

**Plan Change 22: Outstanding Natural
Features and Landscapes.**

Section 42a Hearing Report

Prepared For:

Horowhenua District Council
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FINAL

ENVIRONMENTAL MANAGEMENT SERVICES
Limited

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EXECUTIVE SUMMARY

This report has been prepared to assist in the decision making process on submissions on proposed Plan Change 22 (PC 22). It carefully considers all the submissions points made and recommends to the hearing a significant number of amendments to the Plan Change as a result of those submissions.

The report has been prepared by Paul Thomas of Environmental Management Services Ltd and is to be distributed to all submitters well in advance of the hearing so that parties can consider its recommendations and take this into account in preparing for the hearing.

Of particular significance is that a number of submissions questioned the landscape evaluation on which PC 22 is based and as a result the Council commissioned a peer review of the Outstanding Natural Landscapes and Features (ONFLs). This has resulted in a reduced number of ONFLs focussing on a more clearly defined Coastal ONFL, a reduced Tararua Ranges ONFL, a combined Moutere Hill, Lake Horowhenua and Hokio Stream ONFL, the Manawatu Estuary and Lake Papaitonga with the Waiwiri Stream. The Foxton Dunefields are no longer considered to be an ONFL.

Areas of the District with high landscape amenity have also been reviewed and confirmed as the Hill Country, Manakau Downlands, Coastal Lakes and Coastal Environment landscape domains established in Plan Change (PC 20).

It is proposed to delete the other streams and rivers previously proposed and address those in the wider Plan Review.

A number of refinements have been made to the wording and focus on objectives, policies and rules in PC 22 as a result of the submissions lodged. In particular, it is proposed to exempt single storey buildings less than 130 m² as well as temporary buildings and most additions and alterations from the restricted discretionary rule for domains with high landscape amenity. The exemption for primary production buildings in these domains is also proposed to be retained.

It is also proposed to refine the rules relating to earthworks to allow a specified level of permitted earthworks over a 12 month period. The permitted level varies between the domain areas to reflect their different characteristics.

Generally the rules applying to the reduced area of ONFLs are proposed to be retained. Although some relaxation in the rules is proposed with the introduction of a discretionary activity rule for buildings and network utilities between 3m and 7m in height.

Some aspects such as earthworks associated with forestry harvesting may justify further relaxation which will be considered further during the hearing. The submissions lodged have been extremely helpful in developing the recommendations in this report and will be considered further during the hearing.

It is proposed to hold a meeting of interested submitters ahead of the hearing to clarify any aspects of this report and explain the process that the Commissioners are likely to apply to the hearing.



1 BACKGROUND AND CONTEXT

1. Plan Change 22 to the Horowhenua District Plan was publicly notified in 5 September 2009 and a total of 118 submissions were received and 15 parties lodged further submissions. These submissions were summarised and were notified for further submissions on 26 February 2010. PC 22 was notified prior to 1 October 2009 and therefore PC 22 has been required to be “had regard to” in making relevant resource management decisions since that time.
2. This report is prepared pursuant to section 42A of the Resource Management Act to assist the Hearing Committee in making decisions on the submissions and consequent recommendations on the Plan Change. This report will be made available to all submitters in advance of the hearings so that they can respond to relevant issues at the hearing. It is proposed to provide an opportunity to meet with submitters ahead of the hearing to explain the hearing process and this report. It is emphasised that this report is just one input to the hearing process and will not be given any greater weight by the Commissioners than submissions and evidence from other parties.
3. This report has been prepared by Paul Thomas, I am an experienced resource management planner and director of Environmental Management Services Ltd. I was involved in the development of Plan Change 22 and the section 32 assessment that accompanied it. I am an accredited Commissioner Chair and I have recently been a Commissioner on major plan changes in the Canterbury Region.
4. There are also specialist inputs from two companies specialising in landscape assessment namely Boffa Miskell Ltd and Treadwell and Associates (now Taumanuka Studio). Their reports to the hearing are attached in full as Appendices and are drawn on in this overall report.
5. The topic that PC 22 addresses is outstanding and high amenity natural landscapes and features. The existing plan provisions on this topic were not subject to specialist assessments and are confusing and inconsistent. This was detailed in the section 32 report. Section 6 of the Resource Management Act (RMA) specifically requires the District Plan to recognise and provide for amongst other things “the protection of outstanding natural features and landscapes from inappropriate subdivision, use and development.” Section 7 of the Act also requires the Council in preparing or reviewing its District Plan to have regard to “the maintenance and enhancement of amenity values”.
6. This report sets out the matters that the hearing Committee must consider in determining submissions and then considers the submissions grouped together into each component of the Plan Change in the same manner as that in the summary of submissions. The summary of submissions has grouped submission points by each plan change amendment and then where this is not appropriate by issue. This format has been adopted although some sections have been combined for ease of understanding. Each section concludes with a specific recommendation as to whether submissions should be accepted, rejected or partially accepted or rejected. In addition, recommended amendments to PC 22 are shown in tracked changes form. A summary of the recommended decisions is also found in Appendix A.



7. The report also details the nature of the peer review that has been undertaken of the landscape assessment that underpins this Plan Change and the changes to the defined Outstanding Natural Features and Landscapes (ONFLs) that arise from that review.

2 THE OPERATIVE PROVISIONS AND THEIR EFFICIENCY AND EFFECTIVENESS

8. The existing operative Horowhenua District Plan currently addresses issues and policies relating to outstanding natural features and landscapes in Objective 4.3 and Policies 4.12 to 4.14. The thrust focuses on identifying outstanding values, protecting them and raising community appreciation of these values. The Plan identifies a methodology for identifying outstanding landscapes.
9. Schedule 4 identifies the Outstanding Natural Landscapes and Natural Features but these are not mapped. There are 23 Outstanding Landscapes and 8 Outstanding Natural Features. Some areas are common to both lists and overall the areas appear to cover a large part of the District.
10. Plan Maps 32 and 33 show a different scope of "Outstanding Landscape Area" which are labelled as:
 - Tararua Forest Park
 - Foxton Ecological Area
 - Coastal Buffer Area
 - Manawatu River Estuary
 - Coastal Environment
 - Manakau Downlands
11. The following are also labelled:
 - Lake Papaitonga
 - Lake Horowhenua
 - Moutere Hill
 - Round Bush Reserve
12. Other methods that the Plan commits Council to include consultation with tangata whenua on relevant applications, development of landscape guidelines and promotional material.
13. Within the existing rules there are a limited number of rules that apply specifically to areas within outstanding natural features and landscapes. These are:
 - 19.2.5 A permitted activity condition in relation to effluent disposal on any outstanding natural landscape or natural feature.



- 19.4.2 Subdivision Controlled matter in relation to (ii) the disturbance of land and effects of earthworks on any outstanding natural features or landscapes and (iii) adverse effects of subdivision on outstanding landscape or natural feature.
 - 19.5 Limited Discretionary Activity rule for network utilities on outstanding landscapes and natural features.
 - 19.6 (a) and (b) Discretionary Activity rule for buildings structures and the subdivision of land in the Coastal Buffer Area and “all earthworks and new roading” in Outstanding Landscapes and on Natural Features.. Note that “Earthworks” is defined in the plan as excavation or fill exceeding 1 metre depth or height.
 - 22.1.10 Network Utilities permitted activity condition requiring that no masts, pylons or power poles shall be located on an outstanding natural feature (note this does not include landscapes).
14. Over the last two years Council has promulgated Plan Changes 20 and 21. Both of these are very significant plan changes and have a relationship to landscape issues. PC 20 establishes new policies and rules associated with rural subdivision based around “domains”. Subdivision that can be approved as a controlled and discretionary activity has been significantly reduced in scope. As a result, subdivision opportunities will be more limited in the in the Coastal Environment, Coastal Lakes, Hill Country, Moutoa-Opiki Plains and Kuku landscape domains. Assessment criteria are specified for all subdivision applications which cover a wide range of potential adverse effects.
15. Subdivision is a precursor to enabling activities permitted within the rural zone such as a residential dwelling on each lot. However, the Plan Change does not change the existing provisions applying to activities such as primary production activities, structures, network utilities etc.
16. Plan Change 21 sits alongside the more strict regime for general rural subdivision in PC 20 by providing a planned approach to low density rural residential growth through specific green belt zoned land for which structure plans have been prepared.
17. PC 20 and 21 are not yet operative. But only one appeal on each matter remains unresolved which is a site specific matter and therefore considerable weight can be attached to these provisions as part of the District Plan and in making decisions on PC 22.
18. As stated earlier the focus of PC 22 is squarely on section 6(b) Outstanding Landscapes and Natural Features and section 7(c) maintenance and enhancement of amenity values as they relate to landscape. PC 22 does not review other section 6 matters such as:
- Preservation of natural character of coastal environment - 6(a)
 - Protection of significant indigenous vegetation and habitats of indigenous fauna 6(c)
 - Public access to coast, lakes and rivers 6(d)
 - Maori cultural issues 6 (e)
 - Historic heritage 6(f)

19. Having said this, it should be noted that some of the criteria used for landscape assessment do include matters that relate to other section 6 and 7 matters including:
- Natural science values
 - Value to tangata whenua.
 - Historical associations
20. These are discussed in more detail in another section of this report.
21. A review of efficiency and effectiveness of the existing provisions found that there is considerable scope for confusion and poor administration of the plan in relation to Outstanding Natural Landscapes and Features. In particular, Schedule 4 does not line up with the Plan Maps.
22. Plan Maps 32 and 33 of the operative plan show somewhere between 40% and 50% of the District is considered to be Outstanding Natural Landscape. Schedule 4 includes some additional areas which would further increase this.
23. Case law since the Plan was prepared, and more recently the One Plan, have identified specific criteria for assessment and evaluation of landscapes and natural features. The areas currently stated in the Plan were not evaluated on the currently accepted criteria.
24. "Outstanding" has been considered by the Environment Court to mean "conspicuous, eminent, especially because of excellence" or "remarkable in (WESI v QLDC 2000). This has been widely acknowledged by professionals as meaning that an outstanding landscape was an "exceptional" and "remarkable" landscape. It needs to have a "wow" factor.
25. Currently the scope of land recognised as outstanding landscape is extensive. As a result the necessary Plan approach has been one of a low level of protection for a large area.
26. The existing protection relies heavily on the discretionary activity rule relating to earthworks and roading. Roading is not currently defined in the District Plan.
27. Earthworks rules are difficult to enforce and monitor. Often it relies on the public bringing earthworks that may not be consented to the Councils attention. However, by this point the landscape and landform effects may not be able to be avoided. This is particularly the case with fragile dune areas. The evidence suggests that there has been a degree of non consented earthworks associated with farm development in some areas and particularly associated with dairy farm development and accommodating spray irrigation systems.
28. Similarly, there are some uncertainties and lack of clarity about the way in which the network utilities apply and the related definitions.
29. The existing plan provisions are therefore not considered to be either efficient or effective in relation to protecting outstanding natural landscapes and natural features from the effects of use and development.



3 MATTERS TO BE CONSIDERED IN MAKING DECISIONS ON THE PLAN CHANGE

30. There are a number of sections of the Act that the Committee needs to have regard to in making decisions. The scope of matters has been efficiently identified in previous Environment Court decisions. It is known as the *Long Bay* framework which was set out in *Long Bay – Okura Great Park Soc Inc v North Shore City Council (A078/08)* and this is replicated below:

A General Requirements

A district plan (change) should be designed to accord with, and assist the territorial authority to carry out its functions so as to achieve the purpose of the Act.

When preparing its district plan (change) the territorial authority must give effect to any national policy statement or New Zealand Coastal Policy Statement.

When preparing its district plan (change) the territorial authority shall:

*Have regard to any proposed regional policy statement;
Give effect to any regional policy statement.*

In relation to regional plans:

The district plan (change) must not be inconsistent with a regional plan for any matter specified in section 30(1) [or a water conservation order], and

Must have regard to any proposed regional plan on any matter of regional significance etc.

When preparing its district plan (change) the territorial authority must also:

Have regard to any relevant management plans and strategies under other Acts, and to any relevant entry in the Historic Places Register and to various fisheries regulations, and to consistency with plans and proposed plans of adjacent territorial local authorities.

Take into account any relevant planning Department of Conservationment recognised by an iwi authority, and

Not have regard to trade competition

The district plan (change) must be prepared in accordance with any regulation (there are none at present)

The formal requirement that a district plan (change) must also state its objectives, policies and rules (if any) and may state other matters.

B Objectives [the section 32 test for objectives].

Each proposed objective in a District Plan (change) is to be evaluated by the extent to which it is the most appropriate way to achieve the purpose of the Act.

C Policies and methods (including rules) [the section 32 test for policies and rules]



The policies are to implement the objectives , and the rules (if any) are to implement the policies.

Each proposed policy or method (including each rule) is to be examined, having regard to its efficiency and effectiveness, as to whether it is the most appropriate method for achieving the objectives of the district plan taking into account:

The benefits and costs of the proposed policies and methods (including rules), and

The risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the policies, rules, or other methods.

D Rules

In making a rule the territorial authority must have regard to the actual or potential effect of activities on the environment.

E Other Statutes

Finally territorial authorities may be required to comply with other statutes

31. The above incorporates your obligation to undertake a further section 32 assessment as part of your decisions. There are relevant National Policy Statements and the New Zealand Coastal Policy Statement is also relevant. In addition there are relevant regional policy statement matters that must be considered. I address these before considering grouped submissions

4 NATIONAL POLICY STATEMENTS

32. There are currently National Policy Statements on

- a. Electricity transmission
- b. Renewable electricity generation
- c. Freshwater management

33. There is also a proposed NPS on Biodiversity and a draft National Environmental Standard on Plantation Forestry that may become a consideration in the future. However, these are not a material consideration at this time.

4.1 NPS ON RENEWABLE ENERGY GENERATION

34. The NPS for 'REG' was gazetted on 14 April 2011 and relates to how the Plan should address the section 7 requirement to have regard to "the benefits to be derived from the use and development of renewable energy".
35. The NPS requires regional policy statements and regional and district plans to provide for the development, operation, maintenance and upgrading of new and existing:
- renewable electricity generation using solar, biomass, tidal, wave, and ocean current energy resources
 - hydro-electricity generation activities



- wind energy generation
 - geothermal generation
36. Plans are also to provide for the investigation, identification and assessment of potential sites and energy resources for renewable energy generation.
37. The District Plan must notify a plan change to put these requirements into effect by April 2013.
38. PC 22 does not seek to meet the Council obligations in terms of the NPS. This will be addressed as part of the wider Plan Review which is currently in the early Plan preparation phase. However, notwithstanding this the RPS must be taken into account in making decisions on this Plan Change.
39. The NPS requires the District Plan to “provide for” the various forms of renewable generation. This means that the Plan is required to have policies and methods, possibly including rules, that address this issue alongside all other District Plan responsibilities. It does not mean the Plan is required to enable these activities across the whole of the District or in a manner that does not address the effects of those activities. I will return to this matter later in relation to specific issues raised in submissions.
40. It should also be noted at this stage that Policy C1 requires decision makers to “*have particular regard to the need to locate renewable electricity generation activity where the renewable energy resource is available.*” This is likely to have policy implications but as stated above this will be addressed through the wider Plan Review.
41. A full copy of this NPS is attached as Appendix B.

4.2 THE NEW ZEALAND COASTAL POLICY STATEMENT 2010

42. PC 22 as notified includes a Coastal Environment High Amenity Landscape which comes within the jurisdiction of the New Zealand Coastal Policy Statement. This NZCPS requires a more proactive approach to resource management in this part of the District that was the case in the previous NZCPS.
43. This includes in Objective 2:
- Recognising the characteristics and qualities that contribute to the natural character, natural features and landscape values and their location and distribution
 - Identifying those areas where various forms of subdivision, use and development would be appropriate and protecting them from such activities; and
 - Encouraging restoration of the coastal environment
44. Objective 6 balances this with the enabling of subdivision use and development recognising that:



- The protection of values of the coastal environment does not preclude use and development in appropriate places and forms within appropriate limits
 - Some developments which rely on the resources in the coastal environment are important to the well being of communities
 - The coastal environment contains renewable energy resources of significant value
45. This objective signals that more detailed analysis of the coastal environment is required to meet the requirements NZCPS and it is proposed that this be undertaken through the District Plan Review. As part of this a Coastal Management Strategy is being prepared which will address these matters in a comprehensive manner.
46. Policy 15 specifically requires the avoidance of ‘adverse effects of activities on outstanding natural features and outstanding natural landscapes in the coastal environment’. It also requires identification and assessment of natural features and landscapes of the coast. PC 22 is consistent with these requirements
47. However, PC 22 will be built on in terms of wider coastal policy in this future work.
48. However, this does not mean that these aspects of PC 22 should await this further work, as, in my opinion, PC 22 considerably improves on the existing provisions for the coastal environment in terms of both efficiency and effectiveness.

5 REGIONAL POLICY STATEMENT AND REGIONAL PLANS

49. Horizons Regional Council has prepared a new Regional Policy Statement and associated Regional Plans which are termed the One Plan (POP). Appeals on the POP are currently with the Environment Court and over the last few months there has been an intensive period of facilitated mediation of these appeals.
50. Landscape matters are included in section 7 of the POP which is headed “Indigenous biological diversity, landscape and historic heritage. This section as amended by decisions is attached as Appendix C. The key provisions include:

Issue 7.2 The Regions outstanding natural features and landscapes can be adversely affected by land use activities and development. Adverse effects of development on outstanding natural features and landscapes include the potential for significant adverse cumulative effects. Developments with the potential for greatest impact include wind farms, residential subdivision and other major structures.

Objective 7-2

The Region’s outstanding natural features and landscapes including those identified in Schedule F.....are protected from inappropriate subdivision use and development.

Policy 7-7 Regionally outstanding natural features and landscapes



The natural features and landscapes listed in Schedule F Table F1 must be recognised as regionally outstanding. All subdivision, use and development directly affecting these areas must be managed in a manner which:

(aa) avoids any significant adverse cumulative effects on the characteristics and values of those outstanding natural features and landscapes, and

(a) except as required under (aa), avoids adverse effects as far as reasonably practicable and, where avoidance is not reasonably practicable, remedies or mitigates adverse effects on the characteristics and values of those outstanding natural features and landscapes.

Policy 7-7A: Assessing outstanding natural features and landscapes

The Regional Council and Territorial Authorities must take into account the criteria in Table 7.2 when:

(a) identifying outstanding natural features and landscapes, and

(b) considering adding to the list of outstanding natural features or landscapes listed in Table F1 of Schedule F, or

(c) considering the inclusion of outstanding natural features or landscapes into any district plan, or

(d) establishing the relevant values to be considered when assessing effects of an activity on:

(i) outstanding natural features and landscapes listed in Table F1 of Schedule F, or

(ii) any other outstanding natural feature or landscape

51. Schedule F provides a list of “some” of the regionally outstanding natural features or landscapes in the region and their associated characteristics and values. It does not map them. The areas identified in Horowhenua District are:

The Tararua Forest Park

The skyline of the Ruahine and Tararua Ranges - defined as the boundary between the land and sky as viewed at a sufficient distance from the foothills so as to see the contrast between the sky and the solid nature of the land at the crest of the highest points along ridges. The skyline is a feature that extends along the Ruahine and Tararua Ranges beyond the areas in (h) and (i) above.

The coastline of the region particularly Foxtangi Dunes, and Hokio Beach South Dune Fields.

52. The schedule also states that there are other areas that are “highly likely to be regionally if not nationally, outstanding natural features or landscapes”. These include:

- Lake Horowhenua and its margins.
- Lake Papaitonga and its adjacent reserve.



53. These were not formally included because landowners had not been consulted and the areas had not been the subject of specific assessment at that time. This, therefore, provides a compulsory list of ONFLs, albeit not mapped. Also if choosing to undertake further landscape assessment local authorities are required to adopt consistent stated evaluation criteria. It is appropriate to state at this point that the assessments undertaken for PC 22 are entirely consistent with those criteria. These are shown in full in Table 7.2 in Appendix C.
54. Mediation on appeals relating to these provisions indicates that it is possible that Policy 7-7 may be amended to require local authorities to spatially define each of the Schedule F ONFLs in the review of District Plans. If this were to be the outcome then Plan Change 22 would be consistent with that. However, I note there are interpretational issues with the Ranges Skyline ONFL which are still being worked through in mediation. At this stage it is not clear what will emerge and the peer review of ONFLs has not addressed this matter. In my opinion any expansion of the ONFLs proposed by PC 22 to address this matter would be beyond the scope of this Plan Change unless pursued by a submission. As the matter remains uncertain it is not proposed to resolve this matter through this hearing process. If in the future a Skyline ONFL is required to be given effect to it will be the addressed in a separate plan change. However, it is important to note that the Tararua Range ONFL proposed for PC 22 includes a large portion of the land that would reasonably considered to be 'skyline'.
55. Possible changes to Policy 7-7A relate to enabling additional evaluation criteria to be used and some fine tuning of the policy wording. The hearing Panel will be updated on where this has developed to at the hearing.
56. It should also be noted that the One Plan includes regional rules to regulate vegetation clearance, land disturbance, forestry and cultivation. The focus is the risk of soil erosion and therefore rules are focused on:
- The coastal foredune, which is defined as extending 200 metres in land of the first line of vegetation, and
 - Hill Country Erosion Management Areas which is land with a slope of 28 degrees or greater.
57. The key features of the proposed rules that may be relevant to this matter are:
- Earthworks of more than 2500 m² per property per annum is permitted if undertaken in accordance with an Erosion and Sediment Control Plan.
 - Forestry activities are permitted except in the coastal foredune if replanted within 18 months of harvesting and undertaken in accordance with an Erosion and Sediment Control Plan.
 - Cultivation is not permitted in the coastal foredune

- Earthworks associated with new tracking and vegetation clearance of more than 1 ha per property per annum in a Hill Country Erosion Management Area but not in coastal foredune is a restricted discretionary.
- Clearance, land disturbance, cultivation or forestry that does not comply with the permitted or limited discretionary rules is a Discretionary activity.

58. Mediation of appeals on the above rules is currently active and may result in some amendments to the regime indicated above. At this stage it is too early to give Commissioners detailed guidance on this matter and therefore an update will be provided during the hearing.

6 RELEVANT MANAGEMENT PLANS AND STRATEGIES

59. The only matter to note in this regard is that the Horowhenua District Council 2009-2019 Long Term Council Community Plan has a vision for environmental well being which includes the following outcome statement:

Outstanding natural district features that are preserved at least in their present state and can be appreciated and enjoyed. These include mountains, rivers, lakes, rural landscapes, native forests and coastal area.

60. PC 22 focuses on protection rather than preservation and relies on expert assessment as to what are outstanding natural landscapes and features and what landscapes have high amenities. In my opinion it clearly seeks to put in place the intent of this outcome statement.

7 LANDSCAPE ASSESSMENT

61. The basis for identifying and evaluating the landscapes of the District was a study undertaken by Treadwell and Associates dated August 2009. This built on a previous study of the landscapes characteristics of the District which was undertaken for PC 20.

