
- Each device operates at not more than 6 “events” per hour where an “event” includes clusters of up to three shots from gas operated devices or three individual shots from a firearm in quick succession. (This rule does not apply to bird scaring devices that generate a noise level of less than 55 dB L<sub>AE</sub> within the notional boundary of any noise sensitive activity not owned by the operator of the device).
- The sound level from any event does not exceed 65 dB L<sub>AE</sub> within the notional boundary of any noise sensitive activity not owned by the operator of the device.
- The bird scaring device is only operated when a crop is at risk from bird damage.

The use of bird scaring devices in other Zones is a **discretionary** activity.

**Advice Note:** Existing use rights may apply where a bird scaring device has been lawfully established prior to the operative date 24 May 2016 of the NAV chapter.

## NAV.6.12 Road Traffic

- Noise from any new or altered road shall be assessed in accordance with and meet the provisions of New Zealand Standard NZS 6806:2010 “*Acoustics - Road-traffic noise - New and altered roads.*”
- The installation and operation of Audio-Tactile pedestrian call buttons at traffic signal controlled intersections and pedestrian crossings is a permitted activity. Installations shall comply with Australian Standard AS2353: 1999 Pedestrian Push- button Assemblies.



### NAV.6.13 Frost Fans

The use of frost fans is a **permitted** activity in the Rural Production Zone if:

- a. Noise generated by single or multiple frost fans on a site does not exceed 55 dB  $L_{Aeq}$  (10 minute) at any time when assessed at the notional boundary of any noise sensitive activity on a separate site under different ownership.

**Note:** The noise rule includes a correction for the special audible characteristics of frost control fans and no further penalty shall be applied to measured noise levels.

- b. Operation of frost fans during the night period shall be for protection of crops from frost only. Any other operation, such as for the purposes of Maintenance, shall be undertaken during the day period.
- c. A legible notice shall be fixed to the road frontage of the property on which the frost fan is being used giving the name, address and telephone number of the person responsible for its operation.

The use of frost fans in any other Zone is a **discretionary** activity.

**Advice Note:** Existing use rights may apply where a frost fan has been lawfully established prior to the operative date 24 May 2016 of the NAV chapter.

### NAV.6.14 Emergency Generator Testing

The testing of emergency generators is a permitted activity in all Zones if:

- a. The duration of testing does not exceed 12 hours total per annum;
- b. Testing occurs between 0900 and 1700 hours only;
- c. Noise levels do not exceed the following:
  - i. 60 dB  $L_{Aeq}(15 \text{ min})$  within the relevant boundary assessment location of any Marsden Primary Centre – Town Centre Living, Open Space, Natural Open Space Rural Production, Rural Village Residential or Residential Zones.
  - ii. 65 dB  $L_{Aeq}(15 \text{ min})$  within the site boundary of any Business 1, 3, Rural Village Centre, City Centre, Mixed Use, Local Centre, Neighbourhood Centre or Waterfront Zones or Port Nikau Development Area, or Town Centre Zone Marsden Primary Centre Noise Zone 2.
  - iii. 70 dB  $L_{Aeq}(15 \text{ min})$  within the site boundary of any Light Industrial, Commercial, Sport and Active Recreation, Hospital or Airport Zone, or Marsden Primary Centre Noise Zone 1 Zone.
  - iv. 85 dB  $L_{Aeq}(15 \text{ min})$  within the site boundary of any Heavy Industrial, Strategic Rural Industries, Rural Village Industry or Port Zone.

### NAV.6.15 Vibration

#### 1. Continuous Vibration from Stationary Machinery

Vibration from building services is a permitted activity if vibrating, reciprocating and rotating machinery and all piping, ducting and other equipment attached to such machinery is installed and maintained so that any resulting vibration does not exceed the levels in the following table when measured in adjacent buildings or areas of buildings under different ownership from the source of vibration:

Affected occupied <b>building</b> type	Time	Maximum vibration level in mm/s <b>rms</b> between 8 and 80 Hz
Industrial	All	0.8
Commercial	All	0.4
<b>Noise sensitive activity</b>	0700 to 2200 hours	0.2
	2200 to 0700 hours	0.14
Surgery rooms of healthcare facilities	All	0.1

## 2. Construction Vibration

Vibration from construction and **demolition** activity is a permitted activity if it does not exceed the following levels when measured at the point of **effect**.

- For human annoyance, vibration should be assessed at the location of the affected person inside the **building**, typically on the appropriate floor. Vibration should be measured in three orthogonal directions orientated to the axes of the **building** and assessed in the single axis in which vibration is greatest.
- For **building** damage, vibration should be assessed at the horizontal plane of the highest floor of the **building**. Vibration should be measured in two horizontal orthogonal directions orientated to the axes of the **building** and assessed in the single axis in which vibration is greatest. Note that for the **building** damage criteria in NAV 6.15.2 Note 2 an alternative measurement location is defined.

<b>Effect</b>	Affected occupied <b>building</b>	Activity	Time	Maximum vibration level mm/s <b>ppv</b>	Notes
Annoyance	Occupied <b>noise sensitive activity</b> or <b>visitor accommodation</b> in any Zone	General construction activity	2200 to 0700	0.3	1
			0700 to 2200	1	1
	Occupied commercial or <b>industrial activity</b> in any Zone	General construction activity	2200 to 0700	5	
			0700 to 2200	1	
<b>Building</b> damage	Unclassified <b>structures</b> of great intrinsic value such as historic <b>buildings</b>	All activity	All times	2.5	
	Non-occupied dwellings and <b>buildings</b> of similar design	All activity	All times	5	
	Non-occupied commercial and industrial <b>buildings</b>	All activity	All times	10	

<sup>1</sup> Except that in surgery rooms of **hospital** facilities, maximum vibration levels from construction and **demolition** activities shall not exceed 0.1mm/s **rms** between 8 and 80Hz.

<sup>2</sup> NAV.6.15.2 shall not apply to permitted **Maintenance** or utility works undertaken within the **road** carriageway where the following levels are achieved:



Table 1

<b>Effect</b>	<b>Receiver</b>	<b>Location</b>	<b>Details</b>	<b>Maximum vibration level (mm/s PPV)</b>
Annoyance and <b>building</b> damage	Occupied <b>noise sensitive activity</b> or <b>visitor accommodation building</b> in any Zone	As set out in NAV.6.15.2 above	2000 to 0630 hours	1
			0630 to 2000 hours	5
	Occupied commercial or <b>industrial activity building</b> in any Zone	Inside the <b>building</b>	0630 to 2000 hours	5
<b>Building</b> damage	Unoccupied <b>buildings</b>	Base of <b>building</b> on side of <b>building</b> facing vibration source or, where this is not practicable, on the ground outside the <b>building</b>	Vibration – transient (including blasting)	Refer to table 2 below
			Vibration – continuous	Refer to table 2 below - 50% of Table 2 Values

Table 2

<b>Type of <b>building</b></b>	<b>Peak component velocity (PPV) in frequency range of predominant pulse</b>	
	<b>4 to 15 Hz</b>	<b>15 Hz and above</b>
Reinforced or framed <b>structures</b> Industrial and heavy commercial <b>buildings</b>	50 mm/s	50 mm/s
Unreinforced or light framed <b>structures</b> Residential and light commercial <b>buildings</b>	15 mm/s at 4Hz increasing to 2 0mm/s at 15 Hz	20 mm/s at 15Hz increasing to 50 mm/s at 40 Hz

**Notes:**

- All values referred to in table 2 are at the base of the **building**
- For unreinforced or light framed **structures** and residential and light commercial **buildings** at frequencies below 4 Hz a maximum displacement of 0.6mm (zero to peak) is not to be exceeded.

### 3. Vibration from Explosives Use and Blasting

Vibration from explosive use and blasting from activity other than provided for in NAV.6.15.2 is a permitted activity if it does not exceed the levels set out in the following table, when measured in general accordance with the provisions of Australian Standard AS2187.2: 2006 Explosives – Storage and use – Use of explosives.

<b>Category</b>	<b>Type of blasting operations</b>	<b>Peak component particle velocity (mm/s)</b>
-----------------	------------------------------------	--

Occupied <a href="#">noise sensitive activities</a> and <a href="#">visitor accommodation</a>	Operations lasting longer than 12 months or more than 20 blasts per year	5 mm/s for 95% blasts per year 10 mm/s maximum unless agreement is reached with the occupier that a higher limit may apply
Occupied <a href="#">noise sensitive activities</a> and <a href="#">visitor accommodation</a>	Operations lasting less than 12 months or less than 20 blasts per year	10 mm/s unless agreement is reached with the occupier that a higher limit may apply
Occupied non-sensitive <a href="#">site</a> , such as factories and commercial premises	All blasting	25 mm/s unless agreement is reached with the occupier that a higher limit may apply

## NAV.7 Discretionary Activities

### 1. Assessment of Discretionary Activities for NAV.6.1 – NAV.6.15

Unless specifically stated otherwise, any activity shall be a discretionary activity where it does not comply with all of the permitted noise and vibration provisions given in the previous sections NAV.6.1 – NAV.1.6.15. When assessing discretionary applications pursuant to these sections, the assessment shall include (but is not limited to):

- a. The level of sound likely to be received
- b. The existing ambient sound levels
- c. The nature and frequency of the noise including the presence of any special audible characteristics
- d. The [effect](#) on [noise sensitive activities](#) within the [environment](#)
- e. The likely time when noise will be audible and the extent of the exceedance of the noise rule at that time
- f. Whether the level and character of the noise is below recognised guidelines or standards for the preservation of amenity
- g. The potential for cumulative [effects](#) to result in an adverse outcome for receivers of noise
- h. The [effects](#) of noise on recreation or [Conservation](#) areas within the Natural Open Space Zone.
- i. The value and nature of the noise generating activity and the benefit to the wider community having regard to the frequency of noise intrusion and the practicality of mitigating noise or using alternative [sites](#).
- j. Any proposed measures to avoid, remedy or mitigate noise received off-Site
- k. The potential for any [reverse sensitivity effects](#)
- l. The level of involvement of a [Recognised Acoustician](#) in the assessment of potential noise [effects](#) and/or mitigation options to reduce noise.
- m. The ability of [noise sensitive activities](#) to unduly compromise the continuing operation or future development of other lawful activities

### 2. Assessment of Discretionary Activities for NAV.6.6 Activities Establishing Near the Airport Zone

When assessing discretionary applications pursuant to section NAV.6.6, the assessment shall include (but is not limited to):

- a. Consideration of the proposed location of the noise-sensitive activity in relation to airport activities;

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- b. Effects, or potential effects arising from the proximity of the airport, aircraft approach/takeoff paths, lead-in lighting, navigational aids; and the potential of buildings or structures to create glare, electromagnetic interference, smoke, mechanical turbulence or other adverse effects;
- c. The effect, or potential effect of the noise-sensitive activity on the operation of Whangārei Airport; particularly having regard to helicopter TLOF and hover points and the runway centreline alignments, requirements for aircraft on approach, and aircraft utilising navigational aids/lighting.
- d. The effect, or potential effect of airport operations, in particular noise, and health/safety effects from low flying aircraft, on the noise-sensitive activity, given low ground clearances for aircraft on approach/ takeoff over this area, and high single event noise levels and average daily noise levels;
- e. The effect of topographical characteristics of the land in relation to shielding of airport noise;
- f. Relevant objectives and policies, as they relate to the protection of a regionally significant transportation resource;
- g. Any remedial measures to avoid, remedy or mitigate potential conflict with the safe and efficient operation of the airport;
- h. Whether there has been adequate and meaningful consultation with the Airport Authority with respect to the current or potential effects associated with the operation of the airport resource, whether any issues have been resolved and any mitigation measures that have been proposed.

## **NAV Appendix 1 NAV.6.5.4(d) Alternative Construction Schedule for Road and Rail Noise Control**

<b>Elements</b>	<b>Minimum construction for noise control in addition to the requirements of the New Zealand Building Code</b>	
<b>Exterior Walls</b>	Wall cavity infill of fibrous insulation, batts or similar (minimum density of 9 kg/m <sup>3</sup> )	
	Cladding and internal wall lining complying with either Options A, B or C below:	
	<b>Option A</b> - Light cladding: timber weatherboard or sheet materials with surface mass between 8 kg/m <sup>2</sup> and 30 kg/m <sup>2</sup> of wall cladding	Internal lining of minimum 17 kg/m <sup>2</sup> plasterboard, such as two layers of 10 mm thick high-density plasterboard, on resilient/isolating mountings
	<b>Option B</b> - Medium cladding: surface mass between 30 kg/m <sup>2</sup> and 80 kg/m <sup>2</sup> of wall cladding	Internal lining of minimum 17 kg/m <sup>2</sup> plasterboard, such as two layers of 10 mm thick high-density plasterboard
	<b>Option C</b> - Heavy cladding: surface mass between 80 kg/m <sup>2</sup> and 220 kg/m <sup>2</sup> of wall cladding	No requirements additional to New Zealand Building Code
<b>Roof / Ceiling</b>	Ceiling cavity infill of fibrous insulation, batts or similar (minimum density of 7 kg/m <sup>3</sup> )	
	Ceiling penetrations, such as for recessed lighting or ventilation, shall not allow additional noise break-in	
	Roof type and internal ceiling lining complying with either Options A, B or C below:	
	<b>Option A</b> - Skillion roof with light cladding: surface mass up to 20 kg/m <sup>2</sup> of roof cladding	Internal lining of minimum 25 kg/m <sup>2</sup> plasterboard, such as two layers of 13 mm thick high-density plasterboard
	<b>Option B</b> - Pitched roof with light cladding: surface mass up to 20 kg/m <sup>2</sup> of roof cladding.	Internal lining of minimum 17 kg/m <sup>2</sup> plasterboard, such as two layers of 10 mm thick high-density plasterboard
	<b>Option C</b> - Roof with heavy cladding: surface mass between 20 kg/m <sup>2</sup> and 60 kg/m <sup>2</sup> of roof cladding	No requirements additional to New Zealand Building Code
<b>Glazed Areas</b>	Aluminium frames with full compression seals on opening panes	
	Glazed areas shall be less than 35% of each room's gross floor area	
	Either: <ul style="list-style-type: none"> <li>• <u>double-glazing with:</u> <ul style="list-style-type: none"> <li>○ <u>a laminated pane of glass at least 6 mm thick;</u></li> <li>○ <u>a cavity between the two panes of glass at least 12 mm deep; and</u></li> <li>○ <u>a second pane of glass at least 4 mm thick</u></li> </ul> </li> </ul> Or <ul style="list-style-type: none"> <li>• <u>any other glazing with a minimum performance of Rw 33 dB</u></li> </ul>	
<b>Exterior Doors</b>	Exterior door: <ul style="list-style-type: none"> <li>• <u>within the state highway noise control boundary with a line-of-sight to any part of the state highway road surface; or</u></li> <li>• <u>within the railway corridor noise control boundary with a line-of-sight to any point 3.8m directly above the formed railway track.</u></li> </ul>	<u>Solid core exterior door, minimum surface mass 24 kg/m<sup>2</sup>, with edge and threshold compression seals; or other doorset with minimum performance of Rw 30 dB</u>
	<u>Exterior door outside of the state highway noise control boundary and railway corridor noise control boundary, or with no line-of-sight to any part of the state highway road surface or to any point 3.8m directly above the formed railway track</u>	<u>Exterior door with edge and threshold compression seals</u>

## Revision and Sign-off Sheet

Editor	Paragraph	Change Reference	Operative Date	Council Decision Date	Approved By
AKM	NAV.6.1 Nav.6.5	Clause 16A Minor Amendments <a href="#">DSTPLN-659943184-396</a>	21 February 2022	21 February 2022	DK
AKM	NAV.6.2	Clause 16A Minor Amendments <a href="#">DSTPLN-721421080-202</a>	13 May 2022	13 May 2022	DK

**Editor****Ashley Middleton**

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Support Assistant

**Approved By****Dominic Kula**

Approver Position

GM Planning and Development

# Precincts (PREC)

## PREC X – Marsden City Precinct (MCP)

### Issues

The Marsden City Precinct (MCP) provides for the development of a new sustainable community with a comprehensively planned town centre surrounded with a compatible mix of residential and employment activities. The precinct provides for a range of residential densities, including higher residential densities close to the Marsden Town Centre, to increase housing capacity while providing a choice of living environments. The precinct provides opportunities for a school, community facilities and a range of open spaces. The co-location of residential, community and employment generating land uses within the precinct will reduce commuter travel to other areas within the region.

The transport network in Marsden City will be progressively upgraded over time to support development in the wider area. The precinct includes provisions to ensure that the development of land for business and housing is coordinated with the construction of the transport network upgrades necessary to support it.

The wastewater system within the Marsden/Ruakaka Catchment has capacity constraints and significant investment in this system is required to provide increased capacity to service growth within the catchment over the long term. While Council is planning and working towards implementing capacity upgrades, careful management of the capacity within the catchment is required to ensure the sustainable operation of the reticulated network and system in the interim. Planning applications and decisions in the Marsden City Precinct should be cognisant of available capacity of the overall wastewater system at a catchment level.

The Marsden Point area contains industrial land uses that play an important role in the economy of the region. The precinct includes provisions to manage any reverse sensitivity that may arise between residential development and the industrial land use, State Highway 15 and Marsden Rail corridor.

There are seven sub-precincts within the Marsden City Precinct:

- Sub-Precinct A is zoned Special Purpose Town Centre Zone and contains the primary retail area and is the focal point for retail, commercial and civic development and pedestrian activity;
- Sub-Precinct B is zoned Mixed Use Zone and provides for high density residential and a range of commercial activities that will complement the town centre and maximise the efficient use of land;
- Sub-Precinct C is zoned Medium Density Residential Zone and will provide for medium residential development in easy walking distance to the Special Purpose Town Centre Zone;
- Sub-Precinct D is zoned General Residential Zone and provides for residential development of a suburban character;
- Sub-Precinct E is zoned Commercial Zone (south), providing for a range of business activities and generally precluding residential development given the areas proximity to State Highway 15A;
- Sub-Precinct F is zoned Commercial Zone (north & east) and similarly provides for a range of business activities and generally precludes residential development given the areas proximity to the rail designation.

The MCP has a suite of objectives, policies and rules that will guide development within the MCP. The objectives, policies and rules apply in addition to the underlying zone unless otherwise stated.

MCP appendices attached to this chapter and include:

- MCP zoning plan
- MCP sub-precinct plan
- ~~MCP noise areas plan~~
- Indicative road network plan

# Precincts (PREC)

- Road cross sections

All other district wide objectives, policies and rules apply to development in the MCP unless otherwise stated in the MCP provisions.

Objectives	
MCP-O1 – Liveable Precinct	Marsden City Precinct is developed in a comprehensive and integrated way to provide for a compatible mix of residential living, commercial, employment and education.
MCP-O2 – Housing Choice	Different types of housing and levels of intensification are enabled to provide a choice of living environments.
MCP-O3 – Streetscape and Residential Amenity	Development positively engages with the street and provides quality on-site residential amenity for residents.
MCP-O4 – Infrastructure and Services	Development is supported by appropriate infrastructure and services to meet development capacity.
MCP-O5 – Transport and Access	Access to the precinct occurs in an effective, efficient and safe manner that manages effects on One Tree Point Road, State Highway 15 and the surrounding road network.
MCP-O6 – Reverse Sensitivity	Manage reverse sensitivity effects between zones and incompatible land use activities.
MCP-O7 – Open Space	Create a strong network of public open space, including places to enjoy a range of active and passive recreational activities whilst also enhancing the local ecology.
MCP-O8 – Mana Whenua	Recognise and provide for the relationship of mana whenua and their culture and traditions with their cultural landscapes in the future development of the Marsden City Precinct.

Policies	
MCP-P1 – Liveable Precinct	Enable the comprehensive and integrated development of Marsden City Precinct in accordance with the underlying zones.
MCP-P2 – Integrated Development	Encourage higher density and mixed use development, and an integrated urban form, with public transport networks, pedestrian facilities and cycleways, to provide an alternative to, and reduce dependency on, private motor vehicles as a means of transportation.
MCP-P3 – Streetscape	Encourage development to achieve attractive and safe streets and public spaces in residential areas including by: <ol style="list-style-type: none"> <li>1. Providing for passive surveillance</li> <li>2. Optimising front yard landscaping</li> <li>3. Minimising visual dominance of garage doors.</li> </ol>

# Precincts (PREC)

	<ol style="list-style-type: none"> <li>Recognising that residential at ground floor may be appropriate in Sub-Precinct A where development maintains privacy and amenity for ground floor occupants and allows opportunities for passive surveillance.</li> </ol>
MCP-P5 – Multi Unit Development	Manage the design and appearance of multi-unit development so that it integrates with the wider precinct.
MCP-P6 – Residential Amenity	<p>Require residential units to be designed to meet the day to day needs of residents by providing:</p> <ol style="list-style-type: none"> <li>Privacy, outlook, and daylight.</li> <li>Useable and accessible outdoor living space with good sunlight access.</li> <li>Reasonable levels of internal noise</li> </ol>
MCP-P7 – Infrastructure and Services	Require the efficient provision of three waters infrastructure for the Marsden City Precinct.
MCP-P8 – Transport and Access	<p>Ensure that the timing of and development in Marsden City is coordinated with intersection upgrades necessary to manage the adverse effects of development on the wider transport network, in particular at:</p> <ol style="list-style-type: none"> <li>SH15/One Tree Point Road/McCathie Road intersection.</li> <li>One Tree Point Road/Pokapu Road.</li> <li>One Tree Point Road/Casey Road.</li> <li>One Tree Point Road/Roosevelt Road.</li> </ol>
MCP-P9 – Reverse Sensitivity	Avoid reverse sensitivity effects on State Highway 15, the designated rail corridor and surrounding industrial land use by discouraging the establishment of noise sensitive activities in close proximity to these uses. <b>and requiring sound insulation for noise sensitive activities within identified Noise Zones.</b>
MCP-P10 – Open Space	<p>Require subdivision within the Marsden City Precinct to provide for the recreation and amenity needs of residents by providing:</p> <ol style="list-style-type: none"> <li>At a minimum, open spaces within Lot 59 DP 465292, Lot 60 DP 465292 and Lot 65 DP 465292 which are prominent and accessible by pedestrians;</li> <li>For the number and size of open spaces in proportion to the future density of the neighbourhood; and</li> <li>For pedestrian and cycle linkages.</li> </ol>
MCP-P11 – Mana Whenua	<p>Development shall recognise and take into account mana whenua values by:</p> <ol style="list-style-type: none"> <li>Enabling the consideration of mana whenua values in the design of development.</li> <li>Consulting with mana whenua to understand their values relevant to development within the Marsden City Precinct.</li> </ol>
MCP-P12 – Residential Activities and Visitor Accommodation in the Commercial (South) Sub Precinct	<p>Manage reverse sensitivity effects and enable appropriate visitor accommodation in the Commercial (South) Sub-Precinct by:</p> <ol style="list-style-type: none"> <li>Restricting the establishment of residential activities within the Commercial (South) Sub-Precinct.</li> <li>Discouraging the establishment of visitor accommodation on sites adjoining State Highway 15.</li> </ol>



# Precincts (PREC)

## All Sub-Precincts

MCP-R1	Any Activity
	<ol style="list-style-type: none"> <li>The underlying zone shall apply as identified on the District Plan Zone maps.</li> <li><del>The MCP Noise Area Plan in Appendix B shall apply to all applicable areas.</del></li> </ol>

MCP- R2	Any Activity
	The relevant rules of the district wide chapters apply unless otherwise stated in the MCP rules.

MCP- RX	Any Development within Sub Precinct B, E and F	
	<p>Activity Status: Permitted</p> <p>Where:</p> <ol style="list-style-type: none"> <li>Within Sub Precinct B, E and F an area not less than 2m in depth along the site frontage of One Tree Point Road and State Highway 15 is landscaped with a combination of trees, shrubs, and ground cover to a minimum height of 1.8m above ground level; with a maximum spacing of 10m from the centre of each tree.</li> </ol>	<p>Activity Status when compliance not achieved: Restricted Discretionary</p> <p>Matters for discretion:</p> <ol style="list-style-type: none"> <li>Streetscape character and amenity.</li> <li>The appropriateness of the nature, type and size of the planting proposed to soften the scale and visual impact of built form along road boundaries.</li> </ol>

MCP- RX	Any Building or Major Structure	
	<p>Activity Status: Permitted</p> <p>Where:</p> <ol style="list-style-type: none"> <li>The building or major structure (excluding minor buildings) is not located within 10m of an indicative or future street, lane, cycle lane or link road as shown on the MCP Appendix C: Indicative Road Network Plan layout.</li> </ol> <p><i>Compliance Standards:</i></p> <ol style="list-style-type: none"> <li><i>MCP-RX.1 does not apply where the indicative street, lane, cycle lane or link road has been constructed and vested pursuant to MCP-RNew1 and MCP-RNew2.</i></li> </ol> <p><i>Note:</i></p>	<p>Activity Status when compliance not achieved: Restricted Discretionary</p> <p>Matters of discretion:</p> <ol style="list-style-type: none"> <li>Location, size and design of buildings and activities.</li> <li>Effects on the future growth or expansion of the transport network.</li> <li>Alternative routes to achieve the indicative MCP Appendix C: Indicative Road Network Plan layout.</li> </ol>

# Precincts (PREC)

1. *Where a road has been constructed and vested, the relevant building setback rules for the underlying zone shall apply.*

MCP-RNew1	Construction of any new public road or service lane	Activity Status when compliance not achieved: Non-Complying
MCP-RNew2	Any major road alteration to an existing public road	
<p>Activity Status: Restricted Discretionary</p> <p>Where:</p> <p>Matters of discretion:</p> <ol style="list-style-type: none"> <li>1. The matters of discretion listed in Transport Chapter Rule TRA-R17 and TRA-R18.</li> <li>2. Alternative location of any public road or service lane and the impact on the future ability to achieve the indicative MCP Appendix C: Indicative Road Network Plan outcomes.</li> <li>3. The provision, design, construction and standards of the public road or service lane street, lane, cycle lane or link road.</li> <li>4. Urban design best practice.</li> <li>5. Traffic, cycle and pedestrian safety and efficiency.</li> </ol> <p>Notes:</p> <ol style="list-style-type: none"> <li>1. <i>Applications shall comply with information requirements TRA-REQ3 and MCPREQ2.</i></li> <li>2. <i>Acceptable means of compliance for the provision, design and construction of infrastructure is contained within the Whangārei District Council Engineering Standards; OR</i></li> <li>3. <i>Acceptable means of compliance for the provision and design of infrastructure is</i></li> <li>4. <i>contained within the MCP Appendix D Cross Sections.</i></li> <li>5. <i>For the purposes of this rule public road or service lane shall include indicative streets, lanes and link roads shown in MCP Appendix C: Indicative Road Network Plan layout.</i></li> </ol>		

MCP-RXX	Any Activity
All Zones within the Marsden City Precinct	<p>Activity Status: Restricted Discretionary</p> <ol style="list-style-type: none"> <li>1. Where the activity results in a non-compliance with the thresholds of Transport Chapter Rule TRA-R15.1 – 4; or</li> <li>2. Where the activity results in a non-compliance with the thresholds in TRA-R16.1 – 4; or</li> </ol>

# Precincts (PREC)

3. The activity results in the total number of residential units within the MCP exceeding 500.

Matters of discretion

1. The matters of discretion listed in Transport Chapter Rule TRA-R15 and TRAR16.

*Compliance Standards:*

1. *Compliance standards listed in Transport Chapter Rule TRA-R15 and TRA-R16; and*
2. *MCP.RXX.3 does not apply for any activity where consent has previously been granted for the activity under MCP-RXX.3.*

*Notes:*

1. *Applications shall comply with information requirement TRA-REQ1.*
2. *Where MCPXX.3 is infringed, applications shall also comply with MCP-REQX*

MCP-RXX	Subdivision of Lot 59 DP 465292	
	<p>Activity Status: Restricted Discretionary</p> <p>Where:</p> <ol style="list-style-type: none"> <li>1. Two areas of land within the General Residential Zone of Lot 59 DP 465292 are proposed as publicly accessible open space reserve that:               <ol style="list-style-type: none"> <li>a. Are not rear sites.</li> <li>b. Each have at least two site boundaries directly adjoining a road where at least one of those boundaries for each area is on the northern side of the reserve area.</li> <li>c. Are located at least 350m away from each other.</li> </ol> </li> </ol> <p>Matters of discretion:</p> <ol style="list-style-type: none"> <li>1. Matters listed in the How the Plan Works Chapter HPW-R9.</li> <li>2. The vesting of the reserves with Whangarei District Council or where alternative ownership arrangements are proposed, appropriate mechanisms for ongoing management and maintenance.</li> <li>3. The design, location and accessibility of the reserves.</li> <li>4. The extent to which any proposed publicly accessible open space reserve provides sufficient recreational and leisure opportunities for residents, employees and visitors within the Marsden City Precinct taking into account existing parks or reserves within the Marsden City Precinct.</li> <li>5. Pedestrian safety and efficiency.</li> <li>6. Provision of appropriate connections to and from the publicly accessible open space reserve.</li> </ol>	<p>Activity Status when compliance not achieved: Discretionary</p>

# Precincts (PREC)

## Compliance Standards:

1. *MCP-RXX.1 does not apply where two areas of land that each complies with MTCZ-RXX.1(a) – (c) has have already been confirmed as reserve elsewhere within the General Residential Zone of Lot 59 DP 465292.*
2. *All relevant District Wide and Overlay subdivision objectives, policies and rules apply in addition to MCP-RXX.*

MCP-RXX	Subdivision of Lot 60 DP 465292	
	<p>Activity Status: Restricted Discretionary</p> <p>Where:</p> <ol style="list-style-type: none"> <li>1. An area of land within the General Residential Zone of Lot 60 DP 465292 is proposed as publicly accessible open space reserve that:               <ol style="list-style-type: none"> <li>a. Is not a rear site.</li> <li>b. Has at least two site boundaries directly adjoining a road where at least one of those boundaries for each area is on the northern side of the reserve area.</li> </ol> </li> </ol> <p>Matters of discretion:</p> <ol style="list-style-type: none"> <li>1. Matters listed in the How the Plan Works Chapter HPW-R9.</li> <li>2. The vesting of the reserve with Whangarei District Council or where alternative ownership arrangements are proposed, appropriate mechanisms for ongoing management and maintenance.</li> <li>3. The design, location and accessibility of the reserve.</li> <li>4. The extent to which any proposed publicly accessible open space reserve provides sufficient recreational and leisure opportunities for residents, employees and visitors within the Marsden City Precinct taking into account existing parks or reserves within the Marsden City Precinct.</li> <li>5. Pedestrian safety and efficiency.</li> <li>6. Provision of appropriate connections to and from the publicly accessible open space reserve.</li> </ol> <p>Compliance Standards:</p> <ol style="list-style-type: none"> <li>1. <i>MCP-RXX.1 does not apply where two areas of land that each complies with MTCZ-RXX.1(a) – (c) has have already been confirmed as reserve elsewhere within the General Residential Zone of Lot 60 DP 465292.</i></li> <li>2. <i>All relevant District Wide and Overlay subdivision objectives, policies and rules apply in addition to MCP-RXX.</i></li> </ol>	<p>Activity Status when compliance not achieved: Discretionary</p>

# Precincts (PREC)

MCP-RXX	Subdivision of Lot 65 DP 465292	
	<p>Activity Status: Restricted Discretionary</p> <p>Where:</p> <ol style="list-style-type: none"> <li>1. An area of land within the General Residential Zone of Lot 65 DP 465292 is proposed as publicly accessible open space reserve that:               <ol style="list-style-type: none"> <li>a. Is not a rear site.</li> <li>b. Has at least two site boundaries directly adjoining a road where at least one of those boundaries for each area is on the northern side of the reserve area.</li> </ol> </li> </ol> <p>Matters of discretion:</p> <ol style="list-style-type: none"> <li>1. Matters listed in the How the Plan Works Chapter HPW-R9.</li> <li>2. The vesting of the reserves with Whangarei District Council or where alternative ownership arrangements are proposed, appropriate mechanisms for ongoing management and maintenance.</li> <li>3. The design, location and accessibility of the reserve.</li> <li>4. The extent to which any proposed publicly accessible open space reserve provides sufficient recreational and leisure opportunities for residents, employees and visitors within the Marsden City Precinct taking into account existing parks or reserves within the Marsden City Precinct.</li> <li>5. Pedestrian safety and efficiency.</li> <li>6. Provision of appropriate connections to and from the publicly accessible open space reserve.</li> </ol> <p>Compliance Standards:</p> <ol style="list-style-type: none"> <li>1. <i>MCP-RXX.1 does not apply where two areas of land that each complies with MTCZ-RXX.1(a) – (c) has have already been confirmed as reserve elsewhere within the General Residential Zone of Lot 65 DP 465292.</i></li> <li>2. <i>All relevant District Wide and Overlay subdivision objectives, policies and rules apply in addition to MCP-RXX.</i></li> </ol>	<p>Activity Status when compliance not achieved: Discretionary</p>

MCP-RXX	Subdivision of Connecting to Reticulated Wastewater Services	
	<p>Activity Status: Restricted Discretionary</p> <p>Where:</p>	<p>Activity Status when compliance</p>

# Precincts (PREC)

<p>1. The activity complies with the Restricted Discretionary activity criteria of TWM-R3.</p> <p>Matters of discretion:</p> <ol style="list-style-type: none"> <li>Those listed in TWM-R3.</li> <li>The particular treatment and disposal capacity of the Marsden/ Ruakaka Wastewater System, including any adverse effects relating to potential over-allocation of capacity.</li> <li>Anticipated land uses (including future land uses) and their potential wastewater generation.</li> </ol> <p><i>Note: Any application shall comply with information requirement MCP-REQX.</i></p>	<p>not achieved: Discretionary</p>
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MCP-R2	Noise Sensitive Activities
	<p>Activity Status: Non-Complying</p> <p>Where:</p> <ol style="list-style-type: none"> <li><del>Any noise sensitive activity is established within 70m of the Oakleigh to Marsden Point Rail Link Designation boundary (KRH-2).</del></li> </ol>

MCP-R3	Access to Sites Fronting One Tree Point Road and State Highway 15 Port Marsden Highway
	<p>Activity Status: Non-Complying</p> <p>Where:</p> <ol style="list-style-type: none"> <li>Direct vehicle access to One Tree Point Road or State Highway 15 Port Marsden Highway is provided.</li> </ol>

MCP-RX	Any subdivision, development or land use
	<p>Activity Status: Non-Complying</p> <p>Where:</p> <ol style="list-style-type: none"> <li>The existing streets identified in Appendix C as 'Upgraded Town Centre Street' and 'Upgraded Residential Street' have not been upgraded in general accordance with the cross-sections AA, CC and EE in Appendix D.</li> </ol>

# Precincts (PREC)

## Sub-Precinct B - Mixed Use:

MCP-R8	Minor Buildings
Activity Status: Permitted	
<i>Note: Minor buildings are exempt from rules MCP – R10.</i>	

MCP-R9	Building and Major Structure Setbacks	
Activity Status: Permitted		Activity Status when compliance not achieved: Restricted Discretionary
Where:		Matters for discretion:
<ol style="list-style-type: none"> <li>1. The building is within 1m of road boundaries for at least 75% of the site frontage for any front site, except for:               <ol style="list-style-type: none"> <li>a. Any combination of the following:                   <ol style="list-style-type: none"> <li>i. One setback of up to 3m for a maximum width of 2.5m to allow for a recessed pedestrian entrance.</li> <li>ii. One setback adjacent to a side boundary of the site for a maximum width of 6m to allow for a through-site link.</li> </ol> </li> </ol> </li> <li>2. All buildings and major structures are set back at least:               <ol style="list-style-type: none"> <li>a. 3m from any Residential or Open Space and Recreation Zone boundary.</li> </ol> </li> </ol> <p><i>Note 1: MTCZ-R10 does not apply to the One Tree Point Road boundary.</i></p>		<ol style="list-style-type: none"> <li>1. The extent to which visual dominance effects are minimised.</li> <li>2. The location, design, size, safety and accessibility of any proposed recessed pedestrian entrance or through-site link where it does not comply with the minimum dimensions in MCP-R10.1(a).</li> <li>3. The extent to which the proposal</li> <li>4. demonstrates best practice principles of urban design and</li> <li>5. Crime Prevention Through</li> <li>6. Environmental Design.</li> <li>7. Effects on active frontage, pedestrian safety and walkability.</li> <li>8. Where MCP-R10.2 is infringed, the</li> <li>9. effects on:               <ol style="list-style-type: none"> <li>a. The privacy of and amenity of adjoining sites; and</li> <li>b. Shading on adjoining sites and public open space.</li> </ol> </li> </ol>

## Sub-Precinct C - Medium Density Residential:

The provisions of the underlying Medium Density Residential Zone shall apply without amendment.

## Sub-Precinct D - General Residential:

The provisions of the underlying General Residential Zone shall apply with the following amendments.

# Precincts (PREC)

MCP-RX	Retirement Village
<p>Activity Status: Permitted</p> <p>Where:</p> <ol style="list-style-type: none"> <li>The activity generates less than 25 traffic movements per site, per day.</li> </ol>	<p>Activity Status when compliance not achieved: Restricted Discretionary</p> <p>Where:</p> <ol style="list-style-type: none"> <li>The activity meets Rules GRZ-R3 Building and Major Structure Height, GRZ-R4 Building and Major Structure Setbacks, GRZ-R5 Building and Major Structure Height in Relation to Boundary, GRZ-R8 Building and Major Structure Coverage.</li> </ol> <p>Matters of discretion:</p> <ol style="list-style-type: none"> <li>Appropriate privacy and amenity of the occupants on-site and that of adjoining sites.</li> <li>Sufficient sunlight access to outdoor living space and habitable rooms within the site.</li> <li>The proximity of the site to communal open space that has the potential to mitigate any lack of private outdoor living space.</li> <li>The relationship to the street and public open spaces</li> <li>Building intensity, scale, location, form and appearance.</li> <li>Design of parking and access.</li> <li>The suitability of the site for increased residential density, including:             <ol style="list-style-type: none"> <li>The availability and accessibility of open space, and private or public amenities and common facilities.</li> <li>Capacity and availability of infrastructure.</li> <li>Road access and effects on transport, including availability of public and active transport options.</li> </ol> </li> </ol> <p>Activity Status where the activity status is not Permitted or Restricted Discretionary: Discretionary</p> <p><i>Note: Any application shall comply with information requirement MCP-REQ5.</i></p>



# Precincts (PREC)

## Sub-Precinct E - Commercial (South):

The provisions of the underlying Commercial Zone shall apply with the following amendments.

MCP-R161	Building and Major Structure Setbacks	
	<p>Activity Status: Permitted</p> <p>Where:</p> <ol style="list-style-type: none"> <li>1. All buildings and major structure are set back at least               <ol style="list-style-type: none"> <li>a. 3m from any Residential boundary.</li> <li>b. 27m from or the top of the bank of any river that has a width exceeding 3m (excluding bridges, culverts and fences).</li> </ol> </li> </ol>	<p>Activity Status when compliance with MCP-R161.1 and 1(a) is not achieved: Restricted Discretionary</p> <p>Matters of discretion:</p> <ol style="list-style-type: none"> <li>1. Any special or unusual characteristics of the site which is relevant to the rule.</li> <li>2. The functional and operational needs of commercial activities.</li> <li>3. The effects on the amenity of</li> <li>4. neighbouring sites.</li> <li>5. The effects on the amenity of</li> <li>6. neighbouring zones.</li> <li>7. The characteristics of the development.</li> </ol> <p>Activity Status when compliance with rules MCP-R161.1(b) is not achieved: Discretionary</p>

MCP-R163	Building Frontages	
	<p>Activity Status: Permitted</p> <p>Where:</p> <ol style="list-style-type: none"> <li>1. At least 25% of the building frontage at ground floor is clear glazing.</li> <li>2. Clause 1 does not apply to the One Tree Point Road /SH15 frontages.</li> </ol>	<p>Activity Status when compliance not achieved: Discretionary</p>

MCP-R195	Visitor Accommodation	
	<p>Activity Status: Discretionary</p> <p>Where:</p> <ol style="list-style-type: none"> <li>1. The activity is a primary activity or ancillary activity.</li> </ol>	<p>Activity Status when compliance not achieved: Non-complying Activity</p>

# Precincts (PREC)

2. The site accommodating the activity does not adjoin State Highway 15.

MCP-RXXX	Educational Facilities	
	<p>Activity Status: Discretionary</p> <p>Where:</p> <ol style="list-style-type: none"> <li>1. The activity is a primary activity or ancillary activity.</li> <li>2. The site accommodating the activity does not adjoin State Highway 15.</li> </ol>	<p>Activity Status when compliance not achieved: Non-complying Activity</p>

## Sub-Precinct F – Commercial (North & East):

The provisions of the underlying Commercial Zone shall apply with the following amendments.

MCP-R203	Building and Major Structure Setbacks	
	<p>Activity Status: Permitted</p> <p>Where:</p> <ol style="list-style-type: none"> <li>1. All buildings and major structure are set back at least               <ol style="list-style-type: none"> <li>a. 3m from any Residential boundary.</li> <li>b. 27m from or the top of the bank of any river that has a width exceeding 3m (excluding bridges, culverts and fences).</li> </ol> </li> </ol>	<p>Activity Status when compliance with MCP-R203.1 and 2(a) is not achieved: Restricted Discretionary</p> <p>Matters of discretion:</p> <ol style="list-style-type: none"> <li>1. Any special or unusual characteristics of the site which is relevant to the rule.</li> <li>2. The functional and operational needs of commercial activities.</li> <li>3. The effects on the amenity of</li> <li>4. neighbouring sites.</li> <li>5. The effects on the amenity of</li> <li>6. neighbouring zones.</li> <li>7. The characteristics of the development.</li> </ol> <p>Activity Status when compliance with rules MCP-R203.2(b) is not achieved: Discretionary</p>

# Precincts (PREC)

MCP-R205	Building Frontages	
	<p>Activity Status: Permitted</p> <p>Where:</p> <ol style="list-style-type: none"><li>1. At least 25% of the building frontage at ground floor is clear glazing.</li><li>2. Clause 1 does not apply to the SH15 frontage.</li></ol>	<p>Activity Status when compliance not achieved: Discretionary</p>

MCP-RXXX	Educational Facilities	
	<p>Activity Status: Discretionary</p> <p>Where:</p> <ol style="list-style-type: none"><li>1. The activity is a primary activity or ancillary activity.</li></ol>	

# Precincts (PREC)

## Information Requirements

MCP-REQX	Connection to Reticulated Wastewater Services
Wastewater	<ol style="list-style-type: none"> <li>1. Any consent application where connection to public reticulated wastewater network(s) is proposed shall include an assessment detailing (where relevant):               <ol style="list-style-type: none"> <li>a. Those matters listed in TWM-REQ1.</li> <li>b. Confirmation from Council that sufficient capacity exists within public reticulated wastewater system particularly noting the potential wastewater treatment and disposal constraints in the Marsden / Ruakaka catchment</li> </ol> </li> </ol>

MCP – REQ2	Development of Street Network – Transport Assessment
Transport Assessment	<ol style="list-style-type: none"> <li>1. Any application pursuant to MCP-RNew1 or RNew2 shall include an Integrated Transport Assessment prepared by a suitably qualified and experienced professional detailing and/or assessing the following:               <ol style="list-style-type: none"> <li>a. The extent to which the design of the road network is generally in accordance with the indicative locations shown on MCP Appendix C: Indicative Road Network Plan.</li> <li>b. The extent to which the design of roads is generally in accordance with MCP Appendix D Road Cross Sections.</li> <li>c. The extent to which an alternative layout achieves an integrated street network within the MCP.</li> <li>d. The provision, design, construction and standards of the proposed street network.</li> <li>e. How the proposal provides for traffic and pedestrian safety within MCP.</li> </ol> <p><i>Note:</i></p> <ol style="list-style-type: none"> <li>1. <i>Acceptable means of compliance for the provision, design and construction of infrastructure is contained within the Whangārei District Council Engineering Standards.</i></li> </ol> </li> </ol>

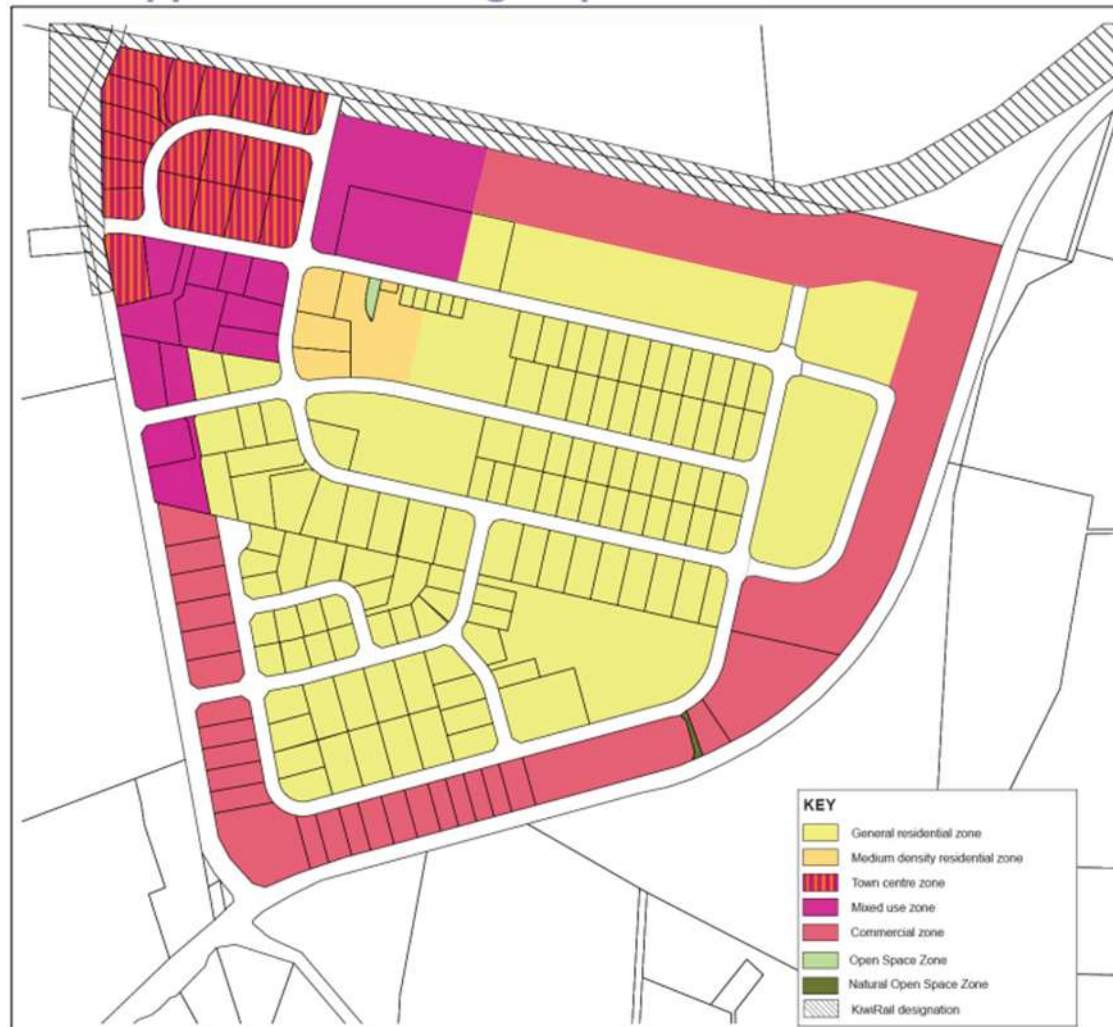
MCP-REQX	Information Requirements for Integrated Transport Assessments in the Marsden City Precinct
	<ol style="list-style-type: none"> <li>1. Any application pursuant to MCP- RXX.3 shall include an Integrated Transport Assessment prepared by a suitably qualified and experienced professional pursuant to TRA-REQ1 and TRA-REQ2 respectively and shall include additional assessment of the following matters:               <ol style="list-style-type: none"> <li>a. The vehicle trip generation and distribution associated with the activity.</li> <li>b. Travel management measures that promote alternative travel behaviour (to the private car).</li> <li>c. The performance the intersection of SH15 and One Tree Point Road, with the assessment detailing whether upgrading is required to:                   <ol style="list-style-type: none"> <li>i. maintain Level of Service (LOS) D or better</li> <li>ii. queues not extending to or through upstream intersections</li> </ol> </li> </ol> </li> </ol>

# Precincts (PREC)

- iii. restrict queues from coming within any location where sight distance cannot be achieved
- iv. have a degree of saturation for individual traffic movements no higher than 95%.
- d. The performance of the local road intersections that the Marsden City Precinct takes access from with One Tree Point Road, with the assessment detailing whether safety and or capacity measures are required to support the activity, with the capacity upgrades being based on
  - i. maintaining an overall intersection LOS D or better.
  - ii. queues not extending to or through upstream intersections.
  - iii. having a degree of saturation for turning movements no higher than 95%.
- e. The performance of the intersection of SH1 and SH15, with the assessment detailing whether upgrading is required.

