

Councillors
WANGANUI DISTRICT COUNCIL

Subject: Plan Change 28 – Reserves & Open Spaces

Meeting Date: 6th, 7th, 15th and 16th May 2013

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 28 as part of Phase 2 - Residential.
- 1.2 The report records the public notification and hearing process in relation to Plan Change 28. It records the Committee's recommended decisions made pursuant to its delegated authority to hear and determine all District Plan Changes except for those delegated to independent commissioners.

2.0 PROCEDURAL MATTERS

- 2.1 The Hearings were convened to hear submissions on 6th, 7th, 15th and 16th May 2013. The Committee then closed the meetings at 12.30 on 16th May and deliberated on relevant submissions on the 27th 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 4)
 - House Movers Sections of New Zealand Heavy Haulage Association (Inc) (Submitter 1)
 - Powerco Limited (submitter 3)
- 2.4 Plan Change 28 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 5 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 13th February 2013. No further submissions were received on Plan Change 28.

3.0 SCOPE OF THE PLAN CHANGE

- 3.1 Plan Change 28 looks to enable commercial activities within the reserves and open space zone. It also creates certainty around what activities can be undertaken and in which reserves or open spaces areas.
- 3.2 Plan Change 28 recognises that the Reserves and Open Space Zone is an important aspect of the urban environment.

4.0 RELEVANT STATUTORY CONSIDERATIONS

4.1 RMA Part II Considerations

Sustainable Management

Sustainable management is defined in the RMA 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.”*

- 4.1.1 In accordance with Section 5 of the RMA, Plan Change 28 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.

- 4.1.2 Objective 46 of Plan Change 28 states:

“Parks and open space areas that are safe, accessible and pleasant to use, that meet the varied recreational needs of the community and enhance the amenity values of the surrounding environment.”

- 4.1.3 The purpose of Plan Change 28 is to amend the Reserves and Open Space 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.

- 4.1.4 Section 6 of the RMA 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 28 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 P107 requires that:

“Ensure adequate provision, and distribution and utilisation of recreational facilities and opportunities, and define reserves and open spaces to ensure the following characteristics are enhanced or maintained:

f. retention of natural landscape and historic heritage features”

4.1.6 Under Section 7 of the RMA, 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;

4.2 Plan Change 28 is considered to be consistent with S7 of the RMA as the Policies for the Neighbourhood Commercial Zone identifies those characteristics that contribute to the amenity of the area. The rules for the zone have been developed so as to ensure that future development and activities maintain these characteristics.

4.3 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 28 compare with the Objectives and Policies of the Operative Regional Policy Statement and the Proposed One Plan are considered in Table 1 below.

Table 1

Operative Regional Policy Statement (RPS)		Plan Change 28
Objectives 5, 6, 13 & 30	Policy	Evaluation
Obj 5. To achieve sustainable land use. Obj 6. To avoid, remedy or mitigate the adverse effects of urban	Policy 6.1 In providing for urban development the social, economic and environmental costs of development are to be considered by taking into account the following matters: c. the protection of intrinsic values, amenity values, heritage and cultural values, and the natural features and landscapes of the Region; e. the efficient use of resources, including energy, transport and utility infrastructure.	Objective O46 gives effect to RPS as it encourages the enhancement of amenity values. Policy P78 further gives effect to the RPS as it states the retention of natural landscapes and historic heritage features.

development.		
Regional One Plan (As Amended by Decision August 2010) (POP)		Plan Change 28
Objective	Policy	Evaluation
Objective 7-3: Historic heritage [^] Protect historic heritage [^] from activities that would significantly reduce heritage qualities.	Policy 7-10: Historic heritage [^] The Regional Coastal Plan [^] and district plans [^] must include provisions to protect historic heritage [^] 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. Policy 7-11: Historic heritage [^] identification (a) Territorial Authorities [^] must develop and maintain a schedule of known historic heritage [^] for their district to be included in their district plan [^] .	Policy P78 f. <i>retention of natural landscape and historic heritage features</i> gives effect to POP

6.0 SUMMARY OF SUBMISSION

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

7.0 PRINCIPAL ISSUES IN CONTENTION

- There were no issues in contention.
- Although there were 5 submissions on Plan Change 28 they were generic submissions that related to all seven Plan Changes.

8.0 SUMMARY OF EVIDENCE HEARD

8.1 Key evidence presented by submitters:

8.1.1 Submitter 3 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 3 showed photographic examples of the types of sign they were referring to and reiterated their request to have them included within the Plan change.

8.1.2 Submitter 4 reiterated their original submission in support of Policy 78(f) and Rule 244.

8.2 Key evidence presented in Officers report:

8.2.1 In response to Submitter3: 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 0.5m² and attached to the corresponding infrastructure"

8.2.2 The reporting officer agreed with Submitter 4 and recommended their submission be accepted.

9.0 MAIN FINDINGS ON PRINCIPAL ISSUES

- 9.1 The Committee is aware that General Rule 21 – Relocated Buildings is currently being reviewed under Phase 4 of the District Plan Review. Submitter 1's comments will be picked up in this review process.
- 9.2 The Committee agreed that the identification and health/safety signage for network utilities requested by Submitter 3 is appropriate and should be included in the Plan Change as a permitted activity.
- 9.3 The Committee agreed with Submitter 4's submission and noted that the reporting officer also supported this submission.
- 9.4 The Committee supported Submitter 5's submission and noted that the reporting officer also supported this submission.

10.0 Section 32 Evaluation

As there have been no significant amendments to Plan Change 28, 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 Council's 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
