

## **Proposed Plan Change 20: Statement of Evidence**

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November 2011

Councillors  
**WANGANUI DISTRICT COUNCIL**

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### **STATEMENT OF EVIDENCE TO THE HEARING OF SUBMISSIONS TO PROPOSED PLAN CHANGE 20 – DP ONLINE FORMAT AND NUMBERING ADMENDMENTS - TO THE WANGANUI DISTRICT COUNCIL DISTRICT PLAN**

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#### **1.0 INTRODUCTION**

1.1 My name is Lisa Anne Thomas. I hold a Science Degree in Geology, and Ecology and Biodiversity, and a Masters of Resource & Environmental Planning. I am a member of the NZ Planning Institute (Graduate). I have over four years planning experience. I am a Consultant Planner and have been commissioned by the Wanganui District Council ('the Council') to prepare this report on Proposed Plan Change 20 to the Wanganui District Plan.

1.2 This report has been prepared in accordance with Clause 10 of Schedule 1 of the Resource Management Act 1991. This report includes my decisions on the provisions and matters raised in submissions, and the reasons for accepting or rejecting the submissions.

1.1 In this report I have provided:

- A brief outline of Proposed Plan Change 20;
- An outline of the statutory matters the Committee must consider when making its decision on this plan change;
- An assessment of the effects of the proposed Plan Change; and
- A table that summarises the key issues raised in submissions and reasons for accepting or rejecting submissions, along with recommendations to the Committee on proposed amendments to Proposed Plan Change 20.

#### **2.0 PLAN CHANGE PURPOSE**

2.1 The purpose of Proposed Plan Change 20 is to make minor amendments to the District Plan text and format to allow the Plan to be accessed online as an electronic interactive document.

#### **3.0 BACKGROUND**

3.1 Transferring the District Plan into an online format will make the document easier to use by planners and the public alike as the relationships between all parts of the Plan

will be clearly shown. This will help with user's understanding of the desired outcomes of the Plan.

- 3.2 In order to transfer the hardcopy plan to an online version, some minor cosmetic changes need to be made to the text and formatting of the Plan. The change in formatting is necessary because of how the information will be stored in an internal electronic system and also how it will be viewed and searched for online.
- 3.3 The content of the Plan is not amended by this plan change; instead the plan change proposes minor amendments to the text and formatting of the document so that it can be transferred into an online format.
- 3.4 The s32 Analysis identified that DP Online was the preferred option rather than a hard copy plan because it makes the Plan generally more accessible and easier to use, it streamlines the administration of future Plan changes and it is not limited by the size constraints of hardcopy a document. Refer to Appendix 4.

#### **4.0 STATUTORY PROCESS**

- 4.1 The statutory District Plan review is being undertaken to develop the second generation District Plan for Wanganui. Advances in technology, such as electronic storage and online retrieval of information, allow second generation District Plans to be larger, more detailed documents. Online access allows an increase in accessibility for planners, consultants, plan users and the general public.
- 4.2 It has been identified that a major barrier to the efficient and effective use of the Plan is its current hardcopy format which does not show the linkages between the Objectives, Policies, Methods and, therefore, Rules. The existing structure of the plan separates the policies from the rules, making it difficult to see the connections between issues, objectives, policies and methods. Without users being able to understand the linkages in the District Plan, there is a risk to Council as District Plan requirements can be overlooked.
- 4.3 Transferring the District Plan into an online format will make the document easier to use by planners and the public alike because the relationships between all parts of the Plan will be clearly shown. This will help with user's understanding of the desired outcomes of the Plan.

#### **Preparation and consultation on the Draft Plan Change 20**

- 4.4 Section 73 (1A) of the Resource Management Act (the Act) enables a district plan to be changed by a territorial authority in the manner set out in the First Schedule.
- 4.5 The Council has consulted with relevant statutory agencies, as required by Clause 3, First Schedule of the Act. Consultation on Draft Plan Change 20 was undertaken in October and November 2010.

