



## **Whanganui District Council**

# **Proposed Plan Change 55 Miscellaneous**

# **Section 32 Report**

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# 1. Introduction

## 1.1 Plan Review Process

Section 73 of the Resource Management Act 1991 (the RMA) provides for councils to initiate plan changes as necessary and when appropriate. The process for initiating changes to a district plan is set out in Schedule One to the RMA.

The Planning team maintains a record of issues that arise with existing plan provisions. Periodically the list of issues raised is investigated and refinements to the District Plan are promoted as a plan change which addresses miscellaneous provisions. The majority of the changes proposed are minor in nature. They involve the removal of repetition, addressing inconsistencies and technical changes to improve implementation of the Plan and Council's functions under the RMA.

Section 32 of the RMA requires Council to carry out an evaluation of options before notifying a proposed plan change. 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.

In Plan Change 55 the amended text is formatted as follows:

- underlined is new text, or a change in numbering of the rules;
- ~~Struck out~~ text is to be deleted.

## 1.2 Legislative Framework for the Review

### 1.2.1 Resource Management Act 1991

Under s31 of the RMA territorial authorities have the following functions:

- (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 of the district:*
- (aa) *the establishment, implementation, and review of objectives, policies, and methods to ensure that there is sufficient development capacity in respect of housing and business land to meet the expected demands of the district:*
- (b) *the control of any actual or potential effects of the use, development, or protection of land, including for the purpose of—*
  - (i) *the avoidance or mitigation of natural hazards; and*
  - (ii) *[Repealed]*
  - (iia) *the prevention or mitigation of any adverse effects of the development, subdivision, or use of contaminated land:*
  - (iii) *the maintenance of indigenous biological diversity:*
- (c) *[Repealed]*
- (d) *the control of the emission of noise and the mitigation of the effects of noise:*
- (e) *the control of any actual or potential effects of activities in relation to the surface of water in rivers and lakes:*
- (f) *any other functions specified in this Act.*

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

- 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 well-being 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.*

All persons exercising functions and powers under the RMA in relation to managing the use, development, and protection of natural and physical resources must (in descending order): recognise and provide for matters of national importance under section 6, Other Matters under section 7, and shall take into account the principles of the Treaty of Waitangi under section 8. The amendments proposed in PC 55 are considered to be so minor that most of these Part 2 matters are not considered relevant. The matters that are considered to be of some relevance include:

Section	Matter	Provision
7(b)	the efficient use and development of natural and physical resources	<ul style="list-style-type: none"> <li>• Minor Dwellings in Rural Zones</li> <li>• Plantation forestry</li> <li>• Riverfront Visitors accommodation</li> </ul>
7(c)	the maintenance and enhancement of amenity values	<ul style="list-style-type: none"> <li>• Setback in front yards</li> <li>• Signage rules</li> <li>• Heritage item-Wanganui Collegiate</li> </ul>
7(f)	maintenance and enhancement of the quality of the environment	<ul style="list-style-type: none"> <li>• Montgomery Reserve</li> </ul>

Section 74 of the Resource Management Act (RMA) requires a council to change the District Plan in accordance with:

- (a) its functions under section 31; and*
- (b) the provisions of Part 2; and (c) a direction given under section 25A(2); and*
- (d) its obligation (if any) to prepare an evaluation report in accordance with section 32; and*
- (e) its obligation to have particular regard to an evaluation report prepared in accordance with section 32; and*
- (ea) a national policy statement, a New Zealand coastal policy statement, and a national planning standard; and*
- (f) any regulations.*

In addition Section 74 requires that in preparing PC 55, Council shall have regard to:

- any regional policy statement or regional plan,

- any management plans and strategies prepared under other Acts; and
- any relevant entry on the Heritage New Zealand List, and
- the extent to which the district plan needs to be consistent with the plans or proposed plans of adjacent territorial authorities.

Section 74 requires also that Council take into account relevant iwi management plans to the extent the content has a bearing.

Finally regard must not be had to trade competition or effects of trade competition.

### **1.2.2 National Policy Statements and National Environmental Standards**

District plans are required to give effect to any relevant national policy statements or national environmental standards (NPS and NES). A NPS sets a national direction and a NES sets specific minimum environmental standards to be enforced by Councils.

Given the minor nature of the amendments proposed in PC 55 it is considered that none of the National Policy Statements are specifically relevant.

Only the Resource Management (National Environmental Standards for Plantation Forestry) 2017 is relevant. Plan Change 55 proposed to give effect to the NES by inserting the definition.

### **1.2.3 Regional Policy Statement and Regional Plan**

Section 75 (3) of the RMA requires that a District Plan must “give effect to” the Regional Policy Statement, and it must “not be inconsistent” with any Regional Plan (75(4)). The Manawatu-Whanganui Regional Council’s (Horizons) “One Plan” is both a Regional Policy Statement and a Regional Plan.

The One Plan became operative on 19th December 2014. The One Plan’s four issues that the document seeks to address: are

- (i) surface water degradation
- (ii) increased water demand
- (iii) unsustainable hill country land use
- (iv) threatened biological diversity.

The Operative District Plan gives effect to the Regional Policy Statement and the Regional Plan Sections of the One Plan, and this miscellaneous plan change will not significantly alter that assessment, as the changes are minor in nature.

### **1.2.4 Iwi Management Plans**

When preparing or changing a district plan, Section 74(2A)(a) of the RMA requires that Councils must take into account any relevant planning document recognised by an iwi authority and lodged with the territorial authority, to the extent that its’ content has a bearing on the resource management issues of the district.

The Ngaa Rauru Kiiitahi – Puutaiao Management Plan has been lodged with Council is relevant to resource management issues of this district.

Chapter 3.4 of the Puutaiao Management Plan outlines a wide range of objectives, policies and methods that Ngaa Rauru Kiitahi wish to use to more fully participate in resource management activities from plan development and resource consent decision making through to engagement internally and externally, and capacity building. Early engagement over the preparation of PC 55 has occurred and further engagement with all Iwi and Hāpu will occur prior to the public notification PC 55.

Section 4.4.4 of the Management Plan lists a number of documents that Ngaa Rauru wish to be engaged in, including the preparation, implementation and review of the Whanganui District Plan.

No other Iwi who whakapapa to Whanganui, namely Te Rūnanga O Tūpoho, Te Rūnanga O Tamaupoko and Te Rūnanga O Ngā Wairiki Ngāti Apa, have prepared management plans.

Ngaa Rauru Kiitahi has also prepared a draft “Mana Whakahono a Rohe” (MWR) as enabled by sections 58M – 58U of the RMA. Discussions with the four local authorities which are within Ngaa Rauru’s rohe (district) on the document are ongoing.

In addition the RMA requires consultation with Iwi at set points in time in the plan change drafting process.

## **2. Proposed Plan Change**

### **2.1 Description of Proposed Plan Change**

Plan Change 55 covers a number of minor matters and seeks to streamline and reduce duplication of provisions. It also update the District Plan with the inclusion of the Plantation Forestry National Environmental Std.

Chapter 2 Definitions covers the following:

- Buildings, including accessory and temporary
- Earthworks
- Existing ground level
- Structure

Changes to Chapter 3 Rural include:

- Providing for minor dwellings
- Deletion of Subdivision Rules
- Deletion of Tree and shelter belt Rules

Chapter 4 Residential Environment and Coastal Residential

- insert a new Issue on streetscape amenity
- insert a new Objective on streetscape amenity
- insert new policies on amenity
- clarify community activities are permitted on local roads
- delete Reserves and Open Spaces as a permitted activity
- insertion of a dwelling density rule in the North West Structure Plan area,
- modification to the matters Council will consider over breaches of the height recession plane, and inserting a new non-notification rule
- amending matter of discretion for accessory buildings and new non-notification rule

- deleting rule 4.5.5.c which restricts numbers of people for non-residential activities
- modification to fence rules deleting height formulate and replacing with a standard 1.6 m for front boundary fence
- modification to the access to open space rules performance standard
- clarification on parking spaces
- deletion of Subdivision Rules

#### Chapter 5 Neighbourhood Commercial Zone:

- deletion of Subdivision Residential

#### Chapter 10 Natural Environments:

- clarification of rules on protected trees

#### Chapter 13 Subdivision:

- Insertion of all the deleted zone rules on Subdivision
- removal of repetition

#### Chapter 16 Signage:

- change reference from compliance with Signage By-law to Signage Policy 2018
- insert new non-notification rule
- add performance standards for signs under verandahs and Electoral signs
- increase size of real estate signage to 3m<sup>2</sup> and clarify that is per face
- additional constrains requested by NZTA for signs on and near to state highways

#### Appendix A Heritage Item

- Amend listing of several Wanganui Collegiate Heritage Items into one group listing

#### Appendix I Whanganui District Council Engineering NZS 4404

- Appendix C-N including surveyor in the definition of Suitably Qualified Design Professional

#### District Plan Map

- Correct zoning of western half of Montgomery Reserve

## 2.2 Background Research

Issues with plan implementation that have been identified over time have been investigated. In some instances a comparison of the provisions of adjacent and other district plans has been made, in part to ensure a level of consistency with adjacent local authorities' district plans within the Region, and also district plans that are considered to be best practice by the PUCM (Planning Under a Co-operative Mandate) project<sup>1</sup>. Discussions with Council's Infrastructure Development Engineer has also assisted in clarifying some of the changes to provisions.

Some consideration of the presently Draft National Planning Standards was also undertaken, however little weight can be placed on these standards at this time as they may change significantly prior to their adoption in April 2019.

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<sup>1</sup> PUCM Research Project, Planning Under a Co-operative Mandate  
<https://researchcommons.waikato.ac.nz/handle/10289/895> accessed October 2018.

## 2.3 Consultation and Outcomes

Schedule 1 to the RMA outlines the practical steps to be made in the preparation of a plan change. As no Mana Whakahono a Rohe is available to guide Council, engagement has been undertaken to date as indicated below.

The following Table summarises the consultation undertaken during the preparation of Plan Change 55:

Party	Consultation	Comments
Ngaa Rauru Kiihahi	25/7/18 In accordance with Clause 3 of Schedule 1 a letter was sent advising that a Miscellaneous plan change was about to be drafted, inviting an indication about the preferred participation and engagement and feedback on any initial issues	Meeting with representative 6/9/18: <ul style="list-style-type: none"> <li>Note 2 month turn around for comments due to meeting times being monthly</li> <li>Approval for wording regarding MWR Plan</li> <li>8/11/2018 email sent containing cover letter, S32 and Appendix 1 Marked up plan change – acknowledged receipt</li> </ul>
Te Rūnanga O Tūpoho		12/11/18 -emailed s 32 report and marked upcharges and letter
Te Rūnanga O Tamaupoko		12/11/18 -emailed s 32 report and marked upcharges and letter
Te Rūnanga O Ngā Wairiki Ngāti Apa		12/11/18 -emailed s 32 report and marked upcharges and letter 12/11/18 Email acknowledging receipt
Nga Tangata Tiaki		12/11/18 -emailed s 32 report and marked upcharges and letter
Ngati Tumango ki Putiki Marae		12/11/18 -emailed s 32 report and marked upcharges and letter
Ministry for the Environment		
Minister of Conservation		31/8/18 acknowledge receipt of letter
Minister of Transport		2/8/18 acknowledge receipt of letter. Email exchange on notification and signs on state highways 21, 23 and 26/11/18.
Minister of Defence		
Minster for Regional Economic Development		



Party	Consultation	Comments
Minister for Small Business		
Horizon RC		7/9/18 letter confirming existing designations
South Taranaki District Council		
Ruapehu District Council		
Stratford District Council		
Rangitikei District Council		
Departments of Council: Parks, Roothing, Three Waters, Whanganui and Partners		Request to amend Diagram CM-WDC-018 from 1500mm to 1000mm
Wanganui Collegiate School BOT	13/8/18 Letter invitation to consider adding other items to the Heritage Items Schedule	
Federated Farms Regional Senior Policy Advisor	6/11/18 phone message and Email requesting view on removal of shelterbelts and tree recession planes	
Whanganui Rural Community Board	19/11/18 Summary of matters covered to be included in agenda item to the Board	

### 3. Requirement to make an Evaluation

- 3.1 This report has been prepared in fulfilment of the requirements of s 32 of the RMA which requires that an evaluation report must:
- (a) *examine the extent to which the objectives of the proposal being evaluated are the most appropriate way to achieve the purpose of this Act; and*
  - (b) *examine whether the provisions in the proposal are the most appropriate way to achieve the objectives by—*
    - (i) *identifying other reasonably practicable options for achieving the objectives; and*
    - (ii) *assessing the efficiency and effectiveness of the provisions in achieving the objectives; and*
    - (iii) *summarising the reasons for deciding on the provisions; and*
  - (c) *contain a level of detail that corresponds to the scale and significance of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the proposal.*

For the purposes of this examination the evaluation must:

- (a) *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—*
  - (i) *economic growth that are anticipated to be provided or reduced; and*
  - (ii) *employment that are anticipated to be provided or reduced; and*
- (b) *if practicable, quantify the benefits and costs referred to in paragraph (a); and*
- (c) *assess the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the provisions.*

Section 32(4A) provides now also requires that the evaluation must:

- (a) *summarise all advice concerning the proposal received from iwi authorities under the relevant provisions of Schedule 1; and*
- (b) *summarise the response to the advice, including any provisions of the proposal that are intended to give effect to the advice.*

## 4. Evaluation of the Purpose of PC 55

The purpose of PC 55 is to address minor administrative inefficiencies that have been identified over time. The Plan Change does not amend any Plan objectives but it does include new policy on amenity residential. The plan change is a method to improve the effectiveness and efficiency of the Plan to achieve the purpose of the RMA.

