



Section 42A Report to the District Plan Review Hearing Panel

Proposed Horowhenua District Plan

Open Space Zone and Access to Water Bodies

Water and Surface of Water

March 2013



Hearing Date: 10 -12 April 2013

Report Prepared by: Claire Price

Report Number: 05.01

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 Natural Features and Values.

It is very likely that submitters who have made submissions in relation to the Open Space Zone, Access to Water Bodies, Water and the Surface of Water may have also made submissions on other parts of the Proposed Plan. This report only addresses those submissions that are relevant to this 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 combination 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 and in November 2009 Horowhenua District Council (Council) resolved to undertake a full review of its Operative District Plan. Since the Operative Plan was made operative in 1999, 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 Council's open spaces, activities on the surface of water bodies, public access or esplanade provisions. Therefore, a review of these matters as they were provided for in the Operative Plan was undertaken. Principally, this required a review of Part B Issues and Objectives Sections 4 (Open Space and Public Access), 11 (Water and the Surface of Water), and Part C sections that included the corresponding Zone rules and Subdivision and Development provisions.

As a result of the Operative Plan review, the Proposed District Plan (Proposed Plan) contains updated provisions within a Chapter 4 (Open Space and Access to Water Bodies) and Chapter 11 (Water and Surface of Water). Each Chapter contains Issues, Objectives, Policies, Methods, Anticipated Environmental Results, Explanation and Principal Reasons.

Chapter 4 continues to provide the policy framework for esplanade provisions, but also contains a new policy framework that recognises and provides for open space and recreation activities by way of an Open Space Zone. Chapter 11 is effectively an updated and revised version of Section 11 in the Operative Plan following a review of these provisions.

The Operative Plan review resulted in the Proposed Plan creating a new Open Space Zone which applies to Council's parks and reserves. Therefore, a new Chapter 20 has been included which contains rules, conditions and different resource consent requirements for recreation and non-recreation activities within the Open Space Zone. Chapter 24 of the Proposed Plan contains the general rules for subdivision and development, which includes the updated esplanade provisions. Chapter 19 contains the Rural Zone rules and includes building setbacks from priority water bodies and activities on the surface of water bodies. The priority water bodies are listed in a new Schedule 12 of the Proposed Plan.

Through the public notification process a number of submissions were received supporting and opposing various Chapter 4 and 11 policy provisions, open space zone provisions, surface of water and esplanade/public access provisions. These submissions have supported some provisions requesting they be adopted as proposed, while others have requested changes to the wording or deletion of specific changes.

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 for Council before making a decision.

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

- Generally retaining the policy framework for the Open Space Zone (Issue 4.1) by recognising the range of values integral to Council's parks and reserves and balancing the compatibility of their use and development for recreation activities.

- Adding the evaluation of adverse effects on nightsky to the Proposed Plan to the lightspill assessment criteria;
- Adding permitted activities to ensure Horizons soil conservation, erosion protection and flood protection works are permitted outside of the Flood Hazard Overlays;
- Retaining the Proposed Plan rules that provide for relocated buildings as Controlled Activities;
- Generally retaining the Proposed Plan noise standards as they relate to temporary military training activities, but amending the noise limits associated with fixed sources of noise.
- Retaining the Open Space Zone provisions as they provide for subdivision and earthworks in relation to listed heritage sites and items.
- Adding the rail intersection sight distance condition in the Open Space Zone provisions, for consistency across the Proposed Plan.
- Generally retaining the policy framework for the Access to Water Bodies (Issue 4.2), but amending wording to ensure all values (cultural, conservation, recreation) inherent in water bodies and their margins are reflected in the policy framework.
- Retaining the priority water bodies in Schedule 12 to provide direction and aspiration to create an open space network from esplanade reserves and esplanade strips as a result of subdivision development along water bodies.
- Retaining the approach that provides a process to evaluate on a case by case basis if the creation of esplanade areas (strips or reserves) for public access are appropriate, when weighing up other values such as cultural values, conservation values, recreation and natural hazard potential.
- Adding references to other types of covenants (Nga Whenua Rahui) that can be used to protect and manage water bodies, that are specific to Maori land and include in the introduction of Chapter 11 (Water and Surface of Water).

The Hearings Panel in making 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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SUBMITTER INDEX

1. Introduction

1.1 Qualifications

My full name is Claire Price, I am a 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 (2nd Class Hons). I am a Graduate Plus Member of the New Zealand Planning Institute.

I have over 11 years' experience as a planner. In my first seven years in practice, I was employed as a consents planner by Whangarei District Council and the Wellington City Council, as well as the London Borough of Newham and Camden. I held junior policy planning roles at Otago Regional Council and the Selwyn District Council. In these planning roles I undertook a variety of planning tasks, including planning research, district plan policy development, and processing numerous land use and subdivision resource consent applications.

For the past four and half years I have been a consulting planner based in Christchurch and Wellington, and have been involved in advising a range of clients, including local authorities, developers and individuals on various projects and planning issues. In-Particular, I have been involved in both Council-initiated and privately-initiated plan changes. For example, the Waikiwi Private Plan Change (10) to the Waimakariri District Plan (2009 – 2010), Plan Change 1 and 2 to the Wairarapa Combined District Plan (2010), and preparation of documents for an upcoming Plan Change to the Manawatu District Plan (2012 - ongoing). Therefore, I have an understanding of the District Plan Review processes and requirements, as well as a thorough understanding in the implementation and workability of district plans from a plan administration point of view.

At the beginning of 2011, Boffa Miskell was engaged by Horowhenua District Council (Council) 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 (referred to in this report as "the Proposed 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 providing for the use, development and protection of open space and access to water bodies and activities on the surface of water, in the Horowhenua District. 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 the following sections of the Proposed Horowhenua District Plan (referred to in this report as "the Proposed Plan"):

- Part B – Objectives/Policies, Chapter 4 "Open Space and Access to Water Bodies" and Chapter 11 "Water and Surface of Water";
- Part C – Rules, Chapter 20 "Open Space Zone",
- Part C – Rules, Chapter 19 "Rural Zone" and Chapter 24 "Subdivision and Development", insofar as submissions relate to provisions managing water and water bodies.

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 been 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 concerning each submission. The decision report prepared by the Hearing Panel will include the Hearing Panel's decision to accept, accept In-Part, reject or reject In-Part individual submission points, and any amendments to Proposed Plan.

The amendments to the Proposed Plan arising from the staff recommendations discussed throughout this report are listed in full in Section 6.1. The suggested amendments are set out in the same style as the Horowhenua District 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 of 500 or higher relates to a further submission.

In addition to the submission number, each submission point (relief sought) has been given a unique number (e.g. 01). When combined with the submitter number, the submission reference number reads 58.01, meaning submitter number 58 and submission point number 01. 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

2.1 Background

In November 2009, 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.

Part B – Open Space and Access to Water Bodies provides the District Plan policy direction on the management of open space, recreation areas and access to water bodies. The Section is

concentrated into two distinctive parts; Open Space Zone and Access to Water Bodies, each with their corresponding Issue, Objective, Policies and Methods.

Part B – Water and Surface of Water sets out the role of the District Plan in responding to resource management water issues, and provides a policy framework (Issue, Objective, Policies and Methods) for the use of surface of waterways in the Horowhenua District.

Part C – Chapter 20 of the Proposed Plan contains the Open Space Zone rules and consent requirements. Chapter 24 contains the general rules for subdivision and development, which includes the Proposed Plan esplanade strip and reserve requirements. Chapter 19 contains the Rural Zone rules and includes building setbacks from priority water bodies. The priority water bodies are listed in Schedule 12 of the Proposed Plan.

The Open Space Zone rules and consent requirements are new in the sense that there are no equivalent provisions in the Operative Plan. Rules managing the surface of water and provision of esplanade strips and reserves through subdivision exist in the Operative District Plan and have been reviewed and amended in the Proposed Plan as appropriate.

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).

2.2.1 Discussion Document

In relation to open space and access to water bodies, the Discussion Document included three questions.

Question 33 stated:

What type and level of development do you think is appropriate for neighbourhood parks, sportsgrounds and natural reserves? For example, buildings, outdoor structures, car parking areas, floodlights, signs (naming and advertisements), landscaping/planting, protecting certain areas of existing vegetation.

Of the 194 respondents to the Discussion Document, approximately 60% of them answered this question. Responses were varied. Some respondents emphasised the creation of recreational/outdoor opportunities and the importance to health and wellbeing. They sought good quality amenities and toilets. Others listed specific expectations about recreational facilities, including:

- *“that the level of facility should relate to the usage”*
- *“that structures and landscaping must complement the parks, native planting should be used, minimise buildings, restrict advertising and minimise sealed surfaces”.*

In terms of conservation/natural areas, some respondents suggested support should be given to expand open spaces where possible to create local habitats and planting along all rivers and streams. One respondent mentioned off-street carparking should be provided.

The responses indicate a general awareness of open space; that people consider open space important and value it. It demonstrates that not all reserves are the same and there are certain development and protection measures to be aware of for the different types of parks and reserves.

Question 34 stated:

Are there any areas along the Manawatu River or Ohau Rivers that there should be improved or restricted public access to? If so, please name the locations, and why.

There was a 30% response rate to this question. The respondents who answered “No” to this question explained that access over private land was not supported, nor spending money on acquiring reserves because of natural hazards and cost. Respondents who were positive towards

improving public access for recreation and tourism reasons, also emphasised that conservation values should have priority over public access values.

There is a sense that people acknowledge public access to water bodies and a network of reserves is ideal, but that private property rights, costs, risk of natural hazards and conservation values are realistic considerations to contemplate also.

Question 35 stated:

Would you use a cycling or walking track that runs along the Manawatu River between Foxton and Foxton Beach?

There was a 34% response rate to this question and a range of different responses, so it is difficult to conclude whether a majority or minority would 'use a cycling or walking track' along the Manawatu River.

Targeted consultation with Federated Farmers was carried out to specifically discuss draft esplanade provisions. Federated Farmers sought the RMA default provisions and a high level of certainty with respect to when and where esplanade reserves and strips would be required.

2.2.2 Open Space Strategy

The Open Space Strategy was adopted by Council in September 2012. The Open Space Strategy is to guide Council decision making on the management of open spaces, and is based on information and aspirations already embedded in Council-endorsed documents¹. Further analysis of the existing information, as well as targeted consultation with landowners in respect of the coastal dunelands was carried out. The Strategy identifies actions to implement the principles and community aspirations and many of the actions are consultation and project based.

It is important to understand the scope of 'open space' referred to in the Open Space Strategy is wider than in the District Plan. In terms of the use of the term "Open Space" in the District Plan context, it only relates to the parks and reserves owned and managed by Council.

2.2.3 Late Submissions

No late submissions were received on matters relating to Part B Open Space and Access to Water Bodies, and Water and the Surface of Water.

3. Statutory Requirements

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 (RMA), 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.

¹ Shaping Horowhenua (Survey 2010); Horowhenua Community Needs Analysis (2005); Horowhenua Youth Strategy and Implementation Plan (2010); Horowhenua Positive Ageing Strategy and Implementation Plan 2010-2013); The Walking and Cycling Strategy (2009); Long Term Community Plan (2009-2019)

Section 6 of the RMA comprises a list of matters of national importance that are to be recognised and provided by Council when contemplating provisions in their District Plan in managing the use, development, and protection of natural and physical resources. Subclause (d) is considered relevant to Open Space, esplanade provisions and activities on the surface of water include:

(d) the maintenance and enhancement of public access to and along the coastal marine area, lakes, and rivers:

Section 7 of the RMA sets out other matters which are important considerations that Council in formulating and administering district plan policy are to have particular regard to for the use, development, and protection of natural and physical resources.

(b) Efficient use and development of natural and physical resources

(c) Amenity values

(f) Quality of the environment

Section 75(1)(a)-(c) of the RMA sets out the items the contents of a District Plan “must” state “*the objectives for the district; and the policies to implement the objectives; and the rules (if any) to implement the policies*”. Part B, Chapter 4 (Open Space and Access to Water Bodies) provides for the objectives and policies with respect to land use management in the Council's parks and reserves. Chapter 20 provides for the corresponding rule chapter.

Section 75(2)(h) of the RMA refers to matters a District Plan “may” state and sets out “*that any other information required for the purpose of the territorial authority's functions, powers, and duties under this Act*”. The control of any actual or potential effects of activities in relation to the surface of water in rivers and lakes is a territorial local authority function under Section 31 of the RMA and relevant to Part B, Chapter 11, Water and the Surface of Water. This Chapter provides the policy framework for managing effects on the surface of water in rivers and lakes in the Horowhenua.

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. 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 late February 2012 the government released a discussion document on proposals it is considering to change the RMA. The proposed reform package identifies six proposals:

Proposal 1: Greater national consistency and guidance

Proposal 2: Fewer resource management plans

Proposal 3: More efficient and effective consenting

Proposal 4: Better natural hazard management

Proposal 5: Effective and meaningful iwi/Maori participation

Proposal 6: Working with councils to improve practice

At the time of writing this report, there have been no announcements or other research relating to the subjects of this report.

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 RMA, a District Plan must give effect to any New Zealand Coastal Policy Statement (NZCPS). The NZCPS identifies key issues facing the coastal environment and in relation to open space and access to water bodies the following are considered relevant:

- *compromising of the open space and recreational values of the coastal environment, including the potential for permanent and physically accessible walking public access to and along the coastal marine area;*
- *continuing coastal erosion and other natural hazards that will be exacerbated by climate change and which will increasingly threaten existing infrastructure, public access and other coastal values as well as private property; and*
- *the use of vehicles on beaches causing ecological damage and creating conflicts with other recreational uses and values of the coastal environment.*

The NZCPS contains a specific objective in relation to public open space which states:

Objective 4

- *To maintain and enhance the public open space qualities and recreation opportunities of the coastal environment by:*
- *recognising that the coastal marine area is an extensive area of public space for the public to use and enjoy;*
- *maintaining and enhancing public walking access to and along the coastal marine area without charge, and where there are exceptional reasons that mean this is not practicable providing alternative linking access close to the coastal marine area; and*
- *recognising the potential for coastal processes, including those likely to be affected by climate change, to restrict access to the coastal environment and the need to ensure that public access is maintained even when the coastal marine area advances inland.*

To achieve this objective, the NZCPS contains specific policies on open space and access as well as considerations in other policies. Attached in Appendix 6.4 are policies 18 and 19 of the NZCPS on public open space and public access. These policies recognise the need for public open space adjacent to the coastal marine area and list matters to consider in the provision of open space and include:

- future need for open space (Policy 18 (b))
- maintaining and enhancing walking access linkages (Policy 18 (c))
- the important role that esplanade reserves and strips can have in contributing to meeting public open space needs (Policy 18 (e)).

How the Proposed District Plan gives effect to these policies is evaluated in the analysis in Section 4 of this report.

3.5 National Environmental Standards

No National Environmental Standards (NES) are specifically relevant to the subject of this report.

3.6 National Policy Statements

Under Section 75(3)(a) of the RMA, a District Plan must give effect to any National Policy Statement (NPS). There are no NPSs relevant for the Open Space and Access to Water Bodies topics.

3.7 Operative Regional Policy Statement & Proposed One Plan

Under Section 74(2) of the RMA, 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 RMA, 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 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 legal challenge, the Proposed One Plan is considered the primary Regional Policy Statement and should be given effect to by the Proposed District Plan.

The following Proposed One Plan policies are relevant to the Proposed District Plan Open Space and Access to Water Bodies topics. The policies demonstrate that in achieving public access to and along rivers, lakes and the coast there are other values to consider, such as safety, cultural or conservation purposes, as well as lawfully established activities and private property rights.

Chapter 7, Indigenous biological diversity, landscape and historic heritage

Policy 7-9: Public access to and along rivers and lakes and their margins

- (a) Activities within or near rivers and lakes must be established and operated in a manner which readily provides for public access. Public access may be restricted only where necessary for safety, cultural or conservation purposes, or to ensure a level of security appropriate for activities authorised by a resource consent.*
- (b) Public access for recreational purposes must recognise the need to protect rare habitats, threatened habitats and at-risk habitats.*
- (c) Public access must recognise existing private property* rights.*

Chapter 9, Coast

Policy 9-5: Public access

- (a) Activities in the CMA must be established and operated in a manner which readily provides for public access. Public access must be restricted only where necessary for commercial, safety, cultural or conservation purposes, or to ensure a level of security appropriate for activities authorised by a resource consent.*
- (b) Public access in the CMA for recreational purposes must be provided in a manner that protects bird habitat areas, estuarine plant communities and dune stability.*

The direction provided in these policies is to be considered in analysing the submissions in Section 4.

3.8 Operative Horowhenua District Plan

As noted above, Operative Horowhenua District Plan has been operative for over 13 years (since 13th September 1999) and a number of plan changes made. None of these plan changes directly addressed the topics analysed in this report (i.e. Open Space, Access to Water Bodies and Surface of Water). There have been no changes made to the Open Space, Access to Water Bodies and Surface of Water provisions since the District Plan was made operative.

4. Analysis of Submissions – Open Space and Access to Water Bodies

4.1 Chapter 4 Introduction

4.1.1 Submissions Received

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
11.18	Philip Taueki	Oppose	There are no provisions in place to manage contaminants entering Lake Horowhenua and therefore the statement that flows can be managed using low impact urban design development techniques before water enters the District's rivers, lakes and other water bodies is incorrect.	Include provisions restricting all development within the vicinity of Lake Horowhenua to prevent further contamination of this taonga.	511.04 HDC (Community Assets Department) - In-Part 519.13 Charles Rudd (Snr) - Support 527.00 Director-General of the Department of Conservation (DoC) - Support
11.19	Philip Taueki	Oppose	It is a serious violation of the Treaty of Waitangi to prepare plans suggesting the development of a pathway around Lake Horowhenua which is privately owned Maori freehold land. Due to the settlement of Mua-Upoko around the lake several centuries ago, there are a number of sites of cultural significance around the perimeter of the lake and therefore it is highly offensive for the Council to suggest that the public should have right of access around the lake.	No specific relief sought. Inferred: Amend Chapter 4 Introduction to clarify the ownership of Lake Horowhenua and restrict rather than provide access to and around the lake.	519.14 Charles Rudd (Snr) – Support
60.12	Muaupoko Co-operative Society	Oppose	The submitter relies on the submission made by Philip Taueki for the following matters. There are no provisions in place to manage contaminants entering Lake Horowhenua and therefore the statement that flows can be managed using low impact urban design development techniques before water enters the District's rivers, lakes and other water bodies is incorrect.	Include provisions restricting all development within the vicinity of Lake Horowhenua to prevent further contamination of this taonga.	519.31 Charles Rudd(Snr) - Support
60.13	Muaupoko Co-	Oppose	The submitter relies on the	No specific relief	519.32 Charles

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
	operative Society		submission made by Philip Taueki for the following matters. It is a serious violation of the Treaty of Waitangi to prepare plans suggesting the development of a pathway around Lake Horowhenua which is privately owned Maori freehold land. Due to the settlement of Mua-Upoko around the lake several centuries ago, there are a number of sites of cultural significance around the perimeter of the lake and therefore it is highly offensive for the Council to suggest that the public should have right of access around the lake.	requested. Inferred: Amend Chapter 4 Introduction to clarify the ownership of Lake Horowhenua and restrict rather than provide access to and around the lake.	Rudd(Snr) - Support

Taueki (11.18) and the Muaupoko Co-operative Society (60.13) request that provisions be inserted to manage contaminants entering Lake Horowhenua, including restricting all development within the vicinity of Lake Horowhenua to prevent further contamination of this taonga. DoC (527.00) and Rudd (519.13, 519.14) both support these submission points. Whereas the HDC (Community Assets Department) (511.04) opposes in-part, referencing compliance with the regional council and encouraging the use of how impact urban design techniques before water enters rivers, lakes and other water bodies.

It is inferred from Taueki (11.19) and the Muaupoko Co-operative Society (60.13) that both request amendments to the introductory text of the Open Space and Access to Water Bodies Chapter 4 with respect to commentary on Lake Horowhenua. The submitters seek that the ownership of Lake Horowhenua and the land around it is clarified. There are sites of cultural significance to Muaupoko around the perimeter of Lake Horowhenua. The concept of providing public access/pathway around the Lake is considered offensive. Rudd (519.31; 519.32) supports these submissions.

4.1.2 Discussion & Evaluation

1. The last paragraph of the Introduction to Chapter 4 acknowledges that some parks and reserves have stormwater ponds located on them, and can assist in stormwater management during times of high rainfall and the effects of flooding.
2. The reduction of contaminants from stormwater is an aspiration and using Council's open spaces may contribute to this goal. However, the management and regulation of contaminants entering water and land for all water bodies, including Lake Horowhenua is the responsibility of Horizons Regional Council and managed by regulations set out in the Proposed One Plan. Therefore it is not appropriate to include provisions in the Proposed Plan to manage contaminants entering Lake Horowhenua and the submission points raised by Taueki (11.18) and the Muaupoko Co-operative Society (60.13) are recommended to be rejected.
3. The Open Space Strategy provides guidance and actions that Council, In-Partnership, with the community can carry out in order to improve the open space network of the District.

These actions are starting points in which further investigation and consultation is to occur in carrying out any projects.

4. The reference to the Open Space Strategy in the introduction to Chapter 4 is to acknowledge the document and the aspirations for the use, development and protection of Council open spaces. The Strategy also identifies the water bodies which have been prioritised to contribute to the long term ambition of operating an open space network throughout the district.
5. The priority water bodies from the Open Space Strategy are included in Schedule 12 of the Proposed Plan with the key words indicating the values associated with each river, lake or stream. With respect to Lake Horowhenua, cultural values are listed and therefore recognised as being important, along with recreation and ecological values.
6. The Open Space Chapter should be read alongside other Chapters in the Proposed Plan, particularly Chapter 1 “Matters Important to Tangata Whenua”. Chapter 1 recognises and provides for sites of significance to Maori and includes a Method where Council is to work with Tangata Whenua to identify sites of cultural significance. The values of these identified sites (to be mapped or kept as a silent file by Council) are to be protected from inappropriate use and development.
7. The provision of an esplanade reserve for public access adjoining Lake Horowhenua would be a consideration with any subdivision that adjoins the Lake. The actual and potential adverse effects on any sites of cultural significance would also be a consideration of the subdivision proposal.
8. There is a relationship between Chapter 1, Chapter 4 and Chapter 24 (the Subdivision and Development rules) which enables the assessment of subdivisions to weigh up public access and the effects on sites of cultural significance. Introducing specific reference to Lake Horowhenua and restriction of public access due to impacts on sites of cultural significance should be an outcome determined through each individual subdivision proposal, rather than set out in Proposed Plan as an overall policy direction.
9. On this basis, it is I recommend that the relief sought by Taueki (11.19) and the Muaupoko Co-operative Society (60.13) is rejected.

4.1.3 Reporting Officer’s Recommendation

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Officer’s Recommendation
11.18	511.04	Philip Taueki		Reject
	519.13	HDC (Community Assets Department) – Charles Rudd(Snr) -	Oppose In-Part	Accept In-Part
	527.00	Director-General of the Department of Conservation (DoC)	Support Support	Reject Reject
60.12	519.31	Muaupoko Co-operative Society Charles Rudd(Snr)	Support	Reject Reject

11.19	519.14	Philip Taueki Charles Rudd (Snr) -	Support	Reject Reject
60.13	519.32	Muaupoko Co-operative Society Charles Rudd (Snr)	Support	Reject Reject

4.1.4 Recommended Amendments to the Plan Provisions

No amendments are recommended to the Introduction of Chapter 4 of the Proposed Plan.

4.2 Issue 4.2 Access to Water Bodies

4.2.1 Submissions Received

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
67.13	Taiao Raukawa Environmental Resource Unit	In-Part	The submitter seeks more discussion on ongoing Māori relationships to access to Water Bodies, so that particular Māori customary rights to water bodies are recognised and maintained in relation to the procedures to be completed under the Marine and Coastal Areas (Takutai Moana) Act 2011. Refer latest reports that relate to Horowhenua coastal areas and water health in key waterways of region (refer submission for list of reports).	Amend Issue 4.2 to include more discussion on ongoing Maori relationships to access water bodies so that particular Māori customary rights to water bodies are recognised and maintained.	
96.15	Federated Farmers of New Zealand	In-Part	Federated Farmers recognises the benefit to the community that the putting aside of esplanade strips and reserves at the time of subdivision offers. However, it is equally relevant that the application of esplanade reserves and strips is done so appropriately and in manner that does not restrict the existing lawful operation of adjoining landowners, or endorse trespass. Federated Farmers believes that the comments made under Issue 4.2 suggest that the Council does recognise that provision of access to water bodies must not adversely affect the operating requirements of adjoining landowners (paragraphs 1	Amend Issue 4.2 as follows: Maintaining and enhancing public access to water bodies and the coast is highly valued by the community. However, in maintaining and enhancing this public access, the operational requirements of adjoining landowners and landowner rights may <u>must not</u> be compromised, or <u>and</u> the other qualities of the water bodies and their margins including natural	

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
			<p>and 2 of Page 4-7). Similarly Federated Farmers also note that on page 4-9 reference is made to the public benefit gained by enhanced access must be weighed against the effects of that access on the values of the water body and also the impact for adjoining properties. Federated Farmers endorse such recognition by the council of the potential negative impacts that public access to water bodies may present for adjoining landowners.</p> <p>Federated Farmers is concerned that public access provisions give the public the impression that access is freely available over private land. It is important to remember that members of the public need to ask permission for access over private property, and that landowners are within their rights to decline access. The District Plan should not contradict these rights.</p>	<p>character, ecological values, and hazard risks may be <u>are not</u> degraded. Or words to this effect.</p>	

Taiao Raukawa Environmental Resource Unit (67.13) supports in-part Issue 4.2, but seeks greater discussion on Maori and their relationship with water bodies. In-Particular, reference to Maori customary rights and water bodies, and how this relationship is to be recognised and maintained through procedures in the Marine and Coastal Areas (Takutai Moana) Act 2011. Federated Farmers (96.15) largely endorses Issue 4.2 and the discussion that follows it, but is concerned that the provisions give the impression that access is freely available over private land. Federated Farmers seek greater certainty for private landowners that their rights “must not be compromised”, rather than “may not be compromised”.

4.2.2 Discussion & Evaluation

1. Issue 4.2 sets out the tension between providing public access to water bodies and protecting the range of values of these natural features.
2. The Issue Discussion provides context on why public access is a desired outcome and also, the range of potential adverse effects that can be generated by public access, including effects on natural character, conservation and greater risk to natural hazards.
3. As part of this section of the Proposed Plan, it is considered appropriate to amend Issue 4.2 and the Issue Discussion and include reference to cultural values. Cultural values are another set of values inherent in water bodies and their margins. Cultural values have the potential to be degraded, like any other set of values, as a result of public access being

provided. This amendment would provide for part of the Taiao Raukawa Environmental Resource Unit (67.13) submission point, which seeks greater discussion on Maori and their relationship with water bodies. It is considered that Policy 1.2.4 in Chapter 1 of the Proposed Plan provides for the majority of the relief sought in submission point 67.13. However, a more explicit link and reference between Chapter 1 and 4 would provide clarity. Consequently, additional text is recommended to be added to the Issue Discussion. On this basis, I recommend that submission point 67.13 be accepted in-part.

4. Issue 4.2 and the Issue Discussion include reference to the impact of public access on landowners who adjoin water bodies. The Federated Farmers submission point (96.15) seeks amendments to Issue 4.2 so that it reads ...*landowner rights “must not be compromised”*. The use of the “must” is not considered appropriate, as public access to waterbodies is a matter of national importance under Section 6 of the RMA, therefore I recommend that the relief sought (95.16) be rejected.

4.2.3 Reporting Officer’s Recommendation

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Officer’s Recommendation
67.13		Taiao Raukawa Environmental Resource Unit		Accept In-Part
96.15		Federated Farmers of New Zealand		Reject

4.2.4 Recommended Amendments to the Plan Provisions

Amend Issue 4.2 as follows:

“However, in maintaining and enhancing this public access, the operational requirements of adjoining landowners and landowner rights may be compromised, or the other qualities of the water bodies and their margins including natural character, ecological values, cultural values and hazard risks may be degraded.”

Amend paragraph 1 and insert a fourth paragraph in the Issue Discussion as follows:

"However, in providing for this access, care needs to be taken to ensure it is in a form that does not adversely affect the operational requirements of landowners, such as farming operations or hydro energy generation activities, as well as degrading the natural character, ~~or~~ ecological values or cultural values of the water bodies and their margins."

...

"The relationship that Maori have with water bodies (and their margins) is to be recognised and provided for when considering the maintenance and enhancement of public access networks to and along lakes, rivers and other water bodies in the District."

