

Minutes of the Meeting of the Wanganui District Council held at 9.08AM on Monday, 21 November 2011, in the Council Chamber, Municipal Office Building, 101 Guyton Street, Wanganui

Present: Cr Sue Westwood (in the Chair), Mayor Annette Main, Crs Allan Anderson, Philippa Baker-Hogan, Jack Bullock, Randhir Dahya, Nicki Higgin, Clive Solomon, Ray Stevens and Rob Vinsen.

Apologies: Crs Michael Laws and Rangii Wills.

Officers in Attendance: Brenda O'Shaughnessy (Senior Planner, Opus International Consultants), Lisa Thomas (Consultant Planner, Opus International Consultants). Secretary: Karyn Turner (Governance Services Officer).

1. Opening of Meeting

As Mayor Annette Main has indicated a conflict of interest in the subject of this District Plan Change Hearing she may not attend this meeting and, therefore, the Chair will be assumed by Deputy Mayor, Cr Rangii Wills as required by Standing Order 2.3.1:

“The mayor or chairperson of the local authority must preside at each meeting of the local authority at which he or she is present unless the mayor or chairperson vacates the chair for a particular meeting.... If the mayor or chairperson of a local authority ... is absent from a meeting, the deputy mayor or deputy chairperson (if any) of the local authority must preside ... If a deputy mayor or deputy chairperson has not been appointed, or if the deputy mayor or deputy chairperson is also absent, the members of the local authority ... that are present must elect 1 of their number to preside at that meeting, and that person may exercise at that meeting the responsibilities, duties and powers of the mayor or chairperson.”

[cl. 26(1), (5) & (6), Schedule 7, LGA]

Mayor Main opened the meeting and explained that Cr Rangii Wills was unable to attend this meeting due to a bereavement.

1.2 Apologies

Council's Resolution

Proposed by Cr Stevens, seconded by Cr Bullock:

THAT the apologies of Cr Laws and Cr Wills be accepted.

CARRIED

1.3 Chair for Hearings

In view of her qualification and experience to hear Resource Management Act matters, it is proposed that Cr Sue Westwood, Chair, Hearings and Regulatory Committee, Chair the District Plan Change Hearings by the Council.

Mayor Main declared a conflict of interest in the subject of this District Plan Change Hearing and proposed that Standing Order 2.3.1 be temporarily suspended for this meeting and Cr Sue Westwood chair the District Plan Change Hearing. It was noted that this resolution required a 75% majority.

Council's Resolution

Proposed by Mayor Main, seconded by Cr Bullock:

- 1.3.1 THAT Standing Order 2.3.1 be temporarily suspended for this meeting of the Council.
- 1.3.2 THAT Cr Sue Westwood convenes this District Plan Change Hearing, including any adjournment.

CARRIED UNANIMOUSLY

Mayor Main relinquished the Chair at 9.10am and left the meeting.
Cr Westwood assumed the Chair at 9.10am

**2. District Plan Review – Phase One Plan Change Hearing
Plan Change 20: District Plan Online Format and Number Amendments
Plan Change 21: Central City and Riverfront**

Lisa Thomas, Consultant Planner, Opus International Consultants, reports:

“The Wanganui District Council seeks changes to the Wanganui District Plan. The Statutory District Plan review is being undertaken to develop the second generation District Plan for Wanganui. Plan Changes 20 and 21 are the first phase of this District Plan review.

Plan Change 20 (PPC20) seeks to make minor amendments to the District Plan text and format, to allow the Plan to be accessed online as an interactive document. The content of the Plan will not be altered by PPC 20.

Plan Change 21 (PPC21) proposes changes to the Central City and Riverfront Areas. This Plan Change seeks to amend the provisions for the Central Commercial Zone, and create three new zones, being the Central Edge Commercial Zone, Arts and Commerce Zone and Riverfront Zone. PPC21 introduces new objectives, policies and rules relating to these zones. The purpose of PPC21 is to amend the parts of the existing District Plan that relate to the Wanganui Central City and Riverfront Area, to reflect the changes that have occurred since the operative plan was prepared.

Proposed Plan Changes 20 and 21 were publicly notified in accordance with Clause 5 of the First Schedule of the Resource Management Act 1991 on Thursday, 23 June 2011, with the submission period closing on Thursday, 21 July 2011. A total of 4 submissions were received in relation to PPC20, and a total of 26 submissions were received in relation to PPC21. All submissions relating to PPC20 were received within the statutory timeframes. Three late submissions were received by Council in relation to PPC21. The further submission process closed on 25 August 2011. No further submissions were received on PPC20. Three further submissions were received on PPC21.

A Section 32 analysis was completed for PPC20 and PPC21 and contained a comprehensive analysis of options. Council's Consultant Planner has prepared reports in accordance with Clause 10 of Schedule 1 of the Resource Management Act 1991. These reports include recommended decisions on the provisions and matters raised in submissions, and recommended reasons for accepting or rejecting the submissions."

References – Agenda Attachments

Plan Change 20

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Plan Change 21

Page 1	Consultant Planner's Report on Plan Change 21
Page 20	Appendix 1: Summary of Submissions and Officers Recommendations
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Page 173	Appendix 6: Tracked Changes Version of Recommended Changes to the Wanganui District Council's District Plan
Page 247	Consultant Planner's Addendum Report on Plan Change 21

Hearing

Introduction

Cr Sue Westwood, Chair, welcomed those in attendance and outlined the procedure of the Hearing. She introduced Councillors noting that both Cr Baker-Hogan and Cr Higgle were independent commissioners under the Resource Management Act.

Cr Westwood explained that if any Councillor was unable to hear all submissions to Proposed Plan Changes 20 and 21 they would be unable to participate in deliberations. Cr Westwood advised that Charlotte Almond, Strategy and Development Manager, although not in attendance, would be available if required.

Cr Westwood introduced Lisa Thomas, Consultant Planner, Opus International Consultants, who had prepared the written reports included in the agenda papers for Proposed Plan Change 20 and 21. Ms Thomas would report to this meeting on planning matters.

Cr Westwood introduced Brenda O'Shaughnessy, Senior Planner, Opus International Consultants, who, following the hearing of submissions, would assist Councillors in questions of clarification during their deliberations.

Referring to the summary of submissions, Cr Westwood explained that the words 'submission rejected' was the planner's professional recommendation to the Council based upon evidence presented in submissions. This would be clearly explained in replies to submitters.

Additional information tabled:

Submission 1 and 2 – PC20 – District Plan Online

- Letter from Burton Consultants on behalf of Transpower New Zealand Limited and Powerco Limited, advising they will not be attending the Hearing.

Submission 28 – PC21 – Central City and Riverfront

- Hearing Statement from The New Zealand Historic Places Trust Pouhere Taonga (NZHPT) advising they will not be attending the Hearing.

Submission 15 – PC21 – Central City and Riverfront

- Letter from Russell Buchanan on behalf of Wanganui Motors (1963) Limited, advising client endorses the proposed plan and will not now require to be heard.

Proposed Plan Change 21 – Planning map

- A planning map outlining the proposed zoning changes to Central City and Riverfront.
- A planning map outlining the existing District Plan zones.

Hearing of Submissions

Submission 22: James Leon Ennis

Mr Ennis spoke to his submission relating to the proposed reduction of status to less than arterial of Taupo Quay from Bates Street to Victoria Avenue. He considered the loss of arterial function in Taupo Quay was unnecessary and would have a significant detrimental effect on the traffic flows in alternative routes. Mr Ennis said the concept of a pedestrian controlled environment in Taupo Quay did not recognise the type of activity present in this area. The use of motor vehicles was an essential part of social and cultural life and preventing this use would create considerable frustration. Provision of more parking to enable people to park close to their destination would more likely encourage riverfront development.

Mr Ennis spoke further to the proposed alternative routes and said any change in the roading hierarchy should only be considered as a change to the overall network and not in isolation in a particular area.

In summary, Mr Ennis said:

- Development of the riverbank area needed to be encouraged.
- The arterial status and function of Taupo Quay should be retained.
- Taupo Quay be set up so that it can be fully/partially closed when required.
- The pedestrian count in Taupo Quay during weekdays was small and varied along the length of the street. Unless there was a remarkable increase in weekday tourist traffic, pedestrian counts across Taupo Quay would remain low.
- Moutoa Quay could be used as a servicing street for the riverfront developments and should be a pedestrian controlled environment.
- Traffic improvements to the intersection at Taupo Quay next to the riverboat centre would be desirable.
- There was a lack of suitable parking for caravans or vehicles with trailers near the Information Centre.

Mr Ennis responded to questions of clarification.

Submission 14: Glenn Young/David James Forrest (UCOL)

Mr Forrest tabled and spoke to his statement of evidence which he said was limited to comment on the Council's Officer responses to the submissions made by UCOL.

Mr Forrest said UCOL had lodged a submission in respect of four different aspects of Proposed Plan Change 21 and one further submission. Of these five matters, only two warranted further comments. In the case of the other three matters, it appeared that the Council's officers were recommending changes that UCOL would find acceptable and he urged the Council to accept the Officer recommendations in regard to these matters.

The two other matters related to Flood Hazard Mitigation and the other Proposed Rules R243 and R221 'Untidy' Buildings and Site Non-Complying Activities.

Referring to UCOL's submission relating to Flood Hazard Mitigation, Mr Forrest said it appeared to have been either misunderstood or misinterpreted. Whilst understanding the comment in the Officer's report regarding the flood level event lines and the reasoning for introducing Proposed Policies P103 and P105, it was not the policies that were at issue but their means of implementation.

Mr Forrest said the Officer comment had not answered the key question posed by the submission. Given that the flood event level lines run through the block bounded by Rutland Street, Taupo Quay, Drews Avenue and Market Place in the Z20 Arts and Commerce Zone, why did Rule 223.1g in the Z18 Riverfront Zone not also apply to the Z20 Arts and Commerce Zone?

Mr Forrest said one of the methods listed in Plan Change 21 to implement Policy P105 was to 'adopt rules that require flood hazard mitigation for development in the riverfront area'. He said it was not clear whether 'area' referred to the Riverfront Zone only or an area beyond that. The Officer comment stated that 'Policy P105 applies to new developments outside of the Riverfront Zone that are still subject to a 1 in 200 year flood event, such as those properties within the Arts and Commerce Zone owned by UCOL'. That being the case it would seem that the equivalent of Rule 223.1g in the Z18 Riverfront Zone should also apply in the Z20 Arts and Commerce Zone, under Rule 238.1 Structures.

Mr Forrest said UCOL sought confirmation that an equivalent rule to R223.1g was intended to apply in the Z20 Arts and Commerce Zone or, if not, that an explanation was provided as to how Policy P105 would be applied in relation to the Z20 Arts and Commerce one.