62. The areas identified in this process are shown on replacement Plan Maps 32 and 32 and consist of:

- Foxton Dunefields ONL
- Manawatu Estuary ONL
- Tararua Range ONL
- Moutere Hill ONF
- Lake Horowhenua ONF
- Lake Papaitonga ONF
- Coastal Environment HAL
- Coastal Lakes HAL
- Hill Country HAL
- Manakau Downlands HAL
- Hokio Stream ONF
- Manawatu River HAL



- Waikawa Stream HAL
 - Tokomaru River HAL
 - Mangaore Stream HAL
63. A number of submissions supported the conclusions of this assessment but many others challenged the specific parts of the conclusions and a number specifically requested that the assessment be subject to expert peer review.
64. The assessment clearly lies at the heart of PC22 and the Council decided that a peer review would best assist the process of determining submissions. Boffa Miskell Ltd was subsequently commissioned to undertake a peer review of the ONFL's but not the High Amenity Landscapes. This was reported in a report titled Outstanding Natural Landscapes and Features Review August 2011. This is included as Appendix D and I rely on this expert review for my recommendations on submissions on the assessment results. I note for the record that the review did have regard to the content of relevant submissions.
65. The review does recommend a number of changes to the ONFLs proposed in PC 22. These specific changes are as follows:
- Foxton Dunefields is not an ONFL
 - The Coastal Foredunes ONFL has been spatially defined encompassing a expanded area and should be called the Coastal ONFL.
 - The Manawatu Estuary be extended upstream including land on the right bank.
 - That Lake Horowhenua, Hokio Stream and Moutere Hill be combined to form one ONFL and should incorporate the two forest remnants and wetlands connecting the lake and Moutere Hill.
 - The Waiwiri Stream should be added to the Lake Papaitonga ONFL
 - The Tararua Range has been reduced in extent to exclude areas that are not in indigenous forest.
66. A review of the scope of submissions has been undertaken to ensure that you have jurisdiction to make amendments consistent with these recommendations. This is included as Appendix E. The important issue here is where additional land is proposed to be included in ONFLs. These are:
- The Coastal ONFL
 - Manawatu Estuary ONFL
 - Combined Lake Horowhenua and Moutere Hill ONFL
67. A detailed analysis of the scope issues is provided in Appendix E. This considers the scope of changes resulting from the peer review, whether there are submissions that relate to the changes and the parties potentially affected. In addition the assessment considers issues associated with rivers and streams and the ability to give effect to the Tararua Range Skyline ONFL from the One Plan.
68. The assessment concludes that there is scope to provide for all the recommendations of the peer review with one exception being the proposed addition of land between Lake Horowhenua and Moutere Hill. This matter will therefore need to be addressed through a separate Plan Change process or as part of the District Plan Review. In the interim it is proposed that this ONFL revert to that as originally notified as opposed to that proposed in the peer review.

69. As stated above, the interpretation of the Tararua Range Skyline remains uncertain and it is therefore recommended that PC 22 not attempt to establish a Skyline ONFL that extends beyond the Tararua Ranges ONFL recommended in the peer review.

70. This assessment was legally reviewed by Andrew Cameron of Brookfields and his response is in Appendix F. He confirms the assessment above and also notes that scope matters may need to be considered by the panel as the hearing and decision making process follows its course.

8 SUBMISSIONS: ISSUE 4.3

71. PC 22 proposes to revise the existing stated issue relating to ONFLs to read. These changes are recorded as Amendments 1-4 with the proposed text being:

The risk that development will cause adverse effects to the outstanding natural landscapes, features and high amenity landscapes of the District.

72. A new "Discussion of the issue" is then proposed to be inserted (Amendment 5) that:

- Makes a link to section 6 responsibilities
- Explains that further assessment has been undertaken
- Explains the methodology scope.
- States the conclusions of the assessment.
- Identifies the principal threats to these values
- Identifies that further review of the coastal environment will be undertaken as part of the wider Plan review.

73. Submissions on this amendment are summarised below.

Sub No.	Name	Decision Sought
091B	EECA	Amend 'Issue 4.3' to read as follows: "The risk that inappropriate development will cause adverse effects to the Outstanding Natural Landscapes, Outstanding Natural Features, and High Amenity Landscapes of the District, that cannot be avoided, remedied, or mitigated."
064A	DEPARTMENT OF CONSERVATION	That 'Issue 4.3' be amended to read as follows: "The risk that subdivision, use, and development will cause adverse effects to Outstanding Natural Landscapes, Outstanding Natural Features, and High Amenity Landscapes of the District."
059B	Horticulture NZ	Amend 'Issue 4.3' as follows: "Changes in land use can have adverse effects of Outstanding Natural Landscapes and Outstanding Natural Features of the District."
111B	Taiao Raukawa Trustees	That 'Issue 4.3' be amended to read as follows: "The risk that subdivision, use, and development will cause adverse effects to the Outstanding Natural Landscapes, Outstanding Natural Features, and High Amenity Landscapes of the district."
058B	Federated Farmers	That 'Issue 4.3' be reworded to read: "There is a risk that inappropriate subdivision, use, and development will cause an adverse effect on the Outstanding Natural Landscapes and Outstanding Natural Features of the district."
043A	Jane Meredith	Support."
088B	NZ Wind Energy Assoc.	That 'Issue 4.3' be revised as to read as follows: "The risk that development will cause adverse effects to the Outstanding Natural Landscapes, Outstanding Natural Features, and High Amenity Landscapes of the District that cannot be avoided, remedied, or mitigated."
025B	Rayonier NZ Ltd	Reword: "Development is an integral part of growth for a district. Through planning processes, the Council needs to ensure that the effects of development are well managed - or words to that



		affect.”
054C	Ernslaw One Ltd	Reword: “Development is an integral part of growth for a district. Through planning processes, the Council needs to ensure that the effects of development are well managed - or words to that affect.”
110B	Windflow Technology Ltd	That ‘Issue 4.3’ be amended to read as follows: “The risk that inappropriate development will cause adverse effects to Outstanding Natural Landscapes, Outstanding Natural Features, and High Amenity Landscapes of the District.”

74. Submissions have suggested a number of amendments to the wording of the issue. These include:

- Enlarging the focus from development to subdivision use and development
- Qualifying the adverse effects to being ones that cant be avoided ,remedied or mitigated.
- Rewording focussing on ensuring effects of development are well managed
- Inserting the word inappropriate before development

75. There appears to be general support for the focus that the issue has on “risk of effects”. I generally do not support the addition of words that do not add to the meaning or clarity of the issue statement. However, some of the suggestions do have merit in resource management terms and I therefore recommend that the issue be amended to incorporate references to “inappropriate subdivision, use and development” and to effects that cannot be “avoided, remedied or mitigated”.

Recommended Amendments

Issue 4.3

‘The risk that inappropriate subdivision use and development will cause adverse effects to the outstanding natural features and landscapes of the District, and domains with features and high landscape amenity that cannot be avoided, remedied or mitigated.of the District.”

Recommendation

Accept submissions 091B, 111B, 088B
Accept in part submissions 064A, 058B, 110B
Reject submissions 059B, 025B, 054C
Reject in part submissions 043B

9 SUBMISSIONS: DISCUSSION ISSUE 4.3

76. The scope of this discussion has already been identified and does require amendment following the landscape assessment peer review. Submission points lodged are:

Sub No.	Name	Decision Sought
061B	Charles Rudd	Delete discussion of ‘Issue 4.3,’ and replace with: “Landscapes and natural features represent the geographic and ecological diversity of the environs within its district boundaries. Outstanding Natural Landscapes and Outstanding Natural



		Features are not only a product of natural science, but also the aesthetic values ascribed to those landscapes and features - their identity, environmental indicators, and legibility. Transient values, such as the presence of wildlife or its values are also important. Tangata whenua have a strong relationship with the natural and physical resources, particularly those tangata whenua who are spiritually, culturally, and historically associated with the resources. Though the values of some people of the district may change. Although dynamic, the Outstanding Natural Landscapes and Outstanding Natural Features that are valued by the community need to be protected from inappropriate subdivision, use, and development. The community connects with the physical natural forces to create a sense of place and the environment in which the community lives."
059C	Horticulture NZ	Retain 'Issue 4.3 Discussion' as in the Operative District Plan (Amendment 5), and delete 'proposed replacement text' (Amendment 6).
087A	Mighty River Power	Amend the Discussion of 'Issue 4.3' as follows: Add sentence to end of paragraph 2: - "In seeking to achieve the purpose of the Resource Management Act, the District Plan should also appropriately manage the values associated with landscapes which are not 'outstanding.'" Reviewing paragraphs 3,4, and 5 upon completion of a revised assessment of the landscapes of the District and a improved landscape evaluation methodology. Replace paragraph 6 with the following wording: "Activities that are poorly located or designed may have significant adverse effects on landscapes and may be inappropriate, if not possible, to avoid, remedy, or mitigate those effects."
091C	EECA	Amend 'Issue 4.3 Discussion' to read as follows: "The District Plan is required, as a matter of national importance, to provide for the protection of Outstanding Natural Landscapes and Outstanding Natural Features from inappropriate subdivision , use, and development, with the overall purpose to achieve the sustainable management of natural and physical resources while avoiding, remedying, or mitigating, any adverse effects of activities on the environment," And: "The principal threats to Outstanding Natural Landscapes and Outstanding Natural Features are from the effects of inappropriate development which cannot be avoided, remedied, or mitigated, including inappropriate and poorly cited..."
039A	Bossley Farm Partnership	Inferred: Adopt 'Amendment 6.' It would be reasonable to delay final decision on this plan change until Horizons One Plan is finalised.
065A	Charles & Marlene Anderson	That the submitter's farm be removed from Proposed Plan Change 22.
088C	NZ Wind Energy Ass	That the 'Discussion' of 'Issue 4.3' be amended to read as follows:"Some activities may not be appropriate in these landscapes, where their specific location and design prevents them from adequately avoiding, remedying, or mitigating their effects. Activities where these considerations can be relevant, include: Development facilitated by subdivision Large buildings or inappropriately designed and sited buildings in each landscape type Structures such as transmission pylons, telecommunications towers and wind farm turbines. Earthworks for developments and access Removal of native vegetation."
011A	NZ Historic Places Trust	That Council retain the use of assessment criteria used to identify outstanding natural features and landscapes as set out in 'Amendment 6 – Issue 4.3 discussion.'
011B	NZ Historic Places Trust	That those landscapes and features that have been identified through the application of the criteria outlined in 'Issue 4.3 discussion,' be added to the District Plan as listed and identified Outstanding Natural Features and Outstanding Natural Landscapes.
025C	Rayonier NZ Ltd	Withdraw Plan Change 22, and undertake a "robust" analysis of the environmental social and economic impacts of the plan change in line with the Resource Management Act.
032A	Telecom NZ Ltd	Cross reference criteria used in the proposed One Plan and ensure that boundaries of Outstanding Natural Landscapes and Outstanding Natural Features are coterminous. The proposed One Plan and Horizons provide a strategic overview needed to identify landscapes properly. The District Plan must not be inconsistent with the proposed One Plan. The District Plan should reflect only the Outstanding Natural Landscapes and Outstanding Natural Features featured in the One Plan.
054D	Ernslaw One Ltd	Withdraw Plan Change 22 and undertake a "robust" analysis of the environmental, social, and economic impacts of the plan



			change in line with the Resource Management Act.
058 C	Federated Farmers NZ		Amend the wording of 'Issue 4.3. Discussion to provide a clear justification for the subsequent policies and rules. To be effective, it is considered that this discussion should: Explain why certain landscapes are considered to be more valued than others; How inappropriate subdivision, use, and development (or activities) has impact on these "special" landscapes in the past; Address landscape amenity sensitivity to changes, and the ability of some landscapes to better absorb change than others, as well as the fact that the adverse effects of some activities can be avoided, remedied, or mitigated. The methodology used to undertake a district wide landscape assessment
061C	Charles Rudd		Delete the words "with case law and" from text in 'Issue 4.3,' so that it reads, "The landscapes of the District have been assessed to bring the Plan in line to apply a consistent evaluation methodology."
061D	Charles Rudd		Reorder the bullet points in 'Issue 4.3' as follows: "The assessment has taken into account: Natural science factors Aesthetic values Transient values Value to tangata whenua Historical associations Expressiveness Shared and recognised values."
061E	Charles Rudd		Amend the text in discussion of 'Issue 4.3' to read as follows: 1. "The Tararua ranges above the native bush line is an Outstanding Natural Landscape. 2. The Tararua foothills and the Manakau downlands are High Amenity Landscapes. 3. Moutere hill is an Outstanding Natural Landscape. 4. The Manawatu, Ohau and Tokomaru rivers, Mangaore and Waikawa streams and their respective margins, are all High Amenity Landscapes. 5. The unseen groundwater pathways from the Tararua ranges and its foothills that feed all the dune lakes of this district are within the domain of being Outstanding Natural Landscapes. 6. The coastal dune lakes domain is a High Amenity Landscape, within which are Outstanding Natural Features, including Lake Horowhenua and the Hokio stream, Lake Papaitonga, Waiwiri stream, and Lake Waitawa. 7. The Coastal Landscape between the Manawatu river and the Waikawa stream is a High Amenity Landscape, within which are a number of Outstanding Natural Features, including the foredunes and estuaries. 8. The Foxton Dunefields domain is an Outstanding Natural Landscape based around the dune landforms."
061F	Charles Rudd		Reorder the principal threats as follows: "Removal of native vegetation Earthworks for developments and access Development facilitated by subdivision Large buildings or inappropriately designed and sited buildings in each landscape type Structures such as transmission pylons, telecommunication towers, and wind farm turbines."
064B	Department of Conservation	of	Retain the list of assessment criteria used in 'Issue 4.3 Discussion.'
064C	Department of Conservation	of	Amend 'Conclusion 2' of 'Amendment 6' to read: "The coastal lakes domain is a High Amenity Landscape, within which are Outstanding Natural features including Lake Papitonga, Lake Horowhenua, Waiwiri stream, Hokio stream and Moutere hill." Consequential amendment to planning map 32 be made.
064D	Department of Conservation	of	Amend 'Conclusion 3' of 'Amendment 6' to read: "The Foxton Dunefields domain is an Outstanding Natural Landscape, based around the dune landforms, processes and ecosystems."
064E	Department of Conservation	of	That the list of principle threats be appended to include the following: "High impact activities on the dunefields, such as recreational vehicle access, irrigation, and afforestation. Spread of weed species where native vegetation and habitat are integral to the natural science values. Discharge and disposal of wastewater, stormwater and refuse. Coastal protection walls."
079A	Michael & Kathryn Miles		Amend the requirements of High Amenity Landscapes so they are less restrictive. The plan change needs to reflect current land uses.
110C	Windflow Technology Ltd		That 'Issue 4.3 Discussion' be amended to read as follows: "The principal potential threats to these values are from the effects of: Structures, such as inappropriately sited transmission pylons, telecommunication towers, and wind farm turbines." Amend the final paragraph to read: "This will focus on achieving integration of policy relating to the natural character of the coast, and the 'outstanding' landscape values and their protection from inappropriate subdivision, use, and development."
111C	Taiao Rukawa Trustees		That section 1 of 'Issue 4.3 Discussion' be amended to read as follows: "The Coastal Landscape is a High Amenity Landscape,



		within which are a number of Outstanding Natural Features, including the foredunes and estuaries, which include Manawatu, Hokio, Waiwiri, Oahu and Waikawa estuaries." Consequential amendments to the planning maps would be required.
111D	Taiao Rukawa Trustees	That section 2 of 'Issue 4.3 Discussion' be amended to read as follows: "The Coastal Lakes domain is a High Amenity Landscape, within which are Outstanding Natural Features including Lake Papaitonga, Lake Horowhenua and the Waiwiri Stream, Hokio Stream, and Moutere Hill." Consequential amendments to the planning maps would be required.
027 B	Transpower NZ Ltd	Recognise and incorporate into Issue 4.3, discussion of the full range of factors affecting Outstanding Natural Landscapes and Outstanding Natural Features, including the existing physical and cultural environment. This could be achieved by adding new text after the conclusion section of the assessment, and by amending the principal threats to these values.

77. Charles Rudd seeks amendment to the discussion to reflect his view on some of the assessment criteria. In particular, he wishes to emphasise the importance of ONFLs to some tangata whenua. While I don't disagree with the wording he proposes I do consider that a concise and balanced discussion text is required. However, I do think there is some merit in explaining in a bit more detail the scope of each of the assessment criteria under each of the bullets and to that extent I support the intent of Mr Rudds submission.
78. Mighty River Power proposed that a sentence be added to the end of the second paragraph as follows. "In seeking to achieve the purpose of the resource management Act, the District Plan should also appropriately manage the values associated with landscapes that are not 'outstanding'." I agree that it is appropriate that this paragraph also refer to areas of the District with high landscape amenity. However, the first part of the sentence proposed is unnecessary because the purpose of the whole Plan is to achieve the purpose of the Act.
79. The peer review of the landscape assessment does see amended ONFL's as a result of this process, and the discussion clearly needs to be amended to reflect this. This submitter also recommends that the last para on threats be replaced with the more generic statement "Activities that are poorly located or designed may have significant adverse effects on landscapes and may be inappropriate, if not possible to avoid, remedy, or mitigate those effects." I agree that this is a reasonable statement but consider that the meaning is adequately covered in the scope of the discussion.
80. EECA also suggest that the first para be added to refer to the purpose of the Act which I do not consider is necessary and a more generic threats statement which in my opinion does not add to the meaning of the discussion.
81. The Bossley Farm Partnership suggests that final decisions are delayed until the One Plan is finalised. The hearing of submissions has been delayed to provide for peer review which has also allowed the One Plan decisions and appeals to be progressed. While the final form of the relevant One Plan provisions are not finally settled, the scope of change has now narrowed such that PC 22 can proceed with confidence.
82. Charles and Marlene Anderson have requested that their farm be excluded from the Tararua Ranges ONL. The peer review has recommended reduction in this ONFL such that this farm and others are to be excluded or partially excluded from it. I therefore recommend acceptance of this submission.

83. New Zealand Wind Association has recommended amendment to the “threats” paragraph in a similar manner to the Mighty River Power submission. This is largely accepted.
84. Rayonier and Ernslaw One have requested that PC 22 be withdrawn to undertake a robust analysis of the social and economic impacts of the plan change. Regard does need to be given to the costs and benefits of the proposed Plan Change through this decision making process and some refinements to the rules are proposed in response to submissions to ensure there are not unreasonable impacts on productive rural activities. Having said this, it is important to note that the peer review has now excluded any existing exotic forested areas from the ONFLs.
85. Telecom has sought a clearer cross reference to the One Plan criteria and that the District Plan should reflect only the ONFLs identified in the One Plan. The One Plan has now reached a stage where a cross reference to the relevant provisions is appropriate and the landscape assessment is consistent with those identified criteria. I also agree that the combined terms of Outstanding Natural Landscapes and Features (ONFLs) avoids debates over what parts are features and what parts are landscapes. This is the basis on which the peer review has been undertaken and the terms ONFLs has been adopted. However, I do not agree that the PC 22 should be limited to the landscapes identified in the One Plan. The One Plan specifically anticipates additional ONFLs arising from more detailed assessment. Notwithstanding this, the list arising from the peer review consists predominantly of landscapes identified or foreshadowed in the One Plan. PC 22 provides the detailed assessment required by the One Plan, it confirms and spatially defines these ONFLs and addresses whether there are others that warrant inclusion.
86. Federated Farmers has sought a clearer discussion of why particular landscapes are outstanding, what impacts inappropriate development has had on these and issues such as the sensitivity to change. These matters are all addressed in more detail in the reports that support the Plan Change and landscape assessments and also in the reports that accompany this report. In particular, there has been further consideration of the High Amenity Landscapes identified in PC 22. These in each case match the boundaries of the landscape domains identified and inserted into the Plan through PC20. The report attached from Treadwell and Associates explores for the panel in more detail the values of those landscapes and their sensitivity to adverse effects.
87. This concludes that these areas do justify a policy and methods response in the Plan and given that these are based on the domain boundaries it is proposed that the terminology of “high amenity landscapes” be deleted in favour of recognising these specific domains as being ones of a high landscape amenity. This change may appear insignificant but places the focus on the domain defined areas as a whole entity rather than further landscape assessment within each domain.
88. The other component of the High Amenity Landscapes is the rivers and streams. The status of these has also been further considered in light of the submissions. Rivers and streams raise a number of different resource management issues other than the landscape that they provide a natural feature to. In particular section 6(a) requires

specific consideration of the natural character of rivers and their margins and the protection of them from inappropriate subdivision use and development. This is beyond the scope of PC 22 and will be considered further in the Plan Review. It is therefore my opinion that the management of river and stream issues can be better achieved in a more integrated manner through the Plan Review process rather than PC 22. As a result I recommend that the streams, other than those that are attached to proposed ONFL's (being the Waiwiri and Hokio Streams) be removed from PC 22.

89. Charles Rudd has sought deletion of the reference to case law in the 3rd paragraph. I agree that the reference is now more appropriately made to the One Plan as suggested above and this is the part of the discussion where this is appropriate. He has also sought a reordering of the assessment criteria to reflect the sequencing of natural history. I can see some logic to this but do not consider that it is essential. I note that the order is consistent with the order of criteria stated in the One Plan and the Committee may consider that more important.
90. Mr Rudd has also sought that listing of ONFLs and HALs follow an order starting with the ranges and working to the sea. A number of changes are proposed which have been detailed above but I am happy with the intent of the proposed reordering. Mr Rudd has also sought the inclusion of an additional ONFL being the groundwater flows from the ranges to the dune lakes. While these flows are important to the geography and resources of the District, being underground, they do not form a landscape in their own right and therefore are outside of the scope of this Plan Change and relate more to the groundwater responsibilities of Horizons Regional Council.
91. The Department of Conservation seeks that the discussion acknowledge the additional threats of high impact activities on the dunefields such as recreational vehicle access, irrigation and afforestation, spread of weed species, discharge and disposal of wastewater, stormwater and refuse, coastal protection walls. I accept that these are threats to some of the values involved with ONFLs. However, the jurisdiction for these matters largely lies with the Regional Council. I note that the One Plan does seek to control afforestation in the coastal foredune area and that where this is in reserve issues such as vehicle access can be controlled. Regulation of wastewater discharges and coastal structures are clearly the responsibility of the Regional Council. Perhaps the correct answer to this is that the discussion should be qualified to the threats that this Plan is responsible for etc.
92. Michael Miles and Kathryn Miles seek amendment to the high amenity landscape rules so that they are less restrictive. For clarity the proposed rules do not intend to restrict harvesting of forestry or replanting unless it involves earthworks. We have reviewed the earthworks rule and I discuss this in a later section.
93. Windflow Technology seeks that the stated threat be qualified by the insertion of the words "inappropriately sited" before transmission lines, telecommunication towers etc. In the third bullet. I have no difficulty with this suggestion and I recommend acceptance.
94. Taiao Raukawa Trustees seek clearer recognition of the importance of estuaries in the coastal environment as Outstanding Natural Features. This has been taken into account in the peer review which has spatially defined the Coastal ONFL and I note that



this includes the estuaries of the Waikawa and Ohau Rivers. As stated above it is proposed to remove some of the rivers and address them in a more integrated way through the Plan Review but the peer review recommends that the Waiwiri Stream and Hokino Stream be included within wider ONFLs and this is consistent with the second leg of this submission point and the text will be amended accordingly. It is also proposed to enlarge the Manawatu Estuary ONFL.

95. Finally, Transpower has sought a wider discussion of the existing environment associated with these areas. The concern regarding existing patterns of land use and development may be satisfied through the peer review but it is proposed to also address this concern through some discussion of the values associated with the landscape domains that have high landscape amenity.

Recommended Amendment

The Horowhenua District is framed by the Tararua Ranges to the east and the open expansive duneland coast to the west. Within this are important estuaries, lakes and dune features. Rivers and streams flow from mountain to sea across the District.

The District Plan is required, as a matter of national importance, to provide for the protection of outstanding natural landscapes and features from inappropriate subdivision, use and development.

The landscapes of the District have been assessed to bring the Plan in line with the Regional Policy Statement (One Plan) case-law and to apply a consistent landscape evaluation methodology. The aim of this has been to identify robustly the outstanding natural features and landscapes ~~and features~~ of the district and also other landscapes that are of high amenity to the community.

