

Recommendations to Council from the Statutory Management Committee

Date: 11 May 2015

Councillors

WANGANUI DISTRICT COUNCIL

Subject: Plan Change 36 – Rural Zones

Decisions on Submissions

Meeting Date: 2nd, 3rd and 13th March 2015

1.0 INTRODUCTION

- 1.1 The Resource Management Act 1991 (the Act) requires each part of the District Plan to be reviewed not later than 10 years after the Plan becomes operative. The Plan was made operative on 27 February 2004. In accordance with Section 73(3) of the Act, Council is presently reviewing the District Plan in Phases. This Plan Change is part of a series of changes proposed as part of Phase 5.
- 1.2 This report records the public notification and hearing process in relation to Plan Change 36 (PC36). It records the Statutory Management Committee's recommendation and Council's decisions on submissions.
- 1.3 For details of the deliberations discussions refer to the formal Council Minutes of the meeting.

2.0 PROCEDURAL MATTERS

- 2.1 The Committee was convened to hear submissions on 2nd and 3rd March 2015. A total of 28 submitters attended. The Committee reviewed tabled evidence from submitters and listened to the reporting officer's recommendations before deliberating on submissions.
- 2.2 The Committee members were: Councillors Hamish McDouall (Chair), Jenny Duncan, Martin Visser and Independent Commissioners Jill Sheehy and Jenny Tamakehu.
- 2.3 Submitters who tabled or presented information to support or expand their submissions were:

- A R Anderson
- Margaret and Alan Cooper
- Wayne Baxter
- Alan Taylor on behalf of WRCB and Ridgway Trust
- Horizons Regional Council
- New Zealand Transport Agency
- Transpower New Zealand
- Horticulture New Zealand
- Bruce Hodges
- Noel Lindsay
- Samuel Euan Hodges
- Mike O'Sullivan
- NZ Fire Service
- Tim NZ Matthews

- Lisa Harper on behalf of Federated Farmers
- Anne Jones
- Keith Hey
- Noel Lindsay
- Barbara & John Gray
- Andy Jarden
- Graeme Langridge
- Wilfred Emmett
- Samuel Hodges
- Kathryn Kirkwood
- Liam and Beverley Graves
- Shaun Forlong
- Geoff Donald

- 2.4 PC36 was publicly notified in accordance with Clause 5 of the 1st Schedule of the Act on Thursday 1 May 2014, with the period for submissions closing on Tuesday 4 June 2014.
- 2.5 A total of 75 submissions were received in relation to PC36. Two late submissions were received on 5th June 2014.
- 2.6 All submissions were summarised and the decisions requested by submitters was publicly notified in accordance with Clause 7 of the First Schedule of the Act.
- 2.7 The further submission process closed on Friday 25th July 2014. Ten further submissions were received.

3.0 SCOPE OF THE PROPOSED PLAN CHANGE

- 3.1 This Plan Change proposes to create a new Rural A Zone. Defining areas that comprise Class I and Class II land, subject to potential residential or rural lifestyle development pressure. Although not all of the land included within the Zone is purely Class I or Class II land, they are close to or surrounded by it. Exclusion of such properties has the potential to create reverse sensitivity issues, negatively impacting on neighbouring Class I and Class II land.
- 3.2 There are three areas proposed to be zoned Rural A, they are located in Westmere, Fordell, and the River Bank area. The Rural A Zone is defined on the attached maps in Appendix 3.
- 3.3 Rural areas adjacent to the urban boundary have been assessed to determine their appropriateness for rezoning as Rural B, enabling the potential for land to be subdivided down to 5000m² per allotment. This coincides with the proposal to increase the minimum lot size for land identified as Class I and some Class II located within the vicinity of the urban area.
- 3.4 There are three areas proposed to be rezoned as Rural B, they are located to the south of Durie Hill through to State Highway 3, Mosston/Tayforth Road and Aramoho.
- 3.5 The balance of the existing Rural Zone will be renamed as Rural C and the status quo will largely be retained. This Rural C Zone comprises the majority of the Wanganui District's rural land.

4.0 RELEVANT STATUTORY CONSIDERATIONS

4.1 Resource Management Act 1991 (the Act)

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

Territorial authorities have the following functions under the Act:

31 Functions of territorial authorities under this Act

1. *Every territorial authority shall have the following functions for the purpose of giving effect to this Act in its District:*
 - a. *The establishment, implementation, and review of objectives, policies and methods to achieve integrated management of the effects of the use, development or protection of land and associated natural and physical resources.*
 - b. *The control of any actual or potential effects of the use, development, or protection of land, including for the purpose of –*
 - i. *the avoidance or mitigation of natural hazards*
2. *The methods used to carry out any of the functions under subsection (1) may include the control of subdivision.*

The Council is given these functions for the purpose of promoting the sustainable management of natural and physical resources, which is defined in section 5(2) as:

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

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

Further guidance and direction on the way in which resources are to be managed is provided specifically in section 7 of the Act. Sections 6 and 8 are not specifically relevant to this plan change.

Sections 5 and 7 of the Act require that in striving to achieve sustainable management of the environment, Council shall have particular regard to the efficient use and development of natural and physical resources (7b), maintenance and enhancement of the quality of the environment (7f) any finite characteristics of natural and physical resources (7g) and the effects of climate change (7i).

Class I and II land is a finite national, regional and Wanganui District resource. Council must ensure that future generations are not deprived of the potential of the life

supporting capacity of land to meet the needs of future generations. This is particularly significant in the Wanganui District context where it is recognised that the economic wellbeing of the wider community (with implications for social and culture wellbeing) are grounded in the rural sector. Without quality productive land the District's economy will likely be diminished, with potential regional implications for food production.

5.0 RELEVANT POLICY STATEMENTS AND PLAN PROVISIONS

5.1 National Policy Statements and Environmental Standards

There are no National Policy Statements or National Environmental Standards relevant to PC36.

5.2 Regional Policy Statement

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

5.2.2 Horizons Regional Council's Regional Policy Statement is the One Plan which became operative on 19 December 2014.. The One Plan is relevant to PC36 as it includes requirements to prioritise Class I and Class II land when planning for growth and development.

5.2.3 An assessment of how the provisions in PC36 compare with the objectives and policies of the One Plan are considered below:

The relevant One Plan provisions state:

Issue 3-4: Adverse effects from urban growth and rural residential subdivision on versatile soils.

Urban growth and rural residential subdivision ("lifestyle blocks"), on versatile soils may result in those soils no longer being available for use as production land. These development pressures often occur on the fringes of some of the Region's urban areas, most notably Palmerston North.

Objective 3-4: Urban growth and rural residential subdivision on versatile soils

To ensure that territorial authorities consider the benefits of retaining Class I and II versatile soils for use as production land^ when providing for urban growth and rural residential subdivision.

Policy 3-5: Urban growth and rural residential subdivision on versatile soils

In providing for urban growth (including implementing Policy 3-4), and controlling rural residential subdivision ("lifestyle blocks"), Territorial Authorities^ must pay particular attention to the benefits of the retention of Class I and II versatile soils for use as production land^ in their assessment of how best to achieve sustainable management.

5.2.4 Objective 3.2.5 of PC 36 gives effect to One Plan Objective 3-4 and Policy 3-5 as pay particular attention to the importance of retaining and prioritising Class I and Class II land. Policy 3.3.7 also aligns with both the Objective and Policy as it prioritises the

need for a range of rural activities to occur and discourages lifestyle development from occurring on versatile soils.

- 5.3 Plan Change 36 further gives effect to the One Plan as it identifies extended areas, comprising neither Class I nor Class II land, as appropriate for lifestyle development.

6.0 SUMMARY OF SUBMISSIONS

- 6.1 Refer to Appendix 1 to this report for a summary of each submission and Council's decision and reasons for each decision.

7.0 PRINCIPAL ISSUES IN CONTENTION

- 7.1 Submitters identified the following concerns in relation to Plan Change 36:

Proposed Rural A Zone

- Lost right to subdivide below 10 hectares in the Rural A Zone. Particularly for those who purchased sites with the intention of future subdivision.
- Subdivision of land was a property owner's right and the introduction of the proposed Rural A zone would impinge those rights.
- Financial implications of this proposal.
- The continued loss of versatile soils was not sustainable and the protection of Class I and Class II land was needed to protect rural industries.

Proposed Rural B Zone

- Concerns that the rural environment would be built out if zoned Rural B. Properties had been purchased with the assumption their neighbours would not be able to subdivide below the current 1 hectare minimum requirement.
- The proposed change to 5000m² minimum lot size raised concern around traffic generation, loss of rural amenity and reverse sensitivity conflicts created with established rural activities.
- Others were pleased with the possibility of subdividing in the future.

Trees on Boundaries

- Concerns around the proximity of trees to boundaries. Shading and loss of soil nutrition on neighbouring properties and roads were highlighted.
- Concern about lost use of productive land if tree setbacks from boundaries were too great.

Reverse Sensitivity

- Concerns about effects of:
 - Lifestyle living compromising rural activities;
 - Noise sensitive activities compromising state highways and rail operations;
 - Incompatible activities compromising operation of regionally and nationally significant infrastructure.

Protection of and Provision for Network Utilities

- Concern that insufficient provision was made to protect existing and future regionally and nationally significant infrastructure from the effects of more sensitive activities.

8.0 SUMMARY OF EVIDENCE HEARD

8.1 Key evidence presented by submitters is summarised below:

8.1.1 Support for Rural A Zone:

- **Mr Anderson** (Sub 5) considered the economic benefit to the community of the use of land is paramount – protection of high producing land for production of food and fibre is a number one priority.
- Spread of rural lifestyle is not good as our soil types will not deal with wastewater, and leads to demand for other services such as street lights and road widening.
- **Mrs Cooper** (Sub 20) supported preservation of Class I and II land because believe can't continue what has been happening. Noted Class I land could be used for anything unlike most other land and that was why it was so precious.
- Mrs Cooper did not support any subdivision of the land as productive capability is lost even with one house, and small farms were never economic – not in the 80's when subdivision was a real trend and not now. If earlier subdivision had been prevented, then we wouldn't have a range of small uneconomic blocks now. It is incremental reduction over time that is unsustainable.
- **WRCB** (Sub 27) considered consultation with the rural community was wide ranging. Support was based on concern for not just loss of quality productive land per se but reverse sensitivity effects such as neighbourhood arguments, litigation and difficulties with consent processes as well as loss of land and the need to retain a buffer area.
- Rural Enterprise project objective was to lift Wanganui income from exports. Increase productive use and gave an example of berry farm with a 10 fold increase in production if you make better use than we are presently, it will increase your production considerably as well as increase employment downstream. It was also noted that this involved generally making a shift from livestock to cropping.
- Small blocks have little flexibility to make land use changes compared with a larger block. Rural Enterprise project demonstrates clearly in order to progress intensive farming is needed on a large farm scale.
- **Horizons Regional Council** (Sub 26): reminded the panel of their obligations to give effect to the objectives of the One Plan.
- **NZ Fire Service** (Sub 68): explained that they seek ability to meet with developers to make best and sensible use of resources – to protect environment and economy. Looking for a simple shared resource rather than making resource a responsibility of every single landowner. Identified risks

greater at urban/rural interface and acknowledged the support of Horticulture NZ and Federated Farmers.

- **NZ Federated Farmers** (Sub 57): confirmed they had worked with Transpower NZ Ltd and Horticulture NZ to agree a common approach to utilities issues. Noted that in relation to why just Class I and II land, that it is the whole growing environment including climate, topography and drainage so not just soils – so Class I has to be the priority when starting out, as possibly only 1% of land in the District will be Class I and II land.
- Expressed concern about the black and white inflexibility of the zones as it is rough on people on the margins, suggested some form of grey threshold where you cross from one zone to another. A bit of lateral thinking may be required.

8.1.2 Trees on Boundaries

- **Horticulture NZ** (Sub 71) stated that tree rules should not unduly constrain orchard activity and use of productive land and that in relation to shelter belts, the roots are ripped so they are confined in shelter belt situation. Thus the extension of roots across boundaries or into the orchard itself is curtailed. Retention of the 3rd party approval by written consent was not supported as created uncertainty.
- **NZ Federated Farmers** (Sub 57) noted that permitting trees up to height of 8 metres was acceptable in a horticulture situation as they have the ability to control tree-heights by root-pruning and trimming of vegetation. Issue for Federated Farmers was principally in the hill country with tree crops reaching 30 metres in height and causing shading effects. Recommended review of the MoU established at Ruapehu with Forestry in relation to this issue.
- **Tim Matthews** (Sub 76) expressed concern that issues typically arise as forest owners don't live on property and don't deal with damage caused by falling branches eg on fences. His preference was that Council retain the provisions from the existing Plan as these work from his perspective. The existing rule that trees are permitted if neighbours give written approval was considered a useful tool.
- **Ridgway Trust** (Sub 69) expressed the view that it was dangerous to permit exceptions to the setback rules for trees, where neighbour agreements were made, as such agreement can be lost over time and as owners change. It creates potential uncertainty and animosity between neighbours. The Trust supported the same setback for all trees.

8.1.3 Reverse Sensitivity

- **Surveyors** (Sub 72) expressed a view that reverse sensitivity issues could be addressed with Consent Notices on titles.
- **NZ Federated Farmers** (Sub 57) expressed support for Council moves to manage and avoid reverse sensitivity issues in the rural environment and wanted advice to be very clear in the Plan and on all Council information such as LIMS that the Rural A Zone is predominantly where primary industry occurs.

8.1.4 Subdivision lot sizes

- Panel noted that **Mike O’Sullivan on behalf of local surveyors** (Sub 72) supported the general need to protect the most versatile soils and much of proposed PC36.
- Identified concerns about effort and cost required for a simple subdivision consent, making them exponentially more expensive and uneconomic and that farmers have a ‘normal’ expectation, that they want to live and retire in their community. Subdivision to create smaller lots should be a discretionary activity.
- The surveyors submitted that a time based release of land would be more appropriate rather than lot size, and that this is applied in other districts. For example Manawatu and Hastings district councils have time related constraint that you can only subdivide a portion of land from larger holding every so many years. This could occur on less valuable land near the coast.
- The surveyor’s assess that the market is reaching saturation for lifestyle blocks, partly due to a current rush prior to PC36 taking affect, but they observed they had also not seen many sales recently. Acknowledged growth of lifestyle development on Class I and II land over last 20 year period. There has been an increase in lifestyle blocks especially in parts of Westmere area. Been no increase at furthest extent of proposed Rural A Zone e.g. Bushy Park Road, only one in the last 20 years. Rangitahi, for example people not trying to make money, just trying to manage their land, whereas at Westmere people purchasing land with intention to subdivide further.
- **Tim Matthews** (Sub 76) highlighted the social significance of allowing farmers to subdivide to allow for parents to stay on the land but in a separate land parcel. Highlighted Maxwell as an example where it lost its services as not sufficient people locally to support it.
- **Mr Emmett** (Sub 50) stated that this protection of Class I land should have been done 30 years ago as it is too late now for all the land already subdivided down to small blocks. These existing small blocks and blocks locked between existing small blocks should be permitted to subdivide as a method to safeguard the larger productive units.

8.1.5 Background Research – Rural Residential Case Study/Economic benefit

- **Mr Baxter** (Sub 25) argued that there was no economic imperative or benefit and PC36 should not proceed. When he made large investment, he looked strategically at future options e.g could sell off land if venture failed. If you take away such options, then you take away strategies of people who may want to invest into agriculture. He doubted that this would increase agricultural productivity. The return on farming capital was identified as less than 5%.
- When asked by the Chair to comment on evidence from WRCB that 25% of the best soils could be put to use essentially in cropping. Mr Wayne Baxter was unsure where WRCB got the information but noted that should be put to a farm consultant to get objective evidence for what likely returns are. But he noted that those returns have always been a possibility, but have never been taken

up and he pondered what was going to change that. Mr Baxter submission was that he did not see anything changing rural land use in the near future.

8.1.6 Regional and National Infrastructure

- **NZTA** (Sub 51) provided evidence from an acoustic engineer, Mr Block, engaged as an independent acoustic adviser to the Agency. His evidence was given from a purely acoustic standpoint and identified that in relation to reverse sensitivity issues, the most effective methods involved exclusion of all sensitive activities from a buffer area around state highways. He did not consider the proposed buffer (80 metres) to be a ‘wide area’¹.
- Two main elements for avoiding reverse sensitivity issues were identified in NZTA policy: setbacks and acoustic treatment of buildings which are addressed in a Buffer Area and Effects Area (defined by distances from traffic lanes). Acoustic treatment of buildings in the Effects Area addresses sleep disturbance and indoor amenity whereas setbacks in the Buffer Area are essential to also address outdoor amenity, vibration and air quality issues.
- NZTA policy specifies the Effects Area to be 80 metres for roads with a posted speed limit 70km.hr or greater. Research has identified effects to a distance of 300 metres from state highways.²
- In rural zones the difference between the terms ‘carriageway’ and ‘traffic lane’ is likely to be minimal and either could be used.
- NZTA policy Buffer Area requires a setback from the state highway where there is a high potential for adverse effects. It was Mr Block’s view that there should be no sensitive activities in this area. A 20 metre set back (usually partially contained in the road reserve) is required for roads with a posted speed limit of 70km/hr or greater to reduce outdoor amenity effects.
- Evidence was presented that a different acoustic insulation performance standard should be applied as the Building Code requirement to double glaze does not provide a substantial improvement to noise insulation compared to single glazing. In addition evidence identified that ventilation requirements to provide thermal comfort would require performance in excess of the Building Code minimum.
- **Transpower NZ Ltd** (Sub 56) essentially supported the recommendations contained in the S42a report, except that there was some loss of clarity around the format of the performance standards 10.2.7 and 10.2.8. Preference for expansion of details expressed in matters of discretion were reiterated.

8.1.7 Rural A Zone – General Opposition

- **Anne Jones** (Sub 6): Wanted some kind of safeguard and consultation to avoid the scenario of rural buildings within view of a nearest dwelling. The affected boundary is 3km and happy for buildings close to boundary where away from the dwelling.

¹ Evidence of JR Block para 13.

² Evidence of JR Block para 16

- **Keith Hey** (Sub 39): Intentions to subdivide his 16ha property in Rural A zone. Submitted that no difference between family or strangers living on a subdivided block and would not like to see subdivision limited to one dwelling per 10 ha.

8.1.8 Allow 1 hectare lot subdivision on sites already under 10ha minimum

- **Allan & Glenna Allott** (Sub 53): Have increased value too much to merge back with larger farm blocks. They want to sell a portion of the land to neighbour. Land is an L-shape, Class I and grows anything. The balance area would be 2.38ha. Would not be creating an additional substandard lot but reducing the size of their block and rationalising the shape.

8.1.9 Proposed Extension to Rural B Zone – Westmere

- **Noel Lindsay** (Sub 28): Reiterated that the minimum lot size was not appropriate for the Francis Road sites as they did not want such small rural properties in that location.

8.1.10 Rural A – Request to Rezone Papaiti

- **Barbara Gray** (Sub 10 & FSubs 10.1, 10.2): Had not seen the S42a report prior to meeting. Supported the recommendations in that report.
- **Andy Jarden** (Sub 38): Concerned about economic viability. Rural A Zone is appropriate but not close to the urban area. Building lifestyle executive homes has significant economic benefit for Wanganui and argued that land needs to be provided for such development.
- **Graeme Langridge** (Subs 45 & 46): Opposed two zones on his property at Flemington Road. Rassmussen's nursery is the largest grower of roses nationally. Two sets of rules makes management of business more complex.

8.1.11 Other Site Specific Opposition to Rural A Zoning

- **Geoff Donald** (Sub 59): Submitted that the Rural A zone restrictions go too far, his land should be zoned Rural C so he could subdivide.
- **Samuel Hodges** (Sub 34): Submitted that difficult to farm the land adjacent to Mowhanau settlement, as lifestyle development opposite on Rapanui Rd is adjacent to his stock access point. It is getting too hard, particularly in summer, to move stock on Rapanui Rd and requires more labour and safety measures to do so. Fertilising has to be done by bulk truck can't use helicopter or fixed wing plane. Submitter supported PC 36 implications for his other properties.
- **Shaun Forlong** (FSub 9): Spoke in support of Mr Hodges submission, particularly as a way to encourage community at Mowhanau.
- **Kathryn Kirkwood** (Sub 41): Detailed that her land was not productive Class I land.

8.2 Officer's Right of Reply is summarised below:

8.2.1 The significance of the Class I land and to a lesser extent Class II land, in terms of versatility and scarcity of the resource, and potential value for economic wellbeing given the ability to grow intensively on this land, are the primary focuses of PC36. The widespread support for the proposed change to protect Class I land is significant.

- Wanganui is fortunate to have Class I and Class II land and a good climate, it is paramount that these are protected. One of the features that make up Class I and Class II land is that the land is relatively flat and therefore also desirable for rural lifestyle development.
- The requirements of the One Plan that the District Plan must give effect to, cannot be ignored. Council must actively protect Class I and II land.
- This Plan Change seeks to balance the protection of Class I and some Class II land and allow flexibility for various living options within the rural area.
- PC 36 is not indicating that allotments smaller than 10ha cannot be productive. The purpose of the Rural A Zone is to ensure our community has the option to use this versatile land in ten, twenty plus years from now.
- The Rural C and Rural B zones allow for more flexible lifestyle and rural living options on less versatile land. That is not to say these zones cannot be used for highly productive use, however there are more limitations.
- PC 36 does not discourage development; it prioritises land resource in a way that allows Wanganui to provide for a range of rural farming and rural living options. Ensuring that these activities establish in appropriate areas that does not diminish our finite Class I and II land.
- PC 36 specifically provides additional areas where residential lifestyle living can be promoted as a means to reduce the argument that it was necessary to allow Rural A Zone to be subdivided into smaller allotments.
- The categorising of land use classes took account of the local environment and climate in defining areas, as confirmed by Mr Matthews in his verbal submission. Thus areas near the coast such as Mr Hodges property are Class I as they are sheltered from salt spray and 'can grow anything', as confirmed by Mr Hodges in his verbal submission.

8.2.2 A number of amendments were supported as proposed at the Hearing by Horticulture NZ in relation to objective 3.2.4 and rule 3.5.5, 3.5.8 and 10.2.8

8.2.3 In relation to the NZTA submission it was recommended that the front boundary set-back be accepted by way of this Plan change. However acoustic treatment methods including consideration of restrictions on buildings within 80 metres of the traffic lane be considered as part of the wider noise review in Phase 6.

- It was noted that an 80 metre insulation effects area, in which acoustic treatment would be required to a level assumed to be more onerous than the Building

Code standard, seemed to lack any Wanganui specific justification on the evidence presented.

- It was noted that the Committee requested Wanganui specific noise complaint data, and when provided was less than persuasive.

8.2.4 Confirmed that the majority of changes promoted at the Hearing by Transpower NZ Ltd were supported.

8.2.5 Confirmed that all other comments and recommendations made in the S42A report were unchanged as a result of hearing evidence.

8.2.6 In relation to formatting of rules and performance standards applying to the National Grid, it was recommended that these be transferred from Chapter 10 to Chapter 3 – Rural Environment in the interim, until Phase 6 District Wide provisions review is completed.

9.0 MAIN FINDINGS ON PRINCIPAL ISSUES

9.1 The Committee considered each submission and confirmed a decision for each.

Refer to Appendix 1 for the decisions on individual submissions.

9.2 In relation to the key topics the main findings were:

- The Committee supported the concept and need for a Rural A Zone and felt the approach was ‘about right’ as a method to give effect to Horizons Regional One Plan. The Plan change would protect Class I land by defining it within the Rural A Zone, along with surrounding Class II land, would avoid subdivision at a scale conducive to residential lifestyle development, and finally identify additional areas of less versatile land, on the urban periphery where residential lifestyle living would be promoted.
- It was noted that most submitters agreed with the need to preserve and protect the quality of Class I and II land. Those submitters who live on the land – Coopers, Ridgeway Trust, Allan Anderson and WRCB and Mr Hodges acknowledged the quality and versatility of such land. A number of submitters noted that this Plan change is not before time.
- Mr Jarden and Mr Baxter were alone in opposing the rezoning and restriction on subdivision close to the urban area. The Committee did not concur with either submitter when they expressed a view that Wanganui would achieve greater economic benefit by subdividing rather than retaining this land for productive use. The Committee noted in particular the work of the Rural Enterprise Scheme which details the significant productive potential for these most versatile soils.
- The Committee noted that it was exactly because the Class I land is close to the urban area that it experiences the level of threat that it does. Given that currently a small parcel of Class I land is as cheap to buy as inferior land close to Wanganui, this encourages purchase of the best land for less productive purposes.
- The Committee unanimously agreed with the concept of acknowledging the importance of Class I and II land.

- The Committee also considered whether the restrictions should be further expanded to include Class III and IV land, but it was acknowledged that there is in fact very little of this land and it is not subject to the same urban development pressure.

Background Research Report

- The Committee acknowledged the frustration of some submitters at the inaccuracies in the original 2013 report. However the Committee noted that the Plan Change was not promulgated on that research alone as was indicated by the significant support at community level and submitter level, for the principle of protecting Class I and II land and that the report had been reviewed and the basic issues were still found to be present.
- On that basis the Committee concurred with the recommendations and reasons provided in Sections 7.2 of the Officer's Report.

Lot size

- The Committee concurred with the WRCB view about whether it was possible to have a very productive small unit (5-10 hectare size). Mr Taylor noted that some smaller blocks were productive but on average they were not. He observed that once land was subdivided below a critical level, you started to lose opportunities to produce. You could still achieve high level production on a small portion of a larger block, but smaller and smaller blocks run into problems such as being uneconomic, greater effects of reverse sensitivity from neighbours and greater run off issues caused by increased proportion of impermeable surfaces.
- The Committee noted from the Ridgway Trust's Submission (Submission 69), that any lot size above 10 hectares allowed sustainability and the best use of soils. He had some support from John Dymond, Landcare Research Senior Scientist who had said "small holders overall did not engage in high levels of production once subdivided, the land was generally unlikely to return to economic food production." Mr Dymond's thesis was that the smaller that lots became the less productive they tended to be. Mr Taylor had said as counter-intuitive as that may seem, his case was supported by empirical analysis.
- The Committee noted one submission had sought a minimum subdivision of 20 hectares and this provided scope for consideration of more than the 10 hectare minimum requirement. The Committee considered that if something failed, such as a kiwi fruit orchard, rather than subdividing the default could be a variety of other horticultural activities. To achieve a real price difference between Rural A and Rural B the lots needed to be substantially bigger to actively discourage the purchase of bigger blocks of Class I land to graze a pony. It was noted that the basis for a 10 hectare minimum subdivision had from the start been supported by Federated Farmers and the Wanganui Rural Community Board as being relative to neighbouring local authorities, considered sufficiently large to have the market effect and generally be an economic unit.
- The Committee confirmed that in the first instance the intention of the Plan Change was to preserve the quality versatile land. One of the mechanisms to do so was the lot size and this meant increasing the size.

- Cr Visser said to remove the 20 hectare suggestion from consideration he queried what justification the Ridgway Trust had for suggesting this. The Committee noted that the submitter had a property between 10 and 20 hectares and his belief was anything less than this was difficult to sustain, however no real evidence had been provided. The Committee also noted Horticulture NZ's view that 4 hectares of kiwi fruit can be very economic.
- The Committee confirmed as appropriate the allowance for subdivision to create a one-off small site within the Rural A Zone, but did not accept the local surveyor's view that the status for smaller lot subdivision activities generally should be discretionary, nor that a time based restriction on subdivision was appropriate as the most versatile soils needed to be protected and not fragmented slowly over time.
- In response to questions from the Committee about whether PC36 would make it worse by only allowing bigger pieces to be subdivided off i.e. at present can take 1 hectare off but in future would be 10 hectare; Mr Taylor noted that it was a critical part of PC36 that this 10 hectare requirement would act as a disincentive for lifestyle subdivision and development as the cost would become too great if all you want is just a residential lifestyle block. It would financially reduce the attractiveness of Rural A zoned land, and conversely make Rural B and C zoned land more attractive for people who do not intend to use land productively.
- The Committee noted that PC36 also provides for additional land to be available in the Rural B zone, with a variety of lot sizes down to the minimum of 5000m², specifically to encourage a market driven alternative.
- The Committee concurred with the view expressed by the WRCB that after considering the economic implications of the 10 hectare limit and in view of the Rural Enterprise Project determined it was on balance a reasonable minimum lot size.
- On that basis the Committee concurred with the recommendations and reasons provided in Sections 7.1, 7.4, and 7.9 of the Officer's Report, except where amendments were made in relation to regulation of trees on boundaries and matters detailed below.

Rural Zone Names

- The Committee preferred the descriptive naming convention over the alphabetical pattern. Thus the names are to be changed from:
 - Rural A to Rural Production,
 - Rural B to Rural Lifestyle and
 - Rural C to Rural General zones.
 - The name of the Rural Settlement zone was retained.

National Infrastructure

- The Committee appreciated the comprehensive submissions by NZ Defence Force, Horizons Regional Council, NZ Fire Service Commission, NZ Transport Agency, Powerco NZ Ltd, Transpower NZ Ltd (and related submissions from

Horticulture NZ and Federated Farmers), and concurred with the need to enable the development, operation, upgrading and maintenance of essential infrastructure and the need to avoid unnecessary restrictions on productive use of our rural land.

- A number of infrastructure providers wanted specific reference to their facilities in addition to reference to 'regionally or nationally significant infrastructure'. The Committee considered this unnecessary as it is implicit and may unduly clutter the Plan. It may also create uncertainty where not all relevant infrastructure is listed. The Committee determined that the term 'regionally or nationally significant infrastructure' would suffice.
- On that basis the Committee concurred with the recommendations and reasons provided in Sections 7.3, of the Officer's Report and Right of Reply, except where amendments are made in relation to trees and structures, and the basic Plan format.

State Highway - Reverse Sensitivity to Noise

- The Committee appreciated the detailed evidence presented on behalf of NZTA. It accepted the need to manage noise sensitivity issues near state highways in the interest of national objectives for transport efficiency and effectiveness. It supported the rationale and necessity for a Buffer Area set-back for noise sensitive activities of 20 metres from the edge of the traffic lane for all state highways where posted speed is 70km/hr or greater.
- However the Committee was not satisfied that on the evidence it was necessary in the local context to require definition of an Effect Area of 80 metres from traffic lanes on the same roads, within which acoustic insulation would be required. NZTA submitted that this was necessary but provided no evidence of the extent of impact on existing properties or that it was necessary to address a local issue and thus warrant such an imposition on landowners.
- The Committee was not persuaded that in the local context it was either reasonable or necessary to seek that existing buildings be acoustically treated when an extension or alteration was proposed. The limit for acoustic treatment could only reasonably be applied to new or extension/ alterations to existing buildings. The Committee asked how many complaints about road noise had been received in Wanganui by the Agency. The Agency was only able to confirm that 8 complaints had been received in the Manawatu- Whanganui region in the last 12 months and stated that St Johns Hill had been a regular source of complaint in recent years. The Committee did not find this information assisted them particularly, given the extent of state highway in the region beyond this District and the fact that St Johns Hill is a 50km stretch of highway. In fact the information appeared to negate justification for additional noise insulation regulation in this District.
- It was not clear from the evidence what the benefits or costs of applying a different acoustic insulation performance standard would be. It was not apparent how onerous this may or may not be for property owners. For this reason the Committee preferred to retain the existing Plan standard which has been clarified

by PC36 to identify that compliance with the Building Code noise insulation standards will achieve compliance with the District Plan. The Committee considered this to be a very useful and simple method. It acknowledged NZTA's evidence that the Building Code standard was focused on thermal insulation rather than noise insulation but felt this discussion was more appropriately continued in the upcoming proposed Phase 6 which specifically reviews the existing noise provisions in the Plan.

- The Committee considered that clarity would be improved for Plan users if the existing words were retained to require that retail adjacent to a state highway is not permitted in each rural zone e.g rule 3.4.1(e). It was not deemed necessary to signal the consent of a third party was required when the status of retail activities adjacent to the state highway network would be at least a discretionary and the written approval of the Agency would routinely be sought as part of the consent process.

Trees on Boundaries

- The Committee noted and concurred with Mr Taylor's (Sub 69) statement that 90% of the family farm was affected by PC36 and he felt it was illogical to leave loopholes, through 3rd party approval for permitted activities, for people to argue that their trees were ornamental not a shelter belt and he supported the planner's recommendations. This point was also made by Horticulture NZ who did not consider it appropriate to create potential uncertainty for a permitted activity.
- The Committee noted and accepted Mr Taylor's concern about what happens even with neighbour agreement, when a property is sold or agreement gets lost over time. If the set back is the same for all trees there can never be an argument. It is about being consistent. The Committee agreed to delete the existing reference to obtaining written approvals for a reduced setback for trees from boundaries.
- The Committee accepted the Horticulture NZ view that tree rules should not unduly constrain orchard activity and use of productive land and that shelterbelts were a special case, with diminished effect. For this reason a recession plane option such as that applying in the Residential zone, was determined to offer the greatest scope to address issues raised in relation to the wide variety of rural trees, while also minimising the loss of productive use of rural land.

Economic Value

- The Committee concurred with the WRCB view that lifestyle subdivision does not add economic value as it involves rehousing of existing residents and not adding new ratepayers, whether they be executive homes or not. It is obvious that the preservation and protection of the potential productive use of Class I land has significant potential for economic benefit for the District and that making this land available for executive homes or lifestyle living removes this potential for a possible short term economic gain.
- In response to Mr Jarden's calls for land close to the urban area to be kept available for urban and lifestyle development. The Committee concluded that perhaps Mr Jarden was not aware of the existence of the Rural B Zone and

confirmed its support for the provision of additional land in the Rural B Zone and retention of the flexibility around subdivision in the Rural C Zone, as positive methods for achieving just that objective, without loss of the most versatile productive land in the District.

- The Committee noted that the only submitters opposed to the entire concept of protecting Class I land were Geoff Donald and Andy Jarden.

