



# Shaping Whanganui

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## Whanganui District Council District Plan Review Phase Eight

### Section 32 Report –

### Proposed Plan Change 51 (Miscellaneous)

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Dated:

WDC Policy Team  
May 2016

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# 1. INTRODUCTION

## 1.1 PLAN REVIEW PROCESS

Section 79 of the Resource Management Act 1991 (the Act) requires Council to commence a review of its plans at least every 10 years. Recent amendments to the Act clarify that whole plans need not be reviewed. A Council may choose to review plans in part.

The existing provisions have been developed at different times and under different scenarios. There are some provisions that have been in the Plan since it was first developed but others have been operative for a shorter period of time. Others have been included in recent plan changes. The intention of the review is not to meet a specific deadline under section 79 but to ensure the provisions in the plan are efficient and effective in managing the resources in the district and ensuring that Council's obligations under the Act are met.

The Act does not detail how a Council must review its plans. However consideration of the efficiency and effectiveness of existing provisions is considered the first step. Section 32 of the Act requires Council to carry out an evaluation of options before notifying a proposed plan change. These matters are discussed throughout this report. The efficiency and effectiveness of the provisions in achieving the stated objectives is analysed in this report, as are the various options that were considered.

## 1.2 STATUTORY AND LEGISLATIVE FRAMEWORK FOR THE REVIEW

### 1.2.1 Resource Management Act 1991

Section 74 of the Act requires the Council to change the District Plan in accordance with its functions under Section 31, the purpose of the Act in section 5 and the other matters under sections 6, 7 and 8.

Territorial authorities have the following functions under the Act:

*31 Functions of territorial authorities under this Act*

1. *Every territorial authority shall have the following functions for the purpose of giving effect to this Act in its district:*
  - a. *The establishment, implementation, and review of objectives, policies and methods to achieve integrated management of the effects of the use, development or protection of land and associated natural and physical resources.*
  - ...
  - f. *any other functions specified in this Act.*
  - ...

The Council is given these functions for the purpose of promoting the sustainable management of natural and physical resources, which is defined:

*5(2) In this Act, "sustainable management" means managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural wellbeing and for their health and safety while:*

- a. *Sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and*
- b. *Safeguarding the life-supporting capacity of air, water, soil and ecosystems; and*
- c. *Avoiding, remedying, or mitigating any adverse effects of activities on the environment.*

Further guidance and direction on the way in which resources are to be managed is provided in sections 6, 7 and 8 of the Act.

### 1.2.2 National Environmental Statements

The Act requires that district plans give effect to any relevant national environmental standards (NES). A NES is a document prepared under the Act and national policy statement (NPS) to ensure that the same standards are enforced by each Council. There are NES that relate specifically to Plan Change 51 (PC51). However, PC51 is not inconsistent with any NES.

### 1.2.3 Regional Policy Statement

In addition, the Act requires District Plan provisions give effect to the Regional Policy Statement (section 75(3)). The Regional Policy Statement (RPS) is the main vehicle for interpreting and applying the sustainable management requirements of the Act in a local context, and in this regard, guides the development of lower tier plans, including the District Plan.

The Manawatu-Whanganui Regional Council (Horizons) combined the Regional Policy Statement and six regional plans into one document called the One Plan. The One Plan became operative on 19 December 2014.

One Plan		Proposed Plan Change 51
Objectives	Policy	Evaluation
Objective 12-1: Resource management in the Region Regional Policy Statement	Policy 4-3 Supporting codes of practice, standards, guidelines, environmental management plans and providing information on best management practices	Definitions within PC51 create consistency and clarity and ensures the District Plan gives effect to the One Plan.
Objective 8-1: Integrated management of the coastal environment		The reviewed Introduction will ensure users of the District Plan are directed to the Manawatu-Whanganui Regional Council when necessary.

There are no other relevant sections of the One Plan to consider as part of this Plan change.

## 2. PART 1 – PROPOSED PLAN CHANGE

### 2.1 BACKGROUND RESEARCH

#### Assessment Criteria

The purpose of assessment criteria is to provide guidance and clarification for both decision makers and other users' of the District Plan, in addition to objectives and policies. Assessment criteria should relate to an environmental effect that is to be managed and should be a point of clarification rather than a generalised statement. It is important to keep the purpose of the criteria in mind when considering the appropriateness of assessment criteria.

Duplication of assessment criteria and objectives and policies should be avoided. Assessment criteria can easily morph into rules. It is important that this does not happen as the benefit of the assessment criteria is lost.

Some criteria in the existing Plan currently read as rules or policies outside the normal framework. The intent of existing criteria was reviewed to determine whether it duplicated policy.

Assessment criteria can be a useful method to aid decision making. However they can also be easily overdone adding a layer of complexity rather than easing it. When it comes to assessment criteria less is more.

Our review of best practice and existing provisions concluded that assessment criteria are only required to highlight particular environmental effects not easily covered through objectives and policies alone, or as a tool within a policy framework. A standalone suite of assessment criteria adds little value.