The assessment has taken into account the landscape attributes associated with the,

- Biophysical features, patterns and processes including:
 - Representativeness
 - Research and education
 - Rarity
 - Ecosystem functioning
 - ~~Natural science features,~~
- Sensory and perceptual qualities including Aesthetic values
 - Coherence
 - Vividness
 - Naturalness,
 - ~~Expressiveness~~
 - ~~Transient values~~
- Spiritual, cultural and social associations including: Expressiveness,
 - Recognised values
 - Tangata whenua values
 - Historical association
 - ~~Transient values,~~
 - ~~Shared and recognised values,~~
 - ~~Value to tangata whenua, and~~
 - ~~Historical associations.~~

The assessment has concluded that the Outstanding Natural Features and Landscapes (ONFLs) of the District are as follows:



The Tararua Ranges

Lake Horowhenua, Moutere Hill and the Hokio Stream

Lake Papaitonga and the Waiwiri Stream

The Manawatu River Estuary

The Coast including the foredunes and adjacent dunelands

- ~~1. The Coastal Landscape is a High Amenity Landscape within which are a number of Outstanding Natural Features including the foredunes and estuaries.~~
- ~~2. The Coastal Lakes domain is a High Amenity Landscape within which are Outstanding Natural Features including Lake Papaitonga, Lake Horowhenua and the Hokio Stream, and Moutere Hill.~~
- ~~3. The Foxton Dunefields domain is an Outstanding Natural Landscape based around the dune landforms.~~
- ~~4. The Tararua Ranges above the native bush line is an Outstanding Natural Landscape.~~
- ~~5. The Tararua foothills and the Manakau Downlands are High Amenity Landscapes.~~
- ~~6. The Manawatu, Ohau and Tokomaru Rivers and the Mangaore and Waikawa Streams and their respective margins are all High Amenity Landscapes.~~

In addition further assessment has identified that the the following landscape domains have a high level of landscape amenity.

Hill Country

Manakau Downland

Coastal Lakes

Coastal Environment

Whilst these domains may include ONFLs, their wider environments also have high overall visual quality, vulnerability to change, distinguishing topography and high visibility.

Some activities that this Plan is responsible for may not be appropriate in these landscapes where their specific location and design prevents them from adequately avoiding, remedying or motigating their effects. Activities where these may be relevant include:
The principal threats to these values are from the effects of:

Development facilitated by subdivision

Large buildings or inappropriately designed and sited buildings in each landscape type.

Inappropriately sited sStructures such as transmission pylons, telecommunication towers and wind farm turbines.

Earthworks for developments and access.

Removal of native vegetation

Policies and methods for the wider management of the coastal environment will be reviewed as part of the overall review of this Plan. This will focus on achieving integration of policy relating to the natural character of the coast and the outstanding landscape values. ~~._In the interim a conservative approach has been adopted to define the coastal foredunes outstanding natural feature. This focuses on the steeper coastal dune areas with dune vegetation and largely excludes areas of forestry and pasture which form part of the coastal high amenity landscape.~~

Recommendation

Accept submissions 065A,

Accept in part submissions 061B, 087A, 091C, 039A, 088C, 011A, 011B, 032A, 058C, 061C, 061D, 061E, 061F, 064B, 064C, 079A, 110C, 111C, 111D, 027B,

Reject submissions 059C, 025C, 054D, 064D, 064E



10 SUBMISSIONS: OBJECTIVE 4.3

96. Objective 4.3 is “Ensure that subdivision, use and development does not adversely affect outstanding natural landscapes and features and also has regard to high amenity landscapes.”

97. A number of submissions have sought some wording changes to the objective which can be grouped together.

Sub No.	Name	Decision Sought
050B	Aggregate & Quarry Ass NZ	That 'Objective 4.3' be amended to read: "Ensure that the District's Outstanding Natural Landscapes and Outstanding Natural Features are protected from inappropriate subdivision, use, and development, and that regard it has to the District's High Amenity Landscapes."
087B	Mighty River Power	Amend 'Objective 4.3' to read: "Manage inappropriate subdivision, use, and development so that it does not adversely affect Outstanding Natural Features and Outstanding Natural Landscapes, and also has regard to High Amenity Landscapes."
091D	EECA	Amend 'Objective 4.3' to read as follows: "Ensure that the adverse effects of inappropriate subdivision, use, and development on Outstanding Natural Landscapes and Outstanding Natural Features can be avoided, remedied, or mitigated, and that subdivision, use, and development also has regard to High Amenity Landscapes."
110D	Windflow Technology Ltd	That 'Objective 4.3' be amended to read as follows: "Ensure that inappropriate subdivision, use, and development does not adversely affect Outstanding Natural Features, Outstanding Natural Landscapes, and the natural character of the coastal environment."
059D	Horticulture NZ	Retain 'Objective 4.3' in the Operative District Plan (Amendment 7). Delete Proposed 'Objective 4.3' (Amendment 8).
027C	Transpower NZ	Amend 'Objective 4.3' as follows, to clarify that it is the values attributed to the Outstanding Natural Landscapes and High Amenity Landscapes that need to be managed: "Ensure that subdivision, use and development do not adversely affect the values of Outstanding Natural Landscapes and Outstanding Natural Features, and also has regard to the values of High Amenity Landscapes."
088D	NZ Wind Energy Ass	That 'Objective 4.3' be amended to read as follows: "Manage activities to prevent inappropriate subdivision, use, and development on Outstanding Natural Landscapes and Outstanding Natural Features, and to have high regard to High Amenity Landscapes."
013A	Gervasio Lavo	That Plan Change 22 be adopted subject to some modifications.
026 B	HW Richardson Group	That 'Objective 4.3' be amended to read: "Ensure that subdivision, use, and development avoids, remedies, or mitigates potential adverse effects on Outstanding Natural Landscapes and Outstanding Natural Features, and also has regard to High Amenity Landscapes."
043B	Jane Meredith	Inferred: Adopt 'Amendment 8.'
058 D	Federated Farmers NZ	Objective 4.3' should be amended to read: "The adverse effects of subdivision, use, and development in areas identified as Outstanding Natural Landscapes and Outstanding Natural Features are avoided, remedied, or mitigated."
064 F	Department of Conservation	Retain 'Objective 4.3' as proposed.
111E	Taiao Raukawa trustees	Retain 'Objective 4.3.'
112A	Genesis Power	That 'Objective 4.3' be amended to read as follows: "The landscape characteristics and values of Outstanding Natural Landscapes and Outstanding Natural Features are protected from inappropriate development, and that regard is had to the landscape characteristics and values of High Amenity Landscapes."
039B	Bossley Farm Partnership	Inferred: Adopt 'Amendment 8-10.' It would be reasonable to delay final decision on this plan change until Horizons One Plan is finalised.

98. The nature of the changes sought are:

- Reorder the wording to refer to ONFLs first and protection from subdivision use and development second.
- Insert “inappropriate” or “adverse effects of inappropriate”
- Insert “manage activities to prevent inappropriate...”
- Insert “avoids, remedies or mitigates potential adverse effects...” either at the beginning or at the end
- Insert the landscape characteristics and values of ONFLs etc..”

99. While some of these changes might seem trite the wording of the objective is important and I have considered the merits of these improvements. Firstly, the ONFLs have been identified after careful consideration of their characteristics and values and therefore it does not seem necessary to insert these words. I am however comfortable with the reordering of the objective and the reference to adverse effects of inappropriate. It is also arguably important to include the word “protection” because that is used in section 6.

100. So the effect of all the above is to reword the objective as follows:

“Ensure that the District’s Outstanding Natural Features and Landscapes are protected from the adverse effects of inappropriate subdivision use and development and that regard is had to other landscapes having high amenity.”

Recommended Amendment

Objective 4.3

Ensure that the District’s Outstanding Natural Features and Landscapes are protected from the adverse effects of inappropriate subdivision, use and development ~~does not adversely affect outstanding natural landscapes and features~~ and that also has regard is had to other landscapes having high amenity ~~landscapes~~.

Recommendation

Accept submissions 050B, 091D,

Accept in part submissions 087B, 110D, 027C, 088D, 013A, 026B, 043B, 058D, 064F, 111E, 112A, 039B

Reject submissions 059D,

11 SUBMISSIONS: POLICIES 4.12 – 4.14E

101. Amendment 10 sets out the proposed new policies. The submission points on Policies 4.12 – 4.14 E are tabulated below.



Sub No.	Name	Decision Sought
050C	Aggregate & Quarry Ass	That 'Policy 4.13' be reworded to read "Ensure that subdivision, use, and development in High Amenity Landscapes avoids, remedies or mitigates adverse effects on the amenity values of that landscape". That 'Policy 4.14C' be reworded to read: "Have regard to the ability of existing land uses within landscape areas to accommodate appropriate subdivision, use, and development, where adverse landscape effects can be avoided, remedied or mitigated". Add an additional 'Policy 4.15': "When determining the appropriateness of an activity within an Outstanding Natural Landscape, Outstanding Natural Feature or High Amenity Landscape, the following matters should be considered: (i) The adverse effects of the activity on the values of Outstanding Natural Landscapes, Outstanding Natural Features or High Amenity Landscapes. (ii) The opportunities to mitigate adverse effects on landscape values. (iii) The benefits of the activity to the community. (iv) The need for the activity to locate within the landscape area due to the fixed nature of resources."
091F	EECA	That 'Policy 4.13' be amended to read as follows: "Ensure that subdivision, use, and development in High Amenity Landscapes does not detract from the amenity values of that landscape, so that the adverse effects on amenity are avoided, remedied, or mitigated."
027E	Transpower NZ Ltd	Specifically recognise the presence of transmission infrastructure within the Outstanding Natural Landscapes or High Amenity Landscapes. This could be achieved by adding the following policy: "Have regard to the locational and operational requirements of regionally significant infrastructure, located or proposed within an Outstanding Natural Landscape or High Amenity Area."
110J	Windflow Technology Ltd	Add new 'Policy 4.14F' to read as follows: "Have particular regard to the needs of renewable energy development within areas of Outstanding Natural Features and Outstanding Natural Landscapes."
087F	Mighty River Power	That a new policy be added to read as follows: "When considering an application for resource consent, a notice of requirement or a change, variation or replacement to the District Plan, the following factors will be taken into account in determining the appropriateness of an activity: a) Will the activity generate significant adverse effects on the values of Outstanding Natural Landscapes, Outstanding Natural Features or High Amenity Landscapes? b) Can any adverse effects, not able to be reasonably avoided, remedied or mitigated, be offset by another form of environmental compensation using a 'no net loss' approach? c) Will the activity generate benefits relating to the social, economic and environmental well being of communities? d) Are there any functional, technical or operational constraints that require the activity to be located and designed in the manner proposed?"
091I	EECA	That a new policy be added: "Ensure that regard is had to the local, regional and national benefits (social, economic and environmental), to be derived from the use and development of renewable energy resources in the district."
091 J	EECA	That a new policy be added: "Ensure regard is had to any locational requirements of development."
111F	Taiao Raukawa Trustees	That greater consideration towards protection and recognition of Maori landscape values and cultural significance within High Amenity Landscapes be given when the District Plan Review is undertaken.
043C	Jane Meridith	Inferred: Adopt 'Amendment 10.'
058E	Federated Farmers NZ	Delete 'Policy 4.14' and 'Policy 4.14A,' as the matter to which these proposed policies relate to is suitably covered by 'Policy 4.12.'
087C	Mighty River Power	Amend 'Policy 4.12' to read as follows: "To protect Outstanding Natural Features and Outstanding Natural Landscapes from inappropriate subdivision, use, and development."
061G	Charles Rudd	Replace 'Policy 4.12' to read: "Ensure that specified Outstanding Natural Landscapes and Outstanding Natural Features are protected from inappropriate subdivision, use, and development."
064G	Dept of Conservation	Retain 'Policy 4.12' as proposed.
112B	Genesis Power	That 'Policy 4.12' be amended to read as follows: "All subdivision, use, and development affecting areas of Outstanding Natural Landscape shall be managed in a manner which: (a) Avoids adverse effects as far as reasonably practicable and where



		avoidance is not reasonably practicable, remedies or mitigates adverse effects on the characteristics and values, that make the particular landscape 'outstanding. (b) Protects them from inappropriate subdivision, use, and development."
087D	Mighty River Power	Amend 'Policy 4.13' to read as follows: "To manage subdivision, use, and development in High Amenity Landscapes, so that it does not detract from the amenity values of that landscape and that it avoids, remedies, or mitigates adverse effects on those values."
059E	Horticulture NZ	Delete 'Policy 4.13.'
061H	Charles Rudd	Replace 'Policy 4.13' to read: "Ensure that subdivision, use, and development in High Amenity Landscapes does not detract from the amenity values of that landscape."
110 E	Windflow Technology Ltd	Delete 'Policy 4.13.'
112C	Genesis Power Ltd	That 'Policy 4.13' be amended to read as follows: "All subdivision, use and development affecting High Amenity Landscapes, shall be managed in a manner that gives particular regard to the maintenance and enhancement of the amenity values of that landscape."
032B	Telecom NZ	Delete 'Policy 4.14.'
087E	Mighty River Power	Amend 'Policy 4.14' to read as follows: "Avoid the inappropriate development of large buildings on Outstanding Natural Landscapes and Outstanding Natural Features."
027G	Transpower NZ	'Replace Policy 4.14' with new policy to read: "Avoid the development of buildings where they will adversely affect the values of Outstanding Natural Landscapes and Outstanding Natural Features."
037 A	Ken Pooley	Refer to a specific allowable size by defining 'large' in terms of a quantifiable measure.
059F	Horticulture NZ	Amend 'Policy 4.14' as follows: Ensure that large buildings do not detract from the values of the Outstanding Natural Landscape or Outstanding Natural Feature."
061I	Charles Rudd	Replace 'Policy 4.14' to read: "Avoid the development of large buildings on Outstanding Natural Landscapes and Outstanding Natural Features."
091G	EECA	That 'Policy 4.14' be amended to read as follows: "Avoid the inappropriate development of large buildings on Outstanding Natural Landscapes and Outstanding Natural Features."
110F	Windflow Technology Ltd	Amend 'Policy 4.14' to read as follows: "Avoid the inappropriate development of large buildings on Outstanding Natural Features and Outstanding Natural Landscapes."
112D	Genesis Power Ltd	Delete 'Policy 4.14.'
059G	Horticulture NZ	Delete 'Policy 4.14A.'
110 G	Windflow Technology Ltd	Amend Policy '4.14A' to read as follows: "Ensure the dwellings in Outstanding Natural Features and Outstanding Natural Landscapes achieve low impact, by having regard to the Horowhenua Rural Subdivision Design Guide."
025D	Rayonier NZ	Inferred: Adopt 'Policy 4.14C.'
032 C	Telecom NZ	Reword 'Policy 4.14C' to refer to the ability of existing landscape to absorb development, which includes existing land uses, and also topography and vegetation.
026C	H W Richardson Group	Retain 'Policy 4.14C' as proposed.
027 I	Transpower NZ	Retain 'Policy 4.14C' as proposed.
054E	Ernslaw One	Inferred: Adopt 'Policy 4.14C.'
058F	Federated Farmers NZ	Amend 'Policy 4.14C' to read as follows: "Have regard to the ability of existing and future land uses to accommodate subdivision, use, and development whilst ensuring that adverse effect are avoided, remedied, or mitigated."
091H	EECA	That 'Policy 4.14C' be amended to read as follows: "Have regard to the ability of existing land uses within landscape areas to accommodate subdivision, use, and development while avoiding, remedying, or mitigating adverse landscape effects."
110H	Windflow Technology Ltd	Amend 'Policy 4.14C' to read as follows: "Have regard to the ability of existing land uses within landscape areas to accommodate appropriate subdivision, use, and development."
032D	Telecom NZ	Delete 'Policy 4.14D.'
058G	Federated Farmers NZ	Delete 'Policy 4.14D.'
059H	Horticulture NZ	Delete 'Policy 4.14D.'
110I	Windflow Technology Ltd	Amend 'Policy 4.14D' to read as follows: "Have regard to the potential adverse effects on the landscape values of an Outstanding Natural Landscape or Outstanding Natural Feature from inappropriate development"



064H	Dept of Conservation	That 'Policy 4.14E' be deleted.
058 H	Federated Farmers NZ	Amend 'Policy 4.14E' to read as follows: "Have regard to the needs of existing and future primary production activities within Outstanding Natural Features and Outstanding Natural Landscapes."
059I	Horticulture NZ	Amend 'Policy 14.4E' as follows: "Enable primary production activities to continue operating within Outstanding Natural Landscapes."
011C	NZ Historic Places Trusts	That the following policy be included: 'Policy 4.14F': "Have regard to the historic or cultural heritage features present in an identified Outstanding Natural Landscape, ensuring they are protected from the adverse effects associated with inappropriate subdivision, use, and development."

POLICY 4.12: Ensure that specified outstanding natural landscapes and features are protected from inappropriate subdivision, use and development.

102. A number of submissions seek amendment to Policy 4.12 . The changes proposed are:
- To protect ONFLs from inappropriate subdivision, use and development
 - All subdivision, use and development affecting ONFLs shall be managed in a manner which:
 - (a) Avoids adverse effects as far as reasonably practicable and where avoidance is not reasonably practicable , remedies or mitigates adverse effects on the characteristics and values, that make the particular landscape outstanding
 - (b) Protects them from inappropriate, subdivision use and development.

103. The first option shortens the policy but maintains the same sense. The second brings in the sense of management and a framework first of avoidance and then remedy and mitigate. I am not convinced at this stage that 'management' is the appropriate term as this infers a more intimate ongoing relationship with landowners and occupiers which might be appropriate for significant natural areas but not ONFLs. In terms of part (a) the key question is whether the longer version remains inherent in the policy without spelling it out in this manner. My feeling is that it is not necessary and has a risk of confusing the overall policy.

104. In essence I remain comfortable with the policy as notified subject to consideration of evidence presented at the hearing.

POLICY 4.13: Ensure that subdivision, use and development in high amenity landscapes does not detract from the amenity values of that landscape.

105. In a similar manner to the above there are submissions seeking alternative wording for this policy to place greater emphasis on management, and avoiding, remedy or mitigation. Genesis Power Ltd has suggested a more positive frame of wording as "all subdivision use and development affecting High Amenity Landscapes shall be managed in a manner that gives particular regard to the maintenance and enhancement of the amenity values of that landscape."

106. Windflow Technology seeks that this policy be deleted on the basis that the term HAL is a confusing shorthand and adds a new category that should not be on the same level as ONLs. Horticulture NZ also seeks deletion of HAL until appropriate criteria and assessment is undertaken.
107. As explained above the approach to HAL has been reviewed in light of these submissions. The provisions as proposed are clear that they do not have the same status and level of protection as ONFLs and the policy and rules reflect this. However, given that PC 20 has put in place landscape domains to reflect the characteristics of different landscapes in the District and the HALs reflect specifically those domains with higher levels of particular amenity, I do agree that the term High Amenity Landscape in this context can lead to some confusion and introduces an added layer of complexity to the Plan.
108. The report from Treadwell and Associates, attached as Appendix G, reviews the status and merit of the domains identified as having high amenity and within which the ONFLs are located. I agree with that assessment and consider that policies relating to domains having high landscape amenity is required. However, I recommend that the term High Amenity Landscape be deleted as such from PC 22 and replaced with stated landscape domains that have high landscape amenity.
109. The intent of the wording changes proposed by some submitters is similar to the stated policy but I am comfortable with the wording proposed by Genesis and if adopted the policy would read

POLICY 4.13: Subdivision, use and development affecting domains with high landscape amenity shall be undertaken in a manner that gives particular regard to the maintenance and enhancement of the amenity values of that landscape.

110. I recommend accordingly.

POLICY 4.14: <i>Avoid the development of large buildings on outstanding natural landscapes and outstanding natural features.</i>

111. Mighty River Power proposes the insertion of the word “inappropriate’ before development, while Transpower suggest that the word large should be removed and the focus being where they will adversely affect the values of ONFLs.
112. I agree that the effects are the issue rather than the size of the building and this has a link to the form of rule that is approved to implement this.
113. Telecom has sought deletion of this policy on the basis that it conflicts with Policy 14.12. If this is in fact the case the problem would be avoided by adoption of the Transpower wording.
114. I therefore recommend that the following wording of the policy be adopted:



POLICY 4.14: Avoid the development of buildings where they will adversely affect the values of Outstanding Natural Features and Landscapes.

POLICY 4.14A	<i>Ensure that dwellings on high amenity landscapes have low impact siting and design and have particular regard to the Horowhenua Rural Subdivision Design Guide January 2009.</i>
POLICY 4.14B	<i>Have regard to any positive effects associated with landscape and biodiversity restoration.</i>

115. There are no submission points on policies 4.14A and 4.14B however some consequential changes to wording are required as a result of the changed approach to domains with high landscape amenity. It is also important to note that the Rural Subdivision Design Guide has been subject to some amendment through an appeal mediation process. However as all appeals are not yet resolved this is not able to be made operative. The amended version is to be available on the Council's web site for parties to this hearing and will be subject to further review and updating going forward. For that reason specific reference to the 2009 version should be removed for the time being.

POLICY 4.14A Ensure that buildings within domains with high landscape amenity achieve low impact by having particular regard to the Horowhenua Rural Subdivision Design Guide.

POLICY 4.14B Have regard to any positive effects associated with landscape and biodiversity restoration.

POLICY 4.14.C	<i>Have regard to the ability of existing land uses within landscape areas to accommodate subdivision, use and development without adverse landscape effects.</i>
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116. Submissions on this policy include:

- Re word to “ability of existing landscapes to absorb development, which includes existing land uses, and also topography and vegetation.
- Amend to “whilst ensuring that adverse effects are avoided, remedied or mitigated.”
- Insert “appropriate” after accommodate

117. I agree with the point made that it is the landscape that is capable of accommodating development because of its characteristics which include amongst other things the existing land uses. I do not consider that this policy needs to be qualified with avoid, remedy etc because if adverse effects are not present then it is inherent that they either did not exist or they have been remedied or mitigated satisfactorily.

118. I therefore recommend the following wording for this policy:

POLICY 4.14C: Have regard to the ability of existing landscapes to absorb appropriate subdivision, use and development, which includes existing land uses, and also topography and vegetation.



POLICY 4.14D *Have regard to the potential adverse effects on the landscape values of an outstanding natural landscape or feature from development on a nearby high amenity landscape.*

119. Submissions on this policy include:

- Comment on focussing on the effects of activities and minimising effects on existing primary production
- Insert inappropriate
- Review HAL assessment against stated criteria

120. The focus of this policy is on the important interrelationship between ONFLs and the wider landscape setting in which they are located. The most glaring example is that subdivision use and development of the foothills of the Tararua Ranges beyond the ONFL could have a serious adverse effect on the ONFL landscape without actually being located within it.

121. The landscape domains have been subject to further review assessment against specific criteria to verify those with a high level of amenity. This addresses the Horticulture NZ submissions point. It is fully acknowledged that in nearly all cases the landscapes assessed as having high amenity are working primary production landscapes and PC 22 does not seek to unreasonably constrain the management of those activities on a seasonal basis. This is discussed further in relation to the rules.

122. In my opinion it is not necessary in this case to add the word appropriate because it refers to adverse effects on the landscape values which in itself requires a judgement of appropriateness.

POLICY 4.14E *Have regard to the needs of primary production activities within the Foxton Dunefields area.*

123. Submission on this policy include:

- Insert “existing and future” before primary production activities
- Change the wording to enable primary production activities to continue in ONFLs
- Change to a policy focussing on historic and cultural heritage features ensuring they are protected etc.

124. The reason that this policy was included is because the Foxton Dunefields are almost entirely a productive area with pastoral farming, some intensive farming and woodlots on some dunes. It was therefore important in policy terms to recognise the importance of providing for productive activities while protecting the important dune formations. As a result of the peer review this area is not now considered as qualifying



as an ONFL. Further the amenity values associated with this landscape are considered to be moderate but not high.

