

1. Report: Whangarei District Council Briefing Tuesday 8 March 2016

Report of a Briefing of the Whangarei District Council held in the Council Chamber, Forum North on Tuesday 8 March 2016 9.00am

Present:

Her Worship the Mayor S L Mai, Crs S J Bell (9.10am), S J Bretherton, S J Deeming (9.03am), C B Christie (9.04am), P A Cutforth (9.17am), S M Glen, G C Innes, P R Halse, C M Hermon, G M Martin, S L Morgan, J D T Williamson and J Chetham

Apologies:

Cr S J Deeming (late arrival) and B L McLachlan (absent)

Also present:

Mike Farrow (Littoralis Landscape Architecture) and Glenn Mortimore (Mortimore Consulting)

In Attendance:

R Forlong (Chief Executive), Group Manager District Living (P Dell), Policy and Monitoring Manager (P Waanders), Team Leader District Plan (M McGrath), Senior Policy Planner (E Cook), Policy Planner (R Burgoyne), Support Assistant Policy (T Baxter) and Senior Meeting Co ordinator (C Brindle)

1. Draft Plan Change 114 Landscapes

Facilitators: Cr G C Innes
P Dell

Cr Innes convened the Briefing.

The purpose of the Briefing is to update Council on draft Plan Change 114 (PC114) prior to targeted consultation with affected landowners.

Draft district plan text has been developed for landscapes. The draft text seeks to introduce district wide policy direction and rules for Outstanding Natural Features (ONFs) and Outstanding Natural Landscapes (ONLs).

P Dell introduced consultants Glenn Mortimer and Mike Farrow, involved in the process to date. They developed the maps that have now been confirmed for Whangarei District.

Messrs Mortimer and Farrow provided an overview of the draft Plan Change including the process to date, the differences from the current District Plan areas, policy direction, proposed new rules, non regulatory provisions and the proposed process going forward.

Comment/questions raised included:

- Regional Direction (mapping) -

“Within two years of this Regional Policy Statement becoming operative..... district councils shall notify a plan change to their relevant.....district plans to incorporate the Regional Policy Statement – Maps.”

What happens if council don't meet the two year requirement?

Response:

The matter will come to the attention of the Environment Court who will then direct council.

The 'two year period' starts from the date the Regional Policy Statement becomes operative.

- What approach is the Far North District Council taking?

Response:

FNDC are undertaking a consolidated review of their District Plan in regards to Landscape they are at the beginning stages – currently consulting with the public.

- Regional Direction (management)

“Avoid adverse effects.....”

Confirmed that there is strong direction within the policy statement to allow regional infrastructure to occur.

- Policy Direction

“ONFs – primary focus on adverse effects of earthworks & vegetation clearance” – sometimes we are trying to highlight the ONF but can’t clear the vegetation to allow it to be seen.

Response: the rules don’t specify you can’t clear vegetation.

What carries the most weight the policy or the rules?

Response: A mixture of both.

Does the Department of Conservation have to comply with the rules?

Clarified DoC (crown entity) is subject to the same rules as everyone else.

If a natural event or erosion occurs naturally does a landowner have a responsibility to remedy?

Response – no, this is considered to be natural progression.

- Refer LAN Schedule – Significance and Vulnerability – ranking – the three ranked as B (national) 1 (highly vulnerable to complete destruction or major modification by humans. Any specific provisions to elevate protection of those areas?

Response: not at this stage – would be taken into account through the process.

- Do we need to revisit the rules on replanting? There are financial implications for landowners.
Response: currently up to the landowner (if they want to protect an area of bush through fencing, pest control etc regional council will help with funding etc, some rates relief for covenanted areas, about working with the landowners).

- Refer agenda page 5 – Protection 5(b) – why would you include the statement “associated with coastal hazard management that avoids the use of hard protection structures including seawalls and armouring, along with other visible artificial elements”?

Response: areas where this applies are few in numbers and are unlikely to involve protection structures.

- Define natural landscape.

Response: defined through the Regional Policy Statement process – WDC have to accept what is in the policy statement – our challenge is to develop rules that underpin the policy statement.

- Can owners of properties covered in rock & stone still clear their land and use the rock and stone to metal driveways etc?

