

RESOURCE MANAGEMENT ACT 1991

PROPOSED HOROWHENUA DISTRICT PLAN

HEARING OF SUBMISSIONS

DECISION OF HEARING PANEL

TOPIC: Report on District Plan
Rural Environment

HEARING PANEL: Dean Chrystal (Chair)
Cr Tony Rush
Jane Black

HEARING DATE: 13th, 14th & 28th May 2013

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1.0 INTRODUCTION

- 1.1 We were appointed by the Horowhenua District Council to consider submissions on the Proposed District Plan relating to the Rural Environment chapters.
- 1.2 A hearing into the submissions received on the Rural Environment was held on the 13th and 14th of May 2013. A separate hearing was held on 28th May 2013 to hear the submission from Mr Philip Taueki on a range of hearing topics. This hearing was heard by the entire District Plan Review Hearing Panel.
- 1.3 The hearing was closed on the 13th September 2013.

Abbreviations

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

Chorus	Chorus New Zealand Ltd
DoC	Department of Conservation
EPFNZ	Egg Producers Federation of New Zealand Inc
Ernslaw One	Ernslaw One Limited
Federated Farmers	Federated Farmers of New Zealand Inc
HAL	High Amenity Landscapes
HDC	Horowhenua District Council
Higgins	Higgins Group Holdings Ltd
Horizons	Horizons Regional Council
Horticulture NZ	Horticulture New Zealand
House Movers	House Movers Section of NZ Heavy Haulage Association Inc
KiwiRail	KiwiRail Holdings Ltd
NPSET	National Policy Statement on Electricity Transmission
NPSREG	National Policy Statement on Renewable Electricity Generation
NZDF	New Zealand Defence Force
NZCEP	New Zealand Electrical Code of Practice
NZHPT	New Zealand Historic Places Trust
NZ Pork	The New Zealand Pork Industry Board
NZTA	New Zealand Transport Agency
Officer's report	Report evaluating the submissions prepared by Mr. Hamish Wesney and Mr David McCorkindale for our assistance under s42A(1) of the RMA
ONFL	Outstanding Natural Features and Landscapes
PIANZ	Poultry Industry Association of New Zealand Inc
Proposed Plan	Proposed Horowhenua District Plan
Rayonier	Rayonier New Zealand Ltd
S42A	Section 42A of the Resource Management Act
Telecom	Telecom New Zealand Ltd
The Act	Resource Management Act
Transpower	Transpower New Zealand Ltd

2.0 OFFICER'S REPORT

- 2.1 We were provided with and had reviewed the Officer report prepared by consultant planner Mr Hamish Wesney and HDC planner Mr David McCorkindale pursuant to s42A of the Act prior to the hearing commencing. A Supplementary Section 42A Report (dated 13 May 2013) was also prepared by Mr Wesney and Mr McCorkindale prior to the hearing responding to the pre-circulated expert evidence received. The

majority of these reports were prepared by Mr Wesley, with Mr McCorkindale preparing parts of the report which included submissions from Transpower New Zealand Ltd.

- 2.2 In the original report, Mr Wesley informed us that Chapter 2 of the Proposed Plan contains Issues, Objectives, Policies, Methods, Anticipated Environmental Results and associated explanations for the rural environment. Mr Wesley highlighted that Chapter 2 is effectively an updated and revised version of Section 2 in the Operative Plan following a review of these provisions.
- 2.3 Mr Wesley also noted that Chapter 19 of the Proposed Plan contains the rules and standards for the Rural Zone and that Chapter 19 is also effectively an updated and revised version of Section 19 in the Operative Plan following a review of these provisions. In this report Mr Wesley informed us that the associated definitions in Chapter 26 of the Proposed Plan/Section 27 of the Operative Plan have been reviewed and amended as well where necessary.
- 2.4 Mr Wesley said that a number of submissions were made in relation to the Rural Environment. It was noted in the Officer's report that some of the submissions have supported provisions requesting they be adopted as proposed, while others have requested changes to the wording or deletion of specific changes.
- 2.5 Mr Wesley and Mr McCorkindale summarised the key issues raised by submitters and provided a discussion on them. The main recommendations on the key issues raised in submissions had been:
- Deleting all provisions relating to sustainable land management practices;
 - Generally retain the policy framework for land use activities, but add greater reference to reverse sensitivity effects;
 - Generally retain the Proposed Plan rules for the majority of listed permitted, controlled, restricted discretionary and discretionary activities;
 - Retain relocated buildings as a Controlled Activity;
 - Add health and safety signs as a Permitted Activity;
 - Retain the number of residential dwelling units and family units permitted 'as of right';
 - Retain the building setbacks conditions;
 - Retain the bird-scaring devices hours of operation condition;
 - Amend the odour condition to include reference to guidance in the Proposed One Plan;
 - Amend the reference to 'Transmission Line Corridor' with 'National Grid Corridor' and retain the setbacks of the Proposed Plan for the Corridor while making specific provision of crop support structures to be located within the Corridor;
 - Amend the planting setback conditions to only apply to boundaries where properties have separate ownership and add a minimum setback distance for new dwellings from existing plantation forest;
 - Amend the waste disposal condition to refer to solid waste only;
 - Retain some and amend other noise standards as they relate to temporary military training activities; and,
 - Seek further information on aggregate extraction activities.
- 2.6 Mr Wesley and Mr McCorkindale also helpfully provided a further written statement dated 28 May 2013 containing answers to our questions. Again, the majority of this report was prepared by Mr Wesley, with Mr McCorkindale preparing parts of the report which included submissions from Transpower New Zealand Ltd. That statement is attached to this Decision as Appendix C.

3.0 SUBMITTER APPEARANCES

- 3.1 The following submitters made an appearance at the hearing:
- Andrew Bashford, planning consultant on behalf of Higgins Group Ltd;
 - Kobus Van Vuuren, on behalf of Higgins Group Ltd;

- Owen Bonis, on behalf of Higgins Group Ltd;
- Lynette Wharfe, planning consultant on behalf of Horticulture NZ;
- Chris Keenan, Manager of Natural Resources and Environmental Health with Horticulture NZ;
- George Sue, on behalf of Horticulture NZ;
- Terry Olsen, on behalf of Horticulture NZ;
- Geoff Kane, on behalf of Federated Farmers of New Zealand;
- Bill Huzziff, on behalf of Federated Farmers of New Zealand Inc, as well as himself as an individual submitter;
- Rhea Dasent, on behalf of Federated Farmers of New Zealand;
- Charlotte Jones, on behalf of Rayonier New Zealand Ltd;
- Christine and Bruce Mitchell, on behalf of Horowhenua Farmers' Ratepayers Group, as well as themselves as an individual submitter;
- Greg Stewart;
- Katrina Barber, on behalf of the late Colin Easton;
- Vance Hodgson, planning consultant on behalf of New Zealand Pork Industry Board;
- Ian Barugh, on behalf of New Zealand Pork Industry Board;
- Sophie Campbell, on behalf of Friends of Strathnaver, as well as herself as an individual submitter;
- Penelope Tucker, on behalf of Horizons Regional Council;
- Nicky McIndoe, Legal Counsel on behalf of Transpower New Zealand Ltd;
- Graham Spargo, planning consultant on behalf of Transpower New Zealand Ltd;
- Wayne Youngman, on behalf of Transpower New Zealand Ltd;
- Steven Taylor, on behalf of Transpower New Zealand Ltd;
- John Page, on behalf of Range View Ltd, as well as himself as an individual submitter, and
- Philip Taueki (heard separately on 28 May 2013).

3.2 In addition, written submissions for presentation at the hearing were received from:

- Scott William, consultant planner on behalf of Poultry Industry Association of New Zealand; and,
- Lorelle Barry, planning consultant on behalf of KCE Mangahao Ltd and Todd Energy Ltd.

4.0 EVALUATION

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.

Policy 2.1.20

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submissions
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Sub No.	Submitter Name	Decision Requested	Further Submissions
65.00	Horowhenua Farmers' Ratepayer Group	No specific relief requested. Inferred: Retain Policy 2.1.20.	
66.00	Bruce & Christine Mitchell	No specific relief requested. Inferred: Retain Policy 2.1.20.	
96.00	Federated Farmers	Retain Policy 2.1.20 as notified.	506.04 Ernslaw One - Support
98.08	Horticulture NZ	Amend Policy 2.1.20 as follows: Ensure that new activities locating in the rural area are of a nature, scale, intensity and location consistent with maintaining the character of the rural area and to be undertaken in a manner which avoids remedies or mitigates adverse effects on rural character, including rural productive values <u>and potential reverse sensitivity effects</u> .	500.03 NZ Pork - Support 506.51 Ernslaw One - Support 522.09 PIANZ & EPFNZ – Support
101.00	DoC	Amend Policy 2.1.20 as follows: Ensure that new activities locating in the rural area are of a nature, scale, intensity and location consistent with maintaining the character of the rural area <u>and natural environment</u> and to be undertaken in a manner which avoids, remedies or mitigates adverse effects on rural character, including rural productive values	

Horticulture NZ, supported by NZ Pork Industry Board, Ernslaw One and PIANZ & EPFNZ requests an amendment to Policy 2.1.20 by adding reference to “potential reverse sensitivity effects” as follows:

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

The Reporting Officer noted that the policy manages the establishment of new activities in the rural environment and as outlined in the explanation to the policy, reverse sensitivity effects can arise when new activities establish. He therefore recommended the policy be amended as proposed and the submissions accepted.

DoC request Policy 2.1.20 be amended by adding reference to “the natural environment”.

The Reporting Officer noted that the policy referred to “the character of the rural area” and that the character of the rural environment is described in Chapter 2: Rural Environment as including natural resources and the natural environment. Given this, he considered adding reference to ‘the natural environment’ in the policy was not necessary and recommended the submission be rejected.

We have reviewed the Reporting Officer’s evaluation and we agree with both the proposed amendment to include reference to reverse sensitivity effects and the reasoning for not including reference to the natural environment.

We therefore adopt his reasons and recommendations as our decision pursuant to Clause 10(2)(a) of Schedule 1 to the RMA.

The supporting submissions by Horowhenua Farmers' Ratepayer Group, B & C Mitchell, Federated Farmers and Ernslaw One are noted, however are accepted in part as a result of the decision above.

Policy 2.1.21

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
65.02	Horowhenua Farmers' Ratepayer Group	No specific relief requested. Inferred: Amend Policy 2.1.21 to provide the opportunity for creating esplanade strips/reserves through subdivision not a requirement.	
66.02	Bruce & Christine Mitchell	No specific relief requested. Inferred: Amend Policy 2.1.21 to provide the opportunity for creating esplanade strips/reserves through subdivision not a requirement.	
98.09	Horticulture NZ	Amend Policy 2.1.21 as follows: Encourage the creation of an integrated network of local open spaces and connections when land is subdivided which provides: convenient and practical public access to existing and future areas of open space, reserves and water bodies Protection of primary production activities in the area and does not take land out of rural production activities.	516.02 Federated Farmers of New Zealand - Support
101.01	DoC	Retain Policy 2.1.21 as notified.	

Horowhenua Farmers' Ratepayers Group and Bruce & Christine Mitchell raised concerns about creating esplanade areas and other open space connections. Further, Horticulture NZ, supported by Federated Farmers, request an additional matter be added to Policy 2.1.21 to recognise primary production activities in the area and taking land out of rural production when creating esplanade reserves.

The Reporting Officer noted that the process for creating esplanade reserves was typically initiated by a landowner choosing to subdivide and that as part of the designing and assessing the proposed subdivision, the provision of an esplanade reserve is a consideration when a waterbody is within or adjacent to the subject land. He said that Policy 2.1.21 sets out the matters to be considered, and these are to be applied in conjunction with the provisions in Chapter 4: Open Space and Access to Waterways. The Reporting Officer also said that in assessing any proposed subdivision and associated esplanade reserve, consideration would be given to all relevant matters, including the rural environment policies (e.g. enabling and providing for primary production activities, and avoiding, remedying or mitigating adverse effects) as well as the open space and access to waterbodies. He considered the policies in the Proposed Plan already appropriately address the matters raised and recommended the submissions be rejected.

At the hearing Mrs Mitchell said they were concerned that there was a lack of clarity within the policy and the potential for negative impacts on their ability to farm safely. Ms Dasent and Ms Wharfe also raised concerns about the lack of consideration of the impacts on primary production and the relationship to the meaning of open space within the policy and sought explicit reference to this matter.

We note that some of these submitters also made a submission on the definition of open space as they interpreted it to mean that farmland could be considered as open space. Their understanding of Policy 2.1.21 appears to be linked to this issue and concern that farmland could be publicly accessible. We note that the definition of open space has been re-worded by the decision of the General Hearing Panel. This new wording makes it clear that open space means land that is developed for recreation or amenity purposes. It is not therefore the intention of the District Plan that farmland would be considered as open space; however land for esplanade reserves can be taken at the time of subdivision where appropriate and this policy provides for this. It also states that the *health and safety of users, landowners and adjoining properties* will be provided for.

We agree with the Reporting Officer that the objectives and policies of the Rural Environment adequately provide for the consideration of the effects on primary production activities when land is subdivided, and adopt his reasons and recommendations as our decision pursuant to Clause 10(2)(a) of Schedule 1 to the RMA. We therefore reject the above submissions.

The support for Policy 2.1.21 by DoC is noted and their submission accepted.

Explanation and Principal Reasons (Objective 2.1.1)

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
98.10	Horticulture NZ	Amend the Explanation and Principal Reasons for Objective and Policies 2.1.1 by adding the following paragraph: ... <u>However the importance of, and effects of, primary production activities in the District must be taken into account when open space connections are being established.</u>	

Horticulture NZ sought that the Explanation and Principal Reasons for Objective and Policies 2.1.1 be amended to add reference to effects on primary production and taking land out of production.

We have already discussed this matter in the decision on Policy 2.1.1, considering that primary production activities are adequately provided for in the Objectives and Policies. We therefore reject the above submission.

Issue 2.3 Discussion

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
67.05	Taiao Raukawa Environmental Resource Unit	Amend Issue Discussion 2.3 3 rd paragraph, first sentence as follows: Reverse sensitivity <u>is a term used that explains</u> describes the effect that <u>new</u> development ...	522.06 PIANZ & EPFNZ - Support

Taiao Raukawa Environmental Resource Unit, supported by PIANZ and EPFNZ, sought an amendment to the wording in the Issue Discussion in relation to reverse sensitivity as follows:

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

The Reporting Officer noted that this paragraph was inserted as part of Plan Change 20 and was therefore not part of the Proposed Plan open for submission. He had therefore recommended the submissions be rejected, however went on to say that the wording submitted better expressed the subject of this sentence. He said that under Clause 16 of the First Schedule of the RMA, Council had the ability to make minor corrections to the District Plan, and he considered this wording change was within the scope of Clause 16. He added that he understood Council officers would amend the Proposed Plan as submitted when an updated version is made.

We agree with this recommendation and direct the amendment be made when the Plan is updated. Notwithstanding this we reject the submissions.

Issue 2.4

Sub No.	Submitter Name	Decision Requested	Further Submission
32.02	NZ Pork	Delete Issue 2.4 and all associated provisions	528.04 Horizons -Support
83.01	Ross Hood & Margaret Hood	No specific relief requested. Inferred: Delete Issue 2.4 and all associated provisions.	513.00 Rayonier - Support
96.01	Federated Farmers	Delete Issue 2.4	500.00 NZ Pork – Support 528.16 Horizons -Support
98.11	Horticulture NZ	Delete Section 2.4 Sustainable Land Management Practices. Inferred: delete 2.4 Issue, 2.4.1 Objective and corresponding policies, Explanation & Principal Reasons, Methods and Anticipated Environmental Result.	500.01 NZ Pork - Support 527.10 DoC – Oppose 528.23 Horizons -Support

NZ Pork, R & M Hood, Federated Farmers and Horticulture NZ sought that Issue 2.4 and all associated provisions relating to sustainable land management practices be deleted. Further submissions from Horizons, NZ Pork and Rayonier support this request, while the DoC opposes it.

Essentially the Reporting Officer agreed with the original submitters that Issue 2.4 addresses matters that are within the jurisdiction of the Regional Council under the RMA and therefore this section should be removed from the Proposed Plan. He recommended that all submissions be accepted except for the DoC submission which is rejected.

We have reviewed the Reporting Officer's evaluation and we agree with the reasoning and recommendation. We therefore adopt his reasons and recommendations as our decision pursuant to Clause 10(2)(a) of Schedule 1 to the RMA. We note that the whole of section 2.4 is shown as removed in Appendix A and that as a result renumbering will be necessary.

Objective 2.4.1

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
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Sub No.	Submitter Name	Decision Requested	Further Submission
32.03	NZ Pork	Delete provisions associated with Issue 2.4	528.05 Horizons -Support
72.00	PIANZ & EPFNZ	Retain Objective 2.4.1.	517.03 Horticulture NZ - Oppose
74.12	Ernslaw One	Retain Objective 2.4.1.	
96.02	Federated Farmers	Delete Objective 2.4.1.	500.04 NZ Pork – Support 528.17 Horizons -Support
101.02	DoC	Retain Objective 2.4.1 as notified.	500.05 NZ Pork - Oppose

As discussed above we have agreed with the recommendation to remove Section 2.4 from the Proposed Plan on the basis that it addresses matters that are within the jurisdiction of the Regional Council. We therefore accept the submissions from NZ Pork and Federated Farmers and the further submissions of Horizons, Horticulture NZ and NZ Pork and reject the submissions of PIANZ & EPFNZ, Ernslaw One and DoC.

Policy 2.4.2

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
32.04	NZ Pork	Delete provisions associated with Issue 2.4	528.06 Horizons -Support
74.13	Ernslaw One	Retain Policy 2.4.2.	500.08 NZ Pork - Oppose
101.03	DoC	Retain Policy 2.4.2 as notified.	500.06 NZ Pork - Oppose
96.03	Federated Farmers	Delete Policy 2.4.2	500.07 NZ Pork - Support 517.04 Horticulture NZ – Support 528.18 Horizons -Support

As discussed above we have agreed with the recommendation to remove Section 2.4 from the Proposed Plan on the basis that it addresses matters that are within the jurisdiction of the Regional Council. We therefore accept the submissions from NZ Pork and Federated Farmers and the further submissions of Horizons, Horticulture NZ and NZ Pork and reject the submissions of Ernslaw One and DoC.

Policy 2.4.3

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
74.14	Ernslaw One	Retain Policy 2.4.3.	500.10 NZ Pork - Oppose
96.04	Federated Farmers	Delete Policy 2.4.3	528.19 Horizons -Support
101.04	DoC	Retain Policy 2.4.3 as notified.	

As discussed above we have agreed with the recommendation to remove Section 2.4 from the Proposed Plan on the basis that it addresses matters that are within the jurisdiction of the Regional Council. We therefore accept the submission from Federated Farmers and the further submissions of Horizons and NZ Pork and reject the submissions of Ernslaw One and DoC.

Explanation and Principal Reasons (Objective 2.4.1)

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
67.06	Taiao Raukawa Environmental Resource Unit	Amend Explanation & Principal Reasons 2.4.1 as follows: Control through the District Plan, is not expected to the <u>only</u> means of achieving sustainable land management, with other agencies having a role, <u>too</u> .	
32.05	NZ Pork	Delete provisions associated with Issue 2.4	528.07 Horizons -Support

As discussed above we have agreed with the recommendation to remove Section 2.4 from the Proposed Plan on the basis that it addresses matters that are within the jurisdiction of the Regional Council. We therefore accept the submission from NZ Pork and the further submission of Horizons and reject the submission of Taiao Raukawa Environmental Resource Unit.

Methods for Issues and Objective 2.4.1

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
32.06	NZ Pork	Delete provisions associated with Issue 2.4	528.08 Horizons -Support
50.00	Rayonier	Retain Methods for Issue 2.4 and Objective 2.4.1.	506.70 Ernslaw One - Support
74.00	Ernslaw One	Retain Method 2.4 Education and Information.	513.29 Rayonier - Support

As discussed above we have agreed with the recommendation to remove Section 2.4 from the Proposed Plan on the basis that it addresses matters that are within the jurisdiction of the Regional Council. We therefore accept the submission from NZ Pork and the further submission of Horizons and reject the submissions and further submissions of Ernslaw One and Rayonier.

Issue 2.5

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
32.07	NZ Pork	Amend Issue 2.5 as follows: A diverse diversity range of primary production and non-primary production activities occur in the rural environment. These activities can have a wide range of effects on the nature, character and	506.62 Ernslaw One - Support 513.01 Rayonier - Support 522.02 PIANZ & EPFNZ - Support

Sub No.	Submitter Name	Decision Requested	Further Submission
		amenity values of the rural environment as well as the potential for incompatibility between activities and use . However, some of these effects are anticipated and expected in a rural <u>working</u> environment. <u>This can result in the potential for incompatibility between rural activities and more sensitive land use.</u>	524.01 Higgins - Support
65.01	Horowhenua Farmers' Ratepayer Group	Amend Issue 2.5 to include aerial topdressing and spraying in the list of possible effects.	506.47 Ernslaw One - Support 513.06 Rayonier - Support 517.02 Horticulture NZ - Support
66.01	Bruce & Christine Mitchell	Amend Issue 2.5 to include aerial topdressing and spraying in the list of possible effects.	
77.04	Higgins	Amend Issue 2.5 Issue Discussion as follows: Paragraph 1: ... processing sheds, fertiliser deposits and rural contractors. <u>Other industrial-type activities also occur in the rural environment, such as aggregate extraction, which is critical to the functioning of the District.</u> There are other non-primary... Paragraph 3: Given the nature and scale of some primary production activities and <u>aggregate extraction activities</u> in the rural environment, ...	506.39 Ernslaw One - Support 511.00 HDC (Community Assets Department) - In Part 513.07 Rayonier - Support
83.02	Ross Hood & Margaret Hood	No specific relief requested. Inferred: Amend Issue 2.5 and corresponding objectives and policies so that: Productive rural land is protected from subdivision and any new subdivision is only allowed in areas already subdivided and the result of development is “cluster, close-density, settlement patterns and infrastructure such as roads, sewerage and power already exist. The policy should be to cluster small blocks together where they already are and leave the farming areas for farming.	500.02 NZ Pork - Support

Sub No.	Submitter Name	Decision Requested	Further Submission
96.05	Federated Farmers	Amend Issue 2.5 as follows: Diversity of primary production and non-primary production activities occur in the rural environment. These activities can have a wide range of <u>positive and negative</u> effects on the nature, character and amenity values of the rural environment, as well as the potential for incompatibility between activities. However, some of these effects are anticipated and expected in a rural environment <u>and are essential in order for activities to continue</u> . Or words to this effect.	506.05 Ernslaw One - Support 513.10 Rayonier Ltd - Support 522.07 PIANZ & EPFNZ - Oppose
98.12	Horticulture NZ	Amend Issue 2.5, bullet point 5 as follows: The careless and indiscriminate use of air sprays resulting in spray drift. <u>The potential for adverse effects from off target spray drift and complaints due to agrichemical spraying being undertaken.</u>	506.55 Ernslaw One - Support 513.20 Rayonier - Support 516.00 Federated Farmers - Support

NZ Pork, supported by Ernslaw One, Rayonier, PIANZ & EPFNZ and Higgins, sought rewording of Issue 2.5 for clarification as follows:

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

The Reporting Officer agreed that the suggested rewording better expressed the issue and recommended that this be adopted albeit with some minor amendments as below and the submissions accepted:

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

We have reviewed the Reporting Officer's evaluation and we agree with the reasoning and recommendation. We therefore adopt his reasons and recommendations as our decision pursuant to Clause 10(2)(a) of Schedule 1 to the RMA.

Horowhenua Farmers Ratepayers Group, supported by Ernslaw One, Rayonier and Horticulture NZ, and B & C Mitchell sought that aerial topdressing and spraying be included in the Issue Discussion. The Reporting Officer agreed that this was an example of a "necessary and usual aspects of rural life" and recommended the submissions be accepted and that the following amendment be made to the third paragraph of the Issue Discussion to read:

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

We have reviewed the request and the recommendation and agree the amendment provides more information about the types of activities and effects in the Rural Zone. We therefore adopt the Reporting Officer's reasons and recommendation as our decision pursuant to Clause 10(2)(a) of Schedule 1 to the RMA.

Higgins, supported by Ernslaw One, HDC (Community Assets Department) - In Part and Rayonier, sought recognition of aggregate extraction as a typical activity found in the rural environment and suggested additional wording. While the Reporting Officer agreed that aggregate extraction should be included in the Issue Discussion, he recommended the following alternative wording to the first paragraph of the Issue Discussion and that the submissions be accepted in part:

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

Mr Bashford said that while he preferred the wording in the Higgins submission, he supported the Reporting Officer's recommendation.

We have reviewed the request and the recommendation and agree the amendment is appropriate. We therefore adopt the Reporting Officer's reasons and recommendation as our decision pursuant to Clause 10(2)(a) of Schedule 1 to the RMA.

R and M Hood, supported by NZ Pork, were concerned about the subdivision of productive rural land. The Reporting Officer commented that this matter was dealt with in Issue 2.1 and we agree that this matter is adequately addressed in that Issue. We therefore reject the submissions.

Federated Farmers, supported by Ernslaw One and Rayonier and opposed by PIANZ & EPFNZ, sought the following amendment to Issue 2.5 for clarity:

Diversity of primary production and non-primary production activities occur in the rural environment. These activities can have a wide range of positive and negative effects on the nature, character and amenity values of the rural environment, as well as the potential for incompatibility between activities. However, some of these effects are anticipated and expected in a rural environment and are essential in order for activities to continue.

The Reporting Officer did not agree that the additional wording was necessary or added to the expression or understanding of this issue and recommended the submission and two supporting submissions be rejected and the opposing submissions accepted.

Ms Dasent supported the officer's recommendation and acknowledged that the rewording recommended in response to other submissions addressed their concerns.

We have reviewed the requested amendment and the recommendation and agree the amendment is unnecessary. We therefore adopt the Reporting Officer's reasons and recommendation as our decision pursuant to Clause 10(2)(a) of Schedule 1 to the RMA.

Horticulture NZ, supported by Ernslaw One, Rayonier and Federated Farmers, sought the following amendment to Issue 2.5, bullet point 5:

~~*The careless and indiscriminate use of air sprays resulting in spray drift.*~~

The potential for adverse effects from off target spray drift and complaints due to agricultural spraying being undertaken.

The Reporting Officer supported the suggested rewording considering that it better expressed the issue of spray drift and recommended the submissions be accepted.

We have reviewed the requested amendment and the recommendation and agree the amendment is appropriate. We therefore adopt the Reporting Officer's reasons and recommendation as our decision pursuant to Clause 10(2)(a) of Schedule 1 to the RMA.

Objective 2.5.1

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
32.08	NZ Pork	Amend Objective 2.5.1 as follows: To enable primary production activities and other associated rural based land uses to function efficiently and effectively in the Rural Zone, while avoiding, remedying or mitigating the adverse effects of activities, including reverse sensitivity effects <u>from inappropriately located sensitive activities</u> , in a way that maintains and enhances the <u>productive capacity</u> , character and amenity values of the rural environment.	506.63 Ernslaw One - Support 524.02 Higgins - Support 527.01 DoC - Oppose
72.01	PIANZ & EPFNZ	Retain Objective 2.5.1.	
77.05	Higgins	Amend Objective 2.5.1 as follows: To enable primary production activities, and other associated rural based land uses <u>and Aggregate Extraction activities</u> to function efficiently, and effectively in the Rural Zone...	506.40 Ernslaw One - Support
99.01	Transpower	Amend Objective 2.5.1 as follows: To enable primary production activities and other associated rural based <u>established</u> land uses <u>that have a functional necessity to be located within the rural area</u> to function efficiently and effectively in the Rural Zone, while avoiding, remedying or mitigating the adverse effects of activities, including reverse sensitivity effects, in a way that maintains and enhances the character and amenity values of the rural environment.	514.16 Todd Energy Ltd - Support 515.16 KCE Mangahao Ltd - Support 516.03 Federated Farmers - Oppose 522.11 PIANZ & EPFNZ - Support
101.05	DoC	Amend Objective 2.5.1 by adding further explanation pertaining to reverse sensitivity effects or provide a list of what is envisaged via reverse sensitivity matters.	
96.06	Federated Farmers	Amend Objective 2.5.1 as follows: To enable primary production activities and other associated rural based land uses to function efficiently and effectively in the Rural Zone, while	500.09 NZ Pork - Support 506.06 Ernslaw One -Support

Sub No.	Submitter Name	Decision Requested	Further Submission
		avoiding, remedying or mitigating the adverse effects of activities, including reverse sensitivity effects, in a way that maintains and enhances the <u>productive capacity</u> , character and amenity values of the rural environment. Or words to this effect.	
98.13	Horticulture NZ	<p>Amend Objective 2.5.1 and Include a new Objective as follows:</p> <p>To enable primary production activities and other associated rural based land uses to function efficiently and effectively in the Rural Zone, while avoiding, remedying or mitigating the adverse effects, including reverse sensitivity effects, in a way that maintains and enhances the character and amenity values of the rural environment. <u>of activities.</u></p> <p><u>To enable sensitive activities to locate in the rural zone providing that potential reverse sensitivity on primary production activities are avoided, and the character and amenity values of the rural environment are enhanced.</u></p>	522.10 PIANZ & EPFNZ – In-Part

Submitters sought a variety of changes to Objective 2.5.1.

Horticulture NZ, supported in part by PIANZ & EPFNZ contended that the wording of the objective implied primary production activities are to avoid, remedy or mitigate reverse sensitivity effects and sought that the objective should be split in two so that reverse sensitivity issues are separate from enabling primary production. NZ Pork, supported by Ernslaw One and Higgins and opposed by DoC, requested wording changes to refer to “inappropriately located sensitive activities”, and “*productive capacity*”. Federated Farmers, supported by NZ Pork and Ernslaw One also sought reference be made to “*productive capacity*”. DoC sought clarity on reverse sensitivity effects. Transpower, supported by Todd Energy, KCE Mangahao Ltd and PIANZ & EPFNZ and opposed by Federated Farmers, requested Objective 2.5.1 be amended to refer to ‘established’ land uses that have a functional necessity to be located in rural areas. Finally, Higgins, supported by Ernslaw One, sought that reference be made to Aggregate Extraction activities.

The Reporting Officer concurred with some of the points raised by submitters in particular that the current wording could be improved to clarify the reference to reverse sensitivity effects and that the word “associated” could be removed so that the objective refers to all rural based land uses.

In terms of specific submissions the Reporting Officer did not favour adding specific reference to aggregate extraction activities as sought by Higgins as it would give specific recognition to one type of activity when there are many other activities undertaken in the rural environment not specifically referred to (e.g. rural contractors, packing sheds, etc). He said the reference to ‘other associated rural based land uses’ in the associated explanation and principal reasons captured aggregate extraction activities. He also considered that adding reference to “productive capacity” was not appropriate in this objective, as the Issue related to the ‘nature, character, amenities and servicing’ in the rural environment and that Objective 2.2.1 relates to the productive capacity of the soil resource and the rural environment.

The Reporting Officer recommended the amended wording below and that the submissions by NZ Pork, Horticulture NZ, Transpower, DoC and PIANZ & EPFNZ and their associated further submissions be accepted in part and that the submissions of Federated Farmers and Higgins and their associated further submissions be rejected.

“To enable primary production activities and other ~~associated~~ rural based land uses to function efficiently and effectively in the Rural Zone, while avoiding, remedying or mitigating the adverse effects of activities, including reverse sensitivity effects from inappropriately located sensitive activities, in a way that maintains and enhances the, character and amenity values of the rural environment.”

At the hearing the revised objective was supported by Mr Spargo, however Mr Keenan said the amendment did not adequately address the issue contending that it still required the primary production activity to address reverse sensitivity effect rather than the inappropriate sensitive activity. Ms Dasent said that ‘productive capacity’ should be added to the objective so that all effects are considered, noting that the term incorporates many aspects and is broad enough to be used in the objective. Mr Hodgson was also of the opinion that the objective would be improved by referencing ‘productive capacity’, noting in reference to Policy 2.2.1 ‘productive capacity’ is wider than versatile soils. He suggested the following amendment:

To support the productive capacity of the rural environment and enable primary production activities and other rural based land uses to function efficiently and effectively in the Rural Zone, while avoiding, remedying or mitigating the adverse effects of activities, including reverse sensitivity effects from inappropriately located sensitive activities, in a way that maintains and enhances the, character and amenity values of the rural environment.

In response the Reporting Officer remained of the opinion that a single objective was the most appropriate way to express this matter and achieve the purpose and principles of the RMA. He considered there was a relationship between all activities (primary production, rural based land uses and sensitive activities) which contribute to the efficient and effective functioning of the Rural Zone and the character and amenity of the rural environment. Further, he said that reverse sensitivity issues can arise between the different types of activities and this is not limited to conflicts between sensitive activities and primary production activities although that is the most common conflict.

Notwithstanding the above, to address the cause and effect relationship issue raised by Horticulture NZ, the Reporting Officer recommended the reference to ‘inappropriately located sensitive activities’ be replaced with ‘caused by new activities on existing activities’. He considered this amendment to be within the scope of the submissions recommended to be accepted in part.

In terms of ‘productive capacity’ the Reporting Officer acknowledged that this was wider than versatile soils and included land and water resources. However, he considered inserting reference to productive capacity was not consistent with the purpose and principles of the RMA and the effects based regime of controlling any actual or potential effects of the use, development, or protection of land. He said that productive capacity is not one of the purposes or principles which the RMA seeks to achieve.

We have considered this issue carefully and believe that the revised wording now proposed by the Reporting Officer addresses the concerns of a number of submitters including Horticulture NZ. In terms the ‘productive capacity’ matter we are not entirely convinced this is not covered by the purposes or principles in s5 of the Act as suggested by the Reporting Officer. We note that s5 is broad in its approach of promoting sustainable management and we see no reason as to why ‘productive capacity’ was not encompassed within the overall purposes. Having said that the issue here is essentially whether or not it is appropriate to include reference to productive capacity within an objective which is focussed on nature, character, amenity values and servicing of land use activities. While we understand the issues raised by in particular Federated Farmers and NZ Pork we consider introducing reference to ‘productive capacity’ in the context of this objective will muddy the waters somewhat and led to confusion as to the intent of the objective. Further, we are of the opinion that the issue is sufficiently addressed in Objective 2.2.1.

Our decision is therefore to adopt the revised wording for Objective 2.5.1 below recommended by the reporting officer and accept in part all those submissions, including the supporting submission from PIANZ and NZ Pork, related to this matter on the basis of the changes made:

“To enable primary production activities and other ~~associated~~ rural based land uses to function efficiently and effectively in the Rural Zone, while avoiding, remedying or mitigating the adverse effects of activities, including reverse sensitivity effects caused by new activities on existing activities, in a way that maintains and enhances the, character and amenity values of the rural environment.”

Aggregate Extraction

One issue which arose out of the hearing at this point was that of aggregate extraction which has been raised by Higgins. Mr Bonis, Mr van Vuuren and Mr Bashford provided us with details of Higgins operations and consents within the Horowhenua and the importance of aggregate to the economy. Mr van Vuuren referred to the significant cost implications in transportation terms of aggregate extraction not being located close to its market. Mr Bashford was of the opinion that aggregate extraction should have specific recognition at a policy level.

In his supplementary report the Reporting Officer had initially said that specific recognition of aggregate extraction in Objective 2.5.1 was not appropriate however he had recommended recognition be made within the Explanation and Principal Reasons for the objective (dealt with later in the decision) to clarify aggregate extraction is a rural based land use.

We queried the Higgins representatives on a number of matters including complaints, the location of crushing and appropriate separation distances from sensitive activities. As a result we asked the Reporting Officer to consider the wider issue of making specific provision for aggregate extraction given its importance. In his right of reply, having considered Higgins evidence and their responses to our questions, the Reporting Officer agreed that it would be appropriate to make specific recognition for aggregate extraction. As a result he recommended that new provisions be added to Chapter 2: Rural Environment that provided recognition for this activity.

At this point we note that we have considered the suite of provisions proposed in the supplementary report and consider these to be an appropriate response to dealing with aggregate extraction. While the details of these are dealt with later in the decision we note that the provisions, which are set out in full in Appendix A, include rules for new areas of extraction and standards associated with existing areas. A definition of Aggregate Extraction is also provided. We consider these new provisions will address the concerns of Higgins in relation to the objective and therefore we have accepted in part their submission and the further submission of Ernslaw One.

Policy 2.5.2

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
32.09	NZ Pork	Retain intent of Policy 2.5.2	
72.02	PIANZ & EPFNZ	Retain Policy 2.5.2	500.11 NZ Pork - Support
96.07	Federated Farmers	Retain Policy 2.5.2	500.12 NZ Pork - Support 506.33 Ernslaw One - Support 513.11 Rayonier - Support
98.14	Horticulture NZ	Retain Policy 2.5.2	506.52 Ernslaw One - Support

Sub No.	Submitter Name	Decision Requested	Further Submission
			513.21 Rayonier - Support
101.06	DoC	Amend Policy 2.5.2 by either; providing a list detailing the minimum environmental standards, or, define what is meant by the term “minimum environmental standards”.	506.03 Ernslaw One - Oppose 513.26 Rayonier New Zealand Ltd - Oppose

DoC sought that Policy 2.5.2 be amended by either listing the minimum environmental standards or defining what is meant by “minimum environmental standards”. The submission was opposed by Ernslaw One and Rayonier.

The Reporting Officer said that in terms of the reference to ‘minimum environmental standards’, the “standards” are the rules and standards for the Rural Zone in the District Plan and that while this reference is self-evident, to avoid any doubt, it is recommended the Explanation and Principal Reasons paragraph for this policy be amended by adding reference to example standards to clarify this matter. He recommended that the following amendment be made to the first paragraph of the Explanation and Principal Reasons and that the submissions be accepted in part:

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

We have reviewed the evaluation and reasoning and we agree with the additional clarification wording. We therefore adopt the Reporting Officer’s reasons and recommendation as our decision pursuant to Clause 10(2)(a) of Schedule 1 to the RMA.

The support for Policy 2.5.2 by NZ Pork, PIANZ & EPFNZ, Federated Farmers and Horticulture NZ and associated further submissions is noted and their submissions accepted.

Policy 2.5.3

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
32.10	NZ Pork	Retain the intent of Policy 2.5.3	
96.08	Federated Farmers of	Retain intent of Policy 2.5.3	
98.15	Horticulture NZ	Amend Policy 2.5.3 as follows: Provide for the establishment and operation of new non-primary production activities and the ongoing operation of existing lawfully established activities which are compatible and/or associated with primary production activities in the rural environment provided they meet minimum environmental standards to avoid, remedy or mitigate any adverse effects, <u>including potential</u>	

Sub No.	Submitter Name	Decision Requested	Further Submission
		<u>reverse sensitivity effects.</u>	

Horticulture NZ sought to add reference to reverse sensitivity effects onto the end of Policy 2.5.3.

The Reporting Officer said that adding reference to reverse sensitivity effects in this policy would duplicate the specific policy (2.5.11) which directly relates to reverse sensitivity effects.

Mr Keenan considered Policy 2.5.11 was only about managing conflicts between primary production activities and sensitive activities through appropriate separation distances and therefore its scope was limited. He said that it was important that non-primary production activities establishing in the zone have regard to reverse sensitivity effects on primary production activities regardless of whether it is a defined sensitive activity or not. He sought that reverse sensitivity effects be added to the policy.

We agree with the officers that Policy 2.5.3 is about controlling the effects of non-primary production activities in the context of the rural environment and that Policy 2.5.11 specifically addresses reverse sensitivity. We also note that as a result of our decision on Policy 2.5.4 below reverse sensitivity has been further recognised in this provision which we consider overcomes much of Horticulture NZ's concern. We have therefore rejected the Horticulture NZ submission in this context.

The support for Policy 2.5.3 by NZ Pork and Federated Farmers is noted and their submissions accepted.

Policy 2.5.4

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
32.11	NZ Pork	Amend Policy 2.5.4 as follows: Control and manage the establishment and operation of a range of other land use activities, including sensitive activities, in the rural environment to ensure their adverse effects <u>(including reverse sensitivity on existing operations)</u> on the environment are avoided, remedied or mitigated.	506.69 Ernslaw One - Support 513.02 Rayonier - Support 522.03 PIANZ & EPFNZ - Support 524.03 Higgins - Support
72.03	PIANZ & EPFNZ	Retain Policy 2.5.4	
96.09	Federated Farmers	Amend Policy 2.5.4 as follows: Control and manage the establishment and operation of a range of other land use activities, including sensitive activities, in the rural environment to ensure their adverse effects on the environment <u>and existing legitimately established rural activities</u> are avoided, remedied	500.13 NZ Pork - Support 506.34 Ernslaw One - Support 513.12 Rayonier - Support

Sub No.	Submitter Name	Decision Requested	Further Submission
		or mitigated. Or words to this effect.	
98.16	Horticulture NZ	Amend Policy 2.5.4 as follows: Control and manage the establishment and operation of a range of other land use activities, including sensitive activities, in the rural environment to ensure their adverse effects on the environment <u>including effects on primary production activities</u> are avoided, remedied or mitigated.	500.14 NZ - Support 506.54 Ernslaw One - Support 513.22 Rayonier - Support
101.07	DoC	Amend Policy 2.5.4 as follows: Control and manage the establishment and operation of a range of other land use activities, including sensitive activities, in the rural environment to ensure their adverse effects, <u>including cumulative effects</u> , on the environment are avoided, remedied or mitigated.	
101.10	DoC	Amend Policy 2.5.4 by adding the wording “as long as it is operating within its resource consent”.	506.01 Ernslaw One - Oppose 522.12 PIANZ & EPFNZ - Oppose

NZ Pork sought an amendment to Policy 2.5.4 to include reference to reverse sensitivity, while Federated Farmers and Horticulture NZ sought similar amendments to reference “existing legitimately established rural activities” and “primary production activities” respectively. The submissions were supported variously by Ernslaw One, Rayonier, PIANZ & EPFNZ, Higgins and NZ Pork.

The Reporting Officer acknowledged that when other activities propose to establish in rural areas, they may be incompatible with the rural character and amenity values, or create conflict with other existing lawfully established activities. He said that reverse sensitivity effects were recognised as an important matter in assessing the appropriateness of other activities where they may be sensitive to the effects of existing activities. He recommended that the submissions be accepted and that Policy 2.5.4 be amended as follows:

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

Mr Hodgson and Ms Dasent both supported the recommended amendment.

DoC sought to add reference to cumulative effects within the policy and for “as long as it is operating within its resource consent” to be added to the end of the policy. The latter submission was opposed by Ernslaw One and PIANZ & EPFNZ.

The Reporting Officer considered referring to cumulative effects to be superfluous as the definition of “effect” under the RMA includes cumulative effects. He also considered the request to add wording that an activity is to be operating within its resource consent to be unnecessary, saying that if an activity is not operating within its resource consent, this was a matter of enforcement rather than a policy matter. He recommended both submissions be rejected.

Having reviewed the evaluation and reasoning, we agree with the additional clarification wording in the policy regarding reverse sensitivity recommended by the Reporting Officer. In respect of the submission points by DoC we agree that the matters raised are adequately covered by the wording of the policy and the provisions of the RMA. We note that DoC did not provide evidence at the hearing to the contrary. We therefore adopt the Reporting Officer’s reasons and recommendations above as our decision pursuant to Clause 10(2)(a) of Schedule 1 to the RMA.

The support for Policy 2.5.3 by PIANZ & EPFNZ is noted and their submission accepted.

Policy 2.5.5

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
101.08	DoC	Amend Policy 2.5.5 by either defining or adding an explanation of the term “minimum standards”.	

DoC again sought the inclusion of a definition or explanation for the term “minimum standard” in Policy 2.5.5.

We refer to the Reporting Officers recommendation in Policy 2.5.2 above that “minimum standards” relates to the rules and standards for the Rural Zone in the District Plan and that additional text clarifying this matter be added to the Explanation and Principal Reasons for this policy. He again recommended that the following amendment be made to the first paragraph of the Explanation and Principal Reasons and that the submissions be accepted in part:

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

We have reviewed the recommendation and reasons of the Reporting Officer and consider them to be appropriate and we therefore adopt them as our decision pursuant to Clause 10(2)(a) of Schedule 1 to the RMA.

Policy 2.5.6

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
27.00	Horizons	Amend Policy 2.5.6 to provide more specificity around the adverse effects that are intended to be avoided, remedied or mitigated through this policy.	500.15 - Support 517.05 Horticulture NZ – In-Part
32.12	NZ Pork	Amend Policy 2.5.6 as follows: Ensure that all activities within the rural environment dispose of wastes in a manner that avoids remedies or mitigates adverse effects <u>on nuisance and amenity</u> .	517.06 Horticulture NZ – In-Part
101.09	DoC	Amend Policy 2.5.6 by either adding a list of wastes, or, further explaining what is meant by the term “wastes” in this policy.	

Horizons, supported by Pork NZ and Horticulture NZ in part, sought that Policy 2.5.6 be clarified in terms of the reference to ‘wastes’ and the adverse effects that are intended to be avoided, remedied or mitigated. DoC raises a similar point to Horizons, while NZ Pork, supported in part by Horticulture NZ, sought adverse effects on nuisance and amenity be added to the end of the policy.

The Reporting Officer said that the Explanation and Principal Reason provided some assistance as to what was meant by ‘wastes’. The relevant paragraph states:

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

The Reporting Officer said that wastes were considered to be both solid (e.g. refuse), liquid (e.g. effluent) and gas (e.g. smoke) and it was recognised any waste discharge is the responsibility of the Regional Council and that the responsibility of the District Council for waste under the RMA relates to nuisance and amenity reasons. To clarify this matter he recommended the policy be amended to focus on these two aspects of waste management, as well as amending the associated paragraph in the Explanation and Principal Reasons to clarify the different responsibilities. Accordingly, he recommended all submissions be accepted in part and that the following amendments are made:

Amend Policy 2.5.6 as follows:

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

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

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

Both Ms Tucker and Mr Hodgson supported the officer’s recommended changes to the policy and Explanation and Reasons.

We questioned the structure of the sentence as it was reworded and the Reporting Officer in the right of reply amended the policy wording as follows without changing the meaning:

“Ensure that all activities within the rural environment manage and dispose of wastes in a manner that does not create a nuisance and that avoids, remedies or mitigates adverse effects on amenity values.”

We are now comfortable that with this minor alteration the amendments now proposed are appropriate to clarify the effects to be considered and explain the relevant roles of the respective Councils. We therefore adopt the reasons and recommendations of the Reporting Officer as our decision pursuant to Clause 10(2)(a) of Schedule 1 to the RMA.

Policy 2.5.7

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
96.10	Federated Farmers	Amend Policy 2.5.7 as follows: Avoid, remedy or mitigate the impact of buildings	500.16 NZ Pork - Support 517.07 Horticulture NZ -

Sub No.	Submitter Name	Decision Requested	Further Submission
		on the rural landscape and maintain overall low building density and building height throughout the rural environment, <u>while recognising that buildings are necessary for primary production activities.</u>	Support

Federated Farmers, supported by NZ Pork and Horticulture NZ, sought that Policy 2.5.7 recognise the necessity of primary production buildings.

The Reporting Officer considered that when Policy 2.5.7 is read in conjunction with other policies, specifically Policy 2.5.2 which provides for primary production activities provided they meet minimum environmental standards, the outcome sought by the submitter is already reflected in the policies. He therefore recommended Policy 2.5.7 is retained unchanged, and the submission be rejected.

Ms Dasent disagreed with the above reasoning and said that the policy needs to recognise that buildings in the Rural zone are not always a blight on the landscape, but contribute to the use of land for primary production.

We are unclear as to the purpose of the change proposed by Federated Farmers and do not consider that in any way the policy overly restricts primary production buildings. The policy only comes into play where a building triggers a breach of a standard and thus requires assessment of which this policy may become a matter of consideration. We therefore agree with the Reporting Officer's reasoning and recommendation and adopt them as our decision pursuant to Clause 10(2)(a) of Schedule 1 to the RMA.

Policy 2.5.9

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
32.13	NZ Pork	Amend Policy 2.5.9 as follows: Manage the effects of additional dwellings on the life-supporting capacity <u>versatility</u> of soils and the character and amenity values of the rural environment , recognising any farm worker accommodation should be located and related to the scale and intensity of the primary production activities on site.	517.08 Horticulture NZ - Oppose 522.04 PIANZ & EPFNZ – Support In-Part
96.11	Federated Farmers	Amend Policy 2.5.9 as follows: Manage the effects of additional dwellings on the life-supporting capacity of soils and the character and amenity values of the rural environment, recognising <u>that rural housing provides an important social service, and</u> any farm worker accommodation should be located and related to the scale and intensity of the primary production activities on site. Or words to this effect.	522.08 PIANZ & EPFNZ - Oppose
98.17	Horticulture NZ	Retain Policy 2.5.9	

NZ Pork requested that Policy 2.5.9 be amended by removing reference to life-supporting capacity of soils and replacing it with reference to versatility of the landscape. The submission was opposed by Horticulture NZ and supported in part by PIANZ & EPFNZ. Federated Farmers requested that the policy be amended to include specific reference to the social service of rural housing. The submission was opposed by PIANZ & EPFNZ.

The Reporting Officer acknowledged that not all activities in the rural environment are reliant on the soil resource, but noted that the life-supporting capacity of soil is a key matter under Section 5 of the RMA in promoting sustainable management. He also said that Objective 3-1C under the Proposed One Plan was the retention of versatile soils for use as production land. He considered that inserting the wording ‘versatility of landscape’ was ambiguous, and the existing reference to ‘character and amenity values’ captured effects on the rural landscape. He recommended the submission from NZ Pork be rejected and the further submissions of Horticulture NZ and PIANZ & EPFNZ by accepted and accepted in part respectively.

Mr Hodgson considered the issue to be wider than a soil issue and said that additional dwellings can affect the accessibility of the land and soil resource. He suggested alternative wording so that the policy would include reference to “rural land resource” in addition to “life supporting capacity of soils”.

We have considered the various issues and have some sympathy for the reasoning of Mr Hodgson that the issue is more than just soil, which we believe is too narrow a focus. We note that the Explanation and Principal Reasons for Objective 2.5.1 under which this policy sits, refers to “natural and physical resources” and consider that the policy should be consistent with the objective. We have therefore decided to adopt the revised wording proposed by Mr Hodgson as shown below and have accepted in part all submissions relating to this matter:

Manage the effects of additional dwellings on the rural land resource, life-supporting capacity of soils and the character and amenity values of the rural environment, recognising any farm worker accommodation should be located and related to the scale and intensity of the primary production activities on site.

In terms of the Federated Farmers submission Ms Dasent did not agree with the Reporting Officer’s reasoning considering that the policy needs to recognise “that rural housing provides an important social service” and not just an undesirable housing type that prevents soil being used for production.

We consider that the policy is aimed at managing the effects of activities and how additional dwellings are provided for reflects the recognition of that activity. To this end we note that the Reporting Officer reported back in the right of reply that he had taken on board the submitters comments in relation to the rules on the number of residential dwellings and recommended changes to the rules so that provision of additional dwellings is not tied to Certificates of Title. (Changes to Rule 19.4.2(a) and Rule 19.6.1 discussed later in the decision). We also note changes are recommended to the Explanation and Principal Reasons for Objective 2.5.1, which we have accepted which better address the concerns of Federated Farmers. We consider that these changes recognise the provision for additional farm worker accommodation and that Policy 2.5.9 does not in the circumstances require amendment. We have therefore accepted in part the relevant submissions.

The support for Policy 2.5.9 by Horticulture NZ is noted however we refer to our decision above to amend the policy and therefore their submission is accepted in part.

Policy 2.5.10

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
76.00	Ann Percy	No relief requested for Policy 2.5.10	
98.18	Horticulture NZ	Amend Policy 2.5.10 as follows: Avoid, remedy or mitigate adverse effects, <u>including potential reverse sensitivity effects</u> , on	

Sub No.	Submitter Name	Decision Requested	Further Submission
		rural privacy and rural character in the Rural Zone by maintaining road and site boundary setbacks for all buildings, while recognising the degree of privacy and rural spaciousness is different in areas comprising existing smaller rural-residential lots.	
96.12	Federated Farmers	Amend Policy 2.5.10 as follows: Avoid, remedy or mitigate adverse effects on rural privacy and rural character in the Rural Zone by maintaining road and site boundary setbacks for all <u>new</u> buildings, while recognising the degree of privacy and rural spaciousness is different in areas comprising existing smaller rural-residential lots. Or words to this effect.	

A Percy did not consider that the policy led to an effective method to maintain and enhance rural character and this is linked with the setback in Rule 19.6.4, which is discussed later in the decision. On the basis that there is no particular relief sought we have rejected this submission.

Horticulture NZ requested Policy 2.5.10 be amended to include specific reference to potential reverse sensitivity effects. The Reporting Officer said that adding reference to reverse sensitivity effects in the policy would duplicate Policy 2.5.11 which specifically addresses reverse sensitivity effects and the location of buildings. He recommended the submission from Horticulture NZ be rejected.

Mr Keenan said that a policy considering the location of buildings should address all potential effects arising from the location of such buildings.

While we largely agree with the Reporting Officer that the policies are dealing with separate issues and that reverse sensitivity is specifically addressed in Policy 2.5.11 we note that the policy is specifically about addressing effects on rural privacy and character. In our view consideration of reverse sensitivity is not necessarily ruled out by the wording of the policy; however we think it would be rare for issues of reverse sensitivity to arise in the circumstances addressed by the policy. Our decision is to reject the submission.

Federated Farmers requested Policy 2.5.10 be amended to specifically recognise it is 'new' buildings required to be setback. The Reporting Officer noted that as with all District Plan provisions, they do not apply retrospectively, with existing lawfully established activities subject to existing use rights. He considered it superfluous to add reference to 'new' buildings in the policy and recommended the submission be rejected.

Ms Dasent in evidence for Federated Farmers considered the submission had been misunderstood and revised the relief sought to include reference to reverse sensitivity as a matter upon which adverse effects are to be avoided, remedied and mitigated on.

We were somewhat confused by the amendment now proposed by Federated Farmers. As noted above reverse sensitivity is a type of effect – you cannot avoid, remedy or mitigate adverse effects on reverse sensitivity, unlike rural privacy and rural character which are the other aspects of the policy. Our decision is therefore to reject the submission of Federated Farmers.

As a general comment it seemed to us that there has been a desire by a number of submitters to include 'reverse sensitivity' at will within the policies. In our view this just simply isn't necessary and in some cases is a misuse or misunderstanding of the term.

Policy 2.5.11

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
32.14	NZ Pork	Retain the intent of Policy 2.5.11	522.04 PIANZ & EPFNZ - Support
50.01	Rayonier NZ Ltd	Retain Policy 2.5.11 with no modification.	506.71 Ernslaw One - Support
74.01	Ernslaw One	Retain Policy 2.5.11.	513.27 Rayonier - Support
83.03	Ross Hood & Margaret Hood	No specific relief requested. Inferred: Delete Policy 2.5.11	
96.13	Federated Farmers	Amend Policy 2.5.11 as follows: Manage reverse sensitivity conflict between primary production activities and sensitive activities through appropriate separation distances, <u>and no-complaints on new sensitive activities</u> , while giving priority to existing lawfully established activities. Or words to this effect.	500.17 NZ Pork - Support 506.07 Ernslaw One - Support
98.19	Horticulture NZ	Amend Policy 2.5.11 as follows: Manage <u>potential</u> reverse sensitivity conflict between primary production activities and sensitive activities, <u>including effects from odour</u> , through appropriate separation distances, while giving priority to existing lawfully established activities.	

R & M Hood requested either Policy 2.5.11 be deleted or the word “manage” be replaced with “prevent”. The Reporting Officer noted that reverse sensitivity is the term used to describe when sensitive land uses, particularly residential activities, are located in close proximity to primary production activities, and these sensitive land uses may have unreasonable expectations about the level of amenity values which they wish to enjoy. He considered changing the policy from ‘manage’ to ‘prevent’ would unduly restrict the use and development of land in rural areas. He recommended the submission be rejected.

Federated Farmers, supported by NZ Pork and Ernslaw One, requested the policy be amended to include specific reference to no-complaints on new sensitive activities. The Reporting Officer said that the policy signals separation distances are the primary method for managing reverse sensitivity conflicts between activities. He noted there were other potential methods including no-complaints covenants, as well as acoustic insulation, screening, and many others. He considered adding specific reference to no-complaints covenants was inappropriate in the policy, as any party was entitled to complain about the adverse effects of an activity. He recommended the submissions be rejected.

Horticulture NZ contended the policy should manage both actual and potential reverse sensitivity effects and sought specific reference to effects from odour. The Reporting Officer concurred with the addition of the word “potential” noting that it is the potential from new sensitive activities that can create reverse sensitivity effects. In terms of adding specific reference to effects from odour the Reporting Officer did not consider this to be

appropriate, saying that odour is only one type of effect that can create reverse sensitivity effects. He recommended the submission be accepted in part and that the word “potential” be added.

Horticulture NZ supported the amendment however Federated Farmers considered that it restricted Council to using one method for managing reverse sensitivity. They sought specific mention of no-complaints covenants.

In the right of reply the Reporting Officer agreed that there were other methods for managing reverse sensitivity effects including no complaints covenants. He revised his recommendation to refer to “other measures” which would include no-complaints covenants as well as other methods. He now recommended the policy be amended and that the Federated Farmers and associated submissions be accepted in part.

We have considered the various issues and recommendations and the amendment now proposed by the Reporting Officer and we generally agree that it is appropriate. We consider however that the word ‘and’ should be replaced with ‘or’ in the amendment as shown below as it is not appropriate to require both separation and other measures in our view. Other than this change, we adopt the reasons and recommendation of the Reporting Officer as our decision pursuant to Clause 10(2)(a) of Schedule 1 to the RMA. The amendment policy is as follows:

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

The support for Policy 2.5.11 by NZ Pork, Rayonier, Ernslaw One and PIANZ & EPFNZ is noted however given our decision above we have accepted in part these submissions.

