

WRITTEN STATEMENT ON SUBMISSION 39 & X744 FROM FRED MORGAN

Submission 39 - Whau Valley, Whangarei

1) Outcome sought: Enabling of further urban expansion in Whau Valley

- a) Deletion of the words “*Whau Valley*” in
 - i) Policy RUEE 1.3.7
 - ii) Rule RUEE 3.3.1(e)

Alternatively

- b) Insertion of the following underlined wording into Policy RUEE 1.3.7 and Rule RUEE 3.3.1(e)

To avoid future urban expansion in the Toe Toe Rd and Whau Valley Road (after the second bridge) RUEE areas because of hazards, proximity to Mineral Extraction Areas and land use constraints.

Except in Toe Toe Road and Whau Valley (after the second bridge), the subdivision design and layout sets aside (by way of easements, bonds, covenants, consent notices or segregation strips) land for the future provision or extension of reticulated water, wastewater and stormwater and of roads, within the site and to adjoining sites, to the urban standards specified in Whangarei District Council’s Environmental Engineering Standards 2010.

2) Reason

- a) There is no evidence of hazards or land use constraints being significant enough to limit future urban development of Whau Valley RUEE land
 - i) The s.32 evidence (and referred to in the s42A report) does not support the provisions which would restrain further development in Whau Valley:
 - (1) Paragraph 16 provides an overview of the s.32 analysis and states that further urban development in Whau Valley road and Toe Toe road should be limited because of land use constraints. However, this overview for Whau Valley is inconsistent with the analysis undertaken in the body of the s32 report.
 - (2) Paragraph 60 relates to toe toe road and should be disregarded in relation to Whau Valley road
 - (3) Paragraph 67 refers to flood hazards in part of Whau Valley which is **after** the second one-lane bridge. Paragraph 67 states:

Significant existing rural residential development is located at Whau Valley Road, in particular between the first and second one lane bridges. After the second bridge character tends more towards rural than residential however there is very little rural production activities occurring in this area. Most blocks are less than one hectare with

some up to 4ha. Potential flooding hazards, and further development will increase the risk of material damage, especially in the low probability (but with high consequences) of the Whau Valley dam failing.

- (4) **Paragraph 68** refers to that part of Whau Valley **before** the second one-way bridge. Paragraph 68 states

“There is potential for further residential development in the valley before the second bridge which slopes up to the north-west toward Three Mile Bush Road and Lake Ora. This could be rezoned for Living 1 once services are available and capacity is needed. Therefore this area is proposed as RUEE”

- ii) The majority of the Whau Valley RUEE zoned land is outside of a probable flood inundation zone. Flood hazard modeling for a 1 in 100 year storm event shows most parts of Whau Valley which is subject to inundation (see image on page 3) has been excluded from the RUEE.
- iii) No flood hazard modeling has been undertaken of the failure of the Whau Valley dam and this adverse event and adverse effects should be disregarded or given little weight:
 - (a) No evidence of this adverse event probability is provided in the s32 report. However, the probability was given by the Council (Andrew Venmore) in the Whau Valley Water Treatment Plant hearing, as a 1 in 30,000 year storm event. This storm event is within acceptable design risk for dams – including:
 - (i) Whau Valley dam; and
 - (ii) Hopua te Nihotetea (kotoku) dam.
 - (b) No evidence of the flood inundation zone from a dam failure is provided in the s32 report. However, inundation of parts of Whau Valley (and central Whangarei) could occur.

Flood Inundation Extent



Submission X744 - Factory Lane, Hikurangi

3) Outcome sought: Enabling of Residential activities in the Rural Village Industry Sub-Environment

- i) Deletion of RVE Eligibility Rule 2.1.4

Or

- ii) Insertion of the following definition in the District Plan:

“Ancillary Residential Activity: means a residential activity that is ancillary to a commercial/industrial activity being undertaken on a site in the Rural Village Industrial Environment. An Ancillary Residential Activity is not a ‘Sensitive Activity’ as defined in the District Plan.

4) Reasons:

- a) The proposed District Plan change will prohibit “residential activities” in the Rural Village Industry Sub-environment (RV-IE)
 - i) Eligibility rule 2.1.4 prohibits any ‘sensitive activity’ within the RV-IE
 - ii) The definitions of ‘sensitive activity’ includes a ‘residential activity’
 - iii) The definition of a ‘residential activity’ *“means the use or occupation of land and buildings for the purpose of living accommodation...”*.
- b) Ancillary residential activities are often desirable in commercial/industrial zones.
 - i) Residential units are often provided for business maintenance or security purposes in commercial/industrial zones
- c) The prohibition of residential activities in the RV-IE is not justified under the RMA where:
 - i) The residential activity is ancillary to an industrial activity which is helping to achieve the objectives of the zone; and
 - ii) The adverse ‘reverse sensitivity’ effects of a residential unit (complaints) can be avoided, mitigated or remedied.
- d) The District Plan assessment and management of sensitive/residential activities reverse sensitivity effects in commercial/industrial zones is inconsistent:
 - i) the proposed **Strategic Rural Industries Environment** provides for higher levels of industrial development than the RV-IE but identifies ‘Sensitive activities’ as a non-complying activity

- ii) the existing **Business 4 Environment** provides for higher levels of industrial development than the RV-IE but identifies 'Residential units' as a non-complying activity
 - iii) the existing **Business 2 Environment** provides for similar levels of commercial/industrial development than the RV-IE but identifies 'Residential units' as a permitted activity
- e) The land in this locality is currently zoned business 2 which enables sensitive (and residential) activities
- i) There is an existing residential unit in the sawmill on Factory Lane which is being occupied without reverse sensitivity complaints
 - ii) The proposed plan change would prevent similar intended development (Business premises with ancillary residential units) on adjacent sites