

Proposed Plan Change 23 – Rural B – Hearings Committee Decisions

Sub No. & Name	Submission Summary	Decision Requested	Council Reasons for Decisions on Submissions	Council Decision
Provision: R247 Performance Standard – Amenity (a) minimum lot size & (b) distance from boundary				
<p>S1: Graeme Jackson</p> <p>S2: Michael Millar</p> <p>S3: Renate Schneider</p> <p>S4: Keith and Margaret Haitana</p> <p>S5: Eris Matson</p> <p>S7: Ken Barber</p>	<p>Submitter is opposed to Sections R247(a) & (b):</p> <p>(a) Provisions are unworkable for Longbeach Drive. Current sizes are between 1500m² and 4000m².</p> <p>(b) Restricting building to 10m from site boundaries leave many sites no build area at all.</p>	<p>Submitter requests that areas like Longbeach Dr be zoned "Fringe Residential" with section size similar to "Restricted Service Zone" and "Residential" height and boundary rules.</p>	<p>1. Horizons Regional Council has identified that subdivision of rural land is leading to more independent wastewater systems on smaller sections. The cumulative effects of increased site density using independent wastewater systems could lead to contamination of groundwater.</p> <p>2. Some existing systems are not working efficiently because they haven't been maintained regularly or weren't designed to cope with the amount of wastewater produced in a modern home.</p> <p>Horizons One Plan Rule 13-11 specifies that:</p> <p style="padding-left: 40px;">“(da) Where the <i>property</i>[*] within which the <i>discharge</i>[^] occurs is less than 4 ha:</p> <p style="padding-left: 80px;">(i) the <i>property</i>[*] must cover an area of at least either 5,000 m² for <i>properties</i>[*] created by subdivision after this <i>rule</i>[^] becomes <i>operative</i>[^], or 2,500 m² for <i>properties</i>[*] that existed at the date that this <i>rule</i>[^] becomes <i>operative</i>[^]”</p> <p>4. Council has to 'take into account any Proposed Regional Policy Statement (RPS) and 'give effect' to Operative RPS, and 'not be inconsistent with' any and all Regional Plans. While consents may be granted for onsite disposal on allotments less than 5000m², to meet those tests it is appropriate that a minimum of 5000m² be established and any applications seeking to create smaller allotments will be determined as Discretionary Activities.</p> <p>5. With no minimum lot size historically, it blurred the boundary between residential type development and rural lifestyle development and created an unrealistic expectation for residential levels of service in an ad-hoc and inefficient manner.</p> <p>6. The proposed 10 metre set back distance from the boundary is a response to the issue of privacy and open landscape retention, raised during consultation for the Rural B Zone.</p> <p>7. The proposed 10 metres set back may be unduly restrictive on lots in Longbeach Drive due to the existing size and shape of lots and the status quo of the height recession plane should be retained.</p> <p>8. In the rest of the Rural B Zone, the proposed 10 metre distance from boundary setback was a response to the issue of privacy and open landscape retention raised at consultation for the Rural B Zone.</p> <p>9. In the Rural B Zone 10 metres can be reduced to 5</p>	<p><u>That</u> Submission 1-7, 28 and further submission 1 from Graeme Jackson, Michael Millar, Renate Schneider, Keith and Margaret Haitana, Eris Matson, Ken Barber, Michael O'Sullivan, Steven Archer, Victoria Laughlin and Jamie O'Leary be accepted in part.</p> <p>The following changes are made to the Plan as a result of these submissions:</p> <p>Amend R247 to read: R247 Performance standard - Amenity:</p> <p>b. <i>New structures</i>[*] shall be a minimum of 5 metres from any <i>site</i>[*] boundary.</p> <p>Exception: Longbeach Drive Rural B Zone – R5 (b) height recession plane i-iii applies.</p>
<p>S28: Michael O'Sullivan, Steven Archer, Victoria Laughlin</p>	<p>Submitter opposes lot size and 10 metre boundaries are too restrictive.</p>	<p>Submitter seeks Council to delete minimum lot size and reduce 10 metre buffer.</p>		
<p>Further Submission 1: Jamie O'Leary</p>	<p>Submitter agrees with comments and supports: S28 for the following reasons: Lot size and 10 metre boundaries too restrictive</p>	<p>Submitter seeks Council to delete minimum lot size and reduce 10 metre buffer.</p>		

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			metres as this will have no significant effect on amenity or privacy.	
Re-Zone 16 Murray Street & 25 Kelvin Street from residential to manufacturing				
S6: Seales Winslow Ltd	Sealeswinslow Ltd supports rezoning of 16 Murray Street & 25 Kelvin Street from residential to manufacturing.	Re-zone site to manufacturing	10. The re-zoning brings into line the activity that has been occurring on site to date, the current resource consent, and the recent subdivision.	<p><u>That</u> Submission 6 from Seales Winslow Ltd be accepted</p> <p>The following changes are made to the Plan as a result of this submission:</p> <p>District Plan Map Urban 4 and Urban 5 will be updated to reflect the change in zone.</p>
Provision: R248 Performance Standard - Noise				
S9: New Zealand Fire Service Commission	For the provision for operation of NZ Fire Service properties it is necessary for both fire stations and firefighting appliances to use sirens when responding to an emergency which may not comply with the standard noise conditions for various zones.	Submitter seeks R248 Performance Standard - Noise to include: "The above noise standards shall not apply to emergency sirens"	<p>11. NZS 6802:2008 Acoustics - Environmental noise gives examples of appropriate exemption from general noise limits and uses the wording - "in any part of the District where the noise source is a warning device used by emergency services."</p> <p>As we progress with the review of the District Plan, we will make the stated change to each zone.</p>	<p><u>That</u> Submission 9 from New Zealand Fire Service Commission be accepted</p> <p>The following changes are made to the Plan as a result of this submission:</p> <p>Amend R248 to read: R248 Performance standard - Noise Emissions shall not exceed the following limits when measured within 20 metres of any dwelling (other than any other dwelling on the site from which the noise is being emitted).</p> <p>7am to 6pm 55 dBA(L10) All other times 45 dBA(L10) Lmax: the lower of L95 background sound plus 30 dBA, or 70 dBA</p> <p>The above noise standards shall not apply to temporary military training activities as these activities are subject to separate standards contained in General Rule – Temporary Military Training Activities (Rule R23).</p> <p>The above noise standards shall not apply to sirens or warning devices used by emergency services.</p> <p>These conditions shall be read with and are subject to the provisions of Appendix A4 - Noise.</p>

