

Part 1 – Urban and Services Plan Changes: Overview, General Topics and Definitions

Section 42A Hearing Report

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List of Abbreviations

Environmental Engineering Standards 2010	EES 2010
Environmental Engineering Standards 2018	ES 2018
Long Term Plan	LTP
Gross Floor Area	GFA
Local Government Act 2002	LGA
New Zealand Coastal Policy Statement	NZCPS
Regional Water and Soil Plan	RWSP
Draft Regional Plan	DRP
Northland Regional Council	NRC
Northland Regional Policy Statement	NRPS
Resource Management Act 1991	RMA
Section 32 of the RMA	s32
Section 42A of the RMA	s42A
Structure Plan	SP
Urban Growth Strategy	UGS
Whangarei District Growth Model	WDGM
Whangarei District Council Operative District Plan	WDP
Whangarei District Growth Strategy, Sustainable Futures 30/50	30/50
Whangarei 20/20 Plus	20/20 Plus
Crime Prevention through Environmental Design	CPTED
Parking Management Strategy 2011	PMS
City Centre Development Plan	CCDP
National Environmental Standards	NES
National Policy Statements	NPS
NPS on Urban Development	NPS:UDC
Outstanding Natural Landscapes	ONL
Outstanding Natural Feature	ONF
Mean High Water Springs	MHWS
City Centre Zone	CC
Mixed Use Zone	MU
Commercial Zone	COM
Residential Zone	RES
Low Density Residential Zone	LDR
Medium Density Residential Zone	MDR
High Density Residential Zone	HDR
Light Industrial Zone	LI
Heavy Industrial Zone	HI
Waterfront Zone	WZ
Shopping Centre Zone	SCZ
Neighbourhood Commercial Zone	NC
Local Commercial Zone	LC
Urban Area	UA
Living 1 Environment	L1
Living 2 Environment	L2
Living 3 Environment	L3
Business 1 Environment	B1
Business 2 Environment	B2
Business 3 Environment	B3
Business 4 Environment	B4

1. Introduction

1. This is Part 1 of the section 42A (**s42A**) evaluation report. This part should be read in conjunction with the other **Parts 2 - 12**.
2. This report has been prepared in accordance with s42A of the Resource Management Act 1991 (**RMA**) and forms part of the Hearing Report for the Whangarei District Council's (**WDC**) Proposed Plan Changes 82 A & B, 88, 88 A – J, 109, 115, 136, 143 – 145, 147 and 148 (**the Urban and Services Plan Changes**). This report provides an introduction to the s42A Hearing Reporting and consideration of the proposed provisions and recommendations in relation to submissions based upon general topics across all of the proposed plan changes. Where appropriate, the report cross-references the Section 32 Evaluation (**s32**), further expert evidence, analysis of any background material and legislative discussions.
3. This s42A report has been primarily prepared by Melissa Ivy McGrath. I am a qualified planner. I hold a Bachelor of Arts and a Master of Resource Management. I am a Full Member of the New Zealand Planning Institute. I have worked within the district plan team at WDC for the past ten years, being the District Plan Manager for the past two years.
4. I have been employed in various resource management positions in local government and private companies since 2003. My predominant experience has been in statutory policy and resource consent planning in the Whangarei and Auckland regions. My experience includes processing and reporting on resource consent applications, district plan formulation and policy advice for the Far North District and Whangarei District Councils, preparation of Assessment of Environmental Effects, monitoring and compliance of consent conditions.
5. Sections I to M of this s42A report have been prepared by Samuel John Pickering. I hold a Diploma in University Studies and a Bachelor of Environmental Management from Lincoln University. I am an Associate Member of the New Zealand Planning Institute.
6. I began working as a Policy Planner at WDC in January 2019. My role as part of the District Plan Team includes consultation, research, reporting and appearances necessary to support the maintenance and rolling review of the Whangarei District Plan. I have also assisted the WDC Resource Consents department with duty planner enquires.
7. Prior to commencing this role, I was employed by the Far North District Council as a Consents Planner from December 2017-January 2019. My role involved processing land-use and subdivision consents and answering duty planner enquires.
8. We confirm that the evidence on planning matters that we present is within our areas of expertise and we are not aware of any material facts which might alter or detract from the opinions we express. We 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. We have also read and are familiar with the Resource Management Law Association / New Zealand Planning Institute "Role of Expert Planning Witnesses" paper. The opinions expressed in this evidence are based on our qualifications and

experience, and are within our area of expertise. If we rely on the evidence or opinions of another, our evidence will acknowledge that position.

2. Description of the Plan Changes as Notified

9. The following is a summary of the Urban and Services Plan Changes to the Operative Whangarei District Plan (**WDP**):

Proposed Urban Plan Changes

10. The urban plan changes propose to replace existing operative zones in the Urban Area (**UA**) of Whangarei with new zones to provide for a range of living, commercial and industrial activities that are important to community wellbeing and identity. The UA includes Whangarei City (including the surrounding suburbs of Maunu, Kamo, Tikipunga, Onerahi and Raumanga), Marsden Point and Ruakaka.
11. The urban plan changes only propose the new zones for land which:
- a. Has an operative urban zoning (Living 1, 2, 3 Environments, Business 1, 2, 3, 4 Environments, Town Basin Environment, Marsden Point Port Environment, Airport Environment, Future Environment, Port Nikau Environment, Kamo Walkability Environment or Urban Transition Environment (**UTE**));
 - b. Is immediately adjacent to land which has an operative urban zoning and is located at Marsden Point or Ruakaka (rezoning to a new Living or Business zone); or
 - c. Is immediately adjacent to land which has an operative urban zoning and is located on the fringe of Whangarei City (rezoning to a new Business zone).
12. The scope of the urban plan changes does not include:
- a. Applying the new Low Density Residential Zone to land other than that with an operative UTE zoning;
 - b. Applying the new zones to land with an operative zoning of Rural Production Environment, Rural Living Environment, Rural Strategic Industry Environment, Rural Village Environment or Rural Urban Expansion Environment, Ruakaka Equine Environment or Marsden Primary Centre, other than as specified in (b) and (c) above; or
 - c. Rezoning any land from an operative rural zone (Rural Production Environment, Rural Living Environment, Rural Strategic Industry Environment, Rural Village Environment or Rural Urban Expansion Environment) to another operative rural zone,
 - d. Rezoning any land to Ruakaka Equine Environment or Marsden Primary Centre.

Plan Change 88 – Urban Plan Changes Technical Introduction (PC88)

13. PC88 outlines the statutory considerations relating to the preparation and consideration of plan changes generally, and sets out the strategy and policy frameworks within which the Urban Plan Changes fit in the planning hierarchy.

Plan Change 88A – City Centre Zone (PC88A)

14. The proposed City Centre Zone (**CC**) provides for an area of commercial, retail, entertainment and residential activities. PC88A seeks to support a strong, enduring and consolidated central city area that is a focal point for residents and visitors, active and vibrant, with high amenity and strong urban design.

Plan Change 88B – Mixed-use Zone (PC88B)

15. The proposed Mixed-use Zone (**MU**) provides for offices, commercial services, visitor accommodation and residential activities. PC88B aims to encourage high quality development that complements the CC and Waterfront (**WZ**).

Plan Change 88C – Waterfront Zone (PC88C)

16. The proposed WZ provides for a recreation, culture and tourism hub for local and international visitors to live, work and play.

Plan Change 88D – Commercial Zone (PC88D)

17. The proposed Commercial Zone (**COM**) provides for a range business activities that may not be appropriate for higher amenity zones such as the CC, MU or WZ.

Plan Change 88E – Local Commercial Zone and Neighbourhood Commercial Zone (PC88E)

18. The proposed Local Commercial Zone (**LC**) provides for a mix of commercial, community and residential activities within Whangarei City suburbs, Marsden Cove and Ruakaka. A LC is often the heart of a suburb providing a focal point for community functions and community identities.
19. The proposed Neighbourhood Commercial Zone (**NC**) provides for smaller areas of commercial activities that provide goods and services to meet the day-to day needs of surrounding residential activities. Being situated within urban residential areas it is essential that the range and scale of activities within the NC is compatible with surrounding residential activities and amenity values.

Plan Change 88F – Shopping Centre Zone (PC88F)

20. The proposed Shopping Centre Zone (**SCZ**) provides for consolidation of large retail stores in existing shopping centres. Quality urban design and supporting small scale food and beverage retailers are encouraged to promote a vibrant, pedestrian friendly shopping experience.

Plan Change 88G – Light Industrial Zone (PC88G)

21. The proposed Light Industrial Zone (**LI**) provides for smaller-scale industrial activities, larger-scale retail activities that are compatible with industrial activities such as service stations, motor vehicle sales, garden centres, trade suppliers and hire premises, and supporting food outlets.

Plan Change 88H – Heavy Industrial Zone (PC88H)

22. The proposed Heavy Industrial Zone (**HI**) provides for larger-scale and noxious industrial activities while avoiding incompatible activities.

Plan Change 88I – Living Zones (PC88I)

23. PC88I proposes four new zones:
- Low-density Residential Zone (**LDR**) - The existing UTE is proposed to be re-named the LDR, with updated chapter structure consistent with the other Urban plan changes. PC88I does not propose any change to the spatial extent of the operative UTE.
 - Medium-density Residential Zone (**MDR**) - The proposed MDR provides for suburban density residential development, usually for one to two storey, standalone (detached) residential units on larger properties. Non-residential activities are discouraged in the zone.
 - High-density Residential Zone (**HDR**) - The proposed HDR provides for higher density residential development such as terrace housing, semi-detached housing and detached townhouses on smaller sections. Non-residential activities are discouraged within the zone.
 - Residential Zone (**RES**) - The proposed RES provides for large-lot, low density residential living. Development patterns will usually be large, un-serviced residential lots with mid to large-scale standalone (detached) residential units, surrounded by large areas of space. Non-residential activities are discouraged within the zone.

Plan Change 88J – Precincts (PC88J)

24. PC88J proposes to introduce precincts, which apply specific land use provisions to an area in addition to the underlying zone. The objectives, policies and rules of the underlying zone apply in addition to any relevant provisions of a precinct unless stated otherwise. The three precincts proposed are the Oil Refinery Precinct, the Hīhīāua Peninsula Precinct and the Port Nikau Precinct.

Plan Change 143 – Airport Zone (PC143)

25. PC143 proposes a new zone to provide for the Whangarei Airport and compatible activities.

Plan Change 144 – Port Zone (PC144)

26. PC144 proposes a new zone to provide for the Port at Marsden Point.

Plan Change 145 – Hospital Zone (PC145)

27. PC145 proposes a zone to provide for Whangarei Hospital and associated facilities.

Proposed Open Space Plan Change

Plan Change 115 – Open Space (PC115)

28. Three Open Space Zones are proposed throughout the Whangarei District. They include:

- Conservation Zone (**CON**) - Provides for areas that are set aside or reserved to protect natural features and vegetation.
- Sport and Active Recreation Zone (**SAR**) - Provides for large open space areas where the primary uses are organised activities including events and indoor and outdoor sports.
- Open Space Zone (**OS**) - Provides for local parks which are characterised by informal outdoor recreational activities and community uses.

Proposed District Wide Plan Changes

29. The following proposed plan changes introduce new chapters in the WDP which will apply across all of Whangarei District.

