

**RESOURCE MANAGEMENT ACT 1991**

**PROPOSED HOROWHENUA DISTRICT PLAN**

**HEARING OF SUBMISSIONS**

**DECISION OF HEARING PANEL**

**TOPIC:** Report on District Plan  
General Part 4 (Planning Maps)

**HEARING PANEL:** Robert Nixon (Chair)  
Cr Tony Rush  
Jane Black

**HEARING DATE:** 20<sup>th</sup>-21<sup>st</sup> & 28<sup>th</sup> May 2013

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## **1.0 INTRODUCTION**

- 1.1 We were appointed by the Horowhenua District Council to consider submissions on the Proposed District Plan relating to General Part 4 - Planning Maps.
- 1.2 Hearings relating to a range of general submissions, including those on planning maps was held on 20 – 22 and 28 May 2013. The hearing was closed on the 13 September 2013. These hearings also heard submissions in relation to General Part 2 (Definitions) and General Part 3 (Assessment Matters, General Provisions, General Miscellaneous Matters), which are the subject of separate decisions.
- 1.3 This particular group of decisions are confined to submissions relating to the planning maps. For the convenience of readers of these decisions, the relevant planning maps and/or aerial photographs of the affected sites are incorporated into the text.
- 1.4 The Hearings Panel took the opportunity of undertaking site visits to the various properties which were subject to submissions.

### Abbreviations

- 1.5 In preparing this decision we have used the following abbreviations:

NZHPT            New Zealand Historic Places Trust

Officer's report    Report evaluating the applications prepared for our assistance under s42A(1) of the RMA

Proposed Plan    Proposed Horowhenua District Plan

The Act            Resource Management Act

## **2.0 OFFICER'S REPORT**

- 2.1 We were provided with and reviewed the officer's report prepared by Susan Graham pursuant to s42A of the Act prior to the hearing commencing. However we noted that two sections of the report relating to Planning Maps 29 and 30 were prepared by David McCorkindale.
- 2.2 The Council has undertaken a full review of the District Plan, including earlier Plan Changes, which did not however include the most recent Plan Changes 20 – 22, which were not operative at the time the Proposed Plan was notified.
- 2.3 It was explained by way of background that the Horowhenua Development Plan which was adopted by Council in 2008 identified and addressed growth pressure issues for next 20 years. This Plan had no statutory weight but provided the Council with a vision for development which has substantially influenced the review of zoning changes undertaken, a number of which arise in our decision. The Development Plan went through a process of public consultation before it was formally adopted by Council. Some areas, such as those for residential expansion were proposed for rezoning through Plan Change 21. Other areas for rezoning or the addition of new 'overlays' such as large format retail have been implemented through the District Plan Review. The non-statutory Foxton Town Plan which was also subject to public consultation provided a vision for the future of Foxton. This has influenced proposed zoning changes and new overlays, such as commercial rezoning in the centre of Foxton and the 'Foxton Tourism Overlay'.

- 2.4 The officer's report noted that targeted consultation was undertaken in relation to rezoning areas of land which were considered to be inappropriately zoned under the Operative District Plan. Examples of these included areas of land which are not used in accordance with their zoning, and properties having split zonings. This consultation process also included an invitation for landowners to contact Council if they wished to have their property considered for rezoning. The Council's 'Community Connection' (May 2011) leading up to the District Plan review also included an article inviting landowners to contact Council if they wished to have their property rezoned.
- 2.5 A record of requests from landowners who wished their properties to be rezoned was gathered, and a review using aerial photography and zoning maps to identify other anomalous zonings was undertaken along with site visits. These properties were assessed in terms of current and historical zoning, use and development of the land, the consent history, surrounding land uses and context, demand and anticipated future changes, completeness and efficient use/development, reflection of existing land use and the effects of the zone change. The analysis also included an evaluation against the Development Plan and other strategic documents which influence zoning.
- 2.6 Recommendations were reviewed by the District Plan Review Advisory Group before being included in the Proposed District Plan. An analysis was made under Section 32 of the RMA for the proposed changes to the Planning Maps in order to identify the need, benefits and costs arising from the zoning of specific areas, and the appropriateness of the current and proposed zoning and proposed overlays having regard to their effectiveness and efficiency relative to other means in achieving the purpose of the RMA. Current zonings contained within the Operative District Plan were retained, where it was considered that the existing zoning was appropriate.
- 2.7 It was also noted that as part of the review of the District Plan, a new "Open Space" zoning was applied to areas of open space owned and administered by the Council. During the course of hearing submissions, the issue of the zoning also arose with respect to private land, and land in Crown ownership.
- 2.8 By way of background, there are three Plan Changes which had some bearing on matters that arose during submissions. These have been subject to separate hearings outside the current Proposed Plan hearing process, and will ultimately be 'merged' with the Proposed Plan as amended in response to submissions and possible appeals. These three plan changes are:
- Plan Change 20 identifies Landscape Domains which relate to rules for rural subdivision and proposes Planning Maps 38 and 39. This Plan Change became operative on 23 May 2013 after the Proposed Plan had been publicly notified.
  - Proposed Plan Change 21 identified areas for rezoning Residential, Residential Low Density and Greenbelt Residential. This Plan Change became operative on 23 May 2013 after the Proposed Plan had been publicly notified.
  - Proposed Plan Change 22 reviewed the Outstanding Natural Feature and Landscapes of the District, this Plan Change is currently subject to appeals lodged with the Environment Court.
- 2.9 *The aerial photographs and/or planning maps have been retained from the Officer's report, as their presence assists in understanding the decisions made by the Hearings Panel.*

### 3.0 SUBMITTER APPEARANCES

3.1 The following submitters made appearances at the hearing (noting that not all of these submitters were specifically in relation to the hearing topic General Part 4 (Planning Maps) :

- Mr Gary Spelman
- Mr John West, legal counsel for Gary Spelman
- Mr Warwick Meyer (on behalf of the Levin Golf Club), (on behalf of the HDC – Community Assets) and (personal submission)
- Ms Viv Bold
- Mr Bryce Holmes (Planning Consultant for Homestead Group Limited)
- Ms Christine. Mitchell (on behalf of Horowhenua Farmers' Ratepayer Group and Bruce and Christine Mitchell)
- Mr Peter Everton
- Higgins Holdings Limited
- Horizons Regional Council
- Kiwi Rail
- Horticulture New Zealand
- Philip Taueki (was heard at a separate hearing held 28 May and heard by all members of the District Plan Review Hearing Panel))

## 4.0 EVALUATION

### 4.1 Planning Map 5

#### *Submissions Received*

Sub No.	Submitter Name	Decision Requested	Further Submission
62.00	Kathleen Bills	Retain the rezoning of the Makerua Pool Site (Pt Lot 39 DP 408 at 178-188 Makerua Road SH57) from Rural to Open Space on Planning Map 5.	
63.00	Taupunga Farming Company	Amend Planning Map 5 to include Lot 1 DP 20312 Okuku Road, Shannon within the Rural Zone.	
91.11	HDC (Community Assets Department)	Delete Designation 155 (D155) and Open Space Zoning.	526.12 Truebridge Associates Ltd - Oppose

**K. Bills** (62.00) made a submission in support of rezoning the Makerua Pool site from Rural to Open Space Zone. The Hearings Panel resolved that the submission point be accepted.

**Taupunga Farming Company** (63.00) and the **HDC (Community Assets Department)** submitted in opposition to rezoning the Okunui Hall site, a 1972m<sup>2</sup> property on the western side of Okuku Road, approximately 3.2km north of the settlement of Shannon, from Rural to Open Space Zone. We were advised that the Council is expected to dispose of this property, and accordingly it's zoning as Open Space is no longer necessary. The Hearings Panel resolved that the submission point be accepted, and that the property remain zoned Rural. The Truebridge Associates Ltd (526.12) further submission appears to relate to a 'global' further submission unrelated to this particular property. Map changes are contained in Appendix A.

HDC (Community Assets Department) are also seeking the removal of a designation (D155) over this property, and this is addressed separately in the Designations Hearing.

### 4.2 Planning Maps 5, 7, 8, 10, 15A and 27

#### *Submissions Received*

Sub No.	Submitter Name	Decision Requested	Further Submission
108.46	HDC (Planning Department)	Amend Planning Maps 5, 7, 10, 15A and 27 to rezone the following cemeteries as Open Space Zone:  Rezone Ihakara Gardens (Cemetery), Foxton, (Legally described as Awahou 97B) from Residential to Open Space.  Rezone Mako Mako Road (Old Levin Cemetery), Levin (Legally described as Section 29 Blk Waiopahu SD) from Residential to Open Space  Rezone Avenue Cemetery, Avenue North Road, Levin (Legally described as Lot 3 DP 397828) from Rural to	

Sub No.	Submitter Name	Decision Requested	Further Submission
		<p>Open Space.</p> <p>Rezone Foxton Cemetery, Hickford Road, Foxton (Legally described as Sec 614 Town of Foxton &amp; Lot 2 DP 61106) from Rural to Open Space.</p> <p>Rezone Shannon Cemetery, Brown Street, Shannon (Legally described as Lots 486 &amp; 488 DP 369) from Rural to Open Space.</p> <p>Rezone Koputaroa Cemetery, Koputaroa Road (Legally described as Pt Lot 1 DP 4297) from Rural to Open Space.</p> <p>Rezone Manakau Cemetery, South Manakau Road, Manakau (Legally described as Pt Lot 28A) from Rural to Open Space.</p>	

**HDC (Planning Department)** submitted that the District's cemeteries should be rezoned Open Space as this is the most appropriate zoning for these areas.

By way of background, it was explained that in the Operative Plan the District's cemeteries, parks and reserves had the same zoning as the adjacent land, typically zoned Rural. The Open Space Zone contained in the Proposed Plan specifically addresses the District's open spaces, and provides for recreation activities, as well other community parks and reserves. Four cemeteries are designated in the Operative District Plan and HDC (Community Assets Department) have sought these be 'rolled over' into the Proposed Plan and that other cemeteries without designations (Manakau Cemetery, Ihakara Gardens, Avenue Cemetery) also be designated. The relief sought omits reference to Planning Map 8, but does seek the rezoning of Koputaroa Cemetery (Pt Lot 1 DP 4297) which is identified on Planning Maps 5 and 8.

The Hearings Panel accepts that the consistent zoning of the District's cemeteries as Open Space is appropriate, and was not opposed by any other party. The Hearings Panel resolved that the submission points be accepted. For completeness, the list of the cemeteries to be rezoned is set out below, and is also included in Appendix A.

*Amend Planning Maps 5, 7, 8, 10, 15A and 27 to rezone the District's Cemeteries to Open Space.*

- *Rezone Ihakara Gardens (Cemetery), Foxton, (Legally described as Awahou 97B) from Residential to Open Space on Proposed Planning Map 15A.*
- *Rezone Mako Mako Road (Old Levin Cemetery), Levin (Legally described as Section 29 Blk Waiopehu SD) from Residential to Open Space on Proposed Planning Map 27.*
- *Rezone Avenue Cemetery, Avenue North Road, Levin (Legally described as Lot 3 DP 397828) from Rural to Open Space on Proposed Planning Map 7.*
- *Rezone Foxton Cemetery, Hickford Road, Foxton (Legally described as Sec 614 Town of Foxton & Lot 2 DP 61106) from Rural to Open Space on Proposed Planning Map 5.*
- *Rezone Shannon Cemetery, Brown Street, Shannon (Legally described as Lots 486 & 488 DP 369) from Rural to Open Space on Proposed Planning Map 5.*

- *Rezone Koputaroa Cemetery, Koputaroa Road, Levin (Legally described as Pt Lot 1 DP 4297) from Rural to Open Space on Proposed Planning Maps 5 and 8.*
- *Rezone Manakau Cemetery, South Manakau Road, Manakau (Legally described as Pt Lot 28A DP 415) from Rural to Open Space on Proposed Planning Map 10.*

### 4.3 Planning Map 7

#### ***Submissions Received***

Sub No.	Submitter Name	Decision Requested	Further Submission
33.00	Levin Golf Club	Amend Planning Map 7 to rezone the Levin Golf Club site (160 Moutere Road) from Rural to Open Space.	502.00 Warwick Meyer-Support
36.00	Trucis Investments Ltd	Amend Planning Map 7 to rezone the property at 654 State Highway 1 (Lot 1 DP 71431) from Rural to Industrial.	

**The Levin Golf Club** lodged a submission requesting their property to be rezoned Open Space in the Proposed Plan. The submitter notes that the land occupied by the club is owned by its members and cannot be sold without a 100% vote. The Levin Golf Club site comprises 49.8345 ha located on the eastern side of Moutere Road in close proximity to Lake Horowhenua to the east. A further submission was received in support of this from Mr W. Meyer, who made a brief appearance in support of the submission on behalf of the Club. The Hearings Panel were in receipt of a letter from Mr Stuart Thompson, the president of the club, stating that they *"are very happy with the Officer's recommendations and consequently do not request speaking rights at the hearing on our submission...."*. The Panel specifically asked Mr Meyer whether the more restrictive Open Space Zone rules (relative to rural zoning) raised any potential issues with the future development of facilities at the Club; for example, site coverage would be restricted to 5%. He confirmed that the Club was satisfied that the more restrictive Open Space rules were not an issue of concern. It was confirmed that there would be no adverse effects with respect to surrounding land uses of the land were to be rezoned Open Space.

The key point which made any Open Space zoning over this land distinctive was that it applied to *private* land, as other land contained within the Open Space Zone was owned and/or designated by the Horowhenua District Council. This issue was discussed at some length in the Officer's report. If private land was to be incorporated into the Open Space Zone, some adjustments would be needed to be made to the provisions of the Proposed Plan to reflect this fact. For example, Objective 4.1.1 refers to *"Council's parks and reserves are efficiently used and developed....."* The required consequential amendments to the Open Space Zone policy framework were identified in the officer's report. There was a need to remain within the scope of submissions, and associated with this, it was important to ensure that private recreational facilities generally were not inadvertently "captured" by any consequential amendments to the objective and policy provisions. Those provisions in Chapter 4 that were likely to require an amendment included the "Introduction", Issue 4.1, the "Discussion" for Issue 4.1, Objective 4.1.1, the Explanation and Principal Reasons for Objective 4.1.1, the "Methods" for Issue 4.1 and Objective 4.1.1, and the "Explanation" for the Methods. In addition, the officer also recommended the insertion of a new Policy 4.1.15.



The Hearings Panel agreed, that given that the incorporation of this area of private open space into the Open Space Zone represented a significant qualification of the existing objective/policy framework which only focused on Council owned facilities, a range of amendments to the text of the objectives and policies in Chapter 4 would be required. These are set out in Appendix A to these decisions.

Given that the proposed Open Space zoning was agreed as being entirely appropriate by both officers and the submitter, the Hearings Panel resolved that the submission point be accepted, with the text changes contained in Appendix A.

**Trucis Investments Ltd** lodged a submission opposing the existing and proposed Rural zoning of 654 State Highway 1, Levin South (Lot 1 DP 71431) and requesting this area to be rezoned Industrial in line with the current land use.



2011 aerial photograph of site outlined in green and surrounding properties

The Officer's report noted that the 6730m<sup>2</sup> Rural zoned property is located on the western side of State Highway 1 and contains a large warehouse structure of 1962m<sup>2</sup>. The site adjoins the old Kuku Dairy Factory and is located approximately 250 metres south of the intersection with Kuku Beach Road. Planning permission was granted in 1990 to use this property as a coolstore for horticultural purposes seasonally from April to August. Land use consent was granted in 2007 for the extension of the warehouse and the operation of a Bulk Goods Distribution Facility year round 8am - 5pm Monday - Friday. In 2008 a liquid detergent manufacturing and packaging plant was found to be operating from this site without consent. This activity ceased after enforcement action by Council. The effects of rezoning this property from Rural to Industrial would alter what would be permitted within the site from rural activities including primary production activities and residential activities to Industrial activities including manufacturing of goods, wholesale trade, vehicle service

stations and commercial garages. Building setback from the rear and side boundaries would be 4.5 metres instead of the 10 metre setback requirement of the Proposed Rural zone rules.

The Hearings Panel visited the site, and noted the officer's comment that the site is not likely to be developed residentially or used for primary production activities given the current use and the nature of the buildings on the site, an observation that could also be made with respect to the adjoining site containing the old dairy factory. We noted the presence of three residential properties which adjoin the subject site to the south and which share an access with it. The submitter did not appear at the hearing to offer evidence in support of the submission. It was the Hearings Panel's view that the rezoning sought was not appropriate given the lack of any evidence before us as to the likely effects that would flow from rezoning, that any rezoning would logically need to include the adjoining former dairy factory to the north, and that the result of accepting the submission would be to create a spot zone.

For these reasons, the Hearings Panel resolved that the submission point be rejected.

#### 4.4 Planning Maps 7, 24, 26 and 27

##### *Submissions Received*

Sub No.	Submitter Name	Decision Requested	Further Submission
11.15	Philip Taueki	Delete the 800m buffer zone from Planning Maps 7, 24, 26 and 27.	511.20 HDC (Community Assets Department) - Oppose  519.26 Charles Rudd Snr) - Support
60.09	Muaupoko Co-operative Society	Delete the 800m buffer zone from Planning Maps 7, 24, 26 and 27.	

Two submissions were made regarding the 800 metre buffer zone which appears on Planning Maps 7, 24, 26 and 27. **P. Taueki** and the **Muaupoko Co-operative Society** submitted that the 800 metre buffer zone is culturally offensive, being located in close proximity to a site that is whenua parekura (a battlefield where blood was shed), and should be deleted.

The officers report explained that the red dotted line marks the extent of an 800 metre buffer around the Levin Sewerage Treatment Plant shown on Planning Maps 7, 24, 26 and 27, associated with a rule in the Proposed Plan which makes any proposed habitable building within this setback (but only in the Rural zone) a Controlled Activity under Rule 19.2 (e). Rule 19.9.7 provides that any new dwelling within this area shall be allowed as long as it does not constrain the continued operation of the Levin Wastewater Treatment Plant, and what is effectively a 'no complaints' covenant registered on the title of the property in the event of consent being granted. This area is a continuance of a similar provision in the Operative Plan.

It is apparent from the submissions of Mr Taueki that it is the existence of the Levin Wastewater Treatment Plant which is the primary matter of concern to the submitter, who has consistently opposed any plan provisions related to the operation of this facility. Accordingly, the existence of this rule is entirely linked to the continued existence of the plant itself. The Hearings Panel is aware of various proposals to improve the operation of the plant, although not its removal as such as this

would create an insoluble problem with respect to the continued occupation of Levin and the surrounding area. The status of the plant and the nature of its future operation is an issue that is well beyond the scope of matters that this Hearings Panel can consider.

If this particular rule was removed in isolation, it would raise a risk of incompatible residential development in close proximity to the plant, a matter which is quite distinct from environmental and cultural issues relating to the need to better address water quality issues associated with Lake Horowhenua.

Accordingly, the Hearings Panel resolved that the submission points be rejected as the future of this rule is entirely dependent on future decisions of much wider importance to be made with respect to the management of Lake Horowhenua and its surrounds.

## 4.5 Planning Map 12

### *Submissions Received*

Sub No.	Submitter Name	Decision Requested	Further Submission
14.00	Kornelius du Plessis	Amend Planning Map 12 to change the zoning of 50 Signal Street, Foxton Beach from proposed Commercial to Residential.	
90.04	Foxton Community Board	Amend Planning Map 12 by rezoning the following areas from Open Space Zone to Residential Zone:  An extension of Marine Parade North with an extension of Cousins Avenue West; and  An extension of Marine Parade South with an extension of Barber Street and Chrystal Street.	

**K. du Plessis** lodged a submission opposing the proposed rezoning of 50 Signal Street, Foxton Beach from Residential to Commercial. He was concerned that the change in zoning would increase his potential rates burden.



50 Signal Street outlined in green proposed Commercial shown as red hatched existing Commercial pink

This submitter, like a number of others which will be referred to later in this decision, challenged the rezoning only of their own individual property, which forms part of a wider rezoning of land to Commercial. 50 Signal Street is a 407m<sup>2</sup> property with a residential dwelling located centrally on the property.

The submitter's property is located in the centre of an area rezoned Commercial under the Proposed District Plan. The property directly to the north is occupied by the Simply Balmy Cafe, with the Foxton Beach Police Station located just to the north of the cafe. Apart from this, all of the properties within the area which has been rezoned commercial are residential in character, while the topography of the "zone" is somewhat unusual, being elevated above the street following the lines of what appears to be an old sand dune system.

The road reserve is very wide along this portion of Signal Street and opposite is an area of open space and vehicle parking. This area is one of two areas proposed to be rezoned Commercial in accordance with the Development Plan. This plan concluded that Foxton Beach lacked an identifiable commercial centre and that this location was suitable for Commercial zoning, reflecting it's (albeit limited) existing commercial development, and proximity to the Holben Reserve and the beach. The Commercial zone would allow for mixed use including commercial and residential activities.

With respect to concerns about rating levels, we were advised that HDC has not adopted planning boundaries for rating purposes as some Councils have, and has no intention of doing so. We were advised that the Council has an urban rating area which is based on the extent of existing urban development, not the potential area for urban development (i.e. urban land zones). In any event, we also accept the comments of the reporting officer that the zoning of land has to be considered

in terms of what would be best to achieve the purposes of the Resource Management Act, and that rating issues are of little or no relevance in this context.

On the face of it, the commercial zoning in this location would appear ambitious in the absence of clear demand. However even if we accept that this was the case, there are no submissions in opposition to the rezoning of this area of land except with respect to the individual property owned by the submitter. If the relief sought by the submitter were granted, 50 Signal Street would become an isolated residentially zoned property surrounded by commercial zoning - effectively a small spot zone. The Hearings Panel concluded that this would not result in a coherent or logical zoning pattern, and consequently concluded that the submission point be rejected.

**The Foxton Community Board** requested that an area of land extending north from Marine Parade North lining up with an extension of Cousins Avenue West, and an area extending south from Marine Parade South lining up with an extension of Barber Street and Chrystal Street excluding any area on the seaward side of Marine Parade, be rezoned Residential.

The background to the use of these areas was identified in the Development Plan. The area subject to the submission was identified as Areas 4 and 5 (Standard Residential) subject to that future development in these areas being subject to consultation through the Foxton Beach Coastal Reserve Management Plan process. It was explained that this process proceeded concurrently with the Development Plan process.

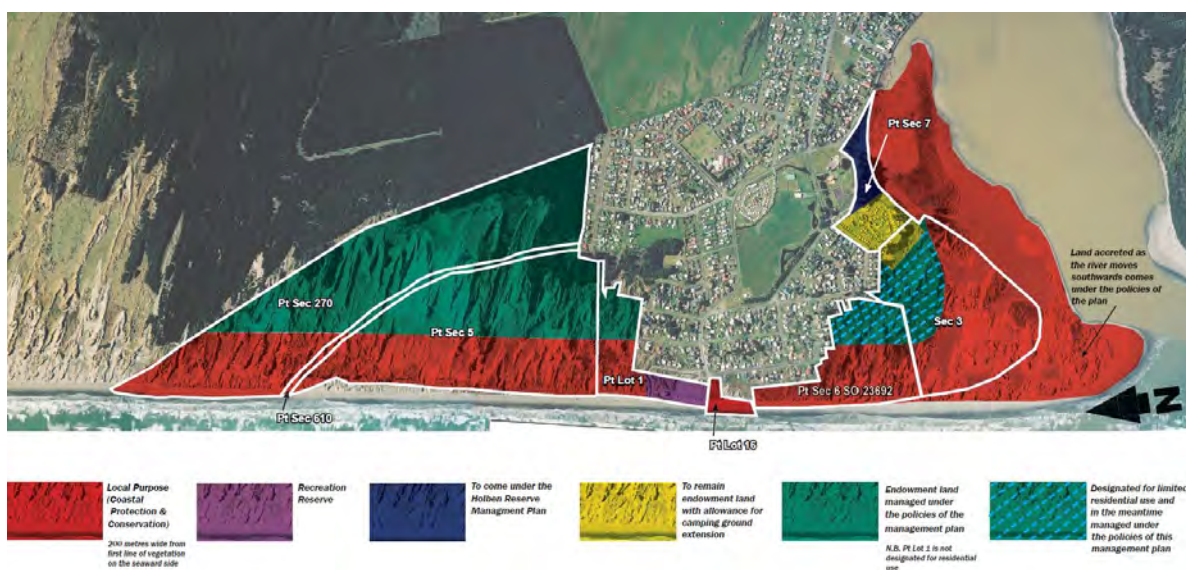
The Development Plan concluded that Area 4 (the 6.1 ha area extending north from Marine Parade North) and Area 5 (the 3.4 ha area extending south from Marine Parade South) would constitute a logical extension to the existing residential area with good connections to existing roads and access to reticulated infrastructure and community facilities. However these areas were also identified as subject to natural hazards and some parts were low lying and subject to ponding. The two areas were located within the coastal foreshore area which has a high natural character and dune landscape values, and potentially contained sites of historic heritage or cultural value (e.g. middens).

The Officer's report noted that a geomorphological assessment undertaken by Dr Craig Sloss of Boffa Miskell as part of the Development Plan process recommended that the dunes to the north of Foxton Beach should be excluded from any future development to ensure the conservation of a regionally and nationally important geomorphological and ecological coastal landscape, avoid potential problems associated with development in an active dune field and proximity to a saline water table and avoid potential hazards associated with storm surge and coastal inundation, coastal erosion and potential rising sea levels.

The Hearings Panel noted that while the two areas concerned are in locational terms (relative to their proximity to the township) suitable for residential development, there are physical, ecological and cultural considerations which would render them unsuitable for such development. It is considered that they would be better managed as part of the Councils reserve system.

Referring to the map below, the Foxton Beach Coastal Reserves Management Plan which was adopted by Council in 2009 identifies the area north of Marine Parade North as currently an Endowment Area 1960 (Reserves and Other Lands Disposal Act 1956). The area shaded red closer to the coastline is proposed to be declared and classified as a Local Purpose Reserve the purpose of which is Coastal Protection and Conservation. The area to the east of this shaded green is proposed to be Endowment Land managed under the policies of the management plan. The area to the south of Marine Parade South is identified under this Plan as currently Endowment

Area under the Reserves and Other Lands Disposal Act 1956 and proposed to be designated for limited residential use and in the meantime managed under the policies of this management plan.



Foxton Beach Coastal Reserves Management Plan Map

The two areas identified to be rezoned Residential in the Development Plan were not proposed to be rezoned through Plan Change 21, which gave effect to the Development Plan in terms of the future growth needs of Foxton Beach. Under Proposed Plan Change 22 the area to the north of Marine Parade North has been identified as part of the Coastal Outstanding Natural Landscape and the area to the south of Marine Parade South was identified as part of the Manawatu Estuary Outstanding Natural Landscape. Both of these areas consist of largely unmodified dune land with some pedestrian accessways to the beach.

The submitter did not appear at the hearings in support of their submission. The Hearings Panel concurred with the conclusions in the Officer's report, and we were satisfied that detailed consideration had been given to the appropriate zoning pattern for these two areas of land. There was also no evidence that the provision of residentially zoned land in Foxton Beach was insufficient for the foreseeable future needs of that community. For these reasons, the submission point was rejected.

#### 4.6 Planning Maps 12, 13 and 15

##### *Submissions Received*

Sub No.	Submitter Name	Decision Requested	Further Submission
90.00	Foxton Community Board	Retain the Residential Zoning for properties along State Highway 1 and in Foxton Beach which have commercial premises, but can operate under existing use rights.	

