

Section 28.5 – Whitianga Waterways Structure Plan

28.5.1 Description

The Whitianga Waterways Structure Plan area covers approximately 178 hectares of land west of the established settlement area of Whitianga.

The land is bounded to the north-west by the realigned State Highway 25, to the east by Residential and Commercial Areas and to the south by the coast and South Highway. The Structure Plan area has been reduced from the previous Plan as the Debenham Drive and Carina Way developments, the Mercury Bay Multi-Sport Park, the Gateway Zone and the southern esplanade are largely developed and do not need to be further integrated with new development. The land within the Structure Plan is zoned Residential, but there may be other commercial, community and industrial activities developed within it. Many lots will front canals. These canals delineate the new neighbourhoods to be created and are the focal point of the whole development.

The Structure Plan sets the context for the development of this land, establishes a specific character, provides for connectivity within Whitianga, creates new transport routes and enables some limited commercial and marine service activity.

28.5.2 Purpose

The purpose of the Whitianga Waterways Structure Plan is to provide a comprehensive framework for establishment of large scale water-oriented and conventional housing developments. The Structure Plan establishes a canal system with distinct neighbourhoods whilst providing opportunities for the establishment of commercial activities including visitor accommodation, marine and retail functions.

28.5.3 Issue

Without a framework to guide and direct growth, Whitianga may not continue to expand in a manner that integrates with surrounding development, maintains access and neighbourhood amenity values, and retains the marine-residential character of the surrounding settlement.

28.5.4 Objectives and Policies

Objective 1

Development of the Structure Plan area creates a series of neighbourhoods with high amenity and residential-marine character.

Policy 1a

Landscaping and urban design landscape features shall be established to provide an interesting, varied topography and to help soften the appearance of the built environment.

Policy 1b

Neighbourhoods shall be created providing for a variety of residential housing forms, including retirement villages and comprehensive housing, with distinct identities and streetscapes.

Objective 2

A multi-modal transport network provides a variety of access and recreational opportunities within and between neighbourhoods in the Structure Plan area and adjacent areas.

Policy 2a

Joan Gaskell Drive shall continue to provide primary access into Whitianga and through the Structure Plan area.

Policy 2b

The internal road network shall connect to and provide logical extensions to existing roads while protecting the residential amenity of each neighbourhood.

Policy 2c

New roads and the canal system shall be designed and laid out to frame the creation of distinct neighbourhoods.

Policy 2d

A network of cycleways and footpaths shall be established that link neighbourhoods, existing and new development, and focal points and attractions including schools, recreation and sports areas.

Policy 2e

A management company shall be formed and a management plan prepared to address maintenance and repair of the canals, canal water quality, health and safety issues, canal surface water activities and funding.

Objective 3

A network of functional public open space is provided throughout the Structure Plan area.

Policy 3a

A network of reserves shall be established which:

- a) Is accessible and useable; and
- b) Provides a range of recreational opportunities; and
- c) Provides public access to the canals; and
- d) Integrates stormwater management where necessary; and

- e) Complements the transport network and provides non-vehicular linkages to reserves

Policy 3b

Reserves shall be provided at the head of each canal and within areas that do not front canals.

Policy 3c

Recreation opportunities associated with the harbour and coastal margins should be provided for.

Objective 4

Tangata whenua retain a relationship with areas that are culturally significant to their culture and their heritage.

Policy 4a

Protocols shall be established with tāngata whenua to ensure that procedures are in place to manage the discovery of unidentified sites or items that may have cultural significance.

Objective 5

Development is fully serviced with urban infrastructure networks.

Policy 5a

Development should complete the efficient connection and operation of the settlement's water, wastewater, stormwater, telecommunications, electricity and transport network.

Objective 6

Canals remain operational to service public and private areas and recreational activities.

Policy 6a

Water quality in the canals shall be maintained at a high standard.

Policy 6b

A management plan shall be prepared that makes provision for:

- a) Maintenance and ownership functions; and
- b) Control of water surface activities; and
- c) Water quality monitoring and testing.

Objective 7

Industrial activities within the Structure Plan area contribute to the marine character and overall amenity of the neighbourhood.

Policy 7a

Industrial activities should service marine activities.

Policy 7b

Industrial activities should avoid, remedy or mitigate adverse effects on adjacent residences, particularly noise, odour, water pollution, fumes and particulates.

Policy 7c

Industrial activities should be integrated into the residential neighbourhood so local residents and visitors can take advantage of the facilities and services offered.

Objective 8

Commercial development within the Structure Plan area complements existing Whitianga 'central area' activities.

Policy 8a

Commercial development opportunities shall be limited to those that ensure the viability of the existing Commercial Area in Whitianga.

