

Proposed Plan Change 21: Statement of Evidence

File Ref: 5WD010.00

2 November 2011

Councillors
WANGANUI DISTRICT COUNCIL

SUPPLEMENTARY EVIDENCE TO THE HEARING OF SUBMISSIONS TO PROPOSED PLAN CHANGE 21 – CENTRAL CITY AND RIVERFRONT - TO THE WANGANUI DISTRICT COUNCIL DISTRICT PLAN

1.0 INTRODUCTION

- 1.1. This report is an addendum to the Officers Report for the hearing of Submissions to Proposed Plan Change 21, prepared by Lisa Thomas, dated October 2011. Since the evidence was prepared it has been brought to my attention that the removal of the Riverfront Zone – Outline Plan, as per my recommendation on submission number S14, will make market activities within the Riverfront Zone a Non-Complying Activity. This was not intended. No submissions were received in opposition to the provision of market activities as a permitted activity within the “Public Open Space and Covered Market” area of the Riverfront Outline Plan.
- 1.2. The removal of the Riverfront Zone – Outline Plan also means that Public Open Space would no longer be provided for as a permitted activity within the Riverfront Zone.
- 1.3. The purpose of this addendum to the Officers Report is to re-introduce provision for market activities and public open space within the Riverfront Zone. This is consistent with Objective O23 and Policy P90 for the Riverfront Zone, which promotes public open space, and the use of public open space for events and activities.

2. DISCUSSION

- 2.1. Rule R213 of the Riverfront Zone – Outline Plan provided for the following as permitted activities within the “Public Open Space and Covered Market” Area of the Riverfront Zone – Outline Plan:
 - a. *Reserves and open space (excluding parking);*
 - b. *Food and beverage outlets in temporary structures;*
 - c. *Retail activities in temporary structures;*
 - d. *Artists studios in temporary structures;*
 - e. *Tourist facilities, excluding camping grounds and vehicle parking, other than vehicle parking provided by Wanganui District Council.*
- 2.2. New Rule R222 (Permitted Activities in the Riverfront Zone) already provides for “tourist facilities, excluding camping grounds and vehicle parking, other than vehicle parking provided by Wanganui District Council” as a permitted activity within the Riverfront Zone, providing compliance with the relevant zone rules. Therefore, no

additional changes to the District Plan are required to provide for tourist facilities within the Riverfront Zone.

- 2.3 Rule 222 (Permitted Activities), as it is currently worded, does not provide for those additional activities listed in the “Public Open Space and Covered Market” area of the Riverfront Outline Plan in Clause 2.1 above.
- 2.4 As “Public open space” and “Public open space used for events and activities” are listed as important characteristics in the Riverfront Zone under Z18 (Riverfront Zone), provision for public open space and market activities is considered to be consistent with Council’s intent for the Riverfront Zone.
- 2.5 As public open space is no longer provided for as a permitted activity anywhere in the Riverfront Zone, it is recommended that these activities be added to the list of permitted activities under Rule R222. There are already rules within the Riverfront Zone to manage noise; structures; parking, loading and access; and signage. The provision of public open space within the Riverfront Zone is not anticipated to result in any additional adverse effects that are not already managed by proposed rules within this zone.
- 2.5 There was no definition of “Public Open Space” or “Covered Market” in Proposed Plan Change 21. To avoid possible confusion, it is recommended that “Public Open Space” and “Market Activities” be defined in the District Plan. As the recommended withdrawal of the Riverfront Zone – Outline Plan removes the reference to a “covered market” area, it is recommended that the definition refer to market activities, rather than limiting market activities to those operating within a covered area.
- 2.6 The Riverfront Zone – Outline Plan restricted market activities to a specific location within the Riverfront Zone (the “Public Open Space and Covered Market” area). If market activities were to be included within the list of permitted activities for the Riverfront Zone (Rule R222), there would be no restrictions on where market activities could locate within the Riverfront Zone.
- 2.7 To manage the potential adverse effects of allowing market activities from locating anywhere within the Riverfront Zone, it is recommended that permitted activity standards be included. There are already Rules proposed within the Riverfront Zone to control potential noise and signage effects. The permitted activity conditions would need to address matters such as operating hours, and days.
- 2.8 Rules R215 (Noise) states that *“temporary activities such as sporting, recreational, entertainment, cultural or similar events and outdoor gatherings, with the prior approval of the territorial authority, are not subject to the noise standards stated in this rule.”* Given that the use of public open space for events and activities is identified as a key characteristic of the Riverfront Zone, market activities, such as food and beverage outlets in temporary structures, that are associated with these events (and also have prior approval of the territorial authority) should also be excluded from having to comply with proposed Rule R215 (Noise) standards.