#### Definitions

Definitions play an important supporting role in insuring the objectives, policies and rules of the District Plan achieve their desired outcome. It is important to ensure that definitions align with other legislative and national guidance where appropriate.

For the purpose of this proposed PC51 higher order definitions from legislations have been referenced and duplicated. Such legislation includes:

- The Resource Management Act 1991.
- Heritage New Zealand Pouhere Taonga Act 2014.
- Reserves Act 1977.

Also ICOMOS New Zealand Charter 2010 is referred to where relevant.

Definitions relating to separate topics yet to be reviewed are excluded from this proposed PC51 and will be shaded grey in the marked up text.

#### Methods

Best practice principles and common practice within reviewed the District Plan have been taken into account when reviewing existing methods in the Plan. The use of methods is not required under the Act but may be used within a Plan at Council's discretion.

Methods can be broken up into two categories, regulatory and non-regulatory. Regulatory methods include zones, overlays and rules. Non-regulatory methods

may include the Plan's intent to give effect to the One Plan, management plans, by-laws, education.

Many of the existing methods are now redundant or no longer follow best practice principles. It is important that methods are only included to achieve a specific desired outcome.

To simplify the Plan only RMA methods were considered appropriate to be potentially retained in the Plan. Other methods may be recorded separately to assist funding prioritisation discussion. They would sit outside the Plan and RMA process.

### Information Requirements

The existing introduction provides information on a wide range of topics including:

- the Act
- the structure of the District Plan
- relationships between the District Plan and other Whanganui Plans
- District Plan process
- Tangata Whenua and the District Plan
- the District's population
- the District's landscape
- Plan monitoring and
- information requirements for resource consent applications.

Much of this information is outdated, and overly complex. The content and format of this chapter is such that it is rarely used.

To make this section more user friendly, and understandable, a complete rewrite of the content was considered appropriate. Information contained within the Tangata Whenua of Whanganui section will be moved to Chapter 15, as an interim reformat and will be reviewed as part of Plan Change 50.

## 2.2 CONSULTATION AND OUTCOMES

### Assessment Criteria

Internal stakeholder meetings were held during April 2016. From these meetings came a better understanding of how existing assessment criteria are used and how they may be improved if retained. It became clear that the existing criteria was largely a duplication of other Plan provisions.

### Definitions

Internal stakeholder meetings were held in May 2016 to understand any issues with existing operative definitions and assess their continued usefulness and clarity.

This highlighted key target areas. Suggested changes to definitions were also discussed with the wider planning team to ensure proposed changes adequately covered areas of concern.

## Methods

Research into how other council's address methods within reviewed district plans and consultation with internal stakeholders was conducted early in 2016. This concluded that the Method section was not achieving its purpose. The existing methods are already addressed either in the Plan or other Council documents. It is appropriate to delete them from the Plan.

## Information Requirements

Research into the effectiveness of the Introduction of the Plan began in October 2014. A review of other district plans compared information contained in such introductory plan sections. A survey was conducted asking applicants if they used the information requirements section, and if they did, whether they found it useful or not. The survey concluded that, 67% of applicants did not use the Introduction section. The 33% that did use this section, found it to be unhelpful.

The existing Introduction is outdated, overly complex and difficult to navigate for Plan users, especially for those trying to understand the resource consent process. Consultation confirms that this section needs to be significantly revised to facilitate a more user friendly Plan.

## 2.3 DESCRIPTION OF THE PROPOSED PLAN CHANGE

2.3.1 Council is completing a phased review of the District Plan. Section 70 of the Act requires that where provisions have been reviewed and no changes are proposed, the existing provisions must still be publicly notified as if it were a change. Proposed PC51 addresses a number of miscellaneous provisions in the Plan and these are detailed below.

### 2.3.2 Assessment Criteria

The existing assessment criteria are largely duplications of objectives and policies within the operative District Plan. Such duplications can cause confusion and diminish the intent of the objective and policies. PC51 seeks to remove these duplications and rely on or amend the existing objective and policies to incorporate any useful components of existing assessment criteria.

### 2.3.3 Definitions

It is important that common terms used within the Plan are defined to ensure their intent is captured and clearly explained for both internal and external users. This Plan review concludes that most existing definitions be retained unchanged.

The proposed changes to Chapter 2 Definitions ensure that terms used align with best practice terminology. Where relevant, definitions have been aligned with their respective legislative interpretations. Changes have also been made to ensure the definitions are clear and concise.

### 2.3.4 Methods

It is proposed to remove methods (other than rules) from the Plan. This is largely due to the fact that most listed methods became redundant when the Plan took effect. For example, *Method 24.2.8 Define commercial zones*. Commercial Zones are already defined within the plan, rendering the Method 24.2.8 obsolete.

Many methods are already covered in other strategic Council documents and are rarely referred to for guidance. Allowing more appropriate Council documents to address issues beyond the Plan creates clarity and consistency and simplifies the District Plan.