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Provision R21 General Rule – Relocated Dwellings				
S11: House Movers Section of New Zealand Heavy Haulage Association (Inc)	Relocated structures have not been reviewed in the Residential or Rural B Plan Changes. Council has indicated that it will address Rule 21 in the Rural phase of its review, to be notified in 2013. However as Rule 21 applies to the Residential and Rural B zones, this submission is made in the residential phase so as to 'cover all bases' and ensure that the Association's concerns are addressed.	Submitter seeks the deletion of General Rule 21 Add New general rule 21, "The placement of any Relocated building and/or accessory building on any site is permitted subject to the conditions at [x.y.z]" Add the following permitted activity standards: Permitted Activity Standards for Relocated Buildings i. Any relocated building intended for use as a dwelling (excluding previously used garages and accessory buildings) must have previously been designed, built and used as a dwelling. ii. A building pre-inspection report shall accompany the application for a building consent for the destination site. That report is to identify all reinstatement works that are to be completed to the exterior of the building. iii. The building shall be located on permanent foundations approved by building consent, no later than [2] months of the building being moved to the site.	12. This provision has not been reviewed as part of this phase of the rolling review and is therefore outside of the scope of the Plan Change. The submitters' comments are being taken into account during the review of this provision as part of Phase 4 – Rural. This will include a review of the implications for activities in the Residential and Rural B zones.	<u>That</u> Submission 11 from House Movers Section of New Zealand Heavy Haulage Association (Inc) be rejected. No changes are made to the Plan as result of this submission.
Re-zone Sandcroft Drive Residential				
S16: D & M Bennett (Family Trust)	* Submission is that Sandcroft Drive be re-zoned Residential. * Submitter objects to 5000m ² minimum lot size in the lifestyle zoning.	Submitters seek: * Sandcroft Drive be re-zoned Residential * Objects to 5000m ² minimum lot size	13. On advice from the Senior Wastewater Engineer, this area is not appropriate to zone Residential at this time because the network is at the limit of its capacity and any further development which contributes to this network would necessitate upgrades which are cost prohibitive to Council. 14. Horizons Regional Council has identified that subdivision of rural land is leading to more independent wastewater systems on smaller sections. The cumulative effects of increased site density using independent wastewater systems could lead to the contamination of groundwater. 15. Some existing systems are not working efficiently because they haven't been maintained regularly or weren't designed to cope with the amount of wastewater produced in a modern home. 16. Horizons One Plan Rule 13-11 specifies that:	<u>That</u> Submission 16 -21 & 31 from D & M Bennett, G & S Young Family Trust, David McCall, Murray Kuzman, Rob & Jo Chamberlain, Ernest Lee Mummery and Russell Poff be rejected No changes are made to the Plan as a result of these submissions.
S17: G & S Young Family Trust				
S18: David McCall				
S19: Murray Kuzman				

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S20: Rob & Jo Chamberlain			or 2,500 m ² for <i>properties</i> * that existed at the date that this <i>rule</i> [^] becomes <i>operative</i> [^] "	
S21: Ernest Lee Mummery			Council has to 'take into account any Proposed Regional Policy Statement (RPS) and 'give effect' to Operative RPS, and 'not be inconsistent with' any and all Regional Plans. While consents may be granted for onsite disposal on allotments less than 5000m ² , to meet those tests it is appropriate that a minimum of 5000m ² be established and any applications seeking to create smaller allotments will be determined as Discretionary Activities.	
S31: Russell Poff			It reaching its decision, the Council wishes to acknowledge the limitations placed on it with regard to the lack of quantifiable information regarding the performance and capacity of the reticulated services network. The 2012 – 2022 Ten Year Plan has programmed funding for a modelling of Council's reticulated infrastructure network. The Committee agrees that the modelling exercise will allow more specific and better informed management of subdivision and development including minimum allotment sizes. This will result in a re-examination of the appropriateness of the subdivision framework, and where deemed necessary, result in future changes to the District Plan.	
Provision R247 Performance Standard – Amenity (d) Antenna dishes				
S26: New Zealand Association of Radio Transmitters (Inc)	Submission is that proposed rules are inadequate to accommodate the reasonable requirements of amateur radio operators and users of C-band satellite television.	Submitter seeks the inclusion of rules which allow: 1. Radio, television and telecommunications antennas up to and incl. 2m in diameter for an antenna dish. 2. Pedestal mounted dish antenna pivoted up to 5.5m above ground level and with a maximum diameter of 5 metres. 3. A lattice mast with a maximum inscribed circle of 700mm at 10 metres of height reducing to 500mm diameter at the maximum height with local enlargements to accommodate rotator and lowering mechanisms.	17. Antenna dishes up to two meters in diameter is reasonable 18. The Committee is cognisant of the Tauranga City Council Environment Court decision regarding pedestal mounted dishes. 19. R247 (c) allows for masts to exceed 10metres provided that maximum horizontal dimension of 0.7metres.	<u>That</u> Submission 26 and further submission 3 from New Zealand Association of Radio Transmitters (Inc) and William John Simmons are accepted in part The following changes are made to the Plan as a result of these submissions: Amend R247 to read: R247 Performance standard - Amenity: d. Antenna dishes - antenna dishes shall not exceed 2 metres in diameter (except as provided for in General Rule - Utilities (Rule R15) in relation to network utilities*). e. Pedestal mounted dish antenna pivoted up to 4 meters above ground level and with a maximum diameter of 5 meters
Further Submission 3: William John Simmons	Submitter supports Sub # 26 (NZ Association of Radio Transmitters Inc) removal of restrictions/rules which deny reasonable reception of a good range of C Band television signals by persons in the RLZ where impact on amenity is low.	Submitter seeks Council to remove dish size restrictions below 5 metres to ensure live broadcasts over C-band can be received by those who require/desire it.		
Provision R255 Non complying activity				

