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**BEFORE THE HEARING COMMISSIONER**

**In the Matter of:** The Resource Management  
Act 1991

**And** Proposed Rangitikei District  
Plan Change 2016

**Application By:** Rangitikei District Council

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**Section 42A of the Resource Management Act 1991 Report by**  
Katrina Gray

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Dated: 16 June 2016

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# 1 Introduction

- 1.1 This report has been prepared under Section 42A of the Resource Management Act 1991 in relation to zoning, matters associated with zoning and natural hazards. It does not include matters associated with heritage.
- 1.2 My name is Katrina Gray, I am a Policy Analyst/Planner with Rangitikei District Council.
- 1.3 I hold the following academic qualifications:
  - Bachelor of Arts, majoring in Geography from the University of Otago 2012.
  - Master of Planning from the University of Otago 2014
- 1.4 I am an intermediate member of the New Zealand Planning Institute.
- 1.5 My experience includes almost three years' experience at Rangitikei District Council undertaking a range of policy and planning related work. This work includes interpreting and giving advice to customers on the Rangitikei District Plan, processing building consents for District Plan compliance, preparing planning reports on both land use and subdivision consents, monitoring the District Plan for efficiency and effectiveness, reporting to Council regarding plan change priorities and leading discussion items on District Plan issues with elected members. Due to this work I have travelled throughout much of the District.
- 1.6 I have led the Proposed District Plan Change 2016 process since its inception, including identification of potential issues and leading Council and Committee discussions, analysing issues raised and discussing the most effective option for resolution. This policy evaluation work occurred for over a year, resulting in a set of changes being proposed to make the Plan more efficient. I drafted the proposal, including the amended provisions and Section 32 report and led engagement with submitters in the form of public meetings, drop in sessions and one-on-one advice. I have also co-ordinated and led the pre-hearing meetings and post-submission work with submitters.
- 1.7 I have read the Code of Conduct for Expert Witnesses in the Environment Court's Consolidated Practice Note 2014 and agree to comply with it. The evidence presented in this statement is within my area of expertise. I have not omitted to consider material facts known to me that might alter or detract from the opinions I express.
- 1.8 The purpose of this report is to assess the proposed Plan Change in terms of the relevant statutory considerations, taking into account the issues raised by submissions. The report will assess the issues raised in submissions to determine whether the decisions requested are appropriate, taking into account good planning practice and the requirements of the RMA.

## 2 Overview

- 2.1 The Rangitikei District has a population that has been generally declining, with an increasing average age<sup>1</sup>. This trend is expected to continue. Migration figures from the 2013 census indicate that the greatest out-migration from the District is to Palmerston North, Whanganui or Manawatu, while the greatest in-migration is from Ruapehu, Tararua and Horowhenua. There is some evidence of counter-urbanisation of people leaving the urban areas for a more rural lifestyle, likely to be exacerbated by increasing pressures in Auckland.
- 2.2 There are two key recent factors that could increase growth pressures in the Rangitikei; increasing pressures in the Auckland housing market and the Regional Growth Study which explores opportunities for future growth. In addition, the Rangitikei District's central location to both State Highway 1 and 3, and Marton's and Bulls' proximity to local centres such as Whanganui (30 minutes) and Palmerston North (30 minutes) and major centres such as Wellington (2 hours) could increase growth pressures. The current scale of development within the Rangitikei District is low. There are approximately 15-20 new dwellings constructed per year.
- 2.3 The Rangitikei District is affected by a number of natural hazards. These hazards impact upon people and properties with the potential to exacerbate harm if development occurs in known hazard areas. The most significant natural hazard for the Rangitikei District is flooding, highlighted by the 2004 and 2015 flooding events which caused significant damage to farmland, infrastructure and property. Other hazards include; tsunami, earthquakes and land instability. These hazards vary in their extent, probability and severity across the District.

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<sup>1</sup> Rangitikei District Council 2015/2025 Long Term Plan

### 3 Statutory Considerations

3.1 The preparation of a district plan change must meet a number of requirements set out in the Resource Management Act 1991, including:

- Part II – Sections 5, 6, 7 and 8 which outline the purpose and principles of the Act, matters of national importance, other matters and the Treaty of Waitangi.
- Section 31 – functions of territorial authorities.
- Section 32 – evaluation reports.
- Section 74 – matters to be considered by territorial authorities when preparing a district plan change.
- Section 75 – contents of district plans.

3.2 The purpose of this report is to recommend whether the provisions of the Proposed Plan change should be confirmed, amended, or deleted after consideration of the alternative provisions sought via submissions. The relevant statutory matters are set out below.

#### Part II Resource Management Act

3.3 As a final matter to consider, the proposed Plan Change must achieve the purpose of the Resource Management Act 1991, as set out in Part II of the Act.

3.4 The purpose of the RMA is set out in Section 5:

- (1) *The purpose of this Act is to promote the sustainable management of natural and physical resources.*
- (2) *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 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.*

3.5 Section 6 requires Council to recognise and provide for matters of national importance:

*In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall recognise and provide for the following matters of national importance:*

- (a) *the preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use, and development:*

- (b) *the protection of outstanding natural features and landscapes from inappropriate subdivision, use, and development:*
- (c) *the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna:*
- (d) *the maintenance and enhancement of public access to and along the coastal marine area, lakes, and rivers:*
- (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:*
- (g) *the protection of protected customary rights.*

3.6 There are no matters from Section 6 that are relevant to the matters addressed in this report.

3.7 Particular regard must also be had to the matters listed in Section 7.

*In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall have particular regard to—*

- (a) *kaitiakitanga:*
  - (aa) *the ethic of stewardship:*
  - (b) *the efficient use and development of natural and physical resources:*
  - (ba) *the efficiency of the end use of energy:*
  - (c) *the maintenance and enhancement of amenity values:*
  - (d) *intrinsic values of ecosystems:*
  - (e) *[Repealed]*
  - (f) *maintenance and enhancement of the quality of the environment:*
  - (g) *any finite characteristics of natural and physical resources:*
  - (h) *the protection of the habitat of trout and salmon:*
  - (i) *the effects of climate change*
  - (j) *the benefits to be derived from the use and development of renewable energy.*

3.8 For this process, the relevant matters include 7(b) the efficient use and development of natural and physical resources, 7(c) the maintenance and enhancement of amenity values and 7(f) the maintenance and enhancement of the quality of the environment, 7(g) the finite characteristics of natural and physical resources and 7(i) the effects of climate change.

3.9 Under Te Tiriti o Waitangi (Section 8), decision makers have the duty to take into account the principles of the Treaty. There are no matters under this Plan Change that are specifically relevant to the principles of the Treaty.

### **Section 31 – Consistency with RMA functions**

3.10 Section 31 sets out Council’s functions:

- (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 of the district:*
- (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; and*
  - (ii) *the prevention or mitigation of any adverse effects of the storage, use, disposal, or transportation of hazardous substances; and*
  - (iia) *the prevention or mitigation of any adverse effects of the development, subdivision, or use of contaminated land:*
  - (iii) *the maintenance of indigenous biological diversity:*
- (c) *[Repealed]*
- (d) *the control of the emission of noise and the mitigation of the effects of noise:*
- (e) *the control of any actual or potential effects of activities in relation to the surface of water in rivers and lakes:*
- (f) *any other functions specified in this Act.*
- (2) *The methods used to carry out any functions under subsection (1) may include the control of subdivision.*

3.11 Relevant to this Plan Change process, Section 31 specifies that Council has the function of establishing, implementing and reviewing objectives, policies and methods controlling the effects of use, development or protection of land including for the avoidance of natural hazards.

### **Section 32 – Appropriateness of provisions**

3.12 Section 32 of the Act requires the consideration of alternatives, and the assessment of benefits and costs before a proposed Plan Change is adopted, so that it can be determined if the proposed changes are the most appropriate way to achieve the purpose of the Act.

3.13 Section 32 requires Council to carry out an evaluation of the proposed Plan Change as outlined below:

- (2) *An assessment under subsection (1)(b)(ii) must—*
  - (a) *identify and assess the benefits and costs of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the provisions, including the opportunities for—*
    - (i) *economic growth that are anticipated to be provided or reduced; and*
    - (ii) *employment that are anticipated to be provided or reduced; and*
  - (b) *if practicable, quantify the benefits and costs referred to in paragraph (a); and*
  - (c) *assess the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the provisions.*

- 3.14 A Section 32 report was prepared and notified as part of the proposed Plan Change documentation. This report was prepared in accordance with the scale and significance of the proposed changes.
- 3.15 When responding to submissions, these Section 32 tests need to be applied. The assessment and recommendations made throughout this report identify what are considered to be the most effective and efficient responses to the matters raised by submitters.

#### **Section 74 – Matters to be considered by a Territorial Authority**

- 3.16 Section 74 sets out matters that need to be considered by Council in changing its District Plan.
- (1) *A territorial authority must prepare and change its district plan in accordance with—*
- (a) *its functions under section 31; and*
  - (b) *the provisions of Part 2; and*
  - (c) *a direction given under section 25A(2); and*
  - (d) *its obligation (if any) to prepare an evaluation report in accordance with section 32; and*
  - (e) *its obligation to have particular regard to an evaluation report prepared in accordance with section 32; and*
  - (f) *any regulations.*
- (2) *In addition to the requirements of section 75(3) and (4), when preparing or changing a district plan, a territorial authority shall have regard to—*
- (a) *any—*
    - (i) *proposed regional policy statement; or*
    - (ii) *proposed regional plan of its region in regard to any matter of regional significance or for which the regional council has primary responsibility under Part 4; and*
  - (b) *any—*
    - (i) *management plans and strategies prepared under other Acts; and*
    - (ii) *[Repealed]*
    - (ia) *relevant entry on the New Zealand Heritage List/Rārangī Kōrero required by the Heritage New Zealand Pouhere Taonga Act 2014; and*
    - (iii) *regulations relating to ensuring sustainability, or the conservation, management, or sustainability of fisheries resources (including regulations or bylaws relating to taiapure, mahinga mataitai, or other non-commercial Maori customary fishing),—*  
*to the extent that their content has a bearing on resource management issues of the district; and*
  - (c) *the extent to which the district plan needs to be consistent with the plans or proposed plans of adjacent territorial authorities.*

- (2A) *A territorial authority, when preparing or changing a district plan, must take into account any relevant planning document recognised by an iwi authority and lodged with the territorial authority, to the extent that its content has a bearing on the resource management issues of the district.*
- (3) *In preparing or changing any district plan, a territorial authority must not have regard to trade competition or the effects of trade competition.*

3.17 The relevant documents for this process are the Long Term Plan and Annual Plan.

### **Section 75 – Consistency with Regional Planning Policies**

3.18 Section 75 sets out the contents of district plans, as well as providing direction on the structural components of district plans (objectives, policies and methods).

3.19 Section 75(3) requires that a District Plan must give effect to any National Policy Statement or any Regional Policy Statement. There are no National Policy Statements considered to be relevant for the proposed Plan Changes. The One Plan contains both the Regional Policy Statement and Regional Plan.

3.20 The One Plan sets out the regional approach to natural hazard management in Chapter 9 ([Appendix 1](#)). The overall approach of the One Plan regarding natural hazard management is to:

1. *set out a clear regional framework for natural hazard management,*
2. *improve clarity around the respective roles of the Regional Council and Territorial Authorities under the RMA,*
3. *discourage future residential development and placement of critical infrastructure in areas prone to natural hazard events, particularly areas at high risk of flooding, and*
4. *continue to provide information to Territorial Authorities and the general public with regard to natural hazards.*

3.21 The One Plan identifies flooding as a natural hazard that occurs frequently in the Region, with the likelihood of a flood occurring in any given year being high. Other natural hazards that occur less frequently are identified to include; earthquakes, volcanic action, land subsidence and coastal environment hazards (including tsunami, storm surge and sea level rise hazards). Despite their low frequency, they have potential to put the Region at risk.

3.22 The Objective for natural hazard management is that:

*The adverse effects of natural hazard events on people, property, infrastructure and the wellbeing of communities are avoided or mitigated.*

3.23 Horizons is a submitter and further submitter on the proposed Plan Change and have stated in their submissions where they believe the proposed changes and submission points are consistent with or not consistent with the One Plan. These comments are discussed further in the Natural Hazards Section 42A report.

## 4 Plan development and consultation

### Plan development

- 4.1 Since the second generation Rangitikei District Plan became operative in October 2013, staff have been monitoring the effectiveness and efficiency of the document. A number of issues where the Plan was not achieving the required outcomes for the District were identified. These issues were discussed over a year through discussion items with Council's Policy/Planning Committee. This process resulted Council approving a number of proposed changes to the Plan, designed to improve its effectiveness and efficiency (see [Appendix 2](#) for Council's resolutions).
- 4.2 Consultation occurred prior to notification of the proposed Plan Change as follows:
- A meeting was held with staff from Horizons Regional Council on 4 February 2016 to discuss the key concepts associated with the proposed changes to natural hazards including; Bulls flood hazard layer by the Rangitikei River, Hunterville flood mapping and liquefaction information.
  - Discussions with the Turakina community were held regarding the Animal Control Bylaw during September 2015. During this process the community expressed a desire to return to 'rural settlement' zoning, which helped to shape the proposed changes to the villages.
  - Exploring Possibilities workshops were run by Creative Communities in February 2016 to develop Town Centre Plans for both Turakina and Mangaweka. During the workshops the communities expressed a need to be able to undertake a variety of uses within their urban areas to help revitalise the town. These discussions helped to shape the proposed changes to the villages.

### Notification

- 4.3 The proposed Rangitikei District Plan Change 2016 was publicly notified from 4 March 2016 to 4 April 2016. Twenty two original submissions were received from twenty one original submitters, with one late original submission received and accepted. Four further submission were received.
- 4.4 During the submission period forty five people attended six public meetings held throughout the District (see [Appendix 3](#) for further details)<sup>2</sup>. Four drop in sessions were also held in Marton and Bulls with poor attendance.

### Pre-hearing meetings

- 4.5 Pre-hearing meetings were held as outlined below. The agreed minutes are attached as [Appendix 4 – 8](#).

Natural hazards - Horizons Regional Council, Federated Farmers of New Zealand, New Zealand Institute of Architects Western Branch.

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Heritage – Heritage New Zealand, New Zealand Institute of Architects Western Branch.

New Zealand Transport Agency – issues raised in submissions.

Federated Farmers of New Zealand – issues raised in submissions.

Robert Snijders – issues raised in submissions.

## 5 Analysis of submissions

5.1 This report provides an analysis of submissions for matters including zoning, matters associated with zoning and natural hazards. The submissions are analysed by topic as follows:

- General Rules and Standards
- Residential Zone
- Commercial Zone
- Industrial Zone
- Rural and Rural Living Zone
- Transportation
- Definitions
- Other Issues
- Flooding
- Taihape West Slip Zone
- Liquefaction, ground shaking, active fault and landslide
- Advice notes

5.2 Each section provides an overview of the background of the proposed changes, summarises the submissions and further submissions received and provides an outline of the pre-hearing meeting and following discussions. I then provide an assessment of the submissions and proposed changes and associated recommendations.

5.3 Any recommended additions to the Plan made following notification are shown as grey shaded and underlined, and text recommended to be deleted from the Plan following notification is ~~grey shaded strikethrough~~. The changes proposed for notification are shown with additions to the Plan in red and underlined and deletions to the Plan as ~~red and strikethrough~~ (see Appendix 9 for the full version of the Plan with marked-up changes). A separate recommendation for each submission point is not provided within the text, but is provided as Appendix 10.

## 6 Scope of submissions

- 6.1 A number of submitters raised issues that need to be considered in terms of whether they are a resource management matter which can be considered under the RMA or whether the submission points are 'on' the proposed Plan Change.
- 6.2 The submissions below were transferred to the Annual Plan process with the approval of the submitter:
- Irene Loder [009] – whole submission.
  - Lyn Watson [010] – part of submission requesting public toilets.
  - Lyn Watson [011] – whole submission.
  - Gary Thomas [012] – part of submission related to Council maintaining clear waterways, repairing leaks and clearing positive announcements.
- 6.3 Submitter 003 Henare Paranihi requested that their property at 40 Kaka Road was purchased. In my view this is not a matter that can be considered through the Plan Change process. This submitter has been provided with details for EQC.
- 6.4 Submitter 008 Robert Snijders requested that large trucks are discouraged from travelling through shopping areas. I consider that this issue is not a matter relevant to the Plan Change process and needs to be addressed through a bylaw under section 22AB of the Land Transport Act 1998.
- 6.5 The submissions/submission points identified above have not been analysed further in the Section 42A report (but the Officer has provided a recommendation to reject these submissions/submission points in the summary provided at [Appendix 10](#)).
- 6.6 There are a number of submission points raised which need to be assessed to determine if they are 'on' the proposed Plan Change as outlined in Clause 6 in Schedule 1 of the RMA.
- (1) *Once a proposed policy statement or plan is publicly notified under clause 5, the persons described in subclauses (2) to (4) may make a submission **on it** [emphasis added] to the relevant local authority.*
  - (2) *The local authority in its own area may make a submission.*
  - (3) *Any other person may make a submission but, if the person could gain an advantage in trade competition through the submission, the person's right to make a submission is limited by subclause (4).*
  - (4) *A person who could gain an advantage in trade competition through the submission may make a submission only if directly affected by an effect of the proposed policy statement or plan that—*
    - (a) *adversely affects the environment; and*
    - (b) *does not relate to trade competition or the effects of trade competition.*
  - (5) *A submission must be in the prescribed form.*
- 6.7 The framework under which these submission points will be considered is outlined below.