#### 2.3.5 Information Requirements

It is important that the information contained within the Introduction is clear, concise, user friendly and correct.

This plan change will provide a clear and concise introduction to the Plan, and the resource consent process. It will also provide links to current resources relating to lodging resource consent applications, and the information requirements of such applications. This plan change will also move the information relating to Tangata Whenua of Whanganui to Chapter 15 until it is reviewed as part of Plan Change 50.

### 3. PART 2 – SECTION 32 EVALUATION

#### 3.1 REQUIREMENT TO MAKE AN EVALUATION

The Act requires that when a Council undertakes a plan change it must produce a report evaluating the proposed provisions. This is known as a Section 32 Report. This report contains an evaluation of the proposed Plan change, prepared in accordance with section 32 of the Act (as amended 2013).

*The evaluation examines:*

- *the extent to which the objectives of the proposal are the most appropriate way to achieve the purpose of the Act (to promote the sustainable management of natural and physical resources), and*
- *whether, the provisions are the most appropriate way to achieve the objectives by*
  - *identifying other reasonably practicable options for achieving the objectives; and*
  - *assessing the efficiency and effectiveness of the provisions in achieving the objectives; and*
  - *summarising the reasons for deciding on the provisions; and*
- *contain a level of detail that corresponds to the scale and significance of the environmental, economic, social and cultural effects anticipated from the implementation of the proposal.*

*For the purposes of this examination, the evaluation must:*

- *Identify and assess the benefits and costs of the environmental, economic, social and cultural effects that are anticipated from the implementation of the provisions including the opportunities for –*
  - *economic growth that are anticipated to be provided or reduced; and*
  - *employment that are anticipated to be provided or reduced; and*
- *if practicable, quantify the benefits and costs referred to above; and*
- *assess the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the provisions.*



### 3.2 EVALUATION OF THE PURPOSE OF PC51

3.2.1 Section 32 requires plan changes to be assessed focussing on the consideration of alternatives, benefit and costs. In considering the alternative methods it is necessary to consider different planning methods to achieve the purpose of the RMA, including retaining the status quo (doing nothing), non regulatory methods and the proposed plan change.

PC51 does not propose or introduce any new objectives, policies or rules which means that an assessment is not required against Section 32 of the RMA. However, for the purposes of transparency, an assessment of the key options of retaining the status quo (doing nothing) or implementing changes as proposed by PC51 are outlined below.

3.2.2 To do this Council has compared each of the sub-topics of PC51 to the other reasonable alternative being retain the status quo.

A Section 32 analysis is required to identify that a preferred approach is more efficient and effective than other options in achieving the objectives of the Whanganui District Plan and the purpose of the Act. The benefits and costs for each option are identified by subtopic below.

#### 3.2.3 Assessment Criteria Options

Options		Explanation
<b>Option 1</b>	Maintain the Status Quo – Do nothing.	Leave Plan as it is – no substantial changes made apart from formatting to be consistent with the rest of the Plan.
	– Retain Assessment Criteria and move them into their corresponding chapters.	Retain assessment criteria within the Plan. Reword as assessment criteria rather than policies as required. Move criteria within their relevant chapter of the District Plan.
<b>Option 2</b>	Remove the duplication of assessment criteria and policies. Make any consequential changes where the assessment criteria are to be retained.	Delete assessment criteria that duplicates existing objectives, policies or rules. Where there is no duplication and the intent is relevant and necessary then, incorporate this into a relevant policy or rule.

Benefits and costs of each option are considered below.

	Benefits	Costs
<b>Option 1 – Status Quo/ Retain Assessment Criteria and reformat into</b>	Least financial cost in the short term as minimal requirement for Plan	Continued confusion for Plan users. As many assessment criteria are a duplication of other areas of the plan there

their corresponding chapters.	<p>Change or additional assessments.</p> <p>Retain familiarity with the existing assessment criteria.</p> <p>Minimal changes to the rules and assessment criteria.</p> <p>Retain a level of familiarity with the existing assessment criteria.</p>	<p>is a risk of diminished effectiveness of the objectives, policies and rules.</p> <p>Cost of Plan change process.</p> <p>Shortcomings in existing assessment criteria not addressed.</p>
<b>Option 2 - Remove the duplication of assessment criteria and policies. Make any changes where the assessment criteria are to be retained.</b>	<p>More certainty for Plan users.</p> <p>Removes duplication of assessment criteria with objectives, policies and rules.</p> <p>Remaining assessment criteria will be incorporated into the relevant chapter and section of the Plan.</p> <p>Avoid multiple evaluation of similar issues as objectives, policies as well as assessment criteria.</p>	<p>Users will no longer be able to refer to assessment criteria.</p>

### 3.2.4 Examination of Changes to the Assessment Criteria Proposed by PC51

Section 32 (1)(b) of the RMA requires that Council examine whether the provisions included in PC51 are the most appropriate way to achieve the purpose of the RMA. In this instance the 'provisions' are deemed to be:

Methods

- i) Delete assessment criteria that duplicates existing objectives, policies or rules.
- ii) Where there is no duplication and the intent is relevant and necessary then, incorporate the criteria into a relevant existing policy or rule.

