



Shaping Wanganui

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Wanganui District Council District Plan Review Phase Six

Section 32 Report –

Proposed Plan Change 43 (District Wide Provisions)

Prepared by:
Dated:

WDC Policy Team
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1. INTRODUCTION

1.1 PLAN REVIEW PROCESS

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

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

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

1.2 STATUTORY AND LEGISLATIVE FRAMEWORK FOR THE REVIEW

1.2.1 Resource Management Act 1991

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

Territorial authorities have the following functions under the Act:

31 Functions of territorial authorities under this Act

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

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

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

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

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

1.2.2 National Environmental Statements

The act requires that District Plans give effect to any relevant National Environmental Standards (NES). A NES is a document prepared under the act and NPS to ensure that the same standards are enforced by each Council. The national environmental standard relevant to this plan change is:

The National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (2011)

The National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health ensures that land affected by contaminants in soil is appropriately identified and assessed before it is developed.

The requirements of this Environmental Standard were incorporated into the District Plan via Plan Change 27. A reference to this standard will be added to the permitted activities for the earthworks chapter for ease of use.

1.2.3 Regional Policy Statement

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

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

The One Plan is relevant to Plan change 43 as it includes requirements relating to the implementation of the National Environmental Standard as well as the need to protect the land from inappropriate earthworks.

An assessment of how the provisions in Plan change 43 compare with the objectives and policies of the One Plan are considered in Table 1 below.

One Plan – Earthworks		Proposed Plan Change 43
Objectives	Policy	Evaluation
Objective 13-1: Accelerated erosion – regulation of vegetation clearance, land disturbance, forestry and cultivation	Policy 13-1: Regional rules for vegetation clearance, land disturbance, forestry and cultivation Policy 13-2: Consent decision-making for vegetation clearance, land disturbance, forestry and cultivation	The One Plan was developed subject to the same National Environmental Standard. Therefore the proposed changes are in accordance with the One Plan in terms of earthworks.

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

1.2.4 Other Plans & Strategies

Another matter to which Council must have particular regard is other management plans and strategies. Those which are relevant to the District's District Wide provisions are discussed below. They have informed the preparation of this section 32 analysis.

Defence Act 1990

The Act provides for the defence of New Zealand including maritime resource protection, disaster relief and contributing to the forces of the United Nations. To achieve this, training exercises need to be able to be held in a variety of environments.

New Zealand Heavy Haulage Association Inc v. The Central Otago District Council (Environment Court C45/2004)

In 2004 the Environment Court concluded that relocated buildings have no long term effects greater than a new dwelling. This decision has been taken into account when developing performance standards for relocated buildings.

Keeping of Animals, Poultry and Bees By-law 2014

The Keeping of Animals, Poultry and Bees By-law became operative on 25 February 2015. It manages the effects of beekeeping. The By-law is the most appropriate tool to manage beekeeping due to the potential for nuisance effects caused by specific topographical issues. Therefore reference to beekeeping needs to be removed from the District Plan to prevent a conflict of documents.

2. PART 1 – PROPOSED PLAN CHANGE

2.1 BACKGROUND RESEARCH

Since the operative District Plan was drafted in the 1990s, there have been significant changes to society in terms of acceptable environmental effects.

The requirement to manage effects as a result of District Wide activities is set out in the Resource Management Act 1991. There is a need within the District to update the District Plan requirements as shown by the number of consents issued over the past 5 years and the lack of complaints received over that same timeframe:

Table 1: Consents granted and complaints received for District Wide rules between 2008-2013

District Plan Provision	Number of Consents	Number of Enforcement Issues	Comments
Relocated Buildings	118	4	Almost 20% of all consents processed over the past 5 years were for relocated buildings. This is a popular option for development in Wanganui. However, enforcement issues get raised when the buildings are not brought up to standard within a reasonable timeframe
Temporary Military Training Activities	0	0	As we have had no issues with this section over the past 5 years, there is little information to consider.
Verandahs	2	1	Both applications have focused on reinstating the verandah posts, which has become permitted under Plan Change 32. The only enforcement action is a result of an owner removing the verandah illegally.
Beekeeping	0	5	Beekeeping complaints mostly are raised in the Summer months and are usually about the mess made by bees

District Plan Provision	Number of Consents	Number of Enforcement Issues	Comments
Earthworks (1 year only)	4	2	<p>rather than the activity.</p> <p>The rules for earthworks came into force December 2013. Of the four consents granted in 2014 for earthworks, two of them were for new residential dwellings and as such were subject to the Building Code. The resource consent requirement for an engineering assessment did not add any value to the process.</p>

Wanganui District Council processes approximately 110 resource consents per year. This means that relocated buildings equate to about 18% of consents per year. It is a popular development option in Wanganui. There is the need to have performance standards for relocated buildings as evident by the complaints received.

Temporary military training activities and verandahs are activities that do not often require consent as the performance standards are usually complied with. The existing standards appear to remain appropriate and reasonable given the low number of complaints.

Beekeeping generates a number of complaints that are handled both under the Act and the Keeping of Animals, Poultry and Bees By-law. Currently the District Plan allows bee-keeping only within the Rural Zones, with no consideration to flight path or other sensitive activities in the area. This generates adverse effects

Earthwork provisions became operative December 2013. In this short timeframe it has been noted that consents are required for matters already dealt with under the Building Act. These provisions need review in order to prevent a double up of consents and unnecessary costs to the community.

2.2 CONSULTATION AND OUTCOMES

In 2014 the Wanganui District Council began consultation with members of the public to discuss potential issues with the existing district wide provisions.

