

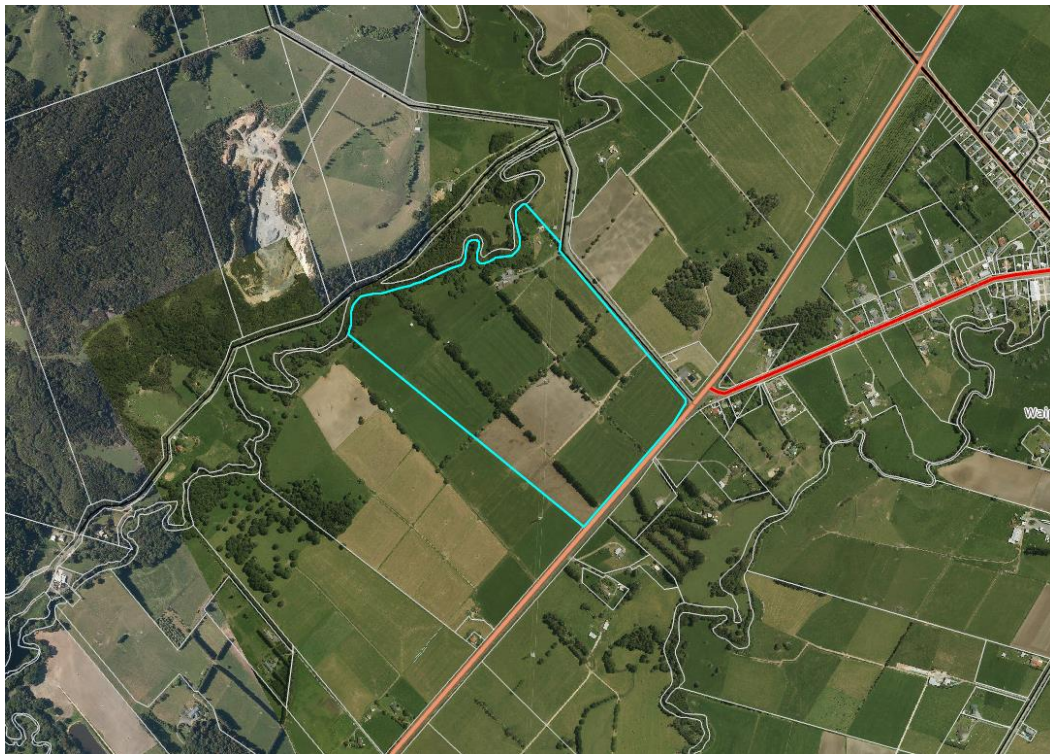


**MT HOBSON GROUP**

Town Planning & Resource Consent Solutions

# **ASSESSMENT OF EFFECTS ON THE ENVIRONMENT AND STATUTORY ASSESSMENT**

**WAIPU GATEWAY**



**47 MILLBROOK ROAD, WAIPU**

**VACO INVESTMENTS (WAIPU PROJECT) LTD**

**MARCH 2023 (UPDATED VIA SECTION 92, 20 OCTOBER 2023)**



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## APPENDICES

Appendix	Document	Author	Date
1	Certificates of Title	LINZ	30/03/23
2	Architectural Drawings (s92)	Technitrades Architecture	12/09/2023
3	Infrastructure Report(s92)	CKL Ltd	08/09/2023
3A	Civil Drawings(s92)	CKL Ltd	08/09/2023
3B	3 Waters Memorandum(S92)	CKL Ltd	10/08/2023
4	Geotechnical Report	Soil and Rock	28/11/2022
5	Landscape Plan	Landscape Architecture	30/03/2023
6	Traffic Impact Assessment	TPC Ltd	02/03/2023
6A	Traffic Appendices	TPC Ltd	02/03/2023
6B	Traffic memorandum (s92)	TPC Ltd	04/10/2023
7	Noise and Vibration Report	SLR Ltd	Feb 2023
8 – 8H	Hazardous Substances documentation	Various	
9	Lighting & Glare Report	Lumen8 Ltd	23/03/2023
9A	Lighting Plan	Lumen8 Ltd	06/12/2022
10	Economic Assessment	Urban Economics	20/03/2023
11	Archaeological Assessment	Clough & Associates	March 2023
12	Proposed Scheme Plans	Everest	30/03/2023
13	Preliminary Contamination Report	WDC	15/02/2022
14	Soil and Resource Report	Hanmore Land Management	29/05/2023
15	Transmission Lines Survey	Everest	12/10/23
16	Cultural Impact Assessment (Draft)	Patuharakeke Iwi Trust Board	June 2023
17	Authority to Modify	HPTNZ	16/06/2023
18	Landscape and Visual Assessment	Richard Knott Ltd	TBC
19	Assessment against the standards	MHG	20/10/2023



## 1. THE APPLICANT AND PROPERTY DETAILS

<b>Site Address:</b>	47 Millbrook Road, Waipu, Whangarei 0582
<b>Legal Description:</b>	<b>PT Lot 1, DP 44163, NA 26A/257</b> <b>CT attached under Appendix 1</b>
<b>Site Area:</b>	<b>31.8184 ha</b>
<b>Applicant's Name:</b>	Vaco Property (Waipu Project) Investments Ltd
<b>Statutory Plan:</b>	Whangarei District Plan Proposed Northland Regional Plan (operative in part)
<b>Zoning</b>	Rural Production
<b>Address for Service:</b>	Mt Hobson Properties Ltd PO Box 37964 Parnell Auckland 1151 <b>ATTN: Keren McDonnell</b> <b>Email: keren@mhg.co.nz</b> <b>Phone: 09 9505100</b>



## 2. INTRODUCTION

- 2.1 This assessment is provided in accordance with the requirements of Section 88 and the Fourth Schedule of the Resource Management Act 1991 (RMA). It is in support of a resource consent application for the Waipu Gateway, incorporating an initial 2 lot subdivision of the parent lot, a new BP service station, QSR and food retail, and commercial facilities at 47 Millbrook Road, Waipu. A subsequent 3 stage subdivision is proposed around the approved development.
- 2.2 The proposal requires resource consent under the provisions of the Whangarei District Plan and proposed Northland Regional Plan (operative in part). The following assessment describes the subject site, the proposed activity, and the likely effects on the environment. An analysis of the relevant provisions of the WDP and NRP and a statutory assessment of the RMA are detailed within the assessment. The applicant has requested that this application be processed on a notified basis and then approved subject to conditions.
- 2.3 The applicant seeks a 10 year consent period for the land use and subdivision activities.

### *Background*

- 2.4 The WDC acknowledges that Whangarei has been experiencing significant residential and commercial development, and that this growth has also spread to an increase of holiday homes in mainly coastal areas. The Whangarei Growth Strategy, which outlines the strategic framework for the region notes a focus on major infrastructural development within the region that will support the growth that is occurring.
- 2.5 The proposed site is well placed along the key SH1 transport route leading to the coastal settlements of Ruakaka, Lang's Beach and Waipu, as well as forming part of the wider service network associated with SH1 and the surrounding rural production land. Service infrastructure of the nature proposed will enable the tourism and rural industries to operate more effectively and provided the level of service in a location that is easily and readily accessible.
- 2.6 Initial consultation has been undertaken with Waka Kotahi (NZTA-WK) in regard to obtaining agreement in principle to access State Highway 1 in this location, with confirmation from them that the roundabout in the proposed location is an acceptable solution for access to and from SH1 and the site, in terms of public safety.





### 3. SITE AND LOCALITY DESCRIPTION

- 3.1 The proposed Waipu Gateway – Service Centre is located on the south-eastern corner a 31,7884m<sup>2</sup> site at 47 Millbrook Road, Waipu (Pt Lot 1, DP 44163 NA/26A/257). The site is located on the north-western side of State Highway 1 (known as the Waipu Bypass to Whangarei), at its intersection with Millbrook Road, and the Braigh which is a connector road to Waipu and Maungawhai Heads. The site is approximately 123 kms north of Auckland and 38km south of Whangarei.
- 3.2 The proposed development site (59,162m<sup>2</sup>) is an approximately 20% portion of a larger 34 hectare farm, currently operating as a crop and livestock farm stretching back to the Ahura River. The location of the larger site is shown in Figure 1 below.

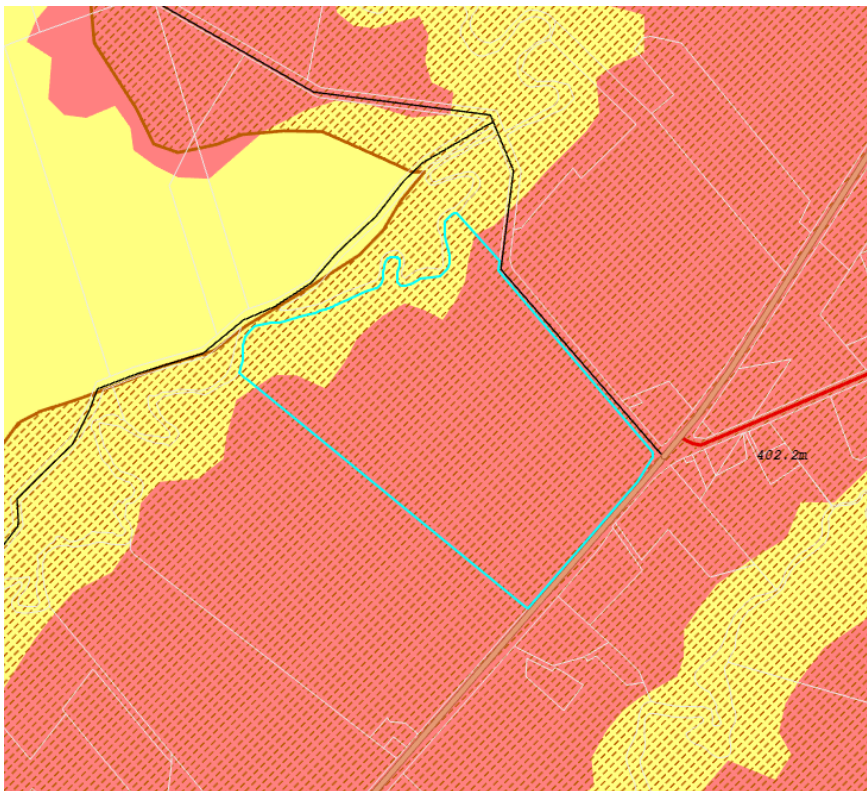


*Figure 1: Aerial photograph showing the location of the site (outlined in blue)*

- 3.3 The site is generally flat with an mRL of 10m across the site and characteristically farmland. The land is currently apportioned into large paddocks demarcated with hedging, fencing and farm tracks with some small farm buildings dotted among the existing site. An existing farmhouse is located approximately 500m from the intersection of Millbrook Road and State Highway 1.



- 3.4 The site is dissected diagonally with high tension power lines running north to the south, and there are two existing vehicle accesses to the site off Millbrook Road, and one vehicle access off State Highway 1 towards the southwest corner of the site. Existing table drains runs along the property boundary adjacent Millbrook Road and State Highway 1 connecting to NZTA-WK owned culvert asset adjacent the entrance of 3783 State Highway 1.
- 3.5 A Preliminary Geotechnical Investigation of the site has been undertaken by Soil & Rock Consultants Ltd and confirms that no geotechnical natural hazards were identified on the site that are considered an undue impediment to development of that cannot be reasonably addressed by typical engineering design and construction. The Preliminary Geotechnical Report is attached as **Appendix 4**.
- 3.6 The site is known to have acid sulphate soils and with an overlay noting it is unsuitable for effluent disposal. These hazards are shown in Figure 2 below.



*Figure 2: The site subject to acidic soils (brown dash) and unsuitability for effluent disposal (pink – high unsuitability, yellow – moderate unsuitability)*

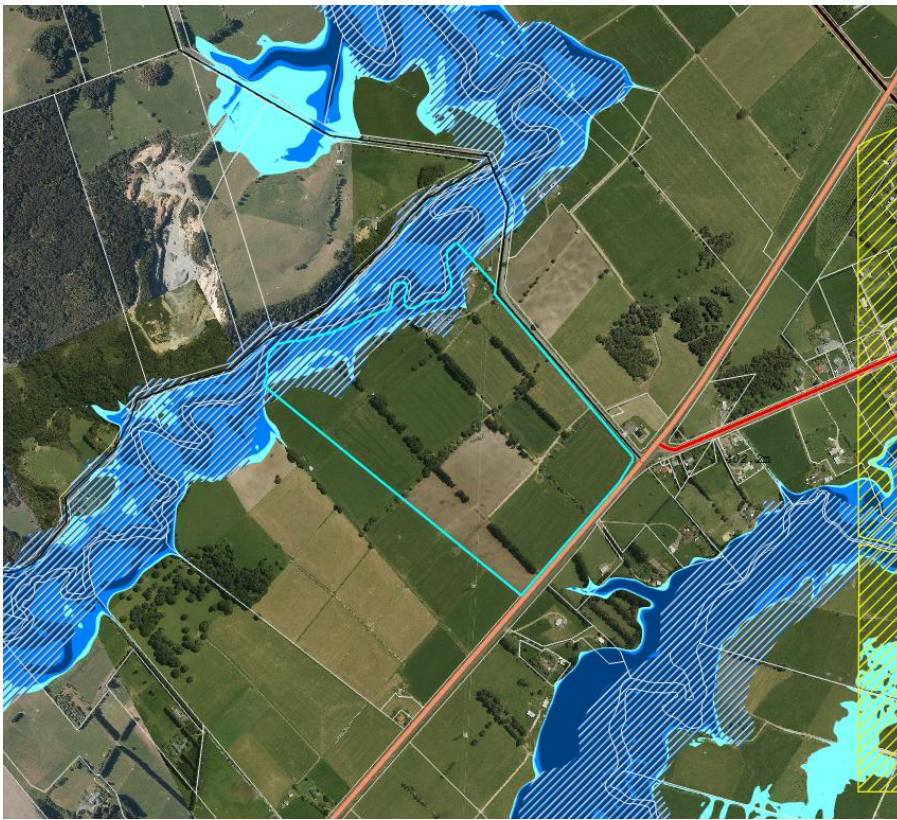
- 3.7 The northern portion of the site, adjacent the Ahuroa River is susceptible to flooding, as is the land to the south of the site adjacent the Waipu River. The location of the proposed





development itself, is not subject to flooding, however, does have an elevated groundwater level and an Overland Flow path running from the western corner of the site to east. The flooding hazards are shown on Figure 3 below and the location of the Overland Flow Path in Figure 4.

- 3.8 To the north, south and west of the site is characterised by farmland with occasional rural services (as is directly opposite at 8 Millbrook Road). Directly to east whilst farmland abuts State Highway 1, further to the east (approximately 800m) is the township of Waipu, a small rural services town located along the Waipu River, and approximately 2.6m from the coast.



*Figure 3: The site and surrounds subject to flood susceptibility.*





*Figure 4: The site and surrounds subject to Overland Flow Paths*



## 4. PROPOSAL

4.1 The proposed Waipu Gateway Service Centre, will be a multifaceted development, primarily catering for the commercial needs of the travelling public, the surrounding rural area, as well as those activities that are better placed on the fringe of Waipu than the centre.

### *Proposed Land uses*

4.2 The Waipu Gateway provides for a range of activities that are compatible with the travelling public and the wider Waipu community, within the confines of the proposed site plan 3096-H01 rev D (12/09/23) including:

- (a) light industrial/commercial activities (Building 28 and incorporating loading facilities (28A), that do not generate objectionable odour, dust or noise, including (but not limited to):
  - Marine and vehicle sales and servicing.
  - Logistics, warehousing and storage, including boat storage.
  - Rural/home suppliers.
- (b) trade and retail activities between (incorporating Buildings 1, 16, 13, 24, 19-20A, 25, 29 and 29A and necessary loading facilities and outdoor display area) compatible commercial activities, (including but not limited to):
  - service stations (Buildings 1 and areas 2-7).
  - Marine/motor vehicle sales and services.
  - Garden centres
  - farming and agricultural suppliers.
  - hire premises.
  - food retail (Buildings 16 and 19-20A) including food, wine, liquor speciality stores (cheese, honey, chocolate, wine, greengrocer)
- (c) small scale commercial services (within Buildings 16, 18, and 24) that are compatible with the travelling public and wider rural community (including but not limited to):
  - Automotive assistance and valet services.
  - Real estate agency and auction rooms.
  - Service industries.
  - Emergency services.
  - Childcare centre.

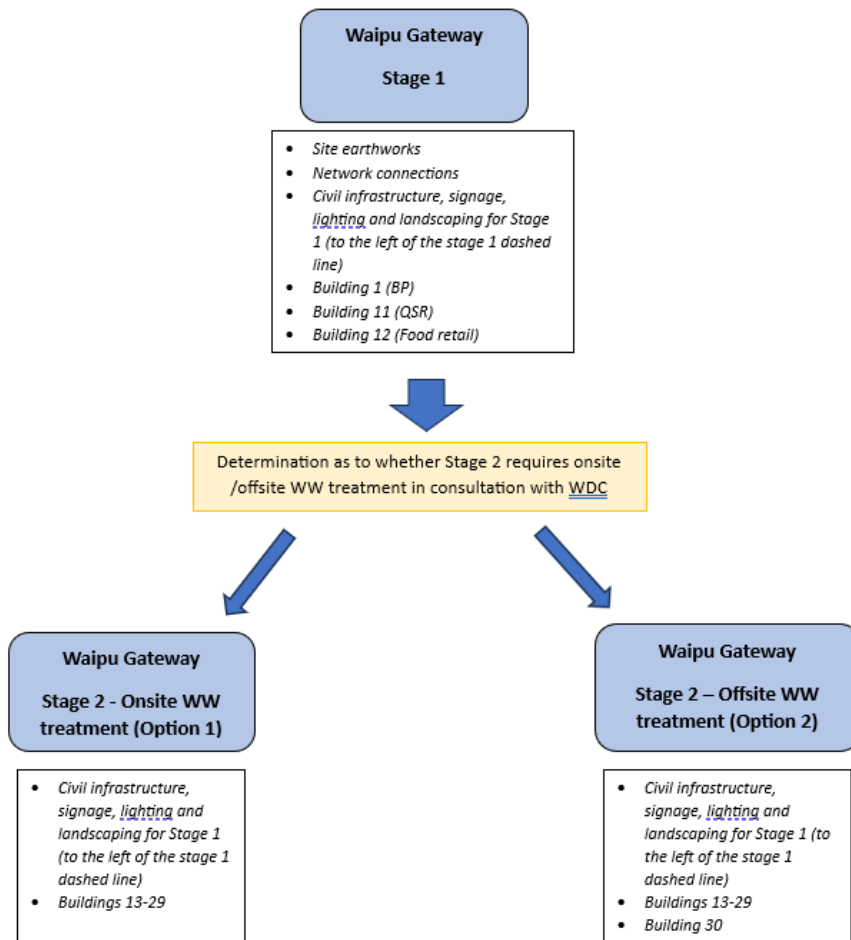


- Community welfare centre.
  - Dance/fitness studio.
  - Animal services.
  - Retail (ancillary to industrial or commercial services).
  - Towing services.
- (d) Food and beverage activities, including but not limited to:
- 2 x QSR with drive through facilities - Buildings 11, 22.
  - 3 x Café or small-scale food outlets– Buildings 12, 14, 23.
  - Food, wine, liquor speciality stores (cheese, honey, chocolate, wine, greengrocer, bakery – Buildings 16 (divided into up to 3 tenancies), Buildings 19-20A.

