



## **Section 42A Report to the District Plan Review Hearing Panel**

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### **Proposed Horowhenua District Plan**

#### **General Part 1**

#### **INCORPORATING PART A – INTRODUCTION AND**

#### **CHAPTER 14 CROSS BOUNDARY ISSUES**

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**March 2013**



Hearing Date: 4 April 2013  
Report Prepared by: Hamish Wesney  
Report Number: 1.01

## **NOTE TO SUBMITTERS**

Submitters should note that the hearings on the Proposed District Plan have been organised according to topic. A total of 14 hearings are scheduled to hear submissions on each of the 14 topics. The topic which is the subject of this report is General Matters (Introduction) and Cross Boundary Issues.

It is very likely that submitters who have made submissions in relation to the General Matters (Introduction) and Cross Boundary Issues may have also made submissions on other parts of the Proposed Plan. This report only addresses those submissions that are relevant to the subject of this report.

The hearings of submissions to the Proposed District Plan are being collectively heard by a Panel of eight commissioners. The appointed commissioners include a mix of local Councillors and independent commissioners. In most cases each hearing will be heard by a panel of three commissioners selected from the eight panel members. This does mean that different commissioners will be sitting on different hearings. It therefore will require submitters to ensure that when speaking at a hearing that they keep to their submission points that have been covered by the Planning Report for that hearing.

To assist submitters in finding where and how their submissions have been addressed in this report, a submitter index has been prepared and can be found at the very end of the report. The index identifies the page number(s) of where the submitter's submission points have been addressed in the report.

Submitters may also find the table contained in Section 6.2 of this report helpful as it identifies the Reporting Officer's recommendation to the Hearing Panel on every submission point and further submission point addressed in this report.

## EXECUTIVE SUMMARY

The Operative Horowhenua District Plan (Operative Plan) has been operative for over 13 years (since 13<sup>th</sup> September 1999), and in November 2009, Horowhenua District Council (Council) resolved to undertake a full review of its Operative Plan. A number of plan changes have been made to the Operative Plan addressing a wide range of issues. However, none of these plan changes directly related to the overall role, purpose and administration of the District Plan (Introduction Section) or cross boundary issues. Therefore, a review of the Introduction and Cross Boundary Issues sections in Operative Plan was undertaken.

Part A – Introduction of the Proposed Plan contains general information on “What is a District Plan”, “How the Plan Works” and overall statutory context. The intent and purpose of this section of the Proposed Plan is to provide a ‘lay person’ (e.g. first time or infrequent user/reader) with an understanding of the statutory context of a District Plan and the ability to apply it in basic terms. This section of the Proposed Plan is an updated and shortened version of a similar section in the Operative Plan.

Chapter 14 of the Proposed Plan addresses ‘Cross Boundary Issues’ and is effectively an updated and revised version of Section 13 in the Operative Plan following a review of these provisions.

A number of submissions were made in relation to Part A – Introduction, some supporting the contents as proposed whilst others sought amendments and additional text. The majority of the submissions on Chapter 14 supported the Proposed Plan provisions.

The purpose of this report is to summarise the key issues raised in submissions and to provide advice to the Hearings Panel on the issues raised. All submission points have been evaluated in this report, with specific recommendations for each point raised within each submission. These recommendations include amendments to the Proposed Plan, including refinements to the wording of some provisions. Whilst recommendations are provided, it is the role of the Hearings Panel to consider the issues, the submissions received, the evidence present at the hearing, and the advice of the reporting planner before making a decision.

The main officer’s recommendations on the key issues raised in submissions include:

- Retain unchanged the majority of the provisions in Chapters 1 and 14 which were supported by submitters
- Amend a sentence in Chapter 1: Introduction to recognise social, cultural and economic effects
- Retain unchanged the section on Maori Values and Statutory Acknowledgements
- Amend text on ‘How the District Plan Works’

The Hearings Panel in making its decisions will determine whether to accept, reject or accept in part, the submissions received, and as a consequence, any amendments to be made to the Proposed Plan.

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# 1. Introduction

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## 1.1 Qualifications

My full name is Hamish Philip Joseph Wesney, I am an Associate Principal: Senior Planner with Boffa Miskell Limited, a firm of consulting planners, ecologists, and landscape architects. I hold the qualifications of Bachelor of Resource and Environmental Planning (1st Class Hons). I am a Member of the New Zealand Planning Institute.

I have over 11 years' experience as a planner. In my first three and a half years in practice, I was employed as a planner with the Horowhenua District Council (HDC), undertaking a variety of planning tasks, including District Plan changes and processing numerous land use and subdivision resource consent applications.

For the past seven and a half years, I have been a consulting planner based in Wellington, and have been involved in advising a wide range of clients, including local authorities, developers, central government and individuals on various projects. In particular, I have been involved in a number of District Plan Reviews (full and rolling) for various local authorities on a range of resource management issues. For example, Horowhenua District Plan (2009-11: Proposed Plan Change 21 Urban Growth and Greenbelt Residential), Wairarapa Combined District Plan (2004 – 2011), Hutt City District Plan (2008 – ongoing on subdivision, Central Area, Petone) and Manawatu District Plan (2010 – ongoing). Therefore, I have a thorough understanding of the District Plan Review processes and requirements, and land use, development and resource management issues in the Horowhenua District.

