

**BEFORE WHANGAREI DISTRICT COUNCIL HEARING PANEL**

**IN THE MATTER OF**

**THE RESOURCE MANAGEMENT ACT  
1991**

**AND**

**IN THE MATTER OF**

**HEARING FOR PLAN CHANGE 8888,  
DISTRICT PLAN CHANGE: URBAN  
AND SERVICES**

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**SUBMISSION OF LISA VICTORIA-MAY DORAN**

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## Introduction

1. My name is Lisa Victoria-May Doran. I hold the qualification of Bachelor of Town Planning from the University of Auckland. I have 25 years planning experience working in Australia and New Zealand in local government (district and regional), and consulting in the private sector. My specialist area is in the assessment and acquisition of complex consents that may cross territorial boundaries, require consents under a number of plans, or under a number of statutes. This is carried through to extensive experience in the development of District and Regional Plans promoting practical and workable rules and a coherent structure that will result in development that gives effect to the stated strategic outcome, objectives and policies. Senior positions previously held include Team Planner, Ward and Hearings, Auckland City Council, Principal Planner Metrowater, Team Manager Network Consents Auckland Council. My last planning role was at Whangarei District Council where I was employed as the Principal Planner and RMA Specialist in January 2017 until February 2018.
2. I am making this submission in my personal capacity as the owner of the property at 323 Western Hills Drive, Whangarei.
3. My submission relates to the proposed zoning and suite of rules that apply to the land between Central Avenue and Rust Avenue (sometimes shown as Selwyn Avenue on maps) on Western Hills Drive. Western Hills Drive is the name given to State Highway 1 in this area.



Location: Western Hills Drive, SH1 in yellow, land on eastern side between (Rust Ave) Burger King location, through to Central Avenue shown as Aches Away Co Ltd.

## Overview

4. It is considered that the proposed zoning of the identified area of State Highway 1 as High Residential Density (HDR) is inappropriate as the development controls intended to promote better urban design are premised on a quiet suburban environment. There will be adverse effects on the health and wellbeing of residents if consideration is not given to the dominance of the State Highway and associated noise and dust effects that are generated.
5. If development is for a use that can tolerate low fences and outdoor courtyards in such a low amenity area then it is likely that it will be necessary to get a Non-Complying resource consent. Existing site constraints affect the ability to achieve high residential density within the rules of the HDR zone, so again it is probable that any form of new residential development will require full discretionary consent.
6. The zoning provisions do not promote sustainable development and imposes costs associated with the acquisition of full Discretionary or Non-

Complying activity consents because the rules are not suitable for the environment.

## Existing Environment

7. In my opinion State Highway 1 dominates the environment.
8. Information provided by the NZTA states the number of vehicles using this stretch of State Highway 1 was 23,282 (Annual Average Daily Traffic) in 2014 and 27,378 AADT in 2018 (the SH1 vehicle counting site ID:01N00264 is 350m north of Selwyn Ave/Rust Ave). This is an increase of almost 20% in 4 years. It is not unreasonable to believe that traffic will continue to grow as Whangarei and Northland experiences growth and SH1 this is the main road north. Heavy vehicles account for 5.7% of the traffic.
9. Photographs of the built environment are provided in Attachment 1. Key features that can be seen are:
  - i) The use of high fences on the road frontage to protect residents from noise and dust generated by the vehicles on State Highway 1.
  - ii) Parking areas adjacent to the road boundary to ensure safe on site manoeuvring so as to avoid backing on to the state highway.
  - iii) Where there is non-residential use there are no or low fences.
  - iv) There is already non-residential use in the block between Central Avenue and Rust Avenue including a fast food restaurant and drive through, service station, foot clinic and massage clinic. Until recently there was another site operating a pest control business between the foot clinic and service station.

