

RESOURCE MANAGEMENT ACT 1991

PROPOSED HOROWHENUA DISTRICT PLAN

HEARINGS OF SUBMISSIONS

GENERAL INFORMATION ACCOMPANYING DECISIONS

BACKGROUND

In 2009, Horowhenua District Council (Council) resolved to undertake a full review of its District Plan made operative in 1999. The Council had in the preceding years undertaken a number of plan changes to the District Plan, the most recent of which included rural subdivision, urban growth, and outstanding natural features and landscapes. The review does not cover these most recent plan changes namely Plan Changes 20 – 22 which were not operative at the time the Proposed Plan was notified.

NOTIFICATION

The District Plan was publicly notified on the 14th September 2012 with a total of 118 submissions being received. All submissions were summarised and were notified for further submissions on 5th December 2012 and 29 further submissions were received.

PANEL APPOINTMENT

On 5 December 2012 the Council appointed Independent Commissioner Dean Chrystal and Councillors David Allan, Garry Good, Tony Rush and Leigh McMeeken to the District Plan Review Hearing Panel.

On 7 February 2013 the Council appointed Independent Commissioners Bob Nixon, Jane Black and Rob van Voorthuysen to the District Plan Review Hearing Panel.

The District Plan Review Hearing Panel were given full authority to hear and determine the hearings for the Proposed District Plan.

STATUTORY FRAMEWORK

Plan Review

The general approach for the consideration of changes to district plans was summarised in the Environment Court's decision in Long Bay¹, the relevant components of which are set out in the following paragraphs.

A plan change (review) should be designed in accordance with (section 74(1)) of the Resource Management Act (the Act):

- (a) the district council's functions under section 31;
- (b) the provisions of Part 2;
- (c) its duty under section 32; and
- (d) any regulations (section 74(1)).

When preparing a plan (change) a district council:

- (a) must give effect to any operative regional policy statement (section 75(3)(c)); and
- (b) shall have regard to management plans and strategies prepared under other Acts; and
- (c) shall have regard to the extent to which the plan needs to be consistent with the plans of adjacent territorial authorities.

¹ Long Bay – Okura Great Park Society Inc v North Shore City Council A 078/08

A district plan must state the objectives sought to be achieved, policies to implement the objectives and rules (if any) to implement the policies (s75(1)). It may also state the significant resource management issues, methods other than rules for implementing the policies, reasons for adopting the policies and methods, and the environmental results expected (s75(2)).

The rules are to implement the policies (sections 75(1)(c) and 76(1)) and the proposed policy or method is to be examined, having regard to its efficiency and effectiveness as to whether it is the most appropriate method of achieving the objectives of the plan (section 32(3)(b)) taking into account (section 32(4)):

- the benefits and costs of the proposed policies and methods; and
- the risks of acting or not acting if there is uncertain or insufficient information.

Overall the s32 test is one of appropriateness (i.e. not necessity) and the requirement is to achieve the objectives of the plan.

In making a rule the territorial authority shall have regard to the actual or potential effect of activities on the environment (s76(3)).

Decisions

Clause 10 of Schedule 1 to the Act sets out the requirements for decision. It states:

- (1) A local authority must give a decision on the provisions and matters raised in submissions, whether or not a hearing is held on the proposed policy statement or plan concerned.
- (2) The decision—
 - (a) must include the reasons for accepting or rejecting the submissions and, for that purpose, may address the submissions by grouping them according to—
 - (i) the provisions of the proposed statement or plan to which they relate; or
 - (ii) the matters to which they relate; and
 - (b) may include—
 - (i) matters relating to any consequential alterations necessary to the proposed statement or plan arising from the submissions; and
 - (ii) any other matter relevant to the proposed statement or plan arising from the submissions.

SUBMISSION NUMBERS AND STRUCTURE OF DECISIONS

Submissions received were given a number; e.g. 005, 006 etc. Each issue, provision or point made in the submission was need notated as follows 5.01, 5.02, 5.03. Further submissions made in support or opposing issues raised in the original submissions are prefaced by the number 5; e.g. 500 and 501. At the end of the discussion on each section, the relevant submission points are accepted, accepted in part or rejected, with submissions in numerical order. Further submissions are referred to in the schedule of decisions on original submissions which is appended to the end of this decision as Appendix B.

The decisions have been structured in the following manner:

- Where there is no submission on a provision the provision is approved
- Where a submission(s) point is in support of a provision and there are no other submissions opposing it has been approved
- Where submission points have sought changes to provisions, there is no opposition and the changes have been recommended by the reporting officer the submission point has been accepted and the provision has been approved.
- Where there is a degree of conjecture over a provision, key issues and views have been identified and

the Panel's discussion and decision are set out.

Any further correspondence from the s42A Reporting Officer which was sought by the Panels is contained within the appendices.

All text changes are shown in Appendix A and our decisions on whether to accept, accept in part or reject submission points are shown in Appendix B.

RESOURCE MANAGEMENT ACT 1991

PROPOSED HOROWHENUA DISTRICT PLAN

HEARINGS OF SUBMISSIONS

DECISION OF HEARING PANEL

TOPIC: Report on District Plan
General Part 1 - Incorporating Part A Introduction &
Chapter 14 Cross Boundary Issues

HEARING PANEL: Dean Chrystal (Chair)
Cr Garry Good
Cr Tony Rush

HEARING DATE: 4th April 2013

CONTENTS

1.0	INTRODUCTION.....	3
2.0	OFFICER'S REPORT.....	3
3.0	SUBMITTER APPEARANCES.....	3
4.0	EVALUATION.....	4
	Part A – Introduction: The Horowhenua District Plan.....	4
	Part A – Introduction: The Philosophy of the Horowhenua District Plan.....	4
	Part A – Introduction: Maori Values and Statutory Acknowledgement.....	4
	Part A – Introduction: Hierarchy and Relationship of Resource Management Policy and Plans...	7
	Part A – Introduction: How This Plan Works.....	7
	Chapter 14: Cross Boundary Issues.....	9
5.0	DECISION.....	9
	APPENDIX A: Proposed Plan as amended by the Hearing Decisions.....	10
	APPENDIX B: Schedule of Decisions on Submission Points.....	12
	APPENDIX C: Officer Right of Reply and Response to Commissioners Questions.....	13

1.0 INTRODUCTION

1.1 We were appointed by the Horowhenua District Council to consider submissions on the Proposed District Plan relating to the General Section and Chapter 14.

1.2 A hearing into the submissions received on the Introduction and Cross Boundary Issues (Chapter 14) was held on the 4th April 2013. The hearing was closed on the 13 September 2013.

Abbreviations

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

Proposed Plan	Proposed Horowhenua District Plan
Officer's report	Report evaluating the applications prepared by Mr Hamish Wesney for our assistance under s42A(1) of the RMA
The Act	Resource Management Act
HAL	High Amenity Landscapes
ONFL	Outstanding Natural Features and Landscapes

2.0 OFFICER'S REPORT

2.1 We were provided with and had reviewed the Officer report prepared by consultant planner Hamish Wesney pursuant to s42A of the Act prior to the hearing commencing.

2.2 In his report Mr Wesney informed us that Part A – Introduction of the Proposed Plan contained general information on “What is a District Plan”, “How the Plan Works” and overall statutory context. He said that this section of the Proposed Plan was an updated and shortened version of a similar section in the Operative Plan. He went on to say that Chapter 14 of the Proposed Plan addressed ‘Cross Boundary Issues’ and was effectively an updated and revised version of Section 13 in the Operative Plan following a review of these provisions.

2.3 Mr Wesney said that a number of submissions were made in relation to Part A – Introduction, some supporting the contents as proposed whilst others sought amendments and additional text. The submissions on Chapter 14 supported the Proposed Plan provisions.

2.4 Mr Wesney summarised the key issues raised by submissions and provided a discussion on them. His main recommendations on the key issues raised in submissions had been:

- Retain unchanged the majority of the provisions in Chapters 1 and 14 which were supported by submitters
- Amend a sentence in Chapter 1: Introduction to recognise social, cultural and economic effects
- Retain unchanged the section on Maori Values and Statutory Acknowledgements
- Amend text on ‘How the District Plan Works’

3.0 SUBMITTER APPEARANCES

3.1 The following submitter made an appearance at the hearing:

Charles Rudd (Snr)

3.2 In addition, a written submission for presentation at the hearing was received from:

Consultant Planner Lorelle Barry on behalf of Todd Energy and KCE Mangahao Ltd

4.0 EVALUATION

Part A – Introduction: The Horowhenua District Plan

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submissions
32.00	NZ Pork Industry Board (NZ Pork)	Amend Introduction Chapter as follows: The Horowhenua District Plan is intended to assist the Council manage the environmental <u>social, cultural and economic</u> effects, of the use, development, and protection of land (and associated resources), including the control of the subdivision of land.	517.01 Horticulture NZ - Support 524.00 Higgins Group Holdings Ltd - Support

- 4.1 The above submissions were evaluated and supported by the reporting officer in section 4.1.2 of the officer’s report. No submitters expressed any opposition to that evaluation. We have reviewed the officer’s evaluation and we agree with it and adopt it as our reasons pursuant to Clause 10(2)(a) of Schedule 1 to the RMA. The officer supported the recommended amendment to the first sentence of the Sub-section “The Horowhenua District Plan”, of the Proposed Plan. We have reviewed that recommended amendment and consider it to be appropriate. We therefore adopt the recommendation as our decision pursuant to Clause 10(1) of Schedule 1 to the RMA. The amendment is shown in Appendix A.

Part A – Introduction: The Philosophy of the Horowhenua District Plan

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
32.01	NZ Pork Industry Board (NZ Pork)	Insert a paragraph outlining the importance of encouraging sustainable development and commercial activities which includes primary production into the district including economic and cultural effects	506.61 Ernslaw One Ltd - Support

- 4.2 The Reporting Officer did not consider the relief sought by the submitter was appropriate as the introductory section did not contain the objective or policy direction that the submitter was seeking. He said that the purpose of this section of the Proposed Plan was to provide a brief outline and overview of the purpose, role and fit of the District Plan in the Horowhenua context and to give the reader a brief understanding of the general direction and approach of the District Plan, but not the outcomes sought.
- 4.3 We agree with the Reporting Officers comments, noting his reference to Chapter 2: Rural Environment and Chapter 6: Urban Environment which in part recognise and provide for the relief sought by the submitter and his comment that the wording proposed did not align with the purpose of the Act in promoting sustainable ‘management’.
- 4.4 On this basis we have rejected the submission and further submission above.

Part A – Introduction: Maori Values and Statutory Acknowledgement

Submissions Received

Sub No.	Submitter Name	Decision Requested
109.00	Charles Rudd (Snr)	No specific relief requested: Inferred: Amend A Introduction as follows: ● Muaupoko

Sub No.	Submitter Name	Decision Requested
		<ul style="list-style-type: none"> ● Ngati Apa ● Ngati Raukawa ● Rangitane ● <u>Muaupoko, Rangitane, Ngati Apa, Ngati Raukawa ki te Tonga.</u>
109.01	Charles Rudd (Snr)	<p>Include the following statement: The treaty settlement is an agreement between the Crown and Maori, which states 'Her Majesty the Queen of England confirms and guarantees to the Chiefs and <u>Tribes of New Zealand and to their respective families and individuals</u> thereof, the full exclusive and undisturbed possession of their Lands and Estates, Forests, Fisheries, and other properties which they may collectively possess, so long as it is their wish and desire to maintain the same in their possession. <u>Status of Maori Land in New Zealand:</u> <u>1. Maori Customary Land</u> <u>2. Maori Freehold Land</u> <u>3. General Land Owned by Maori</u> <u>4. General Land</u> <u>5. Crown Land</u> <u>6. Crown Land Reserved for Maori</u></p>

- 4.5 The submitter essentially requested that the order the Iwi were listed be amended and that changes be made to the Statutory Acknowledgements sub-section on the application of the Treaty of Waitangi and outline of different types of status of Maori land.
- 4.6 In the s42A report the Reporting Officer noted that the current order of listing Iwi was in alphabetical order which he considered was appropriate. He also said the sub-section on 'Statutory Acknowledgements' referred to the Treaty of Waitangi in the context of treaty settlements between Iwi and the Crown and considered it complete in terms of its references to the Treaty of Waitangi in this context, as they relate to treaty settlements, and not the Treaty itself. Finally he said that in terms of the different status of Maori land, the Proposed Plan did not apply different provisions (e.g. rules and standards) for any land with different legal status. Therefore, he did not consider it appropriate or necessary to include a list of different types of land status. He had recommended that both submission points be rejected.
- 4.7 At the hearing Mr Rudd (snr) outlined his whakapapa indicating that he was a direct descendent of the last paramount chief of the Muaupoko tribe and a Kaumatua of that tribe. He made reference to a lack of understanding of things Maori in describing why he considered his submissions had been rejected.
- 4.8 In terms of the listing of tribal groups in Part A: Introduction under the heading Maori Values, Mr Rudd contended the order should be based on who occupied the land first (as shown above in his submission) rather than the current alphabetical order. In response to a question Mr Rudd admitted that not all Iwi/tribes might agree with this approach or his proposed order.
- 4.9 Mr Rudd further considered that the word Iwi should not be used in the Proposed Plan and that it should instead be replaced with the word Maori and finally that the Proposed Plan should not be referring to treaty settlements. He said that if references were to be included, they need to correctly state that settlements do not relate to "Iwi" but "tribes of New Zealand and to their respective families and individuals".
- 4.10 In response to the matters raised by Mr Rudd the Reporting officer in supplementary comments (attached in Appendix C) did not consider the alphabetical order of tribes listed should be changed, particularly given the potential for different views on "who came first". However, he considered "to clarify the basis of the order and avoid mis-understandings or perceptions of the listed order, it is recommended an amendment is made to this part of the Plan to confirm the listed order is alphabetical"¹. He therefore now recommended Mr Rudd's submission point 109.00 be accepted in part with a reference made to the fact that the list is in alphabetical order.

¹ Reporting officer supplementary comments contained in Appendix C

- 4.11 The Reporting officer investigated the use of the word “Maori” instead of “Iwi” in the Maori Values section. In his response, contained in Appendix C, he referred to the Online Maori Dictionary, which defines ‘iwi’ as “extended kinship group, tribe, nation, people, nationality, race - often refers to a large group of people descended from a common ancestor”. ‘Maori’ is defined as “Māori, indigenous New Zealander, indigenous person of Aotearoa/New Zealand”. He went on to say that he understood “*the use of the term ‘iwi’ in the Proposed Plan was discussed with the Iwi Advisory Group formed to inform the preparation of the Proposed Plan. ‘Iwi’ was considered the appropriate term to use in relation to the different tribal groups in the Horowhenua*”². The Reporting officer considered the use of the term ‘iwi’ was appropriate when referring to tribal groups and that replacing it with ‘Maori’ was inappropriate, as it could refer to an individual person, causing confusion. He therefore recommended the use of the term ‘iwi’ be retained in this section.
- 4.12 The Reporting officer also considered the use of the word “Maori” instead of “Iwi” in the Statutory Acknowledgement section and whether the Proposed Plan should or should not include references to Treaty of Waitangi settlements. He initially made reference to the Ministry for the Environment website which states that:
- “Historical land claim settlements generally include a range of redress mechanisms relating to resource management including Statutory Acknowledgements.*
- Statutory Acknowledgements record the traditional significance to claimants of sites that are in Crown ownership. They require that the claimant group must be informed whenever a local authority receives a resource consent application affecting a site that is subject to a Statutory Acknowledgement; and that a local authority must have regard to the Statutory Acknowledgement when deciding whether the claimant group is “adversely affected” by an activity for which a resource consent is sought. When dealing with a resource consent application, the Environment Court must also have regard to any relevant statutory acknowledgements in determining whether the claimant group has an interest in the proceedings greater than that of the general public.”*
- 4.13 The Reporting officer noted that there was one settlement in the Horowhenua District which includes a Statutory Acknowledgement – Ngati Apa (North Island) Claims Settlement Act 2010. He considered that given the above requirements under the Act where a statutory acknowledgement applies, it was appropriate that the Proposed Plan refers to statutory acknowledgements in Treaty of Waitangi settlements. He therefore recommended this part of the Part A – Introduction in the Proposed Plan be retained.
- 4.14 In relation to who is the party in a Treaty of Waitangi settlement, the Reporting officer noted that the Office of Treaty Settlements website states:
- “A Treaty settlement is an agreement between the Crown and a Maori claimant group to settle all of that claimant group's historical claims against the Crown.*
- 4.15 The Reporting officer noted that claimant groups are usually iwi or large hapu (tribes and sub-tribes) that have a longstanding historical and cultural association with a particular area. In this circumstance he considered “*it is appropriate to replace the references to iwi’ in the Proposed Plan in the context of Treaty of Waitangi settlements with “Maori claimant group’.* This wording would more accurately describe the nature of settlement parties”³. He now recommended that alterations be made to the Statutory Acknowledgements section and that submission point 109.01 be accepted in part.
- 4.16 We considered all these matters carefully in the understanding that there may well be some sensitivity around the issues involved.
- 4.17 In terms of the order the tribes are listed in we consider that the present alphabetical order is the most appropriate. The context within which the list sits is merely to identify the tribes claiming mana whenua within the Horowhenua District. There is no hierarchy or order of preference intended to be created here. A reordering basis on who supposedly occupied the area first is fraught with difficulties should that order not

² Reporting officer supplementary comments contained in Appendix C

³ Reporting officer supplementary comments contained in Appendix C

be accepted by, or is disputed by, others and Mr Rudd himself admitted that that might be a possibility. We agreed with the additional wording proposed by the Reporting Officer and shown in Appendix A which clarifies that the order is alphabetical.

4.18 Turning to the issue of the use of the word “Maori” instead of “Iwi” we have reviewed the additional evaluation (contained in Appendix C) undertaken by the reporting officer and considered the conclusions reached and the changes proposed. We agree with that evaluation overall and the revised wording recommended to the Statutory Acknowledgement section which replaces “Iwi” with “Maori claimant group” and adopt it as our reasons pursuant to Clause 10(2)(a) of Schedule 1 to the RMA. We considered this change would go some way towards addressing the concerns expressed by Mr Rudd. The wording changes are shown in Appendix A under the Statutory Acknowledgement section heading.

Part A – Introduction: Hierarchy and Relationship of Resource Management Policy and Plans

Submissions Received

Sub No.	Submitter Name	Decision Requested
99.00	Transpower New Zealand Ltd	Amend Part A, Introduction, Hierarchy and Relationship and Resource Management and Policy and Plans, National Environmental Standards section (page A-6) as follows: The District Plan does not contain any rules that could duplicate <u>or conflict with</u> the regulations in the above NESs. Cross references to the relevant NES regulations are included in the relevant rule Chapters (e.g. Chapter 22 -Utilities and Energy).

4.19 The above submission was evaluated by the reporting officer in section 4.4.2 of the Officer’s report. No submitters expressed any opposition to that evaluation. We have reviewed the officer’s evaluation and we agree with it and adopt it as our reasons pursuant to Clause 10(2)(a) of Schedule 1 to the RMA. The officer also supported the recommended amendment to the last paragraph under the sub-section Hierarchy and Relationship and Resource Management and Policy and Plans, National Environmental Standards of the Proposed Plan. We have reviewed that recommended amendment and consider it to be appropriate. We therefore adopt that recommendation as our decisions pursuant to Clause 10(1) of Schedule 1 to the RMA. The amendment is shown in Appendix A.

Part A – Introduction: How This Plan Works

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
80.00	Todd Energy Ltd	Amend Part A: Introduction, Part F Schedules and Planning Maps with the following: <ul style="list-style-type: none"> • Add a description of the purpose of Schedule 12; and • Add a discussion of the HAL (and the ONFL) and the implications. 	503.03 NZWEA - Support
92.00	KCE Mangahao Ltd	Amend Part A: Introduction, Part F Schedules and Planning Maps with the following: <ul style="list-style-type: none"> • Add a description of the purpose of Schedule 12; and • Add a discussion of the HAL (and the ONFL) and the implications. 	503.04 NZWEA - Support
44.00	Genesis Power Ltd	Amend the following paragraph after the third paragraph In-Part A Introduction (Part B – Objectives and Policies) as follows: <p><u>While the objectives and policies form a comprehensive suite of outcomes for the region, the</u></p>	503.05 NZWEA - Support 505.00 Powerco - Support 517.00 Horticulture NZ - Support

Sub No.	Submitter Name	Decision Requested	Further Submission
		<u>individual provisions can conflict with one another. For this reason, no single objective or policy should be read in isolation. Assessing whether an activity is appropriate requires an overall broad judgement to be made as to how it fits within the overall scheme of the District Plan and provides for the achievement of the environmental outcomes sought for the Horowhenua District.</u>	

- 4.20 The submissions on How This Plan Works sought further cross-referencing and/or details on assessing resource consent applications. The Reporting Officer noted that the purpose of Part A – Introduction in the Proposed Plan was to provide a simple and user-friendly explanation to the District Plan and how it works for a ‘lay person’ and therefore, the content had been intentionally kept short and simple.
- 4.21 The Reporting officer supported in part the submissions by Todd Energy Ltd and KCE Mangahao Ltd as the scheduling of priority water bodies and mapping of HAL and ONFLs were parts of the District Plan, and therefore should be referred to in Part A – Introduction. He had initially recommended the following amendment be made to sub-section ‘How This Plan Works’, ‘Part F – Schedules’ fourth paragraph:
- The Notable Tree Schedule, ~~and~~ Historic Heritage Schedule, State Integrated Schools Schedule and Priority Water Bodies Schedule provide detail on the individually listed items and places.
- 4.22 In his subsequent response (Appendix C) the Reporting officer noted that not referencing the Planning Maps and Outstanding Natural Features and Landscapes had been an oversight and he therefore also recommended the third bullet point under the sub-section ‘How This Plan Works, Planning Maps’ be amended to read:
- Rural Zone – Landscape Domain Overlays, Flood Hazard Overlay, Outstanding Natural Features and Landscapes Overlays
- 4.23 The Reporting officer however considered that to outline the purpose for their inclusion and any implications was beyond the scope and purpose of Part A – Introduction. He said that the basis for the inclusion of these Plan provisions was more appropriately outlined in the respective Proposed Plan Chapters (e.g. Section 3: Natural Features and Values and Chapter 4: Open Space and Access to Waterbodies). He recommended the sub-section on ‘Part F – Schedules’ be amended to refer to all schedules as outlined below, including reference to priority waterbodies and that no changes be made in relation to ONFLs as the existing references in the 2nd and 3rd paragraphs in the sub-section on ‘Planning Maps’ was considered sufficient for the purpose of a simple and concise Part A – Introduction.
- 4.24 A written response was received from Ms Barry of Sigma Consultants Ltd on behalf of Todd Energy Ltd and KCE Mangahao Ltd. In that response Ms Barry confirmed that the submitters supported the amendment proposed by the Reporting officer to the sub-section “How This Plan Works” and the recommendation to not include a description of the purpose of Schedule 12 and a discussion of the HAL and ONFL subject to this being implemented in the appropriate chapters as outlined.
- 4.25 The Panel agreed with the wording proposed above by the Reporting officer. We noted that *State Integrated Schools Schedule* had been included in the wording which wasn’t specifically sought by the submitters however we consider that this is appropriate as a consequential amendment for reasons of consistency so that all schedules are then referenced.
- 4.26 Genesis Power Ltd requested the addition of text to the sub-section of ‘How This Plan Works’ in relation to Objectives and Policies and how they would be applied when assessing a resource consent application. The Reporting Officer considered that additional text sought to be overly complicated for the intent and purpose of a simple and short Part A – Introduction for a ‘lay-person’.

4.27 The Panel agreed that the existing text briefly explaining the role and purpose of objectives and policies was perfectly adequate to achieve the purpose of informing those reading the Proposed Plan of their intent. The Panel accordingly rejected the Genesis submission together with the three further submissions in support.

Chapter 14: Cross Boundary Issues

Submissions Received

Sub No.	Submitter Name	Provision	Decision Requested
41.13	Powerco	14.1.1 Objective	Retain Objective 14.1.1 without modification.
41.14	Powerco	14.1.2 Policy	Retain Policy 14.1.2 without modification.
47.00	Palmerston North City Council (PNCC)	14 General Matters	Retain the planning approach and process for managing cross boundary issues in relation to wind farm applications.
100.12	New Zealand Wind Energy Association (NZWEA)	14 General Matters	Retain Chapter 14 as proposed.
101.66	Director-General of Conservation (DoC)	14 General Matters	Retain as notified.

4.28 The support for Chapter 14 from the above submitters is noted and accepted and the provisions approved. No amendments are recommended to Chapter 14: Cross Boundary Issues.

5.0 DECISION

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

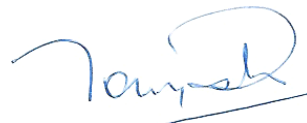
1. That pursuant to clause 10 of Schedule 1 to the Resource Management Act 1991 the Part A Introduction section and Chapter 14 Cross Boundary Issues section of the Proposed Horowhenua District Plan be approved including the amendments set out in Appendix A to this decision.
2. That for the reasons set 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



Cr Garry Good



Cr Tony Rush

Dated: 23 September 2013

APPENDIX A: Proposed Plan as amended by the Hearing Decisions

PART A INTRODUCTION

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

1. Amend Sub-section “The Horowhenua District Plan”, first sentence to read as follows:

The Horowhenua District Plan is intended to assist the Council manage the environmental, social, cultural and economic effects, of the use, development, and protection of land (and associated resources), including the control of the subdivision of land.

2. Amend the paragraph below the heading “Maori Values” to read as follows:

The RMA recognises the importance of ensuring the incorporation of Maori values in resource management decision making. The following Iwi and their hapu exercise mana whenua within the boundaries of the Horowhenua District (listed in alphabetical order):

- Muaūpoko
- Ngāti Apa
- Ngāti Raukawa
- Rangitāne

3. Amend the section under the heading “Statutory Acknowledgements” to read as follows:

A treaty settlement is an agreement between the Crown and ~~an Iwi~~ a Maori claimant group to give effect to a deed of settlement for all of the ~~Iwi's~~ group's historical claims against the Crown over land or other resources taken in breach of the Treaty of Waitangi.

A statutory acknowledgement is a formal recognition by the Crown of the particular cultural, spiritual, historic, and traditional associations that ~~an Iwi~~ a Maori claimant group has with a statutory area. A statutory area can include an area of land, a landscape feature, a lake, a river or wetland, or a specified part of the coastal marine area. The association of ~~an Iwi~~ a Maori claimant group with a statutory area is outlined in the schedules to a Claims Settlement Act.

The purposes of statutory acknowledgements are:

- to require consent authorities, the Environment Court, and the Historic Places Trust to have regard to the statutory acknowledgements;
- to require relevant consent authorities to forward summaries of resource consent applications for activities within, adjacent to, or impacting directly on relevant statutory areas to the governance entity;
- to enable the governance entity and any member of the ~~Iwi~~ Maori claimant group to cite the statutory acknowledgements as evidence of the association of the ~~Iwi~~ Maori claimant group with the relevant statutory areas; and
- to provide a statement by the ~~Iwi~~, Maori claimant group for inclusion in a deed of recognition, of the association of the ~~Iwi~~ Maori claimant group with a relevant statutory area.

From the effective date, consent authorities must have regard to a statutory acknowledgement relating to a statutory area in forming an opinion in accordance with sections 95 to 95G of the RMA as to whether the governance entity is a person who may be adversely affected by the granting of a resource consent for activities within, adjacent to, or impacting directly on, a statutory area.

Local authorities with jurisdiction in an area that includes a statutory area must attach information recording the statutory acknowledgement to all statutory plans that wholly or partly cover the statutory area. The attachment of information is for the purpose of public information only, and the information is not part of the statutory plan or subject to the provisions of the First Schedule of the RMA. Accordingly, statutory acknowledgements within the District are included in an Appendix to the District Plan (Schedule 11).