**The Foxton Community Board** submitted in support of the retention of Residential zoning for a number of existing commercial premises, particularly on State Highway 1 in Foxton and Foxton Beach. It was noted that the Residential zoning of all of these properties was retained through our

decisions with the significant exception of land subject to a submission by S. and J. Marshall, which is assessed under Part 4.9 below. Overall however, it had been concluded that in terms of the Development Plan, commercial development should be consolidated into Main Street Foxton, rather than along the State Highway.

The Hearings Panel resolved that the submission point be accepted in part, having regard to its decision on the Marshall submission point.

#### 4.7 Planning Maps 12, 17, 19, 27, 27A, 27B, 28, 28A, 28B, 29 and 30

##### ***Submissions Received***

Sub No.	Submitter Name	Decision Requested	Further Submission
116.11	Truebridge Associates Limited	Amend Planning Maps 12, 17, 19, 27, 27A, 27B, 28, 28A, 28B, 29 and 30 as marked on attachment to Submission 116.	

**Truebridge Associates Ltd** submission requests that the areas of Medium Density overlay to be extended within Levin, Waitarere Beach and Foxton Beach.

It was explained to the Hearings Panel that the ‘overlay’ was a technique used in the Proposed Plan to identify areas where higher density development would be appropriate, and was derived from work undertaken as part of the Horowhenua Development Plan. The higher density area within Levin was identified between the Levin Domain and St Josephs School, immediately south-west of the town centre, reflecting previous infill subdivision, and to provide opportunities for higher residential densities close to the town centre and key public open spaces.

In Waitarere Beach, it is proposed to provide for commercial and higher density residential on either side of Waitarere Beach Road. The Proposed Plan has provided for higher density residential development either side of the Commercial zone, with the Medium Density Overlay to extend one urban block to the north and south of Waitarere Beach Road in a consolidated form around the prospective future commercial area.

In Foxton Beach, three individual urban blocks were identified, all positioned around Holben Reserve. The higher density area was extended one street closer to the beach, therefore bringing consistency to the overall urban block bound by Ocean Beach Road/Signal Street/Trafalgar Street/Marine Parade.

The submitter contended that the proposed Medium Density Overlay Areas in Levin, Waitarere Beach and Foxton Beach were too small, and their expansion would promote consolidated development in preference to peripheral greenfield development requiring extension of Council infrastructure. They also argued that as only a limited proportion of lots would actually be redeveloped, the extent of the medium density overlay needed to be large. The areas identified within their submission were very extensive in area. The medium density overlays would enable lots to be reduced in area from 330m<sup>2</sup> to 225m<sup>2</sup> net site area.

Again, the Hearings Panel did not have the benefit of evidence from the submitter to expand upon the content of their submission and to enable their case to be tested through questioning. However

there were a number of reasons why we consider that the expansion of the medium density overlay areas beyond what was proposed in the Proposed Plan to not be appropriate.

We were satisfied that the Horowhenua Development Plan had considered the issue carefully as part of the review of urban growth needs in the District. Even without the overlay provision, there was still substantial potential for redevelopment to higher densities. While noting the submitters comments with respect to promoting consolidated development and avoiding peripheral expansion, we concluded that this factor conveys less weight in the context of Horowhenua District (by way of contrast to larger urban centres) given the limited rate of population growth, the apparently small level of demand for very small residential properties, reasonably generous provision for future greenfield growth, and the limited travel times to access services. Higher density development of the nature proposed is typically associated with the provision of frequent public transport services, and we heard little evidence that this was either required or available on the scale and frequency that would support higher densities over the extended area proposed. We note that even if parts of some of the areas concerned might be described as "run down" this does not necessarily mean that redevelopment would take place at higher densities. In our opinion, the purpose of the Act would be better achieved by retaining the current extent of the higher density overlays provided for under the Proposed Plan.

Finally, we also note the principles set out in the High Court Decision by Justice Kos, in the case *Palmerston North City Council v Motor Machinists Limited, NZHC 1290 (2013)*. In this, the High Court expressed concerns about submissions made seeking changes through submissions which other affected parties may not have been aware of. While we acknowledge that the very large number of potentially affected parties may have been able to deduce the nature of the relief sought by the submitter through a careful analysis of the submissions made on the Proposed Plan, it is apparent to us that there would need to be a well-informed and careful public debate before the scale of the density changes proposed by the submission were to be pursued. The relief sought to this submission has the potential to significantly change the character of the areas affected, and the extent of these areas is also large. We have considerable doubts that in the absence of public knowledge of the changes proposed, in the absence of evidence to support them, that it would be appropriate to allow this submission.

The Hearings Panel resolved that the submission point be rejected.

## 4.8 Planning Map 13

### ***Submissions Received***

Sub No.	Submitter Name	Decision Requested	Further Submission
90.03	Foxton Community Board	No specific relief requested.	511.21 HDC (Community Assets Department) – In-Part
108.40	HDC (Planning Department)	Amend Planning Map 13 to identify Lot 4 DP 9897 and Part Lot 3 DP 10243 as Road Reserve.	

**Foxton Community Board** lodged a 'neutral' submission point on the proposed rezoning of an area of land at Seabury Avenue/Dawick Street and Hall Place from Residential to Open Space (the summary of submissions incorrectly referred to rezoning to Commercial). HDC (Community Assets



Department) lodged a further submission in part support, but went beyond this by also requesting that the adjacent Council owned properties which are shown as Open Space be rezoned Commercial. HDC (Planning Department) submitted requesting a section of Edinburgh Terrace, Foxton Beach which is currently zoned Rural, be displayed on the Planning Maps as road reserve to match its actual land use.

The Foxton Community Board submission does not specify any specific relief, but appears to reflect a desire to be kept informed/involved in any final decisions relating to a prospective property agreement between Horowhenua District Council and another party involving the creation of sections on Hall Place. The officer's report noted that this would expand the proposed Commercial area by over twice its size, and that such an outcome would be appropriate in terms of managing effects on the adjoining environment.

However the Hearings Panel notes that it is simply not possible to extend the scope of relief sought through a *further submission* to request a rezoning beyond that sought in the original submission, which in itself in this case was not particularly clear. It was resolved that the submission of the Foxton Community Board be accepted, and that of the HDC (Community Assets Department) be accepted in part, but only to the extent that it supports the proposed rezoning as notified within the Proposed Plan.

**HDC (Planning Department)** requested that a section of Edinburgh Terrace, Foxton Beach (Part Lot 4 DP 9897 and Part Lot 3 DP 10243) currently zoned rural be shown as road reserve to match its actual land use. This is a piece of land comprising 342m<sup>2</sup> which is a part of the Road Reserve of Edinburgh Terrace just west of Flagstaff Street in Foxton Beach. This situation appears to have arisen as a simple anomaly on the planning maps. As it is part of the formed road reserve of Edinburgh Terrace, the Hearings Panel agreed it would be appropriate to identify this area as road reserve on Planning Map 13. Accordingly, the submission point was accepted.

## 4.9 Planning Map 15

### *Submissions Received*

Sub No.	Submitter Name	Decision Requested	Further Submission
75.00	Stuart & Jean Marshall	Amend Planning Map 15 to identify 36 Johnston Street, Foxton as within the Commercial Zone, without a Pedestrian Area Overlay.	
75.01	Stuart & Jean Marshall	<del>Amend Planning Map 15 to remove 36 Johnson Street, Foxton from within the Foxton Town Centre Character Heritage Overlay Area.</del>	
108.41	HDC (Planning Department)	Amend Planning Map 15 to identify the residential parts of 149 and 151 Union Street (Lots 6 and 7 DP 345888) as within the Rural Zone to reflect the existing land use and to give each property a single zone.	

**S. and J. Marshall** lodged a submission opposing the rezoning of part of 36 Johnston Street, Foxton from Industrial to Residential, and requested that this property be rezoned Commercial without the Foxton Town Centre Character Heritage or Pedestrian overlays. There seemed to be some confusion with respect to the summary of the submission, which from the Hearing Panels reading of the original, appears to clearly oppose both the Town Centre Character Heritage Overlay and the Pedestrian Overlay.

**HDC (Planning Department -108.41)** submitted requesting the areas of 149 and 151 Union Street, Foxton that are currently zoned Residential to be rezoned Rural.



2010 aerial photograph of subject site and surrounding area

The S. and J. Marshall submission relates to approximately half of the large property of 5391m<sup>2</sup> at 36 Johnston Street, Foxton. This rather large and desolate site on State Highway 1 was originally a service station. At the time the property was considered for rezoning it was thought that zoning the entire site under one zoning would provide the ability to develop the property in a more efficient and effective manner under a single set of rules. An isolated industrial zoning adjoining residential activities and a school was at the time considered to raise the potential for ongoing land use conflict. Although it was suspected that the previous service station use may have resulted in site contamination, it was considered these risks could be mitigated or managed. It was also considered that a Residential zoning would reinforce the commercial town centre of Foxton in accordance with Policy 6.3.38, which sought to concentrate development in Main Street to the west.

The Marshall's submission noted that testing by BP Oil had revealed a significant level of contamination underground in the centre of the property where it straddles the Industrial and Residential portions of the current zoning. Because of this contamination the Horowhenua District Council would not be able to issue Building Permits for residential use, but could for commercial

use. A 15 year management/containment plan was currently being complied with by BP Oil for this site. There was no expectation of removing on-site contaminants given their "sticky consistency" that made their removal very difficult. The submission also stated that BP Oil were certain from expert advice that the site is suitable for commercial activity and this was demonstrated through a recently granted Resource Consent (501/2012/3250) for a fish and chip shop and a cafe. The submission noted that the land owners and their tenant intend to further develop commercial activity on this site consistent with commercial zoning and that this would allow the property to again play a significant role socially and in the employment of people in the Foxton area.

The Officer's report canvassed the advantages and disadvantages of rezoning the front half of the property back to commercial use. It was concluded that standards relating to development close to the boundaries will be sufficient to protect residential amenity, albeit that the retention of a commercial zoning in this area would to some extent undermine the intention of concentrating commercial development further west in the town centre.

The Hearings Panel were of the view that in an ideal world, the zoning of this property for residential purposes would be a logical outcome. However we were of the view that given the history of the site and the extent of site contamination, and the fact that a recent resource consent had been granted (2012) to enable ongoing commercial use, that the proposed zoning of the site as Residential was not realistic. The value of the land, and the demand for land in Foxton generally, would have to be very high indeed to justify a prospective developer undertaking the necessary remedial works to make the land fit for purpose in terms of residential development.

Accordingly, the Hearings Panel resolved that the submission point be accepted, and the site at 36 Johnston Street be rezoned Commercial is shown in Appendix A.

**HDC (Planning Department)** submitted requesting that parts of 149 and 151 Union Street, Foxton (Lots 6 and 7 DP 345888) that are currently zoned Residential, be rezoned Rural. These two properties have split zonings and have been developed as rural properties, with the residential component inconsistent with this development. The submission point also notes that where possible, split zones within the Proposed Plan have been avoided.



Sites outlined in green - Existing Residential zone in yellow

It was explained that these two split zoned properties were subject to an oversight during preparation of the Planning Maps for the Proposed Plan. Somewhat unusually, HDC in seeking to avoid split zonings lodged a submission to provide scope for the Hearing Panel to consider the appropriateness of the requested change. To allow the affected landowners to be aware of the HDC submission and have the opportunity to lodge a further submission, a courtesy letter was sent to the owner of these two sites advising of the submission, and the further submission process. The landowner was also informed that should they wish to make a further submission opposing the rezoning then HDC would be prepared to not pursue the rezoning. No further submission was received from the landowner.

The properties at 149 and 151 Union Street, Foxton are two sections of 1.6 and 1.7 hectares that have been developed rurally, each with a residential dwelling and rural activities including grazing stock. Directly west of these properties are smaller Residential properties ranging from around 700m<sup>2</sup> to 2000m<sup>2</sup> in size. Those parts of 149 and 151 Union Street that are zoned Residential comprise small areas near the road frontage with Union Street which extend the Residential zone out in the same pattern as the smaller adjoining Residential zoned properties. Rural land to be rezoned Greenbelt Residential (deferred) adjoins these properties to the east, north of the Residential zoned properties.

The Officer's report noted that it would be appropriate to rezone the Residential part of the properties at 149 and 151 Union Street, Foxton as Rural as they are established and developed rural properties and the split zoning is untidy and could be problematic for future development of the site (e.g. needing to apply zone interface controls such as daylight setback from the Residential zone boundary).

The Hearings Panel were not of the view that the split zoning of the properties would in reality create significant obstacles, but recognising that the landowner had not pursued the matter any

further, and that the relief sought by HDC reflects the actual land use undertaken on the properties concerned, resolved that the submission point be accepted and the zoning of the Proposed Plan be amended as shown on Appendix A.

#### 4.10 Planning Map 15A

##### *Submissions Received*

Sub No.	Submitter Name	Decision Requested	Further Submission
35.00	Anthony Hunt	Amend Planning Map 15A to rezone the area west of Harbour Street north of the Foxton Hotel Service Lane (including the site of Designation 143) from Residential to Recreational (Open Space) or place under some covenant that recognises the heritage qualities of this area.	
68.00	Te Taitoa Maori o Te Awahou	Amend Planning Map 15A to rezone the property adjacent to the Whare Manaaki building on Harbour Street, Foxton from Residential to a more appropriate zone for a carpark/service area.	
84.00	Graeme & Joan Petersen	Amend Planning Map 15A so that the existing Residential zoning of 34 Harbour Street, Foxton is retained. Do not proceed with the proposed Commercial zoning for this property.	
85.00	Warren Millar	Amend Planning Map 15A so that the existing residential zoning 104 Main Street, Foxton is retained. Do not proceed with the proposed Commercial zoning for this property.	
86.00	Ivan Chambers	Amend Planning Map 15A so that the existing Residential zoning of 69 Main Street, Foxton is retained. Do not proceed with the proposed Commercial zoning for this property.	
87.00	Robin Hapi	Amend Planning Map 15A so that the existing Residential zoning of 104A Main Street, Foxton is retained.  Do not proceed with the proposed Commercial zoning for this property.	
88.00	Gail Chambers	Amend Planning Map 15A so that the existing Residential zoning of 69 Main Street, Foxton is retained. Do not	

Sub No.	Submitter Name	Decision Requested	Further Submission
		proceed with the proposed Commercial zoning for this property.	
89.00	Beverly Ann Fowler	Amend Planning Map 15A so that the existing Residential zoning of 67 Main Street, Foxton is retained. Do not proceed with the proposed Commercial zoning for this property.	
90.01	Foxton Community Board	Retain the rezoning of properties on Harbour Street, Foxton from Residential to Commercial on Planning Map 15A.	
90.02	Foxton Community Board	Amend Planning Map 15A and rezone the Ihakara Gardens, Foxton, from Residential to Open Space Zone.	

Ten submissions were received on Planning Map 15A (Foxton CBD). These submissions were both in support and in opposition to the zoning of properties located on this planning map. (Attention is also drawn to the contents of the Hearings Panel decision entitled "*General Part 3 Assessment Matters, General Provisions, General and Miscellaneous Matters*" to relating to errors on the planning maps for this area affecting adjoining properties).

#### Harbour Street and Main Street properties, Foxton

Six submissions were made by owners of properties in Harbour Street and Main Street, Foxton, which are currently zoned Residential 1 in the Operative Plan but are proposed to be rezoned Commercial in the Proposed District Plan. All these submissions were made in opposition to the proposed rezoning of these properties from Residential to Commercial.



Submitters properties outlined in green - existing Commercial in pink, existing Residential in yellow, Proposed Commercial in hatched red, and existing Industrial in purple

The rather complicated pattern of properties subject to submissions were described in the Officer's report, which proved helpful during our site visit. Three of the subject properties are located on the western side of Main Street, between Main Street and Harbour Street. 104 and 104A Main Street are rear sections which access Main Street via a shared formed access way. The property at 34 Harbour Street adjoins these sections to the south and is also a rear section accessing Harbour Street via a formed accessway. These properties are developed with residential dwellings and accessory buildings. They are surrounded by five properties to the north, south and west which are zoned Residential under the Operative District Plan and two properties which are zoned Commercial under the Operative District Plan to the east. The sections to the west which are currently zoned Residential are vacant sections of a similar size to the submitters properties. The property directly to the south is a residentially developed section. The property directly to the south east is currently zoned Commercial and contains the Foxton Hotel. The property to the north east is zoned Commercial and is developed with the Tram Station Cafe.

The first group of submissions concerned the block of land between Main Street and Harbour Street towards the southern end of the town centre.



2010 Aerial photograph of the five submitters properties highlighted in green and surrounding area

**G. and J. Petersen** opposed the proposed rezoning of 34 Harbour Street, from Residential to Commercial on the basis that the Council had allowed them to purchase and build on the property as a residential section. **W. Millar** opposed the rezoning of 104 Main Street, Foxton from Residential to Commercial on the basis that;

- (a) The current use of the property is residential,
- (b) Adjacent properties on three sides are residential,
- (c) The property is adjacent to the Foxton River Loop and protection of existing residential sites should be paramount.
- (d) There are existing commercial sites in Main Street and further along Harbour Street that remain vacant – no new Commercial sites at the expense of the existing residential sites are required.
- (e) Harbour Street is a historical residential area overlooking the Manawatu River Loop at Foxton.
- (f) This rezoning has not been requested by existing owners of the properties affected.
- (g) Rezoning could affect existing resale opportunities for the current residential properties.
- (h) Commercial properties could detrimentally affect the residential qualities of the property through noise, commercial waste, traffic, appearance, views etc.

**R. Hapi** of 104A Main Street also opposed the proposed rezoning to commercial.

The officer's report explained the background to the zoning pattern adopted, and the advantages and disadvantages with proceeding with the expanded Commercial zoning in this part of Foxton. As noted earlier, the Hearings Panels discretion was significantly influenced by the fact that the submitters had only lodged submissions relating to the rezoning of their own particular properties, and not the expansion of the commercial zoning as a whole. The implication of this was that we



were unable to alter the proposed zoning of properties which had been rezoned Commercial and upon which no submissions have been lodged, even if we had been persuaded that this relief should be granted.

Noting that the whole area on the western side of the start of Main Street had been zoned Commercial, it was explained that the direction contained in the Horowhenua Development Plan and subsequent Foxton Town Plan had been adopted as a basis for consolidating commercial development around the Main Street area of Foxton, improving connections to the river loop, and providing increased opportunities for tourism and other complementary development. This meant incorporating the existing industrial and residential zoned land at the southern end of Main Street into the Commercial Zone. Also introduced was the concept of a 'Tourism Development Overlay'. The area extending over the existing Commercial zone from Wharf Street was identified as the northern border of this area which would extend south to Union Street including a group of residentially developed properties on the eastern side of Main Street and a group of residentially developed properties on the eastern side of Harbour Street.

It was emphasised to us that the non-statutory plans had been through a public consultative process which sought to implement vision for the town centre of Foxton. The Foxton Town Plan provides a set of initiatives that collectively provide for the enhancement of Foxton's attributes and the qualities that the community values.

The two residential properties at 67 and 69 Main Street, Foxton are located on the eastern side of Main Street, with no. 69 also having frontage on to Cook Street. These two properties by virtue of their location and frontage onto Main Street, read as part of the Foxton town centre streetscape. Both properties are developed with residential dwellings and accessory buildings. They are adjoined by Residential zoned and developed sections to the north and east. Industrial zoned and developed land is located across Cook Street to the south and a Commercial zoned property containing the Foxton Hotel is located across Main Street to the west.

The reporting officer acknowledged that rezoning these properties and surrounding properties from Residential to Commercial may decrease the existing amenity for the existing residential activities, but on balance concluded that the policy direction to concentrate commercial activities within Main Street, and to enhance tourism in the area outweighed the adverse environmental effects of rezoning these properties - for example the redevelopment of an existing residential property for commercial purposes adjoining remaining residential properties.

At this point, it is appropriate to mention the submission by the **Foxton Community Board** (90.01) supporting rezoning the section of Harbour Street, Foxton from Residential to Commercial to enable future tourism development in the town. The reporting officer noted that the submitter asserted that the rezoning would not preclude existing residential sections being used residentially, but quite properly pointed out that for those properties that have been developed with residential dwellings, existing use rights would remain. However it was noted that the same does not apply for those vacant residential sections that do not already have a dwelling. The submitter did not appear at the hearing in support of their case, and we observed that existing use rights can make even minor extensions to existing dwellings subject to resource consent processes, which may well be onerous for some landowners. The Commercial zone rules permit residential activities provided they occur above ground floor. Therefore, if a landowner for one of the currently vacant Residential zoned sections proposed to construct a new standalone dwelling, they would require resource consent.

The Hearings Panel noted that for the area between Main Street and Harbour Street time had to be allowed for a gradual regeneration of the current rather eclectic mix of frontage lots, back sections, vacant sections and sections containing modest dwellings. There was a feeling within the Hearings Panel that the rezoning proposed was rather ambitious given the likely level of development, and recognising that it reflected community aspirations rather than evidence of commercial or tourism demand. There was also some concern that there was no outline development plan to provide a framework for the staged commercial redevelopment of the area, which could occur on an ad hoc, lot by lot basis. To that extent, this was an aspect that may require further development through the District Plan in the future.

Notwithstanding these reservations, and as noted above, even given the nature and scale of the commercial rezoning proposed, to grant the relief sought through the submissions by Petersen, Millar and Hapi, would lead to a patchwork quilt of mixed Commercial and Residential zoned properties in the area between Main Street and Harbour Street. This would result in a completely incoherent zoning pattern, with likely adverse effects and land use conflict between commercial and residential activities as a mixture of front and rear sections were developed for different purposes. Accordingly, we concluded that the submission points from these three submitters, although having some merit to them, should be rejected. As we have decided that the proposed zoning of this area of Foxton is to be retained, the submission point of the Foxton Community Board was accepted.

Turning to the eastern side of Main Street, **Ivan Chambers and Gail Chambers** as owners of 69 Main Street, and **B.Fowler** as the owner of 67 Main Street, Foxton all submitted in opposition to the rezoning of their sites from Residential to Commercial. Their submissions stated that the existing zoning of these properties is appropriate as the surrounding properties on two sides are residential and the other two properties are very light commercial and town centre heritage.

The Panel noted that the two residential properties concerned were very small and entirely residential in character. Their rezoning to Commercial would add little value in terms of the scope for commercial regeneration and development in Foxton in the future, and the retention of residential zoning would not undermine the direction signalled through the Development Plan, or the objective of consolidating commercial development on Main Street.

For these reasons, the submission points made by I. and G. Chambers and B. Fowler were accepted, and that the zoning of these properties revert to Residential as shown in Appendix A.

#### Foxton River Loop

**Anthony Hunt** submitted in opposition to an area west of Harbour Street, north of the Foxton Hotel Service Lane (including Designation D143 – Clyde Street Water Bore) being zoned Residential. The submission point seeks that this area be zoned for recreation or subject to a covenant that recognises the area's heritage qualities. The area in question on Harbour Street consists of approximately 2.9 ha of land along the banks of the Manawatu River. The Officer's report advised that the majority of this land is in Crown ownership apart from a property of 2055m<sup>2</sup> at the western end of Clyde Street on the bank of the Manawatu River, which is owned by the Awahou Indoor Bowls Association Incorporated and developed with this clubs building.



Aerial photograph of area shown outlined in red

All of the Crown owned land within this area which incorporates 2.8509 ha has been gazetted as Recreation Reserve, which is administered by the Horowhenua District Council. A Management Plan has been prepared to assist with day to day management and provide long term direction for its management and use. The reserve is of historic significance for the town and the region as a reminder of Foxton's history as a flourishing port. Under the Operative District Plan this site was zoned Residential 1, and Residential under the Proposed Plan.

As the property is gazetted Reserve Land administered by Council it would be appropriate to rezone this land Open Space, which is intended to apply under the Proposed Plan to all Council parks and reserves. It appears to the Hearings Panel that the zoning of this land for residential purposes is a historical anomaly, as there does not appear to have been any intention or desire on the part of any party that it be developed for residential use, even assuming that it was physically suitable for such a purpose. Open Space zoning is consistent with the land's use as a public recreation area in Foxton.

Accordingly, the Hearings Panel resolved that the submission be accepted and that the land be rezoned Open Space, as set out in Appendix A.

### 28 Harbour Street

**Te Taitoa Maori o Te Awahou** (68.00) submitted requesting the rezoning of 28 Harbour Street Foxton, which is the property adjoining the Whare Manaaki building on Harbour Street, from Residential to a zoning more appropriate for a future carpark to service Te Awahou-Nieuwe Stroom.



Aerial photograph of site outlined in green and surrounding area

28 Harbour Street was zoned Residential under the Operative Plan and the Proposed Plan rezones this property to Commercial, and is included within the Proposed Foxton Tourism Area Overlay. Carparks are provided as permitted activities within the Commercial Zone, which provides the relief sought by the submitter. For this reason, the Hearings Panel resolved that the submission be accepted.

### Ihakara Gardens

**The Foxton Community Board** (90.02) lodged a second submission point under this group of submissions, opposing the Residential zoning of the Ihakara Gardens in Foxton, which date back to 1850. This submission states that the Ihakara Gardens should be zoned Open Space as they are both a public garden and a gravesite.



Aerial photograph of Ihakara Gardens outlined in red

Ihakara Gardens comprises 2555m<sup>2</sup> owned and managed by Horowhenua District Council, and it appears that the Residential zoning under the Operative District Plan was simply carried over into the Proposed Plan. As decided under Section 4.2. of this decision, the Hearings Panel have accepted that the Open Space Zone should be applied to all of the District's cemeteries. For this reason, the submission point of the Foxton Community Board (90.02) was accepted, and the amended zoning shown in Appendix A.

#### 4.11 Planning Map 17

##### ***Submissions Received***

Sub No.	Submitter Name	Decision Requested	Further Submission
24.00	Peter & Vivien Wright	Amend Planning Map 17 to change the zoning of 677 Waitarere Beach Road, Waitarere from proposed Commercial to Residential.	
28.00	Peter & Vivien Wright	Amend Planning Map 17 to change the zoning of 677 Waitarere Beach Road, Waitarere from proposed Commercial to Residential.	

These two separate submission points were lodged by these submitters opposing the proposed rezoning of 673/675 and 677 Waitarere Beach Road, Waitarere Beach from Residential to

Commercial. **P. and V. Wright** are the owners of these properties. Both have been in the ownership of the family for many years.

The submitter was of the opinion that 677 Waitarere Beach Road is the most commercially desirable section in Waitarere Beach, as it is flat, fenced, powered, has garages and a workshop, and is next to a restaurant and close to the beach. Notwithstanding that, the submitter says he has had residential enquiries over the years but no one has ever shown interest in setting up a commercial venture on the land. He notes that 673/675 Waitarere Beach Road are elevated and built on and he considers the site has only limited space for off street parking and would be unsuitable for most commercial ventures. In his view there is no demand for commercial land in Waitarere Beach, citing that two of the three purpose built shops behind the 4 Square store are vacant, the old service station has been empty for years, the Motel closed in 1991 and the gift shop, hairdresser and Boyce Plumbing and hardware have closed down. He adds that the "Hub" restaurant and other food ventures have failed. Based on professional advice, he contends that commercial zoning will lower the value of the property and complicate consent applications for any future additions or improvements. The submission states "while we can appreciate the Council's vision, we consider, the Field of Dreams ("make it and they will come") presumption is overly optimistic.