The reasons for deciding on these changes are that:

- The existing assessment criteria are largely duplications of objectives and policies within the operative District Plan. Such duplications can cause confusion and diminish the intent of the objective and policies. PC51 seeks to remove these duplications and rely on or amend the existing provisions to retain any useful and necessary elements of existing criteria.

- Assessment criteria can be a useful method to aid decision making. However they can also be easily overdone adding a layer of complexity rather than easing it. When it comes to assessment criteria less is more.

Option 2; is the most appropriate course of action as it addresses issues raised with assessment criteria. It will be simpler and more consistent for plan users while still achieving the objectives of the Plan and purpose of the Act.

### 3.2.5 Definition Options

Options		Explanation
<b>Option 1</b>	Maintain the Status Quo – Do nothing.	Leave Plan as it is – no substantial changes made apart from formatting to be consistent with the rest of the Plan.
<b>Option 3</b>	Relevant definitions to assist with interpretation of the Plan.	Update definitions that are still relevant. Definitions for new terms where this would assist interpretation of Plan provisions.

Benefits and costs of each option are considered below.

	Benefits	Costs
<b>Option 1 – Status Quo/ Do Nothing</b>	<p>Retain familiarity with the existing Definitions.</p> <p>Minimal resources for Plan change as only respond to submissions.</p>	<p>Cost of plan change process.</p> <p>Irrelevant definitions remaining in the Plan. This can cause confusion around interpretation.</p> <p>Plan users will also have to go through multiple legislative interpretation to ensure that have all the definition they need to interpret the objectives, policies and rules with the Plan.</p>
<b>Option 3 - Include all relevant definitions and state where are originated from</b>	<p>Creates certainty for Plan users about meaning of terms.</p> <p>All definitions are clear and necessary.</p> <p>Ensures definitions use best practice principles, current terminology and mean.</p> <p>More time efficient as there is not a need to flick between legislations.</p>	<p>Cost of the Plan change process.</p> <p>Duplication between legislations.</p> <p>When definitions within other legislation are changed they will be different to those within the Plan.</p>

### 3.2.6 Examination of Changes to the Definitions Proposed by PC51

Section 32 (1)(b) of the RMA requires that Council examine whether the provisions included PC51 are the most appropriate way to achieve the purpose of the RMA. In this instance the 'provisions' are deemed to be:

#### Methods

- i) Update definitions that are still relevant.
- ii) Define new terms where this would assist interpretation of Plan provisions.

The reasons for deciding on these changes are that:

- Many of the definitions included in this Plan Change have been in the plan since it was first made operative in the early 2000's. Best practice principles and use of words have changed since this time and it is important to ensure the definitions reflect the intent of the words used.
- Definitions play an important supporting role in ensuring the objective, policies and rules address the environmental outlined within the Plan. To retain status quo creates a risks of losing the intent of the term and therefore the objective, policy or rule in which that term is used.
- Option 2 is the preferred option. It ensures that issues identified by Plan users with existing definitions are addressed through this Plan Change process. Many of the definitions included in this Plan Change have been in the plan since it was first made operative in the early 2000's. Best practice principles and use of words have changed since this time and it is important to ensure the definitions reflect the terms used in Plan provisions.
- Changes have also been made to ensure the definitions are clear and concise.
- Including definitions that are defined under different legislation rather than cross referencing. Creates consistency whilst ensuring the Plan retains control of definitions. If legislations were solely relied on to interpret terms used within the Plan, Council risk the meanings of the word changing with the legislation and therefore in the District Plan also.
- This option creates certainty and a one-stop-shop for all definitions relating to the Whanganui District Plan.
- New terms are added only where this is necessary to facilitate improved understanding of the Plan.

Therefore, option 2; is the most appropriate course of action as it addresses issues raised with Definitions without losing the intent of them. It will be easier and more consistent for plan users while still achieving the desired outcomes.

### 3.2.7 Method Options

Options		Explanation
<b>Option 1</b>	Maintain the Status Quo – Do nothing.	Leave Plan as it is – no substantial changes made apart from formatting to be consistent with the rest of the Plan.
<b>Option 2</b>	Update existing Methods	Update existing Methods to reflect current best practice and relevance.

**Option 3** Delete Methods

Delete all methods other than rules

Benefits and costs of each option are considered below.

