

**Before the Hearing Panel
Whangarei District Council – Urban and Services Plan Change Package**

IN THE MATTER	of the Resource Management Act
AND	1991
IN THE MATTER	of Proposed Plan Changes 82 A & B, 88 A-J, 109, 115, 136, 143, 144, 145, 147 & 148 : District Plan Changes: Urban and Services to the Whangarei District Plan
AND	
IN THE MATTER	of the submission of the Whangarei District Council Infrastructure

**STATEMENT OF EVIDENCE FROM HEATHER OSBORNE MADE ON BEHALF OF THE
WHANGAREI DISTRICT COUNCIL INFRASTRUCTURE GROUP**

DATE: 7 November 2019

1. INTRODUCTION, QUALIFICATIONS AND EXPERIENCE

1.1 This evidence has been prepared by Heather Jane Osborne. I am an Infrastructure Planner within the Infrastructure Planning and Capital Works Team of Whangarei District Council (WDC) and provide planning advice and support to all WDC Infrastructure Departments. This includes representation on behalf of the WDC Roading, Water, Waste and Drainage, and Parks and Recreation Departments on planning matters.

1.2 My academic qualifications include a Bachelor of Arts degree from the University of Otago, with a major in Social Geography, and a Master's degree in Planning Practice, with Honours (2nd Class), from the University of Auckland.

1.3 I am an intermediate member of the New Zealand Planning Institute and have over five years' experience working as an environmental planner. During this time, I have been employed in a range of resource management roles within local government, including the following responsibilities:

- Policy formulation and public consultation;
- Statutory resource consent processing;
- Assessment of District Plan compliance for Building Consent applications;
- Preparation of District Council and Regional Council Resource Consent applications;
- Providing RMA/ planning advice and preparing planning assessments for a wide range of infrastructure projects;
- Preparation and presentation of hearing evidence.

1.4 I confirm that the evidence on planning matters that I present is within my area of expertise and that 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. 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. OUTLINE OF EVIDENCE

2.1 The evidence provided in this statement is set out in the following way:

- Summary of the WDC Infrastructure original submission – This provides an overview of the content of the submission prepared by WDC on the proposed plan change package in order of first the plan changes and second the topics raised.
- Support for agreed resolutions between WDC Infrastructure Department and the reporting s42A officers for the Whangarei District Council and relief that is still sought– This provides an overview of the main points that have been agreed to by both parties and no further evidence is considered necessary to resolve the submission point. It also addresses those submission points that have been unable to be resolved for which relief is still sought. The matters are addressed in the same order of plan changes and topics outlined in the preceding summary of WDC Infrastructures submissions.
- Conclusion – This provides a summary of the evidence in this statement.

3. SUBMISSION SUMMARY

3.1 The submission made by the WDC Infrastructure Department (Infrastructure) covered multiple chapters of the proposed Urban and Services Plan Change package. The submission points specifically addressed the following:

- PC109 – Transport (TRA);
- PC 136 – Three Waters Management (TWM);
- PC 82A – Signs (SI);
- PC82B – Lighting (NL);
- PC 115 – Open Space Zones;
- Definitions;
- Other Consequential Amendments;
- Mapping;
- Minor Amendments.

3.2 *PC109 – Transport (TRA)* -

3.2.1 **Timing and Application, General Public Amenities and ONRC Mapping** - Submission points relating to the proposed TRA Chapter were focussed on three main issues. The first was the need to gain clarity around when certain rules applied or would come into force. The second was to ensure there would be specific provision for small scale general public amenities such as planting, public toilets, seating, bollards, tables, rubbish bins etc. The third was the need to update the One Road Network Classification (ONRC) to reflect the most recent classifications, that have been updated since the plan changes were notified.

3.3 *PC 136 – Three Waters Management (TWM)* -

3.3.1 **Information Requirements** - A single submission point was made in relation to the proposed TWM chapter. It requested that a non-complying activity status be provided for applications not complying with the Information Requirements. This activity status was sought to address the potential serious adverse effects of not providing the information as part of any application, which may result if the Information Requirements bear no legal weighting.

