

Extraordinary Whangarei District Council Meeting

Agenda

Date: Tuesday, 7 May, 2019

Time: 12:00 pm

Location: Council Chamber
Forum North, Rust Avenue
Whangarei

Elected Members: Her Worship the Mayor Sheryl Mai
(Chairperson)
Cr Gavin Benney
Cr Crichton Christie
Cr Vince Cocurullo
Cr Tricia Cutforth
Cr Shelley Deeming
Cr Sue Glen
Cr Phil Halse
Cr Cherry Hermon
Cr Greg Innes
Cr Greg Martin
Cr Sharon Morgan
Cr Anna Murphy

For any queries regarding this meeting please contact
the Whangarei District Council on (09) 430-4200.

1. Karakia/Prayer
2. Declarations of Interest
3. Apologies
4. Decision Reports
 - 4.1 Urban and Services Plan Change - Notification Update
5. Closure of Meeting

4.1 Urban and Services Plan Changes – Notification Update

Meeting: Extraordinary Council Meeting
Date of meeting: 7 May 2019
Reporting officer: Evan Cook (Acting Manager – District Plan)

1 Purpose

To amend the Urban and Services plan change package adopted by the Planning and Development Committee on 18 April 2019.

2 Recommendations

That the Council

1. Approve changes to the Urban and Services Plan Change adopted on 18 April 2019, in accordance with Attachment 1.
2. Authorises the Chief Executive to make any necessary minor drafting or presentation amendments to the proposed plan changes and to approve the final design and layout of the documents prior to final publication.

3 Background

On 18 April 2019, the Planning and Development Committee resolved to adopt and notify the Urban and Services Plan Changes.

After the adoption of the plan changes, it was identified that some formatting errors had occurred in the final preparation of the plan change documentation. These errors are contained in Attachment 1. This item seeks to correct those errors prior to public notification of the plan changes on 8 May 2019.

The notified version will reflect the final draft version of the plan change immediately prior to editing and formatting for agenda collation.

4 Discussion

4.1 In relation to Recommendation 2.1

The amendments proposed in this item will ensure the correct plan provisions as assessed in the various S32 reports and discussed at previous Council Briefings, will be published on the plan change website, and presented to the public for submissions.

While staff can correct minor errors, or make changes to a proposed plan change of a minor effect under clause 16 of the 1st Schedule of the RMA, due to the scale and nature of these changes it is considered more appropriate to bring these amendments back to the Council for approval.

Correcting these errors at this stage in the process will allow the notification and consultation program to proceed as planned, and for submitters to focus on the content of the provisions.

4.2 In relation to recommendation 2.2

While every effort has been made to identify and correct any errors (Attachment 1), given the large volume of material it is possible that some errors have not been identified. The second recommendation in this item provides for the Chief Executive to make minor drafting or presentation amendments without requiring further Council approval.

Overall, notifying the correct version of the plan change documentation will ensure that an accurate copy of the proposed chapters is made available to the public for submissions.

5 Significance and engagement

The decisions or matters in this Agenda item do not trigger the significance criteria outlined in Council's Significance and Engagement Policy.

The public will be informed via the formal notification of the proposed Plan Changes in accordance with the RMA.

6 Attachment

1 Track Changes to Proposed Plan Change Text – Adopted 18 April 2019

Recommended Track Changes to the Adopted Urban and Services Plan Changes (PC88, 88A-J, 115, 143, 144, 145, 148, 109, 136, 147, 82A and 82B)

The following pages contain the relevant sections of the Urban and Services Plan Changes that require amendments. The recommended amendments are grouped by chapter and are shown with ~~strike through~~ and underline and have been identified with a grey highlight.

