



WHANGANUI DISTRICT COUNCIL

Te Kaunihera a Rohe o Whanganui

Submission on a Publicly Notified Plan Change to the Whanganui District Plan

Resource Management Act 1991 In accordance with Form 5 – RM (Forms, Fees and Procedure) Regulations 2003

This form is available electronically at www.whanganui.govt.nz/plan-change-60

TO: Whanganui District Council, PO Box 637, Whanganui

Name: (print in full) Rainer & Kathanna Schmidt

This is a submission on Plan Change No. 60 to the Whanganui District Plan.

Closing Date: 25/06/2023

- (a) I ~~could~~ /could not gain an advantage in trade competition through this submission.
 (b) I am ~~not~~ directly affected by an effect of the subject matter of the submission that adversely affects the environment; and does not relate to trade competition or the effects of trade competition.

2. The specific provisions of the proposed plan change that my submission relates to:

19 TURERE PLACE

(Use additional pages if required)

3. My submission is that (Please state in summary the nature of your submission. Clearly indicate whether you support or oppose the specific provisions or wish to have amendments made. Please give your reasons):

We oppose the proposed Plan Change 60!
The propose zone change would not allow
us to subdivide our section in order to
build a dwelling for our daughter

(Use additional pages if required) *see ad. page →*

4. I seek the following decision from the Council (Give clear details stating what amendments you wish to see made to the Plan Change, and your reasons):

That the current zoning remains?

(Use additional pages if required)

The neighbouring sections of Pukeko Drive and Tirimoana place extension will be zoned residential. The south-west border is align with our south west border. If at all the council wish to change zones we should be fully residential and not rural lifestyle.

It seems a disadvantage from the council as the former rural zones (Tirimoana place extension and Pukeko Drive) increased the value of the sections. But not in our case.

-

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It seems a disadvantage from the council as the former rural zones (Tirimoana place extension and Pukeko Drive) increased the value of the sections. But not in our case.

-

SUBMISSION ON

Whanganui District Plan PC60

21 June 2023

To: Whanganui District Council

Name of Submitter: Horticulture New Zealand

Contact for Service:

Emily Levenson

Environmental Policy Advisor

Horticulture New Zealand

PO Box 10-232 WELLINGTON

Ph: 027 305 4423

Email: Emily.levenson@hortnz.co.nz

OVERVIEW

Submission structure

- 1 Part 1: HortNZ's Role
- 2 Part 2: Submission

Our submission

Horticulture New Zealand (HortNZ) thanks Whanganui District Council for the opportunity to submit on Plan Change 60 to the Whanganui District Plan and welcomes any opportunity to continue to work with Whanganui District Council and to discuss our submission.

HortNZ could not gain an advantage in trade competition through this submission.

HortNZ wishes to be heard in support of our submission and would be prepared to consider presenting our submission in a joint case with others making a similar submission at any hearing.

The details of HortNZ's submission and decisions we are seeking are set out in our submission below.

HortNZ's Role

Background to HortNZ

HortNZ represents the interests of approximately 5,500 commercial fruit and vegetable growers in New Zealand who grow around 100 different fruit, and vegetables. The horticultural sector provides over 40,000 jobs.

There is approximately, 80,000 hectares of land in New Zealand producing fruit and vegetables for domestic consumers and supplying our global trading partners with high quality food.

It is not just the direct economic benefits associated with horticultural production that are important. Horticulture production provides a platform for long term prosperity for communities, supports the growth of knowledge-intensive agri-tech and suppliers along the supply chain; and plays a key role in helping to achieve New Zealand's climate change objectives.

The horticulture sector plays an important role in food security for New Zealanders. Over 80% of vegetables grown are for the domestic market and many varieties of fruits are grown to serve the domestic market.

HortNZ's purpose is to create an enduring environment where growers prosper. This is done through enabling, promoting and advocating for growers in New Zealand.



HortNZ's Resource Management Act 1991 Involvement

On behalf of its grower members HortNZ takes a detailed involvement in resource management planning processes around New Zealand. HortNZ works to raise growers' awareness of the Resource Management Act 1991 (RMA) to ensure effective grower involvement under the Act.

Submission

1. Horticulture in Whanganui

The Whanganui District is in a period of active horticultural growth. The district currently has 16 growers, with approximately 130 ha of horticultural land, including 101 ha of kiwifruit.¹ Horticultural crops include kiwifruit, avocados, berries, pears, citrus, and both indoor and outdoor vegetables. Further expansion in kiwifruit and berries is expected in coming years.

Apata Packhouse has actively sought more land for kiwifruit expansion in Whanganui, citing the flat land, free-draining soils and suitable climate.² Now they're helping new growers kickstart and manage their orchards.^{3,4}

Predicted climate change impacts on Whanganui could further improve growing conditions in the region, allowing for more horticultural expansion. Projections show that the district will experience warmer temperatures, a longer growing season, and fewer frosts, which all improve conditions for growing.⁵

2. Highly Productive Land

HortNZ supports Whanganui District Council's efforts to align the District Plan with the NPS-HPL. It is critical that highly productive land is protected for future generations from the trend of cumulative loss to urban and lifestyle development. Reverse sensitivity and competition for natural resources with urban communities are putting fruit and vegetable production at risk.

Protection of productive land should extend beyond Classes 1, 2, and 3 identified in the National Policy Statement for Highly Productive Land (NPS-HPL) because Class 4 land can still be used for high value horticultural production. While soil quality is especially important for growing, favourable climate, flat land, and access to transportation networks are all key considerations for growing areas.

We also consider that the district plan should reference "highly productive land" rather than "productive land" to make clear the connection to the NPS-HPL.

¹ NZGAP, Zespri

² [Whanganui industry picked to grow - NZ Herald](#), 19/07/21. Accessed online 20/06/23.

³ [Weather station data helps Whanganui kiwifruit farm go from strength to strength in tricky conditions - NZ Herald](#), 05/05/23. Accessed online 20/06/23.

⁴ [Sisters plant kiwifruit orchard on the old Whanganui family farm - NZ Herald](#), 08/10/20. Accessed online 20/06/23.

⁵ [Climate change projections for the Manawatu-Whanganui region | Ministry for the Environment](#)

Submission on Plan Change 60 to the Whanganui District Plan

Without limiting the generality of the above, HortNZ seeks the following decisions on Plan Change 60 to the Whanganui District Plan, as set out below, or alternative amendments to address the substance of the concerns raised in this submission and any consequential amendments required to address the concerns raised in this submission.

