

RESOURCE MANAGEMENT ACT 1991

PROPOSED HOROWHENUA DISTRICT PLAN

HEARING OF SUBMISSIONS

DECISION OF HEARING PANEL

TOPIC: Report on District Plan
Natural Hazards

HEARING PANEL: Robert Van Voorthuysen (Chair)
Cr Garry Good
Cr Tony Rush

HEARING DATE: 15th April & 28th May 2013

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1. INTRODUCTION

1.1 We were appointed by the Horowhenua District Council to consider submissions on the Proposed District Plan relating to Natural Hazards. A hearing was held on 15 April 2013 and 28 May 2013 and it was closed on 13 September 2013.

1.2 In preparing this decision we have used the following abbreviations:

HDC	Horowhenua District Council
Proposed Plan	Proposed Horowhenua District Plan
RMA	Resource Management Act 1991

2. OFFICER'S REPORT

2.1 We received a comprehensive Section 42A Report¹ (officer's report) prepared by Hamish Wesley, a consultant planner. The officer's report evaluated each submission point and made a recommendation on it, clearly stating the reasons for each recommendation.

2.2 We also received a further written statements from Mr Wesley dated 27 May 2013 responding to matters raised by submitters and some questions that we posed. That statement is attached to this Decision as Appendix C.

3. SUBMITTER APPEARANCES

3.1 On 15 April 2013 we heard in person from:

- Anne Hunt (submitter 10);
- Malcolm Guy (submitter 04);
- Penelope Tucker, Policy Analyst with Horizons Regional Council (submitter 27 and further submitter 528);
- Christina Paton (submitter 102);
- Rosalie Huzziff (submitter 106 and 107).

3.2 We note that Vivienne Taueki on behalf of the Muaupoko Co-operative Society (submitter 60) had asked to be heard and had accordingly been assigned a hearing time on 15 April 2013. However, Ms Taueki did not attend the hearing.

3.3 On 28 May 2013 we heard from Philip Taueki (submitter 11). Mr Taueki was supported by his partner, Anne Hunt, and he had two witnesses speak as part of his presentation, firstly his sister Vivienne Taueki and secondly Professor Whatarangi Winiata.

3.4 We received verbal and written evidence from the submitters listed above. All of the written material presented by those submitters is held on file at the HDC. We took our own notes of the verbal presentations and any answers to our questions.

3.5 We also received tabled written material from:

- Georgina McPherson on behalf of Powerco Limited (submitter 41 and further submitter 505);
- Rhea Dasent on behalf of Federated Farmers of New Zealand (submitter 96 and further submitter 516);
- Mike Hurley on behalf of Transpower New Zealand Limited (submitter 99 and further submitter 518);
- Mary Barton on behalf of Chorus New Zealand Limited (submitter 79 and further submitter 507).

3.6 For the sake of brevity we do not repeat the above material in this decision but we refer to the matters raised by the submitters as appropriate.

¹ Section 42A Report to the District Plan Review Hearing panel, Proposed Horowhenua District Plan, Natural Hazards, March 2013.

4. EVALUATION

4.1 The relevant statutory requirements were identified and described in Section 3 of the officer's report. We accept and adopt that description and have had regard to or taken into account the identified matters as appropriate. Where we have made amendments to the Plan provisions, these are set out in Appendix A of this report. For completeness, we have recorded our decision on each submission point in Appendix B.

Objective 8

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
101.58	Director-General of Conservation (DoC)	Include a new objective on future hazards or to that effect.	505.01 Powerco – In-Part

4.2 The Director-General of Conservation's submission was evaluated by the reporting officer in section 4.1.2 of the officer's report. The Director-General did not express any opposition to that evaluation. We have reviewed the officer's evaluation and we agree with it and adopt it as our reasons pursuant to Clause 10(2)(a) of Schedule 1 to the RMA. The officer recommended no amendments to Objective 8 of the Proposed Plan. We consider that to be appropriate. We therefore adopt that recommendation as our decision pursuant to Clause 10(1) of Schedule 1 to the RMA.

Policies 8.1.2 – 8.1.14

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
101.60	Director-General of Conservation (DoC)	Include two policies that ensure development locates outside known hazard areas, and recognising that the nature, location and extent of hazards will change as a result of continued climate change, and managing activities to minimise the potential impact of such changes or to that effect.	505.02 Powerco - In-Part
27.06	Horizons Regional Council	No specific relief requested. Inferred: Retain Policy 8.1.2.	
27.08	Horizons Regional Council	No specific relief requested. Inferred: Retain Policy 8.1.3.	
99.04	Transpower New Zealand Ltd	Retain Policy 8.1.5	505.03 Powerco - Support
27.09	Horizons Regional Council	Amend Policy 8.1.6 to be consistent with the POP: Flood hazard avoidance is <u>must</u> be preferred to	

Sub No.	Submitter Name	Decision Requested	Further Submission
		flood hazard mitigation.	
99.05	Transpower New Zealand Ltd	Retain Policy 8.1.8	

4.3 The submissions were evaluated by the reporting officer in section 4.2.2 of the officer's report. The Director-General of Conservation did not express any opposition to that evaluation and it was supported by Horizons Regional Council, Powerco and Transpower. We have reviewed the officer's evaluation and we agree with it and adopt it as our reasons pursuant to Clause 10(2)(a) of Schedule 1 to the RMA. The officer also recommended an amendment to Policy 8.1.6 of the Proposed Plan. We have reviewed that recommended amendment and consider it to be appropriate. We therefore adopt that recommendation as our decision pursuant to Clause 10(1) of Schedule 1 to the RMA.

Explanation & Principle Reasons for Objective 8.1.1

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
67.15	Taiao Raukawa Environmental Resource Unit	<p>Amend 8.1.1 Explanation & Principal Reasons by including list of top 10 hazards for the top 10 hazards for the greater Horizons Regional Council region are:</p> <ul style="list-style-type: none"> ▪ Earthquake ▪ Locally generated tsunami ▪ Human pandemic ▪ Volcanic activity at Mt Ruapehu ▪ Sea level rise ▪ Volcanic activity at Mt Egmont/Taranaki ▪ Beach erosion and flooding ▪ Flooding ▪ Agricultural drought ▪ Cyclones (tropical cyclones). <p>And that make more explicit reference is made of coastal processes research for the community.</p>	

4.4 The Taiao Raukawa Environmental Resource Unit's submission was evaluated by the reporting officer in section 4.3.2 of the officer's report. The submitter did not express any opposition to that evaluation. We have reviewed the officer's evaluation and we agree with it and adopt it as our reasons pursuant to Clause 10(2)(a) of Schedule 1 to the RMA. The officer recommended no amendments to the Explanation & Principle Reasons for Objective 8.1.1 of the Proposed Plan. We consider that to be appropriate. We therefore adopt that recommendation as our decision pursuant to Clause 10(1) of Schedule 1 to the RMA.

Anticipated Environmental Result 8(d)

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
67.16	Taiao Raukawa Environmental Resource Unit	No specific relief requested.	

4.5 The Taiao Raukawa Environmental Resource Unit's support for Anticipated Environmental Result 8(d) is noted and their submission is accepted.

Chapter 8 General Matters

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
107.00	Rosalie Huzziff	Include a Map which identifies the liquefaction high risk factor.	
11.26	Philip Taueki	No specific relief requested. Inferred: Reference the algal bloom in Lake Horowhenua as a natural hazard in Chapter 8.	519.21 Charles Rudd Snr) - Support
11.27	Philip Taueki	No specific relief requested. Inferred: Reference the liquefaction areas within the coastal environment in Chapter 8.	519.22 Charles Rudd Snr) - Support
60.19	Muaupoko Co-operative Society	No specific relief requested. Inferred: Reference the algal bloom in Lake Horowhenua as a natural	

Sub No.	Submitter Name	Decision Requested	Further Submission
		hazard in Chapter 8.	
60.21	Muaupoko Co-operative Society	No specific relief requested. Inferred: Reference the liquefaction areas within the coastal environment in Chapter 8.	
98.30	Horticulture NZ	No specific relief requested. Inferred: Amend Chapter 8 provisions to ensure that primary production activities are able to continue on land identified as flood prone.	
102.00	Christina Paton	Include high risk areas of liquefaction on the Planning Maps. The Proposed Plan should remain on the table until all relevant information has been provided for public consultation.	

4.6 The submissions were initially evaluated by the reporting officer in section 4.5.2 of the officer's report. We have reviewed the officer's evaluation and we agree with it with regard to the submissions of Horticulture NZ (98.30), Taueki (11.26) and Muaupoko Co-operative Society (60.19) and the further submission of Rudd (Snr) (519.21). We adopt the officer's evaluation as our reasons pursuant to Clause 10(2)(a) of Schedule 1 to the RMA. With regard to the above listed submissions the officer recommended no amendments to the Proposed Plan. We consider that to be appropriate. We therefore adopt that recommendation as part of our decision pursuant to Clause 10(1) of Schedule 1 to the RMA.

4.7 Several submitters² sought that a liquefaction hazard map should be included in the Proposed Plan and that relevant Proposed Plan provisions should refer to that map. The map in question was contained on page 88 of the officer's report. In relation to that map the original officer's report advised:

"The submitters may be aware of or are referring to a map produced by the Manawatu-Wanganui Region Civil Defence and Emergency Management Group as part of a Lifelines

² Huzziff (submitter 107), Taueki (submitter 11), Muaupoko Co-operative Society (submitter 60) and Paton (submitter 102).

Report³ (refer Appendix 6). The map in the Lifelines Report (titled “Risks and Responsibilities: Report of the Manawatu-Wanganui Lifelines Project”) is based on information and map contained in a research report⁴ prepared by GNS for Horizons Regional Council.

... this liquefaction map is the currently best available information on liquefaction risk in the Horowhenua. This information is used as a source of information by emergency management planners and resource management planners on natural hazards in the region. For example, in requesting information from subdivision applicants.”⁵

4.8 In his 27 May 2013 written statement Mr Wesley advised:

“Evidence from submitters confirmed the latest and most relevant information available on liquefaction risks is contained in the Lifelines Report. Having heard and considered the evidence presented, we remain of the view that it is not appropriate to add areas at risk from liquefaction to the Planning Maps due to the broad-scale of the hazard identified and that no specific plan provisions apply for liquefaction risks. In our view, it would be appropriate to add reference to the District Plan on the available natural hazard information (including liquefaction) to assist in the assessment of subdivision and development in known hazard areas. Below we recommend specific Advice Notes be added to alert Plan users to this information to assist with this assessment.”⁶

4.9 We have reviewed Mr Wesley’s further evaluation and we agree with it. We therefore adopt it as part of our reasons pursuant to Clause 10(2)(a) of Schedule 1 to the RMA.

4.10 We note that the page 88 liquefaction map is the best available information on liquefaction currently available within the district. However, it has been prepared at a regional scale for emergency management purposes and it is not suitable for inclusion in the Proposed Plan’s policies and rules relating to use and development at a property scale. However, we agree there is merit in adding text to the Proposed Plan that will draw the attention of readers to the existence of the map so that it can be referred to as appropriate in future decision making as the Proposed Plan is implemented.

4.11 In his written statement of 27 May 2013 Mr Wesley recommended further amendments to the provisions of the Proposed Plan regarding the page 88 liquefaction map. These amendments include reference to the Lifelines Report in appropriate parts of the Proposed Plan. We have reviewed those recommended further amendments and find them to be appropriate. We therefore adopt that recommendation as our decision pursuant to Clause 10(1) of Schedule 1 to the RMA.