Site Specific Re-Zone Requests.

- The Committee acknowledged Mr Emmett's support for the Plan change and regret that this had not occurred many years ago. However the significant potential for increasing reverse sensitivity issues for productive activities on larger blocks prevented the Committee from accepting his suggestion of greater subdivision freedom for existing substandard lots in the Rural A zone. The Committee noted Mr Emmett's comment that "Nothing you can't grow at Westmere if you can keep off the salt spray."
- The Committee had some sympathy for the position of Mr and Mrs Allott (Sub 53). However it was not appropriate to alter the Rural A Zone provisions when this was clearly an exceptional circumstance better addressed via a site specific subdivision consent process.
- The Committee reviewed each submission and the evidence presented and concurred with the Officer's recommendations. In relation to submissions addressed in Section 7.5 of the Officer's Report specifically seeking allowance for subdivision of smaller sites in the Rural A Zone. The Committee confirmed that the success of the Rural A Zone would stand or fall on the consistency with which it was applied to Class I land in proximity to urban Wanganui. On that basis the Committee agreed that all Class I identified in the Rural A Zone was to be retained and that the only exception to the 10ha minimum site limit would be a one-off subdivision to create a site of between 5000m² and one hectare area.

Clarkson Ave Area

- In relation to submissions requesting that specific Clarksons Ave properties be rezoned Rural B, the Committee concurred with the recommendation and reasons provided in Section 7.6 of the Officer's Report.

Westmere Area

- The Committee accepted also the recommendations of the Officer in relation to the minor adjustment of the Rural B and C zone boundaries, to better reflect the intention of the Plan change and where submissions raised valid arguments such as the reverse sensitivity issues likely to be generated by zoning that area around the Higgins Poultry Farm at Westmere as Rural B. In that case, retention of Rural C was felt to be more appropriate and effective in achieving the purpose of the Act. On that basis the Committee concurred with the recommendations and reasons provided in Section 7.7 of the Officer's Report.

Land at Papaiti

- Likewise at Papaiti, the Committee determined that the Rural A Zone was not necessary as no Class I land was involved. A Rural C Zone could be retained for

land beyond the cemetery, given the valid objections raised by submitters. The Committee noted these properties were proposed to be Rural A although none of the submissions in this group involved Class I land. The Committee accepted that it be changed to Rural C because of their close proximity to Rural B and because of their patchwork-type nature and smallness through previous subdivision.

- The Committee noted that Mr Cooper had purchased the property for its subdivision potential. He had supported the concept of protecting Class I land but noted in the event of a PSA virus outbreak, subdivision would be a fall-back option. Mr Cooper had requested a zoning of Rural B with a minimum subdivision of 5,000 square metres or alternatively retain the rural zoning with a one hectare minimum lot size. The Committee agreed it could not support Rural B as this property was not contiguous with any other part of Rural B.
- On that basis the Committee concurred with the recommendations and reasons provided in Section 7.8 of the Officer's Report, including that it would risk expansion of reverse sensitivity issues to rezone land beyond the cemetery as Rural B, even though this meant Mr Langridge would sustain two zones on his property.

Opposition to Rural A Zone

- In relation to Mr Hodges (Sub 34) the Committee noted that in response to questions, the land is relatively sheltered and protected from the effects of salt spray. Although the submitter indicated that not much of the land was actually Class I, reference to the LUC maps confirmed that most of the site was in fact Class I land.

10.0 SECTION 32 REPORT EVALUATION

The S.32 report has been updated to include an evaluation of the amendments to the Plan resulting from Council's Decision on Submissions. These changes are recorded in the report attached as Appendix 4.

11.0 STATEMENT OF DECISIONS AND REASONS

Refer to Appendix 1 to this report for the Council's decision and reasons relating to each submission. Refer to Appendices 2 and 3 for the complete version of the Plan change text and maps.

12.0 APPENDICES

- 1: Decisions on Submissions and Reasons for Decisions
- 2: Marked- Up Version of Plan Change 36 following Decisions on Submissions
- 3: Relevant Planning Maps
- 4: Section 32 and 32AA Evaluations

Signature of Chairman

Councillor Hamish McDouall
Dated

APPENDIX 1 – Decisions on Submissions and Reasons for Decisions

The following are the summary of submissions received and decisions of Council on each submission and further submissions following consideration of the evidence.

Appendix 1A – Support for Rural A Rezoning

Submitter Name	Sub Number	Related Further Subs	Page
PR Warnock	3		24
John Smart	4		
AR Anderson	5		
GW Saunders	7		
Sue Huijs	12		25
Alan Davison	19		
Margaret and Alan Cooper	20		
CP Gibbard	67		
Rural Community Board	27	Transpower NZ Ltd FS5.2	26
Ridgway Trust	69	Horticulture NZ FS3.7	28
Wanganui District Council	54	Horticulture NZ FS3.3	30
Kevin and Carol Battersby	60		34

Appendix 1B – Background Research - Rural Residential Case Study

Submitter Name	Sub Number	Related Further Subs	Page
M O'Sullivan, S Archer, V Loughlin-Drover and E Bullock	72		35
Wayne Baxter	25		44

Appendix 1C – Regional and National Infrastructure

Submitter Name	Sub Number	Related Further Subs	Page
New Zealand Defence Force	48	Transpower NZ Ltd FS5.3	48
Horizons Regional Council	26		50
New Zealand Fire Service Commission	68		52
New Zealand Transport Agency	51		54
Powerco Limited	11	Transpower NZ Limited FS5.1	58
Transpower NZ Limited	56	Powerco Limited (Powerco) FS1.1, FS1.2, FS1.3 Federated Farmers of NZ FS2.1, FS2.2, FS2.3	60
Horticulture New Zealand	71		76
Federated Farmers	57	Horticulture NZ FS3.5	85

Appendix 1D – Rural A zone - General Opposition.

Submitter Name	Sub Number	Related Further Subs	Page
Bruce Leonard Hodges	62		91
Mitchael James Russell	63.2		
Robert Wayne and CR Gilbertson	66		
David Lewis Harrison	36		94
Tim Matthews	76	Horticulture NZ FS3.8	95
Christine Ann Jones (Anne)	6	Horticulture NZ FS3.1	99
Mark Stratford	2		101

Appendix 1E – Allow 1 Ha Lot Subdivision on Sites Already Under 10Ha Minimum.

Submitter Name	Sub Number	Related Further Subs	Page
Derek Alexander Priest	23	L & B Graves FS4A.1 - 4	102
Donald George Kilpatrick	24		
Rhonda Lynette Campbell	37	Keith Hey FS6 BR and JH Erni FS7	
Keith Marshall Hey	39	L and B Graves FS4A.1 – 4A.4	103
Wilfrid Luke Emmett	50	L and B Graves FS4A.1 – 4A.4	
Allan and Glenna Allott	53	L and B Graves FS4A.1 – 4A.4	
Quentin Handley	64		106
Peter Bridgland	73		

Appendix 1F – Re-zoning of Clarkson Ave – Including Neighbouring Mosston Rd Properties.

Submitter Name	Sub Number	Related Further Subs	Page No.
Leighton Souness	14		107
Leighton Minnell	15		
Lance Attrill	16		
Lauren Toy	17		
Tam Sua	18		
Paul and Trish Webster	21		
CSB Stone	74 (late)		
Stewart Donald Thomas	35		110
Richard Owen	70		

Appendix 1G – Proposed Extension to Rural B Zone – Westmere.

Submitter Name	Sub Number	Related Further Subs	Page No.
Basil and Barbara McCullough	13		112
John and Caroline Mackay	55		
Robert Duncan Boyd	65		
Valda and Murray Lilburn	1		113
David Ian Higgins	44		
Kelly Anderson and Steven Darby	33		
Malvin Walton Booth	42		114
Michael James Russell	63.1		
Noel Edward Lindsay	28		

Appendix 1H – Rural A - Requests to Re-Zone - Papaiti.

Submitter Name	Sub Number	Related Further Subs	Page No.
Barbara and John Gray	10		117
Raymond Andrew Jarden	38	Barbara Gray FS10.2	118
Noel Cooper	8	Barbara Gray FS10.1	119
Graeme Langridge	45		
Graeme Langridge	46		120
Malcolm Anthony Young	29		122

Appendix 1I – Other Site Specific Opposition to Rural A Zoning

Submitter Name	Sub Number	Related Further Subs	Page No.
SJE Hodges	34	Liam and Beverley Graves FS4A.5 MS Abbott FS8 SG Forlong FS9	123
Lindsay and Lynette Sim	40	Liam and Beverley Graves FS4A.6	126
Kathryn Frances Kirkwood	41		128
Brian Richard Kemp	49		129
Michael and Carole Simpson	52	Liam and Beverley Graves FS4A.7	131
G K, A J and R K Donald	59		132
Liam and Beverly Graves	61	Liam and Beverly Graves FS4	133
Anthony John Harrison	9		136
Malcolm John Palmer	43		137
Brian and Lynley Shaw	58		139
Tony and Carrie Eades	22		140
Louise Anne Allsopp and Robert Brian Gardner	31 and 32		
John D Moore	75		142
Richard Austin	47	Liam and Beverley Graves FS4A.7	145
M J and J B Francis	30		148

APPENDIX 1A - Support for Rural A Rezoning

Submitter Name: Peter Roy Warnock

Submission No: 3

Summary:

I support the proposal for minimum of 10 hectare lot size. Class I and Class II land should not be subdivided below 10 hectares.

Decision Sought: 1. I ask Council to make the 10 hectare minimum lot size change.

Submitter Name: John Smart

Submission No: 4

Summary:

- Submitter supports the minimum lot size of subdivision of 10 hectares for the Rural A zone.
- The Proposed Plan is not clear about what is the effective date for these changes are. The submitter is concerned that subdivision will occur before the Proposed Plan is approved.

Decision Sought:

1. Clause 3.4.1(h) be extended to say 'being 1 May 2014" at the end.
2. That clause 3.4.2(c)(ii) be extended with the following words "any subdivision requested after this date will not be permitted to have a dwelling"
3. 11.5.4 be effected from 1 May 2014.

Submitter Name: Allan Royce Anderson

Submission No: 5

Summary:

Submitter supports Plan Change 36. Subdivision of Class A land should be retained for agriculture, close subdivisions of non-serviced units render waste disposal unsustainable; already regular heavy transport user field complaint from lifestyles.

Decision Sought:

1. No change.

Submitter Name: Garland William Saunders

Submission No: 7

Summary:

Submitter supports the purposed allotment subdivision of small sections, off present land titles, as a one off event between 2500m² and 5000m² that would not apply to future subdivision. Submitter supports the 10 hectare minimum lot size. I would like to see entry costs for allotments set at a standard low cost to encourage up take of these rather than the 10 hectare blocks.

Decision Sought: That entry costs for allotments set at a standard low cost.

Submitter Name: Sue Huijs

Submission No: 12

Summary: The submitter supports the new changes. It is very important to protect rural, fertile soils for the future.

Decision Sought: No Change requested

Submitter Name: Alan Davison

Submission No: 19

Summary: Submitter Supports Rural A Zone changes 3.3.5 - 3.3.8 to protect the best soils and rural activities are not affected by lifestyle properties.

Decision Sought: No change requested.

Submitter Name: Margaret and Alan Cooper

Submission No: 20

Summary: Submitter generally supports the protection of Class I and II land for future productive use.

Decision Sought:

1. Preservation of Class I and II land.
2. If house are permitted to be cut off, balance area should be amalgamated to neighbouring properties.

Submitter Name: Clive Parnell Gibbard

Submission No: 67

Summary: I support the 10 hectare minimum lot size for subdivision on some Class I and Class II land.

Decision Requested: Proceed with the proposed plan change.

Council Decision:

That Submission 3 by Peter Roy Warnock, 4 by John Smart, 5 by Allan Royce Anderson, and 7 by Garland William Saunders, 12 by S Huijs, 19, by A Davison, 20 by M and A Cooper and 67 by CP Gibbard be **Accepted in Part**.

No amendments are made as a result of these Submissions.

Council Reasons for Decision:

1. The submissions in support of PC36 are noted and appreciated by Council.
2. The boundaries of the Rural A Zone are recommended to be adjusted through other submissions to the Plan Change, however these do not alter the fundamental objective of PC36 which is to recognise and protect the versatility of Class I and to a lesser extent Class II land, whilst also providing for a range of rural activities.

Submitter Name: Rural Community Board

Submission Number: 27

Summary:

- The submitter supports the objectives and policies of the proposed Plan change. The Board is pleased with the level of consultation provided over Proposed Plan Change 36 - Rural Zone. Public interest from the rural community has been high with a number of approaches to the Board members.
- The Board strongly supports the management and preservation of Class 1 and Class 2 soil resource and retaining it for productive purposes. The Board notes managing soil resource in this manner is consistent with the principles of the Rural Enterprise Project which promotes the intensification of high-value food production using Wanganui's best soils and climate regime.
- The objective is to significantly lift Wanganui's income through exports to the world's emerging and discerning markets, a key selling point is grown in a soil based (natural) clean environment. The value will also manifest itself in employment in food processing, transport, buildings, and management services.
- Reverse sensitivity is an issue and is exacerbated with an increase in lifestyle. The Board asks that Council work in a positive and supportive way with specific farms within the rural sector when issues of reverse sensitivity are raised, specifically around intensive agricultural production.
- The Board acknowledges the efforts already made to mitigate reverse sensitivity through the creation of the Rural A Zone.
- Damage to rural roads as a result of increased forestry activity can be mitigated in the future through a number of methods, including local, regional and national arrangements.

Decision Sought:

1. That Council implement policies that support reverse sensitivity.
2. That Council consider building the issues of damage to rural roads from increased forestry activity into the District Plan.

Further Submitter Name: Transpower NZ Ltd

Submission Number: FS5.2

Supports Decision point 1

Reason: Agrees that reverse sensitivity effects need to be managed and extended to address direct adverse effects.

Council Decision:

That Submission 27 by Wanganui Rural Community Board and Further Submission 5.2 by Transpower NZ Ltd be **Accepted in Part**.

No amendments are made as a result of this submission.

Council Reasons for Decision:

1. It is noted that the Rural Community Board supports the objectives and policies of the Plan Change. The Submitter identifies reverse sensitivity is an issue facing the rural environment and acknowledges efforts made to address this through the creation of the Rural A Zone.
 2. Issues relating to damage of rural roads from increased forestry activities are acknowledged. These issues are better addressed through the Long Term Plan rather than under the Act and District Plan.
-

Submitter Name: Ridgway Trust

Submission No: 69

Summary:

- Strongly supports Proposed Plan Change 36 with modifications.
- Wanganui's land resource is largely rolling-to-steep in topographical terms with most soils having low fertility. However, there are inliers of high quality Class I and Class II land.
- Wanganui's District is blessed with a temperate climate suitable for growing a wide range of food and fibre. This combination is unusual in New Zealand.
- The last half century has witnessed an acceleration of buildings constructed on quality soil. Currently 15 to 20% of Wanganui's Gross Domestic product is derived from our agriculture resource and the potential for the largest increase in this lies with better use of, and more intensive and valuable production from our best soils.
- John Dymond a Landcare Research Senior Scientist has warned against further fragmentation of rural land. "Fully one-tenth of New Zealand's most productive land has already been converted to lifestyle sections and this has increased rapidly in the last 10 years". Dymond goes on to say "smallholders overall did not engage in high levels of production once subdivided, the land was generally unlikely to return to economic for production".
- Reverse sensitivity is anecdotal, but real. Conventional scale farmers talk of instances of pressure to cease aspects of, or their total operation. Agrichemical application, fertiliser spreading, livestock effluent disposal etc. lead to tensions between lifestyle dwellers and more conventional farmers.
- Neighbour behaviour can have unintended negative economic impacts. This might be as little as unwanted shading of ground or as large as significant bird and insect damage to crops facilitated by a neighbour's tree planting programme.
- Increased subdivision has the potential for the demand and cost implications of urban services such as water, wastewater, rubbish collection and increased road maintenance.
- The submitter argues that allowing smaller titles will not necessarily mean rates take will increase, as spread of development is not making use of our existing services, and conversely creating demand for more.
- The submitter argues that the 'one off' provisions for further subdivision on already approved lots (as of 1st May 2014) smaller than 10 hectares be removed.
- The submitter argues that the 10 metre minimum distance from boundary for tree planting should apply to all trees within the Rural A zone, closer than this can lead to issues when properties are sold.

Decision Sought:

1. Supports the restriction of the defined Class I and Class II land.

2. Seeks the removal of the "one off" subdivision for lots less than ten hectares that are subject to the 1st May 2014 exemption.
3. That all trees plantings on boundaries are subject to the 10 metre set back in the Rural A Zone.

Further Submitter Name: Horticulture NZ

Submission No: FS3.7

Opposes Submission 69

Summary: To ensure that there is adequate provision for orchard trees and shelterbelts to be established, particularly in the Rural A zone, where Council promotes use of land for high value production. The changes sought would limit the optimum use of that land.

Council Decision:

Submission 69 by Ridgeway Trust and Further Submission 3.7 by Horticulture NZ be **Accepted in Part.**

Make the following amendments as a result of these Submissions.

Amend Performance Standard 3.5.8 Trees to read:

- a. *No-shelter belt shall exceed 4 metres in height.*
- b. *Trees shall be planted to ensure that at maturity, the base of the tree shall fit within a recession plane which commences at 2 metres above existing ground level at least 2 metres from any boundary and then projects from this line inwards at a 45 degree angle;
Except that this standard does not require any tree to be planted more than 10 metres from a boundary.*

Council Reasons for Decision:

1. The Submitter's support is acknowledged and appreciated in relation to the importance of protecting versatile soils and Class I and Class II Land. It is noted that the Submitter recognises an increased trend in lifestyle development and reserves sensitivity within the rural environment.
2. The one-off subdivision rule was introduced through the consultation process. Concerns were raised around farmers wanting to sell off the farm and still retire on the block of land. This enables owners of properties comprising more than 10 hectares to sell off a smaller block e.g. to retire on. This allows for some flexibility within the Rural A Zone.
3. Other submitters (Federated Farmers and Horticulture New Zealand) have opposed the tree rule 3.5.8 and sought amendments to provide for other trees such as orchard trees to be planted closer to boundaries where effects are mitigated or closer where neighbours agree. This approach is likely to be more effective than a blanket rule as proposed by Ridgeway Trust.
4. In relation to decision point 3, a more flexible approach to tree planting setbacks was preferred to limit loss of productive use of land in the Rural A Zone. .

Submitter Name: Wanganui District Council

Submission No: 54

Summary:

- Rename each zone as the proposed names are potentially confusing for Plan users.
- Include Residential activities excluding Residential Care Facilities as this enables residential activities to occur in the rural area.
- To change the wording in 3.4.1(e) and 3.4.3(b) to be consistent with the wording in 3.5.10(b).
- To clarify that 3.5.2 applies to all adjacent properties.
- To clarify that rules 3.5.8(b), 3.7.5(b) and 3.9.8(b) applies to all other trees other than Shelter Belts and Forestry.
- As the rules 3.4.1(h) and 3.8.1(e) are currently written there is a risk of consents being granted for subdivision which will create substandard lots requiring resource consent to build a single dwelling. This is contrary to the intention of the rule which is intended to provide for dwellings on substandard lots created before the rules take full effect.
- 5000m² minimum site area is constant with the Horizons One Plan. Maximum site area of 1 ha is included to ensure protection of Class1 and Class II land.
- The table in 3.11.6 is a double up from the subdivision section. Having the table in two different sections is unnecessary and confusing for users.
- The submitter seeks that 3.4.2(c)(ii) and 3.10.2(b)(ii) be constant with the wider rural area. To achieve urban design outcomes are unnecessary.
- Two metres for antenna dishes is constant with the reviewed section of the plan.

Decision Sought:

1. That the Rural A be renamed Rural Soil Protection Zone, Rural B be renamed Rural Living Zone and Rural C be renamed Rural General Zone.
2. That 'Residential activities – excluding Residential care facilities' be included under Permitted Activities in the Rural A, Rural C and Rural Settlement zones.
3. That the words 'not exceeding' replace 'less than' and 'up to' in 3.4.1(e) and 3.4.3(b) respectively.
4. That the word 'property' replace 'zone' in 3.5.2.
5. That the word 'other' replace the word 'ornamental' in 3.5.8(b), 3.7.5(b) and 3.9.8(b).
6. That 'received before the date decisions on Plan Change 36 are released' replace the words 'granted on or before 1st May 2014' in 3.4.1(h) and 3.8.1(e)
7. That the words 'minimum of 5000m² site area maximum of 1 hectare site area' replace the words 'minimum site area of 2500m² and a maximum of 5000m² site area' in 3.4.2(c).
8. That the following text and table be removed from 3.11.6.

Sealed vehicular access shall be provided and formed to the widths detailed in the following table:

<i>No of Units</i>	<i>Minimum</i>
<i>Served by</i>	<i>Width</i>
<i>Access</i>	<i>of Access</i>
<i>1 - 3</i>	<i>3.6 metres</i>
<i>4 - 6</i>	<i>6.5 metres</i>
<i>7 or more</i>	<i>Road</i>

9. That the words 'ability of the site to achieve quality urban design outcomes' are removed from 3.4.2(c)(ii) and 3.10.2(b)(ii).
10. That '2 metres' replace '3 metres' in 3.5.5 and 3.9.5.

Further Submitter Name: Horticulture NZ

Submission No: FS3.3

Opposes decision sought for Point 1 and 5, but Supports decision sought for point 9.

Reasons:

1. Not appropriate to create a zone for the purpose of 'soil protection' so renaming as proposed in Submitter decision point (1) not supported.
2. In relation to rules 3.5.8(b), 3.7.5(b) and 3.9.8 (b) the further submitter seeks provisions that enable orchardists the ability to utilise land for horticultural purposes. The tree planting rules restrict the use of land for that purpose as proposed by submitter point 5.
3. In relation to 3.4.2(c)(ii) and 3.10.2 (b) ii), and submitter point 9. Urban design outcomes are not appropriate for the rural zones.

Council Decision:

Submission 54 by Wanganui District Council and Further Submission FS3.3 by Horticulture NZ be **Accepted in part**.

Make the following changes to the Plan as a result of these submissions:

Replace all references in the Plan to the Rural A, B and C zones with reference to *Rural Production, Rural Lifestyle and Rural General* zones respectively.

Include the following as a Permitted Activity in rules 3.4.1 and 3.8.1

"Residential activities excluding residential care facilities"

Amend Rules 3.4.1(e) and 3.8.1(e) read:

Retail activities not exceeding 75m² gross floor area.....

Amend Rules 3.4.3(b) and 3.8.3(b) read:

Retail activities not exceeding 75m² gross floor area adjoining a state highway.

Amend Rule 3.4.2(c) to read:

- c. *Subdivision to create one allotment with a minimum site area of 5000m² and a maximum site area of one hectare-site area....*

Amend Rules 3.4.2(c)(i) and 3.10.2 (b) ii) to read:

Council restricts its discretion to the following matters:.....

- *Impact on the character of the surrounding area, ~~ability of the site to achieve quality urban design outcomes.~~*

Amend Rules 3.5.2(a), 3.9.2(a) and 3.11.2(a) to read:

Artificial lighting system shall not result in increased luminance in excess of 8 lux in the measured ambient level in the vertical plane at the windows of any residential building in any other adjacent property

Amend Rule 3.5.5(b) and 3.9.5(b) to read

New structures shall be a minimum of 10 metres from any site boundary (except fences less than ~~three~~two metres high.....

Amend Rules 3.5.8, 3.7.5 and 3.9.8 relating to trees to read:

- a. *No shelter belt shall exceed 4 metres in height.*
- b. *Trees shall be planted to ensure that at maturity, the base of the tree shall fit within a recession plane which commences at 2 metres above existing ground level at least 2 metres from any boundary and then projects from this line inwards at a 45 degree angle;*

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

Delete Rule 3.11.6 Access.

Amend the Note at the start of Section 11.4 to read:

Note: The following provisions only apply to subdivision and land use activity in the Residential, Rural Production, Rural Lifestyle, Rural General and Rural Settlement, Neighbourhood Commercial and Reserves and Open Spaces zones

Council Reasons for Decision:

1. The intention to rename the rural zones to clarify the distinction in function and character between each zone is not contested. The Committee considered that a more appropriate name for the Rural A Zone is 'Rural Production Zone', and consequential changes to the names of the other rural zones to change Rural B Zone to Rural Lifestyle, Rural C Zone to Rural General.
2. For completeness it is appropriate to also make the same text changes promoted in WDC decision point 3 for rules 3.8.1(e) and 3.8.3(b), even though not specifically requested, it is within the range of intended outcomes for this submission.
3. In relation to decision point 4, the Committee considered that it also made sense to change reference to 'property' rather than 'zone' in the Rural General and

Rural Settlement zones by amending Performance Standards 3.9.2(a) and 3.11.2(a).

4. It is accepted that urban design outcomes are not appropriate considerations within the rural zones.
5. In relation to Decision point 6, reference to 1st May 2014 in rules 3.4.1, 3.4.2 and 3.8.1, it is accepted as impractical and unenforceable to apply rules which limit service connections or subdivision of sites of less than 10 hectares to only those in existence at 1st May 2014. This amendment to the plan change will result in greater loss of productive land but only for a finite set of properties. It is noted that subdivision does not necessarily, of itself, cause loss of productive capability for the future, but erecting a dwelling and providing urban service connections do.
6. Deletion of the table in Rule 3.11.6 is supported as it is a double up of a rule already in Chapter 11 Subdivision and Infrastructure, and reference to Rural Production zone has been added to the Introductory note in Section 11.4, as a minor amendment under Clause 16 First Schedule Act.
7. The submission from Horticulture NZ about restrictions on trees is noted. The concern in relation to trees at boundaries is essentially reduction of visibility at road boundaries caused by large trees and overhanging branches. It is not intended to capture productive tree crops where this effect is not present. The Committee revised the proposed rules to take account of the variety of trees planted in the rural zones.

Submitter Name: Kevin and Carol Battersby

Submission No: 60

Summary: No comment on Proposed Plan Change 36 made.

Decision Sought:

No remedy sought.

Council Decision:

That Submission 60 by Kevin and Carol Battersby is **Rejected**.

No amendments are made as a result of this Submission.

Council Reasons for Decision:

This Submission relates to Plan Change 37 – Papakainga only. The Submission has been dealt with in that Plan Change hearing and decision process.

APPENDIX 1B - Background Research - Rural Residential Case Study

Submitter Name: Mike O'Sullivan, Steven Archer, Victoria Loughlin-Drover and Emma Bullock

Submission No: 72

Summary:

- The submitters support the principle to safeguard the versatility and life supporting capacity of Class I and Class II land, and acknowledge there are reverse sensitivity issues that arise as a result of residential activity in the rural zone.
- The submitters supports the Council's efforts to expand to the Rural B Zone to meet demand for rural residential living.
- The three proposed Rural A zones:
 - 1.0 Western Zone - 19900 hectares, affecting 1610 allotments and made up of 43% Class I or 2 Land.
 - 2.0 Fordell Zone - 5100 hectares, affecting 315 allotments and made up of 49% Class I and II Land.
 - 3.0 Papaiti Zone - 1900 hectares, 195 allotments and 73% Class I and Class II Land.
- Statistical errors in the Westmere Case Study (2013) exaggerate the increase in lifestyle blocks established over the past 19 years. The blanket approach is too simplistic, and does not take into account the specific circumstances that may exist for a particular proposal. It would appear the statistics were not verified or checked against other sources before being published or used for decision making policies.
- The focus on the Westmere Case Study is on the loss of productive Class I and II Land and disregards the social and environmental effects that can arise from the development of lifestyle properties.
- The most significant anomaly is that the maps and statistics from the 1994 study indicate only Rural B land was included in the study. Land around the Mannington Road- Dickens Lane area and in the Kai iwi Rural Settlement were excluded whereas these localities have been included in the 2013 study. From visual inspection it is apparent the 2013 study also included many parcels that existed in 1994 but were excluded from that study e.g. Table 3 implies 551 (661-110) small holdings have been created since 1994. That is a gross inaccuracy and leads to misleading conclusions for the reader.
 - a. The 2013 statistics include parcels of land created by a non-subdivision process e.g. parcels affected by government land acquisitions.
 - b. The category of "less to or equal to 1 hectare" in the 2013 study has produced skewed results which resulted in a less than sounds statistical analysis. A subdivision constraint was introduced shortly after the 1994 study which resulted in the minimum lot size being 1ha - so there is an unusual

sample of allotments with an area or precisely a hectare. Table 3 indicates 382 (435-53) have been created since 1994 which is grossly inaccurate.

- c. The statement 'there has been a four-fold increase in the number in the number of residential development' and small holdings have increased by 382" is grossly inaccurate as most of that land was not included in the 1994 study. Therefore the significant trends the report writer alludes to are also inaccurate. The "nine fold increase" in properties containing less than 1 hectare is grossly inaccurate. Council introduced a policy that subdivision of rural land holdings less than 1 hectare was not a complying activity. This resulted in a inflated demand for small holdings and an increase in subdivisions with a minimum of 1 hectare. This rule has caused an increase in the land value of small holdings and made a creation of small holdings a viable return for the investment.
 - d. The statement "three-fold increase of properties 2-3ha" is incorrect. There have been 29 such properties created - nine before 2004 and 20 since. Six allotments are on land containing only some Class I and II land and the rest gully, plus one allotment created in the Kai Iwi Coastal Protection Zone.
 - e. The methodology of the 2013 study was not robust and led to distorted statistics and conclusions. Furthermore the erroneous statistics and exaggerated trends have been extrapolated to the much larger Rural A Zone.
 - f. The submitter's real concern is a misleading reaction that has adversely affected consideration to proposed plan changes for development of rural land.
- A 10 hectare minimum lot size will not allow the following:
 - a. The ability for a farmer to subdivide off an unproductive area of land, due to the physical location of the land, lower class of soil or vegetation cover.
 - b. The creation of lots for the next generation of families who are to take over management of a farm. Often separate title is required for mortgages finance to construct a dwelling.
 - c. Subdivision that allows family members to realise their share of a farm that may have been left to them after the death of a parent.
 - d. The creation of a rural residential lot to include the retiring farmers dwelling who wishes to remain on the property. Note that the 5000m² is considered too small.
 - e. The disposal of surplus houses now redundant due to a decrease in staff or the merger of farms.
 - f. The development of intensive land uses that do not require a large holding.
 - Perhaps the most aggrieved are those who already reside on a lifestyle block properties. Often these properties have been bought with the intention of subdivision. It is not considered contrary to the objectives if the land has already been taken out of large scale farming.
 - While we accept that this is an issue that does arise, there are many instances where this has been controlled by either consent notices or covenants registered on the tile.

e.g. properties next to the Palmerston North airport have a consent notice on them requiring structures to be built that minimise the effect of aircraft noise. Could the same approach not be taken in the rural zone?

- A blanket 10 hectare minimum is too restrictive. The zone extends out beyond the Class I and II land and therefore restricts subdivision for legitimate reasons with little regard to the primary objective of preserving these soils.
- The extent of the Rural A zone should be limited to a defined distance from the city boundary, beyond which the demand for lifestyle properties is minimal.

Decision Sought:

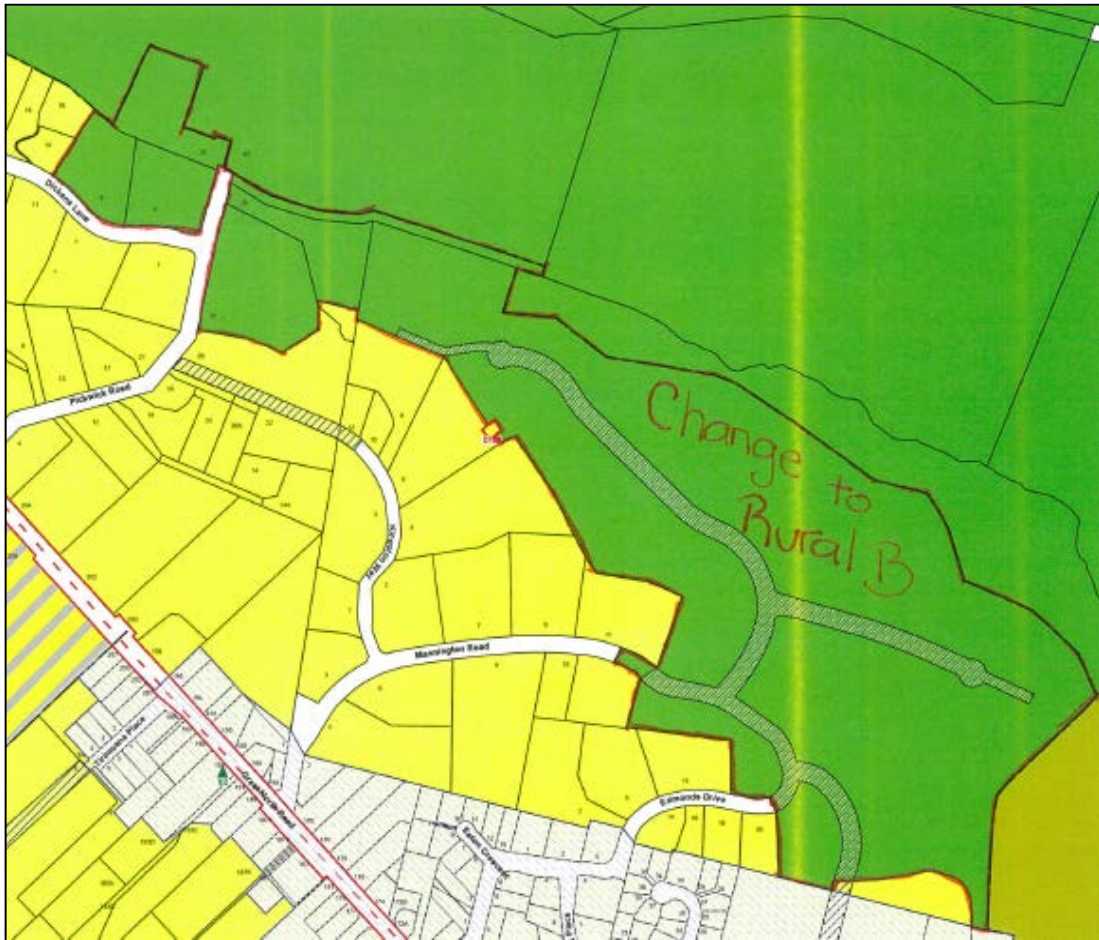
1. That Map Urban 3 not show land currently Rural B as Rural A.
2. That all references to 1st May 2014 be changed to date of the Plan becoming Operative.
3. That in rule 3.4.1 one dwelling is a permitted activity on a site created by subdivision.
4. Rules 3.4.2(b)(i) and 3.4.2.(c).(i) that 10 hectares per allotment be reconsidered and that the minimum of 5000m² be increased and considered on a case by case basis.
5. Rule 3.8.2(b) That the minimum size be whatever is required to adequately provide for a suitable building platform and on-site disposal or domestic effluent and storm water.
6. Performance Standard 11.5.4. That the minimum size be whatever is required to adequately provide for a suitable building platform and on-site disposal or domestic effluent and storm water.
7. The subdivision of Class I and II land in the Rural A zone be assessed under the Act as a restricted discretionary activity.
8. That reverse sensitivity be controlled by consent notices on the title.