3.4 *PC 82A – Signs (SI)* -

3.4.1 The submission points in relation to the proposed SI chapter are focussed mainly on providing clarification of how the rules would be applied in practice. The general intent of the provisions was not challenged, but the way in which outcomes could be achieved was tested, specifically where restrictions apply to Open Space zoned land.

3.4.2 **HIRTB** - One of the SI submission points covered an issue that has generally been made throughout the Open Space zone chapters also, where the height in relation to boundary (HIRTB) provision relies on the application of rules in the next relevant environment. The reliance on adjoining zoning is acknowledged as being a useful way to avoid adverse effects on residential or commercial sites. However, where there are multiple Open Space zones that adjoin one another it can create confusion and inconsistent interpretation to apply. No restrictions in these instances is

recommended as the best outcome as the boundaries can reasonably be considered as internal boundaries without the potential for generating adverse effects.

3.4.3 Drafting - Four SI submission points request technical changes to the structure of provisions to remove loopholes and provide consistent wording. One requests inclusion of a note, that is also used elsewhere, to provide exemptions for certain types of signs so that the specific rules for the other sign categories are not rendered redundant. Two others deal with a loophole identified, where the sign rules for zones provide a rule exemption for official signs, road signs and community signs. However, the rules for those specific types of signs require that they comply with the permitted sign rules for the relevant zone also, directing you back to the original set of rules that provide the exemption. The last relates to a rule for community signs which requires compliance with adjoining zoning sign area rules, in addition to the signage controls for the relevant zone, creating duplication of restrictions and confusion in determining which restriction should take precedence.

3.4.4 Per-site Restrictions - Remaining SI submission points relate to the need to use a more tailored approach to reducing the proliferation of signage within different zones. In particular, the use of a 'per-site' restriction for sites within the Open Space zones and Waterfront Zone does not appear to account for the differences in the receiving environment for these areas, in contrast to residential and commercially zoned sites. Therefore, it has been requested that the use of either 'per-activity' or 'per-area' be used instead.

3.5 *PC82B – Lighting (NL) –*

3.5.1 One submission point was made in relation to the LI Chapter which requested the inclusion of a reference note to direct readers to the TRA Chapter for clarity and consistency.

3.6 *PC 115 – Open Space Zones –*

3.6.1 The majority of the WDC Infrastructure submission was concerned with the three chapters proposed under PC 115, namely the Open Space Zone (OS), the Conservation Zone (CON) and the Sport and Active Recreation Zone (SAR). Multiple and varied submission points have been made on each of the proposed Chapters. Some submission points have been made consistently throughout the chapters so have been summarised as one point here, whereas others request outcomes that are unique to the particular zones, which will be focussed on individually.

3.6.2 Setbacks and HIRTB - Throughout each of the chapters there is a consistent approach to the application of setback and height in relation to boundary provisions as relying on the rules within the adjoining zone. Submissions have been made to highlight that, while this considered appropriate where one of the Open Space zoned sites adjoins a residential or commercial site, the nature of these land holdings is that they generally are part of a series of 'sites' within a wider open space area. Therefore, clarification was sought to ensure that setback and height in relation boundary provisions did not apply to what could reasonably be considered as 'internal' boundaries.