A relevant consent authority must forward to the governance entity a summary of resource consent applications received by that consent authority for activities within, adjacent to, or impacting directly on, a statutory area. The information provided must be the same as would be given under section 95E of the RMA to persons likely to be affected, or as may be agreed between the governance entity and the relevant consent authority. It must be provided as soon as reasonably practicable after the application is received, and before a determination is made in accordance with sections 95 to 95G of the RMA. The governance entity may, by notice in writing to a relevant consent authority, waive its rights to be notified and state the scope of that waiver. A statutory acknowledgement does not affect the obligation of a consent authority to notify an application in accordance with sections 95 and 95G of the RMA and to form an opinion as to whether the governance entity is a person that is likely to be adversely affected under those sections.

The governance entity and a member of the ~~the~~ Maori claimant group may, as evidence of the association of the ~~the~~ Maori claimant group with a statutory area, cite the relevant statutory acknowledgement in submissions to, and in proceedings before, a consent authority, the Environment Court, or the Historic Places Trust concerning activities within, adjacent to, or impacting directly on, the statutory area. The non-existence of a statutory acknowledgement does not mean that other areas are unimportant to the governance entity or the ~~the~~ Maori claimant group.

4. Amend Part A - Introduction, Hierarchy and Relationship and Resource Management and Policy and Plans, National Environmental Standards section (page A-6) as follows:

The District Plan does not contain any rules that could duplicate or conflict with the regulations in the above NESs. Cross references to the relevant NES regulations are included in the relevant rule Chapters (e.g. Chapter 22 - Utilities and Energy).

5. Amend sub-section 'How This Plan Works', 'Part F – Schedules' fourth paragraph to read as follows:

The Notable Tree Schedule, ~~and~~ Historic Heritage Schedule, State Integrated Schools Schedule and Priority Water Bodies Schedule provide detail on the individually listed items and places.

6. Amend sub-section 'How This Plan Works', 'Planning Maps' to read as follows:

Rural Zone – Landscape Domain Overlays, Flood Hazard Overlay, Outstanding Natural Features and Landscapes Overlays

APPENDIX B: Schedule of Decisions on Submission Points

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Hearing Panel Decision
32.00		NZ Pork Industry Board		Accept
	517.01	Horticulture NZ	Support	Accept
	524.00	Higgins Group Holdings Ltd	Support	Accept
32.01		NZ Pork Industry Board		Reject
	506.61	Ernslaw One Ltd	Support	Reject
109.00		Charles Rudd (Snr)		Accept In-Part
109.01		Charles Rudd (Snr)		Accept In-Part
99.00		Transpower New Zealand Ltd		Accept
80.00		Todd Energy Ltd		Accept In-Part
	503.03	NZWEA	Support	Accept In-Part
92.00		KCE Mangahao Ltd		Accept In-Part
	503.04	NZWEA	Support	Accept In-Part
44.00		Genesis Power Ltd		Reject
	503.05	NZWEA	Support	Reject
	505.00	Powerco	Support	Reject
	517.00	Horticulture NZ	Support	Reject
41.13		Powerco		Accept
41.14		Powerco		Accept
47.00		PNCC		Accept
100.12		NZWEA		Accept
101.66		DoC		Accept

Proposed Horowhenua District Plan General Part 1 (incorporating Part A – Introduction and Chapter 14 Cross Boundary Issues)

Hearing: 4 April 2013

Officer Right of Reply and Response to Commissioners Questions

Maori Values and Statutory Acknowledgements

Q. Mr Rudd explained the reasons for re-ordering the list of iwi/tribe under the heading 'Maori Values'. Do you have any further comment in relation to the order?

A. Mr Rudd contended the order should be based on “who came first”, and in his contention, the genealogical order is “Muaupoko > Rangitane > Ngati Apa > Ngati Raukawa kit e Tonga. In response to the question from Commissioners, I note Mr Rudd acknowledged members of the other iwi/tribe may dispute this order on “who came first”. Furthermore, Mr Rudd acknowledged there is no hierarchy between iwi/tribes. Given the above, particularly the potential for different views on “who came first”, I consider alphabetical order is still the most appropriate order for listing the iwi/tribes. To clarify the basis of the order and avoid mis-understandings or perceptions of the listed order, it is recommended an amendment is made to this part of the Plan to confirm the listed order is alphabetical. Therefore, I now recommend Mr Rudd’s submission point 109.00 be accepted in part.

Recommended Amendment:

Amend the paragraph below the heading “Maori Values” to read as follows:

The RMA recognises the importance of ensuring the incorporation of Maori values in resource management decision making. The following Iwi and their hapu exercise mana whenua within the boundaries of the Horowhenua District (listed in alphabetical order):

- *Muaūpoko*
 - *Ngāti Apa*
 - *Ngāti Raukawa*
 - *Rangitāne*
-

Q. Mr Rudd made multiple references to the use of the term “iwi” in the Proposed Plan. He contended the more appropriate term was “Maori” and/or “tribes and their respective families and individuals”. Do you have any comments on the use of the term “iwi” and whether it is appropriate or not in the Proposed Plan?

A. According to the Online Maori Dictionary⁴, ‘iwi’ is defined as “extended kinship group, tribe, nation, people, nationality, race - often refers to a large group of people descended from a common ancestor”. ‘Maori’ is defined as “Māori, indigenous New Zealander, indigenous person of Aotearoa/New Zealand”.

⁴ www.maoridictionary.co.nz

I understand the use of the term 'iwi' in the Proposed Plan was discussed with the Iwi Advisory Group formed to inform the preparation of the Proposed Plan. 'Iwi' was considered the appropriate term to use in relation to the different tribal groups in the Horowhenua. The use of the term 'iwi' in the Proposed Plan is considered appropriate when referring to tribal groups. Replacing the term 'iwi' with 'Maori' is not considered appropriate, as it could refer to an individual person, when could cause confusion. Therefore, it is recommended the use of the term 'iwi' is retained and submission point 109.01 is rejected.

Q. Mr Rudd contended the District Plan should not include any reference to Treaty of Waitangi settlements as they were not relevant. If references are to be included, Mr Rudd contended they need to correctly state that settlements do not relate to "iwi" but "tribes of New Zealand and to their respective families and individuals". Related to the previous question, do you have any comments on of the use of the term "iwi" in this context in the Proposed Plan, and whether the Proposed Plan should or should not include references to Treaty of Waitangi settlements?

A. The Ministry for the Environment website⁵ states:

"Historical land claim settlements generally include a range of redress mechanisms relating to resource management including Statutory Acknowledgements.

Statutory Acknowledgements record the traditional significance to claimants of sites that are in Crown ownership. They require that the claimant group must be informed whenever a local authority receives a resource consent application affecting a site that is subject to a Statutory Acknowledgement; and that a local authority must have regard to the Statutory Acknowledgement when deciding whether the claimant group is "adversely affected" by an activity for which a resource consent is sought. When dealing with a resource consent application, the Environment Court must also have regard to any relevant statutory acknowledgements in determining whether the claimant group has an interest in the proceedings greater than that of the general public."

There is one settlement in the Horowhenua District which includes a Statutory Acknowledgement – Ngati Apa (North Island) Claims Settlement Act 2010. Given the above requirements under the Resource Management Act where a statutory acknowledgement applies, it is considered it appropriate that the Proposed Plan refers to statutory acknowledgements in Treaty of Waitangi settlements. Therefore, it is recommended this part of the Part A – Introduction in the Proposed Plan be retained.

In relation to who is the party in a Treaty of Waitangi settlement, the Office of Treaty Settlements website⁶ states:

"A Treaty settlement is an agreement between the Crown and a Maori claimant group to settle all of that claimant group's historical claims against the Crown.

Claimant groups are usually iwi or large hapu (tribes and sub-tribes) that have a longstanding historical and cultural association with a particular area. Some very specific claims may result in agreements with smaller groups."

Given the above, I consider it is appropriate to replace the references to 'iwi' in the Proposed Plan in the context of Treaty of Waitangi settlements with "Maori claimant group". This wording would more accurately describe the nature of settlement parties.

Therefore, I now recommend Mr Rudd's submission point 109.01 be accepted in part.

⁵ www.mfe.govt.nz/issues/treaty/settlements.html

⁶ www.ots.govt.nz

Recommended Amendment:

Amend the section under the heading “Statutory Acknowledgements” to read as follows:

Statutory Acknowledgements

A treaty settlement is an agreement between the Crown and ~~an~~ ā iwi a Maori claimant group to give effect to a deed of settlement for all of the ā iwi group’s historical claims against the Crown over land or other resources taken in breach of the Treaty of Waitangi.

A statutory acknowledgement is a formal recognition by the Crown of the particular cultural, spiritual, historic, and traditional associations that ~~an~~ ā iwi a Maori claimant group has with a statutory area. A statutory area can include an area of land, a landscape feature, a lake, a river or wetland, or a specified part of the coastal marine area. The association of ~~an~~ ā iwi a Maori claimant group with a statutory area is outlined in the schedules to a Claims Settlement Act.

The purposes of statutory acknowledgements are:

- to require consent authorities, the Environment Court, and the Historic Places Trust to have regard to the statutory acknowledgements;*
- to require relevant consent authorities to forward summaries of resource consent applications for activities within, adjacent to, or impacting directly on relevant statutory areas to the governance entity;*
- to enable the governance entity and any member of the ā iwi Maori claimant group to cite the statutory acknowledgements as evidence of the association of the ā iwi Maori claimant group with the relevant statutory areas; and*
- to provide a statement by the ā iwi Maori claimant group, for inclusion in a deed of recognition, of the association of the ā iwi Maori claimant group with a relevant statutory area.*

From the effective date, consent authorities must have regard to a statutory acknowledgement relating to a statutory area in forming an opinion in accordance with sections 95 to 95G of the RMA as to whether the governance entity is a person who may be adversely affected by the granting of a resource consent for activities within, adjacent to, or impacting directly on, a statutory area.

Local authorities with jurisdiction in an area that includes a statutory area must attach information recording the statutory acknowledgement to all statutory plans that wholly or partly cover the statutory area. The attachment of information is for the purpose of public information only, and the information is not part of the statutory plan or subject to the provisions of the First Schedule of the RMA. Accordingly, statutory acknowledgements within the District are included in an Appendix to the District Plan (Schedule 11).

A relevant consent authority must forward to the governance entity a summary of resource consent applications received by that consent authority for activities within, adjacent to, or impacting directly on, a statutory area. The information provided must be the same as would be given under section 95E of the RMA to persons likely to be affected, or as may be agreed between the governance entity and the relevant consent authority. It must be provided as soon as reasonably practicable after the application is received, and before a determination is made in accordance with sections 95 to 95G of the RMA. The governance entity may, by notice in writing to a relevant consent authority, waive its rights to be notified and state the scope of that waiver. A statutory acknowledgement does not affect the obligation of a consent authority to notify an application in accordance with sections 95 and 95G of the RMA and to form an opinion as to whether the governance entity is a person that is likely to be adversely affected under those sections.

The governance entity and a member of the ā iwi Maori claimant group may, as evidence of the association of the ā iwi Maori claimant group with a statutory area, cite the relevant statutory acknowledgement in submissions to, and in proceedings before, a consent authority, the Environment Court, or the Historic Places Trust concerning activities within, adjacent to, or

impacting directly on, the statutory area. The non-existence of a statutory acknowledgement does not mean that other areas are unimportant to the governance entity or the twi Maori claimant group.

Part A – Introduction: How This Plan Works

Q. Todd Energy/KCE Mangahao seek amendments to “Part F Schedules” by adding reference to Priority Waterbodies and “Planning Maps” by adding reference to High Amenity Landscapes and Outstanding Natural Features and Landscapes. In the Section 42A Report, the recommended amendments added reference to Part F Schedules on Priority Waterbodies but there is no recommended amendment to the Planning Maps and Outstanding Natural Features and Landscapes. Can you clarify whether adding reference to Outstanding Natural Features and Landscapes was an intentional or inadvertent omission?

A. Not referencing the Planning Maps and Outstanding Natural Features and Landscapes was an oversight in the Section 42A Report. For the reasons outlined in the Section 42A Report, it is recommended that reference be added to Outstanding Natural Features and Landscapes.

Recommended Amendment:

Amend sub-section ‘How This Plan Works’, ‘Part F – Schedules’ fourth paragraph to read as follows:

The Notable Tree Schedule, and Historic Heritage Schedule, State Integrated Schools Schedule and Priority Water Bodies Schedule provide detail on the individually listed items and places.

Amend sub-section ‘How This Plan Works’, ‘Planning Maps’ third bullet point on Rural Zone to read as follows:

- *Rural Zone – Landscape Domain Overlays, Flood Hazard Overlay, Outstanding Natural Features and Landscapes Overlays.*

Response prepared by Hamish Wesney

Reviewed by David McCorkindale

Dated 23rd April 2013

RESOURCE MANAGEMENT ACT 1991

PROPOSED HOROWHENUA DISTRICT PLAN

HEARING OF SUBMISSIONS

DECISION OF HEARING PANEL

TOPIC: Report on District Plan
Matters of Importance to Tangata Whenua

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

HEARING DATE: 8th & 12th April and 28th May 2013

CONTENTS

1.0	INTRODUCTION	3
2.0	OFFICER'S REPORT	3
3.0	SUBMITTER APPEARANCES	4
4.0	EVALUATION	4
4.1	Chapter 1 Introduction	5
4.2	Objective 1.1.1	10
4.3	Policies 1.1.2 – 1.1.7	11
4.4	Explanation & Principal Reasons (Objective 1.1.1)	12
4.5	Methods for Issue 1.1 & Objective 1.1.1	17
4.6	Methods for Issue 1.2 & Objective 1.2.1	18
4.7	Methods for Issue 1.3 & Objective 1.3.1	18
4.8	Anticipated Environmental Result 1(g)	19
4.9	General Matters	19
4.10	Rules 16.6.21(a) and 19.6.13(a) – Sites of Significance to Tangata Whenua	20
5.0	SECTION 32	22
6.0	DECISION	23
	APPENDIX A: Proposed Plan as amended by Hearing Decisions	24
	APPENDIX B: Schedule of Decisions on Submission Points	30

1.0 INTRODUCTION

- 1.1 We were appointed by the Horowhenua District Council to consider submissions on the Proposed District Plan relating to Matters of Importance to Tangata Whenua.
- 1.2 A hearing into the submissions was held on 8 April 2013. Ms Vivienne Taueki of the Muaupoko Co-operative Society presented evidence on 12 April. Following discussions between the officers and Mr Philip Taueki, a further hearing (at which all Hearings Commissioners were present) was held on 28 May, at which Mr Taueki presented evidence, supported by other witnesses as listed below.
- 1.3 The hearing was closed on the 13 September 2013.

Abbreviations

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

DoC	Department of Conservation
District Plan	Proposed Horowhenua District Plan
NZHPT	New Zealand Historic Places Trust
Officer's report	Report evaluating the applications prepared by Mr McCorkindale for our assistance under s42A(1) of the RMA
One Plan	Proposed Horizons Regional Council One Plan
The Act	Resource Management Act
MTA	Tribal Authority

2.0 OFFICER'S REPORT

- 2.1 We were provided with and reviewed the officer report prepared by David McCorkindale pursuant to s42A of the Act prior to the hearing commencing.
- 2.2 The officers report noted that the majority of submissions received were from three submitters who shared a very similar view on most matters addressed in the report. These concerns related to the Council's approach to consultation in particular the status of the Muaupoko Tribal Authority (MTA). They were concerned that Maori who did not accept that the MTA spoke for Muaupoko would not be consulted on matters relating to resource management. We were advised that these submitters had not been involved in the Iwi Advisory Group (which also involved three other iwi) that was formed to provide input and direction on the drafting of Chapter 1. It was their view that consultation should be undertaken between the Council and Tangata Whenua and not with mandated iwi authorities.
- 2.3 For its part, we understood from the officer's report that the Council felt it was caught in the crossfire between two acrimonious groups within Muaupoko, and that it had acted in good faith by consulting with the MTA which was recognised as representing Muaupoko by Te Puni Kokiri. The changes proposed to the text of the District Plan through the officers report

were of a generally minor nature, recommending that the approach undertaken as part of the consultation process be endorsed, including consulting with iwi authorities, and recognising that interim measures remain in place to provide a level of protection to cultural sites of importance to Iwi until such time that specific sites were identified included in the district plan (through what would be a subsequent plan change process).

2.4 Although most submissions were on Chapter 1, which is the subject of this hearing and decision, similar submissions by the same submitters had risen across a number of different chapters and who were heard by a number of hearings panels. Accordingly, officers contacted Mr Philip Taueki, who agreed to a separate hearing with himself and a group of supporters, which took place on 28 May 2013, before all Hearings Commissioner's involved in the district plan hearings process.

2.5 A separate submission by the Homestead Group, on a subject also touched upon indirectly in a submission by the NZHPT, concerned the potential lack of certainty relating to the location of cultural sites and their effect on investment decisions, and the potential difficulties associated with silent files.

3.0 SUBMITTER APPEARANCES

3.1 The following submitters made appearances at the hearing:

- Dr Huhana Smith (Te Taiao Raukawa)
- Mr Charles Rudd
- Mr Bryce Holmes
- Ms Vivienne Taueki (heard separately 12 April 2013)
- Mr Philip Taueki (heard 28 May 2013). The following parties also appeared with Mr Taueki at that time;
- Anne Hunt
- Vivienne Taueki
- Daphney Luke
- Professor Whitianga Winiata
- Brian Ten Have
- Simon O'Neill

4.0 EVALUATION

A large part of the evaluation undertaken in these decisions concerns submissions from Mr Philip Taueki, the Muaupoko Co-operative Society and Mr Charles Rudd. Some of the matters raised by these submitters are also covered in other decisions relating to different topic areas. However of particular significance in these decisions are the provisions of Chapter 1 entitled "Matters of Importance to Tangata Whenua". A major part of this is the extent to which the Muaupoko Tribal

Authority (MTA) has been identified as a partner by the Horowhenua District Council for the purposes of consultation, and how this may affect consultation with other Tangata Whenua who considered themselves outside the ambit of this organisation. These matters are addressed in Parts 4.1, 4.4 and 4.5 of these decisions.

4.1 Chapter 1 Introduction

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
11.01	Philip Taueki	Delete the proposed Muaupoko statement and replace with a statement that is historically and culturally authentic.	519.00 Charles Rudd(Snr) - Support
60.02	Muaupoko Co-operative Society	No specific relief requested. Inferred: That the inaccurate statements within Chapter 1 be deleted.	
67.01	Taiao Raukawa Environmental Resource Unit	Amend the Statement of Ngāti Raukawa as follows: Paragraph 1: Amend to read as “Ngāti Raukawa and affiliates (like Kauwhata (<u>Feilding</u>), Tukorehe (Kuku)...” Paragraph 1: Include a new sentence at the end of Paragraph 1 as follows: <u>The legacies set down by ancestral Māori land tenure activities during Te Rauparaha and his allies' time for Ngāti Raukawa and affiliates, continue to this day.</u> Paragraph 5: Include new bullet point to list (as first bullet point) as follows: <u>Tuku Whenua - Gifting land; ...</u> Paragraph 6: Amend third sentence as follows: Embedded cultural markers, whether urupā, burial grounds, cemeteries; <u>wāhi tapu</u> , pā sites, former papa kainga; <u>wāhi tūpuna</u> ... Paragraph 6: Include new bullet point list of marae after second sentence as follows (listed from north to south): <u>Te Au, Himatangi;</u> <u>Paranui, Himatangi;</u> <u>Motuiti, Himatangi;</u> <u>Whakawehi, Shannon;</u> <u>Kereru, Kōptāraoa;</u> <u>Matau, Kōptāraoa;</u>	

Sub No.	Submitter Name	Decision Requested	Further Submission
		<u>Huia, Poroutawhao;</u> <u>Ngātokowaru; Hōkio</u> <u>Kikopiri, Muhunoa;</u> <u>Tukorehe, Kuku;</u> <u>Wehiwehi, Manakau...</u>	
67.02	Taiao Raukawa Environmental Resource Unit	Amend Chapter 1 Introduction to Include a new heading above paragraph 3 on page 1-6 (below dissecting line) to read as follows <u>'Statutory Duties and Responsibilities under the RMA'</u>	
67.10	Taiao Raukawa Environmental Resource Unit	<p>Amend the Statement of Ngāti Raukawa to include the following text after paragraph 6:</p> <p><u>...natural systems in Horowhenua. In particular, Council needs to note that customary interests in certain areas such as Omarupapako, Round Bush Reserve will be referred back to Crown for further consideration, and if need be, for amendment of the Ngāti Apa legislation. The Ngāti Raukawa Treaty Claims team flag with Council that the Ngāti Apa claim will be challenged before the Waitangi Tribunal. Council need note too that Ngāti Raukawa and affiliates are determining their customary interests and mana tuku iho, exercised by iwi, hapū and whanau as tangata whenua to certain areas of the marine and coastal region of Horowhenua. Whanau, hapū or iwi groups have until March 2017 to seek customary marine title or claims to the common marine and coastal area. This can be done through specific negotiations with the Crown or through an application to the High Court.</u></p>	
109.02	Charles Rudd (Snr)	<p>Amend Chapter 1 Introduction as follows:</p> <p><u>Muaupoko</u></p> <p><u>Ngati Apa</u></p> <p><u>Ngati Raukawa</u></p> <p><u>Rangitane</u></p> <p><u>Muaupoko</u></p>	

Sub No.	Submitter Name	Decision Requested	Further Submission
		<u>Rangitane</u> <u>Ngati Apa</u> <u>Ngati Raukawa ki te Tonga</u>	
109.03	Charles Rudd (Snr)	<p>Muaupoko have many traditional hapu. Those currently active are: Ngati Pariri, Ngati Hine, Ngati Tamarangi, Ngati Whanokirangi, Ngati Te Ao, Te Ngarue and Punahau.</p> <p><u>Ngai te Ngarue</u></p> <p><u>Ngai te Ao</u></p> <p><u>Ngati Tamarangi</u></p> <p><u>Ngati Hine</u></p> <p><u>Ngati Pariri</u></p> <p><u>Ngati Whanokirangi</u></p> <p><u>Punahau</u></p>	
109.05	Charles Rudd (Snr)	<p>Delete the following:</p> <p>At the time of preparing the Proposed District Plan, the Muaupoko Tribal Authority Incorporated is the recognised Mandated Iwi Authority representing Muaupoko for the purposes of the RMA. The Muaupoko Tribal Authority encourages and invites consultation should people wish to know its views and obtain information regarding sites and areas of significance to Muaupoko.</p>	

A number of submission points have been made in relation to the introductory text of Chapter 1. One of the most contentious issues is that of the status of the Muaupoko Tribal Authority (MTA) which has been challenged by a number of submitters, notably Mr P.Taueki, the Muaupoko Co-operative Society and Mr C. Rudd. This rather fundamental issue is also discussed in detail under Part 4.4 of this decision, also taking into account evidence presented to the combined hearing session held on 28 May by Mr Philip Taueki and others.

The submission points on the "Introduction" range from minor wording amendments, to submissions challenging the accuracy or validity of the statements that have been supplied by each Iwi.

P.Taueki and the Muaupoko Co-operative Society oppose the 'Statement of Muaupoko' which is included within the Introduction of Chapter 1 on the basis that it is not a valid account.

Part B, Objectives/Policies of the District Plan describes the Tangata Whenua of the Horowhenua District, and contains four statements. These statements are introduced by a sentence stating "the following statements have been prepared by representatives from the iwi authority for each iwi". This is followed by a "Statement of Muaupoko", "Statement of Ngati Apa", "Statement of Ngati Raukawa" and "Statement of Rangitane".

Mr Taueki seeks that the statement of Muaupoko be replaced with a statement that is historically and culturally authentic. The officer's report stated that the Statement of Muaupoko was prepared by the MTA and (subject to minor typing or formatting amendments) was included in the Proposed Plan unabridged.

As noted by the reporting officer, the submitters have not offered an alternative wording for the statement as a whole, but have made specific comment with respect to the description of the status of Lake Horowhenua and Hokio Stream as discussed below. Notwithstanding the issue of whether the MTA has authority to speak for Muaupoko, any submitter has the right to have alternative wording considered on its merits. However in the absence of an alternative "Statement" being put forward, the Hearings Panel is placed in a difficult position.

That part of the Statement of Muaupoko which is specifically opposed by Mr Taueki and the Muaupoko Co-operative Society is the final paragraph which states:

"Please note that the Punahau (Horowhenua) Lake Bed and Hokio Stream including specific land adjacent to them are owned by the Lake Horowhenua Trust. This lake is also a Muaupoko Fisheries Reserve and there are prohibitions associated with fishing in these areas. Muaupoko Tribal Authority encourages consultation with this trust should people wish to know their views".

The submitters state that it is wrong to claim that Punahau (Horowhenua) Lake bed and Hokio Stream including specific land adjacent to them are owned by the Lake Horowhenua Trust. They drew attention to the wording contained in the provisions of Section 18 (2) of the Reserves and Other Lands Disposal Act 1956. The reporting officer suggested that the purposes of clarity that the wording be amended as follows: *"Please note the Punahau (Horowhenua) Lake Bed and Hokio Stream including specific land adjacent to them have been vested with the ~~are owned by the~~ Lake Horowhenua Trust on behalf of the Maori owners, that it the Muaupoko Iwi".*

Section 18 of the 1956 Act is quite lengthy, and caution is required in taking a selective extract from it. However, the Hearings Panel considered that the most appropriate course of action is to replace the final paragraph of the Muaupoko Statement and incorporate the relevant provisions of section 18, subclauses (2) and (3) of the 1956 Act which reads as follows:

"(2) Notwithstanding anything to the contrary in any Act or rule of law, the bed of the lake, the islands therein, the dewatered area, and the strip of land 1 chain in width around the original margin of the lake (as more particularly secondly described in subsection (13)) are hereby declared to be and have always been owned by the Maori owners, and the said lake, islands, dewatered area, and strip of land are hereby vested in the trustees appointed by Order of the Maori Land Court dated 8 August 1951 in trust for the said Maori owners.

(3) Notwithstanding anything to the contrary in any Act or rule of law, the bed of the Hokio Stream and the strip of land 1 chain in width along portion of the north bank of the said stream (being the land more particularly thirdly described in subsection (13)), excepting thereout such parts of the said bed of the stream as may have at any time been legally alienated or disposed of by the Maori owners or any of them, are hereby declared to be and have always been owned by the Maori owners, in the said bed of the stream and the said strip of land are hereby vested in the trustees appointed by Order of the Maori Land Court dated 8 August 1951 in trust for the said Maori owners".

This change would make the wording consistent with the legislation and clarifies the status of the Maori land owners. On this basis, the Hearings Panel recommended that the submission points by

P.Taueki and the Muaupoko Co-operative Society be accepted in part. The text changes are set out in Appendix A.

Mr Charles Rudd, while partly supporting the text in the Introduction to Chapter 1, also sought an amendment to the "Statement of Muaupoko". He sought the deletion of the following paragraph;

"At the time of preparing the Proposed District Plan, the Muaupoko Tribal Authority Incorporated is the recognised Mandated Iwi Authority representing Muaupoko for the purposes of the RMA. The Muaupoko Tribal Authority encourages and invites consultation should people wish to know its views and obtain information regarding sites and areas of significance to Muaupoko."

This is a very contentious issue, raised not only in this submission but particularly in the submissions of Mr P.Taueki and the Muaupoko Co-operative Society. The reporting officer was of the view that the statement was both factually correct and helpful, on the basis that the MTA are recognised on the Government's website as representing the Muaupoko Iwi on RMA matters. (Te Kahui Mangai being the mechanism the Crown uses for fulfilling its statutory obligations under s35A(2) of the RMA). The extract from the "Muaupoko Statement" above is qualified by the words "*at the time of preparing the proposed District Plan*"

The statement in the District Plan is effectively "past tense" and describes what actually occurred at the time that the new District Plan was prepared. Consequently, there is only limited scope to change this description of the events that have already occurred as part of the preparation of the District Plan. A comprehensive discussion on this wider issue is contained in section 4.4 of this decision. The Hearings Panel recommended that Mr Rudd's submission point be accepted in part, so that the final paragraph under the "Statement of Muaupoko" be amended so that it reads as follows:

At the time of preparing this Proposed District Plan the Muaupoko Tribal Authority Incorporated was listed by Te Puni Kokiri under "Te Kotaha o nga Ropu Mangai Iwi/Maori" as an iwi authority ~~is the recognised Mandated Iwi Authority~~ representing Muaupoko for the purposes of the RMA. The Muaupoko Tribal Authority encourages and invites consultation should people wish to know its views and obtain information regarding sites and areas of cultural significance to Muaupoko.

