

Councillors  
WANGANUI DISTRICT COUNCIL

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Subject: Plan Change 24 – Neighbourhood Commercial  
Meeting Date: 6<sup>th</sup>, 7<sup>th</sup>, 15<sup>th</sup> and 16<sup>th</sup> May 2013

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## 1.0 INTRODUCTION

- 1.1 The Resource Management Act 1991 (RMA) requires each part of the District Plan to be reviewed not later than 10 years after the Plan becomes operative. The Operative Plan was made operative on 27 February 2004. In accordance with Section 73(3) of the RMA, the Wanganui District Council is undertaking a review of the District Plan in 7 phases, with Plan Change 24 as part of Phase 2 - Residential.
- 1.2 The report records the public notification and hearing process in relation to Plan Change 24. It records the Hearings and Regulatory Committee's decisions made pursuant to its delegated authority to hear and determine all District Plan Changes expect for those delegated to independent commissioners.

## 2.0 PROCEDURAL MATTERS

- 2.1 The Hearings were convened to hear submissions on 6<sup>th</sup>, 7<sup>th</sup>, 15<sup>th</sup> and 16<sup>th</sup> May 2013. The Committee then closed the meetings at 12.30 on 16<sup>th</sup> May and deliberated on relevant submissions on the 27<sup>th</sup> June 2013.
- 2.2 The Hearing Panel members were: Councillors Sue Westwood (Chair), Hamish McDouall, Niki Higgie, Rob Vinsen and Randhir Dahya.
- 2.3 Submitters who presented or tabled information to support or expand their submissions were:
  - New Zealand Historic Places Trust (Submitter 6)
  - New Zealand Fire Services Commission (Submitter 2)
  - Progressive Enterprises Limited (Submitter 1)
  - Powerco Limited (Submitter 5)
  - Z Energy Limited, BP Oil NZ Limited and Mobil Oil NZ Limited (Submitter 7)
- 2.4 Plan Change 24 was publicly notified in accordance with Clause 5 of the 1st Schedule of the Resource Management Act 1991 on Thursday 1 November 2012, with the period for submissions closing on Tuesday 4 December 2012.
- 2.5 A total of 7 submissions were received. All submissions received were summarised and the decisions requested by submitters was publicly notified in accordance with Clause 7 of the First Schedule of the Act.
- 2.6 The further submission process closed on Wednesday 13<sup>th</sup> February 2013. No further submissions were received on Plan Change 24.

### 3.0 SCOPE OF THE PLAN CHANGE

- 3.1 The Neighbourhood Commercial Zone was incorporated into Phase 2 of the Review because the zone sits within the Urban Boundary on the Planning Maps.
- 3.2 The purpose of Plan Change 24 is to amend the existing Neighbourhood Commercial Zone, to reflect the changes that have occurred since the operative Plan was prepared.
- 3.3 The key change that has been through Plan Change 24 is the removal of the outline development plans.
- 3.4 Some sites in the Neighbourhood Commercial Zone have outline development plans overlaid over them. The intention of these outline development plans was to manage buildings and parking space within the zone; however, it has been identified that these outline development plan have not been working as intended. Currently there are no objectives or policies relating to the outline development plans. This makes it difficult to understand and justify the reasoning behind the plans.

### 4.0 RELEVANT STARUATOURY CONSIDERATIONS

#### 4.1 RMA Part II Considerations

Sustainable management is defined in the Resource Management Act 1991 as

meaning “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 well being and for their health and safety while –

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

In accordance with Section 5 of the Resource Management Act, Plan Change 24 has been developed with a focus on providing for the community’s health and safety whilst avoiding or mitigating any adverse effects of activities on the environment, including people and property.

##### 4.1.1 Objective 40 of Plan Change states:

**“Neighbourhood Commercial zone that complements the surrounding residential zone**

Safe, convenient, vibrant and compact neighbourhood commercial centres designed and operated to complement the character and amenity of the surrounding Residential zone and that encourage community interaction.”

