



HOROWHENUA DISTRICT PLAN

PROPOSED PLAN CHANGE 20

RURAL SUBDIVISION

**Adopted Decision of the
Horowhenua District Council**

February 2010

IN THE MATTER

of the Resource Management Act 1991

AND

IN THE MATTER

**of Proposed Plan Change 20 (Rural
Subdivision) to the Horowhenua District Plan**

**ADOPTED DECISION OF THE HOROWHENUA
DISTRICT COUNCIL – 3 FEBRUARY 2010**

1. Introduction

- 1.1 We were appointed by the Horowhenua District Council to consider submissions on Proposed Plan Change 20 to the Operative Horowhenua District Plan – Rural Subdivision.
- 1.3 The purpose of Plan Change 20 was indicated to us as being to better manage the location, nature and design of rural subdivision in the district. The change includes refining and amending the objective and policy framework for rural subdivision, introducing new Landscape Domain Overlays and revising the subdivision rules.
- 1.4 As background to the Plan Change it was indicated that the district had experienced a variety in the types and quality of subdivision and development. This had raised a number of issues, particularly the ad-hoc nature and pattern of rural subdivision and associated development.
- 1.5 The Plan Change was notified on 10 January 2009 with submissions closing on 27 February 2009 and further submissions closing on 27 April 2009. A total of 62 submissions and 13 further submissions were received. Submissions received sought a range of outcomes; from the adoption of the Proposed Plan Change through to amendments to its content and rejection of the Plan Change.
- 1.6 We were provided with and reviewed the officer report prepared by David McCorkindale pursuant to s42A of the Resource Management Act (the Act) prior to the hearing commencing.
- 1.7 A hearing into the submissions received on Plan Change 20 was initially held on the 17-19 August 2009 and was reconvened on the 4 September 2009. The hearing was closed on the 12th October 2009 upon receipt of information sought by the Panel via a minute (see below).

2. Procedural Matters

- 2.1 We were made aware of one procedural matter at the beginning of the hearing that we were required to attend to, that being late submissions. Two matters arose during the course of the hearing which were covered by minutes issued by the Panel.

Late Submissions

- 2.2 Four submissions were received after the 27 February closing date, while three further submissions were received after the 27 April closing date. Section 37 of the Act enables the local authorities to waive compliance with time limits and service of documents.
- 2.3 The reporting officer Mr McCorkindale, indicated to us that all the late submissions raise similar issues to other submissions already received, and that they were received and

included in the publicly notified summary of submissions. He recommended that an extension of time be given under Section 37 of the Act to accept the late submissions.

- 2.4 In relation to the late further submissions Mr McCorkindale said that all three were received the day after the closing date and that there has been sufficient time to consider them when preparing his s42A report. He therefore saw no reason why the late further submissions should not be accepted.

Decision

- 2.5 The Hearings Panel resolved to extend the time under Section 37 of the Act and to accept the late submissions of Horowhenua District Council (20/035), Horowhenua District Growers Association (20/037), Woodhaven Gardens Ltd (20/056) and B.J. O'Grady (20/057), and accept the late further submissions of G. Halstead (20/106F), Truebridge Associates Ltd (20/111F) and Federated Farmers of New Zealand Inc (20/112F).

Panel Minutes

- 2.6 The Panel issued a minute on the 8th September 2009 seeking:
1. *A legal opinion on the inconsistency created by Plan Change 20 between the setbacks applying at the time of subdivision (i.e. 9m for buildings from boundaries and 32m from High Voltage Transmission Lines) and those for land use activities (i.e. 3m for buildings from boundaries and 20m from High Voltage Transmission Lines).*
 2. *A review by the reporting officer of the linkage between Issue 5A, Objective 1A and the subsequent Policies 1A.1 – 1A.5. The Panel has identified that the policies have a primary focus on highly versatile soils whereas the revised objective makes no reference to highly versatile soils and the issue deals with such soils as a part component.*
- 2.7 That information was all received by Panel on the 22 September 2009.

3.0 Officers Report

- 3.1 Mr McCorkindale concluded his s42A report by saying that the Plan Change had been introduced to better manage subdivision within the Horowhenua rural environment and that this was a significant shift from the current "one size fits all" approach to an approach based on the identification of Landscape Domains and the provision of a framework of objectives, policies and rules that aim to protect and enhance the different characteristics of each Landscape Domain. He noted that the Plan Change also involved the introduction of Rural Subdivision Design Guidelines and Assessment Criteria.
- 3.2 Mr McCorkindale indicated that a wide range of submissions had been received ranging from submissions supporting and opposing the whole Plan Change, through to submissions supporting and opposing individual amendments. These submissions had requested a number of changes to the proposed Plan Change.
- 3.3 Mr McCorkindale's recommendations on the key issues include:
- Adoption of the Landscape Domain based approach to managing rural subdivision, using the ten Landscape Domains identified by the Landscape Assessment of the Horowhenua Rural Environment report subject to some minor amendments to the Domain boundaries, as the basis for a policy framework that recognises the different characteristics of each Domain.

- Adoption of the proposed policy framework subject to some amendments to the notified provisions.
 - Protection of the life supporting capacity of the scarce highly versatile soil resource is provided for by this Proposed Plan Change and is to be retained.
 - Protection of historic heritage, natural features and sites of cultural significance is recognised in the notified Proposed Plan Change, and this approach is retained.
 - Adoption of Assessment Criteria and the Rural Subdivision Design Guide to provide guidance for designing and assessing subdivisions in the Rural zone.
 - Protection of rural production activities, permitted and existing lawfully established activities, and infrastructure from reverse sensitivity effects.
 - The introduction of Non-complying activities is proposed by this Proposed Plan Change for rural subdivisions, and is to be retained.
- 3.4 Overall, Mr McCorkindale recommended that Council proceed with Plan Change 20 (Rural Subdivision), subject to the amendments he recommended.

4.0 Submitters/Further Submitters (appearances)

Chris Keenan, Manager – Resource Management and Environment with Horticulture New Zealand

Lynette Wharfe, a consultant with The Agribusiness Group on behalf of Horticulture New Zealand

George Sue, Secretary of Horowhenua District Growers Association

Terry Olsen Chair of Horticulture New Zealand's Potato Product Group

Brigid Buckley on behalf of Federated Farmers of New Zealand (Inc)

Geoff Kane, a member of Federated Farmers of New Zealand (Inc)

Michael Page on behalf of Pritchard Group Ltd

Lesley-Anne and Richard Walker of Waikawa Beach

Pauline Masters of Manakau North Road

Amanda Coats, a consultant with Proarch Architects on behalf of FRP Investments

Peter Taylor, Coordinator Plan Implementation, Horizons Regional Council

Gary and Emily Williams of G & E Williams Consultants Ltd

Gervasio Lavo of 266 Gladstone Road

Peter McKenzie on behalf of the Tarrant Family Trust

John Hewitson on behalf of the Waikawa Beach Ratepayers Association

Graham Halstead

In addition, letters and written submissions for presentation at the hearing were received from:

Ann Neill on behalf of the New Zealand Historic Places Trust *Pouhere Taonga*

Louise and Jeremy Miles and Anne McCabe

Darryl McMillan of Vector Gas Limited

Matthew Hoggard

Jenna Fincham, a consultant on behalf of Transpower NZ Ltd

Karl Check, Resource Management Advisor for ONTRACK

Sarah Garty, a consultant on behalf of the New Zealand Fire Service

Grey Norton, a consultant on behalf of Higgins Group

Barry Clevely, a consultant on behalf of the Tarrant Family Trust

5.0 Decision

- 5.1 For the ease of all those concerned we have decided to follow the structure of the s42A report in preparing this decision. Each of the proposed Amendments is described with in turn; the submissions and further submissions are identified, the decisions sought identified and the Panel's recommendation on each submission point identified; a discussion on each Amendment then takes place; the Panels full recommendation is then provided; and the changes to the Plan (if any) are then indicated.

Overall Recommendation

- 5.2 The Panel recommends that, subject to the amendments identified in this decision, Plan Change 20 be adopted by the Horowhenua District Council as set out in Appendix 1.

6.0 Amendments 1 and 2

- 6.1 Amendments 1 and 2 address the introduction of the Non-Complying activity status to the Horowhenua District Plan. Amendment 1 deletes existing text in the Plan while Amendment 2 introduces replacement text that explains when an activity would become a Non-Complying activity.

Submissions Received – Amendment 1

Submission Number	Submitter Name	Support/ Oppose	Decision Sought	Recommendation
20/047	Horticulture NZ	Oppose	That the text in Amendment 1 to be deleted, be retained; and amend Plan change to not include Non-Complying activities.	Reject

Submissions Received - Amendment 2

Submission Number	Submitter Name	Support/ Oppose	Decision Sought	Panel Recommendation
20/009	G & E Williams Consultants Ltd	Support	Inferred – That Plan Change 20 be adopted including the full range of activity status.	Accept
20/058	Federated Farmers of NZ	Oppose in part	Add to the explanation of a Non-Complying activity "And consent may only be granted where the adverse effects will be minor or the activity is not contrary to the objectives and policies of the Plan." (Or words to that effect).	Accept
20/047	Horticulture NZ	Oppose	That the text to be added for Non-Complying activities be deleted and exclude Non-Complying activities from the Plan Change.	Reject

Discussion

- 6.2 Horticulture NZ (Hort NZ) had opposed Non-Complying activities being included in the Plan Change and therefore opposed adding text that would replace the existing text that states the Plan contains no Non-Complying activities.

- 6.3 G & E Williams Consultants Ltd supported the inclusion of the Non-Complying activity status as part of this Plan Change, while Federated Farmers of NZ (Fed Farmers) did not oppose the introduction of Non-Complying activities but opposes in part, Amendment 2 on the basis that additional text should be included to better explain what level of requirement is required for an application for Non-Complying activities.
- 6.4 The reporting officer had indicated to us that Non-Complying activities had historically been excluded from the Horowhenua District Plan and that with their introduction for certain types of subdivision as part of this Plan Change amendments were required to the existing text in the Plan that at present stated in the Introduction Section that the Plan does not include any Non-Complying activities. He did accept the point being made by Fed Farmers and recommended additional text to the end of Amendment 2 to clarify when consent could be granted.
- 6.5 The point being made by Hort NZ was that the Resource Management Act (Simplifying and Streamlining) Amendment Bill 2009 (the Bill) had proposed to remove the Non-Complying activity status from the Resource Management Act (the Act).
- 6.6 By the time of the Hearing however it had become clear that the Bill was not going to delete the Non-Complying activity status, a fact acknowledged by Hort NZ. They still however considered that the Council should exercise caution in the use of Non-Complying activities.
- 6.7 The Panel noted that Amendments 1 and 2 were merely a result of the introduction of Non-Complying activities into the subdivision section of the Plan. The question as to whether they would remain or be deleted is therefore dependent on the outcome of our consideration of Amendment 24 which introduces Non-Complying activity rules. As will be seen, we have concluded in Amendment 24 (and others) that non-complying activity status is acceptable and it is therefore appropriate that Amendments 1 and 2 are made.
- 6.8 In terms of the additional wording to Amendment 2 there was some discussion at the Hearing around the wrong message being sent by the way the wording was proposed in that it referred to consent may be granted if the 'gateway tests' of s104D were met. This resulted in an additional sentence being proposed by the reporting officer to the effect that Council maintained overall discretion as to whether a Non-Complying activity was granted consent even if it passed one of the gateway test. This further alteration was accepted by the Panel.
- 6.9 We therefore recommend that the submission by Hort NZ in relation to Amendments 1 and 2 is **rejected**, and the submissions from G & E Williams Consultants Ltd and Fed Farmers in relation to Amendment 2 are **accepted**.

7.0 Amendments 3 and 4

- 7.1 Amendment 3 involves deleting the existing text for Section 2.1 Overview of Rural Environment, while Amendment 4 provides the replacement text which signals a greater level of detail regarding the three main land types and discusses these in connection with the proposed landscape domains. No submissions were received on Amendment 3 and the Panel recommended it be adopted.

Submissions Received - Amendment 4

Submission Number	Submitter Name	Support/ Oppose	Decision Sought	Panel Recommendation
20/001	NZ Historic Places Trust <i>Pouhere Taonga</i>	Support in part	That new text is added to Section 2.1 Overview of Rural Environment.	Accept
20/021	Higgins Group Holdings Limited	Support in part	That an additional sentence to Section 2.1 as third sentence to paragraph 1. "Infrastructural and other industrial-type activities also occur in the rural environment, such as network utility works and gravel extraction, and these are critical to the functioning of the District".	Accept
20/047	Horticulture NZ	Support in part	Change all references of market gardening to horticulture. Amend paragraphs 2 and 3 of Section 2.1 to reduce the landscape emphasis. Include horticulture in paragraph 4 of Section 2.1.1 Coastal Sand Country Amend sentence in 2.1.2 Inland Plains and River Terraces. Amend 2 nd paragraph of 2.1.3 Hill Country to include horticulture.	Accept in part
20/007	Matthew Hoggard	Support in part	That the Coastal Sand Country referred to in Section 2.1.1 be defined.	Accept in part

Discussion

- 7.2 New Zealand Historic Places Trust (NZHPT) agreed that there has been a significant increase in rural subdivision activity along the Horowhenua coastline; particularly around the coastal lakes and dune lake areas and that these areas are highly sensitive archaeological landscapes. Their concerns relate to the impact on archaeological sites and places and areas of significance to Maori, and the effects on historic heritage features in the rural environment. The Panel acknowledged that the current wording of the Overview makes no reference to the historical activities that took place or the historic heritage features that remain in the rural environment and that these could be potentially threatened by subdivision. The Panel supported adding a reference to the Significant Resource Management Issues regarding historical heritage features associated with early Maori and European settlement and the presence of archaeological sites and thus **accepted** the NZHPT submission.
- 7.3 Higgins Group Holdings Ltd (Higgins) supported in part Amendment 4 but sought that reference to gravel extraction and quarrying/aggregate processing activities be included to ensure that existing and future activities of this nature are recognised and provided for. The Panel accepted that these activities occurred in the rural environment and should therefore be referenced in the wording of Amendment 4 along with other minor changes sought by the submitter. It recommended that the submission by Higgins be **accepted**.
- 7.4 Hort NZ supported the first paragraph of Amendment 4 which focuses on rural production and its importance to the District, however in relation to paragraphs 2 and 3, consider there is too heavily a focus on landscape which they suggest is only one component of the rural

environment and did not place enough emphasis on the importance of a production landscape for the Horowhenua District. Hort NZ consider that rural production environments are critical to the rural environments and that paragraphs 2 and 3 should be reworded to better reflect the different components that make up the rural environment. This was a key component of Hort NZ's presentation at the Hearing and a fundamental component of their overall submission. Mr Keenan made the point that someone looking to reside in the proposed 'landscape zones' would not necessarily understand that they are moving into an area where production activities dominate. He gave the example of tractors and crews harvesting crops in the middle of the night, and rural production land constantly changing to meet market needs. In Mr Keenan's view the study that had been undertaken to describe landscape domains within the rural production areas did not presently emphasise the above factors enough and did not address reverse sensitivity issues and may lead to unrealistic expectations. He considered that rural production activities dominate and the landscape should be described in a manner that accurately reflects this. The overarching theme of the Hort NZ submission therefore was for the Plan Change to provide a greater focus and importance on rural production.

- 7.5 Hort NZ also raised the issue of versatile soils. Mr Keenan suggested that the inclusion of requirements relating to productive soils are not mandatory and cannot be justified on the basis of giving effect to the RPS. His concern was that a focus on the productive capacity of versatile soils is but one matter, a point also emphasised by Ms Buckley for Fed Farmers, and that rather it should be on the full productive use of the land and not just one inherent characteristic. In answer to questions from the Panel he considered the use of versatile soils is an ineffective mechanism for controlling subdivision and that it wasn't really an issue at all.
- 7.6 In terms of this particular submission points in question the reporting officer accepted that in calling them Landscape Domains that it did not reflect the production activities that occur. However, he considered that referring to these areas as Production Environments would create a disconnect between the basis on which they have been defined, and the purpose for which they are applied, principally, the management of rural subdivision. Further the title of Production Environments failed to reflect the other non-production activities that take place in the rural environment.
- 7.7 It is appropriate at this point for the Panel to provide some overarching assessment of the Hort NZ submission, which is supported to some extent by Fed Farmers. The Panel acknowledges that rural production is a significant part of the rural environment; however note that it is not the only component. We accept there is a need to highlight rural production as part of the Plan Change and that issues such as reverse sensitivity are highly important in the consideration of rural subdivision. We also acknowledge that the results of subdivision can impact in an adverse way on rural production activities, particularly where it is unfettered and without adequate controls. However we also consider that rural subdivision can result in other impacts, such as on infrastructure, landscape, vegetation and visual amenity. In the end to make the wholesale amendments sought by Hort NZ would require a major reworking of the Plan Change, including a reassessment of the s32 (of the Act) analysis. We have reached a conclusion that that is not necessary and that many of the concerns raised by Hort NZ and Fed Farmers are already in, or can be accommodated within, the present structure of the Plan Change.
- 7.8 Turning back to the above submission, the Panel, having considered the various points made, were of the view that no one term would particularly encapsulate the environments concerned and note that the Plan Change to a large extent is predicated on the identification of landscapes not differing areas or types of production. We also note that some of the issues raised by Hort NZ are addressed later in this recommendation. On this basis we recommend that the term Landscape Domains be retained throughout the Plan Change.

- 7.9 While paragraph 4 is supported by Hort NZ they also seek that it be amended to replace “landscape” with “environment has a rural character which” and replace “key characteristic” with “evident”. The Panel agreed that the amendments proposed better describe the overall rural environment and recommended they be adopted.
- 7.10 Hort NZ also requested that the term “market gardening”, used throughout the Plan Change, be amended to “horticulture” as this term encompasses all fruit, berry and vegetable production undertaken in the district. The Panel acknowledged that the horticultural activities undertaken within the Horowhenua are more diverse than just those traditionally known as market gardening and recommended that all references to “market gardening” be replaced by “horticulture”. The Panel did raise the question of whether a definition of “horticulture” was required, however having sought comments from the reporting officer in this regard it was accepted that it was unnecessary and would provide limited benefit.
- 7.11 Hort NZ generally supports the descriptions of the land types but suggested minor amendments to the descriptions in paragraphs 2.1.1, 2.1.2 and 2.1.3. The Panel agreed that the amendments proposed made these paragraphs more accurate and recommended they be accepted. Overall, it is recommended that the submission by Hort NZ be **accepted in part**.
- 7.12 M Hoggard expressed concern that the term “Coastal Sand Country” used in Section 2.1 is not reflected on the Planning Maps and with the maps referring to the Coastal Environment Domain and other coastal areas it could create confusion. The reporting officer noted that there were three broad land types in the rural environment described in Section 2.1, and they reflect the fact that this section is just providing a descriptive overview of the rural environment and that these three land types have not been accurately mapped. He indicated that this section does explain that it is the Landscape Domains not the broad land types that have been accurately mapped and thoroughly assessed and that the Introduction section of the Rural Subdivision Design Guide provides a more in-depth explanation of each of the three land types including a map that broadly identifies where each of these Land types is located.
- 7.13 The Panel agreed that there was potential for confusion between the similarities of the names of the Coastal Sand Country (Land type), Coastal Environment Domain and Coastal Lakes Domain (Landscape Domains), Coastal Buffer Area and Coastal Environment (Outstanding Landscapes) and that it is sensible that the Land type, Landscape Domains and Outstanding Landscapes were all referred to on separate maps. We therefore recommend that the submission by M Hoggard be **accept in part**.

8.0 Amendments 5, 6, 7 and 8

8.1 Amendment 5 proposes the removal of an existing significant resource management issue (Issue 5), with three replacement issues added as part of Amendment 6. The three replacement issues seek to provide a greater level of detail around the significant resource management issues resulting from rural subdivision. The issues also appear in Amendment 8 and the submissions below are discussed and evaluated as part of Amendment 8 in the context of the objectives, policies and methods. Amendment 7 involves deleting the existing Issue 5 and its associated Objectives, Policies and Methods from the Significant Resource Management Issues for the Rural Environment in the Plan. As the Issues appearing in Amendment 6 are the same as those appearing in Amendment 8, any changes to either amendment would affect the other amendment. For this reason, Amendments 5, 6, 7 and 8 have been assessed together. No submissions were received on the deletions in Amendments 5 & 7.

8.2 The discussion of these amendments has been split into three parts being Issue 5 (below), Issue 5A (Section 9) and Issue 5B (Section 10).

Issue 5

Submissions Received - Amendment 6: Issue 5

Submission Number	Submitter Name	Support/ Oppose	Decision Sought	Panel Recommendation
20/051	Horizons Regional Council	Oppose in part	Adopt the wording of Issue 5 used for Amendment 8.	Accept
20/001	NZ Historic Places Trust <i>Pouhere Taonga</i>	Oppose	That a new issue be added to replace Issue 5.	Accept in part
20/047	Horticulture NZ	Support in part	That Issues 5, 5A and 5B be amended to better reflect the rural production environment and so that all subdivisions consider the effects on the existing environment.	Accept in part

Submissions Received – Amendment 8: Issue 5

Submission Number		Submitter Name	Provision	Support/ Oppose	Decision Sought	Panel Recommendation
20/038	B	NZ Railways Corporation	Issue 5 Discussion	Support in part	That the words “the railway network” is added to 5 th paragraph of section 2.3 discussion of Issue 5.	Accept
20/047	H	Horticulture NZ	Issue 5 Discussion	Support	That the explanation of Issue 5 be retained.	Accept in part
20/032	A	Transpower NZ Limited	Issue 5 Objective 1	Support in part	That a new objective for Issue 5 be included “To ensure that subdivision and land development does not compromise the ongoing operation, maintenance, upgrading and development of the National Grid”.	Accept in part
20/051	B	Horizons Regional Council	Issue 5 Objective 1	Support	That Objective 1 be retained.	Accept in part
20/047	I	Horticulture NZ	Issue 5 Objective 1 Section 2.3	Support	That Objective 1 be retained.	Accept in part
20/047	E	Horticulture NZ	Issue 5 Policy 1.1 Policy 1.5 Policy 1.6 Policy 1.7	Oppose in part	That landscape domains are replaced with rural production environments through the policies. Include in Policy 1.1 recognition	Accept in part

Submission Number		Submitter Name	Provision	Support/ Oppose	Decision Sought	Panel Recommendation
			Policy 1.10		of rural productive values. That an additional policy that recognise the effects subdivision has on rural character including rural productive values be included. That Policy 1.6 be amended by adding that farm buildings need to be located in areas suitable for their function. That Policies 1.5 and 1.7 be retained. That Policy 1.10 be amended to begin "Provide for the protection..."	
20/054	A	FRP Investments Ltd & FRP Agriculture Ltd	Issue 5 Policies 1.1 – 1.16	Support in part	That additional policies be added to the existing policies in the Rural Environment Wide Policies 1.1 to 1.16 to recognize, acknowledge and promote the potential of currently forested areas for low density rural residential development where there is reasonable access to, services, roading and community infrastructure.	Reject
20/051	D	Horizons Regional Council	Issue 5 Policies 1.1-1.16	Support	That Policies 1.1 -1.16 be retained.	Accept in part
20/038	A	NZ Railways Corporation	Issue 5(c) Policy 1.16	Support in Part	Support the provisions Issue 5(c) and Policy 1.16 that recognize the potential adverse effects of inappropriate subdivision on the railway network.	Accept in part
20/035	B	Horowhenua District Council	Issue 5 Policy 1.16	Support in part	That Policy 1.16 be amended to refer to collector and local roads.	Accept
20/044		NZ Fire Service Commission	Issue 5 Policies 1.13	Support in part	That Policy 1.13 be amended to read "Ensure that rural residences can access on-site adequate quantities of potable water and fire fighting water supply (complying with NZS 4509:2008 or any subsequent amendments) to avoid risks to human health and amenity."	Reject
20/058	I	Federated Farmers of NZ	Issue 5 Policies 1.5 & 1.7	Support	That the provisions (Policy 1.5 & 1.7) for reverse sensitivity effects to be addressed when new activities take place be retained.	Accept
20/001	A	NZ Historic Places Trust <i>Pouhere Taonga</i>	Issue 5 Policies 1.8	Support in part	That Policy 1.8 be amended to read "Avoid, remedy or mitigate adverse effects of subdivision, use and development of land on areas or features of landscape, biodiversity, historic heritage or	Accept

Submission Number		Submitter Name	Provision	Support/ Oppose	Decision Sought	Panel Recommendation
					cultural values".	
20/047	N	Horticulture NZ	Issue 5 Rural Wide Policies	Support in part	That an additional policy be included as a Rural Environment Wide Policy "To ensure that new activities locating in the rural area to be of a nature, scale, intensity and location consistent with maintaining the character of the rural area and to be undertaken in a manner which avoids remedies or mitigates adverse effects on rural character, including rural production values."	Accept
20/047	B	Horticulture NZ	Issue 5 Section 2.3	Oppose in part	That the title of Landscape Domains be amended to Rural Productive Environment. Add an additional policy to each area that reflects the rural production activities in the area. Add to the explanation that productive capacity of the land for productive purposes when all the components required for production are available. Delete the word landscape in the 2 nd paragraph of the explanation so that it refers to rural character, not just rural landscape character.	Accept in part
20/032	B	Transpower NZ Limited	Issue 5 Policy	Support in part	That a new policy for Issue 5 be included "To avoid, remedy or mitigate any actual or potential adverse effects of subdivision and land use development/activities on the National Grid".	Accept in part
20/059		Coastal Lakes Station: Graham Sexton & Family	Issue 5 Section 2.3	Support in part	That a specific objective and supporting policy be included, requiring the avoidance of reverse sensitivity issues that may compromise the efficient and effective operation of permitted rural activities and lawfully established activities within the rural zone.	Accept in part
20/002		Tanenuiarangi o Manawatu Inc. (TMI)	Issue 5 Section 2.3	Support in part	Include additional policies to Rural Environment Wide Policies Section 2.3: Consult with mandated iwi who exercise Mana Whenua with each new subdivision in the future to ensure that the interests of the iwi and their significant sites are protected. Develop rules and policy that recognize their cultural connections to the landscape as well as ways to protect significant sites affected by	Reject

Submission Number		Submitter Name	Provision	Support/ Oppose	Decision Sought	Panel Recommendation
					<p>planning changes.</p> <p>Collaborate with iwi to develop measures to mitigate the effects of cultural impact for each landscape domain when considering future subdivisions.</p> <p>Horowhenua District Council will implement steps to ensure that iwi are adequately consulted when determining areas of cultural significance to ensure subdivision will not adversely affect significant sites.</p>	
20/006		Vector Gas Limited	Issue 5 Section 2.3	Support in part	That an additional policy be added to the Rural Environment Wide Policies Section 2.3 to read "Avoid, remedy or mitigate adverse effects on the operational, maintenance and protection of existing significant infrastructure from the subdivision and development of land."	Accept in part
20/007	C	Matthew Hoggard	Issue 5 Section 2.3	Support in part	That a policy be included in Section 2.3 to recognize the importance of varied allotment sizes within the rural zone to allow individuals a range of rural living environments.	Reject
20/054	C	FRP Investments Ltd & FRP Agriculture Ltd	Issue 5 Policies CE.1 – CE.12	Support in part	That the Coastal Environment Domain Policies CE.1 – CE.12 be amended to recognize, acknowledge and promote the potential of currently forested areas for low density rural residential development where there is reasonable access to, services roading and community infrastructure.	Reject
20/051	F	Horizons Regional Council	Issue 5 Policies CE.1 –CE.12	Support	That Policies CE.1 – CE.12 be retained.	Accept in part
20/042		Truebridge Associates Ltd	Issue 5 Policy CE.3 Policy CE.9 Policy FD.5 Policy TT.5 Policy MD.4 Policy 1A.2	Oppose in part	That the prohibitive aspects of wording are removed from policies Policy CE.3, Policy CE.9, Policy FD.5, Policy TT.5, Policy MD.4, Policy 1A.2	Accept in part
20/007	A	Matthew Hoggard	Issue 5 Policy CE.5	Oppose in part	That Policy CE.5 should recognize existing settlement patterns which have occurred within the coastal areas and which are outside of residential areas.	Reject
20/007	B	Matthew Hoggard	Issue 5 Policy CE.9	Support in part	That Policy CE.9 be amended to ensure that it only relates to	Reject

Submission Number		Submitter Name	Provision	Support/ Oppose	Decision Sought	Panel Recommendation
					new subdivision as opposed to all subdivisions.	
20/001	B	NZ Historic Places Trust <i>Pouhere Taonga</i>	Issue 5 Policies Coastal Environment Foxton Dunefields Moutoa-Opiki Plains Policy CL.7	Support in part	That additional policies be added to Section 2.3 Coastal Environment Domain "Protect the historic heritage values of the Coastal Environment by avoiding, remedying or mitigating the adverse effects of inappropriate subdivision and land development." Foxton Dunefields Domain "Protect the historic heritage values of the Foxton Dunefields by avoiding, remedying or mitigating the adverse effects of inappropriate subdivision and land development." Moutoa Opiki Plains Domain "Protect the historic heritage values of the Moutoa Opiki Plains Domain by avoiding, remedying or mitigating the adverse effects of inappropriate subdivision and development." That Policy CL.7 be amended Coastal Lakes Domain "Protect the landscape, natural ecological, historic heritage and cultural values of the Coastal Lakes landscape, particularly Lake Horowhenua and Lake Papaitonga and their surrounding areas, from inappropriate subdivision and land development."	Accept
20/051	G	Horizons Regional Council	Issue 5 Policies CL.1 – CL.8	Support	That Policies CL.1 – CL.8 be retained.	Accept in part
20/051	H	Horizons Regional Council	Issue 5 Policies FD.1 – FD.6	Support	That Policies FD.1 – FD.6 be retained.	Accept
20/035	A	Horowhenua District Council	Issue 5 Policies FD.2 and Appendix 1 of Chapter 2	Oppose in part	That Policy FD.2 and Appendix 1 be amended to refer to longitudinal dunes and not parabolic dune fields.	Reject
20/051	N	Horizons Regional Council	Issue 5 Policy MO.4	Support	That Policy MO.4 be retained.	Accept
20/051	L	Horizons Regional Council	Issue 5 Policies TT.2, TT.4, & TT.6	Support	That Policies TT.2, TT.4, & TT.6 be retained.	Accept
20/051	J	Horizons Regional Council	Issue 5 Policies LO.2, LO.3 & LO.5	Support	That Policies LO.2, LO.3 & LO.5 be retained.	Accept
20/051	P	Horizons Regional Council	Issue 5 Policies LK.2, LK.3 & LK.4	Support	That Policies LK.2, LK.3 & LK.4 be retained.	Accept

Submission Number		Submitter Name	Provision	Support/ Oppose	Decision Sought	Panel Recommendation
20/051	I	Horizons Regional Council	Issue 5 Policies K.4 & K.5	Support	That Policies K.4 & K.5 be retained.	Accept
20/051	K	Horizons Regional Council	Issue 5 Policies MD.2 & MD.5	Support	That Policies MD.2 & MD.5 be retained.	Accept
20/051	O	Horizons Regional Council	Issue 5 Policy HC	Support in part	That a new policy be added to the Hill Country Domain Policies "Ensure that the natural habitats, particularly remnant indigenous forest areas, riparian areas adjacent to river and stream corridors and wetland areas, are identified and protected from inappropriate subdivision and development".	Accept
20/051	M	Horizons Regional Council	Issue 5 Policy HC.4	Support	That Policy HC.4 be retained.	Accept
20/047	Q	Horticulture NZ	Issue 5 Explanation & Principal Reasons	Support in part	That a definition of rural character be included for Rural Character that includes the following key elements <ul style="list-style-type: none"> • A predominance of natural features over human made features • High ratio of open space relative to the built environment • Significant areas of vegetation in pasture, crops, forestry and/or indigenous vegetation • A rural working production environment • Presence of farmed animals and crops • Noises, smells, dust, spray drift and effects associated with the use of rural land for a wide range of agricultural, horticultural and forestry purposes • Low population densities relative to urban areas • Existence of some narrow and/or unsealed roads • General lack of urban infrastructure 	Accept in part
20/047	R	Horticulture NZ	Issue 5 Explanation & Principal Reasons	Oppose in part	Add to the explanation that productive capacity of the land for productive purposes when all the components required for production are available. Delete the word landscape in the 2 nd paragraph of the explanation so that it refers to rural character, not just rural landscape character.	Accept in part

Submission Number		Submitter Name	Provision	Support/ Oppose	Decision Sought	Panel Recommendation
20/047	M	Horticulture NZ	Issue 5 Methods	Support in part	That the 6 th bullet point of the methods for Issue 5 be amended by adding "including potential reverse sensitivity effects on rural production activities".	Accept

Further Submissions – Amendment 8: Issue 5

Further Submission No.	Submitter Name	Original Submission No.		Support/ Oppose	Provision	Reasons	Panel Recommendation
20/112F	Federated Farmers of NZ	20/032	A	Oppose in part	Issue 5	'Compromise' is too stringent a requirement and does not allow for a balancing of competing considerations.	Accept
20/103F	Horticulture NZ	20/044		Oppose in part	Issue 5 Policy 1.13 Rule 19.4.2A (iii) Rule 19.5.1 (a) (i) 24A.1.1 (j)	Provision of fire fighting water is a landowner responsibility. In the RMA water for fire fighting it is provided for as a Sec 14 (3) (e) take. Horticulture NZ is concerned about the implications of prescribing requirements for unspecified quantities of water for fire fighting purposes on other water takes in the district, and whether the requirements would be limited to only new subdivisions. If compliance with a NZ Standard is included in the Plan there should not be the ability to amend the reference to 'any subsequent amendments.'	Accept
20/103F	Horticulture NZ	20/058	I	Support	Issue 5 Policy 1.5 Reverse sensitivity provisions	Clear incorporation of reverse sensitivity matters as a consequence of subdivision is supported in Policy 1.5.	Accept
20/112F	Federated Farmers of NZ	20/047	E	Support	Issue 5 Policy 1.6	The necessity of location of farm buildings to the practicability of carrying out farming activities in Policy 1.6 needs to be provided for.	Accept

Further Submission No.	Submitter Name	Original Submission No.		Support/ Oppose	Provision	Reasons	Panel Recommendation
20/102F	Transpower NZ Limited	20/047	N	Oppose in part	Issue 5 Policy 2 Rural Character	<p>Transpower opposes in part the relief sought, as the definition proposes that a key element of rural character is a general lack of 'urban infrastructure'. This is a concern for Transpower as it has assets traversing the rural environment and it is not clear what is meant by the term 'urban infrastructure' and the term is not defined in the Plan.</p> <p>For avoidance of doubt a definition of urban infrastructure should also be included which clearly excludes regionally significant infrastructure, such as the National Grid.</p>	Accept in part
20/103F	Horticulture NZ	20/042		Oppose in part	Issue 5 Policy CE.3 Policy CE.9 Policy FD.5 Policy TT.5 Policy MD.4 Policy 1A.2	Horticulture NZ does not support any relaxation of criteria designed to maintain rural productive activities in Policy CE.3, Policy CE.9, Policy FD.5, Policy TT.5, Policy MD.4 and Policy 1A.2.	Accept in part
20/112F	Federated Farmers of NZ	20/002		Oppose in part	Issue 5 Section 2.3	Such substantial additions should be subject to extensive consultation and be notified as part of a separate process. While iwi interests should be provided for, they are one part of a range of competing interests that need to be balanced.	Accept
20/102F	Transpower NZ Limited	20/006		Support	Issue 5 Section 2.3	Transpower support the relief sought, to the extent that it seeks to include an additional policy that address the protection, safe and efficient operation of existing significant infrastructure, which is consistent with that requested in Transpower's own submission.	Accept in part

Further Submission No.	Submitter Name	Original Submission No.		Support/ Oppose	Provision	Reasons	Panel Recommendation
20/112F	Federated Farmers of NZ	20/047	B	Support in part	Issue 5 Section 2.3	While we acknowledge and support the recognition of rural production activities taking place in the area, any policies need to be flexible to allow new production activities to take place in the future.	Accept in part
20/112F	Federated Farmers of NZ	20/047	M	Support	Issue 5 Methods	Reverse sensitivity effects need to be provided for in the Methods for this Issue.	Accept

Discussion

Issue 5: Amendments 5 and 7

- 8.3 As no submissions were received on Amendment 5, to delete the existing Issue 5; and Amendment 7, to also delete existing Issue 5, plus subsequent reasoning as well as deleting associated Objective 1, and subsequent policies and reasoning and methods; the Panel recommended they be adopted.

Issue 5: Amendment 6

- 8.4 Horizons Regional Council (HRC) identified that the wording of Issue 5 varies between Amendment 6 and Amendment 8 with the words “in different localities” missing from Issue 5:(a) in Amendment 6. They have suggested that the wording used for Issue 5 in Amendment 8 be also for Amendment 6. The Panel agreed that this inconsistency should be tidied up and recommend that the change proposed be adopted and the submission **accepted**.
- 8.5 Hort NZ supports in part Issue 5 but seeks that it be amended to better reflect the rural production environment so that all subdivisions consider the effects on the existing environment. They request that the reference to “the effects of more intensive subdivision” be changed to just refer to “the effects of subdivision” and that a fourth point (d) be added that refers to rural production activities. The change was supported by the reporting officer and the Panel agreed that extending the effects to encompass all subdivisions and not just intensive subdivisions was a sensible change and one that would bring a greater degree of certainty. We also considered the additional point referring to production activities added in an important component of the rural environment which can be adversely effected by subdivision and subsequent land development. However, in line with other areas of the Plan Change, particularly the overview, the word ‘primary’ rather and ‘rural’ should be used to avoid confusion. Subject to the above wording change we recommend that the amendments proposed by Hort NZ be adopted and the submission **accepted in part**. For consistency this change has also been made in relation to Amendment 8 (Issue 5).
- 8.6 NZHPT opposed Issue 5 seeking that it be completely reworded to include reference to “historic heritage and cultural features of value”. The Panel noted that in (b) the effects of subdivision and subsequent development on historic heritage and cultural features was already covered and we could see no valid reason for completely rewording Issue 5 or establishing a new Issue as was sought via NZHPT’s subsequent letter, however we did consider that there was a need for consistency of wording between provisions and therefore recommend that the wording of (b) be slightly amended to begin “*features of natural character*”. The Panel therefore recommends that submission by NZHPT be **accepted in part**.