Policy 2.5.12

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
50.02	Rayonier	Amend Policy 2.5.12 as follows: Avoid, remedy or mitigate any the adverse environmental effects of shading of <u>on sealed roads</u> and reduction in rural amenity caused by tree shelterbelts or plantation forestry on adjacent and adjoining properties .	506.72 Ernslaw One - Support
74.02	Ernslaw One	Amend Policy 2.5.12 as follows: Avoid, remedy or mitigate any adverse environmental effects of shading of roads and reduction in rural amenity caused by tree shelterbelts or plantation forestry on adjacent and adjoining properties <u>on sealed roads caused by planted vegetation</u> . Or words to such effect.	513.28 Rayonier - Support 516.04 Federated Farmers - Support

Rayonier and Ernslaw One, supported by each other and Federated Farmers, requested Policy 2.5.12 be amended to only apply to sealed roads and not unsealed roads or the effects on the rural amenity of adjacent/adjoining property.

The Reporting Officer said that tree shelterbelts and plantation forestry can have effects such as excessive shading and safety. He considered the policy had previously been effective in achieving the objective of enabling primary production activities while avoiding or mitigating the adverse effects. In addition, he noted that central government had proposed a National Environmental Standard specifically for plantation forestry recognising the

specific resource management issues for this type of activity and it was therefore appropriate to have a specific policy apply to shelterbelts and plantation forestry. The Reporting Officer said that the shading of roads was specifically referred to in the policy due to the risk of icing during winter frosts and that while this risk was primarily relevant to sealed roads, icing of unsealed roads can also occur. He recommended the submissions be rejected.

We have considered the matter raised and the recommendation. We agree with the assessment of the Reporting Officer and therefore adopt his reasons and recommendation as our decision pursuant to Clause 10(2)(a) of Schedule 1 to the RMA.

Policy 2.5.14

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
27.02	Horizons	Delete Policy 2.5.14 if it is found to be outside the territorial authority jurisdiction; OR Amend Policy 2.5.14 to align with Policy 8-2 of the Proposed Regional Policy Statement.	500.19 NZ Pork - Support 517.09 Horticulture NZ – In-Part 522.00 PIANZ & EPFNZ - Support
98.20	Horticulture NZ	Delete Policy 2.5.14 and include within Policy 2.5.11. (See relief sought for Policy 2.5.11). Avoid, remedy or mitigate, where necessary, any adverse odours likely to affect the amenity of residential properties or buildings and other sensitive activities.	500.18 NZ Pork - Support

Horizons, supported by NZ Pork, PIANZ & EPFNZ and Horticulture NZ in part, request Policy 2.5.14 be deleted or amended to align with Policy 8-2 in the Proposed One Plan, while Horticulture NZ, supported by NZ Pork, requested the policy be deleted and included in Policy 2.5.11.

The Reporting Officer noted that odour fell under the jurisdiction of both the Regional Council and District Councils', noting that the Regional Council dealt with discharges to air but that some land use activities generate odour which is not a discharge to air (e.g. intensive farming activities and composting natural products). He said that the odour from these land use activities would be managed by the District Council under the provisions of the District Plan. In addition, the District Council has responsibilities under the Health Act of preventing nuisances, and can monitor and take enforcement action to abate nuisances such as odour. The Reporting Officer noted that this distinction in roles and responsibilities is reflected in Policies 8-3 and 8-4 of the Proposed One Plan and therefore it is considered appropriate that the District Plan includes provisions managing odour.

The Reporting Officer supported amending the policy to refer to offensive or objectionable odour as it provided a measure on what the level of adverse odour effect is appropriate/inappropriate. He recommended the following amendment and that the submissions be accepted in part:

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

Ms Tucker supported the officer’s recommendation, but also expressed concern about duplication between Horizons and the District Council. She said that Horizons also considered that odour relates to reverse sensitivity and should be included in Policy 2.5.11.

Firstly, we note that we have not recommended odour be added to Policy 2.5.11 for the reasons set under that policy, therefore we have rejected the submission by Horticulture NZ. Turning to the amendment proposed we note that the relief sought in Horticulture NZ’s evidence was “*that the plan provisions for odour are clearly linked to land use matters and not discharges to air*”. We are satisfied that the officer’s recommendation now provides this relief and addresses the Horizons submission. We therefore adopt the reasons and recommendation of the Reporting Officer as our decision pursuant to Clause 10(2)(a) of Schedule 1 to the RMA.

Policy 2.5.15

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
27.03	Horizons	Amend Policy 2.5.15 to include 'intensive farming activities'.	522.01 PIANZ & EPFNZ - Oppose
32.15	NZ Pork	Retain the intent of Policy 2.5.15	

Horizons sought the inclusion of ‘intensive farming activities’ in Policy 2.5.15. The submission was opposed by PIANZ & EPFNZ.

The Reporting Officer noted that Policy 2.5.15 dealt with separation distances between residential activities and effluent systems as a means of minimising adverse effects. He said that the Proposed Plan applied a similar approach for intensive farming activities which was generically applied by Policies 2.5.3 and 2.5.4. However, he considered adding reference to intensive farming activities in Policy 2.5.15 better reflected the approach of the Proposed Plan, as specific separation distance apply in the rules for intensive farming activities. He recommended the submission from Horizons be accepted and the further submissions rejected.

Ms Tucker supported the recommendation, while Mr Williams also supported the recommended amendment but suggested minor changes which he considered better reflected the intent of the policy. The Reporting Officer supported these proposed changes saying they more accurately reflected the intent of the policy by recognising the reverse sensitivity effects between residential activities and intensive farming as well as managing the effects generated by the farming activities. He recommended the following amendment and that the PIANZ & EPFNZ further submission be accepted in part:

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

We note our previous comments regarding the use of ‘reverse sensitivity’ however we accept in this instance it is acceptable and are satisfied with the officers’ latest amendments. We therefore adopt the reasons and recommendation of the Reporting Officer as our decision pursuant to Clause 10(2)(a) of Schedule 1 to the RMA.

The support for Policy 2.5.15 by NZ Pork is noted however given our decision above we have accepted in part this submission.

Policy 2.5.16

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
83.04	Ross Hood & Margaret Hood	No specific relief requested. Inferred: Amend Policy 2.5.16 to acknowledge that ratepayers also need protection from the	518.02 Transpower – In-Part 521.00 NZTA - Oppose

Sub No.	Submitter Name	Decision Requested	Further Submission
		adverse effects occurring due to the National Grid, the State Highway Network and the North Island Main Trunk Railway Line.	
94.30	NZTA	Retain Policy 2.5.16 as notified.	
98.21	Horticulture NZ	Amend Policy 2.5.16 as follows: Ensure that land use activities, subdivision and development adjoining the National Grid, the State Highway network and the North Island Main Trunk Railway Line avoid, remedy or mitigate any adverse effects on the safe and efficient operation of the electricity transmission, roading and rail networks <u>while not compromising the primary production activities undertaken on the site.</u>	518.03 Transpower – In-Part 521.01 NZTA - Oppose
99.03	Transpower	Retain Policy 2.5.16	

R & M Hood, supported in part by Transpower and opposed by NZTA, requested Policy 2.5.16 be amended to show it is a two-way process so ratepayers are protected from the adverse effects of infrastructure. Horticulture NZ, supported in part by Transpower and opposed by NZTA, requested the policy be amended to consider effects on primary production activities.

The Reporting Officer said that managing the effects from the establishment, operation and maintenance of infrastructure such as electricity transmission infrastructure and State Highways was addressed in other chapters of the District Plan. Specifically, he noted that Chapter 12 included specific policies for electricity transmission infrastructure and Chapter 10 included specific policies for land transport (State Highways and railway). He said therefore, in principle, the relief sought by both submitters already applied and recommended all submission be accepted in part.

We agree with the evaluation of the Reporting Officer and therefore adopt his reasons and recommendation as our decision pursuant to Clause 10(2)(a) of Schedule 1 to the RMA. We also note at this point that we understand from Horticulture NZ they have established a Memorandum of Understanding with Transpower which outlines an agreed approach to managing activities near transmission lines through rural land.

The support for Policy 2.5.16 by NZTA and Transpower is noted and the submissions accepted.

Policy 2.5.21

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
11.16	Philip Taueki	No specific relief requested.	511.01 HDC (Community Assets Department) - Oppose
60.10	Muaupoko Co-operative Society	No specific relief requested.	511.02 HDC (Community Assets Department) - Oppose

Sub No.	Submitter Name	Decision Requested	Further Submission
			519.28 Charles Rudd(Snr) - Support
67.11	Taiao Raukawa Environmental Resource Unit	No specific relief requested.	511.03 HDC (Community Assets Department) – In-Part

P Taueki and Muaupoko Co-operative Society oppose the recognition of the Levin Wastewater Treatment Plant in Policy 2.5.21 considering it culturally offensive. We took from this that the submissions were opposed to Policy 2.5.21. HDC (Community Assets Department) opposes both submissions, while C Rudd (Snr) supports the Muaupoko Co-operative Society submission. Taiao Raukawa Environmental Resource Unit questioned Policy 2.5.21 protection of the Levin Wastewater Treatment Plant and was opposed by HDC (Community Assets Department).

The Reporting Officer noted that policy was rolled over from the Operative Plan and that the Levin Sewage Treatment Plant was considered critical infrastructure (as defined by the Proposed One Plan) and at risk from reverse sensitivity effects associated with new sensitive activities (e.g. residential) locating nearby. He said that the policy and associated rule are still considered an effective approach in managing reverse sensitivity effects and noted that issues associated with discharges from the sewage treatment plant are managed by Horizons. He recommended the submissions and further submission of C Rudd (Snr) be rejected and the further submissions of HDC (Community Assets Department) be accepted.

We accept that the Wastewater Treatment Plant (WWTP) is in existence and is critical to the continued treatment of Levin’s wastewater. We also acknowledge the cultural importance of the area to Muaupoko and in particular that of Lake Horowhenua and that sensitivity around the lake is clearly strong. We also agree that if there are issues associated with discharges from the Wastewater Treatment Plant then they are the responsibility of the District Council to resolve in terms of their consent conditions and the Regional Council to ensure those conditions are being enforced. The policy itself is about recognising the WWTP and protecting it from reverse sensitivity effects. The debate over whether the WWTP should remain in its present location is, we consider, a different matter which is not particularly relevant to these procedures.

Notwithstanding the above, we considered the policy is unnecessarily wordy and overly defensive. We see no need to include phrases such as “recognise the existence” and “legitimate activity”. The site has previously been designated and the designation has been recommended to be rolled over. In our view it is clearly obvious that the activity, likely many others, is in existence and is legitimate. If it weren’t, we suspect enforcement action would have been taken long before now. The issue here is about reverse sensitivity issues arising from new sensitive activities (e.g. new residential dwellings) locating in proximity to the WWTP and not its legitimate existence. Our decision is therefore to accept in part all the above submissions and reword the policy as follows:

~~Recognise the existence of~~ Protect the Levin Wastewater Treatment Plant in Mako Mako Road as a legitimate activity adjoining the rural zone and protect it from the effects of reverse sensitivity.

Explanation and Principal Reasons (Objective 2.5.1)

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
98.23	Horticulture NZ	Amend Paragraph 10 in the Explanation by adding: <u>Reverse sensitivity can also exist where sensitive activities locate adjacent to existing primary</u>	516.05 Federated Farmers - Support

Sub No.	Submitter Name	Decision Requested	Further Submission
		<u>production activities, leading to complaints about the existing lawfully established activity.</u>	
98.27	Horticulture NZ	Amend Paragraph 8 of the Explanation to include recognition of signs for hazard identification and safety on site.	
99.02	Transpower	Amend the Explanation and Principal Reasons Section by inserting the following: <u>In many cases, infrastructure relies on a rural location due its linear nature and the need to traverse districts and regions (e.g. transmission lines, roads and rail. Minimum standards are applied to ensure any significant adverse effects of these activities are avoided, remedied or mitigated.</u>	514.17 Todd Energy Ltd - Support 515.17 KCE Mangahao Ltd - Support 517.10 Horticulture NZ - In-Part

The relief sought by Horticulture NZ, supported by Federated Farmers, to recognise reverse sensitivity was supported by the Reporting Officer as it reflected the amendments discussed earlier to the policies. He recommended the submissions be accepted and the following addition made to paragraph 10 of the Explanation:

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

We agree with the evaluation of the Reporting Officer and the amendment proposed and therefore adopt his reasons and recommendation as our decision pursuant to Clause 10(2)(a) of Schedule 1 to the RMA.

Horticulture NZ sought to include recognition of signs for hazard identification and safety on site within the Explanations. The Reporting Officer said that in the context of Chapter 2, signage was advertising signage, while hazard signage was addressed in Chapter 9. Accordingly, he recommended no change be made and the submission be rejected.

Ms Wharfe said that it was not clear that the text did relate only to advertising signs. She noted that while the Reporting Officer had recommended a new policy for hazard identification and safety signage be added to Chapter 9, that chapter only related to hazardous substances which she said was only one consideration for safety signage. She noted that the requirements relate to a wider range of activities and provision in Chapter 2 was more appropriate and sought that such signs be a permitted activity with recognition in the policy framework.

In response to these comments we sought further advice from the Reporting Officer noting that amendments to rule (19.1(l)) below make ‘health and safety signs’ a permitted activities (with no maximum face area). He considered amending Policy 2.5.19 by deleting “advertising” would be the most appropriate response as it would better align with the rules which permit different types of signs (e.g. advertising, temporary, official, safety, etc), while “limiting the amount” and “minimising the effects on the environment” which correspond to the rules on the number and size of all signs. Further, he considered that on reflection, adding a new policy to Chapter 9 was no longer the best approach, agreeing with Ms Wharfe, that hazardous and safety signs relate to broader matters than just hazardous substance signs. He said that amending Policy 2.5.19 would cover the new type of safety sign.

We have reviewed the Reporting Officer’s evaluation and we agree that a new policy in Chapter 9 is unnecessary and does not really address the issue being raised by Ms Wharfe. Further, we note that health and safety signs have, as a result of a later decision, been made permitted activities. We agree that removing the word “advertising:” from Policy 2.5.19 will broaden the policy and we consider this to some extent addresses the Horticulture NZ concerns and is within the scope of their submission. Our decision is therefore to accept in part the Horticulture NZ submission and amend Policy 2.5.19 as follows:

Provide for a limited amount of ~~advertising~~ signage located on the site to which the activity relates to minimise the effects on the rural environment.

Transpower, supported by Todd Energy Ltd, KCE Mangahao Ltd and Horticulture NZ in part, sought an additional paragraph be added regarding infrastructure. As noted by the Reporting Officer this matter was addressed in Issue 2.5 and in Objective 2.5.1 where additions were made to recognise that other activities and facilities are located in the rural environment which included infrastructure. He initially recommended paragraph 2 of the Explanation be amended and that the Transpower submission be accepted, then subsequently provided the following update in his right of reply, (which built on his supplementary report) which further refined the wording with more examples of infrastructure activities that need to locate in the rural environment:

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

We have reviewed this amendment and consider it addresses a number of points raised by various submitters with regards to other activities within the rural zone and adds further clarity and certainty to the explanation. We therefore agree with the Reporting Officers recommendation and adopt it as our decision pursuant to Clause 10(2)(a) of Schedule 1 to the RMA.

New Policy 2.5.X

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
77.06	Higgins	<p>Include the following Policy:</p> <p><u>Policy 2.5.X</u></p> <p><u>Ensure the effects (including reverse sensitivity) on Aggregate Extraction sites and activities are considered when planning for and making decisions for the establishment of new activities, particularly sensitive activities, on land in the Rural Zone near existing or proposed Aggregate Extraction sites.</u></p>	<p>506.41 Ernslaw One - Support</p> <p>513.08 Rayonier– Support</p>

Higgins, supported by Rayonier and Ernslaw One had sought a new policy that made specific recognition of the effects, including reverse sensitivity effects, of aggregate extraction noting that while most effects can be kept within the site, noise was often an issue due to the type of machinery used.

The Reporting Officer considered that there are similarities in this submission and those made to Policy 2.5.4. He considered the recommended amendments to Policy 2.5.4 were the most appropriate way to manage this issue

where it applies to all activities. He did not consider it appropriate to include a specific policy for aggregate extraction activities as there are a number of other activities where this issue may arise. He therefore recommended the submission be accepted in part on the basis of the amendments made to Policy 2.5.4.

As referenced earlier in this decision we heard evidence from Mr Bonis, Mr van Vuuren and Mr Bashford about the importance of aggregate to infrastructure and other forms development in the region and the need to make provision for it. Mr Bashford accepted that the recommended wording addressed the Higgins submission however he had earlier in his discussion under Objective 2.5.1 said that there were factors that made aggregate extraction different from other activities including being fixed to specific locations and the activity being more intense at times particularly during the construction season. He considered, given the importance of aggregate extraction, there was a case for specific recognition within Objective 2.5.1.

As already referred to we asked the Reporting Officer to consider this matter further and in the right of reply he considered that specific provision should be made for aggregate extraction and recommended a suite of provisions for inclusion in the Plan.

These included:

- new policies
- provision for the activity not within ONLs as restricted discretionary
- specific matters of discretion
- provision for the activity within ONLs as discretionary
- a new definition for aggregate extraction activities
- amendment to the definition of primary production activities
- building setback from the activity on the Ohau River
- amendment to the Planning Maps to show the extent of the setback.

Having heard Higgins' evidence we agree that the nature and fixed location of the activity is different from the general range of other activities in the rural zone and warrants specific provisions to ensure that the effects are appropriately managed and specific to the locations of the activity. The officer recommended two new policies:

- to provide for aggregate extraction and the management of effects, and
- to recognise specific locations and manage reverse sensitivity effects.

We agree with the recommendations as we consider that the nature of the activity warrants specific provision in order to manage the effects. Our decision is therefore to accept in part the submissions and make a suite of amendments including new policies, rules and definitions to provide for aggregate extraction. These are set out immediately below or within specific provisions upon what Higgins have submitted:

Add a new **Policy 2.5.X** as follows:

Recognise the existence of aggregate extraction activities in two locations on the Ohau River and protect them from reverse sensitivity effects by managing the establishment of new dwellings nearby.

Add a new **Policy 2.5.X** as follows:

Manage the establishment and operation of aggregate extraction activities recognising these activities are constrained by the location of the resource, while ensuring the adverse effects on the environment are avoided, remedied or mitigated.

Add a new **Rule 19.3.X** (Restricted Discretionary Activity) as follows:

19.3.X Aggregate Extraction

(a) Aggregate extraction activities not within Outstanding Natural Features and Landscapes (Refer Rule 19.8.X)

Add a new Discretionary Activity rule:

19.4.X Aggregate Extraction

(a) Aggregate extraction activities within Outstanding Natural Features and Landscapes

Add a new definition for 'Aggregate Extraction Activities' to Chapter 26 as follows:

Aggregate Extraction Activities means the use of land, buildings and plant for the primary purpose of extracting and processing aggregates, including but not limited to rock, gravel and sand. Processing includes associated on site crushing, screening, washing and blending of aggregates.

New Policies Chapter 2

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
80.02	Todd Energy Ltd	Include a policy in Chapter 2 that makes it clear that infrastructure is a legitimate rural land use activity and is subject to constraints on location in relation to physical resources.	518.00 Transpower - Support
92.02	KCE Mangahao Ltd	Include a policy in Chapter 2 that makes it clear that infrastructure is a legitimate rural land use activity and is subject to constraints on location in relation to physical resources.	518.01 Transpower - Support
92.20	KCE Mangahao Ltd	Include a policy in Chapter 2 to recognise the potential reverse sensitivity issues, such as in Policy 2.5.11 in the Rural Environment.	
98.22	Horticulture NZ	Include a new policy to provide for signage for hazard identification and safety on the site.	516.01 Federated Farmers - Support

Todd Energy Ltd and KCE Mangahao Ltd, supported by Transpower, sought a new policy be added to Chapter 2 recognising infrastructure as a legitimate land use in the rural environment.

The Reporting Officer said that the Proposed Plan included additional provisions, including policies (e.g. Policies 2.5.3 and 2.5.4) to recognise these other activities and considered that these policies provided appropriate recognition. He recommended that the submissions be rejected.

KCE Mangahao Ltd also sought a new policy be added to recognise potential reverse sensitivity issues. The Reporting Officer said that this matter was specifically addressed in Issue 2.3 and Policy 2.3.6 and therefore adding a new policy to Section 2.5 would result in duplication. He recommended no new policy be added and the submission be rejected.

Ms Barry considered Chapter 2 would benefit from the addition of a new policy or the phrase "*such as infrastructure and/or other legitimate non-primary production activities*" being included with the text of Policy 2.5.3. Ms Barry supported the recommendation regarding reverse sensitivity and Policy 2.3.6.

In his Supplementary Report the Reporting Officer concurred that infrastructure is part of the existing rural environment. While he did not consider it appropriate at a policy level to give explicit reference to infrastructure, as it was only one of many types of 'other' land use in the rural environment, he considered further recognition of

the location requirements (or constraints) for some land use activities could be added to the Principal Reasons and Explanation (see above section) which would be within the scope of the submissions. He also noted that that recognition of the contribution of renewable energy use and development was contained in Chapter 12.

We have reviewed the Reporting Officer’s evaluation and recommendation and we agree that no new policies or wording is necessary with regards to these issues and note that we have provided for further recognition of the need for infrastructure to locate in the rural environment because of the location of the resource within the Explanation and Principal Reasons (see section on this above). We therefore adopt these reasons and recommendations as our decision pursuant to Clause 10(2)(a) of Schedule 1 to the RMA.

Horticulture NZ, supported by Federated Farmers, sought a new policy be added for hazard identification and safety signage. The Reporting Officer said the references to signage in Section 2: Rural Environment relate to “advertising signs” which by definition does not apply to hazard identification and safety signage. He originally said that the matter raised by Horticulture NZ on hazard identification and safety signage was considered most appropriately addressed in Chapter 9: Hazardous Substances. He recommended a policy be added to Chapter 9 to provide for hazard identification and safety signage, and that the submission be accepted in part.

As referred to earlier Ms Wharfe did not agree as she considered that hazardous substances are not the only consideration for safety signage.

As discussed earlier we have amended Policy 2.5.19 to remove the word “advertising” rather than add a new policy to Chapter 9 and consider this addresses some of the Horticulture NZ concerns. We have therefore accepted in part the Horticulture NZ submission.

Chapter 2 – Anticipated Environmental Results

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
32.16	NZ Pork	Delete term environmental from the title and rephrase section to address concerns. Social, economic and cultural considerations need to be included in this section.	
98.24	Horticulture NZ	Retain Anticipated Environmental Result 2(b).	
32.17	NZ Pork	Delete Anticipated Environmental Result 2(d)	

NZ Pork sought the term ‘environmental’ be deleted from the Title of this section. They also sought that Anticipated Environmental Result 2(d) be deleted.

The Reporting Officer said that under Section 75(2)(d) of the RMA, a District Plan may state “the environmental results expected from the policies and methods” and that therefore the use of the term ‘environmental’ in the Title was considered appropriate as it aligned with the RMA. He recommended this submission be rejected.

The Reporting Officer referred to the previous recommendation to delete all provisions associated with Issue 2.4 which includes Anticipated Environmental Result 2(d). He therefore recommended this submission be accepted.

We agree with the Reporting Officer’s reasons and recommendations and adopt them as our decision pursuant to Clause 10(2)(a) of Schedule 1 to the RMA.

The support for Anticipated Environmental Result 2(b) from Horticulture NZ is noted and accepted.

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
11.13	Philip Taueki	No specific relief requested.	
11.14	Philip Taueki	No specific relief requested. Inferred: Include provisions to avoid the disturbance of human remains and tāonga in the rural environment.	
60.07	Muaupoko Co-operative Society	No specific relief requested.	
60.08	Muaupoko Co-operative Society	No specific relief requested. Inferred: Include provisions to avoid the disturbance of human remains and tāonga in the rural environment.	
83.13	Ross Hood & Margaret Hood	No specific relief requested: Inferred: Amend Objectives, Policies and Methods in the Rural Chapter which refer to the taking of land for public access/connections and the implications on the cost of creating and maintaining these reserves and strips and calculating the value of the land taken.	
80.01	Todd Energy Ltd	Amend [and potentially] Include provisions that achieve the following: <ul style="list-style-type: none"> To take into account that full consideration of the implications of the proposed district plan is difficult when having to view it in isolation from the outcome of PC 20 – 22 and that the relationship between the rural environment, utilities and landscape policy framework needs to be integrated and clear. Review of the 100m contour boundary in line with the Commissioners’ comments in the decision on Plan Change 22. 	
92.01	KCE Mangahao Ltd	Amend [and potentially] Include provisions that achieve the following: <ul style="list-style-type: none"> To take into account that full consideration of the implications of the proposed district plan is difficult when having to view it in isolation from the outcome of PC 20 – 22 and that the relationship between the rural 	

Sub No.	Submitter Name	Decision Requested	Further Submission
		<p>environment, utilities and landscape policy framework needs to be integrated and clear.</p> <ul style="list-style-type: none"> Review of the 100m contour boundary in line with the Commissioners' comments in the decision on Plan Change 22. 	

P Taueki and Muaupoko Co-operative Society state that rural activities affecting the ecological values of Lake Horowhenua, Lake Papaitonga and the rural environment in general must be referred to Tangata Whenua for consultation. They also state that as there are a number of urupa and other sites of cultural significance throughout the rural environment and that provisions must be in place to avoid disturbing any human remains or taonga while undertaking any activity within the rural environment.

The Reporting Officer said that Chapter 1: 'Matters of importance to Tangata Whenua' contained discussion, objectives and policies and methods that address, among other matters, consultation with Tangata Whenua on plan changes and resource consent applications. He said it was a comprehensive section that recognised the need to avoid or manage the effects of activities on sensitive sites. He recommended that such matters continue to be retained in one chapter of the Plan to prevent repetition, as the provisions in Chapter 1 are over-arching. He recommended that the submission be rejected and no changes made to Chapter 19.

It was unclear to us what relief was being sought in relation to these submissions nevertheless we acknowledge the sentiments of the submissions. As we understood it the Council plans in the near future to commence a survey of cultural and historic heritage in the District, including sites of significance to Māori and archaeological sites. This matter is referred to in Chapter 1 under Methods for Issues 1.1 and Chapter 13 under Methods for Issue 13.1 and my well resolve some of the submitters concerns. On this basis we have rejected the submissions.

R & M Hood stated that any land taken by HDC for public access/connections must be compensated. Whilst no specific relief is sought, it is inferred that the Objectives, Policies and Methods in the Rural Chapter which refer to the taking of land for public access/connections be amended and the implications of the cost of creating and maintaining these reserves and strips and calculating the value of the land taken be considered.

The Reporting Officer clarified that under Rule 24.2.5(f) relating to esplanade reserves, it states:

It may be necessary, for one or more of the purposes set out in Section 229 of the RMA, that an esplanade reserve or strip be created when allotments of more than 4 hectares are created. In such cases, Council shall pay to the registered proprietor of that allotment compensation in terms of Section 237F of the RMA unless the registered proprietor agrees otherwise.

Furthermore, he said that the area of reserve taken is usually subtracted from the reserve or open space contributions that the subdivider must pay at the time of subdivision. He therefore considered the relief sought by the submitter was already provided for in Chapter 24 of the Proposed Plan. He recommended that the submission be accepted in part but no changes made.

We agree with the evaluation by the Reporting Officer and adopt his recommendation as our decision pursuant to Clause 10(2)(a) of Schedule 1 to the RMA.

Todd Energy and KCE Mangahao Ltd sought to amend and/or include provisions that take into account consideration of the implications of Plan Change 20 – 22 and that the relationship between the rural environment, utilities and landscape policy framework be integrated and made clear. They further sought that a review of the

100m contour boundary be undertaken in line with the Commissioners' comments in the decision on Plan Change 22.

The Reporting Officer acknowledged that an overview of the Plan was difficult given that the provisions subject to Plan Changes 20-22 were not part of this submission process. He said however, that it was unclear what type of provisions the submitters sought. He further said that as Plan Change 22 did not form part of this District Plan Review process, the review of the 100m contour boundary has not been undertaken and would be subject of a future process. He therefore recommended that these submissions be rejected and no changes made.

Ms Barry tabled evidence in support of the submission but did not expand further on what particular provisions she considered were not consistent or should be reviewed, but simply referred to the problem of considering Plan Changes 20-22 in isolation of the remainder of the rural chapter and asked that we consider these comments.

We accept that Plan Changes 20-22 are not part of this hearing and that there may be consequential changes as a result of these decisions. Nevertheless we do not consider any significant integration issues arise from this. We have therefore rejected these submissions.

Chapter 19 – Rules - General

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
74.06	Ernslaw One	Amend the Rural Chapter to include an exemption rule similar to the bullet points that are part of the Greenbelt Residential Zone Rule 18.6.21(a).	513.31 Rayonier - Support

Ernslaw One, supported by Rayonier, sought that the rural chapter be amended to include an exemption for the clearance of indigenous vegetation that has grown under the canopy of a plantation forest as a permitted activity.

The Reporting Officer said that under the Proposed One Plan, the Regional Council have full responsibility for protecting indigenous biodiversity in the region, and is the only authority to use rules for this purpose. He said that the District Council can only include rules in its District Plan to protect 'notable and amenity trees', but protecting these trees is not to be for indigenous biodiversity reasons. He said that it was therefore not possible or appropriate to include rules to manage the removal of indigenous vegetation, including under the canopy of plantation forestry and recommended the submissions be rejected.

We agree with the Reporting Officer's evaluation and adopt his recommendation as our decision pursuant to Clause 10(2)(a) of Schedule 1 to the RMA.

Rule 19.1 - Notes

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
99.25	Transpower	Retain reference to the NESETA in the Rule 19.1 Note.	

The support for Rule 19.1 by Transpower is noted and their submission accepted.

Rule 19.1 – List of Permitted Activities

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
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Sub No.	Submitter Name	Decision Requested	Further Submission
40.25	House Movers Section of NZ Heavy Haulage Association Inc.	Amend Rule 19.1 to include <u>“The placement of any Relocated building and/or accessory building on any site subject to the conditions at [rule ref]”.</u>	

House Movers Section of NZ Heavy Haulage Association Inc is opposed to the way in which the removal, re-siting, and relocation of buildings is provided in the Proposed Plan and sought to amend Rule 19.1 to include the placement of relocated buildings and accessory buildings as Permitted Activities, instead of Controlled Activities. Several consequential changes are sought in later submissions including amending Rule 19.1(g), delete Rule 19.2(d), the addition of new Conditions under Section 19.6, delete Rule 19.7.6 and Rule 19.7.6(a)(iii) and add assessment matters under Section 19.7. There are a number of submission points by House Movers that are consequential to this request and the submissions have been made across all zones of the Plan.

The Reporting Officer said that as a Controlled Activity consent for the relocation of buildings does not require public notification and does not involve affected parties approvals. The extent of assessment and conditions to be imposed are restricted to the matters of control which are listed in Rule 19.7.6, and consent must be granted. He said that the resource management issue presented by the reuse and relocation of buildings on sites is the tension between enabling this type of development and maintaining amenity levels anticipated in the different zones. He noted that the reuse of buildings is an efficient use of resources, and represents a sustainable solution to an otherwise wasteful end to buildings. However, the process of relocating and establishing a previously used building on a new site can result in unfinished works, where the building remains in a state of storage or unrepaired on site, rather than reinstated and established.

The Reporting Officer noted that the permitted activity standards sought require a building inspection report which identifies all the reinstatement work required to the exterior of the building and impose a 2-month time period for the building to be located on permanent foundations, and reinstated in full within 12 months. It did not however mention how compliance with the standards will be monitored.

The Reporting Officer considered the information requirements and compliance imposed by the submitter’s provisions was similar to that of applying for a controlled activity consent. The key difference was that the Council can under a controlled activity consider the use of a bond to provide security that works will be carried out in the 12 month construction period and set up a monitoring and compliance process to ensure the establishment works are carried out. He said that from an administration and compliance point of view, a Controlled Activity consent status was considered more effective. He therefore recommended that the relocation of buildings remain a Controlled Activity and the submission be rejected.

The issue was heard in full at the Urban Hearing and for that reason the following extract from that decision is provided:

House Movers presented evidence to support their submission. Their evidence relied heavily on the decision of the Environment Court in relation to New Zealand Heavy Haulage Association Inc and the Central Otago District Council 2004. In this decision the Court ruled that the Restricted Activity Status proposed by the Council could not be justified. It held that there was no difference in effects between a new building in situ and the siting of a relocatable building and therefore a permitted activity status was appropriate. Fundamental to this decision was that the Council were unable to establish that the siting of relocatable buildings had caused problems regarding the effects on amenity in the previous few years.

Paul Britton from House Movers presented evidence on his experience in relocating buildings and provided photos of successfully relocated and completed dwellings in the district. Both Mr Britton and counsel for House Movers – Rowan Ashton - contended that the costs of compliance under the provisions of the Proposed Plan are likely to exceed the benefits. The costs that they identified were costs in time and money to make an application and for

Council staff to administer, the bond, and costs of Appeal to the Environment Court. They were of the view that notification of an application as provided for was not necessary as it was inappropriate for neighbours to comment on the type and style of adjacent housing. The submitter argued that a permitted activity status provided greater certainty to a building owner than a controlled activity. They considered that the use of performance standards provided greater clarity than conditions imposed on a resource consent and were more effective in achieving the outcomes sought.

We asked the officers to report back to us about the matters raised by House Movers and on the 28th May they provided a right of reply report addressing the issues. In response to our question regarding how big an issue this is for the district and the Council, the officers stated that in the last 14 years there have been nearly 400 relocated buildings sited in the district. The district is particularly attractive for relocatable buildings as a large number are former NZ Defence Force buildings which have been made surplus from nearby bases in Waiouru, Linton and Ohakea. Adding to this there are a number of companies operating in the lower North Island who store and supply relocated buildings to the district. Therefore there has been a ready supply of buildings for relocation in relatively close proximity to Horowhenua.

While there may be a large number of relocated buildings, we asked the officers to explain whether there was an issue in terms of the effects on amenity. The officers demonstrated that they had canvassed the opinions of the community on this matter as part of the District Plan Review process in order to understand whether the community were concerned and to obtain some guidance on the appropriate rule framework to apply. Through a discussion paper prior to the notification of the Proposed Plan the officers asked the following questions:

- Should Council be concerned about relocated buildings being upgraded or reinstated once they have been transported to their new location?*
- Is it the architectural style and features of the relocated buildings that are more of concern or is it the finishing and landscaping of these buildings which is more the problem?*
- What is an appropriate timeframe for any reinstatement or upgrade of the exterior to be undertaken for relocated buildings?*
- Should Council have the discretion to decline applications for relocated buildings if they are out of character for the area or are in poor condition?*

A large number of responses were received. More people thought that Council should be concerned about relocatable buildings than not, most considered that the architectural merits were less of a concern than the finishing and landscaping and most considered that it was appropriate for Council to be able to decline applications. The Council concluded that the management of relocatable buildings was a resource management issue for the district. From their own experience, officers reported that as a result of compliance monitoring the effects on visual amenity have been an issue. In support of this, it was reported that approximately two thirds of relocated buildings did not complete reinstatement within the required 12 month period or breached other conditions. The Council time spent on monitoring and ensuring compliance is charged to the building owner and not a cost to the ratepayer.

In considering the effectiveness and efficiency of a permitted activity or controlled activity status, the officers concluded that a controlled activity status was more effective and efficient. This is because the compliance monitoring of a resource consent would be replaced with a reactive regime based on responding to complaints, the resolution of which would be at the cost of the ratepayer. It was also considered that the controlled activity status was likely to be more effective in controlling the effects though the imposition of conditions. These include a timeframe for completing the works, the taking of a bond and the application of a compliance monitoring regime. These would not apply to a permitted activity.

While we consider that the reuse of buildings should be encouraged as a method for providing affordable housing, we accept that managing the effects of relocatable buildings is an issue for this district in particular. We think that a permitted activity status would not provide Council with an adequate framework for managing the

effects but rather place the officers in a reactive role when complaints were received. We also agree that the costs of compliance should be borne by the building owner and not the ratepayer.

We agree with the submitter and the officers that a non-notification clause should be added to the all building relocation rules as there is no justification for applications to be notified and the effects can be adequately managed through the administration of the controlled activity rules.

We agree with the officers that smaller relocated buildings of 40m² have less effects than dwellings or other larger buildings and could therefore be permitted activities.

In conclusion, we consider that a controlled activity status is necessary to provide the Council with the necessary framework to manage the effects of relocatable buildings with the exception of buildings less than 40m² which are permitted. We therefore accept in part submission 40.13.

We have reviewed the above evaluation, recommendation and amendment (dealt with in detail below) and agree with them and adopt them as our reasons pursuant to Clause 10(2)(a) of Schedule 1 to the RMA. We therefore accept in part the submission.

Rule 19.1(a) (- Permitted Activity (Primary Production Activities))

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
9.00	Lynn & Anthony Straugheir	Amend Rule 19.1(a) to control forest harvesting in the Rural Zone that is within 500m of the urban boundary of the Waitarere Beach settlement. No more than 25ha of forest should be harvested at one time within 500m of the urban boundary and the next 25ha within 500m of the urban boundary should not be harvested until the newly planted section is at least five years old.	513.40 Rayonier - Oppose
12.00	Daina Parlovskis	Amend Rule 19.1(a) to control forest harvesting in the Rural Zone that is within 500m of the urban boundary of the Waitarere Beach settlement. No more than 25ha of forest should be harvested at one time within 500m of the urban boundary and the next 25ha within 500m of the urban boundary should not be harvested until the newly planted section is at least five years old.	513.41 Rayonier - Oppose
15.00	Charles Wallis	Amend Rule 19.1(a) to control forest harvesting in the Rural Zone that is within 500m of the urban boundary of the Waitarere Beach settlement. No more than 25ha of forest should be harvested at one time within 500m of the urban boundary and the next 25ha within 500m of the urban boundary should not be harvested until the newly planted section is at least five years old.	513.42 Rayonier - Oppose
23.00	Cheryl Mangin	Amend Rule 19.1(a) to control forest harvesting within 500m of the urban boundary in the Rural Zone. No more than 25ha of forest should be harvested at one time within 500m of the urban boundary and the next 25ha within 500m of the urban boundary should not be harvested until the newly planted section is at least five years old.	513.43 Rayonier - Oppose
32.18	NZ Pork	Retain intent of Rule 19.1(a)	506.64 Ernslaw One - Support

Sub No.	Submitter Name	Decision Requested	Further Submission
			513.03 Rayonier - Support
50.04	Rayonier NZ Ltd	Retain Rule 19.1(a) and keep primary production activities as a permitted activity. (Separate submission point 50.04 regarding definition of Primary Production Activities).	506.74 Ernslaw One Ltd – Support
72.04	PIANZ & EPFNZ	Retain Rule 19.1(a).	500.20 NZ Pork - Support 513.44 Rayonier - Support
74.04	Ernslaw One	Retain Rule 19.1(a) subject to the satisfaction of Submission 74.05. OR Amend Rule 19.1 to include Plantation Forestry as a permitted activity.	513.32 Rayonier - Support
96.26	Federated Farmers of New Zealand	Retain Rule 19.1(a) as a permitted activity.	506.14 Ernslaw One Ltd - Support 513.14 Rayonier New Zealand Ltd – Support

L & A Straugheir, D Parlovskis, C Wallis and C Mangin sought that Rule 19.1(a) be amended to control forest harvesting within 500 metres of the urban boundary of the Waitarere Beach settlement. These submissions are opposed by Rayonier.

The Reporting Officer noted that the submissions were in relation to the removal of trees over a large area close to the urban edge and concerns that this activity causes the water table to rise and significantly increase the number of flood events in the area. He said that there was scientific evidence to suggest that trees intercept and transpire a significant volume of water, with conifers using more water than broadleaves and young mature trees use the most water, with particularly from the age of 5 years upwards. Consequently, he considered the submitters concerns to be valid and that deforestation of a large area may contribute to an increased risk of flooding.

After considering the most appropriate method(s) to address this issue, the Reporting Officer originally considered that planning controls were the most efficient approach as they have a direct cause and effect relationship. He recommended that the submissions be accepted in part and a new standard be included under Condition 19.6.16 Forestry and Timber Harvesting controlling the extent and rate of plantation forest harvesting at Waitarere.

Ms Jones, a forestry scientist, on behalf of Rayonier stated that there was *no research to suggest that the forest harvesting is contributing in any way to the flooding issue within Waitarere*. She contended that the submitters and the officer had made assumptions that the proposed rule would reduce flooding risk when there was no evidence to substantiate this. Ms Jones said that programming of harvesting was carried out to both reduce costs and also to reduce impact on the environment and if such a rule was applied, this could affect costs and prolong timing in addition to affecting contractual agreements.

Ms Dasent also expressed concerns regarding the recommendation stating that there had been no issue identified in the Plan discussing flooding at Waitarere.

We asked the Reporting Officer to provide more information as to the validity of the claims by the submitters and the basis for the recommended rule. In his right of reply, he said that he had further consulted the Council's Community Assets Department and concluded that further investigation would be required to determine the cause of the raised water table and increased flooding risk. He considered that until this work had been done it was not appropriate to introduce the rule.

We agree with this conclusion and consider that there is insufficient evidence to demonstrate that there is a link between the flooding issue and the harvesting of forestry and certainly not enough to impose a rule restricting such harvesting. We note that the submitters did not provide any evidence to the contrary or to support their submissions further. Accordingly we have rejected submissions and accepted the further submission from Rayonier.

The support for Rule 19.1(a) by NZ Pork, Rayonier, Poultry Association, Ernslaw One and Federated Farmers is noted and their submissions accepted.

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

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
108.10	HDC (Planning Department)	Amend Rule 19.1(d) as follows: Visitor accommodation for up to four persons <u>per site</u> within a <u>any</u> residential dwelling unit <u>and/or family flat</u> .	

HDC (Planning Department) sought that visitor accommodation be permitted in a family flat, as long as the number of visitors per site does not exceed 4.

The Reporting Officer said that the purpose of the rule was to limit the number of visitors to 4 per site; therefore it does not seem necessary to manage whether they stay in the main residential unit or in a family flat. He recommended that Rule 19.1(d) be amended as follows to provide for visitor accommodation in family flats and clarify the application of the rule and that the submission be accepted:

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

We have reviewed the evaluation and recommended amendment by the Reporting Officer and consider it to be appropriate and we therefore adopt them as our decision pursuant to Clause 10(2)(a) of Schedule 1 to the RMA.

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

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
40.42	House Movers Section of NZ Heavy Haulage Association Inc.	Amend Rule 19.1(g) as follows: “The construction, alteration of, addition to, <u>removal, re-siting</u> and demolition of buildings and structures for any permitted activity”.	
96.27	Federated Farmers	Retain Rule 19.1 (g) as notified.	

House Movers sought permitted activity status for relocated buildings and the addition of new permitted activity standards. We have evaluated this matter earlier in the decision and concluded that the provision for relocated buildings as a Controlled Activity is the most appropriate activity status. Therefore we have rejected the submission for the reasons outlined earlier.

The support for the rule by Federated Farmers is acknowledged and the submission accepted.

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

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
81.02	Phillip Lake	Amend Rule 19.1(h) to include additions and alterations to existing community facilities as permitted activities.	

P Lake sought amendment to Rule 19.1(h) to include additions and alterations to existing community facilities as permitted activities.

The Reporting Officer noted that while community facilities provide an important service to the rural community enabling them to meet their educational and social needs, the expansion of such facilities has the potential to create adverse effects on anticipated amenity values and more importantly reverse sensitivity effects. He said it was important to protect rural land for primary production activities and this meant managing all other types of activities so that all effects can be considered. He recommended that the submission be rejected.

We have reviewed the evaluation and recommendation by the Reporting Officer and consider it to be appropriate and we therefore adopt them as our decision pursuant to Clause 10(2)(a) of Schedule 1 to the RMA.

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

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
101.67	DoC	Amend Rule 19.1 (j) as follows: ... <ul style="list-style-type: none"> • Noxious plant and pest control. • <u>Control of Pest plant, other plants adversely impacting on conservation values and animal pests.</u> 	

DoC sought an amendment to Rule 19.1(j) to make it clearer what is enabled by this rule, and to permit the control of plants and pests that have an adverse effect on conservation values. They consider that the wording should reflect that of the Biosecurity Act 1993.

The Reporting Officer said that the change sought to the rule would not change the scope of the rule or any anticipated outcome, and he supported the intent to align with the Biosecurity Act. He said however, the wording “the control of noxious plant and pest control” could have a fairly broad interpretation and that ‘noxious’ was not defined in the Proposed Plan which could lead to issues with interpreting the rule. He recommended the submission be accepted in part and that the wording ‘other plants adversely impacting on conservation values’ not be included as this was not defined and that the rule be amended as below.

The Reporting Officer also recommended a correction/minor change to Rule 19.1(j) pursuant to Clause 16 of the First Schedule of the RMA by replacing the bullet points for the sub-clauses with numbering so this rule used a consistent numbering system. The amendments to the rule are as follows:

(j) Within land administered by the Department of Conservation:

(i) Construction....

(ii) Commercial...

(iii) Species...

(iv) Control of pest Noxious plants and animal pests control.

We agree with the Reporting Officer’s evaluation and recommendations considering they provide greater clarity and adopt these as our reasons pursuant to Clause 10(2)(a) of Schedule 1 to the RMA.

Rule 19.1(l) – Permitted Activity (Signs)

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
98.37	Horticulture NZ	Amend Rule 19.1(l) to include signs for safety and hazard identification as a permitted activity.	

Horticulture NZ sought to amend Rule 19.1(l) to provide for signs for safety and hazard identification.

The Reporting Officer said that Rule 19.1(l) listed the types of signs permitted in the Rural Zone including official, temporary, advertising and for sale signs. He said that the health and safety of the community was important and it was necessary to ensure that hazards are clearly marked. He recommended that this submission be accepted and that a new rule is added to Rule 19.1(l) and a new definition added to Chapter 26 on ‘health and safety signs’ as follows:

The following types of signs:

(i)...

(v) Health and safety signs

Definition

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

We have reviewed the evaluation and recommendation by the Reporting Officer and consider them to be appropriate and address the concerns of the submitter and we therefore adopt them as our decision pursuant to Clause 10(2)(a) of Schedule 1 to the RMA.

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

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
95.05	NZDF	Retain Rule 19.1(r) as notified.	

The support for Rule 19.1(r) by NZ Defence Force is noted and their submission accepted.

Rule 19.2(a) – Controlled Activity (Subdivision)

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
103.01	Colin Easton	Amend Rule 19.2(a) by making rural subdivision a discretionary activity with notification required.	

104.00	Bill Huzziff	Amend Rule 19.2(a) by making rural subdivision a discretionary activity with notification required.	
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Colin Easton and Bill Huzziff sought that rural subdivision be a discretionary activity with notification required. Both submitters were concerned about the lack of consultation before large scale subdivisions occur, and that most are not notified. They cite a lack of understanding of rural activities from those who move into the rural area and, that safeguards such as reverse sensitivity and existing use rights have not protected farmers at all.

The Reporting Officer acknowledged the submitter’s concerns and referred to the now operative Plan Change 20 which specifically related to rural subdivision and replaced the ‘one size fits all’ approach to subdivision across the whole district to an approach where the nature and intensity of subdivision was different for landscape domain areas (i.e. sub-areas within the district). He noted that one of the issues evaluated in this Plan Change process was reverse sensitivity effects and said that the new subdivision provisions provided a more restrictive regime in parts of the district, including as a discretionary activity, and potentially public notification, and that therefore the relief sought by the submitters had in part already been addressed.

Notwithstanding the above, the Reporting Officer reminded us that all provisions that were subject to Plan Change 20, including the subject rule (19.2(a)) do not form part of this Proposed Plan process. He recommended the submissions be rejected.

Mr Huzziff provided a number of details about the growth of lifestyle blocks and quoted from some recent work undertaken by Landcare Research (R Andrew & JR Dymond) which states that lifestyle blocks occupy about 5% of New Zealand’s non-reserved land and occupy approximately 10% of the high-class land, compared with the 29% of new urban growth since 1990 being on high-class land but only occupying 0.5% of that land. Mr Huzziff said that the loss of high-class land to lifestyle block development has far outstripped urbanisation in recent years. He went on to request that the Panel recommend a review of Plan Change 20, that the rural subdivision guidelines be scrapped, that subdivision outside the green belts become a discretionary notifiable resource consent and that the Land Use Capability (LUC) system be scrapped and that the Council and farmers work together to rethink the system.

Mrs Barber on behalf of the late Mr Easton referred to the LUC system, describing it as a blunt instrument in determining soil quality. She referred to a subdivision on Ridge Road as an example of poor lifestyle block development. She also referred to the need to be cautious when dealing with historic heritage and matters around liquefaction.

We have some sympathy for the matters raised by the submitters and agree that lifestyle block subdivision has created issues and conflicts within the rural environment and we note that this is not an issue isolated to the Horowhenua. Having said that the Council, through Plan Change 20, has gone some considerable way towards addressing these matters and restricting the amount of such subdivision. That process (Plan Change 20) included a thorough public consultation forum and has only recently been finally approved. Further, the reality is that the provisions referred to were not part of the Proposed District Plan process. On this basis we have rejected the submissions.

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

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
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Sub No.	Submitter Name	Decision Requested	Further Submission
40.23	House Movers Section of NZ heavy Haulage Association Inc.	Delete Rule 19.2.(d)	

House Movers sought permitted activity status for relocated buildings and the addition of new permitted activity standards. We have evaluated this matter earlier in the decision and concluded that the provision for relocated buildings as a Controlled Activity is the most appropriate activity status. Therefore we have rejected the submission.

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

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
77.02	Higgins	Amend Rule 19.2 with consequential changes to Rule 19.7 (Matters of Control and Conditions) as follows: Rule 19.2 Controlled Activities (a) Any subdivision of land (Refer Rule 19.7.1 and 19.7.2). <u>(X) Aggregate Extraction.</u>	506.37 Ernslaw One - Support

Higgins, supported by Ernslaw One, sought that Aggregate Extraction be provided for as a Controlled Activity. Higgins contended that the effects are well known and restricted to noise, vibration, dust, traffic and visual amenity and that most extraction occurs in the Rural Zone where buffers are available between extraction and neighbouring activities.

The Reporting Officer said that controlled activity status means that the Council would be limited in the matters it could consider and whilst this may not be an issue given that these are often the same for each site, there may be occasion where it would be necessary to consider effects on natural resources and values, such as landscapes or a waterway. Additionally, he said that a controlled activity status means that the Council must approve any application subject to conditions and this may not always be appropriate when conditions cannot effectively avoid, remedy or mitigate the adverse effects on the environment. He therefore recommended that the submission be rejected.

Mr Bashford seemed to accept a position that would have aggregate extraction as a restricted discretionary activity on the proviso that the matters of discretion remained the same as he had suggested and that any resource consent application was processed on a non-notified basis.

Our decision in relation to providing for aggregate extraction as a specified activity is discussed in detail above under Objective 2.5.1 and new policies. More specifically, the Reporting Officer has now recommended that aggregate extraction be provided for by way of a restricted discretionary activity rather than as a controlled activity as sought by Higgins, as well as additional matters/effects to consider in any application.

We agree that there may be wider effects related to the specific location of aggregate extraction such as landscape and that restricted activity status provides Council with the ability to give greater consideration to the effects and the suitability of the activity to a specific location. On this basis and taking into account the overall changes now proposed for aggregate extraction as set out in Appendix A we have accepted in part these submissions.

Rule 19.3 – Restricted Discretionary Activity

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
99.32	Transpower	Include notification statement(s) to Rule 19.3 to the effect that where activities are proposed within the National Grid Corridor and resource consent is required, Transpower will be considered an affected party.	517.23 Horticulture NZ – In-Part

Transpower, opposed in part by Horticulture NZ, sought to include a Note under Rule 19.3 that identified it as an affected party when activities that require resource consent occur in the National Grid corridor.

The Reporting Officer said that whilst likely the Council would always identify Transpower as an affected party when resource consent was required for activities within the National Grid corridor, it was efficient to make the public aware of this. An applicant could then try and streamline the consent process by seeking Transpower's approval prior to submitting an application to Council. He recommended the submission be accepted and the following Note be included under Rule 19.3:

19.3 RESTRICTED DISCRETIONARY ACTIVITIES

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

The following...'

Transpower supported the Reporting Officer's evaluation and recommendation and we also agree they are appropriate and adopt them as our reasons and decision pursuant to Clause 10(2)(a) of Schedule 1 to the RMA.

Rule 19.4 – Discretionary Activity (Historic Heritage)

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
117.23	NZHPT	Amend Rule 19.4 to include subdivisions that negatively impact on the heritage values of any sites listed in Schedule 2.	

NZHPT sought to amend Rule 19.4 to provide for subdivision of sites listed as having heritage value in Schedule 2 as a Discretionary Activity.

The Reporting Officer noted that Rule 19.4.10 provides for subdivision within the heritage setting of a Group 1 or 2 building or structure as a Discretionary Activity and Rule 19.4.11 provides for the subdivision of any site listed in Schedule 2 as a Discretionary Activity. As such, it is recommended that this submission be accepted in part as the relief sought was already provided for in the Plan.

We agree with the evaluation and recommendation of the Reporting Officer and adopt them as our decision pursuant to Clause 10(2)(a) of Schedule 1 to the RMA.

Rule 19.4.1(a) – Discretionary Activity (General)

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
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Sub No.	Submitter Name	Decision Requested	Further Submission
96.30	Federated Farmers	Delete Rule 19.4.1(a) And That permitted status is the default status for activities not otherwise provided for.	506.16 Ernslaw One - Support 517.24 Horticulture NZ - Support 527.07 DoC - Oppose

Federated Farmers, supported by Ernslaw One and Horticulture NZ and opposed by DoC, sought to delete Rule 19.4.1(a) and that the default status for activities not otherwise provided for be permitted. They suggested that whilst not every eventually can be covered, the Council should be identifying resource management issues specific to the District and only controlling land use relating to the management of any adverse effects on those resources. In effect, any activity that is not listed in the Plan should be a Permitted Activity and not a Discretionary Activity as matters can be addressed by way of a plan change or variation.

The Reporting Officer agreed that a district plan cannot anticipate every activity that may occur in the future and its effects on the environment. However, he said that to provide for unforeseen activities as permitted would enable them to proceed albeit subject to the standards in the Plan. This approach he considered was not efficient or effective in achieving the objectives for the Rural Zone as the effects of this unknown activity may be such that they will not be sufficiently addressed by the existing standards and there may be adverse effects on the resources of the District including productive land and existing farming activities.

The Reporting Officer went on to say that to undertake a plan change or variation takes time, within which there may be a 'gold rush' of applications and effectively there could be significant adverse effects on the environment before any standards can be implemented. He recommended that the submission and those supporting be rejected and the opposing submission accepted.

Ms Dasent said the proposed provision was inconsistent with the RMA and considered that the reasoning provided by the Reporting Officer was precisely why there should not be a default discretionary status. She appeared to indicate that any unanticipated activities that complied with standards would have a minimal impact on the environment and there was therefore no reason why they should not be permitted.

We consider that the approach of the Plan in providing for activities not provided for elsewhere as Discretionary is appropriate and consistent with the RMA. This is a commonly used approach, which can be found in other chapters of the Plan and in our view is an effective means of giving effect to the objectives of the Plan. District Plans are often in the position of reacting to new forms of development and a good example in recent years has been wind farms. Such clauses capture these new forms of development which might otherwise not be covered by the Plan. To rely solely on the plan change process, given its extensive timeframe, could in our view lead to unanticipated and poor environmental outcomes. We accordingly reject the submission and two further submissions in support and accept the opposing submission.

Rule 19.4.2(a) – Discretionary Activity (Residential Dwellings)

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
83.09	Ross Hood & Margaret Hood	No specific relief requested. Inferred: Delete Rule 19.4.2(a)	
108.12	HDC (Planning	Amend Rule 19.4.2(a) as follows:	

Sub No.	Submitter Name	Decision Requested	Further Submission
	Department)	Two or more residential dwelling units/ <u>family flats</u> per site.	

R & M Hood considers that Rule 19.4.2(a) was too restrictive and if a farmer required a third dwelling, it was because it was necessary and he should be able to build it. It is assumed the relief sought is to delete the rule. HDC (Planning Department) sought an amendment to the rule to make it clear that it relates to family flats too.

The Reporting Officer said that the purpose of the rule was to manage the number of residential dwelling units that could be established per site in the Rural Zone as of right. He said the limit was mainly because residential activities can be incompatible with rural activities and create reserve sensitivity effects and that the rule also supported the protection of rural amenity values. He also referred to servicing issues and noted that permitting additional residential dwellings can be used as an argument to allowing more intensive forms of subdivision in rural areas. He acknowledged however that there are various reasons for seeking additional residential dwellings, including workers, family members or rental income purposes.

The Reporting Officer said that Rule 19.4.2(a) limited the number of residential dwelling units to one per site not one per property. He advised that site is defined as ‘an area of land comprised wholly of one (1) certificate of title; or the area of land contained within an allotment on an approved plan of subdivision; or the area of land which is intended for the exclusive occupation by one (1) residential unit; or an area of land held in one (1) computer register’. Therefore, if a rural property was made up of a number of Certificate of Titles, more than two dwellings would be permitted.

While considering it may be appropriate to have a specific rule to provide for farm worker accommodation the Reporting Officer initially recommended the submission be rejected.