4.12 We are satisfied that, having regard to their efficiency and effectiveness, the amended provisions are the most appropriate means of achieving the Proposed Plan’s objectives.

4.13 We therefore accept-in-part the submissions of Huzziff (submitter 107), Taueki (submitter 11), Muaupoko Co-operative Society (submitter 60) and Paton (submitter 102) and the further submission of Rudd (Snr) (further submitter 519).

Rules 15.1(j): Residential Zone – Permitted Activity List

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
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³ Lifelines are the network services of water, sewage, transport, power and communications which are essential to the functioning of a community.

⁴ Dellow G.D., Coote T.P. and Beetham R.D. 1999 Hazard Analysis Manual Volume 2, Section 4D: Assessment of liquefaction induced ground failure susceptibility in the Manawatu-Wanganui Region, Horizons Regional Council Report 99/EXT/383, ISBN 1-877221-54-6.

⁵ Officer’s report, page 65

⁶ Page 46 of Appendix C, third paragraph.

Sub No.	Submitter Name	Decision Requested	Further Submission
27.18	Horizons Regional Council	Amend Rule 15.1(j)(ii): Refer to rules in Horizons Regional Council's Proposed One Plan relating to activities in the bed of lakes and rivers, for land adjacent to rivers zoned for river and flood control , all land use activities...	
41.21	Powerco	Retain Rule 15.1(j) without modification	
108.20	HDC (Planning Department)	Amend Rule 15.1(j) as follows: <u>(iii) Installation of underground network utilities.</u>	505.06 Powerco – In-Part 507.00 Chorus -Support 508.00 Telecom - Support 511.07 Horowhenua District Council (Community Assets Department) - In-Part

4.14 The submissions were evaluated by the reporting officer in section 4.3.2 of the officer's report. Horizons Regional Council supported that evaluation and the HDC (Planning Department) did not express any opposition to it. We have reviewed the officer's evaluation and other than for the Powerco submission we agree with it and adopt it as our reasons pursuant to Clause 10(2)(a) of Schedule 1 to the RMA. The officer also recommended amendments to Rules 15.1 Residential Zone Permitted Activities, 16.1 Industrial Zone Permitted Activities, 17.1 Commercial Zone Permitted Activities, 19.1 Rural Zone Permitted Activities and 20.1 Open Space Zone Permitted Activities of the Proposed Plan. We have reviewed those recommended amendments and consider them to be generally appropriate. Other than as outlined below, we therefore adopt that recommendation as part of our decision pursuant to Clause 10(1) of Schedule 1 to the RMA.

4.15 In its tabled statement Powerco expressed concern about the status of earthworks undertaken in association with network utility activities that are to be permitted in a Flood Hazard Overlay Area. Powerco sought that such ancillary earthworks should also be permitted activities and that those earthworks should not be restricted to the 20m³ annual volume (see for example Rule 15.6.14) that applies to other permitted activities.

4.16 Powerco accordingly sought additional amendments to Rules 15.6.14(a), 16.6.19(a), 17.6.21(a), 19.6.11(a) and 20.6.11(a) as follows:

Flood Hazard Overlay Area

- (a) Within a Flood hazard Overlay Area earthworks shall not exceed 20m³ per site within any 12 month period.

Except

The earthworks volume limit does not apply to tracks where the existing ground level is not altered by greater than 0.1 metres in any 12 month period or to the installation of underground network utilities undertaken in accordance with (c) below.

- 4.17 In his further written statement of 27 May 2013 (see page 48 of Appendix C) Mr Wesney advised

“ ...in the written statement received from Powerco, they seek additional wording to Rule 19.6.11(a) to clarify the earthworks thresholds do not apply to undergrounding network utilities. I support this clarification and the wording submitted and recommended the wording apply to all zones.”

- 4.18 We accept Mr Wesney’s further evaluation and adopt it as part our reasons pursuant to Clause 10(2)(a) of Schedule 1 to the RMA.

- 4.19 The original officer’s report recommended an additional clause (c) for Rule 15.6.14 that read (our emphasis):

- (c) Within a Flood Hazard Overlay Area, the installation of underground network utilities shall not result in any change to the existing contour of the land once the installation has been completed and earthworks reinstated.

- 4.20 We were concerned that the wording “any change” was an absolute term that if implemented literally could frustrate the undertaking of the permitted network utility activities. We asked Mr Wesney to further consider that wording. In his further written statement of 27 May 2013 (see page 48 of Appendix C) he advised:

“In reviewing the wording of the new rule, it could be simplified to clarify this intention. In addition, it is recognised it may not be practical or feasible to exactly reinstate the ground to the same level as prior to the earthworks.”

- 4.21 We accept Mr Wesney’s further evaluation and adopt it as part our reasons pursuant to Clause 10(2)(a) of Schedule 1 to the RMA.

- 4.22 Mr Wesney recommended alternative wording for Rules 15.6.14, 16.6.19, 17.6.21⁷, 19.6.10, 19.6.11 and 20.6.11. He advised that the recommended amendments were within the scope of the submissions from Telecom (78), Chorus (79) and further submission from Powerco (505) set out in sections 4.6 – 4.21 of the original officer’s report.

- 4.23 We have reviewed Mr Wesney’s alternative wording and consider it to be appropriate. We therefore adopt that recommendation as part of our decision pursuant to Clause 10(1) of Schedule 1 to the RMA. We are satisfied that, having regard to their efficiency and effectiveness, the amended rules are the most appropriate for achieving the Proposed Plan’s objectives.

⁷ Mr Wesney referred to Rule 17.6.14 but we understand that he meant Rule 17.6.21.

Rule 15.4(h): Residential Zone – Discretionary Activity List

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
41.26	Powerco	Retain Rule 15.4(h) without modification	

4.24 Powerco's support for Rule 15.4(h): Residential Zone – Discretionary Activity List is noted and their submission is accepted.

Rule 15.6.14: Residential Zone – Conditions for Permitted Activities (Flood Hazard Overlay Area)

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
78.19	Telecom New Zealand Ltd	Amend Rule 15.6.14 so that the following are provided for as a permitted activity: <ul style="list-style-type: none"> • Underground lines • Above ground lines including support poles • Network utility masts • Network utility cabinets/buildings not exceeding 5m² GFA; • Ancillary earthworks to any of the above activities. 	505.07 Powerco - In-Part
79.19	Chorus New Zealand Ltd	Amend Rule 15.6.14 so that the following are provided for as a permitted activity: <ul style="list-style-type: none"> • Underground lines • Above ground lines including support poles • Network utility masts • Network utility cabinets/buildings not exceeding 5m² GFA; • Ancillary earthworks to any of the above activities. 	
108.21	HDC(Planning Department)	Amend Rule 15.6.14 as follows: <u>(c) Within a Flood Hazard</u>	507.01 Chorus -Support 508.01 Telecom - Support

Sub No.	Submitter Name	Decision Requested	Further Submission
		<u>Overlay Area, the installation of underground network utilities shall not result in any change to the existing contour of the land once the installation has been completed and earthworks reinstated.</u>	

4.25 The submissions were evaluated by the reporting officer in section 4.8.2 of the officer’s report. Telecom and Chorus supported that evaluation and HDC (Planning Department) did not express any opposition to it. We have reviewed the officer’s evaluation and we agree with it and adopt it as our reasons pursuant to Clause 10(2)(a) of Schedule 1 to the RMA. The officer also recommended amendments to the Rule 15.1(j) Residential Zone Permitted Activities and Rule 15.6.14: Residential Zone – Conditions for Permitted Activities Flood Hazard Overlay Area of the Proposed Plan. We have reviewed those recommended amendments and consider them to be appropriate. We therefore adopt that recommendation as our decision pursuant to Clause 10(1) of Schedule 1 to the RMA.

Rules 16.1(n): Industrial Zone – Permitted Activity List

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
41.22	Powerco	Retain Rule 16.1(n) without modification	
108.22	HDC (Planning Department)	Amend Rule 16.1(n) as follows: <u>(iii) Installation of underground network utilities.</u>	505.08 Powerco Error! Bookmark not defined. – In-Part 507.02 Chorus -Support 508.02 Telecom - Support

4.26 The submissions were evaluated by the reporting officer in section 4.9.2 of the officer’s report. Powerco, Chorus and Telecom supported that evaluation and HDC (Planning Department) did not express any opposition to it. We have reviewed the officer’s evaluation and other than with regard to the wording⁸ “in any change” we agree with it and adopt it as our reasons pursuant to Clause 10(2)(a) of Schedule 1 to the RMA. The officer also recommended amendments to Rules 16.1(n) Industrial Zone Permitted Activities and 16.6.19 Industrial Zone Permitted Activity Conditions Flood Hazard Overlay Area of the Proposed Plan. We have reviewed those recommended amendments and consider them to be generally appropriate. Other than with regard to the wording “in any change” we therefore adopt that recommendation as our decision pursuant to Clause 10(1) of Schedule 1 to the RMA.

⁸ See our discussion of this matter in Section 4.6 of this Decision, paragraphs 4.19 to 4.23.

Rule 16.4(e): Industrial Zone – Discretionary Activity List

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
41.27	Powerco	Retain Rule 16.4(e) without modification	

4.27 Powerco's submission was evaluated by the reporting officer in section 4.10.2 of the officer's report. Powerco supported that evaluation. We have reviewed the officer's evaluation and we agree with it and adopt it as our reasons pursuant to Clause 10(2)(a) of Schedule 1 to the RMA. The officer also recommended an amendment to Rule 16.4(e)(ii): Industrial Zone – Discretionary Activity List of the Proposed Plan. We have reviewed that recommended amendment and consider it to be appropriate. We therefore adopt that recommendation as our decision pursuant to Clause 10(1) of Schedule 1 to the RMA.

Rule 16.6.19: Industrial Zone – Conditions for Permitted Activities (Flood Hazard Overlay Area)

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
78.20	Telecom New Zealand Ltd	Amend Rule 16.6.19 so that the following are provided for as a permitted activity: <ul style="list-style-type: none"> • Underground lines • Above ground lines including support poles • Network utility masts • Network utility cabinets/buildings not exceeding 5m² GFA; • Ancillary earthworks to any of the above activities. 	505.09 Powerco - In-Part
79.20	Chorus New Zealand Ltd	Amend Rule 16.6.19 so that the following are provided for as a permitted activity: <ul style="list-style-type: none"> • Underground lines • Above ground lines including support poles • Network utility masts • Network utility cabinets/buildings not exceeding 5m² GFA; • Ancillary earthworks to any of the above activities. 	

Sub No.	Submitter Name	Decision Requested	Further Submission
108.23	HDC (Planning Department)	Amend Rule 16.6.19 as follows: <u>(c) Within a Flood Hazard Overlay Area, the installation of underground network utilities shall not result in any change to the existing contour of the land once the installation has been completed and earthworks reinstated.</u>	507.03 Chorus -Support 508.03 Telecom - Support

4.28 The submissions were evaluated by the reporting officer in section 4.11.2 of the officer's report. Chorus and Telecom supported that evaluation and HDC (Planning Department) did not express any opposition to it. We have reviewed the officer's evaluation and we agree with it and adopt it as our reasons pursuant to Clause 10(2)(a) of Schedule 1 to the RMA. The officer also recommended amendments to the Rule 16.1(n) Industrial Zone Permitted Activities and Rule 16.6.19 Industrial Zone Permitted Activities Flood Hazard Overlay Area of the Proposed Plan. We have reviewed those recommended amendments and consider them to be appropriate. We therefore adopt that recommendation as our decision pursuant to Clause 10(1) of Schedule 1 to the RMA.

