

Part 9
Proposed Plan Change 85C
Rural Villages

Section 42A Hearing Report

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1.0 Introduction

1. This is **Part 9** of the section 42A (**s42A**) evaluation report. This part should be read in conjunction with the other **Parts 1 – 12**. The evaluation of general topics is contained within **Part 1**. The evaluation of Rural Area (**RA**) topics is contained within **Part 5**.
2. This report has been prepared in accordance with s42A of the Resource Management Act 1991 (**RMA**) and forms the Hearing Report for the Whangarei District Council's (**WDC**) Proposed Plan Change 85C (**PC85C**). This report provides consideration of the proposed provisions, recommendations in relation to submissions and, where appropriate, the report cross-references the section 32 Evaluation (**s32**), analysis of any background material and legislative discussions.
3. A comprehensive description of the background to PC85C, a chronology of events relevant to the proceedings of PC85C and overview of the Rolling Review process and statutory considerations is included in **Part 1** of the s42A report. I concur with the assessment within section 5 of **Part 1** of the s42A report.
4. This s42A report has been prepared by Robert Adam Burgoyne. I have no vested interest in the outcome of PC85C nor any conflict of interest to declare. I am a qualified planner holding the qualification of Bachelor of Resource and Environmental Planning from Massey University in Palmerston North in 2013. I have been an Intermediate member of the New Zealand Planning Institute since January 2016.
5. My planning experience since graduating includes a contract position with the Ministry for the Environment assisting in the development of the National Monitoring System. More recently I worked with a Warkworth based consultancy preparing resource consent applications, reviewing conditions of consents and processing and reporting on resource consent applications for Auckland Council.
6. I commenced employment with WDC's Policy and Monitoring Department as a Policy Planner in August 2015. My role includes preparation of plan change documents and s32 reports, presenting at Council meetings, workshops and plan change hearings, internal and external consultation, making recommendations on submissions and liaising with the public on resource management issues.
7. I am familiar with the Environment Court's Code of Conduct for expert witnesses and have taken it into account in the preparation of this statement of evidence. I consider that the evidence is within my area of expertise and agree to comply with the Code of Conduct in presenting this evidence to the Court. I confirm that the evidence on planning matters that I present is within my areas of expertise and I am not aware of any material facts which might alter or detract from the opinions I express. I have read and agree to comply with the Code of Conduct for expert witnesses as set out in the Environment Court Consolidated Practice Note 2014. I have also read and am familiar with the Resource Management Law Association / New Zealand Planning Institute "Role of Expert Planning Witnesses" paper. The opinions expressed in this evidence are based on my qualifications and experience, and are within my area of expertise. If I rely on the evidence or opinions of another, my evidence will acknowledge that position.

2.0 Description of the Plan Change as Notified

8. The Whangarei District Growth Strategy – Sustainable Futures 30/50 (**30/50**) identified the following three classifications of rural villages within the District: growth villages (Hikurangi, Waipu and Parua

Bay), large villages (such as Maungatapere, Matapouri, Oakura and Tutukaka) and small villages (such as Helena Bay, Mangapai, Portland, Titoki and Whananaki).

9. The rural villages are currently zoned using the same Living and Business Environments as Whangarei City. The Rural Development Strategy evaluated the efficiency and effectiveness of these Environments for the rural villages and concluded that their policy direction and provisions do not recognise the importance of the different outcomes required to promote sustainable management, and maintain the sense of community and viability, within rural villages.
10. PC85C seeks to rezone the District's rural villages to more appropriate zonings. PC85C proposes a new Rural Village Environment (**RVE**). The RVE is comprised of three sub-Environments: the Rural Village Residential Sub-Environment (**RVRE**), the Rural Village Centre Sub-Environment (**RVCE**) and the Rural Village Industry Sub-Environment (**RVIE**).
11. The RVE is intended to complement the Rural Production Environment (**RPE**), Strategic Rural Industries Environment (**SRIE**) and Rural Living Environment (**RLE**) proposed under Plan Changes 85A, 85B and 85D, respectively. The RVE aims to strengthen, consolidate and enhance the existing rural villages by providing for a mix of residential and small scale commercial and industrial activities servicing the surrounding rural hinterland.
12. The RVRE primarily provides for residential activities within the rural villages. The RVRE generally seeks to replace the existing Living 1 and Living 3 Environments within the rural villages. Additional areas for residential development within and immediately adjacent to existing Living Environments have been proposed to be rezoned from Countryside and Coastal Countryside Environments to RVRE based on the criteria identified in the **Part 5** of the s32 report¹.
13. The RVCE provides for the commercial centres found in growth and large rural villages. Opportunities are provided for the development of a mix of residential and commercial development within the RVCE while ensuring the character of each rural village is retained. The RVCE generally seeks to replace the Business 2, 3 and 4 Environments within the rural villages where the current land use is not primarily industrial. Limited commercial expansion is proposed based on the criteria identified in the **Part 5** of the s32 report² [see **Appendix A** of **Part 1** of the s42A report].
14. The areas proposed as RVIE are those existing industrial land uses located within the growth villages. These locations include an area comprising some 9.8ha in Hikurangi being used as a pallet/timber factory and an area comprising some 5.7ha in Waipu being used as a building supplies factory.
15. A comprehensive description of PC85C is included in **Part 5** of the s32 report. The notified text of PC85C is provided as **Appendix B** of **Part 1** of the s42A report.

3.0 Purpose of Report

16. This report considers submissions received in relation to PC85C. It has been prepared in accordance with s42A of the RMA to assist the Commissioners with deliberations on submissions and further submissions in respect of PC85C.

¹ Appendix 1

² Appendix 2

17. The report includes recommendations to the Commissioners to accept, accept in part or reject individual submissions. Where appropriate, it also includes recommended amendments to the PC85C provisions. Where any amendment necessitates further evaluation in accordance with section 32AA of the RMA (**s32AA**), the necessary analysis is included within the discussion. Depending on the complexity of the amendment proposed, the s32AA assessment then follows in a separate table underneath or an overall discussion. In accordance with section 32AA(1)(c), the assessment of each amendment has been undertaken at a level of detail that corresponds to the scale and significance of the proposed amendments.
18. When making its decision, WDC is required under Clause 10 of the First Schedule of the RMA to give reasons for allowing or not allowing any submissions (grouped by subject matter or individually). The decisions of the Council may also include consequential amendments arising out of submissions and any other relevant matters it considered relating to matters raised in submissions.

4.0 Structure of the Report

19. The report has been structured to provide an assessment of the submissions and further submissions received by WDC, arriving at a recommendation to the Hearing Commissioners.
20. All submissions received have been categorised based on which plan change they are most applicable to. Several submissions have been assessed in **Part 1** of the s42A report as they either address broad topics or relate to multiple plan changes.
21. Once allocated to a plan change, each submission point has then been grouped thematically based on topic. As some submissions relate to multiple topics, cross references to the discussion and recommendation sections of other topics have been included. Topic headings for the submissions assessed under PC85C are as follows:
 - A. Whole Plan Change
 - B. General Support
 - C. Corrections and Clarifications
 - D. Managed Growth
 - E. Reverse Sensitivity
 - F. Subdivision Standards
 - G. Commercial and Industrial Activities
 - H. Amenity and Privacy
 - I. Traffic Movements and Vehicle Manoeuvring
 - J. Minor Residential Units
 - K. Earthworks
 - L. Emergency Services
 - M. Signs

22. While all further submissions have been acknowledged in the submission tracking spreadsheet [see **Attachment 1 of Part 1** of the s42A report], responses have not been written for all further submission for the following reasons. The further submissions generally:
- Sought to emphasise the content of the corresponding original submission.
 - Did not present new or additional evidence.
 - Stated either support or opposition to the original submissions of other submitters.
23. The assessment of submissions generally adheres to the following format:
- Submission information – Matters raised in the submission points with a brief outline of relief sought and reasons for relevant submission points.
 - Discussion – Discusses responses to the relief sought. Where appropriate, submission points have been grouped together for discussion.
 - Recommendation – Outlines a recommendation to the Commissioners in response to the relief sought.
24. Any recommended amendments to the notified text as a result of submissions are attached to this report [see **Attachment 2G of Part 1** of the s42A report]. Any recommended additions to the notified text are shown as underlined and deletions as strike-through.