WATERFRONT ZONE

WZ-R4	Building Height in Relation to Boundary	
	<p>Activity Status: P</p> <p>Where:</p> <p>1. The building is set back at least:</p> <p style="padding-left: 40px;">a. 3m from any Living or Green Space Zone boundary.</p> <p style="padding-left: 40px;">b. 10m from Mean High Water Springs or the top of the bank of any river that has a width exceeding 3m (excluding bridges, culverts and fences).</p> <p><u>1. The building does not exceed a height equal to 3m plus the shortest horizontal distance between that part of the building and any Living or Green Space Zone boundary.</u></p> <p><i>Note: Any application shall comply with information requirement WZ-REQ1.</i></p>	<p>Activity Status when compliance not achieved: D</p>
WZ-R12	Principal Residential Unit	
WZ-R13	Minor Residential Unit	
Waterfront Commercial Area	Activity Status: NC	
Waterfront Mixed-use Area	<p>Activity Status: P</p> <p>Where:</p> <p>1. Every principal residential unit provides an internal area (excluding garages) of at least:</p> <p style="padding-left: 40px;">a. For 1 bedroom – 45m²</p> <p style="padding-left: 40px;">b. For 2 bedrooms – 70m²</p> <p style="padding-left: 40px;">c. For 3 bedrooms – 90m²</p>	<p>Activity Status when compliance not achieved: RD</p> <p>Matters of discretion:</p> <p>1. The design, size and layout of buildings to provide appropriate privacy and amenity for occupants on-site.</p> <p>2. The proximity of the site to communal or public open space that has the potential</p>

- d. For more than 3 bedrooms – 90m² plus 12m² for each additional bedroom.
2. Every 1 bedroom principal residential unit and minor residential unit contains an outdoor living court of at least 4m² and at least 1.5m depth.
3. Every 2+ bedroom principal residential unit and minor residential unit contains an outdoor living court of at least 8m² and at least 2.4m depth.

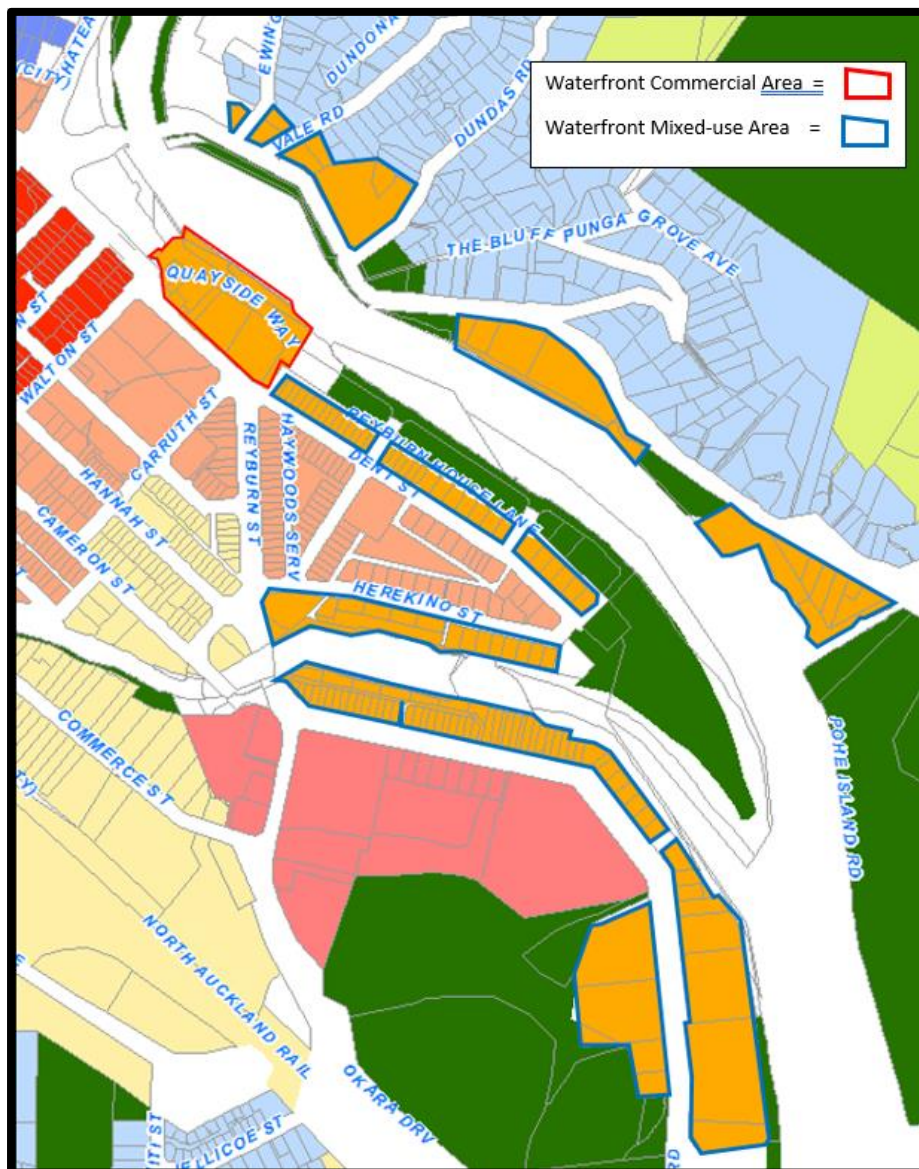
to mitigate any lack of private outdoor living space.