On this basis, it was resolved that the submission point of Mr C. Rudd be accepted in part, with the text changes also incorporated into Appendix A.

Taiao Raukawa Environment Resource Unit represented by Dr Huhana Smith appeared at the hearing in support of amendments (essentially in the nature of refinements) proposed to the District Plan. The submitter sought some minor changes to the "Statement of Ngati Raukawa". We were advised that the original statement was actually prepared by Taiao Raukawa, and there were no further submissions opposing the amendments proposed by the submitter. Accordingly the Hearings Panel resolved that the suggested changes be adopted and that the submission point be accepted.

The Taiao Raukawa Environment Resource Unit also sought that a heading be added to Chapter 1 at the point where the chapter outlines the statutory duties and responsibilities under the RMA. The proposed heading would be "*Statutory Duties and Responsibilities under the RMA*". The Hearings Panel agreed with the reporting officer that the suggested amendment would be a helpful addition to the chapter, as it assists in understanding the following text. Accordingly, the

submission point was accepted, and that the proposed heading will be added to the Proposed Plan.

The Taiao Raukawa Environment Resource Unit opposed that part of the wording within the Statement by Ngati Apa that refers to Omarupapako. The submitter sought to amend the text to update the Statement of Ngati Raukawa to also include reference to Omarupapako/Round Bush Reserve. It was explained that the proposed additional wording would helpfully identify that Raukawa intended to pursue an interest in Omarupapako through the Waitangi Tribunal. The proposed changes do not impact on the wording of the Ngati Apa statement at this point. The Hearings Panel resolved that submission point 67.10 be accepted, and that the wording of the Proposed Plan be amended. The text changes sought by Taiao Raukawa Environment Resource Unit are set out in Appendix A.

Mr C.Rudd lodged two submission points concerning detailed matters within the 'Introduction'. Firstly, he sought that the *order* that the Iwi are listed in the Introduction to Chapter 1 be amended to reflect the 'correct order' as follows; Muaupoko, Rangitane, Ngati Apa and Ngati Raukawa ki te Tonga. Iwi are currently listed in alphabetical order (certainly not suggesting any element of precedence), and no reasons were given why this change in order was required. It was noted that the same issue arose in the hearings of submissions relating to the "Introduction" and "Cross Boundary Issues" chaired by Commissioner Dean Chrystal. In that decision Mr Rudd had lodged a similar submission (109.00) on the same point. It was resolved that the text of the introduction be changed slightly to make reference to the iwi being listed in alphabetical order. The Hearings Panel decided that as there was no compelling reason to change the order, that the submission point be rejected.

Mr C. Rudd also sought a revision to the order which active hapu for Muaupoko are listed within this chapter. Although no reason has been provided for the changed order, and the order itself may be of little significance in the context of the Plan, the Hearings Panel was prepared to accept a change in listed order, and submission point 109.03 was accepted.

4.2 Objective 1.1.1

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
83.00	Ross & Margaret Hood	Amend and Include provisions in the Plan to provide for the following: A policy of protection of all landowners' property rights must be the written policy of all future District Plans.	

The submission by R. and M. Hood supported Objective 1.1.1 in part, to the extent that the issues of costs and time are the same for all landowners, as well as Tangata Whenua.

The submitter is of the view that the Council has been eroding property rights, and does not attach sufficient importance to them. The submitter did not put forward amended text to address this deficiency. There is however a discipline imposed on Councils under section 32 of the RMA, and under section 85 of the RMA where an affected party can apply for a provision to be struck down on the basis that it denies reasonable use of land. However subject to these two provisions, there is no inherent right of compensation for provisions in plans that may restrict landowners "rights" to develop the land, or use natural and physical resources, in a manner that they see fit. Inevitably,

this involves a balancing exercise; the process of evaluating submissions on a Proposed Plan through this hearings process, or necessary through the Environment Court determines whether or not the appropriate balance has been struck.

The District Plan upon which these hearings are being undertaken, will be amended to a greater or lesser degree as a result of submissions that have been lodged upon it. There is potential for further amendments should any decisions on these submissions be challenged before the Environment Court. However the issue of the protection of private property rights as set out by the generic level contained in this submission is more of a philosophical issue, rather than one to be resolved through these hearings on the provisions on the District Plan. Rather, these hearings are aimed at resolving a balance between private property rights and regulatory intervention at a more specific level - that of particular objectives policies and rules - and whether the provisions of the District Plan as notified would best achieve the purpose of the Act.

No specific changes have been identified, or appear to be required, in response to this generic philosophical submission relating to private property rights. Accordingly the Hearings Panel resolved that this submission point be rejected.

4.3 Policies 1.1.2 – 1.1.7

Policy 1.1.2

Sub No.	Submitter Name	Decision Requested	Further Submission
11.02	Philip Taueki	No specific relief requested. Inferred: Retain Policy 1.1.2.	

Policy 1.1.3

Sub No.	Submitter Name	Decision Requested	Further Submission
11.33	Philip Taueki	No specific relief requested. Inferred: Retain Policy 1.1.3.	

Policy 1.1.4

Sub No.	Submitter Name	Decision Requested	Further Submission
11.34	Philip Taueki	No specific relief requested. Inferred: Retain Policy 1.1.4.	

Policy 1.1.5

Sub No.	Submitter Name	Decision Requested	Further Submission
11.35	Philip Taueki	No specific relief requested. Inferred: Retain Policy 1.1.5.	

Policy 1.1.6

Sub No.	Submitter Name	Decision Requested	Further Submission
11.36	Philip Taueki	No specific relief requested. Inferred: Retain Policy 1.1.6.	

Policy 1.1.7

Sub No.	Submitter Name	Decision Requested	Further Submission
11.37	Philip Taueki	No specific relief requested. Inferred: Retain Policy 1.1.7	

P.Taueki supports Policies 1.1.2 - 1.1.7. The Hearings Panel accepted these submission points.

4.4 Explanation & Principal Reasons (Objective 1.1.1)

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
11.03	Philip Taueki	No specific relief requested. Inferred: Amend Explanation and Principal Reasons for Objective 1.1.1 to remove the commitment of Council to seek guidance of mandated Iwi Authorities.	519.01 Charles Rudd(Snr) - Support

Mr Taueki opposes in-part the text in the Explanation and Principal Reasons for Objective 1.1.1 and Policies 1.1.2 – 1.1.7 which are set out on pages 1-9 to 1-11 of Chapter 1. The submission point suggests that the final paragraph of this text undermines the objectives of these provisions (Objective 1.1.1 and Policies 1.1.2 – 1.1.7). It is also apparent from reading his full submission relating to Chapter 1, that he opposes reference to the term "Iwi authorities" throughout Chapter 1.

This final paragraph on Page 1 -11 of Chapter 1 reads as follows:

"The RMA makes varying references to "Maori", "Tangata Whenua", and "Iwi Authorities and tribal Runanga". The Council recognises that, as individual resource management issues arise, it is important to have dialogue with the people who have the closest interest in the issue. This may be an Iwi Authority but may also be an individual Hapu. The Council will seek the guidance of the mandated Iwi authorities to understand the most appropriate point of contact for such a dialogue and also to identify any Iwi Management Plans recognised by Iwi Authorities and lodged with the Council".

It is this issue which forms the heart of the concerns expressed in the submissions by Mr P. Taueki, the Muaupoko Co-operative Society, and Mr C. Rudd (refer to 4.1 above). Although the above submission point is only one particular aspect of the District Plan opposed by this group of submitters, it provides a suitable opportunity to address the concerns raised by this group as a whole, particularly with respect to with whom consultation should be undertaken.

Mr Taueki expanded on his submission at a special hearing session arranged on 28 May, supported by other parties and some additional written material. He has particular concerns relating to the management of Lake Horowhenua, but his concerns go wider than this.

Mr Taueki is a vociferous critic of the Council's relationship with the Muaupoko Tribal Authority (MTA). Unfortunately, the MTA elected not to be a party to these hearings either as a submitter in its own right, or in opposition to the submissions made by Mr Taueki and others. It has not taken the opportunity to provide evidence in support of its own position. The submission by Mr Taueki

and others appears to be on two levels, firstly that consultation doesn't have to be with iwi authorities, and secondly that the MTA is not an iwi authority. (The legislation also refers to customary marine title groups, but this was not a matter raised through the hearings).

Mr Taueki is particularly concerned that MTA is consulted by Council on all matters relating to Muaupoko, when in his view the contact persons within that organisation may not be directly affected by a particular proposal, or may not have any understanding of the issues that may directly affect members of the iwi, including as property owners. Mr Taueki drew the analogy whereby an activity might be proposed which affects a person's property rights, but that the ability of that person to comment on or consider the effects on them, was delegated to a third party (such as the MTA), which he argued was unfair.

The Taueki submission argues that Sections 6, 7 and 8 do not make any reference to "Iwi Authorities", but rather to Tangata Whenua. He states that the words "Tangata Whenua", "Maori" and "Tribal Authority" are not synonymous. He observed that there were no Iwi Authorities in 1840 at the time of the signing of the Treaty of Waitangi. He contends that in terms of consultation and monitoring, the local authority relationship should be with Tangata Whenua. He said that with respect to the contents of Chapter 1, the *"..... whole chapter is a breach of the RMA, and needs to be adjusted by removing all reference to iwi authorities on the grounds that sections 6, 7 and 8 of the RMA refer to Maori and their culture and traditions with their ancestral lands etc, kaitiakitanga and the Treaty of Waitangi - not Iwi authorities!"*

Mr Taueki tabled correspondence from Crown Law (Geoffrey Melvin, Crown Counsel) dated 11 October 2011. This letter states that *"the Muaupoko Tribal Authority is yet to go through the formal mandating process. To date, the Crown has not recognised the mandate of any Muaupoko entity for the purpose of negotiating a settlement of Muaupoko's historical Treaty of Waitangi claims"*. A similar comment was made in a tabled letter from the Office of the Hon. Christopher Finlayson, Minister for the Treaty of Waitangi negotiations, dated 31 October 2011. Both letters were addressed to Anne Hunt of the Potangotango Foundation, who appeared with Mr Taueki at the hearing on 28 May.

Our understanding of the Council's position is that the MTA is identified on the Te Puni Kokiri website as the Iwi Authority representing Muaupoko. It is perhaps unhelpful that the RMA refers to "Iwi Authorities" while Te Puni Kokiri refers to a "Mandated Iwi Organisation" (MIO). However the Council has referred to the term "Iwi Authority", which we consider is justified, as this is the term used in the RMA.

With respect to the document of Te Puni Kokiri entitled *"Te Kotaha o nga Ropu Mangai Iwi/Maori" (a Profile of Iwi and Maori Representative Organisations)* dated March 2011, the following statement appears on page 77;

"Muaupoko Tribal Authority Incorporated

Established in 1997, the Muaupoko Tribal Authority Incorporated, chaired by Mahanga Williams, has commenced work towards obtaining a mandate to settle Muaupoko historical Treaty Claims. Although it is a recognised iwi under the Maori Fisheries Act 2004, Te Ohu Kaimoana has yet to confirm the Muaupoko Tribal Authority as an MIO".

This statement may have been overtaken by events. On the Te Kahui Mangai website in July 2013 the MTA is noted as being a mandated iwi organisation under the Maori Fisheries Act 2004, and represents Muaupoko as an "iwi authority" for the purposes of the Resource Management Act

1991. We understand that the MTA is currently working towards being to be recognised as an MIO for the purpose of Treaty negotiations.

How are Maori organisations referred to in other plans? We note that the Horizons "One Plan" which provides a regional framework for district plans in the region, refers to *nga hapu* and *nga iwi*.

The neighbouring Manawatu District Plan refers to consulting fully with "Tangata Whenua groups" and consistently uses the phrase "Tangata Whenua". Using a more distant example, the Selwyn District Plan also refers to "Tangata Whenua".

A further point we note is that there are *four* "iwi authorities" within Horowhenua District, of which Muaupoko is but one. None of these other iwi have elected to take part in, or respond to, the submissions of Mr Taueki and others on Chapter 1. Although the submissions of Mr Taueki, the Muaupoko Co-operative Society, and Mr Rudd appear primarily related to the Muaupoko, any amendments to the District Plan will have consequential implications for these other iwi, as the text refers to iwi within Horowhenua district as a whole.

While Mr Taueki's submission emphasises the contents of section 6 - 8 of the RMA, the most important provisions with respect to the Council's role in plan preparation are contained elsewhere in the Act. For completeness, the relevant provisions are set out below:

In section 3 of the Act, "iwi authority" is defined as meaning "*the authority which represents an iwi and which is recognised by an iwi as having authority to do so*".

In section 3 of the Act, "Tangata Whenua" is defined as meaning "*in relation to a particular area, means the iwi, or hapu, that holds mana whenua over that area*".

Under the "Matters of national importance" in section 6 (e) of the Act, (councils) are required to recognise and provide for "*the relationship of Maori and their culture and traditions with.....*"

Section 33 of the Act provides that a local authority may transfer any 1 or more of its functions or powers and duties under the Act to various parties which include (b) "*an iwi authority*".

Section 35A of the Act specifies the Council's duty to keep records about "*iwi and hapu*". The local authority is required to keep a record of the "*contact details of each iwi authority within the region or district and any groups within the region or district that represent hapu for the purposes of this Act*" (subsection (1)(a); planning documents represented by each *iwi authority* (subsection (1) (b), and any area of the region or district over which 1 or more iwi or hapu exercise kaitiakitanga (subsection (1) (c)).

Subsection 2 (a) requires that the Crown must provide each local authority information on *iwi authorities* within the region or district, and any groups that represent hapu.

Subsection 3 states that the local authority may keep a record of information relevant to its region or district on iwi, obtained directly from the relevant *iwi authority* or on *hapu*, obtained directly from the relevant group representing the hapu.

Section 74 of the Act is relevant to the preparation of district plans. Subsection (2A) states that a territorial authority "*when preparing or changing a district plan, must take into account any relevant planning document recognised by an iwi authority and lodged with the territorial authority, to the extent that its content has a bearing on the resource management issues of the district*".

(We note that no Iwi Management Plan for Mauapoko has been prepared to date).

The First Schedule to the Act sets out the procedures to the preparation of policy statements and plans. Clause 3(1)(d) states that the local authority shall consult "*the tangata whenua of the area who may be so affected, through iwi authorities;.....*"

It may also consult "*anyone else during the preparation of a proposed policy statement or plan*".

Finally, clause 3B specifically sets out the purpose of "*Consultation with iwi authorities*".

To the Hearings Panel, it is clear that with respect to the preparation of district plans (to which section 74 of the Act and clauses 3 and 3A of the First Schedule are particularly relevant) consultation by a District Council with Iwi Authorities is specifically required. Horowhenua District Council is no different to any other district council in that regard. Consultation with MTA as an iwi authority recognised by Te Puni Kokiri (albeit not yet as an MIO), would appear to be consistent with the Council's duties under section 35A(2).

The Hearings Panel notes that with respect to the preparation of district plans, the relevant provisions with respect to consultation are found in sections 74(2A), and clauses 3(1)(d) and 3B of the First Schedule. These specifically refer to Iwi Authorities. Clause 3(2) states that a local authority *may* consult with anyone else.

Can or should District Council consult with *other* Maori individuals or groups (e.g. hapu or Maori land owners)? As the final paragraph of the Explanation and Principal Reasons for Objective 1.1.1 notes, dialogue on resource management issues may be with an individual hapu, and not necessarily only an iwi authority. The Hearings Panel have come to the view that consultation could (and should) be undertaken with any members of Tangata Whenua who can establish that they represent an iwi or hapu within part of the Horowhenua District. The Council currently have several Memoranda of Partnerships with specific Iwi and Hapu groups. The Council will continue to enter into Memoranda of Partnership with such groups as it sees fit. These agreements will include undertakings regarding consultation on relevant issues with those groups and may include specific reference to District Plan related matters. Consultation might also be required with respect to any provisions in the district plan that might affect Maori land owners (collectively or as individuals). In other words, where a person or group specifically *wishes* to be consulted with, it seems to the Hearings Panel that the views of such groups cannot be disregarded because they are not necessarily those of an iwi authority (in this case the MTA). Indeed, we consider this must be the case, because as individual submitters, their submissions have to be given the same weight as a submission from any other submitter, and considered on their merits. However unless that group is recognised as an iwi authority, it is clear to the Hearings Panel that they cannot claim to represent a conflicting view on behalf of an iwi as a whole.

Whether or not the Muaupoko Co-operative Society is to be recognised as an Iwi Authority is completely outside the scope of these hearings, and is a matter between Tangata Whenua and the Crown. However they want to be part of the consultation "loop".

In terms of resource consents, an applicant is not required to consult with *any* party, including an Iwi Authority (MIO). However it is obviously good practice to do so in circumstances where the interests of tangata whenua could be affected. In these circumstances, a judgement would have to be made as to whether consultation should be undertaken with Tangata Whenua who are known to be specifically affected by a proposal, and as well as with an MIO.

Turning now to references to consultation within the District Plan, adoption of the words "Mandated Iwi Authority" appear to be unusual in district plans. The Hearings Panel considered that there would be merit in amending the terminology within Chapter 1 relating to consultation and the relationship between the Council and Tangata Whenua. We note that Chapter 1 of the District Plan uses the words Tangata Whenua and iwi within a range of contexts, and we do not see any significant issue with the continued use of the word "iwi". The word iwi is also used in Chapter 5 (Coastal Environment" and Chapter 13 (Historic Heritage), but not the term "iwi authority". On the other hand, Policy 1.1.4 refers to engagement between "the Council and Tangata Whenua over resource management issues of concern" (as do Policies 1.1.3 and 1.1.6) while Policy 1.1.5 refers to "authorised and mandated iwi representatives".

Finally on the issue of terminology, Part A "Introduction" contains a section entitled "Statutory Acknowledgements". Decisions made by a separate Hearings Panel in response to submissions relating to this section, and to the contents of the officers report, have adopted the term "Maori Claimant". However this is used within the specific context of an introductory section relating to Treaty settlements, so it is a separate matter to that addressed through the Objectives and Policies.

Otherwise, we consider it would be desirable to adopt more 'neutral' terminology, by reference to the term "Tangata Whenua". The use of the word "iwi" can be retained, but the term "mandated iwi authority" should be replaced wherever it occurs by the words "Tangata Whenua". The exception to this is where the RMA makes specific reference to iwi authorities - for example in terms of section 74 of the Act.

It would then be open to the Council or an applicant to determine requirements with respect to consultation, bearing in mind that it is still likely that any Iwi Authority (MIO) will need to be consulted (depending on the nature of the application), but it may not be the *only* party consulted. From our understanding of the submitter's position, they do not have any concerns with the use of the words "iwi" or "hapu" but only with exclusive reference to "Iwi Authorities ". Notwithstanding that, we need to make it clear to submitters that whether or not consultation is undertaken with parties other than an Iwi Authority (MIO), consultation with iwi authorities is required by the legislation, such as under Clauses 3 and 3B of the First Schedule of the RMA, and section 74 of the RMA.

The Hearings Panel resolved to amend the final paragraph on page 1-11 to read as follows:

The RMA makes varying references to "Maori", "Tangata Whenua", and "Iwi Authorities" and "tribal Runanga". The Council recognises that, as individual resource management issues arise, it is important to have dialogue with the people who have the closest interest in the issue. ~~This may be an Iwi Authority but may also be an individual hapu.~~ The Council will, in accordance with the relevant provisions of the RMA, consult with Tangata Whenua seek the guidance of the mandated Iwi Authorities to understand the most appropriate point of contact for such dialogue, which may include iwi or hapu. In the preparation and change of district plans it will undertake consultation Tangata Whenua, including with Iwi Authorities (MIO's) in accordance with Clauses 3 and 3B of the First Schedule of the RMA, and also ~~and~~ to take into account identify any Iwi Management Plans recognised by Iwi Authorities and lodged with the Council, pursuant to section 74(2A) of the Resource Management Act.

In addition, as a consequential amendment, references within the District Plan to "mandated iwi authorities" are to be changed to "Tangata Whenua" wherever this term occurs, except where the

Act specifically requires otherwise. On the basis of these amendments, the submission point of P. Taueki was accepted in part.

4.5 Methods for Issue 1.1 & Objective 1.1.1

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
11.04	Philip Taueki	No specific relief requested. Inferred: Amend Method 1.1 bullet four to replace Iwi authority with Tangata Whenua.	519.02 Charles Rudd(Snr) - Support
11.05	Philip Taueki	No specific relief requested. Inferred: Amend Method 1.1 Monitoring to replace Iwi authority with Tangata Whenua.	519.03 Charles Rudd(Snr) - Support
11.06	Philip Taueki	No specific relief requested. Inferred: Ratify Iwi Management Plans and Memoranda of Partnerships with Iwi.	519.04 Charles Rudd(Snr) - Support
11.07	Philip Taueki	No specific relief requested. Inferred: Open the discussion forum to Tangata Whenua not only Iwi authorities.	519.05 Charles Rudd(Snr) - Support
11.08	Philip Taueki	No specific relief requested.	519.06 Charles Rudd(Snr) - Support
11.09	Philip Taueki	No specific relief requested.	519.07 Charles Rudd(Snr) - Support
11.10	Philip Taueki	No specific relief requested. Inferred: Delete method referring to an Iwi Consultation Guide.	519.08 Charles Rudd(Snr) - Support

P. Taueki lodged a number of submission points in relation to provisions in Chapter 1 concerned with the manner in which the Council liaises and consults in various ways with Tangata Whenua. These changes include the "Methods" the "Explanation and Principal Reasons" and "Issues".

The Hearings Panel considers it would be appropriate, except where the wording of the RMA specifically indicates otherwise, that the relationships between the Council and Tangata Whenua in Horowhenua makes reference to *Tangata Whenua*, rather than "Iwi authorities". This issue was discussed at some length in the previous Part 4.4 of these decisions. Consultation with any mandated Iwi "authority" would and should still occur where required by law under the RMA, but would not exclude consultation with other parties.

The Hearings Panel have identified those parts of Chapter 1 which are subject to submissions from Mr Taueki, and that for consistency has identified any other provisions make reference to iwi authorities with respect to consultation. The wording amendments are set out in detail in Appendix A to these decisions.

On the above basis, the Hearings Panel resolved that the submission points of Mr P. Taueki be accepted in part.

4.6 Methods for Issue 1.2 & Objective 1.2.1

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
117.31	New Zealand Historic Places Trust (NZHPT)	No specific relief requested. Inferred: Retain 1.2 Methods	

NZHPT have supported the 'method' of Council's future investigative cultural heritage survey and hope that all historic marae of the district can be recognised. The Hearings Panel were advised that undertaking a cultural landscape survey of the district is identified as a further work commitment as part of the District Plan Review. Although roundly criticised by for delay by a range of submitters, the features to be identified in the District Plan must await completion by the Council of a survey of cultural heritage sites. Whether or not this will include listing marae in the District Plan has yet to be resolved as part of the survey and with iwi and hapu. The Hearings Panel considered that the submission point be accepted in part, as the 'Methods' will be retained. However, the inclusion of historic marae in the District Plan is considered premature at this point. No changes to the wording of this method are considered necessary.

4.7 Methods for Issue 1.3 & Objective 1.3.1

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
117.03	New Zealand Historic Places Trust (NZHPT)	No specific relief requested.	

NZHPT supports in-part the method of using silent files, but claims that case law has determined that holding silent files could be *ultra vires* and that this method could be subject to challenge. The reporting officer commented that use of silent files for local wahi tapu sites is not something that has been utilised previously by this Council, although it has been used by other Councils. The reporting officer also commented that he was unaware of the case law referred to by the submitter, who did not attend the hearing to elaborate on the matter. The Hearings Panel does acknowledge that there is potential for difficulties if circumstances ever arose where an applicant was aggrieved that that their proposal might be declined on the basis of undisclosed information, or on the basis of material was not open to a submission process. However we note that the provision refers to a 'method' rather than a rule, and recognising the cultural sensitivities around the protection of significant sites, considered the adoption of silent files as a method was acceptable in these circumstances. The Hearings Panel resolved that the submission point be accepted in part to the extent that it supports the concept of silent files.

4.8 Anticipated Environmental Result 1(g)

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
67.03	Taiao Raukawa Environmental Resource Unit	Amend Anticipated Environmental Result 1(g) as follows: Greater public awareness of Tāngata Whenua and their customary rights and relationships with taonga, <u>including lands, coastlines, waterways, foothills and mountain ranges, etc.</u>	

Taiao Raukawa Environmental Resource Unit sought an amendment to 'Anticipated Environmental Result' 1(g) which reads:

“Greater public awareness of Tāngata Whenua and their customary rights and relationships with taonga”.

While supporting this provision in part, the submitter sought that the words “lands, coastlands, waterways, foothills and mountain ranges” be added to the text to provide a better understanding of what might form part of the customary rights and relationships Tangata Whenua have with their taonga. The reporting officer noted that whether intentionally or not, the submitter has used the phrase 'etc' to perhaps suggest that there might be other elements and to address this possibility in a more formal manner, suggested that the words “but not limited to” be added immediately prior to the additional text sought. The Hearings Panel supported this approach and the additional wording sought by the submitter, and recommended that it be accepted in part. Text changes are contained in Appendix A.

4.9 General Matters

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
11.00	Philip Taueki	No specific relief requested.	
11.11	Philip Taueki	No specific relief requested.	519.09 Charles Rudd(Snr) - Support
11.12	Philip Taueki	Amend Chapter 1 to remove all references to 'lwi authorities'.	519.10 Charles Rudd(Snr) - Support
60.03	Muaupoko Co-operative Society	No specific relief requested. Inferred: Delete Chapter 1 in its entirety.	519.27 Charles Rudd(Snr) - Support

The submissions have been addressed previously under Part 4.4 and 4.5 of these decisions, which primarily address concerns that the submitters have about consultation.

P.Taueki has in fact been supportive of a number of provisions in Chapter 1, notably the content of Policies 1.1.2 - 1.1.7. The primary areas of opposition relate to concerns that iwi authorities are effectively being promoted as a "one-stop shop" for consultation purposes, which Mr Taueki and others have strongly contested as discussed earlier in Part 4.4 these decisions. As a consequence of considering the content of these submissions, a significant number of changes have been made with reference to the consultation provisions within Chapter 1.

Submitters have also expressed concerns about the management of land use on the margins and in the wider catchment of Lake Horowhenua, and the inadequate protection of sensitive cultural sites in the District Plan. However as noted by the reporting officer, there is only limited indication in the submissions of the kind of text changes sought with respect to the text of the District Plan. We also note and agree with the reporting officer, that although there are undoubtedly improvements that could otherwise be made to the content of the District Plan with respect to *mauri* and the relationship between Tangata Whenua and their ancestral lands, the District Plan does address this issue far more explicitly than was the case under the Operative Plan. Objective 1.2.1. and Policy 1.2.2 both specifically seek that the Proposed Plan does recognise and provide for the relationship of Tangata Whenua and their culture and traditions (including mauri) with their ancestral lands coastal areas, waterways, heritage landscapes and cultural sites of significance, wahi tapu, wahi tupuna and other taonga. The Hearings Panel also accepts that the further work proposed to begin later this year on more comprehensively identifying heritage and cultural sites in the district has the potential to go some way towards addressing these concerns.

The Hearings Panel considers that submission points 11.00 and 11.11 from P. Taueki be rejected, but only on the basis that the amendments sought to the text of the District Plan by the submitter were not clear. However his submission point 11.12 and that of the Muaupoko Co-operative Society were accepted in part to the extent of the amendments described in parts 4.4 and 4.5 this decisions relating to the role of iwi authorities.