Policy 8b

Commercial development shall fill 'niche' and market gaps not currently on offer in Whitianga and may include:

a) **A marine precinct:**

Providing marina berths for short to medium term use and associated on-shore facilities for boat launching, haul out, repair and maintenance, and fuel supply. There may also be opportunity for associated retail such as boat chandlery, charter boat operations and a cafe to service the day to day activity of people using the facility.

b) **A boutique retail and craft area:**

This area could be an island styled centre with retail opportunities and a craft area. The retail centre may have boutique shops at ground floor and residential accommodation above. The centre would be a destination shopping facility with limited vehicular access to the island and provision made for people arriving by water, including a public berthing facility. The craft area could also provide opportunities for artists to display and sell their goods and include provision of temporary buildings.

c) **A commercial site for visitor services:**

Located on either side of Joan Gaskell Drive fronting State Highway 25, this area could provide opportunities for visitor services for people arriving or passing through Whitianga.

d) **Visitor accommodation:**

Visitor accommodation could be located adjacent to major roads, to cater for bus tour groups and other large groups.

28.5.5 Whitianga Waterways Structure Plan Rules

The structure plan rules are part of a hierarchy of rules. There may be overlay rules, district-wide rules or zone rules that also apply to the activity and site. Where there is conflict between rules the rule hierarchy applies to the extent of the conflict (see Section 1 Background and How to Use the Plan for more information).

Activity Table	
Activity	
<u>Subdivision</u>	R 1
Commercial activity	R 2
<u>Industrial</u> activity servicing a marine activity	R 2
Marine equipment storage and <u>maintenance</u>	R 2

Rule 1: Subdivision creating one or more additional lots

1. Subdivision creating one or more lots shall be a controlled activity provided the subdivision standards in Section 41 Tables 3 and 4 are met.
2. The Council reserves its control to all the matters in Table 1 below and matters 1, 7 and 10 in Table 5 in Section 41.
3. Subdivision that does not retain its activity status under Rule 1.1 is a discretionary activity.

Rule 2: Commercial activity; Industrial activity servicing a marine activity; Marine equipment storage and maintenance

1. An activity listed in Rule 2 is a restricted discretionary activity.
2. A resource consent application under Rule 2.1 shall be assessed without limited and public notification under Sections 95, 95A and 95B of the RMA.
3. The Council restricts its discretion to the matters in Table 2 below for each activity listed in Rule 2.

Notes

1. *For a list of commercial and industrial activities, refer to the Activity Summary Table in Section 1.*
2. *For other activity provisions, refer to the applicable zone overlay, district-wide and zone sections of the Plan.*
3. *Wherever there is conflict between provisions, the Whitianga Waterways Structure Plan objectives, policies and rules shall override other objectives, policies and rules in the overlays and zones.*
4. *The land within the Whitianga Waterways Structure Plan area is exempt from Section 42 - Rule 11.*

Table 1 – Controlled Activity Matters

1. Landscaping of publicly accessible areas

- a) The landscaping varies the topography and softens the appearance of buildings.

2. Transport network

- a) Connections to the existing road network as shown in Diagram A are created.
- b) The road network is generally consistent with Diagram A.
- c) A connected network of cycleways and footpaths link neighbourhoods, existing and new development, schools, reserves and focal points.

3. Long-term canal maintenance and management

- a) A management company is created and a management plan prepared that will effectively maintain and repair the canals, maintain canal water quality, address health and safety issues, control surface water activities and collect sufficient funding for the above.
- b) Legal instruments tie adjoining landowners to ownership and maintenance of the canals, canal water quality monitoring and control of water surface activities over the long term.

4. Provision, location and design of reserves

- a) Sufficient reserves are provided to meet the needs of the future residents.

Table 1 – Controlled Activity Matters

- b) There is at least one reserve at the head of each canal and one reserve within each neighbourhood without canal frontage.
- c) The reserves are accessible, usable, and provide access to the canals.
- d) The reserves incorporate stormwater infrastructure.
- e) The reserves complement the roading network.

5. Accidental discovery protocol with Ngāti Hei

- a) Procedures are in place with Ngāti Hei to manage the discovery of unidentified archaeological sites that may have cultural significance.

6. Water, wastewater, stormwater, electricity and telecommunications

- a) The provision and installation of infrastructure for reticulated water, wastewater, stormwater, electricity and telecommunications is integrated with existing infrastructure within Whitianga.

7. Subdivision layout

- a) The neighbourhoods provide for a variety of residential housing forms.

8. Staging of a subdivision

- a) The order of proposed subdivision stages.

9. Code of Practice for Subdivision and Development (October 2013)

- a) The works are designed and constructed in accordance with the Code of Practice for Subdivision and Development (October 2013).