The Reporting Officer agreed that the number of family flats should also be managed as these were anticipated to be secondary to any residential dwelling unit. He said they have similar effects and should be limited in number, although he recommended the wording of the rule be amended from that suggested by HDC (Planning Department).

At this point the Reporting Officer indicated that there was some confusion over the activity status of two residential dwelling units per site. He said that whilst it is specifically listed as a Discretionary Activity, there is a permitted activity condition (19.6.1(a)) stating ‘one residential dwelling unit per site’, which if not complied with means that the activity becomes a Restricted Discretionary Activity. Under Rule 19.3.1 it is stated that ‘Any permitted activity which fails to comply with any condition in Rule 19.6 or Chapters 21,22, 23 and 24 of this District Plan shall be a restricted discretionary activity except for activities that are specified as discretionary activities or non-complying activities in Rules 19.4 and 19.5’. He said there was a potential for someone reading the Plan to read the permitted activity list, look at the conditions, and determine that more than one residential unit per site is a Restricted Discretionary Activity rather than Discretionary Activity. He therefore recommended a consequential amendment that Rule 19.1 Permitted Activities lists ‘one residential dwelling unit and family flat per site’, Rule 19.6.1(a) be deleted, and Rule 19.4.2 specifically provides for two or more residential dwelling units as a Discretionary Activity, as the originally intended status.

At this point we note that the issue raised by R & M Hood was also raised by B & C Mitchell, Federated Farmers, and Horowhenua Farmers Ratepayer Group in relation to appropriately allowing for additional farm worker accommodation in Rule 19.6.1 and was also discussed in relation to our decision on Policy 2.5.9 above.

In terms of the two rules we have chosen to bring the discussion together under this provision given the similarities.

In response to the Reporting Officer's comments that many farms were made up of multiple Certificates of Title, it would be possible to have a number of dwellings as of right, submitters at the hearing presented evidence to the effect that this was not relevant in farming situations. They said that while there may be multiple Certificates of Title they may not contain suitable building sites or be in a suitable location in relation to connections to services or the main farm accommodation. Furthermore, there may have been amalgamation of titles and a resource consent for additional accommodation would be required. Ms Dasent sought a graduated approach to the number of houses, where the number of dwellings permitted depends on the size of the property. Horowhenua Farmers Ratepayer Group sought that the number of permitted dwellings be related to the scale and intensity of the primary production activities on site.

The Reporting Officer in his right of reply agreed with the submitters that relating the provision to Certificates of Title did not address the need for additional farm worker accommodation and that a more targeted approach was appropriate. He had undertaken further research and recommended a graduated approach based on the information supplied by submitters and an assessment of the size and configuration of large farms in the District. He recommended that provision be made for two dwellings on farms 40 hectares in area and three dwellings on farms over 100 hectares in size. He also recommended changes to Rule 19.4.2(a) to provide for a greater number of dwellings as Discretionary Activities and that a consequential amendment be made to the Explanation and Principal Reasons for Objective 2.5.1. The recommended changes are set out below and all submissions in both provisions were recommended to be accepted in part:

Amend Explanation and Principal Reasons for Objective 2.5.1 to read as follows:

"There are various pressures on the character and amenity values of the rural environment from the wide range of activities. Buildings and structures are associated with most activities and they have a variety of forms and functions and contribute to the effective use and development of land. It is recognised additional dwellings for farm worker accommodation may be required on larger rural properties. However, the location, scale and density of buildings can adversely affect rural character and amenity values. Typically, rural character and amenity values are where buildings and structures are at a relatively low non-urban density with generous setbacks from external property boundaries and where the height, scale, density and number of buildings do not dominate the landscape and spacious and open space qualities of the rural environment are maintained."

Amend Rule 19.1(b) as follows:

- (b) ~~Residential activities.~~ One residential dwelling unit and one family flat per site on sites up to 40 hectares.*
- (c) Two residential dwellings units and one family flat per site on sites between 40 hectares up to 100 hectares.*
- (d) Three residential dwelling units and one family flat per site on sites 100 hectares and over.*

Amend Rule 19.6.1(a) as follows:

- ~~(a) One residential dwelling unit per site.~~*
- ~~(b)(a) ——— One fFamily flat...~~*

Amend Rule 19.4.2(a) as follows:

- (a) Two or more residential dwelling units or family flats per site on sites up to 40 hectares.*
- (b) Three or more residential dwellings units or family flats per site on sites between 40 hectares up to 100 hectares.*
- (c) Four or more residential units or family flats per site on sites 100 hectares and over.*

Having reviewed the evidence of submitters and the amendments now proposed we consider that this approach is more effective in allowing for primary production activities to provide appropriately located accommodation for workers. We acknowledge that there can be somewhat of a fine line between allowing for additional accommodation associated with primary productive activity and the issues previous raised by Mr Huzziff regarding rural lifestyle blocks. We believe a balance needs to be reached and consider that the above rule achieves that. We

also noted that ultimately the Council does have an ability to consider future subdivision applications which seek to ‘carve off’ dwellings established under these rules. Our decision is therefore to accept in part all submissions associated with this issue and approve the above amendments subject to some rewording for clarity and consistency of the consequential amendment to the Explanation and Principal Reasons for Objective 2.5.1 as follows:

“There are various pressures on the character and amenity values of the rural environment from the wide range of activities. Buildings and structures are associated with most activities and the location, scale and density of buildings can adversely affect rural character and amenity values. As part of this it is recognised that additional dwellings for farm worker accommodation may be required on larger rural properties. Typically, rural character and amenity values are where buildings and structures are at a relatively low non-urban density with generous setbacks from external property boundaries and where the height, scale, density and number of buildings do not dominate the landscape and spacious and open space qualities of the rural environment are maintained.”

In respect of the HDC (Planning Department) submission we agree with the Reporting Officer’s evaluation and recommended amendments above and adopt them as our decision pursuant to Clause 10(2)(a) of Schedule 1 to the RMA.

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

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
81.03	Phillip Lake	Amend Rule 19.4.4(a) to remove reference to “additions and alterations to existing community facilities” as follows: New community facilities or external additions and alterations to existing community facilities (including education facilities and grounds) for community activities including services having a social, community, ceremonial, cultural, educational, recreational, worship, or spiritual purpose.	

P Lake sought to remove the reference to external alterations to existing community facilities as the submitter has previously requested that such an activity be permitted and not discretionary.

We have already addressed the issue of additions and alterations to existing community facilities being a permitted activity in Rule 19.1(h) above and agreed with the reasoning of the Reporting Officer that it was not appropriate. It follows therefore the amendment proposed above is also not appropriate. We have therefore rejected the submission.

Rule 19.5 – Non-Complying Activity

Submissions Received

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

Transpower, opposed in part by Horticulture NZ, sought to include a new rule under 19.5 Non-Complying Activities for activities that do not meet the permitted activity standards relating to subdivision, use and development within proximity to the National Grid.

The Reporting Officer said that any permitted activity that does not meet Condition 19.6.14 relating to the transmission line corridor would be a Restricted Discretionary Activity. He initially considered this activity status was appropriate given that the types of effects are generally known i.e. safety of the public, operation of the line etc.

However, in a Supplementary Report the Reporting Officer reviewed the case for non-complying status in this instance. He traversed the context of non-complying activities within the District Plan saying that it had been used sparingly and that such a status for the National Grid Corridor could be triggered for activities with a very minor degree of non-compliance. Notwithstanding this, the Reporting Officer accepted that a Restricted Discretionary Activity status did not fully reflect the direction of Policy 11 of the NPSET and may give potential applicants the false expectation that consent would be generally granted, whereas a non-complying rule would act as a deterrent. He also referred to the further exemptions added to Rule 19.6.14 which reduce the potential number of activities that would be non-complying. He therefore recommended that a new non-complying rule be added as below and that the Transpower submission be accepted:

19.5.X National Grid Corridor

(a) Any activity within the National Grid Corridor that does not comply with conditions in Rule 19.6.14.

Ms McIndoe reminded us of the s32 (of the Act) obligations and said that non-complying status would give a clear policy signal that underbuild may not be appropriate as it can potentially compromise the security of supply, safety and impinge on the ability of Transpower to maintain its assets. Mr Spargo said that in his opinion non complying activity status better aligns with Policy 11 (of the NPSET) “generally not be provided for in plans” direction. This he said could be contrasted with restricted discretionary applications which are an application class that applicants and the public generally would view as having a reasonable expectation of being granted. He further considered restricted discretionary status would not reflect the significance of managing risk within the National Grid Corridor and that non-complying activity status will also give effect to Policy 10 of the NPSET by ensuring that operation, maintenance, upgrading and development of the electricity transmission network was not compromised. He noted that aspects of Transpower’s suggested permitted activity rule were based on safety requirements, such as those in NZECP34:2001 and that if an activity did not comply with such requirements then, in his view, it is inappropriate for resource consent to be granted allowing it. He said that non-complying activity status was consistent with this.

Having reviewed all the evidence we agree with Mr Spargo and the Reporting Officer that there is an expectation that provided an applicant can meet the specified matters to be considered as part of their application for a restricted discretionary activity, consent is likely to be granted. We therefore agree that this appears to us to be contrary to Policy 11 of the NPSET which refers to identifying an appropriate buffer corridor within which it can be expected that sensitive activities will generally not be provided for in plans and/or given resource consent [emphasis added]. It seems to us that this is a reasonably tough test that in RMA terms warrants non-complying status. In our view the standards governing these activities and the District Plan should be consistent and we therefore agree that a non-complying activity status is appropriate where permitted activity standards are not met.

Our decision is therefore to adopt the wording of the new rule proposed by the Reporting Officer and accept the submission by Transpower and reject the further submission by Horticulture NZ.

Rule 19.6 – Permitted Activity Conditions

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
25.06	Michael White	Amend Permitted Activity Conditions 19.6 to include rules that control the emission of outdoor lighting at and above the horizontal and to limit the level and timing of lighting in the Rural zone.	525.22 Maurice and Sophie Campbell - Support
26.13	Horowhenua Astronomical Society Inc	Amend Permitted Activity Conditions 19.6 to include rules that control the emission of light at and above the horizontal and to limit the level and timing of lighting in the Rural Zone.	
27.21	Horizons	Amend the Permitted Activity Conditions to provide for soil conservation, erosion protection, river control or flood protection works undertaken by, or on behalf of Horizons Regional Council as a permitted activity; and Provide for this criterion to be carried over to all other activity types in the Proposed Plan regarding soil conservation, erosion protection, river control or flood protection works undertaken by, or on behalf supervised by of Horizons Regional Council.	524.04 Higgins - Support
40.26	House Movers Section of NZ Heavy Haulage Association Inc.	Include the following performance standards/conditions (or to the same or similar effect) for relocated buildings: Permitted Activity Standards for Relocated Buildings <u>i) Any relocated building intended for use as a dwelling (excluding previously used garages and accessory buildings) must have previously been designed, built and used as a dwelling.</u> <u>ii) A building pre-inspection report shall accompany the application for a building consent for the destination sit. That report is to identify all reinstatement works that are to be completed to the exterior of the building.</u> <u>iii) The building shall be located on permanent foundations approved by building consent, no later than [2] months of the being moved to the site.</u> <u>iv) All other reinstatement work required by the building inspection report and the building consent to reinstate the exterior of any relocated dwelling shall be completed with [12] months of the building being delivered to the site. Without limiting (iii) (above) reinstatement work is to include connections to all infrastructure services and closing in and ventilation of the foundations.</u> <u>v) The proposed owner of the relocated building must certify to the Council that the reinstatement work will be completed within the [12] month period.</u>	

Sub No.	Submitter Name	Decision Requested	Further Submission
95.20	NZDF	Retain the removal of conditions as notified	
99.30	Transpower	Include a new permitted activity condition to provide for trimming, felling and removal of vegetation and non-notable trees.	

Horowhenua Astronomical Society Inc and M White, supported by M & S Campbell, sought to include a rule to control the emission of outdoor lighting at and above the horizontal and to limit the level and timing of lighting.

The Reporting Officer noted that all subdivision and development is subject to the Council's Subdivision and Development Principles and Requirements (2012), which has adopted NZS 1158. This Standard manages lighting and the effects of lighting and may address the concerns of the submitter.

We note that this matter was also covered in the Utilities Hearing. In short the matter is essentially covered by the Council's Subdivision and Development Principles and Requirements (2012) which is referred to in Chapter 24 of the District Plan. We therefore see no need to amend Rule 19.6 and have rejected the submissions.

Horizons, supported by Higgins, sought to include a permitted activity standard to provide for soil conservation, erosion protection, river control or flood protection works undertaken by Horizons Regional Council.

The Reporting Officer noted that there was a rule that provided for such activities in the Flood Hazard Overlay Areas and considered the rule should apply to the entire Rural Zone. He recommended that the submission be accepted in part, and that this activity be added to the list of permitted activities in Section 19.1 instead of as a condition in Section 19.6 as follows:

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

We agree with the Reporting Officers' evaluation and recommended amendment above and adopt them as our decision pursuant to Clause 10(2)(a) of Schedule 1 to the RMA.

House Movers sought to include performance standards for the relocation of buildings as a permitted activity. As discussed earlier in this decision it is considered that provision for relocated buildings as a Controlled Activity is the most appropriate activity status for this activity, therefore this submission is rejected.

NZDF supported the removal of standards that applied under the operative District Plan. This submission is in effect supporting Condition 19.6.30 as proposed and we recommended it be accepted.

Transpower sought to include a permitted activity condition to provide for trimming, felling and removal of vegetation and non-notable trees. They noted that Regulation 30 under the NESETA provides for such activities subject to the activity not being restricted by a rule in a district plan or being in a natural area.

The Reporting Officer noted that a National Environmental Standard must be given effect to and the only rule that relates to the trimming of trees in the Proposed Plan is Condition 19.6.27 for Notable Trees, although this condition already provides for the removal of branches interfering with utility networks. He therefore considered that no rule in the Plan restricted the trimming, felling or removal of non-notable trees and therefore specific provision for these activities was not required. He recommended the submission be rejected.

Mr Taylor acknowledged the Reporting Officers' evaluation of the rule and said that the listed notable trees did not appear to be near Transpower's lines in Horowhenua and on that basis, Transpower was now comfortable that no new permitted activity rule is required. Mr Spargo said however that a new assessment criterion as sought by Transpower was still appropriate.

We acknowledge the Transpower evidence and agree with the Reporting Officer's evaluation and recommendation above and adopt them as our decision pursuant to Clause 10(2)(a) of Schedule 1 to the RMA.

Rule 19.6.1 Permitted Activity Conditions (Residential Dwelling Units and Family Flats)

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
65.03	Horowhenua Farmers' Ratepayer Group	Amend Rule 19.6.1 so that the number of permitted dwellings is related to the size of the property.	
66.03	Bruce & Christine Mitchell	Amend Rule 19.6.1 so that the number of permitted dwellings is related to the size of the property.	
96.32	Federated Farmers	Amend Rule 19.6.1 through employing a graduated approach to the number of houses permitted per property, providing more than two dwellings for larger rural properties.	

The decision in relation to the issues raised by Horowhenua Farmers' Ratepayers Group, B & C Mitchell and Federated Farmers in relation to providing for farm worker accommodation has been covered above under Rule 19.4.2(a) with the submissions accepted in part and a number of amendments made to provide for additional dwellings as permitted activities based on thresholds.

Rule 19.6.4 – Permitted Activity Conditions (Building Setbacks)

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
27.24	Horizons	Amend Rule 19.6.4(b) to include setback requirements for effluent storage and treatment facilities.	511.10 HDC (Community Assets Department) – In-Part
7.03	Heirs Partnership	Amend Rule 19.6.4 to retain the essence of the current 3m setback from any other site boundary and 30m from any other existing residential dwelling on adjoining land for buildings within the Rural Zone (Rule 19.2.4 Operative District Plan) and include a process by which Council and landowners work together to prevent a situation where the 30m setback would limit building sites for landowners.	
72.07	PIANZ & EPFNZ	Retain Rule 19.6.4.	
76.02	Ann Percy	Amend Rule 19.6.4 as follows: 19.6.4 (a) (iii) 10 <u>3</u> metres from any other site boundary;	517.26 Horticulture NZ - Oppose
77.08	Higgins	Amend Rule 19.6.4 by including; ... b) All residential dwelling units and sensitive activities shall comply with the following additional setbacks and separation distances:	506.43 Ernslaw One - Support

Sub No.	Submitter Name	Decision Requested	Further Submission
		... <u>(iv) 500 metres from any Aggregate Extraction site or the Ohau River Bed.</u>	
98.39	Horticulture NZ	Amend 19.6.4(b) as follows: (b) All residential dwelling units and sensitive activities shall comply with the following additional setbacks and separation distances: (i) 300 metres from any building containing an existing intensive farming activity on any other site; ... <u>(iv) 30 metres from any property where existing primary production activities are undertaken.</u>	516.17 Federated Farmers– In-Part
48.00	Carolyn Dawson	Retain 10 metre setback requirement for rural properties and require smaller rural properties (<5000m ²) to apply for the 10 metre setback distance to be reduced with neighbouring parties having the ability to have their say about the reduced setback sought.	
64.01	Derek Watt	Amend Rule 19.6.4(a)(iii) to reduce the site boundary setback for buildings in the Rural Zone.	
52.02	Rosemarie Saunders	Amend Rule 19.6.4(a)(viii) by replacing it with a requirement that all new dwellings shall be 20 metres from any established dwelling. This would make it consistent with 16.6.4(a)(iii).	525.11 Maurice and Sophie Campbell - Support
53.01	McMenamin & Fitzgerald	Amend Rule 19.6.4(a)(viii) by changing the 3 metre setback to 30 metres.	525.13 Maurice and Sophie Campbell - Support
56.00	Rod Halliday	Amend Rule 19.6.4(a)(viii) in one of the two following way: Increase the exemption to include allotments less than 1 ha. Or Introduce an 'intermediate' category for allotments of between 5,001m ² – 1 ha with a setback of 5m from any other boundary.	
57.02	Friends of Strathnaver	Amend Rule 19.6.4(a)(viii) by replacing it with a requirement that all new dwellings shall be 20 metres from any established dwelling. This would make it consistent with 16.6.4(a)(iii).	525.08 Maurice and Sophie Campbell - Support
58.02	Maurice and Sophie Campbell	Amend Rule 19.6.4(a)(viii) by replacing it with a 20 metres separation distance between dwellings	

Sub No.	Submitter Name	Decision Requested	Further Submission
		on lots smaller than 5000m ² .	
32.20	NZ Pork	Retain intent of Rule 19.6.4(b).	506.66 Ernslaw One – In-Part
56.02	Rod Halliday	Amend Rule 19.6.4(b) to include an exception to the rule as follows: <u>Exception where the title of the allotment predates the establishment of an activity listed above, the above rules shall not apply.</u>	
72.06	PIANZ & EPFNZ	Retain Rule 19.6.4(b).	500.21 NZ Pork - Support
108.13	HDC (Planning Department)	Amend Rule 19.6.4(b) as follows: (b) All residential dwelling units, <u>family flats</u> and sensitive activities shall comply with the following additional setbacks and separation distances: ...	
27.25	Horizons	Amend Rule 19.6.4(c) to include dairy farming activities OR Amend the definition of 'intensive farming activity to include dairy farming activities.	516.18 Federated Farmers - Oppose
32.21	NZ Pork	Amend Rule 19.6.4(c) as follows: (i) 300 metre from any residential dwelling unit, and other sensitive activities on any other site; (ii) 50 metres from any site boundary; (iii) 600 metres from any Residential, Greenbelt Residential, Open Space, Industrial or Commercial Zone.	516.19 Federated Farmers - Support
72.05	PIANZ & EPFNZ	Retain Rule 19.6.4(c).	
108.47	HDC (Planning Department)	Amend Rule 19.6.4(c) as follows: (c) Any building used for intensive farming activity shall comply with the following setbacks and separation distances: (i) 300 metres from any residential dwelling unit, <u>family flat</u> and other sensitive activities on any other site;	
45.00	Landlink Ltd	Retain Rule 19.6.4(viii)	
56.01	Rod Halliday	Amend Rule 19.6.4(c)(i) as follows: ...300m from any residential dwelling unit (<u>or existing allotment less than 1ha that is capable of containing a dwelling</u>) and other sensitive activities on any other site.	

Effluent Storage and Treatment Facilities

Horizons, supported by HDC (Community Assets Department), sought amendment to Rule 19.6.4(b) to include setback requirements for effluent storage and treatment facilities from residential dwelling units and sensitive areas.

The Reporting Officer noted that Rule 19.6.4(b)(ii) provided for “any new residential dwelling or sensitive activity to be setback 150 metres from any piggery effluent storage and treatment facilities or human effluent storage and treatment facilities (excluding domestic wastewater systems) on any other site, and 20 metres from any other farm (e.g. dairy and poultry) effluent storage and treatment facilities on any other site”. However, the Proposed Plan did not apply a setback in the converse situation (i.e. a new effluent storage and treatment facility to be setback from an existing dwelling).

The Reporting Officer’s view was that such a provision was not required as it was managed through the One Plan and that there had been difficulties in implementing Rule 19.2.6 in the Operative District Plan because most effluent systems don’t require consents from HDC. He said that the main basis for the rule was to manage odour, which is a joint responsibility of Horizons and HDC. He noted that Horizons had introduced new effluent disposal rules and standards as part of the One Plan and that while the primary issue for these effluent disposal rules relates to managing effects on water quality, another consideration is the odour management. He went on to detail the requirements of the One Plan (Rule 13-6), that requires all new and existing effluent disposal systems (for animal or human waste) to obtain a resource consent (except for individual on-site domestic systems – i.e. septic tanks) as a Controlled Activity which includes minimum setbacks (150m) from “*any residential buildings, public places and amenity areas...*” and that “*there must be no offensive or objectionable odour, dust, or effluent drift beyond the property boundary*”. Horizons’ consent officers also advised that separation distance and specific odour mitigation measures are typically included as conditions on most resource consents. The Reporting Officer recommended the submission be rejected.

Ms Tucker said that while the Reporting Officer’s reasoning was essentially correct, it does not reflect situations where new facilities are constructed outside the resource consent process. In her view it was reasonable that Rule 19.6.4 should include both rule (b) and a rule to establish a separation distance between new effluent storage and treatment facilities and existing residential buildings or sensitive areas to give effect to Policy 8-4(a) of the One Plan which requires that district plans “*prevent the future establishment of potentially incompatible land uses near each other*”. Ms Tucker put forward a new rule to be inserted as Rule 19.6.4(d).

In the right of reply the Reporting Officer said he remained of the view that the effects associated with the location of new effluent storage and treatment facilities can be effectively managed under the provisions of the One Plan and associated resource consent process. He said he understood only small-scale and contained effluent storage and treatment facilities are permitted activities, meaning all other facilities require a resource consent which can consider the location of these facilities. Accordingly, he said his recommendations in the Section 42A Report stood.

We have reviewed the rule proposed by Ms Tucker and that contained within Rule 13-6 which also incorporates setbacks. In our view a new rule is unnecessary and would to a large extent duplicate what is in the One Plan. We therefore agree with the Reporting Officer’s evaluation and recommendation above and adopt them as our reasoning and decision pursuant to Clause 10(2)(a) of Schedule 1 to the RMA.

Building Setbacks

A number of submissions sought a variety of different setbacks for buildings in the rural environment.

Heirs Partnership sought to amend Rule 19.6.4 to retain the essence of the current 3m setback from any internal boundary and 30m from any other existing residential dwelling on adjoining land. The submitter also sought the inclusion of a process by which Council and landowners worked together to prevent a situation where the 30m setback would limit building sites.

Horticulture NZ sought a 30m setback from any property where existing primary production activities are undertaken. The submission was opposed in part by Federated Farmers.

McMenamin and Fitzgerald, supported by M & S Campbell, sought to amend Rule 19.6.4(a)(viii) by requiring a 30m setback, while R Saunders and Friends of Strathnaver, supported by M & S Campbell sought that Rule 19.6.4(a)(viii)

be amended by setting a 20m setback, making it consistent with Rule 16.6.4(a)(iii). M & S Campbell also sought a 20m setback between dwellings on lots smaller than 5000m². Landlink supported the rule.

D Watt sought to reduce the site boundary setback under Rule 19.6.4(a)(iii) but did not specify a distance; A Percy, opposed by Horticulture NZ, sought to amend the rule to refer to 3m instead of 10m; while C Dawson sought to retain the 10m setback and require smaller rural allotments to apply for a reduced setback with neighbouring parties having the ability to comment on the reduced setback.

The Reporting Officer said that the Rural Zone rules in the Operative District Plan currently included a minimum building setback of 3m from side and rear boundaries for all buildings and that any new buildings require a minimum 30m building separation distance from any existing dwelling on adjoining land, for properties that were created as a result of a subdivision consent that was applied for after 1 August 1996. He explained that the intent of this setback was to maintain generous separation distances between buildings on neighbouring properties in the rural environment in order to minimise nuisance effects like odour and noise from typical farm activities, and to also maximise opportunities for privacy between residential dwellings on properties in the rural environment. He said that implementation and enforcement of the current rule had been problematic and therefore ineffective in its application, for a number of reasons including confusion over the application of the rule due to the date component which relates to when the rule was first introduced; the position of the first dwelling in a subdivision can end up dictating the siting for other dwellings in the subdivision and the dimensions of smaller rural lifestyle properties means that some lots are not able to comply with the 30m separation distance, therefore requiring resource consent.

The Reporting Officer advised that as part of the District Plan review a number of options were considered and assessed and it was found that increasing the minimum boundary setback distances (3m rule) but tailoring this to the size of the property i.e. larger farm sized properties and smaller rural-residential properties and remove the building separation distance rule (30m rule) was the most effective and efficient option and had the most benefits for the least number of costs. This option recognised the differing sizes of allotments in the rural area and had the benefit of being simple, enforceable and clear. The Reporting Officer noted a potential cost however for a smaller rural-residential property (5,000m² or less) adjoining a larger farming property, where the smaller setback would apply which may result in lower levels of privacy and potential for reverse sensitivity issues. He noted that for a number of reasons the 5,000m² threshold was considered to provide an effective level to differentiate “rural” and “rural-residential” properties for the purpose of a simple two-tier rule for building setbacks. He said that the most simple and effective rule was considered to be applying the same setbacks for all buildings.

The Reporting Officer considered a 10m side and rear boundary setbacks for all buildings for rural properties was the most efficient and effective distance, as it provided owners/occupiers with some flexibility to position buildings away from boundaries. It would also collectively create a 20m separation distance between residential dwellings and/or farm utility buildings on neighbouring properties which he considered to be effective to avoid or minimise privacy concerns and reverse sensitivity conflicts between rural buildings. Whilst recognising this setback distance may limit ‘as of right’ the optimal or preferred site for a building, or impact on the utilisation of rural land, the Reporting Officer considered the resource consent process was an appropriate mechanism to assess the effects of locating the building closer to the boundary.

In terms of rural-residential properties (5,000m² or less) within the Rural Zone, the Reporting Officer considered setback provisions based on the existing Greenbelt Residential Zone were considered the most effective as they have been tested through the plan process already.

With regard to those submitters seeking some form of consultation process to reduce the internal boundary setback, the Reporting Officer said this approach was not appropriate through a District Plan, as a permitted activity rule cannot include any discretionary element, such as requiring consultation.

As for requiring a 30m setback from any property where existing primary production activities take place, the Reporting Officer said this approach would remove a significant area of land from being utilised in the Rural Zone

and unduly constrain the use of land. Furthermore, it was not considered appropriate to require a residential dwelling to be setback 30m from a paddock used for grazing sheep or growing crops as there are unlikely to be significant adverse effects.

The Reporting Officer recommended a 10m setback on sites over 5,000m² and a 3m setback for sites of 5,000m² or less and that the submission points from Heirs Partnership, Horticulture NZ, McMenemy & Fitzgerald, Watt, Perry, Saunders, Friends of Strathnaver and Campbell be rejected and the submission from Dawson be accepted in part.

Ms Wharfe outlined their submission seeking a setback for residential dwellings and sensitive activities of “30 metres from any property where existing primary production activities are undertaken”. The focus of their submission was on reverse sensitivity effects and Ms Wharfe considered that the proposed rules would result in an *“increase in the potential for complaints and compromise rural productivity”*. She noted that the change proposed by Horticulture NZ only applied to residential dwellings and if there was no primary production activity adjoining a property then the 30m setback would not apply.

Ms Wharfe did not agree that a 30m setback would unduly constrain the use of land and that there were unlikely to be significant adverse effects from the growing of crops on adjoining land. She said that growers regularly deal with complaints from people located adjacent to growing operations and that the effect of the dwelling close to a boundary could mean that land will not be utilised for primary productive purposes.

In the right of reply the Reporting Officers considered that while a larger setback may reduce potential conflict between activities, 30m was too large and would limit the use of the land. He also considered that the wording as requested by Horticulture NZ would be difficult to administer as whether land was used for primary production or not. He cited the situation where land is not obviously in production being temporarily unoccupied by an activity associated with primary production.

Ms Campbell, speaking to her submission and that of the Friends of Strathnaver, was concerned that the change in rule to a 3m setback from the boundary for lots less than 5000m² would create concentrations of dwellings out of keeping with the rural lifestyle and affect the privacy of the property owners who have located their dwellings with the existing 30m separation between dwellings. She sought a separation distance of 20m between buildings, but would support a 10m setback from boundaries.

In the right of reply the Reporting Officer acknowledged that the reduced distance may create a reduction in privacy and visual amenity. However he also considered that a 10m setback would impact on the flexibility of landowners in locating their buildings and some sites would be too small or configured in such a way that this would not be achievable.

The issue of establishing setbacks is a balance between providing choice to property owners in the location of buildings while managing the effects of privacy, amenity, potential reverse sensitivity and enabling productive use of land. We have considered whether different setbacks should be applied to dwellings and other buildings on the basis of nuisance effects however have concluded that this might lead to elements of confusion and that the simplest approach is to apply it to all buildings.

The question therefore becomes whether the setback provisions should return to those in the Operative District Plan or should be 10m or 30m or something in between. In this regard we note from the Reporting Officers’ s42A report that the Council considered a number of options as part of its s32 assessment and that as a result a 10m setback was considered the most efficient and effective in achieving the relevant objective. We also note that contrary to the Horticulture NZ contention in their submission a 10m setback is actually an increase of 7m from what is in the current Operative District Plan.

In contrast the 30m setback suggested by Horticulture NZ contained no analysis as to why it would better meet the objective and no information was provided suggesting that 30m would better manage some sort of effect. We

accept that Horticulture NZ are trying to address a potential reserve sensitivity issue however without empirical evidence to indicate why 30m is a more effective and efficient level of setback we are left to make a judgement.

We have therefore concluded that it would be an onerous requirement to establish a 30m setback which would create inefficiencies and remove flexibility in terms of building location. We consider the 10m setback proposed is a reasonable balance between providing a degree of amenity and separation and ensuring an efficient use of the land resource and in that regard achieves the objectives and policies of the Plan. Our decision is therefore to confirm the 10m setback and adopt the Reporting Officer's recommendation.

In terms of the sites of 5000m² or less we have some sympathy for the comments of Ms Campbell and considered that the change to a 3m setback could in some circumstances impact on the amenity values of those owners who have located their buildings in accordance with the existing rules. While we agree with the Reporting Officer that a 10m setback may affect the ability to locate a house given the size of some lots, we consider that there is some room for a slightly larger setback that would go some way to meeting the concerns expressed by submitters and allow some flexibility and choice for owners. We believe that a setback of 10m from adjacent buildings with a 3m minimum from the boundary would provide sufficient separation for existing dwellings whilst enabling flexibility and consider that for sites less than 5000m² this recognises the rural/urban character of the areas within which these sites occur. Our decision is therefore to accept in part the submissions of McMenamin & Fitzgerald, Dawson, Saunders, Friends of Strathnaver, Campbell and Landlink and amend Rule 19.6.4(a) by adding a new sub-clause as follows:

Rule 19.6.4 Building Setbacks from Boundaries and Separation Distances

(a)

....

(ix) 10 metres from any residential dwelling unit on any other site;

Aggregate Extraction

Higgins submission sought that a new rule be included requiring residential dwellings to be setback 500m from aggregate extraction sites or from the Ohau River Bed where their operations are based.

The Reporting Officer initially was not convinced that a setback was required as generally the effects are internalised to the site. In addition, as aggregate extraction can be mobile along the length of the river, it was difficult to see how a setback would work.

Mr Bashford said that the 500m was largely based on noise and that they had found that their activities are usually within established noise restrictions within 500m, most of the time. In responding to questions, Mr Bonis said that they had only had one complaint regarding noise and that the noisiest activity of the Higgins operation was crushing and this was carried out off site. Nevertheless, Mr Bashford said he remained concerned about potential reverse sensitivity effects given the nature of the activity, the significant demand for aggregates in the region and the importance of this activity to the economy.

In the right of reply the Reporting Officer reconsidered, as part of his wider review of the aggregate extraction issue, his initial recommendation and reviewed other District Plan provisions and case law. He concluded that a setback or buffer zone was appropriate albeit that the activity generally internalise its effects and little reverse sensitivity effects had been reported. This approach was supported by the principles that were established by case law "(Winstone Aggregates Ltd v Matamata –Piako District Council W055/04):

- *Activities should internalise their effects unless it is shown on a case by case basis, that they cannot reasonably do so;*
- *There is a greater expectation of internalisation of effects of newly established activities than of older existing activities;*
- *Total internalisation of effects within the site boundary will not be feasible in all cases;*

- *To justify any restrictions on the use of land adjoining an effects emitting site, the industry must be some considerable economic or social significance locally, regionally or nationally.”*

On this basis, the Reporting Officer recommended the submission be accepted in part and a buffer zone of 200m be included in the Plan based on what other District Plans contained. He noted that such a setback for aggregate extraction activities is generally imposed where no blasting occurs which is applicable to the Higgins operations. The recommendation was to amend Rule 19.6.4(b) by adding the following:

(iv) 200 metres from existing aggregate extraction activities on the Ohau River (area shown on the Planning Maps).

Amendment was also required to Planning Maps 7, 8, 33, 34 and 35 by adding a new line indicating the extent of the 200m buffer around the two existing aggregate extraction activities on the Ohau River.

In applying the above principles to the Higgins sites, we agree that there is little evidence to demonstrate that the effects can be internalised. Looking at the Higgins operation, they have been located on their sites for many years and assist with flood mitigation works. We heard from Mr van Vuuren that their operation was important to the regional economy and at this time there is great demand to meet delivery of the government’s program of Roads of National Significance. Based on the evidence provided by Higgins and the Reporting Officers’ further advice we consider that a setback requirement is appropriate and is consistent with our decision in relation to making specific provision for aggregate extraction earlier in this decision. We therefore adopt the recommendations of the Reporting Officer as our decision pursuant to Clause 10(2)(a) of Schedule 1 to the RMA.

Exemption for Smaller Lots

R Halliday sought to either increase the exemption to include allotments of less than 1 hectare or introduce an ‘intermediate’ category for allotments of between 5,001m² to 1 hectare with a 5m setback from internal boundaries. The submitter also sought to include an exception to Rule 19.6.4(b) to provide for where a title of the allotment predates the establishment of an activity, the above rules shall not apply and to amend Rule 19.6.4(c)(i) to require a 300m setback from any existing allotment that is less than 1 hectare that is capable of containing a dwelling.

The Reporting Officer noted that as previously discussed in the section on building setbacks, the minimum allotment size has been set at 5,000m² in the Rural Zone and sites of this size or less are subject to a smaller setback. He considered creating an additional size category was an efficient approach, as the size threshold is related to the subdivision standards and provides for a consistent threshold. Further, that the 5,000m² threshold is designed to apply to those very small rural properties created when the minimum lot size standard for rural zoned properties was 2,000m². He said that with regard to providing an exception for sites where the title of the allotment predates the establishment of an activity, this would defeat the purpose of the rule, which is to manage all activities.

In terms of the request for a 300m setback from any existing allotment that is less than 1 hectare that is capable of containing a dwelling, the Reporting Officer said the inclusion of a new rule was not appropriate. He said that the ‘lifestyle block’ may never be developed (e.g. dwelling constructed) and to impose a 300m setback from a site boundary would be an inefficient use of land. Furthermore, there was the ability to apply for resource consent to establish a residential dwelling unit closer than 300m from the intensive farming activity. He recommended that these submissions be rejected.

We agree with the Reporting Officer’s evaluation and recommendation above and adopt them as our decision pursuant to Clause 10(2)(a) of Schedule 1 to the RMA.

Family Flats

HDC (Planning Department) sought that Rule 19.6.4(b) and Rule 19.6.4(c), respectively should also refer to family flats.

The Reporting Officer said that Family Flats are subject to a separate definition from residential dwelling units but essentially have the same purpose, and are classified as sensitive activities. He therefore recommended that the submission be accepted and Rule 19.6.4(b) and (c) be amended as follows:

Rule 19.6.4(b)

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

Rule 19.6.4(c)

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

300 metres from any residential dwelling unit, family flat and other sensitive activities on any other site.

We acknowledge that family flats have a separate definition and therefore it is appropriate that they be separately referred to in this rule. We therefore agree with the Reporting Officer's evaluation and recommendations and adopt them as our reasoning and decision pursuant to Clause 10(2)(a) of Schedule 1 to the RMA.

PIANZ & EPFNZ lodged submissions in support of Rules 19.6.4(b) and 19.6.4(c). The retention of Rule 19.6.4(b) is supported by a further submission from NZ Pork. NZ Pork, opposed in part by Ernslaw One, sought to retain Rule 19.6.4(b). The support is noted however given the amendments we have made above these submissions are accepted in part.

Intensive Farming Activities

Horizons, opposed by Federated Farmers, sought to amend Rule 19.6.4(c) to include dairy farming activities or to amend the definition of 'intensive farming activity' to include dairy farming. NZ Pork, supported by Federated Farmers sought to amend Rule 19.6.4(c) to remove the setbacks required from Open Space and Industrial Zones.

The Reporting Officer said that dairy farming was not an intensive farming activity unless the cows were kept in a barn where their feed was from sources other than grazing. He noted that most dairy farming occurs outside in large paddocks that are grazed on rotation and are not constantly occupied for 12 months of a year. He said that for some of the year there would be no cows in paddocks adjoining residential dwelling units and as such it would be difficult to describe it as 'intensive'. He also noted that if the standard was to apply to dairy farms, either the residential unit would have to be setback 300m from the site boundary of the farm or the paddocks would have to be fenced off and the cows kept from grazing within 300m of the boundary. This approach, he considered, was inefficient given the effects arising from cows grazing in a paddock, and those living in the rural area must be accepting of some effects such as odour and noise from productive activities.

The Reporting Officer noted that if an intensive form of dairy farming was proposed (i.e. cows were permanently housed in buildings), the existing definition of intensive farming activity would capture this type of farming and the setbacks would apply. Consequently, he recommended that the submission be rejected.

At the hearing Ms Tucker acknowledged the different criteria upon which the District Plan considered intensive farming activity compared with the One Plan and that the rules and definition (dealt with below) are appropriate for the District's purposes.

We note that this matter is also addressed in our decision in relation to the definition of 'intensive farming activity'. We agree with the Reporting Officer that dairy farming is not an intensive farming activity unless the cows are kept in a barn where their feed is from sources other than grazing. We accept that the Regional Council, given their different responsibilities, have a different set of criteria for determining intensive farming activity, however that, as acknowledged by Ms Tucker, the rules (and definition) in the Proposed District Plan as appropriate for the purposes it covers. On this basis we have rejected the submission of Horizons and accepted the further submission of Federated Farmers.

The Reporting Officer recommended the submission from NZ Pork be accepted in part noting that the Industrial Zones of the District are places where noisy and activities that potentially emit odour are undertaken and such zones are unlikely to be overly sensitive to intensive farming activities. However he said that the Open Space Zone was different as it provides for recreational activities where the public could be subject to odour, and is therefore much more sensitive to the effects of intensive farming. He recommended the following amendment:

Rule 19.6.4(c)

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

.....

600 metres from any Residential, Greenbelt Residential, Open Space, ~~Industrial~~ or Commercial Zone’

Mr Hodgson supported the officers’ clarification and recommendation.

We agree with the conclusion reached by the Reporting Officer and the submitter that setbacks from the Industrial Zone are not necessary due to the similarity in the scale and nature of effects generated by both activities. We therefore adopt the evaluation and recommendations of the Reporting Officer as our reasoning and decision pursuant to Clause 10(2) (a) of Schedule 1 to the RMA.

PIANZ & EPFNZ lodged a submission in support of Rule 19.6.4 overall. The support is noted however given the amendments we have made above the submission are accepted in part.

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

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
108.01	HDC (Planning Department)	Amend Rule 19.6.5(a) and 19.8.3(b)(l) as follows: 19.6.5(a) Home occupations shall not exceed 50m ² of total floor area dedicated to this activity. 19.8.3(b)(l) Home occupations shall not exceed 70m ² of total floor area dedicated to this activity.	

HDC (Planning Department) sought to amend Rule 19.6.5 and Assessment Criteria 19.8.3(b)(l) to clarify the number and size of home occupations permitted per site in the rural area.

The Reporting Officer said that the rule sets out a cumulative threshold whereby there could be more than one home occupation on the site but the total area must not exceed 50m². The effects of two small-scale home occupations and one large home occupation are, he said, likely to be similar in terms of employee numbers and traffic generation. He recommended that the submission be accepted and Rules 19.6.5(a) and 19.8.3(b)(i) be amended as follows:

Rules 19.6.5(a)

‘~~A~~ Home occupations shall not exceed 50m² in total gross floor area dedicate to this activity’

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

‘(a)

(b) Conditions

(i) ~~A~~ Home occupations shall not exceed 70m² of total gross floor area dedicated to this activity.’

We have reviewed the Reporting Officer's evaluation and recommendations and we agree with them and adopt them as our reasons pursuant to Clause 10(2)(a) of Schedule 1 to the RMA.

Rule 19.6.6 – Permitted Activity Condition (Noise Insulation)

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
55.30	KiwiRail	Retain Rule 19.6.6 unless replaced with a district wide rule (as sought by Submission point 55.31)	
94.20	NZTA	Retain Rule 19.6.6 as notified	

The support for Rule 19.6.6 by KiwiRail and NZTA is noted and their submissions accepted and the provisions approved.

Rule 19.6.7 – Permitted Activity Condition (Noise)

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
96.33	Federated Farmers	Amend Rule 19.6.7 as follows: ... d(iii) Mobile <u>and/or temporary sources</u> associated with primary production activities. Or words to that effect.	506.18 Ernslaw One - Support 517.27 Horticulture NZ - Support
5.06	Elaine Gradock	No specific relief requested. Inferred: Retain proposed Rule 19.6.7(a)(i) noise limits.	
95.29	NZDF	Amend Rule 19.6.7(d) as follows: The noise limits in Rule 19.6.7(a) <u>and the provision of Rule 19.6.7 (b)</u> shall not apply to... Temporary Military Training Activities.	
98.40	Horticulture NZ	Retain Rule 19.6.7 (d) (iii).	
98.41	Horticulture NZ	Amend Rule 19.6.7(e) as follows: Audible bird-scaring devices (including firearms) shall comply with the following conditions: (i) Devices shall not operate <u>between one hour after sunset and one hour before sunrise</u> . (ii) Devices shall not be used within any Residential Zone or within 200m of a Residential zone boundary. (iii) Impulsive noise from bird-scaring devices shall not exceed ASEL 65dB when assessed at any point within the notional boundary of any dwelling on any other site <u>in different ownership</u> . (iv) There shall be no more than 12 events per hour on any site within 500 metres of a	516.20 Federated Farmers - Support

Sub No.	Submitter Name	Decision Requested	Further Submission
		<p>dwelling.</p> <p>(v) For the purpose of this rule, an ‘event’ includes clusters of up to three shots from gas operated devices, or three multiple shots from a firearm in rapid succession.</p>	
118.00	Peter & Susan Webb	Amend Rule 19.6.7(e)(i) to restrict the operation of bird scaring devices between 7.00pm and 7.00am and include a right object any use of bird scaring devices that are used in a manner which is unreasonable.	517.28 Horticulture NZ - Oppose

Federated Farmers, supported by Ernslaw One and Horticulture NZ, sought to amend Rule 19.6.7(d)(iii) to exclude temporary sources of noise associated with primary production activities. The submitter considered calf rearing to be a temporary activity. Horticulture NZ also supported the rule.

The Reporting Officer said that temporary activities were permitted in the Rural Zone and defined in the Proposed Plan as *“any short term activity and any buildings and structures associated with that activity and includes, but not limited to: any event such as gala, sports event, festival...”*. He did not consider calf rearing, which he understood to take around 3 months, to be a temporary activity as defined in the Proposed Plan. He noted that many parts of primary production activities only occur for short (generally seasonal) periods, but this does not mean they are ‘temporary activities’, as they are an inherent part of the main activity. He initially recommended submissions seeking amendment to the rule be rejected.

Ms Dasent said that Federated Farmers wished to revise the relief they sought to the effect that all primary production activities should be excluded from the noise provisions.

In the right of reply the Reporting Officer considered there was no basis for exempting all noise from primary production activities from the noise limits. He said that to exclude the predominant activity in the rural environment from complying with the noise limits would significantly undermine the objectives for the rural environment and could create significant adverse effects on amenity and conflict between activities.

The Reporting Officer acknowledged that some activities associated with primary production activities do occur irregularly and can cause louder noise and that generally these are seen as part of the rural environment and are tolerated by most rural residents. However, he accepted that if these irregular activities become more frequent or the noise is excessive, they could cause a nuisance or be unreasonable for rural residents. He noted that defining the terms “temporary or intermittent activities” is difficult, given the range of activities or works associated with primary production activities and potential for excessive noise. However, he considered it appropriate to provide for typical primary production activities which may not involve mobile machinery or equipment. He said that the Operative District Plan contained an exemption for the Rural Zone noise limits and while its wording also included

reference to ‘temporary activities’, when read as a whole, he considered it provided sufficient certainty. He therefore recommended the following wording be added to Rule 19.6.7(d)(iii) and that the submissions be accepted in part:

(iii) Mobile sources associated with primary production activities and temporary activities required by normal agricultural and horticulture practice, such as cropping and harvesting.

We accept that there are some activities in the Rural Zone of a short duration which are likely to exceed the noise limits but that these are generally acceptable for the wider rural community. To control such activities in terms of their noise output is both impractical and inefficient. We also consider those living within rural areas do to some degree have to accept the environment within which they live is a working one which has variable operating requirements. We therefore agree that in addition to mobile sources, temporary activities associated with normal agricultural and horticultural activities should be exempt from noise and we therefore adopt the above wording as our decision and accept in part the relevant submissions.

NZDF sought to exclude temporary military training activities from Rule 19.6.7(b), which determines how sound levels shall be measured and assessed. The Reporting Officer noted that temporary military training activities are exempt from the general noise limits in Rule 19.6.7 and are provided with specific noise standards in Rule 19.6.30. NZDF correctly identify an omission in Rule 19.6.7(d), which lists activities exempt from the general noise limits set out in Rule 20.6.7(a). He said that sub clause (b) requires the general noise limits to be measured and assessed in accordance with NZS 6801:2008 and that logically, any activity exempt from (a) should also be exempt from (b) and therefore recommend the submission be accepted and the following amendment to Rule 19.6.7 be made:

19.6.7 Noise

.....

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

We have reviewed the Reporting Officer’s evaluation and recommendations and we agree with them and adopt them as our reasons pursuant to Clause 10(2)(a) of Schedule 1 to the RMA.

Horticulture NZ, supported by Federated Farmers, sought to amend Rule 19.6.7(e) that provides for bird scaring devices to operate one hour after sunset and one hour before sunrise to make the rule more workable given when birds are most of a challenge. The submitter also sought to delete the parts of the rule that set a minimum number of ‘events’ and how an ‘event’ is defined as the provisions of ASEL 65dB take into account the noise over a period of time, so there is no need to limit the number of events. P & S Webb sought that Rule 19.6.7(e)(i) be amended to restrict the operation of bird scaring devices between 7am and 7pm and include a right to object to any use of bird scaring devices that are used in a manner that is unreasonable.

Acousafe, the Council’s acoustic experts said that the outcome sought by Horticulture NZ would be that bird scaring devices would commence at 4.40am in December and finish at 9.45pm. Their report notes that dawn occurs no more than about ½ hour before sunrise and while it is appreciated that birds may be active in the one hour before sunrise, in their opinion 4.40am is too early to be woken by the onset of bird scaring devices.

The Reporting Officer said the question becomes should the start time be 7am rather than sunrise as requested by the Webbs, noting that the earliest the bird scaring devices can start if the time of sunrise is used would be 5.40am in December and that this is early to be woken. He noted however that the time gradually changes to 7am by the beginning of March and then reverts to 6.40am with daylight saving. He concurred with the conclusions of Acousafe about the reasonableness/unreasonableness of the hours of operation of bird scaring devices and recommend the hours be retained as notified (i.e. sunrise and sunset) as this was an appropriate compromise and that the submissions be rejected. The Reporting Officer noted that it was not possible to provide for the right to object to an activity that is permitted in the District Plan as sought by the Webb submission, but that there were other means of achieving the relief sought through enforcement of the Plan or conditions of consent by the Council or through Section 16 of the RMA.

In terms of the restriction on 12 events per hour within 500m of a dwelling, the Reporting Officer said that the ASEL limit only controlled each event (by taking the noise level of the event and averaging it to a 1 second time period). He said that the submission implies that there is averaging of a number of events taking place in the assessment of ASEL, which was not the case as confirmed by Acousafe. Finally, he noted that the requirement only applies for bird scaring devices within 500m of a dwelling and this is an appropriate control to protect residential amenity working in combination with the ASEL noise limit. He recommended this proportion of the submission also be rejected.

Ms Wharfe said that limiting the use of bird scaring devices to only after sunrise and before sunset means that bird incursions may occur outside these times. She said that the devices were only used around bud break and harvest. She said the devices had been used for a number of years seemingly without complaint and that it was unfortunate that they are now to be limited by the location of new activity in a rural residential area. She also considered that a noise exposure limit should be included rather than a number of events to better manage the exposure.

We have given this matter some considerable thought as we understand the issue being raised by Horticulture NZ. The difficulty here is finding a balance between a horticultural and viticultural practice designed to protect crops and a noise nuisance with a potentially high level of disturbance. The expert evidence before us from Acousafe is that 4.40am is too early to be woken by the onset of bird scaring devices. We accept that this may well be at the extreme end of the spectrum however by the same token we were not provided with any robust alternative view from Horticulture NZ. Their blunt approach was to suggest allowing the devices 1 hour before sunrise and one hour after sunset. Although we were informed by Ms Wharfe that the devices were only used around bud break and harvest, this was not narrowed down to a particular period of the year. An option may have been to analyse whether pre dawn and post sunset use of bird scaring devices at certain times of the year corresponding with bud break and harvest was more acceptable, however this was not before us.

We consider that in light of the above the present rule is an appropriate compromise between the two submitters and we have rejected both submissions.

The support for Rule 19.6.7 by Elaine Graddock is noted, however given the above amendments the submission is accepted in part.

Rule 19.6.8 – Permitted Activity Condition (Vibration)

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
95.39	NZDF	Retain Rule 19.6.8 as notified (conditionally).	

NZDF originally sought that the provision be retained (conditionally) as notified, however then sought that temporary military training activities be exempt from the Proposed Plan vibration conditions in Rule 19.6.8. This latter request is linked to their request to manage activities involving the use of explosives and the firing of weapons through separation distances, peak sound pressure limits and noise management plans.

The Reporting Officer said that the exemption of these activities from the vibration condition had the potential to be outside the scope of the original submission point and considered it appropriate to continue to apply the vibration conditions to temporary military training activities and therefore accept in part the original relief sought, acknowledging that this would effectively reject the NZDF current thinking.

As we understood it while originally being neutral in respect of this rule, NZDF then sought an exemption from the vibration standard following a technical review carried out after they lodged their submission. Mr Hunt the acoustician for NZDF advised that as the provisions they were proposing managed noise and vibration together,

temporary military activities could be exempt from the vibration standards. The Reporting Officer considered that this could be outside the scope of the original submission and recommended that the vibration standards should still apply. In her evidence at the Urban Environment hearing, Ms Grace stated that NZDF accepts the Reporting Officer’s recommendation and that they would not pursue this exemption. On this basis we therefore accept in part the submission and do not apply an exemption.

Rule 19.6.9 – Permitted Activity Condition (Odour)

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
27.26	Horizons	Delete Rule 19.6.9 if it is found to be outside the territorial authority jurisdiction; OR Amend Rule 19.6.9 to align with Policy 8-2 of the Proposed Regional Policy Statement and reference the guidance given under 14.2 of the POP for assessing whether an odour is offensive or objectionable.	500.23 NZ Pork - Support 517.29 Horticulture NZ - In-Part
32.22	NZ Pork	Amend Rule 19.6.9 as follows: (a) No activity shall give rise to offensive odours able to be detected at the boundary of any adjoining property. <u>Activities emitting odours will avoid, remedy or mitigate adverse effects as far as practically possible.</u>	516.21 Federated Farmers - Support
98.42	Horticulture NZ	Delete Rule 19.6.9.	500.22 NZ Pork - Support

Horizons, supported by NZ Pork and opposed in part by Horticulture NZ, sought to either delete Rule 19.6.9 if it was beyond the jurisdiction of the territorial authority or amend the rule to align with Policy 8-2 of the One Plan, and reference the guidance under 14.2 of that Plan for assessing whether odour is offensive or objectionable. Horticulture NZ, supported by NZ Pork sought to delete Rule 19.6.9. Finally, NZ Pork, supported by Federated Farmers, sought to amend the Rule to refer to avoiding, remedying or mitigating adverse effects as far as practically possible in-line with the requirements of the RMA.

The Reporting Officer again noted that odour was considered to fall under the jurisdiction of both the Regional Council and District Councils and therefore, it was appropriate that the District Plan includes rules managing odour. He did not consider the alternative wording requested by NZ Pork was enforceable as a permitted activity condition, as no measurable standard or threshold is applied. He went onto advise that determining whether an odour is offensive is a subjective science and that at least two independent observers (including a Council officer) are required to detect and determine whether any odour is offensive. He noted that the One Plan sets out how a Council can determine the offensiveness of odour as part of compliance and enforcement monitoring, with reference to the FIDOL factors. He said that depending on the cause and nature of the odour, HDC and/or Horizons would be involved in the management of odour (source of discharge and/or land use). The system set out in the One Plan would assist both Councils in the determination of “offensiveness”. He recommended a reference to Section 14.2 of the One Plan be added to Rule 19.6.9 to assist with the application of this condition, as well as including reference to “objectionable” for consistency with the One Plan and Policy 2.5.14 in the Proposed Plan and that the submissions from Horizons and NZ Pork be accepted in part, and the submission from Horticulture NZ be rejected.

Mr Hodgson and Ms Tucker supported the changes recommended by the Reporting Officer, while Ms Wharfe said that the provisions needed to be clearly limited to land use matters.

In the right of reply the Reporting Officer said that in response to matters raised at the Urban Environment hearing, it is recommended further amendments are made to Rule 19.6.9 to provide greater clarity on determining what constitutes an ‘offensive or objectionable odour’. He considered these further amendments to be within the scope of the Horizons submission point 27.26 and that all recommendations in the Section 42A Report remain unchanged, except for revised wording to Rule 19.6.9 as detailed below.

19.6.9 Odour

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

Note: For the purpose of this condition, an offensive or objectionable odour is that odour which can be detected and is considered to be offensive or objectionable by at least two independent observers; including at least one Council officer. In determining whether an odour is offensive or objectionable, the “FIDOL factors” may be considered (the **frequency**; the **intensity**; the **duration**; the **offensiveness** (or character); and the **location** of the odour). Section 14.2 of the Proposed One Plan as well as the Good Practice Guide for Assessing and Managing Odour in New Zealand (Ministry for the Environment, 2003) contains further guidance.

We firstly note that Horticulture NZ had sought that the Plan provisions define odours relating to land use matters and not discharges to air. In the right of reply the Reporting Officer referred to discussions on this matter at the Urban Environment hearing regarding what constitutes an ‘offensive or objectionable odour’. As a result he has recommended additional wording be included in the explanatory note that defined the factors assessed when determining if an odour is offensive or objectionable. These are known as the FIDOL factors and the recommended addition to the note spells these out. We agree this further explanation is helpful in clarifying how odour is assessed.

Overall we consider that the revised wording as recommended addresses the joint responsibilities of both Councils and are satisfied that the recommended rewording of the rule and the explanatory note make this clear. We therefore adopt the evaluation and recommendations of the Reporting Officer as our reasons and decision pursuant to Clause 10(2)(a) of Schedule 1 to the RMA.

