

## Summary Table of Identified Issues and Potential Amendments for General Amendments Plan Change Public Feedback

Provision	Summary of Issue	Potential amendments to address issue
<b>Part 1:</b> Definitions Chapter – Definition of Business Net Floor Area	The definition of “business net floor area” refers to “a single commercial activity or a single community activity”. The term is used in various provisions to manage the overall scale of activities. In most cases the relevant rules referring to “business net floor area” relate to commercial or community activities so the term functions as anticipated. However, there are several rules which apply to industrial activities (e.g., COMZ-R11 – R16 and HIZ-R13 – R14). In these instances, the definition and rules are incompatible because the rules are referring to industrial activities, but the definition only refers to commercial and community activities.	Amend the definition of “business net floor area” to also refer to industrial activities.
<b>Part 1:</b> Definitions Chapter – Definition of Cooking Facilities	The definition of “residential unit” states that it must include ‘cooking facilities’ but does not clarify what qualifies as cooking facilities. This has led to uncertainty and debate at consenting stage as there is no clear understanding of what constitutes “cooking facilities”.	Include a new definition of cooking facilities in the Whangārei District Plan (WDP) to provide clarity for consent planners when determining what is a residential unit.
<b>Part 1:</b> Definitions Chapter – Definition of Cumulative outdoor area	For places of assembly, recreational facilities, educational facilities, and general community to be considered a permitted activity within the Open Space Zones, a cumulative outdoor area of less than 500m <sup>2</sup> for any combination of those activities is required. This is quite restrictive when consideration needs to be given to walkways as part of the total area.	Amend definition/rules within the OSZ, NOSZ, and SARZ to clarify that this rule is referring to cumulative outdoor space that is solely dedicated to use by the listed activities.
<b>Part 1:</b> Definitions Chapter – Definition of Impervious Area	Within the definition of “impervious area” permeable paving is excluded from being an impervious area. This may be appropriate in situations where the permeable paving is appropriately installed and maintained but can cause stormwater runoff issues if it is not.	Amend the definition of impervious area by clarifying that permeable paving must be installed and maintained by a suitably qualified and experienced professional.
<b>Part 1:</b> Definitions Chapter – Definition of Intensive Livestock Farming	Within the definition there is reference to the 2005 version of the MAF Animal Welfare (Layer Hens) Code of Welfare. This referenced document is outdated and there is now a more recent 2018 version to refer to.	Amend the definition of “Intensive Livestock Farming” to refer to the “Code of Welfare – Layer Hens 2018” instead of the 2005 version.
<b>Part 1:</b> Definitions Chapter – Definition of Permanent All Weather Surface	It has been identified that the definition is overly specific in what sealing surfaces are required (i.e., either concrete, asphalt, bitumen or similar). There could be other sealed surfaces such as pavers or chip seal which are appropriate for the purposes of rule TRA-R8.2.	Amend the definition of “permanent all weather surface” to remove reference to specific sealed surfaces.
<b>Part 1:</b> Definitions Chapter – Definition of Residential Zones	The definition does not include the final form of sites within the Future Urban Zone created under rule SUB-R13 which can have a minimum area of 500m <sup>2</sup> and will be more consistent with the Residential Zones than the Rural Zones.	Move the Future Urban Zone chapter to sit within the “Special Purpose Zones” to avoid confusion when SUB-R13 is used and update the definition of “Residential Zones” to include any final form sites that are created under that rule.
<b>Part 1:</b> Definitions Chapter – Definition of Showroom	The definition is no longer needed as it only occurs within the Marsden Primary Centre Chapter. This Chapter is due to be replaced with “Precinct 23 – Marsden City Precinct” and the “Town Centre Zone”; neither of which proposed to include the word “showroom”.	Remove the definition of “Showroom” from the WDP.