Council Decision:::

That Submission 72 by Mike O'Sullivan, Steven Archer, Victoria Loughlin-Drover and Emma Bullock be **Accepted in Part**.

Make the following changes to the Plan as a result of this submission.

Amend District Planning map Urban 3 as indicated on the map below to reinstate the Rural B Zone rather than the proposed Rural A.



Recommended changes to map – **Urban 3**

Amend Policy 3.3.2, Rules 3.4.1(h) and 3.4.2(c) and 3.8.1(h) to refer to the Operative date rather than 1st May 2014 as follows:

.....

3.3.2 Council will maintain urban reticulated infrastructure connections to existing allotments (where connections were in existence at the Operative date of Section 3.41st May 2014) but these connections will not be extended to serve any new allotments created by subdivision.

3.4.1(h) One dwelling on a site of less than 10 hectares, but at least 5000m² site area, created by a subdivision consent granted on or before the Operative date of this rule^{1st May 2014}.

3.4.2(c)(i) Provided that:

- The site proposed for subdivision, legally existed at the Operative date of this rule^{1st May 2014}

3.8.1(h) One dwelling on a site of less than 1 hectare but at least 5000m² site area, created by a subdivision consent granted on or before the Operative date of this rule^{1st May 2014}.

Council Reasons for Decision:

1. The Committee noted and appreciated the submitters support for the principles of protecting the versatility and life supporting capacity of Land Use Classification Class I and Class II land and accept that reverse sensitivity issues arise as a result of lifestyle activity in the Rural A Zone. The submitters also support the expansion of the Rural B Zone to meet demand for rural lifestyle development.
2. The purpose of the Resource Management Act 1991 (the Act) is to promote the sustainable management of natural and physical resources; including, safeguarding the life-supporting capacity of air, water, soil and ecosystems. Wanganui is fortunate to have areas of Class I and Class II land as well as a good climate. This is a rare combination in New Zealand.
3. It is acknowledged that the 2013 study inadvertently applied data that did not match that of the 1994 study, the result being an overstatement of the extent of residential and lifestyle development during the intervening period.

Council officers revised the 2013 report and corrected those errors and simplified the findings of the report. The key conclusions of the 1994 and 2013 reports are still valid. Significant Class I and II land has been lost to residential lifestyle development over the last 20 years.

Absence of restrictions on subdivision to safeguard the potential use of these finite resources for productive activities does not give effect to the One Plan and nor is it consistent with Plan provisions in neighbouring districts. Changes will create a more sustainable outcome so future generations may also benefit from these most highly versatile lands.

4. The Act requires District Plan provisions to 'give effect' to the Regional Policy Statement (section 75(3)). The Regional Policy Statement for the District is the Horizon's One Plan. It is the main vehicle for interpreting and applying the sustainable management requirements of the Act in a local context, and in this regard, guides the development of lower tier plans, including the District Plan. The One Plan includes requirements to prioritise Class I and Class II land when planning for growth and development.
5. The Council has been silent on this issue in the past which has led to a trend of increasing lifestyle and residential development on this versatile land.
6. The Committee acknowledged that landowners in the Rural A Zone with plans to subdivide below the 10 hectares minimum would lose that opportunity. The reality is that all Plan changes create winners and losers. The Committee determined that the Plan Change was necessary to achieve the objectives of the Plan and the overall purpose of the Act.
7. The Rural A Zone has been targeted at areas that comprise of Class I and some of the District's Class II land. This is an extremely important natural resource for Wanganui, as well as New Zealand. Not all Class II land has been captured due to physical locality restrictions that make it difficult to capture, and distance from the urban area reducing risks of urban sprawl.

8. The submitters question the proposed 'blanket' approach. Through research and consultation with the community, Federated Farmers and the Rural Community Board, it was identified that reverse sensitivity was a significant issue facing rural activities. Land that is neither Class I nor Class II has only been captured where located within the vicinity of Class I and Class II land, to ensure that development on that land does not compromise the ability of the Class I or Class II land to be retained for future productive use.
9. In response to issued raised relating to large scale farming operations:
 - a. Larger scale farming will have the ability to do a one-off smaller subdivision if the balance allotment is 10 hectares or greater.
 - b. This Plan Change proposal does not prohibit subdivision. Applications for subdivision will be assessed on their merits.
 - c. The focus of this Plan Change and the purpose of the Act are to promote the sustainable management of natural and physical resources. It is paramount that versatility of Class I and Class II land is protected for rural activities rather than used for residential or lifestyle development.
 - d. The Act does not take into account personal financial circumstances or issues arising due to inheritance of land.
 - e. Concerns regarding the maximum allotment size for the one-off subdivision for allotments with the balance area greater than 10 hectares were discussed in a meeting with the submitters. These concerns are accepted and amendments to increase the minimum allotment size to 5000m² are recommended to comply with the Horizons RC domestic wastewater rule. A maximum area is provided for as a tool to preserve availability of Class I or II land and the objective is to minimise any further loss of such a finite resource.
 - f. Other options are available for surplus housing. A one-off subdivision can provide a separate title for the house to be sold, if it meets subdivision consent requirements. The house can also be relocated off-site if surplus to requirements.
 - g. There are areas of Class II land throughout the Wanganui District that are proposed to retain the 1 hectare minimum lot size. These have the potential to be used for small intensive farming operations. There are also many existing allotments that can be used, new allotments are not essential to facilitate intensive farming.
10. It is important to reiterate the significance of protecting Class I and Class II land within our District. The submitter states there is little demand for lifestyle development in some of the areas proposed to be zoned Rural A, such as Maxwell. While this may be true today, it is important that the Plan is proactive when protecting this natural resource, not reactive as it has been in the past. Once land has been subdivided and used for lifestyle or residential development the chance of it being used in the future for productive farming is slim. As easier more accessible land is developed, pressure builds in other areas previously not considered desirable.

11. The submitters state that perhaps the most aggrieved of their clients, are those who have brought properties with the intention to subdivide in the future. This statement reiterates the importance of this Plan Change. A lack of restrictions in the Plan has created a perception over the past 20 years that lifestyle development on highly versatile soils is an equally valid and appropriate land use. This has led to a permanent loss of significant areas of land from rural productive activities either due to fragmentation or reverse sensitivities making production impractical. In the Rural B Zone this sort of investment is encouraged, as the quality of the land resource is generally less versatile, and proximity to the urban area makes productive farming less attractive.
12. In relation to Decision point 1, it is accepted that Urban Map 3 should be amended to retain the status quo for land previously zoned Rural B, as this land only comprises a very small area of Class I land and the use of any of that land for productive purposes is already comprised.
13. In relation to Decision point 2, reference to 1st May 2014 in policy 3.3.2, rules 3.4.1, 3.4.2 and 3.8.1, it is accepted as impractical and unenforceable to apply policies and rules which limit service connections or subdivision of sites of less than 10 hectares to only those in existence at 1st May 2014. It is noted that this amendment to the Plan change will result in greater loss of productive land but only for a finite set of properties. It is noted that subdivision does not necessarily, of itself, cause loss of productive capability for the future, but erecting a dwelling and providing urban service connections does.
14. In relation to Decision points 3 and 4, subdivision does not necessarily equate to an appropriateness to erect a dwelling in a rural zone. Provision has been made for a one-off subdivision, recognising there are some circumstances where the effects of a dwelling may be sustainable. The restriction of 10 hectare per allotment will, for reasons outlined above provide greater protection of the finite natural resources that are presently under pressure from lifestyle development, as indicated by trends for subdivision over the last 20 years in the absence of appropriate regulation.
15. In relation to Decision point 5 and 6, that the minimum lot size be 'whatever is required' in the Rural C Zone. It is noted that Horizon's One Plan specifies 5000m² area as the minimum for adequate disposal of independent domestic wastewater. However retention of the status quo has been generally supported by other submitters and the one hectare minimum site area creates a degree of distinction between the rural lifestyle zone (Rural B) and the general rural productive zone (Rural C). Provision for a denser form of settlement is not part of the existing character or consistent with the existing amenity values of the Rural C Zone. No change is recommended to Rule 3.8.2(b).
16. In relation to Decision point 8, consent notices are a potentially useful tool to manage effects of a finite nature. However where the effects or requirements are ongoing, it becomes unclear who would ever enforce consent notices. This is potentially unenforceable and although not Council's responsibility it would likely be drawn into resolving the issues. There would be no consistency or certainty around acceptable effects or thresholds.

17. Allowing subdivision to continue as it has in the past further reduces the potential for either amalgamation or productive use in future. As acknowledged by the submitters reverse sensitivity issues do arise. It is suggested that consent notice or covenants registered on the title could be viable options within the Rural A zone. Through consultation with the community, Rural Community Board and Federated Farmers it was deemed that it is more appropriate to avoid reverse sensitive situations arising, than allowing the situation to occur and trying to address issues through consent notice or conversation.
18. Responses to issues raised in relation to the case study:
- At the start of the Phase 5 rural review, consultation meetings were held in seven different locations throughout the rural area. A prominent theme raised at these meetings was the increase in lifestyle development. This prompted further research into development trends within the existing rural zones.
 - The 1994 report '*Extent of Rural-Residential Development in Class I and Class II Land*' was an ideal start point for comparison as a snap shot in time. It is acknowledged that the exclusion of areas within the 1994 study was not picked up in the 2013 study. However even when these properties were excluded from the more recent study (2014), an increasing trend of lifestyle development is still apparent. Exclusion of properties separated for purposes other than subdivision would likewise alter but not negate, the trend of residential development in the Westmere study area over the last 19 years.
 - Even in 1994 the study observed that:

“What has emerged from these results, is that there is a demand for large residential sections in the rural environment. Further this demand appears to be located along a corridor where the character is slowly changing from rural production to a semi- rural settlement (neither rural [n]or urban). While the impact on the loss of productive soil is minimal (these sections represent only 0.6% of total Class [I]and [II] land in the Wanganui District) the wider implications are more serious. The trend is increasing, suggesting that a peak in this type of subdivision will not occur for some time.”³
 - Individual parcel units were used in the 2013 case study as that is the information Council holds today. Title information at that scale (Westmere study area) is not readily available without an individual property search, this level of detail and resourcing was not critical to demonstrate that the trends for lifestyle development have continued.
 - The 2013 (and corrected 2014 version) case study nonetheless confirms the anecdotal trend of lifestyle development encroaching on Class I and Class II land. The trend of increased lifestyle development is still apparent but is secondary to the primary purpose of the Plan Change which is to protect remaining Class I and Class II land within the District for rural production.

³ The Extent of Rural/Residential Development on Class I and II Land, Planning Services ,WDC 1994, page 10

- Council considered a number of options as outlined in the section 32 report. Council's preferred option was to establish a specific zone to target the most versatile land, because this land is also under pressure from urban sprawl, would minimise regulation of other land, target restrictions only where necessary and maximise the effectiveness and efficiency of the Plan provisions in achieving the objectives of the Plan and the purpose of the Act.

Submitters Name: Wayne Baxter

Submission No: 25

Summary:

- Submitter oppose provisions around allotment sizes for the Rural A zone. The submitter states the Case Study is inaccurate, there is a lack of economic analysis and this is an attempt to control urban sprawl. The 2013 Case study contains confused and inconsistent data, it is of concern that the Plan Change has been given life on this basis. The statement referring to the loss of 12% of productive land, whilst we are lead to believe that this is not a driver, must have must have been used to promote the case.
- High density areas such as Mannington Road, Pickwick Road, Dickens Lane and Kai Iwi are not shaded as per the legend. Has the correct base data been used to measure the growth?
- Despite the study being a reference for decision making it provides a 'waiver' with the statement "that the information in this report is an indicator only of the numbers and extent of small holdings in Westmere". This statement itself diminishes the reports value.
- Economic effects have been glossed over. Comments such as "protecting soil capacity and versatility will have economic benefit to wider Wanganui community". There is no objective analysis to measure the amount of economic return or employment brought the region.
- Commercial farming entities traditionally have a net average return of less than 5% on capital. The reality is that it is difficult for those enterprises to finance purchase of neighbouring blocks that may be for sale when in close proximity to the city.
- Sales of land less than 10 hectares can be one option for the small farmer to stay afloat, given higher values of land close to the city. Under this proposal farming platform will be further depleted by commercial farmers having to sell off 10 hectares minimum, further hindering their long term commercial stability.
- It is likely that this will result in some rates relief to the affected land owners. Presumably WDC require the same total agricultural rates take, so will other landowners pay more to cover this? Has this been spelt out to the rest of the farming community?
- Presumably Quotable Value have valued our 10 hectare lot as land with subdivision potential given it has a current value of \$95,000/ha. If PC36 goes ahead our land value would recede to \$500,000 less than it is now. Others will also be in this position and may be left with little equity.
- The Westmere portion of the Rural A zone has been rightly pointed out as long being an area of choice for many ratepayers despite the availability of cheaper land. Has there been an evaluation of homeowners' investment in building the same value home in a less desirable semi -rural area? This is a possible indirect economic consequence for the local struggling building industry.
- There is comment that agriculture is the backbone of the Wanganui region. It possibly is, however the agricultural economic wealth is spread widely in the Wanganui hinterland and is not dependant on a very small parcel of Westmere Rural A land.

- Obviously Class I and Class II land have always been available for higher valued farming but there has been minimal uptake and certainly no evidence of long-term success. The benefits for the region from this Plan Change are not clearly spelt out.
- Submitter states that other cities have a lifestyle buffer around the city which become residential as the city grows. This proposal is contrary to this, pushing intended purchases in either, area further from the city, least preferred localities or larger than preferred holdings for many lifestylers. Small parcels can co-exist in the rural zones with some clear Council conditions that protect the rural amenity values. That may require some innovative planning.

Decisions Sought:

1. Retain the Status Quo; or
2. Move the Rural A Zone further out from the urban boundary towards Kai Iwi thus retaining the transition from town to country whilst preserving the value of higher valued rural properties; or
3. Allow a 5 year lead in to these changes thus giving property owners time to take action to minimize their wealth loss.

Council Decision:

Submission 25 from Wayne Baxter be **Accepted in Part**.

No amendments are made as a result of this submission.

Council Reasons for Decision:

1. The purpose of the Resource Management Act 1991 (the Act) is to promote the sustainable management of natural and physical resources; including, safeguarding the life-supporting capacity of air, water, soil and ecosystems. Wanganui is fortunate to have areas of Class I and Class II land as well as a good climate. This is a rare combination in New Zealand.
2. In addition, the Act requires District Plan provisions 'give effect' to the Regional Policy Statement (section 75(3)). The Regional Policy Statement for this District is the Horizon's One Plan. It is the main vehicle for interpreting and applying the sustainable management requirements of the Act in a local context, and in this regard, guides the development of lower tier plans, including the District Plan. The One Plan includes requirements to priorities Class I and Class II land when planning for growth and development.
3. The Council has been silent on this issue in the past which has led to a trend of increasing lifestyle and residential development on this versatile land.
4. In relation to the areas selected in the 2013 report, areas of dense development at Kai Iwi and Otamatea were included in error and this has been corrected in the 2014 version of the Westmere study.
5. Consideration of economic benefits and costs is provided to a sufficient extent in the S.32 evaluation report. Council needs to be satisfied that the proposed methods are the most appropriate way to achieve the objectives of the Plan and the purpose of the Act
6. The Rural A Zone has been applied to areas that comprise LUC Class I and some of the District's LUC Class II land. Council considered a number of options as outlined in the section 32 report. Council's preferred option was to establish a

specific zone to target the most versatile land, because this land is also under pressure from urban sprawl, would minimise regulation of other land, target restrictions only where necessary and maximise the effectiveness and efficiency of the Plan provisions in achieving the objectives of the Plan and the purpose of the Act.

7. The Submitter states *“Commercial farming entities traditionally have a net average return of less than 5% on capital. The reality is that it is difficult for those enterprises to finance purchase of neighbouring blocks that may be for sale when in close proximity to the city”*. This issue was raised through consultation with the community, Federated Farmers and the Rural Community Board; there was concern that further subdivision in these areas would further hinder farmers’ ability to purchase neighbouring properties. Lifestyle development has the potential to increase the value of land in the area, raising property values and making it uneconomic to purchase and use land for productive farming.
8. Provision of additional Rural B zoned land together and the relative difference in minimum property size (compared to the proposed Rural A Zone), is expected to make the Rural A Zone less affordable and less attractive for lifestyle development. This in turn will likely remove some competitors for land and potentially make Rural A zoned land more affordable for productive activities.
9. The One Plan provides clear direction as to the priority of Class I and Class II land when providing for urban and rural residential growth. This Plan Change identifies areas appropriate for such development, giving effect to the One Plan.
10. The Submitter states, other Councils’ have a lifestyle buffer around the city to provide for rural residential development. The Rural B Zone is a rural lifestyle area that provides for the development as advocated by the Submitter. The previous Zone (Restricted Services Residential) was established in the District Plan in 2004. This Plan Change extends these areas to ensure a variety of residential lifestyle growth areas are available.
11. The Submitter states that small parcels can co-exist in the rural zones with clear conditions that protect amenity value. Through consultation with the community, Federated Farmers and the Rural Community Board it was deemed more appropriate to avoid reverse sensitive situations arising than allowing the situation to occur and then trying to address issues after the fact. Furthermore, minimising fragmentation of Class I and Class II land is paramount. Allowing subdivision to continue as it has in the past further reduces the potential for either amalgamation or productive use in the future.
12. At the start of the Phase 5 Rural review, consultation meetings were held in seven different locations throughout the rural area. A prominent theme raised at these meetings was the increase in lifestyle development that had been occurring. This prompted further research into development trends within the existing rural zones. Through this the 1994 Extent of Rural-Residential Development in Class I and Class II land was identified as being an ideal starting point for comparison as it gave a snap shot in time. It is accepted that the exclusion of areas within the 1994 study was not picked up in the 2013 study. If these properties were also excluded from the 2013 study a trend of lifestyle development is still apparent. Refer to the 2014 updated Westmere Case Study report.

13. Individual parcel units were used in the 2013 case study as it the information that Council holds. Title information at that scale (the Westmere study area) is not readily available without out an individual property search. The cost of dedicating resource to this task outweighed the intention of the report.
14. The 2013 (and corrected 2014 version) Westmere case study nonetheless confirms the anecdotal trend of lifestyle development encroaching on Class I and Class II Land. The trend of increased lifestyle development is still apparent but is secondary to the primary purpose of the Plan Change which is to protect the potential of Class I and Class II land within the District for rural production.
15. A default lead in time for the rules to apply (of at least one year) will occur, as decisions will not be released before May 2015, so the Plan change could not become operative sooner than August 2015. Five years is not necessary or of any particular benefit as Class I and II land will continue to be lost to lifestyle development and potentially at an increasing rate.

APPENDIX 1C - Regional and National Infrastructure

Submitter Name: New Zealand Defence Force

Submission No: 48

Summary:

- The submitter opposes section 3.2 Objectives and Section 3.3 Policies in part. A new objective should be added relating to infrastructure and physical resources of regional and national importance, to ensure Proposed Plan Change 36 gives effect to Objective 3-1 and Policies 3-1 and 3-2 of the Regional Policy Statement for the Manawatu-Wanganui Region (RPS) contained in the Proposed One Plan.
- The submitter requests that a policy be added relating to infrastructure and physical resources of regional and national importance, to ensure Proposed Plan Change 36 gives effect to Objective 3-1 and Policies 3-1 and 3-2 of the Regional Policy Statement for the Manawatu-Wanganui Region (RPS) contained in the Proposed One Plan.

Decision Sought:

1. That a new objective be added. Suggested wording is below.

- *“The establishment, operation, maintenance and upgrading of infrastructure and other physical resources of regional or national importance is provided for within the Rural Zones.”* or
- *“Infrastructure and other physical resources of regional or national importance located within the Rural Zones are protected from reverse sensitivity effects.”*

2. That a new policy be added. Suggested wording is below.

- *“When assessing applications for the establishment, operation, maintenance and upgrading of infrastructure and other physical resources of regional or national importance, significant weight shall be given to the benefits of that facility.”* or
- *“Land use and subdivision activities that would establish, or allow the establishment of, activities sensitive to the effects of existing activities, particularly infrastructure and other physical resources of regional or national importance, shall be avoided, as far as is reasonably practicable.”*

Further Submitter Name: Transpower NZ Ltd

Submission Number: FS5.3

Supports Decision points 1 and 2

Reason Agrees that it is important to recognise that infrastructure also needs to locate in rural environments and need to be protected from adverse effects (including reverse sensitivity).

Council Decision:

Submission 48 by New Zealand Defence Force and Further Submission 5.3 by Transpower NZ Ltd is **Accepted in part**.

Make the following changes as a result of this submission:

Insert a new objective to apply to all rural zones to read:

The establishment, operation, maintenance and upgrading of infrastructure and other physical resources of regional or national importance is provided for within all rural zones.

Insert the following new policies to apply to all rural zones to read:

- 1. When assessing applications for the establishment, operation, maintenance and upgrading of infrastructure and other physical resources of regional or national importance, significant weight shall be given to the benefits of the facility.*
- 2. Land use and subdivision activities that would establish, or allow the establishment of, activities sensitive to the effects of existing activities, particularly infrastructure and other physical resources of regional or national importance, shall be avoided, as far as is reasonably practicable.*

Council Reasons for Decision:

1. It is essential that infrastructure and other physical resources of regional or national importance are provided for within the District Plan to give effect to the Manawatu-Wanganui Region Policy Statement, the One Plan.
2. The rural environment is often the most ideal location for some infrastructure and physical resources. It is important that they are able to operate without the effects of reverse sensitivity.

Submitter Name: Horizons Regional Council

Submission No: 26

Summary:

- Submitter supports Issue 3.1, Objectives 3.2.1, 3.2.2, 3.2.4, 3.2.5 and Policies 3.3.1, 3.3.4, 3.3.6, 3.3.7 and 3.3.8.
- Submitter supports Rule 3.4.1 but notes users need to be aware of Horizons Regional Council requirements relating to domestic waste water.
- Submitters supports Rule 3.4.2 but notes that creation of lots between 2500m² and 5000m² may result in domestic wastewater issues if a dwelling is proposed.
- Submitter supports Rule 3.4.3 and 3.4.4.
- Submitter supports 3.8.1 with inclusion of a guidance note.

Decision Sought:

1. For the intent of Issue 3.1, Objectives 3.2.1, 3.2.2, 3.2.4, 3.2.5 and Policies 3.3.1, 3.3.4, 3.3.6, 3.3.7 and 3.3.8 be retained, any amendments be restricted to those to improve clarity.
2. That the intent of 3.4.1 is retained, any amendments be restricted to those that improve clarity, and a guidance note be added advising users of the domestic wastewater requirements under the Proposed One Plan Rule 13-11.
3. That 3.4.2(c) be amended to provide a 5000m² minimum lot size and a guidance note be added advising users of the domestic wastewater requirements under the Proposed One Plan Rule 13-11.
4. That Rule 3.4.3 and 3.4.4 be retained, any amendments be restricted to those to improve clarity.
6. That a guidance note be added to 3.8.1 advising users of the domestic wastewater requirements under the Proposed One Plan Rule 13-11.
7. Any alternative or consequential amendments or relief that may be necessary or appropriate to give effect to the decision sought.

Council Decision:

That Submission 11 from Horizons Regional Council be **Accepted**.

Make the following changes to the Plan as a result of this submission:

Insert advice note at the end of Sections 3.5, 3.7, 3.9, 3.11 to read:

Note: The domestic wastewater requirements under Horizons Regional Council One Plan Rule 13-11 (new and upgraded discharge of domestic wastewater) may apply.

Amend Rule 3.4.2(c) to read:

- c. *Subdivision to create one allotment with a minimum site area of 5000m² and a maximum site area of one hectare site area.*
 - i. *Provided that:.....*

Council Reasons for Decision:

1. The support of Horizon's Regional Council for the proposed issues, objectives policies and rules is noted and appreciated.
 2. In relation to decision points 2, 3 and 6 inclusion of the advice in the performance standards section for each rural zone is recommended, in accordance with Clause 16(2) First Schedule the Act. A single advice note in each zone is sufficient to alert Plan users to the One Plan wastewater requirements.
 3. In relation to decision point 3 it is accepted that to give effect to the One Plan, Rule 3.4.2(c) needs to be amended as sought by the Regional Council. The purpose of the rule is to provide for a one-off subdivision of minimal size to limit the loss of productive land, hence the changes proposed provide for the minimum required and any proposed larger subdivision will default to non-complying activity status as a signal that such subdivision is not anticipated to be consistent with the objectives and policies of the Plan.
-

Submitter Name: New Zealand Fire Service Commission

Submission No: 68

Summary:

- The submitter is concerned about the provision of adequate firefighting water supplies in areas that cannot be connected to a reticulated water network. The submitter requests that the remaining Rural A, Rural C and Rural Settlement Zones be added to Rule 11.5.7 as this would provide a consistent approach throughout the Plan.
- The submitter is also concerned with development that may take place separately to the subdivision processes in areas with no connection to reticulated water supply including dwellings, commercial and structures with a high occupancy that might take place in the Rural Environment.

Decision Sought:

1. That Rural A, Rural C and Rural Settlement be included in Chapter 11 Site Serviceability Rule 11.5.6(a) and 11.5.6(b).
2. Include the following in structures Rules 3.5.5, 3.7.8, 3.9.5, 3.11.5:

All new habitable structures to be used for residential, commercial or industrial purposes shall be provided with a fire fighting water supply and access to this supply in accordance with New Zealand Fire Service Fire Fighting Water Supply Code of Practice 2008 SNZ PAS 4509:2008.

Council Decision:

Submission 68 by the NZ Fire Service Commission be **Accepted in Part**.

Make the following changes to the Plan as a result of this submission:

Amend Rule 11.5.7(d) to read:

- d. *For sites in any ~~Rural B~~ zone applications shall:*
 - i. *Provide secure suitable non-reticulated levels of service for potable water supply.*
 - ii. *Demonstrate the ability to comply with New Zealand Fire Service Fire Fighting Water Supplies Code of Practice 2008 SNZ PAS 4509:2008.*

Insert the following rule at the end of Rules 3.5.5, 3.9.5, 3.11.5:

All new habitable structures to be used for residential, commercial or industrial purposes shall be provided with a fire fighting water supply and access to this supply in accordance with New Zealand Fire Service Fire Fighting Water Supply Code of Practice 2008 SNZ PAS 4509:2008.

Council Reasons for Decision:

1. It is acknowledged that the water supply and fire-fighting requirements should be applied to all rural zones.
2. A new rule is supported to specify the need for fire-fighting water supply and access to this supply in relation to the zones that are currently under review. Rural B Zone was reviewed separately and is not part of this Plan change. This

matter was not raised in submissions to PC23 – Rural B Zone. Council will look to incorporate this rule into the Rural B Zone at the earliest opportunity.

3. Assessment of Submission 68 (NZ Fire Service Commission) has highlighted the omission of some formatting links. This has been addressed as a minor amendment under Clause 16 of the First Schedule of the Act, to improve clarity of the Plan in relation to how the rural provisions relate to Sections 11.4 and 11.5 (Subdivision). Chapter 3 already identifies that rules in Section 11.4 and consequently 11.5 shall apply. The amendments made spell this out more clearly.

Submitter Name: New Zealand Transport Agency

Submission No: 51

Summary:

- The Transport Agency is an investor in the Wanganui District’s local road network, funding maintenance and operations, renewals, capital works and public transport services and supports the overall intent and direction of Proposed District Plan.
- The Plan change to acknowledge reverse sensitivity along the State Highway corridors, ensuring sites which have road frontage to the State Highway Network have adequate setback distances to avoid any potential for reserve sensitivity issues.

Decision Sought:

1. Issue 3.1.4 Rural A Zone.

Support with inclusion (shown with underline below),
In particular: Acknowledging of reverse sensitivity along the State Highway corridors.

“To avoid noise sensitive activities where they will be located in existing high noise environments such as adjacent to a State Highway and the adverse effects of that noise cannot reasonably be mitigated.”

2. Policy 3.3.17b Rural Settlement Zone.

Support with inclusion (shown with underline below),
In particular, ensuring sites which have road frontage to the State Highway Network have adequate setback distances to avoid any potential for reserve sensitivity issues.

... especially to avoid any potential for reverse sensitivity issue arising, including the noise and vibration from State Highway network; and...

Retain with inclusion.

3. Rule 3.4.3 Discretionary Activities, Rural A Zone.

Support with inclusion (shown with underline below),

In particular, b, Retail Activities up to 75m² gross floor area adjoining a state highway, written approval must obtained from the NZ Transport Agency.

The Transport Agency supports the provisions allowing the establishment of small commercial activities Discretionary Activity, which generally have a small volume of vehicle movements.

Retain with inclusion.

4. Rule 3.8.3 Discretionary Activities, Rural C Zone.

Support with inclusion (shown with underline below),

In particular, b, vi, Retail Activities up to 75m² gross floor area adjoining a state highway, written approval must obtained from the NZ Transport Agency.

The Transport Agency supports the provisions allowing the establishment of small commercial activities Discretionary Activity, which generally have a small volume of vehicle movements.

Retain with inclusion.

5. Rule 3.10.1 Permitted Activities, Rural Settlement Zone.

Support with inclusion,

In particular, e, *Retail activities except where adjoining a state highway.*

The Transport Agency supports the establishment of small commercial activities which generally have a small volume of vehicle movements, on local roads.

Retain as notified.

6. Rule 3.10.1 Discretionary Activities, Rural Settlement Zone.

Support with inclusion (shown with underline below),

In particular, a, Retail activities adjoining the state highway. The Transport Agency would like to see the inclusion,

Retail activities adjoining the state highway, written approval must obtained from the NZ Transport Agency.

Retain with inclusion.

7. 13 Definitions, Sensitive Activities.

Seek inclusion (shown with underline below),

In particular, include sensitive activity controls around the state highway network.

Sensitive activities, means those activities within an electricity transmission corridor or within 80 metres from a State Highway. Activities that are particularly sensitive to the risk associated with electricity transmission lines because of either the potential for prolonged exposure to the risk or vulnerability of equipment or population that is exposed to the risk and the exposure from traffic noise and vibration may exceed the desirable limit for a noise sensitive activity if not adequately insulated from noise arising from use of the state highway network. Such activities include...

Include protection to the State Highway network with setback to assist any reserve sensitivity issues.

8. General across Rural A, Rural C and Rural Settlement Zones.

Include reverse sensitivity provisions, to encourage sensitive activities to establish further away from the State Highway, or install noise attenuation. Please see attached provisions,

Include provisions in Appendix 1 (below) across Rural A, Rural C and Rural Settlement Zones to protect the State Highway network with adequate setback to stop any reserve sensitivity issues arising.

9. Appendix 1 - Proposed rules:

- 1) New PPFs shall not be located within 20 metres of the edge of the nearest traffic lane of any state highway or within 20 metres of any state highway designation that does not contain an existing state highway.
- 2) Within 80 metres of the edge of the nearest traffic lane of any state highway or within 80 metres of any state highway designation that does not contain an existing state highway, any new PPFs or any alteration to a PPF beyond 10% of the existing gross floor area, shall be designed and constructed to comply with the following design sound levels:
 - a) Road-traffic noise inside all habitable spaces: 40 dB $L_{Aeq(24h)}$
 - b) Road-traffic noise in all other PPFs: No greater than the recommended maximum design guidelines in AS/NZS 2107:2000
- 3) If windows to habitable spaces are required to be closed to achieve the design sound levels in rule 2, the building shall be designed and constructed with a ventilation system to achieve the following:
 - a) A quantity of air shall be provided to achieve the requirements of Clause G4 of the New Zealand Building Code. At the same time as meeting this requirement, the sound of the system shall not exceed 30 dB $L_{Aeq(30s)}$ when measured 1 m away from any grille or diffuser.
 - b) Either: air conditioning shall be provided; or a high air flow rate setting shall provide at least 15 air changes per hour (ACH) in the principal living space and at least 5 ACH in all other habitable spaces.
 - c) At the same time as meeting the above requirement in b), the sound of the system shall not exceed 40dB $L_{Aeq(30s)}$ in the principal living space and 35dB $L_{Aeq(30s)}$ in all other habitable spaces, when measured 1m away from any grille or diffuser.
 - d) The internal air pressure shall be no more than 10 Pa above ambient air pressure due to the mechanical ventilation.
 - e) Where a high air flow rate setting is provided, the system shall be controllable by the occupants to be able to alter the ventilation rate with at least three equal stages up to the high setting.
- 4) A design report prepared by an acoustics specialist shall be submitted to the, District Council, demonstrating compliance with Rules 2 and 3, prior to construction of any PPF or alteration to a PPF beyond 10% of the existing gross floor area, within 80 metres of the edge of the nearest traffic lane of any state highway or within 80 metres of any state highway designation that does not contain an existing state highway. The design shall take into account future permitted use of the state highway; for existing roads by the addition of 3 dB to existing measured or predicted levels.

