

Ruakaka Service Centre

State Highway 1, Ruakaka



Application for Resource Consent and Assessment of Environmental Effects

Section 92 version – June 2021

Tattico Limited

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1 INTRODUCTION

This report is submitted in support of a land use consent application on behalf of Ruakaka Developments Limited (**the applicant** or **RDL**) for the development of a service centre on the sites located on the north-eastern corner of the junction of State Highway 1 and State Highway 15A (Port Marsden Highway) (identified in Section 2 below).

The proposed service centre comprises of:

- (a) A large service station with refuelling capacity for 16 cars at a time, and dedicated truck stop / refuelling facility that can accommodate up to 4 trucks at a time
- (b) Food and beverage facilities for the travelling public including:
 - a fast food restaurant
 - a café; and
 - a dairy or small superette type operation.
- (c) A retail shop
- (d) Public amenities including:
 - public toilet facilities; and
 - publicly available picnic area
- (e) Associated parking
- (f) Dedicated coach pick-up / drop-off area to support inter-regional bus services

The service centre occupies approximately 25% of the 17.853ha RDL property. The remaining 75% will comprise:

- (a) the existing residential home on Lot 2 DP 310034;
- (b) retired farmland and landscaped area, being the riparian planting around the stream that traverses the site;
- (c) retained farmland across the remainder of the RDL landholding.

The site is located at the intersection of State Highway 1 and State Highway 15A (Port Marsden Highway), being the primary access road to Northport. The proposed service centre will provide significant rest and service facilities for the travelling public and for business traffic, particularly trucking movements, heading from Northland into the port or further south down State Highway 1.

The proposed vehicle access to the facility has been carefully designed to ensure safe ingress to and egress from the site. The centre will largely service southbound traffic on State Highway 1 and eastbound traffic and on State Highway 15A. Other facilities for northbound traffic exist on the western side of State Highway 1, although with public restrooms and variety of food and beverage options may attract some northbound traffic across. In such situations, northbound access is available off State Highway 15A. No direct right turn traffic from or on to State Highway 1 is enabled, although westbound access is provided directly from State Highway 15A.

Part of the site is within an identified flood plain area. This application proposes the integrated management of the land such that no different impact in terms of the flood plain or overland flow path from the current site. Recontouring of the land is proposed to ensure the same water holding capacity within the property is maintained. Furthermore, the creation of the wetland and the restorative work in the waterways will mean that what are currently constrained drains causing some upstream flooding in certain events will be removed and the incidence of flooding reduced.

Wastewater is proposed to be managed on site with a filtration system package plant and land-based disposal. Potable water is provided through reticulated system to the site by extending current services down State Highway 15A. Power and telecommunications are provided to the site through existing service connections.

As part of the proposed site works, the stream that traverses the site will be enhanced to provide improved ecological habitat. Redundant structures will be removed, the riparian margins planted in appropriate native vegetation and fully fenced to ensure stock cannot access the area.

This development will provide traveller's services for southbound traffic and will be the only southbound service station between Whangarei and Wellsford (on the eastern side of State Highway 1). Furthermore, it will be the only dedicated segregated truck fuelling facility on the eastern side of State Highway 1 between Whangarei and Bombay Hills in the southern outskirts of the Auckland region. This provides important services to the travelling public and to business.

The Whangarei District Plan provides for a wide range of activities as a discretionary activity within the Rural Production Environment. This traveller's centre falls within that definition. Overall, the proposal is considered to be in accordance with the objectives and policies of the Whangarei District Plan and the relevant provisions of the Resource Management Act 1991 (RMA).

While I acknowledge that it is the Council's role to satisfy itself as to any need for notification of this application under Section 95 of the Resource Management Act 1991, I record that in my opinion it is appropriate to notify this application on a limited basis to the immediate neighbours, those elevated homes on the western side of State Highway 1 which will overlook the development site, and Waka Kotahi - New Zealand Transport Agency.

This report has been prepared in accordance with the requirements of Section 88 and the fourth schedule of the Resource Management Act 1991 (RMA) and is intended to provide the information necessary for a full understanding of the proposal and any actual or potential effects the proposal may have on the environment.

This planning report:

- (a) describes the site and surrounding neighbourhood
- (b) describes the proposed activity
- (c) sets out the relevant planning information
- (d) sets out the reasons for consent
- (e) undertakes an assessment of effects of the proposal on the environment
- (f) undertakes an analysis of the provisions of the RMA and the relevant statutory plan documents; and
- (g) addresses issues of notification.

The reports forming part of this application and supporting the Planning Report and Assessment of Environmental Effects (this document) are:

Attachment A1	Certificates of Title and Instruments
Attachment A2	Summary of instruments (prepared by Simpson Grierson)
Attachment B	Architectural Plans dated 2 June 2021, prepared by Buchan Group
Attachment C	Landscape Plans dated 3 June 2021, prepared by Boffa Miskell
Attachment D1	Infrastructure and Engineering Report (Access Option 1), prepared by Maven
Attachment D2	Infrastructure and Engineering Report (Access Option 2), prepared by Maven
Attachment E	Landscape and Visual Assessment dated 28 September 2020, prepared by Boffa Miskell
Attachment E1	LVEA Supplement dated 24 February 2021, prepared by Boffa Miskell
Attachment E2	LVEA supplement dated 22 March 2021, prepared by Boffa Miskell
Attachment E3	LVEA graphic supplement dated February 2021, prepared by Boffa Miskell

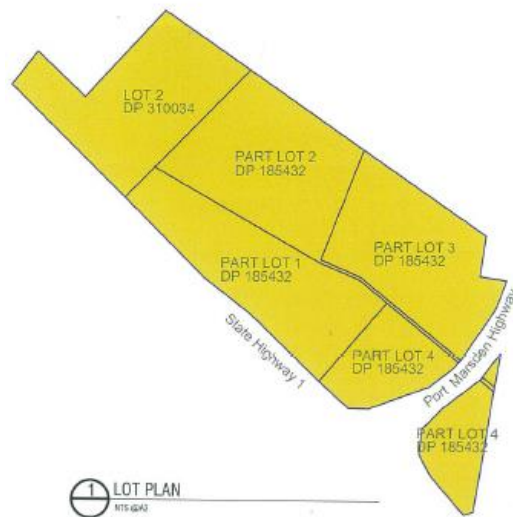
Attachment F	Traffic Impact Assessment dated June 2021, prepared by Traffic Planning Consultants
Attachment G	Noise Assessment dated 24 February 2021, prepared by Marshall Day Acoustics
Attachment G1	Noise letter dated 17 February 2021, prepared by Marshall Day Acoustics
Attachment H	Lighting Assessment, prepared by LDP
Attachment H1	Lighting Performance Plans dated 15 February 2021, prepared by LDP
Attachment I	Preliminary Archaeological Assessment dated June 2020, prepared by Clough & Associates
Attachment J	Economic Assessment dated June 2019, prepared by Colliers International
Attachment K1	Preliminary Site Investigation dated March 2020, prepared by Focus Environmental Services
Attachment K2	Detailed Site Investigation dated February 2021, prepared by Focus Environmental Services
Attachment L	Ecological Assessment dated November 2020, prepared by Bioresarches
Attachment M	Cultural Values Assessment dated July 2019, prepared by Patuharakeke Te Iwi Trust Board
Attachment N	Cultural Effects Assessment dated September 2020, prepared by Patuharakeke Te Iwi Trust Board
Attachment O	Wastewater Disposal Report dated 8 November 2019, prepared by ENGEO
Attachment P	Geotechnical Investigation Report dated 5 November 2020, prepared by ENGEO
Attachment Q	Hazardous Substances Plan dated 26 March 2021, prepared by Petroleum Solutions Limited

2 THE APPLICANT AND PROPERTY DETAILS

APPLICANT AND PROPERTY DETAILS

Applicant	Ruakaka Developments Limited	
Address	Legal Description	Land area
2533 State Highway 1	Lot 2 DP 310034	3.730ha
2581 State Highway 1	Pt Lot 1 DP 185432	3.757ha
0 Port Marsden Highway	Pt Lot 3 DP 183432	3.672ha
0 Port Marsden Highway	Pt Lot 2 DP 185432	4.018ha
0 Port Marsden Highway	Pt Lot 4 DP 185432	2.683ha
Total site area		17.853ha

Figure 10: Titles

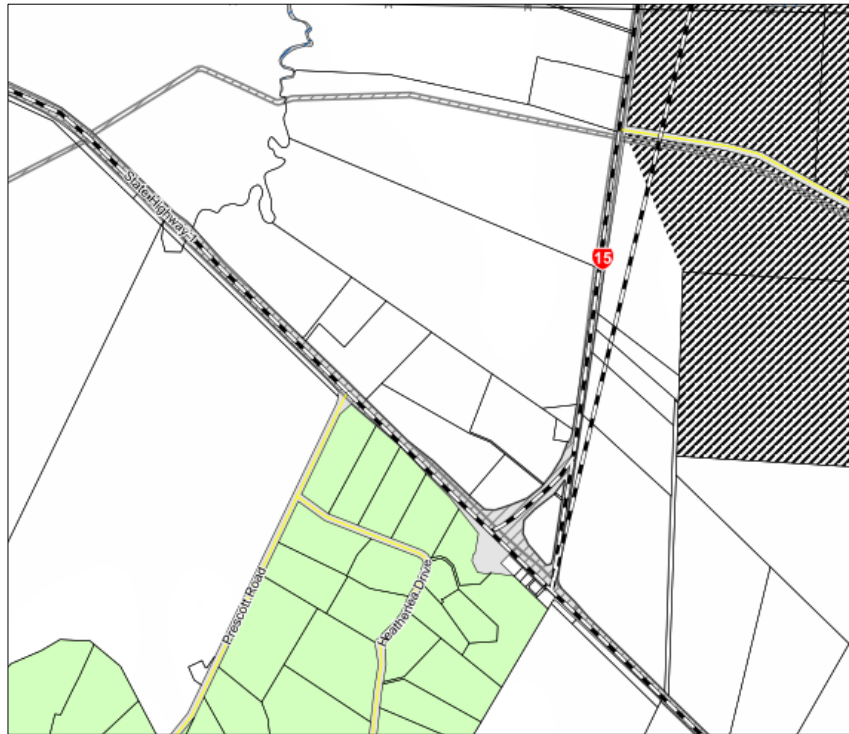


Planning information

Zone	Rural Production
Designations	State Highway 1 State Highway 15A
Special Planning Controls	N/A

Council GIS Viewer

Figure 1: Zoning Plan



Source: www.gis.wdc.govt.nz/intramaps90

Figure 2: Flood plain



Source: www.gis.wdc.govt.nz/intramaps90

3 SITE AND LOCALITY DESCRIPTION

2.1 Site Locality

Ruakaka has traditionally been described as a small beachside community approximately 30km to the south of Whangarei. The Ruakaka settlement is defined by the long surf beach overlooking Bream Bay. The residential community adjoins an estuary at the southern end of the beach, while to the north of the estuary is the Whangarei Racecourse and also the Ruakaka Town Centre and adjoining residential development.

Figure 3: Locality Plan



Base map source: www.googlemaps.co.nz/maps

The wider Ruakaka area has a broad mix of activities, including the Marsden Point Oil Refinery, North Port, Marsden Cove Marina and the One Tree Point and Takahiwai beaches and communities. Access to these areas is off State Highway 1 and either onto State Highway 15A or Marsden Point Road.

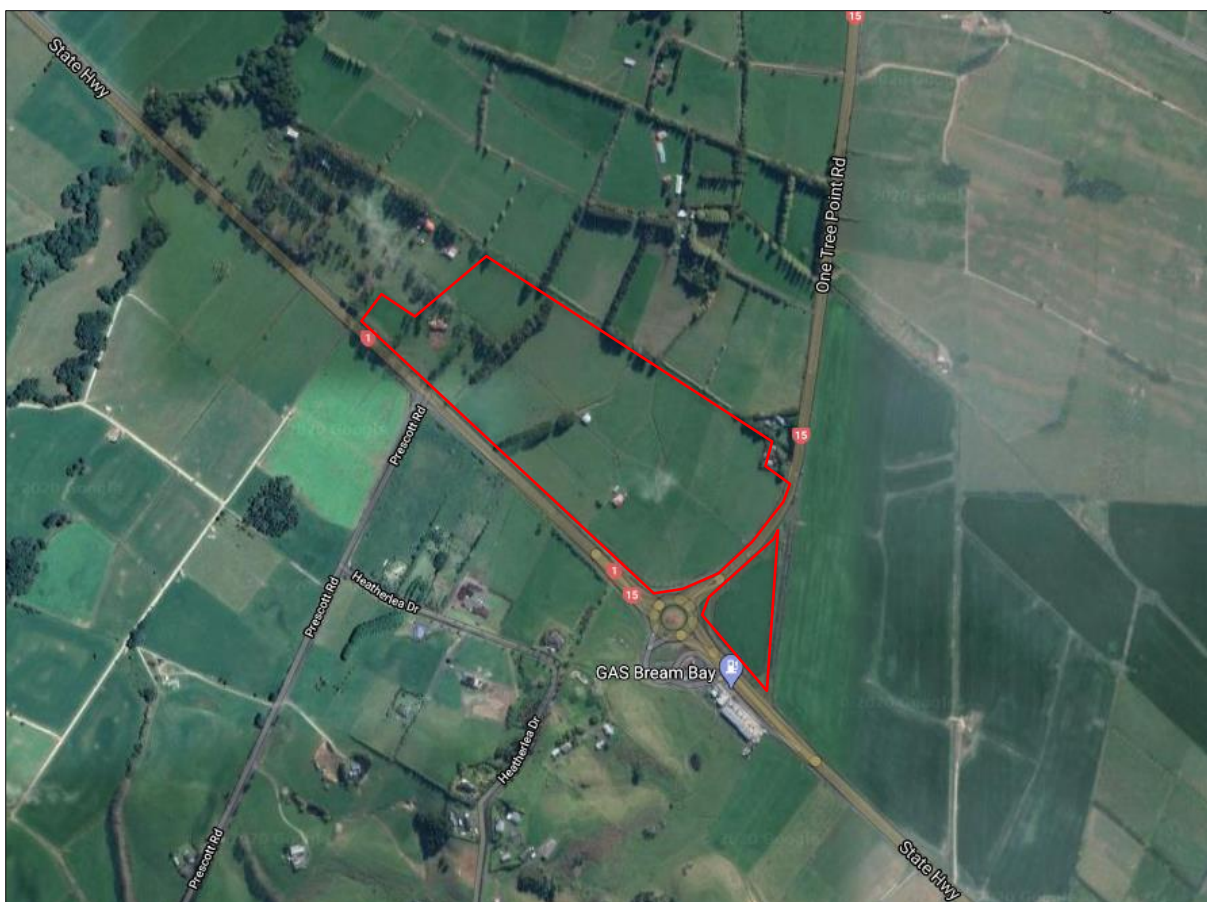
A critical locational element of the broader area is the major facilities at Northport. This is a facility focused on petrochemicals and forestry products, and there is the prospect that port facilities may be expanded further in the future.

A critical component with the forestry industry is the transhipment of logs from the Northland area generally into Northport. The proposed Ruakaka Travellers Centre will provide dedicated, separated, specifically designed facilities to support those heavy truck movements through the area and will provide a comprehensive service (refuelling, food and beverage, and significant amounts of truck parking / rest areas) for these vehicles within this part of Northland.

2.2 Subject Site

The subject site consists of six sites as shown in **Figure 4** below. A small part of the site has been severed from the majority of the property by a road connecting State Highway 1 and State Highway 15A (via a round-a-bout).

Figure 4: Site Map



Base map source: www.googlemaps.co.nz/maps

The subject site is currently pasture, with the only other vegetation on the site being shelter belts. The site is relatively flat, however certain areas of the site have localised topography (small ridges and gullies). The site has a general slope from the north-eastern corner to the south-western corner.

A central stream traverses the middle of the site through Lots 1 and 3. This is essentially a dug channel from a culvert under State Highway 1 integrating in with a stream on the site.

The site comprises two existing farms. The large farm (DP 185432) is currently used for dry stock grazing and includes a single home of poor quality and a storage shed. The smaller northern farm (DP 310034) includes a substantial relatively well-maintained farmhouse which is retained as part of this proposal. The only part of DP 310034 site which is incorporated within this development is the strip of land along State Highway 1 which provides for the long deceleration lane into the site.

Historical uses of the site are limited to agriculture, specifically grazing land. The site has not previously been used for any type of horticultural activity.

The subject site is currently accessible by State Highway 15A via an informal vehicle access located in the south-eastern corner of the site.

The subject site is further defined by grassed berms/setbacks from both State Highway 1 and State Highway 15A. These yards are not part of the site itself, rather they form the designation for both State Highway 1 and State Highway 15, over which Waka Kotahi – New Zealand Transport Agency (**WK-NZTA**) has discretion.

2.3 Background

2.3.1 Population Growth

In recent decades Whangarei has been experiencing significant population growth and economic development. As stated by the Whangarei District Council:

“The population of the district is projected to increase from 74,430 in 2006 to around 110,000 in 2041 (roughly the size of Tauranga) and to around 130,000 in 2061 (roughly the size of Hamilton). This represents an average annual increase of 1.35% or 1,000 additional people every year, and a total increase in population of around 55,000. This equates to an average annual increase in occupied dwellings of 1.42%, or 400 additional dwellings per year.

“In addition, there are likely to be around 100 more holiday homes per year, mostly in coastal areas.”

Whangarei has been identified for significant residential and commercial growth which is outlined in the Whangarei Growth Strategy. The Growth Strategy which outlines the strategic framework for development within the region over a 30-year period and 50-year period.

The strategic outcomes intended within the 30-year period specifically focus on major infrastructure development within the region that will support and accommodate the growth occurring within the region.

2.3.2 Tourist Industry Expansion

As noted above, growth within the region also includes the expansion of the tourist industry. The proposed site is located along key transport routes leading to coastal towns and known as well as new tourist settlements.

Service infrastructure is required to accommodate and encourage the growth to ensure the Tourist Industry in a sustainable and efficient manner which establishes a local service industry as well as forming part of the wider service industry network. While the current Covid-19 pandemic is impacting international tourism, the proposed development is looking long-term and seeks to provide safe and effective coach parking spaces to support the re-establishment of tourism into Northland.

2.3.3 SH1 lane widening

The original SH1 design was prepared with the expectation of increasing the width of the State Highway 1 carriageway between the Ruakaka roundabout and Whangarei to two lanes in each direction. With the recent announcement of this roading upgrade by the government and WK-NZTA, provision has been made within the proposed Ruakaka Traveller's Centre for this road widening (i.e. the proposal sits fully outside the area needed designated for those works).

4 PROPOSAL

3.1 Introduction

This application for a resource consent seeks approval for the construction of a service centre which will provide refuelling facilities for vehicles and trucks, food and beverage outlets, a convenience store, a rest area for drivers, and a playground and amenity space.

The proposed buildings and overall layout of the development is set out in detail on the Architectural Drawings and Design Report by Buchan submitted as part of this application (refer **Attachment B** to this report).

Other details of the proposal relating to noise, lighting, stormwater, transport, earthworks, contamination, archaeology, ecology and cultural effects are set out in the respective technical reports that are submitted with the application and also comprise the proposal.

As context for the discussion that follows, and since this application was originally lodged with WDC, discussions have been ongoing with WK-NZTA about the design of access to and from the site. Those conversations are ongoing, with a range of access options (all of which the applicant's transport engineers consider to be workable and appropriate) are with WK-NZTA for review and feedback. Accordingly, this application has been updated to identify two access arrangements that are to be carried forward until such time as the Agency provides clarity on which of the designs is preferred.

For the purpose of progressing this application, the alternative access layout is reflected as Option 2 within the architectural, landscape and engineering plans and reports. The Traffic Impact Assessment prepared by Traffic Planning Consultants discussed the two options as well as others considered and put before WK-NZTA as part of the ongoing engagement with the Agency.

3.2 Service Centre Layout

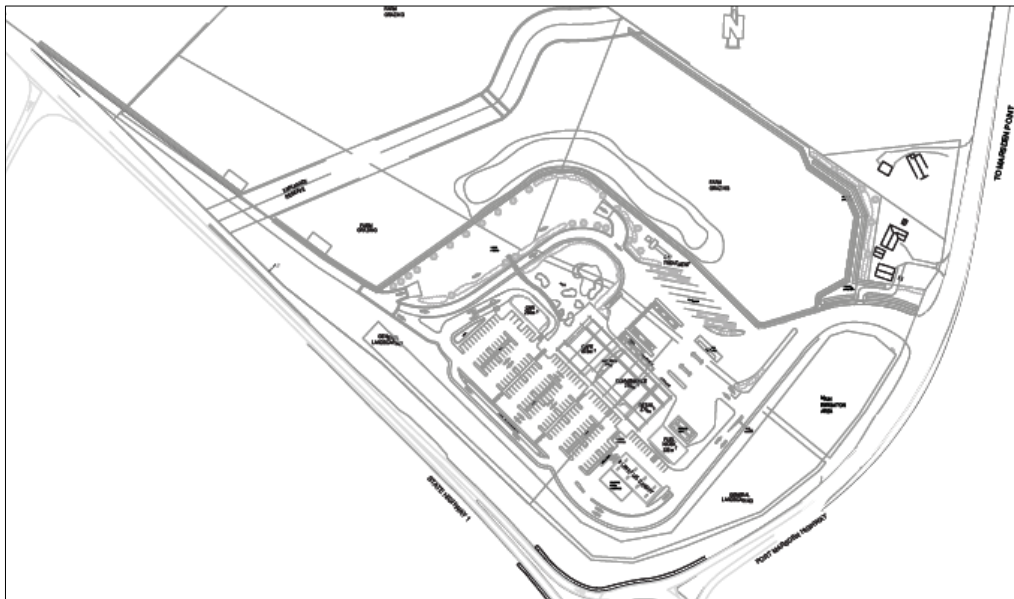
The proposed service centre consists of four key activities and associated services, being:

- (a) Vehicle / truck refuelling
- (b) Food, beverage and associated retail activities
- (c) Long-stay and short-stay rest area including public toilets, picnic areas

- (d) Manager accommodation (two residential units each with a single on-site car park)
- (e) All associated visitor parking
- (f) Associated infrastructure.

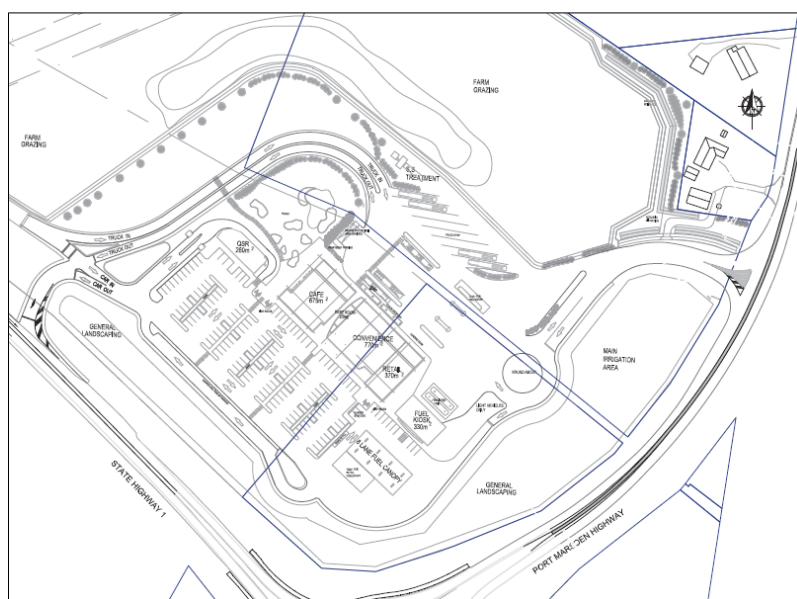
All amenities on the site are able to be used independent of each other, however the site has been designed in a comprehensive manner to provide a wider range of amenities on the site.

Figure 5A: Proposed Site Plan (Option 1)



Source: Partial view of drawing A-RC-170321-01, Rev C "Site Layout Concept – Option 1", prepared by Buchan

Figure 5B: Proposed Site Plan (Option 2)



Source: Partial view of drawing A-RC-170321-01, Rev D "Site Layout Concept – Option 2", prepared by Buchan

The remainder of the applicant's landholding in this area will continue to operate to support the existing rural functions of the site, including:

- (a) Existing farmhouse
- (b) Residual farmland (as identified in the Context Masterplan within the Landscape Plan set prepared by Boffa Miskell – refer **Attachment C** to this report)
- (c) A tributary stream (categorised as an intermittent stream by Bioreserches – refer **Attachment L** to this report) to the Ruakaka River

3.2.1 Service station

The proposed service station including truck refuelling facilities will be approximately 5,185m² and includes all refuelling structures and associated manoeuvring areas. The proposal includes:

- Eight inline fuelling stations for cars. This comprises two dispensing stations in a row, each capable of fuelling 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 fuelled at any one time.
- A large canopy over the fuel facilities (32.3m x 14.5m).
- A 330m² 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 refuelling facilities each able to dispense to both sides of the facility. This gives accommodation for four truck and trailer units to be fuelled at any one time.
- A holding area for vehicles and truck and trailer units prior to entering the fuelling facility.
- A holding area for truck and trailer units who have fuelled but want to rest up or utilise the other facilities at the centre.
- Underground fuel storage tanks (separate for the car and truck refuelling points).
- Associated parking and manoeuvring areas.
- 24/7 operation of the service station and potentially some of the food outlets

3.2.2 Food, Beverage and Retail Activities

The food, beverage and retail area will be contained within a separate building located in the centre of the site and will be approximately 3,280m². The proposed layout is available at **Figure 6** below.

Figure 6: Layout Plan



Source: Drawing A-RC-170321-03, Rev C "Plan Concept", prepared by Buchan

The proposed service centre will include a number of food and beverage outlets, including:

- A fast-food restaurant of 260m² gross floor area. This restaurant is separated from the other retail component and provides for a separate drive-through facility and associated car parking
- An 675m² café which is intended to offer a broad range of food and beverage products to the travelling public.
- An 770m² convenience store (dairy or superette), which includes all associated storage, back of house servicing and chiller facilities.
- A small 370m² retail shop, the intention being that this will accommodate an arts and crafts gallery or similar products focused on the travelling public.

3.2.3 Public facilities including long-stay / short-stay rest area

The proposal includes:

- Restroom and public toilets associated with the café and convenience store.

- A coach pick-up / drop-off point, which will serve scheduled local and intercity type services or tourist coaches. The coach facilities include covered shelter, seating, and will be strategically located adjacent to the public toilets and food and beverage / retail tenancies.
- A large picnic area adjacent to the café and fast-food restaurant. This is a free accessible picnic area where members of the public can enter the area without needing to pass through any of the retail facilities. Equally, if they want to purchase food at either fast food restaurant or the café and eat it outdoors, they will have opportunity for this. The picnic area includes tables, cover, planted areas and rubbish bins etc. High quality landscaping is proposed within this area. The applicant may in the future wish to put some form of playground equipment into this area. The picnic area is strategically located in the north-eastern portion of the traveller's centre adjacent to the café and fast-food restaurant and is segregated from the truck service area. It will have good sun and aspect and passive surveillance overlooking from the café and fast-food restaurant.

3.2.4 Visitor Parking

The proposal includes provision for 151 car parks for people who are stopping temporarily to rest while refuelling, including nine (9) accessible parking spaces to be located directly adjacent to the food and beverage development. The car park is accessible to the public and is not allocated to specific uses within the site.

The proposed parking area has been designed to comply with minimum parking dimensions and manoeuvring areas as required by the Whangarei District Plan and all accessible parking standards.

Two loading spaces will be provided at the "back" of the food and beverage development. This arrangement provides a separate and dedicated loading space which will not inhibit the use of other functions within the site, specifically visitor parking and movements within the northern and western extent of the site. Early design thinking for the site contemplated the need to future proof for electric vehicle charging facilities. A small number of charging stations are anticipated, with additional capacity to be considered over time.

3.2.5 Manager's Accommodation

Above the core retail area, two Manager's flats are to be provided, comprising a two-bedroom (106m²) and a three-bedroom (134m²). These units are located centrally above the location of the public amenity area. This is intended that these units provide for onsite management of the facility and to provide on-site security. Given that the area will operate 24/7 in terms of the fuel operation and perhaps some of the food and beverage facilities; and given there are public toilets and a large public picnic area, an onsite manager

is an important aspect of the application. Each unit is provided with a single dedicated car park located adjacent to the refuse collection area.

3.2.6 Landscaping

Boffa Miskell has prepared a landscaping plan and planting pallets for the proposal. Full details are included in **Attachment C** to this report, and the masterplan concepts are also included at **Figures 7A and 7B** below. The proposal will provide screening planting along the boundaries of the site to screen any parking and manoeuvring areas when viewed from the public. Screening is also provided to the two adjoining residential neighbours (39 SH15A and 45 SH15A) in the form of 2.0m high earth bunds with planting on them and between the bund and the neighbouring sites. Vehicle accesses will remain clear to ensure visibility for all vehicles entering and exiting the site.

Landscaping will also be provided in and around the picnic area to improve the amenity of this area as well as improve stormwater management within the site.

As can be seen in **Figures 7A and 7B** below, there is very little difference in the landscaping outcome for access options 1 and 2.

Figure 7A: Landscape Plan



Source: "Context Masterplan – Option 1", prepared by Boffa Miskell (Page 4)

Figure 7B: Landscape Plan



Source: "Masterplan – Option 2", prepared by Boffa Miskell (Page 9)

3.2.7 Refuse facilities

Each of the retail offer, including the fuel kiosk, will have on-site public and kitchen / workroom waste facility. Similarly, the picnic area and some of the external areas, including by the coach drop-off and at the front of the café, will have public use refuse bins including recycling and general refuse. Management of the centre will clear public bins in the picnic and outdoor areas.

An onsite refuse collection facility is provided (located generally to the north of the truck refuelling area), which will consolidate all refuse into general refuse and recyclables. All on-site operators will take refuse to the central facility, which private contractors to be engaged to collect from this centralised facility throughout the week. Waste trucks use the heavy vehicle route through the site, ensuring they are separated from public vehicles.

3.3 Transport

3.3.1 State Highway Access

Traffic Planning Consultants (TPC) have been providing transport engineering advice to the applicant and the design team throughout the development of this proposal. A copy of an updated Traffic Impact Assessment (TIA) is included at **Attachment xxx** to this report.

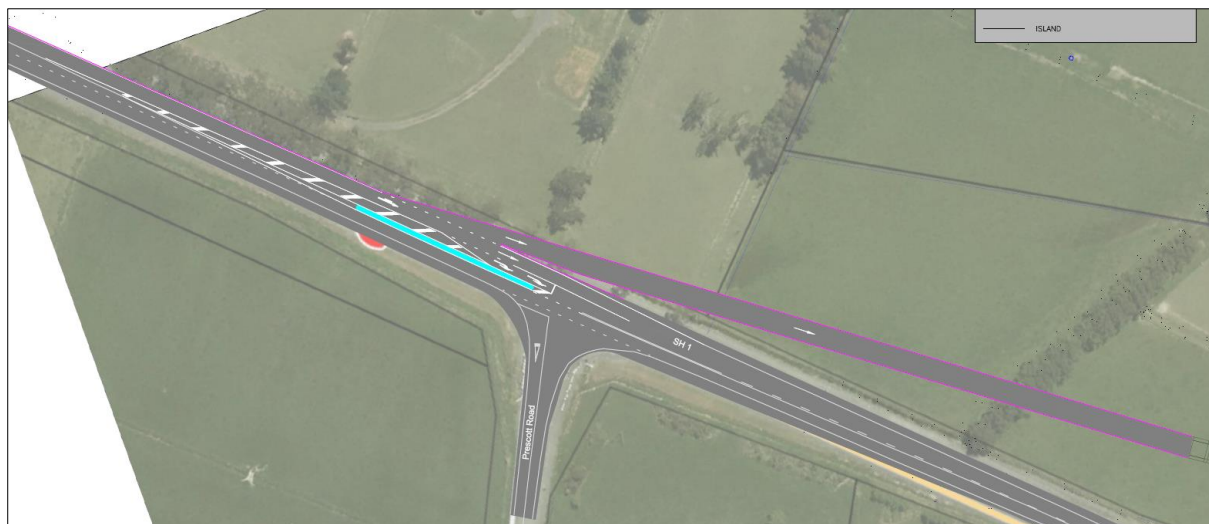
As noted above, since original lodgement of this application, the applicant has been engaging in discussions with WK-NZTA regarding access design for this project. On the recommendation of WK-NZTA, an independent road safety audit of the proposed access arrangements was undertaken by Stantec (being WK-NZTA's recommended safety audit consultant). That Audit raised a number of safety issues with the originally proposed access arrangement to SH15A, and also made recommendations for alternatives that were considered to address those safety concerns and be appropriate. A copy of the Stantec Audit Report, complete with TPC's responses is included as Attachment 3 to TPC's TIA.

