

Strategy, Planning and Development Committee Agenda

Date: Thursday, 18 July, 2024

Time: 9:00 am

Location: Civic Centre, Te Iwitahi, 9 Rust Avenue

Elected Members: Cr Ken Couper (Chairperson)
Cr Scott McKenzie (Deputy Chairperson)
His Worship the Mayor Vince Cocurullo
Cr Gavin Benney
Cr Nicholas Connop
Cr Jayne Golightly
Cr Phil Halse
Cr Deborah Harding
Cr Patrick Holmes
Cr Marie Olsen
Cr Carol Peters
Cr Simon Reid
Cr Phoenix Ruka
Cr Paul Yovich

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

1. Declarations of Interest / Take Whaipānga	
2. Apologies / Kore Tae Mai	
3. Confirmation of Minutes of Previous Strategy, Planning and Development Committee Meeting / Whakatau Meneti	
3.1 Minutes Strategy, Planning and Development Committee 20 June 2024	7
4. Decision Reports / Whakatau Rīpoata	
4.1 New Private Access – RMA Consents – Allen – SD2200123	11
4.2 General Amendments Plan Change – Adoption for Public Notification	17
4.3 Whangarei District Airport Final Statement of Intent 2024 - 2025	183
5. Information Reports / Ngā Pūrongo Kōrero	
5.1 Rosvall Sawmill Rezoning Private Plan Change	203
5.2 Operational Report - Strategy, Planning, and Development July 2024	207
6. Public Excluded Business / Rāhui Tangata	
6.1 Confidential Minutes Strategy, Planning and Development Committee 20 June 2024	
7. Closure of Meeting / Te katinga o te Hui	

Recommendations contained in the agenda are not the decisions of the meeting.

Please refer to minutes for resolutions.

Strategy, Planning and Development Committee – Terms of Reference

Membership

Chairperson	Councillor Ken Couper
Deputy Chairperson	Councillor Scott McKenzie
Members	His Worship the Mayor Vince Cocurullo Councillors Gavin Benney, Nicholas Connop, Jayne Golightly, Phil Halse, Deborah Harding, Patrick Holmes, Marie Olsen, Carol Peters, Simon Reid, Phoenix Ruka and Paul Yovich
Meetings	Monthly
Quorum	7

Purpose

To oversee planning, monitoring, education and enforcement activities, and guide the economic and physical development and growth of Whangarei District.

Key responsibilities

- Regulatory and compliance
 - Environmental health
 - General bylaw administration
 - Animal (dog and stock control)
 - Hazardous substances and new organism control
 - Parking enforcement (vehicles registrations and warrant of fitness)
 - Noise control
 - Food Act
- Building Control
 - Property Information and Land Information Memoranda
 - Consents and inspections
 - Monitoring and compliance
- Resource Consents
 - Subdivision, land use and development control
 - Development contributions
 - Monitoring and compliance
- District Plan
 - Plan changes
 - District Plan administration

- Strategic Planning
 - Place based strategies (city centre), functional strategies (climate change)
 - Climate Adaptation
 - Growth planning
 - Urban design
 - Strategic alignment of infrastructure
 - Reporting strategic trends and analysis
- Economic Development
 - District marketing and promotions
 - Developer engagement
- Marinas
- Airport
- Forestry
- Operational accountability of performance including:
 - Health and Safety
 - Regular reporting on service delivery
 - Compliance
 - Sustainability
 - Finance
- Reporting on capital projects.
- Operational reporting for the Strategy and Democracy and Planning and Development groups within Council where their functions are not covered by other Committees.
- Procurement – general procurement relating to the areas of business of this committee, within delegations.
- Shared Services – investigate opportunities for Shared Services for recommendation to council.
- Council Controlled Organisations (CCOs) – monitoring the financial and non-financial performance of CCOs whose functions would otherwise fall under the scope of this committee. Includes trading CCOs (CCTOs) and those CCOs exempted under the LGA. Responsibilities include:
 - advising on the content of annual Statement of Expectations to CCOs
 - agreement of the Statement of Intent
 - monitoring against the Statement of Intent
 - for exempted CCOs, monitoring and reporting as agreed between Council and the organisation
 - quarterly reporting on performance

CCO accountable to this committee:

- Whangarei District Airport – CCO

Delegations

- (i) All powers necessary to perform the committee's responsibilities, including, but not limited to:
 - a) the approval of expenditure of less than \$5 million plus GST.
 - b) approval of a submission to an external body.
 - c) establishment of working parties or steering groups.
 - d) adoption of strategies and policies relating to the key responsibilities of this committee (except for those that cannot be delegated by Council under Clause 32(1)(f) of Schedule 7 of the LGA).
 - e) the power to adopt the Special Consultative Procedure provided for in Section 83 to 88 of the LGA in respect of matters under its jurisdiction (this allows for setting of fees and bylaw making processes up to but not including adoption).
 - f) the power to delegate any of its powers to any joint committee established for any relevant purpose under clause 32, Schedule 7 of the Local Government Act 2002.

The Committee does not have:

- i. The power to establish sub-committees.
- ii. The powers Council is expressly prohibited from delegating as outlined in Clause 32(1)(a)-(h) of Schedule 7 of the Local Government Act 2002; being:
 - the power to make a rate
 - the power to make a bylaw
 - the power to borrow money, or purchase or dispose of assets, other than in accordance with the long-term plan
 - the power to adopt a long-term plan, annual plan or annual report
 - the power to appoint a chief executive the power to adopt policies required to be adopted and consulted on under the Local Government 2002 in association with the long-term plan or developed for the purpose of the local governance statement
 - the power to adopt a remuneration and employment policy.

Strategy, Planning and Development Committee Meeting Minutes

Date: Thursday, 20 June, 2024
Time: 9:00 a.m.
Location: Civic Centre, Te Iwitihi, 9 Rust Avenue

In Attendance	Cr Ken Couper (Chairperson) Cr Scott McKenzie (Deputy Chairperson) His Worship the Mayor Vince Cocurullo Cr Nicholas Connop Cr Jayne Golightly Cr Phil Halse Cr Deborah Harding Cr Patrick Holmes Cr Marie Olsen Cr Carol Peters Cr Simon Reid Cr Paul Yovich
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Not in Attendance	Cr Gavin Benney Cr Phoenix Ruka
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Scribe	D.Garner (Democracy Adviser)
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1. **Declarations of Interest / Take Whaipānga**

Item 6.1 - Marina Updates

2. **Apologies / Kore Tae Mai**

Apologies were received from Cr Gavin Benney. Cr Phoenix Ruka was absent.

Moved By His Worship the Mayor

Seconded By Cr Nicholas Connop

That the apologies be sustained.

Carried

3. Confirmation of Minutes of Previous Strategy, Planning and Development Committee Meeting / Whakatau Meneti

3.1 Minutes Strategy, Planning and Development Committee 16 May 2024

Moved By Cr Carol Peters

Seconded By Cr Scott McKenzie

That the minutes of the Strategy, Planning and Development Committee meeting held on Thursday 16 May 2024, having been circulated, be taken as read and now confirmed and adopted as a true and correct record of proceedings of that meeting.

Carried

4. Decision Reports / Whakatau Rīpoata

4.1 New Road Name – RMA Consents – EB Developments Ltd – SD2100178

Moved By Cr Ken Couper (Chairperson)

Seconded By Cr Scott McKenzie (Deputy Chairperson)

That the Strategy, Planning and Development Committee:

1. Approve the name of the common access off One Tree Point Road as Mooring Way.

Carried

Cr Deboarh Harding requested her vote against be recorded.

5. Information Reports / Ngā Pūrongo Kōrero

5.1 Camping in Public Places End of Season Report 2023-24

Moved By Cr Deborah Harding

Seconded By Cr Marie Olsen

That the Strategy, Planning and Development Committee:

1. Notes the report on the outcomes of the camping in public places education, monitoring and enforcement programme for the 2023/24 summer.

Carried

5.2 Pre-notification update on the General Amendments Plan Change

Moved By Cr Simon Reid

Seconded By Cr Scott McKenzie (Deputy Chairperson)

That the Strategy, Planning and Development Committee notes the report.

Carried

5.3 Operational Report - Strategy, Planning, and Development June 2024

Moved By Cr Nicholas Connop

Seconded By Cr Marie Olsen

That the Strategy, Planning and Development Committee notes the Strategy and Democracy and Planning and Development Operational reports for June 2024.

Carried

6. Public Excluded Business / Rāhui Tangata

Moved By His Worship the Mayor

Seconded By Cr Simon Reid

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:

RESOLUTION TO EXCLUDE THE PUBLIC

Move/Second

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:

General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Ground(s) under Section 48(1) for passing this resolution
1.1 Marina Updates	Good reason to withhold information exists under Section 7 Local Government Official Information and Meetings Act 198	Section 48(1)(a)

This resolution is made in reliance on Section 48(1)(a) of the Local Government Official Information and Meetings Act 1987 and the particular interest or interests protected by Section 6 or Section 7 of that Act which would be prejudiced by the holding of the whole or the relevant part of the proceedings of the meeting in public, are as follows:

Item	Grounds	Section
1.1	To enable Council to carry on without prejudice or disadvantage commercial activities.	S7(2)(h)
	To enable Council to carry on without prejudice or disadvantage negotiations (including commercial and industrial negotiations).	S7(2)(i)

Carried

7. Closure of Meeting / Te katinga o te Hui

The meeting concluded at 10:19am.

Confirmed this 18th day of July 2024

Councillor Ken Couper (Chairperson)

4.1 New Private Access – RMA Consents – Allen – SD2200123

Meeting: Strategy, Planning and Development Committee
Date of meeting: 18 July 2024
Reporting officer: Toni Satherley – Post Approval Officer RMA Consents

1 Purpose / Te Kaupapa

To name a Private Access in the Whangarei District to assign unique addresses for properties to be readily locatable by emergency service responders and service delivery providers.

2 Recommendation / Whakataunga

That the Strategy, Planning and Development Committee:

1. Approve the name of a Private Access off Millbrook Road as Groom Rise.

3 Background / Horopaki

A road naming application has been received to satisfy a condition to create 16 rural lots and a large balance lot subject to protective covenants, over 3 stages.

The proposed names have been considered in accordance with Council's Road Naming Policy.

4 Discussion / Whakawhiti kōrero

Names provided by the applicant for the private shared accessway are below.

The applicant supplied the following names -

- **Groom Rise** – The Groom family had previously farmed this property for 60 years, converting it from a derelict sheep farm to an operational dairy farm. They were instrumental in acknowledging and respecting the ecological value of the bush on the property ensuring that it wasn't cleared for farming purposes, leaving it untouched and well-maintained. This philosophy continues with the current owners given their commitment to its retention, protection and on-going maintenance.
- **Ferntree Rise** – This name has been selected to focus upon the native flora and fauna which has been re-established to the area through the surrounding developments. Within this subdivision and others neighbouring subdivisions, revegetation of native species such as Treefern has been planted to compliment the rural landscape. By symbolising the species name within the physical location, it adds to the amenity of the subdivision by fixing it to its natural and aesthetically pleasing values.

- **Fern Rise** - This name has been selected for similar reasons to 'Treefern Rise', it focuses on the native flora which has been re-established in the area as a result of the proposed subdivision. Various fern species exist in the area both through revegetation and naturally regenerating in the surrounding forests. The road name recognises this and provides a link to the surrounding environment.

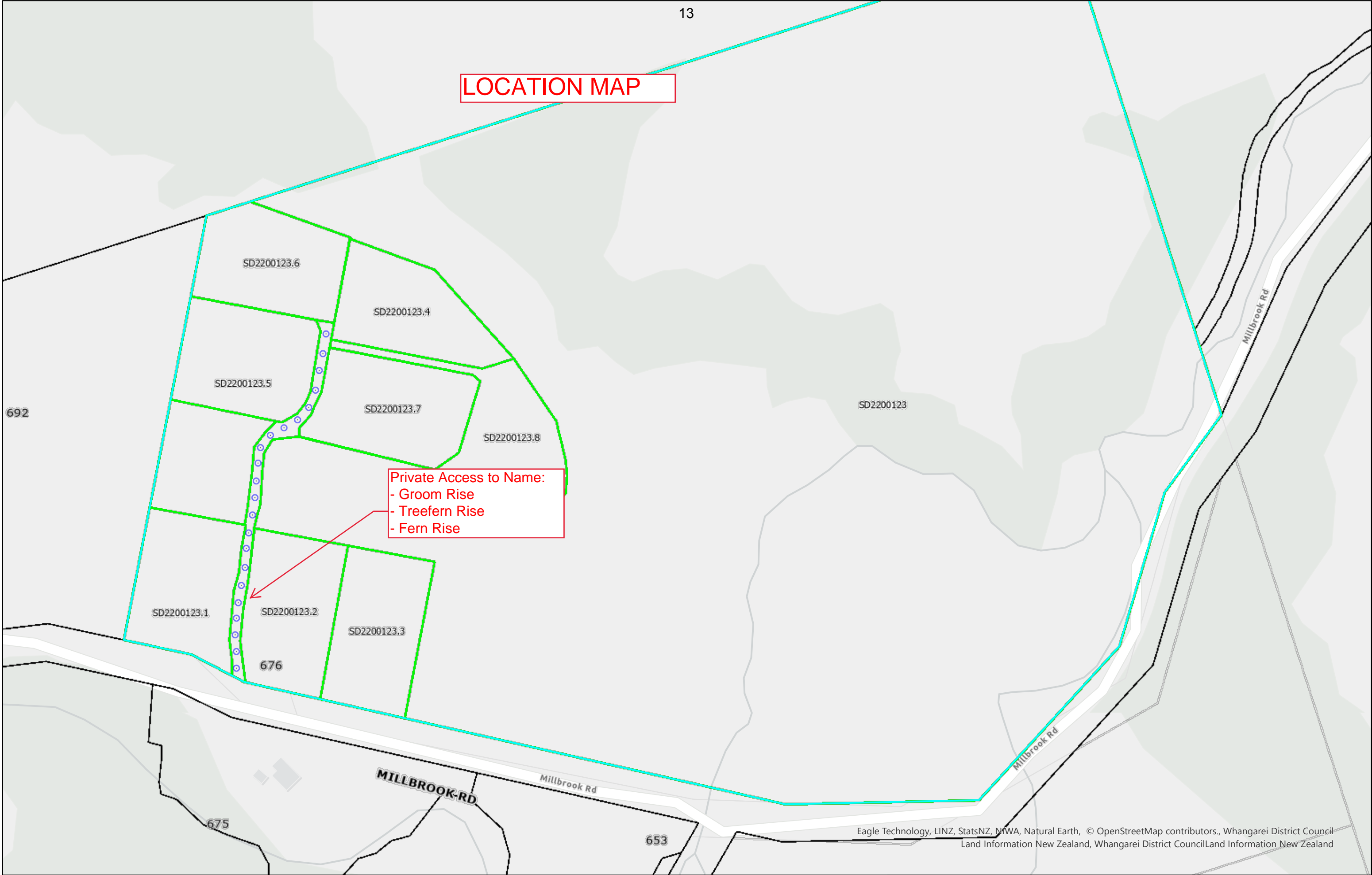
No Māori road names were proposed and mana whenua consultation was not sought by the developer. This is not a requirement of the current policy, which is currently under review following feedback from Te Karearea.

5 Significance and engagement / Te Hira me te Arawhiti

The decisions or matters of this Agenda do not trigger the significance criteria outlined in Council's Significance and Engagement Policy, and the public will be informed via Agenda publication on the website.

6 Attachments / Ngā Tāpiritanga

1. Location Map
2. Road Naming Application



Application for Road Naming

Thank you for making an application to name a proposed road.

Points to remember when making an application

- ❖ Please print clearly to ensure the form is easy to read.
- ❖ We will respond in writing to every application received. Please ensure that you provide appropriate contact details so that our response gets back to you.
- ❖ Your application will not be returned to you once it is lodged with Council. Please keep a copy for your reference.

Important Considerations

- ❖ Please refer to the **Road Naming Policy** and **Road Naming Index** prior to making your application. These documents will be helpful when proposing road names. Both documents can be found on the Council website at www.wdc.govt.nz

How to get this application to us

Mail to: Attn: Administration Team Leader – Resource Consents
Whangarei District Council
Private Bag 9023
WHANGAREI 0148

Fax to: 09 438 7632

Email to: mailroom@wdc.govt.nz

Applicant Details

First name(s) Wayne

Last name Allen

Postal address Millbrook Rd, Waipu, Northland

Best day-time phone number 021 864 664 Mobile -

Email 2runga@creek@gmail.com

Resource Consent Details

Resource Consent application number SD 2200123.01

Agent Details

Name of Agent Cameron Bartlett Agent ref E16304

Agent postal address 7 Selwyn Avenue, Vinetown, Whangarei, 0140

Best day-time phone number 09 438 3563 Mobile 021 910 561

Email cameron@rexburnandbryant.co.nz

Proposed Road Name Details

Please indicate whether the road is Public or Private (✓ box)

☐ Public

☒ Private

Proposed road name 1

Groom Rise

Reason

The Groom's farmed this property for 60 years converting it from a derelict sheep farm to an operational dairy farm. They were instrumental in acknowledging and respecting the ecological value of the bush on the property ensuring that it wasn't cleared for farming purposes, leaving it untouched and well-maintained. This philosophy continues with the current owners given their commitment to its retention, protection and on-going maintenance.

Proposed road name 2

Treefern Rise

Reason

This name has been selected to focus upon the native flora and fauna which has been re-established to the area through the surrounding developments. Within this subdivision and others neighbouring subdivisions, revegetation of native species such as Treefern (also known as Mamaku) has been planted to compliment the rural landscape. By symbolising the species name within the physical location, it adds to the amenity of the subdivision by fixing it to it's natural and aesthetically pleasing values.

Proposed road name 3

Fern Rise

Reason

This name has been selected for similar reasons to 'Treefern Rise', it focuses on the native flora which has been re-established in the area as a result of the proposed subdivision. Various fern species exist in the area both through revegetation and naturally regenerating in the surrounding forests. The road name recognises this and provides a link to the surrounding environment.

❖ **Please supply a scheme plan map in Black and White with Road or ROW clearly marked when submitting your application.**

4.2 General Amendments Plan Change – Adoption for Public Notification

Meeting: Strategy, Planning and Development Committee

Date of meeting: 18 July 2024

Reporting officer: Robert Burgoyne (Kaiārahi Pūkenga – Planner, District Plan)
 Vita Strohush (Planner, District Plan)
 Eden Wynne (Planner, District Plan)

1 Purpose / Te Kaupapa

To seek a resolution to enable the draft General Amendments Plan Change to be publicly notified for submissions.

2 Recommendation/s / Whakataunga

That the Strategy, Planning and Development Committee:

1. Resolve to notify a proposed General Amendments plan change in accordance with the requirements of Clause 5 of the First Schedule to the Resource Management Act 1991 (RMA).
2. Authorises the Chief Executive to make any minor edits or amendments to the plan change documents including typographical/formatting changes, or changes to correct any identified errors, or to reflect decisions made by Council at this meeting.

3 Background / Horopaki

A General Amendments plan review has been undertaken in response to identified technical issues and inconsistencies in the Whangārei District Plan (WDP) that have arisen given the rolling review process used for maintaining the WDP. This review has identified the need for a plan change to correct issues and inconsistencies. A technical plan change is a common practice where a rolling review process is used for updating a district plan.

The Strategy, Planning and Development Committee endorsed early public engagement on a draft General Amendments plan change in August 2023. An update on the draft plan change and a summary of the public feedback received was provided to the Strategy, Planning and Development Committee on 20 June 2024. At that time staff indicated that the notification decision proposed for the July 2024 Committee meeting would include significant paperwork to meet statutory requirements. As such it was stressed that the update was an opportunity to work through the proposed changes, with elected members providing feedback prior to any notification decision. The summary of proposed changes worked through with elected members has been included in Attachment 1, with feedback received being considered under section 4.1 of this report.

4 Discussion / Whakawhiti kōrero

The draft plan change includes:

1. Amendments to rules in Parts 1, 2 and 3 of the Whangārei District Plan to fix loopholes and/or unintended issues;
2. Amendments to definitions and insertion of new definitions required by the National Planning Standards;
3. Amendments to district plan maps and removal of obsolete mapping overlays, including:
 - Removal of obsolete mapping layers.
 - Indicative Roads updates.
 - Removing Zone mapping from Road Parcels.
 - Updates to zoning of new Open Space and Recreation Zone sites.
 - Amendments to Open Space and Recreation zoning categories where errors have been identified.

The amendments are general in nature and do not seek to make substantial changes to the overall policy direction, objectives, or rules of the District Plan. The amendments are intended to provide clarity, consistency, improve user experience and interpretation, and remove anomalies or errors. Refer to Attachments 2 – 6 for full details of the amendments, including the reasoning and options considered in proposing the changes as drafted in Attachment 3 and 4.

4.1 Consideration of feedback received in June 2024

Two questions were raised and left unanswered at the Strategy, Planning and Development Committee on 20 June 2024. Staff provide the following responses/ clarifications to inform the decision on notification:

- Deletion of the definition of “High Noise Area”
The term “High Noise Area” is not applicable to any provisions relating to the airport or helicopter operations. The term “High Noise Area” was used in the earlier version of the WDP, solely in the chapter “Mineral Extraction Rules”. This chapter has since been removed from the WDP and replaced by the new chapter “Minerals”. The new chapter does not use the term “High Noise Area” and the term is now obsolete.
- Use of a Macron in “Whangārei District Plan”
The name of the WDP currently includes a macron in “Whangārei”. Council’s legal counsel has advised that this is appropriate if an explanatory note is included in the WDP to clarify that Whangārei means Whangarei within the WDP. It is intended that a minor amendment will be made under Clause 20A of the RMA to this effect.

4.2 Iwi and hapū engagement

The following engagement with iwi and hapū has been undertaken:

- Presentations to iwi and hapū working groups Te Huinga (on 27 April 2023) and Te Karearea (on 21 June 2023).
- Iwi and hapū were invited to provide initial feedback and comment during the early public engagement period from 4 September 2023 to 27 October 2023.
- A draft version of the plan change was provided to Patuharakeke for feedback in accordance with the Mana Whakahono ā Rohe between Patuharakeke Iwi Trust Board and Council.

The relevant iwi and hapū management plans have been identified and considered to the extent that their content has a bearing on the plan change as drafted.

Further details can be found in Attachment 2.

4.3 Plan Change Process

Should a decision be made to notify a proposed General Amendments plan change, notification will be undertaken in accordance with Clause 5 of Schedule 1 to the RMA, including:

- Opening the proposed Plan Change for submissions over a period of 20 working days.
- Sending a letter to all ratepayers to advise them of the plan change, what it means for them and how they can have their say.
- Circulating all notification documents to iwi and hapū as part of the public notification process.
- Publishing a notice about the plan change in the Northern Advocate.
- Publishing a web page on the Council website with information about the plan change (including the attachments herewith) and an associated page for making submissions.

Following the close of submissions, a further submissions process will commence followed by a hearing.

The next decision point of Council will follow the hearing. This decision point will enable consideration of the recommendations of the hearing panel (which may include changes to the plan change content), with a decision required to accept or reject those recommendations.

4.4 Options and risks

Three options exist in relation to the decision sought:

1. Resolve to notify a General Amendments Plan change in the form set out in Attachments 2 – 6.
2. Resolve to notify a General Amendments Plan change with changes to Attachments 2 – 6.
3. Resolve not to notify the draft General Amendments Plan change and instead correct the issues and inconsistencies in time as part of the on-going rolling review process.

A decision not to notify this plan change would result in continued reputational risk and costs to Council and the public associated with inefficiencies and differences in opinion in the interpretation and application of the District Plan to subdivision, use and development within the district.

Postponing the amendments until each chapter comes up for review is not recommended. This is because many of the amendments proposed relate to chapters of the District Plan that have recently become operative and are therefore at least 5 years away from review.

4.5 Financial/budget considerations

The costs of the plan change process are budgeted for as part of the District Plan operational budget.

5 Significance and engagement / Te Hira me te Arawhiti

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

Early public consultation was undertaken throughout the drafting of the plan change. Should a decision be made to notify a proposed General Amendments plan change, this process will provide the public with an opportunity to have their say in accordance with the requirements of the RMA.

6 Attachments / Ngā Tāpiritanga

Attachment 1 – Summary of Plan Change 2 Issues and Amendments

Attachment 2 – Plan Change 2 Section 32 Evaluation Report

Attachment 3 – Proposed Plan Change 2 Amendments to District Plan Text – **Available under separate cover**

Attachment 4 – Proposed Plan Change 2 Amendments to District Plan Maps – **Available under separate cover**

Attachment 5 – National Planning Standards Definitions Analysis

Attachment 6 – Analysis of New Open Space and Recreation Zone Sites

Summary Table of Identified Issues and Amendments for General Amendments Plan Change

Provision	Summary of Issue	Proposed Amendments to Address Issue
Part 1: Definitions Chapter – Definition of Business Net Floor Area	The definition of “business net floor area” refers to “a single commercial activity or a single community activity”. The term is used in various provisions to manage the overall scale of activities. In most cases the relevant rules referring to “business net floor area” relate to commercial or community activities so the term functions as anticipated. However, there are several rules which apply to industrial activities (e.g., COMZ-R11 – R16 and HIZ-R13 – R14). In these instances, the definition and rules are incompatible because the rules are referring to industrial activities, but the definition only refers to commercial and community activities.	Amend the definition of “business net floor area” to also refer to industrial activities.
Part 1: Definitions Chapter – Definition of Cooking Facilities	The definition of “residential unit” states that it must include ‘cooking facilities’ but does not clarify what qualifies as cooking facilities. This has led to uncertainty and debate at consenting stage as there is no clear understanding of what constitutes “cooking facilities”.	Include a new definition of cooking facilities in the Whangārei District Plan (WDP) to provide clarity for consent planners when determining what is a residential unit.
Part 1: Definitions Chapter – Definition of Impervious Area	Within the definition of “impervious area” permeable paving is excluded from being an impervious area. This may be appropriate in situations where the permeable paving is appropriately installed and maintained but can cause stormwater runoff issues if it is not.	Amend the definition of impervious area by clarifying that permeable paving must be installed and maintained by a suitably qualified and experienced professional.
Part 1: Definitions Chapter – Definition of Intensive Livestock Farming	Within the definition there is reference to the 2005 version of the MAF Animal Welfare (Layer Hens) Code of Welfare. This referenced document is outdated and there is now a more recent 2018 version to refer to.	Amend the definition of “Intensive Livestock Farming” to refer to the “Code of Welfare – Layer Hens 2018” instead of the 2005 version.
Part 1:	It has been identified that the definition is overly specific in what sealing	Amend the definition of “permanent all weather surface”

Summary Table of Identified Issues and Amendments for General Amendments Plan Change

Provision	Summary of Issue	Proposed Amendments to Address Issue
Definitions Chapter – Definition of Permanent All Weather Surface	surfaces are required (i.e., either concrete, asphalt, bitumen or similar). There could be other sealed surfaces such as pavers or chip seal which are appropriate for the purposes of rule TRA-R8.2.	to remove reference to specific sealed surfaces.
Part 1: Definitions Chapter – Definition of Showroom	The definition is no longer needed as it only occurs within the Marsden Primary Centre Chapter. This Chapter is due to be replaced with “Precinct 23 – Marsden City Precinct” and the “Town Centre Zone”; neither of which proposed to include the word “showroom”.	Remove the definition of “Showroom” from the WDP.
Part 1: Definitions Chapter – Definition of Standalone Car Park Facility	The definition may need further clarification that it only applies to a multi-storey car park building to remove unnecessary restrictions on parking within a vacant lot.	Amend the definition of “Standalone Car Park Facility” to provide clarity that it applies to a multi-storey car parking building and not to parking in a vacant lot.
Part 1: Definitions Chapter – Definition of Subsidiary	The definition of “subsidiary” results in overly restrictive requirements for ancillary activities to be located within the same building as the primary activity.	Amend the definition of subsidiary to allow ancillary activities to be to be located within the same site instead of building.
Part 1: Definitions Chapter – Temporary Activity	The definition of “Temporary Activity” is grouped together in one extensive sentence which results in inconsistent interpretation of the definition and confusion around what activities fall within this category.	Amend the structure of the Temporary Activity definition into a numbered list to allow for clearer interpretation.
Part 1: Definitions Chapter – New Definitions	Where certain terms are used, Council must insert new definitions into the Plan as a part of the requirements of the National Planning Standards 2019.	Include the new definitions as prescribed by the National Planning Standards where appropriate in the WDP.
Part 1: Definitions Chapter – Obsolete Definitions	There are defined terms that are listed in the Definitions chapter that are no longer referred to in other parts of the plan. These defined terms have become obsolete.	Remove the below definitions from the WDP: <ul style="list-style-type: none"> • Dominant Slope • High Noise Area • Noise Rating Level • Root Mean Square (RMS) Velocity • Safe Potable Water Supply • Showroom

Summary Table of Identified Issues and Amendments for General Amendments Plan Change

Provision	Summary of Issue	Proposed Amendments to Address Issue
		<ul style="list-style-type: none"> • Statement of Significance • Parent Lot
Part 2: Transport Chapter – Rule TRA-R8.2(f)	Rule TRA-R8.2(f) requires on-site access and parking areas to be sealed where the gradient exceeds 12.5%. This gradient is potentially too restrictive and may need to be increased.	Amend rule TRA-R8.2(f) to increase the 12.5% gradient to 16% to be consistent with Fire and Emergency NZ's suggested maximum gradient.
Part 2: Transport Chapter – Fire and Emergency NZ Designers' Guide Advice Note	As part of early engagement, feedback was received that the Transport Chapter should include reference to Fire and Emergency New Zealand Designers' Guide to Firefighting Operations: Emergency Vehicle Access F5-02 GD as this provides additional guidance on fire and emergency access requirements	Amend TRA Appendix 2D to include a note referencing Fire and Emergency New Zealand Designers' Guide to Firefighting Operations: Emergency Vehicle Access F5-02 GD.
Part 2: Transport Chapter – Indicative Road Mapping Update	The District Plan Planning Maps identify indicative roads to provide for and safeguard future transport needs. Where subdivision and development have occurred in the location of an indicative road and a road has been proposed/formed in that area, then the indicative road is no longer required on the Planning Maps. There are two instances where this has occurred, and the indicative road is no longer required.	Amend the Planning Maps to remove the indicate road from Harrison Drive in Tikipunga and a portion of the indicative road from Tironui Drive in Maunu.
Part 2: Transport Chapter – Removing Zone Mapping from Road Parcels	The majority of roads on the Planning Maps are shown as being unzoned (i.e., not coloured in) and take on the zoning of adjacent parcels in accordance with Rule HPW-R6. However, there are some historical roads and some newly created roads that are still shown as being zoned in the maps which creates confusion and inconsistencies.	Amend the Planning Maps to remove the zone mapping from all public roads.
Part 2: Critical Electricity Lines Chapter – Rule CEL-R1	Rule CEL-R1 in the Critical Electricity Lines (CEL) Chapter sets out the permitted standards for land use activities in proximity to CELs and substations. The wording of the rule is not clear as it appears allow more activities within 10m of CELs and	Amend CEL-R1.2 to clarify that activities that are permitted within 10m of CELs and substations are also permitted within 20m of CELs and substations.

Summary Table of Identified Issues and Amendments for General Amendments Plan Change

Provision	Summary of Issue	Proposed Amendments to Address Issue
	substations than it does within 20m of CELs and substations.	
Part 2: Notable Trees Chapter – Updates to Notable Tree Schedule	The Notable Tree Chapter identifies trees that provide a significant contribution to the amenity, historical, and ecological values of the District. The rules in the TREE Chapter manage activities such as pruning and removal of the identified and scheduled notable trees. Since being notified, several scheduled trees have been legally removed.	Amend the Notable Tree Schedule and Planning Maps to reflect the fact that some trees have recently been legally removed.
Part 2: Notable Trees Chapter – Rule TREE-R5	TREE-R5 does not allow for the maintenance and upgrade of tracks and the installation of general public amenities within the root zone of any public trees.	Amend TREE-R5 to allow a permitted pathway for the construction, maintenance or renewal of general public amenities.
Part 2: Notable Trees Chapter – Rule TREE-R6	TREE-R6 currently does not contain provisions for the removal of public trees where a tree is a diseased tree with no chance of recovery. The rule also fails to include a 'local authority' in the list of entities enabled to carry out tree removal works where a tree is causing safety issues for pedestrians and vehicles, within a road reserve with a speed environment greater than 50 km/h.	Amend TREE-R6 to allow a permitted pathway for the removal of diseased public trees with no chance of recovery. Include 'local authority' in the list of entities enabled to carry out tree removal within a road reserve with a speed environment greater than 50 km/h.
Part 2: Subdivision Chapter – Building Area Requirements for Subdivision	Subdivisions within several zones require every allotment to contain an identified building area of at least 100m ² within which a residential unit can be built so that there is compliance as a permitted activity with <u>all</u> relevant rules in the Plan. However, some other zones require the identified 100m ² building area to comply as a permitted activity with only the relevant <u>zone</u> rules. This results in inconsistent requirements across different zones for no identified reason. Within some zones the rules allow for sites to be created with a building platform which may not be suitable for development due to an overlay or district wide rule	Amend SUB-R3.6, R4.1(a), R5.4(a), R6.4, R12, R13, R14, and PREC12-R8.2 to require every allotment to contain an identified building area of at least 100m ² within which a residential unit can be built so that there is compliance as a permitted activity with <u>all</u> relevant rules in the Plan.

Summary Table of Identified Issues and Amendments for General Amendments Plan Change

Provision	Summary of Issue	Proposed Amendments to Address Issue
	that was not considered at subdivision stage.	
Part 2: Subdivision Chapter – Boundary Relocation and Boundary Adjustment Subdivisions	The Plan contains a definition of “boundary relocation” and rule SUB-R14 to provide for ‘boundary relocation subdivisions’ in the Rural Production Zone. The rule and definition have several identified issues which have led to inefficient consenting processes and a lack of clarity. In addition, the Plan only provides for “boundary adjustment” subdivision specifically in the Open Space and Recreation Zones but does not provide opportunities for boundary adjustments in other zones.	Remove the provisions refereeing to “boundary relocation” subdivisions and insert a new definition for “boundary adjustment” and a new rule for boundary adjustment subdivisions in specified zones with appropriate controls.
Part 2: Subdivision Chapter – Subdivision in the Open Space and Recreation Zones	Rule SUB-R16 provides for “subdivision by way of boundary adjustment” within the Open Space and Recreation Zones, but there is no rule which sets out the activity status and requirements for subdivision that is not by way of boundary adjustment in the Open Space and Recreation Zones. It is therefore not clear what activity status applies to non-boundary adjustment subdivisions in the Open Space and Recreation Zones and how these applications should be assessed.	Amend SUB-R16 to retain the controlled activity status for boundary adjustment subdivisions in the Open Space and Recreation Zones and to clarify that all other subdivisions are a discretionary activity.
Part 2: Subdivision Chapter – Subdivision in the Large Lot Residential Zone	Rule SUB-R20 includes a prohibited activity rule for certain subdivisions in the Large Lot Residential Zone. This rule was included through the Urban and Services Plan Changes which renamed and reformatted the former Urban Transition Environment. The amendments were not intended to change the meaning of the rules, but the new rule wording has a different interpretation and meaning than the original Urban Transition Environment rule.	Delete SUB-R20 and include a new non-complying activity rule within SUB-R4 (Subdivision in the Low Density Residential Zone) to manage subdivision of a site containing an area subject to any form of covenant, consent order, or encumbrance that precludes building a principal and minor residential unit.
Part 2: Coastal Environment Chapter – Cut and Batter Face Heights	Rules CE-R8.1(b), CE-R10.2, CE-HNC-R5.1(b), CE-HNC-R8.2, CE-ONC-R6.2(b), and CE-ONC-R8.2 in the Coastal Environment Chapter are related to earthworks and farm	Amend rules CE-R8.1(b), CE-R10.2, CE-HNC-R5.1(b), CE-HNC-R8.2, CE-ONC-R6.2(b), and CE-ONC-R8.2 to refer to “... <i>cut, fill and/or batter faces</i> ...”.

Summary Table of Identified Issues and Amendments for General Amendments Plan Change

Provision	Summary of Issue	Proposed Amendments to Address Issue
	quarries. These rules state that the maximum face height of any “ <i>cut and/or batter faces</i> ” is 2m. A loophole has been identified in the wording of the rules whereby a retaining wall higher than 2m with fill placed behind it could be constructed.	
Part 2: Various Chapters – Light Reflectance Requirements	Rules CE-R5, CE-HNC-R4, and CE-ONC-R4 in the Coastal Environment Chapter and rule NFL-ONL-R3 in the Natural Features and Landscapes Chapter require buildings and major structures to comply with colour and light reflectance requirements. Rules CE-R5 and CE-HNC-R4 are triggered by the “construction and external alteration” of a building or major structure. Rules CE-ONC-R4 and NFL-ONL-R3 are triggered by the “construction” of a building or major structure. There is a gap in the rules whereby a building or major structure could be constructed or altered in a way that complies with the rules, but in the future, it could be repainted to breach the colour and light reflectance requirements, but the rules would not apply because repainting would not meet the definitions of “construction” or “external alterations”.	Amend rules CE-R5, CE-HNC-R4, CE-ONC-R4, and NFL-ONL-R3 to ensure that there is no loophole for repainting.
Part 2: NAV-P4	The potential inclusion of a defined National Planning Standards definition of “Primary Production” changes the interpretation of policy NAV-P4, which was drafted to align with the RMA definition of “production land”.	Amend the reference to “primary production” in NAV-P4 to read as “rural production activities”.
Part 2: Signs Chapter – Community Sign Exemptions	An inconsistency has been discovered where rule SIGN-R4.4(b) states community signs must comply with the display area of the underlying zone, but each underlying zone has an exemption stating community signs are only required to comply with SIGN-R2 – R5.	Amend the rule exemptions in the SIGN Chapter to clarify that community signs must comply with the display area for the underlying zone.
Part 3: General Residential Zone – Rule GRZ-R15	Rule GRZ-R15 sets out various permitted standards for residential units. Where compliance is not	Amend GRZ-R15 Note 1 to only refer to GRZ-R15.1, removing the need for GRZ-R15.2 – 6 to

Summary Table of Identified Issues and Amendments for General Amendments Plan Change

Provision	Summary of Issue	Proposed Amendments to Address Issue
Information Requirements	achieved with any of the standards in GRZ-R15, the activity is classed as a discretionary activity and the application must comply with information requirement rule GRZ-REQ1. Rule GRZ-REQ1 requires an urban design assessment prepared by a suitably qualified and experienced professional. It is unnecessary to apply the GRZ-REQ1 to GRZ-R15.2 – 6, as there are instances where it may not be beneficial for minor infringements to have an urban design assessment undertaken.	comply with GRZ-REQ1. Subsequently amend GRZ-REQ1 to refer to GRZ-R15.1 and GRZ-R16 – 21.
Part 3: Medium Density Residential Zone – Rule MRZ-R14.4 Matters of Discretion	Rule MRZ-R14.4 manages effects on neighbouring properties by requiring a separation distance of at least 6m from any window in a habitable room to a window of a habitable room in a separate residential unit. However, effects on occupants of separate residential units cannot be considered because the matter of discretion is only focused on privacy and amenity of “occupants on-site”.	Amend the matters of discretion for MRZ-R14 to include a new matter relating to the privacy of separate residential units.
Part 3: Medium Density Residential Zone – Rule MRZ-R20 Notification Exemption	Rule MRZ-R20 contains a notification rule but the wording is unclear whether the notification exemption is intended to apply to all restricted discretionary activities under MRZ-R20 or just restricted discretionary activities where compliance is achieved with MRZ-R20.1.	Amend MRZ-R20 to clarify that the notification rule applies to any restricted discretionary activity under MRZ-R20 where compliance is achieved with MRZ-R20.1.
Part 3: Rural Production Zone – Unsealed Metal Roads	Rule RPROZ-R9.1(b)(i) refers to setbacks from “unsealed metal roads” which has caused interpretation issues over what types of roads the rule applies to.	Amend rule RPROZ-R9.1(b)(i) to remove the word metal and add formed to clarify the intent of the rule which is to reduce the potential exposure to dust from unsealed formed roads.
Part 3: Rural Production Zone – Unsealed Metal Roads Information Requirement	An error has been identified where RPROZ-REQ1 sets out information requirements for activities that infringe any standard under rule RPROZ-R9; however, the information requirement should relate specifically to activities that infringe just RPROZ-R9.1(b)(i).	Amend RPROZ-REQ1 so that a transport assessment is required specifically for RPROZ-R9.1(b)(i) rather than all of RPROZ-R9.

Summary Table of Identified Issues and Amendments for General Amendments Plan Change

Provision	Summary of Issue	Proposed Amendments to Address Issue
Part 3: Mixed Use Zone – Food and Beverage Activities	Rule MUZ-R22 in the Mixed Use Zone has resulted in overly restrictive rules for food and beverage activities.	Amend the rules for food and beverage activities in the Mixed Use Zone to introduce a permitted pathway for activities such as cafes and restaurants.
Part 3: Shopping Centre Zone – Rule SCZ-R6.2	Rule SCZ-R6.2 requires public bathroom facilities to be provided within the Shopping Centre Zone for the convenience of patrons. Several issues have been identified with the rule including that rule does not clarify what the measurements are based on, the term “public bathroom facilities” is not defined and it is not clear what this is intended to mean, and the requirements result in an unreasonable and unnecessary amount of bathroom facilities.	Delete SCZ-R6.2.
Part 3: Open Space and Recreation Zones – Setbacks from Mean High Water Springs	The Open Space and Recreation Zones are overly restrictive when it comes to locating public amenities that do not meet the definition of minor buildings within the mean high water springs setback.	Amend NOSZ-R5, OSZ-R5 and SARZ-R5 to allow a permitted pathway for artificial lighting poles not exceeding 5.5m in NOSZ and not exceeding 6m in OSZ and SARZ.
Part 3: Open Space Zone – Rule OSZ-R11.3(b) in the Open Space Zone	The rule states that the maximum permitted cumulative outdoor area associated with Recreational Facilities is 500m ² . Because a large proportion of recreational facilities within the District are outdoor activities the rule can be quite restrictive as it could be interpreted to include general public amenities, such as walkways, as part of the total area. As a result, this can lead to unnecessary consenting requirements for developments that are of a community benefit and directly anticipated in OSZ.	Amend Rule OSZ-R11 to remove the limit on cumulative outdoor area for Recreational Facilities and rely on other controls to manage effects.
Part 3: Natural Open Space Zone, Open Space Zone, and Sport and Recreation Zone – Amendments to Open	Errors have been identified in the application of open space zoning criteria under PC115. These sites include the Quarry Gardens, sites near the Raumanga Shared Path, Ruakaka Skatepark and Mair Park. As mapping is inconsistent with the Open Space and Recreation zoning criteria it creates	Amend the relevant zone maps in NOSZ, OSZ and SARZ.

Summary Table of Identified Issues and Amendments for General Amendments Plan Change

Provision	Summary of Issue	Proposed Amendments to Address Issue
Space Zoning Categories	barriers to the activities legitimately anticipated on the relevant sites.	
Part 3: Natural Open Space Zone, Open Space Zone, and Sport and Recreation Zone – Newly Created Open Space Sites Zoning	Over time, various sites have been acquired by WDC, vested through subdivision, or developed for public open space and recreation activities. The zoning of these sites now needs to be updated to reflect their purpose, as the current zoning provisions are unfit for the intended use of these sites.	Update the zoning of the 57 identified newly created open space sites and set the zoning to NOSZ, OSZ or SARZ as appropriate per advice from the Infrastructure Planning Department.
Part 3: Precinct 23 – References to Development	Rules MCP-R3, R5, and R6 refer to “development”. It is unclear what the term “development” means in the context of these rules. When taken literally, this term can have a very broad meaning and could trigger the rules for very minor earthworks or major structures which may be an unproportionate requirement.	Amend MCP-R3, R5, and R6 to replace “development” with “building or major structure”.
Part 3: Precinct 14 – Activity Status of Rule PREC14-R4	The activity status of PREC14-R4 is permitted; however, the rule includes matters of discretion and defaults to a discretionary activity where compliance is not achieved with the rule standards. This results in confusion as it is unclear if the rule is intended to be a restricted discretionary activity because of the matters of discretion.	Amend PREC14-R4 to clarify that the activity status is restricted discretionary.
Part 3: Various Chapters – Artisan Industrial Activities	Several zones allow for small-scale ‘home businesses’ that are compatible with residential activities. These zones also generally prohibit “industrial activities”. However, there are some artisan industrial activities, such as soap making, which could be appropriate if effects are managed.	Introduce a permitted pathway for artisan industrial activities in the General Residential Zone, Medium Density Residential Zone, Low Density Residential Zone, Rural Production Zone, Rural Lifestyle Zone, Settlement Zone, Future Urban Zone, and Mixed Use Zone.
Part 3: Various Chapters – Signage Rules	There are duplicative and conflicting rules for signs across various rural and residential zone chapters and the Signs Chapter.	Remove all signage rules from the Large Lot Residential Zone, Low Density Residential Zone, General Residential Zone, Medium Density Residential Zone, Rural Production Zone, Rural Lifestyle Zone, Settlement

Summary Table of Identified Issues and Amendments for General Amendments Plan Change

Provision	Summary of Issue	Proposed Amendments to Address Issue
		Zone, Future Urban Zone and Port Nikau Development Area.
Part 3: Various Chapters – Impervious Area Requirements	Several zones set maximum impervious area limits with some zones basing the maximum on a percentage of the “site area” while others are based on a percentage of the “net site area”. There is no clear rationale for the inconsistent terminology in different zones. The inconsistency across the existing rules has led to inefficiencies.	Amend rules PREC12-R4, LRZ-R7, GRZ-R7, MRZ-R7, RLZ-R7, FUZ-R62, and COMZ-R7 to refer to “site area” instead of “net site area”.
Part 3: Various Chapters – Minor Residential Units	Within various zones the provisions for minor residential units (MRU) seek to manage their size and location. However, the wording of these rules has caused uncertainty and it is not clear whether the rules allow for an MRU to be located any distance from a principal residential unit (PRU) provided that an accessory building associated with the MRU is within 15m of the PRU, and vice versa, and whether the 90m ² area limit includes covered outdoor areas with no walls. There also is no existing policy clarifying the intent of these rules.	Amend FUZ-R9.3 – 4, LRZ-R16.2 – 3, RLZ-R10.3 – 4, RPROZ-R8.2 – 3, SETZ-R13.4 – 5 to clarify how the minor residential separation distances and area limits are meant to be interpreted. Also, include a new policy in the District Growth and Development Chapter to clarify the intent of the rules.
Part 3: Various Chapters – Setback Exemptions in Residential Zones	Rule MRZ-R4.1(d)(ii) within the MRZ Chapter and rule GRZ-R4.1(d)(ii) within the GRZ Chapter provide exemptions from side and rear setbacks for non-habitable major structures and buildings, and non-habitable rooms of buildings. It has been identified that the interpretation of the rule wording is not clear as to whether the thresholds apply per building or are to be measured cumulatively.	Amend MRZ-R4.1(d)(ii) and GRZ-R4.1(d)(ii) to clarify that the thresholds are to be measured cumulatively.
Part 3: Various Chapters – Multi Unit Development Matters of Discretion	The matters of discretion for rules MRZ-R20 and GRZ-R21 seek to manage the ability for multi unit developments to accommodate incidental activities anticipated for residential developments. An issue has been identified whereby the matters of discretion are limited to “the site”; however, the effects which it manages	Amend matter of discretion 4 in MRZ-R20 and matter of discretion 7 in GRZ-R21 so that consideration is not limited to “the site”.

Summary Table of Identified Issues and Amendments for General Amendments Plan Change

Provision	Summary of Issue	Proposed Amendments to Address Issue
	can extend beyond the site, such as manoeuvring, landscaping, and waste collection.	
Part 4: Planning Maps – Obsolete Mapping Overlays	The “Approach and Deployment Flightpath for Rescue Helicopters” and “Multi Title Site” mapped overlays have no related provisions across the District Plan and have both led to confusion for applicants and decision makers.	Remove the “Approach and Deployment Flightpath for Rescue Helicopters” and “Multi Title Site” mapped overlays from the Planning Maps and Legend, and the associated defined term within the Definitions Chapter being “Multi Title Site”.
Part 4: Planning Maps – Amendments to Open Space and Recreation mapping	Open Space and Recreation sites have been zoned into three categories according to criteria set out by PC115. The zoning criteria appear to have been applied incorrectly to some sites. Various sites also have been acquired by Council, vested through subdivision, or developed for public open space and recreation activities. The zoning of these sites now needs to be updated accordingly.	Amend the zoning category within the Open Space and Recreation zones for the sites identified as zoned in error to align with the PC115 zoning criteria. Amend the district plan maps to update the zoning of new Open Space and Recreation Zone sites.
Various Parts: Various Chapters – References to Allotment & Site	“Allotment” and “site” are defined in the Plan. The terms have different meanings, but the Plan interchanges between using “site” and “allotment” throughout without any clear rationale. This has resulted in inconsistent and unclear provisions.	Review and amend references to “site” and “allotment” throughout the plan to ensure the appropriate term is used in each instance.
Various Parts: Various Chapters – Vehicular Access and Legal Access Requirements	There are various terms relating to vehicular access and legal access, including: “access”, “access lot”, “right of way”, “shared access”, and “vehicle crossing”. The terms are used within various chapters of the Plan and there are rules within the Transport Chapter which manage the design and location of aspects such as “access”, “shared access”, and “vehicles crossings”. There have been several interpretation issues identified with the definitions and their use within various provisions.	Review and amend the definitions and use of “access”, “access lot”, “right of way”, “shared access”, and “vehicle crossing” throughout the Plan to improve clarity and consistency.

Plan Change 2: General Amendments

Section 32 Evaluation Report

1 July 2024

Table of Contents

1	Introduction and Purpose.....	4
1.1	Purpose of Report.....	4
1.2	Overview of Plan Change 2.....	4
2	Statutory and Policy Context.....	5
2.1	Resource Management Act 1991.....	5
2.2	National Environmental Standards	6
2.3	National Policy Statements.....	7
2.4	National Planning Standards	7
2.5	Northland Regional Policy Statement	8
2.6	Regional Plans.....	9
2.7	Iwi and Hapū Management Plans.....	9
3	Approach to Evaluation	10
3.1	Evaluation of Scale and Significance	10
3.2	Benchmarking and Monitoring.....	11
3.3	Summary of Issues Raised in Pre-Notification Engagement and Consultation	11
3.4	Summary of Advice from Engagement/Consultation with Iwi Authorities	13
4	Evaluation of Objectives.....	14
5	Evaluation of Provisions	14
5.1	Issue #1 – Definition of Business Net Floor Area	15
5.2	Issue #2 – Definition of Cooking Facilities	16
5.3	Issue #3 – Definition of Impervious Area	19
5.4	Issue #4 – Definition of Intensive Livestock Farming.....	22
5.5	Issue #5 – Definition of Permanent All Weather Surface	24
5.6	Issue #6 – Definition of Standalone Car Park Facility.....	25
5.7	Issue #7 – Definition of Subsidiary	27
5.8	Issue #8 – Definition of Temporary Activity	30
5.9	Issue #9 – New Definitions from the National Planning Standards	32
5.10	Issue #10 – Obsolete Definitions	33
5.11	Issue #11 – Transport Chapter Rule TRA-R8.2(f)	33
5.12	Issue #12 – Fire and Emergency New Zealand Designers’ Guide.....	35
5.13	Issue #13 – Indicative Road Updates	36
5.14	Issue #14 – Removing Zone Mapping from Road Parcels	38
5.15	Issue #15 – Critical Electricity Lines Chapter CEL-R1	39
5.16	Issue #16 – Notable Tree Schedule Updates	40

5.17	Issue #17 – TREE-R5 – Works within the Root Zone of any Public Tree	43
5.18	Issue #18 – TREE-R6 – Removal of Public Trees	46
5.19	Issue #19 – Building area requirements for subdivision.....	49
5.20	Issue #20 – Boundary relocation/adjustment subdivisions.....	55
5.21	Issue #21 – Subdivision in the Open Space and Recreation Zones	65
5.22	Issue #22 – Subdivision in the Large Lot Residential Zone	69
5.23	Issue #23 – Coastal Environment Cut and Batter Face Heights	75
5.24	Issue #24 – Light Reflectance Requirements	77
5.25	Issue #25 – NAV-P4 Reference to Primary Production Activities	79
5.26	Issue #26 – Community Sign Rules	81
5.27	Issue #27 – Signage Rule Duplications.....	83
5.28	Issue #28 – GRZ-R15 Information requirement rule.....	85
5.29	Issue #29 – MRZ-R14.4 Matters of Discretion.....	87
5.30	Issue #30 – MRZ-R20 Notification Exemption.....	88
5.31	Issue #31 – RPROZ-R9.1(b) Unsealed Metal Road Setbacks.....	90
5.32	Issue #32 – Information Requirement RPROZ-REQ1	93
5.33	Issue #33 – MUZ-R22 Food and Beverage Activities.....	94
5.34	Issue #34 – Shopping Centre Zone Rule SCZ-R6.2	97
5.35	Issue #35 – Open Space and Recreation Zones – Building Setbacks	99
5.36	Issue #36 – Rule OSZ-R11.3(b) in the Open Space Zone	101
5.37	Issue #37 – Amendments to Open Space and Recreation zoning categories	103
5.38	Issue #38 – Newly created Open Space sites zoning	106
5.39	Issue #39 – References to “Development” in the Marsden City Precinct Rules	107
5.40	Issue #40 – Precinct 14 Rule PREC14-R4	108
5.41	Issue #41 – Artisan Industrial Activities.....	110
5.42	Issue #42 – Impervious Area Requirements	113
5.43	Issue #43 – Minor Residential Unit Standards.....	116
5.44	Issue #44 – Setback Exemptions in Residential Zones.....	119
5.45	Issue #45 – Multi Unit Development Matters of Discretion	120
5.46	Issue #46 – References to “allotment” and “site” within the WDP	122
5.47	Issue #47 – Vehicular Access and Legal Access Requirements	129
5.48	Issue #48 – Obsolete Mapping Overlays.....	132
6	Conclusions.....	137
7	Appendices.....	137

1 Introduction and Purpose

1.1 Purpose of Report

1. This report is in relation to proposed Plan Change 2: General Amendments (**PC2**) to the Whangarei District Plan (**WDP**). PC2 seeks to amend various technical issues that have been identified in the plan. This report has been prepared in accordance with the requirements of Schedule 1 of the Resource Management Act 1991 (**RMA**) and incorporates an evaluation under section 32 of the RMA (**s32**).
2. Under s32 of the RMA Councils are required to examine whether the proposed changes to the provisions are the most appropriate way to achieve the objectives of the WDP which in turn must be appropriate to achieve the purpose (Part 2) of the RMA. This evaluation must identify and assess environmental, economic, social, and cultural effects, benefits and costs anticipated from the implementation of the proposed changes to the WDP.
3. Evaluations under s32 represent an on-going process in RMA plan development. A further evaluation under section 32AA of the RMA is expected throughout the review process in response to submissions received following notification of PC2.