- 4.1.2 The purpose of Plan Change 24 is to amend the Neighbourhood Commercial Zone, to reflect the changes that have occurred since the operative plan was prepared and to provide clarification of the level of service of the zone.
- 4.1.3 The actual effect of these changes to the District Plan was discussed in the Plan Change and is further discussed in Section 7 of this Report.
- 4.1.4 Section 6 of the Resource Management Act 1991 requires all persons exercising functions and powers under it, in relation to managing the use, development, and protection of

natural and physical resources, to recognise and provide for matters of national importance, including:

*(e) The relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga.*

*(f) the protection of historic heritage from inappropriate subdivision, use and development.*

- 4.1.5 Plan Change 24 is considered to be consistent with Section 6 of the RMA as it introduces Objectives, Policies and Rules that require future development and activities to prevent damage to heritage sites and buildings and natural and cultural heritage features, as follows:

Policy P88 requires that:

*“To define a Neighbourhood Commercial Zone where the following characteristics are maintained:*

*g. Natural and cultural heritage features are valued and protected;*  
*i. address the effects at the zone boundaries\* from noise, light spill, vibration, visual amenity and advertising.”*

- 4.1.6 Under Section 7 of the Act, the Committee must also “have particular regard to” matters including:

*(b) The efficient use and development of natural and physical resources;*

*(c) The maintenance and enhancement of amenity values;*

*(f) Maintenance and enhancement of the quality of the environment;*

- 4.1.7 Plan Change 24 is considered to be consistent with S7 of the Act as the Policies for the Neighbourhood Commercial Zone identifies those characteristics that contribute to the amenity of the area. The rules for the zones have been developed so as to ensure that future development and activities maintain these characteristics.

- 4.1.8 With regards to Section 8, no specific concerns relating to Treaty of Waitangi issues have been raised during consultation or through submissions on the Plan Change.

## 5.0 RELEVANT POLICY STATEMENTS AND PLAN PROVISIONS

### 5.1 Horizons Regional Council – Regional Policy Statement

Section 75(2) of the RMA requires that a district plan must not be inconsistent with the regional policy statement or any regional plan. Horizons Regional Council’s Operative Regional Policy Statement and Proposed One Plan are considered to be relevant to this Plan Change in that they include requirements around the onsite, independent treatment of wastewater.

An assessment of how the provisions in Plan Change 24 compare with the Objectives and Policies of the Operative Regional Policy Statement and the Proposed One Plan are considered in the table below.

Table 1

Operative Regional Policy Statement (RPS)		Plan Change 24
Objectives 5, 6, 13 & 30	Policy	Evaluation
Obj 5. To achieve	Policy 6.1	Objective O40 gives effect to RPS as it

<p>sustainable land use.</p> <p>Obj 6.To avoid, remedy or mitigate the adverse effects of urban development.</p> <p>Obj 30: To have land transport systems and public utility networks which meet the needs of the Region, while avoiding, remedying or mitigating adverse environmental effects.</p>	<p>In providing for urban development the social, economic and environmental costs of development are to be considered by taking into account the following matters:</p> <p>c. the protection of intrinsic values, amenity values, heritage and cultural values, and the natural features and landscapes of the Region;</p> <p>e. the efficient use of resources, including energy, transport and utility infrastructure.</p>	<p>aims to manage land use in a sustainable manner. This objective also highlights the need to protect urban amenity and reduce the effects of development.</p> <p>Policy P88 and P11 is consistent with the RPS as it states the need to protect and enhance landscape and visual character of the urban environment. As well as the amenity values and transport infrastructure are of a high standard.</p>
<p><b>Regional One Plan (As Amended by Decision August 2010) (POP)</b></p>		<p><b>Plan Change 24</b></p>
<p><b>Objective</b></p>	<p><b>Policy</b></p>	<p><b>Evaluation</b></p>
<p>Objective 7-3: Historic heritage<sup>^</sup> Protect historic heritage<sup>^</sup> from activities that would significantly reduce heritage qualities.</p>	<p>Policy 7-10: Historic heritage<sup>^</sup> The Regional Coastal Plan<sup>^</sup> and district plans<sup>^</sup> must include provisions to protect historic heritage<sup>^</sup> of national significance, which may include places of special or outstanding heritage value registered as Category 1 historic places, wāhi tapu, and wāhi tapu areas under the Historic Places Act 1993.</p> <p>Policy 7-11: Historic heritage<sup>^</sup> identification (a) Territorial Authorities<sup>^</sup> must develop and maintain a schedule of known historic heritage<sup>^</sup> for their district to be included in their district plan<sup>^</sup>.</p>	<p>Policy P11 <i>g. Natural and cultural heritage features are valued and protected gives effect to this objective.</i></p>

## 6.0 SUMMARY OF SUBMISSION

6.1 Refer to appendix 1 to this report for a summary of each submission

## 7.0 PRINCIPAL ISSUES IN CONTENTION

### 7.1 Signage Size

- The total sign face area of 4.5m<sup>2</sup> is too restrictive
- 80m<sup>2</sup> is more appropriate, inclusive of walls signs and pylons. This is to accommodate activities such as supermarkets.