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S29: Michael O'Sullivan, Steven Archer, Victoria Laughlin	Submitter opposes R255 Non Complying Activity - connection to reticulated services should be a restricted discretionary activity where adverse effects can be mitigated as stated in P110.	Submitters seek Council to amend activity status of connections to reticulated services to restricted discretionary.	<p>20. Council has reviewed its infrastructure provision in relation to the Rural B Zone and confirmed it will continue to exclude this zone from the urban residential network. The character of the zone has been identified as Rural with the provision for smaller lifestyle blocks where they can sustain independent wastewater systems. Policy 110 will be amended to clarify Councils intentions.</p> <p>21. Amending this policy would create an inconsistency with Proposed Plan Change 27. In particular Proposed Plan Change 27 "P126 avoid connections to and extensions of reticulated infrastructure network in the Rural B Zone."</p>	<p><u>That Submission 29</u> from Michael O'Sullivan, Steven Archer, Victoria Laughlin be accepted in part</p> <p>The following changes are made to the Plan as a result of this submission:</p> <p>Amend P110 to read: P110 Rural B existing infrastructure maintenance Council will maintain urban reticulated infrastructure connections to existing allotments (in existence at 1st November 2012) but these connections will not be extended to serve any new allotments created by subdivision.</p>
Whole Proposed Plan Change				
S8: Paul McKenna	<p>1. Submitter is concerned at lack of knowledge about the proposed changes - it is vital that industry players are well informed.</p> <p>2. No mention is made of "South Springvale" restricted services zone being changed to residential zone.</p> <p>3. Proposal limits potential future development. PC26 increases the lot size for sections in town, but PC23 increases the minimum lot size for Restricted Services zones making it harder and impossible to develop.</p> <p>4. Concerned about restricting development.</p>	Submitter requests more education, perhaps by way of public meetings, to explain the proposals.	<p>22. Section 6.1 of this report details that a range of consultations were undertaken prior to notification. This included emails, consultation notices, and public meetings. This submission deals with the draft Springvale Structure Plan which will have ongoing consultation, prior to adoption by Council and inclusion in the District Plan.</p> <p>23. Horizons has identified that subdivision of rural land is leading to more wastewater systems on smaller sections. They are too close together and the combined effects could contaminate groundwater.</p> <p>24. Some existing systems are not working efficiently because they haven't been maintained regularly or weren't designed to cope with the amount of wastewater produced in a modern home.</p> <p>25. Horizons One Plan Rule 13-11 specifies that:</p> <p style="padding-left: 40px;">“(da) Where the <i>property</i>* within which the <i>discharge</i>^ occurs is less than 4 ha: (i) the <i>property</i>* must cover an area of at least either 5,000 m2 for <i>properties</i>* created by subdivision after this <i>rule</i>^ becomes <i>operative</i>^, or 2,500 m² for <i>properties</i>* that existed at the date that this <i>rule</i>^ becomes <i>operative</i>^”</p> <p>Council has to 'take into account any Proposed Regional Policy Statement (RPS) and 'give effect' to Operative RPS, and 'not be inconsistent with' any and all Regional Plans. While consents may be granted for onsite disposal on allotments less than 5000m², to meet those tests it is appropriate that a minimum of 5000m² be establish and any applications seeking to create smaller allotments will be</p>	<p><u>That Submission 8</u> from Paul McKenna be rejected</p> <p>No changes are made to the Plan as a result of this submission.</p>

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			<p>determined as Discretionary Activities.</p> <p>26. With no minimum lot size historically, it blurred the boundary between residential type development and rural lifestyle development and created an unrealistic expectation for residential levels of service in an ad-hoc and inefficient manner.</p> <p>27. Through this Plan Change, Springvale is proposed to be zoned Rural Lifestyle. However the draft Springvale Structure Plan indicates that it may be re-zoned Residential in the future. The draft Structure Plan is not sufficiently progressed to be applied in this Plan review update. It will be included into the District Plan in due course, which may see this area or parts of it, re-zoned Residential.</p> <p>28. Council is open to more opportunities to consult however statutory obligations have been fulfilled with regards to this plan change. Consultation will be ongoing for the draft Springvale Structure Plan as it is progressed. It is unfortunate that the two processes were not able to dovetail.</p> <p>29. In reaching its decision, the Council wishes to acknowledge the limitations placed on it with regard to the lack of quantifiable information regarding the performance and capacity of the reticulated services network. The 2012 – 2022 Ten Year Plan has programmed funding for a modelling of Council's reticulated infrastructure network. The Committee agrees that the modelling exercise will allow more specific and better informed management of subdivision and development including minimum allotment sizes. This will result in a re-examination of the appropriateness of the subdivision framework, and where deemed necessary, result in future changes to the District Plan.</p>	
S10: Transpower New Zealand Limited	<p>Plan Change 23 amended to ensure: Full effect is given to the National Policy Strategy for Electricity Transmission 2008; Effect is given to the policies of the Regional Policy Statement: Recognition of the National Environmental Standards for Electricity Transmission Activities and that there are no conflicts with provision of the District Plan and the NESETA; The protection of the existing network from issues of reverse sensitivity and the effects of others' activities through the provision of appropriate transmission corridors; 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</p>	<p>1. Amend the planning maps to shown all of Transpower's transmission lines, including where they traverse the Rural B Zone.</p> <p>4. Insert an advice note at the end of R210 Permitted Activities, drawing attention to the need for all activities to comply with NZECP34:2001. This could be achieved by adding the following or text to the same effect (additional text underlined):</p> <p>Advice Note: Compliance with the New Zealand Electrical Code of Practice for Electrical Safe Distances (NZECP34:2001) is mandatory under the Electricity Act 1992. All activities regulated by NZECP34, including buildings, structures, earthworks and the operation of mobile plant, must comply with that regulation. Activities should be checked for compliance even if they are permitted by</p>	<p>30. The additional material and altered position of Transpower New Zealand Limited provided at the hearing offered an acceptable way forward.</p> <p>31. A 20 meter buffer from transmission lines already exists in the Plan and the proposed provisions are not a great departure from this. Therefore it is not necessary to consult extensively on the amendments.</p>	<p><u>That</u> Submission 10 from Transpower New Zealand Limited be accepted in part</p> <p>Changes are made to the Plan by amending the District Plan maps to identify the location of the electricity transmission network as detailed in Appendix 6. and amend the Plan to read:</p> <p>R255 Non Complying Activities</p> <p>The following are Non Complying activities:</p> <ul style="list-style-type: none"> a. Activities that require connection to reticulated water services, wastewater services and stormwater services b. Manufacturing activities. c. The establishment or expansion of any sensitive activity within an electricity transmission yard. d. Buildings and structures located within the

