

## Council Briefing Agenda

**Date:** 7 July, 2021

**Time:** 9:00 am

**Location:** Council Chamber  
Forum North, Rust Avenue  
Whangarei

**Elected Members:** Her Worship the Mayor Sheryl Mai  
(Chairperson)

Cr Gavin Benney  
Cr Vince Cocurullo  
Cr Nicholas Connop  
Cr Ken Couper  
Cr Tricia Cutforth  
Cr Shelley Deeming  
Cr Jayne Golightly  
Cr Phil Halse  
Cr Greg Innes  
Cr Greg Martin  
Cr Anna Murphy  
Cr Carol Peters  
Cr Simon Reid

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

**1. Apologies**

**2. Reports**

**2.1. District Plan Work Plan Update**

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**3. Closure of Meeting**

## 2.1 District Plan Work Programme Update

**Meeting:** Council Briefing  
**Date of meeting:** 7 July 2021  
**Reporting officer:** Robert Burgoyne, Evan Cook, and Taya Baxter

### 1. Purpose

To update Council on the following District Plan projects:

- Significant Natural Areas;
- The Draft Natural Hazards, Hazardous Substances and Esplanade Area Plan Changes; and
- Amendments to the District Plan in accordance with the National Planning Standards 2019 and the National Policy Statement on Urban Development 2020.

### 2. Background

#### **Significant Natural Areas**

Council staff have been preparing a Plan Change to update and review the District Plan provisions in relation to the management of indigenous biodiversity. This is a requirement under the Regional Policy Statement (RPS) and the proposed National Policy Statement for Indigenous Biodiversity (NPSIB). The Plan Change would include the mapping of significant vegetation and habitat on public and private land - Significant Natural Areas (SNA), and the introduction of district wide provisions to manage vegetation clearance, earthworks and subdivision. Given the potential community concerns regarding this issue an update will be provided in this Briefing.

#### **Draft Natural Hazards, Hazardous Substances and Esplanade Area Plan Changes**

##### *Natural Hazards*

As part of the District Plan rolling review, the Natural Hazards provisions in the Operative District Plan are being reviewed. A Council Workshop was held in December 2020 to provide an overview of the Natural Hazard Plan Changes. Northland Regional Council (NRC) have recently undertaken consultation on their updated coastal hazard mapping and are scheduled to consult on their updated flood mapping in July. Once the NRC mapping is finalized staff can progress the plan changes towards informal pre-notification consultation.

##### *Hazardous Substances (PC91)*

Regional and district councils have historically had an explicit function to control the adverse effects of the storage, use, disposal or transportation of hazardous substances under the Resource Management Act 1991 (RMA). Since this function was first included in the RMA, the following Acts have been passed:

- Hazardous Substances and New Organisms Act 1996 (HSNO), which regulates the management, disposal, classification, packaging and transport of hazardous substances
- Health and Safety at Work Act 2015 (HSW Act), under which Worksafe New Zealand is responsible for establishing workplace controls for hazardous substances and is the principal enforcement and guidance agency in workplaces.
- The Resource Legislation Amendment Act 2017 (RLAA), which amended sections 30 and 31 of the RMA to remove the control of hazardous substances as an explicit function of councils.

As a result of these Acts, many existing RMA controls on hazardous substances duplicate or increase those in place under other legislation. The intent of the change to the RLAA was to ensure councils only place additional controls on hazardous substances if they are necessary to control effects under the RMA that are not covered by the HSNO or HSW Acts.

PC91 seeks to review the hazardous substances provisions within this new legislative framework. PC91 seeks to narrow the scope of the district plan controls on hazardous substances by only manage reverse sensitivity issues and adverse effects that may arise from significant hazardous facilities on sensitive activities and sensitive environments.

#### *Esplanade Areas (PC159)*

PC159 seeks to review the District Plan provisions for taking esplanade reserves/strips when subdivision occurs adjacent to rivers, streams, and the coast. PC159 also seeks to review the current Esplanade Priority Areas within the District.

#### **National Planning Standards and National Policy Statement on Urban Development (Non-Statutory Plan Changes)**

The National Planning Standards 2019 (NP Standards) require district plans to be amended to give effect to the NP Standards mandatory directions on structure, format, and definitions.

The National Policy Statement on Urban Development 2020 (NPS-UD) requires Whangarei District Council to remove on-site car parking requirements from its district plan by February 2022.

The RMA requires these amendments to be made directly to the District Plan, without a formal plan change and without public consultation under Schedule 1 of the RMA.

### **3. Discussion**

#### **Significant Natural Areas**

WDC have been working with Kaipara and Far North District Councils on a mapping project to identify SNAs. Wildland Consultants Ltd were contracted for the mapping project and are currently working through the draft mapping of SNAs in the Whangarei District.

Public interest in this project is high and staff are fielding lot of enquiries following the release of the draft maps in the Far North District. Staff are preparing a press release to inform the public of where we are in the plan change process. The release will cover the fact that we:

- are required to identify significant natural areas in order to comply with central government requirements under the draft NPSIB, and the requirements of the RPS
- are listening to concerns of the community and hapu
- have taken a precautionary approach and are awaiting central government direction through the NPSIB process (which has been delayed)
- encourage central government to find pragmatic solutions that meet the needs of local hapu, communities and stakeholders

As indicated above direction from Council has been to not proceed to with the SNA plan change until national guidance is released. WDC made a submission highlighting concerns with aspects of the proposed NPSIB. Current indications from the ministry are that the release of the NPSIB has been delayed and is now expected to be released at the end of 2021.

Staff have been considering using different approaches to the management of indigenous biodiversity, including the use of incentives. The District Plan currently contains rules that limit indigenous vegetation clearance in our rural zones, coastal environment, and outstanding landscapes and features. These District Plan provisions apply to the majority of the area identified in the draft SNA maps. The areas where there is currently no protection of indigenous vegetation are within our Residential and Business Zones, which contain approximately 208ha of the 80,000ha identified in the draft SNA maps.

Staff will continue to monitor the development of the NPSIB and update our stakeholder groups, including Te Karearea and Te Huinga.

### **Draft Natural Hazards, Hazardous Substances and Esplanade Area Plan Changes**

A PowerPoint presentation will be presented at the briefing with further information on these plan changes.

Following consideration at the briefing the draft Natural Hazards, Hazardous Substances and Esplanade Area Plan Changes will be amended and staff will work to develop a consultation plan for non-statutory consultation with landowners, iwi/hapū and other stakeholders which will begin later in 2021.

Feedback from non-statutory consultation will inform changes to the draft provisions and mapping. Staff will then prepare an agenda to report back to Council and seek approval to notify the plan changes.

### **National Planning Standards and National Policy Statement on Urban Development (Non-Statutory Plan Changes)**

A PowerPoint presentation will be presented at the briefing with further information on these non-statutory plan changes.

As updates and changes to the District Plan are prepared in accordance with the NP Standards and NPS-UD they will be brought forward to the Planning and Development Committee for approval and adoption.