



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

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### **Proposed Horowhenua District Plan Rural Environment**

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**April 2013**



Hearing Date: 13<sup>th</sup>- 16<sup>th</sup> May 2013

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Report Number: 13.01

## **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 Rural Environment.

It is very likely that submitters who have made submissions in relation to the Rural Environment may have also made submissions on other parts of the Proposed Plan. This report only addresses those submissions that are relevant to the subject of this report.

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

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

Submitters may also find the table contained in Section 6.3 of this report helpful as it identifies the Reporting Officer's recommendation to the Hearing Panel on every submission point and further submission point addressed in this report.

## EXECUTIVE SUMMARY

The Operative Horowhenua District Plan (Operative Plan) has been operative for over 13 years (since 13<sup>th</sup> September 1999), and in November 2009, Horowhenua District Council (Council) resolved to undertake a full review of its Operative District Plan. A number of plan changes have been made to the Operative Plan addressing a wide range of issues. However, none of these plan changes directly related to natural hazards. Therefore, a review of all the natural hazards provisions in Operative Plan was undertaken.

As a result of this review, Chapter 2 of the Proposed Plan contains Issues, Objectives, Policies, Methods, Anticipated Environmental Results and associated explanations for the rural environment. Chapter 2 is effectively an updated and revised version of Section 2 in the Operative Plan following a review of these provisions. Parts of Chapter 2 were reviewed and amended as part of Plan Change 20 on rural subdivision which are excluded from this Proposed Plan process.

Similarly Chapter 19 of the Proposed Plan contains the rules and standards for the Rural Zone. Chapter 19 is also effectively an updated and revised version of Section 19 in the Operative Plan following a review of these provisions. The associated definitions in Chapter 26 of the Proposed Plan/Section 27 of the Operative Plan have been reviewed and amended as well where necessary.

The changes to the rural environment provisions comparing the Operative and Proposed Plans primarily relate to issues which have become more prevalent in the District Plan (e.g. reverse sensitivity issues and incompatibility between activities), as well as issues which are less prevalent (e.g. road-side sales). Changes are proposed to the rules and conditions to address a number of issues, including rural character and amenity values, separation distances between buildings, and non-primary production activities.

Through the public notification process a number of submissions were received supporting and opposing various rural environment 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 District Plan Review 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 presented at the hearing, and the advice of the reporting planner before making a decision.

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

- Deleting all provisions relating to sustainable land management practices
- Generally retaining the policy framework for land use activities, but adding greater reference to reverse sensitivity effects
- Generally retaining the Proposed Plan rules for the majority of listed permitted, controlled, restricted discretionary and discretionary activities.
- Retaining relocated buildings as a Controlled Activity
- Adding health and safety signs as a Permitted Activity
- Retaining the number of residential dwelling units and family units permitted 'as of right'
- Retaining the building setbacks conditions
- Retaining the bird-scaring devices hours of operation condition

- Amending the odour condition to include reference to guidance in the Proposed One Plan
- Amending the reference to 'Transmission Line Corridor' with 'National Grid Corridor' and retaining the setbacks of the Proposed Plan for the Corridor while making specific provision of crop support structures to be located within the Corridor
- Amending the planting setback conditions to only apply to boundaries where properties have separate ownership and adding a minimum setback distance for new dwellings from existing plantation forest
- Amending the waste disposal condition to refer to solid waste only
- Retaining some and amending other noise standards as they relate to temporary military training activities
- Seek further information on aggregate extraction activities

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

# CONTENTS

<b>1. INTRODUCTION</b>	<b>8</b>
1.1 Qualifications	8
1.2 Report Purpose	8
1.3 Outline	8
<b>2. PROPOSED HOROWHENUA DISTRICT PLAN</b>	<b>10</b>
2.1 Background	10
2.2 Consultation & Process	10
<b>3. STATUTORY REQUIREMENTS</b>	<b>12</b>
3.1 Resource Management Act 1991	12
3.2 Proposed Amendments to Resource Management Act	13
3.3 Local Government Act 2002	14
3.4 New Zealand Coastal Policy Statement 2010	14
3.5 National Environmental Standards	14
3.6 National Policy Statements	15
3.7 Operative Regional Policy Statement & Proposed One Plan	16
3.8 Operative Horowhenua District Plan	16
3.9 Statutory and Policy Context Conclusion	17
<b>4. ANALYSIS OF SUBMISSIONS</b>	<b>18</b>
4.1 Policy 2.1.20	18
4.2 Policy 2.1.21	20
4.3 Explanation & Principal Reasons (Objective 2.1.1)	22
4.4 Issue 2.3 Discussion	23
4.5 Issue 2.4	24
4.6 Objective 2.4.1	28
4.7 Policy 2.4.2	30
4.8 Policy 2.4.3	32
4.9 Explanation & Principal Reasons (Objective 2.4.1)	33
4.10 Methods for Issue 2.4 & Objective 2.4.1	34
4.11 Issue 2.5	36
4.12 Objective 2.5.1	42
4.13 Policy 2.5.2	47
4.14 Policy 2.5.3	49
4.15 Policy 2.5.4	50
4.16 Policy 2.5.5	54
4.17 Policy 2.5.6	55
4.18 Policy 2.5.7	57
4.19 Policy 2.5.9	58
4.20 Policy 2.5.10	60
4.21 Policy 2.5.11	62
4.22 Policy 2.5.12	65
4.23 Policy 2.5.14	67
4.24 Policy 2.5.15	69
4.25 Policy 2.5.16	70
4.26 Policy 2.5.21	72
4.27 Explanation & Principal Reasons (Objective 2.5.1)	74

4.28	New Policy 2.5.X.....	76
4.29	New Policies – Chapter 2.....	77
4.30	Chapter 2 - Anticipated Environmental Results.....	79
4.31	Chapter 2 - General Matters.....	80
4.32	Chapter 19 – Rules – General.....	85
4.33	Rule 19.1 - Notes.....	86
4.34	Rule 19.1 – List of Permitted Activities.....	86
4.35	Rule 19.1(a) – Permitted Activity (Primary Production Activities).....	88
4.36	Rule 19.1(d) – Permitted Activity (Visitor Accommodation).....	92
4.37	Rule 19.1(g) – Permitted Activity (Construction of Buildings).....	93
4.38	Rule 19.1(h) – Permitted Activity (Existing Community Facilities).....	95
4.39	Rule 19.1(j) – Permitted Activity (Department of Conservation Land).....	96
4.40	Rule 19.1(l) – Permitted Activity (Signs).....	97
4.41	Rule 19.1(r) – Permitted Activity (Temporary Military Training Activities).....	98
4.42	Rule 19.2(a) – Controlled Activity (Subdivision).....	99
4.43	Rule 19.2(d) – Controlled Activity (Relocated Buildings).....	101
4.44	New Rule 19.2.X – Controlled Activity (Aggregate Extraction).....	102
4.45	Rule 19.3 – Restricted Discretionary Activity.....	103
4.46	Rule 19.4 – Discretionary Activity (Historic Heritage).....	104
4.47	Rule 19.4.1(a) – Discretionary Activity (General).....	105
4.48	Rule 19.4.2(a) – Discretionary Activity (Residential Dwellings).....	106
4.49	Rule 19.4.4(a) – Discretionary Activity (Community Facilities).....	109
4.50	Rule 19.5 – Non-Complying Activity.....	110
4.51	Rule 19.6 – Permitted Activity Conditions.....	111
4.52	Rule 19.6.1 - Permitted Activity Condition (Residential Dwelling Units & Family Flats).....	116
4.53	Rule 19.6.4 - Permitted Activity Condition (Building Setbacks).....	118
4.54	Rule 19.6.5(a), 19.8.3(b)(i) – Permitted Activity and Discretionary Activity Conditions (Home Occupations).....	132
4.55	Rule 19.6.6 – Permitted Activity Condition (Noise Insulation).....	133
4.56	Rule 19.6.7 - Permitted Activity Condition (Noise).....	134
4.57	Rule 19.6.8 - Permitted Activity Condition (Vibration).....	139
4.58	Rule 19.6.9 - Permitted Activity Condition (Odour).....	140
4.59	Rule 19.6.14 - Permitted Activity Condition (Transmission Line Corridor).....	143
4.60	Rule 19.6.15 - Permitted Activity Condition (Planting Setbacks).....	153
4.61	Rule 19.6.16 - Permitted Activity Condition (Forestry and Timber Harvesting).....	160
4.62	Rule 19.6.17 - Permitted Activity Condition (Wastes Disposal).....	162
4.63	Rule 19.6.19 - Permitted Activity Condition (Surface Water Disposal).....	165
4.64	Rule 19.6.26 - Permitted Activity Condition (Signs).....	166
4.65	Rule 19.6.30 - Permitted Activity Condition (Temporary Military Training Activities).....	168
4.66	Rule 19.7.1 – Controlled Activity (Subdivision of Land).....	177
4.67	Rule 19.7.6 – Controlled Activity (Relocated Buildings).....	178
4.68	Rule 19.7.10 - Controlled Activity (Temporary Military Training Activities).....	179
4.69	Rule 19.7.X – New Controlled Activity (Aggregate Extraction).....	180
4.70	Rule 19.8 – Discretionary Activity (Aggregate Extraction).....	181
4.71	Rule 19.8.7 - Restricted Discretionary Activity (Signs).....	182
4.72	Chapter 19 – General Matters.....	183
4.73	Assessment Criteria - 25.2.1 General.....	188
4.74	Assessment Criteria - 25.2.2 Buildings.....	191
4.75	Assessment Criteria - 25.2.4 Tree Planting.....	193
4.76	Assessment Criteria - 25.2.6 Non-Primary Production Activities.....	195

4.77	Chapter 26 - Definitions .....	196
<b>5.</b>	<b>CONCLUSION AND MAIN RECOMMENDED CHANGES FROM PROPOSED HOROWHENUA DISTRICT PLAN (AS NOTIFIED) .....</b>	<b>201</b>
<b>6.</b>	<b>APPENDICES .....</b>	<b>203</b>
6.1	Extracts from Horizons Regional Council Proposed One Plan .....	203
6.2	Proposed District Plan as amended per officer's recommendations.....	205
6.3	Schedule of Officer's Recommendations on Submission Points .....	218
6.4	Malcolm Hunt Associates Technical Review and New Zealand Defence Force Correspondence	
6.5	Review of Noise Issues by Nigel Lloyd of Acousafe Consulting & Engineering Ltd	
<b>SUBMITTER INDEX</b>		

# 1. Introduction

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## 1.1 Qualifications

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

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

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

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

I note Boffa Miskell also provides policy advice and assistance to Transpower with reviewing and submitting on RMA planning documents. Therefore, in preparing this (and all other) Section 42A Reports for the Proposed Horowhenua District Plan, where provisions have been submitted on by Transpower, I am not the author of those evaluations or recommendations due to potential or perceived conflict of interest. Those evaluations and recommendations have been authored by David McCorkindale, Project Manager (District Plan Review), Horowhenua District Council.

## 1.2 Report 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 for the rural environment 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 “Chapter 2 – Rural Environment” policy framework and “Chapter 19 – Rural Zone” rules and associated



Assessment Criteria (Chapter 25) and Definitions (Chapter 26) of the Proposed Horowhenua District Plan (referred to in this report as “the Proposed Plan”). This report has been prepared in accordance with Section 42A of the Resource Management Act (“the RMA”) to assist the Hearings Panel with its consideration of submissions received in respect of the provisions in these parts of the Proposed Plan.

This report is structured according to the following format:

- An overview of the Proposed Plan provisions in these sections/chapter
- 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 on the submissions. The decision report prepared by the Hearing Panel will include the Hearing Panel’s decision to accept, accept in part, or reject individual submission points, and any amendments to the Proposed Plan. All recommendations in this report are subject to consideration of any further evidence provided by submitters at the hearing.

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

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### **2.1 Background**

In November 2009, HDC resolved to undertake a full review of its Operative District Plan. Under Section 79 of the RMA, the Council is required to commence a review of its District Plan provisions which have not been reviewed in the previous 10 years. The Council has undertaken 23 District Plan changes since the District Plan was made operative in September 1999. These Plan Changes addressed a wide range of issues, with the most recent Plan Changes including rural subdivision, urban growth, outstanding natural features and landscapes, and financial contributions. Whilst these Plan Changes covered a number of the provisions in the District Plan, many other provisions had not been changed or reviewed. Accordingly, the Council decided to do a full review of the rest of the District Plan, including the earlier Plan Changes. This review did not cover the most recent Plan Changes 20 – 22, which were not operative at the time the Proposed Plan was notified.

Chapter 2 of the Proposed Plan contains Issues, Objectives, Policies, Methods, Anticipated Environmental Results and associated explanations for the rural environment. Chapter 2 is effectively an updated and revised version of Section 2 in the Operative Plan following a review of these provisions. Parts of Chapter 2 were reviewed and amended as part of Plan Change 20 on rural subdivision which are excluded from this Proposed Plan process.

Similarly Chapter 19 of the Proposed Plan contains the rules and standards for the Rural Zone. Chapter 19 is also effectively an updated and revised version of Section 19 in the Operative Plan following a review of these provisions. The associated definitions in Chapter 26 of the Proposed Plan/Section 25 of the Operative Plan have been reviewed and amended as well where necessary.

### **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).

#### **Discussion Document – General Comments**

During this consultation, some re-occurring themes and views were expressed about the rural environment and District Plan provisions. The Discussion Document sought general comments about the rural environment as well as targeted questions about specific rural issues and activities. In the general comments received on the rural section of the Discussion Document, two dominant themes emerged of:

- “If you live (or purchase of place) in the country you should expect to experience noise and smells”; and
- “Farming should be unrestricted as it brings employment and economic benefits”.

While the above comments dominated, there were also some other views expressed in relation to activities in rural areas. Some comments highlighted some farming activities can generate excessive noise and offensive odours (intensive farming was noted as an example), as well as the need for sufficient separation distances between dwellings and farming activities. Also, other comments highlighted new activities should consider and be compatible with existing activities, whether farming or residential in nature.

## **Discussion Document – Intensive Farming**

The Discussion Document included a series of four questions in relation to intensive farming, designed to understand the effectiveness and efficiency of the Operative Plan provisions. The feedback received on these questions is summarised below:

*Question 24: Do different types of animals have different effects (nuisances), and if so, what are they?*

Responses to this question were mixed, with a number highlighting pigs and poultry as two types of animals which have the greatest potential to create nuisances (e.g. odour and noise). Of those respondents who stated a specific type of animal and nuisance, pigs and odour were a common response. However, other responses indicated there was no difference in effects (nuisances) between different types of animals.

*Question 25: Appropriate minimum distance between livestock and residential house?*

A wide range of minimum distances were expressed by respondents, from 5 metres up to 3.5 kilometres. Notwithstanding this wide range, the majority of respondents indicated that around 100 – 500 metres would be an appropriate minimum distance. A number of respondents commented that the distance should be determined on a “case-by-case basis” or that the distance should be greater than the current standards.

*Question 26: Appropriate number of animals that may not cause nuisances? Would these numbers differ for different types of animals?*

Most respondents to this question stated that a small number of animals could be housed without causing nuisance to neighbouring dwellings. Respondents considered the number of animals should vary for different types of animals. However, relatively few respondents stated the number of animals they considered would achieve this outcome.

*Question 27: Should specific provisions apply for “free range” farming activities?*

There were divergent views in response to this question, with some respondents stating rules for free-range farms should be made more permissive. Conversely, there were also a number of respondents who stated free-range farms should not be treated any differently from other types of intensive farming operations.

### *General Comments*

In addition to the responses to the specific intensive farming questions, a few general comments were made relating to intensive farming activities. These comments indicated the Rural Zone was the appropriate location for intensive farming activities, but that they should be located where they do not cause nuisances to rural residents or nearby urban areas. Comments were also received from intensive farming industry organisations (i.e. Egg Producers Federation of New Zealand Inc (EPFNZ), Poultry Industry Association of New Zealand Inc (PIANZ), and the New Zealand Pork Industry Board (NZ Pork)).

## **Discussion Document – Rural Privacy and Amenity**

Three questions were asked in the Discussion Document in relation to rural privacy and amenity, and the feedback received is summarised below:

*Question 21. Should Council be concerned with privacy and amenity of rural property owners?*

The majority of respondents believed Council should be concerned with privacy and amenity of rural property owners, although some responses suggested any separation distance should be left to landowners to decide, or be decided on a case by case basis. The examples of separation distances given by respondents were wide ranging (e.g. 5m – 500m), and qualitative answers given also provided some guidance, for example, “enough to prevent noise carrying”.

*Question 22: What would be an appropriate distance between houses on neighbouring rural properties?*

*Question 23: Should there be a separation distance between all buildings on neighbouring rural properties or just between houses?*

In response to these two questions, the majority believed some degree of separation between houses and farm buildings (on separate properties) would be appropriate, but that the latter should depend on the purpose/use of the building. Only a small proportion of respondents considered that the residential/rural conflict was the only issue. There was an overwhelming general comment that those buying rural properties should accept the rural smells and noises of a working rural environment.

### **Targeted Consultation**

During targeted consultation in reviewing and revising the detail of the Plan provisions, a regular comment was to avoid duplication of rules and requirements in the Horizons One Plan. For example, the waste and effluent disposal requirements in the One Plan were noted, and that the District Plan should not contain any waste or effluent disposal requirements.

#### **2.2.1 Late Submissions**

No late submissions were received which raised matters relating to Chapter 2 Rural Environment or Chapter 19 Rural Zone.

## **3. Statutory Requirements**

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

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

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

Below I have summarised the key matters from the above requirements which are particularly relevant to this report.

In Part II of the RMA, the following specific sections have relevant to the rural environment:

*Section 5: 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 7: Use and development shall have particular regard to:*

- (b) the efficient use and development of natural and physical resources*
- (c) the maintenance and enhancement of amenity values*
- (f) the quality of the environment*

Under Section 74(2)(a)(i), when preparing or changing a district plan, a territorial authority shall have regard to any Proposed Regional Policy Statement, in this case, the Proposed One Plan.

The relevant aspects of the above matters have been considered in the analysis of the submissions in Section 4 of this report.

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

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

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

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

Central government is also considering further changes to the RMA. In February 2013, the government released a discussion document titled “improving our resource management system”. The purpose of this document is to obtain feedback on what are referred to as “critical roadblocks to more effective resource management and proposes some solutions”. There are no direct references to the rural environment or changes proposed which only relate to the rural

environment. Rather, the overall changes outlined in the discussion document relating to greater national consistency and guidance, fewer and better resource management plans, and more efficient and effective consenting would indirectly be relevant to the rural environment. Therefore, at this time, these proposals are not considered to have any weight in this hearing and decision-making process.

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

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

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

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

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

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

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

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

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

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

Under Section 75(3)(b) of the Resource Management Act, a District Plan must give effect to any New Zealand Coastal Policy Statement. There are no specific parts of the NZCPS which are considered directly relevant to rural environment provisions in the Proposed Plan.

### **3.5 National Environmental Standards**

No National Environmental Standards (NES) are specifically relevant to the subject of this report. However, it is noted the Government proposed a NES for plantation forestry in 2010. This proposed NES:

- Covered the activity status and conditions that might apply to eight plantation forestry activities (afforestation, replanting, mechanical land preparation, harvesting, pruning and thinning to waste, earthworks, quarrying and river crossings)
- Did not cover some associated forestry activities (e.g., agrichemical use, milling, and processing of timber)
- Allowed local authorities to retain control over how local natural and physical resources are managed in some circumstances

- Proposed an erosion susceptibility classification system for determining the activity status for some plantation forestry activities.

According to the Ministry for the Environment website, the latest update on the proposed NES states:

*“Since the proposed standard was released in September 2010, it has been reviewed and further feedback has been sought. A small team of regional councils is working on refining the NES policy and presented the revised policy to the NES working group in December 2012. In March 2013, the Minister will make her recommendations to Cabinet about the future of the NES.”*

### **3.6 National Policy Statements**

Under Section 75(3)(a) of the Resource Management Act, a District Plan must give effect to any National Policy Statement (NPS). Aspects of the NPS on Electricity Transmission (NPSET) and NPS on Renewable Electricity Generation (NPSREG) are relevant to the rural environment, in that this infrastructure is typically located in rural areas.

In terms of the NPSET, the majority is considered and given effect to in Chapter 12: Network Utilities and Energy. Of relevance to the rural environment is Policy 8 which relates to managing the environmental effects of transmission which states:

*“In rural environments, planning and development of the transmission system should seek to avoid adverse effects on outstanding natural landscapes, areas of high natural character and areas of high recreation value and amenity and existing sensitive activities.”*

Also, Policies 10 and 11 are relevant relating to managing the adverse effects of third parties on the transmission network which state:

#### *POLICY 10*

*In achieving the purpose of the Act, decision-makers must to the extent reasonably possible manage activities to avoid reverse sensitivity effects on the electricity transmission network and to ensure that operation, maintenance, upgrading, and development of the electricity transmission network is not compromised.*

#### *POLICY 11*

*Local authorities must consult with the operator of the national grid, to identify an appropriate buffer corridor within which it can be expected that sensitive activities will generally not be provided for in plans and/or given resource consent. To assist local authorities to identify these corridors, they may request the operator of the national grid to provide local authorities with its medium to long-term plans for the alteration or upgrading of each affected section of the national grid (so as to facilitate the long-term strategic planning of the grid).*

In terms of the NPSREG, the majority is also considered and given effect to in Chapter 12: Network Utilities and Energy. Of relevance to the rural environment is Policy C1 which relates to acknowledging the practical constraints associated with the development, operation, maintenance and upgrading of new and existing renewable electricity generation activities. Specifically, Policy C1(a) which states “decision-makers shall have particular regard to the following matters:

*a) the need to locate the renewable electricity generation activity where the renewable energy resource is available;”*

The other aspect of relevant is Policy D on managing reverse sensitivity effects on renewable electricity generation activities: Policy D states:

*“Decision-makers shall, to the extent reasonably possible, manage activities to avoid reverse sensitivity effects on consented and on existing renewable electricity generation activities.”*

The above matters have been considered in the analysis of the submissions in Section 4 of this report.

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

Under Section 74(2) of the Resource Management Act, the Council shall have regard to any proposed regional policy statement, in this case, the Horizons Regional Council Proposed One Plan. In addition, under Section 75(3)(c) of the Resource Management Act, a District Plan must give effect to any Regional Policy Statement. The Operative Manawatu-Wanganui Regional Policy Statement became operative on 18 August 1998. The Proposed One Plan (incorporating the Proposed Regional Policy Statement) was publicly notified on May 2007 and decisions on submissions notified in August 2010. 22 appeals were received, with some resolved through mediation while others were heard by the Environment Court. Interim decisions were issued by the Environment Court in August 2012 with final decisions expected in early 2013. In addition, Federated Farmers of NZ Inc and Horticulture NZ have appealed these interim decisions to the High Court in relation to non-point source discharges and run-off (nutrient management).

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

A number of aspects of the Proposed One Plan are relevant to the rural environment. As noted above, one of the matters raised in consultation for the District Plan Review was to avoid duplication or conflict/inconsistency between the provisions of the Proposed One Plan and the District Plan. The objectives and policies considered relevant to the rural environment are collated in Appendix 1. The relevant matters relate to:

- Land management/soil conservation
- Critical infrastructure and reverse sensitivity effects
- Air quality/odour

These matters have been considered in the analysis of the submissions in Section 4 of this report.

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

As noted above, Operative Horowhenua District Plan has been operative for over ten years (since 13th September 1999) and a number of plan changes made. Many of these plan changes related to issues in the rural environment including:

- Plan Change 3: Dwellings near High Voltage Transmission Lines (Operative August 2000)
- Plan Change 5: Family Flats in Rural Zone (Operative August 2000)



- Plan Change 6: Audible Bird Scaring Devices (Operative August 2000)

More recently, Proposed Plan Changes 20 and 22 involved changes to Chapter 2 and Chapter 19 of the Operative Plan. These two plan changes related to rural subdivision and outstanding natural features and landscapes (predominantly in the rural environment) provisions. Plan Change 20 was notified in January 2009 and decisions on submissions notified in February 2010. I understand three appeals were lodged on this plan change. All three appeals have now been resolved through mediation. Council approved Plan Change 20 to become operative at the 10 April 2013 Council meeting. Plan Change 20 made significant changes to Chapter 2: Rural Environment of the Operative District Plan. In particular, the 'one size fits all' approach to rural subdivision was replaced with a 'landscape domains' approach where different policy and rule thresholds apply to different areas of the district. The nature and magnitude of these changes is reflected by the amount of 'grey' highlighted text in Chapter 2. It is noted the 'grey' highlighted text is not open for submission.

Plan Change 22 was notified in September 2009 and decisions on submissions notified in September 2012. I understand five appeals have been lodged on Plan Change 22, and at the time of writing this report all appeals remain unresolved with Council officers working with the appellants to resolve these appeals through mediation. Plan Change 22 identifies and protects the Outstanding Natural Features, Outstanding Natural Landscapes and High Amenity Landscapes within the District. New policies and rules apply to the identified areas. The policy framework is contained in Chapter 3: Natural Features of the District Plan (not relevant to this report), but many of the rules are contained in Chapter 19: Rural Zone. As with Plan Change 20 above, these changes are shown as 'grey' highlighted text, and this highlighted text is not open for submission.

### **3.9 Statutory and Policy Context Conclusion**

Given the above statutory and policy context, in broad terms, the District Plan rural environment provisions should:

- Safeguard the life-supporting capacity of soil
- Efficient use and development of natural and physical resource
- Maintain and enhance amenity values
- Give effect to the National Policy Statements on Electricity Transmission and Renewable Electricity Generation
- Not conflict with or duplicate the provisions in the Proposed One Plan
- Give effect to the land, infrastructure and odour provisions in the Proposed One Plan

## 4. Analysis of Submissions

### 4.1 Policy 2.1.20

#### 4.1.1 Submissions Received

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
65.00	Horowhenua Farmers' Ratepayer Group	Support	Support the recognition of the countryside as a rural production landscape.	No specific relief requested. Inferred: Retain Policy 2.1.20.	
66.00	Bruce & Christine Mitchell	Support	Support the recognition of the countryside as a rural production landscape.	No specific relief requested. Inferred: Retain Policy 2.1.20.	
96.00	Federated Farmers of New Zealand	Support	Support Policy 2.1.20 as it seeks to maintain rural character, and specifically because the policy includes rural productive values.	Retain Policy 2.1.20 as notified.	506.04 Ernslaw One Ltd - Support
98.08	Horticulture NZ	In-Part	Policy 2.1.20 is to implement Objective 2.1.1 which is not open for submission. The policy seeks to avoid remedy or mitigate adverse effects on rural character, including rural production values. This approach is supported. However it is considered that there should be specific mention of potential reverse sensitivity effects as these are a concern to primary production in the district.	Amend Policy 2.1.20 as follows: Ensure that new activities locating in the rural area are of a nature, scale, intensity and location consistent with maintaining the character of the rural area and to be undertaken in a manner which avoids, remedies or mitigates adverse effects on rural character, including rural productive values <u>and potential reverse sensitivity effects.</u>	500.03 NZ Pork Industry Board - Support  506.51 Ernslaw One Ltd - Support  522.09 Poultry Industry Association of New Zealand (PIANZ) & Egg Producers Federation of New Zealand (EPFNZ) – Support
101.00	Director-General of Conservation (DoC)	In-Part	Policy 2.1.20 seeks to maintain the character of the rural area. There is no mention of the natural environment within this policy. The natural environment is what makes up the character of the rural area.	Amend Policy 2.1.20 as follows: Ensure that new activities locating in the rural area are of a nature, scale, intensity and location consistent with maintaining the character of the rural area <u>and natural environment</u> and	

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
				to be undertaken in a manner which avoids, remedies or mitigates adverse effects on rural character, including rural productive values	

Five submissions were received on Policy 2.1.20 seeking amendments or inferring it be retained as notified.

#### 4.1.2 Discussion & Evaluation

1. The support for Policy 2.1.20 from some submitters is noted.
2. Horticulture NZ (98.08) requests an amendment to Policy 2.1.20 by adding reference to “potential reverse sensitivity effects”. NZ Pork Industry Board (500.03), Ernslaw One (506.51) and PIANZ & EPFNZ (522.09) support this request.
3. Policy 2.1.20 manages the establishment of new activities in the rural environment. As outlined in the accompanying explanation to this policy, reverse sensitivity effects can arise when new activities establish. Therefore, it is recommended the policy be amended as requested by the submitter, and this submission point and further submissions be accepted.
4. DoC (101.00) request Policy 2.1.20 be amended by adding reference to “the natural environment”. The policy refers to “the character of the rural area”. The character of the rural environment is described throughout Chapter 2: Rural Environment, particularly in the Introduction. In these descriptions, natural resources and the natural environment are a part of this character. Given this, adding reference to ‘the natural environment’ in Policy 2.1.20 is not considered necessary. Therefore, it is recommended this submission point be rejected.

#### 4.1.3 Reporting Officer’s Recommendation

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Officer’s Recommendation
65.00		Horowhenua Farmers’ Ratepayer Group		Accept
66.00		Bruce & Christine Mitchell		Accept
96.00	506.04	Federated Farmers of New Zealand Ernslaw One Ltd	Support	Accept Accept
98.08	500.03 506.51 522.09	Horticulture NZ NZ Pork Industry Board Ernslaw One Ltd Poultry Industry Association of New Zealand (PIANZ) & Egg Producers Federation of New Zealand (EPFNZ)	Support Support Support	Accept Accept Accept Accept

101.00		Director-General of Conservation		Reject
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#### 4.1.4 Recommended Amendments to the Plan Provisions

Amend Policy 2.1.20 as follows:

“Ensure that new activities locating in the rural area are of a nature, scale, intensity and location consistent with maintaining the character of the rural area and to be undertaken in a manner which avoids, remedies or mitigates adverse effects on rural character, including rural productive values and potential reverse sensitivity effects.”

## 4.2 Policy 2.1.21

### 4.2.1 Submissions Received

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
65.02	Horowhenua Farmers' Ratepayer Group	In-Part	If a landowner wishes to create esplanade areas and other open space connections, that should be their right not a requirement imposed by Council. This requirement could impact on privacy and operational requirements of the adjoining landowner and the saleability of subdivided land. There may be dangers involved with public access near pest control areas and there will be the costs for maintaining esplanade areas.	No specific relief requested.  Inferred: Amend Policy 2.1.21 to provide the opportunity for creating esplanade strips/reserves through subdivision not a requirement.	
66.02	Bruce & Christine Mitchell	In-Part	If a landowner wishes to create esplanade areas and other open space connections, that should be their right not a requirement imposed by Council. This requirement could impact on privacy and operational requirements of the adjoining landowner and the saleability of subdivided land. There may be dangers involved with public access near pest control areas and there will be the costs for maintaining esplanade areas.	No specific relief requested.  Inferred: Amend Policy 2.1.21 to provide the opportunity for creating esplanade strips/reserves through subdivision not a requirement.	
98.09	Horticulture NZ	In-Part	Policy 2.1.21 seeks to encourage the creation of local open space areas when land is subdivided. However there is a concern the rural production land could be taken	Amend Policy 2.1.21 as follows:  Encourage the creation of	516.02 Federated Farmers of New Zealand - Support

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
			out of production to create such open spaces. This should be a matter of consideration in the policy.	<p>an integrated network of local open spaces and connections when land is subdivided which provides:</p> <ul style="list-style-type: none"> <li>convenient and practical public access to existing and future areas of open space, reserves and water bodies</li> </ul> <p>....</p> <ul style="list-style-type: none"> <li><u>Protection of primary production activities in the area and does not take land out of rural production activities.</u></li> </ul>	
101.01	Director-General of Conservation (DoC)	Support	Submitter supports Policy 2.1.21.	Retain Policy 2.1.21 as notified.	

Four submissions were received on Policy 2.1.21 seeking or inferring amendments on a few matters.

#### 4.2.2 Discussion & Evaluation

- The support for Policy 2.1.21 from one submitter is noted.
- Horowhenua Farmers' Ratepayers Group (65.02) and Bruce & Christine Mitchell (66.02) raise concern about creating esplanade areas and other open space connection. As outlined in the Open Space Zone Section 42A Report, the process for creating esplanade reserves is typically initiated by a landowner choosing to subdivide. As part of the designing and assessing the proposed subdivision, the provision of an esplanade reserve is a consideration when a waterbody is within or adjacent to the subject land. Policy 2.1.21 sets out the matters to be considered, and these are to be applied in conjunction with the provisions in Chapter 4: Open Space and Access to Waterways.
- Furthermore, Horticulture NZ (98.09) request an additional matter be added to Policy 2.1.21 to recognise primary production activities in the area and taking land out of rural production when creating esplanade reserves. This submission point is supported by Federated Farmers (516.02). In assessing any proposed subdivision creating an esplanade reserve, consideration would be given to all relevant matters, including the rural environment policies (e.g. enabling and providing for primary production activities, and avoiding, remedying or mitigating adverse effects) as well as the open space and access to waterbodies (e.g. maintaining/enhancing access to waterbodies). The policies in the Proposed Plan are

considered to already appropriately address the matters raised by submitters. Therefore, it is recommended that all submissions relating to Policy 2.1.21 be rejected.

#### 4.2.3 Reporting Officer's Recommendation

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Officer's Recommendation
65.02		Horowhenua Farmers' Ratepayer Group		Reject
66.02		Bruce & Christine Mitchell		Reject
98.09	516.02	Horticulture NZ Federated Farmers of New Zealand	Support	Reject Reject
101.01		Director-General of Conservation (DoC)		Accept

#### 4.2.4 Recommended Amendments to the Plan Provisions

No recommended amendments to Policy 2.1.21.

### 4.3 Explanation & Principal Reasons (Objective 2.1.1)

#### 4.3.1 Submissions Received

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
98.10	Horticulture NZ	In-Part	Consistent with the change sought [concern the rural production land could be taken out of production to create such open spaces] to Policy 2.1.21 an additional sentence is sought to the Explanation and Principal Reasons.	Amend the Explanation and Principal Reasons for Objective and Policies 2.1.1 by adding the following paragraph: ... <u>However the importance of, and effects of, primary production activities in the District must be taken into account when open space connections are being established.</u>	

One submission point was received on the Explanation and Principal Reasons for 2.1.1.

#### 4.3.2 Discussion & Evaluation

1. Horticulture NZ (98.10) request the Explanation and Principal Reasons for Objective and Policies 2.1.1 be amended to add reference to effects on primary production and taking land out of production. As discussed above for Policy 2.1.21, it is considered the policies in the

Proposed Plan already appropriately address the matters raised in submitters. Therefore, it is recommended the submission seeking additional matters be rejected.

#### 4.3.3 Reporting Officer's Recommendation

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Officer's Recommendation
98.10		Horticulture NZ		Reject

#### 4.3.4 Recommended Amendments to the Plan Provisions

No recommended amendments to the Explanation and Principal Reasons for 2.1.1.

### 4.4 Issue 2.3 Discussion

#### 4.4.1 Submissions Received

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
67.05	Taiao Raukawa Environmental Resource Unit	In-Part	The submitter seeks amendment to Issue Discussion 2.3.	Amend Issue Discussion 2.3 3 <sup>rd</sup> paragraph, first sentence as follows:  Reverse sensitivity is <u>a term used that explains</u> <del>describes</del> the effect that <u>new</u> development ...	522.06 Poultry Industry Association of New Zealand (PIANZ) & Egg Producers Federation of New Zealand (EPFNZ) - Support

One submission was received on Issue Discussion 2.3 seeking minor wording amendments.

#### 4.4.2 Discussion & Evaluation

1. Taiao Raukawa Environmental Resource Unit (67.05) requests an amendment to the wording in the Issue Discussion in relation to reverse sensitivity. PIANZ and EPFNZ (522.06) support this submission. This paragraph was inserted as part of Plan Change 20, therefore, is not part of the Proposed Plan open for submission. Therefore, it is recommended this submission point is rejected.
2. Notwithstanding the above, the wording submitted is considered to better express the subject of this sentence. Under Clause 16 of the First Schedule of the RMA, Council has the ability to make minor corrections to the District Plan, and it is considered this wording change is within the scope of Clause 16. I understand Council officers will amend the Proposed Plan as submitted when an updated version is made.

#### 4.4.3 Reporting Officer's Recommendation

Sub. No	Further	Submitter Name	Further Submitter	Officer's
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Sub. No.		Position	Recommendation
67.05	522.06	Taiao Raukawa Environmental Resource Unit Poultry Industry Association of New Zealand (PIANZ) & Egg Producers Federation of New Zealand (EPFNZ)	Support Reject

#### 4.4.4 Recommended Amendments to the Plan Provisions

Amend Issue Discussion 2.3 3<sup>rd</sup> paragraph, first sentence as follows under Clause 16 of the First Schedule of the RMA:

“Reverse sensitivity is a term used that explains describes the effect that new development ...”

## 4.5 Issue 2.4

### 4.5.1 Submissions Received

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
32.02	NZ Pork Industry Board (NZ Pork)	Oppose	Oppose provisions which place undue financial and time constraints on farmers due to over regulation. These do not appear appropriate and are extensively covered by the Regional Council's One Plan.	Delete Issue 2.4 and all associated provisions	528.04 Horizons Regional Council - Support
83.01	Ross Hood & Margaret Hood	Oppose	Oppose provision which erode land owner's right in the region.  Farmers are already farming sustainably and therefore there is no need to legislate for sustainable land management practices.	No specific relief requested.  Inferred: Delete Issue 2.4 and all associated provisions.	513.00 Rayonier New Zealand Ltd - Support
96.01	Federated Farmers of New Zealand	Oppose	Oppose Issues 2.4 as it is outside the District Council's functions under Section 31 of the RMA and provides little value to the overall management of the District's resources.  The discussion of this issue is focused on land management practice which can affect soil erosion and the productive capacity of soils. These are functions that belong to the Regional Council, as Section 30(1)(c) specifically states that the control of the use of land for the purpose of soil conservation is a	Delete Issue 2.4	500.00 NZ Pork Industry Board – Support  528.16 Horizons Regional Council - Support



Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
			<p>regional council function.</p> <p>While the proposed District plan has provisions for subdivision and development for the purpose of reducing fragmentation and loss of productive potential due to property sizes which is considered consistent with its functions, an issue regarding land management practice for the purpose of soil conservation is outside the District Council's vires. There seems little value in including Issue 2.4 into the District Plan, when methods are limited to education which is already undertaken by the Regional Council.</p> <p>Issue 2.2 and its associated objectives and policies already deal with fragmentation in the soil resource due to subdivision. Federated Farmers considers that this is an appropriate concern to be addressed by the District Council under Section 31 of the RMA.</p>		
98.11	Horticulture NZ	Oppose	<p>The Proposed Plan seeks to introduce a new section on Sustainable Land Management Practices. The Council seeks to "assess and positively influence the significantly adverse effects of land use activities on soil capability." Given the Regional Council is the authority directly responsible for soil conservation and land disturbance and also discharges, it is unclear the extent to which Section 2.4 should be included in the Proposed Plan. Growers are facing regulation through the Proposed One Plan and adding an additional layer on similar issues within the District Plan is not appropriate.</p>	<p>Delete Section 2.4 Sustainable Land Management Practices.</p> <p>Inferred: delete 2.4 Issue, 2.4.1 Objective and corresponding policies, Explanation &amp; Principal Reasons, Methods and Anticipated Environmental Result.</p>	<p>500.01 NZ Pork Industry Board - Support</p> <p>527.10 Director-General of Conservation (DoC) – Oppose</p> <p>528.23 Horizons Regional Council - Support</p>

Four submissions were received on Issue 2.4 all seeking this issue be deleted. A number of further submissions were received supporting these submission points, except one further submission in opposition.

## 4.5.2 Discussion & Evaluation

1. NZ Pork (32.02), Hood (83.01), Federated Farmers (96.01) and Horticulture NZ (98.11) request Issue 2.4 and all associated provisions relating to sustainable land management practices be deleted. Further submissions from Horizons Regional Council (528.04, 528.16, and 528.23), NZ Pork (500.00, 500.01) and Rayonier (513.00) support this request, while the DoC (527.10) opposes this request.
2. Issue 2.4 and associated provisions (e.g. Objective 2.4.1, Policy 2.4.2 – 2.4.3, 2.4.4 Explanation and Principal Reasons, and 2.4.5 Methods) relate to sustainable land management practices. These provisions in the Proposed Plan were effectively ‘rolled over’ from the Operative Plan, with a few amendments to better align with the Proposed One Plan.
3. As submitters highlight, soil conservation is a responsibility of the Regional Council under the RMA and not the District Council. It is understood the purpose for including this issue and associated provisions in the District Plan (Operative and Proposed) is to recognise land use activities and subdivision can impact on sustainable land management practices, particularly in parts of the district vulnerable to erosion (e.g. sandy soils and steep hill country). However, I concur with submitters, that this matter is effectively managed by Horizons Regional Council under the provisions of the Proposed One Plan. Therefore, it is recommended Issue 2.4 and associated provisions (e.g. Objective 2.4.1, Policy 2.4.2 – 2.4.3, 2.4.4 Explanation and Principal Reasons, and 2.4.5 Methods) are deleted from the Proposed Plan. All submissions are recommended to be accepted, except for the opposing further submission from the DoC, which is recommended to be rejected.

## 4.5.3 Reporting Officer’s Recommendation

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Officer’s Recommendation
32.02		NZ Pork Industry Board		Accept
	528.04	Horizons Regional Council	Support	Accept
83.01		Ross Hood & Margaret Hood		Accept
	513.00	Rayonier New Zealand Ltd	Support	Accept
96.01		Federated Farmers of New Zealand		Accept
	500.00	NZ Pork Industry Board	Support	Accept
	528.16	Horizons Regional Council	Support	Accept
98.11		Horticulture NZ		Accept
	500.01	NZ Pork Industry Board	Support	Accept
	527.10	Director - General of Conservation (DoC)	Oppose	Reject
	528.23	Horizons Regional Council	Support	Accept

## 4.5.4 Recommended Amendments to the Plan Provisions

Delete Issue 2.4 and all associated provisions as shown below.

## **Issue 2.4 SUSTAINABLE LAND MANAGEMENT PRACTICES**

The use and development of rural land using sustainable land management techniques and the potential for adverse effects on the rural environment from inappropriate land management.

### **ISSUE DISCUSSION**

Many of the District's soil resources are vulnerable to erosion simply because of their natural characteristics (e.g. light sandy soils or soils of the steep hill country). Land management practice is the key determinant of the long term stability and productive capability of soils. Inappropriate land management can cause accelerated erosion and loss of soil versatility. Examples include successive and uninterrupted cropping; vegetation clearance without suitable soil retention or water control measures. The issue is important both to the natural ecosystems which rely on sustained soil capability and to the District's rural economy.

### **Objectives & Policies**

#### **Objective 2.4.1 Sustainable Land Management Practices**

Sustainable management of the soils of the District to enable their long term use for a range of purposes.

#### **Policy 2.4.2**

Ensure the adverse environmental effects of land management practices on the life-supporting capacity of soil are avoided, remedied or mitigated.

#### **Policy 2.4.3**

Promote land management practices which sustain the potential of soil resources to meet the reasonably foreseeable needs of future generations.

### **Explanation and Principal Reasons**

Achievement of sustainable land management throughout the District is the primary good. Achievement will depend, in large measure, on voluntary change from traditional land use practices in the community. Control through the District Plan, is not expected to be the means of achieving sustainable land management, with other agencies having a role.

Horizons Regional Council is the authority directly responsible for soil conservation and land disturbance matters. The District Council can, though, assist to influence land management practices in its role of managing the effects of land use activities. Other agencies including Federated Farmers, Department of Conservation, and Fish and Game Council all work directly with land users to improve land management practice. The more direct initiatives of these other agencies are expected to be most effective in improving land management practice and soil sustainability over time. The Council intends, within the constraints of its jurisdiction, to assess and positively influence the significantly adverse effects of land use activities on soil capability and to work co-operatively with those agencies in promoting sustainable land management.

### **Methods for Issue 2.4 & Objective 2.4.1**

#### **Education and Information**

- Council will co-operate with land users and other agencies in generating and disseminating information on sustainable land management techniques, such as the „Sustainable Land Use Initiative“.

- Council will encourage land users to use Codes of Practice and other good practice guidelines.

### District Plan

- Grazing, production forestry, and other forms of cropping and horticulture are permitted activities in the rural environment.
- Intensive farming is a permitted activity subject to particular conditions concerning separation distances.
- Activities which require land use consent will be assessed for their impacts on long term soil versatility.

### Other Statutory Plans

- Horizons Regional Council Proposed One Plan controls vegetation clearance, land disturbance, forestry and cultivation on vulnerable soils in the region.

## 4.6 Objective 2.4.1

### 4.6.1 Submissions Received

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
32.03	NZ Pork Industry Board (NZ Pork)	Oppose	Submitter opposes provisions which place undue financial and time constraints on farmers due to over regulation. These do not appear appropriate and are extensively covered by the Regional Council's One Plan.	Delete provisions associated with Issue 2.4	528.05 Horizons Regional Council - Support
72.00	Poultry Industry Association of New Zealand (PIANZ) & Egg Producers Federation of New Zealand (EPFNZ)	Support	The submitter supports the direction taken in the Proposed District Plan, specifically in relation to the establishment and operation of new and existing primary production activities. The recognition of the importance of intensive farming activities in the district is supported.  Objective 2.4.1 and associated policies seek to ensure the sustainable management of rural soils for rural uses.  The submitter supports Objective 2.4.1.	Retain Objective 2.4.1.	517.03 Horticulture NZ - Oppose
74.12	Ernslaw One Limited	Support	Support Objective 2.4.1.	Retain Objective 2.4.1.	

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
96.02	Federated Farmers of New Zealand	Oppose	<p>There is little value added by this suite of provisions regarding land management practice for the purpose of soil conservation when this is a function that belongs to the Regional Council, and when the District Council's methods are limited to education.</p> <p>The Objectives and Policies under Issue 2.2 already manage the concern around lost productive capacity through inappropriate subdivision causing fragmentation of the soil resource which is appropriate under Section 31 of the RMA, so there is no need for Objective 2.4.1</p>	Delete Objective 2.4.1.	<p>500.04 NZ Pork Industry Board – Support</p> <p>528.17 Horizons Regional Council - Support</p>
101.02	Director-General of Conservation (DoC)	Support	Submitter supports Objective 2.4.1.	Retain Objective 2.4.1 as notified.	500.05 NZ Pork Industry Board - Oppose

Five submissions were received on Objective 2.4.1 requesting either the objective be retained or deleted. A few further submissions were received supporting or opposing the different relief sought.

#### 4.6.2 Discussion & Evaluation

- As discussed above for Issue 2.4, soil conservation is a responsibility of the Regional Council under the RMA and not the District Council. For the reasons outlined for Issue 2.4 above, it is recommended Objective 2.4.1 be deleted. All submissions requesting the deletion are recommended to be accepted, while submissions requesting retention are recommended to be rejected.

#### 4.6.3 Reporting Officer's Recommendation

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Officer's Recommendation
32.03		NZ Pork Industry Board		Accept
	528.05	Horizons Regional Council	Support	Accept
72.00		PIANZ & EPFNZ		Reject
	517.03	Horticulture NZ	Oppose	Accept
74.12		Ernslaw One Limited		Reject
96.02		Federated Farmers of New Zealand		Accept
	500.04	NZ Pork Industry Board	Support	Accept

	528.17	Horizons Regional Council	Support	Accept
101.02		Director-General of Conservation (DoC)		Reject
	500.05	NZ Pork Industry Board	Oppose	Accept

#### 4.6.4 Recommended Amendments to the Plan Provisions

Delete Objective 2.4.1 as shown below.

#### ~~Objective 2.4.1 Sustainable Land Management Practices~~

~~Sustainable management of the soils of the District to enable their long term use for a range of purposes.~~

## 4.7 Policy 2.4.2

### 4.7.1 Submissions Received

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
32.04	NZ Pork Industry Board (NZ Pork)	Oppose	Submitter opposes provisions which place undue financial and time constraints on farmers due to over regulation. These do not appear appropriate and are extensively covered by the Regional Council's One Plan.	Delete provisions associated with Issue 2.4	528.06 Horizons Regional Council - Support
74.13	Ernslaw One Limited	Support	Support Policy 2.4.2.	Retain Policy 2.4.2.	500.08 NZ Pork Industry Board - Oppose
101.03	Director-General of Conservation (DoC)	Support	Submitter supports Policy 2.4.2.	Retain Policy 2.4.2 as notified.	500.06 NZ Pork Industry Board - Oppose
96.03	Federated Farmers of New Zealand	Oppose	There is little value added by this suite of provisions regarding land management practice for the purpose of soil conservation when this is a function that belongs to the Regional Council, and when the District Council's methods are limited to education.  The Objectives and Policies under Issue 2.2 already manage the concern around lost productive capacity through inappropriate subdivision causing fragmentation of the soil resource which is	Delete Policy 2.4.2	500.07 NZ Pork Industry Board - Support  517.04 Horticulture NZ – Support  528.18 Horizons Regional Council - Support

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
			appropriate under Section 31 of the RMA, so there is no need for Policy 2.4.2		

Four submissions were received on Policy 2.4.2 requesting this policy be retained or deleted, along with various supporting or opposing further submissions.

#### 4.7.2 Discussion & Evaluation

- As discussed above for Issue 2.4, soil conservation is a responsibility of the Regional Council under the RMA and not the District Council. For the reasons outlined for Issue 2.4 above, it is recommended Policy 2.4.2 be deleted. All submissions requesting the deletion are recommended to be accepted, while submissions requesting retention are recommended to be rejected.

#### 4.7.3 Reporting Officer's Recommendation

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Officer's Recommendation
32.04		NZ Pork Industry Board		Accept
	528.06	Horizons Regional Council	Support	Accept
74.13		Ernslaw One Limited		Reject
	500.08	NZ Pork Industry Board	Oppose	Accept
101.03		Director-General of Conservation (DoC)		Reject
	500.06	NZ Pork Industry Board	Oppose	Accept
96.03		Federated Farmers of New Zealand		Accept
	500.07	NZ Pork Industry Board	Support	Accept
	517.04	Horticulture NZ	Support	Accept
	528.18	Horizons Regional Council	Support	Accept

#### 4.7.4 Recommended Amendments to the Plan Provisions

Delete Policy 2.4.2 as shown below.

##### **Policy 2.4.2**

~~Ensure the adverse environmental effects of land management practices on the life-supporting capacity of soil are avoided, remedied or mitigated.~~

## 4.8 Policy 2.4.3

### 4.8.1 Submissions Received

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
74.14	Ernslaw One Limited	Support	Support Policy 2.4.3.	Retain Policy 2.4.3.	500.10 NZ Pork Industry Board - Oppose
96.04	Federated Farmers of New Zealand	Oppose	<p>There is little value added by this suite of provisions regarding land management practice for the purpose of retaining soils capacity when this is a function that belongs to the Regional Council, and when the District Council's methods are limited to education.</p> <p>The Objectives and Policies under Issue 2.2 already manage the concern around lost productive capacity through inappropriate subdivision causing fragmentation of the soil resource which is appropriate under Section 31 of the RMA, so there is no need for Policy 2.4.3.</p>	Delete Policy 2.4.3	528.19 Horizons Regional Council - Support
101.04	Director-General of Conservation (DoC)	Support	Submitter supports Policy 2.4.3.	Retain Policy 2.4.3 as notified.	

Three submissions were made on Policy 2.4.3 seeking it be retained or deleted, with two further submissions.

### 4.8.2 Discussion & Evaluation

- As discussed above for Issue 2.4, soil conservation is a responsibility of the Regional Council under the RMA and not the District Council. For the reasons outlined for Issue 2.4 above, it is recommended Policy 2.4.3 be deleted. All submissions requesting the deletion are recommended to be accepted, while submissions requesting retention are recommended to be rejected.

### 4.8.3 Reporting Officer's Recommendation

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Officer's Recommendation
74.14	500.10	Ernslaw One Limited		Reject
		NZ Pork Industry Board	Oppose	Accept



96.04	528.19	Federated Farmers of New Zealand Horizons Regional Council	Support	Accept Accept
101.04		Director-General of Conservation (DoC)		Reject

#### 4.8.4 Recommended Amendments to the Plan Provisions

Delete Policy 2.4.3 as shown below.

##### **Policy 2.4.3**

~~Promote land management practices which sustain the potential of soil resources to meet the reasonably foreseeable needs of future generations.~~

## 4.9 Explanation & Principal Reasons (Objective 2.4.1)

### 4.9.1 Submissions Received

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
67.06	Taiao Raukawa Environmental Resource Unit	In-Part	The submitter seeks clarification around the explanation and principle reasons for Issue 2.4.	Amend Explanation & Principal Reasons 2.4.1 as follows:  Control through the District Plan, is not expected to the <u>only</u> means of achieving sustainable land management, with other agencies having a role, <u>too</u> .	
32.05	NZ Pork Industry Board (NZ Pork)	Oppose	Oppose provisions which place undue financial and time constraints on farmers due to over regulation. These do not appear appropriate and are extensively covered by the Regional Council's One Plan.	Delete provisions associated with Issue 2.4	528.07 Horizons Regional Council - Support

Two submissions were received on the Explanation and Principal Reasons 2.4.1 seeking it be amended or deleted.

### 4.9.2 Discussion & Evaluation

- As discussed above for Issue 2.4, soil conservation is a responsibility of the Regional Council under the RMA and not the District Council. For the reasons outlined for Issue 2.4 above, it is recommended Explanation and Principal Reasons 2.4.1 be deleted. All submissions requesting the deletion are recommended to be accepted, while submissions requesting retention are recommended to be rejected.

### 4.9.3 Reporting Officer's Recommendation

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Officer's Recommendation
67.06		Taiao Raukawa Environmental Resource Unit		Reject
32.05	528.07	NZ Pork Industry Board Horizons Regional Council -Support	Support	Accept Accept

### 4.9.4 Recommended Amendments to the Plan Provisions

Delete Explanation and Principal Reasons as shown below.

#### Explanation and Principal Reasons

~~Achievement of sustainable land management throughout the District is the primary good. Achievement will depend, in large measure, on voluntary change from traditional land use practices in the community. Control through the District Plan, is not expected to be the means of achieving sustainable land management, with other agencies having a role.~~

~~Horizons Regional Council is the authority directly responsible for soil conservation and land disturbance matters. The District Council can, though, assist to influence land management practices in its role of managing the effects of land use activities. Other agencies including Federated Farmers, Department of Conservation, and Fish and Game Council all work directly with land users to improve land management practice. The more direct initiatives of these other agencies are expected to be most effective in improving land management practice and soil sustainability over time. The Council intends, within the constraints of its jurisdiction, to assess and positively influence the significantly adverse effects of land use activities on soil capability and to work co-operatively with those agencies in promoting sustainable land management.~~

## 4.10 Methods for Issue 2.4 & Objective 2.4.1

### 4.10.1 Submissions Received

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
32.06	NZ Pork Industry Board	Oppose	Oppose provisions which place undue financial and time constraints on farmers due to over regulation. These do not appear appropriate and are extensively covered by the Regional Council's One Plan.	Delete provisions associated with Issue 2.4	528.08 Horizons Regional Council - Support
50.00	Rayonier NZ Ltd	Support	Support the Method stating that Council will encourage land users to use Codes of Practice and other good practice guidelines.	Retain Methods for Issue 2.4 and Objective 2.4.1.	506.70 Ernslaw One Ltd - Support
74.00	Ernslaw One Limited	Support	The forestry industry leads the way in the primary production sector	Retain Method 2.4 Education and	513.29 Rayonier New Zealand Ltd -

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
			<p>within New Zealand through its adoption of good practice and industry training guides, engineering and environmental standards.</p> <p>Ernslaw One forestry operations are planned and undertaken in accordance with the Environmental Code of Practice for Plantation Forestry (ECOP) 2007. The new ECOP has kept pace with changing environmental expectations and provides a valuable resource developed by industry experts.</p> <p>Ernslaw One has an Environmental Management System and in house Environmental Standards. The standards are regularly reviewed and updated to keep pace with changing environmental expectations and increased awareness within the forestry industry.</p>	Information.	Support

Three submissions were received on the Methods associated with Issue 2.4 seeking they be deleted or retained.

#### **4.10.2 Discussion & Evaluation**

1. As discussed above for Issue 2.4, it is recommended all associated provisions be deleted. There are no specific methods associated with soil conservation in Section 2.4, therefore, it is recommended this submission point be rejected.
2. The support from submitters to the other Methods is noted.

#### **4.10.3 Reporting Officer's Recommendation**

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Officer's Recommendation
32.06	528.08	NZ Pork Industry Board Horizons Regional Council	Support	Reject Reject
50.00	506.70	Rayonier NZ Ltd Ernslaw One Ltd	Support	Accept Accept
74.00	513.29	Ernslaw One Limited Rayonier New Zealand Ltd	Support	Accept Accept

#### 4.10.4 Recommended Amendments to the Plan Provisions

Delete Methods for Issue 2.4 & Objective 2.4.1 as shown below.