125. However, notwithstanding this, the landforms associated with the dunes in this area are of natural and scientific significance and there is justification in ensuring that the need for landform modification is justified. There I consider that this policy should be replaced with the following

POLICY 4.14E Ensure that any adverse effects on the dune landforms in the Foxton Dunefields are avoided, remedied or mitigated.

126. With regard to historic and cultural heritage I acknowledge that this is an important issue but it is covered adequately elsewhere in the existing plan. In particular, I refer to Objectives and Policies 10 and 11.

Recommended Amendments

POLICY 4.12:	<i>Ensure that specified outstanding natural landscapes and features and <u>landscapes</u> are protected from inappropriate subdivision, use and development.</i>
POLICY 4.13:	<i>Ensure that Ssubdivision, use and development <u>affecting domains with in high amenity landscapes amenity shall be undertaken in a manner that gives particular regard to the maintenance and enhancement of does not detract from</u> the amenity values of that landscape.</i>
POLICY 4.14:	<i>Avoid the development of large buildings <u>where they will adversely affect the values of on Outstanding Natural Features and Landscapes, and outstanding natural features.</u></i>
POLICY 4.14A	<i>Ensure that buildings within domains with dwellings on high landscape amenity landscapes have <u>achieve low impact by siting and design and having</u> particular regard to the Horowhenua Rural Subdivision Design Guide January 2009.</i>
POLICY 4.14B	<i>Have regard to any positive effects associated with landscape and biodiversity restoration.</i>
POLICY 4.14.C	<i>Have regard to the ability of existing land uses within landscapes areas to <u>absorb appropriate accommodate</u> subdivision, use and development <u>which includes existing land uses, and also topography and vegetation without adverse landscape effects.</u></i>
POLICY 4.14D	<i>Have regard to the potential adverse effects on the landscape values of an outstanding natural landscape or feature from development on a nearby high amenity landscape.</i>
POLICY 4.14E	<i><u>Ensure that any adverse effects on the dune landforms in the Foxton Dunefields are avoided remedied or mitigated. Have regard to the needs of primary production activities within the Foxton Dunefields area.</u></i>

Recommendation

Accept submissions 064G, 061G, 027E, 110J, 025D, 032B, 037A,
Accept in part submissions 050C, 091F, 043C, 087C, 87D, 087E, 112B, 059E, 061H, 110E,
061I, 091G, 110F, 110G, 026C, 027I, 054E, 058F,



Reject submissions 058E, 087F, 112C, 027G, 110G, 087, 091I, 091J, 111F, 059F, 032C, 112D, 059G, 091H, 110H, 032D, 058G, 059H, 110I, 064H, 058H, 059I, 011C

12 SUBMISSIONS: POLICIES EXPLANATION

127. The following are submissions on Amendment 12, the Policy Explanation and Reasons.

Sub No.	Name	Decision Sought
088E	NZ Wind Energy Ass	That the policies and their 'Explanation' and 'Principal Reasons' should be reviewed and revised to recognise that effects may be able to be avoided, remedied, or mitigated. These sections should also be reviewed to recognise that it can be relevant to consider other s6 and s7 matters of the Resource Management Act, and the potential positive benefits of a proposal. It might also be relevant to consider the policies in light of the policies in the proposed NPS on renewable electricity generation that note, for example, that renewable energy resources are constrained in their location.
091K	EECA	That the 'Explanation' and 'Principal Reason' are amended to read as follows: "The above policies seek to ensure the protection of Outstanding Natural Landscapes and Outstanding Natural Features from inappropriate development, whilst enabling high quality development within these areas and within High Amenity Landscapes, which result in local, regional, and national benefits. The policies recognise that there is potential for rehabilitation of landscapes and improvements to biodiversity as part of any proposal, or as part of the mitigation of effects. Similarly, the character of the landscapes varies in terms of their ability to absorb change in a manner that recognises the locational constraints of development, and the ability to avoid, remedy, or mitigate environmental effects."
039C	Bossley Farm Partnership	It would be reasonable to delay final decision on this plan change until Horizons One Plan is finalised.
043D	Jane Meredith	Inferred: Adopt 'Amendment 12.'
048A	Andrew Porteous	Inferred: That 'coastal forestry blocks' should be allowed to be replanted after they have been harvested.
054F	Ernslaw One Ltd	Recognition of plantation forestry as an important part of the coastal landscape in the prevention of sand pollution and includes issues of reverse sensitivity as part of the analysis.
025E	Rayonier NZ Ltd	Recognition of plantation forestry as an important part of the coastal landscape in the prevention of sand pollution, and include issues of reverse sensitivity as part of the analysis.
027D	Transpower Ltd	Make the following changes to 'Explanation' and 'Principal Reasons' as follows: "The above policies seek to ensure the protection of the values of Outstanding Natural Landscapes and Outstanding Natural Features, whilst enabling high quality development within High Amenity Landscapes ..."
059J	Horticulture NZ	Remove the references to High Amenity Landscapes from the 'Explanation' and 'Principal Reasons.'
087G	Mighty River Power	That the 'Explanation' and 'Principal Reasons' be amended to read as follows: "The above policies seek to ensure the protection of Outstanding Natural Features and Outstanding Natural Landscapes from inappropriate subdivision, use and development, and the management of adverse effects on High Amenity Landscapes. However, the policies do not seek to restrict appropriate development in these areas. To this end guidance on the factors that will be considered when determining the appropriateness of activities proposed to be located within Outstanding Natural Features and Outstanding Natural Landscapes, and High Amenity Landscapes. The policies recognise that some adverse effects cannot be completely avoided. To this end, landscape rehabilitation, improvements to biodiversity or other environmental enhancement, may be considered as part of any proposal to offset adverse effects that cannot reasonably be avoided, remedied, or mitigated. The policies recognise that the character of the landscapes vary in terms of their ability to absorb change without adverse effects. For example, some existing coastal forestry areas close to



		existing settlements may have potential to absorb new land uses.”
110K	Windflow Technology Ltd	Amend first sentence of ‘Explanation’ to read as follows: “The above policies seek to ensure the protection of Outstanding Natural Landscapes and Outstanding Natural Features from inappropriate development, whilst enabling high quality development.”
111G	Taiao Raukawa Trustees	That greater consideration towards protection and recognition of Maori landscape values and cultural significance within High Amenity Landscapes be given, when the District Plan Review is undertaken.

128. Most of the submissions on the explanation and reasons for policies are reflected in the submissions to change or delete policies and have been reflected in the discussion above.

129. A significant rewording of this section is required to reflect the changes proposed in this report. However in terms of specific submissions I agree in part with EECA that the focus on landscape domains is to ensure that there is development of high quality and where there are regional or national benefits this will be able to be taken into account.

130. I also agree with Andrew Porteous (048) that there is no intention to prevent coastal forestry blocks from being replanted, and similarly with Ernslaw One Ltd and Rayonier NZ Ltd that the coastal forestry blocks have performed an important sand stabilisation role.

131. Mighty River Power seeks some recognition in the explanation of offset mitigation. This is not included in the policies and in my opinion is best considered through individual consent processes where adequate mitigation is not possible.

132. As a result I recommend the following amended explanation

Recommended Amendment

The above policies seek to ensure the protection of outstanding natural features and landscapes. ~~and features and~~ whilst enabling high quality development within landscapes of high amenity landscapes. The policies recognise that there is potential for rehabilitation of landscapes and improvements to biodiversity as part of any proposal or as part of mitigation of effects. Similarly, the character of the landscapes vary in terms of their ability to absorb change without adverse effects. For example some existing coastal forestry areas close to existing settlements may have potential for other more sensitive land uses.

Further policy review will be undertaken on the coastal landscapes as part of the District Plan review.

Recommendation

Accept submissions 043D, 048A,
Accept in part submissions 091K, 054F, 025E, 027D, 110K,
Reject submissions 088E, 039C, 059J, 087G, 111G.



13 SUBMISSIONS: METHODS

Sub No.	Name	Decision Sought
027H	Transpower NZ Ltd	Amend the 'Explanation' and 'Principal Reasons' to read as follows: "...For example, some existing coastal forestry areas close to existing settlements may have potential for other more sensitive land uses. Furthermore, the policies recognise that existing regionally significant infrastructure can be located in areas of Outstanding Natural Landscapes and High Amenity Areas, and are already an established part of these existing environments."
033A	Muaupoko Tribal Authority	Clarification is required as to how this will impact on the consultation process that exists between Muaupoko Tribal Authority, Horowhenua District Council and developers. Also, how iwi will identify features or lands not already under this plan change that may be affected by future activities of Council or developers will need to be clarified. Clarification is also required for how accidental archaeological discovery will be notified or managed without clear direction or set protocols. The Council should develop an Accidental Archaeological Discovery Protocol that has suitable measures that are consistent with iwi, current legislation, and are formulated specifically for this plan.
061J	Charles Rudd	Retain all text in 'Amendment 13.'
117A	Tanenuiarangi Manawatu Inc	Clarification is required as to how this will impact on the consultation process that exists between TMI, HDC, and developers. Also, how iwi will identify features or lands not already under this plan change, that may be affected by future activities of Council or developers, needs to be clarified. Clarification is also required for how accidental archaeological discovery will be notified or managed, without clear direction or set protocols. The Council should develop an Accidental Archaeological Discovery Protocol that has suitable measures that are consistent with iwi and current legislation, and are formulated specifically for this plan.
110L	Windflow Technology Ltd	Amend the first bullet point of 'Methods' for 'Issue/Objective 4.3' to read as follows: "Control inappropriate subdivision, use, and development in Outstanding Natural Landscapes and Outstanding Natural Features, and implement the District Plan policies through consent processes."
011D	NZ Historic Places Trust	That the following method be added: "Undertake the further identification of historic heritage within the areas and places identified as Outstanding Natural Features and Outstanding Natural Landscapes with a view to include the findings in the heritage schedule of the District Plan."
043E	Jane Meridith	Inferred: Adopt 'Amendment 14.'
032E	Telecom NZ	Make clear that rural subdivision guideline applies to rural subdivision and telecommunications infrastructure.
059K	Horticulture NZ	Delete 'High Amenity Landscapes' from bullet point one; delete bullet point two, and retain bullet point three
091L	EECA	Amend the Method for 'Issue/Objective 4.3' to read as follows: "District Plan Control inappropriate subdivision, use, and development in Outstanding Natural Landscapes, Outstanding Natural Features, and High Amenity Landscapes, and implement the District Plan policies through consent processes."
107B	Landlink	That 'Amendment 14,' second bullet point, be amended to read as follows: "Promote high quality design and development through the application of the Rural Design Guide, the Rural Design Guide Checklist, or through site-specific subdivision design guides created through the subdivision and land use consent process."
111H	Taiao Raukawa Trustees	That greater consideration towards protection and recognition of Maori landscape values and cultural significance within landscapes be given, when the District Plan Review is undertaken.

133. Paul Turner (107) seeks greater promotion of the rural design guide and site specific design guides within the methods section. Site specific design guides can be a useful method and may arise out of consented subdivision and then be applied through consents within the scope of PC 22.

134. For clarification in terms of the Muaupoko submission (033) it is not intended that any of PC 22 will affect existing consultation processes with iwi which are addressed in other parts of the Plan and have been formalised in subsequent protocols. In monitoring the effectiveness of this Plan Change specific consideration will be given to the need for methods such as covenants to ensure that enduring conditions are complied with.

Recommended Amendment

No amendment proposed

District Plan

- Control subdivision, use and development in outstanding natural landscapes and features, and high amenity landscapes and implement the District Plan policies through consent processes.
- Promote high quality design and development through the application of the Rural Subdivision Design Guide.
- Further review policy on the coastal foredune Outstanding Natural Features to integrate with coastal management policy as part of the District Plan review.

Recommendation

Accept submissions 061J, 043E,
Accept in part submissions 027H, 033A, 117A, 110L, 032E, 107B,
Reject submissions 011D, 059K, 091L, 111H

14 SUBMISSIONS: FOXTON DUNEFIELDS

135. The proposed rule 19.2.28 in Amendment 17 is targeted specifically at dunes in Foxton Dunefields. The submissions are as follows.

Sub No.	Name	Decision Sought
058I	Federated Farmers	Delete 'Rule 19.2.28,' and in addition, Horowhenua District Council should engage an independent consultant to undertake a complete peer review of the Horowhenua Landscape Assessment to determine the extent of the Foxton Dunefield Outstanding Natural Landscape.
059L	Horticulture NZ	Delete 'Rule 19.2.28.'
064I	Dept of Conservation	Retain 'Rule 19.2.28' as proposed.
027J	Transpower NZ Ltd	Amend 'Rules 19.5(c)' and '19.2.28' to ensure that earthworks associated with existing and new electricity transmission lines are exempt from complying with the earthworks provisions. Alternatively, amend the definition of earthworks associated with the upgrading and maintenance of electricity transmission lines falls within the minor disturbance exemption.
085A	Gillian Rapson	Redefine 'dune' to incorporate the range of dune forms and habitats in a dune land (or dunefield) and protect the lot. No further structures or development to take place on the very limited remaining fore and rear dunes.

136. A further set of submissions relating to this issue was also listed in the summary of submissions as follows.

Sub No.	Name	Decision Sought
001B	Koputara Farm Ltd	Withdraw or redraft the proposed change to reflect landowners and farmers concerns about its impact on their farms and homes. It should be redrafted to



		recognise that working farms should not be subject to trivial resource applications for micro or reasonable earthwork activity.
020A	AR Evans Limited	Withdraw or redraft the proposed plan change to reflect landowners and farmers concerns about their farms and homes.
022A	Ernest Crombie	That the dunefields be left to the owners of the land to look after. They know how the weather affects the dunefields, as they have been looking after them for years and know when remedial work is required.
024A	Noel Johnston	That the Council has regard to the needs of primary production activities with the Foxton Dunefields Outstanding Natural Landscapes.
045A	Royal forest & Bird Protection Society of NZ: Horowhenua Branch	That the Foxton Dunefield coastal area be changed from High Amenity Landscapes to Outstanding Natural Landscapes.
095B	Mitchpine Products Ltd	That the Foxton Dunefields be amended to be just the 'Buffer Zone.'
096A	William Huzziff	That Council does not proceed with Plan Change 22.
014A	Robbo Farms	Inferred: Decline Plan Change 22.
038A	JD & GP Easton Ltd	Remove any requirement of having to apply for two overlapping consents. Ensure that the One Plan is implemented before any the HDC plan change.
070B	Dennis CradDepartment of Conservationk	Inferred: Remove height restrictions on structures from the plan change.

137. A peer review has been undertaken and shows that, while Foxton Dunefields is not an ONFL, the dune land formations are vulnerable to modification from rural production improvements and other forms of development. However, this needs to have regard to reasonable farm management requirements.

138. I consider my recommendations on the overall earthworks rule regime elsewhere in more detail but in essence I do consider that some form of rule or standard in relation to earthworks in this area is necessary and appropriate. However, I do not consider in this area the landscape amenity is such that it need extend to dwellings or other buildings, or network utilities. In my opinion this is best applied as a condition applying to permitted activities specifying the extent of earthworks that is permitted as of right with non compliance going to a restricted discretionary activity. That is consistent with the regime most commonly applied in District Plans.

139. On this basis rule 19.2.28 would be deleted and replaced with a permitted activity condition. The specific permitted activity condition recommended later in Section 16 is that earthworks shall not exceed 1.5m vertically and 20 metres continuous length and a maximum volume of 150 m³ in any 12 month period

Recommended Amendment

Delete rule 19.2.28.
Refer Section 16 for replacement rule.

Recommendation

Accept submissions 058I, 059L, 064I,
Accept in part submissions 001B, 020A, 024A,
Reject submissions 027J, 085A, 022A, 045A, 095B, 096A, 014A, 038A, 070B

15 SUBMISSIONS: HAL RESTRICTED DISCRETIONARY RULE

140. Amendment 18 introduces a restricted discretionary activity rule (rule 19.5(a)) for landscapes with high amenity. The following are the submissions that relate to this amendment

Sub No.	Name	Decision Sought
110M	Windflow Technology Lt	Make amendments throughout the plan change to protect Outstanding Natural Features and Outstanding Landscapes from [in] appropriate subdivision, use, and development. Delete 'Amendment 20.'
061K	Charles Rudd	Delete 'Amendment 20.'
026D	HW Richardson Group Ltd	Retain new 'Rule 19.5(b)' as proposed, but allow for such applications to be processed on a non-notified basis.
037B	Ken Pooley	Give primary consideration to the economic stimulus of Horowhenua, by deleting the proposed 'Rule (19.5(b))' which seeks to strangle growth.
058 J	Federated Farmers NZ	Amend the definition of primary production buildings as requested in this submission, and amend 'Rule 19.5(b)' to read as follows: "Buildings on land shown as High Amenity Landscape on Planning Maps 32 and 33, except for primary production buildings and residential dwellings associated with primary production activities that comply with permitted activity conditions. The exercise of Council's discretion shall be restricted to design, siting and external appearance and landscaping".
059M	Horticulture NZ	Delete 'Proposed Rule 19.5(b).'
060A	T&M Design Ltd	Delete 'Rule 19.5(b).'
064J	Dept of Conservation	That 'Rule 19.5(b)' be amended to read as follows: "Buildings on land shown as High Amenity Landscapes on Planning Maps 32 and 33. The exercise of Council's discretion shall be restricted to design, siting, external appearance and landscaping."
104B	Horowhenua DC	Amend 'Rule 19.5(b)' so that buildings and structures on land shall be a permitted activity under this plan, provided that one or more of the following conditions: Temporary structures associated with recreational and/or emergency activities, provided they are removed within 30 days e.g. circuses, marquees, stages and the like Playground and recreational equipment that is erected on Council approved recreational reserves.
105 D	Jager Farms	That the proposed limited discretionary activities (b) and (c), be changed to 'Controlled Activities.'
111L	Taiao Raukawa Trustees	That for 'Amendments 20, 21, and 22, greater consideration towards protection and recognition of Maori landscape values and cultural significance within landscapes be given, when the District Plan Review is undertaken.
076A	Horowhenua DC	That provision be included for extensions up to 50m ² to be added to existing dwellings, and for accessory buildings up to 20m ² to be constructed without requiring resource consent (provided that all other permitted activity conditions are satisfied).

141. A further set of submissions that also relate in the summary of submissions to high amenity landscapes are as follows.

Sub No.	Name	Decision Sought
062A	Waikawa Edgewater Ltd	Inferred: Do not proceed with the proposed restrictions on High Amenity Landscapes
063A	Lesley-Anne & Richard Walker	Inferred: Do not proceed with the proposed restrictions on High Amenity Landscapes.
047B	Geoff Kane	Lift the boundary of the Hill Country High Amenity Landscapes to above the submitter's farm.
051B	Mark & Wendy Rolston Family Trust	Inferred: Remove productive land in the Tararua foothills from the High Amenity Landscape classification.
053A	Bruce & Christine Mitchell	That only the foothills which frame the view of the main Tararua peaks should be classified as a High Amenity Landscape.
066E	Rob & Heather Gaskin	That the High Amenity Landscape classification be changed to include only the Hill Country directly east of Levin. The whole of the current Tararua Forest Park



		should be classified as an Outstanding Natural Landscape area.
083A	Mary Kilsby	That the boundary lines for the Hill Country be amended to exclude the foothills that are out of sight from the plan change.
084A	Daniel Kilsby-Halliday	That the boundary lines for the Hill Country be amended to exclude the foothills that are out of sight from the plan change.
095A	Mitchpine Products Ltd	That only the foothills that frame the view of the main Tararua peaks should be classed as a High Amenity Landscape.
105C	Jager Farms	That the foothills be removed from the High Amenity Landscape area, and be removed from Plan Change 22.
106C	John & Diane Denton	That the plan change be amended, so that only those foothills which actually frame the Tararua peaks should be classified as High Amenity Landscapes.
052A	Michael Tate	That it is clarified that the Tararua foothills are not an Outstanding Natural Landscape. That the Tararua Range above the 300 metre contour of the lower native bush edge be an Outstanding Natural Landscape.
053B	Bruce & Christine Mitchell	That HDC make a concerted effort to restore the health of Lake Horowhenua, together with understanding that the ecological and environmental health of our district is more important than pleasant views.
080A	Kathryn Miles & Michael Miles	That the Council acknowledge that over the past 90 years, stewardship of the land has created an attractive rural landscape. That Plan Change 22 should not penalise farming activities through a flawed classification. Remove the area north of Mokena Kohere Street from the Manakau Downlands High Amenity Landscape.
102A	Marshall Miles	That the area of land north of Mokena Kohere Street be removed from the Manakau Downlands classification.
012A	Foxton Community Board	That the areas identified by the submitter be excluded from the Manawatu Estuary Outstanding Natural Landscapes and Coastal Environment High Amenity Landscapes.
047A	Geoff Kane	Remove the Mangaore Stream from the plan change.
019B	Mangahao Joint Venture	Inferred: Provide guidance in terms of priority where a site is classified both as a High Amenity Landscape and an Outstanding Natural Landscape.
069A	Robbie & Noeline Shaw	Inferred: That the section of Mangaore stream and adjacent land from the power station to SH 57, be deleted from Plan Change 22.
116B	Ken & Lynn Riddle	Inferred: That the High Amenity Landscape for the Mangaore stream be limited to the area of the canoe/kayak course, and that the plan change is amended accordingly.
067E	Lakeview Farm Ltd, Everton Farm Ltd, Ohuangi Farm Ltd & Lakeview Holdings Ltd	Inferred: Remove the proposed restrictions relating to Moutere Hill.

142. As indicated earlier it is intended to provide for this rule through specified landscape domains rather than HALs per se. The key matters that need to be determined are:

Whether the nature of the rule is justified in terms of section 32?

Whether a design and external appearance rule should apply to all buildings or exempt primary production buildings?

Whether there should be a degree of development that can be undertaken before the rule applies?

Whether there should be different thresholds for different domains?

Whether there should be a non notification clause?

143. In order to inform the Taumanuka Studio supplementary report by Nicola Treadwell in Appendix G has considered some of these issues and the matters that need to be considered in terms of design in landscapes of high amenity. This includes the existing scale, density and setting of the site, orientation, height, bulk and landscape treatments as well as specific building design themes.

144. The fundamentals of this rule are based around the potential threats of poor quality built development within landscapes of assessed high amenity. Rather than saying there should be no development in the rural zone in these environments the plan change seeks to promote and scrutinise the quality of development in the specific circumstances of each development site. It is accepted that PC 20, if made operative in its current form, is likely to significantly reduce the amount of subdivision in these rural environments which is often a precursor to built development.

145. In addition PC22 has had effect for some two years now and therefore the Council has the experience of applying the rule over that period. Some analysis has been undertaken on the consents issued to date where PC 22 rules applied. In total 37 consents have been processed. They were distributed as follows:

Area	No. of Consents
Coastal Environment HAL	3
Coastal Lakes HAL	12
Manakau Downlands HAL	10
Hill Country HAL	1
Foxton Dunefields ONFL	11

146. All of these were approved and all were processed on a non notified basis. However, there is one current application that has been notified which involves extensive earthworks in the Coastal Lakes domain.

147. Nearly one third of these consents would have required land use consent for some other aspect not related to PC 22. The majority of applications have been for buildings most of which have been single storey in height. The process has enabled consideration of materials, design and visibility and conditions have been applied accordingly. As a result there has been more effort made to fit buildings to the surrounding environment. While building siting has also been considered there is little evidence that there has been significant site changes during the consent process. However, landscape design has had specific consideration although the comment has been made that the level of expertise inputted to this process both from the applicant and Council has been limited. Consideration will be given to identifying some specific examples for a Commissioners site visit if requested.

148. Specific consideration has been given to whether this rule should apply to all buildings in all the high amenity domains. There does seem to be potential for smaller scale buildings with less potential for adverse landscape effects to be exempt from this rule. Additions and alterations are also worthy of consideration. Similarly height of buildings is also a relevant factor.