4.3 The proposed drawings for the development are attached to this application in **Appendix 2**.

### Staged Development

4.4 It is proposed to stage this development as follows:





- 4.5 The proposed staging of the development has been predicated on the financing of the development and the need to provide suitable wastewater fields for the onsite management of waste. The subdivision is also staged around the same process.
- 4.6 Stage 1 of the development includes the site earthworks, connections for networks and civil infrastructure, as well as the development of the BP service station, and QSR and food retail premises in Buildings 11 and 12.
- 4.7 Within Stage 2 of the development, two potential options for wastewater treatment exist, namely onsite wastewater management (option1) and connection to a potentially “upgraded” wastewater system (option2). Option 2 would allow for additional gfa within Building 28 and the additional Building 30, as a second wastewater field would not be required to be accommodated on site.
- 4.8 The layout for Stage 2, Options 1 and 2 are shown on the Drawing 3096 H00 Rev D, 12/09/23 in **Appendix 2**
- 4.9 In summary the proposed buildings and their respective gross floor areas for both Options 1 and 2 are set out in the table below:

OPTION 1			OPTION 2		
STAGE 1			STAGE 1		
Building 1 (BP)	Wet Retail	305	Building 1 (BP)	Wet Retail	305
Building 11 (BK)	Wet Retail	260	Building 11 (BK)	Wet Retail	260
Building 12 (Food)	Wet Retail	148	Building 12 (Food)	Wet Retail	148
<b>Option 1 - Stage 1 Total</b>		<b>713</b>	<b>Option 2 - Stage 1 Total</b>		<b>713</b>
STAGE 2			STAGE 2		
Building 13	Wet Retail	408	Building 13	Wet Retail	408
Building 14	Wet Retail	113	Building 14	Wet Retail	113
Building 16	Dry Retail	1170	Building 16	Dry Retail	1170
Building 18	Dry Retail	296	Building 18	Dry Retail	296
Building 19, 19A	Dry Retail	180	Building 19, 19A	Dry Retail	180
Building 20, 20A	Dry Retail	249	Building 20, 20A	Dry Retail	249
Building 22	Wet Retail	260	Building 22	Wet Retail	260
Building 23	Wet Retail	148	Building 23	Wet Retail	148
Building 24	Dry Retail	294	Building 24	Dry Retail	294
Building 25	Dry Retail	500	Building 25	Dry Retail	500
Building 28	Dry Retail	1648	Building 28	Dry Retail	2228
Building 29	Dry Retail	930	Building 29	Dry Retail	930
			Building 30	Dry Retail	1341
<b>Option 1 - Stage 2 Total</b>		<b>6196</b>	<b>Option 2 - Stage 2 Total</b>		<b>8117</b>
<b>OPTION 1 - TOTAL</b>		<b>6909</b>	<b>OPTION 2 - TOTAL</b>		<b>8830</b>

### Proposed Service Station

- 4.10 The proposed service station includes the refueling structure, forecourts and associated manoeuvring areas for both cars and trucks (noted as Areas 1 –9 on the Proposed Site Plan





3096-H01-Rev D). Full details of the proposal are shown in the drawings attached as **Appendix 2**.

4.11 In particular, the proposal includes:

- Eight inline fueling stations for cars. This comprises two dispensing stations in a row, each capable of fueling to both sides. This gives four lines of fuel dispensing equipment with cars in eight lanes either side of the fuel dispensing equipment. Because there are two fuel dispensers in a row, 16 vehicles can be fueled at any one time.
- A 470m<sup>2</sup> canopy over the fuel facilities;
- A 305m<sup>2</sup> single storey fuel kiosk which will include the normal facilities at a petrol station including payment and dispensing facilities, coffee and basic food and convenience products, vehicle related products such as oils and windscreen cleaning, and customer toilets.
- Two major truck refueling facilities each able to dispense to both sides of the facility. This gives accommodation for four truck and trailer units to be fueled at any one time.
- A holding area for vehicles and truck and trailer units prior to entering the fueling facility.
- A 4 bay holding area for truck and trailer units who have fueled but want to rest up or utilise the other facilities at the centre.
- Underground fuel storage tanks (separate for the car and truck refueling points).
- 3 charging stations are anticipated to be provided for the charging of electric vehicles (including both cars and trucks) with additional capacity to be considered over time.
- Associated parking and manoeuvring areas.
- 24/7 operation of the service station and QSR food outlets.
- Buildings, materiality, and signage (both free standing and façade signs) will be similar to other BP Service Stations.
- The Service Station and Truck stop will be lit to enable 24 hour operation.

#### Food and Beverage Outlets

4.12 In addition to the service station, the applicant proposes food and beverage outlets (including their ancillary servicing and carparking) towards the centre of the site within a number of separate single storey buildings (noted as Areas 11, 12, 14, 22 and 23) on the Proposed Site



Plan 3096-H01-Rev D ). As no agreement has been entered into with a QSR provider, the proposal is generic at present, however the location of the buildings, the drive through layout and the positioning of signage is outlined in the drawings in **Appendix 2**. In particular:

- Two fast-food QSR restaurant of 260m<sup>2</sup> gross floor area (e.g. Burger King, McDonalds type restaurant) noted as Area 22 and 11 towards the north-western boundary of the proposed site. These restaurants are located close to the service station and other outlets and provides for a separate drive-through facility and associated car parking; Drive through restaurants will be operational 24 hours, with servicing/deliveries occurring within those hours.
- Two x 148m<sup>2</sup> café (e.g. Starbucks, Sierra type cafes) noted as Area 23 and 12 which are intended to offer a broad range of food and beverage products to the travelling public with walk in access only, and associated car parking.
- A 113m<sup>2</sup> café (e.g. Independent provider) noted as Area 14, which is intended to offer a broad range of food and beverage products to the travelling public with walk in access only.
- All buildings will be single storey, with large portions of their frontages glazed.
- Signage will be static attached to the facades, either internally lit or using façade mounted LEDS. Standalone signage and display plinths will be incorporated into the drive through facilities.
- Cafes will be operational 7am – 6pm, with servicing/deliveries occurring outside of those hours.
- Each food outlet will have dedicated food preparation, servicing and refuse collection areas.

### Food Retail

- 4.13 The 1000m<sup>2</sup> gfa + 170m<sup>2</sup> mezzanine (potentially divided into three tenancies) together with associated carparking will be contained Area 16 toward the southwest of the site. Dedicated servicing for deliveries will be to the east of the building, and dedicated carparking to the west. An additional four food retail tenancies are provided in Area 19-20A.
- 4.14 The food retail outlets will be open to the public 7 days, between the hours of 7am – 10pm with servicing and restocking activities occurring outside of those hours.
- 4.15 As no agreement has been entered into with food retail providers, the proposal has been kept generic at present, however the location of the building, service areas, carparking and signage is outlined in the drawings contained within **Appendix 2**.



## Other Commercial Activities

- 4.16 Six proposed locations on the site will cater for retail and commercial services, including (but not limited to) speciality retail shops and showrooms, and professional, commercial and/or rural services. All commercial activities are seen as catering for the surrounding rural/residential environment as well the wider travelling public (e.g., vehicle sales and servicing, real estate agencies, garden centre and general retail).
- 4.17 Whilst no formal agreements have been entered into with retail and service providers, the location of the proposed buildings are shown noted as Areas 13, 19-20A, 25, 28 and 29 on the Proposed Site Plan, with item 29A being allocated to outdoor display with the proposed plans. Ancillary carparking and the necessary loading spaces are also provided.
- 4.18 If developed Building 30 (provided in Stage 2 – Option 2) will cater for logistics, storage, yard, boat, car automotive sales and servicing or rural home supplies, with associated loading facilities. The proposed building will be located in the northern corner of the site and will replace the proposed wastewater field WW04 (provided in Stage 2 – Option 1). Building 28 also becomes larger in Stage 2 – Option2.

## Earthworks

- 4.19 Bulk earthworks are required on site to install the fuel tanks and separator tanks as well as the general land disturbance to level the site and provide for building platforms and onsite wastewater and stormwater treatment, and to accommodate existing Overland Flow Paths. In general, a total of 24,800m<sup>3</sup> of cut and fill is required over an area of 5.92ha. A cut and fill plan has been prepared for the application and is contained within the Civil Drawing set contained in **Appendix 3A**.
- 4.20 In addition, to stabilise the ground for proposed building platforms, additional clean fill from a variety of locations will be required to be ‘preloaded’ on site. The details and location of this proposed preloading is shown on the Civil Drawing set attached as **Appendix 3A**. Where suitable stripped topsoil from the development area will be stockpiled on site and reused for the proposed landscape works.
- 4.21 Full erosion and sediment control procedures to be implemented throughout the earthworks phase of the development are set out in Erosion and Sediment Control Plan (ESCP) prepared by CLK. The ESCP has been prepared in accordance with GD05 and Whangarei District Council guidelines.



## Infrastructure and Servicing

- 4.22 There is limited existing infrastructure within the site consistent with a low intensity farming operation. The proposal necessitates new infrastructure to service the site and the proposed Service Centre, including provision of water tanks, stormwater ponds and swales and wastewater fields. These are as located on the Civil Drawings in **Appendix 3A**. Details of the proposed infrastructure and servicing are also contained within the Infrastructure Report in **Appendix 3** to this AEE, and are summarised below:

### *Stormwater*

- 4.23 A private stormwater network (including treatment and conveyance swales and two attenuation ponds) is proposed to be installed on site to service the proposed development and ultimately manage the discharge of stormwater to the existing table drains adjacent the site and then to the existing culvert located adjacent the entrance to the property at 3783 State Highway 1. The SW01 pond discharges to the culvert going north under Millbrook Road. The SW02 pond is proposed (subject to detailed design) to accommodate the stormwater from the BP, entrance to the site and buildings and parking areas 11 and 12, 22 and 23 as Stage 1 of the proposed development.
- 4.24 The proposed private stormwater network onsite has been designed to have capacity for a 5year and 100year ARI events inclusive of predicted climate change as is required of all public drainage within the Whangarei District. In locations where the stormwater runoff is captured by grass swales, the swale has been designed to convey design flows from the 100-year ARI storm event.
- 4.25 The stormwater quality treatment on site has been designed in accordance with TP10 with a treatment train approach to ensure that the water discharged from site will achieve a minimum of 75% TSS removal. Stormwater runoff generated from the site will generally be pre-treated within the swale prior to discharge to a dual purpose stormwater attenuation pond within the development area.
- 4.26 The WDC Environmental Engineering Standards set a requirement to attenuate the post-development 100- year stormwater runoff flow back to 80% of the pre-development runoff flow. A stormwater peak runoff analysis in accordance with TR55 has been developed for this site to calculate the attenuation volume and flow restriction required to support the proposed development.





- 4.27 The treated stormwater runoff generated from the site will be controlled by outlet structures in the ponds and discharged into the existing road swale along the SH1 boundary and Millbrook Road. The outlet structures will be designed to attenuate not only for the 100-year event, but also to attenuate for the 5-year event to the requirements of Council.
- 4.28 Works are required within the WK-NZTA corridor including bridging the table drains and constructing appropriate diversions to enable the construction of the proposed off ramp/SH 1 access to the site. Specific details of these works will be subject to approval from the WK/NZTA and building consent.

### *Wastewater*

- 4.29 The system will consist of a centralized, modular treatment plant which can be adapted for flow and strength of wastewater, pending the type of commercial activity on site and can be trimmed based on occupancy in order to achieve the desired effluent quality. The Innoflow modular system can be added to in stages as different parts of the site are developing. The primary treatment will be undertaken by via specialised septic tanks and a secondary treatment via drip lines discharging the treated wastewater into the denoted disposal area. The disposal area has been sized based on TP58, with imported fill to create a 600mm minimum separation from existing ground.

4.30 Further details of the proposed wastewater system are provided within the Infrastructure Report, Civil Drawing and 3 Waters Memorandum in **Appendix 3 – 3B**.

### *Water supply*

- 4.31 Detailed design for potable water supply will be undertaken as part of the Engineering Approval process and will consider connections to reticulated systems and/or rainwater harvesting.
- 4.32 There is an existing 375mm trunk watermain network located on Millbrook Road, servicing the existing farm, and a new metered connection point will added to it to service the development is the applicant's preferred option, and one that will require further discussion with WDC to understand peak demands and current capacity. As an alternative, the applicant may also consider connection to the 150mm watermain available at the Braigh, or undertake onsite rainwater harvesting.
- 4.33 Regarding firefighting supply, Technitrades Ltd has confirmed that all buildings on site shall be installed with sprinklers in accordance with Building Code. Flow rates are yet to be tested but



will be so as part of the Engineering Approval stage at Building Consent stage. A fire hydrant will be installed on the site boundary connection to provide for required firefighting services.

### Network Utilities

- 4.34 The proposal will provide new power supply (North Power) and telecommunication services (Chorus) in accordance with the requirements for a commercial development of this nature. Adequate provision for connection to both of these networks is expected due to the proximity of existing utilities to the site. Details will be confirmed, and any upgrades required, will be delivered in coordination with the relevant utility suppliers.

### Landscaping

- 4.35 Comprehensive landscaping is proposed as a form of visual screening on the site and planting of the internal areas to create visual amenity and softening of built form. The proposed landscaping concept is attached to this application in **Appendix 5** and details the type, location and species of the planting to occur on site.

### Site Access

- 4.36 Given the site's position adjacent to a major state highway, access into the site is proposed via a new roundabout allowing access to the site from the north and from the south.. Consultation has been undertaken with Waka Kotahi (NZTA-WK), which determined that the provision of a roundabout in the proposed location was considered acceptable in principle from a roading network perspective.
- 4.37 To assist the application, a Traffic Impact Assessment has been prepared and is attached to this application in **Appendix 6 – 6B**.

### Lighting

- 4.38 Lumen8 Ltd have prepared a lighting concept design and determine compliance or otherwise with the requirements of the District Plan. The Lumen8 Lighting Assessment is included as **Appendix 9 – 9A** to this report.
- 4.39 The lighting design excludes any existing light contribution from the adjoining state highways and does not include lighting of building façades and outdoor self-illuminated signage which will be designed by others to comply with the District Plan requirements. A brief summary of proposed lighting concept is set out below, noting that exact quantities of lighting and specific lighting elements will be subject to further detailed design and staging:



## *Car park and vehicle circulation areas*

- A total of 64 x area light mounted on 47 x 8m columns located throughout the site, and 4 x 10m columns on the access road. Each light is designed to deliver lighting into the site without spilling into the surrounds and will be installed with no horizontal tilt. The columns and luminaries will generally be light coloured (plain galvanised or painted) to present a recessive appearance during the day.

## *Pedestrian crossing*

- Each pedestrian crossing location will be highlighted by a nearby luminaire.

## *Disabled parking bays*

- Will be lit to a higher level than surrounding car park and circulation elements, in accordance with the relevant standards. Dark coloured columns and lights mounted at 8m will retain consistency of appearance with the wider lighting scheme.

## *Fuel pump canopy*

- The area under the fuel pump canopy is lit to a higher level than the surrounding forecourt, carpark and circulation elements, being lit to an average of approximately 300 lux in accordance with the recommendations in AS/NZS1680. All light is directed downwards to the forecourt.

- 4.40 The lighting concept design has been prepared to comply with the District Plan requirements and the relevant lighting standards. Final lighting details will be provided at building consent stage, and the applicant proffers a condition of consent such that full and final lighting details and compliance with those relevant standards are confirmed prior to installation of the lighting elements.

## Contaminated Land

- 4.41 An initial Contaminated Site Search has been received from WDC and is attached as **Appendix 13** to this application. This report concludes that the site has no record of being subject to potential contamination from past activities.

## Construction Traffic and Noise

- 4.42 Construction on the site will devolve into two core aspects. The first is the general earthwork required to create the development platform for the entire Waipu Gateway service centre



and the reconfigured ground contours across the site for wastewater and stormwater management areas. The second is the development of the buildings themselves, including the associated access and parking areas.

- 4.43 The proposed construction works will generate additional vehicle movements from trucks and other vehicles, and an increase to noise during the construction period which will require some management. This is no different to what would normally be expected of a construction project of this size.
- 4.44 SLR Consulting Ltd have confirmed in their Noise and Vibration Report (attached as **Appendix 7** to this AEE) that construction will be on a commercial scale and that normal construction practices and working hours will be utilised. The report concludes that provided that any construction near the boundaries of the site is undertaken with consideration, construction should generally comply with the relevant limits in NAV6.2.
- 4.45 All construction operations will occur during daylight hours, with the majority of proposed earthworks to be undertaken during the summer months. Given that the earthworks will take place totally within the site, there is little anticipated impact on the roading network. No rock breaking is anticipated.
- 4.46 Normal dust suppression methods will be put in place during bulk earthworks. The erosion and sediment control measures will control sedimentation. Pasture and other areas will be quickly re-established.
- 4.47 The applicant supports a condition of consent requiring a Construction Management Plan be prepared, setting out suitable processes to ensure that the effects of construction on the site, including traffic management, dust and noise abatement are managed effectively.

#### Hazardous facilities storage

- 4.48 The development proposes to install underground tanks on site, holding 2 x 50KL tanks, one 30KL tank and one 70 KL tank. The tanks will store diesel and unleaded fuel (95, 91 and 98). The location of the proposed tanks are shown in **Appendix 2**. Approval in principle under the Hazardous Substances and New Organisms Act (HSNO) is attached to this application in **Appendix 8** along with the safety data sheets for the fuel and diesel to be stored on site. The Construction and Operational Emergency Management Plans prepared by BP for their sites are attached in **Appendix 8**.





## Heritage Matters

- 4.49 The 47 Millbrook site is subject to an archaeological site (Q08/652), the site of historic artefacts associated with the McGregors Blacksmiths shop. An Archaeological Report is attached as **Appendix 11** to this report.
- 4.50 An application to modify an existing archaeological site has been sort and granted by HPTNZ and is attached as **Appendix 17** to this report.

## Subdivision

- 4.51 To facilitate this project, it is proposed to undertaken an initial 2 lot subdivision of the parent site (31.8184ha) from the smaller 59,162m<sup>2</sup> lot and then facilitate the development of Waipu Gateway Service Centre.
- 4.52 A subsequent 3 stage subdivision is proposed around the consented development and comprises:
- Stage 1 which includes the creation of Lots 1-3, 11, Balance Lot 20 and Lot 50 (Road to Vest) around the development of the roundabout and access and road, the BP petrol station and the development of the two QSRs and cafes (Buildings 11 and 12, and 23 and 24) and associated carparking, as well as Stormwater Pond SW02 and Wastewater ponds adjacent the stage 1 buildings;
  - Stage 2 will include the creation of Lots 4-5, 10 and the balance Lot 30 around the development of Buildings 13, 14 and 24 and Stormwater Pond SW01;
  - Stage 3 will include the creation of Lots 6-9 around Buildings 16-20A, 25, 28 and 29 (and 30 if required).
- 4.53 The initial 2 lot subdivision and the subsequent staged subdivision around an approved development are shown on the Proposed Scheme Plan in **Appendix 12** attached to this report. The necessary legal instruments to give effect to the subdivision are noted on the proposed Scheme Plan.

## Farm operation

- 4.54 Approximately 20% of the 31.8 ha site will accommodate the proposed Waipu Gateway, while the remainder of the landholding will remain in pastoral farming (largely for low intensity farming activity). This area will be re-fenced and reconfigured for appropriate farm practices.



- 4.55 I understand that the existing farm is not being farmed in a manner that would consider it highly productive or intensive land use, and therefore the loss of a portion of the farm to the service centre is not likely to adversely affect the financial viability of the farming operation.
- 4.56 I also understand that the existing farmhouse to the north of existing Pt Lot 1, DP44163 will be retained in its current configuration and will remain as a farm dwelling.

#### Consent Timeframe

- 4.57 In accordance with section 125 of the RMA, the applicant seeks a 10 year timeframe for the lapse of any land use and subdivision consent, from the dated the resource consent is granted.



## 5. RULES ASSESSMENT AND REASONS FOR CONSENT

### Whangarei District Plan

5.1 Under the Whangarei District Plan the site is located within the Rural Production Zone (RPROZ). As noted previously the wider site is subject to the Flood susceptibility overlay (although the proposed development is well away from this area) and is also identified as an area with acid sulphate soils and unsuitability to effluent disposal.

5.2 The following reasons for consent are sought under S9, S11 and S15 of the RMA.

#### *Land Use – Rural Production Zone*

5.3 Pursuant to **Rule RPROZ-R10** resource consent is required as a **discretionary** activity for commercial activities that do not comply with the permitted activity standards of the Rural Production Zone (RPROZ). An assessment of all of the standards for the Rural Production zone and their non-compliance is provided in Table 1 of **Appendix 19**.

5.4 Pursuant to **Rule RPROZ-R4** resource consent is required as a **discretionary** activity for buildings that do not comply with the permitted activity standards of the Rural Production Zone (RPROZ). In this case Building 25 will be within the 8m yard of the proposed boundary. An assessment of all of the standards for the Rural Production zone and their non-compliance is provided in Table 1 of **Appendix 19**

5.5 Pursuant to **Rule RPROZ-R4** resource consent is required as a **discretionary** activity for buildings that do not comply with the permitted activity standards of the Rural Production Zone (RPROZ).

#### *Works within Transpower Lines (Critical Electrical Lines)*

5.6 Pursuant to **Rule CEL-R2**, a resource consent is required for a **restricted discretionary** activity for subdivision within 32 m of the centre line of a CEL.

5.7 Pursuant to **Rule NTW-R8**, a resource consent is required for a **restricted discretionary** activity for a subdivision within 32m of the centre line of the CEL.

#### *Hazardous Substances*

5.8 Pursuant to **Rule HSUB-R1**, resource consent is required as a **discretionary** activity for the use, storage or on-site movement of hazardous substances in the Rural Production Zone, that does not meet the conditions for permitted activities in Appendix 8 of the Whangarei District Plan.



## *Transport*

- 5.9 Pursuant to **Rule TRA-R15 and TR-R16**, resource consent is required as a **restricted discretionary** activity for new activity that exceeds the carparking limits and sites thresholds limits of TRA Appendix of the WDP.
- 5.10 Pursuant to **Rule TRA-R17 and 18**, resource consent is required as a **restricted discretionary** activity for any major roading alteration to an existing public road and the construction of a public road.