	Benefits	Costs
<b>Option 1 – Status Quo/ Do Nothing</b>	<p>Least financial cost in the short term as no requirement for additional assessments/ research.</p> <p>Respond to submissions only.</p> <p>Retain familiarity with the existing Methods</p>	<p>Cost of plan change process.</p> <p>Continued confusion over how the Methods are to be implemented.</p> <p>Makes the Plan unnecessarily lengthy with non-essential content.</p>
<b>Option 2 – Update existing Methods</b>	<p>Updates existing Methods to reflect current thinking and best practice.</p> <p>May assist funding of non RMA methods</p>	<p>Cost of Plan change process.</p> <p>Continued confusion over how the Methods are to be implemented.</p> <p>Makes the Plan unnecessarily lengthy with non-essential content.</p>
<b>Option 3 – Remove Methods</b>	<p>Removes redundant Methods which are not a mandatory Plan component.</p> <p>Methods for implementation are recorded in the section 32 report for each proposed Plan change and can be referenced.</p>	<p>Cost of the Plan change process.</p> <p>The Plan will be clearer and easier for Plan users to interpret, as only essential mandatory content as stated in the Act is included.</p>

### 3.2.8 Examination of Changes to the Methods Proposed by PC51

Section 32 (1)(b) of the RMA requires that Council examine whether the provisions included PC51 are the most appropriate way to achieve the purpose of the RMA. In this instance the 'provisions' are deemed to be:

Methods

- i) Delete all methods other than rules

The reasons for deciding on these changes are that:

- This is largely due to the fact that most listed methods became redundant when the Plan took effect. For example, *Method 24.2.8 Define commercial zones*. Commercial Zones are already defined within the plan, rendering the Method 24.2.8 obsolete.
- Option 3 is the preferred option. Many existing methods are redundant once the Plan is operative, it is not necessary to retain them.

- Many issues within the Methods are addressed by means outside the District Plan. It is more appropriate that these issues sit within their respective Council documents. While removing the Methods section from the Plan will delete all methods, other than rules, it will avoid confusion around how non RMA issues should be addressed. Conversely, avoiding confusion about the role of methods to consent process and other Plan functions.
- **Option 1: Maintain the Status Quo (Do nothing)**  
Issues raised relating to Methods will not be addressed if status quo is retained. Many of the Methods are redundant as soon as the Plan is operative. For example, Method 24.2.8 Define commercial zones. Commercial Zones are already defined within the Plan, rendering the Method 24.2.8 obsolete.
- **Option 2: Update existing Methods**  
Existing methods are rarely referred to and are currently covered in other areas of either the Plan or other strategic Council Documents. Having duplications within the District Plan can cause confusion for Plan users.
- It is more appropriate for the issues raised within the Methods sections to be addressed in their corresponding Council document rather than within the District Plan.

Therefore, option 3; is the most appropriate course of action as methods are not necessary or helpful to interpretation of objective of this Plan.

### 3.2.9

#### Chapter 1 - Introduction Options

Options		Explanation
<b>Option 1</b>	Maintain the Status Quo – Do nothing	No substantial changes made apart from formatting to be consistent with the rest of the Plan.
<b>Option 2</b>	Modify and update Introduction	Update the existing chapter with clear and concise and user friendly information. Move the Tangata Whenua of Whanganui section to Chapter 15 until it is reviewed as part of Plan Change 50. Establish Information material relating to resource consent processes and Plan use that will sit outside the Plan itself.

Benefits and costs of each option are considered below.

	Benefits	Costs
<b>Option 1 – Status Quo/ Do Nothing</b>	Least financial cost in the short term as no requirement for Plan Change or additional assessments.	Cost of plan change process.  Continued lack of use of the introduction section due to it not being user friendly and an oversupply of information.

	Retain familiarity with the existing introduction.	Issues raised by those consulted will not be addressed through this Plan Change.
<b>Option 2 – Modify and Update the Introduction</b>	<p>Allows for improvements to outdated information, and provides the opportunity to supply a more user friendly and clear introduction.</p> <p>Updating the introduction chapter will reflect current thinking and best practice.</p>	Cost of Plan change process.

### 3.2.10 Examination of Changes to Chapter 1 - Introduction Proposed by PC51

Section 32 (1)(b) of the RMA requires that Council examine whether the provisions included PC51 are the most appropriate way to achieve the purpose of the RMA. In this instance the 'provisions' are deemed to be:

Methods

- i) Update the existing Chapter 1 – Introduction with clear and concise and user friendly information. Move the Tangata Whenua of Whanganui section to Chapter 15 until it is reviewed as part of Plan Change 50.
- ii) Establish Information material relating to resource consent processes and Plan use that will sit outside the Plan itself

The reasons for deciding on these changes are that:

- Option 2 is the preferred option. Modifying and updating the Introduction to remove out-dated and overly complex information while also introducing links to resources outside of the Plan, will provide a more user friendly outline of the resource consent process and the information required for users of the Plan.
- The introductory discussion portion of the Chapter relating to the resource consent process is either outdated or more appropriately addressed in other Council documents, or documents contained within environmental websites such as Ministry for the Environment (MfE) and Quality Planning (QP).
- By providing links to other resources outside the Plan, the information can be more easily updated and remain relevant and useful. A Plan Change process will not be required.
- **Option 1: Maintain the Status Quo (Do nothing)**  
Issues raised relating to introduction chapter will not be addressed if status quo is retained, and this section of the Plan will continue to be underutilised. Users of the Plan will continue to be uncertain of how to use the Plan, and of the resource consent process.