673/675 and 677 Waitarere Beach Road, Waitarere Beach are located side by side just to the east of the Sail on Inn Restaurant and Bar in between Park Avenue and Rua Avenue, approximately 350 metres from the Waitarere beach front. 673/675 Waitarere Beach Road is a 1075m<sup>2</sup> property with a 25 metres road frontage to Waitarere Beach Road containing a residential dwelling located in the north eastern corner of the property, elevated above Waitarere Beach Road, a double garage with a second storey loft just south of the dwelling built in a similar style and various other small sheds including a garage located on the boundary with Waitarere Beach Road. This property has two formed vehicle entranceways to Waitarere Beach Road. 677 Waiterere Beach Road is a 781m<sup>2</sup> flat section with a double garage in the south-western corner with a formed access on to Waitarere Beach Road. The Officer's report noted that these two properties are zoned Residential under the Operative District Plan, as are all surrounding properties.



673/675 and 677 Waitarere Beach Road highlighted in green - Proposed Commercial hatched red

These properties are located near the western end of an area of land spanning approximately 300 metres of the southern side of Waitarere Beach Road which is to be rezoned Commercial under the Proposed District Plan. Once again, this ambitious rezoning derives from the Development Plan which concluded that Waitarere Beach does not have an identifiable town centre. However it is observed that historically commercial activities were established on Waitarere Beach Road on residentially zoned land. In effect it creates a commercial zone supposedly anchored at each end from two residential properties east of the corner of Kahukura Avenue which contain the Beachcomber Cafe and the Waitarere Beach Four Square, and extending to the Sail on Inn Restaurant and Bar on the corner of Waitarere Beach Road and Rua Avenue near the beach front. The proposed Commercial zone within the Waitarere Beach area would allow for mixed use including commercial and residential activities.

The residential use of the properties subject to Commercial zoning would be permitted subject to compliance with Condition 17.6.2 (d) of the Proposed Plan which requires all buildings to have display windows along the ground floor frontage and landscaping requirements. This would however result in new residential development requiring resource consent.

The Officer's report claims that a transition to commercial uses for the identified commercial area may take a long time to eventuate, but it is considered important to provide opportunities for a commercial centre to be established. As noted earlier with respect to the du Plessis submission in Foxton Beach, HDC has not adopted planning boundaries for rating purposes as some Councils have. We also agree with the reporting officer that matters concerning property rates and values are not environmental effects under the Resource Management Act 1991.

Once again, the Hearings Panel found itself in the same position as it did with respect to submissions opposing part of the proposed rezonings for new Commercial zoned land in Foxton

Beach and in Foxton, addressed earlier in these decisions. These submissions relate purely to the submitters own property. If these Wright properties were left zoned Residential, they would result in a spot Residential zone and an incoherent zoning pattern along the frontage of Waitarere Beach Road.

The Hearings Panel is again caught with limited discretion available to it, except with respect to the submitters own properties. We consider that there is some force in the submitter's arguments, and an apparent history of unsuccessful commercial activity which supports the notion that the very long and extensive strip of proposed commercial zoning is unrealistically ambitious. We also consider that it has the potential to create unnecessary administration and compliance costs for the numerous residential owners along the strip of frontage properties, many of whom may have no intention of redeveloping their properties for commercial purposes. If these properties were to be redeveloped for commercial purposes, it may be preferable to do so in a more holistic way involving integrated development of an area of commercial land rather than ad hoc ribbon development of individual frontage properties along Waitarere Beach Road.

We would suggest that the Council revisit the need, or more properly perhaps, the scale and form, of the proposed Commercial Zone along Waitarere Beach Road. We have doubts that a viable "town centre" is likely to emerge from dispersed ad hoc commercial development along such a long road frontage. We consider a better result would be achieved by concentrating any future Commercial zoning in a more compact arrangement. To that extent, we are not entirely convinced that development in the form anticipated by this ribbon zoning would in fact be consistent with Policy 6.3.36 which aims to *"recognise the smaller-scale and diverse character of commercial areas in the smaller rural and coastal settlements by managing development to ensure an attractive and safe environment is created and maintained with well designed and attractive frontages and limited on-site vehicle access."*

However given our inability to review the zoning of properties which have not been the subject of submissions, we have rather reluctantly accepted that the Wright submission will have to be rejected.

## 4.12 Planning Maps 17 and 19

### ***Submissions Received***

Sub No.	Submitter Name	Decision Requested	Further Submission
108.42	HDC (Planning Department)	Amend Planning Maps 17 and 19 to identify Lot 14 DP 24470 as Road Reserve.	
108.43	HDC (Planning Department)	Amend Planning Map 19 to identify Lot 13 DP 42904 and Lot 173 DP 50461 as Road Reserve.	

**HDC (Planning Department - 108.42)** lodged a submission requesting that a section of Taonui Street, Waitarere Beach which is currently zoned Rural, be identified as road reserve. Lot 14 DP 24470 is a 1019m<sup>2</sup> land parcel of Taonui Street vested in Council as road reserve and connects Kahukura Avenue and Rummel Street.





Area of road outlined in green

This submission point was unopposed and the Hearings Panel resolved that it be accepted.

HDC (Planning Department - 108.43) also lodged a submission requesting that two sections of pedestrian accessway connecting Kahukura Avenue and Park Avenue to be identified as road reserve to reflect their legal status and use. The two areas of land legally described as Lot 13 DP 42904 and Lot 173 DP 50461 over which the accessway between Kahukura Avenue and Park Avenue is formed are identified as part of the Residential 2 Zone, although this land is vested in Council as road.



Accessway outlined in green above

Given this legal status, the Hearings Panel agreed it would be appropriate to identify these areas as road reserve on Planning Map 19, and accordingly the submission point was accepted.

#### 4.13 Planning Map 21

##### ***Submissions Received***

Sub No.	Submitter Name	Decision Requested	Further Submission
112.00	Shannon Progressive Association	Retain the proposed rezoning of 39a Margaret Street, Shannon from Residential Zone to Open Space Zone on Planning Map 21.	

**The Shannon Progressive Association** lodged a submission supporting the rezoning of 39a Margaret Street (Planning Map 21) from Residential to Open Space (*The Council's property information records together with those held by Land Information New Zealand identify this property as no.35 Margaret Street, Shannon*). The Officer's report notes that a Resource Consent was applied for by the Shannon Progressive Association in September 2010 (LUC/3017/2010) to erect a Waterwheel structure on this property. Under an Open Space zoning, a setback of 4.5 m from the Residential Zone Boundary and 4m from the road boundary will be required, and the Association may wish to re-site proposed waterwheel to comply with this setback requirement. Access and parking requirements and any other applicable conditions would also need to be complied with for this to be a permitted activity under the Proposed Plan.

The Hearings Panel resolved that the submission point by Shannon Progressive Association be accepted.

#### 4.14 Planning Map 26

##### *Submissions Received*

Sub No.	Submitter Name	Decision Requested	Further Submission
18.00	Paul Pearce	Retain proposed rezoning of Lot 4 DP 53896 (corner of Hamaria and Mako Mako Roads, Levin) from Industrial to Rural.	
19.00	Grant Leslie & Anne Searle	Retain proposed rezoning of Lot 4 DP 53896 (corner of Hamaria and Mako Mako Roads, Levin) from Industrial to Rural.	
20.00	Robert Kel	Retain proposed rezoning of Lot 4 DP 53896 (corner of Hamaria and Mako Mako Roads, Levin) from Industrial to Rural.	
21.00	Errol Skelton	Retain proposed rezoning of Lot 4 DP 53896 (corner of Hamaria and Mako Mako Roads, Levin) from Industrial to Rural.	
22.00	Kevin MacMillan	Retain proposed rezoning of Lot 4 DP 53896 (corner of Hamaria and Mako Mako Roads, Levin) from Industrial to Rural.	
115.00	Alan McKenna	<del>Amend Planning Map 26 to remove the proposed rezoning from Rural to Industrial on the properties south of Levin, State Highway 1, and maintain the current Rural zoning.</del>	520.00 Homestead Group Ltd- Oppose

Five submissions were made relating to Planning Map 26 supporting the rezoning of the 2 ha property on the corner of Hamaria and Mako Mako Roads, Levin, owned by G. and A. Searle from Industrial to Rural. One submission point by Alan McKenna erroneously referred to Planning Map 26, and this is addressed with respect to submissions on Planning Map 29.

**P. Pearce, G. and A. Searle, R. Kel, E. Skelton and K. MacMillan** all submitted in support of the proposed rezoning of Lot 4 DP 53896 on the corner of Hamaria and Mako Mako Roads, Levin from Industrial to Rural, observing that this land area has been used for rural activities for over 30 years. The submissions further observed that Rural zoning would reflect the long-standing use of the land, was consistent with lifestyle properties in the area, and that the unusual land shape was unsuitable for industrial use.

The Hearings Panel noted that the submissions were also supported by the reporting officer, and accordingly was resolved that the proposed rezoning be retained, and that the submission points be accepted.

#### 4.15 Planning Map 27

##### ***Submissions Received***

Sub No.	Submitter Name	Decision Requested	Further Submission
30.00	Peter Everton	No specific relief requested.  Inferred: Retain the proposed rezoning of properties from Rural to Industrial on Hokio Beach Road, Levin on Planning Map 27.	
30.01	Peter Everton	Amend Planning Map 27 to include Lot 2 DP 431415 within the Industrial Zone.	

**P. Everton** lodged a submission supporting the rezoning of a block of land on the southern side of Hokio Beach Road, Levin, west of the intersection with Bruce Road, from Rural to Industrial (Planning Map 27). This incorporates three properties (Lots 1 and 2 DP 73882 and Lot 1 DP 18451) which adjoin the existing Industrial zoned land to the east and represent an extension of the existing pattern of the existing Industrial zoned area under the Operative Plan. These blocks of land are currently used industrially as an automotive wreckers and a digger hire business. The Hearings Panel resolved that the submission point in support be accepted. Mr Everton appeared at the hearing in support of his submission, describing the nature of the property and its surrounds, and emphasising that it's rezoning would be consistent with the pattern of industrial development on adjoining land to the east.

P. Everton also sought the rezoning of his 8189 m<sup>2</sup> property in Hokio Beach Road (Lot 2 DP 431415) which partially adjoins the above rezoned land to also be rezoned from Rural to Industrial. He argues that rezoning would be appropriate as it reflects the historic and current land use of the site as a truck depot/workshop/office/storage area. The submitter cited previous meetings with Council officers regarding this proposal, and his advice to immediate neighbours of his intention to request that the property be rezoned from Rural to Industrial. The Hearings Panel noted that these parties have not lodged a further submission in opposition to Mr Everton.

If the Everton property was rezoned Industrial, it would comprise a relatively small parcel surrounded by Rural zoned land to the north, south and west. There are three residential sized properties along this Road frontage, being 119 and 121 Hokio Beach Road and 109-113 Hokio Beach Road. Realistically, their small size precludes rural activities. One residential property (109 - 113 Hokio Beach Road) would be left as an isolated spot zone, while another would be partly isolated by the proposed Industrial zoning on two boundaries.



2010 Aerial photograph of site outlined in green and surrounding area- hashed purple is proposed Industrial, solid purple is existing Industrial

The reporting officer had some concerns that the protection of the existing amenity of these small rural properties could be achieved given they would be enveloped by the industrial zoning of the Everton property. On visiting the site, the Hearings Panel noted that the amenity values of this area were poor, a factor not assisted by the untidy appearance of the 'industrial' development and a virtual lack of any landscaping.

While acknowledging that the Everton property was to some extent industrial in character, the Hearings Panel felt it would be clearly preferable to the zoning of this land, if it were to occur, to be undertaken comprehensively to include the small 'rural' properties along the Hokio Beach Road frontage. Rezoning would not merely maintain the status quo in terms of land use, but could significantly intensify the range of activities undertaken on the site and the levels of effects that would be generated. We were not satisfied that the purpose of the Act would be better achieved by the somewhat ad hoc zoning proposed extending further along Hokio Beach Road. We consider further zoning in this area would need to take account of the need to substantially improve the poor standard of amenity which currently exists, an outcome which would not be achieved through the rezoning proposed. For these reasons, the Hearings Panel resolved that the submission point be rejected.

#### 4.16 Planning Maps 27A, 27B, 28A and 28B

##### ***Submissions Received***

Sub No.	Submitter Name	Decision Requested	Further Submission
Hearing Decision: Proposed Horowhenua District Plan – General Part 4 (Planning Maps)			

Sub No.	Submitter Name	Decision Requested	Further Submission
5.01	Elaine Gradock	No specific relief requested.  Inferred: Amend the identified area for larger scale retail development in Levin to include the commercial town centre on Planning Maps 27A, 27B, 28A and 28B.	

One submission was received supporting identifying an area for larger scale retail development within the Levin town centre.

**E. Gradock** supported the identification of an area for large format retail development, contending that Levin needs a large 'big box' retail site for consumer choice. The reporting officer advised that a Large Format Retail Overlay which would allow for large floor areas for retail activities had been identified in the Development Plan, and was located over existing and proposed Commercial zoned properties north of the Levin Pedestrian Overlay Area. The selection of these areas were based on the need for the location of such facilities to be outside of the pedestrian focused area to ensure the vibrancy, vitality, character and amenity values of the main town centre. This reflects concern that large format retail is largely based on vehicular traffic rather than a pedestrianised environment, which could have an adverse effect on a town centre. The Hearings Panel resolved that the submission point be accepted to the extent that it supports the identification of a large format retail area on the Proposed Plan.

#### 4.17 Planning Map 27A

##### *Submissions Received*

Sub No.	Submitter Name	Decision Requested	Further Submission
108.44	HDC (Planning Department)	Amend Planning Map 27A to identify Lot 3 DP 21580 as Road Reserve.	

One submission point was made relating to Planning Map 27A. **HDC (Planning Department)** (108.44) made a submission point requesting a section on the corner of Stanley Street and Salisbury Street to be displayed as road reserve.

HDC (Planning Department - 108.44) sought that a small triangular area on the corner of Stanley Street and Salisbury Street, Levin (Lot 3 DP 21580) to be correctly identified as road reserve. This small corner parcel of land is vested in Council as road.



Corner parcel highlighted in green

The Hearings Panel resolved it would be appropriate to identify this land parcel as road reserve on Planning Map 27A to reflect its legal status and land use. This submission point was accepted.

#### 4.18 Planning Maps 27A and 28A

##### *Submissions Received*

Sub No.	Submitter Name	Decision Requested	Further Submission
114.00	Gary Spelman	Amend Planning Maps 27A and 28A to remove the proposed rezoning of properties in the Exeter and Bristol Street, Levin area to Commercial and maintain as Residential.	

A submission was received from **Mr Spelman** opposing the rezoning of properties in Exeter and Bristol Streets, Levin, from Residential to Commercial.



Area proposed to be rezoned Commercial shown in hatched pink

Mr West presented submissions on behalf of his client Mr Spelman. He noted that Mr Spelman opposed the rezoning of the area off Exeter and Bristol Street, which adjoined his property along Exeter Street to the east. He was concerned that there would be adverse effects on the amenity of his adjoining residential property. It was apparent that he took considerable pride in the maintenance of the dwelling on this property, a factor that was apparent to us from our site visit. The need for commercial land in this location was questioned, and there was concern that there was potential for large scale, unattractive commercial buildings to be erected on his eastern boundary, potentially devaluing the Spelman property.

The reporting officer explained that the area proposed to be rezoned Commercial on the north western corner of Exeter and Bristol Streets in Levin was assessed for rezoning through a land use survey conducted in 2012. The reporting officer considered that "on balance", rezoning these properties to Commercial was the most appropriate zoning, given that two out of these three properties are currently developed commercially and the zone interface rules would protect the adjoining residential properties.

The latter point became an issue of discussion at the hearing, where in response to Mr Spelman's concerns about the scale of the building which might in future replace the existing structure on his eastern boundary, it was noted that any building or structure was required under Rule 17.6.4 (a)(ii) to be set back 4.5 m from the Residential Zone boundary, and with the additional application of the recession plane, would limit the height of any such building to approximately 8m at this distance. Furthermore, it was noted that in the Residential Zone itself a building could be erected to a height of 8.5m under Rule 15.6.2 (a) as of right. It was also noted that the Spelman dwelling was set back from the proposed Commercial Zone boundary, and there was an intervening shed on his property.



The existing large building was in fact located directly on his eastern boundary, and not set back at all.

The Hearings Panel were conscious of the genuine concerns held by Mr Spelman, but when considering the rules package in the District Plan as a whole, the existing pattern of land use activities to the east of his property, the configuration of the dwelling on his own property, and the protection provided for under the rules on the common boundary, it was concluded that the proposed Commercial Zone was still appropriate. Taking these factors into account, it was concluded that the submission point be rejected.

#### 4.19 Planning Map 27B

##### *Submissions Received*

Sub No.	Submitter Name	Decision Requested	Further Submission
6.01	Heather Benning	Amend Planning Map 27B to include 28 Durham Street, Levin within the Residential Zone and Medium Density Development Overlay.	
11.25	Philip Taueki	Amend Planning Map 27B to include Pt Sec 28 Levin Suburban (former Levin School site) within the Commercial Zone.	519.20 Charles Rudd(Snr) - Support
60.22	Muaupoko Co-operative Society	Amend Planning Map 27B to include Pt Sec 28 Levin Suburban within the Commercial Zone.	

##### 28 Durham Street

A submission was received from **H. Benning** seeking the rezoning of the site at 28 Durham Street, Levin, a 1012m<sup>2</sup> section which is zoned Commercial under both the Operative District Plan and the Proposed Plan. This property is a corner section with road frontage to both Durham Street and Salisbury Street. It contains a well maintained residential dwelling which serves as a family home and which is surrounded on all sides by streets and car parking. The submitter seeks Residential zoning with the 'Medium-Density Overlay'. To the north and west the Commercial sections are owned by Horowhenua District Council and are developed as long term vehicle parking spaces which are also proposed to be designated for car parking use. It was also originally proposed to designate 28 Durham Street for car parking purposes, but this proposed designation has been declined through the hearings relating to the submissions on designations.

The Hearings Panel considers that an irreversible pattern of Commercial and associated carparking development has now enveloped the site. Although properties across Durham Street to the south remain Residential, we consider there was little or no prospect of residential development re-establishing adjacent to the submitters property, and that it's rezoning to Residential would create an anomalous spot zoning. For these reasons the submission point was rejected.



Aerial photograph with property outlined in green

### Levin Adventure Park

**P. Taueki and the Muaupoko Co-operative Society** request the rezoning of the Levin Adventure Park site (legally described as Pt Sec 28 Levin Suburban) from Residential to Commercial. The submitter states that this Residential zoning is inconsistent with the Commercial zoning of adjoining properties along Oxford Street, Levin's main commercial street. The site comprises Pt Sec 28 Levin Suburban, a 3.2767 ha property located on the western side of Oxford Street, Levin (State Highway 1), between the intersections with Stuckey and Durham Streets. It is zoned Residential 1 under the Operative District Plan and Residential in the Proposed Plan and was formerly the Levin School. The Horowhenua Visitor Information Centre (since relocated) and the Levin Adventure Park were developed on this site. The site also contains five listed 'Notable Trees' under the Proposed District Plan.

This large site is essentially on the interface between commercial town centre development to the north, residential development to the southwest, and commercial/industrial development extending along Oxford Street to the south. The Hearings Panel considers that it is premature to consider the long-term development in zoning of this land pending future decisions with respect to Treaty of Waitangi claims being resolved. As ex-Crown land, this site may well form part of a future treaty settlement. We are well aware that this area is seen as an asset/open space of significant value to the community, but upon resolution of Treaty claims, the site, or at least parts of it, could be seen as having commercial and/or residential development potential when consideration is given to the adjacent land use patterns. The current use of the site for open space purposes cannot be regarded as a de facto designation for the future. Provided any adverse effects are addressed, future owners of the land would be entitled to expect that the site be developed in a manner

enabling the highest and best use. In terms of the final resolution of such zoning matters, this would require wider community involvement, most notably with the Crown's Treaty partners, something which cannot be realistically addressed at this point in time.



Levin Adventure Park site outlined in red

Any commercial rezoning of the land *at this point in time* is inappropriate as there has been no consultation or opportunity to consider the implications of such a rezoning in terms of visual impacts, traffic effects, or potential land use conflict with adjoining residential activity. This would be something which would be best addressed through a plan change procedure, which would enable prior assessment of any land use of alternatives ranging from the current open space usage to various combinations of urban activities over all or part of the site.



Adventure park property and surrounds showing Proposed District Plan zoning - yellow - existing Residential - pink - existing Commercial - hatched pink - Proposed Commercial

While Mr Taueki appeared at a special hearing held on 28 May where he was heard by all members of the District Plan Review Hearing Panel, the zoning of this particular site did not feature as part of his verbal presentation to the Hearing Panel.

The merits or otherwise of the zoning of this land as pursued through Mr Taueki's submission need to wait for the resolution of Treaty claims. In the meantime, the Hearings Panel considers that the current Residential zoning should remain in place, and that the submission points be rejected.

## 4.20 Planning Map 28A

### *Submissions Received*

Sub No.	Submitter Name	Decision Requested	Further Submission
8.00	Graham & Sonia Broughton	Amend Planning Map 28A to change the zoning of 189 Cambridge Street, Levin from proposed Commercial to Residential.	
43.00	Franklyn Leong & Heather Brown	Amend Planning Map 28A to rezone the properties in Essex Street that are proposed to be rezoned Commercial, by zoning them Residential.	

Sub No.	Submitter Name	Decision Requested	Further Submission
73.02	McDonald's Restaurants (New Zealand) Limited	Amend Planning Map 28A to remove the 'Proposed Pedestrian Area' notation from the McDonald's site.	

189 Cambridge Street

**G. and S. Broughton** opposed the rezoning of 189 Cambridge Street Levin, from Residential to Commercial as they contended this would have an adverse effect on their adjoining properties at 185 and 187 Cambridge Street which comprise two attached residential units. They contended that Cambridge Street is zoned Residential, the development of inappropriate scale could occur adjacent to their residential properties, and that there would be a loss of property value. The property subject to the rezoning is a 1062m<sup>2</sup> property which is made up of three allotments on one title. It is a corner section with road frontage to both Tyne Street and Cambridge Street and forms an L shape with two allotments extending south and sharing a boundary with the railway reserve. This property contains a large building located up to the boundary with the railway reserve, which operates as Ken Masons Auto Electrician. A large sealed area is located near the road frontage with Tyne and Cambridge Streets. Land Use Consent (XN/1998/788) has been granted in 1998 for the auto electrical workshop on this site, and a consent was granted in 2007 (501/2007/2304) for a new office and workshop on the site.



189 Cambridge Street shown in hatched pink

The Officer's report stated that the proposed rezoning of this property to Commercial was part of the land use survey undertaken in 2012, which noted the existing commercial use, and the impacts of adjacent road and rail traffic on residential amenity.

From our site visit, we acknowledge that the environment in Cambridge Street is essentially residential, but that this site is somewhat unique in that street given its established land uses, and the combined effect of road and rail traffic in conjunction with the level crossing adjacent to the site. We also note that an element of protection is provided for adjoining residences from future

commercial development on the site in terms of required 4.5 m building setback, recession planes to protect sunlight admission, and a requirement to comply with the residential noise standards at the site boundary. These factors will limit the height and scale of future buildings on the site at 189 Cambridge Street.

Given in connection with commercial activities along Tyne Street beyond the railway crossing, we are satisfied that this site does not 'read' as a typical spot zone. For these reasons, the Hearings Panel considered that the proposed Commercial zoning should be retained and that the submission point be rejected.

### Essex Street

**F. Leong and H. Brown** have opposed the rezoning of the area on the corner of Bristol and Essex Streets, Levin from Residential to Commercial. Matters raised by the submitter included increases in traffic volumes, safety issues for children and the elderly, availability of other commercial buildings on land, vandalism and graffiti, feral pests and lack of consultation.

By way of background, the Officer's report noted that during 2006 – 2009 Council had evaluated areas appropriate for new commercial, industrial and residential development as part of the Horowhenua Development Plan. The area between York Street, Bristol Street, Exeter Street and Oxford Street was identified as the preferred location for future commercial development, in particular, large format retail. It was considered appropriate to identify a whole street block with a contiguous pattern of commercial zoning, close to but not within the existing town centre. The wider street width was also seen as providing a suitable buffer to adjoining residential development beyond.



Area proposed to be rezoned Commercial shown in hatched red

Unfortunately, the submitters did not appear at the hearing to expand on their concerns. Inspecting the site area from the Street, we note that it contains a mix of uses - residential, recreational and commercial - which would require a potential large format retail developer to acquire a large number of properties in separate ownership. We understood informally at the hearing that this in fact may well be the case. We were of the view that it will be important to ensure that the quality of any eventual development takes account of the residential neighbours to the north and west.

We felt it would have been useful to have had a better appreciation of how this land would be developed comprehensively within the framework of the rules in the District Plan. However we also heard no contrary evidence presented with respect to potential adverse effects. On balance, the Hearings Panel concluded that the proposed Commercial zoning should be retained.

Accordingly, the Hearings Panel resolved that the submission point by Leong and Brown in opposition to the rezoning of the area on the corner of Bristol and Essex Streets, Levin from Residential to Commercial be rejected.

### McDonald's Restaurant

**McDonald's Restaurants Ltd** opposed the identification of their site located on the corner of Oxford Street (State Highway 1) and Stanley Street being within the proposed 'Pedestrian Overlay', primarily on the grounds of the traffic function of Oxford Street and the presence of car parking. The main frontage of McDonald's is to Oxford Street, with vehicle access to/from the carpark and drive-through from Stanley Street exiting to Oxford Street.

This area is proposed to be zoned Commercial under the Proposed Plan with the Pedestrian Overlay Area introduced to differentiate between 'pedestrian' and 'vehicular' oriented areas. With respect to this, the officer's report noted that Policy 6.3.35 in the District Plan states:

*"Recognise and protect the pedestrian environment within the core part of commercial areas in the main urban settlements by managing development to ensure an attractive and safe pedestrian focused environment with active, transparent and continual building frontages, shelter and limited on-site vehicle access".*

It was explained that along this section of Oxford Street, the plan attempted to achieve a pedestrian focused town centre environment with buildings sited on the front boundary having verandas and display windows. The Hearings Panel noted that the submitter did not appear at the hearing, and that their concerns may have arisen as a misunderstanding in terms of the potential impacts of the District Plan on their operations. The intention of the plan is not to restrict the existing activities of the submitter, but to recognise the location of this and other businesses in the pedestrian core of Levin, and to differentiate this part of the town from large-floorspace commercial/industrial activities beyond, which are characterised by large street setbacks and frontage car parking.

The Hearings Panel resolved that the submission point be rejected.

## **4.21 Planning Map 28B**

### ***Submissions Received***

<b>Sub No.</b>	<b>Submitter Name</b>	<b>Decision Requested</b>	<b>Further Submission</b>
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Sub No.	Submitter Name	Decision Requested	Further Submission
111.00	Mark Dunn	Amend Planning Map 28B to remove all properties on Manchester Street, Levin that are within the Medium Density Area.	

**M. Dunn** lodged a submission in opposition to the Proposed Medium Density Area on the southern side of Manchester Street Levin, because all affected properties except number 14 Manchester Street had already been subdivided below 700m<sup>2</sup>, removing the need for a 'Medium Density Overlay' in this location.