Date	Location	Comments
27/08/2014	Council Offices	Meeting with member of the National Bee Association to

		discuss current status of Bee-keeping within District Plan.
02/09/2014	Have your say page, Council Website	A background document and survey on the current District Wide provisions was posted online.
6-7/09/2014	Home and Living Show, Springvale Park	Introduced the review of the District Wide rules at Council's stall, and promoted the survey. Approximately 9000 people came to the show.
19/09/2014	Letter to stakeholders	Letters were sent to approximately 55 stakeholders (identified based on commentary provided during previous plan changes) advising them of the review and recommending participation in the survey. This included the Defence Force, Mainstreet, Iwi, Federated Farmers, and Horizons.
23/09/2014	Council Offices	Meeting with Mainstreet representative to discuss current verandah provisions within the District Plan. Followed up with a meeting of the Mainstreet group to go through current provisions.
14/10/2014	Mainstreet Offices	
22/10/2014	Community Link Page, Online & Midweek paper	Promoted the survey and background information to the general public. 35 responses to the survey were received.
27/03/2015	Shaping Wanganui – Phase 6 Council Website	Draft versions of the proposed provisions and maps went online for comment. Response due 14 April 2015.
28/03/2015	Rivertraders Market	Introduced the proposed District Wide rules at Council's stall and requested feedback. Promoted website to see the draft text and maps.
1/04/2015	Email/Letter to stakeholders and owners	Letters sent to identified stakeholders and owners with link to draft provisions and 14 April 2015 deadline to respond.

Feedback from the community via the survey, letters from stakeholders and the meetings mentioned a range of issues which are addressed as part of this Plan change series (PC40-45). Specifically, the District Wide issues addressed by this Plan Change are:

Temporary Military Training Activities

- Provisions need to be updated to reflect current practice.

Verandahs

- Provision for stormwater should be included as there is a gap in the legal requirements and people's expectations.

Beekeeping

- Beekeeping should be allowed (subject to rules) in the urban area
- Beekeeping provisions in the District Plan cause confusion to the public due to their reference in the By-law.

Relocated Buildings

- The exterior of a relocated building should be upgraded as soon as reasonable.
- Case law needs to be reflected in the rules.

Earthworks

- Retaining wall provision unnecessary as issue is often covered by Building Consent.
- Network Utilities cannot comply with current earthwork requirements.

2.3 DESCRIPTION OF THE PROPOSED PLAN CHANGE

This Plan change covers a group of small activities that can occur across the District. These are verandahs, relocated buildings, temporary military training activities, earthworks and beekeeping.

Verandah provisions, which are currently within Chapter 19-Relocated Buildings, Temporary Military Activities will be relocated to the Commercial Environment Chapter at section 5.9.7(f) as this is the only zone within the Plan to have a verandah requirement. Verandahs in other zones will be subject to the existing structure rules which require consent as a structure over the boundary (except within the Riverfront and Arts and Commerce zones).

Relocated buildings and temporary military training activities were grouped together in one chapter as they are specific permitted activities that have detailed requirements across all zones.

Earthworks provisions and beekeeping have been updated in order to reflect the local issues raised by the public.

Objectives and policies relating directly to each of the general provisions will be specifically identified under headings.

The zone provisions and assessment criteria affected by this Plan change will also be altered to reflect the new provisions.

- 2.3.2 Council is completing a phased review of the District Plan. Section 70 of the Resource Management Act 1991 requires that where provisions have been reviewed and no changes are proposed, the existing provisions must still be publicly notified as if it were a change. For this reason the existing Plan

objectives, policies and rules relating to district wide provisions form part of Plan Change 43.

- 2.3.3 The relevant objectives and policies for specific zones were reviewed in previous phases. A copy of these, are included in the marked up text for completeness and are not subject to the Plan change process, except where the District Wide provisions will affect the formatting of the zones. These areas will be shaded grey. The rules that relate specifically to District Wide provisions are open to submission as part of proposed Plan Change 43.

3. PART 2 – SECTION 32 EVALUATION

3.1 REQUIREMENT TO MAKE AN EVALUATION

The Resource Management Act 1991 (the Act) requires that when a Council undertakes a plan change it must produce a report evaluating the proposed provisions. This is known as a Section 32 Report. This report contains an evaluation of the Proposed Plan Change, prepared in accordance with section 32 of the Resource Management Act (as amended 2013).

The evaluation examines:

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

For the purposes of this examination, the evaluation must:

- *Identify and assess the benefits and costs of the environmental, economic, social and cultural effects that are anticipated from the implementation of the provisions including the opportunities for –*
 - *economic growth that are anticipated to be provided or reduced; and*
 - *employment that are anticipated to be provided or reduced; and*
- *if practicable, quantify the benefits and costs referred to above; and*

- *assess the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the provisions.*

3.2 CONSIDERATION OF METHODS

3.2.1 While the use of non-regulatory methods such as management plans, by-laws, education and information provisions have been taken into account, as a primary option these were not considered to be an appropriate standalone option for achieving the objectives of the Plan or the Act. It is therefore deemed most appropriate to maintain non-regulatory methods as supplementary to regulatory approaches. In investigating the best regulatory method of achieving the objectives of the proposed Plan change, three options were identified and considered.

3.2.2 The options considered are as follows:

	Options	Explanation
Option 1	Maintain the Status Quo – Do nothing.	Leave Plan as it is – no substantial changes made apart from formatting to be consistent with the rest of the Plan.
Option 2	Update to reference national direction documents, case law, Horizons One Plan and Council documents.	Update the provisions to be consistent with documents produced since the Plan was last reviewed that must be taken into account when reviewing district plans.
Option 3	Review all relevant sections of Chapters 14 and 19 taking into account community values as well as national and regional documents.	Review all parts of Chapters 14 and 19 that have not been reviewed, together with community consultation in order to create a document that reflect local values as well as meets regional and national standards.

Each of these identified options is discussed in detail below.

One of the aims of Section 32 analysis is to identify a preferred approach as being more efficient and effective approach than other options in achieving the key objectives listed above which reflect the objectives of the Wanganui District Plan and the Act. The benefits and costs of each option are illustrated below.

	Benefits	Costs
Option 1 – Status Quo/ Do Nothing	Least financial cost in the short term as no requirement for Plan Change or additional assessments.	Increased costs on developers/property owners with the double up of compliance with the Building Act as well as the District Plan for some earthworks requirements.
	Retain familiarity with the existing objectives, policies and rules.	Increased risk of damage to sensitive noise environments from Temporary Military Training Activities.