6.8 The relevant case law for this consideration is *Clearwater Resort Limited v Christchurch City Council* [2003] NZHC ([Appendix 11](#)) and *Palmerston North City v Motor Machinists Ltd* [2013] NZHC ([Appendix 12](#)). The High Court decision in *Motor Machinists* endorsed the former decision of *Clearwater Resort Limited* which set out two tests for considering if a submission is 'on' a Plan Change:

**1. If the submission addresses the change to the pre-existing status quo advanced by the proposed plan.**

**2. Whether there is a real risk that people affected by the plan change (if modified in response to the submission) would be denied an effective opportunity to participate in the plan change process.**

6.9 The High Court in *Motor Machinists* also provides a number of further considerations for whether a submission is 'on' a plan change:

- If a submission seeks to change a management regime, that management regime must have been proposed to have been amended through the plan change.
- If a proposal raises matters that should have been addressed in the section 32 report, then it is unlikely it will be 'on' the plan change.

6.10 With regard to the first test, Justice William Young J in *Clearwater*, is explicit that neither a literal approach should be taken, nor should an approach where 'on' is treated as 'in connection with'. Identifying a literal approach provides opportunity for submissions on anything included in the text that is notified, while 'in connection with' was identified by Justice Young as too broad and would result in difficulty for a local authority introducing plan changes, without the risk of re-litigation on provisions previously resolved.

6.11 In accordance with this case law, a submission should reasonably pass both of these tests to be considered 'on' the plan change. Justice Young in *Clearwater* envisages situations where submissions and further submissions provide for all those potentially affected to have an opportunity to participate. However, where a submission "*come out of 'left field' there may be little or no real scope for public participation*" (para 69). In these situations Justice Young identifies a need to be cautious before concluding the submission is 'on' the proposed change.

6.12 There are a range of matters that have been assessed as to whether they are 'on' the Plan change:

- Rural setbacks from state highways (New Zealand Transport Agency)
- Request to alter the daylight setback requirement in the Residential Zone (Snijders)
- Request to change building heights in the residential zone (Robert Snijders)
- Requests to alter the 3 metre boundary setback in the Residential Zone (GV Calkin and Robert Snijders)
- Commercial rezoning requests (Lyn Watson, JP Baker, Paul Hoyle, Mike Maher)
- Effluent setbacks (Federated Farmers of New Zealand)

- Request to include additional tracking curves (Robert Snijders)
- 6.13 Greg Carlyon, on behalf of Rangitikei District Council, sent a letter to NZTA identifying Council's position was the matters raised in their submission regarding boundary setbacks and noise sensitivity were out of scope of the current process (Appendix 13). A response was received from NZTA stating that they would not be pursuing the noise sensitivity provisions, but would be pursuing the requested setback amendments (Appendix 14).
- 6.14 The scope of the matters identified above are discussed in the relevant section of this report.

## 7 General Rules and Standards

- 7.1 The assessment for the General Rules and Standards is split into two key sections. The first analyses the signage provisions and the second analyses the other issues raised in the General Rules and Standards section.

### Signage

#### Background

- 7.2 The current framework of the District Plan provides policies for the Residential, Commercial and Industrial zones (but not for Rural or Rural Living) as follows:

*Within the Commercial and Industrial zones, enable the display of advertising signs that do not detract from the amenities within the zone.*

*Minimise the amount of signage in the Residential zone and avoid the display of signs that do not relate to the site.*

- 7.3 Under the rule framework, signage that relates to activities occurring on the site<sup>3</sup>, temporary signs and official signs are provided for as a permitted activity. All other signage requires resource consent as restricted discretionary activity, with the only matter of consent identified as “the effect of the particular non-compliance on the environment, including the cumulative or combined effect of non-compliances”.
- 7.4 The absence of policies or other matters for discretion for the Rural and Rural Living zones, creates implementation issues when assessing resource consent applications, due to a lack of strategic guidance. During discussions regarding signage in the rural areas, Councillors expressed a preference for decreasing restrictions on signage that benefit local businesses to align with economic development goals. Councillors also expressed concerns about businesses advertising before a previous town with the same activity. These requests were drafted into provisions.
- 7.5 Additionally, the signage provisions in commercial and industrial areas have been identified as overly restrictive given the local context. The permitted activity standards only provide for one sign per road frontage with a maximum size of 3m<sup>2</sup> in the Commercial zone, with one sign per road frontage with a maximum size of 4m<sup>2</sup> in the Industrial zone.
- 7.6 Based on the issues identified above the Plan Change proposed the following:
- Move the policy for signage under the Residential zone to the Urban Amenity policy section.
  - Addition of policies in the Rural Amenity section for signage for the Rural and Rural Living zones.

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<sup>3</sup> Subject to constraints about size and the number of signs on the property.

- Provide for unlimited signage on the buildings of commercial and industrial zoned properties – excluding properties that adjoin the residential zone.
- Addition of permitted activity standards for safety and maintenance.
- Signage as a controlled activity in the Rural and Rural Living zones where the sign relates to a business or service located within the Rangitikei District and is not located before another town which contains a similar business.
- Signage as a discretionary activity in the Rural and Rural Living zones where it does not related to a business or service within the Rangitikei District or is located before another town which contains a similar business.

## Submissions

7.7 Original submissions were received from:

- Robert Snijders [008]
- New Zealand Transport Agency [018]
- Heritage New Zealand [019]

7.8 No further submissions were received.

### Submission 008 Robert Snijders

#### *Submission*

7.9 All policies related to signage should be within a single section, with diagrams added to increase clarity (particularly for page 58). Premises should not be allowed an unlimited number of signs.

### Submission 018 New Zealand Transport Agency

#### *Submission*

7.10 Supportive of the provisions that provide for traffic safety.

#### *Relief sought*

7.11 Retain the following provisions as notified; Policy A2-7.8, Rule B1.11-4, Rule B1.11-5, Rule B1.11-6.

7.12 Amend - B1.11-1 – as follows:

Commercial Zone – unlimited number where signs are attached to, and not protruding outside of the building. Excluding commercial properties that adjoin the residential zone **or where the sign is visible from the State Highway network.**

Industrial Zone - unlimited number where signs are attached to, and not protruding outside of the building. Excluding commercial properties that adjoin the residential zone **or where the sign is visible from the State Highway network.**

7.13 Amend the advice note that identifies the New Zealand Transport Agency as having responsibility over state highways as follows:

Note: The New Zealand Transport Agency controls signs on state highway ~~corridors~~ Legal Road by means of a bylaw.

## **Submission 019 Heritage New Zealand**

### *Submission*

7.14 Rule B1.11 may endanger heritage values, with the potential for unsympathetic or oversized signs covering valued heritage facades.

### *Relief sought*

7.15 Amend Rule B1.11 with a restriction that signage cannot cover heritage values as follows:

**\*Signage cannot cover identified Physical Values (as listed in Schedule C3B) except on facia boards and existing unscheduled signs.**

### **Pre-hearing**

7.16 Pre-hearing meetings were held to discuss signage matters with both NZTA and Robert Snijders.

7.17 NZTA raised concerns that commercial/industrial signage could cause driver distraction, particularly in high speed environments. Agreement was reached that the proposed provisions would be suitable for a 50km/h due to the lower speed environment, however, for 70km/h zones further signage (other than what is currently permitted) could be listed as a controlled activity. A controlled activity status would provide for NZTA involvement. There was also agreement between the parties that an advice note would be added recommending consultation with NZTA for resource consent applications. Following the pre-hearing meeting RDC redrafted the signage provisions and provided those to NZTA for comment. NZTA have not expressed concern regarding the proposed provisions or advice note.

7.18 Robert Snijders raised concerns about unlimited signage in the Commercial zone – particularly for Marton. This concern was clarified to refer signage on heritage buildings.

### **Assessment**

7.19 The objective of the proposed amendments for signage were to increase the flexibility for the development of signage throughout the District.

7.20 All submission points were related to the commercial and industrial signage provisions, there were no submission points on the proposed changes to the Rural and Rural Living zone provisions for signage<sup>4</sup>.

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<sup>4</sup> Other than submitter 008 requesting all provisions related to signage can be found in one place.

- 7.21 Both submitter 008, Robert Snijders and Heritage New Zealand expressed concern about allowing unlimited signage on heritage buildings. I concur with both submitters that unlimited signage has the potential to adversely affect heritage buildings. The risk of allowing unlimited signage on heritage buildings, is that the external heritage features that make the building significant are covered. Providing for a more restrictive signage policy for heritage buildings is consistent with Section 6(f) of the Act which requires the protection of heritage from inappropriate use and development.
- 7.22 It is my view the solution proposed by Heritage New Zealand to ensure signage does not cover physical values identified in Schedule C3B has a good intent, however, would not address issues for heritage buildings in the commercial zone outside of Marton. I have recommended an alternative provision which will include all heritage buildings within the commercial and industrial zones.
- 7.23 While the pre-hearing discussions suggested a controlled activity status for additional signage where the posted speed limit is 70km/h or greater, controlled status requires the granting of that consent. If there were serious safety concerns, they may not be able to be appropriately addressed. Therefore, I consider a restricted discretionary status is more appropriate.
- 7.24 Robert Snijders raised concern that the provisions related to signage should be found in the same location. Due to the current structure of the Plan, I consider the proposed provisions are in suitable locations. The policies for signage are in the urban/rural amenity sections. As signage is an issue that has the potential to affect amenity values this is appropriate. The rules for signage are found in the General Rules and Standards section, with the controlled activities found in with the zone specific provisions. This approach is consistent with the current format of the Plan, there are no activities other than permitted activities listed in the General Rules and Standards section. I see no benefit of or scope for changing the current structure of the Plan. Additionally, in response to the request for diagrams for the signage provisions, I do not consider that they would add value to the plan. I have not experienced the need to draw diagrams to represent the signage rules in my duty planner role.
- 7.25 Due to the permissive nature of the proposed provisions for the Commercial/Industrial zones, there is a risk that signage could dominate commercial areas and take away from urban amenity. Given the high need for economic activity to support its communities, the proposed mix enables the best outcome for the Rangitikei District, while protecting heritage, providing for safety and protecting amenity values for properties adjoining the Commercial and Industrial zones.
- 7.26 The purpose of the proposed provisions for the Rural/Rural Living zones is to provide for local economic development, which supports Council's strategic position of encouraging local businesses. There were no submissions received on the proposed provisions for signage in the Rural and Rural Living zones. While, positive feedback was received during the community engagement processes. The effects of a non-Rangitikei sign are little different than a comparative sign for a business operating within the Rangitikei. The difference is that a local sign may support local businesses with the associated economic benefits, while a sign from outside of the District provides

benefits to an external business. Additionally, the number of potential signs would be restricted as there are only a certain number of businesses within the District. Therefore, I consider the proposed provisions are appropriate for the local context.

### Recommendations

7.27 Retain the following provisions as notified:

- Relocation of the signage policy for the Residential zone to the Urban Amenity section.
- The addition of policies A2-7.8 and A2-7.9 regarding signage in the Rural and Rural Living zones.
- The addition of rules B1.11-4, B1.11-5, B1.11-6 and B1.11-7 - permitted activity standards for all signage regarding traffic safety and sign maintenance.
- Controlled activity standards for signage in the Rural and Rural Living zones B6.10-1 to B6.10-3 and B7.15-1 to B7.15-3.

7.28 Amend the commercial and industrial zone signage permitted activity standards as follows.

Commercial	Must relate to activity or service provided on site	<p>2 <u>on-site</u> traffic-directional signs</p> <p>1 <u>sign</u> per road frontage <u>that where it is not attached to the building</u></p> <p><u>1 sign per road frontage attached to the building.</u></p> <p><u>Unlimited number of signs that where signs are attached to, and not protruding outside of the walls of the building, excluding:</u></p> <ul style="list-style-type: none"> <li>• <u>heritage buildings listed in Schedule C3A,</u></li> <li>• <u>commercially zoned properties that adjoin the residential zone or</u></li> <li>• <u>commercial zoned properties where the posted speed limit is 70km/hr or greater,</u></li> </ul>	<p>2m<sup>2</sup></p> <p>3m<sup>2</sup></p> <p><u>3m<sup>2</sup></u></p> <p><u>No maximum face area</u></p>
	Real estate sign or temporary sign	1 per road frontage	2m <sup>2</sup>

Industrial	Must relate to activity or service provided on site,	<p>1 sign per road frontage that <u>where it is not attached to the building</u></p> <p><u>1 sign per road frontage attached to the building.</u></p> <p><u>Unlimited number of signs that where signs are attached to, and not protruding outside of the walls of the building, excluding:</u></p> <ul style="list-style-type: none"> <li><u>heritage buildings listed in Schedule C3A,</u></li> <li><u>industrially zoned properties that adjoin the residential zone or</u></li> <li><u>industrially zoned properties where the posted speed limit is 70km/hr or greater,</u></li> </ul>	<p>4m<sup>2</sup></p> <p><u>4m<sup>2</sup></u></p> <p><u>No maximum face area*</u></p>
	Real estate sign or temporary sign.	2	3m <sup>2</sup>

7.29 Include the following restricted discretionary activity standards for signage in the Commercial and Industrial zones.

- a) Size
- b) Location
- c) Maintenance
- d) Design
- e) Safety

7.30 Addition of an advice note regarding consultation with the New Zealand Transport Agency for signage resource consent applications.

Consultation with the New Zealand Transport Agency will be important in the assessment of resource consent applications for signage where the sign is visible from a State Highway, in particular the assessment of the application with regard to traffic safety.

7.31 Amendment of the existing advice note as requested by the New Zealand Transport Agency.

Note: The New Zealand Transport Agency controls signs on State Highway corridors Legal Road by means of a bylaw.

## **Other issues**

### **Background**

- 7.32 Since the implementation of the operative District Plan, requirements under the Building Act 2004 regarding the demolition of buildings have changed. Detached buildings up to three storeys high do not require building consent. This change has resulted in the District Plan being inconsistent with the Building Act, as the Plan requires all buildings to have a building consent for their removal. Amendments are proposed to remove this inconsistency.
- 7.33 Submitters also raised a number of issues related to the General Rules and Standards section of the Plan which are assessed in this section.

### **Submissions**

- 7.34 Original submissions were received from:
- The New Zealand Institute of Architects Western Branch [007]
  - Robert Snijders [008]
  - Heritage New Zealand [019]

7.35 No further submissions were received.

### **Removal of buildings**

#### **Submission 007 New Zealand Institute of Architects Western Branch**

##### *Submission*

- 7.36 Building consent for the removal of buildings may not be required in many cases, but it would be prudent to retain reference to the Building Act so that plan users are made aware of other statutory requirements.

##### *Relief sought*

- 7.37 An advice note be included in Rule B1.17 as follows:

**Advice Note: Consent under the Building Act may be required for the demolition or removal of buildings. Please refer to Schedule 1 of the Building Act 2004 or contact a Council Building Officer for advice.**

### **Assessment**

- 7.38 The amendment to Rule B1.17 is proposed to provide consistency with the Building Act 2004. The advice note recommended by NZIA Western Branch is an approach that is consistent with the General Rules and Standards section of the Plan which contains a

number of advice notes that reference other legislation or regulations<sup>5</sup>. I consider that the advice note is an appropriate addition to the Plan that will increase the usability of the Plan for users.

### **Recommendation**

7.39 The amendments to Rule B1.17 are adopted as notified.

7.40 An advice note is added below Rule B1.17 alerting plan users to the requirements of the Building Act.

Note: Consent under the Building Act may be required for the demolition or removal of buildings. Please refer to Schedule 1 of the Building Act 2004 or contact a Council Building Officer for advice.