## *Three waters management*

- 5.11 Pursuant to **Rule TWM-R2**, a resource consent is required as a **restricted discretionary** activity for the collection, treatment and disposal of stormwater associated with a subdivision in the Rural Production zone.
- 5.12 Pursuant to **Rule TWM-R3**, a resource consent is required as a **restricted discretionary** activity for the collection, treatment and disposal of wastewater associated with a subdivision in the Rural Production zone.
- 5.13 Pursuant to **Rule TWM-R4**, a resource consent is required as a **restricted discretionary** activity for the provision of or connection to a water supply associated with a subdivision in the Rural Production zone.

## *Earthworks*

- 5.14 Pursuant to **Rule EARTH-R1**, a resource consent is required as a **restricted discretionary** activity for earthworks associated with subdivision that does not complies with the standards for a controlled activity in the Rural Production Zone.

## *Artificial Lighting*

- 5.15 Pursuant to **Rule LIGHT-R7**, a resource consent is required for a **controlled activity** for artificial lighting provided for all roads created by a subdivision.

## *Noise and Vibration*

- 5.16 Pursuant to **Rule NAV7.7**, a resource consent for a **discretionary** activity is required for an activities that does not meet the noise and vibration permitted activity provisions of NAV6.1.

## *Signs*



- 5.17 Pursuant to **Rule SIGN-R2**, a resource consent for a **restricted discretionary** activity is required for any sign visible beyond the site on which it is located.
- 5.18 Pursuant to **Rule SIGN-R4**, a resource consent for a **restricted discretionary** activity is required for signs that do not meet the permitted activity standards in the Rural Production Zone.
- 5.19 Pursuant to **Rule SIGN-R20**, a resource consent for a **discretionary** activity is required for illuminated signs that are visible from beyond the site boundary in the Rural Production Zone.
- 5.20 Pursuant to **Rule SIGN-R21**, a resource consent for a **restricted discretionary** activity is required for consolidated sign installations.

#### *Subdivision (s11)*

- 5.21 Pursuant to **Rule SUB-R2**, a resource consent is required as a **controlled** activity for the proposed two lot subdivision of the underlying parent lot where appropriate infrastructural connections are proposed.
- 5.22 Pursuant to **Rule SUB-R2.2**, a resource consent is required for a restricted discretionary activity where the land containing existing buildings results in a non-compliance with the relevant zone permitted activity standards.
- 5.23 Pursuant to **Rule SUB-R15**, a resource consent is required as a **non-complying** activity for a subdivision on land where the proposed allotments have a minimum net area < 20 ha in the Rural Production Zone.

#### **Proposed Regional Plan**

#### *Discharges (s15)*

- 5.24 Pursuant to Rule **C6.2.2**, the discharge of treated wastewater from a wastewater network onto land and the associated discharge of odour requires a resource consent for a **discretionary** activity;

#### *Land use and Disturbance activities (S9 and S15)*

- 5.25 Pursuant to **Rule C8.3.1**, earthworks that exceed 5000m<sup>2</sup> of exposed earth at any time requires a resource consent for a **controlled** activity;





## *Permitted Activities*

- 5.26 Pursuant to **Rule C6.4.2**, no resource consent is required the diversion and discharge of stormwater onto land where it may enter water from an impervious area or by way of a stormwater collection is a permitted activity provided it meets the standards of C6.4.2,
- 5.27 Pursuant to Rule **C8.2.1**, no resource consent is required for the land preparation and any associated damming, diversion of discharge of stormwater as this is a permitted activity provided it meets the standards of C8.2.1
- 5.28 Pursuant to Rule C4.11, no resource consent is required for the discharge and diversion of groundwater associated with fuel tank installation as this is a permitted activity provided it meets the conditions of C4.1.9 *Land drainage and flood general conditions* – otherwise this requires consent as a discretionary activity.

## **National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (NES Soil)**

- 5.29 Initial inquiries to WDC regarding potential contaminants on site confirm that the site is unlikely to have been subject to potential contamination and no previous HAIL activities are noted on the site. As such, no consent under the NES Soil is required for this development.

## **Overall Activity Status**

- 5.30 A resource consent is required from Whangarei District Council as a **non-complying** activity and from Northland Regional Council as a **discretionary** activity. Overall, resource consent is required for a **non-complying** activity.



## 6. RELEVANT ASSESSMENT CRITERIA AND MATTERS OF DISCRETION

6.1 Whilst consent is required as a non-complying activity, many of the reasons for consent are restricted discretionary and controlled activities, with corresponding assessment criteria and matters of discretion. These matters will form the basis of the assessment of effects set out in Section 6 and are therefore set out in the following tables.

<b>RULE/ACTIVITY</b>
<b>CEL-R2 Subdivision</b>
<b>MATTERS OF DISCRETION</b>
<ol style="list-style-type: none"><li><i>The safe and efficient operation and maintenance of the electricity supply network, including:<ol style="list-style-type: none"><li><i>The use, design and location of buildings and major structures (excluding minor buildings); and</i></li><li><i>The mature size, growth rate, location and fall zone of any associated tree planting, including landscape planting and shelterbelts; and</i></li><li><i>Compliance with NZECP 34:2001; and</i></li><li><i>Effects on public health and safety;</i></li><li><i>Effects on access to CEL's designated substations and associated infrastructure for maintenance purposes.</i></li></ol></i></li></ol>
<b>RULE/ACTIVITY</b>
<b>NTW-R8 Subdivision of Land which within 20m of the Centreline of the Critical Electricity Line (Category 1)</b>
<b>MATTERS OF DISCRETION</b>
<ol style="list-style-type: none"><li><i>The safe and efficient operation and maintenance of the electricity supply network, including:<ol style="list-style-type: none"><li><i>The use, design and location of buildings and major structures; and</i></li><li><i>The mature size, growth rate, location and fall zone of any associated tree planting, including landscape planting and shelterbelts; and</i></li><li><i>Compliance with NZECP 34:2001; and</i></li><li><i>Effects on public health and safety;</i></li><li><i>Effects on access to CEL's designated substations and associated infrastructure for maintenance purposes.</i></li></ol></i></li></ol>
<b>RULE/ACTIVITY</b>
<b>TRA-R15 Activities that exceed the Threshold Limits in the Rural Production Zone</b>
<b>MATTERS OF DISCRETION</b>
<ol style="list-style-type: none"><li><i>Effects on the sustainability, safety, efficiency, effectiveness and accessibility of the affected transport network, including cumulative effects from incremental changes to the activity on the site or sites.</i></li><li><i>Required improvements, alterations or extensions to the affected transport network to mitigate adverse effects (including at level crossings).</i></li><li><i>The need for pedestrian and cyclist connections to nearby destinations.</i></li><li><i>Adverse effects on streetscape and amenity.</i></li><li><i>The location, design, scale and intensity of the proposed activity in relation to its effects on the affected transport network.</i></li></ol>



6. <i>Demonstrated characteristics of the activity or proposal which result in low traffic generation relative to size or scale of the activity.</i>
7. <i>Recommendations and proposed mitigation measures of the Integrated Transport Assessment and any further information provided through the consent process</i>
<b>RULE/ACTIVITY</b>
<b>TRA-R18 Major Roading Alteration to an Existing Public Road</b>
<b>MATTERS OF DISCRETION</b>
1. <i>The provision, design and construction of the road or service lane.</i>
2. <i>Effects on the sustainability, safety, efficiency, effectiveness and accessibility of the transport network.</i>
3. <i>Streetscape, urban design, and amenity effects of the transport infrastructure.</i>
4. <i>Provision and encouragement of active and public modes of transport.</i>
5. <i>Integration with surrounding land uses and transport infrastructure.</i>
6. <i>Recommendations and proposed mitigation measures of the Integrated Transport Assessment and any further information provided through the consent process.</i>
<b>RULE/ACTIVITY</b>
<b>TWM-R2 Stormwater associated with Subdivision</b>
<b>MATTERS OF DISCRETION</b>
1. <i>Adverse effects on existing reticulated stormwater networks.</i>
2. <i>The capacity of existing reticulated stormwater networks and whether the servicing needs of the proposal require upgrades to existing infrastructure.</i>
3. <i>Feasibility of connection to and logical extension of the existing reticulated stormwater networks.</i>
4. <i>Adverse effects on the surrounding environment and neighbouring properties from the collection, treatment, and disposal of stormwater.</i>
5. <i>The efficient provision of services to the land being subdivided and to nearby land that might be subdivided in the future.</i>
6. <i>The appropriate level of attenuation within the allotment based on surrounding and downstream flooding risks.</i>
7. <i>The ability of the stormwater system to ensure that the peak discharge flow rates from the allotment are not increased beyond the levels that exist prior to the proposed subdivision and future land uses (except in circumstances where that is not appropriate).</i>
<b>RULE/ACTIVITY</b>
<b>TWM-R3 Wastewater associated with Subdivision</b>
<b>MATTERS OF DISCRETION</b>
1. <i>Adverse effects on existing reticulated wastewater networks.</i>
2. <i>The capacity of existing reticulated wastewater networks and whether the servicing needs of the proposal require upgrades to existing infrastructure.</i>
3. <i>Feasibility of connection to and logical extension of the existing reticulated wastewater networks.</i>
4. <i>Provision of wastewater collection, treatment, and disposal.</i>
5. <i>Adverse effects on the surrounding environment and neighbouring properties from the collection, treatment, and disposal of wastewater.</i>
6. <i>The efficient provision of services to the land being subdivided and to nearby land that might be subdivided in the future.</i>
<b>RULE/ACTIVITY</b>
<b>TWM-R4 Water Supply associated with Subdivision</b>
<b>MATTERS OF DISCRETION</b>
1. <i>Adverse effects on existing reticulated water supply networks.</i>



2. *The capacity of existing reticulated water supply networks and whether the servicing needs of the proposal require upgrades to existing infrastructure.*
3. *Feasibility of connection to and logical extension of the existing water supply networks.*
4. *Provision of suitable drinking water.*
6. *The efficient provision of services to the land being subdivided and to nearby land that might be subdivided in the future.*

**RULE/ACTIVITY**

**EARTH-R1 Earthworks associated with Subdivision**

**MATTERS OF CONTROL**

1. *Effects on the stability and safety of surrounding land, buildings, and structures, including infrastructure.*
2. *Protocol for accidental discovery of kōiwi, archaeology and artefacts of Māori origin.*
3. *Appropriate methods to avoid, or where avoidance is not possible, contain or control the spread of plant pathogens.*
4. *Building and access location, scale and design.*
5. *The adequacy of the site suitability report and any further information provided through the consent process and any conditions, recommendations, and development restrictions.*

**RULE/ACTIVITY**

**LIGHT-R7 Any Subdivision**

**MATTERS OF CONTROL/DISCRETION**

1. *The effects of artificial lighting and glare on the amenity values and the character of the zone or surrounding environment.*
2. *The effects of lighting on traffic and pedestrian safety.*

**RULE/ACTIVITY**

**SIGN-R2 Any Sign Visible from Beyond the Site on which it is located**

**MATTERS OF DISCRETION**

1. *Visual amenity including:*
  - a. *Within the zone it is located.*
  - b. *On adjacent or adjoining zones.*
  - c. *On public spaces.*
2. *Scale, location and design*
3. *Lighting and traffic safety.*
4. *Impacts on landscape values and natural character.*
5. *Impacts on cultural and heritage values.*
6. *Cumulative effects.*
7. *Duration of consent*

**RULE/ACTIVITY**

**SIGN-R4 Any Sign in the Rural Production Zone**

**MATTERS OF DISCRETION**

1. *Visual amenity including:*
  - a. *Within the zone it is located.*
  - b. *On adjacent or adjoining zones.*
  - c. *On public spaces.*
2. *Scale, location and design*
3. *Lighting and traffic safety.*
4. *Impacts on landscape values and natural character.*
5. *Impacts on cultural and heritage values.*



6. Cumulative effects.
7. Duration of consent

## RULE/ACTIVITY

### SIGN-R21 Consolidated Sign Installation

#### MATTERS OF DISCRETION

1. The effects of the consolidated signage installation, specifically on the amenity values and character of the surrounding zone(s).
2. Scale, location and content of consolidated signage installations.
3. The effects of consolidated signage installations on traffic safety and the efficient and safe function of the roading network.
4. Cumulative effects.

## RULE/ACTIVITY

### SUB-R2 Any Subdivision

#### MATTERS OF CONTROL

- a. Financial contributions in the form of money or land, or a combination of these
- b. Bonds or covenants, or both, to ensure performance or compliance with any conditions imposed. Matters listed in How the Plan Works Chapter, HPW-R9
- c. Works or services to ensure the protection, restoration or enhancement of any natural or physical resource, including (but not limited to) the creation, extension or upgrading of services and systems, planting or replanting, the protection of Significant Ecological Areas or any other works or services necessary to ensure the avoidance, remediation or mitigation of adverse environmental effects.
- d. Administrative charges to be paid to the Council, in respect of processing applications, administration, monitoring and supervision of resource consents, and for the carrying out of the Council's functions under Section 35 of the Resource Management Act 1991.
- e. The duration of a resource consent, under Section 123 of the Resource Management Act 1991.
- f. Lapsing of a resource consent, under Section 125 of the Resource Management Act 1991.
- g. Change and cancellation of a consent, under Sections 126 and 127 of the Resource Management Act 1991.
- h. Notice that some, or all conditions, may be reviewed at some time in the future, under Section 128 of the Resource Management Act 1991.
- i. Whether any subdivision consent should attach to the land to which it relates, and be enjoyed by the owners and occupiers for the time being, under Section 134 of the Resource Management Act 1991.
- j. The matters on which conditions can be imposed under Section 220 of the Resource Management Act 1991. These include: esplanade reserves and strips, amalgamation of land, holding parcels in same ownership, design of structures, protection against natural hazards, filling and compacting of land, and creation or extinguishing of easements.
- k. Consent notices to secure compliance with continuing conditions, under Section 221 of the Resource Management Act 1991.
- l. The design, size, shape, gradient and location of any allotment.
- m. The location of vehicle crossings, access or rights-of-way and proposed allotment boundaries so as to avoid ribbon development.
- n. Location of existing buildings, access and manoeuvring, and private open space.
- o. The location of proposed allotment boundaries and building areas so as to avoid potential conflicts between incompatible land use activities, including reverse sensitivity effects.
- p. The location of proposed allotment boundaries, building areas and access ways or rights-of-way so as to avoid sites of historic heritage including Sites of Significance to Māori.





- q. *The provision, location, design, capacity, connection, upgrading, staging and integration of infrastructure, and how any adverse effects on existing infrastructure are managed.*
- r. *In the Future Urban Zone, the protection of land within the proposed allotments to allow access and linkages to adjacent allotments for future infrastructure.*
- s. *The provision of reserves, including esplanade reserves and strips.*
- t. *Avoidance or mitigation of natural or man-made hazards.*
- u. *The extent to which the subdivision avoids adverse effects on significant flora and fauna habitats, including methods of weed and pest management and measures to control cats and dogs.*
- v. *Those matters described in sections 108 and 220 of the Resource Management Act 1991.*
- w. *The safe and efficient movement of people and vehicles including traffic manoeuvring, pedestrians and cyclists, and the potential effects on the accessibility and safety of transport networks.*
- x. *The potential for reverse sensitivity effects on existing lawfully established activities and any measures proposed to avoid remedy or mitigate those effects.*
- y. *The impact on the transport network, taking into account the two-tier transport network hierarchy.*

#### **RULE**

**SUB-R2.2 Any Subdivision where compliance with rules is not achieved**

#### **MATTERS OF DISCRETION**

1. *The effect of the design and layout of the allotments and whether it enables the efficient use of land.*
2. *The effects of infrastructure and servicing.*
3. *The matters of discretion of the relevant zone land use rule that is infringed.*
4. *Matters listed in the Relationship Between Spatial Layers Chapter, HPW-R9.*



## **7. ASSESSMENT OF EFFECTS ON THE ENVIRONMENT**

### **Statutory Matters**

#### **Non-complying activities**

- 7.1 The proposal requires consent overall as a non-complying activity. Non-complying activities are addressed under section 104B of the Resource Management Act 1991 (the Act) as follows:

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

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

- (a) may grant or refuse the application; and*
- (b) if it grants the application, may impose conditions under section 108.*

#### **104D Particular restrictions for non-complying activities**

*Despite any decision made for the purpose of section 95A(2)(a) in relation to adverse effects, a consent authority may grant a resource consent for a non-complying activity only if it is satisfied that either—*

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

#### **Permitted baseline**

- 7.2 Pursuant to section 95D(b) of the RMA with regards to notification, and section 104(2) of the RMA in relation to consideration of applications, a consent authority may disregard an adverse effect of the activity if a rule or national environmental standard permits an activity with that effect. In this case, small scale commercial activities when ancillary to the residential use of the site and complying with the standards of RPROZ-R10 are permitted activities, as are



buildings that are set back at least 8m from the property boundary, are more than 10m in height and have a maximum building coverage of 20% of the net site area.

## **Receiving environment**

7.3 The receiving environment is made up of:

- The existing environment and associated effects from lawfully established activities;
- Effects from any consents on the subject site (not impacted by proposal) that are likely to be implemented;
- The existing environment as modified by any resource consent granted and likely to be implemented; and
- The environment as likely to be modified by activities permitted in the plan.

7.4 This is the reasonably foreseeable environment within which the adverse effects of the proposal are considered. In this case, the receiving environment includes existing farmland and associated rural activities, together with small scale commercial services permitted within the Rural Production zone, all adjacent SH1.

## **Assessment of Effects**

7.5 With reference to the relevant matters of discretion and assessment criteria outlined in Section 5 above, the matters to be addressed in the assessment of effects below are:

- Appropriateness in the zone;
- Suitability of the site;
- Provision of infrastructure and effects of discharges;
- Economic effects;
- Effects on Rural Productive Land;
- Effects on Critical Electricity Lines;
- Lighting Effects
- Effects of Proposed Signage
- Traffic Effects
- Landscape and Visual Effects
- Effects on Rural Character
- Cultural and archaeological effects;
- Construction effects
- Noise and Vibration effects
- Hazardous substances storage;
- Cumulative effects
- Effects of subdivision
- Positive effects



## **Appropriateness of the Zone**

### *Rural Production Zone*

- 7.6 The purpose of the Rural Production zone is to sustainably manage the natural and physical resources of the rural area in order to protect, sustain and promote rural production activities, as well as those that support the rural communities.
- 7.7 The Rural Production zone provides for commercial and industrial activities where they have a direct connection to rural production activities and/or rural communities, including recreation and tourist-based activities. Intensive livestock farming and their structures (including pig farming and cattle feed lots) are provided for as permitted activities subject to compliance with development controls for height, setbacks, and coverage.
- 7.8 It is noted that the zone provides for smaller scale service stations and some commercial/retail ancillary to residential use of the site within the zone as permitted activities, which reinforces the acceptance of these activities at a suitable scale as they promote social wellbeing by providing a service to passing motorists and rural communities. As such the range of activities proposed are considered to be appropriate, in principle, in the zone.
- 7.9 Commercial activities that are of a larger scale than those permitted, are provided for as discretionary activities, where the effects of the increased scale of activities must be assessed, together with an assessment of the activity against the objectives and policies of the plan.

### *The Settlement Zone*

- 7.10 Approximately 2km from the site, the Waipu township is noted in the WDP as being both historic and rural in nature, with a strong settlement centre providing a range of services, facilities, commercial and industrial activities along Te Araroa Trail and Cove Road. The Waipu township is within the Settlement Zone of the WDP, providing for residential development, a commercial zone centre and small area of industrial activities. The zone itself seeks to provide for the managed growth of rural settlement, whilst protecting and enhancing the amenity and character of settlement itself and its sense of place, and does so by providing three subzones, namely the Residential, Commercial and Industry subzones.
- 7.11 Each of these subzones provide for residential, commercial, and industrial development in a managed and low scale manner that is generally commensurate with the character of the existing Waipu township – a small rural community strongly steeped local heritage. The Settlement Zone - Commercial provides for activities including the sale or hire of goods,



equipment, services, service stations, shops, markets and takeaways at a small scale as a permitted activity and would not facilitate a development of the scale proposed. The Settlement Zone - Industry applying to 6.1ha recognises the existing industrial land use activities provided and does not appear to provide additional zoned land for new development.

- 7.12 Consequently, whilst Waipu has been identified in the WDP as an area of growth, the current Settlement zone does not provide adequate additional zoned land for a service centre development of the nature proposed, including provision of the range of services that now service the rural community and the travelling public. Furthermore, a development of this nature and scale would be more appropriately separated from the Waipu settlement so as not to detract from its existing character.