[PPF to be in defined in Plan as per NZS 6806]

[Habitable space to be defined in the Plan as per Building Code]

Council Decision:

Submission 51 by New Zealand Transport Agency be **Accepted in part**.

Make the following changes to the Plan as a result of this Submission:

Amend Performance Standard 3.5.5 Structures by inserting the following:

- c. Dwellings shall be located at least:*
- i. 20 metres from the nearest traffic lane for any boundary adjacent to a state highway where the posted speed is at least 70km/hour.*
 - ii. 10 metres from any other side or rear boundary;*
 - iii. 10 metres from any other front boundary.*

Council Reasons for Decision:

1. It is acknowledged that the NZ Transport Agency supports the overall intention of the Plan Change.
2. In relation to requested Decision point 1; the intention of the proposed issue is acknowledged but has not been identified, through research and consultation to be as an issue specifically within the Rural A Zone and is not considered necessary. The Committee determined that as this issue applies beyond the rural zones, it is more appropriately addressed within the Plan change to review existing noise provisions currently underway.
3. In relation to requested Decision point 2; alteration of Policy 3.3.17.b; while the intent of the submission can be supported, it is considered that the change would unduly narrow the focus of the policy in relation to reverse sensitivity and this is not helpful. Council does not wish to expand the provisions to spell out all potential sources of reverse sensitivity as this is not necessary.
4. In relation to requested Decision points 3 - 6; the submitter requests the inclusion of written approval from NZ Transport Agency for retail activities where adjoining the state highway. Such activities will be assessed as either a discretionary or non-complying activity and on a case by case basis. NZ Transport Agency will always be considered an affected party. Therefore the inclusion requested is unnecessary.
5. In relation to requested Decision point 7, 8 and 9; The submitter has explained the purpose of a setback of some distance, but did not provide justification for it being a distance of 80 metres. Such a setback has not been shown to be necessary to address an existing or reasonably likely future issue in the Wanganui rural zones context. The Committee felt this issue required more detail which is more appropriately reviewed in the Phase 6 Plan change which addresses noise comprehensively.
6. The Committee appreciated the detailed evidence presented on behalf of NZTA. It accepted the need to manage noise sensitivity issues near state highways in the interest of national objectives for transport efficiency and effectiveness. It supported the rationale and necessity for a Buffer set-back for noise sensitive activities of 20 metres from the edge of the traffic lane for all state highways where posted speed is 70km/hr or greater.

Submitter Name: Powerco Limited

Submission No: 11

Summary:

- Submitter supports 3.4.1 Rural A Permitted Activities and 3.8.1 Rural C Permitted Activities with a minor amendment. These advice notes are important to alert users to requirements under the NZECP 34:2001. This advice note should also be included in the Rural Settlement Zone.
- Submitter supports 3.11.8.f, 3.5.6.f and 3.9.6.f. Identification and Health and safety are important to warn people of the risks associated with the corresponding infrastructure.

Decision Sought:

1. To amend the advice note in 3.4.1 and 3.8.1 to state New Zealand Code of Practice 34:2001.
2. To include the amended advice note in 3.10.1.
3. To retain 3.11.8.f, 3.5.6.f and 3.9.6.f without modification (Advertising).
4. Adopt any other such relief, including additions, deletions or consequential amendments necessary to give effect to this submission as a result of the matters raised.

Further Submitter Name: Transpower NZ Limited

Submission No: FS5.1

Supports Decision points 1 and II

Reason: Supports except that it wishes to include the following sentence as sought in its original submission: *“Compliance with the permitted activity standards of this Plan does not ensure compliance with NZECP34:2001.”*

Council Decision:

Submission 11 by Powerco Limited and Further Submission 5.1 by Transpower NZ Ltd be **Accepted in part.**

Make the following changes to the Plan as a result of these submissions:

Amend the advice note in 3.4.1 and 3.8.1 and insert a new advice note at the end of Rule 3.10.1 to read:

Advice Note: *Works in close proximity to any electricity line can be dangerous. Compliance with the New Zealand Code of Practice 34:2001 is mandatory for all buildings, earthworks and mobile plant within close proximity to all electric lines.....*

Council Reasons for Decision:

1. The advice notes are important to alert users to requirements under the NZECP 34:2001. It is accepted that an advice note should also apply in the Rural Settlement Zone at Rule 3.10.1. The Committee preferred wording proposed by Transpower NZ Ltd which achieves the same intent.

2. Transpower NZ Ltd's further submission is a repeat of its original submission. It is accepted that the additional wording is appropriate, but the changes are made as a result of the submission rather than this further submission.

Submitter Name: Transpower NZ Limited

Submission No: 56

Summary:

- Seeks consequential amendments to terminology, namely the terms given to the different corridors and yards of the buffer corridor approach.
- Seeks to incorporate the buffer approach provisions including for subdivision and earthworks within the chapter to which this Plan change relates only.
- The submitter support the use of exclusive definitions of sensitive activities in District Plans.

Remedy Sought

SP1 That Plan Change 36 is approved, subject to appropriate amendments that ensure:

- Full effect is given to the National Policy Statement for Electricity Transmission 2008;
- Effect is given to the policies of the One Plan;- Recognition of the National Environmental Standards for Electricity Transmission Activities and ensure that there are no conflicts with provisions of the District Plan and the NESETA (s44A of the Act);
- The protection of the existing network from issues of reverse sensitivity and the effects of others' activities through the provision of appropriate National Grid Yard and National Grid Subdivision provisions;
- Provide an appropriate policy framework for the development of new electricity transmission lines; and
- Provide for the on-going operation, maintenance, upgrading and development of existing transmission lines.

SP2 Adopt any other such relief, including additions, deletions or consequential amendments necessary to address the relief sought in SP1 above and all other Submission points that follow.

SP3. That Plan Change 36 is approved, subject to the amendments which follow that ensure that policies 10 and 11 of the NPSET are given effect to.

SP5. Insert the following paragraphs into the introductory section of Chapter 3 as follows:

The National Grid infrastructure plays a key role locally, regionally and nationally. It forms an essential part of the efficient functioning of the District and its maintenance and development contributes to the health, safety and well-being of residents. The national, regional or local benefit of having a sustainable, secure and efficient utility network must be recognised and provided for.

The Council is required to give effect to any National Policy Statement (NPS). The stated objective of the NPSET is to “Recognise the national significance of the electricity transmission network by facilitating the operation, maintenance and upgrade of the existing transmission network and the establishment of new transmission resources to meet the needs of present and future generations, while:

- *Managing the adverse environmental effects of the network; and*

- Managing the adverse effects of other activities on the network”.

OR words to the like effect.

SP6 Amend Issue 3.1.1 as follows:

3.1.1 Inappropriate subdivision, land use or development can lead to adverse effects on the visual amenity value of the open space characteristics of the rural environment and the operation, maintenance, upgrading and development of the National Grid.

AND

SP7 Insert a new issue under the ‘Rural A Zone’ heading as follows:

Some infrastructure facilities, especially the roading network, electricity transmission and telecommunications facilities have specific locational and operational requirements resulting in a need to establish in the rural environment.

SP8 Amend Objective 3.1.1 as follows:

3.2.1 Safeguard the versatility and life supporting capacity of soils within the District, particularly Class 1 and 2 soils, from inappropriate subdivision, use and development. Or words to the like effect.

SP9 Amend Objective 3.2.2 as follows:

3.2.2 ~~Rural land use and development~~ and other established land uses that have a functional necessity to be located within the rural environment, including National Grid assets, is not compromised by the establishment of non-rural activities. Or words to the like effect.

SP10 Amend Objective 3.2.4 as follows:

3.2.4 Protect rural character and amenity values to ensure that a predominance of rural productive activities and open, low density development continues to define the wider rural environment from inappropriate subdivision, use and development.

Or words to the like effect

SP11 Insert a new objective as follows:

3.2.6 Avoid land use activities and subdivision that could adversely affect (including through reverse sensitivity) the operation, maintenance, upgrading and development of the National Grid. Or words to the like effect.

SP12 To insert the following to Policy 3.3.5

c. regionally or nationally significant infrastructure including National Grid assets; Or words to the like effect.

SP14 Insert a new policy in Section 3.3 as follows:

Recognise and provide for the development, operation, maintenance and upgrading of essential network utilities, including the National Grid.

OR words to the like effect.

SP16 Insert a new policy in Section 3.3 as follows:

When managing the effects of essential network utilities consider the locational, technical and operational requirements of network utilities and the contribution

they make to the functioning and wellbeing of the community and beyond in assessing their location, design and appearance.

OR words to the like effect.

SP17 Amend permitted activities 3.4.1(i) and 3.8.1(h) as follows:

Network utilities as ~~provided~~ permitted by District Wide Rule ~~10.1~~ Utilities (Rule R15)

SP18 Amend the Advice Note provided in 3.4.1 and 3.8.1 as follows:

Advice Note: works in close proximity to any electricity line can be dangerous. Compliance with the New Zealand Electrical Code of Proactive 34:2001 is mandatory for all buildings, earthworks and mobile Plant within close proximity to all electric lines.

Vegetation to be planted near electricity lines should be selected and/or managed to ensure that it will not result in that vegetation breaching the Electricity (Hazards from Tress) Regulations 2003. To discuss works, including tree planting, near any electrical line, contact the line operator. Compliance with the permitted activity standards of this Plan does not ensure compliance with NZECP34:2001.

SP19 Amend restricted discretionary activity rules 3.4.2(b) and 3.8.2(b) to include:

The identified Building Platform shall be located outside the National Grid Yard

AND

Amend restricted discretionary rule 3.4.2(c) to include:

The identified Building Platform shall be located outside the National Grid Yard.

Insert the following matters of discretion under rules 3.4.2(b), 3.4.2(c) and 3.8.2(b):

- *Impacts on the operation, maintenance, upgrade and development of the National Grid.*
- *The ability of future development to comply with NZECP34:2001.*
- *Technical advice provided by Transpower*
- *The ability of the applicant to provide a complying building platform.*
- *Location, design and use of the proposed building platform or structure as it relates to the National Grid.*
- *The risk of electrical hazards affecting public or individual safety, and the risk of property damage.*
- *The nature and location of any vegetation to be Planted in the vicinity of National Grid Lines.*

OR insert a new restricted discretionary rule in sections 3.4.2, 3.8.2, and 3.10.2 of the District Plan as follows:

Subdivision of land located within the National Grid Subdivision Corridor where a building platform for the principal building and any dwelling is located outside of the National Grid Yard

Council restricts its discretion to the following matters:

- Impacts on the operation, maintenance, upgrade and development of the National Grid.
- The ability of future development to comply with NZECP34:2001.
- Technical advice provided by Transpower.
- The ability of the applicant to provide a complying building platform.
- Location, design and use of the proposed building platform or structure as it relates to the National Grid.
- The risk of electrical hazards affecting public or individual safety, and the risk of property damage.
- The nature and location of any vegetation to be planted in the vicinity of National Grid Lines.

OR words to the like effect.

SP20 Insert a new restricted discretionary activity rule and matters of discretion into sections 3.4.2 and 3.8.2 as follows:

Any building within 150m of the secured yard of a National Grid substation.

Council restricts its discretion to the following matters:

i. The extent to which the development may adversely affect the efficient operation, maintenance, upgrading and development of the substation.

ii. The extent to which the proposed development design and layout enables appropriate separation distances between activities sensitive to National Grid lines and the substation.

iii. The results of any detailed investigations to determine appropriate separation distances between activities sensitive to National Grid lines and the substation.

iv. Any other measures proposed to avoid or mitigate potential adverse effects, including reverse sensitivity effects, on the substation.

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

OR words to the like effect.

SP21 Insert a new restricted discretionary activity rule and matters of discretion into sections 3.4.2 and 3.8.2 as follows:

Earthworks within 12m of a National Grid support structure that fails to comply with performance standard XX(c)(i)

Council restricts its discretion to the following matters:

- Impacts on the operation, maintenance, upgrade and development of the National Grid.
- Compliance with NZECP34:2001.

- Technical advice provided by Transpower.
- The risk to the structural integrity of the National Grid.
- Any impact of the ability of the National Grid owner (Transpower) to access the National Grid.
- The risk of electrical hazards affecting public or individual safety, and the risk of property damage.

SP22 Amend discretionary activity rules 3.4.3(f) and 3.8.3(f) as follows:

~~Network utilities as not provided for as permitted activities by General District Wide Rule – Utilities (rule RXX) of the Plan.10.1.~~

SP23 Amend non-complying activity rules 3.4.4(a), 3.4.4(b), 3.8.4(a) and 3.8.4(b) as follows:

~~a. The establishment or expansion of any sensitive activity within an electricity transmission yard.~~

~~b. Buildings and structures located within the electricity transmission yard, which are more than 2.5m in height and/or 10m² in area.~~

~~a. Any activity, building or structure within the National Grid Yard which does not comply with performance standard XX.b or XX.c~~

~~b. Any earthworks within the National Grid Yard which does not comply with performance standards XXXc(ii) and XXXc(iii)~~⁴

~~c. Any building or addition to a building for a sensitive activity within the National Grid Yard.~~

~~d. Any change of use to a sensitive activity or the establishment of a new sensitive activity within the National Grid Yard.~~

~~e. A hazardous facility within the National Grid Yard~~

~~f. Any subdivision of land in any zone within the National Grid Corridor which cannot provide a building platform for the principal building or any dwelling n any allotment being created outside of the National Grid Yard.~~

Or words to the like effect.

SP24 Insert new performance standards in sections 3.5, 3.7 and 3.9 of Chapter 3 as follows:

3.X.X Activities within the National Grid Yard

a. On any sites within any part of the National Grid Yard any new buildings or structures shall be:

i. A fence less than 2.5m in height; or

ii. A Network Utility within a transport corridor or any part of electricity infrastructure that connects to the National Grid; or

iii. An uninhabitable farm building or structure for farming activities (but not a milking/dairy shed excluding ancillary structures, PSA3 Structures, or intensive farming buildings; or

- iv. An uninhabited horticultural building or structure other than a commercial greenhouse or intensive farming building.
- b. On any sites within any part of the National Grid yard any new buildings or structures complying with any of the conditions of a. shall:
 - i. Have a minimum vertical clearance of 10m below the lowest point of the conductor associated with National Grid lines; or
 - ii. Demonstrate that safe electrical clearance distances required by NZECP34:2001 are maintained under all National Grid line operating conditions
- c. On any sites within any part of the National Grid Yard earthworks except earthworks for a Network Utility or earthworks undertaken as part of agricultural or domestic cultivation, or repair, sealing or resealing of a road, footpath, driveway or farm track shall:
 - i. be no deeper than 300mm within 12m of any National Grid support structure foundation except that vertical holes not exceeding 500mm in diameter beyond 1.5m from the outer edge of pole support structure or stay wire are exempt.
 - ii, not compromise the stability of a National Grid support structure;
 - iii. not result in a reduction in the ground to conductor clearance distances below what is required by Table 4 of NZECP34.

OR any other such relief that achieves the same outcome i.e. to provide for the above standards as permitted activities in all relevant sections of the chapter.

SP25 Insert new performance standards in sections 3.5, 3.7 and 3.9 of Chapter 3 as follows:

3.X.X Buildings and Structures around National Grid support structures

- a. Buildings and structures, except horticultural structures, within 12 metres from a National Grid support structure shall be:
 - i. A fence less than 2.5m in height; or
 - ii. A fence located within 5m of a support structure where Transpower has given written approval in accordance with clause 2.3.3 of NZECP34:2001
 - iii. A Network Utility within a transport corridor or any part of electricity infrastructure that connects to the National Grid
 - iv. Commercial scale electricity generation infrastructure.
- b. Agricultural and horticultural structures within 12m from a National Grid support structure shall:
 - i. Meet the requirements of the NZECP34:2001 for separation distances from the conductor; and
 - ii. Be less than 2.5m in height; and

iii. Be removable or temporary, to allow a clear working space 12 metres from the pole for maintenance and emergency repair purposes; and

iv. Allow all weather access to the pole and a sufficient area for maintenance equipment, including a crane; and

v. Have obtained the written approval from Transpower in accordance with Clause 2.4.1 of NZECP34:2001 to be located within 12m of a tower or 8m of a pole support structure.

OR provide for the above standards as permitted activities in all relevant sections of the chapter.

SP26 Amend the definition of ‘Sensitive Activities’ as follows:

Sensitive activities, means those activities within an electricity transmission corridor that are particularly sensitive to the risks associated with electricity National Grid high voltage transmission lines because of either the potential for prolonged exposure to the risk or the vulnerability of the equipment or population that is exposed to the risk. Such activities include childcare and educational facilities, residential buildings, hospitals and health care facilities.

OR words to the like effect.

SP27 Retain the definition of ‘non-rural activities’ as notified.

SP28 Insert a new definition of ‘National Grid Yard’ and diagram illustrating the yard as follows:

National Grid Yard means:

- the area located 12 metres in any direction from the outer edge of a National Grid support structure; and
- the area located 12 metres either side of the centreline of any overhead National Grid line

AND any consequential amendments to replace reference to ‘electricity transmission yard’ throughout the District Plan with ‘National Grid Yard’

SP29 Insert a new definition of ‘National Grid Subdivision Corridor’ as follows:

National Grid Subdivision Corridor means the area measured either side of the centreline of above ground National Grid line as follows:

- 16m for the 110kV lines on pi poles
- 32m for 110kV lines on towers
- 37m for the 220kV transmission line

AND any consequential amendments to replace reference to ‘electricity transmission corridor’ throughout the District Plan with ‘National Grid Subdivision Corridor’.

SP30 Retain the inclusion of the transmission lines on the District Plan maps as proposed.

Further Submitter Name: Powerco Limited (Powerco)

Submission No: FS1.1

Supports in part:

Reason: Supports inclusion of new issue under Rural A zone as indicated in Transpower's SP7, however suggests it be amended to also include reference to electricity distributions lines.

Further Submitter Name: Powerco Limited (Powerco)

Submission No: FS1.2

Supports the submission

Reason: Supports Transpower's SP12

Further Submitter Name: Powerco Limited (Powerco)

Submission No: FS1.3

Supports in part:

Reason: Supports inclusion of new policy in Section 3.3 as detailed in Transpower's SP14 as it is consistent with the One Plan policies 3-1 and 3-2. However suggests that 'essential network utilities' be replaced with the term 'regionally significant infrastructure' to be consistent with the One Plan and to avoid confusion as it is noted that there is no definition of 'essential network utilities' in the District Plan.

Further Submitter Name: Federated Farmers of NZ

Submission No: FS2.1

Opposes in part:

Reason: Opposes SP20, as a restriction of 150m buffer would unduly restrict agricultural buildings as well as residences.

Further Submitter Name: Federated Farmers of NZ

Submission No: FS2.2

Opposes in part:

Reason: Opposes SP23 and suggests that a better alternative would be to reference the NZECP 34:2001 as recently agreed by the Environment Court in an appeal at Rangitikei District.

Further Submitter Name: Federated Farmers of NZ

Submission No: FS2.3

Opposes in part:

Reason: Opposes SP26 and seeks clarification about what is meant by Transpower when it says 'clarify that sensitive activities may be activities that fall outside the National Grid Corridor.' Federated Farmers is concerned that such amendments could unduly capture normal rural land and farming activities.

Council Decision:

Submission 56 by Transpower NZ Ltd, and Further Submissions 1.1 and 1.3 by Powerco Ltd, 2.1, 2.2 and 2.3 by Federated Farmers be **Accepted in Part** and Further Submission 1.2 by Powerco Ltd be **Approved**.

Make the following changes to the Plan as a result of these Submissions:

Make the following amendments to Issues:

Amend Issue 3.1.1 by inserting the following at the end:

“and on the operation, maintenance upgrading and development of regionally or nationally significant infrastructure”.

Insert new issue 3.1.4 to read:

Some infrastructure facilities, especially the roading network, electricity transmission and distribution networks and telecommunications facilities have specific locational and operational requirements resulting in a need to establish in the rural environment.

Make the following amendments to objectives:

3.2.1 *Safeguard the versatility and life supporting capacity of soils within the District, particularly Class 1 and 2 soils, from inappropriate subdivision, use and development.*

3.2.2 *Rural land use ~~and development~~ and other established land uses that have a functional necessity to be located within the rural environment, including regionally or nationally significant infrastructure ~~is are not~~ compromised by the establishment of non-rural activities.*

3.2.4 *Protect rural character and amenity values from inappropriate subdivision, use and development, to ensure that a predominance of rural productive activities and open, low density development continues to define the character of the wider rural environment.*

Make the following amendments to policies:

Amend Policy 3.3.6 by inserting the following:

c. *regionally or nationally significant infrastructure;*

Make the following amendments to rules:

Amend permitted activities 3.4.1(i), 3.8.1(i) and 3.10.1(f) as follows:

Network utilities as ~~provided~~ permitted by District Wide Rule 10.1 Utilities.

Amend the Advice Note provided in 3.4.1, 3.8.1 and 3.10.1 as follows:

Advice Note: works in close proximity to any electricity line can be dangerous. Compliance with the New Zealand Electrical Code of Practice 34:2001 is mandatory for all buildings, earthworks and mobile Plant within close proximity to all electric lines.

Vegetation to be planted within near electricity lines should be selected and/or managed to ensure that it will not result in that vegetation breaching the Electricity (Hazards from Tress) Regulations 2003. To discuss works, including

tree planting, near any electrical line, contact the line operator. Compliance with the permitted activity standards of this Plan does not ensure compliance with NZECP34:2001.

Insert new activity rules in sections 3.4.1 and 3.8.1 (and renumber appropriately) as follows:

- k⁴. The following activities within the National Grid Yard provided they comply with Performance Standards 3.5.11 (3.9.11):*
 - i. Fences less than 2.5m in height and at least 5 metres from any National Grid support structure;*
 - ii. Network Utilities within a transport corridor or any part of electricity infrastructure that connects to the National Grid;*
 - iii. Un-inhabited farm structures associated with farming activities (excluding milking/dairy sheds, PSA3 Structures, or intensive farming buildings);*
 - iv. Uninhabited horticultural structures other than a commercial greenhouse or intensive farming building*
- l⁵. The following structures (excluding horticultural structures) within 12 metres of the National Grid support structures:*
 - i. Fences less than 2.5m in height;*
 - ii. A fence located within 5m of a support structure where Transpower NZ Ltd has given written approval in accordance with clause 2.3.3 of NZECP34:2001;*
 - iii. A Network Utility within a transport corridor or any part of electricity infrastructure that connects to the National Grid;*
 - iv. Commercial scale electricity generation infrastructure*
- m⁶ Agricultural and horticultural structures within 12 metres of any National Grid support structure provided they comply with Performance Standard 3.5.12 (3.9.12).*

Insert new performance standards in section 3.5 and 3.9 (and renumber appropriately) as follows:

- 3.5.11(3.9.11) Structures within the National Grid Yard*
 - a. Any new structure shall:*
 - i. Have a minimum vertical clearance of 10m below the lowest point of the conductor associated with National Grid lines; or.*
 - ii. Demonstrate that safe electrical clearance distances required by NZECP34:2001 are maintained under all National Grid line operating conditions.*
 - b. Earthworks (excluding where associated with a Network Utility or agricultural or domestic cultivation, or repair, sealing or resealing of a road, footpath, driveway or farm track) shall not:*
 - i. exceed a depth of 300mm within 12m of any National Grid support structure foundation, except that vertical holes not exceeding 500mm in*

⁴ Identified in SP24 as 3X.Xa

⁵ Identified in SP25 as 3X.Xa

⁶ Identified in SP25 as 3.X.Xb

diameter which are more than 1.5m from the outer edge of any pole support structure or stay wire are exempt.

- ii. compromise the stability of a National Grid support structure;*
- iii. result in a reduction in the ground to conductor clearance distances below what is required by Table 4 of NZECP34.*

3.5.12(3.9.12) Agricultural and horticultural structures within 12m of the National Grid support structures

- a. Any new structure shall:

 - i. Meet the requirements of the NZECP34:2001 for separation distances from the conductor; and*
 - ii. Be less than 2.5m in height; and*
 - iii. Be removable or temporary, to allow a clear working space 12 metres from the pole for maintenance and emergency repair purposes; and*
 - iv. Allow all weather access to the pole and a sufficient area for maintenance equipment, including a crane; and*
 - v. Have obtained the written approval from Transpower in accordance with Clause 2.4.1 of NZECP34:2001 to be located within 12m of a tower or 8m of a pole support structure.**

Amend restricted discretionary activity rules 3.4.2(b), 3.4.2(c) and 3.8.2(b) to include:

...The identified Building Platform shall be located outside the National Grid Yard

Insert the following matters of discretion under rules 3.4.2(b), 3.4.2(c) and 3.8.2(b):

- Impact on the operation, maintenance, upgrade and development of the National Grid, including compliance with NZECP34:2001.*
- Risk of electrical hazards affecting public or individual safety, and the risk of property damage.*

Insert a new restricted discretionary activity rule and matters of discretion into section 3.4.2 as follows:

- d. Any building within 20m of the secured yard of a National Grid substation. Council restricts its discretion to the following matters:

 - Impacts on the operation, maintenance, upgrade and development of the National Grid including the location and orientation of dwellings and any associated planting, relative to the National Grid substation.*
 - Compliance with NZECP34:2001.*
 - The risk of electrical hazards affecting public or individual safety, and the risk of property damage.**
- e. Earthworks within 12m of a National Grid support structure that fails to comply with performance standard 3.5.11(b)(i)

 - Council restricts its discretion to the following matters:

 - 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.*
 - Compliance with NZECP34:2001.***

- *The risk of electrical hazards affecting public or individual safety, and the risk of property damage.*

Insert a new restricted discretionary activity rules and matters of discretion into section 3.8.2 as follows:

- c. *Any building within 20m of the secured yard of a National Grid substation.*

Council restricts its discretion to the following matters:

- *Impacts on the operation, maintenance, upgrade and development of the National Grid, including the location and orientation of dwellings and any associated planting, relative to the National Grid substation.*
- *Compliance with NZECP34:2001.*
- *The risk of electrical hazards affecting public or individual safety, and the risk of property damage.*

- d. *Earthworks within 12m of a National Grid support structure that fails to comply with performance standard 3.9.11(b)(i)*

Council restricts its discretion to the following matters:

- *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.*
- *Compliance with NZECP34:2001.*
- *The risk of electrical hazards affecting public or individual safety, and the risk of property damage.*

Amend discretionary activity rules 3.4.3(f), 3.8.3(f) and 3.10.1(f) as follows

Network utilities as not provided for as permitted or restricted discretionary activities by District Wide Rule 10.1.

Amend non-complying activity rules 3.4.4(a), 3.4.4(b), 3.8.4(b) and 3.8.4(c) as follows and number as required:

~~*The establishment or expansion of any sensitive activity within an electricity transmission yard. Any activity, structure or earthworks within the National Grid Yard which does not comply with performance standard 3.5.11 (3.9.11).*~~

~~*Buildings and structures located within the electricity transmission yard, which are more than 2.5m in height and/or 10m² in area. Establishment of any sensitive activity or any structure or addition to a structure associated with a sensitive activity and located within the National Grid Yard.*~~

Insert new non-complying activity rules 3.4.4 and 3.8.4 and number as appropriate:

A hazardous facility within the National Grid Yard.

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

Make the following amendments to Chapter 10 District Wide Rules:

Insert a new objective and renumber as required:

Avoid land use activities and subdivision that could adversely affect (including through reverse sensitivity) the operation, maintenance, upgrading and development of the National Grid.

Insert new policies and renumber as required

Recognise and provide for the development, operation, maintenance and upgrading of regionally or nationally significant infrastructure.

When managing the effects of essential network utilities consider the locational, technical and operational requirements of network utilities and the contribution they make to the functioning and wellbeing of the community and beyond in assessing their location, design and appearance.

Make consequential amendments throughout the Plan to replace reference to:

- ‘electricity transmission yard’ throughout the District Plan with ‘National Grid Yard’.
- ‘electricity transmission corridor’ throughout the District Plan with ‘National Grid Subdivision Corridor’.

Amend Chapter 13 Definitions as follows:

Amend the following definition to read:

Sensitive Activities means the following activities:

- a. *Residential activities*
- b. *Farm stays and other buildings used for visitor or tourist accommodation.*
- c. *The accommodation or care of people, including hospitals*
- d. *Educational facilities including childcare and kohanga reo facilities.*

Insert the following new definitions:

National Grid Subdivision Corridor means the area measured either side of the centreline of above ground National Grid line as follows:

- *16m for the 110kV lines on pi poles*
- *32m for 110kV lines on towers*
- *37m for the 220kV transmission line*

National Grid Yard means:

- *the area located 12 metres in any direction from the outer edge of a National Grid support structure; and*
- *the area located 12 metres either side of the centreline of any overhead National Grid line.*

Insert diagram illustrating national grid yard definition as proposed by SP28 of the submission.

Council Reasons for Decision:

General

1. A prehearing meeting was attended by representatives of Transpower NZ Ltd, Horticulture NZ and Federated Farmers. Transpower NZ Ltd indicated that it had completed research which confirmed that the appropriate buffer distance around substation facilities was 20metres as opposed to the 150m buffer proposed in its Submission. This was accepted by those parties and Council.
2. A number of infrastructure providers wanted specific reference to their facilities in addition to reference to ‘regionally or nationally significant infrastructure’. The Committee considered this unnecessary as it is implicit and may unduly clutter

the Plan. It may also create uncertainty where not all relevant infrastructure is listed. The Committee determined that the term ‘regionally or nationally significant infrastructure’ would suffice.

3. For responses by Submission point refer to the Table below:

Sub Point	Council Decision Reasons
SP1, SP2 and SP3	Noted and accepted with amendments to more appropriately achieve those outcomes.
SP4, SP13, SP15	No submission point attached to these numbers.
SP5, SP6, SP11, SP14, SP16	The introductory paragraph, issue amendment and new objective 3.2.6, and policies in 3.3 are generally accepted but more appropriately located in the proposed Network Utilities section as they would apply equally to all other zones. Amendments are generally included now or will be added as part of the review of Chapter 10 currently underway and expected to be notified in mid-2015.
SP7, SP8, SP9, SP10,	Inclusion of new issue 3.1.4 and addition to objectives 3.2.1, 3.2.2 and 3.2.4 are largely accepted, with amendments for clarity.
SP12	Addition to Policy 3.3.5 is accepted except that the Committee determined it unnecessary to specify each national or regionally significant infrastructure as by implication only mentioning some may cause uncertainty about the inclusion of other infrastructure.
SP17	Accept the minor word change except that no rule R15 exists at present – so it is unclear what is intended by the submitter. The Committee determined to apply the wording to Rule 8.10.1(f) (Rural Settlement zone) for consistency, and confirmed that the same wording will be applied to the Rural Lifestyle zone as part of the Phase 6 District Wide provisions review.
SP18	Addition to Advice Note is accepted.
SP19	<ol style="list-style-type: none"> 1. Inclusion of the additional proviso to being Restricted Discretionary activity is accepted. 2. The proposed list of matters of discretion is far too exhaustive and lengthy. 3. Building platform compliance is covered already by compliance with section 11.4 – which also requires compliance with 11.5 performance standard 11.5.6.

	<p>4. An abbreviated single matter is preferred, that retains discretion for Council to consider any matters that may impact on the operation, maintenance, upgrade and development of the National Grid, including compliance with NZECP34:2001. All other matters requested by the submitter are a subset of that general restriction and can be considered as relevant.</p>
<p>SP20, SP21</p>	<ol style="list-style-type: none"> 1. The Committee determined that it provided greater interim clarity to include all the rules and performance standards within the Rural Environment Chapter. It was accepted that restriction of fences within 5 metres of a support structure was consistent with the NZECP34 requirements. 2. As referred to in Council Reason 1, the appropriate separation distance from the National Grid Yard is 20m. The inclusion of the restricted discretionary activity is otherwise accepted. 3. The list of matters over which Council retains discretion for restricted discretionary activities was repetitive and contains items which are already covered by more generic items.
<p>SP22</p>	<ol style="list-style-type: none"> 1. The wording clarifies existing meaning, except that restricted discretionary activities also need to be specified in the same way, not just permitted activities, or they too will default to discretionary. 2. As referred to in Council Reason 3, it is intended that the Phase 6 review of Chapter 10 Utilities will streamline the Plan format. Where provisions have already been reviewed, it will simply be a reformatting exercise.
<p>SP23</p>	<p>Proposed activities have been combined to reduce repetition and volume.</p>
<p>SP24</p>	<ol style="list-style-type: none"> 1. The intention is accepted. Rule 3X.X(a) has been included in the permitted activity (renumbered 3.4.1(k) etc) as it is a list of activities permitted within the National Grid Yard provided they meet the performance standards specified in Rule 3X.X(b) and Rule 3X.X(c), (renumbered 3.5.11(a) and (b)etc). 2. The terminology and format has been altered slightly to better fit with the Plan format. Note that the definition of ‘Structure’ in the Plan already includes buildings, so this has not been repeated. 3. Sections 3.6 and 3.7 of the Plan relating to the Rural B zone are not part of Plan Change 36. For consistency the amendments will be inserted as part of Phase 6 of the Plan

	review.
SP25	Performance standard 3X.X has been renumbered 3.5.19, 3.9.12. Note the existing definition of 'structure' includes all buildings.
SP26	Changes presented in evidence at the Hearing are preferred.
SP27 SP30	Points are noted and accepted.
SP28, SP29	New definitions and diagram illustrating the yard, are accepted along with consequential changes to replace the terms 'electricity transmission yard' and 'electricity transmission corridor' with National Grid Yard and 'National Grid Subdivision Corridor' throughout the Plan.