### **Building height**

#### **Submission 008 Robert Snijders**

##### *Submission*

7.41 The height of buildings should be restricted to those surrounding it. The dwelling at 8 Pukepapa Road is a good example where a building has affected neighbouring dwellings.

##### **Assessment**

7.42 Building heights were not proposed to be amended through the Plan Change process. This submission point needs to be considered for scope in accordance with Section 6 of this report. The submission point does not address a change to the status quo advanced by the Plan Change, nor does it provide for people potentially affected by the matter to have an opportunity to participate. In accordance with *Clearwater*, this submission point has 'come out of left field'. There are no proposed changes that seek to amend the management regime of dwelling height in the residential zone. There was no reference to changes in maximum building height in the public notification documents or the section 32 report. Therefore, people that may be interested in this issue are unlikely to have become involved in the process. I consider the submission point fails both of the tests outlined in Section 6 of this report and cannot be considered to be 'on' the Plan Change.

### **Recommendation**

7.43 The submission point from submitter 008 is rejected as it is not 'on' the proposed Plan Change.

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<sup>5</sup> Advice notes in the General Rules and Standards section for Rule B1.8, B1.9, B1.11, B1.13, B1.14, and B1.16.

## **Earthworks**

### **Submission 019 Heritage New Zealand**

#### *Submission*

- 7.44 Rule B1.8-7 earthworks should be amended to reflect the terminology of the Heritage New Zealand Pouhere Taonga Act 2014. This involves the amendment of Historic Places Trust and the removal of the term 'damage'.

#### *Relief sought*

- 7.45 Amend reference to Heritage New Zealand Pouhere Taonga Act 2014 and replace the term "modify, damage or destroy" with "modify or destroy".

#### **Assessment**

- 7.46 The request from Heritage New Zealand is an administrative change in response to the enactment of the Heritage New Zealand Pouhere Taonga Act 2014. It is important that the Plan is consistent with relevant legislation. Therefore, I consider the submission point should be accepted.

#### **Recommendation**

- 7.47 The term "modify, damage or destroy" is replaced with "modify or destroy" in Rule B1.8-7.

## 8 Residential Zone

### Background

- 8.1 Since the Plan became operative in late 2013, a number of minor issues have been noted for the Residential zone:
- Accessory buildings and daylight setback.
  - 20 metre Rural zone boundary setback
  - Restricted discretionary provisions for marae and community activities.
  - Retail activities as permitted in specified villages.
- 8.2 Under the operative District Plan accessory buildings up to certain size requirements (2.4 metre wall height, 3m overall height and 9m length) are exempt from compliance with daylight setback requirements. Daylight setback provisions are put in place to protect neighbouring properties from shading effects. Accessory buildings also cause shading issues, therefore, the exemption was proposed to be removed.
- 8.3 A 20 metre setback from Rural zoned properties has shown to be too restrictive due to the size of residential properties. Some properties adjoining the Rural zone do not have a building platform on the site where they could construct a dwelling as a permitted activity.
- 8.4 Restricted discretionary activity provisions for marae and community activities were inadvertently not included for the Residential zone during the District Plan Review. The proposed standards have been taken from another zone.
- 8.5 The proposed changes to allow for retail activities as permitted in specified villages is discussed in the Commercial zone section.

### Submissions

- 8.6 Original submissions were received from:
- Robert Snijders [008]
  - GV Calkin [013]
  - New Zealand Transport Agency [018]
- 8.7 A further submission was received from:
- Federated Farmers of New Zealand [F003]

## **Setbacks**

### **Submission 008 Robert Snijders**

#### *Submission*

- 8.8 This submitter noted three main areas of concern:
- Daylight setback – this provision should include sunlight, be amended to 2.4 metres to be consistent with other local authorities and that all buildings should be included in the daylight setback rules, including accessory building.
  - Building setback rules need to consider Right of Ways adjacent to habitable rooms with windows. Questions whether a bathroom is a habitable room. Requests the definition of habitable rooms is clarified then related back to the building setback rule.
  - Clear diagrams should be used.

#### Further submission F003 Federated Farmers of New Zealand support

- 8.9 The definition of habitable room should be clarified.

### **Submission 013 GV Calkin**

#### *Submission*

- 8.10 Rule B2.2 – 3 metre building setback from a window to a habitable room - argues that the negative effects of having only a 1.5 metre setback would be minimal. Questions whether the rule stops people looking in or out.

#### *Relief sought*

- 8.11 Amend the 3 metre setback as it is too restrictive.

#### **Assessment**

- 8.12 The request to amend daylight setback from 2 metres above ground level, to 2.4 metres above ground level requested by submitter 008 Robert Snijders needs to be considered in accordance with the scope requirements set out in Section 6 of this report. Daylight setback rules are proposed to be amended from the status quo. The process has enabled people who are interested in daylight setback issues the chance to be involved in the process. There were no other submissions received on daylight setback. I consider this submission point passes both tests and is 'on' the Plan Change.
- 8.13 Submitter, 008 suggests that a diagram would be helpful to plan users. Often in my duty planner role I draw a diagram for plan users to describe the daylight setback provision. I consider that a diagram/figure would be helpful to plan users and should be included in the Plan.
- 8.14 Submitter 008 suggested a change to a 2.4 metre daylight setback requirement, stating that most local authorities use this number. An overview of the recession plane requirements from neighbouring authorities shows that there is no obvious

consistency between neighbouring local authorities in the implementation of a recession plan (Appendix 15). The proposed changes by this submitter would increase height requirements, making the provision less restrictive. The submitter has not provided evidence that 2.4 metres is a more appropriate provision, therefore, I do not consider it is appropriate to alter this provision at this time.

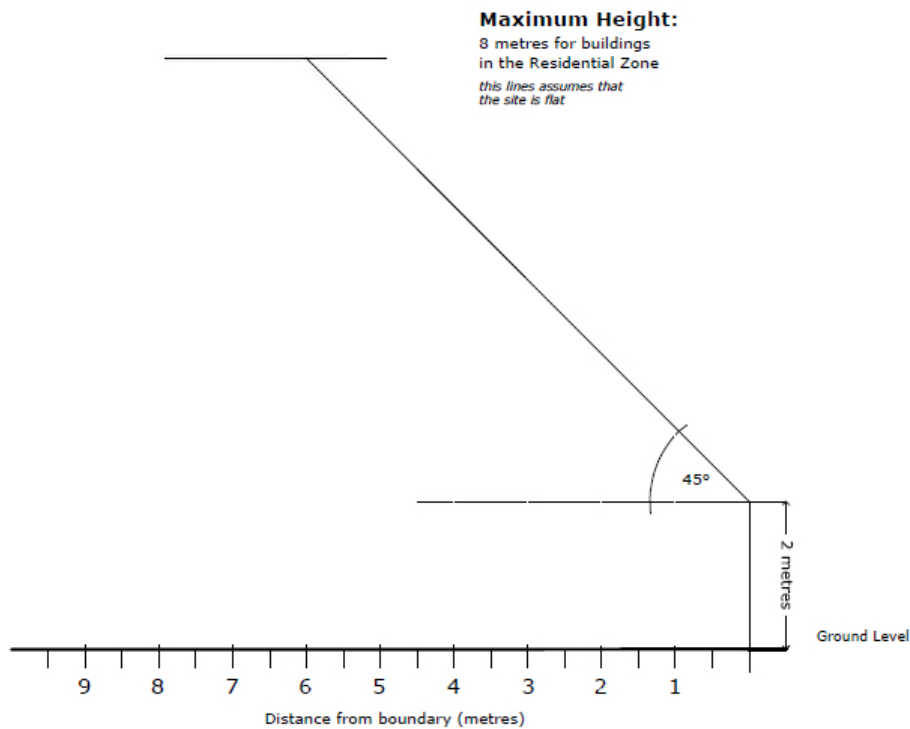
- 8.15 The proposed change to require accessory buildings to comply with daylight setback requirements is consistent with the objectives and policies for urban amenity and the Residential zone which seek to ensure amenity values are retained. Accessory buildings can still create shading issues for neighbouring properties. The other option is to retain the status quo. The benefit of the status quo is that there is maximum flexibility for development, however, the potential for shading issues to occur on adjoining properties remains.
- 8.16 There were no submissions received on the proposal to remove the 20 metre building setback from a Rural zone boundary. When considering the size of residential sections, 20 metres is a significant setback. The provision aims to provide for a separation between residential and rural activities. The risk of removing the setback requirement is that there could be an increased prevalence of reverse sensitivity issues, with residential activities located closer to rural areas. However, due to the average size of residential sections 400m<sup>2</sup><sup>6</sup>, it is not practical to have such a large setback. I consider that the removal of the 20 metre setback from rural boundaries will provide the most efficient management regime.
- 8.17 Two submissions were received on the 3 metre dwelling setback rule (where there is a window to a habitable room) and the habitable room definition. The submission points need to be considered to determine if they are 'on' the Plan Change. The submission points do not address a change to the status quo advanced by the proposed Plan Change. The only amendment proposed for boundary setbacks in the Residential zone are between the Residential and Rural zones, not related to the 3 metre setback for habitable rooms. As there was no proposal to amend this provision, it is unlikely people with an interest would have had an effective opportunity to participate. I consider submission points are unable to meet the tests identified in Section 6 of my report and are not 'on' the Plan Change, and should be rejected.

### **Recommendation**

- 8.18 That Rule B2.1-2 and B2.2-2e) are retained as notified.
- 8.19 A diagram to represent the daylight setback requirement is included as follows:

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<sup>6</sup> Based on current subdivision standards.



## **Restricted Discretionary Standards**

### **Submission 018 New Zealand Transport Agency**

#### *Submission*

8.20 Support B2.11-3h) bullet point two which provides restricted discretionary standards for marae and community facilities. Specifically support the provision which recognises traffic safety and efficiency.

#### *Relief sought*

8.21 Retain B2.11-3h) bullet point two as notified.

#### **Assessment**

8.22 One submission was received on the addition of the restricted discretionary standards for marae and community facilities from NZTA, supporting the reference to safety of the transportation network. This is a very minor and logical addition to the District Plan. The risk of not including the specific standards is that any resource consent application would not have matters of discretion to be considered against.

#### **Recommendation**

8.23 The addition of restricted discretionary standards for marae and community facilities is retained as notified.

## **9 Education Zone**

### **Background**

9.1 The Education zone shares common provisions with the Residential zone for daylight setback and building setback from the Rural zone. To ensure consistency within the Plan, these provisions were proposed to be amended in accordance with the Residential zone as follows:

- Removal of exemption for accessory buildings in daylight setback.
- Removal of requirement to be set back 20 metres from a Rural zone boundary.

### **Submissions**

9.2 There were no submissions received on the proposed amendment.

### **Assessment**

9.3 As outlined in Section 8 of this report, accessory buildings have the potential to create shading issues for neighbouring properties. The proposed change to require accessory buildings to comply with daylight setback requirements is consistent with the objectives and policies for urban amenity and the Education zone which seek to ensure amenity values are retained. The 20 metre building setback from Rural zone boundaries is restrictive for the Education zone. There is unlikely to be reverse sensitivity issues that affect the Education zone. I consider that the proposed amendments will increase the effectiveness of the Plan.

### **Recommendation**

9.4 The proposed changes for B3.1 and B3.2-1 are amended as notified (removed).

## **10 Commercial Zone**

- 10.1 The assessment for the Commercial zone is split into two key sections. The first analyses the proposed commercial zoning, retail activities as permitted, and removal of the retail shopping core. The second analyses the other changes to the Commercial zone rules. While the provision to allow retail activities as permitted is found in the Residential zone rules, it is more logical for this assessment to occur in conjunction with the other changes associated with the rural villages.

### **Commercial zoning of properties in Turakina, Mangaweka, Utiku and Ohingaiti/**

### **Retail activities as permitted in the Residentially zoned areas of Scotts Ferry, Koitiata, Turakina, Mangaweka, Utiku, Ohingaiti and Mataroa/**

### **Removal of retail shopping core from Turakina**

#### **Background**

- 10.2 The objective for the villages within the Rangitikei District is to provide for economic development with as few barriers as possible while protecting amenity values. There are a number of buildings in the District's villages, particularly in Turakina, Mangaweka, Utiku and Ohingaiti that are currently or have previously been used for commercial purposes.
- 10.3 The Rangitikei County District Planning Scheme 1987 zoned Mangaweka, Utiku, Turakina, Mataroa and Ohingaiti as Rural Settlement, with a wide range of activities identified as permitted including; residential activities, retail activities, offices, petrol stations/garages, industries with minimal noxious/dangerous elements, hotels and restaurants. Under the County Scheme, Koitiata and Scotts Ferry were zoned as Coastal Settlement, with residential activities, dairies, motels and camping grounds provided for as permitted.
- 10.4 These areas were all zoned as Rural Settlement under the subsequent Rangitikei District Plan 1999. This zone provided for retail activities as permitted. During the Rangitikei District Plan review process, these areas were rezoned as residential. The only commercial activities permitted under this zoning are home occupations, visitor accommodation for up to 10 visitors and primary produce sales.
- 10.5 During 2015 community members from Turakina expressed concern about the change to Residential zoning<sup>7</sup>. Additionally, Exploring Possibilities workshops to develop Town Centre Plans were held with the communities of Turakina and Mangaweka. These processes highlighted a community desire to increase the vibrancy of the village areas, encourage commercial development and the number of visitors stopping in the villages. It was these events that led staff and Council to reconsider whether the

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<sup>7</sup> The issue was raised in conjunction with the Animal Control Bylaw 2013 which restricts the keeping of certain animals in urban areas which is defined using the District Plan zones.

District Plan for these villages was appropriate and supported future aspirations for the communities.

- 10.6 Specified properties in Turakina, Mangaweka, Utiku and Ohingaiti were proposed for Commercial zoning because of their location on the State Highway and because the properties either are currently, or have previously been used for commercial purposes. The only area that is slightly different is Mangaweka, where there are a few residential properties on Broadway which are proposed to be zoned as Commercial. To ensure a consistent zoning of the area, and given the proposed change to allow residential activities as permitted in the commercial zone, it was considered the appropriate response was to rezone the whole area.
- 10.7 The proposed amendment of retail activities as a permitted activity within Scotts Ferry, Koitiata, Turakina, Mangaweka, Utiku, Ohingaiti and Mataroa seeks to reinstate the permitted activity status that was lost during the District Plan review when the properties were rezoned from Rural Settlement to Residential.
- 10.8 The retail shopping core overlay in Turakina in the operative District Plan does not serve a purpose. It is in an area zoned as Residential, which means that it does not have an associated rule structure. The proposed Plan Change seeks to rezone these properties as Commercial, to retain flexibility in the development of these properties. The retail shopping core overlay unnecessarily restricts the intent for the area so is proposed to be removed.

### **Submissions**

10.9 Original submissions were received from:

- Lyn Watson [010]
- Horizons Regional Council [015]
- JP Baker [021]
- Paul Hoyle [022]
- Michael Maher [023]

10.10 No further submissions were received.

#### **Submission 010 Lyn Watson**

##### *Submission*

10.11 States that there is a subdivision plan already approved for the site to be changed from 2 to 3 lots and both are commercial.

#### **Submission 015 Horizons Regional Council**

##### *Submission*

10.12 A number of properties in these villages are known to be at risk of natural hazards, particularly flooding. Support the inclusion of retail activities as permitted, noting that natural hazard assessment will occur through Section B8.





Figure 2 Rezoning requests - Ohingaiti

10.18 The submissions need to be considered if they are ‘on’ the Plan Change in accordance with the tests set out in Section 6 of this report. The proposed Plan Change alters the status quo in two ways, the spot zoning for ‘commercial’ properties and the provision of retail activities for the remaining residentially zoned properties (Section 32 report). The properties requested for rezoning by submitters can be described as follows:

- 8 Onslow Street West – contains a shed. Not ‘clearly’ commercial. From the road the shed looks like a farm shed.
- 6 and 8 Raumaewa Road, Mangaweka – contains a ‘wood cabin’. No signage to suggest its use. It is most likely to be for residential or visitor accommodation.
- Section 67 Township of Mangaweka – currently vacant, mainly grassed with a small portion of western corner part of the car park for the hotel.

10.19 In my opinion, when viewed from the street, none of the properties that have requested rezoning could be described as ‘commercial’. While it is reasonable to expect further rezoning requests in these villages, it would be expected that the properties would need to be visually identifiable as ‘commercial’. This would include properties currently used for commercial purposes or have (obviously) been previously used for commercial purposes. Therefore, I do not consider the requests for rezoning address the change to the pre-existing status quo and the management regime, and, are not able to pass the first test.