At the beginning of 2011, Boffa Miskell was engaged by HDC to assist with the District Plan Review. This assistance included researching and evaluating issues and options for Plan provisions, drafting and reviewing Plan provisions for inclusion in the Proposed District Plan, attending Councillor workshops and meetings, and stakeholder consultation. This assistance also includes preparing and reviewing Section 42A (RMA) reports, including preparing this report.

## 1.2 Purpose

The purpose of this report is to assess the Proposed District Plan in terms of the relevant statutory considerations and obligations, taking into account those issues raised in submissions, and an analysis of the appropriateness and effectiveness of the proposed provisions in outlining the role, purpose and administration of the District Plan and cross boundary issues. I provide my findings and recommendations to the Hearings Panel in accordance with Section 42A of the Resource Management Act.

## 1.3 Outline

This report considers submissions and further submissions which were received on “Part A – Introduction” and “Chapter 14 Cross Boundary Issues” of the Proposed Horowhenua District Plan (referred to in this report as “the Proposed Plan”). This report has been prepared in accordance with Section 42A of the Resource Management Act (“the RMA”) to assist the Hearings Panel with its consideration of submissions received in respect of the provisions in these parts of the Proposed Plan.

This report is structured according to the following format:

- An overview of the Proposed Plan provisions
- Statutory Requirements
- Analysis of Submissions
- Recommended Amendments to Proposed Plan

The report discusses each submission or groups of similar submissions and includes a recommendation from the report writer on each submission that has received, **but the recommendation is not the decision of the Horowhenua District Council** (“the Council”).

Following consideration of all the submissions and supporting evidence, if any, presented by the submitters and further submitters at the hearing, the Hearings Panel will make a decision on the submissions. The decision report prepared by the Hearing Panel will include the Hearing Panel’s decision to accept, accept in part, or reject individual submission points, and any amendments to the Proposed Plan. All recommendations in this report are subject to consideration of any further evidence provided by submitters at the hearing.

The amendments to the Proposed Plan arising from the officer recommendations discussed throughout this report are listed in full in Section 6.2. The suggested amendments are set out in the same style as the Proposed Plan.

The Analysis of Submissions section has been structured by grouping submission points according to individual provisions in the Proposed Plan. As far as possible, the individual submission points are listed in order to match the contents of each Plan provision. The submission points relating to text or maps are listed first.

Each submission and further submission has been given a unique number (e.g. 58). Further submissions follow the same number format although they start at the number 500, therefore any submitter number below 500 relates to an original submission and any submitter number over 500 relates to a further submission.

In addition to the submission number, each submission point (relief sought) has been given a unique number (e.g. 001). When combined with the submitter number, the submission reference number reads 58.001, meaning submitter number 58 and submission point number 001. A similar numbering system has been used for further submissions.

This report contains selected text from the Proposed Plan itself, either when changes have been requested by a submitter or where a change is recommended by Council officers or advisers. Where changes to the text are recommended in this report the following protocols have been followed:

- New additional text is recommended is shown as underlined (i.e. abcdefghijkl)
- Existing text is recommended to be deleted is shown as struck-out (i.e. ~~abcdefghijkl~~)

## 2. Proposed Horowhenua District Plan

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### 2.1 Background

In 2009, Horowhenua District Council (Council) resolved to undertake a full review of its Operative District Plan. Under Section 79 of the RMA, the Council is required to commence a review of its District Plan provisions which have not been reviewed in the previous 10 years. The Council has undertaken 23 District Plan changes since the District Plan was made operative in September

1999. These Plan Changes addressed a wide range of issues, with the most recent Plan Changes including rural subdivision, urban growth, outstanding natural features and landscapes, and financial contributions. Whilst these Plan Changes covered a number of the provisions in the District Plan, many other provisions had not been changed or reviewed. Accordingly, the Council decided to do a full review of the rest of the District Plan, including the earlier Plan Changes. This review did not cover the most recent Plan Changes 20 – 22 which were not operative at the time the Proposed Plan was notified.

Part A – Introduction of the Proposed Plan contains general information on “What is a District Plan”, “How the Plan Works” and overall statutory context. This section of the Proposed Plan is an updated and shortened version of a similar section in the Operative Plan. Chapter 14 of the Proposed Plan addresses ‘Cross Boundary Issues’ and is effectively an updated and revised version of Section 13 in the Operative Plan following a review of these provisions.

## **2.2 Consultation & Process**

As outlined in the Section 32 Report associated with the Proposed Plan, general and targeted consultation has been undertaken for the District Plan Review from 2009. The general consultation was undertaken in two phases: 1. Survey and 2. Discussion Document (refer to the Section 32 Report for further details on the consultation approach and process).