# Precincts (PREC)

## MCP Appendix A: Zoning Map and Sub-Precincts Map



# Precincts (PREC)



Sub-Precinct Map

KEY

Scale 1:6,000 @ A3

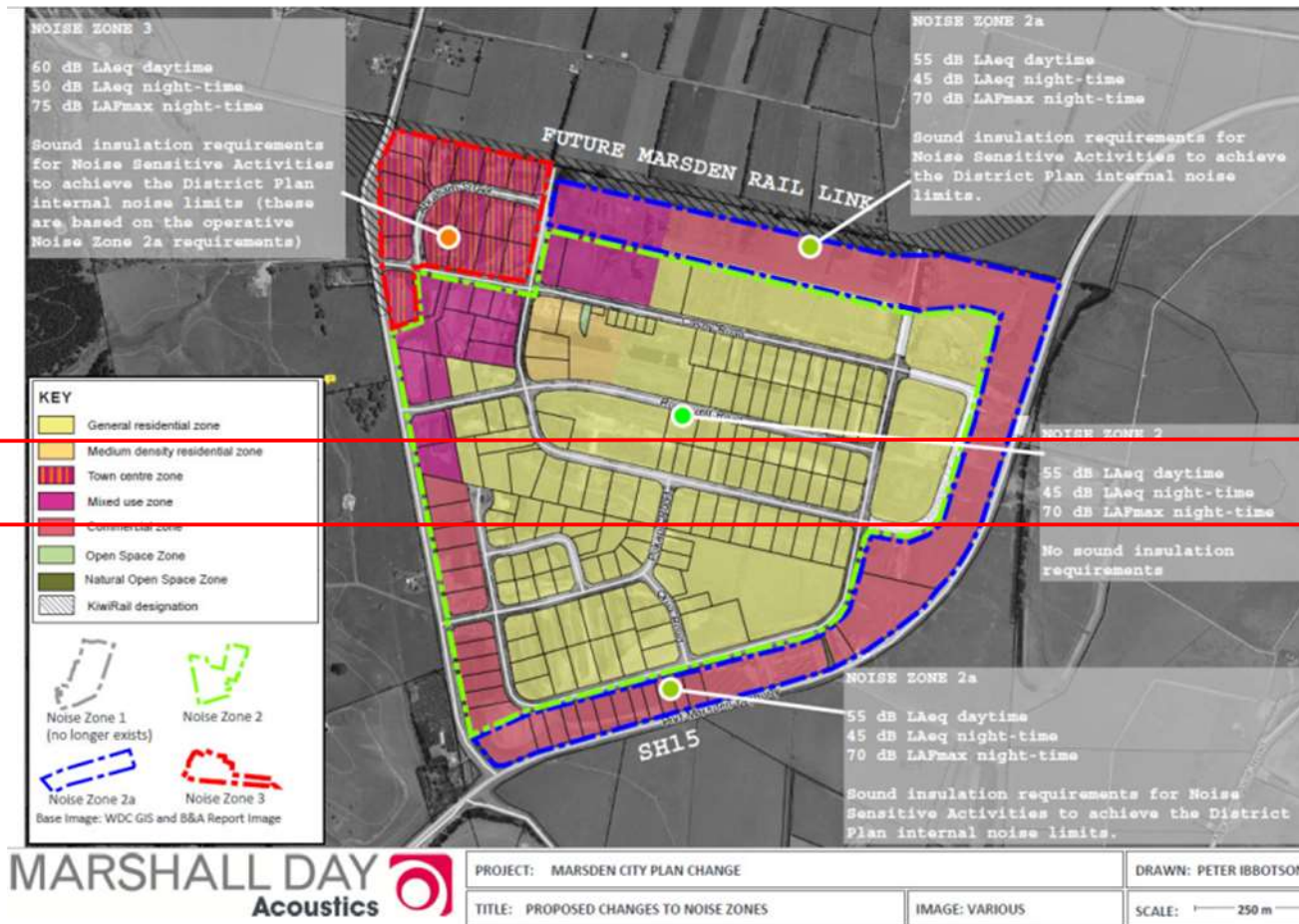


- A - Town Centre Zone
- B - Mixed Use Zone
- C - Medium Density Residential Zone
- D - General Residential Zone
- E - Commercial Zone (South)
- F - Commercial Zone (North & East)



# Precincts (PREC)

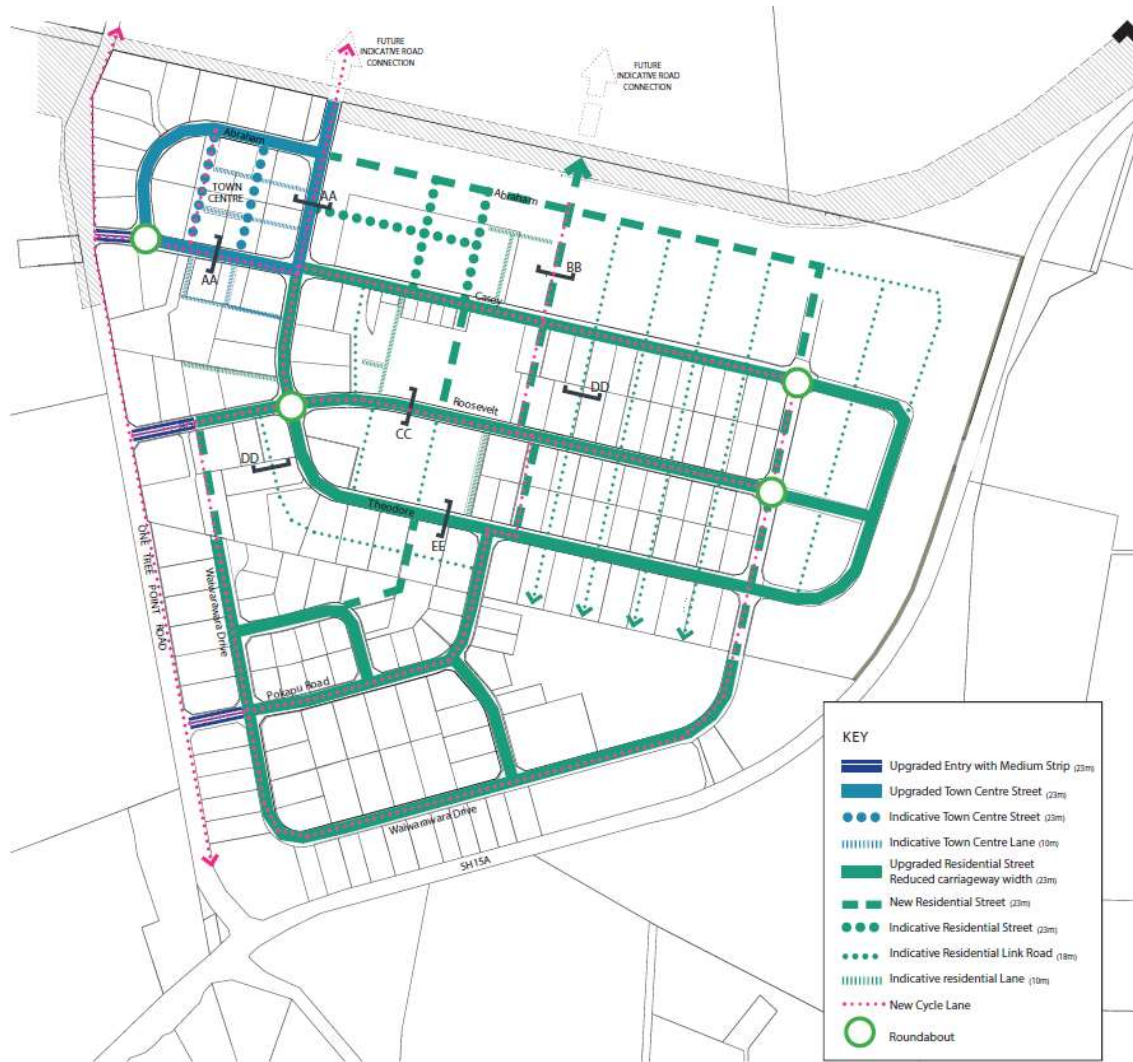
## MCP Appendix B: Noise Area Plan





# Precincts (PREC)

## MCP Appendix C: Indicative Road Network



# Precincts (PREC)

## MCP Appendix D – Indicative Cross Sections

### ROAD CROSS SECTIONS

Not to scale

#### ROAD DESCRIPTIONS

ROAD WIDTHS AND BERM DIMENSIONS DETAILED FOR EXISTING ROADS ARE SUBJECT TO SITE INVESTIGATION AND CONFIRMATION.

#### CROSS SECTIONS

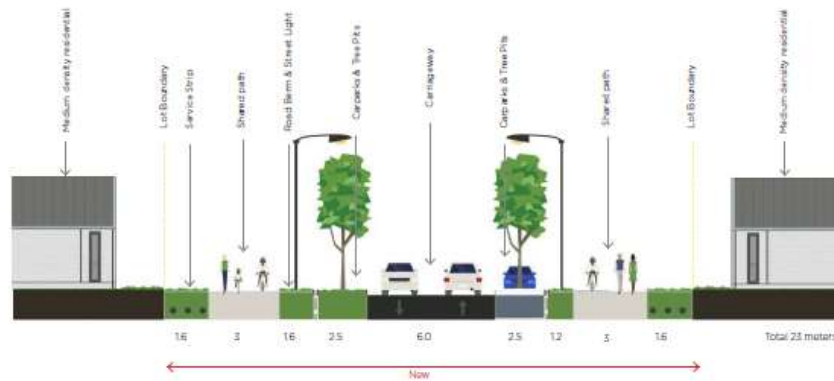
- AA** Existing industrial street modified to new town centre street with cycle lanes
- BB** New residential street with cycle lanes
- CC** Existing industrial street retrofitted to residential with shared paths
- DD** New residential street &/or link road
- EE** Existing industrial street retrofitted to residential with shared paths and bus stops to accommodate bus route

**AA**



**NEW TOWN CENTER STREET WITH CYCLE X2**

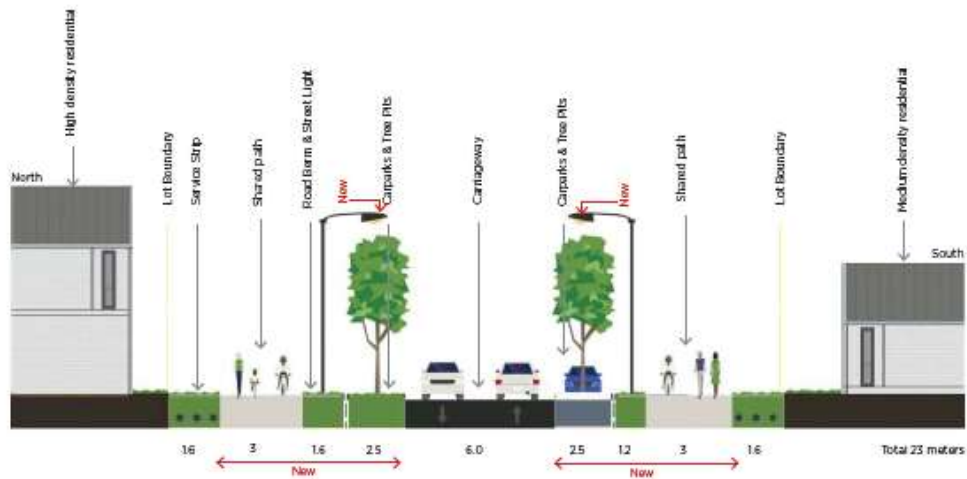
**BB**



**NEW RESIDENTIAL WITH CYCLE**

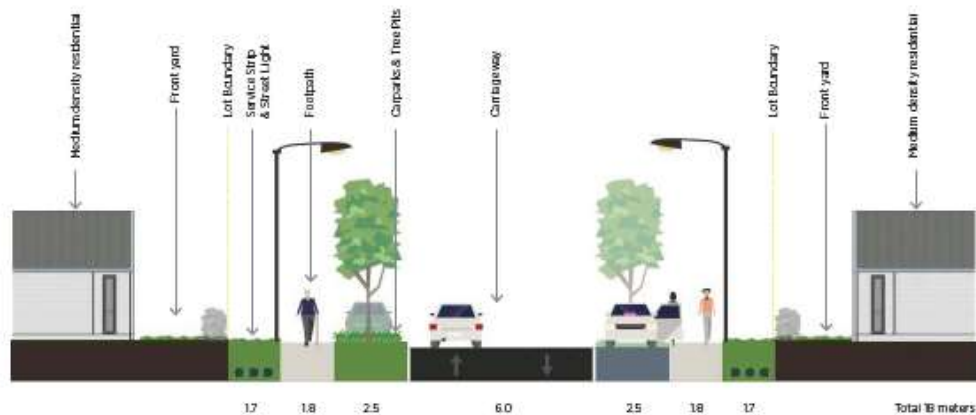
# Precincts (PREC)

CC



RETROFIT RESIDENTIAL WITH CYCLE

DD



NEW RESIDENTIAL

**New Road:** Wider pedestrian footpaths, carrageway 6m, residential scale streetlights, tree pits and carpark lane included avoiding driveways, carparks open to footpath.  
**Design Issue:** Establish Design Guidelines/Fencing Restrictions for lot front yards to enable passive surveillance of streetscape.

## ROAD CROSS SECTIONS

Not to scale

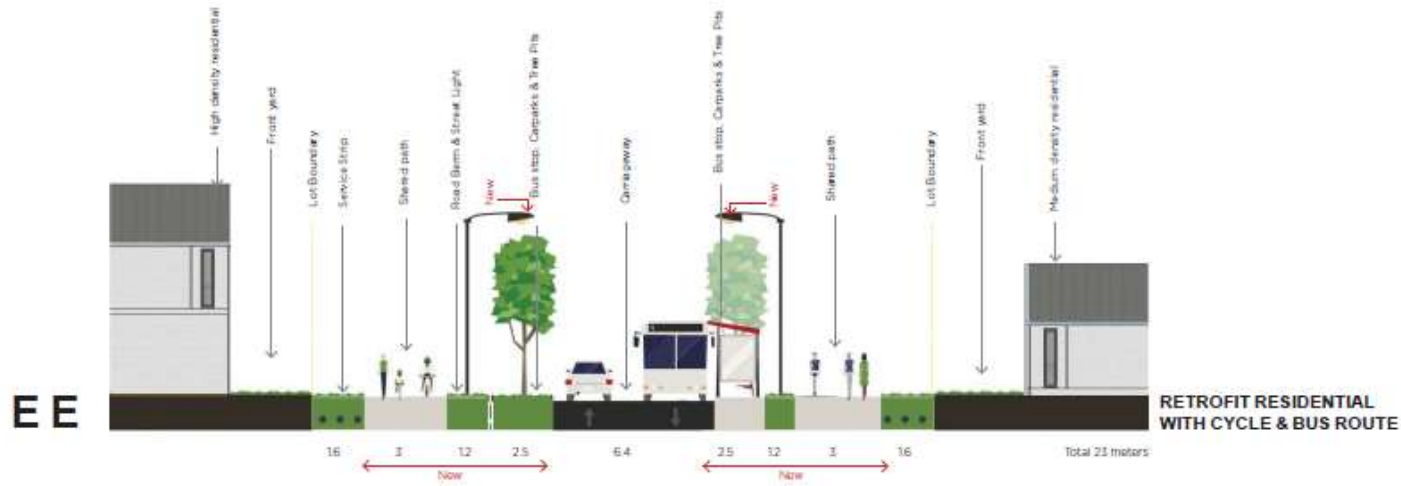
### ROAD DESCRIPTIONS

ROAD WIDTHS AND BERM DIMENSIONS DETAILED FOR EXISTING ROADS ARE SUBJECT TO SITE INVESTIGATION AND CONFIRMATION.

### CROSS SECTIONS

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# Precincts (PREC)



## ROAD CROSS SECTIONS

Not to scale

### ROAD DESCRIPTIONS

ROAD WIDTHS AND BERM DIMENSIONS DETAILED FOR EXISTING ROADS ARE SUBJECT TO SITE INVESTIGATION AND CONFIRMATION.

### CROSS SECTIONS

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## Annexure 2

## Zone Maps

	Northpower Critical Overhead Lines CEL		Fonterra Kauri Milk Processing SRIZ – Ancillary Irrigation Farms
	Northpower Critical Underground Lines CEL		Marsden Primary Centre
	Multi Title Site		Ruakaka Equine Zone
	Rescue Helicopter Flight Path		Neighbourhood Centre Zone
	Appeals		Local Centre Zone
	Designation		Commercial Zone
	Papakāinga <small>Rule PKA 1.5.1 indicative only, Maori Land Court data</small>		Shopping Centre Zone
	Precincts and Development Areas		Mixed Use Zone
	Large Lot Residential Zone		Waterfront Zone
	Settlement Zone Residential Sub-Zone		City Centre Zone
	Settlement Zone Centre Sub-Zone		Light Industrial Zone
	Settlement Zone Industry Sub-Zone		Heavy Industrial Zone
	Low Density Residential Zone		Airport Zone
	General Residential Zone		Hospital Zone
	Medium Density Residential Zone		Port Zone
	Rural Production Zone		Development Area
	Rural Lifestyle Zone		Natural Open Space Zone
	Future Urban Zone		Open Space Zone
	Strategic Rural Industries Zone		Sport and Active Recreation Zone

## Resource Areas Maps

	Notable Tree Overlay		Heritage Overlay Area
	Heritage Item Overlay		Flood Susceptible Areas
	Sites of Significance to Maori		Mining Hazard Area 1
	Runway		Mining Hazard Area 2
	Air Noise Boundary		Mining Hazard Area 3
	Outer Control Boundary		Noise Control Boundary Overlay
	Esplanade Priority		Rail noise alert area
	Coastal Hazard 1		Rail vibration alert area
	Coastal Hazard 2		Fonterra Noise Control Boundary
	Strategic Rail Protection Line		Helicopter Hovering Area
	Strategic Road Protection Area		QRA Quarrying Resource Area
	Indicative Road		QRA Mining Area
<b>Road Hierarchy</b>			QRA Buffer Area
	National		QRA 500m Indicative Setback
	Regional		Goat Control Areas
	Arterial		Coastal Area
	Primary Collector		Outstanding Natural Feature
	Secondary Collector		Outstanding Natural Landscape
	Low Volume		
	Access		

## Coastal Areas Maps

	Coastal Area
	Outstanding Natural Character Area
	High Natural Character Area

## All Maps

	Northpower Tower CEL-Cat1
	National Grid Tower
	Northpower Overhead Critical Line Cel-Cat1
	National Grid Line
	Coastline

Approach and Deployment Flightpath for Rescue Helicopter operating from the St John Ambulance Station on Western Hills Drive (SH 1). The flightpath and adherence to it is administered by the Civil Aviation Authority.

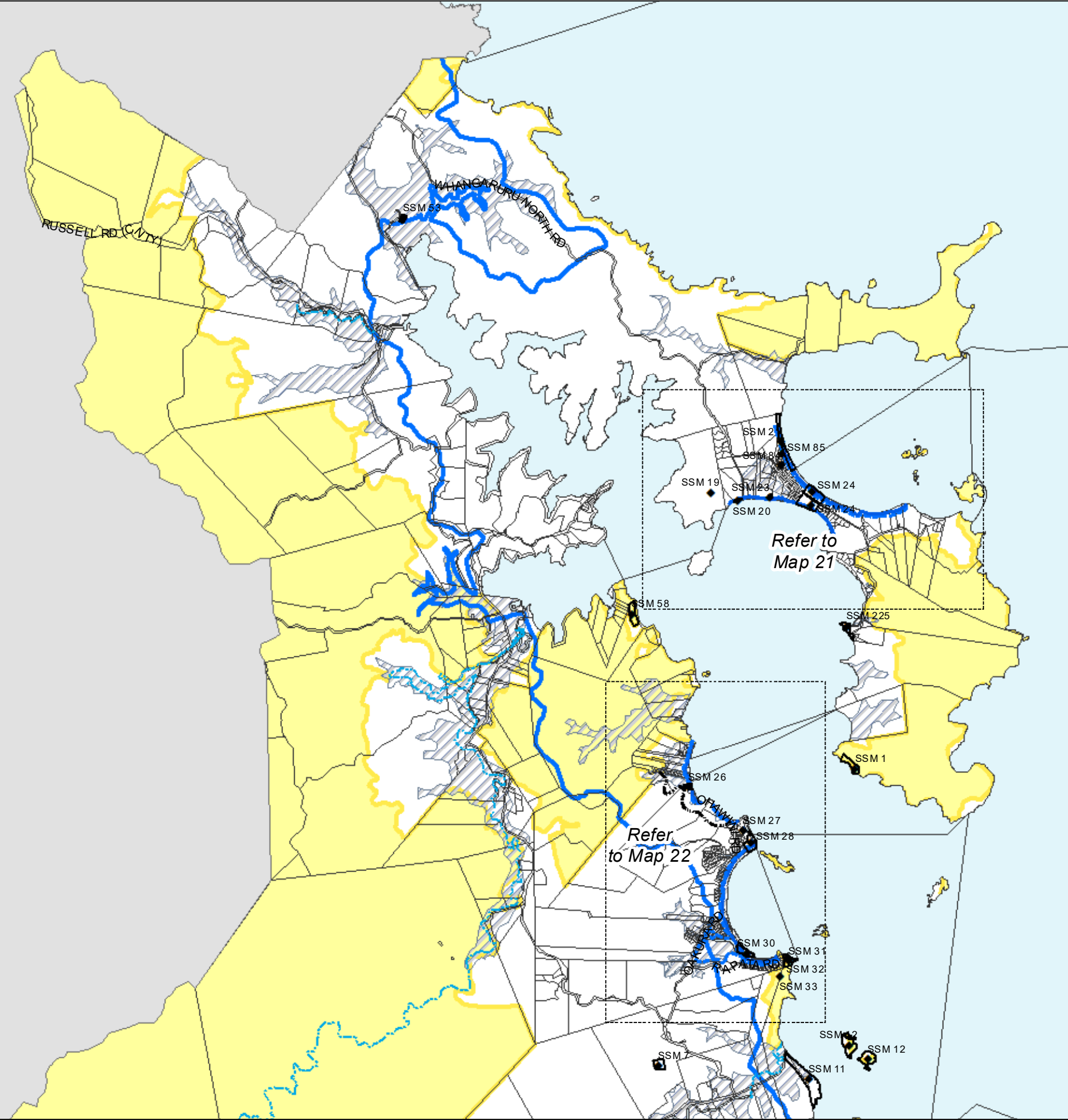
Coastline indicates the mean high water springs (MHWS), which also indicates the jurisdictional boundary between the Northland Regional Council and the Whangarei District Council.

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Whangarei District Council also holds other land hazard information.

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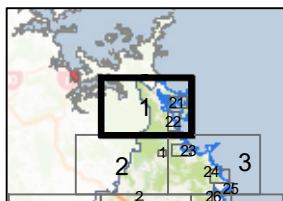
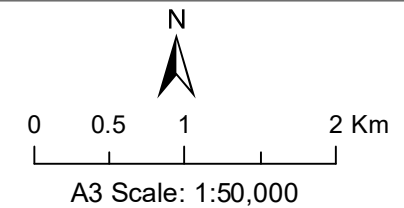


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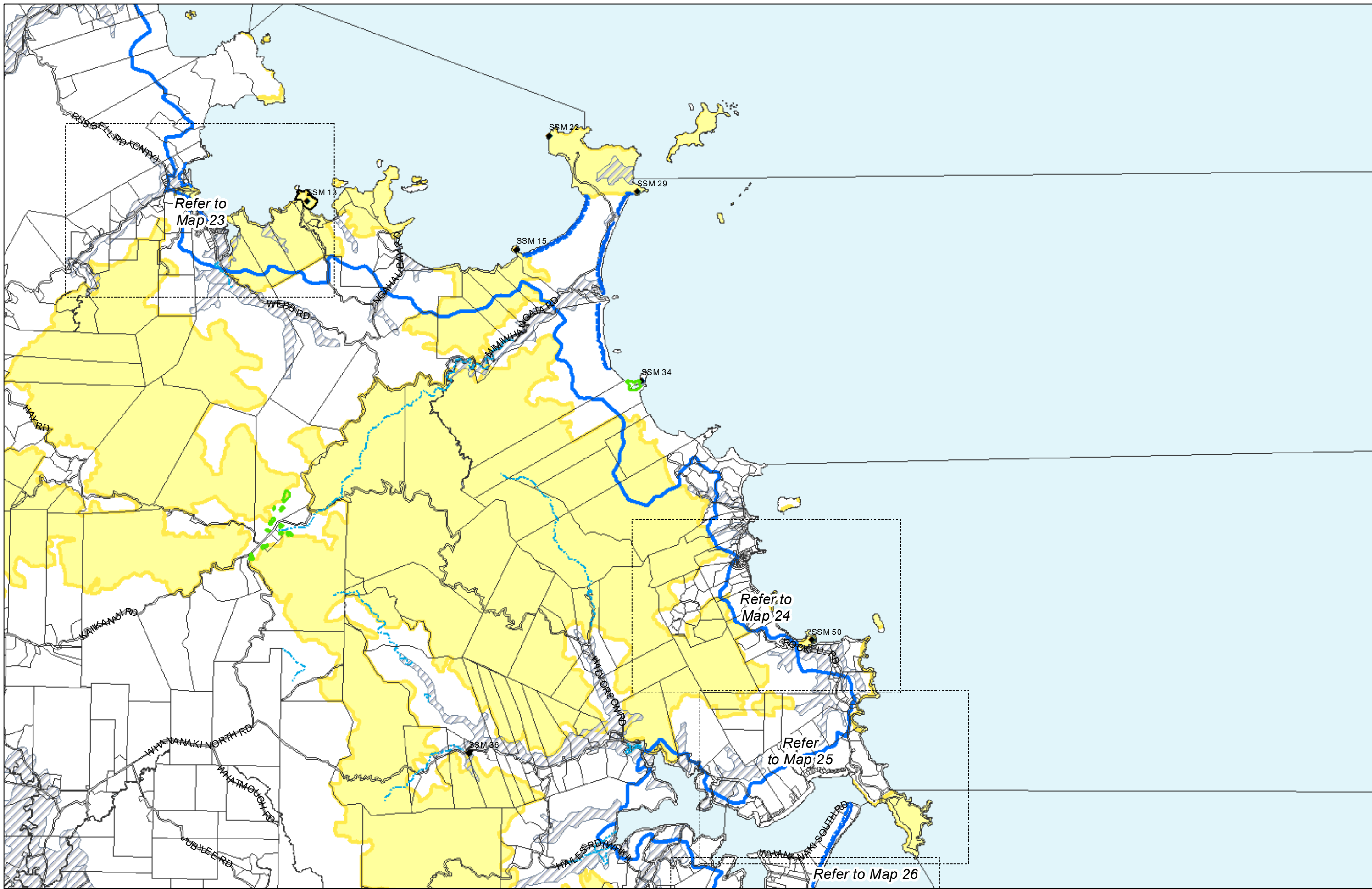
### WHANGAREI DISTRICT COUNCIL OPERATIVE PLANNING MAP

#### Resource Areas Map 1R







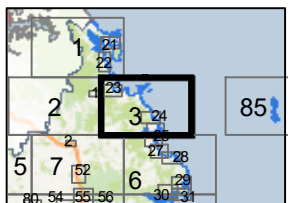
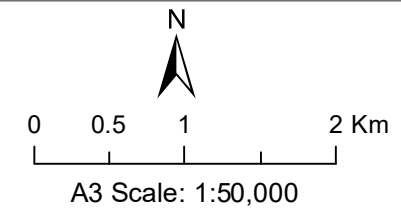


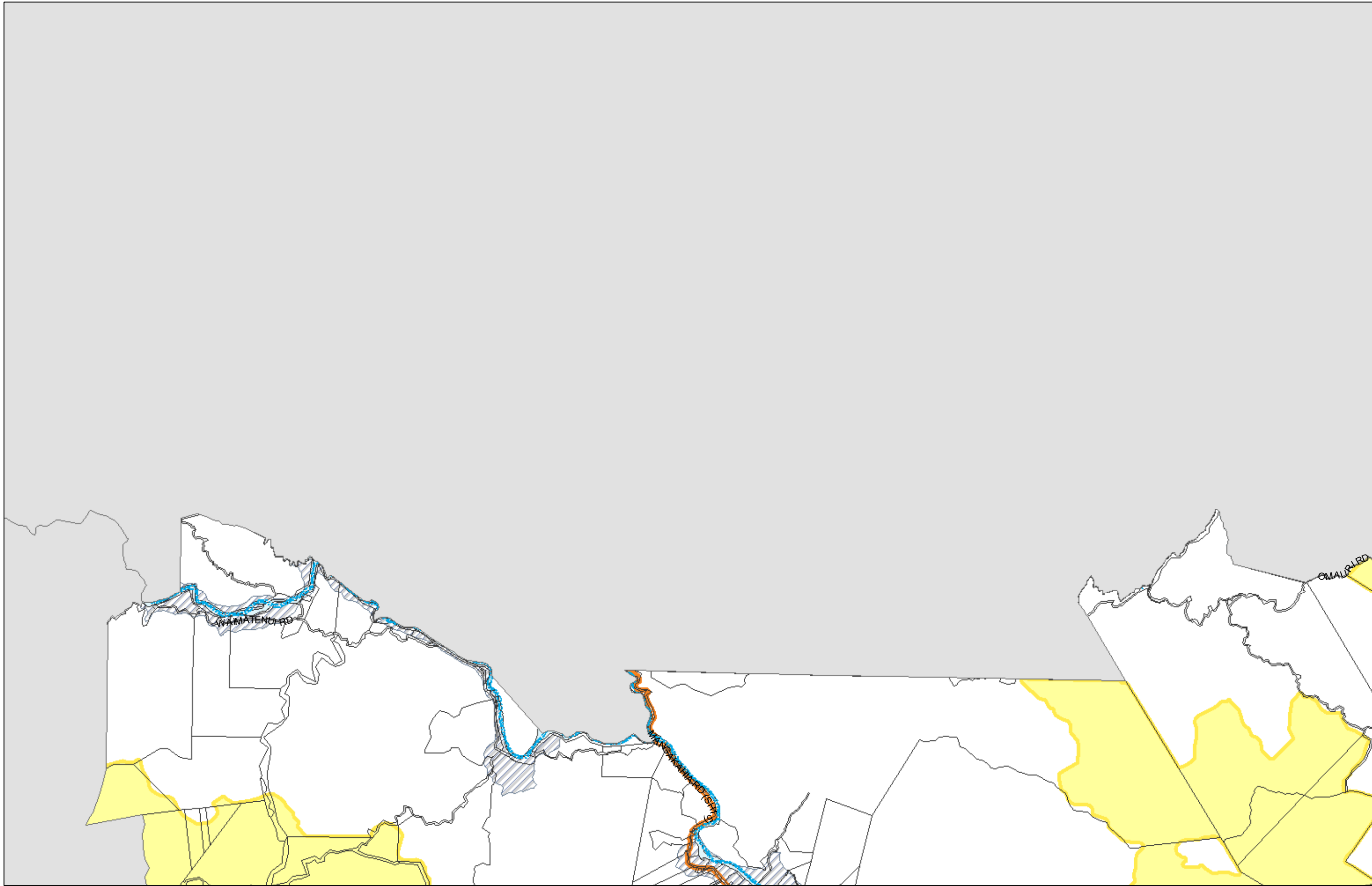
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## WHANGAREI DISTRICT COUNCIL OPERATIVE PLANNING MAP

### Resource Areas Map 3R

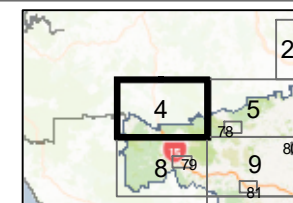
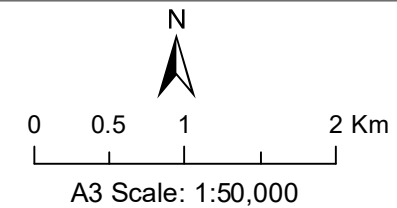


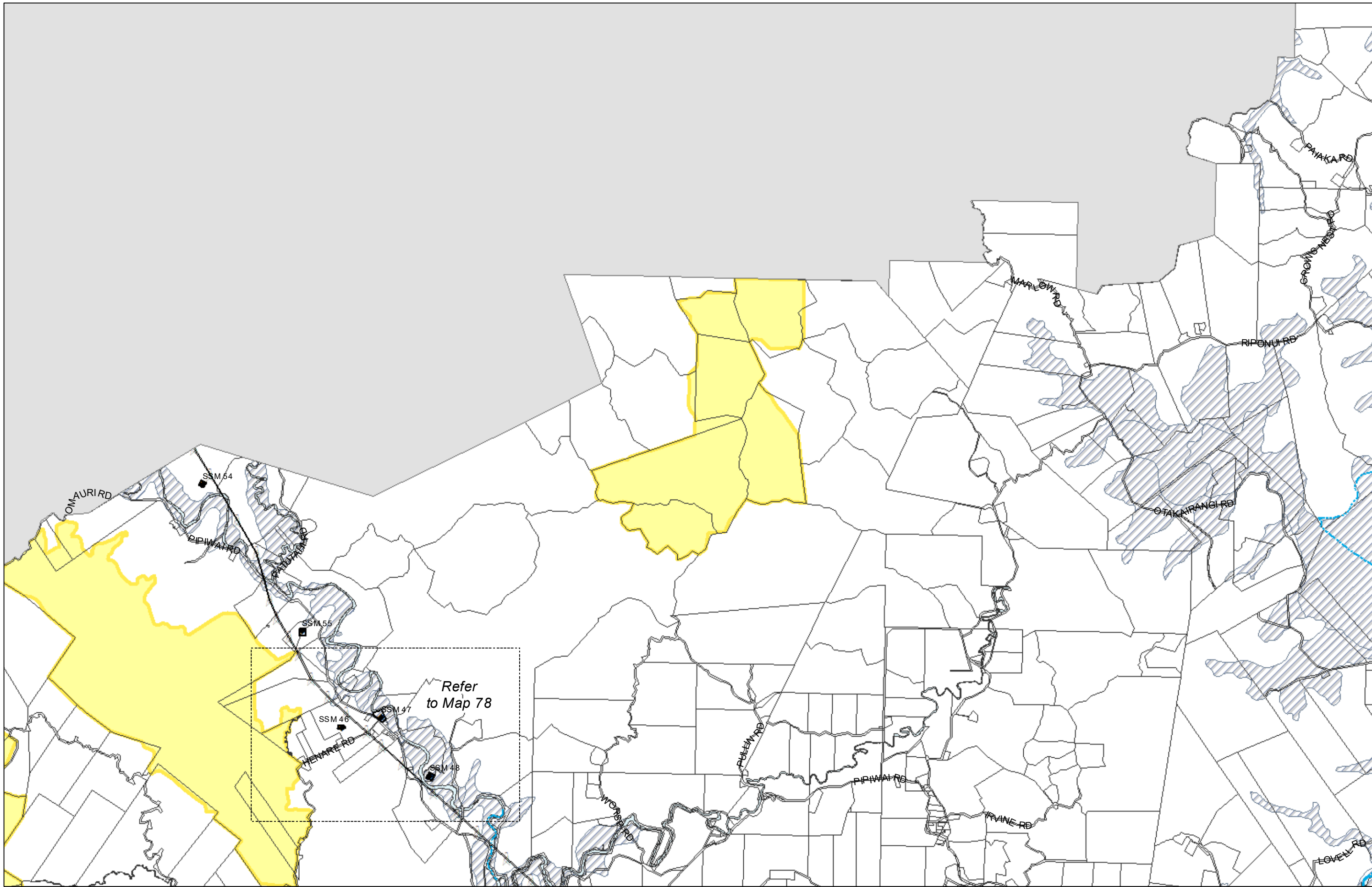


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### WHANGAREI DISTRICT COUNCIL OPERATIVE PLANNING MAP Resource Areas Map 4R



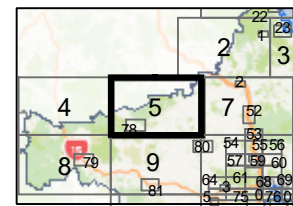
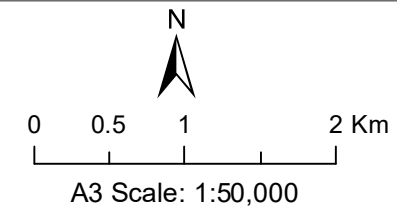


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### WHANGAREI DISTRICT COUNCIL OPERATIVE PLANNING MAP

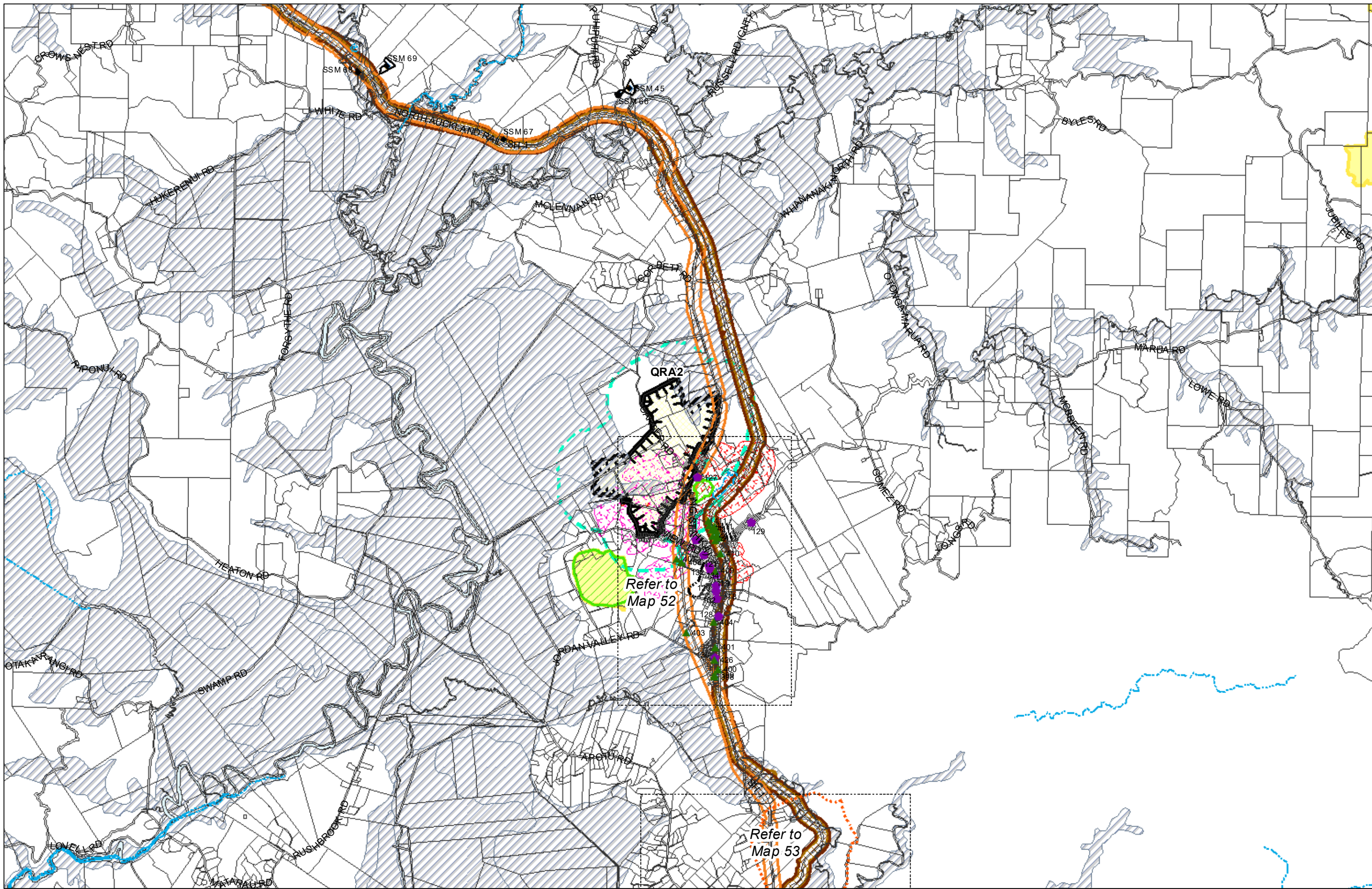
### Resource Areas Map 5R









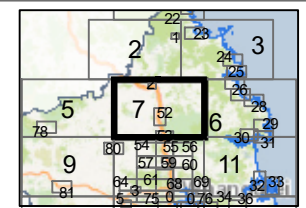
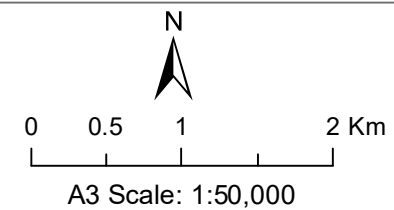


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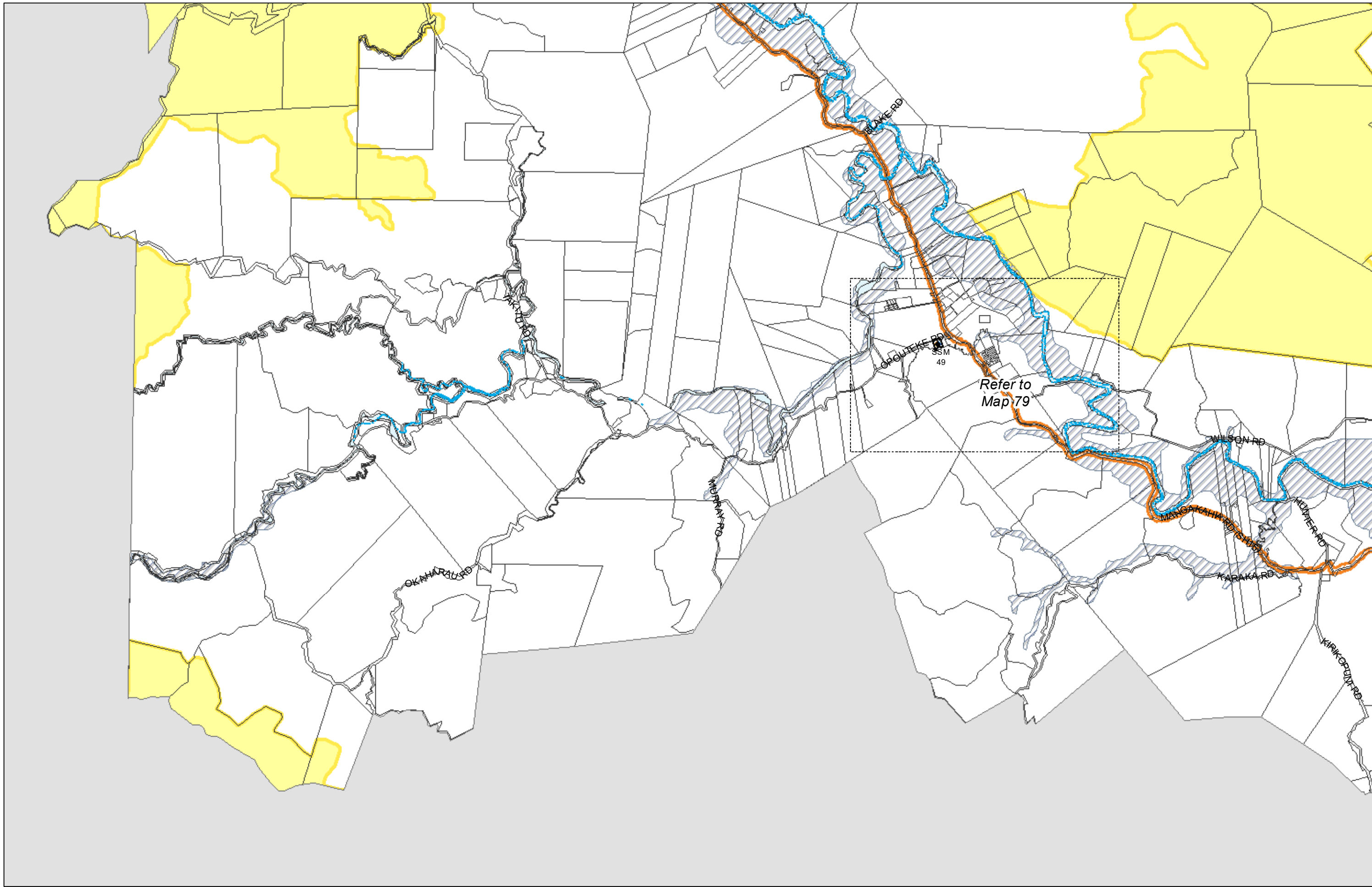
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### WHANGAREI DISTRICT COUNCIL OPERATIVE PLANNING MAP

### Resource Areas Map 7R





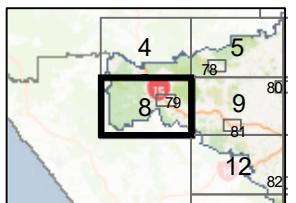
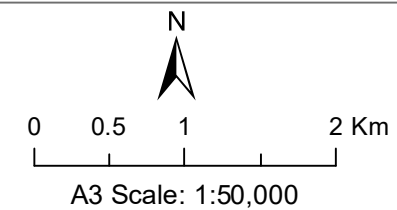


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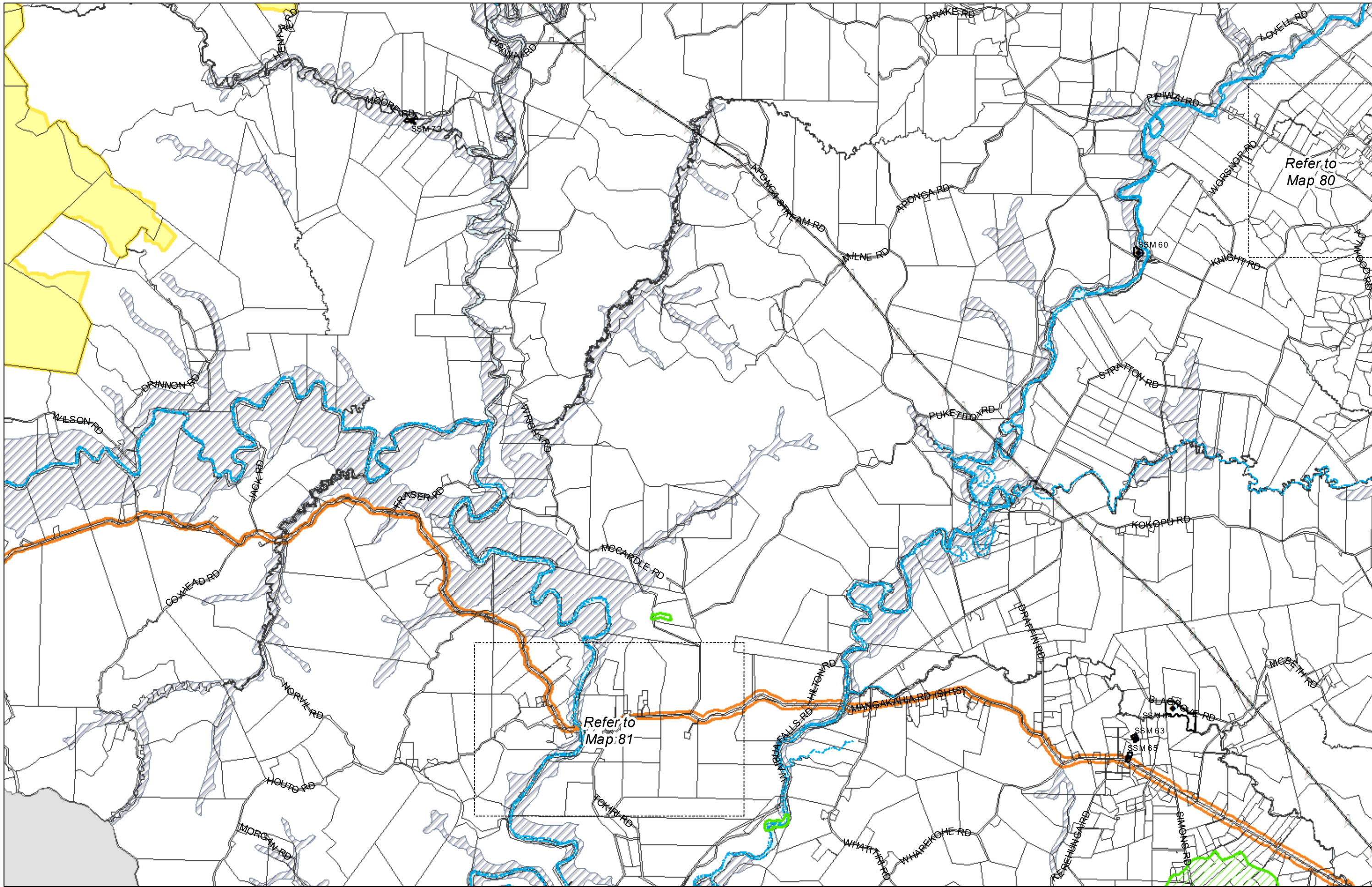
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## WHANGAREI DISTRICT COUNCIL OPERATIVE PLANNING MAP

### Resource Areas Map 8R





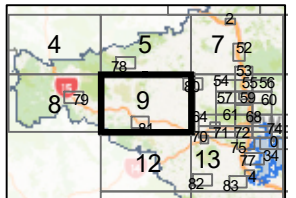
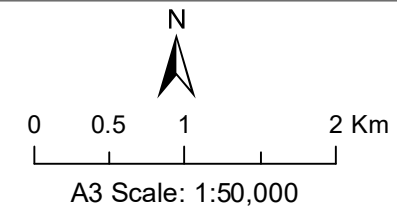


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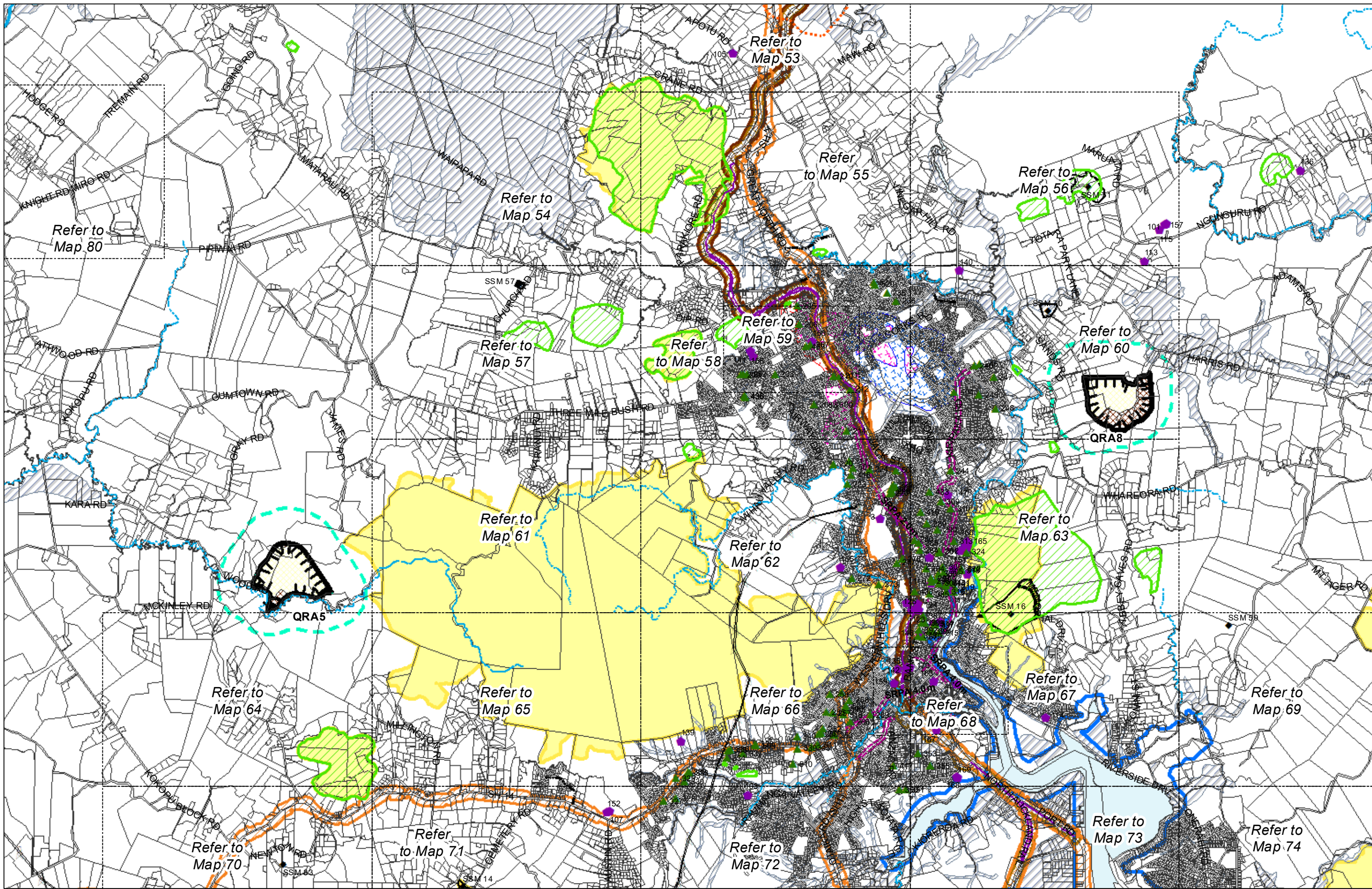
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### WHANGAREI DISTRICT COUNCIL OPERATIVE PLANNING MAP

### Resource Areas Map 9R



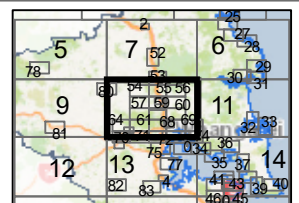
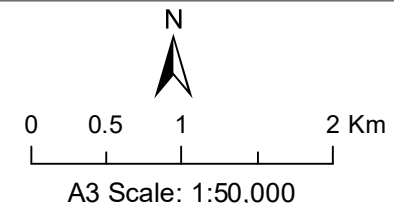