10.20 The second consideration is whether there is a real risk that people affected by the change would be denied an opportunity to participate. It is plausible to consider that people viewed the proposed spot zoning for commercial properties and determined they were not affected, therefore, chose not to participate in the process. The lack of interest shown by the lack of submissions received on the merits of the proposed zoning or provision for retail activities, suggests people’s interests were addressed. However, the expectation from potentially affected parties could reasonably be that it is only ‘commercial’ properties that would be affected by new commercial zoning, therefore, would not have chosen to participate in the process if they were not affected by such provisions. While the risk is low that people affected would be denied

an opportunity to participate, due to the nature of the properties in question, the decisions sought by submitters cannot pass the second test.

- 10.21 The decisions requested regarding commercial rezoning cannot meet either test and are not 'on' the Plan Change. Nevertheless, to aid in the Commissioner's decision if he chooses to disagree, I have also provided a brief analysis on the merit of the submission points.
- 10.22 Zoning traditionally occurs in a consistent manner, with continuous zones. The only property which is contiguous with the proposed Commercial zoning is the requested rezoning by submitter 010, Section 67 Township of Mangaweka. The other sites have properties between the proposed commercial zoning and the property in question. The property in Ohingaiti is located down a narrow rural road which may not be suitable for a number of more intensive commercial activities. Allowing the rezoning of this property as permitted removes the ability for consideration of the appropriateness of road to meet potential commercial requirements. The 'cabin' property in Mangaweka is able to operate as visitor accommodation for up to 10 visitors as a permitted activity under the current zoning. I do not consider, based on the discussion above that the rezoning requests by submitters 021, 022 and 023 should be accepted. However, the request by submitter 010 is logical and may be accepted.
- 10.23 The proposed zoning changes address the identified issue – that commercial activities are being unduly restricted by the current District Plan. The risk for this option is that through the reduction in control over development that incompatible uses may establish that adversely affect residential amenity. The risk of the establishment of a commercial activity that is incompatible with residential properties is reduced given the low development pressures within the Rangitikei District. The areas proposed to be rezoned as commercial are properties that have been historically associated with commercial activities, therefore, are appropriate to re-establish as commercial. Many of these properties are vacant at present. The re-establishment of commercial activities within these sites is likely to increase the amenity of the villages, by increasing the vibrancy of the area.
- 10.24 An alternative option is to reinstate the ability for properties within these villages to establish retail activities as permitted (without any further commercial zoning). The benefit of this option is that cafés and shops would be able to establish as a permitted activity. The risk of this option is that further commercial activities likely to establish in some of the villages (particularly the ones on state highway routes), such as petrol stations, and visitor accommodation would have regulatory requirements for development through resource consent processes. This option improves the status quo, but does not provide the desired level of flexibility for economic development in Turakina, Mangaweka, Utiku and Ohingaiti appropriate for these community contexts.
- 10.25 The proposed commercial zoning allows a wide range of commercial activities to occur on sites that have historically been used for commercial purposes. The allowance of retail activities to occur in the remaining residentially zoned areas seeks to 'give back' what was lost in the District Plan Review process where the Rural Settlement zones

were replaced. The removal of the retail shopping core from Turakina fixes poor placement of this overlay, which is intended for the District's towns that have a 'CBD'.

### **Recommendations**

- 10.26 The proposed Commercial spot zoning is adopted as notified.
- 10.27 The proposal to allow for retail activities as permitted in specified villages is adopted as notified.
- 10.28 The removal of the retail shopping core from Turakina is adopted as notified.
- 10.29 The zoning requests from submitters 010, 020, 021 and 022 are rejected as not being 'on' the Plan Change.

### **Commercial zone rules**

#### **Background**

10.30 There is low economic growth throughout the Rangitikei District. The CBD areas in Marton, Bulls and Taihape are characterised by two storey masonry buildings which are earthquake-prone. The towns have a number of vacant buildings. The purpose of the Commercial zone is to enable a diverse range of activities to establish and to encourage the reuse of existing buildings. The operative plan is fairly permissive in the restrictions within this area. However, since its implementation in 2013, a number of minor issues with the provisions have arisen which have been reflected in the proposed changes:

- Residential activities – currently only residential activities associated with permitted activities are permitted. Allowing further residential activities may help support adaptive reuse of commercial properties.
- Amendments to activity setbacks – the current setbacks are restrictive.
- Rewriting of Rule B4.1-3 (pedestrian verandas) to increase clarity.

#### **Submissions**

10.31 Original submissions were received from:

- Robert Snijders [008]
- Horizons Regional Council [015]
- Federated Farmers of New Zealand [017]
- Carolyn Bates [020]

10.32 No further submissions were received.

## **Activity Setbacks**

### **Submission 008 Robert Snijders**

#### *Submission*

10.33 All manufacturing should be screened from customers on health and safety grounds; however, the screening could be clear glass which could enhance a customer's experience.

#### **Pre-hearing**

10.34 A pre-hearing was held with Robert Snijders, who highlighted his concern that manufacturing activities could actually provide for improved customer experience. The potential benefit of manufacturing activities being viewed was agreed. Provisions were redrafted to provide for a small setback, rather than having a requirement for screening. Mr Snijders accepted this approach.

#### **Assessment**

10.35 The pre-hearing discussions with Mr Snijders provided some alternative provisions for the manufacturing setback based on distance, rather than screening. This approach ensures that the fronts of buildings in the retail shopping core are used for retail purposes, while allowing flexibility for manufacturing activities. The restrictions for residential activities to be screened at ground floor level remains. This approach retains ultimate flexibility for property owners. Like the manufacturing setback requirements, it ensures residential activities do not occur in spaces that would most efficiently be used for retail purposes.

10.36 Residential boundary provisions are also proposed to be amended, along with amendments to building setback and screening provisions. These are minor amendments which will increase flexibility for development within the Commercial zone. I consider the proposed provisions will improve the effectiveness of the Plan.

#### **Recommendation**

10.37 Rule B4.2-1 is adopted as notified.

10.38 Rule B4.2-2 is amended as follows.

**Manufacturing activities located within the retail shopping core shall be setback at least 3 metres from the front of the building. ~~screened from the front boundary at ground floor level., so that the activity cannot be viewed by customers.~~ Note: Small businesses with three or less permanent full time employees working at the site are exempt from complying with this rule**

10.39 Rule B4.2-4 is adopted as notified.

## Pedestrian Veranda

### **Submission 017 Federated Farmers**

#### *Submission*

10.40 Oppose Rule B4.4 – Pedestrian Verandas – amendment is poorly written and needs clarity.

#### *Relief sought*

10.41 Rule B4.4 Pedestrian Veranda – Amend as follows:

~~All permanent buildings set back from the road in the case of retail activities within the retail shopping core which may be set back from the road frontage shall provide a veranda a veranda must be provided along the main frontage of the building, where pedestrians gain entry. To the building, or where practicable, in any other case.~~

#### **Assessment**

10.42 It is important that rules are clear. I consider the changes proposed by Federated Farmers to the pedestrian veranda rule B4.4 increases the clarity of the provision, and should be accepted.

#### **Recommendation**

10.43 Rule B4.3-3 is amended as follows.

~~B4.3-3 All permanent buildings set back from the road in the case of retail activities within the retail shopping core which may be set back from the road frontage shall provide a veranda a veranda must be provided along the main frontage of the building, where pedestrians gain entry. To the building, or where practicable, in any other case.~~

## Retail activities

### **Submission 015 Horizons Regional Council**

#### *Submission*

10.44 Support the proposed change to clause h) of the Commercial zone permitted activities. Properties at risk of flooding will be subject to the additional natural hazard rules in section B8. Note the potential for issues to arise if commercial properties with a 300mm freeboard are converted to residential use which have a 500mm freeboard requirement.

### **Submission 020 Carolyn Bates**

#### *Submission*

10.45 Support changes which will allow people to live above business premises. People living in businesses provide passive security for an area.

## **Assessment**

- 10.46 Allowing further residential activities may help support adaptive re-use of commercial properties. There is a risk allowing for further residential development in the Commercial zone could increase reverse sensitivity issues. However, given the nature of the local context, there is restricted activity occurring in the evenings in these areas which could produce conflict.
- 10.47 Horizons identifies an issue in a situation where if a commercial building (with a 300mm freeboard) was to be converted into a residential building (which requires a 500mm freeboard). I consider there is a low probability of this issue occurring, given residential activities are most often located upstairs. Additionally, relevant information will be provided through LIM applications to inform anyone contemplating a change of use.

## **Recommendation**

- 10.48 Clause h) is adopted as notified.

## **11 Industrial Zone**

### **Background**

- 11.1 The industrial zone in the Rangitikei District Plan is highly permissive. A wide range of activities are permitted including; fabricating, processing and packaging of goods, fuel service facilities, commercial garages, car yards, trade suppliers and timber merchants, foot outlets and veterinary clinics. These activities operate largely unconstrained, with constraints only where sites adjoin the residential zone, if properties are subject to natural hazards, and additional rules for transportation and general rules and standards (noise, signage etc.).
- 11.2 Throughout the residential and rural sections of the District Plan, relocated buildings are specifically considered as a restricted discretionary activity<sup>8</sup>. However, the Industrial zone does not provide reference to relocated buildings. This results in relocated buildings being considered a discretionary activity, with resource consent required.
- 11.3 The proposed change was advanced because Council considers that the industrial zone should retain as much flexibility as possible, and that relocated buildings are not likely to be out of character with the zone, therefore, should be provided for as a permitted activity.

### **Submissions**

- 11.4 There were no submissions received on the proposed amendment.

### **Assessment**

- 11.5 It is highly likely to be an unintended consequence of the District Plan Review process that relocated buildings were not specified as permitted within the Industrial zone. It does not make sense to have relocated buildings in a more restrictive consent category in industrial areas than for residential or rural areas. The consent requirements in the residential and rural zones seek to protect urban amenity – highlighted by the areas for discretion – the design and appearance of the exterior of the building, with reference to the surrounding environment and the end use of the building.
- 11.6 The industrial areas within the Rangitikei District do not provide for a high level of amenity, a site visit around Marton’s industrial areas highlights this. Allowing for relocated buildings as permitted is unlikely to create adverse effects on the environment.

### **Recommendation**

- 11.7 Relocated buildings are provided for as a permitted activity within the Industrial zone with the addition of clause m) as notified.

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<sup>8</sup> Relocated dwellings are provided for as permitted.

## 12 Rural and Rural Living Zones

### Background

- 12.1 The Rangitikei District and its economy are dominated by primary production activities. The District Plan seeks to protect and support current and future primary production activities from incompatible development. Three issues have arisen over the past two years the Plan has been operative:
- The 20 metre setback for all buildings from side and rear boundaries (only less in the Rural Living zone where sites are smaller than 5,000m<sup>2</sup>).
  - Whether the dwelling separation rule applies only to other rural dwellings, or all existing dwellings.
  - The terminology used in the permitted activity standard for effluent storage and treatment regarding dwellings.
- 12.2 The intent of the current 20 metre side or rear boundary setback in the rural zone is to provide for rural amenity, increase separation between activities, and maintain the open space nature of the rural environment. The main issue with this rule is that a 20 metre setback results in buildings located in the middle of paddocks (this is especially the case for smaller lots). The previous District Plan provided for a 5 metre setback. The proposed changes reduced the boundary setback to 5 metres for buildings up to 5 metres high, then the height of the building from the boundary for buildings from 5 – 10 metres tall. This was intended to ensure shading or dominance effects were reduced for larger buildings. The dwelling setback was proposed to remain at 20 metres. Dwellings are a more sensitive activity within the rural environment and a 20 metre setback provides for a greater separation from neighbouring primary production activities.
- 12.3 The purpose of the dwelling separation rule is to ensure dwellings are not built close together, providing for rural amenity and retaining the open space nature of rural areas. It is currently unclear whether the rule applies only to other dwellings in the Rural zone, or to all properties. In cases where rural properties adjoin urban areas, there can be a large number of dwellings within 100 metres. The Plan Change proposes to alter the wording so that the rule only applies to existing dwellings within the Rural zone.
- 12.4 The purpose of the separation distances for effluent storage and treatment areas is to maintain amenity values. Currently the Plan refers to a residential boundary. However, residential boundary is not defined, so in practice is taken as a dwelling. The wording is proposed to be amended to increase the clarity.

### Submissions

- 12.5 There are a range of issues addressed through the submissions, therefore, each issue has been assessed, with associated recommendations separately.

## **Network utilities**

12.6 One original submission was received from:

- Powerco Limited [006]

12.7 A further submission was received from:

- Federated Farmers of New Zealand [F003]

### **Submission 006 Powerco Limited**

#### *Submission*

12.8 There is uncertainty around the application of B6.1 and B7.1 to network utilities. Both rules contain a statement indicating that the rule does not apply to network utilities on sites of less than 200 square metres in size. This infers the rule will apply on sites that are more than 200 square metres, which is in conflict with Rule B1.12 that states the zone rules do not apply to network utilities. Specific concerns are raised for support structures for electricity lines, where the wording indicates these will be required to be setback by the height of the structure from any side/rear boundary or 5 metres from any road boundary and 10 metres from a boundary with the State Highway. There will be many situations in which there is a technical or operational need to locate electricity support structures close to property boundaries, particularly road boundaries.

#### *Relief sought*

12.9 Amend the exemption statement in Rules B6.1 and B7.1 to clarify that the building setback provisions do not apply to network utilities as follows.

B6.1-2 - Rule B6.1 does not apply to network utilities ~~on sites of less than 200 square metres, as no building setback applies.~~

B7.1-1 – This rule does not apply to network utilities ~~on sites less than 200 square metres in size.~~

**OR**

12.10 Amend provisions to increase clarity that setback requirements do not apply to electricity or telecommunication support structures as follows:

B6.1-2 - Rule B6.1 does not apply to network utilities on sites of less than 200 square metres, or to electricity or telecommunication lines, including support structures, as no building setback applies-

B7.1-1 – This rule does not apply to network utilities on sites less than 200 square metres in size, or to electricity or telecommunication lines, including support structures.

#### **Further submission F003 Federated Farmers of New Zealand support in part**

12.11 Support the need to clarify and remove conflicting rule frameworks.

### **Pre-hearing discussions**

12.12 Discussions were held over the phone and via email with Powerco Limited. An agreement was reached with the submitter that the reference to network utilities within the Rural and Rural Living zone should be removed completely to avoid future confusion.

### **Assessment**

12.13 The proposed change is an administrative change that increases clarity and does not change any provisions/requirements. It is important that the Plan does not have conflicting rule frameworks. Rule B1.12 clearly states that zone rules do not apply to network utilities. I consider that the removal of the whole provision from the Rural and Rural Living zones is the most effective way of addressing the issue.

### **Recommendation**

12.14 References to network utilities in B6.1 and B7.1 are removed.

### **Rural setbacks and dwelling separation**

12.15 Original submissions were received from:

- Robert Snijders [008]
- GV Calkin [014]
- Federated Farmers of New Zealand [017]
- New Zealand Transport Agency [018]

12.16 A further submission was received from:

- Federated Farmers of New Zealand [F003]

### **Submission 008 Robert Snijders**

#### *Submission*

12.17 Questions whether dwelling setbacks will affect land that already has consent. States that mutual consent to waive setbacks could be more appropriate.

#### **Further submission F003 Federated Farmers of New Zealand support in part**

12.18 Where neighbours agree on a setback distance this should be sufficient. Mutual consent should only apply to smaller distances than those specified in the Plan.

### **Submission 014 GV Calkin**

#### *Submission*

12.19 Disagree that on sites greater than 5000m<sup>2</sup> that dwellings should be setback 20 metres from the boundary. The rule should apply to new dwellings, but if you are extending an existing building the setback should only be 5 metres. Council should be making it easier to undertake development.

*Relief sought*

12.20 Reduce the 20 metre setback to 5 metres.

Further submission F003 Federated Farmers of New Zealand support

12.21 Identify that the submitter seeks that the 20 metre dwelling setback applies only to new dwellings and not to existing dwellings. Supports this proposal as there are a number of buildings in the back country that touch road boundaries on low volume roads. There are few useful building sites that have sufficient flat land on hill country sites.

**Submission 017 Federated Farmers of New Zealand**

*Submission*

12.22 Support the reduced building setbacks for Rules B6.1 and 7.1 as it will allow farm buildings to be constructed where appropriate. However, the amendment needs clarity. Also supports dwelling setback requirements to be further from the boundary than other farm buildings as set out under Rules B6.2 and 7.2. New houses can be sensitive activities that need to be managed, however the amendment needs clarity.