Mr Forrest referred to UCOL's submission related to Proposed Rules R243 and R221 'Untidy' Buildings and Site Non-Complying Activities. He said the only matter where he disagreed entirely with the Council's officer's comments and recommendations pertained to the rules requiring that any building or site, that due to inadequate maintenance or the presence of structures, vehicles, materials or property that detracts from amenity values or neighbourhood character, be a non-complying activity within the Arts and Commerce Zone (R243c and R243d) and the Riverfront Zone (R221f and R221g).

UCOL's submission sought withdrawal of these rules. Rather than withdrawing the rules, the Council's officer had recommended that an additional policy be included in Plan Change 21, in relation to them, in order to provide greater certainty for landowners. Mr

Forrest failed to see how the proposed additional policy (P106), given its subjective and nebulous nature, would provide such certainty. He said Section 32 of the Resource Management Act requires that a local authority, when preparing a change to a plan, must evaluate alternatives, benefits and costs, and the efficiency and effectiveness of the provisions being proposed. He said in his opinion the proposed rules were a very blunt and ineffective means of managing an ill-defined problem. If the problem was the presence of unsightly or untidy buildings or sites in the subject zones, Mr Forrest considered there were more effective and efficient ways of tidying up a site or building. He also queried what process there would be for enforcing the subject rules.

Mr Forrest requested that the Council seriously examined the likely effectiveness of the proposed rules and, if there was a more effective way of achieving the Council's objectives (or environmental outcomes) in relation to amenity values and neighbourhood character in the subject zones, that the proposed rules (R221a, R221g, R243c and R243d) be withdrawn from Plan Change 21.

Mr Forrest responded to questions of clarification.

The meeting adjourned at 10.10am.

The meeting reconvened at 10.22am.

Submission 23: Andrew and Lynda Deighton

Mrs Deighton said two submissions had been submitted on the same day and she queried why one submission had been noted as 'late'. In response, Lisa Thomas, Consultant Planner, Opus International Consultants, said she had read the date of the second submission as 27 July 2011 and recommended that the submission be accepted. A copy of the second submission was tabled.

The first submission related to the Arts and Commerce Zone (Rule R236 – Noise). Mr and Mrs Deighton were opposed to the proposed increased sound emissions of 65dBA at all times as they considered this would not be conducive to residential/apartment living. Restricting the level and hours of noise emissions would be a compromise between vibrancy and quality of lifestyle within this zone. Mrs Deighton further noted that the present bylaws governing noise emissions in this area were not enforced.

Mrs Deighton said the proposed plan change stated that building owners are to soundproof their buildings. She queried how a 1925 heritage building could be soundproofed without destroying its heritage features of wooden doors and windows that have hand-drawn and decorative glass, let alone the cost involved in doing this.

The second submission related to Rule R235 and R238 in the Arts and Commerce. Mr and Mrs Deighton were opposed to the building gross size of 200 square metres as they considered this would greatly reduce the value of land and certainly any redevelopment. Mrs Deighton said they owned two titles in this zone, 23 and 25 Drews Avenue. Under these rules, if they built a new building for their business 'Andys Screenprint and Signs', 200 square metres would be too small, and the balance of the land would have little use.

Mr and Mrs Deighton responded to questions. Brenda O'Shaughnessy, Senior Planner, Opus International Consultants, explained the proposed change to noise level rules. Whilst the proposed 65dBA was 10dBA above the current night-time level, it was not a

percentage increase and would not necessarily be noticeably more noisy. There was some uncertainty on how noise levels were measured and monitored and although Mr and Mrs Deighton understood why the zone had been created and did not want to discourage activity, uncontrolled noise was of concern. The Chair said the ability of a District Plan was only as good as the strength of its enforcement monitoring. The submitters had been in receipt of adverse conditions and nothing had been done to mitigate their concerns. Whilst this was outside of what the Council was presently addressing, she understood the basis of the Deightons' submission. In response to clarification sought by Cr Solomon, Mrs Deighton said the proposed sound emissions of 65dBA at all times was probably acceptable if it was properly enforced.

The Chair said she was aware the method of measuring and reading noise levels had changed and she undertook to organise a Environmental Health Officer to address the Council and provide technical information on sound emissions and how these were measured.

Lisa Thomas, Consultant Planner, Opus International Consultants, responded to a question of clarification on the building gross size of 200 square metres. Rule 235 permitted 'Boutique retail activities with a maximum gross floor area of 200 square metres'. Boutique retail activities are defined as 'a small business, with a maximum floor area of 200 square metres, offering specialist products and/or services'. The gross floor area limits applied to activities not buildings.

In response to a further question from Mrs Deighton, Ms O'Shaughnessy said there was a list of activities for this zone that did not have a floor area restriction. Part of the Deightons' screenprinting business could be boutique retail however it was also a manufacturing activity. It was an existing activity and as such had the ability to continue. The new rule would only come into question if there was a change in the activity.

Submission 10: Marie McKay and Alex Garrett (Collective of Taupo Quay Building Owners

Referring to the Collective of Taupo Quay Building Owners' submission, Ms McKay said it was pleasing to see the planner's recommended changes in response to a number of matters raised. There was one issue however that Ms McKay believed had not been considered and that was the proposed restriction of residential activities that might be located on the ground floor.

Ms McKay requested that the list of permitted activities in the Riverfront Zone (Rule 222) be revisited and that Clause k. be amended to read 'All residential activities with the exception of those that are located on the ground floor and have a street frontage'. Ms McKay said she owned a property that had a studio on the ground floor that could be easily converted into an apartment without any adverse effect on the Riverfront Zone. It was sited within a courtyard garden and there was no direct street frontage to Moutoa Quay. Having had no success in the past three years with finding a commercial tenant, Ms McKay was considering converting the studio to a residential apartment. She considered the proposed list of permitted activities would restrict this type of development and furthermore, impinge on her existing rights as a property owner. Ms McKay also believed this clause was inconsistent with existing usage in the area as well as the overall vision for the Riverfront Zone as a vibrant, people-friendly place.

The Chair said a general understanding of a street frontage was where a building abutted the kerb. Most of the properties on Moutoa Quay had a yard or were setback from the street frontage. The Chair referred to an earlier submission that had queried whether Moutoa Quay was a legally designated road and sought clarification on this matter.

Mr Garrett, who had restored a building in this area, said the commercial viability of buildings in this area was of concern. He said whilst he had changed the outlook of his building there was no use for it as the area was very difficult to access. Mr Garrett said until the roading was determined and there was a connection of the Riverfront Zone to the central city, the actual end use of about six properties located in a separate area but not included in the Old Town area, was vulnerable. He said everyone in a commercial situation in this area struggled to survive and until the Council came to terms with this these buildings would lie the way they are and never be developed.

Mr Garrett responded to questions. Whilst he supported the proposed plan in principle, he believed that Taupo Quay, as a motorway-type bypass, was a physical barrier that people could not surmount. A solution would be angle parking as far as the Information Centre with connection to Victoria Avenue and this would provide people confidence to go there. He agreed the proposals in the Wanganui District Council Urban Transport Strategy would mitigate his roading concerns and if parking issues were also addressed, this would solve the problem.

Ms McKay said the Collective Group was concerned with the list of permitted activities and saw them as restricting their options. Whilst not wanting to detract from what was happening in this area, there was also a commercial aspect to be considered. In response to the Chair's further query on permitted activities that could be added to enable people to use the area, Ms McKay said resulting from the submission, 'visitor accommodation' was recommended to be included. She had further submitted to include 'ground floor residential activities' and said these two seemed logical with the vision of the Riverfront. Referring to 'artists studios', Ms McKay said it was ludicrous to think artists would support any rentals or leaseholds in this area as the high overheads made them too expensive.

In reply to a question regarding restrictions on visitor accommodation, Ms Thomas said an apartment on an upper floor would be permitted, however a resource consent would be required for residential use on the ground floor.

Submission 8: GJ Lambert (Hill Street Greens)

Mr Lambert reiterated his objection to all changes proposed in Plan Change 21 and believed he should have been consulted about the changes.

Councillors noted that consultation had been undertaken between February and May 2010 prior to drafting Proposed Plan Change 21 with consultation on the Draft Plan Change undertaken in October and November 2010. This proposed Plan Change was publicly notified on 23 June 2011 with the period for submissions closing on 21 July 2011. The Council followed due process and provided opportunity for the community to participate.

In response to Mr Lambert's concerns, Ms O'Shaughnessy explained that regardless of any changes to the District Plan, existing use rights applied. Whatever activity was lawfully established on the site would continue, and any building existing on site could be rebuilt to

the same scale, intensity and character as that of the original. However, if a new building was proposed that was significantly bigger, or with significantly different use or character, the new District Plan rules would apply.

The meeting adjourned at 11.35am.

The meeting reconvened at 9.09am on Tuesday, 22 November 2011.

Present: Cr Sue Westwood (in the Chair), Crs Allan Anderson, Philippa Baker-Hogan, Jack Bullock, Randhir Dahya, Nicki Higgie, Clive Solomon, Ray Stevens and Rob Vinsen.

Apologies: Crs Michael Laws and Rangī Wills. Cr Allan Anderson (for lateness).

Officers in Attendance: Brenda O'Shaughnessy (Senior Planner, Opus International Consultants), Lisa Thomas (Consultant Planner, Opus International Consultants). Secretary: Karyn Turner (Governance Services Officer).

The Chair noted that if Cr Anderson was not present to hear all submissions he would be unable to participate in the Council's deliberations of its decisions for Plan Change 21.

Hearing of Submissions (continued)

Submission 11: Bruce Henry Dickson (DLA Architects) and Submission 13: Bruce Henry Dickson (on behalf of Mainstreet Wanganui)

Mr Dickson tabled additional information and spoke to his submission against the creation of a Central Edge Commercial Zone, in particular the requirement to provide parking to an area previously zoned Central Commercial and the requirement to impose a height restriction on street boundaries.

Mr Dickson said current land owners would be disadvantaged by the new requirements and could suffer loss of opportunity and certainty of expectation regarding the potential of their property as well as significant extra costs. He said in the event of fire or earthquake there would be a large number of buildings, some of them important heritage buildings, which would not be able to be rebuilt as and where they were. By the time the site area was reduced because of the height line and car parking requirements added, some of these may not have an economic future.

Mr Dickson said there was a real need in Wanganui to have land available as part of the Central Business District on which large retailers could establish. Another Trafalgar Square-type establishment would seriously damage the viability of business particularly retail business in the centre of Wanganui.

Mr Dickson queried the use of set-back land. He considered very little could be used for parking because vehicles were required to be driven on and off a site in a forward direction.

Mr Dickson said the urban character that existed in these areas now and which has taken well over 100 years to establish, had become an important part of Wanganui's built

heritage. This would be gradually changed or rapidly changed in the event of a major fire or earthquake. He believed that all of this, without sound reason, would be to the detriment of Wanganui's central urban environment.