1.2 Overview of Plan Change 2

4. The WDP was made operative in part in September 2022 after several plan changes have been finalised and approved in recent years. Since then, several issues have been identified within various chapters. PC2 seeks to address these technical issues across the WDP.
5. PC2 introduces amendments throughout the WDP to fix issues identified by Whangarei District Council (**Council**) staff, consultants, and members of the public.
6. The proposed amendments are general in nature and where possible, create minimal changes to how the plan is interpreted. The amendments consist of correction of errors or anomalies, simple adjustments to improve clarity and interpretation, minor amendments to outdated text and maps, and amendments required to address “loopholes”.
7. The proposed amendments do not propose any substantial changes to the overall policy direction, objectives, or rules of the WDP but are needed to provide clarity, consistency, improve user experience, and remove duplication and errors. PC2 is an important step to improve the functionality and effectiveness of the WDP.
8. The amendments are included within a single plan change process for administrative efficiency.
9. The scope of PC2 is limited to:

- The issues identified, and the provisions that are proposed to be amended or inserted by PC2, as detailed in section 5 of this s32 Report for PC2; and
 - The issues that were identified in pre-notification feedback as detailed in section 3.3 of this s32 Report for PC2.
10. Provisions that are not included in the above are outside the scope of PC2.
11. This s32 Report refers to the following zones and chapters of the WDP which are listed below with their relevant acronyms for reference.
- | | |
|--|--|
| • Airport Zone (AIRPZ) | • Network Utilities (NTW) |
| • City Centre Zone (CCZ) | • Open Space Zone (OSZ) |
| • Coastal Environment (CE) | • Papakāinga (PKA) |
| • Critical Electricity Lines (CEL) | • Port Nikau Development Area (PNDA) |
| • Commercial Zone (COMZ) | • Port Zone (PORTZ) |
| • District Growth and Development (DGD) | • Precincts (PREC) |
| • Future Urban Zone (FUZ) | • Riparian and Coastal Margins (RCM) |
| • General Residential Zone (GRZ) | • Rural Lifestyle Zone (RLZ) |
| • Heavy Industrial Zone (HIZ) | • Rural Production Zone (RPROZ) |
| • Local Centre Zone (LCZ) | • Sport and Active Recreation Zone (SARZ) |
| • Light Industrial Zone (LIZ) | • Shopping Centre Zone (SCZ) |
| • Large Lot Residential Zone (LLRZ) | • Settlement Zone (SETZ) |
| • Low Density Residential Zone (LRZ) | • Signs (SIGN) |
| • Medium Density Residential Zone (MRZ) | • Strategic Rural Industries Zone (SRIZ) |
| • Mixed Use Zone (MUZ) | • Subdivision (SUB) |
| • Noise and Vibration (NAV) | • Three Waters Management (TWM) |
| • Neighbourhood Centre Zone (NCZ) | • Town Centre Zone (TCZ) |
| • Natural Features and Landscapes (NFL) | • Transport (TRA) |
| • Natural Open Space Zone (NOSZ) | • Waterfront Zone (WZ) |

2 Statutory and Policy Context

12. The WDP sits within a layered policy framework under the RMA. The relevant policy documents that were taken into consideration when preparing PC2 are discussed below.

2.1 Resource Management Act 1991

13. Under the RMA it is mandatory for a territorial authority to prepare a district plan, which manages land use and development within its territorial boundaries. The RMA requires any

changes to district plans, whether private or Council initiated, to meet the purpose and principles of the RMA.

14. The statutory context for the preparation and evaluation of plan changes under the RMA that are relevant to PC2 is summarised as follows:
 - **Section 32** – The way an evaluation of a plan change must be carried out is set out in this section.
 - **Section 35** – Council's obligations to gather information, monitor, and keep records is set out in this section.
 - **Section 74** – Matters that the plan change must “accord with” and “have regard to” are set out in this section.
 - **Section 75** – Higher order plans that the plan changes must “give effect to” are set out in this section.
 - **Schedule 1** – Direction for the preparation, change, and review of policy statements and plans is set out in this section.
15. Under section 35(2)(b) of the RMA, every local authority shall monitor the efficiency and effectiveness of policies, rules, or other methods in its policy statement or its plan and take appropriate action (having regard to the methods available to it under this Act) where this is shown to be necessary. PC2 sets out issues identified within the WDP that relate directly to the efficiency and effectiveness of the provisions within it.
16. The mechanisms as set out in Schedule 1 of the RMA require Council to undertake adequate plan preparation, consultation, hearings, and necessary revisions to the proposed plan as required. By using Schedule 1, Council can implement s35(2)(b) and ensure the efficiency and effectiveness of the WDP.

2.2 National Environmental Standards

17. Section 75(3) of the RMA requires district plans to give effect to National Environmental Standards (**NES**). Section 44 of the RMA requires local authorities to recognise NES by ensuring plan rules do not duplicate provisions in an NES. There are seven NES's currently in force:
 - NES for Air Quality 2004
 - NES for Sources of Human Drinking Water 2007
 - NES for Telecommunication Facilities 2016
 - NES for Electricity Transmission Activities 2009
 - NES for Assessing and Managing Contaminants in Soil to Protect Human Health 2011

- NES for Commercial Forestry 2023
- NES for Freshwater 2020

18. There are no NES's directly relevant to PC2.

2.3 National Policy Statements

19. Section 55 of the RMA requires local authorities to recognise National Policy Statements (**NPS**) and Section 75 requires local authorities to give effect to them in their plans. There are currently seven NPSs in force:
- NPS for Indigenous Biodiversity 2023
 - NPS for Highly Productive Land 2022
 - NPS on Urban Development 2020
 - NPS for Freshwater Management 2020
 - NPS for Renewable Electricity Generation 2011
 - New Zealand Coastal Policy Statement 2010
 - NPS on Electricity Transmission 2008
20. The NPS on Urban Development (**NPS-UD**) requires Council to provide at least sufficient development capacity to meet expected demand for housing land over the short term, medium term, and long term. This is not directly relevant to PC2, but it is noted that PC2 proposes amendments that may assist in providing additional development capacity.
21. The NPS on Highly Productive Land (**NPS-HPL**) requires highly productive land to be protected for use in land-based primary production, both now and for future generations. Where relevant, PC2 includes provisions to protect highly productive land from inappropriate subdivision. It is anticipated that further changes will be required to the WDP in accordance with Part 4 of the NPS-HPL once the maps of highly productive land become operative in the Northland Regional Policy Statement (**NRPS**).
22. No other NPS is considered directly relevant to the consideration of PC2.

2.4 National Planning Standards

23. Section 75(3) of the RMA requires district plans to give effect to the National Planning Standards 2019 (**Planning Standards**).
24. The purpose of the Planning Standards is to improve consistency in plan and policy statement structure, format, and content. The Planning Standards were introduced as part of the 2017 RMA amendments. Their development is enabled by sections 58B–58J of the RMA. They

support implementation of other national direction such as NPSs and help people to comply with the procedural principles of the RMA.

25. Mandatory direction 14(1) requires that where terms defined in the Planning Standards *Definitions List* are used in a policy statement or plan, and the term is used in the same context as the definition, local authorities must use the definition as defined in the Definitions List. Of relevance to PC2, the Planning Standards prescribe a definition for the terms identified in Appendix 3.

2.5 Northland Regional Policy Statement

26. The policies and methods contained in the NRPS contain guidance for territorial authorities for plan making. Table 1 below provides a summary of the NRPS policies that are directly relevant to PC2.

Table 1: Evaluation of the relevant policies and methods of the NRPS

NRPS Policy	NRPS Method	Relevance
5.1.1 Subdivision, use and development should be located, designed and built in a planned and co-ordinated manner which: ... (c) Recognises and addresses potential cumulative effects of subdivision, use, and development, and is based on sufficient information to allow assessment of the potential long-term effects; ... (f) Ensures that plan changes and subdivision to / in a primary production zone, do not materially reduce the potential for soil-based primary production on land with highly versatile soils, or if they do, the net public benefit exceeds the reduced potential for soil-based primary production activities; and	5.1.5 Give effect to Policy 5.1 when developing objectives, policies and methods for plan changes.	PC2 proposes amendments related to boundary adjustment/relocation subdivisions to ensure rural land is not gradually fragmented and to protect highly versatile soils.
6.1.1 District plans shall: (a) Only contain regulation if it is the most effective and efficient way of achieving resource management objective(s), taking into account the costs, benefits and risks; (b) Be as consistent as possible; (c) Be as simple as possible;	6.1.4 The regional and district councils, when reviewing their plans, considering options for plan changes, or replacement of an entire plan, shall: (a) Demonstrate how Policy 6.1.1 is given effect; (b) Consider: removing unnecessary regulation; opportunities for streamlined, efficient processes; increasing flexibility, certainty, confidence and consistency; and taking a risk-based approach;	PC2 proposes amendments to existing WDP provisions to improve their clarity and consistency and to ensure the rules are working efficiently and effectively.

8.1.1 Tangata whenua participation	8.1.5 Engage with iwi authorities at the earliest possible stage.	PC2 has been circulated to iwi and hapū for initial feedback and comment as part of pre-notification. PC2 has been presented to iwi and hapū working groups Te Karearea and Te Huinga.
8.1.2 The regional and district council statutory responsibilities		
8.1.3 Use of Mātauranga Māori		
8.1.4 Māori concepts, values and practices		

2.6 Regional Plans

27. The new Regional Plan for Northland (**RPN**) combines the operative Regional Plans applying to the coastal marine area, land and water, and air into one combined plan. Having reviewed the RPN it is considered that the amendments proposed through PC2 are consistent with the RPN.

2.7 Iwi and Hapū Management Plans

28. Under section 74(2A) of the RMA, Council must take into account any relevant planning document recognised by an iwi authority and lodged with the territorial authority, to the extent that its content has a bearing on the resource management issues of the district. At present there are five such documents accepted by Council, being:
- Te Iwi O Ngatiwai Environmental Policy Document (2007),
 - Patuharakeke Te Iwi Trust Board Environmental Plan (2014),
 - Ngati Hine Iwi Environmental Management Plan (2008),
 - Ngati Hau Hapū Environmental Management Plan (2016)
 - Te Uriroi Hapū Environmental Management Plan and Whatatiri Environmental Plan (2016).
29. Each plan is comprehensive and covers a range of matters. PC2 proposes amendments to existing provisions to improve their efficiency and effectiveness. It is considered that the changes proposed in PC2 do not relate to the outcomes sought within these Hapū and Iwi Management Plans.
30. Council is currently in the process of reviewing the Tangata Whenua, Sites and Areas of Significance to Māori and Indigenous Biodiversity topics alongside Whangārei Hapū, where it is anticipated that the outcomes sought in the above Hapū and Iwi Management Plans may be better provided for.
31. PC2 has taken into account these management plans to the extent that their content has a bearing on the amendments proposed.

3 Approach to Evaluation

3.1 Evaluation of Scale and Significance

32. Section 32(1)(c) of the RMA requires that evaluation reports contain a level of detail that corresponds with the scale and significance of the environmental, economic, social, and cultural effects that are anticipated from the implementation of this proposal. This step is important as it determines the level of detail required in the evaluation of provisions so that it is focused on key changes from the status quo. The scale and significance of the environmental, economic, social, and cultural effects of the provisions in PC2 are evaluated in Table 2 below.

Table 2: Assessment of the scale and significance of PC2

Criteria	Comment	Assessment
Raises any principles of the Treaty of Waitangi	The proposed amendments have limited significance in relation to principles of the Treaty of Waitangi. The proposed amendments are related to improving the efficiency, effectiveness, and clarity of existing provisions.	Low
Degree of change from the Operative Plan	The proposed amendments are generally related to improving the efficiency, effectiveness, and clarity of existing provision. The proposed amendments do not seek to significantly alter the intent of the existing provisions and in some cases seek to better align the provisions with the intent that was set out in the s32 reports for the provisions originally.	Low
Effects on matters of national importance	The proposed amendments do not directly relate to matters of national importance.	Low
Scale of effects – geographically (local, district wide, regional, national)	The proposed amendments apply to various provisions throughout the WDP that are relevant throughout the district.	Moderate
Scale of people affected – current and future generations (how many will be affected)	The amendments apply to a range of provisions that could potentially affect many people within the District. However, the amendments are related to improving the efficiency, effectiveness, and clarity of existing provisions and do not represent a significant change from the WDP provisions.	Low
Scale of effects on those with a specific interest	The proposed amendments are general in nature and are not intended to apply to parties with specific interests. Specific interests can be identified and addressed through the submissions and plan change process.	Low
Degree of policy risk – does it involve effects that have been considered implicitly or explicitly by higher order documents or are addressed by other standards?	The proposed amendments align with direction in higher order documents including the NRPS and the Planning Standards which support improving the clarity and simplicity of Plan provisions.	Low

33. The overall scale and significance of PC2 has been assessed as low. Based on this assessment, this s32 Evaluation Report contains a lower relative level of detail and analysis for the proposed provisions.

3.2 *Benchmarking and Monitoring*

34. The RMA does not require anticipated environmental outcomes or indicators for monitoring to be developed and included as part of a schedule 1 plan change. Nevertheless, it can be beneficial to have regard to how the efficiency and effectiveness of proposed provisions will be monitored in the future.
35. The amendments proposed through PC2 are general in nature and where possible, create minimal changes to how the plan is interpreted. The amendments generally consist of correction of errors or anomalies, adjustments to improve clarity and interpretation, and minor amendments to outdated text and maps.
36. As PC2 is not proposing to alter the outcomes anticipated by the WDP, it is considered that the key anticipated environmental outcome is improved efficiency and clarity of district plan provisions. In the future this can be monitored by the number of queries that are raised around interpretation of plan provisions.

3.3 *Summary of Issues Raised in Pre-Notification Engagement and Consultation*

37. Council undertook early engagement on potential issues to address through a general amendments plan change from 4 September 2023 to 27 October 2023. Letters were sent to iwi/hapū and other stakeholders inviting them to view the consultation documents and provide feedback. Council also provided information about the consultation through a public notice in the local paper (the Whangārei Advocate) and on its website in the “Have Your Say” section.
38. Eleven pieces of feedback were received during the pre-notification engagement. The District Plan Department have reviewed the feedback and taken that into consideration when drafting the plan change. Table 3 below provides a summary of the key feedback received and the response through PC2.

Table 3: Summary of pre-notification feedback and PC2 responses

Summary of feedback	Summary of response
Provide summaries for each zone with the permitted standards for the zone stated in one place.	Not supported for inclusion in PC2 as changes to the format of the WDP or the provision of further guidance material on the Council website and ePlan can be made without a Schedule 1 Plan Change process.
Amend the definition of “household” to refer to the elements of support or supervision that are provided to residents.	<p>It is unclear how the current definition of “Household” limits the interpretation to include the specific instances as provided in the feedback.</p> <p>It is noted that “Supported Residential Care” is a defined term and is a permitted activity within the several zones, which may provide better outcomes sought through this feedback.</p> <p>The amendment of the definition of “household” is not supported to include within PC2.</p>
Provide further clarification and assessment of the proposed new definition of “cooking facilities”.	Further clarification and assessment on the proposed definition can be found in section 5.2 of this report.
Amend the definition of “site” to clarify that a site refers to a development site that could comprise more than one record of title.	Do not support as the definition of site is prescribed by the Planning Standards and cannot be amended.
Amend the definition of “residential activities” to include “ancillary activity (with a GFA limit) to the residential activity”, to enable communal facilities or shared space within a residential development.	Do not support as the definition of residential activity is prescribed by the Planning Standards and cannot be amended.
Include an advice note in TRA-R8.2(f) referencing that the Fire and Emergency New Zealand Designers’ Guide to Firefighting Operations: Emergency Vehicle Access F5-02 GD provides additional guidance on Fire and Emergency access requirements.	Support this amendment. But propose that the note is included within TRA Appendix 2D rather than TRA-R8.2. Refer to section 5.12 of this report.
Amend rule NTW-R4.4 to provide for slightly larger junction boxes, substations, and other equipment cabinets to reflect more modern design of the switches and transformers used on distribution networks.	Not supported as this would result in a material change to the rules and is not considered necessary for clarity or interpretation purpose. This type of change is considered beyond the intent of a General Amendments Plan Change. Northland Transport Alliance officials have advised that increasing the footprint and height could have adverse effects on the transport network including sightlines, safety, and accessibility.
Provide policy direction to support the implementation of rules SUB-R15 and SUB-R16.3	Support inclusion of policy direction related to SUB-R15 as discussed in section 5.20 below. Do not support additional policy direction for SUB-R16.3 as policy RPROZ-P10 is intended to provide direction in the WDP.
Remove the requirement for an identified building area for subdivision in a vacant allotment for residential zones and adopt a shape-factor oriented approach.	Not supported as there is no clear evidence to suggest that the status quo is inefficient or ineffective.

Remove the minimum lot size restrictions and other building platform requirements from the subdivision rules.	Not supported as this would be a significant change to policy intent and would fundamentally alter the way the subdivision rules operate. This type of change is considered beyond the intent of a General Amendments Plan Change.
Review the relationship between the subdivision chapter and the underlying residential zone chapters and remove any policies referencing subdivision in the residential zone chapters, such as the LLRZ and LRZ.	As part of PC2 the relationship between the subdivision chapters and underlying zones has been reviewed. No issues were identified and there is no evidence to suggest that the current structure is ineffective or inefficient. No changes are proposed in response to this feedback.
Remove provisions relating to community signs from all zone chapters.	Not supported as there are no provisions relating to community signs in the zone chapters. However, amendments to the community sign rule in SIGN-R4 are proposed as discussed in section 5.26 below.
Delete rule SIGN-R5.1(f)(i) or amend it so that the rule does not apply to the COMZ and MUIZ. Also consider deleting SIGN-R5.1(f)(ii).	Not supported as rules SIGN-R5.1(f)(i) and SIGN-R5.1(f)(ii) were included in the WDP through Plan Change 82A with the input of multiple experts. There is insufficient evidence to suggest that the current rule is inefficient or ineffective.
Review and clarify the interpretation of the height in relation to boundary rules within each zone.	Not supported as there is no clear evidence to suggest that the status quo is inefficient or ineffective.
Amend the activity status of rule RPROZ-R8 to be prohibited where compliance is not achieved with the permitted activity standards.	Not supported as this would be a significant change to the rules for minor residential units in the RPROZ. This type of change is considered beyond the intent of a General Amendments Plan Change and there is insufficient evidence to demonstrate that a prohibited activity status is appropriate.
Spatially identify the "Portland Strategic Industries Zone" area rather than "Strategic Industries Zone" on the planning maps.	No further amendment required as the Portland SRIZ area is already identified in Figure SRIZ 2 within the SRIZ Chapter of the WDP.
Amend the wording of GRZ-R6.1(a) and MRZ-R6.1(a) to clarify how the measurements are to be taken and to reduce the areas required for outdoor living courts.	Not supported as there is no clear evidence to suggest that the status quo is inefficient or ineffective.

3.4 Summary of Advice from Engagement/Consultation with Iwi Authorities

39. Section 32(4A)(a) of the RMA requires that evaluation reports include a summary of advice on a proposed plan received from iwi authorities.
40. Iwi groups were invited to provide feedback during the early feedback period for the draft plan change. The draft consultation material was also presented to iwi and hapū working groups Te Karearea and Te Huinga. No material feedback was provided from these groups.
41. When preparing PC2, iwi and hapū management plans were taken into account as discussed in section 2 of this report. A draft version of PC2 was provided to Patuharakeke for feedback

in accordance with the Mana Whakahono ā Rohe between Patuharakeke Iwi Trust Board and Council.

4 Evaluation of Objectives

42. Section 32(1)(a) of the RMA requires that the evaluation report examine the extent to which the objectives of the proposal are the most appropriate way to achieve the purpose of the RMA. PC2 does not propose any new objectives, nor does it propose amendments to any existing objectives apart from replacing some instances of “allotment(s)” and “lot(s)” with “site(s)” as discussed in section 5.46 below.
43. Discussion on relevant Objectives from the WDP are provided as necessary for each issue under section 5 below.

5 Evaluation of Provisions

44. Section 32(1)(b) of the RMA requires an evaluation report to examine whether proposed provisions are the most appropriate way to achieve the objectives by:
 - identifying other reasonably practicable options for achieving the objectives; and
 - assessing the efficiency and effectiveness of the provisions in achieving the objectives; and
 - summarising the reasons for deciding on the provisions.
45. When assessing the efficiency and effectiveness of the provisions in achieving the objectives, Section 32(2) of the RMA requires that the assessment:
 - identify and assess the benefits and costs of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the provisions, including the opportunities for:
 - economic growth that are anticipated to be provided or reduced; and
 - employment that are anticipated to be provided or reduced; and
 - if practicable, quantify the benefits and costs referred to in paragraph (a); and
 - assess the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the provisions.
46. This section discusses the identified issues to be addressed through PC2 and follows the following structure for each issue:
 - Overview of current provision(s) and existing resource management issue.
 - Summary of proposed amendments to address the issue.

- Assessment of reasonably practicable options and associated provisions (policies, rules, and standards) for achieving the objectives in accordance with these requirements.
47. Each option is assessed in terms of the benefits, costs, and effectiveness and efficiency of the provisions, along with the risks of not acting or acting when information is uncertain or insufficient. For the purposes of this assessment:
- **effectiveness** assesses how successful the provisions are likely to be in achieving the objectives and addressing the identified issues.
 - **efficiency** measures whether the provisions will be likely to achieve the objectives at the least cost or highest net benefit to society.

5.1 Issue #1 – Definition of Business Net Floor Area

Status quo and problem statement

48. “Business Net Floor Area” is defined in the WDP as:

Term	Definition
Business Net Floor Area	means the net floor area occupied exclusively for a single commercial activity or a single community activity.

49. The term “business net floor area” is used in various provisions of the WDP to manage the overall scale of activities within zones.
50. In most cases the relevant WDP rules referring to “business net floor area” relate to commercial or community activities so the term functions as anticipated. However, there are several rules which apply to industrial activities (e.g., COMZ-R11 – R16 and HIZ-R13 – R14). In these instances, the definition and rules are incompatible because the rules are referring to industrial activities, but the definition only refers to commercial and community activities.

Proposed PC2 amendments

51. PC2 proposes to amend the definition of “business net floor area” as shown below (additions shown in underline):

Term	Definition
Business Net Floor Area	means the net floor area occupied exclusively for <u>a single industrial activity</u> , a single commercial activity or a single community activity.

Assessment of options

52. For the purpose of this evaluation, Council has considered the following practicable options:

- Option 1: Include a new definition of “industrial net floor area” and amend the relevant rules for industrial activities to refer to industrial net floor area rather than business net floor area.
 - Option 2: The proposed amendments outlined above.
53. The status quo results in an inconsistency between the definition and rules and is not considered to be a reasonably practicable option.
54. Options 1 and 2 would have similar overall costs and benefits achieving the same outcome. However, Option 2 is considered to be a more efficient and streamlined option and is considered the most appropriate option as it avoids the need to introduce a new defined term or amend existing rules.

5.2 Issue #2 – Definition of Cooking Facilities

Status quo and problem statement

55. “Residential Unit” is defined in the WDP as:

Term	Definition
Residential Unit	<p><i>This definition is included within the residential activities definition grouping.</i></p> <p>means a building(s) or part of a building that is used for a residential activity exclusively by one household, and must include sleeping, cooking, bathing and toilet facilities.</p>

56. This definition applies to a building where all facilities provided (sleeping, cooking, bathing, and toilet facilities). This has implications on how the “Minor Residential Unit” (**MRU**) activity applies throughout the plan, where it can be argued that because “cooking facilities” are not provided or shown in building consent application plans, then a resource consent is not required for that activity.
57. Council’s Resource Consent Department has reported that when assessing if a building meets the definition of Residential Unit, Council can only consider what is presented in the application plans. Cooking facilities are often left off such plans as they are not a material consideration to a building consent. Minor units are often presented as ‘sleepouts’ in such plans, with cooking facilities being added post consenting process.
58. There is currently no guidance within the WDP to help Council Staff to assess if a building includes cooking facilities.
59. The s32 report for Plan Change 88I (**PC88I**) states that MRUs were introduced into the Residential Zones as an option to remedy the issue of the previous size of lots not

encouraging infill development, with surplus land around existing buildings frequently unable to be developed¹.

60. Furthermore, in the cost benefit analysis of MRUs (as they apply to the LRZ and GRZ), it is stated that MRUs are intended to:

provide additional opportunities and flexibility for residential development and to provide more variety and affordability in housing options. Sites within the RES are considered to be a sufficient size to accommodate a PRU [Principle Residential Unit] and an MRU, and the proposed bulk and location provisions will manage the scale of built form within sites.

61. Overall MRUs are intended to be provided for within the WDP; however, the lack of clarity around the definition of “Cooking Facilities” causes inefficiencies in WDP interpretation and enforcement.
62. Several WDP objectives and policies² seek to manage residential amenity within zones. The lack of clarity of what is included in “Cooking Facilities” risks that built development will not providing for adequate on-site amenities, missed development contributions, and missed data to inform the next review of residential provisions within the WDP.
63. It is important that the interpretation of residential unit within the WDP is clear, to address the inefficiencies in consent processing and provide for higher quality housing outcomes.

Proposed PC2 amendments

64. PC2 proposes to include a new definition of “Cooking Facilities”, as shown below (additions shown in underline):

Term	Definition
Cooking Facilities	<p><u>means facilities that are able to be used for food preparation and/or cooking, including but not limited to:</u></p> <ul style="list-style-type: none"> <u>space for a refrigerator, or a perishable food storage area capable of being cooled and protected from vermin and insects.</u> <u>means for food rinsing, utensil washing and wastewater disposal.</u> <u>means for cooking food, including space for cooking appliances.</u> <u>space and a surface for food preparation.</u> <u>adequate energy supply.</u> <u>space for non-perishable food items to be stored and protected from vermin and insects.</u>

¹ Page 6 of <https://www.wdc.govt.nz/files/assets/public/v/1/documents/services/property/planning/plan-changes/pc-urban-and-services/3-notification-reports/s32-report-pc88i-living-zones.pdf>

² These include NCZ-O2, NCZ-P5, CCZ-O1, CCZ-O2, CCZ-O3, CCZ-P5, GRZ-O2, GRZ-P2, LCZ-O2, LCZ-P6, PREC3-O2, PREC3-O3, and PREC3-P6.

65. An alternative option to a definition is also provided as follows. This suggested definition is less prescriptive, although applies in a similar manner to the proposed definition outlined in paragraph 65 above.

Term	Definition
<u>Cooking Facilities</u>	<u>means space and facilities for the hygienic storage, preparation and/or cooking of food, that are adequate for the use of the building.</u>

Assessment of options

66. For the purpose of this evaluation, Council has considered the following practicable options:
- Option 1: The status quo (do not include definition of Cooking Facilities in the WDP)
 - Option 2: The proposed new definition (outlined in paragraph 65).
 - Option 3: The proposed new definition (outlined in paragraph 66).
67. Table 4 below provides an assessment of Option 1.

Table 4: Assessment of Option 1 for Cooking Facilities definition

Option 1: The status quo (do not include definition of Cooking Facilities)	
Benefits	Costs
<u>Environmental</u> None identified.	<u>Environmental</u> Adequate amenity not provided for by way of outdoor living courts.
<u>Economic</u> None identified.	<u>Economic</u> Higher than necessary consenting and enforcement costs, due to unclear determination of what constitutes a residential unit.
<u>Social</u> None identified.	<u>Social</u> Continued confusion around the interpretation of this definition.
<u>Cultural</u> None identified.	<u>Cultural</u> None identified.
Effectiveness: It is considered that Option 1 is ineffective as there is confusion over what is included in this definition.	
Efficiency: Option 1 is considered inefficient as it can lead to time inefficiencies during consent application processing, resulting in increased consenting costs, and it causes uncertainty for processing planners.	
Risk of acting/not acting: Option 1 risks residential developments not providing for adequate outdoor living courts/amenity. There is also the risk of continued lack of clarity for processing planners and enforcement officers as to what constitutes “cooking facilities”.	
Overall evaluation of Option 1: Option 1 is not considered an appropriate method to achieve the objectives and policies identified in paragraph 63.	

68. It is considered that Options 2 and 3 have similar overall costs and benefits. Both options present increased efficiencies in resource consent compliance and processing, reduced costs of Council staff time, clearer expectations of what a residential unit is comprised of, and likely higher quality housing/residential amenity outcomes.
69. Both options consider direction from The Building Code, which includes requirements that could help to inform a definition that is aligned across Council's building and resource management departments. Clause G3 of the Building Code provides some guidance on what is considered for food preparation and prevention of contamination that applies to residential units.
70. In terms of efficiency and effectiveness, it is considered that Option 2 is more effective as the specificity of the proposed definition ensures appropriate residential amenity is provided for. It also provides clarity to plan users, which will minimise interpretation errors.
71. Option 2 is considered an appropriate method of achieving the objectives and policies outlined in paragraph 63.

5.3 Issue #3 – Definition of Impervious Area

Status quo and problem statement

72. "Impervious Area" is defined in the WDP as:

Term	Definition
Impervious Areas	<p>means an area with a surface which prevents or significantly retards the soakage of water into the ground.</p> <p>includes:</p> <ul style="list-style-type: none"> a. roofs; b. paved areas including driveways and sealed/compacted metal parking areas, patios; c. sealed tennis or netball courts; d. sealed and compacted metal roads; e. engineered layers such as compacted clay; f. artificial playing surfaces or fields; <p>excludes:</p> <ul style="list-style-type: none"> a. grass and bush areas; b. gardens and other landscaped areas; c. permeable paving and green roofs; d. slatted decks.

73. It is not clear when permeable paving is acceptable as an "Impervious Area". Furthermore, Council's Engineering team has advised that permeable paving is not always effective in reducing stormwater runoff unless it is installed correctly and maintained at regular intervals.
74. The WDP does not manage the installation and maintenance of permeable paving and there is confusion over what is included in this definition. Clarification that permeable paving that is

not installed by a professional may be considered an “Impervious Area” will help to assist plan users in understanding that this type of activity may lead to stormwater issues.

75. It has also been identified by Council's Property Assessment Team that the definition of impervious area lacks clarity as to whether “swimming pools” are included. Given the nature of swimming pools (to store water within an impervious repository), they can be considered to be an impervious area.
76. Council's Resource Consent team has also questioned the necessity of “compacted” when interpreting what is included in a paved area.

Proposed PC2 amendments

77. PC2 proposes to amend the definition of impervious area as shown below: (additions shown in underline and deletions shown in ~~strikethrough~~):

Term	Definition
Impervious Area	<p>means an area with a surface which prevents or significantly retards the soakage of water into the ground.</p> <p>includes:</p> <ul style="list-style-type: none"> a. roofs; b. <u>swimming pools</u>; c. paved areas including driveways and sealed/compacted metal parking areas, patios; d. <u>sealed and metal accessways and parking areas</u>; e. sealed tennis or netball courts; f. sealed and compacted metal roads; g. engineered layers such as compacted clay; h. artificial playing surfaces or fields; i. <u>permeable paving that is not installed and maintained by a suitably qualified and experienced professional.</u> <p>excludes:</p> <ul style="list-style-type: none"> a. grass and bush areas; b. gardens and other landscaped areas; c. permeable paving and green roofs; d. slatted decks.

Assessment of options

78. It is considered that the proposed amendments to clauses (b), (c), (d), and (f) above do not change the meaning or interpretation of the impervious area definition as it applies to the relevant WDP rules³. Instead, they are proposed to provide more clarity and certainty. The

³ These include TWM-R6, AIRPZ-R14, COMZ-R7, FUZ-R6, GRZ-R7, HOSZ-R16, LLRZ-R7, LCZ-R9, LRZ-R7, PREC12-R4, MRZ-R7, MUZ-R7, NCZ-R7, REZ-PREC-C-R2, RLZ-R7, SETZ-SZ1-R4, SCZ-R8, and TCZ-R8.

amendments are considered to be similar in effectiveness to the status quo but are intended to help improve the efficiency of the definition.

79. With regard to the amendments to the permeable paving exemption, for the purpose of this evaluation, Council has considered the following practicable options:
- Option 1: The status quo (i.e., retain the existing definition of impervious area).
 - Option 2: Amend the definition of impervious area to clarify that permeable paving must be appropriately maintained and installed to be considered permeable.
80. Table 5 below provides assessments of each option.

Table 5: Assessment of Options for Impervious Area Definition

Option 1: The status quo (retain the existing definition of impervious area)	
Benefits	Costs
<p><u>Environmental</u></p> <p>None identified.</p> <p><u>Economic</u></p> <p>Continued lower numbers of resource consent as permeable paving is excluded from impervious area definition.</p> <p><u>Social</u></p> <p>None identified.</p> <p><u>Cultural</u></p> <p>None identified.</p>	<p><u>Environmental</u></p> <p>Continued risk that permeable paving will not be installed and maintained correctly, leading to stormwater issues.</p> <p><u>Economic</u></p> <p>None identified.</p> <p><u>Social</u></p> <p>Continued confusion around the interpretation of this definition.</p> <p><u>Cultural</u></p> <p>None identified.</p>
<p>Effectiveness: It is considered that Option 1 is ineffective as currently there is no way for Council to manage to the installation and maintenance of permeable paving.</p>	
<p>Efficiency: It is considered that Option 1 is inefficient as currently there is confusion over what is included in this definition.</p>	
<p>Risk of acting/not acting: Option 1 risks stormwater issues arising from the improper installation and maintenance of permeable paving. There is also the risk that not acting will continue confusion over what is and is not considered an impervious area.</p>	
<p>Overall evaluation of Option 1: Option 1 is not considered an appropriate method to achieve TWM-O5, TWM-P6 and TWM-P7.</p>	
Option 2: Amend the definition of impervious area as per the proposed amendments outlined above	
Benefits	Costs
<p><u>Environmental</u></p> <p>Reduced risk of stormwater issues.</p> <p><u>Economic</u></p>	<p><u>Environmental</u></p> <p>None identified.</p> <p><u>Economic</u></p>

None identified. <u>Social</u> Adding the minor amendments to this definition will provide clarity over how Council interprets this rule. <u>Cultural</u> None identified.	Where permeable paving will be used to avoid resource consent, it will now need to be installed by a suitably qualified and experienced professional, therefore increasing installation costs. <u>Social</u> None identified. <u>Cultural</u> None identified.
Effectiveness: It is considered that Option 2 is effective as it will allow Council to have greater control over the installation and maintenance of permeable paving, therefore better managing stormwater issues.	
Efficiency: It is considered that Option 2 is efficient as it provides clarity over how this definition should be interpreted.	
Risk of acting/not acting: There is a risk that people will still not install and maintain the permeable paving correctly, however, this option allows compliance to take enforcement action if a complaint is made.	
Overall evaluation of Option 2: Option 2 is considered the most appropriate method to achieve TWM-O5, TWM-P6 and TWM-P7.	

81. Option 2 is considered the most appropriate option.

5.4 Issue #4 – Definition of Intensive Livestock Farming

Status quo and problem statement

82. Intensive Livestock Farming is defined in the WDP as:

Term	Definition
Intensive Livestock Farming	<i>This definition is included within the rural production activities definition grouping.</i> means any intensive farming of animals and/or includes fungi (mushrooms), dependent on a high input of food or fertiliser from beyond the site and which is predominantly carried out in buildings or outdoor enclosures where the stocking density precludes the maintenance of pasture or ground cover and includes pig farming and cattle feedlots. Poultry farming is excluded if it is considered free range in accordance with the relevant minimum standards outlined in the MAF Animal Welfare (Layer Hens) Code of Welfare 2005.

83. This definition includes reference to MAF Animal Welfare (Layer Hens) Code of Welfare 2005, which was revoked on 6 December 2012⁴. The most recent version being the “Code of Welfare – Layer Hens 2018”. This Code of Welfare is issued by the Minister of Agriculture, by a notice published in the Gazette, under section 75 and 76 of the Animal Welfare Act 1999, after having complied with the matters specified in section 75(1) and 76(2)⁵.

⁴ Gazetted issue found here: <https://gazette.govt.nz/notice/id/2012-go7895>

⁵ Details of Issuing Authority taken from page 1 of the following: <https://www.mpi.govt.nz/dmsdocument/46036-Code-of-Welfare-Layer-hens>

84. It is considered that this definition may result in an unintended pathway for free range poultry farming to occur that does not meet the minimum standards under the Code of Welfare – Layer Hens 2018. While this is not likely to occur, as the activity is also managed through the Animal Welfare Act 1999, amendments to the definition will improve the efficiency for plan users when interpreting this definition.

Proposed PC2 amendments

85. PC2 proposes to amend the definition of “Intensive Livestock Farming” and include “Code of Welfare – Layer Hens 2018” in the Referenced Documents chapter of the WDP as shown below (additions shown in underline and deletions shown in ~~strikethrough~~):

Term	Definition
Intensive Livestock Farming	<p><i>This definition is included within the rural production activities definition grouping.</i></p> <p>means any intensive farming of animals and/or includes fungi (mushrooms), dependent on a high input of food or fertiliser from beyond the site and which is predominantly carried out in buildings or outdoor enclosures where the stocking density precludes the maintenance of pasture or ground cover and includes pig farming and cattle feedlots. Poultry farming is excluded if it is considered free range in accordance with the relevant minimum standards outlined in the <u>Code of Welfare: Layer Hens (2018)</u>. MAF Animal Welfare (Layer Hens) Code of Welfare 2005.</p>

The following documents are incorporated by reference: ...

...

2. Animal Welfare:

- Code of Welfare: Layer Hens (2018)

Assessment of options

86. For the purposes of this evaluation Council has considered the following options:
- Option 1: Status quo (retain existing definition of Intensive Livestock Farming).
 - Option 2: The proposed amendments to the definition of Intensive Livestock Farming and the Schedule of Referenced Documents.
87. The status quo approach of retaining the reference to an outdated code of welfare is not considered appropriate.
88. Amending the definition as set out above will more accurately reflect what is required under the Animal Welfare Act and minimise the risk of unintended application of revoked versions of the code of welfare.
89. Option 2 is the most appropriate way to avoid confusion for plan users and ensure legislative requirements for animal welfare are considered in the WDP.

5.5 Issue #5 – Definition of Permanent All Weather Surface

Status quo and problem statement

90. Rule TRA-R8.2 in the TRA Chapter requires access and parking areas to be formed, drained and sealed with a permanent all weather surface in certain circumstances. “Permanent all weather surface” is defined in the WDP as:

Term	Definition
Permanent All Weather Surface	means a pavement which is dust free and is trafficable under all weather conditions, with a sealed surface of concrete, asphalt, bitumen or similar.

91. It has been identified that the definition is overly specific in what sealing surfaces are required (i.e., either concrete, asphalt, bitumen or similar). This definition is in place to give effect to objectives and policies⁶ that centre around the design of a safe, efficient, and effective transport network.
92. The definition does provide some level of flexibility by stating “or similar” but it is considered that this still limits qualifying surfaces to ones that are similar to those listed in the definition. There could be other sealed surfaces such as pavers or chip seal which are appropriate for the purposes of TRA-R8.2.

Proposed PC2 amendments

93. PC2 proposes to amend the definition of permanent all weather surface as shown below (deletions shown in ~~strikethrough~~):

Term	Definition
Permanent All Weather Surface	means a pavement which is dust free and is trafficable under all weather conditions, with a sealed surface of concrete, asphalt, bitumen or similar.

Assessment of options

94. It is considered that the status quo inadvertently limits the types of sealed surfaces that would meet the definition. This can result in an inflexible interpretation and implementation of TRA-R8.2.
95. For the purposes of this evaluation Council has considered the following options:
- Option 1: Amend the definition of permanent all weather surface to state all of the acceptable sealed surfaces.
 - Option 2: The proposed provisions outlined above to remove references to specific types of sealed surfaces.

⁶ These include TRA-O1, TRA-O4, TRA-P1, and TRA-P6.

96. It is considered that Option 1 could provide more flexibility and address the identified issues. However, this Option 1 risks missing a type of surface that may be appropriate and is not a future-proof option if different design solutions/surfaces were developed in the future.
97. Option 2 still retains the intent of the definition and provides more flexibility by not specifically listing what sealed surfaces qualify. By retaining “sealed surface” in the definition it ensures that surfaces such as metal would not qualify. It is considered that Option 2 is the most appropriate method of achieving TRA-O1, TRA-O4, TRA-P1, and TRA-P6.

5.6 Issue #6 – Definition of Standalone Car Park Facility

Status quo and problem statement

98. The definition of “Standalone Car Park Facility” is:

Term	Definition
Standalone Car Park Facility	means either indoor or outdoor on-site car parking which is not directly associated with any other activity within the site.

99. This definition does not include clarification that it applies to a multi-storey car park building and does not apply to parking within a vacant lot.
100. This definition occurs within policies CCZ-P2, LCZ-P2, and MUZ-P2 as “Standalone Car Parking Facility/ies”. The policies all relate to managing the nature, scale, and design of activities to ensure that large single use buildings, activities at ground floor and standalone car parking facilities are sleeved by smaller scale commercial activities. These policies give effect to objectives CCZ-O2, LCZ-O1, and MUZ-O1, which relate to providing for and managing a range of activities within the respective zones.
101. “Standalone Car Parking Facilities” is considered either a discretionary or non-complying activity within the MUZ, TCZ, CCZ, and PNDA. Requiring a consent for temporary parking in a vacant lot is considered onerous.
102. By not specifying that the definition applies to a car park building that is used for the purpose of parking only, there are unintended restrictions placed on using vacant lots, without any car parking facility or building, for parking vehicles. Parking within vacant lots is not managed within the WDP and does not link to the intent of the policies outlined above.
103. It is considered that parking within a vacant lot where development is not yet viable should not be unintentionally captured within this definition. Discussion in the s32 Reports⁷ for the CCZ,

⁷ These can be accessed here: <https://www.wdc.govt.nz/Services/Planning/District-Plan/District-Plan-changes/Operative-plan-changes/PC-Urban-and-Services#section-2>

LCZ, and MUZ focus on managing the design and encouraging more economic activity in the form of smaller scale activities along the ground floor frontage of standalone car park facilities.

104. It is also noted that this definition is currently referred to as “standalone car parking facility” throughout other chapters of the WDP. These references should be updated accordingly to ensure a link to the definition.

Proposed PC2 amendments

105. PC2 proposes to amend the term “Standalone Car Parking Facility” to “Standalone Car Park Facility”, as it appears in CCZ-P2, CCZ-R25, LCZ-P2, MUZ-P2, MUZ-R24, PNDA-R49 and TZX-R28. PC2 also proposed to amend the definition of “Standalone Car Park Facility” as shown below (additions shown in underline and deletions shown in ~~strike through~~):

Term	Definition
Standalone Car Park Facility	means <u>a building used for either indoor or outdoor on-site</u> car parking which is not directly associated with any other activity within the site.

Assessment of options

106. For the purpose of this evaluation, Council has considered the following practicable options:
- Option 1: The status quo (i.e., retain the existing definition of Standalone Car Park Facility)
 - Option 2: The proposed updated definition (outlined in paragraph 106).
107. Table 6 below provides assessments of each option.

Table 6: Assessment of Options for the definition of Standalone Car Park Facility

Option 1: The status quo (retain the existing definition of Standalone Car Park Facility)	
Benefits	Costs
<u>Environmental</u> None identified.	<u>Economic</u> Potential for unintended resource consent costs for parking in a vacant lot.
<u>Economic</u> None identified.	<u>Environmental, Social and Cultural</u> None identified
<u>Social</u> None identified.	
<u>Cultural</u> None identified.	
Effectiveness: It is considered that Option 1 is ineffective as it creates an excessive restriction on parking within a vacant lot, and it is not clear that the definition is intended to capture multistorey car parking buildings, in alignment with CCZ-P2, LCZ-P2, and MUZ-P2.	
Efficiency: It is considered that Option 1 is inefficient as it may require resource consent for parking in a vacant lot, where this is not the intention of the rule framework.	

Risk of acting/not acting: Option 1 risks unnecessary and costly resource consent requirements for parking within a vacant lot.	
Overall evaluation of Option 1: Option 1 is not considered an appropriate method of achieving CCZ-P2, LCZ-P2, and MUZ-P2.	
Option 2: The proposed amendments (the proposed amendments identified above).	
Benefits	Costs
<u>Economic</u> Decreased consenting or enforcement costs related to parking within vacant lots. <u>Social</u> Clarity for plan users around use of vacant lots where commercial activities are not currently viable. <u>Cultural and Environmental</u> None identified.	<u>Environmental</u> Potential for poor amenity outcomes where vacant lots are not required to meet the same urban amenity outcomes as that of a building. <u>Economic, Social and Cultural</u> None identified.
Effectiveness: Option 2 is considered to be effective as it achieves objectives CCZ-O2, LCZ-O1, and MUZ-O1 and addresses the issue of clarity as to what 'Standalone Car Park Facility' relates to.	
Efficiency: Option 2 is considered to be efficient as it manages car parking facilities, while removing the unintended resource consent requirement for parking within a vacant lot. This provides optimal use of vacant lots where pursuit of another activity is not currently viable.	
Risk of acting/not acting: There are no identified risks with regard to this suggested amendment.	
Overall evaluation of Option 2: It is considered that parking within a vacant lot should not be unintentionally captured within this definition and clarity should be provided that it applies to a car parking building that is used solely for that purpose. The suggested amendment to the definition of Standalone Car Park Facility does not deviate from the relevant objectives and policies.	

108. Option 2 is considered the most appropriate way to achieve the relevant policies.

5.7 Issue #7 – Definition of Subsidiary

Status quo and problem statement

109. “Ancillary” and “subsidiary” are defined in the WDP as:

Term	Definition
Ancillary Activity	means an activity that supports and is subsidiary to a primary activity.
Subsidiary	means incidental and occurring within the same building and being held in common ownership with the primary activity.

110. To remain consistent with the Planning Standards definition, the definition of “ancillary” was introduced into the WDP by way of submission to the Urban and Services Plan Changes⁸. A definition of subsidiary was also proposed to be added to WDP to work in conjunction with the new ancillary definition. The Council section 42A (**s42A**) Report and Commissioner Hearing Report each recommended that these submission points be accepted and did not recommend any changes to the wording.
111. Since the addition of the Planning Standards definition of ancillary, and the definition of subsidiary there has been an unanticipated consequence identified. The commercial activity provisions within most residential and rural zones require the commercial activity to be “ancillary to the residential use of the site”, the way the ancillary and subsidiary definitions are written, resource consent would be required for any commercial activity that is not located within the residential unit. The reason for this is because subsidiary means incidental and “occurring within the same building”.
112. Requiring commercial activities to be located within residential units may be too onerous as it severely limits what commercial activities can occur without resource consent. Other permitted standards for commercial activities in the residential and rural zones help to manage the scale and intensity of commercial activities.

Proposed PC2 amendments

113. PC2 proposes to amend the definition of subsidiary as shown below (additions shown in underline and deletions shown in ~~strike through~~):

Term	Definition
Subsidiary	means incidental <u>and serving to assist or supplement</u> and occurring within the same site building and being held in common ownership with the primary activity.

Assessment of options

114. For the purpose of this evaluation, Council has considered the following practicable options:
- Option 1: The status quo (i.e., retain the existing definition of subsidiary)
 - Option 2: The proposed provisions (i.e., the proposed amendments outlined above).
 - Option 3: Amend the rules in each zone to permit commercial activities to be located outside of the residential unit it is associated with.
115. Table 7 below provides assessments of each option.

⁸ Submission #236 on the Urban and Services Plan Changes. The Urban and Services Plan Changes included Plan Changes 82A and B, 88 A-J, 109, 115, 136, 143, 144, 145, 147, and 148.

Table 7: Assessment of Options for the definition of subsidiary

Option 1: The status quo (retain the existing definition of subsidiary)	
Benefits	Costs
<p><u>Environmental</u></p> <p>Greater control over new commercial activities.</p> <p><u>Economic</u></p> <p>None identified.</p> <p><u>Social</u></p> <p>None identified.</p> <p><u>Cultural</u></p> <p>None identified.</p>	<p><u>Environmental</u></p> <p>None identified.</p> <p><u>Economic</u></p> <p>Continued need for resource consents for commercial activities that are located outside of residential units. Resource consent fees have the potential to deter new commercial activities.</p> <p><u>Social</u></p> <p>Potential for onerous restrictions on commercial activities.</p> <p><u>Cultural</u></p> <p>None identified</p>
<p>Effectiveness: It is considered that Option 1 is ineffective as it creates an excessive restriction on commercial activities.</p>	
<p>Efficiency: It is considered that Option 1 is inefficient as it may require resource consent where the effects can be managed by other permitted standards.</p>	
<p>Risk of acting/not acting: Option 1 risks continuing enforcing provisions that are unnecessarily onerous on commercial activities.</p>	
<p>Overall evaluation of Option 1: Option 1 is not considered an appropriate method of promoting sustainable management under the RMA.</p>	
Option 2: The proposed amendments (the proposed amendments identified above).	
Benefits	Costs
<p><u>Environmental</u></p> <p>Other commercial activity provisions will manage the effects of proposed activities.</p> <p><u>Economic</u></p> <p>Potential reduced consenting costs as a greater variety of commercial activities will not require resource consent. Creating an easier pathway for some commercial activities to occur will stimulate local economy growth.</p> <p><u>Social</u></p> <p>A standardised approach across all zones maintains consistency and minimises the risk of confusion.</p> <p><u>Cultural</u></p> <p>None identified</p>	<p><u>Environmental</u></p> <p>Potential for a greater number of structures to be constructed which could lead to a decrease in visual amenity in some areas.</p> <p><u>Economic</u></p> <p>None identified.</p> <p><u>Social</u></p> <p>None identified.</p> <p><u>Cultural</u></p> <p>None identified.</p>

Effectiveness: Option 2 is more effective than Option 1 as it better promotes sustainable management under the RMA.	
Efficiency: Option 2 is more efficient than option 1 as changing the definition of subsidiary is more efficient than changing the zone rules.	
Risk of acting/not acting: There are no identified risks	
Overall evaluation of Option 2: Option 2 is considered to be the most appropriate method of promoting sustainable management under the RMA.	
Option 3: Amend the rules in each zone to allow commercial activities to be located outside of the residential unit	
Benefits	Costs
<u>Environmental</u> Can tailor rules to be different for each zone. <u>Economic</u> Potential reduced consenting costs as a greater variety of commercial activities will not require resource consent. Creating an easier pathway for some commercial activities to occur will stimulate local economy growth. <u>Social</u> None identified. <u>Cultural</u> None identified.	<u>Environmental</u> Potential for a greater number of structures to be constructed which could lead to a decrease in visual amenity in some areas. <u>Economic</u> None identified. <u>Social</u> Potentially not having a standardised approach across all zones could cause confusion. <u>Cultural</u> None identified.
Effectiveness: Option 3 is more effective than Option 1 as it better promotes sustainable management under the RMA.	
Efficiency: Option 3 is considered to be an inefficient way as it potentially requires amendments to each individual zone and could cause uncertainty as to why certain activities are enabled in some locations and not others.	
Risk of acting/not acting: There are no identified risks	
Overall evaluation of Option 3: Option 3 is considered to be an appropriate method of promoting sustainable management under the RMA.	

116. Option 2 is considered the most appropriate way to achieve the purpose of the RMA.

5.8 Issue #8 – Definition of Temporary Activity

Status quo and problem statement

117. The definition of Temporary Activity is:

Term	Definition
Temporary Activity	means any commercial activity undertaken in a temporary or moveable structure within a road or an activity which is undertaken for a short term, not exceeding 3 days duration, either as an isolated event or as a series of events where the cumulative period of operation is less than 12 days in a calendar year, and includes any gala, sports event, festival, hui or other community activity or any temporary military training activity not exceeding 60 days duration.

118. The wording of the definition is unclear and allows for multiple, inconsistent ways to interpret this. It is commonly grouped together as it is one sentence, which can result in all the listed activities being interpreted together.
119. Temporary Activities are not included in the activity nesting tables. A temporary activity can fall under any activity grouping depending on its nature. It is unclear to the reader whether an activity can be both temporary and an activity within the nesting table. Considering HPW-R7, the temporary activity definition would take precedence over the activity grouping as it is the more specific definition.

Proposed PC2 amendments

120. PC2 proposes to amend the structure of the definition to ensure that it is interpreted consistently as seen below (additions shown in underline):

Term	Definition
Temporary Activity	<p>means:</p> <ol style="list-style-type: none"> <u>1.</u> any commercial activity undertaken in a temporary or moveable structure within a road; or <u>2.</u> any activity which is undertaken for a short term, not exceeding 3 days duration either as an isolated event or as a series of events where the cumulative period of operation is less than 12 days in a calendar year and includes any gala, sports event, festival, hui or other community activity; or <u>3.</u> any temporary military training activity not exceeding 60 days duration.

Assessment of options

121. For the purpose of this evaluation, Council has considered the following practicable options:
- Option 1: The status quo (i.e., retain the existing definition of Temporary Activity).
 - Option 2: Structural changes to the definition to make it clearer.
122. It is considered that Option 1 creates confusion for the reader and is therefore not appropriate.
123. The proposed amendments are considered appropriate to ensure consistency when interpreting the definition. Given the above it is considered that Option 2 is the most appropriate option and will improve the efficiency of the WDP.

5.9 Issue #9 – New Definitions from the National Planning Standards

Status quo and problem statement

124. The Planning Standards require Council to insert new definitions into the Definitions chapter of the Plan (direction 14). Any definitions that refer to the same meaning in the RMA or that were able to be incorporated through a plan change have been done. There are some outstanding definitions that require a detailed analysis of how the proposed definitions might change the way that the plan is interpreted and how they will be applied in each chapter of the plan.
125. Definitions proposed to be added and an analysis of how they are interpreted when applied throughout the WDP are detailed in Appendix 3. This analysis document excludes “Primary Production”, which is discussed in section 5.25 below.
126. The proposed definitions (in order as they appear in Appendix 3) to be included in the WDP are:
- Accessory Building
 - Aquifer
 - Bore
 - Drain
 - Dust
 - Groundwater
 - Reclamation
 - Fertiliser
 - PPV (Peak Particle Velocity)
 - Quarry
 - Quarrying Activities
 - Special Audible Characteristics

Proposed PC2 amendments

127. PC2 proposes to include the Planning Standards definitions, as shown in tracked changes to the Definitions chapter in Appendix 1.

Assessment of options

128. For the purpose of this evaluation, Council has considered the following practicable options:
- Option 1: The status quo (i.e., retain current version of the Definitions Chapter of the WDP)
 - Option 2: The inclusion of the proposed Planning Standards definitions within the WDP (outlined in Appendix 1).
129. Appendix 3 shows the proposed definitions in two tables. The first table is a summary of the proposed definitions which do not alter the intent of the provisions in which they occur. The second table provides discussion on the proposed definitions that include more detail than what is found in the current application of the defined term in the WDP; either defined by the 9th Edition Oxford Dictionary or as stipulated within the provisions.
130. Option 1 is not considered an appropriate option, as this would mean the WDP is in breach of S58I(2) of the RMA.

131. Option 2 is considered the most appropriate way to achieve the requirements as set out in the Planning Standards, with consideration of how the required changes apply to existing provisions throughout the WDP.

5.10 Issue #10 – Obsolete Definitions

Status quo and problem statement

132. Several defined terms are not referenced throughout the WDP, other than when they are identified in the Definitions chapter, as below:
- Dominant Slope
 - High Noise Area
 - Noise Rating Level
 - Parent Lot
 - RMS (Root Mean Square) Velocity
 - Safe Potable Water Supply
 - Showroom
 - Statement of Significance
133. Because these definitions are not linked to any provisions, they are not referred to for interpretation and have become obsolete.

Proposed PC2 amendments

134. PC2 proposes to delete the definitions listed in paragraph 134 and remove Figure 1 from Definitions Appendix 1 – Images, as shown as tracked changes to the Definitions chapter of Appendix 1.

Assessment of options

135. For the purpose of this evaluation, Council has considered the following practicable options:
- Option 1: The status quo (i.e., retain the obsolete definitions)
 - Option 2: Remove the obsolete definitions from the WDP.
136. Retaining these obsolete definitions is unnecessary as they do not aid interpretation being no longer referred to in any part of the WDP.
137. Option 2 is considered the most appropriate way to achieve the relevant objectives.

5.11 Issue #11 – Transport Chapter Rule TRA-R8.2(f)

Status quo and problem statement

138. Rule TRA-R8.2(f) requires on-site access and parking areas to be sealed where the gradient exceeds 12.5%. The maximum gradient is consistent with the Council Engineering Standards 2022 (**ES 2022**). Council Development Engineers have raised concerns that the 12.5% gradient may be too low and therefore too onerous.

139. It is noted that Fire and Emergency New Zealand require sealing for gradients over 16%. Council Development Engineers and the Northland Transport Alliance have agreed that a 12.5% gradient is too onerous and have suggested that a 16% gradient be adopted.