WK-NZTA have been furnished with a copy of that Safety Audit Report including TPC's designer responses and a suite of alternative access design arrangements including egress onto SH1. TPC provides significant discussion on the key design matters and the proposed alternative arrangements in their updated TIA. This application is being progressed on that basis of all of those arrangements being acceptable and addressing the safety concerns raised by WK-NZTA and the Stantec Safety Audit. As feedback is obtained from WK-NZTA (and WDC, if any) a preferred arrangement will be identified and progressed.

Option 1:

Access to the site will be provided by a new southbound off-ramp on State Highway 1 which will allow vehicles and trucks to enter into the site from the north-western corner (refer **Figure 8** below).

Figure 8: State Highway 1 access



Source: Drawing 17101-G-(7) "Overall Plan" prepared by TPC

A significant deceleration lane of approximately 230m in length is provided. Vehicles are then separated into:

- Cars heading for the fuel station or food and beverage and picnic area
- Trucks or buses heading for the truck fuelling facility or buses to the coach drop-off facilities
- Trucks heading for the long-stay rest area

The proposed State Highway 1 access is an ingress only, with no egress proposed back onto State Highway 1. Additionally, there is no ability for any right-turn northbound movement from State Highway 1 into the site; to be managed through a combination of road layout design and signage.

Vehicles will then exit the site on to State Highway 15A being able to turn left being eastbound on State Highway 15 towards Ruakaka and Northport, or right through a dedicated right hand turn and merge lane to be westbound on State Highway 15A and enter the existing roundabout at the intersection with State Highway 1, turning either north or south.

Vehicles and trucks will also be able to enter and exit the site via State Highway 15A, however only via a left turn movement when approaching from the west. Northbound traffic will be able to access the site via the existing round-a-bout which will re-direct traffic onto State Highway 15A which as noted above has an existing vehicle access. Vehicles approaching the site from the east along SH15A will have to drive past the site, navigate around the roundabout and undertake the left-turn manoeuvre into the site. The 'seagull' arrangement originally proposed that allowed for right-turn manoeuvres into the site from SH15A is no longer proposed.

All vehicle access points have been designed to be able to accommodate the movements of articulated trucks.

Option 2:

The alternative option limits access options to / from SH15A to left-in, left-out only, but adds a left-turn egress from the site onto SH1 (refer **Figure 9** below). This is an option that was suggested through the Stantec Audit Report. This option results in some relatively subtle amendments to the internal vehicle movements within the site. These are all considered to be very manageable and have not resulted in any movement or changes to the location or design of buildings.

Figure 9: Option 2 – SH1 Egress, SH15A left-in, left-out



Source: “Masterplan – Option 2”, prepared by Boffa Miskell (Page 9)

3.3.2 Parking Area

The proposal intends to provide 151 carparks in a traditional aisle layout. All vehicle parking spaces have been designed in accordance with District Plan standards for 90° parking spaces.

The carpark provides circulation which separates pedestrians from key vehicle routes and critically from heavy vehicle manoeuvring. The carpark is also segregated for an area in front of the fast-food restaurant, an area café and retail offer and an area in front of the service station. These areas are interconnected in case people want to move from one part of the site to the other.

3.4 Infrastructure

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 travellers centre, all of which is detailed in the Infrastructure Reports prepared by Maven and included as **Attachment D1 and D2** to this report. Please note that while there is only relatively small differences between the designs for access options 1 and 2 as discussed above, Maven has reflected these in separate Infrastructure Reports complete with distinct engineering plans and flooding assessments.

3.4.1 Stormwater

Flooding

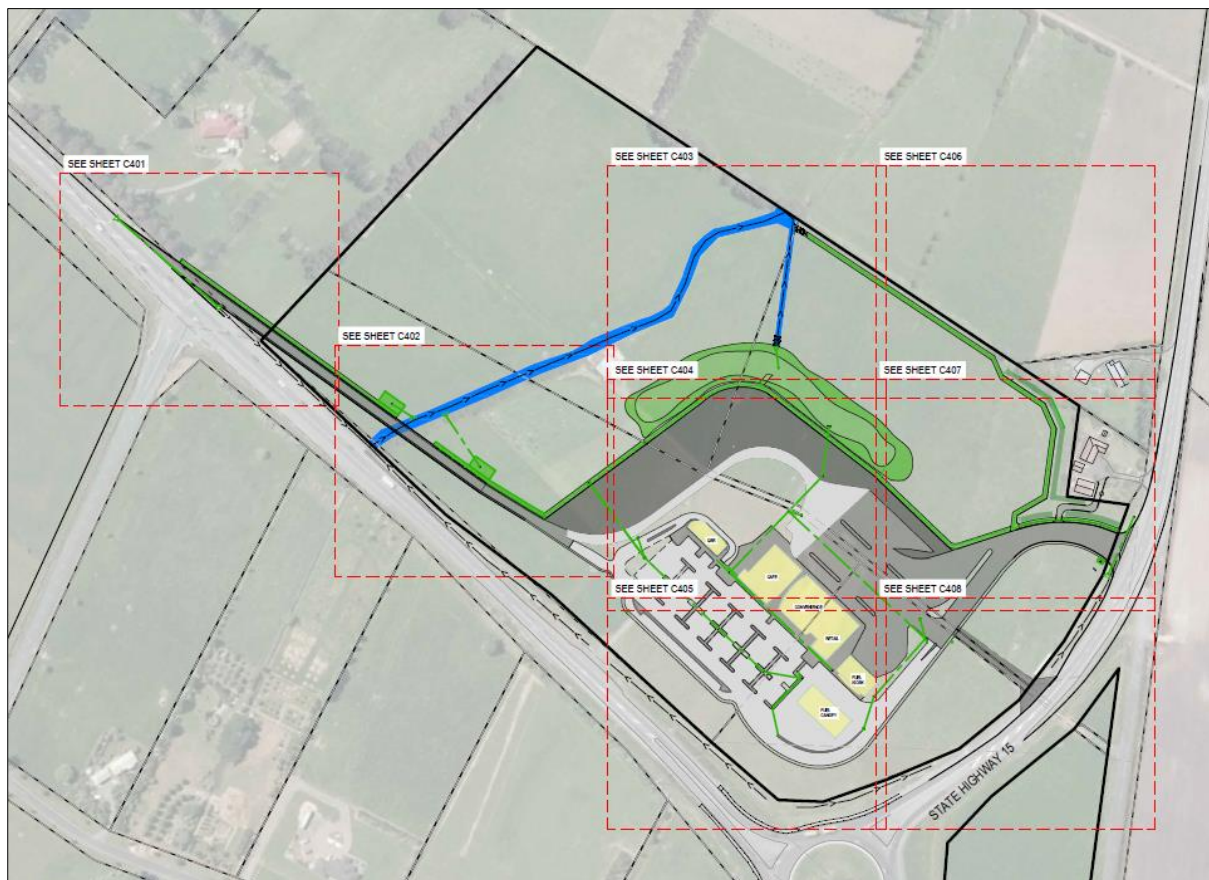
The majority of the site is identified in a flood susceptible area as shown on the Whangarei District Council GIS Viewer, with a portion of the site identified as being subject to the 100-year flood plain. Maven has designed the earthworks and site levels to ensure that all buildings are above the minimum floor level in accordance with WDC guidelines, being 500mm above the 100-year flood level in the post-development scenario. Maven has set out a comprehensive flooding assessment at **Appendix A** to their Infrastructure Reports.

Stormwater reticulation

A private stormwater network is proposed to be installed on site to service the proposed development, ultimately discharging to the stream that traverses the site and feeds into the Ruakaka River to the northeast.

Figure 10 below identifies the overall stormwater management approach proposed:

Figure 10: Stormwater Management, Overall Layout



Source: Drawing 117019_C400, Rev A “Proposed Private Stormwater Drainage Overview Plan” prepared by Maven

Works are required within the WK-NZTA corridor, including removal of drainage structures bridging the table drains either side of the existing crossings onsite and construction of appropriate diversions to enable the construction of the proposed offramp / SH1 vehicle access to the site. Specific details of these works will be subject to approval from the Transport Agency and building consent.

Stormwater capacity

Although the proposed stormwater pipe network on site is private, it has been designed to have capacity for 5-year ARI events inclusive or predicted climate change as is required of all public drainage within the district. In locations where the stormwater runoff is captured by the grass swale, the swale has been designed to convey design flows from the 100-year storm event.

Stormwater quality

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 a rain garden or swale prior to discharge to a dual purpose stormwater attenuation pond / rain garden downstream of the development area (immediately to the north and east of the truck parking area). The bottom of the pond has been designed to be one single rain garden with a capacity to treat the runoff generated by the entire contaminant and trafficable area of the site. Maven has confirmed that, with reference to the catchment plans appended to the Infrastructure Report:

- *Catchments A, B, M & L do not discharge to the large dual-purpose rain garden location due to fall onsite and instead drain to smaller treatment devices*
- *Runoff generated from catchment L will be treated by a dedicated swale designed to TP10 standards*
- *The runoff generated from catchment M (approximately 210m²) will be treated with a rain garden.*

Stormwater attenuation

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 and flow restriction required to support the proposed development.

An extensive swale system is also proposed on site to replicate the post-development environment and to offset the storage volume provided by those existing farm drains that are going to be filled.

The stormwater runoff generated from this site will be controlled by an outlet structure within the proposed rain garden. The outlet structure has been designed to attenuate not only for the 100-year event, but also to attenuate for the 5-year event to the requirements of Council.

3.4.2 Wastewater

The subject site does not include any existing wastewater infrastructure, and a new onsite wastewater plant is proposed to manage wastewater. The wastewater treatment plant (designed by Reflection Wastewater Treatment Solution) is outlined in the Infrastructure Report and the Wastewater Disposal Field Geotechnical Assessment prepared by ENGEO at **Appendix E** to the Infrastructure Report. The location is removed from neighbouring properties and from the travelling facility.

The system consists of a primary treatment via specialised septic tanks and a secondary treatment via drip lines discharging the treated wastewater into the denoted 1-hectare disposal area. The disposal area has been selected as the frontage of the site where extensive planting is proposed. An overflow area is located in the eastern part of the site to provide additional treatment if required (during seasonal busy periods for example). The location of the tank system and the main and reserve disposal fields is as per **Figures 11A and 11B** below:

Figure 11A: Wastewater treatment system and disposal fields



Source: Drawing 117019_C500, Rev A "Proposed Private Wastewater Drainage Overview Plan" prepared by Maven

Figure 11B: Wastewater treatment system and disposal fields



Source: Drawing 117019_C500B, Rev A “Proposed Private Wastewater Drainage Overview Plan” prepared by Maven

3.4.3 Water Supply

The subject site does not have any existing water supply infrastructure. A new water supply connection is proposed to provide access to water for all proposed uses on the site. This involves the extension of the existing 225mm PE water pipe along SH15A to connect to the existing 150mm water main located just north of the Ruakaka Bridge, approximately 2km from the site. The intention is to extend that line to the site in order to provide reticulated water supply within the development, which will be designed in accordance with Council’s standards.

Regarding fire fighting supply, Maven has confirmed that all buildings onsite shall be installed with sprinklers in accordance with the Building Code. The new public water supply shall meet the following requirements:

- A primary flow of 12.5 litres/sec within a radial distance of 135m
- A secondary flow of 12.5 litres/sec within a radial distance of 270m
- The required flow must be achieved from a maximum of one or two hydrants operating simultaneously
- A minimum running pressure of 100kPa

Flow rates are yet to be tested but will be so as part of the Engineering Approval stage.

3.4.4 Network Utilities

The proposal will provide new power supply (North Power) and telecommunications services (Chorus) in accordance with 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 upgrades required will be delivered in coordination with the relevant utility suppliers.

3.4.5 Summary

Final infrastructure design will be included as a part of a future engineering approval, however for completeness, the proposal will meet all necessary stormwater, wastewater and water supply reticulation requirements.

3.5 Earthworks

The proposal necessitates significant land recontouring within the property. As outlined under stormwater management above, this recontouring is to ensure that the service centre remains appropriately above the flood plain but the other parts of the site are lowered to ensure that the same net capacity for storm related flood issues are accommodated on site.

The report by Engeo identifies critical geotechnical issues within the property. The site has a mix of suitable and unsuitable materials for development. The intention is to remove all unsuitable material from the existing service centre area and to replace this with suitable material from elsewhere on the site where possible.

Maven has undertaken the earthworks design and confirms the following breakdown of areas and volumes to facilitate the proposed designs for (differentiated for Access Option 1 and Option 2):

Option 1:

▪ Total area of ground disturbance	57,629m ²
▪ Total volume of fill	26,289m ³
▪ Total volume of cut	4,589m ³
▪ Maximum cut and fill depth	2.0m fill / 1.5m cut
▪ Total volume of imported material	21,700m ³

The proposed earthworks are detailed in **Figure 12** below:

Figure 12A: Proposed cut / fill plan



Source: Drawing 117019_C210, Rev A “Proposed Cut / Fill Plan”, prepared by Maven

Option 2:

- Total area of ground disturbance 57,629m²
- Total volume of fill 22,700m³
- Total volume of cut 6,700m³
- Maximum cut and fill depth 2.022m fill / 1.525m cut
- Topsoil stripped (200mm) 10,845m³

Figure 12B: Proposed cut / fill plan



Source: Drawing 117019_C210B, Rev A “Proposed Cut / Fill Plan”, prepared by Maven

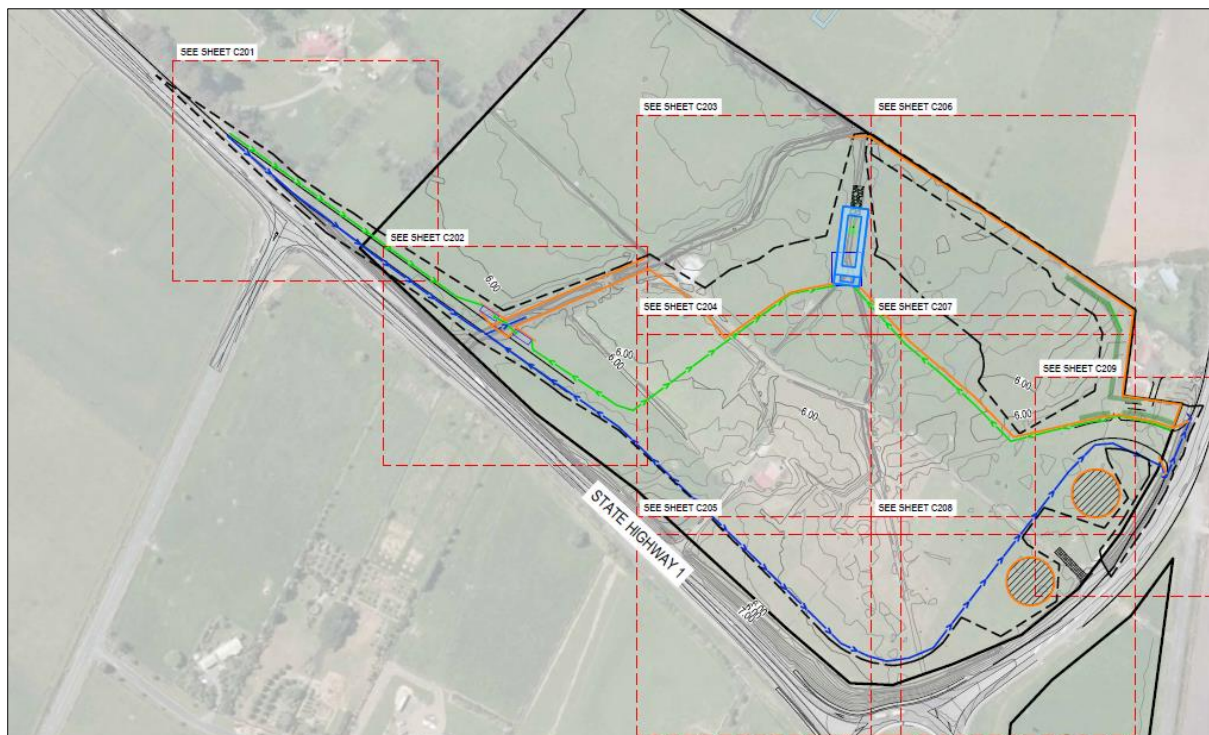
There is not an earthwork balance for the subject site, arising from an expected shortfall in fill. The majority of fill required for the site would be used for the pavement construction for the roading and car parking area, resulting in approximately 13,500m³ of imported aggregate. Additional aggregate is also required to construct the proposed stormwater network, anticipated to be in the range of 2,000m³. Assuming truck movements to the site can load 10m³ of material, a total of 2,200 truck movements to the site are required to deliver the fill over the course of the construction period.

There is a full cut to fill balance proposed, with no importing or exporting of earthworks material from the site, although it is noted that there will be importing of metal and other materials as part of construction work.

Stripped topsoil from the development area will be stockpiled on site and reused for the proposed landscape works. The remaining topsoil and any unsuitable material will be used to construct the acoustic mitigation bunds along the north-eastern boundary of the site. The volume required for these works will account for approximately 3,000m³ of material.

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 Maven. The ESCP has been prepared in accordance with GD05 and Whangarei District Council guidelines.

Figure 13: Erosion and Sediment Control Plan



Source: Drawing 117019_C200, Rev A "Proposed Earthworks Overview Plan", prepared by Maven

The sediment laden stormwater will be treated via sediment retention ponds, decanting earth bunds and controlled via earth diversion bunds, cut-off drains and silt fences. Clean water and direct water diversions will direct any runoff generated to the appropriate treatment device. Sediment controls, use of the existing site entrance, a stabilised gravel site entrance and wheel washes as required will be constructed prior to bulk earthworks commencing. All exposed natural ground will be stabilised as soon as practicable through construction. **Figure 13** above is an extract from the report by Maven and sets out the erosion and sediment controls.

3.6 Farm operation

This development will result in the retirement of that portion of the site around the existing stream that traverses the property, which will be subject to riparian enhancement planting and fenced off to livestock. The retirement of this land will assist in the enhancement of water quality by ensuring all stock are removed from all waterways. Approximately 25% of the 17ha site will accommodate the proposed traveller's centre, while the remainder of the landholding will remain in pastoral farming (largely for low intensity dry stock farming activity). This area will be re-fenced and reconfigured for appropriate farm practices.

The existing farmhouse on the northern Lot 2 DP 310034 is retained in its current configuration and will remain as a house.

3.7 Construction Traffic and Noise

Construction on the site will devolve into two core aspects:

- (a) The first is the general earthwork required to create the development platform for the traveller's centre and the reconfigured ground contours across the wetlands, stormwater management areas and farm.
- (b) The second is the development of the service centre itself including associated access and parking areas.

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. Marshall Day Acoustics have confirmed in their Noise Assessment (refer **Attachment G** to this report) that construction will be on a commercial scale and that normal construction practices and working hours, and 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.

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.

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.

There will be normal construction traffic associated with the construction of the service centre itself. The State Highway 15A access will be developed early to create the construction access to the site.

The applicant supports a condition of consent requiring construction management plans to manage construction related traffic and noise during the construction period.

5 CONSENT REQUIREMENTS

5.1. Whangarei District Plan

The Whangarei District Plan was made operative on 3 May 2007. The District Council has chosen to review its district plan (as required by section 79 of the RMA) by way of a series of plan changes, rather than notifying a proposed district plan. The Council calls this process a “rolling review”.

There is currently one ‘plan change package’ underway (Urban and Services), the hearings for which finished on 20 March 2020. At the time of notification, the Council did not include a decision under Clause 10(4) of Schedule One to the RMA to indicate whether any rules were subject to either early or delayed legal effect. The Council Decision on the plan changes was notified on 28 May 2020. The decision was notified for appeals between June 2020 and August 2020, with a number of appeals received. The plan changes are currently in the appeal process, and therefore the rules of the Operative District Plan and the Proposed Plan Changes are both applicable at this time.

The subject land and the immediately adjoining land is not impacted by the proposed rezoning through the Urban Plan Changes zoning of the subject and adjoining sites does not change under these plan changes, although it is noted that services plan changes impact the transport, earthworks, signs, lighting and three waters management chapters and are relevant.

The following tables contain an assessment of the proposal against the relevant Operative Whangarei District Plan provisions and the relevant provisions of the proposed plan changes (Appeals Version). The majority of the plan change provisions are now operative, however where a plan change provision is under appeal it is **highlighted yellow** and has legal effect under s86B of the RMA. In these instances, the corresponding Operative Plan provision is also noted.

APPEALS VERSION: Resource Areas – Contaminated Site Rules

Part 2 Chapter 63 – Contaminated site rules

Activity Status

E63.2 – The NES for Assessing and Management Contaminants in Soil to Protect Human Health applies. No rule in any chapter of this Plan duplicates or conflicts with the NES shall apply.

As set out in the NES Contaminated Land assessment provided in Section 5.3 below, the application triggers **discretionary activity** resource consent under the NES Contaminated Land.

APPEALS VERSION: TRA – Transport	
TRA – Transport Rules	Activity Status
<p>TRA-R2</p> <p>Required Parking Spaces and Dimensions</p> <p>Defines the car parking spaces, loading spaces, bicycle parking spaces, end-of-trip facilities and associated manoeuvring areas required for new developments with reference to TRA Appendix 1;</p> <ul style="list-style-type: none"> ▪ For service stations one parking space per 30m2 GFA is required. ▪ For retail activities greater than 600m2 GFA, one parking space per 60m2 GFA is required. ▪ For restaurants, one parking space per 20m2 GFA is required. ▪ NZS 4121:2001 requires 5 accessible parking spaces for 151 parking spaces on-site. Each accessible parking space needs to have a minimum functional width of 3.5 metres. ▪ Service stations, retail activities and restaurants each require one long stay bicycle parking space per 15 employees. ▪ Retail activities greater than 600m2 GFA require one short stay bicycle parking space per 400 m2 GFA. ▪ Restaurants require one short stay bicycle parking space per 350 m2 GFA. ▪ Goods handling activities between 300m2 and 5,000m2 GFA require at least one loading bay for heavy vehicle. ▪ Developments with 5 or more long-stay bicycle parking spaces require at least 2 showers and 2 changing rooms to be provided on site. <p>90° parking spaces in short term high turnover parking areas are required to be at least 5.4 metres deep (including no more than 0.6-metre overhang). The manoeuvring space should be no less than 6.6 metres for 2.6-metre-wide parking spaces.</p>	<p>The proposal includes 1,172 m² of retail activities, 1,003 m² of restaurant activities and 300 m² of service station associated kiosk. A minimum of 80 parking spaces are required. The proposal includes 151 parking spaces – complies</p> <p>Nine accessible parking spaces will be provided where five are required – complies</p> <p>Each accessible parking space will have a minimum functional width of 3.5 metres – complies</p> <p>The proposal will include one long stay bicycle parking space per 15 employees – will comply</p> <p>The proposal includes 1,172 m² of retail activities and 1,003 m² of restaurant activities. A minimum of 6 short stay bicycle parking spaces are required. The proposal will include at least 6 short stay bicycle parking spaces – will comply</p> <p>A loading area will be located at the back of the retail building, which is anticipated to be used for all retail and restaurant activities within the site – complies</p> <p>The remote fill points are located in the outer fuelling lane on the forecourt – complies</p> <p>The proposal will employ less than 75 FTE employees and thus less than 5 long stay bicycle parking spaces are required. As such, no showers or changing rooms are required – complies</p> <p>The proposed 90° parking spaces will be 5.4 metres deep (including 0.4-metre overhang) and 2.6 metres wide with a minimum manoeuvring area of 7.0 metres – complies</p>
<p>TRA-R3</p> <p>Parking Location and Identification</p> <p>All car parking spaces and loading spaces must be:</p>	<p>No parking or loading space will be located on any footpath, access, manoeuvring or outdoor living court area – complies.</p>

<p>a. Not located on any footpath, access, manoeuvring or outdoor living court area.</p> <p>b. Not located within any Strategic Road Protection Area.</p> <p>c. Permanently marked or delineated, except where they are: i. Associated with a residential unit which is not part of a multi-unit development.</p> <p>ii. Associated with the loading area for the fuel delivery vehicle or car parking spaces at a pump of a service station.</p> <p>iii. Located in the Rural Production Zone, Natural Open Space Zone or Open Space Zone.</p>	<p>No parking or loading space will be located within any Strategic Road Protection Area – complies</p> <p>Except for the loading area for fuel delivery and car parking spaces at the service station pumps, all parking and loading spaces will be permanently marked or delineated – complies</p>
<p>TRA-R4</p> <p>Parking Gradient</p> <p>All car parking spaces, loading spaces and associated manoeuvring areas must not have a gradient steeper than:</p> <p>a. 1 in 16 for surfaces at 90° to the angle of the parking.</p> <p>b. 1 in 20 for surfaces parallel to the angle of the parking.</p>	<p>General parking will be formed on relatively flat gradients no greater than 1 in 20 (5%) – complies</p>
<p>TRA-R5</p> <p>Design and Location of Vehicle Crossings and Access</p> <p>Defines the requirements for vehicle crossing and access are provision and construction with reference to TRA Appendix 2:</p> <ul style="list-style-type: none"> ▪ Sites with frontage onto an arterial road shall not have more than one vehicle crossing ▪ Where a site has frontage to more than one road, the vehicle entrance must be onto the road that has the lower class in the transport network hierarchy. ▪ Where there is more than one road frontage, the frontage measurement will only apply to the road front approved for gaining entrance. ▪ Service stations are permitted to provide two crossings per site. ▪ Vehicle access to all state highways is managed by the WK-NZTA under the Government Roading Powers Act 1989 and access requires the approval of the Transport Agency. 	<p>The proposal includes a service station and therefore two vehicle crossings to the site are permitted. Two vehicle crossings to the site are proposed – complies</p> <p>The site has frontage to two roads, both of which have a National (High Volume) classification in the transport network hierarchy. As such, the requirement that the vehicle entrance must be onto the road that has the lower class in the transport network hierarchy does not apply</p> <p>The proposal requires vehicle access to State Highways 1 and 15A and approval for this access is being sought from WK-NZTA – will comply</p> <p>The vehicle crossing onto SH1 is adjacent to the intersection of SH1 with Prescott Road – does not comply</p> <p>The vehicle crossing onto SH15A is some 240 metres distance from the nearest intersection (the intersection of SH1 and SH15A) – complies</p> <p>The vehicle crossing onto SH1 has open visibility – complies</p> <p>The vehicle crossing onto SH15A has 230 metres sight distance to the west and 180 metres visibility to the east - does not comply</p>

<ul style="list-style-type: none"> ▪ Vehicle crossings onto arterial roads with a speed limit over 50km/h must be a minimum distance of 180 metres from intersections ▪ Vehicle crossings onto arterial roads with a speed limit over 50km/h must have a sight distance of at least 305 metres ▪ The maximum change of grade for a breakover angle on any private access is 10% and the maximum change of grade for a departure angle on any private access is 17% ▪ Prohibits structures within the approach sight triangles at level crossings with Give Way signs. <p>Indicates that vehicle crossings fronting a state highway do not have permitted activity status.</p> <p>Requires any unused vehicle crossings to be reinstated to match the existing footpath and kerbing.</p> <p>Requires that vehicle or pedestrian crossings must not be over a railway corridor.</p>	<p>The change of grade for a breakover angle on all accesses will be less than 10% and the change of grade for a departure angle on all access will be less than 17% – complies</p> <p>No structures are proposed within the approach sight triangles of any crossing with Give Way signs – complies</p> <p>Any unused vehicle crossings to be reinstated to match the existing footpath and kerbing – will comply</p> <p>No vehicle or pedestrian crossing will be over a railway corridor – complies</p> <p>The proposal does not comply with two of the requirements for vehicle crossing and access as set out in TRA Appendix 2, and accordingly triggers assessment as a restricted discretionary activity.</p>
<p>TRA-R6</p> <p>Setbacks of Vehicle Crossings</p> <p>Requires that all new vehicle crossings be located at least:</p> <ol style="list-style-type: none"> a. 30m from a railway level crossing. b. 8m from a dedicated pedestrian crossing facility (including pedestrian crossing, mid-block pedestrian signals, refuge islands and traffic signalled intersections). c. 2m from a separate vehicle crossing. 	<p>Neither vehicle crossing will be within 30m of a railway level crossing – complies</p> <p>Neither vehicle crossing will be within 8m of a dedicated pedestrian crossing facility – complies</p> <p>Both vehicle crossings will be more than 2m from any other separate vehicle crossing – complies</p>
<p>TRA-R7</p> <p>Requirements for On-Site Manoeuvring Space</p> <p>Defines the conditions for which on-site manoeuvring must be provided.</p>	<p>All vehicles will be able to enter and exit the site in a forward direction – complies</p> <p>Vehicles occupying all car parking spaces and loading spaces will have ready access to the road at all times, without needing to move any other vehicles occupying other car parking spaces or loading spaces – complies</p> <p>Adequate room is provided on-site to ensure that vehicles using or waiting to use fuel dispensers, and vehicles waiting at the drive-through food ordering facilities do not queue into the adjoining road or obstruct entry to or exit from the site – complies</p>

	<p>Every car parking space will accommodate the 90th percentile car tracking curves in Figure TRA 1 so that only one reverse manoeuvre is required to manoeuvre in or out of it – complies</p> <p>Loading spaces will be accessible for the appropriate design vehicle as per WK-NZTA guidelines: RTS 18: NZ on-road tracking curves for heavy vehicles (2007) and no reverse manoeuvre will be required to manoeuvre in or out of any loading space – complies</p>
<p>TRA-R8</p> <p>Sealing and Formation Standards</p> <p>Defines the Sealing and Formation Standards for crossings, access and parking areas</p>	<p>Vehicle crossings will be sealed to a standard not less than that of the adjoining road surface. – complies</p> <p>On-site access and parking areas (including loading and manoeuvring areas) will be formed, drained and sealed with a permanent all-weather surface – complies</p>
<p>TRA-R9</p> <p>Setbacks for Strategic Road Protection Areas and Indicative Roads</p> <p>Defines the required setbacks of structures from strategic road protection areas and indicative roads</p>	<p>Resource Area Planning Masp46R indicates that the site of the proposed development is not adjacent to any strategic road protection area or indicative road – does not apply</p>
<p>TRA-R10</p> <p>Landscaping Within Parking Areas</p> <p>Defines the landscaping requirements of uncovered ground level car parking areas in all zones except for the Heavy Industrial, Rural Production and Strategic Rural Industries zones</p>	<p>The site is within a Rural Production zone – does not apply</p>
<p>TRA-R11</p> <p>Tree Planting Within Parking Areas</p> <p>Defines the tree planting requirements of uncovered ground level car parking areas in all zones except for the Heavy Industrial, Rural Production and Strategic Rural Industries zones</p>	<p>The site is within a Rural Production zone – does not apply</p>
<p>TRA-R12</p> <p>Electric Vehicle Charging Station Parking Spaces</p> <p>Requires that all non-residential parking areas, with 50 or more required car parking spaces set aside space for at least 1 parking space for an electric vehicle charging station per every 50 required car parking spaces</p>	<p>A minimum of 80 parking spaces are required for the development, and parking space will be provided for 2 electric vehicle charging stations – will comply</p>
<p>TRA-R13</p> <p>Subdivision</p>	<p>No subdivision is proposed – does not apply</p>

Sets transport requirements for subdivisions	
TRA-R14 Restricted Discretionary Integrated Transport Assessments Requires an Integrated Transport Assessment to be prepared for certain subdivisions and for activities requiring an increase of more than 50 car parking spaces	The proposal requires a minimum of 80 parking spaces and thus an integrated transport assessment is required. This Traffic Impact Assessment report fulfils this requirement - complies
TRA-R15 Discretionary Integrated Transport Assessments Requires an Integrated Transport Assessment to be prepared for certain subdivisions and for activities requiring an increase of more than 100 car parking spaces	The proposal requires a minimum of 80 parking spaces – does not apply
TRA-R16 Construction of Any New Public Road or Service Lane Sets transport requirements for the construction of any new public road or service lane	The proposal does not include the construction of any new public road or service lane – does not apply
TRA-R17 Any Major Roothing Alteration to an Existing Public Road Applies restricted discretionary status to any major alteration to an existing public road and sets out matters of discretion	The transport assessment for this proposal includes a description of the site characteristics, existing development, existing traffic conditions, traffic volumes and vehicle operating speeds, surrounding land uses, the proposed activity and its intensity and traffic generation, parking and roading layout plans, sight distance assessment and an assessment of the effects of the proposal on the safety and efficiency of the transport network - complies

APPEALS VERSION: HSUB – Hazardous Substances

HSUB R1 – The use, Storage or On-Site Movement of Hazardous Substances Activity Status

(1) <i>Where the use, storage or on-site movement of hazardous substances complies with the conditions for permitted activities in Appendix 8 of the District Plan, those activities are Permitted Activities. Where compliance is not achieved, those activities are to be considered as Discretionary Activities</i>	The proposal does not comply with permitted activity standards for hazardous facilities. As such, the proposal requires consent as a discretionary activity .
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Appendix 8a – Use, Storage and On-site Movement of Hazardous Substances: Permitted Activities Performance

A hazardous activity is a permitted activity if:	a) The proposal is not exempt under (a)
a) The activity is one of the following exceptions:	b) No ratio provided
i. ...	