Council Reasons for Decisions on Further Submissions:

4. The Committee accepted the request that, in evidence tabled by Powerco NZ Ltd, Issue 3.1.4 refer to distribution networks as this promotes the inclusion of reference to electricity distribution infrastructure. This is required to give effect to Policy 3-1 of the One Plan.
5. Powerco NZ Ltd promotes a change in relation to use of the term 'regionally significant infrastructure' in order to be more consistent with the One Plan and to provide added clarity for Plan users.
6. In relation to the further submissions from Federated Farmers, Transpower NZ Ltd has recently indicated that the 150m buffer is not justified, that it would accept reference to the NZECP 34:2001 and it has clarified that buildings and structures pose an additional risk beyond the National Grid Corridor in relation to lightning strike.

Submitter Name: Horticulture New Zealand

Submission No: 71

Summary:

- Horticulture NZ generally supports the approach in Plan Change 36 to ensure that land is available for high value production, such as horticulture. Clear identification of potential for reverse sensitivity and provisions to manage it are critical to enabling rural production activities. Throughout the Plan Change there is reference to Class 1 and 2 soils. The classifications are based on the NZ Land Resource Inventory which is based on more than the components of the soil – rather the nature of the land and climate. Therefore the reference should be to Class 1 and 2 land rather than soils.
- It is noted that Rural B provisions have been reviewed separately and are not subject to Submission as part of Plan Change 36. This means that the effect of the changes to the Rural Zones cannot be seen in their totality. Provisions should have been assessed as part of the same Plan change.
- The statement about buffer areas may not always apply so amended wording is sought. Productive land is not 'lost' as the productive nature of the land still exists, even if under houses. Rather it is not available for production land activities.
- 'Rural character' which is in essence a subset of visual amenity value, but is more clearly linked to the rural environment and context. In addition, while the rural environment is generally more open than urban environments there are buildings and structures which exist and are essential to rural production activities.
- Generally the issues are supported but changes sought to be consistent with changes sought above, particularly the focus on land rather than soils.
- However the objective should not be limited to rural activities as some other rural land uses are appropriate in rural areas. Objective 3.2.4 seeks to 'protect' rural character and amenity values. This is a higher threshold than provided for in Section 7 of the Act.
- Policies 3.3.1 and 3.3.4 seem to duplicate the same issue in respect of lifestyle development.
- The policy that describes the rural character is supported. However a few changes are sought so that it better describes the rural environment.
- Policy 3.3.7 uses the term 'large' holdings. It is a subjective term and would be better to be linked to the outcome that is sought.
- The policy that describes the rural character is supported. However a few changes are sought.
- Submitter supports the Rural Activities definition as it provides for ancillary uses which are incidental and secondary to the rural activity, although it does not list examples of such ancillary activities but does not include rural industries.
- "Horticulture NZ is concerned that a new dwelling could be built as a permitted activity on a site 5000m² with only a setback of 10 metres from the boundary. This gives potential for reverse sensitivity complaints.
- A larger setback is sought. There needs to be provision for activities that are able to be undertaken in proximity to the National Grid as permitted activities. This will include artificial crop protection and crop support structures.
- Horticulture NZ is concerned that there is a presumption that small sites are not economical or good use of productive land. A site of 4 hectares of kiwifruit can be an

economical operation. Requiring a minimum site area of 10 hectares in the Rural A Zone could preclude such uses of the land.

- Changes need to be made to reflect the inclusion of a permitted activity rule for activities within the National Grid Yard.
- Horticulture NZ does not support the use of the Hazardous Facility Screening Procedure and considers that meeting the requirements of HSNO in respect of hazardous substances should be the requirement in the District Plan. Appendix F has not been reviewed as part of this Plan Change but it has the potential to have a significant impact as to whether an activity is permitted or not. In particular there needs to be provision for the storage and use of agrichemicals and fertilisers where these meet best practice standards such as NZS8409:2004 Management of Agrichemicals and the HSNO Fertiliser Group Standards.
- There is also a need to provide for signs on all properties to meet HSNO requirements in respect of hazardous substances.
- Rather than an arbitrary setback the threshold should be linked to shading of a neighbouring property or the height of the tree. Shelterbelts are important for orchards and if Class 1 and 2 land in Rural Zone A is to be used for high value production then there needs to be provision for shelterbelts.
- The Plan proposes to amend the definition of amenity values beyond the definition in the Act. This is not supported as the Act definition has been subject to case law and does not require the additional matters listed. The amended definition has wider application than just the Rural Zones so any changes need to be included in a wider Plan change.
- Changes are sought to the provisions for the National Grid to provide for artificial crop protection structures and crop support structures. Inclusion of definitions would assist in implementing these provisions.
- Seeks that it is clear that a number of associated rural activities are included within the definition of rural activities. In particular it should ensure that frost fans and bird scarers are specifically provided for and would like to discuss provisions with Council.

Decision Sought:

1. Amend all references to 'Class 1 and 2 soils' to 'Class 1 and 2 land'.
2. Amend 4th paragraph by deleting 'The quality of' so that the paragraph reads: "The rural environment is characterised by...."
3. Include the area of Class 1 and 2 land in Wanganui in the introduction to Rural A.
4. Amend para 3 2nd of the Rural A introduction sentences as follows: This may result in a loss of land available for rural production activities may be avoided or limited near boundaries to avoid reverse sensitivity and neighbour issues. However the onus is not on the lawfully established rural activity to mitigate effects in this way.
5. Amend Issue 3.1.1 as follows: Inappropriate subdivision, use or development can lead to adverse effects on the rural character, particularly the generally open nature, of the rural environment.
6. Amend the last sentence of 3.1.4 to: This may result in less productive land being available for rural production activities.
7. Amend 3.1.5 by changing 'soil resource' to 'the land resource'.
8. Amend Objective 3.2.2 to Rural activities, land use and development.....
9. Amend Objective 3.2.4 to 'Maintain rural character

10. Define lifestyle development as 'development where the predominant purpose for the site is rural residential living rather than rural production.'
11. Delete Policy 3.3.4
12. Amend Policies 3.3.5 and 3.3.14 e) rural activities and practices and odours from rural activities are acceptable provided best practicable options are used f) a varied noise environment may exist, including intermittent noise from rural machinery and equipment.
13. Amend Policy 3.3.7 as follows: Retain Class 1 and 2 land in holdings of sufficient size to enable opportunities for a range of rural activities to occur. Retain Policy 3.3.8.
14. Ensure that the definition of rural activities includes packing sheds on farm or orchard artificial crop protection structures, and also use of land for airstrips and agricultural aircraft. Rural activities should also include frost fans and bird scarers subject to meeting performance standards.
15. Include a permitted activity rule in the Rural A and Rural C Zones for the National Grid Yard.
16. No buildings, structures or Sensitive Activities shall be located within the National Grid Yard except that this shall not apply to the following provided they comply with the requirements of the New Zealand Electrical Code of Practice for Electrical Safe Distances (NZECP 34:2001), and are located at least 12m from the outer visible edge of a National Grid transmission line support structure unless otherwise specified below:
 - i) Fences located at least 5m from a National Grid line support structure
 - ii) A fence located within 5m of a support structure where Transpower has given written approval in accordance with clause 2.3.3 of NZECP34:2001.
 - iii) Alterations and additions to existing buildings that do not involve an increase in the building envelope or floor space.
 - iv) Network utilities (excluding buildings and structures for dams and irrigation schemes).
 - v) Uninhabitable farm buildings and structures for farming activities, but excluding milking sheds and buildings for Intensive Farming including commercial greenhouses.
 - vi) Artificial Crop Protection Structures, located at least 8m from the outer edge of a transmission line support pole (not tower) provided it is no more than 2.5m high, is removable or temporary to allow a clear working space of 12m from the pole when necessary for maintenance purposes, and is located a sufficient distance from a pole to provide unimpeded access for maintenance equipment, including a crane.
 - vii) Artificial Crop Protection Structures, located within 8m of the outer edge of a transmission line support pole or 12 of the outer edge of a tower where Transpower New Zealand gives its written approval in accordance with clause 2.4.1 of NZECP34:2001."
17. All earthworks, quarrying and mining within a National Grid Yard shall meet the following standards:
 - i. Around poles:

- Shall not be deeper than 300mm within 2.2 m of a transmission line pole support structure or stay wire; and
 - Shall not be deeper than 750mm between 2.2m to 5m from a transmission line pole support structure or stay wire.
 - Except that vertical holes not exceeding 500mm diameter beyond 1.5m from the outer edge of the pole support structure or stay wire are exempt from these conditions.
- ii. Around Towers
- Shall not be deeper than 300mm within 6m of the outer visible edge of a transmission line tower support structure; and
 - Shall not be deeper than 3m between 6m to 12m from the outer visible edge of a transmission line tower support structure.
- iii. At any location in the National Grid Yard
- Do not create an unstable batter that will affect a transmission line support structure; and/or
 - Do not increase ground levels such that the minimum ground to conductor clearance distances in NZECP 34: 2001 are not met
- iv. Provided that the following earthworks are exempt from the above:
- Earthworks undertaken by a network utility operator (complying with NZECP 34: 2001); or
 - Earthworks undertaken as part of normal rural cultivation, or the repair, sealing or resealing of a road (including a farm track), footpath or driveway.
- v. Include a definition for National Grid Yard as 12 metres from a transmission support structure or the centreline of the conductor.
18. Add to 3.4.2 b) matters of discretion i) the ability of sites to: avoid potential reverse sensitivity
19. Amend 3rd matter: maintain or enhance rural lifestyle character.
20. Revise 3.4.2 b) to ensure that blocks suitable for rural productive purposes such a horticulture are able to be established.
21. Amend 3.4.2 c) matters of discretion 2) Impact on the rural character of the surrounding area and to avoid potential reverse sensitivity.
22. Amend 3.4.4 b) and 3.8.4 b): Any building or structure located within the National Grid Yard that does not meet the permitted activity rule 3.4.1 and 3.8.1 respectively.
23. Add a provision under 3.5.4 for storage and use of agrichemicals and fertilisers where these meet best practice standards such as NZS8409:2004 Management of Agrichemicals and the HSNO Fertiliser Group Standards.
24. Add a 3.5.5 e) Dwellings shall be located 20 metres from the side and rear boundary.
25. Delete 'shelterbelts' from 3.5.8 a) 3.7.5(a) and 3.9.8(a) and delete the 10 metres setback distance in 3.5.8, 3.7.5 and 3.9.8. Include a provision for where a tree is over 8 metres it does not shade neighbouring property at midday on the shortest day in 3.5.8, 3.7.5 and 3.9.8.
26. Add a definition for National Grid: The National Grid is the electricity transmission network owned and operated by Transpower NZ.
27. Amend all references to 'electricity transmission lines' to 'National Grid'.
28. Delete proposed changes to the definition of amenity values.
29. Add definition: Artificial Crop Protection Structures means structures built with material used to protect crops and/or enhance growth (excluding greenhouses).

30. Add definition: Crop support structures are open structures on which Plants are grown –
31. Add definition: Greenhouses are a totally enclosed structure where Plants are grown in a controlled environment.
32. Make changes which are consequential to the decisions sought in this Submission.

Council Decision:

Submission 71 by Horticulture NZ be **Accepted in Part.**

Make the following changes to the Plan as a result of this Submission:

Amend Chapter 3 – Rural Environment by deleting all references to:

- ‘Class 1 and 2 soils’ and replace with ‘Class 1 and 2 land’.
- ‘lifestyle living’ and replace with ‘lifestyle development.’
- ‘Electricity transmission’ and replace with ‘National Grid’ where this term is used in the context of yards, corridors or lines (including Rural B zone as a minor amendment for completeness).

Amend Chapter 3 Introduction as follows:

Amend 4th paragraph by deleting ‘quality of the’ so that the paragraph reads:

“The rural environment is characterised by....”

Amend 2nd paragraph Rural A zone to read:

“The extent of Class 1 and 2 land in the Wanganui District is limited, It comprises just seven percent (15,712 hectares) of the land in the District (237,415.81 ha), with much of it located close to the urban area....”

Amend 3rd paragraph Rural A zone, 2nd sentence to read:

“This may results in ~~an even greater~~ further loss of productive land, as where buffer areas are ~~informally created~~ at boundaries where ~~which avoid or limit~~ productive activities are limited or avoided, around each productive unit, in which no productive activities occur to avoid minimise reverse sensitivity and neighbour issues. However the onus is not on the lawfully established rural activity to mitigate effects in this way.”

Amend issues as follows:

Amend Issue 3.1.1 to read:

Inappropriate subdivision, use or development can lead to adverse effects on the visual amenity value of the open space rural characteries, particularly the generally open nature, of the rural environment.

Amend the last sentence of 3.1.5 to read:

This may results in less ~~an even greater~~ loss of productive soils land being available for rural production activities.

Amend 3.1.6 by replacing ‘soil resource’ with ‘the land resource’ and replacing ‘capacity of soil’ with capacity of the land’

Amend objectives as follows:

Amend Objective 3.2.2 to read: *Rural activities....*

Amend objective 3.2.4 to read:

~~Protect~~ Maintain rural character and amenity values,.....

Amend policies as follows:

Delete policy 3.3.4.

Amend Policies 3.3.6 and 3.3.15 to read:

- e) rural activities and practices and odours from rural activities are acceptable provided best practicable options are used
- f) a varied noise environment may exist, ~~with-including~~ intermittent noise from rural machinery and equipment.

Amend Policy 3.3.7 as follows:

Retain Class 1 and 2 land in large holdings of sufficient size to protect future ~~versatility and enable~~ opportunities for a range of rural activities to occur.

Amend rules as follows:

Amend Rule 3.4.2(b) 3rd matter of discretion to read:

~~....Maintain or enhance rural lifestyle character~~ and to avoid potential reverse sensitivity.

Amend Rule 3.4.2(c) 2nd matter of discretion to read:

~~Impact on the character of the surrounding area, ability of the site to achieve quality urban design outcomes~~ and to avoid potential reverse sensitivity

Amend Performance Standard 3.5.5 Structures as follows to read (including deletion of the reference to obtaining written approvals):

- ~~...b. New structures (excluding fences less than two metres high, and loading races in relation to road frontage and dwellings):~~
 - ~~i. shall be a minimum of 5 metres from any site boundary; and~~
 - ~~ii. shall not be located within 20 metres of any existing dwelling located on another property; and~~
- ~~c. Dwellings shall be located at least:~~
 - ~~i. 20 metres from the nearest traffic lane for any boundary adjacent to a state highway where the posted speed is at least 70km/hour.~~
 - ~~ii. 10 metres from any other side or rear boundary;~~
 - ~~iii. 10 metres from any other front boundary.~~

Amend Performance Standards 3.5.8, 3.7.5 and 3.9.8 Trees to read:

- a. ~~No-shelter belt shall exceed 4 metres in height.~~
- b. ~~Trees shall be planted to ensure that at maturity, the base of the tree shall fit within a recession plane which commences at 2 metres above existing ground level at least 2 metres from any boundary and then projects from this line inwards at a 45 degree angle;~~
~~Except that this standard does not require any tree to be planted more than 10 metres from a boundary.~~

Amend Performance Standards 3.5.12(iv), 3.9.12(iv) by deleting 'and ' and replacing with 'or'.

Amend Chapter 13 Definitions as follows:

Delete the proposed definition for Amenity Values.

Insert a new definition for **Lifestyle Development** to read:

Lifestyle Development means development in any rural zone where the predominant purpose for the site is rural residential living rather than rural production activities.

Amend the definition of **Rural activities** to read:

.....and ancillary uses which are incidental and secondary to the rural activity, including but not limited to artificial crop protection structures and agricultural airstrips.

Insert new definitions as follows:

National Grid Subdivision Corridor means the area measured either side of the centreline of above ground National Grid line as follows:

- 16m for the 110kV lines on pi poles
- 32m for 110kV lines on towers
- 37m for the 220kV transmission line.

National Grid Yard means

- the area located 12 metres in any direction from the outer edge of a National Grid support structure; and
- the area located 12 metres either side of the centreline of any overhead National Grid line.

Artificial Crop Protection Structures means structures built to protect crops and/or enhance growth (excluding greenhouses).

Council Reasons for Decision:

1. A prehearing meeting was attended by representatives of Transpower NZ Ltd, Horticulture NZ and Federated Farmers. Transpower NZ Ltd indicated that it had completed research which confirmed that the appropriate buffer distance around substation facilities was 20metres as opposed to the 150m buffer proposed in its Submission. Council accepted this as an appropriate buffer.
2. In addition the parties concurred that where Horticulture NZ or Federated Farmers had made submissions on a matter also submitted on by Transpower NZ Ltd, that the provisions of the Transpower NZ Ltd submission should be preferred by Council. Council has generally adopted this approach.
3. For responses to remedies sought by Horticulture NZ refer to the Table below:

Remedy Sought	Council Reasons
1, 2, 3, 4, 5, 6, 7, 9, 12, 13, 18, 19, 21, 29, 32	Noted and largely accepted with some minor amendments. Support for retention of Policy 3.3.8 as notified is noted.

8	Reference to rural activities as proposed is accepted. However Transpower NZ Ltd proposed changes, including deletion of reference to development in Objective 3.2.2 and this is accepted.
10	Inclusion of a definition for ‘lifestyle development’ is accepted, but to ensure terminology is consistent the Committee determined to replace any references to lifestyle living such as in policy 3.3.4 with the term lifestyle development.
11	The Committee noted that Policy 3.3.4 essentially duplicates Policy 3.3.1 and so it is deleted.
14	<p>The inclusion of packhouses as part of the definition of rural activities and thus as a permitted activity is not accepted. Packhouses are included within the definition of ‘rural industry’ which is a discretionary activity in each of the rural zones, as the scale and effects of such activities can vary significantly.</p> <p>Artificial crop protection devices are included in the definition of rural activities and the effects are managed through performance standards.</p> <p>Airstrips and land for agricultural aircraft are included within the existing definition of ‘rural activities’ where it includes ‘ancillary uses which are incidental and secondary to the rural activity’.</p> <p>The Committee accepted that it may be helpful to specify agricultural airstrips within the definition.</p>
15, 16, 17	Provisions to address Transpower NZ Ltd Submission points SP24 and SP25 are preferred and achieve a similar level of permitted activity within the National Grid Yard.
20	Not accepted, as loss of Class I land is the most significant resource management issue for our rural District. Many options exist beyond Class I land for rural activities that prefer a smaller land area e.g. Rural C Zone. Options also exist for use of Class I land for such purposes in conjunction with other rural productive activities.
22	Amendments to Rules 3.4.4(b) and 3.8.4(b) made to address Transpower NZ Ltd Submission points SP24 and SP25 are preferred and achieve a similar outcome.
23	Hazardous substance provisions are not reviewed as part of Plan change 36. They will be reviewed separately.
24	The Committee preferred a 10 metre set back from boundaries which balanced the need to ensure separation of sensitive

	<p>activities from productive rural activities and the desire to minimise the loss of productive use of such highly versatile land.</p> <p>.Changes were also made to performance standard 3.5.5 as a result of other submissions.</p>
25	<p>The Committee acknowledged the specific characteristics of shelterbelts, and has determined to provide for them up to 4metres as promoted by the Submitter at the Hearing. For other trees a recession plane will apply to minimise the loss of use of quality productive land.</p> <p>The Committee accepted the submission that 3rd party approval for a permitted activity reduces certainty.</p>
26	<p>Definitions for National Grid Yards and Corridors are to be included as proposed by Transpower NZ Ltd.</p>
27	<p>The term ‘electricity transmission lines’ does not appear in the proposed Plan text however the intention of the submission is supported where it is understood to seek a replacement of reference to electricity transmission’ with ‘National Grid’.</p>
28	<p>The Committee accepted that expansion of the Act’s definition of amenity values is not helpful, given the extensive case law that exists to assist with interpretation. The proposed definition is deleted from the Plan change as the practice is not to repeat definitions covered by the Act.</p>
30, 31	<p>A definition of ‘Artificial Crop Protection Structure’ and expansion of the definition of rural activities to include such structures are accepted. A separate definition of crop support structure is not necessary. The term ‘green houses’ is only used once in the Plan and is sufficiently clear as written, so a specific definition is not required.</p>

Submitter Name: Federated Farmers

Submission No: 57

Summary

Supports the intention of the Plan change subject to some changes to manage effects of reverse sensitivity and subdivision more appropriately.

Remedy Sought:

1. That a note on LIMS and PIMS of properties in this zone could state that complaints of smell, noise, light spill etc. from existing rural activities will not be actioned by Council.

2. The following changes are proposed:

'3.3.4 Minimise the demand for lifestyle living on productive land by ~~providing~~ encouraging lifestyle development in areas in the Rural B zone, which do not compromise Class 1 and 2 soils. Existing rural activities will not be impeded by lifestyle or residential development, which may require buffer areas between dwellings and incompatible existing uses. The Council will use Land Information Memoranda and Project Information Memoranda to ensure that new developments are aware of the existing primary production uses and that nuisances such as (but not limited to) noise, smell, dust, traffic, light spill can occur. Complaints about these effects will not be actioned where the existing activity is using its best practicable option.'

3. Amend Policy 3.3.10 to read: Subdivision and rural development in the Rural B zone shall maintain or enhance the rural lifestyle character, but will allow primary production activities to continue.

4. In Rule 3.4.2 the following changes are suggested –

'Council restricts its discretion to the following matters:

- *The ability of the development to be serviced by on-site means with regard to effluent and storm water disposal.*
- *Impact of the character of the surrounding area, ability of the site to achieve quality ~~urban~~ design outcomes.'*

5. *'3.1.2 Trees and structures adjacent to boundaries can cause shading and/or soil fertility or moisture loss which may compromise activities on neighbouring properties.'*

6. *'3.5.8 Trees*

a. No tree for forestry, shelter belt or soil conservation purposes shall be Planted within 10 metres of any boundary; nor have any branch that projects from the tree trunk between ground level and a height of 6 metres overhanging the adjoining boundary, unless written consent of the adjacent neighbour and any adjacent network utility (if there are existing lines near the boundary) has been obtained and registered with Council.'

b. No ornamental tree shall be Planted within 4 metres of any boundary nor have any branch that projects from the tree trunk between ground level and a height of 6 metres overhanging the adjoining boundary, unless written consent of the

adjacent neighbour and any adjacent network utility (if there are existing lines near the boundary) has been obtained and registered with Council.

c. No tree shall be Planted within 20 metres of any dwelling, unless written consent of the adjacent neighbour and any adjacent network utility (if there are existing lines near the boundary) has been obtained and registered with Council.'

7. That the proposed amendments (above in 5 and 6) are also made to the Rural B and Rural C Zone.

8. '3.5.4 Hazardous substances

Any new or expanded hazardous facility, except for Primary Production activities, is subject to the provisions of Appendix F Hazardous Facility Screening Procedure.'

9. That the Hazardous substances amendments (above in 8) also be made to the Rural B and Rural C zones.

10. A sign not exceeding 2 3m² erected in connection with tourist publicity or special public information denoting places or points of special interest.

11. Need to provide for renewable energy structures in the Plan. Clauses need to be added to allow small wind turbines and other renewable energy options as permitted activities in rural zones. Refer to the Stratford DC discussion document.

12. That references to Class 1 and 2 land throughout the document should be more correctly referred to as LUC Class I and II (in Roman Numerals) by convention.

13. That Section 3.4.1 Rural A Zone Permitted Activities (h) read " ... on or before 1st May 2014."

14. Sensitive Activities definition be amended.

Sensitive activities, means those activities within an electricity transmission corridor that are particularly sensitive to the risks associated with electricity transmission lines because of either the potential for prolonged exposure to the risk or the vulnerability of the equipment or population that is exposed to the risk. Such activities include childcare and educational facilities, residential buildings, hospitals and health care facilities and exclude normal farming activities (e.g. dairy parlours).

15. Amenity Values Definition be amended:

Means the natural or physical qualities or characteristics of an area that contributes to peoples appreciation of its pleasantness, aesthetic coherence, and cultural and recreational attributes – including but not limited to; landscape and visual characters, land use, environmental health and safety characteristics, ~~conscience~~, comfort and character.'

16. Shelterbelt definition be amended.

A row or rows of trees or hedges Planted to partially block wind flow, primarily on ~~cultivated~~ cultivable land.'

17. That a new definition for intensive farming be added.

Further Submitter Name: Horticulture NZ

Submission No: FS3.5

Support in part and Oppose in part:

Reasons:

1. Supports the strong direction in policy 3.3.4 promoted by submitter, to address potential for reverse sensitivity effects.
2. Supports enabling rural production in the Rural B zone in policy 3.3.10.
3. Urban design outcomes are not appropriate in the rural zones.
4. Wants to ensure adequate provision for orchard trees and opposes in part Fed Farmers proposed wording in decision point 6, as it will restrict optimum use of the land.
5. Supports exemption for primary production activities from HFSP.
6. Definition of sensitive activities should be consistent with NPS for Electricity Transmission.
7. Definition of Amenity should be the same as the Act.
8. Shelterbelt definition should not be limited to land uses linked to cultivation activities.
9. Any changes to Intensive farming definition should be open to submitters for comment.

Council Decision:

Submission 57 by Federated Farmers and Further Submissions FS3.5 by Horticulture NZ be **Accepted in Part**.

Make the following changes to the Plan as a result of these Submissions:

Amend Chapter 3 – Rural Environment by deleting all references to:

‘Class 1 and 2 land’ and ‘Class 1 and 2 soils’ and other derivatives of this term and replacing with ‘LUC Class I and II land’ or like effect.

Make the following amendments to Issues:

Amend 3.1.2 to read:

Trees and structures adjacent to boundaries can cause shading and/or soil fertility or moisture loss, which may compromise activities on neighbouring properties.

Make the following amendments to rules:

Amend Rule 3.4.1(h) to read:

One dwelling on a site of less than 10 hectares, but at least 5000m² site area, created by a subdivision consent granted on or before the Operative date of this rule~~1st May 2014~~.

Delete reference to “*ability of the site to achieve quality urban design outcomes*” in Rule 3.4.2(c).

Amend 3.5.6 (c) and 3.9.6(c) to read:

A sign not exceeding 23m² erected in connection with tourist publicity or special public information denoting places or points of special interest.

Amend Performance Standards 3.5.8, 3.7.5 and 3.9.8 Trees to read:

- a. *No shelter belt shall exceed 4 metres in height.*
- b. *Trees shall be planted to ensure that at maturity, the base of the tree shall fit within a recession plane which commences at 2 metres above existing ground level at least 2 metres from any boundary and then projects from this line inwards at a 45 degree angle;*

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

Amend Chapter 13 Definitions as follows:

Delete definition for Amenity Values and rely on the Act definition.

Amend the definition of shelterbelt as follows:

Shelterbelt

Shelterbelt means a row or rows of trees or hedges planted to partially block wind flow. ~~primarily on cultivated land.~~

Council Reasons for Decision:

General

1. A prehearing meeting was attended by representatives of Transpower NZ Ltd, Horticulture NZ and Federated Farmers. Transpower NZ Ltd indicated that it had completed research which confirmed that the appropriate buffer distance around substation facilities was 20metres as opposed to the 150m buffer proposed in its Submission.
2. In addition the parties concurred that where Horticulture NZ or Federated Farmers had made submissions on a matter also submitted on by Transpower NZ Ltd, that the provisions of the Transpower NZ Ltd submission should be preferred by Council.
3. For submitter information, as part of the Phase 6 review of the District wide provisions, a single chapter is to be created which brings together provisions from Chapters 10 and 11, relating to infrastructure as defined in the Act.
4. In relation to further submissions from Horticulture NZ, these are largely supported and refinements to the proposed amendments proposed by Federated Farmers NZ reflect this.
5. For responses to remedies sought by Horticulture NZ refer to the Table below:

Remedy Sought	Officer Comment
1, 2	Not accepted as the proposed amendments go beyond policy where they refer to LIM and PIMs. The LIM and PIM processes are provided for under the Local Government Act 2002 and not this Act. It is accepted that reverse sensitivity issues need to be appropriately avoided or mitigated. However, the purpose of

	<p>LIMs and PIMs processes are to ensure information and knowledge is made available on request where it applies to or may impact on specific land or property. PIMS and LIMs are not tools for imposing conditions or restrictions in themselves.</p> <p>It was not considered necessary to restrict subdivision in the Rural B Zone as proposed, but regardless, Policy 3.3.10 is not part of this Plan change 36 so no changes can be made to it at this time.</p>
3	<p>These changes cannot be implemented as Policy 3.3.10 is included for information only. It is not part of Plan change 36.</p>
4, 5, 7, 12	<p>Noted and accepted with amendments to address each point, except where they relate to Rural B Zone which is beyond the scope of Plan Change 36.</p>
6	<p>The intent of the change is accepted with refinements to address other submissions in relation to rule 3.5.8 Trees. Horticulture NZ opposed these changes where they unduly restrict use of the land for rural purposes, which the Committee accepts was not the intent of the rule. The Committee determined that the rule be amended to minimise loss of productive land and to take better cognisance of the variety of trees reasons for planting them in the rural environment. The Committee further noted that it was unnecessary to regulate for overhanging branches as an effective setback criteria would address this issue. It was accepted that protection against adverse effects and future reverse sensitivity issues should be addressed.</p>
8, 9	<p>The issue of whether to include or exclude primary production activities or apply a minimum scale threshold will be addressed separately when the hazardous substances provisions are reviewed separately.</p> <p>For now the status quo should remain and Rule 3.5.4 should be retained unchanged.</p> <p>However it is accepted that the same rule should apply in the Rural B Zone, to correct an administrative error in a previous Plan change 23.</p>
10	<p>It is accepted that Rule 3.5.6(c) and 3.9.6(c) could be amended to accommodate signage of 3m² in the rural environment, given the practical considerations outlined by the submitter and the minimal effects on the environment of the additional scale of signage.</p>
11	<p>It is accepted that provisions are required to enable renewable energy generation and the structures related to that activity,</p>

	<p>particularly in the rural zones. This topic is currently under review as part of Phase 6 of the Plan review. Clauses could be added to allow small wind turbines and other renewable energy options as permitted activities in the rural zones. Council is cognisant of work undertaken on this topic by other councils including Rangitikei and Stratford.</p> <p>The intent of the submission is supported, and will be provided for in the next series of Plan changes to be notified mid 2015.</p>
13	<p>Rule 3.4.1(h) cannot apply until it is operative and so the date of limitation on subdivision should be the operative date of rule 3.4.1(h).</p>
14	<p>Provision for a limited range of activities associated with rural production are provided for as a result of the Transpower NZ Ltd submission and they are preferred and are understood to supersede this submission point.</p>
15	<p>It is accepted that expansion of the Act definition of amenity values is not helpful, given the extensive case law that exists to assist with interpretation. The proposed definition is deleted from the Plan change as the practice is not to repeat Act definitions in the District Plan.</p>
16	<p>The Further submission from Horticulture NZ is accepted on this point, and the definition of shelterbelts is recommended to be refined to reflect this.</p>
17	<p>Intensive farming has been provided for as a discretionary activity for some years to ensure effects are managed, including those relating to the varied scale of such operations, traffic effects and the potential impact on the amenity of neighbouring properties which are not managed by the One Plan. The Committee determined that the status quo be retained.</p>

APPENDIX 1D - Rural A Zone - General Opposition

Submitter Name: Bruce Leonard Hodges

Submission No: 62

Summary:

- The submitter is opposed to the Rural A 10 hectare minimum lot size. It should remain as 1 hectare.
- Wanganui needs subdivision as it creates and brings people to into the town and surrounding area.

Decision Sought: To retain a 1 hectare minimum lot size provision.

Submitter Name: Mitchael James Russell

Submission No: 63.2

Summary:

- The submitter is opposed to the proposed Rural A zone.
- The proposed change map depicting the Class 1 and Class 2 land in the Wanganui District is generalised and inaccurate.
- The submitter states that the Rural A zone contains a large area that is not Class 1 or Class 2 land nor close to the urban area.
- There is no evidence supporting the idea that people who own lifestyle blocks are any less productive. Some choose relatively unproductive pursuits and others produce goods or lease the land to farmers.
- The Wanganui District Council needs to have a long term vision which is agreed with and communicated to the community. Once this is agreed, zoning requirements can be assessed on the basis of the vision.

Decision Sought:

1. Status Quo should remain for Rural A until accurate Class 1 and Class 2 land has been mapped and a vision in place.
2. The Rural A zone should not extend beyond 10kms from the urban CBD.

Submitter Name: Robert Wayne and Christine Rose Gilbertson

Submission No: 66

Summary:

- The submitter does not support Proposed Plan Change 36. The changes would directly affect our ability to provide for our continued lifestyle in our present home in our old age. The property was purchased knowing that one day we could sell off the back paddock. It is a basic human right to which every land owner is due.
- There are already many 1 hectare blocks what is the difference of a few more? I realise there are a number of beef producers, but they are not being forced to sell and subdivide to why is the amendments necessary anyway?

- Also this property is fully productive with a very high lambing rate percentage.
- It is unfair and we purchased our property in good faith that we had invested wisely in our family's future. By changing the goal posts our rights as landowners are gone.

Decision requested: That an exemption allowing 1 off subdivision of 1 hectare in the future.

Council Decision:

Submissions 62 by Bruce Leonard Hodges, 63.2 by Mitchael James Russell and 66 by RW and CR Gilbertson be **Rejected**.

No amendments are made as a result of these Submissions.