Proposed PC2 amendments

140. PC2 proposes to amend TRA-R8.2(f) as shown below (additions shown in underline and deletions shown in ~~striketrough~~):

TRA-R8 Crossings, Access and Parking Areas (Sealing and Formation Standards)

All Zones and Port Nikau Development Area

Activity Status: Permitted

Where:

1. Vehicle crossings accessing a sealed road are sealed to a standard not less than that of the adjoining road surface.
2. On-site access and parking areas (including loading and manoeuvring areas) are formed, drained and sealed with a permanent all-weather surface in the following instances:
 - a. Urban Zone sites.
 - b. Future Urban Zone sites with an area less than 2,000m².
 - c. Settlement Zone sites.
 - d. Strategic Rural Industries Zone sites.
 - e. Any accessway serving more than 5 principal residential units.
 - f. Where the gradient exceeds ~~12.5~~16%.

Assessment of options

141. For the purposes of this evaluation Council has considered the following options:
- Option 1: Delete TRA-R8.2(f) and rely on the ES 2022 and Fire and Emergency New Zealand standards.
 - Option 2: Retain TRA-R8.2(f) as is with a 12.5% gradient.
 - Option 3: Amend TRA-R8.2(f) to increase the gradient to 16%.
142. It is considered that Option 1 is not appropriate as Council does not enforce the ES 2022 or the Fire and Emergency New Zealand standards through the WDP.
143. Option 2 and Option 3 are considered to be similar in their efficiency and effectiveness, but Option 3 is considered more appropriate for the following reasons:
- Increasing the gradient to 16% provides slightly more flexibility while still managing the adverse effects.

- A 16% gradient is consistent with the Fire and Emergency New Zealand standards.
- It is understood that Council intends to amend the ES 2022 to increase the gradient to 16%. Making the same amendment in TRA-R8.2(f) would improve consistency between these two documents.

5.12 Issue #12 – Fire and Emergency New Zealand Designers’ Guide

Status quo and problem statement

144. TRA Appendix 2D in the TRA Chapter includes the following note:

3. *The New Zealand Fire Service Firefighting Supplies Code of Practice SNZ PAS 4509:2008 and NZ Building Code C/AS1 contain guidance on an adequate access to water supply for firefighting purposes.*

145. As part of early engagement, feedback was received that the TRA Chapter should also include reference to Fire and Emergency New Zealand (**FENZ**) Designers’ Guide to Firefighting Operations: Emergency Vehicle Access F5-02 GD as this provides additional guidance on Fire and Emergency access requirements.

Proposed PC2 amendments

146. PC2 proposes to amend Note 3 in TRA Appendix 2D as shown below: (additions shown in underline):

3. *The New Zealand Fire Service Firefighting Supplies Code of Practice SNZ PAS 4509:2008 and NZ Building Code C/AS1 contain guidance on an adequate access to water supply for firefighting purposes and the Fire and Emergency New Zealand Designers’ Guide to Firefighting Operations: Emergency Vehicle Access F5-02 GD provides additional guidance on Fire and Emergency access requirements.*

Assessment of options

147. For the purposes of this evaluation Council has considered the following options:
- Option 1: Status quo (i.e., no reference to the FENZ Designers’ Guide to Firefighting Operations: Emergency Vehicle Access F5-02 GD).
 - Option 2: Amend TRA-R8.2(f) to include a note to refer to the FENZ Designers’ Guide to Firefighting Operations: Emergency Vehicle Access F5-02 GD.
 - Option 3: Amend Note 3 in TRA Appendix 2D to refer to the FENZ Designers’ Guide to Firefighting Operations: Emergency Vehicle Access F5-02 GD.
148. It is considered that Option 1 is a practicable option as the provisions function appropriately as is. However, including a note to refer to the FENZ Designers’ Guide to Firefighting Operations:

Emergency Vehicle Access F5-02 GD can help highlight this for applicants to improve consideration of fire safety and operational firefighting requirements. Therefore, Option 1 is considered to be the least appropriate option.

149. Option 2 and Option 3 are considered to be similar in their efficiency and effectiveness, but Option 3 is considered more appropriate for the following reasons:

- Rule TRA-R8.2(f) relates strictly to the surface material of access and parking areas. The FENZ Designers' Guide to Firefighting Operations: Emergency Vehicle Access F5-02 GD contains other provisions such as access widths and turning areas. TRA Appendix 2D relates more broadly to access design.
- There is already an existing note in TRA Appendix 2D referring to other firefighting standards. Including the new note alongside will help streamline the provisions.

5.13 Issue #13 – Indicative Road Updates

Status quo and problem statement

150. The WDP Planning Maps identify indicative roads to provide for and safeguard future transport needs. In total there are six indicative roads identified.
151. Various provisions refer to the indicative roads and require consent either where a site containing an indicative road is subdivided or buildings are not sufficiently set back from an indicative road⁹.
152. Where subdivision and development have occurred in the location of an indicative road and a road has been proposed/formed in that area, then the indicative road is no longer required on the Planning Maps. There are two instances where this has occurred, and the indicative road is no longer required.
153. A road has been formed along Harrison Drive in Tikipunga and the indicative road (shown as black dashed line in Figure 1 below) can be removed:

⁹ See FUZ-P12, FUZ-R5, TRA-P13, TRA-R9, and TRA-R14.



Figure 1: Existing indicative road along Harrison Drive

154. A road has been formed along Tironui Drive in Maunu and the indicative road (shown as black dashed line in Figure 2 below) can be removed. A portion of the indicative road outlined in red in the image below has not been developed yet and must be retained:



Figure 2: Existing indicative road along Tironui Drive

Proposed PC2 amendments

155. PC2 proposes to amend the Planning Maps to remove the indicative road from Harrison Drive and a portion of the indicative road from Tironui Drive as set out above.

Assessment of options

156. The status quo mapping is outdated as roads have now been developed along the two indicative roads discussed above. The status quo is therefore not appropriate.
157. Amending the indicative road mapping as set out above will more accurately reflect recent development and will result in more appropriate provisions to achieve FUZ-P12 and TRA-P13.

5.14 Issue #14 – Removing Zone Mapping from Road Parcels

Status quo and problem statement

158. The Relationship between Spatial Layers Chapter of the WDP includes the following rule:

HPW-R6 Zoning of Roads, Railways and Rivers

1. All public roads (including state highways), railways and rivers are zoned, although they are generally not coloured on the planning maps to avoid confusion.
2. Where roads, railways and rivers are zoned the same as the zoning of adjoining sites. Where a different zone applies on either side of the road, railway or river then the zoning will apply to the centreline of the road, railway or river.
3. Where a specific zoning that is not coloured white on the planning maps within a railway then that zoning applies.

159. The majority of roads on the WDP Planning Maps are shown as being unzoned (i.e., not coloured in) in accordance with the above rule. However, there are some historical roads and some newly created roads that are still shown as being zoned in the maps. See Tuna Drive in Morningside outlined in blue in Figure 3 as an example:

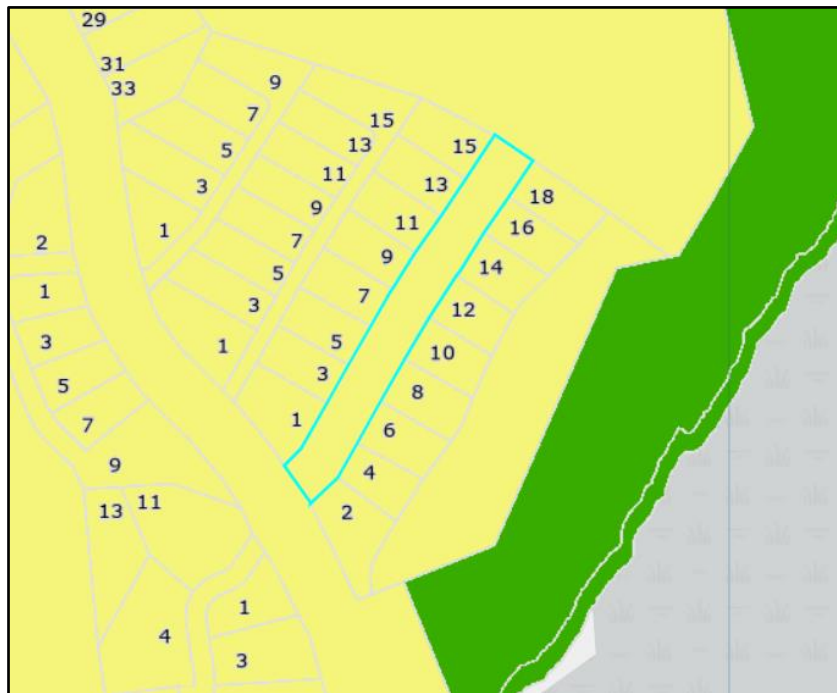


Figure 3: Example of a zoned road at Tuna Drive

Proposed PC2 amendments

160. PC2 proposes to amend the Planning Maps to remove the zone mapping from all public roads.

Assessment of options

161. The status quo mapping is outdated and causes confusion with some roads being zoned and some showing no zoning. The status quo is therefore not appropriate.

162. Amending the WDP maps to remove the zoning from public roads is consistent with HPW-R6 and the majority of roads within the District.

5.15 Issue #15 – Critical Electricity Lines Chapter CEL-R1

Status quo and problem statement

163. Rule CEL-R1 in the CEL Chapter sets out the permitted standards for land use activities in proximity to CELs and substations. CEL-R1.1 lists a suite of activities that are permitted within 10m of a CEL or the designation boundary of a substation. CEL-R1.2 list activities that are permitted within 20m of a CEL or the designated boundary of a substation.
164. The intent of CEL-R1.1 is that the activities that are permitted within 10m of a CEL or the designated boundary of a substation would also be permitted within 20m of a CEL or the designated boundary of a substation. However, this is not clear when reading CEL-R1.2 as it states that the only activity that is permitted within 20m of a CEL or the designated boundary of a substation is the planting of trees other than shelterbelts, plantation forestry or commercial horticultural operations. This interpretation renders CEL-R1.1 moot and causes uncertainty for applicants and decision makers.

Proposed PC2 amendments

165. PC2 proposes to amend CEL-R1 as shown below (additions shown in underline and deletions shown in ~~strikethrough~~):

CEL-R1 General Rules

Activity Status: Permitted

1. Within 10m of a CEL or the designation boundary of a substation:
 - a. Any building or structure that does not require building consent; or
 - b. Alteration of any building or major structure (excluding minor buildings) that does not exceed outside the envelope or footprint of the existing building or major structure (excluding minor buildings); or
 - c. Earthworks, gardening or cultivation that:
 - i. Are not directly above an underground cable(s); and
 - ii. Do not result in a reduction of existing ground clearance distances from overhead lines below the minimums prescribed in the New Zealand Code of Practice 34:2001 (NZECP 34:2001); and
 - iii. Are in accordance with NZECP 34:2001.
2. Within 20m of a CEL or the designated boundary of a substation:
 - a. Activities provided for under CEL-R1.1; or
 - ~~a-b.~~ Planting of trees other than shelterbelts, plantation forestry or commercial

Assessment of options

166. It is considered that the status quo is unclear and is not considered to be a reasonably practicable option.
167. There are various options for minor amendments to the rule to improve clarity. It is considered that the proposed amendments outlined above improve the efficiency and effectiveness of the rule while retaining the original policy intent. The proposed amendments are considered the most appropriate option.

5.16 Issue #16 – Notable Tree Schedule Updates

Status quo and problem statement

168. The Notable Tree Chapter (**TREE**) identifies trees that provide a significant contribution to the amenity, historical, and ecological values of the District. The rules in the TREE Chapter manage activities such as pruning and removal of the identified and scheduled notable trees.
169. Since being scheduled in the WDP, the following scheduled trees have been lawfully removed as permitted activities:
 - Notable tree 433 (liquidambar styraciflua), located on 76 Mains Avenue (Lot 1 DP 184341).
 - Notable tree 387 (liquidambar styraciflua), located on 1 Cross Street (Part Allot 1 PSH OF Whangarei).
 - Notable tree 294 (sophora microphylla), located on 34 Kamo Road (Lot 1 DP 24064).
170. The above trees are still listed in the TREE Chapter schedule and are shown on the planning maps.
171. It has also been identified that the property details of notable tree 343 (quercus robur) is incorrect. The TREE Chapter schedule states that it is located at 166 Maunu Road (Lot 2 DP 387155) and the Planning Maps show the symbology for notable tree 343 as being located at 166 Maunu Road as well, as shown in Figure 4 below.

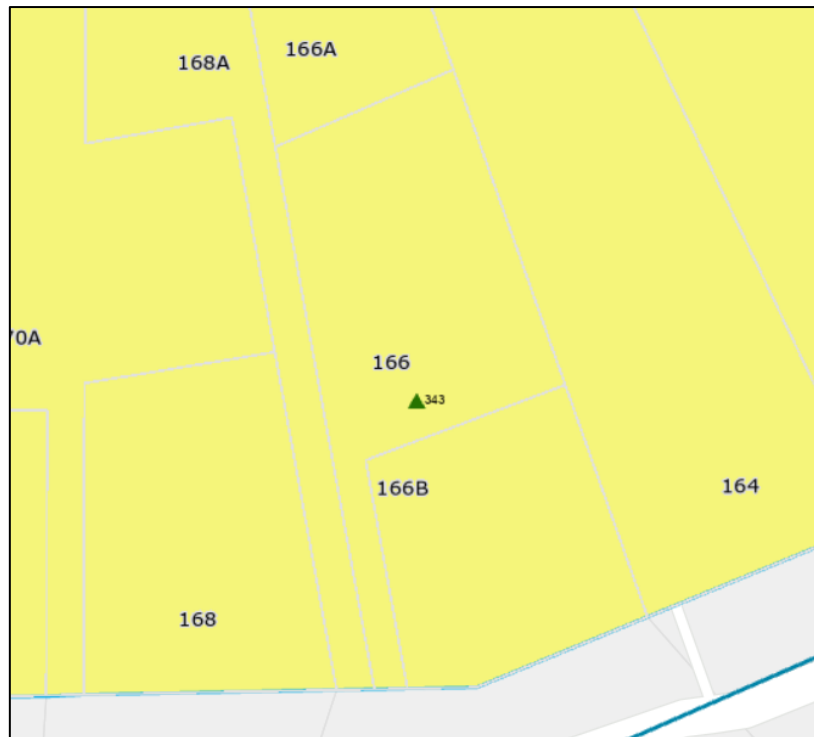


Figure 4: Notable Tree 343 mapping

172. However, it has been confirmed that notable tree 343 is in the south-eastern corner of 166B Maunu Road (Lot 1 DP 387155). Figure 5 below shows the tree outlined in red.



Figure 5: Location of Notable Tree 343

Proposed PC2 amendments

173. PC2 proposes to remove notable trees 433 and 294 from the Schedule of Notable Trees in TREE Appendix 1 and on the planning maps, and to remove one of the liquidamber trees from site ID 387 on 1 Cross Street from the Schedule of Notable Trees in TREE Appendix 1 as shown below (deletions shown in ~~strikethrough~~):

433*	Liquidamber	Liquidambar styraciflua	144	76 Mains Avenue, Whangārei	Lot 1 DP 184341	10, 63
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~~* Tree #433 is exempt from Controlled Activity rule requirement TREE-R2.1(b).~~

294	Kowhai	Sophora microphylla	114	34 Kamo Road, Whangārei	Lot 1 DP 24064	10, 63
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387	Liquidamber (2);	Liquidambar styraciflua;	108	1 Cross Street, Whangārei	Part Allot 1 PSH OF Whangārei	10, 67
	Scarlet Oak;	Quercus coccinea;	108			
	Camphor Laurel	Cinnamomum camphora	121			

174. PC2 also proposes to amend the property details of notable tree 343 in the Schedule of Notable Trees in TREE Appendix 1, as shown below (additions shown in underline and deletions shown in ~~strikethrough~~), and amend its location on the planning maps to be within 166B Maunu Road (Lot 1 DP 387155).

343	English Oak	Quercus robur	114	<u>166B</u> Maunu Road, Whangārei	Lot <u>21</u> DP 387155	10, 66
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Assessment of options

175. As notable trees 433 and 294 and one of the liquidamber trees from site ID 387 have been removed as permitted activities it is considered that retaining the status quo is not a reasonably practicable option. The proposed amendments are considered to be the only practical option.
176. Notable tree 343 is identified incorrectly on the planning maps and lists incorrect property details within the Schedule of Notable Trees in TREE Appendix 1. It is considered that retaining the status quo is not a reasonably practicable option. The proposed amendments are considered to be the only practical option.

5.17 Issue #17 – TREE-R5 – Works within the Root Zone of any Public Tree

Status quo and problem statement

177. It has been identified that TREE-R5 does not provide for the maintenance and upgrade of tracks and the installation of existing or new “general public amenities”¹⁰ by Council within the root zone of public trees.
178. Council’s Parks and Recreation team have applied for various resource consents¹¹ to undertake works within the root zone of a public tree on multiple occasions. These consent applications were all granted, subject to conditions relating to using a qualified arborist, mitigation planting, specific methods to protect tree roots during construction, and kauri dieback hygiene measures.
179. The current wording of the rule allows a network utility provider or a road controlling authority to undertake works within the root zone of a Public Tree required for maintenance or renewal of infrastructure or network utilities as a permitted activity. Any non-compliance with the current rule defaults to a restricted discretionary activity. This is the case for Council staff or contractors that are required to carry out works within the root zone of a public tree to provide for new and existing general public amenities.
180. This issue could be addressed through a permitted standard for works relating to general public amenities, subject to a qualified arborist overseeing the work. However, this approach may not be appropriate for the construction of buildings, such as new public toilets, due to the broader extent of works it entails.
181. Whilst the TREE objectives and policies do not directly refer to providing for general public amenities, the Issues section of the TREE Chapter highlights the need to balance protection of trees with the possibility of conflicts with other uses. One pathway to achieving such balance is reflected in the objectives and policies that provide carve-outs for infrastructure and network utilities. It is considered the effects and risks of providing for general public utilities are similar, or lesser, than those associated with infrastructure and network utilities. Furthermore, such minor effects are balanced with the cost to ratepayers of consenting where there is a functional need to provide general public amenities in parks and reserves. Balancing of conflicting uses is supported by the objectives and policies:

¹⁰ As defined in the WDP, General Public Amenities includes landscaping and planting, public toilets, seating and picnic tables, bicycle stands and cycle parking structures, fountains, drinking fountains, rubbish bins, barbeques, and footpaths and walking tracks.

¹¹ LU2200121, LU2200046, LU2200038, LU2100153, LU2100124, LU2100031, LU2100028, LU2100001, and LU2000075.

- Objective TREE-O2 provides that public trees in road reserves, parks and reserves are protected and maintained where they positively contribute to amenity, historical or ecological values.
- Objective TREE-O3 stipulates that development appropriately provides for existing and new trees that contribute to amenity, historical or ecological values, ensuring that any design can accommodate such trees.
- Policy TREE-P2.2 enables the ongoing maintenance of public trees in road reserves, parks and reserves, while ensuring that tree selection and location recognises existing uses.

182. Submissions on Plan Change 129 (**PC129**) sought exceptions to allow greater works on trees for infrastructure providers and Council. The reporting planner stated in paragraph 268¹² of the s42A report that there was not sufficient information at the time to demonstrate a consenting or compliance issue to justify the additional exceptions, while paragraph 278 notes the economic costs of tree protection and the need to balance to cost factor of resource consents. Since the TREE provision became operative, compliance and consenting issues as described above have been identified by the Council Infrastructure and Compliance teams. Therefore, it is considered a permitted pathway for general public amenities would be consistent with PC129.

Proposed PC2 amendments

183. PC2 proposes to amend TREE-R5 as follows (additions shown in underline):

¹² WDC (2017). PC129 – Notable and Public Trees. Section 42A Hearing Report.

TREE-R5 Works within the Root Zone of any Public Tree

Activity Status: Permitted

Where:

1. Construction or alteration of any structure, excavation of land, compaction of soil or formation of any new impervious surfaces within the root zone of any public tree where the works are:
 - a. Thrusting to a depth of greater than 650mm for the installation of network utilities supervised by a qualified arborist; or
 - b. Undertaken, or authorised by a network utility operator, or road controlling authority, where it is required for maintenance or renewal of existing infrastructure and utilities including:
 - i. Repairs to existing footpaths;
 - ii. Repairs to existing kerbs and channels;
 - iii. Fixing potholes or patches; or
 - iv. Resurfacing of existing roads.
 - c. Undertaken, or authorised, by the Council and supervised by a qualified arborist, where it is required for the construction, maintenance, or renewal of general public amenities, excluding new buildings.

Assessment of options

184. For the purpose of this evaluation, Council has considered the following practicable options:
- Option 1: The status quo (do not include a permitted standard for general public amenities in TREE-R5)
 - Option 2: Include in TREE-R5 a permitted standard for general public amenities excluding new buildings.
185. Table 8 below provides assessments of each option.

Table 8: Assessment of Options for TREE-R5

Option 1: The status quo (do not include a permitted standard for general public amenities in TREE-R5)	
Benefits	Costs
<p><u>Environmental</u></p> <p>Allows consideration of applications on a case by case basis to ensure the health of the trees is maintained.</p> <p><u>Environmental, Social and Cultural</u></p> <p>None identified.</p>	<p><u>Economic</u></p> <p>Increased consenting costs, due to a lack of a permitted pathway for general public amenities. It is estimated by the Council Infrastructure Department that the current costs of consenting a park bench are upwards of \$4,000.</p> <p><u>Environmental, Social and Cultural</u></p> <p>None identified.</p>

Effectiveness: It is considered that Option 1 is ineffective as it does not recognise the functional need for general public amenities.	
Efficiency: It is considered that Option 1 is inefficient as it can lead to time delays and cost inefficiencies during consent application processing.	
Risk of acting/not acting: There isn't significant risk under Option 1. Not acting can result in unnecessary barriers to the construction, maintenance and renewal of general public amenities.	
Overall evaluation of Option 1: Option 1 does not provide an appropriate balance between protection of trees and the possibility of conflicts with the functional need for general public amenities.	
Option 2: Include in TREE-R5 a permitted standard for general public amenities, excluding new buildings	
Benefits	Costs
<u>Economic</u> Increased efficiencies in resource consent processing, reducing the costs and time of consent. <u>Social</u> Likely a faster turnaround to establish general public amenities in parks for the public to enjoy. <u>Environmental and Cultural</u> None identified.	<u>Environmental</u> Potential for reduced oversight of impacts on the ongoing health of the trees. <u>Economic, Social and Cultural</u> None identified.
Effectiveness: It is considered that Option 2 is effective as it is consistent with objectives TREE-O2 and TREE-O3 and policy TREE-P2 while resolving the consenting and compliance issues that have been identified during the implementation of the rule.	
Efficiency: It is considered that Option 2 is efficient as is better enables public amenities while lowering the cost, and without compromising the protections in place for public trees.	
Risk of acting/not acting: There isn't significant risk under Option 2. Risks of providing for general public utilities are considered to be similar, or lesser, than those associated with infrastructure and network utilities. Most general public amenities such as seating, bicycle stands, and rubbish bins have a very small footprint. Risk is reduced by excluding the construction of buildings (e.g., public toilets) from the proposed permitted standard and requiring they obtain consent.	
Overall evaluation of Option 2: Option 2 is considered an appropriate method of achieving the relevant objectives and policies.	

186. Option 2 is considered the most appropriate way to achieve the relevant objectives.

5.18 Issue #18 – TREE-R6 – Removal of Public Trees

Status quo and problem statement

187. TREE-R6.1(a) provides a permitted standard for the removal of a dead public tree. Situations have been identified where a diseased notable tree is past the point of recovery and poses a threat of spreading the disease to other trees. However, as the tree is not yet dead, it requires consent to be removed. This is not an efficient means of managing disease spread and could

potentially be better managed through a permitted activity standard to enable removing a diseased tree. A permitted activity approach to managing diseased trees would better align with policy direction in TREE-O2 and TREE-P2.6.

188. Further, TREE-R6.1(c) allows tree removal in road speed environments greater than 50 km/ph to provide for the safe use and operation of the road network. Where Council is the road controlling authority, this falls to the Roding department. In some cases, the removal works under TREE-R6.1(c) need to be carried out by the Parks Department. However, as the Parks Department is not a road controlling authority, it requires a resource consent. An amendment is recommended to add “local authority” to the list of entities in TREE-R6.1(c).
189. It is considered the minor additions to the permitted pathway as outlined above would be consistent with the direction provided by Objective TREE-O2 and Policy TREE-P2.

Proposed PC2 amendments

190. PC2 proposes to amend rule TREE-R6 as follows (additions shown in underline):

TREE-R6 Removal of any Public Tree

Activity Status: Permitted

Where:

1. The removal of any public tree which is:
 - a. A dead tree or a diseased tree with no chance of recovery based on an assessment from a qualified arborist; or
 - b. Emergency tree works undertaken by Whangarei District Council, Northland Regional Council network utility operator or their authorised representative; or
 - c. Located within a road reserve with a road speed environment greater than 50 km/ph and is undertaken, or authorised, by a local authority, a road controlling authority, or network utility operator where:
 - i. It is required to provide for the safe use and operation of the road network; or
 - ii. It is required for the safe and efficient operation, maintenance or upgrade of overhead or underground network utilities; or
 - d. Located within a road reserve with a road speed environment less than 50 km/ph and is undertaken, or authorised, a road controlling authority, or network utility operator where:
 - i. It is required for the safe and efficient operation, maintenance or upgrade of overhead or underground network utilities.

Assessment of options

191. For the purpose of this evaluation, Council has considered the following practicable options:
- Option 1: The status quo (do not amend TREE-R6)

- Option 2: Amend the permitted standards in TREE-R6 to provide for the removal of a diseased public tree in TREE-R6.1(a) and for the removal of trees within a road reserve by a local authority in TREE-R6.1(c).

192. Table 9 below provides assessments of each option.

Table 9: Assessment of Options for TREE-R6

Option 1: The status quo (do not amend TREE-R6)	
Benefits	Costs
<p><u>Environmental</u></p> <p>Allows consideration of applications on a case by case basis to ensure trees are protected from unnecessary removal.</p> <p><u>Economic, Social and Cultural</u></p> <p>None identified.</p>	<p><u>Economic</u></p> <p>Increased consenting costs.</p> <p><u>Environmental</u></p> <p>Continued spread of plant pathogens while applying for a resource consent to remove diseased trees.</p> <p><u>Social and Cultural</u></p> <p>None identified.</p>
<p>Effectiveness: It is considered that Option 1 is inefficient as it can lead to increased consenting requirements for activities that were legitimately anticipated in Quarry Gardens by Plan Change 115.</p>	
<p>Efficiency: It is considered that Option 1 is inefficient as it can create a need for repeat investigations for a diseased tree to confirm when a tree is dead. Such delays prolong the spread of pathogens while a diseased tree with no chance of recovery remains in place. Additionally, it can create duplication of processes and delays where a local authority is restricted in its functions related to providing for pedestrian and vehicle safety.</p>	
<p>Risk of acting/not acting: None identified.</p>	
<p>Overall evaluation of Option 1: A discretionary activity status is considered appropriate for most tree removal work. It allows case by case assessment of any relevant matters in relation to trees, including alternatives to removal and imposing conditions. Removal of trees might not always be the most appropriate option and consideration is needed of whether infrastructure such as water pipes can be moved away from a tree as an alternative to cutting down the tree. Nevertheless, Option 1 leads to delays and inefficiencies in consenting and does not provide an appropriate permitted activity pathway for removal of diseased trees where there is no chance of recovery.</p>	
Option 2: Amend the permitted standards in TREE-R6 to provide for the removal of a diseased public tree in TREE-R6.1(a) and for the removal of trees within a road reserve by a local authority in TREE-R6.1(c)	
Benefits	Costs
<p><u>Economic</u></p> <p>Increased efficiencies in resource consent processing, reducing the costs and time of consents.</p> <p><u>Social</u></p> <p>Likely a faster turnaround to remove trees that pose a risk to the use and operation of the transport network.</p>	<p><u>Environmental</u></p> <p>Potential of more trees being removed, however TREE-R6 already provides for removal of trees through a discretionary consent process.</p> <p><u>Economic, Social and Cultural</u></p> <p>None identified.</p>

<p><u>Environmental</u></p> <p>More effective control of the spread of plant pathogens by removing diseased trees promptly.</p> <p><u>Cultural</u></p> <p>None identified.</p>	
<p>Effectiveness: It is considered that Option 2 is effective as it is consistent with Objective TREE-O2 and Policy TREE-P2.6.</p>	
<p>Efficiency: It is considered that Option 2 is efficient as it reduces the need for repeat arborist assessments to confirm that a diseased tree is dead. This provides a higher net benefit by reducing the costs to the ratepayers while enabling the necessary tree works to be carried out promptly.</p> <p>The inclusion of a 'local authority' in the list of entities enabled to carry out tree removal would improve efficiency of internal processes and avoid consenting delays where Council's Parks department needs to carry out tree removal within a road reserve with a speed environment greater than 50 km/h.</p>	
<p>Risk of acting/not acting: Not acting carries risks to the environment due to delays in removing diseased trees while prolonging exposure to plant pathogens. There is a risk of missed opportunities to impose consent conditions requiring mitigation such as re-planting where diseased trees are removed through a permitted pathway. However, as tree works in road reserves are carried out according to best practice by Council's Parks Department, the risks of managing re-planting of diseased trees outside the district plan are negligible compared to the alternative of delaying the removal until a tree has died and the permitted pathway applies.</p>	
<p>Overall evaluation of Option 2: Option 2 is considered an appropriate and efficient method of achieving the relevant objectives and policies.</p>	

193. Option 2 is considered the most appropriate way to achieve the relevant objectives.

5.19 Issue #19 – Building area requirements for subdivision

Status quo and problem statement

194. The subdivision rules in the 2007 version of the Whangārei District Plan (“**WDP 2007**”) required most zones to provide, within each allotment, a 100m² building area where a residential unit could be built as a permitted activity with all relevant rules in the plan. See rule 71.3.4 for the Living 1, 2, and 3 Environments as an example below:

71.3.4 Building Area	
<p>Subdivision is a controlled activity if:</p> <p>a) Every allotment in the subdivision contains an identified building area of at least 100.0m² on which a residential unit can be built so that there is compliance as a permitted activity with the rules in this Plan.</p> <p>Control is reserved over:</p> <ul style="list-style-type: none"> i. The need for earthworks; ii. Provision for parking, loading manoeuvring and access; iii. Effects of natural hazards; iv. Bulk, height, location, foundations, and floor level of any structures on allotments; v. Protection of land from natural hazards; vi. Protection of residential units from road noise; vii. The additional matters listed in Chapter 70.3. 	<p>Any activity that does not comply with a standard for a controlled activity is a discretionary activity.</p>

195. A similar requirement was carried over for the Rural Zones as part of the Rural Plan Changes (with minor alterations to the wording). As a result, the RLZ, SETZ, FUZ and RPROZ require every allotment to contain an identified building area of at least 100m² within which a residential unit can be built so that there is compliance as a permitted activity with all relevant rules in the Plan (consistent with the WDP 2007 approach). See rule SUB-R16.1(b) from the SUB Chapter below as an example:

SUB-R16 Subdivision in the Rural Production Zone

1. Activity Status: Controlled

Where:

- a. Every allotment has a minimum net site area of 20ha.
- b. Every allotment can accommodate an identified building area of at least 100m² on which a residential unit can be built so that there is compliance as a permitted activity with the relevant rules in the District Plan.

196. However, through the Urban and Services Plan Changes the requirement was slightly altered for the Residential Zones. The subdivision rules for the LLRZ, LRZ, GRZ, MRZ, and Precinct 12 (**PREC12**) all have a similar rule to the rural zones, with the difference being that the identified 100m² building area must comply as a permitted activity with only the relevant zone rules (and not other district wide and overlay rules). See rule SUB-R4.1(a) below as an example:

SUB-R4 Subdivision in the Low Density Residential Zone

Activity Status: Controlled

Where:

1. Every allotment:

- a. Where the allotment is vacant contains an identified building area of at least 100m² within which a residential unit can be built so that there is compliance as a permitted activity with the Low Density Residential Zone rules.
- b. Has a net site area of at least 2,000m².
- c. Can contain a circle with a diameter of 16m, or a square of at least 14m by 14m.

197. This results in inconsistent language and requirements across different zones for no identified reason. Within the LLRZ, LRZ, GRZ, MRZ, and PREC12 the rules allow for sites to be created with a building platform which may not be suitable for development due to an overlay or district wide rule that was not considered at subdivision stage.
198. There are also minor inconsistencies in the wording of rules SUB- R12.1(c), R13.1(a)(iii), and R14.2(a) which refer to “this Plan” instead of “the District Plan”.

Proposed PC2 amendments

199. PC2 proposes to amend rules SUB-R3.6, R4.1(a), R5.4(a), R6.4, R12.1(c), R13.1(a)(iii), R14.2(a), and PREC12-R8.2¹³ as shown below (additions shown in underline and deletions shown in ~~strikethrough~~):

SUB-R3 Subdivision in the Large Lot Residential Zone

Activity Status: Controlled

Where:

6. Every allotment contains an identified building area of at least 100m² within which a residential unit can be built so that there is compliance as a permitted activity with the ~~zone rules~~ relevant rules in the District Plan.

¹³ These rules correspond to the LLRZ, LRZ, GRZ, MRZ, RLZ, FUZ, and PREC12, respectively.

SUB-R4 Subdivision in the Low Density Residential Zone

Activity Status: Controlled

Where:

1. Every allotment:
 - a. Where the allotment is vacant contains an identified building area of at least 100m² within which a residential unit can be built so that there is compliance as a permitted activity with the relevant rules in the District Plan Low Density Residential Zone rules.

SUB-R5 Subdivision in the General Residential Zone and Neighbourhood Centre Zone

Activity Status: Controlled

Where:

4. The allotment is in the General Residential Zone and is vacant, contains an identified building area of at least 100m² within which a residential unit can be built so there is compliance:
 - a. As a permitted activity with the relevant rules in the District Plan (except NAV-R9) – General Residential Zone.
 - b. As a controlled activity with NAV-R9.

SUB-R6 Subdivision in the Medium Density Residential Zone

Activity Status: Controlled

Where:

4. Where the allotment is vacant, contains an identified building area of at least 100m² within which a residential unit can be built so there is compliance as a permitted activity with the relevant rules in the District Plan Medium Density Residential Zone rules.

SUB-R12 Subdivision in the Rural Lifestyle Zone

1. Activity Status: Controlled

Where:

- a. The proposed allotments are created from an allotment that existed on 12 December 2018.
- b. The proposed allotments have an average size of at least 2ha and a minimum size of 4,000m².
- c. Every proposed allotment can accommodate a minimum 100m² building area on which a sensitive activity can be built so that there is compliance as a permitted activity with the relevant rules in ~~this~~ the District Plan.

SUB-R13 Subdivision in the Settlement Zone

1. Activity Status: Controlled

Where:

a. In the SETZ-Residential Sub-Zone:

- i. Every allotment connected to a public reticulated wastewater system has a net site area of at least 500m².
- ii. Every allotment not connected to a public reticulated wastewater system has a net site area of at least 2,000m².
- iii. Every allotment contains an identified building area of at least 100m² on which a residential unit can be built so that there is compliance as a permitted activity with the relevant rules in ~~this~~ the District Plan.

SUB-R14 Subdivision in the Future Urban Zone

2. Activity Status: Controlled

Where every proposed allotment:

- a. contains an identified building area of at least 100m² within which a residential unit can be built so that there is compliance as a permitted activity with the relevant rules in ~~this~~ the District Plan.

PREC12-R8 Subdivision

Activity Status: Restricted Discretionary

Where:

2. Every vacant site contains an identified building area of at least 100m² within which a residential unit can be built so that there is compliance as a permitted activity with the relevant rules in the District Plan ~~Parihaka Environmental Benefit Precinct and Low Density Residential Zone rules.~~

Assessment of options

200. For the purpose of this evaluation, Council has considered the following practicable options:

- Option 1: The status quo (i.e., the operative provisions in the WDP which require some zones to provide a 100m² building area that complies with only the zone rules at subdivision stage, while other zones must provide a 100m² building area that complies with all relevant District Plan rules at subdivision stage).
- Option 2: The proposed provisions (i.e., the proposed amendments outlined above).

201. Table 10 below provides assessments of each option.

Table 10: Assessment of Options for building area requirements for subdivision

Option 1: The status quo (the operative provisions in the WDP with inconsistent requirements for building areas at subdivision stage)	
Benefits	Costs
<p><u>Environmental</u></p> <p>None identified.</p> <p><u>Economic</u></p> <p>Potential reduced consenting costs at subdivision stage in the LLRZ, LRZ, GRZ, MRZ, and PREC12 as the required building areas only need to consider zone rules.</p> <p><u>Social</u></p> <p>None identified.</p> <p><u>Cultural</u></p> <p>None identified.</p>	<p><u>Environmental</u></p> <p>Identified building areas in the LLRZ, LRZ, GRZ, MRZ, and PREC12 may not appropriately consider district wide and overlay rules that may be relevant to the site.</p> <p><u>Economic</u></p> <p>Potential increased costs at building stage if constraints were not appropriately considered at subdivision stage.</p> <p>Inconsistent rule wording across different zones could cause uncertainty and increased consenting costs.</p> <p><u>Social</u></p> <p>None identified.</p> <p><u>Cultural</u></p> <p>District wide and overlay matters relating to cultural values may not be considered at subdivision stage.</p>
<p>Effectiveness: It is considered that Option 1 is ineffective as building areas within the LLRZ, LRZ, GRZ, MRZ, and PREC12 do not appropriately consider district wide and overlay rules at subdivision stage.</p>	
<p>Efficiency: It is considered that Option 1 is inefficient because the rules across various zones are inconsistent for no apparent reason.</p>	
<p>Risk of acting/not acting: There is significant risk under Option 1 that building areas could be approved at subdivision stage but may not be suitable for future development due to rules that were not previously considered.</p>	
<p>Overall evaluation of Option 1: Option 1 is not considered to be an appropriate method of achieving SUB-O1, SUB-O2, or SUB-O5.</p>	
Option 2: The proposed amendments outlined above	
Benefits	Costs
<p><u>Environmental</u></p> <p>Ensures relevant district wide and overlay rules are considered at subdivision stage.</p> <p><u>Economic</u></p> <p>Potential to reduce overall development costs as all relevant rules and constraints would be considered upfront during subdivision.</p> <p>Improved consistency between provisions within the SUB Chapter.</p> <p><u>Social</u></p> <p>None identified.</p> <p><u>Cultural</u></p> <p>None identified.</p>	<p><u>Environmental</u></p> <p>None identified.</p> <p><u>Economic</u></p> <p>Potential increased consenting costs at subdivision stage in the LLRZ, LRZ, GRZ, MRZ, and PREC12 as the required building area would need to comply with relevant district wide and overlay rules as well.</p> <p><u>Social</u></p> <p>None identified.</p> <p><u>Cultural</u></p> <p>None identified.</p>

Ensures district wide and overlay matters relating to cultural values are considered at subdivision stage.	
Effectiveness: Option 2 is more effective than Option 1 in ensuring that all relevant matters are considered at subdivision to ensure an appropriate building can be constructed on each site.	
Efficiency: Option 2 improves the consistency between provisions in the SUB Chapter.	
Risk of acting/not acting: There are no identified risks.	
Overall evaluation of Option 2: Option 2 is considered an appropriate method of achieving SUB-O1, SUB-O2, and SUB-O5.	

202. Option 2 is considered the most appropriate way to achieve the relevant objectives.

5.20 Issue #20 – Boundary relocation/adjustment subdivisions

Status quo and problem statement

203. The WDP 2007 provided for “boundary adjustment” subdivisions in the Countryside and Coastal Countryside Environments under rule 73.3. The rule required that:

- no additional allotments could be created,
- the proposed allotments had a net site area of at least 4,000m² in the Countryside Environment and at least 6,000m² in the Coastal Countryside Environment, and
- the net site area of the proposed allotments was the same as, or did not differ by more than 10.0% of, the net site area of that allotment as it existed prior to the boundary adjustment.

204. The explanation for the rule stated:

This rule provides for minor changes to be made to the boundaries of adjacent existing allotments. The rule does not provide for boundary relocations that will result in significant alterations to allotment areas.

205. Plan Change 85A (**PC85A**) proposed to replace the status quo approach with rules that provided for boundary adjustment as a controlled activity if it did not result in an increase in the number of allotments, create allotments less than 4ha in area, result in additional access points, or result in the ability to construct or locate residential units exceeding the current existing rights. It is understood from the s32 report for PC85A that the boundary relocation rule was originally intended to provide for opportunities to maintain or facilitate productive land uses¹⁴.

206. PC85A ultimately resulted in the following rule for the RPROZ:

Controlled Activities

¹⁴ Paragraphs 108 – 111 of PC85A s32 Report.

Boundary relocation subdivision of adjacent sites which are existing at 12 December 2018 that results in:

- a. *Either:*
 - i. *The same number of proposed allotments as parent sites; or*
 - ii. *Where parent sites are held together under section 80 of the Building Act 2004, that section no longer applying after the boundary relocation.*
- b. *no additional vehicle accesses.*
- c. *every proposed allotment being able to accommodate a minimum 100m² building area on which a residential unit can be built so that there is compliance as a permitted activity with the relevant rules in the District Plan.*
- d. *Management of water supply, stormwater and wastewater within the proposed allotments in accordance with Whangarei District Council's Environmental Engineering Standards 2010.*
- e. *No additional capacity for residential units permitted on the proposed allotments beyond the overall number of residential units permitted on the parent sites in accordance with rule RCE.2.3.3.*
- f. *A minimum net site area of 2,000m².*

Note:

For the purposes of this rule adjacent sites means sites that are:

- a. *Part of a contiguous landholding; or*
- b. *Separated only by a road, access lot, railway, stream or river.*

207. Through the Urban and Services Plan Changes this rule was amended and a new definition for "boundary relocation"¹⁵ was introduced. See current rule SUB-R15 and the definition of "boundary relocation" below:

¹⁵ Refer to paragraphs 128 – 136 of the Urban Plan Changes Technical Introduction s32 report.

SUB-R15 Boundary Relocation Subdivision in the Rural Production Zone

Activity Status: Controlled

Where:

1. Sites which are existing at 12 December 2018 result in:
 - a. The boundaries of all allotments being drawn relative to existing buildings and major structures so that there is compliance as a permitted activity with any relevant zone, overlay or district-wide rules.
 - b. No additional accessways.
 - c. Every proposed allotment being able to accommodate a minimum 100m² building area on which a residential unit can be built so that there is compliance as a permitted activity with the relevant rules in the District Plan.
 - d. A minimum net site area of at least 2,000m².
 - e. No additional capacity for residential units permitted on the proposed allotments beyond the overall number of residential units permitted on the parent sites in accordance with rule RPROZ-R7 and RPROZ-R8(1).

Activity Status when compliance not achieved with SUB-R15.1(a) – (d): Discretionary

Activity Status when compliance not achieved with SUB-R15.1(e): Non-Complying

Term	Definition
Boundary Relocation	<p>means a subdivision in the Rural Production Zone that relocates an existing boundary between adjacent allotments where separate computer freehold registers (records of title as per Land Transfer Act 2017) has been issued for those allotments without:</p> <ol style="list-style-type: none"> a. altering the number of allotments. b. cancelling existing amalgamation conditions. c. creating additional capacity to subdivide as a controlled activity in accordance with the relevant subdivision rules. <p>for the purposes of this definition “adjacent allotments” means allotments that are:</p> <ol style="list-style-type: none"> a. part of a contiguous landholding; or b. separated only by a road, access allotment, railway, stream or river.

208. Numerous issues have arisen when processing consents under SUB-R15. It is evident that the rule and associated definition lack clarity and are neither efficient nor effective.
209. Furthermore, some applications often cannot qualify as a “boundary relocation subdivision” because they do not technically fall within the definition above. For instance, boundary relocation subdivisions survey practice often requires amalgamation conditions to be cancelled and reinstated. Where this is required, the subdivision cannot meet clause (b) of the definition and would typically become a non-complying activity under SUB-R16.
210. The Planning Standards defines “boundary adjustments” as:

means a subdivision that alters the existing boundaries between adjoining allotments, without altering the number of allotments.

211. The WDP provides for “boundary adjustments” in the Open Space and Recreation Zones (as discussed in section 5.21 below), and contains the following policy in the SUB Chapter:

SUB-P3 Boundary Adjustment

To provide for minor boundary adjustments which enable a more efficient and effective use of land where there is compliance with district-wide, overlay and zone rules.

212. There are no other provisions referring to “boundary adjustments” despite the s32 report for Plan Change 148 stating that boundary adjustment rules were proposed for all zones¹⁶ (although no rule was notified).
213. It is unclear why no provision is made for boundary adjustment subdivisions (apart from the Open Space and Recreation Zones).
214. It is considered that the boundary relocation provisions for the RPROZ in SUB-R15 require review alongside the absence of boundary adjustment rules for other zones.

Proposed PC2 amendments

215. PC2 proposes the following suite of amendments:
- Delete all provisions relating to “boundary relocation”, those being:
 - The definition of “boundary relocation”.
 - SUB Chapter rule SUB-R15.
 - Precinct 18 rule PREC18-R1 in the RPROZ Chapter.
 - Note 8 at the end of SUB Chapter rule SUB-R16.
 - Amend SUB Chapter Policy SUB-P3 as follows (additions shown in underline and deletions shown in ~~strike through~~):

¹⁶ Refer to paragraph 179 of PC148 s32 report: <https://www.wdc.govt.nz/files/assets/public/documents/services/property/planning/plan-changes/pc-urban-and-services/3-notification-reports/s32-report-pc148-strategic-direction-and-subdivision.pdf>

SUB-P3 Boundary Adjustment

To provide for minor boundary adjustments in specified zones which enable a more efficient and effective use of land where:

1. There is compliance with district-wide, overlay and zone rules.
2. The number and location of accessways is not altered.
3. The number of sites is not altered.
4. Additional capacity for residential units is not created in the Rural Production Zone.

- Insert a new definition of “boundary adjustment” consistent with Planning Standards as follows (additions shown in underline):

Term	Definition
<u>Boundary Adjustment</u>	<u>means a subdivision that alters the existing boundaries between adjoining allotments, without altering the number of allotments.</u>

- Insert a new “boundary adjustment” rule in the SUB Chapter applying to specified zones as follows (additions shown in underline):

SUB-R17A Boundary Adjustment Subdivision

LRZ, GRZ, MRZ, LCZ, NCZ, COMZ, MUZ, CCZ, WZ, SCZ, LIZ, HIZ, RPROZ, SETZ, and SRIZ

Activity Status: Controlled

Where:

1. The boundary adjustment subdivision does not alter:
 - a. The ability of existing permitted activities to continue to be permitted under the relevant rules in the District Plan.
 - b. The extent or degree to which any consented or otherwise lawfully established activity does not comply with the relevant rules in the District Plan.
 - c. The number and location of any vehicle crossings.
 - d. The number of sites.
2. The boundary adjustment subdivision results in sites which comply with the relevant rules in the District Plan, except where an existing site is already non-compliant, the extent and degree of non-compliance shall not be increased.
3. In the Rural Production Zone, the boundary adjustment subdivision does not:
 - a. Result in the potential for additional principal residential units as a permitted activity.
 - b. Reduce the area of any site which contains highly productive land.

Matters of control:

1. Matters listed in the Relationship Between Spatial Layers Chapter, HPW-R9.
2. Effects on the overall productive capacity of highly productive land.
3. The size, design, and layout of sites and allotments that would exist after the boundary adjustment subdivision, including:
 - a. The effects of any additional permitted activity development potentially resulting from the reconfigured layout.
 - b. The ability to accommodate permitted land uses.
4. Legal and physical access affected by the boundary adjustment.

Compliance Standard:

1. For the purposes of SUB-R17A.3(b), “highly productive land” means land that is identified as Land Use Capability Class 1, 2, or 3, as mapped by the New Zealand Land Resource Inventory or by any more detailed mapping that uses the Land Use Capability classification.

Activity Status when compliance not achieved with SUB-R17A.1 – 2: Discretionary

Activity Status when compliance not achieved with SUB-R17A.3: Non-Complying

Assessment of options

216. For the purpose of this evaluation, Council has considered the following practicable options:

- Option 1: The status quo (i.e., the operative provisions in the WDP with SUB-R15 providing for “boundary relocation” subdivisions in the RPROZ and no rules for boundary adjustment subdivisions (other than the Open Space and Recreation Zones)).

- Option 2: The proposed provisions (i.e., the proposed amendments outlined above).
- Option 3: Insert a new boundary adjustment rule similar to Option 2 and amend the definition of “boundary relocation” and rule SUB-R15¹⁷ as follows (additions shown in underline and deletions shown in ~~striketrough~~):

Term	Definition
Boundary Relocation	<p>means a subdivision in the Rural Production Zone that relocates an existing <u>common boundary or boundaries between two adjacent allotments that existed prior to 12 December 2018.</u> boundary between adjacent allotments where separate computer freehold registers (records of title as per Land Transfer Act 2017) has been issued for those allotments without:</p> <ul style="list-style-type: none"> a. altering the number of allotments. b. cancelling existing amalgamation conditions. c. creating additional capacity to subdivide as a controlled activity in accordance with the relevant subdivision rules. <p>for the purposes of this definition “adjacent allotments” means allotments that are:</p> <ul style="list-style-type: none"> a. part of a contiguous landholding; or b. separated only by a road, access allotment, railway, stream or river.

¹⁷ It is considered that Option 3 would likely also require amendments to the SUB Chapter Policies to clearly provide a policy framework for “boundary relocation” subdivisions, and consequential amendments to Rule PREC18-R1 in the RPROZ Chapter.

SUB-R15 Boundary Relocation Subdivision in the Rural Production Zone

Activity Status: ~~Controlled~~ Restricted Discretionary

Where:

1. ~~Sites which are existing at 12 December 2018 result in:~~ The boundary relocation subdivision results in:
 - a. No additional sites being created.
 - b. The boundaries of all ~~sites~~ allotments being drawn relative to existing buildings and major structures so that there is compliance as a permitted activity with any relevant zone, overlay or district-wide rules.
 - c. No additional vehicle accesses.
 - d. Every proposed ~~site~~ allotment being able to accommodate a minimum 100m² building area on which a residential unit can be built so that there is compliance as a permitted activity with the relevant rules in the District Plan.
 - e. ~~A~~ All sites having a minimum net site area of at least 2,000m².
 - f. No potential for additional principal residential units as a permitted activity. additional capacity for residential units permitted on the proposed allotments beyond the overall number of residential units permitted on the parent sites in accordance with rule RPZ-R7 and R8.1).
2. The subdivision does not reduce the area of any allotment which contains highly productive land.

Matters of discretion:

1. Matters listed in the Relationship Between Spatial Layers Chapter, HPW-R9.
2. Effects on the overall productive capacity of highly productive land.
3. The size, design, and layout of sites and allotments that would exist after the boundary relocation, including:
 - a. The effects of any additional permitted activity development potentially resulting from the reconfigured layout.
 - b. The ability to accommodate permitted land uses.
4. Legal and physical access affected by the boundary relocation.

Compliance Standard:

1. For the purposes of SUB-R15.2, “highly productive land” means land that is identified as Land Use Capability Class 1, 2, or 3, as mapped by the New Zealand Land Resource Inventory or by any more detailed mapping that uses the Land Use Capability classification.

Activity Status when compliance not achieved with SUB-R15.1(a) – ~~(e)~~: Discretionary

Activity Status when compliance not achieved with SUB-R15.1~~(e-f)~~ or SUB-R15.2: Non-Complying

217. Table 11 below provides assessments of each option.

Table 11: Assessment of Options for boundary relocation/adjustment subdivisions

Option 1: The status quo (retain SUB-R15 as is and do not include any new rules for boundary adjustment subdivisions)	
Benefits	Costs
<p><u>Environmental</u></p> <p>None identified.</p> <p><u>Economic</u></p> <p>Provides limited opportunities for “boundary relocation” subdivisions in the RPROZ which could result in providing additional development opportunities.</p> <p><u>Social</u></p> <p>None identified.</p> <p><u>Cultural</u></p> <p>None identified.</p>	<p><u>Environmental</u></p> <p>May lead to gradual fragmentation of rural land where incremental subdivisions can result in adverse cumulative effects. This could result in the WDP failing to give effect to the NPS-HPL.</p> <p>Does not provide opportunities for boundary adjustments in other zones.</p> <p><u>Economic</u></p> <p>Complicated and inefficient provisions result in significant debate at resource consent stage and can increase consenting costs.</p> <p>No opportunities for boundary adjustments/relocations in zones other than the RPROZ and Open Space and Recreation Zones.</p> <p><u>Social</u></p> <p>None identified.</p> <p><u>Cultural</u></p> <p>None identified.</p>
<p>Effectiveness: It is understood from the s32 report for PC85A that the boundary relocation rule was originally intended to provide for opportunities to maintain or facilitate productive land uses¹⁸. It is not clear that the operative provisions have been effective in achieving this outcome. Option 1 also does not effectively provide for minor boundary adjustments in other zones in the WDP.</p>	
<p>Efficiency: The operative provisions have led to significant confusion and debate and are not considered to be efficient. Often subdivision applications are not able to meet the definition of “boundary relocation” meaning that rule SUB-R15 cannot be relied on in many cases.</p>	
<p>Risk of acting/not acting: Option 1 risks ongoing debates and delays at consenting stage due to uncertainty around the intent and interpretation of the provisions. Option 1 also risks that the WDP will fail to give effect to the NPS-HPL by enabling gradual fragmentation of rural land.</p>	
<p>Overall evaluation of Option 1: It is considered that Option 1 is not an appropriate method of achieving RPROZ-O4, RPROZ-O5, RPROZ-P8, SUB-O1, SUB-O5, SUB-P1, or SUB-P3.</p>	
Option 2: The proposed amendments outlined above	
Benefits	Costs
<p><u>Environmental</u></p> <p>Ensures that resulting sites are appropriate for intended uses within each zone and that infringements with WDP rules will not be created or exacerbated.</p>	<p><u>Environmental</u></p> <p>None identified.</p> <p><u>Economic</u></p> <p>Boundary adjustment opportunities are not provided for in the LLRZ, RLZ, FUZ, or Special</p>

¹⁸ Paragraphs 108 – 111 of PC85A s32 Report.