No targeted consultation was undertaken in relation to the Plan provisions contained Part A – Introduction due to the mostly factual nature of the information contained in this section. For Chapter 14: Cross Boundary Issues, consultation was adjoining with Horizons Regional Council and adjoining territorial local authorities. This consultation included identifying and assessing current significant cross boundaries issues, the efficiency and effectiveness of the existing cross boundary provisions in the Operative Plan, and consistency with more recent cross boundary issues in their respective planning documents.

### **2.2.1 Late Submissions**

No late submissions were received which raised matters relating to Part A – Introduction or Chapter 14 Cross Boundary Issues.

## **3. Statutory Requirements**

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### **3.1 Resource Management Act 1991**

In preparing a District Plan, Council must fulfil a number of statutory requirements set down in the Resource Management Act, including:

- Part II, comprising Section 5, Purpose and Principles of the Act; Section 6, Matters of National Importance; Section 7, Other Matters; and Section 8, Treaty of Waitangi;
- Section 31, Functions of Territorial Authorities;
- Section 32, Duty to consider alternatives, assess benefits and costs;
- Section 72, Purpose of district plans
- Section 73, Preparation and change of district plans;
- Section 74, Matters to be considered by territorial authorities;
- Section 75, Contents of district plans

Below I have summarised the key matters from the above requirements which are particularly relevant to this report. Section 75(2)(f) of the RMA states the contents of a District Plan “may”

include “*the processes for dealing with issues that cross territorial authority boundaries*”. Chapter 14 of the Proposed Plan outlines the processes for managing cross boundary issues. Part A – Introduction of the Proposed Plan contains an overview of many of the statutory requirements, including the purpose and principles of the RMA and Council’s functions under the RMA. The relevant aspects of the above matters have been considered in the analysis of the submissions in Section 4 of this report.

### **3.2 Proposed Amendments to Resource Management Act**

Central government has initiated a reform of the Resource Management Act (RMA) with a focus on reducing delays and compliance costs. The reform is being undertaken in two phases. Phase 1 focused on streamlining and simplifying the RMA, including changes to the preparation of district plans. Phase 2 focuses on more substantive issues concerning freshwater, aquaculture, urban design, infrastructure and the Public Works Act. Work on Phase 1 commenced late in 2008, while work on Phase 2 commenced in mid-2009.

The Phase 1 work culminated in the Resource Management (Simplifying and Streamlining) Amendment Act 2009, which came into force in October 2009. In respect of the Horowhenua District Plan and the Proposed Plan, the main effect of this Amendment Act have been process related to the further submission process, ability for simplified decision reports and notices, and changes when rules have effect.

In terms of Phase 2, in December 2012 the Resource Management Reform Bill was introduced to Parliament for its first reading and was referred to the Local Government and Environment Committee for submissions and consultation. In terms of District Plan Reviews and Proposed District Plans, this Bill propose changes in relation to the analysis that underpins District Plans including greater emphasis on the need for quantitative assessment of costs and benefits and the need to consider regional economic impact and opportunity costs, and ensuring decision-making is based on adequate, relevant, and robust evidence and analysis, and to increase the level of transparency of decision-making. It is noted this Bill includes transitional provisions which state these new assessment and decision-making requirements do not apply to proposed plans after the further submission period has closed (refer Schedule 2, Clause 2 of the Bill).

Central government is also considering further changes to the RMA. In February 2013, the government released a discussion document titled “improving our resource management system”. The purpose of this document is to obtain feedback on what are referred to as “critical roadblocks to more effective resource management and proposes some solutions”. Of specific relevance to this reports are proposals around ‘fewer and better resource management plans’ (e.g. single resource management plan and collaborative processes). However, as this discussion document is a pre-cursor to any legislative or other policy changes, at this time, these proposals are not considered to have any weight in this hearing and decision-making process.

### **3.3 Local Government Act 2002**

The Local Government Act 2002 (LGA) is designed to provide democratic and effective local government that recognises the diversity of New Zealand communities. It aims to accomplish this by giving local authorities a framework and power to decide what they will do and how. To balance this empowerment, the legislation promotes local accountability, with local authorities accountable to their communities for decisions taken.



The LGA also provides local authorities to play a broad role in meeting the current and future needs of their communities for good-quality local infrastructure, local public services, and performance of regulatory functions. Section 14 of the LGA sets out the principles of local government with one of the principles stating:

*(h) in taking a sustainable development approach, a local authority should take into account—*

*(i) the social, economic, and cultural interests of people and communities; and*

*(ii) the need to maintain and enhance the quality of the environment; and*

*(iii) the reasonably foreseeable needs of future generations*

The above role and principle generally align with the overall purpose and principles of the Resource Management Act.

There are no other specific provisions in the LGA relevant to the subject matter of this report.

### **3.4 New Zealand Coastal Policy Statement 2010**

Under Section 75(3)(b) of the Resource Management Act, a District Plan must give effect to any New Zealand Coastal Policy Statement. Part A – Introduction in the Proposed Plan recognises this requirement, as well as a description of the jurisdictional responsibilities for the coastal environment. Of relevance to the subject of this report is Policy 4 which provides for the integrated management of natural and physical resources in the coastal environment, and activities that affect the coastal environment. The cross boundary provisions in Chapter 14 of the Proposed Plan outline the processes and procedures proposed for co-ordinating management between and across the coastal marine area and land.