- 3.6.3 **Outdoor Stockpiles** - A common issue that was also addressed as a submission for each of the chapters related to the restrictions placed on outdoor stockpiles of materials. The proposed rule does not appear to anticipate that temporary construction stockpiles are a regular occurrence within the large open space areas. Therefore, exemptions for temporary, stockpiles of construction materials were sought.
- 3.6.4 **General Public Amenities** - Another common issue raised in a submission against each chapter highlighted that there did not appear to be any provision for small scale parks infrastructure. This has potential to cause unintended consenting requirements. Small structures such as park benches, bollards and rubbish bins do not create the same effects as other defined activities such as 'recreational facilities' due to their scale and nature and therefore should not be subject to the same restrictions. As such, it was requested that a new definition for 'General Public Amenities' be included in the plan and provide a permitted activity status for these types of small-scale parks structures generally anticipated to be present within the zones.
- 3.6.5 **Plantation Forestry** - One submission point was made in relation to the proposed Conservation and Open Space Zones only was the need to have a different activity status for plantation forestry that the notified non-complying status. Large sites owned by WDC Parks and recreation often involve activities such as plantation forestry as part of their active management. Therefore, a discretionary, rather than non-complying, activity status is sought to reflect this reasonable and foreseeable need.
- 3.6.6 **Activities Between 'the Building' and the Road** - A second submission point relevant to the Conservation and Open Space Zones only dealt with the control of certain activities located between the front of the building and the road. Whilst it does not seem at all clear what is meant by 'the building' where there may be multiple buildings on the same site, it is also not clear what types of effects the rule is trying to control. Therefore, it has been requested to review this rule.
- 3.6.7 **Indigenous Vegetation Clearance** - Another common set of submission points relevant to only the proposed Conservation and Open Space Zones sought the provision for indigenous vegetation clearance and planting where it is associated with drainage infrastructure or provision of new walking tracks. Also, to provide direction to the plan reader that PC129 *Public and Notable Trees* is to be read in conjunction with these rules.
- 3.6.8 **Outdoor Areas** - A submission relevant to the Open Space and Sport and Active Recreation zones only requests the review of the restrictions placed on cumulative outdoor areas, especially for 'recreational facilities' as this may unintentionally control activities such as parks and sports fields etc.
- 3.6.9 **Setbacks for Activities from Residential Zones** - Finally, two submission points were raised that addressed rules relevant to the proposed Sport and Active Recreation

zone only. The first requested that non-permanent food and beverage activities ancillary to the main activity site be provided for as permitted activities, where they are located at least 50m from residential activities. The second opposed the restriction of recreational facilities to being within 50m of residential activity as it is unclear whether this would unintentionally capture spaces such as sports fields and formal outdoor recreation spaces, including spectator areas.

3.7 Definitions –

- 3.7.1 Submissions were raised requesting a variation to one proposed definition for ‘recreational facilities’ and another requesting a new activity definition for ‘general public amenities’.
- 3.7.2 **Recreational Facilities** - The proposed definition of recreational facilities is silent in relation to outdoor infrastructure and open space, creating possible unintended consenting requirements for activities such as playgrounds, sport fields, spectator areas. Therefore, it was requested to provide clarification as to whether these types of activities were within definition, or otherwise to include them as part of an alternative definition such as the one proposed for ‘general public amenities’.
- 3.7.3 **General Public Amenities** - The general public amenities definition was requested to seek clarity for the provision of small-scale parks infrastructure. The proposed definition read:

General Public Amenities

means facilities established by the Council, or their authorised representative, for the convenience and amenity of the public.

Includes:

- a. Landscaping and planting
- b. Public Toilets
- c. Seating and picnic tables.
- d. Bicycle stands and cycle parking structures.
- e. Fountains.
- f. Drinking Fountains.
- g. Rubbish Bins.
- h. Barbeques.
- i. Footpaths and walking tracks.

Note: All buildings subject to relevant building rules.

3.8 Other Consequential Amendments –

- 3.8.1 Three consequential amendments have been requested by WDC Infrastructure. The first requests a new subsection to be added to the General Rules of Interpretation to ensure that activities can be treated in isolation. I.e. a recreational facility should not also need to be subject to commercial activity provisions. The other two are required to ensure consistency if submission points relating to ‘general public amenities’ and temporary stockpiles of materials are to be accepted. If those provisions are included into each of the Open Space zones it would also make sense that they are adopted into the living, commercial and rural zones.

3.9 Mapping –

3.9.1 A number of mapping changes have been requested in order to best rationalize the use of particular Council owned sites and provide for the most appropriate management of effects for any activities taking place on those sites.

3.10 *Minor Amendments*

3.10.1A raft of minor amendments were identified within the submission, relating to small grammatical and spelling errors.

