

Resource Management Act 1991

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

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

To: Wanganui District Council
PO Box 637
Wanganui

Name: Horizons Regional Council

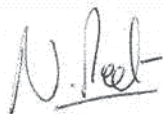
Contact Person: Barry Gilliland, Senior Policy Analyst

This is a submission on: **Proposed Plan Change 36 (Rural) and 37 (Papakainga)**

1. I **could not** gain an advantage in trade competition through this submission.
2. The specific provisions of the proposed plan change that my submission relates to are outlined in **Annex A**.
3. My submission points are detailed in **Annex A**.
4. The decisions sought from Wanganui District Council are detailed in **Annex A**.
5. I **do** wish to be heard in support of this submission.
6. I would welcome any opportunity to attend informal or formal pre-hearing meetings with Wanganui District Council and other parties to discuss points of contention.
7. If others make a similar submission I **would** be prepared to consider presenting a joint case with them to any hearing.
8. **Address for Service:** Horizons Regional Council
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Signed:



Nic Peet
GROUP MANAGER STRATEGY AND REGULATION

Dated: 4 June 2014

Details of Horizons Regional Council submission to Wanganui District Plan Proposed Plan Change 36 (Rural)

HRC – Horizons Regional Council
WDC – Wanganui District Council

BACKGROUND

The Proposed One Plan, HRC's Regional Policy Statement and Regional Plan, provides the basis for this submission. All appeals have been resolved either by decisions from the Environment Court or approval of mediation agreements by the Environment Court. As at 4 June 2014, it has not been made operative, but it has legal effect.

The provisions of district plans must give effect to the Regional Policy Statement and WDC's response to this requirement is the focus of this submission.

PROPOSED PLAN CHANGE 36 (RURAL)

HRC supports the intent of Proposed Plan Change 36 to mitigate alienation of Class I and II (versatile) soils. The key provisions in the Proposed One Plan relating versatile soils are found in Chapter 3. Objective 3-1C and Policies 3-3B are relevant considerations.

It is considered that the approach taken in Proposed Plan Change 36 to safeguard Class 1 and 2 soils from alienation generally implements the provisions of the Regional Policy Statement in a way that is fit for purpose for Wanganui District.

The interrelationship between rural development and HRC's discharges of domestic wastewater rules in the Proposed One Plan has also been evaluated. It is submitted that a cross reference guidance note may be helpful for plan users so they are aware of the additional requirements in the Proposed One Plan. The key provisions relating to new and upgraded discharges of domestic wastewater are Rules 13-11 and 13-12.

The points identified in this submission are intended to provide support for the approaches taken in Proposed Plan Change 36 and where appropriate seek amendments to clarify and make the provisions more certain.

Proposed Plan Change 36 Provision submission relates to:	Submission Point	Decision sought [Proposed Plan Change text in italics with deletions shown in strikethrough and additions shown in underline]
3.1 ISSUES		
Rural A zone	Issue statement is supported. The issue is consistent with the intent of versatile soil provisions HRC Regional Policy Statement (Part 1 Proposed One Plan).	That when WDC makes decisions on submissions, the intent of the issue be retained and any amendments be restricted to those that improve clarity.
3.2 OBJECTIVES		
Objectives 3.2.1 3.2.2 3.2.4 3.2.5	The objectives are supported. The objectives are considered appropriate to implement the relevant provisions in HRC's Regional Policy Statement (Chapter 3, Part 1 Proposed One Plan).	That when WDC makes decisions on submissions, the intent of the objectives be retained and any amendments be restricted to those that improve clarity and certainty.
3.3 POLICIES		
Policies 3.3.1 3.3.4	These policies are supported. The policies are considered appropriate to implement the relevant provisions in HRC's Regional Policy Statement (Chapter 3, Part 1 Proposed One Plan).	That when WDC makes decisions on submissions, the intent of these policies be retained and any amendments be restricted to those that improve clarity and certainty.
Rural A Zone 3.3.6 3.3.7 3.3.8	These policies are supported. The policies are considered appropriate to implement the relevant provisions in HRC's Regional Policy Statement (Chapter 3, Part 1 Proposed One Plan).	That when WDC makes decisions on submissions, the intent of these policies be retained and any amendments be restricted to those that improve clarity and certainty.
3.4 RULES – RURAL A ZONE		
3.4.1 Permitted Activities	The rule is supported. The rule is considered appropriate to implement the relevant provisions in HRC's Regional Policy Statement (Chapter 3, Part 1 Proposed One Plan). It is noted that resource users building a dwelling under Rule 3.4.1 will also need to be aware of the requirements of HRC's rules relating to discharges of domestic wastewater.	That when WDC makes decisions on submissions, the intent of this rule be retained and any amendments be restricted to those that improve clarity and certainty. That a guidance note be added to the rule or the performance standards advising plan users of the requirements of Proposed One Plan Rule 13-11 (new and upgraded discharges of domestic wastewater).