<p>Avoids risk of cumulative adverse effects associated with gradual fragmentation of rural land. In doing so gives effect to NPS-HPL.</p> <p><u>Economic</u></p> <p>Provides limited opportunities for minor boundary adjustments to:</p> <ul style="list-style-type: none"> • Enable more efficient use of land. • Facilitate productive uses. • Increase development capacity in urban areas where future land uses can be appropriately accommodated within resulting sites. <p>Relies on the Planning Standards definition of “boundary adjustment” to remove complexity from rules and definitions.</p> <p>Simplifies and streamlines the WDP compared to Option 3 by just having a boundary adjustment provision instead of boundary adjustment and boundary relocation provisions which serve very similar purposes.</p> <p><u>Social</u></p> <p>None identified.</p> <p><u>Cultural</u></p> <p>None identified.</p>	<p>Purpose Zones and are more restrictive in the RPROZ than in Residential and Business Zones.</p> <p>Removes the opportunity for “boundary relocation” subdivision in the RPROZ; however, as noted above, SUB-R14 has numerous issues and often cannot be applied because activities fail to meet the definition.</p> <p><u>Social</u></p> <p>None identified.</p> <p><u>Cultural</u></p> <p>None identified.</p>
<p>Effectiveness: Option 2 gives better effect to SUB-P3 by providing opportunities for boundary adjustment subdivisions in zones other than the RPROZ and Open Space and Recreation Zones while still allowing for minor boundary adjustments in those zones as well.</p>	
<p>Efficiency: Option 2 provides a clearer rule that relies on the Planning Standards definition rather than the bespoke “boundary relocation” definition used in the WDP which lacks clarity and has caused confusion.</p>	
<p>Risk of acting/not acting: There is a minor risk that Option 2 will reduce some opportunities for subdivision the RPROZ; however, opportunities are provided for minor boundary adjustments and resource consent can be applied for where a subdivision does not comply with the controlled standards.</p>	
<p>Overall evaluation of Option 2: It is considered that Option 2 is an appropriate method of achieving RPROZ-O4, RPROZ-O5, RPROZ-P8, SUB-O1, SUB-O5, SUB-P1, and SUB-P3.</p>	
<p>Option 3: Insert a new boundary adjustment rule similar to Option 2 and amend the definition of “boundary relocation” and rule SUB-R15 as shown above</p>	
<p>Benefits</p>	<p>Costs</p>
<p><u>Environmental</u></p> <p>Similar to Option 2. Amending SUB-R15 activity status to Restricted Discretionary helps avoid fragmentation of rural land.</p> <p><u>Economic</u></p> <p>Provides limited opportunities for minor boundary adjustments to:</p> <ul style="list-style-type: none"> • Enable more efficient use of land. • Facilitate productive uses. 	<p><u>Environmental</u></p> <p>May result in potential adverse effects in the RPROZ by enabling subdivision down to 2,000m² net site area.</p> <p><u>Economic</u></p> <p>Boundary relocation rule and definition in the RPROZ introduces complexity with little added benefit. Rules for boundary adjustment and boundary relocation in the RPROZ are very similar apart from the fact that the boundary relocation rule allows for the creation of</p>

<ul style="list-style-type: none"> • Increase development capacity in urban areas where future land uses can be appropriately accommodated within resulting sites. <p>Improves clarity of SUB-R14 wording.</p> <p>Addresses known issues with boundary relocation” definition to provide more straightforward pathway for subdivisions to apply SUB-R15.</p> <p><u>Social</u></p> <p>None identified.</p> <p><u>Cultural</u></p> <p>None identified.</p>	<p>new allotments. It is unclear why this is necessary or assists in achieving the RPROZ objectives and policies.</p> <p><u>Social</u></p> <p>None identified.</p> <p><u>Cultural</u></p> <p>None identified.</p>
<p>Effectiveness: Similar to Option 2.</p>	
<p>Efficiency: Similar to Option 2 but retains the “boundary relocation” definition and rule for the RPROZ which adds complexity to the RPROZ subdivision provisions. Boundary adjustment and boundary relocation rules appear to serve a similar purpose and it is unclear why a boundary relocation is necessary.</p>	
<p>Risk of acting/not acting: Option 3 risks adding complexity by providing for both “boundary relocation” and “boundary adjustment” subdivisions in the RPROZ for no identified reason.</p>	
<p>Overall evaluation of Option 3: It is considered that Option 3 is similar to Option 2 but adds unnecessary complexity to the WDP for limited/no benefit.</p>	

218. Option 2 is considered the most appropriate way to achieve the relevant objectives and policies.

5.21 Issue #21 – Subdivision in the Open Space and Recreation Zones

Status quo and problem statement

219. Within the WDP 2007, rule 75.2.1 set out the subdivision requirements for the Open Space Environment as follows:

75.2.1 Subdivision Generally	
<p>Subdivision within the Open Space Environment is a controlled activity if:</p> <p>a) The alteration of boundaries is for the purpose of exchanging land for conservation purposes and no new allotments are created.</p> <p>Control is reserved over:</p> <p>i) Effects of allotment boundaries on conservation values;</p> <p>ii) Effects of allotment boundaries on the integrity of the conservation estate;</p> <p>iii) The additional matters listed in Chapter 70.3.</p>	<p>Subdivision within the Open Space Environment is a discretionary activity if:</p> <p>i) The subdivision complies, as a controlled activity, with the most restrictive subdivision standards of any Environment adjoining the site.</p> <p>Subdivision that does not comply with a standard for a discretionary activity, is a non-complying activity.</p>

220. As part of the Urban and Services Plan Changes, Plan Change 115 (**PC115**) proposed to replace the Open Space Environment with three new Open Space and Recreation Zones and to include new subdivision rules for those zones.
221. Following PC115, the SUB Chapter now contains rule SUB-R17 which provides for “subdivision by way of boundary adjustment” within the Open Space and Recreation Zones as shown below:

SUB-R17 Subdivision by way of Boundary Adjustment in the Open Space Zone, Sport and Active Recreation Zone and Natural Open Space Zone

Activity Status: Controlled

Where:

1. No additional allotments are created.

Matters of control:

1. Matters listed in the Relationship Between Spatial Layers Chapter, HPW-R9.

Activity Status when compliance not achieved: Discretionary

222. There is no rule which sets out the activity status and requirements for subdivision that is not by way of boundary adjustment in the Open Space and Recreation Zones. The current rules (or absence of rules) have therefore resulted in a lack of clarity for non-boundary adjustment subdivisions in Open Space and Recreation Zones.
223. Several chapters¹⁹ within the WDP have a rule that states that any activity not otherwise listed in that chapter is a permitted activity if consent is not required under any other rule in the WDP, and the activity is not prohibited by any other rule in the WDP. The SUB Chapter does not have such a rule, meaning that non-boundary adjustment subdivision in the Open Space and Recreation Zones does not clearly default to a permitted activity.
224. When determining the activity status of non-boundary adjustment subdivisions in the Open Space and Recreation Zones, one interpretation could be that s87B of the RMA applies which states that a discretionary consent is required where a plan or proposed plan requires a resource consent to be obtained for the activity, but does not classify the activity as controlled, restricted discretionary, discretionary, or non-complying. However, it is not clear within the WDP that non-boundary adjustment subdivisions in Open Space and Recreation Zones require resource consent.

¹⁹ For example, CE-R2 in the Coastal environment, GRZ-R1 in the General residential Zone, and RPROZ-R1 in the RPROZ.

Proposed PC2 amendments

225. PC2 proposes to amend SUB-R17 as shown below (additions shown in underline and deletions shown in ~~strikethrough~~):

<p>SUB-R17 Subdivision in the Open Space and Recreation Zones by way of Boundary Adjustment in the Open Space Zone, Sport and Active Recreation Zone and Natural Open Space Zone</p> <p>Activity Status: Controlled</p> <p>Where:</p> <p>1. No additional allotments are created. <u>The subdivision is a boundary adjustment subdivision.</u></p> <p>Matters of control:</p> <p>1. Matters listed in the Relationship Between Spatial Layers Chapter, HPW-R9.</p> <p>Activity Status when compliance not achieved: Discretionary</p>

Assessment of options

226. For the purpose of this evaluation, Council has considered the following practicable options:
- Option 1: The status quo (i.e., the operative provisions in the WDP with no rules for non-boundary adjustment subdivisions in the Open Space and Recreation Zones).
 - Option 2: The proposed provisions (i.e., the proposed amendments outlined above).
 - Option 3: WDP 2007 provisions of linking subdivision rules within the Open Space and Recreation Zones to the adjoining zone rules (i.e., classifying all non-boundary adjustment subdivisions that meet the most restrictive controlled activity subdivision rules for any adjoining Zone as a discretionary activity and other non-boundary adjustment subdivision as a non-complying activity).
227. Table 12 below provides assessments of each option.

Table 12: Assessment of Options for subdivision in the Open Space and Recreation Zones

Option 1: The status quo (the operative provisions in the WDP with no rules for non-boundary adjustment subdivisions in the Open Space and Recreation Zones)	
Benefits	Costs
<p><u>Environmental</u></p> <p>None identified.</p> <p><u>Economic</u></p> <p>Potential reduced consenting costs if it is considered that non-boundary adjustment</p>	<p><u>Environmental</u></p> <p>Potential for unintended outcomes and inappropriate subdivisions if non-boundary adjustment subdivisions in Open Space and Recreation Zones are not assessed through the resource consent process and potential adverse effects are not managed.</p> <p><u>Economic</u></p>

subdivisions in Open Space and Recreation Zones do not require resource consent. <u>Social</u> None identified. <u>Cultural</u> None identified.	Potential for increased consenting costs and delays if there is uncertainty and debate over the activity status of non-boundary adjustment subdivisions in Open Space and Recreation Zones. <u>Social</u> None identified. <u>Cultural</u> None identified.
Effectiveness: It is considered that Option 1 is ineffective as there is no rule for non-boundary adjustment subdivisions in Open Space and Recreation Zones.	
Efficiency: It is considered that Option 1 is inefficient because not having any rules for non-boundary adjustment subdivisions in Open Space and Recreation Zones leads to a lack of clarity and uncertainty.	
Risk of acting/not acting: Option 1 risks carrying over the existing unclear provisions.	
Overall evaluation of Option 1: Option 1 is not considered to be an appropriate method of achieving SUB-O1, SUB-O3, SUB-O4, NOSZ-P6, NOSZ-P7, OSZ-P6 or SARZ-P6.	
Option 2: The proposed amendments outlined above	
Benefits	Costs
<u>Environmental</u> Non-boundary adjustment subdivisions in Open Space and Recreation Zones would be managed through a discretionary consent. <u>Economic</u> Clear activity status and rule provided for non-boundary adjustment subdivisions in Open Space and Recreation Zones. Retains controlled activity status for boundary adjustment subdivisions to provide a streamlined option. <u>Social</u> None identified. <u>Cultural</u> None identified.	<u>Environmental</u> None identified. <u>Economic</u> Potential increased consenting costs compared to Option 1 if it was considered under Option 1 that non-boundary adjustment subdivisions in Open Space and Recreation Zones did not require resource consent. <u>Social</u> None identified. <u>Cultural</u> None identified.
Effectiveness: Option 2 is more effective than Option 1 in ensuring that non-boundary adjustment subdivisions in Open Space and Recreation Zones are appropriately assessed through the resource consent process.	
Efficiency: Option 2 provides a clear rule stating the activity status of non-boundary adjustment subdivisions in Open Space and Recreation Zones to improve the efficiency of the status quo.	
Risk of acting/not acting: There are no identified risks.	
Overall evaluation of Option 2: Option 2 is considered an appropriate method of achieving SUB-O1, SUB-O3, SUB-O4, NOSZ-P6, NOSZ-P7, OSZ-P6 and SARZ-P6.	

Option 3: WDP 2007 provisions linking the Open Space and Recreation Zone subdivision rules to the adjoining zone rules	
Benefits	Costs
<p><u>Environmental</u></p> <p>Non-boundary adjustment subdivisions in Open Space and Recreation Zones would be managed through a resource consent process.</p> <p><u>Economic</u></p> <p>Introduces a rule for non-boundary adjustment subdivisions in Open Space and Recreation Zones.</p> <p>Retains controlled activity status for boundary adjustment subdivisions to provide a streamlined option.</p> <p><u>Social</u></p> <p>None identified.</p> <p><u>Cultural</u></p> <p>None identified.</p>	<p><u>Environmental</u></p> <p>Relating the subdivision rules in the Open Space and Recreation Zones to the nearest adjoining zones could produce unintended consequences where the anticipated outcomes for a given open space site do not align with the anticipated outcomes and rule requirements for the adjoining zone.</p> <p><u>Economic</u></p> <p>Potential increased consenting costs compared to Option 1 if it was considered under Option 1 that non-boundary adjustment subdivisions in Open Space and Recreation Zones did not require resource consent.</p> <p>Rules relating to the adjoining zone boundary could be complicated and uncertain in instances where there are multiple adjoining zones or no adjoining zones (e.g., next to a road or the Coastal Marine Area).</p> <p><u>Social</u></p> <p>None identified.</p> <p><u>Cultural</u></p> <p>None identified.</p>
<p>Effectiveness: Option 3 could be effective in providing rules for non-boundary adjustment subdivisions in Open Space and Recreation Zones but could result in adjoining zone subdivision rules applying in inappropriate areas.</p>	
<p>Efficiency: Developing subdivision rules that are based on the subdivision rules of the adjoining zone can result in unnecessary complexity and uncertainty in instances where there are multiple adjoining zones or no adjoining zones (e.g., next to a road or the Coastal Marine Area).</p>	
<p>Risk of acting/not acting: There is a risk that the Option 3 rules could introduce more complexity and uncertainty.</p>	
<p>Overall evaluation of Option 3: Option 3 is not considered an appropriate method of achieving SUB-O1, SUB-O3, SUB-O4, NOSZ-P6, NOSZ-P7, OSZ-P6 or SARZ-P6.</p>	

228. Option 2 is considered the most appropriate way to achieve the relevant objectives and policies.

5.22 Issue #22 – Subdivision in the Large Lot Residential Zone

Status quo and problem statement

229. Through the Urban and Services Plan Changes it was proposed to rename and reformat the former Urban Transition Environment (**UTE**) into the LLRZ. The amendments were generally aimed to maintain the status quo UTE provisions.

230. Former rule UTE.3.1 stated that the creation of any additional allotment within areas subject to a 'no residential unit' restriction was a prohibited activity, see third sentence below:

UTE.3.1 Eligibility Rules

Subdivision that is in accordance with an approved management plan shall be a permitted activity.

All other subdivision proposals shall be considered as a discretionary activity.

The creation of any additional allotment within areas subject to a 'no residential unit' restriction shall be a prohibited activity.

231. As part of the Urban and Services Plan Changes, the s32 report for PC88I recommended carrying over UTE.3.1 and did not suggest that any changes were proposed²⁰. However, the notified version of the rule amended the wording, see below:

SUB-R13	Subdivision within areas subject to a 'no residential unit' restriction
Low Density Residential Zone	Activity Status: Pr Where: 1. Any proposed allotment or part of any proposed allotment is within an area subject to any form of covenant, consent notice or encumbrance that precludes building principal residential unit and minor residential unit.

232. The new rule wording (which has since been renumbered to SUB-R21 and undergone minor formatting changes) has a different interpretation and meaning than the original UTE.3.1 rule.
233. UTE.3.1 originally prevented the placing of allotments and boundaries within areas restricted from building residential units. However, the re-worded rule prevents the subdivision of any allotment that is subject to a covenant, consent notice or encumbrance that precludes the construction of residential units.
234. Many of the initial UTE subdivisions were staged and did not seek to initially maximise the lot yield. However, because the zone rules required that 50% of the balance lot be subject to a no build covenant, the balance lots in these initial subdivisions now have no build covenants and associated consent notice restrictions registered on the titles. The re-worded rule now prohibits further subdivision of many large landholdings whereas UTE.3.1 originally would have just prohibited new allotments from being located within the no-build area.
235. Additionally, many existing sites (even if they were not created under the UTE or LLRZ rules) are subject to some form of covenants, consent notices, or encumbrances that preclude the construction of residential units. In these instances, the re-worded rule has precluded those sites from being subdivided.

²⁰ Refer to paragraph 136 of PC88I s32 Report:

<https://www.wdc.govt.nz/files/assets/public/documents/services/property/planning/plan-changes/pc-urban-and-services/3-notification-reports/s32-report-pc88i-living-zones.pdf>

Proposed PC2 amendments

236. PC2 proposes to insert a new rule within SUB-R3 and delete SUB-R21 and as shown below (additions shown in underline and deletions shown in ~~striketrough~~):

SUB-R3 Subdivision in the Large Lot Residential Zone

1. Activity Status: Controlled

Where:

4.a. 50% of the total allotment area (excluding public road, access ways and impervious areas) shall be retained indefinitely:

a.i. By legal protection such as covenant, consent notice or encumbrance that precludes building principal residential units and minor residential units.

b.ii. As a contiguous area.

2.b. The maximum allotment size does not exceed 2,500m², except that:

a.i. 1 allotment may be larger.

b.ii. Any allotment may be larger where that allotment in its entirety is subject to a conservation covenant, Reserve Act covenant or similar restriction.

3.c. Every allotment connected to a reticulated sewerage system has a minimum net site area of at least 500m².

4.d. The yield of a subdivision shall not exceed 1 allotment per 5,000m² of net site area.

5.e. Every allotment shall identify a building area within 50m of an existing building or proposed building area within the Large Lot Residential Zone.

6.f. Every allotment contains an identified building area of at least 100m² within which a residential unit can be built so that there is compliance as a permitted activity with the zone rules.

7.g. Every allotment can contain a circle with a diameter of 16m, or a square of at least 14m by 14m.

Matters of control:

1. Matters listed in the Relationship Between Spatial Layers Chapter, HPW-R9.

2. Activity Status when compliance not achieved: Discretionary

3. Activity Status: Non-Complying

Where:

a. The subdivision is of a site containing an area subject to any form of covenant, consent order, or encumbrance that was created after 23 June 2013 and that precludes building a principal residential unit and minor residential unit.

SUB-R21 ~~Subdivision within Areas Subject to a 'No Residential Unit' Restriction~~

LLRZ

Activity Status: ~~Prohibited~~

Where:

1. ~~Any proposed allotment or part of any proposed allotment is within an area subject to any form of covenant, consent notice or encumbrance that precludes building principal residential units and minor residential units.~~

Assessment of options

237. For the purpose of this evaluation, Council has considered the following practicable options:

- Option 1: The status quo (i.e., the operative provisions in the WDP with rule SUB-R21 prohibiting certain subdivisions in the LLRZ).
- Option 2: The proposed provisions (i.e., the proposed amendments outlined above).
- Option 3: Amending SUB-R21 to match the wording of former rule UTE.3.1, as shown below (additions shown in underline and deletions shown in ~~strike through~~):

SUB-R21 Subdivision within Areas Subject to a 'No Residential Unit' Restriction

LLRZ

Activity Status: Prohibited

Where:

1. The subdivision results in the creation of any additional allotment within areas subject to a 'no residential unit' restriction. ~~Any proposed allotment or part of any proposed allotment is within an area subject to any form of covenant, consent notice or encumbrance that precludes building principal residential units and minor residential units.~~

238. Table 13 below provides assessments of each option.

Table 13: Assessment of Options for subdivision in the LLRZ

Option 1: The status quo (retain SUB-R21 as is in the operative WDP)	
Benefits	Costs
<p><u>Environmental</u></p> <p>Ensures the indefinite retention of uninhabited spaces.</p> <p><u>Economic</u></p> <p>None identified.</p> <p><u>Social</u></p>	<p><u>Environmental</u></p> <p>Prohibited activity status prevents subdivisions where they may assist in enabling more efficient use of land.</p> <p><u>Economic</u></p> <p>Prohibited activity status prevents applications from being lodged meaning that a plan change would be required to subdivide any site subject to any form of</p>

<p>None identified.</p> <p><u>Cultural</u></p> <p>None identified.</p>	<p>covenant, consent notice or encumbrance that precludes building principal residential units and minor residential units.</p> <p>Some 'no residential unit' restrictions may have been put in place prior to the UTE becoming operative and may not be related to the UTE/LLRZ objectives and policies. Prohibiting subdivision of these areas could limit the economic wellbeing of the landowners for no identified reason.</p> <p><u>Social</u></p> <p>None identified.</p> <p><u>Cultural</u></p> <p>None identified.</p>
<p>Effectiveness: It is considered that Option 1 is generally effective in achieving LLRZ-O2, LLRZ-O3, LLRZ-P1, LLRZ-P5, LLRZ-P8, and LLRZ-P12 as the operative rule ensures that uninhabited spaces will not be further subdivided in a way that could compromise the outcomes sought for the LLRZ.</p>	
<p>Efficiency: It is considered that Option 1 is inefficient because a prohibited activity status excludes the opportunity to apply for resource consent. The wording of rule SUB-R21 means that it would apply to 'no residential unit' restrictions that were in place prior to the UTE/LLRZ provisions and that may not be relevant to the objectives and policies. It is considered that Option 1 is not efficient in achieving LLRZ-O1.</p>	
<p>Risk of acting/not acting: Option 1 risks excluding opportunities for subdivisions that could be undertaken in a way that is not contrary to the objectives and policies of the LLRZ.</p>	
<p>Overall evaluation of Option 1: Option 1 is considered to be an effective method of achieving LLRZ-O2, LLRZ-O3, LLRZ-P1, LLRZ-P5, LLRZ-P8, and LLRZ-P12, but is not considered to be an efficient way of achieving LLRZ-O1. Additionally, Option 1 applies a prohibited activity status to 'no residential unit' restrictions that were in place prior to the UTE/LLRZ provisions. Overall, it is considered that Option 1 is not an appropriate method.</p>	
<p>Option 2: The proposed amendments outlined above</p>	
<p>Benefits</p>	<p>Costs</p>
<p><u>Environmental</u></p> <p>Requires non-complying resource consent for these subdivision applications to ensure the adverse effects will be minor or the subdivision will not be contrary to the LLRZ objectives and policies. This will ensure uninhabited spaces are retained. Land use rule LLRZ-R11.2 helps reinforce this.</p> <p><u>Economic</u></p> <p>Amends activity status to non-complying to allow for subdivision applications to be lodged and assessed accordingly rather than requiring a plan change.</p> <p>Introduces a date to the rule that corresponds to when the UTE initially became operative. Therefore, the rule is only managing 'no residential unit' restrictions that have been created since the UTE had effect. Restrictions</p>	<p><u>Environmental</u></p> <p>None identified.</p> <p><u>Economic</u></p> <p>None identified.</p> <p><u>Social</u></p> <p>None identified.</p> <p><u>Cultural</u></p> <p>None identified.</p>

<p>that were in place prior are therefore not captured by the rule.</p> <p><u>Social</u></p> <p>None identified.</p> <p><u>Cultural</u></p> <p>None identified.</p>	
<p>Effectiveness: It is considered that Option 2 is effective in achieving LLRZ-O2, LLRZ-O3, LLRZ-P1, LLRZ-P5, LLRZ-P8, and LLRZ-P12.</p>	
<p>Efficiency: It is considered that Option 2 is more efficient than Option 1 as it introduces a date to the rule that corresponds to when the UTE initially became operative so that the rule will not inadvertently apply to irrelevant 'no residential unit' restrictions. Option 2 also allows for non-complying applications to be lodged rather than requiring a plan change.</p>	
<p>Risk of acting/not acting: There are no identified risks.</p>	
<p>Overall evaluation of Option 2: Option 2 is considered to be an appropriate method of achieving LLRZ-O1, LLRZ-O2, LLRZ-O3, LLRZ-P1, LLRZ-P5, LLRZ-P8, and LLRZ-P12.</p>	
<p>Option 3: Amend SUB-R21 to match the wording of former rule UTE.3.1</p>	
<p>Benefits</p>	<p>Costs</p>
<p><u>Environmental</u></p> <p>Ensures the indefinite retention of uninhabited spaces.</p> <p><u>Economic</u></p> <p>Option 3 replaces the operative SUB-R21 wording with wording that better resembles the original wording of UTE.3.1 which is consistent with the s32 report for PC881.</p> <p><u>Social</u></p> <p>None identified.</p> <p><u>Cultural</u></p> <p>None identified.</p>	<p><u>Environmental</u></p> <p>Prohibited activity status prevents subdivisions where they may assist in enabling more efficient use of land.</p> <p><u>Economic</u></p> <p>Prohibited activity status prevents applications from being lodged meaning that a plan change would be required to subdivide any area subject to any form of covenant, consent notice or encumbrance that precludes building principal residential units and minor residential units.</p> <p>Some 'no residential unit' restrictions may have been put in place prior to the UTE becoming operative and may not be related to the UTE/LLRZ objectives and policies. Prohibiting subdivision of these areas could limit the economic wellbeing of the landowners for no identified reason.</p> <p>Option 3 does not include specific reference to "covenant, consent notice or encumbrance" like Options 1 and 2. It is considered that without this wording the rules could apply to instances where there is any form of restriction, such as a district plan rule.</p> <p><u>Social</u></p> <p>None identified.</p> <p><u>Cultural</u></p> <p>None identified.</p>
<p>Effectiveness: It is considered that the effectiveness of Option 3 is similar to Option 1.</p>	

Efficiency: It is considered that the efficiency of Option 3 is similar to Option 1, but that Option 3 is less efficient because it lacks the specific reference to “covenant, consent notice or encumbrance”.

Risk of acting/not acting: Option 3 risks excluding opportunities for subdivisions that could be undertaken in a way that is not contrary to the objectives and policies of the LLRZ.

Overall evaluation of Option 3: Similar to Option 1, it is considered that Option 3 is not an appropriate method.

239. Option 2 is considered the most appropriate way to achieve the relevant objectives and policies.

5.23 Issue #23 – Coastal Environment Cut and Batter Face Heights

Status quo and problem statement

240. In the CE Chapter there are several rules related to earthworks and farm quarries which state that the maximum face height of any “cut and/or batter face” is 2m.²¹ See rule CE-R10.2 below as an example:

CE-R10 Farm Quarrying

Activity Status: Permitted

Where:

1. The activity does not disturb or move more than 500m³ of material in any 12 month period; or
2. The activity does not have any cut and/or batter faces which exceeds 2m; or
3. The activity does not involve blasting; or
4. The activity does not involve excavations and processing which are undertaken within 200m of a road boundary; or an existing residential unit.

Activity Status when compliance not achieved: Discretionary

241. The terms “batter”, and “cut” are not defined in the WDP but are defined in the Concise Oxford Dictionary (Ninth Edition) as:

Batter: *a wall etc. with a sloping face; a receding slope.*

Cut: *make (a path, tunnel, etc.) by removing material.*

242. The term “slope” is defined in the Concise Oxford Dictionary (Ninth Edition) as:

Slope: *an inclined position or direction; a state in which one end or side is at a higher level than another; a position in a line neither parallel nor perpendicular to level ground or to a line serving as a standard.*

243. Based on the definitions above there is a potential gap whereby a cut adjacent to a retaining wall may have a face height up to 2m, and the retaining wall could be higher than 2m with fill

²¹ Rules CE-R8.1(b), CE-R10.2, CE-HNC-R6.1(b), CE-HNC-R8.2, CE-ONC-R6.2(a)(ii), and CE-ONC-R8.2.

placed behind the wall. Figure 6 below shows an example of this scenario with the fill behind the retaining wall circled in red.

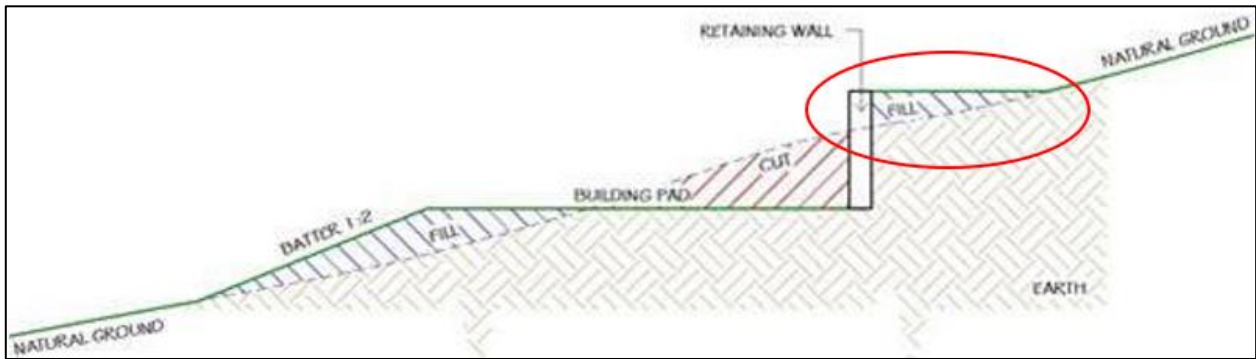


Figure 6: Example of scenario with combined cut and fill

244. Under this scenario the retaining wall would have a ‘face’ height greater than 2m; however, it is considered that the fill would not meet the definitions of either cut or batter provided it is at a 90° angle and is not sloping. This results in a perverse outcome and is considered to be a gap in the rules.

Proposed PC2 amendments

245. PC2 proposes to amend rules CE-R8.1(b), CE-R10.2, CE-HNC-R6.1(b), CE-HNC-R8.2, CE-ONC-R6.2(a)(ii), and CE-ONC-R8.2 to refer to “...cut, fill, and/or batter faces...” (additions shown in underline).

Assessment of options

246. It is considered that the status quo has an identified gap and does not achieve Policies CE-P1, CE-P2, and CE-P16. Therefore the status quo is not considered to be a reasonably practicable option.
247. For the purpose of this evaluation, Council has considered the following practicable options:
- Option 1: Include new definitions of “cut” and “batter” to address the identified gap.
 - Option 2: The proposed provisions (i.e., the proposed amendments outlined above).
248. It is considered that Options 1 and 2 are reasonably practicable and would have similar overall costs and benefits. However, Option 2 is considered to be a more efficient way to achieve Policies CE-P1, CE-P2, and CE-P16 for the following reasons:
- “Cut” and “batter” are used elsewhere within the WDP. Including new definitions could have unintended consequences for other provisions.
 - Under Option 1 the WDP definition of “batter” would need to be different from the definition in the Concise Oxford Dictionary (Ninth Edition) to address the identified gap. This could cause confusion whereby the WDP definition may be significantly different from the commonly understood definition.

- “Fill” is defined in the Concise Oxford Dictionary (Ninth Edition) as “*make or become full. Occupy completely; spread over or through; pervade*” It is considered that this definition is sufficient to address the identified gap in the rules and reduce the risk for perverse outcomes.

249. Option 2 is considered the most appropriate way to achieve Policies CE-P1, CE-P2, and CE-P16.

5.24 Issue #24 – Light Reflectance Requirements

Status quo and problem statement

250. Rules CE-R5, CE-HNC-R4, and CE-ONC-R4 in the CE Chapter and rule NFL-ONL-R3 in the NFL Chapter require buildings and major structures to comply with colour and light reflectance requirements.

251. Rules CE-R5 and CE-HNC-R4 are triggered by the “construction and external alteration” of a building or major structure. Rules CE-ONC-R4 and NFL-ONL-R3 are triggered by the “construction” of a building or major structure.

252. “Construction” is not defined in the WDP, but is defined in the Concise Oxford Dictionary (Ninth Edition) as:

The act or a mode of constructing. A thing constructed.

253. “Construct” is defined in the Concise Oxford Dictionary (Ninth Edition) as:

Make by fitting parts together; build; form (something physical or abstract).

254. “Alteration” is defined in the WDP as:

means reconstruction, relocation or structural changes to a building or major structure (excluding minor buildings).

255. There is a gap identified within the rules whereby a building or major structure could be constructed or altered in a way that complies with the rules, but in the future, it could be repainted to breach the colour and light reflectance requirements, but the rules would not apply because repainting would not meet the definitions of “construction” or “external alterations”.

Proposed PC2 amendments

256. PC2 proposes to amend rules CE-R5, CE-HNC-R4, CE-ONC-R4, and NFL-ONL-R3 as shown below (additions shown in underline and deletions shown in ~~striketrough~~):

CE-R5 ~~Construction and External Alteration of a Buildings and Major Structures~~

Within the RPZ, but outside of a High Natural Character Area or Outstanding Natural Character Area.

Activity Status: Permitted

Where:

1. The ~~activity~~ building or major structure is within both the Coastal Environment and the Rural Production Zone, but outside a High Natural Character Area or Outstanding Natural Character Area and:
 - a. The maximum building and major structure height is 8.5m above ground level.
 - b. Exteriors are not coloured or painted with a colour with a light reflectance value greater than 35%, provided that 2% of each exterior elevation is exempt
 - c. Exteriors do not utilise mirror glazing.
 - d. The roof colour does not have a light reflectance value greater than 30%.

Activity Status when compliance not achieved: Discretionary

CE-HNC-R4 ~~Construction and External Alteration of a Buildings and Major Structures~~

Activity Status: Permitted

Where:...

CE-ONC-R4 ~~Construction of a Buildings and Major Structures~~

Activity Status: Permitted

Where:...

NFL-ONL-R3 ~~Construction of Buildings and Major Structures~~

1. Activity Status: Permitted

Where:...

Assessment of options

257. It is considered that the status quo has a loophole which could result in perverse outcomes and risk not achieving objectives and policies CE-O2, CE-P8, CE-P23, NFL-O2, NFL-P2, NFL-P3, NFL-P4, NFL-P5, and NFL-P9. Therefore the status quo is not considered to be a reasonably practicable option.
258. For the purpose of this evaluation, Council has considered the following practicable options:

- Option 1: Include a new definition of “renovation” and amend rules CE-R5, CE-HNC-R4, CE-ONC-R4, and NFL-ONL-R3 to apply to “construction, external alteration, and renovations”.
- Option 2: The proposed provisions (i.e., the proposed amendments outlined above).

259. It is considered that Options 1 and 2 would have similar overall costs and benefits. However, Option 2 is considered to be a more efficient way to achieve objectives and policies CE-O2, CE-P8, CE-P23, NFL-O2, NFL-P2, NFL-P3, NFL-P4, NFL-P5, and NFL-P9 for the following reasons:

- “Renovation” is defined in the Concise Oxford Dictionary (Ninth Edition) as “*Restore to good condition; repair. Make new again.*” There is a risk that using the term “renovation” (or another similar term) still may not capture instances where a property owner wishes to repaint a new building or major structure in a manner that is not ‘restoring’ or ‘repairing’ the structure.
- Rule CE-R6 applies to the “maintenance and minor upgrading of buildings and structures”. Introducing a definition of “renovation” and applying this to CE-R5 could cause confusion and inefficiencies as to whether CE-R5 or CE-R6 applies. Option 2 clarifies that CE-R5 applies to all buildings and major structures and would apply in addition to CE-R6 where maintenance or minor upgrading is proposed.
- The term “renovation” is not used in the WPD currently, but any new definition could have unintended consequences elsewhere in the WDP were the term to be used in the future.

260. Option 2 is considered the most appropriate way to achieve objectives and policies CE-O2, CE-P8, CE-P23, NFL-O2, NFL-P2, NFL-P3, NFL-P4, NFL-P5, and NFL-P9.

5.25 Issue #25 – NAV-P4 Reference to Primary Production Activities

261. Policy NAV-P4 in the NAV Chapter includes reference to the below Planning Standards definition of Primary Production:

Term	Definition
Primary Production	<p>means:</p> <ul style="list-style-type: none"> (a) any aquaculture, agricultural, pastoral, horticultural, mining, quarrying or forestry activities; and (b) includes initial processing, as an ancillary activity, of commodities that result from the listed activities in a); (c) includes any land and buildings used for the production of the commodities from a) and used for the initial processing of the commodities in b); but (d) excludes further processing of those commodities into a different product.

262. NAV-P4 reads as:

NAV-P4 Policy 4

To avoid restricting primary production activities by providing provisions that acknowledge their seasonal characteristics, transitory periods of noisiness and the effects of reverse sensitivity.

263. Through PC110, the Objectives of the NAV chapter were notified to be consistent with objective 3.6 of the NRPS, as below:

The viability of land and activities important for Northland's economy is protected from the negative impacts of new subdivision, use and development, with particular emphasis on either:

- (a) Reverse sensitivity for existing:*
 - (i) Primary production activities;*
 - (ii) Industrial and commercial activities;*
 - (iii) Mining*; or*
 - (iv) Existing and planned regionally significant infrastructure; or*
- (b) Sterilisation of:*
 - (i) Land with regionally significant mineral resources; or*
 - (ii) Land which is likely to be used for regionally significant infrastructure.*

**Includes aggregates and other minerals.*

264. The NAV Objectives seek to address the reverse sensitivity issues surrounding noise and vibration and ensure an appropriate mix of activities in various zones to protect land and activities that are important to the District and Northland's economy.

265. NAV-P4 was informed by these objectives. There was a change to the wording of the notified policy in the right of reply and hearing panel's recommendation, from "To avoid restricting normal primary production..." to "To avoid restricting ~~normal~~ primary production...". This change was made to address an issue of clarity as to what is meant by "normal primary production". The change also better aligned with the RMA definition of production land (below).

production land—

(a) means any land and auxiliary buildings used for the production (but not processing) of primary products (including agricultural, pastoral, horticultural, and forestry products):

(b) does not include land or auxiliary buildings used or associated with prospecting, exploration, or mining for minerals,—

and production has a corresponding meaning.

266. Because the policy was drafted to align with the RMA definition of production land, the inclusion of the proposed definition of “Primary Production” does change the intent of the policy. The proposed definition for Primary Production includes mining activities. Land and auxiliary buildings used or associated with mining are specifically excluded from the RMA definition of Production Land.
267. It is noted that “Primary Production” only occurs within the NAV Chapter. The definition of Rural Production Activity may be better suited in this instance as it better aligns with the RMA definition of production land.

Term	Definition
Rural Production Activity	means the use of land and buildings for farming, intensive livestock farming, farm quarrying and plantation forestry.

Proposed PC2 amendments

268. PC2 proposes to change the reference to “primary production” in NAV-P4 as below (additions shown in underline and deletions shown in ~~striketrough~~):

NAV-P4 Policy 4

To avoid restricting primary-rural production activities by providing provisions that acknowledge their seasonal characteristics, transitory periods of noisiness and the effects of reverse sensitivity.

Assessment of options

269. The proposed amendment to NAV-P4 ensures that the intent of the policy is unchanged. This change also aligns with the RMA definition of production land, as shown above.
270. Notifying this change through PC2 will provide the opportunity for any interested parties to inform these proposed changes to NAV-P4.

5.26 Issue #26 – Community Sign Rules

Status quo and problem statement

271. Rule SIGN-R4.4(b) in the SIGN Chapter requires all community signs located within the road or any public place to have a display area that complies with the permitted activity sign rules for the underlying zone.
272. Community signs are defined as:

Term	Definition
Community Sign	means a sign displaying information relating to the location of public facilities, placenames, destinations of historical, cultural, spiritual, sporting, or scenic significance. The advertising of public, sporting, recreation, community, social or cultural events

273. It has been identified that imposing the underlying zone permitted standard for community signs has resulted in onerous rules in instances where a generally acceptable sign, such as a place name sign, is proposed.
274. The SIGN Chapter was introduced through Plan Change 82A (**PC82A**). In reviewing the PC82A documents it appears that it was intended to remove the requirement for community signs to comply with the underlying zone standards as the decision stated:

Heather Osborne presented evidence in support of the Council's Infrastructure submission. Ms Belgrave responded in page 4 of the RoR and agreed that amendments are required to remove the 'loophole' within the rules relating to Community Signs. She confirmed that the intent of the various rule exemptions was to generally exclude community signs from the bulk and location restrictions of each zone, as more specific, permissive standards are provided for within SIGNR15 (although community signs are still required to comply with the requirements of SIGN-R2). She recommended the amendment of SIGN-R15.1 as detailed in Attachment 1 of the RoR.²²

275. This amendment was partially addressed by amending former rule SIGN-R15.1. However, the "loophole" was not fully addressed as there is still the requirement in SIGN-R4.4(b) for the display area to comply with the permitted activity sign rules for the underlying zone.

Proposed PC2 amendments

276. PC2 proposes to amend SIGN-R4 as shown below (additions shown in underline and deletions shown in ~~strikethrough~~):

²² <https://www.wdc.govt.nz/files/assets/public/v/4/documents/services/property/planning/plan-changes/pc-urban-and-services/15-decision/hp-recommend-all-reports.pdf>

SIGN-R4 Any Community Sign

Activity Status: Permitted

Where:

1. The sign complies with the permitted standards of SIGN-R5 for signs visible beyond the site.
2. Any illuminated sign satisfies the Illuminated Signage Brightness Limits specified in Rule SIGN-R19.2(d) – (e).
3. The sign relates to the display of information for non-profit community associations/groups.
4. The sign is located within the road or any public place, the following controls are met:
 - a. No more than one community sign is permitted per site frontage to the road.
 - ~~b. The total display area shall comply with the permitted activity sign rules for the underlying zone.~~
 - ~~c.~~ b. The sign is not within a vehicular carriageway, shared path, cycleway or footpath.
 - ~~d.~~ c. Where located within a state highway reserve area, the speed limit is less than 70km/hour.

Assessment of options

277. It is considered that the status quo is inappropriate as there is a contradiction in the current structure of the SIGN Chapter rules whereby community signs are exempt from the various zone rules (SIGN-R6 – SIGN-R15), but there is still a requirement in SIGN-R4.4(b) for community signs to comply with the zone-specific rules.
278. It is considered that the amendments proposed above are consistent with the intent of the PC82A decision.
279. An alternative that was considered for the purposes of this evaluation was to develop additional bespoke standards for community signs. It is considered that this would be a deviation from the policy intent of PC82A and is beyond the scope of PC2.
280. Given the above, it is considered that the amendments proposed in PC2 are the most appropriate to achieve SIGN-P5 and are consistent with the intent of the PC82A decision. Deleting SIGN-R4.4(b) improves the clarity of the rules around community signs and removes the contradiction that was originally identified in PC82A but was not fully resolved.

5.27 Issue #27 – Signage Rule Duplications

Status quo and problem statement

281. As part of the Urban and Services Plan Changes, PC82A proposed to delete and replace various WDP provisions with one chapter for signs referred to as the SIGN chapter.

282. It has been identified that there are still rules relating to signs for commercial activities within the LLRZ, LRZ, GRZ MRZ, RPROZ, RLZ, SETZ, FUZ, and PNDA.
283. Three options were considered as part of PC82A including the consolidation of objectives, policies, rules in one district wide chapter. Providing provisions for signs within a single district wide chapter rather than within each zone chapter was proposed in accordance with the requirements of the Planning Standards and because this was considered the most efficient and effective approach.
284. Despite these changes made under PC82A provisions for signs remain in a number of chapters without corresponding objectives and policies relating to signs. The Planning Standards state that if provisions for managing signs are addressed, they must be in the SIGN Chapter. It is considered that it was the intention of PC82A for all sign provisions to be relocated, however, the ones in the chapters referred to above were missed.

Proposed PC2 amendments

285. PC2 proposes to delete:
- LLRZ-R13.1(c) – (d) and LLRZ-R14.1(c) – (d).
 - LRZ-R17.8 – 9, LRZ-R18.8 – 9, LRZ-R19.8 – 9, LRZ-R20.8 – 9, and LRZ-R21.8 – 9.
 - GRZ-R16.8 – 9, GRZ-R17.8 – 9, GRZ-R17.8 – 9, GRZ-R18.8 – 9, GRZ-R19.8 – 9, and GRZ-R20.8 – 9.
 - MRZ-R15.8 – 9, MRZ-R16.8 – 9, MRZ-R17.8 – 9, MRZ-R18.8 – 9, and MRZ-R19.8 – 9.
 - PNDA-R20.8 – 9, PNDA-R21.8 – 9, PNDA-R22.8 – 9, PNDA-R23.8 – 9, and PNDA-R24.8 – 9.
 - RPROZ-R10.5 – 6.
 - RLZ-R12.4 – 5.
 - SETZ-SZ1-R9.5 – 6.
 - FUZ-R11.4 – 5.
286. PC2 also proposes consequential amendments to rule numbering to reflect the deletion of these rules. Track changes are shown in Appendix 1.

Assessment of options

287. It is considered that the status quo is inappropriate as there are conflicting rules across the SIGN Chapter and various zone chapters.
288. For the purposes of this evaluation Council has considered the following options:

- Option 1: Retain the sign rules across the various zone chapters and amend the SIGN Chapter to state that where a zone specifies signage requirements those override the SIGN Chapter rules.
- Option 2: The proposed provisions outlined above to delete the sign rules across the various zone chapters and rely on the SIGN Chapter.

289. It is considered that Option 1 would be inconsistent with the Planning Standards and the original intent of PC82A.

290. It is considered that Option 2 would improve the efficiency and effectiveness and the WDP provisions and is considered the most appropriate option.

5.28 Issue #28 – GRZ-R15 Information requirement rule

Status quo and problem statement

291. Rule GRZ-R15 sets out various permitted standards for residential units. Where compliance is not achieved with any of the standards in GRZ-R15, the activity is classed as a discretionary activity and the application must comply with information requirement rule GRZ-REQ1. The information requirement rule GRZ-REQ1 requires an urban design assessment prepared by a suitably qualified and experienced professional.

292. It has been identified that this is unnecessary to apply the information requirement for GRZ-R15.2 – 6, as there is no clear benefit of providing an urban design assessment for such infringements.

Proposed PC2 amendments

293. PC2 proposes to amend GRZ-R15 Note 1 and GRZ-REQ1 as shown below (additions shown in underline):

GRZ-R15 Residential Unit

Activity Status: Permitted

Where:

1. The maximum density is 2 residential units per site, except where a multi unit development is proposed under GRZ-R21.
2. Every residential unit provides a net floor area of at least:
 - a. 35m² for residential units with only one habitable room.
 - b. 45m² for residential units with more than one habitable room.
3. Every residential unit is separated by at least 3m from any other detached residential unit (excluding any ancillary minor residential unit).
4. Every residential unit is separated by at least 6m from any other detached residential unit where there is an outdoor living court between the residential units (excluding any ancillary minor residential unit).
5. Every residential unit provides a living area with a window that faces to the north (between 270° and 90° as shown in Figure 5 below).
6. There is a separation distance of at least 6m from any window in a habitable room to a window of a habitable room in a separate residential unit (excluding any ancillary minor residential unit) where there is a direct line of sight between the windows.

Activity Status when compliance not achieved: Discretionary

Note:

1. Any application where compliance is not achieved under GRZ-R15.1 shall comply with information requirement rule GRZ-REQ1.

GRZ-REQ1 Urban Design and Density

1. All applications for resource consent pursuant to GRZ-R15.1 and GRZ-R16 – 21 shall include an urban design assessment prepared by a suitably qualified and experienced professional which details...

Assessment of options

294. For the purpose of this evaluation, the options that Council has considered are:
 - Option 1: Status quo (i.e., continue requiring an urban design assessment for all applications under GRZ-R15).
 - Option 2: Change the requirement of an urban design assessment for all applications under GRZ-R15 to only those where compliance is not achieved under GRZ-R15.1.
 - Option 3: Delete GRZ-REQ1 from the GRZ Chapter so there is no mandatory information requirement.
295. It is considered that Option 1 creates unnecessary restrictions and is therefore not appropriate. The requirements under GRZ-REQ1 do not directly apply to GRZ-R15.2-6 and are creating barriers for development where they are not needed. The urban design

assessment relates more to external effects, for example access to services, effects on public places, cultural characteristics of the surrounding area or physical attributes of the site which all may be affected by placing additional residential units on one site. The requirements under GRZ-R15.2-6 are related more closely to privacy and amenity for the occupier and matters that may disrupt the functionality of the site. Therefore, completing an urban design assessment for non-compliance with GRZ-R15.2-6 is considered inefficient and unnecessary.

296. The proposed amendments are considered appropriate to retain the intent of the provisions and remove the unnecessary restriction of requiring a full urban design assessment for infringements with effects that are not necessarily related. Given the above it is considered that Option 2 is the most appropriate option and will improve the efficiency of the WDP.
297. It is considered Option 3 is not appropriate as it is still appropriate to require an urban design assessment when assessing potential adverse effects of an application for more than two residential units on one site. To remove GRZ-REQ1 entirely would be a significant change from the status quo policy intent and is considered to be beyond the intent of the General Amendments Plan Change and is therefore not considered an appropriate option.

5.29 Issue #29 – MRZ-R14.4 Matters of Discretion

Status quo and problem statement

298. Rule MRZ-R14.4 within the MRZ Chapter requires a separation distance of at least 6m from any window in a habitable room to a window of a habitable room in a separate residential unit (excluding any ancillary MRU) where there is a direct line of sight between the windows.
299. Where the rule is infringed, there is one matter of discretion as shown below:

Matters of discretion:

1. The design, size and layout of buildings to provide appropriate privacy and amenity for occupants on-site.

300. As the matter of discretion is only focused on privacy and amenity of “occupants on-site”, effects on occupants of adjoining sites cannot be considered.

Proposed PC2 amendments

301. PC2 proposes to amend MRZ-R14 to include an additional matter of discretion as shown below (additions shown in underline):

Matters of discretion:

1. The design, size, and layout of buildings to provide appropriate privacy and amenity for occupants on-site.
2. Where MRZ-R14.4 is infringed, the privacy of separate residential units.

Assessment of options

302. It is considered that the status quo inadvertently limits the matters of discretion to effects on the subject site when the intent of the rule is to manage effects both on site and on adjoining/adjacent sites.
303. For the purposes of this evaluation Council has considered amending the activity status where MRZ-R14.4 is infringed to be discretionary rather than restricted discretionary. This would be consistent with the approach for the equivalent rule in the GRZ (GRZ-R15.6).
304. It is considered that the proposed amendments outlined above are more appropriate than amending the activity status as the MRZ is intended to provide opportunities for infill development and intensification and to be more enabling than the GRZ.
305. It is considered that the proposed PC2 amendments are appropriate and improve the effectiveness of the provision by allowing consideration of effects on adjoining/adjacent sites where the permitted standards are not complied with.

5.30 Issue #30 – MRZ-R20 Notification Exemption

Status quo and problem statement

306. Rule MRZ-R20 provides for multi unit developments as a restricted discretionary activity where compliance is achieved with the bulk and location rules in the MRZ. Where compliance is not achieved with MRZ-R20.1 the activity is still classed as a restricted discretionary activity, but additional matters of discretion can be considered.
307. Rule MRZ-R20 contains a notification rule which states:

Notification:

Any restricted discretionary activity under MRZ-R20 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.

308. The notification rule wording has caused confusion as it is not clear if the notification exemption is meant to apply to all restricted discretionary activities or only restricted discretionary activities where compliance is achieved with MRZ-R20.1.
309. To enable the WDP to be ingested into the ePlan, it was necessary to have a consistently formatted Word document. On 14 June 2023 the WDP was amended to be reformatted into a consistent set of styles for the headings, tables and numbering throughout the document. Rule MRZ-R20 formerly read as is shown below with the notification rule sitting in the left-hand column more clearly applying to the restricted discretionary activity status where compliance is achieved with MRZ-R20.1:

MRZ-R20	Multi Unit Development	
	<p>Activity Status: Restricted Discretionary</p> <p>Where:</p> <ol style="list-style-type: none"> 1. The activity complies with Rules MRZ-R3 – R8 and R14. <p>Matters of discretion:</p> <ol style="list-style-type: none"> 1. Appropriate privacy and amenity of the occupants on-site and that of adjoining <u>sites</u>. 2. Sufficient sunlight access to outdoor living space and <u>habitable rooms</u> within the <u>site</u>. 3. The proximity of the <u>site</u> to <u>communal</u> or public open space that has the potential to mitigate any lack of private <u>outdoor living space</u>. 4. <u>Building</u> bulk, scale and symmetry. 5. Capacity and availability of <u>infrastructure</u>, including the affected transport network. <p>Notification:</p> <p>Any restricted discretionary activity under MRZ-R20 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 <u>Act</u> 1991.</p> <p>Notes:</p> <ol style="list-style-type: none"> 1. <i>Any application shall comply with information requirement MRZ-REQ1.</i> 2. <i>MRZ-R14.1 does not apply where a <u>multi unit development</u> is proposed under MRZ-R20.</i> 	<p>Activity Status when compliance not achieved: Restricted Discretionary</p> <p>Matters of discretion:</p> <ol style="list-style-type: none"> 1. The matters of discretion listed in MRZ-R20. 2. The matters of discretion listed in Rules MRZ-R3 – R8 and R14 where those rules are infringed. 3. The extent to which the activity is consistent with the purpose, character and <u>amenity values</u> anticipated within the Medium Density Residential Zone. 4. The ability for the <u>site</u> to accommodate incidental activities anticipated within the Medium Residential Zone such as parking (if it is to be provided), manoeuvring, waste collection and <u>landscaping</u>. 5. The availability and accessibility of open space, public amenities and <u>commercial activities</u> in proximity to service the proposed development. 6. <u>Road access</u> and <u>effects</u> on the affected transport network, including availability of public and active transport options for the proposed development. <p>Note:</p> <ol style="list-style-type: none"> 1. <i>Any application shall comply with information requirement MRZ-REQ1</i>

Proposed PC2 amendments

310. PC2 proposes to amend the notification rule in MRZ-R20 as shown below (additions shown in underline):

Notification:

Any restricted discretionary activity under MRZ-R20 where compliance is achieved with MRZ-R20.1 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.

Assessment of options

311. It is considered that the status quo lacks clarity and is therefore not appropriate.
312. For the purposes of this evaluation Council has considered removing the notification rule entirely. However, it is considered that this would represent a significant change to the policy intent and is not appropriate for the scope of changes intended through PC2.
313. The proposed amendments are considered appropriate to retain and clarify the current policy intent. Council has considered alternative wording. However, it is considered that alternative wording would generally achieve the same intent as the proposed PC2 amendments.

5.31 Issue #31 – RPROZ-R9.1(b) Unsealed Metal Road Setbacks

Status quo and problem statement

314. Rule RPROZ-R9.1(b) states that sensitive activities (excluding non-habitable buildings) must be set back at least 30m from “all unsealed metal roads”. An issue has arisen where there has been disagreement as to whether RPROZ-R9.1(b) requires a setback from all unsealed roads (including dirt) or specifically just unsealed metal roads.
315. Having review the s32 and s42A reports for PC85A it appears that the intention of the rule was to reduce the potential of exposure to noise, dust, and health risks and therefore setbacks from all unsealed roads were required to reduce adverse effects. This is supported by policy RPROZ-P4 – Unsealed Road, which states:

RPROZ-P4 Unsealed Roads

To reduce the potential of exposure to noise, dust and health risks by requiring a minimum separation for residential units from unsealed roads.

316. It is considered that an amendment is required to this rule to provide clarity that it applies to all unsealed roads. However, it is also noted that there is a lack of clarity as to whether the rule applies to paper roads (unformed roads) that are vested in Council for the purpose of a road but have not been constructed. However, it is considered that applying the setback to paper roads is unnecessarily onerous as the District has a large number of paper roads that are unlikely to ever be formed due to a number of factors.

Proposed PC2 amendments

317. PC2 proposes to amend RPROZ-R9.1(b) as shown below (additions shown in underline and deletions shown in ~~strikethrough~~):

RPROZ-R9 Sensitive Activity

Activity Status: Permitted

Where:

1. The sensitive activity (excluding non-habitable buildings) is set back at least:
 - a. 500m from:
 - i. The Mining Area of all Quarrying Resource Areas.
 - ii. The Strategic Rural Industries Zone.
 - iii. Business Zones.
 - b. 30m from:
 - i. All formed unsealed ~~metal~~ roads.
 - ii. All existing plantation forestry on a separate site.

Assessment of options

318. For the purpose of this evaluation, Council has considered the following practicable options:

- Option 1: The status quo (i.e., retain RPROZ-R9.1(b) as is in the WDP).
- Option 2: Amend rule RPROZ-R9.1(b) to remove the word metal.
- Option 3: The proposed amendments outlined above. Amend rule RPROZ-R9.1(b) to remove the word metal and add “formed”.

319. Table 14 below provides an assessment of each option.

Table 14: Assessment of Options for unsealed metal roads

Option 1: The status quo (retain RPROZ-R9.1(b) as is in the Operative WDP)	
Benefits	Costs
<u>Environmental</u> None identified.	<u>Environmental</u> None identified.
<u>Economic</u> None identified.	<u>Economic</u> Continued need for resource consents for sensitive activities within 30m of unformed paper roads.
<u>Social</u> None identified.	<u>Social</u> Continued confusion over whether setbacks are required from dirt roads.
<u>Cultural</u> None identified.	<u>Cultural</u> None identified.
Effectiveness: It is considered that Option 1 is ineffective as RPROZ-R9.1(b) is currently unclear and requires unnecessary setbacks from unformed paper roads.	
Efficiency: It is considered that Option 1 is inefficient as currently there is confusion around the intentions and interpretation of RPROZ-R9.1(b).	
Risk of acting/not acting: Option 1 risks continued confusion over the interpretation of RPROZ-R9.1(b) and continues enforcing provisions that are unnecessarily onerous.	
Overall evaluation of Option 1: Option 1 is not considered an appropriate method of achieving RPROZ-P4.	
Option 2: Amend rule RPROZ-R9.1(b) to remove the word metal	
Benefits	Costs
<u>Environmental</u> None identified.	<u>Environmental</u> None identified.
<u>Economic</u> None identified.	<u>Economic</u> Continued need for resource consents for sensitive activities within 30m of unformed paper roads.
<u>Social</u>	<u>Social</u>

This option will provide clarity on the interpretation of RPRO-R9.1(b). <u>Cultural</u> None identified	None identified. <u>Cultural</u> None identified.
Effectiveness: It is considered that Option 2 is effective as it provides clarity over whether setbacks are required from dirt roads, however, this option would continue to require a 30m setback from unformed paper roads.	
Efficiency: It is considered that Option 2 improves consistency between RPROZ-R9.1(b) and RPROZ-P4.	
Risk of acting/not acting: There are no identified risks.	
Overall evaluation of Option 2: Option 2 is considered an appropriate method of achieving RPROZ-P4, however, it continues to require a 30m setback from unformed paper roads which is unnecessarily onerous.	
Option 3: Amend rule RPROZ-R9.1(b) to remove the word metal and add formed	
Benefits	Costs
<u>Environmental</u> None identified. <u>Economic</u> Reduced consenting costs as resource consents will no longer be required for sensitive activities for setbacks less than 30 from unformed paper roads. <u>Social</u> This option will provide clarity on the interpretation of RPRO-R9.1(b). <u>Cultural</u> None identified	<u>Environmental</u> Some unformed paper roads may later become formed after a sensitive activity has been established which could lead to adverse dust affects. <u>Economic</u> None identified. <u>Social</u> None identified. <u>Cultural</u> None identified
Effectiveness: It is considered that Option 3 is effective as it provides clarity and removes an unnecessarily onerous provision from RPROZ-R9.1(b).	
Efficiency: It is considered that Option 3 improves consistency between RPROZ-R9.1(b) and RPROZ-P4.	
Risk of acting/not acting: There is a risk that removing the 30m setback from unformed paper roads may give rise to adverse effects in the future if these roads are later formed.	
Overall evaluation of Option 3: Option 3 is considered to be the most appropriate method to achieve policy RPROZ-P4.	