### 4.1 Issues to be addressed in the Plan Change

#### 4.1.1 Chapter 2 Definitions

There is a lack of clarity about the definition of “buildings”, “structures” and “temporary buildings”. In addition one of the major concerns is the potential use of front yards to accommodate temporary structures such as shipping containers. This would compromise the visual amenity of streetscapes and clutter the yards with inappropriate built form.

The definition of “existing ground level” has caused confusion about when measurements can be taken from in some circumstances. A recent Environment Court decision *Reuters Construction Ltd v Whanganui District Council*, a declaration sought to clarify existing ground level. The Court considered this term and found (held) that “existing ground level” is the post-subdivision situation, and that a site was not a site until the subdivision process was complete and recognised on a deposited plan. This has ramifications for building height and recession plane assessments especially if land is raised or lowered during the development of the subdivision.

The shelterbelt trees and tree recession planes are considered to be restrictive and unnecessary in the Rural Zones.

#### 4.1.2 Chapter 3 Rural Environment

The Resource Management (National Environmental Standards Plantation Forestry) Regulations 2017 came into force on 1st May 2018. It introduces a National Environmental Standard (NES) planning framework for plantation forestry including rules. Horticulture New Zealand advised MfE that growers are increasingly moving from live shelter to artificial crop protection. Both issues combine to support the removal of tree recession plane rules as this is covered in the NES for Plantation Forestry and the removal of rules on shelterbelt trees in Rural Zones.

Minor Dwellings are permitted in the Residential zones however the Rural Zones do not provide for the same activity. This disparity is considered to be unreasonable if family wish to provide for a family member on site, and as lot sizes in the Rural Zones are larger than in the Residential zones they are more capable of absorbing these small dwellings. The rule is subject to a density provision that matches the minim lot size on subdivision allowed in each zone.

### **4.1.3 Chapter 4 Residential Environment**

This Section of the District Plan lacks of policy framework for protecting or enhancing streetscape amenity values in the Residential Zone. This lack of policy direction has created problems when assessing applications for buildings in front yards.

While the North West Structure Plan is very comprehensive it has omitted to include a rule on the density of houses where more than one house is proposed on a site. The Residential Zone requires a density of 1 dwelling per 400m<sup>2</sup> – to be consistent with the minimum lot size should the property be subdivided. A dwelling density provision is proposed in the North West area of 1 dwelling per 800m<sup>2</sup> – to be consistent the minimum lot size in that Structure Plan of 800m<sup>2</sup>.

The Fence Performance Standard in the Residential Zone is more complex than is necessary. The plan change simplifies the Performance Standards for front boundary fences and raises the height to 1.6m (from 1.2m).

There is a lack of policy guidance on non-residential activities in Residential Zone, and the rules also stipulate the numbers of people at any one time numbers of people. Policy guidance and removal of controls on people present at a community activity are proposed. Community activities are to be permitted on local roads.

### **4.1.4 Chapter 10 Natural Environment**

The provisions in relation to works within the dripline of trees would benefit from minor clarification.

### **4.1.5 Chapter 13 Subdivision**

There is a specific chapter in the District Plan which contains the rules relating to subdivision. However the zones also duplicate the subdivision rules. It is proposed to remove the subdivision provisions from the zone chapters and insert the rules in the subdivision chapter to reduce repetition or confusion. It is noted however that Part 2 of the Subdivision Chapter has not yet been reviewed and such a review is beyond the scope of these minor amendments. It is also proposed to amend the non-notification provisions for restricted discretionary subdivision in the Residential Zone to align with the provisions of the RMA.

### **4.1.6 Chapter 16 Signage**

Council has recently adopted a Signage Policy 2018<sup>2</sup> to replace the Signage Bylaws. PC 55 proposes to replace the bylaw with the policy. Also change to the size of Real Estate signs is also proposed to be compatible with the size boards that are commercially available.

### **4.1.7 Appendix A – Heritage Items**

This appendix contains the list of Heritage Items within the District. The List includes both the Heritage New Zealand Pouhere Taonga's (Heritage NZPT) status of some buildings and items and a more extensive list of the District Plan's Classification of items. Heritage Items at Wanganui Collegiate School are listed separately. Heritage NZPT has advised Council that it has modified the listing to include all the items in

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<sup>2</sup> Statutory Management Committee, 10<sup>th</sup> November 2018.

one Group Listing. The proposed change amends the Appendix to conform to this alteration.

#### **4.1.8 Appendix I WDC Engineering NZS4404 – Appendix C- N**

Appendix k to those Standards “Guidance on Use of Producer Statements” (Not Appendix K – Archaeological and Other Items) contains a short list of professionals who have the skills and experience to prepare Producer Statements. The producer statement system provides territorial authorities with the grounds for issuing a Building Consent or Code Compliance Certificate without having to duplicate design or construction checking by others. There are a few Surveyors who have the skills and experience to prepare Producer Statements however this professional group is not listed, and the change proposed is to list surveyors as a “Suitably Qualified Design Professional”.

#### **4.1.9 Maps**

In the District Plan Map Montgomery Reserve is split zoned: both ‘Reserves and Open Spaces Zone’ on the eastern side of the reserve, and ‘Residential’ on the western side. This is incorrect as the whole reserve was gazetted for “Recreation Ground” in 1970. The current Residential zoning of part of the reserve is inconsistent with its stated purpose and a minor correction to the maps is required.

## **5. Consideration of Methods**

Section 32 requires plan changes to be assessed focussing on: the consideration of alternatives, benefits and costs. In considering the alternative methods it is considered necessary to review a range of different planning methods to achieve the purpose of the RMA. This includes: retaining the status quo (doing nothing), the preferred method, other methods such as deletion of or alternative methods and any non-regulatory methods if these are practical. In some cases non-regulatory methods are just not viable or available.

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 RMA. The benefits and costs for each option are also identified by below.

## **6. Chapter 2 Definition Amendments**

### **6.1 Issues**

- The location of “temporary buildings”, “accessory buildings” and shipping containers located in front yards raises visual amenity of streetscapes. There is also a lack of clarity about the definition of buildings and temporary buildings.
- The definition of “existing ground level” has caused confusion about when measurements can be taken from in some circumstances.
- Inserting a definition of plantation forestry will give recognition to the Resource Management (National Environmental Standards for Plantation Forestry) Regulation 2017.

## 6.2 Proposed Provisions

	<ol style="list-style-type: none"> <li>1. Amend the definition of “building” as follows:  <b>Building:</b> means any enclosed or partially enclosed structure with a roof that is <u>movable or fixed</u> to land.</li>   <li>2. Add to the definition of “existing ground” the following:  <b>Existing ground:</b>            In relation to ... new building platform.           <ol style="list-style-type: none"> <li>a) <u>Means the level of ground existing when approved earthworks associated with the most recent subdivision of the land have been completed (as at the issue of the Section 224 Certificate or the previous legislative equivalent) but before cutting and filling of the land for any new building or structure has begun.</u></li> <li>b) <u>Areas of cut or fill which have resulted or will result from work undertaken as part of the construction of a building or an activity shall not be used in calculation of ground level.</u></li> </ol> </li>   <li>3. Amend the definition of “Structure” by adding the following:  <b>Structure:</b> means any building, equipment, device or other facility made by people and which is fixed to land <u>whether temporary or permanent</u>, and includes any raft or <u>shipping container</u>. Excluding: (other than within the National Grid Yard)           <ol style="list-style-type: none"> <li>a. Any retaining wall less than 1.5m in height measured from the lowest adjoining ground level.</li> <li>b. Any fence or wall (other than a retaining wall) less than 1.8 meters in height measured from the lowest adjoining ground level within 1 metre of a property boundary.</li> <li>c. Any pool or tank which is less than 1.0m in height measured from the lowest adjoining ground level.</li> <li>d. Play equipment and letterboxes.</li> <li>e. <u>motorised vehicles that can be moved under their own power</u></li> </ol> </li>   <li>5. Amend the definition of Temporary activities as follows:            “Temporary Activities means any activity undertaken for a short term duration, either as an isolated event, or as a series of events, where the cumulative period of operation is <u>generally</u> less than one month <u>in any calendar year</u>, and where the activity is undertaken on a site, including any gala, sport event, festival or other community activity and does not result in any permanent structures”.</li> </ol>
<p>Comment</p>	<p><u>Buildings and Structures</u>            The definitions of “building” and “structure” in the Operative District Plan do not include “temporary buildings”. Therefore it is difficult to control the placement of any structure including shipping containers in the front yard setbacks (Area “A” on the diagram below). Structures in front yard-set back areas have the potential to reduce the amenity value of attractive streetscape. The definitions contained in the Building Act 2001 and the definition of structure in the RMA were assessed and used as a guide to drafting the changes.</p> <p><u>Accessory Building</u>            The term “accessory building” is defined and excluded from being located in the setback shown in Diagram 2 of the Residential Performance Standards. However the definition does not cover</p>

	<p>temporary buildings or structures and should to also preclude these structures from locating in the setback area.</p> <p>By changing the definition of “structure” to include permanent and temporary structures, the definition then includes all types of accessory buildings including shipping containers which will be excluded from being located in the setbacks from boundaries in area “A”.</p> <p><u>Existing Ground Level</u>  This definition was recently considered by the Environment Court in the case of <i>Reuters Constructions v Whanganui District Council</i> [2018] NZEnvC 11 ENV-2017-WLG-000098. This case considered the meaning of “existing ground level” under Rule 4.5.4b of the Residential Zone in the District Plan. The Court held that from the text of the District Plan to delve into the history of existing ground level before a building is proposed is to invite “...<i>absurdity or anomalous outcomes</i>”<sup>3</sup> and further “<i>If they are historic levels, none can be described as existing</i>”<sup>4</sup>.</p> <p>The Whanganui situation arose as a result of works carried out for the purpose of building after the s224 Certificate had been issued, which raised the house higher than if the ground level had been assessed at s224 stage. This situation was opposed by Council and the adversely affected neighbours. Therefore a more precise definition is required to avoid further situations of this nature</p> <p>A number of adjacent nearby and best practice District Plans were Plans reviewed, several contained provisions that specified that “ground level” and “natural ground level” are the level of land at the time that s224 certificates are made ie before further work occurs to establish a building platform. Others such as Dunedin City had a specific date<sup>5</sup> in its operative plan as at 1 July 2010. Its second generation plan is more consistent with the change proposed here.</p> <p><u>Structure</u>  The definition of “structure” is modified to also include temporary structures. The mention of “raft” is retained as it is included in the definition of structure in the RMA and is there to enable District Councils to control activities on lakes and rivers under s 31(1)(e) RMA. The example has also been expanded to include shipping containers.</p> <p><u>Temporary Activities</u>  A time limit is considered necessary to provide clarity within the definition. The term “calendar” is one that the Environment</p>
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<sup>3</sup> *Reuters Constructions v Whanganui District Council* [2018] NZEnvC 11 ENV-2017-WLG-000098 at paragraph [34]

<sup>4</sup> *ibid*

<sup>5</sup> Dunedin City District Plan, as at 1 July 2010.