5.0 Consideration of Submissions

A. Whole Plan Change

Submission Information

25. Kevin and Lianne McMahon³ support PC85C in its entirety.
26. The Landowners Coalition⁴ opposes the whole plan change, stating that the proposed Environments are unnecessary.
27. Trevor Shaw⁵ notes that Council spent a lot of money in 2008 to prepare the 20 year structure plan concept maps which have largely been ignored.

Discussion

28. I acknowledge and generally support the submission points supporting the direction of PC85C. Amendments to the notified wording and mapping have however been recommended in response to other submission points. I consider that the intent and purpose of PC85C has been retained notwithstanding these recommended amendments.
29. I do not agree with the opposition to PC85C. I concur with the assessment in **Part 5** of the s32 report⁶ that the policy direction and provisions of the Living and Business Environments do not recognise the importance of the different outcomes required to promote sustainable management, and maintain the

³ 531/1

⁴ 431/13

⁵ 469/3

⁶ Pages 4 and 29 -30

sense of community, within rural villages. I consider rezoning these areas to the proposed RVE to be more appropriate.

30. The structure plans for the rural villages have been taken into account as part of the mapping criteria for the RVE as discussed in **Part 5** of the s32 report⁷ and have been further considered when assessing submissions and further submissions as discussed in **Part 6** of the s42A report⁸.

Recommendation

31. I recommend that the Commissioners:
- **Accept** submission point 531/1, noting that amendments have been recommended elsewhere in response to other submissions.
 - **Accept in part** submission point 469/3.
 - **Reject** submission point 431/13.

B. General Support

Submission Information

32. Six submission points were made in general support of various sections and provisions of PC85C. Other submission points made in support have been categorised under different topics.
33. Far North District Council (**FNDC**)⁹ supports RVE.1.1 Description and Expectations and seeks that the section be retained to explain the purpose and character of the zone.
34. FNDC¹⁰ and Michael Payne¹¹ support RVE.1.2 Objectives with FNDC seeking that the direction of the objectives be retained and M Payne seeking that the objectives be retained.
35. M Payne¹² supports policies RVE.1.3.1 – RVE.1.3.3 and RVE.1.3.5 – RVE.1.3.9 and seeks that they be retained to achieve the objectives.
36. FNDC¹³ supports RVE.2.2 Notification Rules and seeks that the provisions are retained as notified.
37. FNDC¹⁴ supports RVE.2.3 Discretionary Activities and seeks that a statement regarding activity status be retained.

Discussion

38. I acknowledge and generally support these submission points supporting various sections and provisions of PC85C. Minor amendments have however been recommended to RVE.1.1 and RVE.1.3.9, to include additional references to reverse sensitivity effects and to RVE.2.3 to improve clarity and insert additional rules.

⁷ Page 5 and Appendices 1 and 2

⁸ Topic B

⁹ 410/50

¹⁰ 410/51

¹¹ 455/1

¹² 455/2

¹³ 410/54

¹⁴ 410/55

Recommendation

39. I recommend that the Commissioners

- **Accept** submission points 410/51 and 54 and 455/1.
- **Accept in part** submission points 410/50 and 55 and 455/2, noting that minor changes have been recommended to these sections elsewhere in this report in response to other submissions.

C. Corrections and Clarifications

40. Three submission points were made with regard to corrections and clarifications to the proposed text.

Policy RVE.1.3.4 – Submission Information

41. FNDC¹⁵ seeks the following specific amendment to RVE.1.3.4:

4. *To protect residential character and amenity in the Rural Village Residential Sub-Environment by ~~restricting~~ preventing the operation of commercial and industrial activities and providing for limited home occupation activities.*

42. FNDC considers that it is unclear whether the intention of the provision is to restrict these activities or to prevent them entirely. If the intention is to prevent these activities, then the word prevent should be used to remove any ambiguity.

43. Federated Farmers of New Zealand¹⁶ supports this submission point and agrees that further clarification is needed for RVE.1.3.4 and that it may be appropriate to provide for rural support services in the RVE, but does not support the use of the word 'preventing'.

Policy RVE.1.3.4 – Discussion

44. I support this submission point. The intention of the RVRE is to prevent commercial and industrial activities and instead require them to locate in the RVCE, RVIE or in the Urban Area (**UA**). In my opinion more clarity is needed to improve the policy. I consider replacing 'restricting' with 'preventing' will more efficiently and effectively achieve the purpose of the RVRE and the RVE objectives.

45. To assess the appropriateness of the requested amendment the following three options have been evaluated:

- **Option 1:** Notified Provision – "...by restricting the operation of commercial and industrial activities..."
- **Option 2:** Recommended Revised Provision and Submission Request (submission point 410/52) – "...by ~~restricting~~ preventing the operation of commercial and industrial activities..." – See **Attachment 2G of Part 1** of the s42A report.
- **Option 3:** Alternative Revision – "...by ~~restricting~~ avoiding the operation of commercial and industrial activities..."

46. Evaluation of these options has been summarised in Table 1:

¹⁵ 410/52

¹⁶ x612

TABLE 1: EVALUATION OF POLICY RVE.1.3.4 OPTIONS		
Option	Costs	Benefits
Option 1: Notified Provision	<u>Environmental</u> May allow the establishment of commercial activities in the RVE by being too permissive, which in turn could adversely affect the character and amenity of the RVRE. <u>Economic</u> May compromise the vitality of the RVCE and other business zones if commercial sprawl is enabled. <u>Social & Cultural</u> None known.	<u>Environmental & Cultural</u> None known. <u>Economic</u> May enable additional opportunities to establish commercial activities. <u>Social</u> May provide additional opportunities for commercial activities benefiting the social wellbeing of people and the community.
Option 2: Recommended Revised Provision and Submission Request	<u>Environmental & Cultural</u> None known. <u>Economic</u> May prevent some commercial activities from establishing; however, these are more appropriately provided for in other zones. <u>Social</u> Often local businesses support local causes. Decreases in commercial/industrial activities may lead to a reduction in the ability of people and the community to provide for their social and economic wellbeing. However, PC85C intends to direct these activities to the RVCE and RVIE.	<u>Environmental</u> Helps protect character and amenity of the RVRE by preserving it primarily for residential activities. <u>Economic</u> Encourages commercial activities to locate in other commercial centres. <u>Social</u> May assist in directing non-residential activities to cluster in the RVCE, creating a gathering spot in the centre of villages. Provides more certainty for the RVRE. <u>Cultural</u> None known.
Option 3: Alternative Revision	<u>Environmental, Economic, Social & Cultural</u> Similar to Option 2.	
Option	Efficiency & Effectiveness	
Option 1:	The term 'restricting' will help discourage commercial activities but may result in a policy that is too permissive.	
Option 2:	Option 2 more effectively achieves the intended outcome. Option 2 is more efficient as it maintains consistency with terminology of other proposed provisions, i.e. policy RPE.1.3.1, which also uses 'preventing' for a non-complying activity.	
Option 3:	Option 3 is more effective than Option 1; however, is less efficient than Option 2 as it is not consistent with the terminology used in RPE.1.3.1.	
Economic Growth and Employment Opportunities		
Options 2 and 3 are not considered to have significant adverse impacts on economic growth and employment opportunities as commercial activities are more appropriately provided for in the RVCE and Business Environments. Options 2 and 3 will protect the vitality of the RVCE by better controlling commercial sprawl.		
Risk of Acting and not Acting if there is Uncertain or Insufficient Information		
There is no known risk due to insufficient information.		

