

Submission on Whakatāne District Plan 2017 – Proposed Plan Change 3: Matters of Control

To: Whakatāne District Council

From: Whakatāne District Council

1. This is a Submission on the Following:

Proposed Plan Change 3 to the Operative Whakatāne District Plan 2017 by the Whakatāne District Council. The purpose of Proposed Plan Change is to implement 17 separate changes to the Operative District Plan which will update eight activities which currently lack either assessment criteria for restricted discretionary activities or matters of control for controlled activities in one or more zones. The purpose of this submission is to seek changes to two of the sets of assessment criteria that were notified under Proposed Plan Change 3.

2. Whakatāne District Council could not gain an advantage in trade competition through this submission.

3. The specific provisions of the proposal that my submission relates to are:

Change # in Track Changes Report	Activity	Zone(s)	Activity Status	Proposed Change
Change 5	Places of assembly (not provided for by any other category); Designed to have a maximum occupancy of more than 50 people at any one time.	Mixed Use, Business Centre, Commercial, Large Format Retail	RD	Delete Specific Assessment Criteria New Assessment Criteria added
Change 6	Places of assembly (not provided for by any other category); Designed to have a maximum occupancy or attendance of more than 50 people at any one time.	Light Industrial, Industrial	RD	Delete Specific Assessment Criteria New Assessment Criteria added

Change 5

Explanation of Changes:

- Delete the reference to “internal noise and noise insulation”. Propose changing this to the criteria listed in 3.7.10 (Noise Effect).
- Delete the entire reference to 5.4.10.2 due to uncertainty over its application. The proposed change will include the intended hours of use in the rule criteria for 5.4.10.1. Rule 3.7.41 (Reverse Sensitivity) includes provisions for the criteria that could be removed allowing the rule to be simplified and provide certainty in its application.
- Delete “Advice Note: Refer to Section 10.2.5”. 10.2.5 was an incorrect reference to a rule in a different planning zone.

Change 6:

Explanation of Changes:

- Delete “hours of operation as outlined in Rule 17.2.4”. Propose “the intended hours of use and other criteria outlined in 3.7.36” to correct this. 17.2.4 was an incorrect reference to a rule in a different planning zone.
- Delete the entire reference to 6.4.5.2 due to uncertainty over its application. Rule 3.7.41 (Reverse Sensitivity) includes provisions for the criteria that could be removed allowing the rule to be simplified and provide certainty in its application.
- Delete “6.4.5.3 Refer to section 10.2.5”. 10.2.5 was an incorrect reference to a rule in a different planning zone.
- Delete the reference to “internal noise and noise insulation”. Propose changing this to the criteria listed in 3.7.10 (Noise Effect).

4. *Whakatāne District Council’s Submission is:*

That the specific criteria mentioned above be amended so that Proposed Plan Change 3 better meets the purpose of the RMA.

5. *Whakatāne District Council does not wish to be heard in support of its submission.*

9th November 2020

Whakatāne District Council

Change #	Activity #	Activity	Zone	Activity Status	Section #	Proposed Change as Notified	Proposed Changes for WDC Submission
5	11	Places of assembly (not provided for by any other category); Designed to have a maximum occupancy of more than 50 people at any one time.	Mixed Use, Business Centre, Commercial, Large Format Retail	RD	5.4.10	<p>Add a new section (5.4.10) to the Operative District Plan:</p> <p>5.4.10 Places of Assembly (not provided for by any other category) in the Mixed Use, Business Centre, Commercial and Large Format Retail Zones</p> <p>5.4.10.1 Council shall restrict its discretion to:</p> <ol style="list-style-type: none"> reverse sensitivity as outlined in Rule 3.7.41; the screening of buildings from beyond the boundary of the site and consistency with surrounding buildings within the zone as outlined in Rule 5.4.5; design development and site development provision and location of network utilities including supply or upgrading of access, stormwater treatment and disposal facilities, water supply, effluent and rubbish disposal, electricity, telecommunications, gas, utility; internal noise and noise insulation; landscaping as outlined in Rule 3.7.1; the management of traffic movements and the effect traffic movements will have on the area, including access to and egress from the site; and signage as outlined in Rule 11.2.19. <p>5.4.10.2 Council shall have regard to:</p> <ol style="list-style-type: none"> whether the use of the community facility will be in conflict with the business activities on neighbouring sites and elsewhere in Mixed Use, Business Centre, Commercial and Large Format Zones; the numbers of people to be accommodated; the intended hours of use <p>Advice Note: Refer to Section 10.2.5</p>	<p>Changes are shown with new text <u>underlined</u> and deleted text is shown as strikethrough.</p> <p>Add a new section (5.4.10) to the Operative District Plan:</p> <p>5.4.10 Places of Assembly (not provided for by any other category) in the Mixed Use, Business Centre, Commercial and Large Format Retail Zones</p> <p>5.4.10.1 Council shall restrict its discretion to:</p> <ol style="list-style-type: none"> reverse sensitivity as outlined in Rule 3.7.41; the screening of buildings from beyond the boundary of the site and consistency with surrounding buildings within the zone as outlined in Rule 5.4.5; design development and site development; provision and location of network utilities including supply or upgrading of access, stormwater treatment and disposal facilities, water supply, effluent and rubbish disposal, electricity, telecommunications, gas, utility; internal noise and noise insulation; <u>the criteria listed in 3.7.10 (Noise Effect);</u> landscaping as outlined in Rule 3.7.1; the management of traffic movements and the effect traffic movements will have on the area, including access to and egress from the site; and signage as outlined in Rule 11.2.19; <u>and</u> <u>the intended hours of use.</u> <p>5.4.10.2 Council shall have regard to:</p> <ol style="list-style-type: none"> whether the use of the community facility will be in conflict with the business activities on neighbouring sites and elsewhere in Mixed Use, Business Centre, Commercial and Large Format Zones; the numbers of people to be accommodated; the intended hours of use <p>Advice Note: Refer to Section 10.2.5.</p>

