



Whanganui District Council District Plan

Section 32 Report

Proposed Plan Change 60 Miscellaneous 2

Contents

CONTENTS.....	2
1 INTRODUCTION.....	3
STATUTORY CONTEXT	4
1.1 PURPOSE AND PRINCIPLES OF THE RMA	4
2.1.1 TE AWA TUPUA (WHANGANUI RIVER CLAIMS SETTLEMENT) ACT	4
2.1.2 NATIONAL INSTRUMENTS.....	4
2.1.3 HORIZONS REGIONAL COUNCIL PROVISIONS.....	5
2.1.4 OTHER PLANS AND STRATEGIES	5
1.2 CONSULTATION	5
2.2.1 TANGATA WHENUA PARTNERS.....	5
2.2.2 PROPERTY OWNERS	6
3 DESCRIPTION OF THE PLAN CHANGE	6
3.1 RENUMBERING.....	6
3.1.1 TRANSPORT RULE – TRAN-R3	6
3.1.2 CENTRAL COMMERCIAL ZONE STANDARD - COMZ-CC-S5(5)	7
3.2 CLARIFICATIONS.....	8
3.2.1 SUBDIVISION STANDARD - SUB-S9-VEHICLE CROSSINGS-NOTE 3.....	8
3.2.2 TRANSPORT STANDARD - TRAN-S4-VEHICLE CROSSINGS-NOTE 3	9
3.2.3 TRANSPORT STANDARD - TRAN-TABLE 3-VEHICLE CROSSING STANDARDS	10
3.2.4 GENERAL RESIDENTIAL ZONE STANDARDS – MINOR RESIDENTIAL UNITS.....	10
3.2.5 RURAL ZONES – HIGHLY PRODUCTIVE LAND	12
3.2.6 EARTHWORKS STANDARD.....	13
3.2.7 HEIGHT IN RELATION TO BOUNDARY EXCEPTIONS	13
3.2.8 PROTECTED TREES	14
3.3 ZONE CHANGES.....	17
4 SECTION 32 CONSIDERATIONS.....	18

1 Introduction

The Council is required to undertake an evaluation of the proposed Plan Change before the Plan Change can be publicly notified. This duty is conferred by Section 32 of the Resource Management Act 1991 (the Act). Under this section, this evaluation must:

s32 Requirements for preparing and publishing evaluation reports

- (1) *An evaluation report required under this Act 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.*
- (2) *An assessment under subsection (1)(b)(ii) 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.*

The evaluation report must be available for public inspection at the time the proposed Plan Change is publicly notified. This report is Whanganui District Council's response to this statutory requirement.

Statutory Context

1.1 Purpose and Principles of the RMA

The purpose of the RMA is to promote the sustainable management of natural and physical resources. Sustainable management means 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 and mitigating any adverse effects of activities on the environment.*

Section 6 of the Act includes eight matters of national importance which need to be recognised and provided for. Section 7 of the Act requires particular regard to be given to a range of other matters, including:

- b) *the efficient use and development of natural and physical resources,*
- c) *the maintenance and enhancement of amenity values,*
- a) *maintenance and enhancement of the quality of the environment*

Section 8 of the Act requires the principles of the Treaty of Waitangi to be taken into account.

In addition to the above sections, in preparing a Plan Change the Council is also obliged to satisfy a number of further requirements set out in the act, including:

- Section 32 - Duty to consider alternatives, assess benefits and costs
- Section 72 - Purpose of district plans
- Section 73 - Preparation and change of district plans
- Section 74 - Matters to be considered by territorial authorities
- Section 75 - Contents of district plans

2.1.1 Te Awa Tupua (Whanganui River Claims Settlement) Act

Section 15 of the Te Awa Tupua Act requires the Council to recognise and provide for the legal status and associated values (Tupua te Kawa) of Te Awa Tupua in exercising or performing any function, power, or duty under the Resource Management Act 1991 that relates to:

- the Whanganui River; or
- an activity within the Whanganui River catchment that affects the Whanganui River

In undertaking these responsibilities Te Pā Auroa (the Te Awa Tupua framework set out in Part 2) is a relevant consideration (section 11), with the Council required to outline how it has fulfilled its obligations under this framework in relation to any associated decision, document or report prepared (section 15).

The proposed amendments to the plan provisions do not have any direct impact on Te Awa Tupua, however, engagement was sought and response received. There were no objections to the proposals.