Issue 5: Amendment 8

- 8.7 NZ Railways Corporation (NZRC) supported Issue 5:(c), however the reporting officer recommended that due to other changes requested to Amendment 8 by NZRC (see paragraph 8.9 below), that for the purpose of consistency a change should also be made to (c) to refer to the safety and efficiency of the railway network. The Panel agreed with this amendment and recommended it be adopted.
- 8.8 The Panel noted that no submissions were received in opposition to Issue 5 in Amendment 8, however we make the point that any changes to Issue 5 above would require amendments in both Amendment 6 and 8.

Issue 5: Discussion

- 8.9 NZRC supported in part the discussion following Issue 5 and sought that specific reference be made to the “railway network”. The Panel noted that the fifth paragraph referred to “infrastructure servicing, including the roading network and any reticulated services” and accepted that including a reference to the railway network would provide for greater certainty that this was a matter that could be adversely affected by subdivisions. We recommend that the amendment suggested by NZRC be adopted and the submission **accepted**. We also note that as a result of this change a consequential amendment to Objective 1 is required as discussed below.

Issue 5: Objective 1

- 8.10 Transpower NZ Ltd (Transpower) supported in part Objective 1 but sought that an additional objective be added “*To ensure that subdivision and land development does not compromise the ongoing operation, maintenance, upgrading and development of the National Grid*” so as to appropriately recognise and provide protection for the National Grid from third party subdivision activities/development. Fed Farmers opposed the submission on the basis that the word “*compromise*” is too stringent.
- 8.11 The reporting officer had suggested that rather than only referring to the National Grid it would be more appropriate to use a generic term such as “infrastructure network” and revise the existing Objective. In a letter to the Panel, Transpower accepted the revised wording proposed for Objective 1.
- 8.12 The Panel acknowledged the submitter’s concerns regarding providing protection for the National Grid from third party subdivision and the associated development and considered that making reference to infrastructure networks within Objective 1 would meet those concerns and a necessary consideration. We recommended that the amendment proposed below in relation to infrastructure networks be adopted and that the submission by Transpower be **accepted in part** and the further submission Fed Farmers be **accepted**.
- 8.13 Those submissions in support of Objective 1 are, as a result of the amendments made, **accepted in part**.
- 8.14 The Panel also recommends that as a result of changes made to Issue 5 above, a consequential amendment to Objective 1 is necessary to refer the transportation network as well as the infrastructure network. The Panel also noted that the bullet point “A)” preceding the text of Objective 1 is not necessary and this numbering is recommended to be removed. The Objective is revised as follows:

OBJECTIVE 1: To ensure that subdivision and land development maintains and enhances the character and amenity values of the rural environment, and that the subsequent development resulting from subdivision such as on-site servicing and other infrastructure provision does not adversely affect the environment including the safe and efficient and effective operation of existing transportation and infrastructure networks.

Issue 5: Policy 1.1

- 8.15 Hort NZ opposed in part Policy 1.1 and sought that it include recognition of rural production values. They contended that the focus is too landscape based and does not adequately capture the importance and dependence of the district on rural production activities. The submission was supported by the reporting officer.
- 8.16 The Panel accepted that rural production activities are an important part of the Horowhenua rural environment which also contributes significantly to the local economy. We recommend that Policy 1.1 be amended to refer to “rural production values” and that the submission by Hort NZ be **accepted**. The submission in support of Policy 1.1 by HRC is, as a result of the amendment made, **accepted in part**.

Issue 5: Policy 1.6

- 8.17 Hort NZ opposed in part Policy 1.6 suggesting that it is not always possible to locate farm buildings and structures in a way that integrates with the landform. They also note access and servicing are important considerations and seek that the policy be amended by adding reference that farm buildings need to be located in areas suitable for their function. The submission was supported by Fed Farmers.
- 8.18 The reporting officer acknowledged that farm buildings were generally best located in areas suitable for their function and purpose and suggested that the Policy be amended by adding the following wording to the end “*and recognise that farm building location is influenced by their function*”. The Panel considered this was appropriate and recommends that subject to the additional wording Policy 1.6 be adopted and the submissions by Hort NZ and Fed Farmers be **accepted** and as a result the submission in support by HRC be **accepted in part**.

Issue 5: Policy 1.8

- 8.19 NZHPT supports in part Policy 1.8 but sought that the policy be amended to refer to “historic heritage”. The Panel acknowledged that this would be consistent with the wording used in other parts of the Plan Change and recommends that Policy 1.8 be amended to refer to “historic heritage” and the submission by NZHPT be **accepted**. The supporting submission by HRC is **accepted in part**.

Issue 5: Policy 1.10

- 8.20 Hort NZ opposed Policy 1.10 in part seeking that it be amended having identified that none of the other policies under this objective has a ‘support’ clause. The Panel agreed with the submitter and recommended that the policy be amended to include at the beginning the wording “Provide for...” and that the policy as a result be adopted. The submission from Hort NZ is **accepted** and as a result the supporting submission from HRC is **accepted in part**.

Issue 5: Policy 1.13

- 8.21 NZ Fire Service Commission (NZFSC) supports in part Policy 1.13 but seeks that it be amended to include reference to fire fighting water supply and NZ 4509:2008. This amendment is opposed by Hort NZ on the basis that the provision of fire fighting water is a landowner’s responsibility.

- 8.22 The reporting officer noted that the policy was aimed at ensuring that rural residences can access adequate quantities of potable water to avoid risks to human health. He noted that rural areas were serviced by the Volunteer Fire Services, meaning limited services and longer response times. The response times generally mean that an onsite water supply for fire fighting would be of limited benefit in preventing the loss of a rural dwelling to fire. The Panel agreed with this analysis and noted that this does not prevent a developer from providing a water supply for fire fighting purposes. We recommend that the policy is adopted unamended and that the submission by HRC in support and further submission by Hort NZ are **accepted** and that the submission by NZFSC is **rejected**.

Issue 5: Policy 1.2 – 1.5, 1.7, 1.9, 1.11 - 1.12, 1.14 & 1.15

- 8.23 These policies were supported by HRC. The Panel acknowledged the support and recommends Policies 1.2 – 1.5, 1.7, 1.9, 1.11 - 1.12, 1.14 & 1.15 be adopted and the submissions **accepted**.

Issue 5: Policy 1.16

- 8.24 Horowhenua District Council (HDC) supported in part Policy 1.16 and sought that it be amended to refer to “collector and local roads”. The Panel accepted that the policy would be improved by referring to collector and local roads, noting that subdivisions can negatively affect the efficiency and safety of all roads. We recommend that, subject to the above additional wording, Policy 1.16 be adopted and the submission by HDC be **accepted** and as a result the submissions in support by NZRC and HRC be **accepted in part**.

Additional Rural Environment Wide Policies

- 8.25 FRP Investments Ltd & FRP Agriculture Ltd (FRP) support in part Policies 1.1-1.16 but sought that either additional policies are added or the existing policies be amended to recognise, acknowledge and promote the potential of currently forested areas to be developed for low density rural residential where there is reasonable access to services, roading and community infrastructure. FRP have referred to their property in the Coastal Environment Domain as an example and have submissions on Plan Change 21 seeking alternative relief.
- 8.26 The reporting officer considered that such an amendment would not be appropriate in all parts of the district (for example the hill country where subdivision is not encouraged by Plan Change 20). He also noted that the policies associated with the Coastal Environment Domain make provision for small scale and/or low density development. In addition, he considered it was not appropriate for a policy to specifically relate to one land use changing to another land use.
- 8.27 At the hearing Ms Coats on behalf of FRP made reference to a particular site immediately north of Foxton Beach within the Coastal Environment Domain. She noted that FRP had also made submissions on Plan Change 21 to include the site in the proposed Greenbelt Residential zone and that if this was accepted then FRP would not need to pursue its submissions on this Plan Change any further.
- 8.28 Ms Coats discussed the characteristics of the site which is currently in forest and that the proposed rules would only enable a maximum of 11 lots to be created as a Discretionary Activity. She considered that the land did not have any particular landscape or environmental values, its development would contribute to a compact settlement form, direct road access was available, as was access to wastewater treatment, and other facilities in Foxton. She considered that development of this land either at low density or in some other sustainable form would provide significant opportunities to rehabilitate this landscape.

- 8.29 In relation to the above submission point Ms Coats provided wording for a specific policy to go into the Coastal Environment Domain section which supported the replacement of existing exotic forestry with low density development subject to meeting a number of landscape, locational and design matters.
- 8.30 Regardless of the decision on Plan Change 21 referred to above, the Panel considered that it was not appropriate to include an additional policy promoting this type of subdivision and saw no reason why areas of current forestry should be specifically promoted ahead of other areas for rural residential development. We note that the reporting officer indicated to us that such a policy would be applicable to other properties. We also note that Policy CE.3 already provides direction for low density subdivision in the coastal environment. We therefore recommend that the submission from FRP be **rejected**.
- 8.31 Vector Gas Ltd (Vector) and Transpower have both made similar submissions seeking the inclusion of an additional policy regarding infrastructure (note also previous comments under Objective 1). Transpower sought that a new policy be added to Issue 5 to read *“To avoid, remedy or mitigate any actual or potential adverse effects of subdivision and land use development/activities on the National Grid”*. Vector, supported by Transpower, sought that a new policy be added to Issue 5 to read *“Avoid, remedy or mitigate adverse effects on the operational, maintenance and protection of existing significant infrastructure from the subdivision and development of land”*.
- 8.32 The Panel acknowledged that significant infrastructure, such as the National Grid, is an important physical resource and that there is a need to provide some protection of this resource from any adverse effects of subdivision. The reporting officer noted that policies had been included in the Regional Council’s One Plan that address the adverse effects of activities on infrastructure and that Section 74 of the Act requires territorial authorities to have regard to any Proposed Regional Policy Statement. He considered that the District Plan should reflect this through the inclusion of an additional policy.
- 8.33 The Panel has previously acknowledged that the effects of subdivision and subsequent use and development of rural land on the safety and efficiency of significant infrastructure needs to be included in the overall policy framework. Rather than a policy that relates solely to the National Grid, as sought by Transpower, we consider it more effective to adopt the wording proposed by Vector so as to include a broader range of significant infrastructure. We note this is supported by Transpower both in their further submission and letter.
- 8.34 Notwithstanding the above, we considered the proposed wording from Vector did not cover situations such as designations and were unclear as to what was meant by the term ‘significant infrastructure’. As a result we sought further clarification from the reporting officer. He referred us to the definition of infrastructure in section 30 the Act which as noted is very wide ranging. We noted that the intent of the new policy was to protect only infrastructure that was of district or national importance, and not infrastructure such as domestic sewerage systems. It was therefore considered appropriate to use the term ‘district infrastructure’ to provide a clear distinction between that which serviced the district and beyond and that which was of local service. The revised wording recommended by the Panel for new Policy 1.17 is as follows:
- “Avoid, remedy or mitigate adverse effects on the operation, maintenance and protection of existing or designated infrastructure of district significance from the subdivision and development of land.”*
- 8.35 As a result of the above the submissions and further submission by Transpower and Vector are **accepted in part**.

- 8.36 M Hoggard sought that a new policy be included to recognise the importance of varied allotment sizes within the Rural Zone to enable people a range of rural living environments. The reporting officer acknowledged that a range of allotment sizes in the rural environment can provide for different activities. He pointed out however that the underlying approach of Plan Change 20 was to move away from the “one size fits all” approach of the current Plan to creating different environments based on the different Landscape Domains, noting that rules related to each landscape domain and are designed to result in a variety of lot sizes across the District. The Panel acknowledged this noting that Policies 1.2 and 1.3 support this approach in promoting different allotment sizes throughout the District, thus to some extent meeting the submitters concerns. We recommend that the submission by M Hoggard be **rejected**.
- 8.37 Hort NZ have sought an additional policy be included as follows: “*To ensure that new activities locating in the rural area to be of a nature, scale, intensity and location consistent with maintaining the character of the rural area and to be undertaken in a manner which avoids remedies or mitigates adverse effects on rural character, including rural production values*”. The request is designed to address the potential impact of new activities on the character of the rural area. The reporting officer considered the requested policy would be consistent with the overall theme of the Plan Change and would be effective in achieving Objective 1 albeit slightly reworded for consistency reasons, which was supported by Hort NZ at the Hearing. The Panel agree that this proposed policy was an important component of the overall thrust of Plan Change 20 in that it addressed the issue of maintaining rural character. We recommend that the submission be **accepted** and a new Policy 1.18 be adopted as revised.
- 8.38 Tanenuiarangi o Manawatu Inc sought that additional policies be added to the Rural Environment Wide Policies Section 2.3 regarding consultation with Iwi regarding the protection of sites of cultural significance and the development of measures to mitigate the effects of cultural impacts regarding future subdivisions.
- 8.39 The reporting officer noted that the scope of the Plan Change was focused on rural subdivision and whilst acknowledging that the effects of rural subdivision can adversely affect the interests of Iwi and their sites of cultural significance, the changes sought by the submitter went beyond the scope of the Plan Change. He considered that consultation with Iwi on every new subdivision application would place a significant burden on Iwi and subdividers, given the current District Plan does not define or contain any sites of cultural significance. He also indicated that the Horowhenua District Plan was to be reviewed as part of the current statutory 10 year review requirement and that the identification of sites of cultural significance and, the development of rules and policies to protect cultural interests would be best addressed in a section of the District Plan that specifically dealt with Matters of Importance to Tangata Whenua.
- 8.40 The Panel agreed that the changes sought by the submitter would be best addressed through the District Plan review rather than in isolation as part of this Plan Change. We also noted that existing mechanisms for consultation with Tangata Whenua were in place where appropriate and could continue to be relied on and that there was reference in the policies to the effects of rural subdivision on cultural values. We recommend that the submission by Tanenuiarangi o Manawatu Inc be **rejected** and the further submission by Fed Farmers in opposition be **accepted**.
- 8.41 Coastal Lakes Station supports in part Issue 5 and seeks that specific objectives and supporting policy be included requiring the avoidance of reverse sensitivity issues that may compromise the efficient and effective operation of permitted rural activities and lawfully established activities. A further submission from Fed Farmers supports this submission while

a further submission by Hort NZ supports this submission in part. The Panel noted that the matter of reverse sensitivity was specifically addressed in Issue 5B, and on that basis we consider that the submission be **accepted in part**.

Landscape Domain Policies

- 8.42 Hort NZ seeks that the title of Landscape Domains be amended to Rural Productive Environment and that an additional policy be added to each area that reflects the rural production activities in that area. A further submission by Fed Farmers supports in part the recognition of rural production activities taking place in the area, and any policies need to be flexible to allow new production activities to take place in the future. The reporting officer made the point that the Landscape Domains were identified as part of the landscape assessment of the Horowhenua rural environment undertaken for the purpose of identifying the different landscapes within the Rural Zone. At the Hearing Hort NZ indicated that the regardless of the name the non-inclusion of specific policies on rural production activities in this section was of considerable concern.
- 8.43 The Panel noted that as discussed above, the basis of the Landscape Domains was to apply a framework for managing subdivision based on the different characteristics of each landscape area. Given the basis and purpose of the Domains is for primarily landscape reasons, we consider the request to rename the Landscape Domains to Rural Productive Environments would require a major reworking of the Plan Change. We believe that the key issues that have been raised by Hort NZ associated with acknowledging and providing a degree of protection for the rural production environment have, or are being, addressed through the various provisions and mechanisms of this Plan Change. We also note that a number of changes to that effect have been recommended as a result of Hort NZ submission points and that the issue of rural productive activities is covered in overarching policies such as 1.7 and the newly introduced 1.18. In summary we see no need to change the Landscape Domains name or add further policies that reflect rural production areas. We recommend that the submission by Hort NZ and further submission by Fed Farmers be **rejected**.

Coastal Environment Policies

- 8.44 FRP supports in part Policies CE.1-CE.12, but seeks that they be amended to recognise, acknowledge and promote the potential of currently forested areas for low density rural residential development where there is reasonable access to, services, roading and community infrastructure.
- 8.45 The reporting officer noted that Policy CE.3 seeks to limit subdivision to small scale and/or low density developments reflecting the sensitivity of the natural character and rural character and qualities of the coastal landscape. He also noted that Policy CE.8 seeks to ensure that existing vegetation that contributes to soil stability and the landscape character of the site is retained and incorporated into the subdivision design. Whilst he accepted that currently forested coastal areas may provide some opportunities for subdivision, he considered it was not appropriate to specifically promote subdivision opportunities in the coastal environment. The reporting officer also noted that the submitter has raised concerns that the Plan Change would make low density subdivision of their land (Lot 1 DP 77109) a Non-Complying activity. He indicated that the policies and rules would allow this 110 hectare property to be subdivided into low density subdivision of 11 rural allotments as a Discretionary Activity.
- 8.46 The Panel has already indicated above that we see no reason why areas of forestry should be specifically promoted for rural residential development. Further we are of the view that Coastal Environment policies achieve an appropriate balance in providing opportunities for

low density subdivision whilst seeking to protect the sensitive nature of this environment. We recommend that the submission by FRP be **rejected**.

- 8.47 M Hoggard opposed in part Policy CE.5 on the basis that it does not recognise the existing settlement patterns which have occurred such as the medium to large subdivisions outside the existing zoned residential areas. The reporting officer noted that the Development Plan had identified areas for urban growth and greenbelt residential purposes. As part of this consideration had been given to existing developments including those subdivisions that still had a valid consent but have not yet given effect to. He considered that providing additional opportunities beyond what Proposed Plan Changes 20 and 21 proposed would not promote sustainable management.
- 8.48 The Panel considered that Policy CE.5 provided clear guidance as to the District Plans intension with regards to development in the coastal environment. We did not consider that the policy particularly affected existing settlement which was outside the zoned residential areas, but was directed at new development or expansion of such areas. We therefore recommend that the submission from M Hoggard be **rejected**.
- 8.49 M Hoggard supported in part Policy CE.9, seeking that it be amended to ensure that it only relates to new subdivisions as opposed to all subdivisions. It was contended that the policy did not recognise the existing settlement patterns which had occurred and building sites which have been approved. The submitter also contended that the rights which had been given to existing buildings locations in the coastal area should be protected. As noted by the reporting officer, the proposed policies are only applicable to rural subdivisions applications after Plan Change 20 was publicly notified. Existing subdivision consent granted prior to notification were not subject to the proposed policies which meant that any building rights for lots created would be protected. It was noted that the proposed policies and Rural Subdivision Design Guide only applied to subdivision applications and was not linked to the existing land use provisions. This meant that the building sites were only considered against Policy CE.9. On this basis the Panel considered that the existing wording of the policy was appropriate and did not require amendment. We recommend that the submission from M Hoggard is **rejected**.
- 8.50 Truebridge Associates Ltd (Truebridge) opposed in part Policies CE.3 and CE.9 requesting that the prohibitive aspects of the wording of these policies be removed. They considered that these policies did not allow sufficient scope for an applicant to make an application and argue the merits of potential adverse effects of a proposal or development. Hort NZ opposed this submission on the basis that there should not be any relaxation of criteria designed to maintain rural productive activities.
- 8.51 The reporting officer noted that Policy CE.3 sought to limit subdivision to small scale and/or low density developments, while the wording of the Policy CE.9 sought to reduce the visual impact of built elements in this domain which is characterised by prominent dune ridgelines. He considered that these provisions were consistent with the New Zealand Coastal Policy Statement, and provided effective policy direction for achieving the Objectives in the Plan. Having reviewed these provisions and given our comments above with regards to Policy CE.9 the Panel considered that the framework provided was appropriate and sent a clear message that significant subdivision in the coastal domain, with its strong environmental issues, would not be acceptable in most situations. We did however query the reference to small scale in Policy CE.3 as being somewhat ambiguous, which was subsequently accepted by the reporting officer. It was suggested therefore that the policy be amended to read:
- “Limit subdivision to low intensity developments reflecting the sensitivity of the natural character and rural character and qualities of the coastal landscape”.*

8.52 We therefore recommend that the submission by Truebridge and the further submission by Hort NZ be **accepted in part**.

8.53 NZHPT sought that an additional policy be added to the Coastal Environment Domain policies with regards archaeological material such as burials, midden and ovens. The Panel accepted the reporting officer's conclusion that the coastal environment was known as an area that was historically occupied and the location of numerous kainga or open settlements. We considered however that the proposed policy needed to be amended to refer to '*identified historic and cultural values*' and that such values should be protected by way of avoidance from inappropriate subdivision. We therefore recommend that the submission by NZHPT be **accepted in part** and that a new policy added as follows:

Protect identified historic heritage and cultural values within the Coastal Environment Domain by avoiding the adverse effects of inappropriate subdivision and land development.

8.54 HRC supported Policies CE.1-CE.12 and the Panel recommends that the submission be **accepted in part** and that subject to the one amendment referred to above these policies be adopted.

Coastal Lakes Policies

8.55 NZHPT supports in part Policy CL.7 but seeks that it be amended to read "*Protect the landscape, natural ecological, historic heritage and cultural values of the Coastal Lakes landscape, particularly Lake Horowhenua and Lake Papaitonga and their surrounding areas, from inappropriate subdivision and land development*". The reporting officer supported the amendment subject to replacing "*historic and cultural values*" with "*historic heritage and cultural values*" so as to be consistent with the changes made to other amendments and the RMA. The Panel agreed with this amendment and recommends that the submission be **accepted in part**.

8.56 HRC supported Policies CL.1 – CL.8 and the Panel recommends that their submissions be **accepted** in relation to all but Policy CL.7 where it is **accepted in part** and that subject to the above amendment Policies CL.1 – CL.8 be adopted.

Foxton Dunefields Policies

8.57 HDC opposed in part Policy FD.2 seeking that it be amended to refer to longitudinal dunes and not parabolic dune fields. The Panel were informed that the predominant dune type in this area was parabolic dunes and that the policy was therefore correctly worded. We therefore recommended that the submission by HDC be **rejected**.

8.58 NZHPT sought that an additional policy be added to the Foxton Dunefields policies with regards archaeological material such as burials, midden and ovens. The Panel accepted the reporting officer's conclusion that this area was known as an area that was historically occupied and the location of numerous kainga or open settlements. Again we considered however that the proposed policy needed to be amended to refer to '*identified historic and cultural values*' and that such values should be protected by way of avoidance from inappropriate subdivision. We therefore recommend that the submission by NZHPT be **accepted in part** and a new Policy FD.7 added with similar wording to that referred to above.

8.59 Truebridge opposed in part Policy FD.5 seeking that the prohibitive aspects of its wording be removed. As above they considered that this policy was too prohibitive and did not allow sufficient scope for an applicant to make an application and argue the merits of potential adverse effects of a proposal or development. Again this was opposed by Hort NZ. The Panel considered that the issues here are similar to those raised in CE.9 above and for the

reasons already outlined we recommend this submission be **rejected** and the further submission by Hort NZ **accepted**.

- 8.60 HRC supported Policies FD.1 – FD.6 and the Panel recommends that their submissions be **accepted** and that Policies CL.1 – CL.8 be adopted.

Moutoa-Opiki Plains Policies

- 8.61 NZHPT have also sought that an additional policy be added to the Moutoa-Opiki Plains policies as it contains the Manawatu River which is of high archaeological and cultural significance associated with both early Maori and European settlement in the Horowhenua area. Again the Panel recommends that the submission by NZHPT be **accepted in part** for the reasons referred to above and a new Policy MO.5 added as follows:

Protect identified historic heritage and cultural values of the Moutoa-Opiki Plains by avoiding the adverse effects of inappropriate subdivision and land development.

- 8.62 HRC supported Policy MO.4 and the Panel recommends that their submission be **accepted**. We also recommend Policies MO.1 – MO.4 be adopted.

Tararua Terraces Policies

- 8.63 Truebridge opposed in part Policy TT.5 seeking that the prohibitive aspects of its wording be removed. Again they contend that the policy is too prohibitive and does not allow sufficient scope for an applicant to make an application and argue the merits of potential adverse effects of a proposal or development. Hort NZ opposed this submission. The Panel agreed with the reporting officer that the wording of the policy sought to minimise the visual impact of built elements on a landscape which is characterised by prominent river terraces and that it provided effective direction in that regard. We did not see the policy as being overly prohibitive. We therefore recommend that the Truebridge submission be **rejected** and the further submission by Hort NZ **accepted**.

- 8.64 HRC supports Policies TT.2, TT.4 and TT.6 and the Panel recommends that their submission be **accepted**. We also recommend Policies TT.1 – TT.6 be adopted.

Kuku Policies

- 8.65 HRC supports Policies K.4 and K.5 and the Panel recommends that their submission be **accepted**. We also recommend Policies K.1 – K.5 be adopted.

Levin-Ohau Policies

- 8.66 HRC supports Policies LO.2, LO.3, LO.4 and LO.5 and the Panel recommends that their submission be **accepted**. We also recommend Policies LO.1 – LO.5 be adopted.

Levin-Koputaroa Policies

- 8.67 HRC supports Policies LK.2, LK.3 and LK.4 and the Panel recommends that their submission be **accepted**. We also recommend Policies LK.1 – LK.4 be adopted.

Manakau Downland Policies

- 8.68 For similar reasons to those above Truebridge opposes in part Policy MD.4 seeking that the prohibitive aspects of its wording be removed. The submission is opposed by Hort NZ. The Panel accepted the comments of the reporting officer that the wording of the policy sought to reduce the visual impact of built elements in this Domain because of its prominent and elevated areas. We consider that the policy provides a clear direction that built elements should be integrated into the landscape and not placed in prominent sites on elevated land and that there are sound environmental and amenity reasons for this. We recommend that the submission by Truebridge be **rejected** and the further submission by Hort NZ **accepted**.

8.69 HRC supports Policies MD.2 – MD.5 and the Panel recommends that their submission be **accepted**. We also recommend Policies MD.1 – MD.5 be adopted.

Hill Country Policies

8.70 HRC have sought that a new policy be added to this section relating to natural habitats and the margins of rivers, streams and wetlands and remnant indigenous forest areas similar to the other Domains. The Panel acknowledged that there appeared to be a gap in the provisions for this Domain which included many of the features referred to by the HRC submission. We recommend that the submission be **accepted** and that a new Policy HC.6 be adopted as follows:

Ensure that the natural habitats, particularly remnant indigenous forest areas, riparian areas adjacent to river and stream corridors and wetland areas, are protected from inappropriate subdivision and development.

8.71 The Panel also recommends that Policies HC.1 – HC.5 be adopted.

Explanation and Principal Reasons

8.72 Hort NZ sought that a definition of rural character be added to the explanation and principal reasons for Issue 5 given the references to it in the policies. They suggested the following elements would provide some clarity around what elements make up rural character:

- *“A predominance of natural features over human made features*
- *High ratio of open space relative to built environment*
- *Significant areas of vegetation in pasture, crops, forestry and/or indigenous vegetation*
- *A rural working production environment*
- *Presence of farmed animals and crops*
- *Noises, smells, dust, spray drift and effects associated with the use of rural land for a wide range of agricultural, horticultural and forestry purposes*
- *Low population densities relative to urban areas*
- *Existence of some narrow and/or unsealed roads*
- *General lack of urban infrastructure.”*

8.73 Transpower opposes the above submission on the basis that there was no definition of urban infrastructure which could they considered lead to confusion in relation to existing major infrastructure such as the National Grid which is part of the existing rural character.

8.74 The reporting officer supported the intention to provide clarity regarding rural character and generally supported the key elements suggested by Hort NZ, however proposed a number of amendments. He also considered that inserting some additional words regarding urban infrastructure would reduce the concerns expressed by Transpower.

8.75 At the hearing Ms Wharfe noted that the Hort NZ submission had been to include ‘rural character’ as a new definition rather than within the explanation as proposed, which she considered would give it only limited status in terms of the regulatory framework. Ms Wharfe felt it was important that the definition was given adequate status within the Plan. Further, she did not support the amendment of the first bullet point from “*A predominance of natural features over human made features*” to “*Presence of distinctive natural features*”, considering that the change loses meaning about the balance between natural and human made features. Hort HZ then provided an alternative version to describe rural character as follows:

There are a range of attributes which contribute to the character of the locality, that vary across the District. Attributes that can contribute to rural character include, but are not limited to, the following:

- a) The dominance in the landscape of natural vegetation and dynamic primary production regimes, including pasture, crops and forestry*
- b) The absence of subservience of manmade structures other than those related to rural production activities*
- c) A high ratio of open space relative to the built environment;*
- d) Significant areas of land in pasture, crops, forestry and/or indigenous vegetation;*
- e) Noises, smells, dust and effects associated with the use of rural land for a wide range of agricultural, horticultural, forestry and mineral extraction and processing purposes;*
- f) Low population densities relative to urban areas.*

8.76 The reporting officer responded by stating he supported a) with the addition of the word “feature” to provide a more accurate reflection of the attributes that contribute to rural character. That with regards to b) he noted that there were a number of large scale man-made structures that would make such a reference an awkward one. That he supported a comment from the Panel that farm buildings and shelterbelts might also be included in this description of Rural Character.

8.77 The reporting officer accepted that although effects such as noises, smells, dust and spray drift are part of the rural environment, they are not key elements and are effects arising from rural activities. He considered that the reference to spray drift as a key element is misleading especially considering that spray drift generally implies that spray is drifting across onto adjacent properties and that it would be more accurate for rural character to simply refer to activities that occur and not necessarily the effects that potentially arise from those activities.

8.78 The reporting officer went on to say that the description of ‘Rural Character’ had specifically not be included as a definition within Section 24 of the Plan, as the description was not designed to be all encompassing in the way that definitions are often relied upon. Further the term ‘rural character’ did not appear in the standards within the Plan. He suggested that the description of Rural Character be retained in the Explanation and Principal Reasons and be amended to read as follows:

Rural character in the Horowhenua is considered to include the following key elements:

- The dominance in the landscape of natural features and vegetation and dynamic primary production regimes, including pasture, crops and forestry
- High ratio of open space relative to built environment
- Significant areas of land in pasture, crops, forestry and/or indigenous vegetation
- A rural working production environment, consisting of a wide range of activities and including components such as farm buildings, farm machinery and shelterbelts
- The use of rural land for a wide range of agricultural, horticultural and forestry purposes
- Low population densities relative to urban areas
- General lack of urban infrastructure such as streetlighting, footpaths and reticulated water and wastewater systems.

8.79 The Panel noted the significance placed on describing rural character by Hort NZ and agreed that it was important to provided clarification of the term within the District Plan given the various references made to it at a policy level. On balance we consider that the above

description which has resulted from considerable discussion and input by all involved best covers all the various aspects which make up rural character in the Horowhenua. We accept that such a description will never be perfect however we consider it provides relatively clear guidance on what is meant by the term within context to which it will be applied. Turning to the matter of whether it is a description within the policy framework or whether it becomes a definition with Section 24, we find that it is not unusual for such descriptors to be included within explanations and reasons. Further, we consider that it would not be weakened by the context within which it would sit. We agree with the reporting officer that it would be unusual to find a definition that did not form the basis of some standard within a Plan and consider given the context with which it is referenced that it is better placed as a description within the explanation and reasons.

- 8.80 On the basis of the above we recommend that the submission by Hort NZ and further submission by Transpower be **accepted in part** and that the above text be adopted and added to the explanation and principal reasons for Issue 5.
- 8.81 Hort NZ supported in part the explanation to the policies for Issue 5 but sought that there be an amendment by replacing the reference to “rural landscape character” in the second paragraph with “rural character” and by adding to the explanation that productive capacity of the land for productive purposes when all the components required for production are available.
- 8.82 In line with previous comments, the reporting officer considered that the change from “rural landscape character” to “rural character” would be consistent with the other changes proposed in this amendment. However he did not support the inclusion in the explanation of what components would determine productive capacity. The Panel agreed with the reporting officer that the productive capacity of specific sites should be considered on a case by case basis rather than relying on a prescribed checklist of productive factors. We therefore recommend that the submission by Hort NZ be **accepted in part** and that the revised Explanation and Principal Reasons be adopted.

Methods for Issue 5

- 8.83 Hort NZ supported in part the Methods for Issue 5, but contended that they should make explicit reference to the need to manage potential reverse sensitivity effects, seeking that the sixth bullet point be amended by adding “*including potential reverse sensitivity effects on rural production activities*”. Fed Farmers supports this submission. The Panel considered the proposed amendment to be appropriate enabling conditions of consent to be used as a method to address the potential for reverse sensitivity effects. We recommend that the submission by Hort NZ and further submission by Fed Farmers be **accepted** and that subject to the above amendment the Methods are adopted.

9.0 Amendments 5, 6, 7 and 8

Issue 5A

Submissions Received - Amendment 6

Submission Number	Submitter Name	Support/ Oppose	Decision Sought	Panel Recommendation
20/051	Horizons Regional Council	Oppose in part	Adopt the wording of Issue 5 used for Amendment 8.	Accept
20/001	NZ Historic Places Trust <i>Pouhere Taonga</i>	Oppose	That a new issue be added to replace Issue 5.	Accept in part

Submissions Received - Amendment 8

Submission Number		Submitter Name	Provision	Support/ Oppose	Decision Sought	Panel Recommendation
20/058	H	Federated Farmers of NZ	Issue 5A	Support	Inferred: That Issue 5A be adopted.	Accept in part
20/047	L	Horticulture NZ	Issue 5A	Support in part	That Issues 5, 5A and 5B be amended to better reflect the rural production environment and so that all subdivisions consider the effects on the existing environment.	Accept in part
20/047	J	Horticulture NZ	Issue 5A Discussion	Support in part	That the text following Issue 5A be amended.	Accept in part
20/030		Elizabeth McCabe	Objective 1A Policies 1A.1-1A.5	Support	Inferred: That Objective 1A and Polices 1A.1-1A.5 be adopted.	Accept in part
20/031		Jeremy Miles	Objective 1A Policies 1A.1-1A.5	Support	Inferred: That Objective 1A and Polices 1A.1-1A.5 be adopted.	Accept in part
20/036		Louise Miles	Objective 1A Policies 1A.1-1A.5	Support	Inferred: That Objective 1A and Polices 1A.1-1A.5 be adopted.	Accept in part
20/046	C	Judy Keall	Objective 1A	Support in part	That Objective 1A give greater protection to the Class 1 and 2 soils that fall within the Manakau Downland domain.	Accept in part
20/047	A	Horticulture NZ	Objective 1A	Oppose	That the wording of Objective 1A be amended.	Accept in part
20/058	F	Federated Farmers of NZ	Policy 1A.1	Oppose in part	That the second reference to "scale" be removed from Policy 1A.1 so that it reads ""Manage the scale, intensity, and design ..."	Accept in part
20/047	D	Horticulture NZ	Policy 1A.1 – 1A.5	Oppose in part	That Policies 1A.1 – 1A.5 be amended to refer to soil and remove reference to highly versatile soils.	Accept in part
20/046	A	Judy Keall	Policy 1A.2	Support	Inferred: That Policy 1A.2 be adopted.	Accept in part
20/058	G	Federated Farmers of NZ	Policy 1A.4	Oppose in part	That Policy 1.4A be amended to read "Ensure that land use activities on highly versatile soils are undertaken in a manner that safeguards the life-supporting capacity of the soil" (or words to that effect)	Accept in part
20/058	C	Federated Farmers of NZ	Policy 1A.5	Oppose	That Policy 1A.5 be deleted.	Accept
20/047	K	Horticulture NZ	Issue 5A Methods	Support in part	That the first 2 bullet points of Methods for Issue 5A be amended. Add to the last bullet point	Accept in part

Submission Number		Submitter Name	Provision	Support/ Oppose	Decision Sought	Panel Recommendation
					"including the potential for reverse sensitivity effects"	
20/058	E	Federated Farmers of NZ	Issue 5A Methods	Oppose in part	That the final paragraph of the Methods for Issue 5A be amended by replacing "will be thoroughly assessed" with "Will be assessed accordingly to the conditions for a limited discretionary activity" (or words to that effect).	Accept in part
20/058	A	Federated Farmers of NZ	Issue 5A Methods 1 & 2	Oppose	That Method 1 for Issue 5A be deleted. That reference to Highly Versatile Soils in Method 2 for Issue 5A be deleted.	Accept in part

Further submissions – Issue 5A

Further Submission No.	Submitter Name	Original Submission No.		Support/ Oppose	Provision	Reasons	Panel Recommendation
20/112F	Federated Farmers of NZ	20/046	C	Oppose	Objective 1A	Any changes in boundaries would require extensive consultation with affected parties and the wider community and should not proceed. If council chooses to change the boundaries, it should be notified as part of a separate process.	Accept in part
20/103F	Horticulture NZ	20/058	C	Support	Policy 1A.5	The Plan Change seeks to manage subdivision – not rural based land use activities as set out in Policy 1A.5 so deletion is supported.	Accept

Discussion

Amendment 6

- 9.1 The submissions from HRC and NZHPT were previously addressed in Section 8 with recommendations to **accept in part**.

Amendment 8

Issue 5A and Objective 1A

- 9.2 Hort NZ sought that Issue 5A and the following discussion text be amended to better reflect the rural production environment. Their recommended rewording of Issue 5A read:

"The effects that fragmentation through subdivision has on the ability to use land for rural production activities including safeguarding the life supporting capacity of Horowhenua's finite soil resource within the rural environment, so that both current and future generations are able to sustainably use this resource, particularly the highly versatile soils, for a wide range of productive purposes, including those uses that may not currently be present in the Horowhenua."

- 9.3 Fed Farmers supports Issue 5A and the recognition of and provision for productive uses and seeks that it be adopted.