#### **Notification of Proposed Plan Change 20**

- 4.6 Proposed Plan Change 20 was publically notified in accordance with Clause 5 of the 1<sup>st</sup> Schedule of the Resource Management Act 1991 on Thursday 23 June 2011, with

the period for submissions closing on Thursday 21 July 2011. A copy of the public notice is included as Appendix 2.

- 4.7 A total of 4 submissions were received in relation to Proposed Plan Change 20 at the close of submissions. A copy of submissions is attached as Appendix Three. The Submitters were:
- Transpower
  - Poweco
  - Wendy Pettigrew
  - Keith Gillimore
- 4.8 All submissions received were summarised and the decisions requested by submitters was publicly notified in accordance with Clause 7 of the First Schedule of the Act. Notification of the summary of submissions allowed the community to make further submissions in support or opposition to the submissions received. Copies of all the submissions received and a summary of the decisions requested by submitters were made available on Council's website, and copies were made available for public inspection.
- 4.9 The further submission process closed on 25 August 2011. No further submissions were received on Proposed Plan Change 20.

## **5.0 PART II - PURPOSE AND PRINCIPLES OF THE RESOURCE MANAGEMENT ACT 1991**

### **Sustainable Management**

- 5.1 Sustainable management is defined in the Resource Management Act 1991 as meaning *"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."*
- 5.2 In accordance with Part Two of the Resource Management Act, Proposed Plan Change 20 has been developed with a focus on improving community access to District Plan information in an effort to more effectively and efficiently, enable the community to provide for its social, economic, and cultural wellbeing, and for their health and safety.
- 5.3 The proposed Plan Change does not alter any of the substance or intent of the Plan provisions. The proposed change simply reformats and in some cases renumbers items for improved clarity and understanding.
- 5.4 With regards to Section 8, no specific concerns relating to Treaty issues have been raised during preparation of the Plan Change or through submissions.



## **Horizons Regional Council – Regional Policy Statement**

- 5.5 Section 75(2) of the Act requires that a district plan must not be inconsistent with the regional policy statement or any regional plan.
- 5.6 As Proposed Plan Change 20, as recommended to be approved in this report, will not alter any of the substance or intent of the Plan, it is concluded that the Plan Change is not inconsistent with the regional policy statement or any regional plan.

### **6.0 THE SUBMISSIONS**

- 6.1 The submission form did not request submitters to specify if they were in support, neutral or opposed to Proposed Plan change 20. However, an assessment has been made as to whether the submitter is generally in support, neutral or opposed to the provisions of Proposed Plan Change 20, and is included as Appendix 3. Based on this assessment, of those received during the submissions period, 3 submitters were generally supportive of the Plan Change, and 1 was opposed.
- 6.2 A summary of the key submission points and Officer recommendations is included in Appendix One.

### **7.0 ASSESSMENT OF EFFECTS WITH REGARD TO THE SUBMISSIONS**

- 7.1 There are considered to be no environmental effects that will result from the approval of Plan Change 20, as the changes are administrative and do not alter the substance of the District Plan.

### **8.0 CONCLUSION**

- 8.1 Proposed Plan Change 20 is part of the first phase of a rolling review of the Wanganui District Council's District Plan. This Plan Change makes make minor amendments to the District Plan text and format to allow the Plan to be accessed online as an electronic interactive document
- 8.2 A single change is recommended to Proposed Plan Change 20 as a result of submissions. The reason for the recommended change is included within the Summary of Submissions and Officers Recommendations Table 1.
- 8.3 The Section 32 was completed as part of Proposed Plan Change 20 and contains a comprehensive analysis of options.
- 8.4 Proposed Plan Change 21 is considered to be necessary to facilitate improved access and a simplified administration process for Plan users and administrators.

## **9.0 RECOMMENDATION**

9.1 For the reasons set out below, it is recommended that:

1. Pursuant to Clause 10 of the Part One of the First Schedule of the Resource Management Act 1991, Proposed Plan Change 20 to the Wanganui District Council's District Plan is adopted as notified, with one change to Policy 53 which is to revert to the Operative Plan wording, except for name and numbering, as follows:

*P53 Waterways Maintain, or enhance where appropriate, the natural character of the Districts waterways ( coast, wetlands, lakes and rivers) and their margins, and protect them from appropriate subdivision, use, natural character, ecological values and the extent to which adverse effects are avoided, remedied or mitigated."*

2. The submissions to the Proposed Plan Change 20 be accepted or rejected in accordance with the recommended decisions in the Summary of Submissions and Officers Comments Table in Appendix One.