### **3.5 National Environmental Standards**

No National Environmental Standards (NES) are specifically relevant to the subject of this report. However, Part A – Introduction in the Proposed Plan outlines the basis for NESs and lists the current standards relevant to District Councils.

### **3.6 National Policy Statements**

Under Section 75(3)(a) of the Resource Management Act, a District Plan must give effect to any National Policy Statement (NPS). Part A – Introduction in the Proposed Plan recognises this requirement and lists the three current NPSs relevant to District Councils. No provisions of the NESs are considered specifically relevant to the subject of this report.

### **3.7 Operative Regional Policy Statement & Proposed One Plan**

Under Section 74(2) of the Resource Management Act, the Council shall have regard to any proposed regional policy statement, in this case, the Horizons Regional Council Proposed One Plan. In addition, under Section 75(3)(c) of the Resource Management Act, a District Plan must give effect to any Regional Policy Statement. The Operative Manawatu-Wanganui Regional Policy Statement became operative on 18 August 1998. The Proposed One Plan (incorporating the Proposed Regional Policy Statement) was publicly notified on May 2007 and decisions on submissions notified in August 2010. 22 appeals were received, with some resolved through

mediation while others were heard by the Environment Court. Interim decisions were issued by the Environment Court in August 2012 with final decisions expected in early 2013. In addition, Federated Farmers of NZ Inc and Horticulture NZ have appealed these interim decisions to the High Court in relation to non-point source discharges and run-off (nutrient management).

Given the very advanced nature of the Proposed One Plan in the plan preparation process and that all matters relevant to the District Plan Review are beyond challenge, the Proposed One Plan is considered the primary Regional Policy Statement and should be given effect to by the Proposed District Plan.

Part A – Introduction of the Proposed Plan outlines the purpose and role of the Proposed One Plan and jurisdictional responsibilities. In terms of cross boundary issues, Section 10A.1 Administration of the One Plan outlines the nature, circumstances and approach for managing cross boundary issues in the Manawatu-Wanganui Region. These approaches to cross boundary issues include communication and coordination protocols between Horizons Regional Council and Territorial Authorities; clearly defining the responsibilities of the Regional Council and Territorial Authorities for maintaining indigenous biological diversity, managing coastal resources, managing natural hazards, and managing hazardous substances; and consulting with and making submissions to the planning documents of other resource management organisations. This direction is to be considered in analysing the submissions on Chapter 14 Cross Boundary Issues in the Proposed Plan.

### **3.8 Operative Horowhenua District Plan**

As noted above, Operative Horowhenua District Plan has been operative for over 13 years (since 13<sup>th</sup> September 1999) and a number of plan changes made. None of these plan changes directly addressed the subjects of this report (i.e. Introduction and Cross Boundary Issues). However, Plan Changes 20 and 21 included amendments to the sub-section in Part A – Introduction on “How the Rules Work” by amending the contents in relation to non-complying activities. Apart from these changes, no other changes have been made to the Introduction or Cross Boundary Issues provisions since the District Plan was made operative.

## 4. Analysis of Submissions

### 4.1 Part A – Introduction: The Horowhenua District Plan

#### 4.1.1 Submissions Received

Sub No.	Submitter Name	Provision	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
32.00	NZ Pork Industry Board (NZ Pork)	A Introduction	Oppose	Oppose the current wording of the Introduction. The district plan should assist in managing sustainable land use which includes social, cultural and economic effects of the use and development of land. It is not appropriate for the plan to focus solely on environmental effects.	Amend Introduction Chapter as follows  The Horowhenua District Plan is intended to assist the Council manage the environmental <u>social, cultural and economic</u> effects, of the use, development, and protection of land (and associated resources), including the control of the subdivision of land.	517.01 Horticulture NZ - Support  524.00 Higgins Group Holdings Ltd - Support

One submission was received requesting changes to the Introduction to recognise social, cultural and economic effects. Two further submissions support the relief sought.

#### 4.1.2 Discussion & Evaluation

1. NZ Pork Industry Board (32.00) requests a change to the wording of a sentence in 'The Horowhenua District Plan' sub-section to reflect the District Plan has a wider focus than just managing environmental effects. The ambit of the Resource Management Act (RMA) and its purpose and principles of promoting sustainable management of natural and physical resources includes social, economic and cultural wellbeing. The purpose of 'The Horowhenua District Plan' sub-section in Part A – Introduction is to succinctly outline the role and purpose of the District Plan. Amending the wording of a sentence in this sub-section as requested by the submitter to include reference to 'social, cultural and economic' effects, in addition to 'environmental' effects is supported, as it better aligns with the overall purpose and principles of the RMA. Therefore, it is recommended this submission be accepted.