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	<p>transmission lines.</p>	<p>the District Plan.</p> <p>5. Insert an advice note at the end of R210 Permitted Activities drawing attention to the need for all activities to comply with the Electricity Hazards from Trees Regulations. This could be achieved by adding the following or text to the same effect (additional text underlined):</p> <p>R255 Non Complying Activities The following are Non Complying activities:</p> <p>a. Activities that require connection to reticulated water services, wastewater services and stormwater services</p> <p>b. Manufacturing activities.</p> <p>c. The establishment or expansion of any sensitive activity within an electricity transmission yard.</p> <p>d. Buildings and structures located within the electricity transmission yard, which are more than 2.5m in height and/or 10m² in area.</p>		<p>electricity transmission yard, which are more than 2.5m in height and/or 10m² in area¹.</p> <p>Definitions: Electricity Transmission yard (shown in red) means:</p>  <p>a. The area located 12 metres in any direction from the outside visible edge of an electricity transmission support structure; and</p> <p>b. The area located 10 metres either side of the centreline of a 110kV electricity transmission line on poles; or</p> <p>c. The area located 12 metres either side of the centreline of a 110kV electricity line on pi-poles or towers.</p> <p>Electricity Transmission Corridor (shown in red and green)</p> <p>Measured either side of the centreline of the electricity transmission line equals:</p>  <p>a. 14 for 110kV transmission line on single poles</p> <p>b. 16m for 110kV transmission line on pi-poles or towers</p> <p>c. 32m for 110kV</p>

¹ As heard: Submission 10 Heard Wed 15 May 2013

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				<p align="right">transmission lines on towers</p> <p align="right">d. 37m for 220kV transmission lines on towers²</p>
S12: William John Simmons	<p>Submitter supports the proposed name of the zone.</p> <p>Proposes some amendment to the zone purpose and allow extension of existing infrastructure network where capacity is available.</p> <p>Disagrees with: subdivision and allotment size, structures proximity to boundary, light spill, dish antennae, noise</p> <p>Fencing provisions are required.</p>	<p>Submitter seeks Council to:</p> <p>*Amend the zone purpose to protect the full range of rural activities.</p>	<p>32. Rural Activities <i>"means the use of land, buildings and other structures for the purposes of breeding animals or growing vegetative matter, and includes forestry, horticulture, aquaculture, beekeeping, seed growing, viticulture, cropping and the keeping of livestock for food, wool, skins or fur, and ancillary uses which are incidental and secondary to the rural activity:</i></p> <p><i>a. Does not include rural industry.</i></p> <p><i>b. Does not include intensive farming."</i></p>	<p><u>That</u> Submission 12 and 13 from William John Simmons and Malcolm & Mairi Lamb be accepted in part</p> <p>The following changes are made to the Plan as a result of these submissions:</p> <p>Amend Z17 to read: The purpose of this zone is to provide areas where rural residential living can occur on the urban fringes and a range of rural and residential activities can occur, without the density or servicing of the residential zone. The zone is characterised by limited services which often results in larger lot sizes to accommodate the sewage and stormwater generated on the lot. No upgrades or extensions to improve the level of service shall be carried out by the Wanganui District Council, and all land use activities are required to provide their own services.</p> <p>Amend R247 (b) to read: R247 Performance standard - Amenity (b) <i>New structures*</i> shall be a minimum of 5 metres from any <i>site*</i> boundary.</p> <p>Amend R248 Performance standard – Noise to read: Emissions shall not exceed the following limits when measured within 20 metres of any dwelling (other than any other dwelling on the site from which the noise is being emitted).</p> <p>7am to 6pm 55 dBA(L10) All other times 45dBA(L10) Lmax: the lower of L95 background sound plus 30 dBA, or 70 dBA</p> <p>The above noise standards shall not apply to temporary military training activities as these activities are subject to separate standards contained in General Rule – Temporary Military Training Activities (Rule R23)</p> <p>The above noise standards shall not apply to sirens or warning devices used by emergency services.</p>
S13: Malcolm & Mairi Lamb		<p>*Maintain subdivision rights of property owners</p> <p>*Reduce the distance to boundary rule to 5 metre with 10 meters from the front boundary.</p> <p>* Amend light standard to read:" In order to prevent light spill nuisance in the RLZ, any light placed on the exterior of any structure or on the ground of any</p>	<p>As Rural Activities are permitted in the Rural B Zone, it is considered that the full range of rural activities are provided for. However clarity of the purpose of the zone is appropriate as it currently has a residential slant.</p> <p>33. Subdivision applications can be made for consideration by Council under the present Plan. However Council will have the opportunity in the future to refuse applications which are not consistent with the Plan or will have adverse effects on the environment, rather than simply impose conditions on consent as at present.</p> <p>34. The proposed 10 metre distance from the boundary was a response to the issue of privacy and open landscape retention raised at consultation for the Rural B Zone.</p> <p>In the Rural B Zone 10 metres can be reduced to 5 metres as this will have no significant effect on amenity or privacy.</p> <p>35. R249 Performance Standard - Light and Glare The expected night time amenity in the Rural B Zone, where no street lights are provided, means that light spill should not affect neighbouring properties. Therefore, luminance should be measured at the boundary of the site and not at the window of the dwelling.</p> <p>36. The Committee is cognisant of the Tauranga City Council Environment Court decision regarding pedestal mounted dishes.</p> <p>37. As the zone purpose has been amended to clarify that</p>	