-
- or
- b) *The Total Quantity Ratio for any Effect Group does not exceed the 0.5 within the Rural Production Zone*
 - c) *Storage Containers: Storage containers for hazardous substances and waste containing hazardous substances are:*
 - i. *Constructed or lined with a material that is resistance to corrosion or embrittlement by the hazardous substance*
 - ii. *Fitting with an appropriate release mechanism to prevent increases or decreases of pressure, or of an approved design for the substance being stored*
 - iii. *Designed in a manner that prevents exposure to ignition sources*
 - iv. *Designed in a manner that prevents unintentional release of the hazardous substance or waste*
 - d) *Spill Containment: The hazardous substance is exempt under the Hazardous Substances and New Organisms Act 1996 and its Regulations, or the site is serviced by a spill containment system that is:*
 - i. *Constructed from impervious material resistant to the hazardous substance used, stored, manufactured, mixed, packaged, loaded, unloaded or otherwise handled on the site*
 - ii. *Able to contain the maximum value of the largest tank used, or where drums or other containers are used, able to contain half the maximum volume of substances stored*
 - iii. *Able to prevent any spill or other unintentional release of hazardous substances, and any stormwater or fire water that has become contaminated, from entering the stormwater drainage system*
 - iv. *Able to prevent any spill or other unintentional release of hazardous substances, and any stormwater or fire water that has become contaminated, from discharging into, or onto land or water (including groundwater and potable water supplies), unless permitted by a resource consent.*
 - e) *Site Design: The hazardous substance is exempt under the Hazardous Substances and New Organisms Act 1996 and its Regulations, or any part of a site where hazardous*
- c) All tanks will be designed to meet these requirements
 - d) The site will be designed to include a spill containment system that meets applicable standards. Underground tanks will limit the risk of spills, will include emergency shut-off valves, etc.
 - e) The proposed facility will be designed to internalise potential adverse effects of the storage, transfer and sale of petrol
 - f) Exempt as per below
 - g) The underground tanks are proposed to be double containment design and will be positioned more than 100m from the stream that traverses the site to the northwest.
 - h) Signage requirement will be met
 - i) Noted, will comply as needed
 - j) Noted, will comply as needed
 - k) Emergency and Contingency Plans will be prepared and administered as needed.
- The proposal triggers assessment as a **discretionary activity** as it is not exempt under (a) or (b) above.
- The following comments are made in regard to the information requirements regarding the assessment of risk as set out at A8.5 of Appendix 8a:
- 1. d
 - 2. Refer Hazardous Area Plan showing HZNO Zones and areas relative to the product prepared by Petroleum Solutions (refer **Attachment Q** to this application)
 - 3. The proposed facility is located approximately 160m from a small stream that traverses the site. All stormwater flows from the application area will be directed to the stream after treatment through devices
 - 4. All underground tanks will be installed to manufacturer guidelines, including capacity to the base of the tank pit. Geological investigations have confirmed that the site is appropriate for the
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<p><i>substances are used or stored is to be designed, constructed and managed in a manner that prevents:</i></p> <ul style="list-style-type: none"><i>i. Any effects of the intended use from occurring outside of the intended area</i><i>ii. The entry or discharge of the hazardous substance into the stormwater drainage or a municipal wastewater system, unless accepted by the network utility operator, and the ultimate discharge of the substance from the utility complies with any relevant discharge permit or plan provisions for discharges</i><i>iii. The entry or discharge of the hazardous substance into the stormwater drainage or municipal wastewater system, in the event of a spill or other unintentional release</i><i>iv. The contamination of any land or water (including groundwater and potable water supplies) in the event of a spill or other unintentional release of hazardous substances</i> <p><i>f) Stormwater Design: The hazardous substance is exempt under the Hazardous Substances and New Organisms Act 1996 and its Regulation, or a site where hazardous substances are used or stored shall be designed, constructed and managed in a manner that any stormwater originating on or collected on the site:</i></p> <ul style="list-style-type: none"><i>i. Does not transport any hazardous substances that are contaminants to any land or water, unless permitted by any resource consent</i><i>ii. Does not enter or discharge into the stormwater drainage or a municipal wastewater system, unless accepted by the network utility operator, and the ultimate discharge of the substance from the utility complies with any relevant discharge permit or plan provisions for discharges.</i> <p><i>g) Underground storage tanks for the storage of hazardous substances: Adherence to the Code of Practice for ‘Design, Installation and Operation of Underground Petroleum Systems’ (Deport of Labour – Occupational Health and Safety), or another approved by the Environmental Risk Management Authority will be accepted as one method of complying with this condition. These underground storage tanks will be of double containment design, unless the site</i></p>	<p>proposed activity subject to implementation of recommendations</p> <ul style="list-style-type: none">5. All stormwater will be directed through on-site treatment devices before being discharged to the existing stream (as currently occurs).6. All underground fuel tanks to be installed are double-wall underground fibreglass tanks with Hydroguard monitoring. This monitors the volume between the two tanks so that any leakages are monitored. All pipework where under pressure will also be double wall for spill containment. Regarding the proposed forecourts, any spills and all containment will be routed via an appropriate stormwater management device which mitigates hydrocarbons being discharged to the stormwater network.7. The underground storage facilities will have fire review and considerations, which include the retail fuel facility8. All relevant health and safety and environmental management requirements will be adhered to for design, construction and operation of the facility9. All stormwater runoff and catchment will be attended to via various facilities such as SPEL Purceptors, Storm filter, etc and will prevent hydrocarbons being discharged into the stormwater infrastructure.10. The logistics provider for the retailer will be responsible for preparing and administering the safe transportation of fuel products to the site11. No disposal of waste containing hazardous substances is proposed.
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geology and soil structure make this design unnecessary.
Where a site for the storage of hazardous substances is within 100m of a water body or coastal water, all pipes will be of double containment design.

- h) Signage: ...
 - i) Waste management: ...
 - j) Records: ...
 - k) Emergency and Contingency Plans: ...
-

APPEALS VERSION: NAV – Noise and Vibration

NAV.6.1 (Permitted Activities) and NAV.7.1 (Discretionary Activities) Activity Status

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

NAV 6.1 states that noise emitted from a site in the Rural Production Zone must comply within the applicable boundary of properties within the Rural Production zone as follows:

- 55dB L_{Aeq} between 0700 and 2200 hours
- 40 dB L_{Aeq} and 70 dB L_{AFmax} between 2200 and 0700 hours

The above noise rules apply to noise generated on site when received at the notational boundaries of the dwellings to the north of the site.

Standard NAV 6.1 states that noise emitted from a site in the Rural Production zone must comply within the applicable boundary of properties within the Rural Living zone as follows:

- 50dB L_{Aeq} between 0700 and 2200 hours
- 40 dB L_{Aeq} and 70 dB L_{AFmax} between 2200 and 0700 hours

The above noise rules apply to noise generated on site when received at the notional boundaries of the dwellings located on the western side of SH1.

NAV 7.1 states that unless specifically stated otherwise, any activity shall be a discretionary activity where it does not comply with all permitted noise and vibration provisions given in the previous sections NAV 6.1-6.15.

Marshall Day Acoustics have confirmed that the noise levels arising from the operation of the proposed service centre, being the movement of trucks in particular, will exceed the stated night-time limits at adjoining Rural Production zone boundaries (39 and 45 SH15A). Accordingly, resource consent for a **discretionary activity** is required.

APPEALS VERSION: SIGN – Signs	
SIGN-R20 Any illuminated sign visible from beyond the site boundary	Activity Status
Resource consent is required for a discretionary activity where a sign is located within the Rural Production Zone	The proposal includes a number of illuminated signs that will be visible from beyond the application site which is located within the Rural Production Zone. Accordingly, resource consent for a discretionary activity is required.
SIGN-R21 Consolidated Sign Installation	Activity Status
Resource consent is required for a restricted discretionary activity for a Consolidated Sign Installation	The proposal includes two pylon signs (8m high and capable of advertising multiple businesses within the proposed service centre) that meet the definition for Consolidated Sign Installation. Accordingly, resource consent for a restricted discretionary activity is required.

5.2. Permitted Activities

Schedule 4 of the RMA requires that where an application is relying on a permitted activity as part of the proposal, a description of the permitted activity that demonstrates that it complies with the requirements, conditions and permissions for the permitted activity must be provided. The proposal relies on the following permitted activities:

Resource Areas – Flood Susceptible Area	
E56 – Resource Area – Natural Hazards	Activity Status
<p><i>56.2.3 Flooding</i></p> <p><i>Construction or alteration (excluding internal modifications) of a building, construction of vehicular access to a building or allotment, or earthworks in a Flood Susceptible Area, is a permitted activity if:</i></p> <p><i>a) A report or certificate from a suitably qualified and experienced professional is provided to the Whangarei District Council which indicates that the activity is designed to accommodate the flood hazard and will not create any adverse effects upstream or downstream nor endanger human life; or</i></p>	<p>The Infrastructure Report prepared by Maven sets out the stormwater management approach such that the pre-development flood storage capacity of the site can be maintained with no impact upstream or downstream, and to ensure that the proposed buildings all sit 500mm above the 1 in 100-year flood levels. Extensive recontouring of the site is proposed to achieve this outcome.</p> <p>As such, the proposal requires a permitted activity.</p>

b) *The work involved is maintenance of an existing building.*

Note: Reference may be made to previous reports relating to the flood susceptibility of the area.

APPEALS VERSION: TWM – Three Waters Management

TWM R1 – Any activity not otherwise listed in this chapter

Activity Status

Within all zones and the Port Nikau Development Area, any activity not otherwise listed in this chapter is a Permitted Activity where:

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

The proposal does not trigger resource consent under any rule within the Three Waters Management Chapter of the Whangarei District Plan – Appeals Version. The rules relate to subdivision, or land use within Business zones and the Port Nikau Development Area, none of which apply in this case. Accordingly, the proposal is a **permitted activity** insofar as the TWM Chapter is concerned.

Notwithstanding, the proposal provides sufficient information regarding the proposed connections / upgrades to the reticulated water supply network, and the on-site stormwater and wastewater solutions to be implemented.

APPEALS VERSION: NAV – Noise and Vibration

NAV.6.2 Construction noise

Activity Status

Standard NAV 6.2 states that noise from construction shall comply with the guidelines and recommendations of NZS 6803:1999 *Acoustics – Construction Noise*.

Marshall Day Acoustic have confirmed that the construction works needed to give effect to the proposed development will be of a commercial scale, but able to be undertaken in general compliance with the relevant standards. Accordingly, this aspect of the application is able to be undertaken as a **permitted activity**.

APPEALS VERSION: Light

Light – R1 Activity not otherwise provided for

Activity Status

Activity status: Permitted where:

Noted

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

Light – R2 Any artificial lighting	Activity Status
Activity Status: Permitted, where:	LDP has confirmed the following:
1. The artificial lighting is shielded or a suitable luminaire optic deployed, so that light emitted by the luminaire is projected below a horizontal plane running through the lower point on the fixture as represented in LIGHT Appendix Illustration of District Wide Lighting Standard	1. All lights to be a 0° tilt to the horizontal and emit 0° upward light. Complies.
2. The light is static and is not moving or flashing.	2. Complies
3. Artificial lighting located in the Sport and Active Recreation Zone...	3. n/a
4. The added illuminance onto any other site or a road reserve, measured at the boundary, does not exceed the following limits: <ol style="list-style-type: none"> a. All zones (excluding the Sport and Active Recreation Zone and Open Space Zone): <ol style="list-style-type: none"> i. Artificial lighting measured at the receiving allotment boundary with a road reserve – 15 lux ii. Artificial lighting measured at the receiving allotment boundary other than with a road reserve – 10 lux. b. Sport and Active Recreation Zone... 	4. The maximum value calculated at any road boundary is approximately 14 lux. Complies The maximum value calculated at any rural boundary is approximately 3.6 lux. Complies
5. The activity complies with LIGHT-REQ-1.	5. Noted
Permitted Activity status achieved.	

5.3. National Environmental Standard - Assessing and Managing Contaminants in Soil to Protect Human Health (NES Contaminated Land)

The historic use of the site has been investigated by Focus Environmental Services Ltd (**Focus**) (refer **Attachment K1** to this report) as part of the preparation of the Preliminary Site Investigation (**PSI**) for the property. Based upon the findings of that assessment, Focus has subsequently prepared a Detailed Site Investigation (**DSI**) (refer **Attachment K2**) which confirms that an activity described in the HAIL is being, has been, or is more likely than not to have been undertaken on the site.

In reference to the NES Contaminated Land, Focus have made the following assessment in determining the activity status of the proposed works:

- *The land is covered by the NES under regulation 5.7(b) 'an activity or industry described in the HAIL has been undertaken on it'*
- *The activity is changing the use of a piece of land under regulation 5(6) 'means changing it to a use that, because the land is described in subclause (7), is reasonably likely to harm human health'*
- *The activity of changing use does not comply with regulation 8(4)*
- *The activity is disturbing soil under regulation 5(4)(a) 'means disturbing the soil of the piece of land for a particular purpose'*
- *The activity does comply with regulation 8(3)(c) 'the volume of the disturbance of the soil of the piece of land must be no more than 25m³ per 500m²' and '...a maximum of 5m³ per 500m² of soil may be taken away'*
- *A detailed site investigation for the piece of land does exist.*

On the basis of the above, a restricted discretionary activity is required under Regulation 10 of the NES Contaminated Land as the proposed change of use and soil disturbance do not meet the requirements of a permitted activity under Regulation 8, and as the detailed site investigation for the piece of land has shown that the soil contamination does exceed the applicable standard for the proposed land use.

Accordingly, resource consent is required for a **restricted discretionary activity** under the NES Contaminated Land.

5.4. Reasons for Consent Conclusion

Overall, resource consent for a **discretionary activity** is required.

5.5. Other Resource Consents

The proposal triggers the need for resource consents under the Northland Regional Plan for bulk earthworks, groundwater diversion and groundwater take. Resource consents AUT.042412.01-AUT042412.12 (as detailed below) were granted by Northland Regional Council on 1 March 2021.

AUT.042412.01.01	Discharge secondary treated wastewater to land.
AUT.042412.02.01	Discharge contaminants (odour) to air.
AUT.042412.03.01	Place a culvert in the bed of a stream.
AUT.042412.04.01	Take groundwater for the purposes of dewatering for fuel tank installation.
AUT.042412.05.01	Divert groundwater during dewatering for fuel tank installation.
AUT.042412.06.01	Discharge groundwater to land from dewatering for fuel tank installation.
AUT.042412.07.01	Discharge groundwater to water from dewatering for fuel tank installation.
AUT.042412.08.01	Cut and fill earthworks (including within a flood hazard area) for site development.
AUT.042412.09.01	Discharge stormwater to land during land disturbance activities.
AUT.042412.10.01	Divert stormwater during land disturbance activities.
AUT.042412.11.01	Vegetation clearance in a riparian management zone.
AUT.042412.12.01	Remediation of contaminated land.

6 ENVIRONMENTAL EFFECTS ASSESSMENT

The following assessment is an analysis of both positive and negative actual and potential effects arising from the proposal.

6.1. Economic Effects

Colliers International has been engaged to prepare a Catchment Analysis for the proposed Ruakaka Service Centre (refer **Attachment J**). The document was compiled on the basis of existing floorspace and employment in the relevant areas and industry groupings, and an analysis of what effect the proposed additional floorspace will have on those businesses undertaken.

The Catchment Analysis concludes:

“Economic Benefits

- *It provides improved access to convenience retail and automotive services for passing traffic, improving safety by providing a suitable rest stop location*
- *The scale of the retail will sustain a functional mix of businesses while limiting the developments role to that of a rest stop location and ensuring that the core role of the Ruakaka town centre is not adversely affected. It therefore complements the town centre while not detracting from it*
- *The new businesses will create employment and business opportunities within the Ruakaka area, which contributes to both social and economic wellbeing for resident households*
- *The new businesses will have positive flow-on effects for other suppliers in the district economy, leading to an increase in GDP*

“Economic Costs

- *Loss of rural production land (although not intensively used at present)*
- *We have not attempted to quantify or monetise all costs and benefits. Overall we consider that the anticipated economic benefits of the proposed development are likely to outweigh the anticipated economic costs arising from the development.”*

As noted earlier in this report, the proposed truck stop will be the only such dedicated facility on State Highway 1 southbound between Whangarei and Bombay in the southern reaches of the Auckland region.

The Colliers' analysis suggests that the proposed service centre (including service station, fast food restaurant, café and retail offerings) can be provided at the Ruakaka turn-off without unduly impacting the local economies at Ruakaka or Marsden Point, and notes that there will likely be positive flow-on economic effects within those communities and that on balance the overall effects are likely to be positive. I adopt that position here and consider that overall, any adverse economic effects on the local communities are likely to be less than minor and may on balance be outweighed by the positive economic impacts of the proposal.

6.2. Rural Effects

An unavoidable adverse effect associated with the proposal to develop this rural land is the loss of rural production land with excellent access to the State Highway network. As noted above, Colliers has identified the loss of as an economic cost to the farming community, however it can also be considered more broadly as a rural effect. This might include the associated economic impacts as well as the landscape quantity and landscape quality attributes of the land.

It is my view that any adverse rural effects derived from the proposed development are tempered by the following considerations, and that overall, they are less than minor in this case:

- The relatively small-scale of the proposal. The application site is 17.853ha, however large portions of that are being retained as productive farmland, farmhouse, and stream / riparian areas. Approximately 75% of the total landholding will be retained as farmland and stream.
- The property is not being intensively farmed at present, and instead is used only as pasture for dry stock. The land is not identified as being premiere soils, and is prone to flooding making it an unattractive proposition for intensive farming.

Positive rural landscape effects associated with the proposed fencing off of the stream that traverses the site and appropriate planting of the riparian margins. These works will provide physical separation of the sensitive stream environment from any grazing livestock, and will result in improvements to water quality and ecology within the stream / riparian areas

6.3. Lighting

LDP Limited has been engaged to provide a concept lighting design for the development, and to determine compliance or otherwise with the requirements of the District Plan (including the relevant provisions of the urban and services plan changes). The LDP Lighting Assessment is included as **Attachment H** to this report and supported by a Performance Assessment at **Attachment H1**.

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:

- Car park and vehicle circulation areas
A total of 64x area light mounted on 47x 8m columns located throughout the site, and 4x 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 / NZS 1680. All light is directed downwards to the forecourt.

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.

The impact of the proposed lighting as part of the broader character, amenity and landscape effects is considered in section 6.4 below.

6.4. Landscape and Visual Effects

6.4.1. Proposal in context

The proposed Ruakaka Service Centre represents a clear change to the existing rural context of the locality, where buildings are sparse and largely rural in nature. The service centre consists of buildings up to 10.6m in height, although most elements sit between 5.15m and 9.85m in height and are located centrally within the property. This will particularly be the case when viewed from the more elevated land to the west of the site.

The exceptions are the pylon signs proposed at each of the two proposed ingress points from the adjacent state highway network. These have a functional necessity to be visible and clearly identifiable as a means of alerting users on the adjacent road network of the facility and the two points of entry and will thus contribute to the safe function of the proposed service centre. 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 north (advertising to southbound traffic only) on SH1, and both east and west facing sign faces on the SH15A pylon.

Significant efforts have been made in the design of the service centre to ensure that it sits within the environment as much as possible, rather than being a dominant landscape feature within this sensitive landscape setting. The use of significant landscaping to the state highway frontages will contribute towards achieving this outcome, with the landscaping effect improving over time as the vegetation matures. Details of the proposed design, layout and landscape responses are set out more fully in the Buchan and Boffa Miskell plan sets (**Attachments B and C** respectively).

The weather protection (sun and rain) provided by the proposed refuelling canopies is a functional requirement for service station facilities and sits at 9.85m to allow for adequate clearance for vehicles parking within the canopy. Given the rural nature of the surrounding land, structures of this nature are not consistent with the existing landscape vista and do present a change to that existing environment. The proposed building is consistent with the height of existing G.A.S refuelling station on the western side of State Highway 1, diagonally opposite the application site.

With the exception of the two 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. The location of these structures within the site ensures adequate separation between the proposed development and neighbouring properties as well as the proposed development (obtained consent for a refuelling station) to the east of the site.

Figure 14 below sets out the proposed tree planting strategy for the site, with clear emphasis on the provision of significant numbers of large tree species to the state highway edges of the site. In the case of

the State Highway 15A frontage in particular, the buffer planting can be seen to be of significant depth and incorporate layers of large trees, not just a single line. Lower planting is also proposed within these areas.

The proposed landscaping carries the dual function of contributing to the physical and visual separation between the service centre and the state highways, and also to contribute to the visual landscape amenity both within the site and at this strategic intersection.

Figure 14: Front elevation



Source: Partial view of "Tree Planting Strategy" drawing prepared by Boffa Miskell

TPC has been involved in the review of the access design and landscape design, ensuring the vehicle users have adequate visibility when entering and exiting the site. Landscaping will also be provided on the boundaries of the site where they adjoin rural-residential properties.

Boffa Miskell has been engaged to prepare a full Landscape and Visual Effects Assessment including Visual Simulations, all of which are included as **Attachment E** to this report.

6.4.2. Landscape effects

Landscape effects derive from changes in the physical landscape which may result in changes to the established character of an area and how this is perceived by others. It is an important qualification that change in a landscape does not, in itself, necessarily constitute and adverse landscape or visual effects. Boffa Miskell note:

“Landscape is dynamic and is constantly changing over time in both subtle and more dramatic transformational ways, these changes are both natural and human induced. When managing landscape change it is important that adverse effects are avoided or sufficiently mitigated to ameliorate adverse effects. The aim is to provide a high amenity environment through appropriate design outcomes, including planting that can integrate development within the landscape and maintain or enhance the current levels of amenity experienced.

“The introduction of a commercial scale development into a Rural Environment will inevitably generate localised change in anticipated character... The key changes to the landscape character of this area are derived from the following physical attributes:

- *Landform*
- *Vegetation patterns*
- *Building patterns”*

Ruakaka is a predominantly rural area with limited existing built development in proximity of the site. Neighbouring land can be primarily characterised as rural residential development, however it is noted that the land to the western side of State Highway 1 is within the Rural Living Environment, and the land generally to the east of State Highway 15A is recognised as Future Living 1 Environment. The Rural Living Environment provides for low density and clustered rural living development, landscaping / gardens, a presence of rural production activity, low traffic levels and a sense of spaciousness. At present, the existing land use within the Future Living 1 Environment is representative of the underlying rural production activity. While only an indication of potential future use of the Future Living 1 land, the zone primarily provides for relatively intensive residential activity with a minimum net site size per residential unit of 500m². A height limit of 8m applies and a maximum building coverage of 35%.

State Highways 1 and 15A and their roundabout intersection, the G.A.S refuelling station, Bream Bay Superette and Tyre Business provide a degree of existing development within this rural context. Boffa Miskell make the following comments in regard to the rural landscape effects of the proposed development:

“...it is anticipated that this [Future Living 1 Environment] will be more intensively developed over time, with the urban edge of Ruakaka settlement creeping towards SH1.

*“Given the current and future development anticipated under the WDP, the sensitivity to change is located with an increasing peri-urban character. With a large proportion of the Site currently open and managed as pasture, it is acknowledged that the proposed development does not retain this aspect which remains consistent with wider rural areas. It does however provide for a high level of amenity and strong landscape setting that is in keeping with the surrounding and anticipated patterns of development. With the above in mind it is considered that the proposal will have a **moderate-low** adverse landscape character effect on the surrounding landscape when compared to what is permitted in the WDP.”*

In contemplating the visual effects of the proposal, it is necessary to consider the intended form of those adjacent areas over time as anticipated through the provisions of the District Plan. It is clear that the Rural Living Environment land to the west of the site, and in particular the Living 1 land to the east of the site will become more intensively developed over time, with the urban edge of Ruakaka settlement creeping towards State Highway 1 over time. This will be an obvious change to the largely rural outlook from the raised land to the west of the site, with the foreground to the coastal edge and prominent geological forms of Whangarei Heads and the islands becoming less rural over time.

Overall, I consider that any adverse landscape effects arising from the proposal will be minor.

6.4.3. *Physical landscape effects*

Landscape effects derive from changes in the physical landscape which may result in changes to the established character of an area. The proposal includes three discrete elements of change to the physical landscape of the existing site, being the removal of existing vegetation and any revegetation, earthworks, and streamworks.

Vegetation

There is little in the way of existing vegetation on the site, which is largely pastoral grass with some exotic species. No significant vegetation is proposed to be removed as part of this proposal. Boffa Miskell has prepared a comprehensive Landscape Plan (refer **Attachment C** to this report) to support the proposal, which includes a range of primarily native planting species within and to the periphery of the development area. Once established, it is considered that this planting will provide a consistent and high amenity edge treatment to the development. Boffa Miskell make the following comments in their LVEA regarding vegetation changes:

*“Planting will assist with screening / reducing visibility of parts of the development such as the service lanes and some buildings. It will also provide a high level of onsite amenity for users of the space. The applicant is further committed to undertaking significant stream restoration and replanting to the north of the site. Including the full fencing off of this stream from adjacent livestock. Overall it is considered that the vegetation works on site will be a **moderate positive** effect.”*

Earthwork

There is a significant amount of earthwork proposed to give effect to this proposal, with a total area of 57,629m² impacted, including 26,289m³ of fill and 4,589m³ of cut. Maximum cut is 1.5m and maximum fill is 2.0m. The most significant earthwork is the filling required to raise the building and parking area of the site above the flood level. Boffa Miskell make the following comments in their LVEA relating to the landscape effect of the proposed earthwork:

*“Overall, whilst there will be some changes to the existing topography on Site, it is likely that earthworks to provide a flat platform within a floodplain for any development would require a comparable volume. Whilst raising the height of the land, the overall general shape (flat topography and stream) will be retained. During construction it is anticipated that there will be some temporary **moderate** to **moderate-high adverse effects** at the local scale with this level of change to the Site beyond that usual or anticipated within the environment. Once the development and associated planting becomes established and integrates built form with a wider open space setting any adverse effect will reduce to **moderate-low** and no more than minor.”*

Streamworks

The proposal includes the substantial enhancement of the existing stream that traverses the site, north of the development area. Constraints within the existing culverts will be removed, and there are benefits associated with the proposed stormwater management approach for the site with the new onsite stormwater detention pond to manage the anticipated stormwater generated by the proposed development. Boffa Miskell make the following comments regarding the landscape effects associated with the proposed streamworks:

*“The stream on site will be fenced off from the development and include planting to the riparian margins. These works will ensure physical separation of the sensitive stream environment from any grazing livestock and will result in improvements to water quality and ecology. Overall it is considered that this will have **moderate-high positive** on-site effects and a net improvement in any low levels of natural character which currently occur.”*

6.4.4. Landscape effects conclusion

Boffa Miskell has concluded that overall, any landscape effects of the proposal are “*moderate-low (minor) with some beneficial effects resulting from the proposed planting and streamworks.*” I agree with that conclusion. There is a large extent of earthwork required to implement the proposal, primarily driven out of a need to keep the buildings, parking areas and manoeuvring areas clear of the 100-year flood plain. Aside from those work, the proposed planting and streamworks will, in the medium to long-term, result in an enhancement to the level of vegetation and amenity on the site, with a particular focus to the state highway frontages of the site. For completeness, it is my view that the landscape effects arising from the Access Option 1 and Access Option 2 (including the SH1 egress) are more-or-less identical and do not alter my overall conclusion above.

6.4.5. Visual effects

The RMA sets out that visual effects relate to the amenity values of a landscape including the “natural and physical qualities and characteristics of an area that contribute to people’s appreciation of its pleasantness, aesthetic coherence, and cultural and recreational attributes.”

Boffa Miskell set out some important context for considering the visual effects of a proposal, and these are summarised below:

- Visual effects result from changes to specific views and the visual amenity experienced by people
- The magnitude (or level) of change must be considered in relation to the sensitivity of the viewing audience when evaluation the significance of an effect
- Sensitivity of a viewing audience may be influenced by a number of factors, including (but not limited to):
 - the number of people who may see the change
 - the reason for a viewing audience being at the viewpoint or looking at the view
 - the existing character and values of the view
 - the viewing distance and the duration when the proposal may be seen
- visual amenity effects are influenced by a number of factors including the nature of the proposal, the landscape absorption capacity and the character of the site and the surrounding area. They are also dependent on distance between the viewer and the proposal, the complexity of the intervening landscape and the nature of the view.

In this case, the principle elements of the proposal that will give rise to landscape and visual effects are:

- Additional built form on the site that are outside the ‘typical rural character’; and
- Earthworks / changes to landform.

Boffa Miskell have prepared three visual simulations (refer **Appendix 3 to the LVEA**) to support their assessment. They have separated their assessment into three sub-categories, being visual effects from public vantage points, visual effects from private houses, and lighting effects.

Visual effects from public vantage points

Three broad public viewing audiences have been identified by Boffa Miskell, being north and south bound traffic on SH1, and westbound traffic on SH15A, each as they travel toward the development area. In each case, road users will experience transient views of the development, with roadside vegetation, shelterbelts and the orientation of the roads visually screening views toward the site at times. Only when motorists get relatively close to the site (south of Prescott Road when travelling south and within about 600m when travelling north of SH1, and only as drives breach the corner on which the site is situated on SH15A) will they have clear views of the proposed development and accessways. The view when travelling north on SH1 in particular will be seen in the context of the existing GAS Station / Service Centre on the western side of the state highway.

Whilst during construction, these views will be a stark contrast to the established rural character of the area, in the medium to long-term, once the boundary planting has sufficiently established, only the tallest of the buildings and the roadside signage will be seen. Boffa Miskell draw the following conclusions regarding the degree of adverse visual effects arising from these vantage points:

*“The sensitivity of this viewing audience is lower with visual exposure being restricted in view and time. The magnitude of visual change will be slightly higher as the development will represent an obvious change from open pasture to built-up development in a wider per-urban setting. However, it is considered this is generally in keeping with the surrounding built character and existing environment and will increasingly become softened beyond substantial planted landscape setbacks. Once established the high-quality planting and locating the built form towards the centre of the site, any adverse visual effects of the proposed development from the road are therefore assessed as **low**.”*

The fourth public vantage point identified is from the existing GAS Station and Service Centre on the southwestern side of the roundabout. These viewers will have clear and unobstructed views across the intersection to the site. This view will gradually be screened as the boundary planting (in particular) establishes more fully. Boffa Miskell has concluded that:

*“Given the existing uses on Site the magnitude of visual change and sensitivity of this viewing audience is considered to be low. Initially, temporary adverse effects during construction are considered to be moderate with the Site undergoing an obvious transformation from open areas of pasture as earthworks and subsequent built form is established in the immediate context of this existing development. Once established the effects of the proposed development are assessed as **low**.”*

Visual effects from private houses

Boffa Miskell has undertaken an assessment of the visual prominence of the proposed development from a number of houses that are within close proximity to the site. The assessment assigned a degree of effects, based on the visibility and proximity to the site, the apparent orientation of the house and the nature of the view, including any existing vegetation that might provide full or partial screening of views. That assessment was undertaken based upon observations from public roads and the use of aerial photographs. The results of that assessment are included at Appendix 2 of the LVEA.

Boffa Miskell has summarised their findings as set out below:

“The visual effects table includes an assessment of fifteen private houses. Of these fifteen it was noted that five houses received open unobstructed views over the Site. The remainder of the houses all received either partial, glimpsed or no views as existing vegetation and topography assisted in curtailing views to varying degrees.

“of those properties assessed, the properties which are anticipated to receive visual effects will be those properties that are elevated over the Site with clear open views of the site, towards Ruakaka and Whangarei Heads.

“Of these houses which are likely to receive the highest visual effects towards the development (26, 33, 41, 43, 62 and 67 Heatherlea Drive) the view is from an elevated position out over the site with little or no intervening vegetation. Whilst onsite amenity planting within the proposal will assist with breaking up the development and expanse of carpark hard surfacing, when seen the views will predominantly change from open rural pasture to more built development.

“As the view audiences would consist of residents it is considered that they have a high sensitivity to visual change. The magnitude of visual change within this location would be moderate, given the proximity to site and the open views.

*“Overall whilst some of the houses will receive visual effects that are within the **low** (adverse) category, there are six properties where the effects are considered to be **moderate** to **moderate-low** adverse.”*

I agree with these conclusions. The most-affected properties appear to have wide and open views across the application site to Ruakaka, North Port, Whangarei Heads and the coast. Those broader views contain some built form elements, primarily in the distance, while the proposed development sits in the foreground to those broader views and will be clearly discernible.

The District Plan has given guidance regarding the future built form of the land to the east of the site, which is indicated as Future Living 1 Environment which will become more intensively developed in due course with the urban edge of Ruakaka settlement creeping towards State Highway 1 over time. This will be an obvious change to the largely rural outlook from the raised land to the west of the site, with the foreground to the coastal edge and prominent geological forms of Whangarei Heads and the islands becoming more urban over time.

Lighting effects

As described earlier in this report, LDP has prepared a concept lighting design to inform an assessment against the District Plan requirements. That design has also informed the visual simulations prepared by Boffa Miskell, and in particular the night-time simulations.

Boffa Miskell have identified that the majority of proposed lighting will be visible from several locations include the surrounding road network (SH1 and SH15A), the elevated residential properties on Heatherlea Drive, and the existing GAS / Superette on the southwestern corner of the SH1 / SH15A roundabout intersection.