These sort of activities are permitted it would only be a quarry that would be considered non complying.

- Draft ONL Rules

Subdivision – is the ONL area excluded from the area calculation?

Response: included in the area calculation. On the title.

- Is the removal of pest plants allowed for in the rules?

Response: not covered in the rules so is a permitted activity.

Reference to vegetation in the rules is pre-faced by the word 'indigenous'.

- What is the difference between discretionary and non complying?

Response: Discretionary is a 'maybe', non complying requires two additional tests – have to show 'no more than minor adverse affect' and 'not contrary to the rules in the district plan'.

- Papakainga provisions – problem of alignment – just about everything looks to be non complying. Only about 5% of Maori owned land left and most falls within the coastal overlay area. Land returned to Maori through the treaty settlement process may not be able to be developed to benefit Maori.

Response: looked at the possibility of exempting Papakainga areas but because of the higher order national direction (RMA S6(b), NZCPS 2010 (Policy 15)) to protect areas of ONL cannot exempt Papakainga areas. Papakainga would be required to comply with the landscape provisions.

Potential opportunity for Iwi and council to work closely together and identify what the issues and aspirations are and how they might be achieved.

Point to be considered as we work through the detail. At this stage we still don't know what the implications of the treaty settlements will be – staff will do an overlay as part of the next stage.

There is also a question around DoC land – this will also have to be part of a conversation with the Crown.

What is the difference between Papakianga and multiply owned Maori land?

Response: Papakainga Plan change relates to Maori land that comes under the Maori Land Court.

- Draft ONF Rules (non CA)

- Should Springs Flat springs be included? Was not identified in the mapping.

- Alternative methods

- Refer LAN.3 Policies – page 6 paragraph 8 “site or property-specific landscape assessment, prepared by a suitably qualified person.....”

The requirement to have a suitably qualified person puts additional cost on the applicant – suggest alternative approach - pre application meeting with internal panel (within council) so that applicant could discuss issue(s) with experts. Advantage is the costs are imposed on the landowner – costs borne by ratepayers. Trying to get a more facilitative approach – less regulative.

Response: staff did put together a 'guidance document'. Unless there is an application for a 'major' subdivision staff generally use the guidance document.

The option of a design panel similar to the in house Urban design Panel and contract expertise if necessary, is worth considering further. Suggesting the applicant has a conversation at the outset, before they start their plan, make sure their designer is present so they know what is required. At the end of the day the applicant would still need to submit a final application.

Could possibly be linked to the PIM.

Why can't the rule be changed to 'prepared by a suitably qualified person'?

Response: Internal policy requires that if the assessment is prepared by a 'suitably qualified person' – peer review not normally required. If prepared by person that is not suitably qualified will require peer review.

- Landscaping – noise & colour – can't see the point of imposing conditions – not sustainable or practical.
Response – taking a practical approach. About depth of colour. Not about camouflage, talking about contrast.
Recommended that the use of mirrored glass should be a discretionary rather than a permitted activity.
- Support ratepayer involvement and encouraging. Permissive approach came through the RPS process. Most people would like to know 'what I can do within the zones identified.'
- Ongoing monitoring?
Response: Covenants are monitored. Generally only monitor other matters if a complaint is received or issue arises.
- Refer page 7 Buildings & Structures – colour palette too restrictive.
Response: It is about reflectance not colour so there is a very large range of colours that can be used.
- Landscape guidelines are 'key' – this document should be updated so it is more explicit and can be used as an educational document. Simplify the rules as much as possible – not open to interpretation.
Response: Court made is clear the rules must be clear. Rules need to be clear if allowing for permitted activity on these areas.
- What percentage of the district is affected by ONL's & ONF's?
Response: 7% of privately owned land.
- Educational (workshops seminars) – could be beneficial to include Councillors.
- More detail on exactly which areas are affected requested.
Response: link to NRC website to be sent to Councillors.

Conclusion

Staff will take into consideration the key points and feedback from today's workshop in finalising the draft positions and s32 report for pre notification consultation with affected landowners and other parties.

Council will have an opportunity to consider feedback and suggested changes prior to the draft Plan Change being presented to the Planning Committee for approval for inclusion in the Rural Plan change package.

The Briefing closed 11.21am