² As heard: Submission 10 Heard Wed 15 May 2013

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		<p>property must provide illumination only to that property and not to the public roadway nor over neighbouring properties. Artificial lighting shall not increase luminance on neighbouring properties or on roadways. Where necessary to achieve this standard, directional and other lighting must be fitted with screens or deflectors to prevent light being projected beyond the property on which the light is located"</p> <p>*Increase maximum dish size to 3.8 meters</p> <p>*The Residential noise standards are not appropriate for this zone. Amend the evening hours to 8pm-6am. Prohibit the use of lawnmowers, chainsaws etc between these times</p> <p>*Support prohibiting infrastructure extensions in this zone.</p> <p>*A requirement for stock-proof fencing and gating of road frontages needs to be included in the plan.</p> <p>*Remove from Policy 107 sub clause (g) and (h).</p>	<p>the zone has a rural character, the noise standards should be consistent with the standards in the Rural Zone. Advice from Council's Environmental Health Officer is that "when noise is assessed it is has to be determined as to whether or not the noise is unreasonable or not. The types of noises the submitter is concerned about ie. Motor mowers, chainsaws etc would generally be considered reasonable residential activities, given that they were undertaken during daylight hours and completed in a reasonable timeframe. The noise levels in the district plan are used when assessing unreasonable activities."</p> <p>38. Council has reviewed its infrastructure provision in relation to the Rural B Zone and confirmed it will continue to exclude this zone from the urban residential network. The character of the zone has been identified as Rural with the provision for smaller lifestyle blocks where they can sustain independent wastewater systems.</p> <p>39. These matters are operational good practice rather than Resource Management Act issues. This submission point is unable to be considered as part of the plan change process.</p> <p>40. The topography of the Rural B Zone is important to people's appreciation of the area. Therefore, whole scale earthworks are not appropriate as they have the potential to create significant amenity impacts. Furthermore, changes to topography will have potential adverse effects on secondary floodwater flow paths, especially in areas where closed catchments exist.</p> <p>41. The protection of natural and cultural heritage features are important issues which would require wider consideration and consultation before being removed from the plan.</p>	<p>These conditions shall be read with and are subject to the provisions of Appendix A4 - Noise.</p> <p>Amend R249 to read: R249 Performance Standard - Light and Glare a. 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 boundary of any site in the Rural B Zone.</p> <p>Amend P110 to read: P110 Rural B existing infrastructure maintenance: Council will maintain urban reticulated infrastructure connections to existing allotments (in existence at 1st November 2012) but these connections will not be extended to serve any new allotments created by subdivision.</p>
S14: Victor Frederick Sears	Submitter believes plan change does not indicate that land holdings in the 'rural zone' have been reviewed for future classification as either Residential or Lifestyle.	* Submitter seeks Council to amend PC23 to include a specific statement that land holdings in the rural zone will be evaluated for inclusion in the Rural B Zone as part of the next phase of the District Plan review.	42. As the District Plan is being reviewed as a rolling review, the Rural Zone has not yet been reviewed and consideration has not been given to which Rural Zoned land should be re-zoned. Council officers are presently reviewing the Rural area and this includes determining whether Rural zoned land should be re-zoned.	<p><u>That</u> Submission 14 from Victor Frederick Sears be rejected</p> <p>No changes are made to the Plan as a result of this submission.</p>

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S15: Victor Frederick Sears	Submitter refers to P110, R247(a) and R253	<p>* Submitters seeks Council to withdraw this proposed plan change.</p> <p>* Submitter believes Council needs to spend the next 3 months getting its infrastructure records up to acceptable standard, so it can support an amended proposed District Plan being released for consultation.</p> <p>* Submitter wants Council to be more open and transparent as to the engineering problems, that Council is faced with, and to establish a timeframe.</p>	<p>43. Council has reviewed its infrastructure provision in relation to the Rural B Zone and confirmed it will continue to exclude this zone from the urban residential network. The character of the zone has been identified as Rural with the provision for smaller lifestyle blocks where they can sustain independent wastewater systems.</p> <p>44. It reaching its decision on subdivision the Council wishes to acknowledge the limitations placed on it with regard to the lack of quantifiable information regarding the performance and capacity of the reticulated services network. The 2012 – 2022 Ten Year Plan has programmed funding for a modelling of Council's reticulated infrastructure network. The Committee agrees that the modelling exercise will allow more specific and better informed management of subdivision including minimum allotment sizes. This will result in a re-examination of the appropriateness of the subdivision framework, and where deemed necessary, result in future changes to the District Plan.</p>	<p><u>That</u> Submission 15 from Victor Frederick Sears be rejected</p> <p>No changes are made to the Plan as a result of this submission.</p>
S22: Horizons Regional Council	<p>Submitter is concerned about the lack of Natural Hazard rules, especially in relation to flooding. Submitter supports Policy P142 (On-site servicing), Rule 267 (Allotment size), Rule 273 (Earthworks) and Criteria C9 (Earthworks), and requests that reference be included in PC27 to the earthworks provisions of the Proposed One Plan.</p>	<p>Horizons seek that Plan Change 25 - Natural Hazards be lawfully amended or withdrawn to include rules to manage activities identified as subject to natural hazards and that consequential amendments be made to Proposed Plan Changes 23, 24, 26, 27, 28 and 29 as required to give effect to those rules.</p> <p>That reference is made is PC 27 as to the requirements of the earthworks provisions of the Proposed One Plan to ensure consistency of approach, particularly in regards to land disturbance and sediment control requirements</p>	<p>45. Natural Hazards rule are a General Rule and therefore are District wide rules.</p> <p>46. Council is aware of the requirements of Policy 10-1 of the One Plan. It is acknowledged that flood hazard information is absent from Proposed Plan Change 25. Essentially the information provided by Horizons in relation to flood hazard mapping was not at a scale that was meaningful at a local site specific scale. It was not easily translated into the Council GIS system. Council has been working with Horizons to establish a meaningful flood hazard line for the 1:200 year flood event. The timing of this mapping work has prevented its inclusion in Plan Change 25. Once the mapping and consequent rule drafting is completed it will be included as part of a subsequent phase of the Plan Review.</p> <p>47. The wider Plan Review is occurring as a phased approach over several years. This means some parts of the Plan are updated prior to others. It is acknowledged that coastal hazards are absent at present. Council has identified resources to do research in relation to coastal hazard mapping and this research will then be incorporated into the Plan in due course.</p> <p>48. Council has taken a cautionary approach with regard to all hazards. Policy P114 refers to a precautionary approach being taken in respect to all hazards.</p> <p>49. It reaching its decision, the Council wishes to acknowledge the limitations placed on it with regard to the lack of quantifiable information regarding the performance and capacity of the reticulated services network. The 2012 – 2022 Ten Year Plan has programmed funding for a</p>	<p><u>That</u> Submission 22 from Horizons Regional Council be accepted in part.</p> <p>No changes are made to the Plan as a result of this submission.</p>