2.1.2 National Instruments

Under Section 75(3) of the act, district plans are required to give effect to any relevant national policy statements or national environmental standards. A national policy statement sets a national direction whereas PLAN CHANGE 60 – MISCELLANEOUS 2 – SECTION 32 EVALUATION REPORT

a national environment standard sets specific minimum environmental standards to be enforced by consent authorities..

There are six National Environmental Standards currently in force, and PC60 includes a minor change to give effect to the National Policy Statement for Highly Productive Land. This policy statement is about ensuring the availability of the most favourable soils for food and fibre production.

2.1.3 Horizons Regional Council Provisions

Section 75 (3) of the act 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 a trading name for both its Regional Policy Statement and Regional Plan.

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.

2.1.4 Other Plans and Strategies

Council must have particular regard to other management plans and strategies.

Ngaa Rauru Kiihahi – Puutaiao Management Plan

When preparing or changing a district plan, Section 74(2A)(a) of the Act requires planning authorities to 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 Kiihahi – Puutaiao Management Plan has been prepared and lodged by Te Kaahui o Rauru and identifies that this body wishes to be engaged in the preparation, implementation and review of the changes to the local plan.

1.2 Consultation

2.2.1 Tangata Whenua Partners

Under Clause 4A of Schedule 1 of the Act, planning authorities are required to:-

- provide a copy of any draft policy statement or plan to any iwi authority previously consulted under clause 3 of Schedule 1 prior to notification;
- allow adequate time and opportunity for those iwi authorities to consider the draft and to supply advice; and
- have particular regard to any advice received before notifying the plan.

As an extension of this s32(4A) requires evaluation reports prepared in relation to proposed policy statements and / or plans to include summaries of:

- all advice received from iwi authorities concerning the proposal; and
- the response to that advice, including any proposed provisions intended to give effect to the advice.

Consultation on the proposed Plan Change has been undertaken with Council’s tangata whenua partners, with no further issues or objections raised. These partners are:

- Nga Tangata Tiaki o Whanganui;
- Te Rūnanga o Tupoho;
- Te Rūnanga o Tamaupoko;
- Ngaa Rauru Kiihahi;
- Te Rūnanga o Ngā Wairiki Ngāti Apa.

2.2.2 Property Owners

As part of the consultation process for proposed zone changing, all affected property owners and occupiers were contacted and had opportunity for discussion and feedback on the proposal. Neighbouring properties owners were also notified of possible zoning changes in the vicinity of their property and also had opportunity to comment. Most of the queries were received by the neighbouring properties. Two objections by affected property owners were received, and these properties were no longer considered for change.

3 Description of the Plan Change

This Plan Change comprises a number of minor changes to the District Plan. The changes include a re-zoning of individual properties, and text changes predominantly involving clarifications and updates.

Council staff maintain a record of issues which arise as resource consent applications are assessed or are brought to council by external parties. Periodically the list of issues raised is investigated and refinements to the District Plan are promoted to address miscellaneous provisions. The Plan Change does not involve any changes to existing objectives and policies; instead it proposes to make general minor amendments to the District Plan in order to ensure its efficient functioning. Due to the nature of the proposed amendments there are only limited options available and this report has been prepared to address the Section 32 requirements.

3.1 Renumbering

National planning standards (NPS) were introduced through the 2017 amendments to the Resource Management Act 1991 with the aim of having national consistency in the format of RMA plans. Local authorities could also make consequential amendments without going through the Schedule 1 process (notification, submission and hearings etc.). Additionally, electronic interactive plans (ePlan) were required to be operational within five years. WDC's ePlan became operational in December 2019.

It is important that the numbering of provisions enable discrete interpretation, that is, they are able to stand alone and be applied. During the administrative process of transferring to the new format, some transcription errors to the numbering occurred. Although this could have been rectified without a full plan change (s58I), this plan change was a timely opportunity for rectification of the erroneous numbering.

Provisions affected and requiring renumbering are:

3.1.1 Transport Rule – TRAN-R3

Rules in the Transport section set out activities that are permitted, Restricted Discretionary, and Non-Complying. Non-complying rules are:

1. *New vehicle crossings or intensification of use for existing vehicle crossings on roads identified as Heavy Vehicle Routes in the Whanganui Urban Transportation Strategy;*
2. *Mosston Road between Heads Road and Tayforth Road;*
3. *Montgomery Road.*

This rule has the intent of showing the extent of where new vehicles crossings or existing vehicle crossings likely to have more use, are likely to cause adverse traffic impacts. In order for those areas to be identified correctly, the list requires modification.

