

# **Appendix 11**

**Memoranda to Te Uri o Hau and Te Roroa**

**Memorandum**

To: Snow Tane (Te Roroa)

CC: Sue Hodge (Parks and Community Manager), Robert Schlotjes (Senior Policy Analyst), Paula Hansen (Policy Planner)

From: Venessa Anich (General Manager Community)

Date: 17 June 2016

**Subject: Iwi Consultation/Participation in Council Projects – Policy, Planning, Parks and Reserves**

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**This memorandum serves to raise awareness of projects that are being undertaken at Council and to provide an opportunity for Te Roroa to be included in these projects. Below is an outline of projects that Council's Policy, Parks and Community Teams are currently working on and projects that are scheduled to be undertaken over 2016.**

Council representatives would like to meet with Te Roroa regarding these projects, in particular to discuss how and when consultation on, participation in or contributions to projects may occur with Te Roroa and how input from Te Roroa may be gained early on in a project.

Below is a list of projects currently scheduled, including a brief description as to what they cover. This may be used to assist you in determining how they may potentially affect Te Roroa. These projects have been spilt into the following six sections:

- District Plan changes in the process – pre-notification;
- District Plan changes under investigation;
- Bylaws;
- Community Planning;
- Reserve Planning; and
- Other Plans or Policies

**1 District Plan Changes in the process – pre-notification**

There are seven plan changes currently being worked on. Four are a result of drafting errors having been found in the District Plan since it became operative. They are required to undergo a full plan change due to the effect of the proposed changes will have on implementing the District Plan. The remaining three plan changes are a result of difficulties when administrating them, in that they are too onerous for small section owners to comply with, and there is little flexibility in options available so they can comply with the rules.

**a) Fire Safety Rules (Rules 12.10.25, 13.10.25, 14.10.25, 15A.10.25 and 15B.10.25)**

Since the Kaipara District Plan became Operative it has been identified that complying with the fire safety rules were creating a level of community frustration and creating administrative issues for the Council which was required to process all infringements to the rules by way of resource consents.

The rules effectively require 45,000lts of water to be stored for firefighting purposes for residential developments and 180,000lts of water for commercial developments, or a resource consent is required. This water cannot be used for any other purpose.

The purpose of this plan change is to provide a policy framework for managing the risk of structural fires to life, property and the wider environment and to amend existing rules from the District Plan that have proved to be onerous to administer. It is also considered that there are other methods and other legislation (the Building Act 2004) that address the risk of structural fires and their spread other than including direct reference to the *New Zealand Fire Services Fire Fighting Water Supplies Code of Practice SNZ PAS 4509:2008*.

The scope of this plan change in respect of structural fires includes the following:

- The addition of a new issue to Chapter 2;
- The addition of a new Objective to Chapter 2;
- The addition of three new policies and an Explanatory Statement in respect of these policies to Chapter 2;
- The addition of four new Other Methods to Chapter 2;
- The addition of a new Outcome to Chapter 2;
- The amendment of the Fire Safety Rules 12.10.26; 13.10.26; 14.10.26; 15A.10.25; and 15B.10.25; and
- Amendment of Dwelling Infrastructure Rule 15A.10.3b(c).

**b) Rule 13.10.8 Separation distance noise sensitive activities**

Rule 13.10.8 currently requires a separation distance of 300m to be maintained between residential and commercial or industrial activities. This rule is intended to protect existing lawfully established business type activities from new residential neighbours.

The issue of reverse sensitivity has a long planning history, and has the ability to result in lawfully established activities being forced to close down because of the pressure from residential neighbours e.g. the threat to Western Springs Speedway and the Maungaturoto Dairy Factory. Therefore, the underlying planning intent of this rule is sound.

This plan change is looking at removing the words 'or Commercial' from clause 13.10.8(1)(c). It has been found that the decision on this rule through the District Plan review process was to remove the words 'or Commercial' from the rule. This did not occur in the final drafting prior to being made Operative. Therefore Council is seeking to correct this drafting error.