Properties to have Medium Density Overlay on southern side of Manchester St shown with hashed white lines - Existing Commercial - pink

Manchester Street is a local road of approximately 220 metres in length which extends between Cambridge Street and Winchester Street close to the Town Centre of Levin. Land use and zoning in this area is mixed with a group of properties towards the western end on the southern side of the street, closest to the town centre zoned Commercial and the remainder of the street zoned residential. The officer's report noted that the southern side of Manchester Street, especially the south eastern corner, had experienced significant infill subdivision with lots ranging from approximately 330m<sup>2</sup> to 750m<sup>2</sup>, except 14 Manchester Street which is 1012m<sup>2</sup>.

The Proposed Plan provided for slightly higher densities (medium density) than the Operative District Plan to enable development at greater residential densities close to the town centre. The location and extent of these medium density areas was based on a reasonable walking distance to the town centre and an assessment as to whether the character and amenity of the area could accommodate more intensive development.



The Officer's report acknowledged that within the Medium Density Overlay Area in Manchester Street there were limited opportunities for further re-development given the existing pattern of infill subdivision, but considered that potential remained for further medium density development to occur either on individual properties or as part of a multi-lot comprehensive development.

From our site visit we noted that the area currently exhibits a mixed density character. Taking a longer term perspective, and having regard to the location of the area concerned relative to the centre of Levin, the Hearings Panel was of the opinion that the Medium Density Overlay should remain in place. Even if the potential for further subdivision in the medium term is limited, the location and character of the area was such that its reversion to 'standard' residential density controls was considered inappropriate.

For these reasons, the Hearings Panel resolved that the submission point be rejected.

## 4.22 Planning Map 29

### ***Submissions Received***

<b>Sub No.</b>	<b>Submitter Name</b>	<b>Decision Requested</b>	<b>Further Submission</b>
2.00	Homestead Concrete Homes Ltd	Retain proposed rezoning of 70-90 Main Road South, Levin from Rural to Industrial on Planning Map 29.	
31.00	The Surveying Company (Wellington) Ltd	Amend Planning Map 29 to rezone Lot 2 of the proposed subdivision of Lots 1 & 2 DP 56588 (15 and 15a Keepa Street, Levin) from Residential to Industrial.	
37.00	Homestead Group Limited	Retain the proposed rezoning of land from Rural to Industrial on Planning Map 29.	
108.45	HDC (Planning Department)	Amend Planning Map 29 to identify Section 1 SO 37969 as within the Residential Zone.	
115.00	Alan McKenna	Amend Planning Map 26 to remove the proposed rezoning from Rural to Industrial on the properties south of Levin, State Highway 1, and maintain the current Rural zoning.	520.00 Homestead Group Ltd - Oppose

Five submissions were received relating to different areas for the area covered by Planning Map 29. Two submissions support the proposed rezoning of an area of 70-90 Main Road South, Levin, while one submission opposes this rezoning. One submission requested rezoning a property from Residential to Industrial to reflect the recent subdivision that has occurred in Keepa Street. One submission requested rezoning a roadside section (Section 1 SO 37969) from Road to Residential.

### 70-90 Main Road South, Levin

**Homestead Homes Ltd and Homestead Group Ltd** supported the rezoning of 70-90 Main Road South, Levin, from Rural to Industrial. Homestead Homes operate their business from 74 and 76 Main Road South. The Council has rezoned four large properties on the southern edge of Levin from Rural to Commercial with frontage to the western side of the state highway. Mr A. McKenna opposed this rezoning and sought that the land be rezoned Rural.

The land proposed to be rezoned was described as comprising four properties (70, 74-76, 80-82 and 90 Main Road South (State Highway 1)) which immediately adjoin the existing Industrial zoned land to the north. The property 70 Main Road South is an established 2 ha rural lifestyle block, adjoining the existing industrial zone to the north. It contains an existing residential dwelling.

The property 74-76 Main Road South comprises two titles of approximately 2.8 hectares, formerly used as a Levin Borough Council landfill and public works depot. The site currently contains large industrial buildings from which Homestead Concrete Homes Ltd operate their business. By way of background, land use consent was granted in 2010 (LUC/2010/2974) to operate this facility and an application was recently lodged to change the conditions of this consent relating to hours of operation. The reporting officer advised that there has been a history of complaints made by the owner of the neighbouring property at 80-82 Main Road South Council regarding noise and hours of operation from the Homestead site. At the time of the hearing, a resource consent application is being processed prior to determining a hearing date.

The property 80-82 Main Road South is a 1.2643 hectare property containing an existing dwelling (occupied by submitter A. McKenna) with sheds on the northeast side of the property. Along the Road frontage there is a vacant office and storage unit formerly used by Transbuild and an office and storage depot currently occupied by Davis and Montague plumbing and drain layers. The balance of the land is used for grazing.

The property 90 Main Road South is a 2 hectare property containing a residential dwelling, accessory buildings an area of plantation forest and a large number of wrecked motor vehicles. A motor vehicle wrecking business appears to be operating from this site.

Mr Bryce Holmes appeared at the hearing to give evidence in support of Homestead Group Limited. He was critical of arguments (by McKenna) that there was adequate industrial land available, which he said reflected a "supply-side" approach whereby land would only be released once other industrial land ran out, which he contended was tantamount to a licensing approach to rezoning. He said that (his client's) land was currently being used for industrial use and had been developed to a high standard. He considered that reliance on existing use rights was problematic in terms of potential future site development. He considered a longer term view need to be taken to enable future investment decisions to be made with some confidence, rather than anticipating change as an immediate consequence of rezoning.

He did not consider that the existing buildings would cause significant issues of shading or loss of sunlight and that potential noise issues were being addressed through the current application before the Council and upon advice from Malcolm Hunt and Associates. He emphasised that New Zealand Transport Agency had not opposed the rezoning and that the safety and efficiency of the state highway was not an issue.

He considered that rezoning would not constitute urban creep as the "rezoning proposals would provide more efficient district planning provisions for those (existing) uses". He did not support the removal of the McKenna property from the rezoning.

The reporting officer noted that the Industrial zoning proposed better reflects existing activities, noting also that the rural potential of the land had been adversely affected by a previous site being utilised for a Council quarry on public works depot and other industrial uses.

He noted that the submitter (McKenna) who owns and lives on the property 80-82 Main Road South had opposed the proposed rezoning of 70-90 Main Road South on the basis that there was adequate industrial land available (including a large area in Tararua Road) which should be promoted before rezoning more land Industrial.



2010 Aerial photograph of sites and surrounding area- hashed purple is proposed Industrial, solid purple is existing Industrial

In considering this extensive rezoning, some members of the Hearings Panel were concerned at potential for uncoordinated ribbon development extending south of Levin, and the potential for uncoordinated development with a potentially poor standard of amenity. Given the previous use of the Homestead site for a quarry, we were not uncomfortable with an Industrial zoning over that property, which was quite large and had long since lost any potential element of rural amenity or rural land use potential.

The Officer's report noted that new provisions introduced by the Proposed Plan (Rule 16.6.3) would require new industrial activities on these sites to ensure that where these sites have frontage to State Highway 1, buildings are to be setback 10m from the road frontage, and a landscape strip is required in the area between any building or car park. The report went on to say that as "*these properties (70-90 Main Road South) would essentially become the urban edge and southern gateway (i.e. the first properties from the south) there is an exciting opportunity of creating a more visually pleasing entrance to the urban area of Levin if the proposed rezoning occurs*".

In light of this, we were however concerned about the property at 90 Main Road South, which would effectively be the "gateway" for visitors approaching Levin from the south. The presence of a dense pattern of pine trees on the property has a fortunate effect of mitigating what would otherwise be an appalling standard of amenity associated with the very large number of derelict vehicles on the site. The property is also partially screened by trees on the frontage rural properties further beyond to the south. The planning controls are not particularly robust in our opinion, and would be difficult to apply in terms of arguments about existing use rights.

We were satisfied that there was a strong case for rezoning the properties at 70 - 76 Main Road South (i.e. down to and including the Homestead property). Although the owner of 70 Main Road South did not appear at the hearing, and that their property appears to be in rural use, it is effectively sandwiched between the existing industrial area to the north and the Homestead property which visually exhibits a heavy industrial character. We have some reservations about continuing the zoning further south to include the McKenna property and that at 90 Main Road South. We note that the McKenna submission provided sufficient scope to only uphold the rezoning of some, and not all of these properties.

In the final analysis, the matter was finely balanced. We conclude that the balance was tipped in favour of maintaining the industrial zoning over all of the subject properties on the basis that all except the northernmost property had been significantly compromised for rural purposes by existing industrial development on-site. Having regard to this, we did not consider that the potential availability of other industrially zoned land was a major consideration in this case, given that reversion to productive rural uses appears unlikely. The rules framework for the area is 'adequate' - but certainly no more than that - to protect the amenity of the surrounding environment. From a traffic management perspective, the lack of any submissions from NZTA was significant.

Notwithstanding this, the Council will need to be conscious of the potential for further industrial ribbon development extending along this section of the state highway. The Council has only limited control over the quality of development in this location, which could (upon the removal of existing trees, for example) result in an unattractive visual appearance for travellers arriving in Levin from the South. Further reinforcement of planning controls in this location may well be worth pursuing through a future plan change. The Hearings Panel resolved that the submission points by Homestead Homes Ltd and Homestead Group Ltd in support of rezoning 70-90 Main Road South, Levin from Rural to Industrial zone be accepted, and that the submission point by McKenna in opposition to rezoning 70-90 Main Road South, be rejected.

#### Keepa Street, Levin

**The Surveying Company (Wellington) Ltd** lodged a submission requesting Lot 2 of a recently granted subdivision consent (502/2012/3329) at 15-15a Keepa Street, Levin be rezoned from Residential to Industrial to incorporate the entire property which has increased in size due to a boundary adjustment.



Approved subdivision plan 502/2012/3329

Keepa Street has a mixture of Residential, Industrial and Commercial zoned properties. The Officer's report describes the property at 15 Keepa Street as an 1108m<sup>2</sup> property with an existing dwelling located centrally towards the front of the property and is zoned Residential. 15A Keepa St is a rear section located behind 15 Keepa Street, accessed via a driveway running adjacent to the western boundary of 15 Keepa Street. This property is zoned Industrial and contains two workshops currently used by Engine Restorations Ltd for vintage car restoration work. The boundary adjustment (501/2012/3329) granted in January 2013 increased the size of 15A Keepa Street and reduced the size of 15 Keepa Street by 520m<sup>2</sup> which consisted of the rear grassed area of 15 Keepa Street.

The Hearings Panel agrees that as the rear area now forms part of the adjoining property, it would be appropriate to rezone the balance land (i.e. Lot 2 of the subdivision) from Residential to Industrial to avoid the split zoning of one property. The amenity of the adjoining residential property

in 15 Keepa Street would be protected by the zone interface rules. It was resolved that the submission point to rezone Lot 2 of 501/2012/3329 from Residential to Industrial be accepted and the Planning Maps be amended as set out in Appendix A.

Shamrock Street, Levin

**HDC (Planning Department)** lodged a submission to rezone Section 1 SO 37969, a strip of land of 211m<sup>2</sup> being a part of 43 Shamrock Street, which was mistakenly zoned as part of Hokio Beach Road reserve from part of the Road Reserve to Residential. This simply corrects an anomaly on the planning maps, and the Hearings Panel resolved that submission point be accepted and that the Planning Maps be amended to reflect this as shown in Appendix A.

**4.23 Planning Map 30**

***Submissions Received***

Sub No.	Submitter Name	Decision Requested	Further Submission
54.00	Warwick Meyer	Amend Planning Map 30 to rezone Part Lot 1 DP 86925 being the land on the corner of Queen Street and Arapaepae Road, Levin with a special zoning to provide for vehicle service stations, food preparation and sales, visitor accommodation and local produce stores as a permitted activity.  Alternatively amend the permitted activities for underlying zone of the site to include vehicle service stations, food preparation and sales, visitor accommodation and local produce stores on this site.	526.00 Truebridge Associates Ltd- Oppose

**W. Meyer** lodged a submission requesting a special zoning for his land on the south eastern corner of Arapaepae Road (State Highway 57) and Queen Street East, Levin to provide for vehicle service stations, food preparation and sales, visitor accommodation and local produce stores as a permitted activity. Alternatively, the submitter seeks to retain the Rural Zoning, but amend the rules to permit the use of this particular site for this purpose. The land is located on the south eastern corner of Arapaepae Road (State Highway 57) and Queen Street East, Levin, is a 12.8393 ha in area.

The submitter is employed by the Council, but the Hearings Panel acknowledges that the submission is made in a personal capacity.

This location is a major intersection which acts as the main eastern gateway to Levin for traffic travelling along State Highway 57. The Officer’s report noted that NZTA recently announced as part of a package of works for State Highway works between Levin and Otaki, provision would be made for improvements at this intersection in the form of a new roundabout. However, we were advised that NZTA had more recently stated that as "the cost of a roundabout and the impact on heavy vehicles would be considerable, we have decided to maintain the current arrangement here also. We will continue to review the performance of this intersection".

This property is zoned Rural under the Operative District Plan and is identified as Rural land to be rezoned Greenbelt Residential (deferred) under Proposed Plan Change 21. Meantime, the rules of the Rural Zone apply within the Greenbelt Residential (Deferred) Zone until the deferred status is lifted, which in turn is dependent on the availability of reticulated infrastructure to service this area. At this time, Council has made no commitment in its Long Term Plan (i.e. next 10 years) to service this area.

By way of further background, in 2009, the Council prepared a Structure Plan for the Gladstone Greenbelt area which includes the submitter's site. This Structure Plan was prepared as part of the ongoing programme of work for implementing the Horowhenua Development Plan and would be introduced into the District Plan at some unspecified time in the future. The Structure Plan was adopted by Council, but at this point does not form part of the Proposed Plan. It is apparent from the evidence that the final development framework for this area and the final configuration of the roading network may not be resolved for a considerable period of time.



Aerial photograph of site outlined in green and surrounding area

The Hearings Panel accepts that the highly visible location of this land for activities such as vehicle service stations, food preparation and sales, visitor accommodation and local produce stores may well be appropriate, particularly for serving passing traffic. However, in terms of the proposed new growth area east of State Highway 57, a significant commercial development in this location would not be centrally located to serve that area, or alternatively might undermine the future viability of a centrally located commercial facility within the growth area.

The Hearings Panel considered the rezoning of the land, or alternatively putting in place a specific rule framework to provide for commercial development in this location, is premature at this stage. While the notification of the Proposed Plan has provided an opportunity for the submitter, it is considered that changes to the planning regime for the site should follow (not potentially determine) the nature of the traffic management arrangements which will ultimately be adopted by

NZTA for the intersection, the specific nature of the rules framework required in this location, and whether the location is suitable for the full range of activities proposed having regard to ultimate zoning and rules package for the growth area. The further submission by Truebridge also makes comment about traffic safety at this intersection, a factor which would be important in determining an appropriate zoning package. At this point in time, these issues have simply not been clarified or addressed in any detail. Consideration would also have to be given to any potential impacts of the full range of activities proposed on the vitality of the Levin Town Centre.

For these reasons, Hearings Panel resolved that the submission point be rejected.

#### 4.24 Planning Map 36

##### *Submissions Received*

Sub No.	Submitter Name	Decision Requested	Further Submission
49.00	Alan & Marie Blundell	Amend Planning Map 36 so that the properties of Reay MacKay/Strathnaver Drives at Waikawa Beach are rezoned from Rural to Residential.	525.14 Maurice and Sophie Campbell - Support

**A. and M. Blundell** lodged a submission seeking the rezoning of properties in Reay Mackay/Strathnaver Drives, Waikawa Beach from Rural to Residential. The submitter also lodged a submission point opposing the Coastal Natural Character and Hazard Area Overlay which has been addressed separately in the Coastal Environment Hearing and decision.

The submitter considers that the scale of subdivision and development approvals now present in the area calls into question the current rural zoning, and that residential zoning would be more appropriate.

The Hearings Panel were advised that the extent of residential zoning at Waikawa Beach was specifically evaluated as part of Proposed Plan Change 21, including rezoning all or part of Strathnaver Glen subdivision to Residential. It was noted that a significant number of submissions were lodged on the Plan Change. It was determined that zoning all or parts of Strathnaver Glen residential should not proceed because of the need to protect rural and natural character and amenity, avoid natural hazards, and having regard to traffic and servicing matters. From inspection, the area concerned comprises a surprisingly dispersed environment with a varied but predominantly rural residential character and density. The Hearings Panel were of the opinion that residential zoning could result in further redevelopment of the subdivision with significantly higher densities than is currently the case, which would inevitably raise issues with respect to amenity and servicing. Such an exercise would require careful consultation and analysis, which already appears to have occurred through the Plan Change 21 process.

The Hearings Panel was not persuaded that residential zoning was appropriate for the character of this area and its future development, and accordingly resolved that submission point be rejected.



## 4.25 Planning Maps - General Matters

### *Submissions Received*

Sub No.	Submitter Name	Decision Requested	Further Submission
65.07	Horowhenua Farmers' Ratepayer Group	Amend Planning Maps to accurately identify areas of class 1 and 2 soils.	
65.08	Horowhenua Farmers' Ratepayer Group	Amend the extent of the Hill Country Domain so that the western boundary for the Hill Country Domain is where land rises sharply and continuously at the base of the foothills at a slope of 40 degrees.	
66.07	Bruce & Christine Mitchell	Amend Planning Maps to accurately identify areas of class 1 and 2 soils.	
66.08	Bruce & Christine Mitchell	Amend the extent of the Hill Country Domain so that the western boundary for the Hill Country Domain is where land rises sharply and continuously at the base of the foothills at a slope of 40 degrees.	
67.07	Taiao Raukawa Environmental Resource Unit	Amend Chapter 2 to include a Planning Map of Kuku.	
99.50	Transpower New Zealand Ltd	Amend all relevant Planning Maps, so that the electricity transmission network is identified on the District Plan Planning Maps.	

### Land Use Classification (Class 1 and 2 Soils)

**The Horowhenua Farmers' Ratepayer Group and B. and C. Mitchell** submitted requesting the Planning Maps be amended to accurately identify areas of Class 1 and 2 soils. This submission states that the LUC mapping base provided by the Horizons Regional Council is too large scale to be accurate. The submitter contends that if Council wishes to regulate activities according to Land Use Capability, a more accurate mapping base should be used.

We were advised that the only rules within the Proposed Plan relating to the Land Use Classification system (Class 1 and 2 soils) are those associated with rural subdivision, which provisions were reviewed as part of the Proposed Plan Change 20. There are no land use rules relating to soil classification. During the hearing of the subdivision policies and rules under Plan Change 20, the accuracy of using soil classification under the Land Use Classification system was addressed, and it was decided through that process that the soil classification system was adequate for the purpose of the subdivision rules.

The provisions of Proposed Plan Change 20 (including mapping Class 1 and 2 soils) are not open for submission through these hearings on the District Plan Review, and the subject matter of these submissions have already been addressed separately through that process.

The Hearings Panel resolved that the submission points by the Horowhenua Farmers' Ratepayer Group and B. and C. Mitchell be rejected for the above reasons.

#### 100 Metre Contour – Hill Country Landscape Domain Boundary

**Horowhenua Farmers' Ratepayer Group and B. and C. Mitchell** lodged submissions requesting the amendment of the 100 metre contour line which would amend the extent of the Hill Country Domain. Their submission states that in the 'Decisions of the Hearing Panel' for Plan Change 22, the commissioners recommended that HDC needs to further consider the 100m contour line as a boundary for the Hill Country DHLA in a future District Plan Review, which they suggested should be linked to slope. Ms C. Mitchell appeared at the hearing, and was critical of the use of this contour which was regarded as a crude method of identifying land that should be appropriately included in the Hill Country DHLA.

Again, this was an example where the particular issue had been raised as part of submissions on Proposed Plan Change 22 which was not open for submission through these District Plan Review hearings as they specifically exclude the content of matters raised under the Plan Change - that is, to avoid duplication of hearings processes on the same topic. Unfortunately there appeared to be some confusion over this, with the submitter apparently understanding that the concerns they raised before Plan Change 22 could be instead addressed through these hearings. It is the Hearings Panel's understanding that in considering the matters raised on Plan Change 22, the Council was advised to revisit the method whereby the boundary of the Hill Country DHLA was determined, which in practice would require further analysis and clarification through a further plan change at a later date. No work has been done with respect to this issue in terms of these hearings on the balance of the new Proposed Plan as the relevant Plan Change had not yet been made operative. It is regrettable that this misunderstanding has caused some frustrations for the submitter.

The Hearings Panel resolved that the submission points by Horowhenua Farmers' Ratepayer Group and C. Mitchell be rejected for the above reasons, but also acknowledging that the issue will need to be addressed through a subsequent plan change or plan review.

#### Kuku

**Taiao Raukawa Environmental Resource Unit** lodged a submission requesting the inclusion of a Planning Map of the settlement of Kuku.

While the District Planning Maps cover the Horowhenua in a grid method, inset maps are included which display settlements at a smaller scale so that zone boundaries and other planning features can be more easily read. All land in the Kuku area is zoned Rural (i.e. there are no detailed variations in the zoning pattern) and all overlays and features in this area are able to be determined with sufficient clarity on Planning Map 7. The Hearings Panel were satisfied that an additional more detailed planning map of Kuku was not required at this point in time, and accordingly this particular submission point was rejected.

#### Electricity Transmission Network

Transpower lodged a submission requesting all relevant Planning Maps be amended to identify the electricity transmission network. The submission stated that only Maps 40 and 41 (which formed part of Plan Change 22) showed this network. Transpower contended that the District Plan must give effect to Policy 12 of the National Policy Statement on Electricity Transmission 2008 (NPSET),

which requires that such infrastructure be identified. However the officer conceded that displaying the electricity transmission network on Planning Maps 1-11 (map scale of 1:50,000) would be beneficial, observing that these are used to display the District's zoning and other features (e.g. notable trees) in the rural environment. It was also suggested that the gas transmission pipeline which is also currently displayed on Planning Maps 40 and 41 with the electricity network, should be displayed on Planning Maps 1-11 for consistency and to assist plan users. *(The Hearings Panel notes that such an amendment, although not sought through submissions, would fall within the ambit of Clause 16 (2) of the Act).*

The Hearings Panel resolved that the submission point from Transpower be accepted for the above reasons.

## **5.0 SECTION 32**

- 5.1 Section 32 requires an evaluation of whether a proposed objective is the most appropriate way to achieve the purpose of the Act and whether, having regard to their efficiency and effectiveness, the policies, rules and other methods are the most appropriate for achieving the objective. As we understand it the use of the term "most appropriate" in s.32(3) of the Act has a meaning similar to suitable rather than superior. As such, changes sought therefore only need to be preferable in resource management terms to the existing provisions in order to be the "most appropriate" way of satisfying the purpose of the Act.
- 5.2 Only the submission by the Levin Golf Club to rezone the Levin Golf Club as Open Space has resulted in any amendments being recommended to the objectives, policies and associated plan provisions. The text changes made to the objectives and policies in Chapter 4 to provide for privately owned recreation spaces to have an Open Space Zoning, include a clear qualification that such zoning would only occur with the agreement of the effect landowner. Accordingly, the amendments made do not have the effect of increasing the regulatory impact that would be expected with a more restrictive rules framework under Open Space zoning.
- 5.3 The zoning of land is effectively a rules framework which gives effect to objectives and policies in the District Plan concerning land use. Generally, a zoning which allows a wider range of activities - sometimes referred to as the "highest use" - is often preferred by the landowner, as this will enable the greatest rates of economic return. Hence a Residential zoning will typically allow a larger range of activities than a Rural zoning, while a Commercial or Industrial zoning usually allow a larger range of activities than a rural or residential zoning. All of these issues arose in the course of the numerous submissions addressed above.
- 5.4 Section 32 at least implies that the regulation of land use through zoning will need to be justified as the most appropriate way of achieving the purpose of the Act, particularly if that zoning is more restrictive and provides only for a more limited range of land-use activities. For that reason, it is common for landowners through plan reviews to seek a zoning which either enables them to make greater use of the land and achieve a higher return, or which reflects an existing use of land which is not anticipated under the current more restrictive zoning.

- 5.5 The basis for accepting or rejecting the submissions was contained within the discussion accompanying each decision.
- 5.6 However a number of submissions were received on rezonings contained in the Proposed District Plan which enabled more intensive use (e.g. commercial rather than residential) but where the landowners had no desire to undertake more intensive development, or considered the prospect of such development was economically unlikely, and where the proposed zoning would require resource consents to be obtained for any extensions to the existing land use, notably where this was residential.
- 5.7 Examples of such submissions were those of du Plessis (14.00), Petersen (84.00), Millar (85.00), Hapi (87.00), P&V Wright (24.00 and 28.00), McKenna (115.00), Chambers (86.00), Chambers (88.00), and Fowler (89.00). In a number of these cases we indicated that while there was some merit in the submissions, the Hearings Panel's scope for changing the rezonings was significantly constrained by the fact that the submissions were confined to the submitters own individual properties. Accordingly, we concluded that with the exception of submission points 86.00, 88.00 and 89.00, that the proposed rezonings should be retained, as this would provide a more coherent (efficient and effective) zoning pattern and better achieve the purpose of the Act.
- 5.8 Other submissions sought that provision be made for more intensive development, either around existing on-site activities which were considered inconsistent with the existing Rural zoning (for example Trucis (36.00) and Everton (30.00 and 30.01), while others sought rezoning to enable more intensive land use, such as Meyer (54.00), Taueki (11.25), and Muaupoko Co-operative Society (60.22). In the case of the former, the Hearings Panel considered that the rezoning sought by the submitters would create an illogical zoning pattern which would not permit comprehensive development in a manner consistent with immediately adjoining land uses, and which would create spot zoning. It is more efficient to provide for isolated activities within larger general zones by way of resource consent or even existing use rights.
- 5.9 In the case of the Meyer, Taueki, and Muaupoko submissions, the rezoning proposals might have merit, but were premature at this stage as they would require more intensive assessment of the environmental effects allowing the change in land-use proposed, and in the case of the former Levin school site, were subject to Treaty of Waitangi claims. The submission by Marshall (75.00) was accepted as the evidence was clear that the rezoning of that site for residential purposes was largely impractical because of long-standing previous use and potential site contamination. The Hearings Panels decisions in these cases were based on determining the final zoning that was appropriate based on the information available at this point in time, and the comparative environmental effects of alternative zonings.
- 5.10 Other submissions opposed rezoning of land proposed through the District Plan on the basis of anticipated adverse effects on the submitters adjoining properties - examples being the submissions of Spelman (114.00), Leong and Brown (43.00), and Broughton (8.00). In this case the Hearings Panel concluded that the proposed zonings contained in the District Plan should be retained on the basis of whether the land use proposed was appropriate given the existing and likely future land use in the immediate vicinity, with the retention of residential land-use unlikely to be viable in the medium and longer term, and the adequacy of performance standards to protect the amenity of the adjoining residential properties.

5.11 There were also numerous rezonings which either corrected long-standing anomalies on the Planning Maps, or which reflected errors and omissions. The submission points of Horowhenua Farmers Ratepayers Group and B. Mitchell concern matters arising in separate hearings.