#### 4.1.3 Reporting Officer's Recommendation

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Officer's Recommendation
32.00		NZ Pork		Accept
	517.01	Horticulture NZ	Support	Accept
	524.00	Higgins	Support	Accept

#### 4.1.4 Recommended Amendments to the Plan Provisions

Amend Sub-section “The Horowhenua District Plan”, first sentence to read as follows:

“The Horowhenua District Plan is intended to assist the Council manage the environmental, social, cultural and economic effects, of the use, development, and protection of land (and associated resources), including the control of the subdivision of land.”

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## 4.2 Part A – Introduction: The Philosophy of the Horowhenua District Plan

### 4.2.1 Submissions Received

Sub No.	Submitter Name	Provision	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
32.01	NZ Pork Industry Board (NZ Pork)	A Introduction	Oppose	Insert a paragraph outlining the importance of encouraging sustainable development and commercial activities which includes primary production into the district including economic and cultural effects.	Amend the Plan to reflect these concerns	506.61 Ernslaw One Ltd - Support

One submission was received supported by one further submission seeking additional text in the Philosophy section of the Introduction.

### 4.2.2 Discussion & Evaluation

1. NZ Pork Industry Board (32.01) seeks the addition of new text to recognise the importance of encouraging sustainable development and commercial activities. Ernslaw One (506.61) made a further submission in support.
2. The relief sought by the submitter is not considered appropriate in Part A – Introduction as this section does not contain objectives or policy direction that the submitter is seeking. Rather, the purpose of the ‘Part A – Introduction’ section of the Proposed Plan is to provide a brief outline and overview of the purpose, role and fit of the District Plan in the Horowhenua context. This section includes details on what a District Plan is, statutory requirements and relationships, and how the District Plan works. Two sub-sections on ‘The Horowhenua District Plan’ and ‘The Philosophy of the Horowhenua District Plan’ are included to give the reader a brief understanding of the general direction and approach of the District Plan, but not the outcomes sought.
3. It is noted Chapter 2: Rural Environment and Chapter 6: Urban Environment in part recognise and provide for the relief sought by the submitter (e.g. first paragraph in

Introduction in Chapter 2: Rural Environment, Issue 2.5, Objective 2.5.1 on land use activities in the rural environment, and Objective 6.3.2 in the Urban Environment). In addition, the wording proposed does not align with the purpose of the RMA of promoting sustainable 'management'. Therefore, it is recommended the submission points be rejected.

#### 4.2.3 Reporting Officer's Recommendation

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Officer's Recommendation
32.01		NZ Pork		Reject
	506.61	Ernslaw One	Support	Reject

#### 4.2.4 Recommended Amendments to the Plan Provisions

No amendments are recommended to The Philosophy of the Horowhenua District Plan.

### 4.3 Part A – Introduction: Maori Values and Statutory Acknowledgements

#### 4.3.1 Submissions Received

Sub No.	Submitter Name	Provision	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
109.00	Charles Rudd (Snr)	A Introduction	In-Part	Amend Maori Values section to reflect: <ul style="list-style-type: none"> <li>• Muaupoko</li> <li>• Rangitane</li> <li>• Ngati Apa</li> <li>• Ngati Raukawa ki te Tonga.</li> </ul>	No specific relief requested:  Inferred: Amend A Introduction as follows: <ul style="list-style-type: none"> <li>• <del>Muaupoko</del></li> <li>• <del>Ngati Apa</del></li> <li>• <del>Ngati Raukawa</del></li> <li>• <del>Rangitane</del></li> <li>• <u>Muaupoko, Rangitane, Ngati Apa, Ngati Raukawa ki te Tonga.</u></li> </ul>	
109.01	Charles Rudd (Snr)	A Introduction	In-Part	The submitter seeks amendment to the Statutory Acknowledgement section so that the statement is expressed correctly and reflects the words of the Treaty of Waitangi 1840.	Include the following statement:  The treaty settlement is an agreement between the Crown and Maori, which states 'Her Majesty the Queen of England confirms and guarantees to the Chiefs and Tribes of	

Sub No.	Submitter Name	Provision	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
					<p><u>New Zealand and to their respective families and individuals</u> thereof, the full exclusive and undisturbed possession of their Lands and Estates, Forests, Fisheries, and other properties which they may collectively possess, so long as it is their wish and desire to maintain the same in their possession.</p> <p><u>Status of Maori Land in New Zealand:</u></p> <p><u>1. Maori Customary Land</u></p> <p><u>2. Maori Freehold Land</u></p> <p><u>3. General Land Owned by Maori</u></p> <p><u>4. General Land</u></p> <p><u>5. Crown Land</u></p> <p><u>6. Crown Land Reserved for Maori</u></p>	

Two submissions request amendments to the section on Maori Values and Statutory Acknowledgements.