Council Reason for Decision:

1. The submitter's principle concerns are that they will lose the option to subdivide and derive additional income from their properties. Contrary to the belief of both submitters, there is no 'right' to subdivide. The ability to subdivide is determined in accordance with the relevant legislation of the time.
2. The Resource Management Act 1991 is the current legislation which sets the parameters for development including subdivision. This Act is concerned with the sustainable management of use, development and subdivision. In the Wanganui District Class I land, and to a lesser extent Class II land, is limited to areas close to the urban area and so comes under significant urban development pressure. The total area of rural productive land lost to residential or lifestyle blocks has steadily increased over the period 1994 to 2014.
3. Council strives to achieve at least the following:
 - a. Safeguard the versatility of Class I and II land for future use for productive purposes.
 - b. Address the demand for lifestyle living by identifying suitable areas for rural lifestyle living, in areas that do not compromise the productive use of quality rural land especially Class I or II land.
4. The proposed Rural A Zone covers areas of Class I and some Class II land within the District. The majority of the rural area retains the 1 hectare minimum lot size, with some areas being rezoned as Rural B, with a 5000m² minimum lot size. These areas will continue to allow for building options within the District. This will provide for the varying activities that occur in the rural environment.
5. In order to protect existing Class I land in larger lots, it has been necessary to restrict subdivision of all Class I land and areas of Class II land in proximity to the urban areas. For practical reasons this has necessitated the inclusion of a few blocks where land is not entirely covered by either Class I or II land.
6. The 10 hectares minimum lot size does allow lots greater than 10 hectare to be subdivided or continue to operate as larger units.
7. This does not signal that properties comprising less than 10 hectares are necessarily unproductive units. The 10 hectare minimum lot size is to ensure land is not further subdivided for residential or lifestyle development; potentially

restricting the ability of the property and neighbouring properties to be used for a variety of rural activities in future.

8. Setting a minimum lot size for the proposed Rural A Zone at 10 hectares would impact on price. Price differential would encourage lifestyle purchases in the Rural B Zone where 5000m² is the minimum lot size and sections would be relatively cheaper than Class I and II land in the Rural A Zone.
9. A range of minimum lot sizes, from at least 4 hectares up to 10 hectares, have been considered. Neighbouring councils restrict subdivision broadly around the 8 – 10 hectare threshold.
10. The Rural Community Board notes managing soil resource in this manner is consistent with the principles of the Rural Enterprise Project which promotes the intensification of high-value food production using Wanganui's best soils and climate regime.
11. The Committee acknowledges that some existing landowners, in the Rural A Zone with plans to subdivide below the 10 hectares minimum would lose that opportunity. The reality is that all Plan changes create winners and losers, the key considerations have led the Committee to determine that this Plan change is necessary to achieve the objectives of the Plan and the overall purpose of the Act.

Submitter Name: David Lewis Harrison

Submission No: 36

Summary:

- Submitter opposes the Rural A zone and questions the understanding between Land Use Classification (LUC) and soil type. The LUC rates land units from 1 to 8 and each unit has its own soil type which may or may not have productive capacity. Each unit also has limitations, these may be Soil, Erosion, Climate and Wetness.
- Subdivision will not change the nature of the soils they will still be productive now and in the future. It may be that placing these soils into smaller titles they are used for more productive purposes such as orchards and vegetable production.
- Land value to the community should be assessed by its economic activity.
- The Rural B zone is contrary to the aim of Plan Change 36 as this area is sand based and with irrigation can be highly productive.
- Wanganui need economic growth the submitter states that this will reduce this.

Decision Sought: To retain the Status Quo for all the proposed zone changes.

Council Decision:

Submission 36 by David Lewis Harrison be **Accepted in Part**.

Make the following changes to the Plan as a result of this submission.

Amend Chapter 3 – Rural Environment by deleting all references to “Class 1 and 2 land’ and “Class 1 and 2 soils’ and other derivatives of these terms and replace with “LUC Class I and II land’ or like effect.

Council Reasons for Decision:

1. It is accepted that a terminology error occurred in the notified Plan Change. This has been corrected.
2. Use of the term ‘soils’ rather than ‘land’ does not undermine the Plan Change purpose to ensure the most versatile soils, being a finite resource, are protected for future productive purposes.
3. Allowing further subdivision reduces the potential for either amalgamation or productive use in the future. Once land is fragmented by subdivision or used for lifestyle or residential development the chance of it being available in the future for productive farming is minimal.
4. An incorrect perception has developed over the past 20 years that the rural zone is there to purchase, subdivide and sell for lifestyle development. The Rural B Zone is an appropriate area, where this sort of investment is acceptable without any loss of such significant and finite natural resources.
5. The Rural B Zone has been extended, in areas of generally neither Class I nor Class II land, to provide further options for rural lifestyle development. This provides a variety of living environments without compromising the ability of Class I and Class II land to be used to its full productive capacity. Many options exist to enable growth within the District, including within the rural zones.

Submitter Name: Tim Matthews

Submission No: 76

Summary:

- There is little subdivision pressure on properties west of the Okehu Stream as travel time to Wanganui is around 15 minutes.
- A minimum lot size of 10 ha would result in productive lifestyle blocks having too large an area to manage in combination with off-block income, resulting in wasted or less productive area.
- The quality soils in this area need only wind protection and sometimes irrigation which is available, to produce high quality produce.
- There are some appropriately subdivided blocks near Maxwell village but further subdivision near Maxwell would not compromise the larger blocks that already co-exist with lifestyle blocks. To retain a sense of community, as well as minimising the reverse sensitivity issues, lifestyle blocks should be grouped together, where water supply is available.
- The community has lost its garage, school and critical mass. Some rural repopulation would sustain it in the longer term if appropriate subdivision and residential development occurred, allowing farm workers and contractors a village style of accommodation near their place of work.
- While the need to have a Rural A Zone has been established, properties on the northern and eastern margins especially are disadvantaged, because the LUC Classes I or II may only comprise a few hectares or less than 5% of the site total. Should they wish to subdivide less than 10 ha of land that is not LUC Classes I or II, they will face the same "hurdles" to subdivision as if the whole property was Rural A.
- There is a need for a process in the relevant subdivision consent procedure that recognises that these marginal properties are different to Rural or Rural C, but that parts of them should be treated as Rural C.
- Landowners should not be disadvantaged because the Council has chosen to use partial LUC's to delineate the extent of the new Rural A Zone, when most of the property is Rural C in nature.
- When the Council exercises its discretion to grant resource consent the process and cost should not exceed that for a subdivision of Rural C Zone.
- The last Review of this District Plan added the 6 metre branch restriction to this clause by Consent Order of the Environment Court after Appeal. There has been no good reason to change this provision in the past 10 years as it enables control of adverse effects while allowing neighbours to agree separately on tree management, providing such agreement is registered with Council.
- Forest owners are tending to avoid pruning management of their trees to reduce costs, which means that adjoining neighbours must bear the unintended consequences of tree and branch damage, stock poisoning and escape through fence damage, plus shaded pasture and crops, moisture and fertility theft by tree roots.

- The District Plan provides a low cost encouragement method to ensure that tree owners do not abandon their responsibilities to manage nuisance from their crop adversely affecting occupiers outside their boundary.
- There would need to be consequential amendments for Rural B and C zones.

Decision Sought:

1. That the proposed Rural A Zone extends too far west, and that the western boundary should be the Okehu Stream from its seaward mouth inland to the northern mapped boundary of Rural A, which is approximately 1 km west of Rangitatau West road and Bushy Park Reserve.
2. That properties on the margins of the Rural A Zone are not disadvantaged by the Council's method of defining the Zone, using Land Use Capability mapping which captures proportionately small areas of sites, yet the whole title is mapped as Rural A.
3. Amend 3.9.8 (a) to retain:

No tree for forestry, shelter belt or soil conservation purposes shall be planted within 10 metres of any boundary

add "...; nor have any branch that projects from the tree trunk between ground level and a height of 6 metres overhanging the adjoining boundary, unless written consent of the adjacent neighbour and the any adjacent network utility (if there are existing lines near the boundary) has been obtained and registered with the Council."

Further Submitter Name: Horticulture NZ

Submission No: FS3.8

Oppose in part

Reason: To ensure that there is adequate provision for orchard trees and shelterbelts to be established, particularly in the Rural A zone, where Council promotes use of land for high value production. The changes sought would limit the optimum use of that land.

Council Decision:

Submission 76 by Tim Matthews and Further Submission 3.8 by Horticulture NZ be **Accepted in Part.**

Make the following changes to the Plan as a result of these Submissions.

Amend Performance Standard 3.5.8, 3.7.5, 3.9.8 Trees to read:

- a. No shelter belt shall exceed 4 metres in height.*
- b. Trees shall be planted to ensure that at maturity, the base of the tree shall fit within a recession plane which commences at 2 metres above existing ground level at least 2 metres from any boundary and then projects from this line inwards at a 45 degree angle;*

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

Council Reasons for Decision:

1. The purpose of the Resource Management Act 1991 (Act) is to promote the sustainable management of natural and physical resources; including, safeguarding the life-supporting capacity of air, water, soil and ecosystems. Wanganui is fortunate to have areas of Class I and Class II land as well as a good climate. This is a rare combination in New Zealand.
2. In addition, the Act requires District Plan provisions 'give effect' to the Regional Policy Statement (section 75(3)). The Regional Policy Statement for this District is the Horizon's One Plan. It is the main vehicle for interpreting and applying the sustainable management requirements of the Act in a local context, and in this regard, guides the development of lower tier plans, including the District Plan. The One Plan includes requirements to prioritise Class I and Class II land when planning for growth and development.
3. Council has been silent on the issue of loss of quality soil resource to rural residential development in the past which has encouraged the trend of increasing lifestyle and residential development on this versatile but finite resource.
4. It is important to reiterate the importance of protecting Class I and Class II land within our District. The submitter states there is little demand for lifestyle development in some of the areas proposed to be zoned Rural A, such as Maxwell. While this may be true today, it is important that the Plan is proactive when protecting this natural resource, not reactive as it has been in the past. In discussion. The Committee was mindful of development plans of Nga Rauru and said the area around Maxwell was prime land. The possibilities for that area were already there and it was considered the over-ruling objective was the protection of Class I and II land.
5. Referring to Mr Matthews' comment on the broad-brush effect using Land Use Capability, the Committee agreed it was the best information available and it considered it was sufficient to make its decisions.
6. Once land has been subdivided and used for lifestyle or residential development the chance of it being used in the future for productive farming is slim. It is also likely that once the easiest or most attractive land for rural lifestyle has been developed that developers will look further afield. PC36 captures all Class I land and areas of Class II land that are either close to an urban boundary or whose development may compromise future protection of Class I land.
7. The combination of creating more opportunities for rural lifestyle living available by expanding the area of Rural B zoned land, and establishing a threshold for lot sizes in the Rural A Zone will likely make Rural A zoned land less affordable and Rural B zoned land more attractive, flexible and affordable for lifestyle living. These actions together are likely to achieve greater preservation of Class I and also Class II land for productive rural activities than the status quo.
8. In relation to submission point 2, development of land around the periphery of the Rural A Zone will not be unduly disadvantaged, as consideration will be given to enabling development of land within the zone but not Class I or II land. The

policies of the Plan spell out this intention. Costs for subdivision are determined by the complexity of the issues and the development not the zone.

9. In relation to Submission point 3, which Horticulture NZ opposes in part, it is accepted that the 10 metres boundary restriction is necessary for the reasons given by the submitter. However the addition of control of branches is not necessary as this is a civil matter. No person has the right to have trees overhanging a property boundary.

Submitter Name: Christine Ann Jones (Anne)

Submission No: 6

Summary: Submitter opposes the '10 metre from boundary' rule for all new structures. The use of the building needs to be taken into account as different activities can cause greater effects (such as odour, dust, noise and storm water runoff) than others and need to be located further from the boundary, especially if a dwelling is close by. Asking the question what the building is used for, where is the nearest dwelling and is anyone going to be affected by the construction will save time, money and stress as the current process is flawed.

Decision Sought:

1. More detail about the use of the building be required, depending on the use and potential effects the structure may need to be located further from the boundary.
2. Consultation needs to take place with affected parties.
3. Include these two questions as mandatory when assessing the location of a structure.
 - 1) Where is the nearest dwelling? 2) Is anyone going to be affected by this

Further Submitter Name: Horticulture NZ

Submission No: FS3.1

Support in part:

Reason: Different setbacks should be applied to dwellings where people are located as opposed to farm buildings where the potential for reverse sensitivity effects on people is less.

Council Decision:

That Submission 6 by Christine Ann Jones and Further Submission 3.1 by Horticulture NZ be **Accepted in part**.

Make the following changes to the Plan as a result of these Submissions:

Amend Performance Standard 3.5.5 Structures (Rural A Zone) as follows to read:

New structures (excluding fences less than two metres high, loading races in relation to road frontage and dwellings):

- i. shall be a minimum of 5 metres from any site boundary; and*
- ii. shall not be located within 20 metres of any existing dwelling located on another property; and*

Dwellings shall be located at least:

- i. 20 metres from the nearest traffic lane for any boundary adjacent to a state highway where the posted speed is at least 70km/hour.*
- ii. 10 metres from any other side or rear boundary;*
- iii. 10 metres from any other front boundary.*

Amend Performance Standard 3.9.5 Structures (Rural C Zone) as follows to read:

New structures (excluding fences less than two metres high, loading races in relation to road frontage and dwellings):

- i. shall be a minimum of 5 metres from any site boundary; and*

- ii. shall not be located within 20 metres of any existing dwelling located on another property; and*

Dwellings shall be located at least:

- i. 20 metres from the nearest traffic lane for any boundary adjacent to a state highway where the posted speed is at least 70km/hour.*
- ii. 10 metres from any other site boundary.*

Council Reasons for Decision:

1. The Committee accepted that farm buildings could sometimes be accommodated without adverse effects at a distance of less than 10 metres of a boundary. However it is important to avoid potential reverse sensitivity issues that may compromise routine farm activities. The Committee determined that the boundary setback for farm buildings be reduced to 5 metres, which is consistent with the Rural B Zone requirement and that new structures be set back at least 20 metre from existing residential dwellings.
-

Submitter Name: Mark Stratford

Submission No: 2

Summary:

Submitter wishes to rezone property at 12 Leniher Street from Reserves and Open Space zoning to Rural C. This is in line with the surrounding zoning.

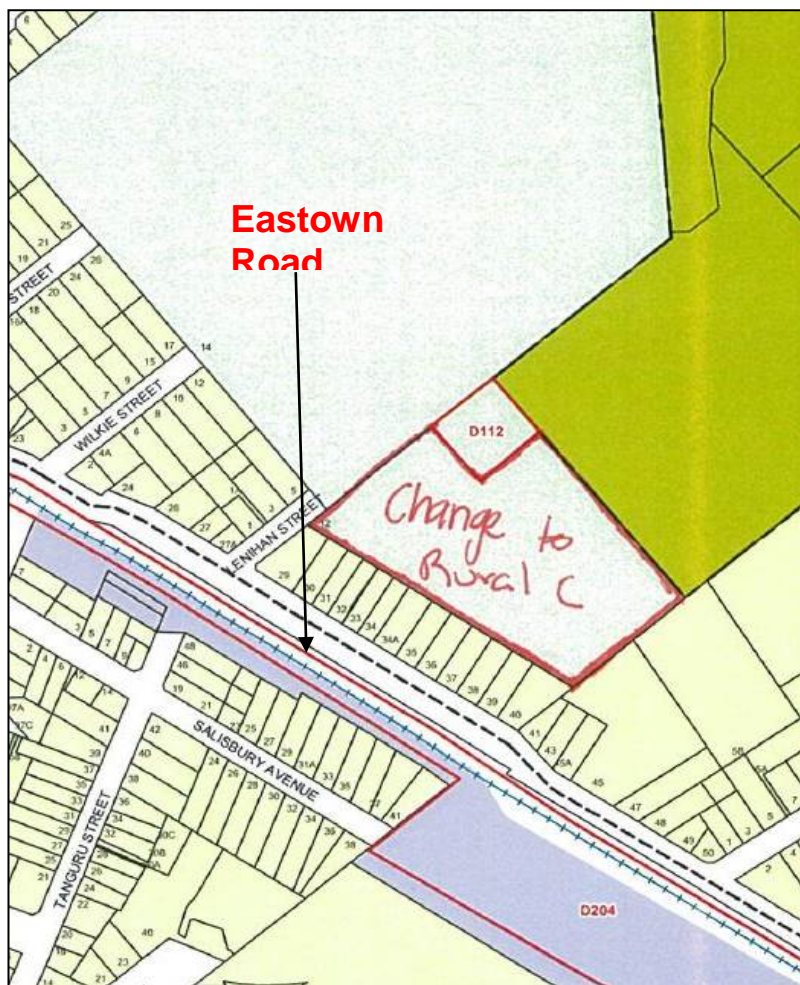
Decision Sought: Change zone of 12 Leniher Street from Reserves and Open Space to Rural C.

Council Decision:

That Submission 2 from Mark Stratford be **Accepted**.

Make the following changes to the Plan as a result of this Submission:

Amend Urban Planning Map 10 and Rural Map 18 to rezone 12 Leniher Street to Rural C Zone as indicated on the map below:



Council Reason for Decision:

1. The site is no longer owned by Council or used for reserves or opens space purposes; therefore, the current Reserves and Open Space zoning is no longer appropriate. Rural C Zone is appropriate as it fits with the zoning of adjacent sites.

APPENDIX 1E - Allow 1 hectare lot subdivision on sites already under 10 hectare minimum

Submitter Name: Derek Alexander Priest

Submission No: 23

Summary:

Submitter seeks land already below 10 hectares to be subdivide-able. Land was purchased to subdivide.

Decision Sought: That land below 10 hectares to continue to be able to be subdivided.

Submitter Name: Donald George Kilpatrick

Submission No: 24

Summary:

Submitter oppose the 10 hectare minimum lot size for properties under 20 hectares. Submitter opposes 1 dwelling pre 10 hectare site area.

Decision Sought:

1. That a 4 hectare minimum lot size to be adopted.
2. That 1 dwelling per 4 hectares be allowed, exemptions be made for family circumstances.

Submitter Name: Rhonda Lynette Campbell

Submission No: 37

Summary: Submitter opposes the Rural A Zone and a restriction of 1 dwelling per allotment. This is unfair and land owners will lose their current rights.

Decision Sought:

1. That two dwellings per 1 hectare or larger be permitted.
2. That existing lots less than 20 hectares be permitted to subdivide to 1 hectare.
3. Failing the above, existing landowners should be exempt from the restrictions until the property is sold.

Further Submitter Name: Keith Hey (368 Blueskins Rd)

Submission No: FS6

Supports the entire submission

Reason: Democratic rights of existing owners to govern their land use under the existing council rules at time of purchase.

Further Submitter Name: BR and JH Erni (290 Blueskins Rd)

Submission No: FS7

Supports the entire submission

Reason: Allow 2 dwellings per 1 hectare in case of need to care for family member. Better at home than in care.

Submitter Name: Keith Marshall Hey

Submission No: 39

Summary: Submitter opposes the 10 hectare minimum lot size for properties that are less than 10 hectares and one dwelling per allotment.

Decision Sought:

1. That all existing properties that are 20 hectares or larger should be restricted to 10 hectare minimum lot size.
2. That all existing properties that are less than 20 hectares be permitted to subdivided down to 1 hectare.

Submitter Name: Wilfrid Luke Emmett

Submission No: 50

Summary:

The submitter would like to see the 10 hectare minimum lot size lifted to 20 hectares. For people with uneconomic blocks under 10 hectares and surrounded by 1 hectare blocks they should be able to subdivide as neighbours have.

Decision Sought:

1. A 20 hectare minimum lot size restriction.
2. Existing small blocks be able to subdivide to 1 hectare minimum.

Submitter Name: Allan and Glenna Allott

Submission No: 53

Summary:

- The submitter seeks existing blocks below 10 hectares be allowed to be subdivided to 1 hectares. The submitter opposes the provision as smaller blocks will not become part of 10 hectare lots.
- The submitter wishes to be able to do a boundary adjustment and amalgamation with neighbouring properties without needing a Non-complying consent.

Decision Sought:

1. That existing lots less than 10 hectares to be able to subdivide down to 1 hectare.
2. That a boundary adjustment or amalgamation not be classed as a non-complying activity.

Further Submitter Name: L and B Graves

Submission No: FS4A.1 – 4A.4

Supports submissions 23, 39, 50 and 53

Reasons: Traffic on Rapanui Rd is principally generated from Mowhanau.

The Rural A zoning will cause: a significant drop in property values for properties comprising 2 – 20 ha, take away individual rights and limit options for those wanting smaller blocks. The land classification is not accurate for many blocks. Small block

owners plant trees, use less sprays, are environmentally friendly, don't use land just for income, often improve soil quality. Many rural communities are dying, rural block owners need to realise living in an industrial environment that operates 24/7 365 days a year and not complain. Vital that council balance the costs and benefits. Current proposal will mean costs, financial and lifestyle for many who gain nothing.

Council Decision:

Submission 23 by Derek Alexander Priest, Submission 24 by Donald George Kilpatrick, Submission 37 by RL Campbell, Submission 39 and Further Submission 6 by KM Hey, Submission 50 by Wilfrid Luke Emmett, Submission 53 by Allan and Glenna Allott and Further submissions FS4A.1 – 4A.4 by L and B Graves and FS7 by BR and JH Erni be **Rejected**.

No amendments are made as a result of these Submissions.

Council Reason for Decision:

1. The matters raised in the further submissions FS4A.1 – 4A.4 have little bearing on the decision to rezone the submitter's properties, as the principal consideration is the quality of the land for production. It is noted that significant areas of Class I land are located in and around the submitter's property at 527 Rapanui Road.
2. In relation to further submissions 6 and 7, section 10 of the Resource Management Act 1991 (the Act) provides for existing uses to continue when the District Plan changes. No other right exists to enable people to continue to benefit from previous regimes, just because they purchased to benefit from specific regulation. Two dwellings per hectare would be directly contrary to the sustainable management of our most versatile soil resource which exists only in the areas proposed for Rural A zoning.
3. The Rural A zone has been applied to areas that comprise of Class I and some of the District's Class II land, these are extremely important natural resources for Wanganui, as well as New Zealand.
4. The purpose of the Act is to promote the sustainable management of natural and physical resources; including, safeguarding the life-supporting capacity of air, water, soil and ecosystems. Wanganui is fortunate to have areas of Class I and Class II land as well as a good climate. This is a rare combination in New Zealand.
5. In addition, the Act requires District Plan provisions 'give effect' to the Regional Policy Statement (section 75(3)). The Regional Policy Statement for this District is the Horizon's One Plan. It is the main vehicle for interpreting and applying the sustainable management requirements of the Act in a local context, and in this regard, guides the development of lower tier plans, including the District Plan. The One Plan includes requirements to prioritise Class I and Class II land when planning for growth and development.
6. The Council has been silent on this issue in the past which has led to a trend of increasing lifestyle and residential development on this versatile land.

7. To allow existing blocks less than 20 hectares to subdivide down to 1 hectare would undermine the intention of this Plan change. Reverse sensitivity can arise as small allotments result in an increase in dwellings, which can have a flow on affect to neighbouring properties.
8. Allowing more than one dwelling as a permitted activity also has the potential to create reverse sensitivity issues. This Plan Change does not prevent a second dwelling from being built on a property; it states a resource consent must be obtained to do so. Consideration can then be given to the likely effects on the environment.
9. In response to Submission 50 by Wilfrid Luke Emmett; as the minimum lot size is proposed to be 10 hectares, it would be against the principle of natural justices to recommend an increase of double what is proposed without clear justification to do so.

Submitter Name: Quentin Handley

Submission No: 64

Summary:

The submitter supports the Rural A Zone in principle however the 'one off' subdivision for lots larger than 10 hectares should also apply to existing lots less than 10 hectares.

Decision Sought: That existing lots less than 10 hectares have the ability to do the one off subdivision.

Submitter Name: Peter Bridgland

Submission No: 73

Summary:

The submitter supports the proposal.

The submitter seeks the one off subdivision provision to relate to Rural A blocks that are less than 10 hectares. This will provide flexibility for small land owners and fairness to all Rural A landowners not just those over 10 hectares.

Decision Sought: That existing lots less than 10 hectares have the ability to do the one off subdivision.

Council Decision:

Submission 64 by Quentin Handley and 73 by Peter Bridgland be **Rejected**.

No amendments are made as a result of this Submission.

Council Reason for Decision:

1. The Rural A Zone has been applied to areas that comprise of Class I and some of the District's Class II land, which are extremely important natural resources for Wanganui, as well as New Zealand.
2. In addition, the Act requires District Plan provisions 'give effect' to the Regional Policy Statement (section 75(3)). The Regional Policy Statement for this District is the Horizon's One Plan. It is the main vehicle for interpreting and applying the sustainable management requirements of the Act in a local context, and in this regard, guides the development of lower tier plans, including the District Plan. The One Plan includes requirements to prioritise Class I and Class II land when planning for growth and development.
3. The Council has been silent on this issue in the past which has led to a trend of increasing lifestyle and residential development on this versatile land.
4. Allowing a one off subdivision for all existing properties less than 10 hectares would significantly increase the density of development across the Rural A Zone. It would likely reduce the land safeguarded for future productive activities and further fragment the land, potentially increasing the risk of reverse sensitivity issues for surrounding productive farms.
5. This is contrary to the objectives and policies proposed through this Plan Change.

APPENDIX 1F - Re-zoning of Clarkson Ave – Including neighbouring Mosston Rd properties

Submitter Name: Leighton Souness

Submission No: 14

Summary: Submitter opposes Rural C zoning for 189 Mosston Road as it is located next to the Residential Zone.

Decision Sought: That 189 Mosston Road to be changed to Rural B Zone.

Submitter Name: Leighton Minnell

Submission No: 15

Summary: Submitter opposes Rural C zoning for 10 Clarkson Ave as it is located next to the Residential Zone.

Decision Sought: For 10 Clarkson Ave to be changed to Rural B Zone.

Submitter Name: Lance Attrill

Submission No: 16

Summary: Submitter opposes Rural C zoning for 12 Clarkson Ave, as it is located close to the Springvale Indicative Plan Proposal.

Decision Sought: For 12 Clarkson Ave to be changed to Rural B Zone.

Submitter Name: Lauren Toy

Submission No: 17

Summary: Submitter opposes Rural C zoning for 10a Clarkson Ave as it is located next to the Residential Zone.

Decision Sought: For 10a Clarkson Ave to be changed to Rural B Zone.

Submitter Name: Tam Sua

Submission No: 18

Summary: Submitter opposes Rural C zoning for 5 Clarkson Ave.

Decision Sought: That 5 Clarkson Ave to be zoned Rural B.

Submitter Name: Paul and Trish Webster

Submission No: 21

Summary: Submitter opposes Rural C zoning for 12 Clarkson Ave as it is located close to the Springvale Indicative Plan Proposal.

Decision Sought: For 12 Clarkson Ave to be changed to Rural B Zone.

Submitter Name: Cameron Shane Bruce Stone

Submission No: 74 – Late

Summary: Submitter opposes 12 to 14 Clarkson Ave to be zoned Rural C as it is located across from the Residential Zone. It is not cost effective to develop 1 hectare blocks, 5000m² is much more developable.

Decision Sought: That 12 to 14 Clarkson Ave to be changed to Rural B or Residential

Council Decision:

Submissions 14 by Leighton Souness and 18 by T Sua be **Rejected** and Submissions 15 by Leighton Minnell, 16 by Lance Attrill, 17 by Lauren Toy, 21 Paul and Trish Webster and Submission 74-late by Cameron Stone be **Accepted**.

Make the following changes to the Plan as a result of these Submissions:

Amend Planning Map 13 to rezone 10, 10a, 12, and 14 Clarkson Ave to Rural B Zone as indicated on the map below:

Council Reasons for Decision:

1. This area comprises predominantly lifestyle properties, many of which are less than 2 hectares, and located opposite the existing Rural B Zone. This area is neither Class I nor Class II land, so Rural A is not appropriate. The sites are located in the vicinity of the Rural B Zone, but sites are not adjacent.
2. Mosston Road is identified as a key heavy vehicle transport route in the Wanganui Urban Transportation Strategy 2011 (WUTS). The Strategy identifies that this route is presently of a substandard formation for such industrial and heavy vehicular traffic and that any additional residential access points on to this road will further compromise the effectiveness of the transport network. This is a key link which is not readily relocated. For this reason it is not appropriate to consider rezoning land on the western side of Mosston Road unless alternative road access is available, as is the case for Clarkson Ave.
3. The WUTS specifically identifies that additional dwellings which will create more conflict points with heavy vehicles on Mosston Road are to be avoided. This is necessary to protect the functioning of the route and avoid creation of reverse sensitivity issues of road noise, vibration and visual effects associated with heavy truck movements.
4. Rezoning of 5 Clarkson Ave and 189 Mosston Road could only be supported if restrictions were imposed that prohibited access via Mosston Road, to any future proposed sites. At this time the Committee did not consider it prudent to approve such a change as the risk to the function and efficiency of Mosston Road outweighs any benefit.
5. The rezoning of a portion of Clarkson Ave is consistent with the intention of the Plan change to extend the Rural B Zone; provided sites are adjacent or in close proximity to the urban area and do not increase risks to Mosston Road as a heavy vehicle route.



Changes to Map - **Urban 13**

Submitter Name: Stewart Donald Thomas

Submission No: 35

Summary: Submitter seeks Rural B Zone to extend adjacent to Mosston Road. Many of these lots are small now.

Decision Sought: For a Rural B zoning to apply to properties adjacent to Mosston Rd.

Submitter Name: Richard Owen

Submission No: 70

Summary: Submitter seeks the Rural B zoning to extend along Mosston Road towards Castlecliff. Lifestyle development is already in existence in this area and Plan Change 36 should reflect this.

Decision Sought: Extend the Rural B zoning along Mosston Road.

Council Decision:

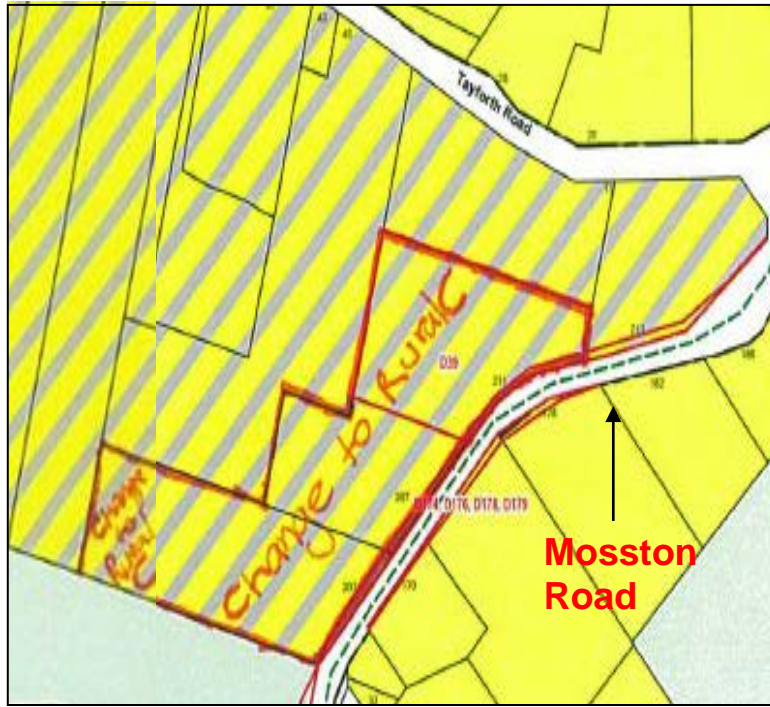
Submission 35 by Stewart Donald Thomas and Submission 70 by Richard Owen be **Partly Accepted**.

Make the following changes to the Plan as a result of these Submissions:

Amend District Planning maps Urban 13 and Urban14 as indicated on the map below:

Council Reason for Decision:

1. The area along Mosston Road including Clarkson Avenue is predominately small holdings with some allotments exactly 1ha or less. The area is neither Class I nor Class II land; therefore Rural A zoning is not appropriate.
2. Mosston Road is identified as a key heavy vehicle transport route in the Wanganui Urban Transportation Strategy 2011 (WUTS). The Strategy identifies that this route is presently of a substandard formation for such industrial and heavy vehicular traffic and that any additional residential access points on to this road will further compromise the effectiveness of the transport network. This is a key link which is not readily relocated. For this reason it is not appropriate to consider rezoning land on the western side of Mosston Road unless alternative road access is available, as is the case for Clarkson Ave.
3. The WUTS specifically identifies that additional dwellings which will create more conflict points with heavy vehicles on Mosston Road are to be avoided. This is necessary to protect the functioning of the route and avoid creation of reverse sensitivity issues of road noise, vibration and visual effects associated with heavy truck movements.
4. Rezoning of sites adjacent to Mosston Road, between Clarkson Ave and Mill Road could only be supported if restrictions were imposed that prohibited access via Mosston Road, to any future proposed sites. At this time it is not considered prudent to approve such a change as the risk to the function and efficiency of Mosston Road outweighs any benefit.
5. In relation to properties on Mosston Road between the Golf Course and Tayforth Road, it is recommended that to ensure a consistent approach is taken that they retain a Rural C Zone rather than the Rural B Zone proposed by PC36.



Changes to Maps - **Urban 13 and Urban14**

APPENDIX 1G - Proposed extension to Rural B Zone – Westmere

Submitter Name: Basil and Barbara McCullough (140 Francis Road)

Submission No: 13

Summary: We support the Proposed Rural B Zone in Westmere.

Decision Sought: No Change requested.

Submitter Name: John and Caroline Mackay

Submission No: 55

Summary: Submitter supports the Rural B zone change to allow 0.5 hectare lots.

Decision Sought: Resource Consents that the Council claims are current are reviewed immediately with a stated time frame. The proposal will have an adverse effect on current conditions.

Submitter Name: Robert Duncan Boyd (16 Cotswolds Close, Otamatea)

Submission No: 65

Summary: Submitter supports the extension of the Rural B zone. The submitter requests that the minimum lot size of 5000m² is gross and inclusive of any/all access ways to ensure maximum benefit of the proposed Plan change.

Decision Sought: That the 5000m² be gross and inclusive of any/all access ways.

Council Decision:

Submissions 55 by John and Caroline Mackay and 13 by Basil and Barbara McCullough and 65 by Robert Duncan Boyd be **Accepted in Part**.