## **10.0 REASONS FOR DECISION**

- 10.1 Proposed Plan Change 20 promotes sustainable management of natural and physical resources by enabling people to provide for their health and safety / community wellbeing, without compromising the needs of future generations or without significant adverse effects.
- 10.2 After a consideration of the alternatives, the Wanganui District Council is satisfied that the changes to be introduced by Proposed Plan Change 20 are necessary to achieve the desired outcomes for Plan accessibility, having had regard to efficiency and effectiveness.
- 10.3 Matters raised in the submissions have been assessed in a comprehensive manner. The proposed Plan provisions, as amended by one submission, will better enable sustainable development.

## **Appendix 1: Summary of Submissions and Officers Recommendations**

Submission No. & Name	Summary of Submission	Decision Requested	Officer Comments
S1 and S2 Transpower & Powerco Ltd (Identical submissions)	<ul style="list-style-type: none"> <li>Supports the intent of the Plan change</li> <li>Opposes changes to Policy P53, as beyond the scope of the Plan change as this is more than reformatting of the policy.</li> </ul> <p><i>'P53 Waterways Maintain, or enhance <del>where appropriate,</del> the natural character of the Districts waterways (<del>coast, wetlands, lakes and rivers</del>) and their margins, and <del>protect them from appropriate subdivision, use, natural character, ecological values and the extent to which</del> adverse effects are avoided, remedied or mitigated...'</i></p>	That P53 wording not be altered as part of Plan Change 20.	<p>Changes proposed to Policy 53 are considered to be more than a minor amendment and are beyond the stated purpose of Plan Change 20. For this reason the changes, regardless of how sensible, should be abandoned and considered as part of the Rural Phase of the Plan review process.</p> <p><b>Submissions are Accepted</b>  <b>Amend P53 by abandoning the word changes to the policy and reverting to the Operative Plan wording, except for name and numbering, as follows:</b>  <i>"P53 Waterways Maintain, or enhance where appropriate, the natural character of the Districts waterways ( coast, wetlands, lakes and rivers) and their margins, and protect them from appropriate subdivision, use, natural character, ecological values and the extent to which adverse effects are avoided, remedied or mitigated."</i></p>
S3: W Pettigrew	<ul style="list-style-type: none"> <li>Supports the principle of DP Online only.</li> <li>Not user friendly – as only has dial up access.</li> <li>Needs to be formatted to be more easily accessed and improve links within document</li> </ul>	Need of all types of people needs to be taken account of with development of DP online and website generally.	<p>Issues raised are non RMA matters, they are administrative issues about fine tuning the Council's website. This work is ongoing with new links being created as staff resources allow.</p> <p>Free internet access is provided at Council libraries and Council offices, where DP online can be viewed.</p> <p><b>Submission rejected.</b>  <b>No changes are recommended to Plan Change 20.</b></p>



Submission No. & Name	Summary of Submission	Decision Requested	Officer Comments
S4 Keith G Cullimore (A.N.Z.I.M.)  ( also S24 PC21)	<ul style="list-style-type: none"> <li>Submitters amendment to PC 20 &amp; 21 is that every property owner should have "Laissez faire" which means "let alone". Recognise right of every citizen to do what he/she wants to do with their property.</li> </ul>	No explicit decision requested.	<p>The proposed amendments to the District Plan formatting to facilitate DP online, does not alter people's ability to use their land. Thus the Plan Change is neutral in effect.</p> <p>The issues raised are beyond the scope of this Plan change process and do not accept the basic fact that the RMA in law necessarily regulates property owners ability to use their land, where that use may not achieve sustainable development.</p> <p><b>Submission rejected.</b></p> <p><b>No changes are recommended to Plan Change 20.</b></p>

**Appendix 2: Copy of the Public Notice**

## **Appendix 3: Submissions Received**

## **Appendix 4: Section 32 Evaluation**