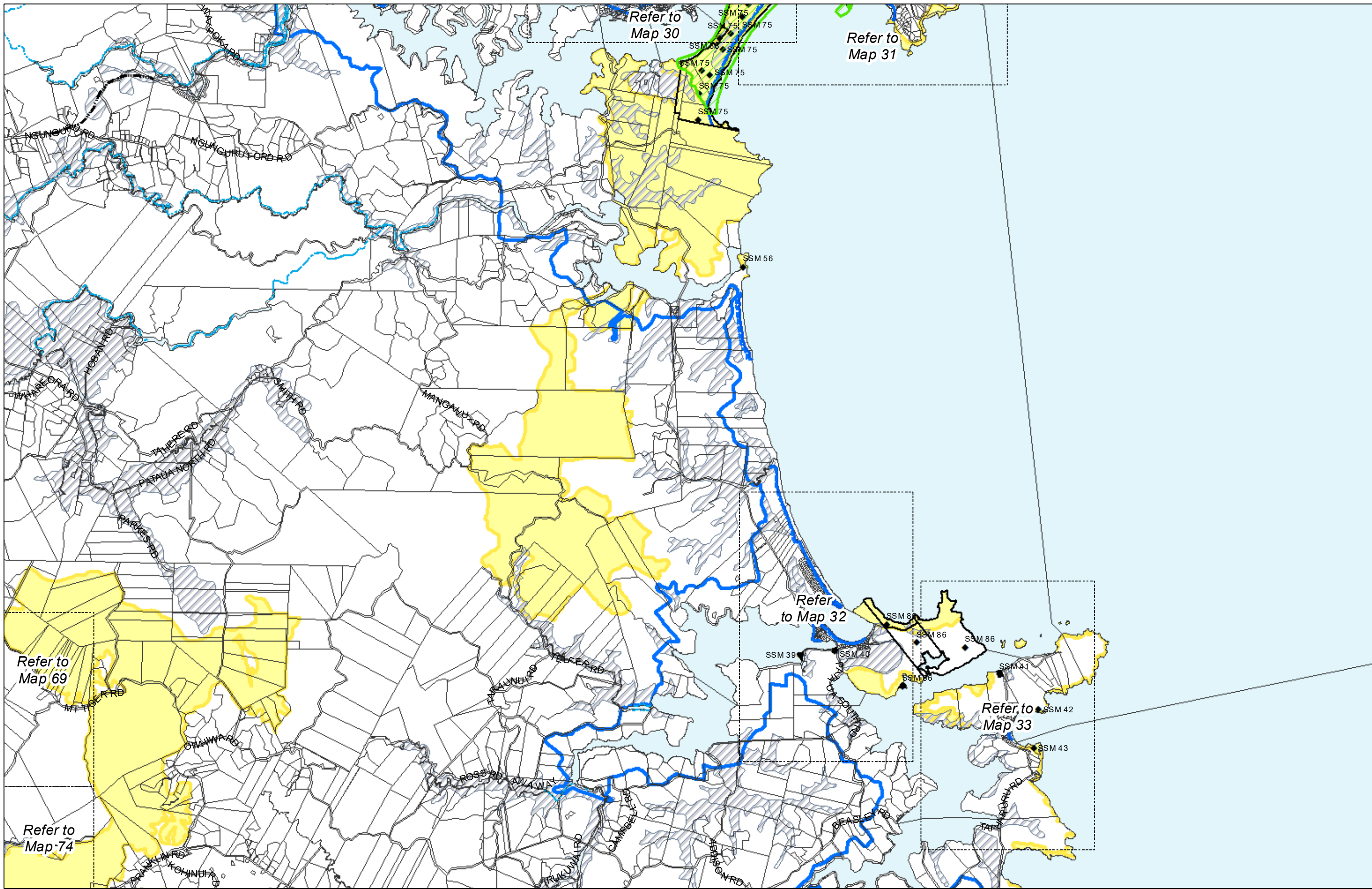
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# WHANGAREI DISTRICT COUNCIL OPERATIVE PLANNING MAP

## Resource Areas Map 10R



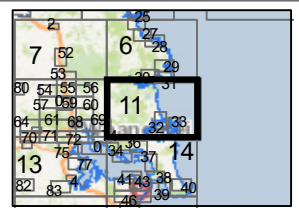
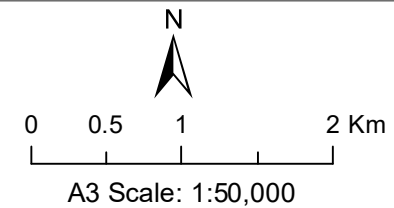




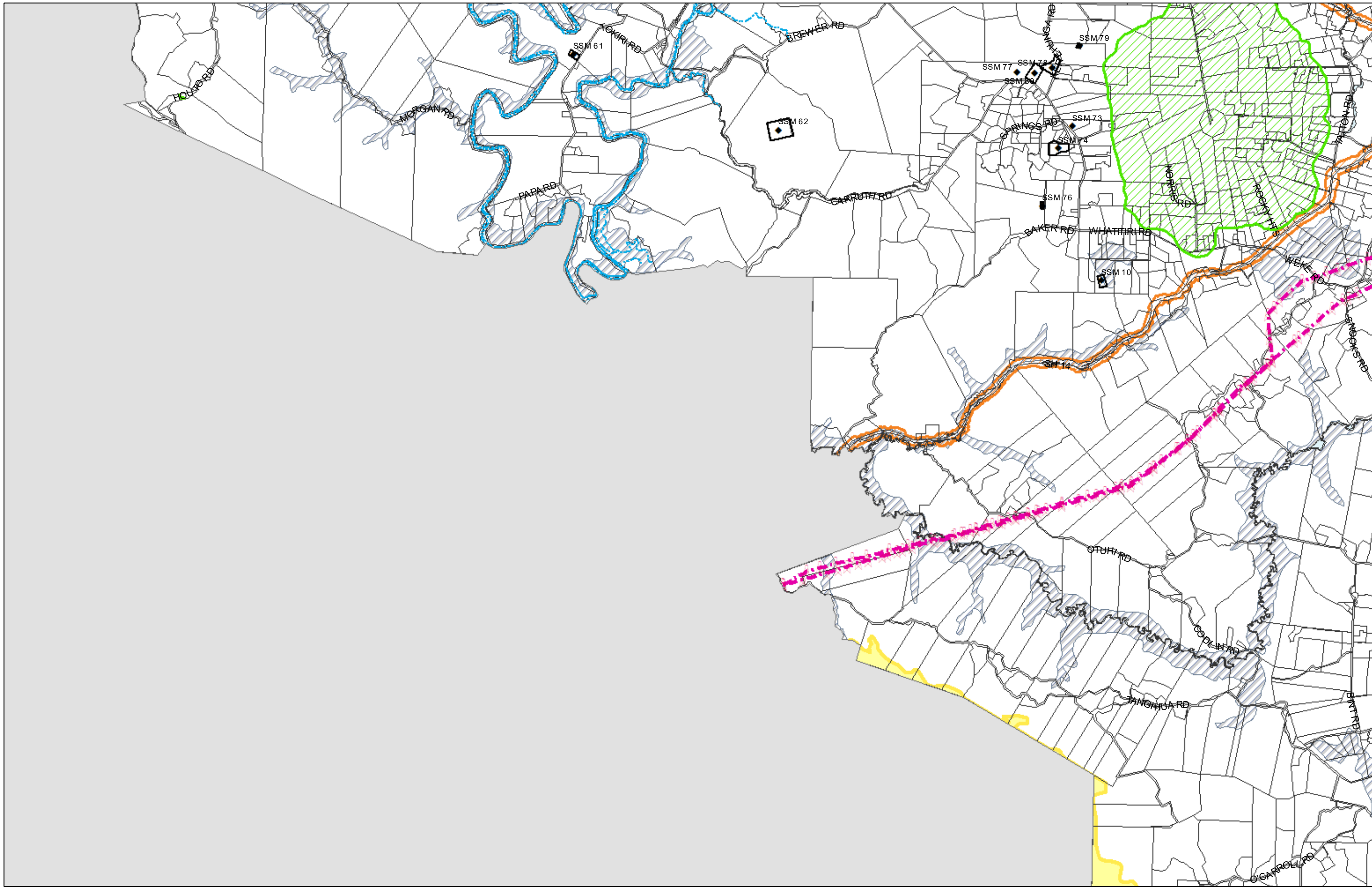
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## WHANGAREI DISTRICT COUNCIL OPERATIVE PLANNING MAP

### Resource Areas Map 11R





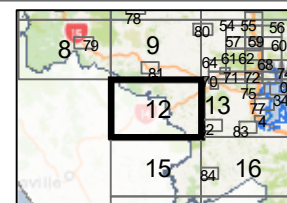
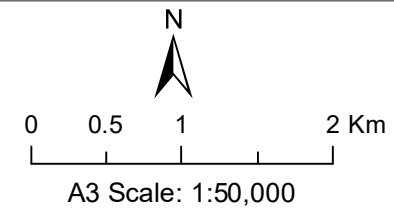


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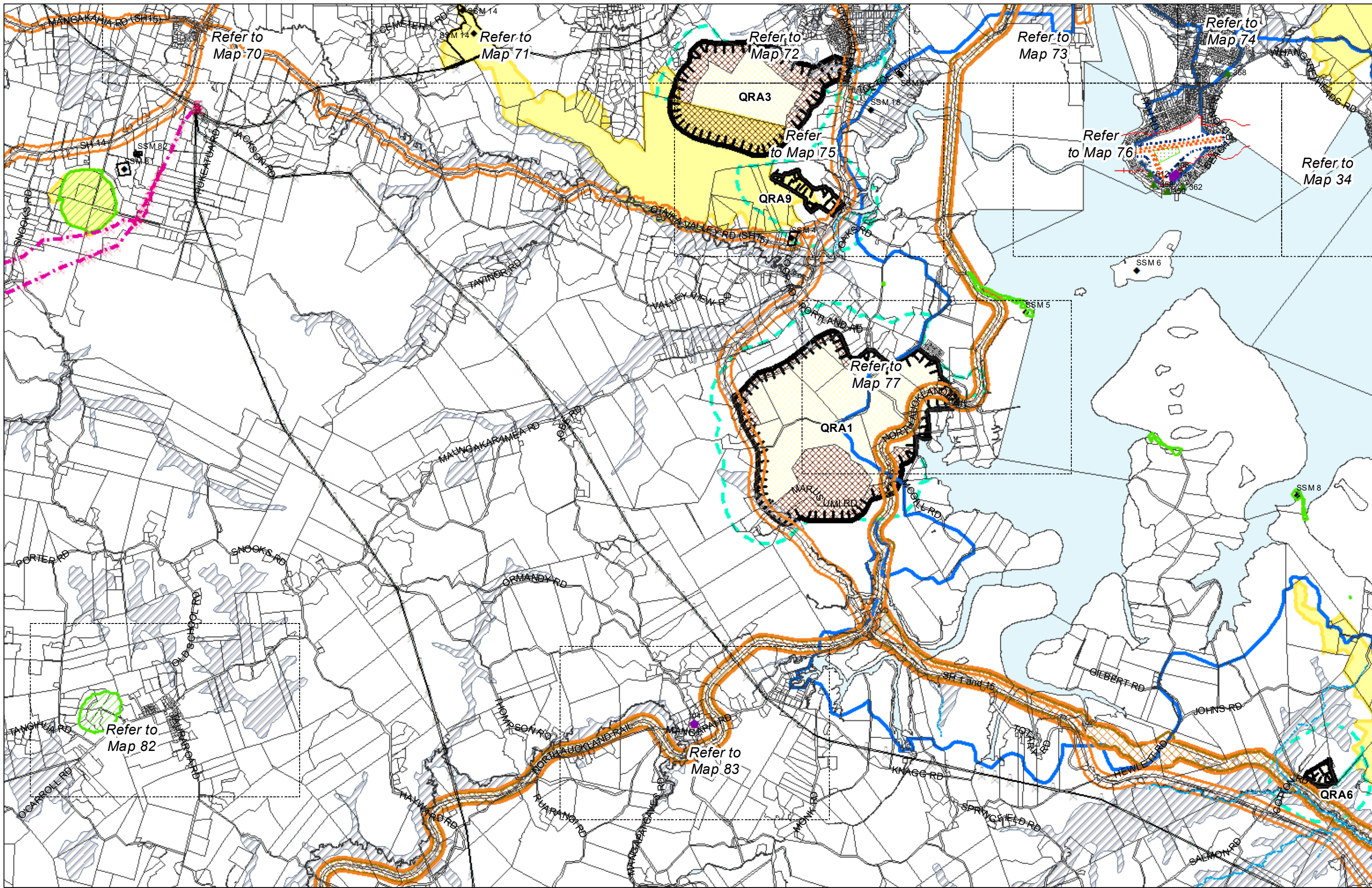
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### WHANGAREI DISTRICT COUNCIL OPERATIVE PLANNING MAP

### Resource Areas Map 12R

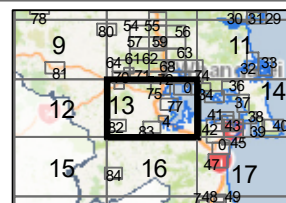
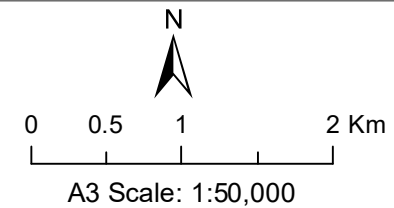




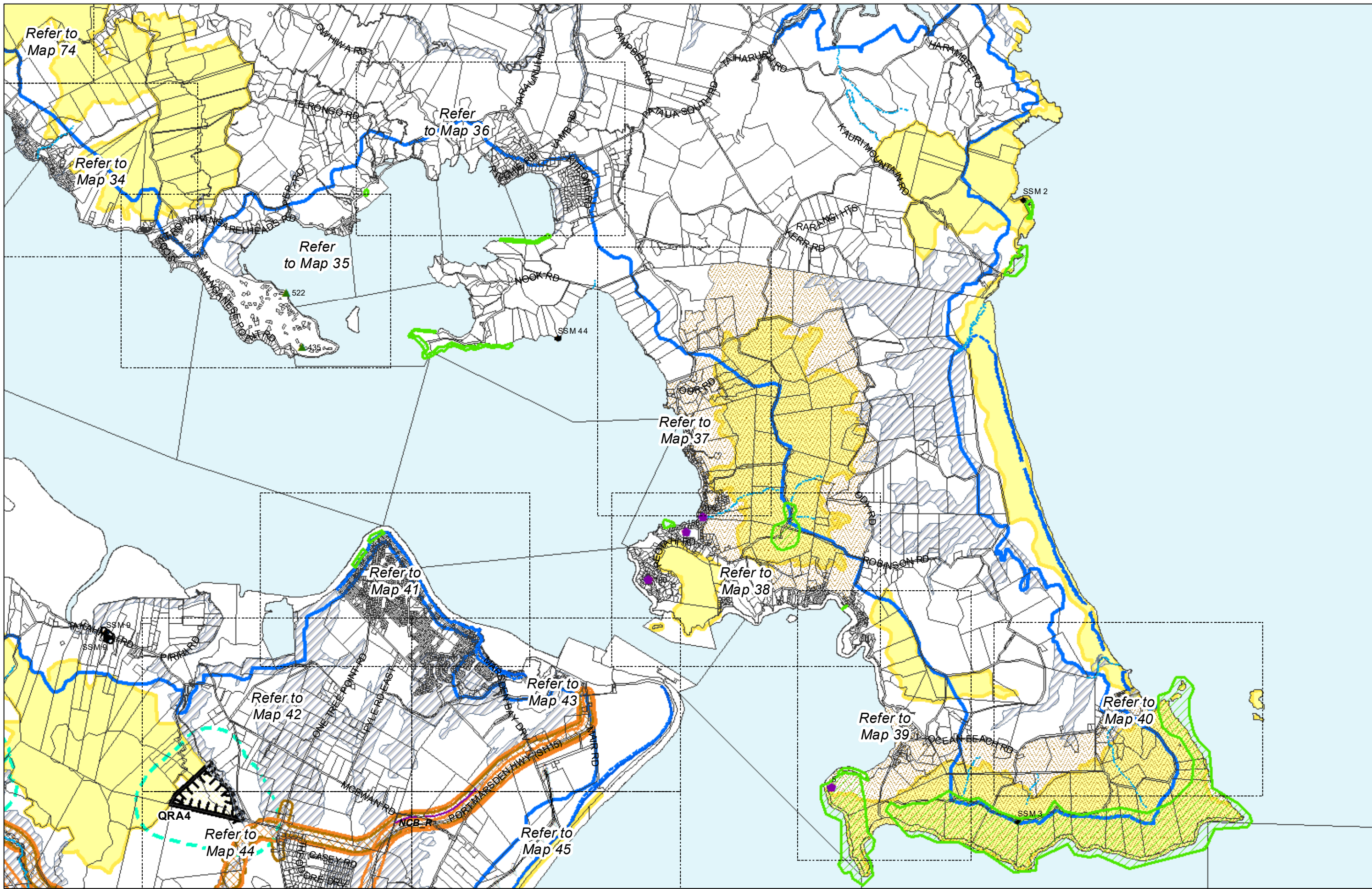


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**WHANGAREI DISTRICT COUNCIL OPERATIVE PLANNING MAP**  
**Resource Areas Map 13R**



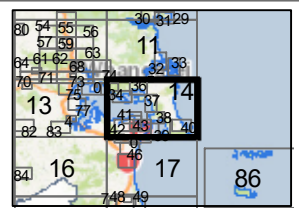
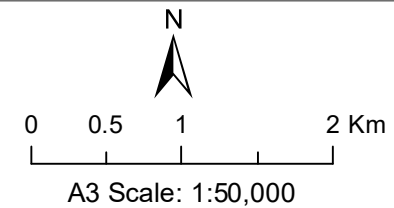




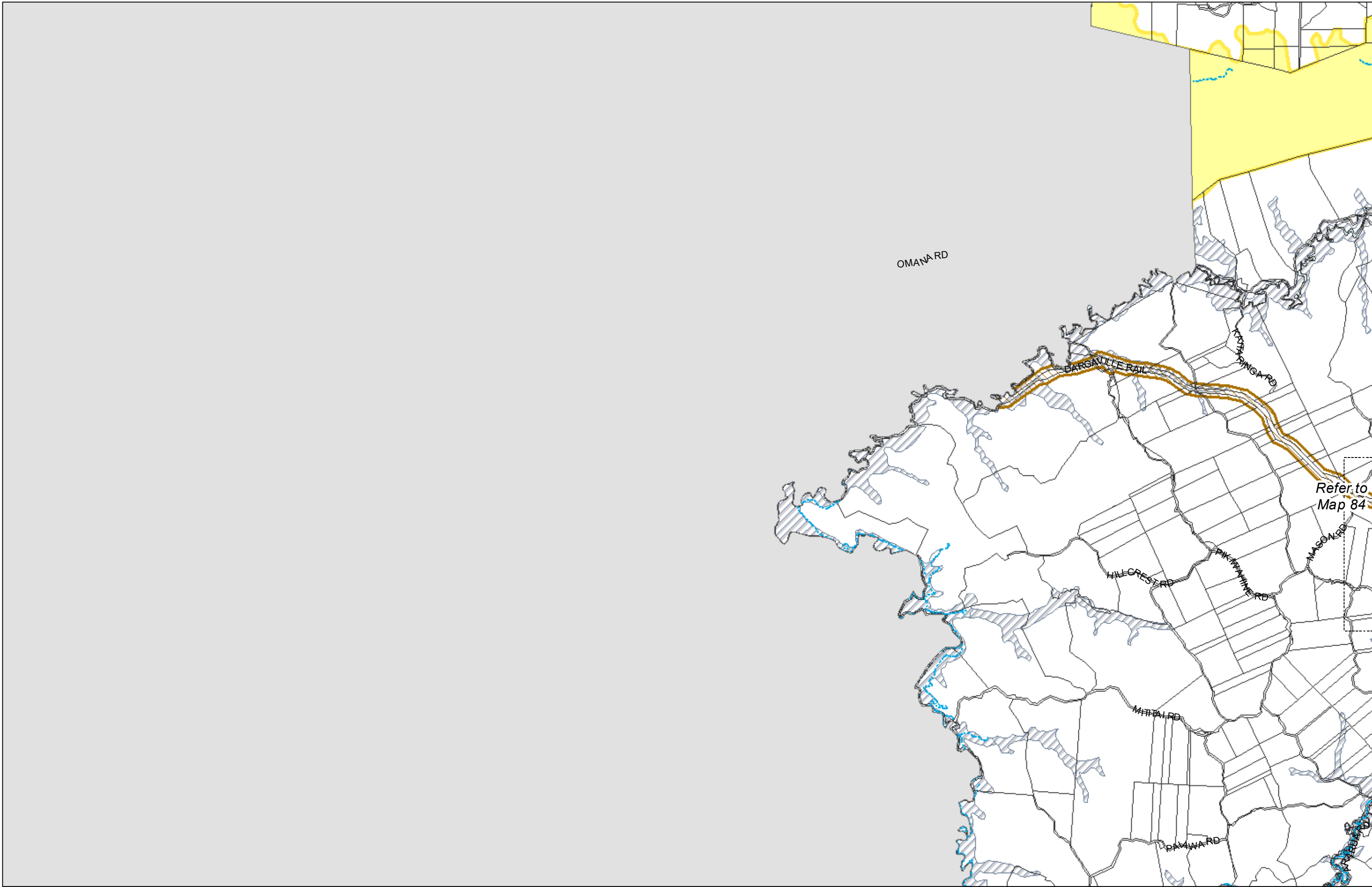
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## WHANGAREI DISTRICT COUNCIL OPERATIVE PLANNING MAP

### Resource Areas Map 14R





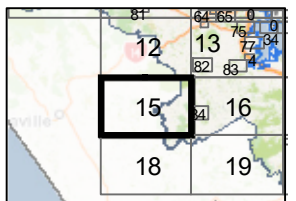
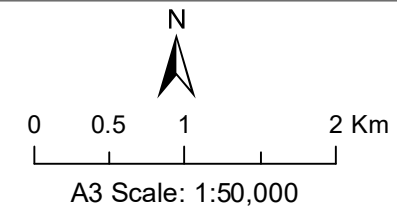


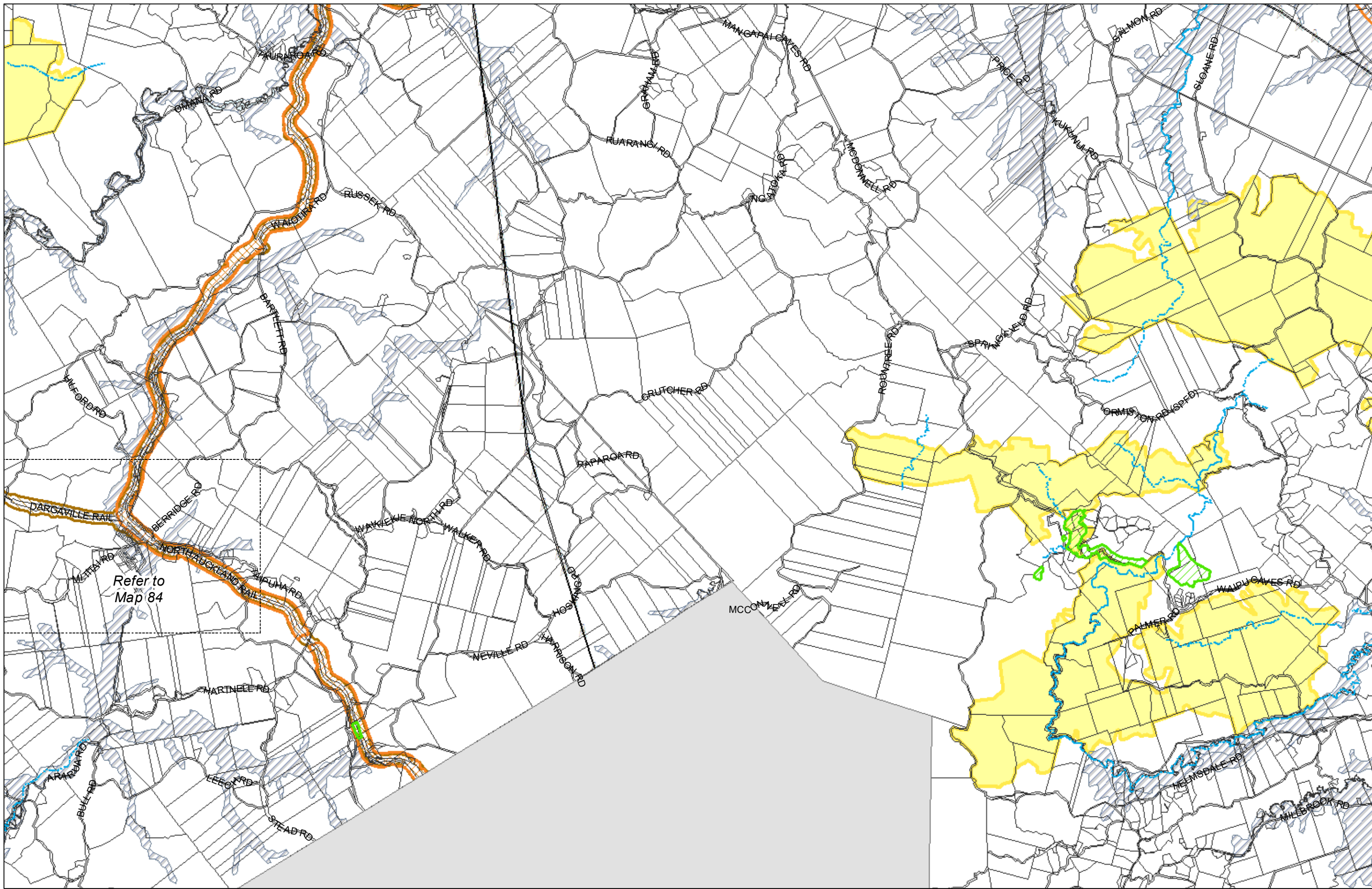
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### WHANGAREI DISTRICT COUNCIL OPERATIVE PLANNING MAP

### Resource Areas Map 15R

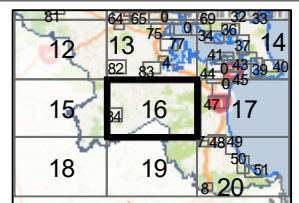
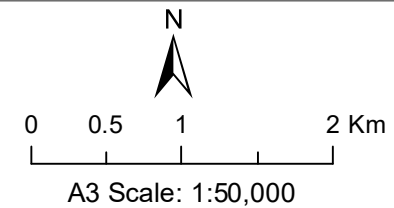




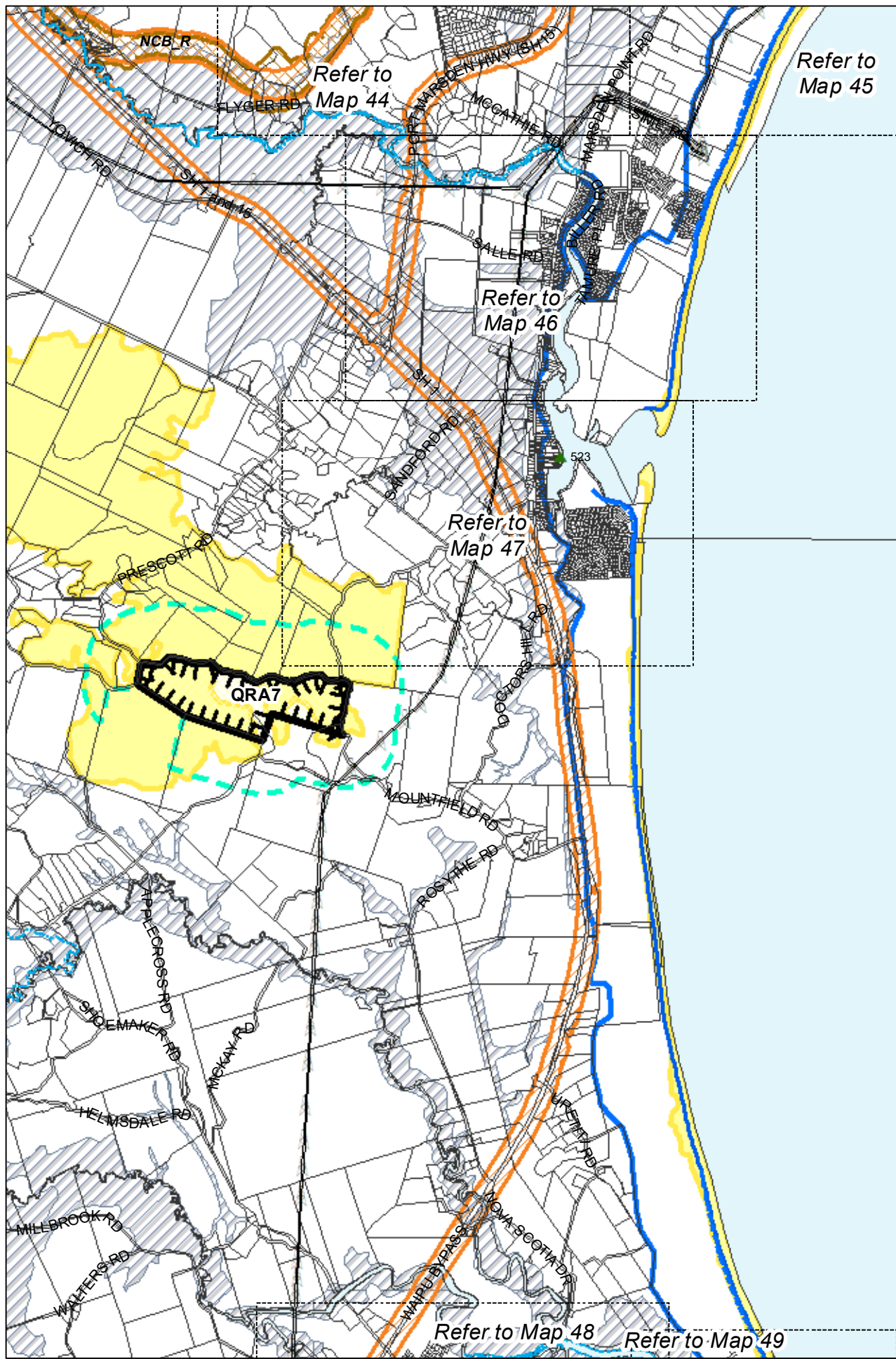
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## WHANGAREI DISTRICT COUNCIL OPERATIVE PLANNING MAP

### Resource Areas Map 16R

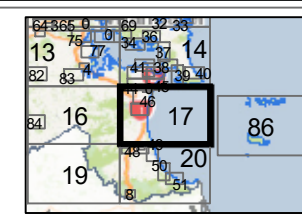
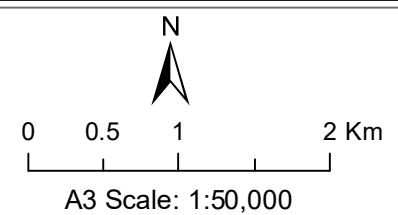


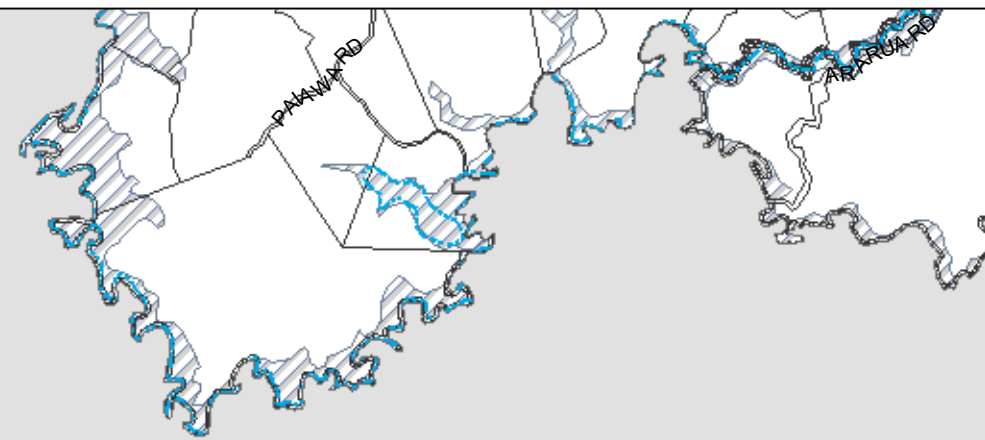




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**WHANGAREI DISTRICT COUNCIL OPERATIVE PLANNING MAP**  
**Resource Areas Map 17R**



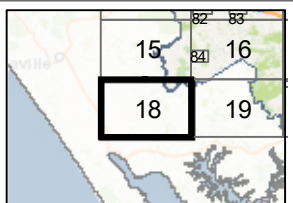
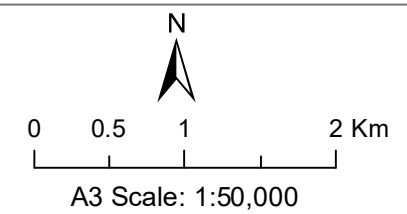


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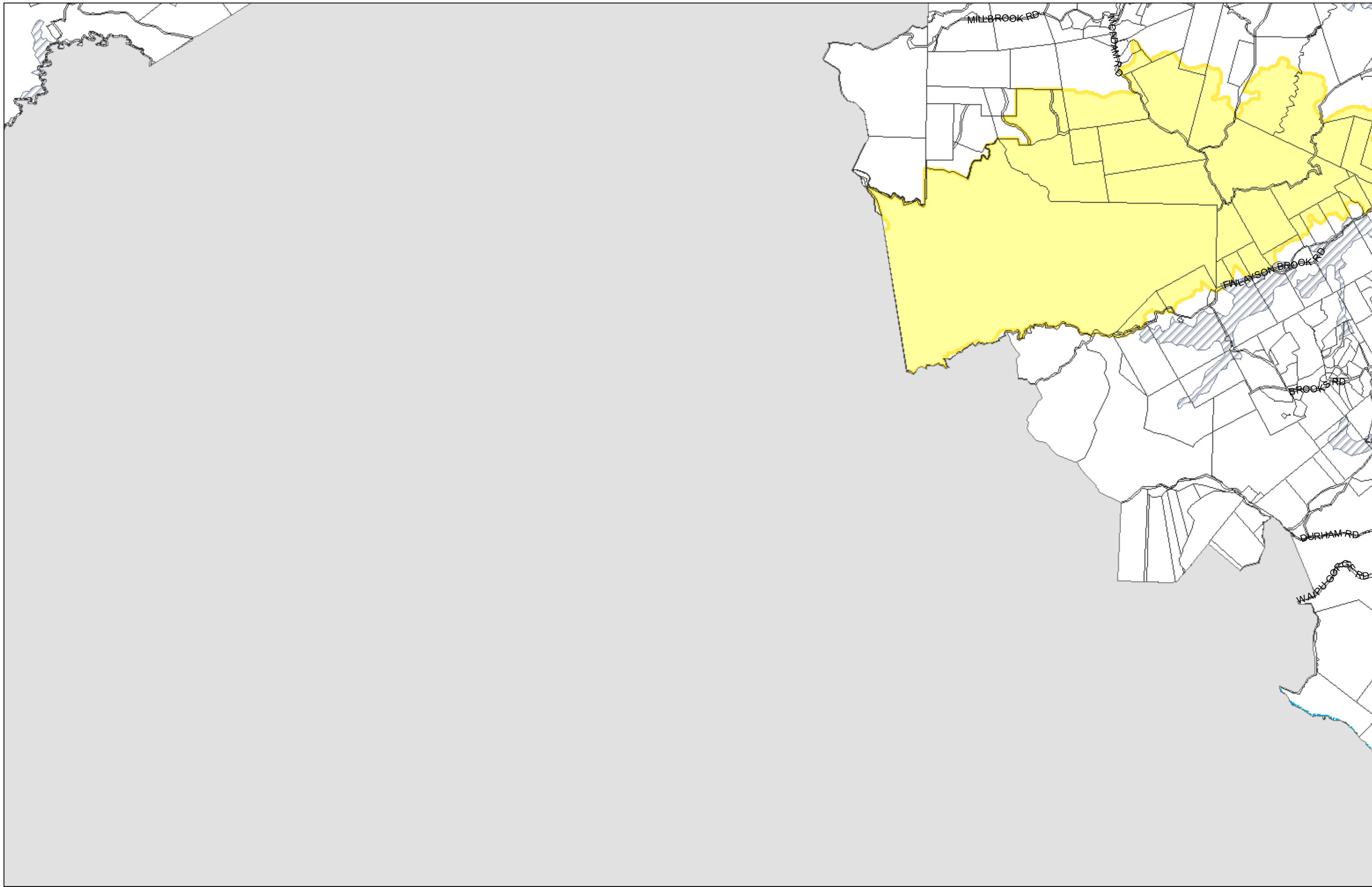
Transpower New Zealand makes no representations about the suitability of any information supplied to Whangarei District Council for any purpose. All intellectual property rights in this Database layer and the data in it being exclusively to Transpower. While all reasonable efforts have been made to ensure that up-to-date information is provided to Whangarei District Council, Transpower New Zealand accepts no responsibility for any errors, omissions or inaccuracies in the information.

# WHANGAREI DISTRICT COUNCIL OPERATIVE PLANNING MAP

## Resource Areas Map 18R





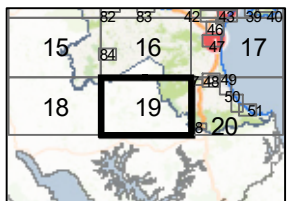
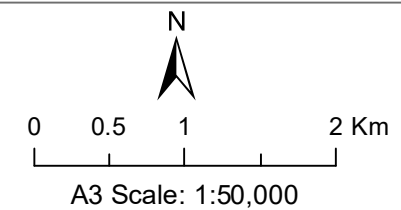


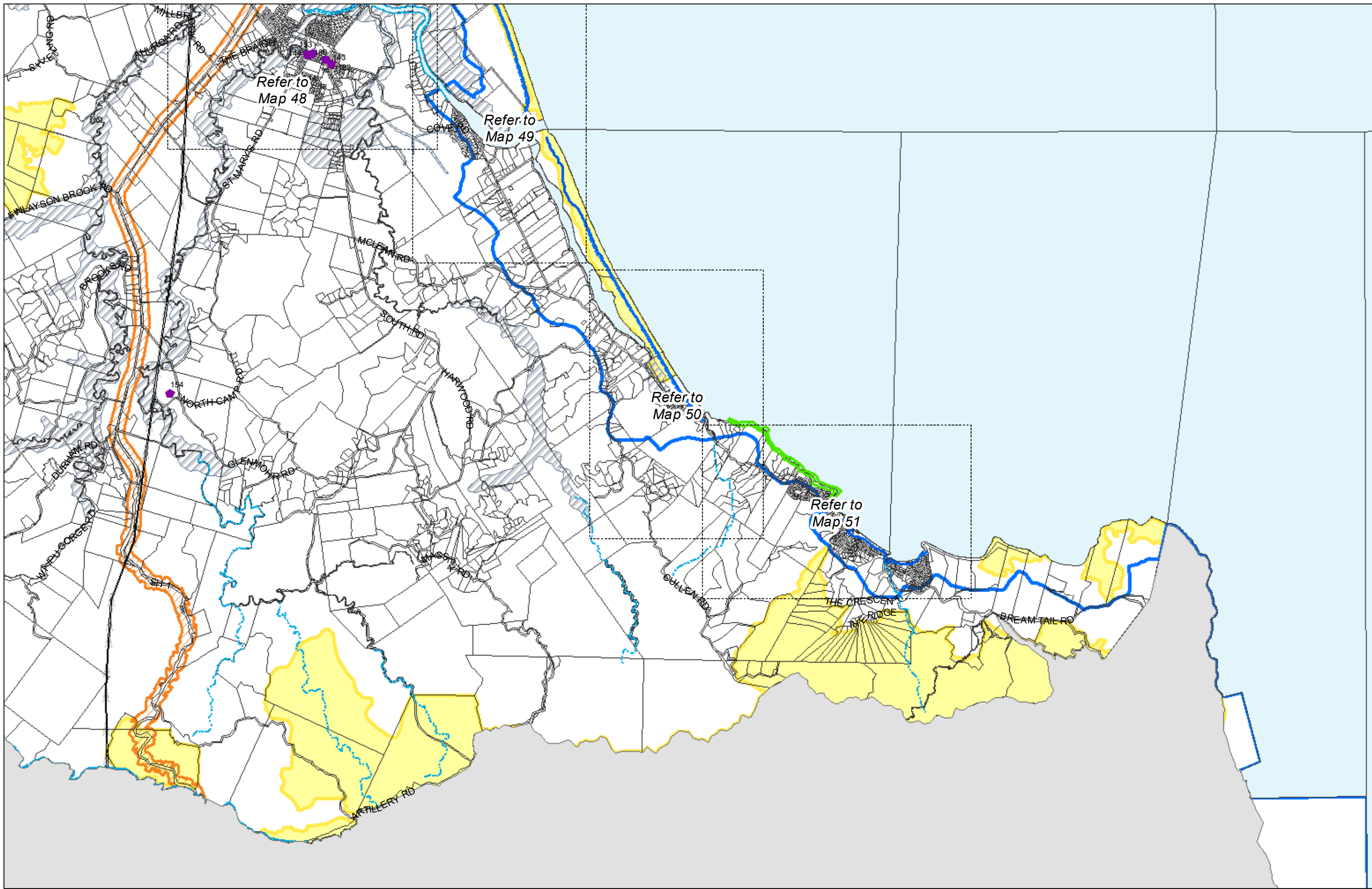
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## WHANGAREI DISTRICT COUNCIL OPERATIVE PLANNING MAP

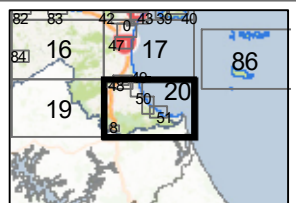
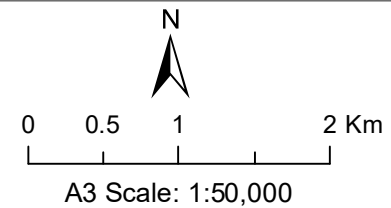
### Resource Areas Map 19R

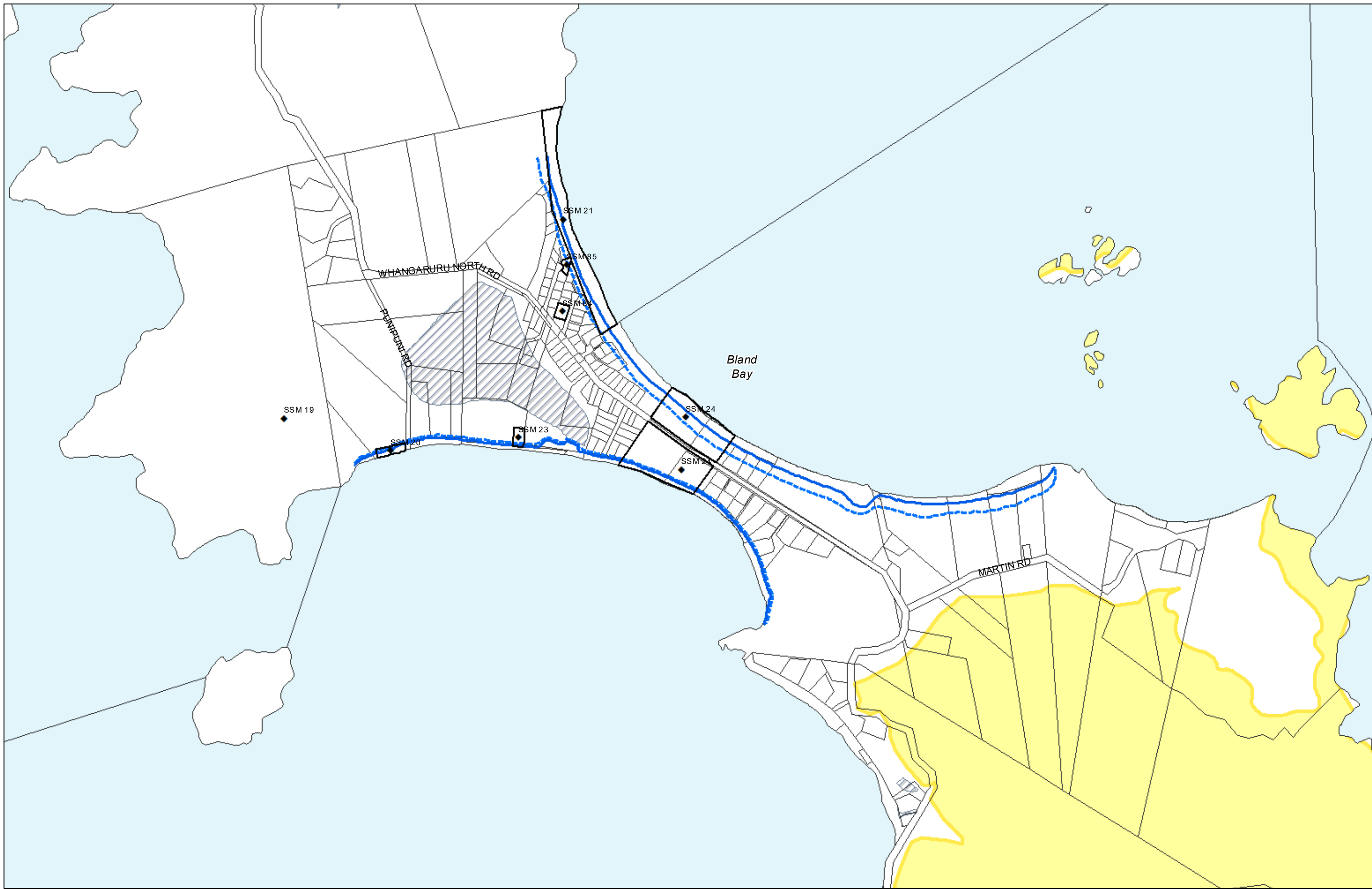




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**WHANGAREI DISTRICT COUNCIL OPERATIVE PLANNING MAP**  
**Resource Areas Map 20R**



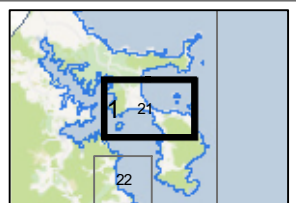
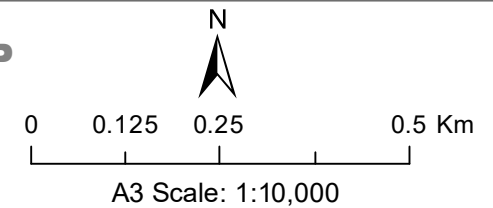


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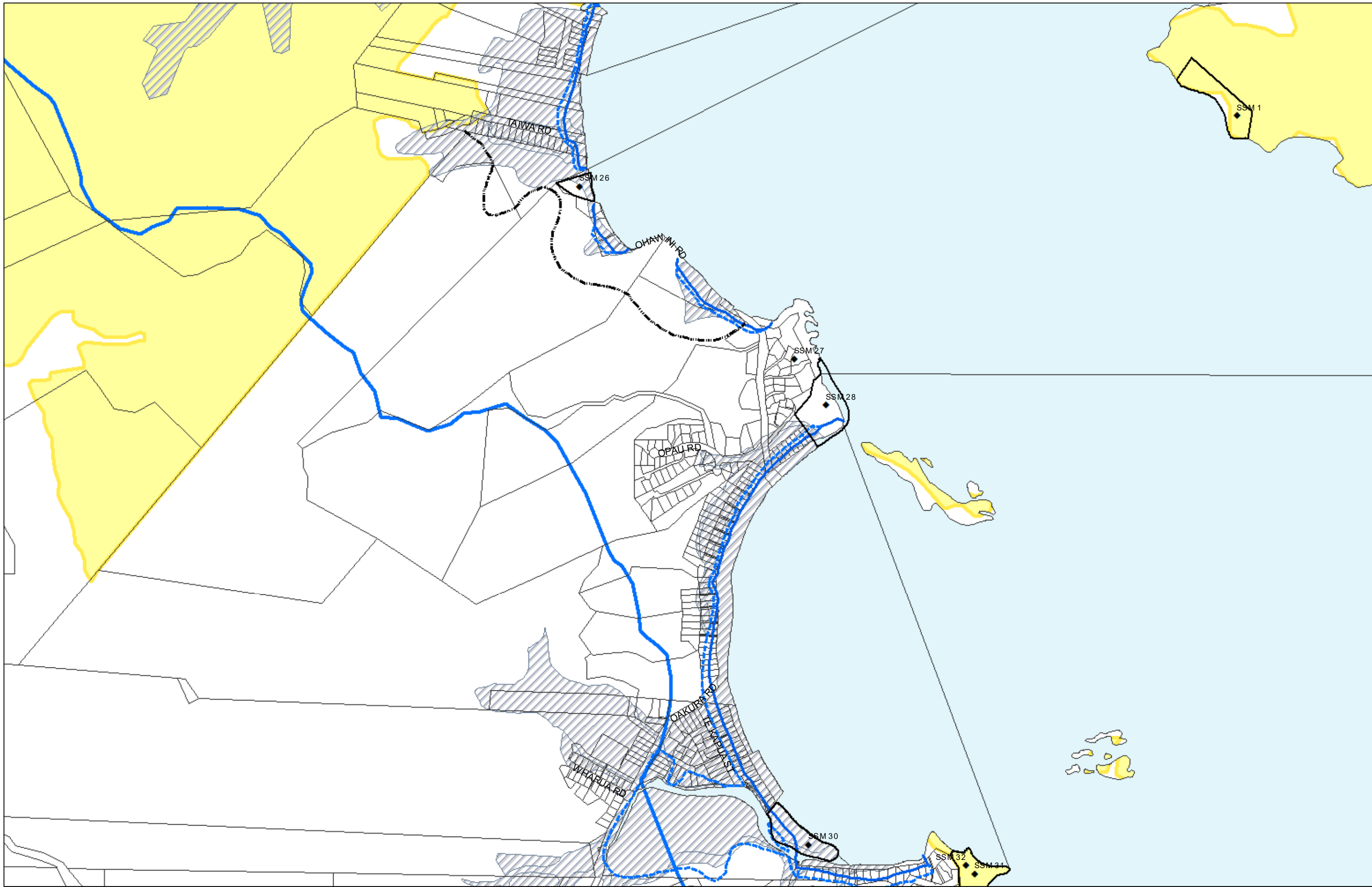
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**WHANGAREI DISTRICT COUNCIL OPERATIVE PLANNING MAP**

**Resource Areas Map 21R  
Whangaruru/Bland Bay**





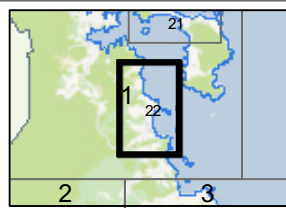


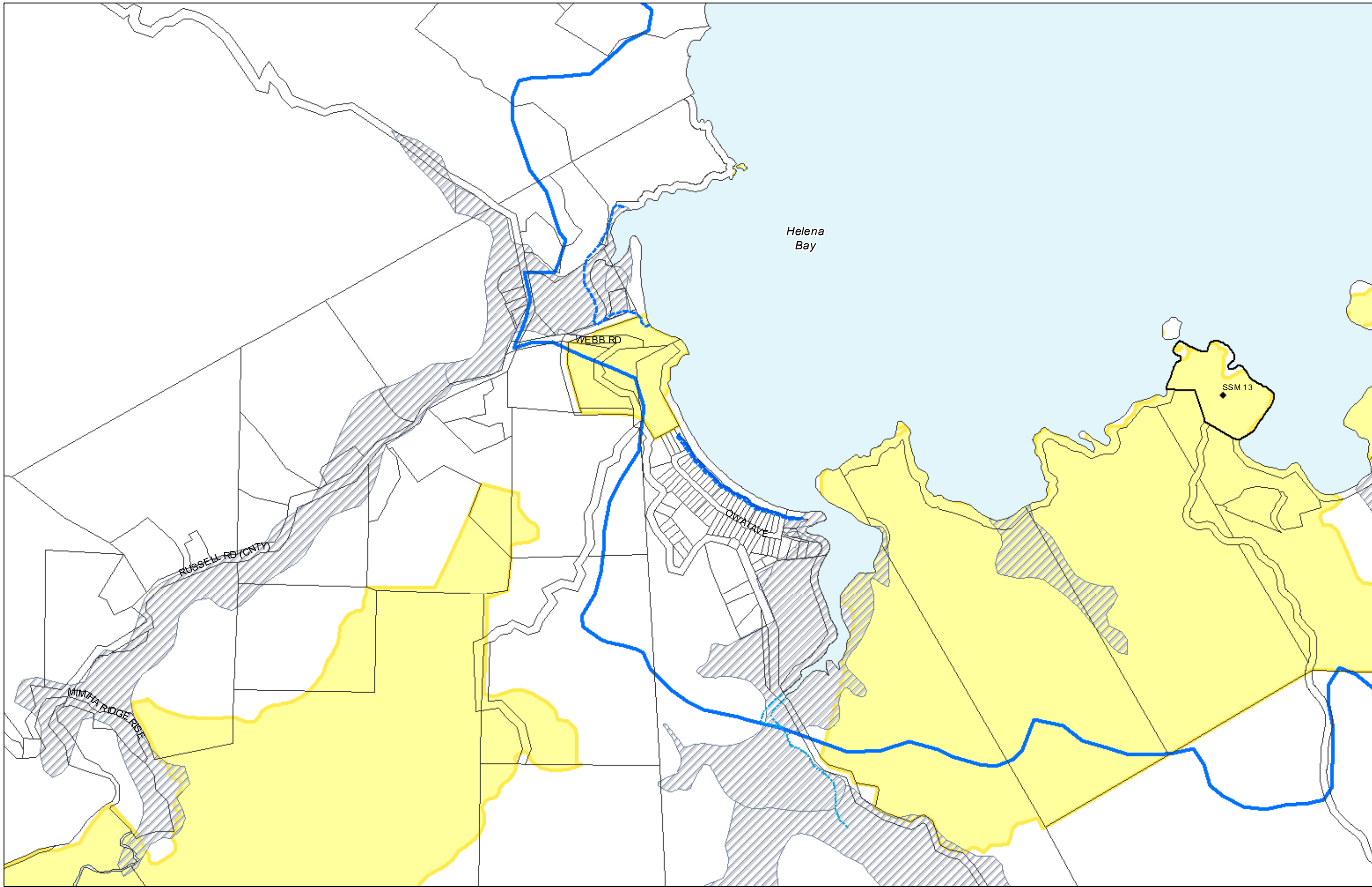
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### WHANGAREI DISTRICT COUNCIL OPERATIVE PLANNING MAP