		<p>Increased risk of legal liability due to insufficient objectives and policies and conflict with By-laws.</p> <p>Increased risk of legal liability due to rules conflicting with case law regarding relocated buildings.</p> <p>Council not fulfilling obligations under the Act.</p>
<p>Option 2 – Update to reference national direction documents, case law, Horizons One Plan and Council documents.</p>	<p>Minimal changes to the rules and processing.</p> <p>Reduced consenting costs for earthworks and relocated buildings.</p>	<p>Cost of Plan change process.</p> <p>Community consultation and input not recognised.</p> <p>Shortcomings in current rules and policies not fully addressed.</p>
<p>Option 3 - Review all relevant sections of Chapters 14 and 19 taking into account community values as well as national and regional documents.</p>	<p>Statutory obligations of Council fulfilled.</p> <p>More certainty for developers and owners on the type of work permitted and how applications will be assessed.</p> <p>Provides for community values on district wide issues.</p> <p>Plan effectiveness and efficiency addressed.</p>	<p>Cost of the Plan change process.</p> <p>Loss of private land use rights for landowners affected by Plan change.</p> <p>Potential to impose on private property rights by increasing regulatory protection in some areas.</p>

3.2.3 Analysis of Options

Option 1: Maintain the Status Quo (Do nothing)

Maintaining the status quo is an option that needs to be considered. This would simply involve the retention of the existing District Plan provisions. This option ignores case law and other Council considerations, thus not giving effect to the Act.

Maintaining the status quo would also result in a situation where unnecessary consents would be required for certain earthworks activities, even though a consent would be required under the Building Act.

As a result of these findings and taking into account the risk of acting or not acting it is considered that maintaining the status quo would not provide sufficient protection for the District's temporary military training activities, central city

verandahs, relocated buildings, beekeeping and earthwork activities, nor would it fulfil Council's statutory obligations under the Act. Therefore, it is not considered to be the best method available.

Option 2: Update to reference national direction documents, case law, Horizons One Plan and Council documents.

Since the development of the last District Plan, national direction documents have been altered, case law on specific adverse effects has been developed, the regional documents have been reviewed and combined into the One Plan and Council's policies and by-laws have been reviewed. The District Plan is required to be consistent with these documents. The current provisions conflict with some of these documents.

If Council was to proceed with the option of updating the plan to reference these documents without public consultation, then the purpose of a District Plan would not be met. A District Plan is prepared at a local level to deal with the issues of that community. By not involving the community in the review, the effectiveness of the plan is compromised due to less information and less buy-in from developers.

This option is not therefore considered to be an efficient and effective approach for addressing current inaccuracies and meeting the statutory obligations of the Act.

Option 3: Review all relevant sections of Chapters 14 and 19 taking into account community values as well as national, regional or locally prepared documents.

This method would build on option 2 by addressing the shortcomings of not including the local trends and public input.

As stated in section 2.1 of this report, the proposed changes rules seek to update the plan to provide for the matters addressed in the national policy statements, case law, the One Plan and other Council documents.

This option also takes into account the community consultation mentioned in section 2.2 of this report and the review of consents and complaints for this section. This feedback has resulted in new noise provisions for temporary military activities, an additional requirement for verandahs, the removal of beekeeping as a District Plan controlled activity, relocated buildings being permitted in particular circumstances and a review of the earthwork provisions.

Therefore, option 3; Including community viewpoints as well as national and regional planning documents is recommended because it is considered to be the most efficient and effective way to protect the environmental values identified, with the best outcomes in terms of the environmental, social/cultural and economic costs and benefits.

3.2.4 Appropriateness of the Plan Change

Whether or not the plan change is necessary or appropriate is directly linked to Sections 5, 6 and 7 of the Resource Management Act 1991. This plan change is considered necessary to achieve the purpose and principals of the Act because it meets the following:

Other matters

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

(a) kaitiakitanga:

(aa) the ethic of stewardship:

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

...

(c) the maintenance and enhancement of amenity values:

...

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

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

...

Kaitiakitanga and stewardship is provided for by the restriction on temporary military training activities that do not comply with the performance standards. The efficient use and development of resources is met by making relocated buildings a permitted activity and using a different mechanism (a By-law) to consider bee-keeping. The maintenance and enhancement of amenity values and quality of the environment is preserved through the performance standards on verandahs, relocated buildings and the temporary nature of the military activities

3.2.5 Conclusion & Recommended Option

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

It is considered that the reviewed objectives, policies and rules combined with a new format in the District Plan is the most efficient and effective means available to Council to preserve and enhance the key values of the Wanganui District.

3.3 PROPOSED ISSUES

Although not required by the Act, the identification of resource management issues and an introduction is generally provided for in most District Plans. It provides a base to develop suitable objectives and policies that are relevant to the local circumstances or context.

<p>14.1.1 Poorly managed earthworks. Poorly managed earthworks can create a range of adverse effects on amenity values the physical environment and cultural values.</p> <p>19.1.1 Relocated buildings can produce adverse visual effects until they are re-instated.</p> <p>19.1.2 Temporary Military Training Activities can produce adverse short term effects.</p>	
Comment	<p>The proposed issues identify the need to manage effects produced by relocated buildings, temporary military training activities. The operative provisions do not identify any issues for these activities. The proposed issues recognise that these activities are important to the community; however they do have the ability to adversely affect the District.</p> <p>The issues regarding verandahs are adequately covered by the existing Commercial Environment Chapter issues. The issue regarding earthworks required minor alteration for clarity.</p>
Summary of benefits	Identifying the issues provides clarity to plan users about what the Plan is addressing. Relocated buildings, temporary military training activities and earthworks can occur at a level beneficial to the health and safety of the community, without adversely affecting the adjoining properties.
Summary of costs	No direct cost implications although the community will be in a position to make better informed assessments through the clarification of the issues.
Effectiveness	The new issues are effective as improved understanding will support better informed decision making.
Efficiency	The new issues are efficient as improved understanding will support better informed decision making which recognises inherent levels of affecting people.
Appropriateness	The proposed issues identify that these activities will occur and any adverse effects need to be considered in relation to the positive effects and duration of the activity.
Risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the policies, rules, or other methods	The clarification of the relocated buildings and temporary military training activities issues will encourage the type of development that will enhance the environment.