12.23 Support the clarification provided in Rule B7.5 – Dwelling Separation.

*Relief sought*

12.24 Rule B6.1-1 – Building Setback – Amend as follows:

On sites ~~that contain~~ 5,000m<sup>2</sup> or more all buildings must not be located any closer than:

12.25 Rule B6.2-1 – Dwelling Setback – Amend as follows:

On sites ~~that contain~~ less than 5,000m<sup>2</sup> ~~or more~~ all dwellings must not be located any closer than:

12.26 Rule B6.2-2 – Dwelling Setback – Amend as follows:

On sites ~~that contain~~ 5,000m<sup>2</sup> or more all dwellings must not be located any closer than:

Further submission F003 Federated Farmers of New Zealand support

12.27 Requests that clause b) and f) of B6.1-1 and B6.1-2 are removed as the current wording is difficult to understand.

**Submission 018 New Zealand Transport Agency**

*Submission*

12.28 Amend B6.2-1, B6.2-2 and B7.2-1 – Rural and Rural Living Zone Dwelling Setback – to minimise potential for reverse sensitivity effects to occur from new dwellings

constructed adjacent to state highways. Two key methods – setbacks and acoustic treatment of buildings.

*Relief sought*

12.29 Amend – B6.2-1, B6.2-2 and B7.2-1 – Rural and Rural Living Zone Dwelling Setback as follows:

**c) 20 metres from a boundary with an existing state highway *where the speed limit is under 70km/h; 40 metres from the line of an existing state highway where the speed limit is above 70km/h; and where the speed limit is above 70km/h, any new buildings or alternations to existing buildings containing noise sensitive activities, in or partly in the State Highway 80 metre buffer area must be designed, constructed and maintained to achieve road-traffic vibration levels complying with Class C of NS 8176E:2005. New buildings or alternations to existing buildings containing noise sensitive activities, in or partly in the state highway 80 metre buffer area or effects area must be designed, constructed, and maintained to achieve the indoor design noise levels from road-traffic set out in (reference table below). If windows must be closed to achieve the design noise levels, the building must be designed, constructed and maintained with a ventilation and cooling system. For habitable spaces a ventilation cooling system must achieve the following:***

**i. Ventilation must be provided to meet clause G4 of the New Zealand Building Code. At the same time, the sound of the system must not exceed 30dB LAeq(30s) when measured 1 m away from any grille or diffuser.**

**ii. The occupant must be able to control the ventilation rate in increments up to a high air flow setting that provides at least 6 air changes per hour. At the same time, the sound of the system must not exceed 35 dB LAeq(30s) when measured 1 m away from and grille or diffuser.**

**iii. The system must provide cooling that is controllable by the occupant and can maintain the temperature at no greater than 25°C. At the same time, the sound of the system must not exceed 35 dB LAeq(30s) when measured 1m away from any grille or diffuser.**

**A design report prepared by a suitably qualified and experienced acoustics specialist must be submitted to the [council officer] demonstrating noise and vibration compliance prior to the construction to or alternation of any building containing a noise sensitive activity in or partly in the state highway buffer area or effects area. The design must take into account the future permitted use of the state highway; for existing road this is achieved by the addition of 3 dB to existing measured or predicted noise levels.**

Further submission F003 Federated Farmers of New Zealand oppose

12.30 The relief sought for rules B6.2-1 and B7.2-1 is overly onerous for a permitted activity standard and will have significant cost and resource burden on landowners. NZTA should not use the District Plan Change to protect themselves against complaints.

Farms where many of the dwellings may be located have been in legal existence before the state highways. It is not appropriate for NZTA to place the cost of the adverse effects created from State Highways onto the adjoining property owners.

- 12.31 The relief the submitter seeks is outside of the scope of the original plan change and has denied many landowners the opportunity to submit against the proposal. NZTA has the opportunity to make the submission during the full District Plan Review, but failed to do so.

### **Pre-hearing**

- 12.32 The pre-hearing meeting with Federated Farmers identified that consent processes for simple boundary setback breaches could be improved through a fixed fee and templates for applications. Federated Farmers also clarified their concern about the building setback requirements, requesting increased clarity of the proposed provisions B6.1a), b) and B7.1a), b). The alternative use of a recession plane was discussed and agreed.
- 12.33 The pre-hearing meeting with NZTA highlighted the provisions are based on the recently created NZTA guidance document for addressing reverse sensitivity along state highways. Discussion was held about whether the proposed changes are within the scope of the current process. Following the pre-hearing meeting RDC provided NZTA with a formal view that Council considers the request is outside of the scope of the current Plan change process. NZTA responded agreeing that they would not be pursuing the reverse sensitivity provisions further, but would be pursuing the requested setback of 40 metres in areas with a speed limit greater than 70km/h.

### **Assessment**

- 12.34 Changes to the Plan will not affect existing resource consents. Neighbour consent to waive setback requirements is currently provided for through a resource consent process. The solutions discussed with Federated Farmers in the pre-hearing meeting for fixed consent costs and increased guidance or templates for resource consent applications are outside of the current District Plan process. However, Council has already advanced the fixed consent fee for rural boundary setbacks through the 2016/17 Fees and Charges which sets out a fixed fee of \$650<sup>9</sup> and is developing a template. I do not consider these submission points can be progressed further through this process.
- 12.35 In response to Federated Farmers' concern in their further submission regarding B6.1 and B7.1 a) and d) the provisions were redrafted to provide for a daylight setback in addition to the building setback. The daylight setback provisions have the same effects as the proposed provisions, but convey that information in a clearer manner. Federated Farmers agreed with this proposed change.

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<sup>9</sup> 16/RDC/125

- 12.36 On the submission from GV Calkin Federated Farmers supports the suggestion that extensions should only be subject to a 5 metre setback and noted that there are hill country blocks where finding a building platform is difficult. Rules need to be able to be implemented effectively. This request in practice would result in a new dwelling being required to be constructed 20 metres from a side/rear boundary, but would then be permitted to extend that dwelling a further 10 meters closer to the boundary. I do not consider that this is an effective rule framework. It would create a permitted baseline for considering resource consent applications for new dwellings to be built up to 5 metres from the boundary.
- 12.37 The matters identified by NZTA related to setbacks from the State Highway need to be considered under the provisions set out in Section 6 of this report to determine whether the submission is 'on' the Plan Change. While NZTA have withdrawn their submission point regarding reverse sensitivity, they have not withdrawn their submission point for setbacks, with a request there is a graduated setback requirement from the State Highway – 10 metres where the speed limit is less than 70km/h and 40 metres where the speed limit is greater than 70km/h.
- 12.38 The changes proposed in the District Plan text, appear to include all dwelling setback provisions. Both the section 32 report and public notice refer generally to rural boundary setbacks being subject of the proposed Plan Change – with the specific details of the proposed building setback provided on page 10 of the Section 32 report. However, in practice, the only change to the management regime was for side/rear boundary setbacks for buildings. To provide for different setbacks for buildings and dwellings the provisions needed to be separated which may give the impression all provisions are subject to change. However, the change in the management regime did not affect rural boundary setbacks along State Highways, but boundary setbacks with neighbouring properties. Therefore, I consider that the submission does not address the change in management regime advanced as part of the Plan Change process.
- 12.39 Given the proposed change was focused on side/rear boundary setbacks there is a real risk that people affected by the change would be denied an opportunity to participate in the process. The proposed change to the side/rear boundary setbacks sought to decrease regulation, based on efficiency and effectiveness monitoring which showed that a 20 metre setback does not serve a resource management purpose. The proposal by NZTA seeks to increase regulation. People likely to be affected by the proposal put forward by NZTA are those people who own property along the State Highway network. It is highly unlikely potentially affected property owners, stakeholders or individuals are aware of the proposition put forward by NZTA. The only way they would know would be if they read the summary of submissions, which they are unlikely to do if they believe their interests had been met.
- 12.40 Based on the analysis above, I consider the submission put forward by NZTA cannot pass either test, therefore, is not 'on' the Plan Change. Nevertheless, if the Commissioner is of a contrary view, that the submission point for dwelling setbacks from state highways is 'on' the Plan Change, I have provided a brief assessment on the merits of the proposal.

12.41 In 2015 NZTA released a 'Guide to the management of reverse sensitivity effects on the state highway network'<sup>10</sup>. The guide identifies that sensitive activities such as dwellings establishing near the state highway network can be affected by issues such as road noise. The document undertakes noise modelling to assess the potential impacts which has resulted in a number of recommendations NZTA is seeking to introduce into District Plans nationally. 'Buffer areas', which the Guide recommends noise sensitive activities are outside of in order to achieve a reasonable level of acoustic amenity. The distance is calculated in accordance with traffic flow, vehicle speed and number of heavy vehicles, using the calculation of road traffic noise model. If the proposed 40 metre setback has been developed in accordance with this approach, I consider it is appropriate to include in the Plan to ensure adverse effects from road noise are appropriately mitigated, however, there should be acknowledgement and exemptions for small lots which, due to their size, are not able to meet setback requirements.

### **Recommendations**

12.42 The submission points on changes to the Rural and Rural Living zone setbacks are rejected.

### **On-site wastewater/effluent storage and treatment**

12.43 Original submissions were received from:

- Horizons Regional Council [015]
- Federated Farmers of New Zealand [017]

12.44 A further submission was received from:

- Horizons Regional Council [F002]

### **Submission 015 Horizons Regional Council**

#### *Submission*

12.45 New houses on undersized properties (under 5,000m<sup>2</sup> for properties created by subdivision following 31 August 2012 or 2,500m<sup>2</sup> for properties created before this time) will require a discharge permit from Horizons for their on-site wastewater disposal system.

#### *Relief sought*

12.46 That an advice note be added beneath permitted activity standard B6.3 and B7 as follows:

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<sup>10</sup> <http://www.nzta.govt.nz/assets/consultation/management-of-reverse-sensitivity-effects-guide/docs/reverse-sensitivity-effects-guide-draft.pdf>

**Note: Plan users are encouraged to consult with the Regional Council regarding any additional regional rules and standards that may apply, including requirements for onsite wastewater discharges.**

## **Submission 017 Federated Farmers of New Zealand**

### *Submission*

12.47 Support in part Rules B6.4 and 7.4 – Location of Effluent Storage and Treatment Activities - support the amendment to increase clarity for dwelling setbacks. Concerns about b, c, and d - it is unclear what the rule is intended to manage setback issues are a Regional Council issue. Concern with the use of the term treatment and the potential for subdivision to result in compliance issues.

### *Relief sought*

12.48 Rule B6.4 and 7.4 – Location of Effluent Storage and Treatment Activities – Amend as follows:

All areas used for the storage and treatment of effluent generated from primary production activities must meet the following separation distances:

- a) 300 metres from any ~~residential boundary~~ dwelling, marae or place of assembly **located on a property under separate ownership.**
- ~~b) 55 metres from any road boundary~~
- ~~c) 50 metres from any river, lake, or wetland, and~~
- ~~d) 80 metres from any other boundary~~

### Further submission F002 Horizons Regional Council support in part

12.49 Rule B6.4 c) – setbacks for areas used for the storage and treatment of effluent from rivers, lakes and wetlands. The One Plan Rule 14-11 controls separation distances for animal effluent discharges. There are conditions that require there is no direct discharge into a surface water body or offensive or objectionable odour beyond the property boundary. However, there are no regional rules that require a specific separation distance between effluent storage and treatment facilities and waterbodies. If the purpose of the rule is to avoid effects on water quality or odour, these effects are addressed through the One Plan. If the purpose of the rule is to avoid or mitigate visual or amenity effects, then the rule would not duplicate or be inconsistent with the One Plan.

### **Pre-hearing**

12.50 A pre-hearing meeting was held with Federated Farmers. It was agreed that the words ‘and treatment’ should be removed and that the words ‘located on a property under separate ownership’ should be added. Discussion was held over whether there is scope to amend provisions b), c) and d) under the current Plan change process. If there is scope to amend the provisions – RDC agreed that the removal of c) setback from river,

lake, and wetland is appropriate, would further consider the road boundary setback in consultation with the roading engineers and would consider other setbacks in association with the information from Horizons about provisions from other local authorities.

### Assessment

- 12.51 The advice note proposed by Horizons does not seek to change the intent of the Plan, and will improve usability for plan users. I consider it is appropriate and should be accepted.
- 12.52 The proposed amendment by Federated Farmers clarifying that clause a) applies to dwellings under separate ownership is consistent with the intent of the proposed change (increasing clarity). It is a logical addition that will increase the usability of the Plan.
- 12.53 The first consideration is whether the amendments proposed to clause b), c) and d) are 'on' the Plan Change. The proposed change to clause a) was a simple administrative tidy up and did not assess the merit of the provisions themselves. The proposed change itself did not change the pre-existing status quo (other than increasing clarity). The submission points seek to change the provisions themselves and do not increase clarity, therefore, cannot be determined to address the change to the status quo. There is a risk that people affected by the proposed amendments would be denied an opportunity to submit. While Horizons have provided their views, there are likely to be other groups with an interest in the provisions (farmers/property owners) who have been denied the opportunity to participate. In accordance with Section 6 of this report, I consider the submission points are not 'on' the proposed plan change and cannot be considered.

### Recommendation

- 12.54 Amend Rule 6.4 and 7.4 clause a) as follows.

300 metres from any ~~residential boundary~~ dwelling, marae or place of assembly located on a property under separate ownership.

- 12.55 An additional advice note is included as follows:

Note: Plan users are encouraged to consult with the Regional Council regarding any additional regional rules and standards that may apply, including requirements for onsite wastewater discharges.

## **13 Transportation**

### **Background**

- 13.1 There is currently no provision in the Plan to require a planted separation distance in between the parking area and the footpath to ensure the amenity values of the urban areas are retained. This issue was raised during Councillor discussion on plan change priorities in response to the redevelopment of sites within the town centres, particularly if buildings were rebuilt set back from the street. The proposal seeks to increase the amenity of the town centres through the requirement for a 1.5 metre green strip between areas for parking (with 5 or more parking spaces) and the footpath.

### **Submission 008 Robert Snijders**

#### *Submission*

- 13.2 Tracking curve does not appear correct. Should be an example for a milk tanker and trailer.

#### **Assessment**

- 13.3 The submission point by submitter 008, Robert Snijders needs to be considered under the scope test identified in Section 6 of this report. The submission point is related to tracking curves which is not a matter which has been altered from the status quo under this Plan Change process. It is 'out of left field' and has not provided adequate opportunity for public input. The submission point does not pass either test and cannot be considered.
- 13.4 There were no submissions on the proposal for a 1.5 metre green strip. The benefits of the proposal are that the green strip will help to improve amenity values within the CBD areas, and increase safety by increasing the separation distance between the carparks and the footpath. The weakness of this option is that it takes land from the development space, reducing the area of land available for a development. Overall, I consider the proposed provision (1.5 metres) is not overly onerous and will be beneficial for wider amenity values.

#### **Recommendations**

- 13.5 The proposed amendment for Rule B9.12-6 is adopted as notified.
- 13.6 The submission point by submitter 008 regarding tracking curves is rejected.

## **14 Definitions**

### **Background**

- 14.1 The Plan Change proposes the removal of farm buildings from the exemption of what is classified as a building. The exemption was included during the District Plan review process, following a request from Federated Farmers during pre-consultation notification. I can find no rational or explanation of what was intended to be captured.
- 14.2 This lack of clarity provides for problematic implementation of the District Plan. Are 'farm buildings' small scale building used for minor storage, or is the provision intended to capture all buildings on a farm? The current implementation of the Plan is that farm buildings on rural sites are classified as buildings, and are therefore, subject to the District Plan rules. There are a wide range of rules that could be affected, including; maximum height requirements, noise requirements (Kiwirail), distance from the National Grid, setbacks, relocated buildings and natural hazards. The amendment was proposed to increase clarity.

### **Submissions**

- 14.3 An original submission was received from:
- Federated Farmers of New Zealand [017]
- 14.4 No further submissions were received.

### **Submission 017 Federated Farmers of New Zealand**

#### *Submission*

- 14.5 Oppose the removal of farm sheds from the building definition, there is no explanation provided about what impact this may have on the ongoing maintenance and future erection of farm sheds.

#### *Relief sought*

- 14.6 Farm sheds be re-instated in the definition of buildings.

### **Pre-hearing**

- 14.7 Concern was raised from Federated Farmers about the removal of farm sheds from being exempt from the definition of 'building'. Setbacks are the main issue of concern when removing this exemption. It was generally agreed that it could be appropriate for some smaller farm buildings in the Rural zone to be exempt.
- 14.8 Following the pre-hearing meeting RDC redrafted the provisions to match exemptions for building consent requirements, a maximum size of 10 square metres, with no plumbing.
- 14.9 Kristy McGregor provided feedback on the provisions, noting that Federated Farmers supports the approach undertaken with the redrafting, however, remains concerned

with the inclusion of farm sheds in the definition of buildings. Tim Matthews also responded to the proposed provision, noting concern that the removal of farm buildings from being exempt from the definition of building is a significant loss for the Federated Farmers members, and referred to an example that it would not allow a normal farm chook house.