#### Resource Areas Map 22R Whangaruru South/Oakura



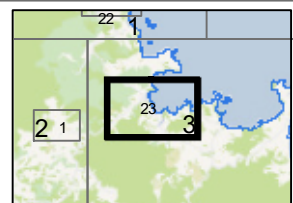
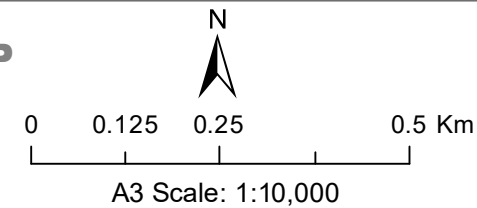


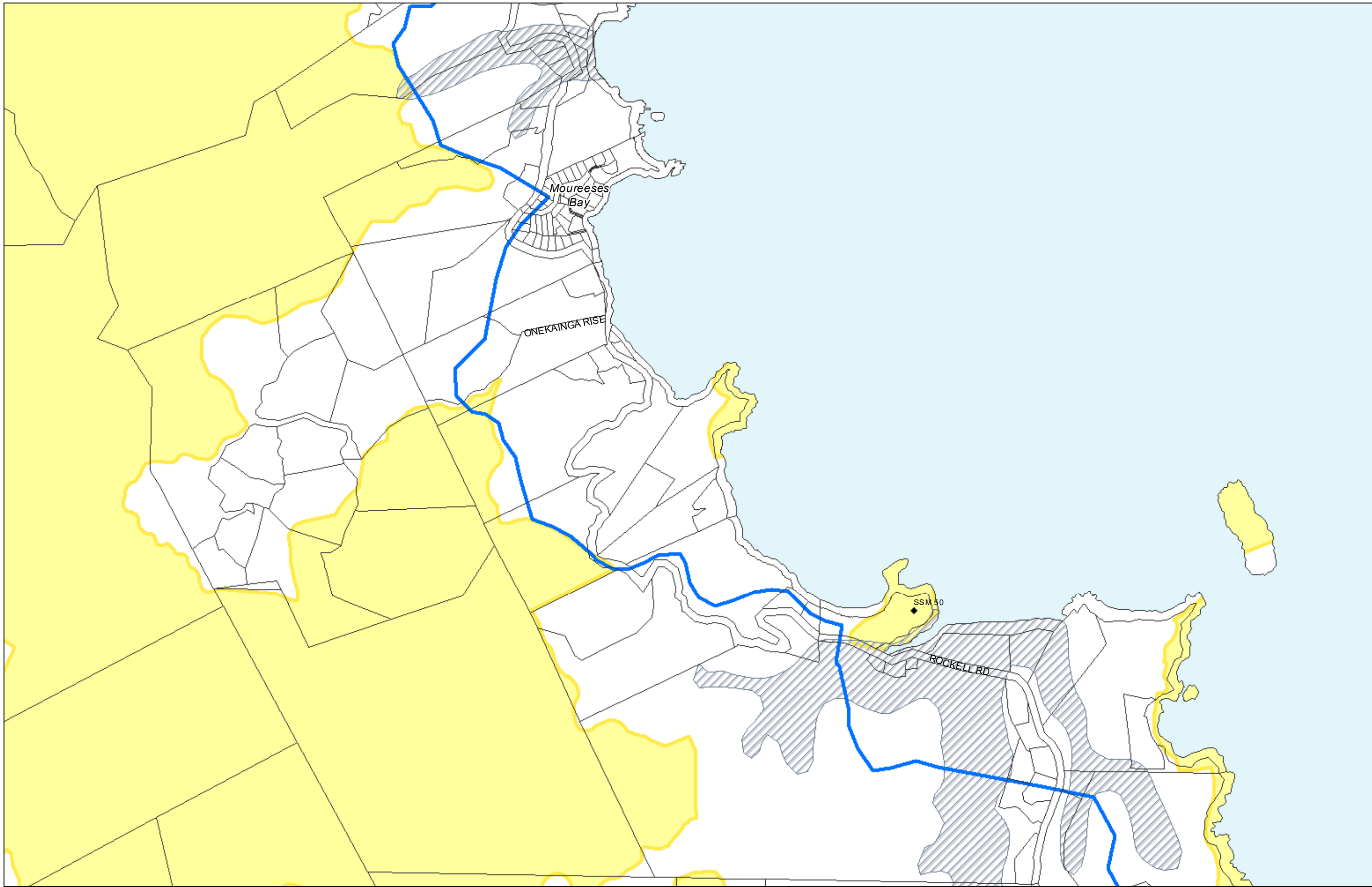
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**WHANGAREI DISTRICT COUNCIL OPERATIVE PLANNING MAP**

**Resource Areas Map 23R  
Helena/Teal Bay**



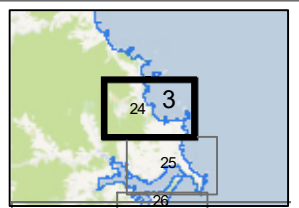
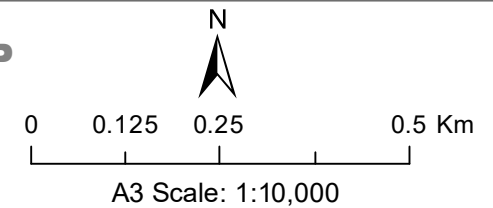


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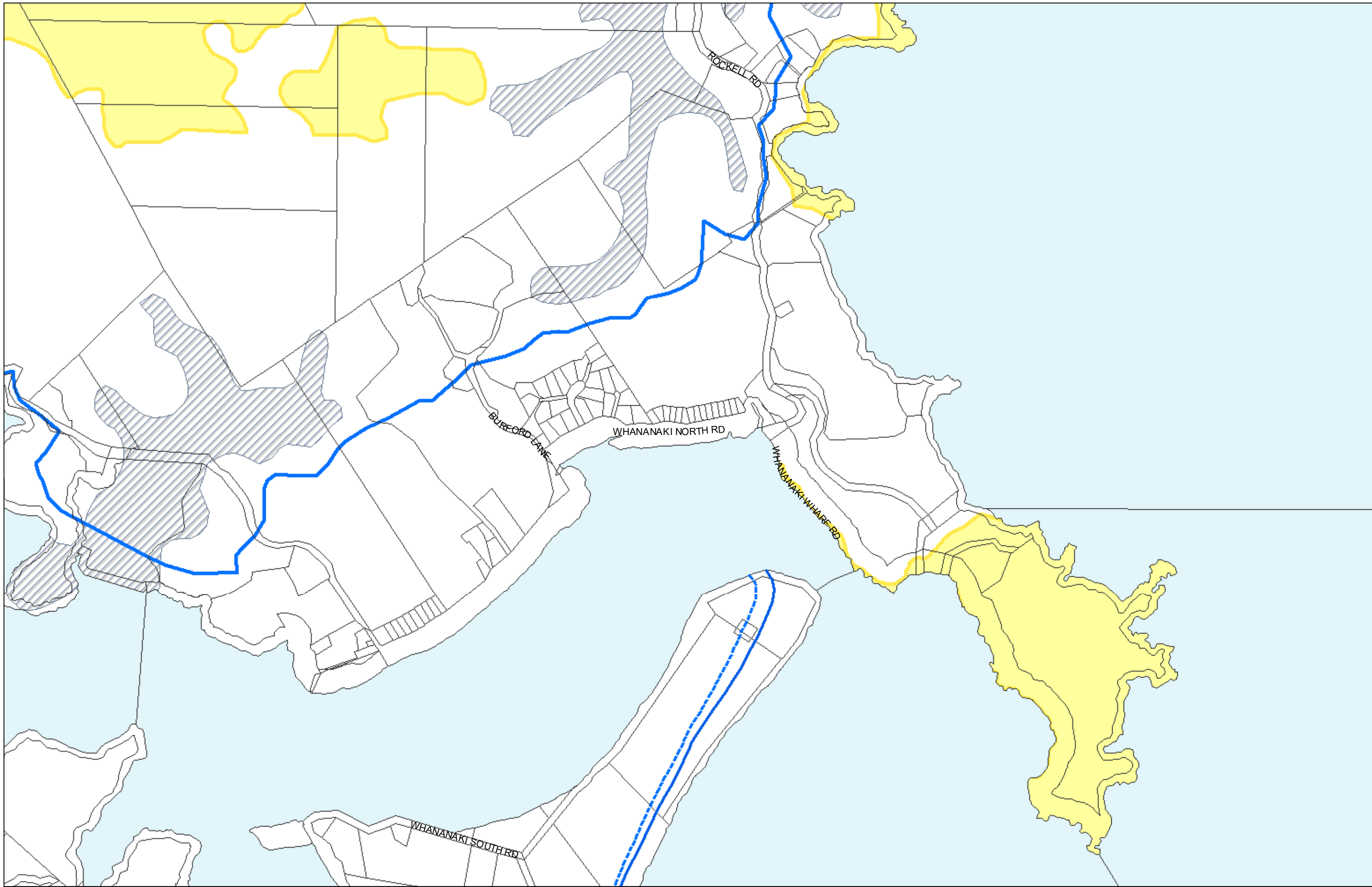
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**WHANGAREI DISTRICT COUNCIL OPERATIVE PLANNING MAP**

**Resource Areas Map 24R  
Moureeses Bay**





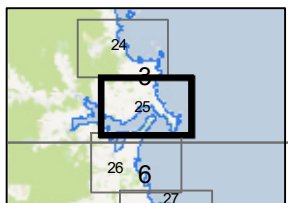


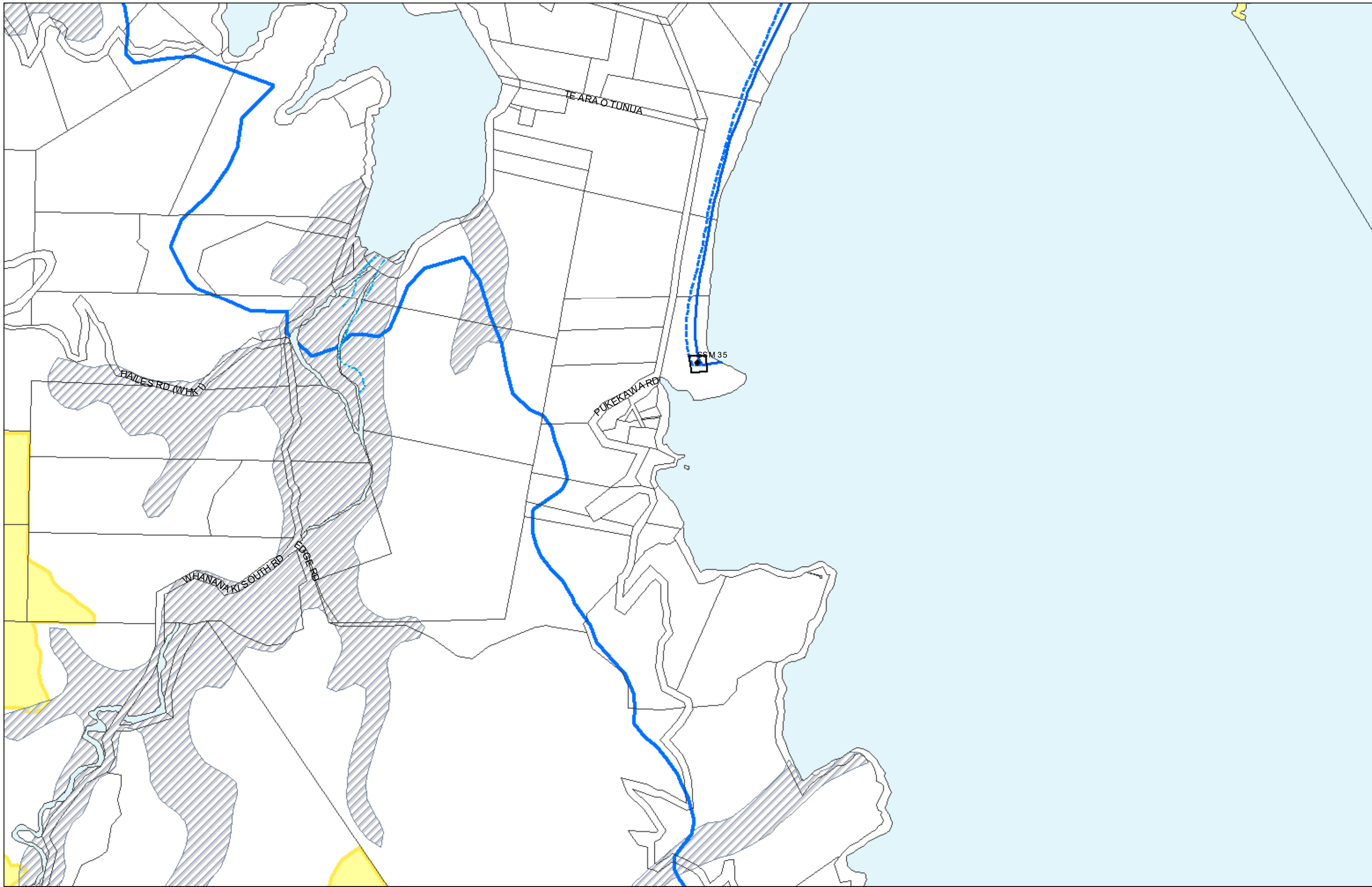
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**WHANGAREI DISTRICT COUNCIL OPERATIVE PLANNING MAP**

**Resource Areas Map 25R  
Whananaki**



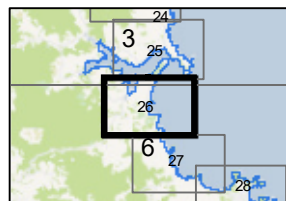
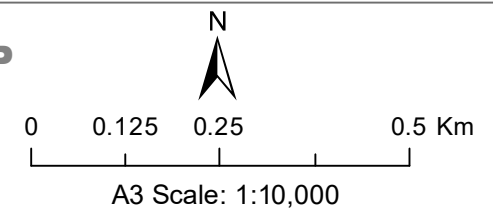


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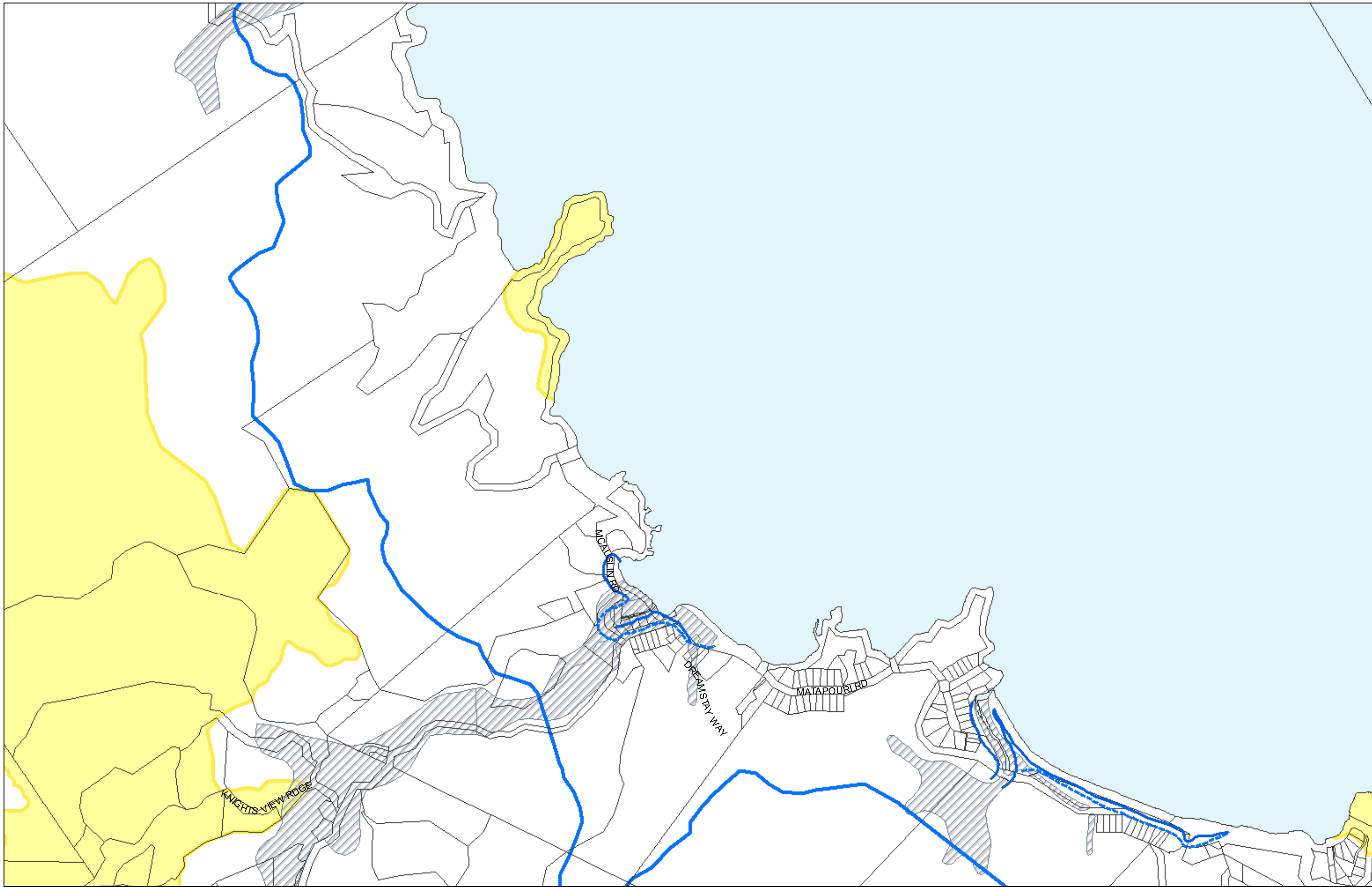
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### WHANGAREI DISTRICT COUNCIL OPERATIVE PLANNING MAP

#### Resource Areas Map 26R Whananaki South





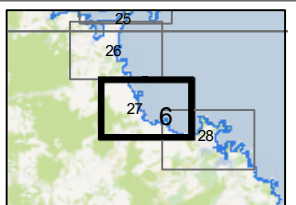
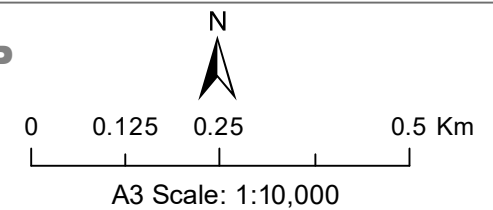


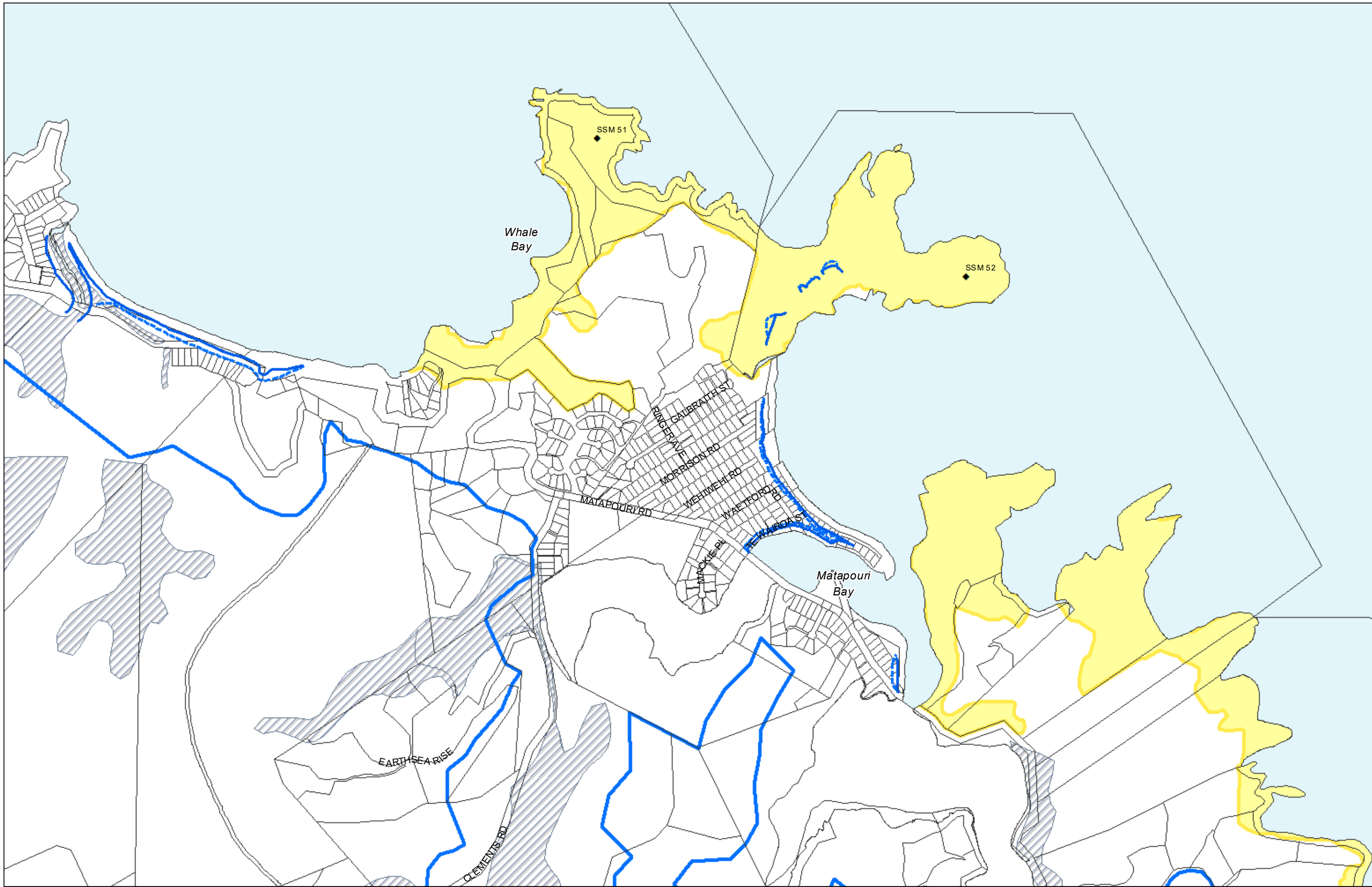
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**WHANGAREI DISTRICT COUNCIL OPERATIVE PLANNING MAP**

**Resource Areas Map 27R  
Sandy Bay**



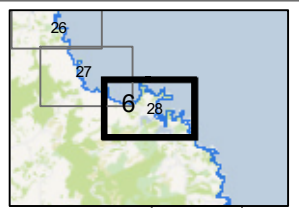
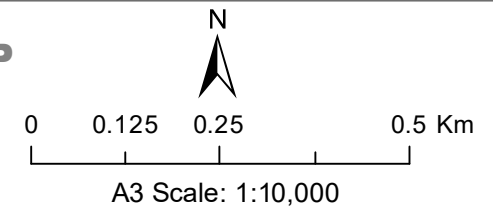


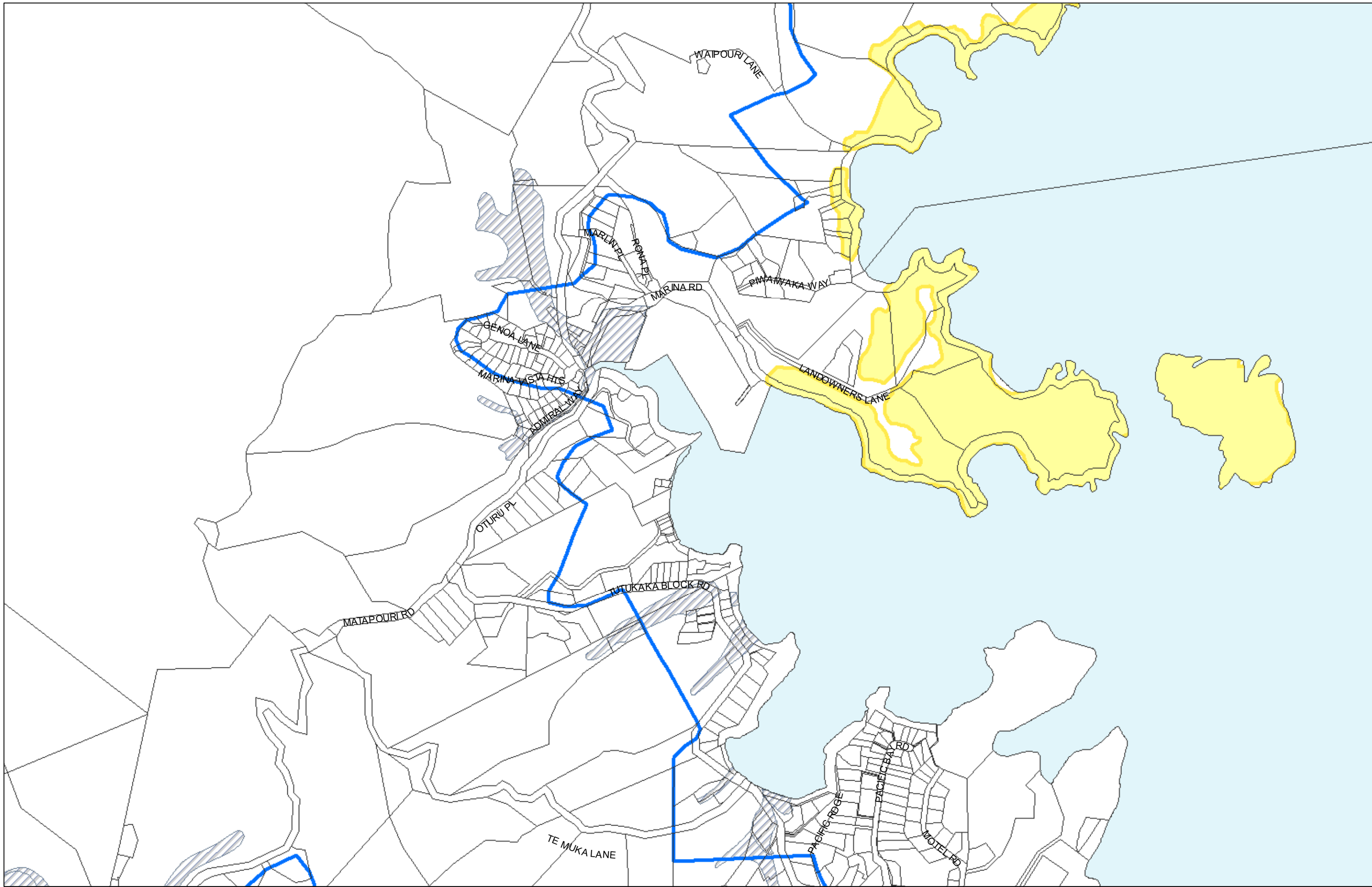
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**WHANGAREI DISTRICT COUNCIL OPERATIVE PLANNING MAP**

**Resource Areas Map 28R  
Matapouri**



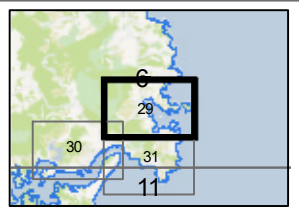
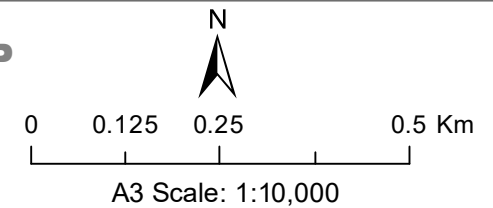


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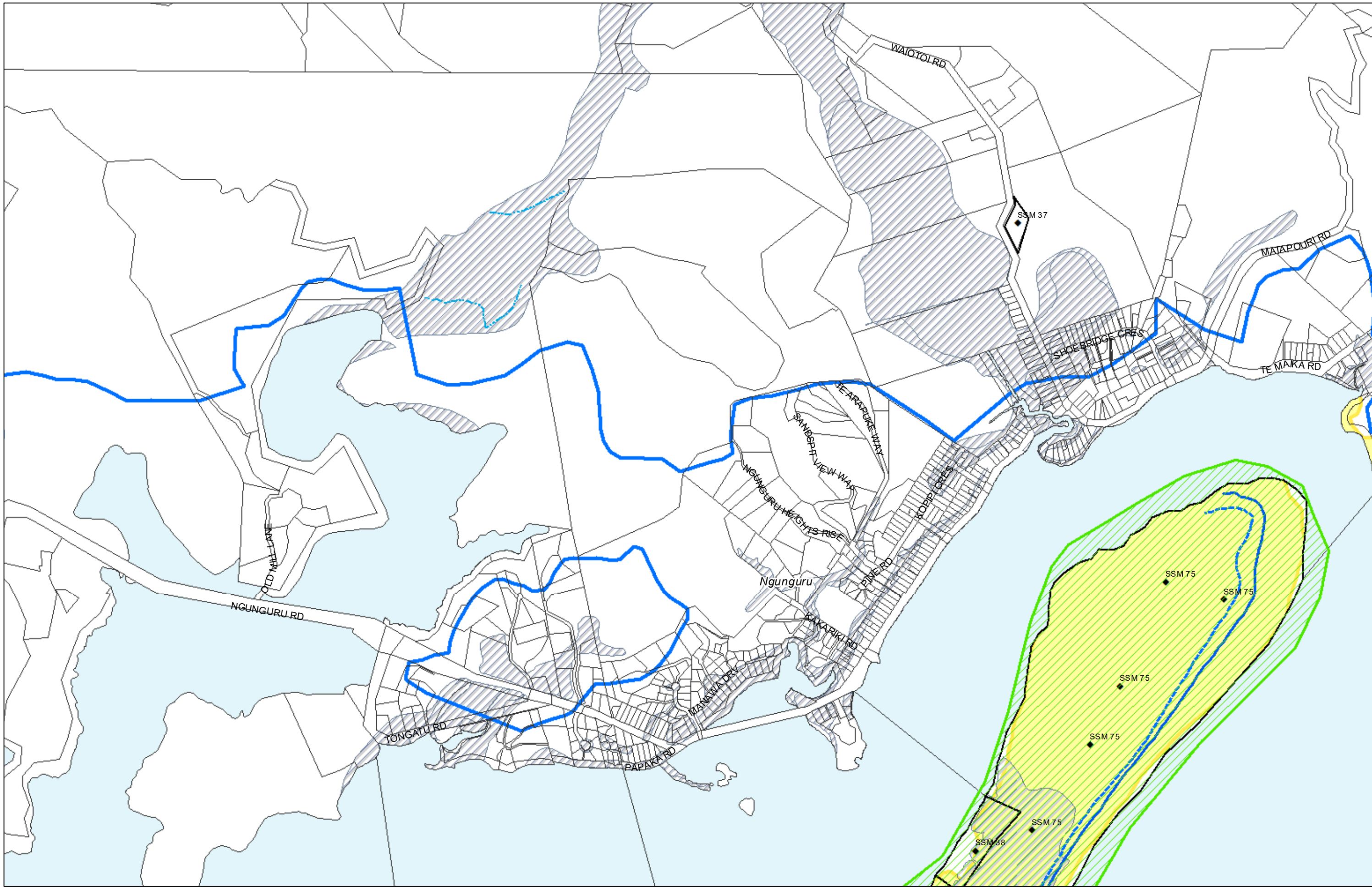
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**WHANGAREI DISTRICT COUNCIL OPERATIVE PLANNING MAP**

**Resource Areas Map 29R  
Tutukaka**





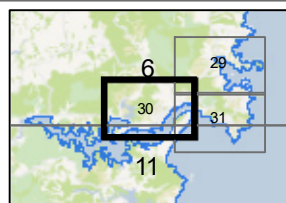


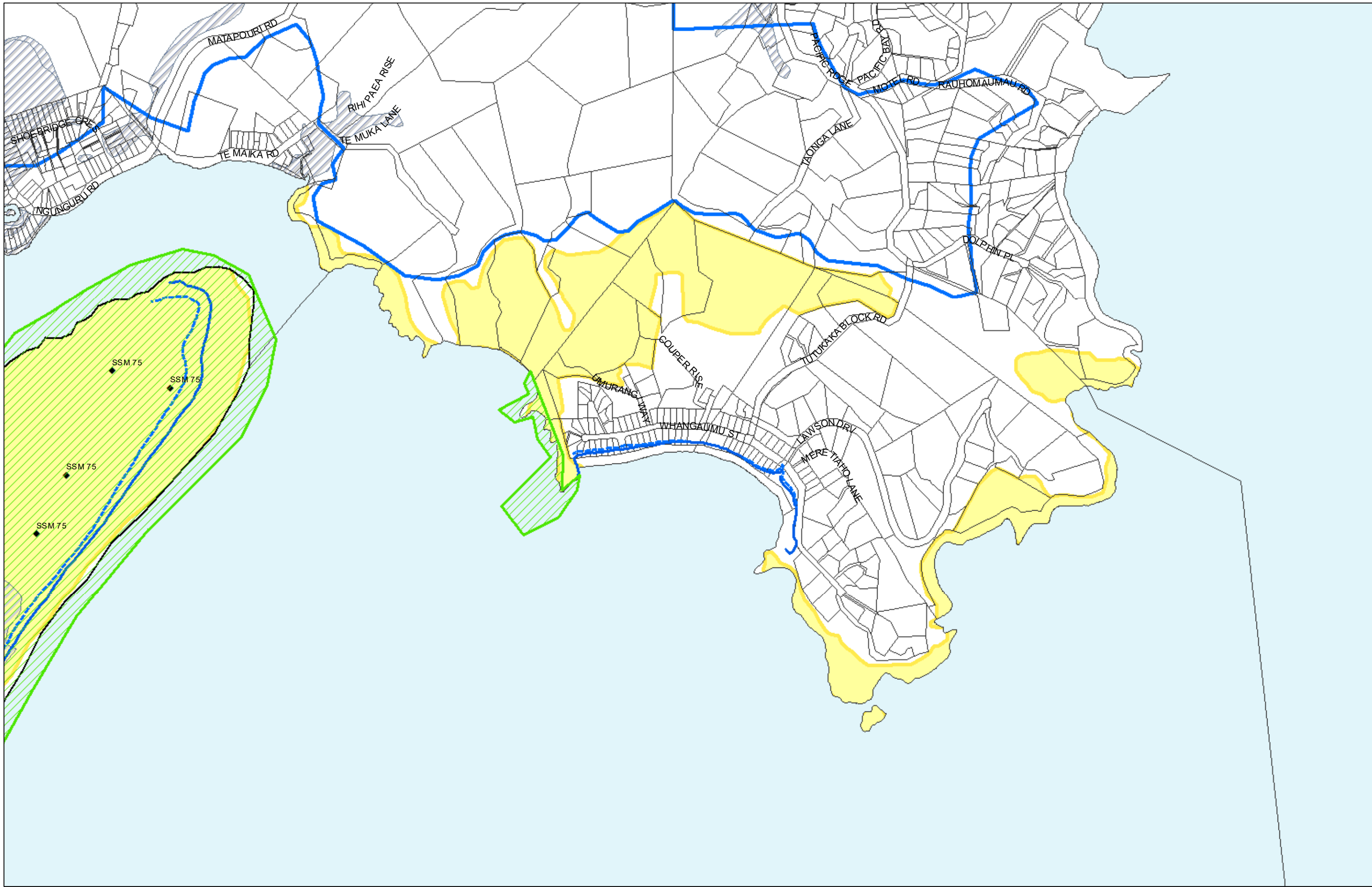
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### WHANGAREI DISTRICT COUNCIL OPERATIVE PLANNING MAP

#### Resource Areas Map 30R Ngunuru



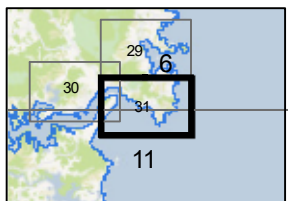
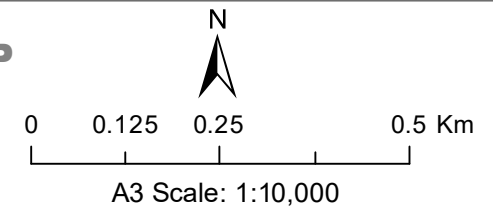


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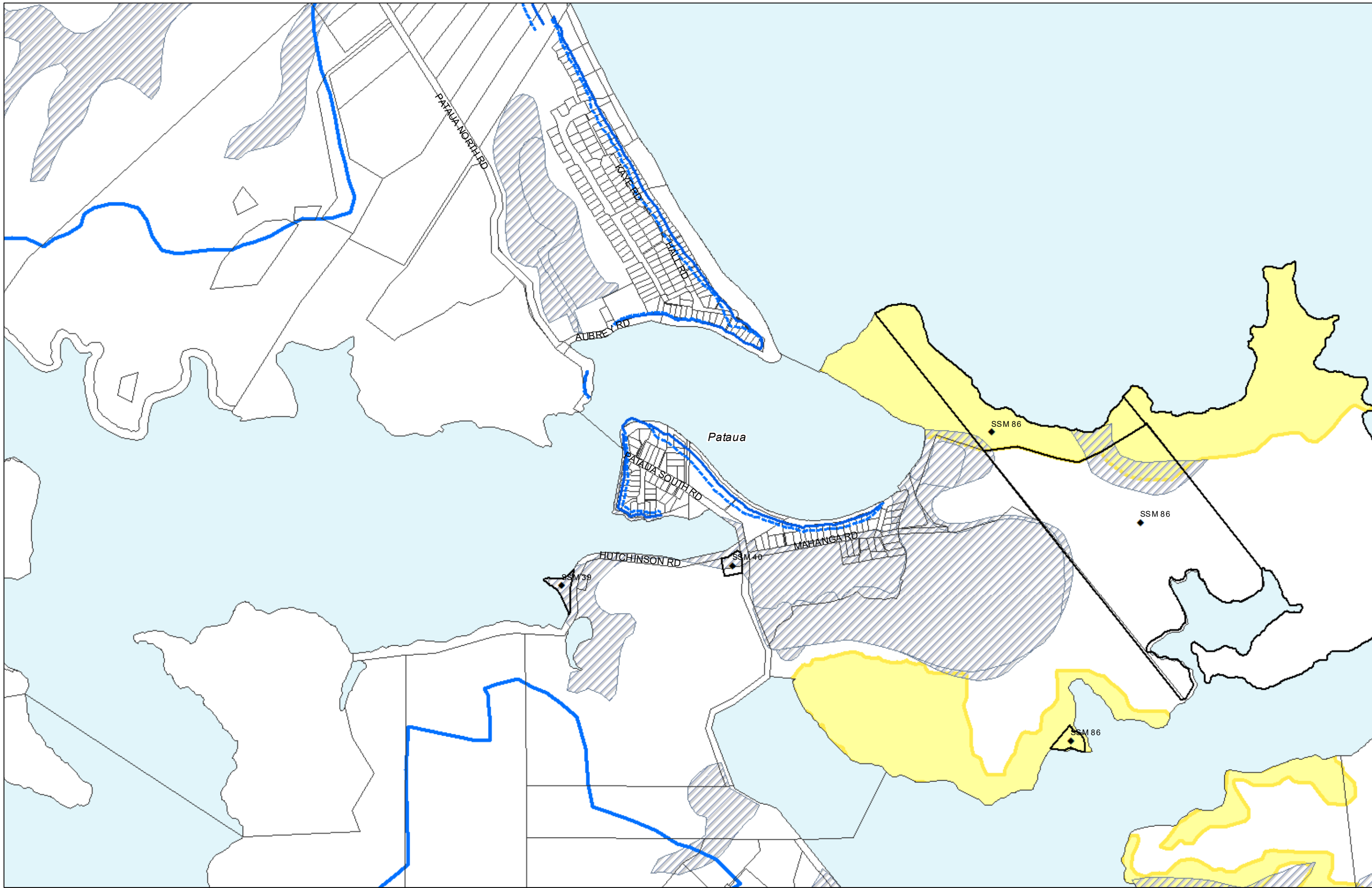
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**WHANGAREI DISTRICT COUNCIL OPERATIVE PLANNING MAP**

**Resource Areas Map 31R  
Whangaumu Bay**



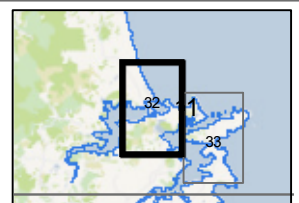
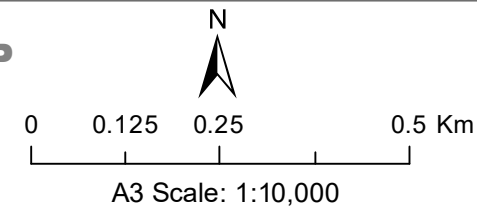


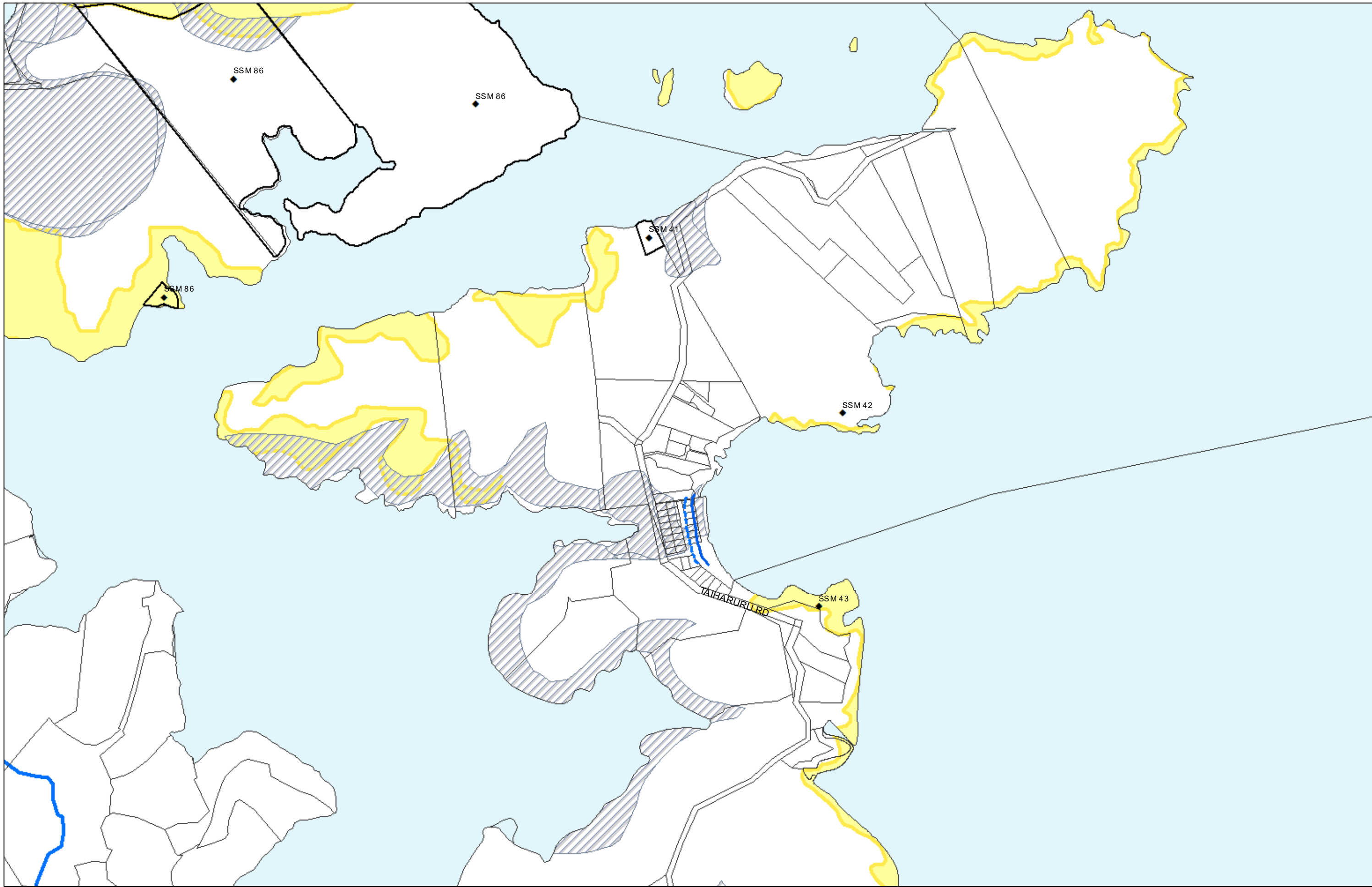


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**WHANGAREI DISTRICT COUNCIL OPERATIVE PLANNING MAP**

**Resource Areas Map 32R  
 Pataua North**



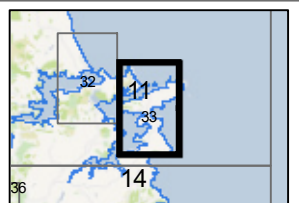
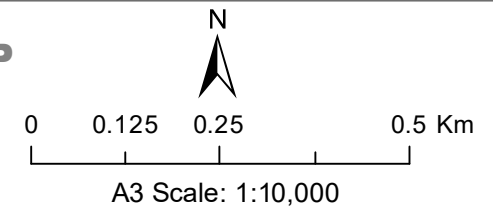


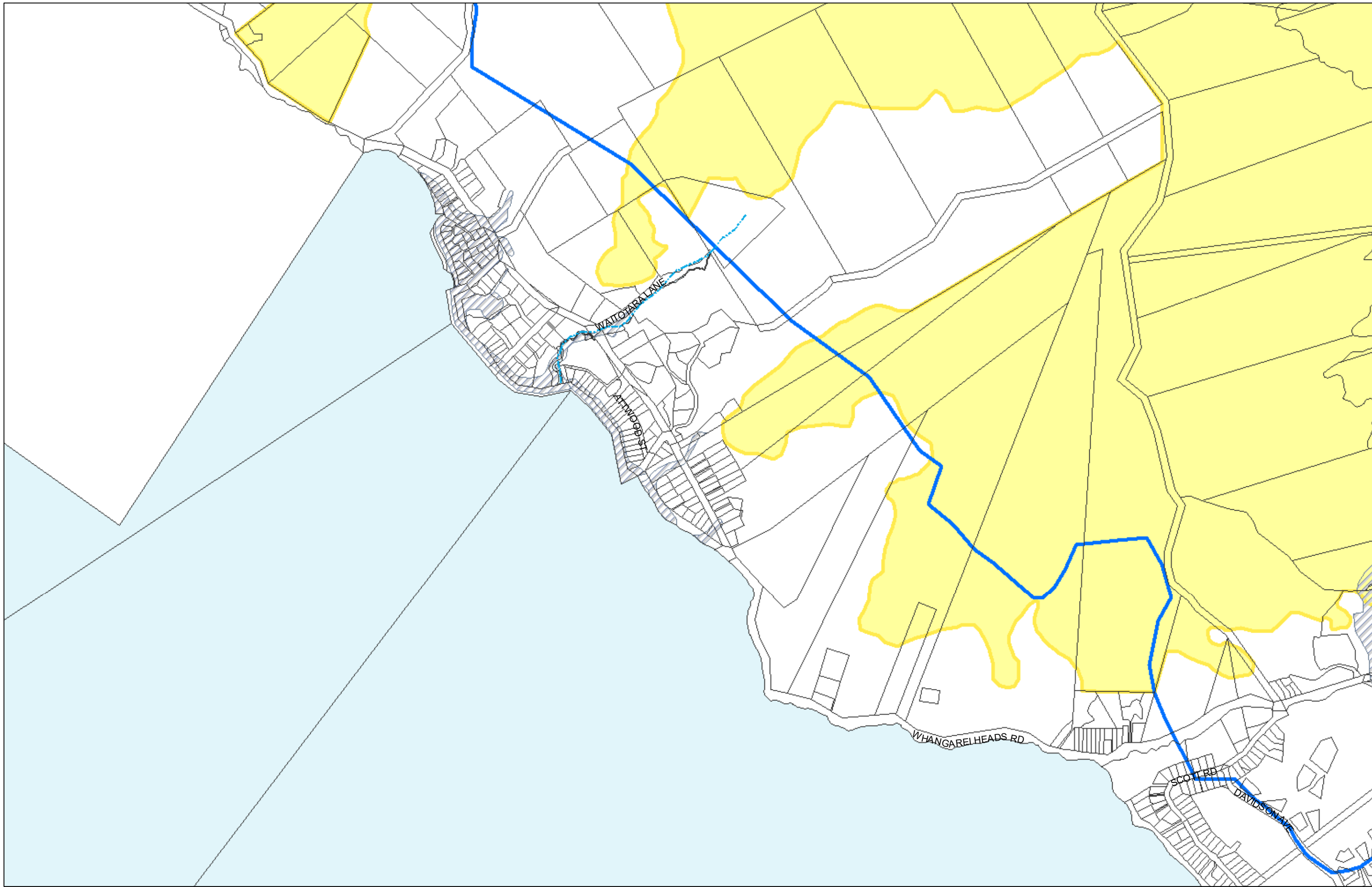
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**WHANGAREI DISTRICT COUNCIL OPERATIVE PLANNING MAP**

**Resource Areas Map 33R  
Taiharuru**



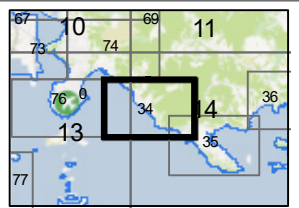
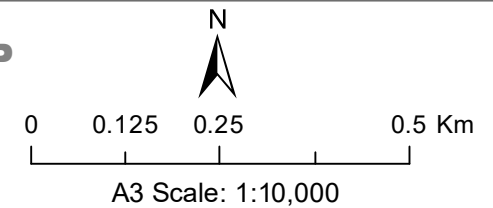