	Court has used in a variety of cases such as: <i>Tap (NZ) Pty Ltd v Attorney-General</i> CA46/06, <i>Wood v Selwyn DC</i> C35/94, <i>SCAP v NZ Refining Co and NRC</i> (1993) 2 NZRMA 586 and is used in this case to be consistent with the Environment Court’s rulings. Calendar month means from X date/month to X date/following month.
Appropriateness (relevance, usefulness, achievability, reasonableness)	The proposed definitions are considered to be appropriate, reasonable, achievable and useful for enabling council to achieve its functions and roles under the RMA. This arises because the definitions proposed: are more precise and they clarify provisions.
Section 32(2) Matters	<p>The benefits and costs of the proposed minor amendments to the definitions is contained below. Of themselves, it is unlikely that these minor changes would provide new opportunities for economic growth or increased employment. But the clarifications will assist in making the implementation of the District Plan more transparent.</p> <p>In terms of the risk of not taking action, the status quo, would include the retention of unclear definitions that potentially could be interpreted in ways that may generate adverse effects on the environment. An example is the potential for temporary structures to be located in front setback areas which detract from the amenity values of attractive streetscapes.</p>
Preferred option reason	The proposed definitions are necessary to provide clarification. They are also not inconsistent with consistent with neighbouring District Plan provisions to provide some regional consistency as contemplated by (s 74(2)(c) and the intended National Planning Standards (s 58B-J RMA).

### 6.3 Options Considered

Options	Option Details	Explanation	Rank
Option A	Status Quo/Do Nothing	The present definitions are incomplete or lack specificity and would not accurately address the potential adverse effects on the environment. Retention of the status quo would not clarify the provisions.	4
Option B	Amend the definitions of: “accessory building”, “building” and “structure”, “existing ground level” and temporary activities as proposed	<p>As outlined above the proposed definitions clarify and more comprehensively define buildings, structures and accessory buildings. Most of the proposed definitions are also consistent with the definitions in adjacent District Plans (s74(2)(c).</p> <p>The definition of ‘existing ground level’ requires clarification as to</p>	1

		<p>what point in time the level is measured.</p> <p>The time span for permitted temporary activities has been defined as being within one calendar month which is a standard time reference used by the Environment Court.</p>	
Option C	Delete the definitions entirely	The deletion of the definitions for “building”, “structure” or “temporary relocatable building”, and “existing ground level” would not enable council to manage those activities and structures. It could also diminish the public’s confidence in the administration of the District Plan and controls on adverse effects on the environment.	4

#### 6.4 Costs and Benefits of each Option

Options	Benefits	Costs
Option A Status Quo/ Do nothing	<p>None as the lack of clarity between the definitions for buildings, structures and temporary building will continue to cause misunderstanding and confusion.</p> <p>The absence of a definition for plantation forestry is a neutral benefit as the National Environmental Standard on plantation forestry is applicable irrespective of whether it is defined in the District Plan.</p> <p>The retention of the definition for temporary activities also has a neutral benefit.</p>	<p>Unnecessary resource consents required to address the lack of clarity in the District Plan provisions which is a cost to the public, over activities that can easily otherwise be controlled.</p> <p>The existing ground level provision is also confusing and its retention will continue to cause clarity difficulties.</p>
Option B Proposed Definitions	The definitions will clarify and simplify the provisions, and reduce the potential for adverse effects of accessory buildings, buildings and structures, and enable confidence in the administration of the District Plan by Council	Negligible staff time in preparing the proposed Plan Change 55 and s32 Evaluation.
Option C Delete the definitions entirely	The deletion of the definitions would have no benefits to council or the community	This could result in costly and unnecessary resource consents, or the initiation of private plan changes to reinstall the definition. Or it



		could result in appeals to the Environment Court against the removal of provisions that enable council to manage the environment. This would likely not constitute “good practice” under the LGA 2002
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For the above reasons the preferred option is Option B.

## 7. Chapter 3 Rural Zones Amendments

### 7.1 Issue Shelterbelt Trees & Tree Recession Planes

- The shelterbelt trees and tree recession planes are considered to be restrictive and unnecessary in the Rural Zones.
- The Horticulture Industry traditionally sued live shelter belts but increasing the industry is converting to artificial crop protection

### 7.2 Proposed Provisions

1. Delete Issue 3.1.2

~~3.1.2—Trees and structures adjacent to boundaries can cause shading and/or soil fertility or moisture loss, potentially compromising activities on neighbouring properties.~~

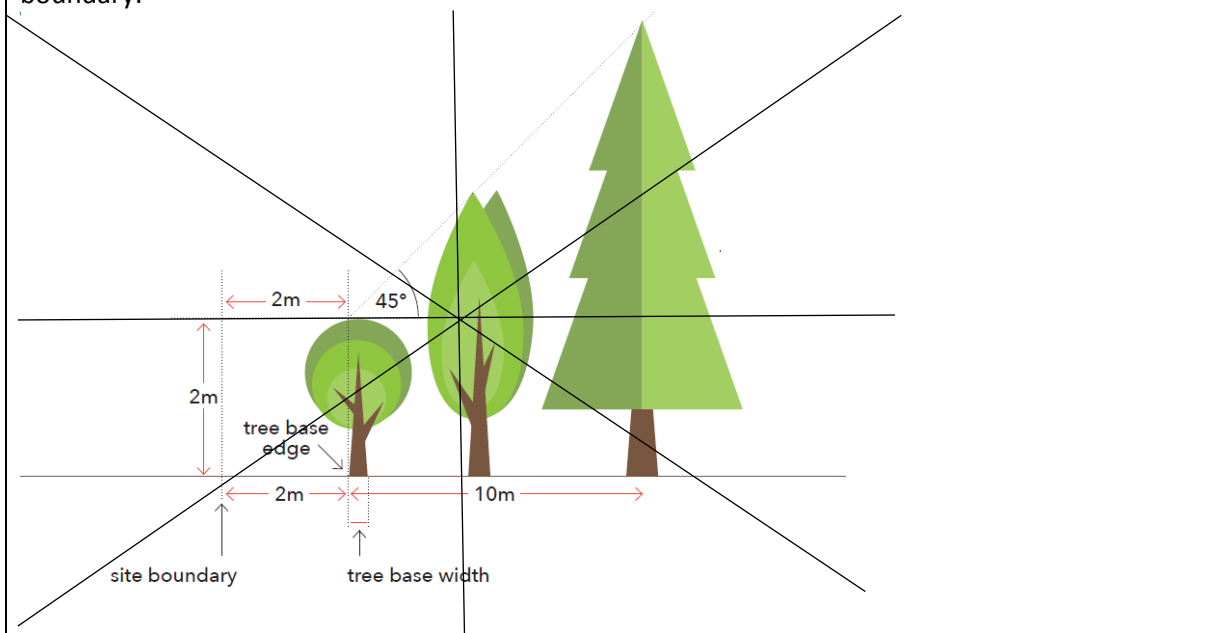
Delete Rules 3.5.7, 3.7.4 and 3.9.7 ‘Trees’ in the Rural Production, Rural Lifestyle and Rural Zones

#### Trees

~~a. No shelter belt shall be over 4m in height~~

~~b. Trees shall be planted to ensure that at maturity, the base of the tree fits within a recession plane which commences 2 metres above existing ground level at least 2 metres from any boundary and then projects from this line inwards at a 45 degree angle.~~

~~Except that this standard does not require any tree to be planted more than 10 metres from a boundary.~~



<p>Comment</p>	<p>The present rules require that shelterbelt trees in the three Rural zones shall be not be over 4m in height.  In addition the rules require trees to fit into a recession plane at any site boundary as shown above.  Submissions to PC 36 supporting the rule sought to avoid adverse effects on the environment of trees across boundaries, on soil conservation and stock illness. However:</p> <ul style="list-style-type: none"> <li>▪ The recently enacted Resource Management (Plantation Forestry</li> <li>▪ The Property Law Act 2007 contains provisions about the removal or trimming of trees on neighbouring properties, and this is therefore a civil matter (s 333).</li> </ul> <p><u>Research</u></p> <p>The Horticulture NZ in its recent submission on the Draft National Planning Standards commented that the types of shelter now used by the industry have changed and need to be provided for in the definition of structures:</p> <p style="text-align: center;"><i>“...Traditionally live shelter was used, but increasingly growers are using artificial crop protection as it provides benefits immediately and can also provide horizontal as well as vertical protection.”</i></p> <p>Federates Farmers has verbally agreed with the proposed changes to the deletion of the tree rules (Pers Com Hamish Lampp).</p> <p>The <b>2004 version</b> of the then Operative <b>Whanganui District Plan</b> contained a rule that required:</p> <ol style="list-style-type: none"> <li>a. no trees for forestry, shelterbelt or soil conservation purposes be planted within 10 m of any boundary (without written approval) and</li> <li>b. that no branches under 6 m in height be allowed to overhang adjacent properties.</li> </ol> <p>The November <b>1998</b> of the <b>Proposed Wanganui District Plan</b> (as amended by decisions) also contains the above rule for the same reasons. This rule was settled by consent memorandum with 3 parties.</p>
<p>Appropriateness (relevance, usefulness, achievability, reasonableness)</p>	<p>The deletion of these rules is appropriate given the nature of trees in the rural environment and the rules’ effectiveness is questioned.</p> <p>Removal of the shelter belt tree rules is relevant and reasonable as it is in line with modern horticulture practices which increasingly makes use of artificial crop protection, according to Horticulture New Zealand.<sup>6</sup></p>
<p>Section 32(2) Matters</p>	<p>The deletion of the three rules may have a slight positive impact on farming economy as shelterbelt trees would not be needed or for them to be maintained. However there would be costs involved in establishing artificial crop cover which itself would provide</p>

<sup>6</sup> <http://www.hortnz.co.nz/assets/Natural-Resources-Documents/HortNZ-MfE-Draft-National-Planning-Standards-2018-Submission.pdf> accessed on 1st November 2018.

	employment when these are erected and when they are rolled up in Winter.
Preferred option reason	The preferred option of deleting the rules in their entirety considered the most appropriate to promote sustainable management and reduce redundant regulation in the District Plan.

### 7.3 Options Considered

Options	Option Details	Explanation	Rank
Option A	Status Quo/Do Nothing	This would retain rules which serve no resource management purpose and which are essentially redundant.	5
Option B	Modifying the Rules	This option would remove unnecessary and unenforceable rules.	1
Option C	Returning to the rules of the previous District Plans	The question that needs to be asked is why control tree height in Rural Zones. It is considered appropriate that there be no rules to regulate tree height or shelter belts in the District Plan.	5
Option D	Non-regulatory mechanism.	While the previous District Plans contained rules that required a 10 m setback from any boundary and no branches over property boundaries under 6 m in height, they primarily related to production forestry. That activity is now covered by the Resource Management National Environmental Standards for Production Forestry Standard Regulations which retains the 10m set back.	5

### 7.4 Costs and Benefits of each Option

Options	Benefits	Costs
Option A	Status Quo/Do nothing option mean as that the rules are retained.	Nil
Option B	Proposed deletion of Rules reduces regulation and removes redundant provisions which are unenforceable.	Nil
Option C	Return to previous District Plan rules	To justify the return of rules that have been replaced, the question of appropriateness needs to be considered. Identification of the

		environmental effects that the rules seek to manage need to be identified to justify their reinstatement. As no effects on the environment that are more than minor can be identified it is clear that there is no justification for the former rules to return.
Option D	A non-regulatory situation for trees not covered by "Plantation Forestry" provisions would be created by the removal of the rules	Nil

For the reasons above the preferred option is B.