As with the earlier visual effects assessment, 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 tallest 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. Boffa Miskell note that the *“...sensitivity of this viewing audience is lower with visual exposure being restricted in view and time. The magnitude of visual change to lighting is also low given the amount of on road side lighting and surrounding lighting for businesses.”* They go on to conclude that these viewing audiences would experience a very low magnitude of change to their views, and that this change would result in a **low** adverse visual effect if all proposal lighting was illuminated.

The nearby residential dwellings to the west of the site have more elevated views of the development. Boffa Miskell note that the proposed planting will screen little of the proposed building and illuminated components of the development, and that this viewing audience has a higher sensitivity to visual change given their residential context. They conclude:

*“As represented in VP10 views from these residents included a number of illuminated elements including North Port, Marsden Point, SH1 Street lighting and the development on the corner of SH15 and SH1. However, the proposed development represents an obvious change in the quantity of lighting seen, Visual effects for those properties with clear open views of the site are considered to be **moderate-low**.”*

Vehicles operating on the site will contribute horizontal light spill, however the movement of vehicles through the area at night already results in these effects and would regularly be seen in the surrounding area.

Visual effects conclusion

Overall, and on the basis of the foregoing assessment and specialist commentary provided by Boffa Miskell, I am of the view that any adverse visual effects arising from the proposal will be less than minor when viewed from publicly available vantage points and all but six private properties, and will be minor when viewed from the identified properties on Heatherlea Drive that have wide views across the subject site. I further acknowledge that during construction the proposal will provide a contrast to the existing rural character of those existing views and will temporarily be more obvious, however these views will transition over time as the landscaping around and across the site establishes and starts to screen many of the potential views into the site. For completeness, it is my view that the landscape effects arising from the Access Option 1 and Access Option 2 are more-or-less identical and do not alter my overall conclusion above.

6.5. Transport Effects

6.5.1. State Highway

TPC has prepared a Traffic Impact Assessment (**TIA**) which addresses 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.

State Highway 1 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).

The portion of State Highway 1 which adjoins the subject site is a two-way carriageway and allow for vehicles to travel up to 100km/h. Vehicle speeds experienced along this portion of the highway are slightly slower given the proximity of the round-a-bout which connects to State Highway 15A. The carriageway includes a

“shoulder” on both sides of the highway to allow for vehicles to stop during emergencies etc. A further grassed setback of is provided on both sides of the highway to provide separation between the highway and adjoining properties. These setbacks fall within the existing WK-NZTA designation for the State Highway.

A single driveway into the application site exists on the eastern side of SH1 some 200m north of the intersection with SH15A. This will be removed as part of the proposal and reinstated as road shoulder and berm.

State Highway 15A is also classified as a “National” road and similar to State Highway 1N accounts for the highest volume of all vehicle movements. State Highway 15A provides connections to Marsden Point / Ruakaka and the oil refinery located on the coastline toward the east of the site. The portion of State Highway 15A which adjoins the site has a two-way carriageway and allow for vehicles to travel 100km. Again, similar to State Highway 1, the vehicle speeds are generally slower due to the proximity of the round-a-bout which allows vehicles to turn onto State Highway 15A.

A vehicle access to the application site existing on the northern side of SH15A, some 175m east of the SH1 intersection. This driveway will be removed and reinstated as road shoulder and berm as part of this application.

As described above, the proposal includes a pylon sign at each of the proposed vehicle ingress points, providing safe and effective information to passing traffic as to the location of the service centre and the facilities contained within.

TPC has undertaken an assessment of traffic safety within 500m of the site and including the key state highway intersection, noting that there have been 31 crashed in the last 5-years, with one fatality and two serious-injury crashed in that time. More than half of the crashes have bene rear-end collisions as vehicles approach the roundabout too quickly or driving distracted. TPC has advised that the proposed ingress and egress points can operate safely, and importantly have ensured that the SH1 access point has been designed for a full speed exist for southbound motorists. The proposed signage will ensure early warning is afforded to passing motorists so that they can plan for the exit from the state highway network in good time.

As noted above, and as part of the ongoing engagement with WK-NZTA around the access arrangements for the proposed activity and following the outcome of an independent safety audit of the originally proposed access layout, two access options are proposed as part of this application. As discussions with WK-NZTA progress, the access layout will be refined to a single preferred option. For completeness, it is noted that the supporting plans and assessments that form part of this application provide for both options.

6.5.2. Traffic generation

TPC has assessed the anticipated trip generation of the various activities proposed to form part of the service centre and consider that most of the trips to and from the site would be passing trade already using the adjacent road network, with very few added vehicle trips on the wider State Highway network. This supports the notion that this is a service centre facility rather than a destination itself. The table below is taken from the TPC report and summarises the anticipated movements for the service centre:

Figure 15: Traffic generation table

Activity	Peak Hour Trip Rate	Daily Trip Rate	Unit	Quantity	Peak Hour Trip Generation	Daily Trip Generation
Fast-Food Restaurant	36.0	266.0	100 m ² GFA	280 m ²	101	745
Café	0.6	3.7	seat	~50 seats (800 m ²)	30	185
Convenience Shop	14.6	92.0	100 m ² GFA	800 m ²	117	736
Retail	14.6	92.0	100 m ² GFA	400 m ²	58	368
Fueling Station	65.1	449.0	100 m ² GFA	300 m ²	195	1,347
TOTAL					501	3,381

Source: Table 2 from the TIA prepared by TPC

6.5.3. Proposed site access location and design

All vehicles travelling southbound on State Highway 1 will be able to enter the site via a dedicated slip lane from State Highway which will enter onto the site in the north-western boundary of the site. The slip lane is proposed to commence north of the intersection of SH1 and Prescott Road, and provide a length of approximately 230m within the site to allow vehicles entering the site to reduce speed to 30km/h in order to safely manoeuvre within the site itself.

For SH15A, the proposed access will be located more than 200m from the intersection with SH1, however it will be within 30m of an existing vehicle crossing to No. 39 SH15A. It is proposed to integrate the vehicle access for the residential dwelling on that site within the service centre site such that their existing access directly onto SH15A will be removed. As a result, access for the development will be more than 100m from any other access points onto the state highway and will comply with the minimum separation standards of the WK-NZTA Planning Policy Manual.

Northbound vehicles will need to enter the site via the round-a-bout to turn onto State Highway 15A and will then enter onto the site via a vehicle access in the south-eastern corner of the site. Vehicles will naturally reduce speed in order to manoeuvre through the round-a-bout and will enter onto the site at 30km/h.

Under Access Option 1, all vehicles will be required to exit the site via State Highway 15. Vehicles will be able to re-join State Highway 1 via the round-a-bout by turning north or south or continuing to travel along State Highway 15A.

Under Access Option 2, there is no right-turn out of the site onto SH15A. Trucks will be able to turn left out of the site onto SH15A, however any private vehicles wanting to head east from the site, or any vehicles wanting to head south or north from the site, will have to exit the site via the left-turn exit onto SH1.

TPC has assessed the available sightlines to the ingress / egress points against the Austroads Guide to Road Design Part 4A: Unsignalised and Signalised Intersections. They have concluded that good visibility is afforded to for the two key movements in particular, being egress from the site onto SH15A westbound, and ingress southbound from SH1.

The “concept intersection designs” for the proposed service centre and SH15A intersection for the site is included as Attachment 1 to the TIA. The plan shows critical dimensions of the intersection design and the relevant tracking paths for the various vehicles that will use the ingress / egress. We are currently awaiting feedback on these designs from WK-NZTA.

The TIA concludes that overall, *“...the traffic planning effects of the proposed access for the service centre can be accommodated on the road network without compromise to its function, capacity or safety, and without compromise to the safety and efficiency of SH1/SH15A as a National Strategic Freight Route.”* I support this conclusion and consider that overall any adverse traffic safety effects derived from the proposal can be appropriately managed through design.

6.5.4. Internal site layout and assessment

All retail activities within the site will be located along the central axis of the site, which runs from north-south and accommodates a fast-food restaurant and associated drive-through facilities, café, convenience shop, general retail area, and fuelling kiosk. All car parking is located to the west of the buildings, with the areas to the east accommodating coach pick-up / drop off (immediately adjacent to the retail building), truck refuelling and parking. A picnic area is located towards the north of the development area, adjacent to the

café. A total of 151 car parking spaces (including 9 accessible spaces) and 13 truck parking spaces are proposed. The coach parking facility can accommodate two coaches at a time.

Through their TIA, TPC has assessed the internal layout and design of the various uses of the proposed facility, including the needs various users of the site. They have also considered the relatively subtle changes that would be needed to accommodate Access Option 2. They conclude:

- The proposed site tenancies may attract up to 500 vehicle movements during peak hours and 3,400 movements daily;
- The proposed access arrangements will comply with the appropriate standards for location and sight distance and the appropriate MoTSaM or Austroads standards for geometric design;
- The safety record of the State Highway in the vicinity of the site suggests a traffic safety problem with respect to rear-end collisions. Accordingly, the accesses into the site have been designed to reduce the potential for rear-end collisions with vehicles entering the site;
- The safety record does not indicate any safety issue associated with the existing Service Centre on the western side of SH1;
- The site entry from SH1 is proposed to be a one-way southbound slip lane. It will not generate any right turn movements, nor will it require any vehicles to slow down on the highway. No issues with the proposed slip lane were raised in the independent Road Safety Audit, and thus it is not anticipated to have any adverse effect on the safety or operation of the highway;
- The proposed access onto SH15A will be more than 200 metres from the intersection of SH1 and SH15A to the west and more than 100 metres from the adjacent accessway to the east, complying with the minimum accessway spacing guidelines;
- The proposed internal vehicle and pedestrian circulating areas are configured to an appropriate standard and will operate in a manner that minimises any potential impacts on safety;
- Review of the transport standards has identified one item requiring consent under the standards of the Operative Whangarei District Plan, which has been addressed in this report;
- Review of the transport standards has identified two items requiring consent under the standards of the Decision Version of the Whangarei District Plan, which have been addressed in this report; and
- Each access has been designed to a suitable standard to meet the needs of the design vehicles visiting the site.

On the basis of the specialist assessment from TPC, I consider that the proposed layout of activities, number and design of parking and loading spaces, access points and interaction between the various users of the site will provide for the safe and efficient function of the service centre.

6.5.5. Construction traffic effects

The short-term traffic movements generated by construction vehicles undertaken works to establish the proposed activity on site always has the potential to impact the surrounding area and road network. These are the inevitable effects of development and should not normally be a reason for restricting development.

Rather, it is the measures put in place to minimise the potential impacts of construction traffic that become important. This is generally achieved through the requirement for a Construction Traffic Management Plan (CTMP) to be prepared and certified prior to work commencing on site. Where necessary, the CTMP can include controls on when construction activities can occur (i.e. to avoid peak flows), the routes to be used, and other matters to minimise potential impact. In this case, it will be necessary for an appropriate CTMP to be implemented to ensure that the potential impact on SH1 and SH15A and neighbouring properties are appropriately managed. The applicant anticipates and offers the requirement for a CTMP to be certified prior to works commencing, and for the subsequent implementation of that CTMP, through conditions of consent.

Subject to the implementation of an appropriate CTMP, I consider that any adverse effects arising from construction traffic will be less than minor.

6.5.6. Summary

Overall, and on the basis of the above assessment, I consider that the proposal will give rise to adverse traffic effects that are less than minor, and that safety effects on the site and within the adjacent state highway network can be appropriately managed through the proposed design. Additionally, there are positive effects associated with the provision of rest stop facilities for all drivers, but particularly the freight industry, at this strategic location.

6.6. Hazardous Materials Effects

6.6.1. Fuel Storage and Supply

The core facility within the proposed Ruakaka Service Centre is the service station providing for:

- Eight inline fuelling stations comprising two dispensing stations in a row, each capable of fuelling 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 fuelled at any one time.

- A large canopy over the fuel facilities (32.3m x 14.5m).
- A 300m² 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 refuelling facilities each able to dispense to both sides of the facility. This gives accommodation for four truck and trailer units to be fuelled at any one time.
- A holding area for vehicles and truck and trailer units prior to entering the fuelling facility.
- A holding area for truck and trailer units who have fuelled but want to rest up or utilise the other facilities at the centre.
- Underground fuel storage tanks behind the kiosk diesel and two grades of unleaded petroleum.
- Associated parking and manoeuvring areas.

The potential adverse environmental and health effects associated with the use, storage and sale of petroleum products is very high, however they are also of very low probability. The risks associated with the construction and operation of such a facility are well-known, and it is proposed that the facility is designed, constructed and operated in accordance with all relevant standards for facilities that include underground storage of petroleum. In particular:

- Tanks underground
- Separate filling point removed from the kiosk
- Fuel supply truck has clear manoeuvring area separate to cars
- Compliance with all relevant New Zealand Standards
- Emergency shut off valves
- Spill kits

Petroleum Solutions has prepared a Hazardous Substances Plan (refer **Attachment Q**) which identifies the hazardous zones at each potential risk location.

The underground tanks will each have a double casing, be equipped with automatic emergency shut off valves, and will be located away from the vehicle servicing areas and all necessary emergency and safety equipment and systems will be installed as per industry standards and requirements.

Any potential adverse effects associated with the storage and sale of petroleum products on site are manageable through the implementation of the relevant standards and the inclusion of appropriate contingencies. The accepted industry standards provide for refuelling facilities in urban areas, and accordingly this rural location is not considered to present any significant challenges in that regard. Overall,

and subject to conditions of consent requiring the above, I consider the associated actual and potential adverse effects are able to be managed to a point where they are minor.

6.7. Earthworks

The proposal will require earthworks across a large portion of the application site to enable the construction of the associated structures (i.e. food and retail centre, underground fuel storage, refuelling canopy / kiosk, refuelling sales building), services and access points. Earthwork is required to create a raised centre within the site to accommodate the retail area (above 100-year flood levels). Slight mounding to the state highway frontages is proposed to assist in visual separation from the adjacent network and the management of stormwater within the site, while significant cut is required to excavate space for the underground fuel storage tanks for the refuelling station as well as the stormwater pond.

Initial investigations regarding the geotechnical conditions of the site indicate that the site is suitable for the proposed development and will only need shallow foundations. The applicant is happy to support any construction monitoring to ensure the proposed works will not create soil instability issues to neighbouring sites.

An erosion and sediment control plan has been prepared which outlines all erosion and sediment control methods that will be implemented to ensure earthworks operations comply with the requirements of the Whangarei District Council standards.

Overall, the proposed earthworks will not generate any significant and unreasonable adverse effects on the environment and it is considered that subject to conditions relating to works being undertaken in accordance with an approved Erosion and Sediment Control Plan, any associated adverse effects will be less than minor.

6.8. Contamination effects

A Preliminary Site Investigation (**PSI**) and Detailed Site Investigation (**DSI**) (refer **Attachments K1 and K2** to this report respectively) have been prepared by Focus Environmental Services Ltd (**Focus**), which have confirmed the presence of potentially contaminated material on the site and the need for remediation works.

The DSI quantifies the contaminated material to be removed from the site and includes a Remediation Action Plan (**RAP**) to ensure that the soils contaminated above the adopted site assessment criteria are handled

and removed in a controlled manner that disposed of to a suitable disposal location. All earthworks required as part of the remedial works are proposed to be carried out in accordance with the RAP.

The DSI includes an assessment of the effects that may arise as a result of the proposed remediation works, including identifying the measures needed to ensure any potential adverse environmental effects and / or human health effects are appropriately mitigated.

Overall, and subject to conditions requiring the implementation of all recommendations in the DSI, I am of the view that any adverse contamination effects can be appropriately managed.

6.9. Stormwater management effects

There is currently no on-site stormwater infrastructure, with the exception of minor farm drains associated with previous agricultural uses of the site. The majority of the site is identified as a flood susceptible area which is defined as an area likely to experience flooding during a 1 in 50-year stormwater flood event.

Due to the scale of the development, the proposal will require new stormwater infrastructure to manage the anticipated levels of stormwater to be generated. The majority of stormwater will be directed to a stormwater pond in the north-eastern extent of the site, which has been sized to accommodate almost all flows. Where levels do not allow for that outcome, flows will be directed to small rain gardens.

The proposed structures will not increase the level of flooding risk associated with the site. One of the advantages is that the existing stormwater network within the site and which extends to the WK-NZTA land will be cleaned out and begin to function as designed, rather than in the existing, compromised manner. The development of the site will allow overland flow paths to function appropriately and will not result in any unnecessary stormwater inundation. The design of all habitable buildings will comply with required freeboard height to manage flooding on the site.

The proposal triggers the need to treat stormwater from the proposed paved areas prior to discharge. 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 a rain garden or swale prior to discharge to a dual purpose stormwater attenuation pond / rain garden downstream of the development area (immediately to the north and east of the truck parking area). The bottom of the pond has been designed to be one single rain garden with a capacity to treat the runoff generated by the entire contaminant and trafficable area of the site. Ultimately, the pond discharges to the stream that traverses the site.

All private drainage will be designed in accordance with the Whangarei District Council standards. Final stormwater infrastructure design will be included as a part of a future engineering approval, however, it is considered that the proposal will be able to adequately manage the anticipated stormwater to be generated as a result of the development that and any adverse effects will be less than minor.

6.10. Wastewater Effects

There is no existing wastewater infrastructure servicing the site, and nor is there a public network in close proximity to the site. Accordingly, an on-site solution is proposed, with ENGEO having confirmed that the on-site soakage is acceptable for the proposed on-site treatment system.

A solution designed by Reflector Wastewater Treatment Solutions is proposed to be used, and will consist of the following:

- Primary treatment via specialised septic tanks
- Secondary treatment via drip lines discharging the treated wastewater into a denoted 1ha area of grass land, being the area of planting along the state highway frontages of the site.

Maven is satisfied that the discharge of treated effluent to the ground via drip lines to will provide an acceptable environmental solution with no adverse effects. Final wastewater infrastructure design will be included as a part of a future engineering plan approval.

In addition to the above, ENGEO has prepared a Wastewater Disposal Report (refer **Attachment O** to this report), which analyses the geotechnical conditions of the site to ensure the proposal approach to wastewater treatment is appropriate in this case.

Overall, and on the basis of the above assessment and supporting technical advice, I am of the view that the proposal will be able to adequately manage the wastewater demands of the proposed travellers centre and any effects will be less than minor.

6.11. Water Supply Effects

It is proposed to construct a 225mm PE water pipe along SH15A to connect to the existing 150mm water approximately 2km to the northeast of the site. All buildings will be required to have sprinkler systems fitted for firefighting purposes.

Final water supply design will be included as a part of a future engineering approval; however it is considered that the proposal can adequately meet all water supply demands for each of the proposed service centre and any effects will be less than minor.

6.12. Archaeological effects

Given the location of known archaeological items in the vicinity of the application site, Clough & Associates (**Clough**) were engaged to establish whether the proposed work is likely to impact on archaeological values. Their findings are set out in a Preliminary Archaeological Assessment included as **Attachment I** to this report. I note that while the Clough assessment was based upon an earlier layout for the project, the overall layout is broadly consistent with the earlier design and the outcomes of the Archaeological Assessment are considered to remain relevant.

Field survey works were undertaken in June 2020 and involved test pits, which were found to be largely consistent over the central and western sections of the site. Within the slightly elevated peaty ridge located at the far north-eastern corner of the site a midden was uncovered. Clough note that it comprises subsurface heavily disturbed (no doubt through modern cultivation) shell deposits across an area circa 20m x 5m across the crest of the low-lying ridge. The midden deposit is 10-12cm thick and was identified through Test Pit 17. Clough conclude that the midden forms part of recorded site Q07/344 and note that no other archaeological material was identified within the project area.

Figure 16: Archaeological site Q07/344



Source: Figure 31 from the Clough Assessment

The earlier project design involved earthworks across the midden identified by Clough. The applicant subsequently decided to amend the proposed earthwork design to entirely avoid the identified area. Notwithstanding the above, there is still the possibility of accidentally uncovering other archaeological items during the implementation of the proposed works, and accordingly, the applicant proposes to implement a standard accidental discovery protocol.

Tangata Whenua for the area, Patuharakeke, have been consulted during the establishment of the project and as noted below, a CVA and CEA have been prepared to inform the project design. Recommendations from those documents have been considered by the applicant and largely accommodated within the proposal.

Overall, potential adverse archaeological effects arising from the proposal are largely avoided by the revised earthworks design, and implementation of a standard accidental discovery protocol will establish appropriate methods in the event that archaeological items are uncovered during the works.

6.13. Cultural Effects

As part of the design process for this project, the applicant has engaged directly with Patuharakeke Te Iwi Trust Board (**PTB**) who hold Mana Whenua status over the area. As part of that engagement, PTB and SK Aotearoa Trust have agreed a Terms of Reference which recommends a pathway for engagement and input, first to deliver a CVA report identifying the relationships, uses and values of the site and surrounds, to be followed by a second more in-depth assessment of the cultural effects of the proposal. Both documents have now been received and form **Attachments M and N** to this report respectively.

The CVA discusses the relationship of Tangata Whenua to the application site, and specifically covers the relationship of Patuharakeke and their Culture and Traditions with their ancestral lands, waters, sites, waahi tapu and other taonga. The CVA concludes:

“This report has utilized korero gather from meetings, a site visit, wanaga and a number of documented sources to describe the traditional and contemporary cultural relationships of Patuharakeke with the proposed Ruakaka Travel Centre site and surrounds. It illustrates that these relationships remain well established, entrenched and easily demonstrated and acknowledged.

“The Ruakaka River catchment was known to mana whenua as a bountiful and rich food basket for ‘Pataka’. The mahinga kai, waahi tapu, and cultural landscape remain of utmost significance to day. Their use still removes around maintaining customary practices and feeding whanua, hapū and manuhiri as in the past.

The layers of maatauranga and management through Kaitiakitanga have been stripped back due to a number of factors, such as alienation of rights and access, imposition of government controls, mismanagement, pollution. Today, kaitiaki seek increased control over the management of these places and resources. Our desire is to prevent further diminishing of the mauri of the river and to enhance and restore the important mahinga kai that remain.

“In terms of adverse effects as a result of this proposal, it is tangata whenua who have, and will continue to bear ultimate responsibility. Therefore they are concerned with ensuring a precautionary approach is taken with any activities that have the potential to create further adverse effects. The applicant’s technical studies will need to take these factors into account, considering the potential effects of developing a Travel Centre at Ruakaka in relation to mahinga kai, taonga species and other sites of significance discussed in this report. To that end it is recommended that the engagement process continue to that;

- *PTB are able to review and comment on draft technical / AEE reports in an iterative manner and have the opportunity to meet with specialists / consultants if required (ie. If there are any key concerns or areas of interest); and*
- *PTB prepare a full CEA / CIA once the AEE and technical reports are completed.*

“The engagement to date between SK Aotearoa Trust and PTB have been positive and productive. It will be essential to maintain an open and transparent dialogue to build this relationship going forward.”

The Cultural Effects Assessment (CEA) was prepared on the basis of more detailed information available on the project in the last few month, including an Ecological Assessment (prepared by Bioresearches and included as **Attachment L** to this report), a Preliminary Archaeological Assessment (prepared by Clough & Associates and included as **Attachment I** to this report) and a Detailed Site Investigation (prepared by Focus Environmental Services and included as **Attachment K2** to this report). Subsequent to the receipt of the CEA, the proposal has been modified to remove the campervan site and dog exercise area, and the stormwater detention pond is now located to the east of the truck parking area rather than as part of the amenity area. The project engineer has also changed. None of these changes are considered to impact the assessment and recommendations made by Patuharakeke.

In preparing the CEA, its author consulted at PTB board meetings and a hui-a-hapū which was held on 2 August 2020 to discuss the proposal and identify any potential effects and how any adverse effects might be avoided, remedied or mitigated. The CEA provides commentary under the following headings, and the key observations from each section are summarised beneath the heading:

- Environmental effects

- PTB seek an outcome for this site where wastewater and stormwater systems are designed to improve water quality and habitat for taonga species, providing for an ecological gain rather than further loss and degradation
- The retention of soil on the whenua from whence it came is clear cultural preference.
- PTB seek an opportunity to review and feed into the development of the Erosion and Sediment Control Plan for the earthworks phase of the project
- The proposal is unable to connect to the reticulated wastewater network and onsite treatment is proposed, with primary treatment via specialised septic tanks and a secondary treatment via drip lines into denoted areas. There will be no direct discharge of wastewater to water.
- Impervious areas will be designed to direct stormwater to catchpits positioned at the low points and along kerb and channel. Each catchpit will be connected to a stormwater treatment device prior to discharge to the pipe network. The piped network discharges to a landscaped attenuation pond. A scruffy dome allows a portion of stormwater to soak to ground, and the remainder to connect to the stream.
- Potential adverse effects associated with the use, storage and sale of petroleum products is very high, however also of very low probability. The underground tanks will have a double casing, be equipped with automatic emergency shut-off valves and will be located away from the vehicle servicing areas. All necessary industry standards will be met.
- Focus Environmental have carried out a PSI and DSI, detailing that approximately 1,305.3m³ of affected soils are to be remediated. Following works, Site Validation Reporting is proposed.
- Through their Ecological Assessment, Bioresarches have identified that the proposed ESCP, and proposed treatment, retention and detention of stormwater will result in less than minor adverse effects on water quality of the stream.
- Cultural effects
 - Potential effects on wāhi tapu relate to their disturbance, modification and destruction through earthworks. Clough & Associates has prepared a Preliminary Archaeological Report that identifies one recorded archaeological site (part site Q07/334 – shell midden) on the subject property. The Clough report recommends that the area be avoided. Following receipt of this advice, the applicant has amended the earthworks and stormwater elements of the project to avoid any impact on the archaeological site.
 - Regardless of the above, it is reasonable to anticipated accidental discovery during site preparation works and therefore an Authority to Modify should be sought from HNZPTA.
 - PTB seek to be involved and accompany any further archaeological investigations on site and will be asked to input into the HNZPTA process.
 - Support fencing off of existing stream and riparian planting
- Social and economic effects

- While the Colliers report considers the proposed development will not deter from the existing Ruakaka shopping centre, PTB consider it likely that the proposed service centre will become a destination in itself for locals, and particularly the youth.
- The establishment of a fast-food restaurant is one of the elements PTB are less supportive of because at a general level, Maori are disproportionately represented in poor health statistics, and fast food plays a role in that.
- PTB recognise there may be some limited employment opportunities, but note that menial low paid positions do not align with their aspirations for their rangatahi.
- Whanau do see an opportunity presented by the retail shop which is proposed to potentially provide local artisans the opportunity to display and sell their toi mahi / artwork and other products. The applicant is supportive of PTB involvement in the running of this space.

PTB conclude their CEA as follows:

“PTB consider that the proposed Ruakaka Travellers Centre is generally consistent with the policy direction of our HEMP and that all potential effects on our cultural and values are able to be managed provided our recommendations are implemented. SK Aotearoa Trust [now Ruakaka Developments Limited] have initiated a conversation with PTB and shown a willingness to collaborate going forward. This is welcomed as many of our recommendations will be reliant on a robust relationship with SK Aotearoa Trust.”

The applicant seeks to continue to engage proactively and collaboratively with PTB to build an enduring relationship built on trust and mutual respect.

On the basis of the above, I consider that the core cultural matters are being addressed by the proposal and that any adverse cultural effects will be less than minor subject to implementation of the recommendations contained in the CEA.

6.14. Noise effects

Noise effects arising from the proposed service centre can be separated into two broad elements, being construction noise and operational noise. Marshall Day Acoustics (**MDA**) have prepared an Assessment of Noise Effects (refer **Attachment G** to this report) in support of the application.

MDA has confirmed that while construction to implement the proposed development works will be on a commercial scale, normal construction practices and working hours should see the works undertaken in

accordance with the relevant limits in NAV6.2. The only qualifier is that works in close proximity to boundaries be undertaken with consideration.

MDA has detailed the ambient noise environment, based upon noise measurements taken during day and night-time, and found that the existing night-time noise environment at the boundaries with adjacent Rural Production zoned land is approximately $10\text{dB}_{\text{LAeq}}$ in excess of the District Plan limits. These exceedances are directly related to the movement of articulated trucks along the adjacent state highway network (SH1 and SH15A).

While all daytime operations of the facility are anticipated to comply with the relevant limits in NAV6.1, the movement of trucks through the site at night will generate noise in excess of the night-time limits and at a level that is comparable to the existing ambient noise levels derived from the movement of trucks along SH1 and SH15A. MDA has recommended that an alternative night-time limit of $45\text{dB}_{\text{LAeq}}$ be applied to the shared boundaries with 39 and 45 SH15A which is above the District Plan limit ($40\text{dB}_{\text{LAeq}}$) and below the ambient night-time noise environment (measured at $50\text{-}52\text{dB}_{\text{LAeq}}$). To quote:

“The measured night-time ambient levels at the closest dwelling (39 SH15A) were 50 and 52 dB_{LAeq} . This shows that noise levels in this area are already elevated due to significant traffic on the state highways. Therefore, it is considered reasonable to provide a higher night-time noise limit than is provided for in the District Plan. Compliance with a $45\text{dB}_{\text{LAeq}}$ limit is calculated to result in an overall increase in loudness of one decibel. A change of one decibel is considered an imperceptible change in loudness.”

MDA recommends that the higher night-time limit be applied to adjoining Rural Living zone interface also, noting that these sites are subject to a greater physical separation than the adjoining Rural Production zoned land. To ensure the $45\text{dB}_{\text{LAeq}}$ limit is achieved at the Rural Production zoned sites, MDA has recommended that mitigation be applied inside the shared boundary to the properties at 39 and 45 SH15A in the form of earth bunds of between 2m and 2.5m in height (as per **Figure 17** below).

The applicant has engaged in discussions with the adjoining landowner at 39 SH15A regarding changes to their site access and noise mitigation. As a means of limiting the impact of the bunds on the amenity of those properties, the bunds are proposed to sit inside the applicant’s property, and landscaping proposed between the bund and the shared property boundaries.

Figure 17: Proposed earth bunds inside the adjoining property boundaries



Source: Marshall Day Acoustics Assessment of Noise Effects (**Appendix B to Attachment G** to this report).

MDA has recommended that the following conditions be imposed on any consent granted, and the applicant proffers these conditions as part of the proposal:

1. *The noise (rating) level from all activities associated with the site shall not exceed the following noise limits when measures at all Rural Living zoned sites:*
 - 50dB_{L_{Aeq}} between 0700 and 2200 hours
 - 45 dB_{L_{Aeq}} and 70 dB_{L_AF_{max}} between 2200 and 0700 hours
2. *The noise (rating) level from all activities associated with the site shall not exceed the following noise limits when measured at all Rural Production zoned sites:*
 - 55dB_{L_{Aeq}} between 0700 and 2200 hours
 - 45 dB_{L_{Aeq}} and 70 dB_{L_AF_{max}} between 2200 and 0700 hours
3. *Noise levels shall be measured in accordance with the provisions of New Zealand Standard NZS 6801:2008 “Acoustics – Measurement of environmental sound” and assessed in accordance with the provisions of New Zealand Standard NZS 6802:2008 “Acoustics – Environmental Noise”*
4. *Noise from construction activities shall not exceed the limits recommended in, and shall be measured and assessed in accordance with, New Zealand Standard NZS 6803:1999 “Acoustics – Construction Noise”*

Overall, on the basis of the commentary from MDA and their recommended amendments to the applicable night-time noise limits given the ambient noise levels in the area and the implementation of their recommended acoustic mitigation to those adjoining properties at 39 and 45 SH15A, I consider that any adverse noise effects derived from the proposal are appropriate.

6.15. Construction Effects

The proposed construction works are temporary and potential adverse effects are able to be mitigated through standard construction management plans. In addition, all construction works will be undertaken in accordance with the standards of the Whangarei District Plan.

It is considered that the proposed works will require modifications to the site, however the proposed works will comply with the relevant standards regarding noise controls for construction and the applicant supports conditions of consent to that effect. As such, the construction noise effects on the surrounding environment.

6.16. Cumulative Effects

In considering the actual and potential effects of this proposal, it is necessary to consider whether there are any cumulative effects associated with the proposal that need to be considered. In my view, there is some overlap between the landscape visual implications of the proposal and the existing G.A.S refuelling station on the western side of SH1, and whether these cumulatively undermine the rural character of the area.

In my view, it is inevitable that there will be some ‘creep’ of development towards this key strategic intersection. The existing service station is within the Rural Living Environment which anticipates a higher intensity of development than the Rural Production Environment, albeit still at a relatively low density. I consider the Future Living Environment anticipated further to the east to a useful indication of the extent to which this area is anticipated to change in the future, in very close proximity to the application site. Over time, it is reasonable to expect that there will be a steady increase in development in the general area, which will be particularly obvious from those elevated sites to the west. This change is not in and of itself an adverse effect, but a reflection of growth and development. What becomes important is the manner in which that change is delivered.

In this regard, I consider the proposed development is a sensitive addition to the landscape, with a high degree of planting, environmental outcomes focussed on improving water quality, and providing a positive benefit to the Ruakaka community.