#### **4.3.2 Discussion & Evaluation**

1. Charles Rudd (Snr) (109.00) requests the order the Iwi are listed be amended to reflect their proper order. Charles Rudd (Snr) (109.01) also requests the changes to the Statutory Acknowledgements sub-section on the application of the Treaty of Waitangi and outline of different types of status of Maori land.
2. The current order of listing Iwi in Part A – Introduction is alphabetical which is considered appropriate. The submitter does not give any reasons for the revised order in their submission, and they may wish to clarify these reasons at the hearing.
3. The sub-section on ‘Statutory Acknowledgements’ refers to the Treaty of Waitangi in the context of treaty settlements between Iwi and the Crown. The submitter has requested the addition of words to fully describe what the Treaty of Waitangi constitutes, particularly that

the reference to Maori includes 'Tribes of New Zealand and their respective families and individuals'. The current sub-section on Statutory Acknowledgements is considered complete in terms of its references to the Treaty of Waitangi in this context, as they relate to treaty settlements, and not the Treaty itself.

4. In terms of the different status of Maori land, the Proposed Plan does not apply different provisions (e.g. rules and standards) for any land with different legal status. Therefore, it is not considered appropriate or necessary to include a list of different types of land status. Accordingly, it is recommended both submission points be rejected.

#### 4.3.3 Reporting Officer's Recommendation

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Officer's Recommendation
109.00		Charles Rudd (Snr)		Reject
109.01		Charles Rudd (Snr)		Reject

#### 4.3.4 Recommended Amendments to the Plan Provisions

No amendments are recommended to Maori Values and Statutory Acknowledgements

## 4.4 Part A – Introduction: Hierarchy and Relationship of Resource Management Policy and Plans

### 4.4.1 Submissions Received

Sub No.	Submitter Name	Provision	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
99.00	Transpower New Zealand Ltd	Introduction – Part A	In-Part	Reference is made to the Proposed Plan not containing any rules that could duplicate the regulations in the NESETA. While Transpower supports this, reference to the fact that rules cannot conflict with the NESETA needs to be made to be consistent with Section 44A of the RMA. In the event duplication or conflict arises, the NESETA prevails and the Plan would need to be amended accordingly.  Transpower supports	Amend Part A, Introduction, Hierarchy and Relationship and Resource Management and Policy and Plans, National Environmental Standards section (page A-6) as follows:  The District Plan does not contain any rules that could duplicate <u>or conflict with</u> the regulations in the above NESs. Cross references to the relevant NES regulations are included in the relevant rule Chapters (e.g.	

Sub No.	Submitter Name	Provision	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
				the approach of including cross references to the NESETA in the relevant rule chapters. The integration of the NESETA in this manner is considered both appropriate and effective.	Chapter 22 -Utilities and Energy).	

One submission was received seeking changes for the references to NESs.

#### 4.4.2 Discussion & Evaluation

1. Transpower New Zealand Ltd (99.00) supports the cross references in the Proposed Plan to the National Environmental Standards on Electricity Transmission Activities (NESETA). In addition, the submitter supports the statement in Part A – Introduction that the District Plan must not contain any rules that duplicate the NES regulations, but request this word be amended to include “or conflict with” for consistency with the RMA.
2. The support from the submitter for the cross references and outlines of the NESETA is noted. I concur with the submitter that adding reference to “or conflicts with” is consistent with the requirements of Section 44A of the RMA, and recommend that the submission be accepted and wording be amended as submitted.

#### 4.4.3 Reporting Officer’s Recommendation

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Officer’s Recommendation
99.00		Transpower New Zealand Ltd		Accept

#### 4.4.4 Recommended Amendments to the Plan Provisions

Amend Part A - Introduction, Hierarchy and Relationship and Resource Management and Policy and Plans, National Environmental Standards section (page A-6) as follows:

The District Plan does not contain any rules that could duplicate or conflict with the regulations in the above NESs. Cross references to the relevant NES regulations are included in the relevant rule Chapters (e.g. Chapter 22 - Utilities and Energy).



## 4.5 Part A – Introduction: How This Plan Works

### 4.5.1 Submissions Received

Sub No.	Submitter Name	Provision	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
80.00	Todd Energy Ltd	A Introduction	In-Part	<p>The submitter supports the intent of the introduction and explanation provided by Part A but considers it should be expanded in relation to:</p> <ul style="list-style-type: none"> <li>The purpose of scheduling rivers and streams; and</li> <li>Reference to High Amenity Landscapes (HAL) and the implications of being in a HAL.</li> </ul>	<p>Amend Part A: Introduction, Part F Schedules and Planning Maps with the following:</p> <ul style="list-style-type: none"> <li>Add a description of the purpose of Schedule 12; and</li> <li>Add a discussion of the HAL (and the ONFL) and the implications.</li> </ul>	503.03 NZWEA - Support
92.00	KCE Mangahao Ltd	A Introduction	In-Part	<p>The submitter supports the intent of the introduction and explanation provided by Part A but considers it should be expanded in relation to:</p> <ul style="list-style-type: none"> <li>The purpose of scheduling rivers and streams; and</li> <li>Reference to High Amenity Landscapes (HAL) and the implications of being in a HAL.</li> </ul>	<p>Amend Part A: Introduction, Part F Schedules and Planning Maps with the following:</p> <ul style="list-style-type: none"> <li>Add a description of the purpose of Schedule 12; and</li> <li>Add a discussion of the HAL (and the ONFL) and the implications.</li> </ul>	503.04 NZWEA - Support
44.00	Genesis Power Ltd	Introduction – Part A Objectives & Policies	In-Part	<p>When assessing a resource consent application under section 104 of the RMA, the activity does not have to comply with each and every objective and policy in the relevant plan, but rather the relevant objectives and policies must be looked at in a holistic and comprehensive manner. This should be</p>	<p>Amend the following paragraph after the third paragraph In-Part A</p> <p>Introduction (Part B – Objectives and Policies) as follows:</p> <p><u>While the objectives and policies form a comprehensive suite of outcomes for the region, the individual provisions can conflict</u></p>	<p>503.05 NZWEA - Support</p> <p>505.00 Powerco - Support</p> <p>517.00 Horticulture NZ - Support</p>