## 7.5 Issue Minor Dwellings

The Residential zones provide for this activity however the Rural Zones do not. This inequity is considered to be unnecessary as the adverse effects on the environment of minor dwellings are no different to those in the Residential.

## 7.6 Proposed Provisions

<p>1. Insert the following into the Rural Production Zone:  Rule 3.5 Performance Standards  <u>3.5.12 Minor Residential Dwelling</u>  <u>a. One minor residential unit per allotment which has minimum net site area of 10 ha.</u>  <u>b. Must not exceed 60sqm in gross floor area</u></p> <p>2. Insert the following into the Rural Lifestyle Zone:  Rule 3.7 Performance Standards  <u>3.7.10 Minor Residential Dwelling</u>  <u>a. One minor residential unit per allotment which has a minimum net site area of 5000m<sup>2</sup>.</u>  <u>b. Must not exceed 60sqm in gross floor area</u></p> <p>3. Insert the following into the Rural General Zone:  Rule 3.9 Performance Standards  <u>3.9.12 Minor Residential Dwelling</u>  <u>a. One minor residential unit per allotment which has minimum net site area of 1 ha.</u>  <u>b. Must not exceed 60sqm in gross floor area.</u></p> <p>4. Insert the following into the Rural Settlement Zone  Rule 3.11 Performance Standards  <u>3.11.11 Minor Residential Dwelling</u>  <u>a. One minor residential unit per allotment which has minimum net site area of 5000m<sup>2</sup>.</u>  <u>b. Must not exceed 60sqm in gross floor area.</u></p>	
Comment	While minor dwellings are permitted in the Residential zones, there is no such provision in the Rural zones. Minor dwellings provide a

	<p>valuable positive social outcome by enabling families to live in close proximity in a mutually supportive manner.</p> <p>The minimum net site area is applied to ensure that a proliferation of minor units is avoided. The size is based on the subdivision requirement of each zone.</p>
Appropriateness (relevance, usefulness, achievability, reasonableness)	<p>These amendments to the Rural Zones are appropriate, relevant and reasonable as they enables a Minor residential unit to be established in each of the Rural zones. The provisions are useful and achievable making the provisions of minor dwelling for the elderly a permitted activity subject to the size requirement and density requirement which matches the minimum lot sizes for subdivision. This obviates the need for unnecessary resource consents to establish a minor dwelling in the Rural zones as a discretionary activity under s 87B of the RMA.</p>
Section 32(2) Matters	<p>The costs and benefits of these proposed additions to the permitted activities in Rural zones is outlined below. These changes will have positive social effects in that families will be able to provide for their aged on site without having to do so via a resource consent for an activity that generates minor environmental effects. Such provisions are unlikely to have a direct effect on economic growth, or employment. An assessment of the risks of acting or not acting is discussed below.</p>
Preferred option reason	<p>The proposed insertion of minor residential dwellings in the Rural Zones is at a density that mirrors the minimum lot sizes for subdivision. The insertions are considered the most appropriate to promote sustainable management of the Rural environment, while also providing for the social needs of extended families.</p>

## 7.7 Options Considered

Options	Option Details	Explanation	Rank
Option A	Status Quo/Do Nothing	The status quo would retain the need for the establishment of minor dwellings to obtain resource consents for a discretionary activity under s87B of the RMA. This creates unnecessary bureaucracy and expense where a family wishes to provide for an elderly relative on a rural property.	4
Option B	Proposed insertions	The proposed insertion of performance standards for minor residential units in the Rural zones provides certainty and the density required is based on the subdivision rules. This will reduce the potential for the proliferation of minor dwellings.	1

Option C	Variation on Minor residential dwellings	There is no reason to apply different performance standards for minor residential dwellings in the Rural zones to that which are permitted in the Residential zones.	4
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## 7.8 Costs and Benefits of each Option

Options	Benefits	Costs
Option A	Status Quo/Do nothing	Nil to Council, however costs preparation of an application and processing by Council.
Option B	Proposed provisions	Minor cost of staff drafting the provisions and s 32 report.
Option C	Variant on Minor residential units	Minor cost of staff to draft provisions, and potential cost of a resource consent to an applicant.

For the reasons above the preferred option is B.

## 8. Chapter 4 Residential

### 8.1 Issues

- There is a lack of objectives or policies which protect or enhance streetscape amenity values in the Residential Zone. The policy framework relating to maintenance and enhancement of street amenity values needs to be strengthened, to support rules to avoid large structures in the front yard.
- The fence height performance standard rule 4.5.4.c is confusing in that it requires a 1.2m high structures and also permits fences up to 1.8 m high, which between 1.2m and 1.8m are to be constructed with material that provides a “visual obstruction” of 50% per 1m<sup>2</sup> or less. The rule warrants simplification.
- Providing clarity about where Community Activities can occur on local roads.
- Inserting a dwelling density provisions for the North West Structure Plan.
- Removal of duplication of subdivision provisions.

### 8.2 Proposed Provisions

1. Insert New Issue 4.1.7 as follows:

4.1.7 Accessory buildings located in front of principal buildings can adversely affect streetscape quality, particularly where the street is uniform in appearance and front setbacks are unencumbered by structures such as garages, carports or shipping containers. Accessory buildings can dominate property frontages, undermine streetscape uniformity and if not sited appropriately, obscure views of buildings from the street.

2. Insert Objective 4.2.1.j with the wording as follows:

j. Residential streets that are characterised by open frontages and unencumbered by structures forward of principal buildings.

3. Amend Policy 4.3.2e as following:

e. Avoid or mitigate adverse visual amenity and safety problems from advertising.

4. Insert additional policies after 4.3.2.g as follows:

h. Ensure an adequate standard of on-site amenity.

i. Maintain reasonable levels of sunlight and daylight access for residential properties.

j. Maintain reasonable levels of privacy for residential properties, and

k. To preserve visual amenity by avoiding visually accessory buildings in front yards.

5. Amend Rule 4.4.1.c. by inserting the following words

c. Community activities on local roads;

6. Delete Rule 4.4.1.d as follows:

~~4.4.1.d Reserves and open spaces;~~

7. Insert Rule 4.4.2.b. immediately before the sentence "Control is reserved ... meet the subdivision provisions of Section 13.4." as follows:

b. Dwellings, in the North West Structure Plan, additional to the first dwelling on an allotment, not exceeding a density of 1 per 800m<sup>2</sup> of net site area.

8. Amend Restricted Discretionary Rule 4.4.3.c as follows:

"c. Any activity which does not comply with the height recession plane performance standard in relation to front boundaries.

Council restricts its discretion to the following matters

- i. ~~Where the~~ Whether site topography or location of existing structures constrains any other development potential;
- ii. Where existing buildings on the site prevent access to the rear for accessory buildings;
- iii. ~~Where the majority of neighbouring buildings already encroach the standard;~~
- iv. ~~Where the activity has the potential to detract from~~ The impact of the non-compliance on the visual amenity or the streetscape of the surrounding area; and
- v. Where the activity has the potential to be visually dominant or create shadowing on public space including footpaths and road ways."

9. Amend Rule 4.4.3.d as follows:

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

Council restricts its discretion to:

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

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

10. Delete Rule 4.4.3.e.as follows:

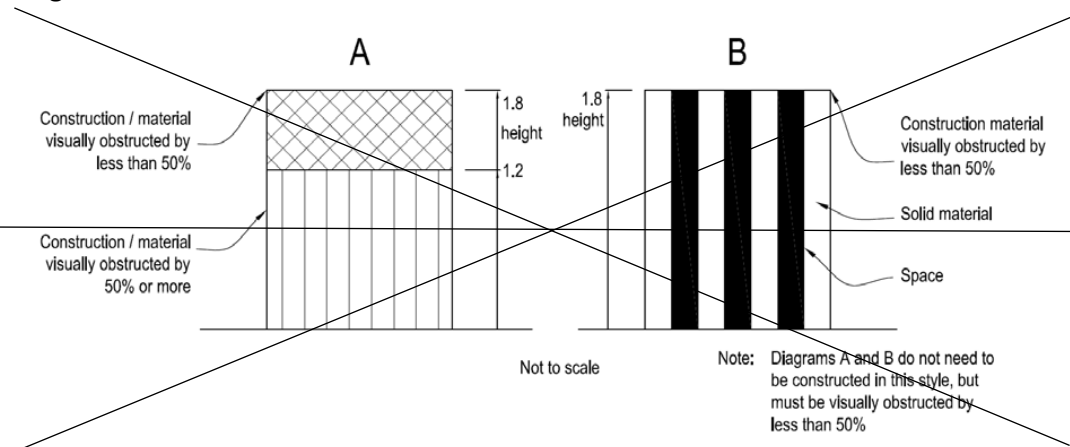
- e. ~~Any activity which does not comply with Rule 4.5.5 (c). Council restricts its discretion to the following matters:~~
  - i. ~~The nature of neighbouring activities (whether they are also non-residential);~~
  - ii. ~~The proposed parking provision to serve the proposed activity;~~
  - iii. ~~The status of the road that the activity accesses (as shown on the planning maps).~~

11. Amend Rule 4.5.4.c Fences as follows:

- i. Any fence erected along a front boundary shall not exceed ~~1.2~~ 1.6 metres in height.  
~~Fences adjoining public pedestrian and/or cycle ways shall not exceed 1.2 metres in height when constructed in material with a visual obstruction of less than 50% per 1m2. Fences may exceed 1.2 metres up to a maximum height of 1.8 metres if either,~~
  - i. ~~the height of the fence exceeding 1.2 metres in height up to a maximum of 1.8 metres in height is constructed with material or in a manner that provides a visual obstruction of 50% per 1m2 or less (refer Diagram 1(A) or,~~
  - ii. ~~the whole fence is constructed with material or in a manner that provides a visual obstruction of 50% per 1m2 or less Refer Diagram 1 (B).~~

~~Note: For the purpose of this Rule, visual obstruction means the total area of a fence which a person cannot see from one side to another. The attachment of shade cloth or other materials which do not prevent sight from one side of the fence to another is permitted.~~

**Diagram 1**



- ii. Any fence erected along any other side or rear boundary shall not exceed 1.8m in height.

12. Amend Rule 4.5.4.e Accessory Buildings as follows:

- e. Accessory buildings
  - i. Accessory buildings shall *not be erected in front yards but shall* be located behind the space identified by a theoretical line taken from the closest



point of the main buildings, parallel to, and for the entire length of, any front boundary adjoining ~~Road Reserve~~. Refer to Diagram 2.

13. Amend Rule 4.5.5.b Amenity as follows:

4.5.5.b Site Amenity

- i. There shall be a minimum of 30m<sup>2</sup> outdoor north to north west facing living space accessible ~~by~~ from a living room for each dwelling or multi-unit provided that the least dimension in any direction shall be 3m. Except that:
- ii. For upper storey units, the outdoor space requirement shall be a minimum of ~~15m<sup>2</sup>~~ 8m<sup>2</sup> north – north west facing living space accessible by each unit, and the least dimension in any direction shall be 1.5m.
- iii. For multi units an enclosed storage space, with a minimum area of 2m<sup>2</sup> and with outdoor access shall be provided.

14. Delete Rule 4.5.5.c as follows:

- ~~c. — Activities other than residential activities shall not attract more than:
  - a. — 50 people where an activity is accessed from a local road (as shown on planning maps);
  - b. — 100 people for roads which are national routes, primary arterials, secondary arterials or collector roads (as shown on planning maps).~~

15. Amend Rule 4.5.8.b Parking, Loading and Vehicle Crossings as follows:

- b. Car parking ~~lots~~ spaces for Community activities and Home Occupations shall be screened from adjoining ~~or nearby~~ residential properties by a solid fence and/or vegetation to a minimum height of 1.8 metres.

16. Amend Rule 4.6.1.c and d Permitted Activities Coastal Residential as follows:

- 4.6.1.c. Community Activities on local roads;
- ~~4.6.1.d Reserves and Open Space;~~

17. Amend Rule 4.6.3 b Restricted Discretionary Activities

- b. Any activity which does not comply with the height recession plane or front and side yard setback standards.