4.3 Objective 4.1.1 Open Space Zone

4.3.1 Submissions Received

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
98.28	Horticulture NZ	Support	Horticulture NZ supports that the objective of Open Space Zone ensures that uses and development are compatible with the character and amenity of their surrounding environment. However it should also be compatible with the surrounding land uses.	Amend Objective 4.1.1 as follows: Council's parks and reserves 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, <u>land uses</u> , and amenity of the open spaces and their surrounding environment.	
101.22	Director-General of Conservation (DoC)	In-Part	Objective 4.1.1 should reflect the issues that have been discussed. Through Section 4, adverse effects have been highlighted and addressed as a major issue. It is important to address this within the objective	Amend Objective 4.1.1 by adding wording to the effect as follows: "does not have significant adverse effects upon the environmental quality of the open space zone/areas, or on any surrounding land or water body"	

Horticulture NZ (98.28) supports Objective 4.1.1, but seeks an amendment to ensure the character, amenity and "land uses" within the open spaces and their surrounds are considered when developing any of the Council's parks and reserves. DoC (101.22) seeks a greater emphasis on the recognition of adverse effects upon the environmental quality of the open space areas, or on any surrounding land or water body from the use and development of open spaces.

4.3.2 Discussion & Evaluation

1. The proposed Open Space Zone Objective enables the use and development of Council's parks and reserves. The Objective also refers to the compatibility of development with the character and amenity of the reserve or park and surrounding environment.
2. Objective 4.1.1 demonstrates the balance between enabling development, but recognising there are limits to ensure the values of parks and reserves are not diminished. Because parks and reserves are typically located within residential or rural environments, the objective extends to include the consideration of the character and amenity of these areas as well.

3. Managing amenity and character values and the effects on these through the new development of open spaces would inherently manage how compatible new activities were with existing land uses and is an effects-based approach. On this basis I do not consider the amendment sought by Horticulture NZ is necessary for an effective outcome and recommend that submission point 96.28 be rejected.
4. DoC considers that there is a disparity between the discussion about the effects on the environment and the extent to which Objective 4.1.1 addresses these. DoC seeks an amendment to the objective to manage significant adverse effects upon the environmental quality of the open space areas, or any surrounding land or water body.
5. HDC's open spaces are predominately sports and neighbourhood parks and the primary issues from the use and development are impacts on character and amenity values. However, there are Council reserves that have particular natural qualities/values (e.g native bush reserves) and the Objective could be amended to better reflect the consideration of those values.
6. As recognised in the Issue Discussion, open spaces have other important values including cultural and heritage values.
7. The 4.1 Issue Discussion refers to 'special values' of open spaces which represents natural qualities, cultural and heritage values. It is considered that this range of values attributed to open spaces should be made clearer in Objective 4.1.1.
8. By referring to "character, amenity and special values" in Objective 4.1.1 the set of values that are integral to Council's parks and reserves would be broadened, and include the consideration of environmental qualities. The relief sought by DoC in submission point (101.22) is recommended to be accepted In-Part.
9. Consequential changes are recommended to ensure consistency in the Proposed Plan

4.3.3 Reporting Officer's Recommendation

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Officer's Recommendation
98.28		Horticulture NZ		Reject
101.22		Director-General of Conservation (DoC)		Accept In-Part

4.3.4 Recommended Amendments to the Plan Provisions

Amend Objective 4.1.1 Open Space Zone as follows:

"Council's parks and reserves 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."

And consequential changes to the 4.1 Issue Discussion, Policy 4.1.6 and Policy 4.1.9 as follows:

Issue Discussion

....

"The parks and reserves have many similar characteristics and amenities, such as a predominance of open space over built structures. In addition, some individual parks and reserves have special features and values, and include natural qualities, cultural significance or heritage interests. Furthermore, parks and reserves are located within residential and rural environments, where conflicts can arise at their boundaries."

Policy 4.1.6

"Manage non-recreation activities to ensure these activities are compatible with the recreation, character, ~~and~~ amenity and special values of the Open Space Zone."

Policy 4.1.9

"Manage the nature, scale and level of environmental effects from activities and built structures in the Open Space Zone to minimise adverse effects on the, ~~and~~ amenity and special values of properties in the adjoining Residential Zone."

4.4 Policies 4.1.3 – 4.1.7

4.4.1 Submissions Received

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
101.23	Director-General of Conservation (DoC)	In-Part	The intent of Policy 4.1.3 is supported, however, the addition of "and protection" will assist implementation	Amend Policy 4.1.3 as follows: Ensure the character, amenity and special values of individual parks and reserves are recognised <u>and protected</u> and recreational activities are compatible with the values of the site and the amenity values of the immediate environment.	509.00 New Zealand Historic Places Trust (NZHPT) - Support
117.04	New Zealand Historic Places Trust (NZHPT)	In-Part	The submitter seeks that the Open Space Policy also reflects heritage values of parks, for example parks with memorials.	Amend Policy 4.1.3 to reflect heritage values of parks.	
67.12	Taiao Raukawa Environmental Resource Unit	In-Part	Must take consideration of claims to customary marine title or claims to the common marine and coastal area. This is not to preclude the public but if granted will help restrict	Amend Policy 4.1.4 to reflect the following considerations: Claims to customary	

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
			damaging behaviours to sensitive coastal regions, rare plant and bird life. These areas need protection for the benefit of the whole community, but it shall be recognised that management and determination of their positive and enhanced futures, shall be led by Iwi and hapū.	marine title or claims to common marine & coastal areas; and Recognise management and determination of areas of rare plant and bird life and sensitive coastal regions to be led by Iwi and hapū.	
101.24	Director-General of Conservation (DoC)	In-Part	Policy 4.1.7 states that "Provide for the management of storm water in suitable places within the Open Space Zone..." what does "suitable places" mean in this context?	Amend Policy 4.1.7 by either defining or explaining what is meant by "suitable places".	511.05 HDC (Community Assets Department) – In-Part

DoC (101.23) supports the intent of Policy 4.1.3, but seek that the open space values are recognised "and protected" when contemplating new developments. The NZHPT (117.04) support In-Part Policy 4.1.3, but would like better recognition of the heritage values inherent in parks and reserves.

Taiao Raukawa Environmental Resource Unit (67.12) seek that Policy 4.1.4 includes consideration for claims to customary marine title, or claims to common marine and coastal areas, and the subsequent management of these areas to be led by Iwi and Hapu.

Policy 4.1.7 directs the provision and management of storm water within the Open Space Zone. DoC (101.24) seeks clarification on the wording in Policy 4.1.7.

4.4.2 Discussion & Evaluation

1. Policy 4.1.3 recognises the character, amenity and other special values of Council's parks and reserves are important to maintain, when considering new development and change.
2. The reference to "special values" in Policy 4.1.3 extends to include natural qualities, cultural and heritage values of individual parks and reserves. I believe the reference of "special values" provides recognition of the heritage values in parks and reserves, and therefore provides for the relief sought by NZHPT (117.04) and an amendment is required.
3. Policy 4.1.3 requires that new recreation activities and buildings are compatible with the existing values of any Council park or reserve that the development is within and contribute too. Any activity that is compatible with a park or reserve, will, to an extent "protect" the values of that open space. However, "compatibility" signals that development can occur provided it is appropriate, whereas "protect" signals no change, or very minimal change.
4. Recreation demands will change over time. The Open Space Zone is to effectively provide a range of recreational activities within Council parks and reserves, and there will be a need to upgrade, extend or build new facilities and playgrounds, install lighting, signs and amenities in response to community changes and demands. Policy 4.1.4 recognises and provides for a level of change.

5. Reading Policy 4.1.3 and 4.1.4 together, enables development to occur, but in a way that still upholds the values of the individual parks and reserves. The values may not be ultimately protected, but at a minimum, future use and development would need to be compatible.
6. On this basis, I do not consider that reference to “protect” should be inserted in Policy 4.1.3, and the existing policy is effective in achieving Objective 4.1.1. I therefore recommend that DoC’s submission point 101.23 be rejected.
7. The relationship of Tangata Whenua to any coastal reserves, and the cultural values inherent in these, would be recognised and provided through the Objectives and Policies of Chapter 1. To this end, I do not consider the relief sought by Taiao Raukawa Environmental Resource Unit (67.12) to Policy 4.1.4 is appropriate and is recommended to be rejected.
8. The Council does not provide a reticulated system for disposal of stormwater from private property. Stormwater is currently managed by each individual property or development, typically by on-site collection and soakage. Stormwater from roads is collected and disposed of via a reticulated network. Currently a few reserves include provision for stormwater attenuation (e.g Kennedy Park, Levin) or contain water bodies that collect stormwater (e.g Holben Reserve, Foxton Beach). This multi-use of reserves for this purpose is a common approach.
9. An action in Council’s Long Term Plan is the development of a stormwater management strategy/framework to effectively manage stormwater over the district. There is the potential for some of Council’s parks and reserves to further contribute to a future storm water management system.
10. Policy 4.1.7 provides for the opportunity to use the Council’s open spaces for the management of stormwater. The wording in the policy refers to “in suitable places within the Open Space Zone”. The reference to “suitable places” is appropriate in this context, because it is not yet known where, what and how a future stormwater management system could use Council’s parks and reserves. Any new or altered stormwater system that discharges water (and contaminants) to land or water would need to be assessed against the Councils existing global stormwater consent parameters and/or potentially require a new discharge consent (as required under the Proposed One Plan).
11. Given the above, defining what “suitable places” may mean is not considered appropriate as there are many different factors that may ultimately determine what “suitable places” are. On this basis, I recommend that DoC submission point 101.24 be rejected.

4.4.3 Reporting Officer’s Recommendation

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Officer’s Recommendation
101.23	509.00	Director-General of Conservation (DoC) New Zealand Historic Places Trust (NZHPT)	Support	Reject Reject
117.04		New Zealand Historic Places Trust (NZHPT)		Reject
67.12		Taiao Raukawa Environmental Resource Unit		Reject

101.24		Director-General of Conservation (DoC)		Reject
	511.05	HDC (Community Assets Department)	Support In-Part	Reject

4.4.4 Recommended Amendments to the Plan Provisions

No amendments are recommended to Policies 4.1.3 – 4.1.7.

4.5 Objective 4.2.1 Public Access to Water Bodies

4.5.1 Submissions Received

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
96.16	Federated Farmers of New Zealand	In-Part	Federated Farmers believe that a strengthening of recognition for private landowners through Objective 4.2.1 is appropriate. Support is given to the recognition that public access may be maintained and enhanced only at appropriate locations. Federated Farmers recognises that esplanade reserves and strips may be a way of increasing public access, but we do not support any expectation that private landowners will provide access. Access over private land is a matter for the landowner to decide.	Amend Objective 4.2.1 as follows: Maintain and enhance public access to and along the coast, rivers, lakes and streams, at appropriate locations while preserving the natural character and other values of these water bodies and their margins <u>and recognising the right of private landowners to refuse access over private land.</u> Or words to this effect.	506.09 Ernslaw One Ltd - Support
11.20	Philip Taueki	In-Part	There is no reference to the cultural significance of waterways and In-Particular Lake Horowhenua. This is a serious oversight.	No specific relief requested. Inferred: Amend Objective 4.2.2 to recognise and reference the cultural significance of waterways.	519.15 Charles Rudd (Snr) - Support
60.14	Muaupoko Co-operative Society	In-Part	The submitter relies on the submission made by Philip Taueki for the following matters. There is no reference to the cultural significance of waterways and In-Particular Lake Horowhenua. This is a serious oversight.	No specific relief requested. Inferred: Amend Objective 4.2.2 to recognise and reference the cultural significance of waterways.	519.33 Charles Rudd (Snr) - Support

Federated Farmers (96.16) supports In-Part Objective 4.2.1 and seeks additional wording which recognises the right of private landowners to refuse access over private land. Ernslaw One Ltd (506.09) supports Federated Farmers view.

Taueki (11.20) and Muaupoko Co-operative Society (60.14) seek reference to the cultural significance of waterways and In-Particular Lake Horowhenua in Objective 4.2.1. Rudd (519.15; 519.33) supports Taueki and Muaupoko Co-operative Society.

4.5.2 Discussion & Evaluation

1. Federated Farmers request an amendment to Objective 4.2.1 so that it includes “*recognising the right of private landowners to refuse access over private land*”. The creation or provision of public access is usually generated through a subdivision consent process. In this way, public access is recognised as a contribution to the community, and therefore a public good. The Objective signals a considered approach to the location and establishment of public access.
2. Matters relating to private landowners refusing access over private land are civil matters, rather than resource management matters.
3. An applicant/landowner may apply to waive any esplanade reserve/strip requirements and apply for a discretionary activity resource consent. An applicant would need to give reasons why it would be impractical to provide the esplanade reserve/strip. In assessing the subdivision application, the decision makers would consider a range of matters (Policy 4.2.1), including the rights of property owners and the security of private property (Rule 24.2.5(g)(vi)).
4. With a process in place to assess the appropriateness of an esplanade reserve/strip and public access, I do not consider the proposed wording sought by Federated Farmers is appropriate and therefore I recommend that submission point 96.16 be rejected.
5. The Proposed Plan recognises and provides for cultural values of water bodies, both in Chapter 1 Tangata Whenua (Policy 1.2.4) and the values listed against Priority Water Bodies, Schedule 12. However, it is recognised that explicit recognition of cultural values of water bodies in Objective 4.2.1 is also appropriate and Taueki (11.20) and Muaupoko Co-operative Society (60.14) submission points are recommended to be accepted.

4.5.3 Reporting Officer’s Recommendation

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Officer’s Recommendation
96.16		Federated Farmers of New Zealand		Reject
	506.09	Ernslaw One Ltd	Support	Reject
11.20		Philip Taueki		Accept
	519.15	Charles Rudd(Snr)	Support	Accept
60.14		Muaupoko Co-operative Society		Accept
	519.33	Charles Rudd(Snr)	Support	Accept

4.5.4 Recommended Amendments to the Plan Provisions

Amend Objective 4.2.1 Public Access to Water Bodies as follows:

"Maintain and enhance public access to and along the coast, rivers, lakes and streams, at appropriate locations while preserving the natural character, cultural values and other values of these water bodies and their margins."

4.6 Policies 4.2.2 – 4.2.7, Explanation & Principal Reasons and Methods

4.6.1 Submissions Received

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
96.17	Federated Farmers of New Zealand	In-Part	Federated Farmers is concerned that policies seeking to improve public access may be read to mean that the public can access water bodies by crossing over private land, which is in fact trespass. Public access needs to be limited to land that is owned by a local authority such as an esplanade or a park, or by the Crown as a reserve.	Amend Policy 4.2.2 as follows: Prioritise <u>Recognise</u> the needs for public access <u>where appropriate</u> to water bodies with significant natural/ecological, natural hazards, recreational/access and cultural values <u>whilst recognising the rights of private landowners to refuse access over private land.</u> Or words to this effect.	506.10 Ernslaw One Ltd - Support 517.16 Horticulture NZ - Support
11.21	Philip Taueki	Oppose	The provision to require esplanade reserves or strips along the coasts and identified rivers, lakes and streams that are considered of significant value in the District is a complete repudiation of the values espoused in Chapter 1.	No specific relief requested.	519.16 Charles Rudd (Snr) - Support
60.15	Muaupoko Co-operative Society	Oppose	The submitter relies on the submission made by Philip Taueki for the following matters. The provision to require esplanade reserves or strips along the coasts and identified rivers, lakes and streams that are considered of significant value in the District is a complete repudiation of the values espoused in Chapter 1.	No specific relief requested.	519.34 Charles Rudd (Snr) - Support
96.18	Federated Farmers of New Zealand	In-Part	Federated Farmers acknowledges that the RMA provides for esplanade areas to be taken or set	Amend Policy 4.2.3 as follows: Require <u>where</u>	

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
			<p>aside when allotments of less than 4 hectares are created. However, Section 77 of the RMA also provides for district plans to include rules to waive, reduce or enlarge the required width of a reserve, to enable a reserve to be taken from allotment of 4 hectares or greater, and for an esplanade strip to be required instead.</p> <p>Section 237 F of the RMA requires that where any esplanade reserve or esplanade strip of any width is required to be set aside or created on an allotment of 4 hectares or more created when land is subdivided, the territorial authority shall pay to the registered proprietor of that allotment compensation for any esplanade reserve or any interest in land taken for any esplanade strip, unless the registered proprietor agrees otherwise.</p> <p>Federated Farmers is concerned that Policy 4.2.3 will mean that the Council may not have the financial resources to keep up with compensation. The requirement for taking esplanade reserves should be waived if the Council is unable to pay compensation or there is no agreement to voluntarily vest a reserve.</p>	<p><u>appropriate</u> esplanade reserves or strips along the coast and identified rivers, lakes and streams that are considered of significant value in the District <u>in accordance with Section 237 F of the RMA.</u></p>	
101.25	Director-General of Conservation (DoC)	Support	Policy 4.2.3 is supported as written.	Retain Policy 4.2.3 as notified.	
83.06	Ross Hood & Margaret Hood	Oppose	Oppose Policy 4.2.4 as it is vital that HDC documents and publishes the name and location of any waterway they consider to have the potential to fall into this category of other water bodies. Just stating that there are potentially such waterways means that in future every waterway could all into these criteria. Be specific or delete this section entirely.	<p>Delete Policy 4.2.4.</p> <p>Or;</p> <p>Amend Policy 4.2.4 by being specific about other water bodies considered to fall under criteria.</p>	

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
96.19	Federated Farmers of New Zealand	In-Part	<p>Supports Policy 4.2.6 which provides for a reduction of esplanade requirements. An ability to waiver the requirement for an esplanade reserve will provide the Council and resource users with more flexibility. However, further circumstances where the ability to waiver requirements needs to be included.</p> <p>Esplanade strips or reserves may not always be appropriate in all circumstances, including when protection of the riparian area is more appropriately achieved by an alternate protection mechanism such as a Land Transfer Act or QEII covenant, the subdivision involves only a minor boundary adjustment, or public safety and security reasons means that public access is not always desirable. Protection mechanisms other than perpetual protection can also be appropriate. Covenants under the Land Transfer Act 1951 can be registered to maintain or enhance natural functioning of the adjacent water body. Allowing for these types of mechanisms to be available will provide the Council and resource users with more options and flexibility so case-by-case solutions can be used.</p>	<p>Amend Policy 4.2.6 as follows:</p> <p>Consider the reduction in width or waiver of the esplanade reserve or strips requirements where:</p> <p>The reduced width still provides for the use and enjoyment of the area;</p> <p>The purpose for the esplanade area can still be achieved;</p> <p>The creation of the esplanade area would adversely affect the natural, ecological, and cultural values of the water body and its margins;</p> <p>Public health and safety is protected;</p> <p>Conflicts with other recreational uses are minimised;</p> <p>Flooding and other natural hazards are managed; and</p> <p>Alternative public access is available.</p> <p><u>Compensation as per Section 237 of the RMA is impractical for the Council.</u></p> <p><u>The land has little or no value in terms of enhancing public access.</u></p> <p><u>Where the land is protected in perpetuity, provided that public access is secured along the margins of the coast, river or lake concerned.</u></p> <p><u>Protection of the riparian area is more appropriately achieved by an alternate</u></p>	

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
				<p><u>protection mechanism.</u></p> <p><u>The subdivision involves only a minor boundary adjustment</u></p> <p><u>For reasons of public safety and/or security an esplanade reserve would be inappropriate. For example, where there are defences lands, existing road reserve, sensitive machinery, network utilities or works.</u></p> <p>Or words to this affect.</p>	
96.20	Federated Farmers of New Zealand	Support	<p>Federated Farmers is generally supportive of the intent of Policy 4.2.7. Landowners wishing to develop esplanade areas and other open spaces which are of benefit to the wider community should be supported to do this by the District Council.</p> <p>Support is given to the provision for other open space connections, as esplanade strips or reserves may not always be appropriate in all circumstances. Protection of the riparian area can be achieved by an alternate protection mechanism such as a Land Transfer Act 1951 or QEII covenant. While not all QEII covenants provide for public access, this can be an agreed condition with the landowner. Allowing for these types of mechanisms to be available will provide the Council and resource users with more options and flexibility so case-by-case solutions can be used.</p>	Retain Policy 4.2.7 as notified.	
83.07	Ross Hood & Margaret Hood	In-Part	<p>The strategy needs to acknowledge that this loss of privacy is concern for rural dwellers also. The farm is our home, office, workshop and factory. Creating public access ways through farmland impinges on privacy as well as issues around health and safety.</p>	<p>No specific relief requested:</p> <p>Inferred: Amend Objectives and Policies in the Open Space Chapter which refer to the creation of public access/connections and</p>	

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
				acknowledge the effects of this access on rural dwellers and their farming operations can create privacy concerns.	
96.21	Federated Farmers of New Zealand	Support	Federated Farmers support the flexibility of methods in the District Plan to reduce or waive the requirements of esplanade strips or reserves adjacent to Schedule 12 water bodies and rule that can allow for the appropriate development of reserves or strips adjacent to other water bodies.	Retain Methods 4.2 as notified.	

Federated Farmers (96.17) seek to amend Policy 4.2.2 to ensure landowners have the right to refuse public access over private land. Ernslaw One (506.10) and Horticulture NZ (517.16) both support the Federated Farmers submission point.

Taueki (11.21) and the Muaupoko Co-operative Society (60.15) consider the requirement of esplanade reserves or strips along water bodies of significant value (Policy 4.2.3) to be repudiate Chapter 1 Matters of Importance to Tangata Whenua. No specific relief is sought. Rudd (519.16 and 519.34) supports these submission points.

Federated Farmers (96.18) seek amendments to Policy 4.2.3 to ensure esplanade reserves and strips are created “where appropriate” and as per Section 237 of the RMA.

DoC (101.25) supports Policy 4.2.3 and seeks that it be retained as notified.

Hood (83.06) opposes Policy 4.2.4 given the uncertainty of not knowing where and what the water bodies the policy could potentially be referring to and seeks that the Policy specifies the name and location of water bodies that the Policy is addressing, or to delete Policy 4.2.4. Hood (83.07) submission also refers to the Explanation and Principal Reasons relating to the Access to Water Bodies objective and policies. It is inferred in the submission that greater emphasis should be made on the impacts of rural dwellers with the creation of public access ways through farmland.

Federated Farmers (96.19) supports Policy 4.2.6 in-part, but seeks to expand the circumstances in that esplanade reserves or strips are to be waived.

Federated Farmers (96.20) supports Policy 4.2.7 and the Methods listed and seek that these provisions be retained as notified.

4.6.2 Discussion & Evaluation

1. Important water bodies are identified in Proposed Schedule 12 and labelled on the planning maps. The reasons (values) for identifying these water bodies are contained in Schedule 12 and include recreation, cultural, conservation values, and natural hazard risks. Policy 4.2.2 and 4.2.3 is designed to secure esplanade reserves along these particular water bodies, as a priority over all the other water bodies through the District. Esplanade reserves can deliver

public access, as well as conservation outcomes and the priority system is considered to be an effective and efficient way to contribute to the district's open space network over the long term.

2. Amending Policy 4.2.2 as Federated Farmers (96.17) has requested would remove the concept of "prioritising" water bodies which is not considered appropriate. The replacement wording sought by Federated Farmers would lessen the strength of the policy and this is not considered effective in achieving Objective 4.2.1.
3. The insertion of "*recognising the rights of private landowners to refuse access over private land*" in Policy 4.2.2 is considered outside the context of the RMA. The RMA does not manage landowner / access rights and is a civil matter therefore it is recommended that submission point 96.17 be rejected.
4. Policy 4.2.3 requires esplanade reserves or strips along the coast and identified rivers, lakes and streams that are considered of significant value in the District. Federated Farmers (96.18) seek amendments to this Policy to introduce more scope to assess the appropriateness of requiring esplanade reserves. Reference to Section 237F of the RMA is also sought.
5. As mentioned above, Policy 4.2.2 and 4.2.3 work together to prioritise where esplanade reserves and strips are to be created and maintained. There will be situations when an esplanade reserve or strip is not appropriate and Policy 4.2.6 provides clear direction for that evaluation. In addition, there are criteria in Section 24 (Subdivision and Development rules) to assist decision makers and applicants. I consider the range of policies sets a clear direction on the expectation for esplanade reserves, while providing flexibility when they are not practical. Therefore I do not consider the amendments sought by Federated Farmers are appropriate and recommend that submission point 96.18 be rejected.
6. Esplanade reserves and strips are only required on proposed lots less than 4ha, but may be provided on lots 4ha or greater, at which point Section 237 F² is relevant and is referred to in the Chapter 24 subdivision and esplanade reserves/strip rules. Therefore reference to Section 237 F of RMA in Policy 4.2.2 is considered redundant. On this basis I recommend that the second part to the Federated Farmers submission point 96.18 be rejected.
7. Hood (83.06) is concerned that the impacts on rural dwellers (privacy, health and safety) from the public use of esplanade reserves or strips near rural properties are not specifically provided in the 4.2 provisions. The Issue Discussion for Issue 4.2 refers to the care to be taken in the creation of esplanade reserves or strips, so that the operational requirements of farming practices are not compromised. The public good from the provision of esplanade reserves and strips that results from subdivision development, is a principle that underpins the creating of esplanade areas and is set out in the RMA. Therefore the potential change to adjoining property and greater use by the public is an outcome that is considered to be appropriate. To protect the balance area fencing or planting could be mechanisms used to provide privacy and maintain a clear line between public and private space. I do not consider any further provision or protection for rural dwellers needs to be made in the Proposed Plan and recommend that submission points 83.06 and 83.07 be rejected.

² Compensation for taking of esplanade reserves or strips on allotments of 4 hectares or more

8. Federated Farmers (95.19) seek amendments to Policy 4.2.6 so that six additional matters/reasons are inserted. Policy 4.2.6 provides an opportunity to assess an esplanade waiver or reduce the width of reserve or strip. The list of matters set out in Policy 4.2.6 are wide ranging and enable practical reasons to reduce or waive esplanade areas.
9. In reviewing Federated Farmers additional provisions it is considered that they are either already provided for, or not appropriate for inclusion as they would reduce the effectiveness in achieving Objective 4.2.1.
10. However, the intent of the second bullet point included in the relief sought by Federated Farmers states "*the land has little or no value in terms of enhancing public access*" is discussed further.
11. This bullet point would allow applicants to demonstrate why their esplanade reserve along a priority water body has no value in terms of enhancing public access. There may be circumstances where an esplanade reserve is isolated from the existing network of open spaces, and in the current state seems of little value to enhancing public access (or protecting conservation values, recreation and or for reduction in risk of natural hazards). However, the open space network along the priority water bodies is a long term aspiration. To waiver esplanade reserves because the current value of the area is not considered to add value would be short sighted.
12. I consider Policy 4.2.6 already lists situations where the reduction or waiver of esplanade reserves or strips are to be weighed up over the range of purposes (public access, conservation, recreation and natural hazards) these areas can provided for. On this basis, I recommend that submission point 95.19 be rejected.
13. Water bodies that are not identified in Schedule 12 still have the potential to contribute to the open space network. Policy 4.2.4 provides for esplanade strips to be considered in those instances. The rules on esplanade strips in Chapter 24 (Subdivision and Development) set the size of river and lake that would trigger an esplanade strip requirement. For example a river over 3m in width and a lake greater than 8 hectares would be applicable for esplanade strips. These dimensions are consistent with the default provisions in the RMA.
14. The rules are considered to provide sufficient certainty as to which (non-priority) water bodies are subject to esplanade strip requirements.
15. The support for Policy of 4.2.3 by DoC (101.25) is noted.
16. The support for Policy 4.2.7 and the Methods by Federated Farmers (96.20 and 96.21) is noted.
17. It is unclear the point being made by Taueki (11.21) and the Muaupoko Corporative Society (60.15) in relation to the esplanade reserve provisions, with no specific relief sought stated. On this basis, it is recommended these submission points and further submissions by Rudd 519.16 and 519.34 (that are in support) are rejected.

4.6.3 Reporting Officer's Recommendation

Policy 4.2.2

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Officer's Recommendation
96.17		Federated Farmers of New Zealand		Reject
	506.10	Ernslaw One Ltd	Support	Reject
	517.16	Horticulture NZ	Support	Reject

Policy 4.2.3

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Officer's Recommendation
11.21		Philip Taueki		Reject
	519.16	Charles Rudd(Snr)	Support	Reject
60.15		Muaupoko Co-operative Society		Reject
	519.34	Charles Rudd(Snr)	Support	Reject
96.18		Federated Farmers of New Zealand		Reject
101.25		Director-General of Conservation (DoC)		Accept

Policy 4.2.4

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Officer's Recommendation
83.06		Ross Hood & Margaret Hood		Reject

Policy 4.2.6

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Officer's Recommendation
96.19		Federated Farmers of New Zealand		Reject

Policy 4.2.7

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Officer's Recommendation
96.20		Federated Farmers of New Zealand		Accept

Explanation & Principal Reasons

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Officer's Recommendation
83.07		Ross Hood and Margaret Hood		Reject

Methods

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Officer's Recommendation
96.21		Federated Farmers of New Zealand		Accept

4.6.4 Recommended Amendments to the Plan Provisions

No amendments are recommended to Policies 4.2.2 – 4.2.7, Explanation & Principal Reasons and Methods.