Proposed Plan Change 36 Provision submission relates to:	Submission Point	Decision sought [Proposed Plan Change text in italics with deletions shown in strikethrough and additions shown in underline]
<p>3.4.2 Restricted Discretionary Activities</p>	<p>The rule is supported. The rule is considered appropriate to implement the relevant provisions in HRC's Regional Policy Statement (Chapter 3, Part 1 Proposed One Plan), except as detailed in the submission below.</p> <p>HRC submits that clause (c) which allows creation of one allotment with a site area of between 2,500m² and 5,000m³ may result in a subsequent issue with discharge of domestic wastewater if a dwelling is proposed. It is assumed that Clause (c) allows the one-off creation of one of these allotments at any time in the future since all sites may be presumed to be legally existing as at 1 May 2014.</p> <p>Proposed One Plan Permitted Activity Rule 13-11 specifies a minimum lot size of 5,000m² for new land parcels where wastewater is to be disposed to land rather than being reticulated. Discharges of domestic wastewater that cannot comply with this activity standard are treated as restricted discretionary activities with the risk that consent may not be granted, e.g., where the slope of the land may mean that all of the site can be considered suitable for an effluent disposal field.</p> <p>It is noted that resource users intending to build a dwelling following subdivision under Rule 3.4.2 will also need to be aware of the requirements of HRC's rules relating to discharges of domestic wastewater.</p>	<p>That when WDC makes decisions on submissions, the intent of this rule be retained and any amendments be restricted to those that improve clarity and certainty.</p> <p>That Clause (c) be amended to provide for a minimum allotment size of 5,000m³ and a guidance note be added to the rule or the performance standards advising plan users of the requirements of Proposed One Plan Rule 13-11 (New and upgraded discharges of domestic wastewater).</p>
<p>3.4.3 Discretionary Activities</p>	<p>The rule is supported. The rule is considered appropriate to implement the relevant provisions in HRC's Regional Policy Statement (Chapter 3, Part 1 Proposed One Plan).</p>	<p>That when WDC makes decisions on submissions, the intent of this rule be retained and any amendments be restricted to those that improve clarity and certainty.</p>
<p>3.4.4 Non-Complying Activities</p>	<p>The rule is supported. The rule is considered appropriate to implement the relevant provisions in HRC's Regional Policy Statement (Chapter 3, Part 1 Proposed One Plan).</p>	<p>That when WDC makes decisions on submissions, the intent of this rule be retained and any amendments be restricted to those that improve clarity and certainty.</p>

Proposed Plan Change 36 Provision submission relates to:	Submission Point	Decision sought [Proposed Plan Change text in italics with deletions shown in strikethrough and additions shown in underline]
3.4 RULES – RURAL C ZONE		
3.8.1 Permitted Activities	<p>The rule is supported.</p> <p>It is noted that resource users building a dwelling under Rule 3.8.1 will also need to be aware of the requirements of HRC’s rules relating to discharges of domestic wastewater.</p>	<p>That a guidance note be added to the rule or the performance standards advising plan users of the requirements of Proposed One Plan Rule 13-11 (new and upgraded discharges of domestic wastewater).</p>
CONSEQUENTIAL CHANGES AND OTHER RELIEF		
Consequential Changes and other relief as part of decisions		<p>For all submission points HRC also seeks:</p> <ol style="list-style-type: none"> 1. Alternative amendments or relief as may be necessary or appropriate to give effect to the decisions sought; and 2. Any consequential amendments or relief as may be necessary or appropriate to give effect to the decisions sought.

Details of Horizons Regional Council submission to Wanganui District Plan Proposed Plan Change 37 (Papakainga)

PROPOSED PLAN CHANGE 37 (PAPAKAINGA)

HRC supports the objectives of Proposed Plan Change 37, provided matters such as flood hazard are managed effectively. This is the focus of HRC's submission.

Proposed Plan Change 37 Provision Submission Relates to	Submission Point	Decision sought [Proposed Plan Change text in italics with deletions shown in strikethrough and additions shown in underline]
RULES		
<p>Rules 2.8.1 and 2.8.2</p> <p>Compliance with Performance Standards and District-wide Rules</p>	<p>It is not clear how the Permitted Activity and Restricted Discretionary Activity Rules will work in terms of flood hazard mitigation. On the one hand it is stated that “activities must comply with Performance Standards and District-wide Rules,” but on the other hand compliance appears to me determined at the “outer boundary.” On the face of things, this appears uncertain and it is submitted that consideration be given to providing redrafting to clarify this.</p> <p>HRC would be concerned if zone requirements for flood mitigation were not required for developments where flood hazard is identified as an issue in the District Plan.</p>	<p>That when WDC makes decisions on submissions, that the requirements of the rules with respect to Performance Standards and District-wide rules be clarified for the purpose of certainty.</p>
<p>Consequential changes and other relief as part of decisions</p>		<p>For this submission point HRC also seeks:</p> <ol style="list-style-type: none"> 1. Alternative amendments or relief as may be necessary or appropriate to give effect to the decisions sought; and 2. Any consequential amendments or relief as may be necessary or appropriate to give effect to the decisions sought.