47. Option 2 is, in my opinion, the most efficient and effective method to achieve the purpose of PC85C.

Policy RVE.1.3.4 – Recommendation

48. I recommend that the Commissioners **accept** submission point 410/52 and **accept in part** further submission x612, and that the notified provisions are amended as follows:

RVE.1.3 Policies

4. To protect residential character and amenity in the Rural Village Residential Sub-Environment by ~~restricting~~ preventing the operation of commercial and industrial activities and providing for limited home occupation activities.

RVE.2.3 Discretionary Activities – Submission Information

49. Saleyards Investments¹⁷ seeks that the inconsistency between RVE.2.3.1(d)(ii) and RVE.2.3.2(d)(ii) (setbacks form road boundaries) be corrected.
50. Jo Woollacott¹⁸ seeks the following specific amendment to RVE.2.3.2(g)(iv):
- iv. *In addition to the principal operator, has more than two other persons ~~engaged~~ employed in the activity.*
51. J Woollacott considers the requested amendment will allow home occupations to receive and provide service to persons who are customers, which is provided for in the definition of home occupation.

RVE.2.3 Discretionary Activities – Discussion

52. I do not consider there to be any inconsistency between RVE.2.3.1(d)(ii) (which requires buildings to be set back 2m from a road boundary in the RVCE) and RVE.2.3.2(d)(ii) (which requires buildings to be set back 4.5m from a road boundary in the RVRE). These rules relate to separate Sub-Environments which have different expectations and purposes. In my opinion, the different setbacks are efficient and effective methods to achieve the outcomes intended for these Sub-Environments.
53. With respect to home occupations, often people involved may be friends or family who are not technically paid or employed. In my opinion 'engaged' is therefore more appropriate and is consistent with the operative Whangarei District Plan (**WDP**) provisions in the Kamo Walkability Environment (rules KMP.1.5.10(d) and KLP.1.5.12(d)).
54. I consider that the relief sought by J Woollacott will still be achieved without the requested amendment as home occupations may still provide their services to customers visiting the site without these persons being considered to be 'engaged' in the activity.

RVE.2.3 Discretionary Activities – Recommendation

55. I recommend that the Commissioners **reject** submission points 236/4 and 482/1.

¹⁷ 236/4

¹⁸ 482/1

D. Managed Growth

Submission Information

56. Whangarei Growers Market Association (**WGMA**)¹⁹ supports objective RVE.1.2.1 stating that development pressures must be managed in areas that are susceptible to natural hazards or that comprise high class versatile soils.
57. The New Zealand Fire Service Commission (**NZFSC**)²⁰ supports policy RVE.1.3.2 and seeks that it be retained to enable the operational requirements of the NZFSC to be provided for, and enable sufficient water supply for emergencies.

Discussion

58. I acknowledge and generally support these submission points as I consider the proposed provisions appropriate to achieve the purpose of the RMA and PC85C.

Recommendation

59. I recommend that the Commissioners **accept** submission points 344/10 and 451/3.

E. Reverse Sensitivity

60. Six submission points were made with regard to the topic of reverse sensitivity.

RVE.1.1 and RVE.1.3.6 – Submission Information

61. Horticulture New Zealand (**Hort NZ**)²¹ seeks the following specific amendments to RVE.1.1 Description and Expectations and policy RVE.1.3.6 to acknowledge the fact that many rural villages are located adjacent to the RPE resulting in potential reverse sensitivity effects:

RVE.1.1

...Growth is prioritised where connections to Council reticulated services are available. Many of the villages are situated adjacent to the RPE which provides a rural context for the villages. The boundary interface has the potential for reverse sensitivity effects which needs to be managed.

RVE.1.3.6

d) takes into account the surrounding environment and the interface between zones to ensure that potential for reverse sensitivity is appropriately managed.

RVE.1.1 and RVE.1.3.6 – Discussion

62. The proximity of the RVE to the RPE not only establishes the rural character and context of the rural villages (when compared to more urban villages such as Kamo or Tikipunga) but also presents the potential for reverse sensitivity effects whereby residential activities may be located in proximity to rural production activities. Managing reverse sensitivity effects is a key intention of this package of plan changes and has been highlighted as a significant concern through submissions. In my opinion it is important that this aspect of the RVE is acknowledged within the Description and Expectations to better

¹⁹ 344/10

²⁰ 451/3

²¹ 423/19 and 20

achieve policy 5.1.3(a) of the Northland Regional Policy Statement (**RPS**), which aims to avoid reverse sensitivity effects on primary production activities in primary production zones.

63. In my opinion, including the requested sentences as their own standalone paragraph in RA.1.1 is more appropriate than inserting them in paragraph three.
64. I also support including reference to the potential for reverse sensitivity effects in the RVE policies. To assess the appropriateness of the recommended amendment the following three options have been evaluated:
- **Option 1:** Notified Provision – No mention of the relationship with the RPE boundaries in the RVE policies.
 - **Option 2:** Recommended Revised Provision – Include reference to the relationship with the RPE boundaries in policy RVE.1.3.9 – See **Attachment 2G of Part 1** of the s42A report.
 - **Option 3:** Submission Request (submission point 423/20) – Include reference to the relationship with the RPE boundaries in policy RVE.1.3.6.
65. Evaluation of these options has been summarised in Table 2:

TABLE 2: EVALUATION OF RVE REVERSE SENSITIVITY POLICY OPTIONS		
Option	Costs	Benefits
Option 1: Notified Provision	<p><u>Environmental</u> Policies would not have any reference to potential reverse sensitivity issues.</p> <p><u>Economic</u> Reverse sensitivity may cause additional mitigation costs for less sensitive activities.</p> <p><u>Social</u> Reverse sensitive effects may arise between RPE and RVE neighbours.</p> <p><u>Cultural</u> None known.</p>	<p><u>Environmental, Social & Cultural</u> None known.</p> <p><u>Economic</u> No restrictions regarding reverse sensitivity issues for new development in the RVE.</p>
Option 2: Recommended Revised Provision	<p><u>Environmental, Social & Cultural</u> None known.</p> <p><u>Economic</u> May restrict some development where reverse sensitivity effects may be present, or may increase costs to mitigate potential effects.</p>	<p><u>Environmental</u> Manages reverse sensitivity.</p> <p><u>Economic</u> Will help protect rural production activities from reverse sensitivity effects.</p> <p><u>Social</u> Will help avoid reverse sensitive effects between RPE and RVE neighbours.</p> <p><u>Cultural</u> None known.</p>
Option 3: Submission Request	<p><u>Environmental, Economic, Social & Cultural</u> Similar to Option 2.</p>	<p><u>Environmental, Economic, Social & Cultural</u> Similar to Option 2.</p>

Option	Efficiency & Effectiveness
Option 1:	In my opinion Option 1 is the least effective and efficient option in managing potential reverse sensitivity effects between the RVE and RPE.
Option 2:	Option 2 ensures that where the required setback under RVE.2.3.2(d) is breached, there is a relevant policy to assess applications. There is already a degree of consideration given to the submitter's concerns in the proposed RA provisions, specifically RA.1.2.2, RA.1.3.2 and RA.1.3.11. I do not consider it necessary to implement a new standalone policy as strongly worded as that suggested by Hort NZ as, in my opinion, the matter is partially addressed by these overarching RA provisions.
Option 3:	More effective than Option 1; however, less efficient than Option 2 as the amendments are more appropriately located in RVE.1.3.9 than RVE.1.3.6. RVE.1.3.6 relates to protecting amenity and character in the RVE. I consider it to be more appropriate to provide for a new reverse sensitivity provision in RVE.1.3.9 as this policy relates directly to reverse sensitivity.
Economic Growth and Employment Opportunities	
Potential reverse sensitivity effects are important to manage. While Options 2 and 3 may restrict some development in the RVE, they will help protect rural production activities from reverse sensitivity.	
Risk of Acting and not Acting if there is Uncertain or Insufficient Information	
There is no known risk due to insufficient information.	