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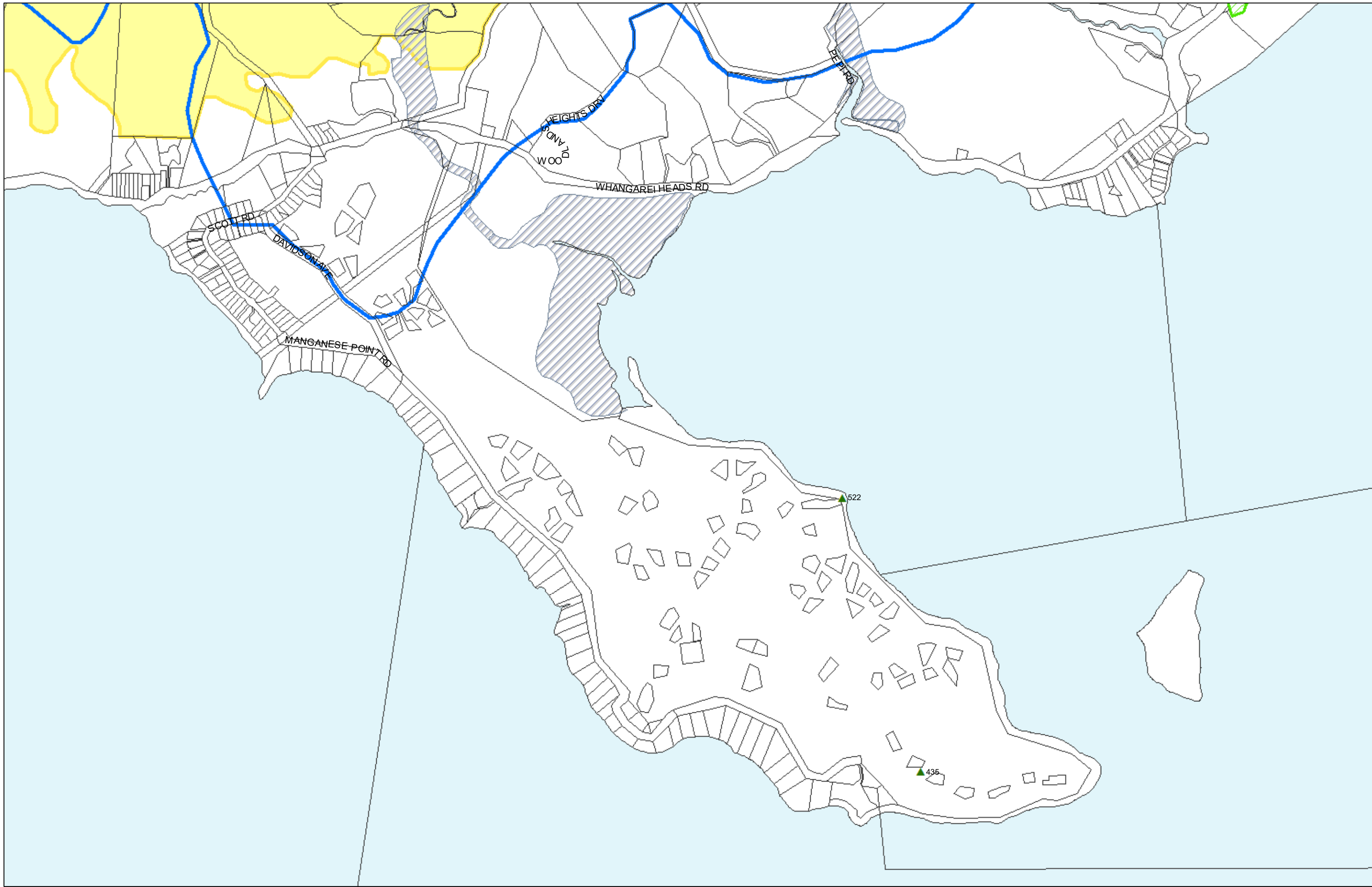
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**WHANGAREI DISTRICT COUNCIL OPERATIVE PLANNING MAP**

**Resource Areas Map 34R  
Waikaraka**





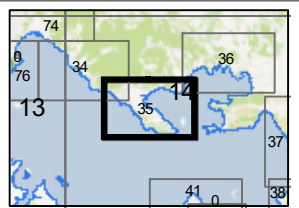


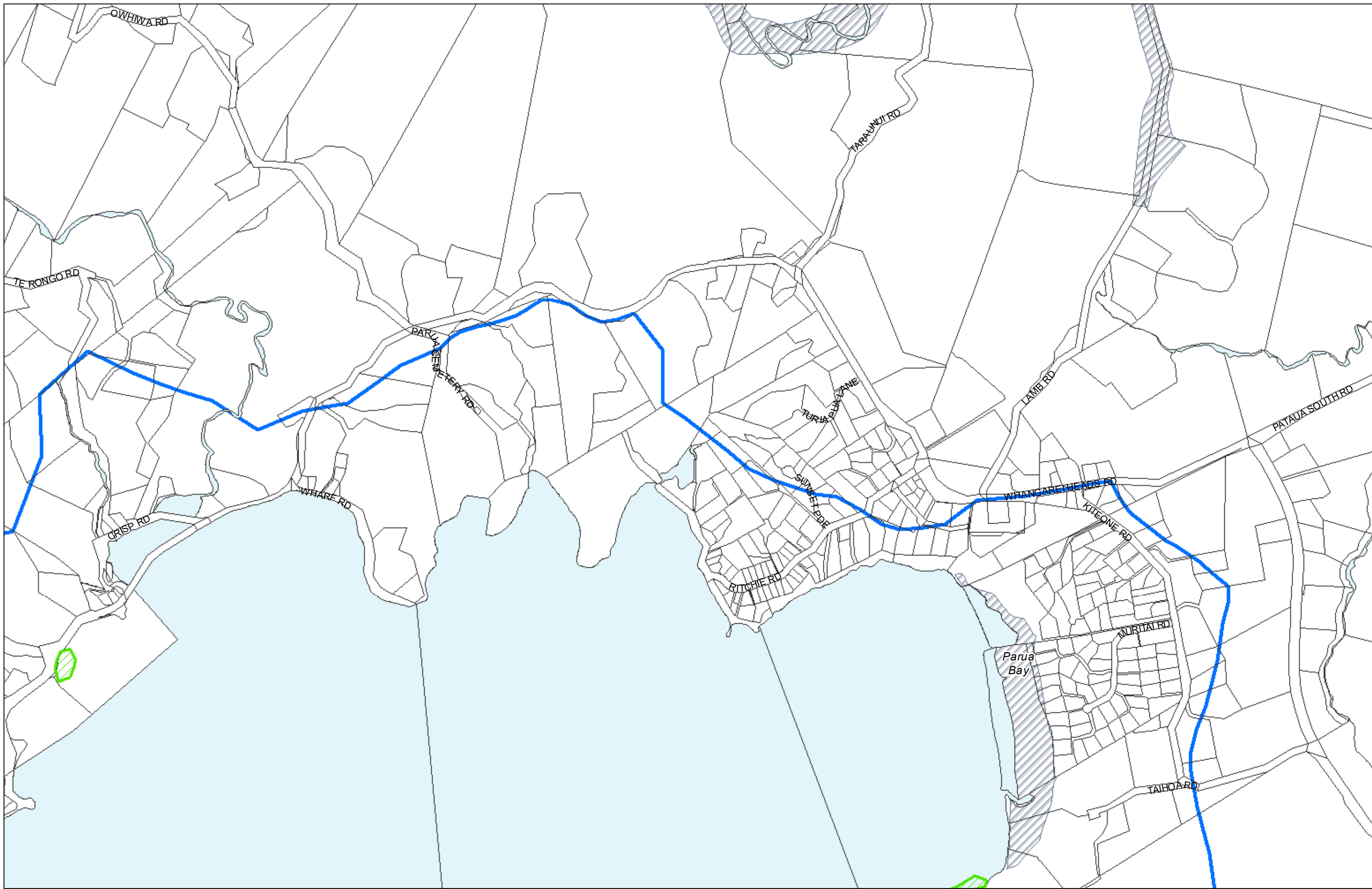
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**WHANGAREI DISTRICT COUNCIL OPERATIVE PLANNING MAP**

**Resource Areas Map 35R  
Manganese Point**



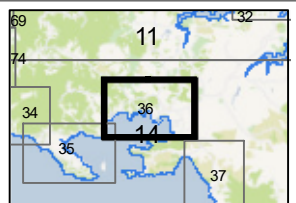
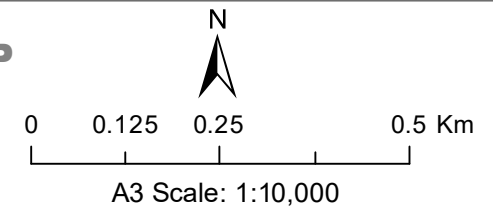


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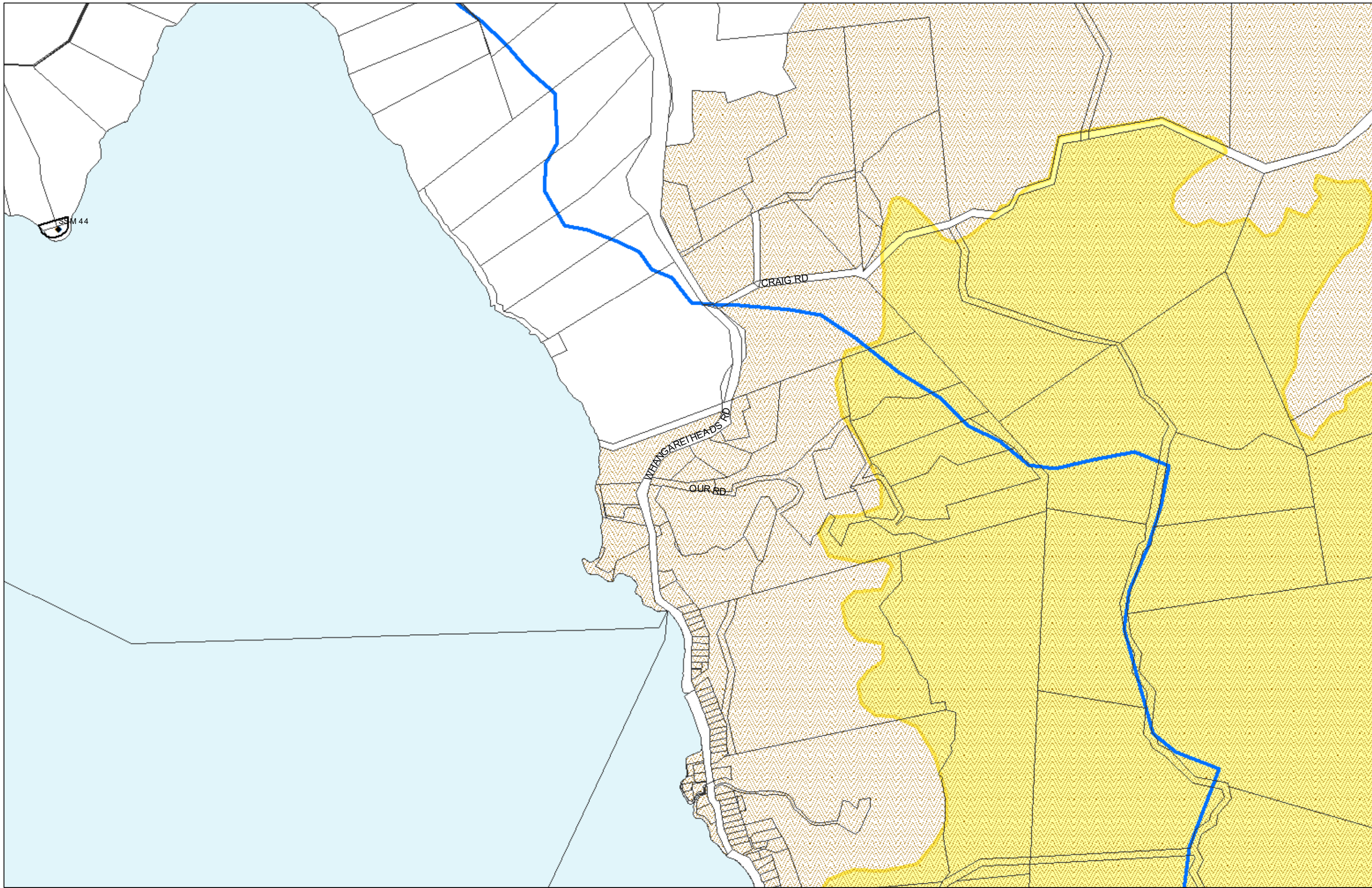
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**WHANGAREI DISTRICT COUNCIL OPERATIVE PLANNING MAP**

**Resource Areas Map 36R  
Parua Bay**





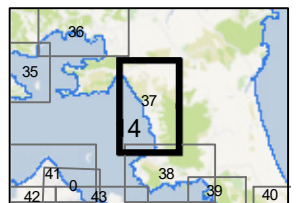
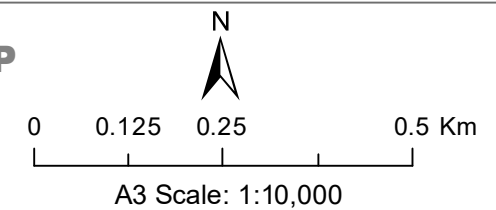


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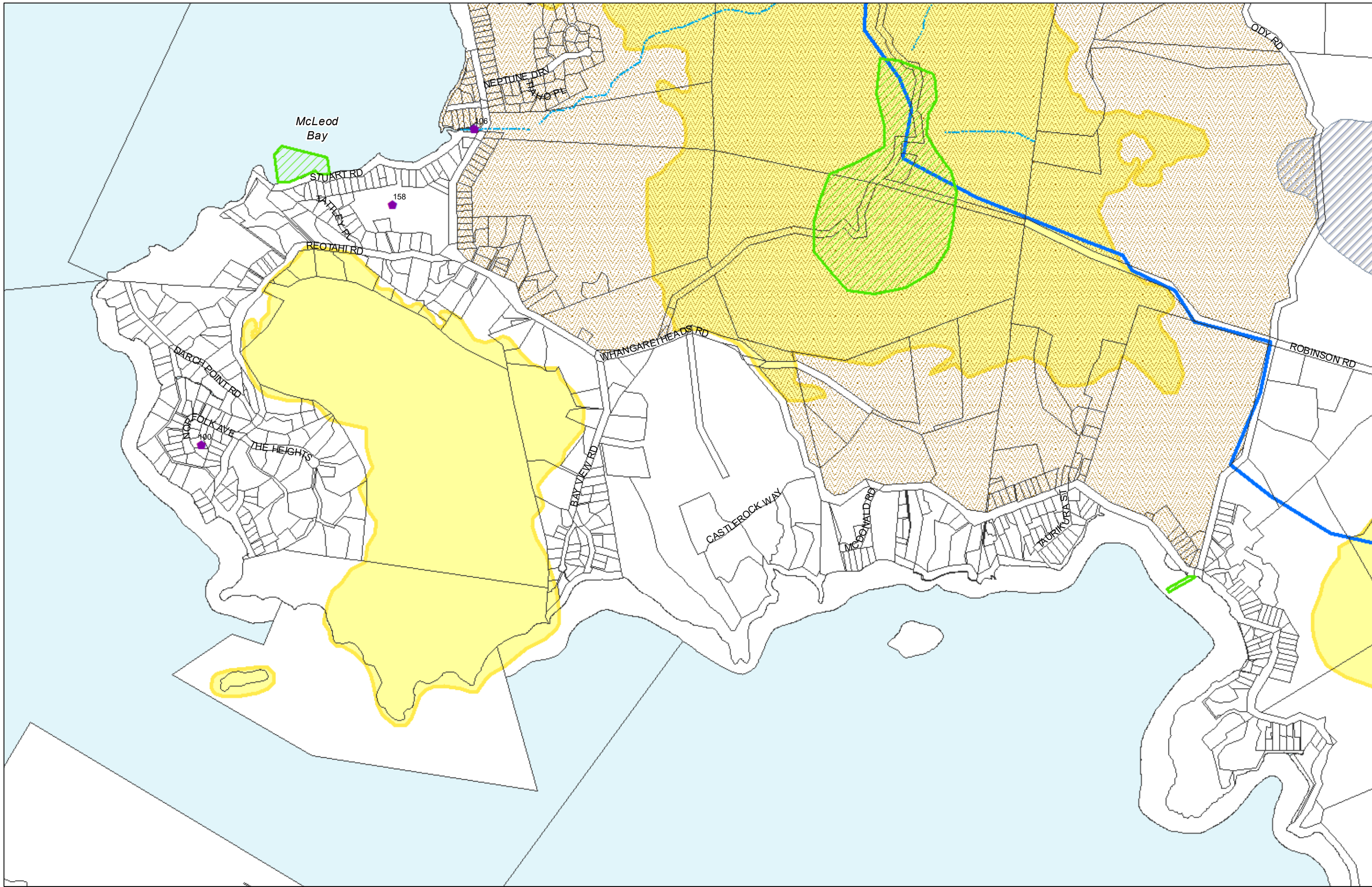
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### WHANGAREI DISTRICT COUNCIL OPERATIVE PLANNING MAP

#### Resource Areas Map 37R McLeod Bay





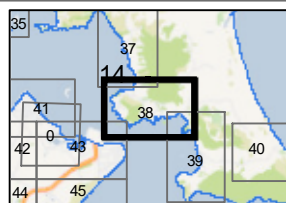


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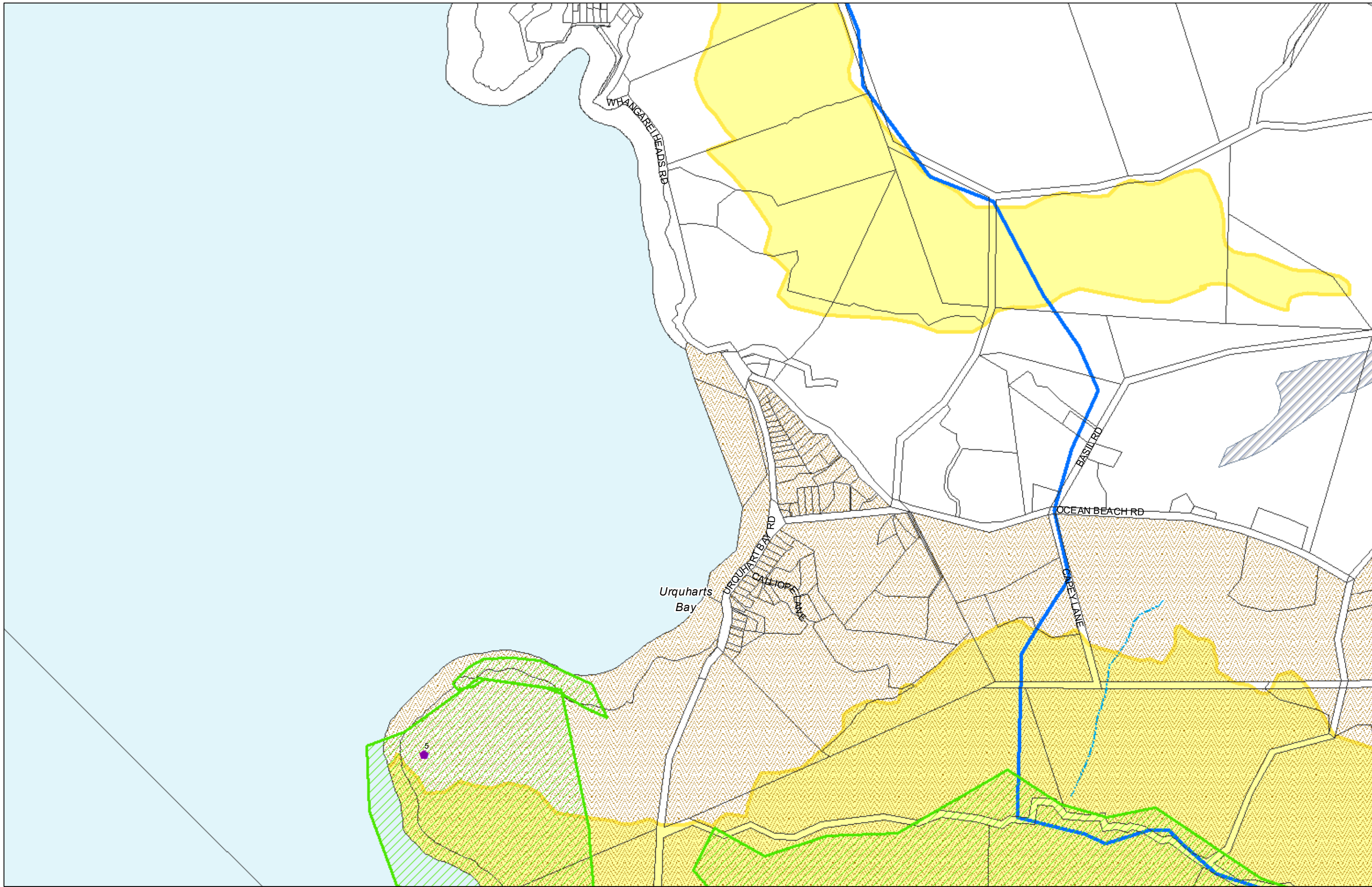
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### WHANGAREI DISTRICT COUNCIL OPERATIVE PLANNING MAP

#### Resource Areas Map 38R Reotahi





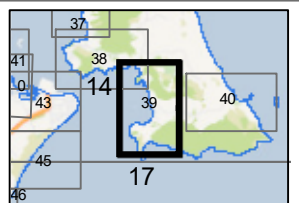


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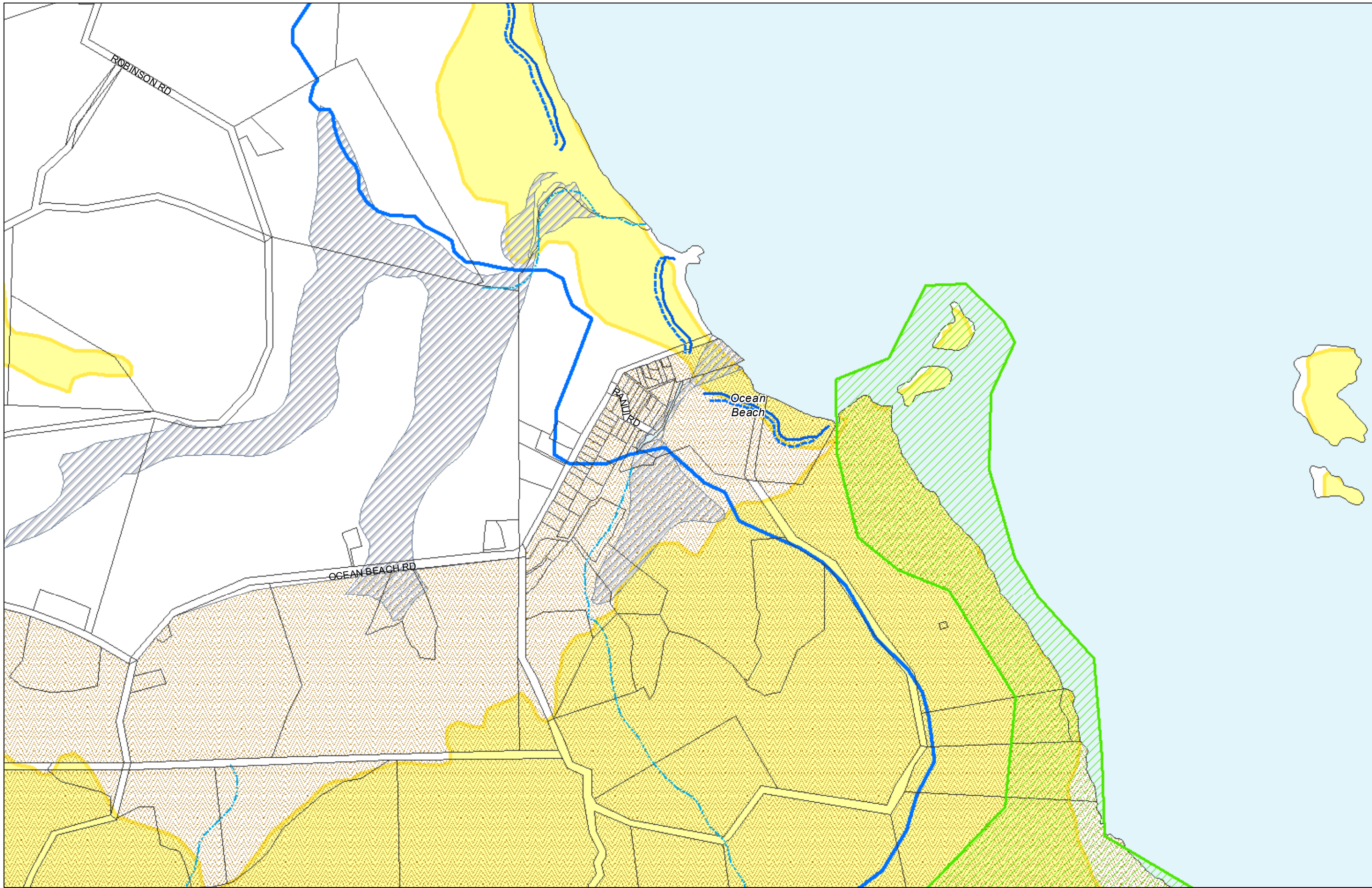
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### WHANGAREI DISTRICT COUNCIL OPERATIVE PLANNING MAP

#### Resource Areas Map 39R Urquharts Bay





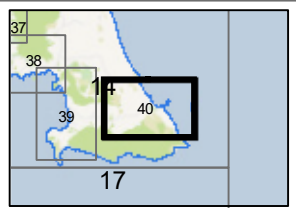


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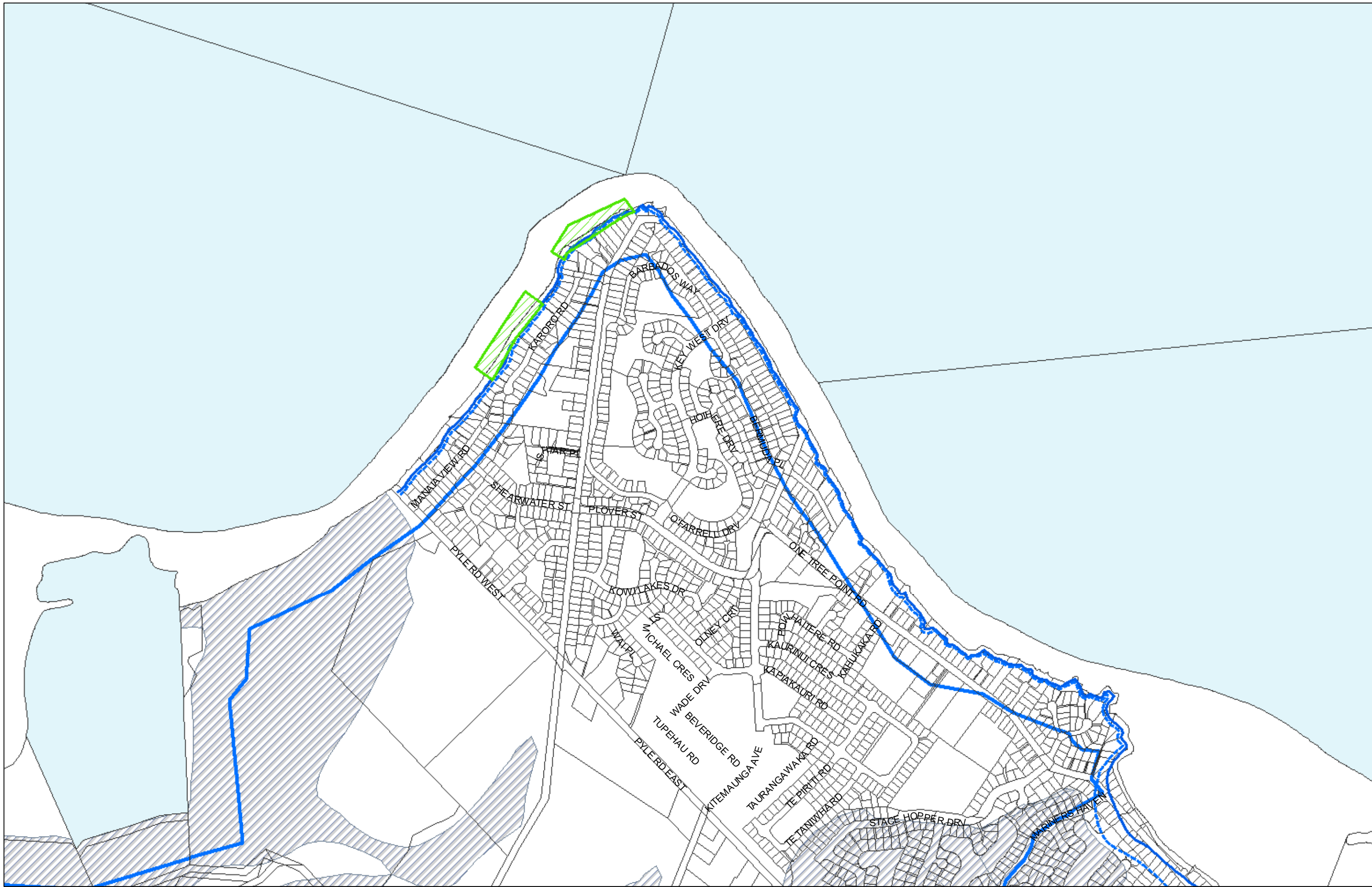
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**WHANGAREI DISTRICT COUNCIL OPERATIVE PLANNING MAP**

**Resource Areas Map 40R  
Ocean Beach**



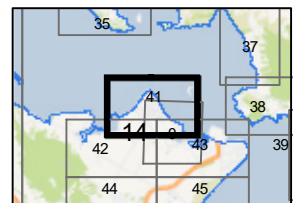
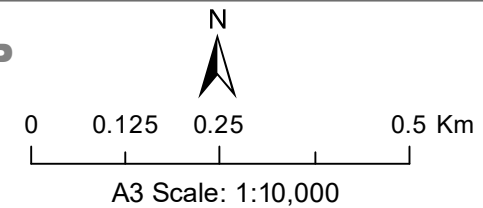




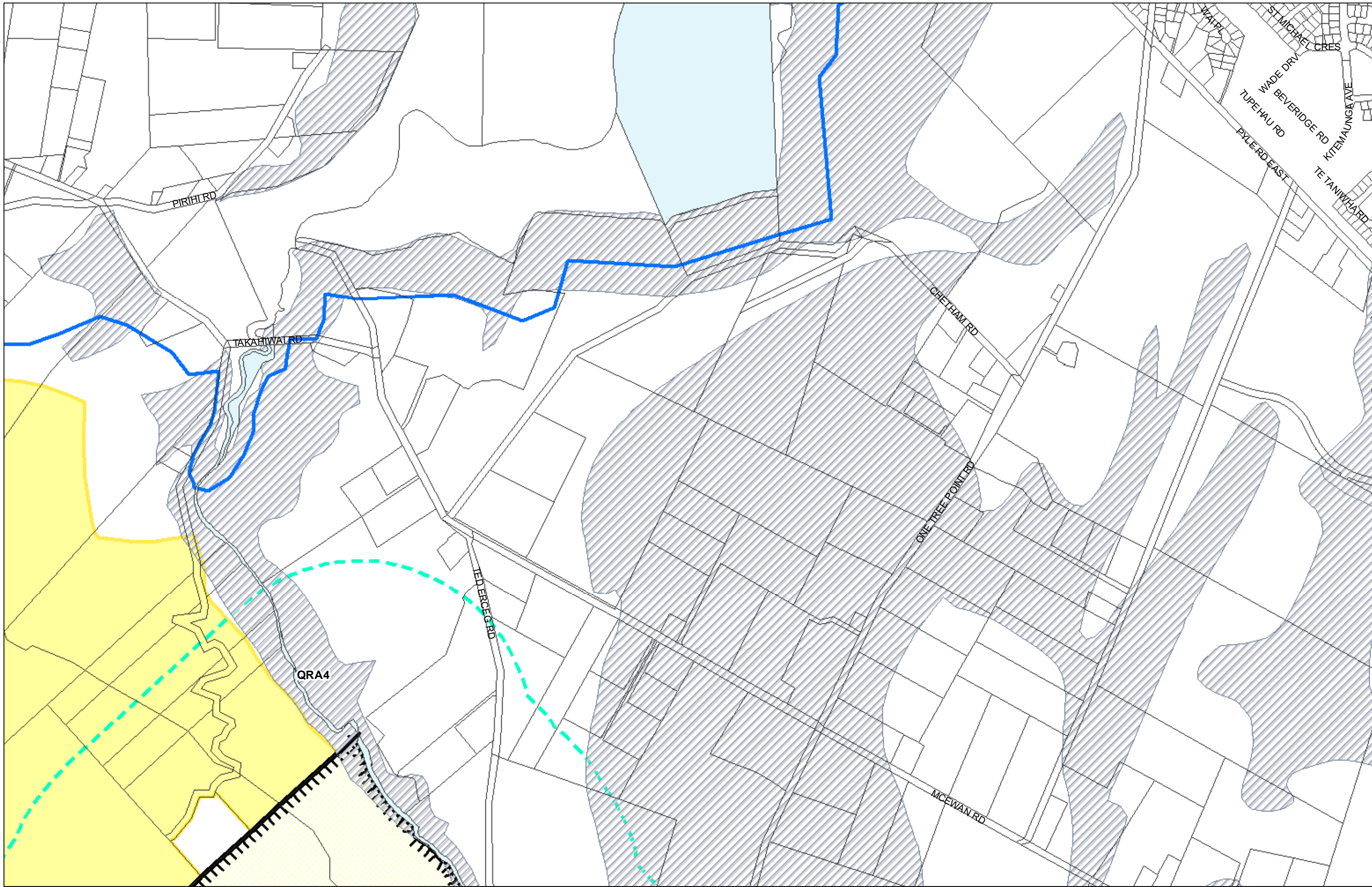
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**WHANGAREI DISTRICT COUNCIL OPERATIVE PLANNING MAP**

**Resource Areas Map 41R  
 One Tree Point**

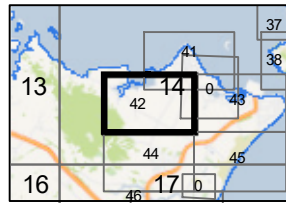
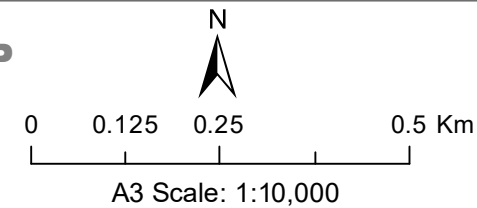




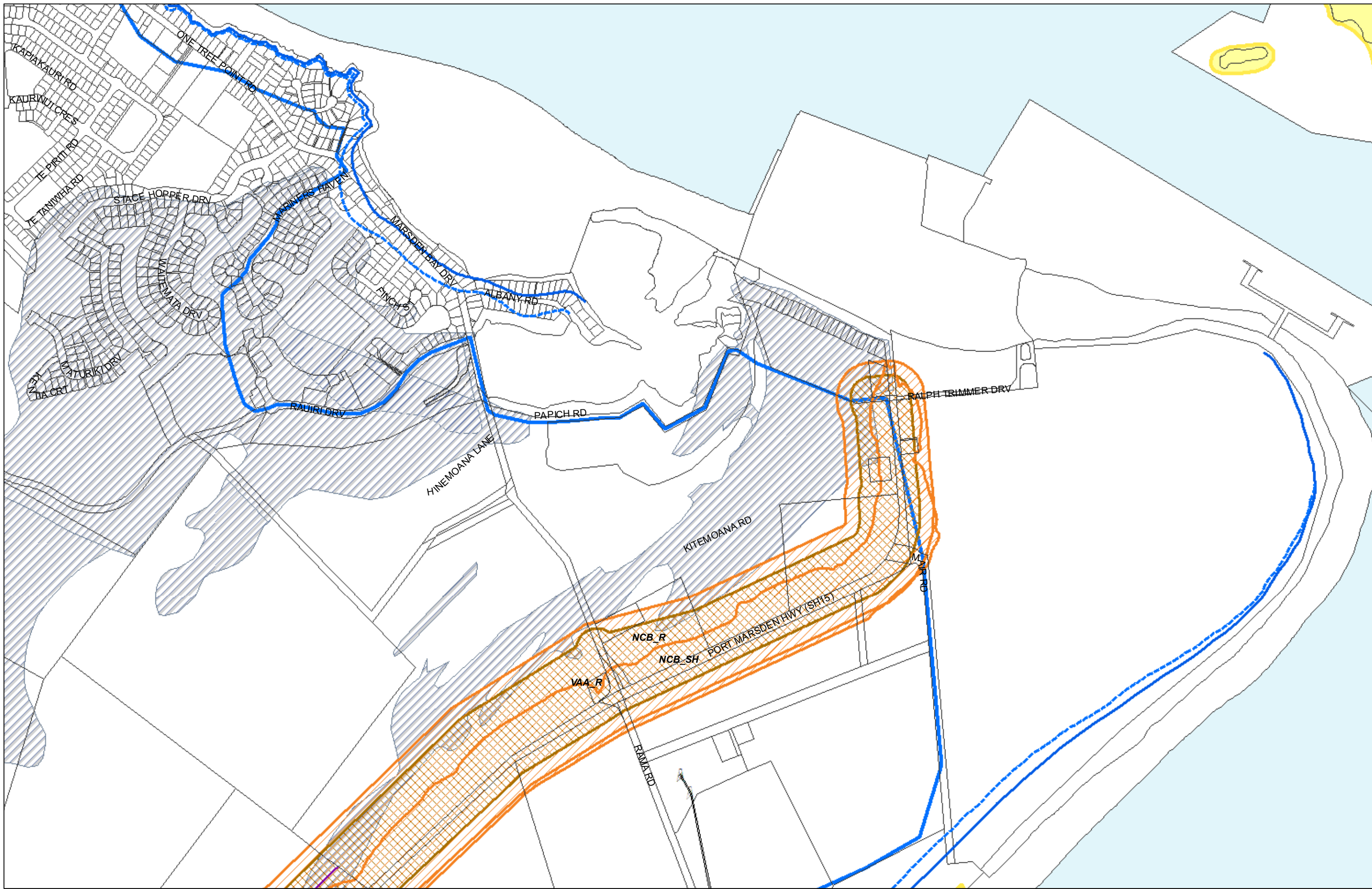


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**WHANGAREI DISTRICT COUNCIL OPERATIVE PLANNING MAP**  
**Resource Areas Map 42R**  
**Takahiwai**





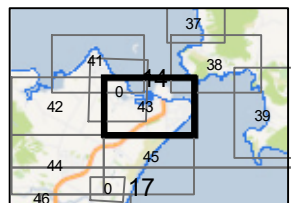


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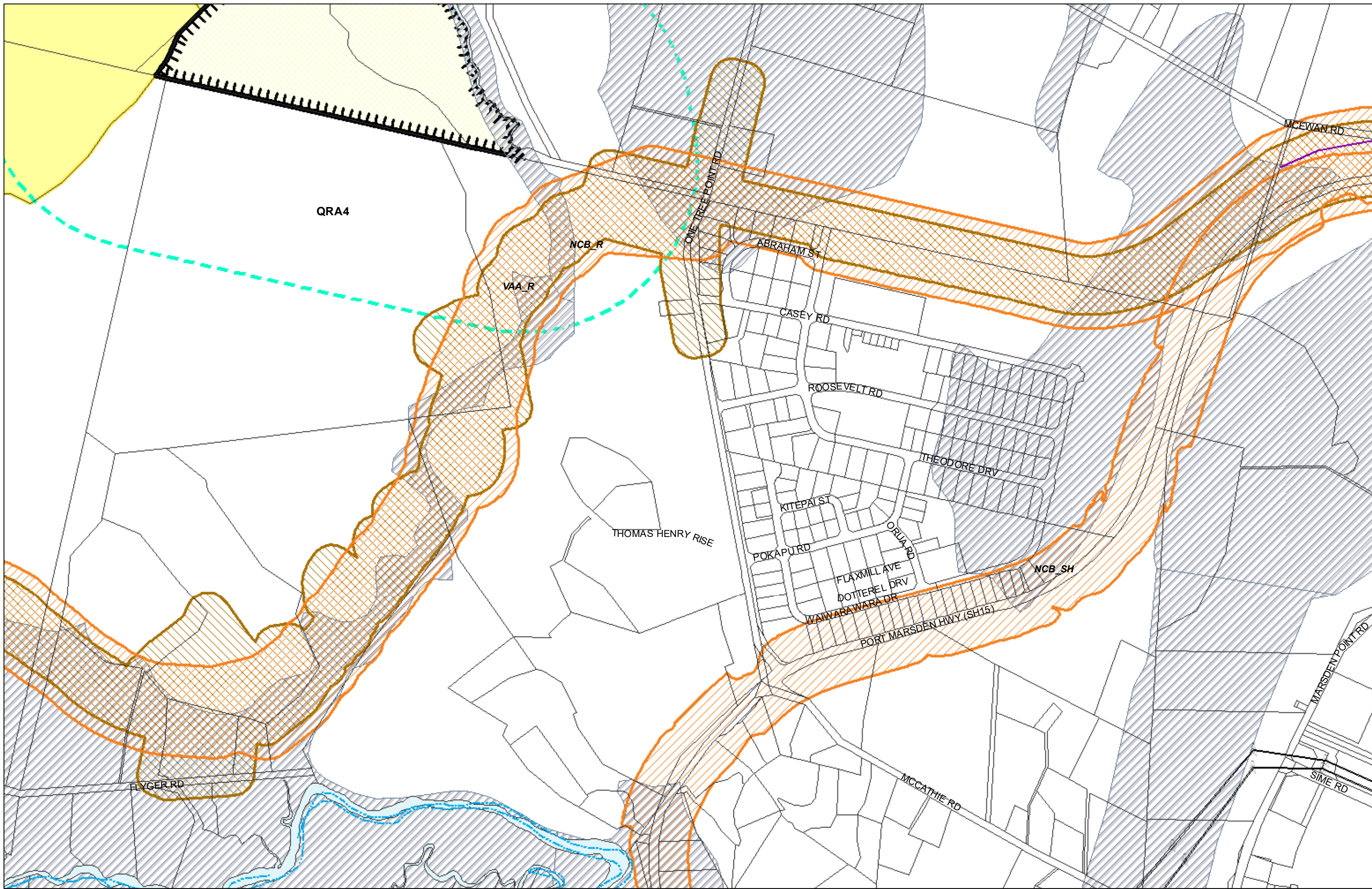
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### WHANGAREI DISTRICT COUNCIL OPERATIVE PLANNING MAP

#### Resource Areas Map 43R Marsden Bay



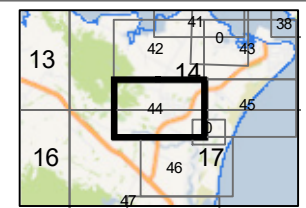
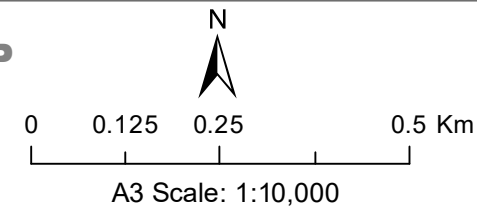




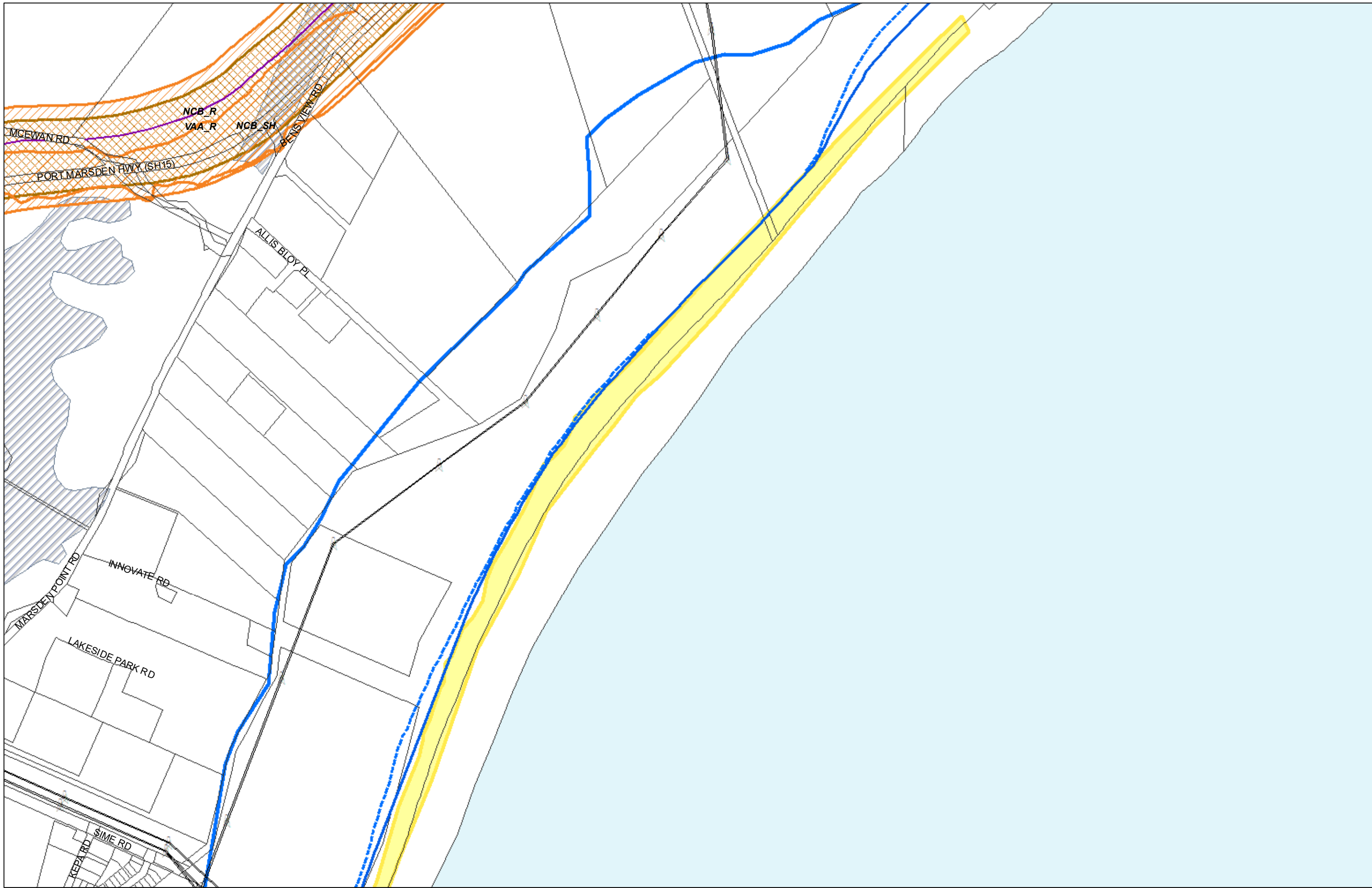
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**WHANGAREI DISTRICT COUNCIL OPERATIVE PLANNING MAP**

**Resource Areas Map 44R  
 Marsden City**





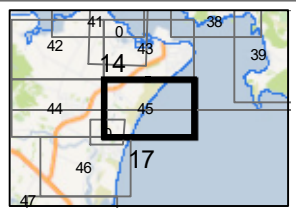


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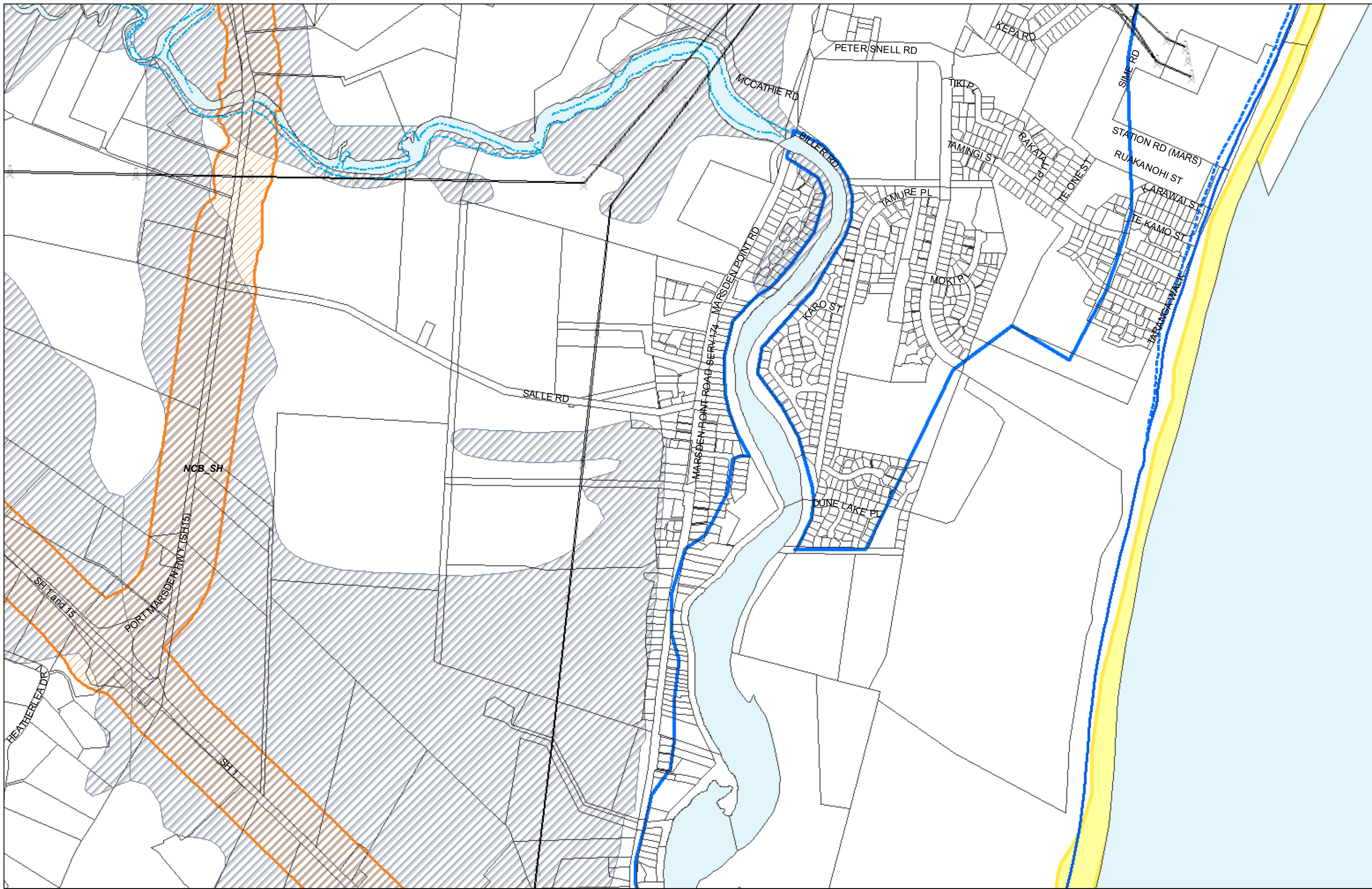
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**WHANGAREI DISTRICT COUNCIL OPERATIVE PLANNING MAP**

**Resource Areas Map 45R  
Marsden**

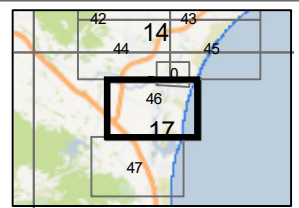
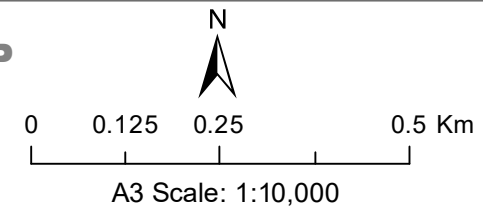