4. AGREED RESOLUTIONS AND RELIEF STILL SOUGHT

4.1 Section 42A Hearing Reports (s42A Reports), have been prepared for each of the respective plan changes, prepared by various parties, on behalf of the WDC District Plan Department. The s42A Reports have recommended to accept a number of the WDC Infrastructure submissions in whole, or in part, and have also recommended to reject a number. This section provides an overview of the submissions which WDC consider have been resolved, as well as those that are still considered to require alternative relief. For ease of use, each topic is marked wither with (A) where there is an agreed resolution or (RSS) where there is relief still sought at the start of each topic.

4.2 PC109 – Transport (TRA) –

4.2.1 **Timing and Application (A)** - The s42A report for the TRA chapter recommends rejecting WDC Infrastructure submissions that requested clarifications for timing and application of certain rules. This recommendation is made on the basis that the provisions are consistent with other provisions that are already utilised in the existing Operative Chapters of the District Plan. Whilst it is still considered that the wording of the provisions is unclear, WDC Infrastructure is comfortable with the recommendation on the basis that existing use rights will also be in place for established activities under s10 of the Resource Management Act (RMA) 1991, should this be called into question.

4.2.2 **General Public Amenities (A)** - The WDC Infrastructure submission requesting for small scale public amenities to be specifically provided for in the TRA has been recommended to be accepted in part in the relevant s42A report. WDC Infrastructure are comfortable that the proposed wording and exclusions in the recommended new version of the chapter have resolved the submission.

4.2.3 **ONRC (RSS)** - The s42A report has indicated support for an updated version of One Network Road Classification Mapping to be provided but notes that the updated version of mapping was not yet available at the time of providing recommendations. This mapping has since been provided and as such it is further requested that the mapping is updated using the updated version of shapefiles that WDC Roading have supplied to District Plan department.

4.3 PC 136 – Three Waters Management (TWM) –

4.3.1 **Information Requirements (A)** - The single WDC Infrastructure submission point in relation to the TWM chapter has been recommended to be rejected in the corresponding s42A report. Further consideration of the reasons provided in the s42A report and research into section 88 of the Resource Management Act, 1991 has led to a revision of the WDC Infrastructure submission and I am able to confirm that this submission point is considered to be resolved.

4.4 PC 82A – Signs (SI) –

4.4.1 **HIRTB (RSS)**- WDC Infrastructures submission seeking exclusions for height in relation to boundary provisions from applying between adjoining Open Space zones has been recommended to be rejected in the corresponding s42A report. The recommendation has been made citing a lack of specificity in the change requested, with no alternative wording having been provided. This approach was taken by WDC to ensure that any resolution could be consistent across other chapters, such as the three Open Space chapters, where the same general submission has been made.

4.4.2 As discussed in section 4.6.2 of this evidence, the s42A report for the Open Space zone chapters has recommended that those submissions should be accepted in part with an exclusion being provided where “the adjoining zone is an open space and recreation zone”. In this evidence I have requested further relief to change this recommendation from a ‘Note’ to a ‘Rule Exemption’ to adequately address the submission.

4.4.3 I would seek the same wording and further relief in relation to the relevant sign rule for signs within the Open Space and Sport and Active recreation zones. The effects of signage located across multiple Open Space or Sport and Active Recreation zones effectively restricts internal effects and therefore is considered onerous to those complying with all other size, scale and location rules for signs within these zones.

4.4.4 **Drafting (RSS)**- Recommendations in the relevant s42A accept in part WDC Infrastructures submissions seeking loopholes to be addressed and clarifications on the application of specific rules to certain ‘excluded’ categories of signs. The recommendation relating to the exclusion of official signs, road signs or community signs from SI -R2(1)(c) specifically is considered appropriate to address the main thrust of the submission that was made and is confirmed as having satisfactorily resolved this particular submission point.