Proposed Plan Change 23 – Rural B – Hearings Committee Decisions

Sub No. & Name	Submission Summary	Decision Requested	Council Reasons for Decisions on Submissions	Council Decision
			<p>modelling of Council's reticulated infrastructure network. The Committee agrees that the modelling exercise will allow more specific and better informed management of subdivision and development including minimum allotment sizes. This will result in a re-examination of the appropriateness of the subdivision framework, and where deemed necessary, result in future changes to the District Plan.</p>	
<p>Further Submission 2: William John Simmons</p>	<p>Submitter opposes Sub #22 (Horizons Regional Council) Allotment size restrictions, Earthworks Rules R267 and 273, and criteria C9 assessments.</p>	<p>Submitter seeks Council to withdraw minimum lot size provisions - the damage has been done and no benefit will accrue.</p> <p>Amend earthworks and criteria to apply to high risk areas only, to retain individuals rights over property.</p>	<p>50. Horizons Regional Council has identified that subdivision of rural land is leading to more wastewater systems on smaller sections. The cumulative effects of increased site density using independent wastewater systems could lead to contamination of groundwater.</p> <p>51. Some existing systems are not working efficiently because they haven't been maintained regularly or weren't designed to cope with the amount of wastewater produced in a modern home.</p> <p>52. Horizons One Plan Rule 13-11 specifies that:</p> <p style="padding-left: 40px;">“(da) Where the <i>property</i>[*] within which the <i>discharge</i>[^] occurs is less than 4 ha: (i) the <i>property</i>[*] must cover an area of at least either 5,000 m² for <i>properties</i>[*] created by subdivision after this <i>rule</i>[^] becomes <i>operative</i>[^], or 2,500 m² for <i>properties</i>[*] that existed at the date that this <i>rule</i>[^] becomes <i>operative</i>[^]”</p> <p>Council has to 'take into account any Proposed Regional Policy Statement (RPS) and 'give effect' to Operative RPS, and 'not be inconsistent with' any and all Regional Plans. While consents may be granted for onsite disposal on allotments less than 5000m², to meet those tests it is appropriate that a minimum of 5000m² be established and any applications seeking to create smaller allotments will be determined as Discretionary Activities. With no minimum lot size historically, it blurred the boundary between residential type development and rural lifestyle development and created an unrealistic expectation for residential levels of service in an ad-hoc and inefficient manner.</p> <p>53. The relief requested by FS2 is not considered appropriate as the initial submission requests an advice note that is accepted as part of Proposed Plan Change 27.</p>	<p>That Further Submission 2 from William John Simmons be rejected</p> <p>No changes are made to the Plan as a result of this submission.</p>

Proposed Plan Change 23 – Rural B – Hearings Committee Decisions

Sub No. & Name	Submission Summary	Decision Requested	Council Reasons for Decisions on Submissions	Council Decision
S23: Ultrafast Fibre Ltd	UFL is generally supportive of the proposed plan change. However, UFL submits that a number of amendments are required to enhance the provisions within the proposed plan change.	<p>Submitter: Supports R210 Permitted Activities Supports in part R247 Performance Standard – Amenity. Amend definition for structures to exclude telecommunications cabinets: "Structure means any building, equipment, device or other facility made by people and which is fixed to land and includes any raft. Excluding any fence or wall (other than retaining wall) located within 1 metre of a property boundary and telecommunication cabinets."</p>	<p>54. The National Environment Standard for Telecommunication Facilities came into force on 9 October 2008. It requires that the installation of cabinets along Road Reserves are a permitted activity subject to specified limitations on their size and location.</p> <p>It is noted that Network Utilities have an existing exemption in the District Plan for cabinets that have a floor area less than 10m² and a height less than 5m (R15(2)(d)(ii)).</p> <p>All cabinetry outside these two standards should be subject to Council's assessment of the effects on the surrounding area.</p>	<p><u>That</u> Submission 23 from Ultrafast Fibre Ltd be accepted in part</p> <p>No changes are made to the Plan as a result of this submission.</p>
S24: Wanganui Federated Farmers of New Zealand	<p>* Submitter is generally supportive of the Rural B Zone provisions but it should not restrict the ability for normal rural activities to be undertaken.</p> <p>* Submitter submits that for clarity the Plan should state that rural activities are not classed as "Home Occupation" and are not subject to the performance standards.</p> <p>* Submitter opposes placing restrictions on noise.</p> <p>* Submitter opposes that buildings used for rural activities should not have height restrictions.</p>	<p>* Submitter seeks that the Rural B Zone does not restrict rural activities.</p> <p>* Submitter seeks additional explanation to R252 that farming and other rural activities are not considered to be "Home Occupation" and therefore not subject to the performance standards.</p> <p>Submitter supports the zone requiring onsite servicing and avoiding new connection to Council services.</p> <p>* Submitter seeks R248 to exempt normal seasonal rural activities from the noise performance standard and remove restrictions on noise</p> <p>* Submitter seeks R247 to exempt height restrictions on buildings and structures for rural activities.</p>	<p>55. Rural activities are permitted activities in the Rural B Zone. Therefore rural activities are not restricted in the zone.</p> <p>56. Council has reviewed its infrastructure provision in relation to the Rural B Zone and confirmed it will continue to exclude this zone from the urban residential network. The character of the zone has been identified as Rural with the provision for smaller lifestyle blocks where they can sustain independent wastewater systems.</p> <p>57. Removing noise standards for daylight hours would be inconsistent with the Plan's existing framework and no reason for removing noise standards has been given by the submitter. Noise is a specialist area and requires expert input.</p> <p>58. The maximum height rule is intended to ensure that there is an open appearance of the Rural B Zone. To date, no resource consents have been applied for which would suggest that there is no issue with the current maximum height standards.</p>	<p><u>That</u> Submission 24 and Further Submission 4 from Wanganui Federated Farmers of New Zealand and William John Simmons accepted in part</p> <p>No changes are made to the Plan as a result of these submissions.</p>
Further submission 4: William John Simmons	Submitter supports Sub #24 (Wanganui Federated Farmers of NZ) exemption to noise standards (partially supported daylight hours) R248 and Exemption to amenity standards (especially lot size, dish size, structures proximity to boundary)	<p>Submitter seeks no noise standard during daylight hours (6am- 8pm)</p> <p>Submitter seeks to withdraw amenity standard restrictions on lot size, building proximity to boundaries and dish antenna sizes.</p>	<p>59. Removing noise standards for daylight hours would be inconsistent with the Plan's existing framework and no reason for removing noise standards has been given by the submitter. Noise is a specialist area and requires expert input.</p> <p>60. Outside of scope of the original submission however, these issues are covered in other submissions made to this Plan Change.</p>	