3.4 PROPOSED OBJECTIVES

<p>5.2.3</p> <p>14.2.1</p> <p>19.2.1</p> <p>19.2.2</p>	<p>To ensure that development and activities in the central city area, maintain or enhance the high quality amenity of the area.</p> <p>...</p> <p>The characteristics, or distinguishing qualities, that contribute to the amenity of the central city area include:</p> <p>...</p> <ul style="list-style-type: none"> ○ Lively street activity; ○ Pedestrian oriented street layout, design, and quality; ○ High number of pedestrians in the streets; <p>Quality earthworks development.</p> <p>Earthworks and land modification in Wanganui that:</p> <ul style="list-style-type: none"> a. Maintains or enhances: <ul style="list-style-type: none"> i. Amenity values. ii. Landforms and natural processes. iii. The efficiency and effectiveness of infrastructure. iv. The safety of people and property. v. The stability of soils; and b. Has appropriate regard to cultural heritage sites and values. <p>To provide for relocated buildings as an alternative to construction of a new building whilst avoiding adverse visual effects on the environment.</p> <p>To enable temporary military training within the District which do not adversely affect community wellbeing or the character of the area.</p>
Comment	<p>The proposed objectives identify that the activities can have adverse effects if not managed.</p> <p>The objectives regarding verandahs are adequately covered by the existing Commercial Environment Chapter objectives.</p>
Summary of benefits	<p>Improved awareness of what is the preferred outcome of relocated buildings, temporary military training activities and earthworks issues.</p>
Summary of costs	<p>No increased cost implications although the community will be in a position to make better informed decisions on what relocated buildings, temporary military training activities and earthworks restrictions are seeking to achieve.</p>
Effectiveness	<p>The new objectives are effective as improved</p>

	understanding will support better informed decision making. They are also in line with current case law and other territorial authorities.
Efficiency	The new objectives are efficient as improved understanding will support better informed decision making, meaning less resource consents as a result of conflicting Council documents and more information will be held together as opposed to scattered through the plan.
Appropriateness	The proposed objectives are responsive to the understanding that relocated buildings and temporary military training activities are normal activities for the community, yet must be balanced against the localised impacts on the environment.
Risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the policies, rules, or other methods	Clarification of the proposed relocated buildings and temporary military training activities outcomes through the Objectives will provide for better decisions and the ability to manage effects better.

3.5 PROPOSED POLICIES

5.3.2 Define a Central Commercial zone with the following characteristics:

...

- m. Buildings built to a high standard, up to the street frontage, with no gaps between them, reflecting the historic rhythm, and predominantly with verandahs over the footpath.

14.3.1 Low impact earthworks and land modification.

Promote low impact earthworks and land modification that results in minimal modification to landforms and overland flow paths.

14.3.2 Effects of earthworks.

Avoid earthworks and land modification that result in damage to property, network utilities or significant nuisance effects.

14.3.3 Maori values and earthworks.

Incorporate Maori cultural values and practices into large scale earthworks and land modification, and within areas of cultural significance.

19.3.1 To ensure that any adverse visual amenity effects of relocated buildings are mitigated in a timely manner.

19.3.2 To provide for temporary military training activities throughout the District, except in proximity to a sensitive noise activity or on an identified outstanding natural landscape.

Comment

These policies recognise that relocated buildings, temporary military training activities and earthworks are normal activities for the community; however the localised

	<p>effects need to be managed.</p> <p>Verandahs are adequately covered by the existing Commercial Environment Chapter policies.</p>
Benefits	<p>Relocated Buildings The policy recognises that relocated buildings are a large part of development in Wanganui and that the adverse amenity effects are short in duration.</p> <p>Temporary Military Training Activities The policy recognises the importance of allowing military training except in locations where the adverse effects will be significant on the surrounding environment.</p> <p>Earthworks The amended policies recognise the importance of mitigating earthwork effects as well as fixing the implementation issues that have arisen since the section was incorporated into the Plan.</p>
Costs	<p>Economic These policies may restrict the development potential in certain areas due to the cost of consent and potential mitigation measures.</p> <p>Environmental There is the potential for earthworks, relocated buildings and military training to adversely affect the amenity of the surrounding environment.</p>
Effectiveness	These policies are effective as they create more precise guidance for decision makers. They provide an effective framework to achieve the Objectives by providing mechanisms to ensure the efficient operation of the particular activities.
Efficiency	These policies are effective as they create more precise guidance for decision makers. They provide an efficient way to achieve the objectives as the benefits of providing for these activities outweigh the costs.
Appropriateness	These policies are appropriate as they create more precise guidance for decision makers. They are in accordance with the relevant documents.
Risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the policies, rules, or other methods	Council considers there is sufficient information regarding the subject matter of the above policies. The risks of not establishing a policy framework outlining what the adverse effects are and when they would occur will result in any development occurring with no consideration of the long term environmental, economic and cultural effects.

3.6 PROPOSED RULES

The following methods have been identified as being suitable for achieving the relevant objectives and policies outlined above.

3.6.1 Rules

A review of the existing rules applying within the zones and Chapters 14 and 19 was completed. It is considered that these rules needed to be updated to reflect current practice. This is considered the most appropriate way to achieve the objectives and purpose of the Act.

The rules for each activity are assessed separately for convenience.

Relocated Buildings

All activities shall comply with the Performance Standards within this chapter and the underlying zone, overlay as well as other relevant chapters.

19.4.1 Permitted Activities.

The following are permitted activities throughout the District.

- a. Relocated Buildings
- b. Temporary Relocatable Buildings

19.4.2 Restricted Discretionary Activities.

The following are restricted discretionary activities throughout the District:

- a. Any activity which does not comply with any of the above performance standards in 19.5.

Council restricts its discretion to the following matters:

- i. The effect of the particular non-compliance on the environment, including the cumulative or combined effect of non-compliances.

19.5 PERFORMANCE STANDARDS

19.5.1 Relocated Buildings.

All Relocated Buildings shall comply with the following:

- a. A building inspection report shall be submitted to Council (usually as part of the Building Consent) prior to the relocation occurring. That report is to identify all reinstatement works that are to be completed to the exterior of the building and an estimate of the cost of the work.
- b. The building shall be located on permanent foundations, no later than one month after the building is delivered to the site.
- c. All work required to reinstate the exterior of any relocated building/dwelling, including the siting of the building/dwelling on permanent foundations, shall be completed within nine months of the building being delivered to the site.
- d. The owner of the site that the building is to be located onto shall certify that the reinstatement work will be completed within the nine month period and confirm the date of the proposed relocation.