Mr Dickson said the Central City would gradually change and develop resulting from need, such as the UCOL campus for example. Good design for these changes was the most important issue, not an engineered planning change that would prove restrictive, expensive and detrimental to the established environment. Strategies were needed to assist with the conservation of heritage buildings, not planning changes that would result in a great loss of valuable assets.

Ms O'Shaughnessy and Ms Thomas responded to Councillors' questions of clarification. Carparking requirements would be activity based, therefore the number required would vary. A resource consent would be required for a parking shortfall. Existing use rights would apply for any new building of the same floor area and activity. Ms Thomas referred to Section 10 of the Resource Management Act that outlined existing use rights. Existing use rights would be extinguished only if the scale of activity was increased or changed, or the floor area of a new building was larger.

Ms O'Shaughnessy referred Councillors to the map that outlined the blocks proposed to be changed from Central Commercial to Central Edge Commercial.

Mr Dickson accepted that conditions could become part of a resource consent process, however an applicant would still have to use the rules in place. Resource consent issues were costly and if the proposed changes were accepted he considered there would be considerable resource consent situations occurring. He believed that commercial requirements would actually lead to changes in these areas if in fact they were needed.

Ms Thomas explained that part of the intention of the setback requirements was to ensure consistency with the Crime Prevention Through Environmental Design (CPTED) policies. In response, Mr Dickson said whilst he understood the safety concern, parking in front of buildings was detrimental to the environment and would compromise the streetscape. He said there were other ways to secure parking behind buildings.

Submission 6: Stephen Paul Lace (and Submission 3 on behalf of Dr Alan Donoghue):

Mr Lace tabled additional information and spoke to his submission, and noted that he wanted to address the Council for three reasons:

- On his own behalf he felt some of his existing property rights were being interfered with.
- On behalf of many other property owners in the same position who did not understand the consequences of the proposed changes. He noted that Dr Alan Donoghue had requested that he speak on his behalf.
- To request that the Council review the way in which its planning department operated and to consider whether the Council's policy on the way in which proposals such as these were implemented was appropriate.

Mr Lace was specifically concerned about the process adopted to consult with the public and property owners. At the consultation meeting he had attended very little time or attention was given to the Central City changes as proposed and the specific negatives for property owners were not mentioned. He said it would have been very easy to write to the

many affected property owners pointing out that it was proposed to impose new limitations on the way in which their properties could be used in future. In his opinion some of the material provided was misleading.

The Chair said it was the Council's role to ensure its consultation with ratepayers was to everybody's satisfaction and when it was not it was important and incumbent on the Council to take those matters on board. She assured Mr Lace that his concerns would be addressed.

Mr Lace said his two major concerns were the obligation to provide parking and the enforcement of a height recession plane.

He referred to the large Council carpark adjacent to his property that sits in the centre of the block behind the retail and business outlets. He tabled a photograph of this almost empty carpark taken at midday. Noting that this was empty most of the time, Mr Lace queried why adjacent property owners would be required to provide more carparks. Mr Lace said he believed the Council should be providing carparks.

In reply to a Councillor's query on the rationale behind carparking requirements, Ms O'Shaughnessy explained that Crime Prevention Through Environmental Design (CPTED), initiated originally by the New Zealand Police, set guidance on how to ensure spaces such as public and private carpark areas, open spaces, places where people congregated, were safe. It was principally about people, but also about security of vehicles. Parking areas were vulnerable and one recommendation from CPTED was to ensure car parking areas were located in visible spaces. Ms O'Shaughnessy said the question was whether it needed to be a requirement in the District Plan that parking be at the front or whether a mix of the two might achieve a balance. The Chair noted that this would be discussed during the Council's deliberations.

Mr Lace said, in his view, the implications of the Christchurch earthquake on Wanganui's Central Business District had not adequately been addressed and considered whether it was appropriate to change zoning in Phase One of the District Plan when matters concerning earthquakes were not scheduled to be addressed until Phase Six.

The Chair noted that the Council's current Earthquake-prone Buildings Policy was currently being reviewed by the Council and running parallel to the District Plan review. It was noted that implications of the Christchurch earthquake would be dealt with through this process.

Mr Lace took issue with the Council's officer's assertion that Ingestre and Wicksteed Streets were not pedestrian streets and in support of this statement, pedestrian numbers should have been quoted. He assured the Council that many pedestrians passed his property on both streets.

Mr Lace said should the Plan Change be approved, he understood that he would have to make application under the Resource Management Act to make fuller use of his site, a process that would add stress and great expense to what should be an exciting project.

Ms O'Shaughnessy referred to Section 10 of the Resource Management Act, existing use rights, and said regardless of a District Plan change, existing buildings and activity

lawfully established on a site would continue to operate and could be rebuilt to the same scale and intensity as original. However, if there was a substantial change of use or scale of building, existing use rights would no longer apply.

In response Mr Lacey said that was a concern because if an owner rebuilt due to a disaster, they may have reason to change the building to enable more effective use of the site. The Chair said the resource consent process would then be triggered and the submitters' concerns were that the plan change would force the trigger for resource consents too frequently and at great expense to the property owners.

The meeting adjourned at 10.05am.

The meeting reconvened at 10.20am.

Submission 4: Sue Cooke (on behalf of the Guyton Group)

In attendance to present this submission was Sue Cooke, Guyton Group; Architect Craig Dalglish, who had his architectural practice in Guyton Street, and Leslie Stead, Paiges Book Gallery.

Cr Anderson joined the meeting at 10.25am.

The Chair explained that in the Council's deliberations, the Guyton Group's desire for future development was limited only to the scope of Plan Changes 20 and 21. This was acknowledged by Sue Cooke and Craig Dalglish. Mr Dalglish noted that the Council had requested the Guyton Group give a broad-brush approach to their submission eliminating finer details. The Guyton Group sought to work in partnership with the Council and have the appropriate policies incorporated into the District Plan to enable the proposed Guyton Street development to proceed. The Group believed it was a development that would enhance Wanganui's Central Business District and reflect the character and aspirations of those within Guyton Street's proposed creative precinct.

Mr Dalglish said the Guyton Group agreed with Policy P102 of the Proposed Plan Change for the Central City. Referring to the Proposed Arts and Commerce Zone, Mr Dalglish said this was at present sited solely on the riverfront area. Guyton Street, between St Hill Street and Wicksteed Street, currently had many characteristics that complied with the rules of the Arts and Commerce Zone, with additional characteristics stipulated in the Guyton Group's proposed development plan, such as the presence of heritage sites and buildings; cultural heritage features; low speed vehicle movement, lively street activity, pedestrian oriented street layout, design and quality, high number of pedestrians in the street, and a mix of boutique and arts activities reliant on pedestrian movement. Mr Dalglish said the Guyton Group's proposed creative precinct would benefit from being zoned Arts and Commerce and the Group, therefore, requested that the zone was adjusted to include Guyton Street between St Hill Street and Wicksteed Street.

Mr Dalglish further noted that commercial rents in the riverfront area, particularly for artists, were becoming out of reach and this was causing an increasing exodus of artists from this area. The Guyton Group's concern was that if an arts zone was in an area where an expected outcome was higher property values, original art being produced would be lost and replaced with derivative art being sold on a volume basis. The Guyton Group believed there was a need to promote and support the genuine arts economy and these artists.

Speaking in clarification to Mr Dalgleish's comments, Ms O'Shaughnessy said the Guyton Group's submission was very constructive, however, she drew attention to the fact that whilst it may have solid merit, the request regarding the Arts and Commerce Zone being applied to Guyton Street was not sought in the Guyton Group's original submission. She explained the Council was not empowered to consider any matter not sought in a submission, however, at best the conversation with the Guyton Group needed to continue. Ms O'Shaughnessy further explained that the District Plan was being reviewed in sections and topics. Wider commercial zones would be reviewed at a later stage and there would be opportunity at that time for the Guyton Group to contribute and submit for that change.

The Chair requested Ms O'Shaughnessy set a further meeting with the Guyton Group's representatives.

Submission 17: Stephen Palmer

Mr Palmer said dividing the Central Business District into a proliferation of zones would not make people go where planners wanted them to go. He said making driving inconvenient would not stop Wanganui people from doing what they have always done and that was drive to the shop; pedestrians would not suddenly appear; building a covered market would not make Saturday morning stallholders want to become full-time shopkeepers, and having a special zone for artists would not make artists want to go there.

Mr Palmer said having one flexible zone may not be convenient for planners, but should be the driving force behind the Council's planning. He said the fundamental principle should be to allow people, within some broad environmental principles, to do what they want to do with a variety of buildings and activities that really will make Wanganui into a vibrant and attractive place to be.

Mr Palmer did not believe that the existing plan was making that happen, or that these proposed changes would do so.

Referring to the rolling process that had been adopted for the District Plan review, Mr Palmer said this meant that people who worked regularly with the Plan would never have any certainty about it. Part of the Plan would always be under review or have changes in process with the resulting double compliance issues.

Mr Palmer also referred to the District Plan on the internet and said he found this particularly user-unfriendly. He said the documents in PDF format needed to be reformatted to suit the electronic medium, and referred the Council to 'legislation.govt.nz', which provided a good example of how very complex documents could be made very easy to navigate.

Mr Palmer responded to questions of clarification regarding his submission. He said the Building Act and Resource Management Act were becoming more prescriptive. A District Plan should be enabling not restrictive, with broad principles that allowed planners to engage with developers through discussion rather than in adversarial resource consent applications.

Cr Solomon said he fundamentally agreed with Mr Palmer's broad philosophical brushstroke, however there was a need to mesh that idealism with the reality of running a city. He agreed that the District Plan should be enabling with less hurdles, less sub zones,

however a previous submitter had requested exactly what Mr Palmer had submitted against.

Ms O'Shaughnessy said there needed to be a balance between certainty and flexibility. Referring to a previous submission that sought more certainty around permitted activities she said it was not just the Council's officers seeking certainty, the community sought a balance as well.

The meeting adjourned at 11.30pm.

The meeting reconvened at 12.35pm.

The Chair reconvened the meeting and explained the process for deliberations. She said this meeting of the Council had authority to make resolutions, however a further meeting would be required to confirm the Council's intent following completion of any word changes to Proposed Plan Changes 20 and 21 that may be required following the Council's resolutions. There was agreement with Cr Solomon's suggestion that this matter be held for discussion until the end of the meeting.

Planner's right of reply – Proposed Plan Changes 20 and 21

Lisa Thomas, Consultant Planner, Opus International Consultants, tabled and read her right of reply, based on submissions heard on Monday, 20 November 2011:

“Plan Change 20

The hearing statement on behalf of Transpower New Zealand Limited and Powerco Limited is in agreement with the recommendations of my Planner's reports. I therefore propose no further changes to my recommendations on Proposed Plan Change 20.

Plan Change 21

I wish to comment on the matters raised by submitters during the Plan Change 21 Hearing. My recommendations for those submitters who did not speak at the Hearing, and did not table evidence at the Hearing, remains unchanged from those presented in my Officer's Report.