Council restricts its discretion to:

- i. ~~The extent to which~~ Whether the site topography or the location of existing structures constrains any other development potential;
- ii. The extent to which existing buildings on the site prevent access to the rear of the site for car parking;
- ~~iii. — The extent to which alternative mitigation measures such as landscaping or fencing are proposed for the site;~~
- ~~iii. —~~ The impact of the non-compliance on the residents' amenity or streetscape of the surrounding area;
- ~~iv. — The effects of the non-compliance on surrounding sites; and~~
- v. The effects of the non-compliance on the amenity residential character of the neighbourhood and on the natural character of the coastal environment.

18. Delete Rule 4.6.3.c. and d. as follows:

- ~~c. — Any building that does not comply with the height recession plane for buildings with a coastal frontage.~~
- ~~Council restricts its discretion to:~~

i. ~~\_\_\_\_\_ The effect of the visible part of the building and the mass on the natural character of the coastal environment.~~

~~The streetscape is recognised as having high public value. The street environment is significantly influenced by the relative location of buildings in relation to the front and side boundaries. These standards are intended to provide some flexibility for the siting of buildings in relation to the property boundaries, whilst ensuring that the spacious character of the environment is retained.~~

d. ~~\_\_\_\_\_ Any activity which does not comply with Standard 4.7.10 (should be 4.7.9), traffic from non-residential activities.~~

~~Council restricts its discretion to:~~

i. ~~\_\_\_\_\_ The nature of the neighbouring activities (whether they are also non-residential);~~

ii. ~~\_\_\_\_\_ The proposed parking provisions accompanying the applications;~~

iii. ~~\_\_\_\_\_ The traffic generated will unduly affect safety, efficiency or amenity of the road network; and~~

iv. ~~\_\_\_\_\_ Practicable measures to minimise vehicular traffic have been included.~~

19. Delete Rule 4.7.9 Traffic Generation as follows:

**4.7.9 Traffic Generation**

~~Non-residential activities shall not accommodate more than:~~

a. ~~\_\_\_\_\_ 50 people where an activity is accessed from a local road (as shown on planning maps);~~

b. ~~\_\_\_\_\_ 100 people for roads which are national routes, primary arterials, secondary arterials or collector roads (as shown on the planning maps).~~

Comments

Concern is held about the street amenity being adversely affected by accessory buildings, including temporary buildings, containers and the like being established in the front yard setbacks. There needs to be a policy framework about controlling street amenity values as this is currently lacking.

The present Rules on Fences cause interpretation difficulties because they require both a 1.2m fence along a front boundary, and also permit front boundary fences to be up to 1.8 with a 50% visibility obstruction such as trellising. A height of 1.2m is quite low and it is proposed to increase this height by 400mm to 1.6m which will achieve slightly more privacy yet retains an openness to streetscape.

A modification to the location of the outdoor living space is proposed to range from north to include the north west. For ground floor dwellings this will provide some flexibility for the location of this space, without compromising on-site amenity. the area for upper stories the balcony size is proposed to be reduced to a more practical size of 8m<sup>2</sup>, noting that this is a minimum not maximum size.

Enable community activities such as preschools, churches can occur on local roads without requiring a resource consent for consistency. Also it is also proposed to removal the ruled stipulating a certain number of people associated with a community activity on a local road, and on other roads. This

	<p>measure was clumsy and arbitrary as a method to control traffic generation.</p> <p>The Controlled Activity dwelling density rule presently implies that a density for additional dwellings meet 1 per 400m<sup>2</sup>, which complies with the Subdivision provisions. The North West Structure Plan (NWSP) area however has a minimum lot size of 800m<sup>2</sup></p> <p>As the District Plan is silent on density in the NWSP any additional dwelling would have to be processed as a Discretionary Activity, which is not the intention. The lack of a density provision that expressly applies to the North West Structure Plan need to be corrected</p> <p>The amendments proposed in the Coastal Residential Zone to 4.6.3.a and b (Matters over which discretion is held) make 4.6.3.c and d redundant and they are proposed to be removed.</p>
<p>Appropriateness (relevance, usefulness, achievability, reasonableness)</p>	<p>The proposed minor amendments are considered to be appropriate, relevant, useful, achievable and reasonable. They strengthen and clarify matters that Council retains its' discretion over.</p> <p>The somewhat complicated fencing rules are replaced with a more easily understood rule which provides flexibility to a fence height at the front boundary that still enables CPTED (Crime Prevention through Environmental Design) to be implemented while balancing privacy.</p> <p>The changes to the location of ground floor open space will provide more flexibility for the location of new houses on site. The proposed upper floor outdoor space also seeks to be more practical size.</p> <p>Changes propose the removal of clumsy and arbitrary rules that try to control traffic generation.</p>
<p>Section 32(2) Matters</p>	<p>The costs and benefits of the proposed changes are outlined below. The proposed amenity provisions will contribute to preserving streetscape amenity which in turn will have positive effect on the social environment. The simplification of the fence rules will also positively effects the social environment by making the rules easier to comply with. The simplification of rules on Community Activities will also positively affect the social environment by clarifying where activities are permitted, and by deleting the arbitrary number of people attracted to an event.</p> <p>The amendments to the Site Amenity rule on location of outdoor space will have positive environmental and social effects by ensuring that the outdoor spaces are accessible,</p>

	for ground floor units and for upper story units a reasonable area is accessible.
Preferred option reasons	<p>The provisions in the Residential Zones require clarification or amendment or deletion to ensure that the rules of the chapter are relevant, and that a policy framework supports the amenity values of the Residential Zone. Control over buildings in front yards is required to ensure that Residential Streetscapes are protected from extensions of the built form.</p> <p>The modifications to the location of ground floor outdoor space and the reduction of the upper storey size provide more flexibility than the present rules.</p> <p>The clarification the location of community activities on local roads provides certainty.</p>

### 8.3 Options Considered

Options	Option Details	Explanation	Rank
Option A	Status Quo/Do Nothing.	The Status Quo would see no change to the existing provisions on retention of amenity and streetscapes. The retention of the existing fence rule would continue to cause some confusion as it provides more than one permitted activity rule.	4
Option B	Preferred Option.	This removes inconsistencies, clarifies provisions and provides policy around protecting amenity values and streetscapes.	1

### 8.4 Costs and Benefits of each Option

Options	Benefits	Costs
Option A	Status Quo/ Do Nothing	Nil.
Option B	Preferred Option	Negligible staff time to draft s 32 Evaluation and plan change processing.

For the reasons above the preferred option is B.

## 8.5 Issue

Expense of public notification for restricted discretionary activity accessory buildings in the Residential Zone for what often amounts to minor infringements is unnecessary and inefficient.

## 8.6 Proposed Provisions

<p>1. Residential Zone, Restricted Discretionary Activities, Rule 4.4.3.c, 4.4.3.d and Coastal Residential Zone 4.6.3.b. Amend these rules by inserting the following:  <i>vi. Notification:</i>  <u>Applications for accessory buildings subject to this rule are precluded from public or limited notification.</u></p>	
Comment	These minor additions to the Restricted Discretionary Activities rules on accessory buildings enables those resource consent applications to be processed without public or limited notification.
Appropriateness (relevance, usefulness, achievability, reasonableness)	These proposed minor amendments will reduce the time and costs of processing resource consent applications for accessory buildings. These are often minor infringements which can suitably be processed in accordance non-notified manner. These amendments are therefore appropriate, relevant, useful, achievable and reasonable.
Section 32(2) Matters	The benefits and cost of the options relating to notification of accessory buildings is discussed below. These minor amendments are unlikely to have a significant environmental or cultural effects. These proposed provisions may have some positive social or economic effects with the time and cost reduction of the processing of restricted discretionary accessory building applications.
Preferred option reason	The proposed minor amendments to Restricted Discretionary Activities notification rules for accessory buildings aim to reduce compliance costs for applicants. This solution is considered to be the most appropriate to promote sustainable management.

## 8.7 Options Considered

Options	Option Details	Explanation	Rank
Option A	Status Quo/Do Nothing	If the provisions remain as they are every accessory building resource consent would have to be considered for partial, full or non - notification. This is a separate report in itself.	2
Option B	Preferred option	This option clarifies that restricted discretionary accessory buildings will be processed without full or limited public notification. This reduces time and cost of processing these application for an applicant.	1

Option C	Removal of Accessory Buildings as a Restricted Discretionary Activity	If accessory buildings which breach the Permitted Performance Standards and are not listed in a rule they become either discretionary (s87B) or non-complying activities. Both classes of activity are considered to be overly strict for what could be minor breaches. Both those classes of activity would be required to be considered for limited or full public notification which unnecessary.	4
Option D	Full notification for an Accessory Building when Restricted Discretionary	This option would add considerable and unnecessary expense for a minor building.	4

## 8.8 Costs and Benefits of each Option

Options	Benefits	Costs
Option A	Status Quo/Do Nothing	Nil to Council, potential time delays and resource consent costs to applicants.
Option B	Proposed Non-notification rule	Negligible only staff time would be require to draft rules and s 32 analysis.
Option C	Removal of accessory buildings as a Restricted Discretionary activity	Negligible staff time to draft rules and s32 analysis to Council. Potential resource consent costs to applicants.
Option D	Full notification of every consent for an accessory building.	Nil to Council, additional expense resource consent costs to applicants.

For the reasons above the preferred option is B.

## 9. Chapter 10 Natural Environment

### 9.1 Issue

The provisions lack clarity about when work on or nearby a protected tree is a discretionary activity.

### 9.2 Proposed Provisions

1. Amend Rule 10.5.3.a & b as follows:
  - a. The modification, destruction, or removal of any protected tree ~~except as provided for above~~ that is not a permitted or controlled activity
  - b. ~~Any activity including~~ Excavation, construction or reconstruction work within the drip line of a protected tree, ~~unless stated as a permitted activity~~ that is not a permitted *or controlled* activity.

Comment	The slight modification to Rule 10.5.3.a states more precisely the circumstances when an activity associated with a protected tree is classified as a discretionary activity. The minor modification to Rule 10.5.3.b clarifies the provisions relating to work within the drip line of and the protection of protected trees from damage. It also remove the inference that “Any activity” which includes such things as walking under the dripline would require a resource consent.
Appropriateness (relevance, usefulness, achievability, reasonableness)	This amendment is therefore appropriate, relevant, useful, achievable and reasonable as it provides a consistent approach to the drafting of rules.
Section 32(2) Matters	These minor amendments are unlikely to have an effect on the matters listed in s 32(2). Their purpose is merely to provide consistency in approach.
Preferred option reason	The proposed minor amendments are considered appropriate as they clarify the status of discretionary activities when associated with protected trees

### 9.3 Options Considered

Options	Option Details	Explanation	Rank
Option A	Status Quo/Do Nothing	Retaining the status quo maintains the less than clear provisions. It would also retain the existing inference that all activities in the dripline of protected trees would require a resource consent.	3
Option B	Proposed minor amendments	The proposed amendments though minor in nature do clarify the rules relating to protected trees and activities associated with them.	1
Option C	Non Regulatory Method	There is no universal non-regulatory method that would clarify the tree protection rules.	3

### 9.4 Costs and Benefits of Each Option

Options	Benefits	Costs
Option A	Status Quo/Do nothing	Nil
Option B	Proposed minor amendments	Virtually nil, only staff time to draft the provisions.
Option C	Non-regulatory method	Placing covenants on each title containing a protected tree would take time, and would incur costs if High Court action was required to protect the trees. This would be an expensive option.

For the reasons above the preferred option is B.

## 10. Chapter 13 Subdivision

### 10.1 Issue

- There is considerable duplication of provisions in the zones that logically should be retained in the specific Subdivision Rules Chapter.
- While the rules will be removed from the zones they will be inserted into Chapter 13 Subdivision Rules with minor amendments removing the redundant compliance with Subdivision Chapter and the lot sizes which are located in Rule 13.5.4 Allotment Size Table.

### 10.2 Proposed Provisions

#### Chapter 3 Rural Environment:

1. Delete Rural Production Zone Rule 3.4.2.b.
2. Delete Rural Production Zone Rule 3.4.2.c.
3. Delete Rural Production Zone Rule 3.4.4.d.
4. Delete Rural Lifestyle Zone Rule 3.6.2.d.
5. Delete Rural General Zone Rule 3.8.2.b.
6. Delete Rural General Zone Rule 3.8.4.e.
7. Delete Rural Settlement Rule 3.10.2.c

#### Chapter 4 Residential Environment:

8. Delete Residential Zone Rule 4.4.3.a.
9. Delete Coastal Residential Zone Rule 4.6.4.a.
10. Delete Coastal Residential Zone Rule 4.6.5.e.