320. Option 3 is considered the most appropriate way to achieve policy RPROZ-P4.

5.32 Issue #32 – Information Requirement RPROZ-REQ1

Status quo and problem statement

321. RPROZ-REQ1 states that any application under RPROZ-R9 must include a transport assessment. As RPROZ-REQ1 refers to RPROZ-R9 all consents relating to sensitive

activities under this rule are required to be accompanied by a transport assessment. Based on the wording of RPROZ-REQ1 and from reviewing the PC85A documents it is understood that this requirement was only supposed to reference RPROZ-R9.1(b)(i) (i.e., the 30m setback from unsealed metal roads) and not all RPROZ-R9 rules.

Proposed PC2 amendments

322. PC2 proposes to amend RPROZ-R9 and RPROZ-REQ1 as shown below: (additions shown in underline):

RPROZ-R9 Sensitive Activity

Activity Status: Permitted

Where:...

... *Note:*

1. Any application under rule RPROZ-R9.1(b)(i) shall comply with information requirement rule RPROZ-REQ1.

RPROZ-REQ1

Transport Assessment Statement

1. Any application under rule RPROZ-R9.1(b)(i) must include a transport assessment statement which:
 - a. Establishes the current and predicted transport environments/traffic volumes along the road from which the sensitive activity will be set back.
 - b. Establishes the likelihood of changes to the nature, scale and intensity of land uses and their traffic generating potential within the catchment served by the road.

Assessment of options

323. It is considered that the current wording of RPROZ-REQ1 is an error and unintentionally references all of RPROZ-R9 where it should just refer to RPROZ-R9.1(b)(i). However, it is considered that amending the rule reference is beyond the scope of a Clause 20 amendments and is more appropriately addressed through PC2. The proposed amendments are considered to be the only practical option.

5.33 Issue #33 – MUZ-R22 Food and Beverage Activities

Status quo and problem statement

324. The MUZ was created as part of the Urban and Services Plan Changes. The purpose of this zone is to enable and promote a range of activities such as residential, commercial, retail, visitor accommodation and community activities which are complimentary to the CCZ and WZ.

325. Rule MUZ-R22 requires consent as a discretionary activity for all food and beverage activities unless the activity is ancillary to an education facility and meets the GFA and hours of operation requirements.
326. It is understood that the intent of rule MUZ-R22 was to encourage food and beverage activities to be located within the more active CCZ and WZ to help improve vibrancy in those locations. However, concerns have been raised from the Council's Strategy Team and local business that rule MUZ-R22 is too restrictive and that there should be a permitted pathway for food and beverage activities which are not ancillary to educational facilities.
327. Based on desk-top analysis there are currently at least 14 food and beverage activities operating within the MUZ.
328. Based on the above it appears that rule MUZ-R22 is not well aligned with the existing environment or with the strategic direction for the MUZ area and does not achieve MUZ-O1 or MUZ-P2.

Proposed PC2 amendments

329. PC2 proposes to amend rule MUZ-R22 as shown below: (additions shown in underline and deletions shown in ~~strikethrough~~):

MUZ-R22 Food and Beverage Activities

Activity Status: Permitted

Where:

1. The activity is a primary activity or ancillary ~~activity to an educational facility.~~
2. The ~~activity does not result in a combined~~ maximum gross floor area is exceeding 250m² ~~of food and beverage activity ancillary to the educational facility.~~
3. The ~~food and beverage activity~~ does not operate outside of ~~08:00 – 18:00~~ 07:00 – 22:00 ~~Monday – Friday.~~

Assessment of options

330. For the purpose of this evaluation, Council has considered the following practicable options:
- Option 1: The status quo (i.e., the operative provisions in the WDP).
 - Option 2: The proposed provisions (i.e., the proposed amendments outlined above).
 - Option 3: Permit all food and beverage activities with no size or hours of operation controls.
331. Table 15 below provides assessments of each option.

Table 15: Assessment of Options for MUZ food and beverage activities

Option 1: The status quo (retain the existing provisions)	
Benefits	Costs
<p><u>Environmental</u></p> <p>Retaining the need for resource consent continues to manage any adverse effects from food and beverage activities.</p> <p><u>Economic</u></p> <p>None identified.</p> <p><u>Social</u></p> <p>Restricting food and beverage activities to the CCZ and WZ will retain vibrancy within those areas.</p> <p><u>Cultural</u></p> <p>None identified.</p>	<p><u>Environmental</u></p> <p>There are limited suitable locations for food and beverage activities within the CCZ and WZ.</p> <p><u>Economic</u></p> <p>Continued consenting costs. Retaining the existing provisions will restrict many small-scale businesses from opening.</p> <p><u>Social</u></p> <p>None identified.</p> <p><u>Cultural</u></p> <p>None identified.</p>
<p>Effectiveness: It is considered that Option 1 is ineffective as it does not reflect the existing or anticipated environment of the MUZ.</p>	
<p>Efficiency: It is considered that Option 1 is inefficient as not providing a permitted pathway for food and beverage activities that are not ancillary to an educational facility is onerous.</p>	
<p>Risk of acting/not acting: Option 1 risks limiting the opportunities for new food and beverage activities to open.</p>	
<p>Overall evaluation of Option 1: Option 1 is not considered an appropriate method of achieving MUZ-O1 or MUZ-P2.</p>	
Option 2: The proposed provisions (i.e., the proposed amendments outlined above)	
Benefits	Costs
<p><u>Environmental</u></p> <p>Retaining hours of operation and GFA provisions will allow Council to manage the adverse effects of larger scale food and beverage activities.</p> <p>Manages adverse effects on existing sensitive activities and potential future reverse sensitivity effects.</p> <p><u>Economic</u></p> <p>Provides a permitted pathway for food and beverage activities in the MUZ.</p> <p><u>Social</u></p> <p>More opportunities for new businesses to be established, enabling people to provide for their social well-being.</p> <p><u>Cultural</u></p> <p>None identified.</p>	<p><u>Environmental</u></p> <p>Will no longer be able to rely on the resource consent process to manage adverse effects of smaller food and beverage activities.</p> <p><u>Economic</u></p> <p>None identified.</p> <p><u>Social</u></p> <p>May draw people away from the CCZ and WZ.</p> <p><u>Cultural</u></p> <p>None identified.</p>

Effectiveness: It is considered that Option 2 is effective as it will allow some food and beverage activities to be established as a permitted activity, however, larger and longer operating food and beverage activities which will likely result in more adverse effects will require consent.	
Efficiency: It is considered that Option 2 is more efficient than Option 1 as it reduces the need for resource consent for activities which are suitable for the MUZ.	
Risk of acting/not acting: There is the risk that these activities may draw people away from the CCZ and WZ. However, due to the limited space available in the CCZ and WZ for new food and beverage activities to be established, there is a risk that if no action occurs, there will not be any suitable commercial spaces for food and beverage activities to establish without resource consent.	
Overall evaluation of Option 2: Option 2 is considered the most appropriate method of achieving MUZ-O1, MUZ-O2, MUZ-P2, and MUZ-P4.	
Option 3: Permit all food and beverage activities with no size or hours of operation controls	
Benefits	Costs
<u>Environmental</u> None identified.	<u>Environmental</u> Will no longer be able to rely on the resource consent process to manage adverse effects of any food and beverage activities.
<u>Economic</u> Reduced consenting costs for larger and longer operating food and beverage activities.	Increased potential for adverse effects on sensitive activities and potential future reverse sensitivity effects.
<u>Social</u> More opportunities for new businesses to be established, enabling people to provide for their social well-being.	<u>Economic</u> May detract from the vitality of the CCZ and WZ.
<u>Cultural</u> None identified.	<u>Social</u> May draw people away from the CCZ and WZ.
	<u>Cultural</u> None identified.
Effectiveness: Option 3 is not considered to be effective as it would enable activities which could detract from the vibrancy and vitality of the CCZ and WZ and could result in reverse sensitivity effects and adverse effects on sensitive activities.	
Efficiency: It is considered that Option 3 is more efficient than Option 1 as it reduces the need for resource consent.	
Risk of acting/not acting: There is the risk that these activities may draw people away from the CCZ and WZ and could result in more incompatible activities establishing in proximity to each other.	
Overall evaluation of Option 3: Option 3 is not considered to be an appropriate method of achieving MUZ-O1, MUZ-O2, MUZ-P2, and MUZ-P4.	

332. Option 2 is considered the most appropriate way to achieve the relevant objectives and policies.

5.34 Issue #34 – Shopping Centre Zone Rule SCZ-R6.2

Status quo and problem statement

333. Within the SCZ Chapter, rule SCZ-R6 states:

SCZ-R6 Building and Major Structure Area

Activity Status: Permitted

Where:

1. Gross floor area of any building and major structure is more than 1,600m².
2. Public bathroom facilities are provided for use by shopping centre patrons at a location inside the shopping centre at a rate of:
 - a. 2 for up to 400m².
 - b. 4 for up to 800m².
 - c. 8 for up to 1200m².
 - d. 1 for every 200m² thereafter.

Activity Status when compliance not achieved: Discretionary

334. The intent of rule SCZ-R6.1 is to ensure that activities in the SCZ are larger scale activities (in accordance with SCZ-O1, SCZ-P2, SCZ-P3, and SCZ-P4). The intent of rule SCZ-R6.2 is to provide public bathroom facilities within the SCZ for the convenience of patrons (in accordance with SCZ-O2, SCZ-P1, and SCZ-P6).

335. There have been the following issues identified with rule SCZ-R6.2(a)-(d):

- The rule does not clarify what the square metre measurements are based on (i.e., whether they are based on net floor area, business net floor area, gross floor area, building coverage, or some other measurement).
- The term “public bathroom facilities” is not defined and it is not clear what this is intended to mean (i.e., a single stall, a series of stalls, etc.).
- Depending on the interpretation applied to the two points above, the requirements result in an unreasonable and unnecessary amount of bathroom facilities. For example, there is approximately 38,000m² GFA in the Okara SCZ. Based on the SCZ-R6.2 requirements this would require 192 public bathroom facilities to be provided within the shopping centre.

[Proposed PC2 amendments](#)

336. PC2 proposes to delete SCZ-R6.2 as shown below (deletions shown in ~~strikethrough~~):

SCZ-R6 Building and Major Structure Area

Activity Status: Permitted

Where:

1. Gross floor area of any building and major structure is more than 1,600m².
2. ~~Public bathroom facilities are provided for use by shopping centre patrons at a location inside the shopping centre at a rate of:~~
 - a. ~~2 for up to 400m².~~
 - b. ~~4 for up to 800m².~~
 - c. ~~8 for up to 1200m².~~
 - d. ~~1 for every 200m² thereafter.~~

Activity Status when compliance not achieved: Discretionary

Assessment of options

337. It is considered that the status quo results in unclear rules and excessive and unreasonable requirements. The status quo is not considered to be a reasonably practicable option.
338. For the purposes of this evaluation Council has considered the following options for the amendments to the rules:
 - Option 1: Amend SCZ-R6.2 to clarify what the square metre measurements are based on, what “public bathroom facilities” means, and reduce the number of bathroom facilities that would be required.
 - Option 2: The proposed amendment outlined above (delete SCZ-R6.2).
339. It is considered that Option 1 would remove the uncertainty within the existing rules. However, even if the rule was clarified it could still result in unnecessary and arbitrary requirements for bathroom facilities for the following reasons:
 - It is unclear how bathrooms would be provided in a coordinated and logical manner that provided them in convenient locations for shopper.
 - The rules may duplicate the Building Act 2004 requirements for some activities to provide bathrooms.
 - Tracking the built development across the entire SCZ is challenging and creates inefficiencies and uncertainty for Council and applicants.
 - Any larger scale redevelopment within the SCZ would require consent under SCZ-R2 and would need to be assessed against SCZ-P6. This would allow for a more appropriate case-by-case consideration of providing bathroom facilities.
340. For the reasons above, Option 2 is considered to be the most appropriate option.

5.35 Issue #35 – Open Space and Recreation Zones – Building Setbacks

Status quo and problem statement

341. For any buildings or major structures within the Open Space and Recreation Zones, there is a 27m setback from Mean High Water Springs and the top of the bank of any river that has a width exceeding 3m.²³ This requires resource consent for installation of public amenities that meet the definition of buildings or major structures, such as light poles, where they infringe the 27m setback. This has caused inefficiencies where multiple consent applications are lodged by Council for the installation of lighting to provide for public amenity and safety.
342. In the Open Space and Recreation Zones minor buildings are a permitted activity and are not subject to the building rules, including the setback rules.²⁴ These rules allow as a permitted activity most of the park furniture (e.g., rubbish tins, picnic tables, seating) included in the definition of general public amenities. However, light poles would not meet the definition of minor buildings and would be classed as major structures because they are over 2.2m in height. Lighting contributes to amenity and safety in Open Space and Recreation Zones; therefore, it is considered beneficial to enable the installation of lighting poles. As a typical light pole design is 6m in height it would be more efficient to provide a permitted pathway based on this height.

Proposed PC2 amendments

343. PC2 proposes to amend NOSZ-R5, OSZ-R5 and SARZ-R5 as follows (additions shown in underline and deletions shown in ~~striketrough~~):

NOSZ-R5 Building and Major Structure Setbacks

Activity Status: Permitted

Where:

1. All buildings and major structures comply with the minimum building and major structure setback rule of the adjoining zone closest to the building or major structure.
2. All buildings and major structures are set back at least 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).
3. Except that artificial lighting poles not exceeding 5.5m in height are exempt from compliance with NOSZ-R5(2).

²³ See rules NOSZ-R5.2, OSZ-R5.2, and SARZ-R5.2.

²⁴ See rules NOSZ-R3, OSZ-R3, and SARZ-R3.

OSZ-R5 Building and Major Structure Setbacks

Activity Status: Permitted

Where:

1. All buildings and major structures comply with the minimum building and major structure setback rule of the adjoining zone closest to the building or major structure.
2. All buildings or major structures are set back at least 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).
3. Except that artificial lighting poles not exceeding 6m in height are exempt from compliance with OSZ-R5(2).

SARZ-R5 Building and Major Structure Setbacks

Activity Status: Permitted

Where:

1. All buildings and major structures comply with the minimum building and major structure setback rule of the adjoining zone closest to the building or major structure.
2. All buildings or major structures are set back at least 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).
3. Except that artificial lighting poles not exceeding 6m in height are exempt from compliance with SARZ-R5(2).

Assessment of options

344. For the purposes of this evaluation Council has considered the following options:
 - Option 1: Status quo.
 - Option 2: amending rules NOSZ-R5, SARZ-R5, and OSZ-R5 to exempt lighting poles.
345. Option 1 is not appropriate as it does not fully give effect to the following relevant objectives and policies, those being: NOSZ-O2, NOSZ-P3, OSZ-O1, OSZ-P1, OSZ-P2, SARZ-O1, SARZ-P3, and SARZ-P4.
346. Option 2 is considered effective as it would provide and exemption for lighting poles recognising their utility as general public amenities. This approach is aligned to that in SARZ-R4 which provides an exemption to floodlights of 18.5m recognising the operational needs of active sport and eliminating unnecessary consenting requirements. An exception for a height of 6m is considered appropriate to accommodate the typical lighting pole design. In NOSZ the permitted height for buildings and major structures is only 5.5m and it is understood that is appropriate for the style of light poles that would be constructed in NOSZ.

347. Option 2 is considered the most appropriate as gives effect to the relevant objectives and policies and supports the predominant use and amenity of the zones.

5.36 Issue #36 – Rule OSZ-R11.3(b) in the Open Space Zone

Status quo and problem statement

348. The OSZ was introduced by PC115 to provide for outdoor informal recreational activities, including playgrounds and sports fields. PC115 was part of the Urban and Services Plan Changes, which also introduced new activity definitions into WDP. New definitions of Recreational Facilities and General Public Amenities were incorporated into the WDP as a result.
349. A permitted activity standard is provided for Recreational Facilities in OSZ with controls on setbacks and scale to manage adverse effects. Rule OSZ-R11.3(b) states that the maximum permitted cumulative outdoor area associated with Recreational Facilities is 500m². Because a large proportion of recreational facilities within Whangarei District are outdoor activities the rule can be quite restrictive as it could be interpreted to include general public amenities, such as walkways, as part of the total area. As a result, this can lead to unnecessary consenting requirements for developments that are of a community benefit and directly anticipated in OSZ such as playgrounds, sports fields, and informal hard courts.
350. The ability to provide for playgrounds and sports fields through a permitted pathway was raised in submissions on PC115 and traversed in the s42A Report and the Hearing evidence. In particular, a submission from Council's Infrastructure Group sought a revision of the cumulative outdoor area requirement and its implications for Recreational Facilities. This was accepted in part and believed to be addressed by setting a permitted activity status for General Public Amenities. However, some ambiguity remains as to the interaction between Recreational Facilities and General Public Amenities in the OSZ. As a result, rule OSZ-R11.3(b) is inefficient and ineffective as typically those recreational facilities in the OSZ that comprise outdoor activities such as playgrounds have outdoor areas greater than 500m² when accounting for areas such as walkways, landscaping, seating, and other general public amenities.

Proposed PC2 amendments

351. PC2 proposes to amend rule OSZ-R11 as below (deletions shown in ~~strikethrough~~):

OSZ-R11 Recreational Facilities

Activity Status: Permitted

Where:

- 1. The place of assembly, educational facilities or general community activity is located further than 50m from a Residential Zone.*
- 2. The recreational facility is located further than 10m from a Residential Zone.*
- 3. Any combination of activities listed in rules OSZ-R10 to OSZ-R13 have:*
 - a. A a cumulative gross floor area of less than 300m² per site.*
 - b. A ~~cumulative outdoor area less than 500m²~~.*
- 4. The activity is a primary activity or ancillary activity.*

Assessment of options

352. For the purposes of this evaluation Council has considered the following options:
- Option 1: Status quo.
 - Option 2: Delete the limit on cumulative outdoor area for Recreational Facilities in OSZ and rely on other controls to manage effects (recommended option).
 - Option 3: Provide a specific exemption for playgrounds, sports fields and informal hard courts.
353. Option 1 would maintain the current unintended restrictive rule. This Option is not effective as it does not align with the purpose of the OSZ. The intent of PC115 was not to restrict recreational activities in OSZ as that is one of the purposes of the zone. Option 1 carries the risk of not acting where there is lack of clarity how the current provision should be applied. This option leads to increased consenting costs and reduced availability of facilities for the users of local parks.
354. Option 2 recognises that Recreational Facilities are directly anticipated in OSZ. It does not unduly restrict Recreational Facilities and relies on other controls available in the OSZ chapter to manage effects.
355. Option 2 is efficient as it removes unnecessary restrictions and streamlines the interpretation and implementation of Rule OSZ-R11. Option 2 is more effective as it supports the enjoyment of the public open space by better providing for buildings and structures for community benefit, such as playgrounds and implements policies OSZ-P1, OSZ-P2, and OSZ-P3.
356. Option 3 is more conservative and would still apply the 500m² cumulative outdoor area limit to other Recreational Facilities such as swimming pools and fitness centres. As these types of facilities are associated with a building, the calculation of their cumulative outdoor area is more logical in the context of Rule OSZ-R11. Adding an exemption for playgrounds, sports

fields and informal hard courts would add unnecessary complexity to Rule OSZ-R11. Other controls are available in the OSZ chapter to manage the scale and effects of Recreational Facilities. Building controls already apply under rules OSZ-R4 – OSZ-R7 with the effect that larger facilities and structures are encouraged to locate in more appropriate zones.

357. Option 2 is considered the most appropriate way to promote sustainable management under the RMA and achieve the relevant objectives and policies.

5.37 Issue #37 – Amendments to Open Space and Recreation zoning categories

Status quo and problem statement

358. PC115 established a set of zoning criteria categorising land into the three open space and recreation zones²⁵. Since the plan change became operative, it has been identified that the zoning criteria appear to have been applied incorrectly for the following sites resulting in mapping errors:
- Lot 1 DP 187969 and Lot 2 DP 206917 – Quarry Gardens.
 - Lot 6 DP 129759 – Raumanga Shared Path.
 - Part Lot 5 DP 55729 – Land adjacent to Ruakaka Skatepark.
 - Lot 3 DP 107859 – Land adjacent to Mair Park.
 - Lot 5 DP 48441 – Esplanade reserve area.
359. The Quarry Gardens (Lot 1 DP 187969 and Lot 2 DP 206917) is currently zoned as NOSZ, however the s32 report²⁶ specifically recommended that this should be SARZ. Detailed analysis of the zoning approach was provided in Table 11 of the s32 report which included Quarry Gardens in the list of sites meeting SARZ criteria.
360. A portion of the Raumanga Shared Path (Lot 6 DP 129759) is a small site currently zoned NOSZ. However, this is inconsistent with the surrounding zoning. Adjoining sites are zoned OSZ. The fragmented zoning appears to be an error.
361. The Ruakaka Skatepark is zoned SARZ. Part of the skatepark facility is a small adjacent site identified as Part Lot 5 DP 55729, which is currently zoned NOSZ. This appears to be an error as it is inconsistent with surrounding zoning with no clear evidence to justify the zoning differences.

²⁵ See section 6.3.2 of the s32 Report PC115 – Open Space.

<https://www.wdc.govt.nz/files/assets/public/v/3/documents/services/property/planning/plan-changes/pc-urban-and-services/3-notification-reports/s32-report-pc115-open-space.pdf>

²⁶ See section 6.3.2 of the s32 Report PC115 – Open Space.

<https://www.wdc.govt.nz/files/assets/public/v/3/documents/services/property/planning/plan-changes/pc-urban-and-services/3-notification-reports/s32-report-pc115-open-space.pdf>

362. Lot 3 DP 107859 and Lot 5 DP 48441 are both zoned NOSZ and are adjacent to larger areas of OSZ zoning. Lot 3 DP 107859 comprises 128m² and is adjacent to Mair Park. Lot 5 DP 48441 comprises 89m² and is an esplanade reserve. As evident from the small size of these sites the NOSZ zoning appears to be an error as it is inconsistent with surrounding zoning. The objectives and policies of NOSZ cannot be meaningfully implemented due to the size of these sites, and a rezoning to OSZ is proposed.

Proposed PC2 amendments

363. PC2 proposes to amend the relevant zone maps as follows:
- Lot 1 DP 187969 and Lot 2 DP 206917 (Quarry Gardens) – rezone from NOSZ to SARZ.
 - Lot 6 DP 129759 (Raumanga Shared Path) – rezone from NOSZ to OSZ.
 - Part Lot 5 DP 55729 (Ruakaka Skatepark) – rezone from NOSZ to SARZ.
 - Lot 3 DP 107859 (site adjacent to Mair Park) – rezone from NOSZ to OSZ.
 - Lot 5 DP 48441 (an esplanade reserve) – rezone from NOSZ to OSZ.

Assessment of Options

364. For the purposes of this evaluation Council has considered the following options:
- Option 1: Status Quo (do not amend the zoning maps).
 - Option 2: Amend the relevant zone maps in line with the PC115 zoning criteria as set out above.
365. Table 16 below provides assessments of each option.

Table 16: Assessment of Options for Amendments to Open Space Zoning Categories

Option 1: Status Quo (do not amend the zoning maps)	
Benefits	Costs
<p><u>Environmental</u> None identified.</p> <p><u>Economic</u> None identified.</p> <p><u>Social</u> None identified.</p> <p><u>Cultural</u> None identified.</p>	<p><u>Environmental</u> – Activities that were anticipated within these areas may not be provided for.</p> <p><u>Economic</u> – increased consenting costs for activities that were legitimately anticipated for the respective sites by PC115.</p> <p><u>Social</u> None identified.</p> <p><u>Cultural</u> None identified.</p>
<p>Effectiveness: It is considered that Option 1 is ineffective as it fails to correct known mapping errors.</p>	

<p>In particular, Option 1 improperly applies the more restrictive NOSZ objectives and policies to sites such as the Quarry Gardens sites and the Ruakaka Skatepark site.</p> <p>On a small site surrounded by OSZ zoning, such as Raumanga Shared Path, the NOSZ objectives and policies cannot be meaningfully implemented.</p>	
<p>Efficiency: It is considered that Option 1 is inefficient as it leads to unintended consenting requirements for activities that were legitimately anticipated on respective sites under the PC115 zoning criteria.</p>	
<p>Risk of acting/not acting: Without amendment, the identified zoning maps are contrary to the intent of PC115.</p>	
<p>Overall evaluation of Option 1: Option 1 is ineffective as it results in mapping errors that are inconsistent with the zoning criteria in PC115 and the objectives and policies of the open space zones in the WDP.</p>	
<p>Option 2: Amend the relevant zone maps to correct zone mapping errors</p>	
Benefits	Costs
<p><u>Economic</u></p> <p>Increased efficiencies in the application of WDP rules and any resource consent processing, reducing the costs of consent and Council staff time.</p> <p>In Quarry Gardens, Commercial activity is enabled being ancillary to a sport and recreation activity.</p> <p><u>Social</u></p> <p>SARZ: this zoning more accurately reflects the historic and current uses of sites where higher public utilisation and social interaction with larger groups of people is anticipated under the PC115 zoning criteria.</p> <p>OSZ: amending the relevant sites to OSZ more accurately reflects the anticipated levels of social interaction compared to NOSZ.</p> <p><u>Cultural</u></p> <p>Zoning amendments would benefit the public through enabling organised activities and events as anticipated by PC115 on sites that meet SARZ zoning criteria.</p> <p><u>Environmental</u></p> <p>Activities that were anticipated within these areas may be provided for.</p>	<p><u>Environmental</u></p> <p>None identified.</p> <p><u>Economic</u></p> <p>None identified.</p> <p><u>Social</u></p> <p>None identified.</p> <p><u>Cultural</u></p> <p>None identified.</p>
<p>Effectiveness: It is considered that Option 2 is effective as it gives effect to SARZ-O1, SARZ-O3, SARZ-P4, SARZ-P5, OSZ-O1 and OSZ-O2.</p>	
<p>Efficiency: It is considered that Option 2 is efficient as it provides for more accurate zoning in line with the intent of PC115.</p>	
<p>Risk of acting/not acting: There isn't significant risk under Option 2 as the sites will remain zoned within the open space categories. This option provides for correction of minor zoning errors in WDP in line with the actual and intended use of these sites.</p>	
<p>Overall evaluation of Option 2: Option 2 is considered an appropriate method of achieving the objectives and policies of SARZ and OSZ.</p>	

366. Option 2 is considered the most appropriate way to achieve the relevant objectives.

5.38 Issue #38 – Newly created Open Space sites zoning

Status quo and problem statement

367. Since PC115 became operative various sites have been acquired by Council, vested through subdivision, or developed for public open space and recreation activities. The zoning of these sites now needs to be updated to reflect their purpose. The list of these sites and their new Open Space and Recreation zoning categories are provided in Appendix 4.
368. Appendix 4 lists sites identified by staff for zoning updates:
- Sites vested in Council as a requirement of the resource consenting process.
 - Realignment of zoning boundaries to correspond with property boundaries where accessways have been provided.
 - Rezoning of land acquired by Council for sport and recreation purposes.

Proposed PC2 amendments

369. PC2 proposes to amend the relevant zoning maps to update the zoning of newly created open space sites listed in Appendix 4.

Assessment of options

370. For the purposes of this evaluation Council has considered the following options:
- Option 1: Status Quo (do not amend the zoning maps).
 - Option 2: Update the zoning of newly created open space sites (recommended option).
371. Not updating the zoning of the sites is inefficient as the operative zoning provisions (e.g., residential zoning) do not reflect the fact that the sites have been vested and/or developed for open space purposes. The status quo is therefore not appropriate.
372. Updating the zoning as set out in Appendix 4 will more accurately reflect recent development and will better align the zoning to the actual and intended use of these sites.

5.39 Issue #39 – References to “Development” in the Marsden City Precinct Rules

Status quo and problem statement

373. Rules MCP-R3, R5, and R6 within Precinct 23 – Marsden City Precinct refer to “development”.
374. “Development” / “Develop” is defined in the Concise Oxford Dictionary (Ninth Edition) as:
- “make or become bigger or fuller or more elaborate; construct new buildings on land; convert land to a new purpose so as to use its resources more fully.”*
375. Within a rule this definition could apply to a range of activities such as minor earthworks, maintenance of infrastructure, or fencing. It is considered that applying the rules to these

types of minor activities is not appropriate as it creates an unproportionate consenting requirement for works that are relatively minor.

Proposed PC2 amendments

376. PC2 proposes to amend rules MCP-R3, R5, and R6 to replace “development” with “building or major structure”. Full track changes are shown in Appendix 1.

Assessment of options

377. It is considered that the status quo results in unclear rules and creates an onerous consenting requirement for minor works.
378. For the purposes of this evaluation Council has considered the following options for the amendments to the rules:
- Option 1: Create a definition of “development” to clarify what activities trigger rules MCP-R3, R5, and R6.
 - Option 2: Amend rules MCP-R3, R5, and R6 to replace “development” with “built development”.
 - Option 3: The proposed provisions outlined above to replace “development” with “building or major structure” in rules MCP-R3, R5, and R6.
379. It is considered that Option 1 would remove the uncertainty within the existing rules. However, “development” is used throughout the WDP, and it is considered that introducing a definition for the purposes of rules MCP-R3, R5, and R6 could have unintended consequences elsewhere in the WDP and is therefore an inefficient option.
380. Option 2 would provide more clarity to the rules by indicating that they are only intended to apply to activities involving built structures. This would avoid applying the rules to minor earthworks. However, this option still lacks clarity as “built development” is not a defined term. Additionally, “built development” could still apply to minor building works such as a sign or fence.
381. Option 3 is considered to be the most appropriate option, and the proposed PC2 amendments outlined above are considered efficient and effective. Amending the rules to refer to defined terms will provide certainty when interpreting them and will help ensure that the rules are not unnecessarily triggered by minor activities.

5.40 Issue #40 – Precinct 14 Rule PREC14-R4

Status quo and problem statement

382. Precinct 14 (**PREC14**) – Marsden Technology Park Precinct within the LIZ Chapter includes rule PREC14-R4 which is shown below:

PREC14-R4 Any Activity

Activity Status: Permitted

Where:

1. All wastewater generated by the activity is discharged to a public reticulated wastewater network, excluding any greywater which may be reused or recycled on-site.
2. The maximum volume of wastewater discharged from all activities in PREC14 to the public reticulated wastewater network shall not exceed a flow of 12.8 litres per second.

Matters of discretion:

1. Effects on the existing reticulated wastewater network.
2. The capacity of the existing reticulated wastewater network and whether the servicing needs of the proposal require upgrades to existing infrastructure.
3. The efficient provision of services to the land being subdivided and to nearby land that might be subdivided in the future.

Notes:

1. *Any application shall comply with information requirement rule PREC14-REQ1.*
2. *All relevant District-Wide, Light Industrial and PREC14 provisions apply in addition to PREC14-R4.*
3. *Acceptable means of compliance for the provision, design and construction of infrastructure is contained within the Whangārei District Council Engineering Standards.*

Activity Status when compliance not achieved: Discretionary

383. The activity status of the rule is permitted; however, the rule includes matters of discretion and defaults to a discretionary activity where compliance is not achieved with the rule standards. This results in confusion as it is unclear if the rule is intended to be a restricted discretionary activity because of the matters of discretion.
384. PREC14 was developed through environment court mediation as part of the Urban and Services Plan Changes and was incorporated into the WDP via consent order. Having reviewed the consent order and relevant documents it is unclear if PREC14-R4 was intended to be a permitted or restricted discretionary activity.

Proposed PC2 amendments

385. PC2 proposes to amend PREC14-R4 as shown below (deletions shown in ~~strikethrough~~ additions shown in underline):

PREC14-R4 Any Activity

 Activity Status: ~~Permitted~~ Restricted Discretionary

Where:...

Assessment of options

386. It is considered that the status quo is not a reasonably practicable option as it is not possible to apply matters of discretion to a permitted activity.
387. For the purposes of this evaluation Council has considered the following options for the amendments to the rules:
- Option 1: Amend PREC14-R4 to delete the matters of discretion.
 - Option 2: The proposed amendment outlined above (amend the activity status to restricted discretionary).
388. When reviewing the PREC14 provisions it is considered that PREC14-R4 was more likely intended to be a restricted discretionary activity for the following reasons:
- The rule includes matters of discretion.
 - PREC14-R4 includes a note for the default activity status that any application shall comply with information requirement rule PREC14-REQ1. Permitted activities would not require a resource consent application and therefore information requirements would not be enforceable.
 - Policy PREC14-P6 states:

PREC14-P6 Wastewater Infrastructure

To ensure that subdivision, land use and development can be accommodated by the reticulated wastewater supply network by:

Either:

1. Ensuring that sufficient capacity exists within the reticulated wastewater network to accommodate the proposed development; or
2. Requiring any upgrades which are needed to service the development.
3. Requiring wastewater flows to be measured by automated flow meters.

It is considered that this policy would be best achieved by a restricted discretionary activity status rather than permitted.

389. Option 1 would provide a more enabling pathway and would reduce consenting costs. However, it is considered that there are risks with this approach as there are known wastewater capacity constraints in Marsden/Ruakaka.

390. It is considered that Option 2 is the most appropriate method to achieve PREC14-O6 and PREC14-P6 and appears to best align with the original intent of the rule.

5.41 Issue #41 – Artisan Industrial Activities

Status quo and problem statement

391. In the Definitions Chapter of the WDP “Artisan Industrial Activities” come under the more general definition grouping of Industrial Activities and are defined as:

Term	Definition
Artisan Industrial Activities	means manufacture, repair, storage or maintenance associated with production of art, crafts or specialist foodstuffs.

392. Artisan Industrial Activities are only specifically listed as activities for in the LLRZ, LCZ, COMZ, MUZ, CCZ, WZ, LIZ, HIZ, PORTZ, and the PNDA. In other chapters artisan industrial activities are managed by rules which refer to the more general term of “industrial activities”.
393. Issues have arisen in zones that do not currently have provisions for artisan industrial activities. In the absence of artisan industrial activity provisions, activities such as soap or candle making are being assessed under the industrial activity rules. This has caused implications in several zones such as the GRZ and MRZ where industrial activities are prohibited by the WDP.
394. It is considered that the current approach of prohibiting small-scale artisan industrial activities in various residential and rural zones is onerous and does not contribute to promoting sustainable management under the RMA.

Proposed PC2 amendments

395. PC2 proposes to add a new rule to the following zone chapters to provide a permitted pathway for artisan industrial activities: GRZ, LRZ, MRZ, RPROZ, RLZ, SETZ, and FUZ.
396. The full proposed track changes are shown in Appendix 1. Below shows an example of the rules proposed for the GRZ (additions shown in underline):

GRZ-R20A Artisan industrial Activity

Activity Status: Permitted

Where:

1. The activity is an ancillary activity to a residential unit on the site.
2. The principal operator of the activity is a permanent resident on the site.
3. The activity does not include, before 08:00 or after 18:00 on any day, the operation of machinery, receiving customers or the loading or unloading of vehicles.
4. The activity generates less than 20 traffic movements per site, per day.
5. There is no car parking between the residential unit and the road.
6. In addition to the principal operator, the activity has no more than two other persons engaged in providing the activity.
7. The activity does not exceed the use of 15% of the total gross floor area of all buildings on the site.

Activity Status when compliance with up to two of the rules GRZ-R20A.4 – 7 is not achieved: Discretionary

Activity Status when compliance with more than two of the rules is not achieved or when compliance with any of rules GRZ-R20A.1 – 3 is not achieved: Non-Complying

Note:

1. *Any application shall comply with information requirement rule GRZ-REQ1.*

397. The proposed rules for each zone are drafted to be consistent with the permitted standards for other home occupation type activities enabled in each zone (e.g., general retail and commercial services).
398. PC2 also proposes consequential amendments to rule numbering to reflect the addition of these rules. Full track changes are shown in Appendix 1.

Assessment of Options

399. For the purpose of this evaluation, Council has considered the following practicable options:
- Option 1: The status quo (i.e., the operative provisions in the WDP prohibiting artisan industrial activities in various residential and rural zones).
 - Option 2: The proposed provisions (i.e., the proposed amendments outlined above).
 - Option 3: Develop bespoke rules and permitted standards for artisan industrial activities for each zone.
400. Table 17 below provide assessments of each option.

Table 17: Assessment of Options for artisan industrial activities

Option 1: The status quo (retain the existing provisions)	
Benefits	Costs
<p><u>Environmental</u></p> <p>Manages potential adverse effects by prohibiting artisan industrial activities.</p> <p><u>Economic</u></p> <p>None identified.</p> <p><u>Social</u></p> <p>None identified.</p> <p><u>Cultural</u></p> <p>None identified.</p>	<p><u>Environmental</u></p> <p>None identified.</p> <p><u>Economic</u></p> <p>Retaining the existing provisions will restrict small-scale artisan industrial activities from opening as consent cannot be applied for a prohibited activity.</p> <p><u>Social</u></p> <p>Current rules are unnecessarily onerous on small-scale artisan industrial activities and limits people's ability to provide for their social well-being.</p> <p><u>Cultural</u></p> <p>None identified</p>
<p>Effectiveness: It is considered that Option 1 is ineffective as the rules prohibit small-scale artisan industrial activities which may be appropriate in promoting sustainable management.</p>	
<p>Efficiency: It is considered that Option 1 is inefficient as a landowner would need to apply for a private plan change to amend the prohibited activity status.</p>	
<p>Risk of acting/not acting: Option 1 risks continuing to enforce onerous rules.</p>	
<p>Overall evaluation of Option 1: Option 1 is not considered an appropriate method in promoting sustainable management.</p>	
Option 2: The proposed provisions (i.e., the proposed amendments outlined above)	
Benefits	Costs
<p><u>Environmental</u></p> <p>None identified.</p> <p><u>Economic</u></p> <p>Will allow small-scale artisan industrial type activities to be established where they can comply with the permitted standards.</p> <p><u>Social</u></p> <p>Allows a permitted pathway for small scale artisan industrial activities.</p> <p><u>Cultural</u></p> <p>None identified.</p>	<p><u>Environmental</u></p> <p>May enable some adverse effects; however, the scale and intensity of artisan industrial activities would be managed by the other permitted standards.</p> <p><u>Economic</u></p> <p>None identified.</p> <p><u>Social</u></p> <p>None identified.</p> <p><u>Cultural</u></p> <p>None identified.</p>
<p>Effectiveness: It is considered that Option 2 is effective as it enables some small-scale artisan industrial activities while adverse effects can be managed by the permitted standards.</p>	
<p>Efficiency: It is considered that Option 2 is efficient as it allows a permitted pathway for artisan industrial activities to be established rather than requiring a plan change.</p>	

Risk of acting/not acting: There is minimal risk that some artisan industrial activities could be established which generate adverse effects; however, this will be managed by the permitted standards.	
Overall evaluation of Option 2: Option 2 is considered the most appropriate method to promote sustainable management.	
Option 3: Develop bespoke rules and standards for artisan industrial activities for each zone	
Benefits	Costs
<u>Environmental</u> None identified.	<u>Environmental</u> May enable some adverse effects; however, the scale and intensity of artisan industrial activities would still be managed by the other permitted standards.
<u>Economic</u> Will allow new small-scale artisan industrial type activities to be established where they can comply with the permitted standards.	<u>Economic</u> None identified.
<u>Social</u> Allows a permitted pathway for small scale artisan industrial activities.	<u>Social</u> Results in a more complicated Plan structure with different rules across each zone.
<u>Cultural</u> None identified	<u>Cultural</u> None identified.
Effectiveness: It is considered that Option 3 is effective as it enables some small-scale artisan industrial activities while adverse effects can be managed by the permitted standards.	
Efficiency: Option 3 is considered to be less efficient than Option 2 as bespoke rules would need to be developed for individual zones when it is not clear that this would provide any additional benefit.	
Risk of acting/not acting: There is minimal risk that some artisan industrial activities could be established which generate adverse effects; however, this will be managed by the permitted standards.	
Overall evaluation of Option 3: Option 3 is considered to be an appropriate method to promote sustainable management but less efficient than Option 2.	

401. Option 2 is considered the most appropriate way to promote sustainable management under the RMA.

5.42 Issue #42 – Impervious Area Requirements

Status quo and problem statement

402. The WDP restricts the amount of impervious area that is permitted within sites across various zones. In general, there are two approaches taken to the impervious area rules as described below:

- PREC12 and the LRZ, GRZ, MRZ, RLZ, FUZ, and COMZ all prescribe a maximum impervious area per site based on a percentage of the net site area.
- The LCZ, NCZ, SCZ, and SETZ (Residential Sub-Zone) all prescribe a maximum impervious area per site based on a percentage of the site area.

403. There is no clear reason why different zones base the maximum permitted impervious area on the “net site area” rather than the “site area”. It is considered that the PREC12, LRZ, GRZ, MRZ, RLZ, FUZ, and COMZ rules referring to “net site area” have caused uncertainty and are open to various interpretations.
404. It is also noted that the wording of LLRZ-R7.1 lacks clarity and can be interpreted multiple ways.

Proposed PC2 amendments

405. PC2 proposes to amend rules PREC12-R4, LRZ-R7, GRZ-R7, MRZ-R7, RLZ-R7, FUZ-R6, and COMZ-R7 to refer to “site area” instead of “net site area”. See proposed amendments within Appendix 1.
406. PC2 also proposed to amend LLRZ-R7.1 as follows (deletions shown in ~~strike through~~):

LLRZ-R7 Impervious Areas

Activity Status: Permitted

Where:

1. All cumulative ~~impervious areas~~ (including ~~buildings~~) within the ~~site~~ are less than 1,000m² ~~of the site area~~.
2. The ~~impervious area~~ is set back at least 5m from Mean High Water Springs and the top of the bank of any ~~river~~ that has a width exceeding 3m (excluding bridges, culverts and fences).

Activity Status when compliance not achieved: Discretionary

Assessment of options

407. For the purpose of this evaluation, Council has considered the following practicable options:
- Option 1: The status quo (i.e., retain rules with inconsistent approaches to impervious areas across various zones).
 - Option 2: The proposed provisions (i.e., the proposed amendments outlined above).
 - Option 3: Amend the LCZ, NCZ, SCZ, and SETZ (Residential Sub-Zone) to refer to “net site area” instead of “site area”.
408. Tables 18 below provides assessments of each option.

Table 18: Assessment of Options for Impervious Area Requirements

Option 1: The status quo (i.e., retain rules with inconsistent approaches to impervious areas across various zones)	
Benefits	Costs
<p><u>Environmental</u> Manages impervious areas across various zones.</p> <p><u>Economic</u> None identified when compared to Options 2 and 3.</p> <p><u>Social</u> None identified.</p> <p><u>Cultural</u> None identified.</p>	<p><u>Environmental</u> None identified when compared to Options 2 and 3.</p> <p><u>Economic</u> Basing the rules off “net site area” reduces the amount of impervious area allowed within sites. Inconsistent rules may create uncertainty at consenting stage and increase costs.</p> <p><u>Social</u> None identified.</p> <p><u>Cultural</u> None identified.</p>
<p>Effectiveness: It is considered that Option 1 is effective in achieving LRZ-P4, GRZ-P5, MRZ-P6, RLZ-P1, RLZ-P7, FUZ-P2, FUZ-P3, COMZ-P1, COMZ-P8, LCZ-P1, NCZ-P1, SCZ-P1, and SETZ-P9.</p>	
<p>Efficiency: It is considered that Option 1 is inefficient as the rules across various zones are inconsistent and there is no clear rationale for the inconsistencies.</p>	
<p>Risk of acting/not acting: Option 1 risks retaining the current inconsistencies across zone rules.</p>	
<p>Overall evaluation of Option 1: Option 1 is not considered to be an appropriate method of achieving LRZ-P4, GRZ-P5, MRZ-P6, RLZ-P1, RLZ-P7, FUZ-P2, FUZ-P3, COMZ-P1, COMZ-P8, LCZ-P1, NCZ-P1, SCZ-P1, and SETZ-P9.</p>	
Option 2: The proposed amendments outlined above	
Benefits	Costs
<p><u>Environmental</u> Manages impervious areas across various zones.</p> <p><u>Economic</u> Improves consistency across provisions and provides slightly more flexibility by basing maximum impervious areas off site area rather than net site area.</p> <p><u>Social</u> None identified.</p> <p><u>Cultural</u> None identified.</p>	<p><u>Environmental</u> Allows slightly more impervious area within PREC12, LRZ, GRZ, MRZ, RLZ, FUZ, and COMZ.</p> <p><u>Economic</u> None identified.</p> <p><u>Social</u> None identified.</p> <p><u>Cultural</u> None identified.</p>
<p>Effectiveness: It is considered that Option 2 is effective in achieving LRZ-P4, GRZ-P5, MRZ-P6, RLZ-P1, RLZ-P7, FUZ-P2, FUZ-P3, COMZ-P1, COMZ-P8, LCZ-P1, NCZ-P1, SCZ-P1, and SETZ-P9.</p>	

Efficiency: It is considered that Option 2 is more efficient than Option 1 as it addresses inconsistencies across various zone rules.	
Risk of acting/not acting: None identified.	
Overall evaluation of Option 2: Option 2 is considered to be an appropriate method of achieving LRZ-P4, GRZ-P5, MRZ-P6, RLZ-P1, RLZ-P7, FUZ-P2, FUZ-P3, COMZ-P1, COMZ-P8, LCZ-P1, NCZ-P1, SCZ-P1, and SETZ-P9.	
Option 3: Amend the LCZ, NCZ, SCZ, and SETZ (Residential Sub-Zone) to refer to “net site area” instead of “site area”	
Benefits	Costs
<u>Environmental</u> Manages impervious areas across various zones. Allows slightly less impervious area within the LCZ, NCZ, SCZ, and SETZ (Residential Sub-Zone). <u>Economic</u> Improves consistency across provisions. <u>Social</u> None identified. <u>Cultural</u> None identified.	<u>Environmental</u> None identified. <u>Economic</u> Basing impervious area on “net site area” rather than “site area” results in a more complicated rule framework that can increase consenting costs. Site area is more easily calculatable and better reflects the true size of a site. <u>Social</u> None identified. <u>Cultural</u> None identified.
Effectiveness: It is considered that Option 2 is effective in achieving LRZ-P4, GRZ-P5, MRZ-P6, RLZ-P1, RLZ-P7, FUZ-P2, FUZ-P3, COMZ-P1, COMZ-P8, LCZ-P1, NCZ-P1, SCZ-P1, and SETZ-P9.	
Efficiency: It is considered that Option 2 is more efficient than Option 1 as it addresses inconsistencies across various zone rules.	
Risk of acting/not acting: Option 3 could result in rules that are slightly more complicated than Option 2 and do not reflect the true area of a site as well as Option 2.	
Overall evaluation of Option 3: Option 3 is not considered to be an appropriate method of achieving LRZ-P4, GRZ-P5, MRZ-P6, RLZ-P1, RLZ-P7, FUZ-P2, FUZ-P3, COMZ-P1, COMZ-P8, LCZ-P1, NCZ-P1, SCZ-P1, and SETZ-P9.	

409. Option 2 is considered the most appropriate way to achieve the relevant objectives.

410. With regard to LLRZ-R7, it is considered that the proposed PC2 amendments simplify and streamline the provisions and improve its clarity.

5.43 Issue #43 – Minor Residential Unit Standards

Status quo and problem statement

411. Within the FUZ, LRZ, RLZ, RPROZ, and SETZ there are rules managing the location and size of MRUs. The intent of the rules is to require MRUs to be within 15m of the principal

residential unit (**PRU**), and to be no larger than 90m² (including decking and garage areas), see rule RPROZ-R8.2 – 3 below as an example:

RPROZ-R8 Minor Residential Unit

Activity Status: Permitted

Where:

1. The maximum density is 1 minor residential unit per site.
2. The nearest distance between the minor residential unit and the principal residential unit does not exceed 15m.
3. The maximum gross floor area of the minor residential unit (including decking and garage areas) is 90m².

Activity Status when compliance not achieved with RPROZ-R8.2 – 3: Discretionary

Activity Status when compliance not achieved with RPROZ-R8.1: Non-Complying

412. The 15m separation distance and 90m² maximum gross floor area (**GFA**) rules were introduced through the Urban and Services Plan Changes. The current wording has caused uncertainty and the following issues have been identified:
- The 15m separation distance is intended to manage the distance between the MRU and PRU buildings themselves rather than accessory buildings such as detached garages or sheds. However, the wording is not clear that this is the case. As a result, it could be argued that the rules allow for an MRU to be located any distance from a PRU provided that an accessory building associated with the MRU is within 15m of the PRU, and vice versa.
 - The 90m² area limit is based on GFA which does not include covered outdoor areas with no walls. Often these covered outdoor areas can be relatively substantial and can make a building appear much larger. Not including these in the 90m² maximum area measurement is considered to be a gap in the rules and could result in perverse outcomes.
413. There is no existing policy specifically related to the separation distance and size rules. It is understood that the intent of these rules is to limit the overall scale of MRUs and to manage their size, design, and location to ensure that they are in fact ancillary to a PRU. However, without a policy to clarify this there is some uncertainty when it comes to interpreting and implementing the WDP.

[Proposed PC2 amendments](#)

414. PC2 proposes to insert a new policy in the DGD Chapter as shown below (additions shown in underline):

DGD-P9A Minor Residential Units

To provide for a greater range of housing choices in specified zones by enabling minor residential units only where they are ancillary to the principal residential unit on site based on the size, design, and location of the residential units and their supporting infrastructure.

415. PC2 also proposes to amend FUZ-R9.3 – 4, LRZ-R16.2 – 3, RLZ-R10.3 – 4, RPROZ-R8.2 – 3, SETZ-SZ1-R8.4 – 5 as shown below (additions shown in underline and deletions shown in ~~strikethrough~~):

- | | |
|----------------------|--|
| <p>x.</p> <p>xx.</p> | <p>The nearest distance between the minor residential unit and the principal residential unit, <u>excluding any accessory buildings and detached garages associated with either residential unit</u>, does not exceed 15m.</p> <p>The <u>combined area of the minor residential unit building coverage (including accessory buildings and garages) and associated decking</u> is not larger than maximum gross floor area of the minor residential unit (including decking and garage areas) is 90m².</p> |
|----------------------|--|

Assessment of options

416. It is considered that the status quo results in unclear rules and an unclear policy framework. The status quo is not considered to be a reasonably practicable option.
417. For the purposes of this evaluation Council has considered including a new policy within each relevant zone chapter to provide a clearer policy framework. It is considered that this would generally achieve the same intent as the proposed PC2 amendments, but that including a singular policy in the DGD Chapter is a more efficient approach.
418. For the purposes of this evaluation Council has considered the following options for the amendments to the rules:
- Option 1: Amend FUZ-R9.3 – 4, LRZ-R16.2 – 3, RLZ-R10.3 – 4, RPROZ-R8.2 – 3, SETZ-SZ1-R8.4 – 5 to remove the requirements for MRUs to be within 15m of the PRU and to have a maximum area of 90m².
 - Option 2: The proposed provisions outlined above to improve the clarity of FUZ-R9.3 – 4, LRZ-R16.2 – 3, RLZ-R10.3 – 4, RPROZ-R8.2 – 3, SETZ-SZ1-R8.4 – 5.
419. It is considered that Option 1 would provide more flexibility and would remove the uncertainty within the existing rules. However, it is considered that not managing the location and size of MRUs within these zones would not be effective in achieving the proposed new DGD policy and would not appropriately manage potential adverse effects of MRUs.
420. Option 2 is considered to be the most appropriate option. Council has considered alternative wording to achieve Option 2. However, the proposed PC2 amendments outlined above are

considered efficient and effective and it is considered that alternative wording would generally achieve the same intent as the proposed PC2 amendments.

5.44 Issue #44 – Setback Exemptions in Residential Zones

Status quo and problem statement

421. Rule MRZ-R4.1(d)(ii) within the MRZ Chapter and rule GRZ-R4.1(d)(ii) within the GRZ Chapter provide exemptions from side and rear setbacks for non-habitable major structures and buildings, and non-habitable rooms of buildings, stating:

- ii. Non-habitable major structures and buildings, and non-habitable rooms of buildings, may be set back 0m for a maximum length of 7.5m on a single side or rear boundary and a maximum total length of 10.5m on all side and rear boundaries, provided they are setback at least [2m or 2.5m] from habitable rooms on any other site.

422. It has been identified that the interpretation of this wording is not clear as to whether the 7.5m and 10.5m thresholds in MRZ-R4.1(d)(ii) and GRZ-R4.1(d)(ii) apply per building or are to be measured cumulatively.

Proposed PC2 amendments

423. PC2 proposes to amend MRZ-R4.1(d)(ii) and GRZ-R4.1(d)(ii) as shown below (additions shown in underline and deletions shown in ~~striketrough~~):

MRZ-R4 Building and Major Structure Setbacks

Activity Status: Permitted

Where:

1. All buildings and major structures are set back at least:
 - a. 2m from road boundaries.
 - b. 1m from side and rear boundaries.
 - c. 20m 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).
2. Except that:
 - a. MRZ-R4.1(b) does not apply where there is an existing or proposed common wall between two buildings on adjacent sites; and
 - b. Non-habitable major structures and buildings, and non-habitable rooms of buildings, may be set back 0m for a maximum cumulative length of 7.5m on a single side or rear boundary and a maximum ~~total~~ cumulative length of 10.5m on all side and rear boundaries, provided they are setback at least 2m from habitable rooms on any other site.

GRZ-R4 Building and Major Structure Setbacks

Activity Status: Permitted

Where:

1. All buildings and major structures are set back at least:
 - a. 3m from road boundaries.
 - b. 1.5m from side and rear boundaries.
 - c. 20m 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).
2. Except that:
 - a. GRZ-R4.1(b) does not apply where there is an existing or proposed common wall between two buildings on adjacent sites; and
 - b. Non-habitable major structures and buildings, and non-habitable rooms of buildings, may be set back 0m for a maximum cumulative length of 7.5m on a single side or rear boundary and a maximum ~~total~~ cumulative length of 10.5m on all side and rear boundaries, provided they are setback at least 2.5m from habitable rooms on any other site.

Assessment of options

424. It is considered that the status quo lacks clarity and is not appropriate.
425. For the purposes of this evaluation Council has considered the following options:
- Option 1: Amend the rules to clarify that the 7.5m and 10.5m thresholds apply per building.
 - Option 2: Amend the rules to clarify that the 7.5m and 10.5m thresholds are to be measured cumulatively.
426. It is considered that Option 1 is not appropriate because this could lead to perverse outcomes whereby a site could have several separate buildings running along an entire boundary provided they are individually less than 7.5m in length. This would essentially defeat the purpose of the rule and could result in adverse effects on adjoining properties.
427. It is considered that Option 2 helps provide more clarity and better manages adverse effects on adjoining properties in accordance with GRZ-P4 and MRZ-P5.

5.45 Issue #45 – Multi Unit Development Matters of Discretion

Status quo and problem statement

428. Rule MRZ-R20 within the MRZ and rule GRZ-R21 within the GRZ manage multi unit developments. Matter of discretion 4 in MRZ-R20 and matter of discretion 7 in GRZ-R21 state:

The ability for the site to accommodate incidental activities anticipated within the [General Residential /Medium Density Residential] Zone such as parking (if it is to be provided), manoeuvring, waste collection and landscaping.