4.7 General Matters Raised in Submissions

4.7.1 Submissions Received

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
11.22	Philip Taueki	In-Part	There is no reference to the sites of cultural significance on the periphery of Lake Horowhenua, Lake Papaitonga and other water bodies that would preclude public access without causing cultural offense.	No specific relief requested. Inferred: Include a list/schedule of cultural sites of significance in Chapter 4 where public access would to water bodies would not be appropriate.	519.17 Charles Rudd(Snr) - Support
33.01	Levin Golf Club	In-Part	Support the creation of the Open Space zone its associated policies and believe that the Levin Golf Club would be more suited to being zoned as Open Space instead of the proposed Rural Zone.	Amend Chapter 4 to make consequential amendments arising from the Levin Golf Club site (160 Moutere Road) being rezoned as Open Space.	
51.05	Waitarere Beach Progressive & Ratepayers Association (WBPRA)	In-Part	Submitter seeks consultation if land originally designated for future requirements is to be rezoned. There is currently land held by Council which could be valuable for future infrastructure.	No specific relief requested. Inferred: that Council land which may have potential for future infrastructure should not be rezoned	

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
				Open Space without local consultation.	
60.16	Muaupoko Co-operative Society	In-Part	The submitter relies on the submission made by Philip Taueki for the following matters. There is no reference to the sites of cultural significance on the periphery of Lake Horowhenua, Lake Papaitonga and other water bodies that would preclude public access without causing cultural offense.	No specific relief requested. Inferred: Include a list/schedule of cultural sites of significance in Chapter 4 where public access would to water bodies would not be appropriate.	519.35 Charles Rudd (Snr) - Support
67.09	Taiao Raukawa Environmental Resource Unit	In-Part	The submitter notes that iwi, hapū and whanau as tangata whenua to certain areas of the marine and coastal region of Horowhenua have until March 2017 to seek customary marine title or claims to the common marine and coastal area. This can be done through specific negotiations with the Crown or through an application to the High Court. Taiao Raukawa advocates for hapū tinorangatiranga and co-management opportunities for certain areas of coastline according to kawa or protocols set down by ancestral customary interests that continue today. For example, some key areas include Kuku, Ōhau estuary to sea, other trusts and Māori farming incorporations south towards Waikawa, especially where Māori land bounds the sea	No specific relief requested.	
83.08	Ross Hood & Margaret Hood	Oppose	Any land taken by HDC must include monetary compensation for the landowner. Who determines the value of the land and who is going to pay for it, the ratepayer? Who is responsible for maintenance (weeding and rubbish) and at whose expense?	No specific relief requested. Inferred: Amend Objectives, Policies and Methods in the Open Space Chapter which refer to the taking of land for public access/connections and the implications on the cost of creating and maintaining these reserves and strips and calculating the value of the land taken.	

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
98.54	Horticulture NZ	In-Part	The focus in Chapter 4 is on land owned by Council. However the proposed definition of open space is wider than just council owned land. A change is sought to the definition of open space so that it is clearly council owned land or other land designated or administered for open space.	Amend the definition of 'open space' refer to relief sought in Definitions Chapter.	
101.21	Director-General of Conservation (DoC)	In-Part	Section 4 discusses riparian management but there are no policies that implement riparian management. Even though esplanades are provided for, the use and development of riparian margins has a key role to play in maintaining and enhancing the Open Space network.	Include a policy that provides for the management of riparian margins or to that effect.	

Taueki (11.22) and Muaupoko Co-operative Society (60.16) considers Chapter 4 should manage the potential impact of providing public access to water bodies where access could be detrimental to the protection of sites of cultural significance located near or within the esplanade area. Rudd (519.17 and 519.35) supports this concern.

The Levin Gold Club (33.01) supports the creation of the Open Space Zone and seeks a rezoning of the Golf Course property from Rural to Open Space Zone.

The WBPRA (51.05) understand that the Council holds designated land which could be potentially valuable for future infrastructure, and would like to be consulted if this land is to be rezoned Open Space.

Taiao Raukawa Environmental Resource Unit (67.09) advocates for hapū tinorangatiratanga and co-management opportunities for certain areas of coastline according to kawa or protocols set down by ancestral customary interests that continue today. No specific relief is sought in this submission point.

Hood (83.08) seeks amendments to Chapter 4 which would confirm monetary compensation for a landowner where land is taken by the Council to fulfil the open space network. The submission also seeks clarification on the process of determining the value of land to be compensated for, who would pay for the compensation and then whose responsibility is the maintenance.

Horticulture NZ (98.54) is concerned that the definition of open space is broader than Council parks and reserves. Therefore the definition should be amended to reflect the Open Space Zone.

DoC (101.21) considers the policy framework of the Open Space and Access to Water Bodies Chapter should extend to include policy to implement riparian management.

4.7.2 Discussion & Evaluation

Sites of Cultural Significance (Taueki and Muaupoko Co-operative Society)

1. The Open Space Zone and Access to Water Bodies Objective & Policies provide a framework that responds to the RMA and NZCPS, Proposed One Plan on public access, as well as the Council's own long term aspirations for an open space network.
2. The identification of a water body as a priority in Schedule 12 does not automatically mean that public access is expected and will be developed. Subdivision development is seen as the primary catalyst for an esplanade reserve requirement.
3. The policy framework recognises that esplanade areas have multiple values and a recommendation made earlier in this report would clarify that cultural values are considered as well. There will be situations where the provision of public access would not be the most appropriate response in managing the balance between public access and maintaining the values of water bodies and their margins, and Policy 4.2.6 assists decision makers in this regard.
4. Lake Horowhenua and Lake Papaitonga are highly valued water bodies and are included in Schedule 12 along with the other priority river and water bodies. Each priority water body has values described, for example, *natural, ecological, recreational/access and cultural*. This value table indicates the range of values associated with these priority water bodies, but does not function as list of cultural sites of significance.
5. The policy framework that specifically addresses sites of cultural significance is set out in Chapter 1, Matters of Importance to Iwi. A listed Method is to identify areas and individual sites of cultural significance and identify on the Planning Maps, or generally, with the Council holding silent files of wahi tapu, as requested by Iwi authorities.
6. Therefore, at a later date, there will be information to provide more certainty on where specific sites and areas are sensitive to development. The proposed policy framework would require adverse effects on the cultural values to be avoided or appropriately mitigated.
7. I believe that the Chapter 4 policy framework should be amended as per the recommendations made in earlier sections of this report, to provide a better link to Chapter 1. However, I do not consider the listing of sites of cultural significance, as inferred by Taueki and Rudd, would be appropriate as it would duplicate matters set out in Chapter 1.

The Levin Golf Club Rezoning (Levin Golf Club)

8. The Levin Golf Club is a privately owned facility located to the west of Levin and Lake Horowhenua. The Golf Club was established in 1911, with substantial development occurring in the 1950s to create the 18 hole, 6121m course, and facilities. The clubhouse is a split level building, approximately 500m² in area and extends from near the Moutere Road frontage back into the property. There is some garden and landscaping along the Moutere Road frontage.
9. The Levin Golf Club contributes to the range of recreation opportunities for the Horowhenua district and is a substantial open space. The Rural Zone permits open space, but not recreation activities. The existing use rights held by the Golf Club would enable the continuation of the Golf Club and its facilities. Any change to the existing use rights through

new development would potentially require a resource consent under the Rural Zone provisions (e.g an extension to the clubhouse).

10. The Open Space Zone, as proposed, permits recreation activities, including associated clubrooms. Therefore the Levin Golf Club could continue to operate, upgrade and develop further facilities, as they relate to golf recreation. Commercial activities are not permitted in the Open Space Zone.
11. The table below provides a simple comparison of how the Levin Golf Club would operate within the Rural Zone and the Open Space Zone and resource consent requirements:

Open Space Zone	Rural Zone
<ul style="list-style-type: none"> - Provides for the existing recreation activity, which contributes to the community. - Enables future change, upgrade, where the development is purely recreation and not commercial. - Building development is enabled and up to 2240m² (5% site coverage of the 48ha site) would be permitted. However, the Landscape Domain rules would continue to apply (Coastal Lakes) and buildings greater than 5m in height would require a resource consent. 	<ul style="list-style-type: none"> - Existing use rights allow the continued operation of the existing Golf Club. - Any future development would require resource consent, as a Discretionary Activity (Rule 19.4.1). - The landscape domain rules apply to buildings and earthworks.

12. The rezoning sought by the Levin Golf Club is to be considered in the General Provisions – (Part 3 Planning Maps) Section 42A report, rather than as part of this report. If a recommendation is made to rezone the Levin Golf Club to Open Space, then it is anticipated consequential changes to the policy framework would be necessary to the Open Space Zone provisions, so that other types of open space that are not managed by Council can be provided for.
13. Any recommended consequential changes to the plan provision would be provided as a supplementary report to the Open Space Hearing Panel.

Infrastructure Designation (WBPR)

14. The WBPR (51.05) seek consultation if land originally designated for future requirements infrastructure requirements is to be rezoned. No specific provisions are sought by the submitter. I am not aware of any current infrastructure development proposals for the Open Space Zones at Waitare Beach.
15. The Council designations in Waitare Beach rolled over into the Proposed Plan include D130, D133, D134 and D157 and represent reserves, the surf club and the Waitare Beach Motor Camp. The new Open Space Zone underlies all these designations. Other parks and reserves in Waitare Beach not designated but rezoned Open Space include the Waitare

Domain, the undeveloped walkway between Park Avenue and the foreshore, Holmwood Park and other smaller neighbourhood parks.

16. The Operative District Plan zoned these Council parks and reserves as Residential 2 and Rural, whereas the proposed rezoning to Open Space is considered a better representation of the current and expected use and development of this land. Future rezoning of Open Space within Waitarere Beach would go through a plan change process and consultation would be carried out with the community.
17. With respect to future infrastructure developments in Waitarere, the existing (and rolled over) designations do not provide for infrastructure (other than reserve infrastructure). Therefore infrastructure developments on the land zoned Open Space would be assessed through the resource consent process, which would include consideration of whether the proposed activities are compatible with the values of the park or reserves and the surrounding properties. Depending on the infrastructure, consent from Horizons may be required as well.
18. WBPR may wish clarify the relief sought at the hearing, but based on the above I would recommend that the submission point 51.05 be accepted In-Part insofar as it relates to consultation expectations for future rezonings of Open Space.

Marine and Coastal Area (Takutai Moana) Act 2011

19. Chapter 1, Matters of Importance to Tangata Whenua, of the Proposed Plan is the best place to reference the relationship of the two pieces of legislation. I recommend that submission point 67.09 be accepted in-part insofar as I accept the relevance to the Proposed Plan and that no specific relief has been sought.

Compensation for Land Taken (Hood)

20. Esplanade reserves or strips are required where a proposed subdivision adjoins a water body of at least 3m in width for a stream or river, or 8 hectares in area for a lake. The RMA distinguishes between subdivisions that create new lots of 4ha and greater, from those which are more intensive (less than 4ha). For the latter, no compensation is required for the esplanade strip or reserve that will be vested with the Council. Compensation would be required for subdivisions that create 4ha lots or larger. The process of the compensation would need to be worked through with Council and applicant.
21. The vesting of any esplanade reserves means the Council is responsible for the maintenance, development and protection of them. The Council may wish to develop a reserve management plan for these areas. Whereas esplanade strips stay in the ownership of the landowner and would be maintained by the landowner, but will provide public access along the water body.
22. Hood (83.03) does not specify any relief sought, but it is inferred that Chapter 4 be amended to give greater certainty on the compensation process and maintenance of esplanade reserves and strips. However both of these requests (compensation and maintenance) are to be determined by Council on a case by case. I do consider further provisions in Chapter 4 would be appropriate and therefore recommend that submission point 83.03 be rejected.

Definition of Open Space (Horticulture NZ)

23. "Open Space" is listed in all other zones as a permitted activity and enables the provision of any substantially unoccupied space or area of vacant land that is either publicly or privately owned. The definition gives examples such as gardens, playgrounds and specifically excludes recreation facilities. Another example is new reserves provided in a subdivision that is zoned Residential or Rural.
24. The definition of "Open Space" does not define the range of activities provided for in the Open Space Zone, but rather enables all other zones to have open areas that provide for passive enjoyment of parks and gardens. On this basis I recommend the relief sought by Horticulture NZ in submission point (98.54) be rejected.

Riparian Management (DoC)

25. The Proposed Plan acknowledges that esplanade areas have multiple functions, and include the maintenance of riparian vegetation and habitats for stream health.
26. Chapter 3 (Natural Features and Values) of the Proposed Plan promotes and encourages the development or maintenance of planted water body margins (Policy 3.3.6), and Chapter 4 (Open Space and Access to Water Bodies) includes the protection of conservation values is another reason/purpose to provide for esplanade reserves along water bodies (Policy 4.2.4). The methods set out in both Chapter 3 and 4 include the use of building setbacks from water bodies, the creation and management of esplanade reserves and strips.
27. It is considered the Proposed One Plan is the principal planning document that manages riparian management through provisions relating to planting, pest management or works within the beds of rivers and lakes.
28. The Proposed Plan includes policy on riparian management, and provides methods to create opportunities for riparian management, I do not consider further policy on riparian management is required. On this basis I recommend that the DoC submission point 101.21 be rejected.

4.7.3 Reporting Officer's Recommendation

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Officer's Recommendation
11.22	519.17	Philip Taueki Charles Rudd(Snr)	Support	Reject Reject
33.01		Levin Golf Club		Deferred to the General Part 3 Section 42A report on Planning Map rezoning
51.05		Waitarere Beach Progressive & Ratepayers Association (WBPRA)		Accept In-Part
60.16	519.35	Muaupoko Co-operative Society Charles Rudd(Snr)	Support	Reject Reject

67.09		Taiao Raukawa Environmental Resource Unit		Accept In-Part
83.08		Ross Hood & Margaret Hood		Reject
98.54		Horticulture NZ		Reject
101.21		Director-General of Conservation (DoC)		Reject

4.7.4 Recommended Amendments to the Plan Provisions

No amendments are recommended.

4.8 Chapter 20 Open Space Zone Rules 20.1– 20.4

4.8.1 Submissions Received

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
40.29	House Movers Section of NZ Heavy Haulage Association Inc.	In-Part	The submitter seeks that relocated dwellings and buildings be provided for in the Proposed Plan as a permitted activity subject to the suggested performance standards/conditions.	Amend Rule 20.1 to include “The placement of any Relocated building and/or accessory building on any site subject to the conditions at [rule ref]”.	
40.43	House Movers Section of NZ Heavy Haulage Association Inc.	In-Part	Amend permitted activity rule to include removal and re-siting of buildings.	Amend Rule 20.1(d) as follows: “The construction, alteration of, addition to, removal, re-siting and demolition of buildings and structures for any permitted activity”.	
95.06	New Zealand Defence Force (NZDF)	Support	Support inclusion of Temporary Military Training Activities as Permitted Activities.	Retain Rule 20.1 (i) as notified	
27.22	Horizons Regional Council	In-Part	There is concern that the Permitted Activity Conditions limit the ability of Regional Council to carry out its functions in all areas of its river and drainage scheme areas as permitted activities.	Amend the Permitted Activity Conditions to provide for soil conservation, erosion protection, river control or flood protection works undertaken by, or on behalf of Horizons Regional Council as a permitted activity; and Provide for this criterion to be carried over to all other activity types in the Proposed Plan regarding soil conservation, erosion protection, river control or flood protection works undertaken by, or on behalf supervised by of Horizons Regional Council.	524.06 Higgins Group Holdings Ltd - Support
40.27	House Movers Section of NZ Heavy Haulage	Oppose	The submitter seeks that relocated dwellings and buildings be provided for in the Proposed Plan as a	Delete Rule 20.21	

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
	Association Inc.		permitted activity subject to the suggested performance standards/conditions.		
117.24	New Zealand Historic Places Trust (NZHPT)	In-Part	The submitter seeks the inclusion of subdivision that negatively impacts on heritage values of listed sites in Schedule 2 as a discretionary activity.	Amend Rule 20.4 to include subdivisions that negatively impact on the heritage values of any sites listed in Schedule 2.	

House Movers Section of NZ Heavy Haulage Association Inc (40.29, 40.43 and 40.27) is opposed to the way in which the removal, re-siting, and relocation of buildings is provided in the Proposed Plan. This submitter seeks that the placement of relocated buildings and accessory buildings are Permitted Activities, instead of being classed as Controlled Activities. There are several consequential changes sought, including amendments to Rule 20.1(d), deletion of Rule 20.2(c) and the insertion of new permitted activity conditions in Rule 20.6.

The NZDF (95.06) supports the inclusion of temporary military training activities as permitted activities in Rule 20.1(l) and seeks that this rule be retained.

Horizons (27.22) support In-Part the permitted activity conditions but seek amendments to ensure the Regional Council can carry out its functions in all areas of its river and drainage scheme areas as permitted activities. Higgins (524.06) supports this submission point.

The NZHPT (117.24) seeks an amendment to Rule 20.4 so that subdivisions that negatively impact heritage values of any sites in Schedule 2 [listed historic heritage buildings, structures and sties] are Discretionary Activities.

4.8.2 Discussion & Evaluation

Relocated Buildings (House Movers Section of NZ Heavy Haulage Association Inc)

1. The House Movers Section of NZ Heavy Haulage Association Inc seek that the placement of relocated buildings are permitted activities, subject to standards.
2. The amendment sought to Rule 20.1(d) expands the description of construction and development that is listed in associated with all permitted activities. This amendment would be a consequential change, should the principle of allowing relocated buildings changed from being a controlled activity to a permitted activity.
3. The Proposed Plan provides for the demolition of buildings and structures as permitted activities, but requires a Controlled Activity consent for the placement of any relocated building.
4. A Controlled Activity consent does not require public notification and does not involve (i.e. written approvals) adversely affected parties. The extent of assessment and conditions to be imposed are restricted to the matters of control which are listed in Rule 20.7.3, and consent must be granted.

5. The resource management issue presented by the reuse and relocation of buildings on sites is the tension between enabling this type of development and maintaining amenity levels anticipated in the different zones. The reuse of buildings is an efficient use of resources, and represents a sustainable solution to an otherwise wasteful end to buildings. However, the process of relocating and establishing a previously used building on a new site can result in unfinished works, where the building remains in a state of storage or unrepaired on site, rather than reinstated and established.
6. The House Movers Section of NZ Heavy Haulage Association Inc provides example wording to enable the placement of relocated buildings and accessory buildings as permitted activities. The sought permitted activity standards require a building inspection report which identifies all the reinstatement work required to exterior of the building. The standards impose a 2-month time period for the building to be located on permanent foundations, and reinstated in full within 12 months.
7. The submitter does not mention how compliance with the standards will be monitored, but does seek better coordination with the Building Act.
8. The information requirements and compliance imposed by the submitter's example provisions is similar to that of applying for a controlled activity consent. The key difference is the Council can consider the use of a bond to provide security that works will be carried out in the 12 month construction period. A controlled activity enables Council to set up a consent monitoring and compliance process to ensure the establishment works are carried out. From an administration and compliance point of view, a Controlled Activity consent status is considered more effective, than a permitted activity.
9. Council have found the Controlled Activity provisions effective in ensuring good outcomes relocated buildings in the district. On this basis, I do not consider the relocated building provisions should be amended as House Movers Section of NZ Heavy Haulage Association Inc seek and reject the following submission points 40.29, 40.43 and 40.27.

Temporary Military Training Activities

10. NZDF's support for the temporary military training activities as permitted activities is noted.

Soil conservation, erosion protection, river control and flood protection works

1. The Natural Hazards Report provides a comprehensive assessment of all the submissions points raised by Horizons in relation to activities within the Flood Hazards Overlay Area and any omissions considered by Horizons.
2. Submission point 27.22 actually relates to the permitted activity provisions in 20.1 of the Proposed Plan. Rather than the permitted activity conditions in 20.6 of the Proposed Plan.
3. The first aspect of the Horizons submission relates to providing for soil conservation, erosion protection, river control and flood protection works outside of the Flood Hazard Overlay Areas. The original intent of the policy and rule framework was to provide for these works outside the Flood Hazard Overlay Areas due to their functional role in protecting people and property from the risks of natural hazards. However, Rule 20.1(g) as worded could be read that it does not permit these works outside of the Flood Hazard Overlay Areas. Therefore, it is recommended a separate permitted activity is added to Rule 20.1 to clarify this matter. In

addition, a minor re-wording of Rule 20.1(g) is recommended to clarify work is undertaken on “behalf” of Horizons rather than “supervised”.

4. The second aspect of the Horizons submission on this rule is a request to clarify the reference to the Proposed One Plan, specifically the reference to land “zoned for river and flood control” purposes. This clarification is supported as no land is zoned for these purposes in the Proposed One Plan or Proposed District Plan.
5. The Natural Hazards Section 42A report recommends that for consistency, the above recommended changes apply across all Zones. On this basis I concur with the evaluation set out in the Natural Hazards Report and recommend that submission point 27.22 be accepted as it relates to the Open Space Zone.

Subdivision and Heritage

6. I consider the NZHPT relief sought is already provided for in the Proposed Plan. Subdivision within a heritage setting of any listed heritage building or structure, or subdivision on a listed heritage site, all of which are identified in Schedule 2, are discretionary activities (Rule 20.4(g)(iii) and Rule 20.4(h)(iii)).

4.8.3 Reporting Officer’s Recommendation

Open Space Rule 20.1 Permitted Activities

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Officer’s Recommendation
40.29		House Movers Section of NZ Heavy Haulage Association Inc.		Reject
40.43		House Movers Section of NZ Heavy Haulage Association Inc.		Reject
95.06		New Zealand Defence Force (NZDF)		Accept
27.22	524.06	Horizons Regional Council Higgins Group Holdings Ltd	Support	Accept In-Part Accept In-Part

Open Space Rule 20.2 Controlled Activities

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Officer’s Recommendation
40.27		House Movers Section of NZ Heavy Haulage Association Inc.		Reject

Open Space Rule 20.4 Discretionary Activities

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Officer's Recommendation
117.24		New Zealand Historic Places Trust (NZHPT)		Reject

4.8.4 Recommended Amendments to the Plan Provisions

Add to Rule 20.1 the following:

“(r) Soil conservation, erosion protection, river control or flood protection works undertaken by, or on behalf of Horizons Regional Council.”

Amend Rule 20.1(g)(i) as follows:

“(i) Soil conservation, erosion protection, river control or flood protection works undertaken by, or on behalf ~~supervised~~ of Horizons Regional Council.”

Amend the second bullet point under Rule 20.1(g) as follows:

- “Refer to rules in the Horizons Regional Council’s Proposed One Plan relating to activities in the bed of lakes and rivers, for land adjacent to rivers ~~zoned for river and flood control~~, all land use activities in the coastal marine area, coastal foredunes, areas with flood control and drainage schemes, and erosion protection works that cross or adjoin mean high water springs.”

4.9 Rule 20.6 Permitted Activity Conditions

4.9.1 Submissions Received

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
25.07	Michael White	In-Part	The submitter seeks rules or conditions which govern outdoor lighting.	Amend Permitted Activity Conditions 20.6 to include rules that control the emission of outdoor lighting at and above the horizontal and to limit the level and timing of lighting in the Open Space zone.	525.23 Maurice and Sophie Campbell - Support
26.14	Horowhenua Astronomical Society Inc	In-Part	The submitter seeks rules or conditions that manage artificial outdoor lighting. Wasteful lighting practices reduce amenity values though light spill and impact on	Amend Permitted Activity Conditions 20.6 to include rules that control the emission of light at and above the horizontal and to limit the level and	

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
			ecological values.	timing of lighting in the Open Space Zone.	
40.30	House Movers Section of NZ Heavy Haulage Association Inc.	In-Part	The submitter seeks that relocated dwellings and buildings be provided for in the Proposed Plan as a permitted activity subject to the suggested performance standards/conditions.	<p>Include the following performance standards/conditions (or to the same or similar effect) for relocated buildings:</p> <p>Permitted Activity Standards for Relocated Buildings</p> <p><u>i) Any relocated building intended for use as a dwelling (excluding previously used garages and accessory buildings) must have previously been designed, built and used as a dwelling.</u></p> <p><u>ii) A building pre-inspection report shall accompany the application for a building consent for the destination site. That report is to identify all reinstatement works that are to be completed to the exterior of the building.</u></p> <p><u>iii) The building shall be located on permanent foundations approved by building consent, no later than [2] months of the being moved to the site.</u></p> <p><u>iv) All other reinstatement work required by the building inspection report and the building consent to reinstate the exterior of any relocated dwelling shall be completed with [12] months of the building being delivered to the site. Without limiting (iii) (above) reinstatement work is to include connections to all infrastructure services</u></p>	

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
				<p><u>and closing in and ventilation of the foundations.</u></p> <p><u>v)The proposed owner of the relocated building must certify to the Council that the reinstatement work will be completed within the [12] month period.</u></p>	
95.49	New Zealand Defence Force (NZDF)	Support	<p>Support the removal of the following Permitted Activity Conditions;</p> <p>The written consent of the owner shall have been obtained.</p> <p>Flying activity shall be in compliance with Civil Aviation regulations or in agreement with the local controlling authority.</p> <p>NZDF notes that this removes redundant requirement from the Plan.</p>	Retain the removal of conditions as notified	
108.19	HDC (Planning Department)	In-Part	<p>The proposed rules for vehicle parking, maneuvering and loading specifically exclude network utilities on sites less than 200m² from having to comply with parking, maneuvering and loading provisions in Chapter 21 of the Proposed Plan. Technically Network Utility sites exceeding 200m² in size would be caught by this rule and be required to comply with provisions set out in Chapter 21, however there are no specific parking requirements for network utilities so this aspect of the rule is redundant and can be removed.</p>	<p>Amend Rule 17.6.17(a)(i) as follows:</p> <p>All activities, except network utilities on sites less than 200m², shall be provided with vehicle parking spaces, manoeuvring areas, and loading facilities in accordance with the permitted activity conditions in Chapter 21.</p>	
5.07	Elaine Gradock	Support	<p>Support the noise limits and introduction of a noise limit between 7.00pm - 10.00pm.</p>	<p>No specific relief requested.</p> <p>Inferred: Retain proposed Rule 20.6.7(a)(i) noise limits.</p>	
95.30	New Zealand Defence Force (NZDF)	In-Part	<p>Temporary Military Training Activities are no longer included in the general permitted noise conditions for each proposed zone.</p>	<p>Amend Rule 20.6.7(d) as follows:</p> <p>The noise limits in Rule</p>	

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
			<p>However, the general provisions in 20.6.7(b) in the Permitted Conditions for Noise state that:</p> <p>“Sound levels shall be measured and assessed in accordance with the provisions of</p> <p>NZS 6801:2008 Acoustics - Measurement of environmental sound and assessed in accordance with the provisions of NZS 6802:2008 Acoustics - Environmental noise”.</p> <p>Therefore Rule 20.6.7 (b) is redundant, as there is no possible situation to which it might apply.</p> <p>For the avoidance of doubt NZDF requests that this clause is specifically excluded, by amending 20.6.7(d).</p>	<p>20.6.7(a) and the provision of Rule 20.6.7 (b) shall not apply to... Temporary Military Training Activities.</p>	
108.36	HDC (Planning Department)	In-Part	<p>The rule exempting certain activities from the permitted noise levels appears in each zone. Each rule refers to 'a normal residential activity'. For the Commercial, Industrial and Open Space zones the rule should be made zone specific by referring to the predominant permitted activity in each respective zone instead of referring to 'residential activity'.</p>	<p>Amend Rule 20.6.7(d)(iv) as follows:</p> <p>Vehicles being driven on a road (within the meaning of Section 2(1) of the Transport Act 1962), or within a site as part of or compatible with a normal residential <u>recreation</u> activity.</p>	
95.40	New Zealand Defence Force (NZDF)	In-Part	<p>The Section 32 reports gives no specific reasons as to why these new standards are proposed, and gives no guidance as to the appropriateness or otherwise of these standards to Temporary Military Training Activities.</p> <p>NZDF adopts a neutral stance on the proposed introduction of the standards until a technical analysis of their implications has been completed. Once the results of this analysis are available, NZDF will come back to the Council with any further comments and requests.</p>	<p>Retain Rule 20.6.8 as notified (conditionally).</p>	
108.06	HDC (Planning	In-Part	<p>The rule specifying the permitted display period for temporary signs</p>	<p>Amend Rule 20.6.18(b)</p>	

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
	Department)		allows such signs to be displayed for no more than two months for every calendar year. The reference to a calendar year would allow for a temporary sign erected in the month of November to be continuously displayed through February the following calendar year. This undermines the intent of the provision to permit the display of temporary signs for no more than two months within a 12 month period.	as follows: Any temporary sign shall be displayed for no longer than two (2) calendar months in every calendar year <u>of a 12 month period</u> and removed within seven (7) days after the event. Temporary signs do not need to be on the site of the temporary activity.	
95.16	New Zealand Defence Force (NZDF)	Support	Proposed change clarifies ambiguities which may have arisen with the definition in the Operative Plan.	Retain Rule 20.6.22 (a) (iii) as notified	
95.11	New Zealand Defence Force (NZDF)	In-Part	Neutral stance on Rule 20.6.22(a)(i).	Retain Rule 20.6.22(a)(i) as notified.	
95.54	New Zealand Defence Force (NZDF)	In-Part	Neutral stance on Rule 20.6.22 (a)(ii).	Retain Rule 20.6.22(a)(ii) as notified.	
95.25	New Zealand Defence Force (NZDF)	In-Part	Conditionally supports the introduction of these new noise standards, but has commissioned at technical review to investigate the matter in more detail. At the time of this submission this review has not yet been completed; as soon as the results of the review are available, NZDF will come back to the Council to confirm its support (or otherwise) for the change and to discuss any specific recommendations or request that may arise from the review.	Retain Rule 20.6.22 (a) (iv) (v) as notified (conditionally)	
95.35	New Zealand Defence Force (NZDF)	Oppose	The existing requirements for all zones (except Residential 1) is that: "Impulse Noise Resulting from the use of explosives and small arms is not to exceed 122 dBC" The Section 32 reports supporting the Proposed Plan states that "it is considered efficient and effective to provide for permitted noise levels	Retain current provisions in the District Plan in regards to night time noise, which state; <u>Impulse Noise Resulting from the use of explosives and small arms is not to exceed 122 dBC.</u>	

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
			<p>that are in character with the zone” but do not give any specific reasons why the change from the status quo is necessary. NZDF submits that the status quo has been working satisfactorily to date and there appear to be no valid reasons given for introducing a blanket restriction on night-time use of explosives and small arms.</p> <p>For these reasons NZDF opposes this proposed Permitted Activity condition, and request that the current provisions for the District Plan in respect of night-time noise be retains, with the proviso that NZDF would wish to discuss this matter further with Council once a more detailed technical review has been completed.</p>		
55.33	KiwiRail	In-Part	<p>Submitter seeks to add a new rule to permitted activities in the Open Space zone which provides for level crossing safety sightlines similar to that which applies in all other zones.</p> <p>The change includes the change sought in submission point 55.35 referring to a new diagram '2' in rule <u>21.1.6(c)</u>.</p>	<p>Include a new rule (20.6.X) to the conditions for permitted activities as follows:</p> <p><u>No building or structure shall be erected, no materials shall be deposited, or vegetation planted that would obscure the sight distances from any road and rail intersection as shown in Diagram 2 (Chapter 21 - Traffic Sight Lines at Road and Rail Intersections).</u></p>	<p>506.58 Ernslaw One Ltd – In-Part</p> <p>521.11 NZ Transport Agency (NZTA) – In-Part</p>

Michael White (25.07) and the Horowhenua Astronomical Society Inc (26.14) seek amendments to the permitted activity conditions in Rule 20.6 to include rules that control the emission of outdoor lighting. Campbell (525.58) supports the submission point by Michael White.