This plan change is also looking at removing the word 'noise' from the title, to clarify the intent of the rule and not focus solely on the noise aspect of reverse sensitivity issues. Other issues may include nuisances such as dust and odour. This will have consequential changes to equivalent rules in other zone chapters.

The effect of removing the words 'or Commercial' from the rule means that resource consent will no longer be required for building a house within 300m of a commercial activity.

**c) Mapping - Zone changes from Industrial to Residential in Dargaville and Te Kopuru**

Maps 9, 13, 38 and 40 show some residential sections being zoned as industrial. The zoning in the reviewed District Plan was supposed to stay the same as the Kaipara District Plan 1997. The current maps do not reflect the old District Plan maps. This plan change is to correct the zoning which has been inadvertently changed through the District Plan review process.

**d) Mapping - Zone changes for a number of designations**

A designation is a form of 'spot zoning' over a site or route in a District Plan. The 'spot zoning' authorises a Requiring Authority's work or project on the site or route without the need for a Land Use Consent from Council, as approval of sorts has already been given through the designation process. A designation enables a Requiring Authority to undertake the works within the designated area in accordance with the designation, the usual provisions of the District Plan do not apply to the designated site. The types of activities that can be designated include transport corridors, sewerage treatment plants, water reservoirs and schools. Should a designation be removed, then the underlying zone provisions will then apply.

The underlying zones for many designations within the District Plan have been mapped as Rural, even if they are situated in an urban environment. The schedule of designations in Chapter 21 however stipulates some underlying zones as being different to that which is mapped. This has been found to be the result of an error in the electronic GIS layers. This plan change seeks to change the zone maps to align with the zones stated in the Designation Schedule of the District Plan.

**e) Mapping and schedule 20.1 - Removal of two reserve management units from the District Plan maps and one from the schedule**

Reserve Management Units (RMUs) seek to identifying reserve areas and public open space resources throughout the district. An RMU recognises that such reserve areas and public open space activities may not fall exclusively within the effects anticipated by activities in the underlying zoning of these areas. Most of the land that is identified as an RMU is either public land administered by the Department of Conservation or land owned by Kaipara District Council.

Two RMUs have been incorrectly identified in the District Plan, one through a mapping error and one that was not supposed to have been captured in both the maps and Appendix 20.1.

**f) Rule 13.0.7 – Set Backs**

Rule 13.10.7(g) specifies separation distance of 300m from a dwelling and an intersection of a State Highway and any local road. With the implementation of the District Plan this has been seen as overly restrictive and no reasoning has been found as to why it is there. Council is currently in discussions with the NZ Transport Agency (NZTA) about the removal or modification to this requirement.

**g) Rules 13.10.27(h) Parking Rule and 13.10.25 Vehicle Access and Driveways**

These two rules require onsite reverse manoeuvring, so as to leave or enter a section in a forward gear. This is for safety reasons. Council's Team Leader Resource Consents has informed that this rule is difficult for small residential sites (e.g. 600m<sup>2</sup>) to accommodate and that there is little flexibility in the rule to accommodate other solutions without a resource consent.

**2 Plan Changes under investigation**

There are five potential plan changes that may need to be undertaken. Research on these potential plan changes is currently being undertaken to ensure that a plan change should be undertaken or if there is some other way to address the issues.

- a) Discrepancy between Rules 14.10.3 Sensitive Activities and 14.10.14 General Noise. One rule does not allow for a dwelling in the industrial zone and the other does.
- b) Kiwi Zone Maps. The Department of Conservation has released a number of kiwi into the Brynderwyn Hills and it is now considered a high kiwi habitat. Potentially, additional mapping may be required to flag this new area in the District Plan.
- c) Sleep outs. The District Plan has a definition of a 'sleep out' however it does not have any direct provisions in the Plan Rules that apply. This makes the interpretation of the District Plan around sleep outs hard to follow.
- d) Acidic Soils. Council is aware of the issues that Whangarei District Council has had around acidic soils corroding infrastructure. Kaipara District Council will undertake investigations around acidic soils as they are apparently fairly common throughout Northland. We are currently looking at our options.
- e) Community Outcomes and One Network Road Classification (ONRC). Community outcome statements have changed in that those stipulated in the District Plan no longer apply. The District Plan needs to be updated to reflect this change.