19.5.2 Temporary Relocatable Buildings.

All Temporary Relocatable Buildings shall comply with the following:

- a. The building can comply with the relevant standards that control height and setback of structures; and
- b. The building is part of a construction project or event and is removed within 7 days of the project finishing; or
- c. The building is being used for temporary residential storage and will be onsite for no longer than 7 days.

Comment	This is the updated provision for relocated buildings taking into account the case law and Council's internal practices.
Benefits	<p>Environmental – The permitted status is accompanied by time and construction restrictions to ensure that the structures relocated will blend into the environment.</p> <p>Economic – Enables a popular development option in Wanganui to occur without the need for a consent. This reduces the cost for the operator and enable these activities to be easily undertaken.</p> <p>Establishes a clear framework for non-permitted structures to be assessed against. This reduces costs for the operator and on the community.</p>
Costs	Economic – Administrative costs for Council associated with processing applications and assessing compliance.
Effectiveness	This option is likely to achieve improved environmental outcomes due to being in line with current case law on the subject.
Efficiency	Specifying effects and matters to consider for resource consent applications is efficient and avoids unnecessary consent processes and ensures that resources are efficiently targeted to the activities with implications for sustainable management.
Appropriateness	The rules allow for development ensuring that environmental effects are avoided, remedied or mitigated. This is considered to be an appropriate approach and in line with the Environment Court decision.
Principal Alternative	<p>Council considers that there is sufficient information regarding the subject matter of the above rules that support the objectives and policies relating to relocated buildings. The risks of not establishing methods to ensure the efficiency of relocated buildings far outweigh the risks of doing so. Not acting would increase the likelihood of Council facing legal challenge for having significantly different rules for relocated buildings over new buildings.</p> <p>The principal alternative would be to increase or reduce the level of restriction. However no parties have indicated that the proposed regulation is less than effective or should be improved beyond what is proposed by this Plan change.</p>

5.8.2 Controlled Activities.

The following activities are controlled activities in the Central Commercial zone:

- e. Any verandah which does not comply with the relevant Performance Standards 5.9. In exercising its control, the Council shall be limited to the conditions with which the verandah fails to comply.

5.9.7 Structures.

Within the Central Commercial zone, structures shall be required to meet the following performance standards:

f. Provision of Verandahs

Every building with frontage to a “display frontage street” shall, when erected, reconstructed or its exterior physically altered, be provided with a verandah along the display frontage which complies with the following:

i. Verandah locations.

Verandahs shall only be erected over public road or public space where:

- o there is a formed footway;
- o the public road or public space is a minimum of 12 metres in width;

ii. Consistency of verandahs.

- o the design and appearance of verandahs (including materials used) shall be consistent with adjoining verandahs; and
- o the dimensions of verandahs shall be consistent with adjoining verandahs with regard to height and width of verandah and depth of fascia.
- o the roof covering of the verandah must be of weather resistant material and be provided with gutters and downpipes that connect to a reticulated stormwater system.

iii. Verandah dimensions.

- o Fascias shall be not less than 300mm, nor more than 450mm, in depth, except that this shall not apply to concrete fascias;
- o No part of a verandah shall be less than 3 metres above the kerb level of the footway, nor closer than a horizontal distance of 450mm from the kerb.
- o verandah posts shall not be closer than 450mm to the kerb line
- o verandah posts shall be no more than 200mm in diameter
- o verandah posts shall be set back no more than 200mm from the verandah fascia.
- o verandah posts for any one verandah shall be spaced at least 3 metres apart.

iv. Heritage verandahs

- o Verandah posts for buildings listed in the Heritage Inventory shall be in keeping with the character of the building.

Comment

Plan change 32 only added verandah posts to the rules. A full

	review of this section was not undertaken as part of the District Plan rules, therefore it is being done as part of this Plan change. These are the updated provision for verandahs, moved to the central commercial zone, as this is the only zone that requires verandahs.
Benefits	<p>Environmental – Provides certainty as to which zone verandahs are required.</p> <p>Economic – Allows a wide range of activities which will provide for the economic well-being of the community without compromising the amenity of the area. Avoids unnecessary resource consents and minimises bureaucracy.</p> <p>Social & Cultural – The community will know what to expect in the areas therefore reducing reverse sensitivity and other social conflicts.</p>
Costs	<p>Economic – Administrative costs for Council associated with processing applications and assessing compliance.</p> <p>Environmental – There is the potential that the moving of the verandah rules away from the general section would prevent a development outside the Display Frontage Streets from erecting a verandah.</p>
Effectiveness	These provisions are effective as they enable specific areas of concern to be addressed, particularly where identified by policies in the Plan. Focuses consent processes which is time and cost effective.
Efficiency	Specifying effects and matters to consider for resource consent applications is efficient and avoids unnecessary consent processes and ensures that resources are efficiently targeted to the activities with implications for sustainable management.
Appropriateness	<p>The rules for verandahs were developed to enhance the Display Frontage Streets in the Central Commercial Zone. The relevant objectives and policies are found under the zone. Therefore it is appropriate to have the rules for verandahs also under the zone.</p> <p>The addition of a rule to deal with stormwater addresses a loophole in the current Building and Planning regulations. The Building Act requires stormwater to be dealt with, however does not specifically state it cannot run straight off the verandah. By requiring a system to deal with this stormwater, the verandahs will enhance the enjoyment of the display frontage streets during wet weather.</p>
Principal Alternative	<p>Council considers that there is sufficient information regarding the subject matter of the above rules that support the existing objectives and policies relating to verandahs.</p> <p>Not acting would increase the likelihood of unsympathetic development of verandahs that damages the amenity value of the display frontage streets.</p>

Status quo which is more permissive and does not achieve the key objectives specified above. A further alternative could be to be even more restrictive. This is not deemed necessary or efficient.

Temporary Military Training Activities

Temporary Military Training Activities are not required to comply with the requirements of any other part of the Plan except earthworks and permanent structures which are subject to the zone rules.

19.6.1 Permitted Activities.

The following are permitted activities throughout the District provided they comply with the performance standards in section 19.7.

- a. Temporary military training activities.

19.6.2 Restricted Discretionary Activities.

The following are restricted discretionary activities throughout the District.