<b>Part 1:</b> Definitions Chapter – Definition of Standalone Car Park Facility	The definition may need further clarification that it only applies to a multi-storey car park building to remove unnecessary restrictions on parking within a vacant lot.	Amend the definition of “Standalone Car Park Facility” to provide clarity that it applies to a multi-storey car parking building and not to parking in a vacant lot.
<b>Part 1:</b> Definitions Chapter – Definition of Subsidiary	The definition of “subsidiary” results in overly restrictive requirements for ancillary activities to be located within the same building as the primary activity.	Amend the definition of subsidiary to allow ancillary activities to be to be located within the same site instead of building.
<b>Part 1:</b> Definitions Chapter – New Definitions	Where certain terms are used, Council must insert new definitions into the Plan as a part of the requirements of the National Planning Standards 2019.	Include the new definitions as prescribed by the National Planning Standards where appropriate in the WDP.
<b>Part 2:</b> Transport Chapter – Rule TRA-R8.2(f)	TRA-R8.2(f) requires on-site access and parking areas to be sealed where the gradient exceeds 12.5%. This gradient is potentially too low and may need to be increased.	Amend rule TRA-R8.2(f) to increase the 12.5% gradient to 16% to be consistent with Fire and Emergency NZ’s suggested maximum gradient.

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<b>Part 2:</b> Notable Trees Chapter – Notable Tree 433	Notable tree 433 ( <i>liquidambar styraciflua</i> ), located on 76 mains Avenue (Lot 1 DP 184341) was removed in accordance with permitted activity TREE-R3 and therefore needs to be removed from the Notable Trees Chapter and planning maps.	Remove notable tree 433 on 76 Mains Avenue from the Schedule of Notable Trees in TREE Appendix 1 and on the planning maps 10 and 63.
<b>Part 2:</b> Notable Trees Chapter – Rule TREE-R5	TREE-R5 does not allow for the maintenance and upgrade of tracks and the installation of general public amenities within the root zone of any public trees.	Amend TREE-R5 to allow a permitted pathway for the maintenance or renewal of existing general public amenities.
<b>Part 2:</b> Notable Trees Chapter – Rule TREE-R6	Tree-R6 currently does not contain provisions for the removal of public trees within a road reserve with a speed environment less than 50 km/h for the safe use and operation of the road network.	Amend TREE-R6 to allow a permitted pathway for the removal of trees within the road reserve that lift the pavement and kerbs causing safety issues for pedestrians.
<b>Part 2:</b> Subdivision Chapter – Building area requirements for subdivision	Subdivisions within several zones require every allotment to contain an identified building area of at least 100m <sup>2</sup> within which a residential unit can be built so that there is compliance as a permitted activity with <u>all</u> relevant rules in the Plan. However, some other zones require the identified 100m <sup>2</sup> building area to comply as a permitted activity with only the relevant <u>zone</u> rules. This results in inconsistent requirements across different zones for no identified reason. Within some zones the rules allow for sites to be created with a building platform which may not be suitable for development due to an overlay or district wide rule that was not considered at subdivision stage.	Amend SUB-R3.6, R4.1(a), R5.4(a), R6.4, R11.3, R12.3, R13.2, and PREC12-R8.2 to require every allotment to contain an identified building area of at least 100m <sup>2</sup> within which a residential unit can be built so that there is compliance as a permitted activity with <u>all</u> relevant rules in the Plan.
<b>Part 2:</b> Subdivision Chapter – Boundary relocation and boundary adjustment subdivisions	The Plan contains a definition of “boundary relocation” and rule SUB-R14 to provide for ‘boundary relocation subdivisions’ in the Rural Production Zone. The rule and definition have several identified issues which have led to inefficient consenting processes and a lack of clarity. In addition, the Plan only provides for “boundary adjustment” subdivision specifically in the Open Space and Recreation Zones but does not provide opportunities for boundary adjustments in other zones.	Remove the provisions referring to “boundary relocation” subdivisions and insert a new definition for “boundary adjustment” and a new rule for boundary adjustment subdivisions in specified zones with appropriate controls.