3. Adverse effects on active frontage.

Notification:

Any application for a principal residential unit or minor residential unit which does not comply with WZ-R12-R13 shall not require the written consent of affected persons and shall not be notified or limited-notified unless Council decides that special circumstances exist under section 95A(4) of the Resource Management Act 1991.

APPENDIX 1 – WATERFRONT COMMERCIAL AND MIXED-USE AREAS MAP



LOCAL COMMERCIAL ZONE

LC-R13	Outdoor Areas of Storage or Stockpiles	
	<p>Activity Status: P</p> <p>Where:</p> <ol style="list-style-type: none"> Any outdoor areas of storage or stockpile: <ol style="list-style-type: none"> Complies with rules LC-R2 – R4. 2. <u>b.</u> Is screened from view from public places and surrounding Living or Green Spaces Zone sites. 	<p>Activity Status when compliance not achieved: D</p>
LC-R14	Residential Unit	
	<p>Activity Status: P (Permitted)</p> <p>Where:</p> <ol style="list-style-type: none"> Every residential unit provides an internal area (excluding garages) of at least: <ol style="list-style-type: none"> For 1 bedroom – 45m² For 2 bedrooms – 70m² For 3 bedrooms – 90m² For more than 3 bedrooms – 90m² plus 12m² for each additional bedroom. Any 1 bedroom residential unit provides an outdoor living court of at least 4m² and at least 1.5m depth. Any 2+ bedroom residential unit contains an outdoor living court of at least 8m² and at least 2.4m depth. Every residential unit is above ground floor. 	<p>Activity Status when compliance not achieved: RD (Restricted Discretionary)</p> <p>Matters of discretion:</p> <ol style="list-style-type: none"> The design, size and layout of buildings to provide appropriate privacy and amenity for occupants on site. The proximity of the site to communal or public open space that has the potential to mitigate any lack of private outdoor living space. 13. Adverse effects on active frontage. <p>Notification:</p> <p>Any application for a residential unit which does not comply with Rule LC-R14 shall not require the written consent of affected persons and shall not be notified or limited-notified unless Council decides that special circumstances exist under section 95A(4) of the Resource Management Act 1991.</p>

LC-R38	<u>Rural Production Activities Retirement Village</u>
LC-R39	<u>General Industry Care Centre</u>
LC-R40	<u>Manufacturing and Storage Drive Through Facility</u>
LC-R41	<u>Repair and Maintenance Services Service Station</u>
LC-R42	<u>Marine Industry Funeral Home</u>
LC-R43	<u>Hire Premise Activities Hospital</u>
Activity Status: NC (Non-Complying)	