Any permitted activity which does not comply with any of the above performance standards in 19.7.

Council restricts its discretion to the following matters:

- a. the duration of the activity beyond 31 days;
- b. rehabilitation of the sites;
- c. the location, duration and frequency of any noise emissions beyond those permitted in 19.7.

19.7 PERFORMANCE STANDARDS

- a. The activity shall comply with the earthworks rules 14.5.2(f).
- b. The activity shall be limited to a period not exceeding 31 days.
- c. The following noise standards apply to temporary military training activities in all zones

Noise Controls

Type of military noise source

Standards

1. Weapons firing and/or the use of explosives

1. Notice is provided to the Council at least 48 hours prior to the commencement of the activity, specifying whether the activity involves live firing and/or the use of explosives, or firing of blank ammunition; the location of the activity and the boundaries within which the activity will take place, and distances to buildings housing noise sensitive activities; and the timing and duration of the activity.

2. Compliance with the noise standards below:

	Time (Monday to Sunday)	Separation distance required between the boundary of the activity and the notional boundary to any building housing a noise sensitive activity	
i. Live firing of weapons and	0700 to 1900 hours	At least 1500m	Less than 1500m if conditions (a) and (c)

	single or multiple explosive events	1900 to 0700 hours	At least 4500m	below are complied with Less than 4500m if conditions (b) and (c) below are complied with
		0700 to 1900 hours	At least 750m	Less than 750m if conditions (a) and (c) below are complied with
	ii. Firing of blank ammunition	1900 to 0700 hours	At least 2250m	Less than 2250m if conditions (b) and (c) below are complied with
		Conditions to be complied with if minimum separation distances for sources 1(i) and 1(ii) cannot be met:		
	Condition	Time (Monday to Sunday)	Noise level at the notional boundary to any building housing a noise sensitive activity	
	(a)	0700-1900hrs	Peak sound pressure level of 120 dBC	
	(b)	1900-0700hrs	Peak sound pressure level of 90 dBC	
	(c)	The activity is undertaken in accordance with a Noise Management Plan prepared by a suitably qualified expert and approved by Council at least 15 working days prior to the activity taking place. The Noise Management Plan shall, as a minimum, contain: <ul style="list-style-type: none">• A description of the site and activity including times, dates, and nature and location of the proposed training activities.• Methods to minimise the noise disturbance at noise sensitive receiver sites such as selection of location, orientation, timing of noisy activities to limit noise received at sensitive receiver sites.• A map showing potentially affected noise sensitive sites and predicted peak sound pressure levels for each of these locations.• A programme for notification and communication with the occupiers of affected noise sensitive sites prior to the activities commencing, including updates during the event.• A method for following up any complaints received during or after the event, and any proposed de-briefing meetings with Council.		
2. Mobile noise sources, excluding sources 1(i) and 1(ii)				
		Compliance with the noise limits set out in Tables 2 and 3 of NZS6803:1999 <i>Acoustics – Construction Noise</i> , with reference to 'construction noise' taken to refer to other, mobile noise sources*		
Note: mobile noise sources (other than firing of weapons) include sources such as personnel, light and heavy vehicles, self-propelled equipment, earthmoving equipment				
3. Fixed (stationary) noise sources, excluding sources 1(i) and 1(ii)	Time (Monday to Sunday)	Noise level at the notional boundary to any building housing a noise sensitive activity *		
	0700 to 1900 hours	55 dB LAeq (15 min)	n.a.	
	1900 to 2200 hours	50 dB LAeq (15 min)		
	2200 to 0700 hours	45 dB LAeq (15 min)	75 dB LAFmax	

1(ii)	the next day	
Note: fixed (stationary) noise sources (other than firing of weapons and explosives) include noise sources such as power generation, heating, ventilation or air conditioning systems, or water or wastewater pumping/treatment systems.		
4. Helicopter landing areas	Compliance with noise limits set out in <i>NZS6807:1994 Noise Management and Land Use Planning for Helicopter Landing Areas</i> *	

* Noise levels shall be measured in accordance with NZS6801:2008 Acoustics – Measurement of Sound

Comment	These are the updated provision for temporary military training activities, in a similar layout as previously. This also includes a new noise assessment table.
Benefits	Environmental – Provides certainty as to how noise is measured and provides for sensitive activities or environments. Economic – Allows for military training which will provide for the economic and social well-being of the community without compromising the amenity of the area. Avoids unnecessary resource consents and minimises bureaucracy. Social & Cultural – The community will know what to expect in the areas therefore reducing reverse sensitivity and other social conflicts.
Costs	Economic – Administrative costs for Council associated with processing applications and assessing compliance. Environmental – Temporary effects in terms of noise and amenity, but at a lower level than currently.
Effectiveness	Specifying areas which are impacted by or impact on the noise risk is effective. This enables a targeted consideration of the effects of particular proposals and the potential to consider alternative locations. Updating the way of measuring the noise ensures that we are following national best practice which is recognised by other territorial authorities.
Efficiency	Specifying effects and matters to consider for resource consent applications is efficient and avoids unnecessary consent processes and ensures that resources are efficiently targeted to the activities with implications for sustainable management.
Appropriateness	The rules allow for development ensuring that environmental effects are avoided, remedied or mitigated. This is considered to be an appropriate approach. The change of activity status from Controlled to Restricted Discretionary for military activities that are not permitted, recognises that there are some effects that noise sensitive activities (as defined in the plan) may not be able to accept.
Principal	Council considers that there is sufficient information regarding

Alternative	<p>the subject matter of the above rules that support the objectives and policies relating to temporary military training activities.</p> <p>Not acting would increase the likelihood of unsympathetic activities occurring near sensitive noise environments.</p> <p>Status quo which is more permissive and does not achieve the key objectives specified above. A further alternative could be to be even more restrictive. This is not deemed necessary or efficient.</p>
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Earthworks

Notes:

1. The Manawatu-Wanganui Regional Council should be consulted regarding any activity which results in disturbance to land to identify any Regional Council requirements.
2. Heritage New Zealand should be consulted regarding any activity that has the potential to disturb an archaeological site in relation to the possible need for an archaeological authority under the Heritage New Zealand Pouhere Taonga Act 2014.