429. An issue has been identified whereby the matter of discretion is limited to “the site”; however, the effects which it manages can extend beyond the site, such as manoeuvring, landscaping and waste collection.

Proposed PC2 amendments

430. PC2 proposes to amend matter of discretion 4 in MRZ-R20 and matter of discretion 7 in GRZ-R21 as shown below (deletions shown in ~~strikethrough~~):

MRZ-R20 Multi Unit Development

Activity Status: Restricted Discretionary

Where:...

Matters of discretion:...

4. The ability ~~for the site~~ to accommodate incidental activities anticipated within the Medium Residential Zone such as parking (if it is to be provided), manoeuvring, waste collection and landscaping.

GRZ-R21 Multi Unit Development

Activity Status: Restricted Discretionary

Where:...

Matters of discretion:...

7. The ability ~~for the site~~ to accommodate incidental activities anticipated within the General Residential Zone such as parking (if it is to be provided), manoeuvring, waste collection and landscaping.

Assessment of options

431. It is considered that the status quo inadvertently limits the matter of discretion to effects within “the site” when some of the incidental activities and their effects may extend beyond the site.
432. For the purposes of this evaluation Council has considered alternative wording such as “*The ability for the location to...*”. It is considered that this alternative wording would generally achieve the same intent as the proposed PC2 amendments but would introduce further uncertainty to the provisions with regard to what is meant by “location”. It is considered that the proposed PC2 amendments are more appropriate and improve the effectiveness of the provisions.

5.46 Issue #46 – References to “allotment” and “site” within the WDP

Status quo and problem statement

433. “Allotment” and “site” are defined in the Planning Standards and in the WDP as:

Term	Definition
Allotment	<p><i>This definition has the same meaning as in section 218 of the Resource Management Act 1991.</i></p> <ol style="list-style-type: none"> 1. in this Act, the term allotment means: <ol style="list-style-type: none"> a. any parcel of land under the Land Transfer Act 1952 that is a continuous area and whose boundaries are shown separately on a survey plan, whether or not: <ol style="list-style-type: none"> i. the subdivision shown on the survey plan has been allowed or subdivision approval has been granted, under another Act; or ii. a subdivision consent for the subdivision shown on the survey plan has been granted under the Resource Management Act 1991; or b. any parcel of land or building, or part of a building, that is shown or identified separately: <ol style="list-style-type: none"> i. on a survey plan; or ii. on a licence within the meaning of subpart 6 of Part 3 of the Land Transfer Act 2017; or c. any unit on a unit plan; or d. any parcel of land not subject to the Land Transfer Act 2017. 2. for the purposes of subsection (1), an allotment that is: <ol style="list-style-type: none"> a. subject to the Land Transfer Act 2017 and is comprised in 1 record of title or for which 1 records of title could be issued under that Act; or b. not subject to that Act and was acquired by its owner under 1 instrument of conveyance shall be deemed to be a continuous area of land notwithstanding that part of it is physically separated from any other part by a road or in any other manner whatsoever, unless the division of the allotment into such parts has been allowed by a subdivision consent granted under this Act or by a subdivisional approval under any former enactment relating to the subdivision of land. 3. for the purposes of subsection (1), the balance of any land from which any allotment is being or has been subdivided is deemed to be an allotment.
Site	<p>means:</p> <ol style="list-style-type: none"> a. an area of land comprised in a single record of title under the Land Transfer Act 2017; or b. an area of land which comprises two or more adjoining legally defined allotments in such a way that the allotments cannot be dealt with separately without the prior consent of the Council; or c. the land comprised in a single allotment or balance area on an approved survey plan of subdivision for which a separate record of title under the Land Transfer Act 2017 could be issued without further consent of the Council; or d. despite paragraphs (a) to (c), in the case of land subdivided under the Unit Title Act 1972 or the Unit Titles Act 2010 or a cross lease system, is the whole of the land subject to the unit development or cross lease.

434. Broadly it is considered that an allotment is a surveyed and measured piece of land and has a unique identifier (its legal description), whereas a site refers to the title or the areas specified on a certificate of title. Allotments or parts of allotments are referred to on a certificate of title to indicate the area or areas that the certificate of title applies to.

435. A site/title can often be made up of several allotments, particularly in rural settings, but also in urban areas, as shown in Figure 7 below:

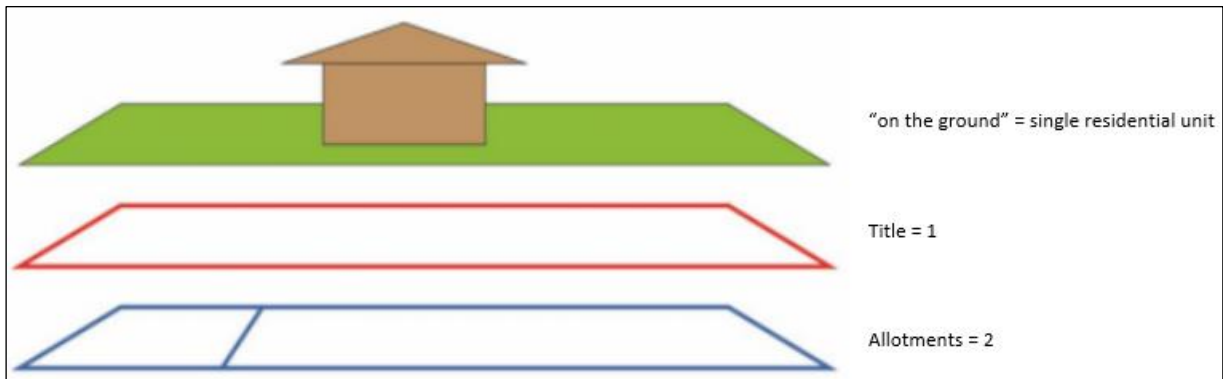


Figure 7: Example of a site/title with multiple allotments

436. A real-world urban example is shown in Figure 8 below with the site/title outlined in blue and an arrow indicating the allotment boundary within the site:



Figure 8: Real-world example of urban site with multiple allotments

437. A real-world RPROZ example is shown in Figure 9 below. The site/title is outlined in blue, and an arrow indicates the allotment boundary within the site:

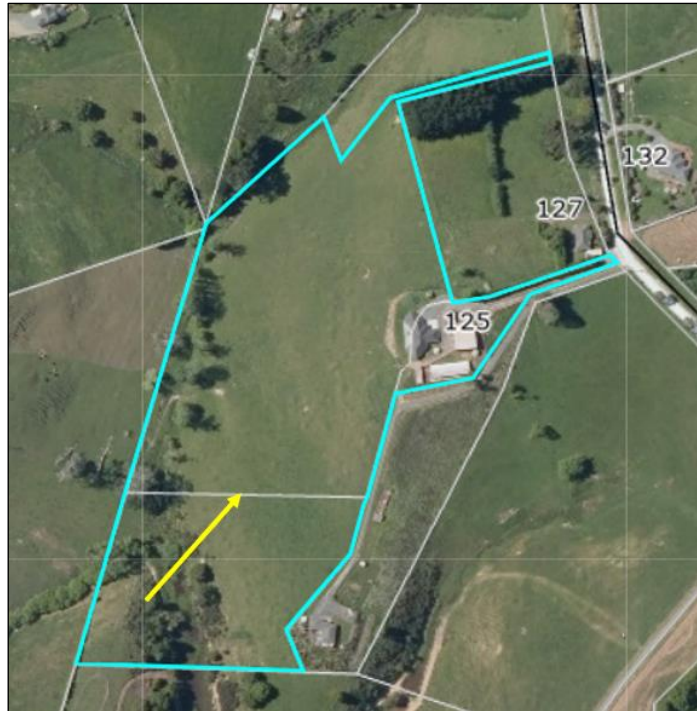


Figure 9: Real-world example of rural site with multiple allotments

438. For cross leases and unit titles there can be multiple sites/titles for one allotment, as shown in Figure 10 below:

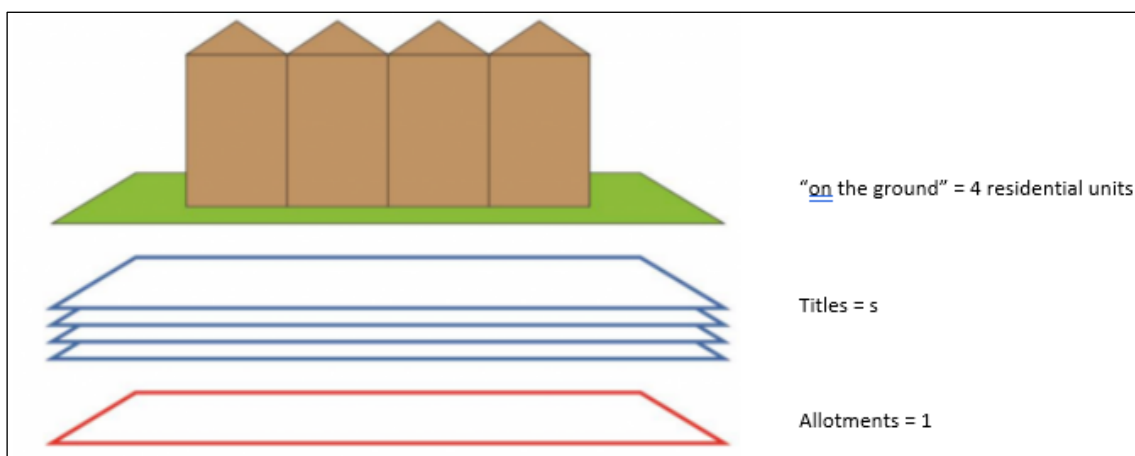


Figure 10: Example of unit titles with one allotment and multiple sites/titles

439. For many properties site and allotment essentially have the same meaning; however, as shown in the examples above this is not always the case.
440. Overall, it is considered that “site” and “allotment” have different meanings, yet the WDP interchanges between the terms without any clear rationale as to why. For example:
- Some provisions contain references to allotment and site within the same rule. The example shown in SETZ-SZ1-R8.2 below refers to the “*net site area of the allotment*”. It is unclear what is meant by this phrase, and it is considered that the definitions of ‘net site area’ and ‘allotment’ are not compatible:

SETZ-SZ1-R8 Minor Residential Unit

Activity Status: Permitted

Where:

1. The maximum density is 1 minor residential unit per site.
2. The net site area of the allotment is at least 750m².

- Some provisions relating to residential unit density refer to 'site' whereas some refer to 'allotment' for no identifiable reason – see examples below where RPROZ-R7 states that 1 PRU is permitted on an allotment of any size whereas RLZ-R9 states that 1 residential unit is permitted on a site:

RPROZ-R7 Principal Residential Unit

Activity Status: Permitted

Where:

1. The maximum density is 1 principal residential unit per 20ha provided that 1 principal residential unit is permitted on an allotment of any size.

Activity Status when compliance not achieved: Discretionary

RLZ-R9 Principal Residential Unit

Activity Status: Permitted

Where:

1. The maximum density is 1 principal residential unit per site.

Activity Status when compliance not achieved: Discretionary

- Policies and objectives frequently interchange between 'site' and 'allotment' and use different terms than the rules that implement them in some instances. The examples shown below of RLZ-O3 and RLZ-P10 show an RLZ objective which is referring to site sizes and a related policy referring to allotment sizes:

RLZ-O3 Site Sizes

That a variety of site sizes are provided to enable rural living, commercial activities that are ancillary activities to residential activities on the same site and some rural land use activities to occur.

RLZ-P10 Allotment Size

To avoid a uniform pattern of development at the minimum allotment size and maintain at least an average allotment size of 2ha across the Rural Lifestyle Zone by providing a single opportunity to subdivide titles created before 12 December 2018.

441. Within a district plan context, the term “site” is generally understood to be the more appropriate term to use for subdivision and land use provisions. Development rights and bulk and location provisions are generally understood to relate to the site rather than to individual allotments. For instance:
- For the example shown above at Figure 8, it is generally understood that the setbacks would be taken from the site/title boundaries (not from the internal allotment boundary), and that there would only be development rights for 1 residential unit based on there only being 1 site (instead of 2 residential units based on 2 allotments).
 - For the example shown above at Figure 9, the site/title has a total area of about 52 hectares. Based on the site area there is potential to create 1 additional site/residential unit²⁷. However, if the development rights were related to each allotment, then there would be potential for 2 additional sites/PRUs.
442. PC2 seeks to review the use of “allotment” and “site” throughout the WDP to improve the consistency and clarity of the provisions.

Proposed PC2 amendments

443. Where the WDP refers to either “allotment(s)” or “lot(s)”, PC2 proposes that the terms be replaced with “site(s)” as shown in Appendix 1, except for the following instances:
- Any references to “allotment”/“lot” within the Financial Contributions Chapter.
 - References to the “Large Lot Residential Zone”.
 - The definitions of terms that are defined in the Planning Standards and that refer to allotment/lot and cannot be amended (e.g., allotment, ground level, site, subdivision).
 - The definition of and references to “access lot”.
 - The definition of and references to “urban environment allotment”.
 - References to “lot/allotment” in the RCM Chapter.
 - References to specific lots’ legal descriptions (e.g., in existing schedules²⁸ and provisions²⁹).
 - References to “large lot” within the LLRZ chapter.
 - References to “super lot” in the PNDA Chapter.
444. PC2 also proposes to amend RPROZ-R7 as shown below (additions shown in underline and deletions shown in ~~strikethrough~~):

²⁷ This is based on the requirements of SUB-R15 and RPROZ-R7.

²⁸ See Historic Heritage, Notable Trees, and Sites of Significance to Māori Chapters for examples of schedules.

²⁹ See SUB-R13, and the PREC Chapter for examples of provisions containing lots’ legal descriptions.

RPROZ-R7 Principal Residential Unit

Activity Status: Permitted

Where:

1. The maximum density is 1 principal residential unit per 20ha net site area provided that 1 principal residential unit is permitted on an ~~allotment~~ site of any size.

Activity Status when compliance not achieved: Discretionary

445. All proposed amendments are shown in Appendix 1.

Assessment of options

446. For the purpose of this evaluation, Council has not considered the status quo as a viable method. It has been identified that there are errors in the way that the WDP refers to “site” and “allotment” and that changes are required to address the existing issues.
447. The terms “site” and “allotment” are defined in the Planning Standards and therefore the definitions cannot be amended in the WDP.
448. The Planning Standards prescribes definitions for various terms that are used in the WDP which use both “site” and “allotment”³⁰. Therefore, both terms must be retained and defined within the WDP.
449. Council has considered the option of introducing a new term such as “Property” or “Record of Title” which could be separately defined to be specific to the WDP. It is considered that this option risks creating unnecessary confusion and would undermine the intent of the Planning Standards. It is therefore considered more appropriate to rely on the Planning Standards terminology.
450. To improve consistency and clarity of provisions within the WDP it is considered that either “site” or “allotment” should primarily be used and referred to within the provisions (noting that the other term would still be required in some circumstances).
451. As noted in paragraph 441 above, it is considered that “site” is generally the more appropriate term to use within a district plan context to manage the use, development, or protection of land and associated natural and physical resources. This is consistent with terminology in recent national direction, including:
- Schedule 3A of the RMA contains the Medium Density Residential Standards which refer to “site” instead of “allotment” for the density and bulk and location rules (e.g., clauses 10, 12, 13, 14, 16, and 18).

³⁰ For example, the definitions of “ground level” and “subdivision” refer to “allotment” while the definitions of “height in relation to boundary” and “minor residential unit” refer to “site”.

- The Planning Standards includes several definitions which relate to typical district plan provisions and methods, and which all refer to “site” rather than “allotment” (e.g., building coverage, height in relation to boundary, home business, MRU, and net site area).
- The NPS-UD does not refer to “allotment” but does refer to “site” in several instances when referring to development capacity that must be enabled in district plans.
- The National Policy Statement on Freshwater Management 2023 contains an appendix which sets out the principles for aquatic offsetting that refers to “impact site”, “offset site” and “compensation site” (and do not refer to “allotment”).

452. Despite the above, there are instances within the WDP where “allotment”/“lot” should be retained. Table 19 below provides further explanation of each instance.

Table 19: Instances of “allotment”/“lot” to be retained within the WDP

WDP Term or Provision	Rational for retaining “allotment”/“lot”
Any references to “allotment”/“lot” within the Financial Contributions Chapter	The Financial Contributions Chapter has not been reviewed yet as part of the WDP rolling review. Council now typically relies on development contributions rather than financial contributions, but some historical developments did use financial contributions. It is considered that the chapter should be retained as is until it is reviewed more comprehensively.
References to the “Large Lot Residential Zone”	This zone name is prescribed by the Planning Standards and cannot be amended.
The definitions of terms that are defined in the Planning Standards that refer to allotment/lot and cannot be amended (e.g., allotment, ground level, and subdivision)	These definitions are prescribed by the Planning Standards and cannot be amended.
The definition of and references to “access lot”	An “access lot” can frequently be an “allotment” rather than a “site” and retaining “lot” in this instance is more appropriate.
The definition of and references to “urban environment allotment”	This term is defined in section 76 of the RMA and should be retained as is to be consistent with the RMA.
References to “lot/allotment” in the RCM Chapter	Part 10 of the RMA sets out provisions for esplanade reserves and refers to “allotment” rather than “site”. The RCM Chapter relies on these RMA provisions and should use terminology consistent with the RMA.
References to specific lots’ legal descriptions (e.g., in existing schedules and provisions)	Legal descriptions cannot be amended and must retain references to “allotment”/“lot” to ensure they are accurate.
References to “large lot” within the LLRZ chapter	The term “large lot” relates to the zone description and purpose and is clearer than “large site”.
References to “super lot” in the PNDA chapter	The term “super lot” is specific to the PNDA Chapter and the unique provisions for that development area.

453. It is considered that the proposed amendments are appropriate and will improve the efficiency and effectiveness of the WDP provisions.
454. As a consequential amendment to the above, PC2 also proposes to amend RPROZ-R7 to refer to “net site area”. The rule currently states that the maximum density in the RPROZ is “1 *principal residential unit per 20ha*” but does not clarify what the 20ha is related to. Specifying that it is 20ha net site area will improve the efficiency and effectiveness of the rule.

5.47 Issue #47 – Vehicular Access and Legal Access Requirements

Status quo and problem statement

455. The WDP contains the following definitions relating to vehicular access and legal access:

Term	Definition
Access	means the area of land over which a site or allotment obtains legal, vehicular and pedestrian access to a legal road.
Access Lot	means an allotment owned in common or undivided shares by the owners of two or more allotments, for the principal purpose of providing road frontage or access to those lots, where their interests in the access lot are recorded on the certificates of title.
Right of Way	means an area of land over which there is registered a legal document giving rights to pass over that land to the owners and occupiers of other land and shall have the same meaning, as defined in Schedule 4 of the Land Transfer Regulations 2002.
Shared Access	means any access that is used by two or more lots, PRUs or commercial activities or industrial activities and includes any access lot.
Vehicle Crossing	means the formed and properly constructed vehicle entry or exit point from the carriageway of any road, up to and including that portion of the road boundary of the site across at which a vehicle entry or exit point occurs and includes any culvert, bridge or kerbing.

456. The terms apply to various components of the transport network and there are rules within the TRA Chapter which manage the design and location of aspects such as “access”, “shared access”, and “vehicles crossings”. The terms are also used in other chapters throughout the WDP.
457. Some interpretation issues have been identified with these definitions and their use within various provisions, including:
- It is unclear whether the definition of “access” limits it to access that is identified in a legal instrument, such as an easement, or whether it also includes private driveways. Consequently, it is unclear if rules applying to “access” are intended to apply only to ‘legal’ access or if they apply to private driveways as well.
 - The terms “access”, “access lot”, “right of way”, and “shared access” overlap each other in some respects causing duplication and confusion when used in provisions.

- The plan contains references to “shared access” and “shared private access” and it is unclear whether these are intended to have the same meaning.
- The plan refers to “access” more generally throughout various chapters (e.g., “access to sunlight”³¹, “public access to and along the coast”³²). Having a definition of access that specifically relates to legal, vehicular, and pedestrian access causes confusion when the term is used more generally.
- It is not clear from the definition of “vehicle crossing” what extent of the crossing/access area that the term is intended to apply to.

458. It is considered that greater clarity is needed across the definitions relating to vehicular access and legal access and within the provisions that utilise those terms.

459. It is also noted that a consequential amendment is required to TRA-R7 as a result of the proposed PC2 amendments and the NPS-UD.

460. The NPS-UD required Council to remove all objectives, policies, rules, and assessment criteria that have the effect of requiring a minimum number of car parks to be provided for a particular development, land use, or activity. Changes to the WDP to give effect to the NPS-UD had to be made without using schedule 1 of the RMA.

461. Rule TRA-R7.1 sets out requirements for on-site manoeuvring space and generally applied to all activities as car parking was previously required within the WDP. However, as car parking is no longer required due to the NPS-UD amendments the manoeuvring requirements do not apply if car parking or loading spaces are not provided on-site. It is considered that an amendment is required to clarify that accessways without any parking or loading spaces must still meet the manoeuvring requirements to enable safe and efficient access.

Proposed PC2 amendments

462. PC2 proposes the following amendments:

- Delete the definition of “access”.
- Include the following new term and definition in the Definitions Chapter:

Term	Definition
Accessway	means the area of land within a site that is permanently formed or otherwise constructed for the use of access for motor vehicles from the road to the activity, parking, loading, or manoeuvring space on a site. Can be used by multiple activities or sites in some cases. Includes access lots.

- Undertake amendments throughout the WDP to replace references to “access”, “driveway”, and similar terminology with “accessway” where appropriate as shown in

³¹ AIRPZ-P3.

³² CE-O6.

Appendix 1 (noting that more general references to “access” are proposed to be retained and that some current references to “accessway” are proposed to be replaced with the now more general term “access”).

- Amend the definition of “shared access” as shown below (additions shown in underline):

Term	Definition
Shared Accessway	means any <u>accessway</u> that is used by two or more lots, principal residential units or commercial activities or industrial activities and includes any access lot.

- Undertake amendments throughout the WDP to replace references to “shared access” and “shared private access” with “shared accessway”.
- Amend TRA-R7.1 as follows (additions shown in underline and deletions shown in ~~strikethrough~~):

TRA-R7 Requirements for On-Site Manoeuvring Space

All Zones and Port Nikau Development Area

Activity Status: Permitted

Where:

- All car parking, loading spaces, ~~and associated manoeuvring areas~~ accessways provide sufficient on-site manoeuvring space:

- Amend the definition of “vehicle crossing” to be more consistent with the ES 2022 as follows (additions shown in underline and deletions shown in ~~strikethrough~~):

Term	Definition
Vehicle Crossing	means the formed and properly constructed vehicle entry or exit point <u>over a public road corridor that connects a formed road to a site boundary.</u> from the carriageway of any road, up to and including that portion of the road boundary of the site across at which a vehicle entry or exit point occurs and includes any culvert, bridge or kerbing.

- Throughout the WDP delete references to “access leg”.

Assessment of options

463. It is considered that the status quo is not appropriate as there are inconsistencies and inefficiencies caused by the current definitions and their use within the WDP. Therefore the status quo is not considered to be a reasonably practicable option.
464. When considering solutions to address the identified issues there are numerous options of different terminologies and definitions that could be used. For the purpose of this evaluation, the primary options that Council has considered are:

- Option 1: Amending the terms and definitions so that the WDP only manages 'legal access' and right of ways and does not contain definitions or provisions managing private accessways.
- Option 2: The proposed provisions outlined above which seek to include a definition of "accessway" (which would include private accessways) and amend relevant rules as appropriate to manage aspects of accessway locations, design, and construction.

465. The proposed term "accessway" is consistent with terminology used in the ES 2022. It is considered that there are aspects of private accessways which require management under the RMA such as sealing requirements (e.g., to manage dust effects), manoeuvring requirements (e.g., to manage safe access to and from sites), and design standards where accessways are used by multiple users but are not right of ways (e.g., to manage vehicular and pedestrian safety and enable efficient use of land).
466. It is considered that Option 2 is the most appropriate way to achieve the relevant objectives and policies, especially TRA-O1, TRA-O4, TRA-P6, TRA-P7, and TRA-P8.
467. The proposed amendment to TRA-R7.1 is a result of changes that were made to the WDP in 2021 in response to the NPS-UD and helps align the provision with the amendments proposed under PC2 and retain the original intent of the rule under Plan Change 109.
468. The proposed amendments to the "vehicle crossing" definition seek to improve the alignment between the WDP and the ES 2022, and to provide greater clarity of the extent of the area that the vehicle crossing definition applies to.
469. Rule LRZ-R5 in the LRZ Chapter and rule PNDA-R12 in the PNDA Chapter refer to "access lot/access leg". It is unclear what the term "access leg" means and it is considered superfluous with "access lot" already referred to in the rules.

5.48 Issue #48 – Obsolete Mapping Overlays

Status quo and problem statement – Helicopter Flight Path Mapping

470. Map 62 of the District-Wide Matters Planning Map shows an "Approach and Deployment Flightpath for Rescue Helicopters" overlay as shown in Figure 11 below:

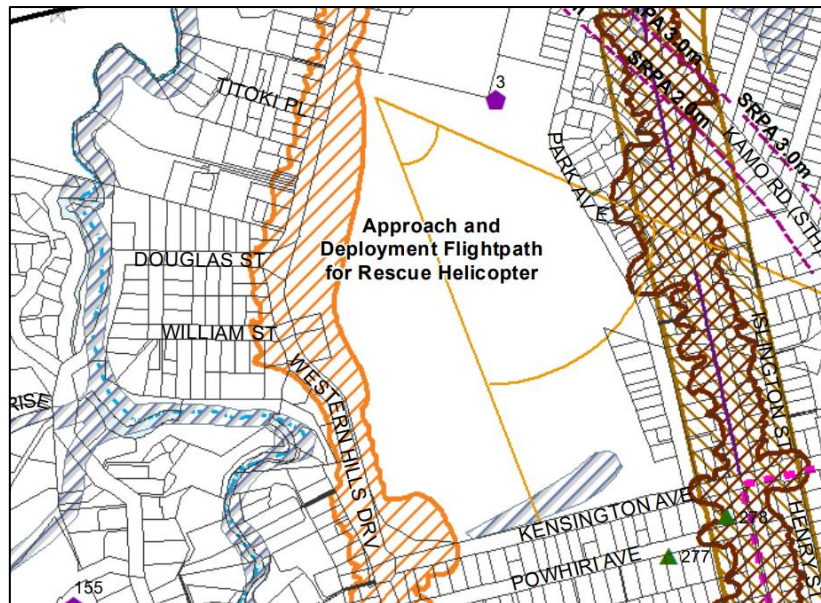


Figure 11: WDP mapping of the Approach and Deployment Flightpath for Rescue Helicopters overlay

471. The overlay applies over the Kensington Sports Park area in the location of the operation of the Northland Emergency Services Trust.
472. There are no WDP provisions related to the overlay. It is understood that the overlay was included in the WDP circa 2001 as a signal to landowners that helicopters operate in that location. Having the flightpath shown on the WDP maps has led to confusion for applicants and decision makers.

Proposed PC2 amendments – Helicopter Flight Path Mapping

473. PC2 proposes to delete the Approach and Deployment Flightpath for Rescue Helicopters overlay from the Planning Maps and Legend.

Assessment of options – Helicopter Flight Path Mapping

474. It is considered that the status quo is not appropriate as there are no objectives, policies, or rules related to the overlay and it has created confusion and uncertainty by being included on the maps. Therefore the status quo is not considered to be a reasonably practicable option.
475. For the purpose of this evaluation, the options that Council has considered are:
- Option 1: Amending the WDP to include either objectives, policies, and/or rules related to the Approach and Deployment Flightpath for Rescue Helicopters overlay.
 - Option 2: Delete the Approach and Deployment Flightpath for Rescue Helicopters overlay from the Planning Maps and Legend.
476. It is considered that Option 1 is inappropriate for the following reasons:

- The flightpath is not controlled by the WDP or the RMA. Instead, the flightpath and adherence to it is administered by the Civil Aviation Authority. There is no identified need or ability to have WDP provisions relating to the flightpath.
- PC2 is generally limited to addressing minor errors and inconsistencies in the WDP and seeks to retain the existing policy intent of the WDP. It is considered that including a new suite of provisions relating to the Approach and Deployment Flightpath for Rescue Helicopters overlay would be beyond the scope of PC2 and could have significant implications for landowners and the helicopter operators.

477. Given the above it is considered that Option 2 is the most appropriate option and will improve the efficiency of the WDP.

Status quo and problem statement – Multi Title Site Mapping

478. Maps 43 and 53 of the Area Specific Matters Planning Maps show the two Multi Title Site overlays within the district, and can be seen in Figures 12 and 13 below:

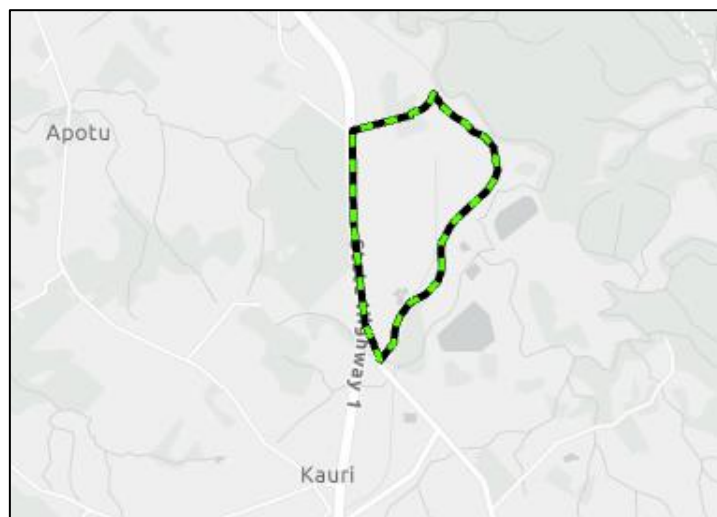


Figure 12: WDP mapping of the Multi Title Site overlay at the Kauri Dairy Factory



Figure 13: WDP mapping of the Multi Title Site overlay at Marsden Point Port

479. The overlays apply at the Kauri Dairy Factory and at the Marsden Point Port.

480. There are no WDP provisions related to the overlay. Having the overlay shown on the WDP maps has led to confusion for applicants and decision makers.
481. The defined term 'Multi Title Site' as seen below is not referenced within the WDP. Having this defined term in the Definitions Chapter has led to confusion for applicants and decision makers.

Term	Definition
Multi Title Site	means a site where an activity is situated on two or more separate certificates of title and is indicated on the planning maps as a "Multi Title Site".

Proposed PC2 amendments – Multi Title Site Mapping

482. PC2 proposes to delete the Multi Title Site overlay from the Planning Maps and Legend, and the defined term 'Multi Title Site' within the Definitions Chapter.

Assessment of options – Multi Title Site Mapping

483. It is considered that the status quo is not appropriate as there are no rules or requirements relevant to the overlay, creating confusion and uncertainty by being included on the maps and within the Definitions Chapter of the WDP. Therefore the status quo is not considered to be a reasonably practicable option.
484. For the purpose of this evaluation, the options that Council has considered are:
- Option 1: Amending the WDP to include provisions related to the Multi Title Site overlay.
 - Option 2: Delete the Multi Title Site overlay from the Planning Maps and Legend, and the defined term 'Multi Title Site' from the Definitions Chapter.
485. It is considered that Option 1 is inappropriate for the following reasons:
- There is no identified need or ability to have WDP provisions relating to the Multi Title Site overlay.
 - PC2 is generally limited to addressing minor errors and inconsistencies in the WDP and seeks to retain the existing policy intent of the WDP. It is considered that including a new suite of provisions relating to the Multi Title Site overlay would be beyond the scope of PC2 and could have significant implications for the Marsden Point Port and Kauri Dairy Factory.
486. Given the above it is considered that Option 2 is the most appropriate option and will improve the efficiency of the WDP.

Status quo and problem statement – Papakāinga Mapping

487. The WDP maps include a Papakāinga overlay that applies in many locations across the district. An example of this overlay seen below in green in Figure 14 below:

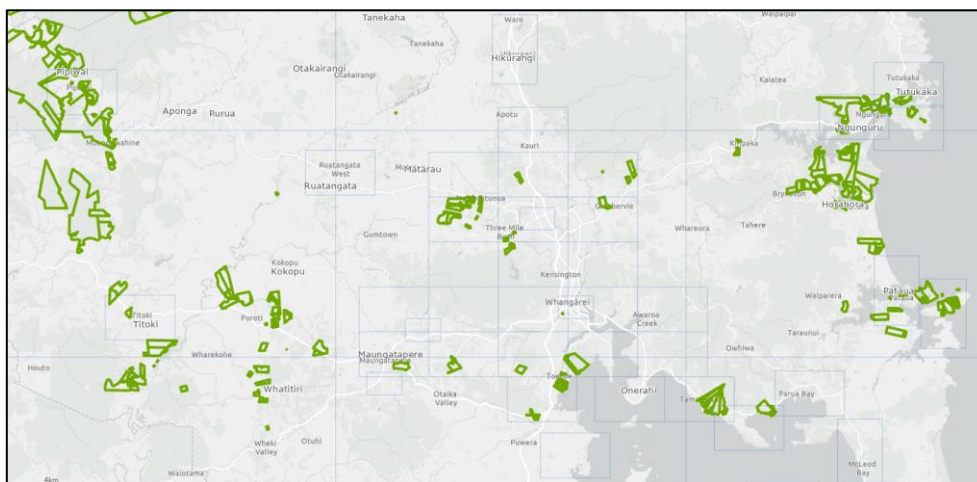


Figure 13: Example of the existing Papakāinga overlay

488. There is a PKA Chapter within the WDP, however this chapter does not refer to the Papakāinga Mapped Overlay and there are no other WDP provisions related to this overlay.
489. The Papakāinga overlay was included in the planning maps as a result of an Environment Court consent order for appeal ENV-2017-AKL-000053 dated 12 December 2017. The consent order stated:

The Whangārei District planning maps should be amended to indicatively map Māori freehold land as defined in Te Ture Whenua Māori Act 1993, which is the land subject to permitted activity rule PK 1.5.1. The indicative mapping will enable users of the Whangārei District Plan to identify on planning maps whether adjacent land may be eligible to be developed for Papakāinga as a permitted activity.

490. However, because the overlay is indicative only it does not determine where the PKA rules apply. This has led to confusion for plan users. Additionally, the Papakāinga overlay is now out of date. The Māori Land Court Māori 2022 update shows that some land that is identified in the Papakāinga overlay are not in the Māori Land List and that 96 Māori land blocks are not mapped in the Papakāinga overlay. This would have likely increased further from 2022.

[Proposed PC2 amendments – Papakāinga Mapping](#)

491. PC2 proposes to delete the Papakāinga overlay from the Planning Maps and Legend.

[Assessment of options – Papakāinga Mapping](#)

492. For the purpose of this evaluation, the options that Council has considered are:

- Option 1: Status quo. Retain the Papakāinga overlay as is with no amendments.
- Option 2: Update the Papakāinga overlay to reflect more recent data from the Māori Land Court.
- Option 3: Delete the Papakāinga overlay from the Planning Maps and Legend.

493. It is considered that Option 1 is inappropriate for the following reasons:

- As there are no provisions relating to the Papakāinga mapped overlay there is no relevance for the overlay in the planning maps. The planning maps assist users in understanding how provisions and overlays relate, in which this does not.
- The overlay is indicative only. Including it within the WDP maps could mislead landowners if they are making decisions based on the planning maps.

494. It is considered that Option 2 is inappropriate for the following reasons:

- For the reasons stated in relation to Option 1 above, retaining the layer in the WDP causes confusion for plan users as there are no provisions related to the overlay.
- Continuously updating the data in accordance with every new piece of land listed under the Māori Land List is unrealistic and inefficient. This data hasn't been updated since 2022 and updating this would be difficult to maintain.

495. Given the above it is considered that Option 3 is the most appropriate option and will improve the efficiency of the WDP. Removing the Papakāinga mapped overlay will not change the intent of the WDP and has no influence on where the PKA Chapter provisions apply.

6 Conclusions

496. This evaluation has been undertaken in accordance with s32 of the RMA in order to identify the need, benefits and costs arising from PC2 and the appropriateness of the proposed amendments having regard to their effectiveness and efficiency relative to other means of achieving the purpose of the RMA.

497. Pursuant to s32 of the RMA, the proposed amendments and provisions have been detailed and compared against viable alternatives and are considered to represent the most efficient and effective means of achieving the relevant objectives and of addressing the identified resource management issues with the operative provisions.

7 Appendices

Appendix 1: Proposed Plan Change 2 Amendments to Whangārei District Plan Text

Appendix 2: Proposed Plan Change 2 Amendments to Whangārei District Plan Maps

Appendix 3: Summary of Planning Standards Definitions Analysis

Appendix 4: Analysis of New Open Space and Recreation Zone Sites

Plan Change 2 – Analysis of National Planning Standards Definitions

Below are 2 tables, showing the National Planning Standards definitions that are proposed to be included in the WDP through PC2.

Table 1 outlines the proposed definitions that do not alter the intent of the provisions in which they occur.

Table 2 outlines the proposed definitions that require further discussion and includes the current application of relevant defined terms, either as defined by the 9th Edition Oxford Dictionary or as stipulated in the provisions.

Table 1: Proposed NPS Definitions that do not change the intent of the provisions in which they occur

<i>Proposed NPS definition</i>	<i>Affected parts of WDP</i>	
Accessory Building means a detached building, the use of which is ancillary to the use of any building, buildings or activity that is or could be lawfully established on the same site, but does not include any minor residential unit.	LLRZ-O6 PREC9-R1 (in GRZ chapter)	
Aquifer means a permeable geological formation, group of formations, or part of a formation, beneath the ground, capable of receiving, storing, transmitting and yielding water.	Definition of “Water Body”	
Bore means any hole drilled or constructed in the ground that is used to: (a) investigate or monitor conditions below the ground surface; or (b) abstract gaseous or liquid substances from the ground; or (c) discharge gaseous or liquid substances into the ground; but it excludes test pits, trenches, soak holes and soakage pits.	Definition of “Safe Potable Water Supply” TWM-REQ2	
Drain means any artificial watercourse designed, constructed, or used for the drainage of surface or subsurface water, but excludes artificial watercourses used for the conveyance of water for electricity generation, irrigation, or water supply purposes.	CE-R9 CE-HNC-R7 Definition of “Indigenous Wetland” Definition of “Road” FUZ-R7 PREC9-R2 (within GRZ Chapter) LLRZ-R8	LRZ-R10 PREC17-R1 (within LRZ Chapter) NFL-ONL-R9 NOSZ-R9 OSZ-R9 RLZ-R8 RPROZ-R6

Table 1: Proposed NPS Definitions that do not change the intent of the provisions in which they occur

<p>Dust</p> <p>means all non-combusted solid particulate matter that is suspended in the air, or has settled after being airborne. Dust may be derived from materials including rock, sand, cement, fertiliser, coal, soil, paint, animal products and wood.</p>	<div>COMZ-P2</div> <div>COMZ-R10</div> <div>Definition of “Permanent All Weather Surface”</div> <div>Designations – Whangarei District Council (WDC-19)</div> <div>GRZ-R11</div> <div>HIZ Issues</div> <div>HIZ-O1</div> <div>HIZ-O5</div> <div>HIZ-P2</div> <div>HIZ-R5</div> <div>LLRZ-P2</div> <div>LIZ Issues</div> <div>LIZ-O1</div> <div>LIZ-P1</div> <div>LIZ-R7</div> <div>MRZ-R11</div> <div>MIN-R3</div> <div>MIN-REQ1</div> <div>MIN-QRA-P3</div> <div>MIN-QRA-R9</div> <div>NTW-P12</div> <div>TREE Issues</div> <div>PORTZ-R8</div> <div>HPW-R8</div> <div>RLZ Issues</div> <div>RPROZ-P1</div> <div>RPROZ-P4</div> <div>RPROZ-P12</div> <div>TRA-P6</div> <div>TRA-R8</div> <div>WZ-R24</div> <div>PREC10-P2 (within WZ Chapter)</div>
<p>Groundwater</p> <p>means water occupying openings, cavities, or spaces in soils or rocks beneath the surface of the ground.</p>	<div>SUB-REQ3</div> <div>WB Issues</div> <div>WB Methods</div> <div>CL Issues</div> <div>PREC12-REQ3 (within LRZ Chapter)</div> <div>PREC17-REQ2 (within LRZ Chapter)</div> <div>NFL Appendix 1</div> <div>REZ-R5</div>
<p>Reclamation</p> <p>means the manmade formation of permanent dry land by the positioning of material into or onto any part of a waterbody, bed of a lake or river or the coastal marine area, and:</p> <p>(a) includes the construction of any causeway; but</p> <p>(b) excludes the construction of natural hazard protection structures such as seawalls, breakwaters or groynes except where the purpose of those structures is to form dry land.</p>	<div>Definition of Port Activities</div>

Table 2: Proposed NPS Definitions requiring further discussion

Proposed NPS definition	9 th Edition Oxford Dictionary or WDP meaning	Relevant provision and discussion
<p>Fertiliser means a substance or biological compound or mix of substances or biological compounds in solid or liquid form, that is described as, or held out to be suitable for, sustaining or increasing the growth, productivity or quality of soils, plants or, indirectly, animals through the application to plants or soil of any of the following:</p> <p>(a) nitrogen, phosphorus, potassium, sulphur, magnesium, calcium, chlorine, and sodium as major nutrients; or</p> <p>(b) manganese, iron, zinc, copper, boron, cobalt, molybdenum, iodine, and selenium as minor nutrients; or</p> <p>(c) fertiliser additives to facilitate the uptake and use of nutrients; or</p> <p>(d) non-nutrient attributes of the materials used in fertiliser.</p> <p>It does not include livestock effluent, human effluent, substances containing pathogens, or substances that are plant growth regulators that modify the physiological functions of plants.</p>	<p><i>Fertiliser</i> <i>a chemical or natural substance added to soil to make it more fertile.</i></p>	<p><u>Definition of “Intensive Livestock Farming”</u></p> <p>This definition reads as:</p> <p><i>Intensive Livestock Farming means any intensive farming of animals and/or includes fungi (mushrooms), dependent on a high input of food or fertiliser from beyond the site and which is predominantly carried out in buildings or outdoor enclosures where the stocking density precludes the maintenance of pasture or ground cover and includes pig farming and cattle feedlots.</i></p> <p>Because of the specificity provided in the proposed definition, the intent of the current definition of Intensive Livestock Farming is altered when the proposed definition of Fertiliser is included.</p> <p>The Section 32 report for PC45 states that the definition of “Factory Farming” did not require a detailed cost benefit analysis and was amended to include the import of food or fertiliser from beyond the site and the exclusion of poultry if it is considered to be free- range in accordance with SPCA regulations.</p> <p>There was no discussion on what detail should be captured in the definition of “fertiliser”. It is considered that the inclusion of the NPS definition does not stray from the intent of the definition of “Intensive Livestock Farming”.</p> <p>The inclusion of the proposed NPS definition for “Fertiliser” in this instance is considered appropriate.</p> <p><u>ECO Appendix 1</u></p> <p>The wording in this appendix reads as:</p> <p><i>Bonding...</i> <i>...Access to bonding shall not be available until one year after planting, where there is evidence to the Council’s satisfaction of the successful initial implementation of an approved management plan.</i> <i>The management plan is to include matters of the following type: ...</i> <i>... • Fertiliser application...</i></p> <p>Because of the specificity provided in the proposed definition, the intent of the current definition is altered when the proposed definition is included. In this occurrence of the defined term, it is listed as a matter to include in a management plan where an environmental benefit lot is awarded. This is a matter that is dealt with within specific zone or precinct chapters. The specificity of the proposed NPS definition does not significantly</p>

Table 2: Proposed NPS Definitions requiring further discussion

		<p>alter the interpretation and application of the description of value categories in Appendix 1 of the Ecosystems and Indigenous Biodiversity chapter.</p> <p>The inclusion of the proposed NPS definition for “Fertiliser” in this instance is considered appropriate.</p> <p><u>PREC9-REQ1 (within GRZ Chapter)</u></p> <p>This Information requirement rule reads as:</p> <p><i>1. Any application under rule PREC9-R3 must include an ecological report prepared by a suitably qualified and experienced ecologist which shall address the following matters:</i></p> <p><i>a. A planting plan for proposed revegetation planting which considers and identifies: ...</i></p> <p><i>... xiv. Maintenance plan of planting, including releasing plants, fertiliser, plant and animal pest control and mulching and replacement of plants which do not survive, and a management plan for animal and plant pest control.</i></p> <p>Because of the specificity provided in the proposed definition, the intent of the current definition is altered when the proposed definition is included.</p> <p>The objectives and policies (PREC9-O1, PREC-O2, PREC9-P1, and PREC9-P3) within PREC9 – Ruakaka Environmental Benefit Precinct (REBP) focus on the protection and enhancement of ecological and biodiversity values.</p> <p>The specificity of the proposed NPS definition does not deviate from giving effect to the objectives and policies of PREC9, and so the inclusion of the proposed NPS definition for “Fertiliser” in this instance is considered appropriate.</p> <p><u>SUB-REQ3.3(a)(xiv)</u></p> <p>This Information requirement rule reads as:</p> <p><i>... 3. Any application under rule SUB-R15.4(b)(iii) (Category C) must include an ecological report prepared by a suitably qualified ecologist which shall address the following matters:</i></p> <p><i>a. A planting plan for the proposed revegetation planting which considers and identifies: ...</i></p> <p><i>... xiv. Maintenance plan of planting, including releasing plants, fertiliser, plant and animal pest control and mulching and replacement of plants which do not survive, and a management plan for animal and plant pest control.</i></p> <p>Because of the specificity provided in the proposed definition, the intent of the current definition is altered when the proposed definition is included.</p> <p>The objectives and policies (SUB-O2, SUB-O5, SUB-P1) within the Subdivision chapter focus on the protection and enhancement of areas of high natural character.</p>
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Table 2: Proposed NPS Definitions requiring further discussion

		The specificity of the proposed NPS definition does not deviate from giving effect to these objectives and policies, and so the inclusion of the proposed NPS definition for “Fertiliser” in this instance is considered appropriate.
PPV (Peak Particle Velocity) means, to the extent used for the assessment of the risk of structural damage to a fixed structure, the instantaneous maximum velocity reached by a vibrating surface as it oscillates about its normal position.	<i>PPV (Peak Particle Velocity) measure of the vibration amplitude, zero to maximum. This parameter can be used for assessing building structural damage and also has application to human annoyance.</i>	<p><u>Designations – Whangarei District Council (WDC-51) and NAV.6.15</u></p> <p>This proposed definition occurs in the column headings of tables within the Whangarei District Council Designations and Noise and Vibration chapter.</p> <p>By replacing the current WDP definition with the proposed definition, the part of the current definition that provides for the application of PPV to human annoyance is removed and only applies to the assessment of risk of structural damage to a fixed structure.</p> <p>The definition does not occur in any other rule wording within the WDP and is used to show the type of measurement used for assessing vibration. The application to human annoyance as shown in the current definition wording is not enforceable.</p> <p>The proposed definition does not alter the interpretation of the rules within the NAV and Whangarei District Council Designations chapters when the proposed definition is included.</p> <p>The inclusion of the proposed NPS definition for “PPV (Peak Particle Velocity)” in this instance is considered appropriate.</p>
Quarry means a location or area used for the permanent removal and extraction of aggregates (clay, silt, rock or sand). It includes the area of aggregate resource and surrounding land associated with the operation of a quarry and which is used for quarrying activities.	<i>Quarry A place from which stone etc. may be extracted.</i>	<p><u>MIN-P5, MIN-R3, MIN-QRA-R6, NFL Appendix 1, NAV.6.1, SETZ Issues and Definition of Mining Area.</u></p> <p>While the proposed definition of “Quarry” is more detailed than the 9th Edition Oxford Dictionary definition, it is considered that the proposed definition does not deviate from the interpretation of the listed provisions in their current state.</p>
Quarrying Activities means the extraction, processing (including crushing, screening, washing, and blending), transport, storage, sale and recycling of aggregates (clay, silt, rock, sand), the deposition of overburden material, rehabilitation, landscaping and cleanfilling of the quarry, and the use of land and accessory buildings for offices, workshops and car parking areas	-	<p><u>MIN-QRA Issues</u></p> <p>The section from MIN-QRA Issues reads as:</p> <p><i>The Quarrying Resource Areas identify established mineral extraction activities primarily aggregates, which are, at a volume, among other factors, that qualify these as nationally and/or regionally significant mineral resources (refer Appendix 1: MIN-QRA – Quarrying Resource Areas). Currently the mapped Quarrying Resource Areas contain quarrying activities involving extraction and processing mineral resources.</i></p> <p>The proposed definition contains multiple factors to consider outside of what is specified in the MIN-QRA Issues section (extraction and processing only). Without confirming that the</p>

Table 2: Proposed NPS Definitions requiring further discussion

associated with the operation of the quarry.		<p>quarrying activities within the mapped Quarrying Resource Areas include the additional factors as shown in the proposed definition, the interpretation of this section changes.</p> <p>There are objectives and policies within the Minerals chapter that refer specifically to extraction and processing, and so the inclusion of the proposed definition in the MIN-QRA Issues section does not alter the objectives, policies, or rules within the chapter.</p>
<p>Special Audible Characteristics has the same meaning as 'special audible characteristic' in section 6.3 of New Zealand Standard 6802:2008 Acoustics – Environmental Noise.</p>	-	<p><u>NAV-R16</u></p> <p>This rule reads as:</p> <p><i>The use of frost fans is a permitted activity in the Rural Production Zone if:</i></p> <p><i>a. Noise generated by single or multiple frost fans on a site does not exceed 55 dB LAeq (10 minute) at any time when assessed at the notional boundary of any noise sensitive activity on a separate site under different ownership.</i></p> <p><i>Note: 1. The noise rule includes a correction for the special audible characteristics of frost control fans and no further penalty shall be applied to measured noise levels</i></p> <p><u>NAV-R19</u></p> <p>This rule reads as:</p> <p><i>1. Unless specifically stated otherwise, any activity shall be a discretionary activity where it does not comply with all of the permitted noise and vibration provisions given in the previous sections NAV-R2 to NAV-R18. When assessing discretionary applications pursuant to these sections, the assessment shall include (but is not limited to):</i></p> <p><i>...c. The nature and frequency of the noise including the presence of any special audible characteristics.</i></p> <p>To give effect to S44A of the RMA, Council undertook a plan change in 2014 to ensure the WDP was consistent with updated national environmental standards.</p> <p>In both instances above, the plan relies on the national environmental standards to provide clarity and guidance on the interpretation of "special audible characteristics". The inclusion of the proposed definition is in line with this approach.</p> <p>The inclusion of the proposed NPS definition for "Special Audible Characteristics" in this instance is considered appropriate.</p>

Plan Change 2 – Analysis of New Open Space and Recreation Zone Sites

This attachment provides descriptions of the sites have been acquired by Council, vested through subdivision, or developed for public open space and recreation activities and which are proposed to be rezoned under Plan Change 2 – General Amendments. Refer to section 5.38 of the General Amendments section 32 Report for further discussion on this topic.

Legal Description	Statutory Actions	Operative Zoning	Proposed PC2 Zoning	Rationale for rezoning
Lot 2 DP 547582	[Referenced] Vesting on Deposit for Local Purpose Reserve Vested on DP 547582	General Residential Zone	Natural Open Space Zone	Raumanga shared path. Aligns with adjoining NOSZ zoning.
Lot 27 DP 537454	[Referenced] Vesting on Deposit for Local Purpose Reserve Vested on DP 537454	General Residential Zone	Natural Open Space Zone	Esplanade reserve near Barge Park. Matches adjoining esplanade reserve.
Lot 3 DP 538893	[Referenced] Vesting on Deposit for Local Purpose Reserve Vested on DP 538893	Rural Production Zone	Natural Open Space Zone	Waipu esplanade reserve. Matches adjoining esplanade reserve.
Lot 3 DP 591602	[Referenced] Vesting on Deposit for Local Purpose Reserve Vested on DP 591602	Large Lot Residential Zone	Natural Open Space Zone	Rural esplanade reserve.
Lot 300 DP 567874	[Referenced] Vesting on Deposit for Local Purpose Reserve Vested on DP 567874	Low Density Residential Zone	Natural Open Space Zone	Rural esplanade reserve.
Lot 36 DP 574894	[Referenced] Vesting on Deposit for Recreation Reserve (Local Authority) Vested on DP 574894	General Residential Zone	Natural Open Space Zone	Steep, little maintenance planned, required to be vegetated under resource consent.
Lot 4 DP 541521	[Referenced] Vesting on Deposit in the Local Authority (Sec 237 RM Act) Vested on DP 541521	Medium Density Residential Zone	Natural Open Space Zone	Potential cycle/walking link. Aligns with adjoining esplanade reserve across road.
Lot 4 DP 550580	[Referenced] Vesting on Deposit for Local Purpose Reserve Vested on DP 550580	Rural Production Zone	Natural Open Space Zone	Rural esplanade reserve.
Lot 545 DP 561756	[Referenced] Vesting on Deposit for Local Purpose Reserve Vested on DP 561756	General Residential Zone	Natural Open Space Zone	Vinegar Hill walkway. Matches adjoining reserve.

Legal Description	Statutory Actions	Operative Zoning	Proposed PC2 Zoning	Rationale for rezoning
Lot 546 DP 561756	[Referenced] Vesting on Deposit for Local Purpose Reserve Vested on DP 561756	General Residential Zone	Natural Open Space Zone	Small area. Matches adjoining reserve.
Lot 547 DP 561756	[Referenced] Vesting on Deposit for Local Purpose Reserve Vested on DP 561756	General Residential Zone	Natural Open Space Zone	Small area. Matches adjoining reserve.
Lot 6 DP 545373	[Referenced] Vesting on Deposit for Local Purpose Reserve Vested on DP 545373	Low Density Residential Zone	Natural Open Space Zone	Cycling/Walking connection/bushed area. Matches adjoining reserve.
Lot 6 DP 579192	[Referenced] Vesting on Deposit for Local Purpose Reserve Vested on DP 579192	Rural Production Zone	Natural Open Space Zone	Rural esplanade reserve.
Lot 7 DP 576523	[Referenced] Vesting on Deposit for Local Purpose Reserve Vested on DP 576523	General Residential Zone	Natural Open Space Zone	To match adjoining esplanade.
Lot 70 DP 530851	[Referenced] Vesting on Deposit for Local Purpose Reserve Vested on DP 530851	Rural Production Zone	Natural Open Space Zone	Patau North esplanade reserve. Matches adjoining esplanade reserve.
Lot 73 DP 530851	[Referenced] Vesting on Deposit for Local Purpose Reserve Vested on DP 530851	Rural Production Zone	Natural Open Space Zone	Patau North esplanade reserve. Matches adjoining esplanade reserve.
Lot 75 DP 530851	[Referenced] Vesting on Deposit for Local Purpose Reserve Vested on DP 530851	Rural Production Zone	Natural Open Space Zone	Patau North esplanade reserve. Matches adjoining esplanade reserve.
Lot 9 DP 542585	[Referenced] Vesting on Deposit for Local Purpose Reserve Vested on DP 542585	Rural Production Zone	Natural Open Space Zone	Rural esplanade reserve.
Lot 92 DP 584312	[Referenced] Vesting on Deposit for Local Purpose Reserve Vested on DP 584312	Sport and Active Recreation Zone	Natural Open Space Zone	Esplanade. Separated by hydro parcel from SARZ at Barge Park.
Lot 1002 DP 548998	[Referenced] Vesting on Deposit for Local Purpose Reserve Vested on DP 548998	General Residential Zone	Open Space Zone	Small area, adjoining a Drainage reserve.
Lot 102 DP 496125	[Referenced] Vesting on Deposit for Local Purpose Reserve Vested on DP 496125	Settlement Zone Residential Sub-Zone	Open Space Zone	Accessway.