Rule 19.6.14 – Permitted Activity Condition (Transmission Line Corridor)

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
38.01	Range View Ltd & Page	Delete Rule 19.6.14 in its entirety.	518.07 Transpower - Oppose 526.30 Truebridge Associates Ltd- Support
83.12	Ross Hood & Margaret Hood	Delete all references to buffer zone from the centre line of High Voltage Transmissions Lines.	518.08 Transpower New Zealand Ltd – In-Part
96.35	Federated Farmers	Delete Rule 19.6.14	506.19 Ernslaw One - Support 517.31 Horticulture NZ - In Part 518.09 Transpower– In-Part
98.43	Horticulture NZ	Amend Rule 19.6.14 by adding another exemption in Rule 19.6.14(b), as follows: The following are exempt from the setback requirements in Rule 19.6.14(b): • Fences up to 2.5 metres in height	518.11 Transpower– In-Part

Sub No.	Submitter Name	Decision Requested	Further Submission
		<ul style="list-style-type: none"> • Mobile machinery and equipment • Utilities within a road or rail corridor and electricity infrastructure • <u>crop support structures and crop protection structures that meet the requirements of NZECP 34:2001.</u> 	
99.27	Transpower	<p>Amend Rule 19.6.14 as follows:</p> <p>19.6.14 Transmission Line Corridor <u>National Grid Corridor</u></p> <p>(a) All buildings <u>within a National Grid Corridor</u> shall comply with New Zealand Electrical Code of Practice of Electrical Safety Distances (NZECP 34:2001).</p> <p>(b) Retain</p> <p>Add a subclause (c) so to provide for earthworks within the corridor and an advice note relating to vegetation within the electricity transmission corridor as follows:</p> <p><u>1. Earthworks Around Poles shall be</u></p> <p><u>(a) no deeper than 300mm within 2.2 metres of a transmission pole support structure or stay wire; and</u></p> <p><u>(b) no deeper than 750mm between 2.2 to 5 metres from a transmission pole support structure or stay wire.</u></p> <p><u>Except that:</u></p> <p><u>Vertical holes not exceeding 500mm diameter beyond 1.5 metres from the outer edge of a pole support structure or stay wire are exempt from (a) and (b) above.</u></p> <p><u>2. Earthworks Around Towers shall be</u></p> <p><u>(a) no deeper than 300mm within 6 metres of the outer visible edge of a transmission tower support structure; and</u></p> <p><u>(b) no deeper than 3 metres between 6 to 12 metres from the outer visible edge of a transmission tower support structure.</u></p> <p><u>3. Earthworks 12m either side of a high voltage transmission line shall not:</u></p> <p><u>a) create an unstable batter that will affect a transmission support structure; and/or</u></p> <p><u>b) result in a reduction of the existing conductor clearance distances as required by NZECP34:2001.</u></p> <p><u>The following activities are exempt from 1 and 2 above:</u></p> <p><u>(a) Earthworks undertaken by a Network Utility</u></p>	<p>516.22 Federated - Oppose</p> <p>517.32 Horticulture NZ – In-Part</p>

Sub No.	Submitter Name	Decision Requested	Further Submission
		<p><u>operator; or</u></p> <p><u>(b) Earthworks undertaken as part of agricultural or domestic cultivation, or repair, sealing or resealing of a road, footpath or driveway.</u></p> <p><u>Note:</u></p> <p><u>Vegetation to be planted within the transmission corridor as shown on Councils Planning Maps or near any electrical line should be selected and/or managed to ensure that it will not result in that vegetation breaching the Electricity (Hazards from Trees) Regulations 2003</u></p>	
7.04	Heirs Partnership	Delete Rule 19.6.14.	518.10 Transpower– In-Part

R & M Hood, opposed in part by Transpower, sought that references to the buffer zone from the centre line of High Voltage Transmission Lines be deleted as it effectively removes 64 metres of land from use. They considered that NZECP34:2001 already address these matters.

Federated Farmers, Range View Ltd & Page and Heirs Partnership sought to delete Rule 19.6.14. The submission from Federated Farmers is supported in part by Ernslaw One and opposed in part by Horticulture NZ and Transpower. The submission from Range View Ltd & Page is opposed by Transpower and supported by Truebridge Associates. The submission from Heirs Partnership is opposed in part by Transpower.

In addition to the above submissions Transpower sought a number of amendments to the rule primarily related to earthworks. These were opposed by Federated Farmers and in part by Horticulture NZ. Horticulture NZ sought an amendment to Rule 19.6.14(b) to include crop structures and this was opposed in part by Transpower.

Transpower’s position was that reliance on the NZECP34:2001 Code of Practice alone would not fulfil HDC’s obligation to give effect to the NPSET. In short the code did not consider the environmental effect of activities on the National Grid, nor potential environmental effects of the National Grid on other activities. The Reporting Officer considered it appropriate that there are controls within the Proposed Plan to address the potential environmental effects of activities on the National Grid, or the potential environmental effects of the National Grid on other activities and that it was appropriate to retain this rule, which creates a 20m corridor for high voltage (110kV) transmission lines and a 24m corridor for high voltage (220kV or more) transmission lines, as it contributes to giving effect to the NPSET, in particular Policies 10 and 11. He noted that Rule 19.6.14 was intended to apply to the National Grid transmission lines only and that a recommendation to change the terminology to the ‘National Grid Corridor’ would help clarify this intent.

The Reporting Officer however accepted that the rule included a setback for all buildings and sensitive activities which could be argued to go beyond what was set out in Policy 11 of the NPSET. Nevertheless, he considered that buildings other than residential buildings can also have a reverse sensitivity impact on the electricity transmission network and therefore it was appropriate for the reference to all buildings to be included in this rule. He noted that primary production activities would therefore not be deemed a ‘sensitive activity’ for the purpose of the NPSET and the application of Rule 19.6.14. The potential effects on the transmission network arising from primary production and managed by Rule 19.6.14 would therefore be limited to those relating to primary production

buildings. At this point he recommended that submissions opposing the rule be rejected and the further submissions by Transpower be accepted.

Transpower's submission contended that the undertaking of earthworks could potentially compromise the network and sought the addition of provisions to appropriately manage earthworks and certain other activities within the electricity transmission corridor to give effect to Policy 10 of the NPSET. The Reporting Officer noted that the framework for the earthwork thresholds provided for greater depths of earthworks to be undertaken further away from the network structures. He was of the view that the amendments sought duplicated the earthwork controls included in NZECP 34:2001 and was therefore not convinced of the need to include them in the District Plan.

Transpower also sought to amend the name of the rule to 'National Grid Corridor' and add the same reference within the rule. This matter was also evaluated as part of the Utilities and Energy hearing where it was decided to change the terminology by replacing the words 'Transmission Line Corridor' with 'National Grid Corridor' and that a definition be provided in the Proposed Plan for the National Grid Corridor. The Reporting Officer supported this amendment and recommended that the submission by Transpower and further submissions be accepted in part.

In a Supplementary Report the Reporting Officer supported the inclusion of further amendments to the rules particularly associated with earthworks and non-habitable buildings on the basis of the expert evidence provided by Transpower before the hearing.

In terms of the Horticulture NZ submission on an exemption for crop structures Transpower acknowledged that they could support horticulture structures within the National Grid Corridor as a permitted activity where they were less than 2.5m in height and more than 12m away from any support structure. The Reporting Officer said that this would enable horticulture support structures to be sited under the lines where a 12m setback from the support structure of the overhead line was observed. He recommended the submission be accepted in part.

Hearing

Federated Farmers position was that there were already requirements under NZECP34:2001 which have to be met and that Transpower already had the means to secure their interest in land through the Land Transfer Act 1952 and Part 3 of the Electricity Act 1992. Ms Dasent's evidence outlined this view and acknowledged that while the location of transmission lines impacts on the ability of owners to use their land, they recognise the importance of electricity transmission and consider that both can co-exist. She said that they had previous experience with this matter in *Transpower NZ Ltd v Western Bay of Plenty District Council* and had been working with that Council to develop a rule framework. The approach that they were taking was that it must be consistent with NZECP34:2001 and should not supersede any existing agreements. This included making provision for uninhabited buildings and structures to be exempt from the setback requirements provided they meet NZECP34:2001. She agreed with the setbacks proposed in the rules with the exception of the buildings as referred to above but considered that milking sheds should be setback due to potential electrical problems.

Mr Youngman outlined the work that Transpower was required to do on the National Grid and the risks to people undertaking work in that corridor. Mr Spargo confirmed that Transpower had been in discussion with stakeholders to reach an agreement including allowing buildings associated with primary production to be established in the corridor with the exception of milking sheds. He sought that the rule be amended to reflect this. He also considered that provision should be made for earthworks in the corridor and did not agree that it was sufficient to rely on NZECP34:2001 to control earthworks in particular because this did not give effect to the RPS which specifically requires rules to give effect to the safe separation distances in NZECP34:2001. He provided a suite of provisions in his evidence to address these issues. Mr Taylor supported Mr Spargo's view that reliance on NZECP34:2001 was not adequate as it did not control all activities, did not distinguish sensitive activities and did not prevent inappropriate development occurring as contemplated by NPSET.

Ms Wharfe said that there had been discussions with Transpower to reach an agreed approach to managing the relationship between transmission lines and rural activities. She provided alternative wording for the provision dealing with the distances of crop support and protection structures from poles in addition to towers.

In the supplementary S42A report, the Reporting Officer agreed that on further reading, NZECP34:2001 does not address activities in close proximity to the line and therefore the rule should provide for earthworks. He agreed Mr Spargo's amendments were appropriate and recommended that the rule be accordingly amended.

A further issue arose at the hearing in respect of the relationship of the District Plan rules to NZECP34:2001. Mr Page expressed concern that the two sets of requirements were not consistent. He gave an example where he had been required to provide significantly greater setbacks under NZECP34:2001 than the rules in the Plan. He said that this was not made clear to landowners and the rules were misleading in that people would generally assume there was consistency. As a result of this we issued a minute to Transpower seeking a response to the matters raised by Mr Page. Transpower responded that even if reference to NZECP34:2001 was removed from the Plan; landowners would still have to comply with it. This includes incurring costs as a qualified engineer was required to determine compliance with NZECP34:2001 in certain circumstances. In addition the corridor widths in NZECP34:2001 were based on the 95th percentile span. Where a span is longer or shorter than this, NZECP34:2001 may require greater or lesser setbacks. It was also acknowledged that the exemptions to Rule 19.6.14(b) do not apply to Rule 19.6.14(a). This is because a district plan provision cannot create an exemption to the need to comply with NZECP34:2001.

In the right of reply the Reporting Officer noted that a joint memorandum between Transpower, Horticulture NZ and Federated Farmers had been signed regarding the structures relating to Rule 19.6.14. More significantly however he revised his recommendation on the basis of the information now received, considering that reference to NZECP34:2001 should now be deleted from the Plan. He considered that this part of the rule was a duplication of NZECP34:2001 which is mandatory regardless of its inclusion in the Plan. He said that while NZECP34:2001 may allow activities closer than that permitted in the Plan, a resource consent would still be required as the rule requires compliance with both clauses i.e. compliance with NZECP34:2001 and the Plan. His view was that inclusion of the requirement to be consistent with NZECP34:2001 is not the role of the District Plan and was potentially a duplication of processes where non-compliance with NZECP34:2001 would require a resource consent. Overall he recommended a range of amendments which are shown further below.

We were disappointed that Transpower did not appear to raise a key issue with NZECP34:2001 at the hearing and that we did not hear from Mr Page immediately following Transpower's presentation which would have enabled a more helpful discussion on this point. We consider that inclusion of NZECP34:2001 in clause (a) of the rule as proposed is misleading and agree with the Reporting Officer that it could lead to duplication of processes and incur greater costs and it should therefore be deleted. Nevertheless, we also think it is helpful to alert Plan users to the need to comply with NZECP34:2001. To this end we consider that the most effective way of dealing with this is to reference the standard in an Advice Note at the end of the first clause of the rule.

On the remaining matters we consider the other amendments to the rule around structures and earthworks proposed by Transpower are appropriate in addressing the requirements of the NPSET and the One Plan.

Our decision overall is therefore to make the amendments shown below and as a result to accept in part all submissions:

19.6.14 ~~Transmission Line~~ National Grid Corridor

~~(a) All buildings shall comply with New Zealand Electrical Code of Practice of Electrical Safety Distances (NZECP 34:2001).~~

(b) No building or sensitive activity shall be located closer than:

(i) 10 metres either side of the centreline of any high voltage (110kV) transmission line shown on the Planning Maps.

- (ii) 12 metres either side of the centreline ~~and support structures~~ of any high voltage (220kV or more) transmission line shown on the Planning Maps.
- (iii) 12 metres from the outer edge of any support structure of any high voltage transmission line shown on the Planning Maps.

Advice Note: The requirements of New Zealand Electrical Code of Practice of Electrical Safety Distances (NZECP34:2001) also need to be met and contact should be made with the line owner.

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

- Fences up to 2.5 metres in height
- Mobile machinery and equipment
- Utilities within a road or rail corridor and electricity infrastructure
- Crop support structures and crop protection structures that meet the requirements of New Zealand Electrical Code of Practice of Electrical Safety Distances (NZECP 34:2001) for minimum distance beneath conductors and are 12 metres from the support structure of high voltage transmission lines.
- Crop support structures and crop protection structures (including any connected catenary or support cables or wires) that are at least 8 metres from the outer edge of a pole (not tower) support structure of high voltage transmission line and that:
 - meet the requirements of New Zealand Electrical Code of Practice for Electrical Safe Distances (NZECP 34:2001) for minimum distance beneath conductors: and
 - are no more than 2.5 metres high; and
 - are removable or temporary, to allow a clear working space 12 metres from the pole when necessary for maintenance purposes; and
 - allow all weather access to the pole and a sufficient area for maintenance equipment, including a crane.
- Non-habitable buildings associated with primary production activities (excluding milking sheds) that meet the requirements of New Zealand Electrical Code of Practice of Electrical Safety Distances (NZECP 34:2001) for minimum distance beneath conductors and are 12 metres from the support structure of high voltage transmission lines.

(c) Earthworks

(i) Earthworks around Poles shall be:

- (a) no deeper than 300mm within 2.2 metres of a transmission pole support structure or stay wire; and
- (b) no deeper than 750mm between 2.2 to 5 metres from a transmission pole support structure or stay wire.

Except that:

Vertical holes not exceeding 500mm diameter beyond 1.5 metres from the outer edge of a pole support structure or stay wire are exempt from (c)(i)(a) and (c)(i)(b) above.

(ii) Earthworks around Towers shall be:

- (a) no deeper than 300mm within 6 metres of the outer visible edge of a transmission tower support structure; and
- (b) no deeper than 3 metres between 6 to 12 metres from the outer visible edge of a transmission tower support structure.

(iii) Earthworks 12m either side of a high voltage transmission line shall not:

(a) create an unstable batter that will affect a transmission support structure; and/or

(b) result in a reduction of the existing conductor clearance distances as required by NZECP34:2001.

The following activities are exempt from (c)(i), (c)(ii) and (c)(iii) above:

- Earthworks undertaken by a Network Utility operator; or
- Earthworks undertaken as part of agricultural or domestic cultivation, or repair, sealing or resealing of a road, footpath or driveway.

Rule 19.6.15 – Permitted Activity Condition (Planting Setbacks)

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
65.04	Horowhenua Farmers' Ratepayer Group	Amend Rule 19.6.15 as follows: (a) No plantation forest shall be planted within 10 <u>20</u> metres from any site boundary <u>unless that boundary is already adjacent to plantation forestry, in which case the distance must be greater than 10 metres.</u> (b) No plantation forest shall be planted within 100 metres from any existing residential dwelling unit <u>which is located on a separately owned property.</u>	506.46 Ernslaw One – Oppose 513.47 Rayonier– Oppose
66.04	Bruce and Christine Mitchell	Amend Rule 19.6.15 as follows: (a) No plantation forest shall be planted within 10 <u>20</u> metres from any site boundary <u>unless that boundary is already adjacent to plantation forestry, in which case the distance must be greater than 10 metres.</u> (b) No plantation forest shall be planted within 100 metres from any existing residential dwelling unit <u>which is located on a separately owned property.</u>	506.00 Ernslaw One – Oppose 513.45 Rayonier– Oppose
96.36	Federated Farmers	Amend Rule 19.6.15 as follows: (a) No <u>new</u> plantation forest shall be planted within 10 metres from any <u>site boundary of a separately owned site.</u> (b) No <u>new</u> plantation forest shall be planted within 25 metres from any existing residential dwelling unit <u>located on a separately owned site.</u> (c) Vegetation planted to form a <u>new</u> shelterbelt for more than 20 metres in length shall not exceed 6 metres in height from ground level within 10 metres horizontal distance from any <u>site boundary of a separately owned site.</u> (d) No <u>new</u> plantation forest or shelterbelt shall be planted or allowed to grow in any position which could result in any icing of any public road carriageway as a result of shading of the road	506.20 Ernslaw One – In-Part 513.17 Rayonier– In-Part 517.33 Horticulture NZ – In-Part

Sub No.	Submitter Name	Decision Requested	Further Submission
		between 10.00am and 2.00pm on the shortest day.	
98.44	Horticulture NZ	Amend Rule 19.6.15 to require that there is no shading of roads or neighbouring properties occurs at midday on the shortest day.	506.53 Ernslaw One – In-Part 513.24 Rayonier - Support
50.07	Rayonier	Amend Rule 19.6.15(a) as follows: No <u>new</u> plantation forest shall be planted within 10 metres from any site boundary.	506.77 Ernslaw One - Support
74.07	Ernslaw One	Amend Rule 19.6.15(a) as follows: No <u>new</u> plantation forest shall be planted within 10 metres from any site boundary. Or words to such effect.	513.33 Rayonier - Support
50.08	Rayonier	Delete Rule 19.6.15(b) and include a new replacement rule as follows: <u>No new residential dwelling unit should be located within 50 metres adjacent to any plantation forest.</u>	506.78 Ernslaw One - Support
74.08	Ernslaw One	Amend Rule 19.6.15(b) as follows: No <u>new</u> plantation forest shall be planted within 25 metres from any existing residential dwelling unit OR A alternative rule clause states that: No new residential dwelling unit shall be located within 50 metres adjacent to any existing plantation forest in the rural zone. Or words to such effect.	513.34 Rayonier - Support
74.09	Ernslaw One	Amend Rule 19.6.15(c) as follows: <u>New</u> vegetation planted to form a shelterbelt for more than 20 meters in length shall not exceed 6 meters in height from the ground level within 10 meters horizontal distance from any site boundary. Or words to such effect	513.35 Rayonier - Support
50.09	Rayonier	Amend Rule 19.6.15(d) as follows: No <u>new</u> plantation forest or shelterbelt shall be planted or allowed to grow in any position which could result in any icing of any <u>sealed</u> public road carriageway as a result of shading of the road between 10:00am and 2:00pm on the shortest day.	506.79 Ernslaw One - Support
74.10	Ernslaw One	Amend Rule 19.6.15(d) as follows:	513.36 Rayonier - Support

Sub No.	Submitter Name	Decision Requested	Further Submission
		<p>No plantation forest or shelterbelt <u>new vegetation</u> shall be planted or allowed to grow in any position which could result in any icing of any <u>sealed</u> public road carriageway as a result of shading of the road between 10:00am and 2:00pm on the shortest day.</p> <p>Or words to such effect</p>	

Horowhenua Farmers' Ratepayer Group and B & C Mitchell sought a 20m planting setback from any site boundary unless the boundary is already adjacent to plantation forest, in which case the distance must be greater than 10m. In addition, the submitters sought forestry be setback 100m from any existing residential dwelling unit, and clarifications that the rule refers to dwellings on separately owned adjoining properties. The submissions are opposed by Ernslaw One and Rayonier.

Federated Farmers, supported by Ernslaw One, Rayonier and Horticulture NZ, sought to ensure that the rule applies to new plantation forest and that the 10m setback applies to the boundary of a separately owned site.

Rayonier and Ernslaw One sought to amend Rules 19.6.15(a), (b) and (d) to refer to 'new' forestry and 'sealed' public roads. Ernslaw One also sought to amend Rule 19.6.15(d) to apply to vegetation rather than just plantation forest or shelterbelts. Both parties supported each other's submissions.

The Reporting Officer said that referring to 'new' plantation forest was unnecessary as the rules only apply to new activities or changes to existing activities, and do not apply retrospectively. He also considered restricting Rule 19.6.15(d) to refer to 'sealed' roads only was not appropriate as non-sealed roads were also susceptible to icing. He said that the rule should refer to plantation forest and shelterbelts similar to a rule in Chapter 21: Vehicle Access, Parking, Loading and Rooding.

The Reporting Officer agreed that any setback should be from the boundary of any adjoining site or a residential dwelling unit on a separately owned adjoining site. He did not consider it appropriate to restrict the building of residential dwelling units on a site used for forestry as it would be assumed that the owner/occupier was aware of the implications and potential effects. However he considered a 20m setback for plantation forest from any site boundary was inefficient as it would create an area of land that cannot be utilised (i.e. planted) and is likely to become overgrown, or could become a fire hazard or infested with plant pests. He considered the proposed 10m setback to be appropriate in balancing the efficient utilisation of the rural land resource against minimising the adverse effects on adjoining areas.

The Reporting Officer considered the proposal for a 100m setback for plantation forest from an existing residential dwelling unit to be excessive and again potentially creates a significant land area that cannot be fully utilised. He was of the view that the proposed 25m setback was sufficient to protect residential dwelling units from excessive shading and other amenity related effects. Furthermore, to link any rule to whether the boundary is already adjacent to plantation forestry potentially creates a difficult situation to enforce, as it raises the question of which setback would apply if the forest was harvested and then replanted.

Horticulture NZ, supported by Rayonier and in part by Ernslaw One, sought that the rule be amended to ensure that there was no shading of roads or neighbouring properties at midday on the shortest day. The Reporting Officer said the setbacks were intended to ensure that sites are not excessively shaded, while also providing for efficient use of land. He considered the rule in the Proposed Plan to be the most efficient and effective in achieving this balance.

Rayonier, supported by Ernslaw One, sought that a new rule be included to setback new residential dwelling units 50m from any plantation forest. The Reporting Officer agreed that there should be a rule that required new residential dwelling units to be setback from existing plantation forests, as this would apply the principle of Rule

19.6.15(b) in reverse. He said that this two-way approach would ensure that issues of reverse sensitivity were managed and that effects on the new dwelling from the plantation forest are minimised. However, he considered a distance of 50m was excessive for this purpose, and a consistent distance of 25m was recommended and that this be added to Rule 19.6.4(b) as this contained all setbacks for new dwellings.

Overall the Reporting Officer recommended that the submissions from Rayonier (50.07 and 50.09), Ernslaw One (74.07, 74.08, 74.09 and 74.10) and Horticulture NZ be rejected and those of Horowhenua Farmers' Ratepayer Group, Mitchell, Rayonier (50.08) and Federated Farmers be accepted in part. He also recommended that Rule 19.6.15 be amended to refer to residential dwelling units on separately owned sites and setbacks being from the boundary of any separately owned site, and a new rule be added to require new residential dwelling units to be setback from existing plantation forests.

Mrs Mitchell supported the officers' recommendation in respect of acknowledging the issue only arises where adjoining properties are in separate ownership. She was however opposed to the setback differences and sought greater setbacks. In her evidence she showed that at the distance proposed, a dwelling would be in shade and falling pine needles would create a nuisance.

Ms Wharfe said that the limiting of shelterbelts could affect production. She said it was unclear why the suggested change by Horticulture NZ to no shading of roads or neighbouring properties at midday on the shortest day did not meet the intended outcome.

The Reporting Officer further considered the issues raised in respect of the setbacks in the right of reply. He reiterated that forestry, shelterbelts and planting generally are anticipated activities in the rural zone so imposing setbacks had to be reasonable to allow use of land while recognising the amenity of other uses. Having reviewed other District Plans and the proposed National Environmental Standard (NES) for Plantation Forestry, he said that the Proposed NES required a 10m setback from adjoining properties and 30m setback from dwellings and other buildings. He concluded that this was reasonable and consistency with the Proposed NES was appropriate.

Having considered the various matters raised we agree with the Reporting Officer that the rule has to provide a balance between amenity and the fact that it is the Rural Zone where forestry and shelterbelts are appropriately located. To this extent we consider that the recommended setbacks are reasonable, provide the necessary balance and offer a degree of consistency with the Proposed NES. We also agree that shading is relevant to unsealed roads and should not be excluded and that the use of the word 'new' is unnecessary. However, on this latter issue we consider that some clarification is appropriate to address replanting of existing plantations to avoid confusion. To this end we consider that the words "except for replanting of existing forests" should be added to the rule. With the exception of this amendment we adopt as our decision the Reporting Officers' recommendations set out in the right of reply as follows:

Amend Rule 19.6.15 as follows:

19.6.15 Planting Setbacks for Plantation Forestry and Shelterbelt Planting

- (a) No plantation forest shall be planted within 10 metres from any ~~site~~ boundary of a site under separate ownership or road except for replanting of existing forests.*
- (b) No plantation forest shall be planted within ~~25~~ 30 metres from any existing residential dwelling unit of a site under separate ownership except for replanting of existing forests.*
- (c) Vegetation planted to form a shelterbelt for more than 20 metres in length shall not exceed 6 metres in height from ground level within 10 metres horizontal distance from any ~~site~~ boundary of a site under separate ownership or road.*
- (d) No plantation forest or shelterbelt shall be planted or allowed to grow in any position which could result in any icing of any public road carriageway as a result of shading of the road between 10.00am and 2.00pm on the shortest day.*

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

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

....

(iv) 30 metres from the edge of an existing plantation forest under separate ownership.

Rule 19.6.16 – Permitted Activity Condition (Forestry and Timber Harvesting)

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
27.27	Horizons	Delete Rule 19.6.16.	506.45 Ernslaw One - Support 513.46 Rayonier - Support
50.10	Rayonier	Delete Rule 19.6.16 in its entirety.	506.80 Ernslaw One - Support
74.11	Ernslaw One	Delete Rule 19.6.16.	513.37 Rayonier - Support
96.37	Federated Farmers	Delete Rule 19.6.16	506.21 Ernslaw One - Support 513.18 Rayonier - Support

Horizons, Rayonier, Ernslaw One and Federated Farmers all sought to delete Rule 19.6.16 for reasons including the rule was already covered by Rule 19.6.15, it is a Regional Council matter, the rule is unclear as to what constitutes ‘managed revegetation’, there are no issues, objectives or policies that recognise delayed revegetation as a concern, the rule is poorly worded and removes the possibility of natural revegetation. The submissions are supported by further submissions from Ernslaw One and Rayonier.

The Reporting Officer noted that soil conservation was a responsibility of the Regional Council under the RMA and not the District Council. He concurred with the submitters, that this matter is effectively managed by Horizons under the provisions of the One Plan and therefore recommended Rule 19.6.16 be deleted and all submissions be accepted.

We have reviewed the Reporting Officer’s evaluation and recommendation and we agree with them and adopt them as our reasons and decision pursuant to Clause 10(2)(a) of Schedule 1 to the RMA.

Rule 19.6.17 Permitted Activity Condition (Wastes Disposal)

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
32.23	NZ Pork	Amend Rule 19.6.17 as follows (a) All wastes (including sewage, effluent, and refuse) that are generated or stored on any site shall be collected, treated, and disposed of in a manner that avoids, <u>remedy or mitigate</u> any significant adverse effects or <u>of</u> nuisance <u>or</u> odour for:	

		(i) an adjoining property; (ii) roads and road users; (iii) any natural habitat or indigenous species; (iv) any channel, stream or water body;	
27.28	Horizons	Amend Rule 19.6.17 to define the wastes covered by this rule excluding those wastes that are controlled by the Regional Council. In its current format deleting sewage and effluent from the wastes description would only leave refuse to be listed. Any other wastes managed by the District Council and intended to be captured by this rule should also be listed.	511.11 HDC (Community Assets Department) – In-Part
72.08	PIANZ & EPFNZ	Retain Rule 19.6.17.	

NZ Pork sought to amend Rule 19.6.17 to provide for significant adverse effects to also be ‘remedied or mitigated’ and that effects are restricted to ‘nuisance and odour’. The submitter also sought to remove references to effects on roads and road users and, channels, streams or water bodies.

Horizons, supported in part by HDC (Community Assets Department), sought to limit the application of the rule to wastes only as effluent and sewerage are Regional Council matters and that those wastes be listed.

The Reporting Officer agreed that sewerage and effluent were Regional Council matters and subject to consents from that authority only. He considered wastes managed by HDC included refuse, compost and recyclable materials including scrap metal, noting that all of these wastes can have effects on amenity.

The Reporting Officer also agreed that water quality was a Regional Council matter and should not be considered in the Proposed Plan. In terms of roads and road users, he understood that this had been removed from the One Plan following appeals because of the difficulty of identifying affected parties. He therefore recommended that both these matters be removed from Rule 19.6.17. However, he said that limiting the wording of the rule to refer to ‘significant adverse effects of nuisance or odour’ was not appropriate. The rule should not be limited in its consideration of adverse effects and he recommended the rule refer to the ‘remediation and mitigation’ of effects.

Overall the Reporting Officer recommended that the submission from NZ Pork be accepted in part and the submissions from Horizons and HDC (Community Assets Department) be accepted, and that Rule 19.6.17 be amended as follows:

19.6.17 Wastes Disposal

(a) ~~All wastes (including sewage, effluent, and refuse, compost and recyclable materials including scrap metal)~~ that are generated or stored on any site shall be collected, treated, and disposed of in a manner that avoids, remedies or mitigates any significant adverse effects or nuisance for:

- (i) an adjoining property;
- ~~(ii) roads and road users;~~
- (iii) any natural habitat or indigenous species;
- ~~(iv) any channel, stream or water body;~~
- (v) any outstanding landscape or natural feature.

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

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

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

Mr Hodgson said that NZ Pork accepted the changes recommended by officers.

We have reviewed the Reporting Officer’s evaluation and recommendations and we agree with them and adopt them as our reasons and decision pursuant to Clause 10(2)(a) of Schedule 1 to the RMA.

The support for the rule from PIANZ and EPFNZ is noted however their submission is accepted in part as a result of the changes above.

Rule 19.6.19 – Permitted Activity Condition (Surface Water Disposal)

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
27.29	Horizons	No specific relief requested.	
65.05	Horowhenua Farmers' Ratepayer Group	No specific relief requested. Inferred: Amend Rule 19.6.19 for clarification.	517.34 Horticulture NZ - Support
66.05	Bruce & Christine Mitchell	No specific relief requested. Inferred: Amend Rule 19.6.19 for clarification.	

Horizons noted that if an activity, subdivision or development were not connected to a reticulated scheme, then it would need to meet the One Plan stormwater discharge rules.

Horowhenua Farmers’ Ratepayer Group, supported by Horticulture NZ, and B & C Mitchell state that in times of high rainfall it is unrealistic to expect landowners to have total control over the containment and flow of water which enters their property either from the sky or over land. No specific relief is sought but is inferred that the rule needs clarification.

The Reporting Officer said that Rule 19.6.19 did not state that all stormwater must be contained but sought that ‘significant’ adverse effects be avoided. He said that in general, it is anticipated that the stormwater generated by a certain size event will be managed and it is acknowledged that in some circumstances overland flows may occur and that an upstream landowner would not be held accountable for stormwater that flows over their property and onto adjacent properties in an unpredictably large rainfall event. He noted in the right of reply that the rule is typically applied where new activities create large areas with impervious surfaces (e.g. carpark or glasshouse) to ensure stormwater does not adversely affect other properties. As a general principle, Council seeks developments to achieve ‘hydraulic neutrality’ meaning surface water runoff from a property pre-development shall be the same post development. As such, he recommended that no changes were required to Rule 19.6.19 and the submissions be rejected.

Ms Tucker commented at the hearing that she gave evidence on this matter at the Land Transport and Subdivision and Development hearing seeking amendment to the advice note associated with Rule 24.2.4(a)(ii). She requested that the same footnote be added to Rule 19.6.19 explaining that resource consent may be required from Horizons Regional Council. In the right of reply the Reporting Officer reiterated that he did not think any amendment to the rule was necessary but that the following footnote should be added to Rule 19.6.19 to ensure Plan users are aware that consent may be required from Horizons:

Note: Discharge of stormwater to land or drainage systems is also regulated by the Proposed One Plan and may require resource consent from Horizons Regional Council.

We agreed with the Reporting Officer’s evaluation on this matter and his recommendation as to the explanatory note and we have adopted these as our reasons and decision pursuant to Clause 10(2)(a) of Schedule 1 to the RMA, noting now that we accept in part Horizons submission.

Rule 19.6.26 – Permitted Activity Condition (Signs)

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
98.45	Horticulture NZ	Amend Rule 19.6.26(b) to provide official signs, including for hazard identification and safety.	
108.05	HDC (Planning Department)	Amend Rule 19.6.26(c) as follows: Any temporary sign shall be displayed for no longer than two (2) calendar months in every calendar year <u>of a 12 month period</u> and removed within seven (7) days after the event. Temporary signs do not need to be on the site of the temporary activity.	

Horticulture NZ sought to amend Rule 19.6.26(b) to provide for official signs including for hazard identification and safety. As discussed previously under Rule 19.1(l) we have made health and safety signs a permitted activity and added a definition. On this basis we have therefore accepted in part this submission as we consider it addresses the concerns of Horticulture NZ. We note as consequential result of this decision however that for clarity the table in Rule 19.6.26(b) should be amendment as follows:

Table 19-1: Maximum Face Area for Signs

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

HDC (Planning Department) sought that the period of time a temporary sign can be displayed should refer to two months in ‘a 12 month period’ rather than ‘every calendar year’. The Reporting Officer agreed that the rule as worded could provide for a temporary sign to be displayed from November until February, and he recommended that Rule 19.6.26(c) be reworded as follows and that the submission be accepted:

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

We agree with the above evaluation and recommendation and adopt it as our reasons and decision pursuant to Clause 10(2)(a) of Schedule 1 to the RMA.

Rule 19.6.30 – Permitted Activity Condition (Temporary Military Training Activities)

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
95.15	NZDF	Retain Rule 19.6.30(a)(iii) as notified	
95.53	NZDF	Retain Rule 19.6.30(a)(ii) as notified.	

Sub No.	Submitter Name	Decision Requested	Further Submission
95.10	NZDF	Retain Rule 19.6.30(a)(i) as notified.	
95.24	NZDF	Retain Rule 19.6.30(a)(iv) (v) as notified (conditionally)	
95.34	NZDF	Retain current provisions in the District Plan in regards to night time noise, which state; <u>Impulse Noise Resulting from the use of explosives and small arms is not to exceed 122 dBC.</u>	

The New Zealand Defence Force (NZDF) lodged a number of submissions on various chapters in the District Plan seeking specific provision to undertake temporary military training (TMT) exercises, with particular emphasis on a rules framework which would enable such exercises to be undertaken as of right.

The Reporting Officer considered the evaluation and recommendations made in the Urban Environment Report should also apply to the Rural Zone.

NZDF appeared at two hearings, those relating to Open Space held on 10 April, and at the Urban Environment Hearing on 22 April. Following the presentation of their submission to the Hearings Panel dealing with Open Space issues, NZDF wrote to Council expressing concern that the matters raised in their submission needed to be considered holistically in terms of the District Plan as a whole. This concern was noted by the Council, and the need for a consistent decision across the different Hearings Panels and District Plan Zones is acknowledged. On 28 May 2013 the members of the various hearing panels which heard the NZDF submission met to consider this matter and other "cross chapter" issues. This included a review of previous evidence relating to provision for TMT including a response from Ms Emily Grace, the NZDF consultant planner, to the "officer's right of reply".

The matter was considered by all Panels together and was addressed in full within the Open Space decision and for that reason the following extract from that hearing is provided and adopted by us as our decision:

For such a discrete topic as this, an extraordinary effort both by NZDF and its consultants, and by Council officers and their advisers, was devoted to this subject. Ultimately, the only issue of disagreement turned on a very narrow point, that being the management of noise associated with live firing exercises and the use of explosives for TMT exercises undertaken at night. The debate became somewhat esoteric, particularly in respect to competing acoustic evidence.

NZDF are in the process of rolling out a standard suite of desired plan provisions - or template - for incorporation into district plans generally, of which the Horowhenua District Plan review was the first example within this process. It was common ground between the reporting officers for the Council and the witnesses for NZDF that in practice, it would be difficult to comply with the permitted activity standards if undertaking TMT exercises at night anywhere within the Horowhenua District, except in the Tararua Ranges, regardless of whether the standards proposed by the Council, or those proposed by NZDF, were adopted. This was primarily because of the pattern of settlement and density of development within the district, as confirmed by Mr Robert Owen, the Environmental Manager (Property) for NZDF. However NZDF were anxious to have a standard set of rules across district plans to manage TMT, and upon questioning, Mr Owen confirmed that in practice, a consequence of the rules promoted by NZDF would be to confine such training exercises to districts containing areas of sparsely populated land - given the need for large physical setbacks to avoid sensitive noise receptors such as dwellings, educational and health facilities.

The Hearings Panel sympathised with the objectives of the NZDF, and we are of the opinion that the most appropriate solution would be for a National Policy Statement, or National Standards, to be promulgated for the management of TMT exercises throughout the country. It seems to be monumentally inefficient for NZDF to have to go through a separate process on a Council by Council basis to provide for its training activities. However in the absence of such national standards, the Council was faced with having to consider standards which were appropriate to the circumstances of its own district.

The rule as originally drafted for each zone read as follows:

“All temporary military activity shall, in addition to the other conditions, also comply with the following conditions:

- (i) no permanent structures shall be constructed;*
- (ii) the activity shall not require excavation (permanent or mechanical), unless provided for in this district plan;*
- (iii) the duration of any temporary military training activity shall not exceed 31 consecutive days;*
- (iv) noise shall not exceed the limits as set out in Table 2 of NZS 6803:1999 Acoustics - Construction Noise when applied at any noise sensitive activities;*
- (v) noise levels shall be measured and assessed in accordance with that Standard as if it were construction noise; and*
- (vi) noise resulting from the use of explosives and small arms shall not occur between 8.00 PM and 7.00 AM the following day and shall otherwise comply with Section 8.1.4 of NZS 6803:1999.”*

Mr Owen noted that while opportunities for weapons training would in practice be restricted to only a few locations in the District, he added that the activities of NZDF included search and rescue support, such as during the Manawatu floods of 2004, and the Christchurch earthquakes. The benefits to the community of the former activity especially, would be well known to the Council.

At the Open Space hearings on 10 April Ms Emily Grace, the resource management consultant for NZDF, noted that the issue of contention between her client and the Council was the appropriate control of the effects of noise from TMT exercises. She outlined the primary areas of difference as being whether the amendments sought by NZDF were within the scope of the original submission; the application of the construction standard to daytime noise associated with TMT; the management of helicopter noise; the appropriate assessment criteria for assessing any applications which did not comply with the permitted activity standards; the use of a separation standard for night-time TMT exercises; and the appropriate standard for assessing the noise of night-time TMT exercises where this separation distance could not be satisfied.

By the end of the hearings process, and following presentations at successive hearings, a point was reached whereby dispute between the position of Council officers and NZDF and its advisers was confined only to the last point. This was whether an alternative "permitted activity" noise standard should apply in situations where the required setback for night-time live firing and explosives exercises could not be met, or whether a resource consent for a "controlled activity" should be required.

However, turning first to the issue of scope, NZDF in its original submission points (95.25 and 95.35) offered qualified support to the proposed rules relating to TMT, but also sought that impulse noise resulting from the use of explosives and small arms should not exceed 122 dBC and noted that a technical review was under way which would further inform their submissions. On balance, we were satisfied that the amended and more detailed position subsequently taken by NZDF in the hearings was within scope, given that the wording of the original submission points were sufficient to put on notice any other potentially interested parties who might have sought to be involved as further submitters. Council officers also did not wish to pursue this matter further.

Returning to noise issues, Mr Malcolm Hunt is an acoustic consultant engaged by NZDF and has extensive experience in the field of environmental noise, and in advising NZDF on the particular characteristics of their activities. Based on field measurements at NZDF sites and modelling, he has devised an extensive suite of proposed rules to govern TMT activities with respect to noise. Mr Hunt prepared a 20 page report presented to the hearings entitled "Re -Assessing Noise from Temporary Military Training in New Zealand - District Plan Recommendations", dated January 2013. This noted that TMT exercises generated three distinct sources of noise, these being (1) mobile noise sources, (2) fixed noise sources, and (3) weapons firing, destination and pyrotechnics, of which management of the last of these was the key point of contention. He noted that "TMT activities involving weapons firing, detonations and pyrotechnics require specialised noise management owing to the impulsive nature of the sounds which can be particularly annoying in some cases" (page 17). He said that the L_{max} descriptor was not a suitable measure for quantifying noise from weapons firing and explosives. He said traditional methods for managing noise associated with TMT, such as those in the operative district plan, failed to take account of the wide variation in duration and scale of TMT, relied on old systems of measurement, and did not adequately address the need to deal with impulse noise. He added that within NZS 6802 it was specifically acknowledged that it was not designed to address impulse noise.

In his summary he said that "the recommended amended controls (put forward by NZDF) do not rely solely on specifying decibel limits applicable to each category of noise source. Achieving a minimum threshold separation distance from sites where potentially noisy weapons firing or explosive sounds take place to the nearest noise sensitive receiver site is a key element of the approach recommended for this noise source category which has the highest potential to create adverse noise effects over wide areas. TMT activities involving firing and explosive sounds are proposed to be permitted to occur within the minimum separation distances outlined below, however in those cases the activities would be required to be undertaken in accordance with the certified Noise Management Plan to ensure the heightened risk of adverse noise effects is adequately managed".

The separation distances proposed by Mr Hunt are based on ensuring that sound levels received beyond a specified distance will be "reasonable" - generally less than 55dBA during daytime and less than 45dBA at nighttime. The separation distance required from any dwelling, residential zoned site, or building used for residential, educational or health-care purposes would (in the case of live firing of weapons or explosive events) be at least 1500m during daytime and 4500m at night, and for firing blank ammunition at least 750m during daytime and 2250m at night.

In his draft set of rules, Mr Hunt proposed that where the setback conditions could not be satisfied, TMT exercises be a permitted activity subject to night-time sound levels not exceeding a peak sound pressure level of 90 dBC at or within the 20m notional boundary of any dwelling, residentially zoned site, or building used for residential, educational or health-care purposes. A Noise Management Plan should also be required, prepared by a suitably qualified expert and approved by the Council at least 15 working days prior to the activity taking place.

There was no disagreement between Mr Hunt and the Council's acoustic adviser, Mr Nigel Lloyd, on the appropriate standards for daytime activities involving weapons firing and explosives.

Mr Lloyd's written advice to the Council on the submissions of NZDF (dated 26 March 2013), was that "it is unreasonable to have night-time firing of weapons and single or multiple explosions as permitted activities in the District Plan given the high potential for noise impact on residents, stock and wildlife and given the large separation distances required to achieve reasonable night-time criteria". He went on to say that the Proposed Plan provides for these night-time activities as controlled activities, and that this was appropriate, given that details on noise levels could be provided through the application and through a case-by-case assessment, including identifying the mitigation measures.

Council officers were of the opinion that the separation distances would be "largely ineffective and inefficient in the Horowhenua context", on the basis that they would have the effect of largely ruling out the ability for NZDF to undertake TMT at night within most of the district, without the need for resource consent. However the Council

officers and Mr Lloyd ultimately concluded that if NZDF were comfortable with these setbacks, and bearing in mind that they were intended to become a standard adopted nationally, they would offer a consistent approach and provided certainty from the perspective of NZDF. The effect will be to restrict night-time TMT exercises towards more sparsely populated districts, but NZDF were prepared to live with that.

However the Council officers and Mr Lloyd remained committed to their position that night-time firing of weapons and noise associated with single or multiple explosions should remain a controlled activity. Mr Lloyd contended that while noise from fixed or mobile sources is likely to be either relatively constant or slightly variable at a 'moderate' level, the firing of weapons or the use of explosives would produce sudden and impulsive noises at a very high level. Mr Lloyd advised the Council that in terms of the noise from TMT activities, any comparison with the 65 dB (L_{Amax}) night-time standard in the Proposed Plan was not appropriate, because it compared two different kinds of noise. He argued that the 90dBC noise standards suggested by NZDF would not be appropriate, because of the low background night-time noise levels within all zones in the district (residential, open space, and rural). This would make high impulse noise levels from TMT exercises very distinctive, and the Council was concerned about the potential for sleep disturbance. The Council also argued that the construction noise standard has no night-time peak sound limit, while hours of operation are restricted under the Proposed Plan at night for other activities generating impulse noise, such as bird scaring devices (Rule 19.6.7 (e)).

In response, Mr Hunt argued that the 90dBC level proposed by NZDF was appropriate as the "...C- weighted peak level limit ensures both the impulse of nature of the sound and the low frequency content of the sound are adequately accounted for" (Hunt, Statement of evidence, paragraph 5.10, 10 April). He said 90 dB would register at about the same level as L_{AFmax} 65dB at a distance of 1m from a car door closing. He added that the Council had agreed that noise from mobile and fixed sources would be acceptable when received at a noise sensitive site during night time, if it did not exceed L_{AFmax} 75dB, which is accepted as being (subjectively) twice as loud. In his view, compliance with the standard of 90dB promoted by NZDF would have a de minimus effect on sensitive receptors at or beyond the recommended buffer distances.

In terms of those matters that were agreed, such as the management of noise sources from TMT during daylight hours, control of helicopter noise etc, the rules contained in each zone relating to TMT changed substantially from those contained in the Proposed Plan when it was notified, except subclauses (a) (i - iii). The amended rules as proposed by the Council to manage TMT exercises are set out below. The proposed conditions varied slightly between those in residential zones, and those in other zones. In each case the remaining area of dispute between the Council and NZDF relates to the Council's proposed subclause (x) which states:

"No training activities involving the use of explosives and/or firing of weapons shall occur between 7.00pm and 7.00am".

Assessment

The Hearings Panel were faced with something of a dilemma given this conflicting evidence. We acknowledge the expertise of Mr Hunt who has demonstrated a high level of familiarity with the operational requirements of NZDF, with particular reference to the noise impacts of the various activities which undertakes. We had the benefit of hearing his evidence in person, although we did not hear a person from Mr Lloyd, who provided written comments to the Council on the material submitted by NZDF.

We also acknowledge the fact that from the time of the first hearing in August, a substantial measure of agreement has been reached on a range of plan provisions relating to TMT, the only issue in contention now relating to the narrow - but not necessarily insignificant - issue of how to best manage noise associated with live firing and use of explosives at night. While the significance of whether this activity should be subject to controlled activity status or a permitted activity status subject to conditions, is probably unlikely to be of more than academic significance in the context of Horowhenua District. However the Hearings Panel appreciates that given this is the first District Plan subject to the roll-out of model standards for NZDF activities, we appreciate that it is of wider significance to this submitter.

We were also of the view that controlled activity status for activities of this nature were unlikely to add significant value or additional protection for the community, noting that it is most likely that they would take place on the Rural Zone. However we note that provision for TMT is made in all zones, albeit with more restrictive provisions in residential zones.

We again reiterate that it would be a far more efficient process for such exercises to be subject to some form of national standard or policy.

Having regard to the evidence before us, the Hearings Panel resolved that the submission points be accepted.

As a final point, we note that submission Point 95.40 concerned ‘vibration’ (Rule 20.6.8). In her evidence to the Hearings Panel (dated 2 April 2013 - her paragraph 5.2) Ms Emily Grace for NZDF indicated that her client no longer wish to pursue an amendment to the rule on ‘vibration’. Accordingly this particular submission point was rejected.

The consequential changes affect no less than five chapters of the District Plan, and involves reasonably significant amendments and additions to the text. This occurs in three places in the rules for each of the five chapters, being:

- the permitted activity conditions for the Residential, Industrial, Commercial, Rural, and Open Space Zones (i.e. Rules 15.6.31, 16.6.23, 17.6.25 and 19.6.30 and 20.6.22);
- the ‘Matters of Control’ for the Residential, Industrial, Commercial, Rural, and Open Space Zones (Rules 15.7.4, 16.7.6, 17.7.6, 19.7.10 and 20.7.6);
- an additional Clause within Chapter 28 for information requirements for a ‘Noise Management Plan’ for temporary military training activities.

The details of the text changes are contained in Appendix 1 to this decision.

Rule 19.7.1 – Controlled Activity (Subdivision of Land)

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
117.18	NZHPT	Amend Rule 19.7.1(a) (v) as follows: Effects on significant sites and features, including natural, cultural, <u>archaeological</u> and historical sites.	

NZHPT sought an amendment to Rule 19.7.1(a) (v) to include the consideration of effects on archaeological sites.

The Reporting Officer noted that all matters related to subdivision (within which this rule sits) are subject to Plan Change 20 and are beyond the scope of the District Plan review. He therefore recommended that the submission be rejected.

We agree with the above evaluation and recommendation and adopt it as our reasons and decision pursuant to Clause 10(2)(a) of Schedule 1 to the RMA.

Rule 19.7.6 – Controlled Activity (Relocated Buildings)

Submissions Received

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

House Movers sought to delete Rule 19.7.6 and any provision in the Plan for a performance bond or any restrictive covenants for the removal, re-siting and relocation of buildings.

We have previously addressed this matter in full under Rule 19.1 and concluded that the provision for relocated buildings as a Controlled Activity is the most appropriate activity status. Therefore we have rejected the submissions.

Rule 19.7.10 - Controlled Activity (Temporary Military Training Activities)

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
95.44	NZDF	Retain Controlled activity status. Amend Rule 19.7.10 by clarifying matters for control, especially in regards to noise.	

NZDF sought to amend Rule 19.7.10 by clarifying the matters to which Council has limited its control.

The Reporting Officer said that Rule 19.7.10 required the NZDF to demonstrate how they intend to avoid, mitigate or remedy the effects on the environment. He originally said that given the range of matters and effects that might arise from one or more of the non-compliances with the permitted activity conditions, the broad matter of control is considered appropriate. He originally recommended the submission rejected.

As discussed above for Rule 19.6.30 for permitted activity conditions, as part of the revised package of provisions for temporary military training activities are revised matters of control. Based on the earlier evaluation from the Open Space decision, we adopt the reasons and amendments as our decision pursuant to Clause 10(2)(a) of Schedule 1 to the RMA and amend the matters of control accordingly and accept this submission in part.

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

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
77.03	Higgins	Amend Rule 19.7 by including; <u>Rule 19.7.X Matters of Control and Conditions for Controlled Activities</u> a) <u>Matters of Control</u> i) <u>The management of noise and vibration</u> ii) <u>The management of heavy vehicle movements on local roads</u> iii) <u>Management of dust, erosion and sediment discharges beyond the site</u> iv) <u>The effects of modifications to the landscape character and particularly on the amenity values of any outstanding natural feature of landscape.</u>	506.38 Ernslaw One - Support

Higgins, supported by Ernslaw One, sought to include under Rule 19.7, new matters for control for Aggregate Extraction.

We have already addressed this matter under the new rules section (19.1) and agreed the controlled activity status was not appropriate which seems to be accepted to some extent by Mr Bashford. Notwithstanding this, we note our decision in relation to providing for aggregate extraction as a specified activity is discussed in detail above under Objective 2.5.1 and new policies and more specifically the decision that aggregate extraction be provided for by way of a restricted discretionary activity rather than as a controlled activity. On the basis of the changes now proposed we have accepted in part this submission.

Rule 19.8 – Discretionary Activity (Aggregate Extraction)

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
77.09	Higgins	Amend Rule 19.8 by including: <u>19.8.X Separation Distances from Aggregate Extraction Sites.</u> (a) <u>Matters of Discretion</u> (i) <u>Reverse sensitivity effects including those created by, but not limited to, noise, vibration, dust, heavy traffic and visual amenity.</u>	506.44 Ernslaw One - Support

Higgins, supported by Ernslaw One, sought to include matters of discretion to be applied to applications for residential dwelling units to be located within 500m of an aggregate extraction site.

This matter and in particular a new clause under this rule have been addressed in detail under the new policy section where recognition and provision for aggregate extraction has been made. For convenience the new clause is set out below and the submission accepted in part:

19.8.X Aggregate Extraction not within Outstanding Natural Features and Landscapes (Refer Rule 19.3.X)

(a) Matters of Discretion

- (i) The location, extent, duration (life span) and hours of operation of the activity.
- (ii) The character of the site and surrounding area, including the location of the resource and proximity to existing dwellings.
- (iii) The site layout, including location and extent of the extraction areas, processing facilities and stockpiles
- (iv) The effects on traffic safety and movements.
- (v) The effects of noise, dust, lighting and vibration, with particular consideration of crushing (if proposed).
- (vi) The effects on any significant site or feature, including but not limited to, the natural character of the river and their margins, areas of significant indigenous vegetation and significant habitats of indigenous fauna, sites of significance to tangata whenua, and historic heritage.
- (vii) The effects from the storage, use and transportation of hazardous substances.
- (viii) The effects on public access when located adjacent to a waterbody.
- (ix) The rehabilitation of the site.
- (x) Measures to avoid, remedy or mitigate the adverse effects.

Rule 19.8.7 – Restricted Discretionary Activity (Signs)

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
94.22	NZTA	Retain Rule 19.8.7 as notified	

The support of NZTA for Policy 19.8.7 submitter is noted and accepted.

Chapter 19 – General Matters

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
93.23	The Oil Companies	Retain the cross reference to National Environmental Standards in Chapter 19.	
78.10	Telecom New Zealand Ltd	Delete all Network Utility Rules and Standards within the Rural Chapter, other than specific cross referencing to particular standards in the zone chapters where relevant and reasonably applicable to network utilities.	
79.10	Chorus New Zealand Ltd	Delete all Network Utility Rules and Standards within the Rural Chapter.	
40.09	House Movers Section of NZ Heavy Haulage Association Inc.	Amend the Proposed Plan to provide for the relocation of buildings/dwellings as no more restrictively than a restricted discretionary activity (in the event that it is not a permitted activity) and that such application e expressly provided for on a non-notified, non-service basis and subject to the following assessment criteria: <u>Where an activity is not permitted by this Rule, Council will have regard to the following matters when considering an application for resource</u>	

Sub No.	Submitter Name	Decision Requested	Further Submission
		<u>consent:</u> i) <u>proposed landscaping</u> ii) <u>the proposed timetable for completion of the work required to reinstate</u> iii) <u>the appearance of the building following reinstatement</u>	
103.00	Colin Easton	Amend the application of the Land Use Capability system in the Plan. The LUC systems need a complete revaluation of what soils are elite and what are not and only allow subdivision in the non-elite area.	517.35 Horticulture NZ - In Part 528.28 Horizons -Oppose
105.00	Bill Huzziff	Amend the application of the Land Use Capability system in the Plan. The LUC systems need a complete revaluation of what soils are elite and what are not and only allow subdivision in the non-elite area.	
107.01	Rosalie Huzziff	Amend Section 19 so that subdivision is prohibited in the Foxton dune field domain.	
117.28	NZHPT	Amend Chapter 19 to include earthworks rules that apply to historic heritage sites. Any earthworks within these sites should be restricted discretionary or discretionary activities dependent on the effects of the proposed earthworks on the heritage values of the sites.	

Cross-References to National Environmental Standards

The support for the cross reference to NES's in Chapter 19 by The Oil Companies is noted and accepted.

Network Utilities Rules and Standards

Telecom and Chorus sought that all network utility rules and standards within the Rural Zone Rule Chapter be deleted, other than specific cross referencing to particular standards in the zone chapters where relevant and reasonably applicable to network utilities. They consider the standards applying to network utilities should be contained in one chapter.

The Reporting Officer said that District Plans have different layouts and HDC had chosen to include rules for network utilities in each zone chapter, and set out the conditions to which utilities must comply in Chapter 22. He said that this approach was applied to other activities and matters as well, including hazardous substances and transportation. He recommended that the submission be rejected.

We agree with the Reporting Officer, noting that there seems no particular necessity or reason to revise the Plan as sought, and adopt his evaluation and recommendation as our decision pursuant to Clause 10(2)(a) of Schedule 1 to the RMA.

Relocated Buildings

House Movers (40.09) provides an alternative method of providing for relocated building/dwellings if the Proposed Plan does not provide for these activities as permitted activities. The submitter seeks a Restricted Discretionary Activity status, non-notification clause, and better policy recognition for relocated buildings. In particular, recognition of effects from relocating buildings/dwellings can be remedied after an initial establishment period.

The decision in respect of House Movers submission is addressed in Rule 19.1 and applies a controlled activity status with non-notification provision. On this basis we have accepted in part this submission.

Land Use Classification (LUC)

B Huzziff and the late C Easton, supported in part by Horticulture NZ and opposed by Horizons, sought amendment of the LUC system as they contend it needs a complete revaluation of what elite soils are and only allow subdivision in the non-elite area. R Huzziff sought that subdivision in the Foxton dune field domain be prohibited.

As referred to previously discussed under Rule 19.2(a) the LUC system and subdivision in general was considered as part of Plan Change 20 and that while we accept there were some shortcomings of that system it is still considered to provide a sound basis to manage subdivision where there are Class 1 and 2 soils. The reality is that this matter is not part of the Proposed District Plan process and is therefore beyond the scope of this hearing. We note that we were informed that consideration may be given to a subsequent plan change to address some matters that have been raised in respect of Plan Change 20, including the Rural Subdivision Design Guide. On this basis we have rejected the submissions and the further submission of Horticulture NZ and accepted the further submission of Horizons.

Historic Heritage

NZHPT sought that Chapter 19 be amended to include earthwork rules to apply to historic heritage sites. They considered that any earthworks within these sites should be a restricted discretionary or discretionary activity depending on the effects of the proposed earthworks on the heritage values of the sites.

The Reporting Officer noted that under Rule 19.4.10 earthworks within the heritage setting of a Group 1 or 2 building or structure and under Rule 19.4.11 earthworks on a site listed in Schedule 2 are Discretionary Activities. He considered that this meets the submitter's concerns and recommended that the submission be accepted in part but no changes made.

We agree with the Reporting Officer's evaluation and recommendation and adopt them as our reason and decision pursuant to Clause 10(2)(a) of Schedule 1 to the RMA.

Assessment Criteria – 25.2.1 General

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
44.24	Genesis Power Ltd	Amend Assessment Criteria 25.2.1 to include the following: <u>(l) The positive local, regional and national benefits promoted by the development or use</u>	
99.39	Transpower	Retain assessment criteria 25.2.1(e), (k)	

Sub No.	Submitter Name	Decision Requested	Further Submission
99.40	Transpower	Include a new General Assessment Criteria under 25.2.1 as follows: (a) ... <u>(l) whether the development would have an adverse effect on the operation, maintenance, upgrading or development of the electricity transmission network</u>	
32.24	NZ Pork	Retain intent of 25.2.1(d)	
44.22	Genesis Power Ltd	Amend Assessment Criteria 25.2.1(d) as follows: The likelihood of the proposed activity to generate reverse sensitivity effects on the primary production, existing renewable energy generation sites and intensive farming activities, and the potential impact these may have on the continuing effective and efficient operation of the primary production, <u>existing renewable energy generation</u> and intensive farming activities.	
98.51	Horticulture NZ	Retain 25.2.1(d)	
32.25	NZ Pork	Retain intent of 25.2.1(h)	

NZ Pork, and Horticulture NZ sought to retain the intent of Assessment Criteria 25.2.1(d) whereas Genesis sought to include consideration of reverse sensitivity effects on existing renewable energy generation. Genesis considered additional wording is required to give effect to the NPS on Renewable Electricity Generation as the criterion currently only relates to reverse sensitivity effects on primary production and intensive farming activities.

