

# **SECTION 42A REPORT**

Closing Statement

## **Hearing 25: Zone Extents – Mixed Use Zone-Matangi**

Prepared by: Betty Connolly

Date: 25 June 2021



## I Introduction

1. Hearing 25 Zone Extents – Mixed Use Zone Matangi, took place on 3<sup>rd</sup> June 2021. The matters noted below were not finalised at the hearing and staff have since undertaken further discussions with the submitter in order to provide a full package for consideration by the Panel.
  - a. Site/building Coverage
  - b. Visitor Accommodation
  - c. Dwellings and Minor Residential Units
  - d. Permeable Surface
  - e. Traffic Rule
  - f. Extent of Scheduling
2. I address each of these matters following. Amendments are shown in Appendix I.

## 2 Site/building Coverage

3. During the hearing it became clear that there is ambiguity around the Site Coverage rule as drafted. Mr McNutt was unclear if the wording was intended to include impervious surface as well as buildings and requested confirmation in this respect prior to considering the figure of 60% as recommended.
4. I agree that, as written, the wording of the rule is confusing and recommend that the title of Rule MUZM-S8 and Rule MUZM-S8 PERI is amended to use the term Building Coverage instead of Site Coverage.
5. Mr McNutt agrees with this amendment and confirms that the recommendation of 60% is acceptable.
6. **Recommendation:** Amend Rule MUZM-S8 and Rule MUZM-S8 PERI to use the term Building Coverage instead of Site Coverage.

## 3 Visitor Accommodation

7. The submitter considers that 9 visitor accommodation units is acceptable for the site and does not agree with the recommendation of 6 visitor accommodation units. As identified during the hearing, there has been no consideration as to the size of any of the units which could be used for this purpose and my concern is that the use of the visitor accommodation does not become the focus of the site nor that this is detrimental to the everyday use of the site as an industrial/commercial area.
8. To reach an acceptable level of certainty for both parties, further discussion resulted in agreement that 9 Visitor accommodation units would be acceptable with a total maximum Gross Floor Area for all buildings of 1000sqm. This allows the submitter to ensure his vision of encouraging heritage protection is secure while the main focus of the site and the amenity for the area is maintained and protected.
9. **Recommendation:** Amend Rule MUZM-R1 PERI to provide for 9 visitor accommodation with a maximum GFA of 1000sqm in total.

## 10. Dwellings and Minor Residential Units

11. During the hearing Mr McNutt still considered that the Minor Residential Unit rule should be included as a permitted activity but did concede that there were some existing residential units where minor units would not be acceptable. The hearing explored the aspect of

whether additional units were minor or as to whether these were ordinary dwellings and if so should the permitted activity rule for Detached Residential Units be increased.

12. Post hearing discussions explored this aspect however neither party considered this as an option. Agreement was reached, and it is recommended the inclusion of the Minor Residential Unit rule with a restriction of 4 minor units as a permitted activity. No specific locations are identified for these units.
13. As a consequential amendment the title of Rule PER13 is recommended to be amended to Detached Residential Activity in line with wording in earlier hearings.
14. **Recommended:** Include a new rule MUZM-R1 Permitted Activity PER 16 to provide for 4 minor residential units. Amend title of rule PER13 to Detached Residential Activity.

## 4 Permeable Surface

15. As stated in my s42A report, I recommended a minimum of 20% permeable surface. I will not restate my reasons but stand by this recommendation as being appropriate for the site given the type of environment that the submitter is hoping to create.
16. The site is not on reticulated wastewater and therefore is required to provide onsite waste disposal and Ms Simonson's report shows the areas designated for this purpose. The majority of this is shown as the area north east of the rail lines, approx. 8000sqm. As stated in my s42A report I have excluded this area from what I consider to be appropriate permeable surfaces for public use. Apart from use as a wastewater disposal area, I consider that this area is disconnected from the rest of the site, is unlikely to be utilised to any degree and for all intents and purposes could be viewed by occupiers of the sites to be a separate property. To ensure the submitter's vision can be achieved of an integrated development there needs to be permeable surface where the majority of the activities will be occurring and where the community and the operational needs will be interacting, i.e. the area on the south west of the rail line.
17. After discussion, the submitter considers this is appropriate and has agreed that 20% permeable surface as recommended is acceptable on the basis that the rule is amended to reflect the area where the 20% is to be calculated.
18. I recommend an amendment to the wording of the rule to reflect this defined area.
19. **Recommended:** Amend Rule MUZM-S10 Permeable Surfaces to reflect the defined area southwest of the rail line.