NEIGHBOURHOOD COMMERCIAL ZONE

Policies

NC-P1 – Character and Amenity	<p>To recognise the character and urban amenity values of the Neighbourhood Commercial Zone including but not limited to:</p> <ul style="list-style-type: none"> 31. A low density of development and built form. 42. Presence of community activities, street plantings/trees and street furniture. 53. Moderate levels of noise during the daytime associated with traffic and commercial activities. 64. A moderate degree of privacy for residential activities. 75. No/limited exposure to noxious odour or noise associated with industrial activities. 86. Moderate levels of vehicle traffic particularly during daytime hours. 97. Moderate levels of illumination. 108. On-street and off-street parking. 119. Ample access to daylight.
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NC-R13 Grocery Store

NC-R14 Commercial Service

NC-R15 Health Care Facility

NC-R16 Food and Beverage

Activity Status: P (Permitted)

Where:

1. Any individual activity:
 - a. Has a GFA less than 300m² per site.
 - b. Has an outdoor area:
 - i. Less than 500m².
 - ii. Not located between the front of the building and the road.

Activity Status when compliance not achieved: ~~RD (Restricted Discretionary)~~

~~Matters of discretion:~~

- ~~1. The design, size and layout of buildings to provide appropriate privacy and amenity for occupants on site.~~
- ~~2. The proximity of the site to communal or public open space that has the potential to mitigate any lack of private outdoor living space.~~
- ~~3. Adverse effects on active frontage.~~

~~Notification:~~

~~Any application for a residential unit which does not comply with the minimum internal area and outdoor living court requirements in NC R12 shall not require the written consent of affected persons and shall not be notified or limited-notified unless Council decides that special circumstances exist under section 95A(4) of the Resource Management Act 1991.~~

NC – R38

Rural Production Activities ~~Hospital Activities~~

Activity Status: Pr (Prohibited)

SHOPPING CENTRE ZONE

SCZ-R5	Building Area
	<p>Activity Status: P</p> <p>Where:</p> <ol style="list-style-type: none"> 1. The building does not exceed a height equal to 3m plus the shortest horizontal distance between that part of the building and the boundary of the adjacent site. 1. <u>Gross Floor Area of any building is more than 1600m².</u> 2. <u>Public bathroom facilities are provided for use by shopping centre patrons at a location inside the shopping centre at a rate of:</u> <ul style="list-style-type: none"> <u>2 for up to 400m²</u> <u>4 for up to 800m²</u> <u>8 for up to 1200m²</u> <u>1 for every 200m² thereafter.</u> <p><i>Note: Any application shall comply with information requirement SCZ-REQ1</i></p>

LIGHT INDUSTRIAL ZONE

Light Industrial Zone (HLI)

MEDIUM-DENSITY RESIDENTIAL ZONE

MDR-
R1

~~The use, storage or on-site movement of hazardous substances~~ Any Activity Not
Otherwise Listed in This Chapter

~~TRAMDR~~-REQ1

Information Requirement

LOW-DENSITY RESIDENTIAL ZONE

LDR-R1	The use, storage or on-site movement of hazardous substances-Any Activity Not Otherwise Listed in This Chapter	
LDR-R3	Building Setback	
	<p>Activity Status: P (Permitted)</p> <p>Where:</p> <ol style="list-style-type: none"> The building is set back at least: <ol style="list-style-type: none"> 20m from the boundary of a road shown on the planning maps. b. eb. 27m from Mean High Water Springs or the top of the bank of any river that has a width exceeding 3m (excluding bridges, culverts and fences). The building is located within 50m of: <ol style="list-style-type: none"> An existing building; or An approved building area within the Low-Density Residential Zone; or A site within a Residential Zone. 	<p>Activity Status when compliance not achieved: D (Discretionary)</p>
LDR-R5	Building Coverage	
	<p>Activity Status: P (Permitted)</p> <p>Where:</p> <ol style="list-style-type: none"> No part of the building exceeds a height equal to 3m plus the shortest horizontal distance between that part of the building and the site boundary. The coverage of all buildings does not exceed 500m² on any site. 	<p>Activity Status when compliance not achieved: D (Discretionary)</p>