66. Option 2 is, in my opinion, the most efficient and effective method to achieve the purpose of PC85C and manage the potential for reverse sensitivity effects between the RVE and RPE.

RVE.1.1 and RVE.1.3.6 – Recommendation

67. I recommend that the Commissioners **accept in part** submission points 423/19 and 20, and that the notified provisions are amended as follows:

<p>RVE.1.1 Description and Expectations</p> <p>...Growth is prioritised where connections to Council reticulated services are available.</p> <p><u>Many of the villages are situated adjacent to the Rural Production Environment which provides a rural context for the villages. The boundary interface has the potential for reverse sensitivity effects which need to be managed.</u></p> <p>RVE.1.3 Policies</p> <p>9. To avoid reverse sensitivity effects and to ensure that amenity is maintained in the Rural Village Residential Sub-Environment by ensuring that all new buildings are:</p> <ul style="list-style-type: none"> a. Of a scale and character appropriate to the Sub-Environment. b. Sited in a location sufficiently set back from site boundaries to enable privacy, the retention of open space, and access to sunlight <u>and separation from Rural Production Environment boundaries.</u> c. ...
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WGMA – Landuse Controls – Submission Information

68. WGMA²² seeks the following additional controls to ensure that the productivity of garden cultivations near rural villages is not reduced or curtailed because of PC85C:
- Setbacks should be imposed on residential units from existing horticultural operations on a separate site.
 - New residential units adjoining existing horticultural operations must be double glazed and built of noise reducing materials.

WGMA – Landuse Controls – Discussion

69. Whilst I consider that the relief sought by WGMA has some merit, in my opinion the current bulk and location controls represent a balanced and appropriate response to potential land use compatibility issues while still enabling residential development in areas zoned for such a purpose.
70. I consider that the amendments sought by WGMA are overly restrictive and respond as follows:
- RVE sites range in sizes, typically between 500m² – 2,000m², and are frequently around 800m². Due to the small sites it is often necessary to locate buildings close to boundaries to comply with other bulk and location controls (e.g. road boundary setbacks and MHWS setbacks) or to avoid hazard prone areas. In my opinion, imposing additional setbacks on residential properties may compromise the ability to locate a residential unit on the site in a residential zone.
 - The RVRE has not been significantly expanded in areas where there are existing adjacent horticultural operations.
 - The rural villages are residential areas with a rural context. In my opinion it is appropriate to anticipate a certain degree of rural character within the RVE, especially where the zone boundary adjoins the RPE.
 - In a climate of increasing criticism regarding the effect of planning regulations on the cost of building, the requested provisions will impose additional costs on residential development.

WGMA – Landuse Controls – Recommendation

71. I recommend that the Commissioners **reject** submission points 344/8 and 9.

KiwiRail – Policies and Landuse Controls – Submission Information

72. KiwiRail²³ supports policies RVE.1.3.9 and RVE.1.3.12(e) and seeks that they are retained.
73. KiwiRail²⁴ seeks that the setbacks from road boundaries for buildings also apply to rail. The specific amendments sought are as follows:

RVE.2.3.1(d)(ii)

Within 2m of a road or rail boundary.

RVE.2.3.2(d)(ii)

²² 344/8 and 9

²³ 429/5

²⁴ 429/6

Within 4.5m of a road or rail boundary.

RVE.2.3.3(a)(ii)

Within 4.5m of a road or rail boundary.

KiwiRail – Policies and Landuse Controls – Discussion

74. I acknowledge and generally concur with the support of policies RVE.1.3.9 and RVE.1.3.12(e). A minor amendment has been recommended to RVE.1.3.9 to include an additional reference to reverse sensitivity effects on the RPE.
75. I acknowledge and generally support KiwiRail’s requested amendment to require setbacks from rail. I do not agree however that these setbacks should apply to all buildings in the RVE. Setbacks from the road not only assist in reducing reverse sensitivity, but also improve amenity by not having garages and sheds directly abutting the road corridor or side walk. I consider that this is not as much of a concern when it comes to the rail corridor as the only issue to be managed is reverse sensitivity. Thus in my opinion the rail setbacks should only apply to residential units in the RVCE and RVRE. Residential units are prohibited in the RVIE, so I consider that no rail setback is required for this Environment.

KiwiRail – Policies and Landuse Controls – Recommendation

76. I recommend that the Commissioners:
- **Accept in part** submission point 429/5 (noting the recommended amendment to RVE.1.3.9).
 - **Accept in part** submission point 429/6 and that the notified provisions be amended as follows:

RVE.2.3.1 Rural Village Centre Sub-Environment Discretionary Activities

- a. Any residential unit:
- ...
- iii. Within 2m of a railway line designation boundary.

RVE.2.3.2 Rural Village Residential Sub-Environment Discretionary Activities

- a. Any residential unit:
- ...
- iii. Within 4.5m of a railway line designation boundary.

F. Subdivision Standards

Submission Information

77. Eight submission points were made with regard to the RVE.3 subdivision standards.
78. The following three submission points were in support of the respective proposed standards:
- DEYI Investments²⁵ – In support of RVE.3.3.2(a).

²⁵ 256/2

- FNDC²⁶ – In support of the proposed RVE.3.3 allotment sizes as they will encourage consolidated development around existing infrastructure.
- NZFSC²⁷ – Retain RVE.3.3.3 as it is essential for the fire service to have an adequate supply of water in the event of an emergency.

79. Five submission points were made seeking the following amendments to the subdivision standards:

- Northland Regional Council (**NRC**)²⁸ – Seeks that the thresholds for subdivision in the RVE be re-examined to ensure an appropriate scale for the rural villages. NRC considers that the subdivision rules are too permissive and are too similar to urban Whangarei.
- Nova Scotia River Estates²⁹ – Opposes the provisions enabling areas currently zoned Living 3 Environment (which has a minimum net site area of 2,000m²) to subdivide down to 500m² where the allotment is connected to public reticulated wastewater. The submitter considers that there are potentially additional constraints limiting the development potential of these sites.
- M Payne³⁰ – Requests that the minimum lot sizes in the RVRE either be based off the average lot size of each rural village or be 800m² within all villages. M Payne also requests that subdivision creating lots less than 800m² in area should be a non-complying activity rather than a discretionary activity. M Payne notes that each village has its own character and that minimum lot sizes of 500m² may result in significant changes to character.
- Hazel Tynan Trust³¹ – Seeks the following specific additional provision for RVE.3.4.1:

h. The use of recessive colours and non-reflective finishes to minimize potential adverse effects on landscape values.

Discussion

80. **Part 5** of the s32 report³² assessed various minimum lot sizes for the RVRE. A key driver in determining the appropriate minimum lot size was 30/50, which adopts a consolidated approach to population growth. I consider that requiring lot sizes larger than 500m² would not achieve the preferred 30/50 consolidated growth pattern and would less effectively achieve policy 5.1.2(a) of the RPS as a significant portion of the RVE is in the coastal environment – see excerpt below:

5.1.2 Policy – Development in the Coastal Environment

Enable people and communities to provide for their wellbeing through appropriate subdivision, use and development that:

- (a) *Consolidates urban development within or adjacent to existing coastal settlements and avoids sprawling or sporadic patterns of development.*

81. Allowing for former Living 3 Environment sites to subdivide down to 500m² where reticulated wastewater is available is, in my opinion, an efficient and effective use of land and public infrastructure. This is

²⁶ 410/57

²⁷ 451/6

²⁸ 190/4

²⁹ 449/1

³⁰ 455/3 and 4

³¹ 420/2

³² Pages 44 and 45.

consistent with objective 3.8(a) of the RPS – see excerpt below – and helps achieve consolidation. In growth and large villages, I consider that it is important to ensure that the maximum future development potential is not compromised by unserviced larger lot development.