10. Earthworks

- a) The area and volume of earthworks have been minimised.
Matter 10a) is satisfied if consent has been granted by Waikato Regional Council for the proposed earthworks.

Table 2 – Restricted Discretionary Activity Matters

Commercial Activities
<p>1. Consistency with the Whitianga Waterways Structure Plan</p> <p>a) The extent to which the activity is consistent with Diagram A.</p> <p>2. Effects of not meeting the standard(s)</p> <p>a) Whether actions (if any) taken to avoid, remedy or mitigate adverse effects of not meeting the standard(s) in 3(b) below are appropriate and effective.</p> <p>3. Building bulk and design</p> <p>a) The extent to which the <u>building</u> is designed to reflect the built form of adjacent buildings and to take into account the wider surroundings.</p> <p>b) The extent to which commercial <u>building(s)</u> comply with the standards in Section 45 Table 3 (standards 1 - 9, 13 and 14).</p> <p>c) The extent to which the street frontage provides interest and access for pedestrians.</p> <p>4. The suitability of the <u>site</u> for the scale of the proposed activity</p> <p>a) The extent to which the <u>site</u> can accommodate all aspects of the activity without causing adverse effects that are more than minor.</p> <p>b) Whether the provision of wastewater, water and solid waste is adequate for the number of people anticipated at the <u>site</u>.</p> <p>c) Whether appropriate provision is made for the management of stormwater.</p> <p>5. Rooding, loading bays and vehicle parking</p> <p>a) Whether adequate consideration has been given to parking and where this is provided.</p> <p>b) Whether traffic associated with the activity will have an adverse effect on the safety and efficiency of the roading network.</p> <p>c) Whether third party agreements are in place to secure alternative or spill-over vehicle parking on adjacent sites.</p> <p>d) Whether the nature, scale, character or intensity of the activity is such that the loading and unloading of goods involves smaller vehicles than the required standard.</p>
Industrial activity servicing a marine activity
<p>6. Consistency with the Whitianga Waterways Structure Plan</p> <p>a) The extent to which the activity is consistent with Diagram A.</p> <p>7. Effects of not meeting the standard(s)</p> <p>a) Whether actions (if any) taken to avoid, remedy or mitigate adverse effects of not meeting the standard(s) in 11a below are appropriate and effective.</p> <p>8. The suitability of the <u>site</u> for the proposed activity</p> <p>a) The extent to which the <u>site</u> can accommodate all aspects of the activity without causing adverse effects that are more than minor.</p> <p>b) Whether the provision of wastewater, water and solid waste is adequate for the number of people anticipated at the <u>site</u>.</p>

Table 2 – Restricted Discretionary Activity Matters

- c) Whether appropriate provision is made for the management of stormwater.

9. Positive and adverse effects on adjacent sites

- a) The extent to which noise, odour, fumes, smoke, liquid spray, dust, vibration, bulk, glare or stormwater runoff from the activity does not affect adjacent sites.
- b) The extent to which the activity complies with the maximum noise level standards in Section 49 Table 3.
- c) The extent to which positive effects from the activity contribute to the economic, social and cultural well-being of the community.
- d) Whether any spill over of effects into adjacent zones is appropriate or mitigated.

10. Rooding, vehicle loading bays and vehicle parking

- a) Whether adequate consideration has been given to parking and where this is provided.
- b) Whether traffic associated with the activity will have an adverse effect on the safety and efficiency of the roading network.
- c) Whether third party agreements are in place to secure alternative or spill-over vehicle parking on adjacent sites.
- d) Whether the nature, scale character or intensity of the activity is such that the loading and unloading of goods involves smaller vehicles than the required standard.

11. New permanent buildings

- a) The extent to which the building(s) comply with the standards in Section 49 Table 4 (standards 1-7).

12. Utility infrastructure provision for water, wastewater, solid waste, stormwater, electricity and telecommunications.

- a) Whether the provision and location of utility infrastructure on-site is appropriate.
- b) The extent to which the activity may impact on the capacity or integrity of reticulated networks.
- c) Whether the activity should be connected to existing reticulated networks.
- d) Where hydraulic neutrality is not able to be achieved, the extent to which the development minimises the increase of stormwater flows and the extent to which the receiving environment can sustain any increased flows.

Marine equipment storage and maintenance

13. Consistency with the Whitianga Waterways Structure Plan

- a) The extent to which the activity is consistent with Diagram A.

14. Positive and adverse effects on adjacent sites

- a) The extent to which the noise, odour, fumes, smoke, liquid spray, dust, vibration, bulk, glare or stormwater runoff from the activity does not affect adjacent sites.
- b) The extent to which the activity complies with the maximum noise level standards in Section 49 Table 3.