## Assessment of Proposed High Density Residential Zoning

10. This submission does not apply generally to the zone objectives, policies or rules which are supported, just not to the land identified in the submission, being the properties facing State Highway 1 between Central Avenue and Rust Avenue. There is an inherent problem providing for appropriate development in a zoning that promotes residential use, and design standards encouraging an active interface with the street, when the street is State Highway 1 in the centre of Whangarei.
11. Photo 3 in Attachment 1 shows sites with commercial activities in former dwellings. Fences are lower, parking between the building and front boundary/fence yet in my opinion they better address the street than the properties that are used as residences, seen in the other the photos. The new zoning will make it very difficult for small businesses utilising existing housing stock to establish (which is the intent of the HDR zone) even though there may be better design outcomes by allowing non-residential use here.
12. This assessment about the positive outcomes related to business activity in existing dwellings is specific to these properties facing State Highway 1. I believe allowing business use across the board in residential zones, even within existing dwellings, does have negative effects on the residential environment and incrementally adversely affects the ability to provide a sustainable strategic direction for business zones and the Central area.
13. Attachment 2 includes the activity rules for commercial activities in the HDR zone. There is a list of 11 requirements to be met. Discretionary consent is required to vary up to 2 matters otherwise non-complying

resource consent is required. Public notification is required for non-complying activities. Many of the requirements naturally go hand in hand, so in practice most activities will be non-complying activities. The comprehensive list may be appropriate for the typical residential environment but not here. At the heart of the matter is there is a disjunction between the rules and the focus of the protection of residential amenity and the existing environment in this area.

14. In general the design standards are supported. It is the application of the setbacks, parking, and fencing requirements opening up the front that is incompatible with residential use on this stretch of State Highway 1. I believe that low or no fences and opening up the area on the road frontage has great visual/ amenity benefits, however, this is really only compatible with non-residential use. Residential development incorporating the design standards for the zone are further limited by the gully running behind the properties fronting State Highway 1 to the east, existing development, site size and irregular shaped sites provides limitations for site development utilising residential design standards engaging with the 'street' and providing adequate amenity for residents including protection from noise both inside and outside in terms of outdoor living courts or balconies. There are some existing multi unit developments on rear lots that appear to be poor quality housing stock and held in the one ownership may be good contenders for redevelopment for residential purposes, but this would be possible within a mixed use zone.

### **Alternative Zonings**

15. Attachment 3 contains descriptions of alternative zones that may be appropriate for the land between Central Avenue and Rust Avenue

(extracts taken from S32 report). There are arguments that any of these zones are at least as appropriate as the HDR zone.

16. I believe the most appropriate zoning for these sites is the Mixed Use Zone. The site is adjacent to the Central area and will provide for activation of the street if there is commercial use in the existing dwellings facing the street, until a time when there is comprehensive development (probably requiring the purchase of multiple sites). Ironically the area where the subject sites do not completely align with the description of the mixed use zone is the reference to high traffic volumes.

17. Land use in the area is shown in Attachment 4. The map has been taken from the Whangarei Central Area Plan 2017. Looking at Rust Ave the only site not in business use is the RSA site, however this site has been sold to Council to redevelop as council offices. So there is now unbroken retail, civic buildings, medical rooms, offices up to Burger King on State Highway 1 continuing round heading south to the Caltex Service station.

#### Section 42A Report

18. Attachment 5 includes the zoning map for the area as notified and as recommended in the officer's s42A report. Submission 155 was rejected and there has been no change in the zoning in the immediate vicinity.

19. A review of the rezoning requests shows other submitters sought changes in zoning from HDR to Mixed Use of Commercial zones in areas such as Norfolk St, Kamo Rd and Maunu Rd. Council officers recommend these submissions to be rejected. As discussed throughout this submission, the low amenity environment of this area of State Highway 1 is different to

other main roads due to the high level of traffic volumes. I believe the additional information provided in this submission will greatly assist in supporting a change in zone.

## **Procedural Matters**

25. I lodged my submission during the submission period and received an email from Council confirming that the submission was accepted.

However, it was only when reviewing the s42A report that I revisited my submission, and found for some reason, only part of the submission was sent. I checked with Council staff to see if their copy was also cut off, which they confirmed.

26. Submission 155, was included in the notified list of submissions when further submissions were sought. At no point were any questions raised about the abridged submission. It appears no person considered themselves adversely affected to the extent that they sought further information.

27. Section 37A relates to the service of documents and would be used to consider whether to allow a late submission and if any party would be adversely affected by granting a time extension. There may be an issue regarding whether the submission is complete, but Council accepted the submission. If I had been advised of the problem I could easily have resubmitted the submission, albeit being resubmitted a day or 2 late. The s42A report has recommended a blanket granting of late submissions, so it is reasonable to assume a similar recommendation would have applied for Submission 155 if resubmitted.

28. The Submission as accepted by Council does outline the area of concern, and I believe that the expansion of the detail in this information now being provided to the Hearings Panel is not beyond what would have been anticipated from the submission, including remedies, by changing the zone or zone rules for the area of Western Hills Drive between Central Ave and Rust Ave.