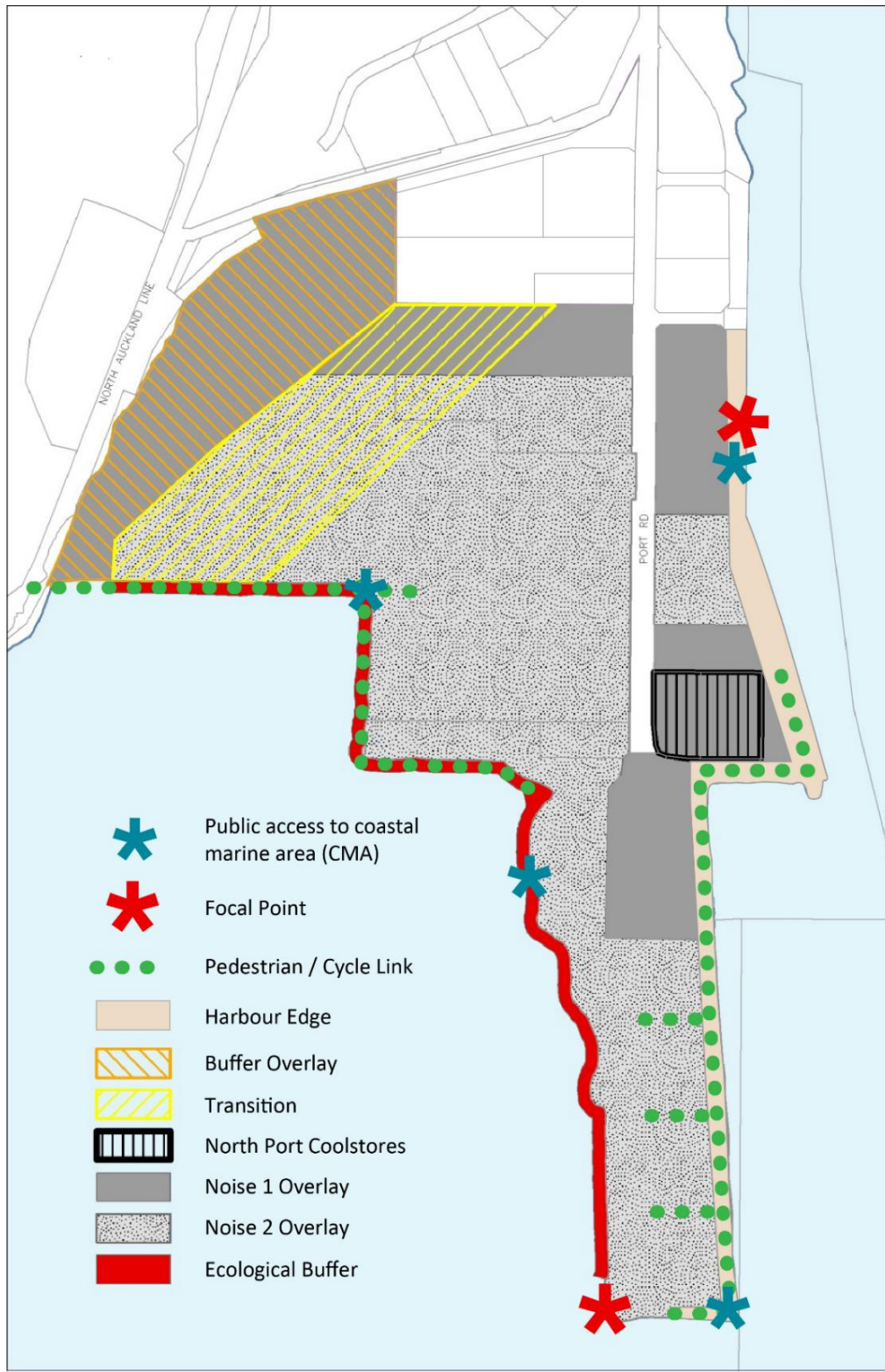
RESIDENTIAL ZONE

RES-R3	Building Setbacks
<p>Activity Status: P</p> <p>Where:</p> <p>12. The building is set back at least:</p> <ol style="list-style-type: none"> 4.5m from the road boundary. 3m from side and rear boundaries, allowing for one 2m setback. 27m from Mean High Water Springs or the top of the bank of any river that has a width exceeding 3m (excluding bridges, culverts and fences). 	<p>Activity Status when compliance not achieved: D</p>