Rules 17.1(p): Commercial Zone – Permitted Activity List

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
41.23	Powerco	Retain Rule 17.1(p) without modification	
108.24	HDC(Planning Department)	Amend Rule 17.1(p) as follows: <u>(iii) Installation of underground network utilities.</u>	505.10 Powerco – In-Part 507.04 Chorus -Support 508.04 Telecom - Support

4.29 The submissions were evaluated by the reporting officer in section 4.12.2 of the officer's report. Powerco supported that evaluation and HDC (Planning Department) did not express any opposition to it. We have reviewed the officer's evaluation and other than with regard to the wording⁹ "in any change" we agree with it and adopt it as our reasons pursuant to Clause 10(2)(a) of Schedule 1 to the RMA. The officer also recommended amendments to Rule 17.1(p) Commercial Zone Permitted Activities and Rule 17.6.21: Commercial Zone Permitted Activity Flood Hazard Overlay of the Proposed Plan. We have

⁹ See our discussion of this matter in Section 4.6 of this Decision, paragraphs 4.19 to 4.23.

reviewed those recommended amendments and consider them to be generally appropriate. Other than with regard to the wording “in any change” we therefore adopt that recommendation as our decision pursuant to Clause 10(1) of Schedule 1 to the RMA.

Rule 17.4(g): Commercial Zone – Discretionary Activity List

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
41.28	Powerco	Retain Rule 17.4(g) without modification	

4.30 Powerco’s submission was evaluated by the reporting officer in section 4.13.2 of the officer’s report. Powerco supported that evaluation. We have reviewed the officer’s evaluation and we agree with it and adopt it as our reasons pursuant to Clause 10(2)(a) of Schedule 1 to the RMA. The officer also recommended an amendment to Rule 17.4(g)(ii): Commercial Zone – Discretionary Activity List of the Proposed Plan. We have reviewed that recommended amendment and consider it to be appropriate. We therefore adopt that recommendation as our decision pursuant to Clause 10(1) of Schedule 1 to the RMA.

Rule 17.6.21: Commercial Zone – Conditions for Permitted Activities (Flood Hazard Overlay Area)

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
78.21	Telecom New Zealand Ltd	Amend Rule 17.6.21 so that the following are provided for as a permitted activity: <ul style="list-style-type: none"> • Underground lines • Above ground lines including support poles • Network utility masts • Network utility cabinets/buildings not exceeding 5m² GFA; • Ancillary earthworks to any of the above activities. 	505.11 Powerco - In-Part
79.21	Chorus New Zealand Ltd	Amend Rule 17.6.21 so that the following are provided for as a permitted activity: <ul style="list-style-type: none"> • Underground lines • Above ground lines including support poles • Network utility masts • Network utility cabinets/buildings not exceeding 5m² GFA; 	

Sub No.	Submitter Name	Decision Requested	Further Submission
		<ul style="list-style-type: none"> Ancillary earthworks to any of the above activities. 	
108.25	Horowhenua District Council (Planning Department)	<p>Amend Rule 17.6.21 as follows:</p> <p><u>(c) Within a Flood Hazard Overlay Area, the installation of underground network utilities shall not result in any change to the existing contour of the land once the installation has been completed and earthworks reinstated.</u></p>	<p>507.05 Chorus -Support</p> <p>508.05 Telecom - Support</p>

4.31 The submissions were evaluated by the reporting officer in section 4.14.2 of the officer's report. Chorus and Telecom supported that evaluation and HDC (Planning Department) did not express any opposition to it. We have reviewed the officer's evaluation and we agree with it and adopt it as our reasons pursuant to Clause 10(2)(a) of Schedule 1 to the RMA. The officer also recommended amendments to Rule 17.1(p) Commercial Zone Permitted Activities and Rule 17.6.21: Commercial Zone Permitted Activity Flood Hazard Overlay of the Proposed Plan. We have reviewed those recommended amendments and consider them to be appropriate. We therefore adopt that recommendation as our decision pursuant to Clause 10(1) of Schedule 1 to the RMA.

Rules 19.1(m): Rural Zone – Permitted Activity List

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
32.19	NZ Pork Industry Board	Retain intent of Rule 19.1(m).	<p>506.65 Ernslaw One Ltd - Support</p> <p>513.04 Rayonier New Zealand Ltd - Support</p>
41.24	Powerco	Retain Rule 19.1(m) without modification	
96.29	Federated Farmers of New Zealand	Amend Rule 19.1(m) by permitting earthworks and buildings that are associated with primary production within Flood Hazard Overlays.	<p>513.16 Rayonier New Zealand Ltd - Support</p> <p>517.22 Horticulture New Zealand – In-Part</p>
99.24	Transpower New Zealand Ltd	Retain Rule 19.1(m).	516.14 Federated Farmers of New Zealand - Oppose

Sub No.	Submitter Name	Decision Requested	Further Submission
108.26	HDC (Planning Department)	Amend Rule 19.1(m) as follows: <u>(iii) Installation of underground network utilities.</u>	505.12 Powerco – In-Part 507.06 Chorus -Support 508.06 Telecom - Support 516.15 Federated Farmers of New Zealand - Oppose

4.32 The submissions were evaluated by the reporting officer in section 4.15.2 of the officer's report. Powerco, Transpower and Federated Farmers supported that evaluation. No other submitters expressed any opposition to it. We have reviewed the officer's evaluation and other than with regard to the wording¹⁰ "in any change" we agree with it and adopt it as our reasons pursuant to Clause 10(2)(a) of Schedule 1 to the RMA. The officer also recommended amendments to Rule 19.1(m): Rural Zone Permitted Activity List and Rule 19.6.11 Rural Zone Permitted Activity Flood Hazard Overlay of the Proposed Plan. We have reviewed those recommended amendments and consider them to be generally appropriate. Other than with regard to the wording "in any change" we therefore adopt that recommendation as our decision pursuant to Clause 10(1) of Schedule 1 to the RMA.

Rule 19.4.8: Rural Zone – Discretionary Activity List

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
7.01	Heirs Partnership	Amend Planning Maps to accurately identify perimeters of the Flood Hazard Area or confine the application of Rule 19.4.8 to areas with a known flood history or incontestable high risk.	
41.29	Powerco	Retain Rule 19.4.8 without modification	
98.38	Horticulture New Zealand	Amend Rule 19.4.8.(a)(iv) by either: (a) Any activity within the Flood Hazard Overlay Areas (excluding Moutoa Floodway) that is not listed as a permitted or controlled activity,	516.16 Federated Farmers of New Zealand - Support

¹⁰ See our discussion of this matter in Section 4.6 of this Decision, paragraphs 4.19 to 4.23.

Sub No.	Submitter Name	Decision Requested	Further Submission
		<p>including but not limited to the following:</p> <p>...</p> <p>(iv) Any activity involving use, storage or disposal of hazardous substances.</p> <p>OR</p> <p>Provide an exemption for use as part of primary production activities.</p>	

4.33 The submissions were evaluated by the reporting officer in section 4.16.2 of the officer's report. Federated Farmers and Powerco supported that evaluation. No other submitters expressed any opposition to it. We have reviewed the officer's evaluation and we agree with it and adopt it as our reasons pursuant to Clause 10(2)(a) of Schedule 1 to the RMA. The officer also recommended an amendment to Rule 19.4.8(a)(ii) Rural Zone – Discretionary Activity List of the Proposed Plan together with a new clause 19.4.8(a)(iv). We have reviewed those recommended amendments and consider them to be appropriate. We therefore adopt that recommendation as our decision pursuant to Clause 10(1) of Schedule 1 to the RMA.

Rules 19.4.9 and 19.6.10: Rural Zone – Discretionary Activity List and Conditions of Permitted Activity (Moutoa Floodway)

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
99.29	Transpower New Zealand Ltd	Amend Rule 19.4.9 Discretionary Activity (Moutoa Floodway) so that the 19.6.10 Permitted Activity condition (Moutoa Floodway) is incorporated into the Discretionary Activity rule.	

4.34 Transpower's submission was evaluated by the reporting officer in section 4.17.2 of the officer's report. Transpower supported that evaluation.

4.35 However, we note that the Proposed Plan contains a number of provisions relating to the Moutoa Floodway. That floodway is a part of the Lower Manawatu River Flood Control Scheme and it is designed to carry floodwaters when the Moutoa flood control gates are opened. We understand that the intent of the Proposed Plan is to restrict activities within the floodway which might impede the passage of floodwaters, particularly earthworks, structures and buildings.

- 4.36 Section 4.17 of the original officer's report dealt with Rules 19.4.9 and 19.6.10 and the submission of Transpower New Zealand Limited (submitter 99) on those rules. Some of the discussion in the officer's report referred to provisions that did not exist and upon reading the Proposed Plan's provisions relating to the Moutoa Floodway we were not certain that they were internally consistent. We therefore asked Mr Wesley to further consider that matter and report back to us.
- 4.37 Mr Wesley's further evaluation of this matter is set out in his further written statement of 27 May 2013 (attached Appendix C to this Decision). We have reviewed Mr Wesley's further evaluation and we agree with it and adopt it as part of our reasons pursuant to Clause 10(2)(a) of Schedule 1 to the RMA. We do not repeat it here for the sake of brevity.
- 4.38 Mr Wesley recommended that Rules 19.6.10 and 19.6.11 be further amended (as set out on page 50 of Appendix C). He advised that those recommended amendments were within the scope of the submissions from Telecom (78), Chorus (79) and the further submission from Powerco (505) set out in sections 4.6 to 4.21 of the original officer's report. We have reviewed those recommended amendments and consider them to be appropriate. We therefore adopt that recommendation as part of our decision pursuant to Clause 10(1) of Schedule 1 to the RMA.

Rule 19.6.11: Rural Zone – Conditions for Permitted Activities (Flood Hazard Overlay Area)

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
7.02	Heirs Partnership	Amend Planning Maps to accurately identify perimeters of the Flood Hazard Area or confine the application of Rule 19.6.11 to areas where it is known that earthworks could create significant flood problems.	
77.07	Higgins Group Holdings Limited	Delete Rule 19.6.11 If not deleted, request to amend Rule 19.6.11 [Exception] as follows: (a).... (b).... Except, the above two standards (a) and (b) do not apply to any soil conservation and river/flood control works carried out by or on behalf of Horizon Regional Council <u>or to any</u>	506.42 Ernslaw One Ltd - Support

Sub No.	Submitter Name	Decision Requested	Further Submission
		<u>Aggregate Extraction activities.</u>	
78.22	Telecom New Zealand Ltd	<p>Amend Rule 19.6.11 so that the following are provided for as a permitted activity:</p> <ul style="list-style-type: none"> • Underground lines • Above ground lines including support poles • Network utility masts • Network utility cabinets/buildings not exceeding 5m² GFA; • Ancillary earthworks to any of the above activities. 	505.13 Powerco - In-Part
79.22	Chorus New Zealand Ltd	<p>Amend Rule 19.6.11 so that the following are provided for as a permitted activity:</p> <ul style="list-style-type: none"> • Underground lines • Above ground lines including support poles • Network utility masts • Network utility cabinets/buildings not exceeding 5m² GFA; • Ancillary earthworks to any of the above activities. 	