- 9.4 McCabe, J Miles and L Miles support Objective 1A and seek that it be adopted, while Keall supports in part Objective 1A and would like reassurance that this will translate into the protection of the Class 1 and 2 soils in the Manakau Downlands Domain, so that this fertile land which could be valuable in the future is not put at risk by subdivision. A further submission by Fed Farmers opposes this submission as any changes to the Domain boundaries would require extensive consultation with affected parties and the wider community. They contend that if the Council were to choose to change the boundaries it should be notified as part of a separate process (Note: The consideration of the Class 1 and 2 soils in the Manakau Downlands Domain is assessed as part of the discussion and evaluation of Amendment 27).
- 9.5 Hort NZ opposed in part Objective 1A as it focuses on highly versatile soils. They request that it be amended to read as follows:
- ~~“To safeguard the life supporting capacity of soils to enable long term sustainability of highly versatile soils for a wide range of primary production activities and safeguard the life supporting capacity of the rural land provide a resource for future generations”.~~
- 9.6 The reporting officer noted that the highly versatile soil within the Horowhenua District is a finite resource which is scarcer than other soils. He acknowledged that whilst non-highly versatile soil within the District can be used productively, the scarcity of the highly versatile soil together with the greater versatility it offers was the reason Issue 5A makes a distinction between highly versatile soils and other soils. He considered it therefore appropriate to maintain the reference “*particularly the highly versatile soils*” within Issue 5A and leave the discussion text unaltered. In relation to Objective 1A the amendment proposed was supported as it was considered to be more consistent with the wording of Part II of the RMA. He noted that the removal of the reference to highly versatile soils within this objective would not prevent the highly versatile soils being recognised in their own right at the policy level as a means of achieving this objective.
- 9.7 At the hearing Ms Wharfe stated that the issue was that the soils should not be safeguarded from fragmentation for no purpose and that it needs to be linked to the use of the land for production activities so as to give a clear direction to the following objectives and policies. She said that the scarcity issue referred to by the reporting officer needed to be put into the context in that a quarter of the District had Class I and II (highly versatile) soils and therefore the extent to which such a higher level of protection is afforded land solely for its soil attributes, not its production potential is questioned.
- 9.8 Ms Buckley made the point that by focusing on the soil resource as a means of restricting subdivision effectively means that all landowners with versatile soils are limited to a certain production system that may not be possible, reasonable or economic. She said it was not for the Council to decide on the type of activity that should be undertaken on a property, but rather it should focus on addressing the effects of an activity.
- 9.9 In response the reporting officer provided further comments regarding the general issue of soil protection and Issue 5A specifically. In short he remained of the opinion that the highly versatile soils should be protected as part of the sustainable management of the Horowhenua District. He suggested that relying on some 27 factors identified by the Environment Court in the mid 1990’s to assess rural subdivision, as suggested by Hort NZ and Fed Farmers, would have significant consequences and costs for landowners. He did not support the argument that because 24% of the District is Class 1 and 2 soils that it was not a scarce resource, particularly given that such soils make up less than 5% of the soil with New Zealand.
- 9.10 Whilst not supporting Hort NZ’s request to remove the reference to highly versatile soils, the reporting officer did propose an amendment to Issue 5A, to change the focus and provide

more consistency between the Issue and Objective. He considered that the current wording limits the focus to the effect that “*fragmentation through subdivision has on the ability to safeguard the life-supporting capacity...*”. The amendment proposed would open this up to the “*effect that fragmentation through subdivision has on the ability to use land for rural production activities including safeguarding the life-supporting capacity...*”. The wider focus of this Issue (reworded below) was considered appropriate given that fragmentation can have wider implications than the current wording suggests.

“The effect that fragmentation through subdivision has on the ability to use land for rural production activities including safeguarding the life-supporting capacity of Horowhenua’s finite soil resource within the rural environment, so that both current and future generations are able to sustainably use this resource, particularly the highly versatile soil, for a wide range of productive purposes, including those uses that may not currently be present in the Horowhenua.”

- 9.11 Having considered Issue 5A and the subsequent Objective 1A and policies the Panel issued a minute asking the reporting officer to review the linkage between Issue 5A, Objective 1A and the subsequent Policies 1A.1 – 1A.5. We had identified that the policies had a primary focus on highly versatile soils whereas the revised objective (referred to above) makes no reference to highly versatile soils while the Issue deals with such soils as a part component. The reporting officer responded that:

The recommendation in the Section 42A report to amend the Objective 1A included removing the reference to “highly versatile soils”. This recommended amendment was to make the wording more consistent with the terminology used in the Resource Management Act. I consider the broader wording of the objective would still provide for highly versatile soils to be considered in applying these provisions, as guidance is provided by the Explanation and Principal Reasons section following these Plan provisions. However, on reflection, I appreciate that this broader wording could be seen to reduce the direct wording linkage between the Plan provisions.

On this basis, I recommend that a more direct and overt wording linkage between the Issue, Objective and Policies would be achieved by rewording Objective 1A to include a reference to “highly versatile soils”.

- 9.12 The Panel acknowledges that the issue of productive activities versus versatile soils is at the heart of this discussion and is a key matter in assessing Plan Change 20. We have already provided some commentary on this in Section 7 however it is appropriate now to specifically address this issue.
- 9.13 We accept that there are merits to both side of this argument. On the one hand the Act (s5(2)(a) & (b)) clearly refers to sustaining the potential of natural resources for future generations and the safeguarding of the life-supporting capacity of, amongst other things, soils as part of its overall sustainable management purpose. Further, case law has previously addressed the fragmentation of farmland with highly versatile soils, holding that it may be contrary to the above sections of the Act by reducing the versatility of the land and preventing the development of productive use of the potential of the soil resource to provide for the needs of future generations. Therefore if the Council considers the protection of highly versatile soils to be a significant resource management issue for the District it is able to state this in its District Plan and adopt provisions accordingly.
- 9.14 On the other hand the elevation of highly versatile soils for productive activity in a district plan may be seen as downgrading other soils where productive activity of equal importance is taking place, thus potentially exposing such land to greater subdivision pressure and associated impacts on existing farming activities.

9.15 We are mindful that the purpose of Plan Change 20 is to essentially place controls on what has up until now been a rather laissez-faire approach to rural subdivision in the Horowhenua and as we understand it both Hort NZ and Fed Farmers support that stance. Short of preventing small scale rural subdivision altogether we consider the correct approach here is to strike an appropriate balance. We consider some form of focus on highly versatile soils in the Horowhenua is appropriate. Not to do so would in our view leave such soils open to further subdivision, particularly of the rural-residential nature, due to their proximity to existing urban areas, and thus essentially their loss for productive activity. Much was made by Hort NZ at the hearing about the importance of horticulture and market gardening to the Horowhenua and we would have thought the protection of the best soils for such purposes was of some importance. The focus for small scale rural subdivision, if it is to occur, should therefore be on the lesser quality soils, but accepting that that should not be at the expense of existing productive activities or other environmental qualities.

9.16 Taking into account all of the above we consider that some degree of focus within Issue 5A and the subsequent objective and policies on highly versatile soils is warranted. That is not to say that matters associated with reverse sensitivity, and other environmental qualities are of significantly less importance. We have looked closely at the wording proposed by the reporting officer in response to our minute. We are comfortable with the revised Issue 5A as detailed above, however we consider that the reference to highly versatile soils in Objective 1A is too blunt and instead propose that it be taken out and wording added to the end of the objective so that it reads:

To safeguard the life-supporting capacity of soils to enable a wide range of primary production activities and provide a resource for future generations while recognising the finite nature of highly versatile soils.

9.17 On the basis of the above we recommend that the wording of Issue 5A, as shown in paragraph 9.10, and Objective 1A, as shown in paragraph 9.16, be adopted and that the submissions by Hort NZ, Fed Farmers, McCabe, J Miles, L Miles and Keall all be **accepted in part**.

Policy 1A.1

9.18 McCabe, J Miles and L Miles all supported Policy 1A.1 in stating the importance of protecting areas of highly versatile soils. Fed Farmers opposed in part Policy 1A.1 seeking that it be amended to remove the second reference to “scale” which was acknowledged by the reporting officer as a typing error. The Panel queried the necessity of this policy given the similar wording of Policy 1A.2, to which the reporting officer responded that he considered both were required as each addressed slightly different aspects of how rural subdivision is managed. However to provide clarity and help distinguish between these policies he recommended that Policy 1A.1 be reworded with a more general focus on the life-supporting capacity of all soil as follows:

“Manage the scale, intensity and design of subdivision to ensure that the life-supporting capacity of soils is not compromised through fragmentation or poor subdivision design.”

9.19 The Panel were satisfied with this change as it did not specifically refer to highly versatile soils providing a greater distinction with Policy 1A.2 and better linkage in addressing Issue 5A and achieving Objective 1A by referring to soils per se. We therefore recommend that the above wording be adopted and that the submissions of McCabe, J Miles, L Miles, and Fed Farmers be **accepted in part**.

Policy 1A.2

9.20 McCabe, J Miles, L Miles and Keall all supported Policy 1A.2. At the hearing the Panel queried the reporting officer on the meaning of the phrase “intensive subdivision” within the

policy. The reporting officer responded by saying that he considered “intensive subdivision” to be of an intensity that is greater than what is prescribed by the rules and would reflect a pattern and form of development that is more consistent with predominantly urban areas. He indicated that in his view the policy would be less effective if the word “intensive” was removed, although it would have the effect of giving it a slightly wider but yet weaker focus. The difficulty foreseen in removing this reference would be that the Policy could be interpreted to include complying subdivisions of rural farm lots (lots of more than 10ha or 20ha), when the focus is more targeted towards the cumulative effects of small lots primarily for residential purposes in these areas. Nevertheless, the reporting officer accepted that the meaning of “intensive subdivision” may not be clear to all Plan users and suggest that the word “intensive” be removed if additional words were added that retained a focus on the cumulative effects of small lots. He suggested the following rewording with which the Panel agreed:

“Avoid further fragmentation of land in the predominant areas of the District containing highly versatile soils to safeguard the life-supporting capacity of this finite resource, in particular, from the cumulative effects of subdivision below the minimum lot standard”.

- 9.21 We therefore recommend the adoption of the above wording and that the submissions identified above be **accepted in part**.

Policy 1A.3

- 9.22 McCabe, J Miles and L Miles supported Policy 1A.3. It is recommended that this policy be adopted and these submissions **accepted**.

Policy 1A.4

- 9.23 McCabe, J Miles and L Miles supported Policy 1A.4 in its protection of areas of highly versatile soils. Fed Farmers opposed in part Policy 1A.4 seeking that the policy be amended to be consistent with the duties of the Council under the Act in referring to the “life-supporting capacity” rather than the “sustainability” of soil. They contend that the current wording is overly subjective and vague and requested it be reworded as follows:

“Ensure that land use activities on highly versatile soils are undertaken in a manner that safeguards the life-supporting capacity of the soil”

- 9.24 The reporting officer considered that the proposed amendment to Policy 1A.4 was more consistent with the wording of the purpose and principles of the Act, although he subsequently recommended that the words “*and recognises the finite nature of the land resource*” be added to the end of the proposed wording as a result of comments made at the hearing by Mr and Mrs Williams.

- 9.25 The Panel posed a question as to the reasoning of Policy 1A.4 being in Plan Change 20 when it referred to land use rather than subdivision. The reporting officer responded that it was included as a replacement for an existing policy (Policy 2.1) which was removed by the Plan Change. Having reviewed the policy and the revision proposed we agreed that the amendment sought by Fed Farmers and the subsequent additional wording proposed by the reporting officer represented a more coherent and succinct policy. We therefore recommend that the above wording be adopted and that the submission of Fed Farmers, McCabe, J Miles and L Miles be **accepted in part**.

Policy 1A.5

- 9.26 Fed Farmers opposed Policy 1A.5 seeking that it be deleted as they contend the wording is overly subjective and it covers the same issue as Policy 1A.4. Hort NZ supported this submission contending that the Plan Change seeks to manage subdivision not rural based land use activities as set out in this Policy 1A.5.

- 9.27 The reporting officer noted that with the recommended amendment to Policy 1A.4, there was very little difference now between this and Policy 1A.5. Both policies seek to ensure that the life-supporting capacity of the soil is protected. He considered, and the Panel agreed, that there would be little to be achieved by retaining Policy 1A.5 as well as the amended Policy 1A.4 recommended above. The Panel therefore recommends that the submission from Fed Farmers and the further submission from Hort NZ be **accepted** and Policy 1A.5 be deleted.

Methods for Issue 5A

- 9.28 Fed Farmers opposed in part the Methods for Issue 5A seeking that Method 1 be deleted and Method 2 be amended to remove the reference to highly versatile soils. While they recognised the place of high class soils in primary production, it may not always be appropriate to limit land use activities based on soil class. Hort NZ supports in part the Methods for Issue 5A seeking that Methods 1 and 2 be deleted and that the last method be amended by adding “including the potential for reverse sensitivity effects”.
- 9.29 The reporting officer noted that first method relates to the identification of highly versatile soils, which is an existing method in the District Plan. The second method refers to rules controlling the intensity, size and design of subdivision on areas containing highly versatile soils in the Rural Zone. He referred to the fact that highly versatile soils were already identified within the District Plan and are shown on planning maps 1-11, noting that there is no amendment proposed to these planning maps as part of this Plan Change. He considered that identification of highly versatile soils remains a relevant method to achieve the objectives and policies of Issue 5A. He did consider that the additional wording requested to be added to the last Method was appropriate.
- 9.30 Given the Panels decisions above regarding highly versatile soil we consider that the first two Methods should remain. We do however consider that the additional wording proposed to the final method is appropriate and in line with other recommendations we have made. We therefore recommend that the wording of the final Method be amended by adding to the end the words “*including the potential for reverse sensitivity effects*” and that the submission of Fed Farmers be **rejected** and the submission of Hort NZ be **accepted in part**.
- 9.31 Fed Farmers opposed in part the Methods for Issue 5A seeking an amendment to the words “will be thoroughly assessed” in the comments that follow the Methods. They contend that the current wording implies that the Council as the consent authority will not always thoroughly assess the effects of the subdivision. The reporting officer commented that this clearly was not the case as the effects of all subdivision applications are to be thoroughly assessed regardless of their activity status. He recommended that the wording be amended to provide clarity over this matter by referring to the conditions relevant to the activity status, not just Limited Discretionary activities as requested by the submitter. The wording proposed is as follows:

“Subdivision rules and standards provide a high degree of certainty in achieving the objective. Where subdivision applications are not able to meet the Controlled Activity standards, the effects of the subdivision, including the cumulative effects on the long term sustainability of highly versatile soils, will be assessed according to the conditions relevant to the activity status of the subdivision.”

- 9.32 The Panel agreed the proposed amendment provided greater clarity and recommends it be adopted and that the submission from Fed Farmers be **accepted in part**.

10.0 Amendments 5, 6, 7 and 8

Issue 5B

Submissions Received - Amendment 6

Submission Number	Submitter Name	Support/ Oppose	Decision Sought	Panel Recommendation
20/047	Horticulture NZ	Support in part	That Issues 5, 5A and 5B be amended to better reflect the rural production environment and so that all subdivisions consider the effects on the existing environment.	Accept in part

Submissions Received – Amendment 8

Submission Number		Submitter Name	Provision	Support/ Oppose	Decision Sought	Panel Recommendation
20/051	A	Horizons Regional Council	Issue 5B(i)	Support	That Issue 5B(i) be retained	Accept
20/038	A	NZ Railways Corporation	Issue 5B(ii)	Support	Inferred: That Issue 5B(ii) be adopted.	Accept in part
20/058	D	Federated Farmers of NZ	Issue 5B(ii)	Oppose in part	That issue 5B(ii) be amended to read; “The incompatibility between residential uses and production activities and large scale processing and infrastructure facilities” (or words to that effect).	Accept in part
20/059		Coastal Lakes Station: Graham Sexton & Family	Issue 5	Support in part	That a specific objective and supporting policy be included, requiring the avoidance of reverse sensitivity issues that may compromise the efficient and effective operation of permitted rural activities and lawfully established activities within the rural zone.	Accept in part
20/021		Higgins Group Holdings Limited	Issue 5B Discussion	Support in part	That the discussion on Issue 5B be amended to read as follows; “In most cases, the rural environment is the only place where large-scale processing and infrastructure facilities such as landfills, treatment plans, and aggregate extraction and processing activities can be sited to have sufficient resources and /or land to operate and be sufficiently far enough away from residential dwellings to avoid adversely affecting occupants”.	Accept
20/047	L	Horticulture NZ	Issue 5B Discussion	Support in part	That a description of reverse sensitivity be added to the explanatory text of Issue 5B.	Accept
20/058	B	Federated Farmers of NZ	Issue 5B Discussion	Oppose in part	That Issue 5B discussion paragraph 2 be amended by replacing “must not” grant a subdivision consent unless those adverse effects can be avoided, remedied or mitigated with: “Has the discretion to refuse resource consent, or impose conditions relating to avoiding, remedying, or mitigating those effects, in addition to those that may be listed in the relevant rule” (or words to that effect).	Accept

Submission Number		Submitter Name	Provision	Support/ Oppose	Decision Sought	Panel Recommendation
20/047	F	Horticulture NZ	Objective 1B	Support	That Objective 1B be retained.	Accept in part
20/051	C	Horizons Regional Council	Objective 1B	Support	That Objective 1B be retained	Accept in part
20/054	B	FRP Investments Ltd & FRP Agriculture Ltd	Policy 1B.1 & 1B.2	Support in part	That the explanation to Issue 5 be amended to recognize that large scale processing, infrastructure facilities and intensive farming is required to operate within a regime of consent conditions or plan rules that existing to ensure that adverse effects beyond the boundary of their site are controlled and mitigated. This should be taken into account in terms of determining the suitability of nearby applications. Amend Policies 1B.1 and 1B.2 to reflect this.	Accept in part
20/051	E	Horizons Regional Council	Policy 1B.1, 1B.2 & 1B.4	Support	That Policies 1B.1, 1B.2 & 1B.4 be retained.	Accept
20/054	D	FRP Investments Ltd & FRP Agriculture Ltd	Policy 1B.2	Support in part	That Policy 1B.2 be amended by replacing "restrict" with "control" and make consequential explanatory amendment to the explanation and principle reasons.	Accept in part
20/046	B	Judy Keall	Policy 1B.3	Support	Inferred: That Policy 1A.2 be adopted.	Accept in part
20/047	G	Horticulture NZ	Policy 1B.3	Support	That Policy 1B.3 be retained.	Accept in part
20/058	E	Federated Farmers of NZ	Issue 5B Methods	Oppose in part	That the final paragraph of the Methods for Issue 5B be amended by replacing "will be thoroughly assessed" with "Will be assessed accordingly to the conditions for a limited discretionary activity" (or words to that effect).	Accept in part
20/061		NZ Pork	Issue 5B Methods	Support in part	That an amendment to the Methods for Issue 5B be made to specify that conditions on resource consents for subdivisions include specific mention of no complaints covenants.	Accept in part
20/047	C	Horticulture NZ	Issue 5B Methods	Oppose in part	That the 2 nd bullet point of the Methods for Issue 5B be amended to include reference to reverse sensitivity. Amend the last bullet point by adding, including the potential for reverse sensitivity effects.	Accept

Further Submissions - Issue 5B

Further Submission No.	Submitter Name	Original Submission No.		Support/ Oppose	Provision	Decision Sought	Panel Recommendation
20/103F	Horticulture NZ	20/021		Support	Issue 5B	Clear incorporation of reverse sensitivity matters as a consequence of subdivision is supported.	Accept

Further Submission No.	Submitter Name	Original Submission No.		Support/ Oppose	Provision	Decision Sought	Panel Recommendation
20/112F	Federated Farmers of NZ	20/061		Support	Issue 5B Methods	Provision for non-complaint covenants is an effective method for addressing reverse sensitivity concerns.	Accept in part
20/103F	Horticulture NZ	20/058	D	Support in part	Issue 5B(ii) part	Horticulture NZ has also sought changes so that it is clear that the reverse sensitivity effects are from residential activity, not from the rural production activities.	Accept in part
20/112F	Federated Farmers of NZ	20/059		Support	Issue 5 Section 2.3	We support inclusion of reverse sensitivity effects as an assessment criterion. It is important that reverse sensitivity is provided for.	Accept in part
20/103F	Horticulture NZ	20/059		Support in part	Issue 5 Section 2.3	Clear incorporation of reverse sensitivity matters as a consequence of subdivision is supported.	Accept in part

Discussion

Issue 5B

- 10.1 Submissions were received in relation to Issue 5B for both Amendments 6 and 8. As previously discussed it is considered more appropriate to evaluate these submissions and any changes to this Issue together rather than as separate evaluations for each amendment.
- 10.2 Hort NZ in relation to Amendment 6 supported in part the proposed wording for Issue 5B but requested that it be reworded to read:
- The demand for residential sites through subdivision in rural areas that are generally unsuitable for residential use due to:
- (i) significant risks from natural hazards, or
 - (ii) the ~~adverse external effects~~ potential for reverse sensitivity effects on adverse external effects of primary production activities, and large scale processing and infrastructure facilities.
- 10.3 Fed Farmers, supported by Hort NZ, also sought an amendment to Issue 5B(ii) to make it clear that the reverse sensitivity effects referred to are from residential activities. The following wording was proposed:
- “The incompatibility between residential uses and production activities and large scale processing and infrastructure facilities”.
- 10.4 Coastal Lakes Station supported in part Issue 5 but sought that specific objectives and supporting policy be included requiring the avoidance of reverse sensitivity issues that may compromise the efficient and effective operation of permitted rural activities and lawfully established activities within the Rural Zone. A further submission from Fed Farmers supports this submission while one from Hort NZ supports this submission in part on the

basis that the clear incorporation of reverse sensitivity matters as a consequence of subdivision is supported.

- 10.5 Submissions from HRC and NZRC supported Issue 5B(i) and 5B(ii) respectively.
- 10.6 The reporting officer considered that the reference to “reverse sensitivity effects” in place of “adverse external effects” was more consistent with the wording used in other parts of the Plan. He considered that because Issue 5B had sought to address reverse sensitivity albeit at specific levels it was more appropriate to expand Issue 5B rather than create a new objective and policy simply to address permitted rural activities and those activities that have been lawfully established. He suggested the following rewording of (ii):
- “the potential for reverse sensitivity effects from residential activities on permitted rural activities and those activities lawfully established particularly primary production activities or those involving large scale processing and infrastructure facilities.”
- 10.7 The Panel queried the reporting officer on whether the reference to “*reverse sensitivity effects from residential activities*” was too narrow. He considered the existing wording and definitions within the District Plan were sufficient to cover the range of potential reserve sensitivity outcomes stemming from residential activities. He also made the point that it was not necessarily the density of subdivision that triggered reserve sensitivity complaints and that all it takes is one rural-lifestyle sized allotment to be sited adjacent to a rural production activity to generate a complaint. The Panel accepted these conclusions and the change proposed above, noting that the rural environment provided for, and contained, a range of activities associated with the land and that it was important that such activities should not be compromised by residential or rural-residential subdivision.
- 10.8 We therefore recommend that Issue 5B(ii) be amended as shown above and that the submission of HRC be **accepted** and the submissions of Coastal Lakes Station, Hort NZ, Fed Farmers and NZRC be **accepted in part**. We note that any changes made to Issue 5B in Amendment 8 also need to be carried over to Issue 5B in Amendment 6 for the purpose of consistency.

Issue 5B Discussion

- 10.9 Higgins supported in part the discussion for Issue 5B but sought an amendment to include reference to aggregate extraction and processing activities as part of the processing activities and infrastructure activities taking place within the rural environment. A further submission from Hort NZ supported this submission.
- 10.10 The reporting officer noted that at present, a range of large scale processing activities and infrastructure facilities occur within the rural environment of varying scale and nature and accepted that gravel extraction, quarrying and aggregate processing are such activities and that they could potentially be affected by reverse sensitivity complaints from new residential activities. He therefore considered it appropriate to make specific reference to aggregate extraction and processing activities in the discussion as it provides a greater degree of certainty in terms of the types of activities that are being referred to as large scale processing activities and infrastructure facilities in Issue 5B(ii). He recommended that the fourth paragraph of the discussion of Issue 5B be amended to read as follows:
- “Reverse sensitivity issues may also arise near to existing large-scale processing activities and infrastructure facilities which may generate external adverse effects on the immediate area. In most cases, the rural environment is the only place where large-scale processing and infrastructure facilities such as landfills, treatment plants, and aggregate extraction and processing activities can be sited to have sufficient resources and/or land to operate and be sufficiently far enough away from residential dwellings to avoid adversely affecting occupants. It is important that this requirement is recognised and provided for, and that

increased residential development resulting from rural subdivision is not encouraged in these locations.

10.11 The Panel supported this amendment and we recommend that the above wording be adopted and that the submissions of Higgins and Hort NZ be **accepted**.

10.12 Hort NZ supported in part the discussion of Issue 5B but sought an amendment to include a description of reverse sensitivity. The reporting officer considered such a change to be appropriate as it would provide better clarity regarding what is meant by a term that is not commonly used outside the planning system. It was recommended that the following text be added at the start of the third paragraph of the discussion for Issue 5B:

“Reverse sensitivity describes the effect that development of one kind may have on activities already occurring in an area. It usually results from the people involved in an activity that is newly established activity complaining about the effects of existing activities in an area.”

10.13 The Panel agreed that a description of what was meant by the term reserve sensitivity was appropriate particularly for people outside of the planning system who might be reading the District Plan. We therefore recommend that the above wording be adopted and that the submission by Hort NZ be **accepted**.

10.14 Fed Farmers opposed in part the discussion of Issue 5B seeking an amendment that more closely reflects the latest version of the Act. The reporting officer sought an amendment as the current wording of the second paragraph more closely reflected the provisions of section 106 of the Act prior to the 2003 amendment. The 2003 amendment provided consent authorities with discretion “*to refuse to grant a subdivision consent, or may grant a subdivision consent subject to conditions...*” Prior to the 2003 amendment the wording of this section was much stronger stating that “*a consent authority shall not grant subdivision ...*”. The Panel agreed that it was appropriate to amend this part of the discussion to reflect the current wording in the Act and recommends that the following rewording of the second paragraph of the discussion of Issue 5B be adopted and that the submission by Fed Farmers be **accepted**.

“Where land, or any structures on that land is likely to be subject to damage by erosion, subsidence, slippage, or inundation from any source, or may increase the risk of natural hazards, the Resource Management Act provides that Council has the discretion to refuse consent, or impose conditions relating to avoiding, remedying, or mitigating those effects, in addition to those that may be listed in the relevant rule.”

Objective 1B

10.15 Coastal Lakes Station submitted in part support of Issue 5 but sought that specific objectives and supporting policy be included requiring the avoidance of reverse sensitivity issues that may compromise the efficient and effective operation of permitted rural activities and lawfully established activities within the rural zone. A further submission from Fed Farmers supports this submission while a further submission from Hort NZ supports this submission in part. Objective 1B is supported by Hort NZ and HRC.

10.16 The reporting officer noted that the recommended amendments to Issue 5B above in response to the submission by Coastal Lakes Station mean the wording of Objective 1B should also be amended by referring to “permitted rural activities” so there is consistency. He noted that rural subdivision can create reverse sensitivity issues for not only the large scale facilities or activities occurring in the rural environment but also much smaller permitted rural activities and that it was important that these permitted activities (which may not be able

to occur in other zones within the District) are not unfairly compromised by residential activities in the Rural Zone.

- 10.17 The Panel posed two questions in relation to this objective. The first asked whether the use of the phrase '*effective operation*' was consistent with the policies that followed. The reporting officer considered Objective 1B to be consistent with Policy 1B.3, however noted that Policy 1B.5 referred to activities lawfully established which could be considered to be inconsistent with Objective 1B. He recommended Objective 1B and Policy 1B.3 be amended by introducing the term '*lawful operation*'.
- 10.18 The second queried the references to '*permitted activities*' and '*lawfully established activities*' and whether the term '*consented activities*' might be more appropriate in terms of consistency between Issue 5B, Objective 1B and Policy 1B.5. The reporting officer considered that there were a number of activities currently existing and operating within the rural environment that would not have obtained or required consent at the time they commenced, and therefore did not think that using the term "consented activities" would be appropriate. He went on to say that to achieve a greater level of consistency the term "lawfully established activities" (rather than lawful operation) should be added to Objective 1B. He noted that the objective should still include permitted activities as this would signal that activities referred to, such as primary production activities, are permitted activities rather than implying they are only lawfully established activities. It was recommended that Objective 1B be amended to read as follows:

"To avoid subdivision in areas where there is a significant risk from natural hazards or where reverse sensitivity issues may compromise the efficient and effective operation of lawfully established and permitted rural activities including primary production activities and large-scale processing and infrastructure facilities."

- 10.19 The Panel accepted that this amendment provided a greater degree of consistency and understanding for this section and that to some extent it was a consequential amendment stemming from the changes to Issue 5B. We recommend therefore that the above wording be adopted and that the submission by Coastal Lakes Station and further submissions by Fed Farmers and Hort NZ be **accepted in part**.

Policies 1B.1 -1B.2

- 10.20 FRP supported in part Policies 1B.1 and 1B.2, but sought that 1B.2 be amended by replacing the word 'restrict' with 'control'. HRC supported both Policies 1B.1, 1B.2.
- 10.21 The reporting officer considered that the word "restrict" provided policy direction that subdivision will be limited, whereas the word "control" does not imply that the subdivision opportunities in these areas would be reduced or be any different to other parts of the District.
- 10.22 The Panel agreed that the word 'restrict' was a more appropriate term in providing a clear policy direction for the management of subdivision. We also note that this term is consistent with the overall policy direction in the Regional Policy Statements. We therefore recommend that Policies 1B.1 and 1B.2 be adopted unamended and that the submission by FRP be **accepted in part** and the submission by HRC be **accepted**.

Policy 1B.3

- 10.23 Keall and Hort NZ both supported Policy 1B.3. As referred to above the reporting officer has recommended an amendment to the policy for reasons of consistency and clarity. The Panel therefore recommends the policy be adopted as amended below and the submissions **accepted in part**.

“Ensure that adequate physical or spatial buffers or other techniques are applied when allowing new allotments or buildings primarily or exclusively for residential purposes in rural areas, so that the effective, efficient and lawful operation of primary production activities are not compromised.”

Policy 1B.4

- 10.24 HRC supported Policy 1B.4. The Panel acknowledged the support and recommends the policy be adopted and the submission **accepted**.

New Policy

- 10.25 As referred to above Coastal Lakes Station sought the inclusion of a specific objective and supporting policy requiring the avoidance of reverse sensitivity issues that may compromise the efficient and effective operation of permitted rural activities and lawfully established activities within the Rural zone. The reporting officer, having recommended amendments above to Issue 5B and Objective 1B, considered it appropriate to add a new policy to more effectively achieve Objective 1B as follows:

“Ensure that appropriate measures are taken to avoid, remedy or mitigate reverse sensitivity effects from subdivision in areas where residential activities would be potentially affected by existing permitted activities including primary production activities and those other activities lawfully established.”

- 10.26 The Panel accepted that the a proposed new policy (Policy 1B.5) could provide additional support in achieving Objective 1B and that addressing reverse sensitivity effects on existing permitted rural activities including those that had been lawfully established was appropriate. However we consider the wording of the policy could be better and recommend the following:

“Ensure that the potential for reverse sensitivity effects on existing primary production activities and other lawfully established activities where such effects are created by subdivision which would result in residential activity are avoided, remedied or mitigated.”

- 10.27 We therefore recommend that the above new policy be adopted and the submission by Coastal Lakes Station and further submissions by Hort NZ and Fed Farmers be **accepted in part**.

Explanation and Principal Reasons

- 10.28 FRP sought an amendment to the explanation to Issue 5, however the amendment sought relates more to Issue 5B than Issue 5. FRP requested that the explanation recognise that large scale processing, facilities and intensive farming operate within a regime of consent conditions and Plan rules to ensure the adverse effects beyond the boundary of their site are controlled and mitigated. The reporting officer considered that whilst this was something that goes without saying, there was no harm in amending the explanation to provide this additional context. He therefore recommended that the third paragraph of the Explanation and Principal Reasons for Issue 5B be amended as follows:

Primary production activities and large-scale processing and infrastructure facilities contribute significantly to the district's economic and social wellbeing. Although these sorts of activities together with more typical rural activities are required to operate within a regime of plan rules or consent conditions to control the effects of the activity beyond the boundary, conflicts can occur when subdivision and land development, principally residential activities, are sensitive to the effects of these activities and facilities, particularly, when it occurs within close proximity (a phenomenon called 'reverse sensitivity'). As a result of these conflicts, there can be demands to restrict legitimate rural activities such as primary productive

activities or the existing large scale processing and infrastructure facilities in order to reduce what in the circumstances, are normally regarded as acceptable effects. For this reason, it is important to limit potential future conflicts by preventing the intensification of residential activities within close proximity of these activities and facilities.

- 10.29 The Panel accept the proposed amendment provided a degree of clarity and we therefore recommend that it be adopted and the submission by FRP be **accepted**.

Methods for Issue 5B

- 10.30 Hort NZ opposed in part the Methods for Issue 5B seeking amendments to the second and fourth bullet points to include references to reverse sensitivity effects. The Panel accepted that the suggested amendments made the Methods consistent with the other amendments above in relation to Issue 5B. We therefore recommend that the phrase “reverse sensitivity effects” replace “external adverse effects” in the second bullet point and for consistency in the first bullet point and that “the potential for reverse sensitivity effects” be referred to at the end of the fourth bullet point (these are detailed below). We recommend that the submission from Hort NZ be **accepted**.
- 10.31 NZ Pork supported in part the Methods for Issue 5B but sought an amendment to the fourth bullet point that specifies non-complaint covenants as a method. A further submission from Fed Farmers supported this submission.
- 10.32 The reporting officer indicated that the current wording refers to conditions on resource consents such as consent notices and covenants as methods which would be used under the District Plan to manage the effects of subdivision. He said that typically the Council had relied on consent notices more so than covenants, which were generally between the developer and future owners where it had been identified as appropriate to manage the effects beyond the completion of the subdivision. Non-complaint consent notices have been used in the past and are considered to be an effective method of addressing reverse sensitivity issues together with bringing such matters to the attention of future purchasers.
- 10.33 The Panel accepted that reference to a non-compliant provision was appropriate and we therefore recommend that the fourth bullet point of the Methods be amended accordingly as reference below and that the submission by NZ Pork and further submission by Fed Farmers be **accepted in part**.
- 10.34 In a similar manner to Section 9 above, Fed Farmers opposed in part the Methods for Issue 5B seeking an amendment to the words “will be thoroughly assessed” in the comments that follow the Methods for Issue 5B, contended that the wording implied that the Council as the consent authority will not always thoroughly assess the effects of the subdivision. As the Panel has already previously accepted this submission we recommend that the same wording as has now been applied to Issue 1A be used again here and that the submission by Fed Farmers be **accepted in part**.
- 10.35 The recommended wording for the Methods for Issue 5B are as follows:
- Identify the areas at significant risk from natural hazards and areas where reverse sensitivity effects from rural land use activities and physical resources may be incompatible with residential activity.
 - Rules will control the intensity, size and design of subdivision within areas at significant risk from natural hazards or reverse sensitivity effects from land use activities.
 - Assessment of environmental effects through the resource consent process for subdivision proposals, including using assessment criteria.

- Conditions on resource consent such as consent notices and covenants (including non-complaint encumbrances) on Certificates of Title to manage the effects of subdivision including the potential for reverse sensitivity effects.

Subdivision rules and standards provide a high degree of certainty in achieving the objective. Where subdivision applications are not able to meet the Controlled Activity standards, the effects of the subdivision, including the risks to occupiers of future residential activities, will be assessed according to the conditions relevant to the activity status of the subdivision.

11.0 Amendment 9

- 11.1 Amendment 9 is a numbering amendment from 2.3 to 2.4 to reflect the changes made to the operative plan as a result of the Plan Change. No submissions were received on this amendment.

Discussion

- 11.2 The Panel accepts that the revised numbering of this section of the Plan is necessary to incorporate the proposed changes made to the Operative Plan and recommends that Amendment 9 be adopted.

12.0 Amendment 10

- 12.1 Amendment 10 proposes to add three new Anticipated Environmental Results to the Plan that are anticipated to result from the combined implementation of the rural subdivision Policies and Methods.

Submissions Received

Submission Number	Submitter Name	Support/ Oppose	Decision Sought	Panel Recommendation
20/046	Judy Keall	Support	Inferred: That Plan Change 20 including the landscape domain approach that recognises the many different landscapes be adopted.	Accept in part
20/047	Horticulture NZ	Support	That the 3 rd bullet point in Amendment 10 be retained.	Accept
20/051	Horizons Regional Council	Support	That Section 2.4 Anticipated Environmental Results be retained.	Accept
20/058	Federated Farmers of NZ	Support	That the provisions (Section 2.4 – outcome 3) for reverse sensitivity effects to be addressed when new activities take place be retained.	

Further Submission

Further Submission No.	Submitter Name	Original Submission No.	Support/ Oppose	Reasons	Panel Recommendation
20/103F	Horticulture NZ	Federated Farmers of NZ (20/058)	Support	Clear incorporation of reverse sensitivity matters as a consequence of subdivision is supported.	Accept

Discussion

- 12.2 HRC supported all the Anticipated Environmental Results, while Hort NZ and Fed Farmers (supported by Hort NZ) supported the third bullet point. The Panel acknowledged the support and recommends that the three Anticipated Environmental Results be adopted and the submissions by HRC, Hort NZ and Fed Farmers be **accepted**.
- 12.3 In response to the Keall submission regarding support for the landscape domain approach the reporting officer considered it appropriate to include a fourth Anticipated Environmental Result, to specifically address the environmental results that would be anticipated under the new landscape domain approach which recognises the many different landscapes occurring within the Horowhenua Rural Environment. The recommended additional Anticipated Environmental Result would specify the expectation that the proposed objectives, policies and methods would maintain the rural character and rural amenity values throughout the rural areas in accordance with the particular character and qualities of the individual land domains as follows:
- Maintenance of rural character and rural amenity values throughout the District's rural areas in accordance with the particular character and qualities of the individual landscape domains.
- 12.4 The Panel agreed that this additional Anticipated Environmental Result was appropriate and we recommend it be adopted and that the submission by Keall be **accepted in part**.