#### *Appropriateness of the location*

- 7.13 The site of the proposed service centre is ideally located adjacent to a major arterial road of SH1 to both cater for surrounding rural community, holidaymakers and other travellers to and from Northland. It is widely accepted that service centres are predominantly vehicle oriented functions and provide a commuter service, relying on passing traffic and tend to neither rely or generate demand for an agglomeration of surrounding activities.
- 7.14 Overall, the proposal is considered to be appropriate for the Rural Production zone, in principle, given its location adjacent State Highway 1 and the separation from the historic and unique character of Waipu township.

#### **Suitability of the site**

- 7.15 The design of the service station, in conjunction with the QSRs, food retail and other rural and traveller-oriented commercial services on site, is such that there is sufficient room on site for parking and manoeuvring and on-site servicing. The buildings are appropriately set back from the site boundaries and provide sufficient room for landscaping as well as ample separation from other more sensitive uses of the rural environment.
- 7.16 There is no elements of the proposed development which are considered to have more than minor adverse effects beyond the boundaries of the site. The site is not adjacent to any noise sensitive activities or activities that would be subject to reverse sensitivity effects from the provision of the service station, the QSRs, food retailers or other commercial services.





- 7.17 Vehicle access to the site is provided for both north and south bound travellers from State Highway 1 via a proposed roundabout. This is considered an appropriate solution for roading infrastructure and access to the site in this location and has been determined in conjunction with NZTA-Waka Kotahi.
- 7.18 The design of BP service stations are largely based on their functionality and their standardised approach to certain safety criteria. For example, the position of the BP Connect store on site is selected to allow for Customer Service Attendants to survey the entrance to the facility, fuel pumps and the car wash during daytime and night time hours. There is always one access point into the shop from the middle of the forecourt to discourage people from coming in diagonally across the forecourt to access the shops. Cool stores are located with food safety standards and fire evacuation procedures in mind and refuse areas are usually located to the rear to be screened from the road. This model has proven to be successful among many other BP stations across the country and has formed the basis of the design of this site.
- 7.19 The layout proposed, with the bulk of the design set back from both Millbrook Road and State Highway 1, is considered to have less of an impact on the visual amenity of the surrounding area, while still allowing functionality of the service station. The design of the proposed buildings on site is such that they comply with height and setback requirements of the zone, and provide for landscaping along the site boundaries.
- 7.20 The proposed operation of the refuelling services and the shop for 24 hours a day, 7 days a week would provide passive surveillance and an active street frontage all year around. There is sufficient lighting proposed to ensure CPTED principles are adhered to.
- 7.21 Overall, when considering the site's location, the design of the buildings and the land uses proposed, the site is considered to be suitable for the proposal and the resulting effects will be less than minor, and are addressed in turn below:

### **Provision of Infrastructure and effects of discharges**

- 7.22 The Infrastructure Report and drawings prepared by CKL Ltd (updated as part of the S92), and the S92 3 Waters Memorandum (refer to **Appendix 3-3B**) demonstrates that with the implementation of the detailed engineering design, the development can be adequately serviced for stormwater, wastewater and water supply on the site, whilst avoiding more than minor adverse effects on the receiving environment.



## *Stormwater*

- 7.23 There is currently no connection to the public network in the vicinity of the applicant's site, with current land uses discharging to a table drain along the site's boundary with SH1 to a culvert and existing manhole.
- 7.24 Initial design work has been completed by CKL Ltd based on an impervious area of 3.84ha (62% of the overall proposed development area of 5.92ha) and given constraints of a flat site and presence of high groundwater. Therefore, it is proposed that all stormwater is treated and conveyed initially through stormwater ponds (SW01 and SW02) and swales, and then to be discharged to the land.
- 7.25 The onsite stormwater ponds have been sized to enable attenuation to be limited 80% pre-development levels and adjusted for a 20% increase due to climate change, with a depth of 0.6m with 0.2m freeboard, and scruffy dome outlets sized to attenuate flow.
- 7.26 To achieve this level of attenuation in a primary and secondary rainfall, an approximate combined volume of 1950m<sup>3</sup> and an approximately area of 4119m<sup>2</sup> over the two basins is required. It is envisaged that SW02 will accommodate the stormwater from the first stage of development, namely the BP, the entrance to the site and building 11 and 13 and associated parking areas, and SW02 accommodate the stormwater from the future stages.
- 7.27 The runoff generated from the hard stand areas on site will be treated sufficient to meet Water Quality Standards and to ensure that there are no adverse effects downstream.
- 7.28 Further details of the proposed stormwater treatment are set out in the Infrastructure Reports and drawings contained within the Civil Drawings, 3 Waters memorandum and Infrastructure Report attached as **Appendix 3-3B**.

## *Wastewater*

- 7.29 Wastewater will be treated effectively on site, as per the design and modelling set out in the Infrastructure Report, which has taken into account the existing permeability of the site, and an estimation of the types of commercial users on the site and their respective wastewater allowance (based on dry and wet retail), as well as stormwater flooding levels.
- 7.30 The applicant proposes a centralised, modular treatment plan which can be adapted based on the flow and strength of wastewater, the commercial activity and likely occupancy in order to achieve the desired effluent quality. Innoflow have prepared preliminary design for the treatment of wastewater the details of which are set out in the Infrastructure Report\_S92



attached as **Appendix 3** to this application. The proposed Inflow treatment of onsite wastewater achieves a higher level of treatment than is required by the Northland Regional Council standards and caters for both Stage 1 and Stage 2 of the development. If a suitable public wastewater treatment option is available at the point where Stage 2 is being implemented, the suitability of connection to this ww treatment option for the Stage 2 development can be explored with WDC. Accordingly, flexibility within the resource consent is requested as part of the resource consent application via the proposed Stage 2 (Option 1) and Stage 2 (Option 2).

- 7.31 Onsite disposal to land is proposed via a pressure compensating drip irrigation, and the disposal field and loading rate has been sized as 6731m<sup>2</sup> (incorporating a 30% contingency factor) using TP58 and assuming the nature soil base is Category 5 soils. Given the high water table, the wastewater fields will be imported fill to create a minimum separation of 600mm from the existing ground and ground water.

#### *Water Supply*

- 7.32 It is noted that a connection to a public water supply is located approximately 1km from the site at the Braigh, and a trunk watermain (the preferred connection given it does not require a crossing to SH1) is present approximately 1 km northwest of the site along Millbrook Road. The location of these connections is detailed in the Utility Plan within the Civil Drawings attached as **Appendix 3-3B** to this AEE.
- 7.33 Any connection to the public water supply network will require further discussions with WDC to understand peak demands and current capacity, at which time the potential for onsite rainwater harvesting and a water supply for firefighting purposes can be explored.

#### *Summary*

- 7.34 Overall, sufficient provision of infrastructure will be provided as part of the development to ensure the land uses are appropriately provided for and to ensure that there are no adverse effects downstream from the site. Consequently, the proposed development is considered to have potential adverse effects on the existing infrastructure within the surrounding environment that are less than minor.

#### **Economic Effects**

- 7.35 The proposed Service Centre will primarily cater for the travelling public, providing fuel and convenience services for those using State Highway 1 and travelling to and within Northland,



with the proposed truck stop facility being the only such dedicated facility on State Highway 1 southbound between Bream Bay and Dairy Flat. A comprehensive Economic Impact Assessment has been prepared by Urban Economics Ltd contained within the **Appendix 10** includes case studies of similar centres along the state highway network.

- 7.36 Given the conclusions within the Traffic Impact Assessment's regarding the destination of users, the proposal will not have a discernible adverse economic effect on the surrounding centres, given that the majority of vehicles visiting the site would be travelling along SH1, rather than specifically visiting the service centre. The Economic report concludes:

*"The proposal would therefore provide for a range of activities that would in large part service the needs of the drive by market and to a lesser extent the wider community, as it is located on a relatively busy stretch of SH1 between Warkworth and Whangarei, with no substantial drive through centre servicing this part of the SH1, and there is very little residential activity within 1km of the proposed site (less than 20 dwellings).*

- 7.37 The Waipu Service Centre will also provide well placed rural and tourist-based services, that functionally need more acreage to operate effectively than that provided in the Settlement Commercial Zone. The scale of the commercial operation and focus on farming bulk retail, warehousing, storage, machinery sales and servicing will ensure that the Waipu township providing a wider range of commercial and retail services will not be adversely affected. Therefore, it is considered that the Waipu Gateway service centre will complement the Waipu settlement's commercial centre rather than detract from it.

- 7.38 The new businesses will create employment and business opportunities in the Waipu area, which will contribute to both the social and economic wellbeing for residential households and are likely to have a flow-on effect for the provision rural services and tourism industries within the District's economy. The Economic Report notes:

*The proposed light industrial activity would predominantly service the needs of the wider rural community and would not compete directly with the existing light industrial activities in other towns/villages. Therefore, it would not have any economic effects that are more than minor and instead would result in significant economic benefits relating to providing access to goods and services locally."*

- 7.39 The Economic Impact Assessment concludes that the proposed Waipu Service Centre (including service station, QSRs, café and retail and commercial offerings) can be provided in this location without unduly impacting the local economy of Waipu, and notes that there will be likely positive flow-on economic effects.



## Effect on Rural Productive Land

- 7.40 The WDC and NRC considers the site has “highly versatile soils” as the site is classed as LUC2w2 within the Land Use Capability classification in the New Zealand Land Resource Inventory (and considered “highly versatile land” under definitions in Part 1 of the WDP). The NPS\_HPL also identifies all land in LUC classes 1, 2 and 3 as “highly productive land”.
- 7.41 The initial two lot subdivision, and subsequent subdivision around an approved land use on the proposed site will result in a potential reduction in the ability to use the subdivided portion of land to grow a wide range of high value crops, and therefore the effects of this on “highly productive land” and “highly versatile soils” need to be assessed.
- 7.42 A Soil and Resource Report has been produced by Hanmore Land Management in support of this application and is attached as **Appendix XX** to this AEE, and specifically addresses the National Policy Statement for Highly Productive Land (LUC classes) and the Northland Regional Policy Statement and WDP which refers to “highly versatile” soils. Given the slightly different classification and terminology each is addressed separately within the report.

### *Highly Productive Land –(LUC classes)*

- 7.43 The report concludes that, whilst LUC2w2 classifications are shown on Council’s Geomaps, only LUC class 3 and 4 soils were present at the development site, with varying degrees of limitations due to soil wetness. Consequently, a reclassification from LUC2w2 to a range of soil quality to between LUC3w2 – 4w1 is required, as follows:
- 3.54 Ha of LUC3w2 soils (*poorly drained flat areas with a shallow clay subsoil and highwater tables*);
  - 1.21 Ha of LUC3w4 soils (*Ruakaka peat seals with increased wetness limitation due to poor drainage*);
  - 2.04 Ha of LUC4w1 and LUC4w1\_3w2 soils (*Waipu clay with smaller areas of silt loam soils, with high water tables and surface ponding restricting timing and methods of cultivation and crops that can be grown*).
- 7.44 Under the NPS\_HPL LUC classes LUC1-3 are classified as highly productive land (“HPL”), and as such a total of 4.08ha of the development site come under this classification, and the remainder of the development site is not considered HPL. The remaining 20.92ha portion of the wider property (Lot 100) has a LUC unit of 2w2 on Lot 100 and is classed as a highly productive land. This portion of the site will be retained for productive use.





- 7.45 As such a productivity assessment (based on stock units per hectare has been carried out based on the LUC units map on the proposed Lot 200, and those mapped on the parent Lot 100. The proposed subdivision will result in a loss of 4.08ha of HPL over a total of 25ha over the whole sit, which equates to a loss of potential stock carrying capacity of 97.9 stock units or 13.5% of potential productivity of the HPL.
- 7.46 The Soil and Resource Report concludes that *“in the context of running a viable farming business on the whole block the loss of the 6ha to the proposed development will have a minor impact”*. The affected by the development will not adversely affect the overall ability of the existing farm to continue its current productive operation given that it is farmed at an intensity that allows for the existing drainage characteristics to be managed through existing stock rates and cropping methods.
- 7.47 It is the intention of the National Policy Statement for Highly Productive Land 2022, that land of this quality remains highly productive, in reality this site is not intensively farmed in a manner consistent with that of highly productive land-based primary production (rather low intensity grazing and cropping is undertaken) and it is unlikely to be so in the foreseeable future. Accordingly, it is concluded that, while the overall size of the farm holding will reduce in size, the farm itself will continue in operation and therefore the loss of 4.75 Ha of HPL will be no more than minor.
- 7.48 In addition. the Economic Report in **Appendix 10** concludes that:

*“Whangarei District has approximately 29,000 hectares of HPL. Given the importance and relatively unique function of the proposed development, and its contribution to GDP, a marginal reduction in HPL land (a maximum of 5.9 hectares approximately) is not, on balance, expected to result in any discernible reduction in the productive capacity of highly productive land in the district or the region more generally”*.

- 7.49 Accordingly, on balance the adverse effect on highly productive land are considered to be no more than minor.

#### *Highly Versatile Soils*

- 7.50 Whilst 5.9ha subdivided site is noted as having highly versatile soils on the NRC Geomaps, specific onsite soil testing notes that presence of clay and peat, with all sampling locations experiences surface water, and a water table at between 200m – 700mm.
- 7.51 The NRC’s Managing Northland Soils – Terrace Soil Fact sheet 1.2 recognises that *“although soils within this group vary from well drained to very poorly drained, the majority are*



*seasonally very wet. It is the drainage characteristics of the individual soils that largely determine their versatility”.*

7.52 Accordingly, the specific soil testing and analysis undertaken by Hanmore Land Management together with NRC assessment criteria confirms that there is no areas of highly versatile soil within the development site (lot 200). As noted above the remaining 20.92ha portion of the wider property (Lot 100) has a LUC unit of 2w2 on Lot 100 and is classed as a highly productive land. This portion of the site will be retained for productive use.

7.53 Consequently, the proposed initial subdivision creating lot 100 and 200, and subsequent development and further subdivision will not adversely affect highly versatile soils on the wider site.

### Effects on Critical Electricity Lines.

7.54 The existing Transpower 220V Line dissects the eastern corner of the site as illustrated in Figure 5 below, with a Double Circuit Steel Tower and approximate span of 340m between the towers.

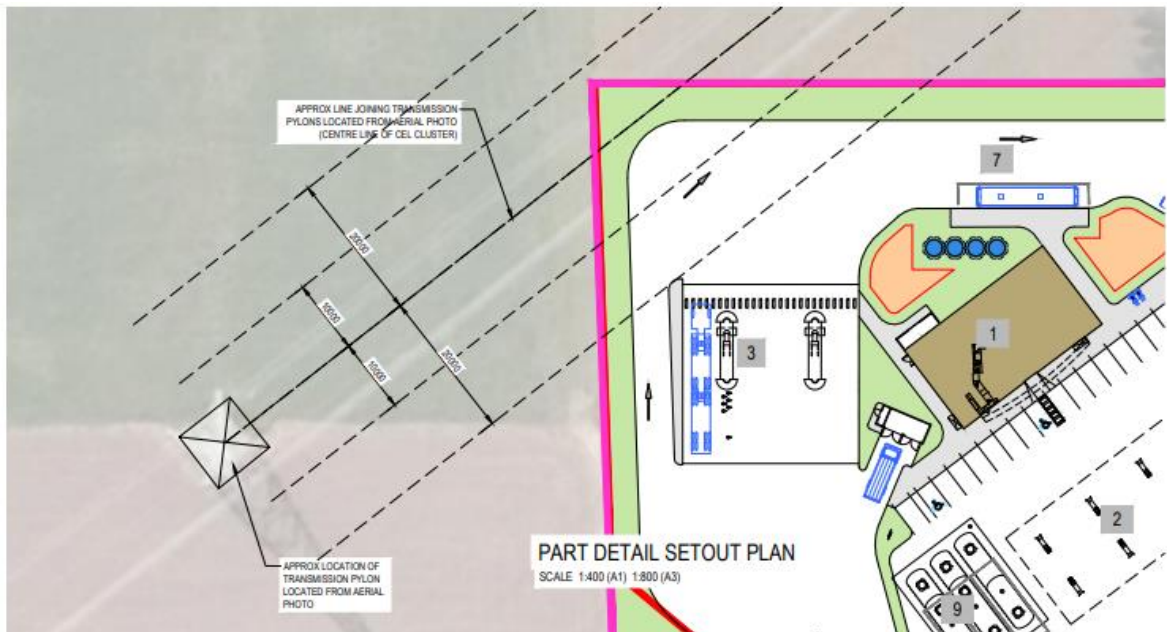


Figure 5: Location of Transpower 220V lines in relation to the proposed development

7.55 A Survey was also undertaken on 12 October 2023 to accurately determine the transmission lines location and height above current ground level in regard to the development site. The Transmission Lines Survey is attached as **Appendix 16** to this application.



- 7.56 The survey confirmed that at their lowest point in the span the lines were +22.16m above current datum, and approximately 30.26m above ground level in the site corner.
- 7.57 Whilst no buildings will be located within the required clearance distances of the CEL, the proposed subdivision involves a piece of land immediately under it, and therefore triggers assessment in regard to the safe and efficient operation and maintenance of the electricity supply network.
- 7.58 In this regard I make the following comments:
- All buildings are located more than 20m from the centre line of the CEL and more than 12m from the out edge of the pylon, and therefore comply with Transpower's National Grid Yard for 12m from centreline and structure.
  - Planting in the vicinity of the power lines will be restricted to species that will have a maximum height of no more than 1m to ensure that they do not impede the maintenance of the lines nor reduce further the clearance between the ground and the line in accordance with Electricity (Hazards from Trees Regulations 2003);
  - The proposal complies with NZECP 34:2001;
  - There are unlikely to be any effects on the public health and safety of users to the site, given that the majority are transitory and those working within commercial services will have clearance distances far greater than required under NZECP 34:2001 or WDP provisions;
  - Access to the CEL for maintenance is ensured under the Electricity Act 1992, which provides for continued access to the CEL over private property where the lines were installed prior to 1988 and do not have an easement (as in this case).
- 7.59 Accordingly, the effect on the CEL Transpower 220V lines is considered to be less than minor.
- 7.60 It is also noted that the proposed subdivision is within the National Grid Subdivision Corridor which is an area of up to 39m either side of the centreline of transmission. As such, Transpower are considered an affected party and have been contacted via the Pātai Portal.



## Lighting Effects

- 7.61 Lumen8 Ltd have prepared a lighting concept design and determine compliance or otherwise with the requirements of the District Plan. The Lumen8 Lighting Assessment is included as **Appendix 9-9A** to this report.
- 7.62 The Lighting Report concludes that, the effects of lighting and glare on the surrounding environment will be acceptable, given that the proposed lighting complies with the lighting and glare specifications of the WDP, and is suitable for the proposed activities on the site.
- 7.63 The lighting concept design has been prepared to comply with the District Plan requirements and the relevant lighting standards. Final lighting details will be provided at building consent stage, and the applicant proffers a condition of consent such that full and final lighting details and compliance with those relevant standards are confirmed prior to installation of the lighting elements.
- 7.64 The majority of the proposed lighting will be visible from the road network, although as the road users will be travelling past the site and the views and lighting spill will be temporary it is considered that they are likely to experience a low adverse visual effect as a result of the proposed. The lighting proposed adjacent the roundabout and access into the site will also assist in the safe manoeuvring around the roundabout and along SH1.
- 7.65 The proposed lighting may be visible from neighbouring properties at during night time hours. The detailed lighting assessment undertaken by Lumen8 Ltd concludes that the effects of lighting on the wider landscape will be less than minor, given compliance with the permitted activity standards for lighting and glare within the zone, and the existing environment. It is also noted that location is already lit by existing road lighting at the intersection of Millbrook Road, SH1 and the Braigh, and is therefore not a pristine environment from a lighting perspective.
- 7.66 The impact of the proposed lighting as part of the broader character, amenity and landscape effects is considered below.

## Effects of Proposed Signage

- 7.67 Three (illuminated) signs proposed at the ingress and boundary corners from the adjacent state highway network. This has a functional necessity to be visible and clearly identifiable as a means of alerting users on the adjacent road network of the facility and its entry point, and will therefore contribute to the safe function of the proposed service centre.



- 7.68 While acknowledging the visibility of the signage structure, the signage is intended to be no larger than is necessary to safely advertise the facility, and will face both north and south (advertising to northbound and southbound traffic) on SH1. There will be no signage on Millbrook Road.
- 7.69 The overall visual amenity impact of the proposed signage is considered minimal, as they will create better legibility of the site, and provide less of distraction for passing motorists if they are easily identifiable, illuminated and of a scale that is readable.