Sub No.	Submitter Name	Decision Requested	Further Submission
96.34	Federated Farmers of New Zealand	Delete Rule 19.6.11	517.30 Horticulture New Zealand - In-Part 524.05 Higgins Group Holdings Ltd - Support
108.27	HDC(Planning Department)	Amend Rule 19.6.11 as follows: <u>(c) Within a Flood Hazard Overlay Area, the installation of underground network utilities shall not result in any change to the existing contour of the land once the installation has been completed and earthworks reinstated.</u>	507.07 Chorus -Support 508.07 Telecom - Support

4.39 The submissions were evaluated by the reporting officer in section 4.18.2 of the officer's report. Chorus, Federated Farmers and Telecom supported that evaluation and HDC (Planning Department) did not express any opposition to it. No other submitters expressed any opposition to the evaluation. We have reviewed the officer's evaluation and other than with regard to the wording¹¹ "in any change" we agree with it and adopt it as our reasons pursuant to Clause 10(2)(a) of Schedule 1 to the RMA. The officer also recommended amendments to Rule 19.1(m): Rural Zone Permitted Activity List and Rule 19.6.11 Rural Zone Permitted Activity Flood Hazard Overlay Area of the Proposed Plan. We have reviewed those recommended amendments and consider them to be generally appropriate. Other than with regard to the wording "in any change" we therefore adopt that recommendation as our decision pursuant to Clause 10(1) of Schedule 1 to the RMA.

Rules 20.1(g): Open Space Zone – Permitted Activity List

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
41.25	Powerco	Retain Rule 20.1(g) without modification	

¹¹ See our discussion of this matter in Section 4.6 of this Decision, paragraphs 4.19 to 4.23.

Sub No.	Submitter Name	Decision Requested	Further Submission
108.28	HDC (Planning Department)	Amend Rule 20.1(g) as follows: <u>(iii) Installation of underground network utilities.</u>	505.14 Powerco – In-Part 507.08 Chorus -Support 508.08 Telecom - Support

4.40 The submissions were evaluated by the reporting officer in section 4.19.2 of the officer's report. Chorus, Powerco and Telecom supported that evaluation and HDC (Planning Department) did not express any opposition to it. We have reviewed the officer's evaluation and other than with regard to the wording¹² "in any change" we agree with it and adopt it as our reasons pursuant to Clause 10(2)(a) of Schedule 1 to the RMA. The officer also recommended amendments to Rule 20.1(g): Open Space Zone Permitted Activity List and Rule 19.6.11 Rural Zone Permitted Activity Flood Hazard Overlay Area of the Proposed Plan. We have reviewed those recommended amendments and consider them to be generally appropriate. Other than with regard to the wording "in any change" we therefore adopt that recommendation as our decision pursuant to Clause 10(1) of Schedule 1 to the RMA.

Rule 20.4(d): Open Space Zone – Discretionary Activity List

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
41.30	Powerco	Retain Rule 20.4(d) without modification	

4.41 Powerco's submission was evaluated by the reporting officer in section 4.20.2 of the officer's report. Powerco supported that evaluation. We have reviewed the officer's evaluation and we agree with it and adopt it as our reasons pursuant to Clause 10(2)(a) of Schedule 1 to the RMA. The officer also recommended an amendment to Rule 20.4(d)(ii): Open Space Zone Discretionary Activity List of the Proposed Plan. We have reviewed that recommended amendment and consider it to be appropriate. We therefore adopt that recommendation as our decision pursuant to Clause 10(1) of Schedule 1 to the RMA.

Rule 20.6.11: Open Space Zone – Conditions for Permitted Activities (Flood Hazard Overlay Area)

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
78.23	Telecom New Zealand Ltd	Amend Rule 20.6.11 so that the following are provided for as a permitted activity: <ul style="list-style-type: none"> • Underground lines • Above ground lines 	505.15 Powerco - In-Part

¹² See our discussion of this matter in Section 4.6 of this Decision, paragraphs 4.19 to 4.23.

Sub No.	Submitter Name	Decision Requested	Further Submission
		<p>including support poles</p> <ul style="list-style-type: none"> • Network utility masts • Network utility cabinets/buildings not exceeding 5m² GFA; • Ancillary earthworks to any of the above activities. 	
79.23	Chorus New Zealand Ltd	<p>Amend Rule 20.6.11 so that the following are provided for as a permitted activity:</p> <ul style="list-style-type: none"> • Underground lines • Above ground lines including support poles • Network utility masts • Network utility cabinets/buildings not exceeding 5m² GFA; • Ancillary earthworks to any of the above activities. 	
108.29	HDC (Planning Department)	<p>Amend Rule 20.6.11 as follows:</p> <p><u>(c) Within a Flood Hazard Overlay Area, the installation of underground network utilities shall not result in any change to the existing contour of the land once the installation has been completed and earthworks reinstated.</u></p>	<p>507.09 Chorus -Support</p> <p>508.09 Telecom - Support</p>

4.42 The submissions were evaluated by the reporting officer in section 4.21.2 of the officer's report. Chorus and Telecom supported that evaluation and HDC (Planning Department) did not express any opposition to it. We have reviewed the officer's evaluation we agree with it and adopt it as our reasons pursuant to Clause 10(2)(a) of Schedule 1 to the RMA. The officer also recommended amendments to Rule 20.1(g): Open Space Zone Permitted Activity List and Rule 20.6.11 Open Space Zone Permitted Activity Flood Hazard Overlay Area of the Proposed Plan. We have reviewed those recommended amendments and consider them to be appropriate. We therefore adopt that recommendation as our decision pursuant to Clause 10(1) of Schedule 1 to the RMA.

Planning Maps

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
10.00	Anne Hunt	Amend Planning Maps to identify liquefaction hazard areas within the district.	
107.02	Rosalie Huzziff	Amend Planning Maps 1, 2, 4, 5, 12, 13, 14 and 15 to identify liquefaction hazard areas and revise	
65.06	Horowhenua Farmers' Ratepayer Group	Amend Planning Maps to accurately identify flood hazard areas in conjunction with landowners.	
66.06	Bruce & Christine Mitchell	Amend Planning Maps to accurately identify flood hazard areas in conjunction with landowners.	
102.01	Christina Paton	Include high risk areas of liquefaction on the Planning Maps. The Proposed Plan should remain on the table until all relevant information has been provided for public consultation.	
53.00	McMenamin & Fitzgerald	Amend the Planning Maps so that the boundaries of the Flood Hazard Area more realistically reflect the most vulnerable areas No specific relief requested. The whole basis for the Flood Hazard Area needs to be examined and the science verified before any such zone is imposed.	525.12 Maurice and Sophie Campbell - Support
59.00	Peter & Susan Webb	Amend Planning Map 7 so that boundary of the flood	

Sub No.	Submitter Name	Decision Requested	Further Submission
		plain (Flood Hazard Area) insofar as it affects 354 Muhunoa East Road, Ohau, follows the contours of the escarpment alongside the river rather than the current straight line which encompasses part of the land that is incapable of being flooded.	
7.00	Heirs Partnership	Amend Planning Map 4 to remove 756 Foxton Road, Levin from the Proposed Flood Hazard Area Overlay or if Council wishes to retain it then Council needs to justify the exact behaviour.	
27.07	Horizons Regional Council	No specific relief requested. Inferred: Retain the identification of the Moutoa Floodway on Planning Maps 4 and 5.	
65.10	Horowhenua Farmers' Ratepayer Group	Amend Proposed Plan to take into account risk of liquefaction and sea level rise when considering subdivision in coastal areas and areas susceptible to flooding.	
66.10	Bruce & Christine Mitchell	Amend Proposed Plan to take into account risk of liquefaction and sea level rise when considering subdivision in coastal areas and areas susceptible to flooding.	
103.03	Colin Easton	No specific relief requested. Inferred: Ensure the Plan requires liquefaction to be looked at when a	

Sub No.	Submitter Name	Decision Requested	Further Submission
		subdivision is being proposed.	
4.00	Malcolm Guy	Include more information regarding the Proposed Flood Hazard Area Overlay.	

4.43 We discussed the issue of the liquefaction map raised by submitters Hunt (submitter 10), Huzziff (submitter 107), Paton (submitter 102), Mitchell (submitter 66) and Easton (submitter 103) in paragraphs 4.6 - 4.13 of this Decision. The above listed submitters should refer to that section for our evaluation of their submissions on that issue.

4.44 We received a verbal presentation from Malcolm Guy who suggested that the Proposed Plan should be amended such that buildings would not be restricted on “high ridges” that existed within the Proposed Flood Hazard Overlays on the planning maps if those “high ridges” were above the predicted 100 year ARI flood level.

4.45 We asked Mr Wesney to comment on the matter raised by Mr Guy and in his further written statement of 27 May 2013 (contained in Appendix C) he advised:

“In liaison with the Flood Catchment team at Horizons Regional Council, the location and extent of the Flood Hazard Overlay Area in the area of Mr Guy’s property (Koputaroa Road) has been further reviewed. This further review has identified specific locations where the Flood Hazard Overlay Area can be redefined to exclude the tall dune ridges referred to by Mr Guy. In redefining this flood hazard area, the Flood Catchment team at Horizons Regional Council re-iterated this mapping is “indicative only”. It is recommended the Flood Hazard Overlay Area be amended as shown on the attached map. It is recommended Malcolm Guy’s submission (4.00) be accepted in part.”¹³

4.46 We accept Mr Wesney’s revised recommendation and accordingly Mr Guy’s submission is accepted in part.

4.47 The remaining submissions were evaluated by the reporting officer in section 4.22.2 of the officer’s report. We have reviewed the officer’s evaluation we agree with it and adopt it as our reasons pursuant to Clause 10(2)(a) of Schedule 1 to the RMA. The officer recommended that Planning Map 7 should be amended to change to the extent of the Flood Hazard Overlay Area on the property at 354 Muhunoa East Road. We have reviewed that recommended amendment and consider it to be appropriate. We therefore adopt that recommendation as our decision pursuant to Clause 10(1) of Schedule 1 to the RMA.

5. SECTION 32

5.1 A Section 32 report accompanied the Proposed Plan when it was notified. We have evaluated the changes we intend to make to the Proposed Plan in the light of section 32 of the RMA. Where we have amended the policies and rules we are satisfied that the amended provisions will enable the Proposed Plan’s objectives to be better achieved.

¹³ Page 47 – Mapping of Flood Hazard Overlay Area

6. DECISION

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

1. That pursuant to clause 10 of Schedule 1 to the Resource Management Act 1991 Chapter 8 Natural Hazards and associated relevant rules and other provisions of the Proposed Horowhenua District Plan are approved inclusive of the amendments set out in Appendix A.
2. That for the reasons set out in this Decision the submissions and further submissions are accepted, accepted in part or rejected as set out in in Appendix B.

6.2 For the sake of clarity, Appendix B shows whether each submission or further submission is accepted, accepted in part or rejected.



Robert van Voorthuysen



Cr Garry Good



Cr Tony Rush

Dated: 23 September 2013

APPENDIX A: Proposed Plan as amended by Hearing Decisions

The following amendments are made to the Chapter 8: Natural Hazards:

The 6th bullet point under the heading 'District Plan' in Methods for Issue 8.1 & Objective 8.1.1 is amended as follows:

Where there are significant risks from natural hazards (erosion, falling debris, subsidence, slippage, or inundation) that have not yet been identified in the District Plan, control subdivision in these areas through Section 106 of the RMA. The "Risks and Responsibilities: Report of the Manawatu-Wanganui Regional Lifelines Project" (No. 2005/EXT/622) prepared by the Manawatu-Wanganui CDEM Group is a summary of all natural hazards in the region and could be used for this purpose.