6.17. Effects Conclusion

For the reasons outlined in the above sections, it is considered that the proposal will not generate any significant adverse effects on the environment that cannot be avoided, remedied or mitigated through conditions of resource consent. The proposed development is compatible with the evolving land use regime

throughout the area and for the area and to enable the level of growth expected for the region. Overall, it is concluded that the actual or potential adverse effects on the environment will be minor.

7 STATUTORY ASSESSMENT

7.1. Statutory tests

The following section analyses the relevant statutory provisions that apply to the application and the locality. These are the provisions of the RMA and associated policies and documents that relate to resource consents. The RMA sets out the statutory framework within which resources are managed in New Zealand. The framework sets out a hierarchy of tests that must be assessed in order for resources to be utilised, either on a temporary or permanent basis. Section 104 of the RMA sets out the matters for consideration when assessing the resource consent.

Under section 104(1) of the RMA, when considering an application for resource consent and any submissions received, the consent authority must, subject to Part 2, have regard to:

- (i) Any actual and potential effects on the environment of allowing the activity
- (ii) The relevant provisions of a national policy statement
- (iii) A National Policy Statement
- (iv) A New Zealand Coastal Policy Statement
- (v) A regional policy statement
- (vi) A plan or proposed plan; and
- (vii) Any other matter that the consent authority considers relevant and reasonably necessary to consider the application.

Overall, the proposal is to be considered as a discretionary activity. Section 104B states that a consent authority may grant or refuse an application for a discretionary activity. If granted, the consent authority may impose conditions.

The following assessment addresses the other relevant provisions of Section 104(1) of the RMA.

7.2. Section 104(1)(a) – Actual and potential effects

Section 104(1)(a) of the RMA requires that a council have regard to any actual or potential effects on the environment of allowing an activity. Pursuant to section 104(3)(a), a council must not have regard to any effect on a person who has given written approval to the proposal, nor any trade competitor or effects of trade competition. No written approvals have been sought or received in relation to this application.

For the reasons outlined in Section 6 of this report, the proposal will not generate any significant adverse effects on the environment that cannot be avoided, remedied or mitigated through conditions of resource consent to a level which they are considered to be minor.

In addition, the following positive environmental effects have been identified:

- Enhanced social and economic wellbeing of the local community through employment opportunities, provision of useful services, and flow-on effects associated with supply chains to serve the facility
- Enhanced water quality through treatment of stormwater, ecological planting of the riparian margins of the stream, fencing out livestock from waterways, and planting of indigenous trees around and throughout the service centre
- Comment around rest stop minimising driver fatigue – reference WK-NZTA strategy

7.3. [Section 104\(1\)\(b\)\(i\) – National Environmental Standard](#)

7.3.1 [National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health \(NES Contaminated Soil\)](#)

The NES Contaminated Soil ensures that land affected by contaminants is appropriately identified, assessed, and if necessary remediated before it is developed. In this instance, the site is not known to have been historically or currently used for an activity identified on the HAIL. No further assessment is considered necessary in this case.

7.4. [Section 104\(1\)\(b\)\(ii\) – Other regulations](#)

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

7.5. [Section 104\(1\)\(b\)\(iii\) – National Policy Statement on Freshwater Management \(NPSFW\)](#)

The NPSFW is relevant to this proposal. The NPSFW is one of the initiatives developed as part of the Government’s programme of reforming the way water is managed in New Zealand. In particular, it requires:

- Regional councils to set objectives for freshwater management
- Councils to take account for freshwater takes and contaminants

- Water resource users to adjust their practices so that they can comply with the limits and methods set by the Councils
- Regional councils to involve iwi and hapu in the management of fresh water, and to work with them to identify tangata whenua values and interests, and reflect these in management of, and decision-making above, fresh water.

The net result of the NPSFW for the proposed development is that any contaminants from the site will need to be managed to ensure that they do not affect freshwater systems.

The stormwater and wastewater treatment approaches proposed for the site appropriately manage the risks associated with contamination of freshwater systems, as discussed in section 6 above and set out in greater detail in the Infrastructure Report and the Wastewater Disposal Report prepared by ENGEO.

Further to the above, it is noted that the proposed service station will be designed, constructed and operated in accordance with all relevant standards for facilities that include the underground storage of petroleum, including all requirements designed to avoid adverse impacts on freshwater.

7.6. [Section 104\(1\)\(b\)\(iv\) – New Zealand Coastal Policy Statement](#)

The New Zealand Coastal Policy Statement 2010 is not relevant to the Application.

7.7. [Section 104\(1\)\(b\)\(v\) – Northland Regional Policy Statement \(NRPS\)](#)

The *Regional Policy Statement for Northland* was made operative in May 2016 and was most recently updated in June 2018 with respect to the use of genetic engineering and genetically modified organisms. I have reviewed the proposal in the context of the requirements of the NRPS.

No specific outstanding natural landscapes, features or areas of natural character are identified within the NRPS maps.

The key issues, objectives and policies from the NRPS for this proposal are those relating to regional form, infrastructure, economic development and social wellbeing, and environmental protection including natural character, features and landscapes. Each of these topics is discussed below.

The NRPS identifies eight key issues for the Northland region:

Issue 2.1	Fresh and Coastal Water
Issue 2.2	Indigenous ecosystems and biodiversity
Issue 2.3	Economic potential and social wellbeing
Issue 2.4	Regional Form
Issue 2.5	Issues of significance to tangata whenua – participation in resource management
Issue 2.6	Issues of significance to tangata whenua – natural and physical resources
Issue 2.7	Natural hazards
Issue 2.8	Natural character, features / landscapes and historic heritage

All of the above issues are relevant to the application to varying degrees, and have been assessed below.

Issue 2.1 aims to recognise the key pressures on Northland’s fresh and coastal water resources including both surface and ground water resources. The proposed site is not in proximity to any significant watercourses however it is noted that a small stream traverses the site to the north / northwest of the proposed service centre. Issue 2.1 recognises the impact of sediment entering freshwater bodies, estuaries and harbours. The proposal introduces new impervious areas as well as requiring earthworks across the majority of the site. Sediment runoff from earthworks and the contaminants generated from vehicle movements within the site will be mitigated through best practice methods. Erosion and sediment control measures will be put into place in accordance with WDC standards and any relevant regional standards.

Contaminants entering into stormwater generated on the site will be managed through on-site stormwater mitigation methods such as swales. These will provide treatment to stormwater runoff prior to entering into the proposed on-site stormwater treatment pond and the wider stormwater network. The proposed approach will ensure that water entering the downstream network and the coast as the ultimate receiving environment has been treated to an appropriate level. .

Issue 2.2 recognises the risks posed to Northland’s indigenous terrestrial, freshwater and coastal marine ecosystems and species, including sediments and contaminants leaching from land use, pest species, the modification and loss of wetlands and the fragmentation , loss and isolation of populations and communities of indigenous species due to habitat loss, land use changes and vegetation clearance. In this regard, the discussion under Issue 2.1 above is relevant, as is the fact that the existing rural production land use is widely acknowledged as a contributing factor to damage to indigenous terrestrial, freshwater and coastal marine ecosystems and species. Additionally, the proposal, and in particular the service station element, has the potential to contribute to the destruction of such ecosystems through spills / overflows of petroleum products. However, the risk management and contingencies to be put in place to manage such events will

be in accordance with the strict industry standards and will ensure that the effects of those (low probability) events will be largely contained to the site.

Issue 2.3 recognises the region's need to create viable economic growth that will not inhibit the sustainability for the natural and physical resources of the region. The proposal will help increasing growth in the tourist industry and will provide the only service centre with a wide range of amenities between Warkworth and Whangarei. The site includes a wide range of services ancillary to the primary function of the site as a refuelling station that are consistent with the types of traveller's centres being encouraged to be developed nationally. The Economic Analysis prepared by Colliers International (refer **Attachment J** to this report) in support of this application identifies that the functional mix of businesses proposed are limited to those that support the 'rest stop' location and will not adversely affect the ongoing viability of the existing Ruakaka town centre.

In addition to this, the refuelling station is also strategically placed and allows truck drivers to not only refuel but to rest prior to continuing their routes. The proposal is considered to have regional benefits where it will integrate into a wider network of centres providing this necessary infrastructure while supporting other supplies within the district economy

Issue 2.4 relates to the need to provide comprehensive, considered and coordinated development that does not incur large infrastructure costs, reduced levels of amenity and reduced sense of community. The Application is considered to be consistent with this as it is sensitive to its receiving environment and serves a useful purpose for the local community and long-distance travellers and truck drivers. The proposed location is at a key regional intersection with existing development on the western side of State Highway 1, and the design includes a significant landscaping element designed to limit the visual intrusion of the urban development within the otherwise rural context of the area.

Issue 2.5 acknowledges the need to recognise the relationship between tangata whenua and the land through resource management processes. As part of the design process for this project, the applicant has engaged directly with Patuharakeke Te Iwi Trust Board (**PTB**) who hold Mana Whenua status over the area. As part of that engagement, PTB and SK Aotearoa Trust have agreed a Terms of Reference which recommends a pathway for engagement and input, first to deliver a CVA report identifying the relationships, uses and values of the site and surrounds, to be followed by a second more in-depth assessment of the cultural effects of the proposal. To date the CVA report has been received and forms **Attachment H** to this report.

Issue 2.6 acknowledges the need to identify iwi authorities as regionally significant with regards to the protection, maintenance and enhancement of natural and physical resources. Through early engagement

with PTB and the subsequent CVA they prepared, the issues relating to the quality of freshwater resources and their influence on ecology and the coastal environment have been clearly articulated as they relate to this application. The proposal acknowledges those issues of importance to mana whenua, specifically through the proposed treatment of stormwater prior to discharge to the downstream environment, limitation of sedimentation entering the downstream network (particularly during construction works), and remediation of potentially contaminated land using appropriate methodologies.

Issue 2.7 emphasises the need to consider the risk of flooding, coastal erosion and inundation where there is potential to create risk to human life. As described in the environmental effects section, part of the application site is within an identified flood plain area however no adverse impacts on the overland flow path are expected as a result of the proposed development.

Issue 2.8 identifies the importance of maintaining and protecting the region’s significant natural features and landscapes. The application is not within any identified significant natural landscapes and does not contain any significant natural features. The landscape assessment concludes that, as a result of the proposed planting and other mitigation measures, no adverse landscape effects arise that are more than minor.

Overall it is considered that this proposal is consistent with the high-level policy matters set out in the NRPS.

7.8. Section 104(1)(b)(vi) – Whangarei District Plan (District Plan)

7.8.1 Objectives and Policies

The following table outlines the relevant objectives and policies of the Operative Whangarei District Plan which apply to this application. Regarding the Council’s rolling review of the Operative Whangarei District Plan via its Urban and Services suite of plan changes, the operative zoning of the subject land (Rural Production zone) and adjacent land (either Rural Production zone or Rural Living zone) is not proposed to change as they are rural in nature and not proposed as future urban areas. For completeness, the subject land was subject to the Rural Environment Plan Changes which were made operative in March 2019.

WHANGAREI DISTRICT PLAN - OBJECTIVES AND POLICIES

CHAPTER 5 – AMENITY VALUES

5.3 Objectives	5.4 Policies	Assessment
<p>5.3.1 <i>The characteristic amenity values of each Environment are maintained and, where appropriate enhanced</i></p>	<p>5.4.1 <i>Effects on the Local Environment</i></p> <p><i>To ensure that activities do not produce, beyond the boundaries of the site, adverse effects that are not compatible with the amenity values characteristics of the surrounding and / or adjacent environment unless, such effects are authorised by a district plan, a designation, a resource consent or otherwise. The following effects should be given particular consideration in this respect:</i></p> <ul style="list-style-type: none"> ▪ <i>Noise and effects</i> ▪ <i>Shading</i> ▪ <i>Glare</i> ▪ <i>Light spill</i> ▪ <i>Dust</i> ▪ <i>Smoke</i> ▪ <i>Odour</i> ▪ <i>Vibration</i> ▪ <i>Spray drift</i> ▪ <i>Visual amenity</i> <p><i>Where the internalisation of effects cannot be wholly achieved, the Council will consider a Best Practicable Option approach.</i></p>	<ul style="list-style-type: none"> ▪ The effects of the proposal have been considered in section 6 of this report and in section 7.1.1 of the Boffa Miskell LVEA. There are anticipated to be no shading, smoke, vibration or spray drift effects associated with the proposal. During operation, noise effects will be limited to the movement of vehicles (as detailed by MDA), while odour effects will be limited to the smell of petroleum products. Given that service stations can (and do) located immediately adjacent to residential development in suburban / urban areas, I do not consider this to be a significant impact in a rural setting ▪ While the concept of a service station and supporting retail tenancies is at odds with the rural landscape, in my view the two are not incompatible. The sensitive and comprehensive landscape response prepared by Boffa Miskell ensures a attractive, highly-vegetated edge to the proposed activity on all sides and in particular to the two state highway frontages. Boffa Miskell have noted “<i>The introduction of a commercial scale development into an existing open rural environment will generate localised change in accordance with the surrounding anticipated peri-urban character (as per the WDP). It also provides for</i>

		<p><i>a high-quality amenity landscape that is in keeping with the surrounding and anticipated patterns of development.”</i></p> <ul style="list-style-type: none"> Enhanced planting of the riparian margin of the stream that traverses the site, and the fencing off of that area, will ensure an enhanced landscape and ecological outcome over time Majority of the application site is remaining in pasture and being used for rural activities
<p>5.3.2 <i>Adverse effects on amenity values do not result in a reduction of amenity value below that which is desirable for people’s health and safety</i></p>	<p>5.4.2 <i>Character and timing of activities</i> <i>To allow activities where their nature, timing and duration do not result in adverse effect on amenity values beyond the extent compatible with the characteristics of the surrounding and /or adjacent Environments</i></p>	<ul style="list-style-type: none"> The assessment of effects undertaken in section 6 above concludes that adverse effects on the general public are less than minor, and that for landscape visual reasons may be minor for those properties in an elevated position to the west of State Highway 1. I do not believe that any amenity values will be reduced beyond the extent compatible with the characteristics of the rural environment within which the proposed service centre would be located
<p>5.3.3 <i>Activities that demand a high level of amenity do not unduly compromise other land uses</i></p>	<p>5.4.3 <i>Activities in Living Environments</i> <i>To ensure activities in Living Environments do not have adverse effects that are significantly greater than those associated with residential activities, whilst acknowledging that adverse effects of activities from outside the Living Environments e.g. the Airport, may not be avoidable altogether and may affect amenity values.</i></p>	<ul style="list-style-type: none"> As noted above, I am of the view that the visual and landscape amenity of the proposal is acceptable given the high degree of landscaping to the edges of the proposed activity, and that the majority of the development site is being retained in rural use. Further, the proposed service centre is not anticipated to be a destination in an of itself, but rather will provide services to those people travelling past the site at this key junction between SH1 and SH15.

<p>5.3.4 <i>The amenity values of open space are maintained and enhanced</i></p>	<p>5.4.6 Open Space Environments <i>To ensure amenity values and natural character associated with Open Space Environments are maintained and enhanced, and to enable public appreciation and enjoyment of such places where public access is restricted due to ecological, cultural, public health and / or safety reasons</i></p>	<ul style="list-style-type: none"> ▪ n/a
<p>5.3.5 <i>The actual or potential effects of Subdivision use and development is appropriately controlled and those activities located and designed, are to be compatible with existing and identified future patterns of development and levels of amenity in the surrounding environment</i></p>	<p>5.4.7 Intensity and Design of Subdivision and Development <i>To ensure that subdivision and development do not unduly compromise the outlook and privacy of adjoining properties, and should be compatible with the character and amenity of the surrounding environment. Particular regard should be given to:</i></p> <ul style="list-style-type: none"> ▪ <i>The layout and intensity of subdivision</i> ▪ <i>The location, design and siting of buildings and structures except, where such buildings and structures provide a specific service for the surrounding environment. In the latter case, any building or structure shall be designed, laid out and located, so as to avoid, remedy or mitigate any adverse effects on the environment</i> <p><i>Restrictions on density of development and subdivision size may be required to ensure new</i></p>	<ul style="list-style-type: none"> ▪ Outlook and privacy from adjoining sites are considered to be maintained through the careful location of the activity within the centre of the application area, and comprehensive landscaping to the edges. Boffa Miskell have concluded that at worst, landscape and visual effects on individuals are moderate to low (minor). ▪ As noted above, while the conflict between urban development and the rural setting must be acknowledged, in my view the design, scale and location of the proposed service centre contribute to it being compatible with the rural activities within which it is to be located. I note the existing petrol station on the western side of the intersection and note that the proposal seeks to provide services to the travelling public and commercial freight industry but is not intended to be a destination in and of itself. ▪ The proposal includes no subdivision and will not contribute to changes in residential density in the area

development does not increase population concentration in noise-sensitive areas

5.4.8 Frontage

To encourage sites to present frontage to the street that is appropriate to the function of the site, is compatible with and enhances the overall character of the streetscape, and does not visually dominate the road

- The scale of the proposed service centre is in some ways established by the activities being proposed. The careful location of the buildings centrally within the site, and within a heavily landscaped edge (particularly to the state highways) contributes to the proposal not visually dominating the intersection. A single pylon sign is to be located on each road frontage to advise of the activities and location of the service centre, but otherwise the proposal seeks to minimise the visual impact of the activity itself. I consider the road frontages to be appropriate given the state highway context.

5.4.9 Outdoor living courts

- n/a

5.4.10 Trees and vegetation

To retain trees and vegetation (other than trees or vegetation grown for commercial production purposes) that contribute to the amenity values of an environment, unless the effects of removal are adequately remedied or mitigated

- The site currently contains very little in the way of established trees and vegetation. The proposal includes significant levels of planting to the edges of the site as part of the approach to reduce the visual dominance of the activity within the existing rural setting, but also within the site and the amenity areas contained within.
- It is proposed to fence off the riparian margins of the stream that traverses the site and to provide planting enhancement within that area. Over time this will hopefully establish into a lush riparian margin and contribute to the ecological function of the stream as well as the visual amenity of the area

-
- 5.4.11 Signs**
- a. *to ensure signs are located, designed and of a scale that avoids, remedies or mitigates adverse effects on amenity values of the surrounding environment, and should not compromise the safety of vehicles and pedestrians*
 - b. *To promote the use of clear and unambiguous signage that ensures that members of the public are adequately informed of directions and amenities, irrespective of their travel mode*
- Two pylon signs are proposed; one to each vehicle ingress point to the site (SH1 and SH15)
 - The signs are to be no bigger than necessary to safely and unambiguously advise passers by (within the 100km/h state highway environment) of the location of the service centre and the activities contained within.
-
- 5.4.12 Traffic**
- To encourage vehicle movements and parking demand, where it does not adversely affect the amenity values of the particular environment in which it is located, having regard to the characteristics of that environment and adjacent environments, and the range of activities for which it makes provision*
- Vehicle ingress and egress to / from the site has been designed with input from TPC who has confirmed that these access points can function safely in the context of the adjacent state highway network and the adjacent intersection
 - Car parking numbers have been carefully calibrated to provide for the activities provided to ensure that all parking demand can be accommodated within the site
 - A key function of the service centre (as opposed to simply a service station) is that it provides an opportunity for rest, not just refuelling. WK-NZTA has identified this as a key aspect in reducing driver fatigue and subsequently crashes related to driver fatigue.
-

5.4.13	Radio Frequency Fields and Electromagnetic Radiation	▪ n/a
5.4.14	Network Utility Facilities	▪ n/a – relates to provision of Network Utilities
5.4.15	Future Environments (Underlying Environments)	▪ n/a – rezoning through Rural Environments suite of plan changes complete. No future environments apply
5.4.16	Future Environments (Overlying Environments)	▪ n/a – rezoning through Rural Environments suite of plan changes complete. No future environments apply

CHAPTER 6 – BUILT FORM AND DEVELOPMENT

6.3 Objectives	6.4 Policies	Assessment
6.3.1 <i>Accommodate future urban growth with an emphasis on urban consolidation of the central business district and in and around existing suburban nodes</i>	6.4.1 <i>To zone land within urban areas in a manner that meets anticipated future urban growth demands, taking into account:</i> <ul style="list-style-type: none"> - <i>Landscape values</i> - <i>Ecological values</i> - <i>Amenity values</i> - <i>Natural character of wetlands and lakes, and rivers and their margins</i> - <i>Archaeological and heritage features</i> - <i>Sites of significance to Maori, and other taonga</i> - <i>Infrastructure, and high voltage transmission lines</i> - <i>Water and soil quality</i> - <i>Cross-boundary conflicts</i> - <i>Quarrying Resource Areas</i> 	<ul style="list-style-type: none"> ▪ The application site is zoned for rural production activities and does not anticipate urban development ▪ The proposal is not consistent with the intent of this objective / policy based purely on zoning. However, the scale of the proposal and nature of the proposed activities are such that the service centre will not act as a destination (Colliers International), its location at a key strategic intersection and the functional need for it to be in a location between centres in order to provide the key ‘rest stop’ function all support the isolated location. In this way, I am of the view that the proposal does not contrary to the objective and policy, which dictate that urban growth should have an emphasis on urban consolidation, not that all development needs to be within the CBD and other existing nodes. ▪ The AEE in section 6 has concluded that there will be positive landscape and ecological effects associated with

		the riparian planting / fencing, and that the landscape visual effects associated with the service centre will be less than minor to the general public and minor for those elevated properties to the west of SH1.
6.4.2	Consolidated Development <i>To consolidate urban development by:</i> i) <i>Focusing residential development on those urban areas with demand, where the landscape and natural character have already been compromised.</i> ii) <i>Further develop within existing built up areas, so as to avoid sporadic or sprawling subdivision and ribbon development patterns, particularly in rural areas and along the coast.</i> iii) <i>Promoting clustered, mixed use activity that focus on existing urban centres.</i> iv) <i>Retaining and encouraging a distinctive sense of place.</i>	<ul style="list-style-type: none"> ▪ This is not a residential development and is not anticipated to lead to any in proximity ▪ The proposal is an isolated centre for serving the travelling public and commercial freight industry. It is not anticipated that it result in ribbon development. ▪ Colliers has confirmed that the proposed development is of a nature and scale such that it will support local supply chains while not undermining existing and future growth in nearby centres (in particular in Ruakaka)
6.4.3	Infill development	▪ n/a
6.4.4	City Centre (CBD and Town Basin)	▪ n/a
6.4.5	Suburban Centres	▪ n/a
6.4.6	Retail Activity i) <i>To support proposals for bulk retail located in the periphery (outer) CBD and in the Marsden Point – Ruakaka area</i> ii) <i>To support proposals for retail activities</i>	<ul style="list-style-type: none"> ▪ Colliers has prepared an Economic Analysis of the proposal based upon existing floorspace and employment in the adjacent areas and industry groupings and has considered the effect the proposed additional floorspace will have on these businesses. Overall, Colliers considers that the

	<p><i>which generate and require high parking and vehicle access requirements (such as supermarkets) only within or on the edge of existing centres</i></p> <p><i>iii) To support retail proposals elsewhere in the city where they are of a scale or nature that does not impact on the long-term viability of the city centre</i></p>	<p>anticipated economic benefits of the proposed development are likely to outweigh the anticipated economic costs from the development. The proposal will generate jobs for the local community which directly contributes to the health and wellbeing of resident households, and provides improved access to convenience retail and automotive services for passing traffic, and provide a safe, high-amenity rest stop which is an important element in reducing crashes resulting from driver fatigue (private vehicles and commercial freight industry).</p>
	<p>6.4.7 Business Activity</p> <p><i>i) To encourage consolidation and development of the CBD</i></p> <p><i>ii) To avoid sporadic commercial development</i></p> <p><i>iii) To promote agglomeration and clustering of business and industry</i></p> <p><i>iv) To recognise and provide for the continued operation and appropriate further development of existing and commercial and industrial activities</i></p>	<ul style="list-style-type: none"> ▪ The proposed service centre is not within the CBD or an existing centre. It is located at a key strategic junction of two state highways and seeks to provide a small clustering of services to support the freight industry and members of the public travelling to / from / through Northland. As noted above, the proposed service centre will provide a high-amenity rest stop which is an important element in reducing crashes resulting from driver fatigue (private vehicles and commercial freight industry)
<p>6.3.2 <i>Subdivision and development providing incentive to protect significant areas of native forest, public access to coast /harbour edge, the retention of built heritage and is environmentally sustainable</i></p>	<p>6.4.14 Natural resources</p> <p><i>To identify and protect resources and areas of high amenity value, environmental quality that contribute to a diverse sense of place (including notable view shafts, notable trees, native flora and</i></p>	<ul style="list-style-type: none"> ▪ The site is not identified as part of a notable view shaft, contain notable trees, native flora or fauna, any outstanding natural features or landscapes

	<p><i>fauna, outstanding natural features and landscapes)</i></p>	
	<p>6.4.19 Environmental protection and enhancement and public benefit <i>To provide incentives to achieve protection and enhancement of degraded natural and physical resources and wider public benefits including:</i></p> <ul style="list-style-type: none"> <i>i) Protecting and enhancing native bush, wetlands, riparian and coastal margins; and</i> <i>ii) Providing public access to those areas created where appropriate</i> 	<ul style="list-style-type: none"> ▪ As part of the application, it is proposed to fence farm animals out of the riparian margins of the stream that traverses the residual site, and to plant the margins out with appropriate vegetation to support ecological well-being of the stream, and water quality ▪ It is also proposed to establish a wetland pond within the site as part of the stormwater treatment approach
<p>6.3.3 <i>Avoid urban development in sensitive areas</i></p>		<ul style="list-style-type: none"> ▪ The proposal is urban in nature and is proposed within a rural setting, however I would not consider this to be a sensitive area. The proposal appropriately manages the landscape, natural hazard (flooding) and environmental outputs of the proposal to ensure that adverse effects are avoided, remedied or mitigated to an acceptable level
<p>6.3.4 <i>Avoid urban development in sensitive areas (i.e. natural hazard areas, outstanding natural features and landscapes, areas of significant ecological habitats, sites of significance to Maori)</i></p>		<ul style="list-style-type: none"> ▪ The site is within a flood plain, however the Maven engineering design has ensured that through recontouring that the proposed buildings have an appropriate 500mm freeboard above the 100-year storm event flood levels, and that there is sufficient flood storage capacity within the site to ensure no up or downstream effects.
<p>6.3.5 <i>Ensure urban growth and development takes into consideration Maori cultural values</i></p>		<ul style="list-style-type: none"> ▪ The applicant has engaged directly with Patuharakeke, has received their CVA, and awaits receipt of the CIA

<p>6.3.6 Provide accessible and convenient suburban centres, and focus future intensive residential growth in and around those centres</p>		<ul style="list-style-type: none"> ▪ n/a
<p>6.3.7 Maintain and enhance characteristic amenity values and the identity of suburban centres.</p>		<ul style="list-style-type: none"> ▪ n/a
<p>6.3.8 Maintain and enhance accessibility for communities and integrate land use and transport planning.</p>	<p>6.4.11 Integrated Transport</p> <p>i) To promote and seek an effective and efficient transport system, integrating transport and land use planning for improved ease of access to public transport and walkability of neighbourhoods</p> <p>ii) To promote higher living densities around nodes of suburban development to enhance the use of public transport</p> <p>iii) To promote roadside safety for pedestrians and cyclists</p>	<ul style="list-style-type: none"> ▪ Rather than providing an integrated outcome, the nature and location of the proposed service centre is such that it seeks to provide support and services to travellers (commercial and public) rather than being a destination in and of itself. Colliers International has confirmed that the scale and nature of proposal activities will not undermine the existing Ruakaka commercial centre ▪ The location of the proposed service centre at a key strategic junction and the careful design of ingress and egress means that the proposed facilities can contribute to the economic and social wellbeing of the community without compromising the safe and efficient function of the state highway network
<p>6.3.9 Recognise and maximise agglomeration and enhancement opportunities for industrial and economic activity, enabling people and communities to provide for their social, economic and cultural well-being.</p>	<p>6.4.18 Comprehensive redevelopment</p> <p>To promote comprehensive redevelopment across multiple lots by methods that provide incentives to amalgamate sites where appropriate</p>	<ul style="list-style-type: none"> ▪ The proposal includes the co-location of retail tenancies to support the primary activity being the service station. Colliers considers that the nature and scale of these activities in this location will support local supply chains without undermining the existing or future retail centre in Ruakaka (or elsewhere). ▪ It will provide a place of employment for the local community

		<ul style="list-style-type: none">▪ The proposal does not otherwise seek to form a focal point for further adjacent development, and is intended only to support the travelling public and the commercial freight industry
<p>6.3.10 <i>Manage the location of retail activities to ensure they support a consolidated urban form and support long-term vitality and viability of existing centres.</i></p>		<ul style="list-style-type: none">▪ Colliers International has prepared an Economic Analysis of the proposal, and considers the nature of the businesses proposed, and the scale and location of the activities to result in economic benefits within the Ruakaka area, without undermining the existing Ruakaka commercial centre or its future growth▪ The service centre is intended to provide services to those travelling past the site, rather than to form a destination in its own right
<p>6.3.11 <i>Ensure that infrastructure services are provided to existing and newly urbanised areas in an efficient and effective manner that avoids, remedies and mitigates potential adverse effects on the environment.</i></p>	<p>6.4.12 Infrastructure</p> <ul style="list-style-type: none">i) <i>Growth and development is planned and located to maximise the benefits available from existing infrastructure. Where infrastructure is not available, growth and development does not occur until the necessary infrastructure is in place</i>ii) <i>To provide infrastructural services to existing and newly urbanised areas in an efficient and effective manner that matches the needs of the community and the capacity of infrastructure, whilst avoiding the adverse effects of urban growth and development on the environment.</i>	<ul style="list-style-type: none">▪ Connection to the reticulated water supply approximately 1.2km north of the site is proposed, while on-site stormwater and wastewater treatment and discharge is proposed

<p>6.3.12 <i>Avoid conflict between incompatible land use activities as a result of subdivision and urban development.</i></p>	<p>6.4.8 Reverse sensitivity and incompatible land use</p> <p>i) <i>To ensure that land use activities, subdivision and development are designed and located so as to avoid or mitigate conflicts between incompatible land uses</i></p> <p>ii) <i>To facilitate separation of incompatible land uses through location of District Plan Environments and Resource Areas, and specific requirements for land use activities</i></p>	<ul style="list-style-type: none"> ▪ The proposal manages potential reverse sensitivity issues to the adjacent farms to the north and east of the site through maintaining a rural buffer between those properties and the proposed service centre. Additionally, generous planting to the northern and eastern boundaries of the service centre activity assist in forming a physical and visual barrier between neighbouring properties and the proposed service centre. ▪ While there is a clear distinction to be made between the proposed activities and the rural setting within which they will sit, the nature and scale of the proposed activities is not incompatible with that rural context. The intersection of two state highways generates significant traffic (both public movements and commercial freight to and from the port), and for the most part it is these vehicles that will access the site rather than the site being a generator of additional traffic movements. The design of the proposal mitigates adverse effects to a point where they are acceptable
<p>6.3.13 <i>Deleted</i></p>		<ul style="list-style-type: none"> ▪ n/a
<p>6.3.14 <i>Reduce energy consumption through energy efficiency in subdivision design and land development</i></p>	<p>6.4.13 Energy efficiency</p> <p><i>To promote the incorporation of energy efficiency and conservation measures into the design of subdivision and land development</i></p>	<ul style="list-style-type: none"> ▪ The proposal acknowledges the likely future prominence of electric vehicles and has future-proofed for the provision of additional charging stations.

<p>6.3.15 <i>Provide and increase the amount and usability of, and access to, quality open space for the social and cultural well-being of a growing population</i></p>	<p>6.4.15 Open Space</p> <p>i) <i>To provide and increase the amount and usability of, and access to, quality open space (both for active and passive uses) within urban areas, to meet the recreation needs of a growing population</i></p> <p>ii) <i>To ensure linkages are created between areas of existing open space and any new areas created</i></p>	<ul style="list-style-type: none"> ▪ The proposal includes rest stop facilities. While privately owned, the facility will be open 24/7 and includes a picnic area and playground for use by the public and truck drivers
<p>6.3.16 <i>Provide access to education opportunities, and community infrastructure as a result of urban growth, and maintain and encourage pathways for the use of cycleways and walkways within and adjacent to targeted growth areas</i></p>	<p>6.4.16 Community and educational facilities</p> <p><i>To encourage the provision of and access to community and educational facilities in urbanisation</i></p>	<ul style="list-style-type: none"> ▪ The location of the service centre means that is not particularly well integrated for pedestrian and cycle connectivity. This is in keeping with its status as a convenience retail facility rather than a destination in its own right. TPC has assessed the traffic effects associated with the proposal and is satisfied that the service centre can be developed and operate without adversely impacting the safety or function of the adjacent road network or the movement of vehicles and pedestrians through the site.
<p>6.3.17 <i>Minimise the contributions from and avoid, remedy or mitigate the adverse effects of natural hazards and climate change on people, property and the environment</i></p>		<ul style="list-style-type: none"> ▪ The site is within a flood plain, however the Maven engineering design has ensured that through recontouring that the proposed buildings have an appropriate 500mm freeboard above the 100-year storm event flood levels, and that there is sufficient flood storage capacity within the site to ensure no up or downstream effects.