No changes are made as a result of these Submissions.

Council Reason for Decision:

1. The Committee notes and appreciates the support of Submitters 13, 55 and 65 for the Rural B Zone extension in the Westmere area.
2. The Rural B Zone provisions to which Submitter 55 refers, were reviewed as part of Phase 2 of the rolling District Plan review. These provisions are outside the scope of this present Plan change and cannot be amended.
3. In response to Submission 65, having a minimum lot size of 5000m² gross area and inclusive of any/all access ways has the potential to reduce area available for effluent disposal. The balance area would be less than the minimum required by the Horizons Regional Council's One Plan to accommodate on-site waste water disposal. This request has the potential to make the District Plan inconsistent with the One Plan which would be unlawful. The extension to the Rural B Zone is proposed to be amended as a response to other submissions.

The decision sought would have implications on Rule 11.5.4 and the definitions chapter and goes beyond the scope of this Plan change.

Submitter Name: Valda and Murray Lilburn (101 Tayforth Rd)

Submission No: 1

Summary: Submitter is opposed to the decrease in minimum lot size from 1 hectare to 5000m². The submitter is concerned about being built out. The proposal is not supported. Roding, water noise, neighbours and rates are also a concern.

Decision Sought: Just leave it as it is.

Submitter Name: David Ian Higgins

Submission No: 44

Summary:

- Submitter is opposed to the Rural B zoning surrounding 107 Rapanui Road and the Higgins Poultry Farm. The Higgins Poultry Farm has been an established farming operation since 1951 with following throughout the North Island and are looking to expand into the South Island.
- The submitter expresses concern regarding the ability of surrounding properties to subdivide down to half a hectare and stresses this decision should not be taken lightly. Many of the blocks in the area are 2 hectares why let them subdivide lower?
- The submitter highlights that there are many rural industries in and bordering the proposed Rural B area. These industries bring so much into the District and need to be protected.

Decision Sought:

1. Retain the 1 hectare minimum lots size for the Proposed Rural B area in Westmere.
2. Failing this, retain the 1 hectare minimum lot size for the area from and including Rapanui Road to Francis Road down to Tayforth Road up to Taylor Road and a line through Erin Road.

Submitter Name: Kelly Anderson and Steven Darby (81 Francis Rd)

Submission No: 33

Summary:

- Submitter is opposed to the Westmere Rural B rezoning and wishes for it to remain 1 hectare minimum subdivision. No rural land should be subdivided below 1 hectare. This land was purchased, 2 and a half years ago, with the notion that neighbours would not be able to subdivide and build next door.
- The submitter states that one of the reasons that this area is to be rezoned is due to the lower unproductive quality of land. There are four successful and locally owned/operated rural industry businesses in the area. So how is this unproductive?
- When was the land testing done and why were residents not told about it? If these results are a direct link to the rezoning then everyone should have been made aware of the testing and results.

- Rapanui Road is one of the most dangerous roads in Wanganui, why add more traffic to this area with more subdivision? If land drainage is a problem due to dwellings why add to this pressure with more subdivision?
- 5000m² blocks are not enough to efficiently graze stock, this will lead to an increase in animal welfare issues, especially in this drought prone area.
- If the land becomes subdivide-able no doubt the land value will increase, resulting in an increase in rates over time.
- There are currently many lifestyle blocks that are struggling to sell, we don't need more.
- The submitter loves where they live, don't want to see it change and urge that the 1 hectare minimum remain as less than this will result in the around not being rural anymore.

Decision Sought: That Rural B zone is not extended and 1 Hectare minimum remains.

Submitter Name: Malvin Walton Booth (145 Francis Rd)

Submission No: 42

Summary: Submitter opposes the extension to the Rural B zone. Smaller lots will put more pressure on roads, reduce privacy, and increase unproductive use of land.

Decision Sought: To implement a 10 hectare minimum lot size.

Submitter Name: Michael James Russell (163A Great North Rd)

Submission No: 63.1

Summary: Submitter is opposed to the proposed Rural B zone extension. There has been little if any provision of infrastructure by Council to extend the Rural B zone which includes intensified residential development. The Council needs to have a long term vision which is agreed with and communicated to the community. Once this is agreed, zoning requirements can be assessed on the basis of the vision.

Decision Sought: Status quo should remain for Rural B until accurate Class 1 and Class 2 land has been mapped and a vision in place.

Submitter Name: Noel Edward Lindsay (143 Francis Rd)

Submission No: 28

Summary: Submitter opposes the extension to the Rural B zone. The proposed 5000m² is too small to be used practically as grazing of cattle or horse etc. Smaller lots will allow capital investment for the balance lot.

Decision Sought: Allow one-off subdivision of a more flexible size.

Council Decision:

Submissions 1 from Valda and Murray Lilburn is **Rejected** and Submissions 28 by Noel Edward Lindsay, 33 by Kelly Anderson and Steven Darby, 42 by Malvin Walton Booth, 63.1 by Mitchael James Russell and 44 by David Ian Higgins be **Accepted in Part**.

Make the following changes to the Plan as a result of these Submissions:

Amend District Planning maps Rural 18, Urban 3 and Urban 7 as indicated on the map below:

Council Reason for Decision:

1. Plan Change 36 changes the zone which applies to a number of properties and this results in different subdivision and development rules applying. Submitters are generally concerned that the change of zone enables smaller sites to be created and this will impinge on their sense of space and create adverse effects such as noise, traffic and reduced privacy. However it is noted that the proposed areas are already relatively developed with a number of sections subdivided to the minimum existing limit of one hectare. The areas identified are potentially attractive locations for development given proximity to the urban area and suitability given their relatively less versatile soils.
2. Zoning of these sites and surrounding area to Rural B is part of a combined set of methods designed to safeguard the District's most versatile soils from rural lifestyle and small holding fragmentation. However the Committee determined that the area bounded by Erin, Rapanui, Francis, Tayforth and Day roads are considered to be more appropriately retained as Rural C given the potential for reverse sensitivity and the greater distance from the urban area relative to other proposed Rural B zoned areas.
3. Regarding the concerns that 5000m² is insufficient land to effectively graze stock. The limit is only a minimum lot size; there is still the ability for large land parcels to be retained to provide adequate grazing area for stock. It is noted that the submitter supports the provision for a one-off smaller lot to be created.
4. Within the rural environment all stormwater and wastewater must be adequately dealt with onsite. This can be achieved with the proposed 5000m² minimum lot size, as provided for in the Horizons One Plan.
5. In response to Submission 44; it is accepted that one or more existing primary industry activities have the potential to be adversely affected by the extension to the Rural B Zone. An increase in lifestyle blocks has the potential to create reverse sensitivity issues. Primary industries such as Higgins Poultry Farm are important to Wanganui and its economy. There needs to be protection for these activities to ensure they can continue to operate within our rural environment.
6. In response to Submission 33; although this area was proposed as Rural B, that does not mean it is considered unproductive land. The purpose of the Rural B Zone extension is to ensure adequate lifestyle development options are provided for, on the fringes of the urban area and on the relatively less versatile soils, in order to safeguard the most versatile soils.

7. The Land Class Classification information is from Landcare New Zealand and is long established and recognised as the start point for establishing relative quality of land.
8. Potential increase in traffic along Rapanui Road had not been identified as an issue sufficient to negate more dense development. However it is acknowledged that this is a busy road and consideration is relevant.
9. In response to Submission 28; a one-off flexible subdivision size would still need to be at least 5000m² site area, as anything less would be inconsistent with the requirements of the Horizon's One Plan and therefore unlawful.



Changes to Maps - Rural 18, Urban 3 and Urban 7

APPENDIX 1H - Rural A - Requests to Re-zone - Papaiti

Submitter Name: Barbara and John Gray

Submission No: 10

Summary:

- Submitter opposes the proposed Rural A zoning of 187 Papaiti Road. It will devalue the property. Council says lots less than 10 hectares would not be economically viable. The future of farming is on smaller land holdings, intensive but environmentally sustainable.
- The Submitter understands what Council is trying to achieve and would not like to see the area cluttered with big houses. Only allowing a farm to subdivide off a small 0.5 hectare lot is not wise as lots between 2 and 5 hectares are more viable.
- Each piece of land should be assessed on its own merits. One further subdivision on their property would not have a major effect on what the Council is trying to achieve.
- Submitter states that most lots from Flemington Road to Waireka Road are already below 10 hectares, some as small as 0.6 Hectares.
- Papaiti soils was not considered to be ideal as far as land quality was concerned, it has a very thin layer of top soil and then it is pumice having little if any nutritional value. Plants grown on pumice are susceptible to blowing over in strong winds.
- 187 Papaiti Road is 11 Hectares, approx. 4.69 hectares is very steep hillside and swampy at the base.
- The submitter questions is they will be compensated as they stand to be \$180,00 worse off for our retirement. Will the rates decrease? Why label land below 10 as Rural A? Will Council take into account that those on existing small sections will probably not submit and those of us who are affected may be in the minority?
- The submitter states with innovation and imagination there are endless possibilities for creating potential on a small block. Restrictions such as council proposes are limiting and will not achieve in the long run.

Decision Sought:

1. That 187 Papaiti Road is not zoned Rural A or lots be 2 - 5 hectares depending on location.
3. Failing this to be compensated for the loss or allow one further subdivision per property.

Submitter Name: Raymond Andrew Jarden

Submission No: 38

Summary:

- The submitter opposes the introduction of the Rural A Zone and the 10 hectare minimum lot size provision.
- The submitter owns a 40 hectare deer farm at 163a Papaiti Road. The submitter states that the Plan change is wrong as it asserts that lifestyle blocks take land out of productive use as rural lifestyle blocks are in the main very productive.
- Many small blocks are self-sufficient in meat, vegetables, fruit etc, just because it is not sold it still represents significant local production.
- Preventing these small lifestyle blocks will handbrake local economic development by reducing business for all tradesmen. Why would we want to prevent people from relocating to Wanganui and building/purchasing lifestyle blocks in the future?
- Why would Wanganui District Council want to take away future flexibility for property owners if their circumstances change.
- The submitter believes future lifestyle development will not affect the deer business. Infrastructure has already been invested to provide for future subdivision options on the property.
- The value of properties will fall overnight; will Wanganui District Council compensate property owners for the reduced values?
- Options for future urban subdivision are limited within the city boundary, if we want to see Wanganui grow in the future it is necessary to provide lifestyle blocks close to the city boundary.

Decision Sought:

1. Retain the 1 hectare minimum lot size for 163a Papaiti Road.
2. That minimum lot size remain 1 hectare.

Further Submitter Name: Barbara Gray

Submission No: 10.2

Supports Submission 38

Reason: Area of land owned by each of the submitters that would qualify as Rural A (Class 1 land) is less than 10ha. Balance of properties are steep hillside or boggy. Surrounded by lifestyle development and small sections, many less than 1 hectare. Small does not necessarily mean not productive.

Paid premium based on ability to subdivide. Would seek compensation for reduced value of land. Properties only 2km from urban area and want to see Wanganui grow not stagnate.

Submitter Name: Noel Cooper

Submission No: 8

Summary:

- Submitter's land was purchased for its subdivision potential as well as its productive orchard capability. The price paid for the land was higher as to reflect the potential to subdivide into lifestyle blocks near town. The property is surrounded by lifestyle development. Rural B would be a more appropriate zoning for this area.
- The ability to subdivide is important in an event of a PSA virus breakout, subdivision would be the fall back option. Best practice noise control methods are in place and have minimal effect on neighbours. Submitter supports the protection of Class 1 land however there is plenty of Class 2 land.

Decision Sought:

1. Zone our property at 135 Papaiti Road as Rural B with a minimum subdivision of 5000m².
2. Do not zone 135 Papaiti Road as Rural A with a 10 Hectare minimum subdivision.
3. Alternatively retain the Rural zoning with a 1 hectare minimum lot zone.

Further Submitter Name: Barbara Gray

Submission No: 10.1

Supports Submission 8

Reason: Area of land owned by each of the submitters that would qualify as Rural A (Class 1 land) is less than 10ha. Balance of properties are steep hillside or boggy. Surrounded by lifestyle development and small sections, many less than 1 hectare. Small does not necessarily mean not productive.

Paid premium based on ability to subdivide. Would seek compensation for reduced value of land. Properties only 2km from urban area and want to see Wanganui grow not stagnate.

Submitter Name: Graeme Langridge

Submission No: 45

Summary: Submitter is opposed to the Rural A zoning of his property. Many properties within this area have already been subdivided down the 1 hectare blocks.

The property has poorer soils than the surrounding lots.

The economics of farming in this area in the future would not be possible thus being able to subdivide to the 1 hectare blocks would be keeping with the surrounding area.

Decision Sought:

For the properties Lot 4 DP 369560, Lot 2 DP 310549, Lot 3 DP 369560 and PT Section 49 Left Bank Wanganui River to be zoned Rural C.

Submitter Name: Graeme Langridge

Submission No: 46

Summary: The submitter seeks Lot 2 DP 310549 be zoned Rural B. Properties on either side of this property have been zoned Rural B as have the rest of the properties on either side of the street. The Rural A zoning of this property is an unfair disadvantage.

Decision Sought: For Lot 2 DP 310549 to be zoned Rural B.

Council Decision:

That Submission 10, Further Submissions 10.1 and 10.2 by Barbara Gray and John Gray, Submissions 38 by Raymond Andrew Jarden, 8 by Noel Cooper, and Submissions 45 and 46 by Graeme Langridge are **Accepted in Part**.

Make the following changes to the Plan as a result of these Submissions:

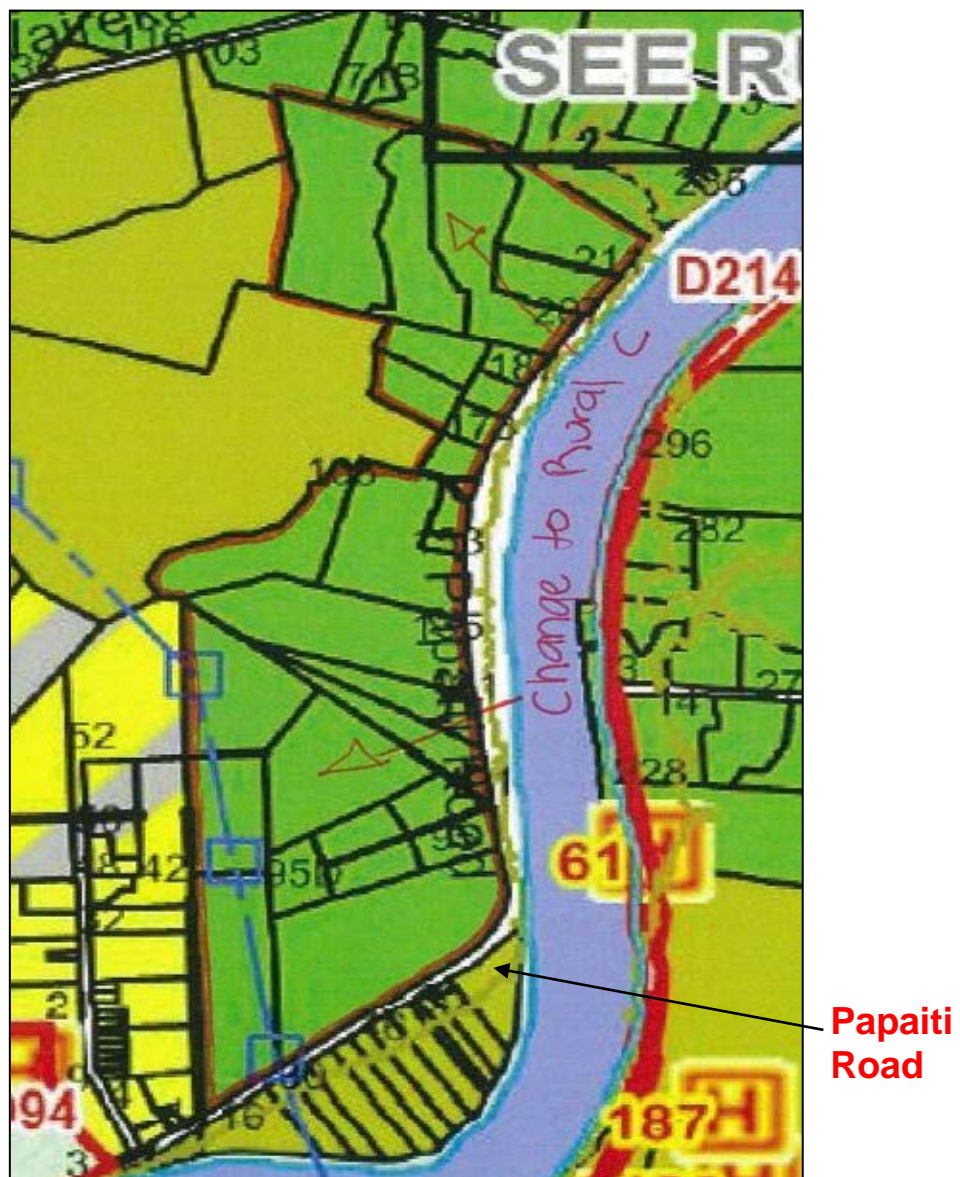
Amend District Planning maps Rural 19 and Urban 2 as indicated on the map below:

Council Reason for Decision:

1. In response to Submission 10 and Further Submissions FS10.1 and 10.2 by Barbara Gray and John Gray; the introduction of a 10 hectare minimum lot size does not mean that sites below this are not economically viable. The purpose is to retain areas of Class I and II land in larger blocks to safeguard these finite versatile soils. Each property would be assessed on its own merits through a resource consent process.
2. In response to Submission 38; through this Plan change more areas within the District are proposed to be zoned Rural B with a minimum lot size of 5000m² in order to provide for lifestyle development close to the urban area. This is one of a series of methods being implemented to safeguard the most versatile soils from future rural lifestyle or low productive activities.
 - The Committee appreciated Mr Jarden’s submission, but noted that he was one of only two submitters opposing the concept of restriction on subdivision close to the urban area. The Committee did not concur with this submitter when he expressed a view that Wanganui would achieve greater economic benefit by subdividing rather than retaining this land for productive use. The Committee noted in particular the work of the Rural Enterprise Scheme which details the significant productive potential for these most versatile soils.
 - The Committee noted that it was exactly because the Class I land is close to the urban area that it experiences the level of threat that it does. Given that currently a small parcel of Class 1 land has a similar market value as inferior land close to Wanganui, this encourages purchase of the best land for less productive purposes.
3. In response to Submission 8; it is noted that there are larger areas of Class II land in the District than Class I. This area on Papaiti Road is Class II land. The adjoining properties are zoned Rural C or existing or proposed Rural B Zone. It is acknowledged that there has already been substantial subdivision around this area, including below 1 hectare and that the area is close to the urban area.

As these blocks of land are comprised of a majority Class II land Rural B zoning is not appropriate. Rural C is the most appropriate zoning for this area.

4. It is noted that Submissions 45 and 46 ask for contradictory decisions in relation to Lot 2 DP310549. It is understood that the preferred outcome is that this property be zoned Rural B. Lot 2 DP 310549 is Class II land and is proposed to be zoned Rural A. This property is adjoining the existing Rural B Zone with an existing Rural (1ha minimum lot size). The three most significant adjoining properties are recommended to be zoned Rural C as a result of the submission process. It is noted that there are existing 1ha allotments around this property. Zoning this property Rural B Zone would further extend small allotments into the rural productive area which is not appropriate. To ensure there is a sufficient buffer between the denser lifestyle development and potential intense farming Rural C is the most appropriate for this property.



Submitter Name: Malcolm Anthony Young

Submission No: 29

Summary: Properties outlined within the submission be zoned as Rural B.

This area is currently being considered for subdivision. This property would benefit from a 5000m² minimum lot size.

Decision sought: For the properties outlined in the Submission be rezoned as Rural B

Council Decision:

Submission 29 by Malcolm Anthony Young be **Rejected**.

No changes are made as a result of this submission.

Council Reason for Decision:

1. The property at 252 Roberts Ave, LOT 3 DP 58569 and LOT 1 DP 71256 is to be zoned Rural C. The submitter has requested that the property be zoned Rural B. The Committee noted that, due to the property's location and size, a change of zoning would expose a large area of existing rural land to potential issues relating to reverse sensitivity created by future small rural lifestyle development. It is not appropriate to change the zoning to Rural B. Rural C is the most appropriate zone for these allotments.



Retain Rural C Zone at 252 Roberts Ave

APPENDIX 1I - Site Specific Opposition to Rural A Zoning

Submitter Name: Samuel JE Hodges (816 Rapanui Rd)

Submission No: 34

Summary:

Lot 3 DP 376999 to retain the 1 hectare minimum lot size provision. There are already reverse sensitivity issues occurring making it difficult to carry out normal farming operations.

Decision Sought: For Lot 3 DP 376999 (Peat Ave, Rapaunui Road Mowhanau) to be zoned Rural C.

Further Submitter Name: Liam and Beverley Graves

Submission No: FS4A.5

Supports submission 34

Reasons: Traffic on Rapanui Rd is principally generated from Mowhanau. The Rural A zoning will cause: a significant drop in property values for properties comprising 2 – 20 ha, take away individual rights and limit options for those wanting smaller blocks. The land classification is not accurate for many blocks. Small block owners plant trees, use less sprays, are environmentally friendly, don't use land just for income, often improve soil quality. Many rural communities are dying, rural block owners need to realise living in an industrial environment that operates 24/7 365 days a year and not complain. Vital that council balance the costs and benefits. Current proposal will mean costs, financial and lifestyle for many who gain nothing.

Further Submitter Name: MS Abbott (66 Mowhanau Drive)

Submission No: FS8

Supports

Reason: As occupier of Mowhanau Holiday Park which bounds the block of land, considers that normal farming operations including early morning mustering along Rapanui Rd to the woolshed are an inconvenience to many campers and road users year round. Block is surrounded by lifestyle blocks and the Mowhanau Village.

Further Submitter Name: SG Forlong (45 Mowhanau Drive)

Submission No: FS9

Supports

Reason: The existing housing has the effect of seriously inhibiting many normal farming operations e.g. spraying, aerial topdressing and noise factors especially tractor work and morning mustering.

Only a very limited number of sections available in what is considered the best Wanganui beach area. Allowing 1 hectare subdivisions would enable development of an area in a controlled and desirable manner. Rural C is more appropriate.

Council Decision:

Submission 34 by SJE Hodges and Further Submissions FS4A.5 by Liam and Beverley Graves, FS8 by MS Abbott and FS9 by SG Forlong be **Rejected**.

No amendments are made as a result of this Submission.

Council Reason for Decision:

1. In relation to the further submission FS4A.5, the submitter has sought additional decisions which are not within the scope of a further submission. The matters raised in FS4A.5 have little bearing on the decision to rezone the submitter's property, as the principal consideration is the quality of the land for production.
2. The Rural A zone has been targeted to include areas that consist of Class I and some of the District's Class II land which are extremely important natural resources for Wanganui, as well as New Zealand.
3. In addition, the Act requires District Plan provisions 'give effect' to the Regional Policy Statement (section 75(3)). The Regional Policy Statement for this District is the Horizon's One Plan. It is the main vehicle for interpreting and applying the sustainable management requirements of the Act in a local context, and in this regard, guides the development of lower tier plans, including the District Plan. The One Plan includes requirements to prioritise Class I and Class II land when planning for growth and development.
4. The Council has been silent on this issue in the past which has led to a trend of increasing lifestyle and residential development on this versatile land.
5. The property referred to in this Submission is made up of both Class I and Class II land. In order to protect existing Class I land, it has been necessary to zone all Class I land and some areas of Class II land that are subject to lifestyle and urban development. For practical reasons this has necessitated the inclusion of a few blocks where land is not entirely covered by either Class I or II land.
6. As identified by the submitter reverse sensitivity issues are already occurring in this area. Allowing this property to be zoned Rural C with a 1 hectare minimum lot size has the potential to increase these issues, further hindering the options for productive activities on this Class I and II land.
7. As Class I land is under threat from lifestyle development and is scarcer than Class II land within the region it is appropriate that the Rural A zoning of this property remain.
8. Furthermore, this property is located next to the Rural Settlement Zone and is potentially at greater risk of subdivision than other Class I and Class II land within the area. Contrary to comments made in FS9, it is not appropriate to expand the Mowhanau settlement to occupy Class I land.
9. The Committee however noted that Mr Hodges had farmed this land and over time he had been affected by reverse sensitivity. While he may now want to do the same as those who had caused this reverse sensitivity he was not permitted to do so. It was noted that the resource consent process was available to him and while he was surrounded by Rural Lifestyle and the Mowhanau settlement, almost all of this land was Class I.



Retain Rural A Zone at Lot 3 DP 376999

Submitter Name: Lindsay and Lynette Sim

Submission No: 40

Summary:

Submitter seeks their property to be zoned as Rural C as the soil is inferior to other prime land in the area.

Decision Sought: For 22a Symes Road to be Zoned Rural C.

Further Submitter Name: Liam and Beverley Graves

Submission No: FS4A.6

Supports submission 40

Reasons: Traffic on Rapanui Rd is principally generated from Mowhanau. The Rural A zoning will cause: a significant drop in property values for properties comprising 2 – 20 ha, take away individual rights and limit options for those wanting smaller blocks. The land classification is not accurate for many blocks. Owners of smaller blocks often plant more trees, use less sprays, are environmentally friendly, don't use land just for income, often improve soil quality. Many rural communities are dying, rural block owners need to realise living in an industrial environment that operates 24/7 365 days a year and not complain. Vital that council balance the costs and benefits. Current proposal will mean costs, financial and lifestyle for many who gain nothing.

Council Decision:

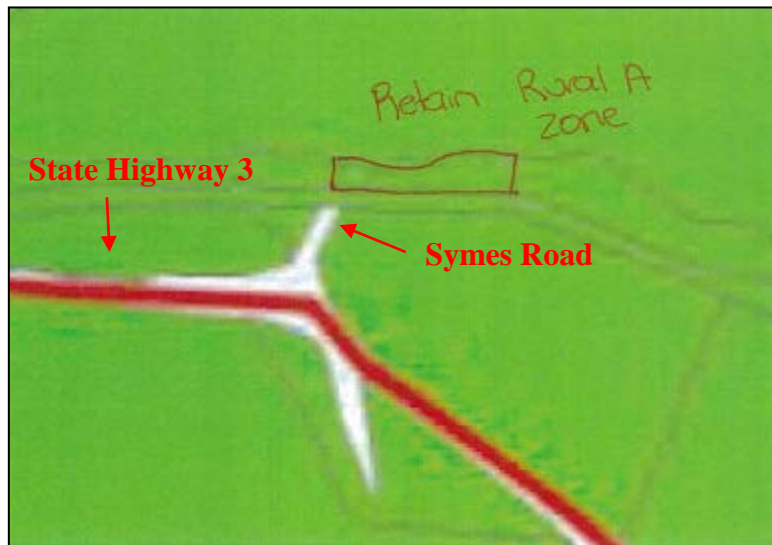
That Submission 40 by Lindsay and Lynette Sim and Further Submitter 4A.6 by Liam and Beverley Graves be **Rejected**.

No amendments are made as a result of this Submission.

Council Reason for Decision:

1. In relation to the further submission, the submitter has sought additional decisions which are not within the scope of a further submission. The matters raised in the further submission have little bearing on the decision to rezone the submitter's properties, as the principal consideration is the quality of the land for production.
2. The Rural A Zone has been targeted to include areas that consist of Class I and some of the District's Class II land which are extremely important natural resources for Wanganui, as well as New Zealand.
3. In addition, the Act requires District Plan provisions 'give effect' to the Regional Policy Statement (section 75(3)). The Regional Policy Statement for this District is the Horizon's One Plan. It is the main vehicle for interpreting and applying the sustainable management requirements of the Act in a local context, and in this regard, guides the development of lower tier plans, including the District Plan. The One Plan includes requirements to prioritise Class I and Class II land when planning for growth and development.
4. The Council has been silent on this issue in the past which has led to a trend of increasing lifestyle and residential development on this versatile land.

5. Land at 22a Symes Road is surrounded by properties that comprise both Class I and Class II land. In order to protect existing Class I land, it has been necessary to zone all Class I land and some areas of Class II land that are subject to lifestyle and urban development. For practical reasons this has necessitated the inclusion of a few blocks where land is not, or not entirely, comprised of either Class I or II land. This is to ensure that development on land that is not Class I or Class II does not compromise to ability of the Class I or Class II land to be retained for future productive uses.
6. This property is located in the centre of the proposed Rural A Zone. Allowing this site to be zoned Rural C has the potential to create reverse sensitivity issues in the future. It is therefore inappropriate to zone the property Rural C.



Retain the Rural A Zone at 22a Symes Road

Submitter Name: Kathryn Frances Kirkwood

Submission No: 41

Summary:

Submitter opposes 281 Koatanui Road to be zoned as Rural A. The property is not Class 1 or 2 land, is sandy, deep and steep gullies and is land locked.

Decision Sought: Change the boundary or the Rural A zone to exclude 281 Koatanui Road.

Council Decision:

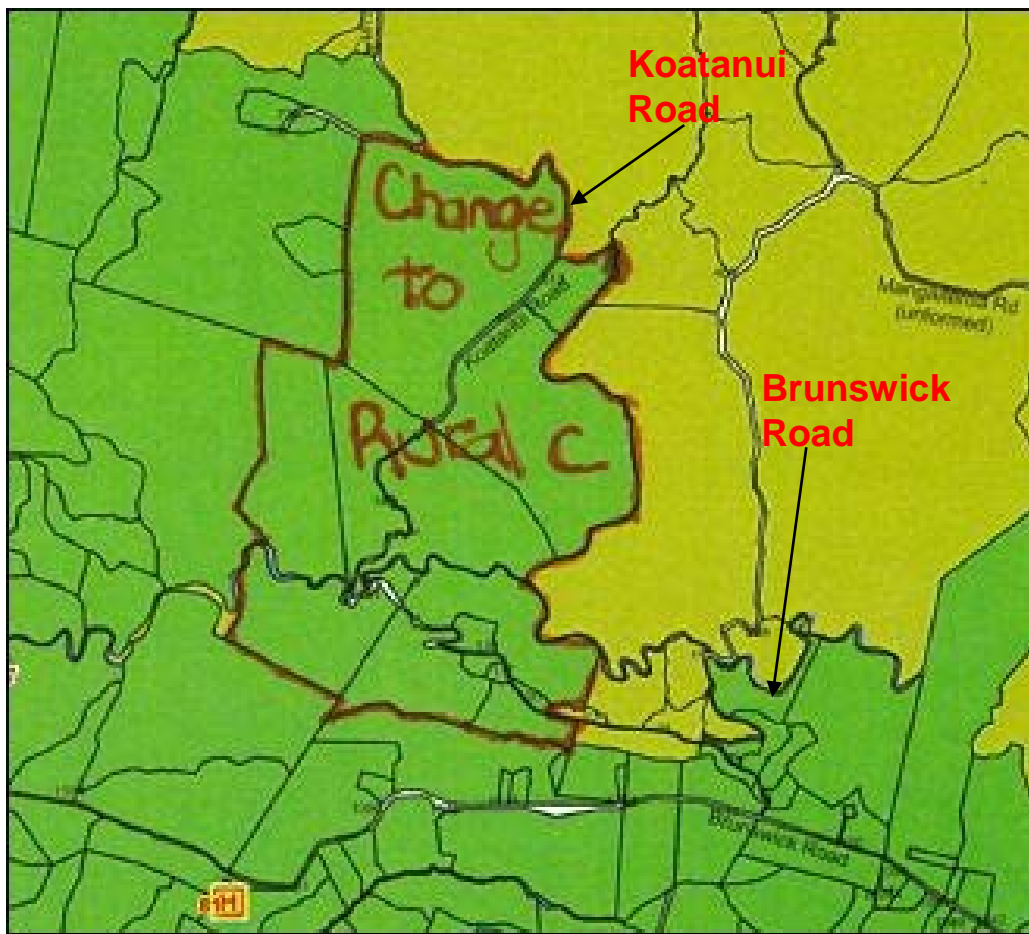
That Submission 41 by Kathryn Frances Kirkwood be **Accepted**.

Make the following changes to the Plan as a result of this Submission.

Amend District Planning map Rural 14 and Rural 18 as indicated in Appendix 5.

Council Reason for Decision:

1. This property is partially Class II land and is near the boundary of the Rural A Zone. As there is no Class I land identified on this property and given its physical location the risk of this land being developed is considered to be minor. The points raised by the submitter are accepted. The Rural C Zone is appropriate.



Change – Maps Rural 14 and Rural 18

Submitter Name: Brian Richard Kemp

Submission No: 49

Summary:

- The submitter has an 11.8 hectare block which would be too large for the majority of lifestylers, therefore reducing the pool of potential future buyers if they were unable to subdivide.
- Land closer to town is always more expensive and may not be an option for some people, but they may be able to purchase a small block 20k's out of town if the land is cheaper.

Decision Sought: Leave all the rules and regulations as they are currently.

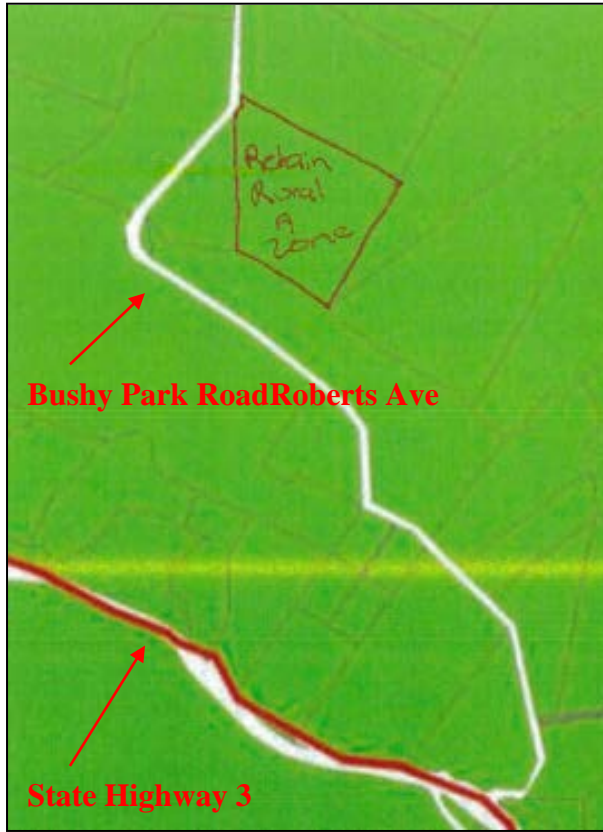
Council Decision:

Submission 49 by Brain Richard Kemp be **Rejected**.