4.10 Rules 16.6.21(a) and 19.6.13(a) – Sites of Significance to Tangata Whenua

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
37.05	Homestead Group Limited	Delete Rule 16.6.21(a)	

Sub No.	Submitter Name	Decision Requested	Further Submission
38.00	Range View Ltd & Page	Delete Rule 19.6.13(a)	526.29 Truebridge Associates - Support
46.00	Vincero Holdings Ltd	Delete Rule 19.6.13(a)	

Homestead Group Limited oppose Rule 16.6.21(a), which along with Rule 19.6.13 (a) which is opposed by **Range View Ltd and Vincero Holdings Ltd**, states that:

"No activity or development shall lead to the modification, demolition or removal of any site of

significance to Maori where such site has been identified to the Council prior to the time that any activity or development is proposed".

These rules relate to the Industrial and Rural zones respectively. However we were advised that also applies in other zones (Rule 15.6.29, Rule 17.6.23 and Rule 20.6.20).

Mr B.Holmes gave evidence of behalf of Homestead Group Limited with respect to these rules, noting that case law has established that any qualifying criteria for permitted activities need to be "clearly specified and capable of objective attainment". Mr Holmes was concerned that the phrase "significance to Maori" was subjective and open to differing interpretation; that it would be difficult for a potential landowner to discern whether their activity requires consent, which in turn could compromise an ability to make reasonable use of land; and the fact that the District Plan does not identify sites of significance to Maori. In some respects, this submission raises similar issues to that touched on by NZHPT in Part 4.7 of these decisions.

The submitter's case is that the provisions under the Historic Places Act provide sufficient safeguards, as consent will be required under that legislation for sites known to have archaeological significance. However in his view, the rules added a significant degree of uncertainty with respect to future investment. By way of example, he illustrated a circumstance which might arise which would cause an applicant to "walk away" because of the uncertainties associated with whether the project actually needed consent, or could obtain consent.

The reporting officer commented that the "rule has essentially been carried over from the Operative Plan", although we observed that in itself does not reduce the extent to which the rule is open to challenge. Accepting that the wording of the rule has its shortcomings, the reporting officer noted that sites and areas of significance to tangata whenua will be incorporated into the District Plan, or may be identified through Iwi Management Plans.

The officer went on to comment that:

"Relying on the Historic Places Act 1993 (HPA) for the protection of sites of significance to Tangata Whenua is not considered effective in achieving the objective of protecting these sites. The HPA only protects archaeological sites (pre-1900) and has a different role and purpose than the RMA. Sites of significance to Tangata Whenua may not have any archaeological evidence. I also understand that from an Iwi perspective relying on the HPA is not always an approach favoured by Iwi as there is a sense that Iwi do not have an ability to participate in this process".

The reporting officer also considered that the "rule" was also consistent with Objective 1.3.1 and Policies 1.3.3 and 1.3.5. The Hearings Panel notes that these provisions don't authorise a rule of the nature subject to the submission, but only that sites of significance to Maori should not be disturbed or destroyed.

The Hearings Panel was aware through the hearings process that Maori were dissatisfied with the protection given to sites of cultural significance on the basis that NZHPT had given consent to sites to be disturbed previously without any involvement by iwi. They were also very dissatisfied that sites and areas of significance had not yet been identified in the District Plan. We are aware that the nature and extent of such identification (which we were told would be a priority work for Council after September 2013) could also in itself be contentious with respect to private property rights. However it is apparent that this issue is going to be contentious until such time that the identification of areas in sites is completed, which provides a degree of certainty to both landowners/developers on one hand, and local iwi on the other.

The Hearings Panel were nevertheless concerned about the subjective nature of this rule and the uncertainty of its application from the perspective of both potentially affected landowners and Tangata Whenua. Officers were requested to further consider the matter in light of legal advice, the result of which was that it was accepted that the rule in terms of its current wording would be *ultra vires*, but that this defect could be remedied in the following way:

"No activity or development shall lead to the modification, demolition or removal of shall modify, demolish, or remove any site of significance to Maori where such site has been identified to the Council and recorded by the Council in a register of sites prior to the time that any activity or development is proposed".

With some reservations, we accept that this rewording is an improvement on the existing rule provisions, and to the extent that it would provide a greater degree of certainty, is acceptable. Our view however has been significantly influenced by the fact that the Council staff have strongly emphasised that there is a Council commitment to commencing survey of heritage and culturally significant sites in the district before the end of 2013 with the specific aim of identifying such sites in the District Plan. In that context, the rewording of rule above is an adequate interim measure. We are in no doubt that the proper place for such sites to be identified is actually in the District Plan, as it is undesirable for potential landowner/developers to have to refer to documents outside the District Plan to determine compliance.

On this basis, we have resolved that the three submission points be accepted in part. This will require text changes to Rules 16.6.21 (a), and consequential amendments to the identical rule in other zones. This in turn raises the issue of scope with respect to changing the rule in other chapters, but the Hearings Panel considers that such an amendment would be within the scope of Clause 16(2) to the First Schedule to the RMA.

5.0 SECTION 32

- 5.1 The Hearings Panel were of the opinion that most of the matters raised through the hearing concerned the nature of the relationship between the Council and Tangata Whenua, rather than the regulatory efficiency and effectiveness of the objectives policies and rules in the District Plan.
- 5.2 P. Taueki and the Muaupoko Co-operative Society have across the range of their submission points, expressed concerns about (1) consultation issues and the role of the MTA and the Council; (2) the failure of the Council to identify and protect sites of cultural significance; (3) the failure of the Council to protect water bodies and Lake Horowhenua in particular, including from land use activities and treatment facilities adjacent to the lake.
- 5.3 Chapter 1, the subject of this hearing, primarily deals with the first of these matters. The Hearings Panel has made refinements to the consultation provisions which recognise a broader range of parties being involved in consultation issues, and to that extent the amended provisions are seen as more appropriate means of achieving the Purpose of the Act, and providing more effectively for input by Tangata Whenua.
- 5.4 With respect to the protection of sites having heritage and cultural significance, there has been significant criticism of delays in the identification and protection of such sites, both from Tangata Whenua and from other parties. As indicated in a separate Hearings Panel

decision relating to Historic Heritage, while the Hearings Panel has no direct authority to require that work on this task be undertaken (as this is operational decision of the Council), it has been indicated to us that the Council is expected to start work in September 2013. Until this work is done, the Council has made changes to the District Plan to provide interim protection in the meantime. However it is acknowledged that the most efficient and effective way of adequately addressing the protection of sites of historic and cultural significance is through a more comprehensive and detailed identification of sites, something which is not yet been fully achieved. This will inevitably involve some degree of regulatory control over the development of land within the district, which we expect will be potentially controversial, and will itself be subject to further assessment at the appropriate time under Section 32.

- 5.5 The protection of water quality in the district's water bodies is clearly the statutory responsibility of the Horizons Regional Council, and the Hearings Panel are satisfied that it would not be effective or efficient, or even within the powers of the District Council, to set up duplicate provisions to those of the Regional Council.
- 5.6 The submissions by the Homestead Group raised potential issues in terms of Section 32 in terms of whether a rule requiring consent for developments affecting cultural sites provided sufficient legal certainty. On this basis, it could be argued to have indeterminate application to land and might not be efficient or effective, because it could have the effect of requiring resource consents in situations where there may not be an adverse effect on a cultural site. The Hearings Panel continues to have some reservations about the nature of the amended rule, but consider that it is an appropriate response pending the forthcoming review of heritage and cultural sites in the district, which should enable the identification in plan form (and with greater certainty), those areas or sites having cultural and heritage significance.

6.0 DECISION

For all of the foregoing reasons we resolve the following:

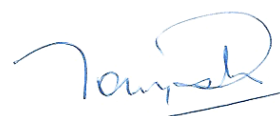
1. That pursuant to clause 10 of Schedule 1 to the Resource Management Act 1991 that the Horowhenua District Plan be amended as set out in Appendix A to this decision.
2. That for the reasons set out in the above report submissions and further submissions are accepted, accepted in part or rejected as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



Robert Nixon (Chair)



Cr Garry Good



Cr Tony Rush

Dated: 23 September 2013

APPENDIX A: Proposed Plan as amended by Hearing Decisions

The following amendments have been made to Chapter 1 "Matters of Importance to Tangata Whenua".

1. Amend the second paragraph of the Statement of Muaupoko as follows:

"Muaupoko have many traditional hapu. Those currently active are: ~~Ngati Pariri, Ngati Hine, Ngati Tamarangi, Ngati Whanokirangi, Ngati Te Ao, Te Ngarue and Punahau.~~

- Ngai te Ngarue
- Ngai te Ao
- Ngati Tamarangi
- Ngati Hine
- Ngati Pariri
- Ngati Whanokirangi
- Punahau."

2. Amend the fifth paragraph of the Statement of Muaupoko as follows:

~~"At the time of preparing this Proposed District Plan the Muaupoko Tribal Authority Incorporated was listed by Te Puni Kokiri under "Te Kotaha o nga Ropu Mangai Iwi/Maori" as an Iwi authority is the recognised Mandated Iwi Authority representing Muaupoko for the purposes of the RMA. The Muaupoko Tribal Authority encourages and invites consultation should people wish to know its views and obtain information regarding sites and areas of cultural significance to Muaupoko."~~

3. Amend the final paragraph of the Statement of Muaupoko as follows:

~~Please note that the Punahau (Horowhenua) Lake Bed and Hokio Stream includes specific land adjacent to them are owned by the Lake Horowhenua Trust.~~

The status of Lake Horowhenua and the Hokio Stream is described under the Reserves and Other Lands Disposal Act 1956 as follows:

"Notwithstanding anything to the contrary in any Act or rule of law, the bed of the lake, the islands therein, the dewatered area, and the strip of land 1 chain and with around the original margin of the lake (as more particularly secondly described in subsection (13)) are hereby declared to be and have always been owned by the Maori owners, and the said lake, islands, dewatered area, and strip of land are hereby vested in the trustees appointed by Order of the Maori Land Court dated 8 August 1951 in trust for the said Maori owners.

Notwithstanding anything to the contrary in any Act or rule of law, the bed of the Hokio Stream and the strip of land 1 chain in width along portion of the north bank of the said stream (being the land more particularly thirdly described in subsection (13)), excepting thereout such parts of the said bed of the stream as may have at any time been legally alienated or disposed of by the Maori owners or any of them, are hereby declared to be and have always been owned by the Maori owners, in the said bed of the stream and the said strip of land are hereby vested in the trustees appointed by Order of the Maori Land Court dated 8 August 1951 in trust for the said Maori owners".

This Lake is also a Muaupoko Fisheries Reserve and there are prohibitions associated with fishing in these areas. Muaupoko Tribal Authority encourages consultation with this Trust should people wish to know their views.

4. Amend the Statement of Ngāti Raukawa as follows:

Paragraph 1: Amend to read as “Ngāti Raukawa and affiliates (like Kauwhata (Feilding), Tukorehe (Kuku)...”

Paragraph 1: Include a new sentence at the end of Paragraph 1 as follows: “The legacies set down by ancestral Māori land tenure activities during Te Rauparaha and his allies' time for Ngāti Raukawa and affiliates, continue to this day.”

Paragraph 5: Include new bullet point to list (as first bullet point) as follows:

- Tuku Whenua - Gifting land; ...

Paragraph 6: Amend third sentence as follows: “Embedded cultural markers, whether urupā, burial grounds, cemeteries, wāhi tapu, pā sites, former papa kainga, wāhi tūpuna...”

Paragraph 6: Include new bullet point list of marae after second sentence as follows (listed from north to south):

- Te Au, Himatangi;
- Paranui, Himatangi;
- Motuiti, Himatangi;
- Whakawehi, Shannon;
- Kereru, Kōptāraoa;
- Matau, Kōptāraoa;
- Huia, Poroutawhao;
- Ngātokowaru; Hōkio
- Kikopiri, Muhunoa;
- Tukorehe, Kuku;
- Wehiwehi, Manakau.

5. Amend the Statement of Ngāti Raukawa to include the following text after paragraph 6:

“...natural systems in Horowhenua. In particular, Council needs to note that customary interests in certain areas such as Omarupapako, Round Bush Reserve will be referred back to Crown for further consideration, and if need be, for amendment of the Ngāti Apa legislation. The Ngāti Raukawa Treaty Claims team flag with Council that the Ngāti Apa claim will be challenged before the Waitangi Tribunal. Council need note too that Ngāti Raukawa and affiliates are determining their customary interests and mana tuku iho, exercised by Iwi, hapū and whanau as tangata whenua to certain areas of the marine and coastal region of Horowhenua. Whanau, hapū or Iwi groups have until March 2017 to seek customary marine title or claims to the common marine and coastal area. This can be done through specific negotiations with the Crown or through an application to the High Court.”

6. Amend Chapter 1 Introduction to Include a new heading above paragraph 3 on page 1-6 (below dissecting line) to read as follows “Statutory Duties and Responsibilities under the RMA”.

7. Amend the final paragraph of the Explanation and Principal Reasons for Objective 1.1.1 and Policies 1.1.2 - 1.1.7 (page 1-13) as follows:

"The RMA makes varying references to "Maori", "Tangata Whenua", and "Iwi Authorities" and "tribal Runanga". The Council recognises that, as individual resource management issues arise, it is important to have dialogue with the people who have the closest interest in the issue. ~~This may be an Iwi Authority but may also be an individual hapu.~~ The Council will, in accordance with the relevant provisions of the RMA, consult with Tangata Whenua ~~seek the guidance of the mandated Iwi Authorities~~ to understand the most appropriate point of contact for such dialogue, which may include Iwi or hapu. In the preparation and change of district plans it will undertake consultation nga hapu and nga Iwi, including with Iwi authorities (MIO's) in accordance with Clauses 3 and 3B of the First Schedule of the RMA, and also and to take into account identify any Iwi Management Plans recognised by Iwi Authorities and lodged with the Council, pursuant to section 74(2A) of the RMA".

8. Incorporate the following detailed amendments to Chapter 1 as follows;

- **Methods for Issue 1.1 and Objective 1.1.1 (District plan)**

Fourth bullet point - change the words "the survey should be undertaken in consultation with Iwi authorities and "....."

and "to discuss with each Iwi authority how sites...."

to read " *the survey should be undertaken in consultation with Tangata Whenua and*"

and "to discuss with Tangata Whenua how sites"

Fifth bullet point - change the words "..... to engage with the relevant Iwi authority early in the process, including making available to the Iwi authority a copy of the application"

to read "..... to engage with Tangata Whenua early in the process including making available a copy of the application"

- **Other Council Initiatives**

Second bullet point - change the words "..... Council will work through Iwi authorities to encourage"

to read ".....Council will work with Tangata Whenua to encourage.....".

Third bullet point - change the words "..... relationship agreements between Council and Iwi authorities."

to read "..... relationship agreements between Council and Tangata Whenua ".

(**Note:** no change required to the fourth bullet point, as section 33 RMA specifically refers to the transfer of powers to Iwi authorities)

Fifth bullet point - change the words "..... how the Council and Iwi authorities can effectively interact....."

to read "..... how the Council and Tangata Whenua can interact....."

Sixth bullet point - change the words "Council will work with Iwi authorities to develop....."

to read *"Council will work together with Tangata Whenua to develop....."*.

- **Objectives and Policies - Explanation and Principal Reasons**

Amend the words in the third paragraph *"..... Council will be largely dependent on Tangata Whenua, through Iwi authorities, identifying opportunities....."*

to read *"..... Council will be largely dependent on Tangata Whenua, identifying opportunities....."*

- **Methods to Issue 1.2 and Objective 1.2.1**

Other initiatives

First bullet point - amend the words *"The Council will continue to welcome engagement with Tangata Whenua, through Iwi authorities, about other methods....."*

to read *"The Council will continue to welcome engagement with Tangata Whenua about other methods....."*

Second bullet point - amend the words *".....and will work cooperatively with Iwi authorities to achieve....."*

to read *".....and will work cooperatively with Tangata Whenua to achieve....."*

Third bullet point - amend the words *"These procedures describe how the Council and Iwi authorities can effectively interact....."*

to read *" These procedures describe how the Council and Tangata Whenua can effectively interact....."*

Issue 1.3

Issue Discussion

Amend the words and the second paragraph *"The Council intends to work with Tangata Whenua, through Iwi authorities, to better understand....."*

to read *"The Council intends to work with Tangata Whenua, to better understand....."*

- **Methods for Issue 1.3 and Objective 1.3.1**

First bullet point - amend the words *"..... as requested by Iwi authorities"*

to read *"..... as requested by Tangata Whenua"*.

Second bullet point – amend the words *"..... to engage with the relevant Iwi authority early in the process....."*

to read *" to engage with Tangata Whenua early in the process....."*

Third bullet point - amend the words *"..... the Council will make available, on request or by prior arrangement, a copy of the application to the relevant Iwi authority,....."*

to read ".....the Council will make available, on request or by prior arrangement, a copy of the application to Tangata Whenua as relevant and appropriate ,....."

Fifth bullet point – amend the text of this bullet point "Council will work together with Iwi authorities to develop an Iwi Consultation Guide for consent applicants to assist in understanding the, who, how, why and when to consult with Iwi"

to read "Council will work together with Tangata Whenua to develop a Consultation Guide for consent applicants to assist in understanding the, who, how, why and when to consult with Iwi and hapu".

- **Other Initiatives**

First bullet point - amend the text of the second bullet point "The Council will engage with through Iwi authorities, and the owners of land....."

to read "The Council will engage with Tangata Whenua, and the owners of land....."

Second bullet point - amend the words "Council will together with Iwi authorities develop accidental discovery protocols....."

to read "Council will together with Tangata Whenua develop accidental discovery protocols....."

Third bullet point - "Council will work together with Iwi authorities to develop and agree....."

to read " Council will work together with Tangata Whenua to develop and agree....."

Amend the text in the final paragraph reading "Continued dialogue between the Council and Tangata Whenua, through Iwi authorities is considered to be....."

to read "Continued dialogue between the Council and Tangata Whenua, is considered to be....."

- **Methods for Issue 1.4 and Objective 1.4.1**

District Plan - Amend the text of the third bullet point stating "Council will work with Iwi authorities to investigate....."

to read "Council will work with Tangata Whenua to investigate....."

- **Other Council Initiatives**

Second bullet point - amend the text which states "..... through relationship agreements between Council and Iwi authorities"

to read "..... through relationship agreements between Council and Tangata Whenua"

Note; no change required to the first bullet point under "Other Council Initiatives", as the reference there to Iwi authorities is related to the preparation of Iwi Management Plans as required by section 74 of the Act.

- **Anticipated Environmental Results**

Amend subclause 1 (b) stating "..... with the Council holding silent files of wahi tapu, as requested by Iwi authorities"

to read "*..... with the Council holding silent files of wahi tapu, as requested by Tangata Whenua*"

9. Amend Anticipated Environmental Result 1(g) on page 1-22 as follows:

"Greater public awareness of Tāngata Whenua and their customary rights and relationships with taonga, including but not limited to lands, coastlines, waterways, foothills and mountain ranges."

10. Amend the wording of the following rules entitled "Sites of significance to Tangata Whenua";

15.6.29 (Residential Zone)

16.6.21 (Industrial Zone)

17.6.23 (Commercial Zone)

19.6.13 (Rural Zone)

20.6.20 (Open Space)

as follows:

"No activity or development shall ~~lead to the modification, demolition or removal of~~ modify, demolish or remove any sites of significance to Maori where such site has been identified to Council and recorded by the Council in a register of sites prior to the time that any activity or development is proposed".

APPENDIX B: Schedule of Decisions on Submission Points

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Hearing Panel Decision
11.01	519.00	Taueki Rudd	Support	Accept In-Part Accept In-Part
60.02		Muaupoko Co-operative Society		Accept In-Part
67.01		Taiao Raukawa Environmental Resource Unit		Accept
67.02		Taiao Raukawa Environmental Resource Unit		Accept
67.10		Taiao Raukawa Environmental Resource Unit		Accept
109.02		Rudd		Reject
109.03		Rudd		Accept
109.05		Rudd		Accept In-Part
83.00		Hood		Reject
11.02		Taueki		Accept
11.33		Taueki		Accept
11.34		Taueki		Accept
11.35		Taueki		Accept
11.36		Taueki		Accept
11.37		Taueki		Accept
11.03	519.01	Taueki Rudd	Support	Accept In-Part Accept In-Part
11.04	519.02	Taueki Rudd	Support	Accept In-Part Accept In-Part
11.05	519.03	Taueki Rudd	Support	Accept In-Part Accept In-Part
11.06	519.04	Taueki Rudd	Support	Accept In-Part Accept In-Part
11.07	519.05	Taueki Rudd	Support	Accept In-Part Accept In-Part

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Hearing Panel Decision
11.08	519.06	Taueki Rudd	Support	Accept In-Part Accept In-Part
11.09	519.07	Taueki Rudd	Support	Accept In-Part Accept In-Part
11.10	519.08	Taueki Rudd	Support	Accept In-Part Accept In-Part
117.31		New Zealand Historic Places Trust (NZHPT)		Accept In-Part
117.03		New Zealand Historic Places Trust (NZHPT)		Accept In-Part
67.03		Taiao Raukawa Environmental Resource Unit		Accept In-Part
11.00		Taueki		Reject
11.11	519.09	Taueki Rudd	Support	Reject Reject
11.12	519.10	Taueki Rudd	Support	Accept In-Part Accept In-Part
60.03	519.27	Muaupoko Co-operative Society Rudd	Support	Accept In-Part Accept In-Part
37.05		Homestead Group Limited		Accept In-Part
38.00	526.29	Range View Ltd & Page Truebridge Associates	Support	Accept In-Part Accept In-Part
46.00		Vincero Holdings Ltd		Accept In-Part

RESOURCE MANAGEMENT ACT 1991

PROPOSED HOROWHENUA DISTRICT PLAN

HEARING OF SUBMISSIONS

DECISION OF HEARING PANEL

TOPIC: Report on District Plan
Historic Heritage

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

HEARING DATE: 9th & 12th April and 28th May 2013

CONTENTS

1.0	INTRODUCTION	3
2.0	OFFICER'S REPORT	3
3.0	SUBMITTER APPEARANCES	4
4.0	ASSESSMENT OF SUBMISSIONS.....	4
4.1	Issue 13.3 Balancing Private Rights/Public Good	4
4.2	Policy 13.1.2	5
4.3	Policy 13.2.3	5
4.4	Policy 13.3.2	6
4.5	Policy 13.3.3	6
4.6	Methods for Issue 13.1 & Objective 13.1.1.....	6
4.7	Methods for Issue 13.3 & Objective 13.3.1.....	8
4.8	Chapter 13 General Matters.....	10
4.9	Rules 16.2(d), 16.3(e), 16.7.4 and 16.8.6.....	10
4.10	Rules 17.2(d), 17.3(e), 17.7.4 and 17.8	10
4.11	Rule 19.1(n).....	11
4.12	Rules 19.2(f), 19.3.4(a), 19.7.8 and 19.8.....	11
4.13	Rule 19.4.10	11
4.14	Rule 19.4.11(a).....	12
4.15	Rules 20.2(d), 20.3(e), 20.7.4 and 20.8.5.....	13
4.16	Schedule 2: Historic Heritage – Buildings, Structures & Sites	13
5.0	SECTION 32.....	14
APPENDIX A: PROPOSED DISTRICT PLAN AS AMENDED BY HEARING DECISIONS		16
APPENDIX B: SCHEDULE OF DECISIONS ON SUBMISSION POINTS		23

1.0 INTRODUCTION

- 1.1 We were appointed by the Horowhenua District Council to consider submissions on the Proposed District Plan relating to Historic Heritage.
- 1.2 A hearing into the submissions was held on 9th and 12th April and 28th May 2013. The hearing was closed on the 13th September 2013.

Abbreviations

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

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

2.0 OFFICER'S REPORT

- 2.1 We were provided with and reviewed the officer report prepared by Lynette Baish pursuant to s42A of the Act prior to the hearing commencing.
- 2.2 The officer's report identified three key issues raised in submissions, these being the identification of heritage resources, the protection of those resources, and establishing an appropriate balance between private property rights and the protection of heritage items.
- 2.3 During the course of the hearing, the officer noted that the Council still had considerable amount of work to do with respect to more accurately identifying heritage features throughout the district, and in particular cultural heritage sites of importance to Tangata Whenua. This exercise would follow from the work undertaken as part of the Horowhenua Historic Heritage Strategy 2012. She indicated that this work was expected to commence in September 2013, and there was considerable concern expressed by submitters with respect to the delays in having this work undertaken.
- 2.4 Turning to the regulatory provisions contained in the District Plan itself, the Reporting Officer noted that most of the submissions lodged had sought refinements and additions to the text of the Plan, rather than challenging the objectives and policies in principle, or the extent of regulatory intervention proposed either through the listings of heritage features themselves, or the plan provisions.
- 2.5 A small number of submissions had questioned whether compensation should be payable in situations where heritage listings were proposed.

2.6 Some of the key recommendations raised through the officer's report concluded the need to establish a collaborative working relationship between all parties involved in the forthcoming assessment of heritage within the district, the need to recognise that heritage may extend beyond cadastral boundaries, particularly with respect to cultural sites, and the inclusion of references to the ICOMOS charter. Other matters included the importance of education and information (including technical advice and possible rates relief and the Council) and some modest additions to the list of protected features.

3.0 SUBMITTER APPEARANCES

3.1 The following submitters made appearances at the hearing:

Dr Huhana Smith (Te Taiao Raukawa)

Ms Rosalie Huzziff

Mr Anthony Hunt, Foxton Historical Society

Ms Vivienne Taueki (heard separately 12 April 2013)

3.2 In addition, a written submission for presentation at the hearing was received from Federated Farmers.

4.0 ASSESSMENT OF SUBMISSIONS

4.1 Issue 13.3 Balancing Private Rights/Public Good

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
17.00	Penelope Brown	Retain the method for Issue 13.3 so that Council commit resources such as rates relief to encourage the management and protection of historic heritage buildings.	509.02 New Zealand Historic Places Trust (NZHPT) - Support
96.22	Federated Farmers of New Zealand	Retain Issue 13.3 as notified.	506.11 Ernslaw One Ltd - Support 509.04 New Zealand Historic Places Trust (NZHPT) - Support

These two submissions and further submissions supported the provisions in the District Plan as notified. It is noted however that under the "Methods" for Issue 13.3 and Objective 13.3.1 (first bullet point) that the Council "*may commit resources such as rates relief, grants, waive administration fees, low-interest loans or offer access to professional technical advice ...*". It is not a binding commitment to provide assistance of this nature upon demand, a matter which is discussed further under paragraph 4.7 below. However the Hearing Panel resolved that the submissions and further submissions be accepted on the basis that they support the subject provisions.

4.2 Policy 13.1.2

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
67.18	Taiao Raukawa Environmental Resource Unit	Amend Policy 13.1.2 to re-order the bullet points to place 'Māori cultural values' first, followed by 'Archaeological values' second, and then rest of values as currently listed.	

The Hearings Panel resolved that the submission be accepted. The text changes are set out in Appendix A.

4.3 Policy 13.2.3

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
117.11	New Zealand Historic Places Trust (NZHPT)	Include a new Policy in Chapter 13 as follows: <u>The assessment of heritage values in the district for listing will be guided by the ICOMOS Charter for Assessing Historic Heritage Values in the District.</u>	503.00 NZWEA – In-Part
101.65	Director-General of Conservation (DoC)	Amend Policy 13.2.3 by inserting " <u>adhering to ICOMOS principles</u> " to the policy in order to provide assistance to the reader when any maintenance, redecoration, repair etc. type work is required.	509.07 New Zealand Historic Places Trust (NZHPT)- In Part

The ICOMOS NZ Charter contains principles to guide the conservation of places of cultural heritage value in New Zealand, and states that its principles "*should be made an integral part of statutory or regulatory heritage management policies or plans, and should provide support for decision makers in statutory or regulatory processes.*" (p.1, ICOMOS NZ Charter 2010). The reporting officer considered that the ICOMOS NZ Charter would provide a valuable benchmark for assessing consent applications impacting on historic heritage resources and for appraising the appropriate methods for achieving the stated policy outcomes, as well as guiding the interpretation and application of the proposed heritage rules in each of the zones. However rather than amending the policies themselves, she considered that in terms of practical implementation, it would be preferable to add an assessment matter at the rules level. This assessment matter would be taken into account as part of any future listing of further heritage items. Clause 25 of the Rules contains various assessment criteria for assessing resource consents, with clause 25.7.16 containing criteria for assessing the effects on heritage buildings and structures, and on heritage sites respectively. The suggested wording in the officers report was "*the extent to which the conservation principles contained within the ICOMOS New Zealand Charter for the Conservation of Places of Cultural Heritage Value (2010) apply and, where applicable, have been substantially adhered to*". The Hearings Panel agreed that this would be an appropriate means of addressing the relief sought through these submissions, and accordingly adopted the proposed wording. It was resolved that the submissions and further submissions be accepted in part, with the text changes set out in Appendix A.