<b>Part 2:</b> Subdivision Chapter – Subdivision in the Open Space and Recreation Zones	Rule SUB-R16 provides for “subdivision by way of boundary adjustment” within the Open Space and Recreation Zones, but there is no rule which sets out the activity status and requirements for subdivision that is not by way of boundary adjustment in the Open Space and Recreation Zones. It is therefore not clear what activity status applies to non-boundary adjustment subdivisions in the Open Space and Recreation Zones and how these applications should be assessed.	Amend SUB-R16 to retain the controlled activity status for boundary adjustment subdivisions in the Open Space and Recreation Zones and to clarify that all other subdivisions are a discretionary activity.
<b>Part 2:</b> Subdivision Chapter – Subdivision in the Large Lot Residential Zone	Rule SUB-R20 includes a prohibited activity rule for certain subdivisions in the Large Lot Residential Zone. This rule was included through the Urban and Services Plan Changes which renamed and reformatted the former Urban Transition Environment. The amendments were not intended to change the meaning of the rules, but the new rule wording has a different interpretation and meaning than the original Urban Transition Environment rule.	Delete SUB-R20 and include a new non-complying activity rule within SUB-R4 (Subdivision in the Low Density Residential Zone) to manage subdivision of a site containing an area subject to any form of covenant, consent order, or encumbrance that precludes building a principal and minor residential unit.
<b>Part 2:</b> Coastal Environment Chapter – Cut and Batter Face Heights	Rules CE-R8.1(b), CE-R10.2, CE-HNC-R5.1(b), CE-HNC-R8.2, CE-ONC-R6.2(b), and CE-ONC-R8.2 in the Coastal Environment Chapter are related to earthworks and farm quarries. These rules state that the maximum face height of any “ <i>cut and/or batter faces</i> ” is 2m. A loophole has been identified in the wording of the rules whereby a retaining wall higher than 2m with fill placed behind it could be constructed.	Amend rules CE-R8.1(b), CE-R10.2, CE-HNC-R5.1(b), CE-HNC-R8.2, CE-ONC-R6.2(b), and CE-ONC-R8.2 to refer to “... <i>cut, fill and/or batter faces</i> ...”.
<b>Part 2:</b> Lighting Chapter – Rule LIGHT-R7	Rule LIGHT-R7 requires lighting to be provided for all streets, walkways, cycleways and roads created by a subdivision and for the lighting to comply with the AS/NZS1158 series of standards. However, the AS/NZS1158 series of standards do not require lighting for all streets, walkways, cycleways and roads, particularly within rural locations. Rules LIGHT-R7.1 and LIGHT-R7.2 therefore conflict each other whereby providing lighting for all streets, walkways, cycleways and roads is not appropriate in some areas and would not comply with the AS/NZS1158 series of standards.	Amend LIGHT-R7 to state that lighting must be provided in accordance with the AS/NZS1158 series of standards for all streets, walkways, cycleways and roads created by the subdivision. Accordingly, lighting would not be required where the AS/NZS1158 series of standards do not require it.
<b>Part 2:</b> Signs Chapter – Community sign exemptions	An inconsistency has been discovered where rule SIGN-R4.4(b) states community signs must comply with the display area of the underlying zone, but each underlying zone has an exemption stating community signs are only required to comply with SIGN-R2 – R5.	Amend the rule exemptions in the SIGN Chapter to clarify that community signs must comply with the display area for the underlying zone.

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<b>Part 2:</b> Various Chapters – Light Reflectance Requirements	Rules CE-R5, CE-HNC-R4, and CE-ONC-R4 in the Coastal Environment Chapter and rule NFL-ONL-R3 in the Natural Features and Landscapes Chapter require buildings and major structures to comply with colour and light reflectance requirements. Rules CE-R5 and CE-HNC-R4 are triggered by the “construction and external alteration” of a building or major structure. Rules CE-ONC-R4 and NFL-ONL-R3 are triggered by the “construction” of a building or major structure. There is a gap in the rules whereby a building or major structure could be constructed or altered in a way that complies with the rules, but in the future, it could be repainted to breach the colour and light reflectance requirements, but the rules would not apply because repainting would not meet the definitions of “construction” or “external alterations”.	Amend rules CE-R5, CE-HNC-R4, CE-ONC-R4, and NFL-ONL-R3 to ensure that there is no loophole for repainting.