### **Traffic effects**

- 7.70 The proposed site adjoins State Highway 1, which is classified as a “National” road which accounts for the highest volume of vehicle movements and is intended to be used by all vehicles including heavy commercial vehicles (trucks including freight, buses etc.) as well as general private vehicle use when commuting between larger areas / neighbourhoods (i.e. areas of a population of up to 100,000).
- 7.71 The portion of State Highway 1 which adjoins the subject site is a two-way carriageway and allow for vehiclestravelling up to 100km/h with narrow sealed shoulder on both sides to allow for vehicles to stop in emergencies. The road has been widened at the intersections of Millbrook Road and the Braigh to form side-by -side opposing right turn pockets for traffic turning right into each road. A further setback is provided in the formed of a grassed verge and table drain. These setbacks fall within the existing WK-NZTA designation for State Highway 1.
- 7.72 TPC Ltd has prepared a Traffic Impact Assessment (TIA) which sets out the existing traffic flows together with all relevant transport effects of the site on the surrounding environment, in particular site access, vehicle trip generation, parking supply, location and design as well as vehicle manoeuvring.
- 7.73 The effects of the trip generation caused by the proposed activity, together with the proposed modifications to the roading network are assessed comprehensively in the Traffic Impact Assessment attached as **Appendix 6**.
- 7.74 The Traffic Impact Assessment summarises that:
- The site is suitable for a Service Centre being able to directly service the travelling public using SH1;



- The Service Centre will contribute to the efficiency of the travel along SH1, and is in line with Governments objective of encouraging EV vehicles;
- A high standard of access to the site will be provided through the proposed roundabout (agreed by WK\_NZTA), which will ensure that there is a minimal effect on the continued safe and efficient operation of SH1;
- The on-site layout of circulation and parking will comply with the standards of the WDP, and will enable the site to function with minimal impact on the surrounding roading network.

7.75 As a result, the Traffic Impact Assessment concludes that the design and layout of the proposed Service provides safe and efficient vehicle manoeuvring, and that the effects of additional traffic generated by the proposal and the proposed access from SH1 will be less than minor, and will have positive benefits in terms of servicing the needs of the travelling public along this key transport corridor.

7.76 Further traffic effects assessment is contained in the S92 memorandum by TPC Ltd and attached as **Appendix 6A** to this report.

### **Landscape and Visual Effects**

7.77 The introduction of a commercial scale development into the rural environment will generate a localised change, in regard to the immediate landscaped and perceived character of the site, comprising the removal of existing vegetation, earthworks and the development of buildings and infrastructure on the site, as well as mitigative planting.

7.78 Accordingly a comprehensive landscape and visual assessment has been prepared by Richard Knott Ltd and is attached as **Appendix 18** to this AEE, with the key points summarised below:

#### *Existing vegetation*

7.79 Existing vegetation on the site comprised pastoral grass and shrubs in the form of exotic hedging. No significant vegetation is proposed to be removed as part of this proposal.

#### *Earthworks – Shape and Contour of Landform*

7.80 There is a significant amount of earthwork proposed to give effect to this proposal, with a total area of 59,162m<sup>2</sup> impacted, including 21,100m<sup>3</sup> of fill and 3,700m<sup>3</sup> of cut, to cater for the formation of the proposed stormwater ponds, underground storage tanks and necessary fall required for infrastructural servicing. The cut and fill plan in **Appendix 3A** notes that only





minor changes to the land contour will occur on the site, most of which will not be visible from the road given generous clearances and the landscaping proposed.

- 7.81 Consequently, whilst the site will experience earthworks across the entire site, the impact on shape and contour of the landform is considered to be less than minor.

### *Building Design*

- 7.82 Considerable effort has been made in the design of the service centre to ensure that it sits comfortably within the wider rural environment as much as possible, rather than being a dominant landscape feature. The proposed buildings use recessively coloured materials similar to those used in a rural context and will be clustered together (with a number of units within each one) and comply with the maximum permitted building height and the buildings are set back a minimum of 8m from the property boundaries adjacent Millbrook Road and State Highway 1. To this end they will appear from a distance not dissimilar to a cluster of rural buildings operating an intensive farming activity. The buildings also are well within the 20% maximum building coverage for the site, and therefore an appropriate level of spaciousness is achieved.
- 7.83 The proposed service centre comprises buildings up to 10m in height, although the majority sit between 6 – 8m in height and are grouped perpendicular to the SH1 frontage as well as being set back 8m from the external site boundaries. The corporate colours and materials proposed for the QSR and the BP service station will be similar to those utilized in other service stations and similar through restaurants and have been shown as such within the Architectural Drawings.
- 7.84 The materials proposed for the other buildings on the site will be predominant recessive in colour, incorporating long run metal roofing, vertical metal cladding and precast concrete panels, with glazing limited to retail, commercial or showroom frontages (generally at ground level). As such these buildings, when viewed from a distance are not too dissimilar in visual effects as large barns, particularly once screened by mitigative planting, will have a semi-rural look and feel when viewed from the property boundaries.
- 7.85 The broader architectural design of the site provides various forms and articulation for the variety of activities proposed, with the mass of buildings oriented perpendicular to the SH1 property boundary minimize the visual effects, provide significant areas for planting and allows glimpses of the wider rural environment in this context. Changes in materials, depth,



voids and glazing allow the building facades to define the activities, with clear form and articulation in the design of the corporate branded QSR's and service station ensuring easy legibility.

- 7.86 With the exception of the three pylon signs, the structures have been located within the centre of the site and will not create any adverse dominance and shading effects on neighbouring properties.

#### *Visual effects during construction*

- 7.87 During construction and immediately following, viewing audiences from the surrounding road network and adjacent businesses will have an open view into the site, however, once the boundary planting establishes only the rooftops of buildings and roadside signage (which is intended to be visible to ensure the safe operation of the road network is not compromised) will be seen.

#### *Visual effects in the wider landscape context*

- 7.88 It is widely accepted that landscape effects on the established character of an area are derived from changes to physical landscape and the perception of that change. Our landscape (and certainly the landscape in rural locations and fringes of local communities) is always changing in response to natural parameters such as erosion, climate change and flooding as well as human interaction with the land, through cultivation, development, planting and use.
- 7.89 The proposed Waipu Gateway service centre will be a clear change to the existing rural use in this location to the viewing public. The existing environment currently presents as open paddocks, shelter belts and hedging, with large sheds or tunnel houses, cowsheds and barns, with intermittent residential dwellings (often surrounded in vegetation), some of which include small commercial operations and industry. However, in *Z Energy Limited v Western Bay of Plenty* the Environment Court recognised that a service stations were neither rural or urban activities, and their presence (including lighting and signage) was not sufficient to change the overall character of an area, either in isolation or cumulatively with the other changes in an area.
- 7.90 The broader Waipu environment is a predominantly rural area with limited existing built development in the proximity of the site, with neighbouring land primarily characterised as rural and rural residential development. It is however noted that the land to the east of SH1 provides a degree of existing development within the broader rural context.



- 7.91 Notwithstanding the proposed change to the site, the effects on the visual landscape must also be seen in the context of the State Highway 1 transport corridor and the wider rural and settlement environment, as well as the intended form of that settlement as anticipated by the District Plan.
- 7.92 In particular it is noted that the Waipu settlement will likely creep towards SH1 over time, with the currently land zoned for further growth of the Waipu settlement along the Braigh (to the east of the site) which includes providing for residential development, small commercial activities, places of assembly, recreational facilities at a relatively small scale as permitted activities. Nonetheless the more immediate environment is not pristine, but continually changing with a mix of rural, residential, small scale commercial and community-based activities.
- 7.93 There is also an expectation that other infrastructure that the presence of a major state highway brings, including signage, lighting, telecommunication facilities and other infrastructure associated with the transport network may also be present. As such the rural landscape in this location is neither pristine or devoid of development as the roading network also informs the landscape character of the site and the wider environs.
- 7.94 Although the structures of the nature proposed represent a change to the existing landscape vista in this location, they are not uncommon or unusual with a number of similar service centres provided along SH1 in broader transport network/rural landscape of New Zealand. Accordingly, the proposed Service Centre is considered to have less than minor visual effects in the wider landscape context.

#### *Landscape Planting as Mitigation*

- 7.95 The Landscape Concept contained within **Appendix 5** to this report, sets out the proposed landscape planting strategy, with the clear emphasis on providing additional structural planting and specimen tree species within the site, as well as along the edges of State Highway 1 and Millbrook Road to mitigate the visual effects of the development and soften the built structures within the rural landscape when viewed from outside the development. The proposed landscaping also contributes to the visual amenity and pleasantness experienced from within the site.
- 7.96 Significant landscaping to the State Highway and Millbrook Road frontages will contribute towards achieving this outcome, with the landscaping effect improving over time as the



vegetation matures, and partially obscure the development from the view of SH1 travellers and surrounding land users. Once established, it is considered that the planting will provide a visual screen along the edge of the development, thereby mitigating the visual effects of the development and reducing the visual impact to intermittent glances of buildings and activity.

- 7.97 Details of the proposed design, layout and landscape responses are set out more fully in Landscape Concept contained in **Appendix 5** to this report.
- 7.98 The design of the proposed landscaping ensures that there will be appropriate levels of visibility for vehicle users when entering and exiting the site.

### *Visual effects from public vantage points*

- 7.99 Four public viewing points been identified, being associated north and southbound traffic on SH1, and east and west bound traffic on Millbrook Road, as the public can travel toward the development area in a different direction. In each case, the road users will experience transient views towards the site, with road side vegetation, shelterbelts and the orientation of the roads visually screening views towards the site at times. Only when motorists are relatively close to the site and on the proposed roundabout will they have views of the development and the access point, and these will also be partially screened from the view by the proposed vegetation.
- 7.100 Whilst during construction these views will contrast with the established rural character of the area, in the medium to long term, once the proposed planting has sufficiently established, only the tallest portions of the buildings and the roadside signage will be seen and the sensitivity of the viewing audience to the change will diminish.

### *Visual effects from neighbouring properties*

- 7.101 The proposed development may be visible to a number of residential properties within close proximity to the site, namely those situated at the corner of SH1 and the Braigh, and those accessed off State Highway 1. However, whilst the properties on the Braigh are oriented towards the site, they will have views partially screened by existing vegetation within the road reserves adjacent their property, to the extent that the houses would receive glimpsed views of the development in the shorter term. The proposed landscaping will also further screen the proposed buildings from view in the longer term, and the physical separation afforded by SH1 will also mitigate the visual effects to these properties.



- 7.102 Given the flat nature of the land and the majority of surrounding properties, the opportunities for unobstructed views of the proposed development on site from properties in close proximity will be minimal.
- 7.103 The properties accessed off State Highway 1 are all sufficiently setback from the road and have privacy planting or landforms adjacent their dwellings to ensure that the direct views of the development are minimised. The proposed mitigative planting along the boundaries of the property and within the site will further diminish the views of the built form and intended use, and thereby reduce visual amenity effects on neighbouring properties to an extent that they are no more than minor.

### *Lighting Effects on the rural landscape*

- 7.104 Lumen8 Ltd have prepared a Lighting Plan and Lighting Effects Assessment for the proposed design of the Waipu Gateway, which is attached as **Appendix 9** to this report. The report notes that the site is located adjacent an existing intersection with SH1, which is already well lit for traffic safety purposes. Additional lighting is proposed within the development to ensure the safe manoeuvring of people and vehicles, as well as three illuminated signage at the entrance and SH1 boundaries of the property.
- 7.105 The Lighting Effects Assessment demonstrates compliance with the standards for artificial lighting on the site within the LIGHT chapter of the WDP, and have been designed to limit light spill and glare to surrounding areas as well as avoid any unwanted light pollution to the night sky. The lighting of the roundabout will be undertaken by WK\_NZTA once the proposed roundabout is vested as public road. The lighting will be designed to comply with AS/NZS 115.8 series of standards.
- 7.106 The Lighting Report concludes that the proposed lighting scheme for the site will be consistent with the existing amenity values of the surrounding area, particularly when viewed in the context of the streetlighting already provided at the intersection of the Millbrook Road, State Highway 1 and the Braigh and any changes required to the safety lighting of SH1, as a result of the proposed roundabout.

### *Summary*

- 7.107 Accordingly, given the existing environment, the nature and scale of buildings proposed and the mitigative planting proposed, the proposal is not considered to generate adverse visual effects on the rural landscape and its character that are more than minor.



## Effect on Rural Character

### *Surrounding Rural Character*

- 7.108 It is accepted that the character of rural areas throughout New Zealand varies depending on the particular location examined, and the Environment Court has frequently commented that not all features of rural character are going to be experienced in the same way.
- 7.109 This is evident in between north Auckland and Whangarei along SH1, in that the character of the surrounding landscape is varied including farmland, small scale rural industry, and a number of beach side tourist and rural settlement dissected by the main arterial route of SH1. The road and the logistic and transport industries that support the use of the road, particularly service stations, associated service and commercial facilities catering for travellers, as well as roadside infrastructure all form part of this environment.
- 7.110 Such diversity of use is also reflected in the WDP provisions provided for small scale commercial use as permitted activities, where is associated with onsite residential use, and larger scale development is provided as a discretionary activity.
- 7.111 Whilst the proposed Waipu Service Centre represents a change to the existing landscape context in this location, where buildings are typically sparse and largely rural in nature, this type of development it is not uncommon or unusual in a location such as this adjacent a state highway. Nor it is uncommon or unusual in a zone that provides for intensive livestock farming to have a number of larger buildings on sites to house stock, provide storage or providing sheltered facilities such as tunnel houses for horticultural production.

### *Cumulative effects*

- 7.112 As I have noted above, the zone provides for this type of development where it can be demonstrated that the effects of the activity will not adversely affect the wider rural landscape either in isolation or cumulatively.
- 7.113 Given the isolation of the proposed service centre, in an area dominated by horticultural and agricultural activities, the scale and height of the buildings, signage, lighting and mitigative planting it is not sufficient to change the overall character of the area, in isolation or cumulatively. Given the scale of the development in this context, the wider area will continue to present as rural in nature.
- 7.114 Given the lack of additional commercially zoned space within the Waipu Settlement, we do not consider that the presence of the proposed Service Centre will drive urban growth away





from the commercially zoned areas per se, noting the particular relevance of the services offered to the travelling public and those rural activities with larger spatial requirements than are currently provided for in Waipu settlement existing zoning.

## **Cultural and Archaeological effects**

### *Archaeological effects*

- 7.115 There is a recorded archaeological site on the corner of SH1 and Millbrook Road (Q08/652, McGregor's Blacksmith's shop), which is within the boundaries of the proposed service centre, noted in the NZ Archaeological Association records. This site is not however scheduled within the Whangarei District Plan. An Archaeological Assessment has been completed for the site by Clough & Associates, taking into account the nature and extent of earthworks proposed and is attached as **Appendix 11** to this report.
- 7.116 The Archaeological Assessment concludes that whilst the adverse effects on archaeology are considered to be more than minor, as the site is of high archaeological values, the effects will be mitigated to an extent that they are minor through the recovery of archaeological information relating to the history of Waipu, and the depositing of artifacts from site Q08/652 in the local and/or regional museum, and this can be carried out under the archaeological provisions of the HNZPTA .
- 7.117 A condition relating to archaeological monitoring within the area of archaeological potential would be accepted.
- 7.118 An application for a *General Archaeological Authority* has been granted (attached as **Appendix 11A**) by Heritage New Zealand Pouhere Taonga in regard to works in the vicinity of the former blacksmith on the site.

### *Cultural Effects*

- 7.119 Consultation has been initiated with the Patuharakeke Te Iwi Trust Board, who have confirmed their interest in the area and have prepared a draft Cultural Effects Assessment for the application which is attached as **Appendix 15** to this report.

## **Construction effects**

- 7.120 The proposal will involve earthworks over an area of approximately 59,162m<sup>2</sup> and a volume of 24,800m<sup>3</sup>. The proposed site works are considered reasonably necessary given the level of



development proposed and will include the addition of clean fill for the construction and installation of the new building platforms, and associated infrastructure.

- 7.121 Erosion and sediment controls will be utilised in accordance with Council guidelines and will generally involve progressive stabilisation of earthworks, with all final surfaces to be established and stabilised as quickly as possible to ensure the potential for erosion to occur is minimised as far as practicable. Silt fencing will be erected around the site for the duration of the earthworks and will ensure that any silt runoff that does result is suitably controlled and contained. Details of the Sediment Control measures are set out in the Engineering Drawings attached as **Appendix 3** to this application.
- 7.122 The design and location of the built form and underground storage tanks on site are such that effects from earthworks can be contained within the site boundaries and will not extend beyond the site onto neighbouring properties or roads. The works proposed will be undertaken in a manner to ensure there are no adverse effects on infrastructure or network utilities.
- 7.123 The construction effects associated with developed will be managed via a Construction Management Plan, which will address construction planning and traffic management associated with the development of the site.
- 7.124 Overall, the effects associated with earthworks on site are considered to be less than minor and will be transient in nature.

### **Noise and Vibration effects**

- 7.125 A comprehensive Acoustic and Vibration Assessment has been prepared by SLR Ltd in regard to the proposed construction and operation noise associated with the development of the Waipu Gateway. This report is attached as **Appendix 7** to this report.

#### *Construction Noise*

- 7.126 The SLR Report concludes that given the construction of the Waipu Gateway Service centre is likely to take more than 20 weeks, the type of machinery likely to be used and the existing setbacks between the proposed work and the nearest existing dwellings, compliance with the construction noise limits for construction works that last more than 20 weeks of the NZS6803 is expected. Therefore, it is anticipated that the proposed construction works will comply with the permitted activity standards for construction noise in the WDP and therefore the effects



of that noise are considered acceptable in this location due to the distance between receivers and the works.

### *Construction Vibration*

- 7.127 The SLR Report concludes that given the closest receivers are approximately 35m from the site boundary, the vibration likely as a result of construction of the Waipu Gateway Service Centre will be well within the permitted activity standards set in BS 5228-2. Any unforeseen intermittent vibration can be managed through an appropriate Construction Management Plan.

### *Operational Noise*

- 7.128 The SLR report notes that the noise levels generated by vehicles and particularly truck movements using Waipu Gateway site is likely to be masked by existing ambient traffic noise on SH1 (generated by a range of traffic including heavy vehicles).
- 7.129 The SLR Report confirms that the proposed operation of the Waipu Gateway Service Centre, will comply with the noise levels for permitted activities at all times (subject to appropriate acoustic mitigation for mechanical ventilation specified at detailed design), and practically comply with night-time noise limits as levels are within 1dB of the limit (for R6 and R7), with the largest contributor of the noise infringement from trucks accessing the site.
- 7.130 The SLR Report concludes that the predicated 1dB infringement to the night-time noise limit, when compared with fully compliant levels are considered imperceptible, and that these negligible infringements are considered acceptable in terms of the context in which the proposal would operate, given they are the same or lower than the existing noise environment due to the traffic noise generated on SH1.
- 7.131 On the basis of the assessment of SLR the noise associated with the construction and operation of the proposed Waipu Gateway Service Centre are considered to be acceptable and reasonable in the context. Accordingly, I conclude that the environmental effect of that noise associated with the proposal to be no more than minor.

### **Hazardous substance storage**

- 7.132 Hazardous substances, in the form of fuel and diesel, will be stored in underground tanks as part of the proposed service station. Safety Data Sheets, which outline the safety procedures



with regards to the handling and storage of hazardous substances, are included along with the HSNO Compliance Certificate in **Appendix 8**.

- 7.133 In addition, an Operational Environmental Management Plan and Emergency Procedures Document are attached to this application in **Appendix 8** and have been prepared to improve how BP avoids and mitigates any adverse environmental effects from the storage of hazardous substances on NZ BP sites. The information related to hazardous substances is provided by BP and is part of their standardised procedures for the operation of BP sites.
- 7.134 In addition, an oil/water separator is incorporated into the Stormwater design to ensure any runoff from the forecourt is treated before being released into the Stormwater network. Therefore, the adverse effects related to the storage of hazardous substances on site are considered to be less than minor.

### **Cumulative effects**

- 7.135 Cumulative effects include those effects which arise overtime or in combination with other effects. In this case, any subsequent proposal to undertake commercial development on adjoining sites zoned Rural Production will also need to obtain a resource consent for a discretionary activity at which point the actual and potential effects (including the cumulative effects) will need to be assessed on its merits.
- 7.136 The Waipu Service Centre including the proposed petrol station, QSR and commercial activities servicing the wider rural environment will be all contained on the proposed site, and will not need to spread beyond the site boundaries to effectively operate.
- 7.137 In this case, given the surrounding zoning remains Rural Production Zone, future development would be assessed on a case-by-case basis. Any further development, beyond the scope of the small-scale commercial activities provided as a home occupation, will require a resource consent for a discretionary activity, at which point the Council is required to assess all of the actual and potential effects of the activity, as well as the objectives and policies of the zone prior to any decision making.
- 7.138 Accordingly, I do not consider that there will be any cumulative effects as a result of this proposal.