## 5 Traffic Rule

20. During the hearing there was discussion around the wording and clarity of the traffic rule.
21. Further discussions have been undertaken between the submitter and Mr Gauntlett and the rule has been reworded to provide further clarity. Mr Gauntlett has sought comment from the Council's building consents and road teams. One concern was raised about a rule that provides for a total limit across a zone where separate entities/owners may be undertaking development. This risk is somewhat alleviated by the Non-Complying status of subdivision before servicing is provided. Further, the risk and additional complexity would fall with the landowner/s or developer/s rather than Council and the submitter is not concerned with this.
22. I recommend the changes as shown in Appendix I.
23. **Recommended:** Amend Rule MUZM-S7 Traffic as shown in appendix I for clarity.

## **6 Extent of scheduling**

24. During the hearing Heritage New Zealand Pouhere Taonga proposed a new area of extent as opposed to that recommended.
25. I have discussed this further with the submitter and they are not in favour of this approach as they consider it would be restricting the areas of operation further. Council is in agreement with the submitters concern. It is considered that the area identified and presented in the s42A report is appropriate and logical. I have not had further discussions with Heritage New Zealand Pouhere Taonga.
26. **Recommended:** It is recommended that the area of extent as shown in s42A report remains and no changes are made.

## **Appendix I: Amendments:**

I Amend Rule MUZM-S8 Site Coverage as follows:

### **MUZM-S8 Site Building Coverage**

PERI	<u>Site Building</u> coverage for all buildings must not exceed 60% across the entire zone.
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2 Amend Rule MUZM-RI Permitted Activities PER11 Visitor Accommodation as follows:

### **MUZM-RI Permitted Activities**

PER11	Visitor Accommodation	(a) Buildings are not located in the Commercial Area as shown on the planning maps. (b) There are no more than 4 buildings in total. (c) <u>The maximum gross floor area of all Visitor Accommodation buildings combined, totals no more than 1,000m<sup>2</sup>.</u> (d) Maximum occupancy per <u>Visitor Accommodation</u> building shall be 6 guests.
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3 Insert new Rule MUZM-RI Permitted Activities PER16 Minor Residential Activity

### **MUZM-RI Permitted Activities**

PER16	<u>Minor Residential Activity</u>	(a) <u>There are no more than 4 Minor Residential Units in total located within the Mixed Use Zone-Matangi.</u> (b) <u>Each minor residential unit does not exceed 70m<sup>2</sup> gross floor area.</u> (c) <u>Each minor residential unit must be located within 20m of its primary residential unit.</u> (d) <u>The minor residential unit must share a single driveway access with the existing residential unit.</u>
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4 Amend Rule MUZM-RI Permitted activities Detached Residential Unit as follows:

### **MUZM-RI Permitted Activities**

**Amend Rule PER13 to read:** Detached Residential unit Activity.

5 Amend Rule MUZM-S10 Permeable Surfaces as follows:

### **MUZM-S10 Permeable Surfaces**

PER I	(a) A minimum of 20% of the Mixed Use Zone area to the south of the rail line must remain permeable.
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6 Amend Rule MUZM-S7 Traffic PER1 as follows:

### **MUZM-S7 Traffic**

PER I	<p>(a) <del>Any permitted, controlled or restricted discretionary activity within the MUZ M creating:</del></p> <p class="list-item-l1">(i) <del>a maximum of 250 vehicle movements (vpd) per day; and</del></p> <p class="list-item-l1">(ii) <del>a cumulative maximum of 2200 vpd for all activities within the MUZ M; and</del></p> <p class="list-item-l1">(iii) <del>a cumulative maximum of 330 vehicle movements per hour (vph) for all activities within the MMUZ.</del></p> <p class="list-item-l1">(b) <del>No more than 1% of the volume limits set out in (a) above to provide for Heavy Commercial Vehicles (HCV) per activity.</del></p> <p>(a) <u>The following average maximum volume limits are not exceeded:</u></p> <p class="list-item-l1">(i) <u>250 vehicle movements per day per individual Activity within the zone; and</u></p> <p class="list-item-l1">(ii) <u>2200 vehicle movements per day for all activities within the zone; and</u></p> <p class="list-item-l1">(iii) <u>330 vehicle movements per peak hour for all activities within the zone.</u></p> <p>(b) <u>No more than 1% of the volume limits set out in (a) above provide for Heavy Commercial Vehicles (HCV) per activity.</u></p> <p><u>Where there is a need to check and confirm the average maximum volumes, these shall be derived by a suitably qualified traffic engineer using no less than 1 week of appropriate surveyed count date, at the cost of the developer.</u></p>
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