13 Amendment 11

13.1 Amendment 11 deals with the addition of Appendix 1 to Section 2 of the District Plan. Appendix 1 is the Landscape Assessment of the Rural Environment of the Horowhenua District.

Submissions Received – Amendment 11

Submission Number		Submitter Name	Support/ Oppose	Decision Sought	Panel Recommendation
20/001		NZ Historic Places Trust <i>Pouhere Taonga</i>	Support in part	That Appendix 1 be amended to identify and recognize the historic heritage values.	Reject
20/002		Tanenuiarangi o Manawatu Inc. (TMI)	Support in part	Accommodate a cultural based section within the landscape assessment that each Iwi have contributed to for the landscape domains within their respective tribal areas recognized in the Treaty of Waitangi framework.	Reject
20/007	A	Matthew Hoggard	Support in part	Recognise the existing lifestyle areas which occur outside of existing zoned settlements.	Accept
20/007	B	Matthew Hoggard	Oppose in part	Define appropriate view points for restricting new subdivision development of dunes for example, development visible from State Highway 1 or Mean High Water Spring may require greater control but should not have a blanket restriction imposed. The Greenbelt Residential Subdivision Design Guide provides a good example of restrictions which could be considered for the unplanned settlements within the coastal environments.	Reject
20/042		Truebridge Associates Ltd	Oppose in part	That the prohibitive aspects of the wording in Appendix 1 of Chapter 2 be removed.	Reject
20/043		Marilyn Blenkhorn	Oppose in part	Remove Pine Forestry as a provider of Visual Absorption Capability in Levin-Koputaroa landscape Domain.	Reject
20/047	A	Horticulture NZ	Support in part	Change all references of market gardening to horticulture.	Accept
20/047	B	Horticulture NZ	Oppose in part	That all the descriptors in Appendix 1 be reworded to use common language and to better reflect the rural production environments.	Reject
20/051		Horizons Regional Council	Support	That Appendix 1 of Chapter 2 be retained.	Accept in part
20/054		FRP Investments Ltd & FRP Agriculture Ltd	Support	That Appendix 1 of Chapter 2 be retained and more particularly its acknowledgement of the potential of existing forested areas in the Coastal Environment.	Accept in part
20/061		NZ Pork	Support in part	That the Opportunities and Constraints for the Foxton Dunefields be expanded to include a statement that reads "The opportunity exists to use development as a means to recognize the soils and enhance the productive potential of the zone through the application of animal manure to increase soil organic matter and water holding properties".	Reject

Further Submissions

Further Submission No.	Submitter Name	Original Submission No.	Support/ Oppose	Reasons	Panel Recommendation
20/103F	Horticulture NZ	20/002	Oppose in part	It is agreed that due consideration should be made of cultural sites as part of a subdivision process, but Horticulture NZ seeks that any changes made only apply to subdivision and not to all land use activities.	Accept
20/112F	Federated Farmers of NZ	20/002	Oppose in part	Such substantial changes should be subject to extensive consultation and be notified as part of a separate process to enable full assessment of any effects of the provisions of this plan change. We would also be concerned at a blanket requirement for archaeologists to be present during any development, as this does not allow the flexibility to take into account the individual circumstances of developments and to what extent the expense of an archaeologist is necessary.	Accept

Discussion

- 13.2 NZHPT requested some additional amendments to Appendix 1 to identify and recognise the historic heritage values within the landscape domains. They contend that landscape values should not be limited to the perceived natural and aesthetic values but also the diverse layers of historic heritage information. They request that further work be undertaken with a local historian, archaeologist and in consultation with Iwi to recognise the historic values of the proposed landscape domains. Tanenuiarangi o Manawatu Inc made a similar submission seeking that a cultural based section be included within the landscape assessment, with each Iwi contributing to the landscape domains within their respective tribal areas (recognised by the Treaty of Waitangi). Further submissions by Hort NZ and Fed Farmers opposed this submission in part.
- 13.3 The reporting officer considered that while it was recognised that historic heritage and cultural values contribute to the landscape values, the presence of historic heritage or cultural values within a landscape were not considered to be key factors that would influence the position of the landscape domain boundaries. He said that the historic heritage and cultural values therefore did not form part of the landscape assessment to identify the landscape domains that make up the Horowhenua District. He acknowledged that the District Plan did not currently identify any sites of cultural significance and that this issue had been problematic particularly for applicants wanting certainty regarding the processing of resource consent applications. He said that the identification of historic heritage and cultural values and sites within the District was recognised as being an important part of the second generation District Plan, noting that this matter would also affect many other parts of the Plan not just the subdivision rules.
- 13.4 The Panel accepted that the matters raised by these two submitters, whilst of some importance had wider reaching consequences beyond the subdivision section of the District Plan and were therefore difficult to incorporate within this Plan Change without major

reworking. We consider that the identification of historic heritage and cultural values and sites within the District and the work recommended by the submitters should be undertaken as part of the District Plan review and not form part of this Plan Change. We therefore recommend that the submissions by NZHPT and Tanenuiarangi o Manawatu Inc be **rejected** and the further submissions by Hort NZ and Fed Farmers **accepted**.

- 13.5 M Hoggard sought that the Amendment 11 recognise the residential/lifestyle development that had already occurred within the rural coastal areas. The reporting officer noted that the developments outside the existing coastal settlements had occurred as a result of the current District Plan rural subdivision rules and that there were a significant number of new lots created in certain locations in the rural coastal areas outside the existing coastal settlements. He considered that including reference to these developments would provide a more accurate representation of the Coastal Environment Landscape domain and proposed adding the following words to the sentence under the Landuse heading for the Coastal Environment;

“and there have been some areas which have experienced subdivision development in the rural coastal areas outside the existing settlements”

- 13.6 The Panel agreed that the above amendment made sense in terms of more accurately describing the landuse within the coastal environment. We therefore recommend that the above wording be adopted and added to the end of the sentence under the sub-heading Landuse within the Coastal Environment – Landscape Character section, and that the submission by M Hoggard be **accepted**.
- 13.7 M Hoggard opposed the wording *“Construction on or modification to the dunes will therefore also be visible and together with the potential to adversely affect the environmental sensitivities of the dunes, should be restricted”* which is situated in the last paragraph of the Coastal Environment section of the appendix. He sought that appropriate view points are used to restrict new subdivision development of the dunes such as visibility from the Mean High Water Spring mark rather than a blanket restriction on all sand dune development, contending that restrictions should recognise the rights which have already been provided for through approved subdivision consents.
- 13.8 The reporting officer noted that the dunefields are particularly sensitive to modification, and interference which will often have flow-on effects beyond the location of the interference. He noted that the contents of Appendix 1 are summarised from the *Landscape Assessment of the Rural Environment of the Horowhenua District* report which forms the basis for the landscape domain based provisions included in the Plan Change. He said that Appendix 1 does not contain any policies, rules, standards, guidelines or assessment criteria that would be used to assess a subdivision application, but has been included to provide context for each landscape domain for users of the Plan and it is the policies, rules, assessment criteria and design guidelines which provide the framework for considering subdivision and development in the Coastal Environment.
- 13.9 The Panel noted that development rights associated with existing subdivision developments would not be compromised by this Plan Change. The Plan Change provisions would only apply to future subdivisions not those that have already been granted subdivision approval prior to this Plan Change being notified. We further considered that the sentence referenced was a statement of intent rather than a policy direction and that as referred to by the reporting officer Appendix 1 merely provided context for the Plan Change. We therefore see no reason to amend this sentence and recommend that the submission from M Hoggard be **rejected**.
- 13.10 Truebridge contend that the appendix contains statements that are too prohibitive and would not allow sufficient scope for an applicant to make an application and argue the merits of or

potential effects of a proposed development. They cite examples in the Coastal Environment, Foxton Dunefields, Kuku and Hill Country Landscape Domains.

- 13.11 The reporting officer again noted that the contents of Appendix 1 are summarised from the *Landscape Assessment of the Rural Environment of the Horowhenua District* report which formed the basis and context for the landscape domain based provisions included in the Plan Change and are not part of the assessment criteria that would be used to assess a subdivision application. He did not consider the statements included in Appendix 1 were so prohibitive that they would prevent an applicant being able to argue the merits of the case.
- 13.12 Having reviewed the appendix the Panel agreed that none of the statements it contained would prevent applications being made, with the type of wording used being 'restrict' and 'protect' rather than prohibit. Further, as noted above Appendix 1 merely provides a context for the Plan Change. We therefore recommend that the submission from Truebridge be **rejected**.
- 13.13 M Blenkhorn sought that the use of pine forestry be removed as a provider of Visual Absorption Capability (VAC) in the Levin-Koputaroa landscape domain as pine forestry only lasts 15-25 years. The reporting officer noted that the Plan Change text states "*The extensive areas of pine forestry also provide visual integration of potential development within this area*". He acknowledged that pine forests have a rotation cycle of planting, maintaining and harvesting, meaning that the trees are periodically removed and are not always present to act as a provider of VAC. He considered that whilst the level of visual integration may not be as good when new trees are growing, the wording of the Plan Change still remains correct in that the pine forestry can provide visual integration.
- 13.14 The Panel agreed that pine forestry could be a provider of VAC and we recommend that the submission by M Blenkhorn be **rejected**.
- 13.15 Hort NZ sought that the term "market gardening" used throughout the Plan Change be amended to "horticulture" as this encompasses all fruit, berry and vegetable production undertaken in the District. This matter was also addressed by the Panel in Section 7 and we reiterate our conclusion that all references to "market gardening" be replaced by "horticulture". We therefore recommend that the Hort NZ submission be **accepted**.
- 13.16 Hort NZ sought that the descriptors in Appendix 1 be reworked and that common language be used to better reflect the rural production environments. The reporting officer noted that the descriptors used are landscape descriptors with little focus on the rural production activities or the context in which they operate. He considered that the language used should be that which the general public can appreciate and understand and that Appendix 1 achieved that. The Panel noted that it had previously addressed and rejected Hort NZ's submissions requesting a focus on rural production environments rather than the proposed landscape domains. We therefore recommend that this submission be **rejected**.
- 13.17 NZ Pork sought an amendment to the Foxton Dunefields Opportunities and Constraints section by adding "*That the opportunity exists to use development as a means to stabilise the soils and enhance the productive potential of the zone through the application of animal manure to increase soil organic matter and water holding properties*". The Panel noted that the discharge of animal manure to land is the responsibility of HRC and that it was not considered appropriate to add such detail to Appendix 1. We therefore recommend the submission by NZ Pork be **rejected**.
- 13.18 The submissions from HRC and FRP in support of Appendix 1 are noted and it is recommended that their submissions be **accepted in part** as a result of the change made.
- 13.19 Overall, subject to the changes proposed we recommend Appendix 1 be adopted.

Amendments 12 and 13

- 14.1 Amendment 12 involves deleting text for Rule 19.3(b) of the Operative District Plan while Amendment 13 would replace the text for Rule 19.3(b). These amendments clarify that it is only those subdivisions that comply with all the conditions of Rule 19.4.2 that are a Controlled activity subdivision. No submissions were received on Amendment 12.

Submissions Received - Amendment 13

Submission Number	Submitter Name	Support/ Oppose	Decision Sought	Panel Recommendation
20/051	Horizons Regional Council	Support	That Amendment 13 be retained.	Accept

Discussion

- 13.2 HRC supported Amendment 13 which clarifies which subdivisions are Controlled activities. The Panel acknowledged the support and recommends that the amendment to Rule 19.3(b) be adopted and the submission by HRC be **accepted**.

15.0 Amendment 14

- 15.1 Amendment 14 deletes the existing section 19.4.2 of the Plan, which contains the existing matters over which the Council reserves its control and the conditions for Controlled activity subdivisions. Amendment 15 replaces this text.

Submissions Received

Submission Number	Submitter Name	Support/ Oppose	Decision Sought	Panel Recommendation
20/051	Horizons Regional Council	Support	That Amendment 14 be retained.	Accept

Discussion

- 15.2 HRC supported Amendment 14 deleting this section. The Panel acknowledged the support and recommends that the deletion of existing Rule 19.4.2 be adopted and the submission by HRC be **accepted**.

16.0 Amendment 15

16.1 Amendment 15 replaces the existing Controlled Matters and Conditions for Controlled activity subdivisions that are proposed to be deleted by Amendment 14. This amendment is in three parts being:

Rule 19.4.2.A

Controlled matters – being the matters which the Council reserves its control over when considering a Controlled activity subdivision.

Rule 19.4.2.B

Conditions applying to all Rural Landscape Domains – these are standards that need to be met for an application to be considered as a Controlled activity subdivision regardless of where the site is located within the Horowhenua rural environment.

Rule 19.4.2.C

Conditions applying to Individual Rural Landscape Domains – these are standards specific to each Landscape Domain that are to be met for an application to be considered as a Controlled activity.

Submissions Received – Amendment 15

Submission Number		Submitter Name	Support/ Oppose	Decision Sought	Panel Recommendation
20/051		Horizons Regional Council	Support	That Amendment 15 be retained.	Accept in part
20/059	A	Coastal Lakes Station: Graham Sexton & Family	Oppose	That the minimum lot size for the Coastal Environment Landscape Domain be set higher than 5000m ² . A 2ha minimum lot size is recommended for all land in the Rural zone where the minimum lot size is currently proposed at 5000m ² .	Reject
20/057	A	B.J. O'Grady	Oppose	That an additional column be added to Table 19.4.2.C which allows any number of lots with a minimum lot size of 100ha.	Reject
20/035		Horowhenua District Council	Support in part	That a limit on the amount of earthworks that can be undertaken in association with a subdivision as a Controlled Activity be included.	Reject
20/015		Horowhenua District Council	Support	That an explanatory paragraph be added as a 7 th paragraph to the Note to plan users in Section 19.4.2.A "The more restrictive activity status will also be applied in the situation where a property to be subdivided is located within two or more landscape domains, and would be subject to a different activity status for each domain."	Accept
20/047	A	Horticulture NZ	Support in part	That Rule 19.4.2.A be amended Delete (i) 2 nd bullet and replace with "the productive capacity of the land for rural production activities" Amend (x) to refer to 'potential reverse sensitivity effects Amend the last bullet point in 19.4.2.A (i) to read "the degree to which a proposed Conservation Lot is likely to avoid remedy or mitigate the adverse effects on any natural habitat that would be adversely affected by the subdivision."	Accept in part
20/044		NZ Fire Service Commission	Support in part	That Rule 19.4.2.A(iii) be amended to read "The provision and design of servicing and network utilities, including potable water supply, fire fighting water supply (complying with NZS	Reject

Submission Number		Submitter Name	Support/ Oppose	Decision Sought	Panel Recommendation
				4509:2008 or any subsequent amendments), wastewater systems, stormwater management and disposal, streetlighting, telecommunications and electricity.”	
20/001		NZ Historic Places Trust <i>Pouhere Taonga</i>	Support in part	That Rule 19.4.2.A (v) be amended to read “Effects on significant sites and features, including natural, cultural and historic heritage sites.”	Accept
20/038	A	NZ Railways Corporation	Support in part	That Rule 19.4.2.A(x) be amended to include vibration.	Accept
20/058	C	Federated Farmers of NZ	Support	That the provisions (Rule 19.4.2.A(x)) for reverse sensitivity effects to be addressed when new activities take place be retained.	Accept in part
20/059	B	Coastal Lakes Station: Graham Sexton & Family	Support in part	That either Refinement be made to the Controlled Matters (i) – (xvii) of Section 19.4.2.A to make the matters Council reserves control over certain and linked to clear controlled standard of the District Plan and supported by clear policies. Or Any subdivision of the Rural zone be made a Discretionary Unrestricted Activity.	Reject
20/038		NZ Railways Corporation	Support in part	Strengthen the provisions Rule 19.4.2.A(ii) to recognize that accesses over level crossings do not constitute legal access. Follow Selwyn District Plan example: see submission.	Reject
20/047	B	Horticulture NZ	Support in part	That Rule 19.4.2.B be amended by changing the Building setback (d) to include : For dwellings a setback of 25 metres from any side or rear boundary.	Reject
20/032		Transpower NZ Limited	Support	Retain Rule 19.4.2B(vi)(h).	Accept
20/058	A	Federated Farmers of NZ	Support in part	That a condition be added to Rule 19.4.2.B to read “Reverse Sensitivity: A covenant shall form part of the documentation supporting the subdivision consent application (which shall be registered on the additional titles created) specifying that no complaints shall be made in relation to the effects of any primary production activities lawfully occurring as at 10/01/2009, including effects such as noise, odour, dust, or visual effects. Such covenant need not apply to the certificates of title that contain any dwelling that existed prior to any subdivision” (or words to that effect).	Reject
20/047	C	Horticulture NZ	Oppose in part	That all references in Rule 19.4.2.C to Highly Versatile soils be deleted and class all subdivision in each area on the effects on productive capacity of land.	Reject
20/053		Graham Halstead	Oppose in part	That the Plan Change be amended be deleting all references to allowing subdivision, replace with words “No further subdivision permitted”. Rule 19.4.2. C	Reject
20/058	B	Federated Farmers of NZ	Oppose in part	That Rule 19.4.2.C(i) be amended to read Levin-Koputaroa HV Soil: 2 additional lots (1 lot shall contain an existing dwelling, both lots to be created at the same time.) Levin-Ohau HV Soil 2 additional lots (1 lot shall contain an existing dwelling, both lots to be created at the same time.) Tararua Terraces HV Soil: 2 additional lots (1 lot	Reject

Submission Number		Submitter Name	Support/ Oppose	Decision Sought	Panel Recommendation
				<p>shall contain an existing dwelling, both lots to be created at the same time.)</p> <p>That Rule 19.6.2(i) be amended to read: Kuku: 1-2 additional lots minimum lot size 5000m² Remainder of parent lot is to have a covenant placed on the title to prevent further subdivision under 10ha. Levin-Koputaroa HV Soil: 1-2 additional lots minimum lot size 5000m² Remainder of parent lot is to have a covenant placed on the title to prevent further subdivision under 10ha. Levin-Ohau HV Soil: 1-2 additional lots minimum lot size 5000m² Remainder of parent lot is to have a covenant placed on the title to prevent further subdivision under 10ha. Moutoa-Opiki Plains: 1-2 additional lot sizes 5000m² Remainder of parent lot is to have a covenant placed on the title to prevent further subdivision under 20ha. Tararua Terraces Non HV Soil: 1-2 additional lots Tararua Terraces HV Soil: 1-2 additional lots minimum lot size 5000m² Remainder of parent lot is to have a covenant placed on the title to prevent further subdivision under 15ha average. Notes 3, 4, 6, 7: Averaging shall only be applied where more than 3 additional lots are being created.</p> <p>That Rule 19.8.1(i) be amended to read: Moutoa-Opiki Plains: 1-2 additional lots minimum lot size 5000m² 20ha minimum average lot size Remainder of parent lot is to have a covenant placed on the title to prevent further subdivision under 20ha. Notes 3, 5, 6: Averaging shall only be applied where more than 3 additional lots are being created.</p>	
20/057	B	B.J. O'Grady	Support in part	That Tables 19.4.2.C, 19.6.2, 19.8.1 be amended by replacing "1+" with "1 or more".	Accept
20/007		Matthew Hoggard	Oppose in part	That Table 19.4.2.C be amended so that the Minimum lot size for Coastal Environment should be 2000m ² .	Reject
20/042		Truebridge Associates Ltd	Oppose	That changes be made in accordance with the submission.	Reject

Further Submissions

Further Submission No.	Submitter Name	Original Submission No.		Support/ Oppose	Reasons	Panel Recommendation
20/112F	Federated Farmers of NZ	20/035		Oppose	The effects of earthworks and management of construction effects including earthworks are current controlled matters and from these matters conditions can be included on consents to limit volume as appropriate for the activity.	Accept
20/112F	Federated Farmers of NZ	20/053		Oppose	The rules provide the flexibility for small scale subdivision for purposes such as farm succession, for example. This flexibility needs to be retained.	Accept
20/103F	Horticulture NZ	20/058	A	Support	Additional mechanisms to address reverse sensitivity are supported.	Reject
20/106F	Graham Halstead	20/058	B	Oppose	Oppose the 1-2 additional lots on Highly versatile soils in the Levin-Koputaroa and Levin-Ohau domains.	Accept
20/103F	Horticulture NZ	20/058	C	Support	Clear incorporation of reverse sensitivity matters as a consequence of subdivision is supported.	Reject

Discussion

Rule 19.4.2.A

- 16.2 HDC supports in part this amendment but sought that an additional explanatory paragraph be added to the Note to Plan Users in Interpreting Subdivision Rules in Section 19.4.2.A as follows:

“The more restrictive activity status will also be applied in the situation where a property to be subdivided is located within two or more landscape domains, and would be subject to a different activity status for each domain”.

- 16.3 The reporting officer noted that the mapping of the rural environment into 10 landscape domains had resulted in some properties falling within two or more different Landscape Domains and therefore for clarity reasons he supported the amendment. The Panel agreed that it was appropriate to make it clear which activity status applied in the event that a property was situated across more than one domain boundary and that in such a situation it was the most restrictive status which should apply. We therefore recommend that the above amendment be adopted and that the submission by HDC be **accepted**.
- 16.4 Hort NZ supports in part the new rule but sought the following changes be made to the Controlled Matters to bring them in line with other changes sought:
- Replace the existing text for the second bullet point of (i) and replace with the productive capacity of the land for rural production activities,
 - Amend the last bullet point to read *“The degree to which a proposed Conservation Lot is likely to avoid remedy or mitigate the adverse effects on any natural habitat that would be adversely affected by the subdivision”*,
 - Amend (x) to refer to “potential” reverse sensitivity effects.
- 16.5 In terms of the first point the Panel noted that it had previously addressed the issue of versatile soils versus production activities and found that it is appropriate to recognise such

soils. Having made a distinction between highly versatile soils and non-highly versatile soils we consider that retaining this bullet point is justified. In relation to the second point we agree that this amendment is more consistent with the wording of the Act and we therefore recommend it be adopted. On the final point we note that the amendment to (x) would extend its current meaning to include those reverse sensitivity effects that could occur in the future. We consider such a change is appropriate given that potential effects are a legitimate consideration under the Act and are supported by case law and recommend therefore it be adopted. Overall the submission by Hort NZ is **accepted in part** as is submission by Fed Farmers which supported Rule 19.4.2 (x).

- 16.6 The Panel recommends a minor correction is necessary pursuant to Clause 16(2) First Schedule of the Act to the second bullet point of Rule 19.4.2.A(i) to correct the spelling of “maximization” to “maximisation”.
- 16.7 NZFSC supports in part the new rules but sought that Rule 19.4.2.A(iii) be amended to include reference to fire fighting water supply (complying with NZS 4509:2008 or any subsequent amendments) as a matter over which the Council reserves it control.
- 16.8 The reporting officer indicated that the NZ Fire Fighting Water Supplies Code of Practice SNZ PAS 4509:2008 is non-mandatory but could be incorporated into relevant bylaws under Section 146(b) of the Local Government Act 2002 or District Plans prepared under the Act. He said that the Code of Practice is intended to assist the National Commander of the NZ Fire Service to carry out the duties in section 30(2) of the Fire Service Act. He went onto note that the rural areas of the Horowhenua were serviced by the Volunteer Fire Services. This service means there is limited service, including in terms of response times and therefore consideration should be given to on site fire fighting water supplies. In practical terms the Code of Practice considers 45,000 litres as the minimum storage requirement within a distance of 90m for each dwelling. This type of water supply is appropriate if the Fire Service arrive in time to extinguish the fire prior to a total loss. He said that there was some merit in providing a dedicated single supply where there were clusters of 3-4 dwellings, however it was more likely that each dwelling would want their own dedicated supply along with storage for their daily use.
- 16.9 The reporting officer suggested an alternative option could be to cover every new dwelling with a By-Law requiring that at the time of construction stage to provide a sprinkler system with a recommended onsite minimum storage of 7000 litres which is a bit more achievable than 45,000 litres.
- 16.10 He went on to advise us that the Council’s current practice is to place an advice note on rural subdivision consents drawing the developer’s attention to the concerns about there being very little access to adequate fire fighting water supplies; and recommending that at the time that any habitable building is erected within the development that either:
- A minimum storage of 7,000 litres of water for fire fighting purposes should be provided to each habitable building connected to a domestic sprinkler system installed in compliance with the NZ Code of Practice for Fire Fighting Water Supplies SNZ PAS 4509.2008.
- or
- A minimum storage of 45,000 litres of water for fire fighting purposes should be provided to each habitable building, along with adequate access to it for fire service vehicles and the correct fittings in compliance with the NZ Code of Practice for Fire Fighting Water Supplies SNZ PAS 4509.2008.
- 16.11 The reporting officer acknowledged the intention of NZFSC as being worthy, but considered that a compulsion to comply with SNZ PAS 4509:2008 through the District Plan was not

appropriate in terms of effectiveness and other environmental implications. He said that whilst fire fighting water supplies remain a matter that can be considered as another matter under section 104 of the Act in a resource consent, he did not see it as a core issue, and considered that the costs of compliance with SNZ PAS 4509:2008 outweigh the benefits, which in his view could be achieved through other means.

- 16.12 In a written letter to the hearing Sarah Garty, a consultant on behalf of NZFSC, it was stated that NZFSC considered the Plan Change to be an appropriate mechanism to incorporate the New Zealand Standard for Fire Fighting Water Supply, as the adoption would result in the assurance of the best level of protection for properties against fire outbreak. She also considered doing so would achieve the purpose of the Act in terms of enabling people and communities to provide for their health and safety and mitigate against the adverse effects of fire.
- 16.13 The Panel sought a further response from the reporting officer on this matter including where in the Plan Change a policy might be included. He responded that the appropriate policy to consider including a link to Fire Fighting requirements would be Policy 1.13. He went on to say that the Council had favoured allowing the owners/occupants of a house built in the rural environment to be responsible for the level of fire fighting protection they wish to have. He considered that requiring a developer to provide adequate water for fire fighting at the time of subdivision can be inefficient not only in terms of delay between a subdivision being completed and houses occupied but also because the size of rural sections means there are often multiple potential house sites on a single allotment. He noted that the Council had in some circumstances required large fire fighting tanks to be provided in the road reserve at the time of rural subdivision, however it remained to be seen how effective these would be given the time delay in being reached by a fire appliance.
- 16.14 The reporting officer concluded by saying that if the Panel were of the opinion that including policies or rules within the Plan was an appropriate means to achieving a better level of fire safety then the obligations should be placed on the future owners of the lots and undertaken at the time of building consent, with the owner having the choice of a domestic sprinkler system and small tank; or providing a larger tank when the house is constructed. This would require the use of a consent notice to ensure that such steps are taken well after the subdivision has been signed off and completed. The exception being where the size of the lot or the subdivision layout means that it is quite clear where a suitable sized tank may be located to offer adequate access by an appliance (such where lots may be clustered at the end of a rural right-of-way).
- 16.15 The Panel firstly noted that the District Plan at present did not contain any reference to SNZ PAS 4509:2008. Further, we acknowledge this is a difficult matter in that a balance needs to be drawn between property protection (and human safety) and the costs involved in requiring (as opposed to drawing attention to) such measures for relatively infrequent events. On balance we consider that the current measures taken by the Council in providing an advice note on rural subdivision consents drawing the developer's attention to the concerns about there being very little access to adequate fire fighting water supplies; and recommending certain actions be taken at the time that any habitable building is erected is the most appropriate approach in view of no other requirements in the Building Act, which we would have thought was the better vehicle to deal with this issue. We therefore recommend that the submission by NZFSC be **rejected**.
- 16.16 NZHPT supported in part this amendment but sought that Rule 19.4.2.A(v) be amended to refer to historic heritage. The Panel noted this change was consistent with others we had recommended the adoption of and we therefore recommend that Rule 19.4.2.A(v) be

amended to refer to “historic heritage” in place of “historical” and that the submission by NZHPT be **accepted**.

- 16.17 NZRC supported in part Rule 19.4.2.A(x) but sought it be amended to refer to vibration which they consider is a potential reverse sensitivity effect associated with infrastructure such as the railway network. The Panel agreed that this was appropriate and we recommend that Rule 19.4.2.A(x) be amendment to refer to “vibration” and the submission by NZRC be **accepted**.
- 16.18 NZRC also request that Rule 19.4.2.A(ii) be strengthened to recognise that accesses over level crossings do not constitute legal access. The reporting officer noted that Rule 19.4.2.A sets out the matters over which the Council reserves its control and includes “access over or under railway lines”. He considered that the existing wording of the Controlled Matters to be adequate to allow conditions relating to access over or under railways to be imposed and that the change requested was better addressed in Amendment 16. The Panel agreed it was more appropriate to address this matter under Amendment 16 and for that reason only recommend that this NZRC submission be **rejected**.
- 16.19 Coastal Lakes Station sought that refinements be made to the Controlled Matters to make them certain and linked to clear controlled standards supported by policies or that any subdivision in the Rural Zone becomes a Discretionary Unrestricted Activity. They contend that the Plan Change has not gone far enough to achieve sustainable management.
- 16.20 The reporting officer noted that the Plan Change proposed to replace the current rural subdivision provisions with a more targeted and thorough approach to rural subdivision through objectives which seek to protect the sustainability and, character of amenity of the rural environment, while providing the ability for people to use and live in the Rural Zone.
- 16.21 The Panel were mindful of the direction taken by the Plan Change compared with the existing District Plan provisions but considered that even with a tightening of the rural subdivisions provisions there needed to a balance provided in terms of the requirements and environmental outcomes sought to be achieved. We do not consider it to be the most effective or efficient approach to make every subdivision a full Discretionary activity. In our view certain subdivisions where the effects are limited such as boundary adjustments or low density developments should proceed as Controlled activities so as to provide certainty and limited costs. We therefore recommended that the submission by Coastal Lakes Station be **rejected**.
- 16.22 The Panel noted that HRC supported Rule 19.4.2.A and that Fed Farmers supported Rule 19.4.2.A(x). Due to the amendments made we recommend these submissions be **accepted in part**.

Rule 19.4.2.B

- 16.23 HDC supported in part Rule 19.4.2.B but sought that it be amended by providing a limit on the amount (volume) of earthworks that can be undertaken in association with a subdivision as a Controlled activity. This was opposed by Fed Farmers.
- 16.24 The reporting officer indicated that Earthworks are currently defined in the Plan as “any re-shaping or re-contouring of the land and includes excavation and earth filling but excludes minor soil disturbance or filling of less than 1.0 metre depth or height”. A land use consent for earthworks is only required where earthworks (as defined above) are to occur within an outstanding landscape identified on the Planning Maps. He said that this approach means that typical activities such as creating a building platform or recontouring a site for centre pivot irrigators can occur without a need for resource consent if they are not exceeding 1 metre cut or fill. To highlight the difficulties within the current approach he indicated that as there is currently no volume restriction a 1 hectare site within an outstanding landscape could

be levelled by 900mm resulting in approximately 9000m³ of earthworks and not require consent yet an adjoining site could fill a building platform for a 56m² garage with 1.1 metres of fill creating earthworks of 62m³ and would therefore require resource consent. He noted however that there were a number of interrelated issues with earthworks affecting the wide District Plan and that rather than introduce a threshold only for Controlled activity subdivisions in the Rural Zone it would be more appropriate to evaluate the issues and effects associated with earthworks as part of the District Plan review.

- 16.25 The Panel acknowledged that there appeared to be some inconsistencies with the way the Earthworks provisions worked, however we agree with the reporting officer that addressing these is more a matter for the District Plan review than Plan Change 20. We also note that the effects of “earthworks and modifications to the landscape” (vii) and “the management of construction effects including earthworks” (xiii) are already included in the Plan Change as Controlled Matters (19.4.2.A), thus ensuring a level of assessment. We recommend that the submission by HDC be **rejected** and the further submission by Fed Farmers be **accepted**.
- 16.26 Hort NZ sought that Rule 19.4.2.B(iv)(d) be amended by changing the building setback distance of 9m for Building Areas from any side or rear boundary, to require dwellings to have a setback of 25m from any side or rear boundary. They have sought this change as a means to manage the potential for reverse sensitivity effects and consider that a larger side and rear boundary setback distance would help manage this.
- 16.27 The reporting officer noted that the Plan Change did not change the existing land use provisions for the Rural Zone, which means that the bulk and location requirements of the Operative Plan would continue to apply. He said that Rule 19.4.2.B(iv)(d) requires that applicants at the time of submitting a subdivision application, provide information identifying that each lot can accommodate a building area and effluent disposal area that can comply with certain specified parameters. He noted that the current Rural Zone set back distance in the Operative Plan for any building from a side or rear boundary is 3m and that although proposed Rule 19.4.2.B(iv)(d) would require the proposed building area to be 9m from a rear or side boundary, the reality is that if the subdivision was completed and a building consent lodged, if the building was to be less than 9m from the boundary but still set back 3m from the boundary then no resource consent would be required.
- 16.28 The reporting officer further noted that the bulk and location provisions of the District Plan were not proposed to be changed by this Plan Change but would be reviewed as part of the upcoming formal District Plan Review. He said without predetermining what sort of change to the setback distances may occur, changing the side and rear boundary distance from 3m to be at least 9m would not be unrealistic. Therefore including the 9m setback requirement in the Plan now for subdivisions at least requires subdividers to consider the provision for greater setbacks than the current Operative Plan when designing the subdivision layout.
- 16.29 The Panel initially sought advice as to whether having two provisions essentially at odds with each other created an ultra vires situation and inconsistency issues for the District Plan which warranted deferral. The Council’s lawyer responded that:
- (1) *“I do not consider the new proposed provision to be ultra vires. Quite simply, land use and subdivision consent provisions are governed by different provisions of the Act and therefore in his opinion the issue of “vires” does not arise.*
 - (2) *In my opinion the approach adopted here is appropriate and to a large degree necessitated by the fact that there is a distinction between subdivision and land use consents. This is because there is frequently a lengthy delay between a subdivision and any subsequent land use activity. Land-banking within the Horowhenua district has been a significant issue in recent years.*

This plan change is making it very clear that reduced density of land use over time is intended. To give effect to this intention the subdivision rules must first be changed and then the land use rules. While both may be changed at the same time this would create argument/issues for existing undeveloped subdivision consent holders as they would suggest that such a change is intended to thwart their established and now legitimate expectation that they can develop their land in accordance with the subdivision consent granted.

To avoid this problem in the future any consent to subdivide must now set the new thresholds and the land use outcomes can be subsequently reviewed. This will avoid issues of "equity" for existing subdivision consent holders while avoiding the creation of such an expectation in the minds of those now undertaking a subdivision. Because the set back distances are being increased rather than reduced such an approach is desirable and appropriate.

Consequently in my view deferral is not appropriate and would defeat the purpose of the plan change so far as subdivision consents are concerned. While this may lead to some additional consenting concerns for those wishing to continue to rely upon the land use set back requirement only, those concerns can be managed within a consent process. However once a subdivision consent is granted that sets the threshold for set back requirements and any reduction is more difficult/controversial to implement through land use provisions only.

This stepped approach has the benefit of avoiding controversy while allowing for a consent process to manage any incompatibility in the interregnum.

The same reasoning applies to the transmission line set back rule."

- 16.30 The Panel noted that, as shown above, the rule did not require a new dwelling to necessarily be built 9m from the boundary. Therefore if there were a greater setback of 25m it would require all lots to be over 50m in width, but dwellings could still be built 3m from the boundary (and we are unable to predetermine what might be the outcome of the District Plan Review in this regard). This could potentially lead to contrived subdivision layouts showing large setback distances which cannot be enforced. The purpose for which Hort NZ sought the larger setback i.e. to mitigate against reverse sensitivity effects would not be achieved. We do consider that if the District Plan is to have a subdivision rule setback then it should preferably mirror that of the zone rules. We sense that Plan Change 20 is sending a signal with its 9m subdivision provision, however it would seem that the dominant rule is that contained in the zone provisions and that it is the District Plan review that will ultimately determine this issue. We note here that we consider 9m is a reasonable setback for achieving the outcomes desired. We doubt an additional 16m would make a significant difference in mitigating against reserve sensitivity effects, but could instead result in a less efficient utilisation of land.
- 16.31 We record here that the situation of having two different setbacks is in our view not ideal and could create confusion and additional costs at least until the District Plan is reviewed. Nevertheless, we accept that the Plan Change is seeking to establish a new threshold and for completeness sake we do not consider there is scope to reduce the setback to 3m even if we were mindful to do so. For the reasons outlined above we recommend that the submission by Hort NZ be **rejected**.
- 16.32 Transpower supported Rule 19.4.2.B(vi)h which the Panel acknowledges. We recommend this rule be adopted and the submission by Transpower be **accepted**.
- 16.33 Fed Farmers, supported by Hort NZ, sought that an additional condition be added to Rule 19.4.2.B to address reverse sensitivity as follows:
- "Reverse Sensitivity: A covenant shall form part of the documentation supporting the subdivision consent application (which shall be registered on the additional titles created)*

specifying that no complaints shall be made in relation to the effects of any primary production activities lawfully occurring as at 10/01/2009, including effects such as noise, odour, dust, or visual effects. Such covenant need not apply to the certificates of title that contain any dwelling that existed prior to any subdivision”

- 16.34 The reporting officer considered such a requirement would have the effect of requiring private covenants for all new titles to accompany each subdivision application and that this approach could result in the subdivider simply opting to impose covenants rather than addressing the matter of reverse sensitivity through careful design. He also noted that the requested wording would not cover the situation where a primary production activity was established after the 10/01/09 but prior to the subdivision application being submitted. This would make it potentially difficult for applicants to establish whether or not the primary production activity had been lawfully established before the specified date.
- 16.35 At the hearing Ms Buckley said that Fed Farmers remain concerned about the “second generation” lifestyle landowners and their expectations of living within the rural environment. They consider no-complaints covenants would address these issues by alerting first and second generation lifestylers to the realities of rural living.
- 16.36 The Panel noted that we had already addressed this matter to some extent in Section 10. While we have some sympathy for the proposed amendment, we consider it could result in a blanket approach to reverse sensitivity which did not actually physically address the issue and we suspect this is not the intention of the submitters. In our view the use of such a technique can be a quite draconian measure and therefore should be but one mechanism available for addressing reverse sensitivity. We also note that private covenants can be removed without Council approval which would not provide any certainty to the primary production operators on the neighbouring sites.
- 16.37 We consider that assessing applications on their merit would enable the consent authority to impose a consent notice against the titles of the specific lots where potential affect could arise. This approach would have the benefit of not placing unnecessary encumbrances on titles and by virtue of being consent notices instead of covenants, approval from Council would be necessary to remove a consent notice from a certificate of title.
- 16.38 In summary we considered that there are sufficient provisions and mechanisms for addressing reverse sensitivity throughout this Plan Change without making no complaint covenants on titles compulsory. We therefore recommended that the submission by Fed Farmers and further submission by Hort NZ be **rejected**.