6.3.18 <i>Ensure high quality urban design outcomes for the CBD, suburban nodes and rural villages through processes established in accordance with the NZ Urban Design Protocol</i>	6.4.17 Urban design principles and CPTED <i>To promote the use of urban design and CPTED principles to encourage a high-quality urban amenity, form and design around the city centre, suburban centres, creating lively streetscapes and safe and attractive public spaces</i>	<ul style="list-style-type: none"> While the proposal is not within the CBD or other existing urban centre, there has been a strong urban design influence in the design and layout of the proposal
6.3.19 Deleted		<ul style="list-style-type: none"> n/a
6.3.20 <i>Recognise and provide for the efficient use and development of existing physical resources through the creation of industrial/employment hubs</i>		<ul style="list-style-type: none"> To some extent the proposal forms a small agglomeration of complementary businesses to provide support services to the travelling public and the commercial freight industry It is important to note that this is not intended to form part of any larger agglomeration of development, and that the majority of the applicant’s land is being retained for rural use

CHAPTER 7 – TANGATA WHENUA

7.3 Objectives	7.4 Policies	Assessment
7.3.1 <i>Within the respective domains of the exercise of rangatiratanga and kawanatanga, ensure that priority is afforded to the act of protection of taonga of tangata whenua, and to the relationship of tangata whenua and their culture and traditions with their ancestral lands, water, sites, waahi tapu and other taonga.</i>	7.4.1 Interests of Tangata Whenua <i>To ensure that in the use, development and protection of natural and physical resources, the views and interests of tangata whenua are fully represented at every stage of the process, including the preparation and implementation of the District Plan</i>	<ul style="list-style-type: none"> The applicant has engaged directly with Patuharakeke, has received their CVA, and awaits receipt of the CIA The applicant views the relationship as something in its infancy, and looks to maintain and strengthen that relationship over time
	7.4.2 Sites of significance to Maori <i>To ensure that land use, subdivision and development does not adversely affect Sites of</i>	<ul style="list-style-type: none"> There are no identified Sites of Significance or other identified Taonga identified within the District Plan. A CVA has been prepared for the project.

Significance to Maori, or other Taonga identified in the District Plan or Hapu Environmental Management Plan

7.4.3 Waterbodies

To ensure that indigenous wetlands, estuaries, coastal areas and waterbodies, of significance to tangata whenua, are maintained and enhanced, and that access for tangata whenua to those water bodies is provided

- As part of this application it is proposed to fence off the riparian margin of the stream that traverses the farm and to enhance the planting of these margins for the purpose of improving the landscape amenity and the ecological function of the stream.
- The proposal includes the establishment of a wetland pond on site, which is intended to provide the primary stormwater treatment function for all stormwater on the site. The secondary stormwater treatment function is to be provided by the enhanced stream.
- The net result of the above is that stormwater runoff will be of an acceptable quality for discharge to the receiving environment downstream

7.3.2 *To enable tangata whenua to exercise rangatiratanga and Kaitiakitanga over their ancestral lands, waters, sites, waahi tapu and other taonga in the District.*

7.4.3 Consultation

To ensure effective consultation with, and participation of tangata whenua in resource management processes by:

- *Fostering partnerships and relationships with the tangata whenua of the area*
- *Avoiding unnecessary conflict on resource management issues*

- The applicant has engaged directly with Patuharakeke, has received their CVA, and awaits receipt of the CIA
- The applicant views the relationship as something in its infancy, and looks to maintain and strengthen that relationship over time

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- *Recognising and respecting iwi authority and affiliations*
 - *Acknowledging and providing for historical circumstances and their impacts on resource needs*
 - *Respecting tikanga Maori*
 - *Acknowledging the rights of hapū and whanau to speak and act on matters that affect them*
 - *Allowing tangata whenua time for informed assessment of proposals and to determine their responses, consistent with the time constraints in the Resource Management Act 1991*
 - *Encouraging applicants to consult tangata whenua, where appropriate*

7.4.5 Use of Maori land

To enable tangata whenua to use, develop and protect their lands in accordance with their cultural preferences, consistent with the purpose of the Resource Management Act 1991

- The applicant views the relationship as something in its infancy, and looks to maintain and strengthen that relationship over time

7.4.6 Iwi Management Plans

To take into account any relevant planning document recognised by an iwi authority when preparing or changing a District Plan to the extent that its content has a bearing on resource management issues of the District

- Noted

7.3.3	<i>In the implementation of this Plan no action will be taken which will knowingly exacerbate registered treaty claims</i>	<ul style="list-style-type: none"> Noted
CHAPTER 8 – SUBDIVISION AND DEVELOPMENT		
8.3 Objectives	8.4 Policies	Assessment
8.3.1	<p>8.4.22 <i>Development practice</i></p> <p><i>To ensure that best environmental practice is followed, including the selection of location, when undertaking:</i></p> <ul style="list-style-type: none"> <i>Earthworks</i> <i>Land clearance</i> <i>Subdivision; or</i> <i>Site development</i> 	<ul style="list-style-type: none"> The proposal includes adherence to best-practice erosion and sediment control methodology, with a particular focus on ensuring that sedimentation is restricted from entering the stream that traverses the site
	<p>8.4.25 <i>Joint processes</i></p> <p><i>To encourage greater cooperation, consistency and coordination with Northland Regional Council in the processing of inter-related resource consent applications.</i></p>	<ul style="list-style-type: none"> Noted. This application to the Whangarei District Council is made concurrently with an application to the Northland Regional Council for bulk earthworks, water take and ground water diversion derived from the proposed land use activities.
8.3.2	<p>8.4.1 <i>Incompatible land use activities</i></p> <p><i>To design and locate subdivision and development so as to avoid, as far as practicable, conflicts between incompatible land use activities</i></p>	<ul style="list-style-type: none"> As noted above, while it needs to be acknowledged that there is a clear and unavoidable divergence between the intentions of the rural production zoning of the site and the proposed service centre, I do not consider these activities to be incompatible. The assessment of effects undertaken in Section 6 above concludes the overall that potential adverse effects of the

proposal will be minor. The following comments are noted in summary:

- The high-degree of quality landscaping proposed to the edges of the site, the state highway frontages in particular, will provide a high-amenity edge to the activity and will mitigate potential dominance effects and the potential impacts associated with the existing rural character of the area
- Colliers International has concluded that the nature, scale and location of the proposed activities will support local supply chains, provide employment opportunities for the local community, and will not undermine the Ruakaka commercial centre (including its future growth)
- The service centre is anticipated to provides services to those traveling through the area and past the site, rather than acting as a destination in its own right
- Parking, stormwater, wastewater and noise effects are all either completely or largely internal to the site

8.4.4 Cumulative effects

To ensure that the cumulative effects of on-going subdivision and development do not compromise the objectives and policies of this Plan, in particular those objectives and policies relating to reducing conflicts between incompatible landuse activities,

- I have considered the potential cumulative effects of the proposal at section 6.13 above. Relevant matters include the proximity of the existing G.A.S refuelling station on the western side of SH1 and whether the proposal leads to adverse cumulative effects on the rural character of the area. In my view the proposed landscaping, as well as the scale and location of the buildings will reduce the visual

the consolidated and orderly development of land and the density of development.

impact and visibility of the proposed service centre, and will avoid adverse cumulative effects arising from the location of the existing refuelling station nearby.

- Also relevant is the planned (proposed) urban development in close proximity to the site, specifically the residential zoning of land a small way to the east of the site through the current tranche of plan changes to the Operative District Plan. On the basis of the proposed zoning, it is reasonable to consider that over time there will be an increase in the extent of urban development in proximity to the application site and the intersection of SH1 and SH15. It appears that this future development would be residential in nature. I do not view this as an adverse effect so much as a reflection of growth and development, with a focus on the manner in which that change is delivered becoming important. I do not believe the proposal will give rise to adverse cumulative effects when considered within this context.

8.4.5 Reverse sensitivity

To ensure that subdivision and development in, or adjacent to:

- *Rural areas*
- *Existing commercial, industrial and mineral extraction activities*
- *Land zoned for commercial, industrial, or mineral extraction activities*

- The proposal manages potential reverse sensitivity issues to the adjacent farms to the north and east of the site through maintaining a rural buffer between those properties and the proposed service centre. Additionally, generous planting to the northern and eastern boundaries of the service centre activity assist in forming a physical and visual barrier between neighbouring properties and the proposed service centre.

	<ul style="list-style-type: none"> ▪ Existing infrastructure, including the state highway network and airport <p><i>Is designed and located to avoid, remedy or mitigate reverse sensitivity effects on existing or permitted activities. Such effects can include noise, odour, spray drift and dust, vibration and traffic.</i></p>	<ul style="list-style-type: none"> ▪ While there is a clear distinction to be made between the proposed activities and the rural setting within which they will sit, the nature and scale of the proposed activities is not incompatible with that rural context. The intersection of two state highways generates significant traffic (both public movements and commercial freight to and from the port), and for the most part it is these vehicles that will access the site rather than the site being a generator of additional traffic movements. The design of the proposal mitigates adverse effects to a point where they are acceptable
	<p>8.4.11 Traffic and aircraft noise</p> <p><i>To ensure that control, design and location of subdivision and development are designed and located so as to avoid, remedy or mitigate the impact of traffic noise from existing state highways or arterial roads and the impact of aircraft noise on the health and amenity of present and future residents</i></p>	<ul style="list-style-type: none"> ▪ Noted
	<p>8.4.16 Environment boundary interface</p> <p><i>To carefully manage the interface between rural areas and adjacent residential or rural-residential areas and between rural land and the land managed for conservation purposes</i></p>	<ul style="list-style-type: none"> ▪ As noted, the proposal includes significant landscape planting to each boundary of the service centre activity as a means of providing a high-amenity, physical separation between the proposed activity to the adjacent rural land uses.
<p>8.3.3 Deleted</p>		<ul style="list-style-type: none"> ▪ n/a

<p>8.3.4 <i>Subdivision and development that provides for the protection of, and where appropriate enhances, the District's:</i></p> <ul style="list-style-type: none"> ▪ <i>Versatile soils</i> ▪ <i>Mineral resources</i> ▪ <i>Water quality</i> ▪ <i>Natural features</i> ▪ <i>Landscapes (including coastal landscapes)</i> ▪ <i>Open spaces</i> ▪ <i>Significant ecological areas</i> ▪ <i>Biodiversity</i> ▪ <i>Public access to coast, lakes and rivers</i> ▪ <i>Historic, cultural and amenity values, including the cultural values of tangata whenua</i> 	<p>8.4.7 <i>Design and location</i></p> <p><i>To ensure subdivision and development is designed and located so as to avoid, remedy or mitigate adverse effects on, and where appropriate, enhance:</i></p> <ul style="list-style-type: none"> ▪ <i>Natural character of the coastal environment, indigenous wetlands, lakes and rivers and their margins</i> ▪ <i>Landscape values</i> ▪ <i>Natural features</i> ▪ <i>Ecological values</i> ▪ <i>Amenity values and sense of place</i> ▪ <i>Archaeological, cultural (including tangata whenua) and heritage features</i> ▪ <i>Sites of Significance to Maori</i> ▪ <i>The relationship of tangata whenua and their culture and traditions with their ancestral lands, water, sites, waahi tapu and other taonga</i> ▪ <i>Infrastructure, particularly roads and the airport</i> ▪ <i>Water and soil quality</i> ▪ <i>Versatile soils</i> ▪ <i>Mineral resources</i> 	<ul style="list-style-type: none"> ▪ The proposal provides for the protection and enhancement of the stream that traverses the residual farm through fencing to keep stock out, and replanting the riparian margins to help enhance the landscape values and ecological function of the stream ▪ The proposal includes the establishment of a wetland pond within the site which will form the primary stormwater treatment method for the development. ▪ A high degree of landscaping is proposed through and around the site to improve to contribute to the landscape amenity of the area. ▪ The views of tangata whenua have been obtained through engagement on the project and the preparation of the CVA by Patuharakeke ▪ The proposed activities can operate without compromising the safety of the adjacent state highway network ▪ The proposal is not considered to undermine the existing Ruakaka commercial centre or the future growth of that centre ▪ The proposed service station and refuelling pumps are located away from intensive land uses which, combined with the rigorous standards for petroleum storage and distribution in New Zealand, will mitigate risk to human health and safety
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	<ul style="list-style-type: none"> ▪ <i>Business growth and development opportunities within defined Business Environments</i> ▪ <i>Cross boundary coordination</i> ▪ <i>Human health and safety</i> 	
8.4.8	<p><i>Riparian management</i></p> <p><i>To ensure that adverse effects of subdivision and development on riparian areas and adjacent water bodies and freshwater fish habitat are avoided, remedied or mitigated by appropriate riparian management and protection, which may include co-management with tangata whenua and the provision of esplanade reserves or strips where necessary</i></p>	<ul style="list-style-type: none"> ▪ The proposal includes the isolation of the riparian margins of the stream that traverses the site, and rehabilitative planting of those margins ▪ The proposal also includes the establishment of a wetland pond within the site ▪ Tangata whenua are aware of these aspects of the proposal. The ongoing relationship between the applicant and Patuharakeke may provide opportunity for further involvement in the protection and use of these areas, including input into the plant species and methodologies for enhancement of the riparian margins
8.4.9	<p><i>Protection of features</i></p> <p><i>To secure permanent protection and / or enhancement of:</i></p> <ul style="list-style-type: none"> ▪ <i>Stands of indigenous vegetation or indigenous fauna habitat, including indigenous wetlands</i> ▪ <i>Areas of appropriately designed indigenous re-vegetation or enhancement</i> 	<ul style="list-style-type: none"> ▪ As above
8.4.10	<p><i>Indigenous vegetation</i></p>	<ul style="list-style-type: none"> ▪ There is little in the way of indigenous vegetation on the site

		<i>To ensure that adverse effects of subdivision and development on indigenous vegetation and habitats of indigenous fauna that contribute to the natural character of the rural and coastal environment, that values of Outstanding Natural Features, Outstanding Landscape Areas and Significant Ecological Areas are avoided, remedied or mitigated</i>	<ul style="list-style-type: none"> Patuharakeke will provide input into the riparian enhancement of the stream, as above
	8.4.20	Natural and heritage resources <i>To identify and protect resources and areas of high amenity value, environmental quality and heritage value that contribute to a diverse sense of place (including notable view shafts, notable trees, heritage buildings, areas of wilderness and sites and resources)</i>	<ul style="list-style-type: none"> n/a
	8.4.23	Design and location <i>To ensure that subdivision and development does not detract from, or compromise, identified landscape features (including the natural character of the feature(s) when viewed from the sea), or significant ecological features identified in the Plan or through assessment against Appendix 3 of the RPS</i>	<ul style="list-style-type: none"> As per commentary under the same heading above
8.3.5	<i>Subdivision and development that allows for the efficient and orderly provision of services and infrastructure, including the roading hierarchy and airport</i>	8.4.12 Services and infrastructure <i>To ensure that all subdivision and development is capable of being provided, by the subdivider or developer, with adequate services and</i>	<ul style="list-style-type: none"> The applicant proposes to connect to the reticulated water supply approximately 1.2km to the northeast of the application site (along SH15). All stormwater and wastewater treatment and discharge is to occur on site,

	<p><i>infrastructure having regard to Whangarei District Council’s Environmental Engineering Standards 2010 (except where the subdivision or development is for specific protection purposes), including:</i></p> <ul style="list-style-type: none"> ▪ <i>Vehicle access, including emergency service vehicle access</i> ▪ <i>Water supply (including for firefighting), stormwater and sewage disposal</i> ▪ <i>Energy and telecommunication connections</i> ▪ <i>Useable open space in urban areas</i> ▪ <i>During the design and construction of the subdivision, measures to reduce stormwater runoff</i> 	<p>with stormwater directed to the proposed wetland pond before discharging to the stream, while sewage will be treated in tanks on site and then dispersed to nearby fields.</p>
<p>8.3.6 <i>The avoidance of subdivision and development in areas where the existing and potential adverse effects, in particular of noise and natural hazards cannot be avoided, remedied or mitigated</i></p>	<p>8.4.3 Density of development <i>... Subdivision and higher density development is avoided in areas of high aircraft noise and controlled in areas subject to moderate levels of aircraft noise in order to protect public health and amenity</i></p>	<ul style="list-style-type: none"> ▪ The site is within a flood plain, however the Maven engineering design has ensured that through recontouring that the proposed buildings have an appropriate 500mm freeboard above the 100-year storm event flood levels, and that there is sufficient flood storage capacity within the site to ensure no up or downstream effects.
	<p>8.4.13 Natural hazards <i>To avoid subdivision and development in areas where natural hazards, including erosion, falling debris, subsidence, slippage, inundation, flooding and sea level rise may occur, unless adverse effects on health, safety and property can be avoided, as</i></p>	<ul style="list-style-type: none"> ▪ The site is within a flood plain, however the Maven engineering design has ensured that through recontouring that the proposed buildings have an appropriate 500mm freeboard above the 100-year storm event flood levels, and that there is sufficient flood storage capacity within the site to ensure no up or downstream effects.

		<i>far as practicable, or otherwise remedied or mitigated</i>	
8.3.7	<i>Subdivision and development that provides for comprehensive development of land with a range or allotment sizes is appropriate to the character of the Environment in which it is located</i>	8.4.3 Density of development <i>To ensure that subdivision and development results in a pattern and density of land use which reflects flexibility in allotment size, and is of a density appropriate to the locality...</i>	<ul style="list-style-type: none"> This is a standalone development across a small portion of the land holdings of the applicant. It is not intended to be part of or direct any future pattern of land use or subdivision
		8.4.6 Buildings and activities <i>To ensure that allotments are capable of accommodating complying buildings and activities</i>	<ul style="list-style-type: none"> Na – as above
8.3.8	<i>To ensure that the design of subdivision and development minimises potential risk to people and property from fire hazards</i>	8.4.14 Fire safety <i>To ensure that subdivision and development provides for fire safety matters (including appropriate design to ensure access for emergency service vehicles and an appropriate water supply for fire fighting purposes), in order to ensure the safety and well-being of the community</i>	<ul style="list-style-type: none"> Maven has confirmed that hydrant testing has been undertaken by Whangarei District Council Firefighting water modelling has determined the sufficiency of the reticulated water supply to provide for firefighting purposes, however notes that all buildings will need to be designed with sprinkler systems in place due to the potential for negative pressure under the firefighting load for non-sprinkler system buildings.
8.3.9	<i>Deleted</i>		<ul style="list-style-type: none"> n/a
8.3.10	<i>Subdivision and development that avoids, remedies or mitigates adverse effects on tangata whenua values</i>		<ul style="list-style-type: none"> The applicant has engaged directly with Patuharakeke, has received their CVA, and awaits receipt of the CIA

CHAPTER 19.3 – NATURAL HAZARDS

19.3 Objectives

19.4 Policies

Assessment

<p>19.3.1 <i>The adverse effects of natural hazards on people, property and the environment are avoided, as far as practicable, or otherwise remedied or mitigated</i></p>	<p>19.4.1 <i>Natural hazard effects</i> <i>To ensure that subdivision, use and development do not increase the risk from, occurrence of, or the adverse effects of natural hazards</i></p>	<ul style="list-style-type: none"> ▪ The application site is within an identified flood plain. Maven has designed the proposed site levels to ensure that all activities occurring on the site sit outside the 100-year storm event flood levels. Specifically, the central area that will accommodate the proposed buildings is to be filled to ensure the minimum flood area of buildings is 6.36m, being 0.5m above the calculated storm event flood level of 5.86m. ▪ Further to the above, flood storage within the property has been designed to ensure that there are no adverse downstream stormwater effects arising from the increase in impervious area resulting from the proposal. Specifically, the main watercourse through the site is proposed to be widened to increase its storage capacity, and a wetland pond is proposed as additional flood storage capacity. ▪ Relatively steep batters are proposed along the boundaries to SH1 and SH15A to minimise the amount of stormwater generated from the development site flowing into the roadside vee drains.
	<p>19.4.2 <i>Location of activities</i> <i>To avoid subdivision, use and development in identified natural hazard areas where the natural hazard is likely to impact adversely upon human health and safety, property and infrastructure</i></p>	<ul style="list-style-type: none"> ▪ As above
<p>19.3.2 <i>Existing natural buffers against natural hazard effects are protected, maintained and enhanced</i></p>	<p>19.4.3 <i>Natural protections</i></p>	<ul style="list-style-type: none"> ▪ The proposal seeks to utilise the existing stream that traverses the site as a key part of the stormwater

	<i>To ensure that existing natural processes and features, such as cliffs, beaches, coastal dune systems and vegetation, which provide a buffer against natural hazards, are recognised, protected and enhanced in order to maintain their functioning and integrity</i>	<p>management approach, albeit with widening proposed to increase its storage capacity.</p> <ul style="list-style-type: none"> ▪ A wetland pond is proposed for treatment of stormwater and also as additional storage capacity. Whilst not a natural feature, it will look and function in the same manner
19.4.4	Sea level rise	<ul style="list-style-type: none"> ▪ n/a
19.4.5	Coastal hazards	<ul style="list-style-type: none"> ▪ n/a
19.4.6	Mitigation measures	<p><i>To ensure that mitigation measures in response to natural hazards do not, themselves, produce adverse effects on the environment and are designed and located to achieve their purpose</i></p> <ul style="list-style-type: none"> ▪ While the analysis of the flood levels and the proposed reshaping of the site to preserve the flood storage volume has been carefully undertaken to a concept design stage, it will be further refined upon detailed engineering design
19.4.7	Flood flow paths	<p><i>To ensure that subdivision, use and development does not obstruct the flood flow paths of rivers and the efficient functioning of natural drainage systems</i></p> <ul style="list-style-type: none"> ▪ As above.
19.4.8	Fire threat	<p><i>To ensure that subdivision, use and development in areas where there is a high actual or potential risk of fire, incorporate measures to avoid or mitigate such risk</i></p> <ul style="list-style-type: none"> ▪ Noted.

CHAPTER 20 – CONTAMINATED SITES		
20.3 Objectives	20.4 Policies	Assessment

<p>20.3.1 <i>The use, management and development of contaminated sites in a way that ensures that the adverse effects on the environment are avoided, remedied or mitigated to acceptable environmental levels</i></p>	<p>20.4.2 Remediation <i>To avoid subdivision, use or development of contaminated land that presents a risk to health, safety or the environment, unless contamination is remedied or mitigated to acceptable environmental levels</i></p>	<ul style="list-style-type: none"> ▪ A Preliminary Site Investigation (PSI) has been prepared by Focus Environmental Services Ltd which has identified the likely presence of contaminants relating to historic and / or existing uses of the site. ▪ At the time of writing this report, the applicant is in the process of engaging specialists to prepare a Detailed Site Investigation (DSI). The applicant proposed that conditions of consent be imposed requiring that a DSI be prepared, and that all remediation works be completed in accordance with a Contaminated Site Management Plan and Remediation Action Plan to be provided to the Council via conditions of consent. All documents would be provided to the Council for certification prior to works commencing on site.
	<p>20.4.3 Removal of matter <i>To contain the extent of contamination by avoiding the removal of soil or matter from a contaminated site, or where appropriate, to allow the excavation of contaminated material and to ensure that such material is stored, transported and disposed of in an appropriate manner</i></p>	<ul style="list-style-type: none"> ▪ As above
<p>20.3.2 <i>Minimisation of the adverse effects of contaminated sites on human health and safety</i></p>	<p>20.4.1 Identification <i>To identify contaminated sites that present a risk to human health and safety</i></p>	<ul style="list-style-type: none"> ▪ As above
	<p>20.4.4 Dissemination of information</p>	<ul style="list-style-type: none"> ▪ Noted

To keep information on known contaminated site in the District on a database linked to the PIM and LIM information

CHAPTER 22 – ROAD TRANSPORT

22.3 Objectives	22.4 Policies	Assessment
<p>22.3.1 <i>Establish and maintain a safe and efficient road transport network</i></p>	<p>22.4.1 Road hierarchy <i>To ensure that all roads are consistent with the roading hierarchy, which categorises roads by their function, to achieve a safe and efficient transport network using the following classifications (State Highways, Arterial Roads, Collector Roads, Local Roads, Cycle Ways)</i></p>	<ul style="list-style-type: none"> ▪ Noted. ▪ The site abuts two State Highways
	<p>22.4.2 Road linkages <i>To identify and provide for future road linkages</i></p>	<ul style="list-style-type: none"> ▪ Noted. ▪ No future linkage has been identified on the subject land.
<p>22.3.2 <i>Avoid, remedy or mitigate any adverse effect of road transport activities on the surrounding environment</i></p>	<p>22.4.3 New roads and intersections <i>To design and construct new public and private roads, intersections, vehicle crossing places and entranceways to meet the minimum standards in Appendix 9, to avoid, remedy or mitigate adverse effects on the environment and the roading network</i></p>	<ul style="list-style-type: none"> ▪ Two new vehicle crossings are proposed to the site. Both have been designed to comply with the relevant standards
<p>22.3.3 <i>Protect the road transport network from adverse effects of adjacent land use, development or subdivision</i></p>	<p>22.4.5 Location of activities <i>To locate activities and developments in a manner that makes best use of the existing and proposed road transport infrastructure, and minimises adverse effects on traffic flows</i></p>	<ul style="list-style-type: none"> ▪ The proposed activities sit at the junction of two state highways, with single access points proposed off each. The proposed activity is to be located at this key strategic location with the intention of providing access to a from the site in a manner that minimises adverse effects on

		traffic flows and safety at access points, the state highways, and the intersection
22.4.6	Pedestrian safety <i>To ensure that cyclists and pedestrians, including vulnerable groups, such as the young, the elderly and the disabled, are safe from vehicles and other road traffic</i>	<ul style="list-style-type: none"> Given that the site fronts two state highways, there is no pedestrian infrastructure to link to. It is acknowledged that virtually all visitors to the centre will arrive via motorised transport, with a small percentage possibly via bicycle.
22.4.7	Parking and manoeuvring <ul style="list-style-type: none"> <i>To provide adequate parking, turning and manoeuvring space on every site, other than sites in the areas shown in Figures 6A.1 and 6A.2 to Appendix 6, to accommodate traffic generated by the activity, and to maintain the safe and efficient operation of the transport network</i> <i>To facilitate the provision spaces (owned by Council and / or private companies) in the areas shown in Figures 6A.1 and 6A.2 to Appendix 6, both on and off roads</i> 	<ul style="list-style-type: none"> The proposal has been designed in full compliance with all relevant standards relating to parking, turning and manoeuvring
22.4.8	Visual obstruction <i>To ensure that the design, location and extent of buildings, advertising signs and vegetation adjacent to roads does not compromise the safe and efficient operation of the road transport network</i>	<ul style="list-style-type: none"> All buildings, signage and vegetation is to be located within the site, and not to project past the site boundaries The buildings are located centrally within the large site, and are flanked by vegetated earthen batters designed to act as a physical barrier to the adjacent roading network A single pylon sign is proposed to each state highway frontage, and will be large and clear enough to advise

			passersby of the services available on site in an unambiguous manner before they reach the ingress points
	22.4.9 Accessible parking	<i>To require accessible parking to be provided for every activity in accordance with NZS4121:2001 to increase access to the community for parking permit holders</i>	<ul style="list-style-type: none"> 9 accessible parking spaces are proposed, each in full compliance with the relevant standard
22.3.4	<i>To ensure that the effects of roading infrastructure on landscape and ecological values are avoided, remedied or mitigated</i>	22.4.4 Ecological, landscape and amenity values	<ul style="list-style-type: none"> n/a
		<i>To ensure adverse effects of road transport activities on ecological, amenity and landscape values should be avoided, remedied or mitigated to the extent practicable</i>	

APPEALS VERSION: DGD – DISTRICT GROWTH AND DEVELOPMENT

DGD Objectives	DGD Policies	Assessment
DGD-O1 <i>Range of zones</i> <i>Provide for differing character and amenity values in a range of zones with differing expectations</i>	DGD-P1 <i>Range of zones</i> <i>To manage effects on character and amenity values by providing for a range of zones with differing expectations</i>	<ul style="list-style-type: none"> Noted. As per the effects assessment provided above, and the LVEA prepared by Boffa Miskell, any adverse character and amenity effects on the rural production zoned setting are considered to be largely temporary during construction, and are mitigated by the proposed planting (once established) to be no more than minor. The scale of the development proposed, and the proximity to the state highway built forms and the adjoining Rural Living Zoned land to the west all contribute to this site forming part of a broader transition to rural character
DGD-O2 <i>Rural Areas</i>	DGD-P4 <i>Amenity</i>	<ul style="list-style-type: none"> As above

<p><i>Protect the range of amenity values and characteristics in the Rural Area</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 zones</i></p>	
<p><i>DGD-O3 Growth</i></p> <p><i>Accommodate future growth by:</i></p> <ol style="list-style-type: none"> <i>1. Enabling urban consolidation and intensification of Whangarei City, Masden Primary Centre, existing Local Centre and Rural Village Zones, while</i> <i>2. Avoiding urban development sprawling into productive rural areas</i> 	<p><i>DGD-P6 Urban expansion</i></p> <p><i>To avoid [appeal 000133] inappropriate urban expansion by:</i></p> <ol style="list-style-type: none"> <i>1. Ensuring that urban development occurs:</i> <ol style="list-style-type: none"> <i>a. In a planned and coordinated manner</i> <i>b. Where appropriate infrastructure and services can be provided, including a range of transport choices</i> <i>2. Requiring new urban development to be consolidated within or adjacent to Urban Areas and rural villages</i> <i>3. Avoiding urban development sprawling into the Rural Area</i> 	<ul style="list-style-type: none"> ▪ Water supply connection is available via an upgrade to meet the existing reticulated network to the north-east of the site, while on-site management and treatment of stormwater and wastewater is proposed ▪ The proposal is considered to be a service to the rural, freight and forestry sectors as well as to those private vehicles travelling past the site ▪ The proposal is not considered to be a catalyst for any further development on adjoining sites ▪ No subdivision is proposed
	<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"> <i>1. Integrating and coordinating transport and land use planning</i> <i>2. Improving access to alternative transport options</i> <i>3. Enhancing walkability and cycle connections within urban neighbourhoods and rural villages</i> 	<ul style="list-style-type: none"> ▪ As noted above, the site is not considered to be a destination, instead it will largely provide services to vehicles already travelling past the site ▪ The access arrangements proposed have been designed to ensure the ongoing safe and efficient operation of the adjoining state highway network

		4. Concentrating more intensive urban development in close proximity to public transport infrastructure	
DGD-O4	Historic heritage and sense of place	DGD-P8	Resource areas
	<ol style="list-style-type: none"> 1. Identify and protect historic heritage resources 2. Maintain and enhance other characteristics, qualities and features that are valued by the community and contribute to the District's unique identity and sense of place 		<p>To identify and protect biodiversity, outstanding landscapes and features, the natural character of the coastal environment, heritage features, and Sites of Significance to Māori from inappropriate subdivision and development by mapping Resource Areas, and applying rules to protect the values, attributes, characteristics and qualities of these areas</p>
			<ul style="list-style-type: none"> ▪ The proposal is not within an identified resource area, however it is noted that the applicant proposed to undertake ecological enhancement works to the stream that traverses their landholdings.
DGD-O5	Incompatible activities and reverse sensitivity	DGD-P2	Incompatible land uses and reverse sensitivity
	Avoid conflict between incompatible land use activities from new subdivision, use and development [Appeal 000133]		<p>To manage the establishment and location of new activities and expansion of activities to avoid [Appeal 000133] conflicts between incompatible land uses</p>
			<ul style="list-style-type: none"> ▪ Noted, no reverse sensitivity effects have been identified
DGD-O6	Indigenous biodiversity	DGD-P8	Resource areas
	Identify and protect the values and attributes of indigenous biological diversity (Significant Natural Areas) and maintain the extent and diversity of other indigenous biodiversity		<p>To identify and protect biodiversity, outstanding landscapes and features, the natural character of the coastal environment, heritage features, and Sites of Significance to Māori from inappropriate subdivision and development by mapping Resource Areas, and applying rules to protect the values, attributes, characteristics and qualities of these areas</p>
			<ul style="list-style-type: none"> ▪ The proposal is not within an identified resource area, however it is noted that the applicant proposed to undertake ecological enhancement works to the stream that traverses their landholdings.