14.4.1 Permitted Activities.

The following are permitted activities:

- a. Earthworks in the Residential and Rural zones and Neighbourhood Commercial, Reserves and Open Spaces and Airport Enterprise zones, subject to meeting the Performance Standards.
- b. Earthworks in all other zones, unless otherwise stated.
- c. Earthworks for the replacement and/or removal of a fuel storage system as defined by the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 and the documentation of the backfill compaction is lodged at Council. The performance standards for earthworks do not apply to these activities.

Note: Works in close proximity to any electricity line or support structure can be dangerous. The Electrical Code of Practice for Electrical Safe Distances 34: 2001 may apply and should be referred to. This Code is enforced by the Ministry of Business, Innovation and Employment, and compliance is mandatory.

14.4.2 Restricted Discretionary Activities.

The following are restricted discretionary activities.

- a. Earthworks that do not comply with one or more a performance standards
Council restricts its discretion to the following matters:
 - i. The ability of a proposal to meet the relevant policies,

performance standards and assessment criteria.

Refer to Resource Consent Assessment Criteria.

Note: All discharges must meet the requirements of the Regional Council, including any relevant conditions of any applicable consent.

14.4.3 Non-Complying Activities.

The following activities are non-complying activities:

- a. Earthworks that result in the discharge of any material into reticulated infrastructure or onto roads when no measures have been undertaken to avoid or limit the issue.

Note: Quarrying and works associated with the installation and maintenance of network utilities are excluded from the provisions of this section.

Refer to [Resource Consent Assessment Criteria](#).

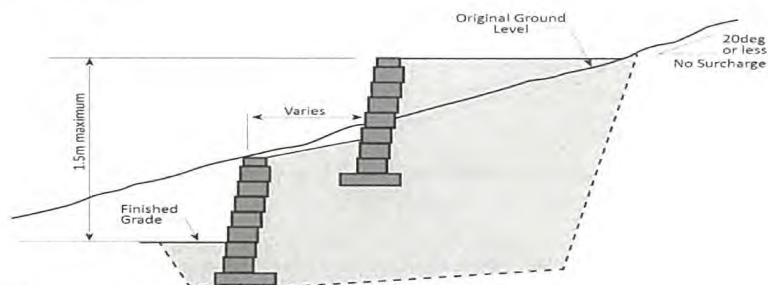
14.5 PERFORMANCE STANDARDS

14.5.1 Scale of earthworks.

Earthworks in the Airport Enterprise, Residential, any Rural, and Neighbourhood Commercial Zones shall not exceed the following:

- a. Earthworks up to and including 50% of the area of any allotment up to a maximum area of 500m² cleared. Where there is more than one allotment area subject to works as part of a development project, the area of works shall be calculated cumulatively across those allotments affected.
- b. The erection of retaining walls shall not either singularly or cumulatively, exceed 1.5 metres in height. Refer to Diagram 2

Diagram 2



Note: This rule excludes the following:

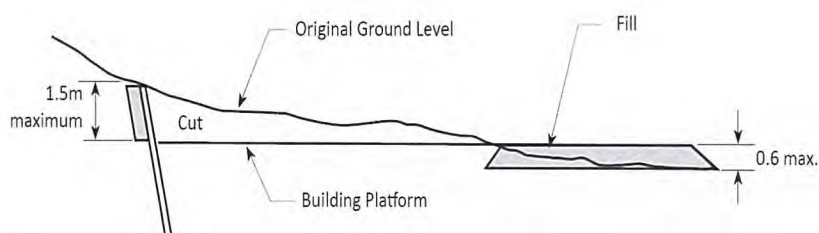
1. Earthworks associated with rural activities including tilling, harvesting, planting, ploughing, regrassing, or similar activity in the Rural-B Zones are exempt from the above provisions.
2. Sheetpiles
3. Retaining walls for which a valid Building Consent exists.

14.5.2 General earthworks standards.

The following standards apply to earthworks in all zones except that provision 1(a) to 1(e) shall not apply to the Rural and Airport Enterprise zones:

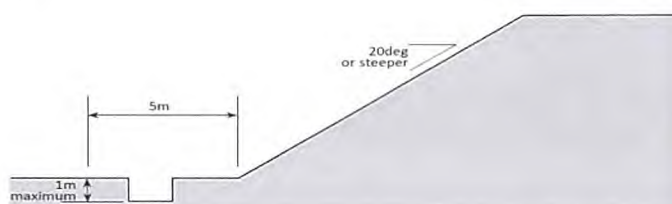
- a. Cuts shall not exceed 1.5 metres in height and fills below building platforms shall not exceed 0.6 metres in depth measured vertically, excluding pools and tanks that are buried. Refer to Diagram 3.

Diagram 3



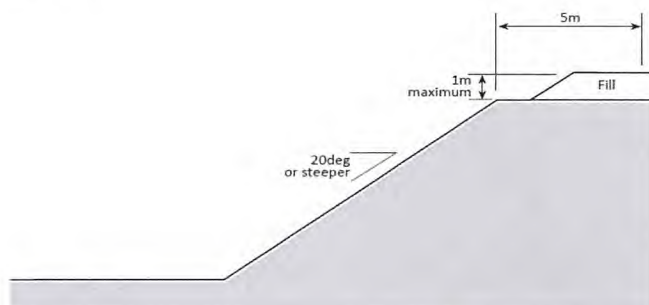
- b. Cuts or fills shall not occur on slopes exceeding 20°.
- c. Cuts of greater 1.0 metre in height measured vertically shall not occur within 5.0 metres if a toe of a slope exceeding 20°. Refer Diagram 4.

Diagram 4



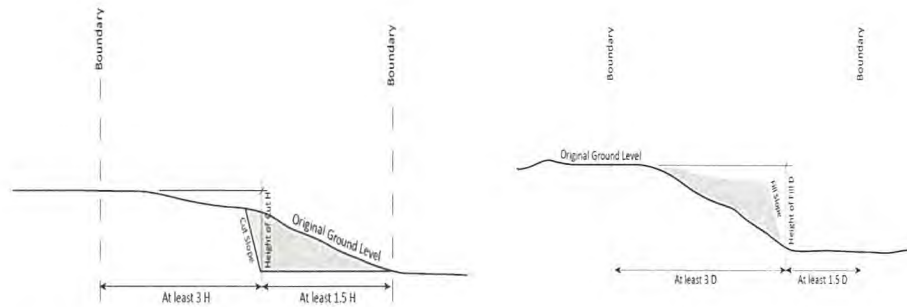
- d. Fills greater than 1.0 metre in height measured vertically shall not occur within 5 metres of the top of a slope exceeding 20°. Refer Diagram 5.