149. While these thresholds can be debated at length I consider on balance that there is a section 32 justification on the basis of costs and benefits to exclude smaller scale buildings from this rule. In my opinion the following regime would be appropriate.

- Additions and extensions to existing buildings should be excluded from the rule where they are less than 4 m high and do not exceed 60 m²

- New buildings shall be exempt if they do not exceed 4 m in height and 130 m² in gross floor area.
 - Primary production buildings shall be exempt if they comply with the permitted activity conditions.
150. I have given consideration as to whether these thresholds should vary between the landscape domains to reflect their different characteristics. In doing so I have had regard to the policies for each domain established through PC 20. I have concluded that there is no evident justification for different rules between domains but this should be the subject of careful monitoring. Similarly, there may be a case for including larger sized primary production buildings within this rule and this should also be monitored in terms of effectiveness.
151. With regard to the non notification rule, none of the applications to date have been notified but some have had affected parties served. I am comfortable with an express non notification and no service rule if all relevant standards for permitted activities are complied with and I have recommended accordingly. I am also comfortable with an exemption for buildings for temporary activities, which are defined in the Plan.
152. In relation to the second set of submissions it should be noted that I support the changes proposed to the Tararua Range ONFL. However, the foothills that sit in front of the ranges provide a critical part of the amenity of that area. It is proposed to remove the streams from the Plan Change and this will avoid any potential conflict between classification of amenity and ONFL.
153. I have specifically considered whether the Manawatu Estuary ONFL should further exclude the land adjacent to the Motor Camp noting that the Motor Camp itself is not included in the amended ONFL. In this regard I have sought the specific advice of Boyden Evans who undertook the peer review and he is not able to see any justification for modification of the ONFL in this vicinity. Minor earthworks that fit the overall definition of earthworks will remain permitted and should be sufficient to provide for walkways.
154. Finally I note that the peer review has supported a somewhat expanded Moutere Hill ONFL, however, the additional area between the Hill and Lake Horowhenua is beyond the scope of decisions that can be made on PC 22.

Recommended Amendment

- b) Buildings within those parts of the Coastal Environment, Coastal Lakes, Manakau Downlands and Hill Country Landscape Domains that are not Outstanding Natural Landscapes and Features except for:
Buildings that do not exceed 4 m in height and 130 m² in gross floor area.
Additions and alterations that do not exceed 4m in height and 60 m² in gross floor area
Primary production buildings
Buildings for temporary activities
~~on-land shown as High Amenity Landscape on Planning Maps 32 and 33, except for primary production buildings that comply with the permitted activity conditions.~~
The exercise of Council's discretion shall be restricted to design, siting, external appearance and landscaping.



Applications pursuant to this rule need not be publicly notified or served on affected parties.

Recommendation

Accept submissions 026D, 080A, 102, 047A, 069A, 116B,
Accept in part submissions 064J, 104B, 076A, 053A, 052A, 019B,
Reject submissions 110M, 061K, 037B, 058J, 059M, 060A, 105D, 062A, 063A, 047B, 051B,
066E, 083A, 84A, 095A, 105C, 106C, 053B, 012A, 067E, 111I,

16 SUBMISSIONS: EARTHWORKS

155. This group of submissions relates to Amendment 21 which is in relation to earthworks in high amenity landscapes and partly Amendment 22 which was discussed above. This makes earthworks as defined in the Plan a restricted discretionary activity on HAL. Amendment 22 makes buildings and earthworks a restricted discretionary activity within the Foxton Dunefields when not on a dune.

Sub No.	Name	Decision Sought
013B	Gervasio Lavo	That large scale earthworks within a High Amenity Landscape become fully notified discretionary or non-complying activities
025F	Rayonier NZ Ltd	Withdraw 'Amendment 21,' and allow earthworks as a permitted activity in line with the Horizons Regional Plan.
054G	Ernslaw One Ltd	Withdraw 'Amendment 21,' and allow earthworks as a permitted activity in line with the Horizons Regional Plan.
058K	Federated farmers NZ	Delete 'Rule 19.5(c)' or add a new definition for Earthworks for the purpose of this rule, only in consultation with the community, key stakeholders and experts, as follows: "Earthworks on land shown as High Amenity Landscape on Planning Maps 32 and 33. The exercise of Council's discretion shall be restricted to the adverse effect of the earthworks. For the purpose of this rule Earthworks means (volume + distance + time).
026E	HW Richardson Group	Retain new 'Rule 19.5(c)' as proposed, but allow for such applications to be processed on a non-notified basis.
016 A	Higgins Group Holdings Ltd	That 'Rule 19.5(c)' and the definition of earthworks included in the District Plan be amended to read "Earthworks on land shown as High Amenity Landscape on planning maps 32 and 33. The exercise of Council's discretion shall be restricted to the effects of the earthworks. Note: This rule does not apply to riverbased gravel extraction." The definition of Earthworks shall be amended to read: "Earthworks means 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 metres depth or height and also excludes gravel extraction from land contained within the bed of a river."
043F	Jane Meredith	That large scale earthworks within the Hill Country High Amenity Landscapes become a fully notified discretionary activity or if necessary, non-complying activity.
059N	Horticulture NZ	Delete 'Proposed Rule 19.5(c).'
064K	Dept of Conservation	Retain 'Rule 19.5(c)' as proposed.
087H	Mighty River Power	That 'Rule 19.5(c)' is retained without further amendment.
089A	Mark Chrystall	Change 'Rule 19.5' to an effects-based rule.
104A	Horowhenua DC	That the definition of earthworks be amended to: "Earthworks means any modification to the shape of land surfaces by movement, removal, or deposit of earth or rock, and includes excavation, filling, recontouring, and construction of any road, track, or drainage channel but does not include: Digging post holes Construction of fence lines and firebreaks Cultivation, harvesting, tending, or landscaping of gardens or crops Planting trees and removing dead, diseased, or pest trees Burials or preparation of burial sites Digging of pits less than 100m ³ Drilling bores, drains and underground services Stockpiling



		<p>earth or rock on a temporary basis for less than 3 months</p> <p>Installation of underground services where the earth disturbance is for a temporary period of 30 days or less at any one point, and the reinstatement does not significantly alter the original ground profile</p> <p>Earthworks associated with approved building developments, subject to building consent, provided the earthworks do not extend more than 6.0 metres beyond the foundation line of the building, and 1.0 metre beyond the stormwater and sewerage disposal reticulation</p> <p>Earthworks associated with maintenance and development on land registered for the purpose of playing golf</p> <p>Earthworks associated with maintenance and development of gazetted reserve sites</p> <p>Earthworks shall be a permitted activity under this plan, provided that one or more of the following conditions apply:</p> <ul style="list-style-type: none"> Earthworks undertaken on land not identified as an Outstanding Natural Feature, Outstanding Natural Landscape, or High Amenity Landscape Earthworks related to approved building platforms and accessways, associated with subdivision and/or building consents, do not require further consent if they are over the limits of earthworks permitted by the consent Earthworks undertaken on land identified as an Outstanding Natural Feature, Outstanding Natural Landscape, or High Amenity Landscape: <ul style="list-style-type: none"> _ Where the volume of earth disturbed, removed, or deposited does not exceed 100m³, and does not alter the existing ground level by more than 1.0 metre in height or depth in any 3 year period _ Earthworks undertaken within recreational and road reserve, including bridge and culvert approaches _ Maintenance and repair of existing roads, accessways, and tracks _ Maintenance, redevelopment, and clearing of Council waste disposal areas (includes landfill sites and sewage disposal) _ Manual digging associated with temporary military training activities _ Installation of underground services and ancillary structures _ Flood protection, including gravel extraction, or maintenance of a water course for stormwater control _ Clearance of slips, protection against erosion, or earthworks carried out for public safety _ Earthworks associated with the construction of stock and pedestrian underpasses, and associated access ramps _ Maintenance, realignment, and clearing of existing drains _ Recreational tracks for walking and push cycles _ Forestry activities provided they are 30m below the "ridge line" <p>Earthworks consented to by the Regional Council</p> <p>Provided such mechanism:</p> <ul style="list-style-type: none"> _ Has fulfilled any other Council and/or Regional Council compliance requirements, e.g. "Approved Street Opening Notice," and _ The earthworks will not damage, modify, or destroy any identified waahi tapu or taonga sites identified by iwi, and _ The earthworks have been effectively controlled on site, resulting in sediment through implementation and maintenance of sediment controls.
076B	Horowhenua DC	<p>That the definition of earthworks, together with the level of earthworks that can be undertaken as a permitted activity, be amended to include the following: "Earthworks means any modification to the shape of the ground surface by movement, removal or deposit of ground material (including gravel, rock, and soil) and includes excavation, infilling, re-contouring and construction of any road, track or drainage channel, but does not include: Digging post holes Cultivation, harvesting, tending or landscaping of gardens or crops (excluding harvesting plantation forests) Planting trees or removing dead or diseased trees Burials Digging of pits less than 100m³ Drilling bores</p> <p>Installation of underground services where the earth disturbance is for a temporary period of 30 days or less. Earthworks shall be a permitted activity under this plan, provided that one or more of the following conditions apply:</p> <ul style="list-style-type: none"> Earthworks undertaken on land not identified as an Outstanding Natural Feature, Outstanding Natural Landscape or High Amenity Landscape Earthworks undertaken on land identified as an Outstanding Natural Feature, Outstanding Natural Landscape or High Amenity Landscape where the volume of earth disturbed, removed or deposited does not exceed 100m³ and does not alter the existing ground level by more than 1.0 metre in height or depth per year Earthworks undertaken within road reserve Maintenance and repair of existing roads, accessways and tracks Manual digging associated with temporary military training activities Installation of underground telecommunication lines and ancillary structures Flood protection including gravel extraction or maintenance of a water course for stormwater control Clearance of slips, protection against erosion or earthworks carried out for public safety



		Earthworks associated with the construction of stock and pedestrian underpasses and associated ramps Maintenance, realignment and clearing of existing drains Earthworks consented to by the Regional Council.”
088F	NZ Wind Energy Ass	Retain ‘Rules 19.5(c), 19.6 (b) & 19.6(c),’ as proposed.
048B	Andrew Porteous	There should be a more relaxed approach to managing earthworks.
032F	Telecom NZ	Amend ‘Rule 19.5(d)’ to make it clear what is meant by associated landscaping. It should be made clear that such landscaping is to integrate development into the landscape. We request that Telecom be exempt from this rule. Landscaping should not obstruct a telecommunications facility.
037C	Ken Pooley	Give primary consideration to the economic stimulus of Horowhenua, by deleting the proposed ‘Rule (19.5(d))’ which seeks to strangle growth.
058L	Federated Farmers NZ	Amend the definition of ‘primary production buildings’ as requested in this submission, and amend ‘Rule 19.5(d)’ as follows: “Earthworks and buildings, except for primary production buildings and residential dwellings associated with primary production activities that comply with the permitted activity conditions not on a dune within the Foxton Dunefields Outstanding Natural Landscape. The exercise of Council’s discretion shall be restricted to design, siting, external appearance and associated landscaping and the effects of the earthworks.”
059O	Horticulture NZ	Clearly identify the areas of the Foxton Dunefields that are Outstanding Natural Landscapes, so earthworks and buildings on areas that are not Outstanding Natural Landscapes can be undertaken as a permitted activity.
060B	T&M Design Ltd	Delete ‘Rule 19.5(d).’
064L	Dept of Conservation	That ‘Rule 19.5(d)’ be amended to read as follows:“Earthworks and buildings not on a dune within the Foxton Dunefields Outstanding Natural Landscape. The exercise of Council’s discretion shall be restricted to design, siting, external appearance, associated landscaping, and the effects of earthworks.”
072A	Te Ngaio Trust	That no restrictions be placed on stakeholders that may impinge on accepted farming environmental best practices and animal husbandry.
118A	Diana Timms	That consents should not be needed for minor earthworks involving tracks for farming.
118B	Diana Timms	Logged forest should not be required to be returned to indigenous vegetation.

156. A further set of submission points were also recorded as relating to earthworks. These are as follows.

Sub No.	Name	Decision Sought
010A	John Catley	That gravel extraction/earthworks be made a permitted activity.
038B	JD & GP Easton Ltd	The height restriction for earthworks be increased to at least 5 metres.
041D	Mark Tonks	Put in exemptions for new network utilities.
046A	Winifred Bryant	The District Council should be able to approve plans that are the same as what is covered in the One Plan so that only one consent is required.
051C	Mark & Wendy Rolston Family Trust	Inferred: Remove the requirement for earthworks to require resource consent from two different authorities.
053F	Bruce & Christine Mitchell	That earthworks allowed by the Regional Council should not have to incur the time and expense of a consent from Horowhenua District Council. That if the proposed plan change is adopted, that costs for resource consents above those required by Horizons for tracking and building will be met by Horowhenua District Council.
066F	Rob & Heather Gaskin	That only one resource consent should be required for earthwork development.
069B	Robbie & Noeline Shaw	Inferred: That the plan change does not affect the ‘Grandfather rights’ to operating the quarry.
070A	Dennis Craddock	Inferred: Remove restrictions on earthworks from the plan change.
081A	Francis Catley	Inferred: That the restrictions in the plan change regarding earthworks be amended to allow earthworks for flood protection.
082A	Waitarere Progressive	That HDC reapply the existing land use consent (101346) to disturb the foredunes over a 2 km stretch of Waitarere Beach for the purpose of reshaping



	Ratepayers Association	and maintaining the dunes, and maintaining stormwater outlets.
083C	Mary Kilsby	That the earthworks restrictions in the Hill Country are removed from the plan change.
084C	Daniel Kilsby-Halliday	That the earthworks restrictions in the Hill Country are removed from the plan change.
090A	Lewis Farms	Inferred: Remove the requirement for earthworks to obtain resource consent as currently set out in the plan change.
095D	Mitchpine Products Ltd	That if resource consent for earthworks is allowed by Horizons Regional Council, landowners should not have to incur the time and expense of a second consent from Horowhenua District Council.
106D	John & Diane Denton	That earthwork approval should be required from one body only - either Horowhenua District Council or Horizons Regional Council.
109B	Horizons Regional Council	That the plan change is amended to exclude Regional Council works from having to gain consent from Horowhenua District Council for river protection. This includes works undertaken on the margins and banks of those rivers identified as High Amenity Landscapes.
109C	Horizons Regional Council	That Horizons work with Horowhenua District Council to see if a resolution can be found, whereby only one consent is required by land owners and resource users for earthworks.
113A	BM & AM Thomas	Inferred: Do not proceed with Plan Change 22.
013C	Gervasio Lavo	That a definition of large scale earthworks be incorporated into the plan change, which takes into account the difficulty with which developments involving the displacement of more than a specified volume (4000m ³ displaced earth) and whether or not it can be rehabilitated.
109D	Horizons Regional Council	That the definition of 'earthworks' be reviewed to exclude activities already adequately controlled by Horizons and/or on a scale placed on the definition, such as: 'Earthworks less than 20m ³ are excluded,' and/or specific activities, such as bores.

157. The key issues that need to be addressed arising from the above submissions are:

Should there be a more or less strict regime for "large scale earthworks"?

Should there be any provision of a non notification / service clause for restricted discretionary activities?

Should there be a different regime for forestry earthworks?

Should the threshold for consent be set at the existing definition or set a new threshold based on volume / area / distance or time, or any combination of these?

Should gravel extraction from the bed of a river be explicitly exempt?

Should farm management activities that are in danger of conflicting with the existing definition be exempt?

Should the definition of earthworks be amended to include an extensive list of exemptions as proposed by the HDC submission?

Should the rule, whether a permitted activity standard or discretionary activity rule, adopt further exemptions?

Should there be different standards or thresholds for different domains?

Should additional performance standards apply relating to waahi tapu or taonga and sediment controls?



Should Telecom facilities be exempt from any landscape scrutiny?

158. The first thing to say before examining the above issues is that rule 19.5(d) applies solely to the Foxton Dunefields where development is proposed on areas other than on a dune. A number of submissions seem to have interpreted this as applying more broadly as in rule 19(5)(b). The peer review has concluded that the Foxton Dunefields is not an ONFL, and the Treadwell report has not substantiated a high degree of amenity. Notwithstanding this dune landforms are of some note in geomorphological terms and as discussed in the policies modification to these landforms should be avoided remedied or mitigated.
159. As a result I recommend that the control of buildings in this environment be deleted but that a form of earthworks control should apply to this domain.
160. Firstly, in terms of the issues above there are interrelationships between the responses to them. In particular if a permitted activity rule is put in place which permits a volume / area of earthworks over a time period then this may well also address many of the exemptions sought by submitters including HDC. However before exploring these major issues further I respond to some of the more independent matters.
161. A submission has sought that a more strict regime possibly involving non complying activities be applied to “large scale earthworks”. At this point it is not entirely clear what is meant by large scale. The purpose of this rule is to address potential threats to landscape amenity values through landform modification and the visual impacts of earthworks. This visual impact may arise from visible scars to the landscape which may heal over time particularly with appropriate landscape treatment. Structures such as retaining walls will not soften but may be able to be screened with vegetation. The visual impact will depend on visibility both to other parties and the public in general.
162. In high amenity domains the focus is on appropriate design rather than prohibition. Large scale earthworks should they be inappropriately conceived can be rejected through the consent process or significantly modified so that the effects are mitigated. I do not consider that a separate rule regime is necessary in terms of section 32 for some larger scale of earthworks that might arise in these domains, however, I do think that as with all other matters the performance of this regime should be carefully monitored.
163. Given that the focus of the rule is on visual and landform effects I agree with those submissions that seek that the scope of the rule exclude earthworks that are not visible including those associated with creating a building site the earthworks for which are not the visible component once the building is constructed.
164. However, before recommending to the panel on these matters it is important to address the overall approach to a permitted level of earthworks.
165. In thinking this through I have reviewed a number of operative district plan earthwork rules for rural zones and landscape areas. Given that the focus is on visual and landform effects I consider that the vertical extent of cut or fill and the “width” or



length of earthworks are in fact more important parameters than area or volume, except perhaps in the Foxton Dunefields where the integrity of dune formations is the key issue.

166. The most common approach adopted in recent plans is a permitted standard incorporating height of cut / fill, area of land affected and time period in years.

167. A particularly recently resolved set of provisions is that in the Wairarapa Combined District Plan where provisions were established for the sensitive Coastal Environment Management Area. These established different thresholds for sites of less than and more than 20 hectares as follows:

Earthworks shall not exceed any of the following standards

(1) For sites less than 20 hectares in area:

- a. 1.5 metres (cut or fill) measured vertically.*
- b. Where earthworks exceed 1.5 metres (cut or fill) measured vertically, those earthworks shall not exceed 3.0 metres (cut or fill) measured vertically and shall not exceed a distance of 20 metres in continuous horizontal length.*

(2) For sites of 20 hectares or greater in area:

- a. 3 metres (cut or fill) measured vertically.*
- b. Where earthworks exceed 3 metres (cut or fill) measured vertically, those earthworks shall not exceed 4.5 metres (cut or fill) measured vertically and shall not exceed a distance of 500 metres in continuous horizontal length.*

168. This approach provides a reasonably liberal approach to large sites, the logic of which I presume to be that the risk of adverse visual effects to neighbouring properties and the public in general on a large site is assessed to be less than on a smaller site. This may well be appropriate for the coastal environment and coastal lakes but the more visible environments of the Hill Country and Manakau Downlands means that large site earthworks of that level may still have significant landscape effects.

169. It is also notable that this rule does not incorporate any temporal element. While this has administrative benefits it does run the risk of repeated small areas of earthworks overtime that cumulatively have a much greater impact than intended. The temporal component, however, is arguably of greater importance where the rule includes an area or volume component.

170. The supplementary paper by Taumanuka Studio has identified what she considers to be the “vulnerabilities” of each of the landscape domains. For the coastal environment and coastal lakes this focuses on the dune systems as it does for the Foxton Dunefields. The Coastal Lakes domain also has identified vulnerability around the individual lakes. The Hill Country and Manakau Downlands have more widespread vulnerability associated with their visibility.

171. On balance I recommend that the regime for each domain of high landscape amenity be as follows:

Coastal Environment and Coastal Lakes



<20 ha	1.5 m vertically 150 m ³	20 m continuous length Any 12 month period
>20 ha	2 m vertically 300 m ³	50 m continuous length Any 12 month period

The over 20 ha level could be debatable

Manukau Downlands and Hill Country

<20 ha	2 m vertically 300 m ³	50 m continuous length Any 12 month period
>20 ha	2.5 m vertically 500 m ³	100 m continuous length Any 12 month period

172. In addition I recommend that a condition also apply to the Foxton Dunefields domain for landform reasons:

Foxton Dunefields

Any site	1.5 m vertically 150 m ³	20 m continuous length Any 12 month period
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173. The basis for this is that the purpose of the rule is to protect landform integrity over and above visual effects and therefore the size of the property is immaterial.
174. The next matter is whether given this recommendation the express exemptions sought by submissions are appropriate and necessary. Any exemptions can not apply to the overall definition of earthworks as this would take its application beyond the scope of this plan change. However, exceptions can be incorporated into the permitted activity condition.
175. The current definition refers to “reshaping and recontouring of the land”. Therefore, it is clear that any earthworks that do not result in a reshaping or recontouring of the land is not in fact earthworks and is not controlled. Activities such as digging post holes, cultivation of crops, planting trees, burials, drilling bores and installation of services do not in most cases reshape or recontour the land and therefore are not captured by the existing definition. The digging of an offal pit will more likely result in a temporary change in the contour of land but would still fit within the permitted activity condition recommended above.
176. The HDC submissions also seeks exemptions for earthworks within road reserve, maintenance of accesways and tracks, temporary military training, underground services, flood protection works, clearance of slips, stock and pedestrian underpasses, maintenance of drains and earthworks consented by the Regional Council.
177. Given the permitted level of earthworks recommended I do not consider that these exemptions are required for the following reasons:
- Maintenance of tracks and accesways and military training activities will be permitted up to the thresholds of works proposed.



- Flood protection works and drains are subject to the jurisdiction of the Regional Council and not the District Council.
- Clearance of slips is either a maintenance or emergency work and the clearance itself is not controlled but if transported to a fill area it may give rise to the need for a consent if it exceeds the thresholds and in my opinion this is appropriate.
- The regional councils jurisdiction is to manage soils conservation and while there may be some overlap this is a different issue to landscape and landform effects.

178. Similarly gravel extraction is not a permitted activity in the rural zone and when from the bed of a river is not within the jurisdiction of this Plan. However, I understand that existing roads are not designated in the District Plan and therefore activities such as stock underpasses may be affected by these limits. I will comment on this further at the hearing.

179. I also comment further in relation to the second set of submissions as follows:

- The Regional Council has legal responsibility for soil conservation which is a different function to the responsibilities of the District Council.
- The Plan Change does not affect any existing resource consents that have legal effect.
- It is proposed that rivers and streams be deleted from the Plan Change and will be addressed further in the Plan Review.
- Soil conservation, flood protection and erosion protection works are expressly a permitted activity in the rural zone but they would still be subject to the earthworks limits proposed in the landscape domains and ONFLs.

180. On the issue of forestry harvesting, where this is on steeper country a degree of earthworks is inherent in the harvesting process. The One Plan requires that erosion and sediment control measures are imposed and that replanting is affected. Forestry is a productive component of our rural environment but does have effects on how the landscape is perceived. This evolves as the trees mature and then a dramatic change occurs with harvesting which softens gradually after replanting. There may well be a case for a more liberal regime for forestry harvesting although it remains important in dune areas to avoid destruction of dunes on which the forest is planted. Further, in the hill country significant earthworks at harvesting will add further to landscape effects during that period. I will comment further on this specific matter once I have heard the evidence from relevant submitters.

