

Councillors
WANGANUI DISTRICT COUNCIL

Subject: **Section 42a Officers Report**
Proposed Plan Change 36 Rural Zones

Meeting Date: **2nd and 3rd March 2015**

Prepared for Chief Executive by: **Alisha Huijs**

1.0 SUMMARY

- 1.1** Council is presently reviewing the District Plan as Phased Review. This Plan Change is part of the fifth phase of changes proposed to the Plan.
- 1.2** The purpose of Proposed Plan Change 36 (PC36) is to amend and expand the existing District Plan rural zones, to reflect changes that have occurred since the operative Plan was prepared.
- 1.3** PC36 seeks to create a new Rural A Zone which comprises a large amount of the District's Class I and some Class II, land. Extend the existing Rural B Zone to allow for lifestyle development and creating a Rural C Zone which will make up the balance rural area.

2.0 RECOMMENDATIONS (Of the Statutory Management Committee)

That the Council:

1. receives the report.
2. adopts the Decisions Report including the evaluation required under section 32 of the Resource Management Act 1991.
3. accepts, accepts in part or rejects the Submissions and Further Submissions as set out in Section 7 of the Report for the reasons given.
4. adopts Proposed Plan Change 36 to the Wanganui District Plan as amended by decisions on Submissions.

Appendices:

- 1: Copy of the Public Notice**
- 2: Submissions Received**
- 3: Further Submissions Received**
- 4: Marked- Up Version of Plan Change 36 following Submissions**
- 5: Proposed Plan Maps**
- 6: Maps "Land Classified as LUC I and II – Wanganui District**
- 7: Section 32 Evaluation**

3.0 INTRODUCTION

- 3.1** Council is presently reviewing the District Plan as a phased review. This Plan Change is reviewing the rural section as part of a series of changes proposed as part of Phase 5 of the rolling review.
- 3.2** 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 10 phases, with PC36 as part of Phase 5.
- 3.3** The purpose of PC 36 is to amend the existing District Plan rural zones, to reflect changes that have occurred since the operative Plan was prepared and to clarify the purpose of the zones.
- 3.4** PC 36 comprises amendments to the rural zone provisions following a review of existing provisions and that give effect to the Horizon's Regional Council One Plan.

4.0 PROPOSED PLAN CHANGE

4.1 Background

The rural area covers nearly 99% of the land area of the District. The land is used predominantly as a natural resource for primary production and associated activities and rural settlements. The rural settlements are quite small and include a number of Maori settlements, some of which are located on the banks of the middle reaches of the Whanganui River.

There is a significant proportion of land within the rural part of the District which has limited productive capacity. This is due to the physical limitations of the land resource, or the desire to protect areas with important landscape and ecological values. The Whanganui National Park occupies the northern part of the District.

Activities in the rural area use up resources and generate effects which, if unmanaged, and over time, may reduce the productive capability of the land resource base. The potential of the land to support future needs and the quality of life of people and communities in the rural environment may also be adversely affected.

The productive capability of the land is affected by subdivision, particularly close to the urban fringe where small section size is prevalent. Small lots, which cannot accommodate a variety of primary productive uses, should be avoided to ensure a range of options are available in the future. Experience has shown that amalgamation of small lots is much more difficult than subdividing large lots.

The quality of the rural environment is currently characterised by openness and greenness and dominant physical features; and the operational characteristics of the land use activities; e.g. smell, noise and traffic movement.

In 1994 Council completed a study of the Westmere area to examine the extent of residential and rural residential development on Class I and II land. In 2013 Council updated the study by reviewing data for the intervening 19 year period. This study showed the total area of rural productive land lost to residential or lifestyle blocks has steadily increased over the period to 2013.

This report was further refined to address issues raised in submissions to PC36. Namely, to more closely align with the 1994 report and focus on trends for rural lifestyle development. The findings of this 2014 version of the report are consistent with both the 1994 and 2013 reports. The key finding that rural productive Class I land continues to be lost at an increasing rate to residential rural lifestyle and low productive activities.

Increased residential development changes the character of the rural landscape. It also brings expectations of urban amenities which are quite different from those in the rural environment. Noise and visual amenity characteristics of rural activities are at risk of being regarded as a nuisance to be minimised or avoided. The location and operation of land use activities in the rural environment needs to be managed to provide for the farming operations and other rural activities, as well as reasonable amenities for rural living.

The proposed One Plan provides a clear direction that the protection and retention of Class I and II land is not just a Wanganui issue but a regional one. The District Plan must give effect to the proposed One Plan Objectives and Policies. Note the rules of the One Plan are to be treated as Operative.

4.2 Description of Proposed Plan Change 36

This Plan Change proposes to create a new Rural A Zone. Defining areas that comprise Class I and Class II land, subject to potential residential or rural lifestyle development pressure. Although not all of the land included within the zone is purely Class I or Class II land, they are close to or surrounded by it. Exclusion of such properties has the potential to create reverse sensitivity issues, negatively impacting on neighbouring Class I and Class II land.

There are three areas proposed to be zoned Rural A, they are located in Westmere, Fordell, and the River Bank area. The Rural A zone is defined on the attached maps in Appendix 5.

Rural areas adjacent to the urban boundary have been assessed to determine their appropriateness for rezoning as Rural B, enabling the potential for land to be subdivided down to 5000m² per allotment. This coincides with the proposal to increase the minimum lot size for land identified as Class I and some Class II located within the vicinity of the urban area.