The 2nd bullet point under the heading 'Collection and Provision of Information' in Methods for Issue 8.1 & Objective 8.1.1 is amended as follows:

Council will make available information for the Public that would help raise awareness and educate people about the risks of natural hazards. The "Risks and Responsibilities: Report of the Manawatu-Wanganui Regional Lifelines Project" (No. 2005/EXT/622) prepared by the Manawatu-Wanganui CDEM Group is a summary of all natural hazards in the region and could be used for this purpose.

Policy 8.1.6 is amended as follows:

Flood hazard avoidance is must be preferred to flood hazard mitigation.

The following amendments are made to all the Zone Rule Chapters:

Add to Rules 15.1, 16.1, 17.1, 19.1 and 20.1 the following:

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

Amend Rules 15.1(j)(i), 16.1(n)(i), 17.1(p)(i), 19.1(m)(i) and 20.1(g)(i) as follows:

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

Amend the second bullet point under Rules 15.1(j), 16.1(n), 17.1(p), 19.1(m) and 20.1(g) as follows:

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

The following amendments are made to Chapter 15: Residential Zone Rules:

Add to Rule 15.1(j) as follows:

- (iii) Installation of underground network utilities.
- (iv) New above ground lines including support poles
- (v) New network utility masts

- (vi) New network utility cabinets/buildings;

Amend Rule 15.4(h)(ii) as follows:

- (ii) Any new network utilities (except installation of underground network utilities, above ground lines, network utility masts, and network utility cabinets/buildings which are a permitted activity under Rule 15.1(j)).

Add to Rule 15.6.14 as follows:

- (a) Within a Flood hazard Overlay Area earthworks shall not exceed 20m³ per site within any 12 month period.

Except

The earthworks volume limit does not apply to tracks where the existing ground level is not altered by greater than 0.1 metres in any 12 month period or to the installation of underground network utilities undertaken in accordance with (c) below.

- (c) Within a Flood Hazard Overlay Area, earthworks associated with the installation of underground network utilities shall reinstate ground level as close as practicable to its state prior to disturbance.
- (d) Within a Flood Hazard Overlay Area, new network utility cabinets/buildings shall not exceed 5m² gross floor area.

Amend Rule 15.7.5 Subdivision of Land (Matters of Control) for the Residential Zone as follows:

- (viii) Avoidance or mitigation of natural hazards. (Note: Refer to the “Risks and Responsibilities: Report of the Manawatu-Wanganui Regional Lifelines Project” (No. 2005/EXT/622) prepared by the Manawatu-Wanganui CDEM Group for information about natural hazards that may be relevant to the subject site).

The following amendments are made to Chapter 16: Industrial Zone Rules:

Add to Rule 16.1(n) as follows:

- (iii) Installation of underground network utilities.
- (iv) New above ground lines including support poles.
- (v) New network utility masts.
- (vi) New network utility cabinets/buildings.

Amend Rule 16.4(e)(ii) as follows:

- (ii) Any new network utilities (except installation of underground network utilities, above ground lines, network utility masts, and network utility cabinets/buildings which are a permitted activity under Rule 16.1(j)).

Add to Rule 16.6.19 as follows:

- (a) Within a Flood hazard Overlay Area earthworks shall not exceed 20m³ per site within any 12 month period.

Except

The earthworks volume limit does not apply to tracks where the existing ground level is not altered by greater than 0.1 metres in any 12 month period or to the installation of underground network utilities undertaken in accordance with (c) below.

- (c) Within a Flood Hazard Overlay Area, earthworks associated with the installation of underground network utilities shall reinstate ground level as close as practicable to its state prior to disturbance.
- (d) Within a Flood Hazard Overlay Area, new network utility cabinets/buildings shall not exceed 5m² gross floor area.

Amend Rule 16.7.1 Subdivision of Land (Matters of Control) for the Industrial Zone as follows:

- (viii) Avoidance or mitigation of natural hazards. (Note: Refer to the “Risks and Responsibilities: Report of the Manawatu-Wanganui Regional Lifelines Project” (No. 2005/EXT/622) prepared by the Manawatu-Wanganui CDEM Group for information about natural hazards that may be relevant to the subject site).

The following amendments are made to Chapter 17: Commercial Zone Rules:

Add to Rule 17.1(p) as follows:

- (iii) Installation of underground network utilities.
- (iv) New above ground lines including support poles.
- (v) New network utility masts.
- (vi) New network utility cabinets/buildings.

Amend Rule 17.4(g)(ii) as follows:

- (ii) Any new network utilities (except installation of underground network utilities, above ground lines, network utility masts, and network utility cabinets/buildings which are a permitted activity under Rule 17.1(p)).

Add to Rule 17.6.21 as follows:

- (a) Within a Flood hazard Overlay Area earthworks shall not exceed 20m³ per site within any 12 month period.

Except

The earthworks volume limit does not apply to tracks where the existing ground level is not altered by greater than 0.1 metres in any 12 month period or to the installation of underground network utilities undertaken in accordance with (c) below.

- (c) Within a Flood Hazard Overlay Area, earthworks associated with the installation of underground network utilities shall reinstate ground level as close as practicable to its state prior to disturbance.
- (d) Within a Flood Hazard Overlay Area, new network utility cabinets/buildings shall not exceed 5m² gross floor area.

Amend Rule 17.7.1 Subdivision of Land (Matters of Control) for the Commercial Zone as follows:

- (viii) Avoidance or mitigation of natural hazards. (Note: Refer to the “Risks and Responsibilities: Report of the Manawatu-Wanganui Regional Lifelines Project” (No. 2005/EXT/622) prepared by the Manawatu-Wanganui CDEM Group for information about natural hazards that may be relevant to the subject site).

The following amendments are made to Chapter 19: Rural Zone Rules:

Add to Rule 19.1(m) as follows:

- (iv) Installation of underground network utilities
- (v) New above ground lines including support poles
- (vi) New network utility masts
- (vii) New network utility cabinets/buildings

Amend Rule 19.4.8(iv) as follows:

- (iv) Any activity involving use, storage or disposal of hazardous substances.”

Amend Rule 19.4.8(a)(ii) as follows:

- (ii) Any new network utilities (except installation of underground network utilities, above ground lines, network utility masts, and network utility cabinets/buildings which are a permitted activity under Rule 19.1(m)).

Amend Rule 19.4.8(b) as follows:

- (b) Any activities (including buildings, and structures) ~~and activities~~ within the Moutoa Floodway that are not listed as a permitted activity under Rule 19.1(m).

Amend Rule 19.6.10 as follows:

19.6.10 Moutoa Floodway

- (a) No earthworks, buildings or structures are permitted in the Moutoa Floodway.

Exceptions

- (i) Earthworks associated with the installation of underground network utilities provided the ground is reinstated as close as practicable to its state prior to disturbance.
- (ii) Network utility cabinets/buildings not exceeding 5m² gross floor area.

Amend Rule 19.6.11 as follows:

- (a) Within a Flood Hazard Overlay Area (excluding Moutoa Floodway) earthworks shall not exceed 20m³ per site within any 12 month period.
Except, the earthworks volume limit does not apply to tracks where the existing ground level is not altered by greater than 0.1 metres in any 12 month period or to the installation of underground network utilities undertaken in accordance with (c) below.
- (b) Within a Flood Hazard Overlay Area (excluding Moutoa Floodway), the erection...
- (c) Within a Flood Hazard Overlay Area (excluding Moutoa Floodway), earthworks associated with the installation of underground network utilities shall reinstate ground level as close as practicable to its state prior to disturbance and the standards in (a) above do not apply.
- (d) Within a Flood Hazard Overlay Area (excluding Moutoa Floodway), new network utility cabinets/buildings shall not exceed 5m² gross floor area.

Exceptions:

- (i) ~~Except~~ The above two standards (a) and (b) do not apply to any soil conservation and river/flood control works carried out by or on behalf of Horizons Regional Council.
- (ii) The standard in (b) above does not apply to non-habitable structures/buildings or activities for primary production activities. For the purposes of this rule, “non-habitable” means a structure where people will not sleep.
- (iii) The standards in (a) above do not apply to aggregate extraction activities.

The following amendments are made to Chapter 20: Open Space Zone Rules:

Add to Rule 20.1(g) as follows:

- (iii) Installation of underground network utilities.
- (iv) New above ground lines including support poles.
- (v) New network utility masts.
- (vi) New network utility cabinets/buildings.

Amend Rule 20.4(d)(ii) as follows:

- (ii) Any new network utilities (except installation of underground network utilities, above ground lines, network utility masts, and network utility cabinets/buildings which are a permitted activity under Rule 20.1(g)).

Add to Rule 20.6.11 as follows:

- (a) Within a Flood hazard Overlay Area earthworks shall not exceed 20m³ per site within any 12 month period.

Except

The earthworks volume limit does not apply to tracks where the existing ground level is not altered by greater than 0.1 metres in any 12 month period or to the installation of underground network utilities undertaken in accordance with (c) below.

- (c) Within a Flood Hazard Overlay Area, earthworks associated with the installation of underground network utilities shall reinstate ground level as close as practicable to its state prior to disturbance.
- (d) Within a Flood Hazard Overlay Area, new network utility cabinets/buildings shall not exceed 5m² gross floor area.

Amend Rule 20.7.1 Subdivision of Land (Matters of Control) for the Open Space Zone as follows:

- (viii) Avoidance or mitigation of natural hazards. (Note: Refer to the “Risks and Responsibilities: Report of the Manawatu-Wanganui Regional Lifelines Project” (No. 2005/EXT/622) prepared by the Manawatu-Wanganui CDEM Group for information about natural hazards that may be relevant to the subject site).

The following amendments are made to Chapter 25: Assessment Criteria as follows:

Amend Assessment Criteria 25.7.14 Natural Hazards as follows:

- (a) The probability and magnitude of the natural hazard event, and the type, scale and distribution of the risks from the natural hazard. Includes consideration of the influence of climate change, adopting a precautionary approach for the frequency and intensity of events. (Note: Refer to the “Risks and Responsibilities: Report of the Manawatu-Wanganui Regional Lifelines Project”

(No. 2005/EXT/622) prepared by the Manawatu-Wanganui CDEM Group for information about natural hazards that may be relevant to the subject site).

The following amendments are made to Chapter 28: general provisions as follows:

Amend 28.2.2 Information Requirements 1: General Information as follows:

- (ii) A statement describing any significant natural hazards affecting, or likely to affect, the proposal including flooding, land instability, coastal hazards and fire. (Note: Refer to the “Risks and Responsibilities: Report of the Manawatu-Wanganui Regional Lifelines Project” (No. 2005/EXT/622) prepared by the Manawatu-Wanganui CDEM Group for information about natural hazards that may be relevant to the subject site).

Amend 28.2.4 Information Requirements 3: Subdivision as follows:

- (j) Natural Hazards: A description of any areas known to be subject to land instability or other significant hazard, together with a statement of any proposals for mitigating, or remedying any adverse effects or the hazard(s). (Note: Refer to the “Risks and Responsibilities: Report of the Manawatu-Wanganui Regional Lifelines Project” (No. 2005/EXT/622) prepared by the Manawatu-Wanganui CDEM Group for information about natural hazards that may be relevant to the subject site).