Plan Change 148 – Strategic Direction and Subdivision (PC148)

30. PC148 proposes:
- A new District Wide chapter to outline the strategic direction, significant resource management issues, objectives and policies for the Whangarei District.
 - A new District Wide chapter to consolidate all objectives, policies and rules relating to the subdivision of land. The chapter includes proposed objectives, policies and rules applying to subdivision in each of the proposed Urban and Open Space zones.

Plan Change 109 – Transport (PC109)

31. PC109 proposes a new District Wide chapter to manage Whangarei's transport network, including roads and road corridors, footpaths, vehicle crossings and accesses, and parking areas. This plan change primarily covers road design, off-street parking standards, landscaping within parking areas, and vehicle crossing and access standards.

Plan Change 136 – Three Waters Management (PC136)

32. PC136 proposes a new District Wide chapter to manage the impact of land use and subdivision on Three Waters resources: stormwater drainage; wastewater collection, treatment and disposal; and drinking water.

Plan Change 147 – Earthworks (PC147)

33. PC147 proposes a new District Wide chapter to consolidate objectives, policies and rules relating to earthworks associated with subdivision.

Plan Change 82A – Signs (PC82A)

34. PC82A proposes a new District Wide chapter to consolidate objectives, policies and rules relating to signs.

Plan Change 82B – Lighting (PC82B)

35. PC82B proposes a new District Wide chapter to consolidate objectives, policies and rules relating to artificial lighting.
36. Each proposed plan change includes specific proposed changes to the WDP text and maps, where relevant. In summary these include:
 - New WDP Zone Chapters, with objectives, policies and rules.
 - New District Wide Chapters, with objectives, polices and rules.
 - Changes to the Planning Maps.
 - Consequential changes to WDP text.
 - New definitions and consequential changes to WDP Chapter 4 Definitions.

3. Section 42A Hearing Report Structure

37. For ease of processing and reporting, submissions to all plan changes have been numbered, grouped and summarised together. All plan changes will be heard together to ensure consistent recommendations.
38. The s42A hearing report for the plan changes has been split into 'parts' to streamline reporting. The parts have been prepared by a team of planners as expert witnesses. The s42A hearing report parts are as follows:

Part 1	Urban and Services Overview, General Topics and Definitions Report (All)
Part 2	Strategic Direction and Subdivision (PC148)
Part 3	Commercial (PC88A -D and F)
Part 4	Centres (PC88E)
Part 5	Industry (PC88G and H)
Part 6	Residential (PC88I)
Part 7	Regionally Significant Industry (PC143-145)
Part 8	Zoning (PC88A-J & PC115)
Part 9	Services (PC109, 136, 147)
Part 10	Signs and Lighting (PC82 A & B)
Part 11	Open Spaces (PC115)
Part 12	Precincts (PC88J)

39. Report attachments that are consistent across all plan changes have been included within **Part 1**. Any report attachment that is specific to a single part has been attached to that part.

4. Statutory Considerations (Author: Melissa McGrath)

40. In my opinion the relevant s32 evaluation reports provide a comprehensive assessment of all relevant statutory considerations prior to notification. This section provides a discussion of the relevant statutory considerations that may have changed post notification and s32 evaluation. Where further s32AA evaluation is considered necessary it is detailed in the relevant s42A Part.

Section 32 Evaluation

41. WDC completed an evaluation of the Urban and Services Plan Changes in accordance with s32 of the RMA [Appendix A]. s32(1) states that an evaluation must:
- a. examine the extent to which the objectives of the proposal being evaluated are the most appropriate way to achieve the purpose of this Act; and
 - b. examine whether the provisions in the proposal are the most appropriate way to achieve the objectives by—
 - i. identifying other reasonably practicable options for achieving the objectives; and
 - ii. assessing the efficiency and effectiveness of the provisions in achieving the objectives; and
 - iii. summarising the reasons for deciding on the provisions; and
 - c. contain a level of detail that corresponds to the scale and significance of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the proposal.
42. An assessment under subsection s32(1)(b)(ii) must—
- a. identify and assess the benefits and costs of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the provisions, including the opportunities for—
 - i. economic growth that are anticipated to be provided or reduced; and
 - ii. employment that are anticipated to be provided or reduced; and
 - b. if practicable, quantify the benefits and costs referred to in paragraph (a); and
 - c. assess the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the provisions.
43. Evaluation in terms of s32 is ongoing, and must be undertaken to confirm the appropriateness of each plan change. Where considered appropriate, recommendations in this report which differ from the notified provisions are supported by further evaluation in terms of s32AA of the RMA.
44. The s32 Evaluation Reports included an evaluation with regard to Part 2 of the RMA which includes:
- The purpose of the Act as contained in s5;
s6 - Matters of National Importance that are required to be recognised and provided for;
s7 - Other Matters that require particular regard in achieving the purpose of the Act; and
s8 - Treaty of Waitangi.
45. The s32 Evaluation Reports also considered s31 of the RMA which sets out the functions of territorial authorities in giving effect to the purpose of the RMA.

National Planning Standards

46. Under s58B -J of the RMA the Minister may create National Planning Standards. The first set of National Planning Standards (**the Standards**) was released on 5 April 2019. The purpose of the Standards is to improve the efficiency and effectiveness of the planning system by providing nationally consistent:

- Structure
- Format
- Definitions
- Noise and Vibration Metrics
- Electronic Functionality and Accessibility

for regional policy statements, regional plans, district plans and combined plans under the RMA. The Standards do not alter the effect or outcomes of policy statements or plans.

47. The proposed Urban and Services Plan Changes took the draft Standards into account and were considered to be consistent with the draft Standards available at the time of preparing for notification. The proposed zones were selected from the standardised suite of zoning options, and proposed chapters, provisions and mapping were formatted to be consistent with the draft Standards.

48. In accordance with s58I of the RMA Council must amend the proposed plan changes to implement the mandatory directions without following a Schedule 1 process:

Mandatory directions

- (2) If a national planning standard so directs, a local authority must amend each of its documents—
- (a) to include specific provisions in the documents; and
 - (b) to ensure that the document is consistent with any constraint or limit placed on the content of the document under section 58C(2) (a) to (c).
- (3) An amendment required by subsection (2) must—
- (a) be made without using any of the processes set out in Schedule 1; and
 - (b) be made within the time specified in the national planning standard or (in the absence of a specified time) within 1 year after the date of the notification in the *Gazette* of the approval of the national planning standard; and
 - (c) amend the document to include the provisions as directed; and
 - (d) include any consequential amendments to any document as necessary to avoid duplication or conflict with the amendments; and
 - (e) be publicly notified not later than 5 working days after the amendments are made under paragraph (d).

49. In accordance with s58I of the RMA Council must amend the proposed plan changes to implement the discretionary directions without following a Schedule 1 process:

Discretionary directions

- (4) If a national planning standard directs a local authority to choose from a number of specific provisions in a national planning standard, the local authority must—
- (a) choose an appropriate provision; and
 - (b) use one of the processes set out in Schedule 1 in order to apply the provision to the local circumstances, but not to decide the content of the provision set by the national planning standard; and
 - (c) notify any amendment required under this section within the time specified in the national planning standard, using any of the processes provided for by Schedule 1; and
 - (d) make any consequential amendments to its documents needed to avoid duplication or inconsistency, but without using a process set out in Schedule 1; and
 - (e) publicly notify any amendments made under paragraph (d) not later than 5 working days after the amendments are made.
- (5) A document is amended as from the date of the relevant public notice under subsection (3)(e) or (4)(c).
- (6) For the purpose of subsection (4)(a), a national planning standard may specify how local authorities are to choose relevant provisions from the national planning standard.

Other changes that may be directed

- (7) A local authority must—
- (a) make all other amendments to any document that are required to give effect to any provision in a national planning standard that affects the document, using one of the processes set out in Schedule 1; and
 - (b) notify all amendments required under paragraph (a) not later than 1 year after the date of the notification in the *Gazette* of the approval of the national planning standard or at another time specified in the national planning standard.
- (8) A local authority must also take any other action that is directed by a national planning standard.
- (9) This section and section 58J are subject to the obligations of local authorities, or of any particular local authority, under any other Act that relates to the preparation or change of a policy statement or plan under this Act.

50. To provide transparency WDC Planning and Development Group (**WDC Planning**) made a submission on the Urban and Services Plan Changes¹ identifying all of the amendments to the proposed plan changes necessary to comply with the mandatory directions of the first gazetted Standards.

5. Purpose of Report

51. This report considers submissions received in relation to the Overview, General Topics and Definitions across all Urban and Services Plan Changes. It has been prepared in accordance with s42A of the RMA to assist the Commissioners with deliberations on submissions and further submissions.
52. The report includes recommendations to the Commissioners to accept, accept in part or reject individual submissions. Where appropriate, it also includes recommended changes to the plan change provisions.

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In response to submissions, we have in every instance considered efficiency, effectiveness and appropriateness and our recommendations represent the most appropriate response in accordance with s32AA. In accordance with section 32AA(1)(c), the assessment of each change has been undertaken at a level of detail that corresponds to the scale and significance of the proposed changes.

53. When making its decision, WDC is required under clause 10 of the First Schedule of the RMA to give reasons for allowing or not allowing any submissions (grouped by subject matter or individually). The decisions of the council may also include consequential alterations arising out of submissions and any other relevant matters it considered relating to matters raised in submissions.

6. Structure of the Report

54. The report has been structured to provide an assessment of the submissions and further submissions received by WDC, arriving at a recommendation to the Commissioners.

55. All submissions received have been categorised based on which plan change they are most applicable to. Once allocated to a plan change, each submission point has then been grouped thematically based on topic. As some submissions relate to multiple topics, cross references are included to the discussion and recommendation sections of other topics. Topic headings for the submissions assessed within this General Topic report are as follows:

- A. Duplicate Submissions
- B. Consultation
- C. General Support
- D. Physical Infrastructure and Rates
- E. Other Relief Sought
- F. Corrections and Clarifications
- G. Consequential Amendments
- H. National Planning Standards
- I. General Biodiversity and Natural Hazards
- J. Aerials and Aerial Support Structures
- K. Community Corrections Activities
- L. Rail Corridor Setbacks
- M. Outdoor Storage and Stockpiles
- N. Definitions
- O. Hazardous Substances
- P. Miscellaneous
- Q. Activity Status Consequential Amendments

56. While all submitters have been acknowledged in the summary of submissions [**Appendix D**], due to the similarity of relief sought and reasons given along with the volume of submissions, responses have not necessarily been written for each individual submission point. Responses have been written for individual submissions that raise matters that differ from other submissions within the same thematic group or that request specific amendments to the plan change provisions.
57. Responses have not been written for all further submissions because the further submissions generally:
- Sought to emphasise the content of the corresponding original submission.
 - Did not present new or additional evidence;
 - Stated either support or opposition to the original submissions of other submitters.
58. Where further submissions present additional evidence these have been dealt with within the report where the primary submission point has been addressed.
59. The assessment of submissions generally follows the following format:
- Submission information – summarises matters raised in the submissions with a brief outline of relief sought.
 - Discussion – discusses responses to the relief sought.
 - Recommendation – outlines a recommendation to the Commissioners in response to the relief sought.
60. Any recommended changes to the notified Chapters as a result of submissions are attached to the respective Part of this s42A Report. Any recommended changes to the definitions of the WDP are shown as consequential amendments and are attached to this report [see **Attachment 1**]. Any recommended additions to the notified text are shown as underlined and deletions as strike-through.