Proposed Plan Change 23 – Rural B – Hearings Committee Decisions

Sub No. & Name	Submission Summary	Decision Requested	Council Reasons for Decisions on Submissions	Council Decision
S25: Powerco Limited	Submission generally supports the intent of the Plan Change	<p>Include the following advice notes in R210 Permitted Activities:</p> <p>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 or near electricity lines should be selected and/or managed to ensure that it will not result in that vegetation breaching the Electricity (Hazards from Trees) Regulations 2003. To discuss works, including tree planting, near any electrical line, contact the line operator.</p> <p>2. Health and safety signs associated with network utilities as a permitted activity. Include the following in performance standard R251 Advertising: Identification and/or health and safety signs associated with infrastructure</p>	<p>61. It is recommended the proposed advice note be accepted.</p> <p>62. The inclusion of a new performance standard regarding signs for health and/or safety reasons is appropriate with amendments which limit the size and location of the signs.</p>	<p><u>That</u> Submission 25 from Powerco Limited be accepted in part</p> <p>The following changes are made to the Plan as a result of this submission:</p> <p>Amend R210 to read: R210 Permitted Activities: 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.</p> <p>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 Trees) Regulations 2003. To discuss works, including tree planting, near any electrical line, contact the line operator.</p> <p>Amend R251 to read: f. One identification and/or health and safety sign associated with infrastructure, not exceeding 0.5m² and attached to the corresponding infrastructure.</p>
S27: New Zealand Historic Places Trust	NZHPT supports the inclusion of the protection of natural and cultural heritage features in policy 107	NZHPT seeks that the Council retains this, or like, wording.	63. Submission is supported	<p><u>That</u> Submission 27 from New Zealand Historic Places Trust be accepted</p> <p>No changes are made to the Plan as a result of this submission.</p>
S30: Rachael Dey c/- Winchester Trust	Submitter opposes all specified changes in PC23 Rural B from Restricted Services Residential.	None stated.	<p>64. The submitter does not seek a decision from the Council</p> <p>The submitter was advised that Council staff do not determine whether late submissions are received for consideration and was told to lodge one as a late submission for consideration by the hearings panel.</p>	<p><u>That</u> Submission 30 from Rachael Dey be rejected</p> <p>No changes are made to the Plan as a result of this submission.</p>

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Sub No. & Name	Submission Summary	Decision Requested	Council Reasons for Decisions on Submissions	Council Decision
S32: Wanganui District Council	A number of technical changes are requested.	<p>Submitter seeks that R248 be amended to be consistent with the Rural Zone noise standards and that P107 be amended to reflect this change.</p> <p>R253 be amended with the correct subdivision standard references.</p> <p>Home Occupation definition be updated to say: means a craft or small business, which typically includes art/pottery studio, dressmaking, hairdressing, teaching of speech, drama, and music, working from home in an office, and the production and sale of goods and services that have been substantially made, repaired, or restored on the site (excluding vehicle repair) and which:</p> <p>a. is clearly incidental and secondary to the use of the dwelling (as a dwelling);</p> <p>b. conforms to conditions and terms specified in the Plan.</p> <p>This definition includes home stays and farm stays for up to five paying guests.</p> <p>R252 to remove: a. At all times, the home occupation must remain incidental and secondary to the use of the dwelling for residential purposes.</p> <p>R247 (b) New structures shall be a minimum of 5 metres from any site boundary.</p> <p>R8 minor wording updated.</p>	<p>65. As the zone purpose has been amended to clarify that the zone has a rural character, the noise standards should be consistent with the standards in the Rural Zone.</p> <p>66. Submission is supported</p> <p>67. The current definition and rules for Home Occupations are too broad and difficult to enforce. These small changes should help mitigate the environmental effects without losing the purpose of Home Occupations.</p> <p>68. Submission point is supported</p> <p>69. Given the size of the sites in this zone and the location of the urban fringes (meaning the majority of activities are residential), 5 metres will provide sufficient distance between activities without unduly restricting property owners to the same extent as the Rural Zone which has bigger sites and a different purpose.</p>	<p><u>That</u> Submission 32 from Wanganui District Council be accepted</p> <p>The following changes are made to the Plan as a result of this submission:</p> <p>Amend P107 to read: P107 f. A rural living environment with low traffic and moderate noise levels given the relatively low productive use made of land, and low development density;</p> <p>Amend R248 to read: R248 Performance standard – Noise Emissions shall not exceed the following limits when measured within 20 metres of any dwelling (other than any other dwelling on the site from which the noise is being emitted).</p> <p>7am to 6pm 55 dBA(L10) All other times 45dBA(L10) Lmax: the lower of L95 background sound plus 30 dBA, or 70 dBA</p> <p>The above noise standards shall not apply to temporary military training activities as these activities are subject to separate standards contained in General Rule – Temporary Military Training Activities (Rule R23)</p> <p>Amend R253 to read: R253 Restricted Discretionary Activities II. Complies with –R260, R262, R261, R263 regarding Subdivision Council restricts its discretion to the following matters: 1. the ability of sites to: a. be independently serviced for water, wastewater; and b. to comply with compliance subdivision provisions (R260, R262, R261, R263 regarding Subdivision)</p> <p>Delete R252 (a) and amend the Glossary definition of Home Occupations to read” Home Occupation “means a craft or profession, which typically includes art/pottery studio, dressmaking, hairdressing, teaching of speech, drama, and music; working from home in an office, and the production and sale of goods and services that have been substantially made, repaired, or restored on the site (excluding vehicle repair) and which: a. is clearly incidental and secondary to the use of the dwelling (as a dwelling); b. conforms to conditions and terms specified in the Plan. This definition includes home stays and farm stays for up to five paying guests.”</p> <p>Amend R247 to read: R247 Performance standard - Amenity</p>