4.4 Policy 13.3.2

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
96.23	Federated Farmers of New Zealand	Retain Policy 13.3.2 as notified.	506.12 Ernslaw One Ltd - Support 509.05 New Zealand Historic Places Trust (NZHPT)- Support

The Hearings Panel resolved that the submission be accepted.

4.5 Policy 13.3.3

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
96.24	Federated Farmers of New Zealand	Retain Policy 13.3.3 as notified.	506.13 Ernslaw One Ltd - Support 509.06 New Zealand Historic Places Trust (NZHPT)- Support

The Hearings Panel resolved that the submission in support of the Policy be accepted.

4.6 Methods for Issue 13.1 & Objective 13.1.1

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
11.31	Philip Taueki	No specific relief requested.	
60.24	Muaupoko Co-operative Society	No specific relief requested.	
67.19	Taiao Raukawa Environmental Resource Unit	Amend 13.1 Method to include the following in bullet two: ...including sites <u>and interrelated areas</u> of significance to Māori <u>including wāhi tapu, wāhi tūpuna</u> and archaeological, within 12 months...	
117.29	New Zealand Historic Places Trust (NZHPT)	Include as part of Method 13.1 the Council has strategies in place to record and list archaeological sites and to adopt layers around archaeologically sensitive areas. The cultural heritage survey should also develop new objectives, policies and rules for significant archaeological sites in the district.	

P. Taueki and the Muaupoko Co-operative Society supported a 'thematic' approach to the identification of sites, which we understood from the evidence of Ms V. Taueki for the Muaupoko Cooperative Society meant the need to consider sites in the broader context rather than "dots on a map". However the submissions did not suggest specific wording changes to the proposed provision. Ms Taueki also expressed considerable frustration at the delay in identifying both

significant sites in areas of significance to Tangata Whenua, and requested that the Council should initiate a variation immediately to address this issue before further sites were compromised by development.

With respect to the NZHPT submission, we were advised by officers that following the completion of the Horowhenua Historic Heritage Strategy in 2012, it was proposed to begin work on a district wide assessment of heritage sites and buildings, including sites in areas of significance to Tangata Whenua. We note that the methods include a "commitment" to commence such a survey within 12 months of the review of the District Plan having been publicly notified - that is, in September 2013. It was noted that *"under the Strategy, the key partners in the survey and associated research/processes are identified as HDC, Iwi, NZHPT, DoC, Historical Societies, Historic Places Manawatu Horowhenua, QEII Trust"*. The Hearings Panel also consider that such an exercise need not exclude other parties that may express a wish to contribute to this process. It was considered appropriate that reference be made to the Horowhenua Historic Heritage Strategy under the "Methods" for Issue 13.1 and Objective 13.1.1, and to this extent the submission of the NZHPT is accepted in-part.

The reporting officer acknowledged the need for specific recognition of indigenous cultural heritage sites, including wāhi tapu, wāhi tūpuna, as well as interrelated areas of significance to Māori, while recognising that its indigenous sites may be tapu and have to be treated with an element of confidentiality. This in turn raises potential difficulties with respect to development on private land where a landowner may be unaware of the implications of development which might otherwise comply with the rules of the District Plan. However that issue can be addressed through an eventual plan change or variation where such sites might be identified or that provision is made in the plan to restrictions on development where such sites *may* exist. We accepted the reporting officer's recommendation that the method should make specific reference to wāhi tapu and wāhi tūpuna.

Both the Muaupoko Cooperative Society and Taiao Raukawa Environmental Resource Unit sought the broader recognition be given not only to identified sites of significance to tangata whenua, but in some cases the wider area, which may have cultural significance extending beyond archaeological remains. We understood that is what the Muaupoko referred to as a "thematic" approach, and what the Taiao Raukawa Environmental Resource Unit was referring to in terms of "interrelated areas" of significance to Maori. The methods accompanying this issue and objective cannot resolve these issues - that would have to be a matter to be dealt with through a subsequent statutory process. Nevertheless we agree that it is appropriate that the wording of the methods be changed to make reference to these interrelated areas.

The Hearings Panel were left in no doubt about the importance of proceeding with the district wide assessment of heritage features, particularly those relating to Tangata Whenua, but also other heritage features, as set out in the submission from the Foxton Historical Society. The Panel has no illusions about the potential for this process to become controversial, particularly with respect to cultural sites which may be located on private land. There will also need to be careful consideration given to the need for widespread consultation with all stakeholders, and involving affected landowners (including Maori land owners) having regard to sensitive locations such as Lake Horowhenua and its surrounds, and other sites of significance to Tangata Whenua. The Hearings Panel has no jurisdiction to determine the allocation of resources by the Council, but would like to express the view that the highest priority should be given to proceeding with the review of cultural and heritage sites throughout the district.

On this basis, the Hearings Panel resolved that the submission points of P.Taueki , the Muaupoko Cooperative Society, and the Taiao Raukawa Environmental Resource Unit be accepted. The text changes to the method are contained in Appendix A.

4.7 Methods for Issue 13.3 & Objective 13.3.1

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
67.04	Taiao Raukawa Environmental Resource Unit	Amend 13.3 Method to include the following in the final bullet: ...heritage buildings, <u>areas of interrelated significance</u> and sites...	503.01 NZWEA – In-Part
96.25	Federated Farmers of New Zealand	Amend Methods 13.3 as follows: Through the Long Term Plan and Annual Plan processes, Council may <u>will</u> commit resources such as rates relief, grants, waive administration fees, low interest loans or offer access to professional technical advice to encourage the management and protection of scheduled historic heritage buildings and sites. That a new bullet point be added the Council will have a cost-share system or a fund to provide landowners with financial assistance regarding their heritage sites.	
103.02	Colin Easton	Amend Chapter 13 through allowing for the setting up of a fund to compensate and assist those that have restrictions placed upon private property for the common good and also rates relief.	
106.00	Rosalie Huzziff	Amend Chapter 13 by allowing the establishment of a fund to compensate and assist those that have restrictions placed upon private property for the common good.	

Taiao Raukawa Environmental Resource Unit (67.04) submit that three of the five proposed methods identified under Objective 13.3 be amended – to recognise that historic heritage resources are not necessarily site specific, but may be located within an interrelated area of land that holds significance for an Iwi or hapu. This is similar to the principle raised by the submitter (and the Muaupoko Cooperative Society) with respect to the methods for Issue 13.1 and Objective 13.1.1.

The methods are currently worded to relate to “historic heritage buildings and sites”. As noted above in paragraph 1.6, we recognise that historic heritage is not simply comprised of buildings and monuments, but can extend to include places, sites and areas of cultural and historic significance. The officers report noted that there *“is not always a visible or tangible indication of the*

historic heritage values of a place – heritage does not necessarily manifest as a physical survival of the past, but instead can exist as a wide and varied mixture of collective memories/shared experiences retold through generations, or as an ascribed association to a place, site, village, town or landscape". Consistent with our previous findings we recommend that the submission be accepted by amending the methods to refer to "areas of interrelated significance". The text changes are contained in Appendix A.

Federated Farmers, C.Easton and R.Huzziff have identified the need for a fund to be set up to provide compensation and/or financial assistance to private landowners with responsibility for heritage resources on their land.

Ms Huzziff was critical of processes for listing buildings in situations where the heritage values have already been lost and where the financial implications for owners were disregarded, citing proposed listings by the Foxton Historical Society as an example. The issue raised through the submissions extends from a decision by Council to list a heritage building, to ongoing responsibility for its maintenance. Decisions to list buildings are subject to justification in terms of Section 32 of the RMA, and in situations where the reasonable use of land may be prevented, there are options under Section 85 of the RMA which could result in a heritage item being removed from heritage listing.

Most district schemes, including the Proposed Horowhenua District Plan, do not impose requirements to maintain heritage items. There is no statutory obligation on a district council to provide financial compensation for the listing of heritage buildings and the associated maintenance. However some council's do provide for a competitive fund whereby assistance can be provided, subject to an application procedure. The reporting officer stated that the Council has a range of mechanisms it has identified to assist land owners and heritage managers to meet their responsibilities. These include the provision of technical advice, the possibility of grant funding and/or low interest loans, as well as rates relief and the waiving of consent application fees. The latter two are directly apportioned from ratepayer contributions and hence represent a public contribution to the heritage resource.

Federated Farmers requested an amendment to the proposed method for Issue 13.3, whereby instead of stating Council *may* support heritage property owners, sought that it state that the Council *would* allocate resources through the Long Term and Annual Plan processes. The reporting officer noted that the allocation of budget funding through the Annual Plan and the Long Term Plan are political processes outside of the ambit of the District Plan and cannot be fettered by it. We agree, and conclude that the relief sought is outside the scope of what can be required under a district plan, quite apart from the fact that a "method" has no statutory force.

The officer's report proposed that the concept of a fund or cost-sharing system be further investigated as part of the work under the Horowhenua Historic Heritage Strategy 2012, specifically through the establishment of a heritage focus group to explore the use of non-regulatory methods and other voluntary mechanisms to incentivise the maintenance and protection of heritage resources. We accept this, and to that extent the Hearings Panel resolved that submission points 96.25, 103.02, 106.00 be accepted in-part, but that the current wording of the method remain unchanged.

4.8 Chapter 13 General Matters

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
117.05	New Zealand Historic Places Trust (NZHPT)	No specific relief requested. Inferred: Retain all objectives, policies and methods in Chapter 13.	
117.12	New Zealand Historic Places Trust (NZHPT)	Include cross referencing in Chapter 13 to the Heritage Strategy and include the Strategy action plans as methods.	

The Horowhenua District Heritage Strategy 2012 sets out a range of strategic goals in respect of historic heritage identification, protection/management, and public awareness-raising and details a comprehensive range of actions in order to achieve those goals. We consider that these goals are broadly consistent with Objectives 13.1.1, 13.2.1 and 13.3.1.

We consider that the addition of a cross reference as well as the inclusion of the Heritage Strategy would provide an appropriate linkage to the Strategy. It was resolved that the submission points be accepted and the proposed amendment making reference to the Strategy be incorporated within the Methods for Objectives 13.1, 13.2 and 13.3. The text changes are shown in Appendix A.

4.9 Rules 16.2(d), 16.3(e), 16.7.4 and 16.8.6

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
117.07	New Zealand Historic Places Trust (NZHPT)	No specific relief requested. Inferred: Retain Rules 16.2(d), 16.3(e), 16.7.4 and 16.8.6	

This submission, and others discussed under the following paragraphs below, supported the principle of earthquake strengthening of heritage buildings. Earthquake strengthening of any Group 2 listed building is proposed to be a controlled activity (16.2(d)), with matters of control (16.7.4) being the potential effects of earthquake strengthening work on the heritage values associated with the building. Earthquake strengthening of any Group 1 listed building in the Industrial zone is proposed to be a restricted discretionary activity (16.3(e)), with matters of discretion (16.8.6) being the potential effects of earthquake strengthening work on the heritage values of the building. The submission point in support was accepted.

4.10 Rules 17.2(d), 17.3(e), 17.7.4 and 17.8

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
117.08	New Zealand Historic Places Trust (NZHPT)	No specific relief requested. Inferred: Retain Rules 17.2(d), 17.3(e), 17.7.4 and 17.8.5	

This submission point in support for the Commercial zone provisions was accepted, consistent with our findings with respect to the same matter as discussed under our paragraph 4.9 above.

4.11 Rule 19.1(n)

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
101.68	Director-General of Conservation (DoC)	Amend Rule 19.1(n) by adding the following sentence; “(iii) Consider ICOMOS NZ Charter to guide <u>conservation work</u> ”, or to that effect.	509.01 New Zealand Historic Places Trust (NZHPT)- In-Part

We note that this provision sets the activity status of a rule in the Rural zone. DoC has made a similar submission (101.65) in respect of the policy under Issue 13.2 - see our paragraph 5.3 above. While it is understandable that the submitter would seek reference to the ICOMOS NZ Charter, DoC may have confused its application to a rule. If it were incorporated in a manner sought by DoC, it would make the status of the activity uncertain. We agree with the reporting officer that the appropriate place for such a specification would be under another rule within Chapter 19 where Council has the ability or the discretion to require it. Accordingly, the Hearings Panel resolved that this submission point be rejected.

4.12 Rules 19.2(f), 19.3.4(a), 19.7.8 and 19.8

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
117.09	New Zealand Historic Places Trust (NZHPT)	No specific relief requested. Inferred: Retain Rules 19.2(f), 19.3.4(a), 19.7.8 and 19.8.5	117.09

Consistent with our reasoning and conclusions set out in our paragraph 4.9 and 4.10 above, we have resolved that this submission point in support of the Rural Zone plan provisions be accepted.

4.13 Rule 19.4.10

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
101.69	Director-General of Conservation (DoC)	Amend Rule 19.4.10 by adding references so that in considering an application for resource consent under Rule 19.4.10 will have regard to the matters of assessment set out in Policies 3.4.2 -3.4.5.	

Rule 19.4.10 as part of Chapter 19.4 *Discretionary Activities* and identifies the types of activities in respect of heritage that have discretionary activity status. We agree with the submitter that an explicit reference to the rule could be helpful to users of the plan with respect to heritage matters, and in particular reference to the ICOMOS charter. The officer noted that further changes may be introduced to the Plan once guidance is produced as part of the work identified in the Horowhenua Historic Heritage Strategy 2012.

During the course of the hearing, the reporting officer introduced a modified and improved wording which better reflected the relief sought through submissions. Accordingly, the Hearings Panel resolved that the submission point be accepted in part and a cross reference be incorporated with the rule. The text changes are contained in Appendix A.

4.14 Rule 19.4.11(a)

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
96.31	Federated Farmers of New Zealand	Amend Rule 19.4.11(a) as follows: (a) Where a site is listed in Schedule 2 – Historic Heritage, the following are discretionary activities: (i) New building or the extension of the footprint of an existing building or structure on a site <u>the historic site</u> . (ii) Earthworks <u>on the historic site</u> . (iii) Subdivision of land <u>where the boundary is on the historic site</u> .	506.17 Ernslaw One Ltd - Support

The definition of site in Chapter 26 reads as follows:

“Site means an area of land comprised wholly of one (1) certificate of title; or the area of land contained within the allotment of 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.”

This submission brings up a potential dilemma with the application of the normal legal definition of "site" with that which might encompass a heritage feature. Rule 19.4.10 relates to buildings and structures, Rule 19.4.11 relates to any site listed in Schedule 2 *Historic Heritage*. The officer's report explained that Rule 19.4.11 is framed to capture historic heritage resources that occupy a broad spatial area, as opposed to being concentrated in the form of an object or physical structure. Such an area may or may not have easily identifiable boundaries. For example, a site may be significant for intangible associations ascribed to it, for instance by spiritual values held by tangata whenua. The difficulty for an applicant on a large (e.g. rural) property is that the works on a particular part of the site may have no effect on heritage values, but may trigger a need for consent. Similarly, it may be appropriate to protect the setting of the historic building, as well as the building itself.

This raises a difficult balancing issue between offering reasonable certainty to a landowner, while ensuring that heritage or cultural items are adequately protected. Legal descriptions of street addresses have in the past created significant difficulties, particularly where there are errors in the listing. In the case of broader "sites", some of the uncertainties associated with the application of the rules may be addressed following the completion of the proposed survey of heritage sites program to start in late 2013.

We have doubt that the proposed wording suggested by Federated Farmers will in fact provide the relief sought, in the absence of a definition of "historic site". We suspect that if the matter was subject to litigation, the "historic site" would ultimately have to be taken to mean the site as defined under the District Plan. The Hearings Panel considers that normally the heritage listing should

apply to the entire site (legally defined entity) but in situations involving larger properties, the listing could be accompanied by a plan and in an appendix identifying that part of the site which comprises the setting, or which is considered as having broader heritage significance. This however is a matter that cannot be resolved until a review of heritage sites is undertaken and the plan change or variation initiated.

The Hearings Panel resolved that the submission point be rejected, but noted that this submission point again reinforces the need to undertake and complete a variation relating to heritage and cultural sites, which provides a greater degree of accuracy and certainty for landowners.

4.15 Rules 20.2(d), 20.3(e), 20.7.4 and 20.8.5

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
117.10	New Zealand Historic Places Trust (NZHPT)	No specific relief requested. Inferred: Retain Rules 20.2(d), 20.3(e), 20.7.4 and 20.8.5.	

This submission point in support of the Open Space zone plan provisions relating to earthquake strengthening of heritage buildings is accepted, consistent with our earlier findings on the same point set out in our paragraphs 4.9 and 4.10 above.

4.16 Schedule 2: Historic Heritage – Buildings, Structures & Sites

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
34.00	Foxton Historical Society	Include the Foxton properties/locations from the list provided by the Historical Society within Schedule 2.	509.03 New Zealand Historic Places Trust (NZHPT) - Support
117.01	New Zealand Historic Places Trust (NZHPT)	Amend Schedule 2 to update terms Category I and II to read as Category 1 and 2.	
117.02	New Zealand Historic Places Trust (NZHPT)	Amend Schedule 2 to include a column titled 'New NZHPT Category' and the following sites will be identified using this column with the text ' Under consideration and will confirm at hearing' Duncan House, All Saints Church, Nye Homestead Sunnyside, Dwelling, Opiki Suspension Bridge, Tane Flaxmill remains.	
117.00	New Zealand Historic Places Trust (NZHPT)	Include the house located at 947 Koputaroa Road, Levin as a Category 2 registered historic place in Schedule 2.	

Schedule 2 contains details and property information in relation to those historic buildings, structures and sites that are determined to be worthy of protection under the Plan. The structure of the schedule has been modified to differentiate between historic heritage that is of local, regional and national significance.

The Foxton Historical Society sought the inclusion of 23 additional buildings in the township, which has a long historical association with early industry and transport in the region. The Society expressed considerable frustration with what they saw as slow progress assessing and listing heritage buildings, similar to the views echoed by the Muaupoko Cooperative Society with respect to Maori sites. (Refer to Part 4.6 above)

We can understand the frustration of the Society with the slow progress made, albeit that the Council has now prepared the Horowhenua Historic Heritage Strategy and proposes to commence a detailed assessment of heritage resources in the District in September 2013. We did however agree with the conclusions of the officer's report that it was important to consult with the affected owners of these properties before any listing of them was contemplated. We also consider that a professional assessment of the buildings proposed listing by qualified heritage consultant and/or NZHPT would also be required as part of any listing process. For these reasons it was resolved that the submission of the Foxton Historical Society and the further submission in support be rejected.

NZHPT (117.01) sought that the Trust's heritage categories be correctly labelled as "1" and "2" rather than "I" and "II". This is a minor technical correction, and the Hearings Panel resolved that it be accepted.

NZHPT (117.02) also sought that a number of heritage buildings subject to review through its registration process also be added to the listing in Schedule 2. However, consistent with the approach taken with the submission of the Foxton Historical Society, we agreed with the reporting officer that it would be more appropriate for the addition of these particular structures to form part of the district wide review of heritage features to begin in September 2013. We expect that this would ultimately lead to a variation or change to the District Plan to incorporate the necessary features once a comprehensive assessment of all relevant heritage features has been undertaken. For this reason, the Hearings Panel resolved that this particular submission point be rejected.

Finally, NZHPT (117.00) also requested that an additional site be incorporated into Schedule 2, in circumstances which are somewhat unusual. This relates to an existing Category 2 listed dwelling now located at 947 Koputaroa Road, that is currently not identified in Schedule 2. We were advised that the dwelling on this site was previously listed in the Operative Plan at 41 Bath Street, Levin, but in 2005 the building was relocated to its current location in Koputaroa Road. Relocating heritage buildings is generally discouraged in terms of the protection of heritage, and under the ICOMOS charter. However in some cases, protection of the building on its existing site is impracticable for range of reasons and the relocation is the only alternative to demolition. NZHPT are apparently satisfied that despite the building being relocated, it remains worthy of its heritage listing. It was also noted that no further submission was received regarding the inclusion of this dwelling in Schedule 2.

The Hearing Panel resolved that this submission be accepted.

The amendments to the Plan are contained in Appendix A.

5.0 SECTION 32

5.1 Section 32 requires an evaluation of whether the objective is the most appropriate way to achieve the purpose of the Act and whether, having regard to their efficiency and

effectiveness, the policies, rules and other methods are the most appropriate for achieving the objective. As we understand it the use of the term “most appropriate” in s.32(3) of the Act has a meaning similar to suitable rather than superior. As such, changes sought therefore only need to be preferable in resource management terms to the existing provisions in order to be the “most appropriate” way of satisfying the purpose of the Act.

- 5.2 None of the submissions made on the Proposed Plan involved adding additional objectives policies or rules, or making existing provisions more restrictive, and accordingly no changes were made to the plan provisions which have the effect of increasing their regulatory impact. This is yet another topic area where there is perhaps a surprising lack of opposition to the heritage listings proposed through the District Plan - and the primary opposition concerned the Council's alleged failure to greatly extend the potential number of listed heritage and cultural sites.
- 5.3 Submissions by Huzziff (106.00), Federated Farmers (96.22 and 96.25), Easton (103.02) and Brown (17.00) did seek a greater commitment by the Council to providing a commitment - effectively in the case of the Federated Farmers submission, a binding commitment - to funding and assistance to the owners of heritage buildings in various forms. The ability of the District Plan to contain such binding provisions was discussed under our paragraph 5.7 above. There were no challenges seeking the removal of objectives and policies, or submissions that the rules be made more liberal with respect to the demolition or alteration of heritage buildings, and the officers reports made no reference to any specific section 32 challenges made through submissions.

6.0 DECISION

For all of the foregoing reasons we resolve the following:

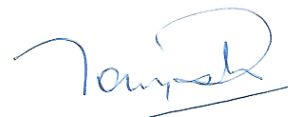
1. That pursuant to clause 10 of Schedule 1 to the Resource Management Act 1991 that the Horowhenua District Plan be amended as set out in Appendix A to this decision.
2. That for the reasons set out in the above report submissions and further submissions are accepted, accepted in part or rejected as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



Robert Nixon (Chair)



Cr Garry Good



Cr Tony Rush

Dated: 23 September 2013

APPENDIX A: Proposed District Plan as amended by Hearing Decisions

Amend Policy 13.1.2 to read:

Identify historic heritage that contributes to an understanding and appreciation of the culture and history of the District, the region and/or New Zealand that is significant in terms of one or more of the following values:

- Maori cultural values
- Archaeological values
- Historic values
- Social values
- Setting and group values
- Architectural values
- Scientific and technological values
- ~~Maori cultural values~~
- ~~Archaeological values~~

Amend Methods for Issue 13.1 & Objective 13.1.1 (under District Plan) to read:

- Commence, in line with the Horowhenua Historic Heritage Strategy 2012, a comprehensive survey of historic heritage in the District including sites of significance to Māori, wāhi tapu, wāhi tūpuna and archaeological sites, within 12 months of the date of the notification of the Proposed District Plan. The survey should apply a thematic approach to the identification of prospective historic heritage buildings, and sites and interrelated areas and be undertaken in consultation with Iwi, local historical societies, the NZHPT and potentially affected landowners.

Include new Method for Issue 13.1 and Objective 13.1.1 (under Other Council Initiatives)

- Implement the action plan outlined in the Horowhenua District Heritage Strategy 2012 in order to identify the heritage resources that are representative of the District's history of occupation and settlement.

Include new Method for Issue 13.2 and Objective 13.2.1 (under Other Council Initiatives)

- Implement the action plan outlined in the Horowhenua District Heritage Strategy 2012 in order to appropriately protect and manage heritage resources that have been identified as requiring protection or management.

Amend Methods for Issue 13.3 and Objective 13.3.1 (under Other Council Initiatives) to read:

- Through the Long Term Plan and Annual Plan processes, Council may commit resources such as rates relief, grants, waive administration fees, low interest loans or offer access to professional technical advice to encourage the management and protection of scheduled historic heritage buildings, sites and areas of interrelated significance ~~and sites~~.
- Provide guidance and advice to assist landowners to sensitively manage scheduled historic heritage buildings, sites and areas of interrelated significance ~~and sites~~.

- Liaise and collaborate with landowners, Iwi and other groups and agencies with interests in the management and protection of scheduled historic heritage buildings, sites and areas of interrelated significance ~~and sites~~.

Amend Methods for Issue 13.3 and Objective 13.3.1 (under Other Council Initiatives)

- Implement the actions identified in the ~~Council's Heritage Strategy~~ Horowhenua District Heritage Strategy 2012.

Amend Rule 19.4.10 to read:

Rule 19.4.10 is proposed to include an additional note as follows:

- Note: Any application made under 19.4.10 must demonstrate a regard for policies detailed under Chapter 13 of this Plan, in addition to assessment criteria under 25.7.16, the ICOMOS New Zealand Charter 2010 referenced in this Plan by association, and the Foxton and Shannon Town Centre Design Guide and the Foxton and Shannon Town Centre Heritage Overlay Areas within the Proposed District Planning Maps, in undertaking maintenance, conservation and other works on any heritage building, structure or site identified in Schedule 2 Historic Heritage.

Include new Assessment Criteria to 25.7.16(a) to read:

(xvi) The extent to which the conservation principles contained within the ICOMOS New Zealand Charter for the Conservation of Places of Cultural Heritage Value (2010) apply and, where applicable, have been substantially adhered to.

Include new Assessment Criteria to 25.7.16(b) to read:

(vii) The extent to which the conservation principles contained within the ICOMOS New Zealand Charter for the Conservation of Places of Cultural Heritage Value (2010) apply and, where applicable, have been substantially adhered to.