Proposed renumbering:

1. New vehicle crossings or intensification of use for existing crossings on:

- a. Roads identified as Heavy Vehicle Routes in the Whanganui Urban Transport Strategy;
- b. Mosston Road between Heads Road and Tayforth Road;
- c. Montgomery Road.

3.1.2 Central Commercial Zone Standard - COMZ-CC-S5(5)

Supporting the rules of the Central Commerce Zone are standards, including compliance requirements of verandahs in this zone. This is to keep some consistency and control of the style and placement of the verandahs on the front façades of buildings in the central city area. The current wording of the standard is:

5. Provision of Verandahs (Display Frontage Streets)

All new buildings or alterations/additions to the front façade of existing buildings shall be provided with a verandah along the street frontage designed in compliance with the following:

a. *Verandah Locations*

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

- i. *there is a formed footway;*
- ii. *the public road or public space is a minimum of 12 metres in width.*

b. *Consistency of Verandahs*

- i. *The design and appearance of verandahs (including materials used) shall be consistent with adjoining verandahs;*
- ii. *The dimensions of verandahs shall be consistent with adjoining verandahs with regard to height and width of verandah and depth of fascia; and*
- iii. *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.*

c. *Verandah Dimensions*

- d. *Fascias shall be not less than 300mm, nor more than 450mm, in depth, except that this shall not apply to concrete fascias;*
- e. *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;*
- f. *Verandah posts shall not be closer than 450mm to the kerb line;*
- g. *Verandah posts shall be no more than 200mm in diameter*
- h. *Verandah posts shall be set back no more than 200mm from the verandah fascia; and*
- i. *Verandah posts for any one verandah shall be spaced at least 3 metres apart.*
- j. *Heritage Verandahs*
- k. *Verandah posts for buildings listed in the Heritage Inventory shall be in keeping with the character of the building.*

Points d, e, f, g, h and I relate to the dimensions of the verandahs under the heading of 'c' – verandah dimensions. To ensure this is explicit and clear, it is proposed to renumber these to a subset of 'c'. Consequential renumbering of points 'j' and 'k' would then be required.

Proposed renumbering:

c. *Verandah Dimensions*

- i. *Fascias shall be not less than 300mm, nor more than 450mm, in depth, except that this shall not apply to concrete fascias;*

- ii. 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;
 - iii. Verandah posts shall not be closer than 450mm to the kerb line;
 - iv. Verandah posts shall be no more than 200mm in diameter;
 - v. Verandah posts shall be set back no more than 200mm from the verandah fascia; and
 - vi. Verandah posts for any one verandah shall be spaced at least 3 metres apart.
- d. Heritage Verandahs
- e. Verandah posts for buildings listed in the Heritage Inventory (Appendix A) shall be in keeping with the character of the building.

3.2 Clarifications

3.2.1 Subdivision Standard - SUB-S9-Vehicle Crossings-Note 3

Objectives and policies of the subdivision section of the District Plan seek to enable subdivision and infrastructure that is of good urban design, integrates well with the natural environment, is durable and effective.

Subdivision of a property requires Resource Consent, and consideration is given to the access to the property. Each new allotment is to be serviced by a vehicle crossing onto a legal road, with the specifications defined in the NZ Engineering Document NZS4404:2010. Within the notes accompanying the standard, note three (3) is advice on the removal of street trees to create a vehicle crossing. This incorrectly states that it is not a planning consideration.

Current notes to vehicle crossings are:

1. *All new or upgraded crossings are required to use the Council Corridor Access Request system, except that this shall not apply where Council is not the Road Controlling Authority.*
2. *The design, location and construction of vehicle crossings onto state highways are managed by the New Zealand Transport Agency. Where subdivision and land use requires access to state highways a subdivision application shall include a written statement from the Road Controlling Authority approving that access to the satisfaction of Council.*
3. *The removal of street trees for the purpose of creating a vehicle crossing is not managed by the Plan. Council's Parks and Property Department should be contacted whenever alteration or removal of a street tree is proposed or required.*

In order to ensure that there is an awareness that this is a planning consideration and the steps required for information for a resource consent application, it is proposed to modify Note 3.