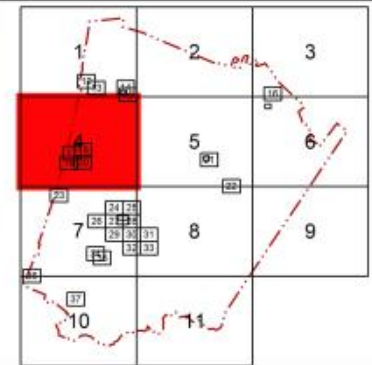
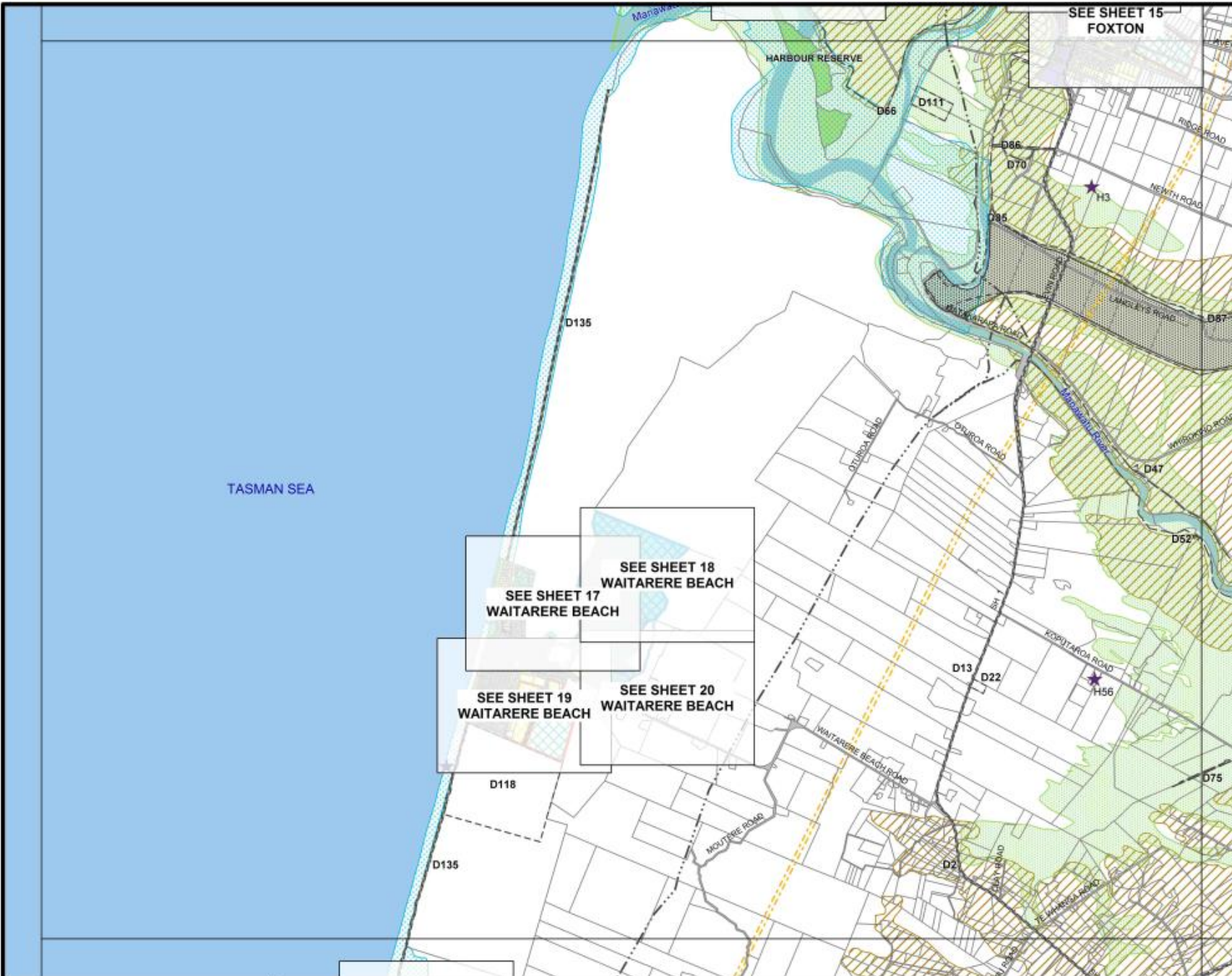
The following amendments are made to the Planning Maps:

Amend Planning Map 4 as attached.

Amend Planning Map 7 to change to the extent of the Flood Hazard Overlay Area on the property at 354 Muhunua East Road as attached.

LEGEND
ZONES

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



Scale 1 : 50,000

HOROWHENUA DISTRICT PLAN
RURAL

Planning Map 4

LEGEND
ZONES

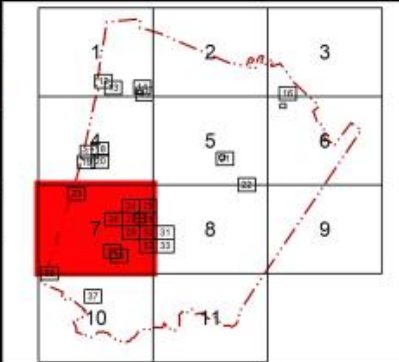
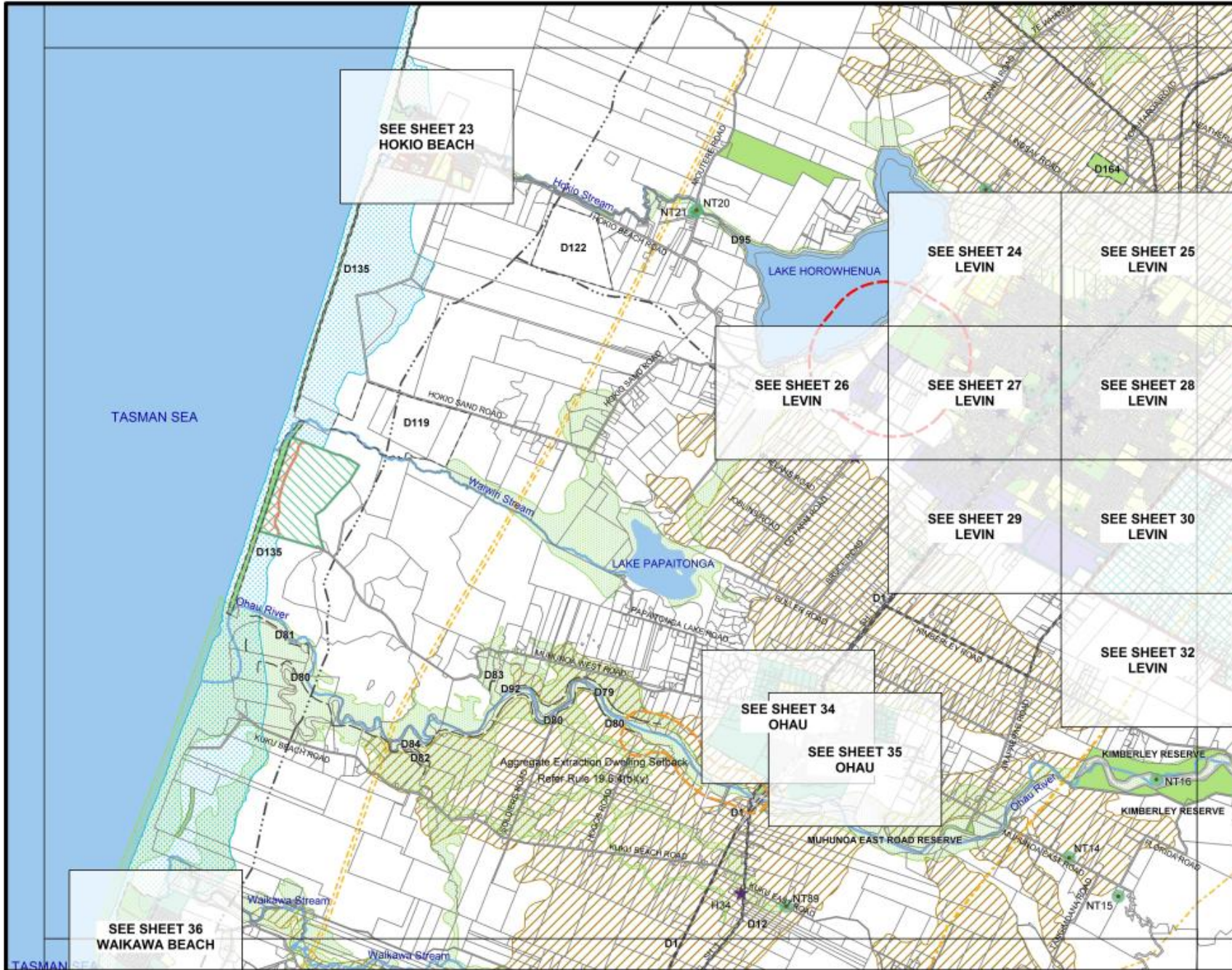
- Commercial Zone
- Industrial Zone
- Residential Zone
- Rural Zone
- Greenbelt Residential Zone
- Open Space Zone
- Residential Deferred Zone
- Greenbelt Residential Deferred Zone

OVERLAYS

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

FEATURES

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



Scale 1 : 50,000

HOROWHENUA DISTRICT PLAN
RURAL

Planning Map 7

APPENDIX B: Schedule of Decisions on Submission Points

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Hearing Panel Decision
101.58	505.01	Director-General of Conservation (DoC) Powerco	Support	Reject Reject
101.60	505.02	Director-General of Conservation (DoC) Powerco	Support in part	Reject Accept In-Part
27.06		Horizons Regional Council		Accept
27.08		Horizons Regional Council		Accept
99.04	505.03	Transpower New Zealand Ltd Powerco	Support	Accept Accept
27.09		Horizons Regional Council		Accept
99.05		Transpower New Zealand Ltd		Accept
67.15		Taiao Raukawa Environmental Resource Unit		Accept In-Part
67.16		Taiao Raukawa Environmental Resource Unit		Accept
107.00		Rosalie Huzziff		Accept In-Part
11.26	519.21	Philip Taueki Charles Rudd (Snr)	Support	Reject Reject
11.27	519.22	Philip Taueki Charles Rudd(Snr)	Support	Accept In-Part Accept In-Part
60.19		Muaupoko Co-operative Society		Reject
60.21		Muaupoko Co-operative Society		Accept In-Part
98.30		Horticulture NZ		Accept In-Part
102.00		Christina Paton		Accept In-Part
27.18		Horizons Regional Council		Accept
41.21		Powerco		Accept
108.20	505.06 507.00 508.00 511.07	HDC (Planning Department) Powerco Chorus New Zealand Ltd Telecom New Zealand Ltd HDC (Community Assets Department)	In-Part Support Support In-Part	Accept Accept Accept Accept
41.26		Powerco		Accept
78.19		Telecom New Zealand Ltd		Accept