#### ~~Methods for Issue 2.4 & Objective 2.4.1~~

##### ~~Education and Information~~

- ~~• Council will co-operate with land users and other agencies in generating and disseminating information on sustainable land management techniques, such as the Sustainable Land Use Initiative.~~
- ~~• Council will encourage land users to use Codes of Practice and other good practice guidelines.~~

##### ~~District Plan~~

- ~~• Grazing, production forestry, and other forms of cropping and horticulture are permitted activities in the rural environment.~~
- ~~• Intensive farming is a permitted activity subject to particular conditions concerning separation distances.~~
- ~~• Activities which require land use consent will be assessed for their impacts on long term soil versatility.~~

##### ~~Other Statutory Plans~~

- ~~• Horizons Regional Council Proposed One Plan controls vegetation clearance, land disturbance, forestry and cultivation on vulnerable soils in the region.~~

### 4.11 Issue 2.5

#### 4.11.1 Submissions Received

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
32.07	NZ Pork Industry Board (NZ Pork)	In-Part	Support the intent of Issue 2.5 however requests the rephrasing for clarity if the issue.	Amend Issue 2.5 as follows:  <u>A diverse</u> <del>diversity</del> range of primary production and non-primary production activities occur in the rural environment. These activities can have a wide range of effects on the nature, character and amenity values of the rural environment <del>as well as the potential for incompatibility between</del> activities land use .	506.62 Ernslaw One Ltd - Support  513.01 Rayonier New Zealand Ltd - Support  522.02 Poultry Industry Association of New Zealand (PIANZ) & Egg Producers Federation of New Zealand (EPFNZ) - Support  524.01 Higgins

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
				However, some of these effects are anticipated and expected in a rural <u>working</u> environment. <u>This can result in the potential for incompatibility between rural activities and more sensitive land use.</u>	Group Holdings Ltd - Support
65.01	Horowhenua Farmers' Ratepayer Group	In-Part	Support the list of activities which are an essential part of a rural productive environment however seek the inclusion of aerial topdressing and spraying.	Amend Issue 2.5 to include aerial topdressing and spraying in the list of possible effects.	506.47 Ernslaw One Ltd - Support  513.06 Rayonier New Zealand Ltd - Support  517.02 Horticulture NZ - Support
66.01	Bruce & Christine Mitchell	In-Part	Support the list of activities which are an essential part of a rural productive environment however seek the inclusion of aerial topdressing and spraying.	Amend Issue 2.5 to include aerial topdressing and spraying in the list of possible effects.	
77.04	Higgins Group Holdings Ltd	In-Part	Would like to see recognition of Aggregate Extraction be made within the discussion of Issue 2.5.	Amend Issue 2.5 Issue Discussion as follows:  Paragraph 1:  ... processing sheds, fertiliser deposits and rural contractors. <u>Other industrial-type activities also occur in the rural environment, such as aggregate extraction, which is critical to the functioning of the District.</u>  There are other non-primary...  Paragraph 3:  Given the nature and scale of some primary production activities and <u>aggregate extraction activities</u> in the rural environment, ...	506.39 Ernslaw One Ltd - Support  511.00 HDC (Community Assets Department) - In Part  513.07 Rayonier New Zealand Ltd - Support

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
83.02	Ross Hood & Margaret Hood	In-Part	<p>No more subdivision of productive rural land should occur.</p> <p>Only areas already subdivided should be able to be subdivided. We see cluster, close-density, settlements patterns to be the only choice.</p> <p>Farmland must be left in economic units so future generations can provide food for themselves and more.</p> <p>We believe it is possible that no subdivision at all, apart from re-subdivision may be the best and long terms sustainable option.</p>	<p>No specific relief requested.</p> <p>Inferred: Amend Issue 2.5 and corresponding objectives and policies so that:</p> <p>Productive rural land is protected from subdivision and any new subdivision is only allowed in areas already subdivided and the result of development is “cluster, close-density, settlement patterns and infrastructure such as roads, sewerage and power already exist. The policy should be to cluster small blocks together where they already are and leave the farming areas for farming.</p>	500.02 NZ Pork Industry Board - Support
96.05	Federated Farmers of New Zealand	In-Part	<p>In general Federated Farmers support the explanation and principle reasons for the policies and objectives contained in Section 2.5. It is critically important that existing and legitimate primary production land uses in the rural zone are protected from reverse sensitivity and that within the rural zone some primary production activities will at time generate external effects that cannot be avoided.</p> <p>Support is also given for the discussion of specific effect that should be anticipated such as noise from dogs and livestock, farm machinery etc.</p> <p>The Issue needs to specify that both positive and negative effects can arise, as just having the words “effects” makes the reader assume it is referring to negative effects.</p> <p>Support is given for the acknowledgement in the Issue that</p>	<p>Amend Issue 2.5 as follows:</p> <p>Diversity of primary production and non-primary production activities occur in the rural environment. These activities can have a wide range of <u>positive and negative</u> effects on the nature, character and amenity values of the rural environment, as well as the potential for incompatibility between activities. However, some of these effects are anticipated and expected in a rural environment <u>and are essential in order for activities to continue</u>. Or words to this effect.</p>	<p>506.05 Ernslaw One Ltd - Support</p> <p>513.10 Rayonier New Zealand Ltd - Support</p> <p>522.07 Poultry Industry Association of New Zealand (PIANZ) &amp; Egg Producers Federation of New Zealand (EPFNZ) - Oppose</p>

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
			some effects are anticipated and expected in the rural environment. This acknowledgement should continue along this line by specifying that some effects are essential in order for activities to continue.		
98.12	Horticulture NZ	In-Part	<p>Section 2.5 introduces provisions that relate to rural character and seeks to manage reverse sensitivity effects. This approach is supported, subject to amendments regarding clarity of responsibility.</p> <p>The Issue describes a number of adverse effects of activities that are of concern. The language is rather emotive and describes activities rather than adverse effects.</p> <p>Many factors that can contribute to off-target spray drift and are the responsibility of the regional council as they manage discharges to air. The district council's function relates to land use to ensure that reverse sensitivity effects do not occur – that is rural residential lifestyle being located too close to primary production activities where agrichemical spraying is likely to be undertaken – resulting in potential for complaints from the lifestylers. Often the complaints are linked to perception rather than actual effects.</p>	<p>Amend Issue 2.5, bullet point 5 as follows:  <del>The careless and indiscriminate use of air sprays resulting in spray drift.</del></p> <p><u>The potential for adverse effects from off target spray drift and complaints due to agrichemical spraying being undertaken.</u></p>	<p>506.55 Ernslaw One Ltd - Support</p> <p>513.20 Rayonier New Zealand Ltd - Support</p> <p>516.00 Federated Farmers of New Zealand - Support</p>

Seven submissions were received on Issue 2.5 on land use activities in the rural environment. These submissions seek various amendments to Issue 2.5 and associated discussion. Various further submissions support or oppose the relief sought in submissions.

#### **4.11.2 Discussion & Evaluation**

1. Submissions from NZ Pork (32.07), Horowhenua Farmers' Ratepayer Group (65.01), Bruce & Christine Mitchell (66.01), Federated Farmers (96.05) and Horticulture NZ (98.12) generally support the Issue 2.5 and the Issue Discussion, but request various amendments. These requests for amendments are supported to varying degrees by Ernslaw One (506.05, 506.47, 506.55, 506.62), Rayonier (513.01, 513.06, 513.10, 513.20), Federated Farmers (516.00), PIANZ and EPFNZ (522.02, 522.07), Horticulture NZ (517.02) and Higgins (524.01).

2. Hood (83.02) infer the Issue Discussion be amended to protect productive rural land from subdivision. This submission point is supported by NZ Pork (500.02).
3. Higgins (77.04) request the Issue Discussion be amended to include recognition of aggregate extraction. This request is supported by Ernslaw One (506.39), HDC (Community Assets Department) (511.00) and Rayonier (513.07).
4. Issue 2.5 and associated explanation describe the amenities of the rural environment and the potential adverse effects on these amenities, including the potential for conflicts in rural amenity expectations. In reviewing the existing Issue and explanation in the Operative Plan, it was concluded a broader application was required to consider the wide range of activities in the rural environment and how these are managed beyond amenity considerations.
5. The wording submitted by NZ Pork is considered to better express and structure the Issue Statement. Therefore, it is recommended this wording be adopted and submissions accepted.
6. The wording submitted by Federated Farmers for the Issue Statement is not considered to add to the expression or understanding of this issue, and considered to be adequately covered in the accompanying Issue Discussion. Accordingly, it is recommended this submission be rejected.
7. Aerial topdressing is considered another good example of a necessary and usual aspect of life in a rural area, therefore, it is recommended this activity be added to the list of examples in the Issue Discussion. It is recommended the two submissions which raise this matter be accepted.
8. Similarly, aggregate extraction is another type of activity which is typically undertaken in the rural environment. Therefore, it is recommended reference to aggregate extraction be added to the Issue Discussion. However, alternative wording is recommended to that submitted by Higgins, as the reference to “other industrial-type activities” is not considered an accurate reference. It is recommended the submission point be accepted in part.
9. The effects from subdivision on productive rural land is considered to be appropriately addressed in Issue 2.1 of the Proposed Plan, noting Issue 2.5 is focused on land use activities. Therefore, it is recommended the submission point from Hood be rejected.
10. The request from Horticulture NZ to amend the wording of the point on spray drift is supported, as it better expresses the adverse effect. Accordingly, it is recommended this submission point be accepted.

#### **4.11.3 Reporting Officer’s Recommendation**

<b>Sub. No</b>	<b>Further Sub. No.</b>	<b>Submitter Name</b>	<b>Further Submitter Position</b>	<b>Officer’s Recommendation</b>
32.07		NZ Pork Industry Board		Accept
	506.62	Ernslaw One Ltd	Support	Accept
	513.01	Rayonier New Zealand Ltd	Support	Accept
	522.02	PIANZ & EPFNZ	Support	Accept



	524.01	Higgins Group Holdings Ltd	Support	Accept
65.01		Horowhenua Farmers' Ratepayer Group		Accept
	506.47	Ernslaw One Ltd	Support	Accept
	513.06	Rayonier New Zealand Ltd	Support	Accept
	517.02	Horticulture NZ	Support	Accept
66.01		Bruce & Christine Mitchell		Accept
77.04		Higgins Group Holdings Ltd		Accept In-Part
	506.39	Ernslaw One Ltd	Support	Accept In-Part
	511.00	HDC (Community Assets Department)	In Part	Accept In-Part
	513.07	Rayonier New Zealand Ltd	Support	Accept In-Part
83.02		Ross Hood & Margaret Hood		Reject
	500.02	NZ Pork Industry Board	Support	Reject
96.05		Federated Farmers of New Zealand		Reject
	506.05	Ernslaw One Ltd	Support	Reject
	513.10	Rayonier New Zealand Ltd	Support	Reject
	522.07	PIANZ & EPFNZ	Oppose	Accept
98.12		Horticulture NZ		Accept
	506.55	Ernslaw One Ltd	Support	Accept
	513.20	Rayonier New Zealand Ltd	Support	Accept
	516.00	Federated Farmers of New Zealand	Support	Accept

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

Amend Issue 2.5 as follows:

“A diversity of primary production and non-primary production activities occur in the rural environment. These activities can have a wide range of effects on the nature, character and amenity values of the rural environment as well as the potential for incompatibility between activities and use. However, some of these effects are anticipated and expected in a rural working environment. These effects can result in the potential for incompatibility between rural activities and more sensitive land use.”

Amend the first paragraph of the Issue Discussion to read:

The rural environment hosts a diverse range of activities spread throughout a large area. The nature and distribution of primary production is largely determined by natural patterns of landform, climate and soil type, with other activities influenced by other factors such as accessibility and proximity to markets and other facilities. The predominant activities in the rural environment are primary production based, including farming, horticulture and forestry. These primary production activities can vary widely in scale from large scale and extensive beef/sheep and dairying operations through to small scale lifestyle blocks. There are also many activities associated with these primary production activities located in the rural environment, including packing and

processing sheds, fertiliser depots and rural contractors. In addition, other activities and facilities are located in the rural environment, including infrastructure and aggregate extraction activities. There are other non-primary production activities located in the rural environment including residential, recreation, home occupations, and visitor accommodation. These activities are often more sensitive to external effects from primary production activities and infrastructure.

Amend the third paragraph of the Issue Discussion to read:

Given the nature and scale of some primary production activities and other activities in the rural environment, at times these activities may generate external effects which cannot be avoided (e.g. noise, odour and dust). Dogs barking, stock noise, farm machinery noise, aerial topdressing and spraying, stock movements, burning, and spraying are all necessary and usual aspects of life in a rural area.

Amend Issue 2.5, fifth paragraph, bullet point 5 as follows:

- ~~The careless and indiscriminate use of air sprays resulting in spray drift.~~
- The potential for adverse effects from off target spray drift and complaints due to agrichemical spraying being undertaken.

## 4.12 Objective 2.5.1

### 4.12.1 Submissions Received

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
32.08	NZ Pork Industry Board (NZ Pork)	In-Part	<p>The objective focuses on avoiding, remedying or mitigating adverse effects from primary production activities but does not mention similar provisions for avoiding, remedying or mitigating adverse effects associated with inappropriate placement sensitive activities in the zone.</p> <p>The Objective also needs to link to the economic impacts that can occur as a result of reverse sensitivity.</p>	<p>Amend Objective 2.5.1 as follows:</p> <p>To enable primary production activities and other associated rural based land uses to function efficiently and effectively in the Rural Zone, while avoiding, remedying or mitigating the adverse effects of activities, including reverse sensitivity effects <u>from inappropriately located sensitive activities</u>, in a way that maintains and enhances the <u>productive capacity</u>, character and amenity values of the rural environment.</p>	<p>506.63 Ernslaw One Ltd - Support</p> <p>524.02 Higgins Group Holdings Ltd - Support</p> <p>527.01 Director-General of Conservation (DoC) - Oppose</p>
72.01	Poultry Industry Association of New Zealand	Support	Objective 2.5.1 and associated policies specifically ensure primary production activities such as	Retain Objective 2.5.1.	

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
	(PIANZ) & Egg Producers Federation of New Zealand (EPFNZ)		intensive farming can operate efficiently and effectively.  The submitter supports Objective 2.5.1.		
77.05	Higgins Group Holdings Ltd	In-Part	That recognition of Aggregate Extraction within Objective 2.5.1 is essential to ensure that reverse sensitivity are fully considered in any resource consent applications for activities intending to establish near Aggregate Extraction.	Amend Objective 2.5.1 as follows:  To enable primary production activities, and other associated rural based land uses <u>and Aggregate Extraction activities</u> to function efficiently, and effectively in the Rural Zone...	506.40 Ernslaw One Ltd - Support
99.01	Transpower New Zealand Ltd	In-Part	Transpower supports the inclusion of Objective 2.5.1 but requests that the objective be amended to recognise established activities in the rural area which are not necessarily associated with primary production activities. National Grid infrastructure is not associated with primary production activities and not necessarily a „rural based land use“; however it is an established land use that must be located within the rural area. This approach would be consistent with Policy 1, 2 and 5 of the NPSET.  In seeking this relief, Transpower note a number of policies (e.g. Policy 2.5.3) seek to provide for the establishment of new non primary production activities and existing lawfully established activities.	Amend Objective 2.5.1 as follows:  To enable primary production activities and other <del>associated rural based</del> <u>established</u> land uses <u>that have a functional necessity to be located within the rural area</u> to function efficiently and effectively in the Rural Zone, while avoiding, remedying or mitigating the adverse effects of activities, including reverse sensitivity effects, in a way that maintains and enhances the character and amenity values of the rural environment.	514.16 Todd Energy Ltd - Support  515.16 KCE Mangahao Ltd - Support  516.03 Federated Farmers of New Zealand - Oppose  522.11 Poultry Industry Association of New Zealand (PIANZ) & Egg Producers Federation of New Zealand (EPFNZ) - Support
101.05	Director-General of Conservation (DoC)	In-Part	It is not clear when stating “while avoiding, remedying or mitigating the adverse effects of activities, including reverse sensitivity issues.	Amend Objective 2.5.1 by adding further explanation pertaining to reverse sensitivity effects or provide a list of what is envisaged via reverse sensitivity matters.	
96.06	Federated	In-Part	The recognition that primary	Amend Objective 2.5.1 as	500.09 NZ Pork

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
	Farmers of New Zealand		<p>production activities must be able to operate effectively in the rural zone is critical for a district such as Horowhenua, which is so reliant primary production for the community wellbeing. Also supported is the inclusion of rural-based activities into the Objective, as activities such as rural contracting or processing are important components of the primary production industry.</p> <p>Federated Farmers suppose the use of the term to enable as this is consistent with the enabling intent of the RMA.</p> <p>Also supports the provision to avoid, remedy or mitigate adverse effects, as this is consistent with Section 5 (2) (c) of the RMA, and also provides more options on how to manage adverse effects.</p> <p>However, not only character and amenity aspects of the rural environment are worthy of maintenance or enhancement. The productive capacity of the rural environment is an important component of enabling primary production and should be included into the Objective. The term productive capacity incorporates many aspects and is a broad enough term to use in and objective that seeks to enable primary production.</p>	<p>follows:</p> <p>To enable primary production activities and other associated rural based land uses to function efficiently and effectively in the Rural Zone, while avoiding, remedying or mitigating the adverse effects of activities, including reverse sensitivity effects, in a way that maintains and enhances the <u>productive capacity</u>, character and amenity values of the rural environment. Or words to this effect.</p>	<p>Industry Board - Support</p> <p>506.06 Ernslaw One Ltd - Support</p>
98.13	Horticulture NZ	In-Part	<p>The objective seeks to ensure that primary production activities can function efficiently and effectively while avoiding reverse sensitivity effects. As written it would appear that it is the primary production activity that should be avoiding remedying or mitigating the reverse sensitivity effects. The presumption should be the other way around – it is the responsibility of the new sensitive activity to manage the potential for the reverse sensitivity effects due to sensitivity to the</p>	<p>Amend Objective 2.5.1 and Include a new Objective as follows:</p> <p>To enable primary production activities and other associated rural based land uses to function efficiently and effectively in the Rural Zone, while avoiding, remedying or mitigating the adverse effects,</p>	<p>522.10 Poultry Industry Association of New Zealand (PIANZ) &amp; Egg Producers Federation of New Zealand (EPFNZ) – In-Part</p>

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
			lawfully established primary production activity. It is considered that Objective 2.5.1 addresses two matter and they would be better split into two separate objectives.	<del>including reverse sensitivity effects, in a way that maintains and enhances the character and amenity values of the rural environment. of activities.</del>  <u>To enable sensitive activities to locate in the rural zone providing that potential reverse sensitivity on primary production activities are avoided, and the character and amenity values of the rural environment are enhanced.</u>	

Seven submissions were received on Objective 2.5.1 seeking it be retained or amended. Various further submissions were received supporting or opposing the relief sought in submissions.

#### **4.12.2 Discussion & Evaluation**

1. The support for the objective is noted. The submission from Horticulture NZ (98.13) contends that the wording of the objective implies primary production activities are to avoid, remedy or mitigate reverse sensitivity effects. In addition, the submission from NZ Pork (32.08) requests wording changes and the DoC (101.05) seeks clarity on reverse sensitivity effects. I concur with the points raised by submitters that the current wording could be improved to clarify the reference to reverse sensitivity effects. It is recommended the wording submitted by the NZ Pork be accepted.
2. Adding reference to “productive capacity” is not considered appropriate in this objective, as the Issue relates to the ‘nature, character, amenities and servicing’ in the rural environment. Objective 2.2.1 relates to the productive capacity of the soil resource and the rural environment. Accordingly, it is recommended this relief sought and submission points be rejected.
3. As discussed earlier in this report, it is recommended reference to aggregate extraction activities be added to the explanation and principal reasons to recognise this type of activity is undertaken in the rural environment. Adding specific reference to aggregate extraction activities in Objective 2.5.1 as sought by Higgins (77.05) is not supported as it gives specific recognition to one type of activity when there are many other activities undertaken in the rural environment not specifically referred to (e.g. rural contractors, packing sheds, etc). This range of other rural based land uses are appropriately identified in the associated explanation and principal reasons. The existing wording of ‘other associated rural based land uses’ is considered to capture aggregate extraction activities. Therefore, it is recommended this submission point be rejected.

4. Transpower (99.01) request Objective 2.5.1 be amended to refer to ‘established’ land uses that have a functional necessity to be located in rural areas. Todd Energy (514.16), KCE Mangahao Ltd (515.16) and PIANZ & EPFNZ (522.11) support the requested amendments, while Federated Farmers (516.03) oppose this request. The request from Transpower is supported in part as it recognises not all activities located in rural areas are associated with primary production activities. However, further submitters highlight the predominant activities in rural areas are primary production activities. It is recommended the word “associated” be deleted from the objective to address this matter. The other aspects of the Transpower submission are considered better addressed in the policies for achieving this objective. Accordingly, it is recommended the submission from Transpower and associated further submissions be accepted in part.

#### 4.12.3 Reporting Officer’s Recommendation

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Officer’s Recommendation
32.08		NZ Pork Industry Board		Accept In-Part
	506.63	Ernslaw One Ltd	Support	Accept In-Part
	524.02	Higgins Group Holdings Ltd	Support	Accept In-Part
	527.01	Director - General of Conservation (DoC)	Oppose	Accept In-Part
72.01		PIANZ & EPFNZ		Accept In-Part
77.05		Higgins Group Holdings Ltd		Reject
	506.40	Ernslaw One Ltd	Support	Reject
99.01		Transpower New Zealand Ltd		Accept In-Part
	514.16	Todd Energy Ltd	Support	Accept In-Part
	515.16	KCE Mangahao Ltd	Support	Accept In-Part
	516.03	Federated Farmers of New Zealand	Oppose	Accept In-Part
	522.11	PIANZ & EPFNZ	Support	Accept In-Part
101.05		Director - General of Conservation (DoC)		Accept In-Part
96.06		Federated Farmers of New Zealand		Reject
	500.09	NZ Pork Industry Board	Support	Reject
	506.06	Ernslaw One Ltd	Support	Reject
98.13		Horticulture NZ		Accept In-Part
	522.10	PIANZ & EPFNZ	In Part	Accept In-Part

#### 4.12.4 Recommended Amendments to the Plan Provisions

Amend Objective 2.5.1 as follows:

“To enable primary production activities and other ~~associated~~ rural based land uses to function efficiently and effectively in the Rural Zone, while avoiding, remedying or mitigating the adverse

effects of activities, including reverse sensitivity effects from inappropriately located sensitive activities, in a way that maintains and enhances the, character and amenity values of the rural environment.”

## 4.13 Policy 2.5.2

### 4.13.1 Submissions Received

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
32.09	NZ Pork Industry Board (NZ Pork)	Support	Submitter supports Policy 2.5.2.	Retain intent of Policy 2.5.2	
72.02	Poultry Industry Association of New Zealand (PIANZ) & Egg Producers Federation of New Zealand (EPFNZ)	Support	Policy 2.5.2 explicitly recognises the dependence that primary production activities have on rural land.  The submitter supports Policy 2.5.2.	Retain Policy 2.5.2	500.11 NZ Pork Industry Board - Support
96.07	Federated Farmers of New Zealand	Support	Supports Policy 2.5.2 in that both establishment of new and operation of existing primary production activities will be provided for. This will ensure that Horowhenua is able to evolve and provide for new markets that may emerge and retain a thriving local economy and community.  Support for the provision to avoid, remedy or mitigate adverse effects, as this is consistent with Section 5 (2) (c) of the RMA, and also provides more options on how to manage adverse effects.  The ability to use their land productively is an important value to landowners that needs to be understood by decision makers, and the inclusion of this wording is appreciated.	Retain Policy 2.5.2	500.12 NZ Pork Industry Board - Support  506.33 Ernslaw One Ltd - Support  513.11 Rayonier New Zealand Ltd - Support
98.14	Horticulture NZ	Support	The policy provides for the operation of primary production activities that meet minimum environmental standards necessary to avoid, remedy or mitigate adverse effects without unduly affecting the landowner's ability to	Retain Policy 2.5.2	506.52 Ernslaw One Ltd - Support  513.21 Rayonier New Zealand Ltd -

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
			use their land productively. This policy is supported.		Support
101.06	Director-General of Conservation (DoC)	In-Part	The use of wording “meet minimum environmental standards” is of concern as there is no guidance or explanation on the use of this terminology.	Amend Policy 2.5.2 by either; providing a list detailing the minimum environmental standards, or, define what is meant by the term “minimum environmental standards”.	506.03 Ernslaw One Ltd - Oppose  513.26 Rayonier New Zealand Ltd - Oppose

Five submissions were received on Policy 2.5.2 seeking the policy be retained as notified or amended to clarify wording. A number of further submissions were received supporting retaining this policy, and two further submissions opposing the amendment sought.

#### 4.13.2 Discussion & Evaluation

1. The support from a number of submitters is noted.
2. DoC (101.06) request Policy 2.5.2 be amended by either listing the minimum environmental standards or define what is meant by minimum environmental standards. Ernslaw One (506.03) and Rayonier (513.26) oppose this submission point. In terms of the reference to ‘minimum environmental standards’, these “standards” are the rules and standards for the Rural Zone in the District Plan. While this reference is considered self-evident, to avoid any doubt, it is recommended the Explanation and Principal Reasons paragraph for this policy be amended by adding a sentence clarifying this matter. Accordingly, it is recommended this submission point be accepted in part.

#### 4.13.3 Reporting Officer’s Recommendation

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Officer’s Recommendation
32.09		NZ Pork Industry Board		Accept
72.02	500.11	PIANZ & EPFNZ NZ Pork Industry Board	Support	Accept Accept
96.07	500.12 506.33 513.11	Federated Farmers of New Zealand NZ Pork Industry Board Ernslaw One Ltd Rayonier New Zealand Ltd	Support Support Support	Accept Accept Accept Accept
98.14	506.52 513.21	Horticulture NZ Ernslaw One Ltd Rayonier New Zealand Ltd	Support Support	Accept Accept Accept



101.06		Director-General of Conservation (DoC)		Accept In-Part
	506.03	Ernslaw One Ltd	Oppose	Accept In-Part
	513.26	Rayonier New Zealand Ltd	Oppose	Accept In-Part

#### 4.13.4 Recommended Amendments to the Plan Provisions

Amend the first paragraph of the Explanation and Principal Reasons as follows:

“Primary production activities rely on a rural location due to the existence and availability of natural and physical resources. Providing for primary production and other associated activities enables these resources to be utilised in a sustainable manner, without unduly hindering or controlling these activities. Minimum standards are applied to ensure any significant adverse effects of these activities are avoided, remedied or mitigated (e.g. building setbacks, maximum noise levels, planting standards).”

## 4.14 Policy 2.5.3

### 4.14.1 Submissions Received

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
32.10	NZ Pork Industry Board (NZ Pork)	Support	Submitter supports Policy 2.5.3.	Retain the intent of Policy 2.5.3	
96.08	Federated Farmers of New Zealand	Support	Support for Policy 2.5.3 in that both establishment of new and operation of existing activities that are associated primary production will be provided for. Support activities such as rural contracting and processing are vital to the overall production industry.  Support for the provision to avoid, remedy or mitigate adverse effects, as this is consistent with Section 5 (2) (c) of the RMA, and also provides more options on how to manage adverse effects.	Retain intent of Policy 2.5.3	
98.15	Horticulture NZ	Support	Policy 2.5.3 provides for the establishment of new non-primary production activities as long as they are compatible with primary production activities and as long as they avoid, remedy or mitigate adverse effects. It would be useful to add ‘including potential reverse sensitivity effects’ to the policy so it is clear the effects that need to be	Amend Policy 2.5.3 as follows:  Provide for the establishment and operation of new non-primary production activities and the ongoing operation of existing lawfully established	

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
			managed.	activities which are compatible and/or associated with primary production activities in the rural environment provided they meet minimum environmental standards to avoid, remedy or mitigate any adverse effects, <u>including potential reverse sensitivity effects.</u>	

Three submissions were received on Policy 2.5.3 requesting it be retained as notified or amended.

#### **4.14.2 Discussion & Evaluation**

1. The support for Policy 2.5.3 is noted.
2. The request by Horticulture NZ (98.15) to add reference to reverse sensitivity effects in Policy 2.5.3 is acknowledged. However, adding reference to reverse sensitivity effects in this policy is considered to duplicate the specific policy (2.5.11) which directly relates to reverse sensitivity effects. Therefore, to avoid having duplication in the policies, it is recommended this submission point is rejected.

#### **4.14.3 Reporting Officer's Recommendation**

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Officer's Recommendation
32.10		NZ Pork Industry Board		Accept
96.08		Federated Farmers of New Zealand		Accept
98.15		Horticulture NZ		Reject

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

No recommended amendments to Policy 2.5.3.

## **4.15 Policy 2.5.4**

### **4.15.1 Submissions Received**

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
32.11	NZ Pork Industry	In-Part	Oppose the current wording of the	Amend Policy 2.5.4 as	506.69 Ernslaw

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
	Board (NZ Pork)		Policy 2.5.4. the policy needs to explicitly state that this included adverse effects including reverse sensitivity on existing lawfully established rural operations	follows: Control and manage the establishment and operation of a range of other land use activities, including sensitive activities, in the rural environment to ensure their adverse effects ( <u>including reverse sensitivity on existing operations</u> ) on the environment are avoided, remedied or mitigated.	One Ltd - Support 513.02 Rayonier New Zealand Ltd - Support 522.03 Poultry Industry Association of New Zealand (PIANZ) & Egg Producers Federation of New Zealand (EPFNZ) - Support 524.03 Higgins Group Holdings Ltd - Support
72.03	Poultry Industry Association of New Zealand (PIANZ) & Egg Producers Federation of New Zealand (EPFNZ)	Support	The submitter supports Policy 2.5.4, which seeks to avoid reverse sensitivity effects.	Retain Policy 2.5.4	
96.09	Federated Farmers of New Zealand	In-Part	Support Policy 2.5.4 which seeks to manage sensitive activities. Reverse sensitivity towards the effects of their farms and the confidence to continue farming operation is an important issue for our members.  The clarity of Policy 2.5.4 could be improved by specifying that it is not only the environment that needs to be protected from adverse effects from sensitive activities, but also production activities. While Policy 2.5.11 specifically refers to reverse sensitivity issues between sensitive activities and primary production, that policy only applies for separation distances. Policy 2.5.4 is broader in scope and it would be useful to include established production activities in what is to be protected.	Amend Policy 2.5.4 as follows: Control and manage the establishment and operation of a range of other land use activities, including sensitive activities, in the rural environment to ensure their adverse effects on the environment <u>and existing legitimately established rural activities</u> are avoided, remedied or mitigated. Or words to this effect.	500.13 NZ Pork Industry Board - Support  506.34 Ernslaw One Ltd - Support  513.12 Rayonier New Zealand Ltd - Support
98.16	Horticulture NZ	In-Part	Policy 2.5.4 is similar to Policy 2.5.3 however the existence of primary	Amend Policy 2.5.4 as follows:	500.14 NZ Pork Industry Board -

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
			production should be included in the policy.	Control and manage the establishment and operation of a range of other land use activities, including sensitive activities, in the rural environment to ensure their adverse effects on the environment <u>including effects on primary production activities</u> are avoided, remedied or mitigated.	Support 506.54 Ernslaw One Ltd - Support 513.22 Rayonier New Zealand Ltd - Support
101.07	Director-General of Conservation (DoC)	In-Part	Policy 2.5.4 does not take into account the cumulative effects.	Amend Policy 2.5.4 as follows:  Control and manage the establishment and operation of a range of other land use activities, including sensitive activities, in the rural environment to ensure their adverse effects, <u>including cumulative effects</u> , on the environment are avoided, remedied or mitigated.	
101.10	Director-General of Conservation (DoC)	In-Part	Policy 2.5.11 should require compliance with the resource consent to ensure that any effects that arise from this activity are captured.	Amend Policy 2.5.4 by adding the wording “as long as it is operating within its resource consent”.	506.01 Ernslaw One Ltd - Oppose  522.12 Poultry Industry Association of New Zealand (PIANZ) & Egg Producers Federation of New Zealand (EPFNZ) - Oppose

Six submissions were received on Policy 2.5.4 seeking it be retained as notified or amended to refer to reverse sensitivity effects and cumulative effects. Further submissions were received supporting or oppose the amendments sought.

#### **4.15.2 Discussion & Evaluation**

1. The support for Policy 2.5.4 is noted.

2. NZ Pork (32.11) request Policy 2.5.4 be amended to included specific reference to reverse sensitivity effects on existing operations. Federated Farmers (96.09) and Horticulture NZ (98.16) seek similar amendments to Policy 2.5.4. Ernslaw One (506.69, 506.34, 506.54), Rayonier (513.02, 513.12, 513.22) and PIANZ & EPFNZ (522.03) and Higgins (524.03) support these submission points. When other activities (e.g. commercial, retail, industrial) propose to establish in rural areas, they may be incompatible with the rural character and amenity values, or create conflict with other existing lawfully established activities. Reverse sensitivity effects are recognised as an important matter in assessing the appropriateness of these other activities where they may be sensitive to the effects of existing activities. Therefore, it is recommended Policy 2.5.4 be amended to include specific reference to reverse sensitivity effects on existing lawfully established activities.
3. The request by the DoC (101.07) to add reference to cumulative effects is considered superfluous. The definition of “effect” under the RMA includes cumulative effects, as well as temporary and other types of effects. Therefore, it is recommended this submission point is rejected.
4. The requested by the DoC (101.07) to add wording that an activity is to be operating within its resource consent is also considered unnecessary. If an activity is not operating within its resource consent, this is a matter of enforcement rather than a policy matter. Therefore, it is recommended this submission point is rejected.

#### 4.15.3 Reporting Officer’s Recommendation

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Officer’s Recommendation
32.11		NZ Pork Industry Board		Accept
	506.69	Ernslaw One Ltd	Support	Accept
	513.02	Rayonier New Zealand Ltd	Support	Accept
	522.03	PIANZ & EPFNZ	Support	Accept
	524.03	Higgins Group Holdings Ltd	Support	Accept
72.03		PIANZ & EPFNZ		Accept
96.09		Federated Farmers of New Zealand		Accept
	500.13	NZ Pork Industry Board	Support	Accept
	506.34	Ernslaw One Ltd	Support	Accept
	513.12	Rayonier New Zealand Ltd	Support	Accept
98.16		Horticulture NZ		Accept
	500.14	NZ Pork Industry Board	Support	Accept
	506.54	Ernslaw One Ltd	Support	Accept
	513.22	Rayonier New Zealand Ltd	Support	Accept
101.07		Director-General of Conservation (DoC)		Reject
101.10		Director-General of Conservation (DoC)		Reject

	506.01	Ernslaw One Ltd	Oppose	Accept
	522.12	PIANZ & EPFNZ	Oppose	Accept

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

Amend Policy 2.5.4 as follows:

“Control and manage the establishment and operation of a range of other land use activities, including sensitive activities, in the rural environment to ensure their adverse effects on the environment (including reverse sensitivity effects on existing lawfully established activities) are avoided, remedied or mitigated.”

## **4.16 Policy 2.5.5**

### **4.16.1 Submissions Received**

<b>Sub No.</b>	<b>Submitter Name</b>	<b>Support/ In-Part/ Oppose</b>	<b>Summary of Submission</b>	<b>Decision Requested</b>	<b>Further Submission</b>
101.08	Director-General of Conservation (DoC)	In-Part	Policy 2.5.5 states that “Manage any activity which does not meet minimum standards”. What does the plan deem as meeting minimum standards? If there is no threshold to explain this, then minimum standards could mean the least afforded protection. This policy needs to be clear and unambiguous to ensure that any adverse effects on the environment will be avoided, remedied or mitigated. This term has been referred to throughout the plan hence the importance of definition or explanation	Amend Policy 2.5.5 by either defining or adding an explanation of the term “minimum standards”.	

One submission was received on Policy 2.5.5 seeking clarification on the reference to “minimum standards”.

### **4.16.2 Discussion & Evaluation**

1. As noted above for Policy 2.5.2, the reference to “minimum standards” relates to the rules and standards for the Rural Zone in the District Plan. While this reference is considered self-evident, to avoid any doubt, it is recommended the Explanation and Principal Reasons paragraph which also refers to minimum standards be amended by adding a sentence clarifying this matter. Accordingly, it is recommended this submission point be accepted in part.

### 4.16.3 Reporting Officer's Recommendation

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Officer's Recommendation
101.08		Director-General of Conservation (DoC)		Accept In-Part

### 4.16.4 Recommended Amendments to the Plan Provisions

Amend the first paragraph of the Explanation and Principal Reasons as follows:

“Primary production activities rely on a rural location due to the existence and availability of natural and physical resources. Providing for primary production and other associated activities enables these resources to be utilised in a sustainable manner, without unduly hindering or controlling these activities. Minimum standards are applied to ensure any significant adverse effects of these activities are avoided, remedied or mitigated (e.g. building setbacks, maximum noise levels, planting standards).”

## 4.17 Policy 2.5.6

### 4.17.1 Submissions Received

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
27.00	Horizons Regional Council	In-Part	Policy 2.5.6 is not clear about what 'wastes' are intended to be encompassed by this policy and therefore what rules in links to. It would seem that Policy 2.5.6 may link to Rule 19.6.27 in which case there are issues about the wastes that are addressed by that rule. Sewage and effluent are Regional Council functions, and the regulation of these types of discharges through a District Plan would be inappropriate.	Amend Policy 2.5.6 to provide more specificity around the adverse effects that are intended to be avoided, remedied or mitigated through this policy.	500.15 NZ Pork Industry Board - Support  517.05 Horticulture NZ – In-Part
32.12	NZ Pork Industry Board (NZ Pork)	In-Part	Oppose Policy 2.5.6 as it is too broad to meet the requirements of a district plan needs to specifically outline parameters of effects.	Amend Policy 2.5.6 as follows:  Ensure that all activities within the rural environment dispose of wastes in a manner that avoids remedies or mitigates adverse effects on <u>nuisance and amenity</u> .	517.06 Horticulture NZ – In-Part
101.09	Director-General of Conservation	In-Part	Policy 2.5.6 is of concern in that “dispose of wastes in a manner that	Amend Policy 2.5.6 by either adding a list of	

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
	(DoC)		avoids..." could refer to a number of things. This policy must clearly identify what is intended when referring to "wastes".	wastes, or, further explaining what is meant by the term "wastes" in this policy.	

Three submissions were received on Policy 2.5.6 seeking amendments to clarify this policy. Three further submissions were received support in full or in part the amendments sought.

#### 4.17.2 Discussion & Evaluation

1. Horizons Regional Council (27.00) request Policy 2.5.6 be clarified in terms of the reference to 'wastes'. NZ Pork (500.15) supports this submission point and Horticulture NZ (517.05) support in part. DoC (101.09) raises a similar point to Horizons.
2. NZ Pork (32.12) request Policy 2.5.6 be amended to add reference to nuisance and amenity. Horticulture NZ (517.06) supports in part this submission point.
3. Policy 2.5.6 is rolled over from the Operative District Plan. The Explanation and Principal Reason provides some assistance as to what is meant by 'wastes' in Policy 2.5.6. The relevant paragraph states:

*"With the absence of reticulated services in rural areas, an on-site water supply is required as well as managing and disposing of all wastes. The nature, location and scale of the activities can influence the on-site servicing requirements. The individual water supplies and on-site management of waste can have adverse effects in addition to the activity itself."*

4. Wastes are considered to be both solid (e.g. refuse), liquid (e.g. effluent) and gas (e.g. smoke). It is recognised any waste discharge of solid, liquid or gas to land, water or air is the responsibility of the Regional Council. As expressed in the submission from NZ Pork, the responsibility of the District Council for waste under the RMA relates to nuisance and amenity reasons. To clarify this matter, it is recommended Policy 2.5.6 is amended to focus on these two aspects of waste management, as well as amending the associated paragraph in the Explanation and Principal Reasons to clarify the different responsibilities. Accordingly, it is recommended all submissions are accepted in full or part.

#### 4.17.3 Reporting Officer's Recommendation

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Officer's Recommendation
27.00	500.15	Horizons Regional Council	Support	Accept In-Part
	517.05	NZ Pork Industry Board	In-Part	Accept In-Part
		Horticulture NZ		Accept In-Part
32.12	517.06	NZ Pork Industry Board	In-Part	Accept In-Part
		Horticulture NZ		Accept In-Part



101.09		Director-General of Conservation (DoC)		Accept In-Part
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#### 4.17.4 Recommended Amendments to the Plan Provisions

Amend Policy 2.5.6 as follows:

“Ensure that all activities within the rural environment manage and dispose of wastes in a manner that avoids, remedies or mitigates adverse effects on amenity values or creates a nuisance.”

Amend the seventh paragraph of the Explanation and Principal Reasons as follows:

“With the absence of reticulated services in rural areas, an on-site water supply is required as well as managing and disposing of all wastes. The nature, location and scale of the activities can influence the on-site servicing requirements. The individual water supplies and on-site management of waste can have adverse effects in addition to the activity itself. The Regional Council is responsible for all waste discharges to land, water and air, which are managed under the One Plan. The District Council is responsible for managing the use of land, including waste where it causes a nuisance or adversely effects amenity values.”

## 4.18 Policy 2.5.7

### 4.18.1 Submissions Received

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
96.10	Federated Farmers of New Zealand	In-Part	<p>Federated Farmers understands that what contributes to rural amenity is the low density of buildings; however, it is important to remember that buildings are necessary for primary production activities. Rural buildings may be clustered together for ease of access, and others may be tall in order to be fit for storing equipment. Corresponding Rule 19.6.2 gives a maximum height of 15m as a permitted activity which Federated Farmers considers sufficient.</p> <p>Support is also given for the provision to avoid, remedy or mitigate adverse effects, as this is consistent with Section 5(2) (c) of the RMA, and also provides more options on how to manage adverse effects.</p>	<p>Amend Policy 2.5.7 as follows:</p> <p>Avoid, remedy or mitigate the impact of buildings on the rural landscape and maintain overall low building density and building height throughout the rural environment, <u>while recognising that buildings are necessary for primary production activities.</u></p>	<p>500.16 NZ Pork Industry Board - Support</p> <p>517.07 Horticulture NZ - Support</p>

One submission was received on Policy 2.5.7 seeking an amendment in relation to primary production buildings, with two further submissions received in support.

#### 4.18.2 Discussion & Evaluation

- Policy 2.5.7 is rolled over from the Operative District Plan. The matter raised by Federated Farmers (96.10) and supported by further submitters is acknowledged in relation to providing for buildings associated with primary production activities. It is considered when Policy 2.5.7 is read in conjunction with other policies, specifically Policy 2.5.2 which provides for primary production activities provided they meet minimum environmental standards, the outcome sought by the submitted is already reflected in the policies. Specifically, the minimum standards referred to in Policy 2.5.2 include building height. Therefore, it is recommended Policy 2.5.7 is retained unchanged, and this submission point be rejected.

#### 4.18.3 Reporting Officer's Recommendation

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Officer's Recommendation
96.10		Federated Farmers of New Zealand		Reject
	500.16	NZ Pork Industry Board	Support	Reject
	517.07	Horticulture NZ	Support	Reject

#### 4.18.4 Recommended Amendments to the Plan Provisions

No recommended amendments to Policy 2.5.7.

### 4.19 Policy 2.5.9

#### 4.19.1 Submissions Received

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
32.13	NZ Pork Industry Board (NZ Pork)	In-Part	Support In-Part. NZ Pork supports the intent of the policy however the focus of the policy on the life supporting capacity of the soils ignores industries that are reliant on the rural environment not necessarily the soils.	Amend Policy 2.5.9 as follows:  Manage the effects of additional dwellings on the <del>life-supporting capacity</del> <u>versatility</u> of soils <u>landscape</u> and the character and amenity values of the rural environment, recognising any farm worker accommodation should be located and related to the scale and intensity of the primary production activities on site.	517.08 Horticulture NZ - Oppose  522.04 Poultry Industry Association of New Zealand (PIANZ) & Egg Producers Federation of New Zealand (EPFNZ) - In-Part
96.11	Federated Farmers of New	In-Part	Federated Farmers considers that life-supporting capacity of soils can	Amend Policy 2.5.9 as	522.08 Poultry Industry Association

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
	Zealand		<p>be enhanced by the provision of additional dwellings, allowing for worker accommodation as without workers the soil will not be productive.</p> <p>Corresponding Condition 19.6.1 only allows for one house and one 70m2 flat, this is insufficient for worker accommodation. Many farmers have multiple dwellings on the farm as accommodation for employees, farm managers or retired parents. Because farms are located in remote rural areas, by necessity worker accommodation needs to be provided. Allowing multiple dwellings will enable the social well-being of rural communities.</p> <p>Support is given for the intent that farm worker accommodation must be related to the scale and intensity of production occurring, however this good intention is not reflected in Condition 19.6.1</p>	<p>follows:</p> <p>Manage the effects of additional dwellings on the life-supporting capacity of soils and the character and amenity values of the rural environment, recognising <u>that rural housing provides an important social service, and</u> any farm worker accommodation should be located and related to the scale and intensity of the primary production activities on site. Or words to this effect.</p>	of New Zealand (PIANZ) & Egg Producers Federation of New Zealand (EPFNZ) - Oppose
98.17	Horticulture NZ	Support	Policy 2.5.9 recognises the need for farm worker accommodation to be located on the site of the primary production activity and this is supported.	Retain Policy 2.5.9	

Three submissions were received on Policy 2.5.9 seeking it be retained as notified or amended, with further submissions supporting or opposing the amendments sought.

#### **4.19.2 Discussion & Evaluation**

1. The full or in part support for Policy 2.5.9 is noted.
2. NZ Pork (32.13) request Policy 2.5.9 be amended by removing reference to life-supporting capacity of soils and replacing with reference to versatility of the landscape. Horticulture NZ (517.08) opposes this submission point and the PIANZ & EPFNZ (522.04) support it in part.
3. It is acknowledged that not all activities in the rural environment are reliant on the soil resource. However, the life-supporting capacity of soil is a key matter under Section 5 of the RMA in promoting sustainable management. In addition, Objective 3-1C under the Proposed One Plan is the retention of versatile soils for use as production land. Inserting the wording 'versatility of landscape' is considered ambiguous, and the existing reference to 'character and amenity values' is considered to capture effects on the rural landscape. Accordingly, it is recommended the submission point from NZ Pork be rejected.

4. Federated Farmers (96.11) request Policy 2.5.9 be amended to include specific reference to the social service of rural housing. PIANZ & EPFNZ (522.08) oppose this submission point.
5. The social service of housing in the rural environment is acknowledged, such as supporting rural schools and cultural and social events. It is also recognised farm workers support the effective and efficient operation of primary production activities. The existing policy is considered to address the primary issues associated with providing for farm worker accommodation being the effects on life-supporting capacity of soils and the character and amenity values of the rural environment. The matter of the number and scale of farm worker accommodation is further discussed under Rule 19.6.1 below. It is recommended this submission relating to Policy 2.5.9 be rejected.

#### 4.19.3 Reporting Officer's Recommendation

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Officer's Recommendation
32.13		NZ Pork Industry Board		Reject
	517.08	Horticulture NZ	Oppose	Accept
	522.04	PIANZ & EPFNZ	In-Part	Accept In-Part
96.11		Federated Farmers of New Zealand		Reject
	522.08	PIANZ & EPFNZ	Oppose	Accept
98.17		Horticulture NZ		Accept

#### 4.19.4 Recommended Amendments to the Plan Provisions

No recommended amendments to Policy 2.5.9.

## 4.20 Policy 2.5.10

### 4.20.1 Submissions Received

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
76.00	Ann Percy	In-Part	Reasoning is linked to Rule 19.6.4 (10m rural set back). Not an effective method to maintain and enhance rural character.	No relief requested for Policy 2.5.10	
98.18	Horticulture NZ	In-Part	Policy 2.5.10 seeks to manage the effects of buildings on rural privacy and character through boundary setbacks. The location of buildings is also a key factor contributing to potential for reverse sensitivity effects. This should be	Amend Policy 2.5.10 as follows: Avoid, remedy or mitigate adverse effects, <u>including potential reverse sensitivity effects</u> , on rural privacy and rural character in the Rural	

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
			acknowledged in the policy.	Zone by maintaining road and site boundary setbacks for all buildings, while recognising the degree of privacy and rural spaciousness is different in areas comprising existing smaller rural-residential lots.	
96.12	Federated Farmers of New Zealand	In-Part	<p>Farmers are more concerned about the ability to continue farming, rather than privacy and amenity. Federated Farmers reminds the Council that privacy and amenity policies should not adversely impact on farming activities. While it is important that farmers are able to live on their land, primary production is the purpose of the rural zone. New dwellings should be setback, rather than rural buildings.</p> <p>Corresponding Rule 19.6.4 for building setbacks has a greater setback for new houses than the setback for other buildings. This is supported as it reflects our concern that new houses as sensitive activities should be managed allowing existing farming operations the confidence to continue. The policy should reinforce that is it new buildings that will be setback, and that existing buildings are not affected by setback rules.</p> <p>Support is also given for the provision to avoid, remedy or mitigate adverse effects, as this is consistent with Section 5 (2) (c) of the RMA, and also provides more options on how to manage adverse effects.</p>	<p>Amend Policy 2.5.10 as follows:</p> <p>Avoid, remedy or mitigate adverse effects on rural privacy and rural character in the Rural Zone by maintaining road and site boundary setbacks for all <u>new</u> buildings, while recognising the degree of privacy and rural spaciousness is different in areas comprising existing smaller rural-residential lots. Or words to this effect.</p>	

Three submissions were received on Policy 2.5.10 seeking various amendments.

#### **4.20.2 Discussion & Evaluation**

1. Ann Percy (76.00) contends the 10m setback is not an effective method to maintain and enhance rural character. The specific setback distances are evaluated in Rule 19.6.4 below.

2. Horticulture NZ (98.18) request Policy 2.5.10 be amended to include specific reference to potential reverse sensitivity effects due to the location of buildings. Policy 2.5.10 addresses the adverse effects buildings can have on privacy and character in the rural environment, with setbacks identified as a specific method to avoid or mitigate these effects. Adding reference to reverse sensitivity effects in Policy 2.5.10 is considered to duplicate Policy 2.5.11 which specific addresses reverse sensitivity effects and the location of buildings. Therefore, it is recommended the submission from Horticulture NZ be rejected.
3. Federated Farmers (96.12) request Policy 2.5.10 be amended to specifically recognise it is 'new' buildings required to be setback. As with all District Plan provisions, they do not apply retrospectively, with existing lawfully established activities (including buildings) subject to existing use rights. It is implied all policies and rules would apply to 'new' buildings and activities. Therefore, it is considered superfluous to add reference to 'new' buildings in Policy 2.5.10. Accordingly, it is recommended the submission from Federated Farmers be rejected.

#### **4.20.3 Reporting Officer's Recommendation**

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Officer's Recommendation
76.00		Ann Percy		Reject
98.18		Horticulture NZ		Reject
96.12		Federated Farmers of New Zealand		Reject

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

No recommended amendments to Policy 2.5.10.

## **4.21 Policy 2.5.11**

### **4.21.1 Submissions Received**

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
32.14	NZ Pork Industry Board (NZ Pork)	Support	Submitter supports the intent of Policy 2.5.11.	Retain the intent of Policy 2.5.11	522.04 Poultry Industry Association of New Zealand (PIANZ) & Egg Producers Federation of New Zealand (EPFNZ) - Support
50.01	Rayonier NZ Ltd	Support	Submitter supports Policy 2.5.11, as it is important that the rural area is recognised as a working landscape and that primary production activities, namely plantation	Retain Policy 2.5.11 with no modification.	506.71 Ernslaw One Ltd - Support

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
			forestry, should not be adversely affected by reverse sensitivity issues.		
74.01	Ernslaw One Limited	Support	Plantation forestry often faces reverse sensitivity issues as the rural area becomes more fragmented with the encroachment of urbanisation. Individuals often believe that the rural area is a quiet environment, it is important that the rural area is recognised as a working landscape and that production activities, namely plantation forestry, should not be adversely effected by the policy setting appropriate separation distances.	Retain Policy 2.5.11.	513.27 Rayonier New Zealand Ltd - Support
83.03	Ross Hood & Margaret Hood	In-Part	<p>The intent of Policy 2.5.11 is in reality flawed.</p> <p>Urban people re-locating into a rural environment cause a lot of conflict. Rather than 'manage' reverse sensitivity, the focus should be on 'prevent' as currently the HDC is trying to prevent conflict that has and is already occurring.</p>	<p>No specific relief requested.</p> <p>Inferred: Delete Policy 2.5.11</p>	
96.13	Federated Farmers of New Zealand	In-Part	<p>Supports the appropriate priority is given to existing lawfully established activities within Policy 2.5.11. This is an important aspect to managing reverse sensitivity in an area that is used actively for production, the main purpose of the rural zone is for production and existing productive land uses and activities need to have the ability to continue.</p> <p>The concepts of covenants is covered in the last paragraph of the Explanation and Principle Reasons on page 2-29 which is supported in principle by Federated Farmers. However the Policy should extend the range of ways to manage reverse sensitivity by including covenants. These can be issued at the time of consent for residential subdivision or other sensitive activities in the Rural Zone.</p>	<p>Amend Policy 2.5.11 as follows:</p> <p>Manage reverse sensitivity conflict between primary production activities and sensitive activities through appropriate separation distances, <u>and no-complaints on new sensitive activities</u>, while giving priority to existing lawfully established activities. Or words to this effect.</p>	<p>500.17 NZ Pork Industry Board - Support</p> <p>506.07 Ernslaw One Ltd - Support</p>

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
98.19	Horticulture NZ	In-Part	<p>Policy 2.5.11 specifically seeks to manage reverse sensitivity conflicts, through appropriate separation distances, giving priority to existing lawfully established activities. This is supported. However the policy should include 'potential reverse sensitivity conflict' because the point where such potential conflicts are best managed is through subdivision and building locations to avoid the potential for such effects.</p> <p>It would be better for Policy 2.5.14 (addresses odour) to be incorporated into Policy 2.5.11.</p>	<p>Amend Policy 2.5.11 as follows:            Manage <u>potential</u> reverse sensitivity conflict between primary production activities and sensitive activities, <u>including effects from odour</u>, through appropriate separation distances, while giving priority to existing lawfully established activities.</p>	

Six submissions were received on Policy 2.5.11 seeking this policy be retained as notified or amended to address specific matters. Further submissions were received supporting retaining the policy and/or supporting/opposing the amendments sought.

#### 4.21.2 Discussion & Evaluation

1. The general and specific support for Policy 2.5.11 is noted.
2. Hood (83.03) either request Policy 2.5.11 be deleted or “manage” be replaced with “prevent”. Reverse sensitivity is the term used to describe when sensitive land uses, particularly residential activities, are located in close proximity to primary production activities, and these sensitive land uses may have unreasonable expectations about the level of amenity values which they wish to enjoy. Changing the policy from ‘manage’ to ‘prevent’ is considered to unduly restrict the use and development of land in rural areas. Preventing the establishment of new dwellings (residential occupation) in rural areas would constrain the use of some land and limit the benefits rural residents contribute to the local community. Therefore, it is recommended the submission from Hood be rejected.
3. Federated Farmers (96.13) request Policy 2.5.11 be amended to include specific reference to no-complaints on new sensitive activities. NZ Pork (500.17) and Ernslaw One (506.07) support this submission. Policy 2.5.11 signals separation distances are the primary method for managing reverse sensitivity conflicts between primary production activities and sensitive activities. There are other potential methods including no-complaints covenants (as submitted by Federated Farmers), as well as acoustic insulation, screening, and many others. It is considered adding specific reference to no-complaints is inappropriate in Policy 2.5.11, as any party is entitled to complain about the adverse effects of an activity. Therefore, it is recommended the submission from Federated Farmers be rejected.
4. The submission from Horticulture NZ (98.19) contends the policy should manage both actual and potential reverse sensitivity effects. I concur with this contention that it is the potential from new sensitive activities that can create reverse sensitivity effects. In terms of the request to add specific reference to odour in Policy 2.5.11, I do not consider this reference is



appropriate. Odour is only one type of effect that can create reverse sensitivity effects, with other common effects including noise and visual amenity. Therefore, it is recommended 'potential' be added to Policy 2.5.11 as submitted, but not the reference to odour. Accordingly, it is recommended this submission be accepted in part.

#### 4.21.3 Reporting Officer's Recommendation

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Officer's Recommendation
32.14	522.04	NZ Pork Industry Board PIANZ & EPFNZ	Support	Accept Accept
50.01	506.71	Rayonier NZ Ltd Ernslaw One Ltd	Support	Accept Accept
74.01	513.27	Ernslaw One Limited Rayonier New Zealand Ltd	Support	Accept Accept
83.03		Ross Hood & Margaret Hood		Reject
96.13	500.17 506.07	Federated Farmers of New Zealand NZ Pork Industry Board Ernslaw One Ltd	Support Support	Reject Reject Reject
98.19		Horticulture NZ		Accept In-Part

#### 4.21.4 Recommended Amendments to the Plan Provisions

Amend Policy 2.5.11 as follows:

"Manage potential reverse sensitivity conflict between primary production activities and sensitive activities through appropriate separation distances, while giving priority to existing lawfully established activities."