3.8 Objective – Efficient and effective infrastructure

Manage resource use to:

(a) *Optimise the use of existing infrastructure.*

82. There are RA and District wide provisions which will manage additional constraints to development, including Outstanding Natural Landscape and High and Outstanding Natural Character areas and flooding and instability hazards. Where a former Living 3 Environment site is restricted by such constraints, District wide provisions will help manage the effects.
83. Whilst the RVRE minimum lot size of 500m² is the same as the Living 1 Environment, there have been numerous objectives, policies and rules inserted which aim to differentiate the rural villages from the urban Whangarei Environments. Additionally, Plan Change 88 (**PC88**) will review the urban Whangarei Environments and these may be subject to change.
84. Requiring a different minimum lot size for each village based on the average lot size in that area would, in my opinion, result in complex rules and would be difficult for applicants to determine compliance.
85. Proposed provision RVE.3.4 is a site-specific information requirement for Pt Lot 1 DP 93517. I consider it unnecessary to include additional requirements within this site as the proposed provisions have been adopted from the WDP Scheduled Activities 11/1, 11/3 and 11/4. I do not consider RVE.3.4 appropriate to apply broadly across the RVE.

Recommendation

86. I recommend that the Commissioners:
 - **Accept** submission points 256/2 and 410/57 and 451/6.
 - **Reject** submission points 190/4, 420/2, 449/1 and 455/3 and 4.

G. Commercial and Industrial Activities

Submission Information

87. Six submission points were made with regard to commercial and industrial activities.
88. Saleyards Investments³³ requests that RVE.2.3.1(b)(i) (commercial activity GFA limits) either be deleted or reduced from a discretionary to a restricted discretionary activity status. Vita and Max Badran³⁴ oppose this submission point as this would compromise the character and amenity of rural villages.
89. Philip Dobson³⁵ requests that small businesses and tourism businesses be allowed to operate in the RVE and that the home occupation provisions should allow for tourism businesses. V and M Badran³⁶

³³ 236/2

³⁴ x058

³⁵ 407/2

³⁶ x064

support this submission point stating that if sufficient off-street parking can be provided, tourism activities should not be excluded from home occupations in the RVRE.

90. The following submission points request less restrictive rules for industrial activities:

- Susan Bretherton³⁷ – Opposes prohibiting industrial activities in the RVRE and RVCE and seeks that light and heavy industrial activities be separately defined.
- Samuel Burnson³⁸ – Requests a range of potential amendments which would essentially allow for more industrial activities in the RVE. Relief sought includes:
 - Amendments to the definition of “rural centre service activity” and/or “industrial activity” to allow for more permitted activities.
 - Amend the prohibited activity status of industrial activities so that they are not banned and are instead controlled through additional effects-based rules.
 - Acknowledge existing use rights and appropriate expansion of existing activities.
- Nelson Lattimer³⁹ – Requests that industrial activities be permitted in the RVE.
- Hikurangi Business Association⁴⁰ – Requests that industrial activities in RVE.2.1.3 be amended from being prohibited to being non-complying or discretionary.

RVE.2.3.1(b)(i) – Discussion

91. In my opinion it is appropriate to require consent for any individual commercial activity which exceeds 300m² GFA. As discussed in **Part 5** of the s32 report⁴¹, other GFA limits were considered and evaluated. I consider that 300m² best reflects the existing and intended environment in the RVCE and surrounding RVRE. In my opinion larger commercial activities should be encouraged to locate in more appropriate Environments or should obtain consent.

92. As discussed in **Part 1** of the s32 report⁴², the rural plan changes seek to introduce a limited range of activity rules (permitted, controlled, discretionary and non-complying) and seek to limit the use of restricted discretionary activity status. I therefore do not support amending the activity status to restricted discretionary.

RVE.2.3.1(b)(i) – Recommendation

93. I recommend that the Commissioners **reject** submission point 236/2.

Tourism businesses – Discussion

94. I acknowledge the presence and need for small businesses and tourism businesses in the RVE. The RVCE specifically provides opportunities for the establishment of these activities to enhance economic wellbeing in rural villages.

³⁷ 151/2

³⁸ 259/1

³⁹ 286/1

⁴⁰ 421/1

⁴¹ Pages 48 – 49

⁴² Pages 22 – 23 and 30 – 31

95. The RVRE is intended to predominately provide for residential activities. Limited opportunities are provided for non-residential activities through proposed provision RVE.2.3.2(g), which permits home occupations depending on their scale and design. A tourism activity, provided it meets the definition of home occupation and the standards of RVE.2.3.2(g), is considered a permitted activity as home occupations do not exclude tourism activities.
96. I consider the proposed provisions appropriate to allow for small scale non-residential activities. Where home occupations breach the standards in RVE.2.3.2(g) I consider it appropriate to require consent to assess the effects. The proposed methods are in my opinion sufficient to provide for the social and economic wellbeing of individuals while also managing potential adverse effects.

Tourism businesses – Recommendation

97. I recommend that the Commissioners **reject** submission point 407/2, but I do acknowledge that home occupations allow for tourism businesses.

Industrial Activities – Discussion

98. "Industrial activity" is defined in the WDP as follows:

Industrial Activity

means the processing, manufacturing, fabricating, packing or storage of goods or other ancillary activities, and includes servicing and repair activities.

99. I acknowledge that there is some merit in the request to create separate definitions for light and heavy industrial activities. I do not support changing the definitions at this time however as this will have District wide implications. As part of the rolling review it is anticipated that the WDP activity definitions will be further reviewed in a future plan change.
100. I consider that industrial activities should be prohibited in the RVRE to encourage consolidation of these activities in more appropriate Environments throughout the District and to avoid significant adverse effects on residential amenity. No amendments are recommended regarding the activity status of industrial activities in the RVRE.
101. The RVCE aims to provide a focal point for local commercial activities and community facilities. The types and scales of activities provided for aim to enhance the vibrancy and amenity within rural villages. Activities are managed to a certain degree to reduce effects on the adjacent RVRE. I consider industrial activities would compromise the overall intent of the RVCE and should not be permitted. In my opinion heavy industrial activities particularly conflict with residential and commercial activities.
102. I acknowledge that there are existing light industrial activities operating in the proposed RVCE in areas such as Hikurangi and Maungatapere. Activities such as these may be appropriate in rare circumstances but are prohibited under the proposed provisions as notified. I support changing the activity status of industrial activities to non-complying to allow resource consent to be sought, and the relevant effects assessed. In my opinion the change in activity status to non-complying also requires a new RVE policy to manage the effects. I consider that this will still preserve commercial development opportunities within the RVCE and protect amenity and character values. This is consistent with the approach taken in the

Kamo Activity Precinct (KAP.1.2.2) and the hybrid activity and effects based approach taken in the rolling review – see **Part 1** of the s32 report⁴³.

103. To assess the appropriateness of the recommended amendment, the following four reasonably practical options have been evaluated:

- **Option 1:** Notified Provision – Prohibiting industrial activities in the RVCE.
- **Option 2:** Recommended Revised Provision – Require consent as a non-complying activity for industrial activities in the RVCE and insert an additional policy to manage adverse effects – See **Attachment 2G** of **Part 1** of the s42A report.
- **Option 3:** Amend Eligibility Rule Only – Require consent as a non-complying activity for industrial activities in the RVCE without an additional policy to manage adverse effects.
- **Option 4:** Permit Industrial Activities – Amend eligibility rules so that industrial activities are permitted within the RVCE.