## Effects of subdivision

- 7.139 The land is proposed to be subdivided to meet the needs of the development, whilst minimising adverse effects of future development. The applicant proposes an initial two lot subdivision to serve the development lot from the balance of the site, resulting in Lot 100 (25.9 hectare) and Lot 200 (5.9175hectares).
- 7.140 A subsequent staged subdivision will be proposed around the approved development to allow for the individual groups of buildings to be developed and sold, as well as Lot 50 to be vested as State Highway.

### *Effects of subdivision on Versatile soils and HPL*

- 7.141 A Soil and Resource Report has been produced by Hanmore Land Management in support of this application and is attached as **Appendix 14**, and has been discussed in Section 6.40-6.52 of this AEE.
- 7.142 The report concludes that the proposed initial development will not adversely affect highly versatile soils, given the absence of them in the development site of proposed lot 200.
- 7.143 In addition, whilst the farm may experience a minor reduction in the productivity of the land as a result of the initial subdivision of proposed lots 100 and 200 this will not affect the overall ability of the existing farm to continue operate productively.

### *Effects of Subdivision on Infrastructure*

- 7.144 The Infrastructure Report attached in **Appendix 3-3B** has concluded that the infrastructure proposed will support the development of the land as proposed, in an integrated and comprehensive manner. Appropriate easements are indicative on the Proposed Survey Plan based on the current design and layout.
- 7.145 The Traffic Impact Assessment attached in **Appendix 6-6B** has assessed the appropriateness of the vehicle and pedestrian movement on the site and determined that the layout is safe, efficient convenient and accessible. The carparks will be allocated at S223 stage via the creation of covenants.
- 7.146 The proposed initial 2 lot subdivision and subsequent subdivision around an approved development are considered to be appropriate as shown in the proposed scheme plan in **Appendix 12** of this application.



## *Effects of subdivision on the existing Transpower Lines*

- 7.147 Transpower does not have an easement over the 47 Millbrook Road property, as the existing lines were established on or before 1973 (as shown on Retrolens), at which time the Crown was not required to register an easement on the underlying property. Existing lines, cables and poles are protected under the Electricity Act 1992. This Act protects Transpower's ability to enter the applicant's property and inspect, maintain or operate the lines.

## *Effects of subdivision on reverse sensitivity*

- 7.148 The limited duration of visits to the site and the focus of the service centre being near the road frontage, together with the provision of mitigation planting and nature of the planned development will ensure that the existing rural uses are protected from reverse sensitivity issues attributed from the subdivision. Staff and visitors to the site are likely to be less sensitive to noise, dust and smell associated with rural activities than persons who are living in this environment, and therefore the likelihood of complaints is less.

## *Effects of subdivision on the character of the zone*

- 7.149 The assessment of landscape and visual effects has concluded that the effects on the character and amenity of the rural environment will not adversely effect the natural features and landscape that contribute to the rural character and amenity values to an extent that is more than minor. The subdivision of the buildings around that development will not give rise to any additional effects on the environment.

## **Positive effects**

- 7.150 The proposed works involve the construction of a service station and associated commercial facilities on a busy section of State Highway 1. For travellers arriving from surrounding regions, the provision of both fuel and food at this gateway into Northland is considered to be positive and will provide for the social wellbeing of the community. The proposal will also result in employment opportunities for the local community and as outlined above, as the effects associated with the proposal are contained within the site itself, the provision of the proposed activities are considered appropriate in the zone.





**Summary and conclusion of effects**

7.151 With the implementation of the mitigation measures outlined by the specialist reports attached to this application, and based on the assessment provided above, overall, the effects on the environment are considered to be no more than minor.



## **8. SECTION 104 ASSESSMENT**

8.1 Matters to be considered by the Council when assessing an application for resource consent under s104 of the Act, subject to Part 2, include any actual and potential effects on the environment and any relevant provisions, objectives and policies of policy statements, national environmental standards and regional plans.

### **Actual and potential effects on the environment (Section 104(1)(A))**

8.2 As noted in Part 6 above, the adverse effects of the proposal are considered to be no more than minor, and the proposal is considered to generate positive effects on the environment.

### **Relevant provisions of National Environmental Standards and other regulations (Section 104(1)(b)(i) and (ii))**

8.3 The National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (NES Soil) ensures that land affected by contaminants is appropriately identified, assessed and if necessary remediated before it is developed. In this instance, the WDC have confirmed that the site is no known to have been historically or currently used for an activity identified in HAIL. No further assessment is considered necessary at this time.

8.4 The proposed service station will be designed, constructed and operated in accordance with all relevant standards for facilities involving the underground storage of petroleum.

### **Relevant provisions of National Policy Statements (Section 104(1)(b)(iii))**

#### *NPS – Highly Productive Land*

8.5 The National Policy Statement for Highly Productive Land (2022) (NPS-HPL) came into force on 12 September 2022.

8.6 Whilst the NPS\_HPL represents an evolution of the high level national policy framework, it has limited application to the consenting process at the present point in time, as it does not provide a rule set that has immediate effect. The WDC and NRC will be required to change both their District Plan and Regional Plan rural provisions to provide the local context to this site. Until that time the NPS-HPL must be considered along with the existing policy framework of the Rural Productive zone which provides for commercial and industrial activities that support rural communities with rural production, including of recreation and tourist based activities.



- 8.7 Therefore, in our view, the NPS-HPL is but one of the planning documents that are required to have regard to under section 104(1)(b).
- 8.8 The Soil and Resource Report concludes that the reclassification of the soils on the site from LUC2 to LUC3 and 4 is warranted, and therefore only 4.75ha of the development site are considered HPL and require assessment under the NES-HPL.
- 8.9 Policy NES-HPL 3.8 seeks to avoid subdivision of highly productive land unless the proposed lots will retain the overall productivity of the subject land over the long term, and avoids or otherwise mitigates the cumulative loss of availability and productive capacity of highly productive land in the district.
- 8.10 The applicant has demonstrated that the size of the existing site (being 36 hectares) proposed development, and the subdivision of 59,162m<sup>2</sup> portion which represents approximately 20% of the site area of the parent lot will be compatible with the ongoing rural production activities which do not involve intensive farm management (and are unlikely to be given the water logging of the site), which will be continued alongside this development. Given the current intensification of use and the existing limitations of the overall productivity will not be adversely affected.
- 8.11 I also do not consider that the proposed subdivision and development proposal will enable a cumulative loss of availability and productive capacity of other HPL soils across the district, given that subdivision of this parcel of land to enable the development and the type and scale of development (and investment in infrastructure required) means that what is proposed is a relatively unique and unusual activity in this district, and will not be easily replicated within the district to be considered a trigger for further development of this nature. In addition, the requirement for resource consent for a discretionary and non-complying activity for this type of development creates both a financial, information and process-oriented barrier for entry which would further mitigate any potential cumulative effects.
- 8.12 Policy NES-HPL 3.9 seeks to protect highly productive land from inappropriate use and development that is not for land based production unless it is provided for in the NPS, amongst other things at subclause (2)(j) where it is associated with at least one of the following, and there is a functional need for the use or development to be on the highly productive land: *“(i) the maintenance, operation, upgrade, or expansion of specified infrastructure”* and *“(a) provides for supporting activities on the land”*.



- 8.13 The proposed service centre development has been carefully located in this location adjacent SH1 to provide a functional need to the effective operation of the national road corridor between Auckland and Northland. In particular the proposal will provide a much needed SH1 truck stop facility between Te Hana and Whangarei, as well as provide a supporting convenience stop for other road users.
- 8.14 The applicant also proposes to build a roundabout from SH1 to access the site, which will also assist the safe and efficient manoeuvring of traffic to and from Waipu (rather than existing right hand turns from the Braigh), as it provides dedicated and safe turning facilities on SH1. The NZTA-WK requirement to provide a roundabout to access the site, has meant that a slightly larger site than originally anticipated was required.
- 8.15 Given the specifics of this application and the barriers to entry, it is unlikely that the proposal will generate any cumulative loss of productive land throughout the district, and therefore Policy NPS -HPL 3.9(3) is also considered satisfied.
- 8.16 Policy NES-HPL 3.10 notes that the Council may also allow land to be subdivided, used or developed, for activities not otherwise provided for in Policy 3.8 and 3.9, if the land has permanent or long term constraints that mean its use as highly productive land for land based primary production is not economically viable.
- 8.17 While I consider that Policies 3.8 and 3.9 have already been satisfied, and therefore have not provided the detailed economic viability of the current farm operation, it is likely that the water logged nature of the site, and its location between the Waihoihoi and Ahuroa Rivers, together with the acidic nature of the soils provide limitations to the nature and timing of crops on the site, as well as potentially animal welfare and pasture/soil damage. Both factors (neither of which can be resolved without costly infrastructure,) are likely to contribute to the reduction in the range and timeframe of uses of the site and decreased production, which is also likely to have some impact on the overall economic return of the land. Surface and subsurface drainage and treatment of acidic soils are all costly remediation options, and ones that are unlikely to be financially supportable on a farm of this size.

#### *NPS - Freshwater management*

- 8.18 The National Policy Statement for Freshwater Management (NPSFM) seeks to ensure that natural and physical resources are managed in a way that firstly prioritises the health and well-being of water bodies, secondly, the health needs of people, and thirdly the ability of people



and communities to provide for their social, economic and cultural well-being, now and in the future. The policies broadly look to give effect to Te Mana o te Wai, providing for active involvement of Tangata Whenua in freshwater management, providing for integrated management of freshwater that also accounts for climate change, and enabling communities to provide for their social, economic and cultural wellbeing in way that is consistent with the National Policy Statement.

### *NPS – Urban Development*

8.19 The National Policy Statement for Urban Development (NPSUD) sets out a series of comprehensive and prescriptive objectives and policies that apply to all decision-makers when making planning decisions that affect an urban environment. These objectives and policies seek to enable a variety of housing with good accessibility to the community, open spaces and public transport, recognise that significant changes to urban areas will be needed while being resilient to the current and future effects of climate change.

8.20 Under the NPS-UD, Northland is identified as a Tier 2 urban environment. In relation to Tier 2 urban environments, additional objectives and policies outline that sufficient development capacity is provided for business land (as well as housing) in the short and long term. Whilst there appears to be minimal vacant Settlement commercial and industrial zoned land within Waipu township to cater for the expansion of services of the scale proposed by the Waipu Gateway, as a discretionary activity in the Rural Production Zone, where they contribute to Districts' economy and where the effects on the environment are no more than minor.

### *NPS -Electricity Transmission*

8.21 The National Policy Statement for Electricity Transmission (NPSET) sets out the objectives and policies for appropriate development of land under and near National Grid Assets, and requires district plans and regional policy statement to give effect to these policies. The WDC has included the relevant policies and objectives within the WDP Critical Electricity Lines (CEL) section.

### **Relevant provisions of the Proposed Regional Policy Statement for Northland (Section 104(1)(b)(v))**

8.22 The relevant objectives and policies of Proposed Northland Regional Policy Statement aim to ensure the effective and sustainable management of Northlands resources to fully realise its economic potential and social wellbeing. The Policy Statement seeks to ensure that amenity,



infrastructure and community wellbeing are maintained in the region through planned and coordinated development with good urban design, whilst sustainability managing its natural and physical resources.

- 8.23 The outcome of sustained regional growth, that ensures that urban and rural areas are serviced by appropriate transport system and associated infrastructure that will help to improve business efficiency, support concentrations of business activity and facilitate a mobile and flexible work force.
- 8.24 The proposal is consistent with this as the development provides infrastructure associated with the transport network, providing a service centre for travellers as well as the wider rural community adjacent State Highway 1, which in turn creates added employment and business opportunities in the region. The design of the proposal (including significant landscaping) and its location adjacent SH1 will limit the visibility of the development in the rural context of this environment.
- 8.25 Overall, the application is considered to be consistent with the objectives and policies of the Regional Policy Statement.

**Objectives, policies and assessment criteria of the Whangarei District Plan (Section 104(1)(b)(vi)) and proposed Northland Regional Plan (operative in part)**

*Proposed Northland Regional Plan (operative in part)*

- 8.26 The relevant objectives and policies of the proposed Northland Regional Plan (operative in part) are contained in the following Chapters:
- D2: General
  - D3: Air
  - D4: Land and Water
- 8.27 When considering an application for a resource consent to discharge a contaminant into or onto land the relevant objective and policies (policies D4.1 and D4.3) of the proposed Northland Regional Plan (operative in part) seek to maintain overall water quality standards through the implementation of the best practicable option to manage the treatment and discharge of any contaminant to land. The design of the proposal intends to implement the best practicable option to ensure that these standards are met, in accordance with recognised industry good management practices.





8.28 In regard to considering an application for earthworks, the relevant policy D4.27 and D3.4 of the proposed Regional Plan seeks to ensure that the earthworks will be done in accordance with established good management practices and avoid significant adverse effects on drinking water supply, areas of high recreation and the health and biodiversity of water systems. The proposed earthworks are not adjacent any drinking water supply, recreational areas or water systems, and will therefore not be compromised as a result of the proposed earthworks. Appropriate sediment and dust management control measures will be put in place consistent with good management practices.

8.29 The proposed Regional Plan also has a number of objectives and policies (Policies D2.2 and D2.5) relating to supporting regionally beneficial infrastructure (including SH1), and having regard to the social, cultural and economic benefits of a proposed activity. The proposed activity will support the efficient and effective operation of SH1 by providing a service facility in an easily accessible and conveniently located position. The service centre will generate income for the region, and support both rural and tourism industries in this location, as well as provide additional employment opportunities for Waipu residents.

#### *Whangarei District Plan*

8.30 The relevant objectives, policies and assessment criteria under the Whangarei District Plan are contained in the following Chapters:

- DGD – District Growth and Development
- RPROZ – Rural Production Zone
- TRA – Transport
- TWM – Three Waters Management
- EARTH – Earthworks
- SIGN – Signage
- LIGHT – Lighting
- NAV – Noise and Vibration
- SUB – Subdivision
- HSUB – Hazardous Substances
- NTW – Network Utilities

8.31 The relevant provisions are set out below along with an assessment.



Table 1: Assessment of the relevant objectives and policies of Part 2: District Growth and Development

Reference	Objective / policy	Comment
<i>Objective DGD-02 Rural Areas</i>	<i>Protect the range of amenity values and characteristics in the Rural Area</i>	The effects of the proposal have been considered in depth in section 6 of this AEE and conclude that the amenity of the Rural Area will not be adversely affected by the proposal, and that the provision of a Service Centre of the nature proposed in this location is not out of character with a Rural Area adjacent to State Highway 1.
<i>Objective DGD-09 Land Use and Transport Planning</i>	<i>Maintain and enhance accessibility and safety for communities and integrate land use and transport planning</i>	The proposal will enhance accessibility and safety of the community by providing a service centre adjacent SH1 accessed by roundabout ensuring safe turning off SH1.
<i>Objective DGD-016 Rural Area Productive Function</i>	<i>Protect the long-term viability of the productive functions of rural land in a manner that delivers economic benefit and sustains the environment.</i>	The proposal provides for the service needs of the wider rural community in a convenient and accessible location, thereby potentially assisting in the long-term economic viability of the productive functions of rural land.



<p><i>Objective DGD-O17 Rural Area Lan Uses</i></p>	<p><i>Provide for a range of appropriate land uses in the Rural Area, including rural production activities, residential, rural residential, rural lifestyle, commercial, industrial, strategic rural industries, activities ancillary to farming or forestry and mineral extraction activities in appropriate areas.</i></p>	<p>The effects of the proposal have been considered in depth in section 6 of this AEE and concludes that the Service Centre supporting the rural activities undertaken in the wider area is appropriate on this site.</p>
<p><i>Objective DGD-O18 Rural Area Viability of Productive Functions</i></p>	<p><i>Avoid adverse effects on the viability of the productive functions of rural land and regionally significant mineral resources in the Rural Area resulting from ad hoc or scattered residential, rural residential and rural lifestyle subdivision and development.</i></p>	<p>The proposal does not include residential development, and therefore is not inconsistent with these objectives.</p>
<p><i>Objective DGD-O19 Rural Living</i></p>	<p><i>Consolidate rural lifestyle subdivision and development by zoning appropriate areas as Rural Lifestyle Zone.</i></p>	
<p><i>Objective DGD-O20 Rural Residential Development</i></p>	<p><i>Provide for areas of rural residential development on the fringe of Whangārei City while ensuring that these areas can accommodate future urban growth.</i></p>	
<p><i>Objective DGD-O21 Rural Settlement</i></p>	<p><i>Provide for managed growth of rural settlement</i></p>	
<p><i>DGD-P4 – Amenity</i></p>	<p><i>To ensure that the scale and nature of new land use activities are commensurate with the anticipated level of amenity and stated issues and objectives for the relevant zone</i></p>	<p>The effects assessment in Section 6 of this AEE has concluded that proposed Service Centre is at a scale that will not generate more than minor adverse effect the rural amenity of the wider area and will contribute positively to the range of services that can be accessed by the wider rural community.</p>
<p><i>DGD-P6 – Urban Expansion</i></p>	<p><i>To avoid inappropriate urban expansion by:</i></p>	<p>The proposed service centre is located adjacent</p>



	<ol style="list-style-type: none"> <li>1. <i>Ensuring that urban development occurs:</i> <ol style="list-style-type: none"> <li>a. <i>In a planned and coordinated manner.</i></li> <li>b. <i>Where appropriate infrastructure and services can be provided, including a range of transport choices.</i></li> </ol> </li> <li>2. <i>Requiring new urban development to be consolidated within or adjacent to Urban Areas and rural settlements.</i></li> <li>3. <i>Avoiding urban development sprawling into the Rural Area</i></li> </ol>	<p>SH1 and the Waipu settlement and consolidates a number of rural and commercial services together. The site being located adjacent SH1 and the wider Waipu rural community is primarily positioned to service those users and those of the travelling public. The location adjacent Waipu also ensures that the unique character of the Waipu settlement is maintained. Future urban development will continue to be managed by the provision of the WDP requiring resource consent for any similar development proposals.</p>
<p><i>DGD-P7 Transport System</i></p>	<p><i>To enable a safe, effective, efficient and accessible transport system by:</i></p> <ol style="list-style-type: none"> <li>1. <i>Integrating and coordinating transport and land use planning.</i></li> <li>2. <i>Improving access to alternative transport options.</i></li> <li>3. <i>Enhancing walkability and cycle connections within urban neighbourhoods and rural settlements.</i></li> <li>4. <i>Concentrating more intensive urban development in close proximity to public transport infrastructure.</i></li> </ol>	<p>The proposed service centre is located adjacent SH1 and the Waipu settlement and consolidates a number of rural commercial and traveller services together that support the surrounding rural environment. The site being located adjacent SH1 has been demonstrated to provide safe, efficient access to and from SH1 and the wider transport network.</p>
<p><i>DGD-P20 Rural Areas Residential Activities</i></p>	<p><i>To protect highly versatile soils from activities which would materially reduce the potential for soil-based rural production activities.</i></p>	<p>The site is uniquely positioned adjacent SH1 which makes it highly suitable for the proposed service centre. The</p>



		proposed service centre will occupy a small portion of land that is understood to not be intensively farmed currently, and therefore is not likely to materially reduce the potential for soil based rural production activities.
<i>DGD-P21 Rural Production Zone</i>	<i>To identify areas as Rural Production Zone to provide for the protection of productive rural land resources to enable a diverse range of rural production activities and activities that support rural production activities and rural communities, and to maintain biodiversity and rural character, where: There is a prevalence of: a. Existing production land use. b. Significant ecological and biodiversity values, such as indigenous bush and wetlands. Larger land parcels are prevalent, and the area is not compromised by significant clusters of rural lifestyle built development. An area is not: a. Located on the fringe of Whangārei City between the urban and rural zones. b. Suitable to provide for the future reticulated expansion of the Whangārei City Residential Zones. The criteria for the Future Urban Zone and the Rural Lifestyle Zone are not met.</i>	The proposed service centre is located adjacent SH1 and the Waipu settlement and consolidates a number of rural commercial and traveller services together that support the surrounding rural environment, in a manner that does not adversely affect the rural character of the area.

