

Appendix 2.2 – Officer's Recommended Decisions on Submissions (Mixed Use)

Submission Point	Submitter (S) / Further Submitter (FS)	Provision	Position	Reasons	Summary of Decision Requested	Officer recommendation	Relevant section of S42A Report
S363.021	Foodstuffs North Island Limited	Policies	Not Stated	The submitter considers that as a large number of Foodstuffs sites of interest have been zoned Mixed Use Zone, being the only commercial zone proposed. As drafted the Mixed Use Zone does not provide any form of policy direction with respect to appropriate business activities.	Amend to include policy in the Mixed Use Zone supporting and enabling supermarkets.	Reject Accept in part	Key Issue: Supermarkets
S256.004	Josh Henwood	MUZ-R4	Oppose	If the site is also in the coastal environment zone, then you can only build to 5 metres high (one level). This rule then doesn't make any sense as there is no second level to have the residential activity on.	Amend the standard to allow for 1) residential activity on ground floor and 2) as per S257.003 increase permitted height to 8.5 metres in the Mixed Use Zone.	Reject Accept in part	Key Issue: Residential Unit – Ground Floor
S285.004	Leisa Henwood	MUZ-R4	Oppose	With only being able to build 5m (single storey) this rule does not make sense. Even if allowed to build higher we see no reason to have a residential on the first floor if building back from the foreshore by 27m.	Amend rule MUZ-R4 to permit residential activity on ground floor and upper floors of new buildings.	Reject Accept in part	Key Issue: Residential Unit – Ground Floor
S289.004	Terry Henwood	MUZ-R4	Oppose	With only being able to build 5m (single storey) this rule does not make sense. Even if allowed to build higher we see no reason to have a residential on the first floor if building back from the foreshore by 27m.	Amend rule MUZ-R4 to permit residential activity on ground floor and upper floors of new buildings.	Reject Accept in part	Key Issue: Residential Unit – Ground Floor
S293.002	Bruce and Kim Rogers	MUZ-R4	Support in part	The rule does not make provision for existing residential only sites. Residential activity on the ground floor of new buildings should continue to be permitted where residential activity only is present on site.	Amend rule MUZ-R4 to permit residential activity on ground floor and upper floors of new buildings where there is a residential activity only on site.	Reject Accept in part	Key Issue: Residential Unit – Ground Floor
S294.003	Bruce and Kim Rogers	MUZ-R4	Support in part	The rule does not make provision for existing residential only sites. Residential activity on the ground floor of new buildings should continue to be	Amend rule MUZ-R4 to permit residential activity on ground floor and upper floors of new buildings.	Reject Accept in part	Key Issue: Residential Unit – Ground Floor

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				permitted where residential activity only is present on site.				
S341.004	Ed and Inge Amsler	MUZ-R4	Oppose	The proposed rule seeks residential living above a ground floor or resource consent is required. Such above ground living reduces the potential of the zone to appropriately provide for residential land uses by reason that the cost of development associated with having to meet the rule may actively work against the zones intentions. Residential uses on the ground floor should be actively promoted.	Delete requirements which promote residential activities to only be located above the ground floor in MUZ-R4 Residential Activity - PER 1.		Reject Accept in part	Key Issue: Residential Unit – Ground Floor
S283.005	Trent Simpkin	MUZ-R4	Oppose	Residential activities should be permitted on the ground floor also. There are many places in the mixed use zone that aren't likely going to be for retail activities (King St in Kerikeri for example), and more so for townhouse developments. And when designing townhouses, putting the living spaces above the ground floor is a lot more expensive - plumbing, drainage, outdoor spaces i.e. decks etc.	Amend to permit residential activities on the ground floor of buildings also.		Reject Accept in part	Key Issue: Residential Unit – Ground Floor
FS45.20	Tristan Simpkin		Support	Support as per Reasons given in submission	Allow		Reject Accept in part	Key Issue: Residential Unit – Ground Floor
FS175.5	Denis Thomson		Support	Residential activity should also be allowed on the ground floor	Allow		Reject Accept in part	Key Issue: Residential Unit – Ground Floor
FS570.819	Vision Kerikeri 3		Oppose	Oppose to the extent that the submission is inconsistent with our original submissions.	Disallow	Disallow to the extent that the submission is inconsistent with our original submission	Accept Accept in part	Key Issue: Residential Unit – Ground Floor
FS566.833	Kapiro Conservation Trust 2		Oppose	Oppose to the extent that the submission is inconsistent with our original submission	Disallow	Disallow to the extent that the submission is inconsistent with our original submission	Accept Accept in part	Key Issue: Residential Unit – Ground Floor