104. Evaluation of these options has been summarised in Table 3.

TABLE 3: EVALUATION OF INDUSTRIAL ACTIVITIES OPTIONS		
Option	Costs	Benefits
Option 1: Notified Provision	<p><u>Environmental & Cultural</u> None known.</p> <p><u>Economic</u> Prohibits industrial activities in the RVCE, requiring them to locate in either the RVIE or other Business Environments.</p> <p><u>Social</u> Often local businesses support local causes. Decreases in industrial activities may lead to a reduction in the ability of people and the community to provide for their social and economic wellbeing. However, PC85C intends to direct these activities to the RVIE and other business zones.</p>	<p><u>Environmental</u> Protects amenity and character values as well as effects on transport by avoiding industrial activities in the RVCE.</p> <p><u>Economic</u> Preserves the RVCE for commercial activities while industrial activities are still able to locate in other Environments.</p> <p><u>Social & Cultural</u> None known.</p>
Option 2: Recommended Revised Provision	<p><u>Environmental</u> May allow industrial activities in the RVCE, which could affect the amenity and character of the RVE. However, proposed policy RVE.1.3.13 manages the adverse effects of potential new activities.</p> <p><u>Economic</u> May compromise the ability of the RVCE to provide a mix of residential and commercial activities.</p> <p><u>Social & Cultural</u> None know.</p>	<p><u>Environmental</u> Allows industrial activities to be managed in the RVCE.</p> <p><u>Economic</u> Provides for industrial activities as non-complying activities.</p> <p><u>Social</u> Provides opportunities for industrial activities which could increase the ability of people and the community to provide for their social and economic wellbeing.</p> <p><u>Cultural</u> None known.</p>

⁴³ Page 24

<p>Option 3: Amend Eligibility Rule Only</p>	<p><u>Environmental</u> Similar to Option 2 but with no policy to manage the adverse effects.</p> <p><u>Economic</u> More likely than Option 2 to compromise the ability of the RVCE to provide a mix of residential and commercial activities.</p> <p><u>Social</u> A proliferation of industrial activities may adversely affect social wellbeing and human health.</p> <p><u>Cultural</u> None known.</p>	<p><u>Environmental</u> Less ability to manage industrial activities than Option 2.</p> <p><u>Economic & Social</u> More permissive for industrial activities than option 2.</p> <p><u>Cultural</u> None known.</p>
<p>Option 4: Permit Industrial Activities</p>	<p><u>Environmental</u> Could result in significant adverse effects to transport, amenity, character, etc. within the RVE.</p> <p><u>Economic</u> Could significantly compromise the RVCE as a mixed use area with predominately commercial and residential uses.</p> <p><u>Social & Cultural</u> Similar to Option 3 but with potentially greater adverse effects.</p>	<p><u>Environmental & Cultural</u> None known.</p> <p><u>Economic & Social</u> Would be highly enabling for industrial activities within the RVCE.</p>
<p>Option</p>	<p>Efficiency & Effectiveness</p>	
<p>Option 1:</p>	<p>Efficient and effective in prohibiting industrial activities within the RVCE and avoiding any associated adverse effects. However, Option 1 is not flexible in any instance where an industrial activity may be appropriate in the RVCE.</p>	
<p>Option 2:</p>	<p>Consent may be obtained through a non-complying resource consent; however, the newly proposed policy RVE.1.3.13 clearly states the effects which must be avoided/managed based on the scale and nature of the activity.</p>	
<p>Option 3:</p>	<p>Not as effective as Option 2 as there would be no corresponding policy to go with the proposed rule change, thus restricting WDC's ability to manage adverse effects and decline applications.</p>	
<p>Option 4:</p>	<p>Not effective as industrial activities would be uncontrolled and could have significant adverse effects within rural villages.</p>	
<p>Economic Growth and Employment Opportunities</p>		
<p>The various options could have significant impacts on economic growth and employment. While Option 1 would restrict industrial growth, it may increase opportunities for residential and commercial activities in the RVE by protecting the amenity and reserving the land for other, more appropriate, activities.</p> <p>Options 3 and 4 would provide the opposite, improving industrial growth but potentially compromising residential and commercial growth.</p> <p>Option 2 is considered to be an appropriate balance of allowing for industrial growth where appropriate and managing the effects so that residential and commercial growth opportunities are retained.</p>		
<p>Risk of Acting and not Acting if there is Uncertain or Insufficient Information</p>		
<p>There is no known risk due to insufficient information.</p>		

105. Option 2 is, in my opinion, the most efficient and effective method to achieve the purpose of PC85C.
106. In addition to the recommended change in activity status, I note that rural centre service activities include activities outside the scope of the WDP definition of commercial activities (such as automotive service

and repair activities) and these will be permitted in the RVCE. Additionally, section 10 of the RMA provides for existing use rights. Any lawfully established activity may continue to operate in a manner that contravenes a rule in an operative or proposed district plan provided the effects of the use are the same or similar in character, intensity, and scale to those which existed before the rule became operative or the proposed plan was notified.

Industrial Activities – Recommendation

107. I recommend that the Commissioners:

- **Reject** submission point 286/1.
- **Accept in part** submission points 151/2, 259/1 and 421/1, and that the notified provisions are amended as follows:

RVE.1.3 Policies

13. To manage the scale and nature of activities within the Rural Village Centre Sub-Environment by ensuring that activities:

- a. Avoid significant adverse effects on surrounding residential areas.
- b. Do not compromise the retention, and potential establishment, of a mix of activities within the Rural Village Centre Sub-Environment.
- c. Maintain the vibrancy and vitality of the surrounding Rural Village Centre Sub-Environment.
- d. Can meet and fund local infrastructure requirements.

RVE.2.1 Eligibility Rules

3. Any industrial activity, ~~excluding rural centre service activities~~, is a prohibited activity within the ~~Rural Village Centre and Rural Village Residential Sub-Environments.~~
4. Any industrial activity, excluding rural centre service activities, is a non-complying activity within the Rural Village Centre Sub-Environment.

H. Amenity and Privacy

Submission Information

108. Two submission points were made with regard to amenity and privacy issues, specifically relating to RVE.2.3.

109. Michael Austin⁴⁴ requests that the installation of 6m x 3m huts and caravans be banned in the RVRE.

110. V and M Badran⁴⁵ request that the following specific amendments to RVE.2.3.1(b) and (d) (as an alternative to the rezoning request discussed in **Part 6** of the s42A report⁴⁶):

RVE.2.3.1(b)

- b. *Any commercial or rural centre service activity that:*

⁴⁴ 316/1

⁴⁵ 221/2

⁴⁶ Topic B(x)

- i. Exceeds 300m² gross floor area.*
- ii. Provides for 3 or more individual commercial or rural centre service activities on a site.*
- iii. Could cause reverse sensitivity issues for any immediately adjacent existing residential site.*
- iv. Operates outside the hours 0600-2200.*

RVE.2.3.1(d)

- d. Any building:*
 - i. That exceeds a maximum height of 8m.*
 - ii. Within 2m of a road boundary.*
 - iii. Within 27m of Mean High Water Springs (excluding bridges, culverts and fences).*
 - iv. Within 27m of the top of the bank of any river that has a width exceeding 3m (excluding bridges, culverts and fences).*
 - v. Not set back at least 3m from any boundary with any existing residential site.*
 - vi. That exceeds a height equal to 3m plus the shortest horizontal distance between that part of the building and any residential site boundary.*
 - vii. Encroaches on access to sunlight and retention of privacy for any immediately adjacent existing residential site.*

Discussion

111. Huts and caravans with an area of 18m² are managed by the bulk and location provisions and the impervious area limit of 65% in the RVRE. I consider that the provisions as notified are sufficient to manage and protect amenity within the RVRE. Banning 18m² huts and caravans would be overly restrictive in my opinion as small garden sheds or garages would be prohibited.
112. I agree that commercial activities can adversely affect adjacent residential activities. I support including a height in relation to boundary provision. I do not agree however with the following requested additional provisions:
- RVE.2.3.1(b)(iii) and RVE.2.3.1(d)(vii) – These requested rules are, in my opinion, not specific enough and would cause inefficiencies in the consenting process and uncertainty for applicants.
 - RVE.2.3.1(b)(iv) – Consequential amendments are proposed to the NAV Chapter of the WDP to restrict the noise limits of activities in the RVCE during night-time hours. While the noise limits are greater than those proposed in the RVRE, they are reduced at night-time and will help will manage adverse effects. I do not consider it necessary to impose additional controls on the hours of operation for these activities. Plan Change 82 Signs and Lighting is also being drafted and prepared for notification in mid/late 2017. PC82 will review the WDP lighting rules and aim to introduce District wide provisions which will manage light spill and glare.
 - RVE.2.3.1(d)(v) – I do not consider it necessary to require a 3m boundary setback if there is a height in relation to boundary rule.