NZDF (95.49, 95.16, 95.11 and 95.54) supports the proposed temporary military activity provisions where there have been changes from the Operative District Plan that have removed ambiguous and redundant permitted activity conditions. However the NZDF (95.25, 95.35, 95.40 and 95.30) has concerns over the inclusion of new noise and vibration standards and is undertaking a technical review to understand the implications and whether the changes are appropriate from their point of view.

The House Movers Section of NZ Heavy Haulage Association Inc. (40.30) seeks to insert new permitted activity conditions for relocated buildings.

The HDC (Planning Department) seek amendments (108.19, 108.36, 108.06) to improve the workability of the permitted activity conditions with respect to Vehicle Parking, Manoeuvring, and Loading standards, the Noise standards (Rule 20.6.7(d)(iv)) and temporary signs standards (20.6.18(b)).

KiwiRail (55.33) seek a new permitted activity conditions for rail intersection sight distances that reflects Diagram 2 in Chapter 21. The NZTA (521.11) supports in-part KiwiRail's submission point. Ernslaw One (506.58) supports In-Part KiwiRail's submission point, and seeks that the sight distance standard only relates to new forestry planting and does not impact on existing use rights of established forestry areas.

Gradock (5.07) supports the introduction of the new noise limit during the shoulder time period of 7.00pm – 10.00pm.

4.9.2 Discussion & Evaluation

Lightspill

1. Luminance within Council parks and reserves enables recreational activities to operate through dusk and evening periods, particularly on the sportsgrounds and domains. However, it is important to manage lightspill in order to protect residential amenity from inappropriate levels of light disruption.
2. The proposed permitted activity conditions include Rule 20.6.6 which manages light spill from an Open Space zoned property onto any site within the Residential Zone. The standard requires any light source within a park or reserve, (i.e. outdoor lighting) to be managed and directed in a way that does not exceed 10 lux (lumens per square metre) measured either horizontally or vertically. The light spill standard is to manage the level of activity and protection of amenity between the Open Space Zone and the Residential Zone.
3. I note that the Subdivision and Development Principles and Requirements 2012 includes measures to ensure new street lighting in rural areas and sensitive urban areas are designed to have anti-glare shields fitted or be of a type that restricts light dispersion into the sky. To this end, there is recognition that lightspill from streetlighting can be managed in a way that has less impact on the night sky.
4. To enable an effective use of Council parks and reserves, while maintaining amenity and environmental values, I consider the lightspill standard in Rule 20.6.6 achieves an appropriate balance. The assessment matters for lightspill in the Open Space Zone are set out in 25.6.3 and as well as managing adverse effects on amenity there is scope to consider effects on the wider environment. However, to make it clear that adverse effects generated from lightspill on the night sky should be included in any future assessment, additional words can be added to 25.6.3 and on this basis recommend that submission points by Michael White (25.07) and the Horowhenua Astronomical Society Inc (26.14) and further submission (Campbell 525.23) be accepted In-Part.

Temporary Military Training Activities

5. Temporary military training activities are listed as permitted activities in Rule 20.1 and have a corresponding list of permitted activity conditions in Rule 20.6.22 as follows:

20.6.22 Temporary Military Training Activities

(a) All Temporary Military Activities shall, in addition to the other conditions, also comply with the following conditions:

(i) No permanent structures shall be constructed;

(ii) The activity shall not require excavation (permanent or mechanical), unless provided for in this District Plan;

(iii) The duration of any temporary military training activity shall not exceed 31 days;

(iv) Noise shall not exceed the limits as set out in Table 2 of NZS 6803:1999 Acoustics - Construction noise when applied at any noise sensitive activity.

(v) Noise levels shall be measured and assessed in accordance with that Standard as if it were construction noise.

(vi) Noise resulting from the use of explosives and small arms shall not occur between 8.00pm and 7.00am the following day and shall otherwise comply with Section 8.1.4 of NZS 6803:1999.

6. Other permitted activity conditions throughout Section 20.6 also apply, including the vibration standards in Rule 20.6.8.
7. Temporary military training activities are exempt from the general noise limits in Rule 20.6.7 and are provided with specific noise standards as shown above in subclasses (iv) – (vi). The NZDF's submission point (95.30) correctly identifies an omission in Rule 20.6.7(d), which lists activities exempt from the general noise limits set out in Rule 20.6.7(a). Subclause (b) requires the general noise limits to be measured and assessed in accordance with NZS 6801:2008. Logically, any activity exempt from (a) should also be exempt from (b) and therefore I recommend that submission point 95.30 be accepted.
8. I note NZDF (95.49, 95.16, 95.11, 95.54) either supports or is neutral on the sub-clauses (i), (ii) and (iii) of the proposed permitted activity conditions for temporary military training activities set in Rule 20.6.22 and seeks that these provisions be retained as notified.
9. However the NZDF submission points (95.25, 95.35 and 95.40) opposes or queries the need to impose a night time restriction on the noise resulting from temporary military training activities that involve the use of explosives and small arms at the noise provisions generally.
10. The NZDF original submission (95.35) considers the Operative District Plan provisions to be more appropriate. The relief sought in (95.40 and 95.25) states NZDF is neutral, and conditional on the results from a yet to be completed technical review of the Proposed Plan noise conditions. Since NZDF lodged their original submission, this technical review has been completed and the results have been submitted to Council (see report prepared by Malcolm Hunt Associates (acoustic engineering consultant) in Appendix 6.5.

11. As a result of the Malcolm Hunt review, NZDF have requested alternative noise and vibration conditions (see Appendix 6.5 correspondence from NZDF). In summary, the alternative provisions sought by NZDF divide noise sources from temporary military training activities into three categories and they seek different conditions to manage these separate noise characteristics:
- *weapons firing and explosions;*
 - *other mobile sources such as vehicles and earthmoving equipment; and*
 - *fixed noise sources such as power generators and water pumping.*
12. With respect to managing noise and vibration from weapons firing and use of explosives, NZDF seek the use of separation distances that would apply between the temporary military training activity and any dwelling or sensitive activity (residential, education or healthcare activity). If an activity cannot comply with the separation distances, then another set of conditions apply. The second set of conditions set daytime and night-time sound levels (peak sound pressure levels) that the temporary military training activity must comply with and include 120 dBC (daytime) and 90 dBC (night-time). In conjunction with the peak sound pressure levels, NZDF offer the requirement to prepare a noise management plan.
13. To address noise associated with mobile sources (other than weapons firing and explosives) the NZDF seek that compliance with the construction noise standard NZS6803:1999 (Acoustics – Construction noise).
14. Lastly, NZDF seek that fixed noise sources are subject to compliance with noise standards measured in accordance with NZS6801:2008 Acoustics Measurement of Sound as set out in the table below:

Time (Monday to Sunday)	Noise level at the 20m notional boundary of any dwelling, residentially zoned site, or building used for residential, educational or healthcare purposes.	
0700 to 1900 hours	55 dB LAeq (15 min)	n.a.
1900 to 2200 hours	50 dB LAeq (15 min)	
2200 to 0700 hours the next day	45 dB LAeq (15 min)	75 dB LAFmax

15. There are potential scope issues with respect to the alternative provisions sought by NZDF. This is because the relief sought in the original submission does not set out the alternative noise provisions (except 95.35) and some provisions are potentially more lenient, whereas others are more restrictive.
16. Council has engaged Nigel Lloyd of Acousafe Consulting & Engineering Ltd to prepare an evaluation of all submission points that raise matters on any of the noise provisions in the Proposed Plan. This technical review has not been completed in full to inform the writing of this report. Therefore the methodology and technical requirements are not evaluated in this report, but I do present a preliminary planning perspective on the NZDF alternative provisions. Subsequent hearings on the Urban and Rural Environment are subject to the same submissions from NZDF, and the technical review will be available for these reports

and discussion. I anticipate preparing an Addendum to this report for the hearing once the technical advice is available.

17. As mentioned earlier, the Proposed Plan manages noise from weapons firing and explosives through the application of the construction noise standard and restricting these types of training activities during the nighttime period of 8.00pm – 7.00am. The vibration condition (20.6.7) also applies.
18. During the review of the Operative District Plan noise limits for temporary military training activities, Mr Lloyd found that the provisions were similar to those in the construction noise standard and considered it appropriate to manage this type of temporary activity via this means. However, the noise and potential sleep disturbance from the use of weapons and explosives at night was considered inappropriate and a Controlled Activity consent was considered the most effective way of enabling this type of temporary activity, and also managing effects on nearby residents.
19. The separation distances proposed by NZDF to manage noise and vibration from the use of weapons and explosives as part of temporary military training activities are significant. For instance, I note that during the nighttime, the separation distances would amount to 4.5km from the training activity to the notional boundary of a residential dwelling (or sensitive activity). I do not consider that the use of separation distances at this scale would be an effective way of providing for temporary military training activities as there are likely to be very few areas in the District this separation could be complied with.
20. Compliance with the peak sound pressure levels would need to work in conjunction with the implementation of a noise management plan (as suggested in the NZDF alternative provisions). Council would be required to review, approve and monitor compliance with any noise management plan. I consider this requirement and approval of a Noise Management Plan is more effective if it is part of a resource consent process than a permitted activity standard due to the case-by-case nature of each situation.
21. Should the NZDF seek to use of explosives and fire weapons at night, the Proposed Plan would require them to apply for a resource consent as a Controlled Activity in which they would demonstrate how their exercise would be able to avoid, remedy or mitigate any potential effects on the environment (which could be demonstrated through a noise management plan). As a Controlled Activity, any application would be granted, subject to conditions. This consent process is considered to be appropriate method to enable temporary military training activities, as well as maintain amenity values of nearby residents.
22. The original submission point (95.35) from NZDF opposed Rule 20.6.22(a)(vi) and sought the Operative District Plan wording relating to the Rural Zone noise limits as follows:

Impulse Noise Resulting from the use of explosives and small arms is not to exceed 122 dBC.
23. The technical information received from NZDF after the closing of submissions now seeks different relief sought (separation distances, alternative peak sound pressure levels and noise management plan).
24. Both types of relief sought are potentially more lenient than the Proposed Plan provisions, for example, permitting the use of explosives and weapon fire subject to conditions. Whereas

the Proposed Plan restricts this type of land use in its entirety at night (8.00pm – 7.00am) and requires Controlled Activity consent.

25. Subject to further technical noise advice, at this time, with respect to managing the noise characteristics from the use of explosives and firing weapons, I consider the Proposed Plan provisions are more appropriate. On this basis I recommend that the original NZDF submission point 95.35 be rejected, as well as rejecting In-Part the NZDF's alternative provisions submitted after the submission period closed.
26. Submission point 95.25 seeks to [conditionally] retain the use of construction noise standard and apply it to temporary military training activities. The NZDF now seek to alter the noise standards as they apply to fixed and mobile activities (other than use of explosives and firing of weapons).
27. NZDF consider the construction noise standard (NZS 6803:1999 Acoustics - Construction noise) would be appropriate for any mobile noise sources, which would be consistent with the Proposed Plan and therefore considered appropriate.
28. For fixed noise sources NZDF now seek similar noise limits to the general noise standard in Rule 20.6.7 that apply to the Open Space Zone. Except a higher L_{max} limit during the night time period (10.00pm – 7.00am) is sought at $75L_{AFmax}$, compared to the $65 L_{AFmax}$ set in Rule 20.6.7. It is noted that the provisions sought by NZDF for fixed noise sources are more restrictive than the construction noise standard.
29. Subject to further technical noise advice, I consider that the noise conditions relating to fixed and mobile noise sources from temporary military training activities, requested by NZDF in their subsequent technical review could be provided for in the Proposed Plan.
30. On the basis that the alternative provisions (for fixed and mobile noise sources) put forward to Council after the closing of submissions are either the same or more restrictive than the Proposed Plan, I believe the relief sought now by NZDF would be within scope of the original submission point. I recommend that the original relief sought be accepted In-Part, insofar as accepting the NZDF's noise provisions for fixed and mobile activities. Any recommended amendments to the temporary military training activity noise conditions in Rule 20.6.22 shall be provided in an Addendum Report, following receipt of technical advice.
31. NZDF submission point 95.40 relates to the vibration condition set out in 20.6.8 and originally sought that the provision be retained (conditionally) as notified. The NZDF now seek that temporary military training activities are exempt from the Proposed Plan vibration conditions in Rule 20.6.8. This request is linked to their request to manage activities involving the use of explosives and the firing of weapons through separation distances, peak sound pressure limits and noise management plans. NZDF consider that these provisions manage noise and vibration together.
32. The exemption of these activities from the vibration condition has the potential to be outside the scope of the original submission point.
33. I consider it appropriate to continue to apply the vibration conditions to temporary military training activities and therefore accept In-Part the original relief sought, acknowledging that this would effectively reject the latest thinking of NZDF.

General Noise Conditions

34. HDC (Planning Department) (108.36) seeks to an amendment to noise condition in Rule 20.6.7(d)(iv). Rule 20.6.7(d) lists the activities that are exempt from the Open Space Zone noise standards. Subclause (iv) refers to vehicles being driven on a road and also vehicles used within a site that are compatible with the activities generally expected within the zone. However, the rule refers to 'residential' activities, whereas the exemption is meant to capture situations like the noise of a tractor or mower carrying out maintenance on Council's parks and reserves. The alternative wording sought by HDC (Planning Department) may have unintended consequences, as vehicles associated with "recreation" activities could foreseeable include motorsport activities which should be required to comply with the Open Space Zone noise conditions. I consider the intent of the relief sought is appropriate, but suggest alternative wording. On this basis I accept In-Part submission point 108.36.
35. Support from Gradock (5.07) for the new shoulder period noise limit is noted.

Relocated Buildings

36. House Removal Section of the Haulage Inc seeks a permitted activity status for relocated buildings and the addition of new permitted activity standards (40.30). As evaluated earlier in this report it is considered that provision for relocated buildings as a Controlled Activity is the most appropriate activity status for this activity, therefore this submission point is recommended to be rejected.

Relationship to Chapter 21 – Vehicle Access, Parking, Loading and Rooding

37. The HDC (Planning Department) (108.19) seek to amend Permitted Activity Condition 20.6.15 which refers all permitted activities to comply with the standards set out in Chapter 21 for vehicle parking spaces, manoeuvring areas and loading facilities. The rule as notified excludes network utilities (on sites less the 200m²) from the Chapter 21 standards. Chapter 21 does not have any car parking standards for network utilities, therefore HDC (Planning Department) consider the exemption for smaller sites to be redundant. I concur this wording in Rule 20.6.15 is redundant and recommend this rule is amended accordingly and submission point 108.19 be accpeted.
38. In relation to KiwiRail's submission a sight distance standard is imposed at rail and road intersections in order to maintain safe and efficient road and rail intersections, and ensure buildings and planting do not obscure sight lines. The sight distance standard is located in Chapter 21. However, it is noted that the same standard is included in the zone chapters, except for the Open Space Zone. KiwiRail (55.33) seek that the sight distance standard should be included in the Open Space Zone. For Plan consistency and to ensure Plan readers are aware of the sight distance requirement for land uses, I considered it is appropriate to include the sight distance standard in the Open Space Zone, and recommend KiwiRail's submission point (55.33) be accepted.
39. The Open Space Zone relates to Council's parks and reserves, so Ernslaw One would not be impacted by the sight distance standard being included. As a point of clarification, the enforcement of this rule would not impact areas of forestry that exercise existing use rights and would only apply to new forestry plantings.

Temporary Signs

40. HDC (Planning Department) identified a technical issue with the duration standard for temporary signs set out in Rule 20.6.18(b). The amendment sought by the submitter clarifies the intent of the standard which is to allow temporary signs to be installed for 2 months over a 12 month (year) period. This amendment is considered appropriate and clarifies the application of this rule therefore I recommend that the submission point be accepted.

4.9.3 Reporting Officer's Recommendation

Permitted Activity Standards 20.6

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Officer's Recommendation
25.07	525.23	Michael White Maurice and Sophie Campbell	Support	Accept In-Part Accept In-Part
26.14		Horowhenua Astronomical Society Inc		Accept In-Part
40.30		House Movers Section of NZ Heavy Haulage Association Inc		Reject
95.49		New Zealand Defence Force (NZDF)		Accept
108.19		HDC (Planning Department)		Accept
5.07		Elaine Gradock		Accept
95.30		New Zealand Defence Force (NZDF)		Accept
108.36		HDC (Planning Department)		Accept In-Part
95.40		New Zealand Defence Force (NZDF)		Accept In-Part
108.06		HDC (Planning Department)		Accept
95.16		New Zealand Defence Force (NZDF)		Accept
95.11		New Zealand Defence Force (NZDF)		Accept
95.54		New Zealand Defence Force (NZDF)		Accept
95.25		New Zealand Defence Force (NZDF)		Accept In-Part
95.35		New Zealand Defence Force (NZDF)		Reject
55.33	506.58 521.11	KiwiRail Ernslaw One Ltd NZ Transport Agency (NZTA)	In-Part In-Part	Accept Accept In-Part Accept

4.9.4 Recommended Amendments to the Plan Provisions

Amend the Permitted Activity Conditions as follows:

20.6 CONDITIONS FOR PERMITTED ACTIVITIES

20.6.7 Noise

(d) The noise limits in Rule 20.6.7(a) and (b) shall not apply to:

- (i) Fire and civil emergency sirens.
- (ii) Construction, maintenance and demolition work.
- (iii) The operation of the Main North Island Trunk Railway.
- (iv) Vehicles being driven on a road (within the meaning of Section 2(1) of the Transport Act 1962), or vehicles used for the purpose of maintaining parks and reserves within a site as part of, or compatible with, a normal residential activity.
- (v) Temporary military training activities.
- (vi) Temporary events.

20.6.15 Vehicle Parking, Manoeuvring, and Loading

(a) All activities, ~~except network utilities on sites less than 200m²,~~ shall be provided onsite vehicle parking, manoeuvring areas, and loading facilities as required in Chapter 21.

20.6.16 Safety and Visibility at Road and Rail Intersection

(a) No building or structure shall be erected, no materials shall be deposited, or vegetation planted that would obscure the sight distances from any road and rail intersection as shown in Diagram 1 (Chapter 21 Traffic Sight Lines at Road and Rail Intersections).

And any consequential changes to provision numbering.

20.6.18 Signs

(b) Any temporary sign shall be displayed for no longer than two (2) calendar months of a 12 month period ~~every calendar year~~ and removed within seven (7) days after the event. Temporary signs do not need to be on the site of the temporary activity.

25: ASSESSMENT CRITERIA

25.6.3 Light Spill

- (a) The extent to which the light will adversely affect adjoining allotments.
- (b) The necessity and function of the proposed lighting source (e.g. security, public amenity, recreation or safety) that requires the extent of luminance and position within the site.
- (c) Extent of light spill generated and identification of sensitive activities potentially adversely affected by glare.
- (d) The duration over a day/night, of the use of the lighting source, and recurrence of the activity over a week, month and/or particular time of year.

(e) The proposed methods for avoiding, remedying or mitigating adverse effects on the environment and neighbouring properties, including but not limited to the design and specification of the lighting, the hours of operation, implementation of a management plan.

(f) The sensitivity of the night sky at the site and surrounds to increases of lightspill and the proposed methods to mitigate adverse effects from lightspill.

4.10 Rule 20.7 Matters of Control and Conditions for Controlled Activities

4.10.1 Submissions Received

20.7.1 Subdivision of Land

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
117.19	New Zealand Historic Places Trust (NZHPT)	In-Part	The submitter is supportive of the inclusion of subdivision rules and the matters of controls, but in addition seeks the inclusion of archaeological sites as not all archaeological sites are deemed as cultural sites.	Amend Rule 20.7.1(vi) as follows: Effects on significant sites and features, including natural, cultural, <u>archaeological</u> and historical sites.	
41.39	Powerco	In-Part	Submitter seeks amendment to Rule 20.7.1(a)(iv) to include reference to gas.	Amend Rule 20.7.1(a)(iv) as follows The provision of servicing, including water supply, wastewater systems, stormwater management and disposal, streetlighting, telecommunications and electricity <u>and, where applicable, gas.</u>	

The NZHPT (117.19) seek to extend the matters of control for subdivisions so that consideration of effects on significant archaeological sites is specified.

Powerco (41.39) seek to include the servicing requirements for subdivisions to extend to the provision of gas, where applicable.

4.10.2 Discussion & Evaluation

- Chapter 13 sets out the policy framework for historic heritage and Objective 13.2.1 aims to protect significant historic heritage that reflects the culture and history of the Horowhenua District from inappropriate subdivision, use and development.

2. Historic heritage includes archaeological sites that significantly contribute to the understanding and appreciation of culture and history of the District, the region and New Zealand. It follows that the consideration of effects on “archaeological” sites, as well as historic, cultural and natural, is appropriate. I recommend that NZHPT’s submission point be accepted.
3. The provision of utilities and infrastructure as part of any subdivision is an important consideration. The inclusion of a reference to the provision of gas, where applicable, is considered appropriate as gas is a common utility provided in many subdivisions therefore I recommend that Powerco’s submission point be accepted.

4.10.3 Reporting Officer’s Recommendation

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Officer’s Recommendation
117.19		New Zealand Historic Places Trust (NZHPT)		Accept
41.39		Powerco		Accept

4.10.4 Recommended Amendments to the Plan Provisions

Amend the Matters of Control for Subdivisions as follows:

20.7.1 Subdivision of Land (Rule 20.2(a))

...

(iv) The provision of servicing, including water supply, wastewater systems, stormwater management and disposal, streetlighting, telecommunications and electricity and, where applicable gas.

...

(vi) Effects on significant sites and features, including natural, cultural, archaeological and historical sites.

4.10.5 Submissions Received

20.7.3 Relocated Buildings

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
40.28	House Movers Section of NZ Heavy Haulage Association Inc.	Oppose	The submitter seeks that relocated dwellings and buildings be provided for in the Proposed Plan as a permitted activity subject to the suggested performance standards/conditions.	Delete Rule 20.7.3	
40.36	House Movers Section of NZ Heavy Haulage	Oppose	Submitter seeks that any provision in the Plan for a performance bond or any restrictive covenants for the	Delete any provision in the Plan for a performance bond or any	

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
	Association Inc.		removal, re-siting, and relocation of dwellings and buildings be deleted.	restrictive covenants for the removal, re-siting, and relocation of dwellings and buildings. Inferred delete Rule 20.7.3(b).	

The House Movers Section of NZ Heavy Haulage Association Inc (40.28 and 40.36) seeks the deletion of the Matters of Control and Conditions relating to relocated buildings. These are consequential changes from earlier submissions points seeking relocated buildings be permitted activities, subject to permitted activity standards.

4.10.6 Discussion & Evaluation

1. As discussed earlier in this report, Controlled Activity Status is considered appropriate for relocated buildings. Accordingly, it is recommended these submission points be rejected.

4.10.7 Reporting Officer's Recommendation

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Officer's Recommendation
40.28		House Movers Section of NZ Heavy Haulage Association Inc.		Reject
40.36		House Movers Section of NZ Heavy Haulage Association Inc.		Reject

4.10.8 Recommended Amendments to the Plan Provisions

No amendments are recommended to Controlled Activity Rule 20.7.3.

4.10.9 Submissions Received

20.7.6 Temporary Military Training Activities

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
95.45	New Zealand Defence Force (NZDF)	In-Part	Supports the retention of Controlled activity status for any Temporary Military Training Activities that are not Permitted Activities. However, NZDF requests that the matters for control are made more specific to noise In-Particular – in order to give the NZDF more certainty in understanding Council's requirements.	Retain Controlled activity status. Amend Rule 20.7.6 by clarifying matters for control, especially in regards to noise.	

The NZDF (95.45) generally support the Matters of Control set out for temporary military training activities, but seek further clarification with respect to noise matters.

4.10.10 Discussion & Evaluation

1. A controlled activity consent is required for any temporary military training activities that do not comply with any of the permitted activity conditions. The permitted activity conditions for temporary military training activities manage the use of structures, excavation, duration of the activity, noise in general and noise from the use of explosives. The effects of not complying with the standards may range and include visual, traffic, noise and overall disturbance if the duration is longer than provided for.
2. The NZDF request that the matters of control are clarified, particularly in relation to noise.
3. Rule 20.7.6 (matters of control) requires the NZDF to demonstrate how they intend to avoid, mitigate or remedy the effects on the environment. Given the range of matters and effects that might need consideration the matters of control are considered appropriate and on this basis I recommend submission point 95.45 be rejected.

4.10.11 Reporting Officer's Recommendation

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Officer's Recommendation
95.45		New Zealand Defence Force		Reject

4.10.12 Recommended Amendments to the Plan Provisions

No amendments are recommended to Rule 20.7.6.

4.11 Rules 20.8 Matters of Discretion and Conditions for Restricted Discretionary Activities

4.11.1 Submissions Received

20.8.7 Signs

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
94.23	NZ Transport Agency	Support	Support Rule 20.8.7(a)(iv)	Retain Rule 20.8.7(a)(iv) as notified	
94.27	NZ Transport Agency	Support	Support Rule 20.8.7(a)(v)	Retain Rule 20.8.7(a)(v) as notified	

The NZTA (94.23 and 94.27) supports the Matters of Discretion that enable the consideration of NZTA approval where the sign fronts a State Highway, and the consideration of cumulative effects of signs.

4.11.2 Discussion & Evaluation

1. Support for the provisions as notified is noted.

4.11.3 Reporting Officer's Recommendation

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Officer's Recommendation
94.23		NZ Transport Agency		Accept
94.27		NZ Transport Agency		Accept

4.11.4 Recommended Amendments to the Plan Provisions

No amendments are recommended to Rule 20.8.7.

4.12 General Matters Raised in Submissions on the Open Space Zone Provisions

4.12.1 Submissions Received

Cross Reference to National Environmental Standards

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
93.24	The Oil Companies	Support	Support cross referencing to national environmental standards in chapter.	Retain the cross reference to National Environmental Standards in Chapter 20.	

The Oil Companies (93.24) support the cross reference to the National Environmental Standards in the Open Space Zone Chapter.

