

184. In preparing PC 36, the Council has had regard to it's WEWS and the objectives of the WRHAA that relate to the social, economic and cultural wellbeing of people who live and work in the WRHA as well as recent resource consent processes that have highlighted issues relating to the establishment of non-residential activities.
185. The Council has considered the issues identified in submissions that relate to non-residential activities in the Waitakere Ranges and Coastal Village Environments. The Council maintains that support for existing activities is required to ensure that they are able to adapt to meet the growing needs of both the resident and visiting population. However, it accepted that aspect of the Rules 7 of the Waitakere Ranges Environment and Rule 8 of the Coastal Villages Environment could be amended to address the concerns of the Protect Piha Heritage Society to enable a broader debate about the extent of non-residential activities in these areas when LAPs are prepared for these areas.
186. In this regard the Committee considers it appropriate to remove the provision for "convenience shops" from Rule 8.3 (i) (a) as it applies to the Piha coastal village. However provision for retail activities involving convenience shops in other coastal villages will be retained. This will enable existing non-residential activities such as the Huia Store (which provides an important service to many of the outlying Manukau communities) to expand. Similarly it is considered appropriate that the reference to the sale of 'beverages' be removed from Waitakere Ranges Environment Rule 7.3 (ii) (b) and 7.4 (i) and Bush Living Environment Rule 8.3 (i) (b) and 8.4 (i) as it would be inappropriate to allow 'stand alone' beverage sales in this area, although this would be limited by the existing liquor licensing rules for Waitakere City. Beverages would still be able to be sold in conjunction with restaurant activities as the WDP definition of 'Restaurant' provides for this.
187. It is also appropriate that the assessment criteria that would apply to 'Controlled Activity' applications for filming be amended to include consideration of matters related to the existing amenity of the Coastal Village communities including quietness, darkness, traffic movements etc.
188. In regards to the Wise submission, PC 36 makes provision for commercial overnight accommodation primarily as a home based with some provision for larger accommodation facilities as a 'Discretionary Activity' although some flexibility has been given in response to the submissions from Raumati Point Ltd and SPAN. The Committee notes that the existing campground at Huia could expand under the limited discretionary activity rule as it is an existing non-residential activity.
189. As discussed above, it is considered appropriate to limit the range and scale of retail activities (other than food and arts and crafts) that can establish in the Piha Coastal Villages Environment until such time as a LAP has been prepared for that community. However this will not apply to other Coastal Village communities such as Huia.

Decision:

Submissions 36/405 and 36/704 **are accepted in part.**

Submitter Number	Summary of Relief Sought	Further Submissions
36/416 (NZ Fire Service)	<ul style="list-style-type: none"> Insert a new performance standard within Foothills Environment Rule 8A.1 (b)(i) which states: "The home 	

Submitter Number	Summary of Relief Sought	Further Submissions
Commission)	<p>occupation recognises fire risks and establishes risk mitigation strategies for the home such as fire prevention setbacks, adequate access and emergency egress routes, and water supply for fire fighting purposes”.</p> <ul style="list-style-type: none"> • Insert a new performance standard within Waitakere Ranges Environment Rule 7.1 which states: “The home occupation recognises fire risks and establishes risk mitigation strategies for the home such as fire prevention setbacks, adequate access and emergency egress routes and water supply for fire fighting purposes”. • Insert a new performance standard within Bush Living Environment Rule 8.1 which states: “The home occupation recognises fire risks and establishes risk mitigation strategies for the home such as fire prevention setbacks, adequate access and emergency egress routes and water supply for fire fighting purposes”. • Insert a new performance standard within Coastal Villages Environment Rule 8.1, which states: “The home occupation recognises fire risks and establishes risk mitigation strategies for the home such as fire prevention setbacks, adequate access and emergency egress routes and water supply for fire fighting purposes”. 	