Submissions

- **James Ennis**

Mr Ennis is opposed to the downgrading of the arterial status of Taupo Quay. He does not consider that the Council has given adequate consideration to the congestion that may occur on the alternative routes. Mr Ennis considers that the change in road hierarchy should have been dealt with as a separate Plan Change.

Through the Wanganui Urban Transportation Strategy (WUTS) process there was found to be existing capacity within the current roading network to accommodate the additional traffic that may utilise the alternative routes. I wish to reiterate that Proposed Plan Change 21 does not intend to close Taupo Quay to through traffic. The intention is to decrease the volume of heavy traffic using Taupo Quay to make it more pedestrian and cycle oriented and to encourage greater use of the public open space along the Riverfront.

Dublin Street and St Hill Street are already identified as being secondary arterial roads within the Wanganui District Plan. They therefore have equal status as Taupo Quay, The

WUTS details a number of proposed improvements to intersections that will make these alternative routes more attractive.

Changes to the physical form of Taupo Quay and alternative routes are better dealt with through the Local Government Act, through the implementation of the WUTS.

• **David Forrest on behalf of Glenn Young, Facilities Manager, UCOL**

The submitters accepted my recommendations with regards to:

- Amending the introduction to the Arts and Commerce Zone and Policy P89 to include specific reference to UCOL.
- Withdrawal of the Riverfront Zone – Outline Plan.
- Rejecting the further submission from the Historic Places Trust with regards to making vacant lots or carparking a non-complying activity in the Arts and Commerce Zone.

With regards to Flood Hazard mitigation, I misinterpreted the submitter's comments with regards to Rule 223.1g in the Riverfront Zone. As there are properties within the Arts and Commerce Zone that are located within the 1 in 200 year flood extent, I agree with the submitters that it is appropriate to include an equivalent clause (to Rule 223.1g notified PC21 numbering only) within the Arts and Commerce Zone. Rule R238 is the equivalent rule that controls structures within the Arts and Commerce Zone.

The reason stated for Rule R223.1g makes reference to the Riverfront area. While I do not consider any changes to the wording of the Rule are needed, the reason for the rule needs to be reworded so that it relates to the Arts and Commerce Zone.

I also consider that a minor change is needed to the 'reason' under Rule 223.1g. This reason refers to the Riverfront 'area'. I consider that the word 'area' should be replaced by the word 'Zone', to make it clear that this rule only applies to sites within the Riverfront Zone.

It is recommended that new Rule R238 be amended as follows (additions are underlined):

'R238 Structures

1. Within the Arts and Commerce Zone, structures shall be required to meet the following conditions and terms:

a. **Street Boundary**

The front wall of all buildings shall be built up to the street boundary.

b. **All Other Site Boundaries**

Buildings shall be built up to the side boundaries. No setback standards (maximum or minimum) apply to rear boundaries.

Reason

Continuous building facades are important to the maintenance of a streetscape that promotes pedestrian movement. This movement may be between activities in the area, or through the Arts and Commerce Zone.

c. **Building Height**

Building height shall be a minimum of 7.5 metres and a maximum of 14 metres. Height shall be measured to the top of the eaves or parapet at every point.

Reason

To maintain the scale and amenity of the Arts and Commerce Zone.

d. Passive Surveillance

Buildings with one or more wall along or facing, a street, a service lane, a designated car park, or public open space, shall have, in each of those walls, glazing or a balcony from a habitable room, retail display area, office, bar, or restaurant.

Reason

The provision of glazing in buildings that overlook public spaces provides passive surveillance to those public spaces, making the public space a safer place to be.

e. Flood Hazard Mitigation

New buildings and additions to buildings are required to be designed and constructed to either:

- i. be protected from inundation; or
- ii. be able to recover efficiently following inundation

Reason

Alternative techniques for flood hazard mitigation are preferred, but a variety of flood hazard avoidance or mitigation methods may be used in the Arts and Commerce Zone.'

Mr Forrest disagreed with Rules R221(f), R221(g), R243(c) and R243(d) that require any site or building, that due to inadequate maintenance detract from amenity values or neighbourhood character, to get resource consent for a non-complying activity.

My recommendation was that new Policy P106 be included to provide guidance to interpreting these rules. Based on the evidence provided by Mr Forrest on behalf of Glenn Young of UCOL, I agree that the Rules are subjective and are likely to be ineffective at managing unsightly buildings.

I therefore wish to alter my recommendation in regards to this submission. I no longer recommend that new Policy P106 be introduced to the plan. I also recommend that Rules R221(f), R221(g), R243(c) and R243(d) be removed from the Plan Change, as per the submitters requested decision.

• **Andrew and Lynda Deighton**

I understood Mr and Mrs Deighton's second submission to be a late submission, as the date at the bottom of the form appears to me to say 27 July 2011. The closing date for submissions was 21 July 2011. Regardless of the actual date that this submission was received, I do not consider that there are any adverse effects in accepting this submission. As per Paragraph 4.13 of my Planning Report (page 06), I recommend that this late submission be accepted and the issues raised in the submission be addressed pragmatically.

Andrew and Lynda Deighton agreed that it is not the noise limit that they are opposed to per se, but the way that the noise limits are enforced at their property (within the proposed Arts and Commerce Zone). It is not appropriate to deal with enforcement issues at a Plan Change hearing.

Mr and Mrs Deighton's concerns regarding maximum floor area for the Arts and Commerce Zone was based on their misunderstanding of how these floor limits would be

applied. We clarified that the maximum floor area of 200m² applies only to boutique retail activities, and that other activities can be undertaken within the same building without the requirement for a resource consent (providing the retail component does not exceed 200m²). Following clarification, Mr and Mrs Deighton were comfortable with the proposed floor area limits for boutique retail within the Arts and Commerce Zone (Rule R235 Permitted Activities).

• **Marie McKay and Alex Garrett – Taupo Quay Building Owners**

Ms McKay considers that ground floor residential accommodation is compatible with other permitted activities within the Riverfront Zone, providing the building is not on the active street front.

Moutoa Quay is shown as being a legal road on the Wanganui District Council Planning Maps. Ms McKay considered that it would be appropriate for residential activities to be located on the ground floor fronting Moutoa Quay, providing such building was appropriately set back.

This could be achieved through modifying Rule R222 Permitted Activities as follows (proposed change underlined and in bold):

‘R222 Permitted Activities

The following are permitted activities within the Riverfront Zone:

- a. Boutique retail activities with a maximum gross floor area of 200m²;
- b. Professional and administrative offices;
- c. Food and beverage outlets;
- d. Community activities;
- e. Manufacturing activities relating to the arts;
- f. Artists studios;
- g. Recreational activities and facilities;
- h. Tourist facilities, excluding camping grounds and vehicle parking, other than vehicle parking provided by Wanganui District Council;
- i. Vehicle and cycle parking areas developed and managed by, or on behalf of, the Wanganui District Council;
- j. Network utilities as provided by General Rule – Utilities (Rule R15), which contains some exemptions from the zone rules for network utilities;
- k. Residential activities not located on the ground floor;
- l. **ground floor residential activities fronting Moutoa Quay that comply with the Height Recession Plane Rule for the Residential Zone (Rule R5a);**
- m. **Visitor Accommodation.**

– which comply with the relevant zone rules.

However, I consider that the provision of any ground floor residential accommodation within the Riverfront Zone should be assessed on a case-by-case basis, through the resource consent process. As these properties are located within the 1 in 200 year flood extent, the potential flood risk to these properties needs to be taken into account. In my opinion, avoidance or mitigation of flood risk to residential properties would be dealt with best through consent conditions.

In addition, the creation of ground floor residential accommodation, in my opinion, does not contribute towards those characteristics sought for the Riverfront Zone, namely to

create a vibrant public space. I do not consider that the creation of private spaces within the Riverfront Zone will assist in achieving Policy P92 that encourages access to and along the Whanganui River and river banks, and the maintenance of physical and visual connections between the central city and the Whanganui River.

I therefore do not recommend that ground floor accommodation be added to the list of permitted activities within the Riverfront Zone (Rule R222). This will mean that applications for residential activities on the ground floor of buildings within the Riverfront Zone will require consent as a Non-complying Activity.

Mr Garrett commented on the commercial significance of turning Taupo Quay into a connection, not a barrier, through better connectivity with the Central City. Proposed changes to the form and function of Taupo Quay are best addressed through the implementation of the Wanganui Urban Transportation Strategy (WUTS), following Local Government Act processes. Mr Garrett agrees with the initiatives proposed in the WUTS, and confirmed that if parking is addressed, as proposed in this strategy, it will greatly improve the economic viability of Taupo Quay businesses.

- **Mr Lambert**

Mr Lambert is opposed to any changes that affect what he may do on his property. He was particularly opposed to the height recession plane rule. Mr Lambert's concerns were partially addressed through clarification as to how existing use rights would apply.

The purpose of the height recession plane rule is to ensure that buildings are set back from road boundaries in proportion to their height. Large buildings on front boundaries can appear imposing, and detract from the amenity of areas through the creation of long blank facades. By requiring large buildings to be set back from the road boundary, developers will be encouraged to provide their required car parking to the front of buildings. This is preferable from a Crime Prevention through Environmental Design (CPTED) point of view, as carparking areas to the front of buildings are safer due to more passive surveillance.

Cr Solomon's suggested that an explanation of existing use rights be included within the Community Link. We consider that in addition to including an explanation of existing use rights in the next issue of the Community Link; it would also be useful to include an explanation within the pre-Christmas issue of the Wanganui District Plan Review newsletter.

Other Matters

- **Building Height in the Riverfront Zone**

Since preparing the Planning Report for proposed Plan Changes 20 and 21, it has been brought to my attention that my recommendation with regards to maximum building height within the Riverfront Zone is inconsistent with the maximum building height recommended through the most recent version of the Whanganui Riverfront Building and Open Space Design Guidelines.

My recommendation to the submission by the Collective of Taupo Quay Building Owners (S11, Page 25), was that clause (d) of Rule R223 (Structures) be altered so that a maximum building height of 13 metres apply to buildings with direct frontage to Taupo Quay; and that a reduced height limit of 7.5 metres apply to those buildings that do not have direct

frontage to Taupo Quay, such as those located between existing Taupo Quay buildings and the Whanganui River.

This recommendation was based on the comments from these Taupo Quay building owners, who stated that the existing buildings have a height of at least 10 metres. I proposed to retain the existing height limit that applies to these buildings, being 13 metres (Outer Commercial Zone Rule R46d), so that future development may be in keeping with the existing character.

Table 3.2 of the most recent version of the draft of the Whanganui Riverfront Building and Open Space Design Guidelines (dated 17 October 2011) identifies a maximum building height of 7.5m as being a key requirement for Riverfront Buildings. Recent correspondence from the author of this document suggests that a maximum height of 7.5m is proposed as this is considered to equate to 2.5 storeys, which is consistent with the existing buildings in the area.