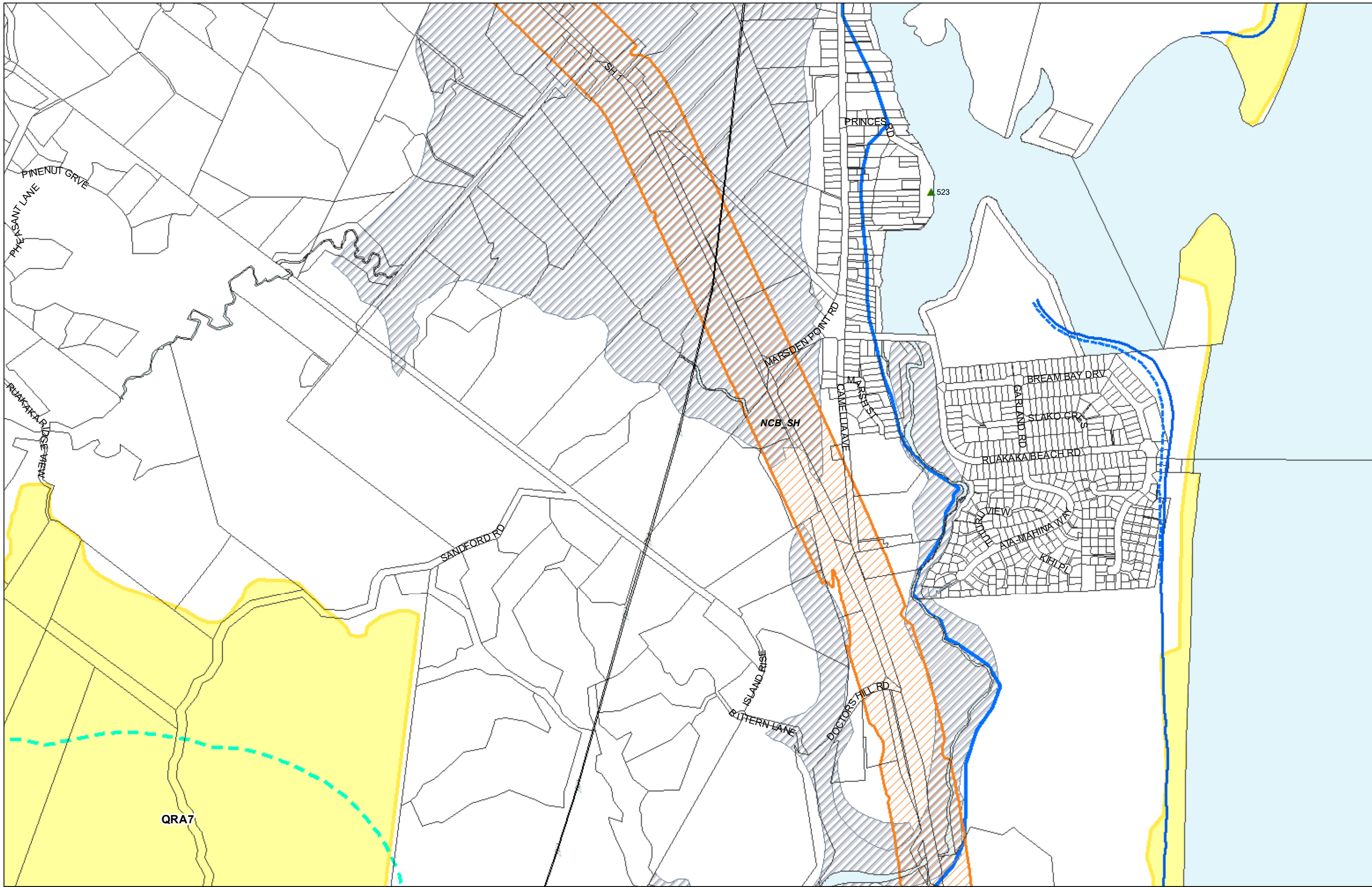


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**WHANGAREI DISTRICT COUNCIL OPERATIVE PLANNING MAP**  
**Resource Areas Map 46R**  
**Ruakaka**





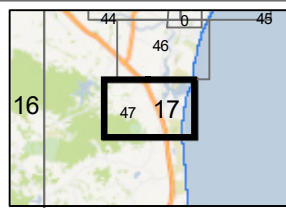


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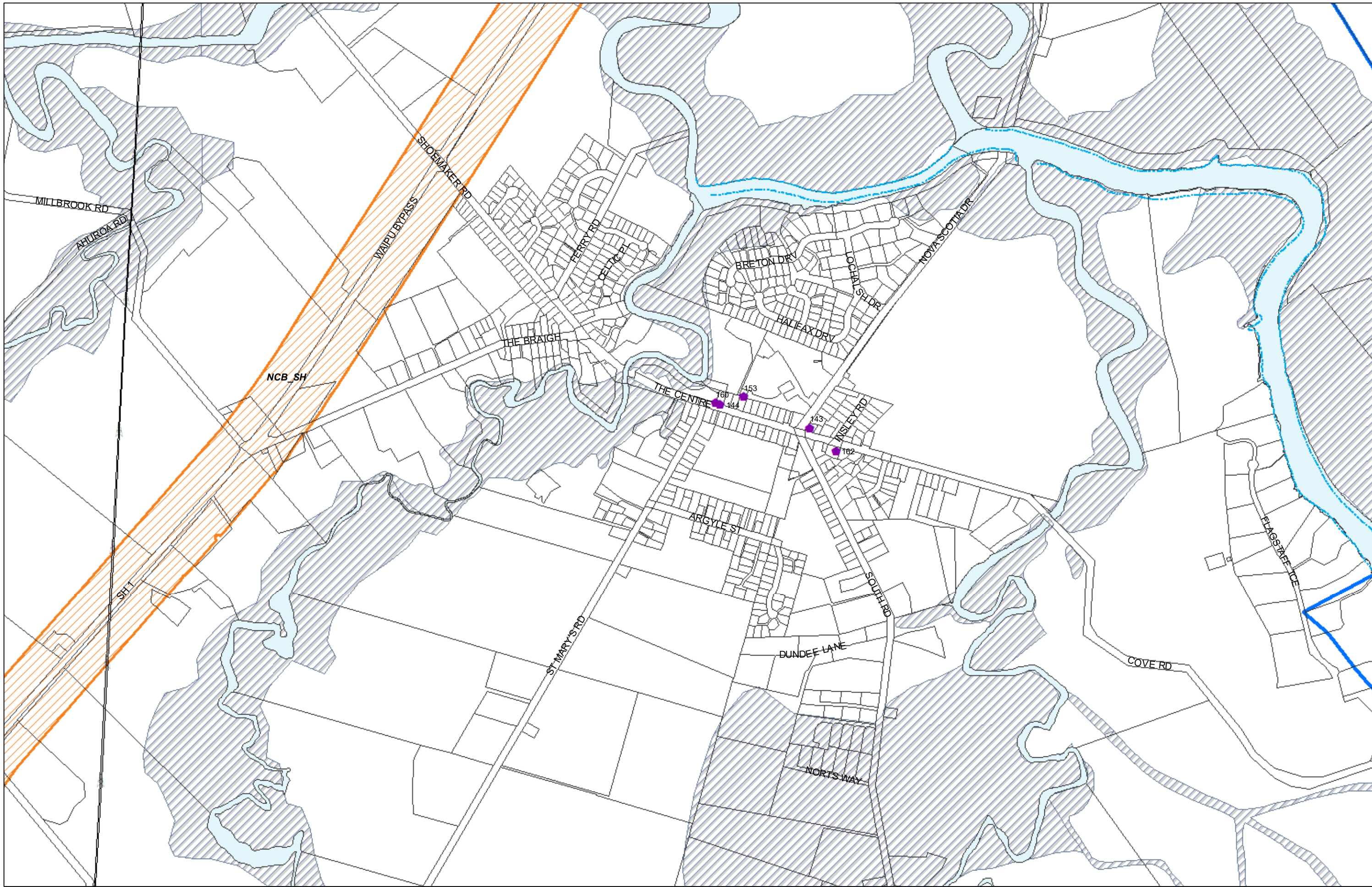
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**WHANGAREI DISTRICT COUNCIL OPERATIVE PLANNING MAP**

**Resource Areas Map 47R  
Ruakaka**



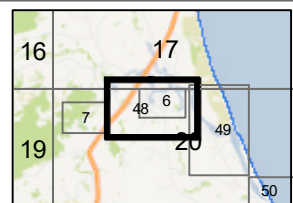
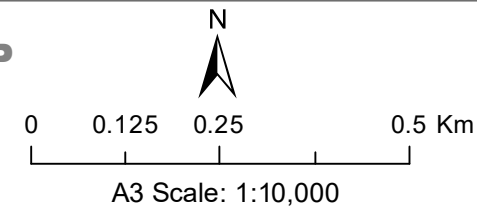




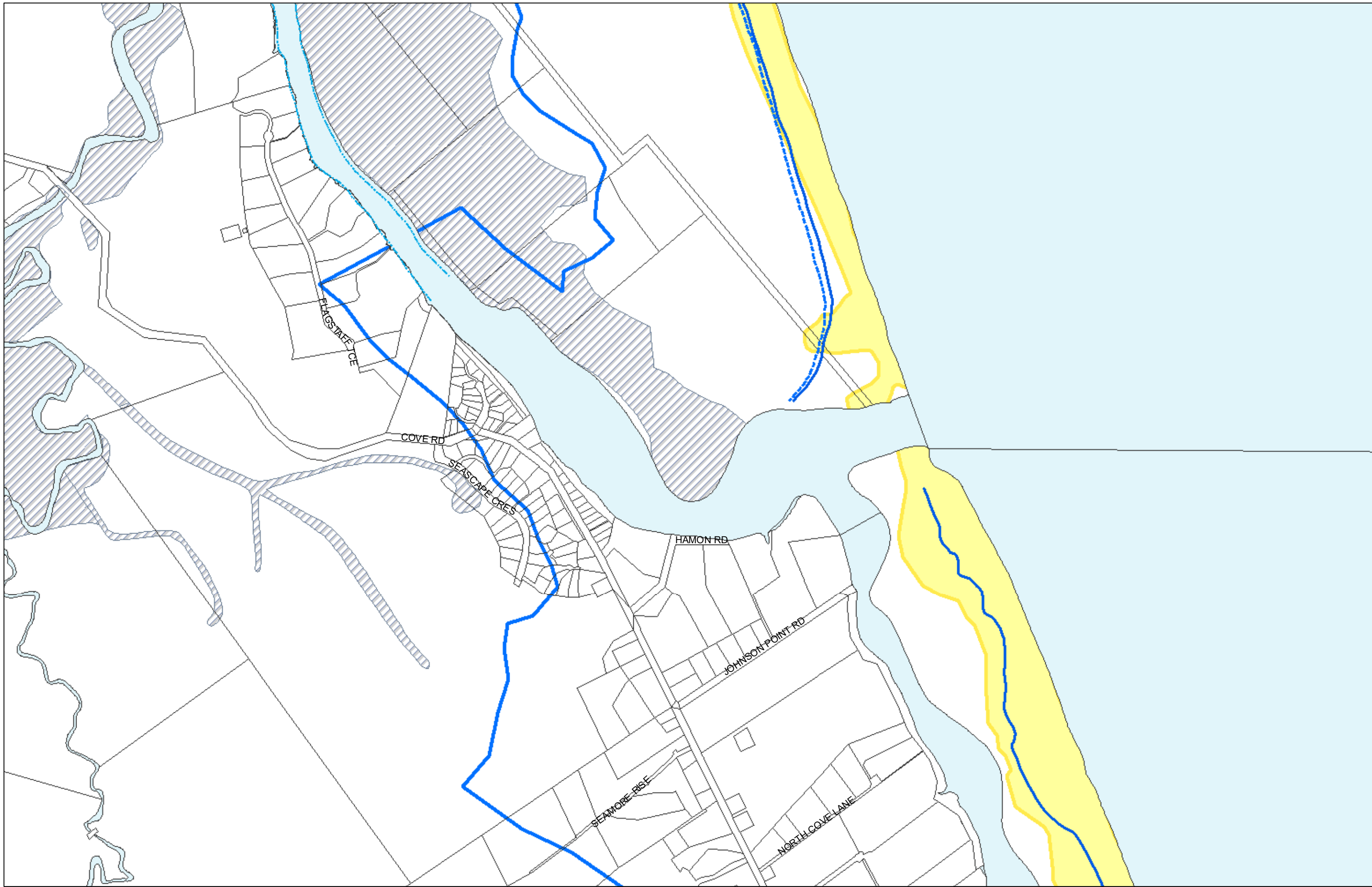
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**WHANGAREI DISTRICT COUNCIL OPERATIVE PLANNING MAP**

**Resource Areas Map 48R  
 Waipu**





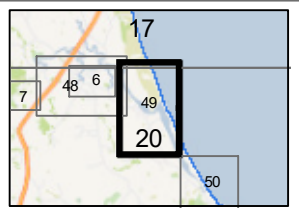


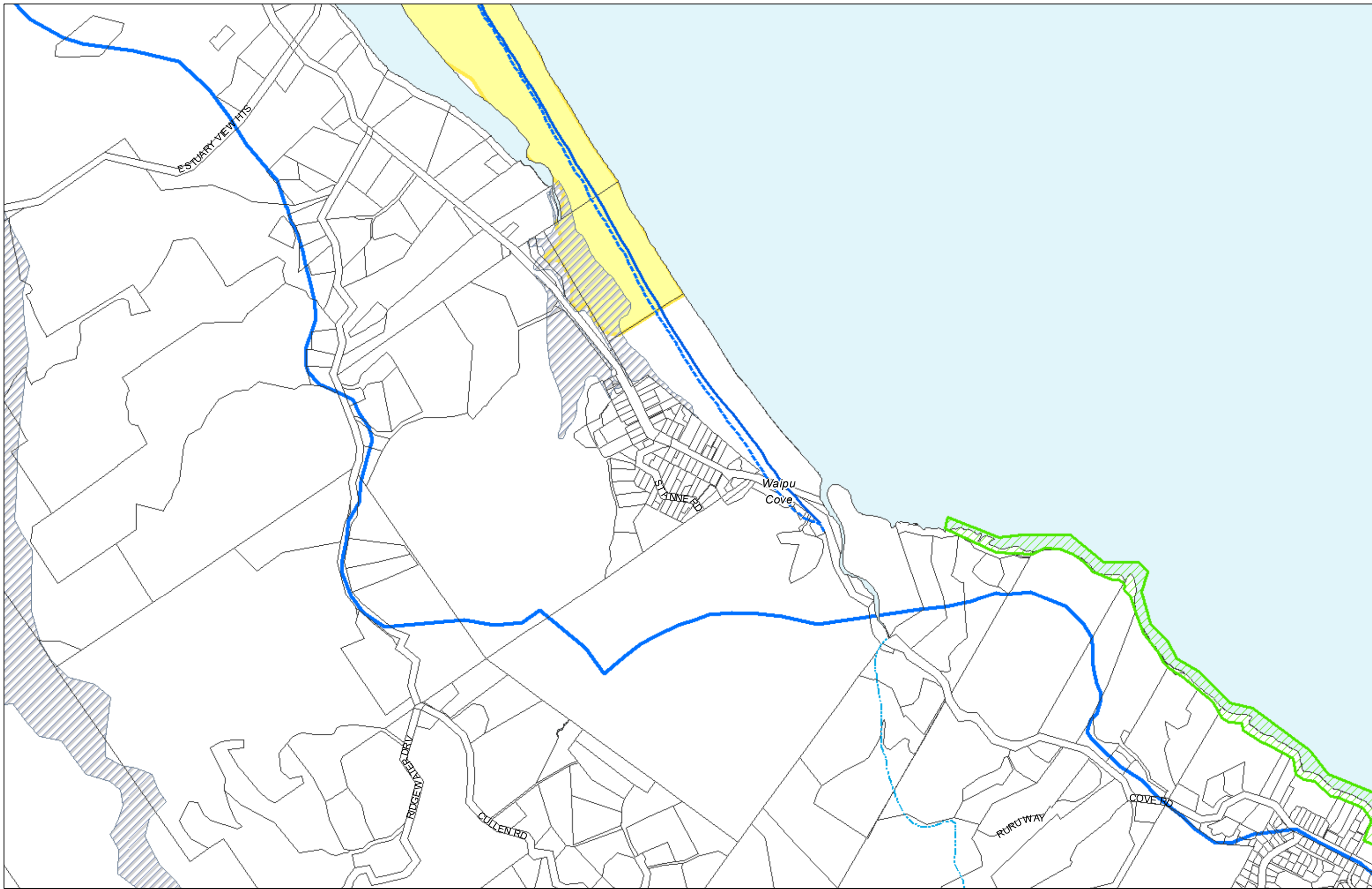
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**WHANGAREI DISTRICT COUNCIL OPERATIVE PLANNING MAP**

**Resource Areas Map 49R  
Waipu River Mouth**

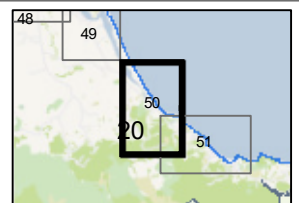
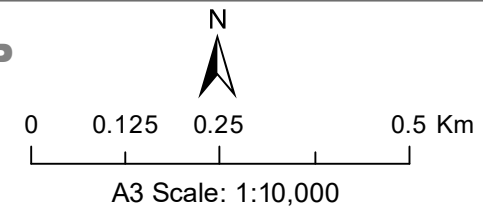




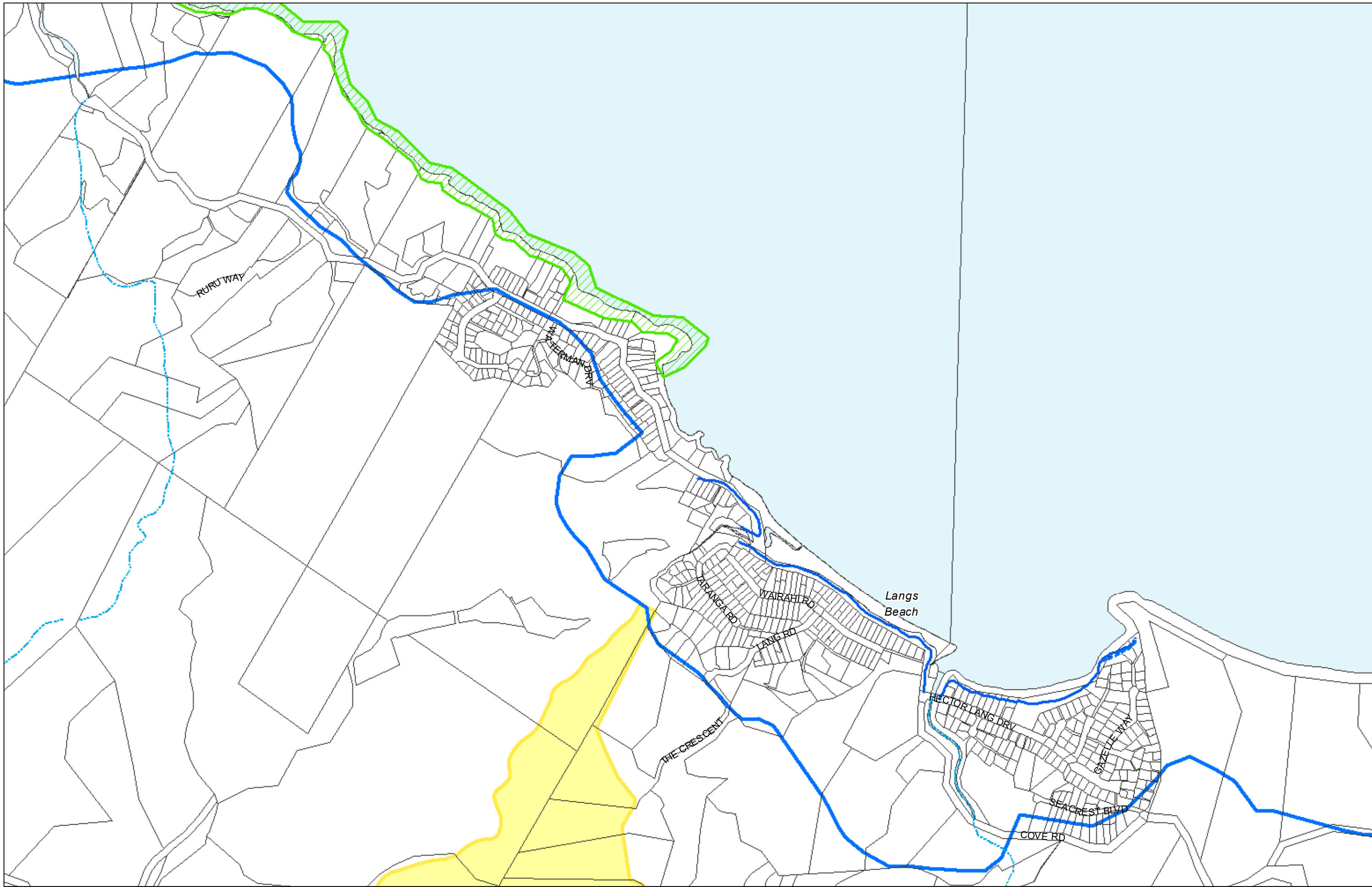
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**WHANGAREI DISTRICT COUNCIL OPERATIVE PLANNING MAP**

**Resource Areas Map 50R  
 Waipu Cove**





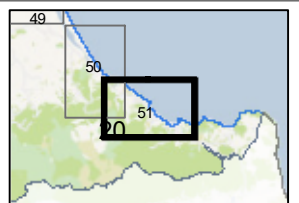


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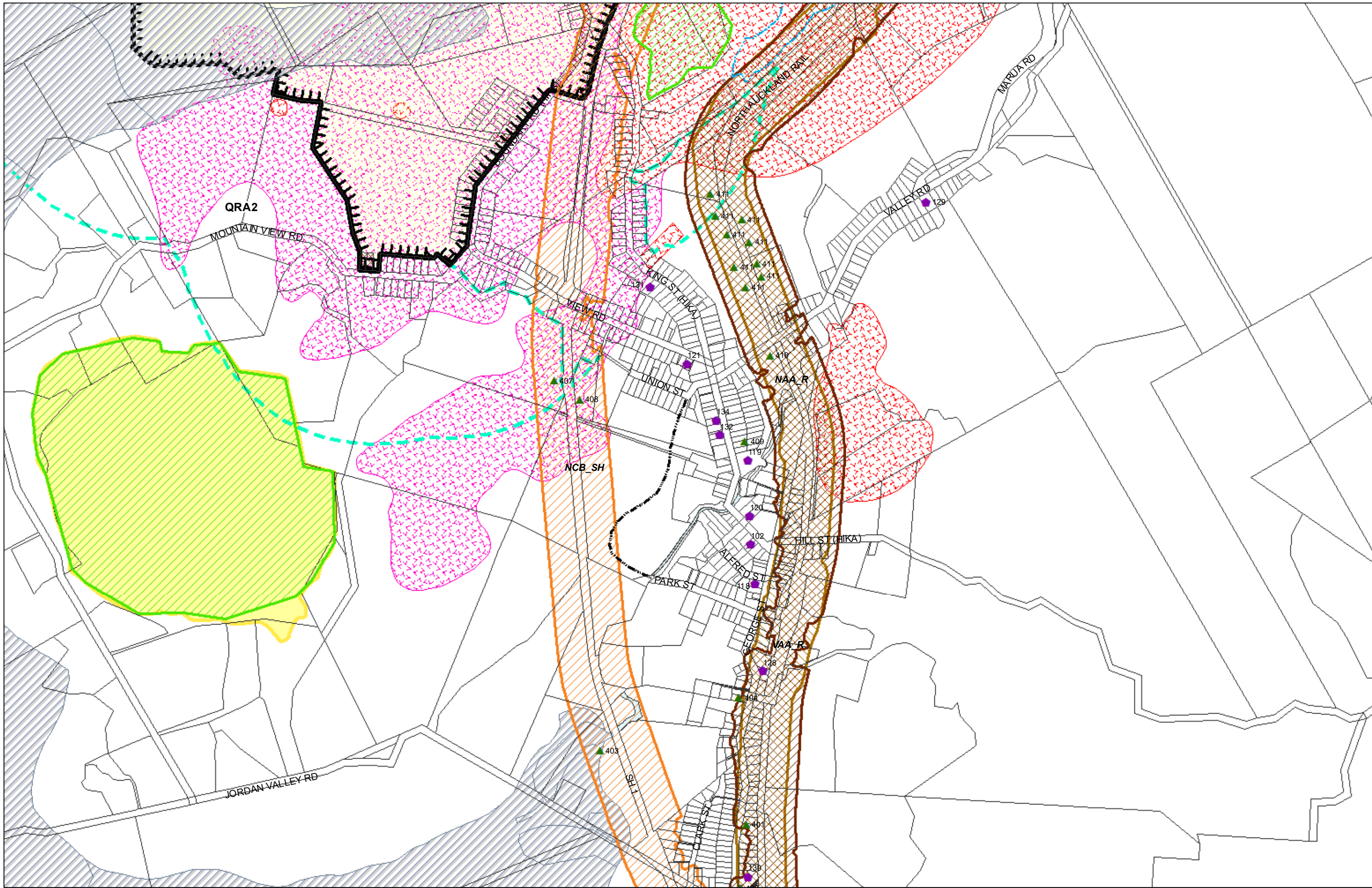
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**WHANGAREI DISTRICT COUNCIL OPERATIVE PLANNING MAP**

**Resource Areas Map 51R  
Langs Beach**



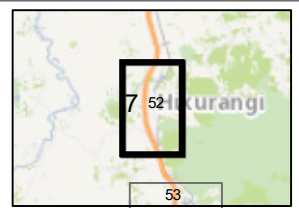
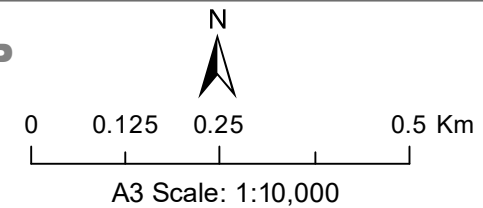




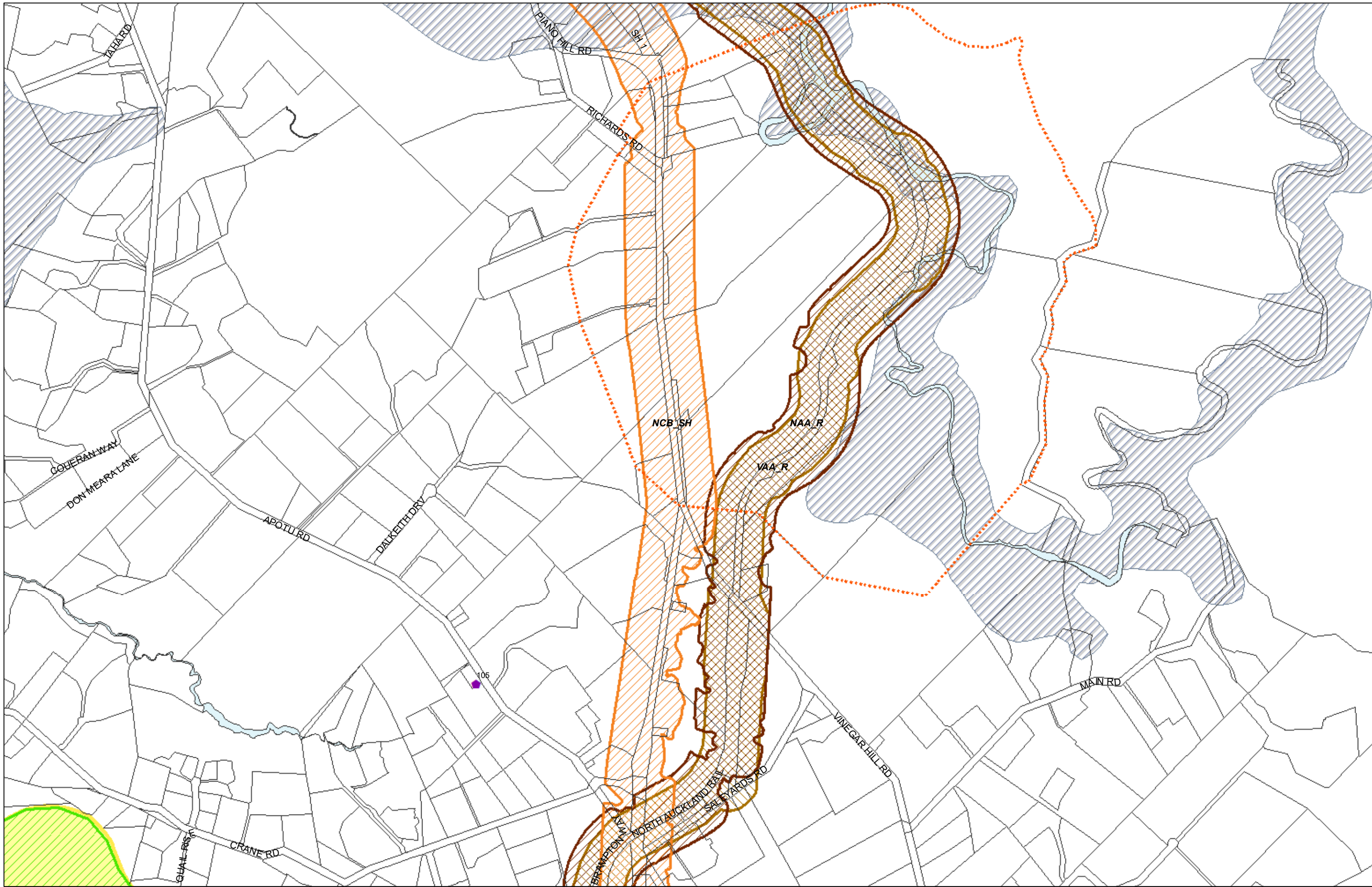
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**WHANGAREI DISTRICT COUNCIL OPERATIVE PLANNING MAP**

**Resource Areas Map 52R  
 Hikurangi**





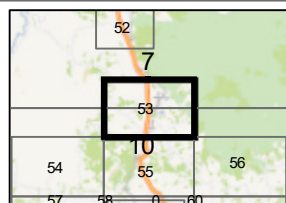
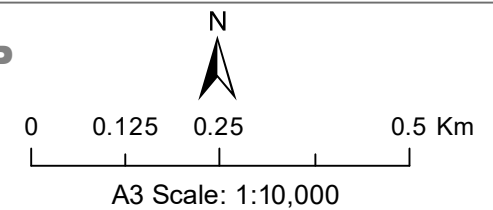


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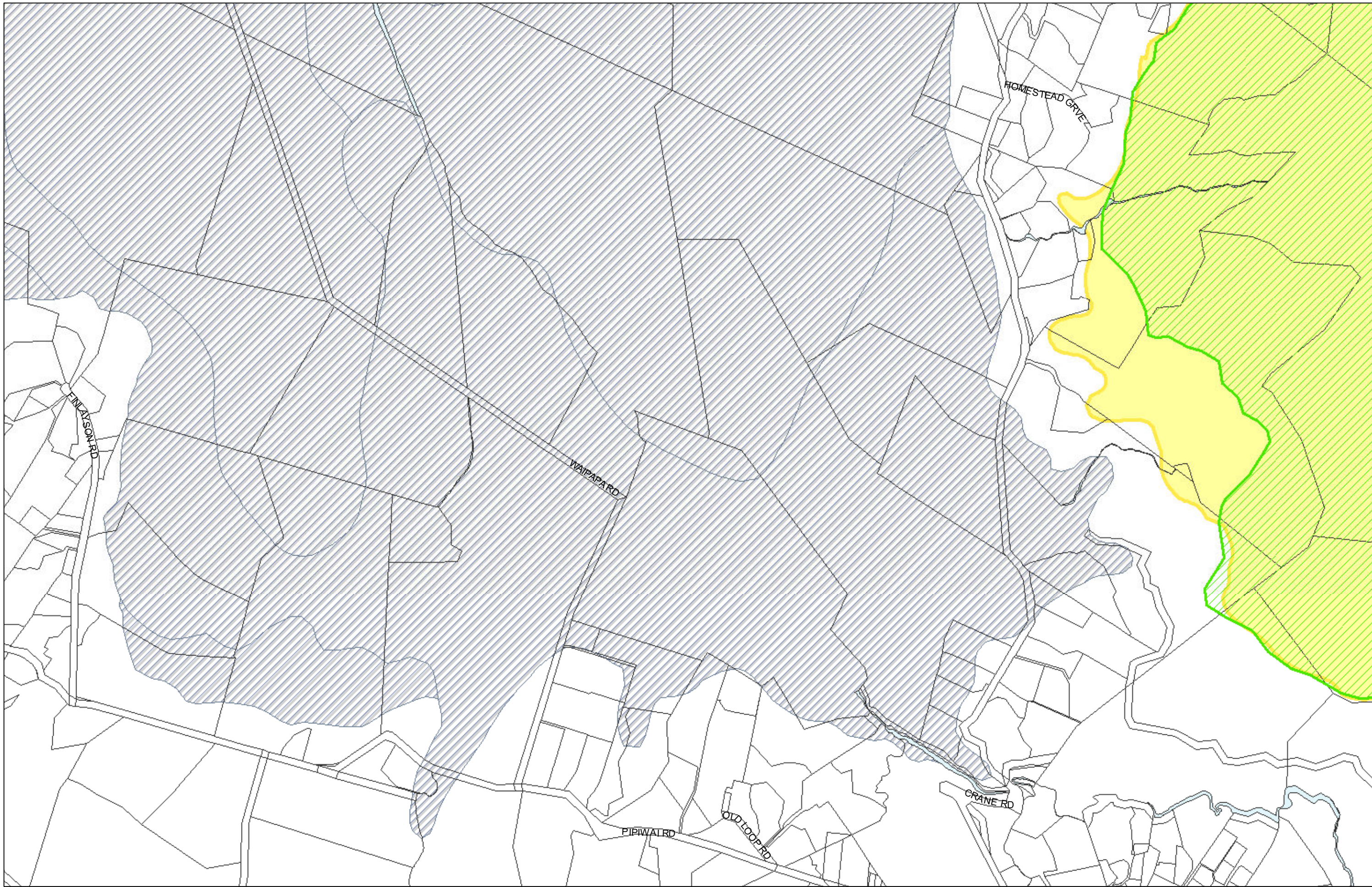
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### WHANGAREI DISTRICT COUNCIL OPERATIVE PLANNING MAP

#### Resource Areas Map 53R Kauri





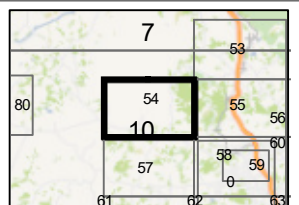
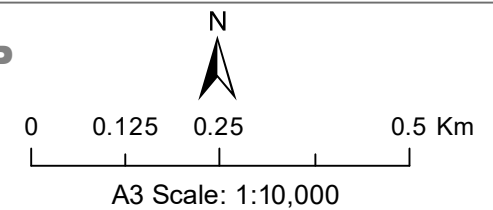


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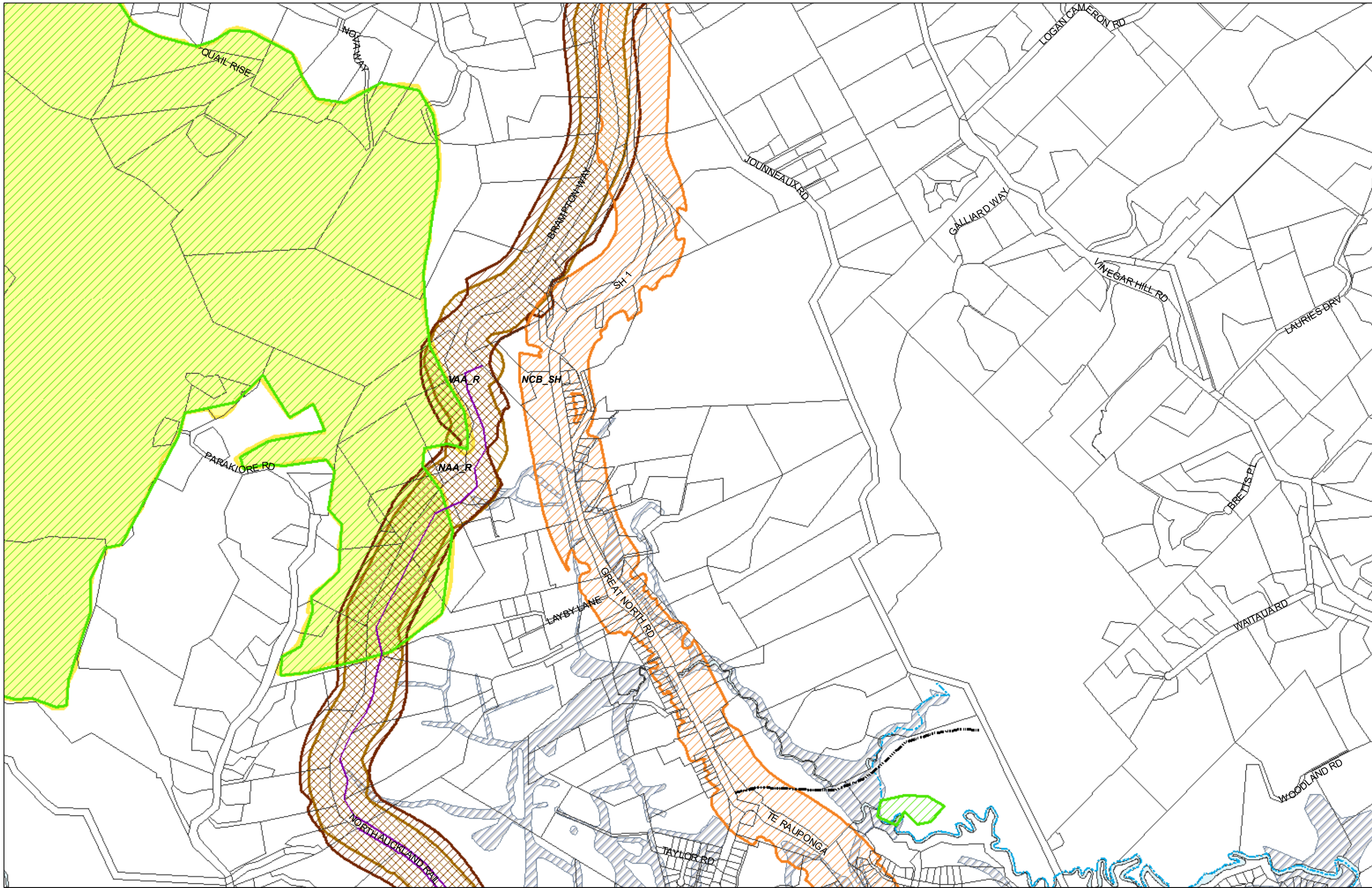
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**WHANGAREI DISTRICT COUNCIL OPERATIVE PLANNING MAP**

**Resource Areas Map 54R  
Ngararatunua**





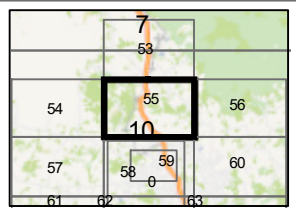


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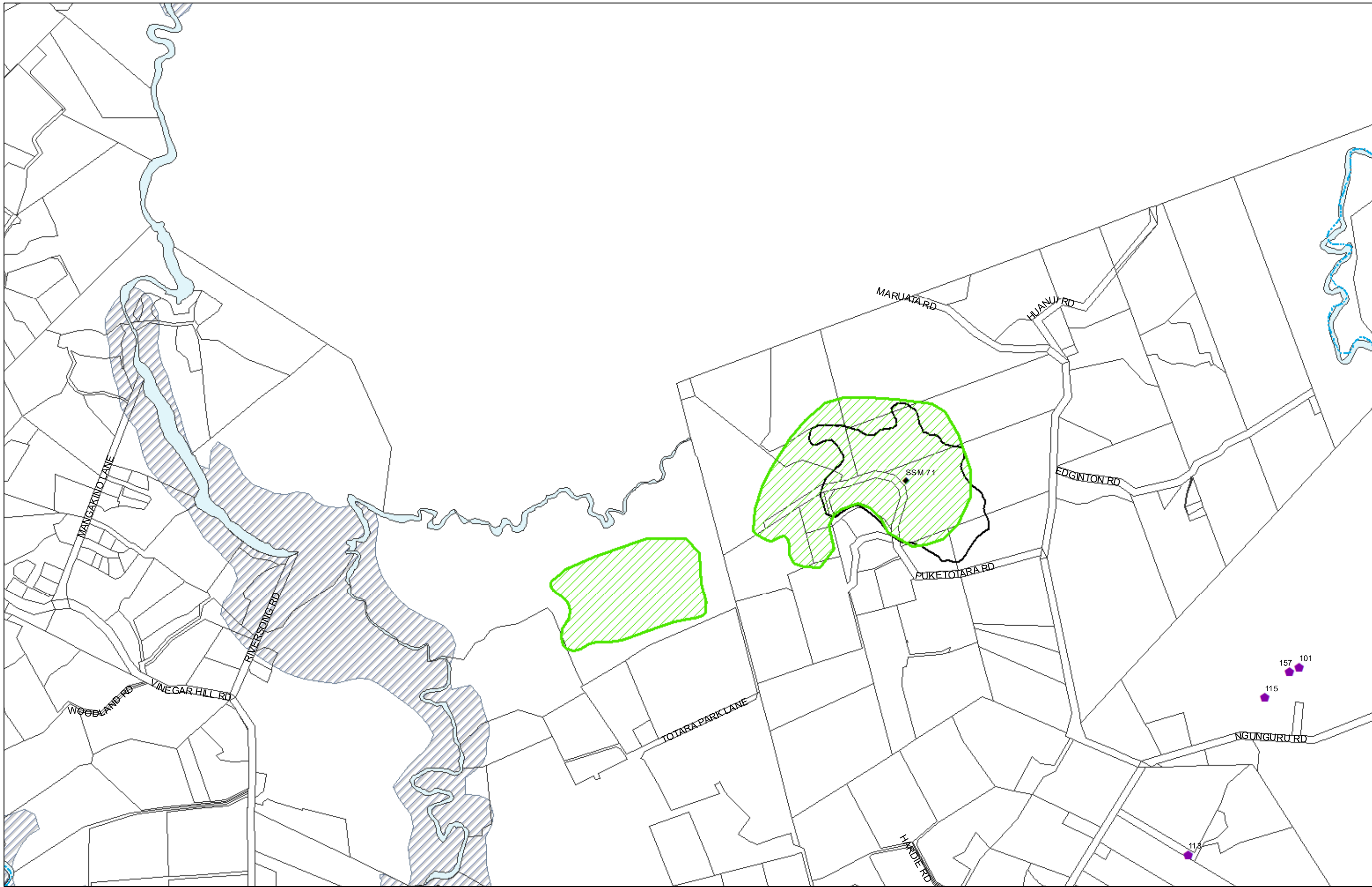
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**WHANGAREI DISTRICT COUNCIL OPERATIVE PLANNING MAP**

**Resource Areas Map 55R  
Springs Flat**





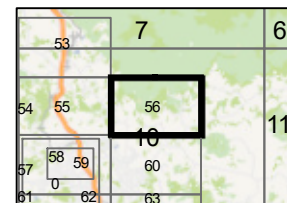
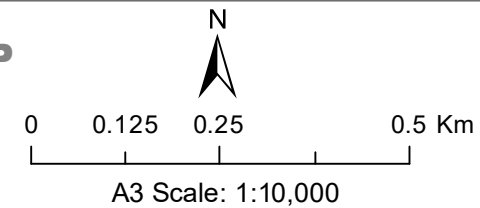


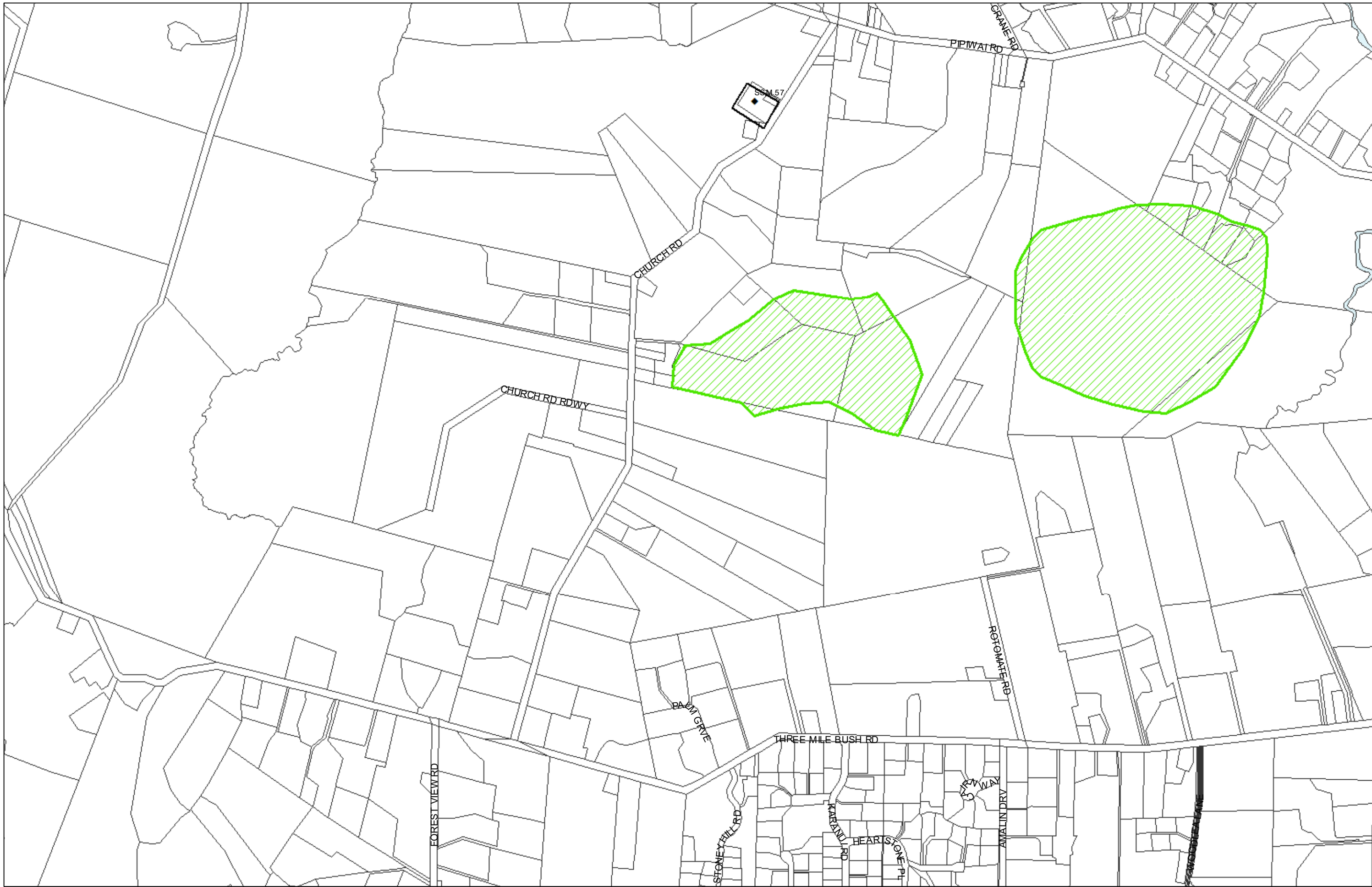
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**WHANGAREI DISTRICT COUNCIL OPERATIVE PLANNING MAP**

**Resource Areas Map 56R  
Tikipunga North**



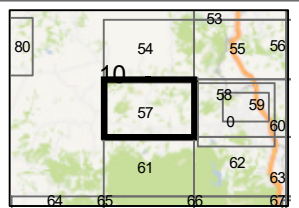
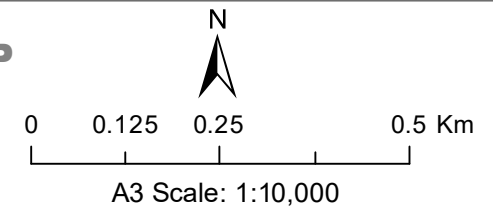


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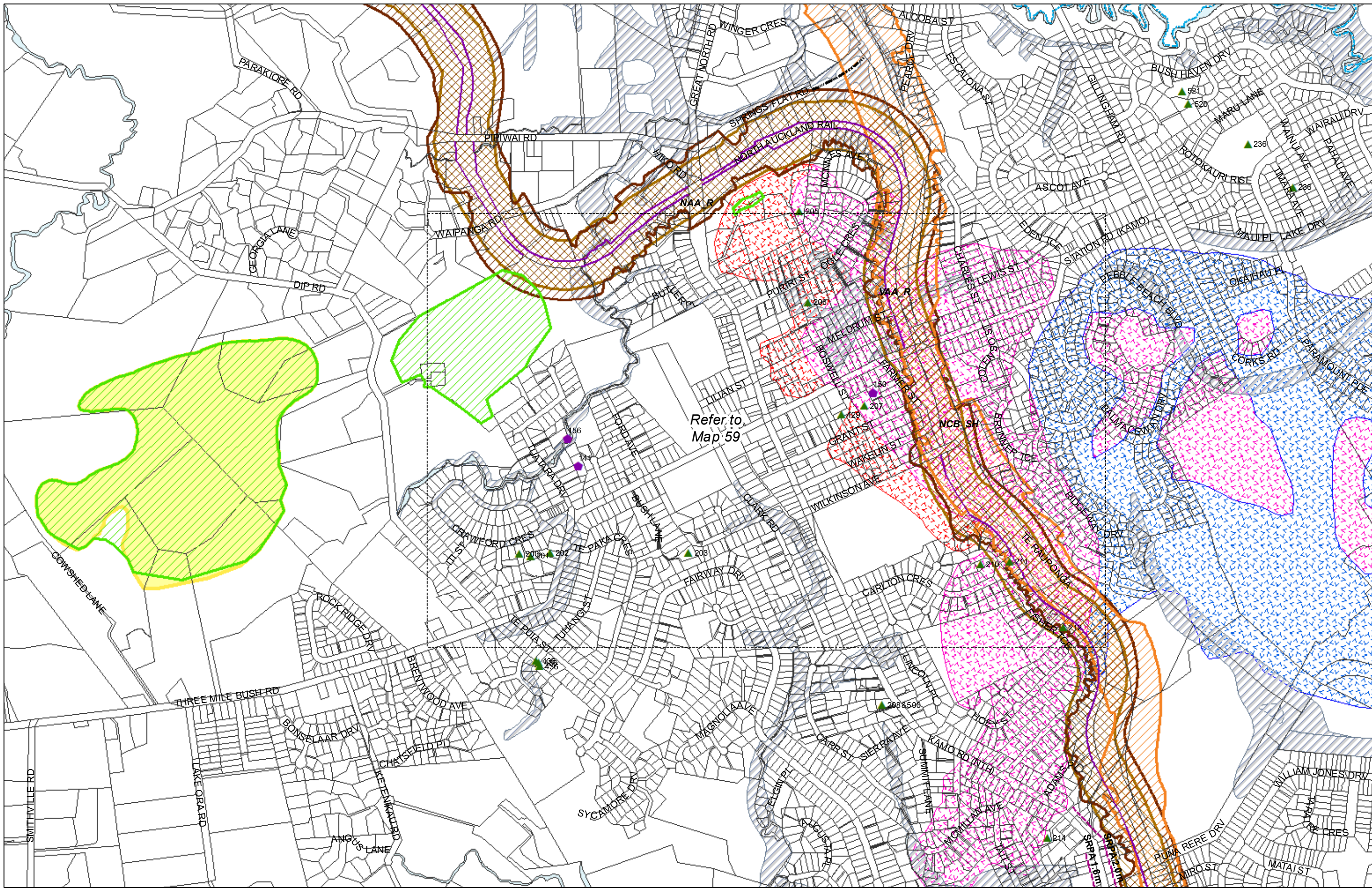
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**WHANGAREI DISTRICT COUNCIL OPERATIVE PLANNING MAP**

**Resource Areas Map 57R  
Ngararatunua**





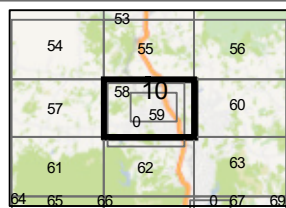
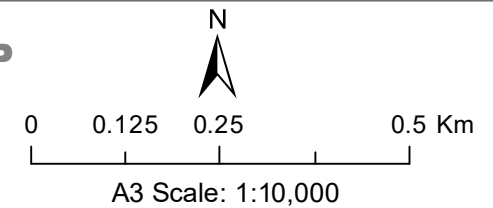