4.4.5 The recommendation to address the loophole for exclusions for ‘official signs, road signs and community signs’ does not appear to logically address the issue that was raised in the relevant submission point. Therefore, further relief is sought to amend the recommended chapter to remove the first rule within each of of SI – R13 – R15 as they are effectively redundant rules. The rule requires that “*The sign complies with the signage controls for the relevant zone*”. However, each zone has been amended to include the following wording also “*Rule Exemption: 1. Official signs,*

road signs and community signs are only required to comply with SIGN-R2 and SIGN-R13 – 15". Thus, the loophole that can be avoided by removing the first rule and allowing SI-R2 and SI-R13 – 15 to apply in their own right.

4.4.6 **Per-site Restrictions (A)**- The last WDC Infrastructure submission points on the SI Chapter, which sought a more relevant descriptor for the number and area of signage within certain zones than 'per-site', has been recommended to be rejected by the s42A report. Whilst it is still anticipated that these restrictions will hinder reasonable scales of signage within the context of wider public spaces, it is appreciated that the use of a 'per-area' or 'per-activity' descriptor creates room for interpretation issues that appear unable to be resolved. Therefore, I can confirm that this recommendation is acceptable, where no alternative is available.

4.5 PC82B – Lighting (NL) –

4.5.1 **(A)** WDC Infrastructures single submission in relation to the NL Chapter has been recommended to be rejected in the relevant s42A report. It is acknowledged that the cross-reference between the NL and TRA chapters is most important in the TRA chapter and not as critical to the NL chapter, therefore resolving the submission point.

4.6 PC 115 – Open Space Zones;

4.6.1 **Setbacks and HIRTB (RSS)** - The WDC Infrastructure submission requesting clarity in relation to setbacks and height in relation to boundary where there are multiple Open Space zoned sites or sites adjoining roading has been recommended to be accepted in part. It recommends that the submission is addressed by providing a note to exclude open space zones from the requirements.

4.6.2 While it is appreciated that the originally requested roading exclusion is not critical to be included in the exemption, the use of a 'note' is not seen as a strong enough direction for plan readers. The use of 'notes' are commonplace within the Operative Whangarei District plan and proposed Chapters, but do not have definite legal standing. Therefore, it is requested that the same wording is retained but that the term 'Rule Exemption' is used in place of 'Note', throughout each chapter.

4.6.3 **Outdoor Stockpiles (RSS)**- The s42A report has provided a recommended amendment in relation to WDC's submission requesting the provision for temporary outdoor stockpiles of construction materials. The recommended wording provides an exception for "*construction materials to be used on-site for a maximum period of 12 months within each calendar year*".

4.6.4 WDC Infrastructure support this exact wording for the proposed CON chapter but would seek a small variation to allow for stockpiles on OS and SAR zones to not have to be for use on the same site. Given that OS and SAR areas are often made up of multiple, smaller 'sites' it is considered reasonable that stockpiles for construction materials may need to be stored on adjacent or on nearby sites. The effects are unchanged where the duration is still restricted, the request would simply allow for

practical project management and even possible reduced effects if proximity to sensitive activities could be avoided by stockpiling on adjacent sites.