Rule 19.4.2.C

- 16.39 M Hoggard opposed in part Rule 19.4.2.C seeking that the minimum lot size for the Coastal Environment be changed to 2000m², while Coastal Lakes Station opposed the 5000m² minimum lot size for this and other Domains seeking that this be increased to 2ha.
- 16.40 The reporting officer indicated that the current minimum lot size within the Operative District Plan for a rural subdivision on non-highly versatile soils was 2000m². He said that Plan Change 21 proposed to introduce a Greenbelt Residential zone that provided opportunities for rural-residential living, in a transition zone between the existing urban settlements and the Rural Zone. The proposed lot sizes within the Greenbelt Residential Zone are 2000m² if the site is connected to reticulated services such as sewer or 5000m² if the site is to be serviced onsite. He indicated that as part of creating these opportunities in the Greenbelt Residential Zone, the opportunities in the rural environment for rural-residential development of the same size have been reduced via Plan Change 20. He explained that for unreticulated areas, including the Rural Zone the proposed Horizons One Plan required that new lots below 5000m² needed a consent for onsite effluent disposal system. He said that Plan Change 20

proposes that the minimum lot size for any of the rural landscape domains is at least 5000m² to ensure sufficient land area is available for onsite servicing.

- 16.41 In term of the Coastal Lakes Station submission the reporting officer noted that the objectives in the Plan seek to protect the sustainability, character and amenity of the rural environment, while providing the ability for people to use and live in the rural environment. He said that requiring all rural lots to be of least 2 hectares, could result in the inefficient use of the rural land resource and that the proposed Lot Design and Parameters for each landscape domain had been designed to reflect the level and type of development that could be accommodated in each domain.
- 16.42 Turning first to the Hoggard submission the Panel considered that it would be inappropriate to change the minimum lot size to 2000m² as it could result in unacceptable effects on the fragile nature of the coastal landscape and was well below the threshold of 5000m² set by Horizons for onsite effluent disposal. Mr Taylor (from HRC) said at the hearing that the purpose of this figure was to control the contamination of water. We consider the Coastal Lakes Station submission is also inappropriate as it would result in the land resource being inefficiently utilised as it is doubtful that many 2ha blocks would be used for productive purposes. We consider it is better to allow 4 lots to be created within 2ha (at 5000m² each) and utilising the land resource than to have those same four lots taking up 8ha and still not utilising that resource to any great extent. We therefore recommend that the submissions by Coastal Lakes Station and M Hoggard be **rejected**.
- 16.43 B O'Grady opposed Rule 19.4.2.C seeking that it be amended to allow any number of lots in the Hill Country to be created with a minimum lot size of 100 hectares provided that the parent title is 200 hectares or greater.
- 16.44 The reporting officer considered the Hill Country Landscape Domain to have a high level of sensitivity to development and as such the subdivision opportunities were restricted by comparison to the other Domains with only boundary adjustments where no additional titles were created being provided for in the rules as Controlled Activities. He also noted that there were 47 lots that were 200ha or greater located within the Hill Country Landscape Domain of which only 14 were not located within the Crown owned Tararua Forest Park. Given this small number of privately owned lots that the O'Grady rule would apply to, he considered that it would be ineffective.
- 16.45 The Panel noted that subdivision within the Hill Country that created additional titles was a Discretionary Activity and that such activities enabled the consent authority to assess the environmental effects of what we accept is a sensitive area, together with being able to enforce the requirements of the Rural Subdivision Design Guide. It is then able to make an overall judgement as to whether to grant or refuse consent. We consider this is an appropriate approach to take in such a situation and therefore recommend the submission by B O'Grady be **rejected**.
- 16.46 Hort NZ opposed in part Rule 19.4.2.C seeking that the references to highly versatile soils be deleted. The reporting officer explained that a distinction between highly versatile soils and non-highly versatile soils had been made within the subdivision rules for three of the Landscape Domains (Tararua Terraces, Levin-Koputaroa and Levin Ohau). Within these domains there are areas of both highly versatile and non-highly versatile soil and a different set of rules is proposed for the different soil types. Other domains such as the Moutoa-Opiki Plains and the Kuku Landscape Domains contain predominantly highly versatile soils and therefore no distinction between soils types is made with just one set of provisions applying to the whole Domain regardless of the soils.
- 16.47 The reporting officer noted that highly versatile soil within the District is a finite resource which is scarcer than non-highly versatile soils. He considered that while it was accepted

that non-highly versatile soil can be used productively, the scarcity of the highly versatile soil together with the greater versatility and economic and social wellbeing it offers provides the justification for the distinction within the rules.

- 16.48 In line with our previous comments the Panel has agreed that a focus on highly versatile soils is appropriate therefore we accept that subdivision opportunities should be more limited on those soils than on areas of less versatile soil. This more restrictive approach for the highly versatile soils in our view forms part of achieving Objective 1A in safeguarding the life supporting capacity of these soils for future generations. We therefore recommend that Hort NZ's submission in relation to Rule 19.4.2.C be **rejected**.
- 16.49 G Halstead opposed in part Rule 19.4.2.C seeking that all references to allowing subdivision in the highly versatile soils of the Tararua Terraces, Levin-Koputaroa, and Levin-Ohau landscape domains be replaced by the words "no further subdivision (except for boundary adjustments)". They consider that the highly versatile soils should be for primary production and not for providing a house in the country. Fed Farmers opposes this submission and supported retaining a degree of flexibility.
- 16.50 The reporting officer noted that the greater versatility of the highly versatile soils was recognised through the more restrictive Lot Design and Parameters for subdivision on highly versatile soils. He acknowledged that there would be occasions where subdivision of highly versatile soil was appropriate and would achieve the objectives in the Plan relating to the productive capacity of the land. He noted that the Plan Change provided opportunities for boundary adjustments, farm succession, or subdivisions creating productive sized lots. He accepted that the proposed subdivision rules could result in some loss of highly versatile soil through the development of buildings sites and curtilage, but that they had been drafted to minimise this loss, noting that the provisions would require a property on highly versatile soils to be at least 10.5 hectares and contain a dwelling before it could be subdivided.
- 16.51 Having noted the above, the Panel considered the proposed rules for the three domains, containing a mixture of highly versatile and non-highly versatile soils, provided sufficient protection for the highly versatile soils whilst still enabling some flexibility for subdivision to occur where it would result in positive outcomes which achieve the objectives of the Plan. We therefore recommend that the submission by Halstead be **rejected** and the further submission by Fed Farmers **accepted**.
- 16.52 Fed Farmers opposes in part Rule 19.4.2.C(i) seeking changes to the highly versatile soil rules for the Tararua Terraces, Levin-Koputaroa, and Levin-Ohau domains. This was opposed by G Halstead in relation to the Levin-Koputaroa and Levin-Ohau domains. Fed Farmers contended that a more effective way to enable rural productive land to be maximised while providing for limited subdivision is to provide for a limited number of smaller subdivisions. This they considered would encourage cluster development and result in less land being removed from the productive parent lot and taken up in the new lots. They requested that 2 additional lots be permitted to be created at the same time for each of these three landscape domains. The Panel noted that it was unclear from the submission whether the intention was that the other control techniques such as the parent title date and minimum lot size would apply.
- 16.53 The reporting officer was of the view that the proposed rules provided for farm succession, required that a new lot to be created must contain an existing dwelling and that it be between 5000m² and 1ha so as not to reduce the land available for productive purposes. He said that the parent title date restriction meant that only titles already issued at the time the Plan Change was notified (10/01/2009) could undertake a subdivision of this nature as a Controlled activity.

- 16.54 The Panel noted that the amendments proposed by Fed Farmers could potentially result in twice as many lots being created on highly versatile soils. We consider that this would go against the general thrust of what the Plan Change is seeking to achieve in terms of rural subdivision and the protection of such soils. We also note that it would increase the potential for reverse sensitivity issues. We therefore recommend that the submission by Fed Farmers on Rule 19.4.2.C(i) be **rejected** and the further submission by G Halstead **accepted**.
- 16.55 Truebridge opposed the rule changes contending that the Plan Change introduced too many different options to control subdivision in rural areas and that the controls needed to be simplified to avoid confusing Plan users. Further they considered that the use of restrictions based on parent title date has no relevance to the effects on the environment and should not be used as a subdivision control.
- 16.56 The reporting officer noted that the Plan Change introduced a range of subdivision control techniques some of which were new to the District Plan. Whilst he acknowledged that new provisions would take some time for Plan users to become familiar with, he considered the level of familiarity and understanding would increase over time. He considered the range of control techniques provided an ability to manage subdivision differently depending on the characteristics of the site location. He noted that the parent title date control is currently used in the District Plan and is well understood and was effective in managing the cumulative effects from subsequent subdivisions, and avoids subdivisions being undertaken in a piece meal approach to stay below the thresholds.
- 16.57 The Panel acknowledged that the Plan Change was complex however we are satisfied generally with the direction of its controls. We note that the general extent to which the Plan Change has gone is a reflection of the desire to tighten up and better control rural subdivision and avoid some of the not insignificant issues which have arisen under the current regime. We recommend that the submission by Truebridge be **rejected**.
- 16.58 O’Grady sought that the table in 19.4.2.C be amended by replacing the references to “1+” with “1 or more” when describing how many lots can be created. The reporting officer noted that the “1+” appears to create confusion in which case the requested change would resolve this. The Panel accepted this noting this was a minor amendment for clarification purposes. We recommend the amendment be adopted and the submission by O’Grady be **accepted**.

17.0 Amendment 16

17.1 Amendment 16 adds new text provisions and conditions for Limited Discretionary Activity subdivisions.

Submissions Received - Amendment 16

Submission Number		Submitter Name	Support/ Oppose	Decision Sought	Panel Recommendation
20/051		Horizons Regional Council	Support	That Amendment 16 be retained.	Accept in part
20/046		Judy Keall	Oppose in part	That applications for Limited Discretionary Activities should not be able to avoid the standard requirements for written notification.	Reject
20/014		Walter Dalgliesh	Oppose in part	Require that any potential subdivisions or proposed changes on a boundary of a conservation lot must be processed and recognized by the Dept. of Conservation prior to public notification.	Reject
20/016		Fish & Game Wellington Region	Support in part	That in addition to formal legal protection, management plans with measurable objectives for action should be a requirement through the creation of a conservation lot.	Accept
20/032		Transpower NZ Limited	Support in part	That Rule 19.5.1 be amended to include an additional provision "Any subdivision within 32 metres of the centre line of transmission lines provided the standards for Controlled Activities in Rules 19.4.2B and 19.4.2C are met. The exercise of Council's discretion shall be limited to: <ul style="list-style-type: none"> Measures necessary to protect existing high voltage transmission lines and people's health and safety. Notification: For the purposes of notification/non-notification, Transpower NZ Limited will be identified as a potentially affected party in respect of Rule 19.5.1(e).	Accept
20/044		NZ Fire Service Commission	Support in part	That Rule 19.5.1(a)(i) be amended by adding an additional bullet to read "Fire fighting water supply (complying with NZS 4509:2008 or any subsequent amendments)."	Reject
20/047	B	Horticulture NZ	Support in part	That an additional bullet point be added to Rule 19.5.1 (a) (vii) the potential for reverse sensitivity Delete the non notification clause in respect of Rule 19.5.1.(b), (c) and (d)	Accept
20/058	A	Federated Farmers of NZ	Oppose in part	That Rule 19.5.1(d) be amended by adding a discretionary matter to read: "The impact on production activities" (or words to that effect). Alternatively Amend the reference to written approval of affected persons to read: The written approval of affected persons will not be necessary in respect of Rule 19.5.1(d) except where the production activities of affected persons will be negatively impacted (or words to that	Reject

Submission Number		Submitter Name	Support/ Oppose	Decision Sought	Panel Recommendation
				effect).	
20/057	B	B.J. O'Grady	Support in part	That Rule 19.5.1(d) be amended by removing the words "except in the Hill Country landscape domain".	Reject
20/038		NZ Railways Corporation	Support in part	Strengthen the provisions Rule 19.5.1(c)(i) Rule 19.5.1(c)(ii) to recognize that accesses over level crossings do not constitute legal access. Follow Selwyn District Plan example: see submission.	Accept
20/047	A	Horticulture NZ	Oppose in part	That Rule 19.5.2 (a)(iii) be retained Delete the non notification clause in respect of Rule 19.5.2 (a).	Accept
20/057	A	B.J. O'Grady	Oppose	That 19.5.2(a) (ii), (iii), & (iv) be deleted.	Accept in part
20/058	B	Federated Farmers of NZ	Support	That the provisions (Rule 19.5.2.(a)) for reverse sensitivity effects to be addressed when new activities take place be retained.	Accept in part
20/057	C	B.J. O'Grady	Support in part	That Rule 19.6.1 (ii) be amended to allow ownership of Conservation Lot land to be transferred to a public body.	Accept
20/057	D	B.J. O'Grady	Support in part	That the row in Table 19.8.1 relating to the Hill Country Domain be transferred to Table 19.6.2	Reject
20/057	E	B.J. O'Grady	Support in part	That Tables 19.4.2.C, 19.6.2, 19.8.1 be amended by replacing "1+" with "1 or more".	Accept

Further Submissions

Further Submission No.	Submitter Name	Original Submission No.		Support/ Oppose	Reasons	Panel Recommendation
20/103F	Horticulture NZ	20/014		Oppose in part	It is the role of Horowhenua District Council to determine who are affected parties at the time of a subdivision application. It should not be prescribed in the Plan.	Accept
20/112F	Federated Farmers of NZ	20/014		Oppose in part	Council is the appropriate authority to process subdivision applications. The Department of Conservation should only be involved as an affected party where appropriate.	Accept
20/112F	Federated Farmers of NZ	20/016		Oppose	Formal protection generally involves management plans and objectives relating to the covenanted land, there should not be a double up of such work.	Reject

Further Submission No.	Submitter Name	Original Submission No.		Support/ Oppose	Reasons	Panel Recommendation
20/112F	Federated Farmers of NZ	20/038		Oppose	The proposed provisions for access over railway lines is overly restrictive and does not accurately reflect Section 106(1)(c) of the Resource Management Act. This section provides the council with the discretion to refuse a subdivision application if they feel sufficient access has not been provided. The proposed provisions do not allow council the flexibility to consider applications based on their individual circumstances, and this flexibility should be retained.	Reject
20/103F	Horticulture NZ	20/058	A	Support	Consideration of the effects of Conservation Lots on production activities is supported.	Reject
20/103F	Horticulture NZ	20/058	B	Support	Clear incorporation of reverse sensitivity matters as a consequence of subdivision is supported.	Accept in part

Discussion

Rule 19.5.1

- 17.2 While providing support NZRC sought that Rule 19.5.1(c) be strengthened so that it is clear that access over level crossings does not constitute sufficient legal and physical access in terms of Section 106(1)(c) of the Act. This was opposed by Fed Farmers.
- 17.3 The reporting officer advised that Rule 19.5.1(c) managed subdivisions that comply with the Controlled Activity requirements but include access over or under the North Island Main Trunk Railway line (NIMT) as a Limited Discretionary Activity with discretion limited to consideration of access associated with crossing a railway line. As he understood it under current legislation NZRC can only decline applications for level crossings on safety grounds, meaning that if there are no real safety issues, the NZRC is obliged to accept the provision of a level crossing. He considered that further wording could provide clarification and certainty for applicants, to understand that the Council may refuse to grant consent or grant consent subject to conditions for a proposal that relies solely on access over the NIMT for the subdivision or lots within the subdivision. He recommended that an additional sentence be added to the Note following Rule 19.5.1(c) as follows:
- “The Council does not consider level crossing access over the North Island Main Trunk Railway Line to constitute legal and physical access in terms of section 106(1)(c) of the Resource Management Act 1991.”
- 17.4 The Panel agreed that the above wording would provide greater clarity and discretion to Council in situations where the sole access for the subdivision or lot within the subdivision is over the NIMT. We also note that in situations where alternative legal and physical access is provided, as well as the access over the NIMT, the provision would enable the Council to impose conditions relating to the access over the NIMT as part of any consent granted. We recommend that the above wording be adopted and that the submission by NZRC be **accepted** and the further submission by Fed Farmers **rejected**. We also noted here that a submission from NZRC that has been evaluated elsewhere in this report has sought that all references to ‘North Island Main Trunkline’ be replaced with ‘North Island Main Trunk

Railway line', and all references to ONTRACK be replaced with 'NZRC'. We recommend these references in Amendment 16 be amended.

- 17.5 Keall sought that Limited Discretionary Activities should not be able to avoid the standard requirements for written notification, while Hort NZ also sought that the non-notification clause in respect of Rules 19.5.1(b), (c) and (d) be deleted. They contend that given the potential for reverse sensitivity effects, it is inappropriate to apply a non-notification clause, and that notification should be assessed on a case by case basis. They further contend that those seeking to continue rural production activities adjacent to a subdivision application should be deemed affected parties and given the opportunity to comment on the effectiveness of any mitigation proposed.
- 17.6 The reporting officer referred to the introduction of non-notification provisions into the Plan as being aimed at providing certainty to applicants in terms of processing timeframes and costs. The Plan Change proposes to make some forms of subdivision that are currently Controlled Activities, Limited Discretionary Activities. He said the changes are to provide a more effective activity status for assessing particular issues (such as servicing and access), which are not considered appropriate as Controlled Activities.
- 17.7 At the Hearing Ms Wharfe said that while any application will need to meet the Limited Discretionary criteria the extent to which the potential for reverse sensitivity exists will be determined by a Council officer, not those who may in the future be subject to complaints. She said that given that the Council seeks to ensure that rural production activities continue in the area it is important that those undertaking such activities are able to be notified of applications that may impact or impede their operations.
- 17.8 The Panel noted Limited Discretionary activities provide Council with the discretion to grant or refuse consent (unlike Controlled activities), regardless of notification. We have considered the matters in Rules 19.5.1 (b), (c) and (d) over which control is sought and we are of the view that these are discrete and relate to primary access and servicing issues, and conservation lots and we see no need for such issues to be notified. We specifically noted that the non-notification provisions do not apply to Rule 19.5.1(a) where issues of reserve sensitivity might be expected to be addressed and we wonder whether Hort NZ may have missed this point. We recommend that the submissions by Keall and Hort NZ be **rejected**.
- 17.9 W Dalglish sought that any potential subdivision on a boundary of a conservation lot be processed and recognised by the Department of Conservation (DoC) prior to public notification. This was opposed by Fed Farmers.
- 17.10 The reporting officer considered that the term 'Conservation lot' may have caused some confusion in that 'Conservation lots' referred to in the Plan Change are not crown land administered by the DoC. He explained that a 'Conservation lot' would be a specific lot created as part of a subdivision on privately owned land consisting of an area of indigenous vegetation, wetland or other biological or scientific significance. He said that unless the conservation lot is proposed to be vested or managed by the DoC, there is no specific reason why they would be involved. He noted that if the application were to be publicly notified then the DoC would have the opportunity to make a submission as part of that process.
- 17.11 The Panel agreed that there appeared to be a misunderstanding as to the term 'conservation lot' and its relationship with DoC and we therefore recommend that the submission by W Dalglish be **rejected** and the further submission by Fed Farmers **accepted**.
- 17.12 Transpower requested an amendment to Rule 19.5.1 by adding a new provision that would require any subdivision within 32m of the centre line of a high voltage transmission line provided the standards for Controlled Activities in Rules 19.4.2B and 19.4.2C are met. The

Council's discretion would be limited to measures necessary to protect existing high voltage transmission lines and people's health and safety. Transpower sought identification as an affected party for the purpose of notification and non-notification.

- 17.13 The reporting officer considered it appropriate to include a further rule to ensure that the transmission network is not adversely affected as well as protecting the health and safety of the future occupants of the subdivision and proposed the following wording:

“(e) Any subdivision within 32 metres of the centre line of High Voltage Transmission Lines provided the standards for Controlled Activities in Rules 19.4.2.B and 19.4.2.C are met. The exercise of Council’s discretion shall be limited to:

- (i) Measures necessary to protect existing high voltage transmission lines and people’s health and safety.

In respect of Rule 19.5.1(e) for the purposes of notification/non-notification, Transpower New Zealand Limited may be identified as a potentially affected party.”

- 17.14 The Panel noted that high voltage transmission lines such as those forming part of the National Grid are an important physical resource and we accepted that the operation, maintenance and protection of this network can be significantly constrained by the effects of encroaching activities and development. We note that Rule 19.2.26 in the District Plan already requires a dwelling to be set back 20m from high voltage transmission lines, however this proposed new rule is not requiring building platforms to be setback 32m so therefore we see no conflict (We note that there is a separate provision in Rule 19.4.2.B requiring building areas to be setback 32m from centre line of High Voltage Transmission Lines). We therefore recommend that the above wording be adopted and the submission by Transpower be **accepted**.

- 17.15 NZFSC sought an amendment to Rule 19.5.1(a)(i) to include reference to fire fighting water supply and NZS 4509:2008 as a matter of discretion. The Panel noted that this matter had already been extensively addressed in Section 15 and the same reasons we recommend the submission of NZFSC be **rejected**.

- 17.16 Hort NZ sought that an additional point be added to Rule 19.5.1(a) to read “(vii) The potential for reverse sensitivity effects”. The Panel considered that given the previous emphasis placed on reserve sensitivity effects the proposed amendment was appropriate. We therefore recommend that the above addition be adopted and the submission by Hort NZ be **accepted**.

- 17.17 B O’Grady opposed Rule 19.5.1(d) seeking the deletion of the words *“except in the Hill Country Landscape Domain”* as they provide for conservation lots to be created in all landscape domains as Limited Discretionary activities except in the Hill Country Domain.

- 17.18 The reporting officer indicated that the conservation lot provisions were designed to provide some incentive to landowners, including the ability to create additional lots beyond what the rules would otherwise allow. He considered that whilst landowners would be able to create lots that could potentially be vested with the DoC, it was not appropriate to extend the bonus lots provisions resulting from the creation of a conservation lot to land within the Hill Country Domain because of the sensitive nature of this Domain.

- 17.19 The Panel noted that enabling the District Plan already contains provisions that protect areas of significant indigenous vegetation above 100m in elevation from clearance, modification, damage, destruction or removal, thereby reducing the necessity to use bonus provisions to achieve the maintenance of such areas. Taking this into account we agree that the sensitive nature of the Domain do not warrant such an approach and we therefore recommend that the submission by B O’Grady be **rejected**.

- 17.20 Fed Farmers also opposed Rule 19.5.1(d) seeking it be amended to consider the adverse effects that the creation and management of a conservation lot would have on adjoining primary production activities. They suggest two options, the first would add the effects on primary production activities as an additional matter for discretion, the second is to amend the non-notification provision to not apply where primary production activities of affected persons would be adversely impacted.
- 17.21 The reporting officer indicated that the Plan Change already included the impact on the productive capability and life-supporting capacity of highly versatile soils. He said that without specific details of the potential effects on adjoining primary production activities that Fed Farmers is concerned with, it was difficult to know what effects the creation of a conservation lot may have, that would not otherwise be present had the same land not been protected. The Panel agreed with the above sentiments and we note that Fed Farmers did not elaborate any further on this at the Hearing. We therefore recommend the submission by Fed Farmers in relation to Rule 19.5.1(d) be **rejected**.
- 17.22 During the Hearing it came to our attention that there was a minor inconsistency in Rule 19.5.1(d) in that Rule 19.6.1.A (2nd bullet point) provides for the subdivision of a certificate of title that has been issued after 10/01/2009. The intention is to allow a subdivision that would otherwise, except for the number of lots or parent title date be a Controlled Activity, to include a conservation lot and in doing so benefit from either an additional lot and/or subdivision of a title after 10/01/09. Clearly to comply with the Rules in 19.4.2.C it would be necessary for the title to have been issued before 10/01/2009 which would create an inconsistency due to the current wording. We consider this can be addressed pursuant to Clause 16(2) First Schedule of the Act by adding the words "*and the Parent title issued date or consent issued date*", so that the rule reads:
- (d) Any subdivision that creates a Conservation Lot except in the Hill Country Landscape Domain, provided the subdivision complies with the all conditions for Controlled Activities in Rules 19.4.2.B and 19.4.2.C (except for the number of additional lots that can be created and the Parent title issued date or consent issued date), and the conditions for Limited Discretionary Activities in Rule 19.6.1.A are met. The exercise of Council's discretion shall be limited to;*
- (i) The assessment criteria for Conservation Lots,*
 - (ii) The design, layout, size, number and location of lots, including frontage width and access,*
 - (iii) The impact on the productive capability and life-supporting capacity of highly versatile soils.*
- 17.23 The Panel acknowledged the support from HRC for Rule 19.5.1 and as a result of the above amendments we recommend it be **accepted in part**. Overall we recommend the adoption of Rule 19.5.1 subject to the changes proposed.
- Rule 19.5.2*
- 17.24 Hort NZ sought that Rule 19.5.2(a)(i) be retained and that the non-notification clause in respect of Rule 19.5.2(a) be deleted as there is still the potential for reverse sensitivity effects to occur. They contend that notification should be assessed on a case by case basis.
- 17.25 The reporting officer noted that subdivision must comply with the conditions for Limited Discretionary activities to be assessed as a Limited Discretionary activity and to be subject to the non-notification clause. The conditions for Limited Discretionary activities are designed to manage the environmental effects of subdivisions which are generally contained within the site. Non-notification is designed to reduce the costs and processing time for applicants and provide a degree of certainty for the process. Where there are potential adverse

environmental effects that are more than minor, the consent authority by virtue of the activity being a Limited Discretionary activity can refuse or grant consent subject to conditions to address the more than minor environmental effects. Given the proposed approach in Rule 19.5.2 where Limited Discretionary activities must comply with the conditions set for individual landscape domains non-notification is considered appropriate.

- 17.26 The Panel had previously noted Ms Wharfe's comments in paragraph 17.7 regarding notification in relation to Rule 19.5.1 which were also applied to this rule. In this case, having considered the provisions involved, we agree with Ms Wharfe, as we are not convinced that it is appropriate to have a non-notification provision in this instance, particularly given sub-clauses (ii) and (iii). This does not mean that the Council can not consider non-notification, however we believe the option for some form of notification needs to be retained in this instance. We therefore recommend that the submission by Hort NZ be **accepted** and the notification clause associated with Rule 19.5.2(a) be deleted.
- 17.27 B O'Grady requested that Rules 19.5.2(a) (ii), (iii) and (iv) be deleted. It is considered that the matters for which discretion has been restricted to under Rule 19.5.2(a) (ii), (iii) and (iv) are very similar to the controlled matters 19.4.2 (i), (x) and (xv) which discretion is already restricted to as 19.5.2(a)(i).
- 17.28 The reporting officer noted that while there is partial repetition of the matters of discretion, they do specifically identify the matters that trigger the Limited Discretionary activity status. He considered the listed matters of discretion provide effective and clear direction for assessing Limited Discretionary activities. However to provide clarification of this he recommended that an amendment be made to Rule 19.5.2(i) so that rather than referring to "All matters specified in Rule 19.4.2" it reads "Any other matters specified in Rule 19.4.2". He also said that for consistency the same amendment is recommended to Rule 19.5.1(a)(vi).
- 17.29 The Panel noted that while the matters are broad, they are similar to those of a Controlled activity, and we consider they are appropriate in covering issues associated with the effects of subdivision. We were however concerned that the wording proposed by the reporting officer was re-opening matters which might otherwise be complied with in terms of Rule 19.4.2. Given that Council's discretion is supposed to be limited we consider sub-clause (i) would be better worded to say "*The matters not complied with in relation to Rule 19.4.2*". We therefore recommend the above wording be adopted for Rule 19.5.2(a)(i) and for consistency 19.5.1(a)(vi) and that the submission by B O'Grady be **accepted in part**.
- 17.30 Fed Farmers supported Rule 19.5.2(a) and were supported in their submission by Hort NZ. The Panel acknowledged the support and as a result of the above amendments we recommend these submissions be **accepted in part**. Overall we recommend the adoption of Rule 19.5.2 subject to the changes proposed.

Rule 19.6.1

- 17.31 Fish & Game NZ sought that in addition to formal legal protection for Conservation lots, Management Plans with measurable objectives for action should be a requirement for the creation of a conservation lot. They contend that sites such as wetlands often require active management due to accelerated processes in the modified environment. They request that Management Plans be prepared by professional ecologists and be able to be independently peer reviewed prior to subdivision applications being approved. This was opposed by Fed Farmers.
- 17.32 The reporting officer noted that a register of Significant Natural Areas within the Horowhenua District is held by the Council and sits outside the Operative Plan. Proposed Rule 19.6.1(v) sets out that where a site has not been previously recorded by the Council as a Significant

Natural Area or Natural Habitat, the applicant shall provide certification from an appropriately qualified person. As part of this certification, the accompanying report shall include amongst other things details about the ongoing management. He recommended that to provide clarification that recorded sites shall also provide management requirements, additional text be added to Rule 19.6.1, to read as follows:

“Management Plans detailing the ongoing management of the Conservation Lot shall be provided for areas that have been previously recorded by Council as a Significant Natural Area or Natural Habitat.”

- 17.33 The reporting officer considered that the concerns raised by Fed Farmers about “doubling up” on management was not an issue, because if there are already management plans in place under another framework these can be submitted for consideration, provided they are consistent with what the Council requires, and a second management plan is therefore unlikely to be necessary.
- 17.34 The Panel agreed that the proposed additional wording provided some clarification and we recommend the above wording be adopted and that the submission from Fish & Game NZ be **accepted** and the further submission by Fed Farmers **rejected**.
- 17.35 B O’Grady sought an amendment to Rule 19.6.1(ii) to allow ownership of a conservation lot to be transferred to a public body such as the Council or DoC. The Panel accepted that there may be occasions where it is appropriate for the ownership of a Conservation lot to be transferred to a public body such as the Council or DoC. We also note a minor amendment to the wording of this rule is necessary pursuant to Clause 16(2) of the First Schedule of the Act to remove any ambiguity regarding the use of the word “feature” in the first sentence of this rule. It is recommended that the following words “area required for conservation” be used to replace the word “feature”. We therefore recommend that the submission by B O’Grady be accepted and the following reworded Rule 19.6.1(ii) be adopted:
- (ii) The subdivision shall result in the whole of the area required for conservation feature being contained in a single lot and being physically and legally protected in perpetuity. An agreement regarding an encumbrance, such as a consent notice, covenant or other legal instrument must be entered into before the issue of the section 224 certificate under the Resource Management Act, such instrument is to be registered on the certificate(s) of title of the relevant lot(s). Alternatively ownership of the Conservation Lot may be transferred to an appropriate public body such as the Council or Department of Conservation subject to the agreement of this body. The encumbrance, covenant, consent notice or other legal instrument shall be in accordance with the relevant terms of the Reserves Act 1977 or Queen Elizabeth II National Trust Act 1977 to the effect that the stand of native bush or other feature of significance be fenced with a stock proof fence where appropriate, kept free of livestock, be protected in perpetuity, and shall include enforcement and penalty provision. The encumbrance such as a consent notice, covenant or legal instrument is to be prepared by a Solicitor at the applicant’s expense.
- 17.36 The Panel noted that a consequential amendment to Rule 19.6.1(iii) is required so that it reads:
- (iii) Where the Conservation Lot is not held in common ownership or is to be transferred to a public body it may contain a house site.

17.37 Subject to the above changes the Panel recommends Rule 19.6.1 be adopted.

Rule 19.6.2

- 17.38 B O’Grady sought an amendment to 19.6.2 by adding the Hill Country row in Table 19.8.1. The reporting officer considered the Hill Country Landscape Domain to be a highly sensitive landscape and that consequentially subdivision opportunities should be limited in comparison

to other Domains. He said that as a result subdivisions (other than boundary adjustments where no additional lots are created) are to be assessed as Discretionary Activities, where full discretion can be applied to the decision whether to refuse or grant consent.

- 17.39 As previously stated the Panel agreed that the Hill Country Landscape Domain was a sensitive one. In our view this sensitive nature warrants a fully Discretionary activities status to ensure all aspects of any proposed subdivision are considered. We therefore recommend that the submission by B O'Grady be **rejected**.
- 17.40 B O'Grady sought that the Table in 19.6.2(i) be amended by replacing the references to "1+" with "1 or more" when describing how many lots can be created. The Panel have already accepted such a change in Section 15 and we therefore recommend the proposed amendment be adopted and the submission of B O'Grady be **accepted**.
- 17.41 Subject to the above change the Panel recommends Rule 19.6.2 be adopted.

18.0 Amendment 17

18.1 Amendment 17 is again a numbering amendment which reflects the changes made to the Operative Plan as a result of the Plan Change. No submissions were received on amendment 17.

Discussion

18.2 The Panel recommended the revised numbering be adopted.

19.0 Amendment 18

- 19.1 Amendment 18 makes reference to the introduction of Non-Complying activities so that it is clear what activities are Discretionary activities.

Submissions Received – Amendment 18

Submission Number	Submitter Name	Support/ Oppose	Decision Sought	Panel Recommendation
20/047	Horticulture NZ	Oppose	That the text to be added for Non-complying activities be deleted and exclude Non-complying activities from the Plan Change. Delete Amendment 18.	Reject

Discussion

- 19.2 Hort NZ opposes the inclusion of Non-Complying activities as part of the Plan Change.
- 19.3 The Panel noted that, as with our discussion in relation to Amendments 1 and 2, Amendment 18 is merely a result of the introduction of Non-Complying activities into the subdivision section of the Plan. The question as to whether they would remain or be deleted is therefore dependent on the outcome of our consideration of Amendment 24 with introduces Non-Complying activity rules. As will be seen, we have concluded in Amendment 24 that Non-Complying activity status is acceptable and it therefore appropriate that Amendment 18 is made. We therefore recommend that Amendment 18 as proposed be adopted and the submission by Hort NZ be **rejected**.

20.0 Amendment 19

- 20.1 Amendment 19 removes the reference to subdivision of land from Rule 19.6a. This amendment provides for a separation between rural subdivision and Outstanding Landscapes. This current rule in the Operative Plan is the only connection between subdivision and Outstanding Landscapes. Removing the reference to subdivision from this rule would provide a clear distinction between land use provisions and subdivision provisions. The proposed approach to the subdivision rules which vary depending on the location of the site, removes the need for the activity status for subdivision to be determined by the Outstanding Landscape overlay.

Submissions Received – Amendment 19

Submission Number	Submitter Name	Support/ Oppose	Decision Sought	Panel Recommendation
20/007	Matthew Hoggard	Oppose in part	That the Coastal Buffer Area be clearly defined on all planning maps.	Reject

Discussion

- 20.2 M Hoggard sought that the Coastal Buffer Area (Outstanding Landscape) be defined on the District Planning Maps. The reporting officer noted that at present the Outstanding Landscapes are shown on Planning Maps 31 and 32. Separate zoning maps exist for the Rural Zone (which also identify the areas of highly versatile soil) and urban areas. With the Planning Maps including information such as roads and property parcels, it is relatively easy to identify a site on each of the relevant maps without having to have all information shown on a single map. He noted that other than this amendment to rule 19.6a, the Proposed Plan Change does not amend any of the other existing Outstanding Landscape provisions. Therefore he did not consider it appropriate to change the existing maps in the Operative Plan.
- 20.3 The reporting officer further indicated that the proposed change to the wording of Rule 19.6(a) set out in Amendment 19 removes the connection between subdivision and Outstanding Landscapes. He said that adding the Coastal Buffer Area and other Outstanding Landscapes on the same Planning Maps as the Landscape Domains had the potential to cause unnecessary confusion, particularly where the names of the Domains and Outstanding Landscapes are similar (such as the Coastal Environment).
- 20.4 The Panel agreed that the change sought could result in confusion between Domains and Outstanding Landscapes and we therefore recommend that Amendment 19 be adopted as is and the submission by M Hoggard be **rejected**.

21.0 Amendment 20

21.1 Amendment 20 adds new text to the Discretionary Activity rules specifically relating to subdivision.

Submissions Received – Amendment 20

Submission Number		Submitter Name	Support/ Oppose	Decision Sought	Panel Recommendation
20/057	A	B.J. O'Grady	Oppose	That Rule 19.7.1 be deleted	Reject
20/057	B	B.J. O'Grady	Oppose in part	That Rule 19.7.2(a) and Table 19.8.1 be amended to allow multiple lots, with a minimum lot size of 5 ha and a minimum average lot size of 40 ha.	Reject
20/047		Horticulture NZ	Oppose in part	Delete from Rule 19.7.2 (b) the following text "provided that the conditions for Discretionary activities in Rule 19.8.1 are met".	Reject
20/054		FRP Investments Ltd & FRP Agriculture Ltd	Oppose	That the proposed Discretionary Activity rules be deleted and replaced with the Non-Complying Activity rules.	Reject
20/001		NZ Historic Places Trust <i>Pouhere Taonga</i>	Support in part	That the Plan Change be amended so that subdivision of a site containing a historic heritage resource is a Discretionary Activity.	Accept

Further Submissions

Further Submission No.	Submitter Name	Original Submission No.	Support/ Oppose	Reason	Panel Recommendation
20/103F	Horticulture NZ	20/001	Oppose in part	Agrees that due consideration should be made of historic heritage as part of a subdivision process, but Horticulture NZ seeks that any changes made only apply to subdivision and not all land use activities	Reject
20/112F	Federated Farmers of NZ	20/001	Oppose	A Discretionary activity status is overly onerous. A Limited Discretionary activity would be the most stringent status necessary to address the concerns raised.	Reject

Discussion

Rule 19.7.1

21.2 B O'Grady sought that Rule 19.7.1 providing for Conservation Lots in the Hill Country as a fully Discretionary activity be deleted and that the Hill Country Landscape Domain not be treated any differently to the other domains. The Panel noted that it had already addressed and rejected this matter in Section 17 and we therefore recommend that the submission by B O'Grady be **rejected**.