Additions are indicated by bolded underline, and deletions by strikethrough text.

Provision	Support/oppose	Reason	Decision sought
SUB-R2	Support in part.	<p>The district plan should replace all references to “productive land” with “highly productive land” to make clear the connection to the NPS-HPL.</p> <p>HortNZ also seeks that loss of highly productive land is considered in the Rural Lifestyle Zone and Settlement Zone given that productive land is most at risk on the urban-rural fringe.</p> <p>Reverse sensitivity effects could hinder primary production neighbouring these zones.</p>	<p>...Subdivision in the Rural Lifestyle Zone. Council restricts its discretion to:</p> <ol style="list-style-type: none"> a. The ability of sites to be independently serviced for stormwater and wastewater. b. Maintain or enhance rural lifestyle character. <u>c. Loss of highly productive land.</u> <u>d. Avoid potential reverse sensitivity effects on primary production.</u> <p>7. Subdivision in the Settlement Zone. Council restricts its discretion to:</p> <ol style="list-style-type: none"> a. The ability of sites to be independently serviced for stormwater and wastewater. b. The ability of sites to maintain or enhance rural lifestyle character. <u>c. Loss of highly productive land.</u>

d. Avoid potential reverse sensitivity effects on primary production

8. Subdivision in the Rural Production Zone provided that, for subdivision located within the National Grid Subdivision Corridor the identified Building Platform shall be located outside the National Grid Yard.

Council restricts its discretion to:

a. The ability of sites to:

- i. Be independently serviced for stormwater and wastewater;
- ii. Maintain or enhance rural character and to avoid potential reverse sensitivity;
- iii. **Avoid** loss of **highly** productive land...

9. Subdivision in the Rural Production Zone to create one allotment with a minimum site area of 5000m² and a maximum site area of one hectare site area provided that...

Council restricts its discretion to:

- i. The ability of the development to be serviced by onsite means with regard to effluent and stormwater disposal;
- ii. Impact on the rural character of the surrounding area, and to avoid potential reverse sensitivity;
- iii. Loss of **highly** productive land...

			<p>10. Subdivision in the Rural General Zone provided that, for subdivisions located within the National Grid Subdivision Corridor the identified Building Platform shall be located outside the National Grid Yard.</p> <p>Council restricts its discretion to:</p> <p>a. The ability of sites to:</p> <p>i. Be independently serviced for stormwater and wastewater;</p> <p>ii. Maintain or enhance rural lifestyle character;</p> <p>iii. Avoid loss of highly productive land</p> <p><u>iii. Avoid potential reverse sensitivity effects on primary production.</u></p>
GRUZ-R2	Support	The district plan should replace all references to “productive land” with “highly productive land” to make clear the connection to the NPS-HPL.	<p>1. Any permitted activity which does not comply with a Rural General Zone standard.</p> <p>Council restricts its discretion to:</p> <p>a. The effect of the particular non-compliance on the environment, including the cumulative or combined effect of non-compliances.</p> <p>b. The loss of highly productive land.</p>
RPROZ-O1	Support	Alignment with the NPS-HPL.	Retain as drafted.
RPROZ-O6	Support	Alignment with the NPS-HPL.	Retain as drafted.

RPROZ-P6	Support	Alignment with the NPS-HPL.	Retain as drafted.
RPROZ-R2	Support	<p>The district plan should replace all references to “productive land” with “highly productive land” to make clear the connection to the NPS-HPL.</p> <p>These changes also fix small typos.</p>	<p>1. Any permitted activity which does not comply with a Rural Production Zone standards. Council restricts its discretion to:</p> <ul style="list-style-type: none"> a. The effect of the particular non-compliance on the environment, including the cumulative or combined effect of non-compliances. 2. b. The loss of highly productive land... <p>2. Any building within 20m of the secured yard of a National Grid substation. Council restricts its discretion to:</p> <ul style="list-style-type: none"> 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;; <p>and</p> <p><u>d. the loss of highly productive land.</u></p>

SUBMISSION BY POWERCO LIMITED ON PROPOSED PLAN CHANGE 60 TO THE WHANGANUI DISTRICT PLAN

To: Whanganui District Council
PO Box 637
Whanganui 4541

Via email: Leayne.Huirua@whanganui.govt.nz

Name of submitter: Powerco Limited
Private Bag 2065
New Plymouth 4340
(Note that this is not the address for service.)

1. This is a submission by Powerco Limited (**Powerco**) on Proposed Plan Change 60 to the Whanganui District Plan (PC60).
2. Powerco could not gain an advantage in trade competition through this submission.
3. The specific provisions of the proposal that the submission relates to, the submission points, reasons and decisions sought are detailed in the attached table. Powerco seeks that the decisions sought as set out in the attached table are adopted, or any other such relief and/or consequential amendments that achieves an equivalent outcome.
4. In summary, this submission seeks to ensure recognition, protection and continued operation of Powerco's electricity distribution network within Whanganui.
5. Powerco wishes to be heard in support of this submission.
6. If others make a similar submission, Powerco would be prepared to consider presenting a joint case at any hearing.

Signature of person authorised to sign on behalf of Powerco Limited:



Gary Scholfield
Senior Environmental Planner
POWERCO



Dated at Tauranga this 21st day of June 2023.

Address for Service: Powerco Limited
PO Box 13 075
Tauranga 3141
Attention: Gary Scholfield

Phone: (07) 928 5659
Email: planning@powerco.co.nz

Whanganui District Plan Proposed Plan Change 60 – multiple submission points table

Powerco owns and operates the electricity distribution network in Whanganui. These submissions made are to ensure that there is a practical and workable planning regime for electricity distribution infrastructure and associated customer connections in Whanganui. The submission requests that either:

- i. The specific relief as set out in the table below; or
- ii. Such other relief to similar effect to address the matters outlined in the submission to the submitter’s satisfaction; and
- iii. In relation to i and ii above, any consequential amendments necessary as a result of the amendments to grant the relief sought.