7. Consideration of Submissions (Author: Melissa McGrath)

61. Table 1 below outlines a chronology of events relevant to the proceedings of the plan changes.

Table 1 – Chronology of Events	
Event	Date
Consultation on draft plan changes	June- August 2018
Date of public notification of plan change for submissions	8 May 2019
Closing date for submissions	4 July 2019
Date of public notification for further submissions	31 July 2019
Closing date for further submissions	28 August 2019
Hearing commences	25 November 2019

62. Pursuant to s37 of the RMA, WDC resolved to double the submission period from 20 working days to 40 working days and the further submission period from 10 working days to 20 working days.
63. 317 submissions and 79 further submissions were received on the Urban and Services plan changes. Please refer to **Appendix C** for submissions and further submissions, **Appendix D** for a summary of submissions.
64. No original submissions were received significantly late past the close of notification. I recommend that the Commissioners accept late submissions.
65. Many of the further submissions received are from submitters who did not make original submissions. I recommend that these further submissions are accepted by the Commissioners under Schedule 1 Clause 8 of the RMA on the basis that the submitters have interests greater than the general public.

A. Duplicate Submissions (Author: Melissa McGrath)

Submission Information

66. Two submissions received were duplicate submissions, with submission 66 being a duplicate of submission 96, and submission 274 being a duplicate of 216.

Discussion

67. Submissions 66 and 274 have not been responded to, with responses being provided to submissions 96 and 216 instead.

Recommendation

68. I recommend that the Commissioners reject the submission points as duplicates:

Submitter	Submission# & Point #	Accept/Reject
Carolyn Marriner	66.1	Reject
Ken and Kathleen Baker	274.1	Reject

B. Consultation (Author: Melissa McGrath)

Submission Information

69. Numerous submissions² were made on the topic of consultation. These submissions generally oppose the plan changes as submitters believe that Council has not undertaken adequate consultation on the plan changes or has not provided sufficient time for submitters to make submissions. Relief sought either requests that WDC declines all of the plan changes in their entirety or provides more time to consider the plan changes.

² John Green, Parua Bay Residents and Ratepayers Association Inc. (**PBBRA**), Whangarei Heads Citizens Association (**WHCA**), Disability Advisory Group (**DAG**), Melissa Arseneault, Mira Norris, Jennifer Edwards, Hans Infanger and Pia Marty, Alec Jameson and Parihaka Property Trust (**PPT**)

70. Four submissions³ request further engagement and consultation with the public and hapu and mana whenua for future development and plan changes. Relief sought includes provisions requiring consultation as part of future development.

Discussion

71. Complete details of consultation undertaken prior to formal notification on the Urban and Services Plan Changes is detailed in Section 32 Report section 3 [see **Appendix A**].
72. The Urban and Services plan changes were publicly notified together. This included letters being posted to every ratepayer in the district, letters and summary booklets (**Attachment 2**) being posted to directly affected landowners, letters being posted to interested landowners, formal Notice published in the newspaper, and on-going information in the newspaper. Full details of the plan changes have been available on the WDC website since the plan changes were notified. During the submission and further submission period, WDC Policy staff were available answering calls and providing a drop-in service for customers⁴. WDC also extended the formal notification periods to provide additional time for submitters to consider the plan changes and make considered submissions.
73. Following the close of the submission period, WDC identified properties directly affected by submissions requesting specific rezoning. Mapping was made available online which identified sites with specific rezoning requests informing landowners of the requested zoning and the relevant submission.
74. In my opinion, the consultation on the proposed plan changes has been comprehensive, including consultation prior to the formal notification of the plan changes, going well above the minimum requirements of the RMA.
75. I do not support the inclusion of blanket automatic notification rules in the plan changes. In my opinion it is more appropriate to rely on s95 of the RMA to assess the appropriateness of notification of each application on a case by case basis. Including blanket automatic notification rules has the potential to significantly increase costs and time associated with the consent process in my opinion.

Recommendation

76. I recommend that the Commissioners reject the submission points as detailed below and:
- a. Retain the notified provisions, noting that amendments have been recommended in response to other submissions.

Submitter	Submission# & Point #	Accept/Reject	Recommendation
J Green	103.1	Reject	a
PBRRRA	139.16	Reject	a
WHCA	201.12 & 13	Reject	a
Nga Hapu o Whangarei	215.5 & 11	Reject	a
DAG	221.7	Reject	a
M Arseneault	226.1	Reject	a
M Norris	252.1	Reject	a
J Edwards	283.13	Reject	a
H Infanger and P Marty	286.5	Reject	a

³ PBBRA, WHCA and Nga Hapu o Whangarei

⁴ Phone and meeting log are available should the Commissioners wish to view it.

A Jameson	291.9	Reject	a
PPT	310.1	Reject	a

C. General Support (Author: Melissa McGrath)

Submission Information

77. Three submissions⁵ were made in general support of various sections and provisions of the plan changes.

Discussion

78. I acknowledge the submissions supporting the various sections and provisions of the proposed plan changes.

Recommendation

79. I recommend that the Commissioners accept the submission points as detailed below and:
- a. Retain the notified provisions, noting that amendments have been recommended in response to other submissions.

Submitter	Submission# & Point #	Accept/Reject	Recommendation
Department of Corrections	168.5	Accept in part	a
T King	174.1	Accept in part	a
GEK Property Nominees (Northland Hospitals) Limited	218.9	Accept in part	A

D. Physical Infrastructure and Rates (Author: Melissa McGrath)

Submission Information

80. Numerous submission⁶ were received requesting physical works or rates relief. The relief sought includes road improvements, speed limit reductions, tree maintenance, reduced rates, provision of car parking, and improved bus services.

Discussion

81. Physical works, infrastructure upgrades and rates relief are beyond the scope of the plan changes in my opinion. I do not support any amendments to the plan changes in response to these submissions.

⁵ Department of Corrections (**Corrections**), Tim King and GEK Property Nominees (Northland Hospitals) Limited

⁶ Cheryl Nicholson, Unknown, Denis Hewitt, Leonard Mexted, Earl Pennington, Dianne Simpson, Anna Anderson and Charles Brocas, Brian and Anita Burrows, Thomas Harder and Martina Seifarth, Lewis Foulkes, Tainui Meyer, Irene Dunn, Brad Hall, Ian and Dianne Beattie, PBRRA, Anthony and Jean Morgan, WHCA, NorthChamber, Jacqueline Stoddard, Tony Savage, Northland Craft Trust/Quarry Arts Centre (**Northland Craft**), DAG, Jan Boyes, Judith Dempster, H Infanger and P Marty, A Jameson, Edward Morrell, Kay Tattley, Northland District Council of New Zealand Automobile Association (**Northland AA**), Bernina Northland and Ruakaka Parish Residents and Ratepayers Association Inc (**RPRRA**)

Recommendation

82. I recommend that the Commissioners reject the submission points as detailed below and:
- a. Retain the notified provisions, noting that amendments have been recommended in response to other submissions.

Submitter	Submission# & Point #	Accept/Reject	Recommendation
C Nicholson	2.1	Reject	a
Unknown	5.1	Reject	a
D Hewitt	6.1	Reject	a
L Mexted	9.1	Reject	a
E Pennington	15.1	Reject	a
D Simpson	18.1	Reject	a
A Anderson and C Borcas	20.1	Reject	a
B and A Burrows	22.1	Reject	a
T Harder and M Seifarth	42.1	Reject	a
L Foulkes	49.1	Reject	a
T Meyer	81.1	Reject	a
I Dunn	82.1	Reject	a
B Hall	83.1, 2, 4 & 6	Reject	a
I and D Beattie	109.1 & 2	Reject	a
PBRR	139.6, 11 & 12	Reject	a
A and J Morgan	170.3, 13, 14 & 17	Reject	a
WHCA	201.6-8	Reject	a
NorthChamber	203.1	Reject	a
J Stoddard	212.3 & 4	Reject	a
T Savage	214.1, 3 & 4	Reject	a
Northland Craft	220.2	Reject	a
DAG	221.3-6	Reject	a
J Boyes	245.1 & 3	Reject	a
T Savage	255.1	Reject	a
J Dempster	277.1	Reject	a
J Dempster	278.2	Reject	a
H Infanger and P Marty	286.1	Reject	a
A Jameson	291.1, 2 & 4	Reject	a
E Morrell	296.2-4	Reject	a
K Tattley	300.2 & 4	Reject	a
Northland AA	304.18	Reject	a
Bernina Northland	309.1, 2, 3 & 5	Reject	a
RPRRA	314.5	Reject	a

E. Other Relief Sought (Author: Melissa McGrath)

Submission Information

83. Numerous submissions⁷ were received requesting any generic consequential amendments to provisions or relief that were considered necessary to address the concerns raised within the submissions.

⁷ The National Institute of Water and Atmospheric Research Limited (**NIWA**), Port Nikau Three Joint Venture (**PNTJV**), Kneehy Limited (**Kneehy**), Stand Children's Services (**SCS**), Society of Mary (**SOM**), Northland Development Corporation (**NDC**), Whangarei Boys High School (**Boys High**), Classic Developments (**Classic**), Workman Properties Limited (**Workman**), BBM Holdings (**BBM**), Quality Development Ltd (**Quality**), EB Developments (**EB**), Ruakaka Economic Development Group (**REDG**), C & K Pyle, Fonterra Limited (**Fonterra**), Summerset Villages (Whangarei) Limited

Discussion

84. Each of these submitters also made more specific submission points relating to their concerns. The specific submission points have been responded to within the relevant Part of this s42A Report. In responding to the specific submission points the need for any consequential amendments has been considered. I do not consider it necessary to make further consequential amendments in response to these generic submission points.

Recommendation

85. I recommend that the Commissioners reject the submission points as detailed below and:
- a. Retain the notified provisions, noting that amendments have been recommended in response to other submissions.

Submitter	Submission# & Point #	Accept/Reject	Recommendation
NIWA	77.16	Reject	a
PNTJV	142.2	Reject	a
Kneehy	144.4	Reject	a
SCS	145.2	Reject	a
SOM	146.2	Reject	a
NDC	147.9	Reject	a
Boys High	148.2	Reject	a
Classic	149.2	Reject	a
Workman	150.2	Reject	a
BBM	151.2	Reject	a
Quality	157.2	Reject	a
EB	179.2	Reject	a
REDG	180.4	Reject	a
C & K Pyle	194.3	Reject	a
Fonterra	202.40	Reject	a
Summerset	205.36	Reject	a
NDHB	206.31	Reject	a
Goal	208.2	Reject	a
Downer	217.23	Reject	a
PNJV	224.3 & 40	Reject	a
Clarkes	227.1 & 2	Reject	a
Udy	241.2	Reject	a
Homeworld	244.2 & 3	Reject	a
ADL	251.2	Reject	a
Circa	256.4	Reject	a
Mark Cromie	258.4	Reject	a
MMH	259.9 & 10	Reject	a
Refining NZ	260.31	Reject	a
Kamo Vets	261.2	Reject	a
SSDL	263.2	Reject	a
Housing NZ	268.1	Reject	a

(**Summerset**), Northland District Health Board (**NDHB**), Goal Holdings Ltd (**Goal**), Downer New Zealand Ltd (**Downer**), Port Nikau Joint Venture (**PNJV**), Clarkes Ltd (**Clarkes**), Udy Investments Limited (**Udy**), Homeworld, Advance Developments Ltd (**ADL**), Circa Marine and Industrial Limited (**Circa**), Mark Cromie Motor Group (**Mark Cromie**), Marsden Maritime Holdings Limited (**MMH**), The New Zealand Refining Company Limited trading as Refining NZ (**Refining NZ**), Kamo Veterinary Holdings Ltd (**Kamo Vets**), SS Developments Limited (**SSDL**) and Housing New Zealand Corporation (**Housing NZ**)

F. Corrections and Clarifications (Author: Melissa McGrath)

Submission Information

86. Bunnings Limited (**Bunnings**) requests that any references “Trade Supplier Activities” be amended to “Trade Supplier”.