181. A further group of submissions was also summarised against the topic forestry which are best addressed at this point. They are as follows:

Sub No.	Name	Decision Sought
051F	Mark & Wendy Rolston Family Trust	Inferred: Remove the requirement for forestry owners to be subject to unworkable business criteria.
053H	Bruce & Christine Mitchell	That HDC do not require forestry land to revert to indigenous vegetation after the logging of exotic forestry.
066I	Rob & Heather Gaskin	That Horowhenua District Council does not determine whether forest plantations should be replanted or reverted to indigenous vegetation.
095C	Mitchpine Products Ltd	That Horowhenua District Council should not be able to require that forestry land



		be reverted to indigenous vegetation after logging of exotic forestry.
105G	Jager Farms	That any reference to re-establishment of native bush that is currently exotic forest, be removed.
106E	John & Diane Denton	That landowners should have the right to decide whether to replant exotic forest.

182. In terms of these submissions the panel should note that there is an existing rule 19.2.18 requiring managed revegetation of harvested forestry areas and this is not amended by PC 22 and is not within scope of PC 22. The One Plan also requires replanting of exotic forested areas. There is no requirement, however, to plant indigenous vegetation.
183. In relation to the farm management activities (as opposed to forestry harvesting) at this stage I am satisfied that the rules proposed provide plenty of latitude for day to day farm management activities.
184. With regard to waahi tapu or taonga I note that rule 19.2.25 continues to apply on landscape domains and ONFLs and therefore additional provisions are not in my opinion needed.
185. The Telecom submission linked to this amendment appears to relate more to the rule 19(5)(b). Clearly in exercising discretion on matters such as landscaping, that discretion would have regard to the operational facilities of the particular structure or building.
186. Given the extent of permitted earthworks now recommended i do not consider that earthworks that go beyond this level and therefore require consent as a limited discretionary activity should have the protection of a non notification clause.
187. In summary, therefore, I recommend that rule 19(5)(c) and(d) be replaced with a permitted activity condition worded as set out below and I remain open to further consideration of the need for a different regime for forestry harvesting in the hill country areas.

Recommended Amendment

Delete proposed rule 19.5(c) and Insert 19.2.28 below.

Earthworks, other than cut for a building platform, on land that is not an Outstanding Natural Landscape and Feature, shall not exceed in any 12 month period, the following:

Coastal Environment and Coastal Lakes Domains

For any single site larger than 20 ha, 2m vertically and 50 m continuous length and 300 m³ in volume.

For any single site less than 20 ha, 1.5m vertically and 20 m continuous length and 150 m³ in volume.

Manukau Downlands and Hill Country Domains

For any single site larger than 20 ha, 2.5m vertically and 100 m continuous length and 500 m³ in volume.

For any single site less than 20 ha, 2m vertically and 50 m continuous length and 300 m³ in volume.



Foxton Dunefields Domain

For any single site 1.5m vertically and 20 m continuous length and 150 m³ in volume.

Recommendation

Accept submissions 053H, 066I, 095C, 105G, 106E, 118A, 118B

Accept in part submissions 058K, 016A, 064K, 104A, 076B, 088F, 048B, 032F, 059O, 060B, 109C, 109D

Reject submissions 013B, 025F, 054G, 026E, 043F, 059N, 087H, 089A, 037C, 064L, 072A, 010A, 038B, 041D, 046A, 051C, 053F, 066F, 070A, 081A, 090A, 095D, 106D, 109B, 113,A 069B, 082A, 013C, 051F

Reject in part submissions 083C, 084C, 58L

17 SUBMISSIONS: NETWORK UTILITIES

188. Amendments 27 and 28 introduce two specific discretionary activity rules for network utilities on high amenity landscapes and land that is not a dune in the Foxton Dunefields. This links to the network utility standards amendment which is considered below. The submissions from the summary on this matter are as follows.

Sub No.	Name	Decision Sought
032G	Telecom NZ	It is proposed that proposed masts that exceed height limits within High Amenity Landscapes should be considered as limited discretionary activities within Council's discretion - limited to design, siting, external appearance, and visual effects. The same level of protection should not be afforded to areas of High Amenity Landscapes as Outstanding Natural Landscapes and Outstanding Natural Features, which is significant to the district, as opposed to being nationally or regionally significant.
087I	Mighty River Power	That 'Rules 19.6(b)' and '(c)' are retained without further amendment.
076C	Horowhenua DC	That clarification is included to exclude domestic radio, television and telecommunication aerials and satellite dish antennae from the requirements of obtaining resource consent when added to buildings within an Outstanding Natural Landscape or Outstanding Natural Feature.
027K	Transpower NZ	Amend Rules 19.6(b), 19.9.3, 22.1.7, 22.1.10, to explicitly recognise that they do not apply to existing network utilities, and to remove the 3m height restriction and replace it with a justifiable height such as 7m.

189. There is also a separate group of submissions listed on this issue as follows.

Sub No.	Name	Decision Sought
041C	Mark Tonks	Put in exemptions for new network utilities.
051E	Mark & Wendy Rolston Family Trust	Inferred: Remove the requirement for network utilities to be judged on their visual effect.
053G	Bruce & Christine Mitchell	That network utilities along the whole of the Tararua foothills should not be classed as a discretionary activity. That consideration should be given to the positioning of network utilities and buildings, allowing those which do not impinge on the skyline.
066H	Rob & Heather Gaskin	That HDC change the classification of the building or development of network utilities.
105F	Jager Farms	Inferred: That the rules regarding network utilities, provide for the pylon and utility lines to be sited where it is considered most appropriate.

190. The first group of submissions indicates that Mighty River Power supports the proposed rules and Transpower seeks clarification that they don't apply to existing



network utilities. The HDC submission and part of the Transpower submission relate to ONFLs and are therefore considered in the next section.

191. Transpower will be aware that the introduction of rules of this nature cannot require that existing facilities are either altered or must seek a consent. These either have an existing consent or have the protection of existing use rights assuming they were lawfully established. However, an increase in height of an existing structure in the future could require consent to be obtained. In my opinion no further clarification of the rules is required, indeed if any other position was taken there would be widespread implication throughout the Plan.
192. The key issue to be determined is whether network utilities higher than 8 metres should be full discretionary or limited discretionary. As a result of the peer review Foxton Dunefields is not now considered an ONFL and I am satisfied that the rural zone standard of 20 metres is appropriate for this environment. Therefore I consider that rule 19.6(c) should be deleted.
193. I also accept that there is some merit to the Telecom argument that if the focus is landscape effects then the class of consent should be limited discretionary with discretion limited to design, siting, external appearance and visual effects. However, if the panel was to accept this position it would be important to consider whether there is a higher height threshold where proposals should move from limited discretionary to full discretionary because of wider implications. This might for example be relevant to a wind farm proposal where a range of other matters would require careful assessment. This threshold might reasonably be set at the rural zone permitted limit of 20 metres.
194. The panels decision on the non complying rule below is likely to also have a bearing on this decision. At this stage I do not recommend any change to this rule to provide a limited discretionary class of consent but will consider this further during the course of the hearing.
195. In relation to the second group of submission points it is not clear what exemptions are sought and the consent thresholds will enable the effects of particular proposals to be judged. I will be able to provide further comment on these submissions if they are supported at the hearing.

Recommended Amendment

Delete proposed rule 19.6(c).

Recommendation

Accept in part submissions 087I, 076C, 027K, 066H,
Reject submissions 032G, 041C, 051E, 053G,
Reject in part submissions 105F,



18 SUBMISSIONS: NON COMPLYING RULE

196. This rule relates to Amendment 29 which makes buildings and network utilities higher than 3 metres and any earthworks in ONFLS except for land that is not a dune in the Foxton Dunefields.

197. The submissions identified against this amendment in the summary of submissions are as follows.

Sub No.	Name	Decision Sought
054H	Ernslaw One Ltd	Withdraw 'Amendment 29,' and allow earthworks as a permitted activity in line with the Horizons Regional Plan.
105E	Jager Farms	That the non-complying activities in the proposed changes be changed to 'Limited Discretionary Activities.'
110N	Windflow Technology Ltd	Delete or amend proposed 'Rule 19.9.3' accordingly.
088G	NZ Wind Energy Ass	That the activity status identified for these activities be changed from 'non-complying' to 'discretionary.'
018D	Todd Energy Ltd	Clarify 'Rule 19.9.3.'
019E	Mangahao Joint Venture	Clarify 'Rule 19.9.3.'
032H	Telecom NZ Ltd	'Rule 19.9' should be amended so that masts that exceed height thresholds within Outstanding Natural Landscapes are considered discretionary activities.
037 D	Ken Pooley	Modify the height to 4 metres so that resource consent is not required for almost every building.
050D	Aggregate and Quarry Ass	That the rule be re-classified as: Discretionary, with additional assessment criteria provided to enable the consideration of the benefits of the aggregate and mineral resource.
058M	Federated Farmers	Amend 'Rule 19.9' as follows: "Any building or network utility with a height of more than 3 metres or earthworks except for buildings and earthworks for primary production buildings and primary production activities, on any land specified as an Outstanding Natural Landscape or Outstanding Natural Feature on Planning Maps 32 and 33, except for land within the Foxton Dunefields Outstanding Natural Landscape, that is not a dune".
059P	Horticulture NZ	Delete 'Rule 19.9' and clearly identify the areas of the Foxton Dunefields that are Outstanding Natural Landscapes so earthworks and buildings on areas that are not an ONL can be undertaken as a restricted discretionary activity
065 D	Charles & Marlene Anderson	Inferred: That 'Rule 19.9.3' is not adopted in its current form. Objective, measureable criteria should form the basis of resource consents, not subjective opinions. This would ensure that personal opinion cannot be a factor in a decision by Council staff.
087J	Mighty River Power	That 'Rule 19.9' be reclassified as 'Discretionary.'
091 M	EECA	Delete 'Rule 19.9,' and re-classify this activity as a discretionary activity.
112 E	Genesis Power Ltd	Delete all references within the plan to activities within Outstanding Natural Landscapes being non-complying activities, and reclassify those activities as discretionary activities.

198. In addition the following submissions were summarised under the heading "Buildings" but largely appear to relate to this amendment.

Sub No.	Name	Decision Sought
018B	Todd Energy Ltd	That the building height and status should be consistent for all buildings and structure, regardless of use, not differentiated by primary production and other uses.
019C	Mangahao Joint Venture	That the building height and status should be consistent for all buildings and structure, regardless of use, not differentiated by primary production and other uses.
041B	Mark Tonks	Inferred: Reduce restrictions for new buildings on the submitter's property.
045D	Royal forest & Bird Protection Society of NZ: Horowhenua Branch	That the 3 metre restriction should relate to all structures in the Outstanding Natural Landscapes, without the exemption for primary production buildings.
052C	Michael Tate	That smaller parcels of land purchased in the Tararua foothills with the intent of having a dwelling built on it, be a permitted activity.
056A	David Binyon	Inferred: That the requirements restricting new buildings be removed from the plan change.
113B	BM & AM Thomas	Inferred: Do not proceed with Plan Change 22.



005A	Joan Leckie	That an exemption from non-complying status be made for new small buildings over 3 metres in height such as garages or garden sheds in a residential property within an Outstanding Natural Landscapes which existed prior to Proposed Plan Change 22.
051D	Mark & Wendy Rolston Family Trust	Inferred: Remove the requirement buildings and earthworks to require resource consent based on the visual effects.

199. In this section it is also important to consider the HDC submissions seeking exemption for antennas and satellite dishes attached to existing buildings and the Transpower seeking a height limit of 7 metres. It is also noted that there were further submissions from the Levin Waiterere Surf Lifesaving Club.

200. For the record I note again that the Foxton Dunefields would be removed from the rule in accordance with the peer review.

201. So the principal issues to address are:

Whether earthworks should be deleted from this rule?

Whether the rule class should be non complying or limited discretionary?

Whether the height threshold should be raised if so should it be 4m or 7 m?

Whether primary production buildings and activities should be exempt from this rule?

202. Firstly, it is important to stress that the ONFL areas have been refined as a result of the peer review and do not now include production farmland apart from perhaps Moutere Hill. The earthworks rule is proposed to apply to the definition of earthworks and therefore would limit an alteration to 1 metre.

203. I am generally satisfied that now that the areas have been refined the inclusion of earthworks as proposed is appropriate having regard to section 32.

204. I am also satisfied that as a result of these changes there is no justification for the exclusion of primary production buildings given the character of the refined areas.

205. The question of discretionary or non complying and the height limit issue can be linked. I am firmly of the opinion that the policy basis discussed in earlier sections of this report does require an express presumption against consent being granted by way of a non complying activity which then activates the two either or gateway requirements allowing both policy and adverse effects to be prerequisite tests.

206. However, that does not necessarily mean that the non complying rule should trigger at 3 metres. The landscape characteristics of the refined ONFLs mean that they are either water environments, exposed sand dune environments or native vegetation on higher country. These are three quite contrasting environments in relation to openness and therefore potential visual impacts. The sand country is largely open in nature, low level with loose dunes. The hill country is vegetated and can therefore absorb structures more easily but is more visible to the wider District. Moutere Hill is different again with some lower areas of native vegetation and the exposed hill formation.

207. In reflecting on the requirements of section 32 I consider that there is merit in amending the non complying rule so that it applies to buildings and structures over 7 metres in height; and adding a full discretionary rule for buildings and network utilities between 3 metres and 7 metres high.



208. It is also important to stress that when any application is being assessed all relevant policies and effects would be taken into account including social, economic and community benefits,

Recommended Amendment

New rule 19.6(b)

Any building or network utility with a height of more than 3 metres and less than 7 metres on any land shown or specified as an Outstanding Natural Feature and Landscape on Planning Maps 32 and 33

19.9.3 Outstanding Natural Landscapes and Features

Any building or network utility with a height of more than ~~7~~3 metres, or earthworks on any land shown or specified as an Outstanding Natural ~~Feature and Landscape or Outstanding Natural Feature~~ on Planning Maps 32 and 33, ~~except for land within the Foxton Dunefields Outstanding Natural Landscape that is not a dune.~~

Recommendation

Accept submissions 045D,

Accept in part submissions 088G, 032H, 050D, 058M, 059P, 087J, 091M, 112E, 018B, 019C, 041B, 005A,

Reject submissions 054H, 105E, 110N, 065D, 052C, 056A, 113B, 051D

Reject in part submissions 018D, 019E, 037D,

19 SUBMISSIONS: NETWORK UTILITY STANDARDS

209. This amendment is to section 22 of the Plan which deals with the requirements for network utilities as a permitted activity in Amendment 31. It is therefore closely related to the discussions above concerning limited discretionary, discretionary and non complying activities. It also adds in the high landscape amenity domains to the requirement for undergrounding. Amendment 32 similarly deals with masts, pilons and towers as opposed to buildings. The summary of submissions identifies the following submission points as attaching to amendments 30, 31 and 32.

Sub No.	Name	Decision Sought
110O	Windflow Technology Ltd	Amend 'Rule 22.1.5' to explicitly exclude electricity transmission lines, so it reads as follows: "In areas of Outstanding Natural Landscapes, Outstanding Natural Features, and High Amenity Landscapes specified or identified on Planning Maps 32 and 33 and any Significant Natural Area, new electricity reticulation lines and telecommunications and cable television supply lines shall be reticulated underground."
043G	Jane Meredith	That 'Rule 22.1.5' be deleted or amended accordingly.
032I	Telecom NZ	That large scale earthworks planned to be built in close proximity to the Hill Country High Amenity Landscape areas or Outstanding Natural Landscape areas should meet the same planning and consenting requirements as would be necessary if they were indeed being built in those areas.
091N	EECA	Amend 'Rule 22.1.7' to read as follows: "A network utility building shall not have a floor area in excess of 50m ² , and a height in excess of the following (excluding pole-mounted street lights): 15 metres in the rural zone 8.5 metres in the residential 1,2,3,4 and commercial 2 zones 15 metres in the commercial 1

		zone15 metres in the industrial zone."
091O	EECA	Amend 'Rule 22.1.8' to read as follows: "Apart from Rule 22.1.10 below, all masts, support structures, and antennas, associated with the network utilities shall not exceed the following maximum height requirements: 20 metres in the rural zone13.5 metres in the residential zones 13.5 in the commercial 2 zone 20 metres in the commercial 1 zone20 metres in the industrial zone."
110P	Windflow Technology Ltd	That 'Rules 22.1.7' & '22.1.8' be deleted or amended accordingly.
076D	Horowhenua DC	That a note be added for plan users to make it clear that the most onerous activity status would be applied where a proposal may be subject to more than one specified activity status, as in the case of designations.
032J	Telecom NZ	Height thresholds of masts as contained in the current plan should be retained (at 15 metres) and this part of the plan change be abandoned.
076I	Horowhenua DC	That the legend on proposed Planning Maps 32 and 33 be amended, so that it is clear that the margin applies to both rivers and streams. That the margin to apply to identified rivers and streams be amended, from 50 metres from the centreline, to 20 metres from the bed of the identified river or stream.

210. The issues to address from these submissions are:

Should electricity transmission lines be exempt from undergrounding?

Should this section also address earthworks rules?

Should the permitted height of network utilities in landscape areas and all other zones be relaxed?

Should a note be added referring to the adoption of the more onerous class of consent such as in designations.

211. It is important to stress that this section addresses the standards for network utilities to be constructed as a permitted activity without requiring any form of resource consent and scrutiny of effects. In my opinion it is entirely reasonable that electricity transmission lines in areas of accepted landscape value should be subject to the scrutiny of a consent process. The suggested wording from Transpower does not seem to achieve the intent of the submission point but, be that as it may, I do not support this submission.

212. I agree with Mrs Meredith that the Plan provisions for earthworks for development in general should also apply to network utilities and the wording proposed seeks to achieve that without duplicating the earthworks rule in this section.

213. I have discussed the height thresholds in the sections above. While I have recommended a number of possible changes these would not alter the permitted height thresholds set out in Amendment 31. I do not agree that the rural zone threshold should apply to the ONFLs and landscape amenity domains. It is fundamental to this Plan Change and the policies proposed that the plan rules should provide a greater degree of protection in these landscape areas than in the rest of the rural zone.

214. I also note that amending the network utility permitted heights for any area outside the proposed landscape areas in the notified PC22 is beyond the scope of this Plan Change and therefore cannot be considered.

215. In terms of the HDC submission the concept of bundling is now well established but case law has identified particular tests as to when bundling should be applied. It may be helpful to provide additional information on this issue in section A8 How the Rules Work, but this may be better addressed on a more comprehensive basis through the Plan Review. In terms of designations which have conditions, requiring authorities have a choice of seeking to alter those conditions or authorise the work through a resource consent. The Council cannot in my opinion require that a network utility

operator abandon their designation and pursue a resource consent. Should they choose the resource consent path then in my opinion the plan provisions should apply as they would for any other applicant.

216. I therefore do not recommend any changes to amendments 30 and 31 except the deletion of the Foxton Dunefields rule in Amendment 32 as this is not now considered an ONFL or high amenity landscape.

Recommended Amendment

No amendment to Amendment 30 and only consequential amendment to Amendment 31 as follows.

22.1.7 Size of Network Utilities

A network utility building shall not have a floor area in excess of 50m² and a height in excess of the

following (excluding pole-mounted street lights):

- 15 metres in the Rural Zone
- 8 metres in the Hill Country, Manakau Downlands, Coastal Lakes and Coastal Environment landscape domains, a High Amenity Landscape
- 3 metres in an Outstanding Natural Landscape or Outstanding Natural Feature
- 8.5 metres in the Residential 1,2,3,4 and Commercial 2 Zones
- 15 metres in the Commercial 1
- 15 metres in the Industrial Zone

Amendment 32

22.1.10 Outstanding Natural Landscapes and Features and Domains with High Landscape Amenity Landscapes

No masts, pylons, towers, aeriels, or other structures associated with network utilities with a height of more than 3 metres shall be located on land shown or specified as an Outstanding Natural Landscape, or an Outstanding Natural Feature on Planning Maps 32 and 33 or have a height of more than 8 metres on the Hill Country, Manakau Downlands, Coastal Lakes and Coastal Environment landscape domains, a High Amenity Landscape shown on Planning Maps 32 and 33.

~~Except on the Foxton Dunefields Outstanding Natural Landscape where no masts, pylons, towers, aeriels, or other structures associated with network utilities of more than 3 metres in height shall be located on land that is a dune or more than 8 metres in height on land that is not a dune.~~

Recommendation

Accept in part submissions 110O, 076I,

Reject submissions 043G, 032I, 091N, 091O, 110P, 076D, 032J

20 SUBMISSIONS: ASSESSMENT CRITERIA

217. Amendment 33 deals with assessment criteria for resource consents arising from this Plan Change.



Sub No.	Name	Decision Sought
013D	Gervasio Lavo	That some form of consenting condition should enforce the rehabilitation of the affected area when and if it no longer serves its function.
054I	Ernslaw One Ltd	Withdraw 'Amendment 33' as a criteria, or prepare a balanced assessment criteria, taking into account the other affects outside of landscape and assess applications fairly on this basis.
088H	New Zealand Wind Energy Association	That 'Assessment Criteria 24A.2(d)' be revised as follows: "The extent to which landscape effects can be avoided, remedied, or mitigated," And that two additional criterion be added: "The extent of the benefits of the project, particularly in respect of benefits for the wellbeing of the community," And: "The extent to which the activity is constrained to that landscape."
018F	Todd Energy Ltd	That assessment criterion 24A.2(i) should be retained, as it relates to: "The extent to which the proposal is consistent with any relevant provisions in National Policy Statements, Regional Policy Statements, and objectives and policies of the District Plan."
019G	Mangahao Joint Venture	That assessment criterion 24A.2(i) should be retained as it relates to: "The extent to which the proposal is consistent with any relevant provisions in National Policy Statements, Regional Policy Statements and objectives and policies of the District Plan."
027M	Transpower NZ Ltd	Retain 'Assessment Criteria 24A.2(i).'
059Q	Horticulture New Zealand	Delete all references to high amenity landscapes in 'Section 24A.2.' Delete references to the Rural Subdivision Design Guide.
064M	Department of Conservation	Retain Assessment Criteria (b).
064N	Department of Conservation	Retain Assessment Criteria (c).
064O	Department of Conservation	That Assessment Criteria (d) be amended to read as follows: "The extent to which landscape effects are able to be effectively avoided, remedied or mitigated."
065E	Charles & Marlene Anderson	Inferred: Remove submitter's property from Plan Change 22, as the proposed assessment criteria does not apply.
087K	Mighty River Power	That 'Assessment Criteria 24A.2(d)' be amended to read as follows: "The extent to which adverse landscapes effects are able to be effectively avoided, remedied, or mitigated, and where adverse effects cannot be reasonably avoided, remedied or mitigated, in the extent to which they can be offset to result in 'no net loss' in relation to the value concerned."
087L	Mighty River Power	That additional assessment criteria be added as follows: "(k) The extent to which the activity will generate benefits relating to the social, economic, and environmental well being of communities," and "(l) The extent to which the location and design of the activity is constrained by functional, operational, and technical constraints."
091P	Energy Efficiency and Conservation Authority (EECA)	Amend 'Assessment criteria 24A.2' to read as follows: "(d) The extent to which landscape effects are able to be effectively avoided, remedied, or mitigated." "(k) The extent to which the proposal will create local, regional, and national benefits." "(l) Any relevant functional, operational, technical, and locational requirements of development."
107A	Landlink	That 'Assessment Criteria 24A.2(a)' be amended to read as follows: "The extent to which the proposal is in accordance with the Rural Design Guide, the Rural Design Guide Checklist or through site – specific subdivision design guides created through the subdivision and land-use consent process." To properly enable this amendment, the Council will need to revise the Rural Subdivision Design Guide, by removing the word 'Subdivision,' and amending the Department of Conservation to allow a single dwelling assessment to be done. The preparation of a design guide checklist would also be necessary.
110Q	Windflow Technology Ltd	That all assessment criteria should be deleted and redrafted to specifically take account of the needs of renewable energy, and other requirements of the Resource Management Act.
111J	Taiao Raukawa Trustees	That greater consideration towards protection and recognition of Maori landscape values and cultural significance within landscapes be given, when the District Plan Review is undertaken.
050E	Aggregate and Quarry Association of NZ	That additional assessment criteria (k) and (l) be inserted to read: "(k) the benefits generated from the use and development of the aggregate resource, (l) the need for an activity to be located within an Outstanding Natural Landscape, Outstanding Natural Feature or High Amenity Landscape due to the fixed nature of the resource."