RES-R10	Indigenous Vegetation Clearance
<p>Activity Status: P</p> <p>Where:</p> <p>1. The clearance of indigenous vegetation:</p> <ol style="list-style-type: none"> Does not exceed 500m² per site within each 10 year period from [Operative Date]; and Is not within 20m of a water body; e. or ec. Is associated with: <ol style="list-style-type: none"> Routine maintenance within 7.5m of the eaves of existing buildings: <ol style="list-style-type: none"> Including the removal of any tree where any part of the trunk is within the 7.5m distance. Excluding damage to the roots or removal of any tree where the trunk is outside the 7.5m distance. Operation, maintenance and repair of existing tracks, lawns, gardens, fences, drains and other lawfully established activities Pest plant removal and biosecurity works Vegetation removal for customary rights Conservation planting, including planting for ecological restoration purposes. 	<p>Activity Status when compliance not achieved: D</p>

PRECINCTS

PREC3 – Port Nikau Precinct (PNP) Appendix A



SPORT AND ACTIVE RECREATION ZONE

SAR-R2	Building Height	
	<p>Activity Status: P</p> <p>Where:</p> <ol style="list-style-type: none"> 1. <u>The movement is conducted by means of an underground pipeline. The maximum building height is 10m, excluding floodlights which have a maximum height of 18.5m.</u> 	<p>Activity Status when compliance not achieved: D</p>

AIRPORT ZONE

SPA-R24	Visitor Accommodation
SPA-R245	Service Station
SPA-R256	Funeral Home
Activity Status: NC	

PORT ZONE

SPPO-P4 Public Access to the Coastal Marine Area

To manage public accessways to and along the coastal marine area by:

1. Recognising the need for public walking access to and along the coastal marine area; and
 2. Maintaining, enhancing and developing public accessways to and along the coastal marine area.
 3. Only restricting public accessways to the coastal marine area where it is necessary to:
 - 1a. Protect public health and safety; or
 - 2b. Ensure the efficient and effective operation of the Port is not compromised.
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STRATEGIC DIRECTION CHAPTER

Objectives – Open Space Area

SD-O20 – Sufficient Open Space	<u>Subdivision and development are consistent with the planned high density built environment and are compatible with the amenity levels of high density residential development. Provide sufficient quality open space for the social and cultural well-being of a growing population.</u>
SD-O21 – Range of Open Space	<u>Increase housing capacity, intensity and variety. Provide a range of open space land in the District to enable recreational, cultural, community, conservation, and educational use.</u>

Objectives – Regionally Significant Infrastructure

SD-O22 – Recognised Benefits	<u>Subdivision and development are consistent with the planned high density built environment and are compatible with the amenity levels of high density residential development. Identify and protect Regionally Significant Infrastructure and recognise the benefits it provides.</u>
SD-O23 – Adverse Effects	<u>Increase housing capacity, intensity and variety. Avoid remedy or mitigate adverse effects of the development, operation and maintenance of Regionally Significant Infrastructure.</u>