87. Fred Morgan seeks the following specific amendment to policy 17.4.2 in Chapter 17 of the WDP:

17.4.2 Significant Ecological Areas

To maintain the ecological values of significant indigenous vegetation and the significant habitats of indigenous fauna in the ~~Residential~~ and Green Space Zones.

88. WDC Planning requests that the proposed chapters be amended as set out in Attachment 1 of the submission to ensure consistency of rules such as:

- Building Height
- Building Setbacks
- Building Height in Relation to Boundary
- Impervious Areas
- Fences
- Car Parking
- Outdoor Areas of Storage or Stockpiles
- Residential Unit
- Pedestrian Centric Environment
- Building Frontage
- New Vehicle Crossing Over a Footpath
- Verandahs

89. WDC Planning requests that the proposed chapters be amended as set out in Attachment 1 of the submission to correct any minor spelling, grammatical or formatting errors.

90. Geoff King, G.O and A.M. King and the Krivoklat Trust request that references to “Living Zones” and “Residential Zones” be used consistently throughout.

91. J Edwards requests the following:

- Replace references to “Green Space Zones” with “Open Space” for PC115.
- Check what the sentence in 5.1.1 of the PC88 s32 report means and if reference to Auckland is relevant or helpful.
- Clarify references to the "Draft Standards" in the s32 report to state which standards are being referred to.

Discussion

92. I generally support the amendments requested by each submitter and recommend amendments throughout to improve consistency and correct minor errors. However, I do not support the amendments sought to policy 17.4.2. Within the operative WDP this policy states:

17.4.2 Significant Ecological Areas

To maintain the ecological values of significant indigenous vegetation and the significant habitats of indigenous fauna in the Living 3 and Open Space Environments.

93. Consequential amendments have been proposed to this policy to replace 'Living 3' and 'Open Space' with the new equivalent zoning to retain the status quo of the policy as much as possible. In my opinion the notified consequential amendments are appropriate, and the policy should retain the reference to the Residential Zone. I note that as part of the rolling review it is anticipated that Chapter 17 will be reviewed through a separate plan change.
94. In response to J Edwards the zones proposed under PC115 are recommended to collectively be referred to as the "Open Space and Recreation Zones" in accordance with the Standards. Paragraph 131 in the s32 Report for PC88 is intended to refer to Auckland as written because it is quoting the Auckland Unitary Plan's description of nesting tables. The s32 Reports were based on the draft National Planning Standards. The Standards were gazetted following the notification of the plan changes.

Recommendation

95. I recommend that the Commissioners accept and/or reject the submission points as detailed below and:
- Undertake minor amendments to improve consistency and correct errors.
 - Retain policy 17.4.2 as notified.
 - Retain pre-notification s32 reports as notified, noting that s32AA assessment is included within the Parts of the s42A report as necessary.

Submitter	Submission# & Point #	Accept/Reject	Recommendation
Bunnings	60.7	Accept	a
J Edwards	193.26 - 28	Reject	c
F Morgan	229.18	Reject	b
WDC Planning	236.71 and 72	Accept	a
G King	237.5	Accept	a
G.O and A.M. King	238.5	Accept	a
Krivoklat Trust	239.5	Accept	a

G. Consequential Amendments (Author: Melissa McGrath)

Submission Information

96. K Grundy requests that either a chapter on amenity values, or alternatively new provisions relating to amenity values, be included in the proposed plan changes, particularly PC88I, PC115 and PC148, and that existing provisions relating to amenity values be strengthened.

97. K Grundy and the Puriri Park and Maunu Residents Society Inc (**Puriri Park Society**) request that the plan changes contain more detail by way of explanations and reasons, anticipated environmental results, and/or more specificity in the provisions themselves or by way of explanatory notes.
98. The New Zealand Transport Agency (**NZTA**) requests that amendments be made to ensure it is clear for plan users that all rules must be considered when assessing compliance.
99. Fire and Emergency New Zealand (**Fire NZ**) requests that HPW-R6.1(r) be retained as notified and seeks the following specific amendments to HPW-R6.1(w):

HPW-R6 – Assessment of Discretionary Activities

1. When assessing resource consent applications for discretionary land use and subdivision activities the assessment shall include (but is not limited to) the following matters (where relevant):
- ...w. ~~The effects of and functional need of places of assembly and emergency services to locate within the RPZ.~~

100. NZTA seeks the following specific amendments to HPW-R6.1, HPW-R7.1 and HPW-R9:

HPW-R6 – Assessment of Discretionary Activities

1. When assessing resource consent applications for discretionary land use and subdivision activities the assessment shall include (but is not limited to) the following matters (where relevant):
- ...j. The safe and efficient movement of people and vehicles including traffic manoeuvring, pedestrians and cyclists, and the potential effects on the accessibility efficiency and safety of transport networks roads. ...
- ...v. The impact on the transport system, taking in into account the two-tier hierarchy.

HPW-R7 –Additional Matters Over Which Control Has Been Reserved or Discretion Restricted:

1. The following matters shall apply in addition to any matters of control or matters to which control is reserved in the Subdivision Chapter:
- ...w. The safe movement of people and vehicles including traffic manoeuvring, pedestrians and cyclists, and the potential effects on the accessibility and safety of transport networks.
- x. The potential for reverse sensitivity effects on existing lawfully established activities and any measures proposed to avoid remedy or mitigate those effects.
- v. The impact on the transport system, taking in into account the two-tier hierarchy.

HPW-R9 –Limited Access Roads:

1. Approval will be required from either the Council or the New Zealand Transport Agency, for a subdivision or new land uses proposing access to any road, including a state highway declared as a limited access road pursuant to the provisions of the Local Government Act 1974 or the Government Roding Powers Transit New Zealand Act 1989. An indication in writing, of any restrictions or conditions, from either the Council or the New Zealand Transport Agency, as relevant, should be obtained before an application for subdivision or land use consent is lodged with the Council

101. KiwiRail seeks the following specific amendments to HPW-R6.1(j) and (n) and HPW-R7.1(q):

HPW-R6 – Assessment of Discretionary Activities

1. When assessing resource consent applications for discretionary land use and subdivision activities the assessment shall include (but is not limited to) the following matters (where relevant):
- ...j. The safe and efficient movement of people and vehicles including traffic manoeuvring, pedestrians and cyclists, and the potential effects on the efficiency and safety of transport networks roads. ...
- ...n. The need for forming or upgrading roads, level crossings and other traffic control measures in the vicinity due to increased traffic from the proposed landuse or subdivision. ...

HPW-R7 –Additional Matters Over Which Control Has Been Reserved or Discretion Restricted:

1. *The following matters shall apply in addition to any matters of control or matters to which control is reserved in the Subdivision Chapter:*
...q. *The provision, location, design, capacity, connection, upgrading, staging and integration of infrastructure and how any adverse effects on existing infrastructure networks are managed. ...*

102. Atlas Concrete Limited (**Atlas**) requests that HPW-R6 be amended to provide applicable assessment criteria which properly reflect the purpose of each zone or resource area chapter.
103. Housing NZ requests that HPW-R6 and R7 be deleted and reviewed to be recast as an assessment framework for Restricted Discretionary Activities.
104. WDC Infrastructure Group (**WDC Infrastructure**) requests amendments to Part C 4.2 to introduce a new subsection of the General Rules of interpretation to make sure that ancillary uses/activities are not to be assessed separately to the main use/ activity.
105. WDC Planning seeks the inclusion of the following new rule in the HPW Chapter:

HPW-RNew1 –Application of Activity Definitions

- 1. Where an activity could be captured by more than one definition grouping classification, the most specifically defined activity and most specific rule shall over-ride the more general definition and rule.*

106. Fire NZ seeks the following specific amendments to RLZ.2.3.8 and RUEZ.2.3.9:

RLZ.2.3 Discretionary Activities

8. Any care centre ~~or emergency service~~.

RUEZ.2.3 Discretionary Activities

9. Any care centre ~~or emergency service~~.

Discussion

107. I do not support the inclusion of a chapter on amenity values or new provisions relating to amenity values within the plan changes. In my opinion the amenity values of the zones have been appropriately addressed within the notified chapters.
108. I do not support the inclusion of more detail by way of explanations, reasons and anticipated environmental results. These are not required under the RMA or the Standards. In my opinion the notified provisions provide an appropriate level of detail to be effectively interpreted and implemented. In my opinion introducing additional detail and non-statutory wording has the potential to introduce more discretion in the interpretation of the provisions and to reduce their efficiency.
109. I do not support the inclusion of additional provisions stating that all rules must be considered when assessing compliance. In my opinion this is already addressed by rule HPW-R2.2 in the How the Plan Works Chapter which states:

HPW-R2

- ...2. Different activities within a proposal are subject to different parts of the Plan, each activity will be assessed in terms of the objectives, policies and rules which are relevant to that activity.*

110. I do not support the amendments to HPW-R6.1(w) requested by Fire NZ. This provision is currently contained within the Rural Area Chapter of the WDP as RA.4.2.1(v). I support retaining the status quo as the provision is intended to relate to the RPZ only.
111. I support the amendments to HPW-R6, R7 and R9 requested by NZTA and KiwiRail for the reasons outlined in their submissions⁸, with minor amendments to improve consistency with other notified provisions.
112. I do not support the amendments sought by Housing NZ and Atlas to HPW-R6 and R7. In my opinion, HPW-R6 is intended to provide high level guidance to plan users regarding the assessment of discretionary activities. The provision is not meant to provide targeted matters for each zone or resource area. Matters for restricted discretionary activities are contained within the rule that they relate to within each chapter. HPW-R7 is intended to specifically relate to the matters of control for subdivision.
113. I support the amendment sought by WDC Planning to provide greater clarity in instances where multiple rules or definitions may apply to an activity. The requested rule improves the efficiency by clarifying that the more specific definition and rule over-rides the more general. In my opinion this addresses the concern raised by WDC Infrastructure as it clarifies that only a single, primary definition applies to each activity.
114. I accept that emergency services are currently permitted within the RLZ and RUEZ. During the notification of the Urban and Services Plan Changes it came to Council's attention that this was an error as these activities are discretionary within other zones such as the RPZ, RVZ and the notified RES, LDR, MDR and HDR. In my opinion it is appropriate to classify emergency services as discretionary within the RUEZ and RLZ to achieve consistency with other residential zones and to encourage emergency services to locate in more suitable locations such as industrial and business zones.