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Sub No. & Name	Submission Summary	Decision Requested	Council Reasons for Decisions on Submissions	Council Decision
				(b) New <i>structures</i> * shall be a minimum of 5 metres from any <i>site</i> * boundary.
S33: New Zealand Railways Corporation (KiwiRail)	Submitter seeks to ensure that adjoining land uses do not compromise the ability of the rail network to operate safely and efficiently day and night in the long term. It seeks the inclusion of rules/controls for managing 'sensitive' uses adjoining the rail network to ensure long term amenity. They state it is the proper role of the District Plan to assist in achieving this.	Add three further criteria to Resource Consent Assessment Criteria: 1. Whether the proposed activity will have reverse sensitivity effects on adjacent activities or zones; including the operation of land transport networks, including railways. 2. The proposed methods for avoiding, remedying or mitigating adverse effects including reverse sensitivity effects form locations adjacent to major infrastructure such as transport networks, including railway corridors the design of the building or structure, the use of materials, design, installation and maintenance of landscaping. 3. The degree to which the proposal addresses the reverse sensitivity effects caused by vibration from adjacent zones and/or activities. Add policy: 1. Ensure that land use activities, subdivision and development adjoining land transport networks including; the railway corridor avoid, remedy or mitigate any adverse effects by protecting themselves from the reverse sensitivity effects from noise and vibration; particularly in bedrooms and other noise sensitive rooms. Add a further policy: Ensure that land use activities, subdivision and development adjoining land transport networks including; the railway corridor avoid, remedy or mitigate any adverse effects by protecting themselves from the reverse sensitivity effects from noise and vibration; particularly in bedrooms and other noise sensitive rooms. Add a new rule to R1: Residential permitted activities and Rural B permitted activities Any habitable room in a new noise sensitive activity or any alteration(s) to an existing noise sensitive activity constructed within 30 metres (measured from the nearest edge of the rail corridor) shall be designed, constructed and maintained to meet an internal noise level of: (i) 35dBA LAeq (1 hour) inside bedrooms. (ii) 40dBA LAeq (1 hour) inside other habitable rooms. (iii) Compliance with this Rule XXXX shall be achieved by, prior to the construction of any noise sensitive activity, an acoustic design certificate from a suitably qualified acoustic engineer	70. Land transport infrastructure such as rail and state highways are identified as important infrastructure within the provisions of Objective 3-1 and Policies 3-1, 3-2 and 3-3. However, in discussions with Council's Environmental Health staff, it was noted that there are few, if any, noise complaints based upon the movement of trains through the rail corridors. 71. . It is also noted that Section 326 of the Resource Management Act excludes noise emitted by a train. However, the duty to avoid unreasonable noise in Section 16 does still apply. This means the normal operation of the rail network is protected unless there is an action or inaction outside normal rail operations that results in unreasonable noise. 72. Therefore, the proposed provisions are not considered necessary. 73. In addition, the topic area did not form part of the consultation for Phase 2 and 3, and neither were the provisions requested by the submitter. The proposals have the potential to affect property rights in that a number of land uses are proposed to be regulated, including earthworks. 74. Given that the majority of the area affected is the rural environment and better aligned with the Rural Phase of the District Plan Review, it is considered that allowing these provisions without substantial consultation would result in unfairness to affected parties.	<u>That</u> Submission 33 and Further Submission 5 from New Zealand Railways Corporation (KiwiRail) and Powerco Limited be rejected No changes are made to the Plan as a result of these submissions.
Further Submission 5: Powerco Limited	Submitter supports in part Sub #33 (New Zealand Railways Corporation (KiwiRail) the inclusion of assessment criteria that require consideration of reverse sensitivity effects. While Powerco supports the general intent of the suggested assessment criteria 1 and 2, it seeks that they address reverse sensitivity in relation to network utilities in general and not just with particular reference to transport networks. For the avoidance of doubt, an assessment criteria 3 is supported.			

Proposed Plan Change 23 – Rural B – Hearings Committee Decisions

Sub No. & Name	Submission Summary	Decision Requested	Council Reasons for Decisions on Submissions	Council Decision
		<p>is to be provided to Council demonstrating that the above internal sound levels will be achieved ; or locate this rule in one location in the plan where it will have district-wide applicability (i.e. to all zones). Add Level crossing sightline assessment criteria:</p> <ul style="list-style-type: none"> • visibility and sight distances particularly the extent to which vehicles entering or exiting the level crossing are able to see trains • The extent to which failure to provide adequate level crossing sightlines will give rise to level crossing safety risks. • the intensity, scale and traffic generating nature of the proposal is such that associated vehicle movements are unlikely to have an adverse effect on the safety and efficient. 		