218. The issues to be determined for this section are whether the criteria should:

- Expressly consider rehabilitation after decommissioning.
- Include non landscape criteria



- Amend (d) to refer to avoided, remedied or mitigated and extend to include reference to offset and no net loss where mitigation cannot be achieved.
- Add a criteria on the benefits of the proposal
- Add a criteria on the extent to which the activity is constrained to that landscape, or constrained by functional, operational and technical constraints.
- That reference to the Rural Subdivision Design Guide be deleted
- Add criteria on the needs of renewable energy
- Add criteria on the benefits of development of an aggregate resource.

219. In relation to these matters I comment as follows.

220. Criteria (e) specifically refers to rehabilitation and restoration of landscape values and this would include any circumstances where decommissioning was relevant. So I do not consider that any change is required to address this submission point.

221. I accept that criteria (d) would be better worded with the expression avoided, remedied or mitigated. Consideration of offset compensation may be relevant in some cases but in my opinion this can be addressed within the context of mitigation. I note that there is no policy proposed or sought by submission that seeks to address off set measures.

222. In terms of the additional criteria sought in the submissions I note that criteria (i) reads as follows *“The extent to which the proposal is consistent with any relevant provisions in National Policy Statements, Regional Policy Statements and objectives and policies of the of the District Plan.”* This would require the provisions of the NPS’s on Renewable Energy Generation and Electricity Transmission to be considered. Even if this was not the case, section 104 requires NPS provisions to be considered in determining applications. Section 104 also requires all effects to be considered including positive effects and this would include the supply of aggregates should this be relevant. The inclusion of criteria seeks to provide guidance on what aspects applicants should focus on but does not replace the legal requirements of section 104.

223. The Rural Subdivision Design Guide is referenced in criteria (a). The guide was incorporated into the Plan as part of Plan Change 20. It provides guidance on process and issues to be considered and while it is largely subdivision focussed it does include some limited guidance on building design within landscapes. Earthworks issues are relevant to both subdivision and buildings/structures. While the order of criteria does not reflect any form of weighting or priority the inclusion of this matter as the first criteria may be inappropriate and I would support a reordering so that it appears further down the list of criteria. I have noted earlier that the Design Guide has been amended as a result of appeal mediation and will be further reviewed in the future.

Recommended Amendment

24A.2 Assessment Criteria For Land Use Consent Applications

The following criteria will be used in assessing land use applications relating to High Amenity Landscapes, Outstanding Natural Landscapes and ~~Outstanding Natural~~ Features

~~(a) The extent to which the proposal is in accordance with the Rural Subdivision Design Guide.~~

~~(ab) The extent to which the proposal adversely affects the landscape values of the landscape in which it is located~~



- (be) The extent to which there are cumulative effects on landscape values.
- (cd) The extent to which landscape effects are able to be effectively avoided, remedied or mitigated.
- (de) The extent to which the proposal provides for rehabilitation and restoration of landscape and associated values.
- (ef) The extent to which the proposal leads to buildings, structures and earthworks being highly visible.
- (f) The extent to which the proposal is in accordance with the Rural Subdivision Design Guide.
- (g) The extent to which a proposal on a Outstanding Natural Landscape, Outstanding Natural Feature or domainHigh Amenity Landscape affects the back drop of the Tararua Ranges.
- (h) The extent to which the proposal is visible from the coast.
- (i) The extent to which the proposal is consistent with any relevant provisions in National Policy Statements, Regional Policy Statements and objectives and policies of the District Plan.
- (j) Any relevant criteria in Section 24A relating to the effects of subdivision and development.

Recommendation

Accept submissions 018F, 019G, 027M, 064M, 064N, 064O
 Accept in part submissions 013D, 088H, 087K, 091P, 107A,
 Reject submissions 054I, 110Q, 111J, 050E, 065E
 Reject in part submissions 059Q, 087L

21 SUBMISSIONS: DEFINITIONS

224. Amendments 34-40 deal with the deletion and addition of definitions notably the inclusion of definitions of “Coastal Foredune Outstanding Natural Feature”, “dune”, “primary production building” and “network utility”. These arise from the provisions rather than lead them. The submissions on these are as follows.

Sub No.	Name	Decision Sought
064P	Department of Conservation	That the definition of Coastal Foredune Outstanding Natural Feature be amended to read “Coastal Foredune Outstanding Natural Feature is a shore, parallel, due to ridge formed on the top of the backshore of a beach (by wind and sand transportation and deposition), which often hosts sand colonising flora such as pingao (<i>Desmoschoenus spiralis</i>), spinifex (<i>Spinifex sericeus</i>) or marram grass (<i>Ammophila arenaria</i>).”
087M	Mighty River Power	That this definition be deleted, and that replacement planning maps are provided which clearly show the location of features that merit such protection.
111K	Taiao Raukawa Trustees	That greater consideration towards protection and recognition of Maori landscape values and cultural significance within landscapes be given, when the District Plan Review is undertaken.
059R	Horticulture New Zealand	Clearly identify the areas of the Foxton Dunefields that are Outstanding Natural Landscapes rather than be dependent on an uncertain definition.
088I	New Zealand Wind Energy Association	That the reference to “including any wind turbine” be removed from the second bullet point, and be replaced with a new bullet point, “wind energy facility” within the definition for a ‘Network Utility.’
087N	Mighty River Power	That the phrase “including any wind turbine” be deleted from the second bullet point, and replaced with: “Wind energy facility – including any land building, substations, turbines, structures, underground cabling, earthworks, access tracks, and road associated with the generation of electricity by wind force and the operation of the wind energy facility. It does not include: small turbines of less than 5kW or any cabling required to link the wind energy facility to the point of entry into the electricity network, whether transmission or distribution nature.”

110R	Windflow Technology Ltd	The definition for 'network utility' should be amended in context of other proposed amendments.
076E	Horowhenua District Council – David McCorkindale	That the Foxton Dunefields landscape be considered as an entire entity, and that there is no distinction made within the rules between land that is a dune and land that is non-dune. This would remove the need for the proposed definition of 'dune.' Given the split level of protection for the Foxton Dunefields landscape, further analysis of the Foxton Dunefields may be necessary to determine what level of protection is most appropriate for this landscape.
058N	Federated Farmers of New Zealand	Amend the definition of "Primary Production Buildings" as follows: "Primary Production Building means any building used solely to support primary production activities. This shall include buildings used for the storage and management of stock. For the purposes of this rule, residential dwellings associated with primary production activities are included."
076F	Horowhenua District Council – David McCorkindale	That the definition of primary production building be amended to read as follows: "Primary Production Building means any building used solely to support primary production activities. This shall include buildings used for management and storage of stock and farm machinery, but shall exclude buildings intended to be used in total or part for domestic or residential activities."
059S	Horticulture New Zealand	Delete "solely" and "or in part" from the definition of primary production buildings.

225. Most of these submissions have been addressed as a result of the peer review of ONFLs. Foxton Dunefields is not an ONFL and the earthworks rule proposed for this to protect landforms is proposed to apply to the whole domain. The Coastal ONFL is now proposed to be a mapped area and therefore the definition can be deleted.

226. Federated Farmers has sought to include residential dwellings associated with primary production activities which if accepted as notified would exclude those buildings from requiring consent on design and external appearance matters. HDC has sought clarification to the opposite effect. I refer to Section 15 where this is discussed in more detail and recommend that the exemption for primary production buildings be retained.

227. Some submitters have sought the inclusion of a definition of wind energy facility instead of the clarification that a tower or pole includes any wind turbine. The wind energy facility is sought to include land, substations, turbines, structures, underground cabling, earthworks, access tracks and roads associated with the generation of electricity by wind force. It also seeks to exclude small turbines of less than 5kw. Most of the elements sought to be included over and above the turbines themselves are already within the definition of a network utility including lines, substations, roads, etc. In my opinion earthworks are best addressed as a separate permitted activity condition as already recommended. Further it is the height of any wind structure that is the prime parameter for consent thresholds and not the power output and, therefore, I do not agree with the exception of turbines under 5kW. I therefore do not support the inclusion of the term wind energy facility and its proposed definition.

Recommended Amendment

Delete definitions of "coastal foredune outstanding natural feature" and "dune"
Retain proposed definition of "primary production building"

Recommendation

Accept submissions 087M, 076E,
Accept in part submissions 059R, 076F,
Reject submissions 064P, 088I, 087N, 058N, 059S, 111K, 110R



22 SUBMISSIONS: MAPS

228. Replacement Planning Maps identify the ONFLs and high amenity landscapes and rivers / streams. As indicated above material changes to these are proposed and the maps would therefore be amended accordingly. These changes address a number of the submissions. The submissions on the maps are as follows.

Sub No.	Name	Decision Sought
061L	Charles Rudd	Retain Table 1: 'Outstanding Landscapes,' and Table 2: 'Outstanding Natural Features.'
110S	Windflow Technology Ltd	Inferred: The classification of the Outstanding Natural Landscape be aligned with the Regional Plan.
059T	Horticulture New Zealand	Retain 'Schedule 4.'
061M	Charles Rudd	That Planning Maps 32 and 33 be retained.
025G	Rayonier New Zealand Ltd	Remove all Matariki owned forests from the landscape protection zones encumbered by Plan Change 22. These being Manakau, Kohitere, and Waitare forests.
032K	Telecom New Zealand Ltd	The plans should be amended to clearly identify Outstanding Natural Landscapes, Outstanding Natural Features, and High Amenity Landscapes. The technical character assessments that explain what is important about each of the sub character areas/landscape should be provided as an appendix to the plan.
054J	Ernslaw One Ltd	Adjust the mapping of the boundary to exclude the area of Shannon forest and any other significant areas of exotic forest. That the default position of the Horowhenua District Council is to not include significant existing plantation forests within the Hill Country High Amenity Landscape, but to also exclude the land use from this boundary.
088J	New Zealand Wind Energy Association	That the proposed planning maps be reviewed, and revised with consideration of the identified landscapes to a finer resolution, and with the reference point for the identification of what is 'outstanding' more clearly established.
059U	Horticulture New Zealand	Delete proposed planning maps until further identification of Outstanding Natural Landscapes and Outstanding Natural Features has been undertaken.
087O	Mighty River Power	That proposed Planning Maps 32 and 33 are replaced with new planning maps which are based on a more robust methodology.
091Q	Energy Efficiency and Conservation Authority (EECA)	Delete Amendment s 42 and 43, and ensure a robust landscape methodology and clear policy direction to determine landscape values in the district.
027N	Transpower NZ Ltd	Retain the High Voltage Power Transmission Lines on Planning Maps 32 and 33.
027O	Transpower NZ Ltd	Make the following change to Amendment 43, so that it is consistent with Amendment 42, and reads as follows: "Add new replacement Plan Maps 32 and 33 Outstanding Natural Features, Outstanding Natural Landscapes, and High Amenity Landscapes, Electricity Transmission Lines and Gas Transmission Pipelines."
043H	Jane Meredith	Inferred: Adopt 'Amendment 43.'
048C	Andrew Porteous	Inferred: That HDC should be solely responsible for issuing resource consents so there is no need to obtain consent from two different authorities.
061N	Charles Rudd	That Proposed Planning Maps 32 and 33 be retained.
018C	Todd Energy Ltd	Planning maps should be clarified so that boundaries are certain.
064Q	Department of Conservation	That Planning Map 32 be amended so that the Foxton Dunefields Outstanding Natural Landscape is extended west to the Mean High Water Springs.
065B	Charles & Marlene Anderson	That the proposed Planning Maps 32 and 33 should be modified to accurately reflect the text in Proposed Plan Change 22, and so they accurately show all relevant features.
066B	Rob & Heather Gaskin	That the planning maps should be amended to correctly identify all current anomalies.
067B	Lakeview Farm Ltd, Everton Farm Ltd, Ohuangi Farm Ltd & Lakeview Holdings Ltd	That the Planning Maps 32 and 33 be amended to accurately capture the immediate coastal dunes.
072C	Te Ngaio Trust	Inferred: That the boundary line between Newth Road and Ridge Road be reassessed.

076G	Horowhenua District Council – David McCorkindale	To avoid confusion, it is recommended that there is consistency between the areas in Plan Change 20 and 22, and that the Maps in Plan Change 22 are amended to reflect any associated changes following the decision on Plan Change 20.
076H	Horowhenua District Council – David McCorkindale	That the extent of the Manawatu Estuary Outstanding Natural Landscape is amended to reflect the Estuary Ramsar boundary, but exclude the area of the Pinewood Motor Camp that has been developed. Further to this, consideration and justification should be given for the current inclusion of the Manawatu Marine Boating Club and car park area in the Outstanding Natural Landscape.
076K	Horowhenua District Council – David McCorkindale	That Map 33 is corrected to include all properties with the Horowhenua District jurisdiction.
077	Nathan Murray	Considers that the Waiwiri Stream should be included in the ONFL
104D	Horowhenua District Council – Warwick Meyer	Additional Council sites and known sites for ongoing development should be added to the list of those excluded from the Outstanding Natural Landscapes and Features. Additional sites to be added include: Foxton Beach wastewater treatment area Foxton wastewater treatment area Waitarere wastewater treatment area Levin wastewater treatment area Levin landfill area. Land used for water intakes and recreational purposes being: Tokomaru water intake Shannon water Intake Levin water intake.
104E	Horowhenua District Council – Warwick Meyer	That clarification is provided that the 100 metre contour is arbitrary, and that the actual lines on the planning maps are the actual boundaries, subject to amendments as proposed, and should not be limited to a 100 metre contour, from whichever datum future development may wish to use for their projects.
053C	Bruce & Christine Mitchell	That proposed Maps 32 and 33 be modified to accurately reflect the text in this plan change - including accurate positioning of the National grid transmission lines and so they accurately show all relevant features
076L	Horowhenua District Council – Warwick Meyer	That the proposed boundary between the Tararua Range Outstanding Natural Landscape and the High Country High Amenity Landscape be amended, based on the general native bush line taken from the Land Cover Database. That the Hill Country High Amenity Landscape be referred to throughout the Plan Change as the Tararua Foothills High Amenity Landscape.
064R	Bruce & Christine Mitchell	That Planning Map 33 be amended, so that the Lake Papaitonga Outstanding Natural Feature is extended to incorporate the north western catchment, known as Preston's Farm.
076J	Horowhenua District Council – David McCorkindale	That the Waiwiri Stream be identified and protected through this plan change.
104C	Horowhenua District Council – Warwick Meyer	That the Hill Country High Amenity Landscape boundary be amended to follow the eastern side of the road reserve of Gladstone Road.
019D	Mangahao Joint Venture	Planning maps should be clarified so that boundaries are certain, and the relationship between the High Amenity Landscapes applying to the Mangaore Stream and the Outstanding Natural Landscapes is clear.
118C	Dianne Timms	Not all the Tararua Foothills should be classed as High Amenity landscape and development should be discretionary of limited discretionary.

229. In addition there are a number of submissions specifically on the Coastal Environment ONFL which are appropriately addressed in this section. They are as follows.

Sub No.	Name	Decision Sought
045B	Royal forest & Bird Protection Society of NZ: Horowhenua Branch	That the dune lakes as listed by Horizons Wetland inventory be classified as Outstanding Natural Features.
045C	Royal forest & Bird Protection Society of NZ: Horowhenua Branch	That inland from the Mean High Water Springs for 200 metres, be classified as Outstanding Natural Landscapes.
055A	FRP Investments Ltd & FRP Agriculture Ltd	That 'Map 32' is amended to exclude Lot 1 DP 77109 being the land owned by FRP, from the Coastal Environment High Amenity Landscape.
049D	Donald & Vicki Bryant	Reclassification of the Coastal High Amenity areas.
067F	Lakeview Farm Ltd, Everton Farm Ltd, Ohuangi Farm Ltd & Lakeview Holdings Ltd	Inferred: That clarification is provided regarding the exclusion of 'the Pot,' and the landfill from the coastal environmental High Amenity Landscape and coastal lakes High Amenity Landscape classifications



071A	Fyfe Williamson	That the recommendation of Becker, Carter, Hollings & Furner to relocate the treatment plant within 8 years of 1986 to be revisited, together with the effect of groundwater contamination of Lake Horowhenua by broken clay pipes under Levin, and the priority to repair these before relocating the treatment plant.
034A	Brendon Redfern	Leave the restrictions to new proposed subdivisions and not those subdivisions that have already been recently approved. Define exactly what sections are included in the Coastal Foredunes. Restrict the definition of Outstanding Natural Features (in relation to Coastal Foredunes) only to those dunes that are well away from existing subdivisions, or that form significant wildlife habitats. If the plan change is passed, the Council should compensate the landowners for loss of their respective rights that existed when they purchased the property or the drop in property valuation.
046C	Winifred Bryant	That the Coastal High Amenity Landscape areas be reclassified.
038C	JD & GP Easton Ltd	Remove any requirement of replanting felled areas in native species.

230. The issues arising are whether:

- The exiting ONFLs should be retained on the Maps and Schedule 4
- Review and provide more clarity of definition
- Extend Foxton Dunefields to mean high water springs
- Exclude exotic forests and farms from ONFL
- Amend Manawatu Estuary ONFL
- Remove Council infrastructure sites from ONFL's
- Extend Lake Papaitonga ONFL to include Prestons Farm
- Include the Waiwiri Stream

231. The peer review results have provided more clarity and definition and have confirmed that the existing ONFLs and Schedule 4 should be replaced with the more robust analyses of the Districts landscapes. The peer review does not support Foxton Dunefield or any extension west and does not support the inclusion of Prestons Farm at Lake Papaitonga. However, it does propose the inclusion of Waiwiri Stream which is supported in a number of submissions including that of Nathan Murray. It is noted that Prestons Farm is currently being purchased by the Department of Conservation and is likely to be managed as part of the reserve. If this is confirmed this matter may warrant further consideration in the future.

232. It is also proposed to extend the Manawatu Estuary ONFL. The changes see many of the Councils infrastructure sites now not in ONFLs but in any case I see no basis for treating these different to other facilities. Mr Williamson has sought the relocation of the wastewater treatment plant however that is clearly beyond the scope of this Plan Change and is a matter for the Councils asset management responsibilities.

233. For the peer review details and amended maps see Appendix F.

234. In terms of the second set of submissions summarised above I also comment that:

- The peer review has not identified additional dune lakes that should be Outstanding Natural Features.
- The Coastal ONFL has been reviewed and mapped in detail.
- The Coastal ONFL does not include the land owned by FRP Investments Ltd.
- Wastewater treatment plant issues are beyond the scope of this Plan Change.
- There is no requirement to re plant felled areas in native species.

Recommended Amendment

Amended Planning Maps 32 and 33 to specifically identify the:
Coastal ONFL,



Lake Horowhenua and Hokio Stream ONFL,
Lake Papaitonga and Waiwiri Stream ONFL,
Manawatu River Estuary ONFL,
Tararua Range ONFL,
Moutere Hill ONFL.

Recommendation

Accept submissions 025G, 054J, 088J, 018C, 067B, 076G, 076H, 076K, 104E, 038C, 072C, 053C, 076L, 109D, 055A, 038C

Accept in part submissions 110S, 032K, 059U, 087O, 091Q, 065B, 019, 049D, 046C, 027O, 043H, 066B, 104C, 118C.

Reject submissions 061L, 059T, 064Q, 045B, 045C 067F, 027N, 104D

Reject in part submissions 034A, 061M, 048C, 061N, 064R, 071A

23 SUBMISSIONS: DESIGN GUIDELINES

Sub No.	Name	Decision Sought
057A	BMC Design Ltd	That appropriate guidelines be developed before the plan change is adopted, and that those guidelines provide a method of measurement of compliance that avoids the absolute necessity for a resource consent application, if these are adopted and complied within developing a dwelling proposal.

235. It is accepted at this stage that there is limited design guidance to sit alongside how Council will exercise its discretion. While more detailed guidance may be desirable I do not consider that it is essential. Each site will have specific characteristics that need to be taken into account and with appropriate professional design advice and liaison with the Council the outcomes sought by the Plan will be achieved.

236. The evidence in terms of application of the rules to date is that the efficiency and effectiveness of the process has not been materially hampered by a lack of design guidance although some lack of landscape expertise has been noted. I, therefore, do not support this submission.

Recommended Amendment

No amendment.

Recommendation

Reject submissions 057A

24 SUBMISSIONS: PROPOSED NEW RULES

Sub No.	Name	Decision Sought
064S	Department of Conservation	That 'Rule 19.4.2(ii)' be amended to read: "The disturbance of land and effects of earthworks on any Outstanding Natural Feature or Outstanding Natural Landscape (as identified by the Planning Maps 32 and 33), and any natural habitat."
064T	Department of Conservation	That 'Rule 19.4.2(iii)' be amended to read "...the degree to which any subdivision and subsequent development of land is likely to adversely affect any natural habitat, Significant Natural Area, Outstanding Natural Landscape, Outstanding Natural Feature, High Amenity Landscape, or cultural feature



		located on the land being subdivided or developed."
064U	Department of Conservation	That a new 'Rule 19.2.21 (xi)' be added: "...is located on land that is a dune, a wetland (lasting or ephemeral), or a lake and its margins within the Foxton Dunefields Outstanding Natural Landscape."
064V	Department of Conservation	That a new 'Rule 19.2.29' be added: "Natural wetlands and lakes (lasting or ephemeral) in the Foxton Dunefields Outstanding Natural Landscape, shall not be drained, excavated, planted, built over or otherwise modified."
064W	Department of Conservation	Stabilisation of dunes by planting, retaining or other methods shall not be undertaken within the Foxton Dunefields Outstanding Natural Landscape or Coastal Environment High Amenity Landscape.
064X	Department of Conservation	That a new 'Rule 19.5(c)' be added "When assessing whether any new subdivision, proposed within the water catchment of Lake Papaitonga, will have an adverse effect or cumulative adverse effect, on the features and processes required to sustain the values identified for Lake Papaitonga Outstanding Natural Feature, Council shall consider: Potential effects on groundwater flows and lake levels Effects of wastewater and stormwater flows and lake levels The effects of vegetation clearance Control of domestic predators such as cats and dogs Fencing and controlled access to the scenic reserve The effects on tangata whenua values The effects of earthworks Control of invasive pest plants The effects on the recreational and scenic values."
087Q	Mighty River Power	That Council undertake a detailed landscape evaluation utilising accepted landscape evaluation methodologies that accords with Resource Management Act law.
091E	Energy Efficiency and Conservation Authority (EECA)	Add a new objective into the proposed plan change, to read as follows: "Recognise the potential for appropriate development of the district's renewable energy resources, in particular wind farming, while ensuring that any significant adverse effects on the environment are avoided, remedied, or mitigated."
032L	Telecom New Zealand Ltd	A0 new rule should be created, stating that modifications and upgrades to existing telecommunications structures are permitted activities.
021A	J Barber	Not specified.
044A	Lorene & David Burdan	Not specified.
027F	Transpower NZ Ltd	As a consequential amendment, amend 'Policy 23.3' in Section 12 to read as follows: "Avoid, remedy, or mitigate the adverse effects of network utility services on heritage features, cultural features, and natural habitats of indigenous species."