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Hearing Panel Decision
	505.07	Powerco	In part	Accept
79.19		Chorus New Zealand Ltd		Accept
108.21	507.01 508.01	HDC (Planning Department) Chorus New Zealand Ltd Telecom New Zealand Ltd	Support Support	Accept Accept Accept
41.22		Powerco		Accept
108.22	505.08 507.02 508.02	HDC (Planning Department) Powerco Chorus New Zealand Ltd Telecom New Zealand Ltd	In-Part Support Support	Accept Accept In-Part Accept Accept
41.27		Powerco		Accept
78.20	505.09	Telecom New Zealand Ltd Powerco	In-Part	Accept Accept In-Part
79.20		Chorus New Zealand Ltd		Accept
108.23	507.03 508.03	Horowhenua District Council (Planning Department) Chorus New Zealand Ltd Telecom New Zealand Ltd	Support Support	Accept Accept Accept
41.23		Powerco		Accept
108.24	505.10 507.04 508.04	HDC(Planning Department) Powerco Chorus New Zealand Ltd Telecom New Zealand Ltd	In-Part Support Support	Accept Accept In-Part Accept Accept
41.28		Powerco		Accept
78.21	505.11	Telecom New Zealand Ltd Powerco	In-Part	Accept Accept In-Part
79.21		Chorus New Zealand Ltd		Accept
108.25	507.05 508.05	HDC(Planning Department) Chorus New Zealand Ltd Telecom New Zealand Ltd	Support Support	Accept Accept Accept
32.19	506.65 513.04	NZ Pork Ernslaw One Ltd Rayonier New Zealand Ltd	Support Support	Accept Accept Accept
41.24		Powerco		Accept
96.29	513.16 517.22	Federated Farmers of New Zealand Rayonier New Zealand Ltd Horticulture NZ	Support In-Part	Accept Accept Accept In-Part
99.24	516.14	Transpower New Zealand Ltd Federated Farmers of New Zealand	Oppose	Accept Reject

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Hearing Panel Decision
108.26	505.12 507.12 508.06 516.15	HDC (Planning Department) Powerco Chorus New Zealand Ltd Telecom New Zealand Ltd Federated Farmers of New Zealand	In-Part Support Support Oppose	Accept Accept In-Part Accept Accept Reject
7.01		Heirs Partnership		Reject
41.29		Powerco		Accept
98.38	516.16	Horticulture NZ Federated Farmers of New Zealand	Support	Accept Accept
99.29		Transpower New Zealand Ltd		Accept In-Part
7.02		Heirs Partnership		Accept In-Part
77.07	506.42	Higgins Group Holdings Limited Ernslaw One Ltd	Support	Accept In-Part Accept In-Part
78.22	505.13	Telecom New Zealand Ltd Powerco	In part	Accept Accept
79.22		Chorus New Zealand Ltd		Accept
96.34	517.30 524.05	Federated Farmers of New Zealand Horticulture NZ Higgins Group Holdings Ltd	In-Part Support	Accept In-Part Accept In-Part Accept In-Part
108.27	507.07 508.07	HDC (Planning Department) Chorus New Zealand Ltd Telecom New Zealand Ltd	Support Support	Accept Accept Accept
41.25		Powerco		Accept
108.28	505.14 507.08 508.08	HDC (Planning Department) Powerco Chorus New Zealand Ltd Telecom	In-Part Support Support	Accept Accept In-Part Accept Accept
41.30		Powerco		Accept
78.23	505.15	Telecom New Zealand Ltd Powerco	In part	Accept Accept
79.23		Chorus New Zealand Ltd		Accept
108.29	507.09 508.09	HDC (Planning Department) Chorus Telecom	Support Support	Accept Accept Accept
10.00		Anne Hunt		Accept In-Part
107.02		Rosalie Huzziff		Accept In-Part

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Hearing Panel Decision
65.06		Horowhenua Farmers' Ratepayer Group		Reject
66.06		Bruce & Christine Mitchell		Reject
102.01		Christina Paton		Accept In-Part
53.00	525.12	McMenamin & Fitzgerald Maurice and Sophie Campbell	Support	Reject Reject
59.00		Peter & Susan Webb		Accept
7.00		Heirs Partnership		Reject
27.07		Horizons Regional Council		Accept
65.10		Horowhenua Farmers' Ratepayer Group		Reject
66.10		Bruce & Christine Mitchell		Reject
103.03		Colin Easton		Reject
4.00		Malcolm Guy		Accept In-Part

APPENDIX C: Officer's statement dated 30 April 2013

Proposed Horowhenua District Plan

Natural Hazards

Hearing: 15 April 2013

Officer Right of Reply and Response to Commissioners Questions

Officer Right of Reply

We have considered the evidence presented by submitters at the hearing on 15th April 2013. In addition, we have considered the questions and comments from the Commissioners raised during the hearing. Below we respond to the evidence presented and questions/comments. In responding to the matters raised, we have ordered them into the following topics to align with the Section 42A Report:

- Liquefaction
- Mapping of the Flood Hazard Overlay Area
- Response to Commissioners Questions: Moutoa Floodway and Flood Hazard Overlay Area Rules

Where we heard no evidence questioning or opposing recommendations, we have not further commented on these and our original evaluations and recommendations remain.

Liquefaction

Liquefaction was addressed by Anne Hunt, Rosalie Huzziff, Pen Tucker (Horizons Regional Council) and Christina Paton at the hearing. Ms Tucker advised that the January 2005 'Lifelines Report' is the latest and best information Horizons Regional Council has on liquefaction at the regional level and that they do not anticipate providing any finer scale information in the foreseeable future. Ms Tucker further commented that the Civil Defence and Emergency Management (CDEM) Group were scheduled to commence a hazard data literature and status update in 2013-14, and this review would determine future hazard investigations.

Ms Hunt expressed concern about the lack of recognition and provision in the District Plan on the risks from liquefaction. Ms Hunt referred to the current RMA reform, including recently released Discussion Document, and that future changes to the RMA are anticipated in relation to natural hazards. In addition, Ms Hunt commented on other legislation, such as Council's obligations under the Civil Defence and Emergency Management Act to identify and respond to natural hazard risks. Furthermore, Ms Hunt contended there was a 'lacuna' in the Building Act in that it did not recognise tsunami or liquefaction as natural hazards. Ms Hunt also highlighted and queried the wording of the disclaimer in the Planning Maps in relation to natural hazards. In response to questions from Commissioners, Ms Hunt advised she supported including a reference to the natural hazards information and advice note in the District Plan on liquefaction risk.

Mrs Huzziff also expressed concern about the lack of recognition and provision in the District Plan on the risks from liquefaction, with particular reference to areas in and around Foxton and Foxton Beach. She contended a hazard was known and had been identified, therefore, the District Plan should give clear guidelines to Council staff on what is expected in response to this hazard. Mrs Huzziff sought the identified liquefaction hazard area be identified in the District Plan and that development in this area be carefully assessed, with development directed to areas with minimal

risk. In response to questions from Commissioners, Mrs Huzziff advised she supported including a reference to the liquefaction map and advice note in the District Plan on liquefaction risk.

Mrs Paton expressed concern about the lack of recognition and provision in the District Plan on the risks from liquefaction. Mrs Paton referred to Canterbury where natural hazards information had recently been made available online, and contended Horowhenua District Council should do the same. She contended that as the hazard risk was known, Council should include this information in the District Plan and responded to. In response to questions from Commissioners, Mrs Paton advised she supported including a map and advice note in the District Plan on liquefaction risk.

The matter of liquefaction risk was addressed in Section 4.5 and 4.22 of the Section 42A Report. Evidence from submitters confirmed the latest and most relevant information available on liquefaction risks is contained in the Lifelines Report. Having heard and considered the evidence presented, we remain of the view that it is not appropriate to add areas at risk from liquefaction to the Planning Maps due to the broad-scale of the hazard identified and that no specific plan provisions apply for liquefaction risks. In our view, it would be appropriate to add reference to the District Plan on the available natural hazard information (including liquefaction) to assist in the assessment of subdivision and development in known hazard areas. Below we recommend specific Advice Notes be added to alert Plan users to this information to assist with this assessment.

Mrs Huzziff contended that in the Section 42A Report the matter of liquefaction risk was “put in the too hard basket” and we “decided to do nothing about it”. We refute these statements. As detailed in the Section 42A Report, we consider the current Building Act, NZ Building Code, Section 106 of the RMA, and the current District Plan requirements (e.g. all subdivision applications to consider natural hazards) provide effective mechanisms to consider and respond to natural hazard risks, including liquefaction risk. The available information (e.g. Lifelines Report) could be considered in the above processes, even with no specific reference in the District Plan. Furthermore, as noted in the Section 42A Report, further regulations and guidance from central government is anticipated on seismic hazards. Therefore, Council may need to review the current approach or implement other requirements based on new guidance or statutory requirements.

Given the above, we now recommend the submissions from Rosalie Huzziff (107.00, 107.02), Christina Paton (102.00, 102.01) and Anne Hunt (10.00) be accepted in part.

Recommended Amendment:

Amend 6th bullet point under the heading ‘District Plan’ in Methods for Issue 8.1 & Objective 8.1.1 as follows:

Where there are significant risks from natural hazards (erosion, falling debris, subsidence, slippage, or inundation) that have not yet been identified in the District Plan, control subdivision in these areas through Section 106 of the RMA. The “Risks and Responsibilities: Report of the Manawatu-Wanganui Regional Lifelines Project” (No. 2005/EXT/622) prepared by the Manawatu-Wanganui CDEM Group is a summary of all natural hazards in the region and could be used for this purpose.

Amend 2nd bullet point under the heading ‘Collection and Provision of Information’ in Methods for Issue 8.1 & Objective 8.1.1 as follows:

Council will make available information for the Public that would help raise awareness and educate people about the risks of natural hazards. The “Risks and Responsibilities: Report of the Manawatu-Wanganui Regional Lifelines Project” (No. 2005/EXT/622) prepared by the Manawatu-Wanganui CDEM Group is a summary of all natural hazards in the region and could be used for this purpose.

Amend Rule 15.7.5 Subdivision of Land (Matters of Control) for the Residential Zone as follows:

- (viii) Avoidance or mitigation of natural hazards. (Note: Refer to the “Risks and Responsibilities: Report of the Manawatu-Wanganui Regional Lifelines Project” (No. 2005/EXT/622) prepared by the Manawatu-Wanganui CDEM Group for information about natural hazards that may be relevant to the subject site).

Amend Rule 16.7.1 Subdivision of Land (Matters of Control) for the Industrial Zone as follows:

- (viii) Avoidance or mitigation of natural hazards. (Note: Refer to the “Risks and Responsibilities: Report of the Manawatu-Wanganui Regional Lifelines Project” (No. 2005/EXT/622) prepared by the Manawatu-Wanganui CDEM Group for information about natural hazards that may be relevant to the subject site).

Amend Rule 17.7.1 Subdivision of Land (Matters of Control) for the Commercial Zone as follows:

- (viii) Avoidance or mitigation of natural hazards. (Note: Refer to the “Risks and Responsibilities: Report of the Manawatu-Wanganui Regional Lifelines Project” (No. 2005/EXT/622) prepared by the Manawatu-Wanganui CDEM Group for information about natural hazards that may be relevant to the subject site).

Amend Rule 20.7.1 Subdivision of Land (Matters of Control) for the Open Space Zone as follows:

- (viii) Avoidance or mitigation of natural hazards. (Note: Refer to the “Risks and Responsibilities: Report of the Manawatu-Wanganui Regional Lifelines Project” (No. 2005/EXT/622) prepared by the Manawatu-Wanganui CDEM Group for information about natural hazards that may be relevant to the subject site).

Note: No recommended amendments are made for the Greenbelt Residential Zone or Rural Zone as these matters of control form part of Plan Changes 20 and 21, and therefore do not form part of the Proposed Plan open for submission/amendment. It is anticipated a future plan change would be undertaken to these two Zones to align their rules with other zones following the Proposed Plan being made operative.