Table 2: Assessment of the relevant objectives and policies of Part 3: Rural Production Zone

Reference	Objective / policy	Comment
<i>Objective RPROZ-01 Rural Land Resource</i>	<i>Identify and protect productive rural land resources for a diverse range of rural production activities.</i>	The proposed activity supports the diverse range of rural production activities in the wider environment. A 20% portion of the existing land will be



		used for the proposed activity, with the remaining land continuing to be used for pastoral farming.
<i>Objective RPROZ-02 Land Use Activities</i>	<i>Enable a wide range of rural production activities and provide for commercial activities and industrial activities that support rural production activities and/or rural communities including recreation and tourist-based activities to establish and operate in the Rural Production Zone to contribute to the District's economy.</i>	The proposal enables commercial activities that support rural production, rural communities including tourist-based activities where they will contribute to the District's economy.
<i>Objective RPROZ-03 – Rural Character and Amenity</i>	<i>Avoid adverse effects on productive land resources from residential, rural residential and rural living subdivision and development in the Rural Production Zone.</i>	The proposed development has been designed so that the wider rural character will be retained, with farming and views of farming retained where practicable.
<i>Objective RPROZ-04 – Adverse Effects</i>	<i>Design and locate transport infrastructure in a manner that is consistent with the amenity and urban design outcomes anticipated for the zone.</i>	The site is located adjacent SH1, with a new proposed roundabout allowing access to the site and improving the safety of the intersection between SH1, the Braigh and Millbrook Road.
<i>Objective RPROZ – 05 Fragmentation</i>	<i>Minimise the fragmentation of rural land and promote allotment sizes that facilitate rural production activities other than to protect significant ecological and biodiversity values</i>	The proposed subdivision will create allotment sizes appropriate for the proposed activity.
<i>Policy RPROZ-P1 – Rural Character and Amenity</i>	<i>To protect the distinctive rural character and amenity of the Rural Production Zone including but not limited to: 1. A dominance of natural features including landforms, watercourses and vegetation.</i>	The AEE concludes that the proposed Service Centre will not dominate the wider rural landscape, given that it is located



	<p><i>a. A predominately working rural production environment, including:</i></p> <p><i>i. The presence of large numbers of farmed animals and extensive areas of plant, vine or fruit crops and areas of forestry. ii. Ancillary activities and structures (including crop support structures and artificial crop protection structures) across the landscape. b. Seasonal activities. c. A low intensity of development, involving a combination of domestic and rural production buildings and major structures. d. Varying levels of noise associated with seasonal and intermittent rural production activities. e. Relatively open space and low density of development. f. Odours, noise and dust typical of rural activities. g. Generally low levels of vehicle traffic with seasonal fluctuations.</i></p>	<p>adjacent SH1 and will be screened by landscape planting. The proposed buildings (together with the planting) will not be out of place in this context given that farm buildings of a similar scale are permitted in this zone. The proposed service station and ancillary signage are not uncommon features of the rural landscape adjacent SH1 and therefore will not be out of character, particularly as the remainder of the land holding will remain in pasture. The Traffic Impact Assessment confirms that the proposal will not be a destination in itself rather cater for existing traffic passing by the site.</p>
<p><i>Policy RPROZ-P2 Land Use Activities</i></p>	<p><i>To protect rural productive land, rural character and amenity and to encourage consolidation of activities within Whangarei City by: 1. Only providing for commercial activities and industrial activities in the Rural Production Zone where it is demonstrated that the activity:</i></p> <p><i>a. Has a direct connection with the rural resource and supports rural production activities and/or rural communities, including recreation and tourist based activities. b. Requires a rural location for its operational function. c. Will minimise the</i></p>	<p>The proposed Service Centre will have a direct connection with providing services to the surrounding rural activities (including recreation and tourism based activities) and wider rural community, including those travellers along SH1. The proposed Service Centre will not</p>





	<p><i>potential for reverse sensitivity effects between incompatible land use activities. d. Will contain and manage adverse effects on-site. e. Will contribute positively to the economy of the District. f. Can meet and fund local infrastructure requirements. 2. Not directly regulating outdoor agricultural and horticultural activities, excluding intensive livestock farming. 3. Permitting farming and activities ancillary to farming or forestry. 4. Requiring larger allotments sizes to retain productive rural options.</i></p>	<p>generate reverse sensitivity effects given the nature of the activity and the buffers and landscaping between users. The proposed Service Centre will contribute positively the economy of the District.</p>
<p><i>Policy RPROZ-P3 – Reverse Sensitivity</i></p>	<p><i>Avoiding reverse sensitivity effects by preventing sensitive activities within close proximity to Quarrying Resource Areas, Strategic Rural Industries, intensive livestock farming or other rural production activities that are lawfully established</i></p>	<p>The proposed Service Centre will not cause reverse sensitivity effects.</p>
<p><i>Policy RPROZ-P5 Maintain Amenity and Character</i></p>	<p><i>To maintain rural amenity, and character by ensuring that all new buildings and major structures and rural land uses: 1. Are of a scale and character appropriate to the Rural Production Zone. 2. Are sited in a location sufficiently setback from site boundaries to enable privacy, the retention of openness and access to sunlight. 3. Avoid ribbon development.</i></p>	<p>The proposal includes low rise buildings (all within the height limit and boundary setbacks for the zone), utilising recessive colours and materials associated with rural environment. The proposal is not considered ribbon development, nor is it considered an initiator of future development, given that this would also trigger the need for resource consent.</p>
<p><i>Policy RPROZ-P8 Subdivision Less than 20 ha</i></p>	<p><i>To avoid the subdivision of land into allotments less than 20ha unless it is demonstrated that all of the following are achieved:1. It does not create a rural residential or rural lifestyle allotment, other than where a Net Environmental Benefit is achieved.2. The subdivision of</i></p>	<p>The proposed subdivision provides for the commercial entities required to operate the site and will not result in rural residential or rural lifestyle</p>



	<p><i>rural land and associated buildings does not inhibit or restrict the productive potential or reasonably anticipated productive potential of rural production activities.3. The size, shape and arrangement of allotments: a. Is a practical size for rural production activities, other than where a Net Environmental Benefit is achieved b. Does not restrict the range of options for the use of production land</i></p> <p><i>4. The viability of the existing rural production activity is not compromised and the existing rural production activity can continue to operate efficiently at the subdivided scale.5. The subdivision and subsequent development will not result in adverse effects on the operation and viability of any adjoining rural production activity or strategic rural industry.</i></p> <p><i>6. The subdivision and subsequent development will not require connection to the District’s reticulated sewer or an extension or upgrading of any service or road, except where it is in the economic interest of the District and will not compromise the efficient functioning of the District’s infrastructure network.</i></p>	<p>allotments; the subdivision provides for a range of rural service activities that support the surrounding rural community. The viability of the existing rural production activity is understood to be able to continue to operate efficiently at the proposed scale. The proposed development will provide onsite treatment of wastewater and stormwater.</p>
<p><i>RPROZ-P11 Location and Design of Subdivisions and Associated Land Developments</i></p>	<p><i>To locate and design subdivision and associated land development to avoid urban form and character, maintain rural character and amenity values and protect and enhance environmental features by:</i></p> <p><i>1. Designing subdivisions to respond to the topography and characteristics of the land being developed. 2. Avoiding development on highly versatile soils. 3. Identifying building platforms that respond to site topography and environmental characteristics. 4. Locating access ways, services, utilities and building platforms where these can be provided without the need for significant earthworks, retaining,</i></p>	<p>Low rise buildings are proposed and located away from public and private interfaces with sufficient buffer and landscape planting to soften the built form. Earthworks are proposed to create the necessary building platforms, and onsite infrastructure and do not incorporate significant contouring. The proposed</p>



	<p><i>benching or site contouring. 5. Locating access ways, services, utilities and building platforms where the location is sensitive to and responds to environmental features of the site. 6. Ensuring that the subdivision will not create reverse sensitivity effects with respect to existing lawfully established activities.</i></p>	<p>subdivision will not cause reverse sensitivity effects.</p>
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Table 3: Assessment of the relevant objectives and policies of Part 2: Transport

Reference	Objective / policy	Comment
<p><i>Objective TRA-01 Transport network</i></p>	<p><i>Provide and maintain a safe, efficient, accessible and sustainable transport network while avoiding, remedying or mitigating adverse effects on the environment, adjoining land uses and the surrounding amenity and character</i></p>	<p>The Traffic Impact Assessment contained in <b>Appendix 6-6B</b> concludes that the proposal provides safe, efficient and sustainable transport network</p>
<p><i>Objective TRA-02 Transport and Land Use Planning</i></p>	<p><i>Integrate land use and transport planning to ensure that land use activities, development and subdivision maintain the safety and efficiency of the transport network.</i></p>	<p>The Traffic Impact Assessment contained in <b>Appendix 6-6B</b> concludes that the proposed development and subdivision integrate land use activities and transport planning in a manner that maintains the safe and efficient transport network.</p>
<p><i>Objective TRA-04 Safety and Efficiency</i></p>	<p><i>Provide suitable and sufficient vehicle crossings, access, parking, loading and manoeuvring areas that minimise adverse effects on the safe, effective and efficient functioning of the transport network.</i></p>	<p>The Traffic Impact Assessment contained in <b>Appendix 6-6B</b> concludes that vehicle access, parking, access and loading provided meets the standards of the WDP, and therefore minimises the adverse effects on the</p>



		functioning of the existing transport network.
<i>Objective TRA-05 Urban Design</i>	<i>Design and locate transport infrastructure in a manner that is consistent with the amenity and urban design outcomes anticipated for the zone.</i>	The site layout, and the Landscape Plan ensure that a transport infrastructure is designed and located in the site to ensure that a suitable level of amenity is provided.
<i>Policy TRA-P2 Roads</i>	<p><i>Allow new public roads or major roading upgrades to public roads where the location and design of the road:</i></p> <ol style="list-style-type: none"> <li><i>1. Provides for the needs of all users, as appropriate for the surrounding environment and the function of the road within the transport network hierarchy.</i></li> <li><i>2. Minimises adverse effects on surrounding sensitive activities, including severance effects and amenity.</i></li> <li><i>3. Maintains or enhances the safety and efficiency of the transport network.</i></li> <li><i>4. Does not compromise, and where possible provides, connections to surrounding areas, particularly for buses, pedestrians, and cyclists.</i></li> <li><i>5. Provides sufficient area for landscaping and tree planting in appropriate areas while balancing the need to maintain safety and provide underground services and footpaths.</i></li> <li><i>6. Contributes to positive urban design outcomes within the Urban Area.</i></li> </ol>	The proposed changes to SH1 will provide for the needs of all users, and assist in the improved functioning of the existing transport network in that it will provide for a safer alternative to right hand turns into Millbrook Road to go south along SH1, and righthand turns out of the Braigh north to go along SH1.
<i>Policy TRA-P3 Transport Network Capacity</i>	<p><i>To manage the scale and design of subdivision and development by:</i></p> <ol style="list-style-type: none"> <li><i>1. Ensuring that there is sufficient capacity within the transport network to cater for the proposal.</i></li> <li><i>2. Requiring sub dividers and developers to meet the costs of any upgrades and/or</i></li> </ol>	The Traffic Impact Assessment is contained in <b>Appendix 6-6B</b> concludes that the proposal provides safe, efficient and



	<i>extensions to the transport network which are directly attributed to measurable impacts of the subdivision or development.</i>	sustainable transport network.
<i>Policy TRA-P4 Integrated Transport Assessments</i>	<i>To avoid remedy or mitigate adverse effects on the adjacent and wider transport network by requiring Integrated Transport Assessments for large scale developments and subdivisions.</i>	The Traffic Impact Assessment is contained in <b>Appendix 6-6B</b>
<i>Policy TRA-P7 Access and Intersections</i>	<i>To ensure that access and intersections are designed and located so that:</i> <ol style="list-style-type: none"><li><i>1. Good visibility is provided.</i></li><li><i>2. Vehicle manoeuvres and public and active transport modes are appropriately accommodated.</i></li><li><i>3. They are sufficiently separated so as not to adversely affect the free flow of traffic</i></li></ol>	The Traffic Impact Assessment is contained in <b>Appendix 6-6B</b> confirms that the access and proposed roundabout are appropriately designed and located.
<i>Policy TRA-P8 Vehicle crossings and access</i>	<i>To require vehicle crossings and associated access to be designed and located to ensure safe and efficient movement to and from sites for vehicles, pedestrians and cyclists by managing:</i> <ol style="list-style-type: none"><li><i>1. Separation distances between vehicle crossings.</i></li><li><i>2. Separation distances from intersections, railway crossings and pedestrian crossing facilities.</i></li><li><i>3. Vehicle crossing sight distances.</i></li><li><i>4. The number of vehicle crossings per site.</i></li><li><i>5. The design, formation and construction standards of crossings and access.</i></li></ol>	
<i>Policy TRA – P9 Parking and Loading</i>	<i>To require parking and loading areas and access to be designed and located to ensure safe movement on-site and safe ingress and egress of vehicles, pedestrians and cyclists by managing:</i> <ol style="list-style-type: none"><li><i>1. Parking and loading space dimensions and gradient.</i></li><li><i>2. The location and identification of car parking and loading spaces.</i></li><li><i>3. Manoeuvring space within the site.</i></li></ol>	The Traffic Impact Assessment is contained in <b>Appendix -6B</b> concludes that the parking, loading and onsite manoeuvring meets the WDP standards and provides for safe movement of vehicles, pedestrians and cyclists.



	<p>4. <i>The formation and construction standards of parking areas.</i></p> <p>5. <i>The design and layout of parking areas.</i></p>	
<p><i>Policy TRA – P10 Bicycle Parking</i></p>	<p><i>To provide safe and secure bicycle parking spaces and end-of-trip facilities for activities with high numbers of employees, students or residents.</i></p>	<p>Safe and secure bicycle parking and end of trip facilities are provided for on site.</p>
<p><i>Policy TRA – P11 Charging stations</i></p>	<p><i>To reduce emissions and enhance the sustainability of Whangārei’s transport network by providing electric vehicle charging station parking spaces where high numbers of on-site car parking spaces are provided.</i></p>	<p>Electric vehicle charging stations are provided for on site.</p>
<p><i>TRA-P13 – Indicative Roads and Strategic Road Protection Areas.</i></p>	<p><i>To identify indicative roads and strategic road protection areas based on long term growth projections, and to require development and subdivision to have regard to effects on any indicative road or strategic road protection area</i></p>	<p>NA</p>

Table 4: Assessment of the relevant objectives and policies of Part 2: Three Waters Management

Reference	Objective / policy	Comment
<p><i>Objective TWM-01 Connections</i></p>	<p><i>Ensure that connections to public reticulated three waters networks are provided within Reticulated stormwater areas, Reticulated wastewater areas, and Reticulated Water Supply Areas.</i></p>	<p>A connection to the public potable water supply will be made via an onsite connection</p>
<p><i>Objective TWM -02 Private Systems</i></p>	<p><i>Ensure that private three waters systems are provided where connections are not provided to public reticulated networks.</i></p>	<p>Onsite stormwater and wastewater treatment and disposal is proposed.</p>
<p><i>Objective TWM-05 Adverse effects</i></p>	<p><i>Minimise adverse effects from stormwater and wastewater on people, property, infrastructure, the receiving environment and cultural values.</i></p>	<p>The Infrastructure Report provided in <b>Appendix 3-3B</b> confirms that the adverse effects of the onsite treatment and disposal of stormwater and wastewater into the receiving</p>





		environment will be no more than minor.
<i>Policies TWM-P3 Capacity</i>	<i>To manage the scale and design of subdivision and development where connection is proposed to public reticulated three waters networks to ensure that there is sufficient capacity in the public reticulated networks, or where necessary require upgrades and/or extensions to the public reticulated networks to enable appropriate subdivision and development.</i>	The Infrastructure Report provided in <b>Appendix 3-3B</b> confirms that there is sufficient capacity for potable water supply, and the proposed effects onsite treatment and disposal of stormwater and wastewater into the receiving environment will be no more than minor.
<i>Policies TWM-P6 Private Systems</i>	<i>To ensure that where connection to a public reticulated three waters network is not available or practicable that provision can be made for:</i> <i>1. A water supply.</i> <i>2. The treatment, disposal, and where appropriate attenuation, of stormwater in a way that does not lead to significant adverse effects on or off site.</i> <i>3. Management of wastewater via:</i> <i>a. An on-site wastewater treatment system; or</i> <i>b. Approval to connect to a private wastewater system.</i>	The Infrastructure Report provided in <b>Appendix 3-3B</b> confirms that the proposed effects onsite treatment and disposal of stormwater and wastewater into the receiving environment will be no more than minor.
<i>Policies TWM-P7 Flooding</i>	<i>To reduce the risk of flood hazards or increased upstream and downstream flood levels resulting from stormwater discharges.</i>	N/A
<i>Policies TWM-P8 Integrated Three Water Assessments</i>	<i>To require Integrated Three Waters Assessments for large scale developments to:</i> <i>1. Provide three waters infrastructure in an integrated and comprehensive manner.</i> <i>2. Enable and recognise the benefits of green infrastructure and low impact design.</i>	Refer to the Infrastructure Report in <b>Appendix 3-3B</b>





Table 5: Assessment of the relevant objectives and policies of Part 2: Hazardous Substances

Reference	Objective / policy	Comment
Objective HSUB-01 Adverse Effects	Protection of the environment from the adverse effects and risks, from activities involving the use, storage, manufacture, transport and disposal of hazardous substances.	Refer to <b>Appendix 8</b> which outlines the safety, operational and construction management procedures that will be applicable to the site and the hazardous substances
Policies HSUB-P1 Location	To ensure that hazardous substances are stored and used in locations where any adverse effects on human health, the surrounding natural and physical resources, and ecosystems, and surrounding land use activities are avoided, remedied or mitigated.	
Policies HSUB-P2 Design of Facilities	To ensure that activities involving the use or storage of hazardous substances are designed, constructed and managed to avoid the risk of fire and explosion, and to protect human and environmental health.	
Policies HSUB-P3 Transportation	To ensure that the transportation of hazardous substances is undertaken in a manner that reduces the risk of accidental leaks and spills.	
Policies HSUB-P4 Disposal	To dispose of hazardous substances waste at specialised facilities to avoid inappropriate release into the environment.	

Table 6: Assessment of the relevant objectives and policies of Part 2: Subdivision

Reference	Objective / policy	Comment
Objective SUB-01 Zone, Overlay and District Wide Objectives	Land is subdivided to achieve the objectives of each relevant zone, overlays and district-wide provisions.	Subdivision will assist in achieving the zones objectives of providing for rural service-related activities in the rural production zone
Objective SUB-03 Community Needs	Land is subdivided in a manner that provides for the changing needs of people	The proposed subdivision has been



	<p><i>and communities, and for future generations, while taking into account:</i></p> <ol style="list-style-type: none"> <li><i>1. Amenity values including good quality urban design.</i></li> <li><i>2. Local character and sense of place.</i></li> <li><i>3. The outcomes anticipated by the relevant zone, overlay and districtwide provisions.</i></li> </ol>	<p>carefully designed to minimise the effects on the rural character and amenity values, whilst providing for the long term needs of the community.</p>
<p><i>Objective SUB-04 Infrastructure</i></p>	<p><i>Subdivision and development provides for the efficient and orderly provision of services and infrastructure.</i></p>	<p>The subdivision layout is efficient and orderly, and will ensure the appropriate services and infrastructure is provided for the development.</p>
<p><i>Objective SUB-05 Managing Adverse Effects</i></p>	<p><i>Subdivision is designed to avoid, remedy or mitigate any adverse effects on the environment and occurs in a sequenced and coherent manner.</i></p>	<p>The subdivision is proposed to be staged in a sequential manner, and has been designed to avoid, remedy and mitigate any adverse effects.</p>
<p><i>Policies SUB-P1 Zone, Overlay and District Wide Policies</i></p>	<p><i>To enable subdivision where it meets the relevant zone, overlay and districtwide policies, where subdivision and development is designed to:</i></p> <ol style="list-style-type: none"> <li><i>1. Reflect patterns of development that are compatible with the role, function, amenity values and predominant character of the zone.</i></li> <li><i>2. Maintain the integrity of the zone with allotment sizes sufficient to accommodate intended land uses.</i></li> <li><i>3. Respond positively to and integrate with the surrounding context.</i></li> <li><i>4. Appropriately avoid, remedy or mitigate adverse effects on:</i> <ol style="list-style-type: none"> <li><i>a. Outstanding Natural Features.</i></li> <li><i>b. Outstanding Natural Landscapes.</i></li> <li><i>c. Coastal Areas.</i></li> <li><i>d. Areas of High Natural Character.</i></li> <li><i>e. Areas of Outstanding Natural Character.</i></li> <li><i>f. Sites of Significance to Māori.</i></li> <li><i>g. Historic Heritage.</i></li> <li><i>h. Significant Natural Areas.</i></li> <li><i>i. Highly versatile soils.</i></li> </ol> </li> </ol>	<p>The proposed subdivision will provide for a range of activities that support the wider rural community, on allotment sizes that are sufficient to accommodate the intended land uses, and in a manner reflects the staged nature of the logical development of the site . The Soil and Resources Report from Hanmore Land Consultants (contained in <b>Appendix 14</b> confirms that no “highly versatile soils” will be adversely</p>



		affected by the proposed development
<i>Policies SUB-P5 Infrastructure</i>	<i>To achieve efficient and effective provision of services and infrastructure by ensuring new allotments are capable of being provided with adequate services and infrastructure.</i>	The Infrastructure Report in <b>Appendix 3-3B</b> confirms that appropriate level of servicing can be provided on site. The Traffic Impact Assessment contained in <b>Appendix 14</b> confirms the proposed roading will provide suitable and safe access, manoeuvring and parking on the site.