14.10 No agreement was reached between both parties prior to the drafting of this report.

### Assessment

14.11 The removal of farm buildings from the exemption in the building definition does not remove the ability to construct such structures, it means that the structures are required to comply with the Rules in the District Plan for buildings. There are a wide variety of rules that this exemption affects, most significantly for building setbacks and natural hazards. Through pre-hearing discussions, an option for an exemption in the definition was proposed related to boundary setbacks (for farm buildings under 10 square metres with no plumbing). This size was taken from the Building Act, Schedule 1 exemption requirements. Given that the buildings that were under these requirements would subsequently be classified as a structure, this would mean that it would still be captured with regard to rules such as B1.3 regarding setbacks from National Grid support structures, which clearly intends to capture all buildings (including farm buildings).

*B1.13-2 No building or structure shall be located within 12 metres of the outer edge of a National Grid support structure, other than a fence that may be located within 5 metres.*

14.12 Larger farm buildings, by any definition, are buildings and need to be treated accordingly. I do not consider it was the intent that all non-habitable buildings on farms to be exempt from all rules in the Plan that relate to buildings.

### Recommendation

14.13 The definition of building is amended as follows:

**Building** means any temporary or permanent or movable or immovable structure; and includes any structure intended for occupation by people or animals or machinery but does not include:

- any fence which has a height of 2 metres or less; or
- any structure which has a height of less than 1.2 metres above ground and a horizontal area of less than 5 square metres; or
- any vehicle, trailer, tent, caravan, or boat; or
- any swimming pool or tank, which has a height of less than 1 metre above ground; or
- any part of a deck, terrace, balcony, or patio, which has a height less than 1 metre above ground
- stockyards, loading races, ~~farm sheds~~ and tanks

- For the purpose of building setbacks - a building associated with primary production activities (not including a dwelling) that has a maximum floor area of 10m<sup>2</sup> and does not contain any plumbing.

## **15 Other issues**

### **Background**

15.1 There are a number of other issues raised by submitters discussed in this section. These largely relate to whole plan submission points.

### **Submissions**

15.2 Original submissions were received from:

- Robert Snijders [008]
- Horizons Regional Council [015]
- Heritage New Zealand [019]
- Carolyn Bates [020]

15.3 There were no further submissions received.

### **Submission 008 Robert Snijders**

#### *Submission*

15.4 There are a number of spelling and grammatical errors that need to be addressed.

15.5 Substitute Heritage New Zealand in all relevant locations.

15.6 Avoid using words such as 'may' as this leads to misinterpretation – 'shall' and 'must' should be used.

### **Submission 015 Horizons Regional Council**

#### *Submission*

15.7 Amendments are required to the introduction section to remove references to 'discretionary' activities being the highest class of activity and to ensure non-complying is an activity class defined in the District Plan

### **Submission 019 Heritage New Zealand**

#### *Submission*

15.8 The Ngati Apa (North Island) Claims Settlement Act 2010 has been updated to reflect the Heritage New Zealand Pouhere Taonga Act 2014.

15.9 Historic Places Trust has been replaced with Heritage New Zealand Pouhere Taonga.

#### *Relief sought*

15.10 Update references to the Heritage New Zealand Pouhere Act 2014 and to specific sections within that Act as per the updated Ngati Apa (North Island) Claims Settlement Act 2010.

15.11 Replace all references to Historic Places Trust with Heritage New Zealand Pouhere Taonga, which can be abbreviated to Heritage New Zealand following the first mention.

### **Submission 020 Carolyn Bates**

#### *Submission*

15.12 Support the reduction in setbacks to allow buildings to be positioned closer to boundaries. This will provide improved access for delivery vehicles.

#### **Assessment**

15.13 The submitters raise a number of valid points. Spelling and grammatical errors, reference to discretionary activities as the highest class and references to Heritage New Zealand need to be amended.

15.14 The use of the word 'may' is common in District Plans. It is appropriate to use to provide more flexible direction than words such as 'must'. Mr Snijders has not identified any particular provisions of concern. Without further evidence I do not consider any provisions that use 'may' should be amended.

15.15 It is unclear which provision Carolyn Bates is referring to in her submission. There are boundary setbacks proposed to be reduced in the residential zone, rural and rural living zones and indirectly in the commercial zone. However, my recommendations for amendments include consideration of the submission points made by Ms Bates.

#### **Recommendation**

15.16 That a number of administrative changes are made to provide reference to Heritage New Zealand, amend reference to the highest activity status and amend spelling and grammar mistakes.

15.17 The submission point to replace may with 'must' or 'shall' is rejected.

## 16 Flooding

### Background

- 16.1 Flooding is the most frequent natural hazard the Rangitikei District experiences. Large areas of farmland, towns including Hunterville, Marton and Bulls and the villages of Whangaehu, Scotts Ferry, Koitiata and Kauangaroa are prone to flooding.
- 16.2 The impact of flooding was recently highlighted by the 2004 and 2015 flood events, with damage to farmland, extensive damage to public infrastructure (particularly roading, through dropouts and slips), and private property (including dwellings).
- 16.3 The Rangitikei District Plan review process (2010 – 2013), assessed the flooding provisions. The outcome of this process was the differentiation of higher and lower flood risk areas (based on flood water depths and velocities). In the higher risk area (greater than 0.5 metres water depth, moving with a velocity of greater than 1.0m/s), resource consent is required to assess the proposal for appropriate mitigation measures. In the lower risk areas a set of permitted activity standards (minimum floor height, diversion of flood flow restrictions) provide for development as a permitted activity.
- 16.4 The implementation of these provisions since 2013 has highlighted differences between the permitted activity standards, compared with advice regularly provided by Horizons Regional Council in accordance with the One Plan and NZS4404:2010 Land Development and Subdivision Infrastructure. Changes were proposed to the flooding provisions to increase consistency with these documents.
- 16.5 The implementation of the Plan also highlighted issues with the flood mapping. There are two sets of information shown on the Planning Maps, modelled flooding information (considered to be accurate) and indicative information (present as a base for further investigation). The existing maps do not differentiate between the two types of information which has led to confusion in the implementation of the provisions. Differentiation of the two sets of information has been proposed as part of the Plan Change. Additionally, to increase clarity regarding the status of the information shown on the planning maps, compared with the definitions, an advice note was proposed stating the definitions for flooding override information contained in the hazard maps.
- 16.6 Refinements to the Hunterville flooding extent have been made by Alistair Beveridge, Director, The Catalyst Group. The justification for these changes, and the methodology employed, are set out in Mr Beveridge's Section 42A report.

### Rules – B8 Natural Hazards

#### Submissions

- 16.7 Original submissions were received from:
- Powerco Limited [006]
  - Federated Farmers of New Zealand [017]

16.8 Further submissions were received from:

- Horizons Regional Council [F002]
- Federated Farmers of New Zealand [F003]

### **Submissions 006 Powerco Limited**

#### *Submission*

16.9 Support the proposal for B8-1.1 and B1.1-2 as it provides a pragmatic approach.

#### *Relief sought*

16.10 Retain rule B8.1 as notified in the Proposed District Plan 2016.

#### Further submission 003 Federated Farmers of New Zealand support/oppose

16.11 Support amendments to B8.1-1. The inclusion of farm buildings and structures for rule B8.1-2 will place unnecessary burden on rural landowners.

### **Submission 015 Horizons Regional Council**

#### *Submission*

16.12 The One Plan Policy 9-2 discourages new habitable buildings or major extensions in areas that are likely to be inundated during a 1 in 200 year event. Where effects cannot be avoided, they should be mitigated. Mitigation measures may include a finished floor level that includes a reasonable freeboard. The objectives and policies focus on ensuring there is not an increase in the level of risk to people, property and infrastructure. Reasonable freeboard – residential is 500mm/ commercial is 300mm. Support minor extensions to dwellings that do not include habitable rooms and non-habitable structures.

#### *Relief sought*

16.13 Retain Rule B8.1-2 flood flows as notified.

16.14 Amend B8.1-1 Natural Hazard Area 2 (Flooding) as follows:

In Natural Hazard Area 2 (Flooding), any new habitable building, ~~structure~~, or **major** extension must meet the minimum flood height levels to avoid any inundation during a 0.5% AEP (1 in 200 year) flood event, including 500mm freeboard.

16.15 That a new definition of major extension is added as follows:

**Major extension means an extension that includes habitable rooms such as a bedroom, study or office, but does not include a new or extended living area.**

OR

16.16 That the definition of habitable room be amended to extend the extension for B8.1-1:

Habitable room means any living or sleeping area in a dwelling, visitor accommodation, or marae, any teaching area in an educational institution, and any recovery room in a hospital. Utility rooms such as kitchenettes and bathrooms are included except in relation to the separation distance rule for the Residential Zone, **the floor level requirements in Permitted Activity Standard B8.1-1 and the additions to habitable buildings in Permitted Activity Standard B8.2-2.**

- 16.17 An additional permitted activity standard is added under B8.1-2 – Natural Hazard Area 2 (Flooding) as follows:

**In Natural Hazard Area 2 (flooding), any new commercial building, or extension to an existing building that involves occupied work space, must meet the minimum floor height levels to avoid any inundation during a 0.5% AEP (1 in 200 year) flood event, including 300mm freeboard.**

Further submission 003 Federated Farmers of New Zealand support in part

- 16.18 Rule B8.1-1 does not need to be more restrictive than the One Plan. Support the alteration and new definition for major extensions for the amendments to the definition of habitable room. Habitable room should be amended to exclude utility room such as kitchens and bathrooms so that farm buildings are not captured.

Further submission 003 Federated Farmers of New Zealand oppose

- 16.19 Do not support the addition of the permitted activity standard for commercial buildings as it could be interpreted to include farm buildings. Do not support farm buildings being required to meet minimum floor heights. Would like clarification on the definition of commercial buildings – so that it does not capture farm buildings used as part of the farming business.

### **Submission 017 Federated Farmers of New Zealand**

#### *Submission*

- 16.20 Support Rule B8.1-1 – natural hazard provisions should not capture farm buildings or fences. Primary production is appropriate for land subjected to natural hazards. Risk tolerance needs to be incorporated into provisions. Support the amendment so that minimum floor heights apply only to habitable buildings.
- 16.21 Oppose Rule B8.1-2 – natural hazard rules should exclude farm buildings and structures, including fences.

#### *Relief sought*

- 16.22 Adopt Rule B8.1-1 as drafted.
- 16.23 Rule B8.1-2 – Amend the rule as follows:

Any building, structure, landscaping, fencing or earthworks, must not change the flood flow paths to the extent they will ~~that it would~~ exacerbate flooding on the site or on

any adjacent or downstream site. **Exemption: Farm related buildings, structures, fencing and earthworks are not captured by this rule.**

#### Further submission 002 Horizons Regional Council support in part

- 16.24 The One Plan requires that territorial authorities must not allow the construction of new structures, activities or the increase in scale of existing structures or activities in areas likely to be inundated in a 0.5% AEP flood event.
- 16.25 Agree that fences are more likely to cause harm in urban situations, however, there may be situations where farm buildings, fences, earthworks and landscaping could divert flood waters in rural areas. Particular concern is when there are habitable buildings immediately adjacent or downstream. The amendments to rule B8.1-2 sought by the submitter are rejected, except riparian fences, which should not be captured by this rule.

#### **Pre-hearing meeting and discussions**

- 16.26 It was generally agreed that rule B8.1-1 should be amended to include 'major extension' and associated definition to better reflect risk to people.
- 16.27 Federated Farmers expressed concern about farm buildings being captured by rule B8.1-2 related to flood flow paths. It was agreed that stock and riparian fencing should be excluded from compliance. Federated Farms retained concerns that stock yards, and other primary production activities would be captured by this rule.
- 16.28 All parties at the pre-hearing meeting agreed that buildings associated with primary production activities are exempt under the One Plan for minimum floor heights and provisions should be drafted to provide for this.
- 16.29 Following the pre-hearing meeting discussions have been held with Horizons, Federated Farmers and Powerco Limited regarding the flooding provisions. These discussions have aided in refining the wording of the provisions to ensure they are clear. However, final agreement on the drafting of the provisions was not reached.

#### **Assessment**

- 16.30 Amendments to the flooding rules were proposed to improve consistency between the Rangitikei District Plan, the One Plan, and advice given by Horizons Regional Council in accordance with NZS4404:2010.
- 16.31 There was no opposition by submitters to the proposed provisions, however, there were suggestions for further amendments. All parties are generally in agreement about the intent of the provisions regarding minimum floor heights:
- Residential buildings – 500mm
  - Commercial buildings – 300mm
  - Accessory buildings (not on production land) – exempt
  - Non-habitable buildings on production land - exempt

- 16.32 I consider this approach is consistent with the One Plan Policy 9-2(d)(i), which requires a finished floor level, including reasonable freeboard for a 1 in 200 year flood event.
- 16.33 Federated Farmers remain concerned regarding the provisions related to the diversion of flood flows to adjoining properties and requested further certainty. It is best practice for rules to provide the plan user with certainty. Increased certainty has been proposed, however for this provision I consider flexibility will also be useful when implementing the Plan. I have proposed the inclusion of a permitted activity standard developed for Palmerston North City Council by Horizons Regional Council. This standard provides for buildings up to 15 metres wide to be located across an overland flow path if it is at least 20 metres from an existing building. I also consider flexibility for case by case consideration regarding the diversion of flood flows to adjoining properties. This allows smaller buildings to be constructed closer to existing buildings where they will not cause adverse flood flow diversion. This approach is consistent with One Plan Policy 9.2(d)(iv).
- 16.34 During post pre-hearing discussions Horizons Regional Council identified that while focus had been on B8.1 which refers to Natural Hazard Area 2 (Flooding), the amendments made to B8.1 should also be consistent with the Flooding 1 provisions in B8.3. In order for the proposed Plan change to be consistent with the One Plan, a requirement to have appropriate egress in a flood event should be included.
- 16.35 While the provisions related to Natural Hazard Area 1 (Flooding) were not proposed to be amended through the Plan Change process, the purpose of the Plan Change for flooding is to increase consistency with the One Plan, therefore, it is appropriate to amend the rules in Natural Hazard Area 1 (Flooding) in B8.3 to be consistent with those in Natural Hazard Area 2 (Flooding) in B8.1 and the One Plan.
- 16.36 The proposed amendments achieve a greater consistency between the District Plan, One Plan and NZ4401:2010. Pre-hearing meetings have both clarified and refined amendment wording, although agreement on final wording has not been achieved.

## **Recommendation**

- 16.37 It is recommended the following amendments are adopted:

### **B8.2 Natural Hazard Area 2 (Flooding)**

B8.2-1 In Natural Hazard Area 2 (Flooding), any new or relocated dwelling, new residential building that contains a habitable space ~~habitable building, structure~~ or major extension, must meet ~~the~~ minimum floor height levels to avoid any inundation during a 0.5% AEP (1 in 200 year) flood event, including 500mm freeboard.

B8.2-2 In Natural Hazard Area 2 (Flooding), any new or relocated commercial building that contains an occupied space, or extension to an existing commercial building where the extension contains an occupied space, must meet minimum floor height levels to avoid any inundation during a 0.5% AEP (1 in 200 year) flood event, including 300mm freeboard.

B8.2-3 Buildings that do not contain habitable space on production land are exempt from compliance with rules B8.1-1 and B8.1-2.

B8.2-4 Any building, structure, landscaping, fencing or earthworks must not change the flood flow paths to the extent they will ~~that it would~~ exacerbate flooding on the site, or on any adjacent or downstream site. Stock and riparian fencing are exempt from compliance with this rule.

B8.2-5 Buildings that do not contain habitable space on production land are exempt from Rule B8.1-4 provided they are located at least 20 metres from any existing building with a habitable space, and do not extend more than 15 metres across an overland flow path.

### Restricted Discretionary Activity Standards

B8.2-6 Within Natural Hazard Area 1 (Flooding)

a) The finished floor or ground level of any new or relocated dwelling, residential building containing a habitable space, or major extension ~~habitable building~~ must include 500mm freeboard above the 0.5% AEP (1 in 200 year) flood event.

b) The finished floor or ground level of any new or relocated commercial building, or extension to an existing commercial building that contains occupied work space, must include 300mm freeboard above the 0.5% AEP (1 in 200 year) flood event.

c) There must be a safe egress route in a 0.5% AEP (1 in 200 year) event, between the occupied structure and an area where evacuation may be carried out. The egress route must not be inundated by floodwaters that are greater than 0.5m deep or flowing at more than 1.0m/s, or another combination of water depth and velocity that can be shown to make escape unsafe.