<p><i>DGD-07 On site and reticulated infrastructure</i></p> <p><i>Provide efficient and effective onsite and reticulated infrastructure in a sustainable manner and coordinate new land use and development with the establishment or extension of infrastructure and services</i></p>	<p><i>DGD-P5 Sustainable infrastructure</i></p> <p><i>To avoid, remedy or mitigate adverse effects on the sustainable provisions of infrastructure by ensuring that all subdivision and land use is served by infrastructure and services that are appropriately designed, located and constructed.</i></p>	<ul style="list-style-type: none"> ▪ The proposal includes a connection to the reticulated water supply network available to the north-east of the site, and on-site facilities for management and treatment of wastewater and stormwater
<p><i>DGD-08 Cultural Values</i></p> <p><i>Ensure that growth and development take into account Māori cultural values</i></p>	<p><i>DGD-P8 Resource areas</i></p> <p><i>To identify and protect biodiversity, outstanding landscapes and features, the natural character of the coastal environment, heritage features, and Sites of Significance to Māori from inappropriate subdivision and development by mapping Resource Areas, and applying rules to protect the values, attributes, characteristics and qualities of these areas</i></p>	<ul style="list-style-type: none"> ▪ The proposal is not within an identified resource area, however it is noted that the applicant proposed to undertaken ecological enhancement works to the stream that traverses their landholdings. ▪ The applicant has an ongoing relationship with Patuharakeke
<p><i>DGD-09 Hazards</i></p> <p><i>Minimise the risks and impacts of natural hazard events, including the influence of climate change, on people, property and infrastructure</i></p>	<p><i>DGD-P3 Natural hazards</i></p> <p><i>To manage the risk of natural hazards to people and property by:</i></p> <ol style="list-style-type: none"> <i>1. Assessing the risk of coastal and flood hazards on subdivision, use and development over a 100-year lifetime</i> <i>2. Ensuring new subdivision, use and development does not increase the risk from coastal and flood hazards</i> 	<ul style="list-style-type: none"> ▪ Flood modelling has been undertaken to ensure that flooding effects of a 1:100 year storm event can be accommodated within the site without exacerbating any existing upstream or downstream flooding issues ▪ Coastal inundation is not considered to be an issue with this site

3. *Ensuring measures to mitigate and adapt to the effects of climate change are provided for in development, growth and transport planning*
4. *Ensuring that the risk of natural hazards is assessed when zoning new areas of land for more intensive development*
5. *Avoiding locating regionally significant and critical infrastructure within identified hazard zones unless there is a functional or operational need for its location*

DGD Objectives – Rural Area	DGD Policies	Assessment
<p><i>DGD-O16 Productive functions</i></p> <p><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></p>		<ul style="list-style-type: none"> ▪ The application area is a relatively small piece of rural production zoned land, comprising approximately 25% of the applicant’s 17-hectare land holdings in the area ▪ The site is considered to be low value production land and has historically been used for low intensity dry stock grazing
<p><i>DGD-O17 Rural area land 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><i>DGD-P22 Rural Production Zone</i></p> <p><i>To identify areas as RPZ 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:</i></p> <ol style="list-style-type: none"> 1. <i>There is a prevalence of:</i> <ol style="list-style-type: none"> a. <i>Existing production land use</i> 	<ul style="list-style-type: none"> ▪ The proposal is considered to provide a support function to the local rural activities and communities ▪ No subdivision is proposed ▪ The proposed activities provide a service to existing traffic through this important state highway interchange and is not considered to undermine the rural character of the broader rural area ▪ The proposal does not compromise the future reticulated expansion of the Whangarei City Residential zones

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- b. Significant ecological and biodiversity values, such as indigenous bush and wetlands*
 - 2. Larger land parcels are prevalent and the area is not compromised by significant clusters of rural living built development*
 - 3. An area is not:*
 - a. Located on the fringe of Whangarei City between urban and rural environments*
 - b. Suitable to provide for the future reticulated expansion of the Whangarei City Residential Zones*
 - 4. The criteria for the Rural Urban Expansion Zone and the Rural Living Zone are not met.*
- Extensive planting of native trees is proposed around the application area
 - The proposal seeks to enhance the ecological habitat within the stream where it traverses the application site, and will fence the riparian margin once planted to ensure stock are kept out of that sensitive space

DGD-O18 Viability of productive functions

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 living subdivision and development

- The proposal takes in a relatively small piece of rural land
- The corner location at the intersection of two state highways is considered a logical place for a service activity, particularly one that supports the freight movements along those state highways
- Adverse effects arising from the proposal are largely temporary, with character and amenity effects on the rural character of the area considered to be minor following the establishment of significant planting around the proposed activity.
- No subdivision is proposed

<i>DGD-019 Consolidate rural living subdivision and development by zoning appropriate areas as Rural Living Zone</i>	<i>DGD-P23 Rural Living Zone ...</i>	▪ n/a
<i>DGD-020 Rural residential development Provide for areas of rural residential development on the fringe of Whangarēi City while ensuring that these areas can accommodate future urban growth</i>	<i>DGD-P20 Residential activities To protect highly versatile soils from activities which would materially reduce the potential for soil-based rural production activities</i>	▪ n/a
<i>DGD-021 Rural villages Provide for managed growth of rural villages</i>	<i>DGD-P25 Rural Village Zone ...</i>	▪ n/a

APPEALS VERSION: RPZ – RURAL PRODUCTION ZONE (OPERATIVE)

RPZ 1.2 Objectives	RPZ 1.3 Policies	Assessment
<i>RPZ.1.2.1 Identify and protect productive rural land resources for a diverse range of rural production activities</i>	<p><i>RPZ.1.3.1 To protect the distinctive rural character and amenity of the Rural Production Zone including but not limited to:</i></p> <p><i>A dominance of natural features including landforms, watercourses and vegetation.</i></p> <p><i>b. A predominantly 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</i></p> <p><i>ii. Ancillary activities and structures (including crop support and crop protection structures) across the landscape</i></p> <p><i>c. Seasonal activities</i></p>	<ul style="list-style-type: none"> ▪ While the application site is being raised across the proposed development area, the existing contour of the site is flat pastoral land and remains very similar. ▪ The stream that traverses the site is proposed to be cleaned out, the riparian margins planted with appropriate species and fenced off to keep cattle out. ▪ The site is currently in pasture. The proposal includes significant quantities of native planting around the road frontages of the site, and adjacent to the two residential properties to the north-east. ▪ The remainder of the applicant’s landholding will remain in use for pastoral activities. ▪ While the proposal includes a number of buildings and other structures associated with the proposed service centre, the majority of the development comprises paved

	<p>d. <i>A low intensity of development, involving a combination of domestic and rural production buildings and major structures</i></p> <p>e. <i>Varying levels of noise associated with seasonal intermittent rural production activities</i></p> <p>f. <i>Relatively open space and low density of development</i></p> <p>g. <i>Odours, noise and dust typical of rural activities</i></p> <p>h. <i>Generally low levels of vehicle traffic with seasonal fluctuations</i></p>	<p>surfaces. The buildings are located away from the edge of the site, and as noted above, significant areas of planting are proposed to help mitigate the visual impact of those buildings.</p> <ul style="list-style-type: none"> ▪ The refuelling service will generate noise from vehicles as they traverse the site, not dissimilar to the noise generated by vehicles on the adjoining state highways. ▪ The proposed activities are intended to provide services to vehicles that are already travelling past the site, rather than being seen as a destination in and of itself. This is supported by commentary from Traffic Planning Consultants and Colliers International.
<p><i>RPZ.1.2.2 Enable a wide range of rural production activities and provide for commercial 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></p>	<p><i>RPZ1.3.2 To protect rural productive land, rural character and amenity and to encourage consolidation of activities within Whangarei City by:</i></p> <p>a. <i>Only providing for commercial and industrial activities in the RPZ where it is demonstrated that the activity:</i></p> <p>i. <i>Has a direct connection with rural resource and supports rural production activities and / or rural communities, including recreational and tourist-based activities</i></p> <p>ii. <i>Requires a rural location for its operational function</i></p>	<ul style="list-style-type: none"> ▪ The proposed activities are intended to provide services to vehicles that are already travelling past the site, rather than being seen as a destination in and of itself, with a particular focus on supporting the freight industry which serves the local and regional economy. This is supported by commentary from Traffic Planning Consultants and Colliers International. ▪ The proposal has a direct link with the local forestry / logging industry, and will provide services to support local rural activities ▪ In particular, the service centre is considered to contribute to the freight industry (particularly logging) in terms of providing the only refuelling opportunity southbound on SH1 between Whangarei and Bombay, and also a valuable

	<p>iii. Will minimise the potential for reverse sensitivity effects between incompatible land use activities</p> <p>iv. Will contain and manage adverse effects on-site</p> <p>v. Will contribute positively to the economy of the District</p> <p>vi. can meet and fund local infrastructure requirements</p> <p>b. No directly regulating outdoor agricultural and horticultural activities, excluding intensive livestock farming</p> <p>c. Permitting farming and activities ancillary to farming and forestry</p> <p>d. Require larger allotments sizes to retail productive rural options.</p>	<p>opportunity for truck drivers to stop and rest. These functions do not exist for southbound truck drivers between Whangarei and Bombay Hills.</p> <ul style="list-style-type: none"> ▪ For the reasons set out above, the application site is of vital importance to the proposed activity, a matter that is supported by the fact that a service centre has been approved on the adjoining site for a number of years but never implemented. ▪ The majority of adverse effects arising from the proposal are temporary and relate primarily to the construction works, and the intervening period until the proposed planting within and around the perimeter of the site has grown (approximately 3 years to start having the desired impact). ▪ The majority of the application site is being retained as an operating farm
	<p>RPZ.1.3.12 Recognise that the placement of overburden from an adjacent QRA may be appropriate if..</p>	<ul style="list-style-type: none"> ▪ n/a
<p>RPZ.1.2.3 Recognise, maintain and where appropriate protect the rural character and amenity of the Rural Production Zone</p>	<p>RPZ.1.3.5 To maintain rural amenity, and character by ensuring that all new buildings and major structures and rural land uses:</p> <p>a. Are of a scale and character appropriate to the RPZ</p> <p>b. Are sited in a location sufficiently setback from site boundaries to enable privacy, the retention of openness and access to sunlight</p>	<ul style="list-style-type: none"> ▪ The proposal includes one and two-storey commercial buildings located centrally within the proposed development area, sleeved by car parking areas and extensive landscaping to the street frontages. ▪ Earth bunds and planting to the north-eastern neighbours (two properties) ensure that physical privacy issues are avoided, and that any acoustic effects arising from the

c. Avoid ribbon development

movement of trucks is consistent with the existing environment along the adjoining state highways.

- The proposal does not comprise ribbon development, and is not considered likely to be a catalyst for such development (noting that any future development on adjoining land would also need to obtain resource consent within the existing rural context).

RPZ.1.3.11 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:

- a. Designing subdivisions to respond to the topography and characteristics of the land being development*
- b. Avoiding development on highly versatile soils*
- c. Identifying building platforms that respond to site topography and environmental characteristics*
- d. Locating access ways, services, utilities and building platforms where these can be provided without the need for significant earthworks, retaining, benching or site contouring*

- The proposal does not include any subdivision of land
- The application site is not identified as highly versatile soils, having been used for pastoral farming for low intensity dry stock over a number of years.
- While significant earthworks are proposed across the development area, this is largely just to raise the development area and ensure that stormwater flows around those spaces people will occupy. The net result is that the development land is raised by up to 2.0m, and cut by up to 1.5m, to create a relatively level development area and accommodate stormwater flows across or around it. Extensive planting abutting the SH1 and SH15 boundaries is proposed to mitigate the visual effects associated with the development, of which the proposed earthworks form a significant element. Importantly, the proposal does not alter the shape of the land much, it just raises the corner and lowers land to establish the stormwater channels / stormwater pond.

	<p>e. <i>Locating accessways, services, utilities and building platforms where the location is sensitive to and responds to environmental features of the site</i></p> <p>f. <i>Ensuring that the subdivision will not create reverse sensitivity effects with respect to existing lawfully established activities.</i></p>	<ul style="list-style-type: none"> ▪ The proposed works have largely avoided impacts on the stream that traverses the site. A new culvert and access bridge across the stream are proposed, with direct offset in the form of removal of redundant structures, riparian planting to enhance ecological habitat and fencing off of the riparian margin within the applicant’s landholding to keep stock out.
<p><i>RPZ.1.2.4 Avoid adverse effects on productive land resources from residential, rural residential and rural living subdivision and development in the Rural Production Zone</i></p>	<p><i>RPZ.1.3.3 Avoiding reverse sensitivity effects by preventing sensitive activities within close proximity to Quarrying Resource Areas, Strategic Rural Industries, intensive livestock farming and other rural production activities that are lawfully established</i></p>	<ul style="list-style-type: none"> ▪ The proposed activities are not considered sensitive to anticipated and existing lawfully established rural land uses
	<p><i>RPZ.1.3.4 To reduce the potential of exposure to noise, dust and health risks by requiring a minimum separation for residential units from unsealed roads</i></p>	<ul style="list-style-type: none"> ▪ The two proposed residential units are not located in proximity to any existing or proposed unsealed roads.
	<p><i>RPZ.1.3.11 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>a. <i>Designing subdivisions to respond to the topography and characteristics of the land being developed</i></p> <p>b. <i>Avoiding development on highly versatile soils</i></p>	<ul style="list-style-type: none"> ▪ Only low-rise commercial buildings are proposed, located away from public and private the site interfaces. Extensive planting around the periphery of the proposed development, combined with earth bunds near to those adjoining residential dwellings to the north east ensure that adverse rural character and amenity effects will be no more than minor in the short term, and improving over time as the planting establishes. ▪ Earthwork is proposed to raise the development area by up to 2m in order to sit above flood levels and ensure that

	<p>c. <i>Identifying building platforms that respond to site topography and environmental characteristics</i></p> <p>d. <i>Locating access ways, services, utilities and building platforms where these can be provided without the need for significant earthworks, retaining, benching or site contouring</i></p> <p>e. <i>Locating access ways, services, utilities and building platforms where the location is sensitive to and responds to environmental features of the site</i></p> <p>f. <i>Ensuring that the subdivision will not create reverse sensitivity effects with respect to existing lawfully established activities.</i></p>	<p>stormwater flows are managed within the site, however the overall shape of that land remains generally flat</p> <ul style="list-style-type: none"> ▪ The proposal has been designed to ensure that impacts on the stream that traverses the site are minimised, and that ecological enhancement through removal of redundant structures, planting of appropriate species, flow management, and fencing off of all riparian margins. ▪ No reverse sensitivity effects have been identified as arising from this proposal.
<p><i>RPZ.1.2.5 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></p>	<p><i>RPZ.1.3.6 To avoid inappropriate subdivision and development in areas required for future urban growth by identifying 'setback buffers' between the RPZ and Residential Zones, Rural Urban Interface Zone, Rural Living Zone and Rural Village Residential Sub-Zone</i></p>	<ul style="list-style-type: none"> ▪ The site is not identified as a future urban living or business area
	<p><i>RPZ.1.3.7 To enable the subdivision of rural land into allotments of 20ha or more, where the following has been provided for:</i></p> <p>a. <i>Efficient and effective on-site servicing</i></p>	<ul style="list-style-type: none"> ▪ No subdivision is proposed

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- b. *Avoidance or erosion, subsidence, slippage, flooding or inundation from any source*
 - c. *Stability of land and its suitability to provide a foundation for the erection of buildings, vehicle access and parking areas*
-

RPZ.1.3.8 To avoid subdivision of land into allotments less than 20ha unless it is demonstrated that all of the following are achieved:

- a. *It does not create a rural residential or rural lifestyle allotment, other than where a Net Environmental Benefit is achieved*
- b. *The subdivision of rural land and associated buildings does not inhibit or restrict the productive potential or reasonably anticipated productive potential of rural production activities*
- c. *The size, shape and arrangement of allotments:*
 - i. *is a practical size for rural production activities, other than where a Net Environmental Benefit is achieved*
 - ii. *Does not restrict the range of options for the use of production land*
- d. *The viability of the existing rural production activity is not compromised and the existing*

▪ No subdivision is proposed

- rural production activity can continue to operate efficiently at the subdivided scale.
- e. 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
 - f. 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.

RPZ.1.3.10 To provide for limited subdivision of rural land creating a new allotment for a surplus existing residential unit where the balance area of the farm is large and dimensions of the new allotment can accommodate the existing onsite services and provide for efficient access.

- No subdivision is proposed

RPZ.1.2.6 Provide for rural production activities that are compatible with the Coastal Area

- The application site is not within or adjacent to the Coastal Area

RPZ.1.2.7 Encourage protection and enhancement of significant ecological, biodiversity, landscapes and historic heritage

RPZ.1.3.9 To protect and enhance biodiversity, landscapes, historic heritage and significant ecology whilst protecting productive land resources, rural

- No subdivision is proposed
- Notwithstanding the above, the proposal has been designed to ensure that impacts on the stream that traverses the site are minimised, and that ecological

character and amenity by providing for subdivision where all of the following are achieved:

- a. A Net Environmental Benefit is created by the legal protection in perpetuity and on-going management (maintenance and enhancement of the values and attributes, characteristics and qualities) for one or more of the following:*
 - i. Appropriate area(s) of indigenous vegetation or habitat of indigenous fauna, assessed as significant in accordance with policy 4.4.1 and appendix 5 of the NRPS 2016; or*
 - ii. Appropriate area(s) of ONL, ONF, ONC, HNC; or*
 - iii. Heritage buildings or Sites of Significance to Maori; or*
 - iv. Appropriate area(s) of Highly Erodible Land or land within a riparian margin of a stream, river, estuary or the coast located within Acutely or Chronically threatened land environment associated with Land Environments of NZ Level 4, will be retired and rehabilitated*

enhancement through removal of redundant structures, planting of appropriate species, flow management, and fencing off of all riparian margins.

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- b. *The effect of the number, size and location of allotments, building platforms and access, are managed by:*
 - i. *Avoiding adverse effects on the areas protected under clause (a) of this policy; adverse cumulative effects; reverse sensitivity; development on highly versatile soils; an urban form, by encourage small clusters of allotments.*
 - ii. *Minimising fragmentation of rural land*
 - iii. *Protecting the productive potential of the site*
 - iv. *Retaining natural character, landscape qualities and characteristics, rural character and amenity*
 - v. *Determining whether fewer than the maximum number of allotments should be created*
 - vi. *Assessing the proposal against the Coastal Area objectives and policies where the site is located in the Coastal Area.*

APPEALS VERSION: TRA – TRANSPORT

TRA Objectives

TRA Policies

Assessment

<p><i>TRA-O1 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><i>TRA-P1 Design, construction and maintenance</i></p> <p><i>To design, construct and maintain roads, cycleways, walkways, public transport infrastructure, car parks and pedestrian access in a manner that:</i></p> <ol style="list-style-type: none"> <i>1. Provides a safe and efficient transport network</i> <i>2. Enables the efficient provision of network utility infrastructure while providing for suitable streetscape amenity including lighting and landscaping</i> <i>3. Has regard to the future capacity and growth of the transport network</i> <i>4. Is multi-modal and 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> <i>5. Avoids no exit roads where through roads and connected networks can be designed, particularly in commercial and industrial areas</i> <i>6. Provides pedestrian and cyclist access to connect roads and public spaces where they would offer a shorter route</i> <i>7. Ensures access to multiple allotments is constructed to an acceptable standard and vested as a public road where appropriate</i> 	<ul style="list-style-type: none"> ▪ The proposed access arrangements have been designed to ensure that the safe and efficient operation of the adjoining transport network is not compromised. ▪ TPC has provided a comprehensive Transport Impact Assessment which assesses the proposed access arrangement options (and other discarded options). A Waka Kotahi WK-NZTA appointed independent consultant has undertaken a safety audit of the proposal, with the recommendations of that report adopted as part of the revised access options proposed. ▪ No new public roads are proposed (or warranted) ▪ Pedestrian access to the adjoining network is not provided given that the two public frontages are to SH1 and SH15A. ▪ The proposal includes a comprehensive stormwater and flood management approach, with flows directed to the stream that traverses the site, via attenuation and treatment devices.
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			<p>8. <i>Appropriately manages stormwater to ensure the risk of flooding is not increased and water quality is maintained</i></p>
<p>TRA-O2 <i>Integrate 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>TRA-P3 <i>Transport network capacity</i></p> <p><i>To manage the scale and design of subdivision and development by:</i></p> <ol style="list-style-type: none"> <i>Ensuring that there is sufficient capacity within the transport network to cater for the proposal</i> <i>Requiring subdividers and developers to meet the costs of any upgrades and / or extensions to the transport network which are directly attributed to measurable impacts of the subdivision or development</i> 		<ul style="list-style-type: none"> TPC has provided an assessment of the traffic generation impacts of the proposal, and have confirmed that there is capacity to cater for the proposal
	<p>TRA-P4 <i>Integrated transport assessments</i></p> <p><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></p>		<ul style="list-style-type: none"> TPC has provided an assessment of the transport impacts of the proposal, including confirmation of the ability for the proposed movements to be accommodated within the adjoining transport network. It is key to note that the high majority of trips through the site will not additional to the network, but will be from vehicles already travelling past the site and through the SH1 / SH15A intersection. Colliers International have confirmed that they do not anticipate the proposal to comprise a high ‘destination’ demand
	<p>TRA-P15 <i>Transport network hierarchy</i></p> <p><i>To identify and apply a transport network hierarchy to ensure that the functions of transport network</i></p>		<ul style="list-style-type: none"> The proposal supports the existing state highway function of the adjoining network

		<i>assets are recognised and protected in the manage of land use and subdivision.</i>	
TRA-O3	<i>Active and public transport Encourage and facilitate active transport and public transportation</i>	TRA-P5 <i>Active transport To promote active transport by facilitating cycle and pedestrian connectivity within new subdivisions and developments and, where appropriate, to existing developments, reserves and other public spaces.</i>	<ul style="list-style-type: none"> The proposal includes cycle parking facilities, but no external pedestrian connections are proposed given the location of the site and the status of the adjoining roading network as state highways.
		TRA-P11 <i>Bicycle parking To provide safe and secure bicycle parking spaces and end-of-trip facilities for activities with high numbers of employees, students or residents</i>	<ul style="list-style-type: none"> As above. No end-of-trip facilities are proposed.
TRA-O4	<i>Safety and efficiency Design and locate transport infrastructure in a manner that is consistent with the amenity and urban design outcomes anticipated for the zone</i>	TRA-P7 <i>Access and intersections To ensure that access and intersections are designed and located so that:</i> <ol style="list-style-type: none"> <i>Good visibility is provided</i> <i>Vehicle manoeuvres and public and active transport modes are appropriately accommodated</i> <i>They are sufficiently separated so as not to adversely affect the free flow of traffic.</i> 	<ul style="list-style-type: none"> The proposed access arrangements have been designed to ensure that the safe and efficient operation of the adjoining transport network is not compromised. TPC has provided a comprehensive Transport Impact Assessment which assesses the proposed access arrangement options (and other discarded options). A Waka Kotahi WK-NZTA appointed independent consultant has undertaken a safety audit of the proposal, with the recommendations of that report adopted as part of the revised access options proposed. Appropriate visibility and separation of access points are proposed
		TRA-P8 <i>Vehicle crossings and access To require vehicle crossings and associated access to be designed and located to ensure safe and</i>	<ul style="list-style-type: none"> As above

efficient movement to and from sites for vehicles, pedestrians and cyclists by managing:

1. *Separation distances between vehicle crossings*
2. *Separation distances from intersections, railway crossings and pedestrian crossing facilities*
3. *Vehicle crossing sight distances*
4. *The number of vehicle crossings per site*
5. *The design, formation and construction standards of crossings and access*

TRA-P9	<p><i>Car parking</i></p> <p><i>To specify minimum on-site car parking space requirements while allowing for reduced on-site parking spaces where appropriate based on:</i></p> <ol style="list-style-type: none"> 1. <i>Surrounding transport infrastructure</i> 2. <i>Proximity to the city centre, local centre or neighbourhood centre zones</i> 3. <i>The provision of additional amenities on-site</i> 4. <i>The ability to mitigate car parking spill-over effects</i> 	<ul style="list-style-type: none"> ▪ The proposal provides greater than the minimum required car parking to service the proposed development
TRA-P10	<p><i>Parking and loading</i></p> <p><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></p>	<ul style="list-style-type: none"> ▪ The internal parking and loading arrangements have been designed to minimise conflict between trucks and other vehicles, and in particular, trucks and pedestrians moving about the site ▪ All car parks and manoeuvring areas meet the relevant dimensional and gradient requirements of the Plan

		<ol style="list-style-type: none"> 1. <i>Parking and locating space dimensions and gradient</i> 2. <i>The location and identification of car parking and loading spaces</i> 3. <i>Manoeuvring space within the site</i> 4. <i>The formation and construction of parking areas</i> 5. <i>The design and layout of parking areas</i> 		
TRA-O5	<p><i>Urban design</i></p> <p><i>Design and locate transport infrastructure in a manner that is consistent with the amenity and urban design outcomes anticipated for the zone</i></p>	TRA-P6	<p><i>Dust nuisances</i></p> <p><i>To avoid dust nuisances in the Urban Area and improve amenity and accessibility by implementing formation standards for access and parking whilst managing stormwater</i></p>	<ul style="list-style-type: none"> ▪ The application site is not within an Urban Area. Notwithstanding this fact, the proposal avoids the creation of dust nuisance by forming parking and manoeuvring areas from appropriate materials, and provides an integrated stormwater management approach.
		TRA-P13	<p><i>Landscaping</i></p> <p><i>To require landscape planting where uncovered on-site car parking is provided to improve visual amenity, navigability and stormwater management</i></p>	<ul style="list-style-type: none"> ▪ Significant landscape planting is proposed around the perimeter of the development area and within the parking areas. The designers have been cognisant of the need for good inter-visibility between drivers and pedestrians, etc. ▪ Landscaping is integrated into the overall stormwater and on-site wastewater management infrastructure.
TRA-O6	<p><i>Future growth</i></p> <p><i>Ensure that future growth can be supported by appropriate transport infrastructure</i></p>	TRA-P12	<p><i>Charging stations</i></p> <p><i>To reduce emissions and enhance the sustainability of Whangarēi's transport network by providing electric vehicle charging station parking spaces where high numbers of on-site car parking spaces are provided</i></p>	<ul style="list-style-type: none"> ▪ The proposal does not inhibit the ability for electric vehicle charging, and this is in fact part of the long-term strategy for the site

	<i>TRA-P14 Indicative roads and strategic road protection areas 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>	<ul style="list-style-type: none"> To the extent possible at this time, the project has been designed cognisant of existing and known future changes to the adjoining state highway network
<i>New Objective Appeals 000131 and 000132</i>	<i>New Policy Insert new policy [Appeals 000131 and 000132]</i>	<ul style="list-style-type: none"> Noted.
APPEALS VERSION: EARTH – EARTHWORKS		
EARTH Objectives	EARTH Policies	Assessment
<i>EARTH-O1 Land Instability Minimise the risk of land instability when undertaking earthworks associated with subdivision</i>	<i>EARTH-P1 Adverse effects To avoid where practicable, or otherwise remedy or mitigate, adverse effects associated with land by managing earthworks associated with subdivision</i>	<ul style="list-style-type: none"> No subdivision is proposed. Notwithstanding the above, Geotechnical advice has been obtained from ENGEO, which has informed the approach and design of the proposed earthwork. The proposed earthworks will be undertaken in accordance with the recommendations made by ENGEO in their Geotechnical Investigation Report Earthworks have been designed to internalise adverse effects where possible, and to minimise adverse effects outside the site. ENGEO have provided recommendations around land potentially susceptible to liquefaction, and how to manage construction on such land. No impacts external to the site have been identified relating to this matter.
	<i>EARTH-P2 Risk To design and undertake earthworks associated with subdivision to minimise potential risks to</i>	<ul style="list-style-type: none"> As above.

people, property and the environment from land instability

EARTH-O2 Kauri Dieback Disease

Avoid the spread of plant pathogens including Phytophthora Agathidicida (Kauri Dieback Disease)

EARTH-P3 Kauri Dieback Disease

To discourage and undertake earthworks within the vicinity of New Zealand Kauri tree (Agathis Australis) and to ensure that earthworks are designed so as to avoid the spread of plant pathogens including Phytophthora Agathidicida (Kauri Dieback Disease)

- Noted. No existing Kauri trees on site.

APPEALS VERSION: NAV – NOISE AND VIBRATION

NAV 3 Objectives

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

NAV 4 Policies

NAV 4.1 To establish reasonable noise and vibration limits and controls that enable appropriate activities to operate while maintaining the characteristic amenity values of each Environment.

Assessment

- MDA have monitored the ambient noise environment at the adjoining boundaries and have found that at present the existing use of SH1 and SH15A generates night-time noise infringements of up to 10 dB_{L_{Aeq}}. In response, MDA have recommended mitigation in the form of earth bunds along the shared boundaries with 39 and 45 SH15A that will reduce night-time noise levels to 5dB_{L_{Aeq}} at those boundaries. This noise level is higher than prescribed in the District Plan, but lower than the ambient night-time noise levels, and accordingly, MDA consider that the approach set out within the application is reasonable in terms of sections 16/17 of the RMA
- The above approach ensures the ongoing health and wellbeing of the adjoining neighbours

NAV 4.3 *To ensure that high noise generating activities located in noise sensitive areas maintain the characteristic amenity values of each Environment by:*

(a) Establishing noise limits that are consistent with anticipated noise and vibration levels in each Environment

(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 environment.

▪ The proposed activity can comply with all relevant noise limits other than the night-time limit at the adjoining sites to the northeast. The mitigation recommended by MDA ensures that the existing noise environment is maintained, and potentially improved a little, for those dwellings.

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

NAV 4.2 *To avoid reverse sensitivity effects by:*

(a) Requiring suitable acoustic design standards for noise sensitive activities located in or adjacent to areas anticipating high noise levels

(b) Restricting noise sensitive activities in Environments where they could unduly compromise the continuing operation of appropriate business activities

(c) Considering the use of other mechanisms, such as noise control boundaries, buffer areas or building setbacks, as appropriate tools to protect existing or future activities.

▪ The proposal does not give rise to noise or vibration that may compromise the ability of other lawful activities from continuing to operate.

▪ Mitigation proposed within the applicant's land will ensure that any adverse noise effects arising from the night-time operation of the truck refuelling / stop side of the facility will be reasonable in the context of the ambient noise environment which involves the movement of those same trucks along SH1 and SH15.

	<p>NAV 4.4 <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>	<ul style="list-style-type: none"> Any noise effects derived from the construction and operation of the proposed service centre are not considered to have any influence on the ability of primary production activities to continue to operate in the vicinity of the site
	<p>NAV 4.5 <i>To ensure that noise associated with activities in open space and on public recreational areas is appropriate to the amenity values anticipated in the surrounding environment.</i></p>	<ul style="list-style-type: none"> n/a

APPEALS VERSION: LIGHT		
LIGHT Objectives	LIGHT Policies	Assessment
<p><i>Light O1 Provision of lighting</i></p> <p><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></p>	<p><i>Light P2 To enable the use of artificial lighting where it is required for health and safety reasons, traffic, cyclists and pedestrian safety or navigational purposes</i></p>	<ul style="list-style-type: none"> The proposed facilities are intended to be used by hundreds of members of the general public and freight industry each day, with the primary elements of the site (service station, fast food restaurant, coach drop off / pick up) being 24/7 operations. The proposed development includes a large amount of artificial lighting to ensure that the facilities can function safely.
<p><i>Light O2 Adverse effects</i></p> <p><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></p>	<p><i>Light P1 To maintain, and where appropriate enhance, the amenity and character of each zone by controlling the intensity, location and direction of artificial lighting</i></p>	<ul style="list-style-type: none"> LDP has confirmed that the concept lighting design accords with all relevant District Plan limits and the relevant standards. All lighting has no tilt and is directed straight towards the ground, limiting any potential light spill. While visible at night, the layout of the facility and the concept lighting design ensure that there light spill to the

		<p>adjacent roading network and adjoining properties is minimised</p> <ul style="list-style-type: none"> Boffa Miskell have assessed the lighting effects as part of their Landscape and Visual Effects assessment and note that during periods of darkness, people with views towards the site will experience some form of night lighting within the surrounding context. This is within the context of other sources of light (e.g. State Highway network, Marsden Point, North Port, GAS Station and superette). Boffa Miskell has concluded that, given the extent of surrounding lighting in the immediate vicinity of the site, viewing audiences to the north and south will experience a very low magnitude of change to their views and a low adverse visual effect. The nearer residential dwellings to the west of the site will be subjected to moderate-low visual effects at night, given their more elevated position.
	<p><i>Light P5 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></p>	<ul style="list-style-type: none"> The adjacent street network comprises two state highways, the lighting for which is managed by WK-NZTA. The proposal does not seek to alter that lighting, and has ensured that there are negligible adverse lighting effects on that roading network derived from the operation of the proposed development.
<p><i>Light O3 Lighting infrastructure</i> <i>The subdivision and development of land provides artificial lighting infrastructure to support the safety</i></p>	<p><i>Light P4 To enable safe and efficient use of areas which will be accessed by the general public after daylight hours by requiring appropriately designed, installed</i></p>	<ul style="list-style-type: none"> Elements of the proposed service centre are to operate 24/7 and therefore the site is to be accessed via the general public at night. The concept lighting plan and assessment confirms that lighting can meet all required

and security of people and property and to maintain public pedestrian and traffic safety

and maintained artificial lighting to be provided when developing or redeveloping these areas

permitted activity standards. Full and final details of all lighting shall be provided to the Council prior to installation and will be the subject of a condition of consent (offered by the applicant)

APPEALS VERSION: CHAPTER 20 – CONTAMINATED SITES

CONTAMINATED SITES Objectives	CONTAMINATED SITES Policies	Assessment
<p>20.3.1 <i>The use, management and development of contaminated sites in a way that ensures that the adverse effects on the environment are avoided, remedied or mitigated to acceptable environmental levels.</i></p>	<p>20.4.2 <i>To avoid subdivision, use or development of contaminated land that presents a risk to health, safety or the environment, unless contamination is remedied or mitigated to acceptable environmental levels</i></p>	<ul style="list-style-type: none"> ▪ The proposal includes the remediation of approximately 1,300m³ of potentially contaminated material. A DSI has been prepared for the site which includes a RAP and the need for Site Validation Reporting following implementation. The applicant proposes to undertake all remediation works in accordance with the RAP and the recommendations of the DSI. Accordingly, the proposal will remediate the site in a manner that ensures risks to health, safety and the environment are appropriately managed.
	<p>20.4.3 <i>To contain the extent of contamination by avoiding the removal of soil or matter from a contaminated site, or where appropriate, to allow the excavation of contaminated material and to ensure that such material is stored, transported and disposed of in an appropriate manner</i></p>	<ul style="list-style-type: none"> ▪ As above
<p>20.3.2 <i>Minimisation of the adverse effects of contaminated sites on human health and safety</i></p>	<p>20.4.1 <i>To identify contaminated sites that present a risk to human health and safety</i></p>	<ul style="list-style-type: none"> ▪ A PSI and DSI have been prepared which has identified the presence of potentially contaminated material on the application site. Works to appropriately remediation that land form part of this application.