Refer to  
Map 59

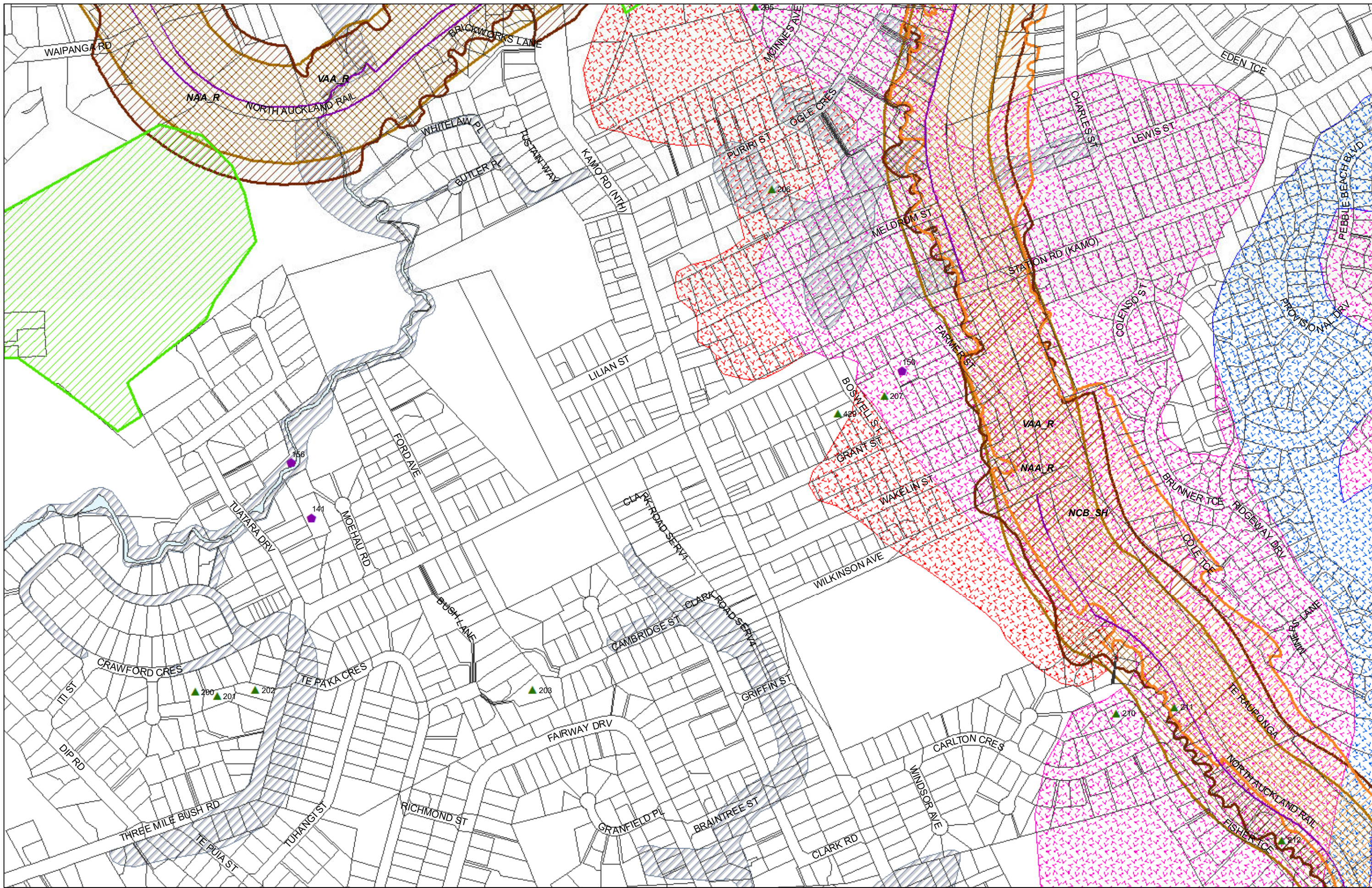


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**WHANGAREI DISTRICT COUNCIL OPERATIVE PLANNING MAP**  
**Resource Areas Map 58R**  
**Kamo**





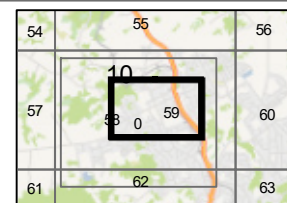
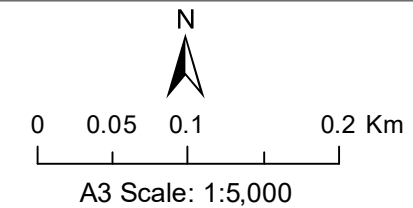


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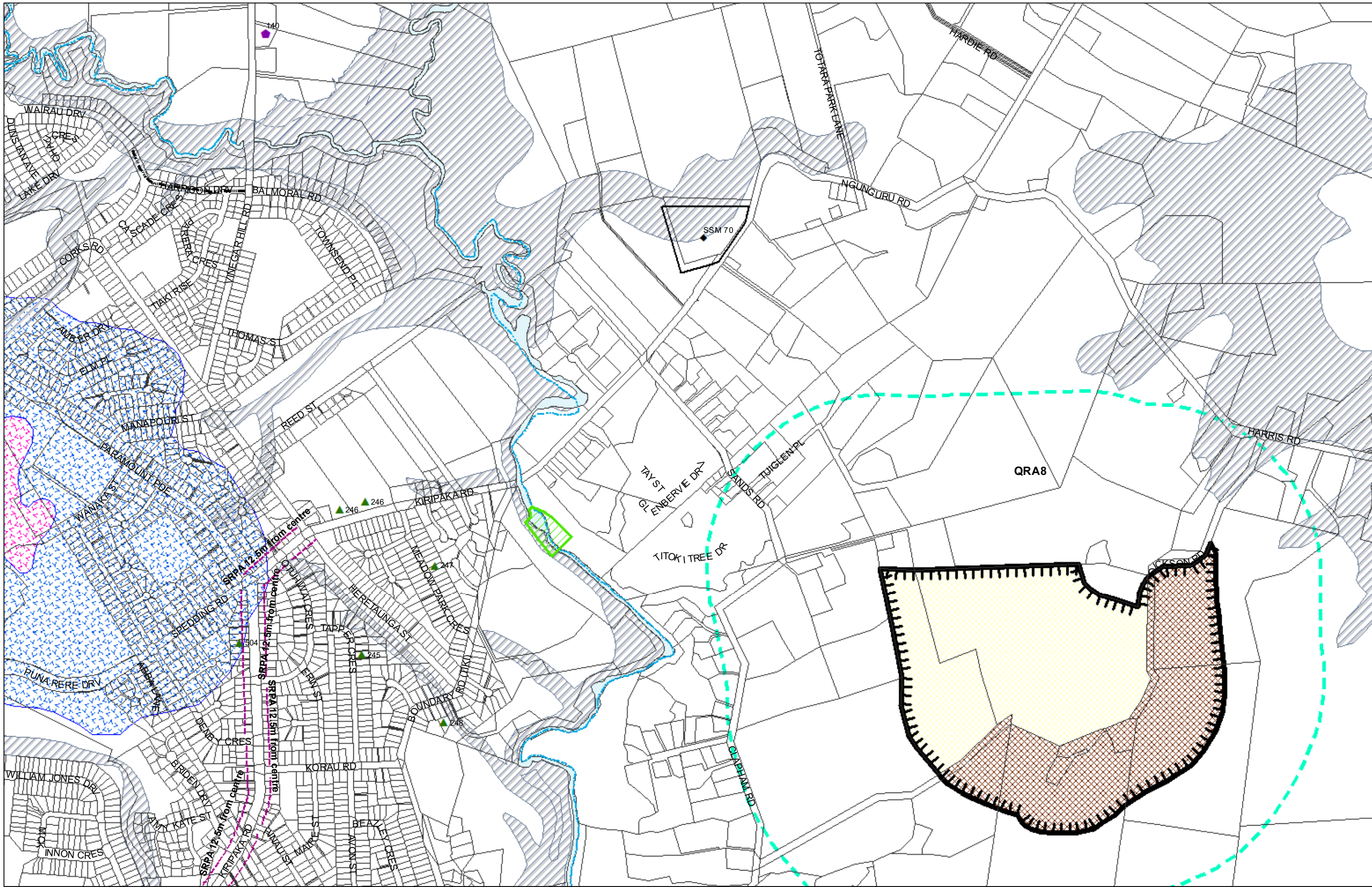
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### WHANGAREI DISTRICT COUNCIL OPERATIVE PLANNING MAP

#### Resource Areas Map 59R Kamo East





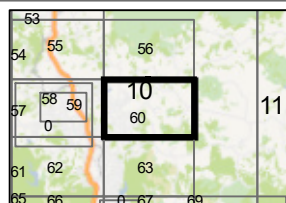


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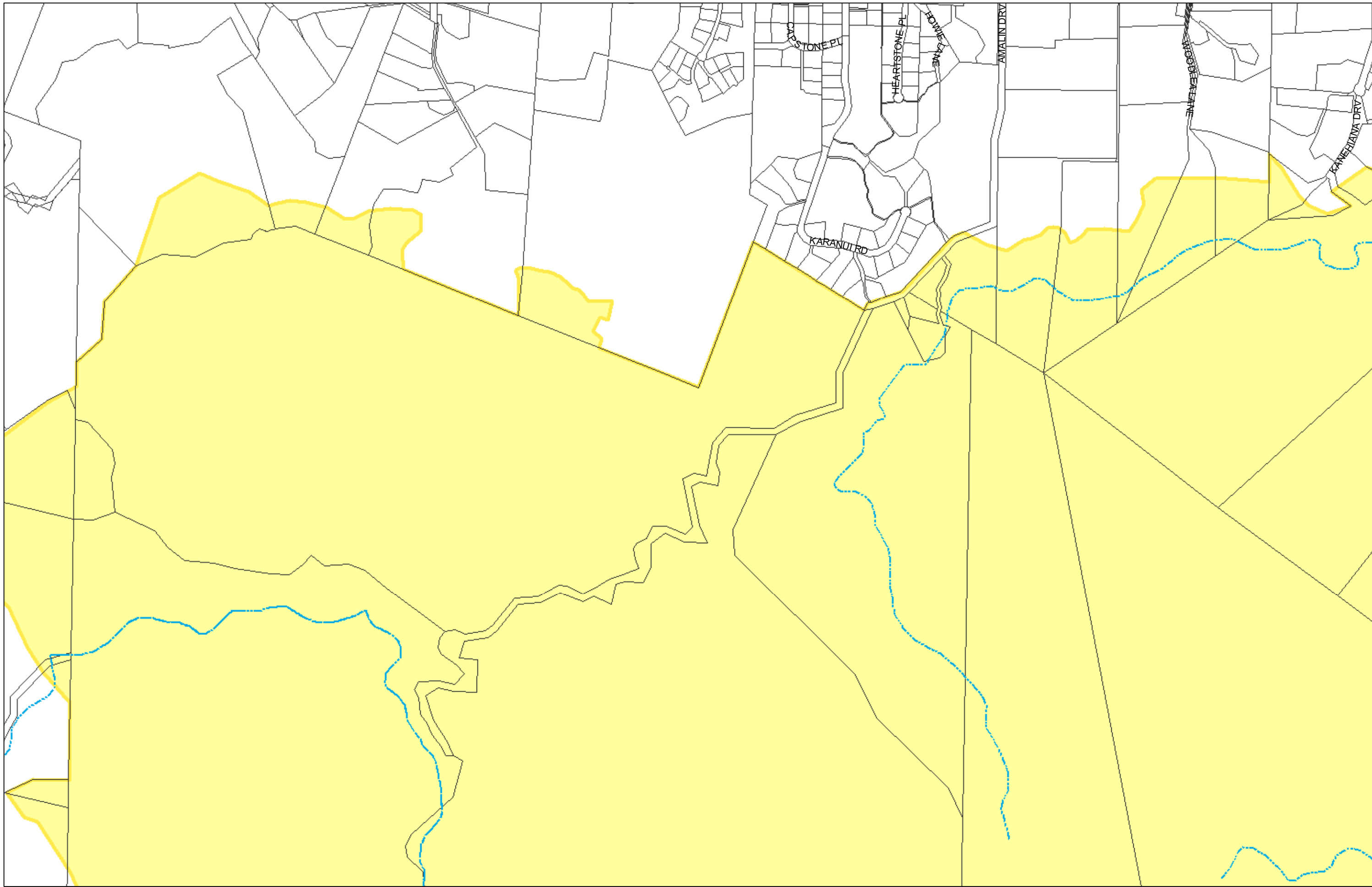
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### WHANGAREI DISTRICT COUNCIL OPERATIVE PLANNING MAP

#### Resource Areas Map 60R Tikipunga





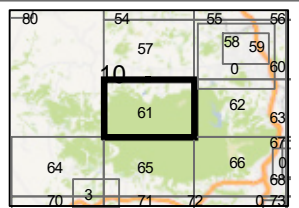


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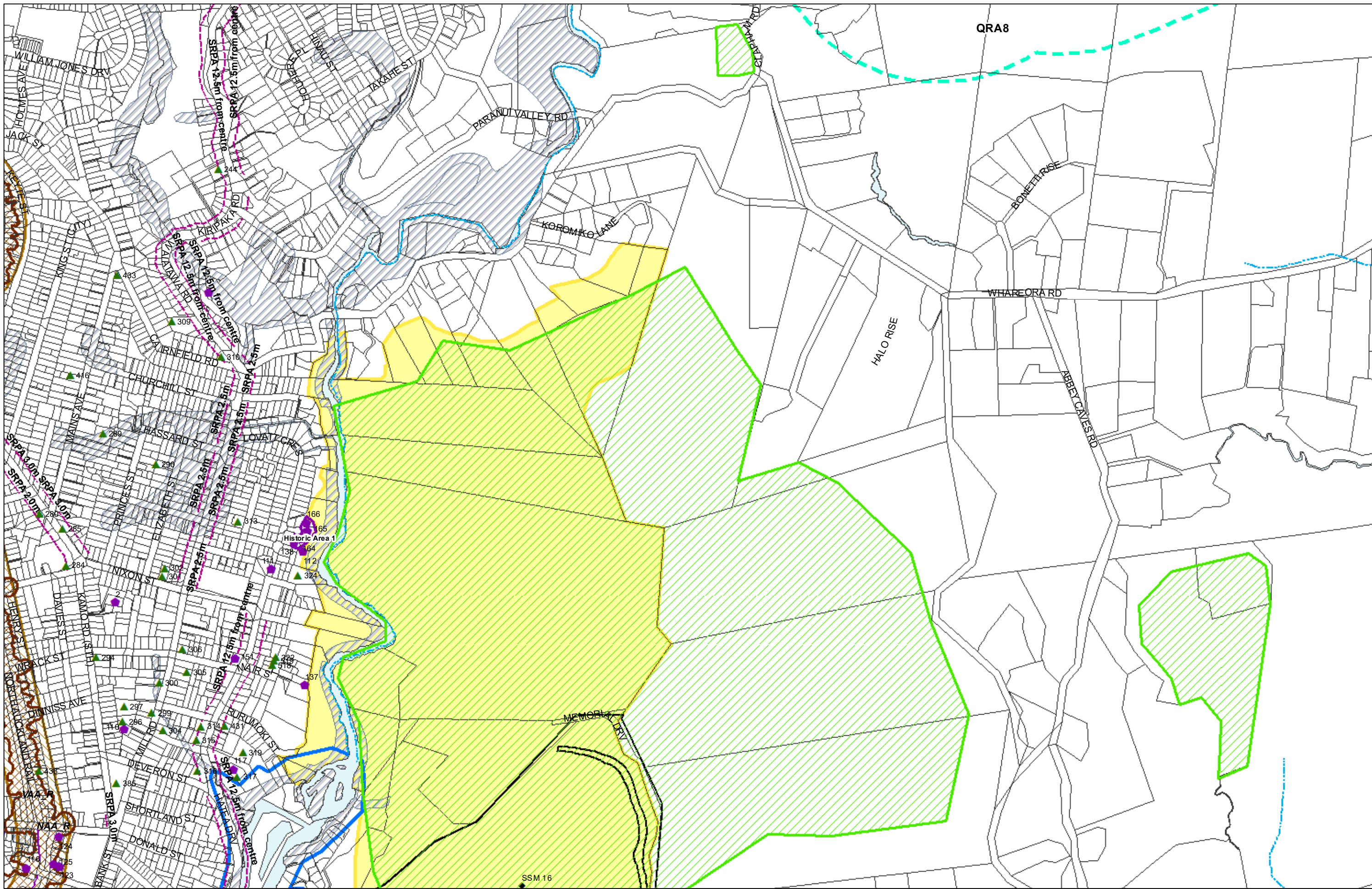
### WHANGAREI DISTRICT COUNCIL OPERATIVE PLANNING MAP

#### Resource Areas Map 61R Three Mile Bush





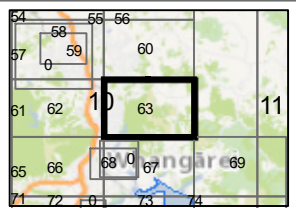
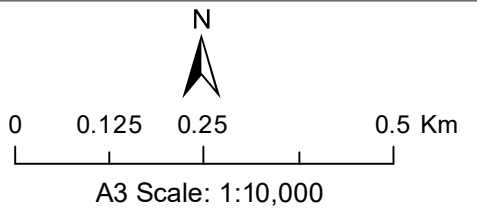




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**WHANGAREI DISTRICT COUNCIL OPERATIVE PLANNING MAP**

**Resource Areas Map 63R  
 Mairtown**



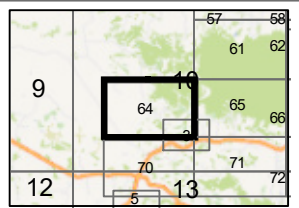
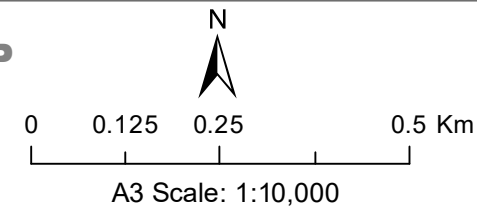


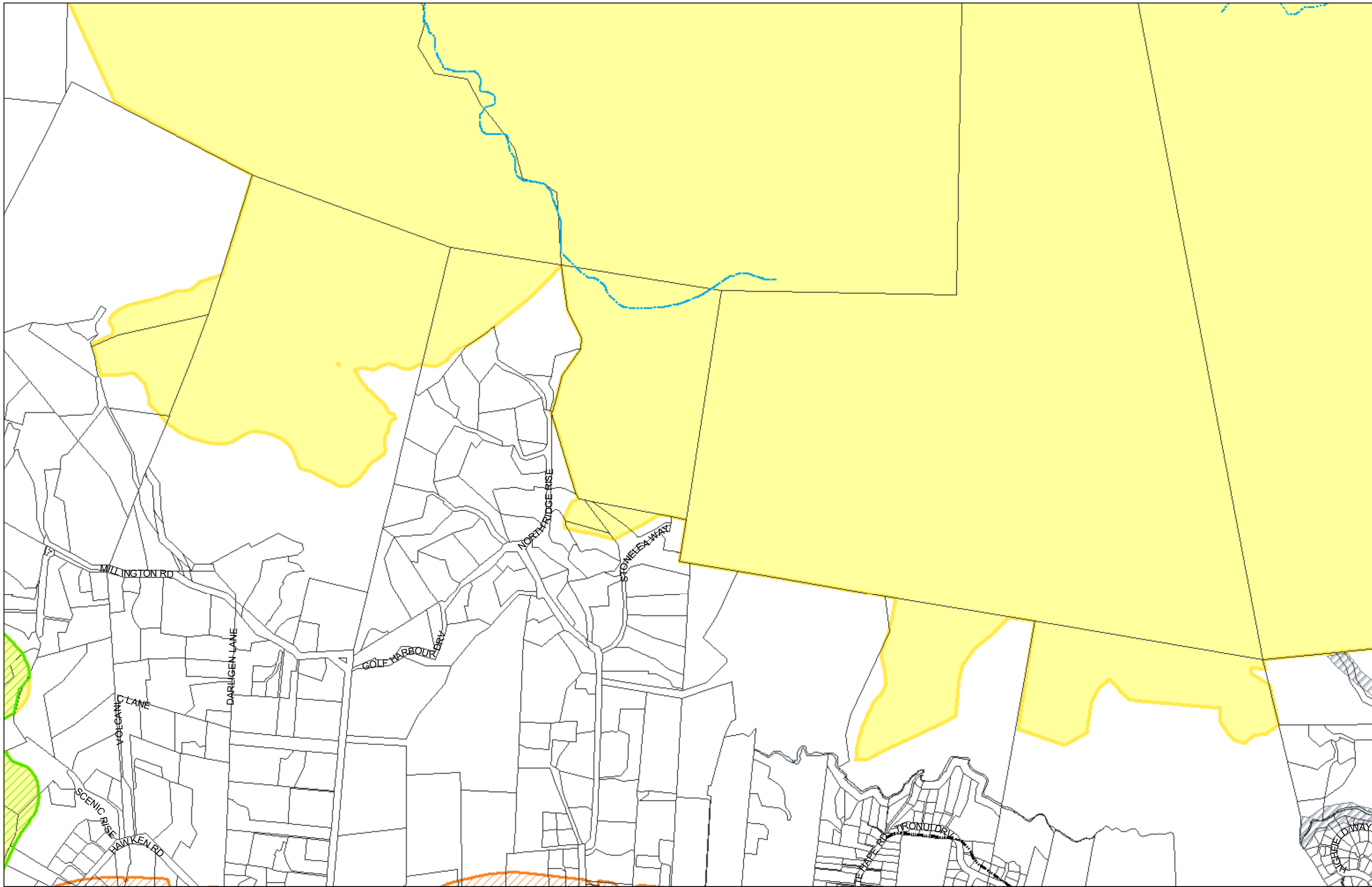


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**WHANGAREI DISTRICT COUNCIL OPERATIVE PLANNING MAP**

**Resource Areas Map 64R  
 Maungatapere**



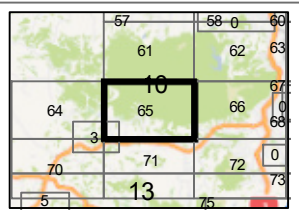
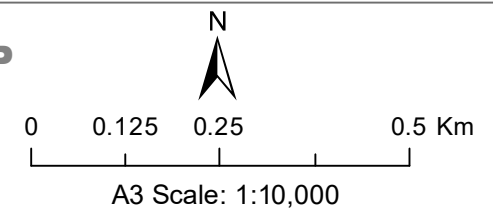


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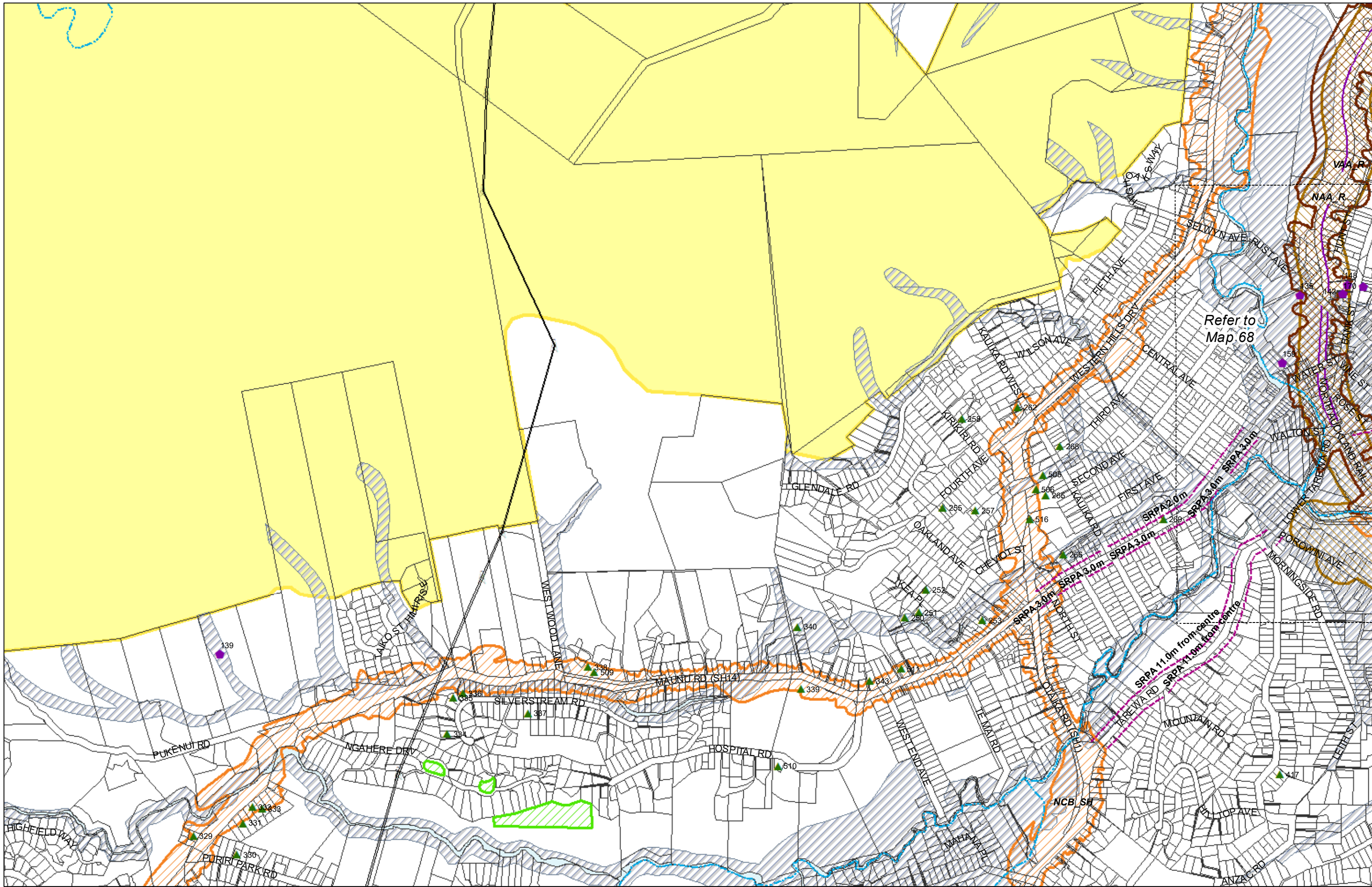
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### WHANGAREI DISTRICT COUNCIL OPERATIVE PLANNING MAP

#### Resource Areas Map 65R Maunu





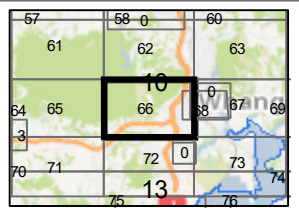


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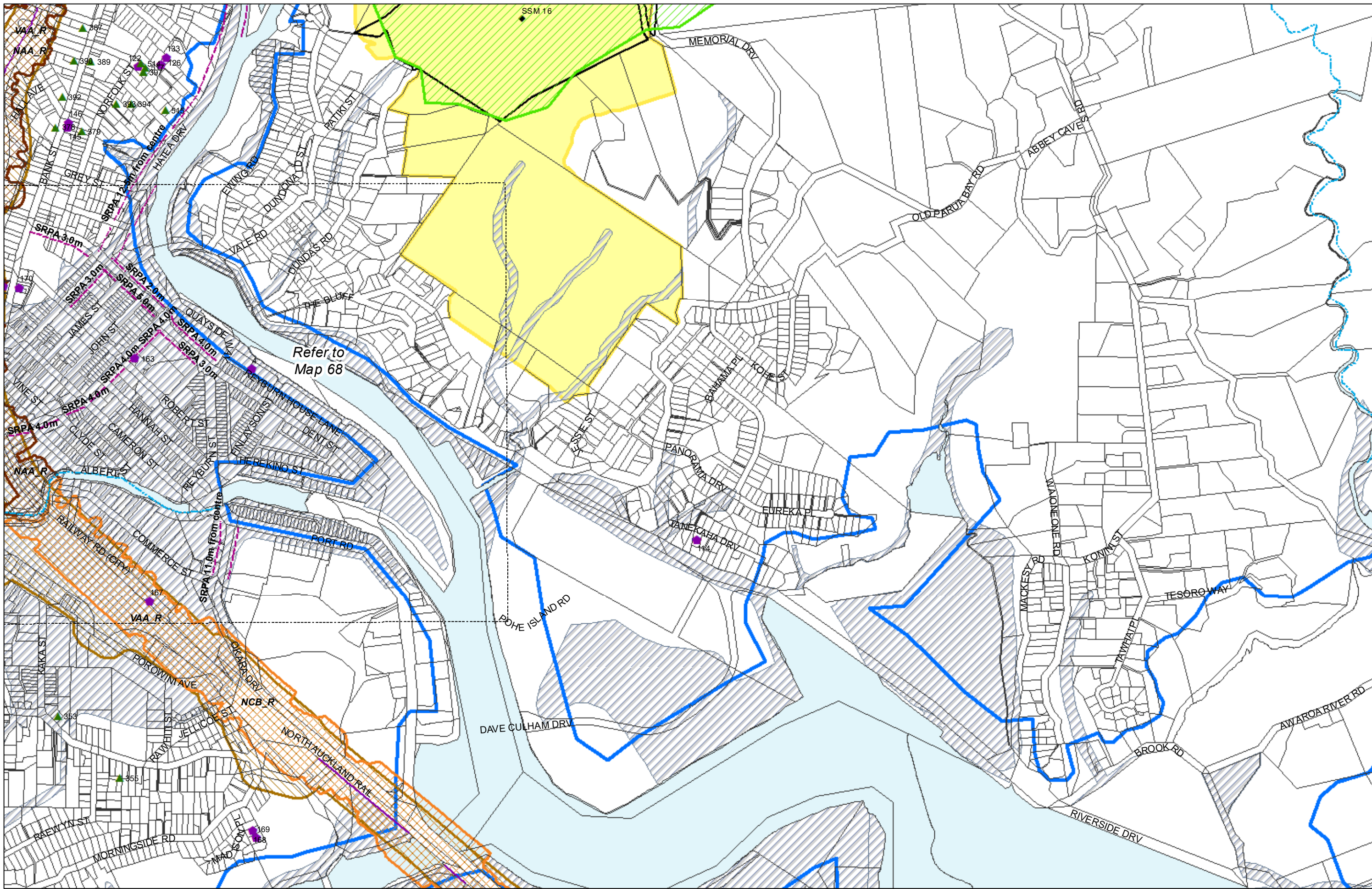
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### WHANGAREI DISTRICT COUNCIL OPERATIVE PLANNING MAP

#### Resource Areas Map 66R Avenues





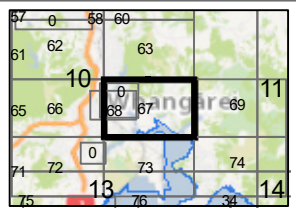
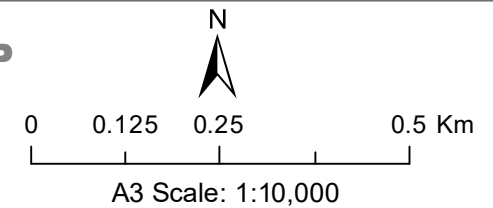


Refer to  
Map 68

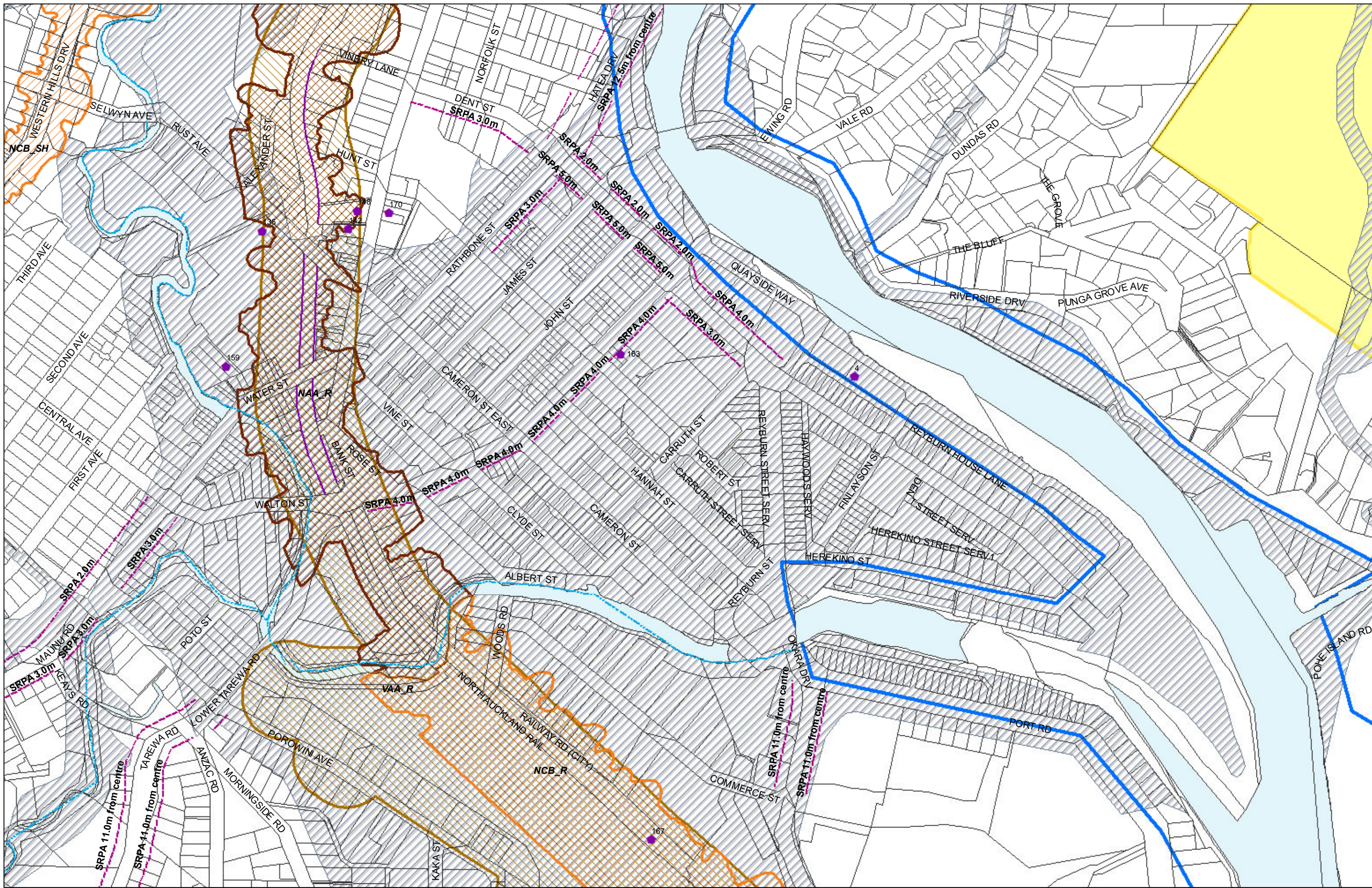


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**WHANGAREI DISTRICT COUNCIL OPERATIVE PLANNING MAP**  
**Resource Areas Map 67R**  
**Riverside**





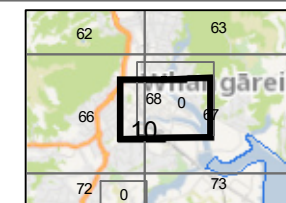
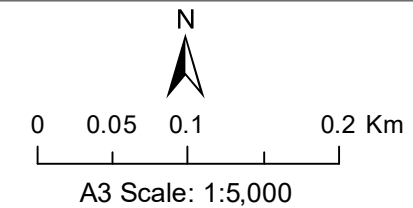


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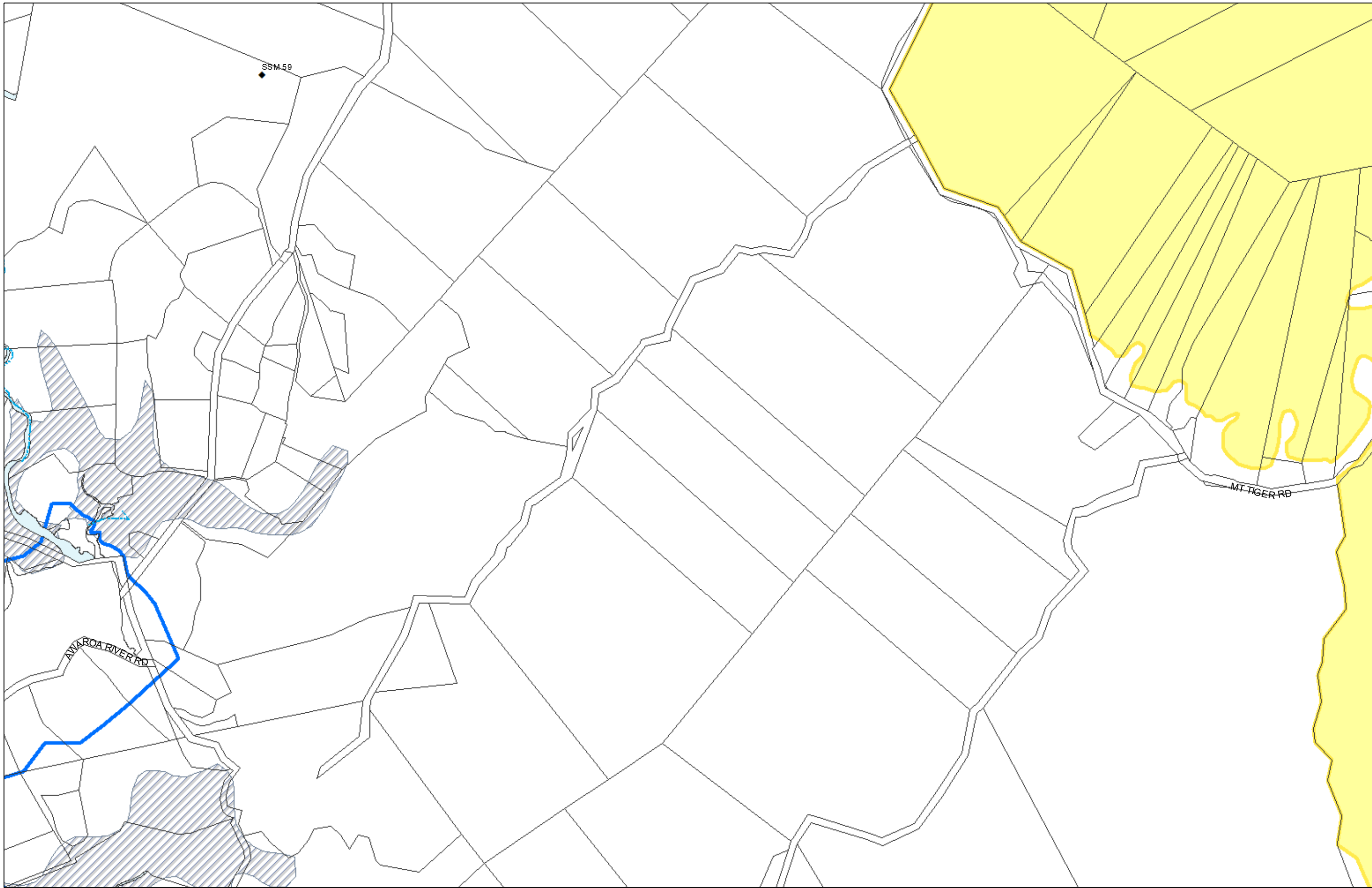
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### WHANGAREI DISTRICT COUNCIL OPERATIVE PLANNING MAP

#### Resource Areas Map 68R Whangarei City





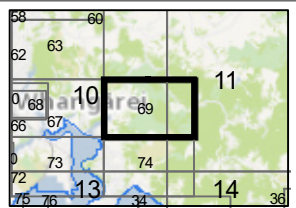


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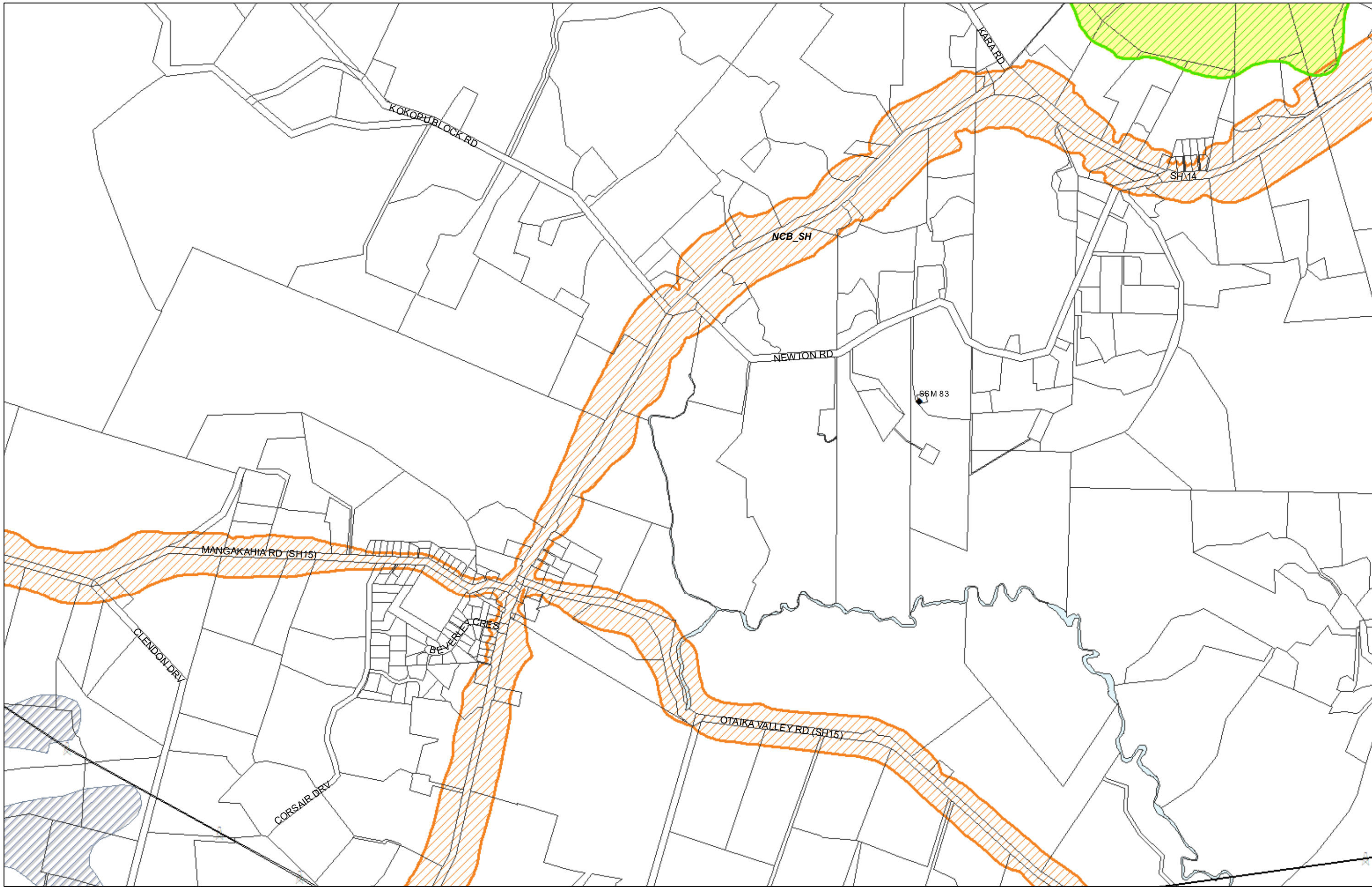
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**WHANGAREI DISTRICT COUNCIL OPERATIVE PLANNING MAP**

**Resource Areas Map 69R  
Awaroa Creek**



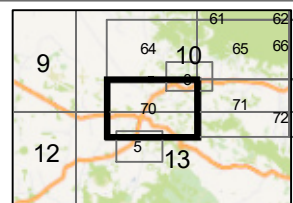
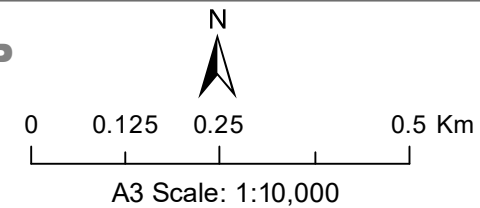


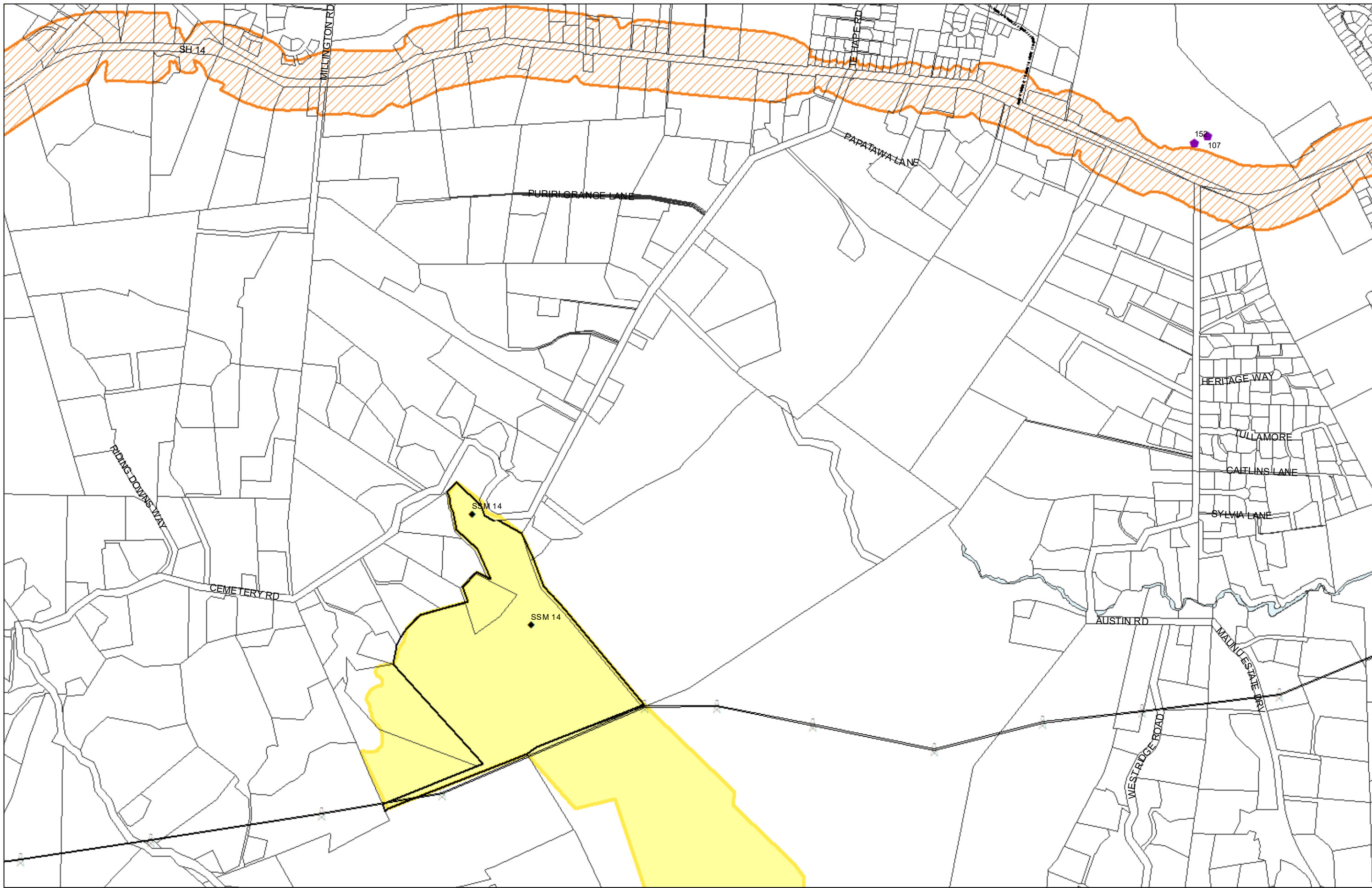


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**WHANGAREI DISTRICT COUNCIL OPERATIVE PLANNING MAP**

**Resource Areas Map 70R  
 Maungatapere**



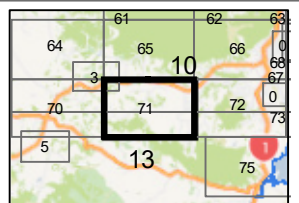
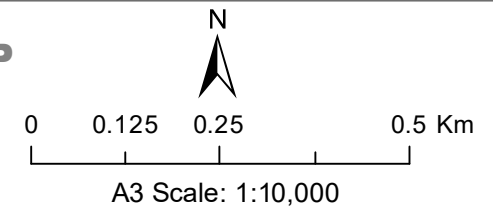


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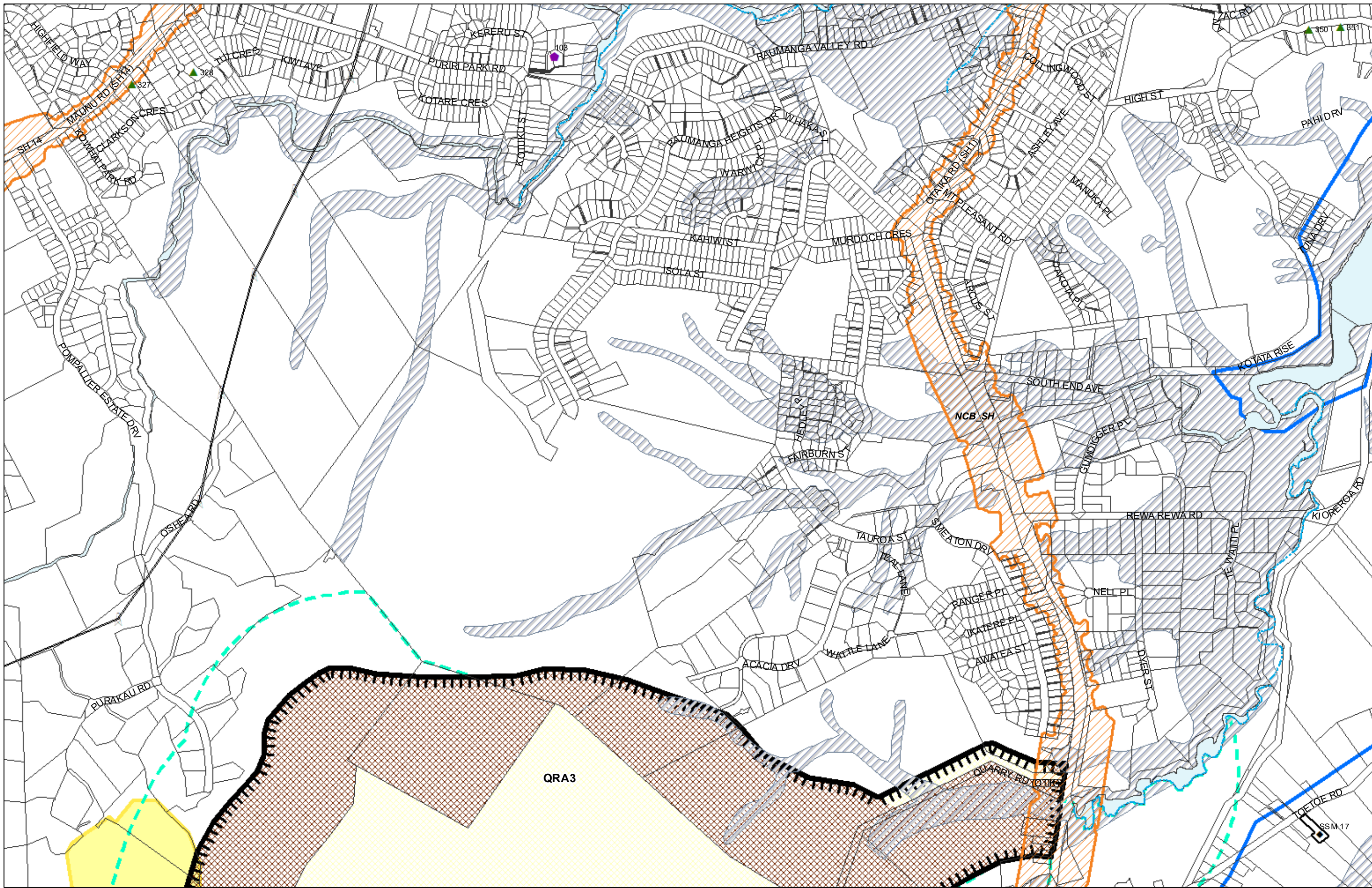
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### WHANGAREI DISTRICT COUNCIL OPERATIVE PLANNING MAP