Specific provision / matter	Position	Reason for submission	Decisions requested / relief sought
<p>NFL-PT-R1 1 (a) <i>Trimming Pruning and clearance of foliage or branches <u>no greater than 50mm in diameter</u> 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</i></p>	Oppose	Powerco is opposed to arbitrary limits being imposed on trimming of vegetation that has the potential to interfere with electricity distribution networks. In order to ensure a safe and efficient network, Powerco requires the ability to trim vegetation as required under the Electricity (Hazards from Trees) Regulations 2003.	<p>Amend clause 1 (a) as follows:</p> <p><i>Trimming Pruning and clearance of foliage or branches <u>no greater than 50mm in diameter</u> 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.</i></p>
<p>NFL-PT-R3-R2 1. Any activity that does not meet the standards in NFLPT-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 modification dripline shall be considered the outermost circumference of the tree's canopy. With irregular-shaped trees, destruction the dripline</p>	Oppose	Powerco is opposed to a catch-all discretionary rule. This rule will capture a number of activities undertaken by network utility operators such as maintaining existing assets or installing new assets within the road corridor.	<p>Amend NFL-PT-R3-R2 to exclude activities undertaken by network utility operators. Powerco considers that further consideration of permitted and controlled activity status’ needs to be included for network utility activities.</p>

Specific provision / matter	Position	Reason for submission	Decisions requested / relief sought
<p>shall be calculated by taking the greatest radial spread of the canopy from the trunk in a full circle around the tree.</p> <p>3. Destruction or removal of any protected tree supported by an Arboricultural report submitted to Council stating:</p> <p>a. It is emergency work to maintain or restore existing power or telecommunication links;</p> <p>b. To safeguard life or property;</p> <p>c. The tree is dead or diseased.</p> <p>4. The pruning or maintenance of any protected tree that is not a permitted or controlled activity.</p> <p>• Earthworks, construction or reconstruction work within the drip line of a protected tree, that is not a permitted or a controlled activity</p> <p>5. Crown reduction.</p> <p>6. A new vehicle access.</p>			
<p>NFL-PT-S1</p> <p>1 (c)</p> <p><i>1. All works will comply with Minimum Industry Standards for:</i></p> <p>...</p> <p><i>c) Utility line clearance</i></p> <p>...</p>	Support	Powerco supports trimming that complies with industry standards for utility line clearance, including the Electricity (Hazards from Trees) Regulations 2003.	Retain NFL-PT-S1 1 (c)

Specific provision / matter	Position	Reason for submission	Decisions requested / relief sought
NFL-PT-S2 <i>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.</i>	Oppose	This standard applies to and must be met by permitted activities specified under NFL-PT-R1. However, this standard implies that a resource consent application will be made which is not the case for permitted activities. Submitting photographic evidence every time clearance of foliage occurs seems excessive / unnecessary.	Either delete NFL-PT-S2 or relocate the requirement to another section of the plan (e.g. supporting information for resource consents).
GRZ-S4 2. c. Exceptions <i>The following structures are exempt from the above height in relation to boundary standard:</i> ... f. Network utility masts, poles and antennas ...	Oppose	It appears that this deletion may be a mistake, as the s32 report (section 3.2.7, page 13) indicates that network utility masts, poles and antennas would continue to be exempt from the height in relation to boundary rules.	Reinstate the exemption for network utility masts, poles and antennas in GRZ-S4 2.
CRZ-S5 2. Exceptions from the height in relation to boundary standard. <i>The following structures are exempt from the above height in relation to boundary standard:</i> a. Network utility masts, poles and antennas;	Oppose	It appears that this deletion may be a mistake, as the s32 report (section 3.2.7, page 13) indicates that network utility masts, poles and antennas would continue to be exempt from the height in relation to boundary rules.	Reinstate the exemption for network utility masts, poles and antennas in CRZ-S5. 2.
SETZ-S4 3. Exceptions from height in relation to boundary standard.	Oppose	It appears that this deletion may be a mistake, as the s32 report (section 3.2.7, page 13) indicates that network utility masts, poles and antennas	Reinstate the exemption for network utility masts, poles and antennas in SETZ-S4. 3.

Specific provision / matter	Position	Reason for submission	Decisions requested / relief sought
<p>The following structures are exempt from the above height in relation to boundary standard:</p> <p>...</p> <p>f. Network utility masts, poles and antennas;</p> <p>...</p>		<p>would continue to be exempt from the height in relation to boundary rules.</p>	
<p>COMZ-OC-S6</p> <p>3. Exemptions from height in relation to boundary standard.</p> <p>The following structures are exempt from the above height in relation to boundary:</p> <p>...</p> <p>f. Network utility masts, poles and antennas;</p> <p>...</p>	<p>Oppose</p>	<p>It appears that this deletion may be a mistake, as the s32 report (section 3.2.7, page 13) indicates that network utility masts, poles and antennas would continue to be exempt from the height in relation to boundary rules.</p>	<p>Reinstate the exemption for network utility masts, poles and antennas in COMZ-OC-S6. 3.</p>
<p>OSZ-S3</p> <p>1. Exemptions</p> <p>The following structures are exempt from the above height in relation to boundary standard:</p> <p>a. Network utility masts, poles and antennas.</p> <p>...</p>	<p>Oppose</p>	<p>It appears that this deletion may be a mistake, as the s32 report (section 3.2.7, page 13) indicates that network utility masts, poles and antennas would continue to be exempt from the height in relation to boundary rules.</p>	<p>Reinstate the exemption for network utility masts, poles and antennas in OSZ-S3. 1.</p>
<p>Appendix C</p> <p>Protected Trees</p> <p><u>T122</u></p> <p><u>Pohutukawa</u></p> <p><u>12 Helmore St</u></p>	<p>Oppose</p>	<p>Powerco is concerned at the inclusion of the Pohutukawa at the above address within the Protected Trees listed in Appendix C, particularly given the above submission points. The photograph of the tree included in the s32 report clearly shows a pole, transformer and lines all in</p>	<p>Delete the tree at 12 Helmore Street from Appendix C.</p>

Specific provision / matter	Position	Reason for submission	Decisions requested / relief sought
		close proximity to the tree. It appears from Google street view imagery that the canopy / dripline of the tree extends above the existing lines running along Helmore Street.	



WHANGANUI DISTRICT COUNCIL

Te Kaunihera a Rohe o Whanganui

Submission on a Publicly Notified Plan Change to the Whanganui District Plan

Resource Management Act 1991 In accordance with Form 5 – RM (Forms, Fees and Procedure) Regulations 2003

TO: Whanganui District Council, PO Box 637, Whanganui

Name: *(print in full)* McDonald's Resturants (New Zealand) Limited.....

This is a submission on Plan Change No.⁶⁰.... to the Whanganui District Plan.

Closing Date: 25/06/2023.....