I have measured the elevations of the I-Site building from the Building Consent. These elevations show the I-site building to be approximately 8.1 metres tall. I have visited Taupo Quay to visually assess how the height of the I-Site building compares to other existing buildings along Taupo Quay. The only building that appeared to be taller than the I-Site building was the three storey brick building on the corner of Taupo Quay and Victoria Avenue, next to the City Bridge. The Waimarie museum building appeared to be of a similar height to the I-Site building. While there are a few buildings that exceed 7.5 metres tall, the majority of existing buildings on the Riverfront side of Taupo Quay appear to be less than 7.5 metres tall.

As the Whanganui Riverfront Building and Open Space Design Guidelines is a non-statutory document, the maximum height rules in the District Plan for the Riverfront Zone would over-ride the maximum building height sought in the Design Guidelines. This means that future buildings with Taupo Quay frontage, or alterations to existing buildings, could be a maximum of 13 metres high.

If my recommendation is rejected and the maximum building height for the Riverfront is 7.5 metres, as per the notified version of PPC21, then resource consent would be required for any new building, or alteration to an existing building, that exceeds 7.5 metres high. Those buildings on Taupo Quay, within the Riverfront Zone, that already exceed 7.5m high would not be required to obtain resource consent, as they have existing use rights. However, any alteration to these buildings, or any new buildings of equal height would be required to obtain resource consent.

- **Tabled Evidence by the Historic Places Trust (Submission S28)**

NZHPT supports the proposed changes to Plan Change 20 and Plan Change 21 of the Wanganui District Plan, and notes that many of the NZHPT recommendations will be covered in the heritage section of the District Plan Review.

I do not wish to alter my original recommendations in regards to this submission as a result of this tabled evidence.

- **Tabled Evidence by Russell Buchanan on behalf of Wanganui Motors (1963) Limited**

This evidence supports my recommendations as outlined in my Officers Report. I do not wish to alter my recommendation with regards to this submission as a result of any of the evidence heard during this Hearing.”

Ms Thomas also provided a verbal response to submissions presented today (22 November 2011):

- **Bruce Dickson (Submission 11 and 13)**

As discussed previously, carparking to the front of sites is preferred from a Crime Prevention through Environment Design (CPTED) point of view.

While there are a number of heritage buildings within the Central Edge Commercial Zone, they are not a characteristic of the zone. Buildings of high value can get individual protection through being registered heritage buildings. This is being reviewed as part of the Heritage phase of the District Plan review.

No changes were recommended to Proposed Plan Change 21.

- **Stephen Paul Lace (Submission 6 and 3)**

Current zoning of Central Commercial is, in my opinion, not appropriate as these businesses are not fronting pedestrian streets and, therefore, do not fit with the characteristics sought for the Central Commercial Zone – seeking a compact Central City. Parking is crucial, however where that parking goes is less critical. The parking rules should stay, but removing the setback rules may provide greater flexibility for buildings owners.

- **Sue Cooke (on behalf of the Guyton Group) (Submission 4)**

The current rules do not preclude what they are wanting to do.

The proposed location of the Arts and Commerce Zone is in an area that has that existing character. The Plan Change proposes to reinforce the character that already exists. There may be other methods outside of the District Plan that could address the potential economic issues the submitters raised.

- **Stephen Palmer (Submission 17)**

The policies and rules for the individual zones are intended to reinforce the existing diversity within the Central City area.

The new zones have been developed to encourage formation of a compact Central Commercial Zone, recognising that character of the other sites is different to the Central Commercial Zone. They are not prime pedestrian and retail streets.”

In conclusion, Ms Thomas said other than considering the height recession rule in more detail, nothing raised today would alter her previous recommendations.

The Chair thanked Ms Thomas for her professionalism in the reports provided.

Lisa Thomas left the meeting at 1.20pm.

Cr Anderson left the meeting at 1.20pm.

Noise Emissions

Following Submission 23: Andrew and Lynda Deighton, the Chair had requested that an Environmental Health Officer provide technical information on sound emissions and how these were measured. Whilst the current sound emissions varied in this zone, it was proposed under Plan Change 21, Arts and Commerce Zone, that a single noise limit of 65dBA be applied 24 hours per day. Mr and Mrs Deighton were opposed to the increased sound emissions in this zone as they considered this would not be conducive to residential/apartment living.

Therese Back, Environmental Health Officer, provided information on decibel levels, and explained how these were measured.

- L10 was the noise level exceeded for 10% of the measurement period of 15 minutes.
- Leq was a time-averaged level and was equivalent to the average energy over the whole measurement period. Leq, or LAeq as it was now called, had become the preferred international descriptor for environmental sound and would be incorporated into all new Standards.
- Lmax was the maximum level measured over a time period, but was not the same as, or not as high as, an individual peak level.

Ms Back said sound emission measurements were not taken over eight hours and she was unsure from where the submitters had obtained this information.

The equipment used to measure noise emissions was also used to demonstrate the proposed 65dBA level.

The Chair thanked Ms Back for the information provided.

Council's Deliberations

Ms O'Shaughnessy explained that the merits of the proposed plan changes and wording had been considered and approved by the Council prior to its release for consultation. Amendments to the proposed plan changes could only be made as the result of a decision being sought by a submitter. For that reason the planner's report focussed on the submissions. There was no ability for Councillors to make changes that had not been requested by a submitter and if Councillors were of the opinion that changes were required, their only option would be that the proposed plan change not proceed and it be withdrawn.

Council's Resolution

Proposed by Cr Westwood, seconded by Cr Baker-Hogan:

THAT in receiving the submissions the words to be used will be accepted/accepted in part or declined.

CARRIED

Proposed Plan Change 20

The purpose of the Proposed Plan Change was to make minor amendments to the District Plan text and format to allow the Plan to be accessed online as an electronic interactive document.

Submission N^o 1 and 2: Transpower and Powerco Ltd (identical submissions)

A substantive change requested by these submitters was that P53 wording not be altered as part of Plan Change 20. It was considered that this change was beyond the scope of the plan change as it was more than reformatting of the policy.

Council's Resolution

Proposed by Cr Stevens, seconded by Cr Bullock:

S1 & THAT the identical submissions to Proposed Plan Change 20 from Transpower New
S2 Zealand Ltd and Powerco Ltd were appreciated, have been considered, and have been accepted.

AND THAT Policy P53 be amended by abandoning the word changes to the policy and reverting to the Operative Plan wording, except for name and numbering, as follows:

‘P53 Waterways – Maintain, or enhance where appropriate, the natural character of the District’s waterways (coast, wetlands, lakes and rivers) and their margins, and protect them from inappropriate subdivision, use, natural character, ecological values and the extent to which adverse effects are avoided, remedied or mitigated.’

CARRIED

Submission N^o 3: W Pettigrew

It was agreed the issues raised by Ms Pettigrew were administrative issues regarding fine-tuning the Council’s website.

Council's Resolution

Proposed by Cr Baker-Hogan, seconded by Cr Bullock:

S3 THAT the submission to Proposed Plan Change 20 from Wendy Pettigrew is appreciated and has been considered, however the issues raised were administrative issues not related to Resource Management Act matters and, therefore, has been declined.

CARRIED

Submission N^o 4: Keith G Cullimore (ANZIM)

It was agreed that the matter raised by Mr Cullimore was beyond the scope of this plan change process. The proposed amendments to the District Plan formatting to facilitate District Plan online, did not alter people’s ability to use their land.

Council's Resolution

Proposed by Cr Baker-Hogan, seconded by Cr Stevens:

S4 THAT the submission to Proposed Plan Change 20 from Keith G Cullimore is appreciated and has been considered, however the issues raised are beyond the scope of this Plan change process and, therefore, has been declined.

CARRIED

Council's Resolution

Proposed by Cr Higgle, seconded by Cr Solomon:

THAT pursuant to Clause 10 of the First Schedule of the Resource Management Act 1991, Proposed Plan Change 20 to the Wanganui District Council's District Plan is adopted as notified, with one change to Policy 53 which is to revert to the Operative Plan wording, except for name and numbering, as follows:

‘P53 Waterways – Maintain, or enhance where appropriate, the natural character of the District's waterways (coast, wetlands, lakes and rivers) and their margins, and protect them from inappropriate subdivision, use, natural character, ecological values and the extent to which adverse effects are avoided, remedied or mitigated.’

AND THAT the Planner's recommendations are endorsed as recorded in Appendix 1: Summary of Submissions and Officer's Recommendations, of Proposed Plan Change 20: Statement of Evidence (Appendix 1 to this report).

CARRIED

Proposed Plan Change 21

The purpose of the Proposed Plan Change 21 was to amend the parts of the District Plan that relate to the Wanganui Central City and Riverfront Area, to reflect the changes that have occurred since the Operative Plan was prepared.

In reply to questions, Ms O'Shaughnessy explained that the plan change proposed to amend the existing Central Commercial Zone and create three new zones – Central Edge Commercial Zone, Arts and Commerce Zone and Riverfront Zone. Creating separate zones would provide flexibility to apply rules for specific sites within these zones with no impact on the outer commercial area. The plan change introduced objectives, policies and rules relating to these new zones.

Council's Resolution

Proposed by Cr Bullock, seconded by Cr Solomon:

THAT submissions are taken in sequential order.

CARRIED

Submission N^o 1: BW Cundle

Council's Resolution

Proposed by Cr Westwood, seconded by Cr Higgle:

S1 THAT the submission to Proposed Plan Change 21 from BW Cundle is appreciated and has been considered, however the benefits of proposed Plan Change 21 in guiding future development to achieve the community's vision are considered to outweigh the costs incurred and, therefore, the submission has been declined.

CARRIED

Submission N^o 2: CR Hiles-Smith

Cr Dahya agreed with the submitter's concerns regarding traffic being redirected from Taupo Quay through other streets such as Bates Street/Ridgway Street, Ingestre Street,

Guyton Street or Dublin Street. The Chair explained that implementation of the Council's Urban Transport Strategy would provide opportunity for Mr Hiles-Smith's concerns to be addressed.

Council's Resolution

Proposed by Cr Baker-Hogan, seconded by Cr Higgle:

- S2 THAT the submission to Proposed Plan Change 21 from CR Hiles-Smith is appreciated and has been considered.

AND THAT as Proposed Plan Change 21 seeks to implement the Wanganui District Council's Urban Transportation Strategy through changing the status of Taupo Quay from Secondary Arterial Road to a Local Road with a Central City Street Overlay. These changes are for the purpose of improving pedestrian and cycling links to the waterfront and the change in the road hierarchy does not alter the use of Taupo Quay. The submission has, therefore, been declined.

CARRIED

Cr Dahya recorded his vote against.

Submission N^o 3: Dr Alan Malcolm Donoghue (Lucanus Gynaecology)

The Chair said two issues that had been discussed were existing use rights, which had been addressed by the planner, and the set-back requirements for parking in front of buildings. The set-back requirement was of concern and she said this would need to be large enough to enable a vehicle to drive on, turn around and drive back to the road. She considered this requirement could be unworkable.