Legal Description	Statutory Actions	Operative Zoning	Proposed PC2 Zoning	Rationale for rezoning
Lot 123 DP 576200	[Referenced] Vesting on Deposit for Local Purpose Reserve Vested on DP 576200	General Residential Zone	Open Space Zone	Drainage Reserve.
Lot 126 DP 537411	[Referenced] Vesting on Deposit for Local Purpose Reserve Vested on DP 537411	Settlement Zone Residential Sub-Zone	Open Space Zone	Waipu, adjoining is OSZ, drainage reserve.
Lot 127 DP 557012	[Referenced] Vesting on Deposit for Recreation Reserve (Local Authority) Vested on DP 557012	Settlement Zone Residential Sub-Zone	Open Space Zone	Waipu neighbourhood reserve for community recreation.
Lot 128 DP 557012	[Referenced] Vesting on Deposit for Local Purpose Reserve Vested on DP 557012	Settlement Zone Residential Sub-Zone	Open Space Zone	Managed esplanade reserve for public amenities.
Lot 200 DP 561757	[Referenced] Vesting on Deposit for Local Purpose Reserve Vested on DP 561757	General Residential Zone	Open Space Zone	Drainage reserve - maintained but not for conservation purposes.
Lot 201 DP 561757	[Referenced] Vesting on Deposit for Recreation Reserve (Local Authority) Vested on DP 561757	General Residential Zone	Open Space Zone	Neighbourhood Reserve.
Lot 202 DP 548009	[Referenced] Vesting on Deposit for Local Purpose Reserve Vested on DP 548009	Medium Density Residential Zone	Open Space Zone	Walkway.
Lot 202 DP 561757	[Referenced] Vesting on Deposit for Local Purpose Reserve Vested on DP 561757	General Residential Zone	Open Space Zone	Accessway.
Lot 202 DP 581197	[Referenced] Vesting on Deposit for Recreation Reserve (Local Authority) Vested on DP 581197	General Residential Zone	Open Space Zone	Links with Whangarei falls walking track, which is zoned OSZ.
Lot 203 DP 561757	[Referenced] Vesting on Deposit for Local Purpose Reserve Vested on DP 561757	General Residential Zone	Open Space Zone	Accessway.
Lot 204 DP 581197	[Referenced] Vesting on Deposit for Local Purpose Reserve Vested on DP 581197	General Residential Zone	Open Space Zone	Drainage reserve with walking track.

Legal Description	Statutory Actions	Operative Zoning	Proposed PC2 Zoning	Rationale for rezoning
Lot 224 DP 167637	[Create] Recreation Reserve Vested on DP 167637	Natural Open Space Zone	Open Space Zone	Accessway - To align with adjoining lot which is OSZ.
Lot 225 DP 167637	[Create] Pedestrian Accessway Vested on DP 167637	Open Space Zone and Settlement Zone	Open Space Zone	Adjustment required to align with property boundary.
Lot 3 DP 107859	[Create] Historic Reserve Vested on DP 107859 [Referenced] Classified as scenic reserve. New Zealand Gazette 2008 p 1645 By Whangarei District Council: to be known as Mair Park Scenic Reserve. (Fresh notice, revoking Gaz 2007 p 853) [Referenced] Classified Scenic Reserve and Named [Mair Park] New Zealand Gazette 2007 p 853 Pursuant Section 16(10)	Natural Open Space Zone	Open Space Zone	Small site to match adjoining OSZ.
Lot 3 DP 541521	[Referenced] Vesting on Deposit for Local Purpose Reserve Vested on DP 541521	Medium Density Residential Zone	Open Space Zone	Potential cycle/walking link. Aligns with adjoining esplanade reserve across road and may have public amenities on it in the future.
Lot 300 DP 558357	[Referenced] Vesting on Deposit for Local Purpose Reserve Vested on DP 558357	General Residential Zone	Open Space Zone	Drainage reserve, potential cycle link and may have public amenities on it in the future.
Lot 301 DP 546886	[Referenced] Vesting on Deposit for Local Purpose Reserve Vested on DP 546886	General Residential Zone	Open Space Zone	Future Cycling/Walking connection/ Drainage and may have public amenities on it in the future.
Lot 303 DP 558357	[Referenced] Vesting on Deposit for Local Purpose Reserve Vested on DP 558357	General Residential Zone	Open Space Zone	Esplanade reserve, to match with Whangarei falls zoning and may have public amenities on it in the future.
Lot 305 DP 574747	[Referenced] Vesting on Deposit for Recreation Reserve (Local Authority) Vested on DP 574747	General Residential Zone	Open Space Zone	Accessway.
Lot 306 DP 588384	[Referenced] Vesting on Deposit for Recreation Reserve (Local Authority) Vested on DP 588384	General Residential Zone	Open Space Zone	Recreation Reserve vested in Council.

Legal Description	Statutory Actions	Operative Zoning	Proposed PC2 Zoning	Rationale for rezoning
Lot 4 DP 114004	[Create] Recreation Reserve Vested on DP 114004	Natural Open Space Zone	Open Space Zone	Small site adjoining OSZ. Location does not support conservation purposes.
Lot 5 DP 48441	[Create] Esplanade Reserve Vested on DP 48441	Natural open space zone	Open Space Zone	Small site to match adjoining OSZ.
Lot 500 DP 521901	[Referenced] Vesting on Deposit for Local Purpose Reserve Vested on DP 521901	General Residential Zone	Open Space Zone	Recreation Reserve vested in Council.
Lot 544 DP 561756	[Referenced] Vesting on Deposit for Recreation Reserve (Local Authority) Vested on DP 561756	General Residential Zone	Open Space Zone	Vinegar Hill walkway. May have public amenities on it in the future.
Lot 551 DP 564989	[Referenced] Vesting on Deposit for Local Purpose Reserve Vested on DP 564989	General Residential Zone	Open Space Zone	Drainage Reserve.
Lot 552 DP 576829	[Referenced] Vesting on Deposit for Local Purpose Reserve Vested on DP 576829	General Residential Zone	Open Space Zone	Drainage Reserve.
Lot 6 DP 39562	N/A	Natural open space zone	Open Space Zone	Does not align with NOSZ purpose, is a maintained urban road berm.
Lot 603 DP 567554	[Referenced] Vesting on Deposit for Recreation Reserve (Local Authority) Vested on DP 567554	General Residential Zone	Open Space Zone	Recreation Reserve vested in Council.
Lot 604 DP 564989	[Referenced] Vesting on Deposit for Local Purpose Reserve Vested on DP 564989	General Residential Zone	Open Space Zone	Accessway.
Lot 605 DP 576829	[Referenced] Vesting on Deposit for Local Purpose Reserve Vested on DP 576829	General Residential Zone	Open Space Zone	Accessway.
Lot 610 DP 521901	[Referenced] Vesting on Deposit for Recreation Reserve (Local Authority) Vested on DP 521901	Natural Open Space Zone	Open Space Zone	Neighbourhood reserve surrounded by residential zone and adjoining a drainage reserve zoned OSZ.
Lot 8 DP 571379	[Referenced] Vesting on Deposit for Recreation Reserve (Local Authority) Vested on DP 571379	General Residential Zone	Open Space Zone	Neighbourhood reserve.

Legal Description	Statutory Actions	Operative Zoning	Proposed PC2 Zoning	Rationale for rezoning
Lot 92 DP 561698	[Referenced] Vesting on Deposit for Local Purpose Reserve Vested on DP 561698	General Residential Zone	Open Space Zone	Drainage reserve.
Lot 56 DP 167637	N/A	Open Space Zone and Settlement Zone Residential Sub-Zone	Settlement Zone Residential Sub-Zone	Adjustment required to align with property boundary.
Lot 1 DP 115620	N/A	Rural Production Zone	Sport and Active Recreation Zone	Hikurangi Bowling Club. Adjacent to and used in conjunction with Section 1 SO 61246, which is owned by WDC for sport and recreation purposes.
Section 1 SO 61246	N/A	Rural Production Zone	Sport and Active Recreation Zone	WDC acquired this land, which is associated with the Hikurangi Bowling Club (Section 1 SO 61246) to be used for sport and recreation purposes. The site at Section 1 SO 61246 has shared facilities and is used together with Lot 1 DP 115620.

4.3 Whangārei District Airport Final Statement of Intent 2024 – 2025

Meeting: Strategy Planning and Development Committee
Date of meeting: 18 July 2024
Reporting officer: Tony Collins – Manager District Development

1 Purpose / Te Kaupapa

To endorse the Whangarei District Airport Final Statement of Intent 2024/2025 in accordance with Section 64 of the Local Government Act 2002.

2 Recommendations / Whakataunga

That the Committee:

1. Under delegation endorse the Final Statement of Intent 2024/2025 for the Whangarei District Airport
2. Notes and provides feedback on the 2024/25 Final Statement of Intent.

3 Background / Horopaki

The Final Statement of Intent (SOI) has been reviewed for appropriateness in relation to the delivery of services, management and governance of the Whangārei District Airport (WDA) and obligations to meet Section 64, Schedule 8, clause 6 and 9 (contents of the statement of intent) under the amended Local Government Act 2002.

Attached is the Final Statement of Intent 2024/2025 for the Whangārei District Airport. The next three years supports continued compliance with Civil Aviation Authority requirements, preventative maintenance to ensure resilience of existing airport infrastructure and ensuring WDA is well positioned for further growth and increased passenger levels. Surpluses before depreciation are expected in the 2025, 2026 and 2027 years.

Highlights included in this final SOI are:

- Increased projected revenue driven by growth in landing fee and carparking income and commercial rent.
- Construction of a new Rescue Fire Service (RFS) Operational Building and Hangar.
- Power and Capacity upgrade.
- Extension to the sealed apron area to increase larger commercial aircraft capacity at the terminal.
- Emulsion coating of the main runway to further defer the cost for a complete runway re-seal for at least a further five years (has been carried forward to the 2024/25 year due to weather).

- Seal taxiway Alpha (all-weather access), to increase capacity and reduce hazards and incidents during winter month.

Passenger numbers are projected to continue increasing over the next three years. Historically, annual growth has consistently ranged between 2% and 4%.

4 Discussion / Whakawhiti kōrero

Key differences between draft and final documents are outlined in the table below:

Changes from Draft SOI	Final SOI
Changes to Prospective Statement of Comprehensive Income:	There were no changes to the income, expenses or net surplus (loss)
Net Surplus (Loss) before tax:	down \$50k year 1, up \$23k year 2, up \$11k year 3 as a result of changes to depreciation
Changes to Prospective Statement of Financial Position:	Changes were made to opening equity and impact of changes to capex program and capital contributions
Changes to Capex Plan:	<p>Year 1 - Carried forward the apply emulsion coat from 23-24 to 24-25 and increasing the cost from \$100k to \$141k</p> <p>Year 1 – added seal Taxiway Alpha (all- weather access) \$650k</p> <p>Year 1 – added \$150k to the RFS Operational Hangar as a result of funds received through Better Off Fund capex amount changed</p> <p>Year 2 – added \$15k as generator costs have increased</p>
Changes to Capex Contribution	<p>Year 1 – increase of \$650k (WDC \$325k) sealing Taxiway Alpha</p> <p>Year 1 – decrease MoT contribution by \$161k from 1,84M to 1,679,491M due to payment of 1st instalment</p> <p>Year 2 – increase of \$15k as generator costs increased</p>

4.1 Capital Projects

A summary of capital projects for the next three years is included in Appendix 3 of the document. These have been reprioritised to maintain airport infrastructure, continuing compliance, and growing capacity at the Airport as part of regional transport resilience. The RFS Operational Hangar & Base funds of \$1,840,000 already committed by the Ministry of Transport (MoT) as well as \$150,000 from government's Better Off Fund, has been carried forward to the 2024/25 year.

Existing navigation lights installed in the 1990s are reaching their end of life. Although maintained as a priority over the years, recent weather events have accelerated their deterioration. New LED lighting, and waterproof housings, ladders and poles for harbour mounted systems are required.

The apron extension is a key part of growing capacity at the airport and developing regional transport resilience. The apron has not been expanded since its construction in the 1970's. Movements by medium-sized aircraft have exponentially grown resulting in limited space to accommodate Air NZ, King Air, visiting charter flights and civil defence aircraft. This is becoming more problematic with delays to flights and increased risk of damage to aircraft and liability for the airport. A larger apron will enable greater separation between aircraft.

The main runway re-seal raised in the SOI last year is able to be deferred to the 2028/29 year, with the application of an Enviroshield Emulsion Coating in the 2024/25 summer

months. It is entirely possible that ongoing emulsion coating treatments will further delay the need for a complete re-seal beyond 2030. Sealing of taxiway Alpha (all-weather access), will increase the capacity and reduce hazards and incidents during winter month.

Provision for a new second rescue appliance is budgeted for the June 2026/27. A second-hand appliance was purchased in 2022/23 as a back stop to meet required Civil Aviation Authority (CAA), RFS compliance. A new appliance will need to be purchased as a permanent solution. Under the terms of the JV Deed, a second truck would be fully funded by MoT, subject to a budget bid with the Ministry.

With the depletion of cash reserves, the funding of future capital projects will require additional contributions, funded 50:50, by both Council and the Ministry of Transport as Joint Venture partners. All Capital Expenditure items associated with the RFS (as indicated in the Capital Investment Plan in the SOI) are to be funded 100% by the Ministry of Transport – as provided for in the Joint Venture Deed.

A contribution from Council is estimated at \$760K in year one of the SOI, with \$185k in year two and \$155k in year 3. The draft LPT has been updated to reflect councils' contribution. Staff are working with the Ministry of Transport on the required business cases for each project. All projects are still subject to Council and Ministry approval on a case-by-case basis. It is noted within the SOI that some capital projects are contingent upon MoT confirming their contribution and without which some projects may not proceed.

5 Significance and engagement / Te Hira me te Arawhiti

The decisions or matters of this Agenda do not trigger the significance criteria outlined in Council's Significance and Engagement Policy, and the public will be informed via Agenda publication on the website.

6 Attachments / Ngā Tāpiritanga

Attachment 1 – WDA Final Statement of Intent FY2024-25



Whangārei District Airport Statement of Intent

For the year 1 July 2024
to 30 June 2025

Table of Contents

1	Introduction	3
2	Purpose of the Statement of Intent	3
3	Purpose of the Organisation	4
4	Nature and Scope of Activities	4
5	Approach to Governance	4
6	Objectives	5
7	Performance Targets and Measures	6
8	Information to be Provided Throughout the Financial Year	7
9	Distribution of Accumulated Profits and Capital Reserves	8
10	Compensation Sought or Obtained	8
11	Notes to Accompany Financial Statements in Appendix 2	9
	Appendix 1: Accounting Policies	10
	Appendix 2: Forecast Financial Information	11
	Appendix 3: Capital Investment Plan	14

1 Introduction

The Whangārei District Airport (WDA) continues its recovery post the global pandemic. Passenger numbers now exceed pre-Covid levels with continued demand from local and domestic travellers. International travel has been slower to recover and emphasises our continued reliance on our national service provider.

The annual staged increase in Landing Fees with Air New Zealand continues. New negotiations will be required in preparation for a renewed fee increase for the 2026-2027 financial year which sits outside of the current 3-year arrangement.

A new base to house the Airport Rescue Fire Service (RFS) is scheduled to be completed by the mid-2025. The service which was a requirement of the Civil Aviation Authority (CAA) was established in 2022. Funds secured from the Ministry of Transport (MoT) as required by the Joint Venture have been carried remain available to complete the project.

Changes in the interpretation of Civil Aviation Authority (CAA) rules identified in the March 2023 re-certification raised the requirement for a second RFS truck as redundancy cover for the main appliance. A used appliance from the ex-Dunedin airport was purchased with funds from the Ministry of Transport (MoT) as an appropriate back to the main Rescue 1 appliance. The focus over the next three years is to continue to meet required legislative compliance while maintaining a sustainable operation from existing revenues and cash reserves.

Key areas of focus include:

- Continued Civil Aviation Authority (CAA) Certification. This involves maintaining the Safety Management System and continued oversight of all the operations.
- Completion of Airport Rescue Fire Fighting Service (RFS) Operational Building
- Initiation of the second RFS appliance
- Power and Capacity upgrade
- Emulsion coating of the main runway to further defer the cost for a complete runway reseal for at least a further 5 years
- Seal taxiway Alpha (all-weather access), to increase capacity and reduce hazards and incidents during the winter month
- Apron extension to increase capacity at Terminal and support regional transport resilience.
- Programmed maintenance of Airside Infrastructure – Runway, Taxiways and Lighting
- Explore additional revenue streams and further expand car-parking facilities and revenues.
- Coordinated approach to support domestic tourism and District Development.
- Development of a long-term development plan.

2 Purpose of the Statement of Intent

This statement of intent is prepared in accordance with section 64 of the Local Government Act 2002. It outlines the activities and intentions of the Whangārei District Airport (WDA) for the next three financial years, and the objectives to which those activities will contribute. It provides a basis for accountability to Council and the public for the performance of the organisation.

3 Purpose of the Organisation

The overarching purpose of the Airport is to operate a fully serviceable Domestic Airport for the use of residents and visitors to the area. The Airport is situated at Onerahi in Whangārei. The day-to-day operational activities of the Airport are managed under the aegis of Whangārei District Council (Council) by way of a management contract with a contractor (currently Northland Aviation Limited).

4 Nature and Scope of Activities

4.1 Activities Provided

The nature of the activities that the Airport provides includes the following:

- To provide Airport services to and from the Whangārei area
- To operate the Airport in a cost effective and efficient manner
- To seek opportunities to widen the Airport's revenue base
- To adhere to the terms of the Aerodrome Operating Certificate issued by the CAA
- To meet CAA certification requirements
- To achieve the objectives outlined in this statement of intent

4.2 Whangārei District Council Vision

The Airport will operate in support of Council's vision and community outcomes. Council's vision is to be an 'inclusive, resilient and sustainable District'. This is achieved through the following community outcomes.

- Efficient and resilient core services
- Positive about the future
- Caring for the environment
- Proud to be local

The Airport supports these outcomes by providing an Airport facility that acts as a gateway to the Whangārei District and to Northland.

4.3 Additional Legislation

The Airport has obligations under the Civil Aviation Act 2023 and will ensure that it complies with all requirements under this Act when operating and maintaining the Airport.

5 Approach to Governance

5.1 Joint Venture Agreement

The Airport is owned and operated under a joint venture partnership between Council and the Crown (represented by the Ministry of Transport). The land that the Airport is situated on is 100% owned by the Crown, runways, plant and equity are 50% owned by the Crown and 50% owned by Council.

5.2 Airport Authority

Council operates the Airport as the Airport Authority under the Whangārei Airport Establishment Order 1963 pursuant to the Airport Authorities Act 1966. Council, as the Airport Authority, provides the role of the board of directors under the Local Government Act 2002. The Airport Authority meets on an as needed basis. Council contracts the day-to-day management of the Airport to Northland Aviation Limited under a management contract.

6 Objectives

1. To achieve the objectives of Whangārei District Council and the Ministry of Transport.

This includes achieving both the commercial and non-commercial objectives that are outlined in this statement of intent.

2. To operate a fully serviceable District Airport.

The Airport will operate as a fully serviceable District Airport for the use of visitors, residents and ratepayers.

3. To provide a good work environment.

The Airport will be fair to its contractors and users and maintain a good working environment.

4. To exhibit a sense of social and environmental responsibility.

The Airport operates with regard to appropriate environmental practices, legislation, and in recognition of the designation requirements of the District Plan.

5. Airport operation will meet the needs of aviation operators and their customers.

The short and long-term objectives of Airport operation will meet the needs of scheduled and non-scheduled aviation operators and their customers.

6. Health and safety standards are promoted and maintained.

This includes recognising the New Zealand Civil Aviation Authority health safety requirements and other requirements.

7 Performance Targets and Measures

Objective	Performance Measure		
	2024/25	2025/26	2026/27
1. To achieve the objectives of WDC and the MoT.	To operate within agreed financial budgets. Actual spend ≤ budget.	Actual spend ≤ budget.	Actual spend ≤ budget.
2. To operate a fully serviceable District Airport.	To encourage new business development and existing business expansion by engaging alternative aviation and airport service providers and enabling businesses to grow through lease management and land use consent process.	Enable business to grow through lease management and land use consent process.	Enable business to grow through lease management and land use consent process.
3. To provide a good working environment.	Measure user satisfaction by achieving higher than satisfactory ratings on surveys of either the public users or the aviation operators. >75%	>75%	>75%
4. To exhibit a sense of social and environmental responsibility	Respond promptly to any concerns raised by the neighbouring community and be active in noise management processes. - Encourage sustainability opportunities.	Record all complaints within council complaint records and monitor compliance with the noise contours.	Record all complaints within council complaint records and monitor compliance with the noise contours.
5. Airport operations will meet the needs of aviation operators and their customers.	Maintain Airport Certification by continuing to meet certification standards required by the Civil Aviation Authority Meet required legislative timeframes under the LGA and CAA.	Fulfil requirements of the CAA as determined by the Airport Part 139 expositions. This will be checked as part of the internal Audit.	Fulfil requirements of the CAA as determined by the Airport Part 139 expositions. This will be checked as part of the internal Audit.
6. Health and safety standards are promoted and maintained.	Comply with and maintain the Safety Management System. - Annual in-house audit with an independent auditor. - Annual training schedule is up to date. - Airport Safety meetings quarterly (3 monthly) Three user meetings per year.	Comply with and maintain the Safety Management System.	Comply with and maintain the Safety Management System.

7.1 Further Explanation

Any abbreviations and technical terms used in the table are defined below:

- CAA refers to the Civil Aviation Act 1990
- LGA refers to the Local Government Act 2002
- MoT refers to the Ministry of Transport
- SMS refers to the Airport's Safety Management System
- RFS refers to the Airport's Rescue Fire Fighting Service
- WDC refers to Whangārei District Council

8 Information to be Provided Throughout the Financial Year

8.1 Half-yearly Report

The Airport will provide the Council and the Ministry of Transport with a half-yearly report on its operations. The half-yearly report will be provided within 2 months of the first half of the financial year ending (28 February 2025). The report will include:

- Commentary for the relevant six-month period, including both the financial and non-financial results.
- A comparison of performance against the objectives and performance targets set out in the statement of intent.
- Un-audited financial statements including a statement of financial performance, statement of financial position, cashflow statement, and notes to the financial statements.
- Financial forecast for the balance of the year.

The format of the half-yearly report will be similar to this statement of intent.

8.2 Annual Report

The Airport will provide Council and the Ministry of Transport with an annual report on that Airport's operations for that year. The annual report will be provided within 3 months of the financial year ending (by 30 September 2025). The annual report will include all the information necessary to enable an informed assessment of operations, including:

- A comparison of the performance targets and measures outlined in this statement of intent, and the actual performance of the Airport for the financial year.
- Any material variances from the expected performance of the Airport, and explanations for those variances.
- The amount of any compensation sought or obtained from Council or the Ministry of Transport.
- Audited financial statements for the financial year including a statement of balance sheet, statement of income, statement of movements in equity, statement of cash flows, and notes on the financial statements to be presented in a standard format.

- An independent auditor's report on the financial statements and the performance targets and other measures by which the Airport's performance against its objectives may be judged.

The format of the annual report will be similar to this statement of intent.

8.3 No Surprises Approach

To ensure there is timely notification of any major issues, the Airport commits to a no surprises approach beyond the formal reporting requirements.

This means that Airport Management (Northland Aviation Limited) will proactively inform Council and the Ministry of Transport, when the Airport's operations could; create a major issue for the Airport or Council, trigger public interest, have political implications, or gain significant media attention. Management will report to Council staff via email.

Management will seek Council and the Ministry of Transport approval prior to any extraordinary expenditure.

9 Distribution of Accumulated Profits and Capital Reserves

There is no distribution of accumulated profits or capital reserves to the joint venture partners during the year.

10 Estimate of Commercial Value of the Shareholders' Investment

The commercial value of the partners' investment is set out in the statement of accounting policies included in this statement. It is noted that the land is a restricted asset and revaluation on a commercial basis would be misleading. The audited financial statements for the year ended 30 June 2023 record the total equity in the partnership of \$5,081,907 (2022 \$5,118,398).

11 Compensation Sought or Obtained

The Airport is not seeking any compensation from Council or the Ministry of Transport.

The budget indicates a contribution from the JV partners of \$2.2M (\$1.1M per JV partner) over the three-year period. This equates to a \$1.1M contribution from WDC over the three-year period. The Long-Term Plan 2024-2034 provides for \$1.1M as contribution from WDC in 2025-2027. It is noted that some capital projects are contingent upon MoT confirming their contribution and without which some projects may not proceed.

Council has a provision in its capital estimates for the expenditure of funds on non-aviation related items as a community contribution to amenities at the Airport, and occasional capital sum investment in the assets owned by Council at the Airport.

12 Notes to Accompany Budgeted Financial Information in Appendix 2

Income from Landing Fees:

Landing fee revenues are based on passenger numbers continuing to grow in line with the post COVID-19 levels we have returned to. Approximately 5% of Airport landing fee revenue is derived from recreational and commercial operators other than Air New Zealand.

Income from Operational Recoveries:

Operational Recoveries are mostly comprised of RFS Operational Costs recovered from Air New Zealand. RFS Recovery is calculated on a per passenger basis with provision for adjustment in the event the cost of providing RFS services is not fully covered by the per passenger fee. Agreement is in place to review RFS Recovery Rates if necessitated by increased operational cost for the second RFS truck.

Capital Contributions:

In the Prospective Statements of Movements in Equity table, the Capital Contribution – MoT figure of \$1,679,491 is a carry forward from the 2024 year – the \$1.84M funding already allocated by MoT for the RFS Operational Hangar and Base.

Capital Expenditure:

The Capital Expenditure Programme for the year to June 2025 comprises the bulk of capital works planned for the next three years. RFS related items are fully funded by MoT.

The Apron Extension is a key part of growing capacity at the Airport and developing regional transport resilience. The main runway re-seal raised in the SOI last year is able to be deferred to the 2028/29 year, with the application of an Enviroshield Emulsion Coating in the 2024/25 summer months. It is entirely possible that ongoing emulsion coating treatments will further delay the need for a complete re-seal beyond 2030. Sealing of taxiway Alpha (all-weather access), will increase the capacity and reduce hazards and incidents during winter month.

In addition, \$150k from government's Better Off Fund were allocated for the extension of the RFS building to accommodate LandSar.

WDA staff negotiated the purchase of a second RFS truck on in short notice to meet CAA requirements for a back-up appliance. Year 3 looks to purchase a new appliance to ensure compliance and resilience to future RFS services. Capital cost of the truck and ancillary equipment is to be met by MoT.

Power capacity and upgrades have been identified to meet the airports continued growth with existing supply reaching max KVA capacity. Limitations in existing back-up generators were identified in recent weather event. Existing power supply provides runway lighting but not power to terminus and fuel stations limiting the ability to support emergency services during Cyclone Gabrielle.

Appendix 1: Accounting Policies

1.1 Reporting entity

The Whangarei District Airport is a Council controlled organisation as defined under section 6 of the Local Government Act 2002. The Airport is administered by the Whangarei District Council in a joint venture operation with the Ministry of Transport and is domiciled in New Zealand.

2 Significant accounting policies

2.1 Basis of preparation

All transactions in the financial statements are reported using the accrual basis of accounting.

The financial statements are prepared on the assumption that the Airport will continue to operate in the foreseeable future.

The Board has elected to apply PBE SFR-A (PS) Public Benefit Entity Simple Format Reporting Accrual (Public Sector) on the basis that the Airport does not have public accountability (as defined) and has total annual expenses of less than \$2 million.

Goods and services tax

The Airport is registered for GST. All amounts in the financial statements are recorded exclusive of GST, except for debtors and creditors, which are stated inclusive of GST.

Functional and presentation currency

The financial statements are presented in New Zealand dollars and all values are rounded to the nearest dollar (\$) . The functional currency of the Entity is New Zealand dollars.

The financial statements are presented in New Zealand dollars.

2.2 Revenue and expenses

Revenue comprises the fair value of the consideration received or receivable for the sale of goods and services, excluding Goods and Services Tax, rebates and discounts. Revenue is recognised as follows:

(i) Grants

Council, government, and non-government grants are recognised as revenue when the funding is received unless there is an obligation to return the funds if conditions of the grant are not met ("use or return condition"). If there is such an obligation, the grant is initially recorded as a liability and recognised as revenue when conditions of the grant are satisfied.

(ii) Interest income

Interest revenue is recorded as it is earned during the year.

(iii) Sale of services

Revenue from the sale of services is recognised when the services are provided to the customer.

(iv) Administration, overheads and other costs.

These are expensed when the related service has been received.

2.3 Income tax

Tax expense is calculated using the taxes payable method. As a result, no allowance is made for deferred tax. Tax expense includes the current tax liability and adjustments to prior year tax liabilities.

2.4 Bank accounts and cash

Bank accounts and cash include cash on hand, deposits held at call with banks, other short-term highly liquid investments with original maturities of three months or less, and bank overdrafts.

Bank overdrafts are shown as current liabilities in the statement of financial position.

2.5 Debtors

Debtors are initially recorded at the amount owed. When it is likely the amount owed (or some portion) will not be collected, a provision for impairment is recognised and the loss is recorded as a bad debt expense.

Appendix 2: Budgeted Financial Information

PROSPECTIVE STATEMENT OF COMPREHENSIVE INCOME				
		BUDGET	BUDGET	BUDGET
		30 June 2025	30 June 2026	30 June 2027
Income				
Landing fees		1,021,128	1,051,762	1,083,315
Sundry income advertising		15,000	15,000	15,000
Operational Recoveries		558,733	558,733	558,733
Rent received		231,000	242,550	254,678
Interest received		10,000	10,000	10,000
Carpark Income		189,000	198,450	208,373
Total Income		2,024,861	2,076,495	2,130,098
Less Expenses				
Airfield Expenses				
Drainage		31,500	33,075	34,729
Fencing		5,513	5,788	6,078
Grounds R&M		22,041	23,143	24,300
Runway R&M		52,500	55,125	57,881
Lighting R&M		29,835	31,326	32,893
Other R&M		33,075	34,729	36,465
		174,463	183,187	192,346
Terminal Expenses				
Insurance		54,010	59,411	65,352
Cleaning		34,942	36,689	38,523
Advertising		7,166	7,525	7,901
Rates		36,297	38,111	40,017
Electricity		34,729	36,465	38,288
Weather station		5,513	5,788	6,078
Security		11,574	12,152	12,760
Water		2,095	2,199	2,309
R&M		31,500	33,075	64,729
Other Expenses - Terminal		2,625	2,756	2,894
		220,449	234,172	278,851
Rescue Fire Services				
Certification - RFS		525	551	579
Insurance - RFS		19,800	21,780	23,958
Maintenance - RFS		29,275	30,714	32,224
Management Fee - RFS		367,513	385,889	405,183
Other Expenses - RFS		71,280	72,970	79,910
		488,393	511,903	542,854

Administration Expenses				
Management Fee		555,993	583,793	612,982
Telephone		955	1,003	1,053
Audit fees		40,958	43,006	45,157
Accounting Fees		10,000	10,000	10,000
Legal Fees		2,205	2,315	2,431
Bank Fees		8,682	9,116	9,572
Certification		3,150	3,308	3,473
Conferences		21,000	22,050	23,153
Other Expenses		39,634	37,415	39,286
Other Professional fees		104,285	55,694	26,229
		786,862	767,700	773,335
Total Expenses before depreciation		1,670,167	1,696,962	1,787,386
Net Surplus (Loss) before depreciation		354,694	379,533	342,711
Depreciation		364,426	527,815	629,815
Net Surplus (Loss) before tax		(9,732)	(148,282)	(287,104)
Tax Expense		-	-	-
Net Surplus / (Deficit)		(9,732)	(148,282)	(287,104)
		BUDGET	BUDGET	BUDGET
		30 June 2025	30 June 2026	30 June 2027
Capital Expenditure				
RFS Operational Hanger & Base		1,990,000		
Upgrade of navigation lighting		60,000		
Apron Extension		1,500,000		
Apply emulsion coat on runway		141,000		
Power & Capacity upgrade		50,000		
Reform and re-seal hanger access road		156,000		
Seal Taxiway Alpha (Currently grass surface)		650,000		
Standby Generator for all of airport (Installed)			65,000	
Café Revamp - Stage 1			150,000	
Hanger Development			100,000	
Carpark Extension			450,000	
Power & Capacity Upgrade (EVs)				100,000
Café Revamp - Stage 2				200,000
Fencing - Front of Airport & Gates				200,000
Entry Driveway Footpath Access & Drainage				150,000
RFS 2nd Truck				1,800,000
Total capital expenditure		4,547,000*	765,000	2,450,000

* SOME capital expenditure is subject to MoT confirming their contribution and without which some projects may not proceed.

PROSPECTIVE STATEMENT OF MOVEMENTS IN EQUITY			
	30 June 2025	30 June 2026	30 June 2027
Opening Equity as at 1 July	5,631,558	8,821,316	9,043,034
Capital Contribution - JV Partners	1,520,000	370,000	310,000
Capital Contribution - MOT	1,679,491	-	1,800,000
Plus Profit (Loss) for the year	(9,732)	(148,282)	(287,104)
Total increase/(decrease) in equity	3,189,758	221,718	1,822,896
Closing Equity as at 30 June	8,821,316	9,043,034	10,865,930
PROSPECTIVE STATEMENT OF FINANCIAL POSITION			
	30 June 2025	30 June 2026	30 June 2027
Equity	8,821,316	9,043,034	10,865,930
Total Equity	8,821,316	9,043,034	10,865,930
Current Assets			
Cash and Cash equivalents	65,046	49,579	52,290
Trade and other receivables	110,882	110,882	110,882
	175,928	160,461	163,172
Current Liabilities			
Trade and other payables and accruals	200,000	200,000	200,000
Working Capital	(24,072)	(39,539)	(36,828)
Non Current Assets			
Property plant and equipment	8,845,388	9,082,573	10,902,758
Total Net Assets	8,821,316	9,043,033	10,865,930

Appendix 3: Capital Investment Plan

Whangārei District Airport: Capital Investment Plan

Schedule	Task	Comments	Cost Est	Priority
2024/25				
RFS Operational Hangar & Base	RFS Operations	Project funding carried forward from 2022/23 year. Contribution MoT Capex plus Better Off Fund	1,990,000**	HP
Upgrade navigation lighting	Programmed Preventative Maintenance	Harbour approach lighting – new sealed and integrated units	60,000**	HP
Apron Extension	Increased airport operations	To provide needed improvement to infrastructure around terminal. More aircraft parking is needed, to increase Air NZ and corporate aircraft capacity	1,500,000**	HP
Apply emulsion coat on runway	Preventative Maintenance	Project funding carried forward from 2022/23 year (\$100k).	141,000**	HP
Seal Taxiway Alpha (Currently grass surface)	Airport operations requirements	To provide needed improvement to infrastructure around terminal. More aircraft parking is needed especially in the winter month	650,000	HP
Power & Capacity Upgrade	Required for any further development	Increased electrical capacity required for new building developments	50,000	HP
Reform and reseal hanger access road	Airport Commercial operations	Services existing commercial tenancies and access obligations.	156,000	HP
		TOTAL 2024/25	\$4,547,000	

2025/26				
Standby Generator for all airport (Installed)	Backup Power Reduce vulnerability	Current backup generator powers nav lights only. Airways NZ asset, nearing end of life.	65,000	HP
Café Revamp Stage 1	Airport Commercial	Replace existing countertops, Chattels and layout to maximise space and front of shop improvements - attract new long-term tenancy	150,000	Dev

Hangar Development	Airport Commercial	New infrastructure to accommodate commercial development of private hanger space, access and fencing etc	100,000	Dev
Carpark extension	Development and manage increased parking requirements	25% more passenger capacity will translate to increased carpark revenue	450,000	HP
		TOTAL 2025/26	\$765,000	

2026/27				
Power Capacity & Upgrade (EVs)	Increase airport operation and services	Meet growing demand for EV users	100,000	Dev
Café Revamp Stage 2	Airport Commercial	Upgrade Back of House including extraction and grease traps.	200,000	Dev
Fencing – Front of Airport and gates	Improved airport operation	Improved security anticipated with carpark expansion	200,000	LP
Entry Driveway Footpath & Access Drainage	Improved safety	Construction of footpath for pedestrians and cyclists to terminus – dedicated raised crossing to tame vehicle and pedestrian interface	150,000	MP
RFS 2 nd Truck	RFS Operations	Provide future resilience to RFS - existing second-hand appliance-stop back in preparation of MoT future funding through JV,	1,800,00	MP
		TOTAL 2026/27	\$2,450,000	

HP - High priority MP - Medium priority
 LP - Low priority Dev - Development Opportunity

** carried forward from 2023/24

5.1 Rosvall Sawmill Rezoning Private Plan Change – Notification of Lodgement

Meeting: Strategy, Planning and Development Committee
Date of meeting: 18 July 2024
Reporting officer: Philip Waters (Senior Planner – District Plan)
 Robert Burgoyne (Kaiārahi Pūkenga – District Plan)

1 Purpose / Te Kaupapa

To update the Committee on a Private Plan Change Application that has been received. The Application seeks to rezone the Rosvall Sawmill from Rural Production Zone to Strategic Rural Industries Zone.

2 Recommendations / Whakataunga

That the Strategy, Planning and Development Committee **notes** the Rosvall Sawmill Rezoning Private Plan Change – Notification of Lodgement.

3 Background / Horopaki

A request for a Private Plan Change has been made by Rosvall Sawmill Limited to Whangarei District Council proposing the rezoning of the subject site. The application was formally received on 9 July 2024 and has been brought before the Committee at the earliest possible opportunity given the statutory timeframes for a decision.

Pre-application meetings have been held between Council staff and the Applicant, with Council being required to maintain confidentiality through that process. As such updates within the operational report have been high level, indicating that an application is expected. The applicant has undertaken consultation with all adjoining property owners and other parties which may have an interest in the proposal, including local hapū. The Application has been circulated to Patuharakeke Iwi Trust Board as required under the Mana Whakahono ā Rohe.

The 9.2 ha site (658 Whareora Road) is currently zoned Rural Production Zone. The applicant seeks a change the zone to Strategic Rural Industrial Zone. Rosvall Sawmill own the land and operate the established Rosvall Sawmill. The sawmill has been processing raw wood materials for the past 50 years at this location. The rezoning sought by this proposal is intended to support the long-term operation of the Rosvall Sawmill and if successful would negate the need for future resource consents under the District Plan to enable expansion of its operations.

The Plan Change area encompasses the area in the map below.



4 Discussion / Whakawhiti kōrero

Any individual may submit a request for a Private Plan Change to the Local Authority. Upon receiving a Private Plan Change application, the Council is required to assess both the application and supporting evidence to determine its adequacy. Based on this assessment, the Council must make one of the following decisions:

- Adopt the entire request, or part of it, as if it were a proposed plan initiated by the local authority;
- Accept the request, either wholly or partially, and proceed to notify it publicly;
- Decide to treat the request as if it were an application for a resource consent; or
- Reject the request, either wholly or partially.

The decision to adopt, accept or reject the request will be brought to the Strategy Planning and Development Committee in due course.

The local authority must notify the applicant of any additional information required within 20 working days of receiving the application. Currently, Council officers are reviewing the

application to ascertain its sufficiency for further processing. Additionally, consultants have been engaged to evaluate specific technical reports supporting the application.

If Council officers determine that the application, along with its supporting evidence, is adequate to formulate a recommendation on its progression, Council must reach a decision within 30 days from the date of application lodgment.

If Council officers determine that additional information is necessary from the applicant, the applicant must gather the required evidence and submit it to Council to advance the Private Plan Change process. Upon submission of additional evidence, Council has 15 days to request any further necessary information or 30 days to make a decision to adopt, accept or reject the request.

4.1 Financial/budget considerations

The costs of processing a private plan change are borne by the applicant.

4.2 Policy and planning implications

The effect of the private plan change, were it to become operative, are that the property would be subject to the provisions of the Strategic Rural Industries Chapter with appropriate modifications, and the District Wide provisions of the Whangarei District Plan, rather than the Rural Production Zone.

4.3 Options

This report is for noting. Committee will receive options to progress the private plan change in due course, as noted in the Discussion.

4.4 Risks

No risks have been identified at this stage.

5 Significance and engagement / Te Hira me te Arawhiti

The decisions or matters of this Agenda do not trigger the significance criteria outlined in Council's Significance and Engagement Policy, and the public will be informed of the application if Committee decide to adopt or approve the application.

5.2 Operational Report – Strategy, Planning and Development July 2024

Meeting: Strategy, Planning and Development Committee

Date of meeting: 18 July 2024

Reporting officer: Dominic Kula (General Manager – Planning and Development)
 Aaron Taikato (General Manager – Strategy and Democracy)

1 Purpose / Te Kaupapa

To update the committee on the operations of the services that the Strategy and Democracy Group, and the Planning and Development Group are responsible for.

2 Recommendation / Whakataunga

That the Strategy, Planning and Development Committee notes the Strategy and Democracy and Planning and Development Operational reports for July 2024.

3 Background / Horopaki

The purpose of the Strategy, Planning and Development Committee is to update Councillors on operational matters relating to the Strategy and Democracy and Planning and Development Groups.

4 Significance and engagement / Te Hira me te Arawhiti

The decisions or matters of this Agenda do not trigger the significance criteria outlined in Council's Significance and Engagement Policy, and the public will be informed via Agenda publication on the website.

5 Attachments / Ngā Tāpiritanga

Attachment 1 – Operational Report – Planning & Development – June 2024

Attachment 2 – Operational Report – Strategy & Democracy – July 2024

Operations Report Strategy and Democracy

July 2024

Contents

1. Democracy and Assurance3

2. Strategy8

3. Māori Outcomes.....12

1. Democracy and Assurance

1.1 Health and Safety

No physical Health and Safety issues due to the nature of the work but continuing to monitor wellbeing of staff as workload continues to exceed available resources.

1.2 Current Priorities

- Supporting the final stages of deliberations and adoption of the Long Term Plan process.
- Adhering to Legislative requirements. This includes meeting the LGOIMA requirements for Council meetings (agenda preparation and public notices) as well as responding to LGOIMA requests. This is proving to be increasingly challenging with an increase of late reports coming to the Democracy team.
- Dealing with ad-hoc requests for advice to the Legal team in a timely manner, and co-ordinating the Council submissions to Central Government Legislation Changes which are coming through with very tight timeframes.

1.3 Performance measures and compliance

Our Democratic functions are transparent and meet the legislative requirements.

Performance Measure	2023 – 24 Target	Compliance Year to Date
Responses to requests for information made under the Local Government Official Information Act 1987 and the Privacy Act 2020 are provided within relevant statutory timeframes.	95%	99.02%

Performance Measure	2023 – 24 Target	Compliance Year to Date
Percentage of Council, committee and hearing agendas that meet relevant legislative timeframes.	100%	100%

1.4 Current challenges/issues

Providing timely agendas remains a challenge for the Democracy Team.

Council's Professional Indemnity and Public Liability insurance policies renewed on 30 June 2024. This has been a challenging insurance placement due to insurers in the London market refusing cover to local governments in New Zealand. Recent case law developments with weathertightness exemptions and joint and several liability have demonstrated that these claims are high risk for insurers. To obtain coverage Council has had to accept a high premium increase, higher excesses, and a lower loss limit.

1.5 Overview of Operational Activities for June

The Democracy Team supported two Council meetings, seven Committee meetings, three Council Briefings, and two Council Workshops in June. Sixteen alcohol license applications were processed through the District Licensing Committee.

Official Information Requests

Council received 29 Official Information requests for the month of June 2024, which brings our total for the year to 204.

8 of the requests received in June have been closed and the remaining 21 are in the process of being completed. All closed requests have been completed within the legislative timeframes.

The legislative timeframe to respond to an official information request is 20 business days.

Requests vary in complexity, and staff time to respond to requests changes accordingly. While some requests are straightforward, others may need substantial amounts of information from multiple departments. At times, requests can raise issues that need to be addressed by the relevant department outside of the LGOIMA process.

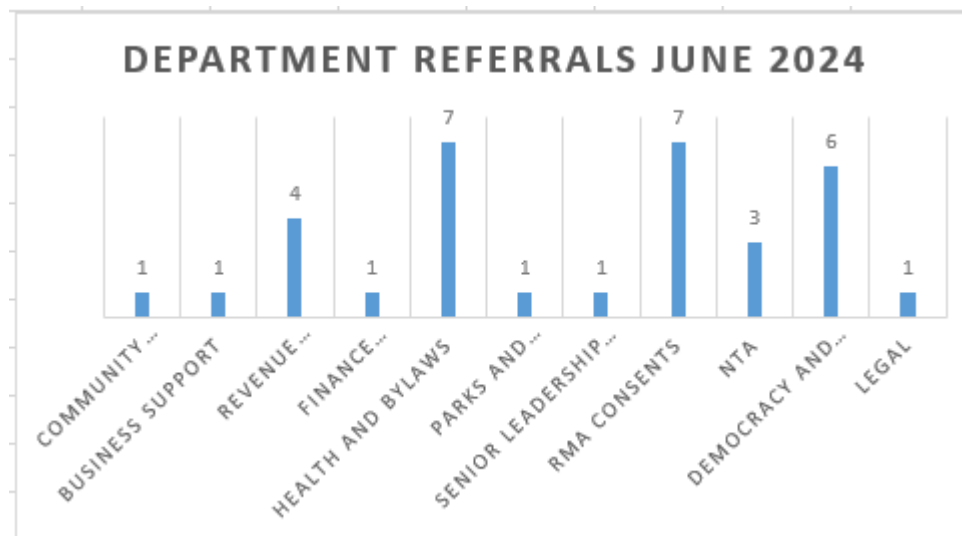
Staff have reviewed the 8 completed requests for June 2024 to provide the following information:

The table below outlines the number of days requests took to complete.

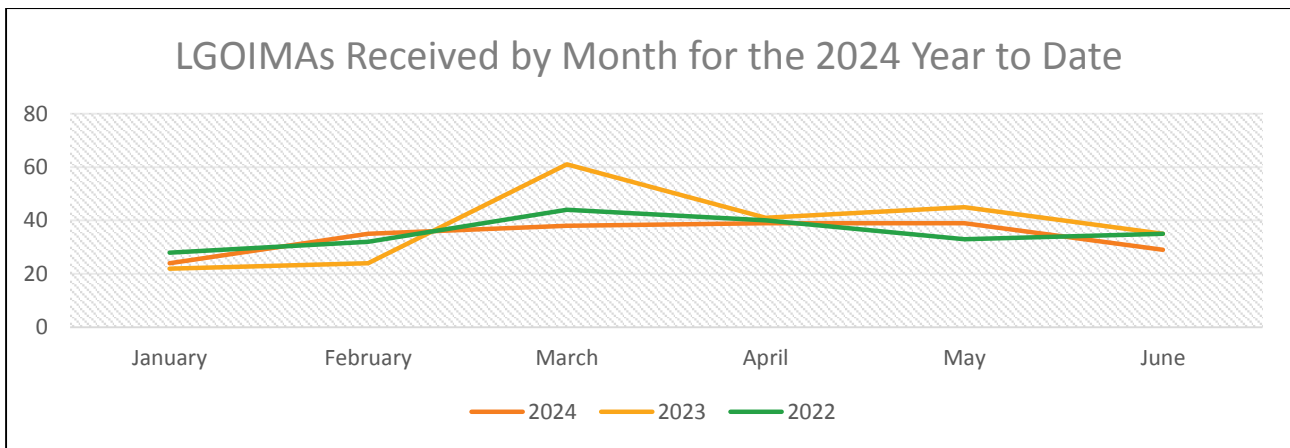
Number of days to complete	Number of Requests
0-4 Days	5
5-9 days	2
10-14 days	-
15-20 Days	1

Different departments are responsible for requests that fall within the scope of their functions, and in some cases, multiple departments are involved. In June, the 29 requests received were referred to the departments as shown in the graph below.

Some requests include more than one department. The numbers shown on the graph may not be the same as the number of requests received in any given month.



Tracking graph of LGOIMA requests received by month in relation to previous years.



Council Controlled Organisations and Council Controlled Trading Organisations (CCOs/ CCTO)

Council's CCOs are Whangārei Art Trust, Whangarei District Airport, Northland Events Centre (2021) Trust, and CCTO, Northland Regional Landfill Limited Partnership (NRLLP).

Every council-controlled organisation must prepare and adopt a Statement of Intent (SOI) in accordance with section 64A of the Local Government Act.

The purpose of the SOI is to advise how each organisation will achieve its objectives for the next financial year. It allows for shareholder feedback and provides accountability for the performance of the organisations.

The draft SOIs went to each CCO and CCTO's respective Committee meetings earlier this year, and the final SOIs are ready to be adopted by Council in the July Committee meetings.

Once the final SOIs have been approved, they will be published on Council's website.

Risk Management

The second quarterly Risk and Audit Committee meeting for the year was held on 6 June 2024.

The recruitment process is well underway for a replacement Risk and Audit Chairperson after the resignation of Richard Briggs. Staff anticipate that a report will be brought to Council in July to appoint the new Chair.

The Risk Management Framework is being thoroughly updated, alongside other workload commitments (of both the Risk Management Adviser, and other staff across the organisation whose input is required). Once completed, the Framework will be workshopped with Elected Members.

Insurance Briefing

A Council Briefing on insurance occurred on 19 June 2024. This agenda report explained in detail the context and difficulties in the insurance market and the placement of insurance coverage. Council's insurance broker Matt Meacham from Marsh was present to answer questions on Council's insurances.

This Briefing outlined the current challenges in placing Professional Indemnity and Public Liability insurance. Staff additionally sought feedback from Council on options to attempt to lower insurance premiums by reviewing assets, increasing excesses, lowering loss limits etc. Staff will now review insurance asset schedules and the options posed, to identify comparisons and potential benefits or savings.

Professional Indemnity and Public Liability Insurance Renewal

The Professional Indemnity and Public Liability insurance renewal occurred on 30 June 2024. Due to the challenges in placement of Professional Indemnity insurance, staff sought an alternative quote from another insurance broker to compare with that of our current insurance broker.

After comparing the two quotes (including the loss limits, excesses, and premiums), the Chief Executive decided to support the policy terms of Marsh, our current broker, as the stronger proposal.

Insurance renewed on 30 June 2024 with a loss limit significantly lower than it has been in previous years, meaning we cannot claim as much insurance costs within a year. The standard excess has also increased, alongside an additional higher excess for Building Act claims.

The premium has increased by 78.8% which is lower than anticipated. Moving forward options will be considered to increase the loss limit, which would raise the insurance premium costs but offer better coverage to manage the risk.

1.5.1 Risk to the Tiriti Relationship

For Democratic, Legal, and Assurance, at an operational level there are no current risks to the Te Tiriti Relationship that have been identified. It is recognised that supporting the democratic process brings with it obligations under Te Tiriti and The Treaty which the department try to support through provision of democratic services.

1.5.2 Delegated Financial Authority Policy

The current Delegation Financial Authority Policy has been reviewed and a draft policy, along with any changes to the Delegation Register, will be taken to Council in July 2024.

1.6 Legislation changes or updates

Staff will continue to advise Council based on current legislation and are monitoring legislative changes that are coming through parliament for implementation. There are a lot of changes that are being signalled by the Government but until they are in place, or open for consultation, Council is unable to act upon the proposals. We regularly review what legislation is open for consultation and ensure that Council provide submissions on items of relevance to the district.

1.7 Future Planning / What's coming next?

The Democracy and Assurance department is a department which has a reoccurring, rolling programme of work relating to the Council meetings and legislative deadlines. The other areas or the team work on a request basis so workloads fluctuate. This includes continuing to support the Long Term Plan for the adoption Council meetings.

Following the insurance Briefing, staff will begin looking at asset schedules and options to achieve better value for money spent on insurance premiums. This work will be completed in advance of the insurance renewal on 1 November 2024, in which all policies (excluding Professional Indemnity and Public Liability) are renewed.

Council is in the early stages of beginning an internal audit on privacy in accordance with our Internal Audit Plan. This will look at processes for investigating privacy breaches, alongside other requirements in the Privacy Act 2020.

2. Strategy

2.1 Health and Safety

The existing team workload is high with no additional capacity. Staff have been working overtime consistently to meet existing work demands. Overtime demands remain for the Future Development Strategy, and overtime is likely for the Dog Bylaw. Other departments are also impacted by the workload of the department in particular the Democracy and Communications staff.

2.2 Performance measures and compliance

Our policies and strategies remain up to date and relevant to the community.

Performance Measure	2023 – 24 target	Compliance
Percentage of policies, bylaws and strategies that are reviewed within the relevant statutory timeframes.	100%	<p>Review of organisation-wide compliance has been completed.</p> <p>43 statutory documents:</p> <p>8 – due / overdue for review and review is underway.</p> <p>35 – compliant.</p>

2.3 Current challenges/issues /risks

Resourcing

Consultation on the Dog Management Policy and Bylaw has consumed more staff resources than anticipated. This has delayed progress reviewing the alcohol ban areas under the Alcohol Control Bylaw, and the start of the review of the Public Places Bylaw and Control of Advertising Signs Bylaw.

Submissions tool / FDS

- Staff are working with the ICT and Communications departments to develop a consultation tool suitable for the Future Development Strategy. This is necessary for a user-friendly submissions process and to allow staff to undertake a better process when summarising submissions and getting feedback to Elected Members in timely manner.

2.4 Overview of Operational Activities for July 2024 & Next steps

Project	What we did in July	Next steps
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Corporate Planning		
<i>2024-34 Long-Term Plan (LTP)</i>	<p>Financials completed and forwarded to Audit.</p> <p>Financial and infrastructure Strategies updated.</p> <p>Staff, GM and CE review of draft LTP.</p> <p>Draft LTP forwarded to Audit and Hot Review with the Office of the Auditor General (OAG) commenced.</p> <p>Council adopted Fees & Charges, Rates Remissions and Postponement Policy, Early Repayment of Rates Policy and the Significance & Engagement Policy.</p>	<p>Feedback from Audit and the OAG to be incorporated into the draft LTP.</p> <p>Final staff, GM and CE review and preparation of the adoption reports.</p> <p>Council to adopt the LTP, Revenue and Finance Policy, Development Contributions Policy and the Rates Resolution.</p>
<i>2023-24 Annual Report</i>	<p>May CPM entries completed.</p> <p>Majority of activity managers have reviewed and provided “what we do”, “effects on community” and “key achievements” content.</p> <p>Stormwater measures entered and now all measures are up to date.</p>	<p>June CPM entries to be completed.</p> <p>Final EOY stats to be produced.</p> <p>EOY stats to be combined with activity commentary and reviewed by activity managers.</p>
Spatial Planning		
<i>City Centre Programme: Knowledge Precinct Plan</i>	Contract preparation.	<p>Begin formal work on spatial planning for the precinct.</p> <p>Undertake meetings with PAB to understand requirements for KEA and integrate process for precinct plan and KEA delivery.</p>
<i>Placemaking Programme: Parua Bay and Waipu</i>	The Placemaking Plans for Parua Bay and Waipu were adopted by Council on 27 June.	<p>Upload the plans and supporting documents to the WDC webpage.</p> <p>Reach out to the Parua Bay and Waipu communities to let them know of the adoption of the plans and share the final plans.</p> <p>Present the plans to the internal WDC teams.</p> <p>Close Parua Bay and Waipu processes with necessary handovers to delivery teams.</p>

<i>Future Development Strategy (FDS)</i>	Prepare draft FDS and other supporting documents. Seek feedback from Elected Members on draft FDS. Finalise FDS consultation document and supporting documents.	Seek adoption from WDC and NRC of the Future Development Strategy for public notification and engagement.
<i>Northern Growth Area – Springs Flat</i>	Internal project planning meetings.	Internal workshopping with stakeholder begins ahead engagement with hapū (TBC).
<i>Hospital / SH14 IBC</i>	No action expected. Current stage is complete.	
Statutory Policies & Bylaws		
<i>Alcohol Control Bylaw</i>	Preparing proposal for consultation	Adopt Statement of Proposal at August Council meeting
<i>Psychoactive Substances Policy</i>	Revoked at June Council meeting.	N/A
<i>Easter Sunday Shop Trading Policy</i>	Readopted at June Council meeting	N/A
<i>Dog Management Policy and Bylaw</i>	- Submissions analysis - Prep for Hearing on 3 July - Prep for Briefing on 23 July	- Issues & options Briefing 23 July - Deliberations on 28 August - Adopt Policy & Bylaw at September Council meeting
Climate Change		
WDC lead		
<i>Climate Adaptation Programme - Whangaruru Ōākura catchment</i>	The WDC team, in collaboration with the Ngatiwai Trust, visited the Whangaruru/Oakura field site to identify and understand flood-prone areas and the impacts of extreme weather events on coastal communities.	Connecting with stakeholders and hapū. Building the project and engagement plan. Continue to strengthen relationships with stakeholders.
<i>Punaruku flood mitigation – Better Off funding</i>	Pending confirmation of LTP budgets – staff across WDC will work with Awa Working Party & NRC to find funding for preferred pathway. At the time of writing NRC have confirmed \$790k (from central government flood resilience funding) to cover bunding and benching and processes surrounding the development of easements.	A Cultural Impact Assessment will be prepared to support regulatory applications for the works. Project is considered as part of the Ōākura Whangaruru Pilot work. The Awa Working Party is meeting about their involvement and approach to engagement with Council moving forward. Awaiting response from Waka Kotahi and adoption of the 2024-34

		LTP to confirm available budget for remaining components of the project.
<i>Hapū led adaptation - Better Off Funding</i>	Review of communication documents for the Hapū-led Adaptation Better Off Funding is nearing completion for imminent release.	Advertisement of fund. Assessment of applications.
Regional Collaboration		
<i>Climate Adaptation Te Tai Tokerau (CATT)</i>	The Climate Adaptation Te Tai Tokerau (CATT) team, a partnership between all four Northland councils and tangata whenua representatives, is currently designing the website structure.	Proceed with developing the website based on the finalised structure.