113. To assess the appropriateness of the recommended amendment the following three options have been evaluated:

- **Option 1:** Notified Provisions.
- **Option 2:** Recommended Revised Provision – See **Attachment 2G** of **Part 1** of the s42A report.
- **Option 3:** Alternative Revision and Submission Request (submission point 221/2).

114. Evaluation of these options has been summarised in Table 4:

TABLE 4: EVALUATION OF ADDITIONAL CONTROLS ON RVCE ACTIVITIES OPTIONS		
Option	Costs	Benefits
Option 1: Notified Provision	<p><u>Environmental</u>, May result in adverse amenity, privacy and character effects on adjacent RVRE sites.</p> <p><u>Economic & Cultural</u> None known.</p> <p><u>Social</u> Social wellbeing may be adversely affected where residential units are close to commercial or rural centre service activities.</p>	<p><u>Environmental, Social & Cultural</u> None known.</p> <p><u>Economic</u> More enabling for commercial and rural centre service activities.</p>
Option 2: Recommended Revised Provision	<p><u>Environmental</u> Not as restrictive of non-residential activities as Option 3.</p> <p><u>Economic</u> Restricts the building location for commercial and rural centre service activities.</p> <p><u>Social and Cultural</u> None known.</p>	<p><u>Environmental</u> Reduces adverse effects on the RVRE.</p> <p><u>Economic & Cultural</u> None known.</p> <p><u>Social</u> Protects residential amenity, privacy and character.</p>
Option 3: Alternative Revision and Submission Request	<p><u>Environmental, Social & Cultural</u> None known.</p> <p><u>Economic</u> Most restrictive option for commercial and rural centre service activities.</p> <p>May compromise the ability to establish commercial activities in the RVCE and reduce the vitality and viability of the rural villages.</p>	<p><u>Environmental</u>, Best reduces adverse effects on the RVRE.</p> <p><u>Economic & Cultural</u> None known.</p> <p><u>Social</u> Best protects residential amenity, privacy and character.</p>
Option	Efficiency & Effectiveness	
Option 1:	Enables commercial and rural centre service activities to operate within any distance of a RVRE site boundary. This is not consistent with the WDP Kamo Activity Precinct provisions (KAP.1.5.1(d) or the Business 3 Environment provisions (41.4.1(b)).	
Option 2:	More effectively and efficiently manages location of commercial and rural centre service activities adjacent to the RVRE. More efficient than Option 3 as it streamlines the rules but still addresses concerns regarding privacy and amenity.	
Option 3:	Effectively manages adverse effects on the RVE. The proposed provisions however are not efficient in that they result in redundant protections and lack clarity. These inefficiencies could cause misunderstandings or various interpretations during the consenting process. These provisions may also result in an overly restrictive RVCE, discouraging non-residential activities.	

Economic Growth and Employment Opportunities

These rules have a potential impact on economic growth and employment opportunities as they potentially restrict the hours of operation and location of commercial and rural centre service activities. Option 1 is the most permissive, but could negatively affect the value of residential properties or the appeal of living near the RVCE. Option 3 could result in overly restrictive rules. Option 2 helps protect residential amenity and privacy while providing a clear and measurable rule that is not overly restrictive and is consistent with the WDP Business 3 Environment rules and the Kamo Activity Precinct rules.

Risk of Acting and not Acting if there is Uncertain or Insufficient Information

There is no known risk due to insufficient information.

115. Option 2 is, in my opinion, the most efficient and effective method to achieve the purpose of PC85C.

Recommendation

116. I recommend that the Commissioners:

- **Reject** submission point 316/1.
- **Accept in part** submission point 221/2, and that the notified provisions are amended as follows:

RVE.2.3.1(d) Rural Village Centre Sub-Environment Discretionary Activities

d. Any building:

...

v. That exceeds a height equal to 3m plus the shortest horizontal distance between that part of the building and any Rural Village Residential Sub-Environment boundary.

I. Traffic Movements and Vehicle Manoeuvring

Submission Information

117. Four submission points were made with regard to traffic movements and vehicle manoeuvring.

118. NZFSC⁴⁷ supports policy RVE.1.3.11(c) and seeks that it be retained to ensure that vehicle manoeuvring is provided for onsite.

119. The New Zealand Transport Agency (**NZTA**)⁴⁸ supports and seeks to retain rules RVE.2.3.1(c), RVE.2.3.2(g)(i) and RVE.2.3.3(c)(i) to manage potentially high traffic generating activities.

120. Saleyards Investments⁴⁹ seeks that RVE.2.3.1(c) (traffic movements limits in the RVCE) be amended from a discretionary activity to a controlled activity. Saleyards Investments considers the proposed provision to be too restrictive stating that any development or redevelopment of RVCE sites in Waipu will likely require resource consent as a discretionary activity under the proposed rules.

121. J Woollacott⁵⁰ seeks the following specific amendment to RVE.2.3.2(g)(i):

g. Any home occupation that:

⁴⁷ 451/4

⁴⁸ 453/12

⁴⁹ 236/3

⁵⁰ 482/1

i. *Generates more than 2030 traffic movements per site per day.*

122. J Woollacott considers the requested amendment is more appropriate for the following reasons:

- Places of assembly have no traffic movement limitation in the RVRE and may have more impacts than home occupations.
- A limit of 30 traffic movements is consistent with the operative Living 1 Environment provisions (Rule 36.3.6 of the WDP).

Support for Policies and Landuse Provisions – Discussion

123. I acknowledge these submission points as I consider the provisions to be appropriate to manage traffic generating activities in the RVE and ensure that sufficient space is provided for on-site vehicle manoeuvring in the RVIE.

Support for Policies and Landuse Provisions – Recommendation

124. I recommend that the Commissioners **accept** submission points 451/4 and 453/12.

Amendments to Landuse Provisions – Discussion

125. In my opinion, providing for activities generating more than 200 traffic movements in the RVCE as a controlled activity is too permissive. As a controlled activity WDC would not be able to decline consent and would have limited matters of control. Policy RVE.1.3.5 aims to protect the character and amenity of rural villages by limiting the number of traffic movements generated by non-residential activities. I consider a discretionary activity status a more effective method of achieving RVE.1.3.5 than a controlled activity status, particularly when considering the potential for cumulative effects.

126. I respond to J Woollacott as follows:

- The proposed plan changes are adopting a hybrid effects-based and activity-based approach. Places of assembly are managed in the RVRE under RVE.2.3.2(c) being a discretionary activity if the hours of operation and site coverage are not met. As assessed in **Part 5** of the s32 Report⁵¹, I consider the proposed home occupation and places of assembly provisions appropriate to manage the respective effects of each type of activity.
- Activities requiring more than 20 traffic movements per day may represent a character more similar to a commercial activity than a residential activity.
- While a limit of 30 traffic movements is consistent with the Living 1 Environment provisions, the proposed limit of 20 traffic movements is consistent with the more recent Kamo Walkability Environment provisions for home occupations (rules KMP.1.5.10(a) and KLP.1.5.12(a)).