237. A second group of submissions summarised under the hearing of "renewable energy are also appropriately considered here.

Sub No.	Name	Decision Sought
018G	Todd Energy	Add a new objective into the proposed plan change, to read as follows: "Recognise the potential for appropriate development of the district's renewable energy resources, in particular wind farming, while ensuring that any significant adverse effects on the environment are avoided, remedied, or mitigated."
019H	Mangahao Joint Venture	A new rule should be created, stating that modifications and upgrades to existing telecommunications structures are permitted activities.
087P	Mighty River Power	Not specified.
066G	Rob & Heather Gaskin	Not specified.

238. I note that policy on renewable energy will be the subject of separate consideration through the Plan Review process and the NPS REG places particular requirements to change the plan which will be actioned at that time.

239. Department Of Conservation has proposed a number of additional rules which in my opinion go beyond the scope of the Plan Change and in any case the peer review does not support protection of the Foxton Dunefields as an ONFL. Subdivision within each domain was addressed through Plan Change 20 and is compatible with this Plan Change. No further change to the subdivision provisions is proposed although earthworks rules may well be relevant to subdivision applications.

240. The existing rules in 22.1.9 provide for maintenance, upgrading and replacement of network utilities.

Recommended Amendment

No amendment.

Recommendation

Accept submissions 087Q,

Reject submissions 064S, 064T, 064U, 064V, 064W, 064X, 091E, 032L, 027F, 018G, 019H, 021A, 044A, 087P, 066G

25 SUBMISSIONS: OTHER MATTERS

Sub No.	Name	Decision Sought
083D	Mary Kilsby	As a consequential amendment, amend 'Policy 23.3' in Section 12 to read as follows: "Avoid, remedy, or mitigate the adverse effects of network utility services on heritage features, cultural features, and natural habitats of indigenous species."
084D	Daniel Kilsby-Halliday	That the rivers are removed from the plan change.
041A	Mark Tonks	That the 50 metre margin be amended to 1 chain on the north and south side of the Hokio stream and be fenced accordingly.
018E	Todd Energy Ltd	That the intention of the plan text should be confirmed and consistent between the text, and the reasons for the changes are well understood.
019F	Mangahao Joint Venture	That the intention of the plan text should be confirmed and consistent between the text, and the reasons for the changes are well understood.
065C	Charles & Marlene Anderson	If a resource consent for earthworks is allowed by Horizons Regional Council, landowners should not have to incur the time and expense of a second consent from Horowhenua District Council. Plan Change 22 should be put on hold until Horizons has finalised conditions in the proposed One Plan.
091R	Energy Efficiency and Conservation Authority (EECA)	Amend the Section 32 analysis to incorporate a more comprehensive assessment of the proposed plan change provisions, in regard to Part II of the Resource Management Act. Include section 7(j), and the overall purpose of the sustainable management of natural and physical resources.
065F	Charles & Marlene Anderson	Network utilities along the whole of the Tararua foothills should not be classed as a discretionary or limited discretionary activity solely because of visual effects.
065G	Charles & Marlene Anderson	Remove any Horowhenua District Council requirement for forestry land to revert to indigenous vegetation after logging of exotic forestry.
065H	Charles & Marlene Anderson	That the hearing for Plan Change 22 be heard by independent commissioners to ensure that fair, unbiased decisions are made. The landscape assessment by Treadwell and Associates should be peer reviewed. Landowners should be consulted during the process to ensure a balanced view. The assessment of landscapes should be an accurate reflection of the local community.
015A	Tararua Aokautere Guardians	That the Council include the entire Hill Country High Amenity Landscape within the Tararua Range Outstanding Natural Landscape.
029B	Malcolm & Wendy Squire	Inferred: Remove the High Amenity Landscape classification for the Tararua foothills.
004A	M.J. Page & Rangeview Ltd	The Outstanding Natural Landscape boundary should be that of the Conservation Estate – Tararua Forest Park.
018A	Todd Energy Ltd	Review the areas to be classified as an Outstanding Natural Landscape: A more detailed assessment is required to differentiate between the different parts of the Ranges. An outcome could be that a larger area is classified as High Amenity Landscapes, and a smaller area as Outstanding Natural Landscapes. That different criteria should be provided for High Amenity Landscapes and for Outstanding Natural Landscapes, to provide improved clarity and guidance.
019A	Mangahao Joint Venture	Review the areas to be classified as an Outstanding Natural Landscape: A more detailed assessment is required to differentiate between the different parts of the ranges. An outcome could be that a larger area is classified as High Amenity Landscape, and a smaller area as Outstanding Natural Landscape. That different criterion should be provided for High Amenity Landscapes and for Outstanding Natural Landscapes, to provide improved clarity and guidance.
028B	John Gibbon	Remove submitter's property from the area identified as Tararua Range Outstanding Natural Landscape. Make provision for forestry, wind turbines, and ancillary activities to be permitted activities.
054A	Ernslaw One Ltd	Adjust the mapping of the boundary to exclude the area of Shannon forest and any other significant areas of exotic forest. That the default position of the Horowhenua District Council is to not include significant existing plantation forests within the Hill Country High Amenity Landscape, but to also exclude the



		land use from this boundary.
068A	Jacqueline Leufkens	That Lot 3 DP 82537 remain zoned as a rural lifestyle block, and not be classified as an Outstanding Natural Landscape.
108B	Jennifer Lowe	Inferred: That Plan Change 22 be amended to allow buildings of up to 3.5 metres, and the areas of non-native plantings be in a less restrictive category than the areas of native bush.
052A	Michael Tate	To have the northern part of the Arapaepae ridge above the 300 metre contour and north of Macdonald Road, as High Amenity Landscape. That all areas in the Tararua Foothills that have been proposed as High Amenity Landscapes remain within the Rural Landscape, apart from those areas on Arapaepae ridgeline above the 300 metre contour as mentioned above.
100B	Peter Goodwin	That the area of the Tararua foothills on Denton Road and Gladstone Road, identified as Outstanding Natural Landscape or High Amenity Landscape, be zoned 'Rural.' Inferred: Remove from Plan Change 22 classification.
105A	Jager Farms	That the analysis be split for the Tararua ranges and foothills.

241. In relation to these submissions I note that:

- Cultural, built and natural heritage policy is addressed elsewhere in the District Plan and will be part of the Plan Review.
- It is proposed to delete the rivers / streams.
- Network utilities in ONFLs are permitted activities if they comply with the stated conditions which include height.
- That the revised boundary of the Tararua Ranges ONFL meets a number of these submissions.
- That a further section 32 evaluation is required as part of the decision making process on submissions.

Recommended Amendment

No amendment.

Recommendation

Accept submissions 084D, 018E, 019F, 028A, 054B, 068A, 105B

Accept in part submissions 004A, 108B, 052A, 019A

Reject submissions 083D, 041A, 065C, 015A, 029, 100B,

Reject in part submissions 065, 091R, 065F, 065G, 065H, 018A

26 SUBMISSIONS: WHOLE PLAN CHANGE ISSUES

Sub No.	Name	Decision Sought
088A	NZ Wind Energy Ass	That Plan Change 22 is revised as appropriate to give consideration to the benefits derived from the use and development of renewable energy under s7(j) and to the proposed National Policy Statement on renewable electricity generation.
001A	Koputara Farm Ltd	That Plan Change 22 be put on hold until the Horizons One Plan is completed.
002A	Horowhenua Energy	That the Council decline Proposed Plan Change 22 and seek development of a more balanced plan change, following consultation with the stakeholders to secure a more balanced outcome.
003A	Kerry O'Brien & partner	There should be no requirement for existing home owners to obtain resource consent.
004A	M.J. Page & Rangeview Ltd	The landscape assessment needs to be much more specific in location detail, and not wide generic statements relating to the whole of the Tararua ranges and its foothills.
006A	Joan Benge	Inferred: Adopt Plan Change 22.
007A	Malcolm Guy	Delay implementation of Plan Change 22 until Horizon's One Plan is completed.
008A	Loma Bridge	Inferred: Adopt Plan Change 22.
009A	Muaupoko Cooperative Society	Decline Plan Change 22.



017A	Horowhenua Maternity Services Ltd	Inferred: Adopt Plan Change 22.
023A	Ron Humphreys	Inferred: That Council resolve the many practical questions. The manner in which the Horowhenua District Council propose to operate a restriction system needs to be known before that system is put into place.
025A	Rayonier New Zealand Ltd	Inferred: Redraft Plan Change 22.
026A	HW Richardson Group Ltd	Inferred: That Council recognise the balance between protecting the landscape values of the District, and the ability of Allied Concrete to continue to use their land for the lawfully established purpose, and be provided for within the District Plan.
027A	Transpower NZ Ltd	Amend the plan change to make all required changes, including those in the submission to ensure: <ul style="list-style-type: none"> • That the NPSET is given effect to the sustainable management of the tional Grid as a physical resource • Appropriate provision for the ongoing operation and maintenance of the network, including ensuring that lines can be accessed. • That the existing network can be upgraded in order to meet growth in energy demand • Appropriate provision for the planning and development of new lines including insofar, as the plan change does not make the identified areas inviolable. • Any additions, deletions or consequential amendments made necessary as a result of the matters raised in these submissions, and any other such relief as to give effect to this submission.
030	Palmerston North City Council	That given the demonstrable demand for wind farms on the Tararua Ranges in the Horowhenua District Council, consider broadening the scope of Plan Change 22 to include other relevant matters of Part II of the Resource Management Act, including Section 7(b), (g), (i) and (j).
031	Ruth Wilkie	That when plan changes are contemplated in the future, their likely impacts are better publicised before they are formally notified.
033B	Muaupoko Tribal Authority Inc.	That the term 'Maori' be changed to 'iwi' or 'mana whenua'
033C	Muaupoko Tribal Authority Inc.	That a clause be added that allows for an archaeologist (verified by the iwi authority) to be present during development in areas sensitive to iwi.
035A	Judi Ridout	Inferred: Do not proceed with Plan Change 22.
036A	Wilfred Vickers	That the submissions are peer reviewed by an independent commissioner, and that the One Plan be finalised before the adoption of Plan Change 22.
038D	JD & GP Easton Ltd	That the verbal submission be heard by independent commissioners.
040A	Donald & Fleur Hayes	Council should look at other avenues to reduce their ever increasing debt. Inferred: Council should not proceed with Plan Change 22.
042A	John Binyon	Inferred: Do not proceed with Plan Change 22.
046B	Winifred Bryant	Consultation should be undertaken with landowners.
047D	Geoff Kane	Delay Plan Change 22 until Horizon's One Plan is adopted.
049A	Donald & Vicki Bryant	That the changes in this plan change are in line with the One Plan.
049B	Donald & Vicki Bryant	That consultation on plan changes is undertaken with land owners.
049C	Donald & Vicki Bryant	That only one resource consent be required, and that be from the HDC.
049E	Donald & Vicki Bryant	That objective measures be the basis for consent.
049F	Donald & Vicki Bryant	That HDC not being able to require forestry land to revert to indigenous vegetation following logging of exotic forestry.
050A	Aggregate and Quarry Association of NZ	That the plan change be withdrawn or amended to fully reflect the concerns raised in this submission.
051A	Mark & Wendy Rolston Family Trust	Inferred: Approach landowners for their thoughts before spending ratepayers' money.
052D	Michael Tate	That HDC take into account the financial costs and emotional impact on individual land owners when implementing changes.
053D	Bruce & Christine Mitchell	That the landscape assessment recommended by Treadwell Associates be peer reviewed. Landowners and affected parties should be consulted during the process to ensure a balanced view.
053E	Bruce & Christine Mitchell	That objective and measurable criteria should form the basis of resource consents, not subjective opinions.
053I	Bruce & Christine Mitchell	That this plan change is put on hold until the Horizons One Plan is finalised.
053J	Bruce & Christine Mitchell	That Council will purchase at market rates any land along the High Amenity or Outstanding Natural waterways which are required to be fenced off under this plan. Council to pay for the fencing costs.
053K	Bruce & Christine Mitchell	That if resource consent costs and land use conditions are imposed on landowners because HDC feels that private land has an amenity or outstanding visual use to the public, that public will help pay the rates on that land.
053L	Bruce & Christine Mitchell	Horowhenua District Council should correct the inaccuracies and discrepancies in this plan change and then re-notify it to the public.



054A	Ernslaw One Ltd	Inferred: Do not adopt Plan Change 22.
058A	Federated Farmers of New Zealand	That Plan Change 22 be put on hold until a full, complete and independent peer review of the landscape assessment which underpins Plan Change 22 is carried out, and the results are reported back to Council That extensive consultation is undertaken with the community and all key stakeholders; and Individual consultation is undertaken with those landowners whose property (or part of) has been demarcated as being within the boundaries of an Outstanding Natural Landscape, Outstanding Natural Feature, or High Amenity Landscape. Once these things have been completed in a manner that equates to "best practice," make the relevant amendments to the text and planning maps of Plan Change 22 and re-notify the entire plan change.
058O	Federated Farmers of New Zealand	Make any consequential changes, as to detail or substance throughout the plan change to give effect to this submission
059A	Horticulture New Zealand	That Plan Change 22 be limited to changes necessary to remove inconsistencies with the existing provisions of the Operative Horowhenua District Plan, without adding new areas into the Plan, until such time as full public consultation is undertaken on the identification of Outstanding Natural Landscapes and Outstanding Natural Features has been undertaken and appeals on Plan Change 20 are resolved.
059V	Horticulture New Zealand	Consequential changes necessary to address matters of inconsistency within the Operative Horowhenua District Plan.
061A	Charles Rudd	Inferred: That meaningful consultation with tangata whenua should have been undertaken before the plan change was notified.
066A	Rob & Heather Gaskin	That the Proposed Plan Change be put on hold until the completion of the Horizons One Plan.
066C	Rob & Heather Gaskin	That Horowhenua District Council commit to further, proper and timely consultation before proceeding with any of the changes as outlined in proposed Plan Change 22.
066D	Rob & Heather Gaskin	That the Landscape Assessment be prepared by peer review, and funded by Horowhenua District Council. That the submissions on this plan change be heard by an independent commissioner.
067A	Lakeview Farm Ltd, Everton Farm Ltd, Ohuangi Farm Ltd & Lakeview Holdings Ltd	That the status quo should remain. Plan Change 22 does not proceed. That Horizons field staff be left to manage the environmental areas.
067C	Lakeview Farm Ltd, Everton Farm Ltd, Ohuangi Farm Ltd & Lakeview Holdings Ltd	Inferred: That Council does not proceed with Plan Change 22.
072B	Te Ngaio Trust	Inferred: That the Plan change does not proceed until the One Plan has been completed
073A	Te Ngaio Co Ltd	That Horowhenua District Council defers the implementation of Plan Change 22 until such time as the One Plan has been finalised and implemented, then a more meaningful and time saving plan can be created which does not have any overlap with Horizons Regional Council.
074A	Tony Mur Department of Conservation	Defer all changes and withhold Plan Change 22 until the opportunity allows all plans to be dealt with as one.
074B	Tony Mur Department of Conservation	That only one council is involved in the resource consent.
075A	Graham Sexton	Inferred: That Plan Change 22 not be adopted.
076M	Horowhenua District Council – David McCorkindale	That the plan change makes it clear that the proposed rules relating to Outstanding Natural Features, Outstanding Natural Landscapes and High Amenity Landscapes do not apply to land that is not zoned Rural.
076N	Horowhenua District Council – David McCorkindale	That the plan change makes it clear that the proposed rules relating to Outstanding Natural Features, Outstanding Natural Landscapes and High Amenity Landscapes do not apply to existing legal roads.
076O	Horowhenua District Council – David McCorkindale	That a note to plan users be added to make it clear that where two overlays overlap, the most onerous provisions of the overlapping overlay shall apply.
076P	Horowhenua District Council – David McCorkindale	That for ease of reference in future reports, the two 'Amendment 31's' are distinguished by referring to the first of these amendments as 'Amendment 31A,' and the other as 'Amendment 31B.'



076Q	Horowhenua District Council – David McCorkindale	That non-notification provisions be added to this plan change for the activities that would require resource consent as Limited Discretionary Activities.
076R	Horowhenua District Council – David McCorkindale	That amendments are made to Plan Change 22 in accordance with the decisions sought above, together with any other consequential amendments arising from the changes set out in this submission.
077	Nathan Murray	Inferred: Do not proceed with Plan Change 22.
078A	George & Christina Paton	Ensure that any changes to the District Plan include prohibition of any HDC effluent discharges to the Manawatu River, so that the Outstanding Landscape Areas are appropriately protected and enhanced.
078B	George & Christina Paton	That the plan changes will reflect and incorporate any higher values identified in: Horizons One Plan Foxton Beach Coastal Reserves Management Plan Coastal Erosion & Hazard Management Report Storm Surge Report Traffic & Parking Bylaw Environment Court decisions for effluent discharges. That evidence of these matters being addressed will be in the staff reports to this submission.
083B	Mary Kilsby	That Council clearly outline what is acceptable.
084B	Daniel Kilsby-Halliday	That Council clearly outline what is acceptable.
086A	Graham Halstead	That the Council should not proceed with Plan Change 22 with the exception of Amendments 30-32.
090B	Lewis Farms	That the plan change be held over until Horizons One Plan is completed.
090C	Lewis Farms	That one consenting process which manages a single activity, and covers the requirements of both the Regional Council and the District Council, be set up.
090D	Lewis Farms	That when rules are set down in the plan change, there needs to be a clear understanding of the need to allow both environmental and economic measurements to be addressed. These guidelines need to be established at this point so that there is clarity from the outset.
090E	Lewis Farms	That when rules are set down in the plan change, there needs to be a clear understanding of the need to allow both environmental and economic measurements to be addressed. These guidelines need to be established at this point so that there is clarity from the outset.
091A	Energy Efficiency and Conservation Authority (EECA)	Amend the proposed plan change to ensure a robust landscape assessment methodology, and clear policy direction that allows for a balanced consideration of what constitutes appropriate development in Outstanding Natural Landscapes, Outstanding Natural Features, and High Amenity Landscapes; provide for such development where the adverse effects can be avoided, remedied, or mitigated while recognising the wider context of Part II of the Resource Management Act.
092A	Malcolm Huzziff	That the whole plan change should not go ahead, as it is an impediment to farming operations.
093A	Rosalie Huzziff	No action should be taken on Plan Change 22.
094A	David Roache	Plan Change 22 should be aborted, and brought into line with the total review of the District Plan.
097A	Colin Easton	That Plan Change 22 be cancelled, and redone with consultation with affected parties at public meetings, and then a suggested plan be written up again with better public support and input. Wait until the One Plan is finalised.
098A	Jan Mitchell	Plan Change 22 should be put into plain English, with examples, so that the majority of people can understand what it means.
099A	Sunrise Pastures Ltd	Inferred: That HDC should not proceed with Plan Change 22 as currently proposed.
101A	James Mackie	The land is beautiful, work together with the creator to share the abundant bounty and blessing. Inferred: That HDC should not proceed with Plan Change 22 as currently proposed.
103A	Graeme Bagrie	That the final form of the changes to the District Plan, are not regulated in a way that stymies the development opportunity for facilitating sustainable public access to, and enhancement of, the coastal dune lakes.
103B	Graeme Bagrie	That the overlapping aspects of Plan Changes 20, 22 and 23 not be lost sight of including the work to be completed on the funding mechanism for achieving council vision and the 'yet-to-be-completed' strategy.
103C	Graeme Bagrie	That at the very least, Council introduces the mechanism provided under 'Section 75 2(b)' of the Resource Management Act, to introduce its strategic vision to guide the application of the policies set out in the District Plan consistent with my submissions to Council dated 20 May and 7 October 2009.
105A	Jager Farms	That the research and analysis be peer reviewed by someone with local knowledge, to get accurate results before proceeding.
106A	John & Diane Denton	That Plan Change 22 should be delayed until the effects of the Horizons One Plan are known, and be amended to complement the plan, rather than impose double and possibly contradictory restrictions and requirements.
106B	John & Diane Denton	That the landscape assessments be reviewed, and landowners and affected parties consulted in this process.
110A	Windflow Technology Ltd	Inferred: That the plan change should be amended to align with the Resource Management Act and Regional Plan, and in particular, have regard to the benefits to be derived from the use and development of renewable energy.



111A	Taiao Raukawa Trustees	Inferred: That the plan change should be amended to focus on s.6(e), as well as s.6(b), s.7(c) and s.7(f) of the RMA.
113C	BM & AM Thomas	Inferred: Do not proceed with Plan Change 22.
114	Poulton Farms	Retain the status quo, so that farming can be continued without any Council interference.
115A	Ken Riddle & Others	Inferred: That the status quo should be retained, and Council should not proceed with Plan Change 22.
116A	Ken & Lynn Riddle	Inferred: That Council should not proceed with Plan Change 22.
117B	Tanenuiarangi Manawatu Incorporated (TMI)	That the term 'Maori' be changed to 'iwi' or 'mana whenua.'
117C	Tanenuiarangi Manawatu Incorporated (TMI)	That a clause be added that allows for an archaeologist (verified by the iwi authority) to be present during development in areas sensitive to iwi.
067D	Lakeview Farm Ltd, Everton Farm Ltd, Ohuangi Farm Ltd & Lakeview Holdings Ltd	Inferred: That rates relief is offered to landowners for fencing and protecting these areas for future generations.
047C	Geoff Kane	Wind farms should be discretionary if they meet the criteria.
110T	Windflow Technology Ltd	That the activity status for wind turbines within Outstanding Natural Landscapes should be altered from 'Non-complying' to 'Discretionary.'

242. There are a large number of submission points above that relate to the overall plan change however the issues raised have for the most part been addressed at various points in this report. I note that the One Plan is now at an advanced stage of mediation of appeals and the recommendations are in line with the One Plan. The peer review suggested in submissions has been undertaken and has resulted in material changes to the ONFL areas. As part of this peer review there was consultation with submitters and other interested parties.

Recommended Amendment

No amendment.

Recommendation

Accept submissions 003A, 038D, 046B, 049A, 049B, 066D, 076N

Accept in part submissions 004A, 006A, 007A, 008A, 017A, 025A, 026A, 036A, 047D, 053D, 058A, 058O, 066A, 072B, 073A, 076M, 090B, 091E, 098A, 099A, 101A, 103A, 105A, 106A, 106B, 033B, 049F, 052D, 053I, 059V, 076O, 076P, 076Q, 076R, 117B, 047C

Reject submissions 088A, 001A, 002A, 009A, 023A, 027A, 030, 033C, 035A, 042A, 054A, 059A, 067A, 077, 086B, 092A, 093A, 094A, 097A, 111A, 113C, 114, 115A, 116A, 067, 049C, 053E, 061A, 66C, 117C

Reject in part submissions 078A 078B, 110A, 040A, 049E, 050A, 051A, 053J, 053K, 053L, 067C, 074A, 074B, 075A, 083B, 084B, 090C 090D, 090E, 103B, 103C, 067D, 110T

APPENDIX A

SUMMARY OF RECOMMENDED DECISIONS



APPENDIX B

**NATIONAL POLICY STATEMENT ON RENEWABLE ENERGY
GENERATION**



APPENDIX C

**ONE PLAN SECTION 7 INDIGENOUS BIODIVERSITY, LANDSCAPE
AND HISTORIC HERITAGE**



APPENDIX D

OUTSTANDING NATURAL LANDSCAPES AND FEATURES REVIEW

AUGUST 2011



APPENDIX E

JURISDICTION FOR ONFL CHANGES



APPENDIX F

LETTER FROM BROOKFIELDS LAWYERS 11 OCTOBER 2011



APPENDIX G

TAUMANUKA STUDIO: SUPPLEMENTARY PAPER



APPENDIX H

PC 22 AS RECOMMENDED BY S42A REPORT IN TRACKED CHANGES WITH MAPS