4.12.2 Discussion & Evaluation

1. For every Zone Chapter there is a reference to the three operative National Environmental Standards (NES). All activities managed under these NES's are to refer to the NES documents as there are no duplicated provisions in the Proposed Plan. The Oil Companies support for this approach is noted.

4.12.3 Reporting Officer's Recommendation

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Officer's Recommendation
93.24		The Oil Companies		Accept

4.12.4 Recommended Amendments to the Plan Provisions

No amendments are recommended to the cross referencing in the Open Space Zone.

4.12.5 Submissions Received

Relocated Buildings

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
40.10	House Movers Section of NZ Heavy Haulage Association Inc.	Oppose	<p>In the event that the relocation of a building/dwelling is not a permitted activity under this Plan, then the Plan shall provide for them no more restrictively than a restricted discretionary activity which is expressly provided for on a non-notified, non-service basis and subject to the suggested assessment criteria.</p> <p>The policy provisions relating to relocated dwellings and buildings in the Proposed District Plan are inconsistent and contrary to Section 5 of the RMA (sustainable management). Providing for notifiable resource consents controlled/restricted discretionary activity does not recognise transaction costs involved.</p> <p>Any potential adverse effects on amenity values from building relocation is remedied after an initial establishment period.</p>	<p>Amend the Proposed Plan to provide for the relocation of buildings/dwellings as no more restrictively than a restricted discretionary activity (in the event that it is not a permitted activity) and that such application e expressly provided for on a non-notified, non-service basis and subject to the following assessment criteria:</p> <p><u>Where an activity is not permitted by this Rule, Council will have regard to the following matters when considering an application for resource consent:</u></p> <p><u>i) p proposed landscaping</u></p> <p><u>ii) the proposed timetable for completion of the work required to reinstate</u></p> <p><u>iii) the appearance of the building following reinstatement</u></p>	

House Movers Section of NZ Heavy Haulage Association Inc (40.10) provides an alternative method of providing for relocated building/dwellings if the Proposed Plan does not provides these activities as permitted activities. The submitter seeks a Restricted Discretionary Activity status, non-notification clause, and better policy recognition for relocated buildings. In-Particular, recognition of effects from relocating buildings/dwellings can be remedied after an initial establishment period.

4.12.6 Discussion & Evaluation

1. The activity status for relocated buildings/dwellings is more permissive as a Controlled Activity, compared to a Restricted Discretionary Activity (with non-notification clause). Therefore the Proposed Plan is more enabling by requiring a Controlled Activity consent, compared to the alternative relief sought by the submitter. The Proposed Plan provides for the reuse and relocation of buildings, and manages the effects through imposing conditions on a case by case basis through the resource consent process as a Controlled Activity.
2. For the reasons discussed earlier in this report, a Restricted Discretionary Activity status and amendments to the Chapter 4 policy framework on the placement of relocated buildings is not considered appropriate and submission point 40.10 is recommended to be rejected.

4.12.7 Reporting Officer's Recommendation

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Officer's Recommendation
40.10		House Movers Section of NZ Heavy Haulage Association Inc.		Reject

4.12.8 Recommended Amendments to the Plan Provisions

No amendments are recommended to the Open Space Zone in relation to the provision of relocated buildings.

4.12.9 Submissions Received

Earthwork Provisions on Heritage Sites

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
117.30	New Zealand Historic Places Trust (NZHPT)	In-Part	There are no standards for earthworks on heritage sites and this could affect the heritage values of sites. This could lead to a loss of heritage values and a potential loss of important archaeological sites.	Amend Chapter 20 to include earthworks rules that apply to historic heritage sites. Any earthworks within these sites should be restricted discretionary or discretionary activities dependent on the effects of the proposed earthworks on the heritage values of the sites.	

NZHPT (117.30) raises concern about earthworks on heritage sites and the potential effects on heritage values. NZHPT seeks provisions which would require a restricted discretionary activity consent for earthworks within heritage sites.

4.12.10 Discussion & Evaluation

1. The Open Space Zone (and all other Zones in the Proposed District Plan) requires a discretionary activity consent for earthworks within the heritage setting of a Group 1 or 2 listed heritage item, and earthworks within a heritage site Rule 20.4(g)(v), Rule 20.4(h)(ii).
2. The assessment matters set out in Chapter 25 that relate to earthworks within a heritage setting (25.7.16(a)(xiv)), requires an assessment of likely damage, modification or destruction of an archaeological site.
3. Any earthwork proposals involving the destruction or irreversible change within a heritage site would need to be evaluated against the rarity and integrity of the listed heritage site (25.7.16(b)(vi)).
4. It is considered that the matters raised by the NZHPT are already provided for in the Proposed Plan as notified.

4.12.11 Reporting Officer's Recommendation

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Officer's Recommendation
117.30		New Zealand Historic Places Trust		Accept In-Part

4.12.12 Recommended Amendments to the Plan Provisions

No amendments are recommended to the Open Space Zone provisions relating to earthworks and listed heritage items or sites.

4.12.13 Submissions Received

Network Utility Rules

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
78.11	Telecom New Zealand Ltd	Oppose	That all rules for network utilities be contained in a standalone chapter, to enable a 'one stop shop' approach and allow for greater confidence in determining how a proposal fits the district plan provisions. This approach also recognises that the particular operation and functional requirements of network utilities, the general provisions that apply to other activities and buildings within a zone may not be appropriate for telecommunication facilities.	Delete all Network Utility Rules and Standards within the Open Space Chapter, other than specific cross referencing to particular standards in the zone chapters where relevant and reasonably applicable to network utilities.	

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
79.11	Chorus New Zealand Ltd	Oppose	That all rules for network utilities be contained in a standalone chapter, to enable a 'one stop shop' approach and allow for greater confidence in determining how a proposal fits the district plan provisions. This approach also recognises that the particular operation and functional requirements of network utilities, the general provisions that apply to other activities and buildings within a zone may not be appropriate for telecommunication facilities.	Delete all Network Utility Rules and Standards within the Open Space Chapter, other than specific cross referencing to particular standards in the zone chapters where relevant and reasonably applicable to network utilities.	

Telecom (78.11) and Chorus (79.11) raise the same concern over the format of the Proposed Plan and how the document provides for network utilities rules and standards. The submitters request a single standalone chapter for network utilities that provides for all rules and standards. Any cross reference to particular zone standards is to be limited.

4.12.14 Discussion & Evaluation

1. The format of the rules and standards of the Proposed Plan is based on five zone chapters and three district-wide chapters – Vehicle Access, Manoeuvring and Roads (Chapter 21), Utilities and Energy (Chapter 22), and Hazardous Substances (Chapter 23). The district-wide chapters only set out permitted activity standards which apply across all five zones. The Zone Chapters provide the mechanics to identify the relevant activity status and any consent requirements within each zone.
2. The Open Space Zone permits the construction, operation, maintenance and upgrading of network utilities (Rule 20.1(f)(i)). The permitted activity conditions for network utilities in the Open Space Zone cross reference to Chapter 22 (Rule 20.6.16) and require compliance with any relevant Open Space Zone standards.
3. There are individual zone standards that apply to network utility activities, for example, noise standards, vibration, outdoor storage, hazardous substances. With respect to the Open Space Zone, Rule 20.6.16 makes this quite clear – refer to Chapter 22, and apply any other relevant Open Space Zone standard as well.
4. The current format of the Proposed Plan and cross references are considered clear. On this basis I recommend that the submission points raised by Telecom and Chorus be rejected.

4.12.15 Reporting Officer's Recommendation

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Officer's Recommendation
78.11		Telecom New Zealand Ltd		Reject

79.11		Chorus New Zealand Ltd		Reject
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4.12.16 Recommended Amendments to the Plan Provisions

No amendments recommended Open Space Zone provisions relating to the provision of utilities.

4.13 Chapter 24 Rules Subdivision and Development Esplanade Reserves/Strips (Rule 24.2.5)

4.13.1 Submissions Received

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
96.40	Federated Farmers of New Zealand	In-Part	<p>Federated Farmers understands that the identification of the Schedule 12 Water bodies is generally so that a more comprehensive network of esplanade reserves of strips can be formed. If this is the case then Federated Farmers is generally supportive but would however suggest some minor amendments to Rule 24.4.5(b) to improve clarity.</p> <p>Regarding additional provisions with Rule 24.2.5 Federated Farmers support the level of flexibility that these rules represent with regard to how and when the requirements of an esplanade reserve or strip is applied and the ability to waive reserves or strips in appropriate circumstances specifically 24.2.5(g) (l-x).</p> <p>Federated Farmers supports Rule 24.2.5 (f) providing for payment of compensation unless agreed otherwise with the proprietor, which is consistent with Section 23F of the RMA.</p> <p>Support is also given for Rule 24.2.5(g) which enables the reduction or waiver of esplanade in certain circumstances. Particular support is given for article (vi): the rights of property owners and the security of private property.</p>	<p>Amend Rule 24.2.5 as follows:</p> <p>(b) All esplanade reserves required by (a) above shall be vested in the Council, and have a minimum width of 50 metres, where adjacent to the Tasman Sea (from MHWS) and 20 metres, where adjacent to any other <u>Schedule 12</u> water body.</p> <p>And</p> <p>That Rules 24.2.5 (f) and (g) are retained.</p>	
101.72	Director-General of Conservation (DoC)	In-Part	<p>The addition of a new paragraph under "subdivision:" is requested as topography along the margins has not been provided for.</p>	<p>Include a new sub-clause to Rule 24.2.5 as follows:</p> <p><u>Topography along the margins of the water bodies which result in increased runoff from adjacent land.</u></p>	
83.10	Ross Hood &	Oppose	Oppose Rule 24.2.5 (h) as the costs	No specific relief	

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
	Margaret Hood		of fencing the reserves is potentially hundreds of thousands of dollars.	requested. Inferred: Delete Rule 24.2.5 (h)	

Federated Farmers (96.40) supports In-Part the esplanade provisions in Rule 24.2.5, but seeks clarification on the wording of clause (b) as notified. DoC (101.72) request that the rule is amended to consider the topography along the margins of water bodies. Hood (83.10) oppose subclause (h) due to costs imposed on private property owners.

4.13.2 Discussion & Evaluation

1. Federated Farmers (96.40) seek the inclusion of a specific reference to any other 'Schedule 12 Priority Water Body' in Rule 24.2.5(b).
2. Rule 24.2.5 (a) and (b) are supposed to work together and determine when an esplanade reserve is required (allotment of less than 4ha), where (adjoining Group 1 Priority Water Bodies) and what the extent of the esplanade reserve (50m adjacent to the Tasman Sea, 20m for the Group 1 Priority Water Bodies).
3. Federated Farmers correctly identify missing reference to the Priority Water Bodies in subclause (b). While the relief sought by the submitter is accurate, it is recommended that 'Group 1' is also added to correctly refer to those water bodies where esplanade reserves are required. On this basis, I recommend submission point 96.40 is accepted in-part.
4. DoC (101.72) seeks the amendment of Rule 24.2.5 to provide for the consideration of topography along the margins of water bodies. However the submission does not give any explanation or context as to whether the potential for runoff is a consideration to waive the esplanade reserve/strip requirement, or whether it is a consideration to ensure the reserves/strips are created and maintained for the maintenance of riparian values. To this end I recommend the relief sought be rejected and the submitter can clarify their point at the Hearing.
5. Hood (83.10) oppose Rule 24.2.5(h) which outlines that Council may require reserves to be fenced to protect the value of the reserve. Hood submits that this potential requirement would be costly for private landowners. No specific relief is sought but it is inferred that this clause should be deleted.
6. The Operative District Plan esplanade provisions require all esplanade reserves to be fenced and specify the type of fence expected. In reviewing the provisions it was considered that the current fencing requirement was too much of an imposition on costs, but recognised that in some situations fencing off an esplanade reserve would be appropriate. Consequently the equivalent rule in the Proposed Plan states "Council may require reserves to be fenced to protect the value of the reserve". The Proposed Plan is less restrictive than the Operative District Plan, but can still ensure the protection of esplanade reserves from adjoining land use activities when considered appropriate.
7. The Council would only require fencing if the values within the reserve are significant enough to warrant protection from the public or livestock. Given that the provision will only be

enacted when a new subdivision occurs, and generally the length of the reserve will reflect the size of the subdivision, the rule is not considered onerous. There will be a cost involved but this will, at least In-Part, be offset by undertaking the subdivision.

8. On this basis, I do not consider the inferred deletion of Rule 24.2.5(h) would be appropriate and I recommend submission point 83.10 be rejected.

4.13.3 Reporting Officer's Recommendation

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Officer's Recommendation
96.40		Federated Farmers		Accept In-Part
101.71		Director-General of Conservation (DoC)		Reject
83.10		Ross and Margaret Hood		Reject

4.13.4 Recommended Amendments to the Plan Provisions

Amend Conditions for Activities Requiring Resource Consent, Esplanade Reserves/Strips in Rule 24.2.5 as follows:

24.2.5 Esplanade Reserves/Strips

Subdivision

The following apply in all Zones:

...

"(b) All esplanade reserves required by (a) above shall be vested in the Council, and have a minimum width of 50 metres, where adjacent to the Tasman Sea (from MHWS) and 20 metres, where adjacent to any other Group 1 Schedule 12 - Priority Water Body."

4.14 Rule 24.2.6 Subdivision and Development Access Strips

4.14.1 Submissions Received

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
83.11	Ross Hood & Margaret Hood	In-Part	Rule 24.2.6 (b) (mis-numbered in submissions as Rule 24.2.7(b)) is sets out situations when an access strip shall only be created where there is a demonstrated need for public access or protection conservation or recreational values. These situations are listed in the Rule as 'in respect of any	Amend Rule 24.2.6(b) so that all areas are specifically named and documented so there can be no misunderstanding of which areas are involved.	

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
			unscheduled water body, heritage item or site or area of significant conservation values'. The submitter seeks that the all areas should be specifically named and documented so there can be no misunderstanding of which areas are involved.		

Hood (83.11) opposes In-Part Rule 24.2.6(b) which refers to other situations when access strips shall be created and seeks that all areas which this rule would apply be specifically named and documented.

4.14.2 Discussion & Evaluation

1. The RMA provides for three tiers of esplanade areas: Esplanade Reserves, Esplanade Strips and Access Strips. All three tiers are provided for in the Proposed Plan. Esplanade reserves are to be provided for Group 1 Priority Water Bodies, esplanade strips apply to Group 2 Priority Water Bodies, and access strips are to be used in situations when a subdivision has the potential to create a link to an area of existing esplanade areas, or a water body not listed in Schedule 12 but has significant recreation or conservation values.
2. The situations where access strips may be used or considered appropriate may vary across the District. The provision is to be used on a case by case basis on subdivision applications that present potential. There is a high threshold to use access strips, i.e. the rule states “an access strip shall only be created where there is demonstrated need for public access or protection of conservation or recreational values”.
3. It is not practical to identify all the areas in which the access strip provision might apply, and therefore I recommend that the relief sought by Hood be rejected.

4.14.3 Reporting Officer’s Recommendation

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Officer’s Recommendation
83.11		Ross Hood & Margaret Hood		Reject

4.14.4 Recommended Amendments to the Plan Provisions

No amendments are recommended to Rule 24.2.6.

4.15 Chapter 11 – Water and Surface of Water, 11.1 Issue Discussion

4.15.1 Submissions Received

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
67.17	Taiao Raukawa Environmental Resource Unit	In-Part	The submitter seeks the amendment of Issue Discussion 11.1.	Amend Issue Discussion 11.1 by including a new sentence at the end of paragraph 5 as follows: <u>Other areas of Māori land in the district have Ngā Whenua Rahui kawenata or covenants under the Reserves and Conservation Acts.</u>	

Taiao Raukawa Environmental Resource Unit (67.17) supports in-part the Issue Discussion for Activities on Surface of Water, subject to an amendment which acknowledges other areas of Maori land are also protected and managed as reserves under the Reserves Act and Conservation Act.

4.15.2 Discussion & Evaluation

1. The Water and Surface of Water Chapter explains the functions and responsibilities with respect to water management that are set under the RMA, and make it clear that HDC is responsible for the management of activities on the surface of water.
2. Issue 11.1 demonstrates that some activities on the surface of water can generate adverse effects on the intrinsic, ecological, natural habitat, landscape, spiritual, cultural and recreational values of lakes, rivers and other water bodies.
3. The Issue Discussion also describes some of the other ways in which water bodies are managed and protected, through both public and private mechanisms.
4. Nga Whenua Rahui is a contestable Ministerial fund established in 1991 to provide funding for the protection of indigenous ecosystems on Maori land. Its scope covers the full range of natural diversity originally present in the landscape.
5. The Fund, administered by the Nga Whenua Rahui Committee and administered by the Department of Conservation, receives an annual allocation of funds from Government. The Committee advises the Minister of Conservation on funding applications from iwi, the placing of kawenata (covenant) and negotiates conditions.
6. Taiao Raukawa Environmental Resource Unit seeks an amendment to the Issue Discussion so that Nga Whenua Rahui covenants over Maori land are also recognised as a form of management and protection. It is considered appropriate to acknowledge the examples offered by the submitter Chapter 11, provided they related to the management of water bodies. If the Nga Whenua Rahui covenants relate to terrestrial areas of biodiversity or wetlands, then reference to these would be more appropriate in Chapter 3 – Natural Features and Values. Link to Chapter 3 of the Proposed Plan.

4.15.3 Reporting Officer's Recommendation

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Officer's Recommendation
67.17		Taiao Raukawa Environmental Resource Unit		Accept

4.15.4 Recommended Amendments to the Plan Provisions

Amend the 11.1 Issue Discussion as follows:

Some of the District's water bodies are managed as public or private protected areas. For example, the surface water of Lake Horowhenua has been declared a public domain and is under the control of the Horowhenua Lake Domain Board. Lake Papaitonga (also known as Lake Waiwiri) is managed by the Department of Conservation as part of the Papaitonga Scenic Reserve. Other small lakes are managed under Queen Elizabeth II Covenants and the Te Ture Whenua Act 1993 reserves. Other areas of Māori land in the district have Ngā Whenua Rahui kawenata or covenants under the Reserves and Conservation Acts.

The control over activities on water surfaces is an additional and separate function vested in the District Council by the RMA.

4.16 11.1.2 Policy and Methods

4.16.1 Submissions Received

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
101.62	Director-General of Conservation (DoC)	In-Part	Policy 11.1.2 is generally supported, however, when using the term "significant values" does this incorporate cultural and biological values? The Definitions section does not cover this term.	Amend Policy 11.1.2 through explaining what "significant values" means within this policy or define the term "significant values".	
101.63	Director-General of Conservation (DoC)	In-Part	Under "other" there is the statement "existing management arrangements for certain lakes would seem to operate..." What are the existing management arrangements that Council are referring to?	Amend Method section 11.1 by providing a list of these existing management arrangements.	

DoC (101.62) seeks clarification on what is meant by "significant values" in the context of Policy 11.1.2. The Proposed Plan refers to existing management arrangements for certain lakes in the district, and DoC (101.63) seek clarification what these arrangements are.

4.16.2 Discussion & Evaluation

1. Policy 11.1.2 represents a balance between allowing the reasonable use of the surface of lakes and rivers, while recognising that there are values held by different sectors of the community for a range of reasons. The use of lakes and rivers must respect the value of the water bodies and ensure that adverse effects are avoided, remedied or mitigated.
2. The reference to “significant values” in the Policy is an all encompassing term, and refers to the list of values that are identified in Issue 11.1, which include: ecological, natural habitat, landscape, spiritual, cultural and recreational. I consider the Issue provides context and reference to help understand what “significant values” mean in Policy 11.1.2 and no amendment is required.
3. DoC seeks a list of the existing management arrangements for lakes which is referred to the sentence after the list of Methods under Objective and Policies 11.1. The relief sought would help the understanding of the Methods and is accepted.

4.16.3 Reporting Officer’s Recommendation

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Officer’s Recommendation
101.62		Director-General of Conservation (DoC)		Reject
101.63		Director-General of Conservation (DoC)		Accept In-Part

4.16.4 Recommended Amendments to the Plan Provisions

Amend Methods for 11.1 and Objective 11.1.1 as follows:

Methods for Issue 11.1 and Objective 11.1.1

"The following Existing private and public management arrangements for certain lakes Horowhenua and Lake Papaitonga would seem to operate quite effectively:-

- Horowhenua Lake Domain Board and the Horowhenua Lake Trustees; and
- Papaitonga Scenic Reserve, managed by DoC.

Duplication of roles under the RMA may be inappropriate."

4.17 Rule 19.6.4 (Rural Zone) Permitted Activity Standards - Setbacks from Priority Water Bodies

4.17.1 Submissions Received

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
108.08	HDC (Planning Department)	In-Part	The wording of Rule 19.6.4(a)(v) and 19.6.4 (a)(x) does not specify the point at which a building setback	Amend Rule 19.6.4(a)(v) and 19.6.4(a)(x) as	528.29 Horizons Regional Council -

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
			from a water body should be measured. This rule could be interpreted in several ways and requires clarity for consistency in its application.	follows: (v) 20 metres from <u>the bed of any water body</u> listed in Schedule 12 - Priority Water Bodies. (x) 20 metres from the bed of any water body listed in Schedule 12 - Priority Water Bodies.	Support

The HDC (Planning Department) (108.08) seeks a technical change to the setback from priority water bodies standard, so it is clear where the 20m building setback is measured from. Horizons (528.29) support this submission point.

4.17.2 Discussion & Evaluation

1. As part of the permitted activity standards that manage buildings in the Rural Zone, Rule 19.6.4(a)(v) requires a 20m setback from any priority water body (water bodies listed in Schedule 12). As notified, the wording of the standard does not provide a point at which the setback would be measured from. The addition of reference to “bed” provides clarity on the measurement. The term “bed” of a river or lake is defined in the RMA, and is commonly in use in planning documents.
2. Clarifying the setback standard helps plan interpretation and plan administration and is considered appropriate. I recommend that submission points 108.08 and 528.29 be accepted.

4.17.3 Reporting Officer’s Recommendation

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Officer’s Recommendation
108.08		HDC (Planning Department)		Accept
	528.29	Horizons Regional Council	Support	Accept

4.17.4 Recommended Amendments to the Plan Provisions

Amend Rural Zone permitted activity conditions (building setbacks) in Rule 19.6.4(a)(v) and (x) as follows:

19.6.4 Building Setbacks from Boundaries and Separation Distances

(a) All buildings shall comply with the following setbacks:

- (v) 20 metres from the bed of any water body listed in Schedule 12 – Priority Water Bodies.

...

(x) 20 metres from the bed of any water body listed in Schedule 12 – Priority Water Bodies.

4.18 Rule 19.6.28 (Rural Zone) Permitted Activity Standards - Activities on the Surface of the Water

4.18.1 Submissions Received

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
95.48	New Zealand Defence Force (NZDF)	In-Part	Because Temporary Military Training Activities by definition can also include activities on the surface of the water, this rule creates an apparent contradiction with Rule 19.6.30 (a) (iii) for the same zone. NZDF therefore requests that for the avoidance of doubt this possible contradiction is removed by amending Rule 19.6. 28 (a).	Amend Rule 19.6.28 as follows: Any activity on the surface of any lake or river (<u>excluding any temporary military training activity</u>) shall not....	
27.30	Horizons Regional Council	In-Part	The submitter seeks clarification on what structures the phrase 'other structures' captures, why the rule is restricted to bridges associated with the roading resource and not stock bridges and farm bridges also.	Amend Rule 19.6.28(b) to provide clarification.	

The NZDF (95.48) seek an amendment to permitted activity standard (Rule 19.6.28) which manages activities on the surface of water. The amendment seeks to exclude temporary military training activities from the surface of water rules, so that these activities only operate under the specific “temporary military training activity rule and standards”.

Horizons (27.30) seek an amendment to Rule 19.6.28(b) to clarify some of the wording and understanding of this particular permitted activity standard which manages structures erected, moored or placed on or above any water surface.

4.18.2 Discussion & Evaluation

1. The Rural Zone permits activities of a recreational nature on the surface of any water body (Rule 19.1(i)). The permitted activity standards in Rule 19.6.28 then give parameters for these permitted recreation activities or structures.
2. The Rural Zone permits temporary military training activities in Rule 19.1(r) and has separate permitted activity standards for these activities (Rule 19.6.30). The definition of ‘temporary military training activity’ specifically includes “*an activity on the surface of any water body, undertaken for Defence purposes*”.
3. Given the set of activities provided for in Rule 19.1(i) and standards 19.6.28 apply to recreation activities, these rules would not apply to temporary military training activities.

Further the definition of “temporary military training activities” include defence activities involving the surface of water, and are managed by the provisions in Rule 19.1(r) and the standards in 19.6.30.

4. I consider the distinction between the sets of activities in the above provisions is clear and certain and does not require an amendment sought by NZDF. On this basis I recommend that submission point (95.48) be rejected.
5. Horizons questions why bridges or “other structures” part of the roading resource are excluded from the standard that manages the size of structures on or above any water surface. This rule is unchanged from the Operative District Plan and I understand the roading and network utilities exceptions are to recognise and provide for critical infrastructure. To reference the roading infrastructure exception to Council would provide for public roads, as opposed to farm bridges and other private structures which is not the intention of the rule. On this basis I recommend that Horizons' submission point 27.30 be accepted In-Part.

4.18.3 Reporting Officer’s Recommendation

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Officer’s Recommendation
95.48		New Zealand Defence Force (NZDF)		Reject
27.30		Horizons Regional Council		Accept In-Part

4.18.4 Recommended Amendments to the Plan Provisions

Amend Rule 19.6.28 as follows:

19.6.28 Activities on the Surface of the Water

(a) Any activity on the surface of any lake or river shall not exclusively occupy any defined area of water for more than 8 hours per day, for more than seven (7) consecutive days.

(b) Any structure erected, moored, or placed on or above any water surface but excluding any bridge or other structure forming part of the Horowhenua District Council’s roading resource, or the maintenance, replacement or upgrading of network utilities, shall not exceed 10m² gross floor area and shall not exceed 3 metres height above the water surface.

Note: Additional resource consents or permits may be required from Horizons Regional Council in respect of other aspects of the activity including structures on the bed of any river or lake; damming or diversion of any water; or discharges to water in terms of Sections 13, 14 and 15 of the RMA.

4.19 Schedule 12 – Priority Water Bodies

4.19.1 Submissions Received

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
80.04	Todd Energy Ltd	Oppose	Oppose Schedule 12 and the inclusion of the Mangaore Stream in Group 2 of Schedule 12. The implications of the inclusion are not clear and therefore the potential for it to impact on or limit the operation of the Mangahao Power Station cannot be determined accurately.	Delete Schedule 12 OR Amend Chapter 3 as requested in Submission points 92.03, 92.21-92.17 to clarify the purpose and application of Schedule 12.	524.07 Higgins Group Holdings Ltd - Support
92.04	KCE Mangahao Ltd	Oppose	Oppose Schedule 12 and the inclusion of the Mangaore Stream in Group 2 of Schedule 12. The implications of the inclusion are not clear and therefore the potential for it to impact on or limit the operation of the Mangahao Power Station cannot be determined accurately.	Delete Schedule 12 OR Amend Chapter 3 as requested in Submission points 92.03, 92.21-92.17 to clarify the purpose and application of Schedule 12.	524.08 Higgins Group Holdings Ltd - Support

Todd Energy Ltd (80.04) and KCE Mangahao Ltd (92.04) both oppose the inclusion of Mangaore Stream in Group 2 of Schedule 12 as the implications of the inclusion are not clear, and may limit the operation of the Mangahao Power Station. Higgins Group Holdings Ltd supports these two submitters (524.07 and 524.08). These submitters seek the deletion of Mangaore Stream from Schedule 12 or amend Chapter 3 as requested in their submissions.

4.19.2 Discussion & Evaluation

- Objective 5 and Policy 5.1 of the Operative District Plan set a broad direction of maintaining and enhancing public access to and along rivers, lakes and the coast. Policy 5.3 and 5.4 gives priority to Tokomaru Stream and the Ohau River, as well as reference to the Natural Environment [Features] chapter and the use of esplanade strips/reserves in appropriate circumstances to aid in the restoration of linkages and ecological corridors. The specific subdivision requirements were still based on the default RMA provisions (Section 230), where every water body over 3 metres in width is subject to an esplanade reserve or strip.
- The lack of clarity with the existing provisions on where, why, when and what public access to water bodies was one of the reasons for initiating the preparation of the Open Space Strategy and for revising the Operative District Plan esplanade provisions.
- The Open Space Strategy identifies the key natural corridors through the district and opportunities to create connections to other natural features to, over time, create an open space network. In terms of the Mangahao River, it is recognised as a main natural feature within the north-eastern corner of the Horowhenua district. The Open Space Strategy sets

out open space and recreation aspirations for the Mangahao settlement and opportunities for existing reserves and possibilities to connect to other reserves, walkways and cycleways to and through the Tararuas.

