

**RESOURCE MANAGEMENT ACT 1991**

**PROPOSED HOROWHENUA DISTRICT PLAN**

**HEARING OF SUBMISSIONS**

**DECISION OF HEARING PANEL**

**TOPIC:** Report on District Plan  
General Part 3 (Assessment Matters, General  
Provisions, General and Miscellaneous Matters)

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

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

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## **1.0 INTRODUCTION**

- 1.1 We were appointed by the Horowhenua District Council to consider submissions on the Proposed District Plan relating to "General Part 3 - Assessment Matters, General Provisions, General and Miscellaneous Matters".
- 1.2 A hearing into the submissions was held on 20 and 21 May 2013. The hearing was closed on the 13 September 2013.

### Abbreviations

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

DoC	Department of Conservation
Proposed Plan	Proposed Horowhenua District Plan
NES	National Environmental Standard
NZHPT	New Zealand Historic Places Trust
NZTA	New Zealand Transport Agency
NZCPS	New Zealand Coastal Policy Statement
Officer's report	Report evaluating the applications prepared by Ms Price for our assistance under s42A(1) of the RMA
One Plan	Proposed Horizons Regional Council One Plan
The Act	Resource Management Act
HDC	Horowhenua District Council

## **2.0 OFFICER'S REPORT**

- 2.1 We were provided with and reviewed the officer report prepared by Ms Claire Price on behalf of the Horowhenua District Council (HDC), pursuant to s42A of the Act prior to the hearing commencing.
- 2.2 The Officer's report dealt with matters contained in Chapters 25 and 28 of the Proposed Plan which has the title of "General Provisions". The report primarily concerned submissions related to the "Assessment Matters" which applied to the assessment of resource consent applications under rules which are dealt with in separate decisions.
- 2.3 There were also a significant number of submissions which raised matters which were outside the scope of the District Plan, and a small number of submissions which had been inadvertently overlooked when submissions were grouped by topic area.
- 2.4 The submissions considered under this group of decisions did not address matters of fundamental significance to the direction contained in the District Plan. However the officer's report identified a range of detailed matters covered under the recommendations, which included the correct use of Maori place names and the use of macrons throughout the text of the Proposed Plan; a new permitted activity condition to noise insulation in the Residential Zone adjacent to the Main Trunk railway; improving provision for consideration of reverse sensitivity effects on transport corridors; amending Assessment Criteria for historic heritage; and amending Subdivision Information Requirements.

- 2.5 Readers of this decision should note that submissions on "Definitions" and "Planning Maps" are covered in separate decisions.
- 2.6 Finally, an assessment is undertaken of submission points that had been inadvertently overlooked in the summary of submissions relating to other topic areas.

### 3.0 SUBMITTER APPEARANCES

The hearing provided the opportunity for any submitter who wished to be heard on matters that were relevant to General Part 3, 4 and 5. The following submitters presented or table evidence and submissions on General Part 3 matters at the hearing:

- Penelope Tucker, Horizons Regional Council
- Pam Bulter, KiwiRail
- Warwick Meyer, Horowhenua District Council
- Viv Bold

*(Written statements were submitted by Mr Richard Tingey, Georgina McPherson on behalf of Powerco, Ms Anne Neill on behalf of the New Zealand Historic Places Trust, and Mr V Hodgson on behalf the New Zealand Pork Industry Board with respect to clause 25.7.5)*

### 4.0 EVALUATION

#### 4.1 Clause 25.1.1 General Assessment Criteria for Subdivision Applications

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

Sub No.	Submitter Name	Decision Requested	Further Submission
42.01	Vector Gas Ltd	Amend Assessment Criteria 25.1.1 as follows:  (m) The extent a proposed subdivision and subsequent land use will affect the efficient and effective operative of district significant infrastructure. <u>Such consideration will be based on advice provided by the infrastructure manager.</u>	505.16 Powerco – Support

Submission point 42.01 from Vector Gas Ltd has sought a further refinement to Assessment Matter 25.1.1. However as this provision was subject to Plan Changes 20 and 21, it is outside the scope of submissions on the Proposed Plan, and accordingly the Hearings Panel resolved that it be rejected for this reason.

#### 4.2 Clause 25.2.1 Assessment Criteria for Land Use Consents in the Rural Zone, General

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

Sub No.	Submitter Name	Decision Requested	Further Submission
99.39	Transpower New Zealand Ltd	Retain assessment criteria 25.2.1(e), (k)	

Transpower lodged a submission in support the criteria set out in Clause 25.2.1, in particular sub-clauses (e) and (k). The Hearings Panel resolved that the submission point be accepted.

#### 4.3 Clause 25.7.1 Assessment Criteria for Consents in All Zones, Noise

##### *Submissions Received*

Sub No.	Submitter Name	Decision Requested	Further Submission
94.36	NZ Transport Agency (NZTA)	Retain 25.7.1(b) as notified.	
55.06	KiwiRail	Amend Assessment Criteria 25.7.1(b) to read as follows:  The proposed methods for avoiding, remedying or mitigating adverse effects including <u>reverse sensitivity effects from locations adjacent to major infrastructure such as transport networks, including railway corridors</u> the design of the building or structure, the use of materials, design, installation and maintenance of landscaping.	
100.16	New Zealand Wind Energy Association (NZWEA)	Include a new clause in 25.7 Assessment Criteria for Consents in All Zones, Noise as follows:  25.7.1 Noise  ...  (XX) Noise effects from wind farms shall be measured and assessed in accordance with <u>NZS6808:2010.</u>	

**KiwiRail** supported in part Clause 25.7.1(b) but sought greater emphasis on avoiding, remedying or mitigating adverse reverse sensitivity effects on major infrastructure such as transport networks, including railway corridors, supported by NZTA. Clause 25.7 sets out the assessment criteria for activities which generate noise and require resource consent. There was some uncertainty as to whether the submission point referred to the correct plan provision (25.2.1 (j)) instead of 25.7.1 (b), but the reporting officer was generally supportive of the content of the submission.

In some respects, Clause 25.7.1(b) is not an ideal vehicle for addressing the matters of concern to the submitter, because it is directed at controlling *new activities* which create noise, rather than the effects on noise sensitive activities from *existing* noise sources. The Hearings Panel agreed that noise from major transport infrastructure such as rail routes and arterial roads is a factor that needs to be taken into account as part of any relevant resource consent assessment. However it was noted that this would not capture all scenarios, such as *permitted* noise sensitive activities which were affected by transport noise. Noise effects on sensitive activities are however indirectly addressed in part by rules in the Plan. Provisions in the Rural Zone for example, manage the proximity of buildings and noise sensitive activities to the State Highway and railway through the use of building setbacks (Rule 19.6.4(a)(ii)) and noise insulation requirements (Rule 19.6.6) respectively.

Notwithstanding its reservations about the limited scope of the rule, the Hearings Panel considered that it would be appropriate that reverse sensitivity effects of noise from transport corridors be included under Assessment Criteria 25.2.1 (Rural Zone General), 25.2.2 (Rural Zone building setbacks) and 25.7.2 (All Zones Noise Insulation). In relevant situations, this would require activities adjacent to transport corridors which require consent to also take into account (and protect themselves from) noise effects. The additional criteria would read as follows:

*"The proposed methods for avoiding, remedying or mitigating reverse sensitivity effects on transport networks, including railway corridors, from new or altered buildings accommodating new noise sensitive activities".*

It was understood from Ms Butler's written submission to the hearing (for KiwiRail ) that this would be acceptable to the submitter. The Hearings Panel accordingly resolved that this submission point be accepted in part, with the text changes set out in Appendix 1.

**NZWEA** opposed Clause 25.7.1 because the noise assessment requirements for wind farm proposals are not specifically provided for. They sought the insertion of a new subclause which specifically referred to the measurement and assessment of noise from wind farms in accordance with *NZS6808:2010 (Acoustics – Wind Farm Noise)*.

The Hearings Panel were advised that wind farms were provided for in the Proposed Plan as Discretionary Activities in the Rural Zone under Rule 19.4.6(b), and that Assessment Criteria 25.7.13 (e) makes specific reference to NZS6808:2010. It appears that the submitter may not have been aware that this provision was already addressed in the District Plan (the submitter also appeared at the Utilities and Energy hearing). Given that the relief sought has been provided for elsewhere in the District Plan, it was resolved that the submission point be accepted in part.

**NZTA's** support for Clause 25.7.1(b) was noted and the Hearings Panel resolved that their submission point be accepted.

#### **4.4 Clause 25.7.2 Assessment Criteria for Consents in All Zones, Noise Insulation**

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

Sub No.	Submitter Name	Decision Requested	Further Submission
55.09	KiwiRail	Amend Assessment Criteria 25.7.2(a) as follows:  Noise Insulation for <u>Noise sensitive activities</u>  (a) The degree of noise attenuation achieved by the <u>noise sensitive activity</u>	

Kiwi Rail lodged a submission in support of the 'Noise Insulation' Assessment Criteria in Clause 25.7.2, but also sought an amendment by replacing the words "*residential activities*" with "*noise sensitive activities*". The officers report explained that noise insulation was required for new buildings or additions/alterations to existing buildings for 'noise sensitive activities' that are in close proximity to the State Highway or North Island Main Trunk Rail in the Rural Zone (Rule 19.6.6), and where any habitable room for any 'noise sensitive activity' is proposed within the Commercial Zone (Rule 17.6.7). Given this, the Hearings Panel agreed it would be appropriate to rename the

Assessment Criteria as “*Noise Insulation for Noise Sensitive Activities*” and resolved that KiwiRail’s submission point be accepted. The text changes are included in Appendix 1.

#### 4.5 25.7.3 Assessment Criteria for Consents in All Zones, Vibration

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

Sub No.	Submitter Name	Decision Requested	Further Submission
55.10	KiwiRail	Amend Assessment Criteria 25.7.3 by adding the following additional clause;  (c) the degree to which the proposal addresses the reverse sensitivity effects caused by vibration from adjacent zones and/or activities, or similar to achieve the stated relief.	

KiwiRail supports Assessment Criteria 25.7.3 "Vibration", but considers it should also address reverse sensitivity effects caused by vibration from adjoining activities such as rail corridors. The relief sought inserts an additional criterion to this effect.

In her written statement of evidence, Ms Butler noted that communities were becoming less tolerant of activities which are perceived to have adverse effects such as vibration. She noted that even for established rail lines, increased traffic levels after a long period of low usage, or changes to the nature of the track or rolling stock can cause irritation, even if it is most unlikely to cause physical damage.

The Hearings Panel noted that this raises a similar issue to that addressed under Clause 4.4 above - the rule is aimed at controlling *new activities* which may create noise or vibration, rather than the effect of activities *moving to existing* sources of noise or vibration. There is also an additional complication with respect to vibration, in terms of what reasonable steps are in fact possible to address such an adverse effect on a recipient where the source of that vibration is an existing activity. We were aware of the ability of potentially affected parties to protect themselves from noise (at least internally) by such measures as noise insulation within buildings. The most likely scenario in which potential vibration effects from existing activities such as roads or railways could be assessed, would be if land were being rezoned (e.g. from rural to residential). However this involves a separate statutory procedure to which affected parties such as KiwiRail could be involved as submitters.

The Hearings Panel was sympathetic to the comments made by Ms Butler for KiwiRail, but in the absence of evidence as to how vibration effects of existing activities could be realistically mitigated, and the limited scope provided by a rule aimed at restricting vibration at source from a new activity, reluctantly concluded that at this stage it would not be appropriate to further amend the Assessment Criteria. Accordingly it was resolved that the submission point be rejected.

#### 4.6 25.7.5 Assessment Criteria for Consents in All Zones, Servicing

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

Sub No.	Submitter Name	Decision Requested	Further Submission
41.48	Powerco	Amend Assessment Criteria 25.7.5 by adding new clause as follows:	

Sub No.	Submitter Name	Decision Requested	Further Submission
		<u>Provision of electricity, gas and telecommunications</u>  <u>The extent to which connections electricity, gas and telecommunications networks are available to service the needs of the development and/or subdivision.</u>	
32.28	NZ Pork Industry Board	Delete 25.7.5(b)(ii)  (ii) <del>The ability of the proposed system to allow the discharge of wastewater in a sustainable and environmentally acceptable manner, including whether the necessary discharge consents have been applied for or granted.</del>	528.09 Horizons Regional Council - Oppose

**Powerco** supports in part the Assessment Criteria set out in 25.7.5, but seeks amendments to specifically refer to the provision of electricity, gas and telecommunications. Assessment Criteria 25.7.5 applies to all land use or subdivision consents that involve the provision of servicing for a development, for example the provision of potable water supply, reticulated wastewater and on-site stormwater management.