SUBDIVISION CHAPTER

SUB-R2	Any Subdivision
All Zones	<p>Activity Status: C</p> <p>Activity Status when compliance not achieved: D</p> <p>Where:</p> <ol style="list-style-type: none"> 1. The land contains a Site of Significance to Māori, or an area of historic heritage and the proposed boundaries are located to ensure that the whole Site of Significance to Maori or area of historic heritage is entirely within one of the allotments produced by the subdivision. 2. The land contains existing buildings and the boundaries of the proposed allotments result in compliance with the relevant zone permitted activity building setback, building coverage, impervious surface and height in relation to boundary rules.
All zones other than RUEZ, RLZ, RPZ, SRIZ, HI and LI	<ol style="list-style-type: none"> 3. Any <u>Every</u> allotment is provided with an underground connection or easements to secure connection to a reticulated electrical supply system at the boundary.
RUEZ	<ol style="list-style-type: none"> 4. Any <u>Every</u> allotment is provided with a connection, or easements to secure connection, to a reticulated electrical supply system at the boundary of the net site area.
RPZ and RLZ	<ol style="list-style-type: none"> 5. Any <u>Every</u> allotment is provided with the ability to connect, or easements to secure the ability to connect, to an electrical supply system at the boundary.
SRIZ, RVCZ, RVIZ, HI and LI	<ol style="list-style-type: none"> 6. Any <u>Every</u> allotment is provided with a connection to a reticulated electrical supply system at the boundary; and...

SUB-R5	Subdivision in the Medium Density Residential and Neighbourhood Commercial Zone	
	<p>Activity Status: C</p> <p>Where:</p> <ol style="list-style-type: none"> 1. Every allotment: <ol style="list-style-type: none"> a. Has a net site area of at least 450m². b. Has a minimum frontage width of 14m. c. Can contain a circle with a diameter of 14m, or a square of at least 12m by 12m. <p>Matters over which control is reserved:</p> <ol style="list-style-type: none"> 1. Matters listed in SUB-R2 the HPW Chapter. 2. The likely location of future buildings and their potential effect on the amenity of the locality. 3. The location and design of allotments to enable efficient use of land. 	<p>Activity Status when compliance not achieved: D</p>
SUB-R9	Subdivision in the Light Industry Zone	
	<p>Activity Status: C</p> <p>Where:</p> <ol style="list-style-type: none"> 1. Every allotment has a net site area greater than 500m². <p>Matters over which control is reserved:</p> <ol style="list-style-type: none"> 1. Matters listed in SUB-R2 the HPW Chapter. 2. The location and design of allotments to ensure that they are suitable for future industrial activities. 	<p>Activity Status when compliance not achieved: D</p>

TRANSPORT CHAPTER

TRA-P14 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.

TRA-REQ3	Information Requirement
	<p><u>21.</u> Any application pursuant to TRA-R17 – R18 shall include a detailed assessment including the following:</p> <ol style="list-style-type: none"> a. The details required under TRA-REQ2. b. A roading layout plan, including: <ol style="list-style-type: none"> i. The provision of landscaping and street trees. ii. The provision of on-street parking. iii. The provision of street lighting and amenities (e.g. benches, bus shelters, etc.). iv. Geometric design. v. Drainage design. vi. Road marking and signage. vii. Traffic calming devices. viii. Utility service locations. ix. Sight distance plans. x. Clear distinction between public and private assets. c. Consideration of the sufficiency of space within the legal road reserve for proposed and potential future street trees, landscaping and/or underground and overhead services and structures. d. An assessment of traffic volumes and vehicle operating speeds. e. An assessment of how the road design is compatible with the character and amenity of the surrounding environment taking into account urban design and Crime Prevention Through Environmental Design principles.