4. The Priority Water Bodies listed in Schedule 12 of the Proposed Plan represent the water bodies that have been identified as key natural corridors within the Open Space Strategy.
5. The priority water bodies have been split into two categories based on the size of the water bodies and whether an esplanade reserve or strip would be required. The Group 1 water bodies, are larger natural features and esplanade ‘reserves’ are required. This is because reserves provide the high level of certainty and security for Council in managing the future use and development of the esplanade areas.
6. The Operative District Plan esplanade reserve requirements continue to apply to the Group 2 water bodies (i.e. required for all lots less than 4 hectares, 50m width for coast and 20m width for rivers/streams/lakes). Esplanade ‘strips’ would still ensure public access is created, but provides flexibility the ongoing use and development of the land as the ownership is retained by the landowner.
7. I consider the approach to prioritising where esplanade reserves and strips are to be created, is appropriate. The Mangaore Stream is considered to be an important natural feature and the esplanade areas that adjoin the stream may provide opportunities for public access, or conservation protection. The opportunities would only be presented through subdivision development, and there is a process in which to waiver or reduce the esplanade provisions if it is not practical to extend the esplanade strip for the area. On this basis I consider it is appropriate to retain Mangaore Stream as a Group 2 priority water body and therefore recommend that the relief sought by Todd Energy Ltd and KCE Mangahao Ltd is rejected.

4.19.3 Reporting Officer’s Recommendation

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Officer’s Recommendation
80.04	524.07	Todd Energy Ltd Higgins Group Holdings Ltd	Support	Reject Reject
92.04	524.08	KCE Mangahao Ltd Higgins Group Holdings Ltd	Support	Reject Reject

4.19.4 Recommended Amendments to the Plan Provisions

No amendments are recommended to Schedule 12.

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

Chapter 4 (Open Space and Access to Water Bodies) responds to relevant RMA Section 6 and 7 matters, the NZCPS and the district's aspirations for a range of recreational opportunities. Chapter 20 provides for the Open Space Zone, Chapter 24 sets out the esplanade reserve, strip and access strip requirements for subdivisions.

Chapter 11 (Water and Surface of Water) sets out the responsibilities for managing water as required by the RMA, confirming that HDC has a function in managing the activities on the surface of water bodies, but not in relation to water quality or quantity. Chapter 19 (Rural Zone) contains building setbacks from priority water bodies and other water bodies, and provisions to manage activities on the surface of water bodies.

The use, development and protection of Council's parks and reserves for the purpose of providing a range of recreation activities, by way of the Open Space Zone, is an appropriate way to achieve Objective 4.1.1. Acknowledging that the Open Space Zone would operate in conjunction with reserve management plans, and the annual plan and Long Term Community Plan processes.

The RMA specifically requires HDC to recognise and provide for public access (Section 6(d)) as a matter of national importance, the NZCPS directs Council to provide public access to and along the coast and Council has aspirations to create an open space network over the long term. The review of the Operative District Plan found that the open space values of Council's parks and reserves were not effectively recognised or provided for in the District Plan. The review also found that better direction could be given on the creation of esplanade reserves and strips.

As a consequence, the Proposed Plan provides a new Open Space Zone and a greater level of direction for where esplanade reserves and strips should be created, as and when opportunities arise.

Chapter 11 and the provision in Chapter 19 are effectively an update of the Operative District Plan provisions and do not change the intent of the current provisions.

A variety of submissions were received, ranging from submissions supporting and opposing various Proposed Plan provisions. These submissions have requested a number of changes to the land transport provisions and subdivision/development requirements in the Proposed Plan.

The main officer's recommendations on the key issues raised in submission include:

- Generally retaining the policy framework for the Open Space Zone (Issue 4.1) by recognising the range of values integral to Council's parks and reserves and balancing the compatibility of their use and development for recreation activities.
- Adding the evaluation of adverse effects on night sky to the Proposed Plan to the light spill assessment criteria;
- Adding permitted activities to ensure Horizons soil conservation, erosion protection and flood protection works are permitted outside of the Flood Hazard Overlays;
- Retaining the Proposed Plan rules that provide for relocated buildings as Controlled Activities;
- Generally retaining the Proposed Plan noise standards as they relate to temporary military training activities, but amending the noise limits associated with fixed sources of noise.

- Retaining the Open Space Zone provisions as they provide for subdivision and earthworks in relation to listed heritage sites and items.
- Adding the rail intersection sight distance condition in the Open Space Zone provisions, for consistency across the Proposed Plan.
- Generally retaining the policy framework for the Access to Water Bodies (Issue 4.2), but amending wording to ensure all values (cultural, conservation, recreation) inherent in water bodies and their margins are reflected in the policy framework.
- Retaining the priority water bodies in Schedule 12 to provide direction and aspiration to create an open space network from esplanade reserves and esplanade strips as a result of subdivision development along water bodies.
- Retaining the approach that provides a process to evaluate on a case by case basis if the creation of esplanade areas (strips or reserves) for public access are appropriate, when weighing up other values such as cultural values, conservation values, recreation and natural hazard potential.
- Adding references to other types of covenants (Nga Whenua Rahui) that can be used to protect and manage water bodies, that are specific to Maori land and include in the introduction of Chapter 11 (Water and Surface of Water).

6. Appendices

6.1 Proposed District Plan as amended per officer's recommendations

Chapter 4 Open Space and Access to Water bodies

Issue 4.2:

Amend Issue 4.2 as follows:

Maintaining and enhancing public access to water bodies and the coast is highly valued by the community. However, in maintaining and enhancing this public access, the operational requirements of adjoining landowners and landowner rights may be compromised, or the other qualities of the water bodies and their margins including natural character, ecological values, cultural values and hazard risks may be degraded.

4.2 Issue Discussion:

Amend paragraph 1 and insert a fourth paragraph in the Issue Discussion as follows:

However, in providing for this access, care needs to be taken to ensure it is in a form that does not adversely affect the operational requirements of landowners, such as farming operations or hydro energy generation activities, as well as degrading the natural character, ~~or~~ ecological values or cultural values of the water bodies and their margins.

...

The relationship that Maori have with water bodies (and their margins) is to be recognised and provided for when considering the maintenance and enhancement of public access networks to and along lakes, rivers and other water bodies in the district.

Objective 4.1.1:

Amend Objective 4.1.1 Open Space Zone as follows:

Council's parks and reserves 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.

And consequential changes to the 4.1 Issue Discussion, Policy 4.1.6 and Policy 4.1.9 as follows:

4.1 Issue Discussion

....

The parks and reserves have many similar characteristics and amenities, such as a predominance of open space over built structures. In addition, some individual parks and reserves have special features and values, and include natural qualities, cultural significance or heritage interests. Furthermore, parks and reserves are located within residential and rural environments, where conflicts can arise at their boundaries.

Policy 4.1.6

Manage non-recreation activities to ensure these activities are compatible with the recreation, character, ~~and~~ amenity and special values of the Open Space Zone.

Policy 4.1.9

Manage the nature, scale and level of environmental effects from activities and built structures in the Open Space Zone to minimise adverse effects on the, ~~and~~ amenity and special values of properties in the adjoining Residential Zone.

Objective 4.2.1:

Amend Objective 4.2.1 Public Access to Water Bodies as follows:

Maintain and enhance public access to and along the coast, rivers, lakes and streams, at appropriate locations while preserving the natural character, cultural values and other values of these water bodies and their margins.

Chapter 20 Open Space Zone

Permitted Activities

Rule 20.1:

Add to Rule 20.1 the following:

“(r) Soil conservation, erosion protection, river control or flood protection works undertaken by, or on behalf of Horizons Regional Council.”

Rule 20.1(g)(i):

Amend Rule 20.1(g)(i) as follows:

“(i) Soil conservation, erosion protection, river control or flood protection works undertaken by, or on behalf supervised of Horizons Regional Council.”

Rule 20.1(g):

Amend the second bullet point under Rule 20.1(g) as follows:

- “Refer to rules in the Horizons Regional Council’s Proposed One Plan relating to activities in the bed of lakes and rivers, for land adjacent to rivers ~~zoned for river and flood control~~, all land use activities in the coastal marine area, coastal foredunes, areas with flood control and drainage schemes, and erosion protection works that cross or adjoin mean high water springs.”

Permitted Activity Conditions

Rule 20.6.7:

Amend the permitted activity noise conditions in 20.6.7 as follows:

20.6.7 Noise

(d) The noise limits in Rule 20.6.7(a) and (b) shall not apply to:

- (i) Fire and civil emergency sirens.
- (ii) Construction, maintenance and demolition work.
- (iii) The operation of the Main North Island Trunk Railway.
- (iv) Vehicles being driven on a road (within the meaning of Section 2(1) of the Transport Act 1962), or vehicles used for the purpose of maintaining parks and reserves within a site as part of, or compatible with, a normal residential activity.
- (v) Temporary military training activities.
- (vi) Temporary events.

Rule 20.6.15

Amend the permitted activity vehicle parking, manoeuvring and loading condition in 20.6.15 as follows:

20.6.15 Vehicle Parking, Manoeuvring, and Loading

(a) All activities, ~~except network utilities on sites less than 200m²~~, shall be provided onsite vehicle parking, manoeuvring areas, and loading facilities as required in Chapter 21.

Rule 20.6:

Add a new permitted activity condition as follows:

20.6.16 Safety and Visibility at Road and Rail Intersection

(a) No building or structure shall be erected, no materials shall be deposited, or vegetation planted that would obscure the sight distances from any road and rail intersection as shown in Diagram 1 (Chapter 21 Traffic Sight Lines at Road and Rail Intersections).

And consequential changes to numbering.

Rule 20.6.18

Amend the permitted activity signs condition in 20.6.18 as follows:

20.6.18 Signs

(b) Any temporary sign shall be displayed for no longer than two (2) calendar months of a 12 month period ~~every calendar year~~ and removed within seven (7) days after the event. Temporary signs do not need to be on the site of the temporary activity.

20.7.1: Matters of Control for Subdivisions

Amend the Matters of Control for Subdivisions 20.7.1 as follows:

20.7.1 Subdivision of Land (Rule 20.2(a))

...

(iv) The provision of servicing, including water supply, wastewater systems, stormwater management and disposal, streetlighting, telecommunications and electricity and, where applicable gas.

...

(vi) Effects on significant sites and features, including natural, cultural, archaeological and historical sites.

Chapter 24 Subdivision and Development

Rule 24.2.5

Amend Conditions for Activities Requiring Resource Consent, Esplanade Reserves/Strips in Rule 24.2.5 as follows:

24.2.5 Esplanade Reserves/Strips

Subdivision

The following apply in all Zones:

(b) All esplanade reserves required by (a) above shall be vested in the Council, and have a minimum width of 50 metres, where adjacent to the Tasman Sea (from MHS) and 20 metres, where adjacent to any other Group 1 Schedule 12 - Priority Water Body.

Chapter 25 Assessment Matters:

Add a subclause to the Assessment Matter relating to lightspill Rule 25.6.3 as follows:

25.6.3 Light Spill

- (a) The extent to which the light will adversely affect adjoining allotments.
 - (b) The necessity and function of the proposed lighting source (e.g. security, public amenity, recreation or safety) that requires the extent of luminance and position within the site.
 - (c) Extent of light spill generated and identification of sensitive activities potentially adversely affected by glare.
 - (d) The duration over a day/night, of the use of the lighting source, and recurrence of the activity over a week, month and/or particular time of year.
 - (e) The proposed methods for avoiding, remedying or mitigating adverse effects on the environment and neighbouring properties, including but not limited to the design and specification of the lighting, the hours of operation, implementation of a management plan.
 - (f) The sensitivity of the night sky at the site and surrounds to increases of lightspill and the proposed methods to mitigate adverse effects from lightspill on the night sky.
-

Chapter 11 Water and Surface of Water

11.1 Issue Discussion:

Amend the 11.1 Issue Discussion as follows:

Some of the District's water bodies are managed as public or private protected areas. For example, the surface water of Lake Horowhenua has been declared a public domain and is under the control of the Horowhenua Lake Domain Board. Lake Papaitonga (also known as Lake Waiwiri) is managed by the Department of Conservation as part of the Papaitonga Scenic Reserve. Other small lakes are managed under Queen Elizabeth II Covenants and the Te Ture Whenua Act 1993 reserves. Other areas of Māori land in the district have Ngā Whenua Rahui kawenata or covenants under the Reserves and Conservation Acts.

The control over activities on water surfaces is an additional and separate function vested in the District Council by the RMA.

11.1 Methods:

Amend Methods for 11.1 and Objective 11.1.1 as follows:

Methods for Issue 11.1 and Objective 11.1.1

The following Existing private and public management arrangements for certain Lakes Horowhenua and Lake Papaitonga would seem to operate quite effectively:-

- Horowhenua Lake Domain Board and the Horowhenua Lake Trustees; and
- Papaitonga Scenic Reserve, managed by DoC.

Duplication of roles under the RMA may be inappropriate.

Chapter 19 – Rural Zone

Rule 19.6.4 :

Amend Rural Zone permitted activity conditions (building setbacks) in Rule 19.6.4(a)(v) and (x) as follows:

19.6.4 Building Setbacks from Boundaries and Separation Distances

(a) All buildings shall comply with the following setbacks:

(v) 20 metres from the bed of any water body listed in Schedule 12 – Priority Water Bodies.

...

(x) 20 metres from the bed of any water body listed in Schedule 12 – Priority Water Bodies.

Rule 19.6.28:

Amend Rural Zone permitted activity condition (activities on the surface of the water) Rule 19.6.28 as follows:

19.6.28 Activities on the Surface of the Water

(a) Any activity on the surface of any lake or river shall not exclusively occupy any defined area of water for more than 8 hours per day, for more than seven (7) consecutive days.

(b) Any structure erected, moored, or placed on or above any water surface but excluding any bridge or other structure forming part of the Horowhenua District Council's roading resource, or the maintenance, replacement or upgrading of network utilities, shall not exceed 10m² gross floor area and shall not exceed 3 metres height above the water surface.

Note: Additional resource consents or permits may be required from Horizons Regional Council in respect of other aspects of the activity including structures on the bed of any river or lake; damming or diversion of any water; or discharges to water in terms of Sections 13, 14 and 15 of the RMA.

6.2 Schedule of Officer's Recommendations on Submission Points

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Officer's Recommendation
11.18		Philip Taueki		Reject
	511.04	HDC (Community Assets Department)	Oppose In-Part	Accept In-Part
	519.13	Charles Rudd(Snr)	Support	Reject
	527.00	Director-General of Conservation (DoC)	Support	Reject
60.12		Muaupoko Co-operative Society		Reject
	519.31	Charles Rudd(Snr)	Support	Reject
11.19		Philip Taueki		Reject
	519.14	Charles Rudd(Snr) -	Support	Reject
60.13		Muaupoko Co-operative Society		Reject
	519.32	Charles Rudd(Snr)	Support	Reject
67.13		Taiao Raukawa Environmental Resource Unit		Accept In-Part
96.15		Federated Farmers of New Zealand		Reject
98.28		Horticulture NZ		Reject
101.22		Director-General of Conservation (DoC)		Accept In-Part
101.23		Director-General of Conservation (DoC)		Reject
	509.00	New Zealand Historic Places Trust (NZHPT)	Support	Reject
117.04		New Zealand Historic Places Trust (NZHPT)		Reject
67.12		Taiao Raukawa Environmental Resource Unit		Reject
101.24		Director-General of Conservation (DoC)		Reject
	511.05	HDC (Community Assets Department)t	Support In-Part	Reject
96.16		Federated Farmers of New Zealand		Reject
	506.09	Ernslaw One Ltd	Support	Reject
11.20		Philip Taueki		Accept
	519.15	Charles Rudd(Snr)	Support	Accept
60.14		Muaupoko Co-operative Society		Accept
	519.33	Charles Rudd(Snr)	Support	Accept
96.17		Federated Farmers of New Zealand		Reject

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Officer's Recommendation
	506.10	Ernslaw One Ltd	Support	Reject
	517.16	Horticulture NZ	Support	Reject
11.21		Philip Taueki		Reject
	519.16	Charles Rudd(Snr)	Support	Reject
60.15		Muaupoko Co-operative Society		Reject
	519.34	Charles Rudd(Snr)	Support	Reject
96.18		Federated Farmers of New Zealand		Reject
101.25		Director-General of Conservation (DoC)		Accept
83.06		Ross Hood & Margaret Hood		Reject
96.19		Federated Farmers of New Zealand		Reject
96.20		Federated Farmers of New Zealand		Accept
83.07		Ross Hood and Margaret Hood		Reject
96.21		Federated Farmers of New Zealand		Accept
11.22		Philip Taueki		Reject
	519.17	Charles Rudd(Snr)	Support	Reject
33.01		Levin Golf Club		Deferred to the General Part 3 Section 42A report on Planning Map rezoning
51.05		Waitare Beach Progressive Association (WBPA)		Accept In-Part
60.16		Muaupoko Co-operative Society		Reject
	519.35	Charles Rudd(Snr)	Support	Reject
67.09		Taiao Raukawa Environmental Resource Unit		Accept In-Part
83.08		Ross Hood & Margaret Hood		Reject
98.54		Horticulture NZ		Reject
101.21		Director-General of Conservation (DoC)		Reject
40.29		House Movers Section of NZ Heavy Haulage Association Inc.		Reject
40.43		House Movers Section of NZ Heavy Haulage		Reject

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Officer's Recommendation
		Association Inc.		
95.06		New Zealand Defence Force (NZDF)		Accept
27.22	524.06	Horizons Regional Council Higgins Group Holdings Ltd	Support	Accept In-Part
40.27		House Movers Section of NZ Heavy Haulage Association Inc.		Reject
117.24		New Zealand Historic Places Trust (NZHPT)		Reject
25.07	525.23	Michael White Maurice and Sophie Campbell	Support	Accept In-Part Accept In-Part
26.14		Horowhenua Astronomical Society Inc		Accept In-Part
40.30		House Movers Section of NZ Heavy Haulage Association Inc		Reject
95.49		New Zealand Defence Force (NZDF)		Accept
108.19		HDC (Planning Department)		Accept
5.07		Elaine Gradock		Accept
95.30		New Zealand Defence Force (NZDF)		Accept
108.36		HDC (Planning Department)		Accept In-Part
95.40		New Zealand Defence Force (NZDF)		Accept In-Part
108.06		HDC (Planning Department)		Accept
95.16		New Zealand Defence Force (NZDF)		Accept
95.11		New Zealand Defence Force (NZDF)		Accept
95.54		New Zealand Defence Force (NZDF)		Accept
95.25		New Zealand Defence Force (NZDF)		Accept In-Part
95.35		New Zealand Defence Force (NZDF)		Reject
55.33	506.58 521.11	KiwiRail Ernslaw One Ltd NZ Transport Agency (NZTA)	In-Part In-Part	Accept Accept In-Part Accept
117.19		New Zealand Historic Places Trust (NZHPT)		Accept

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Officer's Recommendation
41.39		Powerco		Accept
40.28		House Movers Section of NZ Heavy Haulage Association Inc.		Reject
40.36		House Movers Section of NZ Heavy Haulage Association Inc.		Reject
95.45		New Zealand Defence Force (NZDF)		Reject
94.23		NZ Transport Agency (NZTA)		Accept
94.27		NZ Transport Agency (NZTA)		Accept
93.24		The Oil Companies		Accept
40.10		House Movers Section of NZ Heavy Haulage Association Inc.		Reject
117.30		New Zealand Historic Places Trust (NZHPT)		Accept In-Part
78.11		Telecom New Zealand Ltd		Reject
79.11		Chorus New Zealand Ltd		Reject
96.40		Federated Farmers of New Zealand		Accept In-Part
101.71		Director-General of Conservation (DoC)		Reject
83.10		Ross and Margaret Hood		Reject
83.11		Ross Hood & Margaret Hood		Reject
67.17		Taiao Raukawa Environmental Resource Unit		Accept
101.62		Director-General of Conservation (DoC)		Reject
101.63		Director-General of Conservation (DoC)		Accept In-Part
108.08	528.29	HDC (Planning Department) Horizons Regional Council	Support	Accept Accept
95.48		New Zealand Defence Force (NZDF)		Reject
27.30		Horizons Regional Council		Accept In-Part
80.04	524.07	Todd Energy Ltd Higgins Group Holdings Ltd	Support	Reject Reject
92.04		KCE Mangahao Ltd		Reject

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Officer's Recommendation
	524.08	Higgins Group Holdings Ltd	Support	Reject

6.3 RMA Extracts

Section 5 Purpose

- (1) *The purpose of this Act is to promote the sustainable management of natural and physical resources.*
- (2) *In this Act, sustainable management means managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural well-being and for their health and safety while—*
 - (a) *sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and*
 - (b) *safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and*
 - (c) *avoiding, remedying, or mitigating any adverse effects of activities on the environment*

Section 6 Matters of national importance

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

- (a) *the preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use, and development:*
- (b) *the protection of outstanding natural features and landscapes from inappropriate subdivision, use, and development:*
- (c) *the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna:*
- (d) *the maintenance and enhancement of public access to and along the coastal marine area, lakes, and rivers:*
- (e) *the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga:*
- (f) *the protection of historic heritage from inappropriate subdivision, use, and development:*
- (g) *the protection of protected customary rights*

Section 7 Other matters

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

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

Section 31 Functions of territorial authorities under this Act

- (1) Every territorial authority shall have the following functions for the purpose of giving effect to this Act in its district:*
 - (a) the establishment, implementation, and review of objectives, policies, and methods to achieve integrated management of the effects of the use, development, or protection of land and associated natural and physical resources of the district:*
 - (b) the control of any actual or potential effects of the use, development, or protection of land, including for the purpose of—*
 - (i) the avoidance or mitigation of natural hazards; and*
 - (ii) the prevention or mitigation of any adverse effects of the storage, use, disposal, or transportation of hazardous substances; and*
 - (iia) the prevention or mitigation of any adverse effects of the development, subdivision, or use of contaminated land:*
 - (iii) the maintenance of indigenous biological diversity:*
 - (c) [Repealed]*

- (d) *the control of the emission of noise and the mitigation of the effects of noise:*
 - (e) *the control of any actual or potential effects of activities in relation to the surface of water in rivers and lakes:*
 - (f) *any other functions specified in this Act.*
- (2) *The methods used to carry out any functions under subsection (1) may include the control of subdivision*

Section 229 Purposes of esplanade reserves and esplanade strips

An esplanade reserve or an esplanade strip has 1 or more of the following purposes:

- (a) *to contribute to the protection of conservation values by, In-Particular,—*
 - (i) *maintaining or enhancing the natural functioning of the adjacent sea, river, or lake; or*
 - (ii) *maintaining or enhancing water quality; or*
 - (iii) *maintaining or enhancing aquatic habitats; or*
 - (iv) *protecting the natural values associated with the esplanade reserve or esplanade strip; or*
 - (v) *mitigating natural hazards; or*
- (b) *to enable public access to or along any sea, river, or lake; or*
- (c) *to enable public recreational use of the esplanade reserve or esplanade strip and adjacent sea, river, or lake, where the use is compatible with conservation values*

Section 230 Requirement for esplanade reserves or esplanade strips

- (1) *For the purposes of sections 77, 229 to 237H, and 405A, the size of any allotment shall be determined before any esplanade reserve or esplanade strip is set aside or created, as the case may be.*
- (2) *The provisions of sections 229 to 237H shall only apply where section 11(1)(a) applies to the subdivision.*
- (3) *Except as provided by any rule in a district plan made under section 77(1), or a resource consent which waives, or reduces the width of, the esplanade reserve, where any allotment of less than 4 hectares is created when land is subdivided, an esplanade reserve 20 metres in width shall be set aside from that allotment along the mark of mean high water springs of the sea, and along the bank of any river or along the margin of any lake, as the case may be, and shall vest in accordance with section 231.*
- (4) *For the purposes of subsection (3), a river means a river whose bed has an average width of 3 metres or more where the river flows through or adjoins an allotment; and a lake means a lake whose bed has an area of 8 hectares or more.*
- (5) *If any rule made under section 77(2) so requires, but subject to any resource consent which waives, or reduces the width of, the esplanade reserve or esplanade strip, where any allotment of 4 hectares or more is created when land is subdivided, an esplanade reserve or*

esplanade strip shall be set aside or created from that allotment along the mark of mean high water springs of the sea and along the bank of any river and along the margin of any lake, and shall vest in accordance with section 231 or be created in accordance with section 232, as the case may be.

Section 237E Compensation for taking of esplanade reserves or strips on allotments of less than 4 hectares

- (1) *Where an allotment of less than 4 hectares is created when land is subdivided, no compensation for esplanade reserves or esplanade strips shall be payable for any area of land within 20 metres from the mark of mean high water springs of the sea or from the bank of any river or from the margin of any lake, as the case may be.*
- (2) *Where an esplanade reserve or esplanade strip of a width greater than 20 metres is required to be set aside on an allotment of less than 4 hectares created when land is subdivided, the territorial authority shall pay compensation for the area of the esplanade reserve or esplanade strip above 20 metres, to the registered proprietor of that allotment, unless the registered proprietor agrees otherwise*

Section 237F Compensation for taking of esplanade reserves or strips on allotments of 4 hectares or more

Where any esplanade reserve or esplanade strip of any width is required to be set aside or created on an allotment of 4 hectares or more created when land is subdivided, the territorial authority shall pay to the registered proprietor of that allotment compensation for any esplanade reserve or any interest in land taken for any esplanade strip, unless the registered proprietor agrees otherwise.

6.4 Relevant Policies from New Zealand Coastal Policy Statement

Policy 18 Public open space

Recognise the need for public open space within and adjacent to the coastal marine area, for public use and appreciation including active and passive recreation, and provide for such public open space, including by:

- (a) *ensuring that the location and treatment of public open space is compatible with the natural character, natural features and landscapes, and amenity values of the coastal environment;*
- (b) *taking account of future need for public open space within and adjacent to the coastal marine area, including in and close to cities, towns and other settlements;*
- (c) *maintaining and enhancing walking access linkages between public open space areas in the coastal environment;*
- (d) *considering the likely impact of coastal processes and climate change so as not to compromise the ability of future generations to have access to public open space; and*
- (e) *recognising the important role that esplanade reserves and strips can have in contributing to meeting public open space needs.*

Policy 19 Walking access

- (1) *Recognise the public expectation of and need for walking access to and along the coast that is practical, free of charge and safe for pedestrian use.*
- (2) *Maintain and enhance public walking access to, along and adjacent to the coastal marine area, including by:*
 - (a) *identifying how information on where the public have walking access will be made publicly available;*
 - (b) *avoiding, remedying or mitigating any loss of public walking access resulting from subdivision, use, or development; and*
 - (c) *identifying opportunities to enhance or restore public walking access, for example where:*
 - (i) *connections between existing public areas can be provided; or*
 - (ii) *improving access would promote outdoor recreation; or*
 - (iii) *physical access for people with disabilities is desirable; or*
 - (iv) *the long-term availability of public access is threatened by erosion or sea level rise; or*
 - (v) *access to areas or sites of historic or cultural significance is important; or*
 - (vi) *subdivision, use, or development of land adjacent to the coastal marine area has reduced public access, or has the potential to do so.*
- (3) *Only impose a restriction on public walking access to, along or adjacent to the coastal marine area where such a restriction is necessary:*
 - (a) *to protect threatened indigenous species; or*
 - (b) *to protect dunes, estuaries and other sensitive natural areas or habitats; or*
 - (c) *to protect sites and activities of cultural value to Māori; or*
 - (d) *to protect historic heritage; or*

- (e) *to protect public health or safety; or*
 - (f) *to avoid or reduce conflict between public uses of the coastal marine area and its margins; or*
 - (g) *for temporary activities or special events; or*
 - (h) *for defence purposes in accordance with the Defence Act 1990; or*
 - (i) *to ensure a level of security consistent with the purpose of a resource consent; or*
 - (j) *in other exceptional circumstances sufficient to justify the restriction.*
- (4) *Before imposing any restriction under (3), consider and where practicable provide for alternative routes that are available to the public free of charge at all times.*

6.5 Malcolm Hunt Associates Technical Review and New Zealand Defence Force Correspondence

New Zealand Defence Force

Re-Assessing Noise from Temporary Military Training in New Zealand *District Plan Recommendations*

MHA Reference: 932-0F3
January 2013

Prepared by:

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Prepared For:



New Zealand Defence Force

New Zealand Defence Force

Re-Assessing Noise from Temporary Military Training in New Zealand *District Plan Recommendations*

MalcolmHuntAssociates



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New Zealand Defence Force

Re-Assessing Noise from Temporary Military Training in New Zealand District Plan Recommendations

MalcolmHuntAssociates

noise and environmental consultants

Executive Summary

This report reviews noise and vibration controls applying to Temporary Military Training (TMT) activities specified within District Plans for the control of potential noise disturbance caused by these activities. These District Plan noise rules apply to activities undertaken on behalf of, and organised by, NZDF which may take place in any area according to training needs at the time. Specialised rules and requirements are necessary in District Plans to ensure normally applied District Plan noise limits are not applied to TMT activities which have always been considered a special case due to the need for such TMT exercises to take place in any part of a district, at any time, with noise effects themselves being temporary in nature and highly intermittent.