## **Conclusion**

29. Submission 155 seeks changes to the zoning of the land on the eastern side of Western Hills Drive between Rust Avenue and Central Avenue so appropriate development may occur without having to go through an onerous and expensive consent process. The objectives and policies of the HDR zone assumes a high level of residential amenity that needs protecting and is not appropriate in this area. The rules and design guidelines are not appropriate as residential development needs to be protected from the adverse effects from the highway on these properties. If business use is allowed there is the opportunity to improve the streetscape, this may be achieved by a change in rules in the HDR zone or a change in zoning. It is considered that the mixed use zone is the most appropriate way to remedy the problems in the Proposed Plan Change as it applies to the subject land and the zoning should be changed from HDR.

Photographs taken Sunday 3 November 7 am.

	<p>State Highway 1 East looking North (Central Ave to the right)</p> <p>Photo 1</p>
	<p>State Highway 1 East looking North</p> <p>Photo 2</p>
	<p>State Highway 1 East looking North Commercial Properties</p> <p>Photo 3</p>
	<p>State Highway 1 East looking North</p> <p>Photo 4</p>

	<p>State Highway 1 looking South</p> <p>Burger King (not shown) left hand side</p> <p>Photo 5</p>
	<p>State Highway 1 West</p> <p>Residential Properties</p> <p>Photo 6</p>
	<p>State Highway 1 West</p> <p>Residential Properties</p> <p>Photo 7</p>

## High Density Residential Zone (HDR)

direct line of sight between the windows.	
HDR-R16 HDR-R17 HDR-R18	Retail Activity Commercial Services  Food and Beverage Activity
	Care Centre Visitor Accommodation
Activity Status: P  Where:	Activity Status when compliance with up to two of the rules is not achieved: D  Activity Status when compliance with more than two of the rules is not achieved or when compliance with rules HDR-R16 – R20.1 – 3 is not achieved: NC  Notification:  Any non-complying land use activity in the HDR must be publicly notified.
<ol style="list-style-type: none"> <li>1. The activity is ancillary to a residential unit on the site.</li> <li>2. The principal operator of the activity is a permanent resident on the site.</li> <li>3. The activity does not include, before 8am or after 6pm on any day, the operation of machinery, receiving customers or the loading or unloading of vehicles.</li> <li>4. The activity generates less than 20 traffic movements per day, per site.</li> <li>5. There is no car parking between the residential unit and the road.</li> </ol>	

<ol style="list-style-type: none"> <li>6. In addition to the principal operator, the activity has no more than two other persons engaged in providing the activity.</li> <li>7. The activity does not exceed the use of 15% of the total GFA of all buildings on the site.</li> <li>8. The total area of signage is less than 0.25m<sup>2</sup>, per site.</li> <li>9. There is no illuminated or moving signage.</li> <li>10. No more than 6 tariff-paid visitors are staying on-site at any one time.</li> <li>11. Each visitor accommodation unit provides an outdoor living court of at least 6m<sup>2</sup> and at least 1.8m depth.</li> </ol>	
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## Zones: Extracts from WDC Strategic Direction as notified