## **6.0 DECISION**

6.1 For all of the foregoing reasons we resolve the following:

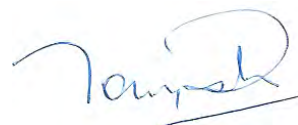
1. That pursuant to clause 10 of Schedule 1 to the Resource Management Act 1991 General Part 4 – Planning Maps be approved including the amendments set out in Appendix A to this decision.
2. That for the reasons set out in the above report submissions and further submissions are accepted, accepted in part or rejected as listed in Appendix B to this decision.



**Robert Nixon (Chair)**



**Jane Black**



**Cr Tony Rush**

**Dated: 23 September 2013**

## APPENDIX A: Proposed Plan as amended by Hearing Decisions

### Part A Introduction

#### Chapter 4: Open Space and Access to Water Bodies

1. Amend the Introduction by the addition of a new paragraph after the first paragraph reading as follows:

Privately owned open spaces also provide opportunities for recreational activities which are valued and enjoyed by the community (e.g. golf courses). The District Plan recognises privately owned open spaces, where the owners of these areas support the continued use and development of recreational activities and the protection of open space qualities.

2. Amend the final paragraph of the Introduction as follows:

The open space areas in this chapter primarily cover land owned and managed by the Council for parks and reserves purposes. Privately owned open spaces, such as the Levin Golf Course, can also be recognised and provided for under this chapter and the Open Space zoning network where their specific identification as part of the formal open space network is supported by the owner of that facility. There are other areas used and managed for recreational activities and open space, such as land administered by the Department of Conservation which is covered by other chapters in the District Plan.

3. Amend Issue 4.1 Open Space Zone as follows:

The use, development and protection of Council's parks and reserves, and privately owned open spaces where supported by the landowner, so a range of recreation activities are provided for developed to meet the needs of the community, while being compatible with the nature, character and amenity of the open spaces and the surrounding environment.

4. Amend the "Issue Discussion" by adding an additional paragraph following the second paragraph as follows:

Privately owned open spaces can provide opportunities for recreation and are valued by the community (e.g. golf courses). Recognition of these privately owned open spaces, in addition to the Council's own parks and reserves, is appropriate where the owners of these areas seek to align their land use management with the provisions of the Open Space Zone.

5. Amend Objective 4.1.1 as follows:

Council's parks and reserves and identified privately owned open spaces are efficiently used and developed with a range of recreational activities and opportunities that meet the changing needs of community, while ensuring the uses and development are compatible with the character, ~~and~~ amenity and special values of the open spaces and their surrounding environment.

6. Add a new Policy 4.1.15 reading as follows:

Provide for the inclusion of privately owned recreation land within the Open Space Zone, where the owners of such land are supportive of its inclusion within the Zone, and seek to manage such open space in a way which promotes its recreational use and development, and the protection of its open space qualities.

7. Amend paragraph 1 of the Explanation and Principal Reasons for Objective 4.1.1 as follows:

A range of recreational activities and facilities are expected to occur within the Open Space Zone. The Open Space Zone ensures that Council's parks and reserves are valued for their contribution to both urban and rural environments throughout the District. The Open Space Zone can also provide for the use, development and protection of privately owned open space, should landowners seek to manage their properties in this way, especially where these areas are valued by the community for their open space role.

8. Amend Methods for Issues 4.1 and Objective 4.1.1 (District Plan) by the addition of a second bullet point as follows:

- Provide for the incorporation of privately owned open spaces within the Open Space Zone where sought by the landowner, and where the qualities of an open space are consistent with the outcomes expected within the zone.

9. Amend the first line of the third paragraph of the italicised note following the Methods for Issues 4.1 and Objective 4.1.1 as follows:

The Open Space Zone recognises the value of Council's parks and reserves, and where appropriate, may also include privately owned open spaces.

## **Planning Maps**

### **Planning Maps 1-4:**

Amend Planning Maps 1, 2, 3 and 4 so that the HV voltage transmission lines and gas pipelines are shown.

### **Planning Map 5:**

Amend Planning Map 5 so that the Okunui Hall site, Okuku Road, Shannon (Lot 1 DP 20312) is zoned Rural.

Rezone Koputaroa Cemetery, Koputaroa Road (Legally described as Pt Lot 1 DP 4297) from Rural to Open Space.

Rezone Foxton Cemetery, Hickford Road, Foxton (Legally described as Sec 614 Town of Foxton & Lot 2 DP 61106) from Rural to Open Space.

Rezone Shannon Cemetery, Brown Street, Shannon (Legally described as Lots 486 & 488 DP 369) from Rural to Open Space.

Amend Planning Map 5 so that the HV voltage transmission lines and gas pipelines are shown.

### **Planning Maps 6 and 6A:**

Amend Planning Maps 6 and 6A so that the HV voltage transmission lines and gas pipelines are shown.

### **Planning Map 7:**

Rezone Avenue Cemetery, Avenue North Road, Levin (Legally described as Lot 3 DP 397828) from Rural to Open Space.

Amend Planning Map 7 to rezone the Levin Golf Club at 142 - 160 Moutere Road, Levin (Horowhenua XIB41 North B4B1 and Horowhenua XIB41 North B4B2) from Rural to Open Space.

Amend Planning Map 7 so that the HV voltage transmission lines and gas pipelines are shown.

**Planning Map 8:**

Rezone Koputaroa Cemetery, Koputaroa Road (Legally described as Pt Lot 1 DP 4297) from Rural to Open Space.

Amend Planning Map 8 so that the HV voltage transmission lines and gas pipelines are shown.

**Planning Map 10:**

Rezone Manakau Cemetery, South Manakau Road, Manakau (Legally described as Pt Lot 28A DP 415) from Rural to Open Space.

Amend Planning Map 10 so that the HV voltage transmission lines and gas pipelines are shown.

**Planning Map 13:**

Amend Planning Map 13 to take off the rural zoning from Part Lot 4 DP 9897 and Part Lot 3 DP 10243 and identify this area as road reserve.

**Planning Map 15:**

Amend Planning Map 15 to rezone 36 Johnston Street, Foxton Commercial.

Amend Planning Map 15 to rezone the Residential zoned portions of 149 and 151 Union Street, Foxton Rural.

Amend Planning Map 15 to rezone Section 4 SO 31290 Open Space.

**Planning Map 15A:**

Amend Planning Map 15A rezone Sections 4 and 5 SO 31920 and Lots 1 and 2 DP 47692 Open Space.

Amend Planning Map 15A to rezone Awahou 97B commonly known as Ihakara Gardens, Foxton Open Space.

Amend Planning Map 15A to rezone 67 Main Street and 69 Main Street, Foxton Residential

**Planning Map 17:**

Amend Planning Map 17 to display Lot 14 DP 24470 as road reserve.

**Planning Map 19:**

Amend Planning Map 19 to display Lot 14 DP 24470 as road reserve.



Amend Planning Map 19 to display Lot 13 DP 42904 and Lot 173 DP 50461 as road reserve.

**Planning Map 27:**

Rezone Mako Mako Road (Old Levin Cemetery), Levin (Legally described as Section 29 Blk Waiopehu SD) from Residential to Open Space.

**Planning Map 27A:**

Amend Planning Map 27A to display Lot 3 DP 21580 as road reserve.

**Planning Map 29:**

Amend Planning Map 29 to rezone Lot 2 of 501/2012/3329 from Residential to Industrial.

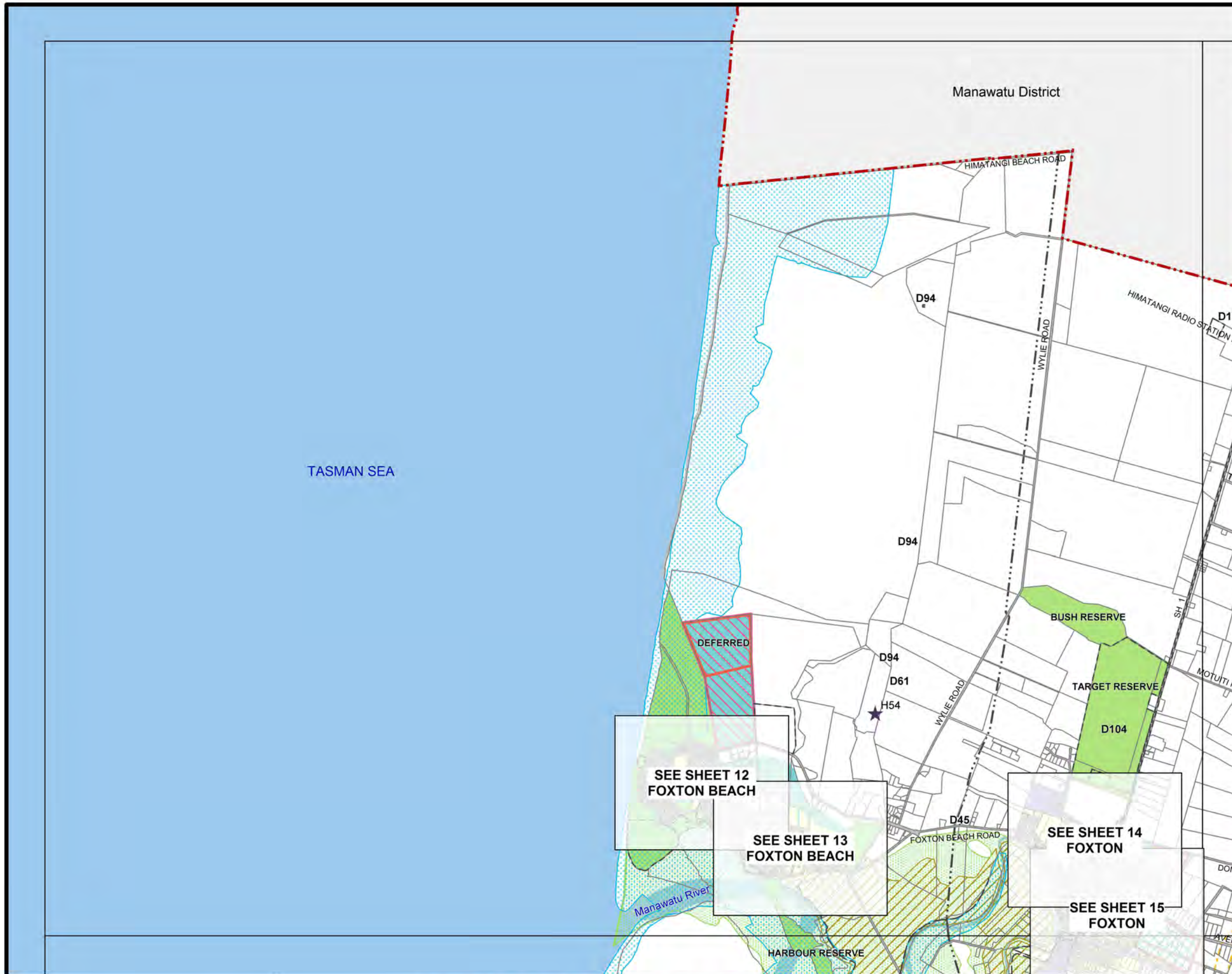
Amend Planning Map 29 to rezone Section 1 SO 37969 from road reserve to Residential.

## APPENDIX B: Schedule of Decisions on Submission Points

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Hearing Panel Decision
62.00		Kathleen Bills		Accept
63.00		Taupunga Farming Company		Accept
91.11	526.12	HDC (Community Assets Department) Truebridge Associates Ltd	Oppose	Accept Reject
108.46		HDC (Planning Department)		Accept
33.00	502.00	Levin Golf Club Meyer	Support	Accept Accept
36.00		Trucis Investments Ltd		Reject
11.15	511.20 519.26	Taueki HDC (Community Assets Department) Rudd	Oppose Support	Reject Accept Reject
60.09		Muaupoko Co-operative Society		Reject
14.00		Kornelius du Plessis		Reject
90.04		Foxton Community Board		Reject
90.00		Foxton Community Board		Accept In- Part
116.11		Truebridge Associates Ltd		Reject
90.03	511.21	Foxton Community Board HDC (Community Assets Department)	In Part	Accept Accept In-Part
108.40		HDC (Planning Department)		Accept
75.00		Marshall		Accept
108.41		HDC (Planning Department)		Accept
35.00		Anthony Hunt		Accept
68.00		Te Taitoa Maori o Te Awahou		Accept
84.00		Petersen		Reject
85.00		Millar		Reject

86.00		Ivan Chambers		Accept
87.00		Hapi		Reject
88.00		Gail Chambers		Accept
89.00		Fowler		Accept
90.01		Foxton Community Board		Accept
90.02		Foxton Community Board		Accept
24.00		Wright		Reject
28.00		Wright		Reject
108.42		HDC (Planning Department)		Accept
108.43		HDC (Planning Department)		Accept
112.00		Shannon Progressive Association		Accept
18.00		Pearce		Accept
19.00		Searle		Accept
20.00		Kel		Accept
21.00		Skelton		Accept
22.00		MacMillan		Accept
30.00		Peter Everton		Accept
30.01		Peter Everton		Reject
5.01		Gradock		Accept
108.44		HDC (Planning Department)		Accept
114.00		Spelman		Reject
6.01		Benning		Reject
11.25	519.20	Taueki Rudd	Support	Reject Reject
60.22		Muaupoko Co-operative Society		Reject
8.00		Broughton		Reject
43.00		Leong and Brown		Reject
73.02		McDonald's Restaurant (New Zealand) Limited		Reject

111.00		Dunn		Reject
2.00		Homestead Concrete Homes Ltd		Accept
31.00		The Surveying Company (Wellington) Ltd		Accept
37.00		Homestead Group Ltd		Accept
108.45		HDC (Planning Department)		Accept
115.00	520.00	Alan McKenna Homestead Group Ltd	Oppose	Reject Accept
54.00	526.00	Meyer Truebridge Associates	Oppose	Reject Accept
49.00	525.14	Blundell Campbell	Support	Reject Reject
65.07		Horowhenua Farmers' Ratepayer Group		Reject
66.07		Mitchell		Reject
65.08		Horowhenua Farmers' Ratepayer Group		Reject
66.08		Mitchell		Reject
67.07		Taiao Raukawa Environmental Resource Unit		Reject
99.50		Transpower		Accept



**LEGEND**

**ZONES**

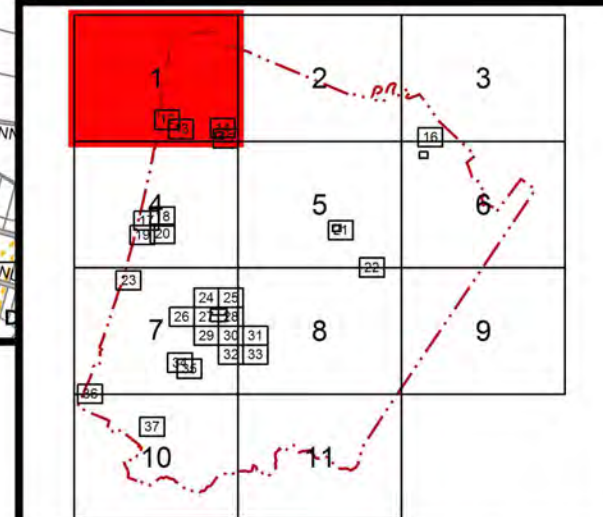
- Commercial Zone
- Industrial Zone
- Residential Zone
- Rural Zone
- Greenbelt Residential Zone
- Open Space Zone
- Residential Deferred Zone
- Greenbelt Residential Deferred Zone

**OVERLAYS**

- Greenbelt Residential Waitare Rise
- Greenbelt Residential Foxton Beach North
- Strathnaver Coastal Natural Character Area
- Strathnaver Coastal Hazard Area
- Muhunua West Forest Park
- Muhunua West Forest Park Coastal Natural Character and Hazard Area
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- Medium Density Area
- Large Format Retail Area
- Town Centre Heritage/Character Area
- Foxton Tourism Area
- Pedestrian Area
- Coastal Natural Character and Hazard Area
- Flood Hazard Area (1:50,000 Rural Maps Only)
- Moutoa Floodway (1:50,000 Rural Maps Only)
- Versatile Land (LUC Class I & II Soil)

**FEATURES**

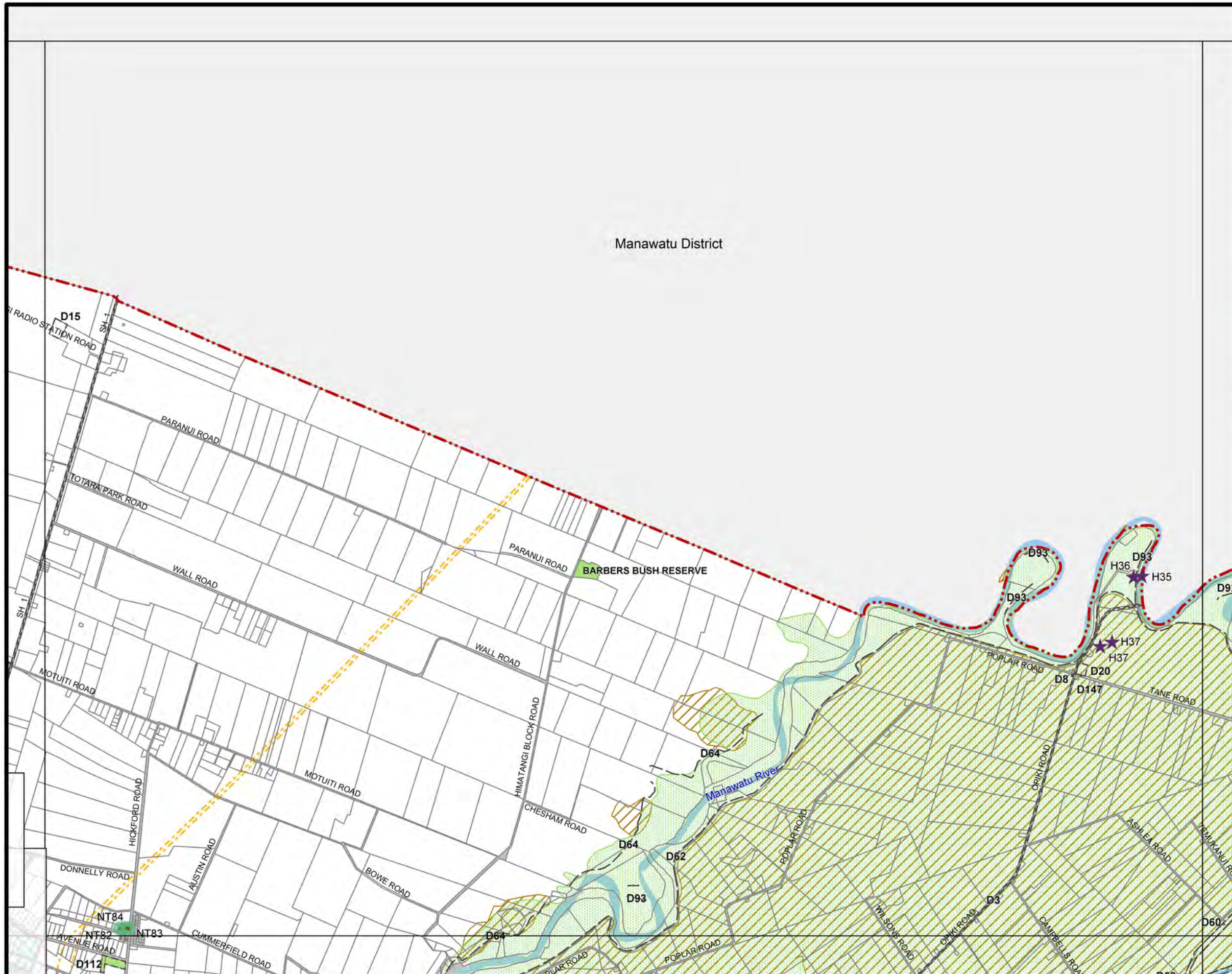
- Notable Tree
- Historic Heritage Building, Structure or Site
- Gas Transmission Pipeline
- National Grid Corridor (High Voltage Transmission Line)
- Designation
- Road



Scale 1 : 50,000

**HOROWHENUA DISTRICT PLAN**  
**RURAL**

**Planning Map 1**



**LEGEND**

**ZONES**

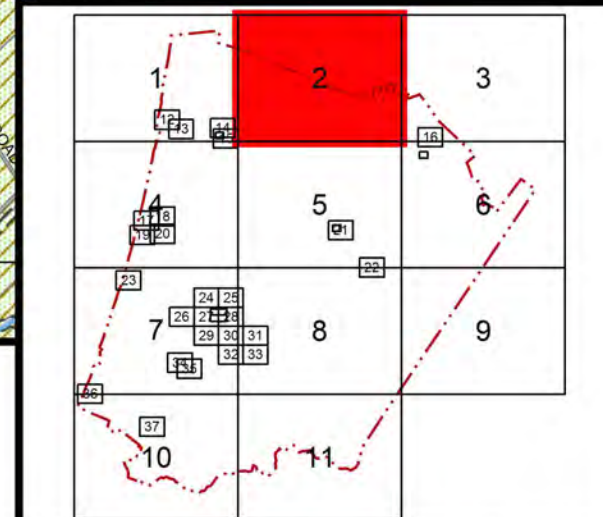
- Commercial Zone
- Industrial Zone
- Residential Zone
- Rural Zone
- Greenbelt Residential Zone
- Open Space Zone
- Residential Deferred Zone
- Greenbelt Residential Deferred Zone

**OVERLAYS**

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- Pedestrian Area
- Coastal Natural Character and Hazard Area
- Flood Hazard Area (1:50,000 Rural Maps Only)
- Moutoa Floodway (1:50,000 Rural Maps Only)
- Versatile Land (LUC Class I & II Soil)

**FEATURES**

- Notable Tree
- Historic Heritage Building, Structure or Site
- Gas Transmission Pipeline
- National Grid Corridor (High Voltage Transmission Line)
- Designation
- Road



Scale 1 : 50,000

**HOROWHENUA DISTRICT PLAN**  
**RURAL**

**Planning Map 2**

**LEGEND**

**ZONES**

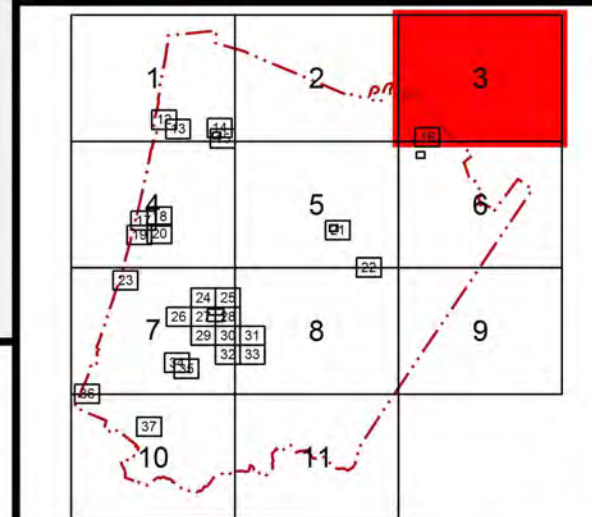
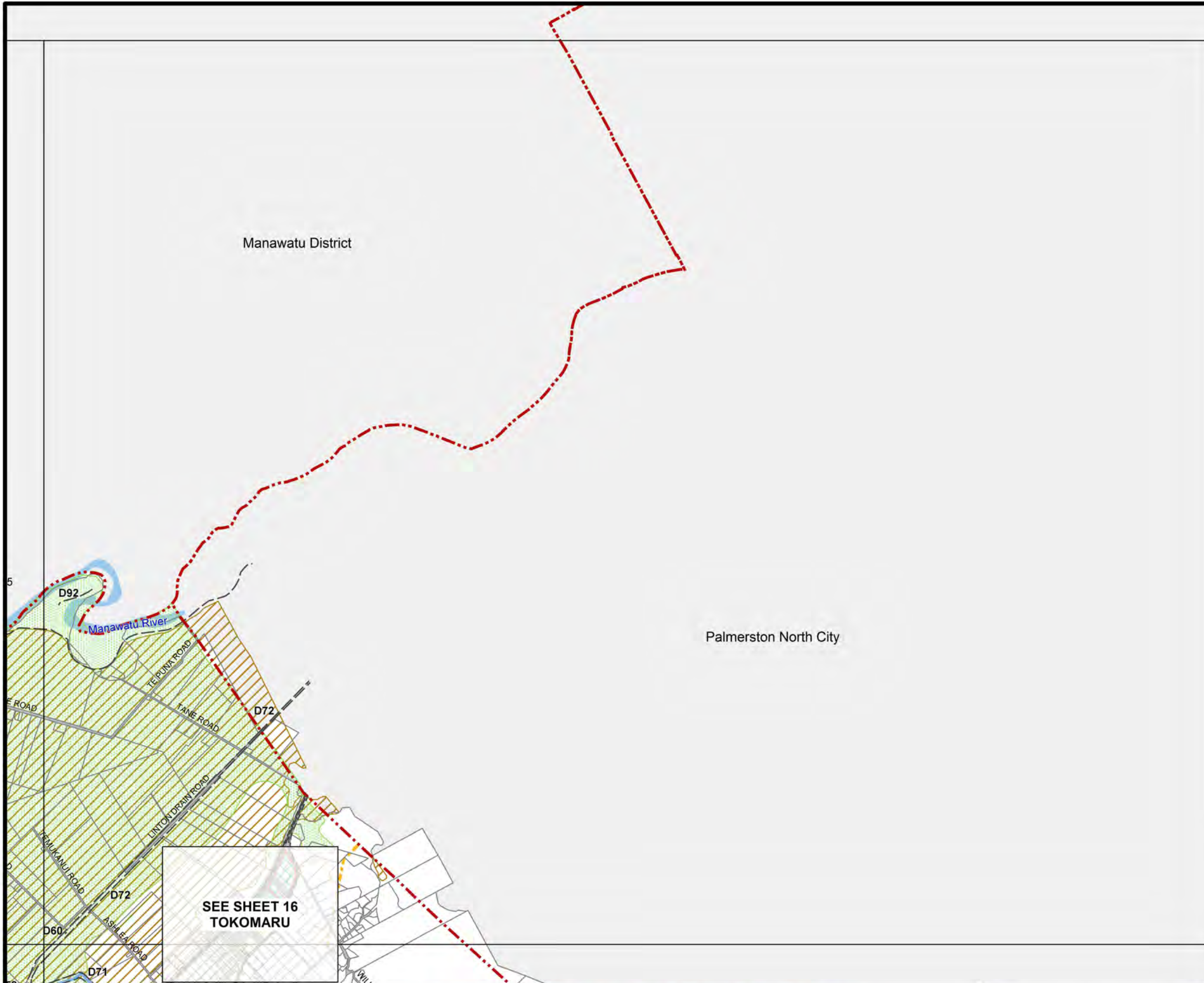
- Commercial Zone
- Industrial Zone
- Residential Zone
- Rural Zone
- Greenbelt Residential Zone
- Open Space Zone
- Residential Deferred Zone
- Greenbelt Residential Deferred Zone

**OVERLAYS**

- Greenbelt Residential Waitare Rise
- Greenbelt Residential Foxton Beach North
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- Pedestrian Area
- Coastal Natural Character and Hazard Area
- Flood Hazard Area (1:50,000 Rural Maps Only)
- Moutoa Floodway (1:50,000 Rural Maps Only)
- Versatile Land (LUC Class I & II Soil)