The Reporting Officer said it was appropriate to consider effects of activities on other existing activities, such as renewable generation, as these are important assets that should not be unduly restricted. He recommended that Assessment Criteria 25.2.1(d) be amended to refer to other lawfully established activities as detailed below, which would include existing renewable energy generation sites and that all submissions be accepted in part:

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

We agree with the Reporting Officer's evaluation and recommendations and adopt them as our reason and decision pursuant to Clause 10(2)(a) of Schedule 1 to the RMA.

Genesis also sought to include a new assessment criterion to consider the positive local, regional and national benefits of an activity.

The Reporting Officer agreed that this was an appropriate consideration particularly when considering applications for energy generation or even primary production, where the economic benefits are not confined to the Horowhenua. He recommended that the submission be accepted in part and new assessment criterion added to 25.2.1, albeit with wording amended slightly from that requested by the submitter, as follows:

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

We agree with the Reporting Officers' evaluation and recommendations and adopt them as our reason and decision pursuant to Clause 10(2)(a) of Schedule 1 to the RMA.

Transpower sought to include a new general assessment criterion to assess whether an activity would have an adverse effect on the operation, maintenance, upgrading or development of electricity transmission networks.

The Reporting Officer considered this matter would be appropriate given the importance of the electricity transmission network and recommended the submission be accepted and a new assessment criterion added.

At the hearing Mr Spargo sought that the wording be amended to refer specifically to the "National Grid" rather than the "electricity transmission network".

We agree that Mr Spargo's wording provides clarity to the criteria as Transpower is only concerned with the effects on the National Grid. We also accept the Reporting Officer's evaluation and apart from this minor change his recommendations, and adopt it as our reason and decision pursuant to Clause 10(2)(a) of Schedule 1 to the RMA. The new criterion is as follows:

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

The support for Assessment Criteria 25.2.1(e) and (k) by Transpower and for 25.2.1(h) by NZ Pork is noted and accepted.

Assessment Criteria – 25.2.2 Buildings

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
98.52	Horticulture NZ	<p>Amend Assessment Matter 25.2.2 Buildings as follows:</p> <p>25.2.2 Buildings</p> <p><u>In addition to assessment criteria in 25.2.1 buildings need to address specific assessment criteria</u></p> <p>(a) The extent of any adverse effects on the environment from exceeding maximum height and In-Particular the effect of any increased building height on the visual character of the area and its compatibility with the scale of adjoining buildings.</p> <p>...</p> <p>(h) Any adverse effects on adjoining sites of the proximity of the building, in terms of reduced privacy through being overlooked from or being in close proximity to neighbouring buildings, to an extent which is inconsistent with the surrounding environment <u>including potential reverse sensitivity effects on primary production activities.</u></p>	

Sub No.	Submitter Name	Decision Requested	Further Submission
99.41	Transpower	Include a new assessment criteria relating to buildings under 25.2.2 as follows: <u>(k) whether development within the transmission corridor would have an adverse effect on the operation, maintenance, upgrading or development of the electricity transmission network.</u>	

Horticulture NZ sought to include wording under Assessment Criteria 25.2.2 to clarify that the specific Assessment Criteria for ‘buildings’ are in addition to the ‘general’ Assessment Criteria under 25.2.1. The submitter also seeks to add consideration of potential reverse sensitivity effects on primary production activities under Assessment Criteria 25.2.2(h).

The Reporting Officer commented that it was intended that all land use applications would be considered against the applicable criteria under 25.2.1 General and then specific criteria for different activities i.e. buildings, tree planting and intensive farming. He considered adding an introductory statement below the heading would clarify this matter. In terms of the reverse sensitivity matter he said that given the tiered approach to Assessment Criteria, adding a criteria for reverse sensitivity for the ‘buildings’ criteria in 25.2.2 was not considered necessary as it is already included in the criteria under 25.2.1 General. He recommended the submission be accepted in part and the following amendment made:

25.2 Assessment Criteria for Land Use Consents in the Rural Zone

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

25.2.1 General

....

We agree with the Reporting Officers’ evaluation and recommendations and adopt them as our reason and decision pursuant to Clause 10(2)(a) of Schedule 1 to the RMA.

Transpower sought to include new assessment criteria to consider whether development within the transmission corridor will have an adverse effect on the operation, maintenance or development of the electricity transmission network.

The Reporting Officer recommended that the submission be accepted as there is a specific setback rule for buildings from high voltage transmission lines, and the issues and effects of this non-compliance would not be effectively covered by the other existing criteria. He recommended that the wording requested by the submitter be amended to refer to National Grid Corridor instead of transmission corridor as follows:

25.2.1 Buildings

....

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

We agree with the Reporting Officer’s evaluation and recommendations and adopt them as our reasoning and decision pursuant to Clause 10(2)(a) of Schedule 1 to the RMA.

Assessment Criteria – 25.2.4 Tree Planting

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
94.34	NZTA	Retain as notified.	

Sub No.	Submitter Name	Decision Requested	Further Submission
99.42	Transpower	Include a new assessment criteria relating to Tree Planting under 25.2.4 as follows: <u>(h) whether tree planting within the transmission corridor would have an adverse effect on the operation, maintenance, upgrading or development of the electricity transmission network.</u>	517.38 Horticulture NZ – In-Part
55.08	KiwiRail	Amend clause Assessment Criteria 25.2.4(a) by adding the following: a) The proximity to and potential effects on residential dwellings, roads, and/or utilities from established trees in terms of tree debris, shading and icing of roads, <u>level crossing sightlines maintenance</u> and residential and rural amenity.	506.57 Ernslaw One - In-Part 521.06 NZTA - Support

Transpower, supported in part by Horticulture NZ, sought to include a new criterion to consider whether tree planting within the transmission corridor would have an adverse effect on its operation, maintenance, upgrading or development.

The Reporting Officer said that as there were no rules or provisions managing trees within the transmission corridor (i.e. it is managed by the Electricity (Hazards from Trees) Regulations 2003), it was not considered appropriate to add an assessment criteria and he recommended the submission be rejected.

Despite no longer seeking a new rule Mr Spargo said that he still considered the assessment criterion to be necessary and consistent with the NPSET and RPS (Policy 3-2(e) which requires Council to “ensure that any planting does not interfere with existing infrastructure”. Mr Taylor (Transpower) considered that reliance on the regulations was inadequate as they relate to the trimming of trees that grow too close to the lines and not the planting of trees.

In his supplementary report the Reporting Officer said he did not consider the assessment criterion served any helpful purpose in the absence of a rule controlling the planting of vegetation in relation to the National Grid Corridor as there would be no opportunity to utilise it. He referred to an amendment to Rule 19.6.27(c)(ii) stemming from the Natural Features and Values hearing as being more effective in giving effect to the NPSET and One Plan policy than the suggested assessment criterion.

We agree with the Reporting Officer and fail to see the necessity for this assessment criterion. We also note that failure to meet the standards associated with the National Grid Corridor now result in a non-complying activity and in this regard assessment criterion become essentially redundant. We therefore agree with the Reporting Officer’s evaluation and recommendations and adopt them as our reasoning and decision pursuant to Clause 10(2)(a) of Schedule 1 to the RMA.

KiwiRail, supported by NZTA and in part by Ernslaw One, sought to add reference to maintaining level crossing sightlines to the criteria.

The Reporting Officer said that there were conditions in the District Plan to manage effects on level crossings and it would be efficient and effective to include assessment criteria to consider the effect of tree planting on this matter. He noted that safety at level crossings is important and clear sightlines should be maintained for this reason. He recommended that the submission be accepted in part and Assessment Criteria 25.2.4(a) be amended as follows, albeit worded slightly differently from that sought:

25.2.4 Tree Planting

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

We agree with the Reporting Officer's evaluation and recommendations and adopt them as our reasoning and decision pursuant to Clause 10(2)(a) of Schedule 1 to the RMA.

The support for Assessment Criteria 25.2.4(a) by NZTA is noted however due to the above amendments it is accepted in part.

Assessment Criteria – 25.2.6 Non-Primary Production Activities

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
32.26	NZ Pork	Retain intent of 25.2.6(b)	
32.27	NZ Pork	Retain intent of 25.2.6(f)	
98.53	Horticulture NZ	Amend 25.2.6(f) as follows: (f) The extent to which the non-primary production activity <u>has the potential to</u> generates reverse sensitivity effects and reduces the efficient and effective use of the Rural Zone by primary production activities.	

Horticulture NZ sought amendment to criterion 25.2.6(f) to refer to the extent to which a non-primary production activity 'has the potential' to generate reverse sensitivity effects, while NZ Pork sought for it to be retained.

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

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

We consider that the amended wording more accurately provides for the assessment which will occur before the activity is established and prior to any effects being generated. We therefore agree with the Reporting Officer's evaluation and recommendations and adopt them as our reasoning and decision pursuant to Clause 10(2)(a) of Schedule 1 to the RMA.

The support for Assessment Criteria 25.2.6(b) by NZ Pork is noted and the submission accepted.

Chapter 26 - Definitions

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
27.32	Horizons	Amend the definition for Intensive Farming activities to include dairy farming activities or provide clarification around the exclusion of such activities.	516.26 Federated Farmers - Oppose

Sub No.	Submitter Name	Decision Requested	Further Submission
32.30	NZ Pork	<p>Amend Definition of Intensive Farming as follows:</p> <p>Intensive Farming means any farming activity which predominantly involves the housing or raising of animals, plants or other living organism within buildings or in closely fenced enclosures where the stocking density precludes the maintenance of pasture or ground cover, and which is substantially provided for by food or fertiliser from off the site; and includes intensive pig farming, poultry farming, and mushrooms farms; but excludes:</p> <ul style="list-style-type: none"> • horticulture undertaken in greenhouses, • shearing sheds; and dairy milking sheds; • keeping, rearing or breeding of poultry of 20 or fewer birds; and • the keeping, breeding or rearing of five (5) or fewer pigs that have been weaned, or more than two (2) sows (with progeny until weaned). 	
27.33	Horizons	Amend as required/provide clarification.	
74.05	Ernslaw One	<p>Amend definition for Primary Production Activity as follows:</p> <p>Primary Production Activity includes any agricultural, horticultural, floricultural, arboricultural, <u>plantation</u> forestry or intensive farming activity but does not include mineral extraction or mineral processing or the harvesting clearance or modification of indigenous vegetation.</p>	513.38 Rayonier - Support
32.32	NZ Pork	Retain definition of Primary Production Activities are notified.	506.67 Ernslaw One - Oppose
96.44	Federated Farmers	Amend definition of Primary Production Activities by inserting reference to agricultural and horticultural earthworks.	<p>506.28 Ernslaw One – In-Part</p> <p>517.40 Horticulture NZ - In-Part</p> <p>518.17 Transpower - In-Part</p>
50.05	Rayonier	<p>Amend definition of Primary Production as follows:</p> <p>Primary Production Activity includes any agricultural, horticultural, floricultural, arboricultural, <u>plantation</u> forestry or intensive farming activity....</p>	506.75 Ernslaw One - Support

Intensive Farming Activity

Horizons, opposed by Federated Farmers, sought that dairy farming activities be included in the definition of Intensive Farming or that clarification be provided around the exclusion of such activities. NZ Pork sought to amend the definition of Intensive Farming by removing the reference to food and fertiliser being substantially provided for from off-site.

In terms of the Horizons submission, as previously discussed in Rule 19.6.4(c) we do not consider dairying farming to be intensive farming activity unless the cows were kept in a barn where their feed was from sources other than grazing. The Intensive Farming definition is designed to deal with those activities which house animals within buildings or closely fenced enclosures where the pasture is not a major source of feed. At the hearing Ms Tucker agreed with the Reporting Officer's recommendation in this instance and our decision is to again reject this submission. We also note that it is not necessary to clarify what it excludes from the definition.

In respect of the submission by NZ Pork the Reporting Officers agreed that the reference within the definition to "food or fertiliser being substantially provided for from off-site" should be removed. He said that the definition implies that intensive farming is defined by the fact that food and fertilisers have to be brought onto site and acknowledged this situation is not always the case. He noted that in the case of free range farming, where ground cover is maintained and where food is brought on to the site this would not be considered as intensive farming. With specific reference to NZ Pork's concerns about the exclusion of free range pig farming, he said that if the pigs are housed outside and the ground cover is maintained it would be tripped into intensive farming because feed is often brought onto the site/farm. The Reporting Officer therefore recommended that the submissions from NZ Pork and Federated Farmers be accepted and that the definition of Intensive Farming be amended as follows:

***Intensive Farming** means any farming activity which predominantly involves the housing or raising of animals, plants or other living organism within buildings or in closely fenced enclosures where the stocking density precludes the maintenance of pasture or ground cover, ~~and which is substantially provided for by food or fertiliser from off the site;~~ and includes intensive pig farming, poultry farming, and mushrooms farms; but excludes:*

- *horticulture undertaken in greenhouses,*
- *shearing sheds; and dairy milking sheds;*
- *keeping, rearing or breeding of poultry of 20 or fewer birds; and*
- *the keeping, breeding or rearing of five (5) or fewer pigs that have been weaned, or more than two (2) sows (with progeny until weaned).*

We agree with the Reporting Officer's evaluation and recommended amendment and adopt them as our reasoning and decision pursuant to Clause 10(2)(a) of Schedule 1 to the RMA.

Primary Production Activity

Horizons sought clarification on whether non-habitable dwellings are included in the definition of Primary Production Activity as they were concerned that this may affect the intention behind Rule 19.1(m). The Reporting Officer clarified that non-habitable dwellings are not included and at the hearing, Ms Tucker confirmed that Horizons were satisfied that in looking at other rules in the Plan, there is sufficient control on the location of buildings within the Moutoa Floodway, the subject of Rule 19.1 (m). On this basis we have rejected the submission.

Ernslaw One, supported by Rayonier, and Rayonier, supported by Ernslaw One, sought to amend the definition of Primary Production Activity to refer to "plantation" forestry. The Reporting Officer agreed that the definition should specifically refer to "plantation" forestry for consistency with rules in the Proposed Plan and the conditions in the Chapter 19. It also differentiates it from forests that may not be grown for commercial purposes. He recommended the submissions be accepted and the definition be amended as follows (note the change to include aggregate extraction stems from the overarching decision on aggregates):

Primary Production Activity includes any agricultural, horticultural, floricultural, arboricultural, plantation forestry or intensive farming activity but does not include aggregate extraction, mineral extraction or mineral processing or the harvesting clearance or modification of indigenous vegetation.

We agree with the Reporting Officer's evaluation and recommended amendment and adopt them as our reasoning and decision pursuant to Clause 10(2)(a) of Schedule 1 to the RMA.

Federated Farmers, supported in part by Ernslaw One, Horticulture NZ and Transpower sought to amend the definition of Primary Production Activity by inserting reference to agricultural and horticultural earthworks. The Reporting Officer noted that the definition of 'earthworks' included stripping of vegetation and top soil. However, he said that the conditions for earthworks only apply in specific landscape domains: earthworks outside the specific areas are permitted without limit. He also noted the cultivation of crops and post holes etc is excluded from the term 'earthworks' in the rules; therefore there was no necessity for the definition to exclude earthworks associated with agriculture and horticulture and that the submissions be rejected.

Ms Dasent contended that there were many other earthwork activities that are considered part and parcel of everyday farming. She said Federated Farmers concern was mainly about how the definition of earthworks will interact with rules for Flood Hazard Overlay areas. In such areas the permitted status appears to limit earthworks to only 20m³ which means many normal activities associated with primary production would require consent. She indicated that the Reporting Officer in the Natural Hazards hearing had addressed this matter by recommending that an exception to Rule 19.6.11 be added permitting activities associated with primary production in Flood Hazard Overlay areas. She noted that if this recommendation was not accepted, the Rural Environment hearing panel would need to address the matter.

In the right of reply the Reporting Officer did not consider it appropriate to include such a reference as earthworks was separately defined in the Proposed Plan. He said that any exclusions from the earthworks rules had been assessed for each rule (e.g. Flood Hazard Area rule).

We agree that the definitions and rules meet the intentions of the Plan and there is no need to include earthworks associated with agriculture and horticulture within the definition of Primary Production Activity. We note that the decision on Rule 19.6.11 stemming from the Natural Hazards hearing was not quite as Ms Dasent had portrayed in that the exemption contained within the rule is only related to buildings and that earthworks are subject to a 20m³ requirement in the Flood Hazard Overlay areas. This factor does not change our decision though.

We therefore adopt the Reporting Officer's evaluation and recommended amendment as our reasoning and decision pursuant to Clause 10(2)(a) of Schedule 1 to the RMA.

The support for the definition of Primary Production Activity by NZ Pork, opposed by Ernslaw One, is noted, however given the above amendment both submissions are accepted in part.

5.0 DECISION

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

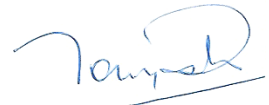
1. That pursuant to clause 10 of Schedule 1 to the Resource Management Act 1991 the Rural Environment sections of the Proposed Horowhenua District Plan be approved including the amendments set out in Appendix A to this decision.
2. That for the reasons set out in the above report submissions and further submissions are accepted, accepted in part or rejected as listed in Appendix B to this decision.



Dean Chrystal



Jane Black



Cr Tony Rush

Dated: 23 September 2013

APPENDIX A: Proposed Plan as amended by Hearing Decisions

AMENDMENTS TO THE PLAN

Text to be added to the Proposed Plan is shown as underlined and any text to be deleted is shown as ~~strikethrough~~.

Chapter 2 Rural Environment

Policy 2.1.20

Amend Policy 2.1.20 as follows:

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

Issue Discussion 2.3

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

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

Issue 2.4

Delete Issue 2.4 and all associated provisions as shown below.

~~Issue 2.4 SUSTAINABLE LAND MANAGEMENT PRACTICES~~

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

~~ISSUE DISCUSSION~~

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

~~Objectives & Policies~~

~~Objective 2.4.1 Sustainable Land Management Practices~~

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

~~Policy 2.4.2~~

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

~~Policy 2.4.3~~

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

~~Explanation and Principal Reasons~~

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

~~Horizons Regional Council is the authority directly responsible for soil conservation and land disturbance matters. The District Council can, though, assist to influence land management practices in its role of managing the effects of land use activities. Other agencies including Federated Farmers, Department of Conservation, and Fish and Game Council~~

all work directly with land users to improve land management practice. The more direct initiatives of these other agencies are expected to be most effective in improving land management practice and soil sustainability over time. The Council intends, within the constraints of its jurisdiction, to assess and positively influence the significantly adverse effects of land use activities on soil capability and to work co-operatively with those agencies in promoting sustainable land management.

Methods for Issue 2.4 & Objective 2.4.1

Education and Information

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

District Plan

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

Other Statutory Plans

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

Issue 2.5

Amend Issue 2.5 as follows:

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

Amend the first paragraph of the Issue Discussion to read:

The rural environment hosts a diverse range of activities spread throughout a large area. The nature and distribution of primary production is largely determined by natural patterns of landform, climate and soil type, with other activities influenced by other factors such as accessibility and proximity to markets and other facilities. The predominant activities in the rural environment are primary production based, including farming, horticulture and forestry. These primary production activities can vary widely in scale from large scale and extensive beef/sheep and dairying operations through to small scale lifestyle blocks. There are also many activities associated with these primary production activities located in the rural environment, including packing and processing sheds, fertiliser depots and rural contractors. In addition, other activities and facilities are located in the rural environment, including infrastructure and aggregate extraction activities. There are other non-primary production activities located in the rural environment including residential, recreation, home occupations, and visitor accommodation. These activities are often more sensitive to external effects from primary production activities and infrastructure.

Amend the third paragraph of the Issue Discussion to read:

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

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

- ~~The careless and indiscriminate use of air sprays resulting in spray drift.~~

- The potential for adverse effects from off target spray drift and complaints due to agrichemical spraying being undertaken.

Objective 2.5.1

Amend Objective 2.5.1 as follows:

“To enable primary production activities and other ~~associated~~ rural based land uses to function efficiently and effectively in the Rural Zone, while avoiding, remedying or mitigating the adverse effects of activities, including reverse sensitivity effects caused by new activities on existing activities, in a way that maintains and enhances the, character and amenity values of the rural environment.”

Policy 2.5.4

Amend Policy 2.5.4 as follows:

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

Policy 2.5.6

Amend Policy 2.5.6 as follows:

Ensure that all activities within the rural environment manage and dispose of wastes in a manner that does not create a nuisance and that avoids, remedies or mitigates adverse effects on amenity values.

Policy 2.5.9

Amend Policy 2.5.9 as follows:

Manage the effects of additional dwellings on the rural land resource, life-supporting capacity of soils and the character and amenity values of the rural environment, recognising any farm worker accommodation should be located and related to the scale and intensity of the primary production activities on site.

Policy 2.5.11

Amend Policy 2.5.11 as follows:

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

Policy 2.5.14

Amend Policy 2.5.14 as follows:

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

Policy 2.5.15

Amend Policy 2.5.15 as follows:

Maintain separation distances between residential activities and intensive farming activities and effluent storage, treatment and disposal systems so as to minimise adverse effects (including reverse sensitivity effects) for all ~~both~~ activities.

Policy 2.5.19

Amend Policy 2.5.19 as follows:

Provide for a limited amount of ~~advertising~~ signage located on the site to which the activity relates to minimise the effects on the rural environment.

Policy 2.5.21

Amend Policy 2.5.21 as follows:

~~Recognise the existence of~~ Protect the Levin Wastewater Treatment Plant in Mako Mako Road as a legitimate activity adjoining the rural zone and protect it from the effects of reverse sensitivity.

New Policy

Add a new **Policy 2.5.X** as follows:

Recognise the existence of aggregate extraction activities in two locations on the Ohau River and protect them from reverse sensitivity effects by managing the establishment of new dwellings nearby.

New Policy

Add a new **Policy 2.5.X** as follows:

Manage the establishment and operation of aggregate extraction activities recognising these activities are constrained by the location of the resource, while ensuring the adverse effects on the environment are avoided, remedied or mitigated.

Explanation and Principal Reasons for Objective 2.5.1

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

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

Amend paragraph 2 of the Explanation and Principal Reasons as follows:

Many other activities (e.g. vegetable and fruit packing, rural contractor’s yard) are appropriate in a rural setting and can establish and operate without compromising the core primary production activities in the rural areas. In addition, other activities can rely on a rural location as this is where the resource is located (e.g. infrastructure, electricity generation, quarries and gravel extraction), and/or due to its linear nature and the need to traverse districts and regions (e.g. transmission lines, roads and rail). Minimum standards are also applied to these other activities to ensure their adverse effects are avoided, remedied or mitigated.

Amend paragraph 4 of the Explanation and Principal Reasons as follows:

There are various pressures on the character and amenity values of the rural environment from the wide range of activities. Buildings and structures are associated with most activities and the location, scale and density of buildings can adversely affect rural character and amenity values. As part of this it is recognised that additional dwellings for farm worker accommodation may be required on larger rural properties. Typically, rural character and amenity values are where buildings and structures are at a relatively low non-urban density with generous setbacks from external property boundaries and where the height, scale, density and number of buildings do not dominate the landscape and spacious and open space qualities of the rural environment are maintained.

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

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

Amend paragraph 10 of the Explanation and Principal Reasons as follows:

....

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

Anticipated Environmental Results

Deleted AER 2(d) as follows:

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

Chapter 19: Rules – Rural Environment

19.1 Permitted Activities

Amend Rule 19.1(b) and add new (c) and (d) as follows:

~~(b) Residential activities. One residential dwelling unit and one family flat per site on sites up to 40 hectares.~~

(c) Two residential dwellings units and one family flat per site on sites between 40 hectares up to 100 hectares.

(d) Three residential dwelling units and one family flat per site on sites 100 hectares and over.

Amend Rule 19.1(d) as follows:

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

Add to Rule 19.1 as follows:

Relocated buildings up to including 40m² in gross floor area.

Amend Rule 19.1(j) as follows:

(j) Within land administered by the Department of Conservation:

(i) Construction...

(ii) Commercial...

(iii) Species...

(iv) Control of pest Noxious plants and animal pests control.

Amend Rule 19.1(l) be amended as follows:

The following types of signs:

(i)...

(v) Health and safety signs

Add the following under **Rule 19.1 Permitted Activities**:

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

19.2 CONTROLLED ACTIVITIES

Amend Rule 19.2 (d)

The placement of any Relocated building and/or accessory building on any site (Refer Rule 19.7.6)

Except

Any relocated buildings up to and including 40m² in gross floor area.

19.3 RESTRICTED DISCRETIONARY ACTIVITIES

Add to Rule 19.3 as follows:

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

The following...'

New Rule

Add a new Rule 19.3.X (Restricted Discretionary Activity) as follows:

19.3.X Aggregate Extraction

(a) Aggregate extraction activities not within Outstanding Natural Features and Landscapes (Refer Rule 19.8.X).

19.4 Discretionary Activities

Amend Rule 19.4.2(a) and add new (b) and (c) as follows:

(a) Two or more residential dwelling units or family flats per site on sites up to 40 hectares.

(b) Three or more residential dwellings units or family flats per site on sites between 40 hectares up to 100 hectares.

(c) Four or more residential units or family flats per site on sites 100 hectares and over.

New Rule

Add a new Discretionary Activity rule:

19.4.X Aggregate Extraction

(a) Aggregate extraction activities within Outstanding Natural Features and Landscapes

New Rule

19.5.X National Grid Corridor

(a) Any activity within the National Grid Corridor that does not comply with conditions in Rule 19.6.14.

19.6 Conditions for Permitted Activities

19.6.1 Family Flats

Amend **Rule 19.6.1(a)** as follows:

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

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

19.6.4 Building Setbacks from Boundaries and Separation Distances

Amend **Rule 19.6.4(a)** as follows:

(a) All buildings shall comply with the following setbacks

....

(ix) 10 metres from any residential dwelling unit on any other site.

Amend **Rule 19.6.4(b)** as follows:

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

....

(iv) 30 metres from the edge of an existing plantation forest under separate ownership.

(v) 200 metres from existing aggregate extraction activities on the Ohau River (area shown on the Planning Maps).

Amend **Rule 19.6.4(c)** as follows:

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

300 metres from any residential dwelling unit, family flat and other sensitive activities on any other site.

.....

600 metres from any Residential, Greenbelt Residential, Open Space, ~~Industrial~~ or Commercial Zone’.

19.6.5 Home Occupations

Amend **Rule 19.6.5(a)** as follows:

‘A ~~Home~~ Home occupations shall not exceed 50m² in total gross floor area dedicate to this activity’

19.6.7 Noise

Amend Rule 19.6.7 as follows:

.....

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

.....

(iii) *Mobile sources associated with primary production activities and temporary activities required by normal agricultural and horticulture practice, such as cropping and harvesting.*

19.6.9 Odour

Amend Rule 19.6.9 as follows:

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

Note: For the purpose of this condition, an offensive or objectionable odour is that odour which can be detected and is considered to be offensive or objectionable by at least two independent observers; including at least one Council officer. In determining whether an odour is offensive or objectionable, the “FIDOL factors” may be considered (the frequency; the intensity; the duration; the offensiveness (or character); and the location of the odour). Section 14.2 of the Proposed One Plan as well as the Good Practice Guide for Assessing and Managing Odour in New Zealand (Ministry for the Environment, 2003) contains further guidance.

Amend **Rule 19.6.14** as follows:

19.6.14 ~~National Grid Transmission Line~~ **Transmission Line Corridor**

~~(a) All buildings shall comply with New Zealand Electrical Code of Practice of Electrical Safety Distances (NZECP 34:2001).~~

(b) No building or sensitive activity shall be located closer than:

- (i) 10 metres either side of the centreline of any high voltage (110kV) transmission line shown on the Planning Maps.
- (ii) 12 metres either side of the centreline ~~and support structures~~ of any high voltage (220kV or more) transmission line shown on the Planning Maps.
- (iii) 12 metres from the outer edge of any support structure of any high voltage transmission line shown on the Planning Maps.

Advice Note: The requirements of New Zealand Electrical Code of Practice for Electrical Safe Distances (NZECP34:2001) also need to be met and contact should be made with the line owner.

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

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

- Crop support structures and crop protection structures (including any connected catenary or support cables or wires) that are at least 8 metres from the outer edge of a pole (not tower) support structure of high voltage transmission line and that:
 - meet the requirements of New Zealand Electrical Code of Practice for Electrical Safe Distances (NZECP 34:2001) for minimum distance beneath conductors: and
 - are no more than 2.5 metres high; and
 - are removable or temporary, to allow a clear working space 12 metres from the pole when necessary for maintenance purposes; and
 - allow all weather access to the pole and a sufficient area for maintenance equipment, including a crane.
- Non-habitable buildings associated with primary production activities (excluding milking sheds) that meet the requirements of New Zealand Electrical Code of Practice of Electrical Safety Distances (NZECP 34:2001) for minimum distance beneath conductors and are 12 metres from the support structure of high voltage transmission lines.

(c) Earthworks

(i) Earthworks around Poles shall be:

- (a) no deeper than 300mm within 2.2 metres of a transmission pole support structure or stay wire; and
- (b) no deeper than 750mm between 2.2 to 5 metres from a transmission pole support structure or stay wire.

Except that:

Vertical holes not exceeding 500mm diameter beyond 1.5 metres from the outer edge of a pole support structure or stay wire are exempt from (c)(i)(a) and (c)(i)(b) above.

(ii) Earthworks around Towers shall be:

- (a) no deeper than 300mm within 6 metres of the outer visible edge of a transmission tower support structure; and
- (b) no deeper than 3 metres between 6 to 12 metres from the outer visible edge of a transmission tower support structure.

(iii) Earthworks 12m either side of a high voltage transmission line shall not:

- (a) create an unstable batter that will affect a transmission support structure; and/or
- (b) result in a reduction of the existing conductor clearance distances as required by NZECP34:2001.

The following activities are exempt from (c)(i), (c)(ii) and (c)(iii) above:

- Earthworks undertaken by a Network Utility operator; or
- Earthworks undertaken as part of agricultural or domestic cultivation, or repair, sealing or resealing of a road, footpath or driveway.

19.6.15 Planting Setbacks for Plantation Forestry and Shelterbelt Planting

Amend **Rule 19.6.15** as follows:

- (a) No plantation forest shall be planted within 10 metres from any ~~site~~ boundary of a site under separate ownership or road.
- (b) No plantation forest shall be planted within ~~25~~ 30 metres from any existing residential dwelling unit of a site under separate ownership.
- (c) Vegetation planted to form a shelterbelt for more than 20 metres in length shall not exceed 6 metres in height from ground level within 10 metres horizontal distance from any ~~site~~ boundary of a site under separate ownership or road.

- (d) No plantation forest or shelterbelt shall be planted or allowed to grow in any position which could result in any icing of any public road carriageway as a result of shading of the road between 10.00am and 2.00pm on the shortest day.

19.6.16 Forestry and Timber Harvesting

Delete **Rule 16.6.16** in its entirety:

~~**19.6.16 Forestry and Timber Harvesting**~~

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

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

19.6.17 Wastes Disposal

Amend Rule 19.6.17 as follows:

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

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

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

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

19.6.19 Surfacewater Disposal

Amend Rule 19.6.19 by adding the following Note:

Note: Discharge of stormwater to land or drainage systems is also regulated by the Proposed One Plan and may require resource consent from Horizons Regional Council.

19.6.26 Signs

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

Table 19-1: Maximum Face Area for Signs

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

Amend **Rule 19.6.26(c)** as follows:

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

Amend Rule 19.6.30 as follows:

19.6.30 Temporary Military Training Activities

- (a) All temporary military training activities shall, in addition to the other conditions, also comply with the following conditions:
- (i) No permanent structures shall be constructed.
 - (ii) The activity shall not require excavation (permanent or mechanical), unless provided for in this District Plan.
 - (iii) The duration of any temporary military training activity shall not exceed 31 consecutive days.
 - (iv) Noise generated from mobile sources (other than weapons firing and/or use of explosives) shall be assessed in accordance with and not exceed the limits as set out in, NZS 6803:1999 Acoustics - Construction Noise when applied at any the notional boundary of any noise sensitive activity, or any Residential Zone or Greenbelt Residential Zone site boundary.
Noise levels shall be measured and assessed in accordance with that Standard as if it were construction noise.
 - (v) Noise generated from any fixed source (other than weapons firing and/or use of explosives) shall not exceed the following limits when measured at the notional boundary of any noise sensitive activity, or any Residential Zone or Greenbelt Residential Zone site boundary:
 - On any day -
 - 7.00am – 7.00pm: 55 dB L_{Aeq(15min)}
 - 7.00pm – 10.00pm: 50 dB L_{Aeq(15min)}
 - 10.00pm – 7.00am: 45 dB L_{Aeq(15min)}
 - 10.00pm – 7.00am: 75 L_{AFmax}

Noise levels shall be measured and assessed in accordance with the provisions of NZS 6801:2008 Acoustics - Measurement of environmental sound and assessed in accordance with the provisions of NZS 6802:2008 Acoustics - Environmental noise.
 - ~~(vi) Noise resulting from the use of explosives and small arms weapons shall not occur between 8.00pm and 7.00am the following day and shall otherwise comply with Section 8.1.4 of NZS 6803:1999.~~
 - (vii) Noise generated from the use of helicopters shall be assessed in accordance with NZS6807:1994 Noise Management and Land Use Planning for Helicopter Landing Areas and comply with the limits set out therein.
Noise levels shall be measured in accordance with NZS6801:2008 Acoustics - Measurement of Sound.
 - (vii) Any training activities involving the use of explosives and/or firing of weapons shall comply with either:
 - (a) The separation distances identified in Table 19.3; or
 - (b) If minimum separation distances in Table 19.3 cannot be met:
 - Daytime sound levels do not exceed a peak sound pressure level of 120 dBC when measured at the notional boundary of any noise sensitive activity, or any Residential Zone or Greenbelt Residential Zone site boundary; and
 - Night time sound levels do not exceed a peak sound pressure level of 90 dBC when measured at or within the 20 metre notional boundary of any noise sensitive activity, or any Residential Zone or Greenbelt Residential Zone site boundary; and

- Provided the New Zealand Defence Force produces and undertakes the activity in accordance with a Noise Management Plan submitted to the Council at least 15 working days prior to the activity being undertaken (refer 28.2.X for information requirements for Noise Management Plan).

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

<u>Type of military noise source</u>	<u>Standards</u>	
	<u>Time (Monday to Sunday)</u>	<u>Separation distance required from any residential dwelling unit or building used for noise sensitivity activities in any Zone, and any site within the Residential Zone or Greenbelt Residential Zone</u>
<u>1. Live firing of weapons and single or multiple explosive events</u>	<u>7.00am to 7.00pm (daytime)</u>	<u>At least 1500m</u>
	<u>7.00pm to 7.00am (night time)</u>	<u>At least 4500m</u>
<u>2. Firing of blank ammunition</u>	<u>7.00am to 7.00pm (daytime)</u>	<u>At least 750m</u>
	<u>7.00pm to 7.00am (night time)</u>	<u>At least 2250m</u>

19.7 Matters of Control and Conditions for Controlled Activities

19.7.10 Temporary Military Training Activities

Amend Rule 19.7.10 as follows:

(a) Matters of Control

- ~~(i) The avoidance, remedying or mitigating of any adverse effects on the environment.~~
- ~~(i) The size and positioning of buildings and structures;~~
- ~~(ii) The measures used to avoid, remedy or mitigate adverse effects from excavation.~~
- ~~(iii) Methods to manage effects on the amenity and character of the area as a result of non-compliance with the noise and duration permitted activity conditions;~~
- ~~(iv) The actual and potential adverse effects on the safety and efficiency of the road network, as a result of additional traffic generation for a prolonged period of time; and~~
- ~~(v) The provision of safe and efficient vehicular access and on-site car parking to avoid, remedy or~~

mitigate potential traffic effects.

19.8 Conditions for Restricted Discretionary Activities

19.8.3 Home Occupations

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

- (a)
- (b) Conditions
 - (i) ~~A~~ Home occupations shall not exceed 70m² of total gross floor area dedicated to this activity.

New Rule

Add a new Rule 19.8.X (Matters of Discretion) as follows:

19.8.X Aggregate Extraction not within Outstanding Natural Features and Landscapes (Refer Rule 19.3.X)

- (a) Matters of Discretion
 - (i) The location, extent, duration (life span) and hours of operation of the activity.
 - (ii) The character of the site and surrounding area, including the location of the resource and proximity to existing dwellings.
 - (iii) The site layout, including location and extent of the extraction areas, processing facilities and stockpiles
 - (iv) The effects on traffic safety and movements
 - (v) The effects of noise, dust, lighting and vibration, with particular consideration of crushing (if proposed)
 - (vi) The effects on any significant site or feature, including but not limited to, the natural character of the river and their margins, areas of significant indigenous vegetation and significant habitats of indigenous fauna, sites of significance to tangata whenua, and historic heritage.
 - (vii) The effects from the storage, use and transportation of hazardous substances.
 - (viii) The effects on public access when located adjacent to a waterbody
 - (ix) The rehabilitation of the site
 - (x) Measures to avoid, remedy or mitigate the adverse effects.

Chapter 25: Assessment Criteria

25.2.1 General

Amend **Assessment Criteria 25.2.1** General as follows:

'.....

- (d) The likelihood of the proposed activity to generate reverse sensitivity effects on the primary production, ~~and~~ intensive farming activities and other lawfully established activities, and the potential impact these may have on the continuing effective and efficient operation of the primary production, ~~and~~ intensive farming activities and other lawfully established activities.
- (l) The positive local, regional and national benefits of undertaking the activity.
- (m) Whether the development or activity would have an adverse effect on the operation, maintenance, upgrading or development of the National Grid.

25.2 Assessment Criteria for Land Use Consents in the Rural Zone

Amend 25.2 as follows:

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

25.2.1 General

....

25.2.1 Buildings

....

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

25.2.4 Tree Planting

Amend Assessment Criteria 25.2.4(a) as follows

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

25.2.6 Non-Primary Production Activities

Amend Assessment Criteria 25.2.6(f) as follows:

...

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

Chapter 26: Definitions

Add a new definition to Chapter 26 as follows:

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

Amend the definition of **Intensive Farming** as follows:

Intensive Farming means any farming activity which predominantly involves the housing or raising of animals, plants or other living organism within buildings or in closely fenced enclosures where the stocking density precludes the maintenance of pasture or ground cover, ~~and which is substantially provided for by food or fertiliser from off the site;~~ and includes intensive pig farming, poultry farming, and mushrooms farms; but excludes:

- horticulture undertaken in greenhouses,
- shearing sheds; and dairy milking sheds;
- keeping, rearing or breeding of poultry of 20 or fewer birds; and
- the keeping, breeding or rearing of five (5) or fewer pigs that have been weaned, or more than two (2) sows (with progeny until weaned).

Amend the definition of **Primary Production Activity** as follows:

Primary Production Activity includes any agricultural, horticultural, floricultural, arboricultural, plantation forestry or intensive farming activity but does not include aggregate extraction, mineral extraction or mineral processing or the harvesting clearance or modification of indigenous vegetation.

Add a new definition for **Aggregate Extraction Activities** as follows:

Aggregate Extraction Activities means the use of land, buildings and plant for the primary purpose of extracting and processing aggregates, including but not limited to rock, gravel and sand. Processing includes associated on site crushing, screening, washing and blending of aggregates.

Amend **Planning Maps 7, 8, 33, 34 and 35** as attached by adding a new line indicating the extent of the 200m buffer around the two existing aggregate extraction activities on the Ohau River.

LEGEND
ZONES

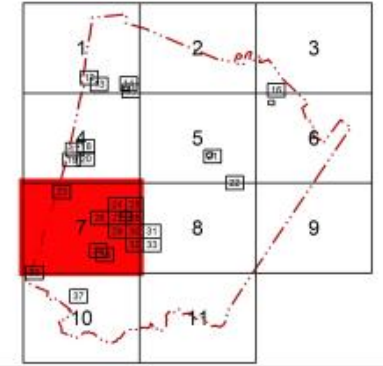
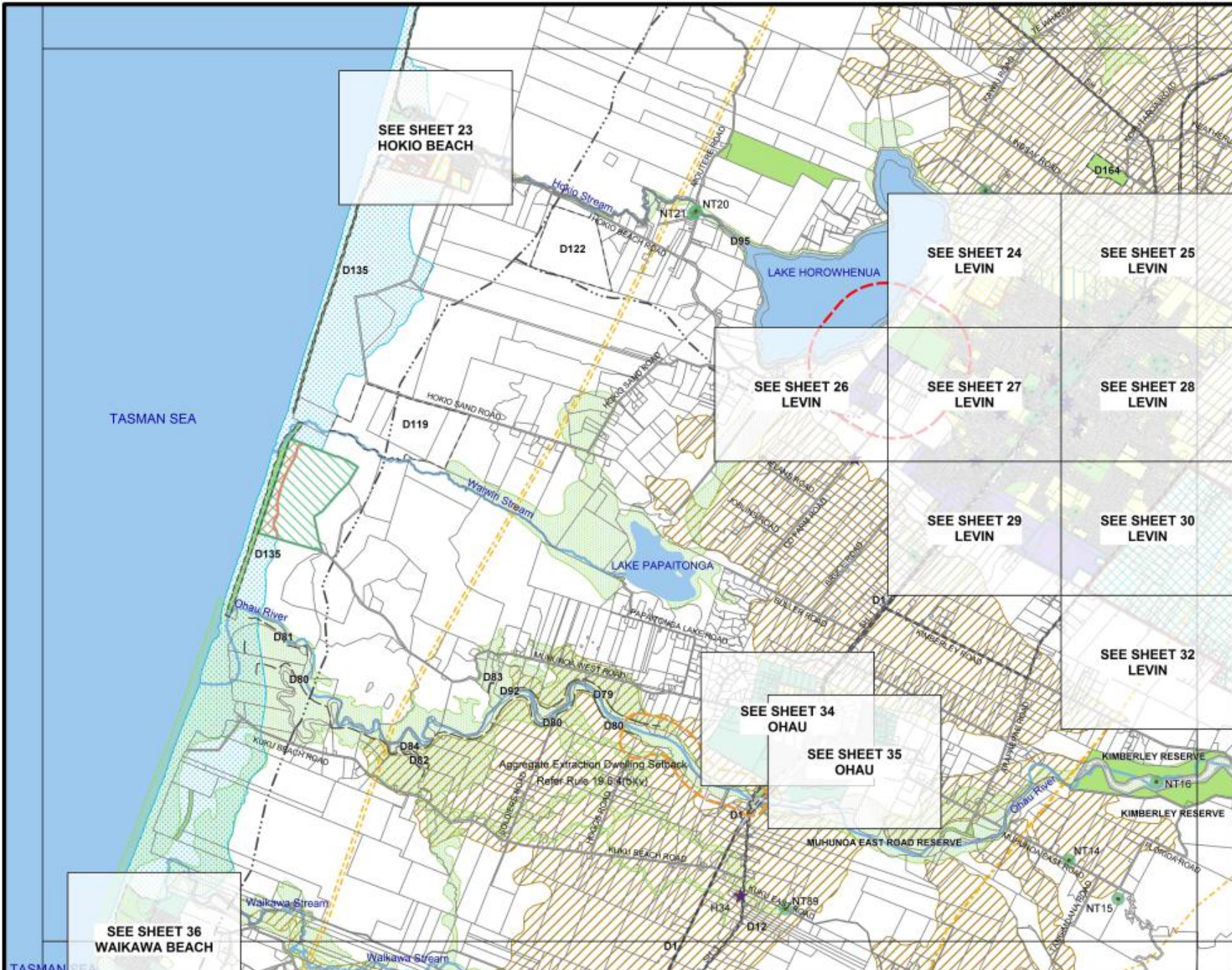
- Commercial Zone
- Industrial Zone
- Residential Zone
- Rural Zone
- Greenbelt Residential Zone
- Open Space Zone
- Residential Deferred Zone
- Greenbelt Residential Deferred Zone

OVERLAYS

- Greenbelt Residential Waitare 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)
- 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 7

LEGEND
ZONES

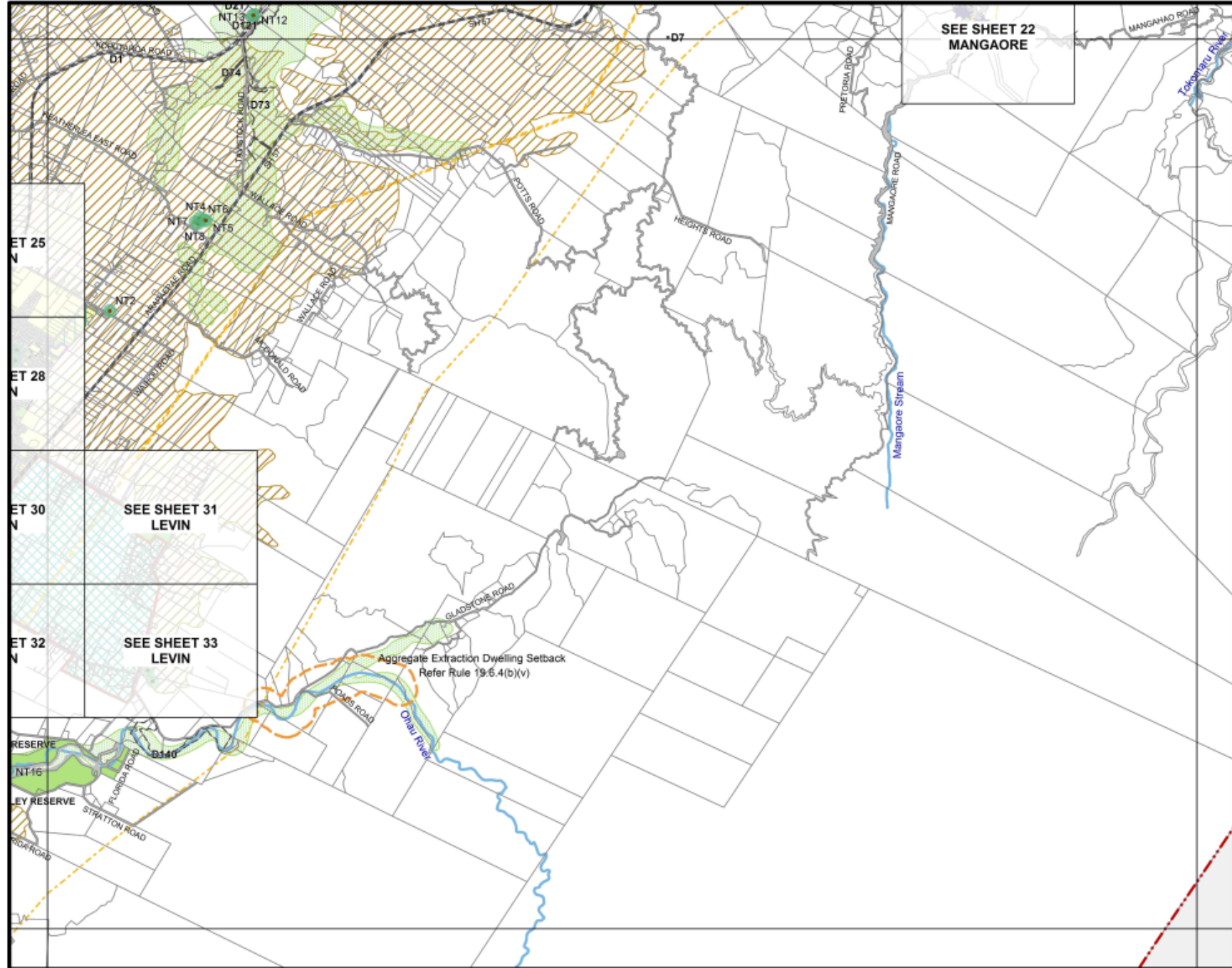
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- Designation
- Road



SEE SHEET 22
MANGAORE

SEE SHEET 31
LEVIN

SEE SHEET 33
LEVIN

Scale 1 : 50,000

HOROWHENUA DISTRICT PLAN
RURAL

Planning Map 8

LEGEND
ZONES

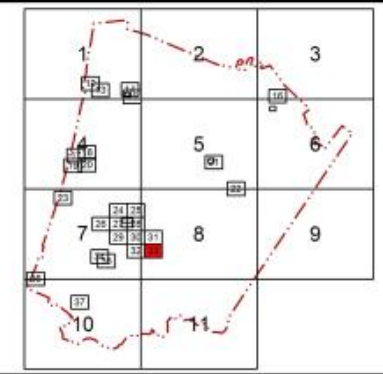
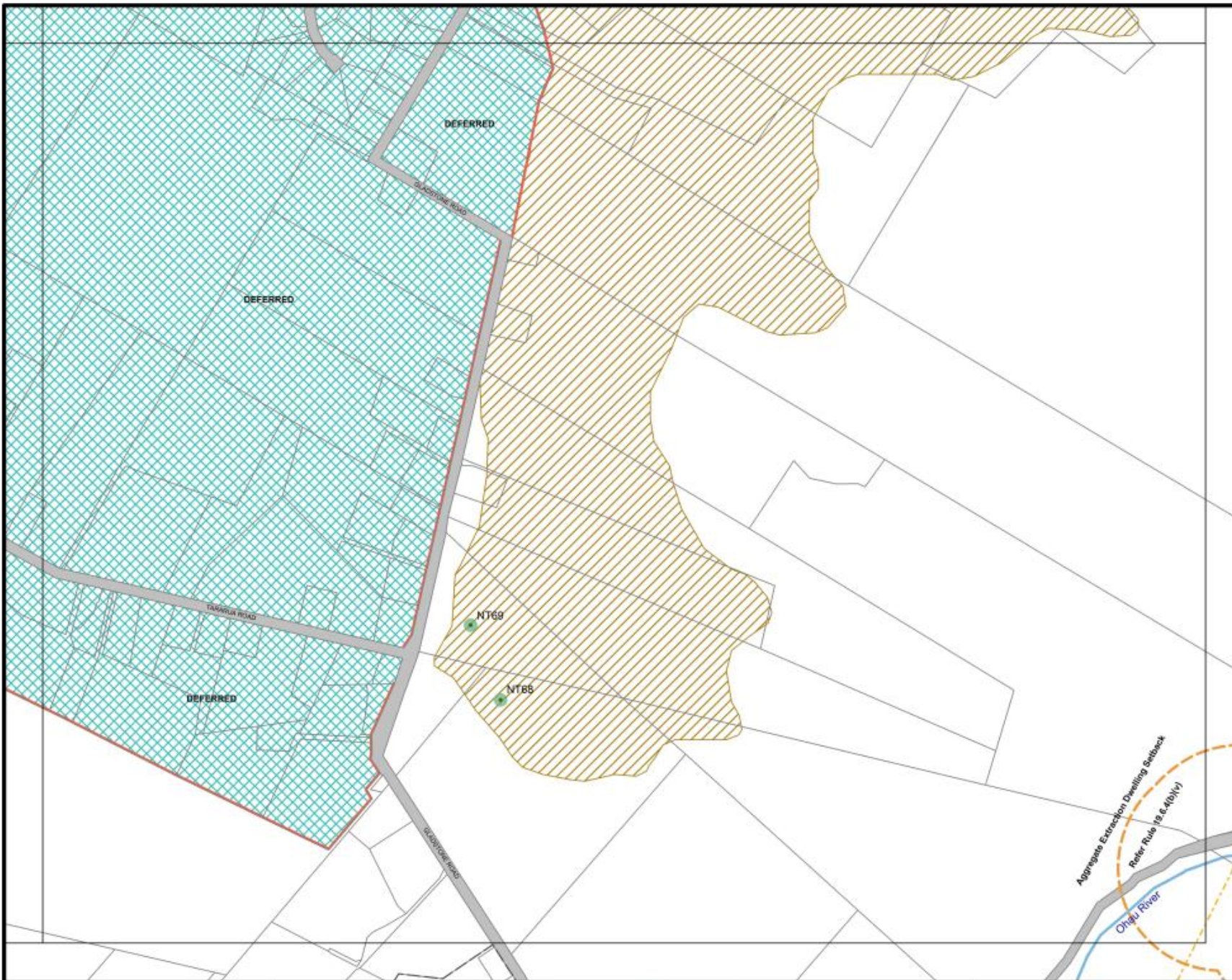
- Commercial Zone
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- Residential Deferred Zone
- Greenbelt Residential Deferred Zone

OVERLAYS

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- Gas Transmission Pipeline
- National Grid Corridor (High Voltage Transmission Line)
- Designation
- Road



Scale 1 : 7,500

HOROWHENUA DISTRICT PLAN
LEVIN

Planning Map 33

LEGEND
ZONES

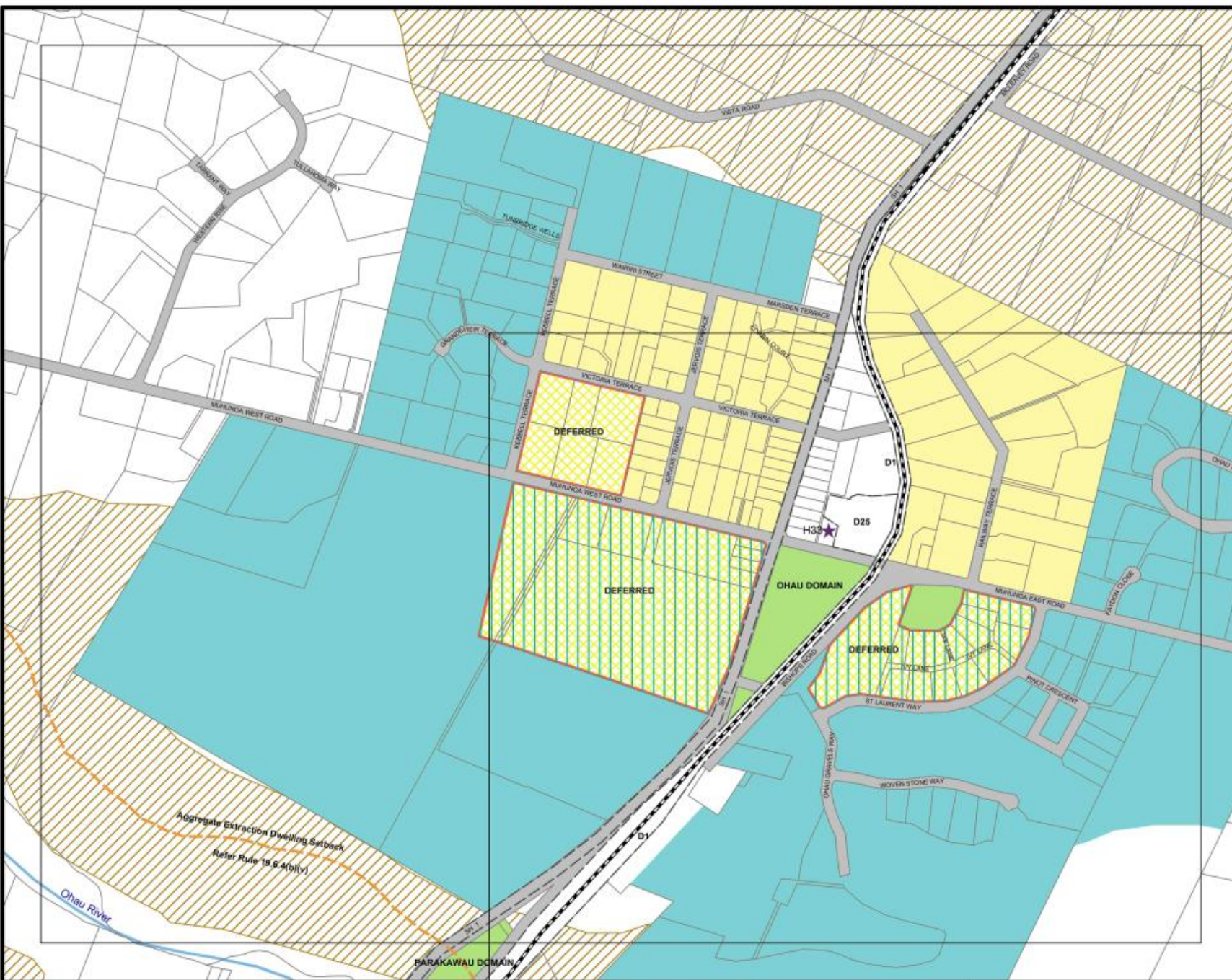
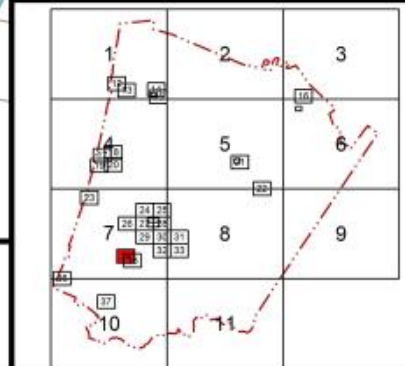
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- Moutoa Floodway (1:50,000 Rural Maps Only)
- Versatile Land (LUC Class I & II Soil)