Discussion:

190. The submitter seeks changes to the performance standards for home occupations in the Foothills, Waitakere Ranges, Bush Living and Coastal Villages Environment to include provisions relating reference to fire risk and fire risk mitigation strategies.
191. The Committee is unclear from the submission how such a performance standard could be applied or assessed as the Council would have no involvement in the establishment of a home occupation unless a certificate of compliance was sought. Given the discussion on this issue in relation to the policy changes sought and in relation to PC 35, these changes the Committee does not support the relief sought and considers they are unnecessary and inappropriate.

Decision

Submission 36/416 **is rejected**.

Submitter Number	Summary of Relief Sought	Further Submissions
36/514 (C Frentz) 36/515 (T Frentz) 36/516 (Oratia Farmers Market)	<p>Support Plan Change 36 subject to the following:</p> <ul style="list-style-type: none"> • Retain the proposed wording of Rule 8A (a)(iii) (a) and (c) ‘Non-Residential Activities within the Waitakere Ranges Heritage Area for the Foothills Environment as it relates to ‘Markets’. • Amend Rule 8A.1 (a) (iii) (b) “Permitted Activities” Activities within the Waitakere Ranges Heritage Area for 	

Submitter Number	Summary of Relief Sought	Further Submissions
	<p>the Foothills Environment to read: <i>“retail sales are limited to beverages, food, agricultural and horticultural produce and arts and crafts.”</i></p> <ul style="list-style-type: none"> • Amend Rule 8A.3 Limited Discretionary Activities (ii) “Non-Residential Activities” Activities within the Waitakere Ranges Heritage Area for the Foothills Environment to read: <i>“Non-Residential Activities involving increase in scale and/or intensity of an existing lawfully established non-residential activity including markets, provided retail sales are limited to restaurant (food), beverages, food, agricultural and horticultural produce and arts and crafts.”</i> • Retain Rule 9 Traffic Generation, Access and Car Parking of the Foothills Environment, specifically 9.1 (iv) ‘Permitted Activities’. 	
<p>36/518 (R Sunde) 36/519 (Artisan Investments Ltd) 36/520 (M Sunde) 36/521 (Artisan Wines Ltd)</p>	<p>Support Plan Change 36 subject to the following:</p> <ul style="list-style-type: none"> • Same as above 36/514, 36/515, 36/515. • Retain proposed wording of Rule 8A.3 ‘Non-Residential Activities within the Waitakere Ranges Heritage Area for the Foothills Environment, ‘Limited Discretionary Activities (iv) ‘Retail Sales of agricultural and horticultural produce and (v) manufacturing and/or processing activities. Provide for the sale of ancillary merchandise and/or complementary products associated with the agricultural horticultural and/or manufacturing activity. • Retain the proposed wording of Rule 6/6.1 ‘Outdoor Storage of the Foothills Environment’. • Retain the proposed wording of Rule 7/7.1 and 7.2 ‘Building Coverage of the Foothills Environment’. • Retain Rule 9 Traffic Generation, Access and Car Parking of the Foothills Environment, specifically 9.1 Permitted Activities (i) ‘Rural Activities and (iv) ‘Non-Residential Activities’. • Retain Rule 9 Traffic Generation, Access and Car Parking of the Foothills Environment, specifically 9.3 Limited Discretionary Activities (i) and (iii). • Retain Rule 12 ‘Signs of the Foothills Environment’, specifically Rule 12.1 ‘Permitted Activities (a) and (b). 	

Evidence Presented:

The Committee heard evidence from Christine Frenz in relation to ‘Markets’ on behalf of T Frenz, the Oratia Farmers Market, Rex & Maria Sunde, Artisan Investments Ltd and Artisan Wines Ltd. Along with Rex and Maria Sunde, Christine Frenz and her husband Tom own and operate the Oratia Farmers Market. These submitters support PC 36, in relation to market activities in the foothills of the WRHA. However, Mrs Frenz noted that the submitters remain concerned about proposed consent requirements for traffic generation associated with the Oratia Market.