There are three areas proposed to be rezoned as Rural B, they are located to the south of Durie Hill through to State Highway 3, Mosston/Tayforth Road and Aramoho.

The balance of the existing rural zone will be renamed as Rural C and the status quo will largely be retained. This Rural A Zone comprises the majority of the Wanganui District's rural land.

5.0 PROCEDURAL MATTERS

5.1 Consultation

Community and stakeholder engagement since notification is summarised below:

Three public meetings were held in three locations after notification of Proposed Plan Change 36. Meetings were held on:

20 March 2014 at Fordell Hall - approximately 25 attendees

21 March 2014 at Upokongaro Hotel – approximately 35 attendees

22 March 2014 at Westmere School – approximately 85 attendees

Approximately 200 enquiries, through phone calls, emails and face to face meetings, were received during the period PC 36 was open for public Submission.

Themes that were raised during consultation:

Proposed Rural A Zone

Concern around not being able to subdivide below 10 hectares in the Rural A Zone. Many of the concerns were raised by properties owners who purchased sites within the proposed Rural A Zone with the intention of subdividing in the future. Landowners considered that; subdivision of land was a property owner's right and the introduction of the proposed Rural A zone would infringe on those rights. Concerns regarding financial implications of this proposal were also raised.

Contrary to this, support for the protection of versatile soil was also expressed by attendees. Many people stated this proposal was long overdue; the protection of Class I and Class II land was needed to protect rural industries.

Proposed Rural B Zone

As with the Rural A zone, support and opposition was expressed for the extension of the Rural B zone. Many were concerned about being built out of the area they are in. Properties had been purchased with the assumption their neighbours would not be able to subdivide below the current 1 hectare requirement. The proposed change to 5000m² minimum lot size in the area raised concern around traffic generation, loss of rural amenity and infringement on established rural activities. Others were pleased the possibility of subdividing in the future. Stating that; Westmere in particular, was the logical progression of development for the Wanganui District.

5.2 Key Statistics

PC36 was publicly notified in accordance with Clause 5 of the 1st Schedule of the RMA on Thursday 1 May 2014, with the period for Submissions closing on Tuesday 4 June 2014. A copy of the public notice is included as Appendix 1.

A total of 75 Submissions were received in relation to PC36. Two late Submissions were received on 5th June 2014. Copies of all Submissions received are included in Appendix 2.

All Submissions were summarised and the decisions requested by submitters was publicly notified in accordance with Clause 7 of the First Schedule of the RMA.

The further submission process closed on Friday 25th July 2014. Ten further submissions were received. A copy of these further submissions is included as Appendix 3 to this report. Where further Submissions make reference to an original Submission, they have been summarised under the relevant Submission.

5.3 Late Submissions

Two late submissions were received 5th June 2014. These were Submission 74 from CSB Stone and Submission 75 from John Moore. Copies of these submissions are included in Appendix 2.

It is recommended that both late submissions be accepted by Council. These submissions were received shortly after the close of submissions and do not raise any issues of natural justice.

6.0 STATUTORY AND LEGISLATIVE FRAMEWORK FOR THE REVIEW

6.1 Resource Management Act 1991 (the Act)

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

Territorial authorities have the following functions under the Act:

31 Functions of territorial authorities under this Act

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

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

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

- a. *Sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and*
- b. *Safeguarding the life-supporting capacity of air, water, soil and ecosystems; and*

- c. *Avoiding, remedying, or mitigating any adverse effects of activities on the environment.*

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

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

Class I and II land is a finite national, regional and Wanganui District resource. Council must ensure that future generations are not deprived of the potential of the life supporting capacity of these soils to meet the needs of future generations. This is particularly significant in the Wanganui District context where it is recognised that the economic wellbeing of the wider community (with implications for social and culture wellbeing) are grounded in the rural sector. Without quality productive land the District's economy will likely be diminished, with potential regional implications for food production.

6.2 National Policy Statements and Environmental Standards

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

6.3 Regional Policy Statement

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

Horizons Regional Council's Regional Policy Statement has largely been replaced by the Operative parts of the One Plan. The One Plan is relevant to PC36 as it includes requirements to prioritise Class I and Class II land when planning for growth and development.

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

The relevant One Plan provisions state:

“Objective 3-1C: Urban growth and rural residential subdivision on versatile soils

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

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

In providing for urban growth and rural residential subdivision (lifestyle blocks), Territorial Authorities must place priority on:

- a. the retention, as far as is reasonably practicable, of Class I and II versatile soils for use as production land, and*
- b. considering the consolidation of existing or partly developed areas before opening up new areas to urban development.”*

Evaluation

Objective 3.2.5 of PC 36 gives effect to One Plan Objective 3-1C and Policy 3-3B in that it recognises the importance of retaining and prioritising Class I and Class II lands. Policy 3.3.7 also aligns with both the Objective and Policy as it prioritises the need for a range of rural activities to occur and discourages lifestyle development from occurring on versatile soils.

PPC 36 further gives effect to the One Plan as it identifies extended areas, that are neither Class I nor Class II land, as appropriate for lifestyle development.

6.4 Section 32 Evaluation

No significant amendments to the objectives policies or methods proposed in PC36 as a result of submissions, except around boundaries of each zone, only minimal amendments have occurred in the S32AA evaluation. The report is attached as Appendix 7.