## 8.0 SUMMARY OF EVIDENCE HEARD

8.1 Key evidence presented by submitters:

- 8.1.1 Submitter 1 tabled evidence reiterating their original submission to increase the permitted total signage area to 80m<sup>2</sup> and expressed their disappointment in the officer's recommendation to reject the submission.

- 8.1.2 Submitter 2 reiterated their submission to include an exception within the noise rule for emergency sirens and was happy with the officer's recommendation to accept their recommendation.
- 8.1.3 Submitter 5 tabled evidence. In this evidence Powerco disagreed with the planner's response that identification and/or health and safety signs are provided for under the National Environmental Standard for Electricity Transmission Activities 2009.  
  
Submitter 5 showed photographic examples of the types of sign they were referring to and reiterates their request to have them included within the plan change.
- 8.1.4 Submitter 6 reiterated their original submission in support of Policy 11 and Policy 88 and was supported by the reporting officer.
- 8.1.5 Submitter 7 tabled evidence that reiterated their original submission.

## 8.2 Key evidence presented in Officers report:

- 8.2.1 In response to Submitter 1: The reporting officer advised that 80m<sup>2</sup> for signage per activity is too large. Allowing this will detract from the predominately residential surrounding areas. It would be visually intrusive and overwhelming.
- 8.2.2 In response to Submitter 2: 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."  
  
As we progress with the review of the District Plan, we will make the requested change to each zone.
- 8.2.3 In response to submitter 5: On reading the evidence tabled by Powerco Limited. I support the inclusion in the performance standard R64 with amendments. "One Identification and/or health and safety signs associated with infrastructure not exceeding 0.5m<sup>2</sup> and attached to the corresponding infrastructure"
- 8.2.4 The reporting officer agreed with Submitter 6 and recommended their submission be accepted.
- 8.2.5 In response to submitter 7: The reporting officer confirmed that Hazardous substances and hazardous facilities have not been reviewed under this phase. The submitter's comments will be taken into account when this section is under review. Due to this no changes are recommended to Appendix 6 – Hazardous Facility Screening Procedure.

## 9.0 MAIN FINDINGS ON PRINCIPAL ISSUES

- 9.1 The Committee discussed whether 80m<sup>2</sup> of signage requested by Submitter 1 meant 1 sign of 80m<sup>2</sup> or signs totalling 80m<sup>2</sup>. The Committee agreed that 4.5m<sup>2</sup> is more appropriate as total signage area per site for the Neighbourhood Commercial zone.
- 9.2 The Committee supported the inclusion of emergency sirens to the noise rule requested by Submitter 2 and noted that the supporting officer also supported this submission.
- 9.3 The Committee is aware that General Rule 21 – Relocated Buildings is currently being reviewed under Phase 4 of the District Plan Review. Submitter 3's comments will be picked up in this review process.

- 9.4 The Committee agree that the identification and health/safety signage for network utilities requested by Submitter 5 is appropriate and should be included in the Plan Change as a permitted activity.
- 9.5 The Committee agreed with Submitter 6's submission and noted that the reporting officer also supported this submission.
- 9.6 The Committee agreed that Rule 57 and Rule 60 should be deleted as requested by Submitter 7. The Committee also noted that hazardous substances and hazardous facilities have not been reviewed through phase 2 of the District Plan Review. This part of the review is to be done at a later date.

**10.0 Section 32 Evaluation**

As there have been no significant amendments to Plan Change 24, the S32 has not been re-evaluated. Refer to Appendix 4.

**11.0 STATEMENT OF DECISIONS AND REASONS**

- 11.1 Refer to Appendix 1 to this report for the Councils decisions and reasons relating to each submission.
- 11.2 Refer to Appendices 2 and 3 for the Plan Change text and maps following decisions on submissions.

**12.0 Appendices:**

- 1. Decisions on Submissions and Reasons for Decisions
- 2. Marked-up Version of Plan Change 24 following Decisions on Submissions
- 3. Planning Maps altered by Decisions on submissions
- 4. Sections 32 Evaluation

Signature of Chairman

Councillor Sue Westwood

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