#### Chapter 5 Commercial Environment:

11. Delete Neighbourhood Commercial Zone Rule 5.12.2.

#### Chapter 7 Airport Enterprises Zone

12. Delete Airport Enterprises Zone Rule 7.4.2.b.

#### Chapter 8 Reserves and Open Spaces Zone

13. Delete Rule 8.4.2.b

#### Chapter 13 Subdivision:

##### 13.4.1 Controlled Activities:

Amend Note as follows:

Note: applications *for controlled activities* subject to this rule ~~shall be considered without service~~, are precluded public notification or written approvals from affected parties.

##### 13.4.2 Restricted Discretionary Activities:

14. Insert Rule 3.4.2.b into Rule 13.4.2.aa as follows:

13.4.2.aa. Subdivision *in the Rural Production Zone* provided that:

- ~~i. Minimum site area is 10 hectares per allotment, except that this shall not apply to allotments required for network utility activities;~~
- ~~ii. Complies with the subdivision provisions in Section 13.4; and~~
- iii. The identified Building Platform shall be located outside the National Grid Yard.



Council restricts its discretion to:

The ability of sites to:

- Be independently serviced for stormwater and wastewater;
- ~~Comply with the subdivision provisions at Section 13.4;~~ and
- Maintain or enhance rural character and to avoid potential reverse sensitivity.

Impact on the operation, maintenance, upgrade and development of the National Grid, including:

- Compliance with NZECP34:2001;
- The location and orientation of identified Building Platforms relative to the National Grid;
- The nature and location of any vegetation proposed to be planted in the vicinity of the National Grid; and
- Access to the National Grid.

The risk of electrical hazards affecting public safety, and the risk of property damage.

15. Insert Rule 3.4.2.c. into Rule 13.4.2.ab as follows:

13.4.2.ab. Subdivision *in the Rural Production Zone* to create one allotment with a minimum site area of 5000m<sup>2</sup> and a maximum site area of one hectare site area provided that:

- i. The site proposed for subdivision, legally existed at the 21st March 2016 of this rule;
- ii. The balance site area is at least 10 hectares;
- iii. The identified Building Platform shall be located outside the National Grid Yard.; and
- iv. ~~Complies with the subdivision provisions in Section 13.4.~~

Council restricts its discretion to:

- The ability of the development to be serviced by on-site means with regard to effluent and stormwater disposal;
- Impact on the rural character of the surrounding area, and to avoid potential reverse sensitivity;
- Impact on the operation, maintenance, upgrade and development of the National Grid, including:
  - Compliance with NZECP34:2001;
  - The location and orientation of identified Building Platforms relative to the National Grid;
  - The nature and location of any vegetation proposed to be planted in the vicinity of the National Grid; and
  - Access to the National Grid.
- Risk of electrical hazards affecting public or individual safety, and the risk of property damage.

16. Insert Rule 3.6.2.d into Rule 13.4.2.ac as follows

13.4.2.ac. Subdivision *in the Rural Lifestyle zone* ~~provided that:~~

- i. ~~Minimum site size is 5000 m<sup>2</sup>, except that this shall not apply to allotments required for network utility activities; and~~
- ii. ~~Complies with the subdivision provisions in Section 13.4.~~

Council restricts its discretion to:

The ability of sites to:

- Be independently serviced for water and wastewater;
- ~~Comply with the subdivision provisions at Section 13.4;~~ and
- Maintain or enhance rural lifestyle character.

17. Insert Rule 3.8.2.b into Rule 13.4.2.ad as follows:

13.4.2.ad. Subdivision *in the Rural General Zone* provided that:

- ~~i. Minimum site area is 1 hectare per allotment, except that this shall not apply to allotments required for network utility activities;~~
- ~~ii. Complies with the subdivision provisions in Section 13.4; and~~
- iii. The identified Building Platform shall be located outside the National Grid Yard.

Council restricts its discretion to:

The ability of sites to:

- Be independently serviced for stormwater and wastewater;
- Comply with the subdivision provisions at Section 13.4; and
- Maintain or enhance rural lifestyle character.

Impact on the operation, maintenance, upgrade and development of the National Grid, including:

- Compliance with NZECP34:2001;
- The location and orientation of identified Building Platforms relative to the National Grid;
- The nature and location of any vegetation proposed to be planted in the vicinity of the National Grid; and
- Access to the National Grid.

Risk of electrical hazards affecting public or individual safety, and the risk of property damage.

18. Insert Rule 3.10.2.c into Rule 13.4.2.ae as follows:

13.4.2.ae. Subdivision *in the Rural Settlement Zone* that:

- ~~i. Complies with the subdivision provisions in Section 13.4.~~

Council restricts its discretion to:

i. The ability of sites to:

- Be independently serviced for stormwater and wastewater;
- ~~• Comply with subdivision provisions section 13.4; and~~
- Maintain or enhance rural settlement character.

19. Insert Rule 4.4.3.a into Rule 13.4.2.af as follows:

13.4.2.af. Subdivision *in the Residential Zone* provided that:

- ~~i. Minimum lot size is 400m<sup>2</sup>;~~
- ~~ii. Within the North West Structure Plan (Appendix L pink shaded area only) the minimum lot size is 800m<sup>2</sup>.~~

20. Insert Rule 5.12.2 into Rule 13.4.2.ag as follows:

13.4.2.ag. Subdivision in the *Neighbourhood Commercial Zone*.

Council shall restrict its discretion to:

- i. Impact on the Residential Zone amenity values.
- ii. Impact on parking provisions and traffic flows.

21. Insert Rule 7.4.2.b into Rule 13.4.2.ah as follows:

13.4.2.ah. Subdivision *in the Airport Enterprise Zone* provided that:

~~The proposed subdivision complies with the relevant standards in Section 13.4.~~

Council restricts its discretion to:

- i. The provision of access to the runways for airport users.
- ii. The avoidance of allotment layouts that will adversely affect the ability of the airport to operate efficiently and safely.

22. Insert the relevant part of Rule 8.4.2.b into Rule 13.4.2.ai as follows:

13.4.2.ai. Subdivision *in the Reserves and Open Spaces Zone*.

Council restricts its discretion to:

- i. Impact on the amenity values of the surrounding residential area.
- ii. The ability of sites to:
  - o Be independently serviced for stormwater and wastewater.; and
  - o Comply with the subdivision provisions design at Section 13

**13.4.3 Discretionary Activities**

23. Insert Rule 4.6.4.b into Discretionary Activity Rule 13.4.3.f as follows:

13.4.3.f. Subdivision *in the Coastal Residential Zone* where:

- i. ~~The minimum allotment size for lots excluding reserves and those required for network utility activities is 800m<sup>2</sup>; and~~
- ii. The subdivision is part of a comprehensive structure plan developed for subdivision and infrastructure provision for the whole zone.

**13.4.4 Non-Complying Activities:**

24. Insert Rule 3.8.4.e into Rule 13.4.4.f as follows:

13.4.4.f. Subdivision with a building platform for a principal building or dwelling located within the National Grid Yard.

25. Insert Rule 4.6.5.e into Rule 13.4.4.g

13.4.4.g. Subdivision *in the Coastal Residential Zone* that:

- i. ~~Proposes to create an allotment of less than 800 m<sup>2</sup> that is not being used for reserves or network utilities; or~~
- ii. Is not shown on a proposed Comprehensive Structure Plan for the whole zone or is not consistent with an approved Comprehensive Structure Plan for the whole zone; or
- iii. Proposes a subsequent subdivision of a lot for which subdivision consent had been granted pursuant to a Comprehensive Structure Plan for the whole zone; or
- iv. Proposes to create more than 100 residential allotments in the entire Coastal Residential Zone.

<p>Comment</p>	<p>The District Plan contain a number of provisions on subdivision within the Zone rules which are duplicated in the specific Subdivision Chapter 13. The repetition of the Subdivision provisions are removed from the zone chapters.</p> <p>Only Part 1 of Chapter 13 has been updated as Part 2 has not yet been reviewed.</p>
<p>Appropriateness (relevance, usefulness, achievability, reasonableness)</p>	<p>These minor amendments are considered to be appropriate, relevant useful achievable and reasonable. They ensure that the Subdivision Chapter is: coherent, logical, comprehensive yet streamlined which it is not at present.</p>
<p>Section 32(2) Matters</p>	<p>These proposed minor amendments to the subdivision provisions are minor and mere seek to remove duplication. The costs and benefits of the prosed changes are outlined below. They do not of</p>

	themselves provide opportunity for economic growth or reduction, nor do they provide for or reduce employment.
Preferred option reason	While the proposed amendments to Chapter 13 may appear to be complex, the proposed provisions seek to streamline the chapter and combine the provisions across the zones in a more logical manner, while removing duplication

### 10.3 Options Considered

Options	Option Details	Explanation	Rank
Option A	Status Quo/Do nothing	The present layout of the subdivision provisions in both the zones and in a specific Subdivision Chapter (13) causes some confusion to the general public who are not used to having to seek information in more than one place. The proposed amendments seek to streamline the provisions in a more logical manner.	3
Option B	Proposed amendments	The proposed amendments streamline the chapter and clarify provisions in a more logical manner. The objectives and policies framework has remained unchanged being outside the scope of minor amendments to the District Plan. Work on reviewing the policy framework will commence in the new year.	1
Option C	Removing all subdivision provisions	This option would create a legislative vacuum in which all subdivision and even boundary adjustments would require resource consents as either dictionary activities (s87B RMA) or as non-complying activities.	4

### 10.4 Costs and Benefits of each Option

Options	Benefits	Costs
Option A	No real benefits arise from retaining duplication and having rules repeated in more than one section of the District Plan.	Nil as no amendment would be initiated
Option B	The proposed changes ensure that in Part 1 of the Subdivision Chapter all the rules relating to the subdivision provisions are retained	Negligible – staff time in drafting the provisions

	in one place. This ensures clarity in the Subdivision Rules.	
Option C	Removing all subdivision provisions	This would mean that every subdivision from boundary adjustments and small to large proposals would require resource consent applications as either discretionary activities (s87B RMA) or as non-complying activities. This situation would result in arguably unnecessary costs for applicants, for an activity that the RMA provides for.

For the reasons above the preferred option is B.

## 11. Chapter 16 Signage

### 11.1 Issues

- Whanganui District Council has recently promulgated a change to the Signage By-law, opting for a Signage Policy 2018 instead. The District Plan needs to be updated to reflect this change and to provide consistency between the two Signage documents.
- There are minor changes needed to signage size rules as the standard size of ply board used in most signs is 2.4m X 1.2m (=2.88m<sup>2</sup>) which is slightly larger than the presently allowed sized signs.
- A clarification that the signage area is *per sign face* is considered necessary to clarify the extent of the rules.
- No fully public or limited notification of Restricted Discretionary signage is proposed to reduce compliance costs and time.
- Additional Performance standards are required for signs under verandahs and elections signage.
- Clarification of rules on signs on state highways.

### 11.2 Proposed Provisions

1. Amend the Introduction to Chapter 16 Signage as follows:  
The objectives, policies and rules in this chapter apply across the District.  
~~They are grouped together to prevent repetition throughout the Plan.~~

Signage is an intrinsic part of most activities but has the potential to produce adverse effects in the community.

The controls in the Plan reflect the need to provide for signage to meet the needs of the community while providing sign control standards that and ensure protection from visual intrusion or adverse traffic safety.

Signage including any structure on which signage is affixed or forms part of, is controlled via the zone rules for location and the signage chapter for number and size. The ~~By-laws relating to signage~~ Signage Policy 2018 controls signs on Council owned land, except where provided for in the District Plan. Signs provided for under ~~By-laws~~ the Signage Policy 2018 are ~~deemed to be~~ Permitted Activities...

These provisions and any other provisions relating to signage are complementary to, and not in substitution for the ~~by laws~~ Signage Policy 2018 of the Council relating to the control and licensing of signage.”