## 4.22 Policy 2.5.12

### 4.22.1 Submissions Received

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
50.02	Rayonier NZ Ltd	In-Part	Submitter supports Policy 2.5.11, as it is important that the rural area is recognised as a working landscape and that primary production activities, namely plantation forestry, should not be adversely affected by reverse sensitivity	Amend Policy 2.5.12 as follows:  Avoid, remedy or mitigate <del>any</del> the adverse environmental effects of shading <del>of</del> <u>on sealed roads</u> and <del>reduction in</del>	506.72 Ernslaw One Ltd - Support

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
			issues.	<del>rural amenity</del> caused by tree shelterbelts or plantation forestry on <del>adjacent and adjoining properties</del> .	
74.02	Ernslaw One Limited	Oppose	<p>The statement 'reduction in rural amenity caused by tree shelterbelts or plantation forestry on adjacent and adjoining properties' is inappropriate in a District Plan policy. Industries should not be singled out as reducing or having any less than a positive effect on rural amenity (as indicated in your reverse sensitivity policy; this statement is highly subjective and inequitable between land uses.</p> <p>The policy should be specific to the effects that all vegetation has on the shading of sealed roads only.</p> <p>Removal of forestry from previously planted areas by restrictive land rules will also force commercial duress in regards to ETS. Liability for deforestation may become a reality for either party, Council as the rule maker, or the forest owner as the grower.</p>	<p>Amend Policy 2.5.12 as follows:</p> <p>Avoid, remedy or mitigate any adverse environmental effects of shading of roads and <del>reduction in rural amenity caused by tree shelterbelts or plantation forestry on adjacent and adjoining properties on sealed roads caused by planted vegetation.</del></p> <p>Or words to such effect.</p>	<p>513.28 Rayonier New Zealand Ltd - Support</p> <p>516.04 Federated Farmers of New Zealand - Support</p>

Two submissions were received on Policy 2.5.12 seeking it be amended, with further submissions received in support.

#### 4.22.2 Discussion & Evaluation

1. Rayonier (50.02) and Ernslaw One (74.02) request Policy 2.5.12 be amended to only apply to sealed roads and not unsealed roads or adjacent/adjoining property. Rayonier (513.28) and Federated Farms (516.04) support the submission from Ernslaw One, and Ernslaw One (506.72) supports the submission from Rayonier. Policy 2.5.12 has been rolled over from the Operative Plan into the Proposed Plan with minor wording amendments to assist with its application. Tree shelterbelts and plantation forestry can adversely affect the rural environment such as excessive shading and safety from tree and branch fall. The existing policy is considered to have been effective in achieving the objective of enabling primary production activities while avoiding or mitigating the adverse effects. In addition, as noted in the introductory section of this report, central government has proposed a National Environmental Standard specifically for plantation forestry recognising the specific resource management issues for this type of activity. Therefore, it is considered appropriate to have a specific policy apply to shelterbelts and plantation forestry.

2. Shading of roads is specifically referred in the policy due to the risk of icing during winter frosts. While this risk is primarily relevant to sealed roads, icing of unsealed roads can also occur. In addition, the Council has a programme of sealing unsealed roads, therefore, some sections of currently unsealed roads may be sealed in the near future. Therefore, only applying the policy to sealed roads is not considered appropriate in addressing this adverse effect. Therefore, it is recommended submissions on Policy 2.5.12 are rejected.

#### 4.22.3 Reporting Officer's Recommendation

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Officer's Recommendation
50.02	506.72	Rayonier NZ Ltd	Support	Reject
		Ernslaw One Ltd		Reject
74.02	513.28	Ernslaw One Limited	Support	Reject
		Rayonier New Zealand Ltd		Reject
		516.04		Federated Farmers of New Zealand

#### 4.22.4 Recommended Amendments to the Plan Provisions

No recommended amendments to Policy 2.5.12.

## 4.23 Policy 2.5.14

### 4.23.1 Submissions Received

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
27.02	Horizons Regional Council	In-Part	There is concern regarding the overlap and potential implications with the Proposed One Plan (POP). Policy 8-2, Table 8.3 of the POP specifies the following regional standard for ambient air quality : Odour   A discharge must not cause any offensive or objectionable odour beyond the property boundary. Policy 2.5.14 makes only reference to adverse odours not "offensive or objectionable odour" as the POP does. In addition this policy does not cover dust nuisance. There is also a question around whether this policy crosses over into Regional Council jurisdiction.	Delete Policy 2.5.14 if it is found to be outside the territorial authority jurisdiction; OR  Amend Policy 2.5.14 to align with Policy 8-2 of the Proposed Regional Policy Statement.	500.19 NZ Pork Industry Board - Support  517.09 Horticulture NZ – In-Part  522.00 Poultry Industry Association of New Zealand (PIANZ) & Egg Producers Federation of New Zealand (EPFNZ) - Support
98.20	Horticulture NZ	In-Part	The policy relates specifically to odour and the potential for reverse	Delete Policy 2.5.14 and include within Policy	500.18 NZ Pork Industry Board -

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
			sensitivity conflicts. This is best addressed in Policy 2.5.11.	2.5.11. (See relief sought for Policy 2.5.11). <del>Avoid, remedy or mitigate, where necessary, any adverse odours likely to affect the amenity of residential properties or buildings and other sensitive activities.</del>	Support

Two submissions were received on Policy 2.5.14 requesting it be deleted, with further submissions received in support of these requested.

#### 4.23.2 Discussion & Evaluation

1. Horizons Regional Council (27.02) request Policy 2.5.14 be deleted or amended to align with Policy 8-2 in the Proposed One Plan. NZ Pork (500.19) and PIANZ & EPFNZ (522.00) support this submission, while Horticulture NZ (517.09) support in part.
2. Horticulture NZ (98.20) request Policy 2.5.14 be deleted and included in Policy 2.5.11. NZ Pork (500.18) supports this submission.
3. Firstly, as discussed under Policy 2.5.11 above, it is not recommended odour be added to that policy, therefore, the submission from Horticulture NZ is recommended to be rejected.
4. Odour is considered to fall under the jurisdiction of both the Regional Council and District Council. Under Section 30 of the RMA, the Regional Council is responsible for all discharges to air. If a discharge to air has an associated odour, this odour would be managed by the Regional Council under the policies and rules of the Proposed One Plan. Under Section 31 of the RMA, the District Council is responsible for control of use of land. Some land use activities generate odour which is not a discharge to air (e.g. intensive farming activities and composting natural products). The odour from these land use activities would be managed by the District Council under the policies and rules of the District Plan. In addition, the District Council has responsibilities under the Health Act of preventing nuisances, and can monitor and take enforcement action to abate nuisances such as odour. This distinction in roles and responsibilities is reflected in Policies 8-3 and 8-4 of the Proposed One Plan (see Appendix 1). Therefore, it is considered appropriate that the District Plan includes policies and rules managing odour. I anticipate HDC and Horizons would continue to work together to enforce their respect roles and responsibilities for managing odour.
5. Amending the policy to refer to offensive or objectionable odour is supported as it provides a measure on what the level of adverse odour effect is appropriate/inappropriate. Therefore, it is recommended the submission from Horizons Regional Council is accepted in part.

#### 4.23.3 Reporting Officer's Recommendation

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Officer's Recommendation

27.02		Horizons Regional Council		Accept In-Part
	500.19	NZ Pork Industry Board	Support	Accept In-Part
	517.09	Horticulture NZ	In-Part	Accept In-Part
	522.00	PIANZ & EPFNZ	Support	Accept In-Part
98.20		Horticulture NZ		Reject
	500.18	NZ Pork Industry Board	Support	Reject

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

Amend Policy 2.5.14 as follows:

“Avoid, remedy or mitigate, where necessary, any ~~adverse~~ offensive or objectionable odours likely to affect the amenity of residential properties or buildings and other sensitive activities.”

## **4.24 Policy 2.5.15**

### **4.24.1 Submissions Received**

<b>Sub No.</b>	<b>Submitter Name</b>	<b>Support/ In-Part/ Oppose</b>	<b>Summary of Submission</b>	<b>Decision Requested</b>	<b>Further Submission</b>
27.03	Horizons Regional Council	In-Part	Consider that Policy 2.5.15 be reworded to include 'intensive farming activities' in line with Rule 19.6.4(b).	Amend Policy 2.5.15 to include 'intensive farming activities'.	522.01 Poultry Industry Association of New Zealand (PIANZ) & Egg Producers Federation of New Zealand (EPFNZ) - Oppose
32.15	NZ Pork Industry Board	Support	Submitter supports the intent of Policy 2.5.15.	Retain the intent of Policy 2.5.15	

Two submissions were received on Policy 2.5.15 seeking the policy be retained as notified or amended to include reference to intensive farming activities.

### **4.24.2 Discussion & Evaluation**

1. Policy 2.5.15 relates to separation distances between residential activities and effluent systems as a means to minimise adverse effects. The Proposed Plan applies a similar approach for intensive farming activities as identified by Horizons Regional Council. This approach for intensive farming activities is generically applied by Policies 2.5.3 and 2.5.4. However, it is considered adding reference to intensive farming activities in Policy 2.5.15 better reflects the approach of the Proposed Plan, as specific separation distance apply in the rules for intensive farming activities. Therefore, it is recommended the submission from Horizons Regional Council be accepted and the further submission from PIANZ & EPFNZ be rejected.

### 4.24.3 Reporting Officer's Recommendation

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Officer's Recommendation
27.03	522.01	Horizons Regional Council PIANZ & EPFNZ	Oppose	Accept Reject
32.15		NZ Pork Industry Board		Accept

### 4.24.4 Recommended Amendments to the Plan Provisions

Amend Policy 2.5.15 as follows:

“Maintain separation distances between residential activities and intensive farming activities and effluent storage, treatment and disposal systems so as to minimise adverse effects for both activities.”

## 4.25 Policy 2.5.16

### 4.25.1 Submissions Received

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
83.04	Ross Hood & Margaret Hood	In-Part	Acknowledge that Policy 2.5.16 has merit, but, should be a two-way process. Ratepayers should also be protected from adverse effects occurring due to the National Grid, the State Highway Network and the North Island Main Trunk Railway Line.	No specific relief requested.  Inferred: Amend Policy 2.5.16 to acknowledge that ratepayers also need protection from the adverse effects occurring due to the National Grid, the State Highway Network and the North Island Main Trunk Railway Line.	518.02 Transpower New Zealand Ltd – In-Part  521.00 NZ Transport Agency (NZTA) - Oppose
94.30	NZ Transport Agency (NZTA)	Support	Support Policy 2.5.16	Retain Policy 2.5.16 as notified.	
98.21	Horticulture NZ	In-Part	The policy seeks to manage land use activities, subdivision and development adjacent to the National Grid, State Highway and rail network. However there is also a need to consider the effects of such activities on primary production activities, particularly the National Grid, which may traverse across rural land.	Amend Policy 2.5.16 as follows:  Ensure that land use activities, subdivision and development adjoining the National Grid, the State Highway network and the North Island Main	518.03 Transpower New Zealand Ltd – In-Part  521.01 NZ Transport Agency (NZTA) - Oppose

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
				Trunk Railway Line avoid, remedy or mitigate any adverse effects on the safe and efficient operation of the electricity transmission, roading and rail networks <u>while not compromising the primary production activities undertaken on the site.</u>	
99.03	Transpower New Zealand Ltd	Support	Transpower supports Policy 2.5.16 which specifically seeks to ensure that land use activities, subdivision and development adjoining the National Grid avoid, remedy or mitigate any adverse effects on the safe and efficient operation of the electricity transmission network. The policy captures both existing and proposed activities, subdivision and development.	Retain Policy 2.5.16	

Four submissions were received on Policy 2.5.16 seeking this policy be retained as notified or amended to recognise different matters. Further submissions oppose the requested amendments to this policy.

#### **4.25.2 Discussion & Evaluation**

1. The support for Policy 2.5.16 is noted.
2. Hood (83.04) request Policy 2.5.16 be amended to show it is a two-way process so ratepayers are protected from the adverse effects of infrastructure. Transpower (518.02) supports in part this submission while the NZTA (521.00) oppose this submission.
3. Horticulture NZ (98.21) request Policy 2.5.16 be amended to consider effects on primary production activities. Transpower (518.03) supports in part this submission while the NZTA (521.01) oppose this submission.
4. Managing the effects from the establishment, operation and maintenance of infrastructure such as electricity transmission infrastructure and State Highways is addressed in other chapters of the District Plan. Specifically, Chapter 12 of the Proposed Plan includes specific policies for electricity transmission infrastructure and Chapter 10 of the Proposed Plan includes specific policies for land transport (State Highways and railway). Therefore, in principle, the relief sought by Hood and Horticulture NZ already applies. Therefore, it is recommended these submission points be accepted in part.

### 4.25.3 Reporting Officer's Recommendation

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Officer's Recommendation
83.04		Ross Hood & Margaret Hood		Accept In-Part
	518.02	Transpower New Zealand Ltd	In-Part	Accept In-Part
	521.00	NZ Transport Agency (NZTA)	Oppose	Accept In-Part
94.30		NZ Transport Agency (NZTA)		Accept
98.21		Horticulture NZ		Accept In-Part
	518.03	Transpower New Zealand Ltd	In-Part	Accept In-Part
	521.01	NZ Transport Agency (NZTA)	Oppose	Accept In-Part
99.03		Transpower New Zealand Ltd		Accept

### 4.25.4 Recommended Amendments to the Plan Provisions

No recommended amendment to Policy 2.5.16.

## 4.26 Policy 2.5.21

### 4.26.1 Submissions Received

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
11.16	Philip Taueki	Oppose	It is culturally offensive to recognise the existence of the Levin Wastewater Treatment Plant in Mako Mako Road as a legitimate activity adjoining the Rural Zone and protect it from the effects of reverse sensitivity.	No specific relief requested.	511.01 HDC (Community Assets Department) - Oppose
60.10	Muaupoko Co-operative Society	Oppose	The submitter relies on the submission made by Philip Taueki for the following matters. It is culturally offensive to recognise the existence of the Levin Wastewater Treatment Plant in Mako Mako Road as a legitimate activity adjoining the Rural Zone and protect it from the effects of reverse sensitivity.	No specific relief requested.	511.02 HDC (Community Assets Department) - Oppose  519.28 Charles Rudd(Snr) - Support
67.11	Taiao Raukawa Environmental Resource Unit	In-Part	The submitter questions Policy 2.5.21 to protect Levin Wastewater Treatment Plant in Mako Mako	No specific relief requested.	511.03 HDC (Community Assets Department) – In-



Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
			Road from effects of reverse sensitivity. Seeks that Council work on ensuring best solutions for best practice to ensure that the treatment plant works to the best environmental standards.		Part

Three submissions were received on Policy 2.5.21 opposing this policy but no specific relief sought was stated.

#### **4.26.2 Discussion & Evaluation**

1. Philip Taueki (11.16) and Muaupoko Co-operative Society (60.10) oppose the recognition of the Levin Wastewater Treatment Plant as it is considered culturally offensive. HDC (Community Assets Department) (511.01 and 511.02) opposes both submissions, and Charles Rudd (Snr) (519.28) supports the submission from the Muaupoko Co-operative Society.
2. Taiao Raukawa Environmental Resource Unit (67.11) questions Policy 2.5.21 to protect the Levin Wastewater Treatment Plant.
3. Policy 2.5.21 is rolled over from the Operative Plan. The Levin Sewage Treatment Plant is considered critical infrastructure (as defined by the Proposed One Plan) and is at risk from reverse sensitivity effects in new sensitive activities (e.g. residential) located nearby. This existing policy and associated rule was reviewed, and it is still considered an effective approach in managing reverse sensitivity effects. Issues associated with the discharges from the sewage treatment plant are managed by Horizons Regional Council under the Proposed One Plan. It is recommended Policy 2.5.21 is retained unchanged, and the submissions rejected.

#### **4.26.3 Reporting Officer's Recommendation**

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Officer's Recommendation
11.16	511.01	Philip Taueki HDC (Community Assets Department)	Oppose	Reject Accept
60.10	511.02	Muaupoko Co-operative Society HDC (Community Assets Department)	Oppose	Reject Accept
	519.28	Charles Rudd(Snr)	Support	Reject
67.11	511.03	Taiao Raukawa Environmental Resource Unit HDC (Community Assets Department)	In-Part	Reject Accept

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

No recommended amendment to Policy 2.5.21.

## 4.27 Explanation & Principal Reasons (Objective 2.5.1)

### 4.27.1 Submissions Received

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
98.23	Horticulture NZ	In-Part	The last paragraph in the Explanation describes reverse sensitivity as it relates to the Levin Wastewater Treatment Plant. However reverse sensitivity is wider than just that effect and the explanation should be amended to broaden the discussion.	Amend Paragraph 10 in the Explanation by adding: .... <u>Reverse sensitivity can also exist where sensitive activities locate adjacent to existing primary production activities, leading to complaints about the existing lawfully established activity.</u>	516.05 Federated Farmers of New Zealand  Support
98.27	Horticulture NZ	In-Part	There is no mention of signage relating to hazard identification and safety on the site. Such signage should be provided for as a permitted activity in the Rural Zone. The policy structure needs to allow for such provisions.	Amend Paragraph 8 of the Explanation to include recognition of signs for hazard identification and safety on site.	
99.02	Transpower New Zealand Ltd	In-Part	National Grid infrastructure is not associated with primary production activities and not necessarily a "rural based land use; however it is an established land use that must be located within the rural area.	Amend the Explanation and Principal Reasons Section by inserting the following:  <u>In many cases, infrastructure relies on a rural location due its linear nature and the need to traverse districts and regions (e.g. transmission lines, roads and rail. Minimum standards are applied to ensure any significant adverse effects of these activities are avoided, remedied or mitigated.</u>	514.17 Todd Energy Ltd - Support  515.17 KCE Mangahao Ltd - Support  517.10 Horticulture NZ - In-Part

Three submissions were received on the section 2.5.1 Explanation & Principal Reasons seeking various amendments. Further submissions were received in support of the requested amendments.

#### 4.27.2 Discussion & Evaluation

1. As discussed above for various policies, it is recognised reverse sensitivity can apply to a wide range of activities in the rural environment. The relief sought by Horticulture NZ (908.23) is supported as it reflects the amendments discussed earlier to the policies. Therefore, it is recommended this submission point from Horticulture NZ be accepted.
2. In terms of hazard identification and safety signage, as discussed above, in the context of Chapter 2, signage is advertising signage, while hazard signage is addressed in Chapter 9. Accordingly, no changes to the explanation and principal reasons are recommended, and this submission point from Horticulture NZ (98.27) be rejected.
3. As discussed above for Issue 2.5 other activities and facilities are located in the rural environment which includes infrastructure. For the reasons outlined under the discussion for Issue 2.5 above, it is recommended the explanation and principal reasons be amended to include reference to other activities and facilities located in the rural environment. It is recommended this submission from Transpower (99.02) be accepted.

#### 4.27.3 Reporting Officer's Recommendation

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Officer's Recommendation
98.23	516.05	Horticulture NZ Federated Farmers of New Zealand	Support	Accept Accept
98.27		Horticulture NZ		Reject
99.02	514.17	Transpower New Zealand Ltd Todd Energy Ltd	Support	Accept Accept
	515.17	KCE Mangahao Ltd	Support	Accept
	517.10	Horticulture NZ	In-Part	Accept In-Part

#### 4.27.4 Recommended Amendments to the Plan Provisions

Amend paragraph 10 of the Explanation as follows:

....

“Reverse sensitivity can also exist where sensitive activities locate in close proximity to existing primary production activities, leading to complaints about the existing lawfully established activity.”

Amend paragraph 2 of the Explanation as follows:

“Many other activities (e.g. vegetable and fruit packing, rural contractors yard) are appropriate in a rural setting and can establish and operate without compromising the core primary production activities in the rural areas. In addition, infrastructure can rely on a rural location due its linear nature and the need to traverse districts and regions (e.g. transmission lines, roads and rail). Minimum standards are also applied to these other activities to ensure their adverse effects are avoided, remedied or mitigated.”

## 4.28 New Policy 2.5.X

### 4.28.1 Submissions Received

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
77.06	Higgins Group Holdings Ltd	In-Part	That the insertion of a specific policy is essential to ensure that reverse sensitivity are fully considered in any resource consent applications for activities intending to establish near Aggregate Extraction	Include the following Policy: <u>Policy 2.5.X</u> <u>Ensure the effects (including reverse sensitivity) on Aggregate Extraction sites and activities are considered when planning for and making decisions for the establishment of new activities, particularly sensitive activities, on land in the Rural Zone near existing or proposed Aggregate Extraction sites.</u>	506.41 Ernslaw One Ltd - Support  513.08 Rayonier New Zealand Ltd - Support

One submission was received requesting a new policy be added to Section 2.5, with two further submissions received in support.

### 4.28.2 Discussion & Evaluation

- Higgins (77.06) request a new policy be added to manage reverse sensitivity effects near aggregate extraction activities. Ernslaw One (506.41) and Rayonier (513.08) support this submission. It is considered there are similarities in this submission and those made to Policy 2.5.4 discussed above. When new activities establish in rural areas, including new sensitive activities (e.g. residential), they may create conflict with other existing lawfully established activities, such as aggregate extraction activities. It is considered the recommended amendments to Policy 2.5.4 is the most appropriate way to manage this issue where it applies to all activities. It is not considered appropriate or warranted to include a specific policy for aggregate extraction activities as there are a number of other activities where this issue may arise. Accordingly, it is recommended this submission is accepted in part.

### 4.28.3 Reporting Officer's Recommendation

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Officer's Recommendation
77.06	506.41	Higgins Group Holdings Ltd Ernslaw One Ltd	Support	Accept In-Part Accept In-Part

	513.08	Rayonier New Zealand Ltd	Support	Accept In-Part
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#### 4.28.4 Recommended Amendments to the Plan Provisions

Amend Policy 2.5.4 as follows:

“Control and manage the establishment and operation of a range of other land use activities, including sensitive activities, in the rural environment to ensure their adverse effects on the environment (including reverse sensitivity effects on existing lawfully established activities) are avoided, remedied or mitigated.”

## 4.29 New Policies – Chapter 2

### 4.29.1 Submissions Received

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
80.02	Todd Energy Ltd	In-Part	The submitter identifies that “infrastructure” is referred to in the Issue Discussion and Explanation and Principal Reasons. However the Objectives and Policies do not provide any policy guidance in relation to infrastructure. Infrastructure can be as limited in is location by physical resources as primary production is, and this should be recognised.	Include a policy in Chapter 2 that makes it clear that infrastructure is a legitimate rural land use activity and is subject to constraints on location in relation to physical resources.	518.00 Transpower New Zealand Ltd - Support
92.02	KCE Mangahao Ltd	In-Part	The submitter identifies that “infrastructure” is referred to in the Issue Discussion and Explanation and Principal Reasons. However the Objectives and Policies do not provide any policy guidance in relation to infrastructure. Infrastructure can be as limited in is location by physical resources as primary production is, and this should be recognised.	Include a policy in Chapter 2 that makes it clear that infrastructure is a legitimate rural land use activity and is subject to constraints on location in relation to physical resources.	518.01 Transpower New Zealand Ltd - Support
92.20	KCE Mangahao Ltd	In-Part	The submitter identifies that potential reverse sensitivity issues are referred to in the Issue Discussion and Explanation and Principal Reasons. However the Objectives and Policies do not provide any policy guidance.	Include a policy in Chapter 2 to recognise the potential reverse sensitivity issues, such as in Policy 2.5.11 in the Rural Environment.	
98.22	Horticulture NZ	In-Part	There is no mention of signage relating to hazard identification and	Include a new policy to provide for signage for	516.01 Federated Farmers of New

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
			safety on the site in policies 2.5.19 and 2.5.20. Such signage should be provided for as a permitted activity in the Rural Zone. The policy structure needs to allow for such provisions.	hazard identification and safety on the site.	Zealand - Support

Four submissions were received requesting additional policies be added to Chapter 2 relating to various matters including infrastructure, reverse sensitivity issues and hazard identification and safety signage.

#### 4.29.2 Discussion & Evaluation

1. Todd Energy Ltd (80.02) and KCE Mangahao Ltd (92.02) request a new policy be added to Chapter 2 recognise infrastructure as a legitimate land use in the rural environment. Transpower (518.01) support this request. In reviewing of the existing rural environment provisions in the Operative Plan, it was concluded it has limited recognition of the presence and role of other, non-primary production activities located in the rural environment. Therefore, the Proposed Plan included additional provisions, including policies (e.g. Policies 2.5.3 and 2.5.4) to recognise these other activities. It is considered the policies referred to above appropriately provide for the recognition sought by the submitter. It is not considered appropriate to include a specific policy or reference to infrastructure in the policy, as it is only one example of other activities in the rural environment. Therefore, it is recommended the submissions be rejected.
2. KCE Mangahao Ltd (92.20) request a new policy be added to recognise the potential reverse sensitivity issues. Reverse sensitivity effects are typically associated with residential occupation in the rural environment. This matter is specifically addressed in Issue 2.3 and Policy 2.3.6 of the Proposed Plan. Therefore, adding a new policy to Section 2.5 is considered to result in duplication. Therefore, it is recommended no new policy is added and this submission point be rejected.
3. Horticulture NZ (98.22) request a new policy be added for hazard identification and safety signage. This request is supported by Federated Farmers (516.01). The references to signage in Section 2: Rural Environment of the Proposed Plan relate to “advertising signs”. The definition of “advertising sign” does not apply to hazard identification and safety signage. The matter raised by Horticulture NZ on hazard identification and safety signage is considered most appropriately addressed in Chapter 9: Hazardous Substances of the Proposed Plan. It is recommended a policy be added to Chapter 9 to provide for hazard identification and safety signage, and therefore, this submission point is recommended to be accepted in part.

#### 4.29.3 Reporting Officer’s Recommendation

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Officer’s Recommendation
80.02		Todd Energy Ltd		Reject

	518.00	Transpower New Zealand Ltd	Support	Reject
92.02		KCE Mangahao Ltd		Reject
	518.01	Transpower New Zealand Ltd	Support	Reject
92.20		KCE Mangahao Ltd		Reject
98.22		Horticulture NZ		Accept In-Part
	516.01	Federated Farmers of New Zealand	Support	Accept In-Part

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

Add a new Policy to Chapter 9: Hazardous Substances to read:

“Provide for hazardous substances identification and safety signage.”

## **4.30 Chapter 2 - Anticipated Environmental Results**

### **4.30.1 Submissions Received**

<b>Sub No.</b>	<b>Submitter Name</b>	<b>Support/ In-Part/ Oppose</b>	<b>Summary of Submission</b>	<b>Decision Requested</b>	<b>Further Submission</b>
32.16	NZ Pork Industry Board (NZ Pork)	Oppose	NZ Pork questions the focus of this section on environmental results. District plans are to provide for sustainable development which includes environment, social, economic and cultural considerations. This plan appears to overlook these considerations for the rural environment.	Delete term environmental from the title and rephrase section to address concerns. Social, economic and cultural considerations need to be included in this section.	
98.24	Horticulture NZ	Support	Anticipated Environmental Result 2b) provides for primary production activities as the principal land use in the rural zone. This is supported.	Retain Anticipated Environmental Result 2(b).	
32.17	NZ Pork Industry Board	Oppose	Oppose Anticipated Environmental Result 2(d) as it is not appropriate for a district plan.	Delete Anticipated Environmental Result 2(d)	

Three submissions were received on the Anticipated Environmental Results either seeking specific clauses be retained as notified or deleted.

### **4.30.2 Discussion & Evaluation**

1. NZ Pork (32.16) requests the term ‘environmental’ be deleted from the Title and this section be rephrased to address concerns. NZ Pork (32.17) also requests AER 2(d) be deleted.

Under Section 75(2)(d) of the RMA, a District Plan may state “the environmental results expected from the policies and methods”. Therefore, the use of the term ‘environmental’ in the Title is considered appropriate as it aligns with the RMA.

2. As discussed above for Issue 2.4, it is recommended all associated provisions be deleted. AER 2(d) relates to land management practices, therefore, it is recommended this provision is deleted. It is recommended this submission point is accepted.
3. The support for AER 2(b) is noted.

#### **4.30.3 Reporting Officer’s Recommendation**

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Officer’s Recommendation
32.16		NZ Pork Industry Board		Reject
98.24		Horticulture NZ		Accept
32.17		NZ Pork Industry Board		Accept

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

Deleted AER 2(d) as follows:

~~“2(d) Land management practices will gradually improve over time and the vulnerability of soils to erosion will be reduced.”~~

## **4.31 Chapter 2 - General Matters**

### **4.31.1 Submissions Received**

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
11.13	Philip Taueki	In-Part	Any rural activities that are likely to adversely affect the ecological values of Lake Horowhenua, Lake Papaitonga and the rural environment in general must be referred to Tangata Whenua for consultation.	No specific relief requested.	
11.14	Philip Taueki	In-Part	As there are a number of urupa and other sites of cultural significance throughout the rural environment due to the generations of Mua-Upoko who have maintained ahi kaa in the Horowhenua provisions must be in place to avoid disturbing any human remains or taonga while undertaking any activity within the	No specific relief requested.  Inferred: Include provisions to avoid the disturbance of human remains and taonga in the rural environment.	



Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
			rural environment.		
60.07	Muaupoko Co-operative Society	In-Part	The submitter relies on the submission made by Philip Taueki for the following matters. Any rural activities that are likely to adversely affect the ecological values of Lake Horowhenua, Lake Papaitonga and the rural environment in general must be referred to Tangata Whenua for consultation.	No specific relief requested.	
60.08	Muaupoko Co-operative Society	In-Part	The submitter relies on the submission made by Philip Taueki for the following matters. As there are a number of urupa and other sites of cultural significance throughout the rural environment due to the generations of Mua-Upoko who have maintained ahi kaa in the Horowhenua provisions must be in place to avoid disturbing any human remains or taonga while undertaking any activity within the rural environment.	No specific relief requested.  Inferred: Include provisions to avoid the disturbance of human remains and taonga in the rural environment.	
83.13	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 Rural 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.	
80.01	Todd Energy Ltd	In-Part	The submitter opposes In-Part the objectives and policies (in-particular Policy 2.1) in relation to landscape as they are set out in Chapter 2 as they do not provide clarity and certainty.  The 'grey-out' text is accepted. However the relationship between the plan changes (future outcomes through appeals) and the proposed	Amend [and potentially] Include provisions that achieve the following: <ul style="list-style-type: none"> <li>To take into account that full consideration of the implications of the proposed district plan is difficult when</li> </ul>	

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
			<p>district plan remains uncertain.</p> <p>All Chapters and provisions are inter-related and there are constraints on viewing the chapters in isolation from the “grey-out” areas, subject to PC20 -22. Consideration of objectives and policies cannot be approached in an integrated manner.</p> <p>The decision of the Commissioners on PC 22 refers to several matters that are to be considered in the plan review, including the area in the HAL above 100m contour boundary and the fit between the network utilities and Chapter 19/22, as well as renewable energy and streams and rivers. Not all of these appear to have been addressed in the plan review.</p>	<p>having to view it in isolation from the outcome of PC 20 – 22 and that the relationship between the rural environment, utilities and landscape policy framework needs to be integrated and clear.</p> <ul style="list-style-type: none"> <li>Review of the 100m contour boundary in line with the Commissioners’ comments in the decision on Plan Change 22.</li> </ul>	
92.01	KCE Mangahao Ltd	In-Part	<p>The submitter opposes In-Part the objectives and policies (in-particular Policy 2.1) in relation to landscape as they are set out in Chapter 2 as they do not provide clarity and certainty.</p> <p>The ‘grey-out’ text is accepted. However the relationship between the plan changes (future outcomes through appeals) and the proposed district plan remains uncertain.</p> <p>All Chapters and provisions are inter-related and there are constraints on viewing the chapters in isolation from the “grey-out” areas, subject to PC20 -22. Consideration of objectives and policies cannot be approached in an integrated manner.</p> <p>The decision of the Commissioners on PC 22 refers to several matters that are to be considered in the plan review, including the area in the HAL above 100m contour boundary and the fit between the network</p>	<p>Amend [and potentially] Include provisions that achieve the following:</p> <ul style="list-style-type: none"> <li>To take into account that full consideration of the implications of the proposed district plan is difficult when having to view it in isolation from the outcome of PC 20 – 22 and that the relationship between the rural environment, utilities and landscape policy framework needs to be integrated and</li> </ul>	

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
			utilities and Chapter 19/22, as well as renewable energy and streams and rivers. Not all of these appear to have been addressed in the plan review.	<p>clear.</p> <ul style="list-style-type: none"> <li>Review of the 100m contour boundary in line with the Commissioners' comments in the decision on Plan Change 22.</li> </ul>	

Two submissions seek to provide for the protection of values of importance to Tangata Whenua. One submission seeks to provide for compensation when reserves are taken and two submissions consider that an overview of the District Plan without consideration of Plan Changes 20-22 is difficult.

#### 4.31.2 Discussion & Evaluation

1. Taueki (11.13) states that any rural activities affecting the ecological values of Lake Horowhenua, Lake Papaitonga and the rural environment in general must be referred to Tangata Whenua for consultation. He states that as there are a number of urupa and other sites of cultural significance throughout the rural environment, provisions must be in place to avoid disturbing any human remains or taonga while undertaking any activity within the rural environment (11.14). However, he does not seek any specific relief. Muaupoko Co-Operative Society (60.07 and 60.08) made similar submissions in support of Taueki.
2. Chapter 1: 'Matters of importance to Tangata Whenua' contains discussion, objectives and policies and methods that address, among other matters, consultation with Tangata Whenua on plan changes and resource consent applications. It is a comprehensive section that recognises the need to avoid or manage the effects of activities on sensitive sites. It is recommended that such matters continue to be retained in one chapter of the Plan to prevent repetition, as the provisions in Chapter 1 are over-arching i.e. they apply to all chapters of the Plan, including the rural environment. Consequently the submission points from Taueki and Muaupoko Co-Operative Society are recommended to be rejected and no changes are recommended to Chapter 19.
3. Hood (83.13) states that any land taken by HDC must be compensated and whilst no specific relief is sought, it is inferred that the Objectives, Policies and Methods in the Rural Chapter which refer to the taking of land for public access/connections be amended and the implications of the cost of creating and maintaining these reserves and strips and calculating the value of the land taken be considered.
4. It is clarified that esplanade reserves are generally vested in Council, who would become responsible for the maintenance of such areas. Under Rule 24.2.5(f) relating to esplanade reserve, it states:
  - (f) *It may be necessary, for one or more of the purposes set out in Section 229 of the RMA, that an esplanade reserve or strip be created when allotments of more than 4 hectares are created. In such cases, Council shall pay to the registered proprietor of*

*that allotment compensation in terms of Section 237F of the RMA unless the registered proprietor agrees otherwise.*

5. Furthermore, the area of reserve taken is usually subtracted from the reserve or open space contributions that the subdivider must pay at the time of subdivision. It is therefore considered the relief sought by the submitter is already provided for in Chapter 24 of the Proposed Plan. Accordingly, it recommended that this submission point be accepted in part but no changes are recommended to Chapter 19.
6. Todd Energy (80.01) and KCE Mangahao Ltd (92.01) seek to amend and/or include provisions to take into account that full consideration of the implications of the proposed district plan is difficult when having to view it in isolation from the outcome of PC 20 – 22 and that the relationship between the rural environment, utilities and landscape policy framework needs to be integrated and clear. As well as a review of the 100m contour boundary in line with the Commissioners' comments in the decision on Plan Change 22.
7. It is acknowledged that an overview of the Plan is difficult given that the provisions subject to Plan Change 20-22 are not part of this submission process. However, it is unclear what type of provisions Todd Energy and KCE Mangahao seek to include to take into account the implications of the proposed District Plan, and therefore it is not possible to achieve this. Furthermore, whilst matters are being considered in isolation they must still meet the intent of the RMA. As Plan Change 22 does not form part of this District Plan Review process, the review of the 100m contour boundary has not been undertaken and would be subject of a future process. It is therefore recommended that these submission points be rejected and no changes made to Chapter 19.

#### **4.31.3 Reporting Officer's Recommendation**

<b>Sub. No</b>	<b>Further Sub. No.</b>	<b>Submitter Name</b>	<b>Further Submitter Position</b>	<b>Officer's Recommendation</b>
11.13		Philip Taueki		Reject
11.14		Philip Taueki		Reject
60.07		Muaupoko Co-operative Society		Reject
60.08		Muaupoko Co-operative Society		Reject
83.13		Ross Hood & Margaret Hood		Accept In-Part
80.01		Todd Energy Ltd		Reject
92.01		KCE Mangahao Ltd		Reject

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

No recommended amendment to Chapter 19.

## 4.32 Chapter 19 – Rules – General

### 4.32.1 Submissions Received

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
74.06	Ernslaw One Limited	In-Part	<p>In the process of harvesting plantation forests there is incidental clearance of indigenous vegetation that has grown under the canopy of a plantation forest and Scattered trees, shrubs and scrub amongst production forestry land. A rule should reflect that this is the reality of production forestry within the Rural Zone.</p> <p>Upon satisfaction of Submissions 74.04 and 74.05 to clarify plantation forestry as a permitted activity, the submitter seeks the incorporation of an exemption similar to 18.6.21 into the Rural Zone Chapter.</p>	Amend the Rural Chapter to include an exemption rule similar to the bullet points that are part of the Greenbelt Residential Zone Rule 18.6.21(a).	513.31 Rayonier New Zealand Ltd - Support

One submitter seeks to provide for the clearance of indigenous vegetation as a permitted activity.

### 4.32.2 Discussion & Evaluation

1. Ernslaw One (74.06) seeks that the rural chapter is amended to include an exemption to provide for the clearance of indigenous vegetation that has grown under the canopy of a plantation forest as a permitted activity.
2. Under the Proposed One Plan, it states the Regional Council will have full responsibility for protecting indigenous biodiversity in the region, and it is the only authority to use rules. The Horowhenua District Council can only include rules in its District Plan to protect 'notable and amenity trees', but protecting these trees is not to be for indigenous biodiversity reasons. Therefore, it is not possible or appropriate to include rules to manage the removal of indigenous vegetation in the Proposed Plan, including under the canopy of plantation forestry. Therefore, it is recommended this submission point is rejected.

### 4.32.3 Reporting Officer's Recommendation

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Officer's Recommendation
74.06		Ernslaw One Limited		Reject
	513.31	Rayonier New Zealand Ltd	Support	Reject

### 4.32.4 Recommended Amendments to the Plan Provisions

No recommended amendments to Chapter 19.

## 4.33 Rule 19.1 - Notes

### 4.33.1 Submissions Received

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
99.25	Transpower New Zealand Ltd	Support	Support reference to the NESETA applying to activities involving the operation, maintenance, upgrading, relocation, or removal of an existing transmission line but ensure this is not solely linked to earthworks.	Retain reference to the NESETA in the Rule 19.1 Note.	

One submitter seeks to retain reference to the NESETA.

### 4.33.2 Discussion & Evaluation

1. Transpower (99.25) seeks to retain the reference to the NESETA in the Rule 19.1 Note.
2. The support of Transpower for Notes 19.1 is noted.
3. As no submissions in opposition were received, no changes are recommended to Notes in 19.1.

### 4.33.3 Reporting Officer's Recommendation

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Officer's Recommendation
99.25		Transpower New Zealand Ltd		Accept

### 4.33.4 Recommended Amendments to the Plan Provisions

No recommended amendments to Notes 19.1.

## 4.34 Rule 19.1 – List of Permitted Activities

### 4.34.1 Submissions Received

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
40.25	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 19.1 to include <u>"The placement of any Relocated building and/or accessory building on any site subject to the</u>	

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
				conditions at [rule ref]".	

One submitter seeks to permit the relocation of buildings.

#### **4.34.2 Discussion & Evaluation**

1. House Movers Section of NZ Heavy Haulage Association Inc (40.25) 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 amending Rule 19.1(g), delete Rule 19.2(d), the addition of new Conditions under 19.6, delete Rule 19.7.6 and Rule 19.7.6(a)(iii) and add assessment matters under 19.7 (40.25, 40.42, 40.23, 40.26, 40.25, 40.35 and 40.09)
2. The amendment sought to Rule 19.1(g) 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 change 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 19.7.6, 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. It is therefore recommended that the relocation of buildings remains a Controlled Activity and the submissions from House Movers Section of NZ Heavy Haulage Association Inc are rejected.

#### 4.34.3 Reporting Officer's Recommendation

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

#### 4.34.4 Recommended Amendments to the Plan Provisions

No recommended amendments to Chapter 19.

### 4.35 Rule 19.1(a) – Permitted Activity (Primary Production Activities)

#### 4.35.1 Submissions Received

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
9.00	Lynn & Anthony Straugheir	In-Part	The submitters seek amendment to the permitted activity status of forest harvesting in the Rural Zone. Forest harvesting on the urban boundary of Waitarere Beach township has resulted in a ground water rise and flooding in heavy rain for many urban properties.	Amend Rule 19.1(a) to control forest harvesting in the Rural Zone that is within 500m of the urban boundary of the Waitarere Beach settlement. No more than 25ha of forest should be harvested at one time within 500m of the urban boundary and the next 25ha within 500m of the urban boundary should not be harvested until the newly planted section is at least five years old.	513.40 Rayonier New Zealand Ltd - Oppose
12.00	Daina Parlovskis	In-Part	The submitter seeks amendment to the permitted activity status of forest harvesting in the Rural Zone. Forest harvesting on the urban boundary of Waitarere Beach township has resulted in a ground water rise and flooding in heavy rain for many urban properties.	Amend Rule 19.1(a) to control forest harvesting in the Rural Zone that is within 500m of the urban boundary of the Waitarere Beach settlement. No more than 25ha of forest should be harvested at one time within 500m of	513.41 Rayonier New Zealand Ltd - Oppose



Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
				the urban boundary and the next 25ha within 500m of the urban boundary should not be harvested until the newly planted section is at least five years old.	
15.00	Charles Wallis	In-Part	The submitter seeks amendment to the permitted activity status of forest harvesting in the Rural Zone. Forest harvesting on the urban boundary of Waitare Beach township has resulted in a ground water rise and flooding in heavy rain for many urban properties.	Amend Rule 19.1(a) to control forest harvesting in the Rural Zone that is within 500m of the urban boundary of the Waitare Beach settlement. No more than 25ha of forest should be harvested at one time within 500m of the urban boundary and the next 25ha within 500m of the urban boundary should not be harvested until the newly planted section is at least five years old.	513.42 Rayonier New Zealand Ltd - Oppose
23.00	Cheryl Mangin	In-Part	The submitter seeks amendment to the permitted activity status of forest harvesting in the Rural Zone. Forest harvesting on the urban boundary of Waitare Beach township has resulted in a ground water rise and flooding in heavy rain for many urban properties. The felling of trees has directly affected 172 Park Avenue, Waitare Beach in that a third of the property cannot be used now due to flooding.	Amend Rule 19.1(a) to control forest harvesting within 500m of the urban boundary in the Rural Zone. No more than 25ha of forest should be harvested at one time within 500m of the urban boundary and the next 25ha within 500m of the urban boundary should not be harvested until the newly planted section is at least five years old.	513.43 Rayonier New Zealand Ltd - Oppose
32.18	NZ Pork Industry Board (NZ Pork)	Support	Support primary production activities being a permitted activity.	Retain intent of Rule 19.1(a)	506.64 Ernslaw One Ltd - Support  513.03 Rayonier New Zealand Ltd - Support
50.04	Rayonier NZ Ltd	Support	Submitter supports the permitted activity status of primary production activities in the Horowhenua District provided the definition of Primary	Retain Rule 19.1(a) and keep primary production activities as a permitted activity.	506.74 Ernslaw One Ltd - Support

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
			Production is amended.	(Separate submission point 50.04 regarding definition of Primary Production Activities).	
72.04	Poultry Industry Association of New Zealand (PIANZ) & Egg Producers Federation of New Zealand (EPFNZ)	Support	Primary Production activities are classified as permitted activities under Rule 19.1, subject to compliance with relevant performance criteria.  The submitter supports Rule 19.1(a).	Retain Rule 19.1(a).	500.20 NZ Pork Industry Board - Support  513.44 Rayonier New Zealand Ltd - Support
74.04	Ernslaw One Limited	Support	Support the permitted activity status of primary production activities in the Horowhenua District provided the definition of Primary production activities is as submitted in Submission 74.05.	Retain Rule 19.1(a) subject to the satisfaction of Submission 74.05.  OR  Amend Rule 19.1 to include Plantation Forestry as a permitted activity.	513.32 Rayonier New Zealand Ltd - Support
96.26	Federated Farmers of New Zealand	Support	Strongly supports the provision of primary production activities as permitted. Primary production is the main reason for the rural zone, and is vital to the economy of Horowhenua, and people and communities wellbeing.	Retain Rule 19.1(a) as a permitted activity.	506.14 Ernslaw One Ltd - Support  513.14 Rayonier New Zealand Ltd - Support

Four submissions seek to control forest harvesting within 500 metres of the urban boundary of the Waitarere Beach settlement. Four submissions essentially support the intent of Rule 19.1(a).

#### **4.35.2 Discussion & Evaluation**

1. NZ Pork (32.18), PIANZ & EPFNZ (72.04) and Federated Farmers (96.26) support the intent of Rule 19.1(a). NZ Pork's and Federated Farmers submissions are supported by further submissions from Ernslaw One (506.64 and 506.14) and Rayonier (513.03 and 514.14) and PIANZ's submission is supported by further submissions from NZ Pork (500.20) and Rayonier (513.44). Rayonier (50.04) also support Rule 19.1(a) and this is supported by a further submission from Ernslaw One (506.74). Ernslaw One (74.04) support Rule 19.1(a) as long as primary production includes Plantation Forestry. This is supported by a further submission from Rayonier (513.32).
2. As primary production activities are the predominant activity in the Rural Zone of Horowhenua it is important they are provided for and the submitters support for the rule is acknowledged. It is noted that the definition of 'Primary Production Activity' includes any forestry activity; therefore Primary Production activities provided for under Rule 19.1(a) includes Plantation Forestry.

3. Straugheir (9.0), Parlovskis (12.0), Wallis (15.0) and Mangin (23.0) seek that Rule 19.1(a) is amended to control forest harvesting within 500 metres of the urban boundary of the Waitarere Beach settlement. These submissions are opposed by further submissions from Rayonier (513.40, 513.41, 513.42 and 513.43).
4. Several submitters raise the issue of plantation forestry adjacent to the urban boundary at Waitarere Beach, not in relation to mature trees and shading but the removal of trees over a large area. The submitters are concerned that this activity has caused the water table to rise and significantly increase the number of flood events in the area. Statistics provided by the submitters state 23,700 trees have been removed over a 3 year period from 2006 to 2009 over an area of 79 hectares.
5. There is scientific evidence<sup>1</sup> to suggest that trees intercept and transpire a significant volume of water, with conifers using more water than broadleaves. It is also acknowledged that young mature trees use the most water, with particularly from the age of 5 years upwards. Consequently, it is considered that the submitters concerns are valid and that deforestation of a large area may contribute to an increased risk of flooding.
6. Therefore, the question is what is the most appropriate method(s) to address this issue to avoid, remedy or mitigate the flooding effects. Two principal options have been submitted: 1. Introduce planning controls on forestry clearance and planting as requested in the original submissions: 2: Physical works, such as the installation of additional kerb and channel and drainage works. Based on the information presented in the submissions, at this time, it is considered the planning controls are the most efficient approach as they have a direct cause and effect relationship. However, the further submitter (Rayonier) may wish to comment on the practicality of such controls in terms of forestry harvesting and replanting in this area. Accordingly, I recommended that the submissions from Straugheir, Parlovski, Wallis and Mangin be accepted in part but instead of amending Rule 19.1(a), a new standard be included under Condition 19.6.16 Forestry and Timber Harvesting.

#### 4.35.3 Reporting Officer's Recommendation

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Officer's Recommendation
9.00	513.40	Lynn & Anthony Straugheir Rayonier New Zealand Ltd	Oppose	Accept In-Part Accept In-Part
12.00	513.41	Daina Parlovskis Rayonier New Zealand Ltd	Oppose	Accept In-Part Accept In-Part
15.00	513.42	Charles Wallis Rayonier New Zealand Ltd	Oppose	Accept In-Part Accept In-Part
23.00	513.43	Cheryl Mangin Rayonier New Zealand Ltd	Oppose	Accept In-Part Accept In-Part
32.18		NZ Pork Industry Board		Accept

<sup>1</sup> UK Forestry Commission, 2005 and University of Florida.

	506.64	Ernslaw One Ltd	Support	Accept
	513.03	Rayonier New Zealand Ltd	Support	Accept
50.04		Rayonier NZ Ltd		Accept
	506.74	Ernslaw One Ltd	Support	Accept
72.04		PIANZ & EPFNZ		Accept
	500.20	NZ Pork Industry Board	Support	Accept
	513.44	Rayonier New Zealand Ltd	Support	Accept
74.04		Ernslaw One Limited		Accept In-Part
	513.32	Rayonier New Zealand Ltd	Support	Accept In-Part
96.26		Federated Farmers of New Zealand		Accept In-Part
	506.14	Ernslaw One Ltd	Support	Accept In-Part
	513.14	Rayonier New Zealand Ltd	Support	Accept In-Part

#### 4.35.4 Recommended Amendments to the Plan Provisions

Amend Rule 19.6.16 as follows:

- (a) Managed revegetation...
- (b) Within 500 metres of the urban boundary at Waitarere Beach, as defined on the Planning Maps 17,18,19 and 20:
  - (i) No more than 25 hectares of plantation forest shall be harvested at any one time, and
  - (ii) The next 25 hectares shall not be harvested until the area under (i) has been replanted and the trees are at least 5 years old.

## 4.36 Rule 19.1(d) – Permitted Activity (Visitor Accommodation)

### 4.36.1 Submissions Received

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
108.10	HDC (Planning Department)	In-Part	The Proposed Plan provides for Visitor accommodation for up to four persons within a residential dwelling unit in the Residential and Rural Zones. The current rules introduce some uncertainty over whether visitor accommodation could be provided in both the principle dwelling unit on site and a family flat and if so whether each can accommodate four persons. The	Amend Rule 19.1(d) as follows:  Visitor accommodation for up to four persons <u>per site</u> within <del>a</del> <u>any</u> residential dwelling unit <u>and/or family flat</u> .	

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
			<p>current definition of residential dwelling unit does not assist with the interpretation of the rules regarding visitor accommodation and could be read to include a family flat. The Plan should be amended to bring greater certainty.</p> <p>The rule should allow visitor accommodation to be provided in different in both dwellings and family flats, however the total number of persons accommodated should not exceed four persons.</p>		

One submission seeks to permit visitor accommodation in family flats.

#### 4.36.2 Discussion & Evaluation

1. HDC (Planning Department) (108.10) seeks that visitor accommodation is permitted in a family flat, as long as the number of visitors per site does not exceed 4.
2. The purpose of the rule is to limit the number of visitors to 4 per site; therefore it does not seem necessary to manage whether they stay in the main residential unit or in a family flat. As such it is recommended that Rule 19.1(d) is amended to provide for visitor accommodation in family flats and clarify the application of this rule.

#### 4.36.3 Reporting Officer's Recommendation

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Officer's Recommendation
108.10		HDC (Planning Department)		Accept

#### 4.36.4 Recommended Amendments to the Plan Provisions

Amend Rule 19.1(d) as follows:

- (d) Visitor accommodation for up to four people per site within any residential dwelling unit and/or family flat

### 4.37 Rule 19.1(g) – Permitted Activity (Construction of Buildings)

#### 4.37.1 Submissions Received

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
40.42	House Movers	In-Part	Amend permitted activity rule to	Amend Rule 19.1(g) as	

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
	Section of NZ Heavy Haulage Association Inc.		include removal and re-siting of buildings.	follows: "The construction, alteration of, addition to, <u>removal, re-siting</u> and demolition of buildings and structures for any permitted activity".	
96.27	Federated Farmers of New Zealand	Support	Supports the provision of building associate with a permitted activity being permitted. This is a recognition that buildings are needed for activities such as farming to operate.	Retain Rule 19.1 (g) as notified.	

One submitter seeks to permit the removal and re-siting of buildings and one submitter seeks to retain Rule 19.1(g).

#### **4.37.2 Discussion & Evaluation**

1. House Removal Section of the Haulage Inc (40.42) seeks a permitted activity status for relocated buildings and the addition of new permitted activity standards. 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.
2. Federated Farmers (96.27) seeks to retain Rule 19.1(g). It is recommended to accept this submission and no changes made to Rule 19.1(g).

#### **4.37.3 Reporting Officer's Recommendation**

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Officer's Recommendation
40.42		House Movers Section of NZ Heavy Haulage Association Inc.		Reject
96.27		Federated Farmers of New Zealand		Accept

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

No recommended amendments to Rule 19.1(g).

## 4.38 Rule 19.1(h) – Permitted Activity (Existing Community Facilities)

### 4.38.1 Submissions Received

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
81.02	Phillip Lake	Oppose	Oppose Rule 19.1(h) as it does not permit additions and alterations to existing community facilities in the Rural Zone.  Existing facilities should be able to develop for the benefit of the community.  See Rule 19.4.4(a).	Amend Rule 19.1(h) to include additions and alterations to existing community facilities as permitted activities.	

One submitter seeks to amend Rule 19.1(h) to provide for additions and alterations to existing community facilities as permitted activities.

### 4.38.2 Discussion & Evaluation

1. Lake (81.02) seeks to amend Rule 19.1(h) to include additions and alterations to existing community facilities as permitted activities.
2. Community facilities provide an important service to the rural community enabling them to meet their educational and social needs. But as in residential areas, the expansion of such facilities has the potential to create adverse effects on anticipated amenity values and more importantly reverse sensitivity effects. A large scale school or community hall where a pre-school is held could complain about odour and noise from adjacent farming activities. It is also important to protect rural land for primary production activities and this means managing all other types of activities. It is therefore important that all effects can be considered at the time of extending a community facility and the Council not be unduly limited. Therefore, it is recommended that this submission point is rejected and no amendments made to Rule 19.1(h).

### 4.38.3 Reporting Officer's Recommendation

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Officer's Recommendation
81.02		Phillip Lake		Reject

### 4.38.4 Recommended Amendments to the Plan Provisions

No recommended amendments to Rule 19.1(h).

## 4.39 Rule 19.1(j) – Permitted Activity (Department of Conservation Land)

### 4.39.1 Submissions Received

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
101.67	Director-General of Conservation (DoC)	In-Part	In the last bullet point of Rule 19.1 (j) the use of the words “noxious plat” should be defined or explained further to avoid ambiguity. If the intention is to cover those plants in National and Regional pest management plans then the words “noxious plants” should be replaced with “pest plants” as per the Biosecurity Act 1993. To give the Department the ability to control plants that have an adverse impact on conservation values then the following relief is sought. It is also preferable to refer to the “animal pests” as this is commonly used.	Amend Rule 19.1 (j) as follows: ... <ul style="list-style-type: none"> <li>• <del>Noxious plant and pest control.</del></li> <li>• <u>Control of Pest plant, other plants adversely impacting on conservation values and animal pests.</u></li> </ul>	

One submission seeks to permit the control of plants and pests.

### 4.39.2 Discussion & Evaluation

1. DoC (101.67) seeks to amend Rule 19.1(j) to make it clearer what is enabled and to permit the control of plants and pests that have an adverse effect on conservation values.
2. DoC considers that Rule 19.1(j) requires clarity and that the wording should reflect that of the Biosecurity Act 1993. The change sought to the rule would not change the scope of the rule or any anticipated outcome, and the intent is supported to align with the Biosecurity Act. However, the wording “the control of noxious plant and pest control” could have a fairly broad interpretation. Additionally, ‘noxious’ is not defined in the Proposed Plan and this could lead to issues with interpreting the rule. For this reason, it is recommended to accept this submission point in part and not include the wording ‘other plants adversely impacting on conservation values’ as this is also not defined.
3. Furthermore, a correction/minor change under Clause 16 of the First Schedule of the RMA is recommended for Rule 19.1(j) by replacing the bullet points for the sub-clauses with numbering so this rule uses a consistent numbering system applied throughout the Proposed Plan.

### 4.39.3 Reporting Officer’s Recommendation

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



#### 4.39.4 Recommended Amendments to the Plan Provisions

Amend Rule 19.1(j) as follows:

- (j) Within land administered by the Department of Conservation:
- (i) \_\_\_ Construction....
  - (ii) \_\_\_ Commercial...
  - (iii) \_\_\_ Species...
  - (iv) \_\_\_ Control of pest Noxious plants and animal pests control.

### 4.40 Rule 19.1(l) – Permitted Activity (Signs)

#### 4.40.1 Submissions Received

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
98.37	Horticulture NZ	In-Part	Rule 19.1 lists activities provided for as permitted in the Rural Zone.  Clause l) relates to signs. There should be provision for signs for safety and hazard identification as a permitted activity.	Amend Rule 19.1(l) to include signs for safety and hazard identification as a permitted activity.	

One submission seeks to provide for signs for safety and hazard identification.

#### 4.40.2 Discussion & Evaluation

- Horticulture NZ (98.37) seeks to amend Rule 19.1(l) to provide for signs for safety and hazard identification.
- Rule 19.1(l) lists the types of sign permitted in the Rural Zone including official, temporary, advertising and for sale signs. The health and safety of the community is important and it is necessary to ensure that hazards are clearly marked. Therefore, it is recommended that this submission point be accepted. To incorporate the relief sought into the Proposed Plan, it is recommended a new rule is added to Rule 19.1(l) and a new definition added to Chapter 26 on 'health and safety signs'.