3.0 RECOMMENDATION

- 3.1 As a result of the submission by UCOL (submission number S14), Council acknowledged that as presently structured, there is a lot of overlap between the Riverfront Zone and the Riverfront Zone – Outline Plan, leading to ambiguity and uncertainty. For these reasons, it was recommended that the Riverfront Zone – Outline Plan be withdrawn from proposed Plan Change 21.
- 3.2 The changes in paragraphs 3.3 to 3.7 are recommended to address the omissions in my evidence on Proposed Plan Change 21. Recommended changes are underlined and in bold. Changes that were recommended in my previous s42A Report are also underlined but are in regular font.
- 3.3 That “Public Open Space” be defined as:

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.”

- 3.4 That “market activities” be defined as:

Market Activities

“means any food and beverage outlets, retail activities, and artists’ studios located in a temporary structure within the Riverfront Zone.”

- 3.5 That Rule 222 (Permitted Activities) be reworded 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;*
- m. Public open space; and***
- n. Market Activities***

which comply with the relevant zone rules **and relevant permitted activity standards.**

- 3.6 That the following new Rule be added within the Riverfront Zone, following Rule R222 (Permitted Activities):

R246 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 the prior approval of the territorial authority, are not subject to standards a. and b. stated in this rule.**

- 3.7 That Rule R220 be amended as follows:

R220 Restricted Discretionary Activities

The following are restricted discretionary activities in the Riverfront Zone:

- a. *Any permitted or controlled activity which does not comply with the relevant zone rules. In exercising its discretion, the Council shall be limited to the conditions with which that activity fails to comply.*
- b. **Market activities that do not comply with the permitted activity conditions specified in Rule R246, or any other relevant zone rules.**
- c. *Any activity which does not comply with the standard for advertising. In exercising its discretion the Council will be restricted to the following matters:*
 - i. *The location and size of the sign in relation to the surrounding environment.*
 - ii. *The design and appearance of the sign.*
 - iii. *The effects of the sign on the movement of people and goods.*
 - iv. *The nature and content of the sign and whether it is to be illuminated. Flashing signs shall not be permitted.*
 - v. *The nature, size and number of other signs in the immediate environment.*
 - vi. *The effect of the sign, which does not relate to the activity undertaken on the site, on the identification of the activity undertaken on the site.*

The General Rule – Advertising (Rule R16) shall apply.

Appendix A – Tracked Changes for Recommended Addendum Changes to Proposed Plan Change 21

Changes that are proposed as a result of this supplementary evidence are underlined and in bold. Additional changes to these rules that were recommended in my original s42A Report for Proposed Plan Change 21 are underlined in normal font.

Definitions

Market Activities

means any food and beverage outlet, retail activities, and artists' studios located in a temporary structure within the Riverfront Zone.

Public Open Space

Means the 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.

Z18 Riverfront Zone

R222 Permitted Activities

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- 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;
- m. **Public open space; and**

n. **Market Activities**

*which comply with the relevant zone rules **and relevant permitted activity standards.***

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

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- 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 the prior approval of the territorial authority, are not subject to the standards a. and b. stated in this rule.**

R220 Restricted Discretionary Activities

1. The following are restricted discretionary activities in the Riverfront Zone:

- a. Any permitted or controlled activity which does not comply with the relevant zone rules. In exercising its discretion, the Council shall be limited to the conditions with which that activity fails to comply.
- b. **Market activities that do not comply with the permitted activity conditions specified in Rule R246, or any other relevant zone rules.**
- c. Any activity which does not comply with the standard for advertising. In exercising its discretion the Council will be restricted to the following matters:
 - i. The location and size of the sign in relation to the surrounding environment.
 - ii. The design and appearance of the sign.
 - iii. The effects of the sign on the movement of people and goods.
 - iv. The nature and content of the sign and whether it is to be illuminated. Flashing signs shall not be permitted.

- v. The nature, size and number of other signs in the immediate environment.
- vi. The effect of the sign, which does not relate to the activity undertaken on the site, on the identification of the activity undertaken on the site.

The General Rule – Advertising (Rule R16) shall apply.