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6	11	Places of assembly (not provided for by any other category); Designed to have a maximum occupancy of more than 50 people at any one time.	Light Industrial, Industrial	RD	6.4.5	<p>Add a new section (6.4.5) to the Operative District Plan:</p> <p>6.4.5 Places of assembly (not provided for by any other category): designed to have a maximum occupancy or attendance of more than 50 people at any one time in the Light Industrial and Industrial Zones</p> <p>6.4.5.1 Council shall restrict its discretion to:</p> <ol style="list-style-type: none"> design development and site development; provision and location of network utilities including supply or upgrading of access, stormwater treatment and disposal facilities, water supply, effluent and rubbish disposal, electricity, telecommunications, gas, utility; landscaping and on-site amenity as outlined in Rule 3.7.1; hours of operation as outlined in Rule 17.2.4; reverse sensitivity as outlined in Rule 3.7.41; the management of traffic movements and the effect traffic movements will have on the area, including access to and egress from the site; signage as outlined in Rule 11.2.19; internal noise and noise insulation; and the screening of buildings from beyond the boundary of the site and consistency with surrounding buildings within the zone. <p>6.4.5.2 Council shall have regard to:</p> <ol style="list-style-type: none"> Whether the use of the community activity will be in conflict with the business activities on neighbouring sites and elsewhere in the Light Industrial or Industrial Zone. Particular regard will be given to the numbers of people to be accommodated, the intended hours of use, and the level of parking proposed; whether the noise, odour or dust from business activities, or from the storage or transportation of hazardous substances, and permitted activities in the adjoining zone, and the ability to safely evacuate people in an emergency, will present a risk to the concentration of people attending the community activity; and whether the effects of any community activity will be sensitive to the operation of industrial and other business activities anticipated by the zone. <p>6.4.5.3 Refer to Section 10.2.5.</p>	<p>Changes are shown with new text <u>underlined</u> and deleted text is shown as strikethrough.</p> <p>Add a new section (6.4.5) to the Operative District Plan:</p> <p>6.4.5 Places of Assembly (not provided for by any other category): designed to have a maximum occupancy or attendance of more than 50 people at any one time in the Light Industrial and Industrial Zones</p> <p>6.4.5.1 Council shall restrict its discretion to:</p> <ol style="list-style-type: none"> design development and site development; provision and location of network utilities including supply or upgrading of access, stormwater treatment and disposal facilities, water supply, effluent and rubbish disposal, electricity, telecommunications, gas, utility; landscaping and on-site amenity as outlined in Rule 3.7.1; hours of operation as outlined in Rule 17.2.4; <u>the intended hours of use and other criteria outlined in 3.7.36;</u> reverse sensitivity as outlined in Rule 3.7.41; the management of traffic movements and the effect traffic movements will have on the area, including access to and egress from the site; signage as outlined in Rule 11.2.19; internal noise and noise insulation; and <u>the criteria listed in 3.7.10 (Noise Effect); and</u> the screening of buildings from beyond the boundary of the site and consistency with surrounding buildings within the zone. <p>6.4.5.2 Council shall have regard to:</p> <ol style="list-style-type: none"> whether the use of the community activity will be in conflict with the business activities on neighbouring sites and elsewhere in the Light Industrial or Industrial Zone. Particular regard will be given to the numbers of people to be accommodated, the intended hours of use, and the level of parking proposed; whether the noise, odour or dust from business activities, or from the storage or transportation of hazardous substances, and permitted activities in the adjoining zone, and the ability to safely evacuate people in an emergency, will present a risk to the concentration of people attending the community activity; and whether the effects of any community activity will be sensitive to the operation of industrial and other business activities anticipated by the zone. <p>6.4.5.3 Refer to section 10.2.5.</p>