This review highlights potential noise and vibration effects of typical TMT activities by quantifying expected decibel levels in a generic sense in order to evaluate the nature and scale of TMT noise emissions and to test possible noise limits or rules. As a minimum, calculated noise emission levels set out in this report enable testing to check the reasonable needs of NZDF are adequately provided for, considering the appropriate scale and magnitude of potential noise levels.

The approach previously recommended by NZDF for managing noise from TMT activities is recommended to be upgraded and replaced with a more targeted approach that includes technical improvements recommended within recent New Zealand acoustic Standards.

Noise controls have been developed that cover three categories of TMT activities as follows:

- A. TMT activities involving weapons firing, detonations and pyrotechnics;*
- B. Mobile TMT noise sources, not including A (above);*
- C. Fixed or stationary TMT noise sources not including A (above).*

The methods recommended for adoption do not rely solely on specifying decibel limits applicable to each category of noise source. Achieving a minimum threshold separation distance from sites where potentially noisy weapons firing or loud explosive sounds take place to the nearest noise sensitive receiver site is a key element of the approach recommended for this noise source category which has the highest potential to create adverse noise effects over wide areas. TMT activities involving firing and explosive sounds are proposed to be permitted to occur within the minimum separation distances outlined below, however in those cases the activities would be required to be undertaken in accordance with a certified Noise Management Plan to ensure the heightened risk of adverse noise effects is adequately managed. Limits applying to peak sound pressure levels from TMT activities involving weapons firing or explosive sounds applying at the closest sensitive receiver site ensures an adequate baseline protection from the potential health and amenity effects of loud noise received from these sources.

Considered as a whole, the recommended approach provides an effective and flexible approach which acknowledges the over arching duty to adopt the “best practicable option” to avoid the emission of unreasonable noise.

Adopting the recommended approach within new generation District Plans will ensure the rules are technically up to date, whilst ensuring the control measures fit the type of sound source and a degree of flexibility is provided given the temporary nature of the potential noise and vibration.

New Zealand Defence Force

Re-Assessing Noise from Temporary Military Training in New Zealand District Plan Recommendations

MalcolmHuntAssociates

noise and environmental consultants

1 Introduction

Malcolm Hunt Associates, at the request of New Zealand Defence Force [NZDF] have undertaken a technical review of temporary military training activities noise and vibration provisions, as found in many existing District Plans in New Zealand. These established noise limits and requirements have been evaluated from an effectiveness and efficiency perspective, also considering new techniques now available through the adoption more recent NZS acoustic standards released since most current District Plans came into effect.

Potential noise and vibration effects of NZDF “temporary military training” (TMT) activities have been quantified in a general sense to evaluate the nature and scale of TMT noise emissions and to test possible new noise limits or rules. As a minimum, the noise emission calculations provided enable the reasonable needs of NZDF to be established to ensure any new recommendations adequately provide for infrequent noise from TMT activities.

An example of the wording of measures currently adopted into “first generation” district plans in New Zealand to control noise effects associated with TMT activities is set out in **Section 3.0** below. Traditionally, such noise provisions do not apply to any site designated under the RMA for military training purposes¹ but are instead intended to apply to temporary or one-off exercises undertaken from time to time in accordance with training needs assessed at the time.

This assessment has specifically considered changes to the existing District Plan TMT noise provisions to make the rules more targeted and to ensure consistency with recommendations of the more recent NZ acoustic standards. Existing district plan provisions such as those set out in **Section 3.0** are technically challenging to assess compliance with, especially as key components are missing, and due to complexities when multiple noise limits are specified using various noise metrics (two of which are out-of-date), with a different decibel limit applying to each metric. Critically, no night time L_{max} limit is proposed to protect noise sensitive sites from noise due to night time single events. Overall, the existing wording appears inadequate and inefficient with questionable technical merit.

The preferred approach to controlling noise from TMT activities has been developed to simplify applicable noise limits and ensure they are well matched to the various categories of TMT activities. The recommended limits discussed below are based on:

- Mobile TMT noise sources - NZS6803:1999 *Acoustics – Construction Noise* has been examined as a better alternative.
- Fixed TMT noise sources – These sources are fixed plant such as pumps and motors and are amenable to being positioned at locations remote from noise sensitive sites, or are capable of being screened, enclosed or otherwise reduced via physical means. Thus, limits for fixed sources are based on the more stringent guidance for noise sensitive sites provided within NZS6802:2008 *Acoustics – Environmental Noise*

¹ It is inappropriate to apply the term “temporary” to military training activities taking place on sites specifically designated in a District Plan for that purpose.

- Weapons firing, detonations and pyrotechnics – this is based on a minimum setback to noise sensitive sites rather than a noise limit per se. An additional large buffer is recommended to apply for any TMT site where these activities are proposed to be undertaken during night time. A smaller setback has been recommended where these TMT sounds are limited to light weapons firing blank ammunition.

In addition to specifying maximum noise levels, measures to mitigate noise emissions associated with TMT activities including minimum setback distances and the preparation of a Noise Management Plan also form part of the recommended approach. These measures particularly target TMT activities involving weapons firing and explosive sounds as these type of sounds have significant potential for inducing annoyance at noise sensitive receiver sites.

The recommended approach provides flexibility in avoiding unreasonable or excessive noise as the limits and requirements target specific sources which, when considered as a whole, provide a more effective approach to controlling noise from TMT, recognising the overarching duty for the noisemaker (including the Crown) to adopt the "best practicable option" to avoid the emission of unreasonable noise.

2 Effects Of Noise

Research to date into the effects of environmental noise have been mainly based on measuring the annoyance reaction, or the extent to which noise disturbs various activities undertaken by people. Annoyance the most commonly expressed reaction by those exposed to intrusive sound in the environment.

At a biological level, noise is considered a nonspecific stressor that may cause adverse health effects on humans in the long term. Epidemiological studies suggest a higher risk of cardiovascular diseases, including high blood pressure and myocardial infarction [heart attacks], in people chronically exposed to high levels of road or air traffic noise². In many cases noise occurring in the environment is simply intrusive, interfering with listening to television or radio or affecting the enjoyment of quiet outdoor areas around in the home or in parks or reserves.

The effects of environmental noise are usually expressed in terms of:

- Annoyance;
- Speech interference - high levels of noise can make normal speech difficult to hear
- Performance - some noises can make concentration difficult and interfere with tasks such as learning, checking fine details [such as any job with a large mathematical component or where the meaning of words is critical] or work where small, precise, movements or intense concentration is required;
- Mental health [including noise-induced stress-related effects];
- sleep disturbance - in addition to fatigue and mental health effects, disrupted sleep patterns can leave people irritable, change their behaviour, and reduce their ability to work or perform tasks.

There is scientific evidence to show that prolonged exposure to environmental noise can induce hypertension and ischemic heart disease, annoyance, sleep disturbance, and decreased learning performance in the classroom. However for effects such as changes in the immune system and birth defects, the evidence is very limited [WHO 1999].

Most public health impacts of environmental noise were identified as far back as the 1960's with research in more recent times concentrating on the elucidation of the mechanisms underlying the known effects, such as noise induced cardiovascular disorders and the relationship of noise with

² WHO Burden Of Disease From Environmental Noise - Quantification Of Healthy Life Years Lost In Europe. World Health Organisation, Geneva, 2011.

annoyance and non-acoustical factors modifying health outcomes³. The Ministry of Health monitors protection of public health from environmental noise through reporting by National Environmental Noise Service [NENS] which it funds. NENS has been closely involved in developing and revising various New Zealand acoustic standards, including NZS 6802, a key Standard guiding on the assessment of noise referred to within District Plans, and within the discussion below.

Thus to reasonably provide for the protection of health and amenity, recommendations for managing environmental noise should adhere to the guidance set out within NZS6802, in this case the 2008 version which supersedes the 1991 version referred to within most District Plans. A discussion of other relevant New Zealand acoustic Standards is set below in **Section 6.0**.

3 Existing TMT Noise Rules

The wording of many existing District Plan provisions applying to noise from TMT activities in various zones of a District Plan (possibly all zones) is typified by the wording set out below which in this case is taken from the Operative Horowhenua District Plan;

All noise emitted in the course of any temporary military training activities measured from a line 20 metres from and parallel to the facade of any dwelling or the legal boundary, where this is closer to the dwelling, shall not exceed the following levels:

Time	Limits (dBA)		
	L10	L95	L _{max}
(Any day)			
0630-0730	60	45	70
0730-1800	75	60	90
1800-2000	70	55	85
2000-0630	55		

Impulse Noise resulting from the use of explosives small arms is not to exceed 122 dBC.

Temporary Military Training Activity means a temporary military training activity which may include an activity on the surface of any waterbody, undertaken for Defence purposes. Defence purposes are those in accordance with the Defence Act 1990. The Defence Act also enables access to Defence areas which include areas utilised for temporary military training activities, to be restricted.

Such existing rules used to control noise from temporary military training activities within the District Plans use FOUR different noise metrics as follows;

- L_{max} [dBA]
- L₁₀ [dBA]
- L₉₅ [dBA]
- L_{Peak} [dBC]

L_{max} is considered necessary as a measure to quantify and control single noise events, however such methods are not sensitive enough to adequately measure the peak sound pressure from weapons firing, explosives and pyrotechnics. In the case of those sounds, the C frequency weighted peak sound pressure level (L_{peak} dBC) is the most appropriate measurement unit. The use of both the L₁₀ and L₉₅ units with noise is not considered necessary, see discussion below.

³ Noise Exposure and Public Health Willy Passchier-Vermeer and Wim F. Passchier, Environmental Health Perspectives, Vol 108, Supplement I, March 2000.

A technical review has taken place of the existing approach to controlling noise from TMT, as typically set out above, adopted into many District Plans in New Zealand. The review has found the following deficiencies exist with the current typical approach;

1. No acoustic Standards are referred to. It may be assumed the 1991 versions of NZS6801 and NZS6802 would apply, or at least the versions of these Standards referred to within the District Plan in question.
2. In the example quoted above, there are no Lmax limits applying at night. Sound from single noise events occurring at night time are usually controlled by specifying and Lmax night time limit, which is the recommended approach of NZS6802:2008.
3. There is questionable utility of setting numerical decibel limits in terms of 4 separate noise units which can lead to potential complications and unnecessary complexity when establishing compliance. As described below, the new Leq unit replaces essentially both the L10 and L95 unit for which numerical decibel limits are currently specified.
4. There is a focus on control via setting decibel limits only. This requires technical expertise in terms of assessing compliance and in the planning of activities to avoid non-compliance. An alternative approach proposed below is based on specifying a setback or separation distance to identify a threshold beyond which noise effects associated with impulse sounds are adequately controlled to low levels. Such thresholds can be simple to implemented and require less technical input which is an appropriate response where it can be demonstrated only minor or *di minimus* noise effects would be experienced at noise sensitive locations found at or beyond this threshold separation distance. This approach is adopted below for managing loud impulsive sounds associated with weapons firing, pyrotechnics and detonations. Where certain minimum setback distances to noise sensitive sites cannot be achieved the recommended approach is to require a technical site-specific assessment and with enhanced noise management responsibilities applying.
5. Currently, numerical noise limits apply equally to all categories of TMT activities when in fact noise emissions associated with some aspects of TMT activities are easier to control in accordance with the RMA "best practicable option" compared to other aspects (eg. sound from fixed (stationary) sources is easier to control than sounds associated with live firing for example).
6. The TMT noise limits are fixed independent of the duration of the TMT activities on any particular site. Current recommendations for controlling TMT noise do not reflect the fact that receiver's of noise can tolerate higher levels for shorter periods, but noise lowered limits are usually when sound sources are constantly present within the environment for extended periods (for example, sound sources present in the environment for periods of several weeks or months). An example of an approach that neatly deals with increased sensitivity to elevated noise exceeding certain specified duration period is the approach of the NZ construction noise Standard NZS6803:1999 which recommends different Leq and Lmax limits depending upon the construction activity duration. The time periods specified are:
 - "short term" period (less than 2 weeks)
 - "typical" period of 2 weeks to 20 weeks
 - "long term" period of more than 20 weeks.

The limits for "short term" construction activities are set 5 dB higher than limits for "typical duration" activities, with the limits applying to "long term" construction activities set 5 dB lower again. Measures such as these adapted to the control of noise from TMT activities would be an efficient method to reflect the increased sensitivity to noise sources that are present within noise sensitive environments over extended periods.

4 TMT Noise Levels

NZDF direct considerable resources into training activities, including Temporary Military Training (TMT) conducted from time to time on sites remote from established NZDF bases designated for this purpose, such as Waiouru, Tekapo, West Melton and Burnham Military Camp.

By agreement with land owners, TMT is conducted on sites owned by others at various locations across New Zealand. Sites suitable for TMT are generally remote from sensitive sites such as residential areas, schools and hospitals. In addition, the recommended approach imposes an obligation to undertake TMT activities in accordance with a certified Noise Management Plan where minimum separation distances to noise sensitive sites are not able to be achieved.

For the purposes of assessing and controlling this noise impact, this investigation has divided TMT activities into TWO groups as follows;

4.1 Category 1 - Non-Weapons & Pyrotechnic TMT

This category encompasses the range of noise emissions expected to arise from the temporary occupation of a site for TMT activities involving any of the following but not including any pyrotechnics explosions, detonations or live firing of weapons:

- a) **Mobile sources** - Operation of motorised equipment including vehicles such as light and heavy vehicles, troop carriers, earth moving equipment, construction equipment, etc. including helicopter activity on the TMT site. This category includes people sounds from personnel during both the training exercises and at other times whilst the site is occupied for TMT purposes.

In terms of possible limits on noise from mobile sources, these types of sources may be permitted at higher levels at noise sensitive sites than fixed noise sources (as below) as effects of mobile sources tend to be infrequent and intermittent due to the source(s) being mobile. Due to the high degree of infrequency of sounds from TMT activities, not represent anything other than a temporary effect on the environment, the usually allowable limits for residential and noise sensitive sites may be relaxed without resulting in unacceptable effects. This is the basis of the elevated noise limits recommended for temporary construction noise assessed under NZS6803:1999. At clause 8.6.11 of NZS6802:2008 this Standard allows some specific activities to exceed the normally applied District Plan noise limits "where it is desired to allow for certain activities within a district". Recommended noise limits for below for Category 1 (Mobile) sources are based on noise limits set out within NZS6803:1999 for sensitive receiver sites.

Fixed Sources - Operation of fixed plant and equipment involved in infrastructure support such as pumps, motors and generators associated with providing electricity, canteen services, waste disposal, etc. Fixed sources are able to be located, oriented (and if necessary screened or enclosed) such that noise levels experienced at noise sensitive sites should be controlled to a level commensurate with protecting health and amenity at these sites. Recommended noise limits for Category 1 (Fixed) sources are the limits set out within NZS6802:2008.

4.2 Category 2 - TMT Involving Weapons Firing & Pyrotechnics

This category of TMT includes all of the above sources (Non-weapons & Pyrotechnic TMT sources) as well as any sounds associated with:

- Weapons Firing:
 - Small Arms: Styer rifle
9mm Pistol
 - Machine Gun; Minimi C9 Light Machine Gun
MAGTM58 7.62mm Machine Gun
L7A2 7.62mm Machine Gun
Browning .50 Calibre Machine Gun
[NB. Includes firing blanks or firing of live rounds]

- Artillery:
105mm Light Gun L119
Javelin medium range anti-armour weapon [MRAAW]
- Mortar:
81mm Mortar L16A2
- Demolitions
Controlled explosion of up to 5 kg CNE
- Battle Simulation:
Combat Simulation Systems - Pyrotechnics for live fire training and combat simulation.

In order to complete training requirements these potentially noisy firing activities are occasionally conducted on private land associated with TMT. NZDF advise the planning for such exercises involving live firing (or firing blanks and / or simulation pyrotechnics) is planned well in advance and entails the primary consideration of safety for NZDF personnel on site, and members of the public in the area. We understand each class of weapon / ammunition must operate within a specific safety template that would need to be satisfied by the available buffer areas and separation distances to sensitive sites and areas before the use of that class of weapon can be approved for use on the subject site.

4.3 Noise Assessment Factors

In assessing the most effective and most efficient methods for characterising, quantifying and controlling noise from TMT activities, the following factors have been taken into account;

Duration of TMT activities - The duration of TMT activities on sites not owned by NZDF could be as short as few hours to a few days, up to 90 days or more. Concerning the duration of actual noise-making activities, the noise assessment method needs to take account of amount of noise emitted over a given time period. This is achieved by adopting the Leq unit which considers sound exposure averaged over specified time periods, and operates on the equal energy principle (meaning a loud, few short duration noise events would have a similar affect as sound at a lower level than was present for longer periods).

Scale of TMT Effects - The minimum scale of TMT activities could, at one end, simply involve noise from one NZDF person entering onto a site for example to drive a light vehicle to practice field driving for a few hours during daytime, through to a major encampment on private land involving upwards of 500 personnel, including a hundred or more vehicles, portable plant items, with the training itself involving live firing, pyrotechnics, etc. including possible night manoeuvres involving live firing of weapons at night. The recommendations of this report are intended to cater for this wide range in possible noise and vibration effects.

As described below, noise impact of the larger scale events are appropriately controlled in planning decisions to locate TMT activities on sites with a sufficiently large buffer distance available to reduce noise effects to acceptable levels when received at any noise sensitive locations in the area.

Definition of “Noise Sensitive Site” – Receiver sites to be protected from unreasonable noise are usually defined as including residential, educational or health care facilities including aged care facilities. Although variations in definitions of such sites exist, the thrust is to protect locations where people sleep, relax or within buildings where a controlled sound environment is critical and is the approach recommended below. The recommendations of this report centre on protecting noise effects experienced at or within the 20 metre notional boundary to any dwelling, or buildings used for residential, educational or health care purposes, or within any residentially zoned site, in accordance with NZS6801:2008 *Acoustics – Measurement of Sound* (except for noise from “mobile noise sources” which adopts the methodology of NZS6803:1999 *Acoustics – Construction Noise* and are therefore assessed at 1 metre from the building).

Also it is noted Table 3 of NZS6803:1999 refers to less stringent guideline limits as adequate to protect commercial and industrial sites which is a useful added guideline.

Due to the temporary and highly intermittent nature of noise effects of TMT activities experienced within any park, reserve or recreational area, these do not warrant any specific control limit, suffice to mention the duty under RMA s.16 for NZDF to avoid unreasonable noise effects on civilians occurring in such areas during training exercises.

Night time noise – Typical TMT activities take place during daytime with less activity during the night time period. However on isolated occasions noise will arise due to night time manoeuvres due to personnel, vehicles or combat simulation. These night time activities are usually planned well in advance. Measures currently used to properly plan such events and inform the community are discussed below. NZDF procedures ensure any events involving firing or pyrotechnics at night are located further from noise sensitive sites compared to TMT involving daytime exercises only, reflecting the NZDF's awareness of sensitivity of the community to noise during night time.

Concerning methods to minimise night time noise disturbance, NZDF are advised that to avoid sleep disturbance from TMT activities involving night time firing and detonations / pyrotechnics, it will be necessary to conduct these exercises on sites with a significantly greater setback than adopted below for managing daytime noise (unless specific approvals have been received from noise sensitive sites within this recommended setback). The setback recommended below for night time TMT activities involving night time firing and detonations / pyrotechnics is based on around 8 to 10 dB lower sound levels and are designed to ensure indoor sleep is protected with windows open. This does not ensure sounds of such activities will be inaudible within dwellings located beyond the recommended setback distance.

Vibration – According to the RMA, the term “noise” includes vibration. Vibration associated with TMT activities can be classified as either “ground borne” or “airborne”. In the case of ground borne vibration, this can be caused by the use of heavy vehicles, tracked vehicles, earthmoving equipment, or detonations or demolition explosives. The degree of vibration effect will vary according to the source however vibration effects would only be able to be detected locally, within 100 to 200 metres from source, at most. Airborne sound from explosions, artillery, or detonations can result in a “blast over-pressure” effect similar to vibration however these too are only experienced locally with no vibration effects likely to be detectable beyond 1,500 metres. A minimum threshold distance of 1,500 metres offers sufficient protection for vibration effects both on humans or damage risk criteria for building damage. Where these activities take place within the 1,500 metre minimum setback, compliance with the recommended limit on peak sound pressure levels of 120 dBC would ensure airborne and ground borne vibration effects are adequately controlled to acceptable levels.

Helicopter Noise - Noise effects from TMT events or manoeuvres occasionally involve the use of helicopters. The RMA restricts the ability of District Plans to control helicopter noise when in flight, and only allows local authorities to control noise in relation to the use of landing sites only. These noise effects are assessed below, taking into account the rare use of any particular site for helicopter landing in support of TMT activities. Effects are disregarded where the number of landings falls below 10 flights per month (or any event exceeds L_{max} 70 dBA between 10pm to 7 am, or L_{max} 90 dBA at any other time) which is the threshold for applying the recommendations of the relevant NZ Standard used to assess helicopter noise (NZS6807:1884, see below).

5 Predicted Noise Levels

Expected noise levels received at various distances have been predicted based on generic measured noise levels at source, based on measured noise levels associated with NZDF training activities held at Waiouru Military Training Area, Ardmore Military Training Area, and the West Melton Military Training Area.

Predictions of sound levels has been conducted using computer-based prediction programs based the algorithms set out within ISO 9613-2:1996⁴. The prediction method involves specifying input variables such as sound power levels at source, air absorption values based on temperature and humidity. The resultant noise levels at various distances for the various noise source categories are set out below in **Table 1**.

Expected Lmax and Leq noise levels versus distance from Table 1 are reproduced diagrammatically in **Figure 1** and **Figure 2** below.

Category	Sources	10 METRES			100 metres			1,000 metres			1,500 Metres			4,500 Metres		
		Leq	Lmax	Peak	Leq	Lmax	Peak	Leq	Lmax	Peak	Leq	Lmax	Peak	Leq	Lmax	Peak
MOBILE:	Heavy Vehicles	88	92	94	69	73	75	51	55	57	48	52	54	39	43	45
	Armed personnel / LAV	89	93	98	70	74	79	52	56	61	49	53	58	40	44	49
	Unimog	82	85	89	63	66	70	45	48	52	42	45	49	33	36	40
	Excavator	85	94	98	66	75	79	48	57	61	45	54	58	36	45	49
	Loader	86	96	103	67	77	84	49	59	66	46	56	63	37	47	54
FIXED:	100 kVA generator	71	73	75	52	54	56	34	36	38	31	33	35	22	24	26
	water pumps	62	65	66	43	46	47	25	28	29	22	25	26	13	16	17
	Kitchen plan	59	62	63	40	43	44	22	25	26	19	22	23	10	13	14
Category 2 Sources	Howitzer	118	131	143	99	112	124	81	94	106	78	91	103	69	82	94
	81mm Mortar	81	94	101	62	75	82	44	57	64	41	54	61	32	45	52
	40mm Mortar	93	106	110	74	87	91	56	69	73	53	66	70	44	57	61
	Grenade	87	99	102	68	80	83	50	62	65	47	59	62	38	50	53
	Battle Sim	80	97	102	61	78	83	43	60	65	40	57	62	31	48	53

Table 1 Predicted A-weighted Leq, Lmax levels (together with Z weighted peak sound levels), at various distances from source.

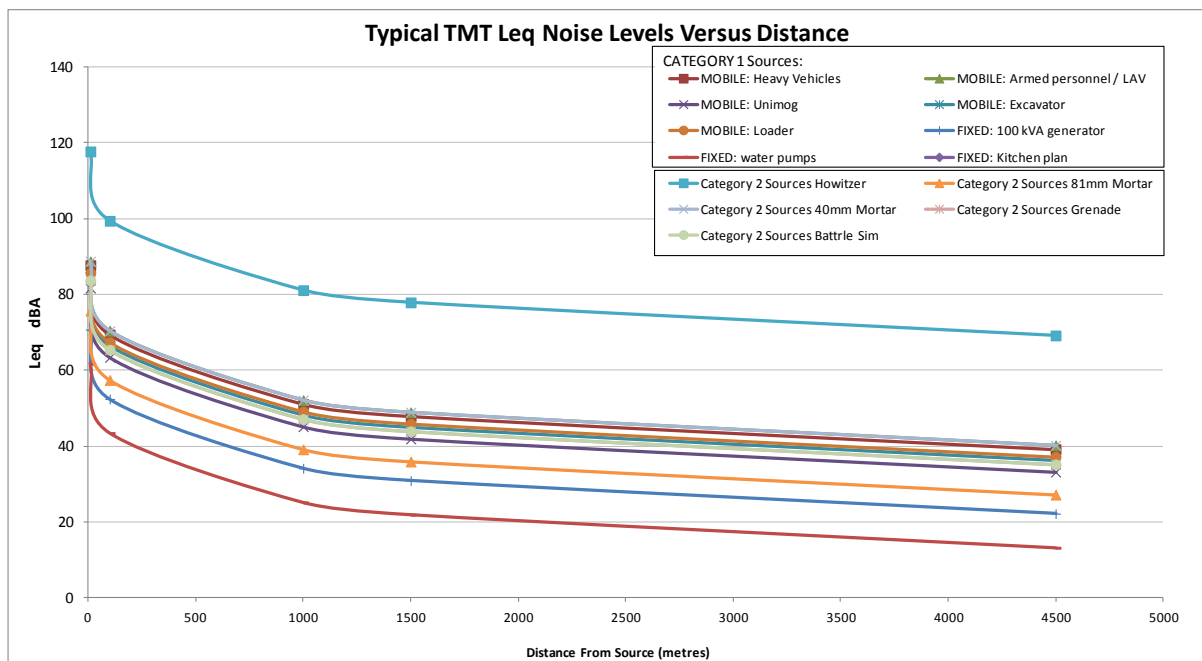


Figure 1 Predicted A-weighted Leq noise levels from a range of TMT activities, including fixed and mobile sources and sounds from live firing, grenades and detonations, estimated for various distances from source.

⁴ ISO 9613-2:1996 Acoustics - Attenuation of sound during propagation outdoors -- Part 2: General method of calculation. International Organisation for Standardisation 1996, Geneva.

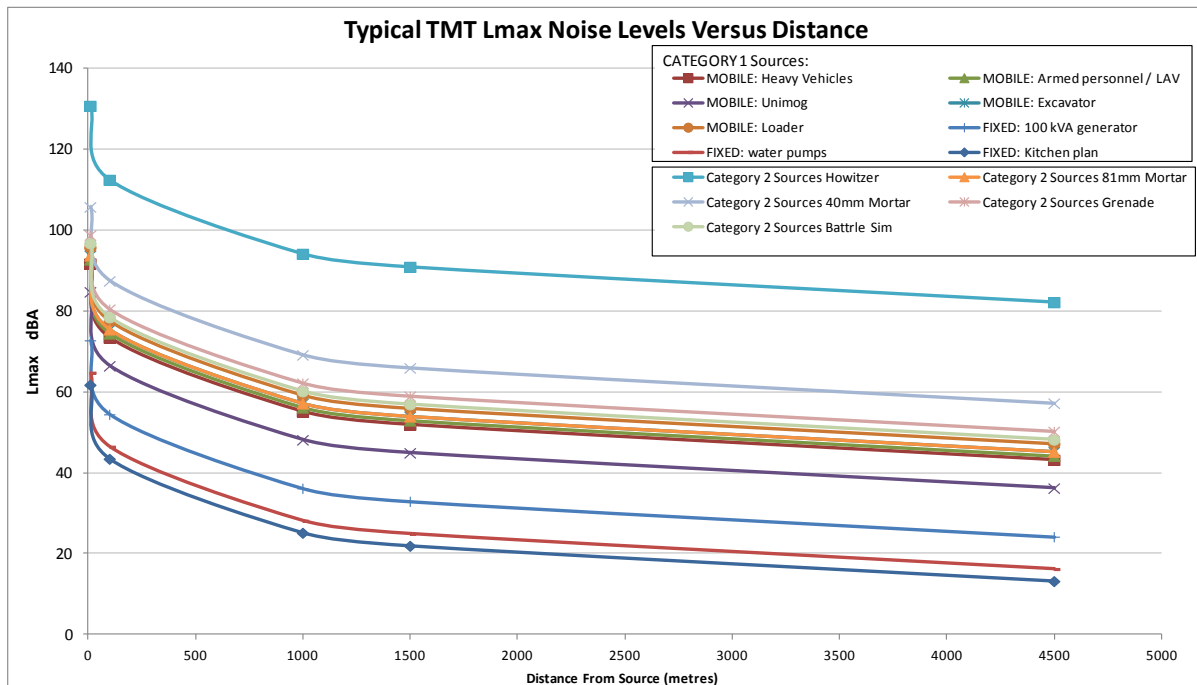


Figure 2 Predicted A-weighted Lmax noise levels from a range of TMT activities, including fixed and mobile sources and sounds from live firing, grenades and detonations, estimated for various distances from source.