2. Amend Policy 16.3.4 as follows:

To enable the erection of signs that provide community messages provided they are consistent with the ~~Signage By-law 2015~~ Signage Policy 2018 and include:

- a. Matters of public health and safety; or
- b. Election signs; or
- c. The location of destinations, routes, distances and public facilities and the names of settlements, streets and features; or
- d. Site characteristics or features of historical, cultural, spiritual, aesthetic, environmental, scenic or scientific significance.

3. Amend Rule 16.4.1.a Permitted Activities as follows:

The following are permitted activities:

- a. Signs that comply with:
  - i. The performance standards for signage in Section 16.5; and the performance standards for structures that apply in the underlying zone.
  - ii. The ~~Signage By-law 2015~~ Signage Policy 2018.
- b. Official signs.

4. Amend Restricted Discretionary Activities Rule 16.4.2 as follows:

- a. Any sign exceeding ~~the size limit set out in~~ the performance standards in Section 16.5.

Council restricts its discretion to:

- i. The location, height 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 in relation to visibility, health and safety;
- iv. The nature and content of the sign; and
- v. The nature, size and number of other signs in the immediate environment.

- b. Any sign on a heritage building or a building in a Display Frontage Street that does not comply with performance standard 16.5.1(d).

Council ~~restrict's~~ restricts its discretion to:

- i. The extent to which any sign including supporting structures detracts from the heritage significance or values of a heritage building or object;

5. Insert additional Rule 16.4.2.d as follows:

d. Signs of State Highways in areas above 50km/hr

i. Where any permanent or temporary sign is proposed on, or is visible from a state highway the written approval of New Zealand Transport Agency is required.

ii. Signs on a state highway must comply with the Bylaw 2010 –NZ Transport Agency signs on state highways bylaw July 2010.

6. Insert after Rule 16.4.2.d the following at the end of the rule:

Applications subject to these rules are precluded from public and limited notification

7. Amend Discretionary Rule 16.4.3. as follows:
- Any sign on road reserve, street furniture or public places that does not comply with the ~~signage by law~~ Signage Policy 2018;
  - Any sign (excluding permitted activities and exempt signs that is advertising a business or product that is not on the property;
  - Any sign that contains moving animation, flashing or optical illusions;
  - Any other sign not provided for as permitted or restricted discretionary.
8. Insert after Rule 16.4.3.d the following:  
Applications subject to these rules are precluded from public and limited notification
9. Amend Performance Standard Rule 16.5.1.a General as follows:  
“Signs shall only be located on the site of the activity to which they relate. Signs provided for under by-laws or health and safety are exempt from this standard. Official and Community Message Signs are exempt from this Rule.”
10. Amend Performance Standard Rule 16.5.1.i as follows:  
16.5.1.i Signs shall be maintained to a tidy standard and shall be removed within one week of the activity ceasing on the site unless provided for sooner by a ~~by-law~~ Signage Policy 2018 or the Plan.
11. Insert the following rules into Performance Standard Rule 16.5.1.j and k as follows:
- Signs displayed under, on the roof of, or on the façade of verandahs overhanging road reserve (including footpaths) in any zone must:
    - Only advertise businesses, services and products located on the site.
    - Achieve at least 3 metres clearance between the bottom edge of the sign and the footpath beneath the sign ; and
    - Achieve a horizontal distance of at least 450mm from the kerb.
  - Election signs (national, local government and community) on private property must:
    - Clearly display the name and contact details of the person responsible for displaying the sign.
    - Not exceed a maximum height of 2.4 metres.
    - Not exceed a maximum per face sign area of 3m<sup>2</sup>
    - Comply with the minimum size requirements for lettering and lines spacing on local roads, as if located on a road controlled by the New Zealand Transport Agency under the Electoral Advertising of a Special Kind Regulations 2005.
    - Comply with regulations under s267A of the Electoral Act 1993.
12. Amend Performance Standard Table 16.5.3 as follows:

**16.5.3 Rural and Residential Zones**

<b>Sign/ Zones</b>	<b>Property Identification</b>	<b>Real Estate Sign *see note below</b>	<b>Tourist Publicity, Schools <u>and</u> Churches</b>	<b>Home Occupation <u>and</u> Retail Activity</b>
<b>Rural Production</b>	1x 3m <sup>2</sup> total area	<del>2m<sup>2</sup></del> <u>3m<sup>2</sup></u> per agency total area	1 per street frontage no more than 2m <sup>2</sup> total area each frontage	1x 0.5m <sup>2</sup> total area
<b>Rural Lifestyle</b>	1x 1m <sup>2</sup> total area	1per agency per road frontage no	1 per street frontage no more	1x 0.5m <sup>2</sup> total area

		more than <del>2m<sup>2</sup></del> <u>3m<sup>2</sup></u> total area per agency	than 2m <sup>2</sup> total area each frontage	
<b>Rural General</b>	1x 3m <sup>2</sup> total area	<del>2m<sup>2</sup></del> <u>3m<sup>2</sup></u> per agency total area	1 per street frontage no more than 2m <sup>2</sup> total area each frontage	1x 0.5m <sup>2</sup> total area
<b>Rural Settlement</b>	1x 3m <sup>2</sup> total area	1per agency per road frontage no more than <del>2m<sup>2</sup></del> <u>3m<sup>2</sup></u> per agency	1 per street frontage no more than 2m <sup>2</sup> total area each frontage	1x 0.5m <sup>2</sup> total area
<b>Residential</b>	1x 1m <sup>2</sup> total area	1per agency per road frontage no more than <del>2m<sup>2</sup></del> <u>3m<sup>2</sup></u> total area per agency	1 per street frontage no more than 2m <sup>2</sup> total area each frontage	1x 0.5m <sup>2</sup> total area
<b>Coastal Residential</b>	1x 0.5m <sup>2</sup> total area	1per agency per road frontage no more than <del>2m<sup>2</sup></del> <u>3m<sup>2</sup></u> total area per agency	1 per street frontage no more than 2m <sup>2</sup> total area each frontage	1x 0.5m <sup>2</sup> total area

Note: The limit on Real Estate signs does not apply to sites that do not share a boundary with Road Reserve, or only do so via Right of Way or Access Strips, excluding sites that are separated from Road Reserve only by way of Segregation Strip or other similar instrument. For these properties, up to three signs totalling no more than ~~2m<sup>2</sup>~~-3m<sup>2</sup> per agency are permitted.

Comment	<p>In recent times Council has changed its approach to the management of signage. It has replaced the Signage By-Law with a <b>Signage Policy 2018</b>. As a consequence amendments throughout the Signage Chapter are required.</p> <p>The standard size of plywood boards used for signage are 2.4 X 1.2 = 2.88m<sup>2</sup>. Therefore the current restriction of 2m<sup>2</sup> signs for real estate advertising purposes does not fit with what is commercially available. The change for these temporary signs is considered necessary to reflect the actual available product.</p> <p>For restricted discretionary activity signage the provisions have been simplified to address all performance standards, and streamlined so that applications will not be required to be publicly notified.</p> <p>It is necessary to include rules on elections not only relying on the Electoral Act 1993 or the Electoral (Advertising of a Special Kind Regulations) 2005, both of which only apply to national election signage. With Local Government and DHB elections in the forthcoming year clarity around those signs is considered necessary.</p>
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	It is also appropriate to clarify rules that relate specifically to state highways and to include reference to the NZTA Signage Bylaw 2010, which the District Plan currently does not do.
Appropriateness (relevance, usefulness, achievability, reasonableness)	<p>The changes proposed are minor and will ensure that the chapter has been updated to include references to the Signage Policy 2018 instead of the now defunct Signage By-law. There is substantially no change proposed to the signage specific rules these have been transferred directly across for the existing District Plan. The few additions to the rules (are for relevance and completeness.</p> <p>The modifications bring the District Plan Signage provisions in line with the Council's new <b>Signage Policy 2018</b> which is considered appropriate, relevant, useful, achievable and reasonable.</p>
Section 32(2) Matters	These proposed minor amendments to the Signage Chapter are unlikely to have an effect on the matters listed in s 32(2).
Preferred option reason	<p>The proposed minor amendments to the Signage Chapter aim to bring the provisions in line with Council's new Signage Policy 2018 which replaces the Signage By-Law. It also seeks to format the Chapter in compliance with the Draft National Planning Standards as will be required by April 2019.</p> <p>These minor amendments are considered the most appropriate to promote sustainable management of the visual environment.</p>

### 11.3 Options Considered

Options	Option Details	Explanation	Rank
Option A	Status Quo/Do Nothing	<p>This option would render the Signage Chapter out of date as the Signage By-law will be repealed once the Signage Policy has been finalised. Such a situation would render Council unable to implement and control signage.</p> <p>Such a situation would also require resource consents for a discretionary activity (s87B (1)(a) if the plan is silent or contains no rules on signage.</p>	3
Option B	Preferred Option of minor changes	This option ensures that the Signage Chapter 16 of the District Plan incorporates the new Signage Policy which replaces the Signage	1

		Bylaw. The minor changes to the size of Real Estate signage reflects what is commercially available.	
Option C	Non-regulatory mechanism.	There is non-regulatory method of managing the effects of signage. Removal of all signage rules and policy would create an unregulated environment where a proliferation of signage inappropriate and otherwise could flourish.	3

## 11.4 Costs and Benefits of each Option

Options	Benefits	Costs
Option A	The Status Quo/do Nothing derives few if any benefits as references to outdated By-law verses Signage Policy 2018 will continue to cause confusion.	Continuing confusion and costs of a resource consent for signs
Option B	The proposed amendments clarify when applications can be processed on a non-notified basis. The amendments also update and reflect the commercially available signage sizes.	Virtually Nil the cost of staff time to draft the minor amendments.
Option C	A non-regulatory mechanism may bring no costs if applications are made however under s9 (RMA) the presumption is that one can do anything on land unless a rule in a District Plan requires otherwise.	The lack of a rule regime on signage could possibly bring mayhem with uncontrolled signage.

For the reasons above the preferred option is B.

## 12 Appendix A – Heritage Items

### 12.1 Issues

Change to the listing of heritage items located at Wanganui Collegiate.

### 12.2 Proposed Provisions

1. Insert into Appendix A-Heritage Item:							
List No	Name	Location	HPT	Class	Group	Interior	Report
467	<u>Wanganui Collegiate School</u>	<u>132 Liverpool Street</u>	<u>9620 Cat 1</u>	<u>Class A</u>	<u>Class A Group</u>		
2. Delete the following Listings							
List No	Name	Location	HPT	Class	Group	Interior	Report
33	Wanganui Collegiate School toilet blocks (2)	132 Liverpool Street	1007 Cat 2	Class A	Class A Group		

34	Wanganui Collegiate School Chapel	132 Liverpool Street	999 Cat 2	Class A	Class A Group		
35	Wanganui Collegiate School Grey House	132 Liverpool Street	1001 Cat 2	Class A	Class A Group		
37	Wanganui Collegiate School Big School	132 Liverpool Street	1004 Cat 2	Class A	Class A Group		
54	Wanganui Collegiate School Pavilion	132 Liverpool Street	1005 Cat 2	Class A	Class A Group		
62	Wanganui Collegiate School Hadfield House	132 Liverpool Street	1002 Cat 2	Class A	Class A Group		
372	Wanganui Collegiate Selwyn House	132 Liverpool Street		Class A	Class A Group		
373	Wanganui Collegiate Marris House	132 Liverpool Street	1003 Cat 2	Class A	Class A Group		
464	Chaplain's House, Collegiate	128 Liverpool Street		Class BR	Class A Group		
465	Steward's House, Collegiate	128 Liverpool Street	1000 Cat 2	Class BR	Class A Group		