The proposed note would be:

Note: The removal of or impact on street trees for the purpose of creating a vehicle crossing is a material planning consideration.

Council's Community Property and Places should be contacted prior to lodging a resource consent application whenever alteration or removal of a street tree is proposed or required.

3.2.2 Transport Standard - TRAN-S4-Vehicle Crossings-Note 3

The rules in the Transport section of the District Plan are supported by compliance standards which prescribe design details. Further clarification is also contained in adjoining notes.

Development of property that creates additional residential units require a vehicle crossing onto a formed legal road. Within the notes accompanying the vehicle crossings standards, the second note is advice on the removal of street trees to create a vehicle crossing. This incorrectly states that it is not a planning consideration.

Current wording:

Note: The removal of street trees for the purpose of creating a vehicle crossing is not managed by the District Plan. The Parks and Property Department of the Whanganui District Council should be contacted whenever alteration or removal of a street tree is proposed or required.

In order to ensure that there is an awareness that this is a planning consideration and the steps required for information for a resource consent application, it is proposed to modify Rule 3. The proposed note would be:

Note: The removal of or impact on street trees for the purpose of creating a vehicle crossing is a material planning consideration.

Council's Community Property and Places should be contacted prior to lodging a resource consent application whenever alteration or removal of a street tree is proposed or required.

3.2.3 Transport Standard - TRAN-Table 3-Vehicle Crossing Standards

This table within the transport section sets out the requirements and specifications for the width of vehicle crossings at the property boundary. It is intended to give a dimension range for crossings in each of the scenarios, however the width for 'residential activity in a rural zone 2-6 dwellings' does not state a range. Additionally, there is inconsistency of terminology within the table, being a mix of 'units' and 'dwellings'. Unit is not listed in the definitions section of the District Plan. This can be confusing for readers.

The current table (part) is:

Land Use	Width of Crossing at Boundary
Residential 1 unit	3m-6m
Residential 2-3 units	3.5m-6m
Residential 4-6 units	5.5m-6m
Residential Activity in a rural zone	3.6m-7.2m
Residential Activity in a rural zone 2-6 dwellings	5.2m
Primary Production Activity	3.6m-7.2m
Commercial or Industrial	3m-9m

In order for this table to be clear, and to provide consistency of terms, it is proposed to modify it and use the term 'dwelling', and for all 'width of crossing at boundary' to state a range. The proposed table would have the following alpha-numeric text and values (part):

Land Use	Width of crossing at boundary
Residential, 1 dwelling	3m-6m
Residential, 2-3 dwellings	3.5m-6m
Residential, 4-6 dwellings	5.5m-6m
Residential activity in a rural zone	3.6m-7.2m
Residential activity in a rural zone, 2-6 dwellings	5.2m-7.2m
Primary production activity	3.6m-7.2m
Commercial or Industrial	3m-9m

3.2.4 General Residential Zone Standards – Minor residential units

The objectives of the General Residential Zone (GRZ) include having high quality residential areas with a variety of housing forms and densities that are available for different residential lifestyle options. Associative policies and rules control activities and intensification, which aim to protect and enhance the

surrounding landscape and visual character of the urban environment. Density is permitted to one residential unit per 400m² of net site area, and one minor residential unit per allotment.

The definition of minor residential unit is taken from the National Policy Standards, and:

means a self-contained residential unit that is ancillary to the principal residential unit, and is held in common ownership with the principal residential unit on the same site.

The standards that support the rules in this section allow for minor residential units. Oversized minor units are being proposed that are essentially separate dwellings, or will become separate dwellings when landowner circumstance change. It is proposed to make the standards more explicit to meet the objectives of a minor dwelling.

Currently the standards controlling these minor residential units in the Residential Zone are:

1. *One minor residential unit per allotment.*
2. *Maximum gross floor area – 60sqm excluding terrace floor space (open or roofed).*

If an activity in the General Residential Zone does not comply with the accompanying standards, the status of the activity becomes Restricted Discretionary.

Council's discretion is restricted to:

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

To align with the definition above, it is proposed to replace the word 'allotment' in standard (1) with 'site'.