Cr Dahya supported the Chair's concern and believed the fronts of properties would deteriorate immensely as a result of this requirement. Cr Baker-Hogan questioned the need for a new zone that was specific to two issues, a set-back requirement and height recession plane. In response Ms O'Shaughnessy explained the purpose of the proposed zone was to maintain a compact central commercial area.

Cr Solomon said the proposed Central Edge Commercial Zone affected a few specific properties in specific ways. Referring to the submission presented by Mr Lace who also spoke on behalf of Dr Donoghue, he said Mr Lace's property was essentially a house used in a commercial way and he did not believe Mr Lace's existing use rights, as stated in Section 10 of the Resource Management Act, were fair to him. He considered it was unfair to be encumbered with a house that could only ever be rebuilt as a house. He did not believe hurdles should not be put in front of forward-thinking people who potentially wanted to progress Wanganui.

Cr Vinsen said if the height recession requirement was abandoned it may achieve the compactness desired for the central commercial area, however, it would then be no different to the Central Commercial Zone. Cr Stevens also questioned the need for a Central Edge Commercial Zone.

Following further discussion it was agreed that Dr Donoghue's submission be accepted and that all properties on the southwest side of Wicksteed Street between Guyton Street and Ingestre Street be retained in the current zone of Central Commercial.

Council's Resolution

Proposed by Cr Solomon, seconded by Cr Stevens:

- S3 THAT the submission to Proposed Plan Change 21 from Dr Alan Malcolm Donoghue is appreciated, has been considered and accepted.

AND THAT all properties on the southwest side of Wicksteed Street between Guyton Street and Ingestre Street revert to the Central Commercial Zone.

CARRIED

Submission N^o 4: Susan Cooke (on behalf of the Guyton Group)

Council's Resolution

Proposed by Cr Baker-Hogan, seconded by Cr Higgie:

- S4 THAT the submission to Proposed Plan Change 21 from Susan Cooke on behalf of the Guyton Group is appreciated and has been considered.

AND THAT as there are no changes to the form of Guyton Street detailed within proposed Plan Change 21 the submission is declined.

CARRIED

Submission N^o 5: Barbara Lett

Council's Resolution

Proposed by Cr Vinsen, seconded by Cr Baker-Hogan:

- S5 THAT the submission to Proposed Plan Change 21 from Barbara Lett is appreciated and has been considered.

AND THAT as there are no road closures proposed within the area covered by Proposed Plan Change 21 the submission is declined.

CARRIED

Submission N^o 6: Stephen Paul Lace

Cr Higgie's recommendation that the proposed height recession plan be removed on all affected properties in the proposed Central Edge Commercial Zone was supported.

Council's Resolution

Proposed by Cr Higgie, seconded by Cr Stevens:

- S6 THAT the submission to Proposed Plan Change 21 from Stephen Paul Lace is appreciated, has been considered and is accepted in part.

AND THAT the proposed height recession plane is removed on all affected properties in the Proposed Central Edge Commercial Zone.

AND FURTHER THAT all properties on the southwest side of Wicksteed Street between Guyton Street and Ingestre Street revert to the Central Commercial Zone.

CARRIED

Submission N^o 7: George William Powell

Council's Resolution

Proposed by Cr Baker-Hogan, seconded by Cr Bullock:

- s7 THAT the submission to Proposed Plan Change 21 from George William Powell is appreciated and has been considered.

AND THAT Proposed Plan Change 21 seeks to implement the Wanganui District Council's Urban Transportation Strategy through changing the status of Taupo Quay from Secondary Arterial Road to a Local Road (with a Central City Street Overlay) for the purpose of improving pedestrian and cycling links to the waterfront.

AND FURTHER THAT two-way movement along Taupo Quay is to be maintained, therefore the submission is declined.

CARRIED

Submission N^o 8: GJ Lambert

Cr Solomon believed the Council had followed the correct consultation process enabling sufficient opportunity for people to submit to the proposed plan changes.

Council's Resolution

Proposed by Cr Bullock, seconded by Cr Solomon:

- s8 THAT the submission to Proposed Plan Change 21 from GJ Lambert is appreciated and has been considered.

AND THAT the site at 190 St Hill Street revert to the Central Commercial Zone.

AND FURTHER THAT the Council has followed due process in its consultation and provided opportunity for the community to participate. The submission, therefore, is accepted in part.

CARRIED

Cr Bullock declared an interested in Submission 9 and withdrew from the table.

Submission N^o 9: GE Bullock

Plan Change 20 was not proposing to alter the existing Old Town Heritage Overlay Zone or any of the provisions relating to this area. It was agreed that matters raised by GE Bullock would be more appropriately dealt with through the review of the Heritage Section of the District Plan.

A further submission from New Zealand Historic Places Trust (NZHPT) had been received opposing the decision sought by GE Bullock.

Council's Resolution

Proposed by Cr Westwood, seconded by Cr Baker-Hogan:

- s9 THAT the submission to Proposed Plan Change 21 from GE Bullock is appreciated and has been considered.

AND THAT the matters raised in the submission will be more appropriately dealt with through the review of the Built Heritage Section of the District Plan (Phase 3), which is currently underway. The submission is, therefore, declined.

CARRIED

Proposed by Cr Westwood, seconded by Cr Baker-Hogan:

FS2 THAT the further submission from New Zealand Historic Places Trust opposing the decisions requested by GE Bullock has been considered and is accepted.

CARRIED

Cr Bullock returned to the table.

Submission N^o 10: Collective of Taupo Quay Building Owners (N^os 35-49)

It was agreed that parking matters would be addressed through the Council's parking strategy.

Councillors discussed the submitter's request that residential accommodation at ground floor level should be added to the list of permitted activities. Councillors generally supported the Planner's recommendation that as these properties were located within the 1 in 200 year flood extent, the potential flood risk to these properties needed to be taken in account and avoidance or mitigation of flood risk to residential properties should be assessed on a case-by-case basis through the resource consent process. It was generally agreed that the request be declined, however, Cr Vinsen spoke against the recommendation. He said boutique-type activity in this area needed to be encouraged and exclusion of residential accommodation would restrict development.

Referring to the submitter's comment that restriction on height for new buildings at 7.5 metres seemed incongruous with the vision for the zone, and was unnecessarily restrictive when most buildings in this block were two-storied and 10 metres or more high. The Chair noted that a site visit had been undertaken the previous day by Lisa Thomas and Council staff to better understand this concern.

Councillors agreed with the Planner's recommendation that the height restriction of 7.5 metres be deleted from structures (R223) and be replaced with a maximum height of 13 metres for buildings with direct frontage to Taupo Quay and 7.5 metres for buildings that did not have direct frontage to Taupo Quay.

A further submission from New Zealand Historic Places Trust (NZHPT) had been received opposing the decisions sought by the Collective of Taupo Quay Buildings Owners. The further submission was accepted in part.

Council's Resolution

Proposed by Cr Higgie, seconded by Cr Stevens:

S10 THAT the submission to Proposed Plan Change 21 from the Collective of Taupo Quay Buildings owners (N^os 35 to 49) is appreciated, has been considered and accepted in part.

AND THAT Rule R222 (Permitted Activities) be amended as follows:

'R222 Permitted Activities

The following are permitted activities within the Riverfront Zone:

- a. Boutique retail activities with a maximum gross floor area of 200m²;
- b. Professional and administrative offices;
- c. Food and beverage outlets;
- d. Community activities;
- e. Manufacturing activities relating to the arts;
- f. Artists studios;
- g. Recreational activities and facilities;
- h. Tourist facilities, excluding camping grounds and vehicle parking, other than vehicle parking provided by Wanganui District Council;
- i. Vehicle and cycle parking areas developed and managed by, or on behalf of, the Wanganui District Council;
- j. Network utilities as provided by General Rule – Utilities (Rule R15), which contains some exemptions from the zone rules for network utilities;
- k. Residential activities not located on the ground floor;
- l. Visitor Accommodation.

– which comply with the relevant zone rules.

AND FURTHER THAT applications for residential activities on the ground floor of buildings within the Riverfront Zone will require consent as a Non-complying Activity.

CARRIED

Cr Vinsen recorded his vote against.

Proposed by Cr Westwood, seconded by Cr Stevens:

THAT Rule R223(d) (Structures) be amended as follows:

1. Within the Riverfront Zone, structures shall be required to meet the following conditions and terms: ...

d. Building Height

- i. Buildings with direct frontage to Taupo Quay shall have a maximum height of 13 metres.
- ii. Buildings that do not have direct frontage to Taupo Quay shall have a maximum height of 7.5 metres.

Height shall be measured to the top of the eaves or parapet.

Reason

To maintain the scale and amenity of the Riverfront Zone. ...

CARRIED

Proposed by Cr Westwood, seconded by Cr Stevens:

FS2 THAT the further submission received from New Zealand Historic Places Trust opposing the relief sought by the Collective of Taupo Quay Building Owners (N^os 35 to 49) has been considered and is accepted in part.

CARRIED

Submission N^o 12: Janet Baddeley

Council's Resolution

Proposed by Cr Higgle, seconded by Cr Vinsen:

- S12 THAT the submission to Proposed Plan Change 21 from Janet Baddeley, is appreciated and has been considered.

AND THAT as the key characteristics of the Central Commercial and Arts and Commerce Zones include 'higher levels of sound emitted from activities' and 'lively street activity', retaining the current noise levels would unduly limit activities operating within these zones and prevent new activities from establishing. The submission, therefore, is declined.

CARRIED

Submission N^o 11: Bruce Henry Dickson (DLA Architects)

Submission N^o 13: Bruce Henry Dickson (on behalf of Mainstreet Wanganui)

It was noted that the proposed height recession plane had been removed on all affected properties in the proposed Central Edge Commercial Zone.

Cr Solomon, supported by Cr Stevens, recommended that Mr Dickson's submission be accepted in full and that the proposed Central Edge Commercial Zone be removed from the Proposed Plan Change 21.

Crs Higgle, Vinsen and Baker-Hogan spoke against this recommendation. Cr Higgle said the reason for the proposed new zone was to ensure the central commercial area maintained a compact form. Cr Vinsen said the proposed Central Edge Commercial Zone contained a new requirement to provide for car parking. If a future new development occurred in this area there would be no requirement for the developer to provide further car parking and the Council would have to do so. Cr Baker-Hogan considered Mr Dickson's submission was not specific enough to remove the proposed Central Edge Commercial Zone and foreshadowed a motion that the Central Edge Commercial Zone apply only to St Hill Street from Ingestre Street through to Ridgway Street.