Discussion:

192. The above submissions support PC 36 provision for ‘markets’. Where sought, changes relate to the range of goods that may be sold at markets including ‘agricultural and horticultural produce’ (Rule 8A.1 (iii) (b)). For existing (lawfully established) non-residential activities involving an increase in scale and/or intensity, the submission seeks to include ‘markets’ and retail sales of ‘agricultural and horticultural produce’ and beverages (Rule 8A.3 Limited Discretionary Activities).
193. In relation to Rule 8A.1 (iii) (b) ‘Markets’, it is appropriate that agricultural and horticultural produce are included in the performance standard specifying the items to which retail sales are limited as these are commonly sold at farmers markets (including the Oratia Farmers Market) which provide an outlet for the production of local food.
194. Regarding Rule 8A.3 (ii), it is understood that the submission is seeking opportunities for markets to be held on more than one day per week and that this second day of operation should require a limited discretionary resource consent. Markets in the Foothills Environment are consistent with the objective and policies of PC 36. There may be issues relating to cumulative effects from additional market activities however these can be addressed as part of an assessment a resource consent application.
195. PC 36 as proposed includes performance standards in permitted activity Rule 8A.3 that limit the range of goods that may be sold and to a one day per week operation. This is to ensure that retail activities occurring at a market remain small-scale and not operating every day, particularly during the week when the effects of a market may be more noticeable. However, the Committee considers that one additional day may be appropriate and not result in significant adverse effects on the environment. The inclusion of ‘markets’ (limited to one additional day than permitted under Rule 8A.1) in the proposed limited discretionary activity Rule 8A.3 (ii) is therefore appropriate. Any adverse effects arising from such activities can be assessed by the Council with the ability to decline an application or impose appropriate resource consent conditions.
196. It is noted that the changes sought in the submissions include the addition of retail sales relating to agricultural and horticultural produce and beverages. The Committee supports these changes as this would enable existing local producers such as wineries and orchards/farms to sell locally produced beverages, such as wine and agricultural and horticultural produce. A consequential amendment is also proposed to Rule 8A.3 (iv) to accommodate new activities such as wineries.
197. In relation to Traffic Generation, the Committee acknowledges the difficulties associated with implementing a requirement for a Traffic Management Plan under Rule 9 (iv) as notified, particularly that there would be no regulatory mechanism for approving such a plan. The Committee has considered the evidence of the submitters and the concerns they have about having to obtain consent for the traffic generation associated with the Oratia Market. However the Committee considers that these concerns are unfounded. PC 36 clearly supports market activities and provides for them as a permitted activity, noting that such activities are currently non-complying. A one off requirement for a controlled activity consent for traffic generation associated with the market cannot be declined or publicly notified and simply involves the Council giving formal approval to a traffic management plan (which may include some conditions). Such a consent will ensure that the effects associated with traffic generated by the market are

appropriately managed. For this reason the Committee accepts the recommendations in the officers report.

Decision:

Submissions 36/514, 36/515, 36/516, 36/518, 36/519, 36/520, 36/521 **are accepted in part.**

Submitter Number	Summary of Relief Sought	Further Submissions
36/517 (Dean)	<ul style="list-style-type: none"> • Amend Rule 8A.1 to provide for the continued legality of land use activities and buildings which are legally established at the time the Plan Change was notified. • Amend Rule 8A.3 (ii) to enable the expansion of existing non-residential activities without any limitation as to the nature of any retail activity. • Amend Rule 8A.3(ii) to enable restaurants or cafes using existing buildings without any lot size limitation. • Amend Rule 8A.4(ii) to remove the 2 hectare net site area standard. • Amend Rule 8A.4(iii) to remove any reference to retail sales. • Amend Rule 7.1 Building Coverage for the Foothills Environment by deleting the words in brackets (<i>provided that the standard of 1% of the net site area does not apply to non-residential activities except for rural activities</i>). • Amend Rule 7.2 (iii) to cap site coverage for non-residential activities at 25% of the net site area. • Provide for the adaptive reuse of existing buildings as a restricted discretionary activity (on a non-notified basis with no other party approvals required). • Provide for additions and alterations to existing buildings as a limited discretionary activity (on a non-notified basis with no other party approvals required). • Provide for retail nurseries as a limited discretionary activity without any limitation on whether or not they grow plants on site. 	<p>Opposed by: 36/749/24 (ARC) 36/734/9 (WRPS)</p> <p>Supported by: 36/721/1 – in part (ACTB)</p>