Subclause (d) makes reference to the Council's Subdivision and Development Principles and Requirements (2012) which includes a section dedicated to Network Utility Services (Section 14, 40). These include power, telecommunications and, where applicable, gas reticulation, and to that extent the issue is already addressed indirectly in the Assessment Criteria. The Hearings Panel agreed with the officer's report that this was best addressed between the project proponent and the respective utility provider, rather than Council through the consent process. To the extent that the content of the submission point is already addressed, it was resolved that it be accepted in part.

The **NZ Pork Industry Board** sought the deletion of Clause 25.7.5(b)(ii), which refers to wastewater disposal.

This submission may have arisen through a misunderstanding of the District Plan provisions. The requirement concerns connections to the Council's reticulated wastewater system, and not on-site wastewater management for farming activities, and accordingly has no application to farming activities. The related criteria is not considered to impose a constraint as contended by the submitter. However the rule as currently drafted could be interpreted as applying to effluent disposal from all activities in all zones.

However the concerns of the submitter may well have been resolved by the hearing of submissions of Rule 19.6.17, upon which submissions were lodged and heard by the Hearings Panel dealing with the Rural Environment. This Hearings Panel understands that following submissions from Horizons, the Poultry Industry Association of New Zealand (PIANZ) & Egg Producers Federation of New Zealand (EPFNZ), and the New Zealand Pork Industry Board, that rule now only refers to solid waste (to avoid duplication with Regional Council functions), so there is no District Plan rule which would trigger a non-compliance with respect to the disposal of farm effluent, and accordingly the Assessment Matters in clause 25.7.5 would not have any application to farming activities with respect to effluent disposal.

The Hearings Panel resolved that this submission point be rejected, but specifically on the basis that the issue of concern to the submitter has been resolved separately.

#### 4.7 Clause 25.7.11(b) Assessment Criteria for Consents in All Zones, Advertising Signs, Traffic and Pedestrian Safety

##### *Submissions Received*

Sub No.	Submitter Name	Decision Requested	Further Submission
94.37	NZ Transport Agency (NZTA)	Retain 25.7.11(b) as notified.	

The support for Assessment Criteria 25.7.11(b) by NZTA is acknowledged and the Hearings Panel resolved that the submission point be accepted.

#### 4.8 New Assessment Criteria

##### *Submissions Received*

Sub No.	Submitter Name	Decision Requested	Further Submission
117.32	New Zealand Historic Places Trust (NZHPT)	<p>Include the following in Chapter 25:</p> <p><u>Recognition and management of historic heritage through the Horowhenua District Council complements the statutory regime administered by the New Zealand Historic Places Trust under the Historic Places Act 1993.</u></p> <p><u>Information requirements for resource consents that outline information that must accompany a resource consent application affecting and historic building or site. This also includes circumstances where consultation with NZHPT and/or Iwi is required.</u></p> <p><u>Advice Notes identifying consultation requirements with Iwi and/or the NZHPT in the event of an accidental discovery, or circumstances when an Accidental Discovery Protocol will be attached to resource consents relating to development affecting pre 1900 archaeological sites and areas of significance to Maori.</u></p> <p><u>Advice Note: It is possible that archaeological sites may be affected by work authorised under this District Plan. Evidence of archaeological sites may include burnt and fire cracked stones, charcoal, rubbish heaps including shell, bone and/or glass and crockery, ditches, banks, pits, old building foundations, artefacts of Maori and European origin or human burials. The applicant is advised to contact the New Zealand Historic Place Trust if the presence of an archaeological site is suspected. Work affecting archaeological</u></p>	501.04 Genesis Power Ltd - Support

Sub No.	Submitter Name	Decision Requested	Further Submission
		<u>activity, such as earthworks, fencing or landscaping, may modify, damage or destroy any archaeological site(s), an authority (consent) from the New Zealand Historic Places Trust must be obtained for the work to proceed lawfully. The Historic Places Act (1993) contains penalties for unauthorised site damage.</u>	

The New Zealand Historic Places Trust (NZHPT) sought to add four additional "assessment matters" in Chapter 25. These assessment matters would provide information on the relationship between the District Plan and the Historic Places Act 1993, with respect to archaeological sites.

The Hearings Panel is of the view that the submitter is in fact seeking to inform potential submitters of their obligations, rather than outlining assessment matters which have a somewhat different role, being to provide guidance for decision-makers in determining whether an application should be granted or subject to conditions. As observed by the Reporting Officer, the additional text sought by NZHPT is more in the form of 'advice notes'.

The Reporting Officer noted the consideration of effects on archaeological values associated with any Heritage Site is one of the Assessment Matters set out in Clause 25.7.16. The Introduction to Chapter 13 (Historic Heritage) states that where a resource consent is required for any building or site entered on the Historic Heritage Schedule (Schedule 2 of the Proposed Plan), the NZHPT will be notified as an affected party, and the Hearings Panel considered that it would be useful to add reference to any consultation with the NZHPT to the Heritage Assessment Criteria in Clause 25.7.16.

The officer also suggested it would be useful to add reference in Clause 28.2.2 *"Information Requirement 1: General Information - subclause (b - Description of Proposal)"* for resource consents to make reference to the presence of archaeological sites as a feature where these were a relevant consideration. The Hearings Panel agreed that such additional text would also be useful and go some way to meeting the concerns raised in the NZHPT submission.

Returning to the earlier comment relating to the nature of the relief sought through the NZHPT submission, a final amendment considered appropriate would be to add a new brief section to Chapter 28 relating to 'Advice Notes' making reference to potential requirements under the NZHPT Act.

The amendments proposed take a somewhat different form than those specifically sought through the NZHPT submission, but in a letter from NZHPT dated 14 May 2013 and tabled at the hearing, NZHPT were supportive of the amendments proposed, subject to some wording changes to Clause 25.7.16 to also make reference to NZHPT registered structures and sites. Such an amendment would appear to fall within the scope of the NZHPT submission. On the basis of the above changes, it was resolved that the submission point be accepted in part. The text changes are contained in Appendix 1.

#### **4.9 Part E, Chapter 28 General Provisions, Section 28.2.2 Information Requirement 1: General Information**

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

Sub No.	Submitter Name	Decision Requested	Further Submission
41.51	Powerco	Amend 28.2.2(b) as follows:  A description of the site of the proposed activity including:  <u>Any existing network utility infrastructure, including underground services.</u>	512.03 Vector Gas Ltd In-Part

Powerco sought to add a requirement to identify existing network utility infrastructure, including underground services to Clause 28.2.2 (b). Clause 28.2.2 is entitled "*Information Requirement 1: General Information*". The Hearings Panel agreed that it would be useful to add a further bullet point relating to such information as part of the description of the site required with resource consent applications, although the extent to which it is relevant will depend on the nature and scale of the proposal concerned. On this basis, the submission point was accepted in part, with an additional bullet point reading:

*"Presence of any network utilities or community infrastructure"*

The text changes are contained in Appendix 1. This amendment is also relevant to the submission point discussed below under Part 4.10.

#### **4.10 Section 28.2.3 Information Requirement 2: Assessment of Environmental Effects and Technical Information**

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

Sub No.	Submitter Name	Decision Requested	Further Submission
42.03	Vector Gas Ltd	Amend 28.2.3 as follows:  ... <u>(i) Regionally Significant Infrastructure</u>  <u>Any resource consent application for an activity near regionally significant infrastructure shall supply the following information:</u>  <u>(i) The location of any existing regionally significant infrastructure in relation to the proposed activity.</u>  <u>(ii) Comments from the infrastructure operator confirming what effects the proposed activity may have on the operation of such infrastructure.</u>	

Vector Gas Ltd sought to add a requirement to Clause 28.2.3 which would require applicants for resource consents to identify any 'regionally significant infrastructure' in relation to the proposed activity, along with any comments from the infrastructure operators on potential effects. Clause 28.2.3 is entitled "*Information Requirement 2: Assessment of Environmental Effects and Technical Information*".

The Hearings Panel noted that this submission was similar in nature to that lodged by Powerco and discussed under Part 4.9 above. The officer's report explained that the Proposed Plan uses the term "network utilities" rather than "regionally significant infrastructure". Such infrastructure is recognised at a policy level (e.g. Rural Policy 2.5.16, Land Transport Policy 10.3.11, and Utilities and Energy Policy 12.2.11). At the implementation level, Assessment Criteria 25.2.1 *"Assessment Criteria for Land Use Consents in the Rural Zone - General"* now addresses this matter, with an additional clause (m) having added which specifically requires consideration of reverse sensitivity effects on existing electricity networks.

Notwithstanding this, it was also considered that the amendment to the text made to Clause 28.2.2 in response to the Powerco submission discussed above under Part 4.9, would address in part the concern expressed in this submission point. This specifically refers to "network utilities".

However that part of the Vector Gas submission which sought a requirement that resource consent applicants provide comments from infrastructure operators on the effects of the activity on infrastructure was considered onerous, as to require this is a matter of course is unnecessary given that many applications will not have any significant effect, or even no effect at all on infrastructure, except to the extent that a normal commercial connection to services such as power and gas may be desirable.

The Hearings Panel resolved that the submission point be accepted in part, to the extent of the text changes outlined in the Part 4.9 and as set out in Appendix 1.

#### **4.11 Section 28.2.4 – 28.2.6 Information Requirement 3, 4 and 5: Subdivision, Urban Subdivision and Rural Subdivision**

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

<b>Sub No.</b>	<b>Submitter Name</b>	<b>Decision Requested</b>	<b>Further Submission</b>
41.52	Powerco	Amend 28.2.4 as follows:  (n) Lighting and Other Services: Road lighting and the proposed location and type of <del>power</del> <u>electricity, gas and telephone services as well as details of any easements necessary for the protection of utility services</u>	
55.01	KiwiRail	Retain Assessment of Effects for Subdivision Application criteria 'k' – Any effect of reverse sensitivity.	
91.08	HDC (Community Assets Department)	Delete General Provision 28.2.4 and replace with;  <u>a) Details as required by Council' Subdivision and Development Principles and Requirements.</u>  <u>b) Features of a structure plan must be shown on a site which a structure plan is shown. The applicant must detail how the proposal is in accordance with the requirements of the structure plan.</u>	526.09 Truebridge Associates Ltd - Oppose

Sub No.	Submitter Name	Decision Requested	Further Submission
		<u>c) For subdivisions where no sewer connection is proposed to a Council reticulation then a building area and effluent disposal area and reserve disposal area must be shown in compliance with the specification detailed in Rule 19.7.2 (f).</u>	
91.26	HDC (Community Assets Department)	<p>Delete General Provision 28.2.5 and replace with;</p> <p><u>a) Details as required by Council' Subdivision and Development Principles and Requirements.</u></p> <p><u>b) Features of a structure plan must be shown on a site which a structure plan is shown. The applicant must detail how the proposal is in accordance with the requirements of the structure plan.</u></p> <p><u>c) For subdivisions where no sewer connection is proposed to a Council reticulation then a building area and effluent disposal area and reserve disposal area must be shown in compliance with the specification detailed in Rule 19.7.2 (f).</u></p>	526.27 Truebridge Associates Ltd - Oppose
91.27	HDC (Community Assets Department)	<p>Delete General Provision 28.2.6 and replace with;</p> <p><u>a) Details as required by Council' Subdivision and Development Principles and Requirements.</u></p> <p><u>b) Features of a structure plan must be shown on a site which a structure plan is shown. The applicant must detail how the proposal is in accordance with the requirements of the structure plan.</u></p> <p><u>c) For subdivisions where no sewer connection is proposed to a Council reticulation then a building area and effluent disposal area and reserve disposal area must be shown in compliance with the specification detailed in Rule 19.7.2 (f).</u></p>	526.28 Truebridge Associates Ltd - Oppose

Clauses 28.2.2 – 28.2.7 are entitled "Information Requirements 1- 6 (respectively): Subdivision". Three submissions were received on these provisions.

The **HDC (Community Assets Department)** submission was based on a concern that the subdivision information requirements set out in Section 28.2.4 – 28.2.6 duplicated the information requirements under the 'Subdivision and Development Principles and Requirements' (Section 2.2 Scheme Plan, pages 10 – 12). The provisions under 28.2.4 are quite lengthy and extend over five pages, and are generally typical of provisions found in district plans relating to subdivision

requirements. The relief sought is to delete Section 28.2.4 and add a reference to the Subdivision and Development Principles and Requirements.

Mr. Warwick Meyer presented evidence on behalf of HDC (Community Assets Department). The reporting officer agreed that there was an element of duplication, but was initially of the view that the material contained under 28.2.4 should be retained, as it complemented the provisions in Chapter 24 of the Proposed Plan entitled "Subdivision and Development".