Recommendation

115. I recommend that the Commissioners accept and/or reject the submission points as detailed below and:
- a. Not include additional provisions relating to amenity, explanations or reasons, or plan structure.
 - b. Amend HPW-R6, R7 and R9 as set out in **Attachment 1**.
 - c. Retain RLZ.2.3.8 and RUEZ.2.3.9 as notified.
 - d. Include a new rule in the HPW works chapter titled "Application of Activity Definitions" as set out in **Attachment 1**.

Submitter	Submission# & Point #	Accept/Reject	Recommendation
K Grundy	73.1 & 2	Reject	a
Atlas	129.14	Reject	b
Fire NZ	165.1 & 4	Accept in part	b
WDC Planning	236.74	Accept	d
NZTA	240.95-97 & 101	Accept in part	b
WDC Infrastructure	242.51	Accept in part	d
KiwiRail	265.40 & 41	Accept	b

⁸ Pages 48 – 50 of submission 240; and Page 15, Submission #s 41 – 42 of submission 265.

Housing NZ	268.180	Reject	b
Puriri Park Society	301.1	Reject	a

H. National Planning Standards (Author: Melissa McGrath)

Submission Information

116. WDC Planning requests several amendments to the proposed district plan text and maps to improve consistency with the Standards. Relief sought includes:

- Amendments to zone names to match the zone names and descriptions prescribed by the Standards.
- Renaming all “Overview” sections to “Issues”.
- Amending the acronyms used to match the prescribed acronyms.
- Amendments to formatting and plan structure.
- Amendments to map colours and symbology.

117. J Edwards requests amendments to include the Standards in the plan as appropriate.

Discussion

118. I support the requested amendments to achieve consistency with the Standards.

119. J Edwards raised concerns in her further submission⁹ that the WDC submission to amend the MDR to the 'General Residential Zone' (**GRZ**) required further review of the proposed MDR provisions to ensure they are suitable for the GRZ. I acknowledge the merit in the further submission. I have further reviewed the proposed chapter and recommend additional amendments to the Overview, MDR-O1 and MDR-P1 to reframe the zone provisions to be more suitable for the GRZ.

Recommendation

120. I recommend that the Commissioners accept the submission points as detailed below and:

- Undertake amendments to achieve consistency with the Standards as set out in **Attachment 1** and the relevant proposed chapters.
- Amend the colours and symbology of the planning maps to achieve consistency with the Standards as demonstrated in **Attachment 3**.

Submitter	Submission# & Point #	Accept/Reject	Recommendation
WDC Planning	236.1 – 4 and 73	Accept	a
J Edwards	283.2	Accept	a

⁹ Further submission x395

I. Biodiversity and Natural Hazards (Author: Sam Pickering)

Submission Information

121. I Dunn requested that the existing stream along Toetoe Road not be destroyed with any development.
122. J Nicole requests the inclusion of provisions for dealing with a disaster similar to the Fox River Landfill disaster and that landfills and waste disposal must not occur close to water courses.
123. Nga Hapu o Whangarei requests specific provisions to reduce the additional impact of development for housing and commercial development on waterways, erodible soils, areas within the 100-year flood, and sea level change areas.
124. The Northland Regional Council (**NRC**) requests that the finalised river flooding and coastal hazard maps that NRC have produced be included, and that a comprehensive regime for managing natural hazard risk in the district be provided.
125. T Steele requests that housing be reduced on lower building areas.
126. Y Clark and T Meyer did not specify any relief sought but expressed general concern for environmental and biodiversity values including water quality and stream and wetland habitats.

Discussion

127. I do not support the relief sought by I Dunn, J Nicole, T Steele, Y Clark and T Meyer.
128. With regard to the concerns of I Dunn, I recognise the importance of preserving the stream and natural ecosystem which supports the stream. However, the submitter has not specified how these effects will be managed or mitigated. The submitter suggests rerouting the paper road to connect with SH1 and not Toetoe Road. That request is outside the scope of the plan changes in my opinion.
129. With regard to the concerns expressed by J Nicole the proposed provisions include rules for Landfills. Depending on the specific zone a Landfill will require resource consent and the effects will need to be assessed and addressed accordingly.
130. The concerns raised by Nga Hapu o Whangarei with respect to hazards will be addressed within a separate plan change within the near future.
131. I acknowledge the concerns raised by NRC regarding the hazard maps and policy direction on managing natural hazard risks. This will be addressed within a separate plan change within the near future as part of the rolling review. In my opinion the request made by NRC is outside the scope of the plan changes.
132. I acknowledge the concerns made by T Steele. The submitter is requesting changes to the RVRE. This submission could be addressed through a hazards plan change. In my opinion amendments to the RVRE is outside of scope for these plan changes.
133. Y Clark and T Meyer have not specified relief sought to suggest how effects on streams and natural ecosystems will be managed or mitigated.

Recommendation

134. I recommend that the Commissioners accept and/or reject the submission points as detailed below and:
- a. Retain the provisions as notified, noting that amendments have been recommended in response to other submissions.

Submitter	Submission# & Point #	Accept/Reject	Recommendation
Y Clark	31.2	Reject	a.
T Meyer	81.2	Reject	a.
I Dunn	82.2	Reject	a.
J Nicole	136.1	Accept in Part	a.
Nga Hapu o Whangarei	215.1	Reject	a.
NRC	264.1	Reject	a.
T Steele	315.1	Reject	a.

J. Aerials and Aerial Support Structures (Author: Sam Pickering)

Submission Information

135. The New Zealand Association of Radio Transmitters Incorporated and the Whangarei Amateur Radio Club (**NZART**) requests the following amendments in relation to aerials and aerial support structures:
- Include some permitted aerials for Radio Amateurs to use on their own properties. Retain restricted discretionary activity status for cases when the permitted limits are exceeded and clarify the assessment criteria.
 - The definitions need to be extended or modified to allow for Amateur Radio Configurations. Re-establish the earlier definition of Building which exempted aerials and aerial support structures.
 - Allow dish antennas close to the ground with a maximum diameter of 5 metres and a maximum pedestal height of 4 metres as a permitted activity for Licensed Amateur Radio Operators.

Discussion

136. I disagree that rules identifying Aerial and Aerial Support structures need to be included. As detailed in the s32 report, it is considered appropriate to apply the building bulk and location provisions of the underlying zone to aerials and aerial support structures so that adverse effects on adjacent sites and the surrounding environment are better managed. In the notified Building definition, it is recommended that aerial and aerial support structure is removed. The aerial and aerial support structure definition is recommended to be included within the Major Structure definition instead due to the changes to the Standards definition of "Building". I note that there are no rules managing aerials or aerial support structures in the Rural Zones. I do not consider any further provisions to address aerials and aerial support structures necessary.

Recommendation

137. I recommend that the Commissioners accept and/or reject the submission points as detailed below:
- a. Include Aerial and Aerial Support Structure in the definition of Major Structure.

Submitter	Submission# & Point #	Accept/Reject	Recommendation
NZART	72.1 and 3	Reject	a.
NZART	72.2	Accept in Part	a.

K. Community Corrections Activities (Author: Sam Pickering)

Submission Information

138. Corrections requests the following amendments in relation to community corrections activities:

- Insert the following new definition and undertake any necessary consequential amendments:

Community Correction Activity

means the use of land and buildings for non-custodial services for safety, welfare and community purposes, including probation, rehabilitation and reintegration services, assessments, reporting, workshops and programmes, administration, and a meeting point for community works groups.

- Amend the proposed CC, MU, WZ, COM, LC and LI rules to provide reference to Community Corrections Activities as permitted (without explicit bulk or location controls applicable to such).
- Amend the proposed NC, SCZ, HI, LDR, MDR, HDR, RES, OS, CON, SAR, SPA, SPPO, SPH rules to provide reference to Community Corrections Activities as a discretionary activity.

Discussion

139. I disagree that a Community Correction Activity definition should be inserted. Definitions are provided for “community activities”, “commercial services” and “place of assembly”. Community Corrections could be captured as a ‘place of assembly’ particularly as a Justice facility. In my opinion the ‘place of assembly’ definition incorporates Community Correction Activities, and it is therefore unnecessary to include a new definition or rule as it will contradict ‘place of assembly’ and create confusion. The place of assembly rule is proposed within the applicable notified chapters. The activity status is applied accordingly to each proposed zone. I do not recommend that there is any change to the notified activity status.

Recommendation

140. I recommend that the Commissioners accept and/or reject the submission points as detailed below and:

- a. Retain the provisions as notified.

Submitter	Submission# & Point #	Accept/Reject	Recommendation
Corrections	168.1, 3 and 4	Reject	a
Corrections	168.3	Reject	a
Corrections	168.4	Reject	a

L. Rail Corridor Setbacks (Author: Sam Pickering)

Submission Information

141. KiwiRail seeks specific amendments to the LI, HI, LDR, MDR, HDR and RES building setback provisions as set out in the submission¹⁰. The amendments would result in the same building setback from roads also applying to railway boundaries.

Discussion

142. The purpose of the building setback is to manage any adverse or reverse sensitivity effects character within the zones.
143. I consider it inappropriate to amend the building setback provisions to include railway boundaries. The setback from the rail corridor will ensure that buildings are always able to be accessed and maintained safely from adjacent properties. Although there is a designation. The designation may not provide the efficient setback needed to ensure that any adverse or reverse sensitivity effects are compromised. Due to the recent rural plan change, a building setback from railway has been included. However, it is unlikely that the railway corridor will create any further adverse nor reverse sensitivity effects on the urban zones. I concur that the notified side and rear boundary setbacks will manage any adverse or reverse sensitivity effects. Requiring property owners to comply with a railway setback will be too onerous and will add additional consent costs. Enforcing a building setback requirement from a railway corridor would also not change the character nor the visual amenity of the urban zones. I recommend that there is no change to the notified building setback provisions.

Recommendation

144. I recommend that the Commissioners accept and/or reject the submission points as detailed below and:
- a. Retain provisions as notified:

Submitter	Submission# & Point #	Accept/Reject	Recommendation
KiwiRail	265.9 - 14	Reject	a.

M. Outdoor Areas of Storage or Stockpiles (Author: Sam Pickering)

Submission Information

145. WDC Infrastructure requests amendments to all proposed zones, particularly the OS, CON and SAR, to have exclusions for temporary stockpiles that are visible from beyond the site to retain consistency.

Discussion

146. I agree that an exemption for temporary stockpiles should be included for all zones which have an outdoor areas storage and stockpiles rule. I have completed a s32AA evaluation table below.