16.38 New definitions are proposed as follows:

**Commercial building** means for the purpose of Rule B8.1-2 in Section B8 Natural Hazards, any building used for retail activities, commercial activities, offices, community facilities, educational activities, entertainment activities, manufacturing activities, fuel service facilities etc.

**Habitable space** has the same meaning as in the Building Regulations 1992 and any subsequent amendments.

**Major extension** means for the purpose of Rule 8.1-1 in Section B8 Natural Hazards any addition to an existing dwelling, sleep-out, or the conversion of a non-habitable residential building (such as a garage) that includes a habitable space as defined in the Building Regulations 1992.

**Occupied space** means for the purpose of Rule B8.1-2 Section B8 Natural Hazards a building or part of a building that people will occupy for at least six hours in any twelve hour period.

## **Mapping**

### **Submissions**

16.39 Original submissions were received from:

- New Zealand Institute of Architects Western Branch [007]
- Horizons Regional Council [015]
- MJL and MS Roberts [016]
- Carolyn Bates [020]

16.40 Further submissions were received from:

- Horizons Regional Council [F002]
- Federated Farmers of New Zealand [F003]

### **Submission 007 New Zealand Institute of Architects Western Branch**

#### *Submission*

16.41 The key for the flooding maps is confusing.

#### *Relief sought*

16.42 The Flooding map key is clarified, with separate keys for the existing and proposed maps.

#### Further submission 003 Federated Farmers of New Zealand support

Clarity of map keys is important. The maps at present are difficult to read.

### **Submission 015 Horizons Regional Council**

#### *Submission*

16.43 Support the differentiation of indicative flood information from modelled information. Modelled information has a high level of accuracy - indicative information can be used as a trigger for site specific investigations.

16.44 Support the removal of storm water flooding overlay through the northern part of Bulls. This information should be provided in another manner.

16.45 Porewa Stream managed by Horizons as part of a flood control and drainage scheme. Detention dams provide protection for 25-30 year return period. Horizons cannot comment on whether the proposed changes are a better reflection of actual risk as they do not hold modelled information. Unsure of the method used to refine maps or the suitability of this. Modelling scheduled for 2020-21.

#### *Relief sought*

16.46 Retain as notified - removal of the overland stormwater flow path through Bulls and the Hazard 1 and 2 zoning associated with the Tutaenui Stream through Bulls.

- 16.47 That the Hazard 1 zone for the Rangitikei River to the south of Bulls be refined so that the boundary is the 43.1m contour (Wellington Vertical Datum, 1953) at Bridge Street and be accurately defined for the scope in flood surface level to the 41.8m contour at Horizons Rangitikei River Cross-Section 21.52km – located at the upstream (eastern) end of the Waste Water Treatment Plant Ponds. The zone boundary should be at 42.5 contour at the intervening Horizons Rangitikei River Cross Section 21.94km.
- 16.48 That more information be provided on the methodology used to refine the flood hazard zone (based on Horizons indicative flood hazard information) through Hunterville. That any deletion of floodable areas in the current extent in the operative District Planning maps be only based on robust information.

### **Submission 016 MJL and MS Roberts**

#### *Submission*

- 16.49 The indicative flood layer on their property Lot 2 DP 421066, 40 Pukepapa Road should be removed. The area is elevated between two drains on the property. With subdivision RM090032, information supplied by Horizons Regional Council noted the building site on the highest ground is not in the flood zone. Consent to build was granted RM090051. Council has an easement over the northern drain on Lot 2 DP 421066 (CT 421066). There are requirements to restrict water flow to 1.8m<sup>3</sup>/s which will limit flooding, reducing potential impacts on the elevated area.

#### *Relief sought*

- 16.50 Remove the 'indicative flood zone/river channel' hazard zone from 40 Pukepapa Road, Lot 2 DP 421066.

#### Further submission 002 Horizons Regional Council support

- 16.51 There are suitable building sites within the property boundaries that are outside of the modelled flood extent. These areas are not likely to be inundated during a 0.5% AEP flood event. The modelled flood information supersedes the older 'indicative' flood information.

### **Submission 020 Carolyn Bates**

#### *Submission*

- 16.52 There is no advantage in changing the colours used.

#### **Pre-hearing meeting and discussions**

- 16.53 Horizons accepted the approach taken by Mr Beveridge for the refinement of the indicative flood information in Hunterville and questioned if it would be appropriate for the indicative data around the model to be removed (for Marton/Bulls). Clarification was provided by Rangitikei District Council that there were no proposed changes to the indicative flooding information for Bulls by the Rangitikei River as part of the Plan Change process.

## Assessment

- 16.54 Amendments were proposed to address known errors in the operative District Plan flood hazard maps and incorporate the most up-to-date information. A number of submitters declared confusion with the maps notified in support of these amendments, which was subsequently resolved at pre-hearing meetings.
- 16.55 The proposed changes were accepted once the detail of the changes, the methodology employed, and justification was explained.
- 16.56 The modelled and indicative data have different levels of accuracy. While the modelled information can provide property owners with certainty regarding the flooding hazard, the indicative layer is a 'flag' for further site specific information to be sought. Therefore, I consider it is appropriate to distinguish between two sets of data.
- 16.57 Submitter 016 MJL and MS Roberts requested that the 'indicative' flood layer on their property at 40 Pukepapa Road, Marton was removed. Horizons (through their further submission) support the request. The area covered by the indicative flooding layer on this property is raised and is unlikely to experience flooding in a 0.5% AEP event, therefore, I consider it is appropriate for the indicative layer on this property to be removed.
- 16.58 Horizons provided support for the removal of the indicative flooding layer for stormwater flooding in Bulls. It is appropriate that stormwater flooding is managed, however, the District Plan is not an appropriate method given the asset engineers are unable to provide accurate information about the flooding potential (or minimum floor heights) and regularly undertake improvements to the stormwater network to address flooding issues. The risk from stormwater flooding can be managed through section 71 of the Building Act (provided below) during the building consent process. I consider this is the most appropriate method to address stormwater flooding issues.

### ***"71 Building on land subject to natural hazards***

*(1) A building consent authority must refuse to grant a building consent for construction of a building, or major alterations to a building, if—*

*(a) the land on which the building work is to be carried out is subject or is likely to be subject to 1 or more natural hazards; or*

*(b) the building work is likely to accelerate, worsen, or result in a natural hazard on that land or any other property.*

*(2) Subsection (1) does not apply if the building consent authority is satisfied that adequate provision has been or will be made to—*

*(a) protect the land, building work, or other property referred to in that subsection from the natural hazard or hazards; or*

*(b) restore any damage to that land or other property as a result of the building work."*

- 16.59 In their original submission Horizons expressed concern about the refinement of the indicative flood mapping for Hunterville. The current indicative information was refined by Alistair Beveridge, Director, The Catalyst Group as identified in his Section

42A report. The approach was outlined by Mr Beveridge at the pre-hearing meeting and accepted by Horizons. The indicative information has proven to be unreliable, with the overlay shown over local high points (hills and the North Island Main Trunk Line). The initial mapping was undertaken by Mr Beveridge while he was employed at Horizons. This mapping was based on a desktop study. Mr Beveridge has now refined the information to improve accuracy of the potential flood hazard as identified in his Section 42A report. I consider that the most recent and accurate data should be used.

16.60 Horizons questioned whether it would be appropriate to remove the indicative flooding information from around the modelled information for the Tutaenui Stream. Horizons is undertaking further modelling of the Tutaenui Stream this year<sup>11</sup>. Until the further work has been completed, it is appropriate to take a precautionary approach and retain the indicative information in the District Plan. The definitions of the flooding hazard enable the movement between flooding categories based on the most accurate information at the time. Site specific information can be provided easily by Horizons to confirm the likelihood of the flood risk on properties. The flooding hazard for both Marton and Bulls represents a frequent and significant risk to life and property. I consider will be more logical for the indicative information to be removed once the re-modelled information is available and can be inserted into the Plan.

### **Recommendations**

16.61 Remove the indicative flood layer from 40 Pukepapa Road.

16.62 Refine the indicative flood layer for Hunterville as notified.

16.63 Retain the indicative flood layer around the modelled data in Marton and Bulls.

16.64 Remove the storm water overlay from Bulls.

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<sup>11</sup> The Tutaenui Stream is the main contributor to flooding in Marton and Bulls.

## 17 Taihape West Slip Zone

### Background

- 17.1 The Taihape West Slip zone is a well-documented, slow moving, deep-seated, pre-existing landslide<sup>12</sup>. The slip is within an urban area and is largely covered by dwellings and accessory buildings, with supporting infrastructure (including council roads and water/stormwater/sewer mains, and power and telecommunication networks). Due to its slow moving nature, the Taihape West Slip does not represent a significant risk to human life, but does represent a risk to infrastructure sited on the slip.
- 17.2 A precautionary approach has been undertaken to development in this area, recognising that while the area is currently developed, and should be able to be reasonably used, that further investment in the area is not desirable. Additional development increases the potential impact associated with future movement and expenditure. Increased investment means greater potential costs to remediate and respond to the effects of landslide movement.
- 17.3 The management regime of the Slip Zone was considered through the District Plan Review. The proposed amendments do not seek to alter the intent of the provisions, but to provide minor amendments to increase clarity of the provisions.
- 17.4 The issues are:
- The permitted activity standard is drafted as a prohibited activity.
  - The current framework does not provide a logical cascade of activity status as the scale of the activity increases
  - There is no policy to provide the strategic intent for the area.
- 17.5 The change proposes a cascade approach as follows:
- Permitted activities: new or extensions to non-habitable structures of up to 40m<sup>2</sup> and extensions to habitable buildings up to 40m<sup>2</sup><sup>13</sup>.
  - Restricted discretionary activities: new or additions to non-habitable buildings over 40m<sup>2</sup>, with discretion limited to the appropriateness of mitigation.
  - Discretionary activity: extensions to habitable buildings over 40m<sup>2</sup>.
  - Non-complying activity: new or relocated dwellings.

### Submissions

- 17.6 Original submissions were received from:
- W & M Thorburn Trust [004]
  - New Zealand Institute of Architects Western Branch [007]

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<sup>12</sup> The District Plan review process used reports from Tonkin and Taylor 2005 and GNS Science 2009 to identify and address the risk.

<sup>13</sup> The size of 40 square metres was taken directly from the operative District Plan.

- Gary Thomas [012]
- Horizons Regional Council [015]

17.7 A further submission was received from:

- Horizons Regional Council [F002]

#### **Submission 004 W & M Thorburn Trust**

##### *Relief sought*

17.8 That the Taihape West Slip zone is replaced with an advisory note of the natural hazard.

##### Further submission 002 Horizons Regional Council oppose

17.9 Given the known slip risk, the identification and management of the area is appropriate. Advisory notes are not enforceable. The avoidance or mitigation of the natural hazard is consistent with the One Plan.

#### **Submission 007 New Zealand Institute of Architects Western Branch**

##### *Submission*

17.10 Note that the Taihape West Slip zone layer is proposed to be removed.

17.11 Refer to the section 32 report that notes the Taihape West Slip Zone provisions are preventing new development.

#### **Submission 012 Gary Thomas**

##### *Relief sought*

17.12 The area should be referred to as West Taihape and the zone is actively reduced where possible.

#### **Submission 015 Horizons Regional Council**

##### *Submission*

17.13 B8.2-1 and B8.2-2 are generally consistent with the One Plan. However, if any extension allows for another habitable room this would be discouraged as it would place more people at risk and would be inconsistent with One Plan Objective 9-1 and Policy 9-4(a). If residents undertake multiple extensions, there could be a cumulative increase which would not be supported by Horizons.

17.14 Support in part – B8.7-5 – large extensions would usually involve more habitable rooms, increasing risk. Therefore, the discretionary status is supported.

17.15 Support – B8.7-6 – non-complying status is appropriate given the level of risk from the landslide hazard.

- 17.16 Support proposed Policy A4-17.8 which seeks to avoid new habitable buildings or a significant increase in the floor area of existing habitable buildings within the Taihape West Slip zone.

### **Relief sought**

- 17.17 Policy A4-17.8 and Rule B8.7-6 are retained as drafted.
- 17.18 That assurance be given that a condition of granting a building consent for an extension within the Taihape West Slip Area will be a notice on the Certificate of Title, restricting any future building works.
- 17.19 Rule B8.7-5 – Taihape West Slip Zone - be retained subject to amendment as follows:

In the Taihape West Slip Zone, additions to habitable buildings **that involve habitable rooms, or non-habitable extensions** that exceed 40 square metres.

### **Pre-hearing meeting and discussions**

- 17.20 Discussion was held about the risk of the slip zone – that the risk is largely associated with infrastructure damage. Horizons and RDC discussed whether an approach based on that undertaken for flooding (based on habitable rooms), or sized based was appropriate. Horizons stated they are reasonably comfortable with the size based approach identified in the Plan as the nature of the hazard means a low risk of catastrophic failure causing loss of human life

### **Assessment**

- 17.21 Amendments were proposed to enable activity of a certain nature and scale to occur in the Taihape West Slip zone, with greater levels of control imposed as activity scale increased. The general intent of the operative District Plan remained, which allowed for small scale development, while heavily restricting new dwellings.
- 17.22 Submitter 004 W & M Thorburn Trust, requested the removal and replacement of the Taihape West Slip zone with an advice note. Horizons in their further submission opposed the proposal, stating that because the hazard is known it should be managed. Unlike the liquefaction, ground shaking, landslide and active fault hazards, which are proposed to be removed and replaced with an advice note, the Taihape West Slip zone has been the subject of significant research and is well-defined. The area has already, and will continue to cause, damage to private property and associated infrastructure that is required to service it. Therefore, I consider it is not appropriate to allow unconstrained development in an area where the hazard is well understood. This approach is consistent with Policy 9-4 of the One Plan.
- 17.23 Submitter 012 Gary Thomas requested that the area be referred to as West Taihape. The area has been specifically identified to manage the slip hazard, not as a zone which seeks to apply different land use zoning. The renaming of the area to West Taihape is unlikely to give plan users the relevant information they need – that the area has been specifically identified, and has resulting management controls due to the slow moving slip covering the area. Therefore, I consider this submission point should be rejected.

17.24 Horizons Regional Council is satisfied with the approach taken in the Plan, which sets out management based on floor area, as the risk resulting from the slip is unlikely to cause risk to human life, but most likely to affect infrastructure. The specific size requirements were taken from the current Plan and were not reviewed. Horizons noted concerns about potential cumulative effects if a property owner wished to undertake multiple 40m<sup>2</sup> extensions. I consider there is little risk of cumulative effects resulting from the current provisions due to the development context in Taihape, however, to ensure there are no unintended consequences from the provisions, I have recommended that only one extension is provided for.

17.25 The proposed approach provides for reasonable use of existing developed sites, while discouraging new development in a logical cascade. I consider the proposed provisions are the most effective method of managing the risk associated with the Taihape West Slip zone.

### **Recommendation**

17.26 The provisions for the Taihape West Slip zone are amended as follows:

### **Natural Hazards**

A4-17.8 Avoid new habitable buildings or a significant increase in the floor area of existing habitable buildings in the Taihape West Slip Zone.

### **Permitted Activities**

#### **B8.2 Natural Hazard Area – Taihape West Slip Zone**

B8.2-1 In the Taihape West Slip Zone, ~~any a single~~-new, or addition to any existing, non-habitable building or structure constructed following the operative date of this rule, with a ~~must not exceed~~ a gross floor area of 40 square metres or less., ~~and no new dwellings, relocated dwellings, or habitable buildings will be permitted to be erected on any site.~~

B8.2-7 ~~Any~~ A single addition to a habitable building, with a not exceeding a gross floor area of 40 square metres or less, constructed following the operative date of this rule.

~~B8.2-8 A Geotech report and specifications of foundations designed by a registered structural engineer must accompany any building consent application for any addition or extension to any building that exceeds 20 square metres.~~

### **Restricted Discretionary Activities**

#### **B8.7 Taihape West Slip Zone**

B8.7-1 Any new, or A single addition to any existing, non-habitable building that exceeds 40 square metres constructed following the operative date of this rule.

B8.7-2 The matters over which Council will exercise its discretion are:

- a) The avoidance or mitigation of the slip natural hazards;
- b) The adequacy of avoidance or mitigation measures to address the slip natural hazards;
- c) The risk of failure of the proposed mitigation measures
- d) Design, scale, location and construction

### **Discretionary Activities**

B8.7-5 In the Taihape West Slip Zone, additions to habitable buildings that contain a habitable space that exceeds 40 square metres.