In response, Cr Solomon said he had some sympathy with Cr Vinsen's concern regarding parking requirements, however he considered the Central Commercial Zone was now becoming so small that it was turning a small village city into a bureaucratic nightmare. Cr Solomon believed the Council should be encouraging development in Wanganui with the least possible hurdles. He queried whether parking was really a problem, and said the first priority was to encourage people to develop and then consider how additional vehicles could be accommodated.

A further submission to Submission 11 from New Zealand Historic Places Trust (NZHPT) had been received opposing the relief sought by Mr Dickson.

Council's Resolution (Submission 13)

Proposed by Cr Solomon, seconded by Cr Stevens:

- S13 THAT the submission to Proposed Plan Change 21 from Bruce Henry Dickson, on behalf of Mainstreet Wanganui, is appreciated, has been considered, and accepted.

AND THAT the proposed Central Edge Commercial Zone is removed in its entirety and revert to the existing Central Commercial Zone.

CARRIED 4/3

Crs Higgle and Vinsen recorded their votes against.
Cr Baker-Hogan abstained from voting.

Council's Resolution (Submission 11)

Proposed by Cr Baker-Hogan, seconded by Cr Stevens:

S11 THAT the submission to Proposed Plan Change 21 from Bruce Henry Dickson, DLA Architects, is appreciated, has been considered, and accepted.

AND THAT the proposed Central Edge Commercial Zone is removed in its entirety and revert to the current Central Commercial Zone.

CARRIED

Proposed by Cr Baker-Hogan, seconded by Cr Stevens:

FS2 AND THAT the further submission received from New Zealand Historic Places Trust opposing the relief sought by Bruce Dickson of DLA Architects has been considered and declined.

CARRIED

Submission N^o 14: Glenn Young (Universal College of Learning [UCOL])

Cr Higgle supported the additional recommendations made by Lisa Thomas following hearing Mr Young's submission with regard to flood hazard mitigation and deletion of rules that would introduce categories of non-compliance relating to the external appearance of sites and buildings. Ms Thomas had agreed that the rules were subjective and likely to be ineffective at managing unsightly buildings.

Cr Higgle recommended that Glenn Young's submission be accepted in full and that the further submission from New Zealand Historic Places Trust be declined.

Council's Resolution

Proposed by Cr Higgle, seconded by Cr Westwood:

S14 THAT the submission to Proposed Plan Change 21 from David Forrest on behalf of Glenn Young, Facilities Manager, Universal College of Learning (UCOL), is appreciated, has been considered, and is accepted.

AND THAT Rule R238 Structures be amended to insert Clause (e), as follows:

'R238 Structures

1. Within the Arts and Commerce Zone, structures shall be required to meet the following conditions and terms: ...

e. Flood Hazard Mitigation

New buildings and additions to buildings are required to be designed and constructed to either:

- i. be protected from inundation; or
- ii. be able to recover efficiently following inundation

Reason

Alternative techniques for flood hazard mitigation are preferred, but a variety of flood hazard avoidance or mitigation methods may be used in the Arts and Commerce Zone. ...

AND FURTHER THAT delete the reference to the riverfront area in Policy P103, and reason for Rule 223(1g) and replace with reference to the Riverfront zone. Renumber Rule 223 as required.

AND FURTHER THAT Policy P89: Define an Arts and Commerce Zone with the following characteristics, be amended as follows:

Policy P89: Define an Arts and Commerce Zone with the following characteristics:

- a. The presence of heritage sites and buildings;
- b. Natural and cultural heritage features;
- c. Good urban design;
- d. Central city limits are defined by the Whanganui River and three Parks and Gardens;
- e. Low speed vehicle movement;
- f. Higher levels of sound emitted from activities;
- g. Higher numbers of commercial signs;
- h. Lively street activity;
- i. Pedestrian oriented street layout, design, and quality;
- j. High number of pedestrians in the streets;
- k. Consolidated on-street and mid-block car parks;
- l. A range of transport options;
- m. A mix of boutique, commercial and arts activities reliant on pedestrian movement;
- n. Buildings built to a high standard, up to the street frontage, reflecting the historic rhythm and with no gaps between them;
- o. Community activities, including UCOL.

AND FURTHER THAT Z20: Arts and Commerce Zone be amended as follows:

Z20: Arts and Commerce

Zoning is a technique for managing the effects of activities and for maintaining or creating the places that the community value. By identifying the characteristics that combine to make a place successful, the zones guide development. Important characteristics in the Arts and Commerce Zone are:

- a. The presence of heritage sites and buildings*;
- b. Natural and cultural heritage features;
- c. Good urban design;
- d. Central city limits are defined by the Whanganui River and three Parks and Gardens;
- e. Low speed vehicle movement;
- f. Higher levels of sound emitted from activities;
- g. Higher numbers of commercial signs*;

- h. Lively street activity;
- i. Pedestrian oriented street layout, design, and quality;
- j. High number of pedestrians in the streets;
- k. Consolidated on-street and mid-block car parks;
- l. A range of transport options.
- m. A mix of boutique, commercial and arts activities reliant on pedestrian movement;
- n. Buildings* built to a high standard, up to the street frontage, reflecting the historic rhythm and with no gaps between them;
- o. Communities activities, including UCOL.

* refer to definitions.

AND FURTHER THAT Rules R221(f), R221(g), R243(c) and R243(d) be removed from Proposed Plan Change 21.

AND FURTHER THAT Proposed Section Z18.1 (Riverfront Zone – Outline Plan) and Rule 221(d) be withdrawn in its entirety from Proposed Plan Change 21.

AND FURTHER THAT new definitions are inserted in the Definitions section of the District Plan online as follows:

Public Open Space

Means land or a water body that is administered and owned by a territorial authority to provide public access to open land, foreshore, rivers and streams and areas of heritage significance for the purpose of heritage and biodiversity protection, landscape enhancement, recreational opportunities, education, and environmental protection.

Market Activities

Means any food and beverage outlets, retail activities and artist’s studios located in a temporary structure within the Riverfront zone.

AND FURTHER THAT Rule 222 (Permitted activities) be amended by adding new clauses as follows:

- (m) Public open space; and
- (n) Market activities
which comply with the relevant zone rules and relevant permitted activity standards;

AND FURTHER THAT a new Rule 246 be inserted:

Rule 246 Market Activities

Market activities within the Riverfront zone shall comply with the following permitted activity conditions:

- a. Operate only between 7.00am and 2.00pm on Saturdays, and
- b. Operate only in the land bounded by Moutoa Quay, Drews Avenue and Taupo Quay, and
- c. Comply with all other relevant rules for the Riverfront zone.
- d. Market activities ancillary to temporary activities such as sporting

recreational, entertainment, cultural or similar events and outdoor gatherings, with prior approval of the territorial authority, are not subject to standards (a) and (b) above.

AND FURTHER THAT Rule 220 (Restricted Discretionary Activities- Riverfront Zone) be amended by inserting a new clause (b) after clause (a) and renumbering remaining clauses as required:

- (b) Market activities that do not comply with the permitted activity conditions specified in Rule 246, or any other relevant zone rules.

CARRIED

Council's Resolution

Proposed by Cr Higgle, seconded by Cr Westwood:

- FS2 THAT the further submission received from New Zealand Historic Places Trust opposing the submitter's request to delete Rules R243c, R243d, R221f and R221g, be declined.

CARRIED

Submission N^o 15: Mr Russell Buchanan of Buchanan Gray (on behalf of Wanganui Motors [1963] Ltd)

Ms O'Shaughnessy referred Councillors to the additional information provided by Mr Buchanan on behalf of Wanganui Motors (1963) Ltd advising his client endorsed the proposed plan change.

Council's Resolution

Proposed by Cr Baker-Hogan, seconded by Cr Higgle:

- S15 THAT the submission to Proposed Plan Change 21 from Mr Russell Buchanan, of Buchanan Gray, on behalf of Wanganui Motors (1963) Ltd, is appreciated, has been considered, and accepted.

AND THAT Proposed Plan Change 21 Planning Map be amended to show that the block on the north-western side of Ridgway Street between St Hill Street and Trafalgar Place is to retain its current zoning of Outer Commercial.

CARRIED

Submission N^o 16: LM Terry

Council's Resolution

Proposed by Cr Baker-Hogan, seconded by Cr Stevens:

- S16 THAT the submission to Proposed Plan Change 21 from LM Terry is appreciated and has been considered.

AND THAT as there are no road closures proposed within the area covered by Proposed Plan Change 21 the submission has been declined.

CARRIED

Submission N^o 17: Stephen Palmer

Cr Vinsen referred to part of Mr Palmer's submission requesting that the Old Town Overlay Zone be deleted and he agreed that this zone was not serving the purpose for which it was created but rather hindering progress as every building was treated in a similar manner. Plan Change 21 however, did not address this zone and it was agreed that Mr Palmer be advised that the Old Town Overlay Zone would be considered through the review of the Heritage Section of the District Plan that was currently underway.

A further submission from New Zealand Historic Places Trust (NZHPT) had been received opposing the submitter's request to delete the Old Town and Riverbank Overlay Zones. It was agreed that this be accepted in part.

Council's Resolution

Proposed by Cr Baker-Hogan, seconded by Cr Solomon:

- S17 THAT the submission to Proposed Plan Change 21 from Stephen Palmer is appreciated, has been considered, and accepted in part as the proposed Central Edge Commercial Zone has been removed from Proposed Plan Change 21.

CARRIED

Proposed by Cr Stevens, seconded by Cr Baker-Hogan:

- S17 THAT Mr Palmer be advised that the Old Town Overlay Zone will be considered through the review of the Built Heritage Section of the District Plan (Phase 3), which is currently underway.

CARRIED

Proposed by Cr Higgie, seconded by Cr Stevens:

- FS2 THAT the further submission received from New Zealand Historic Places Trust opposing the submitter's request to delete the Old Town and Riverbank Overlay zones, is accepted in part.

CARRIED

Submission N^o 18: David Sidney Burnham

Council's Resolution

Proposed by Cr Bullock, seconded by Cr Baker-Hogan:

- S18 THAT the submission to Proposed Plan Change 21 from David Sidney Burnham is appreciated, has been considered and accepted in part as the proposed Central Edge Commercial Zone has been removed from Proposed Plan Change 21, and the current zone of 'Outer Commercial' will be retained on these properties.

CARRIED

Submission N^o 19: Kritzo Venter (on behalf of Wanganui District Council Infrastructure)

Ms O'Shaughnessy said whilst Plan Change 21 was not the appropriate mechanism to address the matters raised by Mr Venter, a meeting had been held with him to discuss the process of addressing this concern.

Council's Resolution

Proposed by Cr Bullock, seconded by Cr Solomon:

- S19 THAT the submission to Proposed Plan Change 21 from Kritzo Venter on behalf of Wanganui District Council's Infrastructure, is appreciated, has been considered and declined as Proposed Plan Change 21 is not the appropriate mechanism with which to deal with the matters raised by Wanganui District Council's Infrastructure.