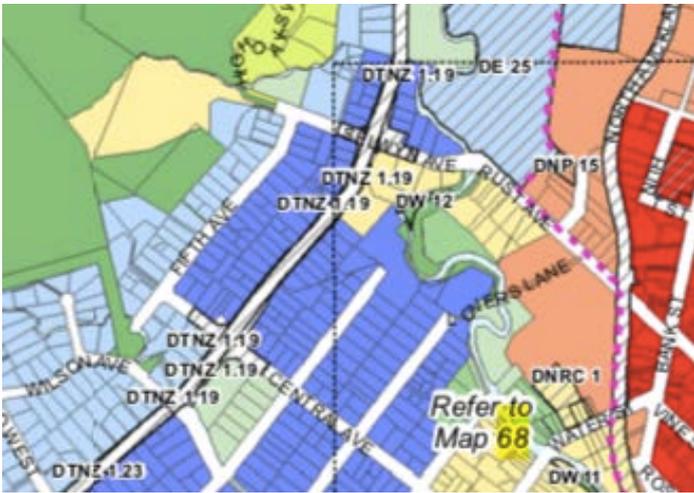
SD-P22 – Commercial Zone	<p>To provide for a mix of commercial, business and small scale industrial activities without materially reducing the economic potential of other Business Zones by applying the Commercial Zone in locations where:</p> <ol style="list-style-type: none"> <li>1. There is a range of existing commercial, business and small scale industrial activities.</li> <li>2. Good transport access is available.</li> <li>3. The area is within 1km of the City Centre Zone.</li> <li>4. There is a low to moderate presence of active frontages at ground floor.</li> <li>5. There is a low presence of residential and retail activities.</li> <li>6. The criteria for other Business Zones are not met.</li> </ol>
SD-P23 – Mixed-use Zone	<p>To improve the amenity adjacent to the City Centre and provide opportunities for residential activities while minimising potential reverse sensitivity conflicts by providing for the Mixed-use Zone in locations that:</p> <ol style="list-style-type: none"> <li>1. Are adjacent to the City Centre Zone.</li> <li>2. Are adjacent or in proximity to key arterial transport routes or the Waterfront Zone.</li> <li>3. Have an existing presence of active frontages at ground floor.</li> <li>4. Have an existing level of amenity that is compatible with residential activities.</li> </ol>
SD-P26 – Local Commercial Zone	<p>To maintain the community focal point and provide convenient business and service activities by applying the Local Commercial Zone in locations that:</p> <ol style="list-style-type: none"> <li>1. Contain a range of existing small scale commercial and community activities to support the surrounding residential community.</li> <li>2. Have predominately active street frontages and strong pedestrian networks.</li> <li>3. Are not identified as hazard prone.</li> <li>4. Are not located within 500m of the City Centre Zone and maintain the viability of the City Centre Zone.</li> <li>5. Have an identified demand for business, service and community activities for the surrounding residential community.</li> <li>6. Occupy a maximum total contiguous land area not exceeding 6ha.</li> </ol>
SD-P27 – Neighbourhood Commercial Zone	<p>To maintain the community focal point and provide convenient business and service activities by applying the Neighbourhood Commercial Zone in locations that:</p> <ol style="list-style-type: none"> <li>1. Contain a range of existing small scale commercial and community activities to support the surrounding residential community.</li> <li>2. Have predominately active street frontages and strong pedestrian networks.</li> <li>3. Occupy a maximum total contiguous land area not exceeding 1ha.</li> </ol>

The Whangarei city centre is a large area covering approximately 174 hectares made up of a retail centre, the waterfront, large pockets of retail trade, a civic area, big box commercial sites, an events centre, green spaces and natural features. Businesses are spread widely across the city centre, which creates fragmented connections and issues between these areas. Very few people live in the city centre, but a third of the people that are employed in the District, work in the city centre. During the weekdays, it is busy and bustling, but the night time and weekends are generally inactive.





Zoning Map 66 in Notified Plan Change



Zoning Map 66z - Section 42A report , Chapter 8 Appendix 1

Attachment 6  
Accepted Submission

**From:** Robert Burgoyne **To:** Mail Room **Subject:** FW: Submission Plan Change - Submission Form 5 **Date:** Wednesday, 3 July 2019 9:46:19 AM  
**Attachments:** [image001.png](#)

Hi, Can this please be logged as a submission on the Urban and Services Plan Changes. Cheers, Robert Burgoyne

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**From:** Lisa Doran [<mailto:ldoran2000@gmail.com>] **Sent:** Wednesday, 3 July 2019 6:15 AM  
**To:** Plan Change Enquires <[PlanChangeEnquires@wdc.govt.nz](mailto:PlanChangeEnquires@wdc.govt.nz)> **Subject:** Submission Plan Change - Submission Form 5 Hello I had planned to make a submission using the online form, but this does not appear to exist on WDC website ( 5.30 am 3/7/19). Form 5 Full Name - Lisa Victoria-May Doran Postal Address - 323 Western Hills Dr Phone - 021 02913158 Email: [ldoran2000@gmail.com](mailto:ldoran2000@gmail.com) I will NOT gain any advantage in trade competition through this submission. Specific Provisions of the Plan Change that my submission relates to are: Zoning of Western Hills Dr between Rust Ave and Central Ave as High Density Residential, in particular, range of uses and goal of high density terrace housing. My submission is that this area on SH1 has no residential amenity and existing land use includes commercial use. As such commercial use should be provided for either within the high density residential zone (although it is considered on urban design principles the