Therefore, option 2 is the most appropriate option as it addresses issues raised during consultation. It will be easier and more consistent for plan users while still achieving the desired outcomes.

### 3.2.11 Appropriateness of the Plan Change

Whether or not the Plan change is necessary or appropriate is directly linked to sections 5, 6 and 7 of the Resource Management Act 1991. This plan change is considered

necessary to achieve the purpose and principles of the Act because it meets the following:

### **Other matters**

*In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall have particular regard to—*

*(a) kaitiakitanga:*

*(aa) the ethic of stewardship:*

*(b) the efficient use and development of natural and physical resources:*

...

*(c) the maintenance and enhancement of amenity values:*

...

*(f) maintenance and enhancement of the quality of the environment:*

*(g) any finite characteristics of natural and physical resources:*

...

Plan Change 51 plays an important supporting role in ensuring that Council meets its obligations under Sections 5, 6 and 7 of the Resource Management Act.

## **3.3 EVALUATION OF THE RECOMMENDED OPTION**

Various council staff and stakeholders have been involved in research or consultation to ensure that Council has sufficient information to prepare a Plan Change. The Council has not relied on any uncertain or insufficient information, but has undertaken research to ensure the subject is adequately understood and recommendations are appropriate.

It is considered that the review of assessment criteria, definitions, methods and the Introduction, and changes proposed to the Plan as a result, are the most efficient and effective means available to Council to achieve the objectives of the Plan, in relation to these topics.

### **3.3.1 Assessment Criteria**

<b>Deletion of 23.1 GENERAL CRITERIA</b>	
Comment	<p>These general assessment criteria are all items that need to be taken into account regardless of being listed in the assessment criteria section.</p> <p>Leaving them in the plan does not add any value nor does it have any effect if they are removed as other provisions will enable consideration of the matters.</p>
Summary of benefits	Removing the General Assessment Criteria removes unnecessary duplication of requirements. It also removes any confusion around what is required.
Summary of costs	They will not be explicitly listed; however, as all of these criteria will still be equally relevant without being listed there is little risk or cost in removing them.



Effectiveness	Removing them is effective and efficient as it removes duplication and any confusion around what is and isn't to be considered when assessing resource consent applications.
Efficiency	
Appropriateness	It is appropriate to remove these criteria as it will create certainty and consistency throughout the Plan.
Risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the policies, rules, or other methods	<p>There is low risk of acting or not acting. As these criteria are to be taken into account regardless of being listed there is essentially no change.</p> <p>The provisions are not necessary to achieve the objectives of the Plan.</p>

## Deletion of 23.2 BUILDINGS

### 4.4.3 Restricted Discretionary Activities.

The following are restricted discretionary activities in the Residential zone:

....

- d. Any activity which does not comply with the standard for accessory buildings located in front of the principal building.

Council restricts its discretion to the following matters

- i. The site topography.
- ii. Lack of rear access for accessory buildings.
- iii. Where the majority of neighbouring accessory buildings already encroach the standard.
- iv. The proposed compatibility of colour and construction of the accessory buildings on the site.

#### v. Built in the same or-similar style and materials to that of the predominant building on the lot.

- g. Buildings located in display frontage streets whether:
  - i. they maintain the architectural integrity of neighbouring buildings.
  - ii. they maintain the appearance of continuous facade.
  - iii. their bulk is compatible with the overall scale of the Central Commercial area.
  - iv. their location and design affect access arrangements, pedestrian safety and circulation, and amenity.
- h. Buildings and associated works including earthworks in the Coastal Residential zone:
  - i. The potential for the buildings and associated works including earthworks to have adverse visual or landscape effects or detract from the natural character of the coastal landform. Reference will be made to the location and form of buildings on both the Sand Dune areas and the Coastal Frontage.
  - i. ii. The effect of the height, shape, mass or location of the building on the natural form and character of any coastal dune formation.
  - ii. The degree to which any building will dominate the landscape or the surrounding