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FS569.855	Vision Kerikeri 2		Oppose	Oppose to the extent that the submission is inconsistent with our original submission	Disallow	Disallow to the extent that the submission is inconsistent with our original submission	Accept Accept in part	Key Issue: Residential Unit – Ground Floor
S336.020	Z Energy Limited	MUZ-S5	Support in part	<p>The pedestrian frontage overlays are identified on both road boundaries at Z Kaikohe and the Commerce Street Road boundary at the Z service station in Kaitaia.</p> <p>Standard MUZ-S5 would apply if Z Energy, on their established sites, was seeking consent for a building or structure, and states: "The principal public entrance to the building must be located on the front boundary".</p> <p>This built-form outcome is not necessarily practical in the context of a service station and is incongruous with the permitted activity status of service stations under Rule MUZ-R2.</p> <p>Service stations are vehicle-oriented activities and the "entrance" or entrances to a service station site are typically via vehicle accesses from a main road or roads to a forecourt, with the retail building setback within the site for functional reasons.</p> <p>Requiring a resource consent application for infringing this standard due to a functional requirement, particularly where associated with a lawfully established activity, is not considered the most appropriate way of achieving the intended outcome of the zone and standard.</p>	<p>Amend Standard MUZ-S5 (inferred) to acknowledge that in some circumstances it may not be appropriate for a building to be located on the front boundary of the site, as follows:</p> <p>For sites with pedestrian frontage identified on the planning maps:</p> <p>1. At least 65% of the building frontage at ground floor must be is clear glazing; and</p> <p>2. The principal public entrance to the building must be located on the front boundary, Except where the activity is a service station.</p>		Reject Accept in part	Key Issue: MUZ - Pedestrian Frontage / Verandahs
S336.021	Z Energy Limited	MUZ-S6	Support in part	<p>Standard MUZ-S6 requires, for sites with a pedestrian frontage identified on the planning maps:</p> <p>(1) all buildings (including alterations and extensions to existing) to be built up to the road boundary; and</p> <p>(2) that a verandah on the relevant road boundary is provided.</p>	<p>Amend Standard MUZ-S6 (inferred) to clarify that it does not apply to buildings that have a functional need to be set back from the road boundary, as follows:</p> <p>For sites with pedestrian frontage identified on the planning maps:</p> <p>1. Any new building, or extension or alteration to a building (including alterations to the façade) must</p>		Reject Accept in part	Key Issue: MUZ - Pedestrian Frontage / Verandahs

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				<p>The performance standard would appear to relate to buildings only which is supported however it is a performance standard associated with permitted activity Rule MUZ-R1 which permits new buildings and structures... the principle of the standard is supported insofar as it related to new or altered buildings, but not a structure. The standard appears to apply if Z Energy was seeking consent for a building on an existing site with a pedestrian frontage, and requires a building at the relevant road boundary and a verandah to extend the full width of the building elevation. This is not practical in the context of a service station, where the buildings on the site are usually a canopy over the refuelling area and the ancillary retail building to one side or to the rear.</p> <p>Z Energy considers that greater recognition of these existing activities and their operational and functional requirements that prevent compliance is needed, noting the investment associated with the existing commercial activities, the benefits they provide to the community and the need for them to be maintained and upgraded from time to time.</p> <p>Furthermore, requiring a resource consent application for infringing this standard due to a functional requirement in particular, that associated with a lawfully established activity, is not considered the most appropriate way of achieving the intended outcome of the zone and standard.</p>	<p>be built up to the road boundary; and</p> <p>2.A verandah must be provided for the full frontage of the road boundary of the site. The verandah shall:</p> <p>a.directly adjoin any adjacent veranda so there is no horizontal gap to provide continuous pedestrian coverage; and</p> <p>b.have a minimum height of 3m and amaximum height of 6m above the footpath immediately below; and</p> <p>c.be setback a minimum of 300mm and a maximum of 600mm from a vertical line measured up from the face of the kerb.Except where the activity is a service station.</p>		
S336.022	Z Energy Limited	MUZ-S8	Support in part	Standard MUZ-S8 (Landscaping and screening on a road boundary) requires, inter alia, that landscaping	Amend Standard MUZ-S8 to exclude existing service station sites from the landscaping requirements. This could be achieved by including	Reject <u>Accept in part</u>	Key Issue: Landscaping standards

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				<p>along a road boundary shall be a minimum height of 1m at installation and shall achieve a continuous screen of 1.8m in height and 1.5m in width within five years. Any changes to existing service stations, for example, will have to consider this standard which is not currently achieved at any of the three sites identified in the submission. Moreover, it is unlikely to be achievable for a number of functional requirement reasons, including traffic safety.</p> <p>Z Energy opposes the imposition of this standard to existing service stations sites. Z Energy accepts that landscaping along the road boundary can enhance the attractiveness of a site and mitigate the effects of the development of the site. For service station sites, however, incorporating trees into front boundary landscaping is problematic. It is clear from the standard that the Council anticipates the planting of trees or plants that will be substantial enough to form a visual screen over time. At service station sites, which have a significant number of traffic movements into and out of the site per day and where visibility to the forecourt and to signage is critical to a successful and safe operation, substantial trees or hedging can create a nuisance commercially and in terms of root extent and traffic safety. Requiring trees, and in particular in this instance, screening, can block the view of signage and the forecourt, block visibility of vehicles entering and exiting, develop root systems that interfere with existing infrastructure and services and be difficult to achieve at service stations due to vehicle crossing</p>	<p>the following additional exemption to the standard:</p> <p>1.Where a site adjoins a road boundary, at least 50% of that road boundary not occupied by buildings or driveways shall be landscaped with plants or trees.</p> <p>2.The landscaping shall be a minimum height of 1m at installation and shall achieve a continuous screen of 1.8m in height and 1.5m in width within five years.Except where: a. the site is utilised by an existing service station activity.</p>		

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				requirements, tanker tracking and signage visibility			