The Hearings Panel suggested that the reporting officer enter into discussions with Mr Meyer and report back to the Panel, noting that the issue was primarily one of resolving the format of the plan provisions, and removing areas of possible duplication, rather than seeking substantive amendments to the plan contents. Subsequent to this, it was agreed that the information outlined in the section entitled "Engineering Drawings to be Supplied" was not necessary, as it would be dealt with later in the subdivision process under Sections 223 and 224 of the Act, concerning the approval and deposit of survey plans. Similarly, the requirements under Clauses 28.2.5 "*Information Requirement 4: Urban Subdivision*" and 28.2.6 "*Information Requirement 5: Rural Subdivision*" were also superfluous and could also be deleted. Clause 28.2.7 "*Information Requirement 6: Applications for Rights of Way*" would be retained and renumbered as Clause 28.2.5, and Information Requirement 4. Consequential amendments would also be required to Clause 28.1.1.

A full suite of text changes and deletions are contained in Appendix1 of these decisions. As a result of these amendments, the submission point of HDC (Community Assets Department) was accepted.

**Powerco** sought amendments to Clause 28.2.4 "*Details of the Proposed Subdivision to be Provided*", subclause (n) to clarify that electricity and gas are contemplated when providing services to a subdivision, and that any necessary easements for utility services are provided. The Hearings Panel accepted it was appropriate to require subdivision applicants to provide the information sought by Powerco, and it was resolved that that this submission point be accepted. It is included with the text changes in Appendix 1.

**KiwiRail** supported Clause 28.2.4 "*Assessment of Effects for Subdivision Application*" subclause (k) concerning the effects of reverse sensitivity, and the submission point was accepted.

## 4.12 Clause 28.3 Provision of Services

### ***Submissions Received***

Sub No.	Submitter Name	Decision Requested	Further Submission
41.53	Powerco	Amend the first paragraph of 28.3 to include a specific reference to 'gas' infrastructure.	

Section 28.3 sets out the arrangements applicants are expected to address with utility providers for the supply and installation of electric power, street lighting, and phone. Powerco have sought that reference be added to the provision of "gas". The Hearings Panel considered this appropriate and resolved that the submission point be accepted. Text changes are contained in Appendix 1.

## 4.13 General Submissions

### *Submissions Received*

Sub No.	Submitter Name	Decision Requested	Further Submission
3.00	Matthew Thredgold	Include provisions that prohibit all open air burning of rubbish and wood across the whole district.	506.60 Ernslaw One Ltd – Oppose  528.01 Horizons Regional Council - Oppose
13.00	John Hammond	Include in the Plan a comment that identifies that ratepayers will have the opportunity to comment on specific objectives, priorities and costs at each annual and 10 year plan submission time.	
5.08	Elaine Gradock	Rates should be kept at 5%.	
26.01	Horowhenua Astronomical Society Inc	Amend the Proposed Plan to include rules to prevent light spill, glare and excessive lighting levels for highway and street lighting, subdivisions, land use and development.	
26.04	Horowhenua Astronomical Society Inc	Amend the Proposed Plan to include rules to discourage or prevent the uplighting of trees.	
26.07	Horowhenua Astronomical Society Inc	Amend the Proposed Plan to include rules which preserve the natural character of coastal areas by restricting lighting to essential lighting only.	
38.03	Range View Limited & M J Page	Amend the Plan to incorporate the matters between the parties in relation to Plan Changes 20 and 22 once addressed to the submitter's satisfaction.	526.32 Truebridge Associates Ltd - Support
39.00	Viv Bold	Inferred: Do not proceed with the Proposed District Plan.	
40.00	House Movers Section of NZ Heavy Haulage Association Inc.	Amend the policies and objectives, rules, methods and reasons in the Proposed District Plan to reflect the reasons for this submission which opposes the regulation of removal and relocation of buildings.	
40.01	House Movers Section of NZ Heavy Haulage Association Inc.	Delete all provisions on removal, re-siting, and relocation of buildings in the Proposed Plan, the definitions section, and elsewhere.	
40.03	House Movers Section of NZ Heavy Haulage Association Inc.	Amend the objectives, policies, rules and methods of the Plan the need to provide for the coordination between the Building Act and Resource Management Act, to avoid regulatory duplication.	

Sub No.	Submitter Name	Decision Requested	Further Submission
40.04	House Movers Section of NZ Heavy Haulage Association Inc.	<p>Amend the Proposed Plan to provide for the demolition and removal and re-siting of buildings as a permitted activity in all areas and zones, except in relation to any scheduled identified heritage buildings, or any properly established conservation heritage precinct.</p> <p>Or</p> <p>In the event that demolition and or removal and re-siting of buildings is not a permitted activity then as a default rule, provide for relocation of dwellings and buildings no more restrictively than a restricted controlled activity, provided that such application be expressly provided for on a non-notified, non-service basis.</p>	
40.05	House Movers Section of NZ Heavy Haulage Association Inc.	Amend the policy provisions relating to relocated dwellings and buildings in their entirety (either by rewriting the plan, or alternatively, by deleting the relevant sections and replacing the provision in each section or zone of the Plan as is appropriate) with objectives, policies, rules, assessment criteria, methods, reasons and other provisions which expressly provide for relocation of buildings as permitted activities in all zones/areas subject to performance standards and conditions.	
40.31	House Movers Section of NZ Heavy Haulage Association Inc.	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	
40.37	House Movers Section of NZ Heavy Haulage Association Inc.	Include a discretionary activity rule to restrict the use of restrictive covenants for the removal, resiting, and relocation of dwellings and buildings.	
46.04	Vincero Holdings Ltd	<p>Amend the Plan so that the Proposed Coastal Natural Character and Hazards Area and Coastal Outstanding Natural Feature Landscape (ONFL) are amended to the area covered by D135 on the Planning Maps and removed from Lot 1 DP 48282.</p> <p>Alternatively amend the provisions in Chapters 3, 5, 8 and 19 to give effect and enables the certified Muhunua Forest Park management Plan that is contained in file SUB/2729/2009.</p>	
51.07	Waitarere Beach Progressive &	<p>No specific relief requested.</p> <p>Inferred: That a strategy for the development of</p>	

Sub No.	Submitter Name	Decision Requested	Further Submission
	Ratepayers Association	Waitarere be agreed so that the development of the area's facilities and infrastructure all work in harmony.	
51.06	Waitarere Beach Progressive & Ratepayers Association	No specific requested.  Inferred: That consideration is given to providing Waitarere with a permanent recycling drop-off facility.	
55.31	KiwiRail	<p>Include a new rule to all and each of the following zones ;</p> <p><u>Chapter 15 Residential</u></p> <p><u>Chapter 16 Industrial</u></p> <p><u>Chapter 17 Commercial</u></p> <p><u>Chapter 18 Greenbelt residential</u></p> <p><u>Chapter 20 Open Space</u></p> <p>which states:</p> <p><u>Any habitable room in a new noise sensitive activity or any alteration(s) to an existing noise sensitive activity constructed within 30 metres (measured from the nearest edge of the rail corridor) of the North Island Main Trunk Railway shall be designed, constructed and maintained to meet an internal noise level of:</u></p> <p><u>(i) 35dBA LAeq (1 hour) inside bedrooms.</u></p> <p><u>(ii) 40dBA LAeq (1 hour) inside other habitable rooms.</u></p> <p><u>(iii) Compliance with this Rule XXXX shall be achieved by, prior to the construction of any noise sensitive activity, an acoustic design certificate from a suitably qualified acoustic engineer is to be provided to Council demonstrating that the above internal sound levels will be achieved ;</u></p> <p><u>or</u></p> <p>Locate this rule in one location in the plan where it will have district-wide applicability (i.e. to all zones).</p>	
60.00	Muaupoko Co-operative Society	That the Proposed Plan be declined until such time as the matters raised by the submitter have been properly and appropriately provided for and that the Council agree to the preparation of a proposed variation to the Proposed Plan to enable these matters to be included.	
60.01	Muaupoko	No specific relief requested.	528.13 Horizons Regional Council -

Sub No.	Submitter Name	Decision Requested	Further Submission
	Co-operative Society	Inferred: That rules or regulations need to be included in the District Plan to prevent the ongoing discharge of stormwater, waste water and run off entering Lake Horowhenua.	Oppose
60.25	Muaupoko Co-operative Society	No specific relief requested.	
11.30	Philip Taueki	No specific relief requested.	
61.00	Richard Tingey	Amend Proposed Plan to provide for the following:  (a) culverts need to extend at least 3m from the road edge for the fence above the culver to be 3m from the edge too;  (b) a full and thorough policy on encroachments over road reserves to guarantee walking and cycling on paper roads plus 3m of walking space either side of rural roads in use;  (c) the encroachment policy to include a public register of such encroachments for full public inspection and that no retrospective encroachment licences will be granted;  (d) 7 day grazing encroachments for horses and cattle only with very light weight electric fencing to be 2m from tarseal;  (e) pampas grass eradicated on road reserves;  (f) street trees to give 3m of walk strip both sides of the of road reserve.	511.22 HDC (Community Assets Department) - Oppose
65.11	Horowhenua Farmers' Ratepayer Group	Amend Proposed Plan to provide a fund for the recompense purpose for the loss of property rights.	
66.11	Bruce & Christine Mitchell	Amend Proposed Plan to provide a fund for the recompense purpose for the loss of property rights.	
67.00	Taiao Raukawa Environmental Resource Unit	Amend entire Plan to ensure correct use of macrons (e.g. replace all Maori with Māori, Ngati with Ngāti and Ohau with Ōhau).	
91.12	HDC (Community Assets Department)	Amend all references to the Subdivision and Development Principles and Requirements 2012 and five appendices throughout the Proposed District Plan to provide for:  Version control to be added, Version: 12 November 2012 and includes minor alterations and submissions requested.	526.13 Truebridge Associates Ltd - Oppose

Sub No.	Submitter Name	Decision Requested	Further Submission
109.04	Charles Rudd (Snr)	Amend the District Plan to include references to and use of the following Māori place names  Waipunahau = Lake Horowhenua  Waiwiri = Lake Papaitonga/Buller Lake  Waitawa = Forest Lakes	
109.06	Charles Rudd (Snr)	Not specific relief requested.	

Sixteen submitters raised a range of submission points on matters across the Proposed Plan generally, some of which however fell outside the ambit of the District Plan. The Hearings Panels assessment of these various submissions is contained in Part 4.13 below.

### ***Air Quality***

**M. Thredgold's** submission was concerned with open air burning of rubbish and wood and associated smoke and odour nuisance beyond property boundaries. He argues that the Regional Council rules are ineffective and seeks the incorporation into the District Plan of provisions that limit and control burning off activities in the Rural Zone. The District Plan includes a proposed Rule (19.6.9) managing *odour* in the Rural Zone. Decisions on submissions on the Rural Environment noted that the management of odour falls under the jurisdiction of both the Regional Council (air discharge) and District Council (the management of land uses).

The Hearings Panel dealing with the Rural Environment decided that Proposed Plan Rule 19.6.9 be amended to incorporate the Proposed Horizons One Plan "FIDOL" factors, in order to address the effects of odour.

However it is noted that the submitters request goes well beyond the scope of this rule and seeks to prohibit all open air burning of rubbish and wood across the whole district. This would require the district council to control discharges to air, a function which is only within the functions of a Regional Council.

The Hearings Panel resolved that the submission point be accepted in part, but only to the limited extent that the management of odour from activities on the Rural Zone will be captured by Rule 19.6.9.

### ***Outdoor Lighting***

**The Horowhenua Astronomical Society Inc** submitted on a range of provisions across the Proposed Plan, which has been addressed through the hearing of submissions by seven Hearings Panels. The three submission points raised in the General Provisions repeat the relief sought within the Zone Chapters (Open Space, Residential, Industrial and Commercial and Rural) as well as district-wide and policy provisions on Land Transport, Subdivision and Development, and Coastal and Natural Features.

The basis of these submissions is the protection of the night sky from unnecessary light pollution, as well as managing lightspill to improve local amenity and ecology. In decisions made on the District Plan, it has been resolved that the Open Space Zone permitted activity condition that manages lightspill from outdoor lighting sources be applied to all the urban zones, for the purpose

of protecting residential amenity, and indirectly, by promoting the efficient use of lighting. The officers report noted that the 'Subdivision and Development Principles and Requirements' already require the design of new streetlights in rural areas and sensitive urban areas to reduce light dispersion into the sky. The matter will be further addressed through amendments to the District Plan through Assessment Criteria 25.6.3 to ensure any non-compliance with the outdoor lighting standard be considered in terms of adverse effects on the night sky. The Hearings Panel resolved that submission points 26.01 and 26.07 be accepted in part, through these amendments to the District Plan.

However submission point 26.04 sought further regulation preventing the "up-lighting" of trees, due to concerns about ecological impacts and health of the tree. The "up-lighting" of trees is a decorative way of enhancing trees as part of a garden feature or public space. The Reporting Officer noted that up-lighting was little used in Horowhenua District, although the Hearings Panel were aware of its use elsewhere, particularly in larger urban centres for both trees and in some cases buildings. No evidence was put before us with respect to ecological impacts of this practice.