**FEATURES**

- Notable Tree
- Historic Heritage Building, Structure or Site
- Gas Transmission Pipeline
- National Grid Corridor (High Voltage Transmission Line)
- Designation
- Road



Scale 1 : 50,000

**HOROWHENUA DISTRICT PLAN**  
**RURAL**

**Planning Map 3**

**LEGEND**  
**ZONES**

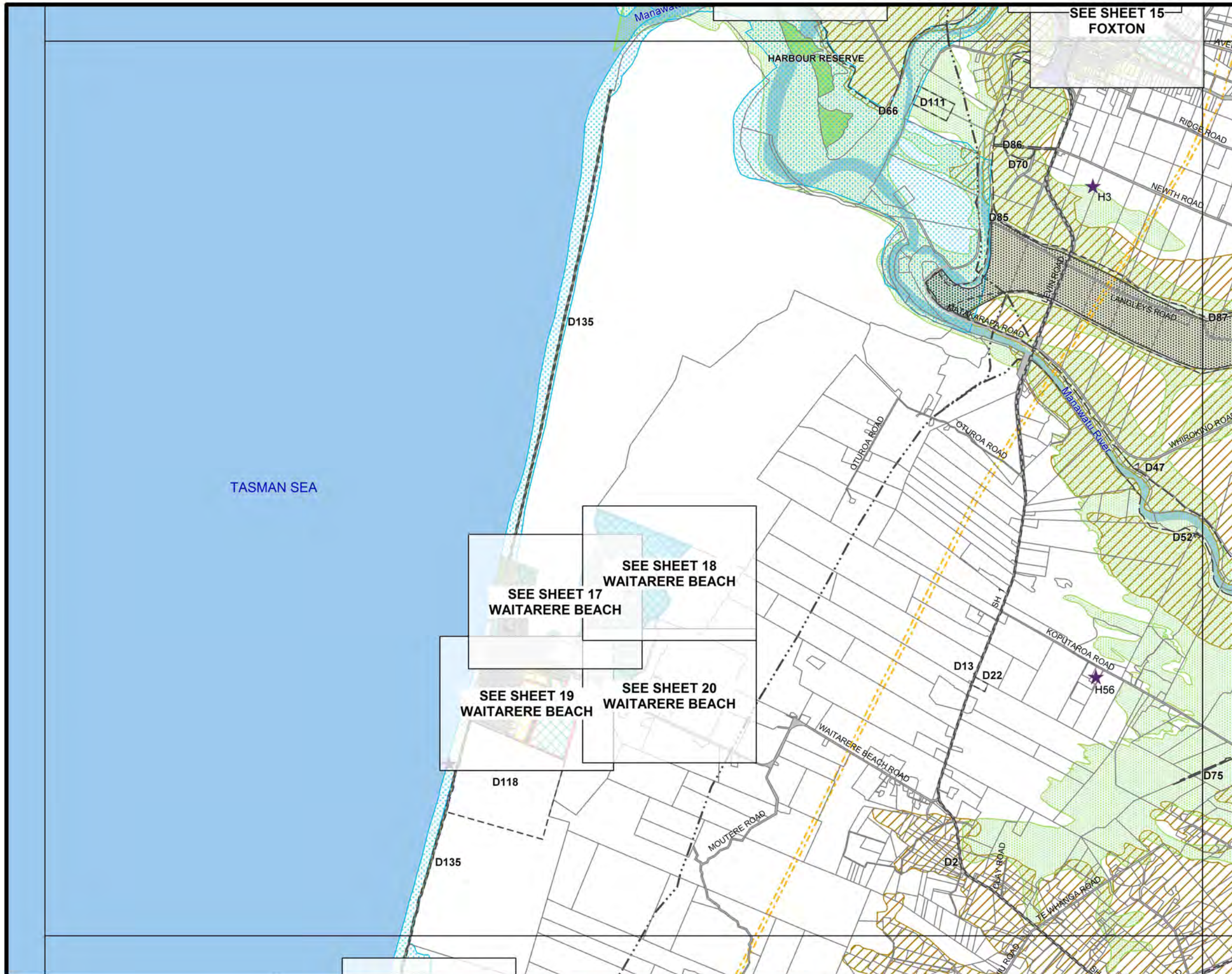
- Commercial Zone
- Industrial Zone
- Residential Zone
- Rural Zone
- Greenbelt Residential Zone
- Open Space Zone
- Residential Deferred Zone
- Greenbelt Residential Deferred Zone

**OVERLAYS**

- Greenbelt Residential Waitarere Rise
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- Muhunua West Forest Park Coastal Natural Character and Hazard Area
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- Pedestrian Area
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- Moutoa Floodway (1:50,000 Rural Maps Only)
- Versatile Land (LUC Class I & II Soil)

**FEATURES**

- Notable Tree
- Historic Heritage Building, Structure or Site
- Gas Transmission Pipeline
- National Grid Corridor (High Voltage Transmission Line)
- Designation
- Road

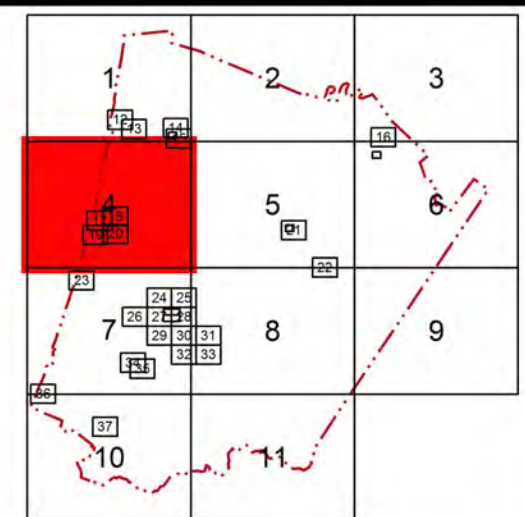


SEE SHEET 17  
WAITARERE BEACH

SEE SHEET 18  
WAITARERE BEACH

SEE SHEET 19  
WAITARERE BEACH

SEE SHEET 20  
WAITARERE BEACH

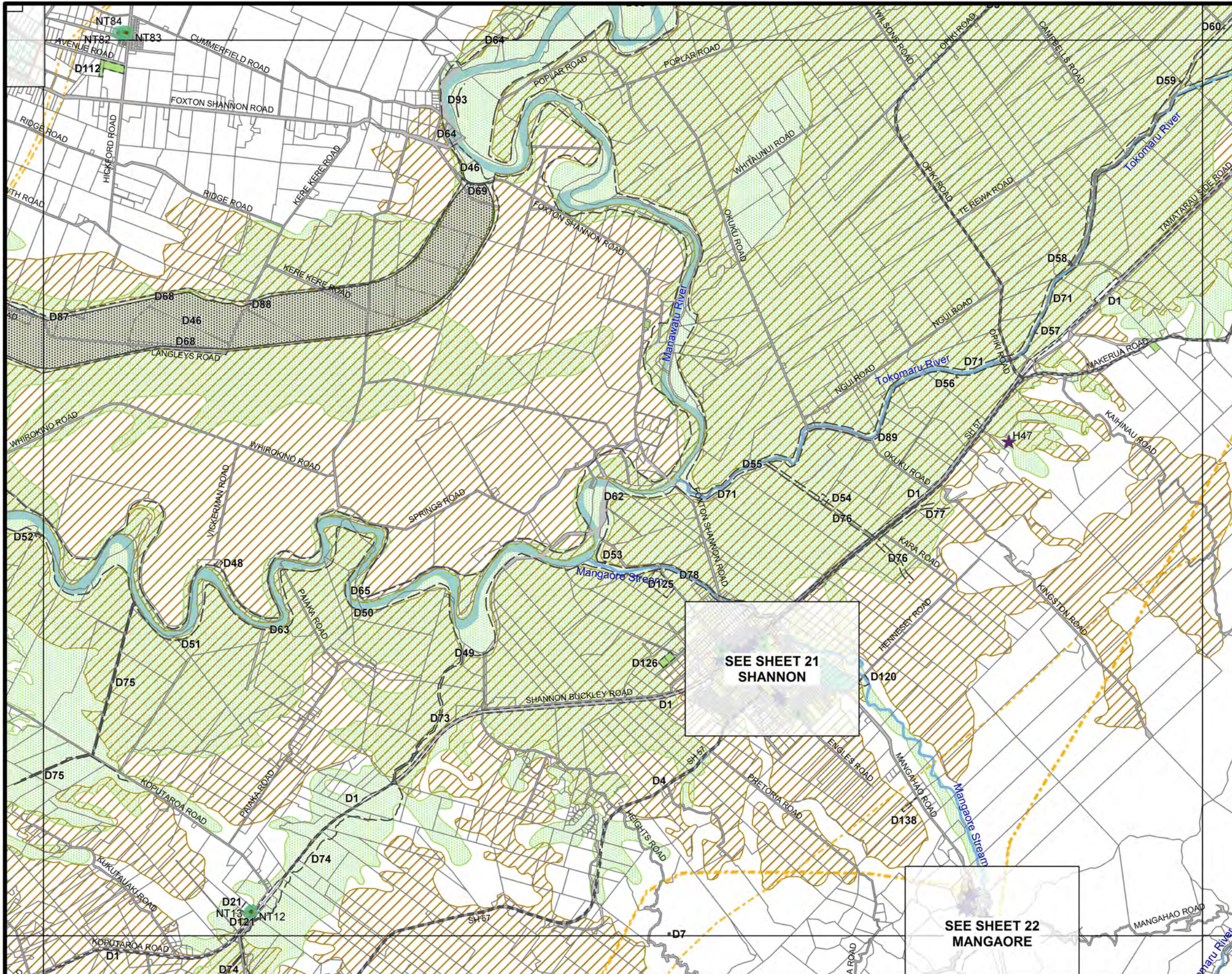


Scale 1 : 50,000

**HOROWHENUA DISTRICT PLAN**  
**RURAL**

**Planning Map 4**





**LEGEND**  
**ZONES**

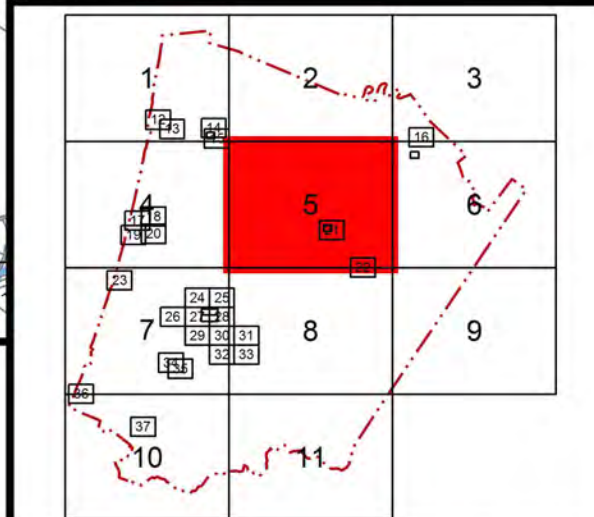
- Commercial Zone
- Industrial Zone
- Residential Zone
- Rural Zone
- Greenbelt Residential Zone
- Open Space Zone
- Residential Deferred Zone
- Greenbelt Residential Deferred Zone

**OVERLAYS**

- Greenbelt Residential Waitare Rise
- Greenbelt Residential Foxton Beach North
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- Muhunua West Forest Park Coastal Natural Character and Hazard Area
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- Foxton Tourism Area
- Pedestrian Area
- Coastal Natural Character and Hazard Area
- Flood Hazard Area (1:50,000 Rural Maps Only)
- Moutoa Floodway (1:50,000 Rural Maps Only)
- Versatile Land (LUC Class I & II Soil)

**FEATURES**

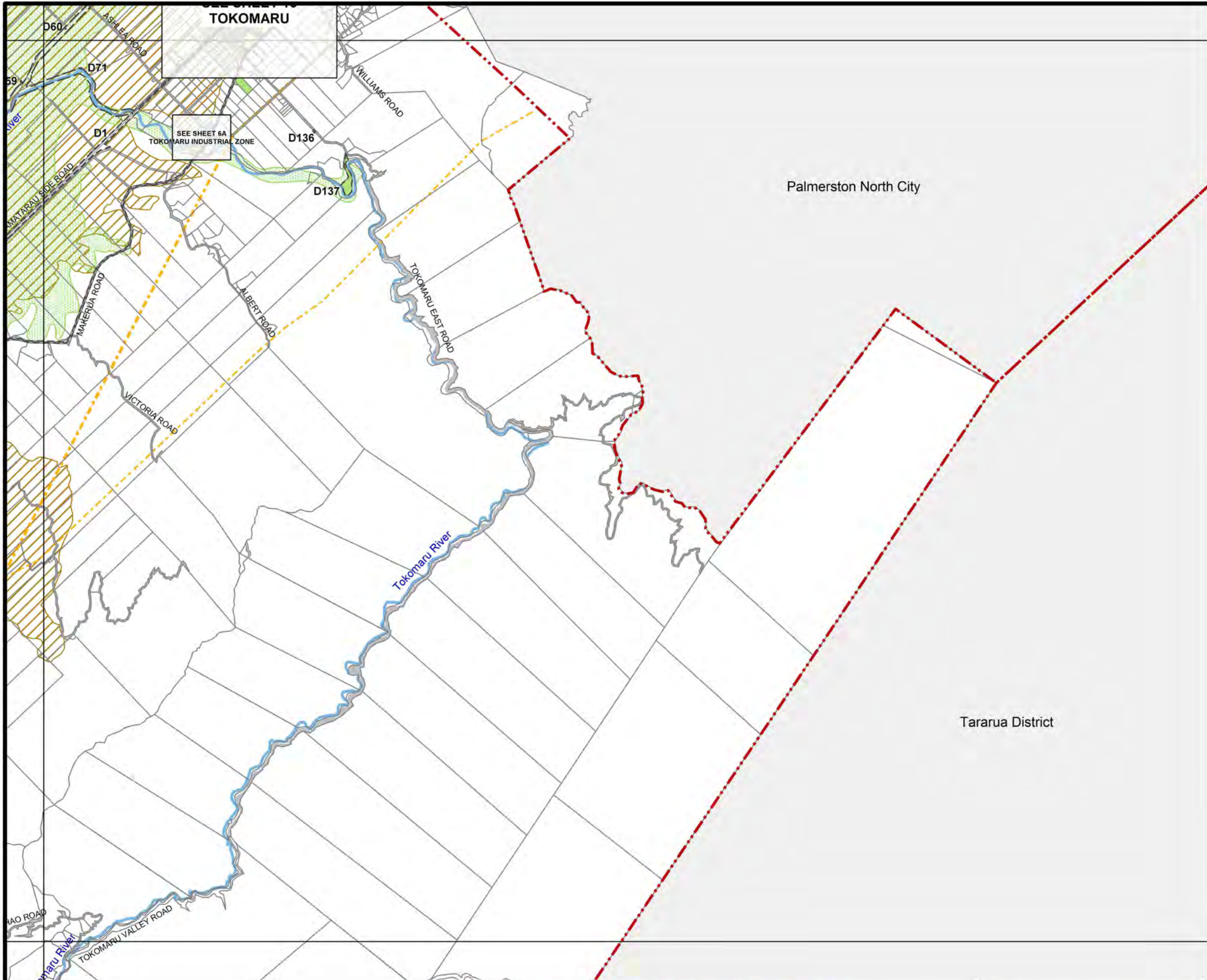
- Notable Tree
- Historic Heritage Building, Structure or Site
- Gas Transmission Pipeline
- National Grid Corridor (High Voltage Transmission Line)
- Designation
- Road



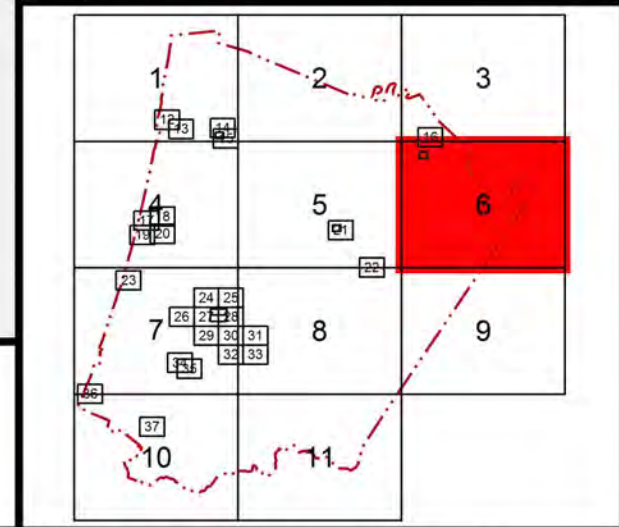
Scale 1 : 50,000

**HOROWHENUA DISTRICT PLAN**  
**RURAL**

**Planning Map 5**



- LEGEND**
- ZONES**
- Commercial Zone
  - Industrial Zone
  - Residential Zone
  - Rural Zone
  - Greenbelt Residential Zone
  - Open Space Zone
  - Residential Deferred Zone
  - Greenbelt Residential Deferred Zone
- OVERLAYS**
- Greenbelt Residential Waitare Rise
  - Greenbelt Residential Foxton Beach North
  - Strathnaver Coastal Natural Character Area
  - Strathnaver Coastal Hazard Area
  - Muhunua West Forest Park
  - Muhunua West Forest Park Coastal Natural Character and Hazard Area
  - Low Density Area
  - Medium Density Area
  - Large Format Retail Area
  - Town Centre Heritage/Character Area
  - Foxton Tourism Area
  - Pedestrian Area
  - Coastal Natural Character and Hazard Area
  - Flood Hazard Area (1:50,000 Rural Maps Only)
  - Moutoa Floodway (1:50,000 Rural Maps Only)
  - Versatile Land (LUC Class I & II Soil)
- FEATURES**
- Notable Tree
  - Historic Heritage Building, Structure or Site
  - Gas Transmission Pipeline
  - National Grid Corridor (High Voltage Transmission Line)
  - Designation
  - Road



Scale 1 : 50,000

**HOROWHENUA DISTRICT PLAN**  
**RURAL**

**Planning Map 6**

**LEGEND**  
**ZONES**

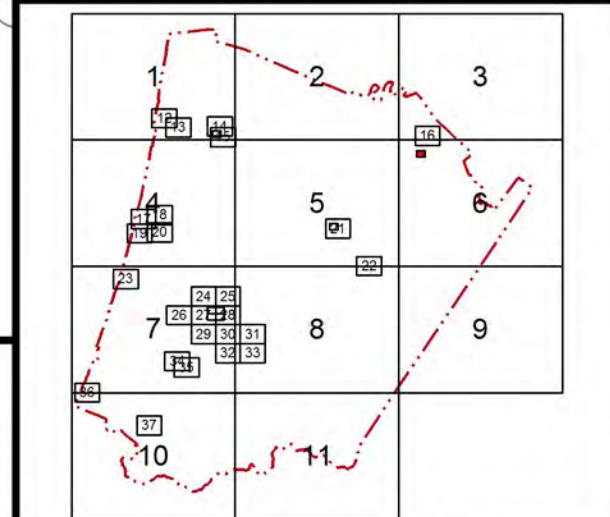
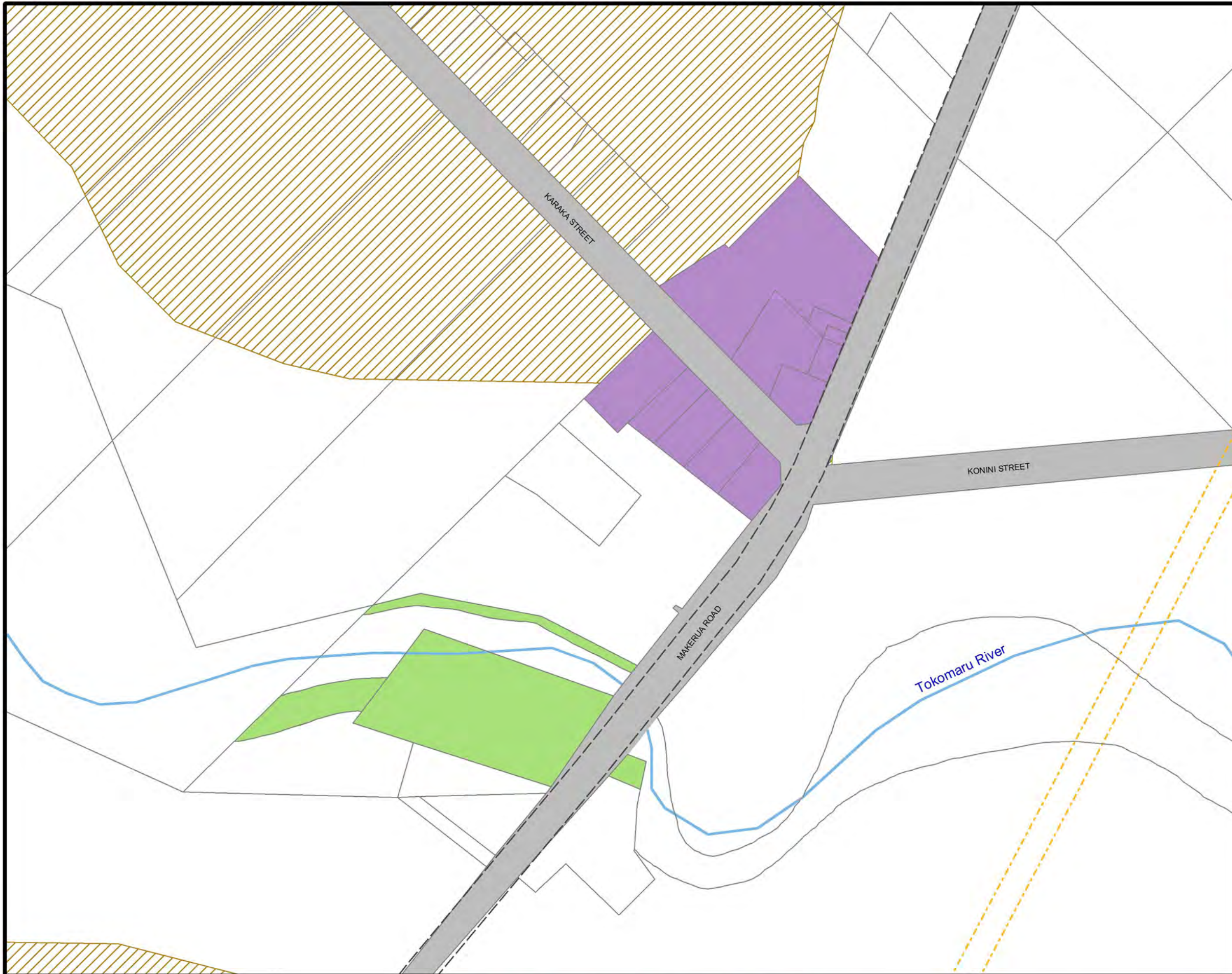
- Commercial Zone
- Industrial Zone
- Residential Zone
- Rural Zone
- Greenbelt Residential Zone
- Open Space Zone
- Residential Deferred Zone
- Greenbelt Residential Deferred Zone

**OVERLAYS**

- Greenbelt Residential Waitarere Rise
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- Pedestrian Area
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- Flood Hazard Area (1:50,000 Rural Maps Only)
- Moutoa Floodway (1:50,000 Rural Maps Only)
- Versatile Land (LUC Class I & II Soil)

**FEATURES**

- Notable Tree
- Historic Heritage Building, Structure or Site
- Gas Transmission Pipeline
- High Voltage Transmission Line
- Designation
- Road



Scale 1 : 2,500

**HOROWHENUA DISTRICT PLAN**  
**TOKOMARU INDUSTRIAL ZONE**

**Planning Map 6A**

**LEGEND**

**ZONES**

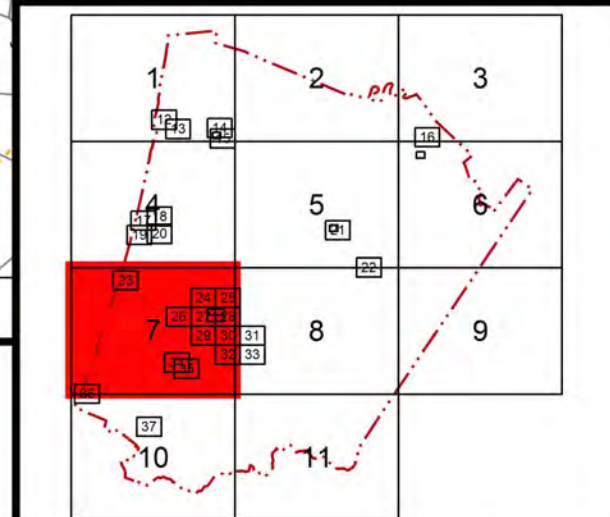
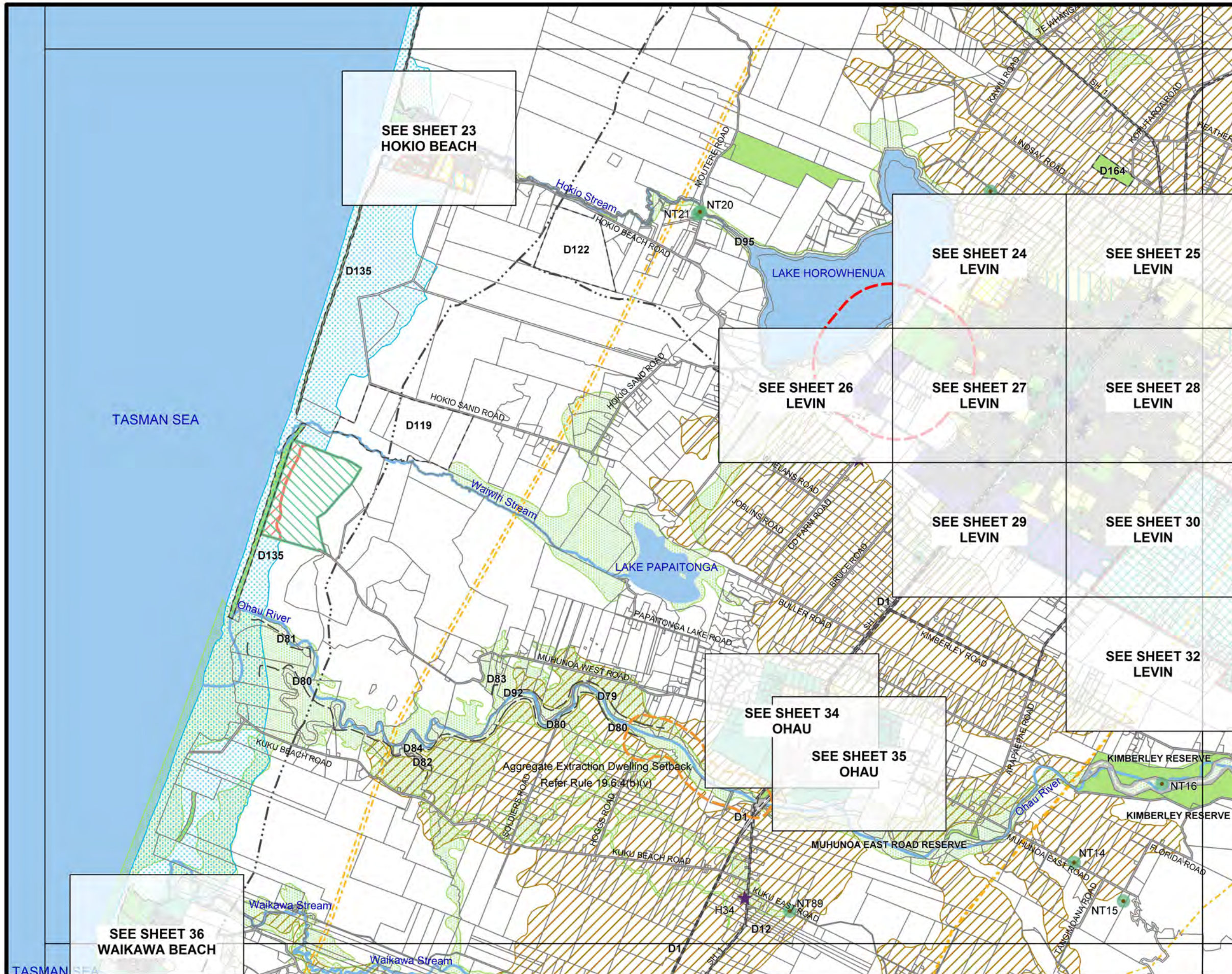
- Commercial Zone
- Industrial Zone
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**OVERLAYS**