1. (a) I could /could not gain an advantage in trade competition through this submission.
 (b) I am /am not directly affected by an effect of the subject matter of the submission that adversely affects the environment; and does not relate to trade competition or the effects of trade competition.

2. The specific provisions of the proposed plan change that my submission relates to:
 (See attached)

 (Use additional pages if required)

3. My submission is that *(Please state in summary the nature of your submission. Clearly indicate whether you support or oppose the specific provisions or wish to have amendments made. Please give your reasons):*
 (See attached)

(Use additional pages if required)


4. I seek the following decision from the Council *(Give clear details stating what amendments you wish to see made to the Plan Change, and your reasons):*
 (See attached)

 (Use additional pages if required)

5. I **do/do not** wish to be heard in support of this submission.
6. If others make a similar submission I **would /would not** be prepared to consider presenting a joint case with them at any hearing.

7. **Address for service:**

Barker & Associates Ltd.....
Brandon House, Level 3/149 Featherston Street.....
Wellington Central, 6011.....

Signature:
.....

(Person making submission or person authorised to sign on behalf of person making submission)

Day time phone No: 027 765 4842.....

Email: oliviae@barker.co.nz.....

Date: 22/06/2023.....

To: Whanganui District Council (“Council”)
Leayne.Huirua@whanganui.govt.nz

Submitter: McDonald’s Restaurants (New Zealand) Limited (“Submitter”)

Address for Service: C/- Barker & Associates Ltd
Attn: Olivia Edwards | Hannah Hoogeveen
PO Box 457,
Wellington 6140
Telephone No: 027 765 4842 | 027 556 6991
Email: oliviae@barker.co.nz | hannahh@barker.co.nz

Date: 22 June 2023

INTRODUCTION

1. This is a submission on the Whanganui Proposed District Plan Change 60 – Miscellaneous 2 (“PC60”) in accordance with clause 6(3) of the first schedule of the Resource Management Act (“RMA”) 1991.
2. This submission relates to the proposed commercial zoning and protected tree related provisions of PC60.
3. The Submitter could not gain an advantage in trade competition through this submission.
4. McDonald’s wishes to be heard in support of this submission and would consider presenting a joint case with any other party seeking similar relief.

MCDONALD’S LANDHOLDINGS AND OPERATIONAL CONTEXT

5. McDonald’s currently operates one restaurant within Whanganui and projects additions and/or alterations may be required to the restaurant within the lifetime of PC60, as well as expansion opportunities to serve growing communities.
6. McDonald’s Whanganui (“the site”) is located at 314 Victoria Avenue, and is legally described as Part Suburban Section 26 Town of 13160/11700 Wanganui, Part Suburban Section 26 Town of Wanganui.
7. The site is split across two zones under the Operative Plan – Outer Commercial Zone and the General Residential Zone. PC60 proposes that the site be wholly contained in the Outer Commercial

Zone that supports lower density and vehicle orientated commercial activities surrounding the central area.

8. The site is located on Victoria Avenue lined with protected London Plane trees (*Platanus X hispanica*). These occur on both sides of the road for the length of Victoria Avenue between Ingestre Street and Great North Road.

SUBMISSION

9. McDonald's supports the rezoning of the Outer Commercial Zone in PC60 that will apply to the site. The proposed zoning will allow McDonald's as a commercial activity to undertake additions and/or alterations to the site within the lifetime of PC60 when required.
10. McDonald's supports the need for natural features, landscapes and protected trees. However, considers it is not appropriate to have a discretionary activity status consent requirement for the removal of a protected tree where there is an immediate risk to life or property. In times of emergency, it would not be appropriate to require a discretionary activity consent, and this rule should remain as a permitted activity.
11. Provided as Attachment 1 is the submission points on PC60 which address the above, including the reasons and decisions sought. The current store location in Whanganui is given in Attachment 2 with related submission points.

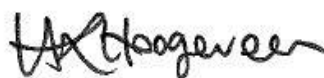
Barker & Associates Limited



Olivia Edwards

Planner

027 765 4842 | oliviae@barker.co.nz



Hannah Hoogeveen

Associate


027 556 6991 | Hannahh@barker.co.nz

Attachment 1: The specific submission points on Whanganui PC60 that this submission relates to are as follows.

Note ~~strike through~~ text represents text proposed to be deleted and ***bold italic*** text represents text proposed to be inserted.

PDP Reference	Submission / Reasons	Support / Oppose	Relief Sought
NFL – Natural Features and Landscapes			
Protected trees – Rules NFL-PT-R2(3)b	<p>The site is located on Victoria Avenue lined with protected London Plane trees (<i>Platanus X hispanica</i>). These occur on both sides of the road for the length of Victoria Avenue between Ingestre Street and Great North Road.</p> <p>McDonald’s considers it is not appropriate to have a discretionary activity status consent requirement for the removal of a protected tree where there is an immediate risk to life or property.</p> <p>In times of emergency, it would not be appropriate to require a discretionary activity consent.</p> <p>This rule should remain as a permitted activity.</p>	Oppose	Oppose NFL-PT-R2(3)b – retain emergency tree removal as a permitted activity.

Attachment 2: McDonalds current store location in Whanganui and related submission points:

Site Address	Site	Proposed Plan Zone & Overlays	Support / Oppose	Relief Sought
McDonald’s Whanganui 314 Victoria Avenue, Whanganui		Outer Commercial Zone	<ul style="list-style-type: none"> Support zoning 	Retain zoning as notified



WHANGANUI DISTRICT COUNCIL

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Resource Management Act 1991 In accordance with Form 5 – RM (Forms, Fees and Procedure) Regulations 2003

TO: Whanganui District Council, PO Box 637, Whanganui

Name: *(print in full)* Steven Paul Archer

This is a submission on Plan Change No. ..60... to the Whanganui District Plan.

Closing Date:..... 25/06/2023

1. (a) I ~~could~~ /could not gain an advantage in trade competition through this submission.
 (b) I ~~am~~ /am not directly affected by an effect of the subject matter of the submission that adversely affects the environment; and does not relate to trade competition or the effects of trade competition.

2. The specific provisions of the proposed plan change that my submission relates to:

.....
 3.2.5 Rural Zones – Highly productive land

(Use additional pages if required)

3. My submission is that *(Please state in summary the nature of your submission. Clearly indicate whether you support or oppose the specific provisions or wish to have amendments made. Please give your reasons):*

The outcome of this change will do nothing to address the quoted refernece from NPS-HPL. Mapping of Productive Land cannot be achieved by adding a stand alone discretionary requirement to the Rules. Any change to the rules affects the whole chapter of the Plan. Therefore the proposed change needs to be considered as part of a review of the zone, otherwise it becomes confusing and interpretation becomes subjective.