residential environment.	
iii.	The degree to which the location of any building platform maintains the underlying landform and to the surrounding landscape patterns.
iv.	Whether any part of a building will be visible from the beach and the likely effect of the visible part of the building on the natural character of the coastal environment.
v.	vi. The likely effectiveness of any measures proposed to minimise or mitigate the effects of earthworks.
Comment	<p>The criteria within the Buildings section are now largely covered in the objectives and policies throughout the Plan.</p> <p>The majority have been picked up through Plan changes 26 – Residential, 23 – Lifestyle and 36 – Rural Zones and are now duplications.</p> <p>The assessment criteria that relates to Display Frontage Streets and the Coastal Residential Zone are to be reviewed later in the wider Plan review process. They will be moved to the relevant chapters however no changes are recommended by this Plan Change.</p> <p>The only assessment criteria that has not been adequately covered through previous Plan changes is 23.2.d(i) and (ii). While some of the criteria was included in Plan Change 26 – Residential these two are not covered and removing them without replacing them in the Residential zones may result in a loss of intended requirements.</p> <p>For these two criteria it is recommended they are merged and included under 4.4.3.d(v) matters in which Council restricts its discretion. This is consistent with previous plan changes.</p>
Summary of benefits	<p>Removing duplications creates clarity and certainty. All requirements will now be in one place which will be beneficial to Council staff and other users.</p> <p>Merging of 23.2.d(i) and (ii) ensures that the intention of the criteria is retained as it remains relevant. Also moving it to 4.4.3.d(v) will allow all matters of discretion to be in one place.</p>
Summary of costs	<p>The intention of these assessment criteria are covered within the objective and policy sections of the Plan therefore there is little cost in removing them.</p> <p>Assessment Criteria 23.2.d(i) and (ii) will be moved to 4.4.3.d(v) which legal weight to be given. This has the potential to create cost for a resource consent applicant due to duplication.</p>
Effectiveness	Removing the duplicate assessment criteria is effective and efficient as it streamlines matters of discretion. This ensures clarity for both Council staff and external users.
Efficiency	
Appropriateness	Retaining 23.2.d(i) and (ii) ensures the intentions of the Buildings Assessment Criteria are retained which is appropriate.

Risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the policies, rules, or other methods	Risk is relatively low of acting or not acting. However the process will be clarified and simplified for Plan users. Risks of not acting are; extra assessment cost for consent, confusing of Plan priority and intent is retained if don't act to complete Plan change.
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<b>Deletion of 23.4 LANDSCAPE</b>	
Comment	<p>These Landscape Assessment Criteria are duplicates of policies of the operative Plan.</p> <p>These criteria have been picked up through the rolling review of the District Plan and removing them is only removing duplications.</p>
Summary of benefits	Removing duplicates creates clarity and certainty. All requirements will now be in one place which will be beneficial to Council staff and other users.
Summary of costs	The intentions of these assessment criteria are covered within the objective and policy sections of the Plan therefore there is little cost in removing them.
Effectiveness	Removing the duplicate assessment criteria is effective and efficient as it streamlines matters of discretion. This ensures clarity for both Council staff and external users.
Efficiency	
Appropriateness	As the assessment criteria are currently written they have less legal standing than that of policies or objectives it is therefore appropriate to remove the duplications in the assessment criteria and relay on the operative objectives and policies, and amend to cover criteria not yet covered by objectives and policies.
Risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the policies, rules, or other methods	<p>There is little risk of acting or not acting as the assessment criteria are already covered in other areas of the Plan.</p> <p>The provisions are not necessary to achieve the objectives of the Plan.</p>

<b>Deletion of 23.6 HERITAGE</b>	
Comment	Through Plan Change 29 – Heritage Buildings all of the above assessment criteria have been adequately covered.

	<p>Through the Policies in Chapter 9 – Cultural Heritage compliance with the New Zealand ICOMOS Charter is required.</p> <p>The NZ Charter is widely used in the New Zealand heritage sector and forms a recognised benchmark for conservation standards and practice. All the issues above are covered within the NZ Charter in greater detail.</p>
Summary of benefits	The benefits on implementing the ICOMOS NZ Charter are, national best practise and all relevant information will be in one place rather than multiple different places with duplications.
Summary of costs	As the ICOMOS and operative policies already cover these criteria in greater detail there will be little cost in removing these assessment criteria out of the Plan.
Effectiveness	Removing the duplicate assessment criteria is effective and efficient as it streamlines matters of discretion. This ensures clarity for both Council staff and external users.
Efficiency	Relaying on the ICOMOS ensures that best practice principles are followed.
Appropriateness	It is appropriate to relay on the New Zealand ICOMOS Charter to adequately deal with these issues as it is widely used as best practice within New Zealand
Risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the policies, rules, or other methods	<p>As these are now duplication after Plan Change 29 – Heritage Building there is little risk in removing these criteria.</p> <p>Not acting and leaving these criteria in the plan can cause confusions and may be relayed on instead of the more appropriate ICOMOS NZ Charter.</p> <p>The provisions are not necessary to achieve the objectives of the Plan.</p>

<b>Deletion of 23.14 NETWORK UTILITIES</b>	
Comment	<p>The network utilities assessment criteria does not correspond to the existing network utilities objectives, policies and rules. Retaining these assessment criteria will add confusion to the intent of the network utilities chapter. They do not add guidance for the decision maker when assessing applications under the network utilities chapter of the Plan.</p> <p>The intent of the network utilities assessment criteria is captured within the subdivision chapter.</p>
Summary of benefits	The deletion of the network utilities assessment criteria will remove the duplication and allow network utilities to be captured in more appropriate sections of the Plan.