EARTHWORKS CHAPTER

EARTH-REQ1	Information Requirement
All Zones	<ol style="list-style-type: none"> 1. Any application under EARTH-R1 shall: <ol style="list-style-type: none"> a. Provide a site suitability report prepared by a suitably qualified and experienced professional (e.g. Chartered Professional Engineer) to certify that: <ol style="list-style-type: none"> i. A 100m² building area within each allotment is suitable to construct a residential unit, either: <ol style="list-style-type: none"> 1. In accordance with NZS 3604/2011; or 2. With specific engineering design of foundations. ii. Access to the certified building area within each allotment is suitable to construct. b. Identify on the scheme plan the building area certified in EARTH-REQ1.1(a)(i). 2. A site suitability report certifying EARTH-REQ1.1(a)(i)(a1) shall include the following: <ol style="list-style-type: none"> a. Details of a walk-over inspection of the site and surrounding land. b. Assessment of aerial photographs taken at various times to provide insight into the local geomorphology and evidence of any previous instability. c. Review of geological data (e.g. maps, bulletins, etc.). d. Assessment of local information about stability/instability of the ground. e. Assessment of existing data about the soil and rock profile. Where no data exists, subsurface investigations are required. f. Examination of the soil profile to confirm that the soil is in-situ and not colluvium (slide debris). g. Examination of the existing survey records for evidence of movement (slippage or erosion). h. An opinion stated by a suitably qualified and experienced professional as to the suitability of the land for development (including an assessment of the effects of development such as excavation, filling, removal of vegetation, stormwater or effluent wastewater into or over the area). i. Definite conclusions and recommendations on any development restrictions. 3. A site suitability report certifying EARTH-REQ1.1(a)(i)(b2) shall include the following: <ol style="list-style-type: none"> a. Topographic survey or slope profiles. b. A description of the geology and geomorphology of the area, including comment on the areas surrounding the proposed subdivision. c. Definition of the nature and continuity of the strata over the whole area of land which is proposed to be developed (buildings, access and services) and to a depth below which slipping is most unlikely, by means of test pit and/or drilling and/or augering (unless existing exposures are adequate). d. Assessment of the relative strength and the sensitivity of the soil in each stratum in which, or interface on which, sliding is practicable. e. Assessment of likely groundwater levels and piezometric pressures in the strata during extreme infiltration conditions.

- f. An opinion stated by a suitably qualified and experienced professional as to the stability and suitability of the land for development, including the stability of the whole slope (upon which the site may only form a part of) and the effects of the development (such as excavation, filling, removal of vegetation, disposal of stormwater or effluent wastewater into or over the area) on the whole slope.
 - g. Definite conclusions and recommendations on any development restrictions, specifically addressing section 106 of the Resource Management Act.
- 4. A site suitability report certifying EARTH-REQ1.1(a)(ii) shall include the following:
 - a. Any potential stability effects of access alignment, design and construction, including on the stability of identified building areas and any existing buildings.
 - b. Definite conclusion and recommendations on any access development restrictions, specifically addressing section 106 of the Resource Management Act.

RESOLUTION TO EXCLUDE THE PUBLIC

That the public be excluded from the following parts of proceedings of this meeting.

The general subject of each matter to be considered while the public is excluded, the reason for passing this resolution in relation to each matter, and the specific grounds under Section 48(1) of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution are as follows:

1.	The making available of information would be likely to unreasonably prejudice the commercial position of persons who are the subject of the information. {Section 7(2)(c)}
2.	To enable the council (the committee) to carry on without prejudice or disadvantage commercial negotiations. {(Section 7(2)(i))}.
3.	To protect the privacy of natural persons. {Section 7(2)(a)}.
4.	Publicity prior to successful prosecution of the individuals named would be contrary to the laws of natural justice and may constitute contempt of court. {Section 48(1)(b)}.
5.	To protect information which is the subject to an obligation of confidence, the publication of such information would be likely to prejudice the supply of information from the same source and it is in the public interest that such information should continue to be supplied. {Section 7(2)(c)(i)}.
6.	In order to maintain legal professional privilege. {Section 2(g)}.
7.	To enable the council to carry on without prejudice or disadvantage, negotiations {Section 7(2)(i)}.

Resolution to allow members of the public to remain

If the council/committee wishes members of the public to remain during discussion of confidential items the following additional recommendation will need to be passed:

Move/Second

"That _____ be permitted to remain at this meeting, after the public has been excluded, because of his/her/their knowledge of Item _____.

This knowledge, which will be of assistance in relation to the matter to be discussed, is relevant to that matter because _____.

Note:

Every resolution to exclude the public shall be put at a time when the meeting is open to the public.