4. I seek the following decision from the Council *(Give clear details stating what amendments you wish to see made to the Plan Change, and your reasons):*

..... That the proposed change be considered when the Rural General Zone is reviewed

..... *(Use additional pages if required)*

5. I ~~do/do not~~ wish to be heard in support of this submission.
6. If others make a similar submission I ~~would /would not~~ be prepared to consider presenting a joint case with them at any hearing.

7. **Address for service:**

.....57 Liverpool Street.....
.....Whanganui.....

.....

Signature: 

.....

(Person making submission or person authorised to sign on behalf of person making submission)

Day time phone No: ...06 347 8586.....

Email:steven.archer@acsurveys.co.nz.....

Date:23/06/2023.....



**WHANGANUI
DISTRICT COUNCIL**
Te Kaunihera a Rohe o Whanganui

Submission on a Publicly Notified Plan Change to the Whanganui District Plan

Resource Management Act 1991 In accordance with Form 5 – RM (Forms, Fees and Procedure) Regulations 2003

TO: Whanganui District Council, PO Box 637, Whanganui

Name: (print in full) MICHAEL ROBERT O'SULLIVAN

This is a submission on Plan Change No. PC60 to the Whanganui District Plan.
Closing Date: 25/06/23

1. (a) ~~I could~~ /could not gain an advantage in trade competition through this submission.
(b) ~~I am~~ /am not directly affected by an effect of the subject matter of the submission that adversely affects the environment; and does not relate to trade competition or the effects of trade competition.

2. The specific provisions of the proposed plan change that my submission relates to:

3.2.5 Rural Zones - Highly Productive Land.

(Use additional pages if required)

3. My submission is that (Please state in summary the nature of your submission. Clearly indicate whether you support or oppose the specific provisions or wish to have amendments made. Please give your reasons):

PLEASE REFER TO ATTACHED SUBMISSION

(Use additional pages if required)

4. I seek the following decision from the Council (Give clear details stating what amendments you wish to see made to the Plan Change, and your reasons):

THAT THE PLAN CHANGE WITH RESPECT TO HIGHLY PRODUCTIVE LAND BE WITHDRAWN

(Use additional pages if required)

5. I ~~do/do not~~ wish to be heard in support of this submission.
6. If others make a similar submission I **would /would not** be prepared to consider presenting a joint case with them at any hearing.
7. **Address for service:**

.....
13 CHURCH PLACE
.....
WHANGANUI
.....

Signature: *Mr. Sullivan*
.....

.....
(Person making submission or person authorised to sign on behalf of person making submission)

Day time phone No: *027 2888015*
.....

Email: *mike@nzsurveyor.co.nz*
.....

Date: *25/06/23*
.....

25 June 2023

SUBMISSION ON PUBLICLY NOTIFIED PLAN CHANGE PC60 – 3.2.5 RURAL ZONUES – HIGHLY PRODUCTIVE LAND

I submit in opposition to the proposed plan change as it applies to 'productive land' on the following grounds:

1. A National Policy Statement (NPS) may have immediate effect to the extent contemplated by that NPS;
2. This NPS has a commencement date of 17 October 2022 and at cl 4.1(1) states that '*every local authority must give effect to the NPS on and from the commencement date...*';
3. There is a further direction within cl 4.1(1) of the NPS that until a regional policy statement containing the required mapping of highly productive land is operative, '*highly productive land must be taken to have the meaning of that term set out in cl 3.5(7)*';
4. Cl 3.5(7) provides that meaning and provides that pending the completion of the mapping process by the Regional Council as prescribed by the NPS, this NPS must be *applied* by a territorial authority and consent authority in accordance with that meaning.

Therefore, the NPS is already operative and the basis for its application is clear. I understand the proposed change to the district plan is not required to give effect to the NPS as suggested in the s32 report.

Further, the proposed provisions are inconsistent with the NPS because they purport to apply to 'productive land' should a consent be triggered under the district plan requirements. This term is inconsistent with the term 'highly productive land' in the NPS which is confusing but, in any event, the district plan provisions are strictly subject to the requirements of the NPS from its commencement date rather than the district plan needing to be changed before the NPS can be applied by Council.

It is further submitted that in accordance with cl 4.1(2) of the NPS, it is intended the district plan be the subject of a formal plan change in accordance with a first schedule RMA process after the mapping process has been carried out by the Regional Council; at which point the objectives, policies and rules within the district plan must be changed to be consistent with the requirements of the NPS. This process allows for precise application of the NPS to the mapping outcomes which must be included in the district plan. This plan change does not comply with this requirement (if that is what is intended) and therefore serves no practical purpose. It is noted that the first schedule process required by cl 4.1(2) will provide objectives, policies and rules which will guide future re-zoning, consenting, existing use and reverse sensitivity outcomes in accordance with the requirements of the NPS fully informed by the mapping process. This is fundamental to meaningful landowner participation.

I request this aspect of the plan change be withdrawn and the NPS be applied in accordance with its provisions and the processes provided for within it.

Yours faithfully

A handwritten signature in black ink, appearing to read "M R O'Sullivan".

Michael O'Sullivan

Registered Professional Surveyor

5. I ~~do~~/do not wish to be heard in support of this submission.
6. If others make a similar submission I would /~~would not~~ be prepared to consider presenting a joint case with them at any hearing.

7. **Address for service:**

Bernadine Bourke
9 Glenn St
Castletuff 4501

Signature: *B Bourke*

.....
(Person making submission or person authorised to sign on behalf of person making submission)

Day time phone No: 027 74991306

Email: Bernadinebourke3@gmail.com

Date: 24-6-23



WHANGANUI
DISTRICT COUNCIL
Te Kaunihera a Rohe o Whanganui

Submission on a Publicly Notified Plan Change to the Whanganui District Plan

Resource Management Act 1991 In accordance with Form 5 – RM (Forms, Fees and Procedure) Regulations 2003

TO: Whanganui District Council, PO Box 637, Whanganui

Name: (print in full) Bernadine Bourke

This is a submission on Plan Change No. 2 misc to the Whanganui District Plan.

Closing Date: 25-6-23

- (a) ~~I could~~ /could not gain an advantage in trade competition through this submission.
(b) ~~I am~~ /am not ^{am not BB} directly affected by an effect of the subject matter of the submission that adversely affects the environment; and does not relate to trade competition or the effects of trade competition.