The NPS definition for **site** is:

means:

- a. *an area of land comprised in a single record of title under the Land Transfer Act 2017; or*
- b. *an area of land which comprises two or more adjoining legally defined allotments in such a way that the allotments cannot be dealt with separately without the prior consent of the council; or*
- c. *the land comprised in a single allotment or balance area on an approved survey plan of subdivision for which a separate record of title under the Land Transfer Act 2017 could be issued without further consent of the Council; or*
- d. *despite paragraphs (a) to (c), in the case of land subdivided under the Unit Titles Act 1972 or the Unit Titles Act 2010 or a cross lease system, is the whole of the land subject to the unit development or cross lease.*

In relation to papakainga development - means the entire area of ancestral land included within the outer boundary. The term 'on-site' shall also take the same meaning for papakainga development.

The standards are therefore proposed to be:

1. One minor residential unit per site.
2. Maximum gross floor area – 60sqm excluding terrace floor space (open or roofed).
3. Shares its vehicle access and all utility services with the principal residential unit.

This will assist in keeping the minor dwelling to one that is of appropriate size and will maintain or enhance the building scale and residential character.

3.2.5 Rural Zones – Highly productive land

National policy statements (NPS) enable central government to prescribe objectives and policies for matters of national significance in relation to sustainable management. Regional policy statements, regional plans and district plans are all required to give effect to all national policy statements

In October 2022 the National Policy Statement for Highly Productive Land 2022 (NPS-HPL) came into force, with the objective of protecting highly productive land for land-based primary production. Highly productive land is protected from use and development, with the avoidance of subdivision and rural lifestyle and urban rezoning.

Every regional council must map as highly productive land any land in its region that:

- a. is in a general rural zone or rural production zone; and*
- b. is predominantly Land Use Class (LUC) 1, 2, or 3 land; and*
- c. forms a large and geographically cohesive area.*

Current objectives and policies in the General Rural Zone (GRUZ) and Rural Production Zone (RPROZ) sections of the Whanganui District Plan seek to protect LUC Class I and II land from inappropriate subdivision, use and development. Controls are in place over lot size, structures and activities with rules and standards.

Rule 2 of these sections refers to activities that are considered 'restricted discretionary'. Resource consent applications that fall into this category are assessed against defined areas of discretion.

The matters of discretion to be considered for the Rural General Zone are:

- 1. Any permitted activity which does not comply with a Rural General Zone standard.
Council restricts its discretion to:
The effect of the particular non-compliance on the environment, including the cumulative or combined effect of non-compliances.*
- 2. Any building within 20m of the secured yard of a National Grid substation.
Council restricts its discretion to:
a. Impacts on the operation, maintenance, upgrade and development of the National Grid, including the location and orientation of residential unit and any associated plantings relative to the National Grid substation;
b. Compliance with NZECP34:2001; and
c. The risk of electrical hazards affecting public or individual safety, and the risk of property damage.*
- 3. Earthworks within 12m of a National Grid support structure that fails to comply with performance standard [GRUZ-S9\(2\)\(a\)](#)
Council restricts its discretion to:
a. Impacts on the operation, maintenance, upgrade and development of the National Grid, including access for these purposes and the risk to the structural integrity of the National Grid;
b. Compliance with NZECP34:2001; and
c. The risk of electrical hazards affecting public or individual safety, and the risk of property damage.*

The restricted discretion rules in the Rural Production Zone section are comparable to these.

The District Plan does not consider the loss of productive land as a matter of discretion, therefore is not meeting the NPS-HPL. This could also increase the likelihood of inappropriate subdivision and reduction of land available for land-based primary production. In order to give effect to the NPS-HPL, and strengthen

the matters for consideration, it is proposed to add a further matter of discretion to the Restricted Discretionary rules.

It is proposed to add a new number 3 while the existing number 3 is renumbered 4:

3. "the loss of productive land".

This will ensure that an assessment is made of any potential loss of productive land.

3.2.6 Earthworks standard

Rules and standards in the Earthworks section of the District Plan set out to clarify the acceptable levels of earthworks and land modifications, having regard to the existing environment. Explicit standards for retaining walls in the General Residential, Airport and Neighbourhood Commercial zones currently have the following exclusions:

1. *Earthworks associated with forestry or primary production (excluding intensive indoor primary production activities) including tilling, harvesting, planting, ploughing, regrassing, or similar activity in the rural zones.*
2. *Sheetpiles*
3. *Retaining walls for which a valid Building Consent exists.*

In relation to Note 3 (retaining walls for which a valid Building Consent), this is confusing and irrelevant. As the Building Consent process includes consideration of the District Plan rules and standards, there is no other opportunity to this being considered, therefore is an unnecessary clause. It is recommended that this exception be removed.