- Greenbelt Residential Waitare Rise
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- Coastal Natural Character and Hazard Area
- Flood Hazard Area (1:50,000 Rural Maps Only)
- Moutoa Floodway (1:50,000 Rural Maps Only)
- Versatile Land (LUC Class I & II Soil)

**FEATURES**

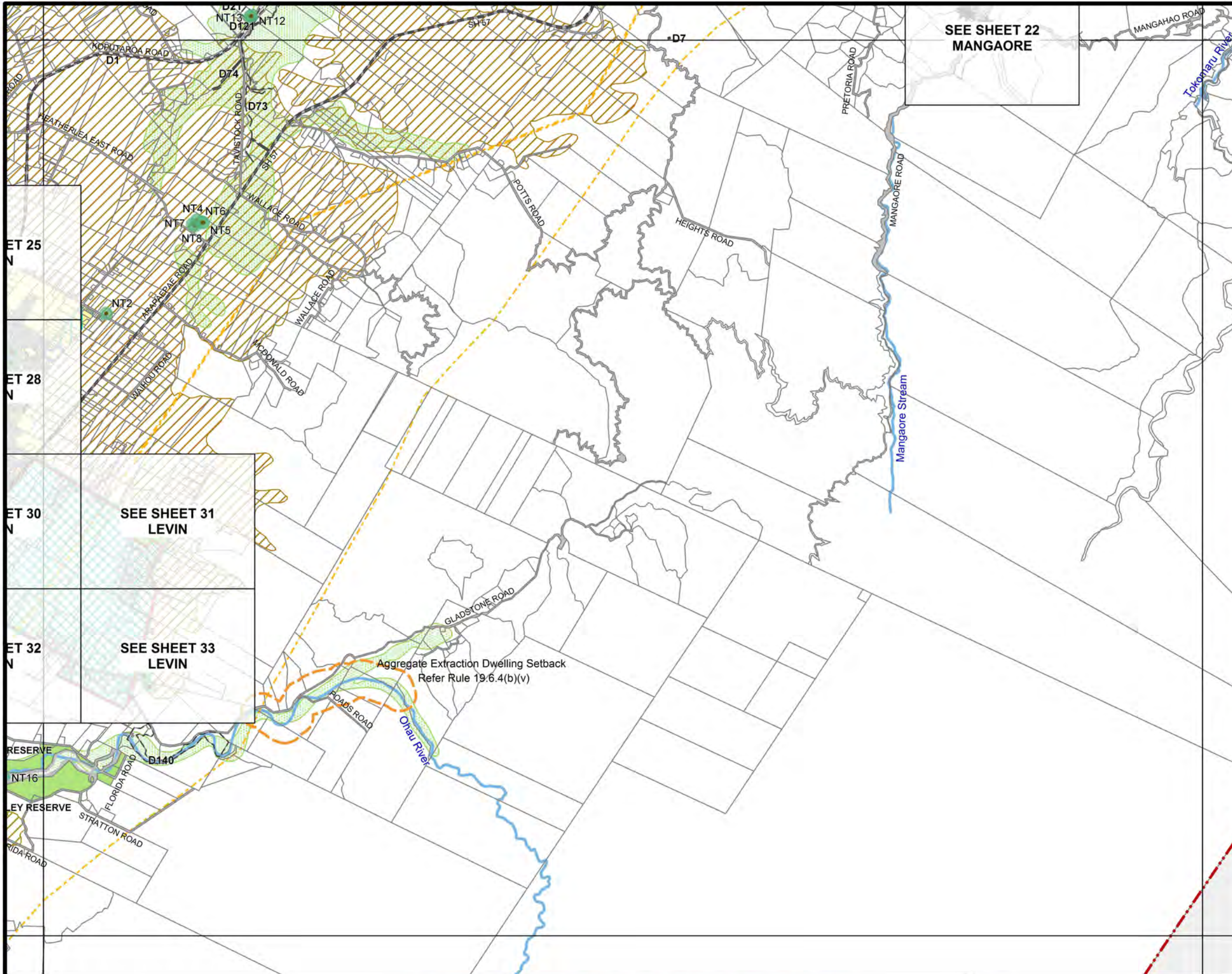
- Notable Tree
- Historic Heritage Building, Structure or Site
- Gas Transmission Pipeline
- National Grid Corridor (High Voltage Transmission Line)
- Designation
- Road



Scale 1 : 50,000

**HOROWHENUA DISTRICT PLAN**  
**RURAL**

**Planning Map 7**



**LEGEND**

**ZONES**

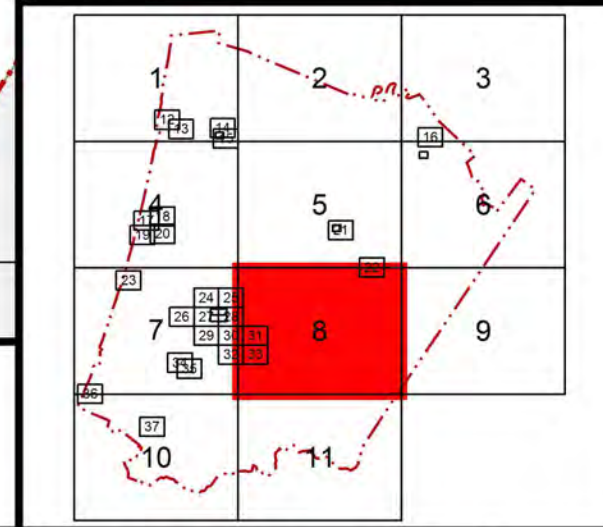
- Commercial Zone
- Industrial Zone
- Residential Zone
- Rural Zone
- Greenbelt Residential Zone
- Open Space Zone
- Residential Deferred Zone
- Greenbelt Residential Deferred Zone

**OVERLAYS**

- Greenbelt Residential Waitare Rise
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- Muhunua West Forest Park Coastal Natural Character and Hazard Area
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- Pedestrian Area
- Coastal Natural Character and Hazard Area
- Flood Hazard Area (1:50,000 Rural Maps Only)
- Moutoa Floodway (1:50,000 Rural Maps Only)
- Versatile Land (LUC Class I & II Soil)

**FEATURES**

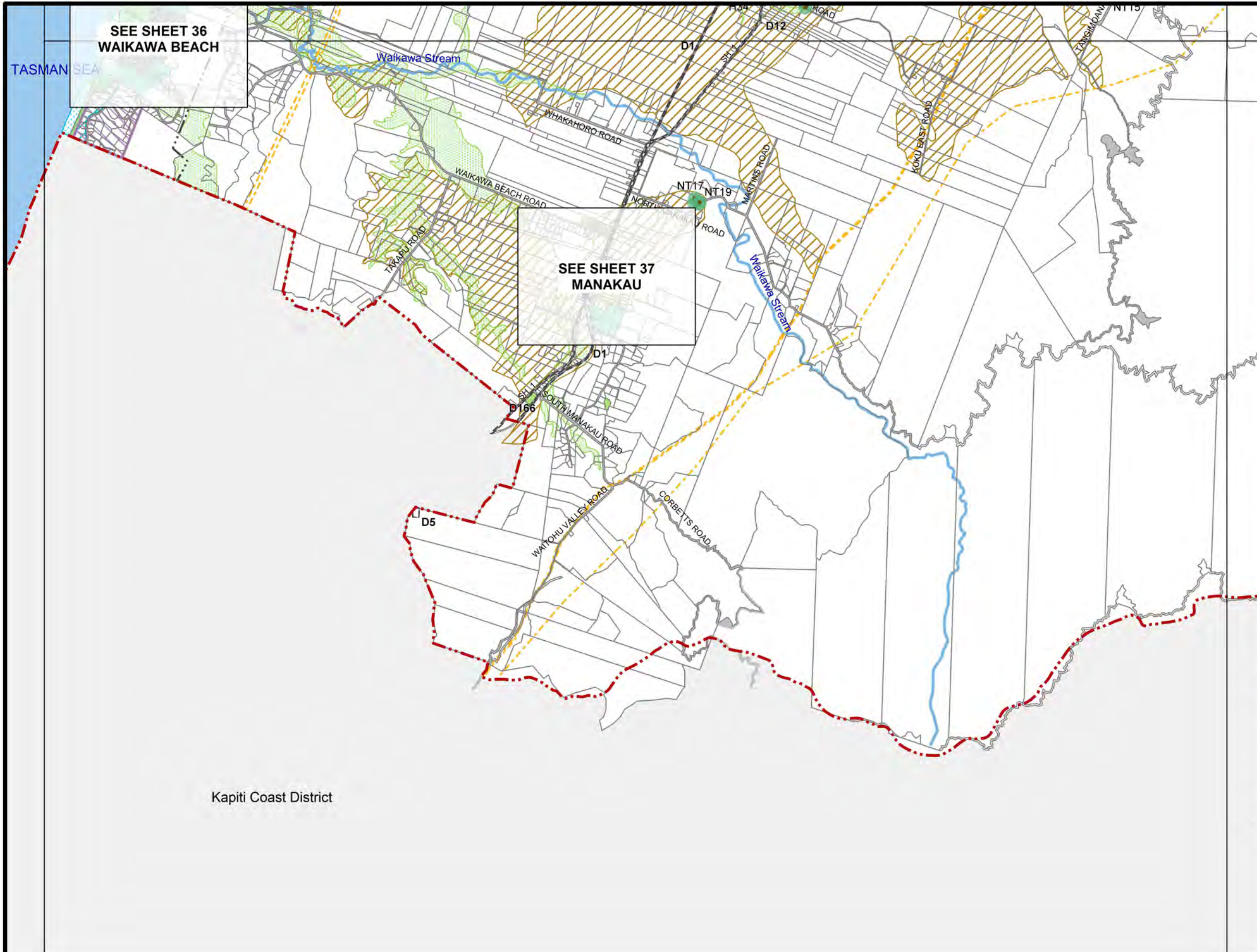
- Notable Tree
- Historic Heritage Building, Structure or Site
- Gas Transmission Pipeline
- National Grid Corridor (High Voltage Transmission Line)
- Designation
- Road



Scale 1 : 50,000

**HOROWHENUA DISTRICT PLAN**  
**RURAL**

**Planning Map 8**



**LEGEND**

**ZONES**

- Commercial Zone
- Industrial Zone
- Residential Zone
- Rural Zone
- Greenbelt Residential Zone
- Open Space Zone
- Residential Deferred Zone
- Greenbelt Residential Deferred Zone

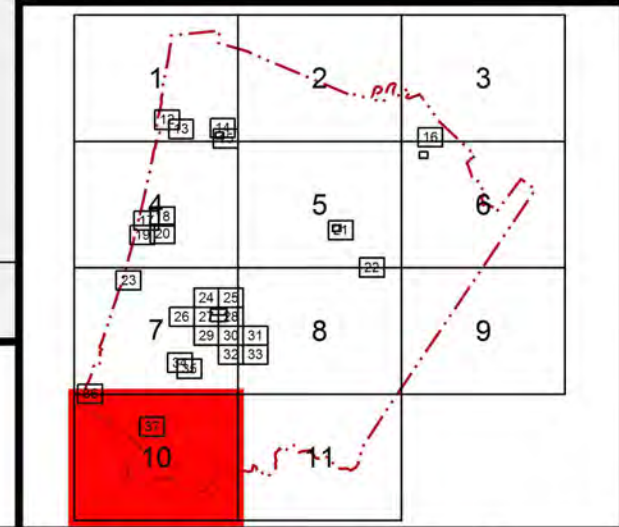
**OVERLAYS**

- Greenbelt Residential Waitare Rise
- Greenbelt Residential Foxton Beach North
- Strathnaver Coastal Natural Character Area
- Strathnaver Coastal Hazard Area
- Muhunua West Forest Park
- Muhunua West Forest Park Coastal Natural Character and Hazard Area
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- Moutoa Floodway (1:50,000 Rural Maps Only)
- Versatile Land (LUC Class I & II Soil)

**FEATURES**

- Notable Tree
- Historic Heritage Building, Structure or Site
- Gas Transmission Pipeline
- National Grid Corridor (High Voltage Transmission Line)
- Designation
- Road

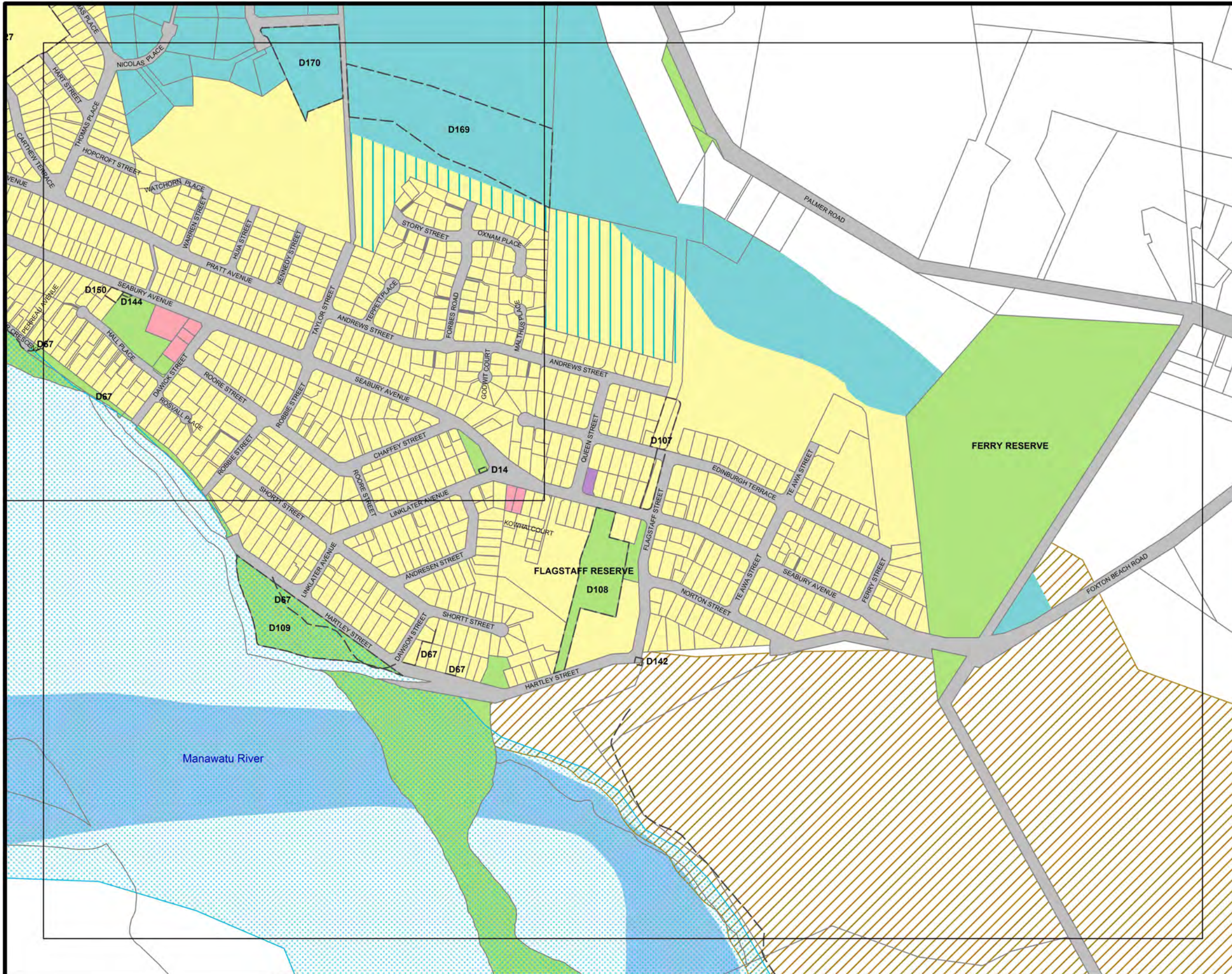
Kapiti Coast District



Scale 1 : 50,000

**HOROWHENUA DISTRICT PLAN**  
**RURAL**

Planning Map 10



**LEGEND**

**ZONES**

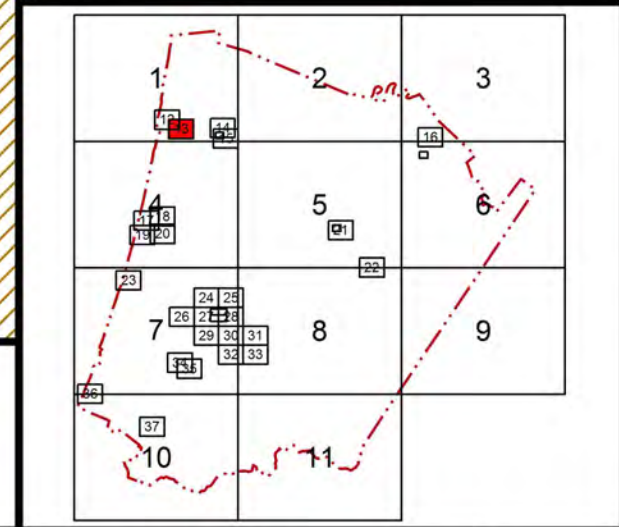
- Commercial Zone
- Industrial Zone
- Residential Zone
- Rural Zone
- Greenbelt Residential Zone
- Open Space Zone
- Residential Deferred Zone
- Greenbelt Residential Deferred Zone

**OVERLAYS**

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- Flood Hazard Area (1:50,000 Rural Maps Only)
- Moutoa Floodway (1:50,000 Rural Maps Only)
- Versatile Land (LUC Class I & II Soil)

**FEATURES**

- Notable Tree
- Historic Heritage Building, Structure or Site
- Gas Transmission Pipeline
- National Grid Corridor (High Voltage Transmission Line)
- Designation
- Road



Scale 1 : 7,500

**HOROWHENUA DISTRICT PLAN**  
**FOXTON BEACH**

**Planning Map 13**

**LEGEND**

**ZONES**

- Commercial Zone
- Industrial Zone
- Residential Zone
- Rural Zone
- Greenbelt Residential Zone
- Open Space Zone
- Residential Deferred Zone
- Greenbelt Residential Deferred Zone

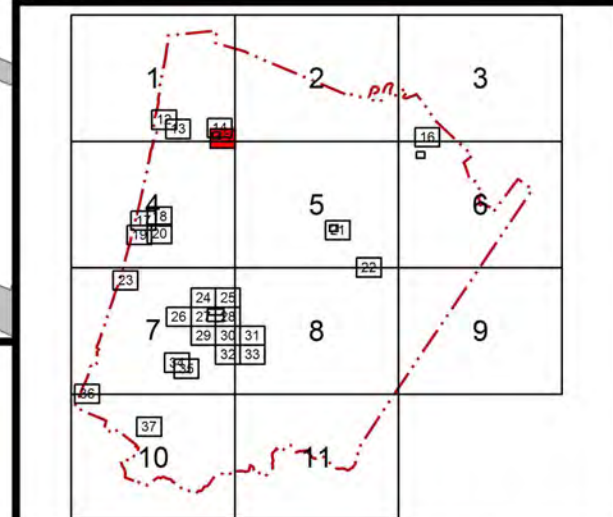
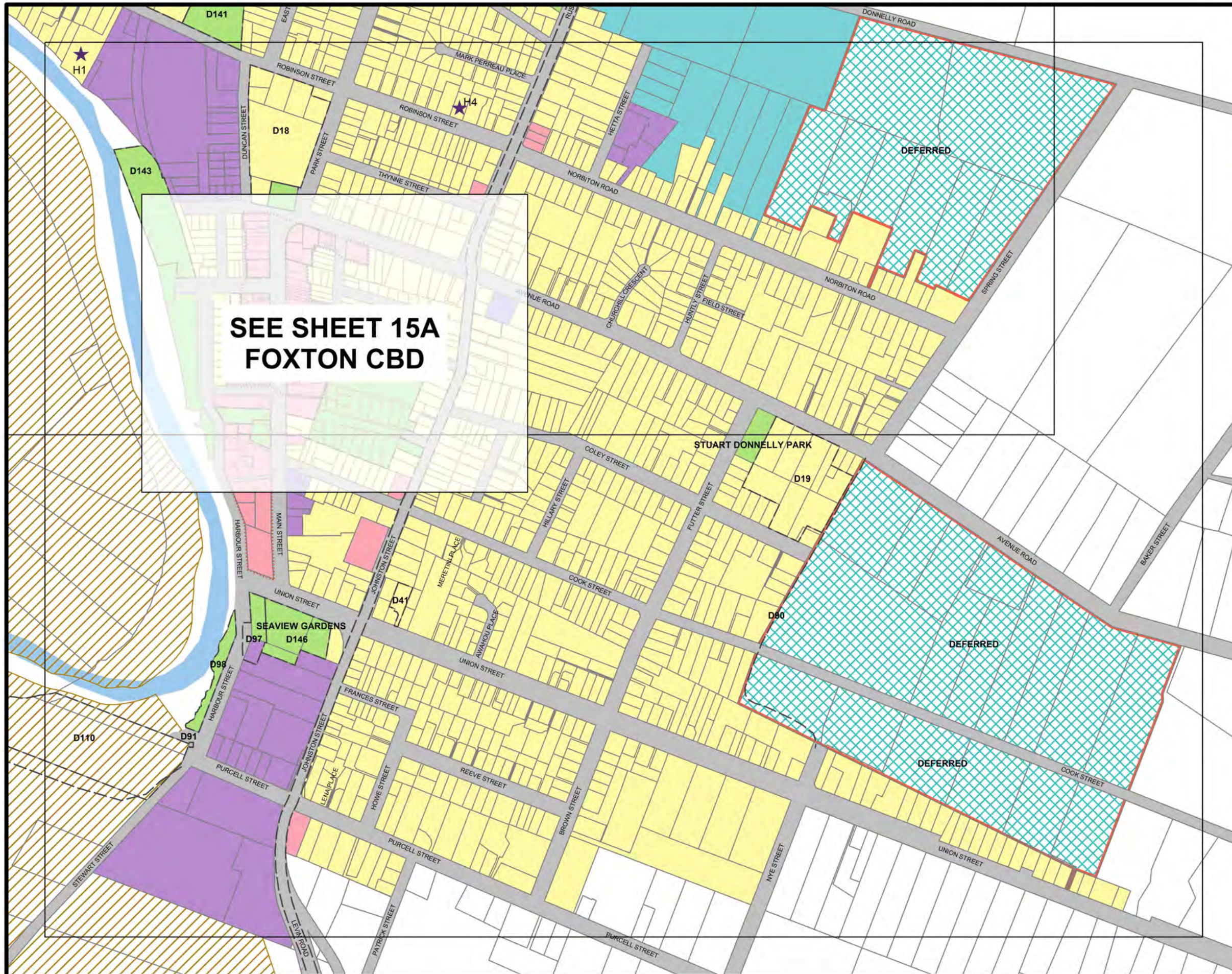
**OVERLAYS**

- Greenbelt Residential Waitare Rise
- Greenbelt Residential Foxton Beach North
- Strathnaver Coastal Natural Character Area
- Strathnaver Coastal Hazard Area
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- Muhunua West Forest Park Coastal Natural Character and Hazard Area
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- Coastal Natural Character and Hazard Area
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- Moutoa Floodway (1:50,000 Rural Maps Only)
- Versatile Land (LUC Class I & II Soil)

**FEATURES**

- Notable Tree
- Historic Heritage Building, Structure or Site
- Gas Transmission Pipeline
- National Grid Corridor (High Voltage Transmission Line)
- Designation
- Road

**SEE SHEET 15A  
FOXTON CBD**



Scale 1 : 7,500

**HOROWHENUA DISTRICT PLAN**  
**FOXTON**

**Planning Map 15**





**LEGEND**

**ZONES**

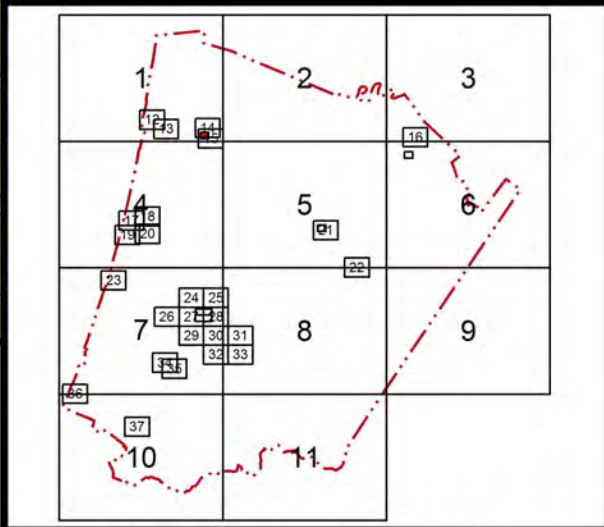
- Commercial Zone
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- Rural Zone
- Greenbelt Residential Zone
- Open Space Zone
- Residential Deferred Zone
- Greenbelt Residential Deferred Zone

**OVERLAYS**

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- Moutoa Floodway (1:50,000 Rural Maps Only)
- Versatile Land (LUC Class I & II Soil)