#### 4.40.3 Reporting Officer's Recommendation

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Officer's Recommendation
98.37		Horticulture NZ		Accept

#### 4.40.4 Recommended Amendments to the Plan Provisions

Amend Rule 19.1(l) be amended as follows:

The following types of signs:

(i)...

(v) Health and safety signs

Add a new definition to Chapter 26 as follows:

**Health and Safety Sign** means any warning of health and safety hazards, including but not limited to those required under any legislation such as Health and Safety in Employment Act 1992 and Hazardous Substances and New Organisms Act 1996.

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### 4.41 Rule 19.1(r) – Permitted Activity (Temporary Military Training Activities)

#### 4.41.1 Submissions Received

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
95.05	New Zealand Defence Force (NZDF)	Support	Support inclusion of Temporary Military Training Activities as Permitted Activities.	Retain Rule 19.1(r) as notified.	

One submission supports the rule.

#### 4.41.2 Discussion & Evaluation

1. NZDF (95.05) supports and seeks to retain Rule 19.1(r). The support of the submitter for Rule 19.1(r) is noted. As no submissions in opposition were received, no changes are recommended to Rule 19.1(r)

#### 4.41.3 Reporting Officer's Recommendation

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Officer's Recommendation
95.05		New Zealand Defence Force (NZDF)		Accept

#### 4.41.4 Recommended Amendments to the Plan Provisions

No recommended amendments to Rule 19.1(r).

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## 4.42 Rule 19.2(a) – Controlled Activity (Subdivision)

### 4.42.1 Submissions Received

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
103.01	Colin Easton	Oppose	<p>Subdivision in Rural Zone should become a discretionary activity, with required notification.</p> <p>There should be consultation with local farmers before subdivision is allowed to go ahead.</p> <p>If notification is required, objections should be heard and justified. For example reverse sensitivity and existing use of the land being safe guarded from complaints by new lifestylers who do not understand what farmers need to do to be productive.</p>	Amend Rule 19.2(a) by making rural subdivision a discretionary activity with notification required.	
104.00	Bill Huzziff	Oppose	<p>There is a complete lack of consultation with the rural community when major changes are to take place within the rural parts of the District. These changes, such as subdivisions, have a major impact on surrounding farms. They interfere with and impose restrictions on normal farming activities and also deny rural folk their rights to produce an income and to their enjoyment of living in such an environment.</p> <p>A large amount of land has already been subdivided. The District needs to quantify the costs and benefits of such urban sprawl. It is a requirement under Section 32 of the RMA, for planners to give due consideration to economic outcomes.</p> <p>Many subdivisions are not notified. An exception is the 232 Hickford Road, which had 23 submission submitted against by surrounding farmers and did not go ahead.</p> <p>There is an overabundance of subdivided land within the Horowhenua District and each</p>	Amend Rule 19.2(a) by making rural subdivision a discretionary activity with notification required.	

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
			<p>subdivision has the potential to undermine and destroy the rural way of life.</p> <p>Theoretically there are safeguards set up by the District Council to protect the rural community. But these theoretical safeguards such as reverse sensitivity and existing use have in practice not been safeguards at all. It is for the above reasons that I believe that any subdivision, of whatever type. Should be notified discretionary under the District Plan.</p>		

Two submissions seek that rural subdivision should be a discretionary activity with notification required.

#### **4.42.2 Discussion & Evaluation**

1. Easton (103.01) and Bill Huzziff (104.00) seek that rural subdivision should be a discretionary activity with notification required.
2. The submitters are both concerned about the lack of consultation before large scale subdivisions occur, and that most are not even notified, noting the exemption of 232 Hickford Road which received 23 submissions in opposition and did not proceed. However, the submitters believe this to be an isolated case, despite the effects of subdivision on farming activities. They cite a lack of understanding of rural activities from those who move into the rural area and, that safeguards such as reverse sensitivity and existing use rights have not protected farmers at all.
3. The points raised by the submitters are acknowledged. In 2009 Council publicly notified Plan Change 20 to the Operative District Plan which specifically related to rural subdivision. This Plan Change replaced the 'one size fits all' approach to subdivision across the whole district to an approach where the nature and intensity of subdivision was different for landscape domain areas (sub-areas within the rural area). One of the issues evaluated in this Plan Change process included reverse sensitivity effects. The new subdivision provisions provide a more restrictive regime in parts of the district, including as a discretionary activity, and potentially public notification. The final appeal on this plan change as recently been resolved, and Council adopted this Plan Change at the 10 April 2013 meeting, with the Plan Change set to become operative in May. Once it has been notified, the provisions will become operative from the date given in the public notice. Therefore, the relief sought by the submitter has in part already been addressed by Plan Change 20.
4. Notwithstanding the above, it is noted all provisions that were subject to Plan Change 20, including the subject rule (19.2(a)) do not form part of this Proposed Plan open for subdivision. Rule 19.2(a) was inadvertently not "greyed-out" as with all other Plan Change 20 provisions in the Proposed Plan. Although I consider the Plan to address the relief sought,

because the activity status of subdivision cannot be addressed as part of the District Plan review. It is therefore recommended to reject these submission points.

#### 4.42.3 Reporting Officer's Recommendation

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Officer's Recommendation
103.01		Colin Easton		Reject
104.00		Bill Huzziff		Reject

#### 4.42.4 Recommended Amendments to the Plan Provisions

No recommended amendments to Rule 19.2(a).

### 4.43 Rule 19.2(d) – Controlled Activity (Relocated Buildings)

#### 4.43.1 Submissions Received

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
40.23	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 19.2(d)	

One submitter seeks to delete Rule 19.2(d).

#### 4.43.2 Discussion & Evaluation

1. House Removal Section of the Haulage Inc (40.23) seeks a permitted activity status for relocated buildings and the addition of new permitted activity standards. 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.

#### 4.43.3 Reporting Officer's Recommendation

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

#### 4.43.4 Recommended Amendments to the Plan Provisions

No recommended amendments to Rule 19.2(d).

### 4.44 New Rule 19.2.X – Controlled Activity (Aggregate Extraction)

#### 4.44.1 Submissions Received

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
77.02	Higgins Group Holdings Ltd	In-Part	The effects of Aggregate Extraction activates are well known and are confined to certain matters such as noise, vibration, dust, traffic and visual amenity effects. Almost all aggregate extraction takes place in the Rural Zone. Therefore, it is submitted that Aggregate Extraction should be a controlled activity in the Rural Zone.	Amend Rule 19.2 with consequential changes to Rule 19.7 (Matters of Control and Conditions) as follows:  Rule 19.2 Controlled Activities  (a) Any subdivision of land (Refer Rule 19.7.1 and 19.7.2).  .....  <u>(X) Aggregate Extraction.</u>	506.37 Ernslaw One Ltd - Support

One submission seeks that Aggregate Extraction is provided for as a Controlled Activity.

#### 4.44.2 Discussion & Evaluation

1. Higgins (77.02) seek that Aggregate Extraction is provided for as a Controlled Activity. This is supported by a further submission from Ernslaw One (506.37).
2. The submitter considers that the effects of aggregate extraction are well known and are confined to specific matters such as noise, vibration, dust, traffic and visual amenity. Most extraction occurs in the Rural Zone where buffers are available between extraction and neighbouring activities.
3. A Controlled Activity status means that the Council would be limited in the matters it could consider and whilst this may not be an issue given that these are often the same for each site, there may be occasion where it would be necessary to consider effects on natural resources and values, such as landscapes or a waterway. Additionally, a controlled activity status means that the Council must approve any application subject to conditions and this may not always be appropriate when conditions cannot effectively avoid, remedy or mitigate the adverse effects. There may be circumstances when granting consent would cause adverse effects on the environment, and these effects may not be related to the matters to which the Council has limited its control. It is therefore recommended that this submission point is rejected.

#### 4.44.3 Reporting Officer's Recommendation

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Officer's Recommendation
77.02		Higgins Group Holdings Ltd		Reject
	506.37	Ernslaw One Ltd	Support	Reject

#### 4.44.4 Recommended Amendments to the Plan Provisions

No recommended amendments to Chapter 19.

### 4.45 Rule 19.3 – Restricted Discretionary Activity

#### 4.45.1 Submissions Received

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
99.32	Transpower New Zealand Ltd	In-Part	New buildings and structures, extensions to existing buildings and structures, and some earthworks (those that could undermine the support structures or reduce clearances to live wires below safe separation distances). It is appropriate these activities require resource consent and an accompanying assessment of the effects of the activity on the integrity of the electricity transmission network.	Include notification statement(s) to Rule 19.3 to the effect that where activities are proposed within the National Grid Corridor and resource consent is required, Transpower will be considered an affected party.	517.23 Horticulture NZ – In-Part

One submission seeks that Transpower is identified as an affected party.

#### 4.45.2 Discussion & Evaluation

1. Transpower (99.32) seeks to include a Note under Rule 19.3 that identifies Transpower as an affected party when activities that require resource consent occur in the National Grid corridor. This is opposed in part by Horticulture NZ (517.23).
2. Whilst it is likely that the Council would always identify Transpower as an affected party when resource consent was required for activities within the National Grid corridor, it is efficient to make the public aware of this. An applicant could try and streamline the consent process by approaching Transpower for approval prior to submitting any application to Council. Therefore, it is recommended that this submission point is accepted and a Note included under Rule 19.3.

#### 4.45.3 Reporting Officer's Recommendation

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Officer's Recommendation
99.32	517.23	Transpower New Zealand Ltd Horticulture NZ	In-Part	Accept Reject

#### 4.45.4 Recommended Amendments to the Plan Provisions

Amend Rule 19.3 as follows:

##### 19.3 RESTRICTED DISCRETIONARY ACTIVITIES

Where resource consent applications involve activities within the National Grid Corridor, Council will forward copies of applications to Transpower as an affected party.

The following...'

### 4.46 Rule 19.4 – Discretionary Activity (Historic Heritage)

#### 4.46.1 Submissions Received

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
117.23	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 19.4 to include subdivisions that negatively impact on the heritage values of any sites listed in Schedule 2.	

One submission seeks to provide for the subdivision of sites listed in Schedule 2 as a Discretionary Activity.

#### 4.46.2 Discussion & Evaluation

1. NZHPT (117.23) seek to amend Rule 19.4 to provide for subdivision of sites listed as having heritage value in Schedule 2 as a Discretionary Activity.
2. It is noted that Rule 19.4.10 provides for subdivision within the heritage setting of a Group 1 or 2 building or structure as a Discretionary Activity and Rule 19.4.11 provides for the subdivision of any site listed in Schedule 2 as a Discretionary Activity. As such, it is recommended that this submission point be accepted in part as the relief sought is already provided for in the Plan.

#### 4.46.3 Reporting Officer's Recommendation

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Officer's Recommendation
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117.23		New Zealand Historic Places Trust (NZHPT)		Accept In-Part
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#### **4.46.4 Recommended Amendments to the Plan Provisions**

No recommended amendments to Rule 19.4.

### **4.47 Rule 19.4.1(a) – Discretionary Activity (General)**

#### **4.47.1 Submissions Received**

<b>Sub No.</b>	<b>Submitter Name</b>	<b>Support/ In-Part/ Oppose</b>	<b>Summary of Submission</b>	<b>Decision Requested</b>	<b>Further Submission</b>
96.30	Federated Farmers of New Zealand	Oppose	<p>Oppose the discretionary status of activities that are not assigned a status elsewhere.</p> <p>Under Section 9 the use of land is presumed to be permitted unless it is restricted by a rule in a plan. We appreciate that not every eventuality can be covered with the use of activity lists, which is why the Council should be identifying resource issues specific to the District and only control land use relating to the management of any adverse effects on those resources.</p> <p>As per Section 76(3) when making a rule a territorial authority shall have regard to the actual or potential effect on the environment. The power to include rules in plans is provided by Section 77A and the types of activities can only be described as “any activity not listed”. Further, the issue of adverse effects which have not been anticipated can be addressed via a plan or variation. This is the appropriate remedy as provided by the RMA for activities otherwise unanticipated.</p>	<p>Delete Rule 19.4.1(a)</p> <p>And</p> <p>That permitted status is the default status for activities not otherwise provided for.</p>	<p>506.16 Ernslaw One Ltd - Support</p> <p>517.24 Horticulture NZ - Support</p> <p>527.07 Director-General of Conservation (DoC) - Oppose</p>

One submission seeks to delete Rule 19.4.1(a).

#### **4.47.2 Discussion & Evaluation**

1. Federated Farmers (96.30) seek to delete Rule 19.4.1(a) and that the default status for activities not otherwise provided for is permitted. This is supported by further submissions from Ernslaw One (506.16) and Horticulture NZ (517.24), and opposed by DoC (527.07).

2. Federated Farmers suggest that whilst not every eventually can be covered, the Council should be identifying resource management issues specific to the District and only controlling land use relating to the management of any adverse effects on those resources. In effect, any activity that is not listed in the Plan should be a Permitted Activity and not a Discretionary Activity as matters can be addressed by way of a plan change or variation.
3. It is agreed that a district plan cannot anticipate every activity that may occur in the future and its effects on the environment. However, to provide for unforeseen activities as permitted would enable them to proceed albeit subject to the standards in the Plan. This approach is not considered efficient or effective in achieving the objectives for the Rural Zone as the effects of this unknown activity may be such that they will not be sufficiently addressed by the existing standards and there may be adverse effects on the resources of the District including productive land and existing farming activities. To undertake a plan change or variation takes time, within which there may be a 'gold rush' of applications and effectively there could be significant adverse effects on the environment before any standards can be implemented. Thus it is recommended that this submission point (96.30) is rejected and no changes made to the status of activities not specifically listed in the Plan. Further submission points 506.16 and 517.24 are also recommended to be rejected while 527.07 is accepted.

#### **4.47.3 Reporting Officer's Recommendation**

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Officer's Recommendation
96.30		Federated Farmers of New Zealand		Reject
	506.16	Ernslaw One Ltd	Support	Reject
	517.24	Horticulture NZ	Support	Reject
	527.07	Director-General of Conservation (DoC)	Oppose	Accept

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

No recommended amendments to Rule 19.4.1(a).

### **4.48 Rule 19.4.2(a) – Discretionary Activity (Residential Dwellings)**

#### **4.48.1 Submissions Received**

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
83.09	Ross Hood & Margaret Hood	Oppose	Oppose Rule 19.4.2 (a) as it imposes restrictions on rural dwellers.  If a farmer requires third house to be built, then it is because it is needed. There should be less restriction, not more.	No specific relief requested.  Inferred: Delete Rule 19.4.2(a)	

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
108.12	HDC (Planning Department)	In-Part	The Proposed Plan is vague on whether a 'family flat' is defined as a residential dwelling unit. There are a number of rules within the Plan that would apply to family flats if they are considered a residential dwelling unit. The Plan should be amended to bring greater certainty to how the Plan is interpreted. The Plan should be amended to specifically exclude 'family flats' from the definition of residential dwelling unit. This would remove the need for family flats to comply with rules relating specifically to residential dwelling units such as outdoor living space requirements. Consequentially there are several rules which would benefit from a specific reference to the 'family flats' so it is clear how the rules are to be interpreted.	Amend Rule 19.4.2(a) as follows:  Two or more residential dwelling units/ <u>family flats</u> per site.	

One submission considers that Rule 19.4.2(a) is too restrictive and one submitter seeks to amend the rule to refer to family flats.

#### **4.48.2 Discussion & Evaluation**

1. Hood (83.09) considers that Rule 19.4.2(a) is too restrictive and if a farmer requires a third dwelling, it is because it is necessary and he should be able to build it. Whilst no specific relief is sought, it is inferred that Rule 19.4.2(a) should be deleted. HDC (Planning Department) (108.12) considers that an amendment is required to Rule 19.4.2(a) to make it clear that it relates to family flats too.
2. The purpose of the rule is to manage the number of residential dwelling units that can be established per site in the Rural Zone as of right. This limit on the number of residential dwellings is mainly because residential activities can be incompatible with rural activities and create reserve sensitivity effects. The rule also supports the protection of rural amenity values: the rural area is generally anticipated to be spacious with low density of development. Furthermore, the Rural Zone is unlikely to be fully serviced and consideration must be given to demand on/availability of water supplies and the ability to dispose of and treat sewerage. While these effects can be managed to some extent through other methods including setback standards, providing for a greater number of dwellings can result in the loss of productive land. In addition, permitting additional residential dwellings can be used as an argument to allowing more intensive forms of subdivision in rural areas.
3. It is recognised property owners may have various reasons for seeking additional residential dwellings, including workers, family members or rental income purposes. With changes in primary production activities, in particular the increase in dairying, it is likely that there will an increase in demand for farm worker accommodation.

4. Rule 19.4.2(a) limits the number of residential dwelling units to one per site not one per property. Site is defined as ‘an area of land comprised wholly of one (1) certificate of title; or the area of land contained within an allotment on an approved plan of subdivision; or the area of land which is intended for the exclusive occupation by one (1) residential unit; or an area of land held in one (1) computer register’. Therefore, if a rural property was made up of a number of Certificate of Titles, more than two dwellings would be permitted.
5. It may be more appropriate to have a specific rule to provide for farm worker accommodation, which could apply where specific circumstances are met (e.g. minimum size of property, location and size requirements, etc). The submitter may wish to clarify at the hearing whether adding a specific farm worker accommodation rule would address their concerns and what circumstances should this apply. At this time, it is recommended this submission point (83.09) be rejected.
6. As submitted by the HDC (Planning Department), it is agreed that the number of family flats should also be managed as these are anticipated to be secondary to any residential dwelling unit. They have similar effects and should be limited in number, although it is recommended that the wording of the rule be amended from that suggested by HDC (Planning Department).
7. It is also noted at this point that there is some confusion over the activity status of two residential dwelling units per site. Whilst it is specifically listed as a Discretionary Activity, there is a permitted activity condition (19.6.1(a)) stating ‘one residential dwelling unit per site’, which if not complied with means that the activity becomes a Restricted Discretionary Activity. Under Rule 19.3.1 it is stated that ‘Any permitted activity which fails to comply with any condition in Rule 19.6 or Chapters 21,22, 23 and 24 of this District Plan shall be a restricted discretionary activity except for activities that are specified as discretionary activities or non-complying activities in Rules 19.4 and 19.5’. There is potential for someone reading the Plan to read the permitted activity list, look at the conditions, and determine that more than one residential unit per site is a Restricted Discretionary Activity rather than Discretionary Activity. It is recommended this potential for different interpretations be avoided and the activity status of two residential units per site made clearer. It is recommended as a consequential amendment that Rule 19.1 Permitted Activities lists ‘one residential dwelling unit and family flat per site’, Rule 19.6.1(a) be deleted, and Rule 19.4.2 specifically provides for two or more residential dwelling units as a Discretionary Activity, as originally intended status.
8. Overall, given the issues discussed above, it is not considered appropriate to delete Rule 19.4.2(a) as this would enable any number of residential dwelling units per site. I recommend that submission point 108.12 be accepted in-part.

#### **4.48.3 Reporting Officer’s Recommendation**

<b>Sub. No</b>	<b>Further Sub. No.</b>	<b>Submitter Name</b>	<b>Further Submitter Position</b>	<b>Officer’s Recommendation</b>
83.09		Ross Hood & Margaret Hood		Reject
108.12		HDC (Planning Department)		Accept In-Part

#### 4.48.4 Recommended Amendments to the Plan Provisions

Amend Rule 19.4.2(a) as follows:

‘Two or more residential dwelling units or family flats per site

Amend Rule 19.1(b) as follows:

~~(b) Residential activities. One residential dwelling unit and family flat per site.~~

Amend Rule 19.6.1(a) as follows:

~~(a) One residential dwelling unit per site.~~

~~(b)(a) One family flat...~~

### 4.49 Rule 19.4.4(a) – Discretionary Activity (Community Facilities)

#### 4.49.1 Submissions Received

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
81.03	Phillip Lake	Oppose	<p>Oppose Rule 19.4.4(a) as it classes all additions and alterations to existing community facilities as discretionary activities.</p> <p>Existing facilities should be able to develop for the benefit of the community with minimal restrictions. Promotes the efficient development of existing facilities as a preference to ad hoc development of new community facilities within the Residential Zone.</p> <p>Developments of existing facilities would still need to comply with permitted activity standards (carparking, daylight envelope, nose limits etc.). Breaches would require land use consent as limited discretionary activity, retaining some control over potential future expansions of existing community facilities.</p> <p>Current rules are inefficient as every change (no matter how minor) would require a discretionary consent. Changes to existing facilities should only require land use consent as a restricted</p>	<p>Amend Rule 19.4.4(a) to remove reference to “additions and alterations to existing community facilities” as follows:</p> <p>New community facilities <del>or external additions and alterations to existing community facilities</del> (including education facilities and grounds) for community activities including services having a social, community, ceremonial, cultural, educational, recreational, worship, or spiritual purpose.</p>	

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
			discretionary activity when any permitted activity standard is exceeded.		

One submission seeks to remove the reference to external alterations to existing community facilities.

#### **4.49.2 Discussion & Evaluation**

1. Lake (81.03) seeks to remove the reference to external alterations to existing community facilities as the submitter has previously requested that such an activity be permitted and not discretionary.
2. As discussed under section 4.38 of this report above, community facilities provide an important service to the rural community enabling them to meet their educational and social needs. But as in residential areas, the expansion of such facilities has the potential to create adverse effects on anticipated amenity values and more importantly reverse sensitivity effects. A large scale school or community hall where a pre-school is held could complain about odour and noise from adjacent farming activities. It is also important to protect rural land for primary productive activities and this means managing all other types of activities. It is therefore important that all effects can be considered at the time of extending a community facility and the Council not be unduly limited. Therefore, it is recommended that this submission point is rejected and no amendments made to Rule 19.4.4(a).

#### **4.49.3 Reporting Officer's Recommendation**

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Officer's Recommendation
81.03		Lake		Reject

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

No recommended amendments to Rule 19.4.4(a).

## **4.50 Rule 19.5 – Non-Complying Activity**

### **4.50.1 Submissions Received**

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
99.33	Transpower New Zealand Ltd	In-Part	Where the permitted activity standards relating to subdivision, use and development within the National Grid corridor are not met, Transpower considers a Non-	Include a new Rule to 19.5 Non-Complying Activities as follows:  Where the permitted activity standards relating	517.25 Horticulture NZ - In Part

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
			Complying activity status is appropriate.	to subdivision, use and development within the National Grid corridor are not met.	

One submission seeks to include a new rule under 19.5 Non-Complying Activities.

#### **4.50.2 Discussion & Evaluation**

1. Transpower (99.83) seeks to include a new rule under 19.5 Non-Complying Activities for activities that do not meet the permitted activity standards relating to subdivision, use and development within the National Grid are not met. This is opposed by Horticulture NZ (517.25).
2. As notified, any permitted activity that does not meet Condition 19.6.14 relating to the transmission line corridor would be a Restricted Discretionary Activity. It is considered that this activity status is appropriate given that the types of effects are generally known i.e. safety of the public, operation of the line etc. It seems unnecessarily stringent to make activities that cannot meet the setbacks from high voltage transmission lines non-complying activities and to require assessment against the objectives and policies of the Plan. Therefore, it is recommended that this submission point be rejected and no rules added to 19.5: Non-Complying Activities. I recommend that further submission 517.25 be accepted.

#### **4.50.3 Reporting Officer's Recommendation**

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Officer's Recommendation
99.33		Transpower New Zealand Ltd		Reject
	517.25	Horticulture NZ	In Part	Accept

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

No recommended amendments to Rule 19.5.

## **4.51 Rule 19.6 – Permitted Activity Conditions**

### **4.51.1 Submissions Received**

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
25.06	Michael White	In-Part	The submitter seeks rules or conditions which govern outdoor lighting.	Amend Permitted Activity Conditions 19.6 to include rules that control the emission of outdoor lighting at and above the	525.22 Maurice and Sophie Campbell - Support

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
				horizontal and to limit the level and timing of lighting in the Rural zone.	
26.13	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 ecological values.	Amend Permitted Activity Conditions 19.6 to include rules that control the emission of light at and above the horizontal and to limit the level and timing of lighting in the Rural Zone.	
27.21	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.	524.04 Higgins Group Holdings Ltd - Support
40.26	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.	Include the following performance standards/conditions (or to the same or similar effect) for relocated buildings:  Permitted Activity Standards for Relocated Buildings  <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</u>	



Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
				<p><u>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 sit. 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 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>	
95.20	New Zealand Defence Force (NZDF)	Support	<p>Support the removal of the following Permitted Activity Conditions;</p> <p>(i) The written consent of the owner shall have been obtained.</p> <p>(ii) Flying activity shall be in compliance with Civil Aviation</p>	Retain the removal of conditions as notified	

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
			<p>regulations or in agreement with the local controlling authority.</p> <p>New Zealand Defence Force notes that this removes redundant requirement from the Plan.</p>		
99.30	Transpower New Zealand Ltd	In-Part	<p>NESETA Regulation 30 provides for the trimming, felling or removal of any tree or vegetation as a permitted activity subject to the activity not being restricted by a rule in a district plan or being in a natural area. Transpower seeks the inclusion of a permitted activity related to the trimming, felling and removal of vegetation and trees, where that activity is required to minimise an operational risk to a network utility activity.</p>	<p>Include a new permitted activity condition to provide for trimming, felling and removal of vegetation and non-notable trees.</p>	

Two submitters seek to include a rule to control the emission of outdoor lighting. This is supported by one further submission. One submitter seeks to permit activities for the purpose of conservation, erosion protection, river control or flood protection works. This is supported by one further submission. One submitter seeks to provide for the relocation of buildings as a permitted activity. One submitter supports the removal of standards that apply under the operative District Plan. One submitter seeks to include a permitted activity condition to provide for trimming, felling and removal of vegetation and non-notable trees. One submitter seeks to provide for the relocation of buildings as a permitted activity.

#### **4.51.2 Discussion & Evaluation**

1. Michael White (40.26) and Horowhenua Astronomical Society Inc. (26.13) seek to include a rule to control the emission of outdoor lighting at and above the horizontal and to limit the level and timing of lighting. The former is supported by a further submission from Campbell (525.22). It is noted that all subdivision and development is subject to the Council's Subdivision and Development Principles and Requirements (2012), which has adopted NZS 1158. This Standard manages lighting and the effects of lighting and may address the concerns of the submitter. The submitters may wish to clarify at the hearing whether subdivisions and development complying with this Standard effectively addresses their concerns, such as a maximum level of light spill as applied in the Open Space Zone.
2. Horizons (27.21) seek to include a permitted activity standard to provide for soil conservation, erosion protection, river control or flood protection works undertaken by Horizons Regional Council. This is supported by a further submission from Higgins (524.04). Horizons must be able to carry out such works as they are often necessary for the protection of life and property and it is noted that there is a rule that provides for such activities in the Flood Hazard Overlay Areas. It is considered the rule that provides for such activities in the Flood Hazard Overlay Areas should apply to the entire Rural Zone. As such, it is

recommended that the submission be accepted in part, and that this activity be added to the list of permitted activities in Section 19.1 instead of as a condition in Section 19.6. I recommend that submission points 27.21 and 524.04 be accepted in part.

3. House Movers Section of New Zealand Heavy Haulage Association Inc (40.26) seeks to include performance standards for the relocation of relocated buildings as a permitted activity. 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.
4. NZDF (95.20) supports the removal of standards that apply under the operative District Plan. This submission is in effect accepting Condition 19.6.30 as proposed and it is recommended that the submission point be accepted as no changes are sought.
5. Transpower (99.30) seeks to include a permitted activity condition to provide for trimming, felling and removal of vegetation and non-notable trees. The submitter notes that Regulation 30 under the NESETA provides for such activities subject to the activity not being restricted by a rule in a district plan or being in a natural area. A National Environmental Standard must be given effect to and the only rule that relates to the trimming of trees in the Proposed Plan is Condition 19.6.27 for Notable Trees, although this condition already provides for the removal of branches interfering with utility networks. It is therefore considered that no rule in the Plan restricts the trimming, felling or removal of non-notable trees and therefore specific provision for these activities is not required. Accordingly, it is recommended this submission point be rejected.

#### **4.51.3 Reporting Officer's Recommendation**

<b>Sub. No</b>	<b>Further Sub. No.</b>	<b>Submitter Name</b>	<b>Further Submitter Position</b>	<b>Officer's Recommendation</b>
25.06	525.22	Michael White Maurice and Sophie Campbell	Support	Accept In-Part Accept In-Part
26.13		Horowhenua Astronomical Society Inc		Accept In-Part
27.21	524.04	Horizons Regional Council Higgins Group Holdings Ltd	Support	Accept In-Part Accept In-Part
40.26		House Movers Section of NZ Heavy Haulage Association Inc.		Reject
95.20		New Zealand Defence Force (NZDF)		Accept
99.30		Transpower New Zealand Ltd		Reject

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

Add the following under 19.1 Permitted Activities and amend the numbering as required:

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

## 4.52 Rule 19.6.1 - Permitted Activity Condition (Residential Dwelling Units & Family Flats)

### 4.52.1 Submissions Received

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
65.03	Horowhenua Farmers' Ratepayer Group	In-Part	A farming business often requires more houses/dwellings for on-farm employees, retired parents or farming family members. A farming situation differs from a lifestyle property.	Amend Rule 19.6.1 so that the number of permitted dwellings is related to the size of the property.	
66.03	Bruce & Christine Mitchell	In-Part	A farming business often requires more houses/dwellings for on-farm employees, retired parents or farming family members. A farming situation differs from a lifestyle property.	Amend Rule 19.6.1 so that the number of permitted dwellings is related to the size of the property.	
96.32	Federated Farmers of New Zealand	In-Part	<p>Providing only for one dwelling and one flat per property is too restrictive and will compromise the social and economic well-being of people and communities.</p> <p>Many farmers require multiple dwellings on the farm as accommodation for employees, farm managers or retired parents. Because farms are located in remote rural areas, by necessity worker accommodation needs to be provided, providing housing in rural areas fulfils an important social service.</p> <p>Other Councils such as Hauraki provide for a graduated approach to number of houses, where the number of dwellings permitted depends on the size of the property. This means that issues around density of dwellings in the rural zone are managed while also providing for more houses for larger properties. As currently written, the rule would only provide for one house and one flat if the property was 1ha or 1,000ha.</p> <p>Policy 2.5.9 states that farm worker</p>	Amend Rule 19.6.1 through employing a graduated approach to the number of houses permitted per property, providing more than two dwellings for larger rural properties.	

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
			accommodation should be related to the scale of the primary production activities on site, however, this condition does not allow for scale of the property or production activity to be taken into account.		

Two submitters seek to amend Rule 19.6.1 so that the number of residential dwelling units is related to the size of the property. One submitter seeks that a graduated approach be applied to the number of residential dwelling units per property.

#### **4.52.2 Discussion & Evaluation**

1. Horowhenua Farmers' Ratepayer Group (65.03), Mitchell (66.03) and Federated Farmers (96.32) consider that it is too restrictive to provide for one residential dwelling unit and one family flat per property. They contend there needs to be greater flexibility to provide for family members and workers accommodation.
2. Rule 19.6.1 provides for one residential dwelling unit and family flat per site not property. Therefore a property could contain many sites (e.g. Certificates of Title) and therefore more than one residential dwelling unit and family flat. Many farming operations in the Horowhenua are made up of many multiple Certificates of Title, therefore, these farming operations would be entitled to a number of residential dwellings as of right. If further dwellings are required for particular farming operations, the resource consent process would provide the mechanism to assess the effects of the additional dwelling(s).
3. This matter has previously been discussed under Section 4.48 of this report, and it is not intended to repeat that discussion or recommendations here. The submitters may wish to clarify at the hearing the nature of farming operations in the Horowhenua taking into account the property holdings where additional dwellings may be required that would not provided for under these rules. It is recommended that the submission points 65.03, 66.03 and 96.32 are rejected and no changes are required to Rule 19.6.1.
4. As discussed under Paragraph 4.48 above, it is recommended consequential amendments are made to Rule 19.6.1 to clarify the activity status of a proposal for two or more residential dwellings.

#### **4.52.3 Reporting Officer's Recommendation**

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Officer's Recommendation
65.03		Horowhenua Farmers' Ratepayer Group		Reject
66.03		Bruce & Christine Mitchell		Reject
96.32		Federated Farmers of New Zealand		Reject

#### 4.52.4 Recommended Amendments to the Plan Provisions

Amend Rule 19.6.1(a) as follows:

~~(a) One residential dwelling unit per site.~~

~~(b)(a) One family flat...~~

Amend Rule 19.1(b) as follows:

~~(b) Residential activities: One residential dwelling unit and family flat per site.~~

### 4.53 Rule 19.6.4 - Permitted Activity Condition (Building Setbacks)

#### 4.53.1 Submissions Received

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
27.24	Horizons Regional Council	In-Part	Setbacks from effluent storage and treatment facilities only apply to residential units. This rule should also require new effluent storage units and treatment facilities to meet minimum setback distances from residential dwelling units and sensitive areas.	Amend Rule 19.6.4(b) to include setback requirements for effluent storage and treatment facilities.	511.10 HDC (Community Assets Department) – In-Part
7.03	Heirs Partnership	Oppose	Oppose the proposed 10m rural boundary setback for new buildings on properties larger than 5000m <sup>2</sup> . This rule would have the undesirable effect of creating a 10m strip all around the perimeter of a property that can no longer be used to site a house. This rule would also fail to address the issue of space between houses on adjacent rural properties. The proposed rule is a blunt instrument which does not target the issue and restrict flexibility.	Amend Rule 19.6.4 to retain the essence of the current 3m setback from any other site boundary and 30m from any other existing residential dwelling on adjoining land for buildings within the Rural Zone (Rule 19.2.4 Operative District Plan) and include a process by which Council and landowners work together to prevent a situation where the 30m setback would limit building sites for landowners.	
72.07	Poultry Industry Association of New Zealand (PIANZ) & Egg Producers Federation of New Zealand	Support	The submitter supports Rule 19.6.4. This rule acknowledges that it is not only dwelling which can cause reverse sensitivity effects. This rule provides protection for intensive farms from non-traditional rural activities that could compromise	Retain Rule 19.6.4.	

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
	(EPFNZ)		their operation.		
76.02	Ann Percy	Oppose	<p>Opposes the requirement of a 10 metre building set back from boundaries.</p> <p>A 10 metre building set back will negatively affect the ability of rural landowners to undertake farming activities.</p> <p>A 10 metre building set back will have a negative environmental impact as it prevents the utilisation of naturally occurring building sites (which will result in an increase in potential earthworks). Many rural subdivisions have existing building platforms that are yet to be built on; these may be within 10m from boundaries.</p> <p>Requiring a 10 metre setback will have a negative visual impact.</p>	<p>Amend Rule 19.6.4 as follows:</p> <p>19.6.4 (a) (iii) <del>40</del> <u>3</u> metres from any other site boundary;</p>	517.26 Horticulture NZ - Oppose
77.08	Higgins Group Holdings Limited	In-Part	<p>Submitter seeks a new condition for permitted activities be inserted under Rule 19.6.4 that limits the establishment of dwellings and other noise sensitive activities within 500 metres of the boundaries of any lawfully established aggregate extraction site or the Ohau river bed.</p>	<p>Amend Rule 19.6.4 by including;</p> <p>...</p> <p>b) All residential dwelling units and sensitive activities shall comply with the following additional setbacks and separation distances:</p> <p>...</p> <p><u>(iv) 500 metres from any Aggregate Extraction site or the Ohau River Bed.</u></p>	506.43 Ernslaw One Ltd - Support
98.39	Horticulture NZ	Oppose	<p>Horticulture NZ does not support the reduction in the setback distances for dwellings. These are a key tool in managing potential reverse sensitivity effects. Reducing the setbacks does not implement the objectives and policies in Chapter 2. It is considered that there could be a distinction in setbacks between dwellings and other buildings. It is where people are located in dwellings that it is most likely to</p>	<p>Amend 19.6.4(b) as follows:</p> <p>(b) All residential dwelling units and sensitive activities shall comply with the following additional setbacks and separation distances:</p> <p>(i) 300 metres from any building containing an existing intensive</p>	516.17 Federated Farmers of New Zealand – In-Part

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
			generate reverse sensitivity effects. A dwelling could be located closer, but would require an assessment of the effects, including potential reverse sensitivity effects. Greater setbacks are provided for residential dwelling units adjacent to intensive farming activities and effluent storage. Setbacks for dwellings from primary production activities should be included in this part of the rule.	farming activity on any other site;  ... <u>(iv) 30 metres from any property where existing primary production activities are undertaken.</u>	
48.00	Carolyn Dawson	In-Part	Submitter supports the 10 metres setback distance for all houses on rural properties. Oppose the allowance made for smaller (<5000m <sup>2</sup> ) rural properties to have a reduced setback distance of 3 metres. The rural aspect of subdivision is being taken away by housing being concentrated too close together.	Retain 10 metre setback requirement for rural properties and require smaller rural properties (<5000m <sup>2</sup> ) to apply for the 10 metre setback distance to be reduced with neighbouring parties having the ability to have their say about the reduced setback sought.	
64.01	Derek Watt	Oppose	The rural setbacks for buildings are excessive given all other restrictions in place such as minimum areas for subdivision.	Amend Rule 19.6.4(a)(iii) to reduce the site boundary setback for buildings in the Rural Zone.	
52.02	Rosemarie Saunders	Oppose	Submitter opposes Rule 19.6.4 as there are many lots in Waikawa area that have an area of less than 5000m <sup>2</sup> . The separation distance between dwellings is important. Such a rule could affect some of the existing dwellings that have already been established. Dwellings were constructed on a first in first served basis which could lead to neighbouring properties needing to get permission from the existing dwelling owner when they came to build. Some protection needs to be provided to people who have already built.	Amend Rule 19.6.4(a)(viii) by replacing it with a requirement that all new dwellings shall be 20 metres from any established dwelling. This would make it consistent with 16.6.4(a)(iii).	525.11 Maurice and Sophie Campbell - Support
53.01	McMenamin & Fitzgerald	Oppose	Submitter opposes Rule 19.6.4(a)(viii) as the 3 metre setback is unrealistically low and could allow a building to be erected	Amend Rule 19.6.4(a)(viii) by changing the 3 metre setback to 30 metres.	525.13 Maurice and Sophie Campbell - Support



Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
			much too close to a boundary in a Rural zone		
56.00	Rod Halliday	In-Part	Although the submitter supports the separation distance provisions, the submitter is concerned that the exception for allotments of less than 5000m <sup>2</sup> under Rule 19.6.4(a)(viii) is too small and does not adequately capture the majority of the lifestyle allotments (typically 4000m <sup>2</sup> – 8000m <sup>2</sup> ). A property of 5500m <sup>2</sup> property would be treated the same as a large property of 30 hectares in terms of building setback. The proposed setback rule disadvantages those existing allotments yet to be developed, that are between 5001m <sup>2</sup> – 1ha.	Amend Rule 19.6.4(a)(viii) in one of the two following way:  Increase the exemption to include allotments less than 1 ha.  Or  Introduce an 'intermediate' category for allotments of between 5,001m <sup>2</sup> – 1 ha with a setback of 5m from any other boundary.	
57.02	Friends of Strathnaver	Oppose	Submitter opposes Rule 19.6.4 as there are many lots in Waikawa area that have an area of less than 5000m <sup>2</sup> . The separation distance between dwellings is important. Such a rule could affect some of the existing dwellings that have already been established. Dwellings were constructed on a first in first served basis which could lead to neighbouring properties needing to get permission from the existing dwelling owner when they came to build. Some protection needs to be provided to people who have already built.	Amend Rule 19.6.4(a)(viii) by replacing it with a requirement that all new dwellings shall be 20 metres from any established dwelling. This would make it consistent with 16.6.4(a)(iii).	525.08 Maurice and Sophie Campbell - Support
58.02	Maurice and Sophie Campbell	In-Part	Submitter seeks that Council amend Rule 19.6.4 to protect existing rural dwelling from having another dwelling erected 3 metres from the boundary all rural lots. The rule should be amended with a 20 metre separation distance between dwellings on lots smaller than 5000m <sup>2</sup> . There needs to be protection of existing dwellings who constructed their dwelling knowing that there was a 30 metre separation requirement in place.	Amend Rule 19.6.4(a)(viii) by replacing it with a 20 metres separation distance between dwellings on lots smaller than 5000m <sup>2</sup> .	
32.20	NZ Pork Industry	Support	Submitter supports the intent of	Retain intent of Rule	506.66 Ernslaw

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
	Board (NZ Pork)		Rule 19.6.4(b).	19.6.4(b).	One Ltd – In-Part
56.02	Rod Halliday	In-Part	Submitter supports in principle the provisions relating to separation distances between dwellings and sensitive uses. The rules however do not adequately protect existing vacant lifestyle situations which could be compromised by a sensitive use being permitted to establish prior to the dwelling being built. It is important to protect the legitimate expectations of property owners such as constructing a dwelling.	Amend Rule 19.6.4(b) to include an exception to the rule as follows:  <u>Exception where the title of the allotment predates the establishment of an activity listed above, the above rules shall not apply.</u>	
72.06	Poultry Industry Association of New Zealand (PIANZ) & Egg Producers Federation of New Zealand (EPFNZ)	Support	The submitter supports Rule 19.6.4(b). This rule will help ensure existing lawfully established intensive farms will not be compromised by encroaching rural residential development in rural areas.	Retain Rule 19.6.4(b).	500.21 NZ Pork Industry Board - Support
108.13	HDC (Planning Department)	In-Part	The Proposed Plan is vague on whether a 'family flat' is defined as a residential dwelling unit. There are a number of rules within the Plan that would apply to family flats if they are considered a residential dwelling unit. The Plan should be amended to bring greater certainty to how the Plan is interpreted. The Plan should be amended to specifically exclude 'family flats' from the definition of residential dwelling unit. This would remove the need for family flats to comply with rules relating specifically to residential dwelling units such as outdoor living space requirements. Consequentially there are several rules which would benefit from a specific reference to the 'family flats' so it is clear how the rules are to be interpreted.	Amend Rule 19.6.4(b) as follows:  (b) All residential dwelling units, <u>family flats</u> and sensitive activities shall comply with the following additional setbacks and separation distances: ...	
27.25	Horizons Regional Council	In-Part	The submitter notes that dairy farming is specifically excluded from the definition of an 'intensive farming activity'. Dairy farming activities should be considered	Amend Rule 19.6.4(c) to include dairy farming activities OR  Amend the definition of 'intensive farming activity'	516.18 Federated Farmers of New Zealand - Oppose

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
			within this rule framework.	to include dairy farming activities.	
32.21	NZ Pork Industry Board (NZ Pork)	Oppose	<p>Oppose the inclusion open space, industrial zoning within the rule.</p> <p>The definition for 'open space' applies to both public and private unoccupied space and vacant land and that does not require specific zoning requirements. The definition for open space is therefore not rigorous enough to trigger the setback requirements.</p> <p>Additionally industrial environments have similar parameters to the rural environment in terms of the potential for industries to produce odour and noise and we therefore see it inappropriate to require a setback similar to sensitive environments such as residential zones.</p>	<p>Amend Rule 19.6.4(c) as follows.</p> <p>(i) 300 metre from any residential dwelling unit, and other sensitive activities on any other site;</p> <p>(ii) 50 metres from any site boundary;</p> <p>(iii) 600 metres from any Residential, Greenbelt Residential, <del>Open Space, Industrial or Commercial</del> Zone.</p>	516.19 Federated Farmers of New Zealand - Support
72.05	Poultry Industry Association of New Zealand (PIANZ) & Egg Producers Federation of New Zealand (EPFNZ)	Support	The submitter supports Rule 19.6.4(c). The proposed setback of 300m is reflective of the odour minimisation practices that poultry farms use and is a reasonable distance.	Retain Rule 19.6.4(c).	
108.47	HDC (Planning Department)	In-Part	The Proposed Plan is vague on whether a 'family flat' is defined as a residential dwelling unit. There are a number of rules within the Plan that would apply to family flats if they are considered a residential dwelling unit. The Plan should be amended to bring greater certainty to how the Plan is interpreted. The Plan should be amended to specifically exclude 'family flats' from the definition of residential dwelling unit. This would remove the need for family flats to comply with rules relating specifically to residential dwelling units such as outdoor living space requirements. Consequentially there are several rules which would benefit from a specific reference to	<p>Amend Rule 19.6.4(c) as follows:</p> <p>(c)Any building used for intensive farming activity shall comply with the following setbacks and separation distances:</p> <p>(i) 300 metres from any residential dwelling unit, <del>family flat</del> and other sensitive activities on any other site;</p>	

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
			the 'family flats' so it is clear how the rules are to be interpreted.		
45.00	Landlink Ltd	Support	Submitter supports Rule 19.6.4(viii).	Retain Rule 19.6.4(viii)	
56.01	Rod Halliday	In-Part	Submitter supports in principle the provisions relating to separation distances between dwellings and sensitive uses. The rules however do not adequately protect existing vacant lifestyle situations which could be compromised by a sensitive use being permitted to establish prior to the dwelling being built. It is important to protect the legitimate expectations of property owners such as constructing a dwelling.	Amend Rule 19.6.4(c)(i) as follows:  ...300m from any residential dwelling unit <u>(or existing allotment less than 1ha that is capable of containing a dwelling)</u> and other sensitive activities on any other site.	

Three submitters seek to retain Rule 19.6.4 and 17 submitters seek to amend the rule.

#### 4.53.2 Discussion & Evaluation

##### Effluent Storage and Treatment Facilities

- Horizons (27.24) seek to amend Rule 19.6.4(b) to include setback requirements for effluent storage and treatment facilities from residential dwelling units and sensitive areas. This is supported in part by a further submission from HDC (Community Assets Department) (511.10).
- Rule 19.6.4(b)(ii) provides for “*any new residential dwelling or sensitive activity to be setback 150 metres from any piggery effluent storage and treatment facilities or human effluent storage and treatment facilities (excluding domestic wastewater systems) on any other site, and 20 metres from any other farm (e.g. dairy and poultry) effluent storage and treatment facilities on any other site*”. However, the Proposed Plan does not apply a setback in the converse situation (i.e. a new effluent storage and treatment facility to be setback from an existing dwelling).
- A rule sought by Horizons is contained in the Operative District Plan (19.2.6). In reviewing the effectiveness of this existing rule, HDC officers noted difficulty with implementing this rule as most effluent systems do not require any consents from HDC (i.e. they do not require building consent). Situations can arise where the necessary discharge consents have been obtained from Horizons approving the treatment system and associated discharge, where the treatment system is located in non-compliance with the existing rule (19.2.6). HDC only becomes aware of this non-compliance if a complaint is received, but as there may have been significant investment in the construction of the effluent system, requiring it's re-siting to comply with these standards can be problematic. Complaints received regarding effluent disposal typically relate to odour, and in most cases, investigations have concluded these are one-off incidents associated with a system malfunction or operator error.

4. The main basis for this rule is to manage odour, which is a joint responsibility of Horizons Regional Council and HDC. Horizons Regional Council has introduced new effluent disposal rules and standards as part of the Proposed One Plan. While the primary issue for these effluent disposal rules relates to managing effects on water quality, another consideration is the odour management.
5. Under the Proposed One Plan rules (Rule 13-6), all new and existing effluent disposal systems (for animal or human waste) require a resource consent (except for individual on-site domestic systems – i.e. septic tanks) as a Controlled Activity. These rules include minimum setback distances as below:
  - (a) *for discharges of piggery effluent, 150 m from any residential buildings, public places and amenity areas where people congregate, education facilities and public roads*
  - (b) *for other discharges (e.g. dairy sheds), 20 m from any residential buildings, public places and amenity areas where people congregate, education facilities and public roads*
6. In addition, the Proposed One Plan rules state “*there must be no offensive or objectionable odour, dust, or effluent drift beyond the property boundary*”. In assessing every discharge consent application, it is understood Horizons specifically considers the measures applicants propose to ensure compliance with this standard. From earlier discussions with Horizons consent officers in reviewing the existing rules, they advised separation distance and specific odour mitigation measures are typically included as conditions on most resource consents.
7. Given the requirements of the Proposed One Plan which are considered to effectively manage odour issues from both the effluent discharge and the associated facilities, Rule 19.2.6 was not included in the Proposed Plan. Based on the above, I do not consider it appropriate to insert a new condition to the Proposed Plan. However, the submitter may wish to clarify at the hearing any particular aspects or effects which the Proposed One Plan provisions does not effectively address, and is the responsibility of the District Council and should be introduced into the Proposed Plan. Therefore, at this time, I recommended submission points 27.24 and 511.10 be rejected.

### **Building Setbacks**

8. A number of submissions have been received seeking a variety of different setbacks for buildings in the rural environment. Heirs Partnership (7.03) seeks to amend Rule 19.6.4 to retain the essence of the current 3 metre setback from any internal boundary and 30 metres from any other existing residential dwelling on adjoining land. The submitter also seeks the inclusion of a process by which Council and landowners work together to prevent a situation where the 30 metre setback would limit building sites. Horticulture NZ (98.39) seeks a 30 metre setback from any property where existing primary production activities are undertaken. This is opposed in part by a further submission from Federated Farmers (516.17). McMenamin and Fitzgerald (53.01) seek to amend Rule 19.6.4(a)(viii) by requiring a 30 metre setback. This is supported by a further submission from Campbell (525.13).
9. Watt (64.01) seeks to reduce the site boundary setback under Rule 19.6.4(a)(iii) but does not specify a distance. Percy (76.02) seeks to amend Rule 19.6.4(a)(iii) to refer to 3 metres instead of 10 metres. Whereas Dawson (48.00) seeks to retain the 10 metre setback and

require smaller rural allotments to apply for a reduced setback with neighbouring parties having the ability to comment on the reduced setback.

10. Saunders (52.02) and Friends of Strathnaver (57.02) seek that Rule 19.6.4(a)(viii) be amended by setting a 20 metre setback, making it consistent with Rule 16.6.4(a)(iii). This is supported by further submissions from Campbell (525.11) and (525.08), respectively. Campbell (58.02) also seeks a 20 metre setback between dwellings on lots smaller than 5000m<sup>2</sup>.
11. The Rural Zone rules in the Operative District Plan currently include a minimum building setback of 3 metres from side and rear boundaries for all buildings. In addition, any new buildings (including new dwellings) require a minimum 30 metre building separation distance from any existing dwelling on adjoining land, for properties that were created as a result of a subdivision consent that was applied for after 1 August 1996. The intent of this setback is to maintain generous separation distances between buildings on neighbouring properties in the rural environment in order to minimise nuisance effects like odour and noise from typical farm activities, and to also maximise opportunities for privacy between residential dwellings on properties in the rural environment. Whilst the intent is sound, implementation and enforcement has been problematic and therefore ineffective in its application, for a number of reasons: confusion over the application of this rule due to the date component which relates to when the rule was first introduced; the position of the first dwelling in a subdivision can end up dictating the siting for other dwellings in the subdivision and the dimensions of smaller rural lifestyle properties mean some lots are not able to comply with the 30m separation distance, therefore requiring resource consent.
12. As part of the District Plan review it was decided to review the provisions in the Operative District Plan and a number of options were considered and assessed under s32 of the RMA.  
*Option 1: Increase the minimum boundary setback distances (3 metre rule) but remove the building separation distance rule (30 metre rule)*  
*Option 1a: Increase the minimum boundary setback distances (3 metre rule) but tailor this to the size of the property i.e. larger farm sized properties and smaller rural-residential properties and remove the building separation distance rule (30 metre rule)*  
*Option 2: Retain existing minimum boundary setback distances (3 metre rule) but remove building separation distance rule (30 metre rule)*  
*Option 3: Retain existing minimum boundary setback distances (3 metre rule) and amend the 30m building separation distance rule to new dwellings only (as opposed to all rural buildings) with no date component.*
13. Option 1a was found to be the most effective and efficient option and had the most benefits for the least number of costs. This option recognises the differing sizes of allotments in the rural area, with the setbacks for the farm sized properties being, overall, larger corresponding to the higher levels of anticipated privacy, compared to the smaller rural-residential properties. The benefits of this option would ensure a simple, enforceable and clear rule. However, there is a potential cost, in that where a smaller rural-residential property adjoins a larger farming property, the smaller setback would apply which may result in lower levels of privacy and potential for reverse sensitivity issues to arise.
14. The smaller setback applies to sites of 5,000m<sup>2</sup> or less because a number of properties have been created around the 5,000m<sup>2</sup> size due to the minimum on-site wastewater disposal requirements introduced by Horizons Regional Council. In addition, Proposed Plan Change

20 contains a minimum lot size of 5,000m<sup>2</sup> in the Rural Zone. The existing smaller rural lots are generally situated in close proximity to the urban areas, and in places, would be similar in character and amenity to areas zoned Greenbelt Residential. Therefore, 5,000m<sup>2</sup> is considered to provide an effective level to differentiate “rural” and “rural-residential” properties for the purpose of a simple two-tier rule for building setbacks.

15. Consideration has been given to who should be obligated to provide the separation distance (e.g. should the dwelling be required to be setback further, or the farm building, or should the same requirements apply to both). The most simple and effective rule is considered to be applying the same setbacks for all buildings. The cost of this approach would be situations where a lesser overall separation distance is achieved where an existing building is already located closer to the boundary. There would be no requirement for the new building to be setback any further from this close building.
16. A 10m side and rear boundary setbacks for all buildings for rural properties is considered the most efficient and effective distance, as it provides owners/occupiers with some flexibility to position buildings away from boundaries. A 10m building setback would collectively create a 20m separation distance between residential dwellings and/or farm utility buildings on neighbouring properties. This separation distance is considered to be effective to avoid or minimise privacy concerns and reverse sensitivity conflicts between rural buildings. Notwithstanding this, I recognise this setback distance may limit ‘as of right’ the optimal or preferred site for a building, or impact on the utilisation of rural land. I consider the resource consent process is an appropriate mechanism to assess the effects of locating the building closer to the boundary, where a case-by-case assessment can be made on the appropriateness of the proposed building site.
17. For rural-residential properties (5,000m<sup>2</sup> or less) within the Rural Zone, the setback provisions based on the existing Greenbelt Residential Zone are considered the most effective. These provisions have been tested through the plan process already for lots of less than 5,000m<sup>2</sup>. The Greenbelt Residential Zone requires a 10m road setback (but 15m if the road is a State Highway), and 3m side and rear boundary setbacks.
18. With regard to those submitters seeking some form of consultation process to reduce the internal boundary setback, this approach is not appropriate through a District Plan, as a permitted activity rule cannot include any discretion element, such as requiring consultation. I accept this means the rules are “blunt”. However, the purpose of the resource consent process is to provide an efficient process to assess a proposal to reduce any setback and it is likely that the written approval of the adjoining neighbour would be required as part of this process.
19. As for requiring a 30 metre setback from any property where existing primary production activities take place, this approach is considered to remove a significant area of land from being utilised in the Rural Zone and unduly constrain the use of land. Furthermore, it is not considered appropriate to require a residential dwelling to be setback 30 metres from a paddock used for grazing sheep or growing crops as there are unlikely to be significant adverse effects.
20. It is therefore recommended that the 10 metre setback on sites over 5,000m<sup>2</sup> or 3 metres on sites of 5,000m<sup>2</sup> or less are the most appropriate method of achieving the proposed Rural Zone objective for rural privacy and amenity. Therefore, it is also recommended to reject the submission points from Heirs Partnership, Horticulture NZ, McMenamin & Fitzgerald, Watt,

Perry, Saunders, Friends of Strathnaver and Campbell. The submission from Dawson is accepted in part.

### **Aggregate Extraction**

21. Higgins (77.08) seeks that an additional rule be included to setback residential dwelling units 500 metres from any Aggregate Extraction site or the Ohau River Bed.
22. Aggregate Extraction is often a noisy and dusty activity that can create a significant number of truck movements. Even with conditions of consent, it is difficult to avoid any adverse effects on the adjoining environment. Consequently, it is appropriate, in principle, to manage activities that may choose to locate in proximity to extraction activities in the future, and ensure that the quarry or extraction site operations are not unduly limited. However, aggregate extraction activities can be relatively mobile in their location and can change from year-to-year depending on the availability of the gravel resource. The submitter may wish to clarify at the hearing specific locations where aggregate extraction activities permanently occur and where this setback would apply. In addition, the submitter may wish to clarify the basis for the 500m setback distance, as on face value, it appears relatively large. Generally, the obligation is on activities to internalise their effects before imposing planning controls restricting other activities. The submitter may wish to clarify at the hearing why effects from aggregate extraction activities cannot be internalised and that planning controls are an appropriate technique. Therefore, at this time, it is considered there is insufficient information on the location, nature and effects of aggregate extraction activities to determine whether a setback distance is appropriate.
23. In relation to a setback from the entire length of the Ohau River, this requirement is considered excessive given that the entire length of the river is unlikely to be subject to extractive activities at any one time, particularly the lower reaches. Whereas an extraction site on land is likely to be used for a substantial length of time and is in one location rather than being located along a linear length of several kilometres.
24. Therefore, at this time, it is recommended to reject the submission point, pending further information which may be presented at the hearing.