No changes are made as a result of this submission.

Council Reason for Decision:

1. The submitter's property comprises a significant area of Class I land.
2. The purpose of the Resource Management Act 1991 (the Act) is to promote the sustainable management of natural and physical resources; including, safeguarding the life-supporting capacity of air, water, soil and ecosystems. Wanganui is fortunate to have areas of Class I and Class II land as well as a good climate. This is a rare combination in New Zealand.
3. In addition, the Act requires District Plan provisions 'give effect' to the Regional Policy Statement (section 75(3)). The Regional Policy Statement for this District is the Horizon's One Plan. It is the main vehicle for interpreting and applying the sustainable management requirements of the Act in a local context, and in this regard, guides the development of lower tier plans, including the District Plan. The One Plan includes requirements to prioritise Class I and Class II land when planning for growth and development.
4. The Council has been silent on this issue in the past which has led to a trend of increasing lifestyle and residential development on this versatile land.



Retain Rural A Zone at 214 Bushy Park Road

Submitter Name: Michael and Carole Simpson

Submission No: 52

Summary:

The submitter is opposed to 209a Rapanui Road being rezoned Rural A. The property is 2.2 hectares currently and is on the fringe of the proposed Rural A zone.

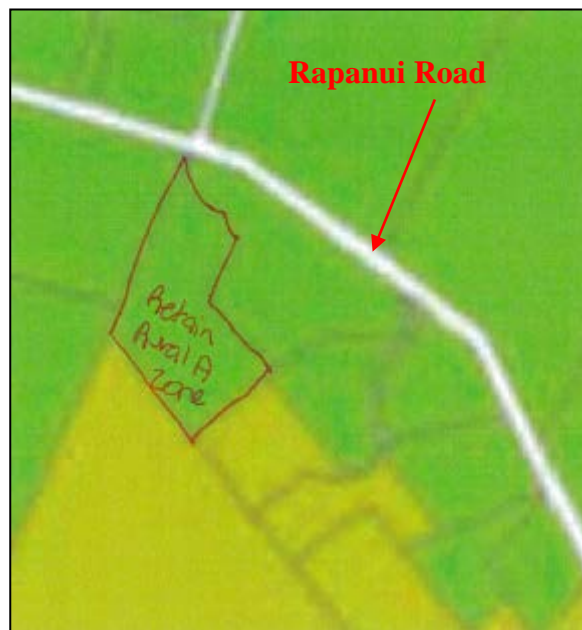
Decision Sought: To exclude 209a Rapanui Road from Rural A and retain the Rural C zoning.

Further Submitter Name: Liam and Beverley Graves

Submission No: FS4A.7

Supports submission 47

Reasons: Traffic on Rapanui Rd is principally generated from Mowhanau. The Rural A zoning will cause: a significant drop in property values for properties comprising 2 – 20 ha, take away individual rights and limit options for those wanting smaller blocks. The land classification is not accurate for many blocks. Small block owner's plant trees, use less sprays, are environmentally friendly, don't use land just for income and often improve soil quality. Many rural communities are dying, rural block owners need to realise living in an industrial environment that operates 24/7 365 days a year and not complain. Vital that council balance the costs and benefits. Current proposal will mean costs, financial and lifestyle for many who gain nothing.



Submitter Name: G K, A J and R K Donald

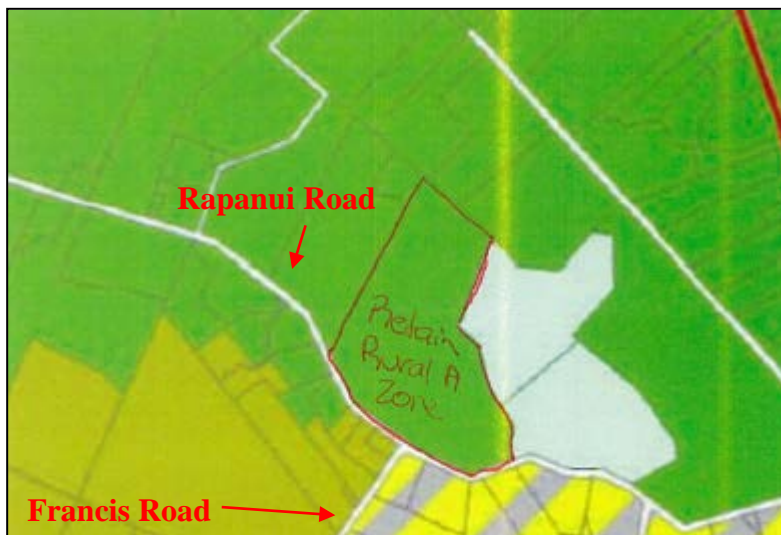
Submission No: 59

Summary:

- The submitters oppose the proposed Rural A changes. The proposal intends to protect high productive soils but wrongly captures other soil types that are inferior which should be used for residential or other development. Our 12hectare property is 100% sandy country and is not Class 2 land.
- The 10 hectare proposal minimum lot size will result in a significant decrease to the value of this land.

Decision Sought:

1. Rural A be more specific to accurately reflect the purpose of the proposal.
2. If Council is not willing to incur the cost of better defining the soil types and/or area, that the new zoning rules allow for a discretionary subdivision consent where applicants can demonstrate that land is not predominantly made up of Class 1 land.



Retain the Rural A zone at PT LOT 1 DP 381

Council Decision:

Submissions 52 by M and C Simpson, and 59 by G K, A J and RK Donald and Further Submission 4A.7 by L and B Graves be **Rejected**.

No changes are made as a result of this submission.

Council Reason for Decision:

1. In relation to further submission 4A.7, it does not strictly apply to this submission as the submitter has not identified that it has less than 10 hectares. The submitter has sought additional decisions which are not within the scope of a further submission.
2. The submitter's property (98 Rapanui Road) is majority Class I land and sits within a wider area of consistently Class I land. It is close to the urban area and there has been significant pressure for urban development over the last 20

years. The property is on the edge of the Class I land area and thus the Rural A Zone boundary. It cannot be excluded simply for being at the edge, as Class I land is in such short supply within the District and all such land is included within the Rural A Zone.

3. The purpose of the Resource Management Act 1991 (Act) is to promote the sustainable management of natural and physical resources; including, safeguarding the life-supporting capacity of air, water, soil and ecosystems. Wanganui is fortunate to have areas of Class I and Class II land as well as a good climate. This is a rare combination in New Zealand.
4. In addition, the Act requires District Plan provisions 'give effect' to the Regional Policy Statement (section 75(3)). The Regional Policy Statement for this District is the Horizon's One Plan. It is the main vehicle for interpreting and applying the sustainable management requirements of the Act in a local context, and in this regard, guides the development of lower tier plans, including the District Plan. The One Plan includes requirements to prioritise Class I and Class II land when planning for growth and development.
5. The Council has been silent on this issue in the past which has led to a trend of increasing lifestyle and residential development on this versatile land.
6. The Rural A Zone targets areas of Class I and some of the District's Class II land. Each are extremely important natural resources for Wanganui, as well as New Zealand. Not all of the Class II land has been captured due to physical locality restrictions that make it difficult to capture.
7. Submitter 59 questions the accuracy of the information. The boundaries of the Plan change are based on the NZ Land Inventory which is based on more than the components of the soil – rather the nature of the land and climate. Through research and consultation with the community, Federated Farmers and the Rural Community Board, it was identified that reverse sensitivity was a prominent issue facing rural activities. To address this issue land that is neither Class I nor Class II land have been captured where they are located within the vicinity of Class I and Class II land or where parts of properties comprise Class I land. This is to ensure that development on that land does not compromise the capacity of Class I or Class II land to be used by future generations for productive purposes.

Submitter Name: Liam and Beverly Graves

Submission No: 61

Summary:

- The submitter is opposed to the rezoning of 527 Rapanui Road as Rural A. Green Pastures Camp is operated off this site and part of the long term plan was to subdivide for future investment.
- It is probably a good thing for the overall growth of Wanganui in the long run and has some logic behind it. A strong rural sector is very important.
- However, some of the zoning boundaries do not fit with the aim of the Plan. This 9.6 hectare property has a mix of average soil, clay, swamp and not used productively. The neighbouring property is larger and use as a productive farming unit however is

proposed to be zoned Rural C. How will cutting the neighbouring block into 1 hectare lots be more productive than they are now?

- There will not be any traffic implications if the property retained the 1 hectare subdivision limit, as the major generator of traffic is the Mowhanau settlement.
- This land does not meet the criteria of soil type or land use or productive farming to fit into the Rural A zone.
- This proposal will have financial implications as it will negatively impact the market value and threaten the long term viability of our property.

Decision Sought: To be included in the Rural C zone.

Further Submitter Name: Liam and Beverly Graves

Submission No: FS4

Supports Submission 61

Reason: Inaccurate record of submission in the summary document.

Council Decision:

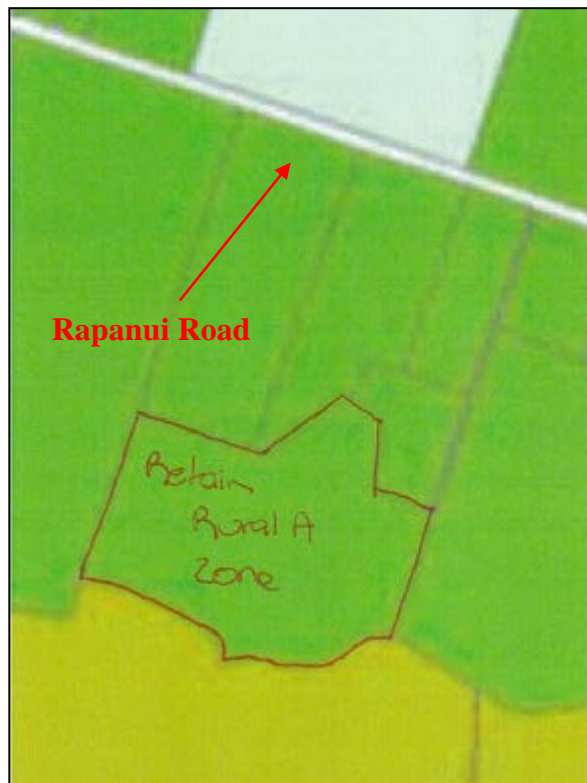
Submission 61 and Further Submission 4 by Liam and Beverly Graves be **Rejected**.

No amendments are made as a result of this submission.

Council Reason for Decision:

1. In relation to the further submission, the original submission summary has been expanded in this report to record the submitter's explanation of causes of traffic. However it is noted that traffic is not a key consideration in the delineation of Rural A Zone boundaries. The typo has been corrected to refer to financial implications. However this is but one consideration of Council under the Act as detailed below.
2. The property at 527 Rapanui Road is majority Class I land and sits within a wider area of consistently Class I land. It is close to the urban area and there has been significant pressure for urban development over the last 20 years. The property is on the edge of the Class I area and thus the Rural A Zone boundary. It cannot be excluded simply for being at the edge, as Class I land is in such short supply within the District and all such land is included within the Rural A Zone.
3. The purpose of the Resource Management Act 1991 (the Act) is to promote the sustainable management of natural and physical resources; including, safeguarding the life-supporting capacity of air, water, soil and ecosystems. Wanganui is fortunate to have areas of Class I and Class II land as well as a good climate. This is a rare combination in New Zealand. It is noted that the submitter supports the intention of Plan Change 36.
4. In addition, the Act requires District Plan provisions 'give effect' to the Regional Policy Statement (section 75(3)). The Regional Policy Statement for this District is the Horizon's One Plan. It is the main vehicle for interpreting and applying the sustainable management requirements of the Act in a local context, and in this regard, guides the development of lower tier plans, including the District Plan. The One Plan includes requirements to prioritise Class I and Class II land when planning for growth and development.

5. The Council has been silent on this issue in the past which has led to a trend of increasing lifestyle and residential development on this versatile land.
6. The submitter's principle concern is that they will lose the option to subdivide and derive additional income from the property. The Act is concerned with the sustainable management of use, development and subdivision. Class I and to a lesser extent Class II land is limited to areas close to the urban area and so comes under significant urban development pressure.
7. In order to protect existing Class I land in larger lots, it has been necessary to zone all Class I land and areas of Class II land that are in proximity to the urban area.
8. The Committee acknowledged that some landowners in the Rural A Zone with Plans to subdivide below the 10 hectares minimum would lose that opportunity. All Plan changes create winners and losers, and the Committee determined that this is necessary to achieve the objectives of the Plan and the overall purpose of the Act.



Retain Rural A Zone at 527 Rapanui Road

Submitter Name: Anthony John Harrison

Submission No: 9

Summary:

- Plan Change 36 needs to look at opening up areas that are already subdivided into small sections that would be more appropriate as Rural B.
- The area of 32 - 58 Riverbank Road is currently zoned Rural, however Rural B would be a more appropriate zoning as it is already in small holdings and are unlikely to be used for commercial rural purposes in the future.
- 1 - 39 Riverbank Road is currently zoned as Rural B. This zoning should continue through to 140 Riverbank Road.

Decision Sought:

1. That 1 to 140 Riverbank Road to be zoned as Rural B with a minimum 5000m² lot size.
2. That 32 to 58 Riverbank Road to be changed from the Rural Zone with 1 hectare minimum lot size to Rural B Zone with 5000m² minimum lot size.

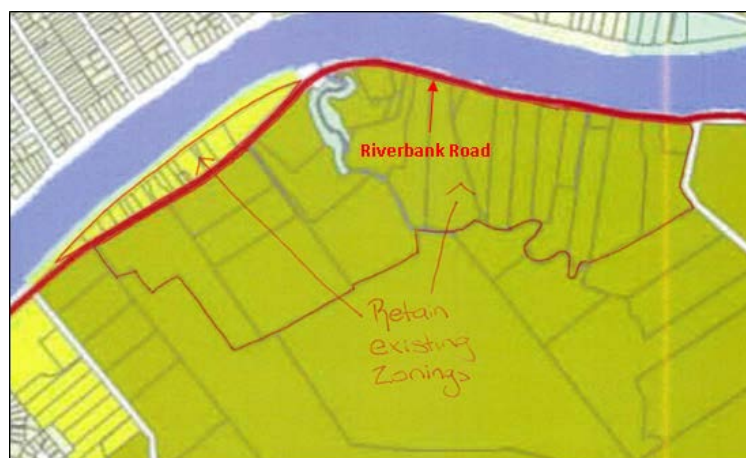
Council Decision:

Submission 9 by Anthony John Harrison is be **Rejected**.

No amendments are made as a result of this Submission.

Council Reason for Decision:

1. Through this Plan Change more areas on the urban fridge are being zoned Rural B with a consequent reduction in the minimum lot size from 1 hectare to 5000m² per allotment. The submitter has requested that 1 to 140 Riverbank Road and 32 to 58 Riverbank Road be changed from Rural C to Rural B with a 5000m².
2. This area along Riverbank Road is Class II land. No change has been promoted for this area via Plan change 36, a significant number of properties and owners would be affected by the submitters proposed change and the area includes a number of productive farming units which already struggle with potential reverse sensitivity issues. The zoning of the properties to Rural B is not accepted at this time.



Retain existing zonings at 1 – 140 Riverbank Road

Submitters Name: Malcolm John Palmer

Submission No: 43

Summary:

- Submitter strongly objects that 546 No 2 Line be included in the Rural A zone. This property has hills and soil types on the property are predominantly clay and wet during the winter.
- Classes of land on property are fragmented, not appropriate to apply a blanket classification over total area. There are Class 1 and Class 2 land on the property however they are fragmented and do not constitute an area suitable for subdivision.
- Wanganui is suffering from economic doldrum and this proposal will be another setback for developers, builders and service trades.
- The submitter recognises that areas have been open up for lifestyle development, however these are not in this area. A 2 hectare minimum lot size would cater for most.

Decision Sought: To exclude 546 No. 2 Line from the Rural A Zone or allow a 2 hectare minimum lot size.

Council Decision:

Submission 43 by Malcolm John Palmer be **Accepted in Part.**

Make the following changes to the Plan as a result of this Submission.

Amend District Planning map Rural 19 as indicated on the map below:

Council Reason for Decision:

1. The submitter's principle concern is that they will lose the option to subdivide. The Act is concerned with the sustainable management of use, development and subdivision. In the Wanganui District Class I land, and to a lesser extent Class II land, is limited to areas close to the urban boundary and so comes under significant urban development pressure. The total area of rural productive land lost to residential or lifestyle blocks has steadily increased over the period 1994 to 2014.
2. The Committee noted that the property is on the edge of the proposed Rural A Zone and that it does not comprise any Class I land and less than half of the property is identified as Class II land. For these reasons arguments could be made for either inclusion or exclusion from the Rural A Zone. The Committee determined that given the opposition of the landowner in this case that the status quo is appropriate and the land is amended to Rural C Zone.



Change to Map – Rural 19

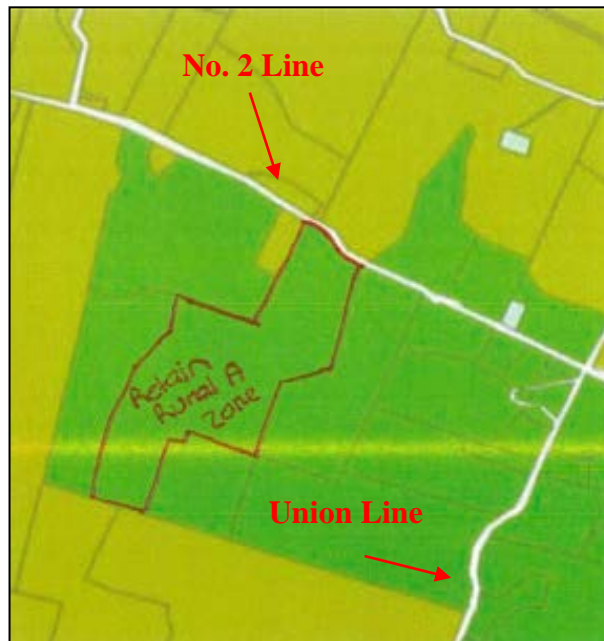
Submitter Name: Brian and Lynley Shaw

Submission No: 58

Summary:

- The submitter is opposed to the blanket reclassification over a total area. This does not adequately represent an individual property and unfairly restricts the ability for subdivision with functional implications as a result.
- A blanket approach does not recognise the fragmentation of different classes of soil types on the individual property and any natural restrictions for subdivision due to such fragmentation.

Decision Sought: Review and change the boundary of Rural A in the Fordell area to recognise the natural fragmentation and topography for 578 No.2 Line.



Retain the Rural A Zone at 578 No. 2 Line

Submitter Name: Tony and Carrie Eades

Submission No: 22

Summary: Submitter opposes the changes as they may wish to subdivide in the future.

Decision Sought: Retain the Rural C zone of 654 Great North Road.



Retain the Rural A Zone at 654 Great North Road

Submitter Name: Louise Anne Allsopp and Robert Brian Gardner

Submission No: 31 and 32

Summary:

- The submitter opposes the proposed change as it will prevent future subdivision, building options will be limited and reduce income from rates. This will affect surveyors, builders, contractors etc. A 10 hectare lot is far too great for most people wanting a rural lifestyle but is too small to productively farm in most cases. 10 hectares would not produce enough to keep it viable, but cannot easily be maintained by a working family wanting a rural lifestyle.
- Owners of previously subdividable land would see their land value decrease as it would only be able to be used as farm land. If the quality land is already broken into lifestyle blocks as is the case in our area, it has already been lost to productive farming and applying a 10 hectare subdivision to it will not bring it back.
- Farm animals are one of the highest contributors to atmospheric carbon dioxide after motor cars. In most circumstances, rural lifestyle residents contribute more positively to the environment by planting trees and shrubs and do more to protect waterways than large scale farmers have in the past.
- The timeframes for both the Submission process and the proposed changes are too short. The quality of 22 Matarawa Hill Road is poor and already a lifestyle block rather than a productive farm block. The property falls on two soil types and is on the boundary between areas that can be subdivided with a minimum of 1 hectare and a

minimum of 10 hectares. Therefore the property should be Rural C or be allowed to split the title up into two along the boundary. We have the potential of a large mortgage on a piece of land that will be worth less than what we paid for it.

- It does not make sense to allow a large farm to be broken up into non-productive 10 hectare blocks but not allow already non-productive lifestyle blocks under 10 hectares to be broken up further. The submitter contacted the Council twice and was told on both occasions that this property was not in the new zone. We were told that subdivision would need to be done before the 1st of May. The day after a phone call was received stating that twice a mistake had been made and the property was included in the new zone. This land was purchased based on valuation that said it could be subdivided. If this could not happen the value is reduced by about \$100k.
- The following day the submitter contacted Council to arrange a meeting and was told that essentially that there was no point discussing the matter as 'it was happening regardless'. What democratic process is being followed if this is to occur despite any submission to the contrary.
- It is said that it is much easier to get what you want in the Plan before it goes to submissions yet we did not receive an official notification prior to the submission starting, so how were we supposed to influence the Plan?

Decision Sought:

1. That existing lifestyle blocks below 10 hectares be able to subdivide further, or one off subdivision for all properties.
2. That 22 Matarawa Hill Road be zoned Rural C, or that 22 Matarawa Hill Road be able to be split into two titles along the line of the zone change boundary.
3. That compensation be made to landowners in Rural A.



Retain Rural A Zone at 22 Matarawa Hill Road LOT 2 DP 469456

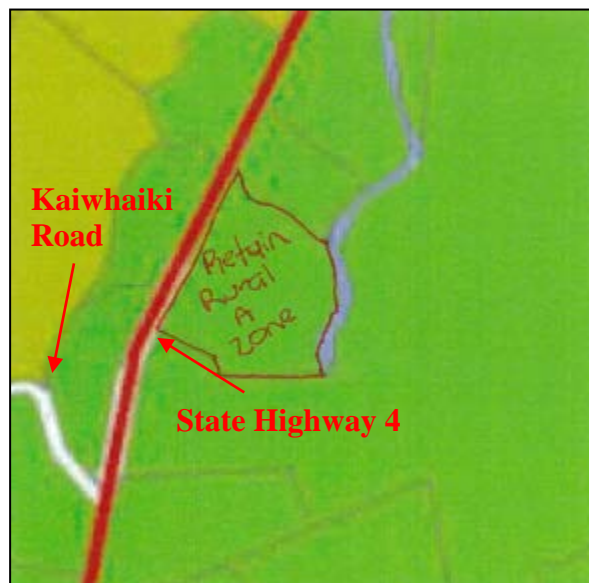
Submitter Name: John D Moore

Submission No: 75

Summary:

- The submitter has invested in this land and should be able to engage in the democratic governance of its management and use it as per council's regulation at time of purchase.
- The property 602 Parapara Road is only 50% Class 1 soil the balance is not fertile.
- The submitter questions the accuracy or the land evaluation at 602 Parapara Road. There has been little subdivision in this area historically.
- Commercially small blocks can produce good financial return.
- Small blocks attract professionals that give service to the area. It has been mentioned that new rural blocks owners complain about noise, sprays etc. This is an education issue, not to do with subdivision.
- There is no doubt that rural living is beneficial to general wellbeing.

Decision Sought: Keep the 1 hectare as it is.



Retain the Rural A Zone at 602 SH 4

Council Decision:

Submissions 58 by Brian and Lynley Shaw, 22 by Tony and Carrie Eades, 31 by Louise Anne Allsopp, 32 by Robert Brian Gardner and 75 by John D Moore be **Rejected**.

No amendments are made as a result of these Submissions.

Council Reason for Decision:

1. The submitter's principle concern is that they will lose the option to subdivide and derive additional income from their properties. The Act is concerned with the sustainable management of use, development and subdivision. In the Wanganui

District Class I land, and to a lesser extent Class II land, is limited to areas close to the urban area and so comes under significant urban development pressure. The total area of rural productive land lost to residential or lifestyle blocks has steadily increased over the period 1994 to 2014.

2. Council strives to achieve at least the following:
 - a. Safeguard the versatility of Class I and II land for future use for productive purposes.
 - b. Address the demand for lifestyle living by identifying suitable areas for rural lifestyle living, in areas that do not compromise the productive use of quality rural land especially Class I or II land.
3. The proposed Rural A Zone covers areas of Class I and some Class II land within the District. The majority of the rural area retains the 1 hectare minimum lot size, with some areas being rezoned as Rural B, with a 5000m² minimum lot size. These areas will continue to allow for building options within the District. This will provide for the varying activities that occur in the rural environment.
4. The 10 hectares minimum lot size does allow lots greater than 10 hectare to be subdivided or continue to operate as larger units.
5. Lots of less than 10 hectares are not necessarily unproductive units. The 10 hectare minimum lot size is to ensure land is not further subdivided for residential or lifestyle development; potentially restricting the ability of the property and neighbouring properties to be used for a variety of rural activities in future.
6. In order to protect existing Class I land in larger lots, it has been necessary to restrict subdivision of all Class I land and areas of Class II land in proximity to the urban areas. For practical reasons this has necessitated the inclusion of a few blocks where land is not entirely covered by either Class I or II land.
7. Use of market price has been identified as a tool to manage location decisions of potential residential or lifestyle property owners. The difference in land value between Rural B and existing Rural A zoned land is not sufficient to encourage purchasers away from Class I and II land. It is assumed that section prices for 1 – 3 hectares of land in the Rural B Zone would need to be significantly less than the value of the smallest sections in the Rural A Zone – if the market was to influence the behaviour of buyers of small to medium lifestyle blocks.
8. Setting a minimum lot size for the proposed Rural A Zone at 10 hectares would impact on price. Price differential would encourage lifestyle purchases in the Rural B Zone where 5000m² is the minimum lot size and sections would be relatively cheaper than Class I and II land in the Rural A Zone.
9. A range of minimum lot sizes, from at least 4 hectares up to 10 hectares, have been considered. Neighbouring councils restrict subdivision broadly around the 8 – 10 hectare threshold.
10. The Rural Community Board notes managing soil resource in this manner is consistent with the Principles of the Rural Enterprise Project which promotes the intensification of high-value food production using Wanganui's best soils and climate regime.

11. The Committee noted that landowners, such as this submitter, in the Rural A Zone with Plans to subdivide below the 10 hectares minimum would lose that opportunity. The reality is that all Plan changes create winners and losers. The Committee determined that the Plan Change is necessary to achieve the objectives of the Plan and the overall purpose of the Act.
 12. The Committee acknowledged the stress caused in relation to submissions 31 and 32, Council regrets the distress caused by our provision of less than accurate and at times inconsistent information and advice. However the facts remain, that the purpose of the Plan change is to protect Class I and II land. This property sits within a significant area of Class II land and it is not logical to remove a single property given the wider area is to be zoned Rural A.
-

Submitter Name: Richard Austin

Submission No: 47

Summary:

- The submitter holds two titles on Blueskin Road both in the proposed Rural A zone.
- One lot is used as a home block and one was purchase specifically for use as an orchard. At the time of purchasing the orchard block it was thought that subdivision would be an option to recoup investment costs if needed. It is a concern that the existing opportunity to subdivide may not be there in the future to cover outstanding losses.
- The submitter states that Council must consider the Planning impact on existing commercial operations that have entered into and based investment profile upon current Planning rules.
- The submitter appreciates large tracks of land, perhaps, should not be subdivided and converted into lifestyle blocks and increase to chance of losing the capacity for maintaining a productive use of the land.
- Size does not necessary reduce the productive capacity of the land. In the 1990's the District Plan provided for small lots if the applicant could demonstrate that the land could be use productively. Having this as a condition of consent would act as a barrier for those intending to use the proposed use to circumvent the purpose of the District Plan.

Decision Sought:

1. That there should be a period of time for existing commercial entities to take advantage of the current Planning regime to transition out of their current activities.
2. Land less than 10 hectares should be permitted in cases where, as a condition of the subdivision, the applicant undertakes to establish a productive agricultural business.
3. Failing this, land less than 10 hectares be allowed to be subdivided down to the existing 1 hectare.

Further Submitter Name: Liam and Beverley Graves

Submission No: FS4A.7

Supports submission 47

Reasons: Traffic on Rapanui Rd is principally generated from Mowhanau. The Rural A zoning will cause: a significant drop in property values for properties comprising 2 – 20 ha, take away individual rights and limit options for those wanting smaller blocks. The land classification is not accurate for many blocks. Small block owners plant trees, use less sprays, are environmentally friendly, don't use land just for income, often improve soil quality. Many rural communities are dying, rural block owners need to realise living in an industrial environment that operates 24/7 365 days a year and not complain. Vital that council balance the costs and benefits. Current proposal will mean costs, financial and lifestyle for many who gain nothing.

Council Decision:

Submission 47 by Richard Austin and Further Submitter 4A.7 by Liam and Beverley Graves be **Accepted in part**.

No amendments are made as a result of this submission.

Council Reason for Decision:

1. In relation to the further submission, the submitter has sought additional decisions which are not within the scope of a further submission.
2. The submitter's property is 100% Class I land and sits within one of the largest areas of consistently Class I land. It is close to the urban area and there has been significant pressure for urban development over the last 20 years.
3. The submitter's principle concern is that he will lose the option to subdivide and derive additional income from the property. The Act is concerned with the sustainable management of use, development and subdivision. Class I and to a lesser extent Class II land is limited to areas close to the urban area and so comes under significant urban development pressure.
4. Council strives to achieve at least the following:
 - Safeguard Class I and II land for future use for productive purposes.
 - Address the demand for lifestyle living by identifying suitable areas for rural lifestyle living that does not compromise the productive use of quality rural land especially Class I or II land.
5. The proposed Rural A Zone covers areas of Class I and some Class II land within the District. The majority of the rural area retains the 1 hectare minimum lot size, with some areas being rezoned as Rural B, with a 5000m² minimum lot size. These areas will continue to allow for building options within the District.
6. Lot of less than 10 hectares are not necessarily unproductive units. The 10 hectare minimum lot size is to ensure land is not further subdivided for residential or lifestyle development; as this may restrict the ability of the land and neighbouring land to be used for a variety of rural activities in future.
7. In order to protect existing Class I land in larger lots, it has been necessary to zone all Class I land and areas of Class II land that is in proximity to the urban areas.
8. Use of market price has been identified as a tool to manage location decisions of potential residential or lifestyle property owners. The difference in land value between Rural B and existing Rural A zoned land is not sufficient to encourage purchasers away from Class I and II land. It is assumed that section prices for 1 – 3 hectares of land in the Rural B Zone would need to be significantly less than the value of the smallest sections in the Rural A Zone – if the market was to influence the behaviour of buyers of small to medium lifestyle blocks.
9. A range of minimum lot sizes, from at least 4 hectares up to 10 hectares, have been considered. Neighbouring councils restrict subdivision broadly around the 8 – 10 hectare threshold.

10. The Committee noted that landowners, such as this submitter, in the Rural A Zone with Plans to subdivide below the 10 hectares minimum would lose that opportunity. The reality is that all Plan changes create winners and losers. The Committee determined that the Plan change is necessary to achieve the objectives of the Plan and the overall purpose of the Act.



Retain the Rural A Zone at 248 and 306 Blueskin Road

Submitter Name: M J and J B Francis

Submission No: 30

Summary: Submitter seeks 3 Marybank Road to be zoned as Rural Settlement to be consistent with neighbouring properties. Submitter states that sewerage is currently available at the property boundary gate.

Decision sought: That 3 Marybank Road be zoned Rural Settlement.

Council Decision:

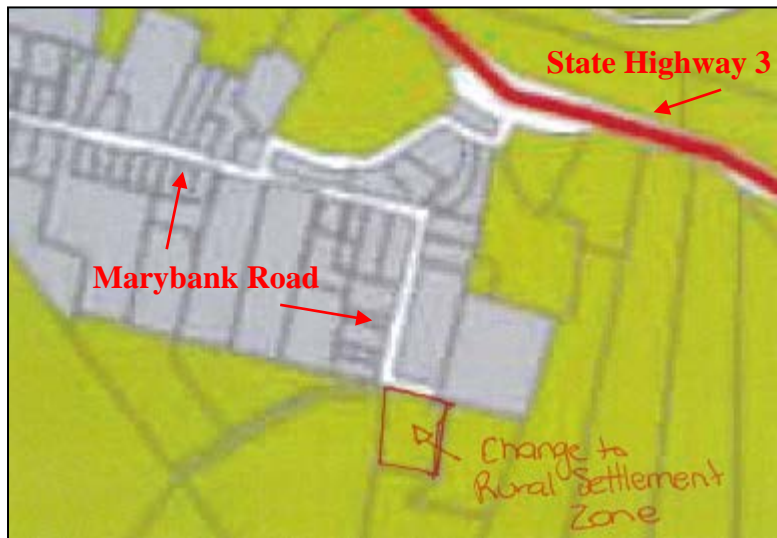
That Submission 30 by MJ and JB Francis be **Accepted**.

Make the following changes to the Plan as a result of this Submission.

Amend Urban Planning Map 34 and Rural Map 21 to show 3 Marybank Road to Rural Settlement Zone.

Council Reason for Decision:

1. This property is located on the fringe of the Rural Settlement Zone. The property will be subject to Horizon's One Plan, which requires a minimum lot size of 5000m² for adequate wastewater disposal. Smaller sites require a consent from Horizons Regional Council.



Rezone to Rural Settlement Zone – 3 Marybank Road