The Hearings Panel considered that this particular submission point went too far. The extent of up-lighting appears to be very limited, and where it does occur may well be valued by the public to provide visual emphasis of important features at night. Light spill standards would still apply, and any additional regulation with respect to this particular issue is considered unnecessary and unjustified. Accordingly, the Hearings Panel resolved that submission point 26.04 be rejected.

### ***Relationship between the Proposed Plan and Plan Changes 20 and 22***

**Range View Limited & M J Page** sought that the matters between the parties involved in appeals on Plan Change 20 (Rural Subdivision) and Plan Change 22 (Outstanding Natural Features and Landscapes) be incorporated in the decisions on the Proposed Plan. Plan Changes 20, 21 and 22 were not operative at the time of notifying the Proposed Plan and the text containing these provisions was "greyed out" in the document, to make it clear that these provisions were not subject to submissions through the RMA, Schedule 1 process for the Proposed Plan.

The officer's report explained that parallel with the Schedule 1 process for the Proposed Plan, has been Environment Court mediation on the outstanding appeals on Plan Change 20, 21 and 22. The appeals on Plan Changes 20 and 21 have since been resolved and HDC has recently adopted these plan changes for notification with Plan Changes 20 and 21 which became operative on 23 May 2013. Any changes to the "greyed out" provisions as a result of the consent orders from Plan Changes 20 and 21 will be made once the decisions on the Plan Changes have been publicly notified and can occur independent of the Proposed Plan process.

Appeals on Plan Change 22 were still being progressed. However, once resolved, any changes to the Outstanding Natural Features and Landscapes (ONFL) maps and provisions can be made independent of the District Plan process. The resolution of appeals on Plan Change 22 may require consequential changes to provisions in the District Plan to achieve consistency between plan provisions.

For these reasons, the submission point was rejected, albeit that the Hearings Panel appreciated the intent of the submission, and the importance of ensuring integration between the three plan change processes, and the subsequent District Plan review.

**Vincero Holdings Ltd** are of the view that Plan Changes 20 and 22 are an integral part of the Proposed Plan, and described the provisions, and the potential for inconsistencies, for the application of these plan provisions to their property at Muhunua West Road, Ohau.

Specifically, the submitter opposes the identification of their site (Lot 1 DP 48282 located on Muhunua West Road) on Planning Maps 7 and 41 within the Coastal Natural Character and Hazard Overlay Area and Coastal Outstanding Natural Feature and Landscape (ONFL). Alternatively, the submitter sought site specific provisions to enable the site to be managed in accordance with the Muhunua Forest Park Management Plan as required under approved subdivision (SUB/2729/2009).

The Hearings Panel which heard submissions on the Coastal Environment also heard submission points 46.02 and 46.03 from the same submitter, where it was resolved that a site specific overlay and set of provisions would be appropriate to enable the submitters land to be managed in accordance with the Muhunua Forest Park Management Plan. It was also resolved that the Coastal Natural Character and Hazards overlay should no longer apply to this site, given the site specific assessments that had been undertaken as part of the subdivision consent process. Therefore the relief sought in 46.04 has been provided for in part by the decision on the Coastal Environment submission points.

The remaining issue presented by the submitter is the amendment sought to the Coastal Outstanding Natural Feature and Landscape (ONFL) as it applies to this site (Lot 1 DP 48282 located on Muhunua West Road). However the definition of the ONFL is outside the scope of these hearings, as it is part of Plan Change 22 which is currently under appeal to the Environment Court. This process will determine the ultimate definition of the ONFL and therefore not within the scope of the Proposed Plan decisions.

Having regard to the above discussion, the Hearings Panel resolved that submission point 46.04 be accepted in part.

### **Hokio**

**Viv Bold** opposes Hokio being rezoned Industrial from Rural, and appeared at the hearing in support of her submission.

Unfortunately, at the hearing there appeared to be a complete misunderstanding between Ms Bold, the Hearings Panel and the Reporting Officer. The Hearings Panel were initially under the impression that the submitter was opposing an industrial rezoning being sought by another submitter in Hokio Beach Road. In fact, the submitter wasn't concerned about that at all. The officer's report noted that the submitter's address for service is 415 Hokio Beach Road, which is zoned Rural, as is the surrounding area.

Rather, it appears that there was a concern that there might be a rezoning affecting Hokio Beach itself, and that this would potentially increase rates without any accompanying benefits for the local residents. From what the Hearings Panel could ascertain, it appears that the concerns raised by the submitter were intended to be directed more at the Council's *Annual Plan* process (which determines Council expenditure and rating levels), rather than the *District Plan*. The wording of the submission itself said:

*"Can't see how making Hokio from Rural to Industrial is going to help the residents that live in this area. We don't need extra charges put on our Rates Demands e.g. Walkways and the Library".*

Given there is no intention to rezone Hokio industrial, the Hearings Panel resolved that the submission point be rejected.

### ***Relocated Buildings***

The **House Movers Section of NZ Heavy Haulage Association Inc** submitted on the Proposed Plan provisions opposing controlled activity status for relocated buildings (dwellings), and have sought permitted activity status.

This is another issue which has arisen in across a number of hearings for the different zones (Open Space, Urban Environment and Rural Environment). The submission is discussed in detail in the decision of the Hearings Panel dealing with the Urban Environment. This decision retains the existing approach of Controlled Activity status and the use of bonds to ensure completion of works. The basis for maintaining this approach, including reference to previous case law, is addressed in detail under that particular decision.

Submission point 40.37 as summarised states that the submitter *seeks "a discretionary activity rule to restrict the use of restrictive covenants for the removal, resiting, and relocation of dwellings and buildings"*. However it is noted that point 15 of the submitter's original submission states:

*"As a default rule, in the event that the relocation of a buildings/dwellings is not a permitted activity (as provided for in paragraph 13 and 14 above) provide for relocation of dwellings and buildings no more restrictively than a restricted discretionary activity (provided that such application be expressly provided for on a non-notified, non-service basis) subject to the following assessment criteria ....."*

It may have been that the submission point may have been summarised incorrectly by referring to discretionary rather than restricted discretionary activity status. However the Council has resolved to retain controlled activity status, which is more liberal than the submitters less preferred alternative of restricted discretionary activity status, as sought through this submission point.

The Hearings Panel resolved that submission point 40.37 of The House Movers Section of NZ Heavy Haulage Association Inc be rejected.

### ***Reverse Sensitivity – Rail***

**KiwiRail** have sought additional provisions within the Residential, Greenbelt Residential, Commercial, Industrial and Open Space Zones in order to manage noise sensitive activities in proximity to the North Island Main Trunk Railway (NIMTR). Many of the major townships in the district (Tokomaru, Shannon, Ohau and Manakau), as well as its main centre of Levin, were historically developed along, or in close proximity to, the railway corridor, and the stations thereon. Accordingly, the perceived level of amenity within the district, as is the case in other parts of New Zealand as well, has come to recognise the reality of railway operations close to places of residence or business.

The Reporting Officer notes that Chapter 10 (Land Transport) of the Proposed Plan includes Objective 10.3.1 and Policy 10.3.12 which seek to manage land use activities near rail and road networks and avoid, remedy or mitigate any adverse (reverse sensitivity) effects on the safe and

efficient operation of these networks. Rule 19.6.6(b) in the Rural Zone provides that any habitable room in a new (or altered) noise sensitive activity to be set back greater than 30m from the nearest edge of the rail corridor. If the habitable room is within the 30m setback, then the design of the room needs to meet specified internal noise standards.

KiwiRail have sought that this rule have application within all other zones. Given the potential for future development, we agree with the Reporting Officer that such a rule would be appropriate for the Greenbelt Residential Zone, but this can only be implemented as part of a future plan change or variation. This was acknowledged in the evidence of Ms Butler for KiwiRail.

If this rule were to apply within the *already developed* Residential, Commercial or Industrial Zones, it would effectively apply to additions and alterations to existing buildings, or replacement buildings. Ms Butler was of the view that given the changes in people's perceptions of amenity over time, it would be preferable to take what was effectively a precautionary approach by imposing a rule across all zones, but that confining the extension of the rules only to the residential zone would be "adequate".

The Hearings Panel is of the view that requiring the standard to apply within the Commercial and Industrial zones is not justified, given the lower standard of amenity expected in such zones and the fact that regardless of the presence of the rail corridor, higher levels of ambient noise are to be expected within these zones anyway, which are also not normally places of residence and hence sensitive to night time noise. For completeness, it is noted that the Open Space Zone only permits recreational activities which are also not considered to be noise sensitive.

Accordingly, the Hearings Panel resolved that the KiwiRail submission be accepted in part, to the extent that the building setback and noise insulation condition be required within the Residential Zone as part of Rule 15.6. This would provide, over time as buildings are replaced and extended, for a gradual increase in noise insulation within these buildings and associated benefits for their occupants, particularly during the more sensitive night-time period. The Hearings Panel is of the opinion that the various refinements made to the District Plan to address noise from transport infrastructure, including the measures discussed above and those addressing reverse sensitivity, should provide an additional degree of comfort for transport operators such as KiwiRail.

### ***Waitare Beach – Public Facility Upgrade***

**Waitare Beach Progressive and Ratepayers Association** (WBPRA) have sought that the District Plan consider future development of public facilities and have specifically requested a permanent recycling drop off facility.

It appears that the submitter has perhaps misunderstood the function of a District Plan, which addresses how the environmental effects of facilities and structures are to be managed within a framework of objectives, policies and rules. The provision of community infrastructure itself is an operational issue for the Council and a matter for the Annual Plan process, along with any Council charging and rating implications. Alternatively, the Council could choose to designate land such facilities if it needs to acquire private land that purpose, and goes with the necessary statutory procedures. The suggestions made in the submission have however, been passed on to the HDC Community Assets Department for their consideration.

As the submission is outside the scope of matters within the ambit of the District Plan, the Hearings Panel resolved that it be rejected.

## ***Objectives, Priorities and Long Term Planning and Annual Planning***

**J. Hammond** has expressed concern that the implementation of the Proposed Plan will have cost implications for HDC and its ratepayers over time. He proposes that provision be made in the District Plan for ratepayers to have the opportunity to comment on the specific objectives, priorities and costs at the time of annual and 10 year plans.

A District Plan provides a regulatory regime for managing natural and physical resources (including the effects of buildings and structures) within the district, whereas financial implications are managed through the Long Term Plan and Annual Plan process. The administration and compliance costs associated with regulatory provisions in a district plan can be considered under Section 32 of the Act, though this particular submitter has not raised this as an issue. Such costs can include those imposed on landowners (as developers) and on the Council in terms of its administration and enforcement obligations. However a Council cannot trade-off the protection of the environment and amenity values in order to reduce its potential rating burden.

The District Plan does contain methods of implementation in association with the objectives and policies contained within it, and although some of these are subjective, they can still be considered in terms of non-regulatory methods contained within the Long Term Plan and the Annual Plan. To this extent, the Hearings Panel resolved that it would be appropriate that this submission point be accepted in part.

**E. Gradock** offers qualified support to the Proposed Plan, provided it does not result in a significant rise in rates, which is requested by the submitter to be kept at 5%. The rates for each year are set by Council through Council's Annual Plan process, and not the District Plan. A district plan cannot address issues relating to rating policies or levels. For this reason, the Hearings Panel resolved that the submission point be rejected.

## ***Consultation with Muaupoko, Lake Horowhenua***

**The Muaupoko Co-operative Society** are concerned with the District Plan review process with respect to providing for Section 6 and 7 of the RMA. The submitter states that there has been no consultation with the Tangata Whenua of Muaupoko to determine what rules or regulations need to be included in the Proposed Plan to ensure the protection of the taonga, including Lake Horowhenua, and waahi tapu from inappropriate use and development.

Matters relating to consultation, and the relationship between the Council and Tangata Whenua in the Horowhenua District were addressed in a special hearing on 28 May 2013, and specifically by the Hearings Panel hearing submissions on "Matters of Importance to Tangata Whenua". Amendments have been made to that chapter to address issues raised in terms of submissions on this topic. The Council was satisfied that it had fulfilled its statutory obligations under Clause 3 of the Schedule 1 (RMA) which is specific to consultation in the preparation of District Plans, by consulting with the four local Iwi with rohe in Horowhenua on resource management matters. The Muaupoko Tribal Authority was consulted as representing Muaupoko, as was the Council's understanding that it is an 'iwi authority' for the purpose of the review of the District Plan.

The submitter has sought that the District Plan be declined until such time as the matters raised by the submitter have been properly and appropriately provided for and that the Council agree to the preparation of a proposed variation to the Proposed Plan to enable these matters to be included.