Table 1 and **Figures 1** and **2** confirm noise emissions associated with TMT appear to be received at levels that may be adjudged significant when experienced at distances of less than 1,500 metres due to the levels of noise emission at source.

6 Assessment Criteria

6.1 New Zealand Standards

Standards New Zealand has published a number of New Zealand Standards guiding on the measurement and assessment of environmental noise from various sound sources. The review of noise controls applying to TMT activities has taken into account the recommendations of recent versions of the relevant acoustic Standards, particularly involving changes in noise units and guideline limits.

6.2 Current New Zealand Standards

NZ Standards relevant to the measurement and assessment of environmental sound in the current circumstances are set out in Table 1 as follows:

1. NZS6801:2008 *Acoustics – Measurement of Environmental Sound*;
2. NZS 6802:2008 *Acoustics –Environmental Noise*;
3. NZS 6803:1999 *Acoustics – Construction Noise*;
4. NZS 6807:1994 *Noise Management and Land Use Planning for Helicopter Landing Areas*

6.3 Current Best Practice Within NZ Standards

The most important acoustic standards referenced within all District Plans are NZS 6801 and NZS 6802 which set out technical guidance on the measurement (NZS6801) and assessment of noise (NZS6802) from most types of land use activities. It is accepted that reference to such technical Standards is necessary to ensure a noise is accurately and reliably measured and assessed, ensuring compliance with the rule is able to be reliably determined.

NZS 6801:2008 *Acoustics - Measurements of Environmental Sound* and NZS6802:2008 *Acoustics - Environmental Noise* are the most appropriate and applicable Standards, at least as a starting point.

Adopting the “best practice” 2008 versions of NZS6801 and NZS6802 means switching to the more modern sound measurement unit from L_{10} to L_{eq} . The L_{10} descriptor was originally adopted as it was demonstrated to have a reasonably good correlation with the degree of annoyance experienced by a person. L_{10} noise levels could be determined from analogue sound level meters by manual means available at the time.

More recent international research has shown that the L_{eq} descriptor has a greater degree of correlation to noise annoyance than L_{10} , and for this reason is widely accepted as being the preferred noise descriptor for use in environmental noise standards and noise limits. The L_{eq} level, being unrelated to the statistical variation in sound levels is more readily predicted which is a considerable advantage over L_{10} .

The L_{eq} level has the advantage that it quantifies all sound energy during the measurement period, whereas L_{10} , effectively measures only that sound which occurs for 10% of the measurement period meaning uneven treatment of intermittent sources.

The regulatory effect of changing the noise limit from say 50 dB L_{A10} to 50 dB $L_{Aeq [15 min]}$ will vary for different sound sources however the effect is not likely to be greater than about 3 dB. For sounds that vary from higher to lower levels in a regular, uniform manner the measured decibel level will measure slightly higher (no more than 3 dB) for L_{10} as opposed to L_{eq} . Thus, for these types of sound retaining the same numerical decibel limit but changing the units from L_{10} to L_{eq} will have the effect of allowing slightly more noise, depending upon the type of sound under consideration. If the sound source is constant (e.g. a constantly running fan or motor) the measured decibel level remains unchanged whether measured using L_{eq} or L_{10} . Unless the variability or intermittency of the sound source is known, it is not possible to make an exact comparison of the effect of changing from the L_{10} unit to the L_{eq} unit.

The recommendation original L_{10} TMT noise limit should retain the same decibel limit with the unit changed from L_{10} to L_{eq} . It is generally accepted by experienced acoustic engineers that there are no realistic situations known where the change from L_{eq} from L_{10} change would lead to significant degradation in amenity. However, the change will allow far more robust monitoring and enforcement which would provide benefit.

6.4 Background Sound Level L95

The recent NZ Standards no longer consider the background sound level (L95) should be controlled in addition to the L_{10} or L_{eq} level. A switch to L_{eq} unit with its “equal energy” principle will ensure the constant type sound sources are adequately controlled in proportion to the maximum sound, so controls based on L95 are now considered redundant.

In addition, the approach of this report is to include a recommended lowered noise limit for fixed sources. These are the types of sources which operate more or less all the time and which will govern

the levels of L95 emitted from TMT activity sites. Thus, constant sound sources will be adequately controlled with specifying a limit on L95 noise emissions from TMT activities.

For these reasons it is not considered necessary to continue the practice of limiting TMT activity background sound emission levels measured using the L95 sound level.

6.5 Assessment Of Impulse Noise

Clause 1.2 of NZS6802:2008 *Acoustics – Environmental Noise* sets out how that Standard was not designed to assess impulse type sounds such as gunfire and explosions, which means there are this standard provides no guidance relevant to the impulsive sounds associated with Category 2 noise sources discussed above associated with weapons firing, artillery or detonations / pyrotechnics.

In this respect, NZS6803:1999 sets out a guideline maximum “peak” sound levels due to explosions. NZS6803:1999 states at clause 8.1.4;

8.1.4

Noise from use of explosives is also a special case. The adoption of good blasting practices will reduce the inherent and associated impulsive noise and vibration. Practices should conform with the provisions of documents such as AS 2187:Part 2, provided that the airblast noise limit shall be a peak sound level of 120 dBC measured at a suitable location as specified in 6.2.

The use of the 120 dBC unit is slightly more onerous (although similar in effect to) the 122 dBC limit commonly adopted in TMT noise limits currently included within district plans.

The use of “peak sound level” is a technical necessity in order to ensure the highest sound pressure is adequately captured. The use of the units dBC means the limit is particularly sensitive to impulse noise events with pronounced low frequency content, such as a boom.

Table 1 provides guidance on received peak sound pressure levels from various TMT firing and detonations/ pyrotechnics. Peak sound levels received at 1,500 metres from source are less than 70 dBC (except for Howitzer operations⁵) which are within acceptable levels for daytime. This is confirmed by the Leq values not exceeding 55 dBA and the Lmax values not generally exceeding 70 dBA. These are within the general recommendations for maximum noise exposure at residential sites set out within NZS6802:2008.

In terms of cumulative effects of live weapons firing and detonation/pyrotechnics, Leq sound levels assume these explosive sounds occur more or less continuously over 5 hours worst case noise duration. We are informed this would be representative of a large training event only held infrequently.

Figure A1 set out within the attached **Appendix A** sets out cumulative sound level contour lines relevant to the sound levels experienced in the area surrounding the West Melton Training Area during busy periods of target shooting with live ammunition at the Wooster range shown. The cumulative sound over a whole day is calculated using the “Level Day / Night” (Ldn) unit which is the widely accepted method for assessing whole day exposure to noise in the environment . In this case the Ldn values have been calculated based on the C-weighted single event level in order to account for the impulsive nature of the sound from firing and detonations/ explosive sounds associated with TMT activities (normally, for non-impulsive sounds the lower A weighted single event sound level is used as a basis for calculating Ldn).

The Ldn 55 dBA contour shown in **Figure A1** encompasses the Ldn 55 dBA contour due to busy periods of live firing. Ldn 55 dBA is widely accepted as a threshold above which adverse effects may commence, with Ldn 65 dBA being a limit above is generally unacceptable for noise sensitive

⁵ Howitzer sound level predictions include the sounds of explosive shells – this is an over-estimate typical TMT Howitzer training.

residential land uses (ref. NZS6805, NZS6807, and NZS6809). Thus, taking into account the impulsive nature of the sound, cumulative noise effects experienced beyond 1,500 metres are likely to be acceptable to the affected persons, at least for a person of typical noise sensitivity. A minimum setback distance of 1,500 metres is therefore considered an acceptable approach for controlling worst case daytime live firing and detonation sounds from TMT activities.

In some cases a safety template for some classes of live firing may exceed 1,500 metres and it will be necessary to comply with those requirements irrespective of the noise situation. Although the safety template will assist in ensuring sites selected for TMT involving weapons firing, detonations or pyrotechnics are reasonably set back from sensitive sites, we note the typical templates are not effective at ensuring adequate setbacks to the rear of the firing position where only minimum setbacks are required in order to meet the safety template requirements.

Thus, recommended setback distances for daytime TMT activities emitting impulsive type sounds has been based on measured sound levels in the vicinity of active firing ranges such as West Melton and Tekapo. In order to provide a reasonable standard of protection, including taking into account the impulsive nature of the sound, is 1,500 metres (or greater if this is required for safety reasons).

The following two variations on this scenario are:

Weapons Firing Using Blank Ammunition – In this case we are aware the impulsive sound of a weapon firing blank ammunition measures lower peak sound levels than the same weapon firing live ammunition. Our research reveals measured differences range from 10 dB⁶ to 4 dB⁷. In this case a slightly conservative approach has been taken by reducing the setback distance by 50% to 750 metres (based on blanks peak sound levels being 6 dB lower than the same weapon firing live ammunition). Note, this recommendation applies only to TMT involving weapons firing blanks only and that no other explosive or impulsive sound sources.

Night Time Impulsive Noise – owing to the added sensitivity to noise received at dwellings and sensitive sites during night time, we recommend a wider setback be adopted where any explosions or arms firing, grenade throws, etc, are proposed to take place on any site between 7pm and 7 am.

Scaling up the noise sensitivity by 8 to 10 dB to account for increased night time sensitivity results in an increased recommended minimum setback of 4,500 metres. At this distance, although sound events will be noticeable (including indoors), the effects would not be unreasonable when conducted within a pre-planned programme which has been communicated to the affected parties.

In summary, the recommended approach is to manage the location of any weapons firing, explosions, grenade throws, pyrotechnics, etc. as follows

For impulsive sound activities taking place during daytime (7am and 7 pm):

- Activities firing live ammunition to be sited a minimum of 1,500 metres from any noise sensitive site such as at or within the 20 metre notional boundary to any dwelling, or buildings used for residential, educational or health care purposes, or within any residentially zoned site
- A *site-specific noise management plan* is to be implemented where noise sensitive sites are located within 1,500 metres.
- Activities to be sited a minimum of 750 metres from any noise sensitive site where the TMT activity involves only weapons firing of "blank" ammunition (and no other impulsive sounds occur such as weapons firing of live ammunition, explosions, grenade throws, pyrotechnics, etc.).

⁶ See <ftp://ftp.rta.nato.int/Fulltext/RTO/TR/RTO-TR-HFM-147/TR-HFM-147-03.pdf> page 3.15 states "...peak pressure levels measured for the firing of blank ammunition is almost 10 dB lower than real ammunition."

⁷ U.S. Navy Silver Strand E.I.S See http://www.silverstrandtrainingcomplexeis.com/Documents/10_SSTC_Final_EIS_Vol1_Chapter3-6_Acoustic.pdf. Section 3.6, page 20 "Most blank ammunition for small arms has a smaller propellant charge than that used for live ammunition. As a result, noise from small arms blank ammunition generates noise levels about four decibels below those of live ammunition..."

For impulsive sound activities taking place during night time (7pm and 7am):

- Activities firing live ammunition to be sited a minimum of 4,500 metres from any noise sensitive site such as at or within the 20 metre notional boundary to any dwelling, or buildings used for residential, educational or health care purposes, or within any residentially zoned site
- A *site-specific noise management plan* is to be implemented where noise sensitive sites are located within 4,500 metres.
- Activities to be sited a minimum of 2,250 metres from any noise sensitive site where the TMT activity involves only weapons firing of “blank” ammunition (and no other impulsive sounds occur such as weapons firing of live ammunition, explosions, grenade throws, pyrotechnics, etc.).

6.6 NZS 6807:1994 Noise Management and Land Use Planning for Helicopter Landing Areas

NZS6807:1994 is currently referenced in many District Plans as the standard for assessing helicopter noise. Section 9 the RMA indicates it is within the powers of consent authorities to control the movement of aircraft in the air for the purposes of managing the effects of aircraft noise in the vicinity of landing areas.

The RMA does not empower Councils to control noise from overflying aircraft when aircraft are en route to a destination and not in the vicinity of the landing area. In these situations Section 29A of the Civil Aviation Act 1990 can be used by Civil Aviation Authority [CAA] to control noise from overflying aircraft. As above, due to the highly intermittent nature of any sensitive receiver site receiving helicopter noise associated with TMT activities some allowance can be made for one-off events. This is a recommendation of NZS6802:2008.

Effects are disregarded where the number of landings falls below 10 flights per month (or any event exceeds L_{max} 70 dBA between 10pm to 7 am, or L_{max} 90 dBA at any other time) these limits representing thresholds for applying the recommendations of NZS6807:1994 (re. Clause 1.1, NZS6807:1994). This approach is recommended to apply to helicopter landing area noise associated TMT activities. A level of helicopter landing activity above this minimum level would be subject to limits on L_{dn} and L_{max} noise levels recommended within NZS6807:1994.

As the pilot in command has ultimate control over whether any noise sensitive locations are affected by helicopter activity associated with TMT activities, the guidance of Appendix A of NZS6807:1994 *Noise Management and Land Use Planning for Helicopter Landing Areas* is proposed to be applied to ensure helicopter noise is minimised as far as practicable. A copy of this appendix is attached as **Appendix B** to this report.

The recommendations to limit helicopter noise associated with the use of any TMT site for helicopter landing or take-off is based on NZS6807:1994. This Standard is considered to limit helicopter noise to reasonable levels. Noise from airborne helicopter activity not associated with landing areas (such as flyover noise) cannot be controlled by district plans but is instead is a matter for the CAA to control.

6.7 Vibration

The RMA defines “noise” as including vibration. While humans are very sensitive to vibration and can detect this effect at low levels, it is difficult to precisely define levels which will adequately protect people from adverse effects (eg. annoyance) as a person's perception and response will vary according to the nature of vibration (duration, amplitude, frequency, and frequency of occurrence), health, state of mind, temperament, and physical attitude of individuals.

Taking into account available guidelines and standards, and the nature and scale of potential vibration effects associated with TMT activities, a minimum threshold distance of 1,500 metres for live firing (& 750 metres where blanks are used) has been recommended as setback(s) offering sufficient protection for vibration effects both on humans or damage risk criteria for building damage. Where these activities take place within the nominated minimum setback, compliance with the recommended limit on peak sound pressure levels of 120 dBC would ensure airborne and ground borne vibration effects are adequately controlled to acceptable levels.

7 Recommended Noise Limits

As a starting point, for sound sources that are within scope of NZS6802:2008, that standard provides appropriate guidance on noise limits. However special consideration needs to be given to the need to conduct TMT activities throughout the district and at any time. This does not absolve the NZDF from adequate noise management however. Mobile sources generate intermittent effects for any particular receiver site and mostly during daytime. Stringent noise limits such as the upper limits recommended within NZS6802:2008 are not considered necessary for this type of sound when elevated noise levels are only experienced for short periods during daytime. NZS6803:1999 contains recommended Leq and Lmax limits for noise sensitive sites during daytime and night time intended to apply to construction activities, however in this case these limits are recommended to apply to noise emitted by mobile TMT activities.

TMT activities involving weapons firing, detonations and pyrotechnics require specialised noise management owing to the impulsive nature of these sounds which can be particularly annoying in some cases. Below it is recommended TMT activities involving weapons firing and any other activities creating single or multiple explosive event sounds audible off the site should only be undertaken on sites where there are no noise sensitive sites located within a radius of:

- 1,500 metres for any such activities occurring 7am to 7pm unless the only impulsive sound from TMT activities is from firing of "blank" ammunition, in which case the minimum setback distance maybe reduced to 750 metres.
- 4,500 metres for any such activities occurring 7pm to 7am

In special cases (and only when undertaken in accordance with a Noise Management Plan certified by the Council) would TMT activities involving weapons firing, detonations and pyrotechnics be permitted to occur within these specified setback distances, however no sensitive receiver site should receive a peak sound pressure level of 120 dBC when in accordance with NZS6801:2008 *Acoustics – Measurement of Sound*.

In summary the recommended approach is based on;

1. Impulsive sound – this type of sound is not within the scope of NZS6802:2008. In this case minimum setback distances are proposed to be applied (separately for daytime and night time), with the absolute limit of 120 dBC (from NZS6803:1999) applying to impulsive sound sources. Where certain recommended setback distances cannot be reasonably complied with, the training activities are recommended to be undertaken in accordance with a site specific noise management plan approved for this purpose. No sensitive receiver site is recommended to receive impulsive sound at levels exceeding 120 dBC;
2. Mobile sources, although technically within scope of NZS6802:2008, are considered more appropriately controlled to the noise limits set out within NZS6803:1999 owing to the intermittent noise effects and temporary nature of noise associated with TMT activities. While NZS6803:1999 provides for elevated noise during daytime, Leq and Lmax night time limits recommended within this Standard are appropriate for the adequate protection of sleep at sensitive receiver sites during night time and on Sundays and public holidays.

3. Fixed or stationary TMT Noise sources that are able to be mitigated due to the equipment selection, its location, and treatment are considered fully capable of meeting the following stringent limits at noise sensitive receiver sites, as set out within NZS6802:2008 as follows;

<i>Monday to Sunday 7am to 7pm.....</i>	<i>55 dB L_{Aeq} (15 min)</i>
<i>Monday to Sunday 7pm to 10pm.....</i>	<i>50 dB L_{Aeq} (15 min)</i>
<i>Monday to Sunday 10pm to 7am the next day</i>	<i>45 dB L_{Aeq} (15 min)</i>
<i>Monday to Sunday 10pm to 7am the next day</i>	<i>75 dB L_{AFmax}</i>

These limits are considered appropriate for controlling noise from fixed (stationary) plant to reasonable levels. The limits incorporate an intermediate noise limit applying within a transition “evening” daytime period between 7pm and 10pm. The rationale is that the daytime limit is often too high for the evening leaving compliant noise sources becoming quite prominent within an environment which is experiencing lowering of ambient sound levels towards the end of the day.

8 Summary

This report reviews noise and vibration controls applying to Temporary Military Training (TMT) activities specified within District Plans for the control of potential noise disturbance caused by these activities. These established noise limits and requirements have been evaluated from an effectiveness and efficiency perspective, also considering new techniques now available through the adoption more recent NZS acoustic standards released since most District Plans came into effect.

The recommended amended controls do not rely solely on specifying decibel limits applicable to each category of noise source. Achieving a minimum threshold separation distance from sites where potentially noisy weapons firing or loud explosive sounds take place to the nearest noise sensitive receiver site is a key element of the approach recommended for this noise source category which has the highest potential to create adverse noise effects over wide areas. TMT activities involving firing and explosive sounds are proposed to be permitted to occur within the minimum separation distances outlined below, however in those cases the activities would be required to be undertaken in accordance with a certified Noise Management Plan to ensure the heightened risk of adverse noise effects is adequately managed. Limits applying to peak sound pressure levels from TMT activities involving weapons firing or explosive sounds applying at the closest sensitive receiver site ensures an adequate baseline protection from the potential health and amenity effects of loud noise received from these sources.

Measures to mitigate noise emissions associated with TMT activities are included within the recommended wording. Overall, the recommended approach provides flexibility in avoiding unreasonable or excessive noise effects as the limits and requirements target specific sources according to the scale of the potential effects and the ability to control such sources.

Considered as a whole, the recommended approach provides an effective and flexible approach which recognises the overarching duty to adopt the “best practicable option” to avoid the emission of unreasonable noise. Adopting the amended approach within new generation District Plans will ensure the rules are technically up to date, whilst ensuring the control measures fit the type of sound source and a degree of flexibility is provided given the temporary nature of the potential noise and vibration.

Appendix A

Extract From:

West Melton Military Training Area - 2003 Preliminary Noise Assessment Report, NZ Army. Malcolm Hunt Associates 2003.

Activity on firing range:

Activity	Estimated Future Firing
Single shot 5.56mm	4 days/week
Group shoot 5.56mm	4 days/week
GPMG (7.62mm machine gun) single bursts	2 days/week
GPMG (7.62 mm machine gun) rapid fire	2 days/week
M72 Sub Cal	2100 /year

Predicted Ldn contours (numbered white lines), and radius of 1.5 kilometres from firing location (yellow dashed line).

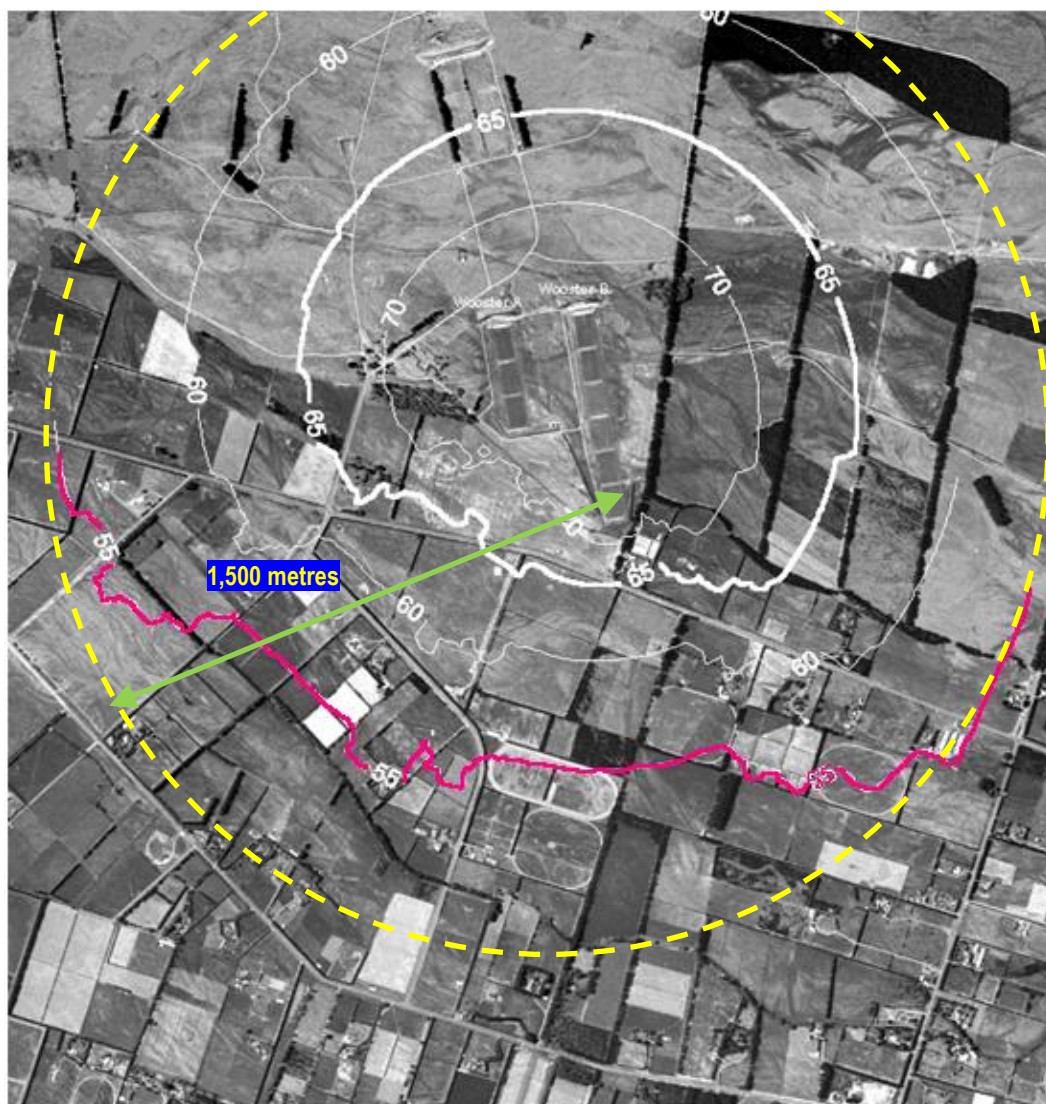


Figure A1. Predicted West Melton Ldn noise contours for use of firing ranges only, also showing Ldn 55 Contour (—) lies within the (dotted) is a 1.5 kilometre radius from the closest firing locations.

Appendix B**NZS 6807:1994 - Appendix A****Noise Management****A1**

The sections below contain matters that should be considered in the management of noise from helicopter landing areas so as to comply with the noise limits in this Standard. The matters below apply to helicopter landing areas in general, and may not all be applicable in any particular case.

A2 Management considerations**A2.1**

All helicopter movements should be flown in accordance with noise abatement techniques.

A2.2

A log record should be kept of all movements. A copy should be available at the request of the appropriate local authority.

CA2.2

Compliance with noise controls may be determined from the number and time of movements and the type of helicopter if noise emission is known.

A2.3

Helicopters using a helicopter landing area may be restricted to those with a certified noise emission not exceeding a specified limit. In this case no helicopter generating noise that exceeds the limit should use the helicopter landing area.

A2.4

Flight sectors should be restricted to avoid residential areas, as far as it is practicable to do so. Helicopters should minimize overflights of dwellings while at less than 500 feet above ground level.

A2.5

Movements should be restricted to avoid noise-sensitive times of day, as far as it is practicable to do so.

A2.6

Flight operations may be registered to normal arrival and departures. Flight training (including hover training), extended ground idling or engine testing may be prohibited.

A2.7

Movements may be restricted to a daily maximum.

Explanation: Permitted activity standards for temporary military training activities

NZDF acknowledges that noise effects from temporary military training activities need to be appropriately controlled within the District Plan. NZDF wishes to make sure that the noise standards included in the Proposed Plan are up-to-date, appropriate for the type of noise generated, and relatively simple to understand and assess compliance with. To this end, NZDF has commissioned professional acoustic advice on appropriate standards to control noise effects from temporary military training activities. Based on this advice, NZDF has developed revised noise control permitted activity standards that it is seeking to have included in proposed district plans nation-wide.

In summary, the revised standards divide noise sources from temporary military training activities into three categories: weapons firing and explosions; other mobile sources such as vehicles and earthmoving equipment; and fixed noise sources such as power generators and water pumping. Each of these noise sources has different noise characteristics, and therefore a different set of standards should apply for controlling noise. The division allows a more comprehensive and appropriate method for controlling noise from temporary military changing activities.

For weapons firing and explosives, the noise control standard used is separation distances between the activity and any dwelling, residentially zoned site, or building used for residential, educational or healthcare purposes. Four separation distances are specified – a night time and daytime distance for firing of live ammunition and explosives, and a night time and daytime distance for firing of blank ammunition, which is less noisy than live firing. The distances have been arrived at after review and analysis of data measured from real military activities, to ensure that the sound levels received at the specified distance will be reasonable (generally less than 55 dBA for daytime and less than 45 dBA for night time). Using separation distance as a standard has the advantage of being an easy to comply with and easy to monitor standard.

For mobile noise sources (other than weapons firing and explosives), compliance with the construction noise standards is recommended, as this standard most appropriately addresses this type of noise.

For fixed noise sources, which can be located to ensure compliance with standards, $dB_{L_{Aeq}}$ levels are specified, in line with *NZS6802:2008 Acoustics – Environmental Noise*. This is considered the most appropriate way to control noise levels from these sources.

NZDF, February 2013

From: GRACE EMILY, MRS [<mailto:EMILY.GRACE@nzdf.mil.nz>]
Sent: Friday, 15 February 2013 9:35 a.m.
To: Sheena McGuire
Subject: RE: NZDF noise standards (unclassified)

Hi again Sheena,

I forgot to also mention vibration in my email below. In our submission, we also put a 'place holder' in for the new permitted activity standard proposed for vibration. Our acoustic advice included comment on vibration. In summary, the noise standards we are requesting in the table attached to my first email also appropriately addresses effects from vibration. Therefore, we would like an exclusion from the vibration standard for temporary military training activities.

Again, please give me a call if you would like to discuss anything.
Thanks very much
Emily

From: GRACE EMILY, MRS
Sent: Friday, 15 February 2013 09:24
To: 'sheenamc@horowhenua.govt.nz'
Subject: NZDF noise standards (unclassified)

Hi Sheena,

As discussed, NZDF made a submission on the Proposed Plan that included comment on the noise standards applying to permitted temporary military training activities. However, we were not able to be specific about what changes we were requesting, as at that time we were still awaiting expert acoustic advice, as part of a nation-wide review of noise standards applying to temporary military training activities. We have now received that expert advice, and have developed a set of permitted activity noise conditions for temporary military training activities that we would like to replace those currently included in the Proposed Plan.

Attached to this email are three documents: our proposed permitted activity noise conditions, in table format, a one-page explanation that summarises the technical advice that the standards are based on, and the technical report from NZDF's acoustic consultant.

I would greatly appreciate your consideration of these documents, as part of the preparation of the Officer Reports on submissions on the Proposed Plan. If you have any questions or would like to discuss what we are proposing, please give me a call. You can contact me on 04 381 8587 or 021 496 185 (I only work from NZDF's office one day per week).

Thanks very much

Emily Grace

Consultant Planner to NZDF

<< File: MHA final report Jan 2013.pdf >> << File: Explanation for noise standards.doc >> << File: Generic table Permitted Activity Noise Standards for Temporary Military Exercises.doc >>

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