### **Exemption for Smaller Lots**

25. Halliday (56.00) seeks to either increase the exemption to include allotments of less than 1 hectare or introduce an 'intermediate' category for allotments of between 5,001m<sup>2</sup> to 1 hectare with a 5 metre setback from internal boundaries. The submitter (56.02) also seeks to include an exception to Rule 19.6.4(b) to provide for where a title of the allotment predates the establishment of an activity, the above rules shall not apply. Halliday (56.01) also seeks to amend Rule 19.6.4(c)(i) to require a 300 metre setback from any existing allotment that is less than 1 hectare that is capable of containing a dwelling.
26. As discussed above in the section on building setbacks, the minimum allotment size has been set at 5,000m<sup>2</sup> in the Rural Zone and sites of this size or less are subject to a smaller setback. Creating an additional size category is not considered an efficient approach, as the size threshold is related to the subdivision standards and provides for a consistent threshold. In addition, the 5,000m<sup>2</sup> threshold is designed to apply to those very small rural properties created when the minimum lot size standard for rural zoned properties was 2,000m<sup>2</sup>. With regard to providing an exception for sites where the title of the allotment predates the



establishment of an activity, this defeats the purpose of the rule, which is to manage all activities.

27. Halliday also requests a 300 metre setback from any existing allotment that is less than 1 hectare that is capable of containing a dwelling. Whilst the intent behind the request is acknowledged and it is accepted that a lifestyle block may be unable to comply with a 300 metre setback, the inclusion of a new rule is not considered appropriate. The 'lifestyle block' may never be developed and to impose a 300 metre setback from a site boundary would be an inefficient use of land. Furthermore, there is the ability to apply for resource consent to establish a residential dwelling unit closer than 300 metres from the intensive farming activity. Therefore it is recommended that these submission points are rejected and no changes are made to Rule 19.6.4.

### **Family Flats**

28. HDC (Planning Department) (108.13) and (108.47) seeks that Rule 19.6.4(b) and Rule 19.6.4(c), respectively should also refer to family flats.
29. Family Flats are subject to a separate definition from residential dwelling units but essentially have the same purpose, and are classified as sensitive activities. It is therefore recommended that the submission point is accepted and Rule 19.6.4(b) and (c) be amended as requested.

### **Intensive Farming Activities**

30. Horizons (27.25) seek to amend Rule 19.6.4(c) to include dairy farming activities or amend the definition of 'intensive farming activity' to include dairy farming. This is opposed by a further submission from Federated Farmers (516.18). NZ Pork (32.21) seeks to amend Rule 19.6.4(c) to remove the setbacks required from Open Space and Industrial Zones. This is supported by a further submission from Federated Farmers (516.19).
31. Dairy farming is not an intensive farming activity unless the cows are kept in a barn where their feed is from sources other than grazing. Most dairy farming currently occurs outside in large paddocks, and as such it would be difficult to describe it as 'intensive'.
32. Furthermore, paddocks that are grazed are rotated and are not occupied for 12 months of a year, so for some of the year there would be no cows in paddocks adjoining residential dwelling units. If this standard was to apply to dairy farms, either the residential unit would have to be setback 300 metres from the site boundary of the farm or the paddocks would have to be fenced off and the cows kept from grazing within 300 metres of the boundary. This approach is considered inefficient given the effects arising from cows grazing in a paddock, and those living in the rural area must be accepting of some effects such as odour and noise from productive activities.
33. If an intensive form of dairy farming was proposed (i.e. cows were permanently housed in buildings), the existing definition of intensive farming activity would capture this type of farming and the setbacks would apply. Consequently, it is recommended that the submission point is rejected and no changes are made to Rule 19.6.4(c) or the definition of 'intensive farming activity'.

34. However, the submission point from NZ Pork is recommended to be accepted in part. The Industrial Zones of the District are places where noisy and activities that potentially emit odour are undertaken and such zones are unlikely to be overly sensitive to intensive farming activities. The Open Space Zone is different as it provides for recreational activities particularly outdoor recreation where the public could be subject to odour, and is much more sensitive to the effects of intensive farming.
35. PIANZ & EPFNZ (72.05), (72.06), (72.07) and NZ Pork (32.20) (opposed in part by Ernslaw One (506.06)) seek to retain Rule 19.6.4. The retention of Rule 19.6.4(b) is supported by a further submission from NZ Pork (500.21). Landlink (45.00) wish to retain Rule 19.6.4(viii).
36. The support for Rule 19.6.4 by these submitters is noted and it is recommended that they be accepted in part as changes have been recommended to be made to the rule.

#### **4.53.3 Reporting Officer's Recommendation**

<b>Sub. No</b>	<b>Further Sub. No.</b>	<b>Submitter Name</b>	<b>Further Submitter Position</b>	<b>Officer's Recommendation</b>
27.24	511.10	Horizons Regional Council HDC (Community Assets Department)	In Part	Reject Reject
7.03		Heirs Partnership		Reject
72.07		PIANZ & EPFNZ		Accept In-Part
76.02	517.26	Ann Percy Horticulture NZ	Oppose	Reject Accept
77.08	506.43	Higgins Group Holdings Limited Ernslaw One Ltd	Support	Reject Reject
98.39	516.17	Horticulture NZ Federated Farmers of New Zealand	In Part	Reject Accept In-Part
48.00		Carolyn Dawson		Accept In-Part
64.01		Derek Watt		Reject
52.02	525.11	Rosemarie Saunders Maurice and Sophie Campbell	Support	Reject Reject
53.01	525.13	McMenamin & Fitzgerald Maurice and Sophie Campbell	Support	Reject Reject
56.00		Rod Halliday		Reject
57.02	525.08	Friends of Strathnaver Maurice and Sophie Campbell	Support	Reject Reject
58.02		Maurice and Sophie Campbell		Reject

32.20	506.66	NZ Pork Industry Board Ernslaw One Ltd	In Part	Accept In-Part Accept In-Part
56.02		Rod Halliday		Reject
72.06	500.21	PIANZ & EPFNZ NZ Pork Industry Board	Support	Accept In-Part Accept In-Part
108.13		HDC (Planning Department)		Accept
27.25	516.18	Horizons Regional Council Federated Farmers of New Zealand	Oppose	Reject Accept
32.21	516.19	NZ Pork Industry Board Federated Farmers of New Zealand	Support	Accept In-Part Accept In-Part
72.05		PIANZ & EPFNZ		Accept In-Part
108.47		HDC (Planning Department)		Accept
45.00		Landlink Ltd		Accept In-Part
56.01		Rod Halliday		Reject

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

Amend Rule 19.6.4(b) as follows:

All residential dwelling units, family flats and sensitive activities shall comply with the following additional setbacks and separation distances:

Amend Rule 19.6.4(c) as follows:

Any building used for intensive farming activity shall comply with the following setbacks and separation distances:

- (i) 300 metres from any residential dwelling unit, family flat and other sensitive activities on any other site
- (ii) .....
- (iii) 600 metres from any Residential, Greenbelt Residential, Open Space, ~~Industrial~~ or Commercial Zone'

## 4.54 Rule 19.6.5(a), 19.8.3(b)(i) – Permitted Activity and Discretionary Activity Conditions (Home Occupations)

### 4.54.1 Submissions Received

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
108.01	HDC (Planning Department)	In-Part	The number of home occupations permitted per rural site within the Rural Zone is unclear. A total floor area of 50m <sup>2</sup> is specified for permitted activities however the proposed rules are unclear whether this size threshold is per home occupation or a cumulative threshold for home occupations on site. The current rule could be interpreted to provide for two or more home occupations on one residential property provided each home occupation is no more than 50m <sup>2</sup> . There is a similar issue with the 70m <sup>2</sup> size threshold for restricted discretionary activities.	Amend Rule 19.6.5(a) and 19.8.3(b)(i) as follows:  19.6.5(a) <del>A</del> Home occupations shall not exceed 50m <sup>2</sup> of total floor area dedicated to this activity.  19.8.3(b)(i) <del>A</del> Home occupations shall not exceed 70m <sup>2</sup> of total floor area dedicated to this activity.	

One submission seeks to clarify the number and size of home occupations permitted on a site.

### 4.54.2 Discussion & Evaluation

1. HDC (Planning Department) (108.01) seeks to amend Rule 19.6.5 and Assessment Matter 19.8.3(b)(i) to clarify the number and size of home occupations permitted per site in the rural area. The submitter considers that it is unclear whether the size threshold is per home occupation or a cumulative threshold.
2. It is understood that the rule sets out a cumulative threshold whereby there could be more than one home occupation on the site but the total area must not exceed 50m<sup>2</sup>. The effects of two small-scale home occupations and one large home occupation are likely to be similar in terms of employee numbers and traffic generation. It is therefore recommended that the submission point be accepted and Rules 19.6.5(a) and 19.8.3(b)(i) be amended to reflect the relief sought by the submitter.

### 4.54.3 Reporting Officer's Recommendation

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Officer's Recommendation
108.01		HDC (Planning Department)		Accept

### 4.54.4 Recommended Amendments to the Plan Provisions

Amend Rule 19.6.5(a) as follows:

~~A~~ H Home occupations shall not exceed 50m<sup>2</sup> in total gross floor area dedicate to this activity'

Amend Rule 19.8.3(b)(i) as follows:

(a) .....

(b) Conditions

(i) ~~A~~ H Home occupations shall not exceed 70m<sup>2</sup> of total gross floor area dedicated to this activity.'

## 4.55 Rule 19.6.6 – Permitted Activity Condition (Noise Insulation)

### 4.55.1 Submissions Received

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
55.30	KiwiRail	Support	Submitter supports the inclusion of the reverse sensitivity acoustic performance standard in the Rural zone, but Noise sensitive activities are likely to raise similar reverse sensitivity effects regardless of where they might be located in the District. The submitter considers that this should be a district wide rule. Adopting a district wide control is more efficient. As noise sensitive activities located adjacent to transport networks have a similar affect throughout the District, it is appropriate that Council adopt a district wide approach for managing reverse sensitivity. Applying a district wide approach to managing reverse sensitivity will also enable Council to achieve a more consistent approach to managing the location of noise sensitive activities and encourage better urban design solutions to achieve reasonable levels of internal amenity for noise sensitive receivers.	Retain Rule 19.6.6 unless replaced with a district wide rule (as sought by Submission point 55.31)	
94.20	NZ Transport Agency (NZTA)	Support	Support Rule 19.6.6	Retain Rule 19.6.6 as notified	

Two submissions essentially support Rule 19.6.6.

### 4.55.2 Discussion & Evaluation

1. KiwiRail (55.30) supports Rule 19.6.6 unless it is replaced with a district wide rule. NZTA (94.20) seek to retain Rule 19.6.6 as notified.
2. As there are no submissions in opposition, it is recommended that the submission points be accepted and no changes made to Rule 19.6.6. With regard to KiwiRail's submission, it is noted that a district wide rule is not proposed and conditions relating to Noise Insulation will be retained in each chapter.

### 4.55.3 Reporting Officer's Recommendation

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Officer's Recommendation
55.30		KiwiRail		Accept
94.20		NZ Transport Agency (NZTA)		Accept

### 4.55.4 Recommended Amendments to the Plan Provisions

No recommended amendments to Rule 19.6.6.

## 4.56 Rule 19.6.7 - Permitted Activity Condition (Noise)

### 4.56.1 Submissions Received

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
96.33	Federated Farmers of New Zealand	In-Part	<p>Noise from farming activities should be anticipated in the rural zone and unrestrained by secondary activities such as rural residential dwellings. Noise is part and parcel of a landscape that is used activity for primary production, and farm households accept this noise as incidental to getting the job done. Federated Farmers believes that education is a better method of reducing complaints about noise, rather than constraining normal farming activities with regulations.</p> <p>Federated Farmers support the condition (d) (iii) regarding exemption for mobile sources associated with primary production. This could however be further improved by also allowing for temporary sources along the lines</p>	<p>Amend Rule 19.6.7 as follows:</p> <p>...</p> <p>d(iii) Mobile <u>and/or temporary sources</u> associated with primary production activities. Or words to that effect.</p>	<p>506.18 Ernslaw One Ltd - Support</p> <p>517.27 Horticulture NZ - Support</p>

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
			of (viii) temporary events. An example may be temporary calf rearing and the associated noise levels to also be exempt based on the temporary nature of the activity.		
5.06	Elaine Gradock	Support	Support the noise limits and introduction of a noise limit between 7.00pm - 10.00pm.	No specific relief requested.  Inferred: Retain proposed Rule 19.6.7(a)(i) noise limits.	
95.29	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. However, the general provisions in 19.6.7(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 19.6.7 (b) is redundant, as there is no possible situation to which it might apply.</p> <p>For the avoidance of doubt, New Zealand Defence Force requests that this clause is specifically excluded, by amending 19.6.7(d).</p>	<p>Amend Rule 19.6.7(d) as follows:</p> <p>The noise limits in Rule 19.6.7(a) <u>and the provision of Rule 19.6.7 (b)</u> shall not apply to... Temporary Military Training Activities.</p>	
98.40	Horticulture NZ	Support	There is provision in 19.6.7 d) iii) for an exemption in the noise rule for noise associated with primary production activities.	Retain Rule 19.6.7 (d) (iii).	
98.41	Horticulture NZ	In-Part	The provisions for audible bird scaring devices provide for the use of such devices within reasonable parameters. However some changes are sought to ensure the workability of the provisions. The main time of challenge from birds is before sunrise and after sunset so amendment is sought to be able to	<p>Amend Rule 19.6.7(e) as follows:</p> <p>Audible bird-scaring devices (including firearms) shall comply with the following conditions:</p> <p>(i) Devices shall</p>	516.20 Federated Farmers of New Zealand - Support

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
			<p>use devices in that time. The provisions set an ASEL 65dB which takes into account the noise over a period of time so there is no need to also limit the number of events. The issue is the noise exposure which is addressed in clause iii).</p>	<p>not operate between <u>one hour after sunset</u> and <u>one hour before sunrise</u>.</p> <p>(ii) Devices shall not be used within any Residential Zone or within 200m of a Residential zone boundary.</p> <p>(iii) Impulsive noise from bird-scaring devices shall not exceed ASEL 65dB when assessed at any point within the notional boundary of any dwelling on any other site <u>in different ownership</u>.</p> <p><del>(iv) There shall be no more than 12 events per hour on any site within 500 metres of a dwelling.</del></p> <p><del>(v) For the purpose of this rule, an 'event' includes clusters of up to three shots from gas operated devices, or three multiple shots from a firearm in rapid succession.</del></p>	
118.00	Peter & Susan Webb	Oppose	Oppose the change in the time period where bird scaring devices shall not operate. Allowing bird scaring devices between sunrise and sunset allows for a longer period which starts earlier and finishes later which will be disruptive to neighbouring properties and could result in consequential	Amend Rule 19.6.7(e)(i) to restrict the operation of bird scaring devices between 7.00pm and 7.00am and include a right object any use of bird scaring devices that are used in a manner which is unreasonable.	517.28 Horticulture NZ - Oppose



Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
			detrimental effects on human health and wellbeing and interfere with quality of life.		

One submitter seeks to retain Rule 19.6.7 and one submitter specifically supports Rule 19.6.7(d)(iii). Four submissions seek to amend the rule in relation to temporary sources of noise, military activities and bird scaring devices.

#### **4.56.2 Discussion & Evaluation**

1. Federated Farmers (96.33) seek to amend Rule 19.6.7(d)(iii) to exclude temporary sources of noise associated with primary production activities. This is supported by two further submissions from Ernslaw One (506.18) and Horticulture NZ (517.27). The submitter considers a temporary activity to be calf rearing. Temporary activities are permitted in the Rural Zone and defined in the Proposed Plan as “any short term activity and any buildings and structures associated with that activity and includes, but not limited to: any event such as gala, sports event, festival....”. It is considered calf rearing, which is understood to take around 3 months, is not a temporary activity. Many parts of primary production activities only occur for short (generally seasonal) periods, but this does not mean they are ‘temporary activities’, as they are an inherent part of the main activity. The exclusion of “mobile sources associated with primary production activities” is to recognise the use of machinery for the primary production activities occurs only occasionally (e.g. silage making or harvesting crops), and the temporary nature and time of this use is considered reasonable in the rural context. Extending this exemption to “short-term” or “periodic” activities associated with primary production is inappropriate as they are considered an integral part of primary production activities. It is therefore recommended that the submission points be rejected and no changes made to Rule 19.6.7(d).
2. Gradock (5.06) supports Rule 19.6.7(a)(i) and Horticulture NZ (98.40) supports Rule 19.6.7(d)(iii). This support is acknowledged and accepted as no submissions were received in opposition.
3. NZDF (95.29) seeks to exclude temporary military training activities from Rule 19.6.7(b), which determines how sound levels shall be measured and assessed. Temporary military training activities are exempt from the general noise limits in Rule 19.6.7 and are provided with specific noise standards in Rule 19.6.30. The NZDF correctly identifies an omission in Rule 19.6.7(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 95.29 be accepted.
4. Horticulture NZ (98.41) seeks to amend Rule 19.6.7(e) that provides for bird scaring devices to operate one hour after sunset and one hour before sunrise to make the rule more workable given when birds are most of a challenge. The submitter also seeks to delete the parts of the rule that set a minimum number of ‘events’ and how an ‘event’ is defined as the provisions of ASEL 65dB take into account the noise over a period of time, so there is no need to limit the number of events. Webb (118.00) seek to amend Rule 19.6.7(e)(i) to restrict

the operation of bird scaring devices between 7am and 7pm and include a right to object to any use of bird scaring devices that are used in a manner that is unreasonable.

5. In the opinion of Acousafe, the Council's acoustic experts (see technical report attached in Section 6.5), the outcome sought by Horticulture NZ is that bird scaring devices would commence at 4.40am in December and finish at 9.45pm. A study of sunrise and sunset tables indicate that dawn occurs no more than about ½ hour before sunrise. While it is appreciated that birds may be active in the one hour before sunrise, it is our opinion that 4.40am is too early to be woken by the onset of bird scaring devices.
6. The question then becomes should the start time be 7am rather than sunrise as requested by the Webbs (118.00). The earliest the bird scaring devices can start if the time of sunrise is used would be 5.40am in December and this is early to be woken. However, this time then gradually changes to 7am by the beginning of March and then reverts to 6.40am with daylight saving. On balance therefore Acousafe believe that the time of sunrise and sunset is an appropriate compromise. I concur with the conclusions of Acousafe about the reasonableness/unreasonableness of the hours of operation of bird scaring devices and recommend these hours be retained as notified (i.e. sunrise and sunset).
7. Horticulture NZ (98.41) also seeks to delete the restriction on 12 events per hour within 500 metres of a dwelling. The ASEL limit only controls each limit (by taking the noise level of the event and averaging it to a 1 second time period). The submission implies that there is averaging of a number of events taking place in the assessment of ASEL, which is not the case as confirmed by Acousafe. The frequency of the number of events is a critical part of assessing a person's annoyance to the noise. This requirement only applies for bird scaring devices within 500 metres of a dwelling and this is an appropriate control to protect residential amenity working in combination with the ASEL noise limit.
8. It is not possible to provide for the right to object to an activity that is permitted in the District Plan. However, there are other means of achieving the relief sought by the submitter: through enforcement of the Plan or conditions of consent by the Council or through Section 16 of the RMA.
9. Guided by the expert opinion of Acousafe, it is recommended that the submission points from Horticulture NZ and Webb are rejected and no changes are made to Rule 19.6.7.

#### **4.56.3 Reporting Officer's Recommendation**

<b>Sub. No</b>	<b>Further Sub. No.</b>	<b>Submitter Name</b>	<b>Further Submitter Position</b>	<b>Officer's Recommendation</b>
96.33		Federated Farmers of New Zealand		Reject
	506.18	Ernslaw One Ltd	Support	Reject
	517.27	Horticulture NZ	Support	Reject
5.06		Elaine Gradock		Accept
95.29		New Zealand Defence Force (NZDF)		Accept
98.40		Horticulture NZ		Accept

98.41	516.20	Horticulture NZ Federated Farmers of New Zealand	Support	Accept In-Part Accept In-Part
118.00	517.28	Peter & Susan Webb Horticulture NZ	Oppose	Reject Accept

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

Amend Rule 19.6.7 as follows:

##### **19.6.7 Noise**

.....

(d) Except the noise limits in Rule 19.6.7 (a) and (b) shall not apply to:

### **4.57 Rule 19.6.8 - Permitted Activity Condition (Vibration)**

#### **4.57.1 Submissions Received**

<b>Sub No.</b>	<b>Submitter Name</b>	<b>Support/ In-Part/ Oppose</b>	<b>Summary of Submission</b>	<b>Decision Requested</b>	<b>Further Submission</b>
95.39	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>New Zealand Defence Force 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, New Zealand Defence Force will come back to the Council with any further comments and requests.</p>	Retain Rule 19.6.8 as notified (conditionally).	

One submitter supports Rule 19.6.8.

#### **4.57.2 Discussion & Evaluation**

1. NZDF (95.39) relates to the vibration condition set out in Rule 19.6.8 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 19.6.8. 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.

2. The exemption of these activities from the vibration condition has the potential to be outside the scope of the original submission point. 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 NZDF current thinking.

#### 4.57.3 Reporting Officer's Recommendation

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Officer's Recommendation
95.39		New Zealand Defence Force (NZDF)		Accept

#### 4.57.4 Recommended Amendments to the Plan Provisions

No recommended amendments to Rule 19.6.8.

### 4.58 Rule 19.6.9 - Permitted Activity Condition (Odour)

#### 4.58.1 Submissions Received

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
27.26	Horizons Regional Council	In-Part	<p>There is concern regarding the overlap and potential implications with the Proposed One Plan (POP). Policy 8-2, Table 8.3 of the POP specifies the following regional standard for ambient air quality :            Odour   A discharge must not cause any offensive or objectionable odour beyond the property boundary. Rule 19.6.9 makes reference only to adverse odours not "offensive or objectionable odour" as the POP does. In addition this policy does not cover dust nuisance.</p> <p>This rule also states the methods for defining whether an odour is offensive. These methods differ to the methods Regional Council rely on and could cause conflict.</p> <p>There is also a question around whether this policy crosses over into Regional Council jurisdiction.</p>	<p>Delete Rule 19.6.9 if it is found to be outside the territorial authority jurisdiction; OR</p> <p>Amend Rule 19.6.9 to align with Policy 8-2 of the Proposed Regional Policy Statement and reference the guidance given under 14.2 of the POP for assessing whether an odour is offensive or objectionable.</p>	<p>500.23 NZ Pork Industry Board - Support</p> <p>517.29 Horticulture NZ - In-Part</p>

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
32.22	NZ Pork Industry Board (NZ Pork)	Oppose	Oppose current wording of Rule 19.6.9. Within the plan there is an acknowledgment that for some rural industries the discharges of odours are a component of the rural environment. The RMA requires activities to avoiding, remedying or mitigating adverse effects such as odours as far as practically possible however this rule outlines no offensive odours detected beyond the boundary of the property and is therefore opposed.	Amend Rule 19.6.9 as follows:  (a) <del>No activity shall give rise to offensive odours able to be detected at the boundary of any adjoining property.</del> <u>Activities emitting odours will avoid, remedy or mitigate adverse effects as far as practically possible.</u>	516.21 Federated Farmers of New Zealand - Support
98.42	Horticulture NZ	Oppose	Odour is a discharge to air which is managed by the Regional Council. The rule is a duplication and unnecessary.	Delete Rule 19.6.9.	500.22 NZ Pork Industry Board - Support

One submitter seeks to delete Rule 19.6.9 and two submitters seek to amend the rule.

#### 4.58.2 Discussion & Evaluation

- Horizons (27.26) seeks to either delete 19.6.9 if it is beyond the jurisdiction of the territorial authority or amend the rule to align with Policy 8-2 of the Proposed Regional Policy Statement, and reference the guidance under 14.2 of the Proposed One Plan for assessing whether odour is offensive or objectionable. This is supported by a further submission from NZ Pork (500.23) and opposed in part by a further submission from Horticulture NZ (517.29). Horticulture NZ (98.42) seeks to delete Rule 19.6.9. This is supported by a further submission from NZ Pork (500.22). NZ Pork (32.22) seeks to amend the Rule to refer to avoiding, remedying or mitigating adverse effects as far as practically possible in-line with the requirements of the RMA. This is supported by a further submission from Federated Farmers (516.21).
- As discussed above in Section 4.23 of this report on the policy relating to odour, odour is considered to fall under the jurisdiction of both the Regional Council and District Council. Therefore, it is considered appropriate the District Plan includes rules managing odour. I do not consider the alternative wording requested by NZ Pork is enforceable as a permitted activity condition, as no measurable standard or threshold is applied. However, submitters have queried who or what constitutes an “offensive odour”.
- Determining whether an odour is offensive is a subjective science and that is why at least two independent observers (including a Council officer) are required to detect and determine whether any odour is offensive. The Proposed One Plan<sup>2</sup> helpfully sets out how a Council can determine the offensiveness of odour as part of compliance and enforcement monitoring, and refers to the FIDOL factors including:

<sup>2</sup> Chapter 14 (Air Discharge), Section 14.2

- *frequency - how often an individual is exposed to odour*
- *intensity - the strength of the odour*
- *duration - the length of a particular odour event*
- *offensiveness/character - the character relates to the hedonic tone of the odour, which may be pleasant, neutral or unpleasant*
- *location - the type of land use and nature of human activities in the vicinity of an odour source*
- *the sensitivity of the receiving environment, including reverse sensitivity*
- *the Good Practice Guide for Assessing and Managing Odour in New Zealand (Ministry for the Environment, 2003).*

4. Depending on the cause and nature of the odour, HDC and/or Horizons would be involved in the management of odour (source of discharge and/or land use) through compliance and enforcement with the Proposed Plan and Proposed One Plan. The system set out in the Proposed One Plan would assist both Councils in the determination of “offensiveness”. Therefore, it is recommended a reference to Section 14.2 of the Proposed One Plan is added to Rule 19.6.9 to assist with the application of this condition, as well as including reference to “objectionable” for consistency with the One Plan and Policy 2.5.14 in the Proposed Plan. Therefore, it is recommended the submission points from Horizons and NZ Pork be accepted in part, and the submission from Horticulture NZ be rejected.

#### **4.58.3 Reporting Officer’s Recommendation**

<b>Sub. No</b>	<b>Further Sub. No.</b>	<b>Submitter Name</b>	<b>Further Submitter Position</b>	<b>Officer’s Recommendation</b>
27.26	500.23	Horizons Regional Council		Accept In-Part
	517.29	NZ Pork Industry Board	Support	Accept In-Part
		Horticulture NZ	In Part	Accept In-Part
32.22	516.21	NZ Pork Industry Board		Accept In-Part
		Federated Farmers of New Zealand	Support	Accept In-Part
98.42	500.22	Horticulture NZ		Reject
		NZ Pork Industry Board	Support	Reject

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

Amend Rule 19.6.9 as follows.

##### **19.6.9 Odour**

- (a) No activity shall give rise to offensive or objectionable odours able to be detected at the boundary of any adjoining property.

For the purpose of this condition, an offensive or objectionable odour is that odour which can be detected and is considered to be offensive or objectionable by at least two independent observers; including at least one Council officer. Section 14.2 of the Proposed One Plan provides guidance for determining whether an odour is offensive or objectionable.

## 4.59 Rule 19.6.14 - Permitted Activity Condition (Transmission Line Corridor)

### 4.59.1 Submissions Received

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
38.01	Range View Ltd & Page	Oppose	Oppose 19.6.14(a) and (b) as compliance with these conditions needs to be made clear and not left to unknown interpretation. The management of transmission lines operate under other legislation. For these reasons this rule should be deleted.	Delete Rule 19.6.14 in its entirety.	518.07 Transpower New Zealand Ltd - Oppose 526.30 Truebridge Associates Ltd- Support
83.12	Ross Hood & Margaret Hood	Oppose	Acknowledge this rule and Rule 19.7.2(viii) are greyed-out and cannot be submitted upon. Therefore submit in relation to the Section 32 report, page 18 Utilities and Energy section. The submitter opposes the 32m buffer zone from the centre line of High Voltage Transmissions Lines. Reference is made to the Code of Practice for Electrical Safety Distances NZECP34.20001 which covers all Council requirements. The 32m buffer is in reality 64m of land taken. This is not an acceptable position for the HDC to take.	Delete all references to buffer zone from the centre line of High Voltage Transmissions Lines.	518.08 Transpower New Zealand Ltd – In-Part
96.35	Federated Farmers of New Zealand	Oppose	Oppose all provisions relating to this subject. Transmission corridor rules in district plans that seek to constrain normal rural activities undertaken by a landowner on their own land should be deleted.  Transmission is Over Private Land: Matters concerning transmission lines across privately owned land should be private matters between network utility operators and the landowners across whose land the transmission lines pass, and should not be regulated in district plans.  Undermines Compensation: The Electricity Transmission Corridors and provisions will supplant the rights of landowners to achieve	Delete Rule 19.6.14	506.19 Ernslaw One Ltd - Support 517.31 Horticulture NZ - In Part 518.09 Transpower New Zealand Ltd – In-Part

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
			<p>compensation when future upgrades to transmission lines are carried out. The Public Works Act 1981 outlines that compensation will be paid when injurious affection has occurred even if no land has been taken. If the injurious has occurred by restrictions in the District Plan, then this will erode landowner's ability to obtain fair compensation.</p> <p>Unnecessary to Protect Transmission Interests: Transpower already has the means to secure their interest by using the easement agreement system pursuant to the Land Transfer Act 1952, Part 3 of the Electricity Act 1992 provides for the powers and duties of electricity operators and owners of electricity works, and also grants statutory right of access to existing works in Section 23 of the Electricity Act 1992.</p> <p>Misunderstood NPS Direction: Policy 10 of the National Policy Statement on Electricity Transmission only seeks to ensure that electricity transmission of the nation grid is not compromised. Policy 11 only requires that "sensitive activities" need to be managed, which are specifically defined in the NPS as schools, houses and hospitals. Farm buildings and primary production structures should not be managed as sensitive activities, nor will these activities compromise transmission. Any provisions relating to lines other than the national grid are also in breach of the NPS.</p> <p>Duplicate Regulation: There is already a regulatory framework for safety distances for buildings and structures from overhead line supports. The NZECP34:2001 outlines distances for buildings in Section 2.4 and Section 3.3 has distances between buildings and conductors without engineering advice.</p> <p>Duplicate Process: Landowners are already expected to obtain prior written consent from the owner of overhead electric line support structures if their activities exceed the minimum safe distances in NZECP34:2001. The proposed</p>		



Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
			rules in the District Plan will mean that landowners will have to go through duplicate and parallel processes – obtaining prior written consent under NZECP34:2001, and applying to the Council for resource consent.		
98.43	Horticulture New Zealand	In-Part	Rule 19.6.14 limits activities within certain distances from transmission lines. There are exemptions for fences up to 2.5 metres in height. Horticulture NZ wants to ensure that there is provision for crop support structures and crop protection structures without setback requirements so an exemption is sought to Rule 19.6.14.	Amend Rule 19.6.14 by adding another exemption in Rule 19.6.14(b), as follows:  ....  The following are exempt from the setback requirements in Rule 19.6.14(b): <ul style="list-style-type: none"> <li>• Fences up to 2.5 metres in height</li> <li>• Mobile machinery and equipment</li> <li>• Utilities within a road or rail corridor and electricity infrastructure</li> <li>• <u>crop support structures and crop protection structures that meet the requirements of NZECP 34:2001.</u></li> </ul>	518.11 Transpower New Zealand Ltd – In-Part
99.27	Transpower New Zealand Ltd	Support	Permitted activity standards apply to development and activities within the transmission line corridor and the principle of this is supported to give effect to NPSET Policies 10 and 11. Permitted activity standard 19.6.14 a) and b) is supported, subject to the definitions of “sensitive activity” and “building” being retained. Transpower seek that the rule, currently titled “Transmission Line Corridor” be replaced with “National Grid Corridor” as in Transpower’s experience, members of the public are more familiar with this term. To assist implementation, a definition for the National Grid Corridor is sought to be added.  Within the transmission corridor, the undertaking of earthworks could	Amend Rule 19.6.14 as follows:  <del>19.6.14 Transmission Line Corridor</del> <u>National Grid Corridor</u>  (a) All buildings <u>within a National Grid Corridor</u> shall comply with New Zealand Electrical Code of Practice of Electrical Safety Distances (NZECP 34:2001).  (b) Retain  Add a subclause (c) so to provide for earthworks within the corridor and an advice note relating to vegetation within the electricity transmission corridor as follows:	516.22 Federated Farmers of New Zealand - Oppose  517.32 Horticulture NZ – In-Part

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
			<p>potentially compromise the network. Accordingly, Transpower seek the addition of provisions to appropriately manage earthworks and certain other activities within the electricity transmission corridor to give effect to Policy 10 of the NPSET.</p>	<p><u>1. Earthworks Around Poles shall be</u></p> <p><u>(a) no deeper than 300mm within 2.2 metres of a transmission pole support structure or stay wire; and</u></p> <p><u>(b) no deeper than 750mm between 2.2 to 5 metres from a transmission pole support structure or stay wire.</u></p> <p><u>Except that:</u></p> <p><u>Vertical holes not exceeding 500mm diameter beyond 1.5 metres from the outer edge of a pole support structure or stay wire are exempt from (a) and (b) above.</u></p> <p><u>2. Earthworks Around Towers shall be</u></p> <p><u>(a) no deeper than 300mm within 6 metres of the outer visible edge of a transmission tower support structure; and</u></p> <p><u>(b) no deeper than 3 metres between 6 to 12 metres from the outer visible edge of a transmission tower support structure.</u></p> <p><u>3. Earthworks 12m either side of a high voltage transmission line shall not:</u></p> <p><u>a) create an unstable batter that will affect a transmission support structure; and/or</u></p> <p><u>b) result in a reduction of the existing conductor clearance distances as required by NZECP34:2001.</u></p>	

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
				<p><u>The following activities are exempt from 1 and 2 above:</u></p> <p><u>(a) Earthworks undertaken by a Network Utility operator; or</u></p> <p><u>(b) Earthworks undertaken as part of agricultural or domestic cultivation, or repair, sealing or resealing of a road, footpath or driveway.</u></p> <p><u>Note:</u></p> <p><u>Vegetation to be planted within the transmission corridor as shown on Councils Planning Maps or near any electrical line should be selected and/or managed to ensure that it will not result in that vegetation breaching the Electricity (Hazards from Trees) Regulations 2003</u></p>	
7.04	Heirs Partnership	Oppose	Oppose the proposed rule requiring a transmission line corridor. There are already government regulations in place which set out existing legal requirements on the distance of buildings and works from powerlines and towers. This rule is a blunt and oppressive instrument and is redundant.	Delete Rule 19.6.14.	518.10 Transpower New Zealand Ltd – In-Part

Three submissions seek to delete Rule 19.6.14: Transmission Line Corridor. One submitter seeks to amend the rule to provide for crop support and protection structures and one submitter seeks to include provisions for earthworks. There are a number of further submission points in support and opposition to the above submission points.

#### **4.59.2 Discussion & Evaluation**

1. Hood (83.12) seeks to delete all references to the buffer zone from the centre line of High Voltage Transmission Lines as the taking of effectively 64 metres of land is not acceptable. The Code of Practice for Electrical Safety Distances NZECP34:2001 already covers all Council requirements. This is opposed in part by a further submission from Transpower (518.08).

2. Transpower has the view that reliance on NZECP 34 alone would not fulfil HDC's obligation to give effect to the NPSET. NZECP 34 seeks to protect persons, property, vehicles and mobile plants from harm or damage from electrical safety hazards by setting out minimum safe distances. It does not address the other electrical safety hazards and the potential effects of the line on activities in close proximity to the line. Further it does not protect the integrity of the National Grid from the effects of other activities, it does not control subdivision, it does not distinguish sensitive activities, and thereby does not prevent the types of inappropriate development contemplated by the NPSET from occurring. In short Transpower contends that NZECP does not consider the environment effect of activities on the National Grid, nor potential environmental effects of the National Grid on other activities.
3. Development that complies with NZECP 34 can still constrain maintenance activities for transmission lines (which can have consequential effects on safety) and can increase the number of people potentially at risk and exposed to adverse effects. It is these effects that the NPSET requires to be addressed in order to achieve sustainable management. As NZECP 34 is considered to be unable to address these effects it is not surprising that NZECP34 is not referenced in the objective or policies of the NPSET. Transpower request additional controls in the Proposed Plan in the form of rules. I consider it appropriate that there are controls within the Proposed Plan to address the potential environmental effects of activities on the National Grid, or the potential environmental effects of the National Grid on other activities.
4. Transpower in their further submission identify that the area they are most interested in is within 12m of the 220kV lines and 10 metres on the 110kV lines on single poles and within 12 metres of all support structures. Rule 19.6.14 is a permitted activity condition that sets out thresholds for activities and development in relation to high voltage transmission lines. I consider that it is appropriate to retain this rule as it contributes to giving effect to the NPSET. Failing to include such a rule in the Proposed Plan would put Council at risk of failing to implement the NPSET. As it stands the rules creates a 20 metre corridor (10 metres each side of the centre line) for high voltage (110kV) transmission line and a 24 metre corridor (12 metres each side of the centre line) for high voltage (220kV or more) transmission lines.
5. It is in these defined areas that Transpower seek provisions to manage land use activities. Given the above I consider it appropriate that the District Plan does include and identify a corridor to assist with the management of effects relating to the National Grid. I therefore recommend that the submission point by Hood (83.12) be rejected and further submission point by Transpower (518.08) be accepted.
6. Federated Farmers (96.35), Range View & Page (38.01) and Heirs Partnership (7.04) seek to delete Rule 19.6.14. The submission from Federated Farmers is supported in part by a further submission from Ernslaw Ltd (506.19) and opposed in part by two further submissions from Horticulture NZ (517.31) and Transpower (518.09). The submission from Range View & Page is opposed by a further submission from Transpower (518.07) and supported by a further submission from Truebridge Associates (526.30). The submission from Heirs Partnership is opposed in part by Transpower (518.10).
7. Federated Farmers oppose all provisions relating to this subject as transmission corridor rules in district plans that seek to constrain normal rural activities undertaken by a landowner on their own land should be deleted. Federated Farmers considers that the Electricity Transmission Corridors and provisions will supplant the rights of landowners to achieve compensation when future upgrades to transmission lines are carried out. The Public Works

Act 1981 outlines that compensation will be paid when injurious affection has occurred even if no land has been taken. If the injurious has occurred by restrictions in the District Plan, Federated Farmers contend this will erode landowner's ability to obtain fair compensation.

8. Of particular relevance to this discussion are policies 10 and 11 from the NPSET. NPSET Policy 10 reads; *"In achieving the purpose of the Act, decision-makers must to the extent reasonably possible manage activities to avoid reverse sensitivity effects on the electricity transmission network and to ensure that operation, maintenance, upgrading, and development of the electricity transmission network is not compromised."*
9. NPSET Policy 11 reads; *"Local authorities must consult with the operator of the national grid, to identify an appropriate buffer corridor within which it can be expected that sensitive activities will generally not be provided for in plans and/or given resource consent. To assist local authorities to identify these corridors, they may request the operator of the national grid to provide local authorities with its medium to long-term plans for the alteration or upgrading of each affected section of the national grid (so as to facilitate the long-term strategic planning of the grid)."*
10. In giving effect to these policies of the NPSET Council has included Policy 12.1.9 and Rule 19.6.14 in the Proposed Plan. Federated Farmers contend that the direction of Policy 10 of the NPSET has been misunderstood as it only seeks to ensure that electricity transmission of the National Grid is not compromised. Federated Farmers contend Policy 11 only requires that "sensitive activities" need to be managed, which are specifically defined in the NPSET as schools, houses and hospitals. Therefore farm buildings and primary production structures should not be managed as sensitive activities, nor will these activities compromise electricity transmission. Federated Farmers consider any provisions relating to electricity line other than the National Grid are also in breach of the NPSET.
11. Rule 19.6.14 is intended to apply to the National Grid transmission lines only. The earlier recommended change in terminology to the 'National Grid Corridor' will help clarify this intent.
12. I consider that Rule 19.6.14 gives effect to Policies 10 and 11 of NPSET. I accept that the rule includes a setback for all buildings and sensitive activities which could be argued to go beyond what is set out in Policy 11. I do however consider that buildings other than residential buildings can also have a reverse sensitivity impact on the electricity transmission network and therefore it is appropriate for the reference to all buildings to be included in this rule. Sensitive activities are defined in the NPS as "schools, residential buildings and hospitals". Primary production activities would therefore not be deemed a 'sensitive activity' for the purpose of the NPS and the application of Rule 19.6.14. The potential effects on the transmission network arising from primary production and managed by Rule 19.6.14 would be limited to those relating to primary production buildings (and potentially earthworks – see submission point 99.27 below). These effects would be managed in accordance with NPSET Policy 10. It is understood that this rule could impact on how a landowner may be able to "as of right" utilise their land. This aspect and the costs (including transaction costs to landowners) was considered and evaluated by the Government in developing the NPSET. The Government evaluation in its section 32 for the NPSET (Ministry for the Environment, 2008) went so far as to accurately predict that *"while Policy 10 will potentially reduce costs for local councils when dealing with Transpower, it could add costs for their dealings with land owners. Despite the clear intent of Policy 10, land owners are likely to oppose plan changes which seek to give effect to the policy, and ongoing monitoring and enforcement of*

*activities within the vicinity of transmission lines is likely to be required – particularly in the short to medium term. This is partly due to the lack of awareness of the importance of transmission, a situation that Policy 10 specifically addresses”.*

13. Transpower consider that the effects on and from the transmission lines are appropriately managed through the District Plan. I do not support the submissions that seek this rule be deleted as I consider a rule in some form is appropriate in the Plan.
14. While the District Plan may provide for or control certain activities in close proximity to transmission line, these provisions only apply to managing the effects on the environment and people. The District Plan does not remove the Transmission network operators from the processes set out in other legislation regarding access to private land and compensation.
15. Heirs Partnership oppose the proposed rule as they contend there are already government regulations in place which set out existing legal requirements on the distance of buildings and works from electricity lines and towers. The proposed rule is considered by the submitter to be a blunt and oppressive instrument and is redundant. I accept that a setback distance rule is a “blunt” method. However, I consider it to be an effective method for managing the effects of activities on the transmission network. The purpose of the resource consent process is to provide an efficient process to assess a proposal to reduce any setback and it would consider the reason for an encroachment and measures to avoid, remedy or mitigate the effects on the safety and efficiency of the transmission network.
16. I recommend that the submission points by Heirs Partnership (7.04), Federated Farmers (96.35), Ernslaw One (506.19) and Horticulture NZ (517.31) be rejected. I recommend that further submission points by Transpower (518.09 and 518.10) be accepted.
17. Range View & Page (38.01) oppose Rule 19.6.14(a) and (b) as they contend compliance with these conditions needs to be made clear and not left to unknown interpretation. In addition they comment the management of transmission lines operate under other legislation. This submission point is supported by Truebridge Associates (526.30) and opposed by Transpower (518.07). While the rule may not be to the submitter’s satisfaction, I consider that the rule is clear about the standards and thresholds that are to be applied. The submitter may wish to at the hearing explain where the perceived uncertainty lies. I do not support the submission points 38.01 and 526.30 and recommend that they be rejected. I recommend that further submission point 518.07 be accepted.
18. Transpower (99.27) support the retention of this rule and seek an amendment to the rule. Within the transmission corridor, Transpower contend the undertaking of earthworks could potentially compromise the network. Accordingly, Transpower seek the addition of provisions to appropriately manage earthworks and certain other activities within the electricity transmission corridor to give effect to Policy 10 of the NPSET. This submission point has been opposed by 516.22 Federated Farmers of New Zealand and opposed in part 517.32 Horticulture NZ as the earthwork requirements sought are essentially those in the NZECP which landowners need to meet anyway. The framework for the earthwork thresholds provide for greater depths of earthworks to be undertaken further away from the network structures. While I do not consider the amendments sought to be unreasonable and understand that they would help ensure that the network is not compromised (therefore giving effect to Policy 10 of NPSET), I consider them to be a duplication of the earthwork controls that are included in NZECP 34:2001 and therefore have not been convinced of the need to include them in the District Plan. The submitter may wish to further explain at the

hearing the need for these controls to be included in the Proposed Plan given NZECP already applies, and where any differences may exist between the two sets of controls. On the evidence provided to me at this time I do not support the inclusion of the earthwork limits to Rule 19.6.14 as requested by Transpower.

19. Transpower (99.27) also sought to amend the name of the rule to 'National Grid Corridor' and add the same reference within the rule. This matter has been evaluated and recommended on in the Section 42A report for the hearing topic Utilities and Energy. That report recommended that this change in terminology be accepted, replacing the words 'Transmission Line Corridor' with 'National Grid Corridor' and that a definition be provided in the Proposed Plan for the National Grid Corridor.
20. I therefore recommend that submission point by Transpower (99.27) be accepted in part and that further submission points 516.22 and 517.32 also be accepted in part.
21. Horticulture NZ (98.43) seeks to amend Rule 19.6.14 to exempt crop support and protection structures that meet the requirements of NZECP 34:2001 from the setback requirements. This is supported in part by a further submission from Transpower (518.11). Transpower have in their further submission acknowledged that they can support horticulture structures within the National Grid Corridor as a permitted activity where they are less than 2.5 metres in height and more than 12 metres away from any support structure. This concession would enable horticulture support structures to be sited under the lines (i.e. within 12 metres of the centreline) where a 12 metre setback from the support structure of the overhead line was observed. Horticulture NZ has suggested the following wording be added as an exemption to this rule "crop support structures and crop protection structures that meet the requirements of NZECP 34:2001". Table 2 of Section 3 of NZECP provides minimum distances beneath conductors and minimum distance to the side of conductors (both under normal circumstances). If reference to this standard is to be included I am of the opinion that a specific height would be unnecessary in the exemption. I recommend the following wording be included:  
  
"Crop support structures and crop protection structures that meet the requirements of New Zealand Electrical Code of Practice of Electrical Safety Distances (NZECP 34:2001) for minimum distance beneath conductors and are 12 metres from the support structure of high voltage transmission lines."
22. I consider that such an exemption would provide suitable flexibility without posing a safety risk to the transmission lines. I therefore recommend that submission points 98.43 and 518.11 be accepted in part.

#### **4.59.3 Reporting Officer's Recommendation**

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Officer's Recommendation
38.01		Range View Ltd & Page		Reject
	518.07	Transpower New Zealand Ltd	Oppose	Accept
	526.30	Truebridge Associates Ltd	Support	Reject
83.12		Hood		Reject

	518.08	Transpower New Zealand Ltd	In Part	Accept
96.35		Federated Farmers of New Zealand		Reject
	506.19	Ernslaw One Ltd	Support	Reject
	517.31	Horticulture NZ	In Part	Reject
	518.09	Transpower New Zealand Ltd	In-Part	Accept
98.43		Horticulture NZ	In-Part	Accept In-Part
	518.11	Transpower New Zealand Ltd	In Part	Accept In-Part
99.27		Transpower New Zealand Ltd		Accept In-Part
	516.22	Federated Farmers of New Zealand	Oppose	Accept In-Part
	517.32	Horticulture NZ	In-Part	Accept In-Part
7.04		Heirs Partnership		Reject
	518.10	Transpower New Zealand Ltd	In Part	Accept

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

Amend Rule 19.6.14 as follows:

##### **19.6.14 National Grid Transmission Line Corridor**

- (a) All buildings within a National Grid Corridor (as set out by the distances in (b)(i) and (ii) below) shall comply with New Zealand Electrical Code of Practice of Electrical Safety Distances (NZECP 34:2001).
- (b) No building or sensitive activity shall be located closer than:
- (i) 10 metres either side of the centreline of any high voltage (110kV) transmission line shown on the Planning Maps.
  - (ii) 12 metres either side of the centreline and support structures of any high voltage (220kV or more) transmission line shown on the Planning Maps.

The following are exempt from the setback requirements in Rule 19.6.14(b):

- Fences up to 2.5 metres in height
- Mobile machinery and equipment
- Utilities within a road or rail corridor and electricity infrastructure
- Crop support structures and crop protection structures that meet the requirements of New Zealand Electrical Code of Practice of Electrical Safety Distances (NZECP 34:2001) for minimum distance beneath conductors and are 12 metres from the support structure of high voltage transmission lines.



## 4.60 Rule 19.6.15 - Permitted Activity Condition (Planting Setbacks)

### 4.60.1 Submissions Received

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
65.04	Horowhenua Farmers' Ratepayer Group	In-Part	A plantation forest can cause major shading, restrict views and create mess	Amend Rule 19.6.15 as follows:  (a) No plantation forest shall be planted within <del>40</del> <u>20</u> metres from any site boundary <u>unless that boundary is already adjacent to plantation forestry, in which case the distance must be greater than 10 metres.</u>  (b) No plantation forest shall be planted within 100 metres from any existing residential dwelling unit <u>which is located on a separately owned property.</u>	506.46 Ernslaw One Ltd – Oppose  513.47 Rayonier New Zealand Ltd – Oppose
66.04	Bruce and Christine Mitchell	In-Part	A plantation forest can cause major shading, restrict views and create mess	Amend Rule 19.6.15 as follows:  (a) No plantation forest shall be planted within <del>40</del> <u>20</u> metres from any site boundary <u>unless that boundary is already adjacent to plantation forestry, in which case the distance must be greater than 10 metres.</u>  (b) No plantation forest shall be planted within 100 metres from any existing residential dwelling unit <u>which is located on a separately owned property.</u>	506.00 Ernslaw One Ltd – Oppose  513.45 Rayonier New Zealand Ltd – Oppose
96.36	Federated Farmers of New Zealand	In-Part	Rule 19.6.14 needs to focus on setback from a separately owned property, to avoid capturing adjacent properties owned by the same landowner.  Shelterbelts are commonly planted around houses to protect them from	Amend Rule 19.6.15 as follows:  (a) No <u>new</u> plantation forest shall be planted within 10 metres from any <del>site</del> <u>boundary of a separately owned site.</u>	506.20 Ernslaw One Ltd – In-Part  513.17 Rayonier New Zealand Ltd – In-Part  517.33 Horticulture

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
			<p>wind, and the definition could even capture hedges. It should be up to the landowner to determine whether they want shelter around the house, or to set trees back further to prevent shading.</p> <p>Internal effects created by a forest or shelterbelt close to a house on the same property and owned by the same person should not be a concern. Creating effects upon oneself is not a matter of concern to the Council, as regulations should seek to reduce conflict and manage effects imposed upon others. It would be impractical to require resource consent when the affected party is also the applicant. A level of on-site flexibility needs to be retained so that landowners can tailor solutions to their individual needs and property considerations.</p> <p>Replanting of existing forests that have been harvested need to be provided for as an existing use right, so Rule 19.6.15 should be limited to new trees only.</p>	<p>(b) No <u>new</u> plantation forest shall be planted within 25 metres from any existing residential dwelling unit <u>located on a separately owned site.</u></p> <p>(c) Vegetation planted to form a <u>new</u> shelterbelt for more than 20 metres in length shall not exceed 6 metres in height from ground level within 10 metres horizontal distance from any <del>site</del> <u>boundary of a separately owned site.</u></p> <p>(d) No <u>new</u> plantation forest or shelterbelt shall be planted or allowed to grow in any position which could result in any icing of any public road carriageway as a result of shading of the road between 10.00am and 2.00pm on the shortest day.</p>	NZ – In-Part
98.44	Horticulture NZ	In-Part	The issue that the Council is seeking to address is shading of the road and neighbouring properties. Rather than apply an arbitrary height and setback distance the rule should provide that no shading of roads or neighbouring properties occurs at midday on the shortest day.	Amend Rule 19.6.15 to require that there is no shading of roads or neighbouring properties occurs at midday on the shortest day.	506.53 Ernslaw One Ltd – In-Part 513.24 Rayonier New Zealand Ltd - Support
50.07	Rayonier NZ Ltd	In-Part	Submitter supports the proposed setback distance of 10 metres from site boundaries. However clarification is required that this only applies to new forest plantings only and not for existing forests which have existing use rights	Amend Rule 19.6.15(a) as follows:  No <u>new</u> plantation forest shall be planted within 10 metres from any site boundary.	506.77 Ernslaw One Ltd - Support
74.07	Ernslaw One Limited	In-Part	Support the proposed setback distance of 10 metres from site boundaries. However, this should be for new forest plantings only and not for existing forests. Compulsory	Amend Rule 19.6.15(a) as follows:  No <u>new</u> plantation forest shall be planted within 10 metres from any site	513.33 Rayonier New Zealand Ltd - Support

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
			<p>setbacks on existing plantation forests would result in significant economic losses as land is taken out of production and maintenance costs associated with weed infestation increase.</p> <p>Removal of forestry from previously planted areas by restrictive land rules will also force commercial duress in regards to ETS. Liability for deforestation may become a reality for either party, Council as the rule maker, or the forest owner as the grower.</p>	<p>boundary.</p> <p>Or words to such effect.</p>	
50.08	Rayonier NZ Ltd	Oppose	<p>Submitter opposes Rule 19.6.15(b) as proposed. Alternative wording is sought relating the rule to new dwelling units.</p>	<p>Delete Rule 19.6.15(b) and include a new replacement rule as follows:</p> <p><u>No new residential dwelling unit should be located within 50 metres adjacent to any plantation forest.</u></p>	506.78 Ernslaw One Ltd - Support
74.08	Ernslaw One Limited	In-Part	<p>Support the proposed setback if it is applied to new planting only not replanting of existing forested areas.</p> <p>Plantation forestry is often troubled with reverse sensitivity issues as the rural area becomes more fragmented with the encroachment of urbanisation. It is important that the rural area is recognised as a working landscape and that production activities, namely plantation forestry, should not be adversely affected by policy setting appropriate separation distances.</p> <p>The submitters seeks that the rule is applied fairly to other land uses within proximity of Plantation Forests and that no new residential dwelling should be permitted to be located within 50 metres adjacent to any existing plantation forest.</p>	<p>Amend Rule 19.6.15(b) as follows:</p> <p>No <u>new</u> plantation forest shall be planted within 25 metres from any existing residential dwelling unit</p> <p>OR</p> <p>A alternative rule clause states that:</p> <p>No new residential dwelling unit shall be located within 50 metres adjacent to any existing plantation forest in the rural zone.</p> <p>Or words to such effect.</p>	513.34 Rayonier New Zealand Ltd - Support
74.09	Ernslaw One Limited	In-Part	<p>Ernslaw One supports the proposed setback. However, this should be for new plantings only and not for</p>	<p>Amend Rule 19.6.15(c) as follows:</p> <p><u>New</u> vegetation planted to</p>	513.35 Rayonier New Zealand Ltd - Support

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
			existing forests. Compulsory setbacks on existing plantation forests would result in significant economic losses as land is taken out of production and maintenance costs associated with weed infestation increase.	form a shelterbelt for more than 20 meters in length shall not exceed 6 meters in height from the ground level within 10 meters horizontal distance from any site boundary.  Or words to such effect	
50.09	Rayonier NZ Ltd	In-Part	Submitter seeks amendment to Rule 19.6.15(d) to relate the rule to new plantation forests or shelterbelts and sealed public roads.	Amend Rule 19.6.15(d) as follows:  No <u>new</u> plantation forest or shelterbelt shall be planted or allowed to grow in any position which could result in any icing of any <u>sealed</u> public road carriageway as a result of shading of the road between 10:00am and 2:00pm on the shortest day.	506.79 Ernslaw One Ltd - Support
74.10	Ernslaw One Limited	In-Part	Rule 19.6.15(d) is not clearly, nor fairly, worded and places a burden on landowners without justification for the rule.  1) Plantation Forests are not the only vegetation which may shade roads causing the ice effects that this rule is written to mitigate. There is no evidence to state that Plantation Forests shade roads more than other vegetation and no accident statistics to validate a rule that single out plantation forests as a cause of icing.  2) It is unclear if this rule applies to existing plantation forests. If the rule does apply to existing plantation forests the submitter would strongly oppose this rule. Compulsory setbacks on existing plantation forests would result in significant economic losses as land is taken out of production and maintenance costs associated with weed infestation increase.  3) Ernslaw One acknowledges the	Amend Rule 19.6.15(d) as follows:  No <del>plantation forest or shelterbelt</del> <u>new vegetation</u> shall be planted or allowed to grow in any position which could result in any icing of any <u>sealed</u> public road carriageway as a result of shading of the road between 10:00am and 2:00pm on the shortest day.  Or words to such effect	513.36 Rayonier New Zealand Ltd - Support

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
			rules intent of reducing the risk of ice on roads. However, this rule should be specific to sealed roads only. The rule needs to be amended to reflect this		

Two submissions seek to amend the setbacks required under Rule 19.6.15. One submission seeks to clarify that the rules refer to residential dwelling units on separately owned sites. One submission seeks to amend the rule in reference to shading of roads and one submission seeks to include a setback for residential dwelling units. Six submissions seek to ensure the rules refer to new forestry.