FEATURES

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



Scale 1 : 7,500

HOROWHENUA DISTRICT PLAN
OHAU

Planning Map 34

LEGEND
ZONES

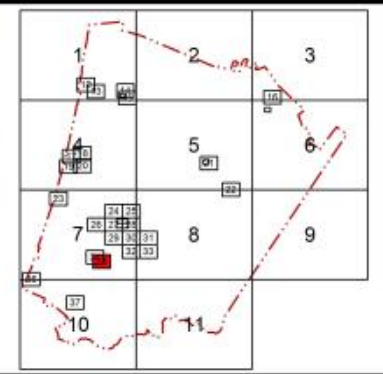
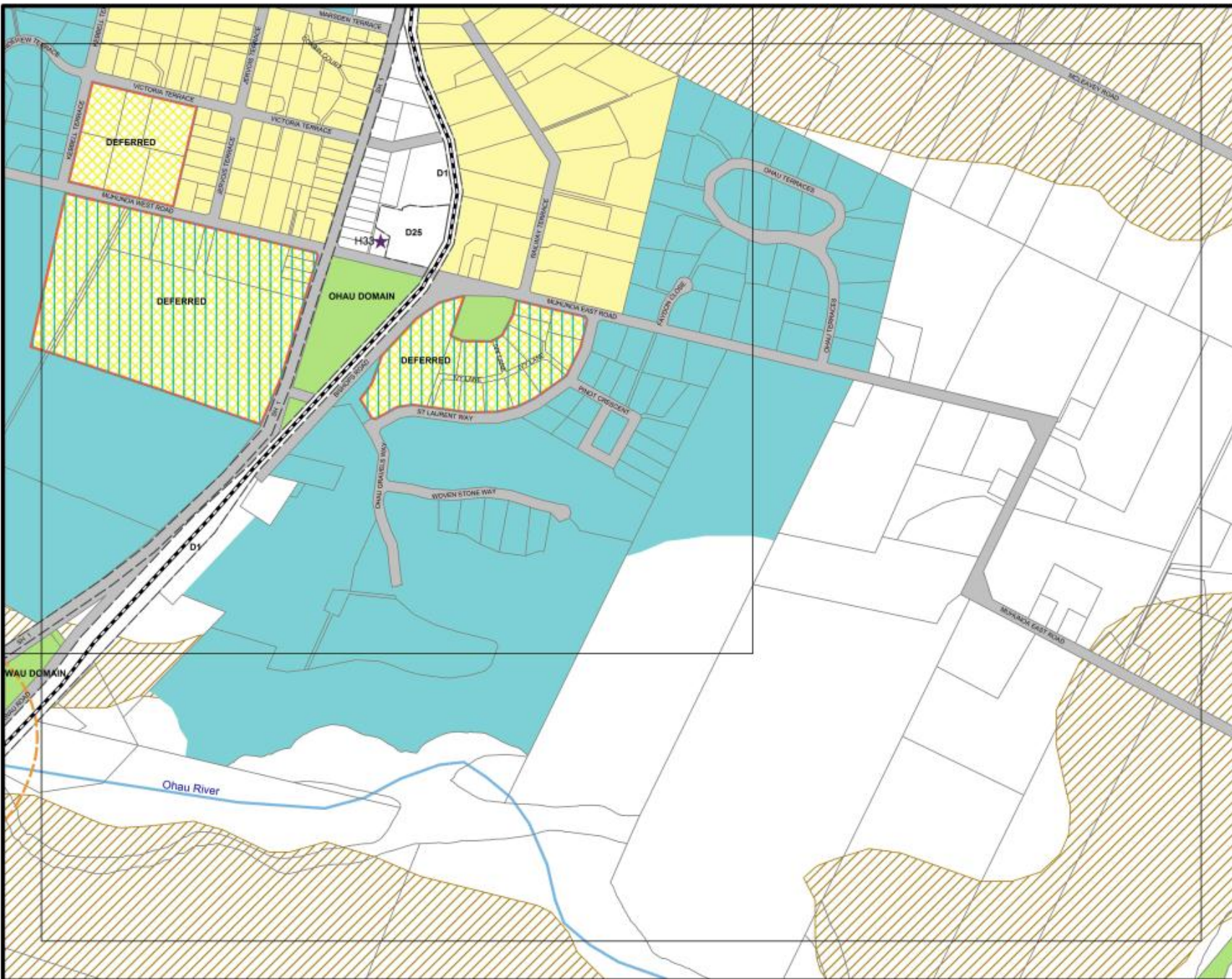
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FEATURES

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- Gas Transmission Pipeline
- National Grid Corridor (High Voltage Transmission Line)
- Designation
- Road



Scale 1 : 7,500

HOROWHENUA DISTRICT PLAN
OHOU

Planning Map 35

APPENDIX B: Schedule of Decisions on Submission Points

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Hearing Panel Decision
Chapter 2 – Rural Environment				
65.00		Horowhenua Farmers' Ratepayer Group		Accept In-Part
66.00		Bruce & Christine Mitchell		Accept In-Part
96.00	506.04	Federated Farmers of New Zealand Ernslaw One Ltd	Support	Accept In-Part Accept In-Part
98.08	500.03 506.51 522.09	Horticulture NZ NZ Pork Industry Board Ernslaw One Ltd PIANZ & EPFNZ	Support Support Support	Accept Accept Accept Accept
101.00		Director-General of Conservation (DoC)		Reject
65.02		Horowhenua Farmers' Ratepayer Group		Reject
66.02		Bruce & Christine Mitchell		Reject
98.09	516.02	Horticulture NZ Federated Farmers of New Zealand	Support	Reject Reject
101.01		Director-General of Conservation (DoC)		Accept
98.10		Horticulture NZ		Reject
67.05	522.06	Taiao Raukawa Environmental Resource Unit PIANZ & EPFNZ	Support	Reject Reject
32.02	528.04	NZ Pork Industry Board Horizons Regional Council	Support	Accept Accept
83.01	513.00	Hood Rayonier New Zealand Ltd	Support	Accept Accept
96.01	500.00	Federated Farmers of New Zealand NZ Pork Industry Board	Support	Accept Accept

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Hearing Panel Decision
	528.16	Horizons Regional Council	Support	Accept
98.11	500.01	Horticulture NZ	Support	Accept
	527.10	NZ Pork Industry Board	Oppose	Accept
	528.23	Director-General of Conservation (DoC)	Oppose	Reject
		Horizons Regional Council	Support	Accept
32.03	528.05	NZ Pork Industry Board	Support	Accept
		Horizons Regional Council	Support	Accept
72.00	517.03	PIANZ & EPFNZ	Oppose	Reject
		Horticulture NZ	Oppose	Accept
74.12		Ernslaw One Limited		Reject
96.02	500.04	Federated Farmers of New Zealand	Support	Accept
	528.17	NZ Pork Industry Board	Support	Accept
		Horizons Regional Council	Support	Accept
101.02	500.05	Director-General of Conservation (DoC)	Oppose	Reject
		NZ Pork Industry Board	Oppose	Accept
32.04	528.06	NZ Pork Industry Board	Support	Accept
		Horizons Regional Council	Support	Accept
74.13	500.08	Ernslaw One Limited	Oppose	Reject
		NZ Pork Industry Board	Oppose	Accept
101.03	500.06	Director-General of Conservation	Oppose	Reject
		NZ Pork Industry Board	Oppose	Accept
96.03	500.07	Federated Farmers of New Zealand	Support	Accept
	517.04	NZ Pork Industry Board	Support	Accept
	528.18	Horticulture NZ	Support	Accept
		Horizons Regional Council	Support	Accept
74.14	500.10	Ernslaw One Limited	Oppose	Reject
		NZ Pork Industry Board	Oppose	Accept

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Hearing Panel Decision
96.04	528.19	Federated Farmers of New Zealand Horizons Regional Council	Support	Accept Accept
101.04		Director-General of Conservation (DoC)		Reject
67.06		Taiao Raukawa Environmental Resource Unit		Reject
32.05	528.07	NZ Pork Industry Board Horizons Regional Council -Support	Support	Accept Accept
32.06	528.08	NZ Pork Industry Board Horizons Regional Council	Support	Accept Accept
50.00	506.70	Rayonier NZ Ltd Ernslaw One Ltd	Support	Reject Reject
74.00	513.29	Ernslaw One Limited Rayonier New Zealand Ltd	Support	Reject Reject
32.07	506.62 513.01 - 522.02) 524.01	NZ Pork Industry Board Ernslaw One Ltd Rayonier New Zealand Ltd PIANZ & EPFNZ Higgins Group Holdings Ltd	Support Support Support Support	Accept Accept Accept Accept
65.01	506.47 513.06 517.02	Horowhenua Farmers' Ratepayer Group Ernslaw One Ltd Rayonier New Zealand Ltd Horticulture NZ	Support Support Support	Accept Accept Accept Accept
66.01		Bruce & Christine Mitchell		Accept
77.04	506.39 511.00 513.07	Higgins Group Holdings Ltd Ernslaw One Ltd HDC (Community Assets Department) Rayonier New Zealand Ltd	Support In Part Support	Accept In-Part Accept In-Part Accept In-Part Accept In-Part
83.02		Hood		Reject

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Hearing Panel Decision
	500.02	NZ Pork Industry Board	Support	Reject
96.05		Federated Farmers of New Zealand		Reject
	506.05	Ernslaw One Ltd	Support	
	513.10	Rayonier New Zealand Ltd	Support	
	522.07	PIANZ & EPFNZ	Oppose	
98.12		Horticulture NZ		Accept
	506.55	Ernslaw One Ltd	Support	Accept
	513.20	Rayonier New Zealand Ltd	Support	Accept
	516.00	Federated Farmers of New Zealand	Support	Accept
32.08		NZ Pork Industry Board		Accept In-Part
	506.63	Ernslaw One Ltd	Support	Accept In-Part
	524.02	Higgins Group Holdings Ltd	Support	Accept In-Part
	527.01	Director-General of Conservation (DoC)	Oppose	Accept In-Part
72.01		PIANZ & EPFNZ		Accept In-Part
77.05		Higgins Group Holdings Ltd		Accept In-Part
	506.40	Ernslaw One Ltd	Support	Accept In-Part
99.01		Transpower New Zealand Ltd		Accept In-Part
	514.16	Todd Energy Ltd	Support	Accept In-Part
	515.16	KCE Mangahao Ltd	Support	Accept In-Part
	516.03	Federated Farmers of New Zealand	Oppose	Accept In-Part
	522.11	PIANZ & EPFNZ	Support	Accept In-Part
101.05		Director-General of Conservation (DoC)		Accept In-Part
96.06		Federated Farmers of New Zealand		Accept In-Part
	500.09	NZ Pork Industry Board	Support	Accept In-Part
	506.06	Ernslaw One Ltd	Support	Accept In-Part
98.13		Horticulture NZ		Accept In-Part
	522.10	PIANZ & EPFNZ	In Part	Accept In-Part
32.09		NZ Pork Industry Board		Accept

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Hearing Panel Decision
72.02	500.11	PIANZ & EPFNZ NZ Pork Industry Board	Support	Accept Accept
96.07	500.12 506.33 513.11	Federated Farmers of New Zealand NZ Pork Industry Board Ernslaw One Ltd Rayonier New Zealand Ltd	Support Support Support	Accept Accept Accept Accept
98.14	506.52 513.21	Horticulture NZ Ernslaw One Ltd Rayonier New Zealand Ltd	Support Support	Accept Accept Accept
101.06	506.03 513.26	Director-General of Conservation (DoC) Ernslaw One Ltd Rayonier New Zealand Ltd	Oppose Oppose	Accept In-Part Accept In-Part Accept In-Part
32.10		NZ Pork Industry Board		Accept
96.08		Federated Farmers of New Zealand		Accept
98.15		Horticulture NZ		Reject
32.11	506.69 513.02 522.03 524.03	NZ Pork Industry Board Ernslaw One Ltd Rayonier New Zealand Ltd PIANZ & EPFNZ Higgins Group Holdings Ltd	Support Support Support Support	Accept Accept Accept Accept Accept
72.03		PIANZ & EPFNZ		Accept
96.09	500.13 506.34 513.12	Federated Farmers of New Zealand NZ Pork Industry Board Ernslaw One Ltd Rayonier New Zealand Ltd	Support Support Support	Accept Accept Accept Accept
98.16	500.14 506.54 513.22	Horticulture NZ NZ Pork Industry Board Ernslaw One Ltd Rayonier New Zealand Ltd	Support Support Support	Accept Accept Accept Accept

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Hearing Panel Decision
101.07		Director-General of Conservation (DoC)		Reject
101.10	506.01	Director-General of Conservation (DoC)		Reject
	522.12	Ernslaw One Ltd	Oppose	Accept
		PIANZ & EPFNZ	Oppose	Accept
101.08		Director-General of Conservation (DoC)		Accept In-Part
27.00	500.15	Horizons Regional Council		Accept In-Part
	517.05	NZ Pork Industry Board	Support	Accept In-Part
		Horticulture NZ	In-Part	Accept In-Part
32.12	517.06	NZ Pork Industry Board		Accept In-Part
		Horticulture NZ	In-Part	Accept In-Part
101.09		Director-General of Conservation (DoC)		Accept In-Part
96.10	500.16	Federated Farmers of New Zealand		Reject
	517.07	NZ Pork Industry Board	Support	Reject
		Horticulture NZ	Support	Reject
32.13	517.08	NZ Pork Industry Board		Accept In-Part
	522.04	Horticulture NZ	Oppose	Accept In-Part
		PIANZ & EPFNZ	In-Part	Accept In-Part
96.11	522.08	Federated Farmers of New Zealand		Accept In-Part
		PIANZ & EPFNZ	Oppose	Accept In-Part
98.17		Horticulture NZ		Accept In-Part
76.00		Ann Percy		Reject
98.18		Horticulture NZ		Reject
96.12		Federated Farmers of New Zealand		Reject
32.14	522.04	NZ Pork Industry Board		Accept In-Part
		PIANZ & EPFNZ	Support	Accept In-Part
50.01	506.71	Rayonier NZ Ltd		Accept In-Part
		Ernslaw One Ltd	Support	Accept In-Part

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Hearing Panel Decision
74.01	513.27	Ernslaw One Limited Rayonier New Zealand Ltd	Support	Accept In-Part Accept In-Part
83.03		Hood		Reject
96.13	500.17 506.07	Federated Farmers of New Zealand NZ Pork Industry Board Ernslaw One Ltd	Support Support	Accept In-Part Accept In-Part Accept In-Part
98.19		Horticulture NZ		Accept In-Part
50.02	506.72	Rayonier NZ Ltd Ernslaw One Ltd	Support	Reject Reject
74.02	513.28 516.04	Ernslaw One Limited Rayonier New Zealand Ltd Federated Farmers of New Zealand	Support Support	Reject Reject Reject
27.02	500.19 517.09 522.00	Horizons Regional Council NZ Pork Industry Board Horticulture NZ PIANZ & EPFNZ	Support In-Part Support	Accept In-Part Accept In-Part Accept In-Part Accept In-Part
98.20	500.18	Horticulture NZ NZ Pork Industry Board	Support	Reject Reject
27.03	522.01	Horizons Regional Council PIANZ & EPFNZ	Oppose	Accept Reject
32.15		NZ Pork Industry Board		Accept In-Part
83.04	518.02 521.00	Hood Transpower New Zealand Ltd NZ Transport Agency (NZTA)	In-Part Oppose	Accept In-Part Accept In-Part Accept In-Part
94.30		NZ Transport Agency (NZTA)		Accept
98.21	518.03 521.01	Horticulture NZ Transpower New Zealand Ltd NZ Transport Agency (NZTA)	In-Part Oppose	Accept In-Part Accept In-Part Accept In-Part

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Hearing Panel Decision
99.03		Transpower New Zealand Ltd		Accept
11.16	511.01	Philip Taueki HDC (Community Assets Department)	Oppose	Accept In-Part Accept In-Part
60.10	511.02 519.28	Muaupoko Co-operative Society HDC (Community Assets Department) Charles Rudd(Snr)	Oppose Support	Accept In-Part Accept In-Part Accept In-Part
67.11	511.03	Taiao Raukawa Environmental Resource Unit HDC (Community Assets Department)	In-Part	Accept In-Part Accept In-Part
98.23	516.05	Horticulture NZ Federated Farmers of New Zealand	Support	Accept Accept
98.27		Horticulture NZ		Accept In-Part
99.02	514.17 515.17 517.10	Transpower New Zealand Ltd Todd Energy Ltd KCE Mangahao Ltd Horticulture NZ	Support Support In-Part	Accept Accept Accept Accept
77.06	506.41 513.08	Higgins Group Holdings Ltd Ernslaw One Ltd Rayonier New Zealand Ltd	Support Support	Accept In-Part Accept In-Part Accept In-Part
80.02	518.00	Todd Energy Ltd Transpower New Zealand Ltd	Support	Reject Reject
92.02	518.01	KCE Mangahao Ltd Transpower New Zealand Ltd	Support	Reject Reject
92.20		KCE Mangahao Ltd		Reject
98.22	516.01	Horticulture NZ Federated Farmers of New Zealand	Support	Accept In-Part Accept In-Part
32.16		NZ Pork Industry Board		Reject
98.24		Horticulture NZ		Accept

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Hearing Panel Decision
32.17		NZ Pork Industry Board		Reject
11.13		Philip Taueki		Reject
11.14		Philip Taueki		Reject
60.07		Muaupoko Co-operative Society		Reject
60.08		Muaupoko Co-operative Society		Reject
83.13		Hood		Accept In-Part
80.01		Todd Energy Ltd		Reject
92.01		KCE Mangahao Ltd		Reject
Chapter 19 – Rules: Rural Zone				
74.06		Ernslaw One Limited		Reject
	513.31	Rayonier New Zealand Ltd	Support	Reject
99.25		Transpower New Zealand Ltd		Accept
40.25		House Movers Section of NZ Heavy Haulage Association Inc.		Accept In-Part
9.00		Lynn & Anthony Straugheir		Reject
	513.40	Rayonier New Zealand Ltd	Oppose	Accept
12.00		Daina Parlovskis		Reject
	513.41	Rayonier New Zealand Ltd	Oppose	Accept
15.00		Charles Wallis		Reject
	513.42	Rayonier New Zealand Ltd	Oppose	Accept
23.00		Cheryl Mangin		Reject
	513.43	Rayonier New Zealand Ltd	Oppose	Accept
32.18		NZ Pork Industry Board		Accept
	506.64	Ernslaw One Ltd	Support	Accept
	513.03	Rayonier New Zealand Ltd	Support	Accept
50.04		Rayonier NZ Ltd		Accept
	506.74	Ernslaw One Ltd	Support	Accept

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Hearing Panel Decision
72.04		PIANZ & EPFNZ		Accept
	500.20	NZ Pork Industry Board	Support	Accept
	513.44	Rayonier New Zealand Ltd	Support	Accept
74.04		Ernslaw One Limited		Accept
	513.32	Rayonier New Zealand Ltd	Support	Accept
96.26		Federated Farmers of New Zealand		Accept
	506.14	Ernslaw One Ltd	Support	Accept
	513.14	Rayonier New Zealand Ltd	Support	Accept
108.10		HDC (Planning Department)		Accept
40.42		House Movers Section of NZ Heavy Haulage Association Inc.		Reject
96.27		Federated Farmers of New Zealand		Accept
81.02		Lake		Reject
101.67		Director-General of Conservation (DoC)		Accept In-Part
98.37		Horticulture NZ		Accept
95.05		New Zealand Defence Force (NZDF)		Accept
103.01		Colin Easton		Reject
104.00		Bill Huzziff		Reject
40.23		House Movers Section of NZ Heavy Haulage Association Inc.		Reject
77.02		Higgins Group Holdings Ltd		Accept In-Part
	506.37	Ernslaw One Ltd	Support	Accept In-Part
99.32		Transpower New Zealand Ltd		Accept
	517.23	Horticulture NZ	In-Part	Accept In-Part
117.23		New Zealand Historic Places Trust (NZHPT)		Accept In-Part
96.30		Federated Farmers of New Zealand		Reject
	506.16	Ernslaw One Ltd	Support	Reject

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Hearing Panel Decision
	517.24	Horticulture NZ	Support	Reject
	527.07	Director-General of Conservation (DoC)	Oppose	Accept
83.09		Hood		Accept In-Part
108.12		HDC (Planning Department)		Accept In-Part
81.03		Lake		Reject
99.33	517.25	Transpower New Zealand Ltd Horticulture NZ	In Part	Accept Reject
25.06	525.22	Michael White Maurice and Sophie Campbell	Support	Reject Reject
26.13		Horowhenua Astronomical Society Inc		Reject
27.21	524.04	Horizons Regional Council Higgins Group Holdings Ltd	Support	Accept In-Part Accept In-Part
40.26		House Movers Section of NZ Heavy Haulage Association Inc.		Reject
95.20		New Zealand Defence Force (NZDF)		Accept
99.30		Transpower New Zealand Ltd		Reject
65.03		Horowhenua Farmers' Ratepayer Group		Accept In-Part
66.03		Bruce & Christine Mitchell		Accept In-Part
96.32		Federated Farmers of New Zealand		Accept In-Part
27.24	511.10	Horizons Regional Council HDC (Community Assets Department)	In Part	Reject Reject
7.03		Heirs Partnership		Accept In-Part
72.07		PIANZ & EPFNZ		Accept In-Part
76.02	517.26	Ann Percy Horticulture NZ	Oppose	Reject Accept
77.08		Higgins Group Holdings Limited		Accept In-Part

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Hearing Panel Decision
	506.43	Ermslaw One Ltd	Support	Accept In-Part
98.39		Horticulture NZ		Reject
	516.17	Federated Farmers of New Zealand	In Part	Reject
48.00		Carolyn Dawson		Accept In-Part
64.01		Derek Watt		Reject
52.02		Rosemarie Saunders		Accept In-Part
	525.11	Maurice and Sophie Campbell	Support	Accept In-Part
53.01		McMenamin & Fitzgerald		Accept In-Part
	525.13	Maurice and Sophie Campbell	Support	Accept In-Part
56.00		Rod Halliday		Reject
57.02		Friends of Strathnaver		Accept In-Part
	525.08	Maurice and Sophie Campbell	Support	Accept In-Part
58.02		Maurice and Sophie Campbell		Accept In-Part
32.20		NZ Pork Industry Board		Accept In-Part
	506.66	Ermslaw One Ltd	In Part	Accept In-Part
56.02		Rod Halliday		Reject
72.06		PIANZ & EPFNZ		Accept In-Part
	500.21	NZ Pork Industry Board	Support	Accept In-Part
108.13		HDC (Planning Department)		Accept
27.25		Horizons Regional Council		Reject
	516.18	Federated Farmers of New Zealand	Oppose	Accept
32.21		NZ Pork Industry Board		Accept In-Part
	516.19	Federated Farmers of New Zealand	Support	Accept In-Part
72.05		PIANZ & EPFNZ		Accept In-Part
108.47		HDC (Planning Department)		Accept
45.00		Landlink Ltd		Accept In-Part
56.01		Rod Halliday		Reject

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Hearing Panel Decision
108.01		HDC (Planning Department)		Accept
55.30		KiwiRail		Accept
94.20		NZ Transport Agency (NZTA)		Accept
96.33	506.18 517.27	Federated Farmers of New Zealand Ernslaw One Ltd Horticulture NZ	Support Support	Accept In-Part Accept In-Part Accept In-Part
5.06		Elaine Gradock		Accept In-Part
95.29		New Zealand Defence Force (NZDF)		Accept
98.40		Horticulture NZ		Reject
98.41	516.20	Horticulture NZ Federated Farmers of New Zealand	Support	Reject Reject
118.00	517.28	Peter & Susan Webb Horticulture NZ	Oppose	Reject Accept
95.39		New Zealand Defence Force (NZDF)		Accept In-Part
27.26	500.23 517.29	Horizons Regional Council NZ Pork Industry Board Horticulture NZ	Support In Part	Accept In-Part Accept In-Part Accept In-Part
32.22	516.21	NZ Pork Industry Board Federated Farmers of New Zealand	Support	Accept In-Part Accept In-Part
98.42	500.22	Horticulture NZ NZ Pork Industry Board	Support	Reject Reject
38.01	518.07 526.30	Range View Ltd & Page Transpower New Zealand Ltd Truebridge Associates Ltd	Oppose Support	Accept In-Part Accept In-Part Accept In-Part
83.12	518.08	Hood Transpower New Zealand Ltd	In Part	Accept In-Part Accept In-Part
96.35	506.19	Federated Farmers of New Zealand Ernslaw One Ltd	Support	Accept In-Part Accept In-Part

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Hearing Panel Decision
	517.31	Horticulture NZ	In Part	Accept In-Part
	518.09	Transpower New Zealand Ltd	In-Part	Accept In-Part
98.43	518.11	Horticulture NZ Transpower New Zealand Ltd	In-Part In Part	Accept In-Part Accept In-Part
99.27	516.22 517.32	Transpower New Zealand Ltd Federated Farmers of New Zealand Horticulture NZ	Oppose In-Part	Accept In-Part Accept In-Part Accept In-Part
7.04	518.10	Heirs Partnership Transpower New Zealand Ltd	In Part	Accept In-Part Accept In-Part
65.04	506.46 513.47	Horowhenua Farmers' Ratepayer Group Ernslaw One Ltd Rayonier New Zealand Ltd	Oppose Oppose	Accept In-Part Accept In-Part Accept In-Part
66.04	506.00 513.45	Bruce and Christine Mitchell Ernslaw One Ltd Rayonier New Zealand Ltd	Oppose Oppose	Accept In-Part Accept In-Part Accept In-Part
96.36	506.20 513.17 517.33	Federated Farmers of New Zealand Ernslaw One Ltd Rayonier New Zealand Ltd Horticulture NZ	In-Part In-Part In-Part	Accept In-Part Accept In-Part Accept In-Part Accept In-Part
98.44	506.53 513.24	Horticulture NZ Ernslaw One Ltd Rayonier New Zealand Ltd	In-Part Support	Reject Reject Reject
50.07	506.77	Rayonier NZ Ltd Ernslaw One Ltd	Support	Reject Reject
74.07	513.33	Ernslaw One Limited Rayonier New Zealand Ltd	Support	Reject Reject
50.08	506.78	Rayonier NZ Ltd Ernslaw One Ltd	Support	Accept In-Part Accept In-Part
74.08		Ernslaw One Limited		Reject

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Hearing Panel Decision
	513.34	Rayonier New Zealand Ltd	Support	Reject
74.09		Ernslaw One Limited		Reject
	513.35	Rayonier New Zealand Ltd	Support	Reject
50.09		Rayonier NZ Ltd		Reject
	506.79	Ernslaw One Ltd	Support	Reject
74.10		Ernslaw One Limited		Reject
	513.36	Rayonier New Zealand Ltd	Support	Reject
27.27		Horizons Regional Council		Accept
	506.45	Ernslaw One Ltd	Support	Accept
	513.46	Rayonier New Zealand Ltd	Support	Accept
50.10		Rayonier NZ Ltd		Accept
	506.80	Ernslaw One Ltd	Support	Accept
74.11		Ernslaw One Limited		Accept
	513.37	Rayonier New Zealand Ltd	Support	Accept
96.37		Federated Farmers of New Zealand		Accept
		Ernslaw One Ltd	Support	
	506.21	Rayonier New Zealand Ltd	Support	Accept
	513.18			Accept
32.23		NZ Pork Industry Board		Accept In-Part
27.28		Horizons Regional Council		Accept
	511.11	HDC (Community Assets Department)	In Part	Accept
72.08		PIANZ & EPFNZ		Accept In-Part
27.29		Horizons Regional Council		Accept In-Part
65.05		Horowhenua Farmers' Ratepayer Group		Reject
	517.34	Horticulture NZ	Support	Reject
66.05		Bruce & Christine Mitchell		Reject
98.45		Horticulture NZ		Accept In-Part

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Hearing Panel Decision
108.05		HDC (Planning Department)		Accept
95.15		New Zealand Defence Force (NZDF)		Accept
95.53		New Zealand Defence Force (NZDF)		Accept
95.10		New Zealand Defence Force (NZDF)		Accept
95.24		New Zealand Defence Force (NZDF)		Accept In-Part
95.34		New Zealand Defence Force (NZDF)		Accept In-Part
117.18		New Zealand Historic Places Trust (NZHPT)		Reject
40.24		House Movers Section of NZ Heavy Haulage Association Inc.		Reject
40.35		House Movers Section of NZ Heavy Haulage Association Inc.		Reject
95.44		New Zealand Defence Force (NZDF)		Accept In-Part
77.03	506.38	Higgins Group Holdings Ltd Ermslaw One Ltd	Support	Accept In-Part Accept In-Part
77.09	506.44	Higgins Group Holdings Ltd Ermslaw One Ltd	Support	Accept In-Part Accept In-Part
94.22		NZ Transport Agency (NZTA)		Accept
93.23		The Oil Companies		Accept
78.10		Telecom New Zealand Ltd		Reject
79.10		Chorus New Zealand Ltd		Reject
40.09		House Movers Section of NZ Heavy Haulage Association Inc.		Accept In-Part
103.00	517.35 528.28	Colin Easton Horticulture NZ Horizons Regional Council	In Part Oppose	Reject Reject Accept
105.00		Bill Huzziff		Reject

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Hearing Panel Decision
107.01		Rosalie Huzziff		Reject
117.28		New Zealand Historic Places Trust (NZHPT)		Accept In-Part
Chapter 25 – Assessment Criteria				
44.24		Genesis Power Ltd		Accept In-Part
99.39		Transpower New Zealand Ltd		Accept
99.40		Transpower New Zealand Ltd		Accept
32.24		NZ Pork Industry Board		Accept In-Part
44.22		Genesis Power Ltd		Accept In-Part
98.51		Horticulture NZ		Accept In-Part
32.25		NZ Pork Industry Board		Accept
98.52		Horticulture NZ		Accept In-Part
99.41		Transpower New Zealand Ltd		Accept
94.34		NZ Transport Agency (NZTA)		Accept In-Part
99.42	517.38	Transpower New Zealand Ltd Horticulture NZ	In Part	Reject Accept
55.08	506.57 521.06	KiwiRail Ernslaw One Ltd NZ Transport Agency (NZTA)	In Part Support	Accept In-Part Accept In-Part Accept In-Part
32.26		NZ Pork Industry Board		Accept
32.27		NZ Pork Industry Board		Accept
98.53		Horticulture NZ		Accept
Chapter 26 – Definitions				
27.32	516.26	Horizons Regional Council Federated Farmers of New Zealand	Oppose	Reject Accept
32.30		NZ Pork Industry Board		Accept

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Hearing Panel Decision
27.33		Horizons Regional Council		Reject
74.05	513.38	Ernslaw One Limited Rayonier New Zealand Ltd	Support	Accept Accept
32.32	506.67	NZ Pork Industry Board Ernslaw One Ltd	Oppose	Accept In-Part Accept In-Part
96.44	506.28 517.40 518.17	Federated Farmers of New Zealand Ernslaw One Ltd Horticulture NZ - In-Part Transpower New Zealand Ltd	In Part In Part In Part	Reject Reject Reject Reject
50.05	506.75	Rayonier NZ Ltd Ernslaw One Ltd	Support	Accept Accept

APPENDIX C: Officer Right of Reply and Response to Commissioners Questions

Proposed Horowhenua District Plan

Rural Environment

Hearing: 13 – 14 May 2013

Officer Right of Reply and Response to Commissioners Questions

We have considered the evidence presented by submitters at the hearing on 13th-14th May 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:

- Open Space
 - Reverse Sensitivity and Productive Capacity
 - Aggregate Extraction
 - Number of Residential Dwellings/Farm Worker Accommodation
 - Building Setbacks
 - Plantation Forestry and Shelterbelts
 - Noise
 - Odour
 - National Grid Corridor
 - Miscellaneous
-

Open Space

Open space was raised as an issue by a few submitters, principally Horowhenua Farmers' Ratepayers Group/Bruce and Christine Mitchell and Horticulture NZ. Policy 2.1.21 was highlighted which encourages the creation of an integrated network of local open spaces and connections. Concern was expressed about the lack of clarity of this policy and potential negative effects on the ability to farm safely. The Horowhenua Farmers' Ratepayers Group sought clarity on where esplanade strips are proposed, with a hypothetical subdivision in Muhunua West Road used as an example.

To clarify the esplanade reserve/strip requirements, as noted in the Section 42A Report (section 4.2), Policy 2.1.21 is to be applied in conjunction with the provisions of Chapter 4: Open Space and Access to Waterways (particularly Section 4.2 of the Proposed Plan). The rules and standards which implement the policies in Section 4.2 of the Proposed Plan as predominantly listed in Rule 24.2.5 'Esplanade Reserves/Strips' of the Proposed Plan. In Rules 24.2.5 (a) – (d) it uses the word "shall", which means an esplanade reserve or strip 'will' be required if the subdivided lot is less than 4 hectares and is adjacent to the waterbodies listed in Schedule 12 in the Proposed Plan. Whether the esplanade is a reserve or strip and the width depends on whether the waterbody is listed as a 'Group 1' or 'Group 2' waterbody in Schedule 12 as set out in Rule 24.2.5. The length of the esplanade reserve or strip would be for the full length of the lot adjacent to the waterbody.

Other requirements set out in Rule 24.2.5 where esplanade reserve/strips 'may' be created, as well as where the requirements in (a) – (d) can be reduced or waived. Under Rule 24.2.5, no access strips 'will' be required (i.e. this rule uses the word 'may'). Any new access strip

would only be created where the landowner agrees to it, such as the circumstances set out in the rule.

Therefore, turning to the Muhunua West Road example, the Ohau River is listed in Group 1 in Schedule 12. However, as no lot adjacent to the Ohau River is less than 4 hectares (i.e. the balance lot is much larger), no esplanade reserve would be required. However, the landowner could choose to provide an esplanade reserve for the larger lot adjacent to the Ohau River. If so, Council would be required to pay compensation to the landowner for this esplanade reserve as per Rule 24.2.5(f). In addition, no access strip would be required providing access or connection between Muhunua West Road and the Ohau River. However, again, if the landowner proposed to create an access strip, Council would have the discretion to consider such as proposal under Rule 24.2.6.

The Resource Management Act (RMA) sets out the process and requirements for creating esplanade reserves and strips (Sections 229 – 237H). For any new esplanade reserve/strip, the purpose needs to be determined (e.g. conservation values, public access and/or recreation use). Depending on the purpose, access must be provided and/or restricted as detailed in Schedule 10 of the RMA.

In terms of the request that esplanade strips are 'dog-free' zones, this requirement could be imposed on a case-by-case basis. Under Section 232 of the RMA, the esplanade strip instrument can include "other matters", including consideration of "the use of the strip and adjoining land by the owner and occupier". Therefore, if it was determined dogs in the esplanade strip could create a nuisance, the esplanade strip instrument could include a restriction on dogs.

Given the above, it is considered the issues raised and clarification sought by the Horowhenua Farmers' Ratepayers Group is effectively addressed in the provisions in the Proposed Plan. Therefore, no amendments are considered necessary to Policy 2.1.21 or other provisions in the Proposed Plan and submission points 65.02 and 66.02 be rejected.

Horticulture NZ and Federated Farmers reiterated their concerns with Policy 2.1.21 and no consideration on the impacts on primary production activities and relationship to the meaning of 'open space'. At the hearing, Horticulture NZ and Federated Farmers acknowledged the comment in the Section 42A Report that all relevant matters including primary production activities would be considered when creating new open space connection in the Rural Zone. However, Horticulture NZ and Federated Farmers still sought explicit reference to this matter in the policy. Having further considered this matter, I am still of the opinion that explicit reference to protection of primary production activities and not taking land out of rural production is not required. The listed bullet points in Policy 2.1.21 are the outcomes sought in creating new open spaces and connections, rather than the impacts of the new connections. I consider the impacts of subdivisions, including creating any new open spaces and connections as part of a subdivision, would effectively consider the impacts of new open space connections (i.e. apply policies 2.1.1 – 2.1.20). In addition, I do not consider amending the definition of 'open space' is appropriate for the reasons outlined the Section 42A Report: Definitions. Accordingly, I recommend submission points 98.09 and 516.02 be rejected.

Reverse Sensitivity and Productive Capacity

Reverse sensitivity effects was one of the key issues raised during the hearing, particularly by Horticulture NZ and Federated Farmers. A series of provisions were commented on in evidence and at the hearing which are responded to below.

Firstly, in the Section 42A Report on definitions, it is recommended to add a new definition to the Proposed Plan (Chapter 26: Definitions) for reverse sensitivity as follows:

Reverse sensitivity is the vulnerability of an existing lawfully established activity to complaints from new activities in the vicinity which are sensitive to the adverse environmental effects being generated by the existing activity, thereby creating the potential for the operation of the existing activity to be constrained.

Secondly, various comments and requests from a number of submitters were made on Objective 2.5.1. While support was expressed for the general direction and outcomes expressed in the objective on reverse sensitivity, some submitters considered splitting the objective into two separate objectives would better provide for the different components. In particular, Horticulture NZ expressed concern that the recommended amendment to the objective implied that primary production activities should be avoiding, remedying or mitigating the reverse sensitivity effects.

Having further considered the evidence and request to split the objective, I am still of the opinion a single objective is the most appropriate way to express this matter to achieve the purpose and principles of the RMA in response to the significant resource management issues (rural land use activities). I consider there is relationship between all activities (primary production, rural based land uses and sensitive activities) which contribute to the efficient and effective functioning of the Rural Zone and the character and amenity of the rural environment. In addition, reverse sensitivity issues can arise between the different types of activities and this issue is not limited to conflicts between sensitive activities and primary production activities. However, it is acknowledged the conflict between new sensitive activities and existing primary production activities is the most common.

Furthermore, splitting the objective and applying the wording proposed by Horticulture NZ is not considered to fully encompass the outcomes sought for the Rural Zone. For example, reference to 'maintaining and enhancing character and amenity values' would need to be added to the first proposed objective and 'function efficiently and effectively' to the second proposed objective to express the outcomes sought. In adding these words, the two objectives result in a degree of duplication.

Notwithstanding the above, to address the cause and effect relationship issue raised by Horticulture NZ, it is recommended the reference to 'inappropriately located sensitive activities' be replaced with 'caused by new activities on existing activities'. This wording is considered to be within the scope of the submission points (32.08, 72.01, 99.01 and 101.05) which are recommended to be accepted in part. It is recommended that the submission point from Horticulture NZ (98.13) is rejected.

The other requested amendment to Objective 2.5.1 sought by a few submitters was adding reference to 'productive capacity' or similar. In response to the Section 42A Report which commented this matter was already addressed in Objective 2.2.1 on fragmentation of the soil resource, submitters contended 'productive capacity' was wider than versatile soils and included land and water resources. This point is acknowledged. However, inserting reference to productive capacity is not considered consistent with the purpose and principles of the RMA and the effects based regime of controlling any actual or potential effects of the use, development, or protection of land. Productive capacity is not one of the purposes or principles which the RMA seeks to achieve. Accordingly, it is not recommended Objective 2.5.1 be amended to refer to productive capacity or similar.

In relation to the policies for achieving Objective 2.5.1, submitters sought further amendments to more explicitly recognise reverse sensitivity issues. There were differing views on the relationship and/or duplication between policies in relation to reverse sensitivity

issues. Having considered the evidence presented, I consider the amendments recommended to the policies appropriately address reverse sensitivity effects for the reasons given in the Section 42A Report. However, I now consider a further amendment to Policy 2.5.11 is appropriate, in that separation distances are only one method for managing reverse sensitivity effects. Other methods include no complaints covenants, screening/bunding (noise and visual) and acoustic insulation. Therefore, it is recommended submission points (96.13, 500.17 and 506.07) be accepted in part and Policy 2.5.11 be amended as below.

Recommended Amendment:

Amend Objective 2.5.1 as follows:

“To enable primary production activities and other ~~associated~~ rural based land uses to function efficiently and effectively in the Rural Zone, while avoiding, remedying or mitigating the adverse effects of activities, including reverse sensitivity effects caused by new activities on existing activities, in a way that maintains and enhances the, character and amenity values of the rural environment.”

Amend Policy 2.5.11 as follows:

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

Aggregate Extraction

The expert evidence received from Higgins was responded to in the Supplementary Section 42A Report. At the hearing, further evidence was presented by Higgins on the nature and location of their existing aggregate extraction activities in the Horowhenua, as well as the contribution of aggregates to the economic and social wellbeing of the district and New Zealand generally.

Having considered the further evidence and the submitter’s responses to questions at the hearing, I am now of the view that the Proposed Plan should include specific recognition of aggregate extraction activities. I consider the addition of a specific policy in Chapter 2: Rural Environment is the most appropriate provision to provide for this recognition. In addition, I recommend that a specific rule (restricted discretionary activity) be added to manage the establishment and operation of new aggregate extraction activities. Accordingly, it is recommended submission points (77.06, 77.02 and 77.03) be accepted in part and new provisions are recommended below.

In relation to introducing a buffer zone (i.e. dwelling setback) for the existing aggregate extraction sites in Hoggs Road and Gladstone Road, I have considered the further evidence presented at the hearing. This further evidence confirmed the existing operations did not experience significant reverse sensitivity issues with only one complaint noted for the Gladstone Road site. Case law (Winstone Aggregates Ltd v Matamata-Piako District Council W055/04) has established key principles when considering introducing buffer zones for reverse sensitivity effects. These key principles are:

- Activities should internalise their effects unless it is shown, on a case by case basis, that they cannot reasonably do so;
- There is a greater expectation of internalisation of effects of newly established activities than of older existing activities;
- Total internalisation of effects within the site boundary will not be feasible in all cases;

- To justify imposing any restrictions on the use of land adjoining an effects emitting site, the industry must be of some considerable economic or social significance locally, regionally, or nationally.

In reviewing the District Plan, it is considered the appropriate opportunity to introduce buffer zones to avoid potential reverse sensitivity issues arising in the future. In applying the above principles to Higgins' two sites, at this time based on the evidence presented, it is unknown whether they can internalise their effects. However, it is understood aggregate extraction has been undertaken for many years from these two sites are part of flood mitigation works, the two sites are located close to property boundaries therefore total internalisation may not be feasible, the aggregate extraction activities are recognised as of local economic and social significance.

Given the above, it is considered some form of buffer zone is appropriate. Given the lack of specific evidence (noise) for the two sites, other District Plans have been reviewed that apply buffer zones. The Quality Planning website guidance note for the aggregate and quarry industry refers to the Waipa and Waikato District Plans as example of buffer zones (dwelling setbacks). A 200m setback is applied where no blasting is undertaken and a 500m setback is applied where blasting is used. As it is understood no blasting is undertaken for the two Higgins operations, the 200m setback is considered appropriate. In addition, a 200m setback is not considered to unduly restrict adjoining properties with areas available for siting a new dwelling outside the 200m buffer. Therefore, it is recommended a 200m dwelling setback apply from the banks of the Ohau River and extent of the aggregate work sites as shown on the maps attached to this report. It is recommended a new policy, rule and planning maps amendments are added to the Proposed Plan, and that submission points (77.08 and 77.09) be accepted in part.

Recommended Amendment:

Add a new Policy 2.5.X as follows:

Manage the establishment and operation of aggregate extraction activities recognising this type of activity is constrained by the location of the resource, while ensuring the adverse effects on the environment are avoided, remedied or mitigated.

Add a new Rule 19.3.X (Restricted Discretionary Activity) as follows:

19.3.X Aggregate Extraction

(a) Aggregate extraction activities not within Outstanding Natural Features and Landscapes (Refer Rule 19.8.X)

Add a new Rule 19.8.X (Matters of Discretion) as follows:

19.8.X Aggregate Extraction not within Outstanding Natural Features and Landscapes (Refer Rule 19.3.X)

(a) Matters of Discretion

- (i) The location, extent, duration (life span) and hours of operation of the activity.
- (ii) The character and values of the site and surrounding area, including the location of the resource and proximity to existing dwellings.
- (iii) The site layout, including location and extent of the extraction areas, processing facilities and stockpiles
- (iv) The effects on traffic safety and movements

- (v) The effects of noise, lighting and vibration, with particular consideration of crushing (if proposed)
- (vi) The effects on character and amenity values
- (vii) The effects on any significant site or feature, including but not limited to, the natural character of the river and their margins, areas of significant indigenous vegetation and significant habitats of indigenous fauna, sites of significance to tangata whenua, and historic heritage.
- (viii) The effects from the storage, use and transportation of hazardous substances.
- (ix) The effects on public access when located adjacent to a waterbody
- (x) The rehabilitation of the site
- (xi) Measures to avoid, remedy or mitigate the adverse effects.

Add a new Discretionary Activity rule:

19.4.X Aggregate Extraction

- (a) Aggregate extraction activities within Outstanding Natural Features and Landscapes

Add a new definition for 'aggregate extraction activities' to Chapter 26 as follows:

Aggregate Extraction Activities means the use of land, buildings and plant for the excavation, processing (crushing, screening, washing and blending), storage and distribution of aggregate (rock, gravel and sand).

Amend the definition of 'primary production activities' in Chapter 26 as follows:

Primary Production Activity includes any agricultural, horticultural, floricultural, arboricultural, plantation forestry or intensive farming activity but does not include aggregate extraction, mineral extraction or mineral processing or the harvesting clearance or modification of indigenous vegetation.

Add a new Policy 2.5.X as follows:

Recognise the existence of aggregate extraction activities in two locations on the Ohau River and protect them from reverse sensitivity effects by managing the establishment of new dwellings nearby.

Amend Rule 19.6.4(b) by adding the following:

- (iv) 200 metres from existing aggregate extraction activities on the Ohau River (area shown on the Planning Maps).

Amend Planning Maps 7, 8, 33, 34 and 35 by adding a new line indicating the extent of the 200m buffer around the two existing aggregate extraction activities on the Ohau River (see maps in Appendix 1).

Number of Residential Dwellings/Farm Worker Dwellings

Federated Farmers and the Horowhenua Farmers' Ratepayer Group seek the provision for additional farm worker accommodation. As detailed in the Section 42A Report, it is recognised larger farming operations can require on-site farm worker accommodation. It is also recognised some farms may not be made up of multiple Certificates of Title, or that the

vacant Certificates of Title (i.e. no existing dwelling) may not be appropriate for any additional farm worker accommodation. Therefore, it is considered appropriate to make explicit provision for additional farm worker accommodation. However, this provision needs to be tailored to avoid creating a potential 'loophole' where additional farm worker dwellings can be used to justify additional subdivision rights. In addition, the provision should not provide for a density which could detract from the character and amenity of the rural environment.

In setting the appropriate thresholds (i.e. number of farm worker accommodation units and size of properties), consideration has been given to the information presented by the submitters, responses to questions at the hearing, the subdivision standards, and an evaluation of the size and configuration of larger farms in the Horowhenua. Based on this information and evaluation, it is recommended additional number of dwellings be provided for on larger properties, being two dwellings on properties 40 hectares in size and three dwellings on properties over 100 hectares in size. Therefore, the various related submission points are recommended to be accepted or accepted in part and amendments to the plan provisions as follows:

Reporting Officer's Recommendation

Policy 2.5.9 (Section 4.29 of the Section 42A Report)

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

Rule 19.4.2(a) – Discretionary Activity (Residential Dwellings) (Section 4.48 of Section 42A Report)

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Officer's Recommendation
83.09		Ross Hood & Margaret Hood		Accept In-Part
108.12		HDC (Planning Department)		Accept In-Part

Rule 19.6.1 – Permitted Activity Condition (Residential Dwelling Units and Family Flats) (Section 4.52 of Section 42A Report)

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Officer's Recommendation
65.03		Horowhenua Farmers' Ratepayer Group		Accept In-Part

66.03		Bruce & Christine Mitchell		Accept In-Part
96.32		Federated Farmers of New Zealand		Accept In-Part

Recommended Amendment:

Amend Explanation and Principal Reasons for Objective 2.5.1 to read as follows:

“There are various pressures on the character and amenity values of the rural environment from the wide range of activities. Buildings and structures are associated with most activities and they have a variety of forms and functions and contribute to the effective use and development of land. It is recognised additional dwellings for farm worker accommodation may be required on larger rural properties. However, the location, scale and density of buildings can adversely affect rural character and amenity values. Typically, rural character and amenity values are where buildings and structures are at a relatively low non-urban density with generous setbacks from external property boundaries and where the height, scale, density and number of buildings do not dominate the landscape and spacious and open space qualities of the rural environment are maintained.”

Amend Rule 19.1(b) as follows:

- (b) ~~Residential activities.~~ One residential dwelling unit and one family flat per site on sites up to 40 hectares.
- (c) Two residential dwellings units and one family flat per site on sites between 40 hectares up to 100 hectares.
- (d) Three residential dwelling units and one family flat per site on sites 100 hectares and over.

Amend Rule 19.6.1(a) as follows:

- ~~(a) One residential dwelling unit per site.~~
- ~~(b)(a) One family flat...~~

Amend Rule 19.4.2(a) as follows:

- (a) Two or more residential dwelling units or family flats per site on sites up to 40 hectares.
- (b) Three or more residential dwellings units or family flats per site on sites between 40 hectares up to 100 hectares.
- (c) Four or more residential units or family flats per site on sites 100 hectares and over.

Building Setbacks

Two submitters spoke to the building setback rules at the hearing. Horticulture NZ sought a 30m setback for residential dwellings from any property used for primary production activities. Sophie Campbell sought a 10m setback for all buildings in the Rural Zone.

This matter was evaluated in Section 4.53 of the Section 42A Report (Rule 19.6.4). As noted in the Section 42A Report, contrasting submissions were received on the building setbacks, some seeking larger setbacks whilst others sought smaller setbacks. Reasons for seeking

larger setbacks including avoiding or minimising potential for reverse sensitivity issues, privacy, outlook, building dominance and visual amenity generally. Reasons for seeking smaller setbacks are more efficient use of land and reducing the area of useable land.

Having considered the evidence of Horticulture NZ, I do not consider a 30m setback for dwellings from existing primary production activities is an effective or efficient rule to achieve the Rural Zone objectives. Whilst I accept a larger setback would reduce the potential for conflict between adjoining activities (residential occupation in the dwelling and adjoining activity), I consider a 30m setback is too large in the Horowhenua context and would unduly limit the use of land. In addition, I consider the submitted wording of applying the setback to 'any property where existing primary production activities are undertaken' as problematic in terms of certainty for administration purposes. In the majority of the rural environment, I consider this situation used in the wording would apply (i.e. the majority of the land is used in some form for primary production activities). However, uncertainty could arise in determining whether land is used for primary production activities, such as where land is not regularly/currently grazed (i.e. vacant land), storage areas and access. This uncertainty makes the rule ineffective.

Having considered the evidence of Sophie Campbell, we acknowledge and recognise the 3m setback for lots less than 5,000m² could result in a degree of reduced privacy and visual amenity for adjacent properties. We have re-considered these thresholds, particularly the comments about the nature and character of the Rural Zone and expectants of rural and rural-lifestyle residents. Applying a 10m setback for all buildings (including dwellings) on properties of all sizes (i.e. removing the smaller side and rear yard setback for lots less than 5,000m²) is considered to unduly constrain smaller properties, including some within the Strathnaver subdivision. Given the subdivision thresholds which previously applied to much of the Rural Zone (i.e. minimum lot size of 2,000m²), there are a number of vacant properties with a size of 2,000m² – 5,000m². Given the size and configuration of these vacant properties, a 10m side and rear yard setback would significantly impact on the siting of buildings. Potentially, a number of properties could not site a complying building due to the setbacks, therefore resource consent would be required.

It is acknowledged the resource consent process would provide the opportunity for adjoining neighbours to be consulted and potentially participate in the process, including measures to mitigate adverse effects on privacy and visual amenity. However, the costs (time, financial, uncertainty) of this process are considered to outweigh the benefits (case-by-case assessment and response, adjoining properties participation). Furthermore, the costs of restricting the use and development of these smaller properties are considered to outweigh the benefits of providing a greater degree of privacy and visual amenity to adjacent properties.

Therefore, the original recommendations in the Section 42A Report for building setbacks remain unchanged.

Plantation Forestry and Shelterbelts

Two matters were raised during the hearing in relation to plantation forestry and shelterbelts. Firstly, the recommended restriction on harvesting around Waitarere Beach; and secondly setbacks for new plantings.

In relation to harvesting (Section 4.35 of the Section 42A Report), Rayonier presented evidence on the implications and basis for the recommended rule restricting harvesting within 500m of Waitarere Beach urban area. Having considered the evidence presented and following further discussions with Council's Community Assets Department, it is considered

further investigations are required into the cause of the stormwater issue raised by the submitters. Until these investigations are completed, it is now considered inappropriate to introduce the rule originally recommended. Therefore, it is recommended that the submission points requesting a new rule be rejected and the further submission from Rayonier be accepted, and no new rule is recommended.

In relation to setbacks for plantation forestry (Section 4.60 of the Section 42A Report), a few submitters presented evidence on this matter at the hearing. Submitters generally supported the recommendation in the Section 42A Report to apply the setbacks to properties in separate ownership and not within properties. The Horowhenua Farmers' Ratepayers Group sought larger setbacks for plantation forest of 20m (instead of 10m) from any boundary and 100m (instead of 25m) from any existing dwelling. The primary concern raised by the submitter was shading caused by plantation forestry, with other concerns including debris (e.g. pine needles and falling branches).

Having considered the evidence presented, we recognise and understand the concerns expressed by the submitter. However, trees in a variety of forms and patterns are considered part of the rural environment. Whilst greater setback distances would reduce the impact of shading on adjoining properties and dwellings, the distances requested are considered excessive and would unduly limit the use of land. We have researched other District Plans to check how comparable the Proposed Plan setbacks are to other districts. In addition, we have further checked the Proposed National Environmental Standard (NES) for Plantation Forestry. Most District Plans apply a 10m setback from property boundaries and 30m setback from existing dwellings. The Proposed NES released in September 2010 also required a 10m setback from adjoining properties and 30m setback from dwellings and other buildings. It is understood a variety of submissions were received on this aspect of the Proposed NES (i.e. seeking larger and shorter setbacks), and in the information booklet released in May 2011 with a revised Proposed NES the setbacks remained unchanged. At this time, any future development or approval of the Proposed NES is unknown with no detail available on the Ministry for the Environment website.

Given the above, it is considered the 10m setback from adjoining properties is appropriate, and the dwelling setback is recommended to be changed from 25m to 30m to align with the proposed NES. Accordingly, the submission points listed below are recommended to be accepted, or accepted in part.

Reporting Officer's Recommendation

Updated Table from Section 4.35 of the Section 42A Report

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Officer's Recommendation
9.00	513.40	Lynn & Anthony Straugheir Rayonier New Zealand Ltd	Oppose	Reject Accept
12.00	513.41	Daina Parlovskis Rayonier New Zealand Ltd	Oppose	Reject Accept
15.00	513.42	Charles Wallis Rayonier New Zealand Ltd	Oppose	Reject Accept
23.00		Cheryl Mangin		Reject

	513.43	Rayonier New Zealand Ltd	Oppose	Accept
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Updated Table from Section 4.60 of the Section 42A Report

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

Recommended Amendments to the Plan Provisions

No recommended amendments to the rules as per Section 4.35 of the Section 42A Report.

Amend Rule 19.6.15 as follows:

19.6.15 Planting Setbacks for Plantation Forestry and Shelterbelt Planting

- (a) No plantation forest shall be planted within 10 metres from any ~~site~~ boundary of site under separate ownership or road.
- (b) No plantation forest shall be planted within ~~25~~ 30 metres from any existing residential dwelling unit of a site under separate ownership.
- (c) Vegetation planted to form a shelterbelt for more than 20 metres in length shall not exceed 6 metres in height from ground level within 10 metres horizontal distance from any ~~site~~ boundary of a site under separate ownership or road.
- (d) No plantation forest or shelterbelt shall be planted or allowed to grow in any position which could result in any icing of any public road carriageway as a result of shading of the road between 10.00am and 2.00pm on the shortest day.

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

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

....

- (iv) 30 metres from the edge of an existing plantation forest under separate ownership.

Noise

The principal issue raised at the hearing on the noise provisions was the exemption for “mobile” sources associated with primary production activities. Horticulture NZ sought this exemption be extended to apply to “temporary or intermittent activities” and Federated Farmers sought all noise associated with primary production activities be excluded. This matter was evaluated in Section 4.56 of the Section 42A Report.

Firstly, in terms of the request from Federated Farmers, it is considered there is no basis for exempting all noise from primary production activities from the noise limits in the Rural Zone. To exclude the predominant activity in the rural environment from complying with the noise limits with significantly undermine the objectives for the rural environment and could create significant adverse effects on amenity and conflict between activities.

Secondly, the request from Horticulture NZ and issues raised highlight there are some activities associated with primary production activities which do occur irregularly and can cause louder noise. Generally, such irregular activities and louder noise are seen as part of the rural environment and are tolerated by most rural residents. However, if these irregular activities become more frequent or the noise is excessive, they can cause a nuisance or be unreasonable for rural residents.

As highlighted in the Section 42A Report and discussion at the hearing, defining the terms “temporary or intermittent activities” is difficult, given the range of activities or works associated with primary production activities and potential for excessive noise. However, it is considered appropriate to provide for typical primary production activities which may not involve mobile machinery or equipment. The Operative District Plan contains the following exemption for the Rural Zone noise limits:

The noise limits shall not apply to temporary activities required by normal agricultural practice, such as cropping and harvesting, provided that any such activity complies with the duty to avoid unreasonable noise in accordance with the provision of Section 16 of the Resource Management Act 1991.

While this wording also includes reference to ‘temporary activities’, when read as a whole, it is considered it provides sufficient certainty. Therefore, it is recommended the above wording is used in the Proposed Plan with reference added to ‘horticulture’ and ‘mobile sources associated with primary production activities’. Accordingly, it is recommended the submission points are accepted in part as detailed below.