Amendments to Landuse Provisions – Recommendation

127. I recommend that the Commissioners **reject** submission points 236/3 and 482/1.

⁵¹ Pages 35 – 38

J. Minor Residential Units

Submission Information

128. Two submission points were made with regard to minor residential units and the relevant Landuse and Subdivision Eligibility Rules.
129. John Waisanen⁵² seeks the following specific amendment to RVE.2.1.5:
5. *Any minor residential unit that is not able to connect to a public reticulated wastewater system is a ~~prohibited~~ discretionary activity within the Rural Village Residential Sub-Environment.*
130. J Waisanen considers that minor residential units should not be prohibited where the size of the allotment can allow for appropriate wastewater disposal for both a primary and a minor residential unit.
131. FNDC⁵³ supports RVE.3.1.2 and seeks that the prohibited activity status be retained. The Landowners Coalition⁵⁴ opposes this submission point and seeks that the activity status be changed to discretionary.

Discussion

132. I acknowledge and support FNDC's submission point. A key intention of PC85C is to provide for the managed growth of rural villages by concentrating development near existing reticulated services and restricting opportunities for sprawling unserviced development. As assessed in **Part 5** of the s32 report⁵⁵, RVE.2.1.5 is considered an appropriate method of achieving the purpose of PC85C and gives effect to RVE.1.2.1 and RVE.1.2.4 and RVE.1.3.2 which have been supported by other submitters.
133. I acknowledge that a cost of rule RVE.2.1.5 is that slightly less growth will be provided for in the RVE than if unserviced minor residential units were permitted. To counter this, additional opportunities for the establishment of minor residential units have been provided for in the RVRE where the public reticulated wastewater network is available (rule RVE.2.3.2(b)). This provides more opportunities for minor residential units than the status quo Living Environments.
134. The WDP defines 'residential unit' and 'minor residential unit' as follows:

Residential Unit

means a building or group of buildings, room or group of rooms, with associated services and facilities, designed, used or intended to be used separately or in conjunction with each other as a single independent and separate household unit for a Residential Activity. This includes baches or other similar private holiday accommodation but excludes temporary Activities.

Minor Residential Unit

means a residential unit located no more than 15.0 metres from another residential unit on the same site/lot with a gross floor area of no more than 70.0m², excluding the gross floor area used exclusively for the storage of motor vehicles in association with the minor residential unit.

135. Based on the definitions, a minor residential unit is technically considered a residential unit. Consequentially, there is an inconsistency between RVE.2.3.2(a) and 2.3.2(b) as minor residential units

⁵² 492/1

⁵³ 410/56

⁵⁴ x389

⁵⁵ Pages 35 and 42 – 45

are provided for by RVE.2.3.2(b) but RVE.2.3.2(a) imposes a limit of one residential unit per 500m² net site area.

136. To clarify that minor residential units are provided for in the RVRE where they are connected to reticulated wastewater, I support an amendment to RVE.2.3.2(a) to improve the clarity of the provisions in accordance with policy 6.1.1 of the RPS.

Recommendation

137. I recommend that the Commissioners:

- **Reject** submission point 492/1. However, I recommend that the following change is made to RVE.2.3.2(a) to clarify the intention to provide for minor residential units in the RVRE:

RVE.2.3.2 Rural Village Residential Sub-Environment Discretionary Activities

a. Any residential unit:

i. Excluding minor residential units, wwhere there is less than...

- **Accept** submission point 410/56.

K. Earthworks

Submission Information

138. P Dobson⁵⁶ opposes policy RVE.1.3.12 stating it is impractical, or needs to be better defined as site topography will typically require a certain level of earthworks to accommodate buildings. P Dobson seeks for the provision to be amended to allow site contouring, retaining walls and benching as owners should be able to develop sites within reason, provided there is appropriate planting and landscaping post development.

Discussion

139. I acknowledge that many sites within the RVE contain challenging topographies that require earthworks to enable development. The only rule managing earthworks in the RVE is RA.3.3.1(p), which requires compliance with WDC's Environmental Engineering Standards 2010. In my opinion, RVE.1.3.12 is not impractical and will not prevent landowners from undertaking necessary earthworks as it is a policy rather than a rule.
140. On some sites, significant earthworks will be required and in these instances I consider that the proposed provisions will direct applicants to locate features such as building areas, services and access ways in the most appropriate areas and will allow any application to be assessed in accordance with the objectives and policies.
141. In selecting the RVE boundaries, topography and instability hazards were taken into consideration. The rezoning score of areas which present significant stability hazards has been reduced to avoid rezoning areas which will require excessive earthworks or which may pose a risk to human health and safety.

⁵⁶ 407/1

Recommendation

142. I recommend that the Commissioners **reject** submission point 407/1.

L. Emergency Services

Submission Information

143. NZFSC⁵⁷ opposes RVE.2.3.2(h), which classifies emergency services as a discretionary activity in the RVRE, and suggests that emergency services instead be specifically listed as a permitted activity for the following reasons:

- Fire stations need to be strategically located within and throughout communities to maximise their coverage and response times.
- The potential effects of a fire station are well defined and consistent across stations regardless of their location. The potential adverse effects should be anticipated throughout the community and are limited to visual bulk and dominance of the building, noise, lighting and traffic.
- Fire stations are designed to be sympathetic to the communities they are located within, helping to manage and mitigate effects.
- The positive effects of a fire station outweigh any adverse effects.

Discussion

144. Whilst I acknowledge that fire stations serve a vital function, they do generate adverse effects and can negatively impact residential character and amenity. The intention of the proposed RVE is to encourage certain activities, such as commercial and industrial activities and emergency services, to locate in the RVCE where the effects of these activities are more appropriate and to retain residentially zoned land for residential use.

145. While the proposed discretionary activity status will place controls on emergency services in the RVRE, consent may still be able to be obtained. Emergency services are also provided for as permitted activities in the RVCE.

Recommendation

146. I recommend that the Commissioners **reject** submission point 451/5.

M. Signs

Submission Information

147. FNDC⁵⁸ seeks amendments to either the RA provisions or the RVE provisions to address a potential inconsistency whereby RA.2.3.1(c)(ii) permits only one sign per site, but RVE.2.3.1(b)(ii) permits up to two commercial activities per site. The submitter notes that amendments are required unless the intent was to require the two commercial activities to share a sign.

⁵⁷ 451/5

⁵⁸ 410/27

Discussion

148. The intent of the RVCE is to provide for two commercial activities within a site as a permitted activity to enable a mix of uses. I consider it appropriate to provide for more than one sign per site in the RVCE as commercial activities typically require signage. I therefore agree with FNDC that amendments are required to correct the inconsistency. The Business 3 Environment provides for 3 signs per site which I consider to be an appropriate amount for the RVCE. This will assist in providing economic growth and employment opportunities by enabling activities to provide the required signage and encouraging the establishment of commercial activities in the RVCE as is intended.

Recommendation

149. I recommend that the Commissioners **accept** submission point 410/27 and that the notified provisions are amended as follows:

RA.2.3.1(c) Rural Area Discretionary Activities

...

- ii. Is not the only sign displayed per site (except within the SRIE and the RVCE).

RVE.2.3.1 Rural Village Centre Sub-Environment Discretionary Activities

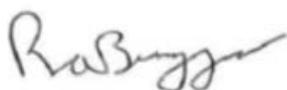
- d. Any sign resulting in more than three signs being displayed per site.

~~d~~. Any building...

6.0 Conclusions and Recommendations

150. After carefully considering the submissions and further submissions received in relation to each topic, I recommend that PC85C be amended to the extent detailed in the preceding sections of **Part 9** of the s42A report and as illustrated in **Attachment 2G** of **Part 1** of the s42A report. I further recommend that those submissions and further submissions that request the recommended amendments be accepted in whole or in part, and that all other submissions be rejected.
151. The revised provisions [**Attachment 2G** of **Part 1** of the s42A report] have been detailed and compared above against viable alternatives in terms of their costs, benefits, efficiency and effectiveness and risk in accordance with the relevant clauses of s32AA. Overall, it is considered that the revised provisions represent the most efficient and effective means of achieving the RMA and PC85C.
152. I have read and concur with any recommendations from other parts of this s42A report that result in amendments to PC85C to the extent illustrated in **Attachment 2G** of **Part 1** of the s42A report.

AUTHOR



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