- The specific provisions of the proposed plan change that my submission relates to:

Simplifying of zones - Appendix 1
Proposed zone - General Rural 5 Carson
(Maps show 50 Carson)

(Use additional pages if required)

- My submission is that (Please state in summary the nature of your submission. Clearly indicate whether you support or oppose the specific provisions or wish to have amendments made. Please give your reasons):

Endorse in principle the proposed
zone for 5/50? Carson St changing
to general rural or open space.

(Use additional pages if required)

- I seek the following decision from the Council (Give clear details stating what amendments you wish to see made to the Plan Change, and your reasons):

Clarify whether proposed plan change
relates to 5 or 50 Carson St (Use additional pages if required)

(Index notes 5, maps refer to 50)

Page 1 of 2

I reserve the right to resubmit
if propo zone is other than general
rural or open space.

Kathryn Stewart

From: Leayne Huirua
Sent: Tuesday, 13 June 2023 2:33 pm
To: Kathryn Stewart
Subject: FW: Hereford St and Chester Road Development land

Follow Up Flag: Follow up
Flag Status: Flagged

Hi Kathryn
Could you please process the email below as a submission.
Thanks
Leayne

From: Keryn Amon <Keryn.Amon@platinumhomes.co.nz>
Sent: Monday, 29 May 2023 11:19 am
To: Leayne Huirua <Leayne.Huirua@whanganui.govt.nz>
Subject: Hereford St and Chester Road Development land

Good morning Leayne

It has been brought to my attention that current Open Space Zone no longer serves a planning purpose as the land is being developed for conventional residential through an extant residential subdivision consent, and the General Residential Zone should apply.

Can you please insure that this land is included in the upcoming miscellaneous plan change to have this situation rectified.

Thank you so much.

Kindest regards,

Keryn Amon,
Director

PLATINUM HOMES WANGANUI / MANAWATU
M 027 2928 752 Office (06) 3490054
E Keryn.Amon@platinumhomes.co.nz

www.platinumhomes.co.nz

Office: PO Box 7082, Wanganui 4541



Everything Kiwis call home



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WHANGANUI DISTRICT COUNCIL
Te Kaunihera a Rohe o Whanganui

Rec'd
13/06

Submission on a Publicly Notified Plan Change to the Whanganui District Plan

Resource Management Act 1991 In accordance with Form 5 – RM (Forms, Fees and Procedure) Regulations 2003

This form is available electronically at www.whanganui.govt.nz/plan-change-60

TO: Whanganui District Council, PO Box 637, Whanganui

Name: (print in full) James ^{lees} e Shirley ^{lees} Bennett

This is a submission on Plan Change No. 60 to the Whanganui District Plan.

Closing Date: 25/6/23

- (a) ~~I could~~ / **could not** gain an advantage in trade competition through this submission.
(b) ~~I am~~ / **am not** directly affected by an effect of the subject matter of the submission that adversely affects the environment; and does not relate to trade competition or the effects of trade competition.

2. The specific provisions of the proposed plan change that my submission relates to:

Zone change (General)
Property at 141 N° 3 Line

(Use additional pages if required)

3. My submission is that (Please state in summary the nature of your submission. Clearly indicate whether you support or oppose the specific provisions or wish to have amendments made. Please give your reasons):

Support the change to zoning to Residential.
The current zone of the subject land does not allow
for subdivision or connection with ~~water~~ reticulated services
Residential is in keeping with the environment. (attached documentation)

4. I seek the following decision from the Council (Give clear details stating what ~~letter~~ amendments you wish to see made to the Plan Change, and your reasons):

Rezone as proposed.

(Use additional pages if required)

5. ~~I do~~/do not wish to be heard in support of this submission.

6. If others make a similar submission I ~~would~~/would not be prepared to consider presenting a joint case with them at any hearing.

7. Address for service:

141A No 3 Line
Whanganui East
Whanganui 4500.

Signature: 

(Person making submission or person authorised to sign on behalf of person making submission)

Day time phone No: 021 061 3292

Email: jimlees1@hotmail.com

Date: 13/06/23.

12 September 2019

The General Manager – Infrastructure
Whanganui District Council

Email:???????????

Service Connections at 141d No 3 Line, Whanganui

I am writing to you on behalf of a J. Lees and his daughter E. Lees, the latter being the owner of 141d No. 3 Line, Whanganui, a property of 1,510m² in area. Mr. Lees is the owner of the adjoining property at 141a No. 3 Line (see Figure 1 attached).

The property at 141d No. 3 Line has been owned by E Lees since about 2007 and she now seeks to build a single dwelling on it. Mr. Lees has however, recently been advised by the Infrastructure Services Department of the Council that they will not provide a wastewater connection to the property as a consequence of its zoning as Rural Production.

This letter is simply a request to you to exercise some discretion on this given the almost unique circumstances of the site. The development of the site with a dwelling is going to require an application for resource consent in any event but they do not wish to commit to that process given what appears to be a refusal to consider allowing a wastewater connection to the site and knowing that it is too small for an on-site wastewater disposal system.

I have set out some information below by way of background for your consideration and ask that you reconsider the refusal to allow for the necessary connection given the circumstances of the site.

The Site

I have attached to this letter extracts from the Councils GIS information on the site depicting:

1. An aerial photo of the site and surrounds.
2. Infrastructure services around the site.
3. The District Plan zoning.

The site is legally described as Lot 4 DP 413837 and is 1,510m² in area. It is a rear section with access to No. 3 Line. A copy of the Record of Title is attached. It is not subject to any covenants or interests of relevance.

A Google Streetview photo of the access to the site is also attached to this letter (Figure 4).

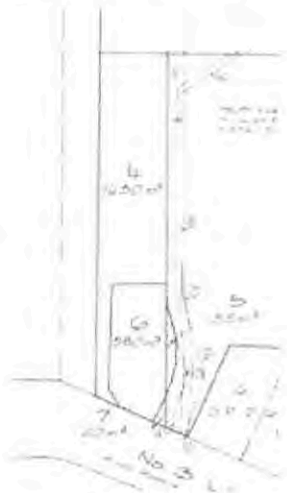
The site is zoned Rural Production under the District Plan. Those provisions require that a resource consent be obtained for a dwelling on a lot of less than 10ha.