Reporting Officer’s Recommendation

Updated Table from Section 4.56 of the Section 42A Report

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Officer’s Recommendation
96.33		Federated Farmers of New Zealand		Accept In-Part
	506.18	Ernslaw One Ltd	Support	Accept In-Part
	517.27	Horticulture NZ	Support	Accept In-Part
5.06		Elaine Gradock		Accept
95.29		New Zealand Defence Force (NZDF)		Accept
98.40		Horticulture NZ		Accept
98.41		Horticulture NZ		Accept In-Part
	516.20	Federated Farmers of New Zealand	Support	Accept In-Part
118.00		Peter & Susan Webb		Reject
	517.28	Horticulture NZ	Oppose	Accept

Recommended Amendments to the Plan Provisions

Amend Rule 19.6.7 as follows:

19.6.7 Noise

.....

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

....

- (iii) Mobile sources associated with primary production activities and temporary activities required by normal agricultural and horticulture practice, such as cropping and harvesting
-

Odour

Two submitters (Horizons and Horticulture NZ) presented evidence on the odour provisions in the Proposed Plan (Policy 2.5.14 and Rule 19.6.9). These two provisions were evaluated in Sections 4.23 and 4.58 of the Section 42A Report respectively. Horizons supported the recommended amendments in the Section 42A Report to these provisions, whilst Horticulture NZ sought the Proposed Plan provisions clearly define odours relating to land use matters and not discharges to air.

Having considered the evidence presented, it is considered the recommended amendments in the Section 42A Report appropriately reflect the respect responsibilities between the Regional Council and District Council in relation to odour. In response to the matters raised at the Urban Environment hearing, it is recommended further amendments are made to Rule 19.6.9 to provide greater clarity on determining what constitutes an 'offensive or objectionable odour'. These further amendments are considered within the scope of the Horizons submission point 27.26. All recommendations in the Section 42A Report therefore remain unchanged, except for revised wording to Rule 19.6.9 as detailed below.

Recommended Amendments to the Plan Provisions

Amend Rule 19.6.9 as follows.

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

Note: For the purpose of this condition, an offensive or objectionable odour is that odour which can be detected and is considered to be offensive or objectionable by at least two independent observers; including at least one Council officer. In determining whether an odour is offensive or objectionable, the "FIDOL factors" may be considered (the frequency; the intensity; the duration; the offensiveness (or character); and the location of the odour). Section 14.2 of the Proposed One Plan as well as the Good Practice Guide for Assessing and Managing Odour in New Zealand (Ministry for the Environment, 2003) contains further guidance.

National Grid Corridor

In relation to the wording of Rule 19.6.14 the Hearing Panel invited submitters Transpower, Horticulture NZ and Federated Farmers to provide a joint memorandum on the wording of this rule, noting that at the hearing there was largely a consensus on the wording however there were still some minor points of difference (i.e. crop support structures and crop protection structures). A joint memorandum of the above parties has been signed regarding the issues relating to Rule 19.6.14. This memorandum (dated 27 May 2013) has been attached as Appendix 2. The memorandum sets out agreed wording between these parties for Rule 19.6.14 in the Proposed Plan.

In response to the presentation of Mr Page on this matter, the Hearing Panel issued a minute to Transpower seeking a response to a number of matters raised by Mr Page. The response from Transpower (dated 20 May 2013) is attached as an Appendix 3.

I note from the response provided by Transpower the following matters:

- The National Grid Corridor (and associated rules) in the Proposed Plan will not replace the mandatory requirement to comply with NZECP34:2001. Even if Rule 19.6.14(a) was deleted, landowners would still need to comply with NZECP34:2001 and incur the costs associated with this.
- The corridor widths from NZECP34:2001 are based on the 95th percentile span. Where a span is longer than the 95th percentile span NZECP34:2001 may impose more restrictions than Rule 19.6.14(b). Conversely, where the span is short, NZECP 34:2001 would permit buildings directly beneath a line, provided they comply with the minimum distance requirements below conductors and minimum distance requirements to the side of conductors.

It was acknowledged that NZECP34:2001 as in the case of Mr Page's property where the span was over 1000 metres, it could require landowners to setback buildings further than the distances in Rule 19.6.14(b) and that this would be the case regardless of whether Rule 19.6.14 contains a requirement to comply with NZECP34:2001.

It was also acknowledged that the exemptions to Rule 19.6.14(b) do not apply to Rule 19.6.14(a). This is because a district plan provision cannot create an exemption to the need to comply with NZECP34:2001.

Transpower contends that the impact on landowners of compliance with Rule 19.6.14(a) is no greater than the impact of compliance with NZECP34:2001 itself. I disagree with this point as I consider the costs to a landowner to physically measure a 10 or 12 metre setback to be considerably less than obtaining a calculation by a suitably qualified electrical engineer who is required to determine compliance with NZECP 34:2001.

Mr Page commented that there is potential for Council to incur significant costs enforcing Rule 19.6.14(a), and I consider that these costs would be an unnecessary cost to Council and would duplicate the compliance costs with NZECP34:2001.

I consider that it would be appropriate for Rule 19.6.14(a) to be deleted from the Proposed Plan for the following reasons:

The rule (19.6.14(a)) would be a duplication of the NZECP34:2001 which is mandatory regardless of a rule being included in the Plan.

The submitter has referred to the potential for NZECP to permit buildings closer than the corridor setbacks in the proposed rule. Where the NZECP34:2001 would enable development to occur closer than the setbacks set out in Rule 19.6.14(a), a consent would still be required to take advantage of the exemption, as the way the rule is currently structured it requires compliance with (a) and (b).

While including the NZECP within Rule 19.6.14(a) it could be seen to be user friendly as it brings the information and setback requirements together in one place. However, the reality is that NZECP is mandatory and any person carrying out work (not all of which would be addressed by the District Plan or would require users to refer to the District Plan) on or near overhead electric lines must comply with NZECP34:2001. I do not consider it the role of the District Plan or the Council to ensure compliance with NZECP34:2001. Inclusion of the

NZECF would potentially create a duplication of processes for landowners where they may not be able to satisfy the requirements of NZECF34:2001 as the inclusion of the NZECF in Rule 19.6.14(a) would require consent from Council as well as the compliance process under the NZECF.

In terms of giving effect to the NPSET, I consider that Rule 19.6.14(b) and the proposed new (c) would adequately give effect to this NPS. Transpower acknowledges that in some instances these rules, in particular the setback requirements go further than the requirements of NZECF34:2001.

Based on the above assessment and taking into account the wording of the rule contained in the joint memorandum signed by Transpower, Federated Farmers and Horticulture New Zealand I recommend that Rule 19.6.14 read as follows:

(The underlining and strikethrough text represent the changes recommended to my recommendation contained in the Supplementary Section 42A Report (Rural Environment) Response to Expert Evidence).

19.6.14 National Grid Corridor

~~(a) — All buildings within a National Grid Corridor (as set out by the distances in (b)(i),(ii) and (iii) below shall comply with New Zealand Electrical Code of Practice of Electrical Safety Distances (NZECF 34:2001).~~

(b) No building or sensitive activity shall be located closer than:

- (i) 10 metres either side of the centreline of any high voltage (110kV) transmission line shown on the Planning Maps.
- (ii) 12 metres either side of the centreline of any high voltage (220kV or more) transmission line shown on the Planning Maps.
- (iii) 12 metres from the outer edge of any support structure of any high voltage transmission line shown on the Planning Maps.

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

- Fences up to 2.5 metres in height
- Mobile machinery and equipment
- Utilities within a road or rail corridor and electricity infrastructure
- Crop support structures and crop protection structures that meet the requirements of New Zealand Electrical Code of Practice of Electrical Safety Distances (NZECF 34:2001) for minimum distance beneath conductors and are 12 metres from the support structure of high voltage transmission lines.
- Crop support structures and crop protection structures (including any connected catenary or support cables or wires) that are at least 8 metres from

the outer edge of a pole (not tower) support structure of high voltage transmission line and that:

meet the requirements of New Zealand Electrical Code of Practice for Electrical Safe Distances (NZECP 34:2001) for minimum distance beneath conductors; and

are no more than 2.5 metres high; and

are removable or temporary, to allow a clear working space 12 metres from the pole when necessary for maintenance purposes; and

allow all weather access to the pole and a sufficient area for maintenance equipment, including a crane.

- Non-habitable buildings associated with primary production (excluding milking sheds) that meet the requirements of New Zealand Electrical Code of Practice of Electrical Safety Distances (NZECP 34:2001) for minimum distance beneath conductors and are 12 metres from the support structure of high voltage transmission lines.

(c) Earthworks

(i) Earthworks around Poles shall be:

- (a) no deeper than 300mm within 2.2 metres of a transmission pole support structure or stay wire; and
- (b) no deeper than 750mm between 2.2 to 5 metres from a transmission pole support structure or stay wire.

Except that:

Vertical holes not exceeding 500mm diameter beyond 1.5 metres from the outer edge of a pole support structure or stay wire are exempt from (c)(i)(a) and (c)(i)(b) above.

(ii) Earthworks around Towers shall be:

- (a) no deeper than 300mm within 6 metres of the outer visible edge of a transmission tower support structure; and
- (b) no deeper than 3 metres between 6 to 12 metres from the outer visible edge of a transmission tower support structure.

(iii) Earthworks 12m either side of a high voltage transmission line shall not:

- (a) create an unstable batter that will affect a transmission support structure; and/or
- (b) result in a reduction of the existing conductor clearance distances as required by NZECP34:2001.

The following activities are exempt from (c)(i), (c)(ii) and (c)(iii) above:

- Earthworks undertaken by a Network Utility operator; or
- Earthworks undertaken as part of agricultural or domestic cultivation, or repair, sealing or resealing of a road, footpath or driveway.

Miscellaneous - Policy 2.5.6 (Section 4.17 of the Section 42A Report)

Commissioners queried the recommended amended wording of Policy 2.5.6 in terms of whether it is grammatically correct and clear. In response to this question, revised wording for Policy 2.5.6 is recommended below and is not considered to change the meaning, evaluation or recommendation on submission points in the Section 42A Report.

Recommended Amendments to the Plan Provisions

Amend Policy 2.5.6 as follows:

“Ensure that all activities within the rural environment manage and dispose of wastes in a manner that does not create a nuisance and that avoids, remedies or mitigates adverse effects on amenity values.”

Miscellaneous - Policy 2.5.15 (Section 4.24 of the Section 42A Report)

The written statement from the Poultry Industry Association of New Zealand (PIANZ) and the Egg Producers Federation of New Zealand (EPFNZ) supports the recommended amendments to Policy 2.5.15 but suggests minor changes. These minor changes are supported as they better express the intent of the policy in recognising a key type of adverse effect (i.e. reverse sensitivity) and that the separation distances apply to all activities. Accordingly, it is recommended the submission points be accepted and accepted in part as detailed below and the policy wording be revised as recommended below.

Reporting Officer’s Recommendation

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Officer’s Recommendation
27.03	522.01	Horizons Regional Council Poultry Industry Association of New Zealand (PIANZ) & Egg Producers Federation of New Zealand (EPFNZ)	Oppose	Accept Accept In-Part
32.15		NZ Pork Industry Board		Accept

Recommended Amendments to the Plan Provisions

Amend Policy 2.5.15 as follows:

“Maintain separation distances between residential activities and intensive farming activities and effluent storage, treatment and disposal systems so as to minimise adverse effects (including reverse sensitivity effects) for all ~~both~~ activities.”

Miscellaneous - Principal Reasons and Explanation Objective 2.5.1 (Section 2.3 and 3.2 of the Supplementary Section 42A Report)

I recommended amendments to paragraph 2 of the Principal Reasons and Explanation (Objective 2.5.1) in the Supplementary Section 42A Report for the Rural Environment. In re-reading these recommended amendments, I suggest further changes to improve the wording of these amendments as detailed below.

Recommended Amendments to the Plan Provisions

Amend paragraph 2 of the Principal Reasons and Explanation (Objective 2.5.1) as follows:

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

Miscellaneous - Rule 19.6.4 (Section 4.53 of the Section 42A Report)

Horizons sought Rule 19.6.4(b) be amended to include setbacks for effluent storage and treatment facilities. In the Section 42A Report this submission point was recommended to be rejected as it was considered the relief sought was already achieved through the provisions of the Proposed One Plan and resource consents issued by Horizons. In evidence, Horizons acknowledge this situation as being essentially correct, except where new facilities are being constructed outside a consent process. Having considered the evidence presented by Horizons, I remain of the view that the effects associated with the location of new effluent storage and treatment facilities can be effectively managed under the provisions of the Proposed One Plan and associated resource consent process. I understand only small-scale and contained effluent storage and treatment facilities are permitted activities, meaning all other facilities require a resource consent which can consider the location of these facilities. Accordingly, the recommendations in the Section 42A Report stand.

Miscellaneous - Rule 19.6.17 (Section 4.62 of the Section 42A Report)

Commissioners queried the wording of Clause (a) in Rule 19.6.17, specifically the relationship between the wording “generated or stored” and “collected, treated and disposed of” and whether this wording was clear. Having reviewed this wording and sought opinion from other planners, it is considered the wording is clear and certain. Therefore, no changes are recommended to the wording in the Section 42A Report.

Miscellaneous - Rule 19.6.19 (Section 4.63 of the Section 42A Report)

The Horowhenua Farmers’ Ratepayers Group presented evidence seeking clarification on Rule 19.6.19 on surfacewater disposal, specifically around application of this rule. This rule has been rolled over from the Operative District Plan and is to ensure all stormwater is managed on-site and does not adversely affect properties downstream. This rule is typically applied where new activities create large areas with impervious surfaces (e.g. carpark or glasshouse) to ensure stormwater does not adversely affect other properties. As a general principle, Council seeks developments to achieve ‘hydraulic neutrality’ meaning surfacewater

runoff from a property pre-development shall be the same post development. This assessment is typically made through the building consent or resource consent process. Having considered the evidence presented by the submitter, no changes to Rule 19.6.19 are recommended and no changes to the recommendations in the Section 42A Report.

At the Land Transport and Subdivision/Development hearing, Horizons advised they agreed with the recommendation to retain Rules 24.1.5 and 24.2.4 (surface water disposal), but sought minor wording changes to the advice note under Rule 24.2.4(a)(ii). These changes effectively clarified the note on the requirements of the Proposed One Plan in relation to stormwater. I concur with the request to amend the advice note as it better expresses the requirements under the Proposed One Plan. Accordingly, I now recommend submission point 27.29 be accepted in part and that a new advice note be added to Rule 19.6.19 as below.

Recommended Amendment:

Amend Rule 19.6.19 by adding an Advice Note as follows:

Note: Discharge of stormwater to land or drainage systems is also regulated by the Proposed One Plan and may require resource consent from Horizons Regional Council.

Miscellaneous - Chapter 19 General Matters (Section 4.72 of the Section 42A Report)

Subdivision provisions and the application of the Land Use Classification (LUC) were raised by a few submitters at the hearing, notably Bill Huzziff and Katrina Barber on behalf of the late Colin Easton.

In relation to the subdivision provisions, as outlined in the Section 42A Report and explained at the hearing, District Plan Change 20 notified in 2009 and recently made operative significantly changed the subdivision policies and rules. It is considered many of the concerns expressed by the submitters in relation to the nature and intensity of subdivision have been addressed by Plan Change 20, notably a significant increase in the minimum lot size in many parts of the district and a restriction on the number of new lots that can be created as of right. By way of example, the area north of Ridge Road is within the 'Foxton Dunefields Domain' where the minimum size of a property that can be subdivided must be at least 10 hectares and only one additional lot can be created. If a property is over 20 hectares in size, only two additional lots can be created as of right. These thresholds contrast with the previous subdivision requirements where the only threshold was each lot had to have a minimum lot size of 2,000m² (i.e. ½ acre) with no limit on the number of new lots or existing size of the property.

With regard to the use of the Land Use Classification (LUC) system, this matter was carefully considered through the Plan Change 20 process. It was recognised this classification has some shortcomings in terms of the broad-scale of the mapping which may mean small areas of land may be incorrectly classified (i.e. classified as highly versatile soils when they are not, or vice versa). In addition, it was recognised with advancements in farming practices, some inherent natural limitations in land classification (e.g. water deficits or poor drainage) can be addressed resulting in land classified as less versatile as having the potential to be highly productive. Notwithstanding these shortcomings, it was considered the LUC system provides a useful basis to manage subdivision where there is highly versatile land (Class 1 and 2) as this land has no inherent natural limitations to be used for productive purposes.

While the points made by the submitters on rural subdivision are acknowledged and understood. They are considered outside the scope of the provisions open for submission on

the Proposed Plan. Lastly, as noted at the hearing, a few matters are proposed to be revisited from Plan Change 20, such as the Rural Subdivision Design Guide. A future plan change will provide an opportunity to incorporate some of the matters raised by these submitters. Accordingly, the recommendations in the Section 42A Report remain unchanged.

Miscellaneous - Chapter 26 Definitions (Section 4.77 of the Section 42A Report)

The Rural Environment Section 42A Report (Section 4.77) contained an evaluation of definitions which directly related to rules in the Rural Zone (i.e. intensive farming and primary production activity). A further Section 42A Report specifically on 'Definitions' completes the evaluation on all other relevant definitions used in the Proposed Plan.

Evidence presented on the definition of 'intensive farming' (Horizons and NZ Pork) supported the recommended amendments in the Section 42A Report. Evidence presented on the definition of 'primary production activities' generally supported the definition, but relationships with other definitions were highlighted. Federated Farmers sought the definition of primary production activities to include agricultural and horticultural earthworks. For the reasons outlined in the Section 42A Report, it is not considered appropriate to include this reference as earthworks is separately defined in the Proposed Plan. As outlined in the Section 42A Report, any exclusions from the earthworks rules have been assessed for each rule (e.g. Flood Hazard Area rule). Therefore, having considered the evidence presented at the hearing, there are no changes to the recommendations in the Section 42A Report relating to definitions.

Response prepared by Hamish Wesley and David McCorkindale

Dated 28th May 2013

Appendix 1 – Gravel Extraction Buffer Aerial Photographs and Amended Planning Maps

LEGEND
ZONES

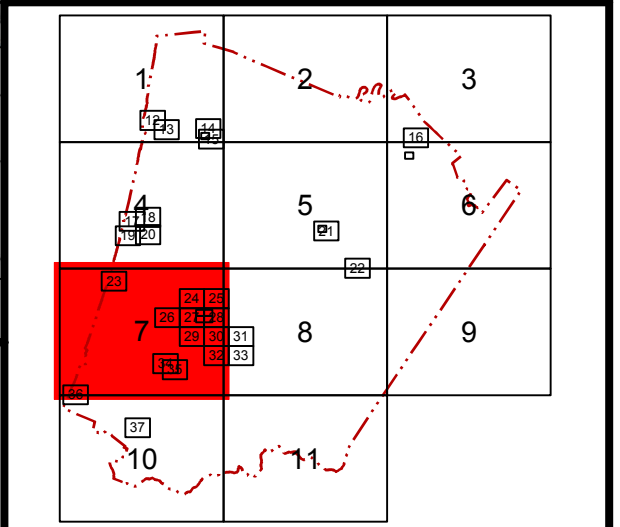
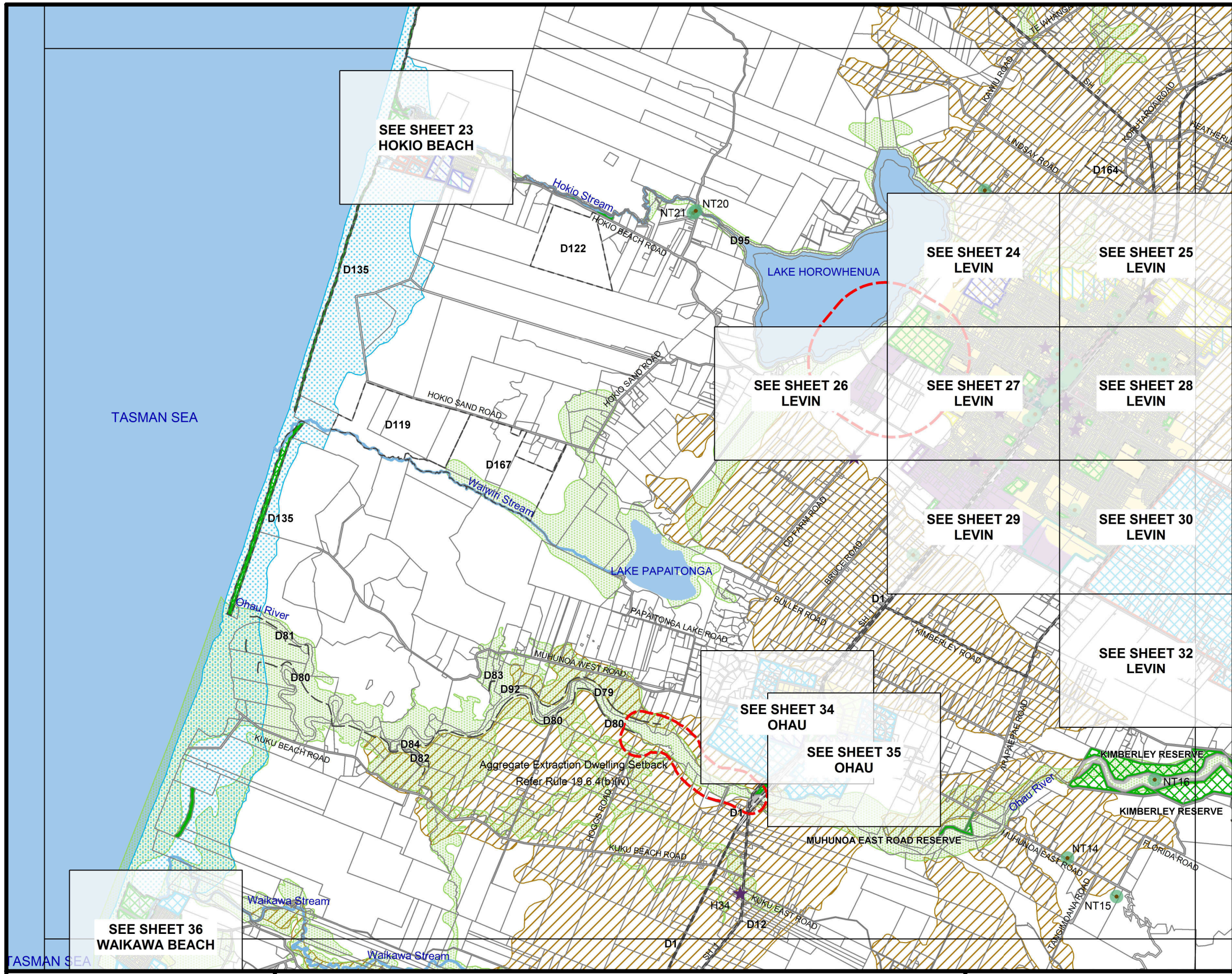
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- Residential Zone
- Rural Zone
- Proposed Commercial Zone
- Proposed Greenbelt Residential Zone (part of PC 21)
- Proposed Greenbelt Residential Deferred Zone (part of PC 21)
- Proposed Industrial Zone
- Proposed Open Space Zone
- Proposed Residential Zone
- Proposed Residential Zone (part of PC 21)
- Proposed Residential Deferred Zone
- Proposed Rural Zone

OVERLAYS

- Proposed Greenbelt Residential Waitarere Rise (part of PC 21)
- Proposed Low Density Area (part of PC 21)
- Proposed Medium Density Area
- Proposed Large Format Retail Area
- Proposed Town Centre Heritage/Character Area
- Proposed Foxtan Tourism Area
- Proposed Pedestrian Area
- Proposed Coastal Natural Character and Hazard Area (1:50,000 Rural Maps Only)
- Proposed 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
- Designation
- Road



Scale 1 : 50,000

PROPOSED HOROWHENUA DISTRICT PLAN
RURAL

Planning Map 7

LEGEND
ZONES

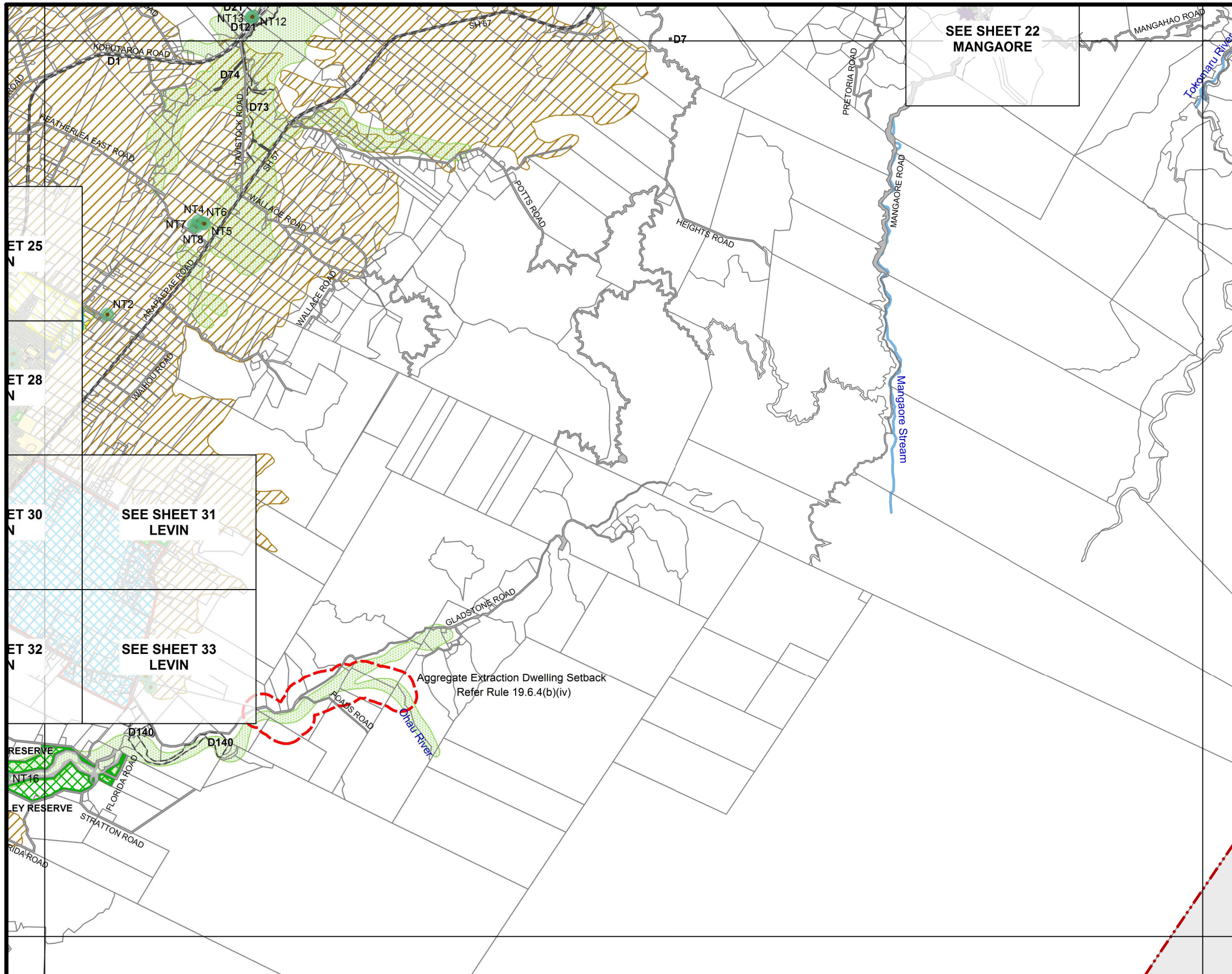
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- Proposed Town Centre Heritage/Character Area
- Proposed Foxton Tourism Area
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- Moutoa Floodway (1:50,000 Rural Maps Only)
- Versatile Land (LUC Class I & II Soil)

FEATURES

- Notable Tree
- Historic Heritage Building, Structure or Site
- Designation
- Road



SEE SHEET 22
MANGAORE

ET 25
N

ET 28
N

ET 30
N

ET 32
N

SEE SHEET 31
LEVIN

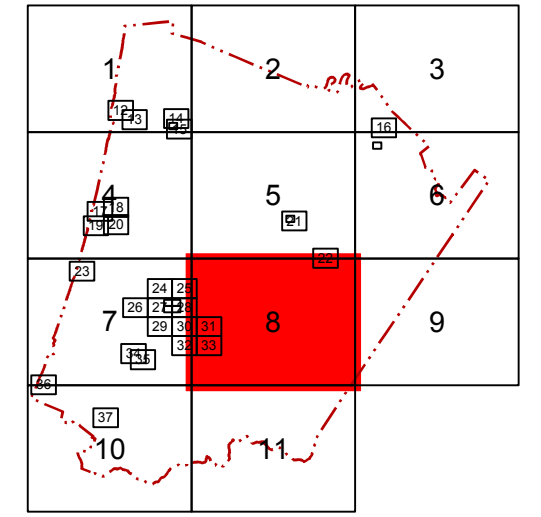
SEE SHEET 33
LEVIN

Aggregate Extraction Dwelling Setback
Refer Rule 19.6.4(b)(iv)

Scale 1 : 50,000

PROPOSED HOROWHENUA DISTRICT PLAN
RURAL

Planning Map 8



LEGEND
ZONES

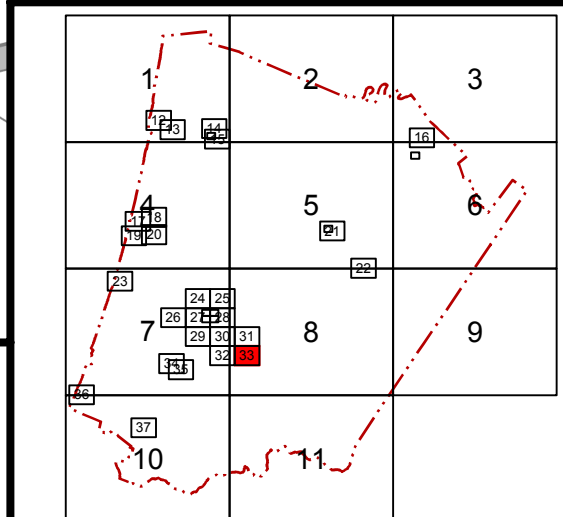
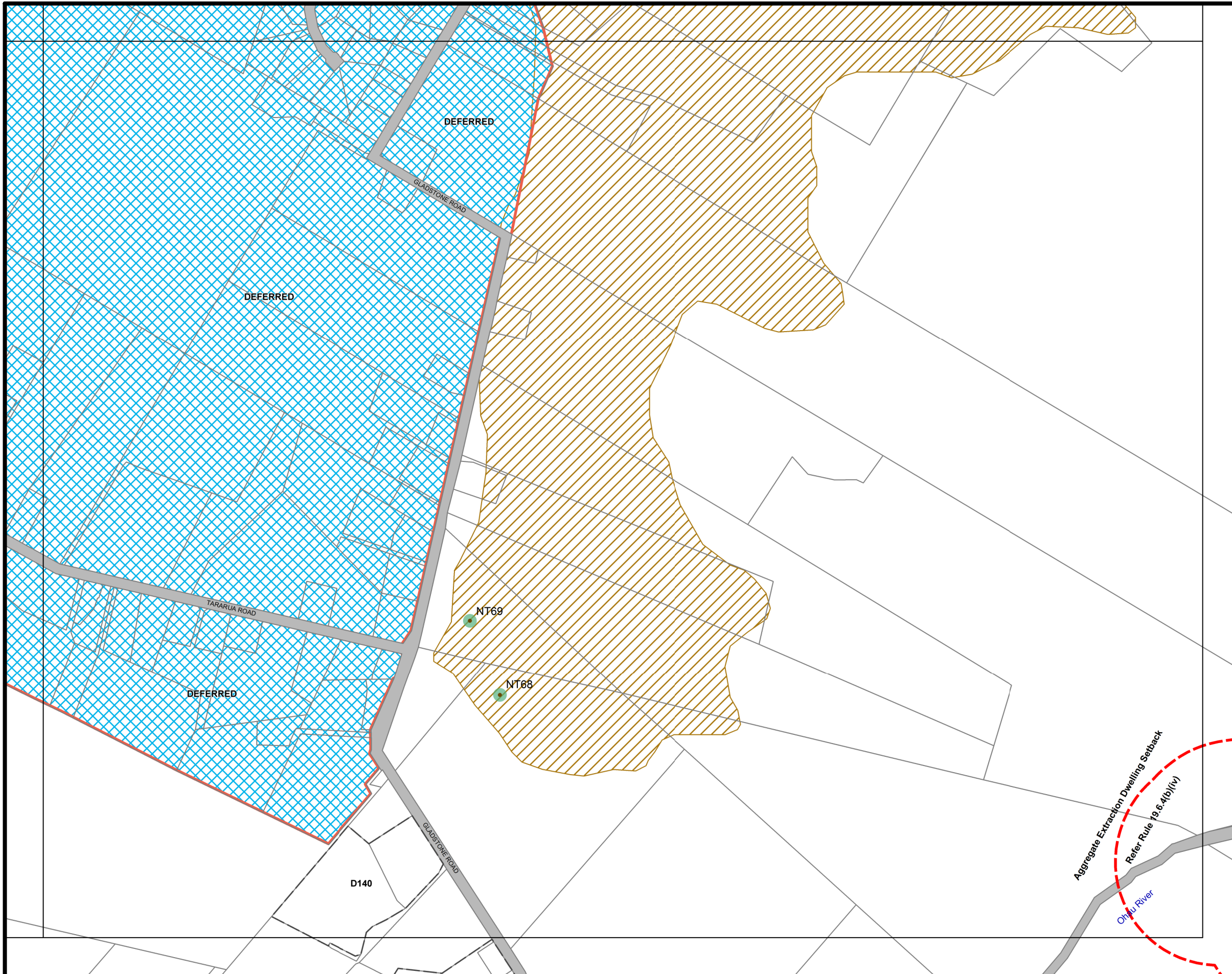
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- Moutoa Floodway (1:50,000 Rural Maps Only)
- Versatile Land (LUC Class I & II Soil)

FEATURES

- Notable Tree
- Historic Heritage Building, Structure or Site
- Designation
- Road



Scale 1 : 7,500

PROPOSED HOROWHENUA DISTRICT PLAN
LEVIN

Planning Map 33

LEGEND
ZONES

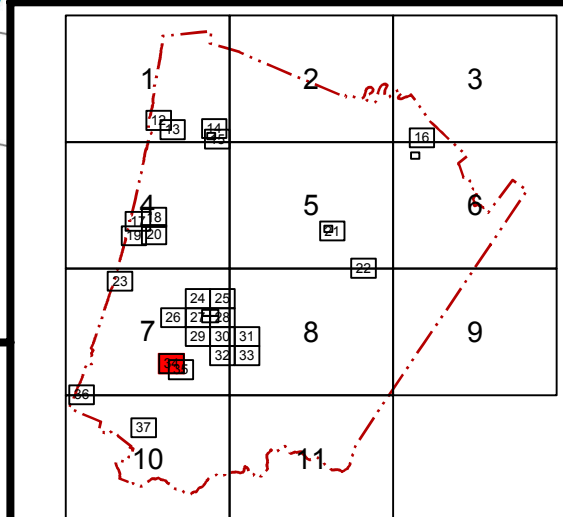
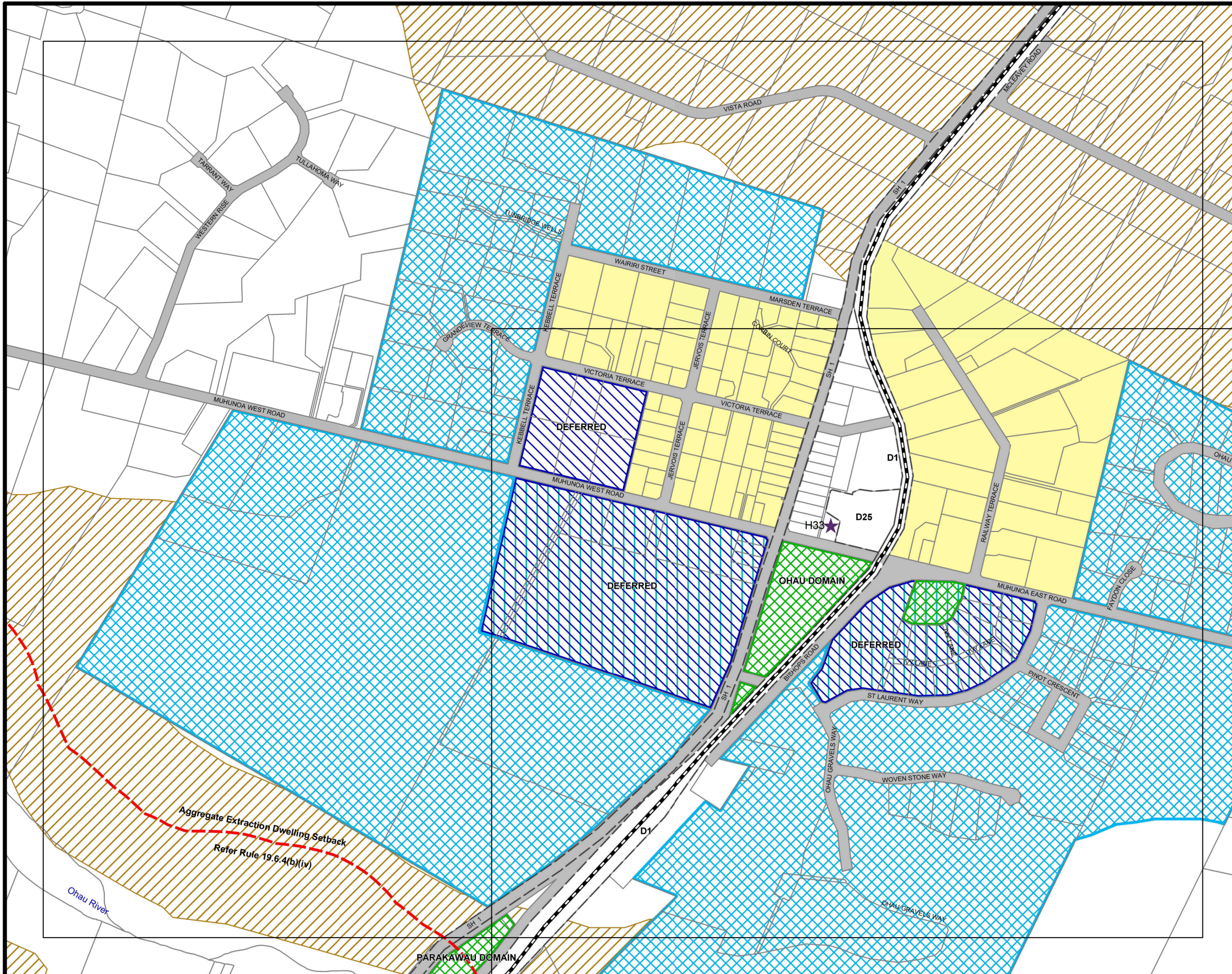
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- Versatile Land (LUC Class I & II Soil)

FEATURES

- Notable Tree
- Historic Heritage Building, Structure or Site
- Designation
- Road



PROPOSED HOROWHENUA DISTRICT PLAN
OHAU

Planning Map 34

Scale 1 : 7,500

LEGEND
ZONES

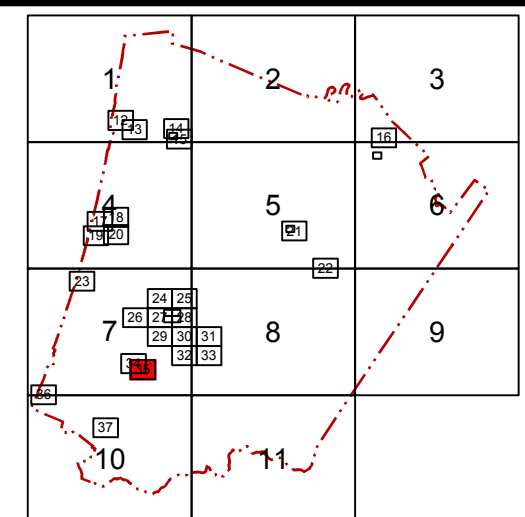
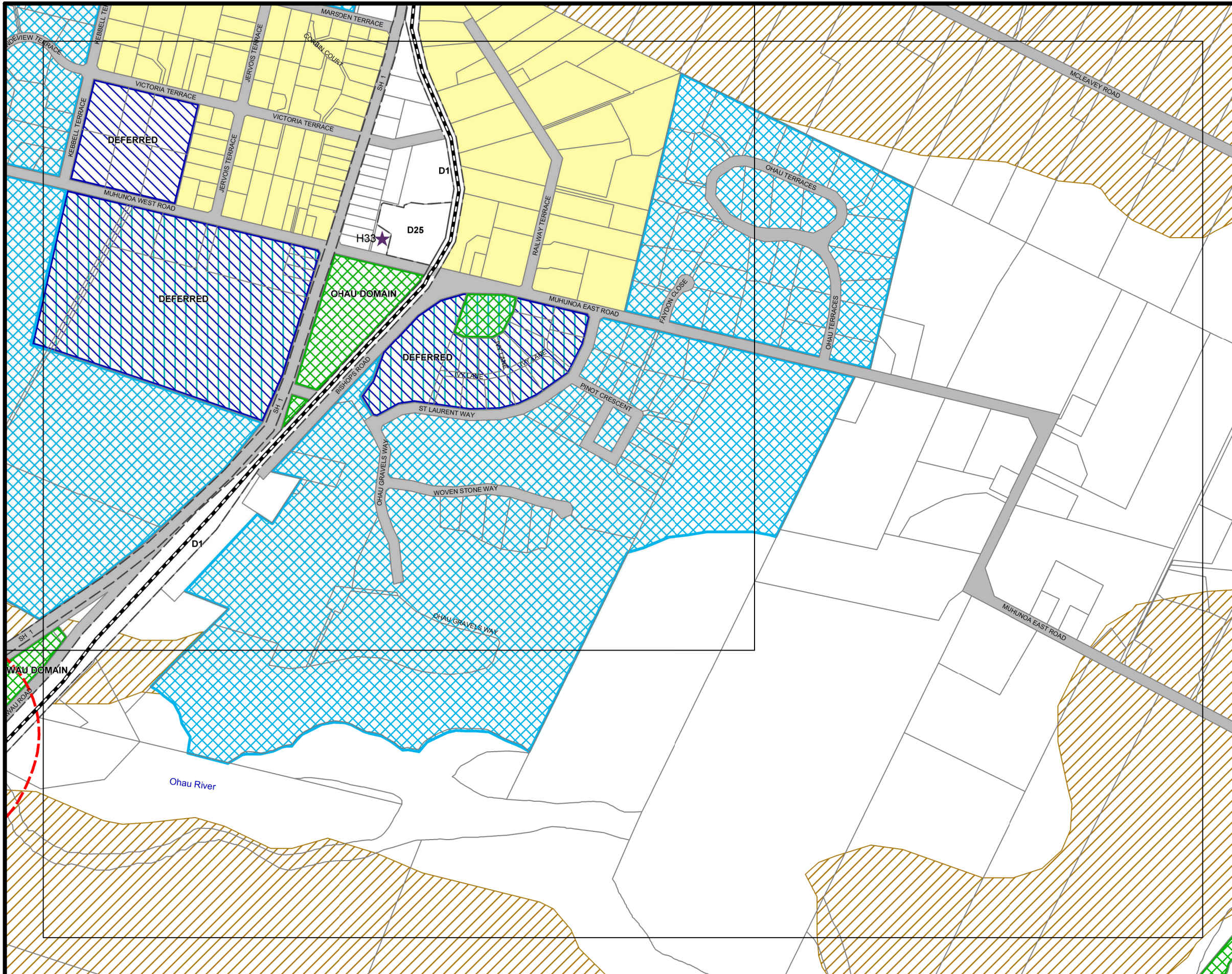
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FEATURES

- Notable Tree
- Historic Heritage Building, Structure or Site
- Designation
- Road



PROPOSED HOROWHENUA DISTRICT PLAN

OHAU

Planning Map 35

Scale 1 : 7,500

Appendix 2 – Transpower Response (Dated 27 May 2013)

Before a Hearing Panel in Levin

under: the Resource Management Act 1991

in the matter of: the Proposed Horowhenua District Plan – Rural Environment

between: **Horowhenua District Council**
Local Authority

and: **Transpower New Zealand Limited**
Submitter

and: **Federated Farmers of New Zealand**
Submitter

and: **Horticulture New Zealand Incorporated**
Submitter

Joint memorandum of the parties regarding issues relating to Rule 19.6.14 raised during the Rural Environment Hearing

27 May 2013

REFERENCE: John Hassan (john.hassan@chapmantripp.com)
Nicky McIndoe (nicky.mcindoe@chapmantripp.com)

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**JOINT MEMORANDUM OF THE PARTIES REGARDING ISSUES
RELATING TO RULE 19.6.14 RAISED DURING THE RURAL
ENVIRONMENT HEARING**

INTRODUCTION

- 1 On 13 May 2013, Transpower New Zealand Limited (*Transpower*), Horticulture New Zealand Incorporated (*HortNZ*) and Federated Farmers of New Zealand (*FF*) presented evidence and submissions in support of their submissions on the Rural Environment chapters of the Proposed Horowhenua District Plan (*Proposed Plan*).
- 2 During these presentations, the Hearing Panel advised that, if Transpower, HortNZ and FF could all agree on possible wording for Rule 19.6.14, this agreed wording could be provided by way of a joint memorandum lodged by 27 May 2013, and would be considered by the Hearing Panel when undertaking their deliberations.

AGREED TEXT FOR RULE 19.6.14

- 3 **Appendix A** to this memorandum sets out a revised version of Rule 19.6.14. With the exception of new text relating to crop protection structures and crop support structures near poles, all aspects of this rule were agreed between the parties, and had the support of the Reporting Officer, at the time the parties presented their cases on 13 May 2013.
- 4 The revised rule in Appendix A is effectively the rule which was contained in Transpower's legal submissions of 13 May 2013, with all tracked changes accepted and highlighting removed. The amendments recommended by the Officer in the Supplementary Officer Report have been made. New suggested edits are shown using underlining. These new edits are agreed by all parties to this memorandum.

27 May 2013



Nicky McIndoe
Counsel for Transpower New Zealand
Limited

Chris Keenan
For Horticulture New Zealand
Incorporated

Rhea Dasent

Rhea Dasent
For Federated Farmers of New
Zealand

Geeta Negi
(GEEETA NEGI)

Signed on behalf of

Chris Keenan
For Horticulture New Zealand
Incorporated

Rhea Dasent
For Federated Farmers of New
Zealand

APPENDIX A – REVISED RULE 19.6.14

19.6.14 National Grid Corridor

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

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

- Fences up to 2.5 metres in height
- Mobile machinery and equipment
- Utilities within a road or rail corridor and electricity infrastructure
- Crop support structures and crop protection structures that meet the requirements of New Zealand Electrical Code Of Practice for Electrical Safe Distances (NZECP 34:2001) for minimum distance beneath conductors and are 12 metres from the outer edge of the support structure of high voltage transmission line.
- Crop support structures and crop protection structures (including any connected catenary or support cables or wires) that are at least 8 metres from the outer edge of a pole (not tower) support structure of high voltage transmission line and that:
 - meet the requirements of New Zealand Electrical Code Of Practice for Electrical

Safe Distances (NZECP 34:2001) for minimum distance beneath conductors; and

- are no more than 2.5 metres high; and
 - are removable or temporary, to allow a clear working space 12 metres from the pole when necessary for maintenance purposes; and
 - allow all weather access to the pole and a sufficient area for maintenance equipment, including a crane.
- Non-habitable buildings and structures associated with primary production (excluding milking shed buildings) that meet the requirements of New Zealand Electrical Code Of Practice for Electrical Safe Distances (NZECP 34:2001) for minimum distance beneath conductors and are 12 metres from the outer edge of the support structure of high voltage transmission line.

(c) Earthworks

(i) Around Poles shall be:

- A. no deeper than 300mm within 2.2 metres of a transmission pole support structure or stay wire; and
- B. no deeper than 750mm between 2.2 to 5 metres from a transmission pole support structure or stay wire.

Except that:

Vertical holes not exceeding 500mm diameter beyond 1.5 metres from the outer edge of a pole support structure or stay wire are exempt from (c)(i)(A) and (c)(i)(B) above.

(ii) Earthworks Around Towers shall be:

- A. no deeper than 300mm within 6 metres of the outer visible edge of a transmission tower support structure; and

- B. no deeper than 3 metres between 6 to 12 metres from the outer visible edge of a transmission tower support structure.
- (iii) Earthworks 12m either side of a high voltage transmission line shall not:
- A. create an unstable batter that will affect a transmission support structure; and/or
- B. result in a reduction of the existing conductor clearance distances as required by NZECP34:2001.

The following activities are exempt from c (i), c(ii) and c (iii) above:

- Earthworks undertaken by a Network Utility operator; or
- Earthworks undertaken as part of agricultural or domestic cultivation, or repair, sealing or resealing of a road (including a farm access track), footpath or driveway.

Appendix 3 – Transpower Response (Dated 20 May 2013)

Before a Hearing Panel in Levin

under: the Resource Management Act 1991

in the matter of: the Proposed Horowhenua District Plan – Rural Environment

between: **Horowhenua District Council**
Local Authority

and: **Transpower New Zealand Limited**
Submitter

Memorandum of counsel for Transpower New Zealand Limited
clarifying issues raised during Rural Environment Hearing

20 May 2013

REFERENCE: John Hassan (john.hassan@chapmantripp.com)
Nicky McIndoe (nicky.mcindoe@chapmantripp.com)

**MEMORANDUM OF COUNSEL FOR TRANSPOWER NEW ZEALAND
LIMITED CLARIFYING ISSUES RAISED DURING RURAL
ENVIRONMENT HEARING**

INTRODUCTION

- 1 On 13 May 2013, Transpower New Zealand Limited (*Transpower*) presented evidence and legal submissions in support of its submissions on the Rural Environment chapters of the Proposed Horowhenua District Plan (*Proposed Plan*). This memorandum provides information in response to the following issues which arose during the hearing:
 - 1.1 During Transpower's presentation, Transpower agreed to provide further information on exceptions to the suggested earthworks rules; and
 - 1.2 After Transpower's presentation, the Hearing Panel Chair issued a Minute dated 14 May 2013 requesting Transpower respond to matters raised by Mr John Page.

CLARIFICATION OF EARTHWORKS EXCEPTION

- 2 Transpower's submission and evidence supports particular rules restricting earthworks around poles and towers (support structures). The suggested rules contain the following exception for earthworks around poles:

Except that:

Vertical holes not exceeding 500mm diameter beyond 1.5 metres from the outer edge of a pole support structure or stay wire are exempt from (c)(i)(A) and (c)(i)(B) above.

- 3 During the hearing, Hearing Panel Chair Chrystal asked whether a similar exception should apply to the restrictions to earthworks around towers, and if not, why not.
- 4 Transpower's submission sought that the exception apply only to earthworks around poles. The rules reflect the requirements of the New Zealand Code of Practice for Electrical Safe Distances (*NZCEP34:2001*) which landowners must comply with regardless of the provisions in the Proposed Plan. This is explained in the evidence of **Mr Spargo**.¹ The exception quoted in paragraph 2 above is based on clause 2.2.2 of NZCEP34:2001.

¹ Spargo, paras 58-60.

- 5 NZECP34:2001 does not provide any explanation as to why the exception applies to earthworks around poles, but not around towers.
- 6 Transpower supports the earthworks provisions suggested in its submission, for the reasons given in **Mr Spargo's** evidence,² and in particular because consistency between the Proposed Plan and NZECP34:2001 will simplify compliance for landowners.

ISSUES RAISED BY MR JOHN PAGE

- 7 The Hearing Panel's Minute of 14 May 2013 notes that the submitter Range View Ltd and MJ Page presented in relation to Rule 19.6.14 on 13 May 2013, after Transpower had presented its case. The Minute asks Transpower to respond to the following questions:

- 7.1 Does the Corridor Management Policy referred to in Mr Warburton's email of 7 October 2010 still apply?
- 7.2 Are the setbacks proposed in Rule 19.6.14(b) intended to be absolute setbacks or minimum setbacks? In particular, how will the requirement to comply with NZECP34:2001 in Rule 19.6.14(a) operate with respect to the setbacks in 19.6.14(b).

Transpower's Corridor Management Policy

- 8 As noted in **Mr Taylor's** evidence,³ Transpower has been seeking corridor provisions in district plans since 1996, but is continually looking for ways to improve its corridor management approach. The refinements to the rules suggested by Transpower which have arisen out of discussions with stakeholders as recently as the last few weeks are evidence of this.
- 9 The Corridor Management Policy referred to in Mr Warburton's email is no longer current. **Mr Taylor's** evidence⁴ explains Transpower's current approach to corridor management. This approach applies nationally, but Transpower takes into account the particular circumstances of its lines and the relevant district characteristics, when seeking to implement it.

Setbacks and references to NZECP34:2001

- 10 Mr Page's evidence (and attachments) refers to his subdivision of land in the vicinity of three transmission lines in approximately 2010. Transpower understands (based on the Minute) that Mr Page opposes Rule 19.6.14(a) because:

² Spargo, paras 58-60.

³ Taylor, paras 31-34.

⁴ Taylor, paras 29-39.

- 10.1 This could require landowners to set back their buildings and structures further than the setbacks in 19.6.14(b);
- 10.2 The exemptions to 19.6.14(b) will not apply to 19.6.14(a);
- 10.3 The impact of NZECP34:2001 compliance on landowners is not clear;
- 10.4 It can be very expensive for landowners to determine what is needed to comply with NZECP34:2001; and
- 10.5 There will be significant costs for the Council to determine whether compliance with NZECP34:2001 (and therefore Rule 19.6.14(a)) is achieved.
- 11 As explained in the evidence of **Mr Taylor**,⁵ the National Grid Corridor (and associated rules) in the Proposed Plan will not replace the requirement to comply with NZECP34:2001, as this is mandatory. All people carrying out work on or near overhead electric lines (and other equipment covered by NZECP34:2001) must comply with NZECP34:2001, regardless of any district plan provisions. Even if Rule 19.6.14(a) was deleted, landowners would still need to comply with NZECP34:2001, and incur the costs associated with this.
- 12 Rule 19.6.14, as suggested by Transpower, in some respects mirrors and/or complements the requirements of the Code, and will raise awareness of it. However, simply relying on NZECP34:2001 will not give effect to the National Policy Statement on Electricity Transmission (*NPSET*),⁶ and so Rule 19.6.14 in some instances goes further than the requirements of NZECP34:2001, where this is necessary in order to give effect to the NPSET (e.g. by regulating sensitive activities).
- 13 NZECP34:2001 is also very detailed, and so could not easily be directly incorporated into a district plan. For example, mobile plant (e.g. forklifts) are regulated by NZECP34:2001, and have the potential to compromise the operation of the National Grid (relevant for the purposes of giving effect to Policy 10 of the NPSET). However, Transpower has not sought rules regulating mobile plant near transmission lines, because these are not usually regulated by district plans, and so rules are unlikely to be effective or efficient.
- 14 **Mr Youngman's** evidence⁷ explains how the corridors in Rule 19.6.14(b)(i) and (ii) were calculated. The corridor widths were calculated based on the wind conditions when maintenance

⁵ Taylor, para 44.

⁶ See Taylor, paras 40-45 and Youngman, paras 77-86.

⁷ Youngman, paras 87-93.

work would be undertaken ("everyday" conditions), assumed ambient temperature, load and conductor type. The width of the corridor is determined by the swing of the 95th percentile span and access requirements for maintenance purposes.

- 15 As the corridor is based on the 95th percentile span (distance between support structures), 5% of spans will be longer than this. If the Proposed Plan corridors were based on the longest span in the country (or district), this would result in the corridors being unnecessarily wide in almost all locations. The 95th percentile span is considered to capture the majority of spans throughout the country and district, without imposing more land use restrictions than are necessary.
- 16 Where a span is longer than the 95th percentile span, NZECP34:2001 may impose more restrictions than Rule 19.6.14(b). For example, for a span over 375m (the span described in the email of Mr Warburton attached to Mr Page's email was over 1000m), NZECP34:2001 requires that engineering advice be obtained in order to determine the minimum safe distance from conductors.⁸
- 17 Conversely, where a span is short, NZECP34:2001 would permit buildings to be closer than the corridor setbacks in Rule 19.6.14(b)(i) and (ii). For example, NZECP34:2001 permits buildings directly beneath a line, provided they comply with the minimum distance requirements below conductors, and minimum distance requirements to the side of conductors.⁹
- 18 Accordingly, Mr Page is correct that NZECP34:2001 could require landowners to set back buildings further than the distances in Rule 19.6.14(b). This is the case regardless of whether Rule 19.6.14(a) contains a requirement to comply with NZECP34:2001.
- 19 Similarly, NZECP34:2001 could permit some buildings that would be within the National Grid Corridor in the Proposed Plan. This is why Transpower agrees to the exemptions to the setback requirements in Rule 19.6.14(b) – where these buildings and structures comply with NZECP34:2001 Transpower is comfortable that they can be permitted (as they will not give rise to any NPSET reverse sensitivity and sensitive activity issues).
- 20 Mr Page is also correct that the exemptions to Rule 19.6.14(b) do not apply to Rule 19.6.14(a). This is because a district plan provision cannot create an exemption to the need to comply with NZECP34:2001. The exemptions in 19.6.14(b) will, however,

⁸ See Table 2 and clause 3.3.1 of NZECP34:2001, attached as **Appendix A**.

⁹ See Table 2 and clause 3.3.1 of NZECP34:2001.

operate to permit those activities which both fit within the exemption and comply with the requirements of NZECP34:2001.