<b>Part 3:</b> Medium Density Residential Zone – Multi Unit Development Notification Rule	Rule MRZ-R20 contains a notification rule but the wording is unclear whether the notification exemption is intended to apply to all restricted discretionary activities under MRZ-R20 or just restricted discretionary activities where compliance is achieved with MRZ-R20.1.	Amend MRZ-R20 to clarify that the notification rule applies to any restricted discretionary activity under MRZ-R20 where compliance is achieved with MRZ-R20.1.
<b>Part 3:</b> Rural Production Zone – Unsealed metal roads	Rule RPROZ-R9.1(b)(i) refers to setbacks from “unsealed metal roads” which has caused interpretation issues over what types of roads the rule applies to.	Amend rule RPROZ-R9.1(b)(i) to remove the word metal and add formed to clarify the intent of the rule which is to reduce the potential exposure to dust from unsealed formed roads.
<b>Part 3:</b> Rural Production Zone – Unsealed metal roads Information requirement	An error has been identified where RPROZ-REQ1 sets out information requirements for activities that infringe any standard under rule RPROZ-R9; however, the information requirement should relate specifically to activities that infringe just RPROZ-R9.1(b)(i).	Amend RPROZ-REQ1 so that a transport assessment is required specifically for RPROZ-R9.1(b)(i) rather than all of RPROZ-R9.
<b>Part 3:</b> Mixed Use Zone – Food and beverage activities	Rule MUZ-R22 in the Mixed Use Zone has resulted in overly restrictive rules for food and beverage activities.	Amend the rules for food and beverage activities in the Mixed Use Zone to introduce a permitted pathway for activities such as cafes and restaurants.
<b>Part 3:</b> Shopping Centre Zone – Rule SCZ-R6.2	Rule SCZ-R6.2 requires public bathroom facilities to be provided within the Shopping Centre Zone for the convenience of patrons. There has been an issue identified with the rule whereby the areas stated in SCZ-R6.2(a)-(d) do not clarify what the m2 measurements are based on (i.e., whether they are based on net floor area, business net floor area, gross floor area, building coverage, or some other measurement). This results in a lack of clarity when interpreting the rule.	Amend SCZ-R6.2 to clarify that the area measurements are based on total net floor area within the shopping centre.
<b>Part 3:</b> Open Space and Recreation Zones – Setbacks from Mean High Water Springs	The Open Space and Recreation Zones are overly restrictive when it comes to locating public amenities that do not meet the definition of minor buildings within the mean high water springs setback.	Amend NOSZ-R5, OSZ-R5 and SARZ-R5 to allow a permitted pathway for artificial lighting poles up to 6m in height. Also add a new rule allowing general public amenities buildings to be assessed as a restricted discretionary activity.
<b>Part 3:</b> Precinct 23-Marsden City Precinct – References to development	Rules MCP-R3, R5, and R6 refer to “development”. It is unclear what the term “development” means in the context of these rules. When taken literally, this term can have a very broad meaning and could trigger the rules for very minor earthworks or major structures which may be an unproportionate requirement.	Amend MCP-R3, R5, and R6 to replace “development” with “building or major structure”.
<b>Part 3:</b> Various Chapters – Artisan Industrial Activities	Several zones allow for small-scale ‘home businesses’ that are compatible with residential activities. These zones also generally prohibit “industrial activities”. However, there are some artisan industrial activities, such as soap making, which could be appropriate if effects are managed.	Introduce a permitted pathway for artisan industrial activities in the General Residential Zone, Medium Density Residential Zone, Low Density Residential Zone, Rural Production Zone, Rural Lifestyle Zone, Settlement Zone, Future Urban Zone, and Mixed Use Zone.