- 4.6.5 **General Public Amenities (A)**- WDC Infrastructures submission requesting the inclusion of a new activity definition for 'general public amenities' has been recommended to be accepted in part in the relevant s42A report. No permitted activity status has been recommended to be included in the chapters where requested. However, given that the exclusion of the activity from these chapters will default to an activity status of permitted, WDC Infrastructure are comfortable with no specific permitted activity status being listed throughout the chapters.
- 4.6.6 **Plantation Forestry (A)**- The s42A report has recommended that WDC Infrastructures submission in relation to the need to provide for plantation forestry as a discretionary activity be accepted throughout the chapters. I advise that this submission point is considered to have been resolved.
- 4.6.7 **Activities between 'the Building' and the Road (RSS)** - Relief is still sought in relation to the WDC Infrastructure submission points regarding the restriction of activities from being "*located between the front of the building and the road*". The WDC Infrastructure submission was rejected in the s42A report citing a lack of specific changes being suggested. To clarify, there are concerns that the rule will create confusion given its ambiguity in referencing 'the building'. There may be multiple buildings on a site and therefore the application is hard to interpret and, as such, the specific change suggested is to remove the restriction entirely from the relevant rules.
- 4.6.8 The removal of the rule for these activities will retain a Discretionary activity status in the proposed CON chapter and, if there are potential effects relating to the position of activities between existing on-site buildings and the road, this can be addressed via an assessment of effects.
- 4.6.9 For OS and SAR zones it is generally anticipated that there be permitted provision for the types of activities listed where they meet other height, setback, coverage and height in relation to boundary provisions. It is unclear what other effects from the location of these activities between 'the building' and the road would achieve and, therefore, the risk of this triggering unintended consenting requirements is considered onerous and unnecessary. Specific relief sought is to remove these relevant rules from each chapter (Rules CONR9-R16 1(b)(ii); OSR8-R102(b)(ii); SARR6-R93(b)(ii), respectively).
- 4.6.10 In relation to the restriction on cumulative outdoor areas, the specific change requested is the revision of the proposed rule wording to be a percentage rather than a fixed area. This percentage should be calculated taking account of the median sizes of the existing sites within each zone. Whilst this exercise has not been undertaken, WDC Infrastructure are willing to discuss this further with the District Plan department if they are willing to review the use of 'area' to be replaced by a minimum percentage. The use of the term 'outdoor area' is also discussed further in section 4.7 of this evidence.

- 4.6.11 **Indigenous Vegetation Clearance (RSS)**- The s42A report has accepted the WDC Infrastructure submission in relation to the need to undertake indigenous vegetation removal for the maintenance of drainage infrastructure. The request to also provide for clearance for new walking tracks has been rejected due to the potential for unexplored adverse effects. Therefore, relief is still sought in this respect. The specific change requested is to provide for new walking tracks that meet the SNZHB 8630:2004 walking standards and where the new track is required for the primary purpose of reducing effects on indigenous vegetation.
- 4.6.12 The WDC Parks and Recreation Department are responsible for the operation and maintenance of walking tracks throughout the district. Much like other public infrastructure walking tracks have a limited operational lifetime. When walking tracks are due to be upgraded, assessment is made to ensure that the existing locations of tracks are the most suitable given the context of the receiving environment. If excessive vegetation growth or other environmental risks are present within the location of the existing track formation, a new location may be considered more appropriate to pursue.
- 4.6.13 A recent, local example for the need to relocate walking tracks to improve environmental outcomes is the upgrading of the Mackesy Bush walking tracks, where degraded, existing tracks fell within close proximity to large Kauri Groves. In order to reduce the risks associated with the spread of kauri dieback disease via pedestrian activity, a decision was made to relocate the tracks to better protect the large stands of native trees. Therefore, it is considered reasonable that new walking tracks should be allowed as a permitted activity where there is expected to be a net environmental gain. Also, removal of trees that meet the definition of a 'public tree' under PC 129 *Notable and Public Trees* will require consent, reducing risks associated with the removal of mature, specimen trees that are not weed or pest species.
- 4.6.14 **Setbacks for Activities from Residential Zones (RSS)**- The s42A report recommends rejecting the WDC Infrastructure submission requesting to specifically provide for food and beverage activities that are ancillary to the main use of the site in SAR. After further analysis I can confirm that WDC are comfortable with this recommendation given the provision for 'temporary activities' without restriction.
- 4.6.15 The recommendation regarding the WDC Infrastructure submission to the setback of 'recreational facilities' from residential environments in the OS and SAR chapters have been accepted in part in the s42A report, with alternative wording recommended. Whilst the complications with allowing for certain types of recreational facilities to have longer operating hours and greater setbacks from residential boundaries is appreciated, relief is still sought to avoid unnecessary restrictions on certain activities that the recommended wording has not specifically provided for.
- 4.6.16 There are certain types of activities which are the main cause of concern in this submission, mainly the use of outdoor areas for sports fields and the installation of local, neighbourhood playground facilities. These activities are anticipated to have

very low potential for generating adverse effects. However, there are multiple ways in which the submission could be addressed and therefore I have completed a s32AA evaluation pursuant to the RMA 1991, to ensure all options have been adequately assessed. This evaluation is presented in the below table.