¹⁰ Pages 4 – 5, Submission # 11 – 16 of submission 265

147. I recommend that the word 'adjacent' is included within the outdoor areas of storage or stockpiles rules as this will clarify and could have issues within interpretation in my opinion. I consider that including an exemption for construction materials on site allows flexibility for development to occur and will be less onerous. Further clarification allows for a greater understanding on the resource consent requirement and whether the provision has been met or not.
148. The submitter has requested that temporary stockpiles are excluded. Excluding temporary stockpiles would not be an effective nor efficient way of providing an exemption for certain outdoor areas of storage or stockpiles in my opinion. Outdoor areas of storage or stockpiles related to construction materials would benefit the most from an exemption. Providing an exemption for construction materials rather than a temporary activity will avoid confusion.
149. I recommend that a specific exemption for construction materials is included within the MU, LI, HI, LC, NC, COM, LDR, RES, MDR, HDR, OS, CON and SAR. I recommend that the exemption is not included within the CC and WZ zones due to the high character and amenity values within those environments. As part of the exemption I consider that a time period should be included to ensure that the exemption is managed adequately.
150. For consistency throughout the outdoor areas of storage or stockpiles rules for LI, HI, COM, RES, MDR and HDR. I recommend that these rules are amended to reflect a split of restricted discretionary and discretionary activity status. The outdoor areas of storage or stockpiles rule must provide compliance with the building bulk and location provisions. It has been recommended that the building height rules across all zones are assessed as a discretionary activity, due to the wide-ranging effects. While other building bulk and location provisions have been recommended to be assessed as a restricted discretionary activity, where the activity would achieve the intent of the relevant zones, subject to managing a defined range of effects. The scope to do this has been partially addressed further in Section Q of **Part 1** by Mrs McGrath.

Option 1 – exemption for temporary activities	Option 2 – recommended exemption for construction materials
<p><u>Environmental, Social and Cultural</u></p> <p><u>Costs</u> It could be too onerous for storage/stockpiles that are temporary and lack clarity. Construction stockpiles may need resource consent which could be considered unnecessary.</p> <p><u>Benefits</u> None known.</p>	<p><u>Environmental, Social and Cultural</u></p> <p><u>Costs</u> Any temporary storage, stockpiles may not be excluded.</p> <p><u>Benefits</u> Construction materials will be excluded and will provide less constraints on development having a positive economic effect.</p>
<p><u>Economic</u></p> <p><u>Costs</u> Requirement for resource consents with associated cost to applicant if provisions are not met.</p>	<p><u>Economic</u></p> <p><u>Benefits</u> May avoid resource consent costs and will provide less constraints on development.</p>
<p><u>Effectiveness/ Efficiency</u> A temporary activity exemption, is not specific and would not be effective nor efficient. 'Temporary activity' is defined as an activity which is undertaken for a short term, not exceeding 3 days' duration,</p>	<p><u>Effectiveness/ Efficiency</u> Provides clarification and is more effective than the notified provision. The exemption is specific and clarifies that construction materials are exempt from the rule within a 12-</p>

either as an isolated event or series of events where the cumulative period of operation is less than 12 months. Outdoor storage and stockpiles of construction materials would breach this definition, so Option 1 would be inappropriate.	month period. Option 2 would be the appropriate option.
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Recommendation

151. I recommend that the Commissioners accept and/or reject the submission points as detailed below

a. Amend the following Outdoor Areas of Storage or Stockpiles rules to provide an exemption for construction materials as set out in the relevant proposed chapters:

- LI-R6
- HI-R4
- MU-R9
- LC-R13
- NC-R11
- COM-R9
- LDR-R9
- RES-R11
- MDR-R10
- HDR-R11
- OS-R6
- CON-R6
- SAR-R5

b. Amend the following Outdoor Areas of Storage or Stockpiles activity status:

- LI-R6
- HI-R4
- COM-R9
- RES-R11
- MDR-R10
- HDR-R11

Submitter	Submission# & Point #	Accept/Reject	Recommendation
WDC Infrastructure	242.25, 34, 44, 53	Accept	a

N. Definitions (Author: Melissa McGrath)

Submission Information

152. Z Energy, Mobil Oil New Zealand Limited and BP Oil New Zealand Limited (**the Oil Companies**) request that the definitions of 'community signage', 'earthworks', 'landscaping', 'official sign' and 'regionally significant infrastructure' be retained as notified.
153. Fire NZ requests that the definition of 'emergency services' be retained as notified and that the definition be included within the community activities nesting table as notified.
154. NZTA requests that the definitions of 'regionally significant infrastructure' and 'road' be retained as notified.
155. The University of Auckland (**the University**) requests that the definitions of 'educational facilities' and 'regionally significant infrastructure' be retained as notified. The University also seeks to remove research facilities from the definition of 'industrial activities' and create a new definition for 'research activities'.
156. Bunnings requests that the definition of 'trade suppliers' be retained as notified.
157. Mitre 10 Holdings Limited (**Mitre 10**) seeks the following specific amendments to the definition of 'trade suppliers':

Trade Suppliers

means a supplier in one or more of the categories below, engaged in sales to businesses and institutional customers ~~as well as but may also include~~ sales to the general public: ...

...f) Landscape suppliers; ~~and~~

g) Office furniture, equipment and systems suppliers; and

h) Hardware stores and garden centres.

158. Atlas requests the following amendments related to definitions:

- Amend the definition of 'land disturbance' to be consistent with the Standards.
- Amend the definition of 'earthworks' to be consistent with the Standards but to also exclude mineral extraction activities.
- Amend the definition of 'manufacturing, servicing and storage' as follows:

Manufacturing, Servicing and Storage

Activities involving: ...

Excludes:

a) retail;

b) service stations;

c) composting plants; and

d) refuse transfer stations.

e) mineral extraction activities. ...

159. Ken and Kathleen Baker request that a clear definition be provided for ‘supported residential care’ that excludes drug and violent offender and similar rehabilitation facilities.

160. WDC Infrastructure requests the following amendments related to definitions:

- Introduce a new definition of ‘general public amenities’ as follows and include new rules in each zone to provide for any ‘general public amenity activity’ as a permitted activity:

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.

- Amend the definition of ‘recreational facilities’ to include playgrounds.
- Amend the definition of ‘archaeological site’ to replace the reference to the Historic Places Act with reference to the Heritage New Zealand Pouhere Taonga Act 2014.

161. The Public and Population Health Unit of the Northland District Health Board (**Public Health Northland**) seeks the following specific amendment to the definition of ‘food and beverage activity’:

Food and Beverage Activity

means activities where the primary business is preparation, selling food or beverages. Includes: ...

162. Foodstuffs North Island Limited (**Foodstuffs**) requests that the definition of ‘grocery store’ be renamed ‘supermarket’ and that any necessary consequential amendments be made to update references.

163. Corrections requests the following amendments related to definitions:

- Retain the definition of ‘residential unit’ as notified.
- Amend the definition of ‘residential activity’ as follows:

Residential Activity

means the use of land and buildings by people for the primary purpose of living accommodation. For the purpose of this definition, includes home detention (as defined in the Criminal Justice Act 1985), but not prisons or other places where residents are subject to detention.

- Include a new definition for ‘household’ as follows:

Household

Means a person or group of people who live together as a unit whether or not: a) any or all of them are members of the same family; or b) one or more members of the group (whether or not they are paid) provides day-to-day care, support and supervision to any other member(s) of the group.

- Undertake necessary consequential amendments to give effect to the above.

164. J Edwards requests the following amendments related to definitions:

- Amend the definitions of 'minor residential unit' and 'principal residential unit' to relate specifically to the RES, MDR and HDR.
- Clarify if both 'habitable room' and 'living areas' definitions are used and need to be used.
- Amend the definition of 'supported residential care' to specifically exclude convicted criminals from those facilities.
- Amend the definition of 'minor residential unit' to ensure that the minor residential unit remains on the same allotment as the principal residential unit and is not subdivided off, and consider adding provisions to require the minor residential unit to be related to the principal residential unit (e.g. no fencing between them, shared driveway, etc.).
- Amend the definition of 'grocery story' to read 'grocery store'.

165. Summerset requests the following amendments related to definitions:

- Retain the definition of 'residential activity' as notified.
- Amend the definitions of 'Principal Residential Unit' to clarify that it does not include or apply to 'Retirement Village Premises' as detailed in the submission¹¹.
- Delete the proposed definition of 'retirement village premises' and replace it with a new definition of retirement village premises and supplementary definitions of 'care home within a retirement village' and 'hospital within a retirement village' as detailed in the submission¹².
- If the requested amendment to retirement villages is made, consequentially amend the definition of 'supported residential care' to delete the reference to "aged people" and to delete clause (a) referring to a rest home as detailed in the submission¹³.

166. Housing NZ requests that the definitions identified in the submission be reviewed and amended to ensure consistency with the first set of Standards¹⁴.

167. The Ministry of Education (**MoE**) requests that the definition of 'education facilities' be amended to be consistent with the Standards.

¹¹ Page 21 of submission 205.

¹² Pages 22 – 24 of submission 205.

¹³ Pages 25 – 26 of submission 205.

¹⁴ Pages 93 – 95, ID# 3 of submission 268.

168. Tall Kauri Ltd seek amendment of the 'Industrial Activity' definition to be consistent with the gazetted the Standards and the amendment of the 'General Industry' Activity definition to provide for training facilities for industrial and trade activities.

169. WDC Planning and Development Department (**WDC Planning**) seek to amend the 'General Industry' definition as follows:

General Industry means any industrial activity which is not manufacturing and storage, repair and maintenance services, artisan industrial activities, marine industry, waste management facilities, or a landfill. It includes any research laboratories used for scientific, industrial or medical research, or any training facilities for an industrial activity. This definition is included within the Industrial Activities definition grouping.

170. National Institute of Water and Atmospheric Research Limited (**NIWA**) seek to amend the definition of Industrial Activity to include marine science and research facilities.

171. Atlas Concrete Limited (**Atlas Concrete**) request that the Standards definition for Industrial Activity is adopted.

172. WDC Planning seek amendments to the following definitions to be consistent with the Standards and any necessary consequential amendments to other definitions and provisions:

- Ancillary Activity
- Boundary
- Building
- Cleanfill Area
- Cleanfill Material
- Commercial Activity
- Cultivation
- Earthworks
- Educational Facility
- Green Infrastructure
- Greywater
- Gross Floor Area
- Ground Level
- Habitable Room
- Height
- Height in Relation to Boundary
- Industrial Activity
- Industrial and Trade Waste
- Land Disturbance
- Landfill
- Minor Residential Unit
- Net Floor Area
- Net Site Area
- Residential Activity
- Residential Unit
- Retirement Village
- Sewage
- Sign
- Site
- Stormwater
- Temporary Military Training Activity
- Visitor Accommodation
- Wastewater

173. WDC Planning requests that the definitions of 'living zones', 'multi unit development', 'reticulated wastewater area', 'reticulated water supply area' and 'urban zones' be amended to reflect the zone name changes in accordance with the Standards.

174. WDC Planning seeks the following specific amendment to rule 4.2(h) in the definition chapter:

h) There are five “definition groupings” which gather specific land use activities into similar categories. These include: Rural Production Activities, Industrial Activities, Residential Activities, Commercial Activities and Community Activities. Within each grouping, activities are listed with the more general term on the left and the more specific term on the right. Where a District Plan rule manages a general activity, that general activity includes all of the specific activities listed in the definition grouping unless otherwise specified in the rules. Each definition grouping activity must also comply with any building and built form rules that are relevant to the activity. The five definition groupings are listed below...