The Hearings Panel did not consider that it is appropriate that the District Plan be declined or subject to a variation for this reason, although elsewhere in decisions it is agreed that considerable additional work needs to be done to identify sites throughout the district of cultural significance, which will inevitably include Lake Horowhenua and its environs. It has also made amendments to the District Plan as part of its consideration of submissions by this and other submitters on Chapter 1 of the Plan. Issues associated with the identification of cultural sites will be subject to a plan change once a process of consultation has been completed. Any party can request to be consulted on that plan change, and any submissions made must be considered on their merits whether they be from a mandated iwi authority, or any other party.

This submission point was rejected.

**The Muaupoko Co-operative Society** (submission point 60.01) have sought that appropriate provisions are included in the Proposed Plan, to prevent the ongoing discharge of stormwater, wastewater and run off entering Lake Horowhenua, and refers to Chapter 13 of the Proposed One Plan. While Hearings Panel agreed that discharges to Lake Horowhenua are a very real environmental issue, under the Resource Management Act discharges to the lake from any sources are the responsibility of the Horizons Regional Council, as set out in Chapter 13 of the One (Regional) Plan. The Horizons Regional Council opposes the inclusion of any rules in the District Plan to manage such discharges, as is evidenced by their further submission in opposition to that of the Society. For this reason, this submission point is rejected.

**The Muaupoko Co-Operative Society (60.25 and Phillip Taueki (11.30))** oppose the approach taken by Council in response to the vandalism at the Rowing Club. The submitters contend that the activities occurring at Lake Horowhenua are compromising those values of importance to Tangata Whenua and giving rise to conflicts. It is undoubtedly the case that the nature of activities occurring in and around Lake Horowhenua will be the subject of further discussion between all stakeholders having an interest in the lake. However, legal or court action involving particular incidents are completely outside the scope of hearings on the District Plan. The Hearings Panel resolved that these submission points be rejected.

### ***Charles Rudd Snr***

Charles Rudd Snr submits that there may be potential issues with the Proposed Plan upon which he reserves to the right to speak. Mr Rudd has appeared at the hearings and expanded on a number of points of concern to him with respect to specific submission points. Decisions on these submission points have been made elsewhere on these hearings. However because this particular submission point does not identify any specific relief in terms of amending the text of the District Plan, it was rejected.

### ***Encroachments Policy***

**Richard Tingey** has sought the inclusion of an encroachment policy to the Proposed Plan and in particular raises concerns over the process and public register of permanent encroachments, the width of walking strips within road reserves, grazing licences and pampas grass eradication. These points were expanded upon in a written submission that was tabled before the Hearings Panel. He cited examples of fences being located on legal road reserves thus affecting walkers, the location of culvert pipes and fences, and a need to ban pampas grass.

Most of the matters raised by Mr Tingey concern obstructions or issues of safety for recreational users within road reserves, which he appears to see as being related to zoning. In reality, the presence of any structures within the road reserve falls entirely within the ambit of the District Council's operational function (except state highways) as the administering authority for the road reserve. It has no relationship to the regulation of land-use activities on private property which is the subject of matters contained in the District Plan. Any concerns about obstructions or safety issues within the road reserve should be raised directly with asset management staff at the Council. It is suggested that the submitter may wish to pursue this option.

Similarly, the management of pampas grass is not a manner to be regulated under the District Plan, which is only concerned with the protection of significant trees or areas of ecological significance, or where a resource consent might be required to disturb such features. However both the district and regional councils undertake selective management of pampas grass where this is required as part of their operational requirements.

Plan Changes 20 and 21 incorporate Design Guides, in particular Section 5.0 of the Greenbelt Residential Subdivision Design Guide and Section 5.0 of the Rural Subdivision Design Guide, which contain a series of cross sections for different roading categories which are relevant to the construction of *new roads*. These cross sections identify that for new roads there will be the expectation that grass berms, pedestrian footways and cycle lanes (in some circumstances) would be provided in accordance with the design guide standards.

As the matters raised by the submitter are outside the scope of the District Plan, the Hearings Panel resolved that submission point be rejected.

### ***Private Property Rights***

**Bruce and Christine Mitchell** and the **Horowhenua Farmers Ratepayer Group** seek that provision be made for financial compensation associated with the loss of private property rights, as a consequence of District Plan and Council imposed regulation.

Councils are subject to discipline with respect to the costs of regulatory intervention in two ways under the Act. The first is with respect to section 32, which requires the Council to undertake an assessment which determines that its regulatory intervention is both necessary to achieve the purposes of the Act, and is efficient and effective. Secondly, any person who can demonstrate that the reasonable use of their land is denied by regulation, can apply under section 85 of the Act to have that provision struck down. (Although rarely used, the section has been successfully used at least once with respect to the listing of heritage building). Furthermore, any acquisition of land for a public work requires designation which in turn, implies compensation being paid.

However, apart from these provisions, section 85 makes it clear that there is no compensation payable, merely because rules in a district plan restrict the use of private land from what might otherwise be highest and best use in economic terms. A Council may however, elect to provide for rates relief, grants, professional advice, and the waiver of administration fees in circumstances where a case might be made to it for such assistance. The Council has to strike a balance between its obligations under Part 2 of the Act with respect to the management of natural and physical resources, and enabling the use of those resources. The Hearings Panel do not consider that it is necessary to provide a fund to compensate individual landowners, unless it can be shown that the rules deny reasonable use of land. Accordingly the submission points were rejected.

## ***Place Names and use of Macrons***

**Taiao Raukawa Environmental Resource Unit** have sought that all macrons throughout the Proposed Plan are correct - examples include Māori, Ngāti and Ōhau all having a macro emphasising certain vowels.

It is envisaged that the entire Proposed Plan will be reviewed using the Guidelines for Maori Language Orthography and the online directory to guide the appropriate spelling and use of macrons (source: the Maori Language Commission website).

**Charles Rudd Snr** has sought the inclusion and use of Maori place names including: Waipunahau (Lake Horowhenua) and Waiwiri (Lake Papaitonga/Buller Lake). It is understood that Waitawa (Forest Lakes) is outside the jurisdiction of the HDC.

There are likely to be other features and places across the Horowhenua district that should be identified and provide their correct Maori name. Officers recommend that the names of key natural features and places within the Horowhenua district could be searched using the above online resources and a list circulated to Horowhenua's iwi and hapu groups for their comment and advice.

The Hearings Panel supports the correct use of macrons, and the inclusion of Maori place names is considered appropriate within the Proposed Plan. Both submission points were accepted.

## ***Subdivision and Development Principles and Requirements***

**HDC (Community Assets Department)** have sought further amendments to the Subdivision and Development Principles and Requirements before finalising the document as it relates to the Proposed Plan. The amendments sought to the document have been accepted in decisions on submissions by the Hearings Panel on Land Transport.

Chapter 24 of the Proposed Plan includes the subdivision and development rules and conditions. The first condition for any subdivision and development is that the design and construction shall comply with NZS4404:2010 and the HDC's Subdivision and Development Principles and Requirements (2012). The Subdivision and Development Principles and Requirements (2012) were included in the Proposed Plan by reference, and publicly notified in July 2012.

HDC (Community Assets Department) wish to make reference to the *November 2012* version of the Subdivision and Development Principles and Requirements (2012), rather than the July 2012 version as in the notified Proposed Plan. This relief sought under submission point 91.12 is the same as that considered by the Hearings Panel for Land Transport, under submission point 91.25.

The Hearings Panel considers that the relief sought in submission point 91.12 is appropriate and consistent with the changes made in the Land Transport Decision, and the submission point was consequently accepted. It is noted that this submission point (and others) have been opposed by Truebridge Associates, but in the absence of any evidence before the Hearings Panel as to the reasons for this opposition, we are unable to undertake a useful assessment of their further submission point.

### **4.14 Allen Little (Submitter Number 29)**

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

Sub No.	Submitter Name	Decision Requested	Further Submission
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Sub No.	Submitter Name	Decision Requested	Further Submission
29.00	Allen Little	No specific relief requested.	
29.01	Allen Little	No specific relief requested.	
29.02	Allen Little	No specific relief requested.	
29.03	Allen Little	No specific relief requested.	
29.04	Allen Little	No specific relief requested.	
29.05	Allen Little	No specific relief requested.	
29.06	Allen Little	Include provision for a shared purpose license for home based businesses.	
29.07	Allen Little	Include/amend noise policy to control subwoofer noise intrusion in the Residential Zone on private property and on public roads.	
29.08	Allen Little	Include provisions to manage the effects of lighting with particular regard to limiting spill light, glare and energy consumption.	
29.09	Allen Little	Include a policy/provision around local alcohol.	
29.10	Allen Little	Include a commitment of Council to actively monitor foliage over footpaths and pedestrian walkways.	
29.11	Allen Little	No specific relief requested:  Inferred: Undertake studies on the potential for public transport in the Horowhenua which would inform policies/provisions to be included in Chapter 10.	
29.12	Allen Little	No specific relief requested.	
29.13	Allen Little	Establish an Innovation and Public Facilities working party to explore options, study and recommend futurist development of transport and communications services for the Horowhenua.	
29.15	Allen Little	No specific relief requested.	
29.16	Allen Little	No specific relief requested.	
29.17	Allen Little	Amend Polices to ensure that every citizen has full and convenient access to common amenities or facilities.	
29.18	Allen Little	Attention should be given to developing a package of 'Start Up' incentives which attract new business enterprise and innovation. This could be	

Sub No.	Submitter Name	Decision Requested	Further Submission
		achieved through the formation of a 'Business Intelligence Unit' within Council.	
29.19	Allen Little	No specific relief requested.	
29.20	Allen Little	No specific relief requested.	
29.21	Allen Little	Council should set an example and establish an energy conservation initiative to avoid wastage of electricity.	
29.22	Allen Little	Include Policies and controls which will allow the Council to set the standard for local energy efficient and conservation.	

Mr. Little lodged a comprehensive suite of submissions across most chapters of the District Plan, a number of which have been addressed elsewhere in decisions by Hearings Panels, notably on the subject of lighting and the protection of the night sky. The Hearings Panels decisions below address a comprehensive range of other matters raised in his submission points, some of which are outside the scope of the District Plan or which require action by other authorities. A number of the submission points concern the operational, rating and political roles of the Council which are dealt with under the Annual Plan process, while the District Plan focuses on how the regulation of how natural and physical resources is to be undertaken in order to ensure the protection of the environment. While undoubtedly intended to be helpful, a number of submission points are in the form of a commentary, and are general in nature, rather than seeking specific text changes to the content of the District Plan.

### ***Chapter 2 Rural Environment***

Mr Little (29.00) expressed concern over compliance issues and inspection of effluent disposal and land irrigation systems in the rural environment, and the safety of rural property accesses. The submitter suggests a survey and inspection within rural areas and the need to explore synergies with the Regional Council. In accordance with the specific regulatory roles of regional and district councils under the Resource Management Act, discharge consents are subject to control by the Horizons Regional Council. HDC or NZTA will respond to public complaints about unsafe access, or investigate accesses as part of the management of the local road network, and the rules in the District Plan relating to the location of new access points. Chapter 14 of the District Plan addresses cross boundary issues, while the HDC's Planning Industry Group, involves participation of practitioners and officers from local councils on planning matters and the sharing of information. The Hearings Panel concluded that was appropriate that this particular submission point be accepted in part to the extent that the matters raised are already addressed through current planning practice and the provisions of the District Plan.

### ***Chapter 3 Natural Features and Values and Chapter 4 Open Space and Access to Water Bodies***

The submitter (29.01 and 29.02) calls for the protection of landscapes and natural features, and seeks commitment to the restoration of Lake Horowhenua, and that the necessary consultation be adequately resourced. Chapter 3 of the District Plan, notably Issue 3.1, Objective 3.1.1 and Policies 3.1.2 – 3.1.9 provide the framework to manage Horowhenua's Outstanding Natural

Features and Landscapes (ONFL), albeit that these form part of Plan Change 22 which is still subject to appeal and not part of the District Plan review. The restoration work for Lake Horowhenua requires coordination between a number of parties including Horizons, HDC, the Lake Horowhenua Domain Board, Muaupoko and the water quality scientists who have studied and reported findings on this water body. The leading role in this respect will be Horizons Regional Council as the party having statutory authority in terms of the management of water. The submission point was accepted in part to the extent of the provisions contained in Chapter 3 of the District Plan, which address some of the concerns of the submitter. The submission points were accepted in part.