Sub No.	Submitter Name	Provision	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
				outlined within-Part B – Objectives and Policies.	<u>with one another. For this reason, no single objective or policy should be read in isolation. Assessing whether an activity is appropriate requires an overall broad judgement to be made as to how it fits within the overall scheme of the District Plan and provides for the achievement of the environmental outcomes sought for the Horowhenua District.</u>	

Three submissions were received relating to ‘How the Plan Works’ section. These submissions seek further cross-referencing and/or details on assessing resource consent applications. Three further submissions were received supporting these submission points.

#### **4.5.2 Discussion & Evaluation**

1. The purpose of Part A – Introduction in the Proposed Plan is to provide a simple and user-friendly explanation to the District Plan for a ‘lay person’. It is written to provide a first-time or infrequent reader or user with the ability to understand the basis for the District Plan and how it works. Therefore, the content has been intentionally kept short and simple.
2. Todd Energy Ltd (80.00) and KCE Mangahao Ltd (92.00) request the sub-section on ‘How the Plan Works’ be amended to describe the purpose of Schedule 12 – Priority Water Bodies and add a description of High Amenity Landscapes (HAL) and Outstanding Natural Features and Landscapes (ONFL) shown on the Planning Maps and their implications. Both these submissions are supported by the NZWEA (503.03 and 503.04). These requests are supported in part, as the scheduling of priority water bodies and mapping of HAL and ONFLs are parts of the District Plan, and therefore should be referred to in Part A – Introduction. However, to outline the purpose for their inclusion and any implications are considered beyond the scope and purpose of Part A – Introduction. Rather, the basis for the inclusion of these Plan provisions are more appropriately outlined in the respective Proposed Plan Chapters (e.g. Section 3: Natural Features and Values and Chapter 4: Open Space and Access to Waterbodies). It is recommended the sub-section on ‘Part F – Schedules’ be amended to refer to all schedules as outlined below, including reference to priority waterbodies. No changes are recommended in relation to ONFLs as the existing references in the 2<sup>nd</sup> and 3<sup>rd</sup> paragraphs in the sub-section on ‘Planning Maps’ is considered sufficient for the purpose of a simple and concise Part A – Introduction.
3. Genesis Power Ltd (44.00) requests the addition of text to the sub-section of ‘How This Plan Works’ in relation to Objectives and Policies and how they would be applied when assessing

a resource consent application. This submission point is supported by three further submissions from NZWEA (503.05), Powerco (505.00) and Horticulture NZ (517.00). The additional text requested is considered overly complicated for the intent and purpose of a simple and short Part A – Introduction for a ‘lay-person’. The existing text briefly explaining the role and purpose of objectives and policies is considered sufficient to achieve the purpose. Accordingly, it is recommended this submission is rejected together with the three further submissions supporting that submission.

### 4.5.3 Reporting Officer’s Recommendation

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Officer’s Recommendation
80.00	503.03	Todd Energy NZWEA	Support	Accept In-Part Accept In-Part
92.00	503.04	KCE Mangahao NZWEA	Support	Accept In-Part Accept In-Part
44.00	503.05	Genesis NZWEA	Support	Reject Reject
	505.00	Powerco	Support	Reject
	517.00	Horticulture NZ	Support	Reject

### 4.5.4 Recommended Amendments to the Plan Provisions

Amend sub-section ‘How This Plan Works’, ‘Part F – Schedules’ fourth paragraph to read as follows:

The Notable Tree Schedule, ~~and~~ Historic Heritage Schedule, State Integrated Schools Schedule and Priority Water Bodies Schedule provide detail on the individually listed items and places.

## 4.6 Chapter 14: Cross Boundary Issues

### 4.6.1 Submissions Received

Sub No.	Submitter Name	Provision	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
41.13	Powerco	14.1.1 Objective	Support	Submitter supports Objective 14.1.1	Retain Objective 14.1.1 without modification.	
41.14	Powerco	14.1.2 Policy	Support	Submitter supports Policy 14.1.2.1	Retain Policy 14.1.2 without modification.	
47.00	Palmerston North	14 General	Support	Submitter is supportive	Retain the planning	

Sub No.	Submitter Name	Provision	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
	City Council (PNCC)	Matters		of the consultative approach and process outlined in relation to consenting Windfarm developments which have the potential to impact on the submitter. The proposed objective, policies and methods outline in Chapter 14 is supported.	approach and process for managing cross boundary issues in relation to wind farm applications.	
100.12	New Zealand Wind Energy Association (NZWEA)	14 General Matters	Support	NZWEA supports the provisions in Chapter 14.	Retain Chapter 14 as proposed.	
101.66	Director-General of Conservation (DoC)	14 General Matters	Support	General support for provisions.	Retain as notified.	