Diagram 5



- e. The toe of a fill or cut slope shall be at least 3 times the depth/height of the slope from an upslope boundary and at least 1.5 times the depth/height of the slope from a downslope boundary. Refer Diagram 6.

Diagram 6



f. Earthworks shall not:

- i. alter overland flow paths, including swales and low impact stormwater devices, in a manner that causes damage to property through inundation, erosion, or subsidence.
- ii. cause excessive vibration on surrounding sites.
- iii. create, encourage, or exacerbate erosion or instability.

Note: The requirements of the Land Drainage Act 1908 still apply and should be referred to by anyone moving significant amounts of earth or altering overland flows.

- g. Measures shall be implemented to ensure that any discharge of dust beyond the boundary of the site is avoided or limited to such that it does not cause nuisance.
- h. Measures shall be implemented to ensure that infrastructure is appropriately protected from infiltration of sediments and roads are kept clean of mud and other such material.

Comment	These are the updated provision for earthworks, in a similar layout as previously. The rules meet the objectives and policies by setting standards that will prevent adverse effects. Only rules that are not shaded are part of this assessment.
Benefits	<p>Environmental – The amended format provides certainty that the earthworks provisions apply to all activities and not just subdivision.</p> <p>Economic – Allows a wide range of activities which will provide for the economic well-being of the community without compromising the amenity of the area. Avoids unnecessary resource consents and minimises bureaucracy by excluding matters that are handled under the Building Act.</p> <p>Social & Cultural – The community will know what to expect in the areas therefore reducing reverse sensitivity and other social conflicts.</p>
Costs	Economic – Administrative costs for Council and applicants associated with processing applications and assessing compliance.

Effectiveness	These provisions are effective as they enable specific areas of concern to be addressed, particularly where identified by policies in the Plan. Focuses consent processes which is time and cost effective.
Efficiency	Specifying effects and matters to consider for resource consent applications is efficient and avoids unnecessary consent processes and ensures that resources are efficiently targeted to the activities with implications for sustainable management.
Appropriateness	The rules for earthworks were developed to protect the developer and neighbouring properties from unsafe development. The proposed changes will continue to achieve this while minimising the consents required. This chapter is the section that applies across the District and therefore is the best place to have the earthworks provisions.
Principal Alternative	<p>Council considers that there is sufficient information regarding the subject matter of the above rules that support the existing objectives and policies relating to earthworks.</p> <p>Not acting would increase the likelihood of additional consents to consider effects dealt with under other legislation.</p> <p>Status quo which is more restrictive and does not achieve the key objectives specified above. A further alternative could be to be even more permissive. This is not deemed necessary or efficient.</p>

3.7 PROPOSED ACILLARY CHANGES

With the proposed changes to the rules, the Information Section and Definitions will need to be altered to be consistent. The following changes have been identified as being suitable for achieving the relevant objectives and policies outlined above.

Earthwork: means any modification to land associated with development, and includes the digging, cutting, trenching, levelling, filling or re-contouring of land and associated vegetation removal, and includes other activities normally associated with excavation, but excludes domestic gardening, farming or forestry activities.

Earthworks and/ land modification: means modification of land surfaces by blading, contouring, ripping, moving, removing, placing or replacing soil or earth, or by excavation, or by cutting or filling operations, including the importation of fill.

Excavation: Has the same meaning as 'Earthwork'.

Relocated building: means any building, which was originally built off the subject site and is proposed to be permanently repositioned onto a new site (either in sections or as a whole). Excludes Temporary Relocatable Buildings.

Rural activities: means the use of land, buildings and other structures for the purposes of breeding animals or growing vegetative matter, and includes forestry,

horticulture, aquaculture, seed growing, viticulture, cropping and the keeping of livestock for food, wool, skins or fur, and ancillary uses which are incidental and secondary to the rural activity:

- a. Does not include rural industry.
- b. Does not include intensive farming.

Temporary Military Training Activity: means a temporary activity undertaken for Defence Purposes. Defence Purposes are those in accordance with the Defence Act 1990. The Defence Act also enables access to Defence areas, which includes areas utilised for temporary military training activities, to be restricted.

Temporary Relocatable Building: means any building, not intended for permanent use on any site and is able to be moved off the site in its entirety once the activity that it was used for is completed.

Verandah: means a permanent structure, constructed of weatherproof material, which is either cantilevered, or supported on posts or pillars, which extends from the building facade, usually on the street frontage and at first floor level, and overhangs a footpath or other similar public pedestrian access or space.

Comment	The changes to these sections reflect the new rules and performance standards. As relocated buildings will no longer require resource consent if they comply with the performance standards the information requirements specifically for relocated buildings no longer applies. The definitions relating to these sections are maintained as appropriate, except relocated buildings which did not have a definition. Beekeeping is removed from the definition of a Rural Activity as the control of beekeeping is handled under the By-law.
Benefits	<p>Environmental & Economic – The Plan is clear and enables people to make clear decisions based on an established set of development constraints.</p> <p>Social & Cultural - continuation of a clear message in the Plan about how to achieve compliance.</p>
Costs	<p>Environmental & Economic – Existing costs for owners in the form of loss of development potential are retained with the Plan Change.</p> <p>Social & Cultural – There will be less confusion as the definitions and information requirements are improved to include current working practices.</p>
Effectiveness	Better definitions will make this plan more effective as there will be less confusion.
Efficiency	Better definitions provide certainty for land owners. It avoids unnecessary consent processes and ensures that resources are efficiently targeted to the activities with implications for sustainable management.
Appropriateness	This approach is mirrored in plans and by-laws throughout the country. Therefore it is considered appropriate.

Principal Alternative	The main alternative to these definitions would be the status quo which leaves the public more confused as to their rights and a legal uncertainty which could prove costly to Council.
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