- 21 The impact on landowners of compliance with Rule 19.6.14(a) is no greater than the impact of compliance with NZECP34:2001 itself. Accordingly, Rule 19.6.14(a) will not create any compliance costs over and above those already created by NZECP34:2001. The costs of landowners determining compliance with Rule 19.6.14(a) are costs which the landowner would have incurred in any event, in order to determine compliance with NZECP34:2001.
- 22 There is the potential for the Council to incur costs enforcing Rule 19.6.14(a), but these costs will be no greater than those incurred by the Council in enforcing any part of the Proposed Plan. The Council has a discretion as to any enforcement proceedings it chooses to bring. Further, any person (including Transpower) may choose to enforce the Proposed Plan provisions,¹⁰ and if they choose to do so, will incur the costs of seeking any enforcement order.
- 23 Should the Hearing Panel wish to reconvene the Rural Hearing in order to hear more evidence and/or submissions on this issue, Transpower would be happy to appear to provide further explanation.

20 May 2013



Nicky McIndoe
Counsel for Transpower New Zealand
Limited

¹⁰ See section 316 of the Resource Management Act 1991.

APPENDIX A – NZECP34:2001

NZEC 34:2001

ISSN 0114-0663

NEW ZEALAND ELECTRICAL

CODE OF PRACTICE

for

ELECTRICAL SAFE DISTANCES

NZEC 34:2001

NEW ZEALAND ELECTRICAL CODE OF PRACTICE

for

ELECTRICAL SAFE DISTANCES

Issued by:
Manager, Standards and Safety,
Ministry of Consumer Affairs,
Wellington, New Zealand

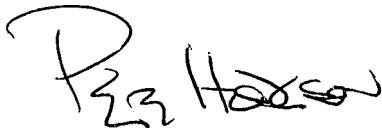
THE ELECTRICITY ACT 1992

Approval of the New Zealand Electrical Code for Practice for Electrical Safe Distances 2001 (*NZCEP 34:2001*) and the revocation of the New Zealand Electrical Code of Practice for Electrical Safety Distances 1993 (*NZCEP 34:1993*)

Pursuant to section 38 of the Electricity Act 1992, I hereby revoke the New Zealand Electrical Code of Practice for Electrical Safety Distances 1993 (*NZCEP 34:1993*) and approve the New Zealand Electrical Code of Practice for Electrical Safe Distances 2001 (*NZCEP 34:2001*).

The New Zealand Electrical Code of Practice for Electrical Safe Distances 2001 (*NZCEP 34:2001*) was published by the Manager, Standards and Safety, Ministry of Consumer Affairs, acting under delegated authority (*pursuant to section 41 of the State Sector Act 1988*) from the Chief Executive, Ministry of Economic Development on the 3rd day of August 2001.

Dated this 21st day of December 2001.



Minister of Energy

COMMITTEE REPRESENTATION

This Code of Practice was prepared by the Ministry of Consumer Affairs, in consultation with the following:

The Building Industry Authority
Transpower New Zealand Ltd
Electricity Engineers' Association of NZ (Inc)
Institution of Professional Engineers NZ
Tranz Rail Ltd
Telecom NZ Ltd
Telstra Saturn

REVIEW

This Code of Practice will be revised as occasions arise. Suggestions for improvements of this Code are welcome. They should be sent to the Manager, Standards and Safety, Ministry of Consumer Affairs, PO Box 1473, Wellington.

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INTRODUCTION

This Electrical Code of Practice (Code) sets minimum safe electrical distance requirements for overhead electric line installations and other works associated with the supply of electricity from generating stations to end users.

The minimum safe distances have been set primarily to protect persons, property, vehicles and mobile plant from harm or damage from electrical hazards. The minimum distances are also a guide for the design of electrical works within substations, generating stations or similar areas where electrical equipment and fittings have to be operated and maintained.

The Code has been designed to include, in its various sections, requirements that were previously contained in the Electricity Regulations 1997 (the Regulations). Compliance with this Code is mandatory.

- **Section 1** is a general section, including this Code's scope, interpretation and glossary.
- **Sections 2 and 3** cover the safe distance requirements for building works and excavation near overhead electric line support structures. It also covers the construction of buildings and other structures near conductors and the installation of conductors near existing buildings and similar structures.
- **Section 4** covers the requirements for maintaining safe distances between conductors and the ground and water, including restrictions on material being deposited under or near conductors.
- **Section 5** covers the responsibilities of parties who work or operate mobile plant near overhead electric lines and other electrical works.
- **Sections 6 – 8** cover the requirements for safe design and installation of overhead electric and telecommunications systems and other electrical works and controls on access to conductors.
- **Section 9** covers minimum safe approach distance requirements for persons working near exposed live parts.
- **Section 10** covers the responsibilities of owners of electricity supply works for inspection and maintaining records.

SECTION 1

SCOPE, INTERPRETATION, GLOSSARY AND GENERAL

1.1. SCOPE

- 1.1.1 This Code covers safety issues, in so far as they relate to safe distances to overhead electric lines, telecommunication lines, line equipment and fittings, and personnel working on or near to such lines equipment.
- 1.1.2 This Code sets out minimum requirements in respect of the following matters:
- (a) Excavations or construction near overhead electric line supports;
 - (b) Limits for construction near conductors;
 - (c) Limits for the installation of conductors near existing buildings and similar structures;
 - (d) The separation and height of conductors above ground etc;
 - (e) The separation of overhead telecommunications lines and conductors;
 - (f) Overhead electric line access, supports and stays;
 - (g) Limits on material deposited or placed under or near an overhead electric line;
 - (h) Operation of mobile plant near conductors;
 - (i) Safe distances for the design of substations, switchyards and switchboards;
 - (j) Minimum approach distances to exposed live parts; and
 - (k) Inspection and records.
- 1.1.3 The content of this Code does not exempt any person from compliance with any statutory requirements in respect of the matters in clause 1.1.2.
- 1.1.4 This Code does not apply to:
- (a) Distance limits for large loads (e. g. buildings and over-dimension loads) travelling down roads.
 - (b) Optical fibre ground wire or optical fibre cables that are contained in or wrapped around any conductor.
 - (c) Hazards from trees.

1.2. INTERPRETATION

The Electricity Act 1992 and the Electricity Regulations 1997 contain definitions that are to be used in conjunction with this Code. These include: associated equipment; direct contact; electrically safe; exposed conductive part; fittings; high voltage; indirect contact; insulated; live or alive; live part; low voltage, and works.

In this Code, unless the context otherwise requires:

- 1.2.1 **Bare conductor** - means a conductor without covering or not insulated.
- 1.2.2 **Competent employee** – means an employee who can demonstrate to their employer, at any time, that they have the necessary knowledge, skills and experience to carry out electrical or telecommunications work in the vicinity of overhead electric lines, or exposed live metal, safely and to the standards used by the employer.
- 1.2.3 **Conductor** – means a wire, cable or form of metal designed for carrying electric current but does not include the wire of an electric fence.
- 1.2.4 **Distance** (for conductors) - unless otherwise specified, means the distance under the worst case

combination of maximum sag, load current, solar radiation, climatic conditions, etc, and in which the conductor creep process is complete (in the case of a line crossing another line, the worst case is that which results in the minimum spacing between the two lines).

- 1.2.5 **Mobile plant** - means cranes, elevating work platforms, tip trucks or similar plant, irrigation booms, any equipment fitted with a jib or boom and any device capable of being raised and lowered.
- 1.2.6 **Overhead electric line** – means conductors and support structures.
- 1.2.7 **Telecommunication line** - means any overhead wire or wires or conductors of any kind (including a fibre optic cable) used or intended to be used for the transmission or reception of signs, signals, impulses, writing, sounds or intelligence of any nature by means of any electromagnetic system. It includes any pole, insulator, casing, fixture, or other equipment used or intended to be used for supporting, enclosing, surrounding, or protecting any such wire or conductor; and also includes any part of a line.
- 1.2.8 **Traction systems** - means any overhead conductor or fitting for any train, locomotive, tram, trolley bus or electric overhead travelling crane.

1.3. GLOSSARY OF ABBREVIATIONS USED IN THIS CODE

a.c.	Alternating current
d.c.	Direct current
LV	Low voltage
kV	Kilovolts
m	Metres
mm	Millimetres
V	Volts

SECTION 2

MINIMUM SAFE DISTANCES FOR EXCAVATION AND CONSTRUCTION NEAR OVERHEAD ELECTRIC LINE SUPPORTS

2.1 GENERAL

- 2.1.1 This section outlines the requirements for building or excavation near overhead electric line support structures (towers, poles and stay wires). The minimum safe distances are designed to limit the chance of damage or hazards being created by the building or excavation. The minimum distances also ensure that the support structures can be accessed for inspection and maintenance.
- 2.1.2 Excavations and other works near overhead electric line supports can compromise the structural integrity of the overhead electric line.
- 2.1.3 Metallic or conducting paths near overhead electric line supports can transfer voltage potentials that could create step and touch currents during earth fault conditions.
- 2.1.4 Any consent and associated conditions given under this section shall be reasonable, and shall not be unreasonably withheld.

2.2 EXCAVATION NEAR OVERHEAD ELECTRIC LINE SUPPORTS

- 2.2.1 Subject to clause 2.2.2, prior written consent of the pole owner shall be obtained for any excavation or other interference with the land near any pole or stay wire of an overhead electric line where the work:
- (a) is at a greater depth than 300mm within 2.2 m of the pole or stay wire of the line; or
 - (b) is at a greater depth than 750 mm between 2.2 m and 5 m of the pole or stay wire; or
 - (c) creates an unstable batter.
- 2.2.2 Clause 2.2.1 does not apply to vertical holes, not exceeding 500 mm diameter, beyond 1.5 m from a pole or stay wire.
- 2.2.3 Prior written consent of the tower owner shall be obtained for any excavation or other interference with the land near any tower supporting an overhead electric line where the work:
- (a) is at a greater depth than 300 mm within 6 m of the outer edge of the visible foundation of the tower; or
 - (b) is at a greater depth than 3 m between 6 m and 12 m of the outer edge of the visible foundation of the tower; or
 - (c) creates an unstable batter.
- 2.2.4 Nothing in clauses 2.2.1 - 2.2.3 applies in respect of normal agricultural cultivation or the repair, sealing, or resealing of the existing surface of any road, footpath, or driveway.
- 2.2.5 Figures 1 and 2 provide a quick reference to the minimum safe distances for excavation near overhead electric line supports.

2.3 INSTALLATION OF CONDUCTIVE FENCES NEAR OVERHEAD ELECTRIC LINE SUPPORTS

- 2.3.1 Fences of conductive materials shall not be attached to any tower or conductive pole of a high voltage overhead electric line.
- 2.3.2 Fences of conductive materials should not be constructed within 2.2 m of any tower or conductive pole of a high voltage overhead electric line between 1 kV - 50 kV.
- 2.3.3 Except with the prior written consent of the overhead electric line owner, fences of conductive

materials shall not be constructed within 5 m of any tower or conductive pole of a high voltage overhead electric line of 66 kV or greater. As part of the consent, the overhead electric line owner may prescribe the design of any such fence to be constructed within this 5 m distance.

- 2.3.4 Where the construction of an overhead electric line would cause a contravention of the principles of clause 2.3.3, the line owner shall, at the line owner's cost, carry out an engineering study and undertake such remedial work as is necessary to maintain electrical safety.
- 2.3.5 Figures 1 and 2 provide a quick reference to the minimum safe distances for installation/construction of conductive fences near overhead electric line supports.

2.4 CONSTRUCTION OF BUILDINGS AND SIMILAR STRUCTURES NEAR OVERHEAD ELECTRIC LINE SUPPORTS

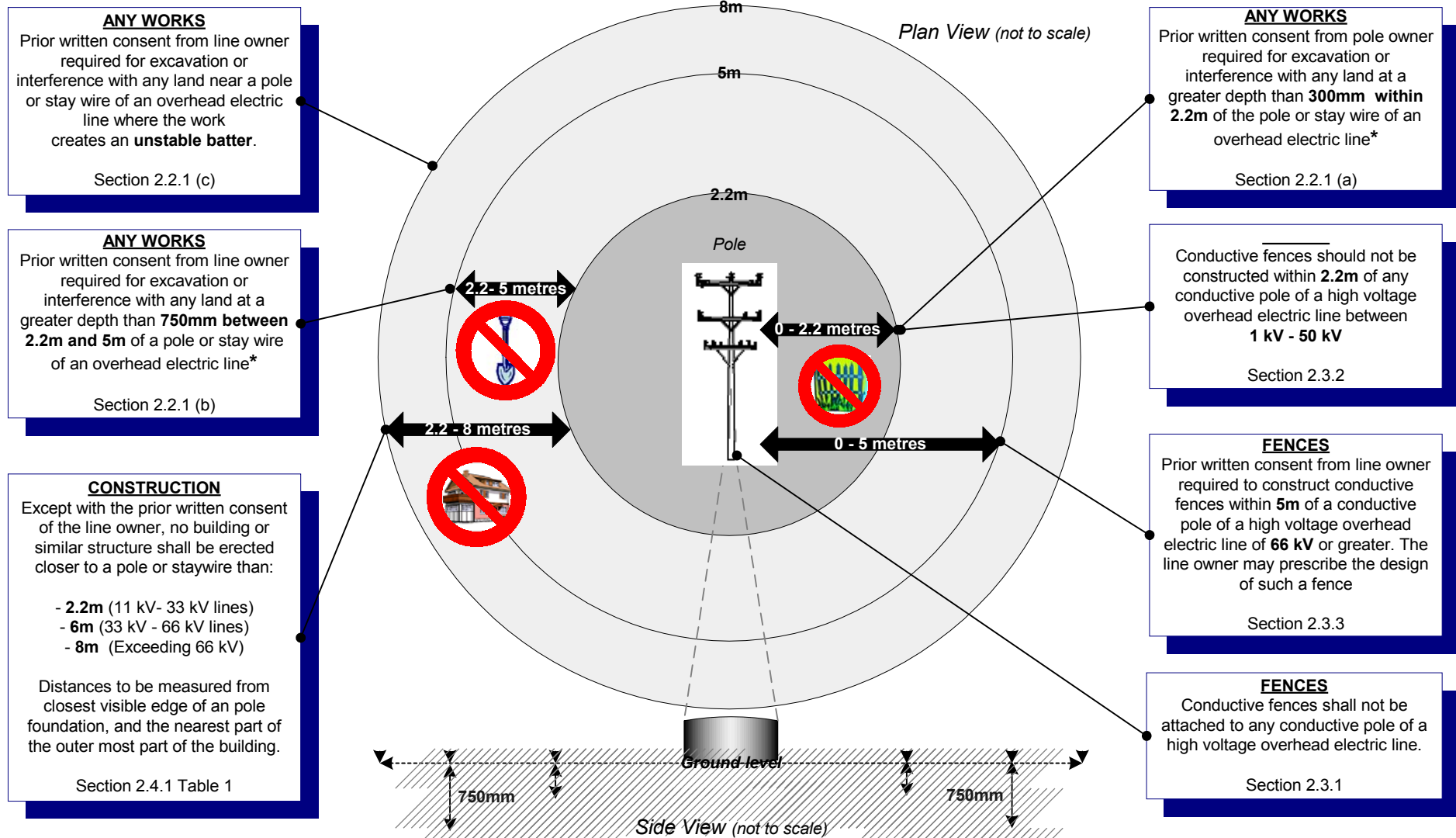
- 2.4.1 Except with the prior written consent of the overhead electric line owner, no building or similar structure shall be erected closer to a high voltage overhead electric line support structure than the distances specified in Table 1. The distances in Table 1 are to be measured from the closest visible edge of the overhead electric line support foundation, and the nearest part of the outermost part of the building. Refer to section 3 of this code for minimum safe distances between buildings (and other structures) and conductors.

TABLE 1 MINIMUM SAFE DISTANCES BETWEEN BUILDINGS AND OVERHEAD ELECTRIC LINE SUPPORT STRUCTURES

Circuit Voltage	Pole	Tower (pylon)
11 kV to 33 kV	2 m	6 m
Exceeding 33 kV to 66 kV	6 m	9 m
Exceeding 66 kV	8 m	12 m

- 2.4.2 Figures 1 and 2 provide a quick reference to the minimum safe distance requirements for the construction of buildings and other structures near overhead electric line supports.

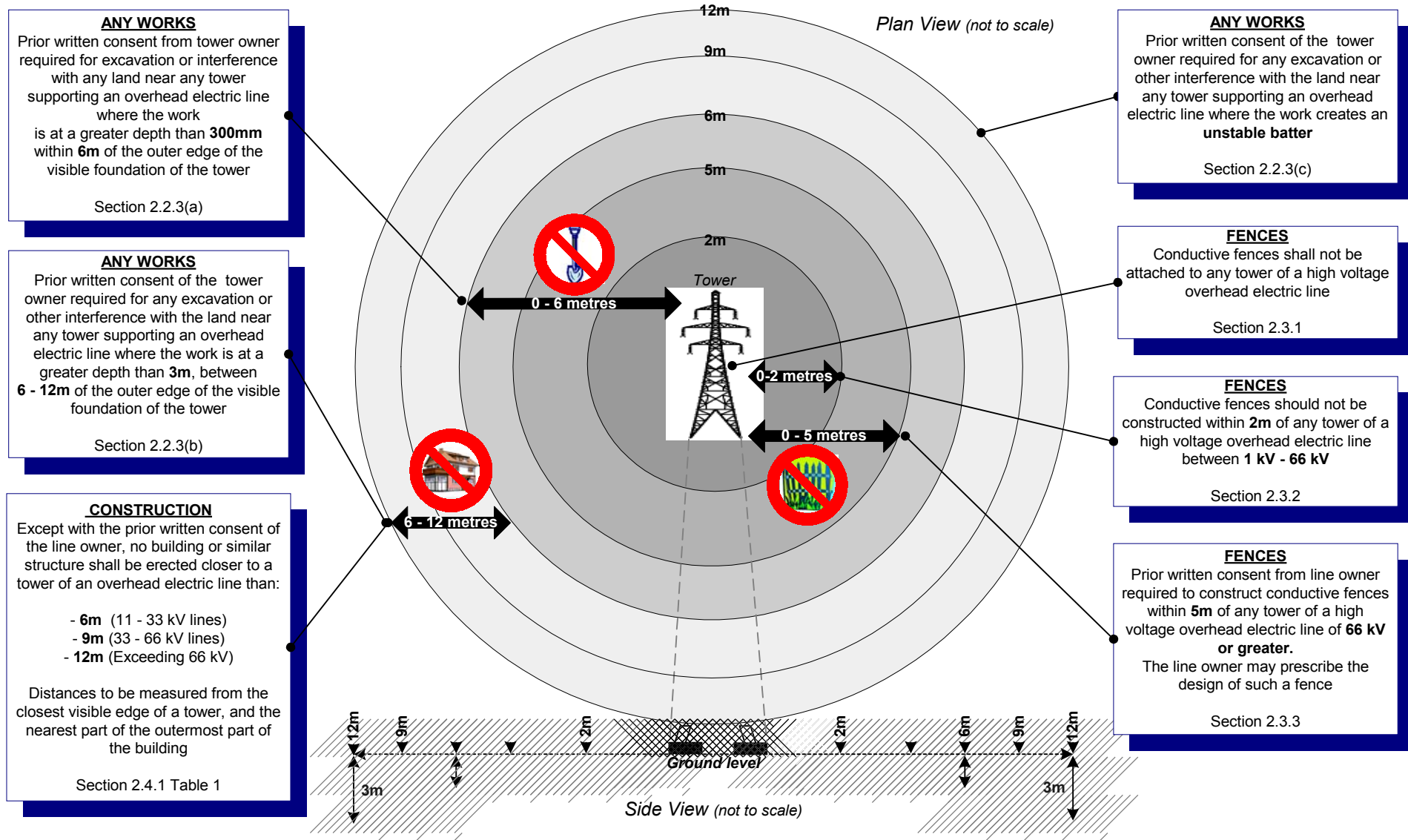
FIGURE 1 MINIMUM SAFE DISTANCES FOR EXCAVATION AND CONSTRUCTION NEAR POLES OR STAY WIRES



Notes

- This diagram is for quick reference only. Please refer to Section 2 for the complete safe distance requirements.
- Nothing in clauses 2.2.1 - 2.2.3 applies in respect of normal agricultural cultivation or the repair, sealing, or resealing of the existing surface of any road, footpath, or driveway (Section 2.2.4).
- * Clause 2.2.1 does not apply to vertical holes, not exceeding 500 mm diameter, beyond 1.5m from the pole or stay wire.

FIGURE 2 MINIMUM SAFE DISTANCES FOR EXCAVATION AND CONSTRUCTION NEAR TOWERS



- This diagram is for quick reference only. Please refer to Section 2 for the complete safe distance requirements.
- Nothing in clauses 2.2.1 - 2.2.3 applies in respect of normal agricultural cultivation or the repair, sealing, or resealing of the existing surface of any road, footpath, or driveway (Section 2.2.4).

SECTION 3

SAFE DISTANCE REQUIREMENTS BETWEEN CONDUCTORS AND BUILDINGS (AND OTHER STRUCTURES)

3.1 GENERAL

- 3.1.1 This section sets safe distance requirements for the construction of buildings and other structures near existing conductors, to prevent inadvertent contact with or close approach to conductors. At higher voltages, contact may be made via a power discharge across the gap.
- 3.1.2 This section also sets safe distance requirements for the location and construction of conductors near existing buildings and other structures.
- 3.1.3 The construction of buildings, scaffolding and other structures shall be in accordance with the Building Code.
- 3.1.4 This section does not apply to telecommunications lines.

3.2 PROCESS FOR ESTABLISHING SAFE DISTANCES

- 3.2.1 Prior to any planned construction, the following process must be undertaken to comply with the Code. The landowner/ building owner shall:
- 3.2.1.1 Establish, if necessary with the assistance of the overhead electric line owner, whether the proposed building/structure is at a greater distance from the conductor than the recommended distances for new buildings from conductors under normal conditions specified in Table 2.
- 3.2.1.2 If the proposed building/structure is at a greater distance, then no further action is required by the building owner to comply with this section of the Code with regard to conductor distances.
- 3.2.1.3 If the proposed building/structure does not (or may not) comply with the requirements of Table 2, then the overhead electric line owner shall be consulted. A specific engineering study must be carried out by a competent person, to establish actual distances in accordance with the requirements of Table 3 (refer section 3.3). Table 3 sets out the minimum safe distances (which are closer than those specified in Table 2) under worst case conditions.
- 3.2.1.4 Based on the outcome of the engineering study, which shall be provided by the landowner/building owner, the overhead electric line owner will advise whether:-
- (i) the proposed building/structure complies with Table 3 and construction can proceed without restriction; or
 - (ii) temporary arrangements during building construction need to be made, with the written agreement of the overhead electric line owner, to restrain conductor movement or to provide suitable insulation that will allow closer approach to conductors than those specified in Table 2. As part of the written agreement, the overhead electric line owner may prescribe reasonable conditions for the temporary arrangements; or
 - (iii) the proposed building/structure does not comply with Table 3 requirements, and therefore construction is prohibited.
- 3.2.2 For any overhead electric line owner planning to build a new conductor near to an existing building, a similar process to that set out in clause 3.2.1 must be followed, the costs of any

necessary engineering study being borne by the line owner.

3.3 SAFE DISTANCES FROM CONDUCTORS WITHOUT ENGINEERING ADVICE

3.3.1 Table 2 sets out the safe distances from conductors under normal conditions without engineering advice for conductor spans up to 375 m with supporting structures at equal elevation.

TABLE 2 SAFE DISTANCES FROM CONDUCTORS WITHOUT ENGINEERING ADVICE

Circuit voltage	Maximum span length (m)	Minimum distance beneath conductors under normal conditions (m)	Minimum distance to the side of conductors under normal conditions (m)
Not exceeding 1 kV	50	4	3.5
Exceeding 1 kV but not exceeding 11kV	80	5.5	5
Exceeding 11 kV but not exceeding 33 kV	125	7	8.5
Exceeding 33 kV but not exceeding 110 kV	125	7.5	9.5
Exceeding 110 kV but not exceeding 220 kV	125	8.5	11
275 kV d.c. & 350 kV d.c.	125	8.5	7.5
Not exceeding 33 kV	250	8	12
Exceeding 33 kV but not exceeding 110 kV	250	8.5	12.5
Exceeding 110 kV but not exceeding 220 kV	250	10	14
275 kV d.c. & 350 kV d.c.	250	10	11
Not exceeding 33 kV	375	9.5	20.5
Exceeding 33 kV but not exceeding 110 kV	375	10	21
Exceeding 110 kV but not exceeding 220 kV	375	11	22.5
275 kV d.c. & 350 kV d.c.	375	10.5	18
For all other spans		Engineering advice required	

(voltages are a.c. except where specified as d.c.)

NOTES

- (a) Observance of potential conductor motion is required to ensure safe distances during construction.
- (b) Where supporting structures are not located on equal elevations, a specific engineering study may be required to ensure distances are in accordance with Table 3.

3.4 MINIMUM SAFE DISTANCES OF CONDUCTORS FROM BUILDINGS AND OTHER STRUCTURES WITH SPECIFIC ENGINEERING ADVICE

- 3.4.1 Table 3 sets out the minimum safe distance of distances for conductors from buildings and other structures where a detailed engineering assessment has been carried out.
- 3.4.2 The minimum safe distances from a conductor of an overhead electric line to any structure, building or line support (*other than a support for the line under consideration or any line crossing the line under consideration*) shall not be less than those specified in Table 3.
- 3.4.3 The Table 3 distances do not apply to insulated conductors or cables supported along the façade of a structure or building.
- 3.4.4 Figures 3 and 4 illustrate the application of the Table 3 to a particular building. The letters A to D refer to the distances A to D as set out in Table 3.
- 3.4.5 The distances specified in A and B of Table 3 shall also be maintained above an imaginary horizontal line extending outward for the distance specified in C.
- 3.4.6 For Figure 4, the greater distance of either A, or B (from Table 3) plus the height of the balcony, shall apply, as this latter calculation may result in a distance greater than A.

FIGURES 3 AND 4 BUILDING ELEVATION AND BALCONY SECTION

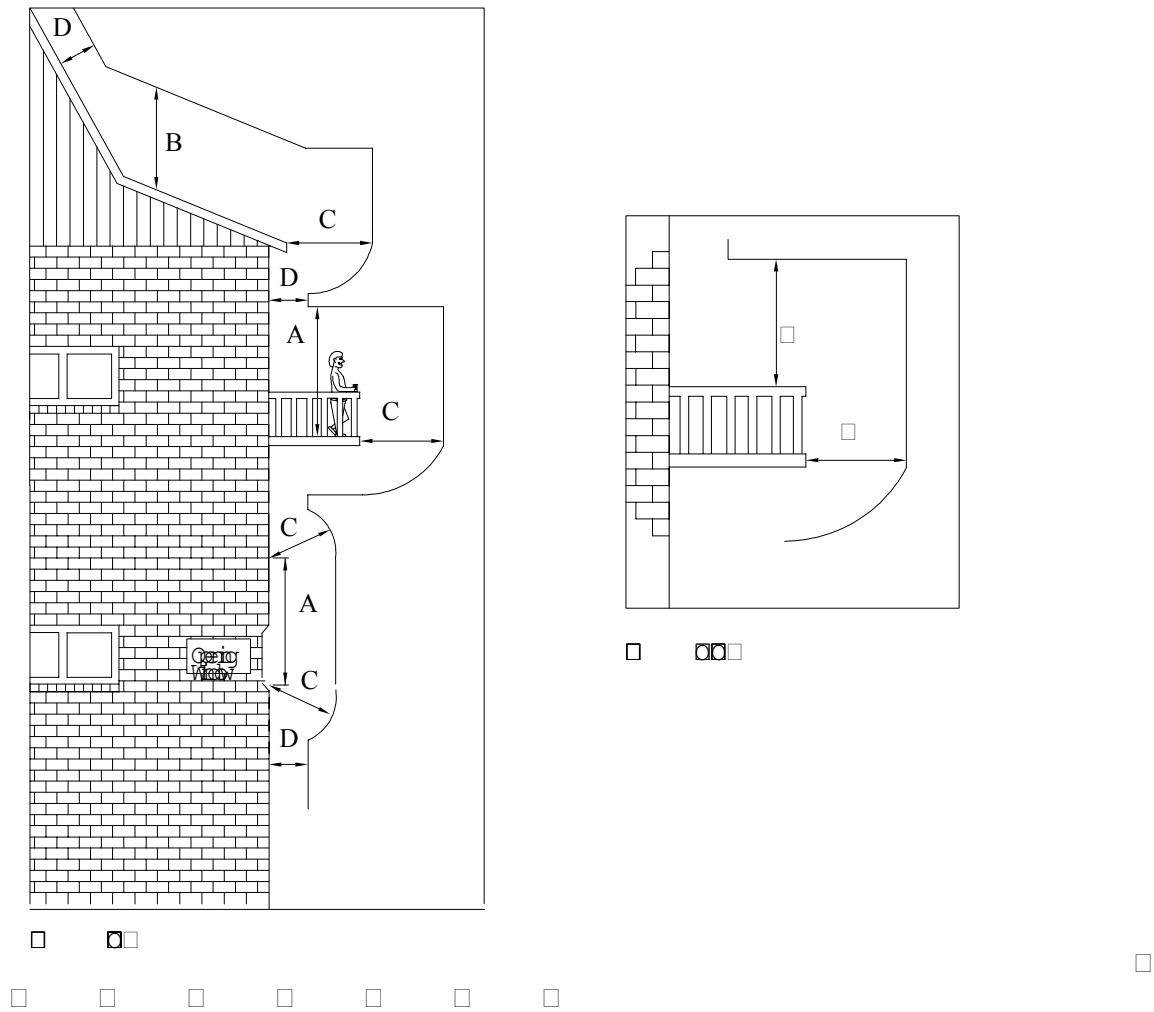


TABLE 3 MINIMUM SAFE DISTANCES OF CONDUCTORS FROM BUILDINGS AND OTHER STRUCTURES WHERE SPECIFIC CALCULATION OF CONDUCTOR MOVEMENT HAS BEEN CARRIED OUT

Safe distance conditions	Not exceeding 1 kV			Exceeding 1 kV		Exceeding 1 kV but not exceeding 33 kV	Exceeding 33 kV but not exceeding 110 kV	Exceeding 110 kV but not exceeding 220 kV	Exceeding 220 kV a.c. or d.c.
	Insulated m	Bare neutral m	Bare active m	Insulated with earthed screen m	Insulated without earthed screen m	Bare or covered m	Bare m	Bare m	Bare m
A Vertically above those parts of any structure normally accessible to persons	2.7	2.7	3.7	2.7	3.7	4.5	5	6.5	7
B Vertically above those parts of any structure not normally accessible to persons but on which a person can stand	0.1	2.7	2.7	0.1	2.7	3.7	4.5	6	6.5
C In any direction (other than vertically above) from those parts of any structure normally accessible to persons, or from any part not normally accessible to persons but on which a person can stand	0.1	0.9	1.5	0.1	1.5	2.1	3	4.5	5
D In any direction from those parts of any structure not normally accessible to persons	0.1*	0.3*	0.6*	0.1	0.6	1.5	2.5	3.5	4
E In any direction from the ground	Refer to Table 4								

* This distance can be further reduced to allow for termination at the point of attachment

SECTION 4

SAFE DISTANCES OF CONDUCTORS FROM THE GROUND AND WATER

4.1 GENERAL

- 4.1.1 This section sets the minimum safe clearance distances for conductors from the ground and water, including minimum safe distances for any excavations or other alterations.
- 4.1.2 Unless specifically identified, the requirements of this section do not apply to traction system conductors or to telecommunications lines, substations and generating stations.

4.2 MINIMUM SAFE DISTANCES OF CONDUCTORS FROM THE GROUND AND POOLS

- 4.2.1 Conductors of any overhead electric line, including any switching connections and transformer connections mounted on poles or structures, shall have distances from the ground not less than specified in Table 4.
- 4.2.2 Table 4 does not apply to existing overhead electric line conductors, or their replacement, where those conductors complied with the Regulations in existence at the time of their installation.
- 4.2.3 Conductors shall not be installed less than 5 m above the water level of any swimming pool.

4.3 MATERIAL DEPOSITED UNDER OR NEAR OVERHEAD ELECTRIC LINES

- 4.3.1 No material shall be deposited under or near an overhead electric line so as to reduce the conductor distance to ground to less than the distances required by Table 4 of this Code.

TABLE 4 MINIMUM SAFE DISTANCES OF CONDUCTORS FROM THE GROUND

Circuit voltage	Vertical distance to ground (m)			Radial distance (m)
	Across or along roads or driveways	Any other land traversable by vehicles (including mobile plant) but excluding across or along roads or driveways	Any land not traversable by vehicles (including mobile plant) due to its inaccessibility (e.g. steepness or swampiness)	
Not Exceeding 1 kV and insulated	5.5	4.0	2.7	2
Not Exceeding 1 kV	5.5	5.0	4.5	2
Exceeding 1 kV but not exceeding 33 kV	6.5	5.5	4.5	2
Exceeding 33 kV but not exceeding 110 kV	6.5	6.5	5.5	3
Exceeding 110 kV but not exceeding 220 kV	7.5	7.5	6.0	4.5
Exceeding 220 kV a.c. or d.c.	8.0	8.0	6.5	5

NOTES:

- (a) Voltages are a.c. except where specified as d.c.
- (b) The term ground includes any unroofed elevated area accessible to plant or vehicles.
- (c) Distances specified in Table 4 are for conductors that have fully undergone mechanical creep (permanent elongation). This is deemed to have occurred after 10 years in service.

4.4 SAFE DISTANCES OF CONDUCTORS OVER NAVIGABLE WATERWAYS AND BOAT RAMPS

- 4.4.1 The height of conductors over a navigable waterway shall be determined in consultation with the Maritime Safety Authority of New Zealand (MSA). The booklet titled “New Zealand System of Buoys and Beacons”, produced by MSA, shall be used as a guide.
- 4.4.2 Where conductors are installed over a boat ramp, suitable notices shall be provided on either side of the ramp, to provide a warning of the conductors’ presence and an indication of the conductors’ height and voltage.
- 4.4.3 No overhead conductors shall be installed within 9 m in any direction of a boat ramp.
- 4.4.4 Overhead conductors installed between 9 and 12 m of a boat ramp shall be insulated.
- 4.4.5 No boat ramp shall be constructed within 9 m in any direction of an overhead electric line without prior written consent of the electric line owner.

4.5 SAFE DISTANCES OF CONDUCTORS OVER RAILWAY TRACKS

- 4.5.1 The safe distances above rail level at the crossing of the railway for all overhead electric line conductors, when at maximum sag, shall not be less than those specified in Table 5. Where electric traction is in use, refer also to clause 6.2.2.

TABLE 5 MINIMUM DISTANCES VERTICALLY ABOVE RAILWAY TRACKS

Conductors	Distance (m)
Earthed conductors	5.5
Stay wires	5.5
Conductors up to and including 33 kV	6.5
Conductors above 33 kV but not exceeding 220 kV	7.5
Conductors above 220 kV a.c. or d.c.	8

SECTION 5

SAFE DISTANCES FOR THE OPERATION OF MOBILE PLANT NEAR CONDUCTORS

5.1 GENERAL

- 5.1.1 This section does not apply to live line work or to any conductor forming part of the mobile plant or any collector wire, insulated cable, or flexible cord used for the purpose of supplying electricity to the mobile plant.
- 5.1.2 Mobile plant working near an electric overhead electric lines can damage the line and be hazardous for the plant operator, the mobile plant and people in the vicinity.
- 5.1.3 Conductors can be displaced from their normal position by wind or temperature change. This requires special consideration by mobile plant operators.
- 5.1.4 This section does not apply while mobile plant is in transit on a road and the relevant requirements of the Traffic Regulations 1976 are observed.

5.2 MINIMUM APPROACH DISTANCE

- 5.2.1 The distance between any live overhead electric line and any part of any mobile plant or load carried shall be **“AT LEAST 4.0 METRES”**, unless the operator has received written consent from the overhead electric line owner allowing a reduced distance.
- 5.2.2 When an approval has been obtained pursuant to clause 5.2.1, and subject to clause 5.5.1, the minimum approach distance between a conductor and any mobile plant shall not be less than specified in Table 6.
- 5.2.3 Figure 5 provides a quick reference guide to the minimum safe distances for use of mobile plant near conductors of overhead electric lines.

5.3 WORKING ABOVE OVERHEAD ELECTRIC LINES

- 5.3.1 Mobile plant or any load carried shall not operate above the conductors of any overhead electric line unless the operator has received written consent from the overhead electric line owner to work above the overhead electric line.
- 5.3.2 The use of helicopters above overhead electric lines is governed by the Civil Aviation Rules.

5.4 CONSENT FOR REDUCED MINIMUM APPROACH DISTANCES

- 5.4.1 The application for written consent from the overhead electric line owner shall be made with reasonable notice.
- 5.4.2 The overhead electric line owner’s written consent shall advise:
 - (a) The voltage of the overhead electric line and the minimum approach distance to be observed, which shall not be less than the requirements of Table 6; and
 - (b) Any other reasonable conditions to be observed while working in proximity to, or above, the overhead electric line.
 - (c) The section of line to which the consent applies.

TABLE 6 REDUCED MINIMUM APPROACH DISTANCES
(where written consent has been obtained)

Circuit voltage	Minimum approach distance (m)
Not exceeding 1 kV – insulated conductor	0.15
Not exceeding 1 kV – conductor not insulated	1.0
Exceeding 1 kV but not exceeding 66 kV	1.0
Exceeding 66 kV but not exceeding 110 kV a.c. or d.c.	1.5
Exceeding 110 kV but not exceeding 220 kV a.c. or d.c.	2.2
Exceeding 220 kV d.c. but not exceeding 270 kV d.c.	2.3
Exceeding 270 kV d.c. but not exceeding 350 kV d.c.	2.8
Exceeding 350 kV d.c. or 220 kV a.c.	4

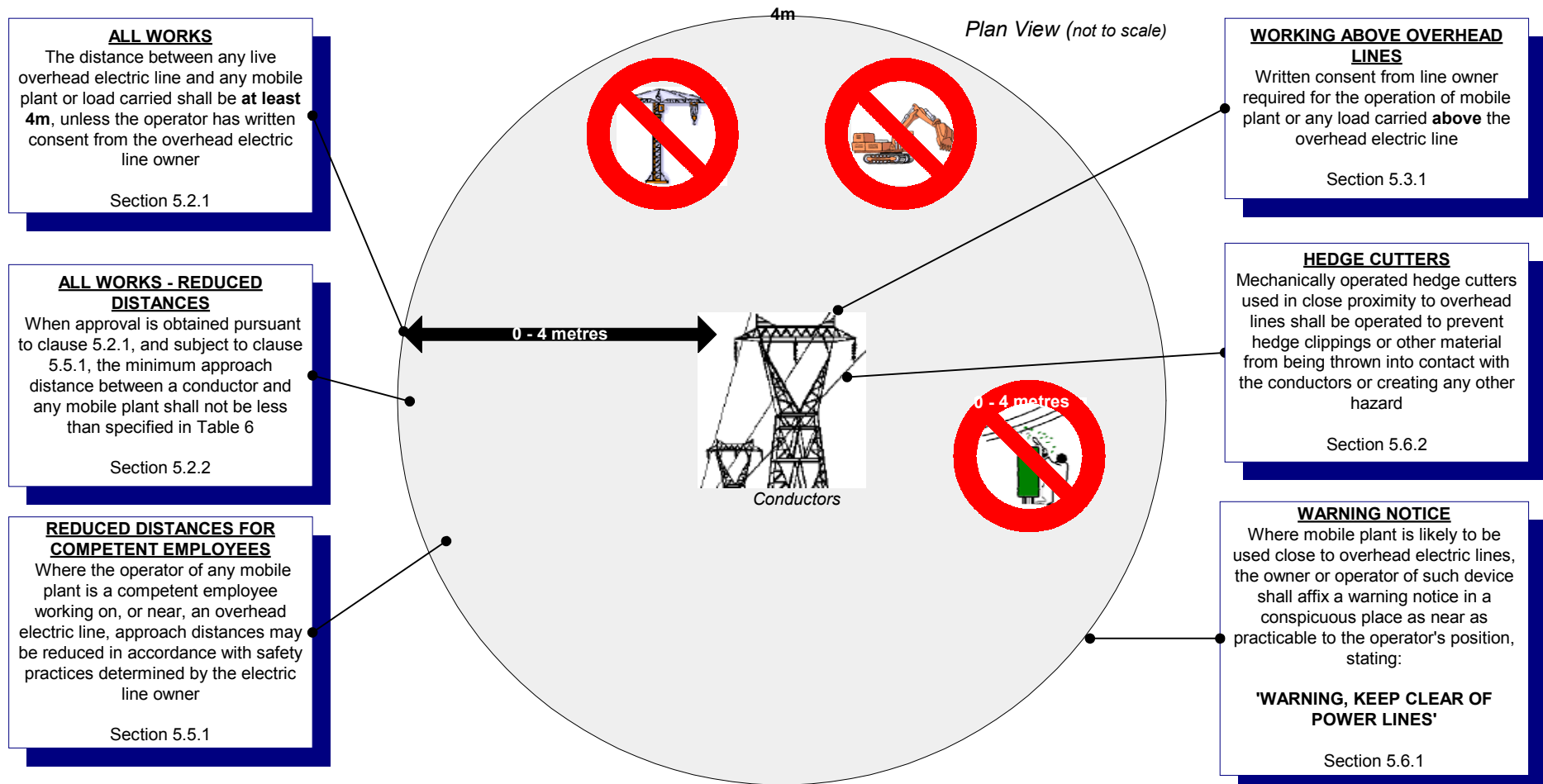
5.5 REDUCED MINIMUM APPROACH DISTANCES FOR COMPETENT EMPLOYEES

- 5.5.1 Where the operator of any mobile plant is a competent employee working on, or in the proximity of, an overhead electric line, the approach distances may be reduced in accordance with the safety practices determined by the overhead electric line owner.
- 5.5.2 Direct contact of insulated elevating work platform with live conductors shall be acceptable only under approved live working procedures. Whenever a special reduced minimum approach distance is applied, the maximum practicable clearance from conductors shall be maintained.

5.6 OTHER REQUIREMENTS

- 5.6.1 Where any mobile plant is likely to be used at any time in the proximity of overhead electric lines, the owner or operator of such device shall affix an approved warning notice in a conspicuous place as near as practicable to the operator's position. The notice shall be maintained in a legible condition and shall state:
"WARNING, KEEP CLEAR OF POWER LINES".
- 5.6.2 Any mechanically operated hedge cutter used under or in close proximity to any overhead electric line shall be operated to prevent hedge clippings or other material being thrown into contact with the conductors or creating any other hazard.

FIGURE 5 MINIMUM SAFE DISTANCES FOR THE OPERATION OF MOBILE PLANT NEAR CONDUCTORS



Notes

- This diagram is for quick reference only. Please refer to Section 5 for the complete minimum safe distance requirements.
- Mobile Plant includes cranes, loaders, excavators, drilling or pile driving equipment or other similar device.
- The provisions of Section 5 do not apply to live line work or to any conductor forming part of the mobile plant or any collector wire, insulated cable, or flexible cord used for the purpose of supplying electricity to the mobile plant (section 5.1.1) or while mobile plant is in transit on a road and the relevant requirements of the Traffic Regulations 1976 are observed (section 5.1.4).

SECTION 6

MINIMUM SAFE DISTANCES BETWEEN CONDUCTORS OF DIFFERENT CIRCUITS, TELECOMMUNICATION LINES AND STAY WIRES

6.1 GENERAL

- 6.1.1 This section sets minimum safe distances for overhead electric lines to prevent conductors contacting other conductors, or stay wires, or approaching sufficiently close to cause a fault condition. This section also applies to telecommunications lines.
- 6.1.2 The requirements of this section do not apply to substations and generating stations and unless specifically identified, traction system conductors.
- 6.1.3 The distances specified in Table 7 do not apply where the conductors of all relevant circuits are insulated. In the case of any of the insulated conductors operating at a voltage in excess of 1 kV, the conductor, or bundle of conductors, shall include an earth screen.
- 6.1.4 Where two circuits of different voltage cross each other, are attached to the same support, or share spans, the conductors of the higher voltage circuit should be placed above those of the lower voltage circuit. Earth wires may be above power circuits.
- 6.1.5 Telecommunications lines shall always be below power circuits.

6.2 CONDUCTORS OF DIFFERENT CIRCUITS ON DIFFERENT SUPPORTS (*UNATTACHED CROSSINGS*)

- 6.2.1 Under still air conditions, the vertical distance between any conductor or telecommunications line of the lower circuit at minimum sag and any point to which a higher circuit conductor may sag under the influence of short time overload current and solar radiation shall not be less than specified in Table 7.
- 6.2.2 The minimum vertical distance to a traction system is 2 m.

TABLE 7 MINIMUM VERTICAL DISTANCES BETWEEN CONDUCTORS (*unattached crossings*)

Higher voltage of either circuit	Minimum distance between conductors (unattached crossing) (m)
Below 1 kV a.c.	0.6
1 kV to 33 kV a.c.	1.2
Exceeding 33 kV but not exceeding 66 kV a.c.	1.8
110 kV a.c.	2.4
220 kV and 270 kV d.c.	2.8
350 kV d.c.	4

6.3 CONDUCTORS (*SAME OR DIFFERENT CIRCUITS*) ON THE SAME SUPPORT (*ATTACHED CROSSINGS*) INCLUDING SHARED SPANS

- 6.3.1 Where a detailed engineering study of the over-voltages and the conductor motion has not been undertaken, the distances between conductors of different circuits at any point on the same support under normal working conditions shall not be less than specified in Table 8.

TABLE 8 MINIMUM SAFE DISTANCES BETWEEN CONDUCTORS
(*attached crossings*)

Higher voltage of either circuit	Lower voltage of either circuit	Distance between circuits (m)
Not exceeding 33 kV a.c.	Less than 1 kV	1.0
	Greater than 1 kV	1.2
Exceeding 33 kV but not exceeding 110 kV a.c.	Less than 1 kV	1.5
	Greater than 1 kV	2.0
Exceeding 110 kV a.c. or d.c.	All	2.5

- 6.3.2 The distances in Table 8 may be reduced if a detailed engineering study of the maximum probable over-voltages and conductor motion establishes that there will be no adverse effects from a shorter distance.
- 6.3.3 Where lines operate at less than 1 kV, adequate measures should be taken to protect against unacceptable voltage rise between the lower voltage line and any structure energised due to the occurrence of a fault on the higher voltage line.
- 6.3.4 Where conductors are taken down a pole or other support to or from a transformer or other fittings, the distance between any conductors (*not being insulated to full working voltage*) shall be not less than the following:
- 600 mm between any line of low voltage and a line of 11 kV.
 - 750 mm between any line of low voltage and a line of 22 kV.
 - 900 mm between any line of low voltage and a line of 33 kV.
- 6.3.5 A reduced distance may be used at or near the terminals of any such transformer or other fittings where those terminals have a lesser distance between them than the minimum distance specified.

6.4 TELECOMMUNICATION LINES NEAR CONDUCTORS AND STAY WIRES

- 6.4.1 Subject to clauses 6.4.2 and 6.4.3, the minimum distance at any time between any telecommunication line (*including traction communication lines or signal wires*) and a conductor or stay wire shall not be less than the distances specified in Table 7.
- 6.4.2 Notwithstanding the distance specified in Table 7, at a shared support, the minimum distance of:
- a telecommunications line from a high voltage conductor that is not insulated shall not be less than 1.6 m; and
 - a bare telecommunications line from a bare low voltage conductor shall not be less than 1.2 m.
 - a covered telecommunications line from a bare low voltage conductor shall not be less than 0.6 m.

- (d) For insulated conductors, and/or covered low voltage conductors, and covered telecommunication conductors, the distance shall not be less than 300 mm. This distance also applies to shared spans.
- 6.4.3 The minimum distance requirements specified in Table 7 between conductors and telecommunication lines do not apply to fibre optic cables that are:
- (a) bound to a live conductor for support; or
 - (b) contained inside the lightning protection or earth conductor.
- 6.4.4 A bare catenary wire supporting a telecommunication line is deemed not to be bare for the purpose of this sub-section if the catenary is earthed at not less than every 10th pole in straight runs and at every pole when a cross-over or tee junction occurs.

SECTION 7

DESIGN AND INSTALLATION REQUIREMENTS FOR SUPPORTS AND STAY WIRES OF OVERHEAD ELECTRIC LINES, AND CONTROL OF ACCESS

7.1 SUPPORTS

- 7.1.1 All supports (*including stay wires, stay anchors, and other supporting equipment*) for conductors shall be so located as to avoid undue obstruction to pedestrian or vehicular traffic.
- 7.1.2 Poles or other supports shall not be erected closer than 4 m to the centre of the nearest railway track (*being measured horizontally from the centre of the nearest two rails to the nearest face of the pole or other support*) unless by agreement with the owner of the railway.
- 7.1.3 Live conductive parts less than 4.5 m above ground level, and attached to any pole or other support, shall be protected in such a manner as to prevent any accidental contact in reasonably foreseeable circumstances.
- 7.1.4 Any metal attached to a pole or other support, that is placed less than 2.5 m above ground level and that could become accidentally charged, shall be in direct contact with the earth, earthed or else adequately protected to prevent human contact.

7.2 STAY WIRES

- 7.2.1 Any stay wire less than 2.5 m from the ground in any direction that is likely to be a hazard shall be conspicuously marked.
- 7.2.2 Stay wires that are less than 2.5 m from the ground shall be earthed unless they are in direct contact with the earth. Alternatively, an insulator having a wet flashover value not less than that of the overhead electric line shall be inserted in the stay in a suitable position.
- 7.2.3 Stay wires that are erected across the part of any public road used by vehicular traffic shall have a minimum vertical distance above the ground of 5.5 m.
- 7.2.4 Stay wires shall not be less than 300 mm from any bare telecommunications line.

7.3 CONTROL OF ACCESS

- 7.3.1 Every conductor of an overhead electric line shall be so erected that it is not readily accessible to any person without the use of a climbing device.
- 7.3.2 Climbing steps on overhead electric line support structures shall not be placed at a height of less than 3 m above ground level.

SECTION 8

SAFE DISTANCES FOR THE DESIGN OF SUBSTATIONS, GENERATING STATIONS, SWITCHYARDS AND SWITCHROOMS

8.1 GENERAL

8.1.1 Safe distances in substations, generating stations, switchyards and switch-rooms where access to electricity supply works is required for operation, maintenance and installation activities, undertaken by competent employees, shall be suitable for the activities being undertaken and shall allow safe and unobstructed egress in emergency situations.

8.2 METALCLAD SWITCHGEAR

8.2.1 At the front of any low voltage and high voltage metalclad switchgear, there shall be a clear and unobstructed passageway at least 1 m wide and 2.5 m high.

8.2.2 Where frequent access is required for work at the sides or rear of any metalclad switchgear, there shall be clear and unobstructed passageways at least wide 1 m wide and 2.2 m high.

8.3 BARE CONDUCTORS WITHIN EARTHED ENCLOSURES

8.3.1 This subsection does not apply to bare conductors on or within panels or within fenced enclosures within buildings.

8.3.2 Any passageway at the side of or under any earthed enclosure containing bare conductors shall be clear and unobstructed and at least 800 mm wide and 2.2 m high.

8.4 BARE CONDUCTORS IN SUBSTATIONS, SWITCHYARDS, GENERATING STATION BUILDINGS AND OTHER LOCATIONS

8.4.1 In substations, switchyards, generating station buildings and other locations where there are bare conductors, the design and layout of the conductors shall be such that persons can carry out work without hazard.

8.4.2 Safety to persons shall be maintained by the provision of adequate distances to live parts for maintenance, vehicular access and pedestrian access, and if necessary to barriers or fences.

8.4.3 In fenced or other enclosed areas where access is restricted to situations where all conductive parts have been de-energised, distances may be reduced below those required by clauses 8.4.1 and 8.4.2, in accordance with a specific engineering design.

8.4.4 The distance from any bare conductor to any boundary fence or wall or similar enclosure boundary shall not be less than specified in Table 3.

8.4.5 The distances specified in Table 3 are generally applicable for bare conductors adjacent to substation buildings or other structures. These distances do not apply for situations where conductors are supported on buildings or other structures and may be reduced with a specific engineering design.

SECTION 9

MINIMUM SAFE APPROACH DISTANCE LIMITS FOR PERSONS WORKING NEAR EXPOSED LIVE PARTS

9.1 GENERAL

- 9.1.1 This section sets out minimum safe approach distances limits for persons working near exposed live parts.
- 9.1.2 Minimum safe distances limits are provided for non-competent persons. Reduced safe distances are provided for where;
- (a) the owner of the live parts gives written permission; and
 - (b) competent employees are working near exposed live parts.
- 9.1.3 Minimum safe distances from exposed live parts shall be maintained at all times. Where necessary, insulating barriers shall be used to maintain minimum safe approach distances.
- 9.1.4 This section does not apply to work near conductors of extra-low voltage, or live line or live substation work.
- 9.1.5 Figure 6 illustrates the measurement of minimum safe approach distances from exposed live parts.

9.2 MINIMUM APPROACH DISTANCE LIMITS FOR NON-COMPETENT PERSONS WORKING NEAR EXPOSED LIVE PARTS

- 9.2.1 For non-competent persons working near exposed live parts, where written consent from the owner of the live parts has not been obtained, the minimum safe approach distances limits are:
- (a) For circuit voltages 110 kV and below - 4 m.
 - (b) For circuit voltages above 110 kV - 6 m.
- 9.2.2 Where written consent from the owner of the live parts has been obtained, the minimum safe approach distance limits for non-competent persons working near exposed live parts shall not be less than those specified in Table 9.

TABLE 9 MINIMUM SAFE APPROACH DISTANCE LIMITS FOR PERSONS FROM EXPOSED LIVE PARTS (*Where consent from the owner of the live parts has been obtained*)

Circuit Voltage	Distance Limits (m)
Below 1 kV	0.5
11 kV	1.5
22 kV	2.0
33 kV	2.5
66 kV	3.0
110 kV	4.0
220 kV and above	6.0

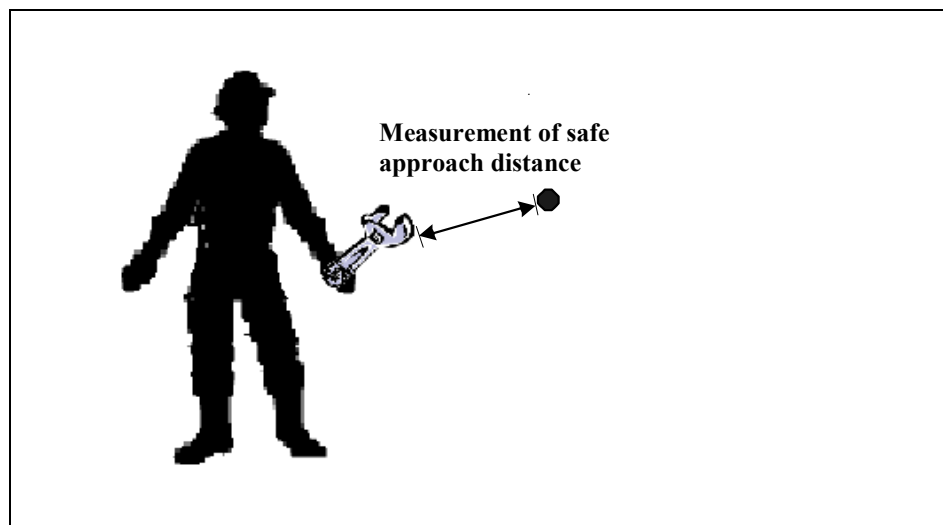
9.3 MINIMUM SAFE APPROACH DISTANCE LIMITS FOR COMPETENT EMPLOYEES FROM EXPOSED LIVE PARTS

- 9.3.1 The minimum safe approach distance limits for competent employees carrying out electrical or telecommunications work near exposed live parts shall not be less than those set out in Table 10.
- 9.3.2 The minimum safe approach distance for competent employees shall be maintained by keeping all parts of the body, clothing and any hand held tools (except those tools designed for contact with live parts) beyond the safe distances set out in Table 10.

TABLE 10 MINIMUM SAFE APPROACH DISTANCE LIMITS FOR COMPETENT EMPLOYEES FROM EXPOSED LIVE PARTS

Nominal Voltage	Distance Limits (m)
Not exceeding 1 kV a.c. or d.c.	0.15
Exceeding 1 kV but not exceeding 6.6 kV a.c. or d.c.	0.25
Exceeding 6.6 kV but not exceeding 11 kV a.c. or d.c.	0.3
Exceeding 11 kV but not exceeding 22 kV a.c. or d.c.	0.45
Exceeding 22 kV but not exceeding 33 kV a.c. or d.c.	0.6
Exceeding 33 kV but not exceeding 50 kV a.c. or d.c.	0.75
Exceeding 50 kV but not exceeding 66 kV a.c. or d.c.	1
Exceeding 66 kV but not exceeding 110 kV a.c. or d.c.	1.5
Exceeding 110 kV but not exceeding 220 kV a.c. or d.c.	2.2
Exceeding 220 kV d.c. but not exceeding 270 kV d.c.	2.3
Exceeding 270 kV d.c. but not exceeding 350 kV d.c.	2.8
Exceeding 220 kV a.c or 350 kV d.c.	4

FIGURE 6 MEASUREMENT OF MINIMUM SAFE APPROACH DISTANCES



SECTION 10

REQUIREMENTS FOR INSPECTION AND RECORDS

10.1 INSPECTION

10.1.1 The owners of electrical works shall inspect and review overhead electric line installations at intervals not exceeding five years to ensure that the requirements of sections 2 to 8 have not been compromised by changed circumstances.

10.2 RECORDS

10.2.1 The following records shall be maintained to ensure that safe minimum distances are not compromised and to provide information to other parties:

- (a) Asset register;
- (b) Results of periodic inspections; and
- (c) Dispensations or justifications for reduced distances (where applicable).