#### **4.60.2 Discussion & Evaluation**

1. Horowhenua Farmers' Ratepayer Group (65.04) and Mitchell (66.04) seek to require a 20 metre setback from any site boundary unless the boundary is already adjacent to plantation forest, in which case the distance must be greater than 10 metres. In addition, the submitter seeks to setback forestry 100 metres from any existing residential dwelling unit, and clarify that the rule refers to dwellings on separately owned adjoining properties. These submissions are opposed by further submissions from Ernslaw One (506.46) and Rayonier (513.47).
2. Federated Farmers (96.36) seeks to ensure that the rule applies to new plantation forest and that the 10 metre setback applies to the boundary of a separately owned site. This is supported in part by further submissions from Ernslaw One (506.20), Rayonier (513.17) and Horticulture NZ (517.33).
3. Rayonier (50.07 and 50.09) and Ernslaw One (74.07, 74.08, 74.09 and 74.10) seek to amend Rules 19.6.15(a), (b) and (d) to refer to new forestry and sealed public roads. Ernslaw One (74.10) also seeks to amend Rule 19.6.15(d) to apply to vegetation rather than just plantation forest or shelterbelts. This is supported by further submissions from Ernslaw One (506.77, 506.78 and 506.79) and Rayonier (513.33, 513.35 and 513.36) respectively.
4. Related submitters were made on the associated policy in Section 4.22 of this report above, with tree shelterbelts and plantation forestry recognised to potentially affect the rural environment and safety of roads by excessive shading and safety from tree and branch fall.
5. All rules in proposed District Plans only apply to new activities or changes to existing activities, and they do not apply retrospectively. Therefore to refer to 'new' plantation forest is unnecessary. However, restricting Rule 19.6.15(d) to refer to 'sealed' roads only is not considered appropriate as non-sealed roads are also susceptible to icing. In this case, the rule should refer to plantation forest and shelterbelts as this reflects a similar rule in Chapter 21: Vehicle Access, Parking, Loading and Rooding.
6. It is agreed that any setback should be from the boundary of any adjoining site or a residential dwelling unit on a separately owned adjoining site. It is not considered appropriate to restrict the building of residential dwelling units on a site used for forestry as it would be assumed that the owner/occupier was aware of the implications and potential effects.

7. With regard to the setback of plantation forest from any site boundary, 20 metres is considered inefficient as it would create an area of land that cannot be utilised and is likely to become overgrown. The area may even become a fire hazard or infested with plant pests. The proposed setback from site boundaries of 10 metres is considered to be appropriate in balancing the efficient utilisation of the rural land resource against minimising the adverse effects on adjoining areas.
8. Furthermore, to require a plantation forest to be setback 100 metres from an existing residential dwelling unit is excessive and again potentially creates a significant land area that cannot be fully utilised where the effects would be minimal at this distance. The proposed setback of 25 metres is considered sufficient to protect residential dwelling units from excessive shading and other amenity related effects. To link any rule to whether the boundary is already adjacent to plantation forestry potentially creates a difficult situation to enforce, as it raises the question of which setback would apply if the forest was harvested and then replanted.
9. Horticulture NZ (98.44) seeks that the rule be amended to ensure that there is no shading of roads or neighbouring properties at midday on the shortest day. This is supported in part by a further submission from Ernslaw One (506.53) and supported by a further submission from Rayonier (513.24).
10. Plantation forests have the potential to cause shading on roads and neighbouring sites. However, the setbacks set out in the Plan are intended to ensure that sites are not excessively shaded, while also providing for efficient use of land. The rule in the Proposed Plan is considered to be the most efficient and effective in achieving this balance.
11. Rayonier (50.08) seek that a new rule be included to setback new residential dwelling units 50 metres from any plantation forest. This is supported by a further submission from Ernslaw One (506.78).
12. It is agreed that there should be a rule that requires new residential dwelling units to be setback from existing plantation forests, as this would apply the principle of Rule 19.6.15(b) in reverse. This two-way approach would ensure that issues of reverse sensitivity are managed and that effects on the new dwelling from the plantation forest are minimised. However, a distance of 50 metres is considered excessive for this purpose, and a consistent distance of 25m is recommended. It is recommended this new setback for new dwellings be added to Rule 19.6.4(b) as this rule contains all setbacks for new dwellings. As above, it is recommended this new setback only applies to dwellings on sites under separate ownership.
13. It is therefore recommended that the submissions from Rayonier (50.07 and 50.09), Ernslaw One (74.07, 74.08, 74.09 and 74.10) and Horticulture NZ (98.44) be rejected. The submission from Horowhenua Farmers' Ratepayer Group (65.04), Mitchell (66.04), Rayonier (50.08) and Federated Farmers (96.36) should be accepted in part. It is also recommended that Rule 19.6.15 be amended to refer to residential dwelling units on separately owned sites and setbacks being from the boundary of any separately owned site, and a new rule be added to require new residential dwelling units to be setback from existing plantation forests.

#### 4.60.3 Reporting Officer's Recommendation

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Officer's Recommendation
65.04		Horowhenua Farmers' Ratepayer Group		Accept In-Part
	506.46	Ernslaw One Ltd	Oppose	Accept In-Part
	513.47	Rayonier New Zealand Ltd	Oppose	Accept In-Part
66.04		Bruce and Christine Mitchell		Accept In-Part
	506.00	Ernslaw One Ltd	Oppose	Accept In-Part
	513.45	Rayonier New Zealand Ltd	Oppose	Accept In-Part
96.36		Federated Farmers of New Zealand		Accept In-Part
	506.20	Ernslaw One Ltd	In-Part	Accept In-Part
	513.17	Rayonier New Zealand Ltd	In-Part	Accept In-Part
	517.33	Horticulture NZ	In-Part	Accept In-Part
98.44		Horticulture NZ		Reject
	506.53	Ernslaw One Ltd	In-Part	Accept In-Part
	513.24	Rayonier New Zealand Ltd	Support	Reject
50.07		Rayonier NZ Ltd		Reject
	506.77	Ernslaw One Ltd	Support	Reject
74.07		Ernslaw One Limited		Reject
	513.33	Rayonier New Zealand Ltd	Support	Reject
50.08		Rayonier NZ Ltd		Accept In-Part
	506.78	Ernslaw One Ltd	Support	Accept In-Part
74.08		Ernslaw One Limited		Reject
	513.34	Rayonier New Zealand Ltd	Support	Reject
74.09		Ernslaw One Limited		Reject
	513.35	Rayonier New Zealand Ltd	Support	Reject
50.09		Rayonier NZ Ltd		Reject
	506.79	Ernslaw One Ltd	Support	Reject
74.10		Ernslaw One Limited		Reject
	513.36	Rayonier New Zealand Ltd	Support	Reject

#### 4.60.4 Recommended Amendments to the Plan Provisions

Amend Rule 19.6.15 as follows:

### 19.6.15 Planting Setbacks for Plantation Forestry and Shelterbelt Planting

- (a) No plantation forest shall be planted within 10 metres from any ~~site~~ boundary of site under separate ownership or road.
- (b) No plantation forest shall be planted within 25 metres from any existing residential dwelling unit of a site under separate ownership.
- (c) Vegetation planted to form a shelterbelt for more than 20 metres in length shall not exceed 6 metres in height from ground level within 10 metres horizontal distance from any ~~site~~ boundary of a site under separate ownership or road.
- (d) No plantation forest or shelterbelt shall be planted or allowed to grow in any position which could result in any icing of any public road carriageway as a result of shading of the road between 10.00am and 2.00pm on the shortest day.

Amend Rule 19.6.4(b) be adding the following new condition:

- (b) All residential dwelling units and sensitive activities shall comply with the following additional setbacks and separation distances:

....

- (iv) 25 metres from the edge of an existing plantation forest under separate ownership.

## 4.61 Rule 19.6.16 - Permitted Activity Condition (Forestry and Timber Harvesting)

### 4.61.1 Submissions Received

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
27.27	Horizons Regional Council	Oppose	Oppose the inclusion of Rule 19.6.16 as this rule addresses re-vegetation following forest harvesting - a matter that is already covered by the previous rule 19.6.15. In addition, this rule appears to cross over into Regional Council functions that are dealt with in the POP.	Delete Rule 19.6.16.	506.45 Ernslaw One Ltd - Support  513.46 Rayonier New Zealand Ltd - Support
50.10	Rayonier NZ Ltd	Oppose	Submitter opposes Rule 19.6.16 as the rule is confusing and unclear. What constitutes managed revegetation?	Delete Rule 19.6.16 in its entirety.	506.80 Ernslaw One Ltd - Support
74.11	Ernslaw One Limited	Oppose	The Rule is incongruous with the role of the District Council.  No Issues, Policies or Objectives	Delete Rule 19.6.16.	513.37 Rayonier New Zealand Ltd - Support



Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
			<p>have recognised that delayed revegetation of plantation forest harvesting areas is a problem. It is a 'policy orphan', and it is unclear the effects the rule is trying to manage. It therefore should be removed.</p> <p>The rule is poorly worded, unspecific and rules out natural revegetation as an option.</p>		
96.37	Federated Farmers of New Zealand	Oppose	<p>Rule 19.6.16 should be deleted. Resource management issues regarding harvesting of forestry should be left to the Regional Council.</p>	Delete Rule 19.6.16	<p>506.21 Ernslaw One Ltd - Support</p> <p>513.18 Rayonier New Zealand Ltd - Support</p>

Four submissions seek to delete Rule 9.6.16: Forestry and Timber Harvesting.

#### 4.61.2 Discussion & Evaluation

- Horizons (27.27), Rayonier (50.10), Ernslaw One (74.11) and Federated Farmers (96.37) seek to delete Rule 19.6.16. These submissions are supported by further submissions from Ernslaw One (506.45, 506.80, 506.21) and Rayonier (513.46, 513.37 and 513.18). A number of reasons for requesting the rule be deleted are cited by the submitters including, the subject of the rule is already covered by Rule 16.6.15, it is a Regional Council matter, the rule is unclear as to what constitutes 'managed revegetation', there are no issues, objectives or policies that recognise delayed revegetation as a concern, the rule is poorly worded and removes the possibility of natural revegetation.
- Rule 16.6.16 seeks to manage revegetation of harvested areas of forestry, a matter that is not dealt with by Rule 16.6.15: this rule manages the planting of forests in terms of setbacks from site boundaries and residential dwelling units. The purpose of Rule 16.6.16 is not one of amenity but of managing the soil resource. A harvested area of forest generally exposes a significant area of soil which can be vulnerable to erosion from wind or heavy rain events, depending on the soil type.
- As discussed in Section 4.5 earlier in this report, soil conservation is a responsibility of the Regional Council under the RMA and not the District Council. I concur with submitters, that this matter is effectively managed by Horizons Regional Council under the provisions of the Proposed One Plan. Therefore, it is recommended Rule 19.6.16 be deleted from the Proposed Plan. All submissions are recommended to be accepted.

#### 4.61.3 Reporting Officer's Recommendation

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Officer's Recommendation
27.27		Horizons Regional Council		Accept

	506.45	Ernslaw One Ltd	Support	Accept
	513.46	Rayonier New Zealand Ltd	Support	Accept
50.10		Rayonier NZ Ltd		Accept
	506.80	Ernslaw One Ltd	Support	Accept
74.11		Ernslaw One Limited		Accept
	513.37	Rayonier New Zealand Ltd	Support	Accept
96.37		Federated Farmers of New Zealand		Accept
	506.21	Ernslaw One Ltd	Support	Accept
	513.18	Rayonier New Zealand Ltd	Support	Accept

#### 4.61.4 Recommended Amendments to the Plan Provisions

Delete Rule 16.6.16 in its entirety:

#### **19.6.16 Forestry and Timber Harvesting**

~~(a) Managed revegetation for any primary production activity of harvested forestry areas shall be undertaken as soon as practicable after harvesting has occurred.~~

~~Note: Resource Consents may be required from Horizons Regional Council in respect of soil disturbance and vegetation clearance for the purposes of soil conservation.~~

## 4.62 Rule 19.6.17 - Permitted Activity Condition (Wastes Disposal)

### 4.62.1 Submissions Received

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
32.23	NZ Pork Industry Board (NZ Pork)	Oppose	<p>Oppose current wording of Rule 19.6.17 'Roads and road users' have been removed from the Horizons One plan following appeals from rural industries. NZ Pork submitted that the plan overlooks the practical implications of imposing significant adverse effects of nuisance and odour from any consideration of who "affected parties' might be. We therefore oppose the inclusion of point (ii) in the district plan for the same reasons.</p> <p>NZ Pork also opposes the inclusion of (iv) any channel or water body as we submit it is not appropriate for a</p>	<p>Amend Rule 19.6.17 as follows</p> <p>(a) All wastes (including sewage, effluent, and refuse) that are generated or stored on any site shall be collected, treated, and disposed of in a manner that avoids, <u>remedy or mitigate</u> any significant adverse effects <u>or of</u> nuisance <u>or</u> odour for:</p> <p>(i) an adjoining property;</p> <p><del>(ii) roads and road users;</del></p> <p>(iii) any natural habitat or indigenous species;</p>	

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
			district plan. It is also comprehensively covered in the regional plan so NZ Pork sees no reason for further regulation.	<del>(iv) any channel, stream or water body;</del> ...	
27.28	Horizons Regional Council	In-Part	The reference to waste is too general and gives no certainty about what wastes in particular are captured by the rule. It is considered that this rule makes reference only to refuse as sewage and effluent are matters covered by Regional Council jurisdiction.	Amend Rule 19.6.17 to define the wastes covered by this rule excluding those wastes that are controlled by the Regional Council. In its current format deleting sewage and effluent from the wastes description would only leave refuse to be listed. Any other wastes managed by the District Council and intended to be captured by this rule should also be listed.	511.11 HDC (Community Assets Department) – In-Part
72.08	Poultry Industry Association of New Zealand (PIANZ) & Egg Producers Federation of New Zealand (EPFNZ)	Support	The submitter supports Rule 19.6.17 which has removed the effluent disposal controls and refers the reader to the One Plan.	Retain Rule 19.6.17.	

Two submitters seek to amend Rule 16.6.17 to limit the scope of the rule and one submitter supports the rule.

#### **4.62.2 Discussion & Evaluation**

1. NZ Pork (32.23) seeks to amend Rule 16.6.17 to provide for significant adverse effects to also be 'remedied or mitigated' and effects are restricted to 'nuisance and odour'. The submitter also seeks to remove references to effects on roads and road users and, channels, streams or water bodies.
2. Horizons (27.28) seek to limit the application of the rule to refuse only as effluent and sewerage are Regional Council matters. This is supported in part by a further submission from HDC (Community Assets Department) (511.11).
3. PIANZ & PFNZ seek to retain Rule 16.6.17.
4. It is agreed that sewerage and effluent are Regional Council matters and subject to consents from that authority only. Horizons (27.28) seek that the rule should list all wastes to be managed by HDC, which is considered to include refuse, compost and recyclable materials

including scrap metal. All of these wastes can have effects on amenity and are not specifically managed by the Regional Council.

5. Likewise water quality is a Regional Council matter and should not be considered in this Proposed Plan. With regards to roads and road users, it is understood that this has been removed from the One Plan following appeals because of the difficulty of identifying affected parties. It is therefore recommended that reference to roads and road users is removed from Rule 19.6.17. However, limiting the wording of the rule to refer to ‘significant adverse effects of nuisance or odour’ is not considered to be appropriate. The rule should not be limited in its consideration of adverse effects and it is recommended that the rule refer to the ‘remediation and mitigation’ of effects given that the RMA is not a ‘no effects’ statute and some adverse effects may be unavoidable but could be suitably mitigated.
6. It is therefore recommended that the submissions from NZ Pork and PIANZ & PFNZ are accepted in part and the submission from Horizons be accepted, and the rule amended as per the recommendations above.

#### **4.62.3 Reporting Officer’s Recommendation**

<b>Sub. No</b>	<b>Further Sub. No.</b>	<b>Submitter Name</b>	<b>Further Submitter Position</b>	<b>Officer’s Recommendation</b>
32.23		NZ Pork Industry Board		Accept In-Part
27.28	511.11	Horizons Regional Council HDC (Community Assets Department)	In Part	Accept Accept In-Part
72.08		PIANZ & EPFNZ		Accept In-Part

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

Amend Rule 19.6.17 as follows:

##### **19.6.17 Wastes Disposal**

- (a) All wastes (including sewage, effluent, and refuse, compost and recyclable materials including scrap metal) that are generated or stored on any site shall be collected, treated, and disposed of in a manner that avoids, remedies or mitigates any significant adverse effects or nuisance for:
- (i) an adjoining property;
  - ~~(ii) roads and road users;~~
  - (iii) any natural habitat or indigenous species;
  - ~~(iv) any channel, stream or water body;~~
  - (v) any outstanding landscape or natural feature.

In particular, in accordance with Chapter 24 of this District Plan.

Note: On-site domestic wastewater systems for residential dwelling units are to comply with the requirements in the Horizons Regional Council Proposed One Plan.

Note: For farm and other effluent treatment and disposal systems, resource consent may be required from Horizons Regional Council.

## 4.63 Rule 19.6.19 - Permitted Activity Condition (Surface Water Disposal)

### 4.63.1 Submissions Received

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
27.29	Horizons Regional Council	In-Part	The submitter notes that if an activity, subdivision or development were not to connect to a reticulated scheme, then it would need to meet the POP stormwater discharge rules.	No specific relief requested.	
65.05	Horowhenua Farmers' Ratepayer Group	In-Part	In times of high rainfall events it is unrealistic to expect landowners to have total control over the containment and flow of water which enters their property either from the sky or over land. It is not clear which upstream landowner will be held accountable for flooding on properties downstream.	No specific relief requested.  Inferred: Amend Rule 19.6.19 for clarification.	517.34 Horticulture NZ - Support
66.05	Bruce & Christine Mitchell	In-Part	In times of high rainfall events it is unrealistic to expect landowners to have total control over the containment and flow of water which enters their property either from the sky or over land. It is not clear which upstream landowner will be held accountable for flooding on properties downstream.	No specific relief requested.  Inferred: Amend Rule 19.6.19 for clarification.	

Three submitters appear to support Rule 19.6.19 in part and whilst no specific relief is sought, it is inferred that the rule should be amended for clarification.

### 4.63.2 Discussion & Evaluation

1. Horizons (27.29) note that if an activity, subdivision or development were not connected to a reticulated scheme, then it would need to meet the Proposed One Plan stormwater discharge rules. Horowhenua Farmers' Ratepayer Group (65.05) (supported by a further submission from Horticulture NZ (517.34)) and Mitchell (66.05) state that in times of high rainfall it is unrealistic to expect landowners to have total control over the containment and flow of water

which enters their property either from the sky or over land. They contend is not clear to ascertain which upstream landowner will be held accountable for flooding on properties downstream. No specific relief is sought but is inferred that the rule needs clarification.

2. Rule 19.6.19 does not state that all stormwater must be contained but seeks that 'significant' adverse effects will be avoided. In general, it is anticipated that the stormwater generated by a certain size event will be managed and it is acknowledged that in some circumstances overland flows may occur. An upstream landowner would not be held accountable for stormwater that flows over their property and onto adjacent properties in an unpredictably large rainfall event.
3. As such, it is recommended that no changes are required to Rule 19.6.19 for the reasons stated above and the submission points 27.29, 65.05, 66.05 and 517.34 be rejected.

#### **4.63.3 Reporting Officer's Recommendation**

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Officer's Recommendation
27.29		Horizons Regional Council		Reject
65.05	517.34	Horowhenua Farmers' Ratepayer Group Horticulture NZ	Support	Reject Reject
66.05		Bruce & Christine Mitchell		Reject

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

No recommended amendments to Rule 19.6.19.

### **4.64 Rule 19.6.26 - Permitted Activity Condition (Signs)**

#### **4.64.1 Submissions Received**

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
98.45	Horticulture NZ	In-Part	There should be specific provision for signs for hazard identification and safety.	Amend Rule 19.6.26(b) to provide official signs, including for hazard identification and safety.	
108.05	HDC (Planning Department)	In-Part	The rule specifying the permitted display period for temporary signs 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	Amend Rule 19.6.26(c) as follows:  Any temporary sign shall be displayed for no longer than two (2) calendar months <del>in every calendar year</del> of a 12 month period and removed within seven	

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
			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.	(7) days after the event. Temporary signs do not need to be on the site of the temporary activity.	

One submitter seeks to provide for official signs and one submitter seeks to clarify the period of time temporary signs can be displayed.

#### 4.64.2 Discussion & Evaluation

1. Horticulture NZ (98.45) seeks to amend Rule 19.6.26(b) to provide for official signs including for hazard identification and safety. As discussed under section 4.40 of this report above, it is recommended to add health and safety signs as a permitted activity. Due to the legislative requirements to erect health and safety signage, it is not considered appropriate to restrict these types of signs in terms of their face area or other requirements to ensure they serve their purpose. A similar approach applies to official signs under Rule 19.6.26(b). Therefore, it is recommended to accept in part this submission point from Horticulture NZ, by adding reference to 'health and safety signs' in Table 19-1 and applying no conditions. A new definition of 'health and safety signs' is also recommended to clearly describe these types of signs. While I would recommend that these changes should be made across all zones I acknowledge that the submission point does not provide scope for this to be achieved as part of this process.
2. HDC (Planning Department) (108.05) seeks that the period of time a temporary sign can be displayed should refer to two months in 'a 12 month period' rather than 'every calendar year'. It is agreed that the rule as worded could provide for a temporary sign to be displayed from November until February, and it is recommended that the rule be reworded to refer to 'of a 12 month period' and that this submission point be accepted.

#### 4.64.3 Reporting Officer's Recommendation

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Officer's Recommendation
98.45		Horticulture NZ		Accept In-Part
108.05		HDC (Planning Department)		Accept

#### 4.64.4 Recommended Amendments to the Plan Provisions

Amend Rule 19.6.26(b) Table 19-1 as follows:

**Table 4-1: Maximum Face Area for Signs**

Type of Sign	Maximum Face Area (m <sup>2</sup> ) per site
Health and safety signs	N/A

Amend Rule 19.6.26(c) as follows:

‘(c) Any temporary sign shall be displayed for no longer than two (2) calendar months of ~~every one (1) year~~ a 12 month period and removed within seven (7) days after the event, and which do not need to be on the site of the temporary activity.’

Add a new definition of ‘health and safety signs’ to Section 26 as follows:

**Health and Safety Sign** means any warning of health and safety hazards, including but not limited to those required under any legislation such as Health and Safety in Employment Act 1992 and Hazardous Substances and New Organisms Act 1996.

## 4.65 Rule 19.6.30 - Permitted Activity Condition (Temporary Military Training Activities)

### 4.65.1 Submissions Received

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
95.15	New Zealand Defence Force (NZDF)	Support	Proposed change clarifies ambiguities which may have arisen with the definition in the Operative Plan.	Retain Rule 19.6.30(a)(iii) as notified	
95.53	New Zealand Defence Force (NZDF)	In-Part	Neutral stance on Rule 19.6.30(a)(ii).	Retain Rule 19.6.30(a)(ii) as notified.	
95.10	New Zealand Defence Force (NZDF)	In-Part	Neutral stance on Rule 19.6.30(a)(i).	Retain Rule 19.6.30(a)(i) as notified.	
95.24	New Zealand Defence Force (NZDF)	In-Part	Conditionally supports the introduction of these new noise standards, but has commissioned a 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, New Zealand Defence Force 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 19.6.30(a)(iv) (v) as notified (conditionally)	
95.34	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	Retain current provisions in the District Plan in regards to night time noise, which state;	



Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
			<p>not to exceed 122 dBC”</p> <p>The Section 32 reports supporting the Proposed Plan states that “it is considered efficient and effective to provide for permitted noise levels that are in character with the zone” but do not give any specific reasons why the change from the status quo is necessary. New Zealand Defence Force 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 New Zealand Defence Force opposes this proposed Permitted Activity condition, and request that the current provisions for the District Plan in respect of night-time noise be retained, with the proviso that New Zealand Defence Force would wish to discuss this matter further with Council once a more detailed technical review has been completed.</p>	<p><u>Impulse Noise Resulting from the use of explosives and small arms is not to exceed 122 dBC.</u></p>	

One submitter essentially supports Rule 19.6.30, but seeks to include the Operative Plan provision for night time noise.

#### **4.65.2 Discussion & Evaluation**

1. NZDF has made the same submission across all zones relating to the permitted activity conditions for the temporary military training activities. This matter was thoroughly assessed in the Urban Environment Section 42A Report, particularly under the Residential Zone provisions (see pages 68 – 76). I consider the evaluation and recommendations made in the Urban Environment Report should also apply to the Rural Zone. On this basis, I have copied the evaluation and recommendations from the Urban Environment Report (Residential Zone) below, with the respective submission points and rule references revised for the Rural Zone.
2. NZDF (95.15, 95.53 and 95.10) 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 (95.24 and 95.34) has concerns over the inclusion of new noise limits and conditions and is undertaking a technical review to understand the implications and whether the changes are appropriate from their point of view.

3. Temporary military training activities are listed as permitted activities in Rule 19.1(r) and have a corresponding list of permitted activity conditions in Rule 19.6.30 as follows:

*19.6.30 Temporary Military Training Activities*

(a) *All Temporary Military Activities shall 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.*

4. Other permitted activity conditions throughout Section 19.6 also apply, including the vibration standards in Rule 15.6.8. This approach to providing for temporary military training activities is replicated across all zones in the Proposed Plan.
5. As described above, temporary military training activities are exempt from the general noise limits in Rule 19.6.6 and are provided with specific noise standards as shown above in subclasses (iv) – (vi).
6. I note NZDF (95.15, 95.53 and 95.10) 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 19.6.30 and seeks that these provisions be retained as notified.
7. However the NZDF queries (95.24) the proposed noise limits on temporary military training activities in Rule 19.6.30(a)(iv) and (v), and opposes (95.34) 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.
8. The NZDF original submission (95.34) considers the Operative District Plan provisions to be more appropriate to provide for night time use of explosives and weapons, but seek to be able to discuss this further with HDC after a technical review has been completed of the Proposed Plan provisions. Similarly, the relief sought in (95.24) 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.
9. As a result of the Malcolm Hunt review, NZDF have requested alternative noise (and vibration) conditions (see Appendix 6.4 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.*

10. 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.
11. 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).
12. 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

13. 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 is Appended to this report (refer to Appendix 6.5).
14. Mr Lloyd states “The [Malcolm Hunt] report establishes five different categories of Temporary Military Training (TMT) activities, discusses reasonable noise limits that might apply and then recommends what criteria would be appropriate for District Plans.”
15. The five TMT categories are:
  - Live firing of weapons and single or multiple explosive events (1),
  - Firing of blank ammunition (2),
  - Mobile noise sources (excluding 1, 2) (3)

- Stationary noise sources (excluding 1, 2) (4)
- Helicopter landing areas (5).

### **Fixed and Mobile Noise sources (3) and (4)**

16. NZDF consider the construction noise standard (NZS 6803:1999 Acoustics - Construction noise) would be appropriate for any mobile noise sources. This would be consistent with the Proposed Plan and Nigel Lloyd considers this is still appropriate.
17. For fixed noise sources NZDF now seek similar noise limits to the general noise standard in Rule 15.6.11 that apply to the Residential 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 15.6.11. It is noted that the provisions sought by NZDF for fixed noise sources are more restrictive than the construction noise standard. Nigel Lloyd comments that this standard would provide better protection to residents and recommends that these limits be used instead of the construction standard.
18. I consider that the noise conditions relating to fixed and mobile noise sources from temporary military training activities, as requested by NZDF and considered appropriate by Nigel Lloyd, can be provided for in the Proposed Plan.
19. On the basis that the alternative provisions (for fixed and mobile noise sources) put forward to HDC 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.
20. I recommend that the original relief sought in submission 95.24 be accepted in part, insofar as accepting the NZDF's noise provisions for fixed and mobile activities. Recommended amendments to the temporary military training activity noise conditions are set out below in the following recommendation section of this report.

### **Noise from weapons firing and explosives**

21. 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 night time period of 8.00pm – 7.00am.
22. During the review of the Operative District Plan noise limits for temporary military training activities, Nigel 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.
23. The separation distances proposed by NZDF to manage noise and vibration from the use of weapons and explosives 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).

24. I initially considered that the use of the NZDF's separation distances would be ineffective and inefficient for the Horowhenua context. This was because the scale of the separation distances were such, that few areas in the district where compliance could be achieved. It followed, that 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). The result being, that NZDF could not operate a nighttime training event, involving the use of weapons or explosives, as a permitted activity. I considered a much simpler and clearer way of providing for this type of activity, would be to retain the Proposed Plan provisions of requiring a Controlled Activity consent.
25. The NZDF have sought the same provisions across all zones and presented evidence at the Council Hearing for the Open Space Zone on the 10<sup>th</sup> April 2012. Robert Owen from NZDF made the comment that the use of separation distances is an effective tool for NZDF in ascertaining where they can locate training events. The application of separation distances can be generated spatially in a relatively efficient way. The aspiration of NZDF is to roll out these separation distances across New Zealand. This would allow NZDF to generate what areas across the country are sufficiently isolated from residential dwellings and other sensitive activities.
26. Therefore, the application of these separation distances is not particularly effective or efficient within the Horowhenua district context, but thinking at a larger scale this method could have its advantages.
27. Where the NZDF separation distances cannot be achieved, the NZDF provisions default to using peak sound blast limits of 120d BC during the day and 90dBC during the night. They also offer the use preparation of a noise management plan.

*Conditions to be complied with if minimum separation distances for sources (1) and (2) cannot be met:*

*(a) Daytime sound levels do not exceed a peak sound pressure level of 120 dBC when measured at or within the 20 metre notional boundary of any dwelling, residentially zoned site, building used for residential, educational or health care purposes.*

*(b) Night time sound levels do not exceed a peak sound pressure level of 90 dBC when measured at or within the 20 metre notional boundary of any dwelling, residentially zoned site, building used for residential, educational or health care purposes.*

*(c) The activity is undertaken in accordance with a Noise Management Plan prepared by a suitably qualified expert and approved by Council at least 15 working days prior to the activity taking place. The Noise Management Plan shall, as a minimum, contain:*

- A description of the site and activity including times, dates, and nature and location of the proposed training activities.*
- Methods to minimise the noise disturbance at noise sensitive receiver sites such as selection of location, orientation, timing of noisy activities to limit noise received at sensitive receiver sites.*
- A map showing potentially affected noise sensitive sites and predicted peak sound pressure levels for each of these locations.*

- *A programme for notification and communication with the occupiers of affected noise sensitive sites prior to the activities commencing, including updates during the event.*
28. The daytime 120d BC limit as sought by NZDF equates to the 120b BC which is set out in Construction Noise Standard limit for airblast (Section 8.1.4 of NZS6803:1999) and is already provided for in the Proposed Plan.
29. In reference to the nighttime 90d BC limit as sought by NZDF the following comments were received from Nigel Lloyd:
- *The Generic Table [NZDF's Relief Sought in Appendix A of Emily Grace's Evidence] would have the noise limit as 90dBC for live firing of weapons and single or multiple explosive events and firing of blank ammunition. The live firing would need to be at least 4,500 metres from the noise sensitive activity to comply with this limit and the blank firing at least 2,250 metres. It is unreasonable to have night-time firing of weapons and single or multiple explosions as permitted activities in the District Plan given the high potential for noise impact on residents, stock and wildlife and given the large separation distances required to achieve reasonable night-time criteria.*
  - *The Proposed Plan currently provides for night-time firing and explosions as controlled activities and this is appropriate given that a resource consent can then provide details of the noise levels that are likely to be generated and also include provision for noise management plans. The resource consent and noise management plans would provide for a case-by-case assessment of the night-time firing taking into account the location and nature of the proposed activity, proximity to noise sensitive activities, and measures to mitigate noise impacts. I consider the approach in the Proposed Plan is more appropriate in managing the noise effects than that sought by NZDF.*
30. I consider the key point to take from Mr Lloyd's technical review, is that to comply with the technical parameters (whether separation distances or peak sound blast dBC limits) would be difficult during the nighttime period and could create unreasonable noise if not complied with. Therefore additional mitigation and management of this type of noise would be appropriate during the nighttime period, through a Controlled Activity resource consent process.
31. A solution could be to provide for the separation distances as permitted activity conditions but exclude the second part of the rule (a) – (c). As a result, where the separation distances cannot comply, then a Controlled Activity is required.
32. On this basis I recommend that the original NZDF submission point 95.34 be accepted in part, insofar as providing for a permitted activity condition to manage noise from the use of explosives and weapons at nighttime, and in accepting part of the NZDF's alternative provision.

### **Helicopter Noise**

33. By default, the Proposed Plan would manage noise from helicopters landing for temporary military training activities through the application of the construction noise standard (NZS6803:1999).

34. NZDF seek that noise generated from helicopters be managed through the application of the NZ6807:1994 *Noise Management and Land Use Planning for Helicopter Landing Areas*.
35. I understand that NZS6807:1994 provides recommended guideline limits on helicopter noise and that these guidelines apply when 10 or more flight movements occur over any month or exceed certain  $L_{AFMAX}$  limits (90dB daytime, 70dB nighttime).
36. I outline below some of the costs and benefits from applying NZS6807:1994 on temporary military training activities.
37. Benefits of applying NZS 6807:1994 to temporary military training activities:
- Gives HDC and NZDF certainty on the level of noise generated by helicopters used in association with temporary military training activities;
  - Better protection of amenity for residential dwellings from the noise effects of helicopters.
  - Enables a level of activity to occur before applying, therefore allowing one-off events or small training activities to occur without requiring compliance to noise limits.
38. Costs of applying NZS 6807:1994 to temporary military training activities:
- Compliance with the standard requires significant analysis that predicts noise levels and could be an unduly high cost for NZDF.
  - Uncertainty as to the application of the standard for training activities that involve multiple helicopter landing areas.
  - Compliance costs to HDC for monitoring noise in response to complaints.
39. Nigel Lloyd expressed concern regarding the use of NZS 6807:1994 for temporary military training activities due to the compliance costs on NZDF and HDC, particularly where there would be short bursts of activity, but involve greater than 10 helicopter movements. A possible option would be the exemption for temporary military training activities that involved the use of helicopters from the noise limits for up to 7 days. However, the implications of an exemption could have the potential to generate significant effects on amenity within an open space and nearby activities that are sensitive to noise.
40. In considering this matter, it is important to understand how much of an issue is helicopter noise and the nature and scale of use that is anticipated by NZDF. If the scale of helicopter use is most likely to involve 10 or less helicopter movements, then applying NZS 6807:1994 would enable these to occur, but would impose justifiable limits for activities that involve a greater number of helicopter movements.
41. On balance, and in weighing up the costs and benefits, including the comments from Nigel Lloyd and Malcolm Hunt, I consider the use of NZS6807:1994 would be more effective than the Proposed Plan in managing noise from helicopters that are part of a temporary military training activity. Based on this conclusion, I recommend that NZDF's alternative provision for helicopter noise be provided for within the permitted activity conditions for temporary military training activities in Rule 15.6.31.

### 4.65.3 Reporting Officer's Recommendation

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Officer's Recommendation
95.15		New Zealand Defence Force (NZDF)		Accept
95.53		New Zealand Defence Force (NZDF)		Accept
95.10		New Zealand Defence Force (NZDF)		Accept
95.24		New Zealand Defence Force (NZDF)		Accept In-Part
95.34		New Zealand Defence Force (NZDF)		Accept In-Part

### 4.65.4 Recommended Amendments to the Plan Provisions

Amend Rule 19.6.30 as follows:

#### 19.6.30 Temporary Military Training Activities

- (a) All temporary military training 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 consecutive days;
  - (iv) noise generated from mobile sources (other than weapons firing and use of explosives) shall not exceed the limits as set out in Table 2 of NZS 6803:1999 Acoustics - Construction noise when applied at any Residential Zone site boundary or notional boundary of any noise sensitive activity.
  - ~~(v) Noise levels shall be measured and assessed in accordance with that Standard as if it were construction noise; and~~
  - (v) Noise generated from any fixed source (other than weapons firing and use of explosives) shall comply with the noise limits and measurement set out in Rule 19.6.7(a) and (b), except that during the nighttime period (10.00pm – 7.00am) the noise limit shall be 75dB (L<sub>max</sub>).
  - ~~(vi) Noise resulting from the use of explosives and small arms weapons 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.~~
  - (vi) Noise generated from the use of helicopters shall comply with the noise limits set out in NZS6807:1994 Noise Management and Land Use Planning for Helicopter Landing Areas. Noise levels shall be measures in accordance with NZS6801:2008 Acoustics - Measurement of Sound.
  - (vii) Any training activities involving the use of explosives and weapons shall comply with the separation distances identified in Table 19.3.

Table 19.3: Separation Distances for Temporary Military Training Activities involving explosives and weapons.



<u>Type of military noise source</u>	<u>Standards</u>	
	<u>Time (Monday to Sunday)</u>	<u>Separation distance required from any dwelling, Residential or Greenbelt Residential Zone site, or building used for residential, educational or healthcare purposes</u>
<u>1. Live firing of weapons and single or multiple explosive events</u>	<u>0700 to 1900 hours</u>	<u>At least 1500m</u>
	<u>1900 to 0700 hours</u>	<u>At least 4500m</u>
<u>2. Firing of blank ammunition</u>	<u>0700 to 1900 hours</u>	<u>At least 750m</u>
	<u>1900 to 0700 hours</u>	<u>At least 2250m</u>

AND

Consequential changes to Table numbering through the Rural Zone Chapter.

## 4.66 Rule 19.7.1 – Controlled Activity (Subdivision of Land)

### 4.66.1 Submissions Received

<b>Sub No.</b>	<b>Submitter Name</b>	<b>Support/ In-Part/ Oppose</b>	<b>Summary of Submission</b>	<b>Decision Requested</b>	<b>Further Submission</b>
117.18	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 19.7.1(a) (v) as follows:  Effects on significant sites and features, including natural, cultural, <u>archaeological</u> and historical sites.	

One submitter seeks to amend Rule 19.7.1 to refer to archaeological sites.

### 4.66.2 Discussion & Evaluation

1. NZHPT (117.18) seeks to amend Rule 19.7.1(a) (v) to include the consideration of effects on archaeological sites. However, all matters related to subdivision are subject to Plan Change 20 and are beyond the scope of the District Plan review. Therefore it is recommended that the submission point is rejected and no changes are made to Rule 19.7.1.

### 4.66.3 Reporting Officer's Recommendation

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

### 4.66.4 Recommended Amendments to the Plan Provisions

No recommended amendments to Rule 19.7.1.

## 4.67 Rule 19.7.6 – Controlled Activity (Relocated Buildings)

### 4.67.1 Submissions Received

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
40.24	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 19.7.6	
40.35	House Movers Section of NZ Heavy Haulage Association Inc.	Oppose	Submitter seeks that any provision in the Plan for a performance bond or any restrictive covenants for the removal, re-siting, and relocation of dwellings and buildings be deleted.	Delete any provision in the Plan for a performance bond or any restrictive covenants for the removal, re-siting, and relocation of dwellings and buildings. Inferred delete Rule 19.7.6(a)(iii).	

One submitter seeks to provide for the relocation of buildings as a permitted activity.

### 4.67.2 Discussion & Evaluation

1. House Movers Section of NZ Heavy Haulage Association Inc. (40.24 and 40.35) seeks to delete Rule 19.7.6 and any provision in the Plan for a performance bond or any restrictive covenants for the removal, re-siting and relocation of buildings.
2. As evaluated earlier in this report in Section 4.34, it is considered that provision for relocated buildings as a Controlled Activity is the most appropriate activity status for this activity. It is noted that the Plan does not place covenants on the use of relocated buildings, these are applied by developers who wish to prevent buildings being relocated onto new subdivisions. With regard to bonds, the Council finds these a useful tool to ensure that remediation works are undertaken (i.e. repainting a relocated building). Therefore these submission points are recommended to be rejected and no changes made to Chapter 19.

### 4.67.3 Reporting Officer's Recommendation

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

### 4.67.4 Recommended Amendments to the Plan Provisions

No recommended amendments to Rule 19.7.6.

## 4.68 Rule 19.7.10 - Controlled Activity (Temporary Military Training Activities)

### 4.68.1 Submissions Received

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
95.44	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, New Zealand Defence Force requests that the matters for control are made more specific to noise In-Particular – in order to give the New Zealand Defence Force more certainty in understanding Council's requirements.	Retain Controlled activity status.  Amend Rule 19.7.10 by clarifying matters for control, especially in regards to noise.	

One submitter seeks to clarify Rule 19.7.10.

### 4.68.2 Discussion & Evaluation

1. NZDF (95.44) seeks to amend Rule 19.7.10 by clarifying the matters to which Council has limited its control. It is agreed that as worded the matter for control is broad in referring to "the avoidance, remedying or mitigating any adverse effects on the environment".
2. Rule 19.7.10 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 arise from one or more of the non-compliances with the permitted activity conditions, the broad matter of control is considered appropriate. On this basis, I recommend submission point 95.44 be rejected.

### 4.68.3 Reporting Officer's Recommendation

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Officer's Recommendation
95.44		New Zealand Defence Force (NZDF)		Reject

### 4.68.4 Recommended Amendments to the Plan Provisions

No recommended amendments to Rule 19.7.10.

## 4.69 Rule 19.7.X – New Controlled Activity (Aggregate Extraction)

### 4.69.1 Submissions Received

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
77.03	Higgins Group Holdings Ltd	In-Part	The effects of Aggregate Extraction activities are well known and are confined to certain matters such as noise, vibration, dust, traffic and visual amenity effects. Almost all aggregate extraction takes place in the Rural Zone. Therefore, it is submitted that Aggregate Extraction should be a controlled activity in the Rural Zone.	Amend Rule 19.7 by including; <u>Rule 19.7.X Matters of Control and Conditions for Controlled Activities</u> a) <u>Matters of Control</u> i) <u>The management of noise and vibration</u> ii) <u>The management of heavy vehicle movements on local roads</u> iii) <u>Management of dust, erosion and sediment discharges beyond the site</u> iv) <u>The effects of modifications to the landscape character and particularly on the amenity values of any outstanding natural feature of landscape.</u>	506.38 Ernslaw One Ltd - Support

One submitter seeks to include matters of control for aggregate extraction.

### 4.69.2 Discussion & Evaluation

1. Higgins (77.03) seeks to include under Rule 19.7, new matters for control for Aggregate Extraction. This is supported by a further submission from Ernslaw One (506.38).
2. As discussed previously under section 4.44 above in this report, making aggregate extraction a controlled activity is recommended to be rejected. As such, it is not necessary to list matters to which Council has limited its control for this activity. It is therefore recommended that this submission point be rejected and no changes made to Rule 19.7.

### 4.69.3 Reporting Officer's Recommendation

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Officer's Recommendation
77.03		Higgins Group Holdings Ltd		Reject
	506.38	Ernslaw One Ltd	Support	Reject

### 4.69.4 Recommended Amendments to the Plan Provisions

No recommended amendments to Rule 19.7.

## 4.70 Rule 19.8 – Discretionary Activity (Aggregate Extraction)

### 4.70.1 Submissions Received

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
77.09	Higgins Group Holdings Ltd	In-Part	Would like to see a new condition for permitted activities be inserted under 19.8 that limits the establishment of dwellings and other noise sensitive activities within 500 metres of the boundaries of any lawfully established aggregate extraction site or the Ohau River bed.	Amend Rule 19.8 by including: <u>19.8.X Separation Distances from Aggregate Extraction Sites.</u> <u>(a) Matters of Discretion</u> <u>(i) Reverse sensitivity effects including those created by, but not limited to, noise, vibration, dust, heavy traffic and visual amenity.</u>	506.44 Ernslaw One Ltd - Support

One submitter seeks to include assessment matters for aggregate extraction sites.

### 4.70.2 Discussion & Evaluation

1. Higgins (77.09) seeks to include matters of discretion to be applied to applications for residential dwelling units to be located within 500 metres of an aggregate extraction site. This is supported by a further submission from Ernslaw One (506.44).
2. In Section 4.53 above in this report, it was concluded that further information is required before adding a new setback to Rule 19.6.4 to provide a minimum setback for new residential dwelling units from aggregate extraction sites. However, it is noted that Rule 19.8 lists the matters to which Council has restricted its discretion for activities that are specifically listed as Restricted Discretionary Activities rather than for permitted activities that do not meet the permitted activity conditions. Therefore, if a new setback rule was added, I consider it would be more appropriate to add a further matter to the Assessment Criteria in Chapter 25 (25.2.2 Buildings). Depending on what further information is presented at the hearing, it may be appropriate to add to this criteria. Therefore, at this time, it is recommended to reject the

submission point, pending further information which may be presented by the submitter at the hearing.

#### **4.70.3 Reporting Officer's Recommendation**

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Officer's Recommendation
77.09		Higgins Group Holdings Ltd		Reject
	506.44	Ernslaw One Ltd	Support	Reject

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

No recommended amendments to Rule 19.8.

### **4.71 Rule 19.8.7 - Restricted Discretionary Activity (Signs)**

#### **4.71.1 Submissions Received**

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
94.22	NZ Transport Agency (NZTA)	Support	Support Rule 19.8.7	Retain Rule 19.8.7 as notified	

One submitter supports Rule 19.8.7.

#### **4.71.2 Discussion & Evaluation**

1. NZTA (94.22) supports and seeks to retain Rule 19.8.7 as proposed.
2. As no submissions were received in opposition, it is recommended that the submission be accepted and no changes made to Rule 19.8.7.

#### **4.71.3 Reporting Officer's Recommendation**

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Officer's Recommendation
94.22		NZ Transport Agency (NZTA)		Accept

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

No recommended amendments to Rule 19.8.7.

## 4.72 Chapter 19 – General Matters

### 4.72.1 Submissions Received

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
93.23	The Oil Companies	Support	Support cross referencing to national environmental standards in chapter.	Retain the cross reference to National Environmental Standards in Chapter 19.	
78.10	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 Rural Chapter, other than specific cross referencing to particular standards in the zone chapters where relevant and reasonably applicable to network utilities.	
79.10	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 Rural Chapter.	
40.09	House Movers Section of NZ Heavy Haulage Association Inc.	Oppose	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.  The policy provisions relating to relocated dwellings and buildings in	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	

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
			<p>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>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>i) <u>proposed landscaping</u></p> <p>ii) <u>the proposed timetable for completion of the work required to reinstate</u></p> <p>iii) <u>the appearance of the building following reinstatement</u></p>	
103.00	Colin Easton	In-Part	<p>Concern in regards to the use of Land Use Capability (LUC) as a means of identifying land that is class 1 &amp; 2 (identified in the District Plan as being of a special nature that should be protected from subdivision for present and future generations). Class 1 &amp; 2 lands are highly desirable for all types of farming including horticulture. The LUC that identified Class 1 &amp; 2 &amp; 3 &amp; 4 has large areas of which can still be subdivided which should not be allowed.</p> <p>I have a property south of Ridge Road, Foxton of which ½ is classified Class 1 &amp; 2, and the other half 3 &amp; 4. This whole property can however grow anything that is grown in the Opiki area and has a good water table.</p> <p>Furthermore, 52 Hickford Road subdivision was on land classified as being rubbish along with sand country. I own surrounding land which is should be classified as elite soil due to the growing capabilities.</p> <p>Future generations will suffer if the council continues to subdivide good land.</p> <p>Local farmers with years of experience can identify which land</p>	<p>Amend the application of the Land Use Capability system in the Plan. The LUC systems need a complete revaluation of what soils are elite and what are not and only allow subdivision in the non-elite area.</p>	<p>517.35 Horticulture NZ - In Part</p> <p>528.28 Horizons Regional Council - Oppose</p>



Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
			is of excellent soil quality and what isn't.		
105.00	Bill Huzziff	In-Part	<p>Concern in regards to the use of Land Use Capability (LUC) as a means of identifying land that is class 1 &amp; 2 (identified in the District Plan as being of a special nature that should be protected from subdivision for present and future generations). Class 1 &amp; 2 lands are highly desirable for all types of farming and horticulture.</p> <p>The LUC system is fundamentally flawed. For my area (Foxton) it fails to identify large areas of land that are superior soils. Of particular note is the farmland between Ridge Road and the Moutua spillway. The District Council has allowed subdivision to take place on these elite soils (e.g. 53 Hickford Road).</p> <p>Despite opposition from farmers the subdivision went ahead. The agent and farmers were aware of the quality of the soil but the LUC system wasn't.</p> <p>The Council is relying too heavily upon the LUC system. A rough and ready guide is not adequate for this purpose.</p>	Amend the application of the Land Use Capability system in the Plan. The LUC systems need a complete revaluation of what soils are elite and what are not and only allow subdivision in the non-elite area.	
107.01	Rosalie Huzziff	In-Part	<p>All subdivision is currently classified as being a controlled activity. It is in the District Plan that urban development in the Foxton dune field domain should be kept of the dunes but the land area between dunes would be the land most susceptible to liquefaction.</p> <p>Therefore no residential subdivision should take place in this domain. It should be kept entirely for agricultural use.</p>	Amend Section 19 so that subdivision is prohibited in the Foxton dune field domain.	
117.28	New Zealand Historic Places Trust (NZHPT)	In-Part	<p>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</p>	Amend Chapter 19 to include earthworks rules that apply to historic heritage sites. Any earthworks within these sites should be restricted	

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
			of important archaeological sites.	discretionary or discretionary activities dependent on the effects of the proposed earthworks on the heritage values of the sites.	

One submitter supports the cross reference to National Environmental Standards (NES). Two submitters seek to delete all network utility rules and standards. Two submitters seek to amend the application of the Land Use Capability system (LUC). One submitter seeks to make subdivision prohibited and one submitter to include earthwork rules for historic heritage sites. One submitter seeks to include assessment matters for relocated buildings.

#### **4.72.2 Discussion & Evaluation**

##### **Cross-References to National Environmental Standards**

1. The Oil Companies (93.23) seek to retain the cross reference to NES's in Chapter 19. The submitter's support is acknowledged and as no submissions were received in opposition, it is recommended that the submission point be accepted and no changes made to Chapter 19.

##### **Network Utilities Rules and Standards**

2. Telecom (78.10) and Chorus (79.10) seek that all network utility rules and standards within the Rural Zone Rule Chapter be deleted, other than specific cross referencing to particular standards in the zone chapters where relevant and reasonably applicable to network utilities. The standards applying to network utilities should be contained in one chapter.
3. District Plans have different layouts and HDC have chosen to include rules for network utilities in each zone chapter, and set out the conditions to which utilities must comply in Chapter 22, although it is noted that other provisions in the zone sections may apply. This approach is applied to other activities and matters as well, including hazardous substances and transportation. Therefore, it is recommended that the submission points be rejected and a standalone section containing all rules relating to network utilities is not created.

##### **Relocated Buildings**

4. House Movers Section of NZ Heavy Haulage Association Inc (40.09) provides an alternative method of providing for relocated building/dwellings if the Proposed Plan does not provide for 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.
5. 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.

6. For the reasons discussed earlier in this report, a Restricted Discretionary Activity status and amendments to the Chapter 2 policy framework on the placement of relocated buildings is not considered appropriate and submission point 40.09 is recommended to be rejected.

### **Land Use Classification**

7. Bill Huzziff (105.00) and Easton (103.00) supported in part by a further submission from Horticulture NZ (517.35) and opposed by a further submission from Horizons (528.28) seek to amend the Land Use Classification (LUC) system in the Plan as they contend it needs a complete revaluation of what elite soils are and only allow subdivision in the non-elite area. Rosalie Huzziff (107.01) seeks to amend Chapter 19 to make subdivision in the Foxton dune field prohibited.
8. Whilst these submissions are acknowledged, it is noted that rural subdivision, including the use of the LUC system, was evaluated through Plan Change 20. HDC has decided that any provisions subject to Plan Change 20 would be outside the scope of the District Plan review given that this Plan Change was not operative at the time the Proposed Plan was notified. It is therefore recommended that these submission points be rejected. The submitters may wish to review the Plan Change 20 documentation to understand the changes to the rural subdivision provisions.

### **Historic Heritage**

9. NZHPT (117.28) seeks that Chapter 19 is amended to include earthwork rules to apply to historic heritage sites. The submitter considers that any earthworks within these sites should be restricted discretionary or discretionary activities depending on the effects of the proposed earthworks on the heritage values of the sites.
10. It is noted that under Rule 19.4.10 earthworks within the heritage setting of a Group 1 or 2 building or structure and under Rule 19.4.11 earthworks on a site listed in Schedule 2 are Discretionary Activities. It is considered that this meets the submitter's concerns and it is recommended that the submission be accepted in part but no changes are required to Chapter 19.

### **4.72.3 Reporting Officer's Recommendation**

<b>Sub. No</b>	<b>Further Sub. No.</b>	<b>Submitter Name</b>	<b>Further Submitter Position</b>	<b>Officer's Recommendation</b>
93.23		The Oil Companies		Accept
78.10		Telecom New Zealand Ltd		Reject
79.10		Chorus New Zealand Ltd		Reject
40.09		House Movers Section of NZ Heavy Haulage Association Inc.		Reject
103.00		Colin Easton		Reject

	517.35	Horticulture NZ	In Part	Accept In-Part
	528.28	Horizons Regional Council	Oppose	Reject
105.00		Bill Huzziff		Reject
107.01		Rosalie Huzziff		Reject
117.28		New Zealand Historic Places Trust (NZHPT)		Accept In-Part

#### 4.72.4 Recommended Amendments to the Plan Provisions

No recommended amendments to Chapter 19.

### 4.73 Assessment Criteria - 25.2.1 General

#### 4.73.1 Submissions Received

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
44.24	Genesis Power Ltd	In-Part	Submitter seeks that the positive local, regional and national benefits of an activity are recognised in the assessment of an activity.	Amend Assessment Criteria 25.2.1 to include the following:  <u>(l) The positive local, regional and national benefits promoted by the development or use</u>	
99.39	Transpower New Zealand Ltd	Support	The criteria reference the extent to which alternative sites, designs and layout have been considered, thereby giving effect to Policy 4 of the NPSET.	Retain assessment criteria 25.2.1(e), (k)	
99.40	Transpower New Zealand Ltd	In-Part	Transpower seeks an assessment criteria be included in Section 25.2.1 of the District Plan to require an assessment as to whether land use development in the Rural Zone would have an adverse effect on the operation, maintenance, upgrading or development of the electricity transmission network.	Include a new General Assessment Criteria under 25.2.1 as follows:  (a) ...  <u>(l) whether the development would have an adverse effect on the operation, maintenance, upgrading or development of the electricity transmission network</u>	
32.24	NZ Pork Industry Board	Support		Retain intent of 25.2.1(d)	
44.22	Genesis Power	In-Part	Submitter seeks amendment to Assessment Criteria 25.2.1(d). To	Amend Assessment Criteria 25.2.1(d) as	

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
	Ltd		give effect to the Renewables NPS, it is considered appropriate that regard is had to any reverse sensitivity effect that may be generated by the establishment of a land use activity in proximity to an existing renewable energy generation site.	follows:  The likelihood of the proposed activity to generate reverse sensitivity effects on the primary production, existing renewable energy generation sites and intensive farming activities, and the potential impact these may have on the continuing effective and efficient operation of the primary production, <u>existing renewable energy generation and intensive farming activities.</u>	
98.51	Horticulture NZ	Support	Horticulture NZ supports the inclusion of 25.2.1 d) to assess the likelihood of reverse sensitivity effects on primary production activities.	Retain 25.2.1(d)	
32.25	NZ Pork Industry Board (NZ Pork)	Support		Retain intent of 25.2.1(h)	

Three submissions support Assessment Matters 25.2.1(d) and 25.2.1(h). Three submissions seek changes to the Assessment Matters. One submission in support of Assessment Matters 25.2.1(e) and (k) was received.

#### **4.73.2 Discussion & Evaluation**

1. Genesis (44.24) seeks to include new assessment criteria to consider the positive local, regional and national benefits of an activity. It is agreed that this is an appropriate consideration particularly when considering applications for energy generation or even primary production, where the economic benefits are not confined to the Horowhenua. It is recommended that the submission point be accepted in part and new assessment criteria added to 25.2.1, albeit with wording amended slightly from that requested by the submitter.
2. Transpower (99.39) supports the criteria set out in 25.2.1 (e) and (k). Sub-clause (e) assesses the compatibility of buildings and activities with the subject area, and sub-clause (k) guides the consideration of alternative sites, designs and layout. Transpower's support is noted for these Proposed Plan provisions.
3. Transpower (99.40) seeks to include new general assessment criteria to assess whether an activity would have an adverse effect on the operation, maintenance, upgrading or

development of electricity transmission networks. Again, this matter would be an appropriate consideration given the importance of the electricity transmission network and it is recommended that a new assessment criteria be added as sought by Transpower.

4. NZ Pork (32.24) and Horticulture NZ (98.51) seek to retain the intent of Assessment Criteria 25.2.1(d) whereas Genesis (44.22) seeks to include consideration of reverse sensitivity effects on existing renewable energy generation. Genesis considers the additional criteria is required to give effect to the NPS on Renewable Electricity Generation. Assessment Criteria 25.2.1(d) currently relates to reverse sensitivity effects on primary production and intensive farming activities.
5. It is appropriate to consider effects of activities on other existing activities, such as renewable generation, as these are important assets that should not be unduly restricted. It is therefore recommended that Assessment Criteria 25.2.1(d) is amended to refer to other lawfully established activities, which would include existing renewable energy generation sites.
6. NZ Pork (32.25) seeks to retain the intent of Assessment Criteria 25.2.1(h). The support of the submitter is acknowledged and as no submissions in opposition were received, it is recommended that the submission point be accepted and no changes are made to Assessment Criteria 25.2.1(h).