B8.7-6 In the Taihape West Slip Zone, activities that cannot meet the permitted activity or restricted discretionary standards.

### **Non-Complying Activities**

B8.7-67 In the Taihape West Slip zone, new or relocated dwellings.

## 18 Liquefaction, ground shaking, active fault, landslide

### Background

- 18.1 Areas susceptible to liquefaction and ground shaking are mainly located on coastal plains and river margins where there is a combination of sandy soils and high groundwater levels. The Rangitikei District Plan 1999, did not contain hazard information related to liquefaction, ground shaking, active fault or landslide hazards.
- 18.2 Information was produced by GNS science for Horizons Regional Council identifying and mapping the potential liquefaction, ground shaking, active fault and landslide hazards for the Horizons region as part of the 'lifelines' assessment. This information was incorporated into the Rangitikei District Plan 2013 through a set of permitted activity standards. The approach provides for the construction of new dwellings and commercial buildings on piles (such buildings could be re-levelled following a seismic event). Domestic additions up to 30m<sup>2</sup> were also provided for. For additions greater than 30m<sup>2</sup>, or new buildings, on a concrete foundation the operative District Plan requires a 'geotechnical report by a registered structural engineer' to accompany a building consent application.
- 18.3 The main issue which has arisen is that the planning maps which identify land subject to liquefaction, ground shaking, active fault and landslide are based on a high dataset, which was never intended for property-specific use. The mapping was designed to indicate where future assessment was required. The area covered by the hazards within the Rangitikei District is large, especially in the southern parts.
- 18.4 During the District Plan Review process, these mapping issues were considered. Rebecca Tayler in the Council's s42A report noted in relation to all natural hazards in the Plan:
- "The maps cannot be relied upon at an individual property level, and are included in the proposed Plan to allow plan users to be able to identify if their proposed development is likely to be affected by a known natural hazard. It was expected that further data would be sought from Horizons Regional Council for any property that was within these mapped areas."*
- 18.5 This was supported by the Hearing Panel who, in their decision stated:
- "We concur with the Officer's comments that the maps are meant to be indicative of natural hazard zones and are not intended to enable site specific definition. We have therefore recommended changes that consider the effects of development, rather than certain activities in relation to natural hazards, and have made the consequential amendments to the PDP."*
- 18.6 Site specific advice from Horizons can be provided for the flooding hazards, but not for other hazards. The intent of the decision makers was not for site specific management of natural hazards from the maps, however, this is not the outcome in practice.

18.7 The lack of accuracy in the mapping has provided issues with the implementation of the provisions, where geotechnical reports are required for many new developments, and where ground conditions mean that it is highly unlikely there will be a risk of liquefaction. The proposed Plan Change removes these hazards from consideration through the District Plan, replacing them with an advice note.

### **Submissions**

18.8 Original submissions were received from:

- New Zealand Institute of Architects Western Branch [007]
- Horizons Regional Council [015]
- Federated Farmers of New Zealand [017]
- Carolyn Bates [020]

18.9 Further submissions were received from:

- Powerco Limited [F001]
- Horizons Regional Council [F002]
- Federated Farmers of New Zealand [F003]

### **Submission 007 New Zealand Institute of Architects Western Branch**

#### *Submission*

18.10 Note that the liquefaction, ground shaking, active fault and landslide layers and associated provisions are proposed to be removed from the District Plan. Identify that the current permitted activity standards may unnecessarily invoke resource consent process, which the matters may be better dealt with under the building consent process.

18.11 Concern that removal of the layers does not appear to be supported by technical reports in the Section 32 analysis.

18.12 Ease of access to hazard information is important to the Institute's members. An indication that a property is subject to a natural hazard risk informs an architect that a property owner should be seeking engineering advice early on in the project, which can minimise delays.

#### *Relief sought*

18.13 District Plan map layers remain as part of the District Plan as a non-statutory layer.

OR

If the layers are removed they are made easily and freely available through another method.

Further submission F001 Powerco Limited support in part

18.14 Support the intent of the submission to ensure information on natural hazards is readily available. There would be some uncertainty about how 'non-statutory' layers would function and relate to the rest of the District Plan and the processes required to update the information. It is preferred that the alternative relief of making the information easily and freely available through another method is accepted.

Further submission F002 Horizons Regional Council support in part

18.15 Do not support the retention of hazard layers due to concerns regarding accuracy of the information at a property scale. Agree the information should be freely available. Horizons provides regional-scale information upon request.

18.16 Reject the request to retain the hazard map layers as non-statutory layers in the District Plan. Accept the request to make this hazard information easily accessible.

Further submission F003 Federated Farmers of New Zealand support

18.17 Support the educational role that maps and information provides for those wishing to undertake a development and believe the information should be available upon request.

**Submission 015 Horizons Regional Council**

*Submission*

18.18 Support the deletion of B8.3, B8.4 and B8.5 and the deletion from the District Plan Maps. This information was never intended to be used at a property scale. Accuracy of the information is too low to be included in the District Plan Maps and guide development at a property scale. Information should be provided on LIM reports.

*Relief sought*

18.19 That the liquefaction, ground shaking, landslide and active fault hazard zoned be removed from the Planning Maps, providing this information is still made available to plan uses in Land Information Memorandum (LIM) Reports and in response to other information requests.

Further Submission F001 Powerco Limited support

18.20 Accept the submission to remove the hazard layer from the Planning Maps due to the low accuracy of the information.

**Submission 017 Federated Farmers of New Zealand**

*Submission*

18.21 Support the removal of Rule B8.3 – Natural Hazard Area (Landslide)/ B8.4 Natural Hazard Area 1&2 (Ground Shaking and Liquefaction)/ B8.5 Natural Hazard Area –

Active Fault – the scale of the information makes the extent of the hazard difficult to understand. Concern about the accuracy and validity of the maps. Geotechnical assessment is overly onerous.

*Relief sought*

18.22 Adopt Rules B8.3-1, B8.4-1 and B8.5 as notified (deleted).

**Submission 020 Carolyn Bates**

*Submission*

18.23 All known hazards should be easily available so that residents are informed about the area/ location of their interest.

18.24 If further information is provided it should be available via LIMs

Further submission F002 Horizons Regional Council support

18.25 Support the submitters request to make hazard information readily available. Horizons freely provides all regional-scale information it holds upon request. Horizons also supports the request that the information should be available via LIMS.

**Pre-hearing**

18.26 All parties are in agreement with the proposed changes (removal) of the liquefaction, ground shaking, active fault, landslide provisions. NZIA Western Branch noted that following further explanation they no longer held concerns about the proposed changes.

**Assessment**

18.27 Amendments were proposed to remove all provisions related to liquefaction, ground shaking, active fault and landslide on the basis that the information presented on the planning maps is not fit for planning purposes.

18.28 Unanimous support was gained for the proposed amendments via pre-hearing meetings once the purpose and justification of the changes were more fully explained. Submitters requested the information remains readily available upon request and through LIMs. This issue is addressed in Section 16 which discusses advice notes.

18.29 The proposed change ensures that property owners are informed of the potential risks and are able to undertake further investigation, while avoiding unnecessary costs and time delays. The scale of development in the Rangitikei District is low, with an average 15-20 new or relocated dwellings constructed per year. Of these dwellings, the majority of those located in Bulls and Turakina were located in the liquefaction zone, requiring a geotechnical report.

18.30 An alternative option would be to keep with the status quo – however current implementations have shown this approach is problematic. A further alternative is for Council to undertake further investigations. While, further investigations would

provide suitable information for site specific use, it would be hugely costly, given the low demand for new investment in the District. The Rangitikei District does not have 'growth areas' to plan for.

18.31 The Building Act 2004, does not specifically provide for assessment of liquefaction risk, it does ensure that foundation design is suitable for current ground conditions. MBIE guidance (Appendix 16) states the building consent authority must advise building designers that they should seek advice from a chartered professional engineer if the site has been identified through a regional hazard map as being subject to liquefaction. The guidance suggests a site specific geotechnical investigation where there is major liquefaction potential, while in areas of minor liquefaction potential, enhanced house foundations may be recommended by the chartered professional engineer.

18.32 I consider removal of the liquefaction, ground shaking, active fault and landslide hazards from the District Plan is appropriate given:

- The information is based on a desktop exercise and was never intended for site specific use.
- The scale of development in the Rangitikei District now, and into the future is likely to be low.
- Under the Building Act processes, property owners will be informed of the risk and encouraged to seek advice from a chartered professional engineer.
- The risk to human life from liquefaction is low.
- The information will remain freely available.

18.33 If more accurate information is developed by Horizons, it can be included in the Plan through a subsequent plan change/review processes.

### **Recommendation**

18.34 Remove all reference to liquefaction, ground shaking, active fault and landslide natural hazards as notified.

## 19 Advice notes

### Background

- 19.1 Advice notes are useful for providing information to plan users which is not intended to be legally enforceable. The operative Rangitikei District Plan has a number of advice notes, largely found in the General Rules and Standards sections, referencing other relevant legislation or organisations that may also have responsibilities over a particular issue.
- 19.2 The Natural hazards section does not have any advice notes at present. Due to the proposed removal of natural hazard information for liquefaction, ground shaking, active fault and landslide, it was considered appropriate by Council to alert users to the existence of this information.
- 19.3 The definitions of Natural Hazard Area 1 and 2 contain specific parameters regarding flood depth and velocity. The Planning Maps attempt to represent this information. However, as Horizons undertakes further major investigation/modelling, and site specific flooding assessment is undertaken, the information contained within the maps can become easily outdated. Additionally, for the 'indicative' areas, site specific assessment of the flood hazard occurs on request. Therefore, the proposed advice note informs property owners that while the maps show the flooding hazard as understood at one point in time, this information can be overridden by more up to date data in accordance with the definition. This is the approach currently taken under the existing Plan, however, an advice note will make this more explicit for plan users.

### Submissions

- 19.4 Original submissions were received from:
- New Zealand Institute of Architects Western Branch [007]
  - Horizons Regional Council [015]
- 19.5 Further submissions were received from:
- Powerco Limited [F001]
  - Horizons Regional Council [F002]
  - Federated Farmers of New Zealand [F003]

### Submission 007 New Zealand Institute of Architects Western Branch

#### *Submission*

- 19.6 Ease of access to hazard information is important to the Institute's members. An indication that a property is subject to a natural hazard risk informs an architect that a property owner should be seeking engineering advice early on in the project, which can minimise delays.

#### *Relief sought*

- 19.7 Amend the first guidance note under section B8 as follows:

**Rangitikei District holds information on natural hazards (liquefaction, ground shaking, active fault lines, landslide and the Taihape Slip Zone) which are not shown on District Plan Maps, but are available (insert location here). Plan users should consult these maps to advise of any known hazards on a particular site. The presence of such hazards may not necessarily preclude development on a site, but may indicate that geotechnical and/or other engineering reports may be required in support of any building consent application.**

#### Further submission F001 Powerco Limited support

- 19.8 The proposed advice note is supported. It draws attention to information that may be relevant the design and development process. Accept the submission and include the advice note as sought.

#### Further submission F002 Horizons Regional Council support in part

- 19.9 The changes proposed by the submitter will assist plan user by specifying the type of information available and how to access it. The information has not been verified to a property scale, therefore the reference to 'known hazards is misleading and 'potential hazards' would be more appropriate. The Taihape West Slip zone is not being deleted from the Planning Maps, so should not be included in the advice note. Horizons also hold information, therefore, should be referenced in the advice note:

Rangitikei District Council and Horizons Regional Council holds regional-scale information on natural hazards (liquefaction , ground shaking, active faultlines, and landslide and the Taihape Slip zone) which are not shown on District Plan Maps, but are freely available upon request. Plan users should consult these maps to ~~advise of~~ identify any known-potential hazards on a particular site. The presence of such hazards may not necessarily preclude development on a site, but may indicate that geotechnical and/or other engineer reports may be requires in support of any building consent application.

#### **Submission 015 Horizons Regional Council**

##### *Submission*

- 19.10 Support the first advice note which has been added due to the removal of the liquefaction, ground shaking, active fault and landslide information from the District Plan. The advice note will benefit people by alerting them to the fact that additional information is available that is not shown on the District Plan. As much of the information has been sourced from Horizons, they may be able to assist in ensuring it is adequately communicated to plan users. Therefore, it is recommended that reference to Horizons Regional Council is added.
- 19.11 Support the second advice note. Horizons continually updates its flooding information by undertaking new modelling and undertaking site specific assessments. If the definitions have precedence over the mapped areas, it will enable consideration of more up to date flooding hazard information.

##### **Relief sought**

- 19.12 That the first advice note in Section B8 – Natural Hazards is amended as follows:

Note: there may be natural hazards affecting properties that are not included in the District Plan. Please consult Rangitikei District Council and the Regional Council for additional hazard information.

19.13 That the second advice note in Section B8 be retained as drafted.

Further submission F003 Federated Farmers of New Zealand support

19.14 Support adding the reference to Horizons Regional Council.

### **Pre-hearing**

19.15 At the pre-hearing meeting it was agreed that advice notes are helpful, and that two advice notes should be retained:

- The advice note proposed by the New Zealand Institute of Architects Western Branch – with amendments.
- The advice note regarding flood definitions and maps.

19.16 NZIA Western Branch expressed a preference to specify the location of the information (e.g. Council offices, website) for the advice note regarding other hazards.

19.17 Following the pre-hearing meeting further refinement was undertaken on the advice note about additional hazard information to increase clarity. The amendments include identifying unmapped flooding and amending the term ‘plan users should consult these maps’ to ‘plan users should consult Rangitikei District Council and Horizons Regional Council’. That advice note is supported by Horizons Regional Council and Federated Farmers of New Zealand.

NOTE: Rangitikei District Council and Horizons Regional Council hold regional-scale information on natural hazards (liquefaction, ground shaking, active fault lines, unmapped flooding and landslide) which are not shown on District Plan Maps, but are freely available upon request. Plan users should consult Rangitikei District Council and Horizons Regional Council to identify any potential hazards on a particular site. The presence of such hazards may not necessarily preclude development on a site, but may indicate that geotechnical and/or other engineering reports may be required in support of a building consent application.

### **Assessment**

19.18 Amendments in the form of advice notes are proposed to signal to plan users that additional natural hazard information may be available, and where to source this information.

19.19 Unanimous support was gained for the proposed advice notes following revision. The single unresolved matter is whether the actual location of the information should be included within advice note 1. I do not believe this is necessary, and runs the risk of the information becoming out-of-date should the information be shifted in the future.

19.20 The proposed recommendations are a useful guide to plan users, and signal that if more up-to-date hazard information is available it will be used in decision making processes in preference to the information displayed in the District Plan.

## Recommendations

19.21 That the advice notes related to natural hazards are amended as follows:

NOTE: Rangitikei District Council and Horizons Regional Council hold regional-scale information on natural hazards (liquefaction, ground shaking, active fault lines, unmapped flooding and landslide) which are not shown on District Plan Maps, but are freely available upon request. Plan users should consult Rangitikei District Council and Horizons Regional Council to identify any potential hazards on a particular site. The presence of such hazards may not necessarily preclude development on a site, but may indicate that geotechnical and/or other engineering reports may be required in support of a building consent application.

NOTE: For the avoidance of doubt the definitions of Natural Hazard Area 1 and 2 (Flooding) override the information provided on the hazard maps.

19.22 Delete the proposed advice note:

~~NOTE: there may be natural hazards affecting properties that are not included in the District Plan. Please consult Rangitikei District Council.~~

## 20 Conclusion and Recommendations

### Conclusion

20.1 In my assessment of the proposed Plan Change matters addressed through this report, having regard to the submissions received, I am satisfied that, subject to a number of amendments, the Plan Change is the most appropriate means of sustainably managing the environment. The Plan Change is consistent with the existing resource management approach of the Operative District Plan, the One Plan and the Purpose and Principles of the Act.

20.2 The principle reasons for my conclusions and associated recommendations are:

- The changes recommended are the most effective and efficient way to address the matters raised by submitters.
- The changes are consistent with the wider planning approach of the operative District Plan, including with the objectives and policies.
- They ensure the proposed District Plan Change 2016 is consistent with the One Plan, particularly Policies 9-2 (Flooding) and 9-4 (Other hazards).

### Recommendation

20.3 It is recommended that:

- The Rangitikei District Plan Change 2016 – be approved subject to the amendments set out in [Appendix 9](#) of this report.
- The relief sought by submitters be accepted, or not, in accordance with the recommendations set out in [Appendix 10](#) of this report.