Amend Schedule 2 Historic Heritage – Buildings, Structures & Sites to read as follows:

Historic Heritage Group 1: Buildings and Structures (outstanding national and/or regional significance)

Map	Ref	Site Name	Location	Description	Legal Description	NZHPT Category
21A	H45	Shannon Railway Station	Plimmer Terrace, Shannon	Railway Station	Lot 1 DP 71514	† <u>1</u>
4	H55	Weraroa State Farm	Hokio Beach Road, Levin	Former Boys' Training Centre, State Farm, Experimental Farm	Section 1 SO 36420	† <u>1</u>

Historic Heritage Group 2: Buildings and Structures (regional and/or local significance)

Map	Ref	Site Name	Location	Description	Legal Description	NZHPT Category
14,15	H1	Duncan House	11A Ladys Mile Foxton	Restaurant	Lot 3 DP 9245	
14,15	H2	All Saints Church	53 Main Street, Foxton	Church	Pt Blk VIII Te Awahou	
4	H3	Nye Homestead Sunnyside	64 Newth Road, Foxton	Dwelling	Pt Rural Section 428 Foxton Township	
14,15	H4	Dwelling	31 Robinson Street, Foxton	Dwelling	Lot 2 DP 32194	
27B	H6	Dwelling	51 Bath Street, Levin	Dwelling	Lot 1 DP 65398	# <u>2</u>
28B	H7	St Johns Methodist Church	90 Cambridge Street, Levin	Church	Lot 2 DP 85699	# <u>2</u>
29	H8	Dwelling	29 Keepa Street, Levin	Dwelling	Lot 18 DP 2115	# <u>2</u>
27	H9	Dwelling	31 Keepa Street, Levin	Dwelling	Lot 20 DP 2115	# <u>2</u>
28B	H10	Thompson House	4 Kent Street, Levin	Cultural Centre	Lots 1 & 2 DP 45727 Sections 3, 5 Blk XVIII Town of Levin	# <u>2</u>
27A	H11	Former Bank of Australia	24 Queen Street, Levin	Commercial Building	Pt Section 12 Blk IX Township of Levin	# <u>2</u>
25	H13	Dwelling	8 Roslyn Road, Levin	Dwelling	Lot 2 DP 66276	# <u>2</u>
27	H14	Dwelling	1 Victoria Street, Levin	Dwelling	Pt Lots 1 & 2 DP 2142	# <u>2</u>
27A	H15	Horowhenua College Main Building	Weraroa Road, Levin	Secondary School	Section 87 Pt Sections 6 & 7 DP 1656	# <u>2</u>
27A	H17	Walkerley Homestead	120A Weraroa Road, Levin	Dwelling	Pt Lot 1 DP 16531 & Pt Section 20 Town of Levin SO 12912	# <u>2</u>
28B	H18	Dwelling	94 Winchester Street, Levin	Dwelling	Lot 1 DP 67353	# <u>2</u>
28	H19	Dwelling (Naumai)	1 Winslow Place, Levin	Dwelling	Lot 1 DP 67637	# <u>2</u>
37	H20	War Memorial Sarcophagus	Honi Taipua Street, Manakau	Memorial	Rly I.D. 56166 Land Plan 2982	# <u>2</u>
37	H21	Former Manakau Post Office	Honi Taipua Street, Manakau	Part Dwelling	Lot 2 DP 81871	# <u>2</u>

37	H22	Manakau School	Mokena Kohere Street, Manakau	Primary School	Lots 32-37 DP 420 Manakau Township	# <u>2</u>
37	H23	St Andrews Church	Mokena Kohere Street, Manakau	Church	Section 38 Town of Manakau	# <u>2</u>
37	H25	Former Methodist Church	State Highway 1, Manakau	Dwelling/Craft shop	Pt Lot 15 DP 415	# <u>2</u>
22	H26	Mangahao Hydro Electric Power Station	Mangahao Road, Mangahao	Power Generation Station and Museum	Sections 11, 12 & 17 Pt Sections 1, 6, 8, 10 & 11 DP 457	# <u>2</u>
22	H27	House No 12	12 Blackwood Drive, Mangaore Village	Dwelling	Lot 12 DP 71908	# <u>2</u>
22	H28	1 Hay Street Mangaore	1 Hay Street Mangaore	Dwelling	Lot 1 DP 71906	# <u>2</u>
22	H29	House	2 Hay Street, Mangaore	Dwelling	Lot 2 DP 71906	# <u>2</u>
22	H30	Staff Hostel	3 Hay Street, Mangaore	Dwelling	Lot 3 DP 71906 Lots 19, 31, 34 & 44 DP 71908, Pt Lot 3 DP 178	# <u>2</u>
22	H31	Dwelling	17 Petticoat Lane, Mangaore Village	Dwelling	Lot 17 DP 71908	# <u>2</u>
22	H32	Dwelling	18 Petticoat Lane, Mangaore	Dwelling	Lot 18 DP 71908	# <u>2</u>
34,35	H33	St John the Baptist Church	Muhunoa East Road, Levin	Church	Pt Section 6 Town of Ohau (SO 12978)	# <u>2</u>
7	H34	Old Kuku Dairy Factory	State Highway 1, Kuku	Tui Trading Co Shop	Lot 4 DP 73189	# <u>2</u>
2	H35	Opiki Suspension Bridge	Rangitane Road near State Highway 56	Disused Bridge		# <u>2</u>
2	H36	Tane Flaxmill remains	Rangitane Road, Opiki	Mill remains	Pt Lot 1 DP 9314	
2	H37	Akers Homestead	State Highway 56, Opiki	Dwelling	Pt Lot 1 DP 10283	
2	H37	Akers Homestead	State Highway 56, Opiki	Woolshed	Pt Lot 1 DP 10283	
21A	H38	Club Hotel	2 Ballance Street, Shannon	Stables and Hotel	Sections 271, 272, 273 & 274, DP 368	# <u>2</u> (stables only)
21A	H39	Dwelling	55 Bryce Street, Shannon	Dwelling	Section 363 DP 368	# <u>2</u>

21A	H40	Dwelling	57 Bryce Street, Shannon	Dwelling	Section 364 DP 368	# <u>2</u>
21A	H41	Albion Hotel	2 Grey Street, Shannon	Hotel	Section 188A DP 368	# <u>2</u>
21A	H42	Former Shannon Police Station	17 Nathan Terrace, Shannon	Dwelling	Section 325 DP 368	# <u>2</u>
21A	H43	Percy Nation Boer War Memorial	Plimmer Terrace, Shannon	Memorial	Lot 1 DP 71514	# <u>2</u>
21A	H44	WW1/WW2 War Memorial	Plimmer Terrace, Shannon	Memorial	Lot 1 DP 71514	# <u>2</u>
21A	H46	Former Bank of New Zealand	76 Plimmer Terrace, Shannon	Disused Bank with first floor residential	Pt Section 194 DP 368	# <u>2</u>
5	H47	Miranui Flaxmill remains	State Highway 57, Shannon	Mill remains	Lot 1 DP 13248, Lot 1 DP 30532, Pt Lot 1 DP 40776	
21A	H48	Former Shannon Post Office	Stout Street/Plimmer Terrace, Shannon	Commercial Building and dwelling	Lot 1 DP 66855	# <u>2</u>
21A	H49	Church of the Venerable Bede	34 Stout Street, Shannon	Church	Sections 217 & 218 DP 368	# <u>2</u>
21A	H50	Venerable Bede Church Hall	34 Stout Street, Shannon	Church Hall	Sections 217 & 218, DP 368	# <u>2</u>
21	H51	Dwelling	56 Stout Street, Shannon	Dwelling	Lot 2 DP 43058	# <u>2</u>
21	H52	Dwelling	64 Stout Street, Shannon	Dwelling	Pt Section 144, 145 DP 369	# <u>2</u>

Include a new entry to Historic Heritage Group 2: Buildings and Structures (regional and/or local significance) to read:

<u>4</u>	<u>H56</u>	<u>Dwelling</u>	<u>947 Koputoroa Road</u>	<u>Dwelling</u>	<u>Lot 1 DP 57695</u>	<u>2</u>
----------	------------	-----------------	---------------------------	-----------------	-----------------------	----------

Historic Heritage Sites (sites and areas that are of national, regional and/or local significance)

Map	Ref	Site Name	Location	Description	Legal Description	NZHPT Category
19	H53	Hydrabad (1865 – 1878) Wreck Site	Waitarere/Hokio Beach (650 metres south of the beach access track at the end of Hydrabad Drive)	Ship Wreck	Grid Reference: NZTM E1785420 N5507343	# <u>2</u>
1	H54	Foxton Moa Hunter Midden	Wylie Road, Foxton	Midden/Oven	Pt Lot 4 DP 60293	# <u>2</u>

Amend Planning Map 4 as attached to show new Heritage Feature H56.

LEGEND
ZONES

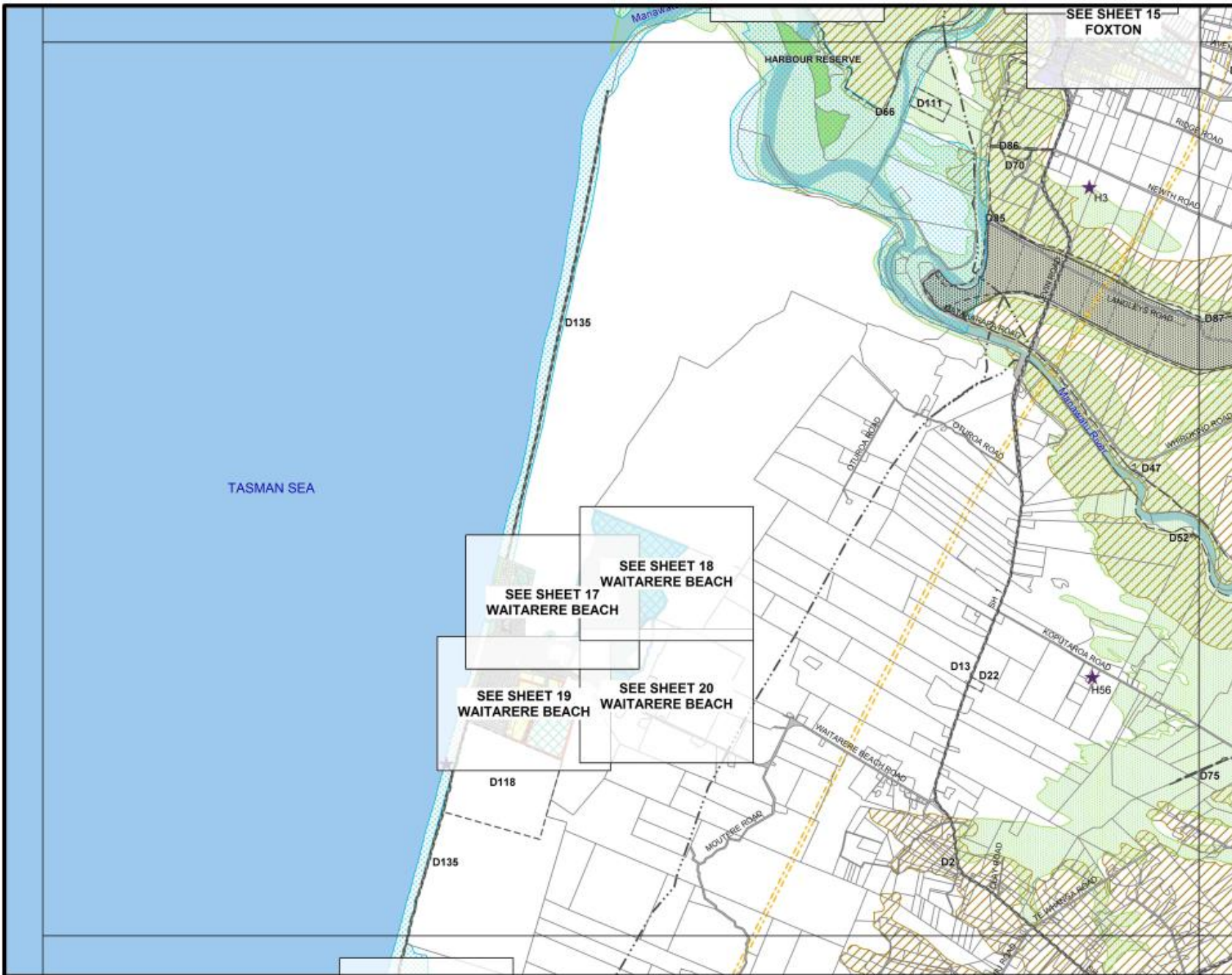
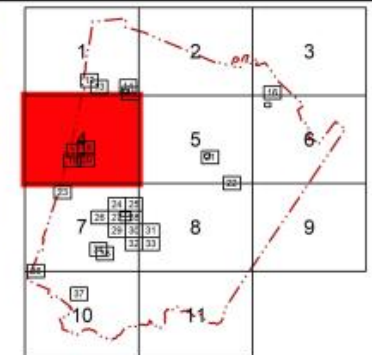
- Commercial Zone
- Industrial Zone
- Residential Zone
- Rural Zone
- Greenbelt Residential Zone
- Open Space Zone
- Residential Deferred Zone
- Greenbelt Residential Deferred Zone

OVERLAYS

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



SEE SHEET 15
FOXTON

SEE SHEET 18
WAITARERE BEACH

SEE SHEET 17
WAITARERE BEACH

SEE SHEET 19
WAITARERE BEACH

SEE SHEET 20
WAITARERE BEACH

Scale 1 : 50,000

HOROWHENUA DISTRICT PLAN
RURAL

Planning Map 4

APPENDIX B: Schedule of Decisions on Submission Points

Sub. No	Further Sub. No.	Submitter Name	Further Submitter	Decision
17.00	509.02	Penelope Brown New Zealand Historic Places Trust (NZHPT)	Support	Accept Accept
96.22	506.11 509.04	Federated Farmers of New Zealand Ernslaw One Ltd New Zealand Historic Places Trust (NZHPT)	Support Support Support	Accept Accept Accept
67.18		Taiao Raukawa Environmental Resource Unit		Accept
117.11	503.00	New Zealand Historic Places Trust (NZHPT) NZWEA	Support In-Part	Accept In-Part Accept In-Part
101.65	509.07	Director General of Conservation (DoC) New Zealand Historic Places Trust (NZHPT)	Support In-Part	Accept In-Part Accept In-Part
96.23	506.12 509.05	Federated Farmers Ernslaw One Ltd New Zealand Historic Places Trust (NZHPT)	Support Support	Accept Accept Accept
96.24	506.13 509.06	Federated Farmers of New Zealand Ernslaw One Ltd New Zealand Historic Places Trust (NZHPT)	Support Support Support	Accept Accept Accept
11.31		Philip Taueki		Accept
60.24		Muaupoko Co-operative Society		Accept
67.19		Taiao Raukawa Environmental Resource Unit		Accept
117.29		New Zealand Historic Places Trust (NZHPT)		Accept In-Part
67.04	503.01	Taiao Raukawa Environmental Resource Unit NZWEA	Support In-Part	Accept Accept In-Part
96.25		Federated Farmers of New Zealand		Accept In-Part
103.02		Colin Easton		Accept In-Part
106.00		Rosalie Huzziff		Accept In-Part
117.05		New Zealand Historic Places Trust (NZHPT)		Accept
117.12		New Zealand Historic Places Trust (NZHPT)		Accept
117.07		New Zealand Historic Places Trust (NZHPT)		Accept

117.08		New Zealand Historic Places Trust (NZHPT)		Accept
101.68	509.01	Director-General of Conservation (DoC) New Zealand Historic Places Trust (NZHPT)	Support In-Part	Reject Reject
117.09		New Zealand Historic Places Trust (NZHPT)		Accept
101.69		Director-General of Conservation (DoC)		Accept In-Part
96.31	506.17	Federated Farmers of New Zealand Ernslaw One Ltd	Support	Reject Reject
117.10		New Zealand Historic Places Trust (NZHPT)		Accept
34.00	509.03	Foxton Historical Society New Zealand Historic Places Trust (NZHPT)	Support	Reject Reject
117.01		New Zealand Historic Places Trust (NZHPT)		Accept
117.02		New Zealand Historic Places Trust (NZHPT)		Reject
117.00		New Zealand Historic Places Trust (NZHPT)		Accept

RESOURCE MANAGEMENT ACT 1991

PROPOSED HOROWHENUA DISTRICT PLAN

HEARING OF SUBMISSIONS

DECISION OF HEARING PANEL

TOPIC: Report on District Plan
Open Space & Access to Water Bodies and
Surface Water

HEARING PANEL: Robert Nixon (Chair)
Cr Leigh McMeeken
Cr Garry Good

HEARING DATE: 10th April and 28th May 2013

CONTENTS

1.0	INTRODUCTION.....	1
2.0	OFFICER'S REPORT	1
3.0	SUBMITTER APPEARANCES.....	2
4.0	EVALUATION	3
4.1	Chapter 4 Introduction.....	3
4.2	Issue (4.2) Access to Water Bodies.....	6
4.3	Objective 4.1.1 Open Space Zone.....	7
4.4	Policies 4.1.3 – 4.1.7	8
4.5	Objective 4.2.1 Public Access to Water Bodies	10
4.6	Policies 4.2.2 – 4.2.7, Explanation & Principal Reasons and Methods.....	11
4.7	General Matters Raised in Submissions.....	17
4.8	Chapter 20 Open Space Zone Rules 20.1– 20.4	20
4.9	Rule 20.6 Permitted Activity Conditions.....	22
4.10	Rule 20.7 Matters of Control and Conditions for Controlled Activities	32
4.11	Rules 20.8 Matters of Discretion and Conditions for Restricted Discretionary Activities...	33
4.12	General Matters Raised in Submissions on the Open Space Zone Provisions	34
4.13	Chapter 24 Rules Subdivision and Development Esplanade Reserves/Strips (Rule 24.2.5)	36
4.14	Rule 24.2.6 Subdivision and Development Access Strips.....	38
4.15	Chapter 11 – Water and Surface of Water, 11.1 Issue Discussion	38
4.16	11.1.2 Policy and Methods	39
4.17	Rule 19.6.4 (Rural Zone) Permitted Activity Standards - Setbacks from Priority Water Bodies.....	40
4.18	Rule 19.6.28 (Rural Zone) Permitted Activity Standards - Activities on the Surface of the Water	40
4.19	Schedule 12 – Priority Water Bodies	41
5.0	SECTION 32	43
6.0	DECISION.....	44
	APPENDIX A: PROPOSED PLAN AS AMENDED BY HEARING DECISIONS.....	45
	APPENDIX B: SCHEDULE OF DECISIONS ON SUBMISSION POINTS	65

1.0 INTRODUCTION

- 1.1 We were appointed by the Horowhenua District Council to consider submissions on the Proposed District Plan relating to the Open Space Zone and Access to Water Bodies and Surface of Water.
- 1.2 A hearing into the submissions was held on 10 April 2013. The hearing was closed on the 13 September 2013.

Abbreviations

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

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

2.0 OFFICER'S REPORT

- 2.1 We were provided with and reviewed the officer report prepared by Ms Claire Price on behalf of the Horowhenua District Council (HDC), pursuant to s42A of the Act prior to the hearing commencing. Her evidence addressed submissions on Chapters 4 and 11 of the Proposed Plan and rules in Chapter 20.
- 2.2 The Officer's report recommended that the policy framework for the Open Space Zone, and those relating to access to water bodies be retained largely unchanged. The only amendments suggested to improve reference within the plan to priority water bodies are set out in Schedule 12 and to ensure all values (cultural, heritage, conservation and recreation) inherent in water bodies were reflected in the policy framework. She considered that the submission seeking to manage light spill of the night sky be addressed through assessment criteria and that the rules relating to relocated buildings as a controlled activity be retained.
- 2.3 She recommended that the permitted activities rule be amended to provide for some conservation erosion protection and flood protection works undertaken by the Horizons Regional Council.
- 2.4 She recommended partial acceptance of submissions from New Zealand Defence Force relating to temporary military training exercises, but sought the retention of plan provisions relating to the night-time use of explosives and small arms, with particular reference to management of noise.
- 2.5 A minor amendment was proposed to address protection of sight distances at railway level crossings.

3.0 SUBMITTER APPEARANCES

The following submitters made appearances at the hearing:

- R.H. and M.A. Hood
- Rob Owen, New Zealand Defence Force
- Malcolm Hunt, Acoustic Consultant, for New Zealand Defence Force
- Emily Grace, Planning Consultant, for New Zealand Defence Force
- Penelope Tucker, Horizons Regional Council
- Allen Little, Michael White and Peter Shelton, Horowhenua Astronomical Society
- Sophie Campbell
- Charles Rudd

Philip Taueki (was heard at a separate hearing held 28 May and heard by all members of the District Plan Review Hearing Panel))

(A written statement was submitted on behalf of Todd Energy Ltd and KCE Mangahao Limited by Ms Lorelle Barry, planning consultant and Dr Huhana Smith Chairperson of Taiao Raukawa Environmental Resource Unit submitted a written presentation of her submission due to being unwell on the day of the Hearing)

4.0 EVALUATION

4.1 Chapter 4 Introduction

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
11.18	Philip Taueki	Include provisions restricting all development within the vicinity of Lake Horowhenua to prevent further contamination of this taonga.	511.04 HDC (Community Assets Department) - In-Part 519.13 Charles Rudd (Snr) - Support 527.00 Director-General of the Department of Conservation (DoC) - Support
11.19	Philip Taueki	No specific relief sought. Inferred: Amend Chapter 4 Introduction to clarify the ownership of Lake Horowhenua and restrict rather than provide access to and around the lake.	519.14 Charles Rudd (Snr) – Support
60.12	Muaupoko Co-operative Society	Include provisions restricting all development within the vicinity of Lake Horowhenua to prevent further contamination of this taonga.	519.31 Charles Rudd(Snr) - Support
60.13	Muaupoko Co-operative Society	No specific relief requested. Inferred: Amend Chapter 4 Introduction to clarify the ownership of Lake Horowhenua and restrict rather than provide access to and around the lake.	519.32 Charles Rudd(Snr) - Support

P.Taueki and the Muaupoko Co-operative Society have sought that the District Plan be amended to manage contaminants entering Lake Horowhenua, including restricting all development within the vicinity of Lake Horowhenua to protect water quality. The Hearings Panel is aware that historically there were discharges to the lake which adversely affected water quality and cultural values. In response to this, the Council have moved to a system of land-based treatment.

However it appears that the submitters have little faith in this alternative means of treatment. However engineering measures such as primary treatment and discharge to land rather than directly to receiving water, have not only been adopted at Lake Horowhenua, but extensively elsewhere in the country. This approach for the treatment of effluent and has replaced 'traditional' engineering solutions, which simply directed discharges of effluent and stormwater to the nearest water body. It is widely accepted in engineering terms as an effective means of avoiding contamination of water bodies, particularly in conjunction with primary treatment. It is acknowledged that some stormwater is still discharged to the lake. However the Council is committed to working in partnership with the Trustees, Domain Board, the Department of Conservation and the Horizons Regional Council to further address water quality issues.

We understand that there have been no discharges of effluent to Lake Horowhenua in recent years, and no further discharges to the lake are expected in the future. While the physical treatment of effluent is a responsibility of the District Council, the power to set standards and

impose conditions with respect to discharges to land and water under the RMA fall under the jurisdiction of the Horizons Regional Council. It is that body which sets standards relating to water quality, and if these are not met, can take the necessary enforcement action. Similarly, the regional plan also addresses standards required with respect to other effects of land use, such as stormwater disposal or the effects of land use practices on water quality. Matters relating an extension to the land-based system of effluent treatment are addressed in a separate decision on "Designations".

Mr Taueki's submission points have been made on the "Introduction" section of the District Plan, whereas the relief he seeks would have to be achieved through a more detailed policy, zoning and rules framework which would inevitably affect many other members of the community. The relief sought by the submitters would have major ramifications for thousands of households in the district. As already noted, a responsibility for the management of discharges to water is set by legislation at the Regional Council level - that of the Horizons Regional Council through its One Plan. The far reaching relief sought by the submitters cannot be given effect to through this submission, even if it could be justified, and for that reason is rejected.

A second distinct issue raised by P.Taueki and the Muaupoko Co-operative Society concerns public access around Lake Horowhenua. This prospect is opposed on the grounds that it is Maori freehold land, and there are sites of cultural significance around the lake margin. In his statement of submission, Mr Taueki stated *"there is no reference to the sites of cultural significance on the periphery of Lake Horowhenua, Lake Papaitanga and other water bodies that would preclude public access without causing cultural offence"*. He also stated that *"the provision to require esplanade reserves or strips along the coast and identified rivers, lakes and streams that are considered of significant value in the District is a complete repudiation of the values espoused Chapter One relating to Tangata Whenua"*.

Schedule 12 of the District Plan as notified identifies priority water bodies where it is anticipated that upon subdivision, land would be taken in the form of esplanade reserves or esplanade strips, in accordance with the provisions contained in Chapter 4 of the District Plan which contains objectives and policies concerning public access to water bodies. These provisions are in turn linked to Rule 24.2.5, which sets out requirements for esplanade reserves and esplanade strips, based on the classification of the water body in Schedule 12. In the case of Lake Horowhenua, it is classified as a "Group 1" priority water body on the grounds of natural, ecological, recreational/access and cultural values.

The taking of land by Councils upon subdivision is sometimes opposed by landowners in various parts of the country on philosophical grounds, usually in terms of issues of compensation and privacy. In this case of the esplanade provisions contained within the Horowhenua District Plan, not only have P. Taueki and the Muaupoko Cooperative Society raised public access as a concern, but it has also been raised by some members of the farming community as is discussed later in this decision (refer the discussion on the Hood's submission in Part 4.6 of this decision). The *reasons* for opposition from these parties are quite different, but both challenge the principle of taking land upon subdivision to provide public access along water bodies, whether it be Maori land in freehold or any other tenure, or other private land.

However there is a very important point of difference with respect to Lake Horowhenua which supports Mr Taueki's position. Unlike the situation adjacent to most water bodies in the district, private land does not directly adjoin Lake Horowhenua, because surrounding the lake is a "one chain strip" of land in Maori ownership. Section 230 (3) refers to the taking of an esplanade reserve

"along the bank of any river or along the margin of any lake....". Any subdivision of private land *outside* the one chain strip would be a subdivision of land which "would not be along" the margin of Lake Horowhenua. Consequently, there would appear to be no basis for acquiring an esplanade reserve or strip adjacent to Lake Horowhenua. If subdivision were to occur, it would require the subdivision of the one chain strip immediately adjacent to the lake margins in Maori ownership, which given its status and shape would seem to be quite unlikely, and we have no evidence that the Maori owners have expressed a wish to undertake any such subdivision in the future.

The Hearings Panel were only too well aware of the controversy surrounding the lake and its margins, and that with the passage of time there would be further developments relating to the lake, its management, the enabling or restricting of activities on and adjacent to the lake, and future restoration work. A proposed variation for identifying sites of cultural significance would also be highly relevant to this process.

With respect to the Hokio Stream which drains the lake, we understand that there is some general land that directly adjoins this stream on the southern side, with the "one chain strip" extending along its northern side. Part (but not all) of Hokio Stream is parallel to Hokio Beach Road and all of it is reasonably close to the road, which limits the utility of any potential esplanade reserve. Given the need for further consultation on Lake Horowhenua and its surrounds, the potentially limited utility of an esplanade reserve along Hokio Stream, and the close association between the lake and the stream itself, it was concluded that the issue of an esplanade reserve provisions in the District Plan needed to take account of both bodies of water concurrently. This waterway is categorised under Schedule 12 of the District Plan as a "Group 2" priority water body, based on its natural, ecological, recreational/access, and cultural values.

Accordingly, the Hearings Panel concluded that provision for taking an esplanade reserve around Lake Horowhenua should be removed, as it was not satisfied that when having regard to the one chain strip in Maori ownership, that the development of an esplanade reserve is either necessary or feasible in the context of this water body. A similar conclusion was reached with respect to the Hokio Stream. Accordingly it was resolved that submission points 11.19 (P. Taueki) and 60.13 (Muaupoko Cooperative Society) be accepted in part to the extent that the specification that an esplanade reserve be taken adjacent to Lake Horowhenua be removed. The Hearings Panel considered that it would not be appropriate to remove these water bodies from Schedule 12 to the District Plan, as they are significant water bodies in the context of Horowhenua District. Instead, it was considered it would be more appropriate to exclude the application of esplanade provisions adjoining Lake Horowhenua and the Hokio Stream under Rule 24.2.5. In arriving at these conclusions, we were not suggesting that public access around Lake Horowhenua was not appropriate at all. However we were mindful that the future management of the lake and access arrangements would inevitably be the subject of future consultation and negotiation, and could be revisited at a future point in time. Text changes to Rule 24.2.5 are attached as part of Appendix A to this decision.

The Hearings Panel was satisfied that an amendment of this nature was within the scope of submission points 11.19 and 60.13. That was readily apparent from the summary of the relief sought and from reading the full submission of the two submitters.

There were two other issues raised by Mr Taueki which the Hearings Panel considered should be given greater emphasis in the District Plan. The first of these was the recognition to be given to cultural sites, particularly with respect to Lake Horowhenua. The second was the need for greater recognition of the cultural significance of the lake itself. With respect to this, it was not entirely clear

to the Hearings Panel why public access would actually be *encouraged* to sites of cultural value (e.g. Policy 4.2.2)

To address these issues, the Hearings Panel resolved to make the following amendments;

- to amend Issue 4.2 and the Issue Discussion to clarify that public access should not have the effect of compromising sensitive cultural sites and areas particularly with respect to Lake Horowhenua;
- to amend Objective 4.2.1 (Public access to Water Bodies), Policy 4.2.6, and the Explanation and Principal Reasons so that potential effects on sites and areas of cultural significance are taken into account in considering public access to water bodies;
- to amend Policy 4.2.2 so that public access to water bodies is not a priority in terms of access to sites of cultural value.

The amendments to the text of the District Plan resulting from this decision are set out in Appendix A.

4.2 Issue (4.2) Access to Water Bodies

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
67.13	Taiao Raukawa Environmental Resource Unit	Amend Issue 4.2 to include more discussion on ongoing Maori relationships to access water bodies so that particular Māori customary rights to water bodies are recognised and maintained.	
96.15	Federated Farmers of New Zealand	Amend Issue 4.2 as follows: Maintaining and enhancing public access to water bodies and the coast is highly valued by the community. However, in maintaining and enhancing this public access, the operational requirements of adjoining landowners and landowner rights may <u>must not</u> be compromised, or <u>and</u> the other qualities of the water bodies and their margins including natural character, ecological values, and hazard risks may be <u>are not</u> degraded. Or words to this effect.	