21.3 NZHPT sought an amendment so that subdivision of a site containing an historic heritage resource was assessed as a Discretionary activity. They contend that given the protection of historic heritage from inappropriate subdivision, use and development is a matter of national importance under section 6(f) of the Act, the District Plan should enable a flexible rather than limiting approach, to assessing any actual and potential effects of subdivision on historic heritage resources as part of the resource consent process. Hort NZ and Fed Farmers oppose this submission. Hort NZ agreed that due consideration should be made of historic heritage as part of the subdivision process but sought that any amendment should only apply to subdivision and not all land use activities. Fed Farmers considered a Discretionary activity

status to be too onerous and that a Limited Discretionary status should be the most stringent status that is necessary to address the concerns raised.

- 21.4 The reporting officer supported NZHPT's request to assess any subdivision of a site containing an historic heritage resource as a Discretionary activity, noting that subdivision of land can adversely affect the historic heritage values of a feature. He gave the example of the curtilage around a listed heritage building being an integral part of maintaining the heritage values for the buildings. The following wording was recommended to be added to Rule 19.7.1:

(b) Any subdivision of land that contains all or part of a site with any heritage feature identified in Schedule Two: Heritage Features – Structures of this Plan is a Discretionary Activity.

- 21.5 The Panel acknowledged the protection of historic heritage from inappropriate subdivision was a matter of national importance and as such we accept that the need to make provision for assessing the impact on heritage features of any subdivision. We have given some thought as to the status of such a provision and on balance consider that Discretionary activity status is appropriate, particularly given the fact that this issue is identified as a matter of national importance. We note that we are only addressing the subdivision provisions here so are unclear as to what is being sought by Hort NZ. We therefore recommend that the above wording be adopted and that the submission by NZHPT be **accepted** and the further submissions by Hort NZ and Fed Farmers **rejected**.

- 21.6 Overall we recommend that rule 19.7.1 be adopted subject to the above addition.

Rule 19.7.2

- 21.7 B O'Grady requested that Rule 19.7.2(a) and Table 19.8.1 be amended to allow multiple lots with a minimum lot size of 5 hectares and a minimum average lot size of 40 hectares. It is contended that the proposed amendment would provide flexibility without having a significant visual impact on the surrounding landscape.
- 21.8 The reporting officer said that the parameters for the Hill Country Landscape Domain in Table 19.8.1 have been set specifically to reduce the ability for further intensification of residential activities within this Domain. He indicated that the 40 hectare minimum lot size was considered appropriate for rural activities such as farming or forestry and effective in maintaining the sustainability, landscape character and qualities of this Landscape Domain. He noted that residential activities within the Hill Country Domain increase demand for infrastructure and services such as electricity, telecommunications and roading, which in turn can compromise the values in this Landscape Domain. He said that although the parcel sizes in the Hill Country Landscape Domain were larger, in most cases, only a small number of additional lots could be created and that although the adverse effects of individual applications may not always be more than minor, the cumulative effects become more significant particularly if small (5 hectare) sized lots are grouped together. He considered that removing the title date restriction or consent notice requiring no further subdivision, as sought, could result in a series of two lot applications to create a more intensive subdivision which would be ineffective in achieving in the objectives of the Plan Change.
- 21.9 The sensitivity of the Hill Country Domain has already been accepted by the Panel and we agree that for the reasons set out above subdivision should be restricted to larger lot sizes. We therefore recommend that the submission by B O'Grady be **rejected**.
- 21.10 Hort NZ sought that Rule 19.7.2(b) be deleted contending that the limitation in 19.7.2(b) for subdivisions in Moutoa-Opiki and Kuku Landscape Domains to be Non-Complying if the conditions in 19.8.1 are not met is an onerous condition.

- 21.11 The reporting officer explained that the structure of the rule framework in the Plan Change reduced the type of subdivisions that can be undertaken as Controlled activities and at the other end of the activity status it introduced Non-Complying activities to the rural subdivision provisions. He said that conditions for Discretionary activities had been included as Rule 19.8.1(i) for the five Landscape Domains most sensitive to landscape change resulting from subdivision and that subdivisions that do not meet those conditions default to Non-Complying activities. He considered that this stepped approach to the activity status for rural subdivision recognised the different issues and values being managed by the rules and was the most effective and efficient framework for achieving the combination of objectives for the Rural Zone.
- 21.12 At the Hearing Ms Wharfe accepted that there was a staged approach to subdivision provisions and that Non-Complying consents can be sought and granted. However she considered that in these two Domains the nature of the areas concerned does not require a Non-Complying status and that Discretionary would be adequate to address matters of concern. She indicated that the Plan included Discretionary criteria but the assessment is not limited to those matters. She said if additional matters required consideration this could be undertaken as part of a Discretionary activity and it did not need to default to Non-Complying if the Discretionary criteria are not met.
- 21.13 The Panel were unclear as to the specific nature of these two Domains being referred to, however we consider that the use of the Non-Complying activity status generally is appropriate as it provides a clear signal as to what level of subdivision is acceptable in the context of the Domains concerned and it reinforces the strong objective and policy framework established by the Plan Change. Whilst we note that Non-Complying activities can still be approved, they are more restrictive and they do need to pass the gateway tests of section 104D of the Act. We consider that the status of the rules needs to back the strong framework established in order to ensure that the integrity of the District Plan is maintained and we can see no particular reason in this instance for changing that. We therefore recommend that the submission by Hort NZ be **rejected**.
- 21.14 FRP sought that the Non-complying Activity rules be replaced with the proposed Discretionary Activity rules, their reasoning appeared to related to the then proposed Resource Management (Simplify and Streamline) Amendment Bill 2009 removing the Non-Complying consent classification. The Panel noted that we have already addressed this matter in Amendments 1 and 2 and that Non-Complying activities were retained. We further note our discussion above regarding such activities. We therefore recommend that the submission by FRP be **rejected**.
- 21.15 Overall we recommend that rule 19.7.2 be adopted.

22.0 Amendment 21

22.1 Amendment 21 is a numbering amendment to reflect changes made to the Operative Plan as a result of amendments in the Plan Change. No submissions were received.

Discussion

22.2 The Panel accepted that the revised numbering of this section of the Plan was required and recommends that Amendment 21 be adopted.

23.0 Amendment 22

23.1 Amendment 22 deletes the text in the Operative Plan under the conditions for Discretionary Activities. Amendment 23 (below) adds new replacement text. This amendment was required for consistency with other amendments made as part of the Plan Change. No submissions were received on this amendment.

Discussion

23.2 The Panel recommends that Amendment 22 be adopted.

24.0 Amendment 23

24.1 As referred to above Amendment 23 adds the conditions for Discretionary Activity subdivisions. The amendment consists of a Table setting out the Lot design and parameters, and the notes which are to accompany the Table.

Submissions Received – Amendment 23

Submission Number		Submitter Name	Support/ Oppose	Decision Sought	Panel Recommendation
20/007		Matthew Hoggard	Oppose	That Table 19.8.1 be removed or ensure that the table prevents fragmentation of larger rural blocks and encourages subdivision of existing and presently fragmented rural blocks.	Reject
20/057	A	B.J. O'Grady	Oppose	That the row in Table 19.8.1 relating to the Hill Country Domain be transferred to Table 19.6.2	Accept in part
20/057	B	B.J. O'Grady	Oppose	That Rule 19.7.2(a) and Table 19.8.1 be amended to allow multiple lots, with a minimum lot size of 5 ha and a minimum average lot size of 40 ha.	Reject
20/057	C	B.J. O'Grady	Support in part	That Table 19.8.1 be amended by replacing "1+" with "1 or more".	Accept

Further Submissions

Further Submission No.	Submitter Name	Original Submission No.	Support/ Oppose	Reason	Panel Recommendation
20/103F	Horticulture NZ	20/007	Oppose in part	Horticulture NZ seeks that subdivision occur in a controlled manner provided that it adequately addresses rural production issues.	Accept
20/112F	Federated Farmers of NZ	20/007	Oppose in part	While we acknowledge the importance of providing for production activities to be able to continue, we also recognise that some subdivision of larger rural blocks is appropriate and council should retain the flexibility to provide for small scale subdivision and consider larger subdivision applications on their merits.	Accept

Discussion

- 24.2 M Hoggard sought that Table 19.8.1 be removed or that it be amended to prevent fragmentation of larger rural blocks and encourage the subdivision of presently fragmented rural blocks. He contends that the table is convoluted and does not provide certainty to the general public and should therefore be simplified or removed. He further contends that creation of a minimum parent title size and minimum balance allotments results in an inability to develop existing smaller lots. He indicates that smaller allotments exist in the Coastal Environment and are unproductive in the traditional sense. He also contends a more prudent approach would be to provide for subdivision of existing allotments of less than 0.5 hectares (5000m²) or ensuring there is a sufficient supply of developable residential zoned land within the Coastal Environment. The submission was opposed by Fed Farmers and Hort NZ.
- 24.3 The reporting officer considered the Table to be effective in providing the parameters for the type and level of subdivision development that can be undertaken in the different Landscape Domains. He said that within the Coastal Environment Landscape Domain, only boundary adjustment subdivisions were provided for as Controlled Activities and that any subdivision that resulted in additional lots being created would be assessed as a Discretionary activity or Non-Complying activity. He noted that the Table of parameters for conditions for Discretionary Activities provided guidance around what level and type of subdivision is

generally considered appropriate in the respective Landscape Domains and that those which did not comply with these parameters would be assessed as Non-Complying activities. He considered that the parameters within the Table for the Coastal Environment Landscape Domain were designed to ensure that:

- small parcels of land are not further subdivided, minimising the cumulative effects of incremental subdivision to minimise the further fragmentation of the coastal environment.
- cumulative subdivisions cannot be undertaken to avoid the averaging calculation.
- lots have appropriate minimum lot sizes reflecting the landscape character, qualities and values of the coastal environment.
- there is some flexibility in the size of lots that can be created.
- large lot are retained to maintain a level of rural character.

- 24.4 The Panel acknowledged that the provisions limit further subdivision of existing small allotments within the Coastal Environment Landscape Domain. However we consider that given the sensitivity and nature of this environment the restrictions proposed are appropriate. We further note that Plan Change 21 has identified appropriate areas where small to medium sized rural-residential allotments can be developed and that these generally include areas adjacent to existing settlements for reasons of consolidation and servicing. Given this we do not consider it appropriate to provide the same development opportunities within the Rural environment. We recommend that the submission from M Hoggard be **rejected** and the further submissions of Fed Farmers and Hort NZ **accepted**.
- 24.5 B O'Grady sought that the Table in 19.8.1(i) be amended by replacing the references to "1+" with "1 or more" when describing how many lots can be created. The Panel have already accepted such a change in Section 15 and we therefore recommend the proposed amendment be adopted and the submission of B O'Grady be **accepted**.
- 24.6 B O'Grady sought that the row in Table 19.8.1 relating to the Hill Country Landscape Domain be removed and transferred to Table 19.6.2 for Limited Discretionary activities. It is also requested that a new set of less restrictive parameters be introduced for Hill Country Landscape Domain in Table 19.8.1 and be provided for by Rule 19.7.2(a). The submitter proposes that the minimum lot size be reduced from 40 hectares to 5 hectares and that a minimum average lot size of 40 hectares be introduced to provide flexibility.
- 24.7 The reporting officer noted that proposed rules for the Hill Country Domain would allow smaller lots to be created that can be designed around the topography and accessibility of the site. He noted that the parameters for the Hill Country Domain in the Table had been set specifically to reduce the ability for further intensification of residential activities within this Domain. He considered that the 40 hectare minimum lot size was appropriate for rural activities such as farming or forestry and effective in maintaining the sustainability, landscape character and qualities of this Domain.
- 24.8 The Panel queried the reporting officer on two matters. The first was whether there was a double up of boundary adjustment subdivision provisions within the Hill Country Domain. He responded by saying there was a double up of rules with the same Lot design and parameters appear in both Rule 19.4.2.C and 19.8.1. He noted that other Domains that appear in Rule 19.8.1 all have boundary adjustment rules within minimum lot sizes within Rule 19.4.2 as Controlled activities and that the Discretionary activity conditions in Rule 19.8.1 are for boundary adjustments with no minimum lot sizes. He went on to say that whilst the O'Grady submission had been made in relation to the Hill Country rules in both 19.4.2.C and 19.8.1, he considered that the double up could be addressed as matter under Clause 16 of the First Schedule, with the less onerous rule in 19.4.2.C being retained and the parameters relating to boundary adjustments in the Hill Country in 19.8.1 be deleted.

- 24.9 The second matter we questioned was the use of a title date restriction. In this regard the reporting officer accepted that the use of such a restriction was an arbitrary method for controlling subdivision, but noted it was used in combination with other thresholds which he considered was an effective method for managing and controlling the cumulative effects of subdivision. He went on to say that some of the reasons why this subdivision control technique has been favoured are:
- It is a technique currently used in the Plan and is understood by existing Plan users;
 - It provides certainty to land owners;
 - It prevents further subdivision of recently approved subdivisions managing cumulative effects;
 - It prevents subdivisions being applied for in smaller separate stages to avoid the maximum number of lots threshold where a title date is absent;
 - It is much simpler to change the date of the title restriction than to uplift multiple consent notices that could have been applied as an alternative method to prevent further subdivision which is not considered an efficient approach.
- 24.10 He accepted that this method can restrict a title that has been subject to a boundary adjustment and that the Panel may want to consider whether titles with a date after the notification but issued as a result of boundary adjustment should be exempt from these rules. He urged however that if a more relaxed approach was taken that consideration be given to the opening that this could leave for developers to undertake a subdivision (after 10/01/09), then carry out a subsequent boundary adjustment in order to then have a title that would have last been created by a boundary adjustment subdivision, and in doing so provide the opportunity for a further subdivision. He considered that removal of the title date restriction would require much larger minimum lot sizes and thresholds to have the same success in avoiding the cumulative effects of subdivision.
- 24.11 He noted in response to Mr Page's verbal submission that only subdivisions within the Coastal Lakes and Coastal Environment Domain's would default onto Non-complying activities if the title date restriction could not be satisfied and all other aspects of the proposal complied with the Discretionary standards. All other Domains would default to a Discretionary Activity, under which matters such as if the title had been created as a result of a boundary adjustment, could be duly considered.
- 24.12 The Panel noted it had already addressed the core issue of the O'Grady submission in Section 21 and we reiterate that the sensitivity and nature of this landscape warrants the approach taken. Further, we are satisfied with the explanation above with regards title date restrictions and do not propose any amendments in that regard. Finally, we consider there is scope within the submission to correct the double up in provisions, which has occurred and recommend the boundary adjustment line in the High Country Domain be removed from Table 19.8.1. We therefore recommend the submissions by B O'Grady be **accepted in part** and subject to the amendments referred to above that Table 19.8.1 be adopted.

25.0 Amendment 24

25.1 This Amendment 24 sets out the rules for Non-Complying activities adding new text specifying what activities will be assessed as Non-Complying activities within the Rural Zone.

Submissions Received – Amendment 24

Submission Number	Submitter Name	Support/ Oppose	Decision Sought	Panel Recommendation
20/007	Matthew Hoggard	Oppose	That Non-Complying activities be replaced by Discretionary Activities.	Reject
20/054	FRP Investments Ltd & FRP Agriculture Ltd	Oppose	That Rule 19.9 Non-Complying activities be deleted.	Reject
20/047	Horticulture NZ	Oppose	That Rule 19.9 be amended to Discretionary activities.	Reject
20/038	NZ Railways Corporation	Support	Strengthen the provisions 19.9.1(b) to recognize that accesses over level crossings do not constitute legal access. Follow Selwyn District Plan example.	Accept

Further Submissions

Further Submission No.	Submitter Name	Original Submission No.	Support/ Oppose	Reasons	Panel Recommendation
20/112F	Federated Farmers of NZ	20/038	Oppose	The proposed provisions for access over railway lines is overly restrictive and does not accurately reflect Section 106(1)(c) of the Resource Management Act. This section provides the Council with the discretion to refuse a subdivision application if they feel sufficient access has not been provided. The proposed provisions do not allow council the flexibility to consider applications based on their individual circumstances, and this flexibility should be retained.	Reject

Discussion

25.2 M Hoggard, Hort NZ and FRP all sought that Non-Complying activities be replaced with Discretionary activities. The Panel considered that given the strong objective and policy framework established by the Plan Change in protecting rural landscapes, highly versatile soils and productive activities it was appropriate that Non-Complying activity status be used as a “bottom line” for rural subdivision. In our view this activity status gives a clear signal as to the District Plans intent regarding rural subdivision. We recommend that the Non-Complying status in Amendment 24 be adopted and that the submissions by M Hoggard, Hort NZ and FRP be **rejected**.

25.3 Rule 19.9.1(b) manages subdivisions which have access over or under the North Island Main Trunk Railway Line (NIMT) that do not comply with the conditions for Controlled activities, Limited Discretionary activities or Discretionary activities. The proposed rule signals that this form of subdivision would not generally be appropriate. NZRC state that as level crossings are subject to Deeds of Grant, which can be revoked with three months notice, they do not constitute sufficient legal and physical access in terms of section 106(1)(c) of the Act. For this reason, the submitter is strongly opposed to the creation of new lots that rely solely on a level crossing over a railway line for access. NZRC supports the rule but sought that it be strengthened to recognise that accesses over level crossings do not constitute legal access. Fed Farmers opposes this submission on the basis that Section 106(1)(c) of the Act currently

provides the Council with adequate discretion to refuse a subdivision if insufficient access is provided.

- 25.4 The reporting officer noted that where a subdivision or a lot within the subdivision is dependant solely on access over the NIMT for its legal and physical access, the Council has discretion under Section 106(1)(c) of the Act to refuse subdivision consent or grant subdivision consent subject to conditions. However that where alternative legal and physical access to a legal road is also provided, the Council would not have the same level of discretion to refuse subdivision consent under section 106(1)(c). He considered it was therefore appropriate to retain Rule 19.9.1(b) to provide a clear signal that subdivisions which do not meet the conditions for Controlled Activities, Limited Discretionary activities or Discretionary activities and include access over the NIMT will be assessed as Non-Complying activities. He said that subdivisions involving access over the NIMT which comply with the Limited Discretionary or Discretionary activity standards are proposed to be assessed based on their individual circumstances as sought by Fed Farmers. To clarify this matter, the reporting officer recommended the following note be added below Rule 19.9.1(b) stating that the Council does not consider level crossing access over the NIMT to constitute legal and physical access in terms of Section 106(1)(c):

Note: The Council does not consider level crossing access over the North Island Main Trunk Railway Line to constitute legal and physical access in terms of section 106(1)(c) of the Resource Management Act 1991.

- 25.5 The Panel noted that we had previously addressed this matter in Section 17 and that we had agreed that the above wording should be included in relation to Amendment 16 and again it is appropriate in this circumstance. We therefore recommend that the above wording be adopted and that the submission by NZRC be **accepted** and the further submission by Fed Farmers **rejected**.
- 25.6 The Panel notes that a submission from NZRC that has been evaluated elsewhere in this report has sought that all references to 'North Island Main Trunkline' be replaced with 'North Island Main Trunk Railway line', and all references to ONTRACK be replaced with 'NZRC'. We recommend these references in Amendment 24 be amended.
- 25.7 Overall we recommend that Rules 19.9.1 and 19.9.2 be adopted.

26.0 Amendment 25

26.1 Amendment 25 proposes to introduce Assessment Criteria for rural subdivision consent applications. The Assessment Criteria in this Proposed Plan Change has three parts:

- General Assessment Criteria that would also apply to other zones not just the Rural Zone
- Rural Zone Criteria – All Landscape Domains
- Rural Zone Criteria – Individual Landscape Domain Criteria

Submissions Received – Amendment 25

Submission Number		Submitter Name	Support/ Oppose	Decision Sought	Panel Recommendation
20/051		Horizons Regional Council	Support	That Section 24A Assessment Criteria be retained	Accept in part
20/059	A	Coastal Lakes Station: Graham Sexton & Family	Support in part	That measures to avoid reverse sensitivity issues created by subdivision in the Rural zone be made for an assessment criterion for the entire Rural zone including the Coastal Environment Landscape Domain.	Accept in part
20/059	B	Coastal Lakes Station: Graham Sexton & Family	Support in part	That the assessment criteria for reverse sensitivity be more robust than currently worded to account for the full range of activities within the rural environment. Amend current wording to read "The provision to avoid or mitigate reverse sensitivity effects where the nature of subdivision is likely to generate the potential for complaints about existing activities permitted in the Rural zone and lawfully establish activities."	Accept in part
20/044		NZ Fire Service Commission	Support in part	That Section 24A.1.1(j) be amended to read "The provision, design and location of network utility services, water supply, fire fighting water supply (complying with NZS 4509:2008 or any subsequent amendments), waste water systems, access ways and vehicle, new and existing roads to services the needs of the subdivision, without adversely affecting the environment."	Reject
20/001		NZ Historic Places Trust <i>Pouhere Taonga</i>		That new specific assessment criteria be adopted for assessing the impact of subdivision criteria on historic heritage values in accordance with the NZHPT SMHH Guidelines, in particular information sheet 20, or alternatively adopt these guidelines as a non-regulatory method into the District Plan.	Reject
20/032		Transpower NZ Limited	Support in part	That a new assessment criterion be included for the assessment of Limited Discretionary Activities with respect to subdivision within 32 metres of the centrelines of a transmission line. (See Submission).	Accept
20/054		FRP Investments Ltd & FRP Agriculture Ltd	Support in part	That Section 24A Assessment Criteria be retained and amended to recognize, acknowledge and promote the potential of currently forested areas for low density rural residential development where there is reasonable access to services, roading and community infrastructure.	Reject
20/006		Vector Gas Limited	Support in part	That an additional assessment criterion be added to Section 24A.1.1. "The extent a proposed subdivision and subsequent land use will affect the efficient and effective operation of significant infrastructure,	Accept in part

Submission Number		Submitter Name	Support/ Oppose	Decision Sought	Panel Recommendation
				and whether adequate measures will be provide to protect significant infrastructure if necessary.”	
20/047	A	Horticulture NZ	Oppose in part	That the Rural Zone Criteria 24A.1.3.1 (a) be deleted.	Accept in part
20/047	B	Horticulture NZ	Support in part	That an additional criterion be added to 24A.1.1General Assessment Criteria. Potential impacts on cross property damage Potential for reverse sensitivity effects on rural production activities and any mitigation measure proposed.	Accept in part
20/038		NZ Railways Corporation	Support in part	Strengthen the provisions 24A.1.3.3(a) & (b) to recognise that accesses over level crossings do not constitute legal access. Follow Selwyn District Plan example: see submission	Accept
20/058		Federated Farmers of NZ	Support	That the provisions (Sec 24A.1.1(d), Sec 24A.1.4.4(b), Sec 24A.1.4.5(i), Sec 24A.1.4.6(e), Sec 24A.1.4.7(e), Sec 24A.1.4.8(e)) for reverse sensitivity effects to be addressed when new activities take place be retained.	Accept in part

Further Submissions

Further Submission No.	Submitter Name	Original Submission No.		Support/ Oppose	Reason	Panel Recommendation
20/112F	Federated Farmers of NZ	20/001		Oppose	It is unnecessary to include such stringent criteria. It is sufficient to have reference to assessing the effect on historic heritage. More specific criteria are more appropriate in the consent.	Accept
20/102F	Transpower NZ Limited	20/006		Support	Transpower supports the relief sought, to the extent that it seeks to include additional assessment criterion to ensure the adverse effects on significant infrastructure are considered when assessing subdivision applications, which is consistent with that requested in Transpower's own submission.	Accept in part
20/112F	Federated Farmers of NZ	20/047	B	Support	Reverse sensitivity effects need to be provided for.	Accept in part
20/112F	Federated Farmers of NZ	20/038		Oppose	The proposed provisions for access over railway lines is overly restrictive and does not accurately reflect Section 106(1)(c) of the Resource Management Act. This section provides the council with the discretion to refuse a subdivision application if they feel sufficient access has not been provided. The proposed provisions do not allow council the flexibility to consider applications based on their individual circumstances, and this flexibility	Reject

Further Submission No.	Submitter Name	Original Submission No.	Support/ Oppose	Reason	Panel Recommendation
				should be retained.	
20/103F	Horticulture NZ	20/058	Support	Clear incorporation of reverse sensitivity matters as a consequence of subdivision is supported.	Accept in part

Discussion

- 26.2 Coastal Lakes Station sought that measures to avoid reverse sensitivity issues created by subdivision in the Rural Zone be made an Assessment Criterion for the entire Rural Zone including the Coastal Environment Landscape Domain. They also request that the current Assessment Criteria be made more robust.
- 26.3 The reporting officer noted that General Assessment Criteria 24A.1.1(d) already provided a reverse sensitivity criteria for all subdivisions whether in the Rural Zone or Residential Zone. He accepted however that a specific reverse sensitivity criterion did not exist in the Coastal Environment as it did for to the Moutoa-Opiki, Kuku, Levin-Ohau, Levin-Koputaroa and Tararua Terraces Landscape Domains. This had been done to place an emphasis on land based primary production activities as these were the Domains characterised by highly versatile soil, a pre-dominance of primary production activities and subdivision pressure. However he said he recognised that primary production activities are not restricted to these five Domains and their presence in other Domains could be adversely affected by subdivisions that cause potential reverse sensitivity effects. He recommended that a new clause 24A.1.3.8 “Reserve Sensitivity” be added to the Rural Zone Criteria – All Landscape Domains section and that in line with the submitters request the following criterion, subject to changing the word “provision” to “ability” and the inclusion of the word “other”, be included:
- “The ability to avoid or mitigate reverse sensitivity effects where the nature of subdivision is likely to generate the potential for complaints about existing activities permitted in the Rural Zone and other lawfully established activities”.*
- 26.4 The Panel agreed that although this issue may be more prevalent in some Domains than others, it was appropriate to extend the reverse sensitivity criterion to apply to all Domains and we therefore recommend the above wording and additional clause be adopted and the submissions by Coastal Lakes Station **accepted in part**. We note as a consequence the reverse sensitivity criterion in the Moutoa-Opiki, Kuku, Levin-Ohau, Levin-Koputaroa and Tararua Terraces Landscape Domains can be deleted despite support from Fed Farmers and Hort NZ for them, as they are no longer necessary. On this basis the submission of Fed Farmers and further submission of Hort NZ are **accepted in part**.
- 26.5 NZFSC requested that an amendment be made to 24A.2.2(j) to include reference to fire fighting and NZS 4509:2008. As this matter had already been addressed and rejected previously in Section 16 the Panel recommends the submission by NZFSC be **rejected**.
- 26.6 NZHPT requested an amendment to Assessment Criteria 24A.1.1 to include specific criteria for subdivision in assessing the impact on historic heritage values. They suggested adding specific criteria that are similar to the NZHPT Sustainable Management of Historic Heritage Guidance Information Sheet 20: Assessing the Impact of Subdivision. Alternatively they suggest the adoption of NZHPT guidelines containing assessment criteria based on best practice heritage conservation principles, as a non-regulatory method in the District Plan. The submission is opposed by Fed Farmers.

- 26.7 The reporting officer noted that General Assessment Criteria 24A.1.1(e) already sets out a criterion that requires consideration of any actual and potential effects of the subdivision and development on sites and features of natural, cultural and historical value.
- 26.8 The Panel acknowledged that NZHPT guidelines could provide a greater level of detail and guidance and we consider these can still be referred to without having to be part of the District Plan. We consider the text in 24A.1.1(e) is sufficient for requiring the actual and potential effects of subdivision and development on sites and features of natural, cultural and historical value to be considered, although for reasons of consistency with other changes requested by NZHPT we recommend the word “historical” be replaced by the words “historic heritage”. We recommend the submission by NZHPT be **rejected** and the further submission by Fed Farmers be **accepted**.
- 26.9 Transpower sought that a new criterion be added with respect to the rule proposed for subdivisions within 32 metres of the high voltage centrelines of transmission lines. The Panel agreed that this was appropriate given the adoption of the rule in Section 17 and we recommend that the submission by Transpower be **accepted** and the following wording adopted as a new assessment criterion:
- “24A.1.3.9 Activities, including subdivision near High Voltage Transmission Lines
(a) Whether the building, subdivision, earthworks or other activities would inhibit the safe and efficient operation of the transmission lines.”
- 26.10 FRP sought that the assessment criteria be retained and amended to recognise, acknowledge and promote the potential of currently forested areas for low density rural residential development where there is reasonable access to services, roading and community infrastructure.
- 26.11 The Panel noted that this submission in part related to an earlier submission by FRP seeking a policy change for the same reasons. We rejected that submission in Section 8 and we see no reason for including specific assessment criteria here for such a limited purpose. We consider the existing assessment criteria provide effective coverage for assessing a wide range of potential proposals. On this basis we recommend that the submission by FRP be **accepted in part**.
- 26.12 Vector requested that an additional criterion be added to Section 24A.1.1 to address the efficient and effective operation of significant infrastructure. The submission was supported by Transpower. Vector proposed the following criterion:
- “The extent a proposed subdivision and subsequent land use will affect the efficient and effective operation of significant infrastructure, and whether adequate measures will be provided to protect significant infrastructure if necessary.”*
- 26.13 The Panel considered that such a criterion was consistent with other recommended amendments in the Plan Change, however we consider the criterion could be more clearly and simply worded and we therefore recommend that the submission by Vector and further submission by Transpower be **accepted in part** and that the following wording be adopted.
- “(m) The extent a proposed subdivision and subsequent land use would adversely affect the efficient and effective operation of district significant infrastructure.”
- 26.14 Hort NZ sought that the criteria 24.1.3.1(a), which requires assessment against the Rural Subdivision Design Guide, be deleted. They considered that while the guidelines may assist in the development of a subdivision they should not be given regulatory status as they may conflict with the objectives, policies and methods.

26.15 While acknowledging the concern expressed, the Panel considered that it was appropriate that the Design Guide be referred as an assessment criterion upon which consideration of an application could be based, as it represented a part of the overall framework of the Plan Change. We do however have some concern as to the rigidity of the assessment criterion and recommend that the word “generally” be added to provide a greater degree of flexibility. On that basis we recommend that the submission by Hort NZ be **accepted in part** and the following wording of criterion 24A.1.3.1 (a) be adopted:

“The extent to which the proposed subdivision is in general accordance with the Rural Subdivision Design Guide.”

26.16 Hort NZ sought that an additional criterion be added to the General Assessment Criteria. They contend that the assessment criteria do not include the impact on cross property drainage, stating that many rural properties have drainage systems and that the potential for subdivision and development to alter such systems should be considered as part of a subdivision application. They also contend that there is no general criterion which assesses the potential for reverse sensitivity. The submission was supported by Fed Farmers.

26.17 The reporting officer agreed with the inclusion of a criterion for assessing cross property drainage, proposing the following:

“The extent to which any subdivision or subsequent development would result in cross property damage to adjoining sites (such as cross property drainage).”

26.18 At the Hearing Ms Wharfe expressed concern about the clause being limited to ‘damage to adjoining sites.’ She said it was unclear how the potential for damage, as opposed to ‘impact’ would be assessed. She proposed the following revised wording:

“The extent to which any subdivision or subsequent development could impact on cross boundary property on adjoining sites, such as cross boundary drainage.”

26.19 While accepting the need for a clause to this effect, the Panel considered neither of the above wordings to be appropriate or clear in their meaning. We do agree that the word ‘impact’ should replace ‘damage’. We therefore recommend that the following wording be adopted and included in new clause 24A.1.3.8, referred to above, which is to be named “Reverse Sensitivity and Cross Property Impacts”:

“The extent to which any subdivision or subsequent development would result in cross property impacts to adjoining sites (such as cross property drainage).”

26.20 In relation to the second component of the Hort NZ submission, the Panel noted that clause 24A.1.1(d) of the General Assessment Criteria required consideration of the extent of potential conflict between subdivision and development and other existing activities on adjoining properties, including the effectiveness of any mechanism to avoid or mitigate the reverse sensitivity effects. We also note our recommendation for an additional clause in this regard in response to the submission from Coastal Lakes Station above. Overall we recommend the submission by Hort NZ and further submission by Fed Farmers be **accepted in part**.

26.21 NZRC have requested that the two assessment criteria 24A.1.3.3(a) and (b) be considered when assessing any subdivision with proposed access over or under the NIMT. The Panel noted that as discussed in earlier amendments (Amendments 16 and 24) it is appropriate to maintain provisions in the Plan Change that provide discretion and control over subdivisions relying on access over the NIMT. The submission is opposed by Fed Farmers.

26.22 The Panel having determined it important for the potential effects of this form of access to be assessed, considered it was appropriate to have assessment criteria included in the Plan that apply to this matter. As such we considered the proposed assessment criteria

24A.1.3.3(a) and (b) should be retained. The reporting officer recommended further guidance for assessing subdivision applications over the NIMT in the form of an assessment criterion requiring consideration to be given to whether or not alternative legal and physical access to a legal road other than the access over the NIMT would be provided as part of the subdivision. The Panel agreed that this additional criterion would be consistent with other changes proposed and we recommend the adoption of the following criterion in 24A.1.3.3:

(c) Whether alternative legal and physical access to a legal road other than the access over the North Island Main Trunk Railway Line would be provided for each lot as part of the subdivision.

- 26.23 On the basis of the above we recommend the submission by NZRC be **accepted** and further submission by Fed Farmers be **rejected**. Once again we also noted that a submission from NZRC, evaluated elsewhere in this report, has sought that all references to 'North Island Main Trunkline' be replaced with 'North Island Main Trunk Railway Line', and all references to ONTRACK be replaced with 'NZRC'. These references contained in Amendment 25 are recommended to be adopted.
- 26.24 The Panel acknowledged the support from HRC for the Assessment Criteria to be retained, but as a result of the amendments made above we recommend that this submission be **accepted in part**.
- 26.25 Overall we recommend that the Assessment Criteria be adopted subject to the above amendments.

27.0 Amendment 26

27.1 Amendment 26 introduces a Rural Subdivision Design Guide as a new schedule in the Plan. The provisions in the Plan Change require subdivisions to be designed in general accordance with the Design Guide.

Submissions Received – Amendment 26

Submission No.	Submitter Name	Support /Oppose	Decision Sought	Panel Recommendation
20/048	MC ² Group Ltd	Neutral	That further information is provided and the opportunity to be involved in clarifying the matters raised.	Accept in part
20/049	Landlink Ltd	Neutral	That further information and the opportunity to be involved in clarifying the matters raised.	Accept in part
20/047	Horticulture NZ	Oppose in Part	That the first three sections of the Rural subdivision design guide – Introduction, Process and Outcomes be deleted and retain the Guidelines and Appendices.	Accept in part
20/009	G & E Williams Consultants Ltd	Support	Inferred – That Plan Change 20 be adopted.	Accept in part
20/001	NZ Historic Places Trust <i>Pouhere Taonga</i>	Support in Part	That the Horowhenua Rural Subdivision Design Guidelines be adopted with amendments that provide further guidance on protecting historic heritage features.	Accept in part
20/030	Elizabeth McCabe	Support	Inferred: That the Highly Versatile Land provisions within the Design Guide be adopted.	Accept in part
20/031	Jeremy Miles	Support	Inferred: That the Highly Versatile Land provisions within the Design Guide be adopted.	Accept in part
20/032	Transpower NZ Limited	Support in Part	That heading on page 20 be amended to read “Infrastructure” and make “Water, Drainage and Stormwater” the first sub heading. Add new sub heading “High Voltage Transmission Lines”, diagrams and text (See Submission for detail and diagrams).	Accept in part
20/036	Louise Miles	Support	Inferred: That the Highly Versatile Land provisions within the Design Guide be adopted.	Accept in part
20/042	Truebridge Associates Ltd	Oppose	That the wording considered to be too restrictive be removed and that clarification be provided over ambiguous terms or wording.	Accept in part
20/058	Federated Farmers of NZ	Oppose	That the bullet point on page 6 of the Design Guide stating “Fresh air and the absence of foul smells or excessive dust” be deleted.	Accept

Further Submissions

Further Submission No.	Submitter Name	Original Submission No.	Support/ Oppose	Reason	Panel Recommendation
20/112F	Federated Farmers of NZ	20/001	Oppose in part	Such amendments would require extensive consultation and should be notified as part of a separate process.	Reject
20/103F	Horticulture NZ	20/058	Support	Deletion of the matters relating to odour are supported.	Accept
20/106F	Graham Halstead	20/058	Support	Support the deletion of “fresh air and the absence of foul smells or excessive dirt”	Accept
20/103F	Horticulture NZ	20/048	Oppose	The submitter does not provide sufficient detail as to the changes that are actually sought.	Accept in part

Further Submission No.	Submitter Name	Original Submission No.	Support/ Oppose	Reason	Panel Recommendation
20/103F	Horticulture NZ	20/049	Oppose	The submitter does not provide sufficient detail as to the changes that are actually sought.	Accept in part

Discussion

General

- 27.2 MC² Group Ltd and Landlink Ltd expressed concerns that the Design Guide provided limited detail about how to achieve the desired outcome when the built form is considered (e.g. what mechanisms are there to force buildings into appropriate locations on a site) and that it does not require a broad enough examination of the peripheral characteristics of the adjoining properties. They contend that the Design Guide provides limited guidance on the built form and incentives. A further submission from Hort NZ opposed these submissions on the basis that they do not provide sufficient detail to the changes that are actually sought.
- 27.3 In contrast to the above Hort NZ sought that the first three sections of the Design Guide (Introduction, Process and Outcomes) be deleted, with the Guidelines and Appendices retained. They contend that the Plan Change and Design Guide do not accurately describe or take into account the rural production environment. They suggest that many aspects of the Design Guide such as the descriptions of amenity values and rural character would be more appropriately included in the Plan rather than as a Schedule to the Plan. They note however that the Guidelines assist with design methods which should be the purpose of a Design Guide and therefore this aspect should be retained.
- 27.4 The reporting officer said that the proposed Design Guide is the first time this technique has been used in the Horowhenua and for this reason, it had been kept at a simple level, to provide ease of use for applicants and Council assessing any application. He anticipated it would be subject to refinement in the future, in response to greater understanding and familiarity with using a Design Guide and at that time, further guidance and details could be added to the Design Guide as raised by the submitters.
- 27.5 The reporting officer considered the first three sections of the Design Guide to be appropriate in providing the context and framework for applying the actual guidelines it contained. In his view a Schedule of the Plan is an appropriate place for the Design Guide to sit as it does not contain any standards, noting that the Tararua Growth Area Design Guide, the only other Design Guide included in the District Plan, was also included as a Schedule.
- 27.6 At the Hearing Ms Wharfe indicated that Hort NZ did not support the use of the Rural Subdivision Design Guide as part of the regulatory requirements. She said the Design Guide as written did not adequately address primary production concerns; it overlapped with the Plan Change; that all policies and definitions should be in the Plan, not a Schedule; and the wording was unsuitable for inclusion as an Appendix in the Plan.
- 27.7 Ms Wharfe considered the design guide needed to be re-written so as to be more focussed in its approach. She said Hort NZ sought that the first 3 sections be deleted with the Guidelines and Appendices retained, which in her view would provide a clearer focus to the Guide. She requested that the Panel closely assess the material in the Design Guide to determine the need, relevance and level of duplication, and potential confusion between the guide and the Plan Change itself.
- 27.8 Ms Buckley on the other hand considered the more guidance provided the better it was for users of the District Plan.