Discussion

175. The following definitions have been supported by submitters, with no submitters requesting amendments. I support the retention of these definitions as notified:

- Community Signs
- Official Sign
- Regionally Significant Infrastructure
- Road

176. The Standards were gazetted following the notification of the Urban and Services plan changes. The Standards include mandatory directions with respect to definitions and specify that if a term defined in the Standards is used in a District Plan then the Standards definition must be specified. I therefore support the submissions from WDC Planning and Housing NZ. I note that a number of submitters have requested the retention of the following definitions as notified, however these definitions must be amended to comply with the Standards:

- Earthworks
- Emergency Services
- Educational Facilities

177. Mitre 10 have sought amendments to the definition of ‘trade suppliers’ to include reference to ‘garden centres’ as a type of trade supplier. The notified definitions include separate definitions for ‘trade suppliers’ and ‘garden centres’ both sitting within the commercial activities nesting table as a subset of a retail activity. I do not support the amendment requested because in my opinion it would create confusion in the definition grouping tables. In my opinion, trade suppliers and large-scale garden centres would result in similar effects with respect to traffic movements, amenity, bulk and scale of buildings and outdoor areas for customers. However, garden centres are often smaller scale with ancillary food and beverage activities. In my opinion trade suppliers are more likely to have odour and noise effects due to the tendency towards industrial supplies. This difference has been provided for in the proposed rules and activity status for trade suppliers and garden centres which are particularly enabled in the LI.

178. Atlas have sought amendments to the definition of ‘earthworks’ to comply with the Standards and to insert an exemption for ‘mineral extraction activities’. I support amendments to comply with the Standards. I do not support the exemption requested as in my opinion it will result in interpretation

confusion. Mineral extraction activities are defined in the operative WDP and provided for by way of district wide provisions and mapped Resource Areas. In my opinion the definition of mineral extraction activities is more specific than the earthworks definition.

179. Atlas have sought amendments to the definition of 'manufacturing, servicing and storage' to include 'mineral extraction activities' as a subset. I do not support the amendment requested because in my opinion it would create confusion in the definition grouping tables and the Standards include mandatory directions with respect to definitions and specify that if a term defined in the Standards is used in a District Plan then the Standards definition must be specified. Mineral extraction activities are defined in the operative WDP and provided for by way of district wide provisions and mapped Resource Areas, therefore mineral extraction activities have not been included in the definition grouping tables. Council has recently completed plan changes to update the Rural and Mineral provisions in the WDP with definitions becoming operative early 2019. Any amendments to definitions necessary to implement the Standards definitions will be undertaken by way of a future plan change with respect to the Rural and Mineral provisions.
180. Ken and Kathleen Baker request that the definition of 'supported residential care' excludes drug and violent offender and similar rehabilitation facilities. In my opinion the notified definition of supported residential care is sufficiently clear, and such an exclusion would not be based upon effected under the RMA and be discriminatory.
181. WDC Infrastructure seek to introduce a definition of 'general public amenities' with permitted activity rules in all zones. I support the intent of this request and the concept of enabling public amenities across the district for the wellbeing of the community. While it may be preferable to locate general public amenities in Open Space and Recreation Zones, there is often a delay in the rezoning of new open space sites vested with Council, and in my opinion it is appropriate to enable such amenities in other zones. In my opinion the activities proposed will not result in adverse environmental effects particularly as all buildings must comply with bulk and location rules. I recommend that the definition is inserted without being included in the definition grouping, and that the permitted activity rule apply in each proposed zone, other than HI. I do not consider it appropriate to enable general public amenities as a permitted activity in the HI. Heavy and noxious industry is enabled and provided for in the HI and there is a potential for reverse sensitivity effects and exposure to adverse effects particularly from noise and odour if a general public amenity is located in close proximity to such industry. I recommend a restricted discretionary activity status be applied to the HI to provide opportunity to mitigate such effects through a consent process.
182. I support the amendments sought by WDC Infrastructure to the definitions of 'recreational facilities' to include playground. In my opinion this provides clarity as a playground is for the primary purpose of recreation. I support the amendment of the definition of 'archaeological site' to replace the reference to the Historic Places Act with reference to the Heritage New Zealand Pouhere Taonga Act 2014.
183. I do not support the amendment sought by Public Health Northland to the definition of 'food and beverage activity' in my opinion the definition as notified provide sufficient cope to address potential effects associated with food and beverage activities.

184. Foodstuffs have requested that the definition of 'grocery store' be renamed 'supermarket' because it is more familiar as the term is used in the operative WDP and there are inconsistencies in the plan changes. Foodstuffs have not sought to amend the content of the definition. I disagree with Foodstuffs. In my opinion, familiarity with the operative WDP is insufficient justification to support a change. The urban plan changes do not differentiate types of retail activities selling mainly food, beverages and small household goods (such as corner diary, food mart, supermarket, fruit and vegetable shop etc), relying upon GFA to trigger consent if necessary. In my opinion the term 'grocery store' is more consistent with this approach and is more encompassing of types of retail activities when compared to 'supermarket'.
185. I do not support the definition of 'household' sought by Corrections. In my opinion the requested definition would create further uncertainty of what constitutes a residential unit and overlaps with the definitions of 'visitor accommodation' and 'supported residential care'.
186. I do not support the amendments sought by J Edwards to the definitions of 'minor residential unit', 'principal residential unit' and 'habitable room'. The requested amendments seek to limit the use of these definitions to particular zones and to apply separation distances. Under the Standards, separation distances are more appropriately contained within rules and in opinion are appropriately addressed in each relevant plan change. I support the amendment to the definition of 'grocery store' to read 'grocery store' as this is a minor typographical error.
187. Summerset has requested an amendment to the definition of 'principal residential unit' to clarify that it does not include or apply to Retirement Village Premises. In my opinion the definitions of 'principal residential unit' and 'retirement village premises' are sufficiently specific and separated within the definition grouping table. I do not support the amendment sought.
188. Summerset have requested amendments to the definition of 'retirement village premises' new definitions of 'care home within a retirement village' and 'hospital within a retirement village', and amendments to the definition of 'supported residential care' to delete the reference to "aged people". The Standards specify the definition of retirement village, I therefore do not support the amendments sought by Summerset. In my opinion further definitions of care homes and hospitals within a retirement village are superfluous and will not provide any further clarification.
189. As notified the Urban and Services Plan Changes proposed a definition of Industrial Activities which included research laboratories used for scientific, industrial or medical research, and training facilities for the primary purpose of industrial uses. The Standards have released mandatory directions with respect to definitions, releasing a definitions list which must be incorporated into the District Plan. This list has included the following mandatory definitions:

Industrial Activities means an activity that manufactures, fabricates, processes, packages, distributes, repairs, stores, or disposes of materials (including raw, processed, or partly processed materials) or processing of materials as part of a commercial, industrial, or trade process, but excludes sewage and greywater.

Educational Facilities means land or buildings used for teaching or training by child care services, schools, and tertiary education services, including any ancillary activities.

190. The Standards definition of Industrial Activities removed reference to 'research laboratories used for scientific, industrial or medical research, or any training facilities for an industrial activity'. I support the amendments sought by WDC Planning, which in my opinion elegantly resolve the gap in definitions created by the Standards. This amendment will also address the relief sought by the other submitters.

Recommendation

191. I recommend that the Commissioners accept and/or reject the submission points as detailed below and:

- a. Amend definitions and zone names to comply with the Standards and consequential amendments as detailed in **Attachment 1**.
- b. Retain the definition of Trade Supplier as notified.
- c. Retain the definition of Manufacturing, Servicing and Storage as notified.
- d. Retain the definition of Supported Residential Care as notified.
- e. Insert a new definition of General Public Amenities and insert a restricted discretionary activity rule in HI as detailed in **Attachment 1 and Part 5 Attachment 4**.
- f. Amend the definition of Recreational Facilities as detailed in **Attachment 1**.
- g. Amend the definition of Archeological Sites as detailed in **Attachment 1**.
- h. Amend the definition of Grocery Store as detailed in **Attachment 1**.
- i. Retain the definition of Residential Activity as notified.
- j. Retain the definitions of Residential Unit, Minor Residential Unit, Principal Residential Unit and Habitable Room as notified.
- k. Amend the definitions of Industrial Activities, Educational Facilities and General Industry as detailed in **Attachment 1**.

Submitter	Submission# & Point #	Accept/Reject	Recommendation
Mitre 10	36.9	Reject	b
Bunnings	60.1	Accept	b
The Oil Companies	101.36 – 39, 41	Accept in part	a
Atlas	129.15	Accept	a
Atlas	129.17	Accept in part	a
Atlas	129.18	Reject	c
Fire NZ	165.2 and 3	Accept	a
Corrections	168.2	Reject	i
J Edwards	193.8 and 9	Reject	j
J Edwards	193.11	Reject	h
J Edwards	193.12	Reject	d
J Edwards	193.19	Reject	j
J Edwards	193.21	Accept	h
Summerset	205.32 - 35	Reject	a
Public Health Northland	207.3	Reject	a
K and K Baker	216.10	Reject	d
Foodstuffs	225.1	Reject	i
WDC Planning	236.5 – 35, 37 – 40, 42 – 45, 47 – 54, 57 – 66, 68 – 70	Accept	a
WDC Planning	236.41, 46, 55, 56, 67	Accept	a
WDC Planning	236.75	Accept	a
NZTA	240.98	Accept	a

WDC Infrastructure	242.49	Accept	f
WDC Infrastructure	242.30, 40, 48, 50, 52	Accept in part	e
WDC Infrastructure	242.60	Accept	g
The University	248.1	Accept in part	a
The University	248.2	Accept in part	a
The University	248.3	Accept	a
MoE	267.20	Accept	a
Housing NZ	268.181	Accept	a
Tall Kauri Ltd	158.2 and 3	Accept in Part	k
WDC Planning	236.28	Accept	k
NIWA	77.8	Accept in Part	k
Atlas Concrete	129.16	Accept	k

O. Hazardous Substances (Author: Melissa McGrath)

Submission Information

192. The Oil Companies request that the hazardous substances provisions not be rolled over into a separate District Plan section.
193. Fire NZ requests that HAZ-O1, P2 and P3 be retained as notified.
194. Public Health Northland seeks the following specific amendment to HAZ-P1:

HAZ-P1 – Location

1. To ensure that hazardous substances are stored and used in locations which, have minimal risks of natural hazard including climate change effects (flooding), and where any adverse effects on human health, the surrounding natural and physical resources, and ecosystems, and surrounding land use activities are avoided, remedied or mitigated.

Discussion

195. The WDP contains provisions relating to hazardous substances across various chapters. The Standards require provisions relating to hazardous substances to be contained within a Hazardous Substances Chapter. The Urban and Services Plan Changes propose to retain the operative provisions, but to relocate the provisions into a single “Hazardous Substances” Chapter. A full review of the hazardous substances provisions is intended to occur as part of a separate plan change in the rolling review, which will enable the provisions to be reviewed comprehensively. The current restructuring is proposed as an interim measure to simplify and streamline the district plan and achieve consistency with the Standards. For these reasons I do not support any amendments to the notified Hazardous Substances Chapter. I note that as part of the notification the HAZ Chapter was identified as not being open to submission.

Recommendation

196. I recommend that the Commissioners accept and/or reject the submission points as detailed below and:
- a. Retain the Hazardous Substances Chapter as notified.