#### Resource Areas Map 71R Maunu







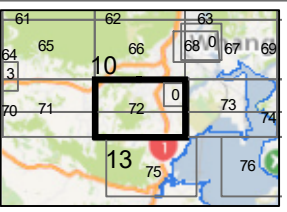
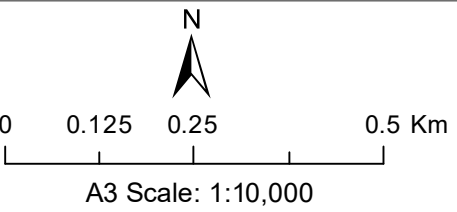
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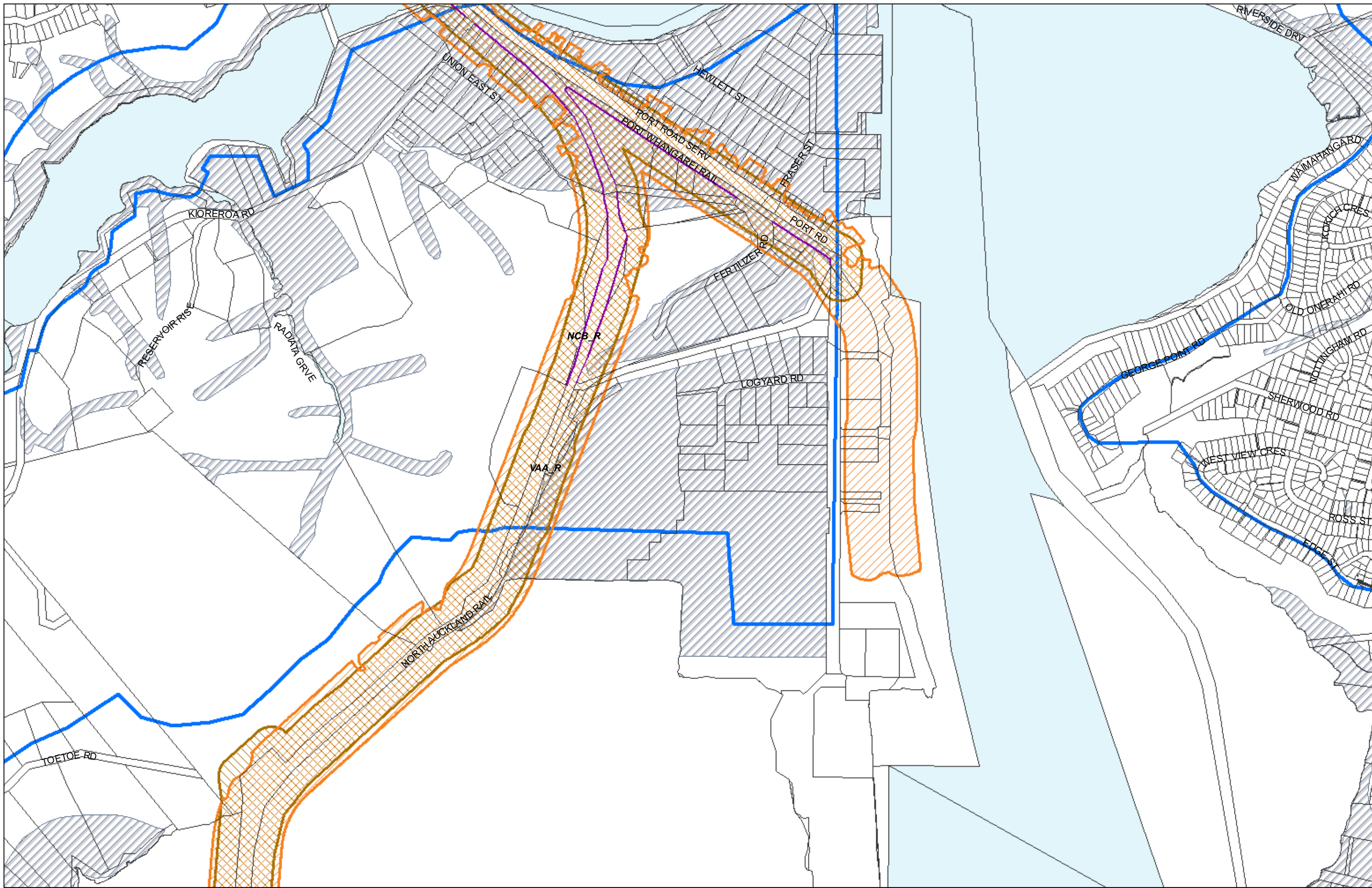
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**WHANGAREI DISTRICT COUNCIL OPERATIVE PLANNING MAP**

**Resource Areas Map 72R  
 Raunanga**



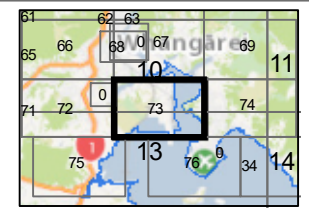
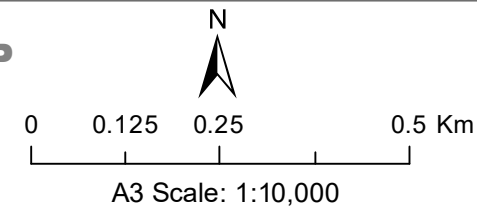




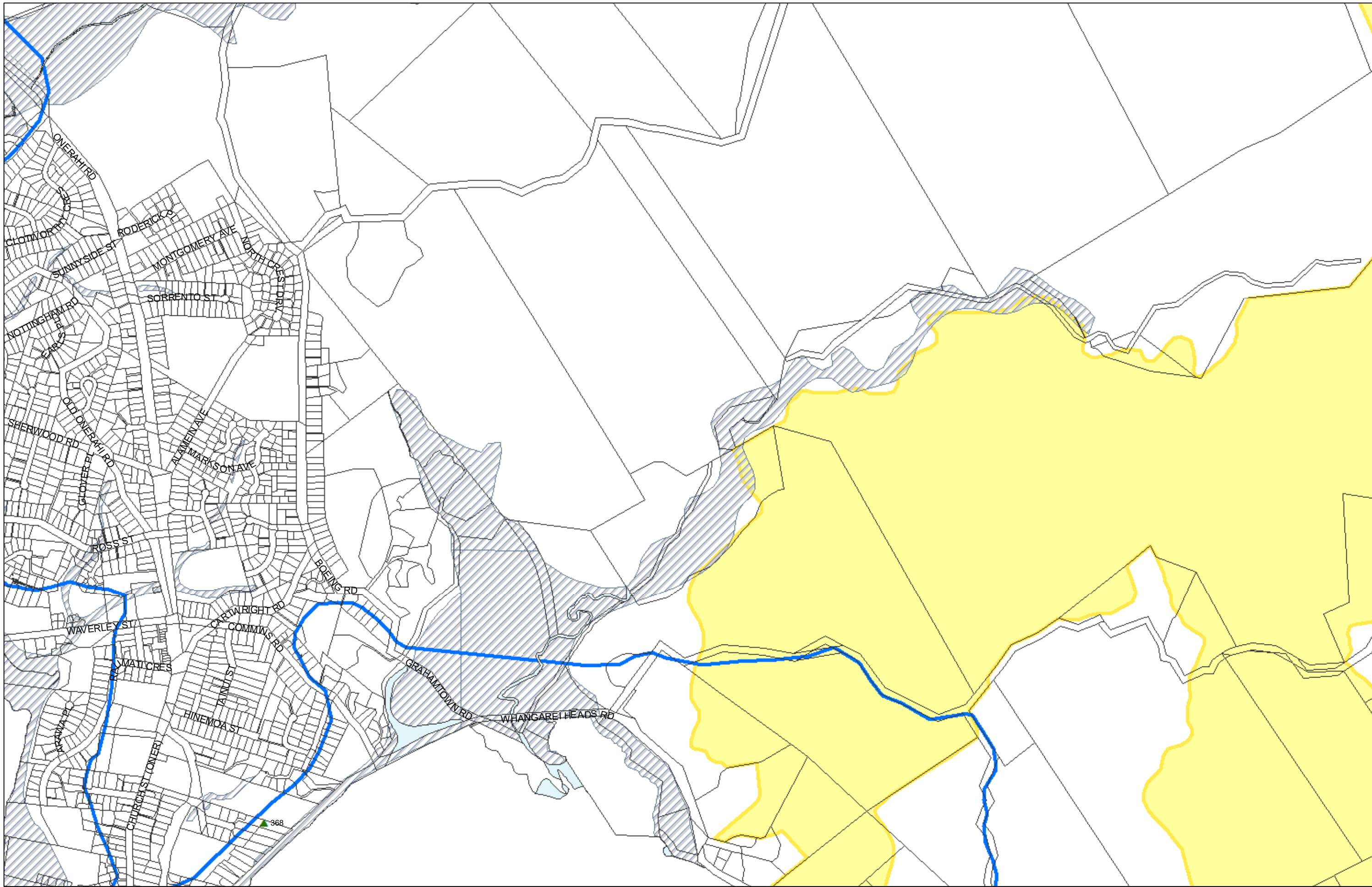
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**WHANGAREI DISTRICT COUNCIL OPERATIVE PLANNING MAP**

**Resource Areas Map 73R  
 Morningside**





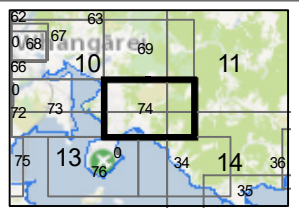


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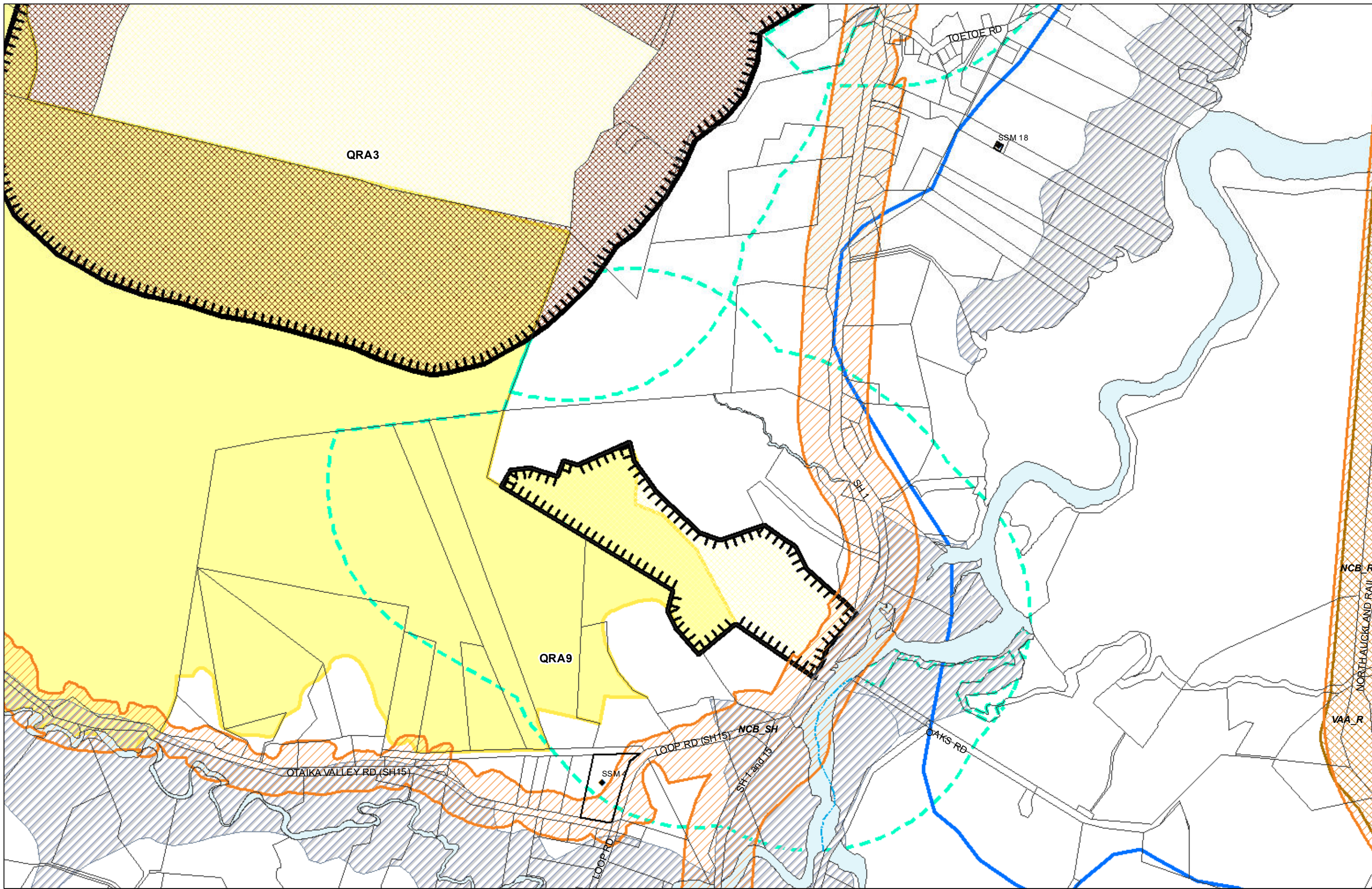
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## WHANGAREI DISTRICT COUNCIL OPERATIVE PLANNING MAP

### Resource Areas Map 74R Onerahi

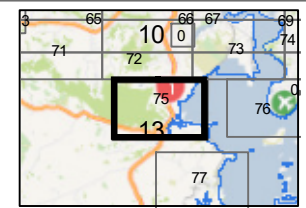
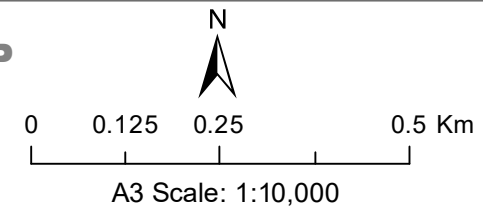




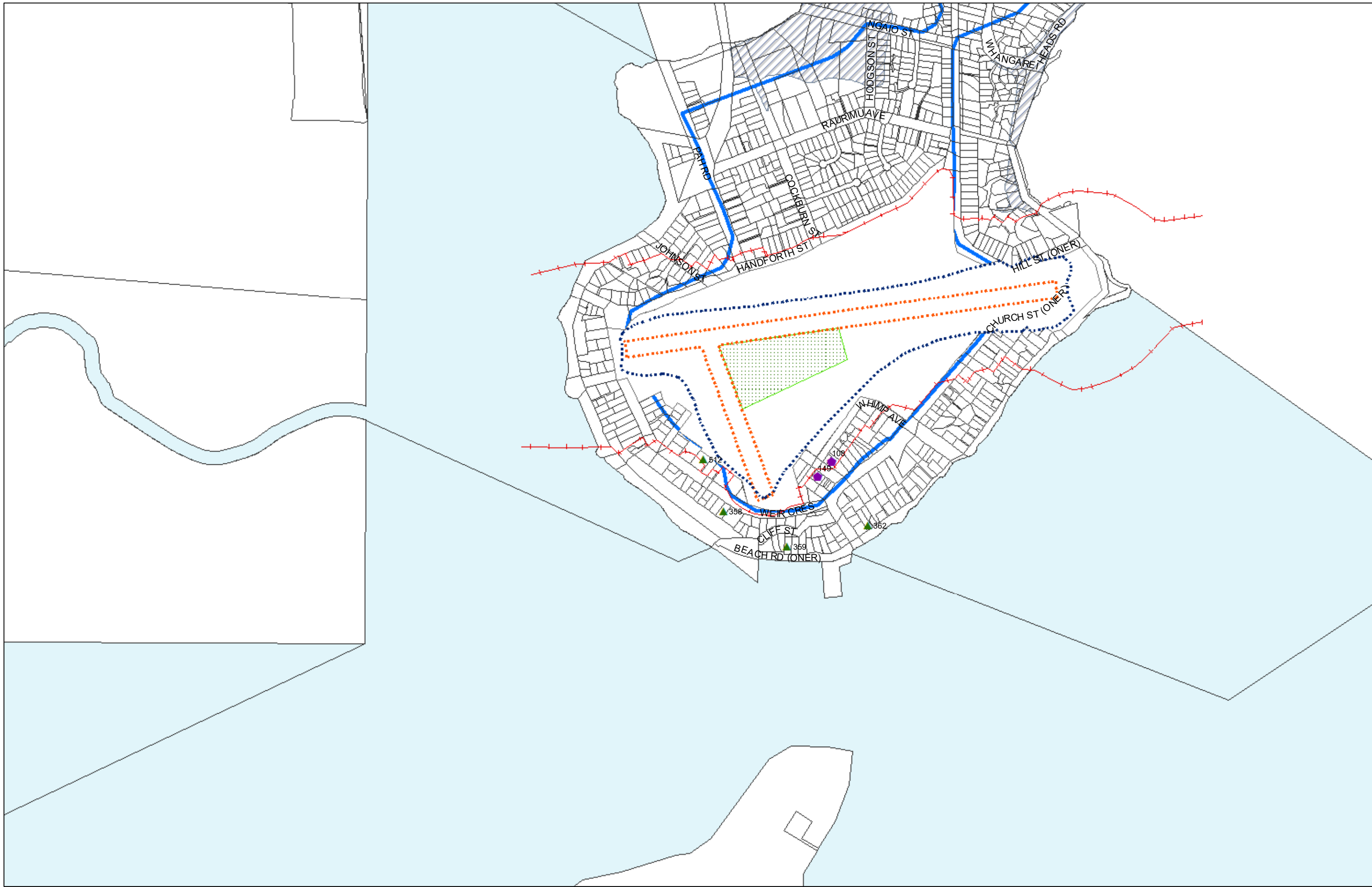


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**WHANGAREI DISTRICT COUNCIL OPERATIVE PLANNING MAP**  
**Resource Areas Map 75R**  
**Otaika**





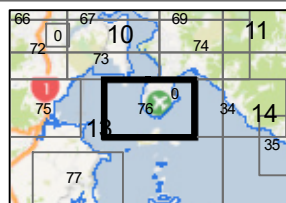


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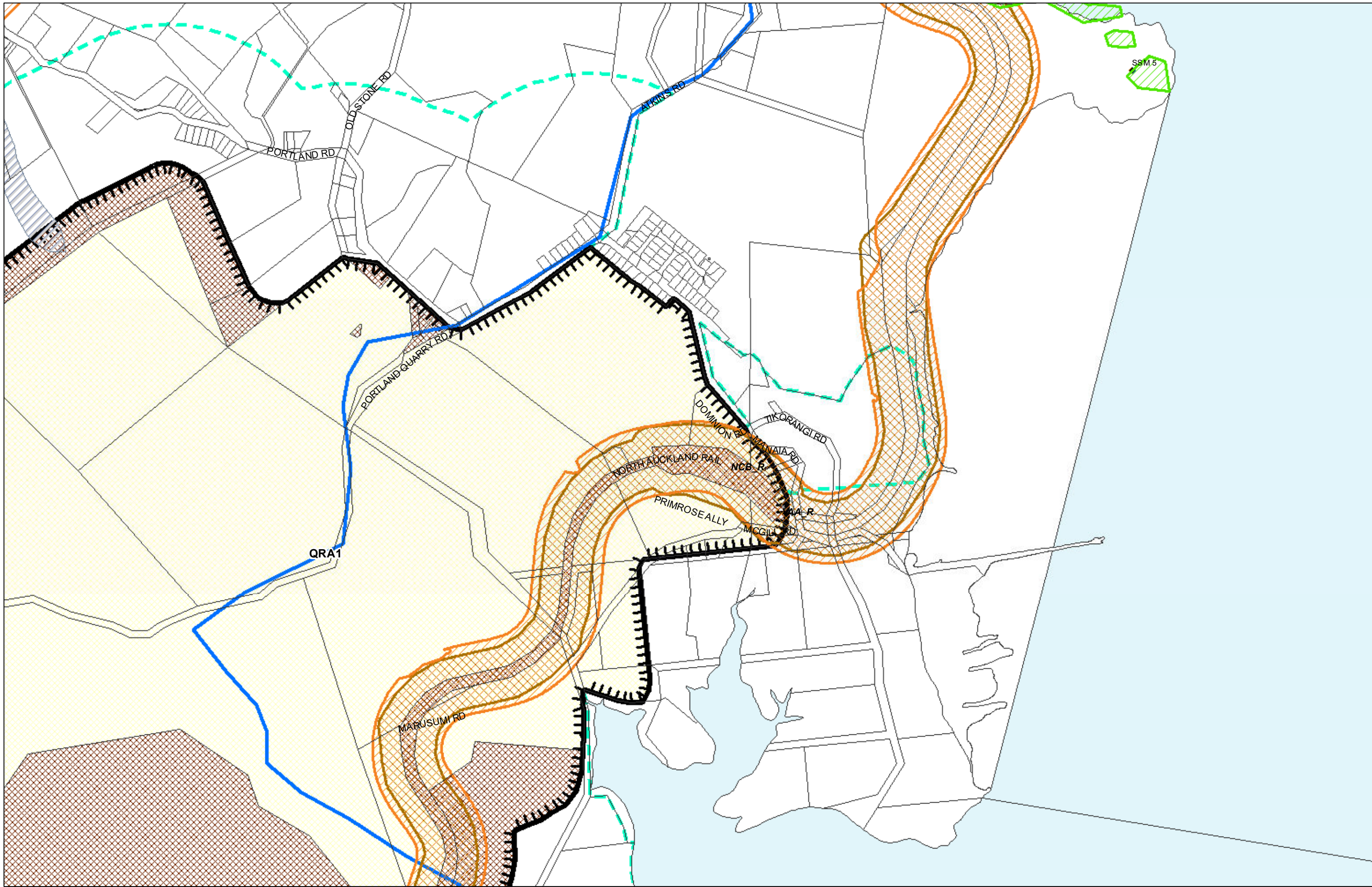
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### WHANGAREI DISTRICT COUNCIL OPERATIVE PLANNING MAP

#### Resource Areas Map 76R Onerahi

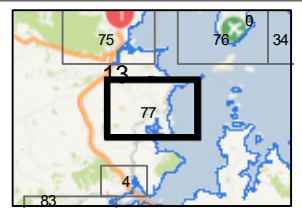
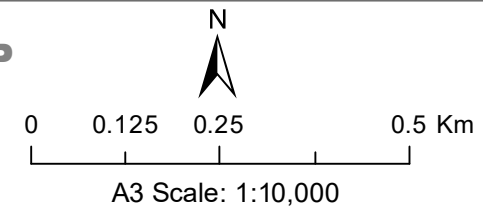




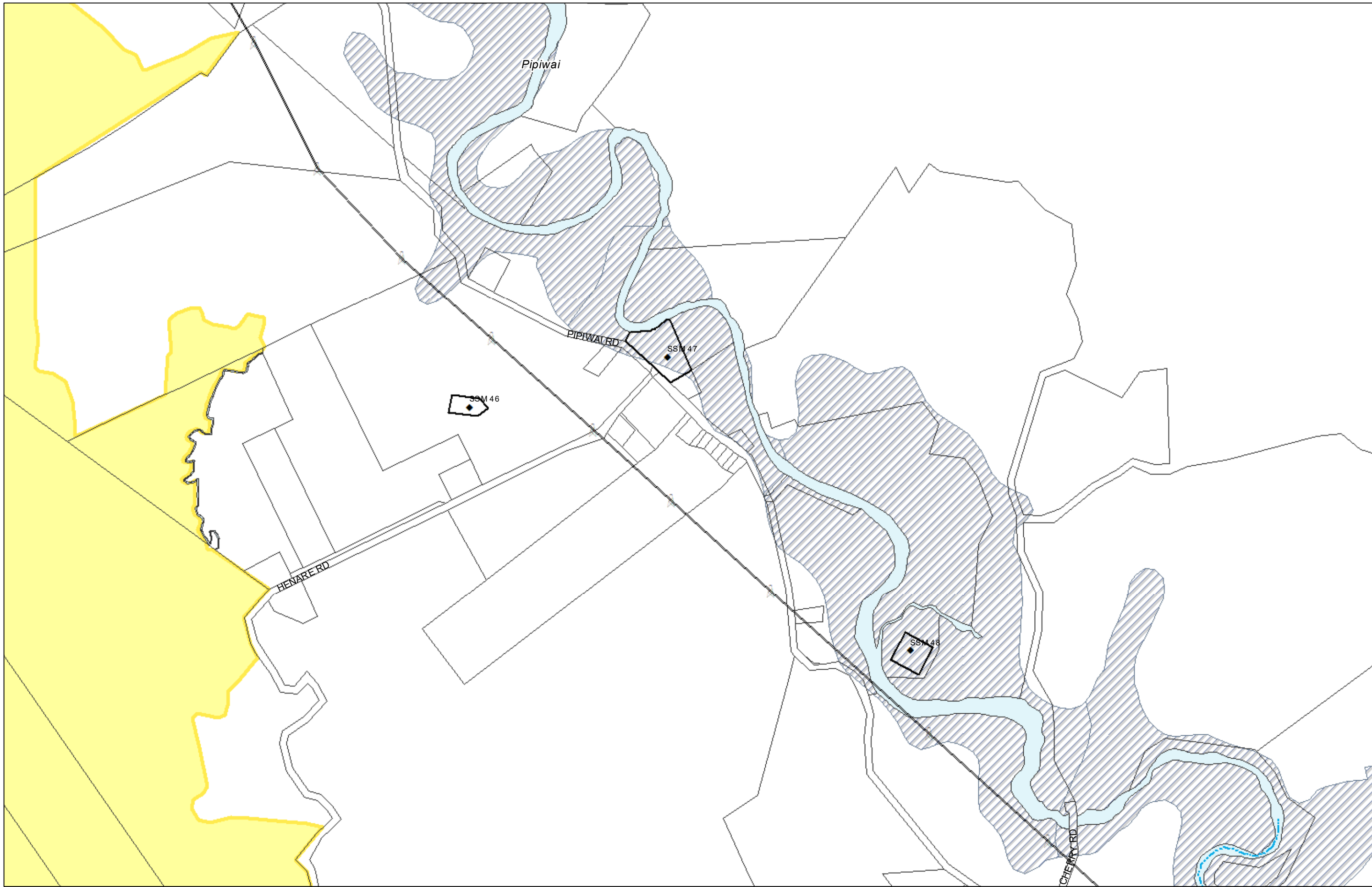


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**WHANGAREI DISTRICT COUNCIL OPERATIVE PLANNING MAP**  
**Resource Areas Map 77R**  
**Portland**





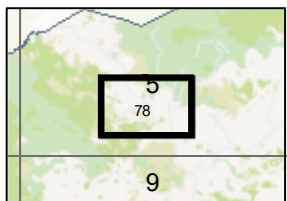


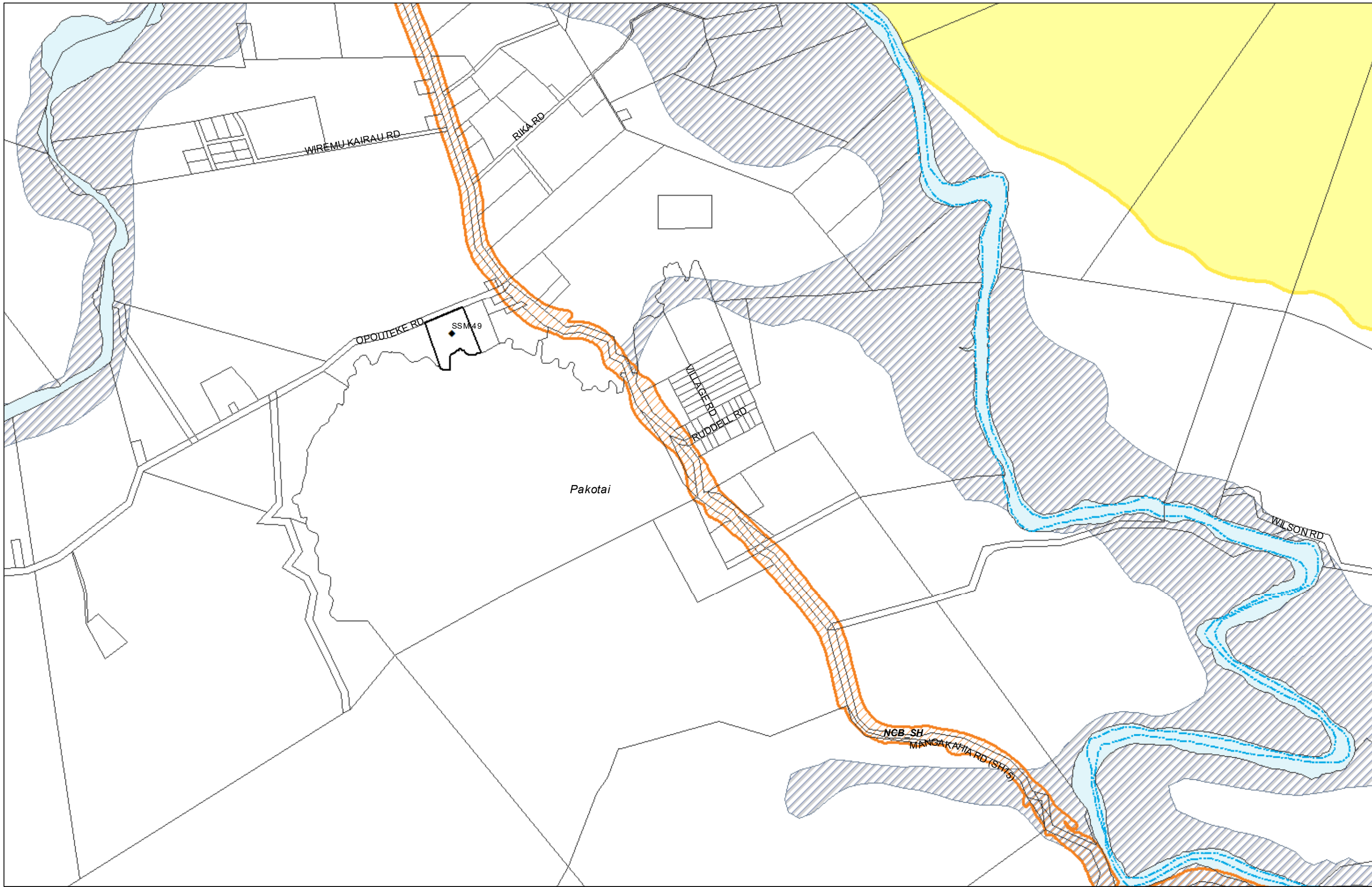
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**WHANGAREI DISTRICT COUNCIL OPERATIVE PLANNING MAP**

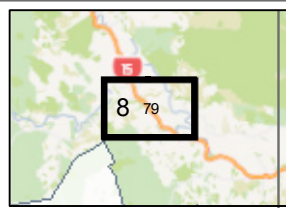
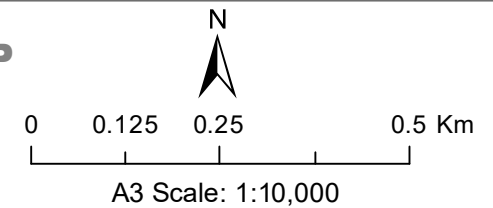
**Resource Areas Map 78R  
Pipiwai**





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**WHANGAREI DISTRICT COUNCIL OPERATIVE PLANNING MAP**  
**Resource Areas Map 79R**  
**Pakotai**





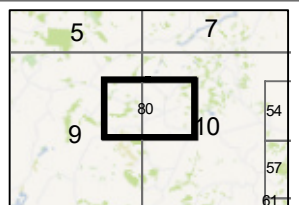
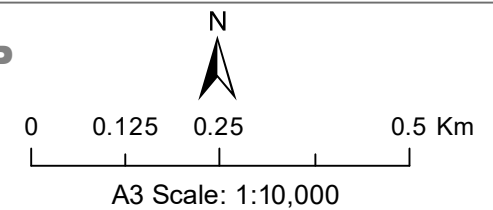


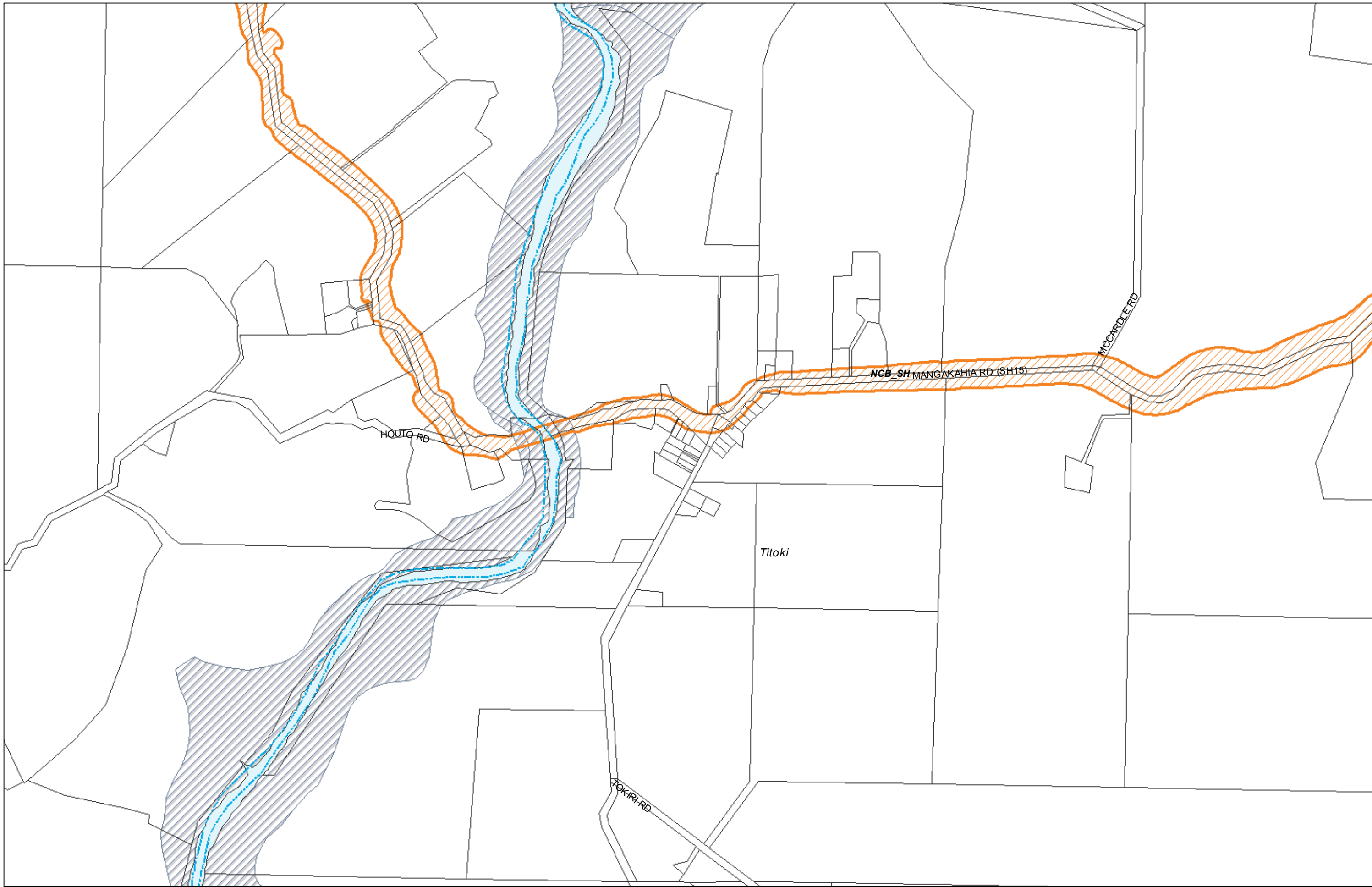
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**WHANGAREI DISTRICT COUNCIL OPERATIVE PLANNING MAP**

**Resource Areas Map 80R  
Ruatangata**



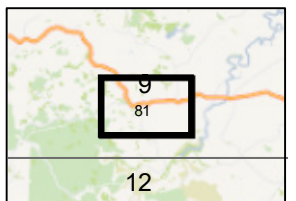
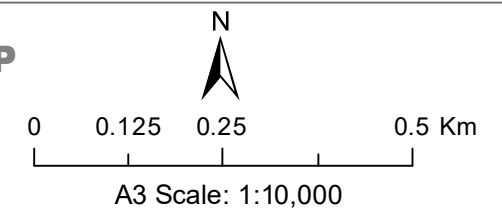


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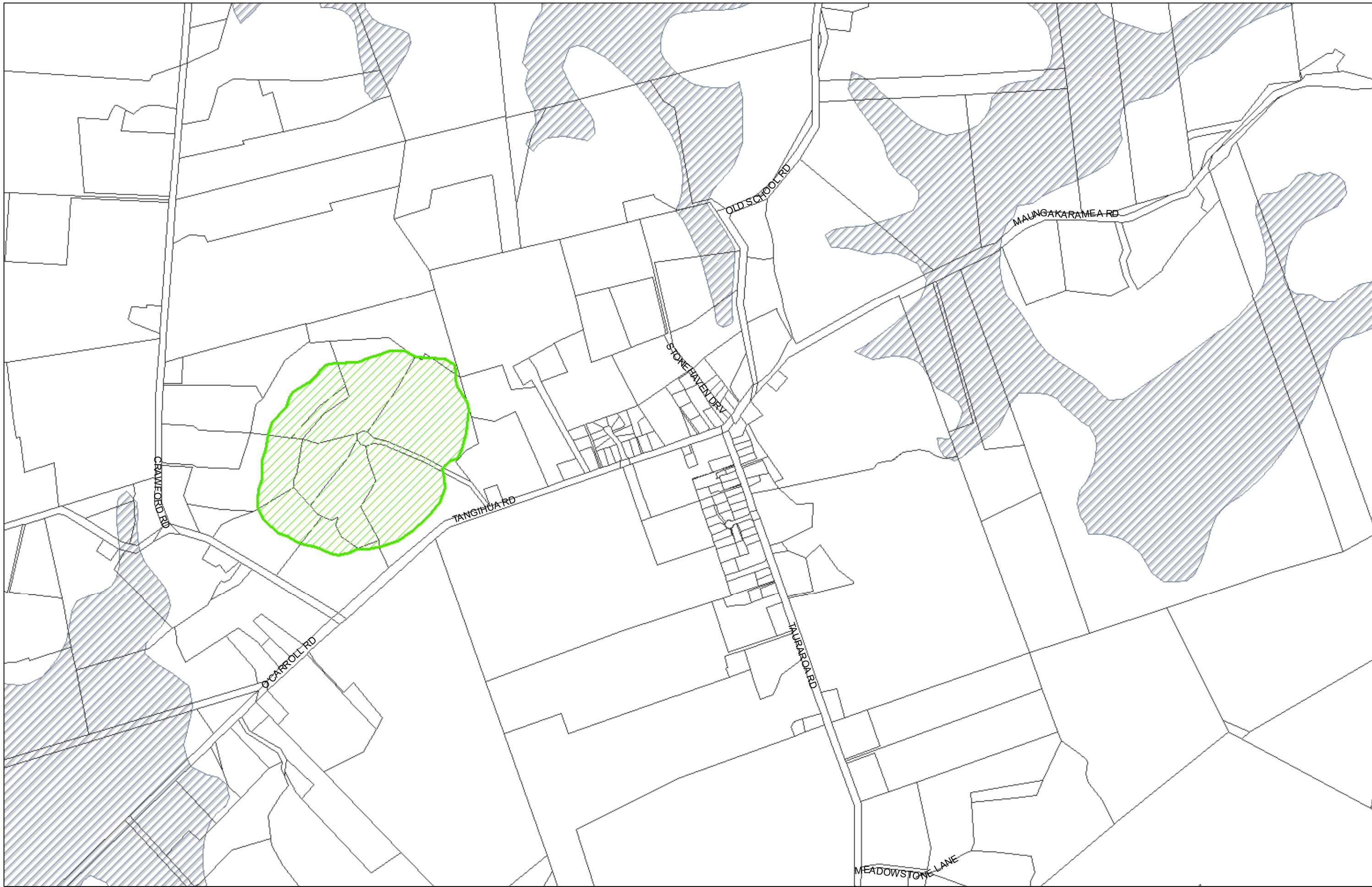
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### WHANGAREI DISTRICT COUNCIL OPERATIVE PLANNING MAP

#### Resource Areas Map 81R Titoki





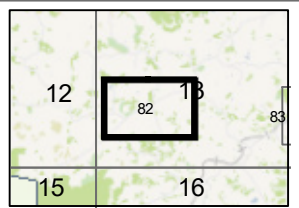


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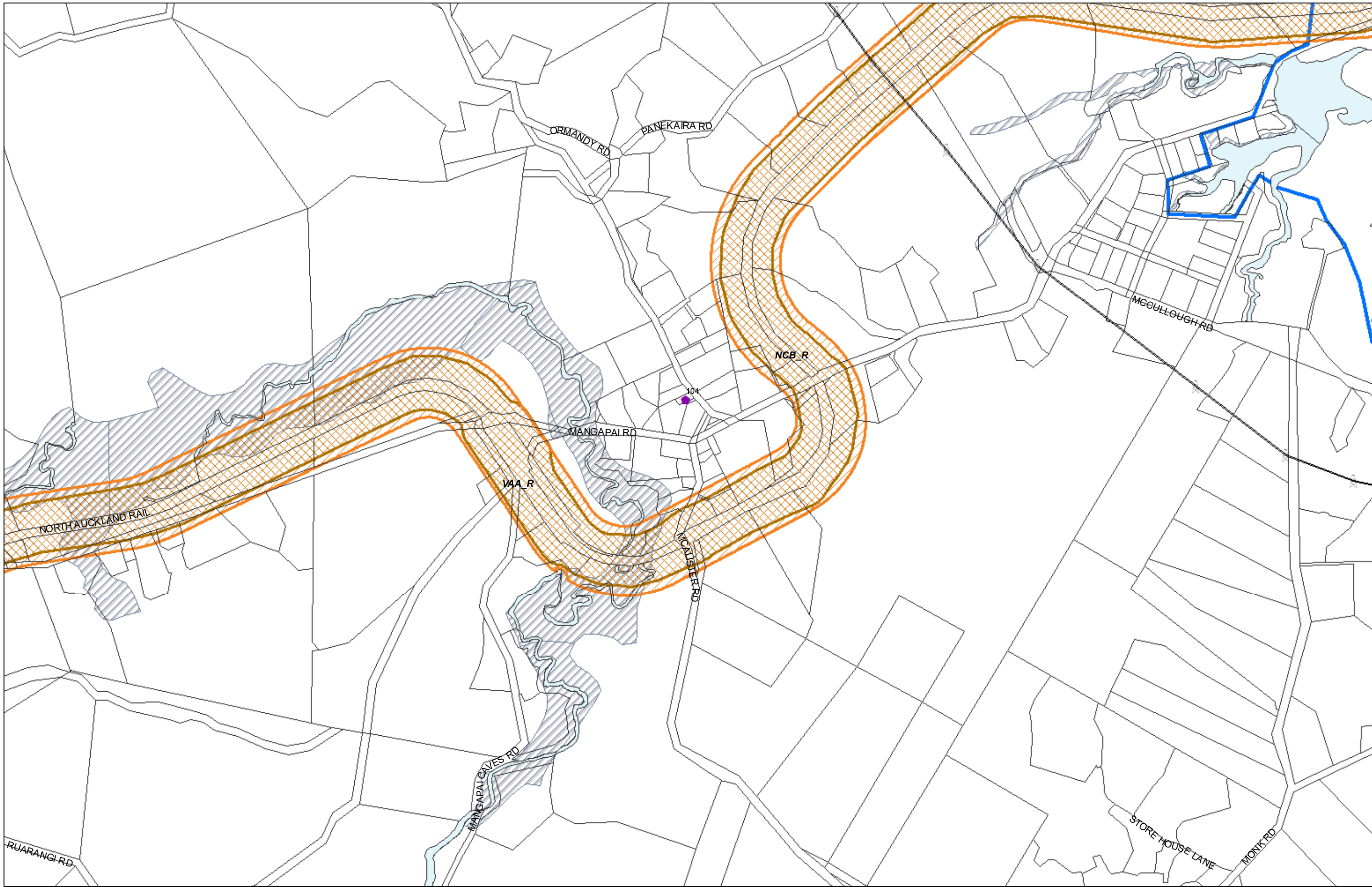
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**WHANGAREI DISTRICT COUNCIL OPERATIVE PLANNING MAP**

**Resource Areas Map 82R  
Maungakaramea**





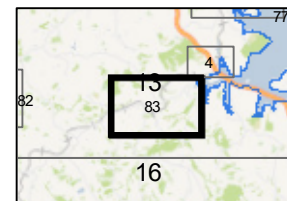
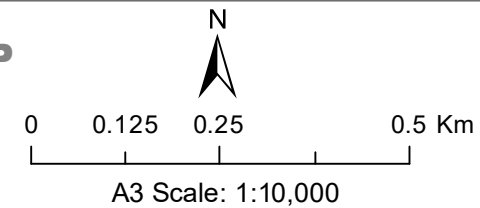


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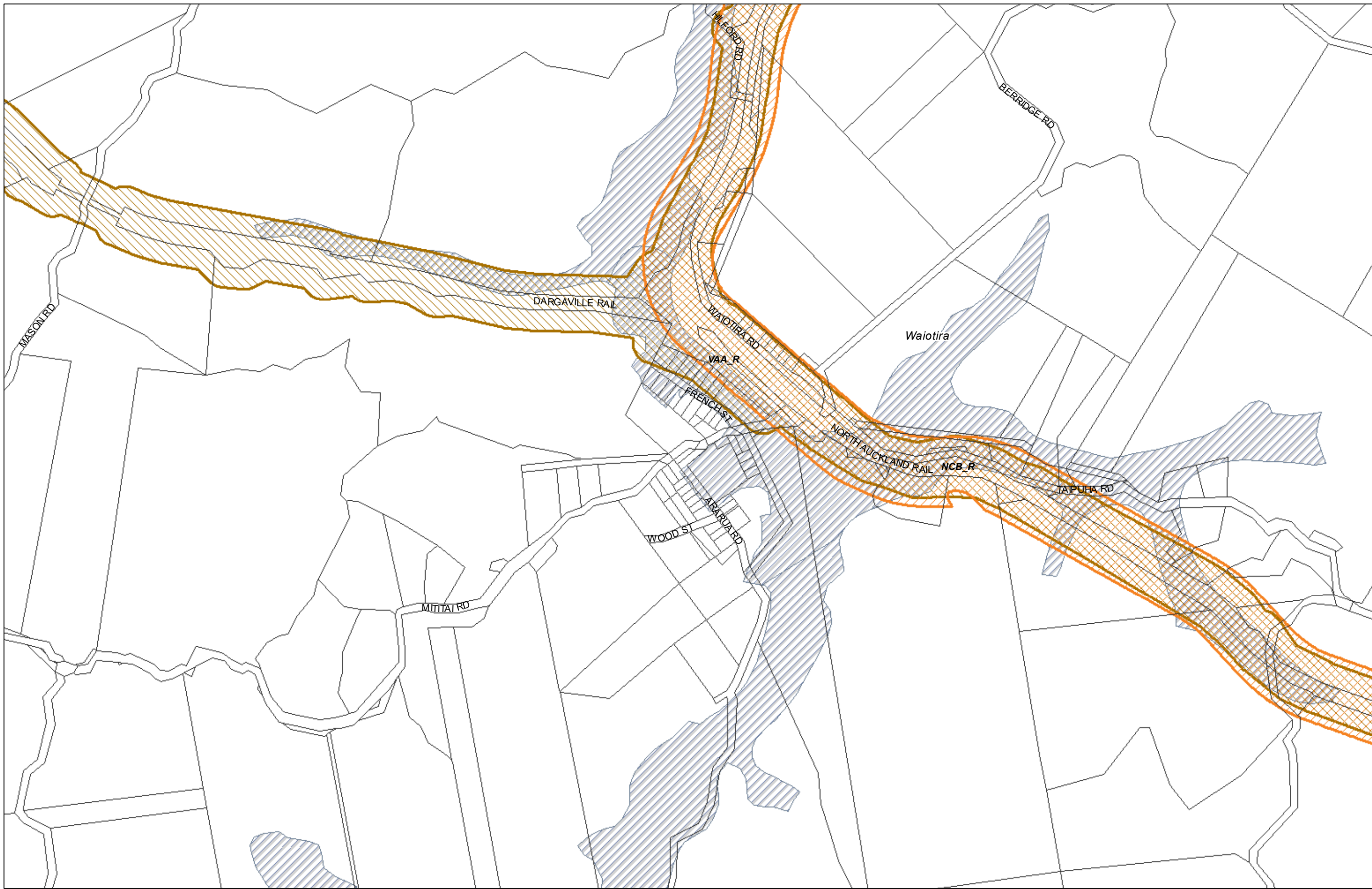
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### WHANGAREI DISTRICT COUNCIL OPERATIVE PLANNING MAP

#### Resource Areas Map 83R Mangapai

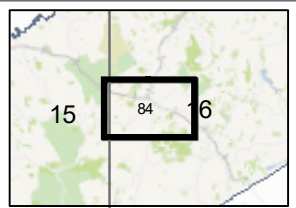
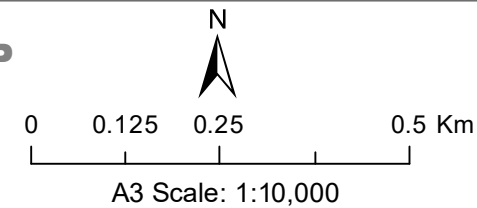


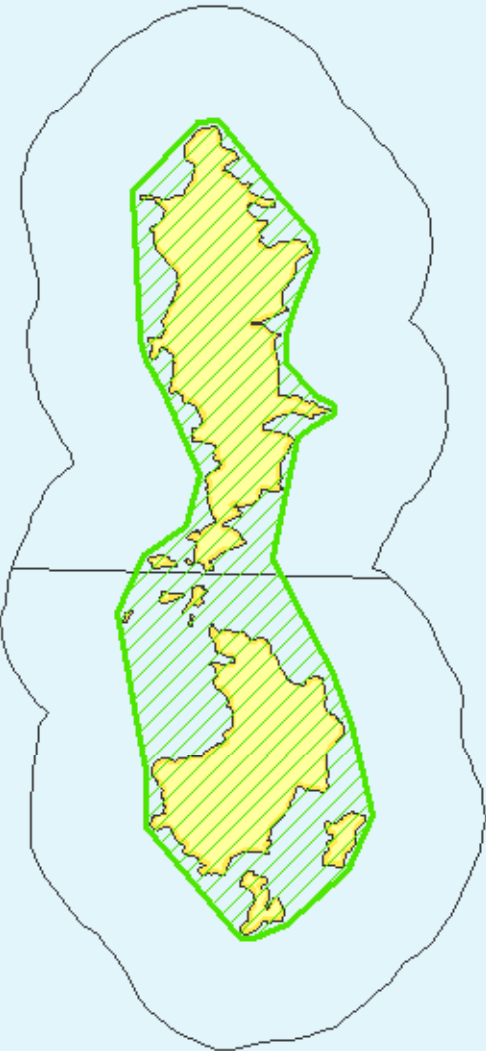




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**WHANGAREI DISTRICT COUNCIL OPERATIVE PLANNING MAP**  
**Resource Areas Map 84R**  
**Waiotira**









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## WHANGAREI DISTRICT COUNCIL OPERATIVE PLANNING MAP

### Resource Areas Map 86R Hen and Chicken Group