#### 4.73.3 Reporting Officer's Recommendation

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Officer's Recommendation
44.24		Genesis Power Ltd		Accept In-Part
99.39		Transpower New Zealand Ltd		Accept
99.40		Transpower New Zealand Ltd		Accept
32.24		NZ Pork Industry Board		Accept In-Part
44.22		Genesis Power Ltd		Accept In-Part
98.51		Horticulture NZ		Accept In-Part
32.25		NZ Pork Industry Board		Accept

#### 4.73.4 Recommended Amendments to the Plan Provisions

Amend Assessment Criteria 25.2.1 General as follows:

.....

(d) The likelihood of the proposed activity to generate reverse sensitivity effects on the primary production, ~~and intensive farming activities~~ and other lawfully established activities, and the potential impact these may have on the continuing effective and efficient operation of the primary production, ~~and intensive farming activities~~ and other lawfully established activities.

(l) The positive local, regional and national benefits of undertaking the activity.

(m) Whether the development or activity would have an adverse effect on the operation, maintenance, upgrading or development of the electricity transmission network.

## 4.74 Assessment Criteria - 25.2.2 Buildings

### 4.74.1 Submissions Received

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
98.52	Horticulture NZ	In-Part	There are specific criteria listed for buildings under 25.2.2. It is assumed that the general criteria in 25.2.1 would also apply to buildings. This should be explicit.	<p>Amend Assessment Matter 25.2.2 Buildings as follows:</p> <p>25.2.2 Buildings</p> <p><u>In addition to assessment criteria in 25.2.1 buildings need to address specific assessment criteria</u></p> <p>(a) The extent of any adverse effects on the environment from exceeding maximum height and In-Particular the effect of any increased building height on the visual character of the area and its compatibility with the scale of adjoining buildings.</p> <p>...</p> <p>(h) Any adverse effects on adjoining sites of the proximity of the building, in terms of reduced privacy through being overlooked from or being in close proximity to neighbouring buildings, to an extent which is inconsistent with the surrounding environment <u>including potential reverse sensitivity effects on primary production activities.</u></p>	
99.41	Transpower New Zealand Ltd	In-Part	Additional relief is sought below to require an assessment of the development / activity on the	Include a new assessment criteria relating to buildings under	

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
			operation, maintenance, upgrading or development of the electricity transmission network as well as appropriately assess network utility activities in general.	25.2.2 as follows: <u>(k) whether development within the transmission corridor would have an adverse effect on the operation, maintenance, upgrading or development of the electricity transmission network.</u>	

One submitter seeks to clarify the application of the assessment criteria and one submitter seeks to include a new assessment matter.

#### 4.74.2 Discussion & Evaluation

1. Horticulture NZ (98.52) seeks to include wording under Assessment Criteria 25.2.2 to clarify that the specific Assessment Criteria for 'buildings' are in addition to the 'general' Assessment Criteria under 25.2.1. The submitter also seeks to add consideration of potential reverse sensitivity effects on primary production activities under Assessment Criteria 25.2.2(h).
2. It is intended that all land use applications would be considered against the applicable criteria under 25.2.1 General. Then there are specific criteria for different activities i.e. buildings, tree planting and intensive farming, for example. Adding an introductory statement below the heading would clarify this matter. Given this tiered approach to Assessment Criteria, adding a criteria for reverse sensitivity for the 'buildings' criteria in 25.2.2 is not considered necessary as it is already included in the criteria under 25.2.1 General. The submission point from Horticulture NZ is recommended to be accepted in part.
3. Transpower (99.41) seeks to include new assessment criteria to consider whether development within the transmission corridor will have an adverse effect on the operation, maintenance or development of the electricity transmission network. It is recommended that the submission point from Transpower is accepted as there is a specific setback rule for buildings from high voltage transmission lines, and the issues and effects of this non-compliance would not be effectively covered by the other existing criteria. Due to the recommended amendment in 4.59 of this report, I recommend that the wording requested by the submitter be amended to refer to National Grid Corridor instead of transmission corridor.

#### 4.74.3 Reporting Officer's Recommendation

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Officer's Recommendation
98.52		Horticulture NZ		Accept In-Part
99.41		Transpower New Zealand Ltd		Accept



#### 4.74.4 Recommended Amendments to the Plan Provisions

Amend 25.2 as follows

#### 25.2 Assessment Criteria for Land Use Consents in the Rural Zone

The following criteria will be used in assessing land use applications.

##### 25.2.1 General

....

##### 25.2.1 Buildings

....

(k) Whether development within the National Grid Corridor would have an adverse effect on the operation, maintenance, upgrading or development of the electricity transmission network.

### 4.75 Assessment Criteria - 25.2.4 Tree Planting

#### 4.75.1 Submissions Received

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
94.34	NZ Transport Agency (NZTA)	Support	Support Assessment Criteria 25.2.4 (a)	Retain as notified.	
99.42	Transpower New Zealand Ltd	In-Part	Additional relief is sought below to require an assessment of the development / activity on the operation, maintenance, upgrading or development of the electricity transmission network as well as appropriately assess network utility activities in general.	Include a new assessment criteria relating to Tree Planting under 25.2.4 as follows:  <u>(h) whether tree planting within the transmission corridor would have an adverse effect on the operation, maintenance, upgrading or development of the electricity transmission network.</u>	517.38 Horticulture NZ – In-Part
55.08	KiwiRail	In-Part	Submitter seeks amendment to Assessment Criteria 25.2.4(a) as the poor location of land uses including structures, vegetation and signage can obstruct the required safety sightlines for railway level crossings. It is important that level crossings sightlines are free from obstructions to enable road users approaching a level crossing to check for trains. Of particular	Amend clause Assessment Criteria 25.2.4(a) by adding the following:  a) The proximity to and potential effects on residential dwellings, roads, and/or utilities from established trees in terms of tree debris,	506.57 Ernslaw One Ltd - In-Part  521.06 NZ Transport Agency (NZTA) - Support

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
			concern is plantation planting and shelter belts – the latter of which tend to be fast growing and obscure sightlines.	shading and icing of roads, <u>level crossing sightlines maintenance</u> and residential and rural amenity.	

One submitter supports the Assessment Criteria 25.2.4(a), one submitter seeks to amend the criteria and one submitter seeks to include a new criteria.

#### 4.75.2 Discussion & Evaluation

1. NZTA (94.34) supports Assessment Criteria 25.2.4(a) and seeks that it be retained as notified. This support is acknowledged.
2. KiwiRail (55.08) seek to add reference to maintaining level crossing sightlines to the existing criteria. This submission is supported in part by a further submission from Ernslaw One (506.57) and supported by a further submission from NZTA (521.06).
3. There are conditions in the District Plan to manage effects on level crossings and it would be efficient and effective to include assessment criteria to consider the effect of tree planting on this matter. Safety at level crossings is important and clear sightlines should be maintained for this reason. It is therefore recommended that the submission point from KiwiRail be accepted in part and Assessment Criteria 25.2.4 be amended as sought by the submitter, albeit worded slightly differently.
4. Transpower (99.42) supported in part by a further submission from Horticulture NZ (517.38) seeks to include a new criteria to consider whether tree planting within the transmission corridor would have an adverse effect on its operation, maintenance, upgrading or development. As there are no rules or provisions in Proposed Plan managing trees within the transmission corridor (i.e. it is managed by the Electricity (Hazards from Trees) Regulations 2003), it is not considered appropriate to add an assessment criteria. Therefore, it is recommended this submission point be rejected.

#### 4.75.3 Reporting Officer's Recommendation

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Officer's Recommendation
94.34		NZ Transport Agency (NZTA)		Accept In-Part
99.42	517.38	Transpower New Zealand Ltd Horticulture NZ	In Part	Reject Accept In-Part
55.08	506.57 521.06	KiwiRail Ernslaw One Ltd NZ Transport Agency (NZTA)	In Part Support	Accept In-Part Accept In-Part Accept In-Part

#### 4.75.4 Recommended Amendments to the Plan Provisions

Amend Assessment Criteria 25.2.4(a) as follows

##### 25.2.4 Tree Planting

(a) The proximity to and potential effects on residential dwellings, roads, and/or utilities from established trees in terms of tree debris, shading and icing of roads, maintenance of level crossing sightlines, residential and rural amenity.

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## 4.76 Assessment Criteria - 25.2.6 Non-Primary Production Activities

### 4.76.1 Submissions Received

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
32.26	NZ Pork Industry Board	Support		Retain intent of 25.2.6(b)	
32.27	NZ Pork Industry Board	Support		Retain intent of 25.2.6(f)	
98.53	Horticulture NZ	In-Part	Matter (f) relates to reverse sensitivity effects. The assessment should be on the potential for reverse sensitivity as actual effects are not known at assessment stage.	Amend 25.2.6(f) as follows:  (f) The extent to which the non-primary production activity <u>has the potential to generate</u> reverse sensitivity effects and reduces the efficient and effective use of the Rural Zone by primary production activities.	

One submitter seeks to retain the intent of Assessment Criteria 25.2.6(b) and (f) whereas one submitter seeks to amend Assessment Criteria 25.2.6(f).

### 4.76.2 Discussion & Evaluation

1. NZ Pork (32.26) seeks to retain the intent of Assessment Criteria 25.2.6(a). This support is acknowledged and as no further submissions were received in opposition, it is recommended that the submission point be accepted and no changes made to Assessment Criteria 25.2.6(a).
2. NZ Pork (32.27) seeks to retain Assessment Criteria 25.2.6(f) whereas Horticulture NZ (98.53) seeks to amend the criteria to refer to the extent to which a non-primary production activity 'has the potential' to generate reverse sensitivity effects. The submitter is mindful of the fact that actual effects are not known at the assessment stage.

3. It is agreed that the assessment criteria should refer to 'potential' as the activity is not generating reverse sensitivity effects at the time of assessment, as it has not been established yet. It is therefore recommended that the submission point from Horticulture NZ be accepted and the submission point from NZ Pork be accepted in part, and Assessment Criteria 25.2.6(f) be amended to refer to 'has the potential'.

#### 4.76.3 Reporting Officer's Recommendation

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Officer's Recommendation
32.26		NZ Pork Industry Board		Accept
32.27		NZ Pork Industry Board		Accept In-Part
98.53		Horticulture NZ		Accept

#### 4.76.4 Recommended Amendments to the Plan Provisions

Amend Assessment Criteria 25.2.6(f) as follows:

##### 25.2.6 Non-Primary Production Activities

...

- (f) The extent to which the non-primary production activity has the potential to generates reverse sensitivity effects and reduces the efficient and effective use of the Rural Zone by primary production activities.

## 4.77 Chapter 26 - Definitions

### 4.77.1 Submissions Received

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
27.32	Horizons Regional Council	In-Part	There is concern that dairy milking sheds have been specifically excluded from the definition of intensive farming and effluent storage and/or treatment facilities are not mentioned in the definition. Horizons consider that dairy farming activities to fall within the intensive farming category.	Amend the definition for Intensive Farming activities to include dairy farming activities or provide clarification around the exclusion of such activities.	516.26 Federated Farmers of New Zealand - Oppose
32.30	NZ Pork Industry Board	In-Part	NZ Pork supports the definition which seeks to link outdoor intensive farming practices with the ability to maintain ground cover. However, opposes the current definitions inclusions of	Amend Definition of Intensive Farming as follows:  Intensive Farming means any farming activity which	

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
			<p>'substantially proving food and fertilizers from off the site'. In our view this is not what should trigger an intensive farm definition as it is unclear as to what constitutes 'substantial' i.e. could a dairy farms that provide supplement feeds and apply fertilizer trigger the definition. The definition also does not allow for free range pig farms with over 5 pigs, where ground cover can be maintained and therefore any potential effect on amenities is low.</p>	<p>predominantly involves the housing or raising of animals, plants or other living organism within buildings or in closely fenced enclosures where the stocking density precludes the maintenance of pasture or ground cover, <del>and which is substantially provided for by food or fertiliser from off the site;</del> and includes intensive pig farming, poultry farming, and mushrooms farms; but excludes:</p> <ul style="list-style-type: none"> <li>• horticulture undertaken in greenhouses,</li> <li>• shearing sheds; and dairy milking sheds;</li> <li>• keeping, rearing or breeding of poultry of 20 or fewer birds; and</li> <li>• the keeping, breeding or rearing of five (5) or fewer pigs that have been weaned, or more than two (2) sows (with progeny until weaned).</li> </ul>	
27.33	Horizons Regional Council	In-Part	The submitter seeks clarification as to whether non-habitable dwellings are included within this definition as this may affect the intention behind Rule 19.1(m).	Amend as required/provide clarification.	
74.05	Ernslaw One Limited	In-Part	Oppose the proposed wording of the definition for Primary Production Activity.	<p>Amend definition for Primary Production Activity as follows:</p> <p>Primary Production Activity includes any agricultural, horticultural, floricultural, arboricultural, <u>plantation</u> forestry or intensive farming activity</p>	513.38 Rayonier New Zealand Ltd - Support

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
				but does not include mineral extraction or mineral processing or the harvesting clearance or modification of indigenous vegetation.	
32.32	NZ Pork Industry Board	Support	Submitter supports the definition for Primary Production.	Retain definition of Primary Production Activities are notified.	506.67 Ernslaw One Ltd - Oppose
96.44	Federated Farmers of New Zealand	In-Part	Federate Farmers supports the definition of Primary Production Activity, however, we submit that earthworks associated with agriculture and horticulture is incorporated into the definition of Primary Production Activities.	Amend definition of Primary Production Activities by inserting reference to agricultural and horticultural earthworks.	506.28 Ernslaw One Ltd – In-Part 517.40 Horticulture NZ - In-Part 518.17 Transpower New Zealand Ltd - In-Part
50.05	Rayonier NZ Ltd	In-Part	Submitter seeks to amend the definition of Primary Production Activity to specify plantation forestry.	Amend definition of Primary Production as follows:  Primary Production Activity includes any agricultural, horticultural, floricultural, arboricultural, <u>plantation</u> forestry or intensive farming activity....	506.75 Ernslaw One Ltd - Support

Two submitters seek to amend the definition of Intensive Farming. Five submissions seek to amend the definition of Primary Production Activity.

#### **4.77.2 Discussion & Evaluation**

##### **Intensive Farming Activity**

1. Horizons (27.32) seek to amend the definition of Intensive Farming to include dairy farming activities or provide clarification around the exclusion of such activities. This is opposed by a further submission from Federated Farmers (516.26). NZ Pork (32.30) seeks to amend the definition of Intensive Farming by removing the reference to food and fertiliser being substantially provided for from off-site.
2. A definition does not need to clarify what it excludes. Dairy farming, where the cows are grazed outside is not considered to be intensive farming, otherwise this would also require the inclusion of all types of pastoral farming. If however, as is starting to be the case, cows are kept in open barns and do not graze outdoors, then this type of dairy farming would be intensive farming. Concerns about the location of effluent storage and treatment are addressed in Section 4.53 above in this report.

3. The definition implies that intensive farming is defined by the fact that food and fertilisers have to be brought onto site. It is acknowledged this situation is not always the case, such as the rearing of cows indoors allows the farmer to utilise the rest of the farm to grow feed. With specific reference to NZ Pork's concerns about exclusion of free range pig farming, if the pigs are housed outside and the ground cover is maintained it would be tripped into intensive farming because feed is often brought onto the site/farm.
4. It is therefore recommended that the submission point from Horizons be rejected and the submission points from NZ Pork and Federated Farmers be accepted and the definition of Intensive Farming amended accordingly.

### **Primary Production Activity**

5. Horizons (27.33) seek clarification as to whether non-habitable dwellings are included in the definition of Primary Production Activity as this may affect the intention behind Rule 19.1(m). Ernslaw One (74.05) supported by a further submission from Rayonier (513.38) and Rayonier (50.05) supported by a further submission from Ernslaw One (506.75) seek to amend the definition to refer to 'plantation' forestry. NZ Pork (32.32), opposed by a further submission from Ernslaw One (506.67) seeks to retain the definition of Primary Production Activities as notified. Federated Farmers (96.44), supported in part by further submissions from Ernslaw One (506.28), Horticulture NZ (517.40) and Transpower (518.17) seeks to amend the definition of Primary Production Activity by inserting reference to agricultural and horticultural earthworks.
6. The support of NZ Pork for the definition of Primary Production Activity is noted. It is confirmed that the definition does not include non-habitable dwellings but it is considered appropriate to refer to 'plantation' forestry as this reflects the term used in the rules and conditions of the Chapter 19. It also differentiates it from forests that may not be grown for commercial purposes. With regard to the inclusion of earthworks, it is noted that the definition of 'earthworks' includes stripping of vegetation and top soil. However, it is noted that the conditions for earthworks only apply in specific landscape domains: earthworks outside the specific areas are permitted without limit. The cultivation of crops and post holes etc is excluded from the term 'earthworks' in the rules; therefore there is no necessity for the definition to exclude earthworks associated with agriculture and horticulture.
7. It is therefore recommended that the submission points from Horizons and Federated Farmers are rejected, the submission points from Ernslaw One and Rayonier are accepted and the submission point from NZ Pork is accepted in part. It is also recommended that the definition of Primary Production Activity be amended to refer to 'Production Forestry'.

### **4.77.3 Reporting Officer's Recommendation**

<b>Sub. No</b>	<b>Further Sub. No.</b>	<b>Submitter Name</b>	<b>Further Submitter Position</b>	<b>Officer's Recommendation</b>
27.32		Horizons Regional Council		Reject
	516.26	Federated Farmers of New Zealand	Oppose	Accept
32.30		NZ Pork Industry Board		Accept
27.33		Horizons Regional Council		Reject

74.05	513.38	Ernslaw One Limited Rayonier New Zealand Ltd	Support	Accept Accept
32.32	506.67	NZ Pork Industry Board Ernslaw One Ltd	Oppose	Accept In-Part Accept In-Part
96.44	506.28 517.40 518.17	Federated Farmers of New Zealand Ernslaw One Ltd Horticulture NZ Transpower New Zealand Ltd	In Part In Part In Part	Reject Accept In-Part Accept In-Part Accept In-Part
50.05	506.75	Rayonier NZ Ltd Ernslaw One Ltd	Support	Accept Accept

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

Amend the definition of Intensive Farming as follows:

**Intensive Farming** means any farming activity which predominantly involves the housing or raising of animals, plants or other living organism within buildings or in closely fenced enclosures where the stocking density precludes the maintenance of pasture or ground cover, ~~and which is substantially provided for by food or fertiliser from off the site~~; and includes intensive pig farming, poultry farming, and mushrooms farms; but excludes:

- horticulture undertaken in greenhouses,
- shearing sheds; and dairy milking sheds;
- keeping, rearing or breeding of poultry of 20 or fewer birds; and
- the keeping, breeding or rearing of five (5) or fewer pigs that have been weaned, or more than two (2) sows (with progeny until weaned).

Amend the definition of Primary Production Activity as follows:

**Primary Production Activity** includes any agricultural, horticultural, floricultural, arboricultural, plantation forestry or intensive farming activity but does not include mineral extraction or mineral processing or the harvesting clearance or modification of indigenous vegetation.



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

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The number of parts of the Proposed Plan relate to the rural environment, with specific provisions in Chapters 2 and 19. It is noted Plan Changes 20 (Rural Subdivision) and 22 (Outstanding Natural Features and Landscapes) predominantly relate to the rural environment, but the provisions contained in these plan changes do not form part of this District Plan Review process, as these plan changes were not operative at the time the Proposed Plan was notified.

Chapter 2 Rural Environment contains the policy framework detailing the issues, objectives, policies and methods. Issues addressed in this chapter include sustainable land management practices and land use activities – nature, character, amenity values and servicing. Chapter 19 Rural Zone Rules contains all the rules and conditions that apply to the Rural Zone. Other parts of the Proposed Plan containing provisions relevant to the rural environment include Chapter 25 Assessment Criteria and Chapter 26 Definitions.

The Proposed Plan seeks to provide for primary production activities and other associated rural based land uses to function efficiently and effectively in the Rural Zone. In providing for these activities, the Proposed Plan includes measures to avoid, remedy or mitigate the adverse effects to maintain and enhance the character and amenity values of the rural environment.

In reviewing the Operative District Plan provisions for the rural environment, it was concluded some provisions required changing as they were inefficient and/or ineffective. The Proposed Plan deleted, amended or added new provisions responding to new issues, or issues that were more prevalent than was the case in the mid-1990's when the Operative Plan was first developed. For example, reverse sensitivity effects is now more a prevalent issue than previously.

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

- Deleting all provisions relating to sustainable land management practices
- Generally retaining the policy framework for land use activities, but adding greater reference to reverse sensitivity effects
- Generally retaining the Proposed Plan rules for the majority of listed permitted, controlled, restricted discretionary and discretionary activities.
- Retaining relocated buildings as a Controlled Activity
- Adding health and safety signs as a Permitted Activity
- Retaining the number of residential dwelling units and family units permitted 'as of right'
- Retaining the building setbacks conditions
- Retaining the bird-scaring devices hours of operation condition
- Amending the odour condition to include reference to guidance in the Proposed One Plan
- Amending the reference to 'Transmission Line Corridor' with 'National Grid Corridor' and retaining the setbacks of the Proposed Plan for the Corridor while making specific provision of crop support structures to be located within the Corridor
- Amending the planting setback conditions to only apply to boundaries where properties have separate ownership and adding a minimum setback distance for new dwellings from existing plantation forest
- Amending the waste disposal condition to refer to solid waste only

- Retaining some and amending other noise standards as they relate to temporary military training activities
- Seek further information on aggregate extraction activities

## 6. Appendices

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### 6.1 Extracts from Horizons Regional Council Proposed One Plan

#### **Objective 3-1: *Infrastructure*<sup>^</sup> and other physical resources of regional or national importance**

To have regard to the benefits of *infrastructure*<sup>^</sup> and other physical resources of regional or national importance by enabling their establishment, *operation*<sup>\*</sup>, *maintenance*<sup>\*</sup> and *upgrading*<sup>\*</sup>.

#### **Objective 3-1C: Urban growth, rural residential subdivision and versatile soils**

The retention, as far as is reasonably practicable, of Class I and II<sub>1</sub> versatile soils for use as *production land*<sup>^</sup>.

#### **Policy 3-2: Adverse *effects*<sup>^</sup> of other activities on *infrastructure*<sup>^</sup> and other physical resources of regional or national importance**

The Regional Council and *Territorial Authorities*<sup>^</sup> must ensure that adverse *effects*<sup>^</sup> on *infrastructure*<sup>^</sup> and other physical resources of regional or national importance from other activities are avoided as far as reasonably practicable, including by using the following mechanisms:

- (a) ensuring that current *infrastructure*<sup>^</sup>, *infrastructure*<sup>^</sup> corridors and other physical resources of regional or national importance, are identified and had regard to in all resource management decision-making, and any development that would adversely affect the *operation*<sup>\*</sup>, *maintenance*<sup>\*</sup> or *upgrading*<sup>\*</sup> of those activities is avoided as far as reasonably practicable,
- (b) ensuring that any new activities that would adversely affect the *operation*<sup>\*</sup>, *maintenance*<sup>\*</sup> or *upgrading*<sup>\*</sup> of *infrastructure*<sup>^</sup> and other physical resources of regional or national importance are not located near existing such resources or such resources allowed by unimplemented resource consents<sup>^</sup> or other RMA authorisations,
- (ba) ensuring that there is no change to existing activities that increases their incompatibility with existing *infrastructure*<sup>^</sup> and other physical resources of regional or national importance, or such resources allowed by unimplemented resource consents<sup>^</sup> or other RMA authorisations,

#### **Objective 5-2: Regulating potential causes of *accelerated erosion*<sup>\*</sup>**

*Land*<sup>^</sup> is used in a manner that ensures *accelerated erosion*<sup>\*</sup> and increased sedimentation in *water bodies*<sup>^</sup> (with resultant adverse *effects*<sup>^</sup> on people, buildings and *infrastructure*<sup>^</sup>) caused by *vegetation clearance*<sup>\*</sup>, *land disturbance*<sup>\*</sup>, *forestry*<sup>\*</sup>, or *cultivation*<sup>\*</sup> are avoided as far as reasonably practicable, or otherwise remedied or mitigated.

#### **Policy 5-2A: Regulation of *land*<sup>^</sup> use activities**

- (a) The Regional Council must regulate *vegetation clearance*<sup>\*</sup>, *land disturbance*<sup>\*</sup>, *forestry*<sup>\*</sup> and *cultivation*<sup>\*</sup> through *rules*<sup>^</sup> in this Plan and decisions on *resource consents*<sup>^</sup>, in order to achieve Objective 5-2.
- (b) *Territorial Authorities*<sup>^</sup> may regulate, through *rules*<sup>^</sup> in *district plans*<sup>^</sup> and decisions on *resource consents*<sup>^</sup>, the actual or potential *effects*<sup>^</sup> of the use, development, or protection of *land*<sup>^</sup>, in order to achieve Objective 5-2. However, *Territorial Authorities*<sup>^</sup> must not have *rules*<sup>^</sup> that are contradictory to the *rules*<sup>^</sup> in this Plan that control the use of *land*<sup>^</sup>.
- (c) The Regional Council will generally allow *vegetation clearance*<sup>\*</sup>, *land disturbance*<sup>\*</sup>, *forestry*<sup>\*</sup> and *cultivation*<sup>\*</sup> to be undertaken without the need for a *resource consent*<sup>^</sup> if *conditions*<sup>^</sup> are met. *Vegetation clearance*<sup>\*</sup> and *land disturbance*<sup>\*</sup> require a *resource consent*<sup>^</sup> if they are undertaken adjacent to some *water bodies*<sup>^</sup> (including certain *wetlands*<sup>^</sup>) in *Hill Country Erosion Management Areas*<sup>\*</sup> or in *coastal foredune*<sup>\*</sup> areas. Removal of some *woody vegetation*<sup>\*</sup> and the formation of *new tracking*<sup>\*</sup> in *Hill Country Erosion Management Areas*<sup>\*</sup> also require a *resource consent*<sup>^</sup>.

#### **Objective 8-1: *Ambient air*<sup>\*</sup> quality**

A standard of *ambient air*<sup>\*</sup> quality is maintained which is not detrimental to *amenity values*<sup>^</sup>, human health, property or the life-supporting capacity of air and meets the national *ambient air*<sup>\*</sup> quality standards.

#### **Policy 8-2: Regional standards for *ambient air*<sup>\*</sup> quality**

In addition to the *National Environmental Standards*<sup>^</sup> set out in Policy 8-1, *ambient air*<sup>\*</sup> quality must be managed in accordance with the regional standards set out in Table 8.3.

**Table 8.3** Regional Standards for *Ambient Air\** Quality

<b>Contaminant<sup>^</sup></b>	<b>Regional Standard</b>
Odour	A <i>discharge<sup>^</sup></i> must not cause any offensive or objectionable odour beyond the <i>property*<sup>^</sup></i> boundary.
Dust	A <i>discharge<sup>^</sup></i> must not cause any noxious, offensive or objectionable dust beyond the <i>property*<sup>^</sup></i> boundary.
...	...

**Policy 8-3: Regulation of *discharges<sup>^</sup>* to air**

*Discharges<sup>^</sup>* of *contaminants<sup>^</sup>* into air will be generally allowed, provided:

- (a) the effects<sup>^</sup> of the discharge<sup>^</sup> are consistent with the approach set out in Policy 8-1 for implementing the National Environmental Standards<sup>^</sup> for ambient air\* quality, and
- (b) the discharge<sup>^</sup> is consistent with the regional standards for ambient air\* quality set out in Policy 8-2.

**Policy 8-4: Incompatible *land<sup>^</sup>* uses**

Air quality problems arising from incompatible *land<sup>^</sup>* uses establishing near each other must be avoided, remedied or mitigated primarily through *district plans<sup>^</sup>* and *Territorial Authority<sup>^</sup>* consent decisions which:

- (a) prevent the future establishment of potentially incompatible *land<sup>^</sup>* use activities near each other, or
- (b) allow the establishment of potentially incompatible *land<sup>^</sup>* use activities near each other provided no existing lawful activity, operated in a manner that adopts the best practicable option<sup>^</sup> or which is otherwise environmentally sound, is restricted or compromised.

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

### Chapter 2 Rural Environment

#### Policy 2.1.20

Amend Policy 2.1.20 as follows:

“Ensure that new activities locating in the rural area are of a nature, scale, intensity and location consistent with maintaining the character of the rural area and to be undertaken in a manner which avoids, remedies or mitigates adverse effects on rural character, including rural productive values and potential reverse sensitivity effects.”

---

#### Issue Discussion 2.3

Amend Issue Discussion 2.3 3<sup>rd</sup> paragraph, first sentence as follows under Clause 16 of the First Schedule of the RMA:

“Reverse sensitivity is a term used that explains describes the effect that new development ...”

---

#### Issue 2.4

Delete Issue 2.4 and all associated provisions as shown below.

#### ~~Issue 2.4 SUSTAINABLE LAND MANAGEMENT PRACTICES~~

~~The use and development of rural land using sustainable land management techniques and the potential for adverse effects on the rural environment from inappropriate land management.~~

#### ~~ISSUE DISCUSSION~~

~~Many of the District's soil resources are vulnerable to erosion simply because of their natural characteristics (e.g. light sandy soils or soils of the steep hill country). Land management practice is the key determinant of the long term stability and productive capability of soils. Inappropriate land management can cause accelerated erosion and loss of soil versatility. Examples include successive and uninterrupted cropping; vegetation clearance without suitable soil retention or water control measures. The issue is important both to the natural ecosystems which rely on sustained soil capability and to the District's rural economy.~~

#### ~~Objectives & Policies~~

#### ~~Objective 2.4.1 Sustainable Land Management Practices~~

~~Sustainable management of the soils of the District to enable their long term use for a range of purposes.~~

#### ~~Policy 2.4.2~~

~~Ensure the adverse environmental effects of land management practices on the life-supporting capacity of soil are avoided, remedied or mitigated.~~

### **Policy 2.4.3**

Promote land management practices which sustain the potential of soil resources to meet the reasonably foreseeable needs of future generations.

#### **Explanation and Principal Reasons**

Achievement of sustainable land management throughout the District is the primary good. Achievement will depend, in large measure, on voluntary change from traditional land use practices in the community. Control through the District Plan, is not expected to be the means of achieving sustainable land management, with other agencies having a role.

Horizons Regional Council is the authority directly responsible for soil conservation and land disturbance matters. The District Council can, though, assist to influence land management practices in its role of managing the effects of land use activities. Other agencies including Federated Farmers, Department of Conservation, and Fish and Game Council all work directly with land users to improve land management practice. The more direct initiatives of these other agencies are expected to be most effective in improving land management practice and soil sustainability over time. The Council intends, within the constraints of its jurisdiction, to assess and positively influence the significantly adverse effects of land use activities on soil capability and to work co-operatively with those agencies in promoting sustainable land management.

#### **Methods for Issue 2.4 & Objective 2.4.1**

##### **Education and Information**

- Council will co-operate with land users and other agencies in generating and disseminating information on sustainable land management techniques, such as the „Sustainable Land Use Initiative“.
- Council will encourage land users to use Codes of Practice and other good practice guidelines.

##### **District Plan**

- Grazing, production forestry, and other forms of cropping and horticulture are permitted activities in the rural environment.
- Intensive farming is a permitted activity subject to particular conditions concerning separation distances.
- Activities which require land use consent will be assessed for their impacts on long term soil versatility.

##### **Other Statutory Plans**

- Horizons Regional Council Proposed One Plan controls vegetation clearance, land disturbance, forestry and cultivation on vulnerable soils in the region.

---

### **Issue 2.5**

Amend Issue 2.5 as follows:

“A diversity of primary production and non-primary production activities occur in the rural environment. These activities can have a wide range of effects on the nature, character and amenity values of the rural environment as well as the potential for incompatibility between activities and land use. However, some of these effects are anticipated and expected in a rural working environment. These effects can result in the potential for incompatibility between rural activities and more sensitive land use.”

Amend the first paragraph of the Issue Discussion to read:

The rural environment hosts a diverse range of activities spread throughout a large area. The nature and distribution of primary production is largely determined by natural patterns of landform, climate and soil type, with other activities influenced by other factors such as accessibility and proximity to markets and other facilities. The predominant activities in the rural environment are primary production based, including farming, horticulture and forestry. These primary production activities can vary widely in scale from large scale and extensive beef/sheep and dairying operations through to small scale lifestyle blocks. There are also many activities associated with these primary production activities located in the rural environment, including packing and processing sheds, fertiliser depots and rural contractors. In addition, other activities and facilities are located in the rural environment, including infrastructure and aggregate extraction activities. There are other non-primary production activities located in the rural environment including residential, recreation, home occupations, and visitor accommodation. These activities are often more sensitive to external effects from primary production activities and infrastructure.

Amend the third paragraph of the Issue Discussion to read:

Given the nature and scale of some primary production activities and other activities in the rural environment, at times these activities may generate external effects which cannot be avoided (e.g. noise, odour and dust). Dogs barking, stock noise, farm machinery noise, aerial topdressing and spraying, stock movements, burning, and spraying are all necessary and usual aspects of life in a rural area.

Amend Issue 2.5, fifth paragraph, bullet point 5 as follows:

- ~~• The careless and indiscriminate use of air sprays resulting in spray drift.~~
- The potential for adverse effects from off target spray drift and complaints due to agrichemical spraying being undertaken.

---

### **Objective 2.5.1**

Amend Objective 2.5.1 as follows:

“To enable primary production activities and other ~~associated~~ rural based land uses to function efficiently and effectively in the Rural Zone, while avoiding, remedying or mitigating the adverse effects of activities, including reverse sensitivity effects from inappropriately located sensitive activities, in a way that maintains and enhances the, character and amenity values of the rural environment.”

---

### **Policy 2.5.4**

Amend Policy 2.5.4 as follows:

“Control and manage the establishment and operation of a range of other land use activities, including sensitive activities, in the rural environment to ensure their adverse effects on the environment (including reverse sensitivity effects on existing lawfully established activities) are avoided, remedied or mitigated.”

---

### **Policy 2.5.6**

Amend Policy 2.5.6 as follows:

“Ensure that all activities within the rural environment manage and dispose of wastes in a manner that avoids, remedies or mitigates adverse effects on amenity values or creates a nuisance.”

---

### **Policy 2.5.11**

Amend Policy 2.5.11 as follows:

“Manage potential reverse sensitivity conflict between primary production activities and sensitive activities through appropriate separation distances, while giving priority to existing lawfully established activities.”

---

### **Policy 2.5.14**

Amend Policy 2.5.14 as follows:

“Avoid, remedy or mitigate, where necessary, any ~~adverse~~ offensive or objectionable odours likely to affect the amenity of residential properties or buildings and other sensitive activities.”

---

### **Policy 2.5.15**

Amend Policy 2.5.15 as follows:

“Maintain separation distances between residential activities and intensive farming activities and effluent storage, treatment and disposal systems so as to minimise adverse effects for both activities.”

---

### **Explanation and Principal Reasons for Objective 2.5.1**

Amend the first paragraph of the Explanation and Principal Reasons as follows:

“Primary production activities rely on a rural location due to the existence and availability of natural and physical resources. Providing for primary production and other associated activities enables



these resources to be utilised in a sustainable manner, without unduly hindering or controlling these activities. Minimum standards are applied to ensure any significant adverse effects of these activities are avoided, remedied or mitigated (e.g. building setbacks, maximum noise levels, planting standards).

Amend paragraph 2 of the Explanation as follows:

“Many other activities (e.g. vegetable and fruit packing, rural contractors yard) are appropriate in a rural setting and can establish and operate without compromising the core primary production activities in the rural areas. In addition, infrastructure can rely on a rural location due its linear nature and the need to traverse districts and regions (e.g. transmission lines, roads and rail). Minimum standards are also applied to these other activities to ensure their adverse effects are avoided, remedied or mitigated.”

Amend the seventh paragraph of the Explanation and Principal Reasons as follows:

“With the absence of reticulated services in rural areas, an on-site water supply is required as well as managing and disposing of all wastes. The nature, location and scale of the activities can influence the on-site servicing requirements. The individual water supplies and on-site management of waste can have adverse effects in addition to the activity itself. The Regional Council is responsible for all waste discharges to land, water and air, which are managed under the One Plan. The District Council is responsible for managing the use of land, including waste where it causes a nuisance or adversely effects amenity values.”

Amend paragraph 10 of the Explanation as follows:

....

“Reverse sensitivity can also exist where sensitive activities locate in close proximity to existing primary production activities, leading to complaints about the existing lawfully established activity.”

---

## **Anticipated Environmental Results**

Deleted AER 2(d) as follows:

~~“2(d) Land management practices will gradually improve over time and the vulnerability of soils to erosion will be reduced.”~~

---

## **Chapter 9 Hazardous Substances and Contaminated Land**

Add a new Policy to Chapter 9: Hazardous Substances to read:

“Provide for hazardous substances identification and safety signage.”

---

## **Chapter 19: Rules – Rural Environment**

### **19.1 Permitted Activities**

Amend Rule 19.1(b) as follows:

(b) Residential activities. One residential dwelling unit and family flat per site.

Amend Rule 19.1(d) as follows:

(d) Visitor accommodation for up to four people per site within any residential dwelling unit and/or family flat

Amend Rule 19.1(j) as follows:

(j) Within land administered by the Department of Conservation:

(i) Construction....

(ii) Commercial...

(iii) Species...

(iv) Control of pest Noxious plants and animal pests control.

Amend Rule 19.1(l) be amended as follows:

The following types of signs:

(i)...

(v) Health and safety signs

Add the following under 19.1 Permitted Activities and amend the numbering as required:

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

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### **19.3 Restricted Discretionary Activities**

Amend Rule 19.3 as follows:

#### **19.3 RESTRICTED DISCRETIONARY ACTIVITIES**

Where resource consent applications involve activities within the National Grid Corridor, Council will forward copies of applications to Transpower as an affected party.

The following...'

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### **19.4 Discretionary Activities**

Amend Rule 19.4.2(a) as follows:

'Two or more residential dwelling units or family flats per site

---

## 19.6 Conditions for Permitted Activities

### 19.6.1 Residential Dwelling Units and Family Flats

Amend Rule 19.6.1(a) as follows:

~~(a) One residential dwelling unit per site.~~

~~(b)(a) One family flat...~~

### 19.6.4 Building Setbacks from Boundaries and Separation Distances

Amend Rule 19.6.4(b) as follows:

All residential dwelling units, family flats and sensitive activities shall comply with the following additional setbacks and separation distances:

Amend Rule 19.6.4(c) as follows:

Any building used for intensive farming activity shall comply with the following setbacks and separation distances:

- (i) 300 metres from any residential dwelling unit, family flat and other sensitive activities on any other site
- (ii) .....
- (iii) 600 metres from any Residential, Greenbelt Residential, Open Space, ~~Industrial~~ or Commercial Zone'

Amend Rule 19.6.4(b) be adding the following new condition:

- (b) All residential dwelling units and sensitive activities shall comply with the following additional setbacks and separation distances:

....

- (iv) 25 metres from the edge of an existing plantation forest under separate ownership.

### 19.6.5 Home Occupations

Amend Rule 19.6.5(a) as follows:

'A Home occupation shall not exceed 50m<sup>2</sup> in total gross floor area dedicate to this activity'

### 19.6.7 Noise

Amend Rule 19.6.7 as follows:

.....

(d) Except the noise limits in Rule 19.6.7 (a) and (b) shall not apply to:

#### **19.6.4 Transmission Line Corridor**

Amend Rule 19.6.14 as follows:

##### **19.6.4 National Grid Transmission Line Corridor**

- (a) All buildings within a National Grid Corridor (as set out by the distances in (b)(i) and (ii) below) shall comply with New Zealand Electrical Code of Practice of Electrical Safety Distances (NZECP 34:2001).
- (b) No building or sensitive activity shall be located closer than:
- (i) 10 metres either side of the centreline of any high voltage (110kV) transmission line shown on the Planning Maps.
  - (ii) 12 metres either side of the centreline and support structures of any high voltage (220kV or more) transmission line shown on the Planning Maps.

The following are exempt from the setback requirements in Rule 19.6.14(b):

- Fences up to 2.5 metres in height
- Mobile machinery and equipment
- Utilities within a road or rail corridor and electricity infrastructure
- Crop support structures and crop protection structures that meet the requirements of New Zealand Electrical Code of Practice of Electrical Safety Distances (NZECP 34:2001) for minimum distance beneath conductors and are 12 metres from the support structure of high voltage transmission lines.

#### **19.6.9 Odour**

Amend Rule 19.6.9 as follows.

- (a) No activity shall give rise to offensive or objectionable odours able to be detected at the boundary of any adjoining property.

For the purpose of this condition, an offensive or objectionable odour is that odour which can be detected and is considered to be offensive or objectionable by at least two independent observers; including at least one Council officer. Section 14.2 of the Proposed One Plan provides guidance for determining whether an odour is offensive or objectionable.

#### **19.6.15 Planting Setbacks for Plantation Forestry and Shelterbelt Planting**

Amend Rule 19.6.15 as follows:

- (a) No plantation forest shall be planted within 10 metres from any site boundary of site under separate ownership or road.
- (b) No plantation forest shall be planted within 25 metres from any existing residential dwelling unit of a site under separate ownership.
- (c) Vegetation planted to form a shelterbelt for more than 20 metres in length shall not exceed 6 metres in height from ground level within 10 metres horizontal distance from any site boundary of a site under separate ownership or road.
- (d) No plantation forest or shelterbelt shall be planted or allowed to grow in any position which could result in any icing of any public road carriageway as a result of shading of the road between 10.00am and 2.00pm on the shortest day.

### **19.6.16 Forestry and Timber Harvesting**

Delete Rule 16.6.16 in its entirety:

### ~~**19.6.16 Forestry and Timber Harvesting**~~

~~(a) Managed revegetation for any primary production activity of harvested forestry areas shall be undertaken as soon as practicable after harvesting has occurred.~~

~~Note: Resource Consents may be required from Horizons Regional Council in respect of soil disturbance and vegetation clearance for the purposes of soil conservation.~~

Add new Rule 19.6.16 as follows:

- (a) Within 500 metres of the urban boundary at Waitarere Beach, as defined on the Planning Maps 17,18,19 and 20:
  - (i) No more than 25 hectares of plantation forest shall be harvested at any one time, and
  - (ii) The next 25 hectares shall not be harvested until the area under (i) has been replanted and the trees are at least 5 years old.

### **19.6.17 Wastes Disposal**

Amend Rule 19.6.17 as follows:

- (a) All ~~wastes (including sewage, effluent, and refuse, compost and recyclable materials including scrap metal)~~ that are generated or stored on any site shall be collected, treated, and disposed of in a manner that avoids, remedies or mitigates any significant adverse effects or nuisance for:
  - (i) an adjoining property;
  - ~~(ii) roads and road users;~~
  - (iii) any natural habitat or indigenous species;

- (iv) ~~any channel, stream or water body;~~
- (v) any outstanding landscape or natural feature.

In particular, in accordance with Chapter 24 of this District Plan.

Note: On-site domestic wastewater systems for residential dwelling units are to comply with the requirements in the Horizons Regional Council Proposed One Plan.

Note: For farm and other effluent treatment and disposal systems, resource consent may be required from Horizons Regional Council.

### 19.6.26 Signs

Amend Rule 19.6.26(b) Table 19-1 as follows:

**Table 6-1: Maximum Face Area for Signs**

Type of Sign	Maximum Face Area (m <sup>2</sup> ) per site
Health and safety signs	<u>N/A</u>

Amend Rule 19.6.26(c) as follows:

- (c) Any temporary sign shall be displayed for no longer than two (2) calendar months of ~~every one (1) year~~ a 12 month period and removed within seven (7) days after the event, and which do not need to be on the site of the temporary activity.'

### 19.6.30 Temporary Military Training Activities

Amend Rule 19.6.30 as follows:

- (a) All temporary military training 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 consecutive days;
  - (iv) noise generated from mobile sources (other than weapons firing and use of explosives) shall not exceed the limits as set out in Table 2 of NZS 6803:1999 Acoustics - Construction noise when applied at any Residential Zone site boundary or notional boundary of any noise sensitive activity.
  - ~~(v)~~ Noise levels shall be measured and assessed in accordance with that Standard as if it were construction noise; ~~and~~
  - (v) Noise generated from any fixed source (other than weapons firing and use of explosives) shall comply with the noise limits and measurement set out in Rule

19.6.7(a) and (b), except that during the nighttime period (10.00pm – 7.00am) the noise limit shall be 75dB (L<sub>max</sub>).

- ~~(vi) Noise resulting from the use of explosives and small arms weapons 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.~~
- (vi) Noise generated from the use of helicopters shall comply with the noise limits set out in NZS6807:1994 Noise Management and Land Use Planning for Helicopter Landing Areas. Noise levels shall be measures in accordance with NZS6801:2008 Acoustics - Measurement of Sound.
- (vii) Any training activities involving the use of explosives and weapons shall comply with the separation distances identified in Table 19.3.

Table 19.3: Separation Distances for Temporary Military Training Activities involving explosives and weapons.

<u>Type of military noise source</u>	<u>Standards</u>	
	<u>Time (Monday to Sunday)</u>	<u>Separation distance required from any dwelling, Residential or Greenbelt Residential Zone site, or building used for residential, educational or healthcare purposes</u>
<u>1. Live firing of weapons and single or multiple explosive events</u>	<u>0700 to 1900 hours</u>	<u>At least 1500m</u>
	<u>1900 to 0700 hours</u>	<u>At least 4500m</u>
<u>2. Firing of blank ammunition</u>	<u>0700 to 1900 hours</u>	<u>At least 750m</u>
	<u>1900 to 0700 hours</u>	<u>At least 2250m</u>

AND

Consequential changes to Table numbering through the Rural Zone Chapter.

## **19.8 Conditions for Restricted Discretionary Activities**

### **19.8.3 Home Occupations**

Amend Rule 19.8.3(b)(i) as follows:

- (a) .....
- (b) Conditions
  - (i) A-h Home occupations shall not exceed 70m<sup>2</sup> of total gross floor area dedicated to this activity.'

## **Chapter 25: Assessment Criteria**

### 25.2.1 General

Amend Assessment Criteria 25.2.1 General as follows:

‘.....

(d) The likelihood of the proposed activity to generate reverse sensitivity effects on the primary production, ~~and intensive farming activities~~ and other lawfully established activities, and the potential impact these may have on the continuing effective and efficient operation of the primary production, ~~and intensive farming activities~~ and other lawfully established activities.

(l) The positive local, regional and national benefits of undertaking the activity.

(m) Whether the development or activity would have an adverse effect on the operation, maintenance, upgrading or development of the electricity transmission network.

### 25.2 Assessment Criteria for Land Use Consents in the Rural Zone

Amend 25.2 as follows

The following criteria will be used in assessing land use applications.

#### 25.2.1 General

.....

#### 25.2.1 Buildings

.....

(k) Whether development within the National Grid Corridor would have an adverse effect on the operation, maintenance, upgrading or development of the electricity transmission network.

#### 25.2.4 Tree Planting

Amend Assessment Criteria 25.2.4(a) as follows

(a) The proximity to and potential effects on residential dwellings, roads, and/or utilities from established trees in terms of tree debris, shading and icing of roads, maintenance of level crossing sightlines, residential and rural amenity

#### 25.2.6 Non-Primary Production Activities

Amend Assessment Criteria 25.2.6(f) as follows:

...

(f) The extent to which the non-primary production activity has the potential to generates reverse sensitivity effects and reduces the efficient and effective use of the Rural Zone by primary production activities.



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## Chapter 26: Definitions

Add a new definition to Chapter 26 as follows:

**Health and Safety Sign** means any warning of health and safety hazards, including but not limited to those required under any legislation such as Health and Safety in Employment Act 1992 and Hazardous Substances and New Organisms Act 1996.

Amend the definition of Intensive Farming as follows:

**Intensive Farming** means any farming activity which predominantly involves the housing or raising of animals, plants or other living organism within buildings or in closely fenced enclosures where the stocking density precludes the maintenance of pasture or ground cover, ~~and which is substantially provided for by food or fertiliser from off the site~~; and includes intensive pig farming, poultry farming, and mushrooms farms; but excludes:

- horticulture undertaken in greenhouses,
- shearing sheds; and dairy milking sheds;
- keeping, rearing or breeding of poultry of 20 or fewer birds; and
- the keeping, breeding or rearing of five (5) or fewer pigs that have been weaned, or more than two (2) sows (with progeny until weaned).

Amend the definition of Primary Production Activity as follows:

**Primary Production Activity** includes any agricultural, horticultural, floricultural, arboricultural, plantation forestry or intensive farming activity but does not include mineral extraction or mineral processing or the harvesting clearance or modification of indigenous vegetation.