Summary of costs	The intentions of these assessment criteria are covered within existing objectives, policies and rules with in the Plan, therefore there is little cost in removing them.
Effectiveness	Removing the duplicate assessment criteria is effective and efficient as it streamlines matters of discretion. This ensures clarity for both Council staff and external users.
Efficiency	
Appropriateness	As the assessment criteria are currently written they have less legal standing than that of policies or objectives it is therefore appropriate to remove the duplications in the assessment criteria and relay on the operative objectives, policies, and rules.
Risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the policies, rules, or other methods	There is little risk of acting or not acting as the assessment criteria are already covered in other areas of the Plan.  The provisions are not necessary to achieve the objectives of the Plan.

<b>Deletion of 23.17 EARTHWORKS</b> <b>Addition to Chapter 14 - Earthworks</b> <b>14.3.3 Maori values and earthworks.</b> <u>To mitigate any potential effects on cultural values and tangata whenua where large scale earthworks are proposed, including by:</u> <ol style="list-style-type: none"> <li><u>Incorporating</u> <del>Incorporate</del> <u>Maori tangata whenua</u> cultural values and practices into <del>large-scale</del> earthworks and land modification <u>methods</u>, and <del>within areas of cultural significance,</del></li> <li><u>requiring cultural and/or archaeological assessments,</u></li> <li><u>enabling site access and appropriate site work observation for tangata whenua.</u></li> </ol>	
Comment	The earthworks assessment criteria are duplicates of objectives, policies and rules in other sections of the Plan. Retaining them as assessment criteria creates confusion. Objective, policies and rules have greater legal standing, it is therefore more appropriate to delete the assessment criteria and rely on the existing provisions within the other chapters.
Summary of benefits	The deletion of the earthworks assessment criteria will remove the duplication and allow earthworks to be managed in more appropriate sections of the Plan.
Summary of costs	The intentions of these assessment criteria are covered within existing objectives, policies and rules with in the Plan, therefore there is little cost in removing them.
Effectiveness	Removing the duplicate assessment criteria is effective and efficient as it streamlines matters of discretion. This ensures clarity for both Council staff and external users.
Efficiency	

Appropriateness	As the assessment criteria are currently written they have less legal standing than that of policies or objectives it is therefore appropriate to remove the duplications in the assessment criteria and rely on the operative objectives, policies, and rules.
Risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the policies, rules, or other methods	There is little risk of acting or not acting as the assessment criteria are already covered in other areas of the Plan.  The provisions are not necessary to achieve the objectives of the Plan.

### 3.3.2 Definitions

It is important that common terms used within the Plan are defined to ensure their intent is captured and clearly explained for both internal and external users. This Plan review concludes that most existing definitions be retained unchanged. Other definitions have been included, amended or deleted to ensure current thinking and best practice principles are captured and redundant definitions are removed from the Plan.

### 3.3.3 Methods

Methods have been a key consideration throughout Plan Change 51. The relevance and best practice principles of existing methods have been reviewed as part of this Plan Change. Many of the methods are out dated or more appropriately dealt with in other Council's documents. It is important that methods are not included for the sake of it as this will diminish the importance of issues raised. Regulatory methods such as rules will retained within the District Plan. As this decision does not have implications for the Plan's ability to achieve objectives, no S32 evaluation is required.

### 3.3.4 Chapter 1 - Introduction

<b>INTRODUCTION</b>  Delete entire Introduction and redraft. Refer to Appendix 1 for the proposed changes to the Introduction.  Establish Information material relating to resource consent processes and Plan use that will sit outside the Plan itself.	
Comment	Consultation undertaken has shown the Introduction in its current format is not utilised by users of the Plan. Leaving it as it is does not provide any benefit to users. A modified more user friendly version with links to external up to date resources would be of more benefit.

Summary of benefits	<p>Redrafting of Chapter 1 - Introduction will provide users with a more helpful resource to assist them with using the Plan and applying for resource consent.</p> <p>Provision of guidance material related to using the Plan and lodging resource consents, such as information requirements, that sit outside the Plan will assist Council to ensure this information is kept current and useful.</p>
Summary of costs	The only foreseeable cost, is the cost of the Plan change to redraft provisions and costs associated with going through the prescribed review process.
Effectiveness	<p>Rewriting and modifying this chapter is seen as effective and efficient as it will be more relevant and user friendly.</p> <p>Provision of guidance material related to using the Plan and lodging resource consents, such as information requirements, that sit outside the Plan will assist Council to ensure this information is kept current and useful. This will be more cost effective and efficient for Council and Plan users.</p>
Efficiency	
Appropriateness	It is appropriate to replace the Introduction with a more user friendly version and to remove guidance material from the Plan where this will enable more efficient and effective provision of useful information to Plan users. This options is particularly appropriate now that the Plan is solely in an electronic format.
Risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the policies, rules, or other methods	There is low risk of acting or not acting. The difference between acting and not acting is that by retaining the status quo, we continue to have a Chapter of the Plan which is redundant and not used by users. Given that we have this knowledge that the current chapter is not used, it makes sense to act on that knowledge.