2.5.1 Risk to the Tiriti Relationship

The Department work programme presents risks to Council's relationship with its Te Tiriti partners, primarily due to project timeframes and resourcing impacting the ability to have meaningful engagement. Project teams, facilitated by Māori Outcomes, have communicated the benefits of working together while also communicating the constraints and risks transparently to hapū.

2.6 Legislation changes or updates

No updates specific to this department.

3. Māori Outcomes

3.1 Health and Safety

No work environment related issues raised, continue to monitor workload.

3.2 Current Priorities

Ongoing priority is enhancement of organisational cultural capability and engagement with Māori.

Māori Outcomes have also been supporting the setup for what has been a long-standing item from the Whangārei Tribes in the form of a Treaty of Waitangi audit. This will take a staged approach within the current term initially set to be conducted via workshops through June, but now scheduled for July.

- **Stage One (July)** | A stocktake via workshops of the current state of the relationship between Māori and Council Governance and Operations.
- **Stage Two (Sep-Oct)** | An assessment of the opportunities and challenges elicited from the stage one workshops for the relationship between Māori and the Council.

3.3 Performance measures and compliance

Council will take appropriate account of the principles of the Treaty of Waitangi by maintaining and improving opportunities for Māori to contribute to local government decision-making processes.

Note: Due to no service level indicators in the Long-Term Plan 2021-2031, following measures reflect responsibilities of Māori Outcomes until the LTP 2024-34 comes into effect.

Performance Measure	2022 – 23 target	Compliance
Collaborate and lead the development and continuous improvement of tools, frameworks, and materials that enhance organisational cultural understanding, capability, and improved delivery.	100%	The cultural capability survey has been reviewed and has provided good data to inform the cultural capability framework.
Develop a framework to increase Council's competency and understanding of effective engagement with Māori including developing capability around Māori culture and traditions, enhancing processes to support Māori outcomes and to develop Māori capacity to contribute.	100%	Operating in lieu of an engagement framework and without budget, the framework design remains in suspension. Internal Māori engagement guidelines have been drafted
Enhance the Māori Community's understanding of council business and operations through establishing and maintaining effective working relationships with their representatives.	100%	Ongoing for urban and coastal based whānau/hapū & three of the six tribal entities who sit across the district. Due to little Council activities for inland rural whānau/hapū, relations are being grown within Whangārei-wide initiatives and activities.
Work alongside hapū/iwi to ensure they have effective opportunities to engage meaningfully with the Council in respect of their environmental, co-governance,	100%	Ongoing for urban and coastal based whānau/hapū & three of the six tribal entities who sit across the district. Due to little Council activities for inland rural whānau/hapū, relations are being grown

wāhi tapu, kaitiakitanga and other aspirations.		within Whangārei-wide initiatives and activities.
Lead the provision of advice and guidance from a Māori perspective on policy, technical and development issues undertaken by management and council committees.	100%	Ongoing, with Koha and Payment policy sitting in draft.
Work collaboratively at a strategic level to ensure that WDC's response to upcoming changes within Local Government are reflective of its commitment to long term, effective partnership with mana whenua.	100%	With a new government formed, this now sits in suspension. With a new government now formed, this work will now to be reviewed and implemented as it becomes available.
Provide expert advice on the impact of changing legislation relating to Māori on internal processes and protocols.	100%	With a new government formed, this now sits in suspension. With a new government now formed, this work will now to be reviewed and implemented as it becomes available.
Lead the proactive facilitation of opportunities and challenges between Māori and council to enhance relationships and outcomes.	100%	Ongoing for urban and coastal based whānau/hapū & three of the six tribal entities who sit across the district. Due to little Council activities for inland rural whānau/hapū, relations are being grown within Whangārei-wide initiatives and activities.

3.4 Current challenges/issues

Māori Engagement | Engagement practices with hapū delegates/delegations continue to pose both challenges and opportunities. The challenges primarily concern areas with overlapping interest and impact on urban based hapū capacity who are fielding large volumes of work across their tribal areas.

Cultural Capacity | Cultural capacity building across operations remains in a case-to-case basis, assisting across a large volume 'cultural support'. A business case for how cultural capacity can be formally built in to support WDC has been drafted, which will be progressed in due course to SLT.

Otherwise, Māori Outcomes capacity remains engulfed in total to act in lieu of formal frameworks to support both Council and the Whangārei Hapū.

While Māori Engagement has been provided a boost in the LTP, resourcing to support the development of a framework which best identifies the cultural competency needs across operations remains a gap.

3.4.1 Risk to the Tiriti Relationship

Māori engagement is layered with cultural, historical, relational, and societal complexities which require a level of local intelligence to ensure effective relations. Māori engagement for Whangārei District Council aligns to both the general and Treaty orientated statutory obligations regarding the 'views', 'diversity', and 'interests' 'of all its communities', while maintaining and improving 'opportunities for Māori to contribute to local government decision-making processes.'

Māori engagement is fostered across three tiers for which Whangārei district-based hapū are represented.

NGĀ HAPŪ O WHANGĀREI | TE HUINGA | TE KĀREAREA

- The Te Kārearea Strategic Partnership Standing Committee is the Council committee which half of the membership of eight members is made up by hapū appointments.
- Te Huinga is a hapū forum established to provide an interface with Whangārei District Council who also facilitate hapū member appointments to Te Kārearea now in their second term as a standing committee in the Council's governance structure.
- While both Te Huinga and Te Kārearea are the two Whangārei hapū representation bodies for the full collective of Whangārei district-based tribes, not all hapū are active members within Te Huinga nor participate in the appointment process to Te Kārearea.

To this end and Whangārei District Council's prioritisation of hapū agency via mandated hapū delegates/delegations, provides for wider engagement coverage. Within this space an informal forum allows for all hapū of Whangārei to engage priority Council matters of importance, programs, and activities.

However, while three representative tiers might appear robust for Māori engagement purposes, capacity-and-capability within non-resourced based working spaces for hapū, coupled with vastly various levels of urban and rural based priorities and activities, adds further complexity to providing full coverage and therefore prior and informed engagement.

3.5 Overview of Operational Activities for June

Cultural Capability support for:

- Internal whakatau
- Treaty/Tiriti Training
- Treaty/tiriti Health-Check
- Hīhīaua lease | Hapū Hui
- Māori Services/Engagement policy
- Incorporation of tikanga/provision to allow evidence to be given in te reo Māori in District Licensing Committee meetings
- Whangārei Hapū historical records | Library
- Hapū support/cadet role.

Māori Engagement support for:

Hapū/Iwi Engagement

- Airport location study
- Pātāua Groynes
- Te Kotahitanga o Ngā Hapū o Ngāpuhi (Waitangi Tribunal claims)
- Aotearoa Reorua | Whangārei 2026 (Te Huinga)
- Northern Growth Project
- Military Exercise
- Parihaka | Drummond Track
- Recreation Hub
- Hīhīaua lease
- Māori Wellbeing Fund
- District Plan Review | Matters of importance to Māori.

Hapū Engagement

- Resource Management Consents
- Municipal Building

- Kamo Reservoir
- Parua Bay Skatepark.

Internal Meetings

- Infrastructure Planning
- Resource Management
- Infrastructure Capital Programmes
- Papakāinga contestable fund
- Homelessness | Operational Meeting
- Boat ramp | Kauri Protection Plan.

Te Kārearea | Standing Committee

- June Standing Committee meeting.

3.5.1 Delegated Financial Authority Policy

Nothing to note.

3.6 Legislation changes or updates

The new government has been quick to work on a suite of legislative changes largely rolling back significant initiatives implemented by the previous government affecting local government. While the previous government were committed to strengthening the nation's Tiriti o Waitangi responsibilities, the new coalition government have signalled a different approach to how it sees the nation's responsibilities under the Tiriti o Waitangi.

3.7 Future Planning / What's coming next?

Ongoing development and improvement of tools, frameworks, and materials that enhance organisational cultural understanding, capability, and improved delivery.

Continued development of a framework to increase Council's competency and understanding of effective engagement with Māori, including developing capability around Māori culture and traditions, enhancing processes to support Māori outcomes, and to develop Māori capacity in decision-making.

Operations Report Planning and Development

June 2024

Contents

1..... District Plan.....	3
2..... District Development	7
3..... RMA Consents.....	11
4 Building Department	15
5..... Health & Bylaws.....	18
6..... Group Requests.....	19

1. District Plan

1.1 Health and Safety

Nothing to report.

1.2 Current Priorities

1.2.1 Maintenance and Review Work

Maintenance and review work for the District Plan has continued in accordance with the requirements of the Resource Management Act 1991 (RMA). The following have been key priorities over the past month:

- **PC1 - Natural Hazards**

Council officers are preparing to complete the Right of Reply Report by mid-July. A recommendation from the hearing panel is expected a month or two following the right of reply.

- **General Amendments**

Documentation required to inform a proposed General Amendments plan change has been completed. A separate report will be taken to the July Strategy, Planning and Development Committee meeting to seek a decision of Council to notify the Plan Change.

- **Matters of Importance to Māori**

Key dates for the project have been extended to allow hapū sufficient time to prepare responses to the scoping request as follows:

- Interested iwi and hapū to submit expressions of interest by early-mid July 2024.
- Council officers to review expressions of interests by mid-end of July 2024.
- Council officers to work with partners to enter into contracts and sign data sovereignty agreements by September 2024.

A total of 4 formal scoping request responses have been received so far. The team will be looking to review and evaluate these in the coming month.

- **Ecosystems and Biodiversity**

Council officers have previously undertaken work on a potential Ecosystems and Biodiversity plan review topic to give effect to the National Policy Statement for Indigenous Biodiversity (NPS:IB). In May 2024 Central Government introduced the Resource Management (Freshwater and Other Matters) Amendment Bill ("the Bill").

The key change proposed in the Bill is to suspend the requirements for councils to identify Significant Natural Areas (SNAs) and notify a plan change to include the SNAs in district plans. The timeframe has been extended by three years until 31 December 2030. The timeframe extension is intended to allow time for Central Government to undertake a review of the operation of SNAs more broadly.

The extended time frame does not apply to clause 3.16 of the NPS:IB (which relates to indigenous biodiversity outside of SNAs). Local authorities are still required to notify a plan change to give effect to clause 3.16 and 3.24 of the NPS:IB by August 2028.

The Bill clarifies that it does not affect councils' existing obligations under the RMA. These obligations include recognising and providing for the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna. In addition, the Bill does not alter the existing requirements in the Northland Regional Policy Statement, which require local authorities to have provisions in district plans to maintain and protect significant ecological areas and habitats.

It is also noted that the operative Ecosystems and Indigenous Biodiversity Chapter in the Whangārei District Plan is due for review in accordance with section 79 the RMA, which requires local authorities to commence a review of district plan provisions every 10 years.

Given the complexities of the current policy framework, and potential for further changes to the NPS:IB, an options report is being prepared to guide decision-making on the timing and scope of a potential Ecosystems and Biodiversity plan review topic.

Noting the form of a potential plan change (if any) will need to be worked through with elected members, the Ecosystems and Biodiversity topic will be discussed with hapū as part of the Matters of Importance to Māori plan review work given it has been raised as a matter of cultural importance.

1.2.3 Housing and Business Capacity Assessment

Council Officers have continued work toward publishing our second Housing and Business Capacity Assessment (HBA) in mid-2024. Following the publication of the HBA, we are required to publish key performance indicators relating to land supply on an annual basis that will inform future iterations of our HBA.

We have scheduled a Council briefing in July to discuss the findings of the HBA and what this means for our future planning for the District. Staff are currently reviewing Government announcements around 'Going for Housing Growth' with a view to considering the implications of these alongside the HBA, should that be possible based on the information and timeframes available.

1.2.4 Monitoring

Council Officers are currently working to set up a steering committee to discuss how we resource and prioritise work required to dispense with our monitoring requirements under the RMA. This work is a first step toward making improvements to the way we carry out our monitoring functions under the RMA.

1.2.5 Private Plan Change

Council Officers have been in discussions about a private plan change which is expected to be lodged in June. The detail of this private plan change are confidential and need to remain as such until lodged. At the point the private plan change is lodged Council will have 30 days within which to make a decision to either:

- Adopt the request, or part of the request as if it were a proposed policy statement or plan made by the local authority itself; OR
- Accept the request, in whole or in part; OR
- Reject the request where there is scope to do so in accordance with the requirements of the RMA.

If 'adopted' or 'accepted' notification of the plan change will follow.

It is likely that this decision will need to be made at the July Strategy, Planning and Development Committee meeting. Council Officers will provide a briefing to Council on the private plan change ahead of this decision point.

1.2.2 ePlan

The planning phase for further improvements to the ePlan software is underway. This work will ensure compliance with the National Planning Standards and improve the user experience.

1.3 Performance Measures and Compliance

Develop, implement, and maintain a District Plan in accordance with the RMA whilst reflecting the desires of the community and issues of sustainability.

Performance Measure	2023 – 24 target	Compliance
Plan changes are researched, proposed, consulted and reported on as required by Council in accordance with the relevant statutory requirements.	100%	Achieved

1.4 Current Challenges/Issues

There are three main challenges in the work programme of the District Plan as outlined below.

1.4.1 Natural Hazards Plan Change

The Northland Regional Council (NRC) are in the process of amending flood hazard mapping to account for the impact of stormwater infrastructure on flood levels. We are also aware that the NRC may make other changes to the maps for a variety of reasons as new information comes to light. Council officers are currently reviewing the proposed map amendments and continue to maintain regular contact with the NRC.

In the case that the NRC map amendments are published, it would be necessary to incorporate amended hazard mapping into the District Plan in accordance with the requirements of the Northland Regional Policy Statement. The map amendments if published may be incorporated via a variation to Plan Change 1 or a new Plan Change at a later date. The statutory process used will depend on the nature, extent, and timing of published changes.

1.4.2 Sites of Significance to Māori and Significant Natural Areas

Data sovereignty issues associated with the proposed Sites of Significance Plan change and the Significant Natural Areas (SNA) work required under the NPS: IB must be well managed, along with the strategy to produce the work in a partnered and co-designed way. This plan change requires hapū to identify and offer their knowledge into the process. This requires a level of trust around the sharing of this knowledge, and a clear and shared understanding around how this knowledge will be used.

Managing this matter in the procurement of this work, along with ensuring the engagement strategy provides equal opportunity for all hapū to be involved in this mahi, are fundamental to the success of this work.

1.5 Overview of Operational Activities

1.5.1 Risk to the Tiriti Relationship

The Sites of Significance to Māori and Significant Natural Areas challenge noted above has the potential to pose a risk in this space if the work is not well managed.

1.5.2 Delegated Financial Authority Policy

Nothing to report.

1.6 Legislation Changes or Updates

In June the Central Government released a discussion document that proposes making it easier to build small, self-contained and detached houses. Feedback on this proposal closes on 12 August 2024. Officers have considered resourcing options for drafting feedback on this proposal, should this be something that Council wishes to pursue. Work on any response will be led by the Building Control department.

The following RM Reform related bills have been signaled by Central Government:

1. **Introduction of RMA Amendment Bill #2 (August 2024)** – Indicatively will cover changes to current legislation / policy direction for: Electrification; Housing; Forestry; Farming; Highly productive land.
2. **RMA replacement legislation (is planned to be in place by early 2026)**

1.7 Future Planning / What's Coming Next?

We continue to actively monitor any proposed changes to national direction to ensure ongoing alignment with our current priorities as outlined in Section 1.2.1. We are currently prioritising work for the next financial year and will look to bring in new work as appropriate as resourcing levels permit.

2 District Development

2.1 Health and Safety

Nothing to report.

2.2 Current Priorities

Regional Economic Development Strategy

The Department is acting as a conduit between Northland Inc., the Steering Group for Te Ōhanga Rautaki Whānui o Te Tai Tokerau, Te Tai Tokerau's Regional Economic Development Strategy and wider Council staff to ensure Council's workstreams and strategies are taken into consideration for the development of this strategy. While this was initially proposed to come back to Council in October 2023 for adoption, there have been delays in the process and at the time of writing there was still no clear date as to when this would be brought back to Council.

Business Friendly Council Initiatives

Staff have commenced engagement with selected departments to assess how they enable our communities to meet their aspirations by consistently and proactively delivering positive experiences through all interactions. With recent changes in staffing levels, the Department is now in a position to recommence this initiative.

Parihaka Transmission Mast

There has been no change in this matter since last reporting. The design for the Parihaka Communications Mast project has been completed and most of the contractor's pricing has been received. Consultation with the Hapū is finalised and it has been established that no consents are required for the work and from these aspects the project is ready to proceed. However, there is a challenge with transporting heavy construction machinery along Memorial Drive due to existing slips on both sides of the road. The geotechnical engineer could not guarantee the safety of the machinery passage. After discussions with the WDC Health & Safety Team, NTA, and LDE, it has been agreed that a detailed drone survey and numerical stability assessment of the slip will be undertaken. This assessment will determine the safe load capacities for this road section. Should the results be favourable, the results will be submitted to the NTA for approval, as the road is under their jurisdiction. NTA has agreed to have WSP peer-review LDE's findings before granting transport approval. Although this approach ensures safety and proper risk assessment, it will unfortunately delay the start of construction by approximately 2-3 months.

Next steps are confirmation of tenant's emergency plans in case of future failures and developing a future needs assessment to bring back to Elected Members for consideration on a framework to resolve the masts future.

Joint Regional CCO for Economic Development (JREDC)

The associated documents for Whangarei District Council becoming a shareholder of Northland Inc will go to all Councils in July for confirmation. At that stage, once WDC's LTP is adopted, the matters can be brought to Council for final approval.

Hihiaua Peninsula Consultation

Staff have facilitated an initial meeting between Hapū and the Trust, there is still a level of resistance from Hapū over the terms of the lease and it is felt that it would be useful to facilitate a small more focussed group to meet to see if the lease could be made more palatable to Hapū. At the time of writing Staff were seeking the views of the Trust on whether they would be amenable to further meetings. As it stands, the Local Government requirements to establish a long-term lease have been satisfied in such as the matter has gone out for consultation and submitters have been heard by Council. What remains is final approval from Council.

2.3 *Current Challenges/Issues*

Staff continue working towards concluding a number of backlogged property matters and will be reporting back to Council with a workshop on options for engaging with hapu on leasehold properties.

2.4 *Overview of Operational Activities through to June 2024*

2.4.1 *Economic Development*

Te Rerenga – Economic Development Strategy

While this was scheduled to come back to Council in October there were delays with no clear timeframe on when Northland Inc will report back to Council on this matter.

Business

Trading conditions remain challenging for businesses in the district, with many reporting a month-on-month decline in revenue and forward orders. Central Government's Budget 2024, released on 30 May, did not provide any programs that look to materially change these conditions.

The region's businesses also faced another unplanned interruption due to the well-documented failure of Transpower's transmission line into Northland on 20 June. While the majority of power was restored that evening, many large industrial users in the district remained offline until late Sunday, 23 June, once the temporary pylon was in place.

However, there was a positive end to the month with the reopening of SH1 at the Brynderwyn Hills at midnight on Wednesday, 26 June, in time for the Matariki long weekend. Initial feedback from businesses showed strong trading for hospitality, complemented by events around the district, while retail trade remained subdued.

Whangārei District Airport

- **Airport Rescue Fire Service (RFS) Building Project**

The construction contract has been signed and final design phase of the contract has commenced with actual site works and construction due to commence July 2024.

- **Airport Operations**

The airport is continuing to operate and comply with CAA requirements.

The regional power outage saw their systems and processes run well and from discussions with Air New Zealand, they were very happy with how the Airport team worked and kept them up to date with any information that Management were passing through. It did however highlight the lack of power capability that the airport has during this type of incident, and that there is not enough backup power supply to power the whole terminal and fuel pumps, but also the airport management office. Staff are working with Northpower to investigate how to spread the load of the current transformer over the phases better.

The Onerahi Soccer Club has had field lighting installed whilst they are having their main field revamped. Airport Management have been working with the contractors to ensure that the lights are not going to create an issue for aircraft within the Airports Obstacle Limitation Surface (OLS) S, or for any arriving and departing flights. Management have also requested that there is an obstruction light on the lighting tower closest to the runway to mark the obstruction and have had this noted in our latest update on WDA's AIP.

- **Noise**

There were no noise complaints during the month of May.

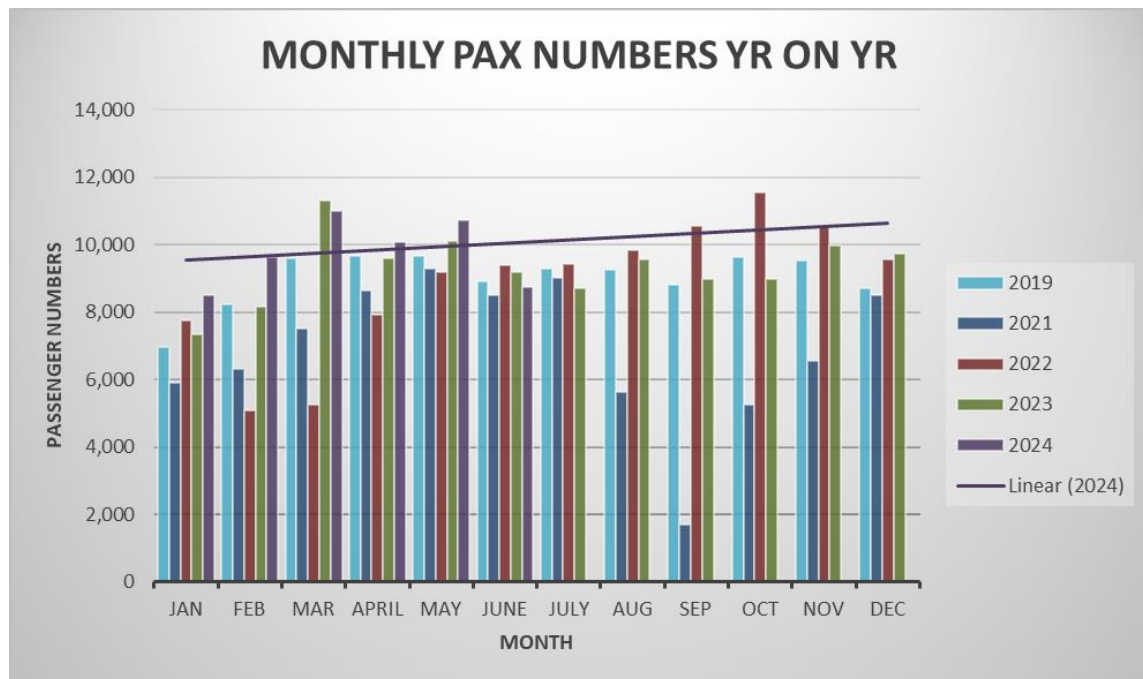
- **Scheduled flights**

Air New Zealand have had a difficult month through June. Unfortunately, weather and engineering have been big factors in flight cancellations and turn arounds, which will have a big impact on our passenger numbers and carpark income.

Air New Zealand have also advised that due to projected lack of demand, moving forward from 1 July through to late October, they will not be having a 2pm arrival or departure from Whangarei for all except 1 day each week, which will be predominantly on a Saturday. This will have an impact on our passenger numbers over the coming months.

- **Passenger Numbers December**

Passenger numbers for June 2024 were 8,730, down from 9,173 for June 2023. The 16 cancelled flights had a huge effect on numbers, however while numbers were down, the occupancy percentage was up to 84.6%, above the normal 80 – 82%.



Parking

Parking revenue for June'24 was \$15,967, which is down from \$17,246 for the same time last year. Flight cancellations from this month has been the predominant reason for the drop in car park income this month.

District Promotions

Come On Up! Domestic Tourism Campaign: Our new tourism campaign, "Come On Up!", kicks off on 15 July with a fresh look and slogan. It focuses on showcasing Whangārei as a vibrant, modern city with stunning natural landscapes and a wealth of discoveries awaiting. NZME is running an eight-page special section in the NZ Herald on 15 July, and we are complementing this with a full-page editorial/advertisement, a TikTok/social media campaign, and paid digital collateral that directs to our website.

Website Development: A refresh of WhangareiNZ.com is underway, featuring a new content strategy that emphasizes local engagement and updated listicle-style articles.

District Development Update: With several exciting events scheduled for the next year, we are focusing on building a database of operators to whom we can provide information and collateral to help them promote their businesses to the Auckland and domestic markets. These events include LAB, the One NZ Warriors, The Kiwi Sculpture Trail, cruise ship arrivals, and the NZ Secondary

School Cross Country Championships. We are also exploring cost-effective ways to enhance wayfinding and increase foot traffic between the Town Basin and the CBD during these events.

Guest Nights

	Guest Nights	May-23	Apr-24	May-24
Northland	Total	81,200	130,000	83,600
	% YOY		-20%	3%
Whangārei	Total	24,500	36,700	24,600
	% YOY		-22%	0%
Far North	Total	50,700	78,700	51,800
	% YOY		-17%	2%
Kaipara	Total	6,000	14,600	7,300
	% YOY		-29%	22%
		May-23	Apr-24	May-24
Northland	Domestic	64,400	102,900	69,100
	% YOY		-23%	7%
	International	16,800	27,100	14,500
	% YOY		-10%	-14%
Whangārei	Domestic	19,800	29,900	20,600
	% YOY		-24%	4%
	International	4,700	6,800	4,000
	% YOY		-14%	-15%
Far North	Domestic	39,800	61,500	43,100
	% YOY		-18%	8%
	International	10,900	17,100	8,600
	% YOY		-15%	-21%
Kaipara	Domestic	4,800	11,500	5,400
	% YOY		-39%	13%
	International	1,200	3,100	1,900
	% YOY		48%	58%

Sources: Accommodation Data Programme <https://freshinfo.shinyapps.io/ADPReporting/>

2.4.2 Risk to the Tiriti Relationship

There is ongoing engagement and discussions with Hapū as to their role in Council commercial property. Parihaka Transmission Mast's future location requires ongoing engagement with Hapū as do other proposals of both Council and third parties (i.e. Hihiaua).

2.4.3 Delegated Financial Authority Policy

Nothing to report.

2.5 Legislation Changes or Updates

Nothing to report.

2.6 Future Planning / What's Coming Next?

Forestry Properties

Council owns a number of forestry lots throughout the District. Their performance and future use have not been evaluated for some time and it is timely to do so. For the purposes of developing a Council Forestry Strategy, Staff will review forestry managed as commercial forestry – not those held as openspace, which are reported to Infrastructure – with the view of identifying future options to continue or retire from forestry. As well as identifying what the costs of any such actions may be. This work will commence early August

3 RMA Consents

3.1 Health and Safety

Nothing to report.

3.2 Current Priorities

The team is continuing to manage the processing of resource consent applications, post approval applications and the monitoring of approved consents to meet the performance measure targets in the Long-Term Plan and Annual Plan, as detailed below.

3.3 Performance Measures and Compliance – June

Council will process resource consent and associated applications within statutory timeframes.

Performance Measure	2023 – 24 target	Compliance
Percentage of non-notified resource consent applications processed within statutory timeframes.	≥95%	93%
Percentage of Section 223 and Section 224 applications [processed] for subdivision consents under the RMA within statutory timeframes.	≥95%	100%

Council will ensure compliance with land-use consents by monitoring consents issued.

Performance Measure	2023 – 24 target	Compliance
Percentage of land-use consent conditions monitored.		
<i>Note: timeframes will be dependent on priorities based on potential environmental risk associated with non-compliance.</i>	100%	100%

3.4 Current Challenges/Issues

With the development contributions due to change on 16 July we have seen a flurry of applications in the weeks leading up to this date. Of particular interest are a small number of large-scale subdivision applications in the Ruakaka area. With limited available capacity at the Ruakaka Wastewater treatment plant it has been a challenge understanding what a wastewater solution for these subdivisions may look like. The RMA consents team have been working with the Infrastructure team on the matter. It looks like there may be engineering solutions to cover short-term capacity issues until such a time as projects delivering planned capacity come on stream.

3.5 Overview of Operational Activities for June 2024

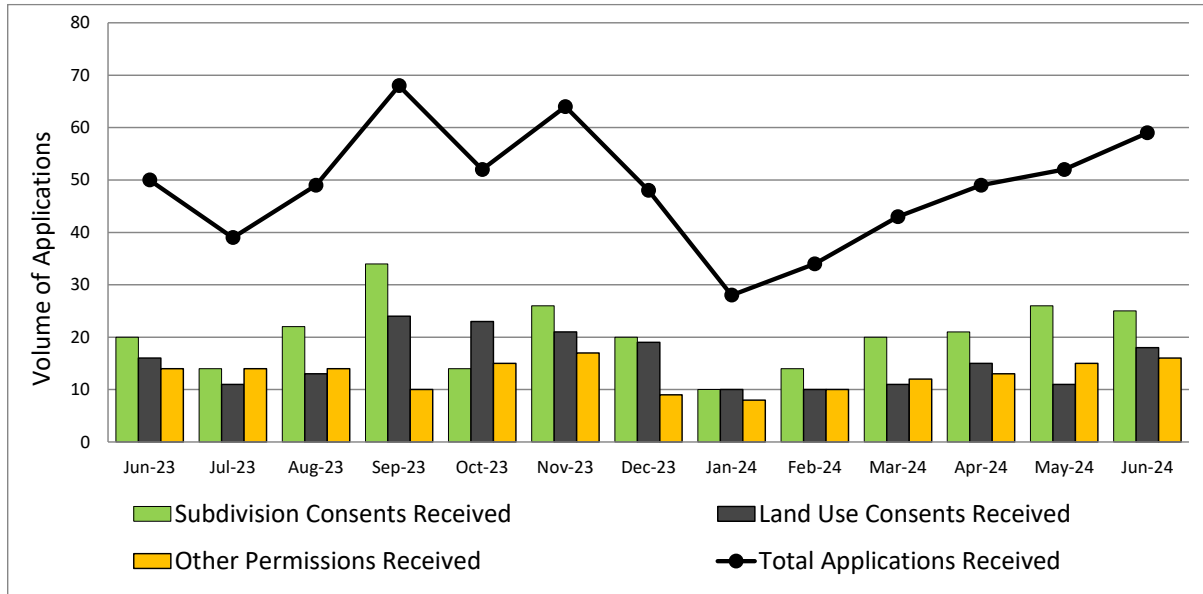
The number of resource consent applications received in June continued the upward trend over the last few months as applicants lodge consents prior to the proposed increase in Development Contributions levies. Post approval applications dropped away this month, not surprising given the high volume of the previous month.

Applications of note received over the last month include:

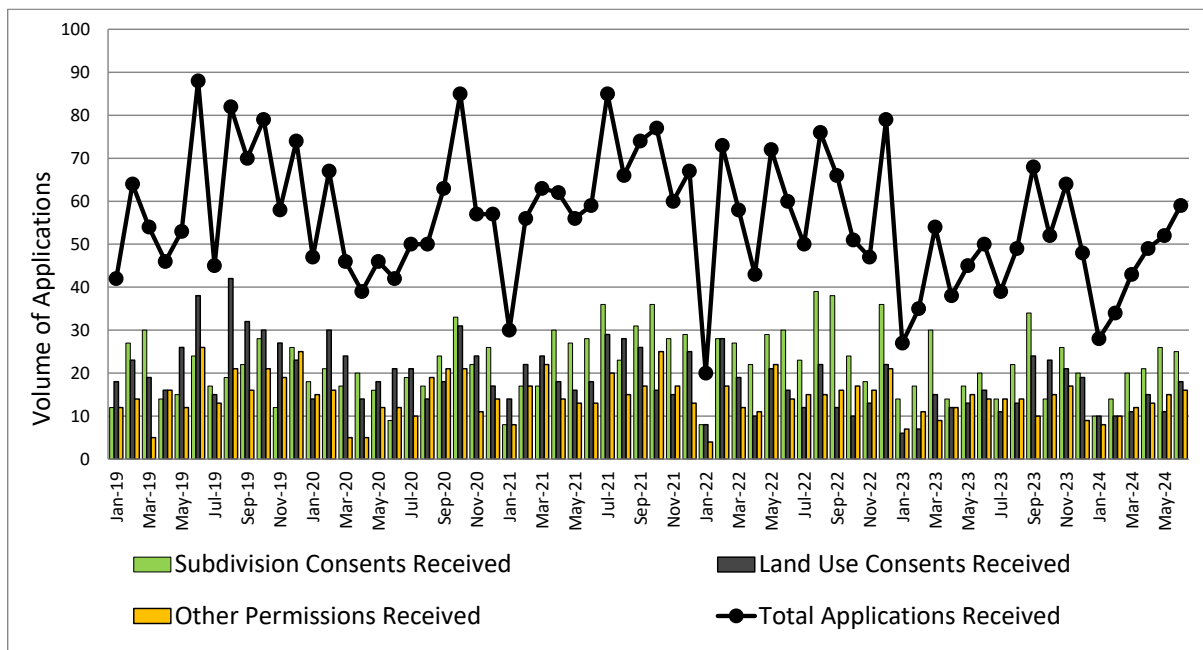
- 41 Lot subdivision on the outskirts of Tikipunga
- 70 lot subdivision with requested bespoke bulk and location rules off George Street
- 20 unit multi-unit development on the outskirts of Tikipunga
- 88 Lot subdivision off Kiripaka Road in Tikipunga

We are also noticing some changes in the Kainga Ora applications as a result of the change in Government Policy.

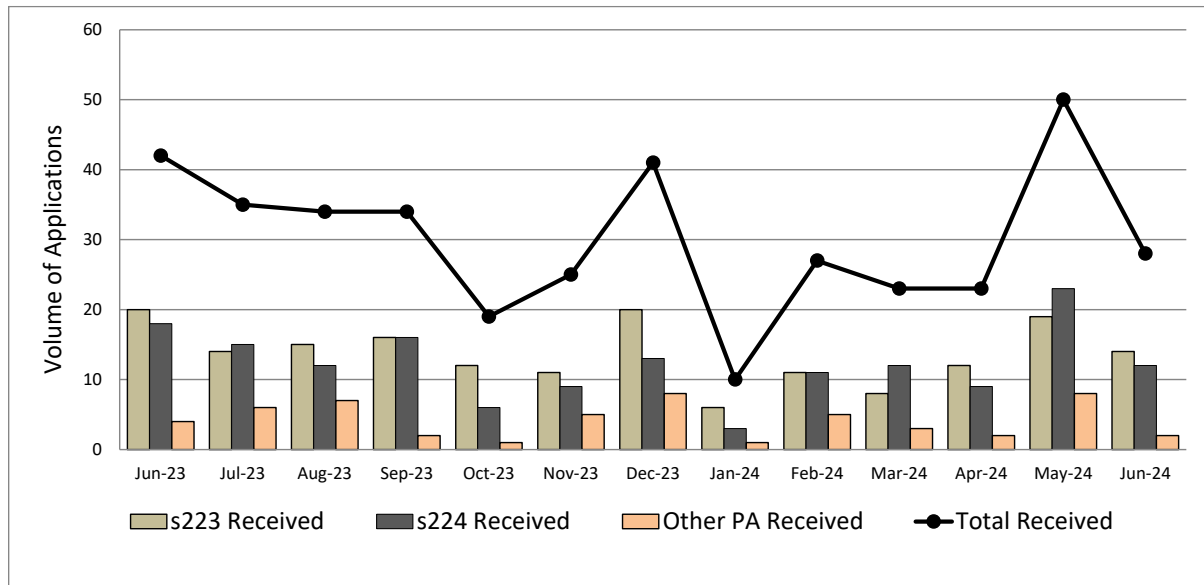
Total number of applications received over last 12 months



All applications received over the last 5 years



Number of post-approval applications received over the last 12 months



3.5.1 Risk to the Tiriti Relationship

The RMA Consents team is working on building stronger treaty partnerships with local iwi and hapū. It is noted that the resource consent process can cause friction with iwi/hapū. A number of the RMA Consents team have registered to participate in the June Te Tiriti workshops which will assist in the Team building their knowledge and understanding of Te Tiriti.

3.5.2 Delegated Financial Authority Policy

The RMA Consents team is currently in the process of establishing a procurement panel for planning consultants to ensure that use of consultants meets best practice guidelines.

3.6 Legislation Changes or Updates

Nothing to report.

4 Building Department

4.1 Health and Safety

On-going risks include vehicle safety, staff working alone, staff visiting potentially dangerous buildings/members of the public (compliance) and staff inspecting construction sites.

4.2 Current Priorities

As previously outlined, the on-site audit of our Building Consent Authority accreditation occurred 15-18 April 2024. Following the initial audit findings, action plans have been prepared and accepted for the areas of non-compliance. Work continues to demonstrate to the auditors that the action plans have been successfully implemented, with 2 non-compliances (both relating to compliance schedules) remaining at time of writing.

4.3 Performance Measures and Compliance

Council will responsively and accurately manage the building consents and compliance process.

Performance Measure	2023 – 24 target	Compliance
Percentage of building consents applications processed within statutory timeframes.	≥96%	94%
Percentage of inspections completed within two days.	≥95%	96%

4.4 Current Challenges/Issues

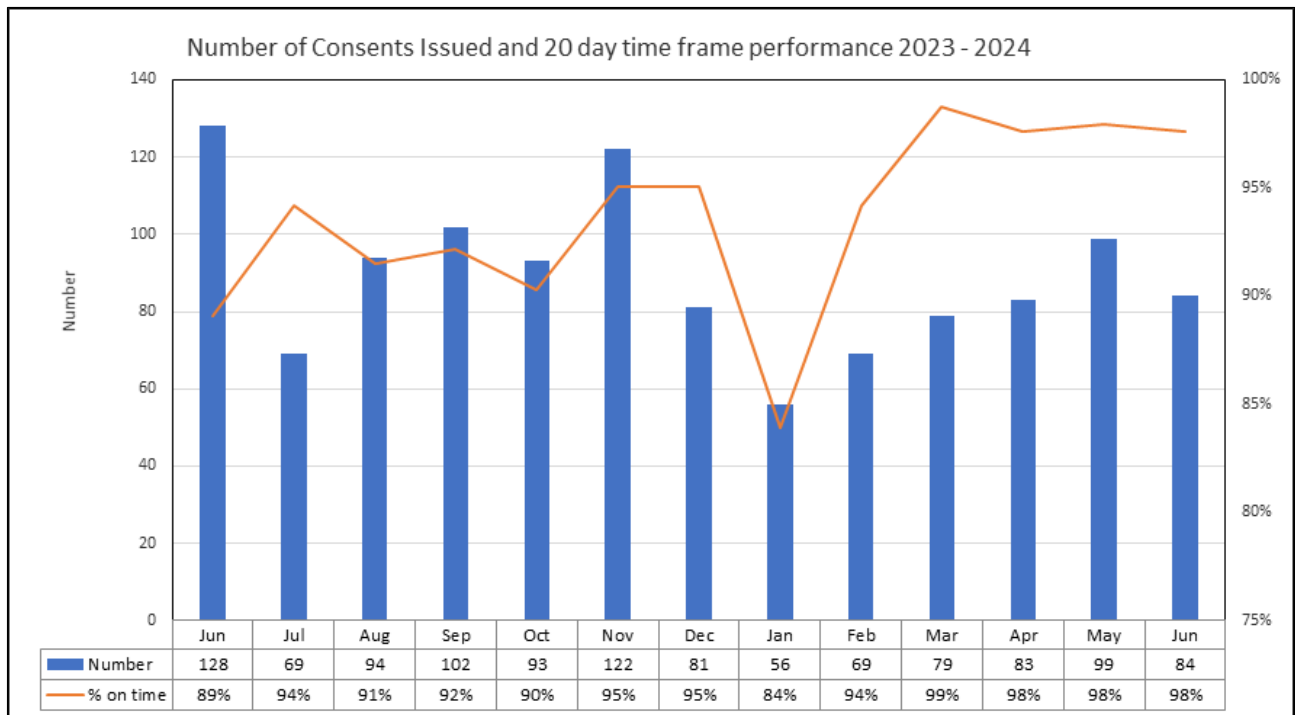
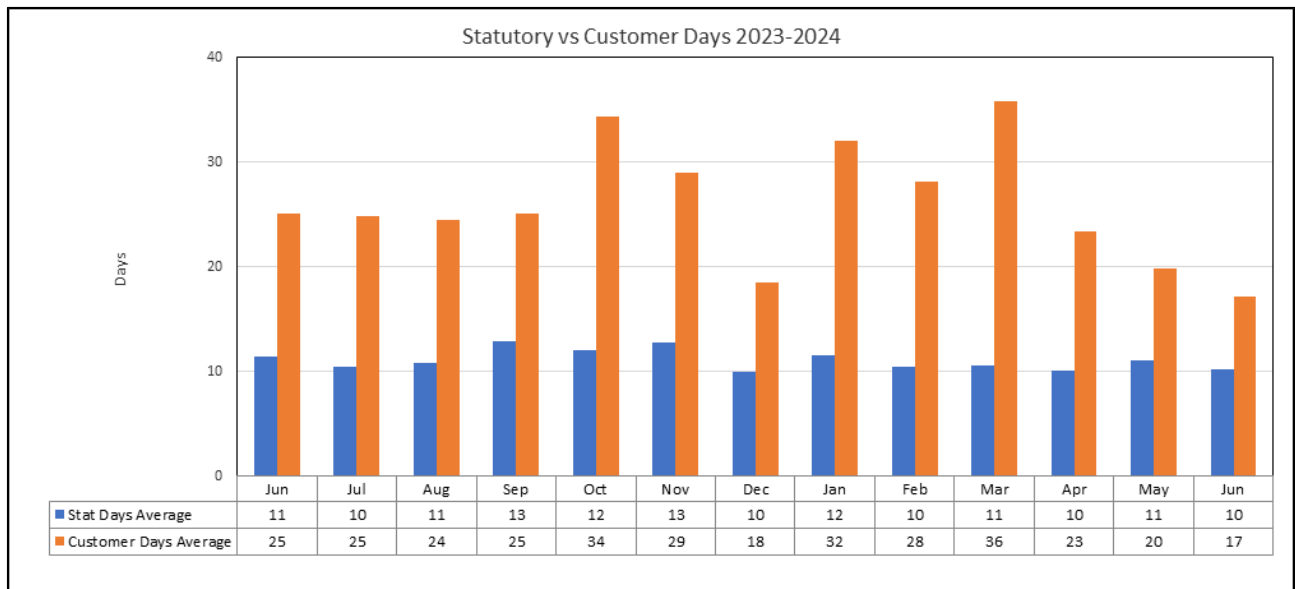
As reported last month Whangarei's main retailer/installer of fire appliances has ceased trading and staff have been working with applicants who have had fireplaces installed but haven't had CCC issued. Staff are working with these individuals to ensure that inspections are undertaken and CCC issued. Staff are also continuing to work with owners and others trades people to make building consent applications for fireplaces without knowledge of the process. This is time consuming but is positive in ensuring fireplaces are installed with consents and in accordance with building code requirements.

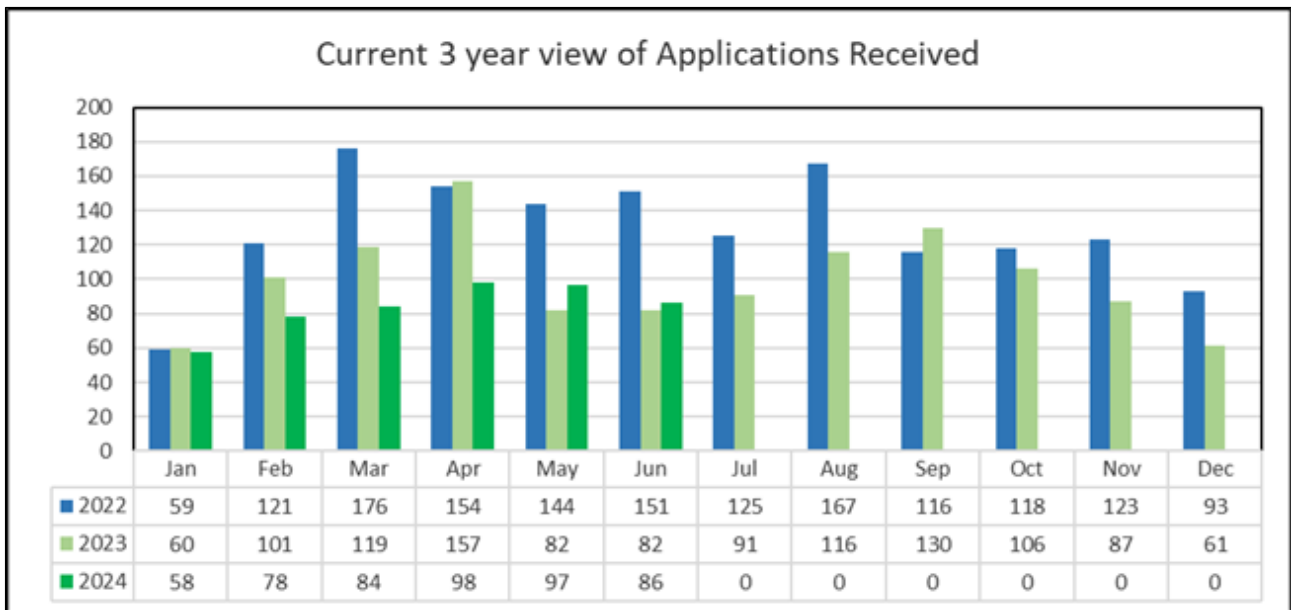
4.5 Overview of Operational Activities for June 2024

The number of applications received in April was 86, being a drop from both April and May where numbers approached 100. This result is not unexpected and it seems likely that application numbers will remain depressed for some time yet.

84 consents were granted with 98% being approved within the 20 working day requirement. Average working days per consent was 10, with customer days (total days) being 20. These results are the best of the year and does reflect the lessening of consent numbers.

441 inspections were undertaken in June, a significant decrease from May. This may be the first signs that the level of building work is now reflecting the drop in consent numbers experienced over the last 6 months.





4.5.1 Risk to the Tiriti Relationship

The activities of the building department are not considered to be a risk to the Tiriti relationship.

4.5.2 Delegated Financial Authority Policy

Contracts have been entered into with three building consent contractors for overflow processing for a period of two years. While these are new contracts, with additional services included in some, they are with three of Council's existing suppliers (ComplyNZ Ltd, New Zealand Building Training and Compliance Ltd (NZBTC) & BE Consultancy). Whilst contractors have undertaken a significant amount of processing during peak times, this has reduced significantly with the lessening of application numbers. Whilst it is the goal to process most applications in-house, it should be noted that contractors are also needed where we lack capacity in a certain type of application (such as Commercial and complicated residential projects), and overflow capacity is required to manage capacity and response timeframes in the event of a market shift resulting in increased consents.

4.6 Legislation Changes or Updates

The government has announced its intent to amend planning and building rules to enable "granny flats" of up to 60m² to be built without resource or building consents.

4.7 Future Planning / What's Coming Next?

The current priority of the department is clearing issues raised during the audit with the goal of all clearing remaining non-compliances in August.

5 Health & Bylaws

5.1 Health and Safety

Nothing to report and no additions to the organisational risk register this month.

5.2 Current Priorities

Both the Environmental Health team and Regulatory Enforcement Services contractor, Armourguard are continuing to focus on their core functions aiming to achieve their individual performance measures, as highlighted below.

5.3 Performance Measures and Compliance

Council will ensure responses to complaints relating to parking, excessive noise, dogs, stock, and bylaws are carried out within contracted timeframes.

Performance Measure	2023 – 24 target	Compliance
Percentage of complaints responded to within contracted timeframes.	≥85%	May 2024 = 86% Year to date average = 91.6%

Council will protect and promote public health by monitoring those premises, which under the Health Act 1956 require annual registration and inspection.

Performance Measure	2023 – 24 target	Compliance
Percentage of Health Act registered premises inspected annually.	100%	Annual measure

Council will promote food safety by registering and verifying those food businesses which the Food Act 2014 specifies that local authorities can register and verify.

Performance Measure	2023 – 24 target	Compliance
Percentage of food businesses verified within timeframes as specified by the Food Act 2014.	100%	Annual measure

Council will aim to reduce alcohol-related harm by annually inspecting alcohol licensed premises to ensure compliance with the Sale and Supply of Alcohol Act 2012 and licensing conditions in general.

Performance Measure	2023 – 24 target	Compliance
Percentage of alcohol licensed premises inspected annually.	100%	Annual measure

5.4 Current Challenges/Issues

There are currently no challenges or issues.

5.5 Overview of Operational Activities for March 2024

Council's Regulatory Enforcement Services contractor, Armourguard has had a successful month during June 2024 with 86% of all complaints lodged, responded to within required response time frames (target is 85%).

5.5.1 Risk to the Tiriti Relationship

Nothing to report.

5.5.2 Delegated Financial Authority Policy

Nothing to report.

5.6 Legislation Changes or Updates

No changes or updates to report.

5.7 Future Planning / What's Coming Next?

Below follows what going forward will be a monthly update on where we've at with the construction of Council's new animal shelter (dog pound). Alongside this, and as a result of feedback at the last committee meeting, staff are currently working through dates for an elected member tour of the new facility. It is likely that this will be in mid-late August, once construction is complete and fit out as commenced.

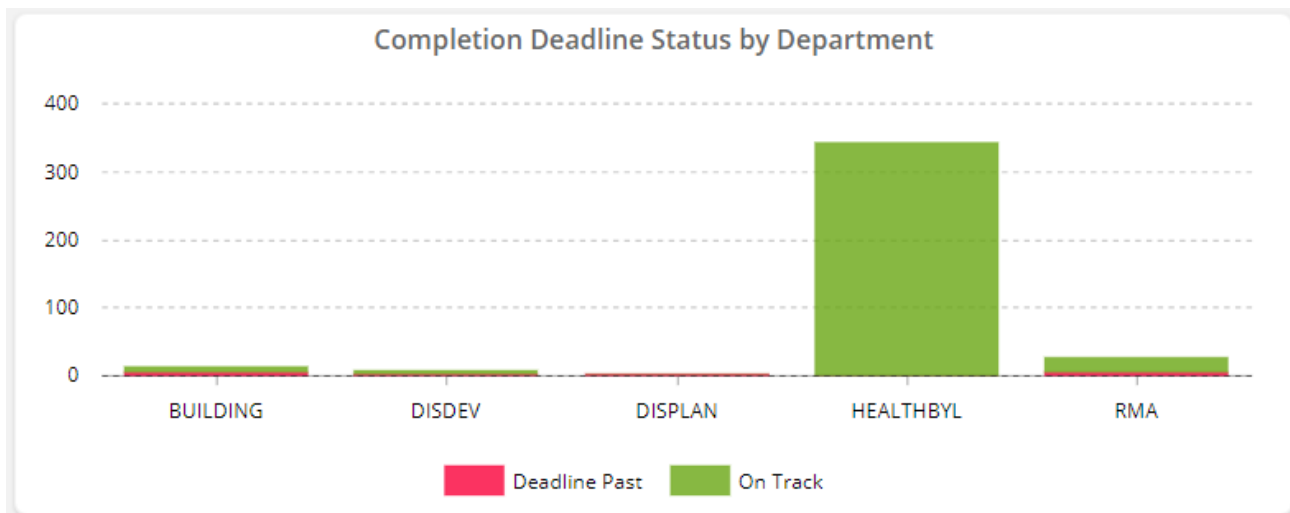
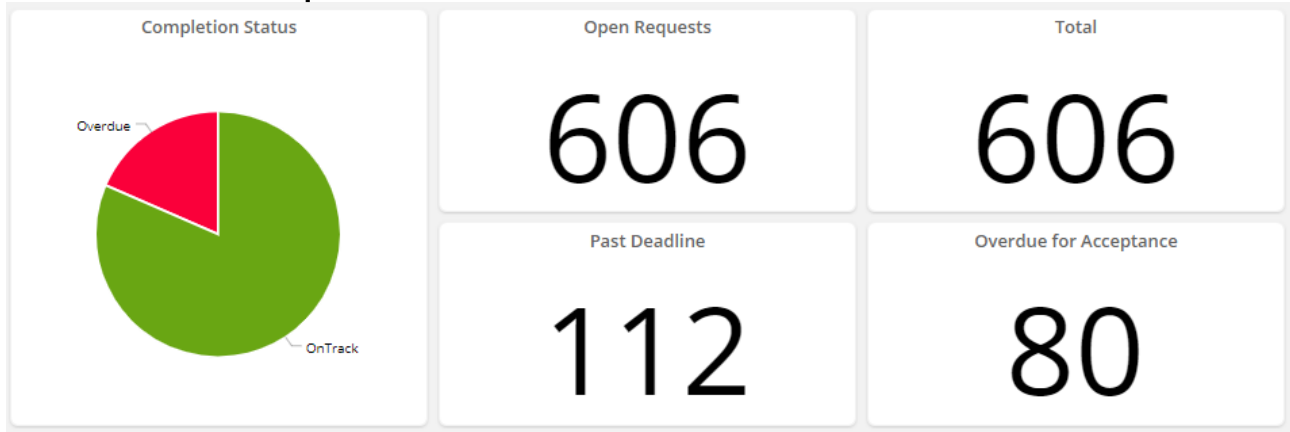
Project	Current Stage	Estimated Construction Start Date	Estimated Completion Date	RAG Status
New Animal shelter construction	Construction	Sep-22	Aug-24	

The admin building has been painted, and cabinetry and light fixtures have been installed. Work planned within the admin building this month includes benchtops, plumbing fit out, some wall and floor linings and completing data and security fit out. The installation of gates and walls in the kennel blocks is 80% complete. Civil services installation and backfilling has begun. A lot of work remains to be completed this month, which the onsite team are pushing to complete by the end of July. Building fit out is scheduled for August and the operations team plan to move into the building from the September 2nd onwards, exact date to be confirmed.

6 Group Requests

The Group has worked hard to make steady progress actioning open and overdue requests, however CRM numbers for June has seen an increase. Open requests increased 20% over the period (from 504 to 606), with requests past the deadline reducing 4% (from 83 to 80). Overall the management of requests is pleasing, with staff and contractors keeping on top of higher volumes. However, there is still work to do to reduce the number of requests past deadline, and to ensure that we are accepting new requests within timeframes.

June 2024 – CRM Request Performance Dashboard



RESOLUTION TO EXCLUDE THE PUBLIC**Move/Second**

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:

General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Ground(s) under Section 48(1) for passing this resolution
1.1 Confidential Minutes Strategy, Planning and Development Committee 20 June 2024	Good reason to withhold information exists under Section 7 Local Government Official Information and Meetings Act 1987	Section 48(1)(a)

This resolution is made in reliance on Section 48(1)(a) of the Local Government Official Information and Meetings Act 1987 and the particular interest or interests protected by Section 6 or Section 7 of that Act which would be prejudiced by the holding of the whole or the relevant part of the proceedings of the meeting in public, are as follows:

Item	Grounds	Section
1.1	For the reasons as stated in the open minutes.	

Resolution to allow members of the public to remain

If the 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 _____.