Evidence Presented:

The Committee did not hear evidence from Mr Dean. The Committee did however table an email from Mr Dean's planner Barry Kaye. Mr Kaye noted that the recommendations in the officers report do not satisfy the relief sought in Mr Dean's submission.

Discussion:

198. Submission 36/517 seeks comprehensive amendments to PC 36 to give effect to the changes sought to Policy 5B.4.3. These changes propose more permissive regulatory controls on the type, scale and size of non-residential activities in the Foothills Environment. Specifically the submission seeks changes that would enable the expansion of non-residential activities without any reference to the type of retail activity or the size of site on which the activity is proposed. In addition, the

- submission seeks that the site coverage for non-residential activities be capped at 25% of the net site area (proposed for glasshouses only) and provision for retail nurseries (whether or not they grow plants on site) as limited discretionary activity.
199. The ARC and WRPS oppose this submission as the submission supports a proposal to provide for additional non-residential activities in the WRHA and may undermine the urban containment policies of the ARPS. ACTB supports this submission that part of the submission that relates to Rule 7.2(ii) 'Building Coverage. These are considered appropriate because the effects of non-residential activities can be managed so that the additional site coverage will not give rise to adverse stormwater runoff and building bulk effects.
200. It is considered that the range of amendments proposed in submission 36/517 could enable an environmental outcome that does not give effect to the purpose and principles of the RMA, the purpose and objectives of the WRHAA, the urban containment policies of the ARPS and the objectives of the Oratia LAP. In particular, the proposed amendments could enable a wide range of non-residential activities unrelated to the rural character of the Foothills Environment or the wellbeing of the local community where the size and scale of such activities is largely uncontrolled.
201. It is considered that PC 36 sufficiently provides for a range of rural related activities that will enable existing activities to diversify and/or expand to an appropriate size and scale. The protection of rural character is fundamental to the future management of the Foothills part of the WRHA. The proposed amendments in submission 36/517 would not promote sustainable management of this area to ensure that the rural environment is maintained for the enjoyment of future generations and as a key heritage feature of the WRHA.
202. The Committee notes that it has made provision for the production of arts and crafts independent a home occupation in response to the submission from Raumati Point Ltd which may provide some opportunity for the use of existing non-residential buildings on Mr Dean's property.

Decision:

Submission 36/517 is rejected in part.

General Matters - Definitions

Submitter Number	Summary of Relief Sought	Further Submissions
36/303 (Bacon)	<p>Amend the definition of 'Arts and Crafts' to read (or similar).</p> <p><i>"Arts and craft/s means those goods produced by hand, by the use of hand tools, or the use of mechanical appliances where such appliances:</i></p> <ul style="list-style-type: none"> <i>• Do not produce goods in a repetitive manner through the use of jigs, templates, moulds, patterns dies, jolleys or other similar devices, except where the original form is designed and created by the person producing the goods and the use of the devices is intended as a starting point for further creative development rather than a means of mass production; and</i> <i>• Do not produce the goods other than through the direct</i> 	

Submitter Number	Summary of Relief Sought	Further Submissions
	<p><i>control of the operator; and</i></p> <ul style="list-style-type: none"> <i>The person producing such goods shall have complete control over the production of every piece and stage of production."</i> 	
36/388 (Reynolds)	<ul style="list-style-type: none"> Reject the proposed change to the definition of 'intensive livestock farming'. <p>Alternatively include a rigorous definition of the new terms 'free range' or 'free range poultry farming'.</p>	

Evidence Presented:

The Committee heard evidence from Mr Bacon who supported the relief sought in his submission.