Submitter	Submission# & Point #	Accept/Reject	Recommendation
The Oil Companies	101.34	Reject	a
Fire NZ	165.81	Accept	a
Fire NZ	165.82	Accept	a
Public Health Northland	207.18	Reject	a

P. Miscellaneous (Author: Melissa McGrath)

Submission Information

197. Fiona Martin stated that the plan does not affect any of her property.
198. Patricia Doar submitted on a subdivision application on Puriri Park Road requesting that less units be built in so small an area, that they be single storey only, that traffic flow at peak times be addressed and that green space be preserved.
199. Whitney Peat requests that DVOR and NDB siting restrictions be considered but stated that it was not an official submission.
200. Graham Chignell requests that the size of Whangarei be limited and that a conservative size be planned for.
201. The House Movers Section of New Zealand Heavy Haulage (Inc) (**House Movers**) supports the fact that in situ constructed housing and relocated dwellings are not distinguished between each other and are treated similarly by the proposed provisions.
202. T King does not state specific relief but notes that he does not support discretionary status when compliance with development standards is not achieved.
203. Public Health Northland requests that NAV.6.5 be amended as it relates to the CC, MU, WZ, LC and PNP as detailed in the submission¹⁵.
204. T Savage requests that “all zone – clearly provided sub on this”. Mr Savage requests more flexibility for development contributions and requests a more desirable option for elderly and disabled to get into and out of town centre.
205. Nga Hapu o Whangarei requests that “in lieu of sites of significance plan change being drafted, a district wide rule be introduced to work with WDC on the ground floor in pre consent work and that resource is provided for 1 FTE to provide a skilled hapu navigator to advise land use consent and give effect to Te Tiriti in a voluntary capacity in lieu of plan provisions”.
206. DAG requests that rules encouraging development of accessible housing be implemented, and that more shared homes, more affordable housing, apartments and smaller residential units be encouraged.
207. M Arseneault states support of the WHCA submission (submission number 201).
208. J Boyes requests that the plan changes be put through the Government’s Wellbeing tests.
209. A Jameson requests that in the Whangarei Heads Area there should be no increase in residential development until stormwater issues are corrected.

¹⁵ Pages 8 – 9, Nos. 9.5 – 9.6 of submission 207

210. K Tattley considers that there should not be small sections in a large area, especially at the foot of Mt Manaia.
211. Bernina Northland considers that inner city living should be encouraged.
212. PPT considers that the change from defining building coverage area for a site to impervious area is problematical and unclear.
213. Population Health Unit of the Northland District Health Board (**Public Health Northland**) have sought various amendments to the NAV chapter seeking to amend:
- NAV.6.5 as it relates to the CC seeking a higher standard of sound insulation.
 - NAV.6.5 as it relates to CC, MU, WZ, LC and PNP seeking to require ventilation to provide adequate thermal comfort so that windows can remain closed and sound insulation maintained.
 - NAV.6.5 by deleting references to COM, LI, and SAR. Noting that If the sound insulation requirements are maintained for these zones in NAV.6.5, the requirements should be amended to require ventilation to provide adequate thermal comfort so that windows can remain closed, and sound insulation maintained.
 - Amend MU-R10, PNP-R1, WZ-R12 and WZ-R13 to require ventilation to provide adequate thermal comfort so that windows can remain closed, and sound insulation maintained with wording as detailed in the submission.

Discussion

214. The submission from F Martin is acknowledged. As no specific relief is sought I consider that no further response is necessary.
215. The submission from P Doar is acknowledged. I note that Housing NZ have applied for a resource consent to establish residential units on a site located at Puriri Park Road, submissions to this consent have been processed and hearing held. No further response is necessary.
216. In my opinion no further response is necessary to W Peat as the document stated that it was not an official submission.
217. Through both the recently operative Rural plan changes and the proposed Urban and Services plan changes expansion of Whangarei City has been limited. Population growth and development capacity has been considered particularly with the proposed intensification of MDR and HDR. In my opinion the proposed plan changes seek to achieve the request from G Chignell.
218. Support from the House Movers is acknowledged.
219. Opposition to discretionary activity status by Mr T King is acknowledged. I note that amendments to activity status have been recommended as appropriate within the s42A report in response to more specific submissions.

220. In my opinion it is unclear what Mr T Savage is requesting in his submission and I am unable to infer a particular outcome sought. Development contributions are managed under the Whangarei District Council, Development Contributions Policy 2018 and is established under the Local Government Act 2002. In my opinion changes to the development contributions is outside of the scope of the Urban and Services Plan Changes. Mr Savage has not specified a particular relief sought with respect to elderly and disabled movements into and out of the town centre. I infer that Mr Savage is seeking changes to infrastructure and or public transport which are outside the scope of the Urban and Services Plan Changes.
221. Concerns raised by Nga Hapu o Whangarei are acknowledged. WDC have for some time been preparing a plan change to review and update sites of significance to Maori. This includes working with hapu to identify sites (albeit very slowly), input into this drafting process is still open. Relief sought by Nga Hapu o Whangarei applies directly to budget and staff resourcing which in my opinion is outside the scope of a plan change and should more be directed to the Annual Plan and Long Term Plan processes which direct funding allocation.
222. The proposed Urban plan changes are generally enabling of higher density residential development via the MDR and HDR provisions in my opinion achieve the sentiment sought by DAG. DAG did not seek specific relief sought therefore no further response is recommended.
223. The submission from M Arseneault is acknowledged.
224. With respect to the submission from J Boyes, in my opinion no further assessment with respect to wellbeing is necessary. The plan changes have been prepared in accordance with the requirements of the RMA, which includes the evaluation of provisions against s5, sustainable management, which includes wellbeing.
225. A Jameson and K Tattley have made submissions with respect to residential development in the Whangarei Heads area. The proposed plan changes do not seek to rezone rural areas. Such requests are outside of the scope of the Urban and Services plan changes.
226. In response to Bernina Northland, in my opinion the plan changes sufficiently provide for inner city living.
227. In response to PPT, in my opinion it is appropriate to manage impervious areas for stormwater and amenity reasons. Other submission points address specific provisions for building coverage have been addressed in the relevant part.
228. The operative district wide Noise and Vibration chapter (**NAV**) has been reviewed as part of the rolling review of the District Plan, with provisions becoming operative in 2016. The Urban and Services Plan Changes have proposed consequential amendments with no changes to noise limits as a result of the recent review. Public Health Northland have sought to increase the external noise levels applicable to the CC in NAV.6.5. In my opinion Public Health Northland have not provided sufficient evidence to support the significant increase sought, therefore I do not support amendments.

229. In my opinion it is appropriate to remove LI and COM from NAV.6.5 recognising that noise sensitive activities are either Discretionary or Non-complying and the matter of sound insulation requirements can be addressed on a case by case basis.

230. With regard to the requested mechanical ventilation provisions, NAV has provisions which require compliance with the ventilation requirements of the Building Code where windows are required to be closed to achieve specified sound levels – see NAV.6.5 of the WDP. Mr Styles states:

“In our experience, simple compliance with clause G4 of the Building Code will supply a relatively low volume of fresh air, but will not provide appreciable cooling. This will lead to occupants opening windows and doors for thermal comfort, thereby negating any benefits of the acoustic insulation and invalidating the cost and effort to meet the acoustic controls.”

231. I accept Mr Styles’ advice on the matter and acknowledge the merit of the requested provisions. However, I note that even if mechanical ventilation is provided there are monitoring and compliance complications because people may still choose to open windows. The costs of running an air conditioning system throughout the summer is significantly higher than opening windows and doors and it is not unreasonable to expect that people may open windows.

232. The submitters have not supplied specific relief to confirm further provisions are necessary beyond that of the Building Act. The economic implications of providing mechanical ventilation have not been substantiated by the submitters. I consider it appropriate that this assessment is provided before or at the hearing to support these submission points. Until then, I do not support the inclusion of mechanical ventilation requirements.

Recommendation

233. I recommend that the Commissioners reject the submission points as detailed below and:

- a. Retain the notified provisions, noting that amendments have been recommended in response to other submissions.

Submitter	Submission# & Point #	Accept/Reject	Recommendation
F Martin	13.1	Reject	a
P Doar	76.1	Reject	a
W Peat	80.1	Reject	a
G Chignell	114.1	Reject	a
House Movers	166.1	Reject	a
T King	174.3	Reject	a
T Savage	214.2, 5 and 6	Reject	a
Nga Hapu o Whangarei	215.4	Reject	a
DAG	221.1 and 2	Reject	a
M Arseneault	226.2	Reject	a
J Boyes	245.7	Reject	a
A Jameson	291.8	Reject	a
K Tattley	300.1	Reject	a
Bernina Northland	309.4	Reject	a
PPT	310.6	Reject	a
Public Health Northland	207.9, 10, 14, 38, 52	Accept in Part	a

Q. Activity Status Consequential Amendments (Author: Melissa McGrath)

234. A number of submissions have been received against the Urban and Services Plan Changes seeking to change the proposed activity status of bulk and location rules, primarily from discretionary activities to restricted discretionary activities. Most of these submissions have sought amendments to specific zones and specific rules and have been assessed within the relevant Part of this s42A Report.
235. As a general rule of thumb (and in my opinion appropriate) reporting planners have responded to specific submissions recommending maintaining a discretionary activity status for bulk and location rules where the potential effects of infringement are wide ranging, but the activity may be appropriate subject to considering the objectives and policies. Where the activity would achieve the intent of the relevant zone subject to managing a defined range of effects and where the potential adverse effects are narrow and focused, contained solely within the site or may only affect direct neighbours, reporting planners have recommended that a restricted discretionary activity status generally is appropriate.
236. While I note that specific submissions may not provide scope, in my opinion it is logical and consistent to amend the following rules which do not have a specific submission to have an activity status of restricted discretionary where compliance is not achieved:
- NC-R3 Building and Major Structure Setbacks (boundary setback restricted discretionary, water setback discretionary);
 - NC-R4 Building and Major Structure Height in Relation to Boundary;
 - NC-R8 Fences;
 - LC-R3 Building and Major Structure Setbacks (boundary setback restricted discretionary, water setback discretionary);
 - LC-R11 Fences;
 - AIRPZ-R10 Building and Major Structure Setbacks;
 - AIRPZ-R11 Building and Major Structure Height in Relation to Boundary;
 - AIRPZ-R12 Building and Major Structure Coverage;
 - PORTZ-R6 Building and Major Structure Setbacks;
 - PORTZ-R7 Building and Major Structure Height in Relation to Boundary;
 - PORTZ-R8 Outdoor Areas of Storage or Stockpiles;
 - HOSZ-R10 Building and Major Structure Height in Relation to Boundary;
 - HOSZ-R11 Building and Major Structure Setbacks;
 - HOSZ-R12 Building and Major Structure Coverage.
237. In my opinion these amendments can be made as a consequential amendment in response to the more specific relief sought because a change from a discretionary activity status is a narrowing of discretion and I recommend the Commissioners accept the recommended amendments as detailed in relevant attachments.

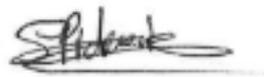
8. Conclusion

238. After carefully considering the submissions and further submissions received in relation to each topic, we recommend that the plan changes be amended to the extent detailed in the preceding sections of this report. We further recommend that those submissions and further submissions that request the recommended changes be accepted in whole or in part, and that all other submissions be rejected.
239. The revised provisions [**Attachment 1 and relevant attachments to Parts 2 – 12 of the s42A report**] have been detailed and compared above against viable alternatives in terms of their costs, benefits, efficiency and effectiveness and risk in accordance with the relevant clauses of s32AA. Overall, we consider that the revised provisions represent the most efficient and effective means of achieving the RMA and the plan changes.

Author



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District Plan Manager



Sam Pickering
Planner, District Plan