### ***Chapter 5 Coastal Environment and Chapter 6 Urban Environment***

Submission points 29.03, 29.04, 29.05 and 29.06 refer to the Horowhenua's coastal settlements, and other residential areas. The submitter makes the observation that coastal settlements have unique qualities while its residents also have access to services and facilities that are typical of urban areas. He considers that the character of the settlements be protected when considering infill development within the coastal settlements and subdivision. Objective 6.3.1 and Policies 6.3.2, 6.3.3, 6.3.4, 6.3.6, 6.3.7, 6.3.8, 6.3.9, 6.3.13 and 6.3.14 among others, all address residential areas within the district having regard to the different character of parts of the residential environment. (Submission 116.11 by Truebridge Associates, heard by the Hearings Panel dealing with submissions on the Planning Maps had suggested increasing the scope for infill subdivision in some coastal settlements, which was rejected). While there is some scope provided under the District Plan for infill development within Foxton Beach and Waitarere Beach, which would offer a degree of versatility in housing types and densities, the outcome of the hearings is considered to be in general accordance with the position of the submitter.

The submitter comments that older citizens have different housing needs, and affordable and accessible housing should be provided. He also proposes that small owner occupier home based businesses are appropriate in residential areas subject to management of traffic, advertisements and noise. Some of the matters raised in the submission point are addressed under Objective 6.3.1 and other provisions identified in the officers report. The District Plan specifically contains policies rules which provide for home occupation subject to their scale, and appropriate standards. Unfortunately the submitter does not indicate whether or not he considers the District Plan provisions are in his view satisfactory with respect to matters such as home occupations.

Policy 6.1.16 provides for smaller residential units. However the physical provision of housing for the elderly is a service delivery function which is outside the scope of the District Plan, and in this district is a function of private developers or the government.

The District Plan makes provision for a wide range of activities in urban settlements under Policy 6.1.18 and 6.3.23. It enables home occupations as a permitted activity subject to conditions on such matters as noise, and hours of operation, which if not met would trigger the need for a resource consent.

Having regard to the various submission points on the subject of the coastal environment and urban settlements, the Hearings Panel resolved that submission points 29.03 and 29.04 be accepted in part, whereas the inferred relief sought in submission points 29.05 and 29.06 be rejected as being outside the scope of the District Plan.

### ***Noise Control***

The submitter (29.07) sought that the Proposed Plan manage low-frequency base noise from 'subwoofers' in residential areas, typically associated with car audio systems and sometimes home entertainment systems.

The management of noise from these sources is not normally regulated under District Plan rules either in Horowhenua or anywhere else. For example, social activities such as holding parties or driving cars with loud audio systems would not logically fall within a resource consent framework - spontaneous noise sources such as these are regulated by either Council staff or through contracted noise control officers, and are subject to the provisions of Section 16 of the Act. Noise from vehicles is not a matter within the jurisdiction of HDC, and is managed by the Police.

Policy 6.3.30 concerns noise management. Noise associated with permanent land-use activities is typically managed by the District Plan - for example, the establishment of non-residential activities such as cafes or preschools might typically be subject to noise standards which would require resource consents should the standards in the District Plan be likely to be breached. This could include music from such land use activities.

Given the specific matters that the submitter seeks to have control do not fall within the ambit of the district plan, it was resolved that the submission point be rejected.

### ***Light Pollution***

Mr Little (29.08) has raised the same concerns as the Horowhenua Astronomical Society (submitter number 26) and Michael White (25) calling for the management of light spill and avoiding excessive use of lighting. This issue has been addressed in the District Plan through the introduction of light spill standards, and through further amendments to the Plan in response to the submissions of the submitters by requiring that light spill be assessed where relevant as part of resource consent applications. On this basis this submission point was accepted in part.

### ***Local Alcohol Policy***

The submitter (29.09) has called for the District Council to investigate the provision of a local alcohol policy. The officer's report noted that the submitter's comments were passed on to the HDC's Environmental and Regulatory Services Department for consideration. However this is not a matter which is regulated under District Plan, but is subject to a separate licensing and consent regime under different legislation. Accordingly this submission point was rejected.

### ***Footpaths and Walkways***

The submitter (29.10) sought that the Council actively monitor foliage over footpaths and pedestrian walkways to ensure clear walking space is maintained. This submission was similar to that of Mr Tingey, addressed earlier in this decision. The maintenance of HDC's streets and footpaths, including encroachments and obstruction by vegetation is an operational matter for the Council, but outside the scope of the District Plan. Again, the officer noted that the request had been noted and has been passed on to the HDC Community Asset Department for consideration. The Hearings Panel resolved that submission point be rejected.

## ***Chapter 10 Land Transport***

Under Submission points 29.11, 29.12 and 29.13, Mr Little sets out key outcomes summarised in his submission on Land Transport, emphasising current and future benefits of public passenger

transport; the revitalisation of the railway system as part of the economic and social development of the district; feasibility studies into the need for public transport, particularly light rail and more collaboration with Horizons over matters such as the development of roading infrastructure and signage; and the establishment of an 'Innovation and Public Facilities Working Party'.

The matters raised are undoubtedly intended to contribute helpfully to a debate on public transport in the district generally, but falls within the operational and advocacy role of the Council and outside the scope of the District Plan. Objectives and Policies for Transport are set out in Chapter 10, and are directed at the maintenance of the road network, managing the environmental effects of transport, and the protection of transport infrastructure from incompatible land use. The Council has through the Plan, reinforced through submissions, provided further protection for transport infrastructure from incompatible land use activities such as noise sensitive development. However the provision of the state highway and rail networks is not a matter over which the Council has any control, as this is a function of central government agencies. The District Plan does set standards for such things as street parking and access standards, and street formation standards through its subdivision rules. The scope of the relief sought by the submitter goes well beyond that. Carrying out research for public transport options and liaising with KiwiRail and Horizons over the use of the North Island Main Trunk Railway line is an advocacy role the Council could undertake in conjunction with other districts, but it is not a matter which are subject to regulatory standards in the District Plan. Chapter 10 (Land Transport) includes a method making reference to working with other agencies through the Regional Land Transport Programme to improve infrastructure and facilities, including those related to public transport.

The Hearings Panel resolved that submission 29.12 be accepted in part to the extent that this provision in Chapter 10 indirectly addresses the issues raised in the submission, but because the other two submission points 29.11 and 29.13 are outside the scope of the District Plan, they have been rejected.

### ***Historic Heritage***

The support in submission point 20.15 for the Council's new Library complex (Te Takere) is noted. The officer's report noted that the request for an archivist to care of historical documents has been passed on to the HDC Strategic and Corporate Services Department for consideration. While support for the new complex was noted with appreciation, the Hearings Panel again found itself addressing the difficulty of having to make a decision on a submission point which is more properly related to the Council's operational, not regulatory functions under the District Plan. For this reason submission point 29.15 was rejected as it is outside the scope of the Proposed Plan.

### ***Chapter 14 Cross Boundary Issues***

Submission point 29.16 seeks to promote "reconfiguration" of local government in the region and synergies with other authorities such as Palmerston North City. Chapter 14 of the Proposed Plan contains policy provisions on cross boundary issues (regulatory and administrative) between local authorities, which in the context of a District Plan relates to ensuring a degree of harmony where required, between plan provisions across district boundaries. The configuration of local government is entirely an administrative issue at a political level, which again is outside the scope of the District Plan. To the extent that cross boundary synergies are addressed under Chapter 14, this submission point was accepted in part.

### ***Chapter 15 Residential Zone***

Under submission point 29.17 the submitter calls for the Residential Zone to accommodate a diverse mix of men and women and children of all ages, dispositions and callings. The District Plan provides for a range of densities and land use activities within the district and does not restrict the development of housing for different social needs, except to the extent that the scale or coverage of buildings exceed the threshold levels which triggers the need for resource consent. This reflects the contents of Objective 6.3.1 and numerous supporting policies. However the District Plan- or indeed any district plan - does not actively seek to regulate the social composition of communities, as the Act defines the role of district councils to the management of natural and physical resources and not people as such. The Hearings Panel resolved that the submission point be accepted in part to the extent that the district plan provides for a range of housing types.

### ***Chapter 16 and 17 Industrial and Commercial Zone***

Under Submission point 29.18, Mr Little seeks that the Council undertake industrial occupancy surveys, and the establishment of 'Start-Up' unit within the Council to promote sustainable industrial development. The Proposed Plan contains provisions for Industrial and Commercial Zones which provides a framework for the establishment of these activities subject to appropriate standards to manage environmental effects. Any council activity in terms of an administrative or political role in encouraging such activity is outside the scope of the District Plan, but the submitters comments have been passed on to the HDC Strategic and Corporate Services Department for consideration and response. However with respect to the contents of the District Plan, the submission point is rejected.

### ***Chapter 18 Greenbelt Residential Zone***

In submission point 29.19 Mr Little comments on the need for realistic policies regulating development within the Greenbelt Residential Zone, which is the subject of a policy and rule framework under Plan Change 21. There are a number of relevant policies with respect to the various Greenbelt Residential Zones adjacent to Levin and the townships in the district, such as Policies 6.1.5 to 6.1.15. To the extent that is plan change addresses the contents of the submission, the submission point was accepted in part.

### ***Chapter 19 Rural Zone***

Submission point 29.20 seeks a "common sense" approach to managing rural land use, and request that residential occupancy should generally be provided for those living/working in the rural environment. We were uncertain as to the extent to which the submitter was familiar with the details of provisions relating to the regulation of activities on the Rural Zone. The Hearings Panel hearing submissions on the Rural Environment addressed submissions from other submitters on this matter. It is noted that the Rural Zone rules provide for residential dwellings to support farm worker accommodation and rural lifestyle living, and for that reason this submission point was accepted in part.

### ***Chapter 22 Utilities and Energy and Chapter 24 Subdivision and Development***

Submission points 29.21 and 29.22 seek that the District Plan provide for the establishment of new utilities and services through subdivision and in particular the need for efficient use of lighting. The District Plan contains objectives and policies supporting the establishment of utilities and services in Chapter 12, and there are rules in Chapter 24 and 28 relating to subdivision and development, supplementing the various zone rules, which includes standards on light spill. Again, the Hearings Panel is uncertain as to the extent to which the submitter has considered the proposed provisions

in the District Plan, and the extent to which these satisfy his concerns. Network utilities are subject to a regulatory framework under Chapter 22. The Hearings Panel considers that these provisions go some way to meeting the intentions reflected in submission points 29.21 and 29.22, and this submission point was accordingly accepted in part.

## 5.0 MISCELLANEOUS - MISSED SUBMISSION POINTS

The following section contains an assessment of those submission points which were inadvertently omitted from consideration under the relevant hearing topic report through the hearings process. These submission points have emerged following the circulation of Section 42A Reports, and are now considered as part of this final group of submission points. The submitters that made these submissions addressed below were notified of the "General Parts 2, 3 and 4 Section 42A Report" and those who had requested to speak to their submission as a whole were invited to attend the hearing.

### 5.1 Chapter 3 Natural Features and Values - Policy 3.4.4

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

Sub No.	Submitter Name	Decision Requested	Further Submission
26.03	Horowhenua Astronomical Society Inc	Retain Policy 3.4.4.	

The submitter supported Policy 3.4.4, which reads as follows:

*"Undertake public awareness initiatives for Notable Trees on what makes a tree worthy of identification and protection, and support community initiatives for the protection and conservation of Notable Trees."*

The support for Policy 3.4.4 was noted, and the submission point was accepted.

### 5.2 Chapter 15 Residential Zone - Rule 15.1(g)

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

Sub No.	Submitter Name	Decision Requested	Further Submission
81.00	Phillip Lake	Amend Rule 15.1(g) as follows:  Use of existing community facilities (including education facilities and grounds) for community activities including services having a social, community, ceremonial, cultural, educational, recreational, worship, or spiritual purpose.  <u>Allow for additions and alterations to existing community facilities.</u>	

Philip Lake lodged a submission on Rule 15.1(g), and also a consequential submission on Rule 15.4(e). Rule 15.1(g) provides for existing community facilities as being a permitted activity, subject to various performance standards. These are defined as " ... community facilities (including

education facilities and grounds) for community activities including services having a social, community, ceremonial, cultural, educational, recreational, worship, or spiritual purpose". The Hearings Panel on the Urban Environment addressed submission point 81.01 which opposed discretionary activity status under Rule 15.4(e) for new community facilities. The discussion and evaluation in the Urban Environment Hearing is relevant to both submission points, however the S42a report only provided a recommendation on submission point 81.01.

Under submission point (81.00) submitter opposes Rule 15.1(g) as it is confined only to providing for *additions and alterations to existing community facilities* as permitted activities. The core of his argument is that the establishment of needed community facilities should not be subject to excessive bureaucratic control, cost and delay. The submitter argues that the Residential Zone permitted activity standards can reduce any potential adverse effects on adjoining residential properties. Under this approach, any non-compliance with the permitted activity standards (noise, carparking, scale of building) would be assessed through the resource consent process as a Restricted Discretionary Activity.