- 27.9 The Panel initially noted that the primary production issue had been discussed in more detail earlier in the decision and the conclusion reached that it did not need to be a focus of the Plan Change. Having said that we have some sympathy with both sets of submitters and note that the reporting officer has already acknowledged that changes to the Design Guide maybe necessary. On the face of it we consider that design guides are in general a useful tool and we note that a number of Councils have, or are considering, introducing subdivision design guides.
- 27.10 We get the impression however that this Design Guide might be seen as a bit of a ‘work in progress’. It seems to us that the Design Guide somewhat lacks in detailed guidance where we suspect the submissions of MC² Group Ltd and Landlink Ltd are coming from and it contains sections and statements more akin to a s32 assessment than a design guide which seems to be part of Hort NZ’s concern. We also agree that there is some duplication with the Plan Change itself although we are not totally convinced that this will lead to any great confusion. Whilst some amendments to the Design Guide are proposed below, we are not in a position to thoroughly review and redraft the Design Guide. We also do not want to ‘throw the baby out with the bath water’ by deleting the Design Guide altogether. The Panel therefore recommends that, subject to any amendments detailed below, the Rural Subdivision Design Guide be adopted and that the Council also initiate as soon as practical a review of the Design Guide. The review should include, amongst other things, consideration of subdivision design guides from other Council’s, the provision of greater detail, reducing areas of duplication and removing unnecessary wording. On this basis we recommend that the submissions and further submissions of MC² Group Ltd, Landlink Ltd and Hort NZ be **accepted in part**.
- 27.11 NZHPT supported the Design Guide but sought the adoption of amendments that provide further guidance on protecting historic heritage features. This was opposed by Fed Farmers on the basis that such amendments would require extensive consultation and should be notified as part of a separate process.
- 27.12 The reporting officer noted that the Design Guide identified as an outcome to protect and preserve historic heritage values within the subdivision site. He considered that instead of adding a separate new section on historic heritage, that an additional guidance point be added to the ‘Allotment Layout and Boundaries’ section of the Design Guide as follows:

10. Ensure areas and features with historic heritage value are protected, such as through avoidance in subdivision lot layout, setting aside reserves, covenanting areas, and avoiding earthworks in areas with archaeological and other heritage values.

- 27.13 The Panel agreed with the above addition and wording and recommended it be adopted and the submission by NZHPT be **accepted in part** and further submission by Fed Farmers **rejected**.

Design Considerations

- 27.14 Truebridge sought that some examples of what urban patterns of development are be included to make it clear what should be avoided. Noting our recommendation above with regards reviewing the Design Guide, the Panel recommends the Truebridge submission be **accepted in part** and that the minor amendment below be adopted:

“such as regular shaped, small scale lots laid out in grid patterns”.

Rural Amenity Values

- 27.15 Fed Farmers requested that the reference to “Fresh air and the absence of foul smells or excessive dust” be deleted from the list of Amenity Values. They contend that while the rural area may be free from congestion and associated fumes, this description is not necessarily

accurate and may present unrealistic expectations for rural living, noting that rural areas are characterised by agricultural related smells, some of which may be considered foul by some, and some agricultural practices such as soil cultivation may produce dust. The submission was supported by Hort NZ and G Halstead. A similar point is also made by Truebridge.

- 27.16 The Panel accepted that the inclusion of “Fresh air and the absence of foul smells or excessive dust” as an amenity value could create unrealistic expectations particularly on primary production activities. We therefore recommended that the fourth point in the list of Amenity Values be deleted and the submission by Fed Farmers and further submissions by Hort NZ and G Halstead be **accepted**.
- 27.17 Truebridge questioned what the perceived environmental detractors that have been referred to are. The Panel acknowledged that the term ‘perceived environmental detractors’ is a subjective term that will mean different things to different people and that the use of such a subjective term is not the best terminology for Design Guide users. We therefore recommend that the seventh point in the list of Amenity Values be deleted and the submission by Truebridge be **accepted in part**.
- 27.18 Truebridge stated that the absence of traffic as referred to in the list of Amenity Values is not achievable. The reporting officer noted that whilst in most parts of the rural environment this is true, there were parts where there is no vehicle access and the resulting absence of traffic may well contribute to someone’s appreciation of the amenity of that area. Further, he said rural areas can have lower levels of traffic compared to urban areas. He recommended the point could be better expressed by amending it to read “the absence or low volumes of traffic”. The Panel recommended this wording be adopted and the submission by Truebridge be **accepted in part**.

General adverse effects on the rural character from subdivision

- 27.19 Truebridge questioned what the special or important natural features referred to were. The Panel recommends that to provide clarity on this matter an amendment is adopted to refer to “outstanding landscapes and natural features” instead of “special or natural features” and “important natural features”. We note that outstanding landscapes and natural features are identified in the District Plan. We therefore recommend the submission by Truebridge be **accepted in part**.

Maintaining Rural Character

- 27.20 Truebridge consider that avoiding sensitive ecological areas or landscapes is too restrictive as it does not allow for the opportunity for sensitively designed development to incorporate such features. Although we did not think the point concerned would have any great bearing on a subdivision application the Panel agreed that it was particularly blunt and we recommend the wording “Generally avoid sensitive ecological areas or landscapes” be adopted and the Truebridge submission be **accepted in part**.

Subdivision Development Outcomes

- 27.21 Truebridge questioned what the outstanding landscapes and natural features referred to in the 16th point in the list were. The Panel assumed this was merely a point of clarification and for that reason we consider, as was confirmed by the reporting officer, the outstanding landscapes and natural features referred to, are those identified in the District Plan. We recommended the submission by Truebridge be **accepted in part**.

Landforms and Contours

- 27.22 Truebridge considered that to avoid changing the existing natural landforms would be too restrictive as it does not allow the opportunity for sensitively designed developments that avoid adverse effects. Once again the Panel agrees that the wording is rather too blunt and

we recognise that some subdivision may involve modifications to existing natural landforms. We note in the explanation for the policies, avoiding significant changes is a primary focus. We therefore recommend the adoption of an amendment to point (2) to read "Avoid significantly changing the existing natural landforms" and that the submission by Truebridge be **accepted in part**.

Water, Drainage and Stormwater

27.23 Transpower, whilst supporting the Design Guide sought that an amendment be made to add a new heading to page 20 "Infrastructure"; that the existing heading "Water, Drainage and Stormwater" be used as a subheading; and that a new subheading "High Voltage Transmission Lines" be added. They request inclusion of guidance for High Voltage Transmission Lines.

27.24 The reporting officer supported the majority of the guidance requested by Transpower, but suggested that instead of renaming the Water, Drainage and Stormwater section and introducing a subsection, that the specific guidance issues be incorporated throughout the existing sections of the Design Guide. He also recommended that a reference be added referring to the Development Guide prepared by Transpower for development near high voltage transmission lines. The Panel supported this approach and we recommend the submission by Transpower be **accepted in part** and the following additional points adopted:

Roads, Transport, Access and Fencing

Amend this section by adding a ninth point to read as follows:

9. Where high voltage transmission lines traverse an area, ensure access around and to transmission line support structures is maintained.

Allotment Layout and Boundaries

Amend this section by adding an eleventh point to read as follows:

11. Where high voltage transmission lines traverse an area, ensure the subdivision design, including the accommodation of new buildings/dwellings, ensures safe separation distances for buildings, structures and landscaping and to ensure the protection of the transmission corridor (refer to Development Guide for development near high voltage transmission lines, prepared by Transpower New Zealand Ltd, September 2006).

Planting and Vegetation

Amend this section by adding a twelfth point to read as follows:

12. Where high voltage transmission lines are in the vicinity, plant near dwellings to ensure that the transmission lines and support structures are screened and out of view, not near the structures and conductors themselves. The Electricity (Hazards from Trees) Regulations 2003 sets out the requirements for maintaining vegetation near the high voltage transmission lines.

Building Sites, Buildings and Structures

Amend this section by adding a seventeenth point to read as follows:

17. Ensure the protection of high voltage transmission lines by managing the siting of buildings and structures through the specified separation distances.

Recreational, Conservation, Open Space and Public Access

Amend this section by adding an eighth point to read as follows:

8. Where high voltage transmission lines traverse an area, consider the land use within the separation distances from those lines for open space and passive recreation development.

27.25 Truebridge considered that avoiding earthworks in close proximity to surface water bodies is too restrictive and ambiguous. They contend it could potentially prevent sensitively designed

development that could enhance the water bodies. The reporting officer considered the effects of earthworks near water bodies should be avoided, however recognised that earthworks may be necessary to enhance or incorporate a water body into the subdivision design. He recommended that point (11) be amended to read as follows:

“Ensure that earthworks carried out in close proximity to surface water bodies are managed to avoid sediment and other contaminants entering the water body”.

27.26 The Panel agreed that the above wording should be adopted and recommend that the submission by Truebridge be **accepted in part**.

General Support

27.27 The Panel acknowledged support from E McCabe, J Miles and L Miles for this amendment and in particular the highly versatile soil provisions within the Design Guide. We also acknowledge support for this amendment from G & E Williams Consultants Ltd. On the basis of the changes made above we recommended that these submissions be **accepted in part**.

28.0 Amendment 27

28.1 Amendment 27 adds two new planning maps (Maps 38 and 39) identifying the ten proposed Landscape Domains referred to in the text Section of the Plan Change.

Submissions Received – Amendment 27

Submission No.	Submitter Name	Support/ Oppose	Decision Sought	Panel Recommendation
20/003	Gervasio Lavo	Oppose in part	That Map 39 be amended to include Lot 2 DP 63819 within the Levin-Ohau Landscape Domain.	Reject
20/022	Waikawa Beach Ratepayers Association	Oppose in part	That the Coastal Environment Landscape domain be increased in area to include the land up to Waikawa Heights.	Reject
20/062	John Hewitson	Oppose in part	That the Coastal Environment Domain be extended to include the surrounding land back to Waikawa Heights.	Reject
20/030	Elizabeth McCabe	Oppose in part	That the Class 1 and 2 land in the Manakau Downlands domain be included in the adjacent Kuku domain to give greater protection to the Class 1 and 2 soils. Alternatively the plan change be amended to apply the provisions of the Kuku domain to the Class 1 and 2 lands currently in the Manakau Domain.	Accept
20/031	Jeremy Miles	Oppose in part	That the Class 1 and 2 land in the Manakau Downlands domain be included in the adjacent Kuku domain to give greater protection to the Class 1 and 2 soils. Alternatively the plan change be amended to apply the provisions of the Kuku domain to the Class 1 and 2 lands currently in the Manakau Domain.	Accept
20/036	Louise Miles	Oppose in part	That the Class 1 and 2 land in the Manakau Downlands domain be included in the adjacent Kuku domain to give greater protection to the Class 1 and 2 soils. Alternatively the plan change be amended to apply the provisions of the Kuku domain to the Class 1 and 2 lands currently in the Manakau Domain.	Accept
20/046	Judy Keall	Oppose in part	That greater protection is given to the Class 1 and 2 soils that fall within the Manakau Downlands domain particularly in the northern part of the domain. That subdivisions that require access from the existing Manakau village road network be restricted to ensure that current roading does not need to be widened.	Accept
20/035	Horowhenua District Council	Oppose in part	That the Planning Maps be amended to include areas subject to coastal and waterway hazards as well as referencing Highly erodible land.	Reject
20/047	Horticulture NZ	Oppose in part	Amend Planning maps to refer to Rural Production Environments and not Landscape Domains.	Reject

Further Submissions

Further Submission No.	Submitter Name	Original Submission No.	Support/ Oppose	Reason	Panel Recommendation
20/112F	Federated Farmers of NZ	20/022	Oppose	Any change in boundaries would need extensive consultation with affected parties and the wider community and should not proceed. If council chooses to make such changes it should be notified as part of a separate process.	Accept
20/112F	Federated Farmers of NZ	20/030	Oppose in part	Any amendments to boundaries would need extensive consultation with affected landowners and the wider community and should not proceed. If council chooses to change boundaries it should be notified as part of a separate process.	Reject

Discussion

- 28.2 G Lavo sought to have Map 39 amended to include Lot 2 DP 63819 within the Levin/Ohau Landscape Domain. The subject property is currently located within the Hill Country Landscape Domain. He notes that their property is flat land and at least 150m away from any geographic feature that could be construed as a hill.
- 28.3 The reporting officer indicated that the location of the Hill Country Landscape Domain boundary was generally based on the 100m contour line above sea level. He noted that there are a few exceptions such as some of the river valleys within the foothills and where there are land features isolated from the ranges and foothills but higher than 100m above sea level such as Otarere (on the northern side of Kuku East Road). He said that with the Hill Country Domain based on a contour line above sea level it is possible that there will be sites included within this domain that are generally flat but based on their elevated nature are included with the Hill Country Domain.
- 28.4 The reporting officer explained that throughout the District, the 100m contour line generally represents the point at which the land begins to become rapidly steeper. In the case of Mr Lavo's site and the adjoining properties, the land appears to plateau from the 100m contour line back to Gladstone Road before steeply climbing approximately 80m in height in less than 200m distance. He considered that adjusting the Domain boundary for a single property in this location was not appropriate as it could create a discrepancy in the delineation of Domain boundaries, undermining the effectiveness and integrity of this area. He noted that through the resource consent process, the site specific issues could be evaluated.
- 28.5 At the Hearing Mr Lavo said that boundary positioning at a change of gradient would be more appropriate than a 100m contour line. He did acknowledge that his submission related only to his land.
- 28.6 Having undertaken a site visit of the Lavo property and the surrounding land we have some considerable sympathy for this submission. The property and those surrounding it on the south-west side of Gladstone Road are indistinguishable from those in Levin-Ohau Domain which surround this small triangular enclave of Hill Country Domain properties on two sides. We accept that it would be inappropriate to adjust the Domain boundaries for a single property in this instance and we also accept that we are restricted by the limited scope provided by Mr Lavo's submission to only considering any change in relation to this one property. In the circumstances we are forced to recommend that the submission be **rejected**, however we wish to signal to the Council that we consider this small enclave of

properties should be adjusted to be within the Levin-Ohau Domain at the time of the District Plan Review.

- 28.7 Waikawa Beach Ratepayers Association (WBRA) and J Hewitson requested that the Coastal Environment Landscape Domain be increased to include all of the Waikawa District, that being land up to the Waikawa Heights subdivision (Emma Drive). They note that the dune system extends to at least this area and it only seems logical for it to be zoned the same. They also noted that during recent consent hearings Council reports referred to this area as the Coastal Environment, being the Coastal Environment Outstanding Landscape shown on Planning Maps 32 and 33. The submission is opposed by Fed Farmers who contend any change or amendment to the Domain boundaries would require extensive consultation and needs to be notified as part of a separate process.
- 28.8 The reporting officer noted that Coastal Environment Landscape Domain although sharing the same name as the 'Outstanding Landscape' refers to a different area (as shown on proposed planning maps 38 and 39). He said that the boundary between the Coastal Environment Domain and the Coastal Lakes Domain is where two different dune systems begin and end. The frontal dunes that characterise the Coastal Environment Domain differ in topographical form, vegetation cover and land use from those older dunes located within the Coastal Lakes Domain and this was an important distinction in the characteristics used to identify these two very similar Domains. He acknowledged that in some places the location of the boundaries is blurred particularly where the transition between Domains is much wider that can be represented as a line on a map. In his opinion, the boundary between the Coastal Environment Domain and the Coastal Lakes Domain at Waikawa shown on Proposed Planning Map 39 is appropriately located.
- 28.9 Mr Hewitson spoke at the Hearing reiterating the points made in his submission that land back to Waikawa Heights should be included within the Coastal Environment Domain.
- 28.10 The Panel visited the Waikawa Beach settlement and its surrounds and having reviewed this area we accept the distinction in characteristics between the Coastal Environment Domain and the Coastal Lakes Domain referred to by the reporting officer. Given that the basis for this Plan Change is around the Landscape Domains we accept that a boundary needs to be established somewhere and that it needs to relate to some form of natural feature rather than the location of subdivision development. We also note from a rules perspective that there is little difference between the two Domains. We are therefore not persuaded that there are any reasons to amend the boundary between these Domains at Waikawa and recommend that the submissions by WBRA and Hewitson be **rejected**.
- 28.11 In response to the Fed Farmers further submission the Panel noted that the submissions requesting this change were made as part of the submission process and as such were legitimate. We see no legal reason why further consultation or notification would be required for these submissions to be given effect to. Notwithstanding these comments, their further submission is recommended to be **accepted** as no changes to the Planning Maps are proposed.
- 28.12 E McCabe, J Miles and L Miles all made submissions opposing the proposed boundary between the Manakau Downlands and Kuku Landscape Domains on the north side of Manakau. They sought that the Class 1 and 2 soils currently located within the Manakau Downlands Domain be included in the Kuku Domain so that these highly versatile soils are given greater protection and noting that further fragmentation (which is reliant on access from the existing village road network) could adversely affect the unique character and amenity of Manakau Village through increased pressure to widen the existing narrow 'lane' type roads. Fed Farmers opposed the McCabe submission requesting that any change or amendment to

boundaries have extensive consultation and that such changes be notified as part of a separate process.

- 28.13 A submission from J Keall opposed residential development beyond the perimeter of the village settlement of Manakau, particularly to the north of the village, contending that it is important to retain fertile land for grazing and growing food and other crops.
- 28.14 The reporting officer explained that the land immediately north of Mokena Kohere Street extending through to North Manakau Road is identified in the current District Plan Planning Maps as being highly versatile soil. He noted the north side of this street contained the Manakau Primary School, St Andrews church, and two residential properties ranging in size between 2143m² and 4741m². In between the church and two residential properties are large rural parcels that lead to the larger parcels adjoining North Manakau Road. He said that the land closest to North Manakau Road is currently used for growing vegetables whilst the rural land closer to Mokena Kohere Street is currently used for grazing. The land on the southern side of Mokena Kohere Street is zoned Residential 3 and has been developed for residential purposes accordingly.
- 28.15 The reporting officer indicated that the Manakau Downlands Domain provisions did not provide the same level of protection for highly versatile soils as the Kuku Domain provisions and that consequently the subdivision opportunities are greater within the Manakau Downlands Domain than in the Kuku Domain. He noted that during the preparation of the Development Plan that strong views were expressed regarding the nature and extent to managing subdivision and development in and around Manakau. One of the community views expressed was that the rural outlook to the north from Mokena Kohere Street beyond the school and between the residential properties and church contributed to Manakau's distinctive rural village character. He noted that to provide further development opportunities that could result in this view being compromised would adversely affect the character of the Manakau Village.
- 28.16 The reporting officer considered that the land on the north side of Mokena Kohere Street was consistent with the mix of landuses and range of scales of these landuses occurring within the Kuku Domain. In addition, there is considered to be a distinctive difference between the rural land on the north and south sides of the village. He recommended that the northern boundary of the Manakau Downlands Domain end at the southern edge of Mokena Kohere Street and the southern boundary of the Kuku Domain be extended further south to Mokena Kohere Street and follow the alignment of the southern boundary of this road east to the point it meets the Hill Country Domain. He also considered that to avoid an anomaly with a narrow area of Manakau Downlands Domain extending between the Residential zoned properties and the Kuku Domain, that the Kuku Domain also be extended to cover the railway and road land from the intersection of Tame Porati Street and Honi Taipua Street to be in line with the Waikawa Beach Road and State Highway 1 intersection. This land includes the road (which does not have a zoning under the Plan) and the land subject to the Designations D1 and D2 for Railway purposes and State Highway 1 respectively.
- 28.17 The Panel undertook a site visit of the north Manakau area and noted that Mokena Kohere Street is an entry point to the village from State Highway 1 which provided a boundary between the village and the rural area to the north. We accept that the community see this rural area as part of what determine the character of the village. We also accept that the presence of highly versatile soil is consistent with the Kuku Domain. We therefore agree with the reasoning provided by the submitters and the reporting officer and recommend that Planning Map 39 be amended so that the northern boundary of the Manakau Downlands Domain ends at the southern edge of Mokena Kohere Street and the southern boundary of the Kuku Domain be extended further south to Mokena Kohere Street and follow the

alignment of the southern boundary of this road east to the point it meets the Hill Country Domain and that the Kuku Domain also be extended to cover the railway and road land from the intersection of Tame Porati Street and Honi Taipua Street to be in line with the Waikawa Beach Road and State Highway 1 intersection.

- 28.18 In response to the Fed Farmers further submission the Panel noted that the submissions requesting this change were made as part of the submission process and as such were legitimate. We see no legal reason why further consultation or notification would be required for these submissions to be given effect to. We recommended that the submissions by E McCabe, J Miles, L Miles and J Keall be **accepted** and the further submission by Fed Farmers **rejected**.
- 28.19 HDC sought that the Planning Maps be amended to include areas subject to coastal and waterway hazards as well as a high level of erosion so that applicants were aware of this hazards at the time of making an application.
- 28.20 The reporting officer advised that the District Plan did not currently contain any mapped natural hazards. He noted however that the Proposed One Plan contained maps identifying Highly Erodible Land (Schedule A) which could be used to make applicants aware of this type of hazard. He said that although additional maps would be more effective in managing this issue, to include maps without relevant provisions in the Natural Hazards section of the Plan would be ineffective. He considered the mapping of natural hazards would be best addressed as part of the District Plan review where a comprehensive approach could be taken in considering all relevant sections relating to natural hazards.
- 28.21 The Panel agreed that it would be difficult to map natural hazards without referring to the Natural Hazards section of the District Plan. In this regard we note that amending the Natural Hazards section of the District Plan is not within the scope of this Plan Change. Further, we consider the time necessary to undertake the research and draft the amendments and maps required to do justice to this matter could unduly delay the determination of this Plan Change. We note that the reporting officer considered the mapping of natural hazards would be best addressed as part of the District Plan review, and for the reasons outlined above, we agree. We therefore recommend that the submission by HDC be **rejected**.
- 28.22 Hort NZ sought that the Planning Maps be amended to refer to Rural Production Domains, not Landscape Domains. As this issue has already been addressed earlier in our decision and rejected the Panel recommends that the submission by Hort NZ be **rejected**.
- 28.23 Overall we recommend that Planning Maps 38 and 39 be adopted subject to the above amendment and a further amendment referred to in the following section.

29.0 Miscellaneous and General Submissions

29.1 Submissions that have been received relating to Plan Change 20 as a whole, to several amendments or to an underlying theme have been evaluated as miscellaneous and general submissions.

Submissions Received - Miscellaneous and General Submissions

Submission No.		Submitter Name	Provision	Support/ Oppose	Decision Sought	Panel Recommendation
20/001		NZ Historic Places Trust <i>Pouhere Taonga</i>	Plan Change 20	Support in part	Inferred – That Plan Change 20 be adopted with amendments that reflect amendments to the RMA after the District Plan became operative	Accept in part
20/004		Steve & Maree Grant	Plan Change 20	Support	Inferred – That Plan Change 20 be adopted.	Accept in part
20/005		Bernard Cammack & Ann Evans	Plan Change 20	Support	Inferred - That Plan Change 20 be adopted.	Accept in part
20/006		Vector Gas Limited	Plan Change 20	Support	That Proposed Plan Change 20 be adopted subject to some specific amendments.	Accept in part
20/009	A	G & E Williams Consultants Ltd	Plan Change 20	Support in part	Inferred – That the Plan Change be adopted and that the Council should have greater use of discretion in determining subdivision applications.	Accept in part
20/013		William Masters	Plan Change 20	Oppose	Don't allow these plan changes to go ahead specifically with regard to being able to subdivide rural land.	Accept in part
20/014		Walter Dalgliesh	Plan Change 20	Support	Inferred: That Plan Change 20 be adopted.	Accept in part
20/016	A	Fish & Game Wellington Region	Plan Change 20	Oppose	Inferred: Oppose Plan Change 20	Accept in part
20/021		Higgins Group Holdings Limited	Plan Change 20	Support	Inferred: That Plan Change 20 be adopted.	Accept in part
20/023		Pauline Masters	Plan Change 20	Oppose	That the status quo should remain and the proposed plan change should go no further.	Accept in part
20/027	A	Solari Products	Plan Change 20	Support in part	Inferred: That Plan Change 20 be adopted and that amendments are made so that all rural subdivisions become discretionary activities.	Accept in part
20/032		Transpower NZ Limited	Plan Change 20	Support in part	Inferred: That Plan Change 20 with detailed amendments be adopted.	Accept in part
20/034		Palliser Farm Estates Ltd	Plan Change 20	Oppose	That status quo should remain for the control of rural subdivisions. Do not adopt Plan Change 20.	Reject
20/035	B	Horowhenua District Council	Plan Change 20	Support in part	Inferred: That Plan Change 20 be adopted with amendments to better protect the rural amenity.	Accept in part
20/041		John Martin	Plan Change 20	Support	None Specified.	Accept in part
20/042	A	Truebridge Associates Ltd	Plan Change 20	Oppose	That Plan Change be amended.	Reject
20/043		Marilyn Blenkhorn	Plan Change 20	Support	Inferred: That Plan Change 20 be adopted.	Accept in part
20/046		Judy Keall	Plan Change 20	Support	Inferred: That Plan Change 20 be adopted.	Accept in part

Submission No.		Submitter Name	Provision	Support/ Oppose	Decision Sought	Panel Recommendation
20/051		Horizons Regional Council	Plan Change 20	Support	Inferred: That Plan Change 20 be adopted.	Accept in part
20/052	A	Pritchard Group Ltd	Plan Change 20	Oppose	That the status quo remain with the existing Operative District Plan provisions maintained Or Alternatively the Council could amend the plan changes to remove all references to Landscape Domains and provisions and inserts assessment criteria relating to consistency with the Rural Subdivision Design Guide for the existing rural subdivision rules. Develop new provisions for the Rural zone based on the purpose and principles of the Act, incorporating appropriate methods that deal with policy overlays for the Coastal Sand Country, Inland Plains and River Terraces, class 1 and 2 soils, and the Hill Country.	Accept in part
20/055		Nathan Masters	Plan Change 20	Oppose	That the minimum lot size remains at 2000m ² . Remove the subdivision type Remove the restricted subdivision opportunities for sensitive landscape areas such as the coastal environment and coastal lakes domains.	Accept in part
20/058	A	Federated Farmers of NZ	Plan Change 20	Support	That Plan Change 20 be adopted with specific amendments	Accept in part
20/060		Rangeview Limited and M.J. Page	Plan Change 20	Oppose	That Plan Change 20 should be shelved. Any changes should be initiated through the District Plan Review. Status quo to remain in the interim.	Accept in part
20/061	A	NZ Pork	Plan Change 20	Support	Inferred – That Plan Change 20 be adopted.	Accept in part
20/007	B	Matthew Hoggard	Highly Versatile Soils	Support	That the protection of versatile soils be retained.	Accept
20/033		Lakeview Farm Ltd	Highly Versatile soils	Support	Inferred: That Plan Change 20 be adopted.	Accept in part
20/047	B	Horticulture NZ	Highly Versatile Soils	Oppose in part	That Plan Change 20 be amended to place the focus on rural production system and remove references to versatile soils or highly versatile soils.	Reject
20/056		Woodhaven Gardens Limited	Highly Versatile Soils	Support in part	That Plan Change 20 be amended to the effect that where an owner of highly versatile soils has applied for water resources and has been declined that right to water, and this make the land uneconomic for farming in the manner that the farmer and previous owners have farmed the land, that the owner is able to subdivide.	Reject
20/058	B	Federated Farmers of NZ	Highly Versatile Soils	Oppose in part	Retain the flexibility to interpret productive soils according to market based land use.	Accept in part

Submission No.		Submitter Name	Provision	Support/ Oppose	Decision Sought	Panel Recommendation
					Delete reference to Highly Versatile soils as a basis for protection or land classification.	
20/052	B	Pritchard Group Ltd	Hill Country Landscape Domain	Oppose in part	The Hill Country needs to be better defined and be more appropriately aligned with the conservation estate.	Accept in part
20/002	A	Tanenuiarangi o Manawatu Inc. (TMI)	Sites of Significance to Tangata Whenua	Support in part	Inclusion of a discovery protocol for archaeological sites, activities and artefacts within this region. Any artifacts or evidence of past human activity discovered through future developments related to the District Plan changes are to be protected in line with relevant legislation and the process of managing the site are undertaken in strict adherence to current legislation.	Reject
20/002	B	Tanenuiarangi o Manawatu Inc. (TMI)	Sites of Significance to Tangata Whenua	Support in part	Council to develop and include an Accidental Archaeological Discovery Protocol with TMI that has suitable measures that are consistent with iwi, current legislation and are formulated specifically for this plan. Further consultation with the iwi authority will determine the contents of a protocol that are suitable for Rangitaane O Manawatu.	Reject
20/002	C	Tanenuiarangi o Manawatu Inc. (TMI)	Sites of Significance to Tangata Whenua	Support in part	Any development should not modify, remove or demolish any sites of significance to iwi, this means any site known or discovered during the development process.	Reject
20/002	D	Tanenuiarangi o Manawatu Inc. (TMI)	Sites of Significance to Tangata Whenua	Support in part	Provision for archaeologists (verified by the iwi authority) to be present during development on any areas sensitive to the iwi.	Reject
20/009	B	G & E Williams Consultants Ltd	Landscape Domain Approach	Support	Inferred – That Plan Change 20 be adopted.	Accept
20/061	B	NZ Pork	Landscape Domain Approach	Support in part	That the Landscape Domains be re-titled Primary Production Zones (or similar).	Accept in part
20/022		Waikawa Beach Ratepayers Association	Domain Names & Terminology	Oppose in part	That the Coastal Lakes Landscape Domain be renamed.	Reject
20/038	A	NZ Railways Corporation	Domain Names & Terminology	Oppose in part	That all references in Plan Change 20 to “ONTRACK” be changed to “NZRC”.	Accept
20/038	B	NZ Railways Corporation	Domain Names & Terminology	Oppose in part	That all references in Plan Change 20 to “North Island Main Trunkline” be changed to “North Island Main Trunk Railway Line”.	Accept
20/047	C	Horticulture NZ	Domain Names & Terminology	Oppose in part	That the Landscape Domains be renamed as “Rural Production Environments” and make consequential changes throughout the Plan	Reject

Submission No.		Submitter Name	Provision	Support/ Oppose	Decision Sought	Panel Recommendation
20/047	A	Horticulture NZ	Domain Names & Technology	Support in part	Change all references of "market gardening" to "horticulture".	Accept
20/062	B	John Hewitson	Domain Names & Terminology		That there should be no Lakeland type of designation. That there should be no new lakes created and any new residences should be built in suitable existing sites.	Reject
20/028		Syd D'Ath	Levin-Koputaroa Landscape Domain	Support	That the Levin-Koputaroa provisions of Plan Change 20 in their current form be adopted.	Accept
20/029		Barbara Wilson	Levin-Koputaroa Landscape Domain	Support	That the Levin-Koputaroa provisions of Plan Change 20 be adopted in their current form.	Accept
20/030		Elizabeth McCabe	Manakau Landscape Domain	Oppose in part	That specific recognition be given in the provisions for the Manakau Downlands domain for subdivisions that require access from the existing one way village road network and could affect the unique character of the village. Any other relief that would remedy the concerns outlined above.	Accept
20/031		Jeremy Miles	Manakau Landscape Domain	Oppose in part	That specific recognition be given in the provisions for the Manakau Downlands domain for subdivisions that require access from the existing one way village road and network could affect the unique character of the village. Any other relief that would remedy the concerns outlined above.	Accept
20/036		Louise Miles	Manakau Landscape Domain	Oppose in part	That specific recognition be given in the provisions for the Manakau Downlands domain for subdivisions that require access from the existing one way village road network and could affect the unique character of the village. Any other relief that would remedy the concerns outlined above.	Accept
20/025		Barry Brown	Waikawa Beach	Oppose in part	That existing rural zone classification be retained.	Reject
20/045		Mr & Mrs Astwood	Ohau Link Road	Oppose	That Council clarifies its intentions in respect of the proposed future link road between Papaitonga Springs and Western Rise subdivisions prior to adopting Proposed Plan change 20. That the Council amend Issue 5, Objective 1A, Rural Wide policies 1.1, 1.2, 1.3, 1.8, 1.10 & 1.16, Policies LO.1-LO.5, & Appendix 1 of Chapter 2 to reflect the council's intentions in respect of the future road link between Papaitonga Springs and Western Rise subdivisions	Reject

Submission No.	Submitter Name	Provision	Support/ Oppose	Decision Sought	Panel Recommendation
20/008	Bruce Jenkins	Minimum Lot Size	Oppose	That the Council does not proceed with the part of Plan Change 20 that increases the minimum lot size from 2000m ² to 5000m ² .	Reject
20/010	Richard Walker	Minimum Lot Size	Oppose	That the minimum lot size not be changed from 2000m ² to 5000m ²	Reject
20/011	Irene Walker	Minimum Lot Size	Oppose	None Specified. Inferred: That the minimum lot size not be changed from 2000m ² to 5000m ² . Allow a low density residential zoning at the north end of Arthur and Drake Streets, Waikawa.	Reject
20/012	Alan Prentice	Minimum Lot Size	Oppose	Inferred: That the minimum lot size is not changed from 2000m ² to 5000m ² .	Reject
20/017	Matthew Walker	Minimum Lot Size	Oppose	That the minimum lot size remains at 2000m ² .	Reject
20/018	Lesley-Anne Walker	Minimum Lot Size	Oppose	Inferred That the minimum lot size not be changed from 2000m ² to 5000m ² .	Reject
20/019	Cameron Walker	Minimum Lot Size	Oppose	That the minimum lot size remains at 2000m ² .	Reject
20/020	Mandy Cumming	Minimum Lot Size	Oppose	Retain the minimum lot size as 2000m ² .	Reject
20/026	Francee Thompson	Minimum Lot Size	Oppose	That the minimum lot size in the Greenbelt Residential zone remain as 2000m ² .	Reject
20/039	Barry Smith	Minimum Lot Size	Oppose	That the minimum lot size remains at 2000m ² .	Reject
20/040	Tarrant Trust	Minimum Lot Size	Oppose	Inferred: That the minimum lot size remains unchanged.	Reject
20/042	B Truebridge Associates Ltd	Minimum Lot Size	Oppose	Inferred: That the minimum lot size should not be based on a moving target, as Horizons could change their lot size requirements for onsite effluent disposal	Reject
20/062	A John Hewitson	Minimum Lot Size	Oppose	That new residential blocks be kept to a minimum and be no smaller than 5000m ² .	Accept
20/050	Colyer Mair Assets Ltd	Reverse Sensitivity	Oppose	That the plan change be amended to avoid adverse effects on submitter's property and ability to undertake existing activities.	Reject
20/016	B Fish & Game Wellington Region	Miscellaneous	Oppose in part	That the identification of a Significant Natural Area classification list be included in addition to the landscape domain classification.	Reject
20/024	Department of Conservation	Miscellaneous	Oppose in part	That Plan Change 20 be adopted and that a policy and method be included which requires the Council to define and identify all significant natural resources in the District and to introduce a plan change by 2012 which provides rules, policies and objectives to avoid, remedy and mitigate adverse effects on those resources. That until the plan change is in place the Council should introduce an interim rule so that all subdivision in the rural zone is a limited discretionary activity.	Reject

Submission No.		Submitter Name	Provision	Support/ Oppose	Decision Sought	Panel Recommendation
20/057		B.J. O'Grady	Miscellaneous	Neutral	Inferred: That the Council provides the submitter with a reassurance that Plan Change 20 will not be considered when determining the subdivision application RS 1166.	Reject
20/035	A	Horowhenua District Council	Miscellaneous - Communal Wastewater	Support in part		Reject
20/037		Horowhenua District Council Growers Association	Miscellaneous - Horticulture NZ submission	Support in part	Inferred: That the Council support the matters raised in the submission lodged by Horticulture NZ.	Accept in part
20/007	A	Matthew Hoggard	Miscellaneous -Climate Change	Oppose in part	That policies in all domains be included to recognise the effects of climate change.	Reject