Amend Assessment Criteria 25.7.14 Natural Hazards as follows:

- (a) The probability and magnitude of the natural hazard event, and the type, scale and distribution of the risks from the natural hazard. Includes consideration of the influence of climate change, adopting a precautionary approach for the frequency and intensity of events. (Note: Refer to the “Risks and Responsibilities: Report of the Manawatu-Wanganui Regional Lifelines Project” (No. 2005/EXT/622) prepared by the Manawatu-Wanganui CDEM Group for information about natural hazards that may be relevant to the subject site).

Amend 28.2.2 Information Requirements 1: General Information as follows:

- (ii) A statement describing any significant natural hazards affecting, or likely to affect, the proposal including flooding, land instability, coastal hazards and fire. (Note: Refer to the “Risks and Responsibilities: Report of the Manawatu-Wanganui Regional Lifelines Project” (No. 2005/EXT/622) prepared by the Manawatu-Wanganui CDEM Group for information about natural hazards that may be relevant to the subject site).

Amend 28.2.4 Information Requirements 3: Subdivision as follows:

- (j) Natural Hazards: A description of any areas known to be subject to land instability or other significant hazard, together with a statement of any proposals for mitigating, or remedying any adverse effects or the hazard(s). (Note: Refer to the “Risks and Responsibilities: Report of the Manawatu-Wanganui Regional Lifelines Project” (No. 2005/EXT/622) prepared by the

Mapping of the Flood Hazard Overlay Area

The location and extent of the Flood Hazard Overlay Area was addressed by Malcolm Guy. Mr Guy queried the accuracy of the mapped flood hazard area, noting some sections included tall dune ridges. Mr Guy contended the accuracy of this mapping was important to avoid any resource consents if they applied to construct a dwelling or another building on these tall dune ridges which did not flood.

In liaison with the Flood Catchment team at Horizons Regional Council, the location and extent of the Flood Hazard Overlay Area in the area of Mr Guy's property (Koputaroa Road) has been further reviewed. This further review has identified specific locations where the Flood Hazard Overlay Area can be redefined to exclude the tall dune ridges referred to by Mr Guy. In redefining this flood hazard area, the Flood Catchment team at Horizons Regional Council re-iterated this mapping is "indicative only". It is recommended the Flood Hazard Overlay Area be amended as shown on the attached map. It is recommended Malcolm Guy's submission (4.00) be accepted in part.

Recommended Amendment:

Amend Planning Map 4 as shown in Appendix 1 to this report.

Response to Commissioners Questions

Moutoa Floodway (Rules 19.4.9 and 19.6.10)

Q. Can you clarify and confirm the intent of all rules relating to the Moutoa Floodway and review the workings/mechanics (internal consistency) of these rules to ensure they achieve the intent?

A. Policy 10-2(a) of the Horizons Regional Council Proposed One Plan states:

- (a) *The Regional Council and Territorial Authorities must not allow the establishment of any new structure or activity, or any increase in the scale of any existing structure or activity, within a floodway mapped in Schedule I unless:*
 - (i) *there is a functional necessity to locate the structure or activity within such an area, and*
 - (ii) *the structure or activity is designed so that the adverse effects of a 0.5% annual exceedance probability (AEP) (1 in 200 year) flood event on it are avoided or mitigated, and*
 - (iii) *the structure or activity is designed so that adverse effects on the environment, including the functioning of the floodway, arising from the structure or activity during a flood event are avoided or mitigated, in which case the structure or activity may be allowed.*

This policy is given effect to in the Proposed District Plan in Policy 8.1.2 which specifically relates to the Moutoa Floodway, being the only floodway in the Horowhenua District in Schedule I of the Proposed One Plan. The intent of the rules in the Proposed Plan is to implement these policies.

In brief, the rules seek to permit only activities which have a functional necessity in the floodway, provided these permitted activities do not adversely affect the performance of the floodway. All other activities, and permitted activities that would adversely affect the performance of the floodway require a resource consent.

In terms of the rule mechanics, the Moutoa Floodway is identified on the Planning Maps. The Flood Hazard Area Overlay also applies to the entire floodway, as well as an underlying Rural Zone.

Rule 19.1(m) permits a limited number of activities in the Flood Hazard Area, including the Moutoa Floodway (e.g. primary production activities, flood protection works and maintenance and upgrading of network utilities). In the Section 42A Report it is recommended additional works associated with network utilities be permitted (e.g. underground utilities, cabinets, utility masts and poles). These permitted activities are subject to a condition in Rule 19.6.10 which states “no earthworks, buildings or structures are permitted in the Moutoa Floodway”. This condition restricts those works that could compromise the functioning of the floodway. For example, dairy farming is permitted in the floodway (e.g. grazing of animals, spreading of fertiliser) but not farm buildings (e.g. milking shed, implement shed).

The intent of Rule 19.6.10 is to apply specific conditions to the Moutoa Floodway and not apply the Flood Hazard Area conditions under Rule 19.6.11 which would permit a level of building and other works. To clarify this matter, it is recommended that an amendment be made to Rule 19.6.11 to exclude the Moutoa Floodway from these conditions. In addition, consequential amendments would be required to Rule 19.6.10 similar to those recommended to Rule 19.6.11 in the Section 42A Report to provide for the works recommended amendments to Rule 19.1(m).

For all other activities not permitted in Rule 19.1(m), these would be a restricted discretionary activity under Rule 19.4.9(b). For any permitted activities which do not comply with the conditions in Rule 19.6.10, these would be a restricted discretionary activity under Rule 19.4.9(a). Lastly, any subdivision of land is a restricted discretionary activity under Rule 19.4.9(c). I note two corrections to section 4.17 of the Section 42A Report:

1. 2nd sentence, paragraph 3 of Discussion and Evaluation: Reference to Rule 19.6.10(b) should be to Rule 19.4.9(b).
2. 3rd sentence, paragraph 3 of Discussion and Evaluation and Recommended Amendments: Reference to Rule 19.4.8(b) should be to Rule 19.4.9(b).

Accordingly, it is recommended Rules 19.6.10 and 19.6.11 are amended as below. These recommended amendments are considered to be within the scope of the submissions from Telecom (78), Chorus (79) and further submission from Powerco (505) set out in sections 4.6 – 4.21 in the Section 42A Report which are recommended to be accepted.

Recommended Amendment:

Amend Rule 19.6.10 as follows:

19.6.10 Moutoa Floodway

(a) *No earthworks, buildings or structures are permitted in the Moutoa Floodway.*

Exceptions

(i) Earthworks associated with the installation of underground network utilities shall reinstate ground as close as practicable to its state prior to disturbance.

(ii) Network utility cabinets/buildings shall not exceed 5m² gross floor area.

Amend Rule 19.6.11 as follows:

19.6.11 Flood Hazard Overlay Area (excluding Moutoa Floodway)

(a) *Within a Flood Hazard Overlay Area (excluding Moutoa Floodway) earthworks shall...*

(b) *Within a Flood Hazard Overlay Area (excluding Moutoa Floodway), the erection...*

(c) Within a Flood Hazard Overlay Area (excluding Moutoa Floodway), the installation of underground network utilities...

(d) Within a Flood Hazard Overlay Area (excluding Moutoa Floodway), new network utility cabinets/buildings...

Q. Can you review the wording of new recommended Rule 19.6.11(c) in relation to the intent of this rule?

A. The recommended new Rule 19.6.11(c) is intended to provide for earthworks to enable the installation of underground network utilities, providing the ground level is reinstated to the same level as to prior to the earthworks.

In reviewing the wording of the new rule, it could be simplified to clarify this intention. In addition, it is recognised it may not be practical or feasible to exactly reinstate the ground to the same level as prior to the earthworks. Below is revised recommended wording of this rule. In addition, in response to the previous question, this wording should also be applied to the condition for Rule 19.6.10. Furthermore, in the written statement received from Powerco, they seek additional wording to Rule 19.6.11(a) to clarify the earthworks thresholds do not apply to undergrounding network utilities. I support this clarification and the wording submitted and recommended the wording apply to all zones.

These recommended amendments are considered to be within the scope of the submissions from Telecom (78), Chorus (79) and further submission from Powerco (505) set out in sections 4.6 – 4.21 in the Section 42A Report which are recommended to be accepted.

Recommended Amendment:

Amend Rule 15.6.14 (Residential Zone) as follows:

(a) *Within a Flood Hazard Overlay Area earthworks shall not exceed 20m³ per site within any 12 month period.*

Except

The earthworks volume limit does not apply to tracks where the existing ground level is not altered by greater than 0.1 metres in any 12 month period or to the installation of underground network utilities undertaken in accordance with (c) below.

(b) ...

(c) Within a Flood Hazard Overlay Area, earthworks associated with the installation of underground network utilities shall reinstate ground level as close as practicable to its state prior to disturbance.

(d) Within a Flood Hazard Overlay Area, new network utility cabinets/buildings shall not exceed 5m² gross floor area."

Amend Rule 16.6.19 (Industrial Zone) as follows:

(a) *Within a Flood Hazard Overlay Area earthworks shall not exceed 20m³ per site within any 12 month period.*

Except

The earthworks volume limit does not apply to tracks where the existing ground level is not altered by greater than 0.1 metres in any 12 month period or to the installation of underground network utilities undertaken in accordance with (c) below.

(b) ...

(c) Within a Flood Hazard Overlay Area, earthworks associated with the installation of underground network utilities shall reinstate ground level as close as practicable to its state prior to disturbance.

(d) Within a Flood Hazard Overlay Area, new network utility cabinets/buildings shall not exceed 5m² gross floor area.”

Amend Rule 17.6.14 (Commercial Zone) as follows:

(a) Within a Flood Hazard Overlay Area earthworks shall not exceed 20m³ per site within any 12 month period.

Except

The earthworks volume limit does not apply to tracks where the existing ground level is not altered by greater than 0.1 metres in any 12 month period or to the installation of underground network utilities undertaken in accordance with (c) below.

(b) ...

(c) Within a Flood Hazard Overlay Area, earthworks associated with the installation of underground network utilities shall reinstate ground level as close as practicable to its state prior to disturbance.

(d) Within a Flood Hazard Overlay Area, new network utility cabinets/buildings shall not exceed 5m² gross floor area.”

Amend Rule 19.6.10 (Rural Zone) as follows:

19.6.10 Moutoa Floodway

(a) No earthworks, buildings or structures are permitted in the Moutoa Floodway.

Exceptions

(i) Earthworks associated with the installation of underground network utilities shall reinstate ground as close as practicable to its state prior to disturbance.

Amend Rule 19.6.11 (Rural Zone) as follows:

19.6.11 Flood Hazard Overlay Area (excluding Moutoa Floodway)

(a) ...

(c) Within a Flood Hazard Overlay Area (excluding Moutoa Floodway), earthworks associated with the installation of underground network utilities shall reinstate ground level as close as practicable to its state prior to disturbance.

(d) ...

Amend Rule 20.6.11 (Open Space Zone) as follows:

(a) Within a Flood Hazard Overlay Area earthworks shall not exceed 20m³ per site within any 12 month period.

Except

The earthworks volume limit does not apply to tracks where the existing ground level is not altered by greater than 0.1 metres in any 12 month period or to the installation of underground network utilities undertaken in accordance with (c) below.

(b) ...

(c) Within a Flood Hazard Overlay Area, earthworks associated with the installation of underground network utilities shall reinstate ground level as close as practicable to its state prior to disturbance.

(d) Within a Flood Hazard Overlay Area, new network utility cabinets/buildings shall not exceed 5m² gross floor area.”

Response prepared by Hamish Wesney

Reviewed by David McCorkindale

Dated 30th April 2013