Discussion:

203. Submission 36/303 seeks amendments to the definition of arts and crafts. The Committee considers that the amendment sought to the definition is appropriate as it establishes flexibility to allow a person to establish a 'pattern' which may be used as a template. An amendment to the definition as proposed by the submitter will ensure that the definition supports the policy intention to encourage creative endeavour in the WRHA.
204. Submission 36/388 opposes the proposed definition of 'intensive livestock farming'. The amendment to the definition clarifies that free range poultry farming is not intensive livestock farming as it does not involve raising animals within buildings that have artificially controlled conditions. This clarifies the interpretations associated with the definition of 'rural activities' which refers to intensive livestock farming. Free range poultry farming is the antithesis of intensive livestock farming where animals are free to move around, often in a pastoral environment. This is in contrast to intensive livestock farming which is different in character, scale and intensity of rural use.

Decision:

Submission 36/303 **is accepted.**

Submission 36/388 **is rejected.**

Submissions supporting PC 36 in its entirety

The following submissions support PC 36 in its entirety:

36/391, 36/393, 36/403, 36/407, 36/407, 36/409, 36/419, 36/420, 36,453, 36/454, 36/456, 35/461, 36/462, 36/463, 36/465, 36/466, 36/710, 36/715, 36/718, 36/719, 36/721 and 36/725.

Discussion:

205. Support for PC 36 is consistent with the Council's decision to give effect to the purpose and objectives of the WRHAA and its broader economic wellbeing objectives.
206. It is considered that these submissions should be accepted, although it is noted that a number of amendments to the notified PC 36 are proposed in response to issues raised in others submissions on this plan change. Each submitter's support of the plan change as notified will need to consider the recommended amendments to PC 36 to determine whether the proposed amendments are acceptable.

Decision:

Submissions 36/391, 36/393, 36/403, 36/407, 36/407, 36/409, 36/419, 36/420, 36/453, 36/454, 36/456, 35/461, 36/462, 36/463, 36/465, 36/466, 36/710, 36/715, 36/718, 36/719, 36/721 and 36/725 **are accepted.**

6. OTHER ISSUES

207. The Committee has considered other matters in relation to PC 36. In relation to Gardens Centres in the Foothills Environment, it is considered that these should be reinstated as a limited discretionary activity, but that the definition of Garden Centres should be amended to exclude the bulk supply of landscaping goods.

7. DECISION

1. That pursuant to Clause 10 and 20A of the First Schedule to the Resource Management Act 1991, Plan Change 36 is adopted with the amendments set out in Appendix A to the Plan Change 36 Decision Notice.
2. That pursuant to Clause 10 of the First Schedule of the Resource Management Act 1991, the relief sought by submissions are accepted, accepted in part, rejected or rejected in part as indicated in Appendix B to the Plan Change 36 Decision Notice. Further submissions made in support or opposition of primary submissions are accepted or rejected accordingly. The reasons for the Committee's decision in relation to each submission and further submission are set out in Section 5.0 of the Decision Notice on Plan Change 36.
3. That the Council accept late submissions 36/714, 36/715, 36/716, 36/717, 36/718, 36/719 and 36/721 as these submissions were received shortly after the close of submissions and their consideration does not prejudice any party.
4. The Waitakere District Plan is hereby amended in the manner set out in Appendix A to the Plan Change 36 Decision Notice.

Signed by:



**Councillor Vanessa Neeson
Chairman
Planning and Regulatory Committee
Waitakere City Council**

Date: 15 October 2010