3.2.7 Height in relation to boundary exceptions

The District Plan definition of 'height in relation to boundary' is:

- the height of a structure, building or feature, relative to its distance from either the boundary of:*
- a. *a site; or*
 - b. *another specified reference point.*

Regulations or standards for 'height in relation to boundary' (sometimes known as recession planes) are used in the District Plan to create boundary setbacks that ensure activities don't have a negative impact on neighbouring properties. Objectives and policies seek to avoid excessive shading of public spaces or neighbouring properties from structures. Standards relating to 'height in relation to boundary' are contained in the Network Utilities (NU); General Residential Zone (GRZ); Coastal Residential Zone (CRZ); Rural Lifestyle Zone (RLZ); Settlement Zone (SETZ); Commercial Zone (COMZ); and Open Space Zone (OSZ) sections.

Currently, the District Plan has exemptions to these standards which, in essence, means that certain structures do not have to comply with the 'height in relation to boundary' rule. These include structures that could be near boundaries or on rooftops such as play equipment, chimneys, solar heating devices and network utility masts. With an increased awareness of climate change issues and a national drive towards lowering emissions, there are increased options of sustainable energy devices available to the domestic and commercial property owner. Similarly, the change in telecommunications structures are beyond those available when these standards were created. Placement of these structures may potentially breach the height recession plane and have a negative impact on neighbouring properties.

Analysis of the current exceptions suggests that a number of activities should be considered in assessing the environmental effects, therefore should not be exempt. It is proposed to limit exceptions to the 'height in relation to boundary' standard to the following:

- a. Network utility masts, poles and antennas;
- b. Wires;

- c. Vertical ventilation shafts;
- d. Solar panels or solar hot water systems (and associated hardware) provided that they do not protrude more than 500mm from the surface of the roof;
- e. Up to one-third of the height of gable end roofs and dormer windows not more than 3 metres wide;
- f. Any building or part of a building, that projects outside the height plane from any side or rear boundary, that is no greater than 3.5 metres in height and extends for a length of no more than 6 metres in total along any one boundary; or
- g. If the distance to boundary calculation is applicable, any building or part of a building where H is less than or equal to 3.5 metres, and L is less than or equal to 6 metres or the adjusted length is less than or equal to 6 metres (diagram).

These exceptions are unlikely to cause an impact on neighbouring properties.

3.2.8 Protected Trees

Trees are part of our living heritage. Heritage defines the relationship between people and place and gives a sense of character and community identity. In particular, trees have been used to commemorate special events, places or people, sites of historic importance and attached to matters of cultural importance. Trees also provide for the maintenance and enhancement of amenity values by providing shade, a softening of the built environment and a food source for local wildlife.

3.2.8.1 Alterations to Schedule

The objectives and policies of the Protected Tree section are unchanged and allow for identification and management of significant trees. Particular trees identified by the community are deemed to have significant value and are listed in Appendix C of the District Plan. Development on or around these trees is limited in order to sustainably manage these resources for the duration of their lifespan.

Two pōhutukawa trees which are on private property have been nominated by the current landowners to be added to the Protected Trees schedule of the District Plan (Appendix C) due to their heritage values. These have been assessed by Council's Arborist who supports the nomination for inclusion into the schedule.

It is proposed to add the following trees:



12 Helmore Street – This would have been part of early Whanganui East construction, circa 1900.



42 Riverbank Road – the tree is on its own separate parcel of land of 273m², suggesting its significance.

3.2.8.2 Alterations to rules

There are limitations to the trimming and maintenance to any protected tree. These limitations are currently:

- a. *Trimming and clearance of foliage or branches from existing utility networks, which have the potential to compromise the operation of the network utility (or access to), street lights or land boundary encroachments that does not alter the shape or health of the tree;*
- b. *Clearance of foliage or branches no greater than 100mm in diameter from roads, footpaths and driveways that does not alter the shape or health of the tree;*
- c. *Removal of deadwood from trees;*
- d. *The removal of dead or diseased vegetation;*
- e. *Clearance and clean-up after storm damage including broken branches;*
- f. *Fencing of Protected Trees within the dripline when the location of the fence is approved by an Arborist and the assessment submitted to Council;*
- g. *Controlling pest plants and weeds within the dripline by methods not harmful.*

Implementation of these limitations has highlighted confusion and ambiguity with the industry standards, therefore it is proposed to align these more appropriately by adding further clarification. There is also a risk that trimming or maintenance of protected trees on private property could be beyond the scope of permitted activities, risking damage to the trees. To help minimise this risk, it is proposed that a standard be created requiring evidence of why the tree needs trimming, and to dis-incentivise unnecessary works. It is also proposed that the Council have more discretion of activities on protected trees by reducing the number of permitted or controlled activities, and placing them as a Discretionary Activity from their current permitted status.