Powerco (41.13 and 41.14), PNCC (47.00), NZWEA (100.12) and the DoC (101.66) support some or all parts of Chapter 14: Cross Boundary Issues as set out in the table above.

#### **4.6.2 Discussion & Evaluation**

1. The support for Chapter 14 from the above submitters is noted, with no changes sought.

#### **4.6.3 Reporting Officer's Recommendation**

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Officer's Recommendation
41.13		Powerco		Accept
41.14		Powerco		Accept
47.00		PNCC		Accept
100.12		NZWEA		Accept
101.66		DoC		Accept

#### **4.6.4 Recommended Amendments to the Plan Provisions**

No amendments are recommended to Chapter 14: Cross Boundary Issues

## **5. Conclusion and Main Recommended changes from Proposed Horowhenua District Plan (as notified)**

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Part A – Introduction of the Proposed Plan is a concise and simple overview of a District Plan for a ‘lay person’. The Introduction in the Operative Plan has effectively been revised and updated, primarily in response to legislative and national and regional policies changes since 1999. A number of submitters supported the general intent and detail in this section, with some seeking additional or amended text. In response to submissions, some changes are recommended to this section to improve the intent and purpose of this section and to clarify and confirm the requirements of the RMA and contents of the Proposed Plan. However, other requested changes are not supported as they are considered inconsistent with the intent and purpose of a concise and simple introductory section.

The main officer’s recommendations on the key issues raised in submission on Part A – Introduction include:

- Retain unchanged the majority of the provisions in Chapters 1 and 14 were supported by submitters
- Amend a sentence in Chapter 1: Introduction to recognise social, cultural and economic effects
- Retain unchanged the section on Maori Values and Statutory Acknowledgements
- Amend text on ‘How the District Plan Works’

Chapter 14 Cross Boundaries Issues is an updated and revised version of the Operative Plan chapter on cross boundary issues. Submissions were received supporting the updated and revised provisions in the Proposed Plan. No amendments are recommended to Chapter 14.

# 6. Appendices

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## 6.1 RMA Extracts

Not applicable.

## 6.2 Proposed District Plan as amended per officer's recommendations

### PART A - INTRODUCTION

Amend Introduction Subsection - The Horowhenua District Plan, first sentence to read:

#### **The Horowhenua District Plan**

The Horowhenua District Plan is intended to assist the Council manage the environmental, social, cultural and economic effects, of the use, development, and protection of land (and associated resources), including the control of the subdivision of land. To do this, .....

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Amend Introduction subsection - Hierarchy and Relationship and Resource Management and Policy and Plans to read

#### **Hierarchy and Relationship and Resource Management and Policy and Plans**

##### **National Environmental Standards:**

...

- NES for Assessing and Managing Contaminants in Soil to Protect Human Health

The District Plan does not contain any rules that could duplicate or conflict with the regulations in the above NESs. Cross references to the relevant NES regulations are included in the relevant rule Chapters (e.g. Chapter 22 -Utilities and Energy).

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Amend Introduction subsection - How This Plan Works to read

#### **How This Plan Works**

##### **Part F – Schedules**

...and buildings and signs in the Foxton and Shannon town centres.

The Notable Tree Schedule, Historic Heritage Schedule, State Integrated Schools Schedule and Priority Water Bodies Schedule provide detail on the individually listed items and places.

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### 6.3 Schedule of Officer's Recommendations on Submission Points

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Officer's Recommendation
32.00	517.01	NZ Pork Industry Board	Support	Accept
	524.00	Horticulture NZ	Support	Accept
		Higgins Group Holdings Ltd	Support	Accept
32.01	506.61	NZ Pork Industry Board		Reject
		Ernslaw One Ltd	Support	Reject
109.00		Charles Rudd (Snr)		Reject
109.01		Charles Rudd (Snr)		Reject
99.00		Transpower New Zealand Ltd		Accept
80.00	503.03	Todd Energy Ltd		Accept In-Part
		NZWEA	Support	Accept In-Part
92.00	503.04	KCE Mangahao Ltd		Accept In-Part
		NZWEA	Support	Accept In-Part
44.00	503.05	Genesis Power Ltd	Support	Reject
	505.00	NZWEA	Support	Reject
	517.00	Powerco	Support	Reject
		Horticulture NZ	Support	Reject
41.13		Powerco		Accept
41.14		Powerco		Accept
47.00		PNCC		Accept
100.12		NZWEA		Accept
101.66		DoC		Accept



# Submitter Index

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