<p>Option 1 – Change the definition for ‘recreational facilities’ to exclude those playgrounds and sports-fields.</p>	<p>Option 2 – Provide specific exclusions for sports-fields and playgrounds of a certain size within the relevant OS and SAR rules.</p>	<p>Option 3 – Provide a new, reduced setback (suggested 10m) for all recreational facilities within the relevant OS and SAR rules.</p>
<p>Environmental, Social and Cultural <u>Costs</u> The exclusion could result in unintended consequences for large playgrounds and outdoor recreation areas not being subject to other rules in the plan. Unfettered restriction on the operation hours for these activities has the potential to generate adverse effects on privacy and amenity for neighbouring properties.</p> <p><u>Benefits</u> Playgrounds and sports-fields would be able to be more readily established for the community.</p>	<p>Environmental, Social and Cultural <u>Costs</u> None known.</p> <p><u>Benefits</u> Playgrounds and sports-fields would be able to be more readily established for the community. The restriction on the size of playgrounds would ensure that privacy and amenity effects relating to larger, destination scale playgrounds would be avoided.</p>	<p>Environmental, Social and Cultural <u>Costs</u> No setbacks for all recreational facilities could have unintended consequences if the scale is large and there is the potential for adverse privacy and amenity effects.</p> <p><u>Benefits</u> Playgrounds and sports-fields would be able to be more readily established for the community. Analysis of existing larger-scale activities that would meet the notified definition of recreational facilities has found that it is common to be located less than 50m from residential zones. Also, where there is built form that might generate other adverse effects, this is controlled via building setback, height and HIRTB rules, therefore reducing the risk of adverse effects from these larger scale recreational facilities.</p>
<p>Economic <u>Costs</u> None known.</p> <p><u>Benefits</u> This would avoid the costs associated with resource consent requirements for</p>	<p>Economic <u>Costs</u> None known.</p> <p><u>Benefits</u> This would avoid the costs associated with resource consent requirements for</p>	<p>Economic <u>Costs</u> None known.</p> <p><u>Benefits</u> This would avoid the costs associated with resource consent requirements for</p>

this kind of public infrastructure.	this kind of public infrastructure.	this kind of public infrastructure.
<p>Effectiveness/ Efficiency <u>Costs</u> Numerical values are not able to be utilised within definitions and therefore it would not be possible to make exclusions only for playgrounds and sports fields that are of a certain scale.</p> <p><u>Benefits</u> This would create a less complicated approach than providing exemptions in individual rules.</p>	<p>Effectiveness/ Efficiency <u>Costs</u> This could create issues of interpretation for the terms ‘sports-fields’ and ‘playgrounds’. It is difficult to determine where the setback would apply from.</p> <p>It is difficult to determine the appropriate size to restrict neighbourhood/ local-scale playgrounds to, as differentiated from destination scale playgrounds.</p> <p>Analysis of parks recently upgraded or installed in the Whangarei District range in area from between 80m² and 220m² highlighting that area may not be the most appropriate way of restricting this type of infrastructure.</p> <p><u>Benefits</u> None known.</p>	<p>Effectiveness/ Efficiency <u>Costs</u> None known.</p> <p><u>Benefits</u> This would not require interpretation of the terms ‘sports-fields’ or ‘playgrounds’ by the plan user.</p>

4.6.17 In light of this s32AA evaluation, it is my opinion that the third option of allowing for a reduced setback for all recreational facilities would be the most appropriate. A suggested setback of 10m is offered based on a review of existing recreational facilities within the district such as the Aquatic Centre and Hockey and Gymnastics facilities within Kensington Park.

4.7 Definitions –

4.7.1 **Recreational Facilities (A)**- The requested changes to this definition have been recommended to be rejected. As the clarification required has been provided via exclusions in specific rules as discussed in the relief sought in section 4.6.16 of this evidence, the submission point is considered to be resolved, should that relief be agreed to.

4.7.2 **General Public Amenities (A)**– The WDC Infrastructure submission to include a new definition for ‘General Public Amenities’ has been recommended to be accepted and is therefore considered to have been effectively resolved.