CARRIED

Submission N^o 20: Steve Ellis (C/- Old Town Properties)

A further submission from New Zealand Historic Places Trust (NZHPT) had been received opposing relief sought by the submitter.

Council's Resolution

Proposed by Cr Baker-Hogan, seconded by Cr Solomon:

- S20 THAT the submission to Proposed Plan Change 21 from Steve Ellis, Old Town Properties, is appreciated, has been considered and accepted in part and the height rule (R228) will not apply to 26 St Hill Street.

CARRIED

It is noted that the entire proposed Central Edge Commercial Zone has been removed from Proposed Plan Change 21, and the current zone of 'Central Commercial' will be retained on the properties as a consequence of decisions on other submissions.

Proposed by Cr Baker-Hogan, seconded by Cr Solomon:

- FS1 THAT the further submission received from New Zealand Historic Places Trust opposing the relief sought by the submitter is declined.

CARRIED

Submission N^o 21: Julian Harkness (Wanganui District Council)

Council's Resolution

Proposed by Cr Bullock, seconded by Cr Solomon:

- S21 THAT the submission to Proposed Plan Change 21 from Julian Harkness, Wanganui District Council, is appreciated, has been considered and accepted in part.

AND THAT Rule R224 be amended as follows:

R224 Parking, Loading and Access

1. Parking
 - i. Vehicle parking is not permitted.
 - ii. This rule does not apply to car parking that is required for a residential activity by Rule R24, which is accessed from a service lane.

Reason

To encourage the Riverfront Zone to be built intensively, and to be developed in an integrated and comprehensive way.

2. Loading and access
 - i. Every activity that adjoins a service lane shall provide one loading bay that complies with the loading bay standards in General Rule – Transportation (Rule R24).
 - ii. This rule does not apply to car parking that is required for a residential activity by Rule R24, which is accessed from a service lane.

Reason

To ensure traffic flow is not impeded by service vehicles.

CARRIED

Submission N^o 22: James Leon Ennis

Council's Resolution

Proposed by Cr Baker-Hogan, seconded by Cr Higgle:

- S22 THAT the submission to Proposed Plan Change 21 from James Leon Ennis is appreciated and has been considered, and declined.

AND THAT Proposed Plan Change 21 seeks to implement the Wanganui District Council's Urban Transportation Strategy through changing the status of Taupo Quay from Secondary Arterial Road to a local road with a Central City Street Overlay. These changes are for the purpose of improving pedestrian and cycling links to the waterfront. The change in the road hierarchy does not alter the use of Taupo Quay and there are no road closures proposed for this area.

CARRIED

Cr Dahya recorded his vote against.

Submission N^o 23A and 23B: Andrew and Lynda Deighton

The Chair said Noise Abatement officers had been contacted to ensure that noise enforcement issues would be addressed.

Council's Resolution

Proposed by Cr Higgle, seconded by Cr Baker-Hogan:

- S23 THAT the submission to Proposed Plan Change 21 from Andrew and Lynda Deighton is appreciated and has been considered and declined.

AND THAT as the key characteristics of the Central Commercial and Arts and Commerce Zones include 'higher levels of sound emitted from activities' and 'lively street activity', retaining the current noise levels would unduly limit activities operating within these zones and prevent new activities from establishing.

AND FURTHER THAT although the Plan Change hearing is not the appropriate forum to address existing historic noise enforcement issues, the Council has passed these concerns to the Environmental Health Team to follow up.

CARRIED

Submission N^o 24: Keith G Cullimore (ANZIM)

Council's Resolution

Proposed by Cr Solomon, seconded by Cr Baker-Hogan:

S24 THAT the submission to Proposed Plan Change 21 from Keith G Cullimore is appreciated and has been considered. The Council appreciates Mr Cullimore's expertise but the submission is declined as the lack of regulation sought by the submitter would not lead to a high amenity outcome, or the maintenance of the key characteristics of the Central City that are valued by the community.

CARRIED

Submission N^o 25: Wendy Pettigrew

A further submission from New Zealand Historic Places Trust (NZHPT) had been received supporting in part the relief sought by the submitter.

Council's Resolution

Proposed by Cr Stevens, seconded by Cr Bullock:

S25 THAT the submission to Proposed Plan Change 21 from Wendy Pettigrew is appreciated, has been considered and declined.

AND THAT matters raised in the submission will be more appropriately dealt with through the review of the Built Heritage Section of the District Plan (Phase 3), which is currently underway.

AND FURTHER THAT identifying additional view shafts may unduly limit future development within the Riverfront Zone.

CARRIED

Proposed by Cr Stevens, seconded by Cr Bullock:

FS2 THAT the further submission received from New Zealand Historic Places Trust supporting in part the relief sought by the submitter is declined.

CARRIED

Submission N^o 26: EM Lewin

A further submission from Tony Kale (Wanganui Potters Society) had been received supporting the relief sought by the submitter.

Council's Resolution

Proposed by Cr Higgie, seconded by Cr Baker-Hogan:

S26 THAT the submission to Proposed Plan Change 21 from EM Lewin is appreciated, has been considered and accepted in part.

AND THAT Rule R221 (Non-complying Activities) be amended as follows:

Rule R221 (Non-complying Activities)

The following are non-complying activities in the Riverfront Zone:

- a. Manufacturing activities*, other than as provided for as a permitted activity.
- b. Vehicle sales*.

- c. Visitor accommodation*.
- d. Any activity that does not comply with the Riverfront Outline Plan.
- e. On-site vehicle parking, other than car parking that is required for a residential activity by Rule R24, which is accessed from a service lane.
- f. Any building* that, due to inadequate maintenance, has an external appearance detracting from amenity values or neighbourhood character.
- g. Any site* that due to inadequate maintenance, has an external appearance detracting from amenity values or neighbourhood character.
- h. Any other activity which is not provided for as a permitted, controlled or restricted discretionary activity.

* Refer to definitions

AND FURTHER THAT Rule R223(d) (Structures) be amended as follows:

- 1. Within the Riverfront Zone, structures shall be required to meet the following conditions and terms: ...

d. Building Height

- i. Buildings with direct frontage to Taupo Quay shall have a maximum height of 13 metres.
- ii. Buildings that do not have direct frontage to Taupo Quay shall have a maximum height of 7.5 metres.

Height shall be measured to the top of the eaves or parapet.

Reason

To maintain the scale and amenity of the Riverfront Zone. ...

AND FURTHER THAT Rule R224 be amended as follows:

R224 Parking, Loading and Access

- 1. Parking
 - i. Vehicle parking is not permitted.
 - ii. This rule does not apply to car parking that is required for a residential activity by Rule R24, which is accessed from a service lane.

Reason

To encourage the Riverfront Zone to be built intensively, and to be developed in an integrated and comprehensive way.

- 2. Loading and access
 - i. Every activity that adjoins a service lane shall provide one loading bay that complies with the loading bay standards in General Rule – Transportation (Rule R24).
 - ii. This rule does not apply to car parking that is required for a residential activity by Rule R24, which is accessed from a service lane.

Reason

To ensure traffic flow is not impeded by service vehicles.

CARRIED

Proposed by Cr Higgle, seconded by Cr Baker-Hogan :

FS1 THAT the further submission received from Tony Kale (Wanganui Potters Society) in support of EM Lewin's submission is accepted in part.

CARRIED

**Submission N^o 27: Kenneth Lance Crafar
Council's Resolution**

Proposed by Cr Bullock, seconded by Cr Solomon:

S27 THAT the submission to Proposed Plan Change 21 from Kenneth Lance Crafar is appreciated, has been considered and declined as there are no road closures proposed within the area covered by Proposed Plan Change 21. Any road closures must go through a separate public consultation process under the Local Government Act. Taupo Quay will remain open for two way traffic, albeit with road treatments to discourage heavy traffic.

AND THAT Proposed Plan Change 21 recognises that the Central City is made up of a number of distinct places, including the Riverfront and Moutoa Gardens. Objective O29 is 'to ensure that the key areas in the Central City are well connected'. The proposed changes to Taupo Quay are, therefore, to improve physical and visual connection between these key places.

CARRIED

Submission N^o 28: Sonia Dolanon (on behalf NZ Historic Places Trust Pouhere Taonga)

The Chair noted that the submission from New Zealand Historic Places Trust (NZHPT) focussed on heritage and would be more appropriately dealt with through the review of the Built Heritage Section of the District Plan. The Chair considered it important to work alongside NZHPT and said it would be useful to have a face-to-face discussion with them to provide information and timelines on the District Plan review.

Cr Vinsen said the Wanganui District Council's District Plan used the term 'Cultural Heritage' and, referring to additional information tabled from NZHPT, noted that it was requested that the term 'historic heritage' as defined in the Resource Management Act, be adopted. Cr Vinsen considered this a valid request.

A further submission from Glenn Young, Universal College of Learning (UCOL) had been received opposing the relief sought by the submitter.

Council's Resolution

Proposed by Cr Bullock, seconded by Cr Solomon:

S28 THAT the submission to Proposed Plan Change 21 from Sonia Dolanon, on behalf of the New Zealand Historic Places Trust Pouhere Taonga is appreciated, has been considered and accepted in part as the matters raised in the submission will be more appropriately dealt with through the review of the Built Heritage Section of the District Plan (Phase 3), which is currently underway.

CARRIED

Proposed by Cr Baker-Hogan, seconded by Cr Higgle:

THAT as defined in the Resource Management Act, the words ‘historic heritage’ replace the words ‘cultural heritage’ in the Arts and Commerce new zone.

CARRIED

Proposed by Cr Bullock, seconded by Cr Solomon:

FS3 THAT the further submission received from Glen Young, Universal College of Learning (UCOL) opposing the submitter’s request to make the creation of vacant land or open parking lots a non-complying activity is accepted.

CARRIED

Council’s Resolution

Proposed by Cr Higgle, seconded by Cr Stevens:

THAT pursuant to Clause 10 of the First Schedule of the Resource Management Act 1991, Proposed Plan Change 21 to the Wanganui District Council’s District Plan is adopted in the form shown in Appendix 6 (tracked changes to District Plan) of the Planner’s Report but as amended in accordance with the Council’s decisions and attached to this decision document as Appendix 2.

AND THAT the submissions to the Proposed Plan change 21 be accepted or declined in accordance with the decisions in the Summary of Submissions and Officer’s Comments Table in Appendix 1, as amended by the Council’s decisions, and attached to this decision document as Appendix 3.

CARRIED

Council’s Resolution

Proposed by Cr Solomon, seconded by Cr Stevens:

THAT Cr Sue Westwood, Chair, be delegated authority to ensure the changes and wording of Plan Change 20 and Plan Change 21 are consistent with the Council’s resolutions.

CARRIED

The Chair thanked Councillors for their attendance at this hearing and Ms O’Shaughnessy for her assistance during the Council’s deliberations.

The meeting closed at 3.50pm.

* * * * *

Chair (Cr Sue Westwood) _____

Dated: _____