The proposed Rules and Standards are to read as follows:

Permitted Activities NFL-PT-R1

1. Minor pruning and maintenance to any protected tree that meets the standards at NFL-PT-S1 & S2.

This is limited to:

- a) Pruning and clearance of foliage or branches no greater than 50mm in diameter from existing utility networks, which have the potential to compromise the operation of a networks utility (or access to), street lights or land boundary encroachments that does not alter the shape or health of the tree;
- b) Clearance of foliage or branches no greater than 50mm in diameter from roads, footpaths and driveways that do not alter the shape or health of the tree;
- c) Removal of deadwood from trees;
- d) Clearance and clean-up after storm damage including broken branches

Discretionary Activities NFL-PT-R2

1. Any activity that does not meet the standards in NFL-PT-S1 & S2.
2. Fencing, earthworks, construction or reconstruction work within the dripline of protected trees supported by an Arboricultural report submitted to Council

Note: The dripline shall be considered the outermost circumference of the tree's canopy. With irregular-shaped trees, the dripline shall be calculated by taking the greatest radial spread of the canopy from the trunk in a full circle around the tree.

3. Destruction or removal of any protected tree supported by an Arboricultural report submitted to Council stating:
 - a) It is emergency work to maintain or restore existing power or telecommunication links;
 - b) The work is to safeguard life or property;
 - c) The tree is dead or diseased.
4. The pruning or maintenance of any protected tree that is not a permitted activity.
5. Crown reduction.
6. A new vehicle access.

The following standards apply to the rules above.

NFL-PT-S1

1. All works will comply with Minimum Industry Standards for
 - a) Tree pruning
 - b) Tree care on construction/development sites
 - c) Utility line clearance
 - d) Tree protection zones

NFL-PT-S2

1. Photographic evidence of the protected tree prior to any proposed works will be submitted to the Council's Arboriculturalist as part of the application. If emergency works are required under 1d) photographs shall be taken prior to works being completed, to support the required works being undertaken.

3.3 ZONE CHANGES

3.3.1 Multiple zones on one property

The District Plan is comprised of zones as set out in the National Planning Standards – Zone Framework Standard. A zone spatially identifies and manages an area with common environmental characteristics or where environmental outcomes are sought, by bundling compatible activities or effects together, and controlling those that are incompatible.

It has been identified that a number of properties across the district have more than one zone across them. This can be problematic when assessing resource consents as there are more than one set of rules to consider, and the most stringent rules apply in deciding whether or not a consent is required.. It is proposed to change some of these affected properties to the most appropriate single zone with agreement from the landowner. Rationale for assessment were:

Size:

- One of the zones is too small to develop (eg. A driveway/access to a rural parcel is within the Residential Zone).

Change use:

- Land has had change of use. Zone to reflect current use.

Reserves & Open Space:

- It is preferable that Reserves and Open Spaces Zone is not in private ownership.
- Reserves / Open Spaces to be verified before any amendment.
- Legal road which is currently zoned Open Space.

Council / Crown

- Council-owned.
- DoC land remains status quo.
- Designation in place eg. Ministry of Education

Alignment:

- Rural properties can be mal-aligned until new cadastral survey is completed. (“Polygons within this layer have a nominal accuracy of 0.1-1m in urban areas and 1-100m in rural areas”).

Cadastral:

- Zone changes to align with cadastral boundaries.
- Zone change bisects existing structures.

Waterway:

- Includes waterways, streams or esplanades.

Topography:

- Topography reflects appropriate zone.

Constraints:

- Constraints involved. Eg. Infrastructure capacity.
- Currently under development

Appendix 1 shows the proposed properties with zoning amendments.

In addition to these private properties, there is a small number of Council owned parcels of land that also have multiple zones across them. It is proposed to make minor amendments to these using the same criteria as above.