<p>Comment</p>	<p>The Heritage New Zealand Pouhere Taonga (HPT) altered its listing of the heritage buildings on the Wanganui Collegiate grounds in 2015 to group a large number of buildings collectively as Category 1. This category is for “<i>places of special or outstanding historical or cultural heritage significance or value</i>” (ss 22 &amp; 67(4)(1)). This is the higher of the 2 categories status that a building can achieve in the HNZPT Act 2014.</p> <p>Ten of the buildings included in the group listing are also listed in the District Plan all of which have a District Council ranking of Class A. The amendments proposed will align the District Plan listing of the group with the HPT listing. The HPT listing includes additional buildings, and therefore the DP new listing of the group will be identical.</p> <p>The Heritage NZPT listing states:  <i>“Extent includes the land described as Pt Wanganui Industrial School Reserve, Pt Lot 3B Deeds Plan 73, Lot 5B, 7B, Pt Lot 2B, 3B, 8B Deeds Plan 73 (CT 573222), Wellington Land District, and the buildings and structures known as Wanganui Collegiate School thereon. The extent of this historic place recognises that all buildings and features within the school grounds contribute as a unit to the heritage significance of the place.</i></p> <p><i>Of particular note for their high architectural and/or social and historical heritage values are the following buildings and structures: Big School, Bishops House, Chapel, Chaplain’s Residence (Former), Cricket Pavilion and Scorer Box, Dining Hall (Former), Godwin House, Grey House, Hadfield House, Harvey House, Headmaster’s Residence, Izard Sports Centre, Marris House and Music Room (Former), Marris and Porritt House (Former), Prince Edward Auditorium and Foundation Music School, Science Block, Selwyn House, Steward’s Residence (Former), and the two 1910 Toilet Blocks. ...</i></p>
<p>Appropriateness (relevance, usefulness,</p>	<p>These amendments are appropriate, relevant, useful, necessary and reasonable as they ensure that the listing of these heritage</p>

achievability, reasonableness)	items is consistent with the District Plan and the Heritage NZPT sites.
Section 32(2) Matters	This proposed minor Appendix A Heritage is unlikely to have an effect on the matters listed in s 32(2)
Preferred option reason	The proposed amendments to Appendix A Heritage Items aims to be consistent with the Heritage NZPT listing. This approach is considered to be the most appropriate to promote sustainable management of our historic heritage as provided for in ss 6(f) <sup>7</sup> , 7(g) <sup>8</sup> , 74(2)(b)(iia) <sup>9</sup> of the RMA

### 12.3 Options Considered

Options	Option Details	Explanation	Rank
Option A	Status Quo/Do Nothing	This will result in an incomplete and incorrect listings being contained in the District Plan This would lead to confusions and would be in breach of s74(2)(b)(iia) of the RMA	4
Option B	Proposed Amendments	These will result in both the Heritage NZPT listing and District Plan listing to be consistent.	1
Option C	Deleting Appendix A Heritage Items	Such an action would be in direct contravention of s74(2)(b)(iia) of the RMA.	4

### 12.4 Costs and Benefits of each Option

Options	Benefits	Costs
Option A	Status Quo/Do nothing	The potential legal action costs for noncompliance with s74(2)(iia) RMA
Option B	Proposed Amendments	Minor staff time in drafting this s 32 section and Plan Change 55.
Option C	Delete entire Appendix A Heritage Items	The potential legal action costs for noncompliance with s74(2)(iia) RMA

For the reasons above the preferred option is B.

<sup>7</sup> the protection of historic heritage from inappropriate subdivision, use, and development

<sup>8</sup> any finite characteristics of natural and physical resources

<sup>9</sup> relevant entry on the New Zealand Heritage List/Rārangi Kōrero required by the Heritage New Zealand Pouhere Taonga Act 2014

## 13. Appendix I Whanganui District Council Engineering NZS 4404

### 13.1 Issues

Currently surveyors are not listed under the definition of “suitably qualified profession” in these Engineering Standard.

### 13.2 Proposed Provisions

<p>1. Insert the following into Appendix I WDC Engineering NZS4404 – Appendix C- N” in Appendix k to those Standards “Guidance on Use of Producer Statements” (Not Appendix K – Archaeological and Other Items):</p> <p>Definition of Suitably Qualified Design Professional</p> <p>A suitably qualified design professional should have recognised qualifications and experience for the work undertaken and should be either:</p> <p>...</p> <p><i>iv) a Registered Professional Surveyor, being a member of New Zealand Institute of Surveyors (NZIS).</i></p>	
<p>Comment</p>	<p>The definition provides:</p> <p><i>“A suitably qualified design professional should have recognised qualifications and experience for the work undertaken and should be either:</i></p> <p><i>(i) an active member of the Association of Consulting Engineers of New Zealand (ACENZ) or;</i></p> <p><i>(ii) a corporate member of the Institution of Professional Engineers of New Zealand (IPENZ) having a current policy of Professional Indemnity Insurance for a sum not less than \$200,000 or;</i></p> <p><i>(iii) a member of the New Zealand Institute of Architects (NZIA) having a current policy of Professional Indemnity Insurance for a sum of not less than \$200,000.”</i></p> <p>A number of surveyors are involved in aspects of providing Producer Statements associated with subdivision. Inclusion in this definition recognises that contribution to the subdivision process.</p>
<p>Appropriateness (relevance, usefulness, achievability, reasonableness)</p>	<p>The inclusion of surveyors within the definition of Design Professionals is consider appropriate, relevant, useful, achievable and reasonable, given that a number of surveyors are doing this type of work.</p>
<p>Section 32(2) Matters</p>	<p>This proposed minor amendment to the definition of “Suitably Qualified Professionals unlikely to have an effect on the matters listed in s 32(2)</p>
<p>Preferred option reason</p>	<p>The proposed will include Surveyors in the list of “Suitably Qualified Design Professional”. This minor amendment aims to address the current situation where surveyors contribute to the production of Producer Statements. This standardises the current practice and is therefore considered to be the most appropriate to promote sustainable management of the design process.</p>

### 13.3 Options Considered

Options	Option Details	Explanation	Rank
Option A	Status Quo/Do nothing	This option fails to recognise that Surveyors contribute to the design process and the development of Producer Statements.	4
Option B	Proposed Insertion	The insertion of Surveyors into the definition of “Suitably Qualified Design Professional”, is considered to be the most appropriate to address the present practice.	1
Option C	Insert “Suitably Qualified Design Professional” (including Surveyors) in the Definition Chapter	<p>This option would be an acceptable and sensible option. Research into other District Plans shows that apart from Auckland Unitary Plan no other District Plan contained a definition in its definition section. The Auckland definition is:  <i>“Suitably qualified and experienced person:  A person who can provide sufficient evidence to demonstrate their suitability and competence.”</i> – used often in the Plan.</p> <p>This research also showed that surveyors were not mentioned as suitably qualified professionals in any of the District Plans. A range of experts &amp; professionals from ecologists to traffic engineers, landscape architects, geotechnical and chartered engineers were listed in some plans.</p>	2
Option D	Delete Entire Definition	It would be very unwise to delete the definition of “Suitably Qualified Design Professional” as these persons fulfil an important function in the development of Producer Statements. The role and experience of the range of professionals needs to be provided for, in the NZS 4404 Standard. If these professionals are not recognised in the NZS 4404 Engineering Standard then Council would not have a system whereby it can be satisfied that the works have been conducted/constructed appropriately.	

## 13.4 Costs and Benefits of each Option

Option	Benefits	Costs
Option A	Status Quo/Do nothing	Nil for Council. However there may be costs that developers would need to carry if work that surveyors have done towards Producer Statements is not accepted because of the lack of recognition in the definition in the District Plan. Such is an unnecessary bureaucratic barrier to improved outcomes for developers.
Option B	The Proposed inclusions of surveyors in the definition of ‘Suitably Qualified Design Professional’	Negligible – Staff time to draft the text of the insertion which has already been completed.
Option C	Insertion of complete definition (including Surveyors) in Definition Chapter would be sensible.	Negligible – Staff time to draft the text of the insertion which has already been completed.
Option D	There is no non-regulatory method of providing for the preparation of Producer Statements required as part of the subdivision certification of works process.	Extra costs to applicants and Council if applicants are unable to provide a producer statement from a trusted professional to certify that work has been correctly done. There would also be no form of control over the work that is required to be done as part of a subdivision.

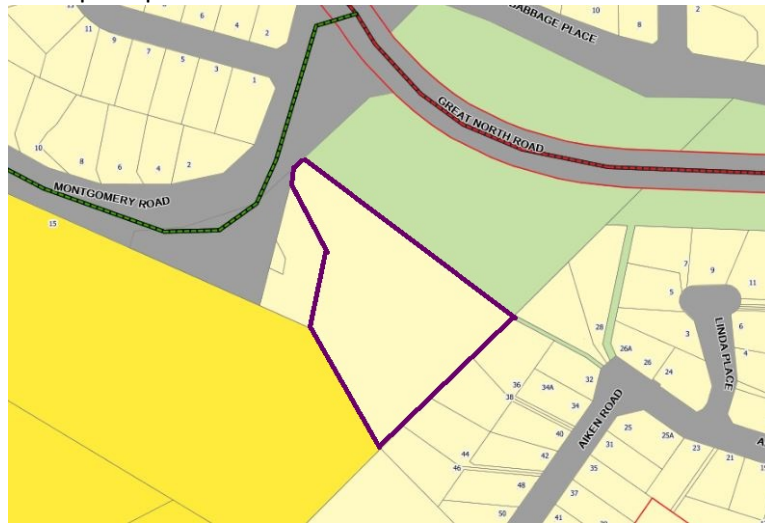
## 14. District Plan Map

### 14.1 Issues

The western portion of Montgomery Reserve is inappropriately zoned Residential.

### 14.2 Proposed Provisions

Amend the zoning of the south western portion of Montgomery Reserve being Part Section 337 Right Bank Wanganui River, and highlighted in purple, from the Residential Zone to Reserves and Open Space Zone.



Comment	Part of Montgomery Reserve is zoned Residential (pale yellow). The whole of Montgomery Reserve is gazetted for recreation purposes. The current Residential zoning is inconsistent with the reserve’s gazetted purpose. Rezoning the land to Reserves and Open Space zone (light green) ensures consistency with the reserve’s gazetted purpose.
Appropriateness (relevance, usefulness, achievability, reasonableness)	The rezoning considered appropriate as it will reflect the actual purpose of the land. The change of zone is relevant, useful achievable and reasonable.  While the designation tool is available it is noted that no other reserves in the District are designated in the District Plan. All reserves are zoned “Reserves and Open Spaces”. The proposed rezoning would be consistent with that approach.
Section 32(2) Matters	This proposed minor amendment to the zoning of a portion of Montgomery Reserve to “Reserves and Open Spaces” is unlikely to have an effect on the matters listed in s 32(2).
Preferred option reason	The proposed rezoning is consistent with the reserve’s gazetted purpose.



### 14.3 Options Considered

Options	Option Details	Explanation	Rank
Option A	Status Quo/Do nothing.	The existing split zone situation gives a false representation of the location of the overall Reserve. It also appears as though there are two sites not the one Reserve which could create a wrong expectation that the residentially zoned portion could be developed for residential purposes which is not the case.	5
Option B	Rezone of the residential portion of Montgomery reserve to "Reserves and Open Spaces" zone.	The proposed rezoning rectifies and anomaly in the District Plan. Rezoning the portion of Montgomery Reserve from Residential to Reserves and Open Spaces zone would make the reserve consistent with the zoning approach taken for all other reserves.	1
Option C	Designating the Reserve.	Designations are the planning tool that council and the crown can use to identify and protect a public work, such as a reserve. It is a superior planning tool to that of zoning, however the council has chosen to use only the zoning tool to identify and manage reserves, parks and open space, including under the Reserves Act requirements.  Designation alone would not address the split zoning of the site. Designating the whole reserve would also be inconsistent with the approach taken to manage all other reserves by way of a specific zone.	2

### 14.4 Costs and Benefits of each Option

Options	Benefits	Costs
Option A	Status Quo/Do nothing option does not address the split zoning of the site and the two different resource management regimes for the one property.	Nil

Option B	Proposed rezoning would ensure that the whole of this large reserve has a consistent management regime. As the Reserves and Open Spaces zone is already drafted only a change in the digital map is required.	Virtually Nil
Option C	Designation.	Staff/consultant time to prepare a notice of requirement (NOR) and supporting AEE to designate the whole site, staff processing time including possible d public notification if any.

For the reasons above the preferred option is B.