The submitter has raised an interesting point, and one that does need careful consideration. The issue to some extent is dependent on whether a plan has an "activity-based" or "effects based" approach to the management of activities. The District Plan is, like many others, something of a hybrid between the two. The Resource Management Act does not support the concept of "picking winners" whereby activities having similar levels of effects are treated differently on the basis that some categories of activity are favoured over others. For example, a community activity could include a preschool (with potential issues of noise and traffic) in the same way as a cafe, which would not fall within the District Plan's definition of community activity. Mr Lake did not appear at either of the hearings on his submission point to expand upon this submission.

The issue was to some extent finely balanced. However having regard to the overall construction of the District Plan, the Hearings Panel concluded that given the fairly wide ambit of what constitutes a "community facility", that permitted activity status should remain confined to extensions to *existing* facilities. The Urban Environment Hearings Panel also concluded that new community facilities should remain as discretionary activities. In passing, it is noted that any decisions as to whether applications for new community facilities should be processed as publicly notified, limited notified or non-notified would still be addressed on their merits. Public or even limited notification may not be required if the effects of such activities were less than minor, or the written consent of affected parties was obtained. It was resolved that the submission point be rejected.

### 5.3 Chapter 16 Industrial Zone - Rule 16.6.2

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

Sub No.	Submitter Name	Decision Requested	Further Submission
97.00	Lowe Corporation Ltd & Colyer Mair Assets Ltd	Amend Rule 16.6.2 so that the setback and screening rules are applied to the properties situated in the adjacent zones, rather than to the Industrial Zone.	

Lowe Corporation Ltd and Colyer Mair Assets Ltd consider the Industrial Zone conditions contained in Rule 16.6.2 (building setbacks) are unduly restrictive for industrial activities. The

submitter seeks that greater flexibility *within* the Industrial Zone, but maintaining the protection of amenity at the boundary of *other* zones.

The building setbacks, daylight setback envelope and screening requirements in Rule 16.6.2 only apply to Industrial zoned sites that adjoin Residential, Greenbelt Residential, Open Space and Rural Zones. From reading the actual submission, the Hearings Panel, although not certain on this point, understood that the submitter was arguing that where for example, there was a common boundary between a residential and industrial property, the setback provisions should only apply within the boundary of the adjoining residential property, without any need for a setback within the *industrial site* from the common boundary with residential property.

If this was the intention of the submission, the Hearings Panel disagrees with this request, as it is the industrial activity which is likely to be the primary generator of adverse effects, such as building scale and noise for example. It is also much more common within District Plans for setback requirements to apply within the industrial property adjoining residential (or other sensitive) zone rather than within the adjoining residential property.

The Hearings Panel resolved that this submission point be rejected.

## 5.4 Chapter 17 Commercial Zone - Rule 17.6.17

### ***Submissions Received***

Sub No.	Submitter Name	Decision Requested	Further Submission
108.31	HDC (Planning Department)	Amend 17.6.17 as follows:  Note: Activities within any Pedestrian Overlay Area <u>or within Waitarere Beach, Manakau and Foxton Beach (except for the properties on the corner of Seabury Avenue and Dawick Street legally described as Lots 3 and 4 DP 91336 and Lots 1 and 2 DP 333144)</u> are not required to provide on-site vehicle parking spaces, but where parking is provided compliance is required with the conditions in Chapter 21 (except minimum number of carparks),	

HDC (Planning Department) support Rule 17.6.17 in part, but submit that activities within the central core area of the Commercial Zones in all settlements should not be required to provide onsite vehicle parking spaces.

By way of background, the officer's report explained that within the central commercial areas identified in Waitarere Beach, Manakau and Foxton Beach there is considered to be adequate on-street parking, in contrast to the Commercial Zone containing pedestrian area overlays in Levin, Foxton and Shannon. It would appear that the rule, while having logical application to the main townships within the district, is of limited relevance to the commercial environments in the coastal beach settlements. Accordingly, the Hearings Panel resolved that the submission point be accepted.

## 5.5 Chapter 15 Residential Zone - Further Submission 511.08

### ***Submissions Received***

Sub No.	Submitter Name	Decision Requested	Further Submission
70.07	Future Map Limited, Future Map (No2 and Future Map (no 3) Ltd	Delete Rules 15.2(e), 15.3(d), 15.5(a), 15.6.4(c), 15.8.3(v), 15.8.7, 15.8.8.	511.08 HDC (Community Assets Department) - In-Part

A submission point was received seeking the deletion of a series of rules as a consequential amendment to another submission point seeking the incorporation of replacement standards. This submission point was addressed in the Urban Environment Hearings Panel. However, this hearing did not address a *further submission point* (511.08) lodged in partial support of Future Map Limited by HDC (Community Assets Department).

HDC (Community Assets Department) supported the deletion of the residential rules sought by Future Map Ltd, but stated in their further submission that this support was conditional on no additional access being provided to State Highway 57 other than via Tararua Road.

The Hearings Panel hearing submissions on the Urban Environment topic decided to include a new policy that reads *"Restrict access to Arapaepae Road (State Highway 57) from the Tararua Road Growth Area to protect the safety and efficiency of this road from the adverse effects of land use activities, subdivision and development."* This specifically addressed the concern of HDC (Community Assets Department) in further submission point 511.08. The further submission point 511.08 was accepted.

## 5.6 Chapter 2 Rural Environment - Further Submissions 519.11 and 519.12

### ***Submissions Received***

Sub No.	Submitter Name	Decision Requested	Further Submission
11.13	Philip Taueki	No specific relief requested.	519.11 Charles Rudd(Snr) - Support
11.14	Philip Taueki	No specific relief requested.  Inferred: Include provisions to avoid the disturbance of human remains and taonga in the rural environment.	519.12 Charles Rudd(Snr) - Support

Charles Rudd lodged two further submissions in support of two submission points made by Philip Taueki. Mr Taueki (11.13 and 11.14) submitted 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, referring to a number of urupa and other sites of cultural significance throughout the rural environment. It was these two submission points that were supported by Mr Rudd.

While submission points 11.13 and 11.14 were addressed by the Rural Environment Hearings Panel, Mr Rudd's further submission points 519.11 and 519.12 were not addressed.

Chapter 1 of the District Plan: '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. One of the issues that has arisen through the hearings process is the frustration that some parties have expressed (including this

submitter and the further submitter) with delays in undertaking an assessment and identification of important heritage and cultural sites in the district. Notwithstanding that however, any application for resource consent in the catchment of the lake that would be likely to affect the two lakes would likely require consultation and conceivably even notification, and with respect to water quality would raise similar requirements with respect to the Horizons One Plan. The issue of consultation is further considered in decisions made on Chapter 1, 'Issues of Importance to Tangata Whenua'.

It is obvious that further work will still need to be done with respect to the future management of Lake Horowhenua, and also cultural heritage sites. However given the lack of clarity with respect to the relief sought, the Hearings Panel resolved that the submission points be rejected.

## **5.7 Miscellaneous - Other Matters**

### **5.7.1 Duplicate Zonings, Foxton**

The officer's report noted that in reviewing the proposed Open Space and Commercial Zones, it became apparent that there are two land parcels within the Foxton 'CBD' that are notated as having two zonings. The two properties concerned are shown on Planning Map 15A (see below) as having both Open Space and Commercial zonings.

The cross-hatch pattern used to display proposed zonings shows pink cross-hatching (Commercial) with a green outline (Open Space) for Lot 2 DP 69076, Lot 2 DP 24498 and Lot 4 DP 14725, essentially giving these properties two zonings.

Taking the first of these, with respect to Lot 2 DP 69076, it is the Hearings Panels understanding that this site is not intended to be used to open space purposes, and is currently zoned residential under the Operative District Plan. Given the pattern of zoning proposed in the Proposed District Plan, Commercial zoning would be more logical. The owner of the land has not lodged a submission with respect to the zoning, and it appears that the incorporation of this lot within a green border denoting "Open Space Zone" was in error.

The Hearings Panel consider that it would be appropriate to amend the planning maps to remove the green border enclosing Lot 2 DP 69076 pursuant Clause 16 of the First Schedule to the Act.

Turning to Lot 2 DP 24498 and Lot 4 DP 14725, the situation is more ambiguous. The "green border" denoting Open Space zoning only appears to extend along the *southern* boundary of the subject lots, and again it is presumably in error. These properties are zoned Residential under the Operative District Plan and are shown "cross-hatched" as proposed to be zoned Commercial under the Proposed District Plan. They are occupied by the Foxton Swimming Pool and its surrounds.

The officer's report expressed the view that Lot 2 DP 24498 and Lot 4 DP 14725 should be connected to Easton Park, and that an Open Space zoning was considered more appropriate. We agreed that this would be in some respects be a more logical zoning, although this frontage of Easton Park tends to "read" as part of the streetscape along the main street of Foxton. We conclude that in this particular case it would be preferable to retain the existing Residential zoning, and if necessary "tidy up" the zoning through a subsequent Plan Change or batch of such changes.



Extract of Planning Map 15A showing properties with 'double zoning'

### 5.7.2 Cross Reference, Hazardous Substances and Contaminated Land Rule

In the hearing of submissions on Hazardous Substances and Contaminated Land, Horticulture NZ noted in evidence (not in their written submission) that Rule 19.6.25 failed to refer to all provisions in Chapter 23 - Hazardous Substances, namely Rule 23.1, Exemptions. It has become apparent that this could be confusing, and even potentially costly for plan users, as the rule as notified only refers to the *quantity limits* in Table 23-1 in requiring compliance by all hazardous facilities within the Rural Zone with the defined quantity limits.

The Rule does not provide a reference to the list of *exemptions* to these quantity limits as outlined in Rule 23.1. These exemptions include the storage of fertiliser and the storage of fuel above ground on farms, and without such exemptions in the Rural Zone, the activities of farmers and growers could be captured by the rule, which would undermine the intent and purpose of Rule 23.1. It would clearly be preferable, and helpful for plan users, if the Rural Zone Conditions for Permitted Activities replicated the wording of the identical rule in all other zones in the Proposed Plan.

Rule 19.6.25 *should* read:

- (a) All activities using or storing hazardous substances shall comply with the Hazardous Substances Classification parameters for the Rural Zone in ~~Table 23.2~~ in Chapter 23 and shall comply with the permitted activity conditions in that Chapter. While such wording would not specifically refer to Rule 23.1 Exemptions, it refers to Chapter 23 in its entirety, and would accordingly include the exemption as part of reading the rules as a whole.

The officer's report noted that there was no scope within the submissions to address this matter, as the relief sought through submissions did not extend to making the alteration described above. The Hearings Panel could not be reasonably confident that if it sought to make the change to the text described above, that a potential submitter may not have sought to oppose such an amendment.

On this basis, we could not be confident that an amendment would fall within the scope of Clause 16 (2) to the First Schedule to the Act.

However, we would suggest that the Council consider an appropriate amendment to the District Plan to address this issue at an opportune time, by way of plan change.

## **6.0 SECTION 32**

All the matters subject to the submissions are confined to assessment matters (rather than the rules themselves, which have regulatory effect) corrections to errors, or matters outside the scope of the District Plan, and involve refinements to detailed provisions of the Plan. The submissions did not challenge the proposed objectives policies and rules in the District Plan, or seek significant changes which would either increase or decrease the level of regulatory intervention in the Plan.

All of the provisions concerned and the amendments being made to the essentially involve refinements to details contained within the District Plan and are considered to make the document more efficient and effective. No significant issues of relevance with respect to Section 32 otherwise arise through the process of the hearing of the matters subject to submissions through this hearing.

## **7.0 DECISION**

For all of the foregoing reasons we resolve the following:

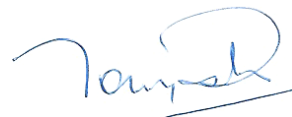
1. That pursuant to clause 10 of Schedule 1 to the Resource Management Act 1991 General Part 3 – Assessment Matters, General Provisions, General and Miscellaneous Matters be approved including the amendments set out in Appendix A to this decision.
2. That for the reasons set out in the above report submissions and further submissions are accepted, accepted in part or rejected as listed in Appendix B to this decision.



**Robert Nixon (Chair)**



**Jane Black**



**Cr Tony Rush**

**Dated: 23 September 2013**

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

### **Entire Proposed Plan**

1. Amend the Proposed Plan by correcting the use of macrons throughout the text.

The Proposed Plan will be reviewed using the Guidelines for Maori Language Orthography and the online directory to guide the appropriate spelling and use of macrons (source: the Maori Language Commission website).

2. Amend the Proposed Plan by including the use of the following place names: Waipunahau (Lake Horowhenua), Waiwiri (Lake Papaitonga/Buller Lake) throughout the text.

There are likely to be other features and places across the Horowhenua district that should be identified and their Maori name referred to within the Proposed Plan. Officers recommend that the names of key natural features and places within the Horowhenua district could be searched using the above online resources and a list circulated to Horowhenua's iwi and hapu groups for their comment and advice.