The ONRC system is now in place to provide national consistency when classifying roads. The Road Classification maps in Appendix X need to be replaced to reflect this and any consequential amendments as a result need to be made.

**3 Bylaws**

There are three Bylaws that are in the process of, or about to be, reviewed. These are:

**a) Alcohol Control Bylaw**

This Bylaw is currently being reviewed. The Bylaw outlines where alcohol bans are in place. Changes in legislation require Council to ensure a problem is occurring prior to putting in place an alcohol ban area, or be satisfied that an issue will return should an alcohol ban area be removed.

**b) Kaipara District Dog Control Bylaws**

This Bylaw is due to be fully reviewed by June 2019. An interim review will commence at the end of 2016 in order to assess if the timeframe should be brought forward.

**c) Kaipara District General Bylaws**

The General Bylaws is due to be reviewed by June 2018. A review will commence at the end of 2016 to ensure this timeframe is met.

**4 Community Plans**

Community Plans are a way for Council to work with communities in order for them to reach their goals for their communities. The following Community Plans are underway:

- a) Action Plans. These are actions sought by the community through the community planning process. There are action plans for the following areas; Bayllys Beach; Tinopai; Pahi; Mangawhai – Wood Street project and Mangawhai Town Plan Project; Kaiwaka; Whakapirau; Paparoa; Te Kopuru; Maungaturoto; Dargaville; Ruawai; and Tangiteroria. These action plans can be viewed on Council's website <http://www.kaipara.govt.nz/Your+Council/Community+Planning.html> .
- b) The next round of community planning is hoping to be hosted by Marae.
- c) Dargaville placemaking project. This has come out of the Dargaville Action Plan.

**5 Reserves Planning**

**a) Reserves and Open Spaces Strategy (ROSS)**

ROSS is starting to be reviewed now. ROSS is the over-arching policy document governing Council's reserves assets.

**b) Reserve Management Plans**

These will fall out of the ROSS review. Reserves that are alike in nature and/or classification will be grouped together to ensure consistent management is undertaken throughout the district.

**6 Other Plans and Policies**

**a) Trees Policy**

This will be an internal Council document which will provide direction to staff on how trees are managed within Council reserves and public spaces e.g. roadside.

**b) Regional Cycleway Strategy**

This is led by the regional council in conjunction with NZTA. Council can influence this process and will be involved in its implementation.

As stated above, we would like to meet with Te Roroa regarding these projects, in particular to discuss how and when consultation on, participation in or contributions to projects may occur. Further to this, we are happy to talk about other projects as well.

I will be in touch next week to arrange a meeting. Please consider any other matters you wish to discuss at the meeting and let me know when I contact you.

Regards

**Venessa Anich**

**General Manager Community**

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**Memorandum**

To: Deborah Harding and Tina Latimar (Environs Holdings Ltd, Te Uri o Hau)

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From: Venessa Anich (General Manager Community)

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- a) Kaiwaka Community Plan. A Township Improvement Plan for Kaiwaka is currently being put together. The Plan will provide a long term vision to guide the future development of Kaiwaka, and also identify specific initiatives to support the delivery of that vision.
- b) Mangawhai walkway/cycleway project. Mangawhai Recreational Charitable Trust is a recently formed group within the Mangawhai community and is establishing a walkway and cycleway following the estuary, from Molesworth Drive to Cove Road. This would be three kilometres in total, along Council's esplanade reserve.
- c) Action Plans. These are actions sought by the community through the community planning process. There are action plans for the following areas; Bayllys Beach; Tinopai; Pahi; Mangawhai – Wood Street project and Mangawhai Town Plan Project; Kaiwaka; Whakapirau; Paparoa; Te Kopuru; Maungaturoto; Dargaville; Ruawai; and Tangiteroria. These action plans can be viewed on Council's website <http://www.kaipara.govt.nz/Your+Council/Community+Planning.html>.
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