The site is bounded on three sides by properties zoned and developed for residential purposes. On the northern side is a property zoned Rural Production and used for lifestyle purposes. That property is 1.0406ha in area.

Background.

The Council has provided me with a copy of the original subdivision application file (application reference Sub08/089) in which I sought to understand why such a small lot had been consented to under these circumstances. Whilst the answer to that is not clear the following points are of relevance.

1. Condition 6 of the decision on the application required that lots 4,5 and 6 be held on the same computer freehold register. These were the two lots referred to in this letter being 141a and 141d No. 3 Line (plus an additional small area referred to as Lot 6).



2. Not long after the decision to grant the application the Council then agreed to remove Lot 4 from the amalgamation requirement such that it was held in a separate Record of Title (Attachments 3 and 4). The reason for that is not clear from the file although there is a record of that decision being a certificate signed under Section 241(3) dated 22/12/2008.

The current Record of Title (issued on 8 September 2008 - attachment 1) makes no reference to the above matters nor does it contain any covenants in relation to the servicing of the site.

Assessment

In considering this we would ask you have regard to the following:

1. The present provisions of the Regional Council One Plan preclude the provision of on-site wastewater systems on sites of less than 5000m² without obtaining a resource consent for that purpose. Given the small size of the site and its configuration it is considered very unlikely that any such support would be forthcoming.
2. One of the underlying Titles to the subdivision (Attachment 2), being in a similar location to the site referred to herein, was of a similar size and shape and may have ultimately presented with exactly the same issue in relation to services as the owners now faces. As a

consequence it probably cannot be held that the current dilemma is solely a consequence of the subdivision consented to in 2008.

3. I have discussed the problem with the Planning Team at the Council who have confirmed that they would support the development of a single dwelling on the site but for the provision of a wastewater connection. The owner is then in the position of having to apply for a resource consent in the knowledge that it is unlikely to be granted given the current inability to obtain a wastewater connection. Understandably they does not want to commit to that process having been advised that no such connection will be permitted. The result is a vacant section too small for Rural Production purposes and not able to be developed for residential purposes.
4. The residentially zoned properties on either side of the site could be developed and/or re-subdivided for additional residential uses and could reasonably expect to have a wastewater connection for that purpose.
5. The site presents a unusual (and possibly unique) situation being located adjacent to a residential environment and having a zoning that is inappropriate for its location and size. The rezoning of the site to Residential can and should take place although this is entirely impracticable for a single site. This is particularly so for the purpose of developing a single dwelling.
6. I am not familiar with your Councils policy in relation to the connection of rural properties to the reticulated network services although would understand the reluctance to allow for this on an unqualified basis. That is not uncommon in numerous other Councils as you will probably be aware. That said, there are always circumstances that should be considered exceptional if not unique and this is probably one of them. If so, it would justify some latitude from a hard line policy (if that is the case). The addition of a single dwelling as proposed will not in itself load the wastewater network to such a degree as to preclude that connection in order to safeguard the capacity of the network and, given the particular circumstances, nor does it establish a precedent that would allow for a significant number of other such application.

Given the above we would appeal to you to consider this case on its merits and apply the appropriate discretion to allow for at least a wastewater connection to the property (being Lot 4 DP 413837 only) in the event that an application for resource consent is lodged with the Council.

If you would like to meet to discuss please contact me on 021 0635535 or you can contact Mr Lees on 021 0613292.

Yours sincerely

Tony Thomas

Attachment 1. Current Record of Title.



RECORD OF TITLE
UNDER LAND TRANSFER ACT 2017
FREEHOLD
Search Copy



R. W. Kim
Registrar-General
of Land

Identifier **451889**
Land Registration District **Wellington**
Date Issued 08 September 2009

Prior References
WN27B/345

Estate Fee Simple
Area 1510 square metres more or less
Legal Description Lot 4 Deposited Plan 413837

Registered Owners
Elizabeth Kate Lees

Interests

7538221.4 Mortgage to Westpac New Zealand Limited - 24.9.2007 at 9:03 am

Attachment 3. File note re removal of Amalgamation Condition.

Wanganui District Council
Memorandum



Date: 22 December 2008
To: Jen Evans
Copies:
From: Dave Hall
Subject: SUB 28/087

A LRS Merge Change Initiated By The
Solicitors Are The Changes Of Lot 6
Have Seen The Lot 4 Deleted From The
Amalgamation Condition & Lot 4 Will Now
Be Given A SEPARATE TITLE

This Will Require A Change In Legislation

& Lot 4 will now be known as

141D No 3 Zone. Although this may only
be an interim measure. Lot 4 Base Land
Please Advise

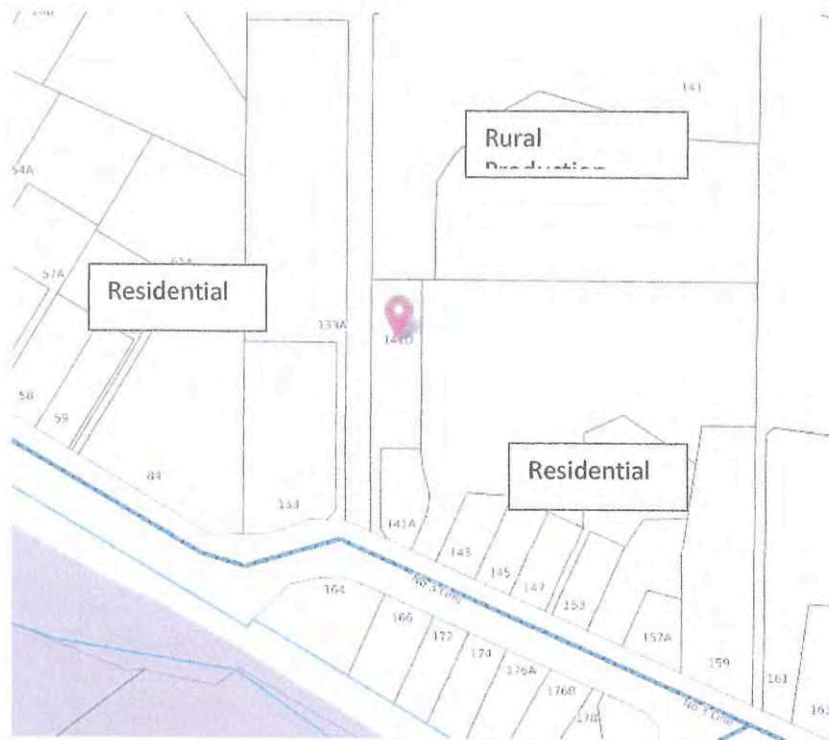


Figure 3: District Plan zone.