4 Section 32 Considerations

The tables below provide an analysis of the costs and benefits of the proposed amendments.

This analysis enables an assessment of the efficiency, effectiveness and appropriateness of the proposed Plan Change. Instead of assessing all cases individually, a cost/benefit and appropriateness assessment has generally been undertaken for each subject group.

Only two options have been considered for these assessments due to the minor nature of the proposed amendments; do nothing or to amend the District Plan as proposed.

Table 1: Renumbering & Clarifications		
	OPTION 1: Do Nothing – Retain Existing Provisions	OPTION 2: Amend Wording and Maps This is the RECOMMENDED option
Description	This relates to the following issues: 3.1.1 Transport Rule 3.2.5 Rural Zones – Highly Productive Land 3.1.2 Central Commercial Zone standard 3.2.6 Earthworks Standard 3.2.1 Subdivision standard 3.2.7 Height In Relation To Boundary Exceptions 3.2.2 Transport Standard - Tran-S4-Vehicle Crossings-Note 3 3.2.8 Protected Trees 3.2.3 Transport Standard - Tran-Table 3-Vehicle Crossing Standards 3.2.4 General Residential Zone Standards – Minor Residential Units	
Benefits	<ul style="list-style-type: none"> • Environmental benefits – None identified. • Economic benefits – None identified. • Social benefits – None identified. 	<ul style="list-style-type: none"> • Environmental benefits – Medium. Ensures the environmental objectives of the Plan are correctly interpreted. • Economic benefits – Low. Processing of resource consents may be streamlined due to the Plan being easier to interpret. • Social benefits – Medium. Ensures good planning outcomes for outcomes.

Costs	<ul style="list-style-type: none"> • Environmental costs – Low. Suboptimal environmental outcomes may arise if the Plan is not interpreted correctly. • Economic costs – Low. The processing of resource consents may take additional time if the Plan is not easily interpreted. Costs would be borne by landowners and developers through consent processing charges. • Social costs – Low. Suboptimal social outcomes may arise if the Plan is not interpreted correctly. 	<ul style="list-style-type: none"> • Environmental costs – None identified. • Economic costs – Low. Costs of processing the Plan Change. • Social costs – None identified.
Efficiency & Effectiveness of achieving Objectives	<ul style="list-style-type: none"> • The Plan’s objectives would be less efficiently and effectively achieved, as the provisions have been identified as being ambiguous and requiring alterations to ensure the overriding objectives can be given effect to. 	<ul style="list-style-type: none"> • Most efficient and effective in achieving Plan objectives, as the changes would clarify how they are meant to be given effect to. • Improves the efficient functioning of the District Plan.
Most appropriate for achieving objectives	<ul style="list-style-type: none"> • Not considered appropriate, as the provisions are unclear. 	<ul style="list-style-type: none"> • Appropriate, because the changes allow better and easier decision-making processes that meet Plan objectives.

Table 2: Zone changes

	OPTION 1: Do Nothing – Retain Existing Provisions	OPTION 2: Amend Wording and Maps This is the RECOMMENDED option
Description	Consolidating zones of various properties.	
Benefits	<ul style="list-style-type: none"> • Environmental benefits – None identified. • Economic benefits – None identified. • Social benefits – None identified, 	<ul style="list-style-type: none"> • Environmental benefits – None identified. • Economic benefits – None identified. • Social benefits – Medium. Showing the site as correctly zoned would increase certainty for Plan users.
Costs	<ul style="list-style-type: none"> • Environmental costs – None identified. • Economic costs – Low. The processing of resource consents may take additional time if the Plan is not easily interpreted. • Social costs – None identified. 	<ul style="list-style-type: none"> • Environmental costs – None identified. • Economic costs – Low, Costs of processing the Plan Change. • Social costs – None identified.
Efficiency & Effectiveness of achieving Objectives	<ul style="list-style-type: none"> • The Plan’s objectives would be less efficiently and effectively achieved due to the lack of clarity. 	<ul style="list-style-type: none"> • Most efficient and effective in achieving the Plan’s objectives and policies, due to the increased clarity. • Improves the efficient functioning of the District Plan.
Most appropriate for achieving objectives	<ul style="list-style-type: none"> • Not considered appropriate, as the previous zoning decisions are less clear due to the site having multiple zones. 	<ul style="list-style-type: none"> • Appropriate, as the zoning maps would be clearer and more accurate.