Table 7: Assessment of the relevant objectives and policies of Part 2: Earthworks

Reference	Objective / policy	Comment
<i>Objective EARTH-01</i>	<i>Minimise the risk of land instability when undertaking earthworks associated with subdivision.</i>	The site is not at risk of land instability. The proposed earthworks associated with the subdivision will be undertaken in manner that minimise the adverse effects on the environment including the risk of land instability.
<i>Policies EARTH-P1 Adverse Effects</i>	<i>To avoid where practicable, or otherwise remedy or mitigate, adverse effects associated with land instability by managing earthworks associated with subdivision.</i>	
<i>Policies EARTH-P2 Risk</i>	<i>To design and undertake earthworks associated with subdivision to minimise potential risks to people, property and the environment from land instability.</i>	

Table 8: Assessment of the relevant objectives and policies of Part 2: Lighting

Reference	Objective / policy	Comment
<i>Objective LIGHT-01 provision of Lighting</i>	<i>Artificial lighting is provided to enable activities to occur outside of daylight hours and to support the health, safety and security of people, communities, and their property.</i>	The proposal complies with this objective in that the proposed lighting provides for the night-time



		operation of the service centre
<i>Objective LIGHT-O2 Adverse Effects</i>	<i>Artificial lighting maintains, and where appropriate enhances, the amenity and character of the surrounding environment while avoiding, remedying and mitigating adverse effects associated with light spill and glare.</i>	The Lighting Report prepared by Lumen8 Ltd attached as <b>Appendix 8-8A</b> demonstrates the proposed lighting, and its compliance against the performance standards for light spill and glare. The proposal complies with these standards and therefore is considered acceptable in the circumstance.
<i>Objective LIGHT-O3 Lighting Infrastructure</i>	<i>The subdivision and development of land provides artificial lighting infrastructure to support the safety and security of people and property and to maintain public pedestrian and traffic safety.</i>	
<i>Policies LIGHT-P1 Amenity and Character</i>	<i>To maintain, and where appropriate enhance, the amenity and character of each zone by controlling the intensity, location and direction of artificial lighting.</i>	
<i>Policies LIGHT-P2 Health and Safety</i>	<i>To enable the use of artificial lighting where it is required for health and safety reasons, traffic, cyclist and pedestrian safety or navigational purposes.</i>	
<i>Policies LIGHT-P4 Safety</i>	<i>To enable safe and efficient use of areas which will be accessed by the general public after daylight hours by requiring appropriately designed, installed and maintained artificial lighting to be provided when developing or redeveloping these areas.</i>	
<i>Policies LIGHT-P5 Road network</i>	<i>To support the safe and efficient use of the roading, cycling and pedestrian network while maintaining the character and amenity of the surrounding environment by requiring street lighting to be provided at the time of subdivision.</i>	

Table 9: Assessment of the relevant objectives and policies of Part 2: Noise and Vibration

Reference	Objective / policy	Comment
<i>Objective NAV 3.1</i>	<i>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</i>	The Noise Report, attached as <b>Appendix 7</b> confirms that the noise generated by the



	<i>wellbeing of people and communities, and for the amenity and character of the local environment.</i>	applicant's proposal are generally consistent with the anticipated noise and vibration limits of the zone, and therefore will not adversely affect the amenity and character of the environment given the existing noise environment in this location.
<i>Objective NAV 3.2</i>	<i>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.</i>	The Noise Report, attached as <b>Appendix 7</b> confirms that the noise generated by the applicant's proposal are generally consistent with the anticipated noise and vibration limits of the zone, and therefore will not compromise the ability of other lawful activities to operate.
<i>Policies NAV 4.1</i>	<i>To establish reasonable noise and vibration limits and controls that enable appropriate activities to operate while maintaining the characteristic amenity values of each Zone.</i>	The Noise Report, attached as <b>Appendix 7</b> confirms that the noise generated by the applicant's proposal are generally consistent with the anticipated noise and vibration limits of the zone.
<i>Policies NAV4.2</i>	<i>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</i>	The Noise Report, attached as <b>Appendix 7</b> confirms that the noise generated by the applicant's proposal are generally consistent with the anticipated noise and



	<p><i>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.</i></p>	<p>vibration limits of the zone, and has recommended mitigation measures to ensure that the adverse effects of operational and construction noise and vibration are minimised.</p>
<p><i>Policies NAV4.3</i></p>	<p><i>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.</i></p>	<p>The Noise Report, attached as <b>Appendix 7</b> confirms that the noise generated by the applicant's proposal are generally consistent with the anticipated noise and vibration limits of the zone.</p>
<p><i>Policies NAV4.4</i></p>	<p><i>To avoid restricting primary production activities by providing provisions that acknowledge their seasonal characteristics, transitory periods of noisiness and the effects of reverse sensitivity.</i></p>	<p>The proposed service centre is unlikely to generate any reverse sensitivity issues, given that it does not provide for residential accommodation, is sufficiently separated from surrounding land uses and proposes significant planting as a landscape buffer.</p>
<p><i>Policies NAV4.5</i></p>	<p><i>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.</i></p>	<p>N/A</p>





Table 10: Assessment of the relevant objectives and policies of Part 2: Signs

Reference	Objective / policy	Comment
<i>Objective SIGN-O1 Provision of Signs</i>	<i>Signage is provided for across a range of zones where: 1. It maintains, or where appropriate enhances, the character and amenity of the surrounding zone. 2. It does not adversely impact heritage values, the transport network, pedestrian and cyclist safety, or impede the efficient use of infrastructure. 3. It is provided in a manner which is efficient, legible and functional.</i>	The proposed illuminated signs will not be out of character in this environment adjacent State Highway 1 and ensures that the safe and efficient operation of the transport networks is maintained.
<i>Objective SIGN-O2 Illuminated Signs</i>	<i>Illuminated signage is provided for where it contributes to the social, cultural and economic wellbeing of the District in a manner which: 1. Maintains or enhances the amenity and character of the surrounding environment. 2. Avoids or mitigates adverse effects on the safe and efficient operation of the transport network, heritage values, amenity, and the health and safety of people.</i>	The proposed illuminated signs will not be out of character in this environment adjacent State Highway 1, and ensures that the safe and efficient operation of the transport networks is maintained.
<i>Policies SIGN-P1 Scale and Intensity</i>	<i>To provide for signage across a range of zones at a scale and intensity which ensures that the signage maintains the character and amenity of these zones and traffic safety within these zones by: 1. Requiring signage to relate to the goods or services available on site. 2. Limiting the size, location, and design of signage. 3. Requiring the consideration of cumulative effects of signage, taking into account whether the signage in conjunction with existing signs will create visual clutter or other adverse cumulative effects on amenity values or traffic safety.</i>	The proposed signage is considered acceptable in terms of scale, design and location as it will be visible to users of SH1 and give enough prewarning to ensure safe access into the Service Centre
<i>Policies SIGN-P4 Traffic Safety Signs</i>	<i>To manage signs visible from roads, including the state highway, to maintain traffic safety by: 2. Providing for road signs associated with road safety where they are designed and erected by the relevant</i>	N/A The applicant does not propose road safety signs





	<p><i>authorities for the purpose of traffic control or public safety</i></p> <p><i>3. Controlling the location, size and design of signage visible from roads.</i></p>	
<p><i>Policies SIGN-P8 Shared Location and Consolidated Signage</i></p>	<p><i>To encourage the shared location of signage, such as community, directional and commercial signage, where it is located beyond the site or activity to which it relates.</i></p>	<p>N/A The proposed signage is located within the site boundaries.</p>
<p><i>Policies SIGN-P7 Illuminated Signage (Amenity and Character)</i></p>	<p><i>To require illuminated signage to maintain the amenity and character of the zone and Resource Areas in which it is located by controlling:</i></p> <p><i>1. The use of illuminated signage in zones where amenity values are higher and the background lighting levels are generally lower.</i></p> <p><i>2. The design, location and brightness of illuminated signage in the City Centre, Mixed Use, Commercial, Shopping Centre, Light Industrial, Heavy Industrial, Local Centre, Sport and Active Recreation, Port, Marsden Primary Centre – Town Centre South and Industry, Strategic Rural Industries and Hospital Zones.</i></p>	<p>The proposed illuminated signs are positioned along SH1, and will denote the service centre. The illuminance will be designed to comply with the WDP for illuminated signs in this location. Signs of this nature are not unusual long State Highway 1 and therefore will not be out of character in this location</p>
<p><i>Policies SIGN-P8 Illuminated Signage (Traffic Safety)</i></p>	<p><i>To require illuminated signage to be located and designed to minimise the potential for adverse effects on traffic safety.</i></p>	<p>The proposed illuminated signs will be in a location and of a size that enables them to be easily understood and read, without obscuring sightlines, and therefore will minimise the potential for adverse effects on traffic safety.</p>



Table 11: Assessment of the relevant objectives and policies of Part 2: Network Utilities

Reference	Objective / policy	Comment
Objective NTW-05 <i>Protection of Network Utility Operations</i>	<i>The protection of network utility operations from the adverse effects of adjacent land use and development.</i>	The proposed built development is more than 20m from the CEL, however the proposed subdivision and the proposed landscaping set below the centreline of the CEL cluster. The applicant is therefore happy to condition any planting in the corner of the site to plant species that grow no more than 1m in height. The applicant has also initiated consultation with Transpower via their Pati website.
Policy NTW-P2 <i>Reverse sensitivity effects</i>	<i>To ensure safe, secure and efficient use and development of electricity infrastructure by avoiding or mitigating reverse sensitivity effects generated by inappropriate land use, subdivision and development activities occurring within close proximity to infrastructure</i>	The proposed subdivision will create the necessary land titles for the Waipu Gateway development of the site. The proposed activity does not involve any sensitive activities, and people will move through the site temporarily. Therefore, the proposed development is unlikely to generate reverse sensitivity effects on the network
Policy NTW-P5 <i>Safe and Efficient use and Development of the</i>	<i>To ensure safe and sufficient use and development of the national grid and adjacent land by:</i>	There will be no sensitive activities located within the grid corridor. The proposed



<i>National Grid and Adjacent Land</i>	<ol style="list-style-type: none"><li><i>1. Avoiding sensitive activities within the national grid corridor;</i></li><li><i>2. Ensuring that land use, subdivision and development do not compromise the operation, maintenance, upgrading and development of the national grid;</i></li><li><i>3. Managing subdivision to facilitate good amenity and urban design outcomes near the national grid; and</i></li><li><i>4. Not foreclosing the operation or maintenance options or, to the extent practicable, the carrying out of routine and planned upgrade works.</i></li></ol>	subdivision and land use will not compromise the operation, maintenance or upgrading the national grid. The subdivision will not compromise urban amenity in the vicinity of the national grid, nor will it inhibit maintenance or planned upgrades.
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### **Other Matters (s104(1)(c))**

8.32 Section 104(1)(c) requires that any other matter the consent authority considers relevant and reasonably necessary to determine the application be considered. In this case no other matters are considered relevant

8.33 When all the objectives and policies are considered as an integrated package, the proposal is not contrary to the provisions of the Rural Production zone. The proposal will contribute positively to the local economy, particularly providing for rural activities and those that support the rural economy, including tourism and recreational activities associated with the wider rural and coastal communities. The proposed project will also not result in reverse sensitivity effects nor significantly impact the existing rural character in this location adjacent SH1.

### **Section 106(1)(a-c)**

8.34 Pursuant to section 106 of the RMA, a consent authority may refuse to grant a subdivision consent or grant a subdivision consent subject to conditions if.

- There is a significant risk from natural hazards; or
- Sufficient provision has not been made for legal and physical access to each allotment created.

8.35 The proposed subdivision is considered to pass the relevant 'tests' of section 106(1)(a-c) as:



- The land nor the consented development are likely to be subject to material damage by natural hazards and the proposed subdivision will not exacerbate the risk to natural hazards; and
- The consented legal and physical access to the site will be unaffected by the proposed subdivision.

8.36 Therefore, it is not considered appropriate for the subdivision consent to be refused pursuant to section 106 of the RMA.

### **Section 104 conclusion**

8.37 In summary, the proposed development is considered to be generally consistent with, and will give effect to, the relevant provisions of the Whangarei District Plan and the proposed Northland Regional Plan (operative in part). The proposal seeks to provide a service centre for the travellers using State Highway 1 and the wider rural community of Waipu in a zone that anticipates and provides for such use on a case-by-case basis. The development has been reviewed by a range of experts who have found that the development is acceptable, subject to recommendations in their specialist reports.

8.38 In this case the WDP contemplates that the rural commercial activities are needed to support the wider rural activity, and these need to be assessed on a case-by-case basis, having appropriate consideration of the location proposed and the effects generated.

8.39 Accordingly, I conclude that the proposed activity is not inconsistent with the objectives and policies of the Plan, given that in this location is ideally suited for such a proposal and the effects of which have been determined to be no more than minor.



## **9. SECTION 104D ASSESSMENT**

- 9.1 Under s104D of the RMA, a non-complying activity must pass at least one of the tests of either s104D(1)(a) or s104D(1)(b) before a decision can be made to grant or decline a resource consent application under s104B. If an application fails both tests of s104D then it must be declined.
- 9.2 Under s104D(1) of the RMA, an application must satisfy either:
- (a) the adverse effects of the activity on the environment (other than any effect to which section 104(3)(a)(ii) applies) will be minor; or
  - (b) the application is for an activity that will not be contrary to the objectives and policies of the relevant plan.
- 9.3 As outlined in section 6 above, the potential adverse effects on the environment have been assessed as being no more than minor. As such, the application is considered to satisfy s104D(1)(a) of the RMA. In addition, as demonstrated in Section 7 above, the proposed development is considered to not be contrary to the objectives and policies of the WDP or the proposed Northland Regional Plan (operative in part) thus satisfying s104D(1)(b) of the RMA.
- 9.4 Therefore, the application meets both of the tests of s104D and the application is able to be assessed against the provisions of s104B, with a substantive decision made.



## 10. NOTIFICATION ASSESSMENT

### **Public notification assessment (sections 95A, 95C-95D)**

10.1 Section 95A specifies the steps the Council is to follow to determine whether an application is to be publicly notified. These steps are addressed in the statutory order below.

#### Step 1: mandatory public notification in certain circumstances

10.2 No mandatory notification is required as:

- The applicant has not requested that the application is publicly notified (s95A(3)(a));
- All lawful requests for further information will be complied with (s95C and s95A(3)(b)); and
- The application does not involve any exchange of recreation reserve land under s15AA of the Reserves Act 1977 (s95A(3)(c)).

10.3 In this case, the applicant has requested that the application is publicly notified in accordance with s95A(3)(a).



## 11. PART II MATTERS

- 11.1 In *RJ Davidson Family Trust v Marlborough District Council*,<sup>1</sup> the Court of Appeal confirmed that Part 2 is applicable to resource consent applications, however, whether and to what extent it will be appropriate for a decision maker to resort to Part 2 will depend on the planning instruments engaged.<sup>2</sup> The Court of Appeal's key finding was that in circumstances where it is clear that a plan has been prepared having regard to Part 2, with a coherent set of policies designed to achieve clear environmental outcomes, although it is permissible to refer to Part 2, such reference is unlikely to add anything.
- 11.2 In my view, the Whangarei District Plan and the proposed Northland Regional Plan (operative in part) are the most recent planning document for Waipu and has recently been through a comprehensive plan change process and was clearly prepared having regard to Part 2 of the RMA. Therefore, I consider that the preceding assessment under s 104 has adequately addressed Part 2 matters and resorting to Part 2 is unlikely to add anything.

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<sup>1</sup> [2018] NZCA 316.

<sup>2</sup> This is a departure from the High Court's decision which required recourse to Part 2 in the context of resource consent applications only where the planning instrument was invalid, incomplete, or uncertain.





## 12. OTHER RELEVANT MATTERS

### *Proposed conditions*

12.1 There are a number of recommended conditions contained within this report and the expert reports attached. These conditions form a part of the application proposals and are variously necessary to avoid, remedy or provide mitigation for potential adverse effects. A non-exhaustive list of the proposed conditions of consent (many of which are standard Council consent conditions) is set out below and it is intended that these conditions can be further refined during the processing of the application.

- Application in accordance with plans
- Construction Management Plan/s including construction traffic, hours, complaints process and noise/vibration;
- Finalised erosion and sediment control plan
- Detailed landscape Planting Plan along with implementation monitoring/maintenance plans
- Groundwater drawdown monitoring plan
- Supervision of works by suitably qualified geotechnical engineer familiar with the submitted report;
- Standard engineering detail conditions including vehicle crossing, roundabout detailed design;
- Lighting plan;
- Provision of final materials palette for approval by Council.



## 13. CONSULTATION

### *Patuharakeke Iwi Trust*

- 13.1 As outlined in Section 1.2, consultation commenced with Patuharakeke Te Iwi Trust Board on 7 November 2022 with an email received on that date confirming their interest in the area. The Iwi Trust board have been commissioned to undertake a Cultural Effects Assessment of the proposed development. The applicant has received a draft report which is attached as **Appendix 15**. The complete AEE package has been sent through to Patuharakeke Te Iwi Trust Board to complete their final review and finalise their report.

### *New Zealand Transport Agency – Waka Kotahi (NZTA-WK)*

- 13.2 Whilst the applicant was undertaking preliminary designs for the site, initial engagement with NZTA-WK was undertaken. At the time, the applicant was considering the option to access the site directly from State Highway 1. The response from NZTA-WK was that they would like involvement in the design of any new access onto SH1, including the access from Millbrook Road onto the State Highway. A number of meetings were then held between the applicant and NZTA-WK, and as a result of this feedback, TPC Ltd have prepared the design in consultation with NZTA-WK, and have received their approval in principle to the proposed access of SH1 from a safety perspective, prior to the lodgement of this resource consent application.

### *Transpower*

- 13.3 The applicant has initiated consultant with Transpower through their Patai portal process.



## 14. CONCLUSION

- 14.1 Vaco Property Investments (Waipu Project) Ltd are seeking resource consent for the redevelopment of the site at 47 Millbrook Road, Waipu which includes the construction of a new service station and service centre, incorporating a food retail outlets, quick service restaurants and cafes and commercial services to meet the needs of travellers and the wider rural community. A staged subdivision is also proposed to facilitate the development. Resource consent is required as a non-complying activity under the Whangarei District Plan and a discretionary activity under the proposed Northland Regional Plan (operative in part).
- 14.2 The proposed development has been assessed and is considered to have an impact on the environment that is no more than minor and mitigation measures proposed by specialist input have been incorporated into the design.
- 14.3 The proposed development is considered generally consistent with the relevant assessment criteria, objectives and policies of the Whangarei District Plan and proposed Northland Regional Plan (operative in part) and Part 2 of the Resource Management Act.
- 14.4 Therefore, this application is considered appropriate for approval, subject to conditions.

Keren McDonnell

Mt Hobson Properties Limited

October 2023 (Revised by S92)



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# **APPENDIX 1**

## **CERTIFICATE OF TITLE**



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## **APPENDIX 2**

# **ARCHITECTURAL PLANS**



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## **APPENDIX 3-3B**

# **INFRASTRUCTURE REPORT, CIVIL DRAWINGS, 3 WATERS MEMORANDUM**



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## **APPENDIX 4**

# **GEOTECHNICAL REPORT**





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## **APPENDIX 5**

# **LANDSCAPE CONCEPT**



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## **APPENDIX 6-6B**

# **TRAFFIC IMPACT ASSESSMENT, APPENDICES AND S92 RESPONSE**



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## **APPENDIX 7**

# **NOISE AND VIBRATION REPORT**



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## **APPENDIX 8-8H**

# **HAZARDOUS SUBSTANCES DOCUMENTATION**



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## **APPENDIX 9-9A**

# **LIGHTING PLAN AND REPORT**



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## **APPENDIX 10**

# **ECONOMIC IMPACT ASSESSMENT**



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## **APPENDIX 11**

# **ARCHAEOLOGICAL REPORT**





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## **APPENDIX 12**

# **PROPOSED SCHEME PLANS**



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## **APPENDIX 13**

# **PRELIMINARY CONTAMINATION REPORT**

## **WDC**



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## **APPENDIX 14**

# **SOIL AND RESOURCE REPORT**



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## **APPENDIX 15**

# **CULTURAL EFFECTS ASSESSMENT**



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## **APPENDIX 16**

# **TRANSMISSION LINE SURVEY**



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## **APPENDIX 17**

# **HNZPT AUTHORITY TO MODIFY**



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## **APPENDIX 18**

# **LANDSCAPE AND VISUAL ASSESSMENT**





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## **APPENDIX 19**

# **ASSESSMENT OF STANDARDS**