Figure 4: Site Access



Figure 1: Aerial Photo of Site and Surrounds.

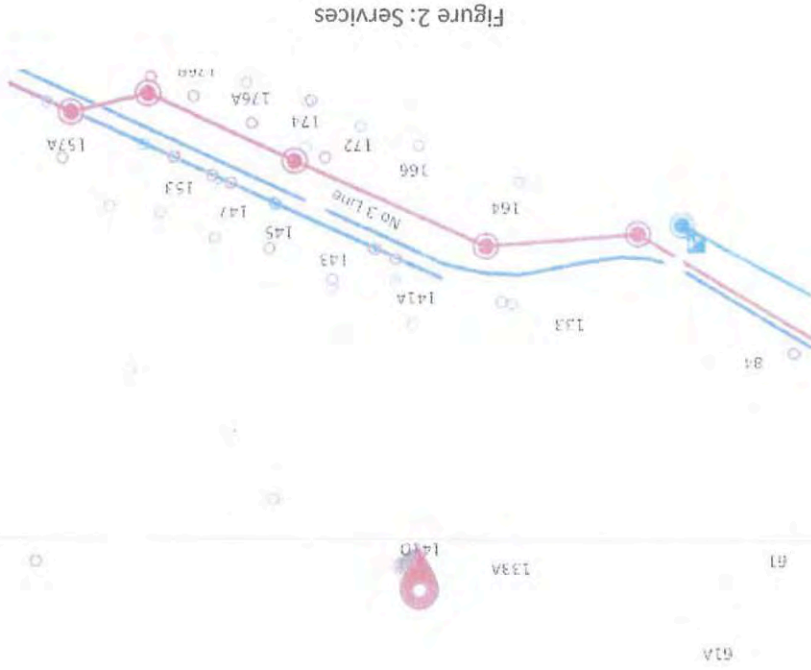


Figure 2: Services

Attachment 4. Council decision to remove Amalgamation Condition.

LT 413837

**MEMORANDUM OF A PARTIAL CANCELLATION OF
AMALGAMATION CONDITION**

The Wanganui District Council, pursuant to Sec 241(3) of the Resource Management Act (1991), hereby certifies the removal of Lot 4 from the amalgamation condition. Land Information New Zealand Request 792402.

Approved



Authorised Officer



Date

Attachment 2. Previous Record of Title



COMPUTER FREEHOLD REGISTER
UNDER LAND TRANSFER ACT 1952



Search Copy

R. W. Muir
Registrar-General
of Land

Identifier **WN27B/345**
Land Registration District **Wellington**
Date Issued **09 May 1985**

Prior References
WN425/26

Estate Fee Simple
Area 1594 square metres more or less
Legal Description Part Lot 31 Deposited Plan 754

Proprietors
Elizabeth Kate Lees

Interests

Subject to a right of way over part created by Transfer 42895
Subject to a right of way over part created by Transfer 34912
7538221-4 Mortgage to Westpac New Zealand Limited - 24 9 2007 at 9:03 am

22 June 2023

RAI 04 07
2023
ES:RBM

Whanganui District Council
PO Box 637
Whanganui 4541

By email: Leayne.Huirua@whanganui.govt.nz

Dear Sir/Madam

**PROPOSED PLAN CHANGE 60 – MISCELLANEOUS 2 – HORIZONS REGIONAL COUNCIL
SUBMISSION**

Introduction

Thank you for the opportunity to make a submission on Proposed Plan Change 60 – Miscellaneous 2.

At Horizons Regional Council (Horizons) our responsibilities include managing the region’s natural resources, flood control, monitoring air and water quality, pest control, facilitating economic growth, leading regional land transport planning and coordinating our region’s response to natural disasters.

Environmental planning is a key function. Horizons’ integrated planning document, the One Plan, sets out four keystone environmental issues for the region – surface water quality degradation, increasing water demand, unsustainable hill country land use and threatened indigenous biodiversity.

Horizons’ interest in Proposed Plan Change 60 – Miscellaneous 2 is as the regional authority for the affected area. In this submission we consider the proposed plan change in the context of giving effect to the Regional Policy Statement (RPS) of Horizons’ One Plan, and ensuring that these changes would not be inconsistent with the Regional Plan provisions also included in the One Plan¹. Horizons does not meet the criteria of gaining an advantage in trade competition through this submission and therefore is not limited by clause 6(4) of Part 1 of Schedule 1 of the Resource Management Act 1991.

Policy alignment for highly productive land

We note that the proposed plan change includes reference to “productive land” in Sub-R2, GRUZ-R2 and RPROZ-R2. However, we do not see a definition for this term. It is unclear if this is referring to “highly productive land” as defined in the National Policy Statement for Highly Productive Land, 2022 (NPS-HPL). We recommend that a definition for “productive land” is provided or that this term is amended to “highly productive land” as defined in the NPS-HPL.

¹ As set out in section 75 of the Resource Management Act 1991

Addition to Protected Trees

The relevant provision from the Horizons RPS is Policy 6-1(b)(i) which requires Territorial Authorities to retain schedules of notable trees and amenity trees in their District Plans. The proposal to update Rules - Protected Trees through Proposed Plan Change 60 – Miscellaneous 2 appears to align with the requirements of the One Plan RPS and we are generally supportive. However, we make the following comments in relation to the rules and standards proposed:

- Rules – Protected Trees: we support NFL-PT-R1 and NFL-PT-R2, but recommend they could be strengthened by:
 - updating Rule NFL-PT-R2 to require the evidence to be supplied 10 working days prior to works commencing”, and
 - specifying in the standards that a qualified arborist is to undertake the works, and for confirmation of the arborist to be used and their qualification level to be supplied to Whanganui District Council.

Conclusion

Horizons generally supports the Proposed Plan Change 60 – Miscellaneous 2, subject to the comments within this submission. Horizons seeks the relief set out in its submission above, or any further alternative or consequential relief that achieves the outcomes sought.

We do not wish to be heard in support of this submission but are happy to provide clarification on any matters raised in this submission as required.

Yours sincerely,



Ellie Shokri
POLICY ANALYST

Address for service:
Ellie Shokri
Policy and Strategy Team
Horizons Regional Council
Private Bag 11025
Manawatu Mail Centre
PALMERSTON NORTH 4412
Email: ellie.shokri@horizons.govt.nz