Table 2 – Restricted Discretionary Activity Matters

- c) Whether the frequency and duration of any effects in 14 a) above are comparable to effects that occur within the zone or the applicable adjacent site.
- d) Whether these effects are appropriate to occur within the structure plan and whether any spill-over of effects into adjacent sites is appropriate.
- e) The extent to which positive effects from the activity contribute to the economic, social and cultural wellbeing of the community.

15. The suitability of the site for the proposed activity

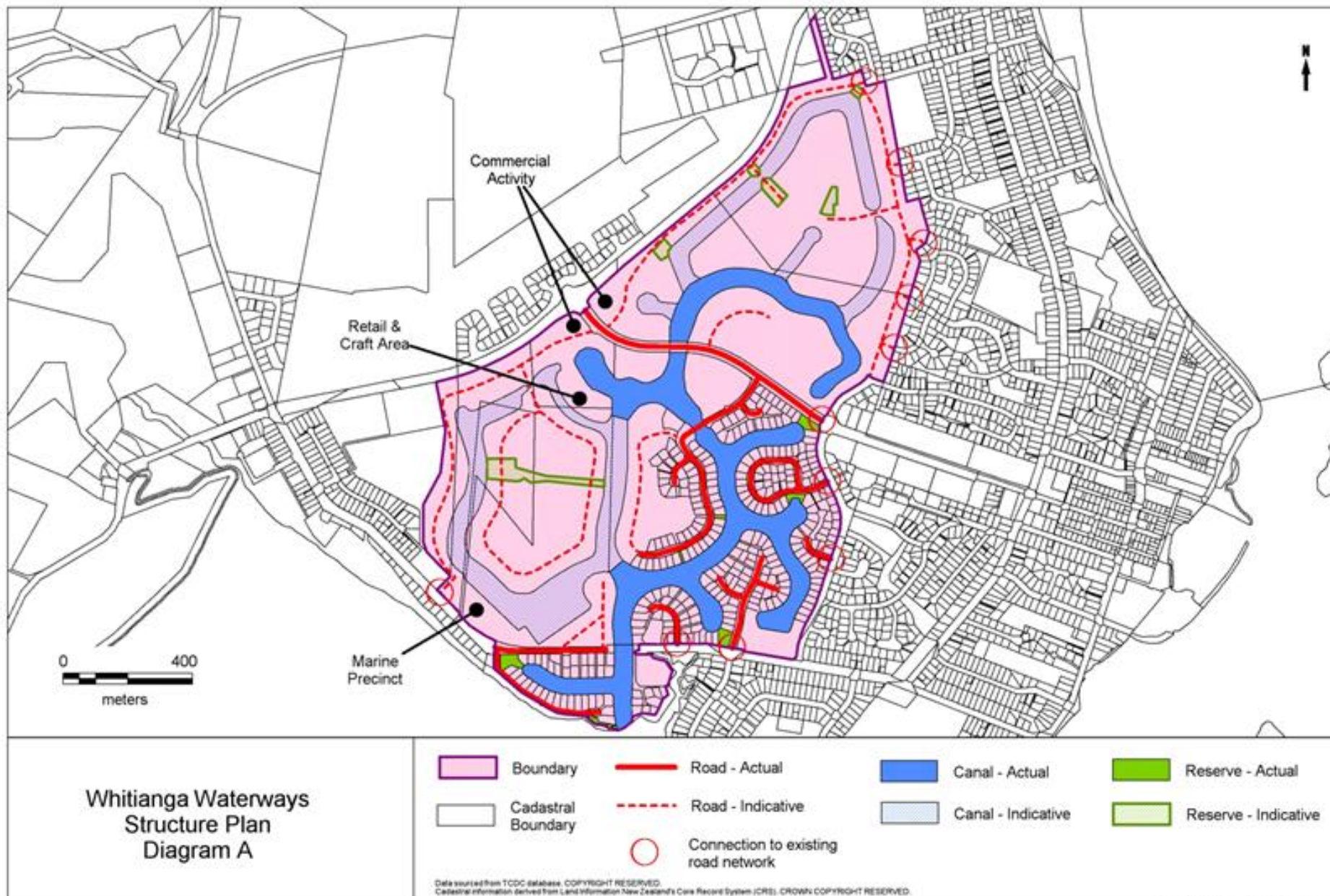
- a) The extent to which the site can accommodate all aspects of the activity without causing adverse effects.
- b) The extent to which noise sensitive activities will be affected.
- c) Whether the provision of wastewater, water and solid waste is adequate for the activity.

16. Roading, vehicle parking and access

- a) Whether adequate consideration has been given to parking and where this will be located.
- b) Whether traffic associated with the activity will have an adverse effect on the safety and efficiency of the roading network.

17. New permanent buildings

- a) The extent to which the building(s) comply with the standards in Section 52 - Table 3 (standards 1 - 7).



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