

Notes for the Hearing for District Plan Changes

Submitters: Max and Vita Badran
27 July 2017, 1:30pm
Toll Stadium level 3, 51 Okara Drive, Whangarei

We live in (and own) the property at 1391 Whangarei Heads Road, Parua Bay. Our property (along with five neighbouring residential properties) has been marked for rezoning into Rural Village Centre Environment (RVCE).

The RVCE zoning proposes mixed use of land – both commercial and residential. In our submission we requested to put in place adequate controls ((such as levels of noise, light, traffic movements and hours of operation)) to ensure the commercial activity within RVCE does not cause nuisance to residential landusers. It would be impossible to enable a “**mix of residential and commercial activities**” on these sites without compromising amenity values for the existing residential land users. Residential and Commercial activities located in close proximity are largely incompatible in regard to amenity values, and conflicts are bound to arise. Commercial expansion east of the Four Square and into our cluster of houses is likely to cause significant disruptions to the remaining residential land users - issues such as noise, smell, light pollution, loitering and an increased risk of burglaries.

Unfortunately, the section 42 report rejected all but one of our requests.

And for the only one request recommend to be accepted the proposed wording has been changed in such a way that renders it completely unhelpful for our situation. We requested a provision to manage building height in relation to boundaries within the RVCE. We asked that any building **That exceeds a height equal to 3m plus the shortest horizontal distance between that part of the building and any existing residential site boundary** should be a discretionary activity. What the author of the s42 report recommends is different: 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.” We are not happy with this recommendation. We seek relief for the situation where the residential site is entirely within the RVCE and not on zone boundary. It is unfair to propose “mixed land use” in RVCE while not making any concessions for the residential landusers.

The author of the s42 report states that the “wording proposed by submitter for these provisions may also result in an overly restrictive RVCE, discouraging non-residential activities”. We do not agree with this statement. If RVCE is to be “mixed use” there have to be concessions made for the residential activities. We do not feel our requests are overly restrictive.

Since RVCE is proposed as a “mixed use zone” we feel it is fair to ask that any development within RVCE should be notified to all adjacent residential property owners so that they are aware and have the opportunity to comment on development that may affect them. Additional standards should apply to ensure that proposals are more compatible with the

surrounding sites and that the amenity of neighbours is not unduly affected. It is not expensive or difficult to send an email or send a letter to keep residential neighbours in the loop of what is going to be built over the fence. This is the decent thing to do and the District Plan should require such notification if you want to enable a “**mix of residential and commercial activities**”.

We want to ask specifically to accept our request to regulate hours of operation in RVCE. In our submission we asked to make it a discretionary activity to operate between 10pm – 6 am. Again, this zone is going to be mixed use, and people who live there have the right to get a good nights sleep. We can not have noise and traffic manoeuvring late at night right next door to residential lots. RVCE is designed to provide “village centre service activities” . All these activities can be done between 6am – 10pm, and this would be in line with other similar provisions of the District Plan that apply in town. We do not see what kind of no-discretionary “village service” activities need to be carried out with opening hours after 10 pm. Making this activity discretionary is not too restrictive because it still allows for a dialogue between relevant stakeholders.

The fact that NAV chapter of WDP slightly reduces the volume of activities in RVCE at night time is not enough to address the issue of noise and vibrations. The night time noise levels for RVCE as currently proposed by Council are much higher than those for RVRE. These values are logarithmic and what looks like a small increase on paper is in reality a significant increase.

NAV.1 states in the very beginning that “In an urban sense noise is a significant issue (especially at night) in mixed use zones and in ‘interface’ areas where noise sensitive activities (e.g. residential uses) are located in close proximity to high noise emitting land uses (e.g. bars and panel beaters).” Since this fact is already recognised by the Whangarei District Council we ask that it be applied in practice and specifically to RVCE where there are going to be residential uses next to such noise emitting uses.

Section 32 Evaluation Report for Plan Change 85C in its section 2 paragraph 7 recognises that: “In addition to providing for and managing the projected residential growth within the rural villages, opportunities should be provided to allow for activities of a commercial or industrial nature **that are compatible with existing residential activities**”. This wording comes straight from Whangarei Council, and all we ask that the proposed plan be brought in line with our own stated vision for RVCE. Only an imposition of robust controls in the RVCE can enable compatibility between residential and non-residential users in RVCE.

If controls are not put in place to mitigate the disruptions from commercial activities then you might as well call this zoning “commercial”. On the other hand, if effective controls are adopted this will help in preventing a lot of complaints and tensions between the different types of landusers in RVCE for the next 10 years.

Please refer to our original submission for the proposed wording for RVCE discretionary activities and for the proposed changes to the NAV chapter of WDP. We are open to alternative proposals from the Council on how the wording proposed by us can be improved

and adapted to find a compromise between the needs of commercial and residential landusers.