Taiao Raukawa Environmental Resource Unit supported Issue 4.2 in part, but sought greater reference to Maori customary rights and water bodies, and how this relationship is to be recognised and maintained through procedures in the Marine and Coastal Areas (*Takutai Moana*) Act 2011. The reporting officer drew our attention to Policy 1.2.4 which states "*recognise and protect the cultural and spiritual values and characteristics of the coastal environment and waterways of special value to Tangata Whenua*". We agreed with the officer that this to some extent recognises the relief sought through the submission. Having regard to Dr Huhana Smith's

submission at the hearing, including the additional written submissions tabled at the Hearing, we accepted the officer’s recommendation that some amendments to the text of Issue 4.2 would be appropriate to provide greater recognition of cultural values and the need to consider Maori values in assessing the provision of access to water bodies. Reference should also be made to the amendments resulting from the submission by P. Taueki and the Muaupoko Cooperative Society, described under Part 4.1 above, which also affect the wording of Issue 4.2. The Hearings Panel resolved that the submission be accepted in part. The text changes are incorporated in Appendix A.

Federated Farmers expressed general support for the content of Issue 4.2, but sought a refinement to the wording to strengthen recognition of the effects of public access on the operational requirements of adjoining land uses, and on the natural values of the water body. In the Hearing Panel's opinion, there appears to have been a misunderstanding of what this introductory paragraph of Issue 4.2 is actually saying. It identifies as an issue that providing public access may in some circumstances compromise the operational requirements of adjoining landowners or the natural character, ecological values etc that waterway. Having identified this as an issue (or perhaps more correctly, a problem to be guarded against) the following objectives and policies contained provisions to address this potential issue (or problem). It appears the submitter may have interpreted the word "may" as meaning that these adverse effects are acceptable. We think proper reading of the introductory paragraph makes it clear that this is not the case.

For these reasons, the submission point was rejected.

4.3 Objective 4.1.1 Open Space Zone

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
98.28	Horticulture NZ	Amend Objective 4.1.1 as follows: Council’s parks and reserves are efficiently used and developed with a range of recreational activities and opportunities that meet the changing needs of community, while ensuring the uses and development are compatible with the character, <u>land uses</u> , and amenity of the open spaces and their surrounding environment.	
101.22	Director-General of Conservation (DoC)	Amend Objective 4.1.1 by adding wording to the effect as follows: “does not have significant adverse effects upon the environmental quality of the open space zone/areas, or on any surrounding land or water body”	

Horticulture NZ supported Objective 4.1.1, but sought an amendment to ensure the character, amenity and “land uses” within the open spaces and their surrounds are considered when developing any of the Council’s parks and reserves. The Hearings Panel considers this is a fairly

finely balanced issue of wording, but in the final analysis is of the view that the current reference in the Objective which reads "..... are compatible with the character and amenity of the open spaces and their surrounding environment" adequately encompasses consideration of effects on adjoining land use. Accordingly the submission point was rejected.

DoC sought greater emphasis on the recognition of adverse effects of development upon the environmental quality of the open space areas, or on any surrounding land or water body in the wording of the Objective itself. The reporting officer noted that while HDC's open spaces are predominately sports and neighbourhood parks where the primary issues from the use and development are impacts on character and amenity values, there are Council reserves that have particular natural qualities/values (e.g. native bush reserves). She recommended that it would be appropriate to address the thrust of the DoC submission with the use of more succinct wording through incorporating the words "special values" into Objective 4.1.1, with consequential amendments to the Issue Discussion, and the relevant constituent policies 4.1.6 and 4.1.9.

The Hearings Panel concurred with this, and recommended that the submission point be accepted in part. The text changes are contained in Appendix A.

Note: as a result of decisions made by the Hearings Panel on the Planning Maps (the Levin Golf Club), there will also be an amendment made to Objective 4.1.1 to make reference to privately owned open spaces.

4.4 Policies 4.1.3 – 4.1.7

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
101.23	Director-General of Conservation (DoC)	Amend Policy 4.1.3 as follows: Ensure the character, amenity and special values of individual parks and reserves are recognised <u>and protected</u> and recreational activities are compatible with the values of the site and the amenity values of the immediate environment.	509.00 New Zealand Historic Places Trust (NZHPT) - Support
117.04	New Zealand Historic Places Trust (NZHPT)	Amend Policy 4.1.3 to reflect heritage values of parks.	
67.12	Taiao Raukawa Environmental Resource Unit	Amend Policy 4.1.4 to reflect the following considerations: Claims to customary marine title or claims to common marine & coastal areas; and Recognise management and determination of areas of rare plant and bird life and sensitive coastal regions to be led by iwi and hapu.	
101.24	Director-General of Conservation (DoC)	Amend Policy 4.1.7 by either defining or explaining what is meant	511.05 HDC (Community Assets Department) – In-Part

Sub No.	Submitter Name	Decision Requested	Further Submission
		by "suitable places".	

DoC supports the intent of Policy 4.1.3, but have sought that the open space values are recognised "and protected" when contemplating new developments. The Hearings Panel considered that the balance of the policy as it is presently worded is appropriate. It relates to the Council's publicly owned reserves, the majority of which are for the purpose of public recreation, and some of which will undergo a process of limited change (as envisaged under Policy 4.1.4) in order to accommodate different recreational needs. The wording already makes reference to the need for compatibility with the values of the site, and for that reason no change to the wording is considered necessary. This submission point was accordingly rejected.

NZHPT supported Policy 4.1.3 in part, but sought better recognition of the heritage values inherent in parks and reserves. This raised a similar issue to the DoC submission point above, and consistent with that, the Hearings Panel took the view that reference to the "special values" already contained in the policy would encompass any relevant matters concerning heritage. This submission point was rejected on the basis that the existing policy wording is sufficient.

Taiao Raukawa Environmental Resource Unit sought that Policy 4.1.4 include consideration for claims to customary marine title, or claims to common marine and coastal areas, and the subsequent management of these areas to be led by Iwi and Hapu. At the hearing Dr Huhana Smith expanded on the role of Taiao Raukawa. She said that whanau groups own much of the coastline and noted that where Maori land reaches the sea and whanau have maintained an association with the area from 1840 to the present day without substantial interruption, they could apply for recognition of a protected customary right, or customary marine title or both under Section 101 of the Marine and Coastal Area (Takutai Moana) Act 2011. She described such arrangements as beneficial to the wider community, and added that Taiao Raukawa worked closely with the Horowhenua District Council on the appropriate way of recognising the special status of Tangata Whenua as a separate and distinct interest group.

The Hearings Panel acknowledged the comments of Ms Smith, but noted that it was considered that the content and thrust of her submission had already been recognised within the contents of Chapter 1 (Matters of Importance to Tangata Whenua) particularly under Policies 1.2.2 and 1.2.4. Specifically for this reason, it was not considered necessary to make an amendment to Policy 4.1.4 which has the much narrower ambit of how the Council's parks and reserves are managed. This submission point was rejected with respect to the requested change to Policy 4.1.4, but in doing so the Hearings Panel wishes to stress that the reason for this was that the submitter's concerns were already addressed elsewhere in the text of the Proposed Plan with additional text added to the Proposed Plan Chapter 5 Coastal Environment (refer section 4.2 of the Coastal Environment Hearing Decision).

DoC sought clarification of Policy 4.1.7, which directs the provision and management of storm water within the Open Space Zone. DoC sought clarification of the words "suitable places" with respect to the suggested use of open spaces for stormwater treatment. The reporting officer explained that the Council does not provide a reticulated system for disposal of stormwater from private property, which is currently managed by each individual property or development, typically by on-site collection and soakage. Stormwater from roads is collected and disposed of via a reticulated network. Currently a few reserves include provision for stormwater attenuation (e.g. Kennedy Park, Levin) or contain water bodies that collect stormwater (e.g. Holben Reserve, Foxton Beach). As noted earlier in these decisions, the use of ground soakage systems (such as swales)

has become commonplace nationally for the management of stormwater, including within Council open spaces, and the Council's Long Term Plan identifies the possibility of some of Council's parks and reserves further contributing to a future storm water management system. It would be difficult in advance to determine where such suitable places might be, although reserve management plans are one method. Overall, it was resolved that the relief sought by DoC would be difficult to establish with certainty and was essentially not necessary. For this reason, the submission point was rejected.

4.5 Objective 4.2.1 Public Access to Water Bodies

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
96.16	Federated Farmers of New Zealand	Amend Objective 4.2.1 as follows: Maintain and enhance public access to and along the coast, rivers, lakes and streams, at appropriate locations while preserving the natural character and other values of these water bodies and their margins <u>and recognising the right of private landowners to refuse access over private land.</u> Or words to this effect.	506.09 Ernslaw One Ltd - Support
11.20	Philip Taueki	No specific relief requested. Inferred: Amend Objective 4.2.2 to recognise and reference the cultural significance of waterways.	519.15 Charles Rudd (Snr) - Support
60.14	Muaupoko Co-operative Society	No specific relief requested. Inferred: Amend Objective 4.2.2 to recognise and reference the cultural significance of waterways.	519.33 Charles Rudd (Snr) - Support

Federated Farmers supports Objective 4.2.1 in part but sought additional wording which recognises the right of private landowners to refuse access over private land.

The objective provides a framework for public access in situations where land is taken for esplanade reserves or access is provided across esplanade strips. To this extent, it gives effect to Section 229 of the Act. There is otherwise no right of access over private land, but it would appear that Federated Farmers want this to be made explicit. The relief sought through the submission, namely to recognise the right to refuse access across private land, is part of common law. To that extent it is a matter separate to the content of the district plan, which in this case only provides opportunities for access to be made available when land is subdivided. While sympathetic with the sentiments contained within the submission, it is considered that the additional wording is not necessary in the context of a district plan objective or policy, and accordingly the submission point was rejected.

P. Taueki and Muaupoko Co-operative Society have sought reference to the cultural significance of waterways and particularly Lake Horowhenua in Objective 4.2.1. The Proposed Plan recognises and provides for cultural values of water bodies, both in Chapter 1, Tangata Whenua (Policy 1.2.4) and the values listed against Priority Water Bodies, Schedule 12. However, it is recognised that explicit recognition of cultural values of water bodies in Objective 4.2.1 is also appropriate and these submission points were accepted, with the addition of the words "cultural values" to the Objective. These have been included in the text changes in Appendix A.

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

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
96.17	Federated Farmers of New Zealand	Amend Policy 4.2.2 as follows: Priority <u>Recognise</u> the needs for public access <u>where appropriate</u> to water bodies with significant natural/ecological, natural hazards, recreational/access and cultural values <u>whilst recognising the rights of private landowners to refuse access over private land</u> . Or words to this effect.	506.10 Ernslaw One Ltd - Support 517.16 Horticulture NZ - Support
11.21	Philip Taueki	No specific relief requested.	519.16 Charles Rudd (Snr) - Support
60.15	Muaupoko Co-operative Society	No specific relief requested.	519.34 Charles Rudd (Snr) - Support
96.18	Federated Farmers of New Zealand	Amend Policy 4.2.3 as follows: Require <u>where appropriate</u> esplanade reserves or strips along the coast and identified rivers, lakes and streams that are considered of significant value in the District <u>in accordance with Section 237 F of the RMA</u> .	
101.25	Director-General of Conservation (DoC)	Retain Policy 4.2.3 as notified.	
83.06	Ross Hood & Margaret Hood	Delete Policy 4.2.4. Or; Amend Policy 4.2.4 by being specific about other water bodies considered to fall under criteria.	
96.19	Federated Farmers of New Zealand	Amend Policy 4.2.6 as follows: Consider the reduction in width or waiver of the esplanade reserve or	

Sub No.	Submitter Name	Decision Requested	Further Submission
		<p>strips requirements where:</p> <p>The reduced width still provides for the use and enjoyment of the area;</p> <p>The purpose for the esplanade area can still be achieved;</p> <p>The creation of the esplanade area would adversely affect the natural, ecological, and cultural values of the water body and its margins;</p> <p>Public health and safety is protected;</p> <p>Conflicts with other recreational uses are minimised;</p> <p>Flooding and other natural hazards are managed; and</p> <p>Alternative public access is available.</p> <p><u>Compensation as per Section 237 of the RMA is impractical for the Council.</u></p> <p><u>The land has little or no value in terms of enhancing public access.</u></p> <p><u>Where the land is protected in perpetuity, provided that public access is secured along the margins of the coast, river or lake concerned.</u></p> <p><u>Protection of the riparian area is more appropriately achieved by an alternate protection mechanism.</u></p> <p><u>The subdivision involves only a minor boundary adjustment</u></p> <p><u>For reasons of public safety and/or security an esplanade reserve would be inappropriate. For example, where there are defence lands, existing road reserve, sensitive machinery, network utilities or works.</u></p> <p>Or words to this affect.</p>	
96.20	Federated Farmers of New Zealand	Retain Policy 4.2.7 as notified.	
83.07	Ross Hood & Margaret Hood	<p>No specific relief requested:</p> <p>Inferred: Amend Objectives and Policies in the Open Space Chapter</p>	

Sub No.	Submitter Name	Decision Requested	Further Submission
		which refer to the creation of public access/connections and acknowledge the effects of this access on rural dwellers and their farming operations can create privacy concerns.	
96.21	Federated Farmers of New Zealand	Retain Methods 4.2 as notified.	

Federated Farmers (96.17) have sought to amend Policy 4.2.2 to "recognise" rather than "prioritise" public access "where appropriate" to water bodies, and to ensure landowners have the right to refuse public access over private land.

The first part of the submission may have arisen because the submitter was unaware of the "Priority Water Bodies" identified in Schedule 12 to the District Plan, and labelled on the planning maps. These water bodies comprise the larger and most important water bodies in the District on the basis of their recreation, cultural, conservation values, and natural hazard risks. The purpose of this schedule is to identify those water bodies where the provision of esplanade reserves is a particular priority in the context of the entire stock of water bodies in the District.

As noted in our discussion under Section 4.5 above, it is considered that the refusal of access over private land is a matter of civil law rather than the resource management issue. For these reasons, the Hearings Panel considered that it would not be appropriate to make changes sought by the submitter, so accordingly both parts of this submission point were rejected.

Federated Farmers (96.18) also sought amendments to policy 4.2.3 such that requirements for esplanade reserves are qualified by the words "where appropriate" and that reference be made to Section 237F of the Act.

This matter is also being discussed in a similar context in part 4.1 of these decisions, with respect to the submissions by P. Taueki and the Muaupoko Operative Society, albeit that the basis of the submissions was different. The relevant provisions of the Act with respect to esplanade reserves are sections 77, 229 and 230. It is quite clear from the contents of these sections, and from case law, that esplanade reserves must be taken on allotments of less than 4ha unless a compelling case can be shown to the contrary, having regard to the various criteria in section 229. There is discretion available to increase or reduce the 20m width of any esplanade reserve that is required, but the onus is clearly on the Council to justify its position with respect to any departure from the required 20m standard. There is very limited discretion to waive the requirement for an esplanade reserve entirely. Those circumstances where esplanade reserve or strip requirements would be reduced or waived are covered by Policy 4.2.6.

The submitter's reference to Section 237F concerns the requirement for compensation to be paid where land is taken for esplanade reserves from lots of more than 4ha. Federated Farmers are concerned about the financial implications for the Council of taking esplanade reserves. The Council has attempted to adopt a policy of prioritising water bodies through Schedule 12, to avoid a situation where there is an expectation that esplanade reserves or strips will be taken along the many minor waterways found within the District. The Hearings Panel acknowledge that the submission is constructive, through recognising that there is a realistic limit to the extent to which esplanade reserves and strips can be taken, particularly from subdivisions over 4ha. However it

believes the approach of prioritising water bodies, rather than generally diluting the policy provisions, is a preferable approach.

However this and other submissions on Objective 4.2.1 and its attendant policies have raised concerns about the extent to which submitters are aware of the operation of Schedule 12 which contains the Priority Water Bodies to the District Plan. Elsewhere in submissions, Todd Energy and Mangahao KCE Ltd have specifically drawn attention to this issue. Such a reference is made under the "Methods for Issue 4.2 and Objective 4.2.1", but a more direct indication of the existence of the Schedule would assist readers of the plan. To that extent, the Hearings Panel considers it would be expedient to provide a cross reference under Policy 4.2.3 which specifically relates to these priority waterways, and would also provide a point of comparative reference with respect to Policy 4.2.4. Even if such an amendment were considered outside the scope of specific submissions, we consider it would fall within the ambit of Clause 16 (2) to the First Schedule to the Act. The text changes are included in Appendix A.

For this reason, submission point 96.18 of Federated Farmers was accepted in part, to the extent that a reference be incorporated below Policy 4.2.3 to Schedule 12, which lists "Priority Water Bodies".

P.Taueki (11.21) and the Muaupoko Co-operative Society (60.15) consider the requirement of esplanade reserves or strips along water bodies of significant value (Policy 4.2.3) to amount to a complete repudiation of the provisions in Chapter 1 (Matters of Importance to Tangata Whenua). No specific relief was sought, and it appeared to the Hearings Panel that the thrust of these submissions was essentially the same is that relating to public access around Lake Horowhenua discussed above in Section 4.1.

Unlike those earlier submissions (11.19 and 60.13) however, this submission appears to relate to **all** water bodies in the district, and if given effect to, would mean that the requirements under section 77 and 230 of the Act would have to be totally disregarded within Horowhenua District. For this reason, and the reasons given earlier in our Section 4.1, the Hearings Panel resolved that the submission points be rejected.

DoC (101.25) supports Policy 4.2.3 and seeks that it be retained as notified. As noted as has been made to this Policy, this submission point was accepted.

R. and M. Hood (86.06) oppose Policy 4.2.4 on the basis that it fails to provide clarity as to which water bodies might be subject to esplanade reserves and strip requirements. They also contend (86.07) that public access can have adverse effects on privacy, safety and the environment.

The "two-level" process whereby water bodies are identified for the purpose of esplanade reserves has been discussed previously in this decision, including in respect to the Federated Farmers submission on Policy 4.2.3 above. Policy 4.2.3 makes reference to "identified" water bodies, which are in fact those identified in Schedule 12 to the District Plan which are the "*rivers, lakes and streams that are considered of significant value in the District*". In terms of these waterways, the policy begins with the words "require esplanade reserves or strips"

Policy 4.2.4 on the other hand states that the Council will "consider esplanade strips as appropriate along the margins of other water bodies not identified for their significant values" In these circumstances esplanade strips would be required only where this contributed to the protection of conservation values, enabling public access or enabling public recreational use compatible with

conservation values. This creates what is effectively a hierarchy of relative importance for water bodies.

It is this policy which is of particular concern to the Hoods.

In her brief written submission, Mrs Hood began by criticising the subdivision of the hearing process into six or seven different sessions which she said discouraged submitters, and the officer's report appeared to reject almost all submissions out of hand. She said her family had lived in the area for 120 years and their opinions should be treated of equal value to those of 'expert' witnesses. She was particularly critical of the plans provisions encouraging public access, which she said would result in loss of privacy, littering, criminal damage, and a financial burden for the Council. She was of the view that the public had ample access to water bodies in the district.

As an initial point, the Hearings Panel had some sympathy with the difficulties that would be experienced by members of the public in coming to terms with district plans which were lengthy and complex documents. The submitters deserve credit for taking the effort to come to grips with the Proposed Plan and taking the time to present a submission to the hearing. The submitters may have been unaware of the linkage between the policy framework and the Priority Water Bodies identified in Schedule 12. This will be better addressed through the Proposed Plan through the proposed amendment set out in the discussion to Federated Farmers submission above, by the provision of a cross-reference under Policy 4.2.3. However, the Hearings Panel are convinced that the alternative method of hearing submissions (on a submitter by submitter basis, even if these involved submissions on completely different topics) would create even greater difficulties, and has rarely been adopted by other councils during the review of their plans. It would also result in all submissions, no matter how many, having to be heard by one hearings panel which would certainly lengthen the hearings process.

Mrs Hood questioned the necessity for further access along waterways. At this broader level, the Council is bound by the provisions of the legislation which in the case of allotments of less than 4ha, require a very strong case to be made to justify not taking esplanade reserves reducing the width. With respect to allotments of more than 4ha, the Council's approach has been to identify the Priority Water Bodies, and on other water bodies (which is the subject of Policy 4.2.4) only selectively take esplanade strips where doing so serves a useful purpose. Although the Council's options are limited by the legislation, on other small waterways where subdivisions of larger lots over 4ha are undertaken, the Council accepts that taking esplanade strips should only be undertaken in the circumstances covered under Policy 4.2.4. As the Council has no way of determining what land will be subdivided in the medium and long term future, it cannot identify the specific locations where esplanade strips on these larger lots might be taken. The reality is that for many of these 'lesser waterways' there is little real prospect of public access becoming available through the subdivision process.

Mrs Hood was particularly critical of the whole philosophy of taking esplanade reserves and strips, and in response to a question seemed to suggest that the legislation could be disregarded in that respect. Needless to say, the Hearings Panel did not consider that would be a realistic or lawful option. Horowhenua District Council is 'in the same boat' as every other District Council in New Zealand in this respect.

She expressed concerns about the potential loss of privacy that might be associated with providing for access to and along water bodies. However it seemed to the Hearings Panel that the implications of this occurring would be readily apparent at the time that a landowner made the decision to subdivide their land, and he/she could weigh that factor in the balance at that time.

Apart from other measures such as screening that might be considered when a decision on whether to subdivide was being taken, issues of privacy could apply to any landowner either rural or urban. These are issues that arise from the nature of the legislation itself, and not from the actions of the Council. We also consider that the submitter was on weaker ground in arguing that increasing access would result in greater vandalism, by way of an example in the District that she cited at the hearing. We consider that the kind of people that would vandalise private or public property would do so regardless of whether the land was in public ownership or not, and regardless of the existence of esplanade reserves or strips.

We are conscious of the submitter's criticisms with respect to the rejection of submission points. Nevertheless we have considered the content of this submission carefully. With respect to subdivisions of under 4ha, the Council's hands are largely tied by the provisions of the legislation, regardless of the actual benefits that others might argue would derive from public access.

Policy 4.2.6 does provide for circumstances where esplanade provisions might be reduced or waived, but it is quite another matter to suggest they should not be required at all in the District. This issue was also discussed in Section 4.1 of this decision with respect to the relief sought in the Taueki submission. For subdivision of allotments over 4ha, the Council has recognised that the taking of esplanade strips will not be appropriate in all circumstances, which is recognised through the identification of Priority Water Bodies in Schedule 12 which is linked Policy 4.2.3, and the provisions of Policy 4.2.4 where the taking of any esplanade strips would only occur where this achieved the purposes identified in the policy. It is not anticipated that Esplanade reserves or strips would be taken on the many small waterways in the district.

However the Hearings Panel accepted in part an amendment suggested by Federated Farmers with respect to Policy 4.2.6 as discussed below, which would go some way to meeting the concerns of the submitter. This would be to add an additional criterion that esplanade strips would not be taken where it would be of little or no value in terms of enhancing public access. The suggested text changes are further outlined in the discussion below and in Appendix A with respect to Policy 4.2.6, and for this reason it was resolved that the Hood submission be accepted in part.

Federated Farmers supports Policy 4.2.6 in part, but sought to expand the circumstances in that esplanade reserves or strips are to be waived. They have set out a range of circumstances where a waiver might be appropriate; we also note that there are seven such circumstances already contained as part of Policy 4.2.6.

One additional matter suggested by Federated Farmers are minor boundary adjustments, which on the face of it is has some merit, but unless "minor" could be realistically defined to provide sufficient legal certainty, it would be very difficult to administer.

The officer's report discussed the second bullet point included in the relief sought by Federated Farmers, which would provide for a waiver where "*the land has little or no value in terms of enhancing public access*". There may be circumstances where an esplanade reserve is isolated from the existing network of open spaces, and might be of little value to enhancing public access (or protecting conservation values, recreation and or for reduction in risk of natural hazards). However, on balance she concluded that the open space network along the priority water bodies was a long term aspiration, and to offer a waiver because the current value of the area is not considered to add value "would be short sighted".

Nevertheless, we think there is some merit in Federated Farmers submission. There will be circumstances where the pattern of land ownership, the size of the properties concerned and their

limited subdivisional potential, alternative access possibilities, limited potential for establishing a contiguous strip, and site-specific topographical features, mean that even in the longer term, taking an esplanade reserve or strip may serve little purpose. For this reason, we consider that it would be appropriate to add the following bullet point;

- "The taking of an esplanade reserve would be unlikely to be of value in terms of enhancing public access in the particular location concerned, even in the longer term"

Other matters raised in the Federated Farmers submission are already addressed, albeit in somewhat different ways, under the various bullet points already contained in Policy 4.2.6. The Hearings Panel resolved that the submission point be accepted in part to the extent of the wording changes set out above. The submission in support for Policy of 4.2.3 by DoC (101.25) was accepted.

Federated Farmers supported Policy 4.2.7 as notified and their submission point was accepted.

4.7 General Matters Raised in Submissions

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
11.22	Philip Taueki	No specific relief requested. Inferred: Include a list/schedule of cultural sites of significance in Chapter 4 where public access would to water bodies would not be appropriate.	519.17 Charles Rudd(Snr) - Support
33.01	Levin Golf Club	Amend Chapter 4 to make consequential amendments arising from the Levin Golf Club site (160 Moutere Road) being rezoned as Open Space.	
51.05	Waitarere Beach Progressive & Ratepayers Association (WBPRA)	No specific relief requested. Inferred: that Council land which may have potential for future infrastructure should not be rezoned Open Space without local consultation.	
60.16	Muaupoko Co-operative Society	No specific relief requested. Inferred: Include a list/schedule of cultural sites of significance in Chapter 4 where public access would to water bodies would not be appropriate.	519.35 Charles Rudd (Snr) - Support
67.09	Taiao Raukawa Environmental Resource Unit	No specific relief requested.	

Sub No.	Submitter Name	Decision Requested	Further Submission
83.08	Ross Hood & Margaret Hood	No specific relief requested: Inferred: Amend Objectives, Policies and Methods in the Open Space Chapter which refer to the taking of land for public access/connections and the implications on the cost of creating and maintaining these reserves and strips and calculating the value of the land taken.	
98.54	Horticulture NZ	Amend the definition of 'open space' refer to relief sought in Definitions Chapter.	
101.21	Director-General of Conservation (DoC)	Include a policy that provides for the management of riparian margins or to that effect.	

Mr Taueki and the Muaupoko Co-operative Society considered that Chapter 4 should manage the potential impact of providing public access to water bodies where access could be detrimental to the protection of sites of cultural significance located near or within the esplanade area. This matter was discussed extensively in paragraph 4.1 of this decision, which also includes a number of text changes which at least in part give effect to the relief sought through these submission points. For this reason these submission points were accepted in part, and the text changes are contained in Appendix A.

The Levin Golf Club supported the zoning of Open Space Zone over the Golf Course property from its previous Rural zoning.

The Levin Golf Club is a privately owned facility located to the west of Levin and Lake Horowhenua. The Golf Club was established in 1911, with substantial development occurring in the 1950s to create the 18 hole course, and associated facilities. The rezoning sought by the Levin Golf Club was considered under the General Provisions – (Part 4 Planning Maps) Hearings, whereby it was decided that the rezoning provided through the District Plan be upheld a position which was supported by the Club itself. Accordingly this submission point was accepted.

As a brief footnote to this submission point, as part of a separate decision relating to the Planning Maps and the rezoning of the Levin Golf Club site, an amendment is being made to Objective 4.1.1 to expand its ambit to address the development of both Council owned and privately owned open space.

WBPRAs noted that the Council holds designated land which could be potentially valuable for future infrastructure, and would like to be consulted should this land be rezoned Open Space. No specific relief was sought by the submitter.