<i>20.4.4 To keep information on known contaminated sites in the District on a database linked to the PIM and LIM information</i>	<ul style="list-style-type: none"> Noted, action for Council (noting that the development area is to be remediated in this case)
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APPEALS VERSION: HSUB – HAZARDOUS SUBSTANCES

HSUB Objectives	HSUB Policies	Assessment
<p><i>HSUB-O1 Adverse effects</i></p> <p><i>Protection of the environment from the adverse effects and risks, from activities involving the use, storage, manufacture, transport and disposal of hazardous substances</i></p>	<p><i>HSUB-P1 Location</i></p> <p><i>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</i></p>	<ul style="list-style-type: none"> The petroleum products to be stored and sold on site are to be stored below ground in double-skinned tanks. Tank design will be cognisant of ground conditions All relevant design, construction and operational standards will be complied with, including the need for risk and contingency management, and will ensure that adverse effects are appropriately avoided, remedied or mitigated. Sensitive receivers are some distance from the site.
	<p><i>HSUB-P2 To ensure that activities involving the use or storage or hazardous substances are designed, constructed and managed to avoid the risk of fire and explosion, and to protect human and environmental health</i></p>	<ul style="list-style-type: none"> As above
	<p><i>HSUB-P3 To ensure that the transportation of hazardous substances is undertaken in a manner that reduces the risk of accidental leaks and spills</i></p>	<ul style="list-style-type: none"> As above

APPEALS VERSION: SIGN – SIGNS

SIGN Objectives	SIGN Policies	Assessment
<p><i>SIGN-O1 Provision for signs</i></p> <p><i>Signage is provided for across a range of zones where:</i></p>	<p><i>SIGN-P1 Scale and intensity</i></p> <p><i>To provide for signage across a range of zones at a scale and intensity which ensures that the signage</i></p>	<ul style="list-style-type: none"> The site, location, design and quantum of signage proposed as part of this application has been carefully considered to be functional (particularly given the

<ol style="list-style-type: none"> 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 	<p><i>maintains the character and amenity of these zones and traffic safety within these zones by:</i></p> <ol style="list-style-type: none"> 1. <i>Requiring signage to relate to the goods or services available on site</i> 2. <i>Limiting the size, location, and design of signage</i> 3. <i>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> 	<p>adjoining state highway context) while avoiding visual clutter and traffic safety issues</p> <ul style="list-style-type: none"> ▪ The proposed signage is intended to be used only to advertise goods / services / businesses occupying the site
<p>SIGN-P2 Built heritage</p>	<p>..</p>	<ul style="list-style-type: none"> ▪ n/a
<p>SIGN-P3 Health and safety</p> <p><i>To provide for signage required to protect the health and safety of the community and enable navigation</i></p>		<ul style="list-style-type: none"> ▪ Noted
<p>SIGN-P4 Traffic and safety signs</p> <p><i>To manage signs visible from roads, including the state highway, to maintain traffic safety by:</i></p> <ol style="list-style-type: none"> 1. <i>Providing for road signs associated with road safety where they are designed and erected by the relevant authorities for the purpose of traffic control or public safety.</i> 2. <i>Controlling the location, size and design of signage visible from roads</i> 		<ul style="list-style-type: none"> ▪ Noted. The proposal includes two pylon signs that are intended to identify ingress points into the site, and those businesses operating within. ▪ Any other signage within the site will be on buildings (retail signage) or provided for direction and safety purposes within the site

	<i>SIGN-P5 Community signs</i>	<ul style="list-style-type: none"> n/a
	...	
	<i>SIGN-P6 Shared location and consolidated signage</i>	<ul style="list-style-type: none"> n/a
	...	
<i>SIGN-O2 Illuminated signage is provided for where it contributes to the social, cultural and economic well-being of the District in a manner which:</i>	<i>SIGN-P7 Illuminated signage (amenity and character)</i>	<ul style="list-style-type: none"> As noted above, the proposed pylon signs will be illuminated to ensure appropriate visibility at night-time given the 24/7 nature of the service centre The existing intersection of SH1 and SH15A is already highly illuminated. The proposed pylon signs will sit in relative close proximity to these corridors to ensure the functionality of the site is maintained. Illuminated signage is limited to the 2 pylon signs, and retail signage on buildings within the development. The proposal is not within one of the zones identified within Policy 6.2
<ol style="list-style-type: none"> Maintains or enhances the amenity and character of the surrounding environment 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. 	<p><i>To require illuminated signage to maintain the amenity and character of the zone and resource area in which it located by controlling:</i></p> <ol style="list-style-type: none"> The use of illuminated signage in zones where amenity values are higher and the background lighting levels are generally lower 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>SIGN-P8 Illuminated signage (traffic safety)</i>	<ul style="list-style-type: none"> As per above, the pylon signage has been designed, sized and located to ensure it is functional and does not result in any adverse safety impacts for vehicles navigating to the application site or any other road users
	<i>To require illuminated signage to be located and designed to minimise the potential for adverse effects on traffic safety.</i>	

APPEALS VERSION: TWM – THREE WATER MANAGEMENT		
TWM Objectives	TWM Policies	Assessment
<i>TWM-O1 Connections</i>	<i>TWM-P1 Three waters infrastructure</i>	<ul style="list-style-type: none"> The proposal is outside the Reticulated Stormwater, Wastewater and Water Supply Areas.

<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><i>To ensure that three waters resources are appropriately managed by requiring subdivision and development to provide three waters infrastructure that:</i></p> <ol style="list-style-type: none"> <i>1. Is coordinated, integrated and compatible with the existing infrastructure and capacities</i> <i>2. Enables the existing public reticulated network to be expanded or extended to adjacent land where that land is within a Reticulated Stormwater Area, Reticulated Wastewater Area or Reticulated Water Supply Area</i>
<p><i>TWM-P2 Reticulated areas</i></p> <p><i>To sustainable and efficiently manage three waters resources by avoiding private three waters systems where connection to the public reticulated network is practicable in a Reticulated Stormwater, Wastewater or Water Supply Area</i></p>	<ul style="list-style-type: none"> ▪ Notwithstanding the above, it is proposed to connect to the reticulated water supply network via an extension along SH15A
<p><i>TWM-O2 Reticulated networks</i></p> <p><i>Maintain the effectiveness, efficiency and sustainability of reticulated three waters networks</i></p>	<p><i>TWM-P3 Capacity</i></p> <p><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></p> <ul style="list-style-type: none"> ▪ Maven has confirmed the capacity of the reticulated water supply network to accommodate the demands of the proposal ▪ On-site wastewater and stormwater management is proposed

<p><i>TWM-O3 Integrated infrastructure</i></p> <p><i>Plan and provide for three waters infrastructure in an integrated and comprehensive manner</i></p>	<p><i>TWM-P4 Future development</i></p> <p><i>To ensure that three waters infrastructure is designed to accommodate the anticipated servicing requirements of plan enabled development in the locality [000133]</i></p>	<ul style="list-style-type: none"> Noted. On site stormwater and wastewater management proposed, and an extension to the reticulated network for water supply.
	<p><i>TWM-P8 Integrated three waters assessments</i></p> <p><i>To require integrated three waters assessments for large scale developments to:</i></p> <ol style="list-style-type: none"> <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> 	<ul style="list-style-type: none"> Maven has undertaken capacity checks for water supply. Stormwater and wastewater are proposed to be managed on site.
	<p><i>TWM-P5 Vested assets</i></p> <p><i>To require vested assets, and connections to vested assets, to be designed and constructed in a manner that protects the ongoing operation, maintenance and upgrading of that asset</i></p>	<ul style="list-style-type: none"> The connection proposed to the water supply network will be designed and constructed according to the relevant standards and will be a public asset where within public land.
<p><i>TWM-O4 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><i>TWM-P6 Private systems</i></p> <p><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></p> <ol style="list-style-type: none"> <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 the site</i> 	<ul style="list-style-type: none"> Stormwater is proposed to be attenuated and treated on site prior to discharge to the stream that traverses the site Wastewater collection and treatment is proposed on site via UV treatment tanks and a drip feed line to grassed / planted areas of the site.

3. *Management of wastewater via:*

- a. *an on-site wastewater treatment system;*
- or*
- b. *Approval to connect to a private wastewater system*

TWM-O5 Adverse effects

Minimise adverse effects from stormwater and wastewater on people, property, infrastructure, the receiving environment and cultural values.

TWM-P7 Flooding

To reduce the risk of flood hazards or increased upstream and downstream flood levels resulting from stormwater discharges.

- Stormwater management has been designed to accommodate the 1:100 year storm event and to internalise any flooding impacts rather than exacerbate upstream or downstream flooding issues.

7.9. Objectives and Policies Conclusion

As set out in the analysis above, while I acknowledge that at a high-level the concept of an urban development within the rural setting of the application site is at odds, I am of the view that overall the proposal is consistent with the high-level policy direction of the Operative District Plan. The anticipated rural activities and proposed activities are divergent; however, they are not incompatible given the nature, scale and location of the proposal. There is a large degree of alignment with objectives and policies relating to amenity values, transport, service infrastructure, risk management, tanagata whenua engagement and outcomes and contamination. Regarding built form, subdivision and development, I note that significant landscape mitigation is proposed to ensure the proposed structures are not a dominant feature in the rural landscape, while the scale and nature of the activity will result in some positive local effects (support for local supply chains, and employment opportunities) without undermining the existing Ruakaka commercial centre or its future growth.

7.8.2 Assessment criteria

The proposed development is to be considered as a discretionary activity overall, however a small number of restricted discretionary activities relating to traffic and signage have been identified, and the brief assessment is provided below to address those matters identified as being relevant.

Without limiting the matters over which the Council can consider in this case, the following assessment against the relevant criteria has been undertaken by TPC at sections 9 and 10 of the TIA, and is adopted here:

Operative District Plan

“ESS 3.4.11.1 (Private Accessway)”

The reason for consent under this standard relates to the width of the proposed private accessway serving the development. The proposed accessway has been designed to be conducive to a low-speed, traffic calmed environment. As such, the accessway has been designed in some locations with a 3.0-metre to 4.0 metre carriageway, where the minimum required width is 6.0 metres. The non-standard one-way accessway is located where the drive-through facility for the restaurant is located

The proposed 3.0-metre to 4.0 metre accessway width is considered acceptable for the following reasons:

- *The accessway has been designed to accommodate one-way vehicle movements in a low-speed environment*
- *The accessway is anticipated to carry a relatively low volume of traffic movements*

- *The accessway is located away from pedestrian activities and parking areas, and therefore the interaction between vehicles and pedestrians is minimised*
- *Where footprints cross these accessways zebra crossings are provided*
- *Sight lines and speeds within the site are expected to be suitable so as not to create unsafe conditions for the interaction of vehicle and pedestrian activities, should they occur; and*
- *The accessway width is sufficient to accommodate tracking of an 85th percentile vehicle (including with a trailer), as illustrated in Attachment 2.”*

Appeals Version District Plan provisions

“Comment – Distance of Vehicle Crossing from Intersection

The reason for consent under this standard relates to the proposed vehicle crossing onto SH1 being less than the minimum distance of 180 metres from intersections required for vehicle crossings onto arterial roads with a speed limit over 50km/h. Normally vehicle crossings require a degree of separation from intersections so that there is adequate time for motorists to separately see, perceive and react to the crossing and the intersection and to vehicle movements associated with the crossing and intersection.

The proposed vehicle crossing on SH1 is expected to connect with SH1 immediately north of the intersection with Prescott Road. This vehicle crossing will only provide for left turn entry movements (via a slip lane). Right turn movements into the slip lane from northbound traffic on SH1 and traffic from Prescott Road will be prevented by the installation of a central median island on SH1 integrated into the Prescott Road intersection, as shown in the concept design drawings included in Attachment 1.

The slip lane into the site will provide adequate deceleration distance so that vehicles entering the site will not need to reduce speed on the highway. Traffic using the proposed slip lane to access the site will have no interaction with, and thus no effect on, any vehicle turning movement at the Prescott Road intersection. An independent Road Safety audit did not raise any issues with the proposed slip lane entry into the site. Thus, this non-compliance is not expected to have any effect on the safety and efficiency of the transport network.

Comment – SH15A Vehicle Crossing Sight Distances

The reason for consent under this standard relates to the proposed vehicle crossing onto SH15A having less than the minimum sight distance of 305 metres required for vehicle crossings onto arterial roads with a speed limit of 100km/h as per Table TRA 8 of the Decision Version of the District Plan. The vehicle crossing onto SH15A has 230 metres sight distance to the west and 200 metres visibility to the east.

Footnote 3 of Table TRA 8 of the Decision Version of the District Plan suggests that “Arterial and regional road sight distances are calculated based upon Safe Intersection Sight Distance (SISD) with RT of 2 seconds” however the speed used for the calculation is not specified.

Section 3.2.2 of Austroads Guide to Road Design Part 4A: Unsignalised and Signalised Intersections (2021) indicates that the speed to use for calculation of Safe Intersection Sight Distances is the operating (85th percentile) speed (km/h). Using vehicle operating speeds takes into account the fact that in some locations there may be a significant proportion of drivers exceeding the speed limit, and at other locations motorists will, because of the road environment, decide to travel below the speed limit, and that this will affect the stopping distance required.

The proposed vehicle crossing on SH15A will be located 240 metres east of the roundabout at the SH1 / SH15A intersection. Eastbound motorists at the point where the vehicle crossing is proposed will still be accelerating after departing the roundabout, and westbound motorists will be slowing for the roundabout. Speed observations of unrestricted vehicles along SH15A were collected between 11:00 and 12:30 on Sunday 9th June 2019 and indicated that the 85th percentile eastbound speed is 75 km/h and westbound speed is 80 km/h.

On this basis, the Safe Intersection Sight Distances for a 2 second reaction time from the proposed vehicle crossing on SH15A is 166 metres to the west (visibility of eastbound vehicles) and 181 metres to the east (visibility of westbound vehicles). The available sight distance from the proposed vehicle crossing onto SH15A of 230 metres to the west and 200 metres to the east easily meet the Safe Intersection Sight Distance requirement.

Thus, this non-compliance is not expected to have any effect on the safety and efficiency of the transport network.”

I agree with the above comments made by TPC.

Consolidated signage requires consent as a restricted discretion activity, with the relevant assessment matters identified at SIGN-R21 including the effects of the consolidated signage on amenity values and the character of the surrounding zone(s); scale, location and content of signage; the effects of consolidated signage installations of traffic safety and the efficient and safe function of the roading network, and cumulative effects. I believe that these matters have been well canvassed in the foregoing assessment of effects and performance against objectives and policies, and do not repeat those comments here.

7.15 Section 104(1)(c) – Other Matters

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, the Rural Development Strategy and the Draft Whangarei Growth Strategy 2019 are considered relevant.

7.15.1 Growth Strategy: Sustainable Futures 30/50 (Growth Strategy)

The Growth Strategy is currently under review, with a draft document released in early 2019 for public submissions. For now, it is the Sustainable Futures 30/50 document that carries weight. The document provides detailed analysis of the various settlements throughout the District and provides high-level guidance for Council policy including input into changes to the District Plan. Key issues identified include:

- Improved economic outcomes
- Timely and efficient provision of infrastructure
- Managing cumulative environmental effects; and
- Ensuring social and cultural well-being

It seeks to protect important landscapes and features, indigenous biodiversity, productive land / high class soils, seeks to promote employment, housing, open space and community facilities, and seeks to do all of this with a focus on sustainability. I consider that the proposed service centre is consistent with the broad intentions of the Growth Strategy. It supports employment and economic growth, without undermining existing and future growth of the Ruakaka commercial centre. It provides essential services to travellers and the commercial freight industry, without compromising the environment within which it is to be located.

Patuharakeke have been engaged with as part of the development of the proposal, and a CVA provided to guide the development and use of the site.

7.15.2 Rural Development Strategy 2013 (RDS)

As part of its preparations and analysis that fed into the suite of Rural Environment Plan Change and to implement the policy direction of the Growth Strategy: Sustainable Futures 30/50, Whangarei District Council adopted the Rural Development Strategy 2013. The RDS applies in those areas outside Whangarei City and its five urban villages. The application site sits outside the identified satellite city of Marsden Point / Ruakaka, and is within the scope of the RDS.

Outcomes identified for the Rural Production Environment within the RDS include a focus on the productive function of rural land, the discouragement of lifestyle development, reverse sensitivity, cumulative impacts, recognising the range of amenity values and direction for industry, servicing and hazards.

I consider that the proposal adheres to the main thrust of the RDS. The site is not a high-performing rural asset, primarily used for dry stock in recent years. It is a relatively small piece of land, prone to flooding, and located at a key strategic junction between two state highways. Design effort has focused on reducing the visual prominence of the proposed buildings, with a significant focus on landscaping to the periphery of the site.

8 PART 2 OF THE RESOURCE MANAGEMENT ACT 1991

The Court of Appeal in *RJ Davidson Family Trust v Marlborough District Council* [2018] 3 NZLR 283 confirmed the legal approach for assessing resource consent applications against Part 2 of the RMA. The Court stated at [74]:

“If it is clear that a plan has been prepared having regard to Part 2 and with a coherent set of policies designed to achieve clear environmental outcomes, the result of a genuine process that has regard to those policies in accordance with s 104(1) should be to implement those policies in evaluating a resource consent application. Reference to Part 2 in such a case would likely not add anything...Equally, if it appears the plan has not been prepared in a manner that appropriately reflects the provisions of Part 2, that will be a case where the consent authority will be required to give emphasis to Part 2.”

In my opinion, the District Plan has been adequately prepared and reflects the provisions of Part 2 of the RMA, and therefore separate assessment of this application against Part 2 is not required. For completeness however, and in the circumstance that the Council takes a different view, I have provided a high-level assessment in the following paragraphs. In short, I consider that the Application is consistent with Part 2 of the RMA.

The purpose of the RMA is to promote the sustainable management of natural and physical resources. As stated in section 5 of the Act, this means:

- 5(2) *In this Act, sustainable management means managing the use, development and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural wellbeing and for their health and safety while –*
- (a) Sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and*
 - (b) Safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and*
 - (c) Avoiding, remedying, or mitigating any adverse effects of activities on the environment.*

Whether the purpose of the RMA is being achieved involves “an overall broad judgement.” This assessment is informed by the reference to the matters set out in sections 6, 7 and 8 of the Act, and:

“...allows for comparison of conflicting considerations and the scale or degree of them and their relative significance or proportion in the final outcome” (Eden Park Trust Board and Eden Park Neighbours Association vs Auckland City Council, A130/97).

Section 6 sets out matters of national importance relative to the natural character of the coastal environment, protection of outstanding natural features, protection of areas of significant public access along coastal marine areas, lakes and rivers, and the relationship of Maori and their culture and traditions. The proposed development will be introducing a new built form into the area which is notably different to the expansive, unmodified, and natural landscape. There are no significant natural features in or around the site that will be significantly affected by the proposal. Single level buildings with significant perimeter planting is proposed to help ease the proposed development into the existing rural setting. It is also noted that nearby land to the west and east has been identified for more intensive development and that over time the landscape character around this intersection is anticipated to become more development. Overall, I consider that the proposal is consistent with the objectives and policies of the zone and will enable change to the natural environment which are considered appropriate under the provisions of the Whangarei District Plan. As such, the proposal is considered to accord with Section 6 of the Act.

Section 7 requires particular regard be had to 'other matters'. Of relevance to this application are:

- (b) the efficient use and development of natural and physical resources*
- (c) the maintenance and enhancement of amenity values*
- (f) maintenance and enhancement of the quality of the environment*
- (g) any finite characteristics of natural and physical resources*

The proposed site is strategically located at a key interchange on State Highway 1 and State Highway 15A. The roundabout at the junction of the state highways is a recognisable and well-known signal as to the importance of the intersection, and it is well-located for the establishment of a successful service centre. The property is at present used for low intensity dry stock farming activity, and it is considered that the proposed activity is a fuller and more efficient use of the potential of the physical resource given its strategic location. Significant perimeter landscaping (and earthwork) will add a high amenity edge to the public frontages of the proposed facility and assist in assimilating the built form into the surrounding rural setting.

As noted above, the proposal has located all associated structures within the centre of the site and will limit the bulk and dominance of development on not only neighbouring properties but also the wider area and visual landscape. Design has been used to mitigate the adverse effects of new development and will help improve on-site amenity through different design mechanisms.

Section 7 of the RMA identifies those other matters that shall be had regard to. While the proposed service centre marks a change to the built form and landscape character of the area, it can be undertaken in a way

that maintains and enhances the quality of the environment, including the commission of on-site stormwater and wastewater treatment, and riparian planting to the stream that traverses the site. The storage of fuel on site will be designed, constructed and operated to meet all relevant standards and can be operated in a manner that prevents likely discharge to the environment. Additionally, the applicant has engaged (and continues to engage) with Patuharakeke to ensure that cultural values are identified, and that the proposal appropriately addresses and enhances those values where possible.

Section 8 requires the principles of the Treaty of Waitangi be taken into account. The proposal is not considered to be contrary to the principles of the Treaty.

9 CONSULTATION

9.1 Introduction

There is no requirement in the RMA for an Applicant of a resource consent to undertake consultation prior to lodging an application. Nonetheless, over the last three years in which the proposed Ruakaka Traveller's Centre has been developed, specialist reports have been commissioned to establish an information baseline, consultation with relevant local government bodies, Mana Whenua and the local community has been undertaken, and designs have been developed on the basis of this information.

The following sections provide a summary of consultation undertaken on the project to date. I note that most of the consultation was undertaken by / on behalf of SK Aotearoa Trust, which has subsequently changed its name to Ruakaka Developments Limited.

9.2 Local Government discussions

Meetings have been held separately with elected representatives (Councillors Shelley Deeming and Phil Halse) and staff at the Whangarei District Council. Follow up letters have been provided to those representatives, including a description of the other engagement being undertaken in the preparation of the proposal.

Additionally, meetings have been held with staff at the Northland Regional Council.

9.3 Waka Kotahi - New Zealand Transport Agency

The applicant's consultant team has looked to engage with the Waka Kotahi - New Zealand Transport Agency (WK-NZTA) both prior to and following the community consultation phase. Discussions remain ongoing.

Through the community engagement session held in mid-2019 there was a concern raised about a potential conflict between the proposed vehicle ingress from SH1 into the site and the existing intersection of Prescott Road with SH1. At that time, the ingress was located to the south of Prescott Road, with a shorter lead-in to the service centre car parking area. As a result of the feedback, the applicant purchased an additional property opposite Prescott Road (Lot 2 DP 310034) to enable the ingress to be located to the north of the intersection and thus avoid the potential conflict identified through the community engagement.

A meeting between the applicant and WK-NZTA was held in October 2020 where it was agreed that a safety audit of the proposed vehicle access designs would be undertaken by a WK-NZTA appointed specialist at the applicant's expense. As set out in more detail in TPC's TIA, the recommendations of that audit have been adopted with the result being that two options have been provided as to access design to SH1 and SH15A that we believe are appropriate. Upon receipt of feedback from WK-NZTA, it is anticipated that a preferred access arrangement will be adopted.

As discussed in Section 10 below, the location of the proposal at the intersection of two state highways, and with vehicle ingress points from each, I am of the opinion that it is necessary to include WK-NZTA as part of any notification of this application.

9.4 Tangata Whenua

Meetings have been held with representatives of the Patuharakeke Trust Board (PTB). That early engagement established a clear process for ongoing input by PTB, including the need for a Cultural Values Assessment to be prepared (subsequently provided and included as **Attachment M** to this report). A Cultural Effects Assessment has also been provided (refer **Attachment N** to this report).

The applicant wishes to continue to proactively engage with PTB throughout the course of this consenting process and into the future.

9.5 Local community

All local residents, including those immediately adjacent neighbours, were invited to attend a public open day held in mid-2019. Many of those neighbours and others within the area attended the session, which provided the opportunity for them to gain a good understanding of the scope of the proposal, and for the applicant's team to understand any potential concerns from those neighbours and more broadly the local community. The session was largely positive, although some valuable feedback was received including:

- The potential conflict between vehicles existing Prescott Road and heading south on SH1 and the ingress into the proposed service centre. As noted in Section 9.4 above, the applicant accepted the potential for this conflict and considered it important enough to purchase an additional site to enable the SH1 ingress to be provided north of the intersection, thus avoiding the potential conflict.
- A desire for a greater level of landscaping to the edges of the site to screen the proposed facilities and operations from the adjacent rural activities and roading network. The proposed landscaping

approach, particularly at the main intersection, has been significantly enhanced to provide a high degree of screening and amenity in the medium to long term.

- The need for dedicated coach bays were identified as being a critical piece of infrastructure for the area, particularly to provide for the InterCity services which can pass through the area in the middle of the night. The design has been amended to provide two dedicated coach bays as well as parking areas for buses, separate from the truck circulation and refuelling areas. The waiting areas are covered, and adjacent to the public toilet facility discussed below.
- A request for a dedicated and separate toilet facility separate from the shops / services. This has been provided for in the amended architectural design, identified as an ‘amenity area’ adjacent to the convenience store and the Coach Bays, and which can be used by the public without the need to purchase anything from the site. A playground and dedicated rest areas were considered to be critical for families as well as a means of avoiding driver fatigue for those on longer trips. Accordingly, the design has been amended to include a playground and amenity / rest area adjacent to the wetland pond, and an off-leash dog exercise area to the north-eastern boundary of the site.
- It was requested that the service centre facility be of a higher-amenity design than a ‘standard’ service centre. The design and publicly accessible amenities described above contribute to that outcome, as well as the significant landscape contribution to the edges of the site and throughout the development area.
- A freedom-camping area was identified as a gap that could benefit from co-locating with the proposed service centre activities. The applicant has some concerns around the compatibility of a camping area with the main service station and truck stop elements of proposal, and accordingly have chosen not to include a camping area as part of the proposal.

The neighbours at 39 SH15A have been offered a second access point to their site, directly off the proposed accessway to / from SH15A into the proposed service centre site. This potential access would be secured by way of easement.

10 NOTIFICATION

Public Notification

Section 95A of the RMA sets out the steps that a consent authority must follow, in the given order, to determine whether to publicly notify an application for resource consent. The performance of the application against the relevant criteria of section 95A is provided below.

Step 1- mandatory public notification in certain circumstances

As prescribed at section 95A(3):

- (a) The applicant has not requested that the application be publicly notified.
- (b) This is a process-related criterion, and only Council can determine, after lodgement of the application, as to whether public notification under Section 95C is required.
- (c) This application is not made jointly with an application to exchange recreation reserve land under section 15AA of the Reserves Act 1977

Step 2- if not required by step 1, public notification precluded in certain circumstances

As prescribed at section 95A(5):

- (a) The activity for more 1 or more activities, however each is activity is not subject to a rule or national environmental standard that precludes public notification.
- (b) The application is for a discretionary activity but not for the subdivision of land, a residential activity or a boundary adjustment

In this instance, it is considered necessary to go to step 3.

Step 3 – if not precluded by step 2, public notification required in certain circumstances

As prescribed at section 95A(8):

- (a) the application is for a resource consent for 1 or more activities, but none of those activities is subject to a rule that requires public notification
- (b) having undertaken an assessment of the adverse effects likely to arise from the proposal, I consider that they will be minor but not more than minor.

Step 4 – public notification in special circumstances

As prescribed at section 95A(9):

- (a) No special circumstances are considered to exist that would make public notification of this application desirable
- (b) Public notification of the application is not warranted. An assessment in accordance with section 95B (Limited notification of consent applications) is made below to determine whether it is appropriate to give limited notification of the application:

Limited notification

Section 95B of the RMA sets out the steps that a consent authority must follow, in the given order, to determine whether to give limited notification of an application for resource consent where it has been determined under section 95A not to publicly notification the application. The performance of the application against the relevant criteria of section 95B is provided below.

Step 1 – certain affected groups and affected persons must be notified

As prescribed at section 95B(2):

- (a) No protected customary rights groups are affected
- (b) No customary marine title groups are affected

As prescribed at section 95B(3):

- (a) The proposed activity is not on or adjacent to, or may affect, land that is the subject of a statutory acknowledgement made in accordance with an Act specified in Schedule 11 of the RMA

In this instance, limited notification of the application is not required under step 1.

Step 2 – if not required by step 1, limited notification precluded in certain circumstances

As prescribed at section 95B(6):

- (a) The activity for which resource consent is sought is not subject to a rule or national environmental standard that precludes limited notification
- (b) The application is not for a controlled activity or a prescribed activity

Step 3 – if not precluded by step 2, certain other affected persons must be notified

As prescribed at section 95B(7):

- (a) this application is not a boundary activity
- (b) this application is not for an activity prescribed under section 360H(1)(b)

As prescribed at section 95B(8), an assessment is provided below to determine whether a person is an affected person in accordance with section 95E (Consent authority decides if person is affected person).

Section 95E states:

- (1) *For the purpose of giving limited notification of an application for a resource consent for an activity to a person under section 95B(4) and (9) (as applicable), a person is an **affected person** if the consent authority decides that the activity's adverse effects on the person are minor or more than minor (but are not less than minor).*
- (2) *The consent authority, in assessing an activity's adverse effects on the person for the purpose of this section, -*
 - (a) *may disregard an adverse effect on the person if a rule or a national environmental standard permits an activity with that effect; and*
 - (b) *must, if the activity is a controlled activity or a restricted discretionary activity, disregard an adverse effect of the activity on the person if the effect does not relate to a matter for which a rule or a national environmental standard reserves control or restricts discretion; and*
 - (c) *must have regard to every relevant statutory acknowledgement made in accordance with an Act specified in Schedule 11.*
- (3) *A person is not an affected person in relation to an application for a resource consent for an activity if –*
 - (a) *the person has given, and not withdrawn, approval for the proposed activity in a written notice received by the consent authority before the authority has decided whether there are any affected persons; or*
 - (b) *the consent authority is satisfied that it is unreasonable in the circumstances for the applicant to seek the person's written approval.*
- (4) *Subsection (3) prevails over subsection (1).*

I have considered the adverse effects on those properties identified as 'adjacent' to the application site (identified by the blue boundaries in **Figure 17** below) and have concluded that adverse landscape visual / landscape character effects to a number of those properties (being on Heatherlea Road with elevated positions and wide open views across the application site) are minor and that they each are to be considered

as affected persons under section 95E. Those properties immediately adjacent to proposed site ingress and egress points may also be subject to minor traffic effects associated with the operation of those access points. For the purpose of consideration of landscape visual / landscape character effects, I also consider the property identified by the yellow boundary line in **Figure 18** below to be an affected person.

Figure 18: Affected persons map



Base map source: www.gis.wdc.govt.nz/intramaps90/

While the proposal has been designed to limit its visual prominence within a largely rural setting, those immediately adjacent sites and those elevated sites to the west of SH1 will have a broad view into and / or across the application site than the general public will. While I am of the view that the proposal includes sensitively designed, sized and located buildings and amenity landscaping to the perimeters of the site in particular, I acknowledge the clear change and contrast of the proposal to the existing rural landscape character of the area.

Further to the above, I am of the view that WK-NZTA has a clear interest in the proposal that is greater than that of the general public given the location of the site at the intersection of two state highways.

In this instance, and in consideration of the matters set out in sections 95E, I believe that the application should be limited notified to WK-NZTA and the owners and occupiers of the properties identified by blue and yellow marking in **Figure 18** above.

11 CONCLUSION

This application sets out the relevant assessment required for resource consent applications under the RMA. The plans and technical assessments submitted with the application have been provided in support of the application and in relation to the relevant statutory matters.

In terms of the RMA, all appropriate matters in section 104 are considered to have been addressed including:

- The actual and potential effects of the proposed development
- The relevant provisions of the NRPS and the Whangarei District Plan; and
- Any other relevant matters.

It is concluded that the proposal satisfies these matters and is in accordance with the relevant provisions of the statutory documents. Therefore, in accordance with sections 104B, I support the grant of consent to this application for a discretionary activity.



Ross Cooper

Tattico Limited

11 June 2021