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

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Officer's Recommendation
<b>Chapter 2 – Rural Environment</b>				
65.00		Horowhenua Farmers' Ratepayer Group		Accept
66.00		Bruce & Christine Mitchell		Accept
96.00	506.04	Federated Farmers of New Zealand Ernslaw One Ltd	Support	Accept Accept
98.08	500.03	Horticulture NZ NZ Pork Industry Board	Support	Accept Accept
	506.51	Ernslaw One Ltd	Support	Accept
	522.09	PIANZ & EPFNZ	Support	Accept
101.00		Director-General of Conservation (DoC)		Reject
65.02		Horowhenua Farmers' Ratepayer Group		Reject
66.02		Bruce & Christine Mitchell		Reject
98.09	516.02	Horticulture NZ Federated Farmers of New Zealand	Support	Reject Reject
101.01		Director-General of Conservation (DoC)		Accept
98.10		Horticulture NZ		Reject
67.05	522.06	Taiao Raukawa Environmental Resource Unit PIANZ & EPFNZ	Support	Reject Reject
32.02	528.04	NZ Pork Industry Board Horizons Regional Council	Support	Accept Accept
83.01	513.00	Hood Rayonier New Zealand Ltd	Support	Accept Accept
96.01	500.00	Federated Farmers of New Zealand NZ Pork Industry Board	Support	Accept Accept
	528.16	Horizons Regional Council	Support	Accept
98.11	500.01	Horticulture NZ NZ Pork Industry Board	Support	Accept Accept
	527.10	Director-General of Conservation (DoC) Horizons Regional Council	Oppose	Reject

	528.23		Support	Accept
32.03		NZ Pork Industry Board		Accept
	528.05	Horizons Regional Council	Support	Accept
72.00		PIANZ & EPFNZ		Reject
	517.03	Horticulture NZ	Oppose	Accept
74.12		Ernslaw One Limited		Reject
96.02		Federated Farmers of New Zealand		Accept
	500.04	NZ Pork Industry Board	Support	Accept
	528.17	Horizons Regional Council	Support	Accept
101.02		Director-General of Conservation (DoC)		Reject
	500.05	NZ Pork Industry Board	Oppose	Accept
32.04		NZ Pork Industry Board		Accept
	528.06	Horizons Regional Council	Support	Accept
74.13		Ernslaw One Limited		Reject
	500.08	NZ Pork Industry Board	Oppose	Accept
101.03		Director-General of Conservation		Reject
	500.06	NZ Pork Industry Board	Oppose	Accept
96.03		Federated Farmers of New Zealand		Accept
	500.07	NZ Pork Industry Board	Support	Accept
	517.04	Horticulture NZ	Support	Accept
	528.18	Horizons Regional Council	Support	Accept
74.14		Ernslaw One Limited		Reject
	500.10	NZ Pork Industry Board	Oppose	Accept
96.04		Federated Farmers of New Zealand		Accept
	528.19	Horizons Regional Council	Support	Accept
101.04		Director-General of Conservation (DoC)		Reject
67.06		Taiao Raukawa Environmental Resource Unit		Reject
32.05		NZ Pork Industry Board		Accept
	528.07	Horizons Regional Council -Support	Support	Accept
32.06		NZ Pork Industry Board		Reject
	528.08	Horizons Regional Council	Support	Reject
50.00		Rayonier NZ Ltd		Accept

	506.70	Ernslaw One Ltd	Support	Accept
74.00		Ernslaw One Limited		Accept
	513.29	Rayonier New Zealand Ltd	Support	Accept
32.07		NZ Pork Industry Board		Accept
	506.62	Ernslaw One Ltd	Support	Accept
	513.01 -	Rayonier New Zealand Ltd	Support	Accept
	522.02)	PIANZ & EPFNZ	Support	Accept
	524.01	Higgins Group Holdings Ltd	Support	Accept
65.01		Horowhenua Farmers' Ratepayer Group		Accept
	506.47	Ernslaw One Ltd	Support	Accept
	513.06	Rayonier New Zealand Ltd	Support	Accept
	517.02	Horticulture NZ	Support	Accept
66.01		Bruce & Christine Mitchell		Accept
77.04		Higgins Group Holdings Ltd		Accept In-Part
	506.39	Ernslaw One Ltd	Support	Accept In-Part
	511.00	HDC (Community Assets Department)	In Part	Accept In-Part
	513.07	Rayonier New Zealand Ltd	Support	Accept In-Part
83.02		Hood		Reject
	500.02	NZ Pork Industry Board	Support	Reject
96.05		Federated Farmers of New Zealand		Reject
	506.05	Ernslaw One Ltd	Support	Reject
	513.10	Rayonier New Zealand Ltd	Support	Reject
	522.07	PIANZ & EPFNZ	Oppose	Accept
98.12		Horticulture NZ		Accept
	506.55	Ernslaw One Ltd	Support	Accept
	513.20	Rayonier New Zealand Ltd	Support	Accept
	516.00	Federated Farmers of New Zealand	Support	
32.08		NZ Pork Industry Board		Accept In-Part
	506.63	Ernslaw One Ltd	Support	Accept In-Part
	524.02	Higgins Group Holdings Ltd	Support	Accept In-Part
	527.01	Director-General of Conservation (DoC)	Oppose	Accept In-Part
72.01		PIANZ & EPFNZ		Accept In-Part
77.05		Higgins Group Holdings Ltd		Reject
	506.40	Ernslaw One Ltd	Support	Reject

99.01	514.16	Transpower New Zealand Ltd		Accept In-Part
	515.16	Todd Energy Ltd	Support	Accept In-Part
	516.03	KCE Mangahao Ltd	Support	Accept In-Part
	522.11	Federated Farmers of New Zealand	Oppose	Accept In-Part
		PIANZ & EPFNZ	Support	Accept In-Part
101.05		Director-General of Conservation (DoC)		Accept In-Part
96.06	500.09	Federated Farmers of New Zealand		Reject
	506.06	NZ Pork Industry Board	Support	Reject
		Ernslaw One Ltd	Support	Reject
98.13	522.10	Horticulture NZ		Accept In-Part
		PIANZ & EPFNZ	In Part	Accept In-Part
32.09		NZ Pork Industry Board		Accept
72.02	500.11	PIANZ & EPFNZ		Accept
		NZ Pork Industry Board		Accept
96.07	500.12	Federated Farmers of New Zealand		Accept
	506.33	NZ Pork Industry Board	Support	Accept
	513.11	Ernslaw One Ltd	Support	Accept
		Rayonier New Zealand Ltd	Support	Accept
98.14	506.52	Horticulture NZ		Accept
	513.21	Ernslaw One Ltd	Support	Accept
		Rayonier New Zealand Ltd	Support	Accept
101.06	506.03	Director-General of Conservation (DoC)		Accept In-Part
	513.26	Ernslaw One Ltd	Oppose	Accept In-Part
		Rayonier New Zealand Ltd	Oppose	Accept In-Part
32.10		NZ Pork Industry Board		Accept
96.08		Federated Farmers of New Zealand		Accept
98.15		Horticulture NZ		Reject
32.11	506.69	NZ Pork Industry Board		Accept
	513.02	Ernslaw One Ltd	Support	Accept
	522.03	Rayonier New Zealand Ltd	Support	Accept
	524.03	PIANZ & EPFNZ	Support	Accept
		Higgins Group Holdings Ltd	Support	Accept
72.03		PIANZ & EPFNZ		Accept

96.09	500.13	Federated Farmers of New Zealand NZ Pork Industry Board	Support	Accept Accept
	506.34	Ernslaw One Ltd	Support	Accept
	513.12	Rayonier New Zealand Ltd	Support	Accept
98.16	500.14	Horticulture NZ NZ Pork Industry Board	Support	Accept Accept
	506.54	Ernslaw One Ltd	Support	Accept
	513.22	Rayonier New Zealand Ltd	Support	Accept
101.07		Director-General of Conservation (DoC)		Reject
101.10	506.01	Director-General of Conservation (DoC) Ernslaw One Ltd	Oppose	Reject Accept
	522.12	PIANZ & EPFNZ	Oppose	Accept
101.08		Director-General of Conservation (DoC)		Accept In-Part
27.00	500.15	Horizons Regional Council NZ Pork Industry Board	Support	Accept In-Part Accept In-Part
	517.05	Horticulture NZ	In-Part	Accept In-Part
32.12	517.06	NZ Pork Industry Board Horticulture NZ	In-Part	Accept In-Part Accept In-Part
101.09		Director-General of Conservation (DoC)		Accept In-Part
96.10	500.16	Federated Farmers of New Zealand NZ Pork Industry Board	Support	Reject Reject
	517.07	Horticulture NZ	Support	Reject
32.13	517.08	NZ Pork Industry Board Horticulture NZ	Oppose	Reject Accept
	522.04	PIANZ & EPFNZ	In-Part	Accept In-Part
96.11	522.08	Federated Farmers of New Zealand PIANZ & EPFNZ	Oppose	Reject Accept
98.17		Horticulture NZ		Accept
76.00		Ann Percy		Reject
98.18		Horticulture NZ		Reject
96.12		Federated Farmers of New Zealand		Reject
32.14		NZ Pork Industry Board		Accept

	522.04	PIANZ & EPFNZ	Support	Accept
50.01		Rayonier NZ Ltd		Accept
	506.71	Ernslaw One Ltd	Support	Accept
74.01		Ernslaw One Limited		Accept
	513.27	Rayonier New Zealand Ltd	Support	Accept
83.03		Hood		Reject
96.13		Federated Farmers of New Zealand		Reject
	500.17	NZ Pork Industry Board	Support	Reject
	506.07	Ernslaw One Ltd	Support	Reject
98.19		Horticulture NZ		Accept In-Part
50.02		Rayonier NZ Ltd		Reject
	506.72	Ernslaw One Ltd	Support	Reject
74.02		Ernslaw One Limited		Reject
	513.28	Rayonier New Zealand Ltd	Support	Reject
	516.04	Federated Farmers of New Zealand	Support	Reject
27.02		Horizons Regional Council		Accept In-Part
	500.19	NZ Pork Industry Board	Support	Accept In-Part
	517.09	Horticulture NZ	In-Part	Accept In-Part
	522.00	PIANZ & EPFNZ	Support	Accept In-Part
98.20		Horticulture NZ		Reject
	500.18	NZ Pork Industry Board	Support	Reject
27.03		Horizons Regional Council		Accept
	522.01	PIANZ & EPFNZ	Oppose	Reject
32.15		NZ Pork Industry Board		Accept
83.04		Hood		Accept In-Part
	518.02	Transpower New Zealand Ltd	In-Part	Accept In-Part
	521.00	NZ Transport Agency (NZTA)	Oppose	Accept In-Part
94.30		NZ Transport Agency (NZTA)		Accept
98.21		Horticulture NZ		Accept In-Part
	518.03	Transpower New Zealand Ltd	In-Part	Accept In-Part
	521.01	NZ Transport Agency (NZTA)	Oppose	Accept In-Part
99.03		Transpower New Zealand Ltd		Accept

11.16	511.01	Philip Taueki HDC (Community Assets Department)	Oppose	Reject Accept
60.10	511.02 519.28	Muaupoko Co-operative Society HDC (Community Assets Department) Charles Rudd(Snr)	Oppose Support	Reject Accept Reject
67.11	511.03	Taiao Raukawa Environmental Resource Unit HDC (Community Assets Department)	In-Part	Reject Accept
98.23	516.05	Horticulture NZ Federated Farmers of New Zealand	Support	Accept Accept
98.27		Horticulture NZ		Reject
99.02	514.17 515.17 517.10	Transpower New Zealand Ltd Todd Energy Ltd KCE Mangahao Ltd Horticulture NZ	Support Support In-Part	Accept Accept Accept Accept In-Part
77.06	506.41 513.08	Higgins Group Holdings Ltd Ernslaw One Ltd Rayonier New Zealand Ltd	Support Support	Accept In-Part Accept In-Part Accept In-Part
80.02	518.00	Todd Energy Ltd Transpower New Zealand Ltd	Support	Reject Reject
92.02	518.01	KCE Mangahao Ltd Transpower New Zealand Ltd	Support	Reject Reject
92.20		KCE Mangahao Ltd		Reject
98.22	516.01	Horticulture NZ Federated Farmers of New Zealand	Support	Accept In-Part Accept In-Part
32.16		NZ Pork Industry Board		Reject
98.24		Horticulture NZ		Accept
32.17		NZ Pork Industry Board		Accept
11.13		Philip Taueki		Reject
11.14		Philip Taueki		Reject
60.07		Muaupoko Co-operative Society		Reject
60.08		Muaupoko Co-operative Society		Reject



83.13		Hood		Accept In-Part
80.01		Todd Energy Ltd		Reject
92.01		KCE Mangahao Ltd		Reject
<b>Chapter 19 – Rules: Rural Zone</b>				
74.06	513.31	Ernslaw One Limited Rayonier New Zealand Ltd	Support	Reject Reject
99.25		Transpower New Zealand Ltd		Accept
40.25		House Movers Section of NZ Heavy Haulage Association Inc.		Reject
9.00	513.40	Lynn & Anthony Straugheir Rayonier New Zealand Ltd	Oppose	Accept In-Part Accept In-Part
12.00	513.41	Daina Parlovskis Rayonier New Zealand Ltd	Oppose	Accept In-Part Accept In-Part
15.00	513.42	Charles Wallis Rayonier New Zealand Ltd	Oppose	Accept In-Part Accept In-Part
23.00	513.43	Cheryl Mangin Rayonier New Zealand Ltd	Oppose	Accept In-Part Accept In-Part
32.18	506.64 513.03	NZ Pork Industry Board Ernslaw One Ltd Rayonier New Zealand Ltd	Support Support	Accept Accept Accept
50.04	506.74	Rayonier NZ Ltd Ernslaw One Ltd	Support	Accept Accept
72.04	500.20 513.44	PIANZ & EPFNZ NZ Pork Industry Board Rayonier New Zealand Ltd	Support Support	Accept Accept Accept
74.04	513.32	Ernslaw One Limited Rayonier New Zealand Ltd	Support	Accept In-Part Accept In-Part
96.26	506.14 513.14	Federated Farmers of New Zealand Ernslaw One Ltd Rayonier New Zealand Ltd	Support Support	Accept In-Part Accept In-Part Accept In-Part
108.10		HDC (Planning Department)		Accept
40.42		House Movers Section of NZ Heavy Haulage		Reject

		Association Inc.		
96.27		Federated Farmers of New Zealand		Accept
81.02		Lake		Reject
101.67		Director-General of Conservation (DoC)		Accept In-Part
98.37		Horticulture NZ		Accept
95.05		New Zealand Defence Force (NZDF)		Accept
103.01		Colin Easton		Reject
104.00		Bill Huzziff		Reject
40.23		House Movers Section of NZ Heavy Haulage Association Inc.		Reject
77.02	506.37	Higgins Group Holdings Ltd Ernslaw One Ltd	Support	Reject Reject
99.32	517.23	Transpower New Zealand Ltd Horticulture NZ	In-Part	Accept Reject
117.23		New Zealand Historic Places Trust (NZHPT)		Accept In-Part
96.30	506.16 517.24 527.07	Federated Farmers of New Zealand Ernslaw One Ltd Horticulture NZ Director-General of Conservation (DoC)	Support Support Oppose	Reject Reject Reject Accept
83.09		Hood		Reject
108.12		HDC (Planning Department)		Accept In-Part
81.03		Lake		Reject
99.33	517.25	Transpower New Zealand Ltd Horticulture NZ	In Part	Reject Accept
25.06	525.22	Michael White Maurice and Sophie Campbell	Support	Accept In-Part Accept In-Part
26.13		Horowhenua Astronomical Society Inc		Accept In-Part
27.21	524.04	Horizons Regional Council Higgins Group Holdings Ltd	Support	Accept In-Part Accept In-Part
40.26		House Movers Section of NZ Heavy Haulage Association Inc.		Reject

95.20		New Zealand Defence Force (NZDF)		Accept
99.30		Transpower New Zealand Ltd		Reject
65.03		Horowhenua Farmers' Ratepayer Group		Reject
66.03		Bruce & Christine Mitchell		Reject
96.32		Federated Farmers of New Zealand		Reject
27.24	511.10	Horizons Regional Council HDC (Community Assets Department)	In Part	Reject Reject
7.03		Heirs Partnership		Reject
72.07		PIANZ & EPFNZ		Accept In-Part
76.02	517.26	Ann Percy Horticulture NZ	Oppose	Reject Accept
77.08	506.43	Higgins Group Holdings Limited Ernslaw One Ltd	Support	Reject Reject
98.39	516.17	Horticulture NZ Federated Farmers of New Zealand	In Part	Reject Accept In-Part
48.00		Carolyn Dawson		Accept In-Part
64.01		Derek Watt		Reject
52.02	525.11	Rosemarie Saunders Maurice and Sophie Campbell	Support	Reject Reject
53.01	525.13	McMenamin & Fitzgerald Maurice and Sophie Campbell	Support	Reject Reject
56.00		Rod Halliday		Reject
57.02	525.08	Friends of Strathnaver Maurice and Sophie Campbell	Support	Reject Reject
58.02		Maurice and Sophie Campbell		Reject
32.20	506.66	NZ Pork Industry Board Ernslaw One Ltd	In Part	Accept In-Part Accept In-Part
56.02		Rod Halliday		Reject
72.06	500.21	PIANZ & EPFNZ NZ Pork Industry Board	Support	Accept In-Part Accept In-Part

108.13		HDC (Planning Department)		Accept
27.25	516.18	Horizons Regional Council Federated Farmers of New Zealand	Oppose	Reject Accept
32.21	516.19	NZ Pork Industry Board Federated Farmers of New Zealand	Support	Accept In-Part Accept In-Part
72.05		PIANZ & EPFNZ		Accept In-Part
108.47		HDC (Planning Department)		Accept
45.00		Landlink Ltd		Accept In-Part
56.01		Rod Halliday		Reject
108.01		HDC (Planning Department)		Accept
55.30		KiwiRail		Accept
94.20		NZ Transport Agency (NZTA)		Accept
96.33	506.18 517.27	Federated Farmers of New Zealand Ernslaw One Ltd Horticulture NZ	Support Support	Reject Reject Reject
5.06		Elaine Gradock		Accept
95.29		New Zealand Defence Force (NZDF)		Accept
98.40		Horticulture NZ		Accept
98.41	516.20	Horticulture NZ Federated Farmers of New Zealand	Support	Accept In-Part Accept In-Part
118.00	517.28	Peter & Susan Webb Horticulture NZ	Oppose	Reject Accept
95.39		New Zealand Defence Force (NZDF)		Accept
27.26	500.23 517.29	Horizons Regional Council NZ Pork Industry Board Horticulture NZ	Support In Part	Accept In-Part Accept In-Part Accept In-Part
32.22	516.21	NZ Pork Industry Board Federated Farmers of New Zealand	Support	Accept In-Part Accept In-Part
98.42	500.22	Horticulture NZ NZ Pork Industry Board	Support	Reject Reject

38.01		Range View Ltd & Page		Reject
	518.07	Transpower New Zealand Ltd	Oppose	Accept
	526.30	Truebridge Associates Ltd	Support	Reject
83.12		Hood		Reject
	518.08	Transpower New Zealand Ltd	In Part	Accept
96.35		Federated Farmers of New Zealand		Reject
	506.19	Ernslaw One Ltd	Support	Reject
	517.31	Horticulture NZ	In Part	Reject
	518.09	Transpower New Zealand Ltd	In-Part	Accept
98.43		Horticulture NZ	In-Part	Accept In-Part
	518.11	Transpower New Zealand Ltd	In Part	Accept In-Part
99.27		Transpower New Zealand Ltd		Accept In-Part
	516.22	Federated Farmers of New Zealand	Oppose	Accept In-Part
	517.32	Horticulture NZ	In-Part	Accept In-Part
7.04		Heirs Partnership		Reject
	518.10	Transpower New Zealand Ltd	In Part	Accept
65.04		Horowhenua Farmers' Ratepayer Group		Accept In-Part
	506.46	Ernslaw One Ltd	Oppose	Accept In-Part
	513.47	Rayonier New Zealand Ltd	Oppose	Accept In-Part
66.04		Bruce and Christine Mitchell		Accept In-Part
	506.00	Ernslaw One Ltd	Oppose	Accept In-Part
	513.45	Rayonier New Zealand Ltd	Oppose	Accept In-Part
96.36		Federated Farmers of New Zealand		Accept In-Part
	506.20	Ernslaw One Ltd	In-Part	Accept In-Part
	513.17	Rayonier New Zealand Ltd	In-Part	Accept In-Part
	517.33	Horticulture NZ	In-Part	Accept In-Part
98.44		Horticulture NZ		Reject
	506.53	Ernslaw One Ltd	In-Part	Accept In-Part
	513.24	Rayonier New Zealand Ltd	Support	Reject
50.07		Rayonier NZ Ltd		Reject
	506.77	Ernslaw One Ltd	Support	Reject
74.07		Ernslaw One Limited		Reject
	513.33	Rayonier New Zealand Ltd	Support	Reject

50.08	506.78	Rayonier NZ Ltd Ernslaw One Ltd	Support	Accept In-Part Accept In-Part
74.08	513.34	Ernslaw One Limited Rayonier New Zealand Ltd	Support	Reject Reject
74.09	513.35	Ernslaw One Limited Rayonier New Zealand Ltd	Support	Reject Reject
50.09	506.79	Rayonier NZ Ltd Ernslaw One Ltd	Support	Reject Reject
74.10	513.36	Ernslaw One Limited Rayonier New Zealand Ltd	Support	Reject Reject
27.27	506.45 513.46	Horizons Regional Council Ernslaw One Ltd Rayonier New Zealand Ltd	Support Support	Accept Accept Accept
50.10	506.80	Rayonier NZ Ltd Ernslaw One Ltd	Support	Accept Accept
74.11	513.37	Ernslaw One Limited Rayonier New Zealand Ltd	Support	Accept Accept
96.37	506.21 513.18	Federated Farmers of New Zealand Ernslaw One Ltd Rayonier New Zealand Ltd	Support Support	Accept Accept Accept
32.23		NZ Pork Industry Board		Accept In-Part
27.28	511.11	Horizons Regional Council HDC (Community Assets Department)	In Part	Accept Accept In-Part
72.08		PIANZ & EPFNZ		Accept In-Part
27.29		Horizons Regional Council		Reject
65.05	517.34	Horowhenua Farmers' Ratepayer Group Horticulture NZ	Support	Reject Reject
66.05		Bruce & Christine Mitchell		Reject
98.45		Horticulture NZ		Accept In-Part
108.05		HDC (Planning Department)		Accept
95.15		New Zealand Defence Force (NZDF)		Accept

95.53		New Zealand Defence Force (NZDF)		Accept
95.10		New Zealand Defence Force (NZDF)		Accept
95.24		New Zealand Defence Force (NZDF)		Accept In-Part
95.34		New Zealand Defence Force (NZDF)		Accept In-Part
117.18		New Zealand Historic Places Trust (NZHPT)		Reject
40.24		House Movers Section of NZ Heavy Haulage Association Inc.		Reject
40.35		House Movers Section of NZ Heavy Haulage Association Inc.		Reject
95.44		New Zealand Defence Force (NZDF)		Reject
77.03	506.38	Higgins Group Holdings Ltd Ernslaw One Ltd	Support	Reject Reject
77.09	506.44	Higgins Group Holdings Ltd Ernslaw One Ltd	Support	Reject Reject
94.22		NZ Transport Agency (NZTA)		Accept
93.23		The Oil Companies		Accept
78.10		Telecom New Zealand Ltd		Reject
79.10		Chorus New Zealand Ltd		Reject
40.09		House Movers Section of NZ Heavy Haulage Association Inc.		Reject
103.00	517.35 528.28	Colin Easton Horticulture NZ Horizons Regional Council	In Part Oppose	Reject Accept In-Part Reject
105.00		Bill Huzziff		Reject
107.01		Rosalie Huzziff		Reject
117.28		New Zealand Historic Places Trust (NZHPT)		Accept In-Part
<b>Chapter 25 – Assessment Criteria</b>				
44.24		Genesis Power Ltd		Accept In-Part
99.39		Transpower New Zealand Ltd		Accept
99.40		Transpower New Zealand Ltd		Accept

32.24		NZ Pork Industry Board		Accept In-Part
44.22		Genesis Power Ltd		Accept In-Part
98.51		Horticulture NZ		Accept In-Part
32.25		NZ Pork Industry Board		Accept
98.52		Horticulture NZ		Accept In-Part
99.41		Transpower New Zealand Ltd		Accept
94.34		NZ Transport Agency (NZTA)		Accept In-Part
99.42	517.38	Transpower New Zealand Ltd Horticulture NZ	In Part	Reject Accept In-Part
55.08	506.57 521.06	KiwiRail Ernslaw One Ltd NZ Transport Agency (NZTA)	In Part Support	Accept In-Part Accept In-Part Accept In-Part
32.26		NZ Pork Industry Board		Accept
32.27		NZ Pork Industry Board		Accept In-Part
98.53		Horticulture NZ		Accept
<b>Chapter 26 - Definitions</b>				
27.32	516.26	Horizons Regional Council Federated Farmers of New Zealand	Oppose	Reject Accept
32.30		NZ Pork Industry Board		Accept
27.33		Horizons Regional Council		Reject
74.05	513.38	Ernslaw One Limited Rayonier New Zealand Ltd	Support	Accept Accept
32.32	506.67	NZ Pork Industry Board Ernslaw One Ltd	Oppose	Accept In-Part Accept In-Part
96.44	506.28 517.40 518.17	Federated Farmers of New Zealand Ernslaw One Ltd Horticulture NZ - In-Part Transpower New Zealand Ltd	In Part In Part In Part	Reject Accept In-Part Accept In-Part Accept In-Part
50.05	506.75	Rayonier NZ Ltd Ernslaw One Ltd	Support	Accept Accept



**6.4 Malcolm Hunt Associates Technical Review and New Zealand Defence Force Correspondence**

**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

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**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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## Permitted Activity Noise Standards for Temporary Military Training Activities

Rule x.x: Temporary Military Training Activities are permitted activities, provided they comply with the noise standards specified in Table x below.

Table x

Activity	Noise Controls				
<b>Temporary Military Exercises</b>	<b>Type of military noise source</b>	<b>Standards</b>			
		<b>Time (Monday to Sunday)</b>	<b>Separation distance required to any dwelling, residentially zoned site, or building used for residential, educational or healthcare purposes</b>		
	<b>1. Live firing of weapons and single or multiple explosive events</b>	0700 to 1900 hours	At least 1500m	Less than 1500m if conditions (a) and (c) below are complied with	
		1900 to 0700 hours	At least 4500m	Less than 4500m if conditions (b) and (c) below are complied with	
	<b>2. Firing of blank ammunition</b>	0700 to 1900 hours	At least 750m	Less than 750m if conditions (a) and (c) below are complied with	
		1900 to 0700 hours	At least 2250m	Less than 2250m if conditions (b) and (c) below are complied with	

		<p>Conditions to be complied with if minimum separation distances for sources (1) and (2) cannot be met:</p> <p>(a) Daytime sound levels do not exceed a peak sound pressure level of 120 dBC when measured at or within the 20 metre notional boundary of any dwelling, residentially zoned site, building used for residential, educational or health care purposes.</p> <p>(b) Night time sound levels do not exceed a peak sound pressure level of 90 dBC when measured at or within the 20 metre notional boundary of any dwelling, residentially zoned site, building used for residential, educational or health care purposes.</p> <p>(c) The activity is undertaken in accordance with a Noise Management Plan prepared by a suitably qualified expert and approved by Council at least 15 working days prior to the activity taking place. The Noise Management Plan shall, as a minimum, contain:</p> <ul style="list-style-type: none"> <li>• A description of the site and activity including times, dates, and nature and location of the proposed training activities.</li> <li>• Methods to minimise the noise disturbance at noise sensitive receiver sites such as selection of location, orientation, timing of noisy activities to limit noise received at sensitive receiver sites.</li> <li>• A map showing potentially affected noise sensitive sites and predicted peak sound pressure levels for each of these locations.</li> <li>• A programme for notification and communication with the occupiers of affected noise sensitive sites prior to the activities commencing, including updates during the event.</li> <li>• A method for following up any complaints received during or after the event, and any proposed de-briefing meetings with Council.</li> </ul>
	<p><b>3. Mobile noise sources, excluding sources (1) and (2)</b></p>	<p>Compliance with the noise limits set out in Tables 2 and 3 of <i>NZS6803:1999 Acoustics – Construction Noise</i>, with reference to ‘construction noise’ taken to refer to other, mobile noise sources*</p>
	<p><b>Note:</b> mobile noise sources (other than firing of weapons) include sources such as personnel, light and heavy vehicles, self-propelled equipment, earthmoving equipment</p>	

	<b>4. Fixed (stationary) noise sources, excluding sources (1) and (2)</b>	<b>Time (Monday to Sunday)</b>	<b>Noise level at the 20 metre notional boundary of any dwelling, residentially zoned site, or building used for residential, educational or healthcare purposes*</b>	
		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
<b>Note:</b> fixed (stationary) noise sources (other than firing of weapons and explosives) include noise sources such as power generation, heating, ventilation or air conditioning systems, or water or wastewater pumping/treatment systems.				
	<b>5. Helicopter landing areas</b>	Compliance with noise limits set out in <i>NZS6807:1994 Noise Management and Land Use Planning for Helicopter Landing Areas</i> .*		

\* Noise levels shall be measured in accordance with NZS6801:2008 Acoustics – Measurement of Sound

## **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,  $dBL_{Aeq}$  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

# ***New Zealand Defence Force***

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

**MHA Reference:** 932-OF3  
January 2013

**Prepared by:**

**MalcolmHuntAssociates**

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**Prepared For:**



**New Zealand Defence Force**

# ***New Zealand Defence Force***

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

**MalcolmHuntAssociates**



### **CONTENTS**

Executive Summary.....	3
1 Introduction.....	4
2 Effects Of Noise .....	5
3 Existing TMT Noise Rules .....	6
4 TMT Noise Levels .....	8
4.1 Category 1 - Non-Weapons & Pyrotechnic TMT .....	8
4.2 Category 2 - TMT Involving Weapons Firing & Pyrotechnics .....	8
4.3 Noise Assessment Factors.....	9
5 Predicted Noise Levels.....	10
6 Assessment Criteria .....	12
6.1 New Zealand Standards .....	12
6.2 Current New Zealand Standards .....	12
6.3 Current Best Practice Within NZ Standards .....	13
6.4 Background Sound Level L95 .....	13
6.5 Assessment Of Impulse Noise.....	14
6.6 NZS 6807:1994 <i>Noise Management and Land Use Planning for Helicopter Landing Areas</i> .	16
6.7 Vibration .....	16
7 Recommended Noise Limits .....	17
8 Summary.....	18



# New Zealand Defence Force

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

MalcolmHuntAssociates

noise and environmental consultants

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### Executive Summary

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*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

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### 1 Introduction

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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 purposes<sup>1</sup> 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<sub>max</sub> 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*

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<sup>1</sup> 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.

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## 2 Effects Of Noise

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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 noise<sup>2</sup>. 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

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<sup>2</sup> 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 outcomes<sup>3</sup>. 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 <sub>max</sub>
(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<sub>max</sub> [dBA]
- L<sub>10</sub> [dBA]
- L<sub>95</sub> [dBA]
- L<sub>Peak</sub> [dBC]

L<sub>max</sub> 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<sub>peak</sub> dBC) is the most appropriate measurement unit. The use of both the L<sub>10</sub> and L<sub>95</sub> units with noise is not considered necessary, see discussion below.

<sup>3</sup> 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  
MAG™58 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).

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## 5 Predicted Noise Levels

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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.

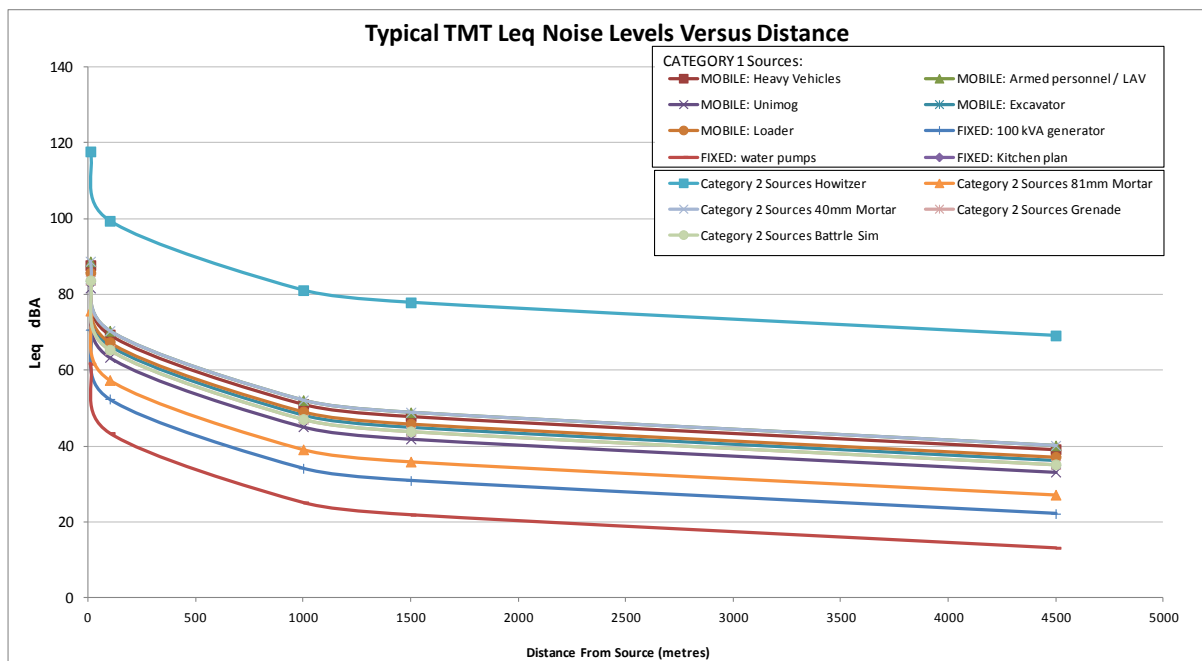


Predictions of sound levels has been conducted using computer-based prediction programs based the algorithms set out within ISO 9613-2:1996<sup>4</sup>. The prediction method involves specifying input variables such as sound power levels at source, air absorption values based on temperature and humidity. 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.

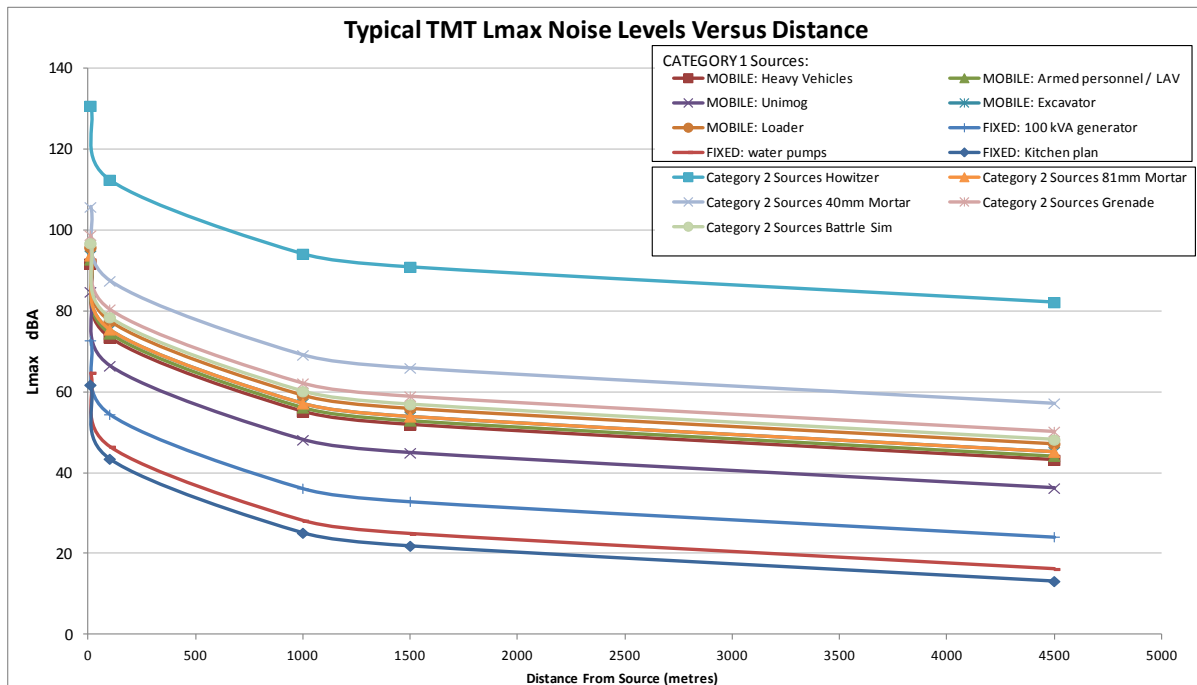
Category	Sources	10 METRES			100 metres			1,000 metres			1,500 Metres			4,500 Metres		
		Leq	Lmax	Peak	Leq	Lmax	Peak	Leq	Lmax	Peak	Leq	Lmax	Peak	Leq	Lmax	Peak
MOBILE:	Heavy Vehicles	88	92	94	69	73	75	51	55	57	48	52	54	39	43	45
	Armed personnel / LAV	89	93	98	70	74	79	52	56	61	49	53	58	40	44	49
	Unimog	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.

<sup>4</sup> 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 operations<sup>5</sup>) 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

<sup>5</sup> 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 dB<sup>6</sup> to 4 dB<sup>7</sup>. 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.).

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<sup>6</sup> 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."

<sup>7</sup> U.S. Navy Silver Strand E.I.S See [http://www.silverstrandtrainingcomplexeis.com/Documents/10\\_SSTC\\_Final\\_EIS\\_Vol1\\_Chapter3-6\\_Acoustic.pdf](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<sub>max</sub> 70 dBA between 10pm to 7 am, or L<sub>max</sub> 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<sub>dn</sub> and L<sub>max</sub> 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.

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## 7 Recommended Noise Limits

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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;

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

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).

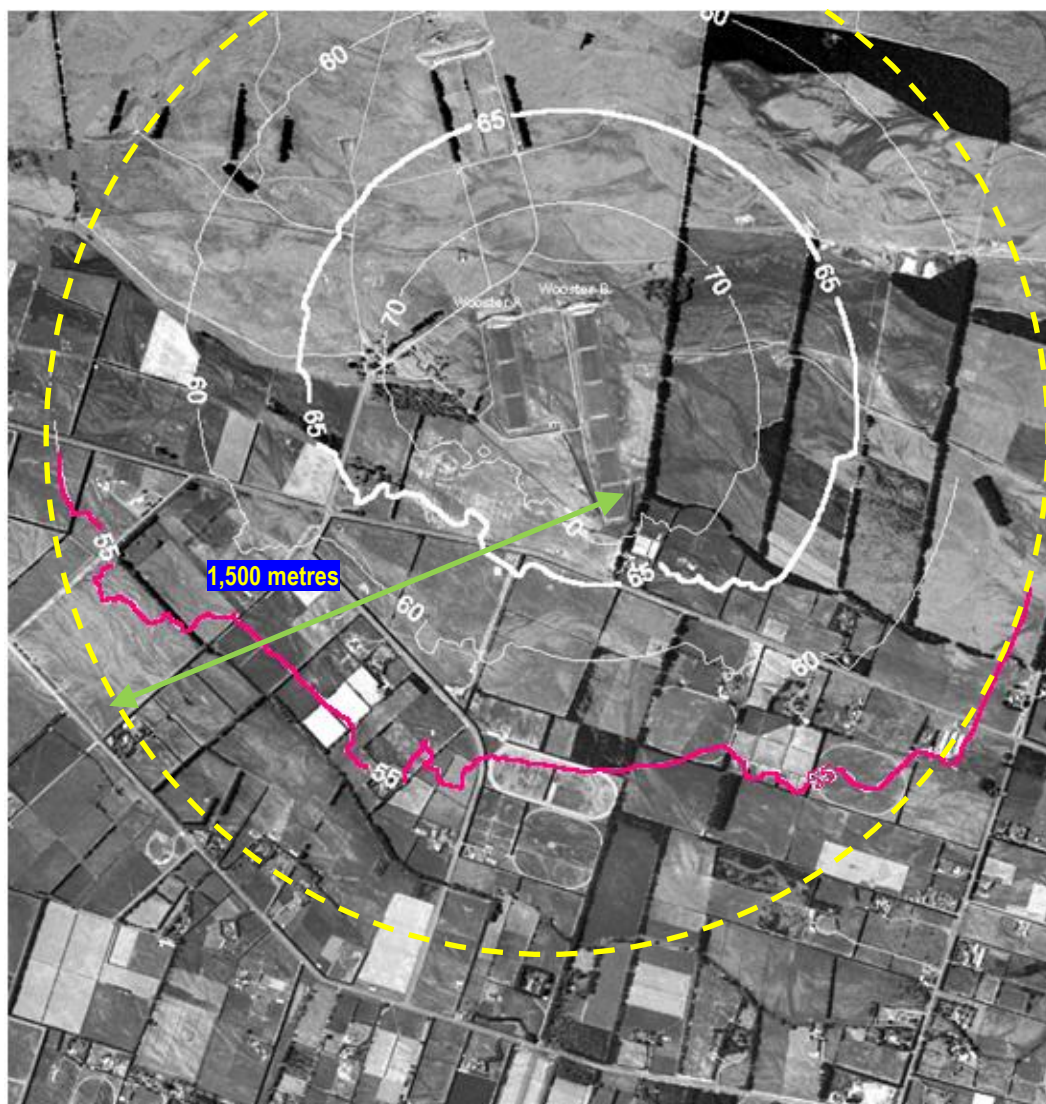


Figure A1. Predicted West Melton Ldn noise contours for use of firing ranges only, also showing Ldn 55 Contour (—) lies within the (dotted) is a 1.5 kilometre radius from the closest firing locations.

**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.

**6.5 Review of Noise Issues by Nigel Lloyd of Acousafe Consulting & Engineering Ltd**



**PROPOSED HOROWHENUA DISTRICT PLAN  
ANALYSIS OF SUBMISSIONS  
NOISE PROVISIONS**

**For**

**HOROWHENUA DISTRICT COUNCIL**

N2279

Status – final V1

26<sup>th</sup> March 2013

**ACOUSAPE CONSULTING & ENGINEERING LTD**

A handwritten signature in black ink, appearing to read "Nigel Lloyd". The signature is fluid and cursive, with a large initial 'N' and 'L'.

Nigel Lloyd  
Director of Acoustic Services

Mobile: 0274 480 282  
E-mail: [nigel@acousafe.co.nz](mailto:nigel@acousafe.co.nz)

## 1. Introduction

The following is a technical review of submissions to Proposed Horowhenua District Plan regarding noise matters. The submissions points for the technical review are grouped as follows:

1. All Zones: Temporary military training activities;
  - a. Noise limits associated with the use of explosives and small arms,
  - b. Noise limits generally (i.e. the use of NZS6803:1999)
2. All Zones: Noise insulation standards for habitable buildings near railway;
3. All Zones: Subwoofer noise
4. Industrial Zone: Noise limits within the Industrial Zone;
5. Rural Zone: Audible bird scaring devices and changing periods of operation;
6. Rural Zone: Wind farm noise standards;

The brief from Council was to review the relevant submission points relating to the noise provisions and prepare a short letter or report. This document was to summarise the matters raised in submissions and provide specialist acoustic comment on the relief sought and recommend whether to accept or reject each submission point, and recommend any changes to the Proposed Plan provisions. The brief requested not to cover minor word changes raised.

## 2. All Zones – Temporary Military Training Activities

The New Zealand Defence Force (NZDF) has provided a Generic Table for Permitted Activity Noise Standards that it seeks to have included in the District Plan. This table was provided subsequent to the main submission and was derived from the work of Malcolm Hunt Associates (MHA) dated January 2013. The MHA report details measurements made of various NZDF activities at different locations and predicts the noise levels likely to be generated at different distances from the sources.

The MHA report establishes five different categories of Temporary Military Training (TMT) activities, discusses reasonable noise limits that might apply and then recommends what criteria would be appropriate for District Plans.

The five TMT categories are:

1. Live firing of weapons and single or multiple explosive events,
2. Firing of blank ammunition,
3. Mobile noise sources (excluding the above)
4. Stationary noise sources (excluding the above)
5. Helicopter landing areas.

### Noise Limits for Explosives and Small Arms

NZDF (95.31) seeks to remove the blanket amended Rules throughout the Plan (such as Rule 20.6.22(a)(vi)) in regards to night-time noise which states:

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.

Section 8.1.4 of NZS6803:1999 requires the airblast noise limit to be a peak sound level of 120dBC measured at a suitable location specified by the Standard.

The Generic Table would have the noise limit as 90dBC for live firing of weapons and single or multiple explosive events and firing of blank ammunition. The live firing would need to be at least 4,500 metres from the noise sensitive activity to comply with this limit and the blank firing at least 2,250 metres. It is unreasonable to have night-time firing of weapons and single or multiple explosions as permitted activities in the District Plan given the high potential for noise impact on residents, stock and wildlife and given the large separation distances required to achieve reasonable night-time criteria.

The Proposed Plan currently provides for night-time firing and explosions as controlled activities and this is appropriate given that a resource consent can then provide details of the noise levels that are likely to be generated and also include provision for noise management plans. The resource consent and noise management plans would provide for a case-by-case assessment of the night-time firing taking into account the location and nature of the proposed activity, proximity to noise sensitive activities, and measures to mitigate noise impacts. I consider the approach in the Proposed Plan is more appropriate in managing the noise effects than that sought by NZDF.

It is therefore recommended that Sections 1 and 2 in the Generic Table be rejected.

### **TMT Noise Limits Generally**

The Proposed District Plan otherwise controls TMT noise by reference to the construction noise standard and this is appropriate for live firing and explosions during the day and for mobile activities.

This part of the submission which supports the use of the construction noise standard for this purpose is accepted as it seeks what is already provided for in the Proposed Plan i.e. control by reference to NZS6803:1999.

The Generic Table seeks a stricter noise regime for fixed noise sources using the least stringent noise limits as recommended by NZS6802:2008 *Acoustics – Environmental noise*. NZDF has requested these criterion and they contend they will provide a better protection to residents. I concur with this request and comment, and therefore recommend that this part of the submission be accepted.

With respect to helicopters, the Proposed District Plan already applies NZS6807:1994 *Noise Management and Land Use Planning for Helicopter Landing Areas* through reference to NZS6802:2008. The Noise Standard for helicopter landing areas only applies where ten or more flight movements occur in any month or where flight movements are likely to result in a

maximum sound level ( $L_{max}$ ) of 70dBA at night-time or 90dBA during daytime on any residential zone or within the notional boundary of any rural land. Otherwise Table 1 of NZS6807 contains a series of acceptable noise dose limits for day/night operations and  $L_{Amax}$  limits for night-time. These limits and the process in determining them would not be appropriate for short term helicopter activity by NZDF for temporary training purposes. It is therefore recommended that this part of the submission be rejected.

### **3. All Zones - KiwiRail Reverse Sensitivity**

KiwiRail (55.31) seeks to apply Rule 19.6.6 in the Rural Zone to other Zones in the District. While I can understand KiwiRail's desire to protect itself from reverse sensitivity effects of unsuitable noise sensitive development near to the Main North Island Trunk Line. The need for this requirement depends on the potential for development within each zone and the likelihood of noise sensitive activity development within 30 metres of the edge of the rail corridor. Our advice is that the control mechanism itself is appropriate but I believe it is a planning decision as to whether this should be applied throughout the District.

### **4. All Zones – Noise Levels Generally**

Allen Little (29.07) submits that low frequency noise pollution occurs from the use of sub-woofers in residential areas. Mr Little is mainly concerned about the “immature use of sub-woofer capabilities” which generates bass type sounds that permeate over a wide area deliberately intended to attract attention. He also specifically refers to amplified noise in motor vehicles which falls outside District Plan controls.

This is not a matter that can be efficiently handled by the District Plan which is more intent on controlling noise during the planning process either by establishing limits on the levels of noise that can be produced, or by managing land use in areas that are identified as being noisy. The excessive noise provisions of S327 of the Resource Management Act provide a far more appropriate and immediate rectification solution for this issue. Section 327 provides for an enforcement officer or constable acting upon the request of an enforcement officer to serve an excessive noise direction on the occupier of a place from which such noise is being emitted. The officer can then seize the noisy equipment if the person fails to comply with the direction. In this way an immediate remedy is available.

Mr Little correctly infers that bass type noise may not be adequately controlled using the A-weighted sound scale (dBA) in the District Plan controls. Unfortunately there is no simple way of setting alternative noise rules that would adequately catch such low frequency noise. It is my opinion therefore that the S327 excessive noise provisions of the RMA are best suited to the control of the PA subwoofer noise this submitter is concerned about.

## 5. The Industrial Zone

Lowe Corporation Ltd and Colyer Mair Assets Ltd (97.01) seek to amend Rule 16.6.5 so that the noise limit applies in adjacent zones and not within the Industrial Zone. This is appropriate given that Industrial Zones are meant for high noise activities and loading activities could struggle to meet a 65dB L<sub>Aeq</sub> at the immediate site boundary. It is recommended that the submission be accepted and that the word “Industrial” be deleted from Rule 16.6.5(b).

## 6. Rural Zone

### Audible Bird Scaring Devices

In Proposed Plan Rule 19.6.7(e) bird scaring devices are permitted between sunrise and sunset.

Horticulture New Zealand (98.41) seeks that bird scaring devices be permitted for an extra hour before sunrise and after sunset.

On the other hand Peter and Susan Webb (118.00) oppose the change in time period in the Proposed Plan. They seek a return to the times in the Operative Plan which restricts the hours of operation to between 7am and 7pm. The times for bird scaring devices to operate in the Proposed District Plan are between sunrise and sunset.

This is a direct conflict of the needs of horticulturalists verses the impact on residents who live in and adjacent to the rural area.

The Webbs identify that sunrise and sunset in December occurs at about 5.40am and 8.45pm respectively. Sunrise is about 7am in the beginning of March and sunset is 8pm. After daylight saving commences (7<sup>th</sup> April this year) sunrise occurs at 6.40am and sunset at 6pm.

The outcome sought by Horticulture New Zealand therefore is that bird scaring devices would be permitted to commence at 4.40am in December and finish at 9.45pm. A study of sunrise and sunset tables indicate that dawn occurs no more than about ½ hour before sunrise. While it is appreciated that birds may be active in the one hour before sunrise it is our opinion that 4.40am is too early to be woken by the onset of bird scaring devices. It is therefore recommended that the Horticulture New Zealand relief sought be rejected.

The question then becomes should the start time be 7am rather than sunrise as requested by the Webbs. The earliest the bird scaring devices can start if the time is sunrise is 5.40am in December and this is early to be woken. However this time then gradually changes to 7am by the beginning of March and then reverts to 6.40am with daylight saving.

On balance therefore we believe that the time of sunrise and sunset is an appropriate compromise.

Horticulture New Zealand (98.41) also seeks to delete the restriction on 12 events per hour within 500 metres of a dwelling. The ASEL limit only controls each limit (by taking the noise level of the event and averaging it to a 1



second time period). The submission implies that there is averaging of a number of events taking place in the assessment of ASEL, which is not the case. The frequency of the number of events is a critical part of assessing a person's likely annoyance to the noise. This requirement only applies for bird scaring devices within 500 metres of a dwelling and this is an appropriate control to protect residential amenity working in combination with the ASEL noise limit. It is therefore recommended that the change the submitter seeks be rejected and that 19.6.7(e)(iv) and (v) be retained.

## Wind Farm Noise

New Zealand Wind Energy Association submission (100.15) seeks a number of changes to the Proposed Plan which we will comment on section by section;

- a) Include a new permitted activity status for wind farms.

### Comment

The recent PCC Plan Change 7 Environment Court decision<sup>1</sup> established wind farms as discretionary activities unless they are located at least 700m from the boundary of a site that is not part of the wind farm, and at least 700m from a zone boundary. Where these standards are not met, the wind farm is a non-complying activity.

It was found in the Turitea Wind Farm Hearing before the Board of Inquiry that there is considerable discretion required in the assessment process for wind farms using NZS6808:2010.

Because of the precedent established by the PCC Plan Change 7 decision and the discretionary nature of NZS6808 it is recommended that wind farms should not be provided for as permitted activities in the Proposed Plan.

- b) Establish a new Rule 22.1.12

The NZWEA Submission Point 15 settles ultimately on wind farms being a Restricted Discretionary activity (as in 22.1.11) except for assessment of noise where in Submission Point 16 it seeks a new permitted activity standard. It is recommended that wind farm noise not be given a permitted activity status for the reasons explained above. In any event the recommended wording of NZWEA's does not conform to that recommended by NZS6808. Wind farms are best left as discretionary activities where the provisions of NZS6808 can be applied. This requirement is adequately set out in Assessment Criteria 25.7.13(e). NZWEA seeks to delete reference to a particular consideration being given to special audible characteristics in 25.7.13(e). West Wind wind farm exhibited three different types of special audible characteristics at start-up which finally took six months to fully identify and correct. The presence of these characteristics aggravated the situation for neighbours and complaints reduced considerably once they had been

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<sup>1</sup> <http://www.pcc.govt.nz/DownloadFile/News---Events/Public-Consultation/District-Plan-Change-7/Plan-Change-7---Environment-Court-Decision-dated-8-October-2012>

corrected. It has since been recognised that wind farms need to be designed to avoid special audible characteristics and that tests should be undertaken during the commissioning of the wind farms to ensure that the actual design is appropriate. Resource consent conditions were included by the Environment Court for Mill Creek wind farm and by the Board of Inquiry for Turitea wind farm and these go beyond the requirements of NZS6808.

I recommend that the NZWEA submission be rejected in respect of the changes they seek to the noise provisions.

## 7. Definitions

KiwiRail (55.00) seeks a change to the definition of “Notional Boundary”. It would be sensible for the definition of notional boundary to be the same as the 2008 version of NZS6801 (and as provided for in Acousafe’s District Plan Review). This definition is:

**Notional Boundary** : A line 20 metres from any side of a noise sensitive activity or the legal boundary where this is closer to the noise sensitive activity.

This avoids the use of the words “property” or “site”.

From: [Claire Price](#)  
To: [Claire Price](#)  
Subject: FW: Horowhenua DC - helicopter noise  
Date: Monday, 8 April 2013 1:48:44 p.m.

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From: Nigel Lloyd [mailto:nigel@acousafe.co.nz]  
Sent: Monday, 8 April 2013 1:01 p.m.  
To: Claire Price  
Subject: RE: Horowhenua DC - helicopter noise

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Hi Claire

Further to our telephone discussion this morning I would confirm the following points:

- I support the inclusion of NZS6807:1994 specifically in the Plan to provide for noise management and land use planning for helicopter landing areas.
- This Standard requires the setting of a helicopter noise boundaries for the control of helicopter noise and sets noise limits to protect dwellings.
- I am concerned that using NZS6807 could be overly complex for NZDF with respect to all Temporary Military Training.
- The issue with helicopters is that they are a highly flexible tool that can fly in and out of different areas as required and do not require a set area in which to land and take off from
- The standard works on the basis of controlling noise from helicopters and managing the land around the helicopter landing area within which the Local Authority must decide (in consultation with all interested parties) where the helicopter noise boundary should be and the provide for compatible land use measures within the contour. This is overly complex for what NZDF seeks and which will only take place on a temporary basis.
- If only the noise limits are referred to in the Plan then NZDF are in danger of not being able to operate their helicopters if they do not comply with the limits.
- The concern I have is that undertaking this assessment for each TMT event will be a cumbersome and onerous business for both NZDF and for Councils that have to administer it.
- I would prefer to see helicopters exempt from noise limits if they are to operate on a short term and transient basis.
- However I accept that regular use of a location for up to one month may cause significant noise issues if unregulated.
- On that basis I suggest that helicopters are exempt for TMT over a continuous period of up to 7 days and that they must then be assessed using NZS6807 for TMT that continues for longer than that with helicopters using any one site. In this way an assessment for short term activities will not be required and any noise impact will be over quickly and long term activity can be appropriately controlled.

Regards

Nigel Lloyd

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PO Box 14315  
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DI: 0064 4 388 3407

# Submitter Index

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The page numbers for where the submitter index has been referred to within the report are indexed below by the Surname or Organisation name of the submitter.

## C

**Campbell (58 & 525)**, 111, 114, 115, 120, 121, 125, 126, 128, 130, 226, 227

**Chorus New Zealand Ltd (79 & 507)**, 183, 186, 187, 231

## D

**Dawson (48)**, 120, 125, 128, 130, 227

**Director-General of Conservation (101 & 527)**, 18, 19, 21, 22, 25, 26, 29, 30, 31, 32, 33, 42, 43, 45, 46, 48, 49, 52, 53, 54, 55, 56, 57, 96, 105, 106, 218, 219, 220, 221, 222, 226

## E

**Easton (103)**, 99, 100, 101, 184, 187, 226, 231

**Ernslaw One Ltd (74 & 506)**, 18, 19, 28, 29, 30, 31, 32, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 46, 47, 48, 49, 50, 51, 52, 53, 62, 63, 64, 65, 66, 67, 76, 85, 89, 90, 91, 92, 102, 103, 105, 106, 119, 121, 130, 131, 134, 137, 138, 143, 150, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 180, 181, 182, 193, 194, 197, 198, 199, 200, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232

## F

**Federated Farmers of New Zealand (96 & 516)**, 16, 18, 19, 20, 21, 22, 24, 26, 27, 29, 30, 31, 32, 33, 34, 38, 39, 40, 41, 43, 46, 47, 48, 49, 50, 51, 53, 57, 58, 60, 61, 62, 63, 64, 65, 66, 67, 74, 75, 77, 78, 79, 90, 92, 94, 105, 106, 116, 117, 119, 122, 123, 125, 129, 130, 131, 134, 135, 137, 138, 139, 141, 142, 143, 145, 148, 149, 150, 152, 153, 157, 158, 159, 161, 162, 196, 198, 199, 200, 206, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 232

**Friends of Strathnaver (57)**, 121, 126, 128, 130, 227

## G

**Genesis Power Ltd (44 & 501)**, 188, 189, 190, 231, 232

**Gradock (05)**, 135, 137, 138, 228

## H

**Halliday (56)**, 121, 122, 124, 128, 129, 130, 131, 227, 228

**Heirs Partnership (07)**, 118, 125, 127, 130, 147, 148, 150, 152, 227, 229

**Higgins Group Holdings Ltd (77 & 524)**, 36, 37, 39, 40, 41, 42, 43, 45, 46, 50, 53, 76, 102, 103, 112, 114, 115, 119, 128, 130, 180, 181, 182, 220, 221, 224, 226, 227, 231

**Hood (83)**, 24, 26, 38, 40, 41, 63, 64, 65, 70, 71, 72, 81, 83, 84, 106, 107, 108, 143, 147, 148, 151, 218, 220, 223, 225, 226, 229

**Horizons Regional Council (27 & 528)**, 12, 16, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 55, 56, 67, 68, 69, 70, 73, 112, 114, 115, 118, 122, 124, 125, 126, 129, 130, 131, 140, 141, 142, 160, 161, 162, 163, 164, 165, 166, 184, 187, 196, 197, 198, 199, 203, 206, 210, 213, 214, 218, 219, 222, 223, 226, 227, 228, 230, 231, 232

**Horowhenua Astronomical Society Inc (26)**, 112, 114, 115, 226

**Horowhenua District Council (Community Assets Department) (91 & 511)**, 37, 40, 41, 72, 73, 118, 124, 130, 163, 164, 220, 224, 227, 230

**Horowhenua District Council (Planning Department) (108)**, 92, 93, 107, 108, 122, 123, 129, 131, 132, 166, 167, 225, 226, 228, 230

**Horowhenua Farmers' Ratepayer Group (65)**, 18, 19, 20, 22, 37, 39, 41, 116, 117, 153, 157, 158, 159, 165, 166, 218, 220, 227, 229, 230

**Horticulture New Zealand (98 & 517)**, 16, 18, 19, 20, 21, 22, 23, 25, 26, 28, 29, 30, 31, 37, 39, 40, 41, 44, 45, 46, 47, 48, 49, 50, 51, 53, 55, 56, 57, 58, 59, 60, 62, 64, 65, 67, 68, 69, 70, 71, 72, 74, 75, 77, 78, 79, 80, 97, 103, 104, 105, 106, 110, 111, 119, 125, 127, 130, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 145, 148, 150, 151, 152, 153, 154, 157, 158, 159, 165, 166, 167, 184, 187, 189, 190, 191, 192, 193, 194, 195, 196, 198, 199, 200, 218,

219, 220, 221, 222, 223, 224, 226, 227, 228,  
229, 230, 231, 232

**House Movers Section of New Zealand Heavy  
Haulage Association Inc (40)**, 86, 87, 88, 93,  
94, 101, 112, 115, 178, 179, 183, 186, 187,  
225, 226, 231

**Huzziff, Bill (104 & 105)**, 99, 100, 101, 185, 187,  
188, 226, 231

**Huzziff, Rosalie (106 & 107)**, 185, 187, 188, 231

## K

**KCE Mangahao Ltd (92 & 515)**, 43, 46, 74, 75,  
77, 78, 79, 82, 84, 221, 224, 225

**KiwiRail (55)**, 133, 134, 193, 194, 228, 232

## L

**Lake (81)**, 80, 81, 83, 95, 109, 110, 226

**Landlink Ltd (45)**, 124, 130, 131, 228

## M

**Mangin (23)**, 89, 91, 225

**McMenamin & Fitzgerald (53)**, 120, 127, 130,  
227

**Mitchell (66)**, 18, 19, 20, 21, 22, 37, 39, 41, 116,  
117, 153, 157, 158, 159, 165, 166, 218, 220,  
227, 229, 230

**Muaupoko Co-operative Society (60)**, 72, 73,  
81, 83, 84, 224

## N

**New Zealand Defence Force (95)**, 98, 113, 115,  
135, 137, 138, 139, 140, 168, 169, 170, 171,  
172, 173, 174, 175, 176, 179, 180, 226, 227,  
228, 230, 231

**New Zealand Historic Places Trust (117 & 509)**,  
104, 105, 177, 178, 185, 187, 188, 226, 231

**New Zealand Pork Industry Board (32 & 500)**,  
11, 18, 19, 24, 25, 26, 28, 29, 30, 31, 32, 33,  
34, 35, 36, 38, 39, 40, 41, 42, 43, 45, 46, 47,  
48, 49, 50, 51, 53, 55, 56, 57, 58, 59, 60, 62,  
63, 64, 65, 67, 68, 69, 70, 79, 80, 89, 90, 91,  
92, 121, 122, 123, 129, 130, 131, 140, 141,  
142, 162, 163, 164, 188, 189, 190, 195, 196,  
198, 199, 200, 218, 219, 220, 221, 222, 223,  
224, 225, 227, 228, 230, 232

**NZ Transport Agency (94 & 521)**, 70, 71, 72,  
133, 134, 182, 193, 194, 223, 228, 231, 232

## P

**Parlovskis (12)**, 88, 91, 225

**Percy (76)**, 60, 61, 62, 119, 125, 130, 222, 227

**Poultry Industry Association of New Zealand  
(PIANZ) & Egg Producers Federation of New  
Zealand (EPFNZ) (72 & 522)**, 11, 18, 19, 23,  
24, 28, 29, 36, 38, 39, 40, 41, 42, 43, 44, 46,  
47, 48, 50, 51, 52, 53, 58, 59, 60, 62, 65, 67,  
68, 69, 70, 90, 92, 118, 122, 123, 130, 131,  
163, 164, 218, 219, 220, 221, 222, 223, 225,  
227, 228, 230

## R

**Range View Limited & M J Page (38)**, 143, 151,  
229

**Rayonier New Zealand Ltd (50 & 513)**, 24, 26,  
34, 35, 36, 37, 38, 39, 40, 41, 47, 48, 49, 50,  
51, 53, 62, 63, 65, 66, 67, 76, 85, 88, 89, 90,  
91, 92, 153, 154, 155, 156, 157, 158, 159, 160,  
161, 162, 197, 198, 199, 200, 218, 219, 220,  
221, 222, 223, 224, 225, 229, 230, 232

**Rudd (109 & 519)**, 72, 73, 224

## S

**Saunders (52)**, 120, 126, 128, 130, 227

**Straugheir (09)**, 88, 91, 225

## T

**Taiao Raukawa Environmental Resource Unit  
(67)**, 23, 24, 33, 34, 72, 73, 218, 219, 224

**Taueki (11)**, 72, 73, 80, 81, 83, 84, 224

**Telecom New Zealand Ltd (78 & 508)**, 183, 186,  
187, 231

**The Oil Companies (93 & 504)**, 183, 186, 187,  
231

**Todd Energy Ltd (80 & 514)**, 43, 46, 74, 75, 77,  
78, 81, 84, 221, 224, 225

**Transpower New Zealand Ltd (99 & 518)**, 8, 43,  
46, 70, 71, 72, 74, 75, 77, 78, 79, 86, 103, 104,  
110, 111, 114, 115, 143, 145, 147, 148, 149,  
150, 151, 152, 188, 189, 190, 191, 192, 193,  
194, 198, 199, 200, 210, 221, 223, 224, 225,  
226, 227, 229, 231, 232

**Truebridge Associates Ltd (116 & 526)**, 143,  
148, 150, 151, 229

## W

**Wallis (15)**, 89, 91, 225

**Watt (64)**, 120, 125, 127, 130, 227

**Webb (59 & 118)**, 136, 137, 138, 139, 228

**White, Michael (25)**, 111, 114, 115, 226