4.8 *Other Consequential Amendments (A)*–

4.8.1 The relevant s42A report has recommended to accept the WDC Infrastructure submission relating to the request for a new section of the general rules of interpretation to isolate activities. The recommended wording in the s42A report version of the chapter is considered appropriate to fully resolve the submission.

4.8.2 The request to provide consistent wording for outdoor stockpiles has also been accepted in part to the extent that the original submission is considered to have been satisfactorily resolved.

4.8.3 The final request to provide for ‘general public amenities’ as permitted activities throughout other chapters is no longer considered relevant, given the earlier resolution that the default position where a chapter is silent on an activity is for it to be treated as a permitted activity. The s42A reflects this. All consequential amendments are therefore considered to have been effectively resolved.

4.9 *Mapping (RSS)*–

4.9.1 WDC Infrastructure made submissions on 398 reserves that had either been missed off the original planning maps. WDC Infrastructure supports the acceptance of the majority of the zoning change recommendations in the corresponding s42A report(s). A number of rejected zoning changes have been further analysed here.

4.9.2 Point 61 of Part 8 -s42A Report Zoning Submissions discusses the requested rezoning of 2-10 First Avenue, the location of Botanica from Sport and Active recreation to Commercial. Botanica is a Council owned operation providing a space for horticulture and environmental education, a vibrant and enjoyable visitor attraction and a haven of peace and tranquillity for visitors. This request for rezoning was rejected. After further analysis I can confirm that WDC Infrastructure accepts this recommendation.

4.9.3 Point 135 Part 8 -s42A Report Zoning Submissions discussed the proposed rezoning of the part of the Maunu Cemetery from SAR to Light Industrial (LI) to encompass the crematoria activities located on the site. This request for rezoning was rejected. After further analysis I can confirm that WDC Infrastructure accepts this recommendation.

4.9.4 Point 226 and point 284 Part 8 -s42A Report Zoning Submissions discussed the rezoning of the Waipu heritage village site which is owned by WDC and leased to the Waipu Heritage Trust Board to Open Space. This request for rezoning was rejected. After further analysis I can confirm that WDC Infrastructure accepts the recommendation to zone as Rural Village Centre Environment (RVCE).

4.9.5 The other points raised in Point 284 s42A Report Zoning Submissions which are not covered above, are outlined below:

- Lot 1 DP 396871 (Peter Snell Road – Ruakaka sports fields) retaining the notified split zoning of SAR and LC is confirmed acceptable.
- Section 1 SO 50446 (Raumanga Valley Road – Hospital site) –the site has been recommended to be rezoned as Hospital Zone within Part 7 of the s42A Report. After further analysis, I can confirm that this rezoning is considered acceptable by WDC Infrastructure, noting that the land is owned by WDC and not the NRHB.

4.10 *Minor Amendments (RSS)*–

4.10.1 It appears that the majority of the minor amendments that WDC Infrastructure submitted on have been amended within the respective s42A reports for those chapters. One minor correction to seek full stops at the end of rule OSZ-R7 within the Open Space chapter does not appear to have been accepted and therefore relief is still sought to address this.

5. CONCLUSION

5.1.1 The WDC Infrastructure submission seeks to ensure appropriate management of environmental effects as a primary focus, whilst ensuring the safe implementation and operation of Councils infrastructure can be provided for without unnecessary restriction. There is general support for a number of recommended changes put forward in the Council Planners s42A Report, including acceptance of the rejection of many original submission points, given the justifications provided.

5.1.2 However, relief is still sought to address issues of interpretation and to allow for general works as permitted activities where the current requirements appear onerous or not commensurate with the scale of potential adverse effects. The WDC Infrastructure submission includes options for addressing submission points with the preferred option recommended but is open to discussing alternatives to achieve agreed resolutions on all matters.

5.1.3 I would like to thank the commissioners for their time and consideration on these matters.

Heather Osborne
Infrastructure Planner

For and on behalf of
Whangarei District Council Infrastructure Group