### **Chapter 15: Residential Zone**

3. Insert a new permitted activity condition to provide for a new noise insulation condition as follows:

#### **15.6 CONDITIONS FOR PERMITTED ACTIVITIES**

The following conditions shall apply to all permitted activities:

##### **15.6.32 Noise Insulation**

Any habitable room in a new noise sensitive activity or any alteration(s) to an existing noise sensitive activity constructed within 30 metres (measured from the nearest edge of the rail corridor) of the North Island Main Trunk Railway shall be designed, constructed and maintained to meet an internal noise level of:

- (i) 35dBA LAeq (1 hour) inside bedrooms.
- (ii) 40dBA LAeq (1 hour) inside other habitable rooms.
- (iii) Compliance with this Rule 15.6.32 shall be achieved by, prior to the construction of any noise sensitive activity, an acoustic design certificate from a suitably qualified acoustic engineer is to be provided to Council demonstrating that the above internal sound levels will be achieved.

### **Chapter 25 Assessment Matters**

4. Add to and amend the assessment matters in each of the following Assessment Criteria 25.2.1, 25.2.2 and 25.7.2 as follows:

#### **25.2 ASSESSMENT CRITERIA FOR LAND USE CONSENTS IN THE RURAL ZONE**

### 25.2.1 General

....

- (k) The extent to which alternative sites, designs and layout have been considered.
- (l) The proposed methods for avoiding, remedying or mitigating reverse sensitivity effects on transport networks, including railway corridors from new or altered buildings accommodating new noise sensitive activities.

Amend Assessment Criteria in 25.7.2 by replacing “residential activities” with “noise sensitive activities” as follows:

### 25.2.2 Buildings

....

- (j) The ability to mitigate any adverse effects of the proposal on adjoining sites, including through the provision of landscape plantings.
- (k) The proposed methods for avoiding, remedying or mitigating reverse sensitivity effects on transport networks, including railway corridors from new or altered buildings accommodating new noise sensitive activities.

## 25.7 ASSESSMENT CRITERIA FOR CONSENTS IN ALL ZONES

### 25.7.2 Noise Insulation for ~~Residential~~ Noise Sensitive Activities

- (a) The degree of noise attenuation achieved by the ~~residential~~ noise sensitive activity.
- (b) The nature and hours of operation of the adjoining activity that is generating the noise.
- (c) The timing, character and duration of the noise from adjoining sites that is affecting the site of the application and likely effectiveness of the design and acoustical treatment proposed to address adverse noise effects.
- (d) Whether or not a ventilation system is proposed and the performance standard of that system.
- (e) The proposed methods for avoiding, remedying or mitigating reverse sensitivity effects on transport networks, including railway corridors from new or altered buildings accommodating new noise sensitive activities.

5. Add an additional assessment matter to Clause 25.7.16 "Historic Heritage" by inserting the following wording with consequential changes to the numbering:

#### 25.7.16 Historic Heritage

(a) Historic Heritage Buildings and Structures

- (i) The extent to which the proposal is consistent with the Objectives and Policies contained in Chapter 13 of the District Plan.
- (ii) Whether the proposal adversely impacts on the historic, social, setting and group, architectural, scientific and technological, Māori cultural, or archaeological values associated with the building or structure.
- (iii) Whether any consultation has been undertaken with the New Zealand Historic Places Trust and/or Maori in relation to any development involving a Schedule 2 Heritage Building or Structure, or Heritage Site.
- ~~(iii)~~(iv) The extent to which any adverse impacts on heritage values are either off-set by positive impacts, or are able to be mitigated.

## **Chapter 28: General Provisions**

6. Amend the final paragraph of Clause 28.2.1 "General Requirements to Applications" and the Table under Clause 28.2.1 entitled "Information Requirements" as follows:

The details of each of the ~~six~~ four information requirements identified in the Table 28-1 are outlined below.

		Information Requirements					
		1.	2.	3.	4.	5.	6
Application Type	Certificates of Compliance	✓					
	Land Use	✓	✓				
	<u>Subdivision</u>	<u>✓</u>	<u>✓</u>	<u>✓</u>			
	<del>Urban</del> Subdivision	✓	✓	✓	✓		
	<del>Rural</del> Subdivision	✓	✓	✓		✓	
	Right of Way	✓					✓

7. Amend Clause 28.2.2 (b) as follows:

Description of Site

(i) A description of the site of the proposed activity including:

- Size of the site
- Topography
- Presence of any waterway or water body
- Presence of any heritage feature
- Existing buildings
- Existing vehicle access points or access roads
- Presence of any sites or features of significance to Tangata Whenua, including evidence of consultation and discussions held with Tangata Whenua and the outcome of such.
- Presence of any potential archaeological sites, where evidence of these can be identified such as burnt and fire cracked stones, charcoal, rubbish heaps including shell, bone and/or glass and crockery, ditches, banks, pits, old building foundations, artefacts of Maori and European origin or human burials. A record of any consultation with the New Zealand Historic Places Trust is to accompany this information.
- Presence of any network utilities or community infrastructure.

8. Add the following to Clause 28.2.4 under the heading of "Site Details to Accompany Applications for Subdivision Consent"

The Subdivision and Development Principles and Requirements (2012) set out information requirements to accompany subdivision scheme plans and should be referred to when compiling a subdivision consent application and drafting a subdivision plan. All applications shall show the following details where applicable:

.....

9. Amend Clause 28.2.4 (n) "Information Requirement 3: Subdivision" under "Details of the Proposed Subdivision to be Provided" reading as follows:

(n) Lighting and Other Services: Road lighting and the proposed location and type of power electricity, gas and telephone services as well as details of any easements necessary for the protection of utility services.

10. Add the following two new subclauses to Clause 28.2.4 "Information Requirement 3: Subdivision" under "Details of the Proposed Subdivision to be Provided" reading as follows:

(q) Structure Plans: Features of a structure plan must be shown on the proposed scheme plan for any urban subdivision involving a site on which a structure plan is shown. The application must detail how the proposal is in accordance with the requirements of the structure plan.

(r) Building Area and Effluent Disposal Area: For rural subdivisions where no sewer connection is proposed to available Council reticulation, a building area and effluent disposal and reserve disposal area must be shown in compliance with the specifications detailed in Rule 19.7.2(f).

11. Delete that part of Clause 28.2.4 under the heading of "Engineering Drawings".
12. Delete Clause 28.2.5 under the heading of "Information Requirement 4; Urban Subdivision"
13. Delete Clause 28.2.6 under the heading of "Information Requirement 5: Rural Subdivision"
14. Renumber Clause 28.2.7 "Information Requirement 6: Applications for Rights of Way" as "Information Requirement 4....."

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### **Provision of Services**

15. Amend Section 28.3 Provision of Services as follows:

### **28.3 PROVISION OF SERVICES**

The developer shall make all arrangements with the appropriate authorities for the supply and installation of electric power, and where available gas, street light reticulation and lamps, and telecommunication services.

16. Add a new Clause 28.6 to Chapter 28 "General Provisions" entitled "Advice Notes" and add a Note "1" explaining the need for separate consents for works disturbing or destroying archaeological sites under the Historic Places Act 1993.

### **28.6 Advice Notes**

Advice Notes are commonly included on resource consents to inform applicants of requirements relating to compliance, fees/charges and requirements/obligations under other legislation.

### **Applications involving Archaeological Sites.**

Notwithstanding any resource consent that may be granted by this Council, where any person wants to destroy, damage, or modify the whole or any part of any archaeological site, consent shall be required from the New Zealand Historic Places Trust (NZHPT) for an archaeological authority pursuant Section 11 or 12 of the Historic Places Act 1993.

## APPENDIX B: Schedule of Decision on Submission Points

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Hearing Panel Decision
<b>Chapter 25: Assessment Matters</b>				
42.01	505.16	Vector Gas Ltd Powerco	Support	Reject Reject
99.39		Transpower New Zealand Ltd		Accept
94.36		NZ Transport Agency (NZTA)		Accept
100.06		New Zealand Wind Energy Association (NZWEA)		Accept In-Part
55.06	521.09	KiwiRail NZ Transport Agency (NZTA)	In-Part	Accept In-Part Accept In-Part
55.09		KiwiRail		Accept
55.10		KiwiRail		Reject
41.48		Powerco		Accept In-Part
32.28	528.09	NZ Pork Industry Board Horizons Regional Council	Oppose	Reject Accept
94.37		NZ Transport Agency (NZTA)		Accept
117.32	501.04	New Zealand Historic Places Trust (NZHPT) Genesis Power Ltd	Support	Accept In-Part Accept In-Part
<b>Chapter 28: General Provisions</b>				
41.51	512.03	Powerco Vector Gas Ltd	In-Part	Accept In-Part Accept In-Part
42.03		Vector Gas Ltd		Accept In-Part
41.52		Powerco		Accept
55.01		KiwiRail		Accept
91.08	526.09	HDC (Community Assets Department) Truebridge Associates Ltd	Oppose	Accept Reject
91.26	526.27	HDC (Community Assets Department) Truebridge Associates Ltd	Oppose	Accept Reject

91.27	526.28	HDC (Community Assets Department)	Oppose	Accept
		Truebridge Associates Ltd		Reject
41.53		Powerco		Accept
<b>General Submissions</b>				
3.00	506.60 528.01	Matthew Thredgold	Oppose Oppose	Accept In-Part
		Ernslaw One Ltd		Accept In-Part
		Horizons Regional Council		Accept In-Part
12.00		John Hammond		Accept In-Part
5.08		Elaine Gradock		Reject
26.01		Horowhenua Astronomical Society Inc		Accept In-Part
26.04		Horowhenua Astronomical Society Inc		Reject
26.07		Horowhenua Astronomical Society Inc		Accept In-Part
38.03	526.32	Range View Limited & M J Page	Support	Reject
		Truebridge Associates Ltd		Reject
39.00		Viv Bold		Reject
40.00		House Movers Section of NZ Heavy Haulage Association Inc		Reject
40.01		House Movers Section of NZ Heavy Haulage Association Inc		Reject
40.03		House Movers Section of NZ Heavy Haulage Association Inc		Reject
40.04		House Movers Section of NZ Heavy Haulage Association Inc		Reject
40.05		House Movers Section of NZ Heavy Haulage Association Inc		Reject
40.31		House Movers Section of NZ Heavy Haulage Association Inc		Reject
40.37		House Movers Section of NZ Heavy Haulage Association Inc		Reject
46.04		Vincero Holdings Ltd		Accept In-Part
51.07		Waitarere Progressive Association (WPRA)		Reject
51.06		Waitarere Progressive Association (WPRA)		Reject

55.31		KiwiRail		Accept In-Part
60.00		Muaupoko Co-Operative Society		Reject
60.01	528.13	Muaupoko Co-Operative Society Horizons Regional Council	Oppose	Reject Accept
109.06		Charles Rudd (Snr)		Accept In-Part
60.25		Muaupoko Co-Operative Society		Reject
11.30		Phillip Taueki		Reject
61.00	511.22	Richard Tingey HDC (Community Assets Department)	Oppose	Reject Accept
65.11		Horowhenua Farmers' Ratepayer Group		Reject
66.11		Bruce and Christine Mitchell		Reject
67.00		Taiao Raukawa Environmental Resource Unit		Accept
109.04		Charles Rudd (Snr)		Accept
91.12	526.13	HDC (Community Assets Department) Truebridge Associates Ltd	Oppose	Accept Reject
<b>Allen Little</b>				
29.00		Allen Little		Accept In-Part
29.01		Allen Little		Accept In-Part
29.02		Allen Little		Accept In-Part
29.03		Allen Little		Accepted In-Part
29.04		Allen Little		Accepted In-Part
29.05		Allen Little		Reject
29.06		Allen Little		Reject
29.07		Allen Little		Reject
29.08		Allen Little		Accept In-Part
29.09		Allen Little		Reject
29.10		Allen Little		Reject
29.11		Allen Little		Reject

29.12		Allen Little		Accept In-Part
29.13		Allen Little		Reject
29.15		Allen Little		Reject
29.16		Allen Little		Accept In-Part
29.17		Allen Little		Accept In-Part
29.18		Allen Little		Reject
29.19		Allen Little		Accept In-Part
29.20		Allen Little		Accept In-Part
29.21		Allen Little		Accept In-Part
29.22		Allen Little		Accept In-Part
<b>Missed Submission Points</b>				
26.03		Horowhenua Astronomical Society Inc		Accept
81.00		Philip Lake		Reject
97.00		Lowe Corporation Ltd & Colyer Mair Assets Ltd		Reject
108.31		HDC (Planning Department)		Accept
70.07	511.08	Future Map Ltd HDC (Community Assets Department)	In-Part	Accept In-Part Accept
11.13	519.11	Philip Taueki Charles Rudd		Reject
11.14	519.12	Philip Taueki Charles Rudd		Reject