**FEATURES**

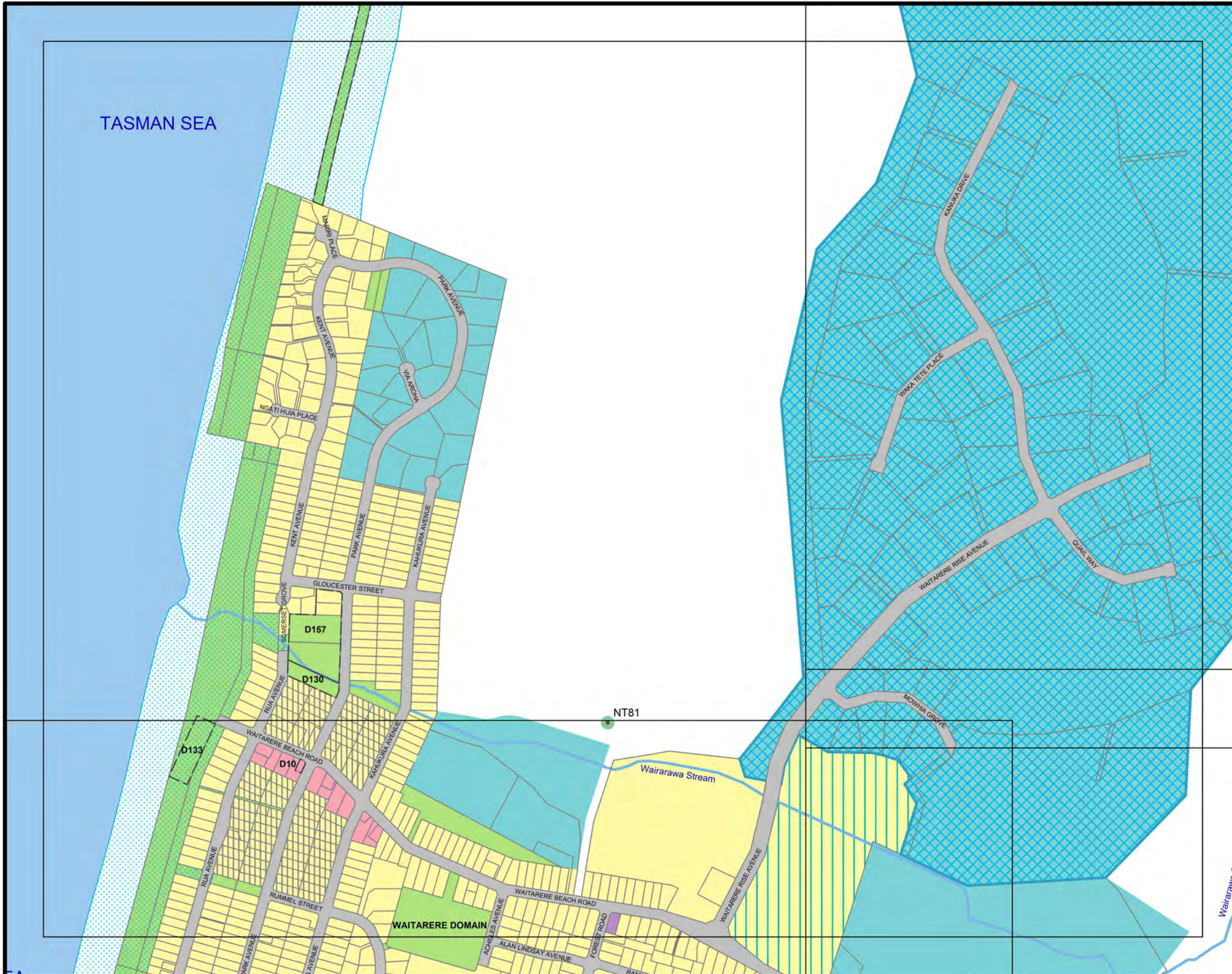
- Notable Tree
- Historic Heritage Building, Structure or Site
- Gas Transmission Pipeline
- National Grid Corridor (High Voltage Transmission Line)
- Designation
- Road



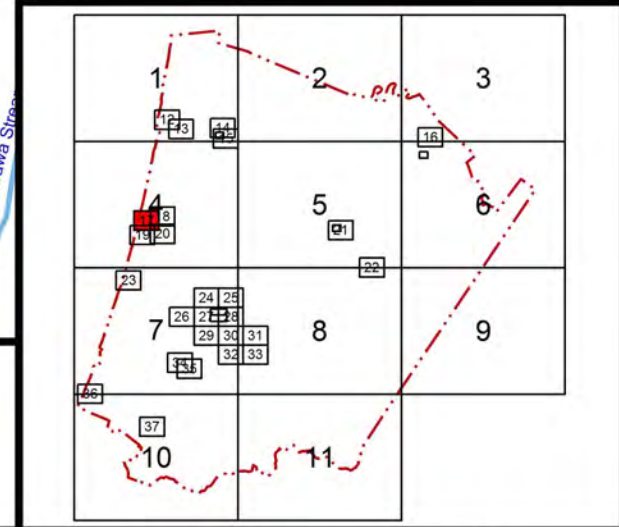
Scale 1 : 2,500

**HOROWHENUA DISTRICT PLAN**  
**FOXTON CBD**

**Planning Map 15A**



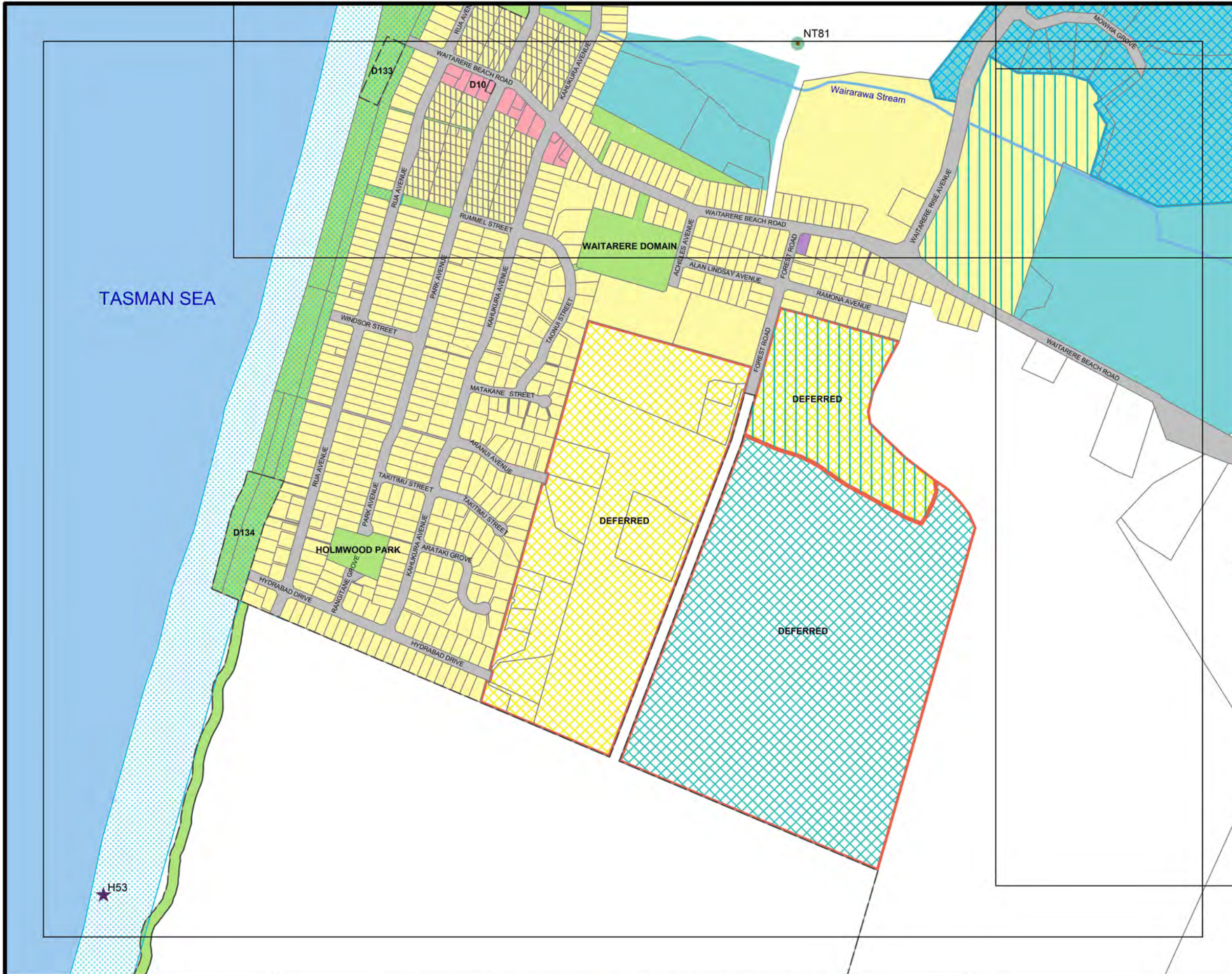
- LEGEND**
- ZONES**
- Commercial Zone
  - Industrial Zone
  - Residential Zone
  - Rural Zone
  - Greenbelt Residential Zone
  - Open Space Zone
  - Residential Deferred Zone
  - Greenbelt Residential Deferred Zone
- OVERLAYS**
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  - Strathnaver Coastal Hazard Area
  - Muhunua West Forest Park
  - Muhunua West Forest Park Coastal Natural Character and Hazard Area
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  - Flood Hazard Area (1:50,000 Rural Maps Only)
  - Moutoa Floodway (1:50,000 Rural Maps Only)
  - Versatile Land (LUC Class I & II Soil)
- FEATURES**
- Notable Tree
  - Historic Heritage Building, Structure or Site
  - Gas Transmission Pipeline
  - National Grid Corridor (High Voltage Transmission Line)
  - Designation
  - Road



Scale 1 : 7,500

**HOROWHENUA DISTRICT PLAN**  
**WAITARERE BEACH**

**Planning Map 17**



**LEGEND**

**ZONES**

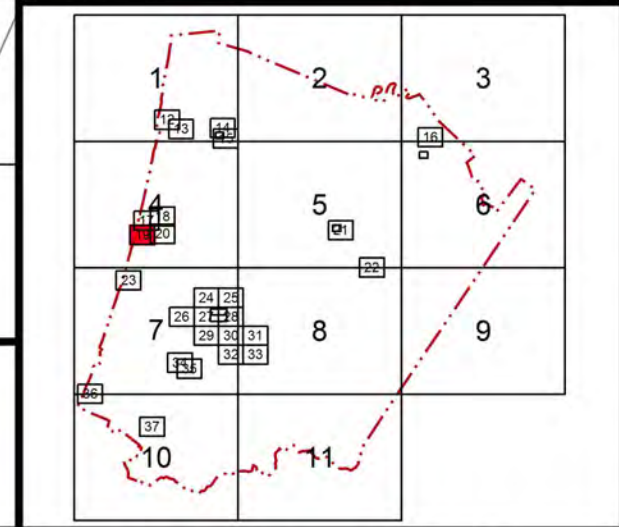
- Commercial Zone
- Industrial Zone
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- Greenbelt Residential Zone
- Open Space Zone
- Residential Deferred Zone
- Greenbelt Residential Deferred Zone

**OVERLAYS**

- Greenbelt Residential Waitarere Rise
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- Muhunua West Forest Park Coastal Natural Character and Hazard Area
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- Pedestrian Area
- Coastal Natural Character and Hazard Area
- Flood Hazard Area (1:50,000 Rural Maps Only)
- Moutoa Floodway (1:50,000 Rural Maps Only)
- Versatile Land (LUC Class I & II Soil)

**FEATURES**

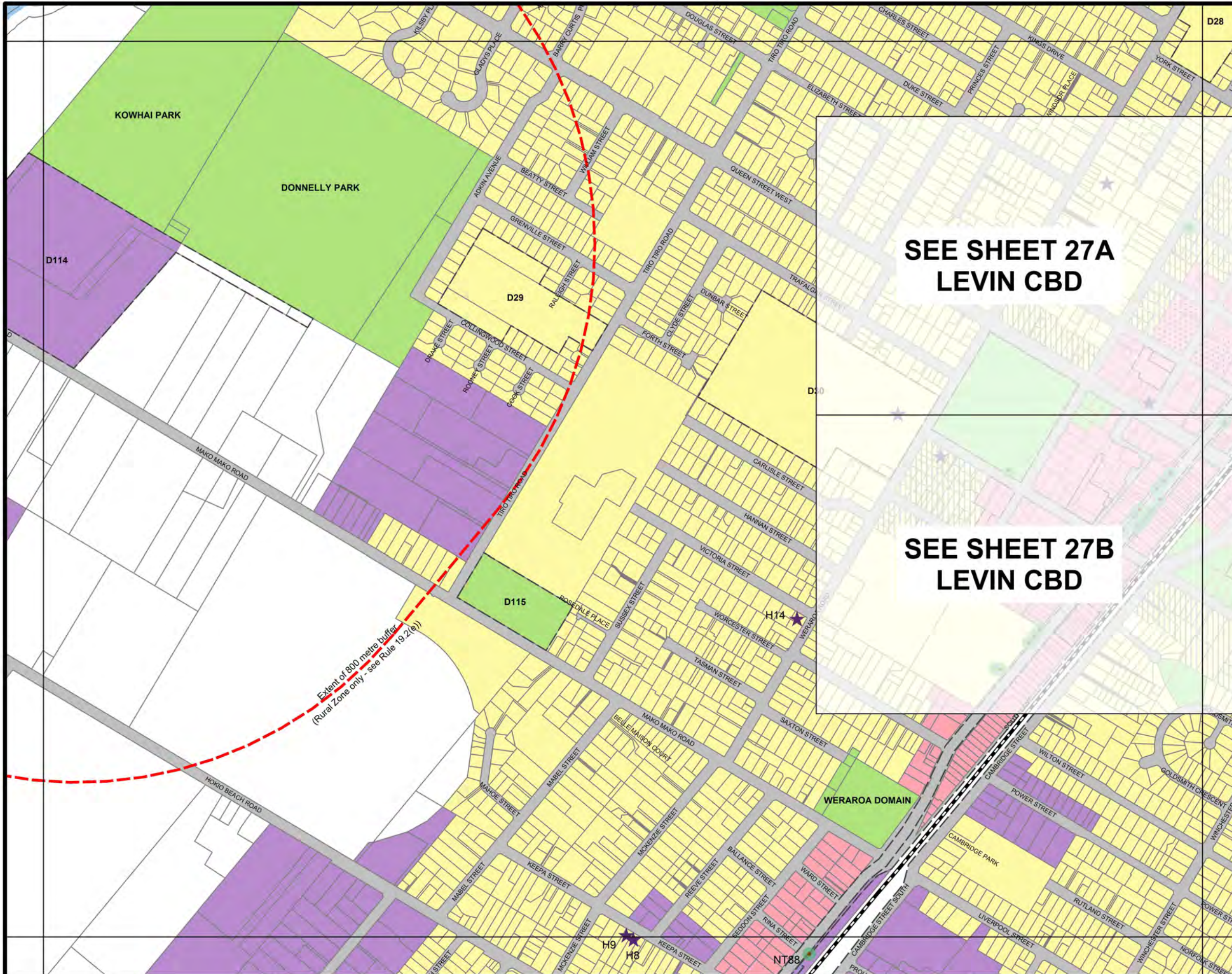
- Notable Tree
- Historic Heritage Building, Structure or Site
- Gas Transmission Pipeline
- National Grid Corridor (High Voltage Transmission Line)
- Designation
- Road



Scale 1 : 7,500

**HOROWHENUA DISTRICT PLAN**  
**WAITARERE BEACH**

**Planning Map 19**



**LEGEND**  
**ZONES**

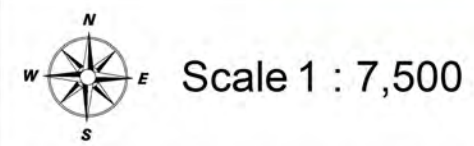
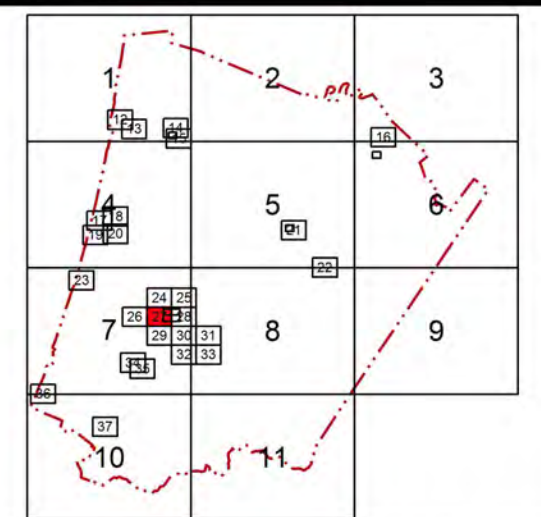
- Commercial Zone
- Industrial Zone
- Residential Zone
- Rural Zone
- Greenbelt Residential Zone
- Open Space Zone
- Residential Deferred Zone
- Greenbelt Residential Deferred Zone

**OVERLAYS**

- Greenbelt Residential Waitare Rise
- Greenbelt Residential Foxton Beach North
- Strathnaver Coastal Natural Character Area
- Strathnaver Coastal Hazard Area
- Muhunua West Forest Park
- Muhunua West Forest Park Coastal Natural Character and Hazard Area
- Low Density Area
- Medium Density Area
- Large Format Retail Area
- Town Centre Heritage/Character Area
- Foxton Tourism Area
- Pedestrian Area
- Coastal Natural Character and Hazard Area
- Flood Hazard Area (1:50,000 Rural Maps Only)
- Moutoa Floodway (1:50,000 Rural Maps Only)
- Versatile Land (LUC Class I & II Soil)

**FEATURES**

- Notable Tree
- Historic Heritage Building, Structure or Site
- Gas Transmission Pipeline
- National Grid Corridor (High Voltage Transmission Line)
- Designation
- Road



**HOROWHENUA DISTRICT PLAN**  
**LEVIN**

**Planning Map 27**

**LEGEND**

**ZONES**

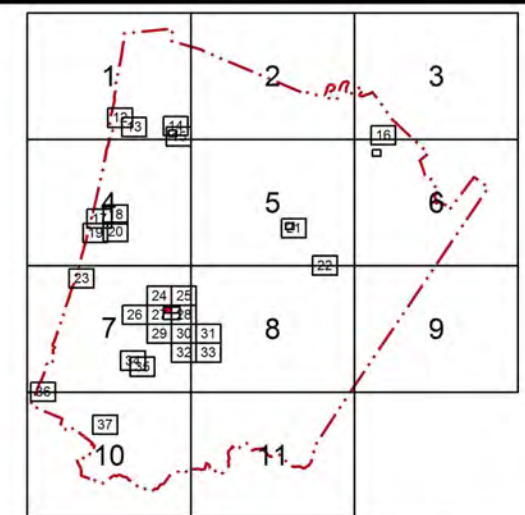
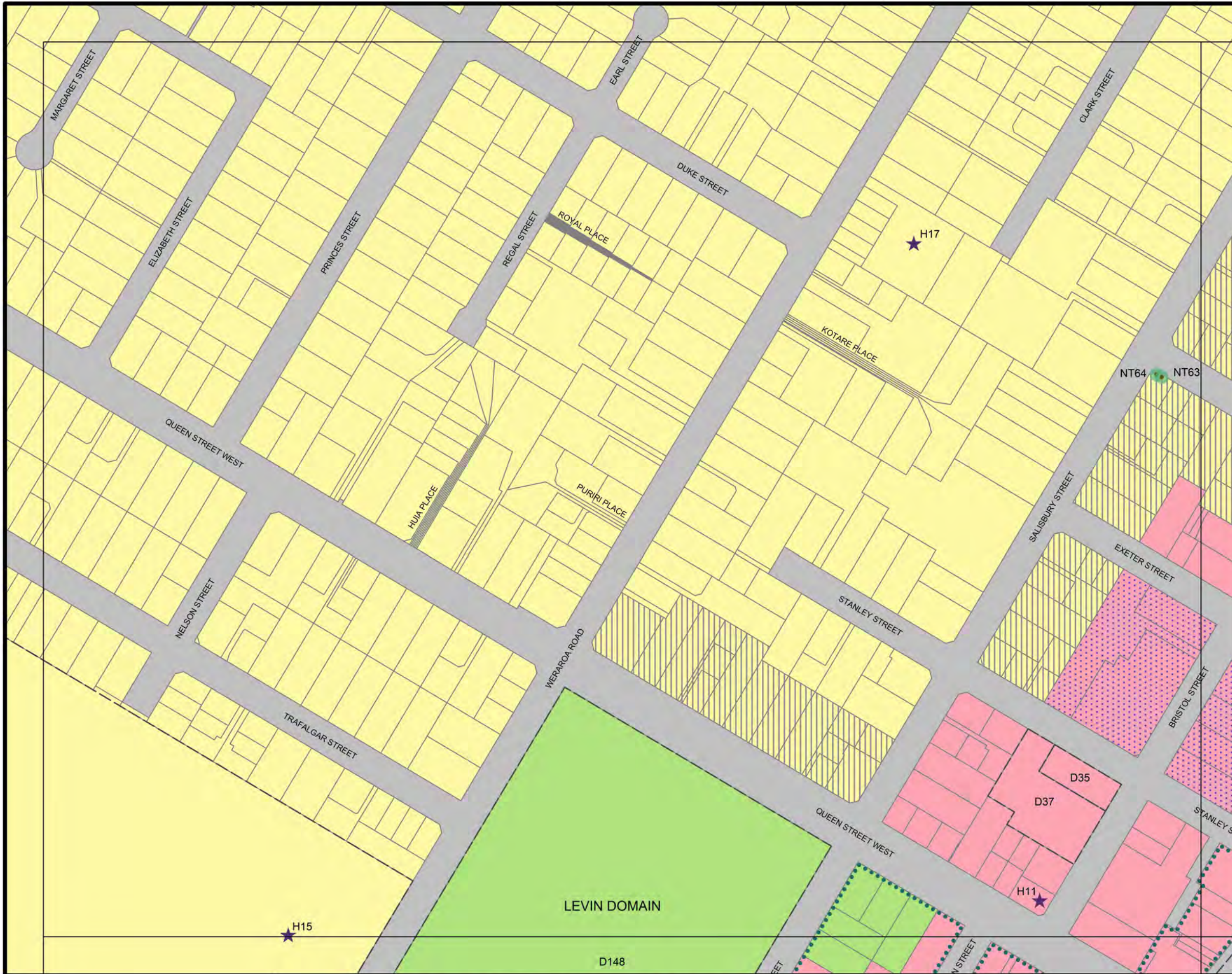
- Commercial Zone
- Industrial Zone
- Residential Zone
- Rural Zone
- Greenbelt Residential Zone
- Open Space Zone
- Residential Deferred Zone
- Greenbelt Residential Deferred Zone

**OVERLAYS**

- Greenbelt Residential Waitare Rise
- Greenbelt Residential Foxton Beach North
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- Flood Hazard Area (1:50,000 Rural Maps Only)
- Moutoa Floodway (1:50,000 Rural Maps Only)
- Versatile Land (LUC Class I & II Soil)

**FEATURES**

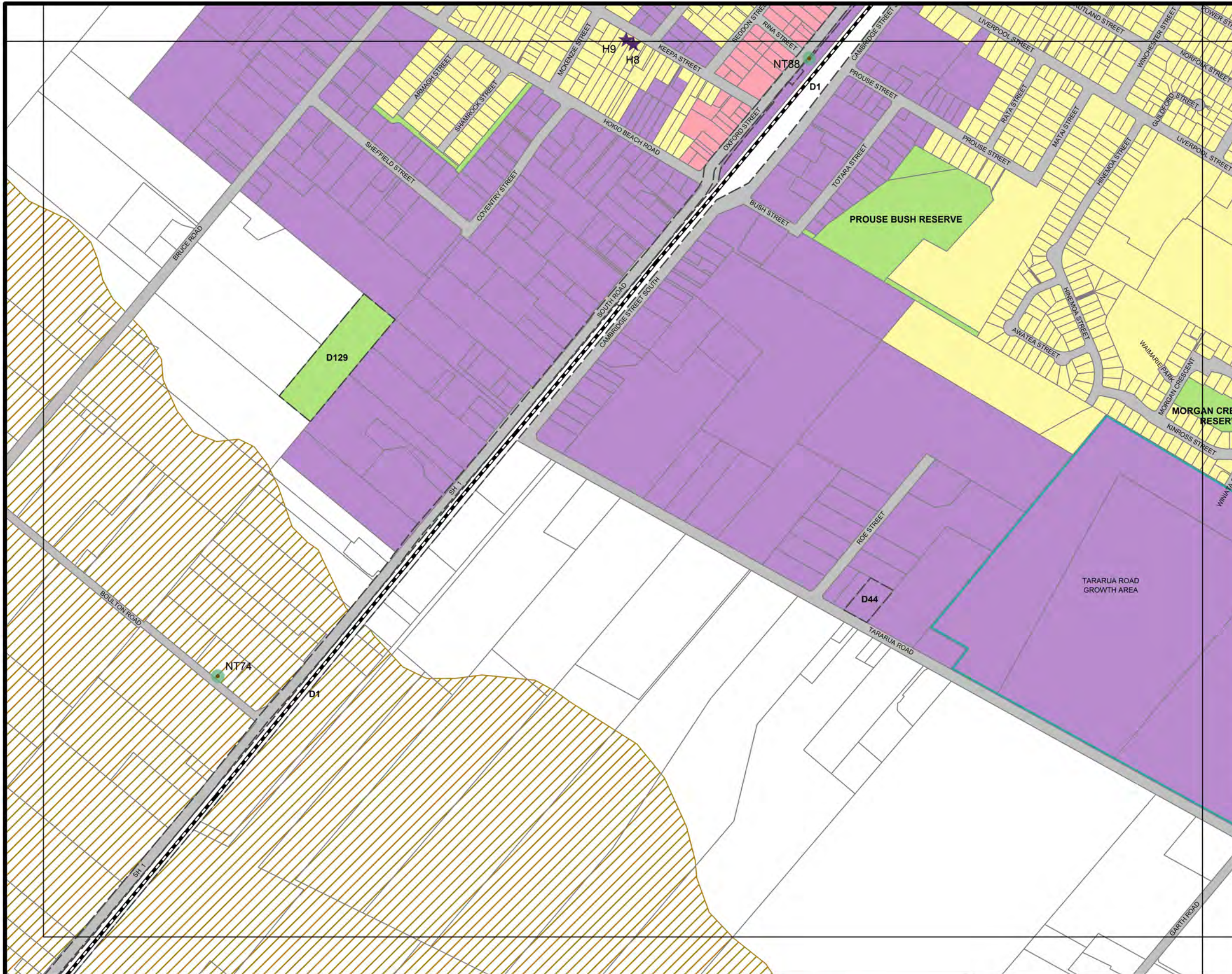
- Notable Tree
- Historic Heritage Building, Structure or Site
- Gas Transmission Pipeline
- National Grid Corridor (High Voltage Transmission Line)
- Designation
- Road



Scale 1 : 2,500

**HOROWHENUA DISTRICT PLAN**  
**LEVIN CBD**

**Planning Map 27A**



**LEGEND**  
**ZONES**

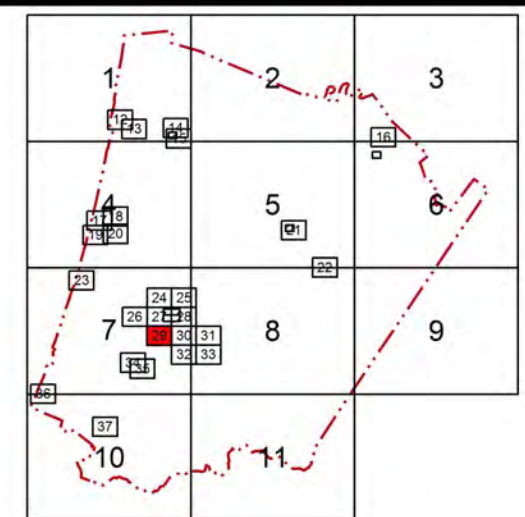
- Commercial Zone
- Industrial Zone
- Residential Zone
- Rural Zone
- Greenbelt Residential Zone
- Open Space Zone
- Residential Deferred Zone
- Greenbelt Residential Deferred Zone

**OVERLAYS**

- Greenbelt Residential Waitare Rise
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- Moutoa Floodway (1:50,000 Rural Maps Only)
- Versatile Land (LUC Class I & II Soil)

**FEATURES**

- Notable Tree
- Historic Heritage Building, Structure or Site
- Gas Transmission Pipeline
- National Grid Corridor (High Voltage Transmission Line)
- Designation
- Road



Scale 1 : 7,500

**HOROWHENUA DISTRICT PLAN**  
**LEVIN**

**Planning Map 29**