Further Submissions

Further Submission No.	Submitter Name	Original Submission No.		Support/ Oppose	Provision	Reasons	Panel Recommendation
20/105F	Pritchard Group Ltd	20/001		Oppose		There is already specific legislation dealing with matters of Historic Heritage. Therefore it is inefficient to have two layers of regulation.	Reject
20/103F	Horticulture NZ	20/007	A	Oppose	Climate Change	Mechanisms to address climate changes are being developed through national policy. The submitter is not specific as to what the policies in the Plan relating to climate change would address.	Accept
20/103F	Horticulture NZ	20/016	B	Oppose	Significant Natural Areas (SNA's)	Inclusion in the Plan of a list of SNA's should be subject to public submission, rather than as a consequence of a submission seeking inclusion of a non specified list.	Accept
20/112F	Federated Farmers of NZ	20/016	B	Oppose	Significant Natural Areas	Any identification of sites as Significant Natural Areas would need extensive consultation and should not be progressed. If council chooses to proceed with such identification it should be notified as part of a separate process.	Accept

Further Submission No.	Submitter Name	Original Submission No.		Support/ Oppose	Provision	Reasons	Panel Recommendation
20/103F	Horticulture NZ	20/024		Oppose in part	Plan Change 20	While it is recognised that subdivision applications must assess all relevant matters the setting of a date by which HDC will have promulgated a plan change to address specific matters is not supported.	Accept
20/112F	Federated Farmers of NZ	20/024		Oppose in part	Plan Change 20	Plan Change 20 relates to rural subdivision. The required relief is outside the scope of the plan change and should not be undertaken. If council wishes to address these issues they should be the subject of a separate, extensive, consultation and notification process. An interim rule should not be introduced, the proper procedure should be followed whereby the current rules remain in place until such time as they are replaced by the proposed plan change.	Accept
20/112F	Federated Farmers of NZ	20/027	A	Oppose	Plan Change 20	The current rule structure provides flexibility for small scale subdivision. We support the concerns regarding reverse sensitivity and the restrictive nature of basing rule structures on High Value Soils.	Accept in part
20/112F	Federated Farmers of NZ	20/033		Support in part	Plan Change 20	We support the concerns raised regarding reverse sensitivity, but oppose the proposed 1 hectare minimum lot size, as a smaller lot size is appropriate for small scale subdivision, such as subdivision in relation to providing for farm succession for example.	Accept

Further Submission No.	Submitter Name	Original Submission No.		Support/ Oppose	Provision	Reasons	Panel Recommendation
20/112F	Federated Farmers of NZ	20/035	A	Oppose in part	Suggested New Policies	Any new policies should address reverse sensitivity issues. While we acknowledge the importance of allowing primary production activities to continue it is unclear what the proposed new policy regarding open space and support for such policies would depend on the details of the provision. Smaller lot sizes are appropriate in some instances, such as subdivision in relation to providing for farm succession.	Accept in part
20/112F	Federated Farmers of NZ	20/041		Oppose in part		Restrictions for activities should not be based on land use class.	Accept
20/101F	Colin & Dot Horne	20/045		Support	Link road from Western Rise to Waipuna Grove	A link road would be a strong departure from the original development intent. The natural landform and property access will not be properly complemented with a high traffic density through road. A link road would have adverse visual impacts and create traffic safety issues.	Reject
20/108F	Janet Sparrow	20/045		Support	Link road from Western Rise to Waipuna Grove	As a resident and ratepayer of Western Rise I have sought a lifestyle property in a one access road providing uniqueness and quietness, not distracted by through traffic. The link road provision should be deleted and the upgrade of the highway proceeded with forthwith.	Reject
20/109F	Denis Aldridge	20/045		Support	Link road from Western Rise to Waipuna Grove	As a resident of Western Rise I purchases in Western Rise in the view of the very nature of its uniqueness and quietness, and one access route eliminating through traffic. The link road provision should be deleted and alternative highway improvements considered.	Reject

Further Submission No.	Submitter Name	Original Submission No.		Support/ Oppose	Provision	Reasons	Panel Recommendation
20/110F	Andy Wynne	20/045		Support	Link road from Western Rise to Waipuna Grove	Settled in Western Rise for quality of life, safety, security and limited road access. Higher volumes of traffic through Western Rise from a through road would have negative effects on the residence of Western Rise in terms of safety and security, decreasing property values, restricting the children's ability to ride bikes on the road, increased use of Western Rise by agricultural vehicles.	Reject
20/113F	Wayne Bishop	20/045		Support	Link road from Western Rise to Waipuna Grove	Higher volumes of traffic through Western Rise from a through road would have negative effects on the residence of Western Rise in terms of safety and security, increased use of Western Rise by agricultural vehicles.	Reject
20/111F	Truebridge Associates Ltd	20/047	C	Support in part		Agrees that the Plan Change would be better served by a change in focus from Landscape Domains to Rural Environments as there are many elements to a successful production system with elite soils being one.	Reject
20/103F	Horticulture NZ	20/052	A	Oppose in part	Plan Change 20	The development of other provisions and assessment criteria should be subject to a public submission process.	Accept in part
20/111F	Truebridge Associates Ltd	20/052	A	Support in part	Plan Change 20	Agrees that the Section 32 analysis (in particular 3.5) does not adequately address the costs of implementing and administering the changes. Agrees that Issues 5, 5A and 5B are overstated. Where are the specific examples of developments within the Horowhenua that have led to these issues being identified?	Accept in part
20/103F	Horticulture NZ	20/056		Support	Plan Change 20	The submitter seeks a rural production approach to the plan, not limited to just versatile soils.	Reject

Further Submission No.	Submitter Name	Original Submission No.		Support/ Oppose	Provision	Reasons	Panel Recommendation
20/103F	Horticulture NZ	20/058	B	Support	Plan Change 20	The decisions sought to change the focus from versatile soils in the plan is supported.	Accept in part
20/107F	Francis Beecroft	20/058		Support	Entire Submission	Support the entire submission of Federated Farmers.	Accept in part
20/111F	Truebridge Associates Ltd	20/058	B	Support in part		Agrees that other productive factors that determine productivity need to be equally assessed.	Accept in part
20/104F	Pritchard Group Ltd	20/060		Support	Plan Change 20	Agree with the concerns raised by the submitter regarding the inadequacy of the section 32 analysis	Accept in part

Discussion

Plan Change 20

- 29.2 The Panel noted that numerous submissions had been received supporting the general intent of the Plan Change either in part, subject to amendment, or in full. The Panel notes that where specific amendments have been requested by submitters these have been discussed and evaluated under the relevant sections. Therefore given the amendments made to the Plan Change throughout this decision we recommend that the submissions of S & M Grant, B Cammack & A Evans, Vector, G & E Williams Consultants Ltd, W Dalglish, Higgins, Transpower, HDC, M Blenkhorn, HRC, Fed Farmers, J Keall and NZ Pork be **accepted in part**.
- 29.3 Similarly the Panel noted a group of submissions supporting or supporting in part the Plan Change which had received further submissions in opposition. Again we note that where specific amendments have been requested by these submitters these have been discussed and evaluated under the relevant sections unless otherwise stated. Therefore in terms of their support and given the amendments made to the Plan Change throughout this decision we recommend the following:
- The submission by NZHPT is **accepted in part** and the further submission of Pritchard Group Ltd opposing this submission on the basis that there is already specific legislation dealing with matters of historic heritage and to have two layers of regulation would be inefficient is **rejected**.
 - The submission of Solari Products supporting the intent of the Plan Change but seeking that all subdivisions become Discretionary Activities is **accepted in part** on the basis that a range of activity statuses for rural subdivisions are appropriate in achieving the objectives and policies. The further submission of Fed Farmers is also **accepted in part**.
 - The submission from J Martin supported addressing the question of rural subdivision, but requested that consideration be given to moving all development away from highly productive land and restricting housing to Class 4 - 8 land and providing for hamlets and utilising stand-alone water and sewage schemes is **accepted in part** on the basis that the Plan Change only addresses rural subdivision and does not change provisions that relate to how the land could be used. Fed Farmers opposed this submission in part on

- the basis that restrictions should not be based on landuse class and their submission is **accepted**.
- 29.4 Fish & Game NZ opposed the Plan Change on the basis that specific clarifications needed to be made. The Panel noted that clarification of matters raised by this submitter had been addressed in this decision and we recommend the submission by Fish & Game NZ be **accepted in part**.
- 29.5 W Masters opposed the Plan Change as it would prevent the subdivision of land. P Masters opposed the Plan Change requesting that the status quo remain. The submitter contends that the statutory consultation and notification requirements under the Act have not been met. N Masters opposed the Plan Change requesting that the minimum lot size remain at 2000m² and that the restricted subdivision opportunities for sensitive landscape areas be removed. The submitter said that creative and innovative subdivisions should be encouraged.
- 29.6 In response to these submissions the reporting officer said that information brochures were sent to all ratepayers, articles were published, open days and public displays held, and the website and radio adverts used to inform and draw attention to this Plan Change. He noted that Plan Changes 20 and 21 when read together provide the context for the future development of Horowhenua and that while the rural subdivision provisions in Plan Change 20 would increase the minimum lot size and reduce some subdivision opportunities, the counter to this was Plan Change 21 that seeks to provide urban growth areas and introduce a Greenbelt Residential Zone that would provide opportunities for 2000m² lots.
- 29.7 At the Hearing Mrs P Masters, who also represented W & N Masters, spoke specifically about their property located on the upper part of Manakau North Road describing its contouring as being “predominantly flat to easy undulating” and certainly not hill country. She said that while they intend to keep the property in the family for a very long time, should they want to build homes for themselves they should be able to subdivide and have their own separate titles.
- 29.8 Firstly, the Panel considered that the Council had properly met its duties in terms of notification of the Plan Change under the Act. We then looked at the scope of the various Masters submissions and considered that there was an ability to make changes to the Domains in the location of their property as sought by Mrs Masters given the breadth of their submissions. The Panel undertook a site visit of the area concerned, noting the topography, location of dwellings and the subdivision pattern of the area. Having looked at the area and reviewed the position of the Kuku and Hill Country Domains we consider there is a case in this instance, taking into account the topography, extent of land concerned and the existing subdivision pattern, to amend the boundary between the two Domains to follow cadastral boundaries rather than the 100m contour. We therefore recommend that the boundary between the Kuku and Hill Country Domains be amended as shown in Appendix 1 and that the submissions of W Masters, P Masters and N Masters be **accepted in part**.
- 29.9 The following submitters opposed the Plan Change in full and have been grouped together for discussion:
- Palliser Farm Estates Ltd opposed the Plan Change and the restrictions it places on subdivision seeking that the status quo remains for the control of rural subdivisions. The objection relates to the whole Horowhenua District and in particular the submitter’s own land in Kuku Beach Road which the reporting officer indicated was currently subject to a 51 lot subdivision application. The submitter does not accept the need for the changes envisaged in Plan Change 20 and considers that the Section 32 analysis is deficient and flawed and is not consistent with the purposes of the RMA.

- Truebridge opposed the Plan Change contending that it will have a negative impact on future development within the Horowhenua.
 - Pritchard Group, Rangeview Ltd & M Page opposed the Plan Change requesting that the status quo remain or that the Plan Change be amended to only insert Assessment Criteria and Design Guidelines to the existing Plan provisions. The submitters contend that the Section 32 analysis is deficient for promoting such significant amendments and also in relation to the costs of implementation and administration. Hort NZ opposes in part the submission by Pritchard Group Ltd, while Truebridge supports Pritchard Group Ltd and Pritchard Group Ltd supports the submissions by Rangeview Ltd & M Page.
- 29.10 The reporting officer considered that maintaining the status quo was not the most effective or efficient approach for achieving the objectives in the Plan. He said that the Plan Change introduces a more focused and thorough approach to managing rural subdivision, responding to the different character and values in the rural environment. In his view the Plan Change would provide a framework that would offer subdivision opportunities within the Rural zone whilst sustainably managing the natural and physical resources of the rural environment.
- 29.11 At the hearing Mr Page provided an assessment of the Plan Change, it links with Plan Change 21 and the problems he foresaw with it. He said that it was not development that was wrong but how we develop and that land use boundaries in themselves do not produce beautiful and functional living environments. He considered the approach taken in Plan Changes 20 and 21 was unimaginative planning with little opportunity for investment and innovation. Mr Page sought a widening of the definition of highly versatile soils (to include organic sands, free draining stones and other loams) to further restrict subdivision and sustain intensive agriculture, but allow more flexibility and innovative opportunities on the balance of the rural land. He said that these types of policies could preserve open space, protect ecologically sensitive margins, encourage improved biodiversity and integrate environmental benefits into the productive farmland base. Mr Page went on to promote a Management Plan approach to subdivision to sit alongside the proposed provisions but to be used as an alternative particularly for special areas.
- 29.12 The Panel noted that a purpose of Plan Change 20 was to better manage subdivision of the District's rural environment and that it had occurred as a response to issues and trends which emerged in the Horowhenua District over the past 10 years. Those trends included an increasing number of rural residential subdivisions within the rural environment at both the small and large ends of the development scale spectrum, a continuation of which was considered to be unsustainable. We have therefore given some consideration as to why this existing approach might be considered unsustainable and having reviewed all the evidence before us we believe following reasoning is valid:
- The existing approach lacks any consideration of integration of services;
 - The potential for impacts on existing rural production activities is high;
 - Little account is taken of amenity values and environment and landscape quality;
 - The consideration of highly versatile soil loss is limited; and
 - There is a potential for the build up of contaminants and impacts on water quality.
- 29.13 We therefore accept that the Plan Change is appropriate and will be more proactive in sustainably managing subdivision and development in the District in accordance with the purpose of the Act. Further, we consider, subject to the various amendments recommended, that the policies and methods chosen will be effective in achieving the objectives established. We are satisfied with the analysis undertaken as part of the s32 process and have found no particular deficiencies.

- 29.14 Turning to the more specific matters raised by Mr Page, we note the points he made and we consider that some of the amendments made have provided further recognition of rural production beyond just the highly versatile soils. We do not consider it would be appropriate to expand the definition of highly versatile soils as this is a well recognised term for Class 1 and 2 soils throughout the country and amending it could result in a dilution of importance and confusion. In terms of the suggestion of a Management Plan approach to subdivision we note that there is nothing to stop a Management Plan being submitted as part of an application at present and see no reason to codify this further in the Plan Change.
- 29.15 On the basis of the above we recommend that the submissions of Palliser Farm Estates Ltd and Truebridge be **rejected** and that the submission by Pritchard Group Ltd, Rangeview Ltd & M Page and further submissions of Truebridge, Pritchard Group Ltd and Hort NZ be **accepted in part**.

Highly Versatile Soils

- 29.16 M Hoggard supported the protection of highly versatile soils and sought that this protection be retained. The Panel recommend this submission be **accepted**.
- 29.17 Lakeview Farm Ltd supported protecting farm land especially the most productive horticultural and market gardening land in the Horowhenua. They contend there should be no subdivision of the most productive lands and only very limited subdivision of the general farming land such as dairy, sheep and beef farms. They contend any subdivision should not be less than one hectare in size to provide more scope for effluent disposal and privacy for neighbouring farming properties. Fed Farmers supported this submission in part particularly the concerns raised regarding reverse sensitivity but opposes the 1 hectare minimum lot size request.
- 29.18 The reporting officer noted the Plan Change specifically makes provision for surplus farm houses to be subdivided from a large land holding on highly versatile soils and for the resulting title to be between 5000m² and 1 hectare. The small size is considered to be acceptable in this situation as it is desirable to maximise the land available for production activities.
- 29.19 The Panel considered it would be draconian to totally prohibit subdivision on productive land as there will be circumstances where various forms of subdivision will be appropriate. Further we consider the 5000m² minimum area is appropriate to ensure efficient use of the resource and particularly given the standards for onsite waste water disposal being proposed by HRC. We recommend the submission by Lakeview Farm Ltd be **accepted in part** and the further submission by Fed Farmers **accepted**.
- 29.20 Woodhaven Gardens Ltd sought an amendment to the effect that where an owner of highly versatile soils has applied for water resources and has been declined that right to water, thus making the land uneconomic for farming that the landowner would be entitled to subdivide. Hort NZ supported this submission on the basis that it seeks a rural production approach to the plan and not one limited to just versatile soils.
- 29.21 The Panel noted that it is the responsibility of HRC to assess and allocate water rights. We do not therefore consider that this type of trade off is appropriate as part of a District Plan provision. However, we accept that it might well be raised in the context of supporting information as part of any subdivision application. We therefore recommend that the submission by Woodhaven Gardens Ltd and further submission by Hort NZ be **rejected**.
- 29.22 Hort NZ opposed the focus on highly versatile soils and sought that the Plan Change be amended to place the focus on rural production systems. The submission was supported by Truebridge. As already discussed the Panel does not accept this proposition and we recommend these submissions be **rejected**.

- 29.23 Similarly Fed Farmers opposed using the soil classes as the basis for imposing restrictions to protect productive land, and requests that the Plan Change be amended to retain flexibility to interpret productive soils according to market based land use. They request references to highly versatile soils should be deleted. Further submissions from Hort NZ and Truebridge support this submission.
- 29.24 The Panel noted that it had addressed this matter comprehensively earlier in the decision and that while a greater emphasis has been retained on protecting highly versatile soils a number of changes have been made to better reflect the importance of, and provide protection for, rural productive activities. On this basis we recommend that the submission by Fed Farmers and further submissions by Hort NZ and Truebridge be **accepted in part**.

Sites of Significance to Tangata Whenua

- 29.25 Tanenuiarangi o Manawatu Inc requested a series of initiatives and actions for protecting sites of significance to tangata whenua and archaeological sites. These initiatives and actions include a discovery protocol, accidental discovery protocol, and an archaeologists monitoring during excavation activities.
- 29.26 The reporting officer noted that the Operative Plan rules specifically include provisions to protect sites of significance to Tangata Whenua. Rule 19.2.25 is a Permitted activity standard which specifically relates to sites of significance to Tangata Whenua. This rule states “No activity or development shall lead to the modification, demolition or removal of any site of significance to Maori where such site has been identified to Council prior to the time that any activity or development is proposed”. He considered this rule provided a backstop in protecting sites of significance to Tangata Whenua. He went on to say that the request from Tanenuiarangi o Manawatu Inc could be implemented by Council in its information and advocacy role, including through the provision of information requirements at a pre-application meeting for any potential subdivision or land use development where this issue may be relevant. He said that rather than inserting any specific requirements into Plan Change 20, these matters are more appropriately determined on a District-wide basis in the upcoming District Plan review.
- 29.27 The Panel noted that we have to some extent addressed these matters earlier in the decision and while we consider them to be of some importance we agree with the reporting officer that they need to be addressed comprehensively as part of the District Plan review rather than solely in the subdivision section. For that reason we recommend that the submission by Tanenuiarangi o Manawatu Inc be **rejected**.

Landscape Domain Approach

- 29.28 The Panel acknowledged the support from G & E Williams Consultants Ltd and J Keall for the Landscape Domain approach and recommends their submission be **accepted**.
- 29.29 NZ Pork supported in part the delineation of the District into zones based on productive capacity and potential but questioned the delineated areas being titled “Landscape Domains”. The Panel noted that it had previously addressed this matter in Section 7 and recommended the retention of the Landscape Domain title. We therefore recommend the submission by NZ Pork be **accepted in part**.

Levin-Koputaroa Landscape Domain

- 29.30 S D’Ath and B Wilson considered the Levin-Koputaroa Landscape Domain provisions are more comprehensive than those in the operative Plan and therefore are likely to be effective in managing the adverse effects of subdivision on the highly versatile soils and open landscape of this domain. The Panel acknowledged this support and recommend these submissions be **accepted**.

Hill Country Landscape Domain

- 29.31 Pritchard Group Ltd sought that the Hill Country Landscape Domain be better defined and aligned more with the Conservation Estate. The reporting officer advised that the Hill Country Landscape Domain had been defined in the report *Landscape Assessment of the Rural Environment of the Horowhenua District*. He said that the northern, southern and eastern boundaries were all defined by the District boundary and that the western extent of this Domain largely followed the 100m contour line above sea level with a few exceptions such as Mangaore Village and some of the upper river valleys. He noted that the Conservation Estate was within the Hill Country Domain and that the ownership of land was not a factor used to determine the extent of the Landscape Domains, meaning that in the case of the Hill Country Domain it also included privately owned land. He considered the extent of the Hill Country Domain to be appropriately defined, as the boundary generally reflects the landuse and topography change in this location.
- 29.32 At the Hearing Mr Page in reference to the Hill Country Domain said it was extremely restrictive and that its 100m contour boundary in many areas was totally inappropriate when assessing it against land use and the effects resulting from this occupation in particular the built form. He referred in particular to the Manakau North Road valley area as having thousands of acres in this area that are flat, running into gentle rolling and broken lands which was visually isolated by seaward hills. He considered the area should have its own Domain.
- 29.33 The Panel considered the 100m contour provided a reasonable defining boundary, however as already discussed in relation to the Lavo submission (in Section 28) we consider there will be situations where for good reasons the boundary might need adjusting. As discussed above in relation to the Masters submission the Manakau North Road valley area is one such area and we have recommended that the boundary be amended in this location. We therefore recommend that the Pritchard Group Ltd submission be **accepted in part**.

Manakau Landscape Domain

- 29.34 E McCabe, J Miles and L Miles opposed the Plan Change in part requesting that specific recognition be given in the provisions for Manakau Downlands Domain for subdivision that require access from the existing one way village road network. The reporting officer indicated that the narrow 'English lane' type roads within the village provide a sense of rural setting and one that is unique to the District and forms part of its character. He acknowledged that subdivisions on rural land surrounding the village could potentially threaten this unique character if the subdivision was to have access onto the existing village roading network and increase the level of traffic using it. Increased traffic could potentially increase pressure to widen the narrow carriageways within the village. He recommended that additional text be added to Amendment 11 – Appendix 1 Manakau Downlands and Amendment 25 as follows:

In Amendment 11 amend as follows:

9. Manakau Downlands

LANDSCAPE CHARACTER

Varied landform and particular cultural/economic qualities make up this domain, which wraps around the eastern side of Manakau village. The village of Manakau has its own distinct character which is different from any other settlement in the district and it seems as if this character has permeated through into the environment beyond the village boundaries. The informal nature of the residential streets with no kerb or channel and narrow seal width within the Manakau village is an important element of the unique character of this rural village settlement.

Aesthetic Value

The high level of rural character provides a 'picturesque' aesthetic. This also results in there being a vulnerability to development that is not in keeping with the current character or that would have an adverse effect on the character of this domain in particular that of the Manakau village.

SENSITIVITY

As mentioned, the distinct character of this domain requires consideration of location, design and size of any development.

Developments adjacent to the Manakau village through insensitive design or by connecting to the existing roading network of the village could have a detrimental effect on the character of the village and in turn the overall character of this domain

Care should also be taken that no negative effects of development impact on the backdrop and views of the Tararua Range.

Opportunities and Constraints

The particular character of this domain presents both opportunities and constraints in terms of development. So far, subdivision of parcels has been executed in a way that this domain retains its scale, which reflects that of the village itself. It is important that this character is maintained, as the domain is small and the particular characteristics could easily be overwhelmed by inappropriate development.

Development immediately adjacent to the Manakau village could be constrained by the existing village roading network as increased levels of traffic could adversely affect this important characteristic of the Manakau village.

While the limited presence of high class soil is not a constraint, the narrowing of the catchment in the southern part of the district means that the existing ecological and hydrological systems are intense and distinct and require protection and enhancement where possible.

The topography and existing vegetation allows integration and screening of future development where these are located in such a way that this is achievable. Adverse impacts from locating structures in prominent sites, or in such a way that the integrity of the Tararua Range is affected are possible if inappropriate development occurs.

In Amendment 25 add the following:

24A.1.4.9 Manakau Downlands

(d) The extent to which the subdivision would result in additional traffic using the existing Manakau village roading network.

- 29.35 The Panel agreed that ensuring consideration be given to the roading system within Manakau Village at the time of any surrounding rural subdivision application was appropriate to ensure that the unique characteristics of the village are retained. We recommend the adoption of the above wording and that the submissions by E McCabe, J Miles and L Miles be **accepted**.

Waikawa

- 29.36 B Brown opposed rezoning the rural land around Waikawa Beach and requested the existing Rural Zone classification be retained. The reporting officer considered that the submission relates to Plan Change 21 and had no relevance to Plan Change 20. The Panel considered the submission related to matters which were beyond the scope of this Plan Change. We recommend that the submission by B Brown be **rejected**.

Ohau Link Road

- 29.37 Mr & Mrs Astwood, supported by a number of further submissions, request that the “potential future road link” shown on the Development Plan map for Ohau connecting the Papaitonga Springs subdivision with the Western Heights subdivision be deleted, and Council’s intentions clarified.
- 29.38 The reporting officer explained that at the preliminary options stage of the Development Plan, a number of potential options were identified for areas suitable for rural-residential development. One area included the Western Rise and Papaitonga Springs area, given the recent subdivision and development in this area and this included identifying an ability to provide a future road connection between Western Rise and Papaitonga Springs as a potential opportunity to provide alternative access to the western side of Ohau. He said that from feedback during the consultation on the preliminary options and the Draft Development Plan, the Western Rise and Papaitonga Springs areas were removed from the identified rural-residential area, however, the future road link was retained as this opportunity was seen as a potential long term solution to traffic issues in Ohau.
- 29.39 The Panel understands that the “potential future road link” is in the Development Plan, which is a non-statutory document and it is not identified in Plan Change 20. We therefore consider we have no ability to determine this issue and suggest this is something Council needs to consider further. We recommend that the submission of Mr & Mrs Astwood and the further submissions C & D Horne, J Sparrow, D Aldridge, A Wynne, W Bishop be **rejected**.

Minimum Lot Size

- 29.40 Submissions from B Jenkins, R Walker, I Walker, A Prentice, M Walker, L Walker, C Walker, M Cumming, F Thompson, B Smith, Tarrant Trust and Truebridge all opposed the proposed increase in minimum lot size from the current 2000m² on non-highly versatile soils (there is currently no minimum lot size on highly versatile soils) to the proposed minimum lot size of 5000m². J Hewitson seeks that new residential blocks be kept to a minimum and that they are no smaller than 5000m². These submitters gave a variety of reasons for not increasing the minimum lot size, such as that a smaller lot size would result in less earthworks, smaller sections would encourage greater development and more residents, and larger lot sizes would lead to maintenance problems of untidiness and fire risks.
- 29.41 At the Hearing Mr McKenzie for the Tarrant Trust said that the 5000m² limit was contrary to current demand and would not give opportunities for variation in lifestyle block. He went on to say that the Ohau area was conducive to smaller sites with community facilities and attractive native bush and that there were people who desired a place in the country without the hindrance of large lawns and gardens to maintain.
- 29.42 Mrs Walker said that the 5000m² minimum was too large for the Waikawa Beach Settlement as a holiday area and that holiday homes on lots of this size would create unnecessary problems such as untidiness and fire risks. She also considered such lots would make it impossible to create a ‘Hamlet’ style development.
- 29.43 The Panel noted that it had at various points throughout this decision addressed the minimum lot size issues. Having reviewed all the evidence received we consider there are good environmental reasons (e.g. versatile soils, reverse sensitivity, landscape features, visual amenity and ecology) for the minimum rural subdivision levels chosen, and we note the 5000m² minimum aligns with the Proposed Horizons One Plan requirement that new lots below 5000m² would require a Regional Council consent for onsite effluent disposal system. We note that Mr Taylor referred to the 5000m² threshold as being to control the contamination of water and he told us that monitoring was showing elevated levels of nitrates and faecal bacteria in some areas. He said that while septic tanks were not the sole cause

of this they were certainly a contributory cause. He also explained that the threshold stemmed from work undertaken by HortResearch to find a sustainable lot size to mitigate the potential off-site effects of wastewater systems from small lots. While we accept that the One Plan threshold could change as decisions have not yet been made, we consider it is appropriate for the District Plan to be consistent with the provision as it stands. If there were changes to the One Plan threshold we consider these could be amended in the future if necessary.

- 29.44 The Panel also noted that the issue of the minimum lot sizes proposed for the rural zone cannot be divorced from the opportunities for rural-residential living provided by Plan Change 21 and the proposed Greenbelt Residential Zone, including at Ohau. As we understand it that zone is to be used as a transition between the existing urban settlements and the rural zone with lots sizes of 2000m² if the site is connected to reticulated services or 5000m² if the site will be serviced onsite. We note that what was essentially being sought by some of the above submitters was an expansion of this zone.
- 29.45 A number of the above submitters had made references to Waikawa and the proposed Greenbelt Residential Zone, which the Panel noted was part of Plan Change 21 and beyond our jurisdiction. Notwithstanding this, we note that Greenbelt areas have been created at Waikawa which addresses concerns raised by submitters such as Mrs Walker. Overall we recommend that the submissions by B Jenkins, R Walker, I Walker, A Prentice, M Walker, L Walker, C Walker, M Cumming, F Thompson, B Smith, Tarrant Trust and Truebridge be **rejected** and the submission J Hewitson **accepted**.

Domain Names & Terminology

- 29.46 WBRA and J Hewitson request the removal of the term “Lakes” in the Coastal Lakes Domain on the basis it is suggestive of the creation of new artificial lakes within that Domain. The reporting officer said the term “lakes” was not intended to reflect existing or future artificial lakes but referred to the naturally occurring dune lakes and wetlands that are amongst the major factors that characterise the Coastal Lakes landscape Domain. The Panel accepted that the term was only a reference to the character of a landscape, which we note the Plan Change further defines, and we do not consider it could be somehow used to make a case for artificial lakes. We therefore recommend that the submissions by WBRA and J Hewitson be **rejected**.
- 29.47 NZRC requested that all references in the Plan Change to “ONTRACK” be changed “NZRC” and that all references to “North Island Main Trunkline” be changed to “North Island Main Trunk Railway Line”. The Panel noted that the changes requested reflect the current structure of NZRC, which not only comprises of ONTRACK but also KiwiRail and that this wording is consistent with the NZRC’s position as the Requiring Authority for Railway Purposes designations throughout NZ. The change to North Island Main Trunk Railway Line is requested to align with terminology used by NZRC. We note that these amendments are relatively minor and recommend the submission by NZRC be **accepted** and that these references be adopted throughout the Plan Change.
- 29.48 Hort NZ requested that the term “market gardening” in the Plan Change be amended to “horticulture” to encompass all fruit, berry and vegetable production undertaken in the District. The Panel noted that this matter had been addressed and accepted in Section 7 and we therefore recommend this Hort NZ submission be **accepted**.

Reverse Sensitivity

- 29.49 Colyer Mair Assets Ltd opposed all the provisions that would affect their ability to carry out their existing business or that would create reverse sensitivity issues. The reporting officer noted that land owned by the submitter was located within the Industrial zone in Levin which

was not adjacent to any rural zoned land and therefore their ability to undertake existing activities was not affected by the Plan Change. The Panel further noted that a number of provisions in the Plan Change addressed reverse sensitivity matters. As their land is not affected we recommend the submission by Colyer Mair Assets Ltd be **rejected**.

Miscellaneous

- 29.50 The submission by Horowhenua District Growers Association supporting the submission of Hort NZ is acknowledged. The Panel noted that the submission by Hort NZ related to a wide range of issues within the Plan Change and that the points they had raised have been discussed and evaluated throughout this decision, with a number of amendments made as requested and others not made. We therefore recommend the submission by Horowhenua District Growers Association be **accepted in part**.
- 29.51 Similarly, a further submission from F Beecroft supporting the entire submission of Fed Farmers is acknowledged by the Panel. We note again that the Fed Farmers related to a wide range of issues within the Plan Change and that the points they had raised have been discussed and evaluated throughout this decision, with a number of amendments made as requested and others not made. We therefore recommend the further submission by F Beecroft be **accepted in part**.
- 29.52 M Hoggard requested the inclusion of policies in all Domains that recognise the effects of climate change. Hort NZ opposes this submission as the mechanisms to address climate change are being developed through national policy and the submitter was not specific as to what the policies in the Plan relating to climate change would address. The Panel considered that the issue of climate change whilst important had implications beyond just rural subdivision and that this matter would be better addressed as part of the forthcoming District Plan review. We therefore recommend that the submission M Hoggard be **rejected** and that the further submission be Hort NZ **accepted**.
- 29.53 W Dalgliesh's support for the protection of the District's significant environmental conservation features was acknowledged by the Panel and the submission **accepted**.
- 29.54 Fish & Game NZ opposed the removal of the connection between rural subdivision and Outstanding Landscapes and requested the identification of a Significant Natural Area classification list be included in addition to the Landscape Domain classification. They further contend that the removal of the connection between rural subdivision and Outstanding Landscapes and use of Landscape Domains does not provide increased certainty of protection of significant natural areas, and thereby does provide clarity to potential developers. Hort NZ and Fed Farmers opposed this submission. Fed Farmers contends that any identification of sites as Significant Natural Areas would need extensive consultation and should not be progressed as part of this Plan Change. Hort NZ opposed the inclusion in the Plan of a list of Significant Natural Areas as this should be subject to a public submission process rather than being included on the basis of a submission.
- 29.55 The reporting officer said that the removal of the connection between rural subdivision and the Outstanding Landscapes was detailed in Amendment 19 where the reference to subdivision is proposed to be deleted from Rule 19.6(a). He said that the Outstanding Landscape provisions in the Operative Plan did not give any additional protection to Significant Natural Areas, than Plan Change 20, noting that Significant Natural Areas are not identified in the Operative Plan schedules or Planning Maps. He said that the Plan Change provisions including the Landscape Domain approach, are considered to provide landowners, residents and subdividers with much greater certainty than the current provisions particularly through the introduction of Assessment Criteria and the varied activity statuses. He noted that the Council had commissioned work to address the Outstanding

Landscapes and Natural features within the Horowhenua District which would link in with the subdivision.

- 29.56 The Panel accepted the rationale provided by the reporting officer and we consider no changes are required, noting that the Council has already commissioned work to address Outstanding Landscapes and Natural features within the District. We therefore recommend the submission by Fish & Game NZ be **rejected** and the further submissions by Hort NZ and Fed Farmers **accepted**.
- 29.57 DoC sought that a policy and method be included which requires the Council to define and identify all significant natural resources in the District and to introduce a Plan Change which provides rules, policies and objectives to avoid, remedy and mitigate adverse effects on those resources by 2012. Until such changes are in place, they requested an interim rule be introduced so that all rural subdivisions are Limited Discretionary Activities so the effects on natural and physical resources can be avoided, remedied and mitigated. Hort NZ and Fed Farmers oppose this submission in part. Fed Farmers contending that the submission seeks relief outside the scope of the Plan Change and suggesting that an interim rule is not proper procedure. Hort NZ recognised that while subdivision applications must assess all relevant matters, the setting of a date by which the HDC will have undertaken an additional Plan Change is not supported.
- 29.58 The reporting officer considered the identification of the significant natural resources and management of these resources would require changes to the Plan that are beyond the rural subdivision provisions.
- 29.59 The Panel noted that Plan Change 20 was limited to rural subdivision. We consider what is being sought by DoC is beyond the scope of the Plan Change and is more appropriately dealt with as part of the District Plan review which we understand the Council is about to initiate. We therefore recommend that the submission by DoC be **rejected** and the further submissions by Hort NZ and Fed Farmers **accepted**.
- 29.60 HDC requested that policies be added to make allowances for density bonuses for clustering of houses on communal wastewater systems. They contend this would encourage more open space and land available for primary production. Fed Farmers opposed this submission.
- 29.61 The reporting officer noted that communal wastewater treatment facilities offered an alternative approach to wastewater management in rural locations, but that their effectiveness was influenced by a number of variable factors. He said that the current provisions do not prevent subdivisions from proposing a communal wastewater treatment system.
- 29.62 The Panel saw no need to provide for additional policies to allow for communal wastewater systems in bonus style situation. We consider a policy regime such as this could potentially conflict with other policies or send the wrong message. We note however that it remains open to an applicant to promote such an approach through an application. We recommend that the submission by HDC be **rejected** and the further submission by Fed Farmers **accepted**.
- 29.63 B O'Grady requested that the Council provide reassurance that the Plan Change will not be considered when determining the currently lodged subdivision application RS 1166. The Panel simply notes that while the application may have been lodged prior to the Plan Change being notified, Section 104 of the Act requires that when considering an application for a resource consent and any submissions received the consent authority must, subject to Part 2 have regard to *inter alia* a plan or proposed plan. This means that at the time that a decision is being made on this application the consent authority is required to consider both the

operative District Plan and any Plan Change that has been publicly notified. We therefore have no ability whatsoever to provide the reassurance sought, but we note the weighting to be given to the Plan Change will be influenced by how far through the process the Plan Change has preceded amongst other things. We therefore recommend the submission by B O'Grady be **rejected**.

Clause 16(2) First Schedule Resource Management Act 1991

- 29.64 Finally, the Panel noted that there were a number of minor errors in the text of the Plan change which required correction. We consider these are to be addressed pursuant to Clause 16(2) of the Act and are shown below:

Amendment 11

Amend references to 'Waipuahau' to read 'Waipunahau' in Appendix 1.

Amendment 20

Delete extra word in Rule 19.7.2(b)

19.7.2 Individual Landscape Domains

- (b) Any subdivision in the Moutoa-Opiki Plains and Kuku Landscape Domains that does not comply with the conditions for Controlled Activities in Rule 19.4.2.C, or a Limited Discretionary Activities in Rule 19.6.2, provided that the conditions for Discretionary Activities in Rule 19.8.1 are met.

Amendment 25

Delete extra word in Rule 24A.1.4.5(c)

24A.1.4.5 Tararua Terraces

- (c) The extent and location of any ~~of~~ modifications including earthworks and vegetation clearance necessary to provide access, building areas and undertake the proposed subdivision.

Grammatical correction to 24A.1.3.6(a)

24A.1.3.6 Natural Habitats and Wetlands

- (a) The degree to which any natural habitat or wetland areas on the sites to be subdivided are to be formally protected, rehabilitated and/or planted with appropriate species.

Correction to 24A.1.3.7(c)

24A.1.3.7 Rivers, Streams, Waterways and Riparian Planting

- (c) The degree to which the ecological values of the River Environments of the Manawatu, Ohau, ~~Waikawa~~ and Tokomaru Rivers and Waikawa Stream are protected and maintained.

Adopted by formal resolution of the Horowhenua District Council 3 February 2010.