<b>Part 3:</b> Various Chapters – Signage rules	There are duplicative and conflicting rules for signs across various rural and residential zone chapters and the Signs Chapter.	Remove all signage rules from the Large Lot Residential Zone, Low Density Residential Zone, General Residential Zone, Medium Density Residential Zone, Rural Production Zone, Rural Lifestyle Zone, Settlement Zone, Future Urban Zone and Port Nikau Development Area.

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<b>Part 3:</b> Various Chapters – Impervious area requirements	Several zones set maximum impervious area limits with some zones basing the maximum on a percentage of the “site area” while others are based on a percentage of the “net site area”. There is no clear rationale for the inconsistent terminology in different zones. The inconsistency across the existing rules has led to inefficiencies.	Amend rules PREC12-R4, LRZ-R7, GRZ-R7, MRZ-R7, RLZ-R7, FUZ-R62, and COMZ-R7 to refer to “site area” instead of “net site area”.
<b>Part 3:</b> Various Chapters – Minor Residential Units	Within various zones the provisions for minor residential units (MRU) seek to manage their size and location. However, the wording of these rules has caused uncertainty and it is not clear whether the rules allow for an MRU to be located any distance from a principal residential unit (PRU) provided that an accessory building associated with the MRU is within 15m of the PRU, and vice versa, and whether the 90m <sup>2</sup> area limit includes covered outdoor areas with no walls. There also is no existing policy clarifying the intent of these rules.	Amend FUZ-R9.3 – 4, LRZ-R16.2 – 3, RLZ-R10.3 – 4, RPROZ-R8.2 – 3, SETZ-R13.4 – 5 to clarify how the minor residential separation distances and area limits are meant to be interpreted. Also, include a new policy in the District Growth and Development Chapter to clarify the intent of the rules.
<b>Part 3:</b> Various Chapters – Multi Unit Development Matters of Discretion	The matters of discretion for rules MRZ-R20 and GRZ-R21 seek to manage the ability for multi unit developments to accommodate incidental activities anticipated for residential developments. An issue has been identified whereby the matters of discretion are limited to “the site”; however, the effects which it manages can extend beyond the site, such as manoeuvring, landscaping, and waste collection.	Amend matter of discretion 4 in MRZ-R20 and matter of discretion 7 in GRZ-R21 so that consideration is not limited to “the site”.
<b>Part 4:</b> Planning Maps – Indicative Roads	The District Plan Planning Maps identify indicative roads to provide for and safeguard future transport needs. Where subdivision and development have occurred in the location of an indicative road and a road has been proposed/formed in that area, then the indicative road is no longer required on the Planning Maps. There are two instances where this has occurred, and the indicative road is no longer required.	Amend the Planning Maps to remove the indicate road from Harrison Drive in Tikipunga and a portion of the indicative road from Tironui Drive in Maunu.
<b>Various Parts:</b> Various Chapters – References to allotment & site	“Allotment” and “site” are defined in the Plan. The terms have different meanings, but the Plan interchanges between using “site” and “allotment” throughout without any clear rationale. This has resulted in inconsistent and unclear provisions.	Review and amend references to “site” and “allotment” throughout the plan to ensure the appropriate term is used in each instance.
<b>Various Parts:</b> Various Chapters – Vehicular Access and Legal Access Requirements	There are various terms relating to vehicular access and legal access, including: “access”, “access lot”, “right of way”, “shared access”, and “vehicle crossing”. The terms are used within various chapters of the Plan and there are rules within the Transport Chapter which manage the design and location of aspects such as “access”, “shared access”, and “vehicles crossings”. There have been several interpretation issues identified with the definitions and their use within various provisions.	Review and amend the definitions and use of “access”, “access lot”, “right of way”, “shared access”, and “vehicle crossing” throughout the Plan to improve clarity and consistency.