We were advised that the Council designations in Waitarere Beach rolled over into the Proposed Plan include D130, D133, D134 and D157 and include reserves, the surf club and the Waitarere Beach Motor Camp. The new Open Space Zone underlies all of these designations. Other parks and reserves in Waitarere Beach not designated, but rezoned Open Space, include the Waitarere

Domain, the undeveloped walkway between Park Avenue and the foreshore, Holmwood Park and other smaller neighbourhood parks. Any future rezoning of Open Space in Waitarere Beach would require a plan change and consultation would be carried out with the community. With respect to future infrastructure developments in Waitarere, the existing (and rolled over) designations do not provide as of right for infrastructure other than that specifically associated with the use and development of a reserve. The submitter did not appear at the hearing to expand upon this submission. This submission point was accepted in part to the extent that any future rezoning proposals would be subject to consultation in the normal course of events.

Taiao Raukawa Environmental Resource Unit advocates for hapū tinorangatiranga and co-management opportunities for certain areas of coastline according to kawa or protocols set down by ancestral customary interests that continue today. No specific relief is sought in this submission point. However, we agree with the reporting officer that the subject material contained in this generic submission point is covered within Chapter 1, Matters of Importance to Tangata Whenua. Reference should also be made to Part 4.4 of these decisions. On this basis it was resolved that this submission point be accepted in-part.

R. & M. Hood sought amendments to Chapter 4 which would provide monetary compensation for a landowner where land is taken by the Council to fulfil the open space network and clarification on who would be responsible for maintenance.

Sections 237E-G of the RMA are relevant to compensation with respect to the taking of Esplanade reserves or strips. Esplanade reserves or strips are required where a proposed subdivision adjoins a water body of at least 3m in width for a stream or river, or 8 hectares in area for a lake. The RMA has specified an arbitrary distinction between subdivisions that create new lots of 4ha and greater, and those of less than 4ha. For subdivisions creating lots of *less than 4ha*, no compensation is required for an esplanade strip or reserve that will be vested with the Council. Compensation would however be required for the taking of esplanade reserves or strips from subdivisions that create *4ha lots or larger*, or which seek to take a reserve having a greater width than 20m. The Council is responsible for the costs associated with maintaining esplanade reserves, and the landowner in the case of esplanade strips. On a more general level, section 85 of the RMA makes it clear that compensation is not otherwise payable as a result of controls over land, unless a landowner can demonstrate that the land is rendered incapable of reasonable use.

On the understanding that the submitter was seeking that the Council commit to paying compensation, even in circumstances where this is specifically not required by legislation, this submission point was rejected.

Horticulture NZ is concerned that the definition of open space is broader than Council parks and reserves. This issue has also arisen during the hearings on definitions (submission point 98.05), where the subject of "open space" was also the subject of submission points from Federated Farmers and the New Zealand Pork Industry Board. As part of resolving that submission point, the Hearings Panel on Definitions resolved that the issue was more correctly one of specifying activities, rather than the matter of land ownership, and resolved to include a new definition which excluded any land that could be used for farming purposes. Consistent with the Hearing Panel's conclusions with respect to the submissions on "Definitions", it was resolved that submission point 98.54 be accepted in part.

DoC sought that the policy framework of the Open Space and Access to Water Bodies Chapter extend to include a policy to implement riparian management. This is already addressed through Objective 3.3.1 which calls for the protection of the "*natural character of lakes, rivers and other*

water bodies and their margins, from inappropriate use and development" and through Policy 3.3.6 which seeks to "*promote and encourage the development or maintenance of planted water body margins*". These are reinforced through methods contained in Chapters 3 and 4, and to that extent there is no need for any additional policy provisions beyond those contained within the Proposed Plan. The Hearings Panel on submissions relating to Natural Values has separately made a decision to alter the wording in Policy 3.3.6 so that it refers to "riparian margins" rather than "planted water body margins". It was resolved that the submission point be accepted in part.

4.8 Chapter 20 Open Space Zone Rules 20.1– 20.4

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
40.29	House Movers Section of NZ Heavy Haulage Association Inc.	Amend Rule 20.1 to include "The placement of any Relocated building and/or accessory building on any site subject to the conditions at [rule ref]".	
40.43	House Movers Section of NZ Heavy Haulage Association Inc.	Amend Rule 20.1(d) as follows: "The construction, alteration of, addition to, removal, re-siting and demolition of buildings and structures for any permitted activity".	
95.06	New Zealand Defence Force (NZDF)	Retain Rule 20.1 (i) as notified	
27.22	Horizons Regional Council	Amend the Permitted Activity Conditions to provide for soil conservation, erosion protection, river control or flood protection works undertaken by, or on behalf of Horizons Regional Council as a permitted activity; and Provide for this criterion to be carried over to all other activity types in the Proposed Plan regarding soil conservation, erosion protection, river control or flood protection works undertaken by, or on behalf supervised by of Horizons Regional Council.	524.06 Higgins Group Holdings Ltd - Support
40.27	House Movers Section of NZ Heavy Haulage Association Inc.	Delete Rule 20.2I	
117.24	New Zealand Historic Places Trust (NZHPT)	Amend Rule 20.4 to include subdivisions that negatively impact on the heritage values of any sites	

Sub No.	Submitter Name	Decision Requested	Further Submission
		listed in Schedule 2.	

House Movers Section of NZ Heavy Haulage Association Inc sought that the placement of relocated buildings and accessory buildings be a permitted activity, instead of being classed as a controlled activity. Consequential changes sought were amendments to Rule 20.1(d), deletion of Rule 20.2(c) and the insertion of new permitted activity conditions in Rule 20.6.

This matter was considered in detail by the Hearings Panel hearing submissions relating to the Urban Environment (refer paragraphs 4.13 - 4.22 of that decision). For consistency, the same submission point has been made over a number of separate chapters. The only issue ultimately in contention was whether relocated buildings should be a permitted or controlled activity, with the latter involving a requirement for a bond. As a result of considering the evidence, it has been resolved that the status of relocated buildings remain as a controlled activity, and accordingly that the submission points be rejected.

NZDF supported the inclusion of temporary military training activities as permitted activities in Rule 20.1(l) and sought that this rule be retained. This submission was accepted.

Horizons Regional Council supported in part the permitted activity conditions, but sought amendments to ensure it could carry out its functions (soil conservation, erosion protection, river control, or flood protection works) in all of its river and drainage scheme areas as permitted activities. It was explained in the Officer's report that the original intent of the policy and rule framework was to provide for these works outside the Flood Hazard Overlay Areas due to their functional role in protecting people and property from the risks of natural hazards. However, Rule 20.1(g) as worded could be interpreted as not permitting these works outside of the Flood Hazard Overlay Areas. For this reason it was recommended that a separate permitted activity be added to Rule 20.1 to clarify this matter. In addition, a minor re-wording of Rule 20.1(g) was recommended to clarify that work is undertaken on "behalf" of Horizons rather than being "supervised" by them.

The decisions made on submissions under 'Natural Hazards' resolved that for consistency, the above recommended changes apply across all zones (refer paragraphs 4.40-4.42 of the Natural Hazards Hearing decision). It was considered that the amendments proposed better clarify the intentions of the District Plan, and for this reason this submission point of the Horizons Regional Council was accepted.

NZHPT sought an amendment to Rule 20.4 (Discretionary Activities) so that subdivisions that might negatively impact the heritage values of any sites in Schedule 2 (listed historic heritage buildings, structures and sites) be made discretionary activities. However under Rules 20.4(g)(iii) and Rule 20.4(h)(iii) subdivision within a heritage setting of any listed heritage building or structure, or subdivision on a listed heritage site, all of which are identified in Schedule 2, is a discretionary activity. The Hearings Panel assumes that the submitter may have been unaware of these provisions, which already appear to satisfy its concerns. To this extent, it was resolved that the submission point be accepted in part.

4.9 Rule 20.6 Permitted Activity Conditions

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
25.07	Michael White	Amend Permitted Activity Conditions 20.6 to include rules that control the emission of outdoor lighting at and above the horizontal and to limit the level and timing of lighting in the Open Space zone.	525.23 Maurice and Sophie Campbell - Support
26.14	Horowhenua Astronomical Society Inc.	Amend Permitted Activity Conditions 20.6 to include rules that control the emission of light at and above the horizontal and to limit the level and timing of lighting in the Open Space Zone.	
40.30	House Movers Section of NZ Heavy Haulage Association Inc.	<p>Include the following performance standards/conditions (or to the same or similar effect) for relocated buildings:</p> <p>Permitted Activity Standards for Relocated Buildings</p> <p><u>i) Any relocated building intended for use as a dwelling (excluding previously used garages and accessory buildings) must have previously been designed, built and used as a dwelling.</u></p> <p><u>ii) A building pre-inspection report shall accompany the application for a building consent for the destination site. That report is to identify all reinstatement works that are to be completed to the exterior of the building.</u></p> <p><u>iii) The building shall be located on permanent foundations approved by building consent, no later than [2] months of the being moved to the site.</u></p> <p><u>iv) All other reinstatement work required by the building inspection report and the building consent to reinstate the exterior of any relocated dwelling shall be completed with [12] months of the building being delivered to the site. Without limiting (iii) (above) reinstatement work is to include</u></p>	

Sub No.	Submitter Name	Decision Requested	Further Submission
		<p><u>connections to all infrastructure services and closing in and ventilation of the foundations.</u></p> <p><u>v) The proposed owner of the relocated building must certify to the Council that the reinstatement work will be completed within the [12] month period.</u></p>	
95.49	New Zealand Defence Force (NZDF)	Retain the removal of conditions as notified	
108.19	HDC (Planning Department)	<p>Amend Rule 17.6.17(a)(i) as follows:</p> <p>All activities, except network utilities on sites less than 200m², shall be provided with vehicle parking spaces, manoeuvring areas, and loading facilities in accordance with the permitted activity conditions in Chapter 21.</p>	
5.07	Elaine Gradock	<p>No specific relief requested.</p> <p>Inferred: Retain proposed Rule 20.6.7(a)(i) noise limits.</p>	
95.30	New Zealand Defence Force (NZDF)	<p>Amend Rule 20.6.7(d) as follows:</p> <p>The noise limits in Rule 20.6.7(a) <u>and the provision of Rule 20.6.7 (b)</u> shall not apply to... Temporary Military Training Activities.</p>	
108.36	HDC (Planning Department)	<p>Amend Rule 20.6.7(d)(iv) as follows:</p> <p>Vehicles being driven on a road (within the meaning of Section 2(1) of the Transport Act 1962), or within a site as part of or compatible with a normal residential <u>recreation</u> activity.</p>	
95.40	New Zealand Defence Force (NZDF)	Retain Rule 20.6.8 as notified (conditionally).	
108.06	HDC (Planning Department)	<p>Amend Rule 20.6.18(b) as follows:</p> <p>Any temporary sign shall be displayed for no longer than two (2) calendar months in every calendar year of a 12 month period and removed within seven (7) days after the event. Temporary signs do not</p>	

Sub No.	Submitter Name	Decision Requested	Further Submission
		need to be on the site of the temporary activity.	
95.16	New Zealand Defence Force (NZDF)	Retain Rule 20.6.22 (a) (iii) as notified	
95.11	New Zealand Defence Force (NZDF)	Retain Rule 20.6.22(a)(i) as notified.	
95.54	New Zealand Defence Force (NZDF)	Retain Rule 20.6.22(a)(ii) as notified.	
95.25	New Zealand Defence Force (NZDF)	Retain Rule 20.6.22 (a) (iv) (v) as notified (conditionally)	
95.35	New Zealand Defence Force (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>	
55.33	KiwiRail	Include a new rule (20.6.X) to the conditions for permitted activities as follows: <u>No building or structure shall be erected, no materials shall be deposited, or vegetation planted that would obscure the sight distances from any road and rail intersection as shown in Diagram 2 (Chapter 21 - Traffic Sight Lines at Road and Rail Intersections).</u>	506.58 Ernslaw One Ltd – In-Part 521.11 NZ Transport Agency (NZTA) – In-Part

Michael White and the Horowhenua Astronomical Society Inc. (the Society) sought amendments to the permitted activity conditions in Rule 20.6 to include rules that control the emission of outdoor lighting.

The Society was represented at the hearing by three witnesses, Mr Allen Little, Mr Michael White, and Mr Peter Shelton. Also present was Ms Sophie Campbell, in support of the Society's submission.

The Society believed that wasteful outdoor lighting reduced the intrinsic and amenity value of the night sky. They considered that excessive light spill was a result of poor directional control of light, which also raised related issues such as the wasteful use of energy. The observation was made that night lighting in parks and sports grounds within the District revealed excessive floodlighting with light flowing beyond its target area. They drew attention to the Ministry for the Environment's Urban Design Protocol, which in their opinion supported the efficient use of lighting, noting that "directing light downward to only where it is needed, in just the amount needed, saves money, energy, and reduces greenhouse gases - all while protecting the environment, wildlife, and improving human health". Ms Campbell went further and was of the view that there should be no

requirement to have street lighting in rural areas, making reference to the Lake Tekapo Dark Sky Reserve.

Numerous submission points from these submitters have been lodged on the District Plan and generally raise the same issue over various zone rules and other plan provisions. Clearly lighting is required within some Council parks and reserves where more intensive recreational activities take place, although it is accepted that light spill needs to be managed so that lighting systems are efficient and the degree of illumination appropriate to what is required to enable night-time recreational activities to occur.

Rule 20.6.6 which manages light spill from a site zoned Open Space onto any site within an adjoining Residential Zone, typifies the trend in district plans for the management of light spill which was previously unregulated in many district plans. That said however, the purpose of the standards is the protection of residential amenity rather than the avoidance of atmospheric light spill as such, although the district plan controls are complementary in assisting with achieving both outcomes. The standard requires any light source within a park or reserve to be managed and directed in such a way that does not exceed 10 lux (lumens per square metre) measured either horizontally or vertically.

We were advised by the officers that the Subdivision and Development Principles and Requirements 2012 includes measures to ensure new street lighting in rural areas and sensitive urban areas are designed to have anti-glare shields fitted, or be of a type that restricts light dispersion into the sky. These measures are aimed directly addressing the protection of amenity values and either directly or indirectly managing light spill in a way that has less impact on the night sky.

The Hearings Panel concurred with the Reporting officer's suggestion that additional text could be added to the 'Assessment Criteria' for resource consents in circumstances where the light spill standard described above might be breached. The relevant provision is clause 25.6.3. The suggested criteria would directly address light spill effects on the night sky, and are set out in Appendix A. To the extent that this satisfies the relief sought by the submitters, the submission points are accepted in part.

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

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.

Background and evidence

The relevant Proposed Plan chapters each contained a rule specific to TMT. These were Rule 15.6.31 (Residential), Rule 16.6.23 (Industrial), Rule 17.6.25 (Commercial), Rule 19.6.30 (Rural) and Rule 20.6.22 (Open Space). A submission was also lodged with respect to the Greenbelt

Residential Zone, although this is subject to separate procedures under Plan Change 21 to the Operative District Plan.

The hearings of submissions on the various District Plan chapters above, was undertaken before different Hearings Panels. NZDF appeared at two of these hearings, those relating to the Open Space held on 10 April, and at the Urban Environment Hearing on 22 April. This reflects the dilemma faced by submitters who have lodged "plan wide" submissions which were common to different plan chapters, and which for reasons of practical necessity had to be heard on a chapter by chapter (i.e. topic) basis. 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".

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 A to these decisions.

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

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

This is another issue which has arisen in across a number of hearings for the different zones (Open Space, Urban Environment and Rural Environment). The submission is discussed in detail in the decision of the Hearings Panel dealing with the Urban Environment. This decision retains the existing approach of Controlled Activity status and the use of bonds to ensure completion of works. An exemption to this has been provided for by making relocated buildings of up to and including 40m² in gross floor area to be a permitted activity across all zones. The basis for maintaining this approach, including reference to previous case law, is addressed in detail under that particular decision. Consistent with that decision, the submission point was rejected.

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

Firstly, the HDC (108.19) sought to amend Permitted Activity Condition 20.6.15 which requires all permitted activities to comply with the standards set out in Chapter 21 for vehicle parking spaces, manoeuvring areas and loading facilities. (*In the summary of submissions this was inadvertently referred to as Rule 17.6.17 (a) (i)*).

The rule as notified excludes network utilities on sites less than 200m², from the Chapter 21 standards. However as Chapter 21 does not have any car parking standards for network utilities, it is considered that the exemption for smaller sites to be redundant. The Hearings Panel acknowledges this is the case, and this submission point was accepted.

Secondly, HDC (108.36) sought an amendment to the noise condition in Rule 20.6.7(d)(iv) which lists those activities that are *exempt* from the Open Space Zone noise standards. Subclause (iv) refers to vehicles being driven on a road "or within a site as part of, or compatible with, a normal residential activity". The concern was that the rule refers to "residential" activities, whereas the exemption is intended to exclude the noise of a tractor or mower carrying out maintenance on Council's parks and reserves. The officer pointed out that the alternative wording sought by HDC (recreation activities) might also have unintended consequences, as vehicles associated with "recreation" activities could potentially include motorsport, which because of its potentially major impacts should be required to comply with the Open Space Zone noise conditions.

It was agreed that the wording of the condition could be amended within scope to provide an exemption for "*vehicles used for the purpose of maintaining parks and reserves*". The text changes are contained in Appendix A, and accordingly the submission point was accepted in part.

Thirdly, HDC also identified an anomaly with the duration standard for temporary signs set out in Rule 20.6.18(b). The amendment sought was to clarify the intent of the standard which was to allow temporary signs to be installed for 2 months over a 12 month period. The Hearings Panel concluded that the amendment was appropriate, and the submission point was accepted. The text change is included in Appendix A.

KiwiRail sought the inclusion of specified conditions for rail intersection sight distances consistent with the provisions of Diagram 2 in Chapter 21, with application to the Open Space Zone. Ernslaw One in their cross submission supported KiwiRail, but sought that the relief sought be qualified such that the sight distance standard only related to new forestry planting and not established

forestry plantations. The basis of KiwiRail's submission, which was made elsewhere on other plan provisions, was to require a sight distance standard at rail and road intersections in order to maintain sufficient visibility at railway crossings. The sight distance standard is contained within Chapter 21 and other zone chapters, except for the Open Space Zone. The Hearings Panel agreed it would be consistent to include the sight distance standard in the Open Space Zone, and that the submission point be accepted. The concern of Ernslaw One was noted, but it was considered that this would be addressed by existing use rights, and that there would be few situations where existing commercial forestry plantations would be located in the Open Space Zone.

Elaine Gradock supported the introduction of the new noise limit during the shoulder time period of 7.00pm – 10.00pm. This submission point was accepted.

4.10 Rule 20.7 Matters of Control and Conditions for Controlled Activities

Submissions Received

(a) Subdivision of land

Sub No.	Submitter Name	Decision Requested	Further Submission
117.19	New Zealand Historic Places Trust (NZHPT)	Amend Rule 20.7.1(vi) as follows: Effects on significant sites and features, including natural, cultural, <u>archaeological</u> and historical sites.	
41.39	Powerco	Amend Rule 20.7.1(a)(iv) as follows The provision of servicing, including water supply, wastewater systems, stormwater management and disposal, streetlighting, telecommunications and electricity <u>and, where applicable, gas.</u>	

NZHPT sought to extend the matters of control for subdivisions so that consideration of effects on significant archaeological sites is specified. Objective 13.2.1 aims to protect significant historic heritage within Horowhenua District from inappropriate subdivision, use and development. Subdivision can have an adverse effect on archaeological sites, and accordingly it was resolved that the submission point be accepted. The text changes to clause 20.7.1 are contained in Appendix A.

Powerco requested the inclusion of the servicing requirements for subdivisions to extend to the provision of gas, where applicable. Clause 20.7.1 (iv) already makes reference to other utility services, so the inclusion of gas reticulation was considered appropriate, and the submission point was accepted. Text changes are contained in Appendix A.

(b) Relocated Buildings

Sub No.	Submitter Name	Decision Requested	Further Submission
40.28	House Movers Section of NZ Heavy Haulage Association	Delete Rule 20.7.3	

Sub No.	Submitter Name	Decision Requested	Further Submission
	Inc.		
40.36	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 20.7.3(b).	

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

As noted under Part 4.9 above, this issue has arisen in across a number of hearings for different zones (Open Space, Urban Environment and Rural Environment). The submission is discussed in detail in the decision of the Hearings Panel dealing with the Urban Environment. This decision retains the existing approach of Controlled Activity status and the use of bonds to ensure completion of works. The basis for maintaining this approach, including reference to previous case law, is addressed in detail under that particular decision. Consistent with those conclusions, this decision point was rejected.

(c) Temporary Military Training Activities

Sub No.	Submitter Name	Decision Requested	Further Submission
95.45	New Zealand Defence Force (NZDF)	Retain Controlled activity status. Amend Rule 20.7.6 by clarifying matters for control, especially in regards to noise.	

The NZDF generally supported the 'Matters of Control' set out for temporary military training activities, but seek further clarification with respect to noise matters. Issues relating to the relief sought by this submitter are contained above in paragraph 4.9.

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

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
94.23	NZ Transport Agency	Retain Rule 20.8.7(a)(iv) as notified	
94.27	NZ Transport Agency	Retain Rule 20.8.7(a)(v) as notified	

The NZTA supports the 'Matters of Discretion' that recognise the need for NZTA approval where the sign fronts a State Highway, and the requirement to consider the cumulative effect of signs. The two submission points were accepted.

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

Submissions Received

(a) National Environmental standards

Sub No.	Submitter Name	Decision Requested	Further Submission
93.24	The Oil Companies	Retain the cross reference to National Environmental Standards in Chapter 20.	

The Oil Companies expressed support for the cross reference to the National Environmental Standards in the Open Space Zone Chapter. The submission point was accepted.

(b) Relocated Buildings

Sub No.	Submitter Name	Decision Requested	Further Submission
40.10	House Movers Section of NZ Heavy Haulage Association Inc.	<p>Amend the Proposed Plan to provide for the relocation of buildings/dwellings as no more restrictively than a restricted discretionary activity (in the event that it is not a permitted activity) and that such application expressly provided for on a non-notified, non-service basis and subject to the following assessment criteria:</p> <p><u>Where an activity is not permitted by this Rule, Council will have regard to the following matters when considering an application for resource consent:</u></p> <p>i) <u>proposed landscaping</u></p> <p>ii) <u>the proposed timetable for completion of the work required to reinstate</u></p> <p>iii) <u>the appearance of the building following reinstatement</u></p>	

House Movers Section of NZ Heavy Haulage Association Inc have requested an alternative method of providing for relocated building/dwellings if the Proposed Plan does not provide for these activities as permitted activities. The relief sought is Restricted Discretionary Activity status, a non-notification clause, and better policy recognition for relocated buildings. The issue of the status of relocated buildings under the District Plan is covered extensively under the Urban Environment decision and summarised under Part 4.9 above.

This particular submission point has sought that should permitted activity status for relocated buildings not be adopted by the Council, then applications for relocated buildings should be processed non-notified, and not be more than a restricted discretionary activity. This is in fact very close to what the Council has adopted through its decisions, and by making the status of such

activities a controlled activity, has adopted a position which is actually more liberal than restricted discretionary status. Accordingly this particular submission was accepted.

(c) Earthwork Provisions on Heritage Sites

Sub No.	Submitter Name	Decision Requested	Further Submission
117.30	New Zealand Historic Places Trust (NZHPT)	Amend Chapter 20 to include earthworks rules that apply to historic heritage sites. Any earthworks within these sites should be restricted discretionary or discretionary activities dependent on the effects of the proposed earthworks on the heritage values of the sites.	

NZHPT are concerned that earthworks on sites containing heritage features could have potential adverse effects on heritage values, and request restricted discretionary activity consent for earthworks within heritage sites.

It appears that the submitter may have been unaware that this matter is already addressed in the District Plan. The Open Space Zone (and all other Zones in the Proposed District Plan) require discretionary activity consent for earthworks within the heritage setting of a Group 1 or 2 listed heritage item, and earthworks within a heritage site - refer Rule 20.4(g)(v), and Rule 20.4(h)(ii). The assessment matters in Chapter 25 that relate to earthworks within a heritage site (Clause 25.7.16(a)(xiv)), require an assessment of likely damage, modification or destruction of an archaeological site. Similarly, any earthworks involving destruction or irreversible change within a heritage site would need to be evaluated against the rarity and integrity of the listed heritage site under clause 25.7.16(b)(vi).

Given these circumstances the Hearings Panel resolved that it would be appropriate that the submission point of NZHPT be accepted in part, but with no text changes required, as the submitter's concerns are comprehensively addressed in the existing rules and assessment matters.

(d) Network Utility Rules

Sub No.	Submitter Name	Decision Requested	Further Submission
78.11	Telecom New Zealand Ltd	Delete all Network Utility Rules and Standards within the Open Space Chapter, other than specific cross referencing to particular standards in the zone chapters where relevant and reasonably applicable to network utilities.	
79.11	Chorus New Zealand Ltd	Delete all Network Utility Rules and Standards within the Open Space Chapter, other than specific cross referencing to particular standards in the zone chapters where relevant and reasonably applicable to	

Sub No.	Submitter Name	Decision Requested	Further Submission
		network utilities.	

Telecom and Chorus have both raised the same concern over the format of the Proposed Plan in terms of how it addresses rules and standards for network utilities. The submitters prefer a 'standalone' chapter for network utilities and the avoidance of cross references to particular zone standards.

The officers explained that the format of the rules and standards in the Proposed Plan is based on five zone chapters and three district-wide chapters – Vehicle Access, Manoeuvring and Roads (Chapter 21), Utilities and Energy (Chapter 22), and Hazardous Substances (Chapter 23). The district-wide chapters only set out permitted activity standards which apply across all five zones. The Zone Chapters provide identify the relevant activity status and any consent requirements within each zone.

The issue raised by the two submitters is a finely balanced one, as there are both advantages and disadvantages in terms of having all utility rules in one chapter. From the perspective of utility providers, having all the relevant rules in one chapter is clearly advantageous in terms of user-friendliness. On the other hand, a plan user who wishes to know what all relevant rules are within a particular zone would likely consider it preferable to have the relevant rules including utilities within the zone chapters. There is no "right" or "wrong" answer to this question.

The Open Space Zone permits the construction, operation, maintenance and upgrading of network utilities (Rule 20.1(f)(i)). The permitted activity conditions for network utilities in the Open Space Zone cross reference to Chapter 22 (Rule 20.6.16) and require compliance with any relevant Open Space Zone standards.

Overall, while conscious of the potential advantages from the submitter's perspective, the Hearings Panel concluded that the case for adopting the format sought by the submitters was not sufficiently compelling nature as to justify restructuring the plan to provide the relief sought. Accordingly it was resolved that the submission points raised by Telecom and Chorus be rejected.

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

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
96.40	Federated Farmers of New Zealand	Amend Rule 24.2.5 as follows: (b) All esplanade reserves required by (a) above shall be vested in the Council, and have a minimum width of 50 metres, where adjacent to the Tasman Sea (from MHWS) and 20 metres, where adjacent to any other <u>Schedule 12</u> water body. And That Rules 24.2.5 (f) and (g) are retained.	

Sub No.	Submitter Name	Decision Requested	Further Submission
101.72	Director-General of Conservation (DoC)	Include a new sub-clause to Rule 24.2.5 as follows: <u>Topography along the margins of the water bodies which result in increased runoff from adjacent land.</u>	
83.10	Ross Hood & Margaret Hood	No specific relief requested. Inferred: Delete Rule 24.2.5 (h)	

Federated Farmers supported in part the esplanade provisions in Rule 24.2.5, but sought specific reference to 'Schedule 12 Priority Water bodies' in the text of Rule 24.2.5(b). Rule 24.2.5 (a) and (b) are intended to operate conjunctively, and specify when an esplanade reserve is required (i.e., subdivision of an allotment of less than 4ha), and where a subdivision adjoins a Group 1 Priority Water body, the extent of the esplanade reserve required (50m adjacent to the Tasman Sea, 20m for the Group 1 Priority Water Bodies).

The submission has merit as it correctly identifies the need for a reference in Rule 24.2.5 (b) enabling people to readily identify (by reference to Schedule 12) those water bodies where an esplanade reserve is required upon subdivision. The issue of better cross references to Schedule 12 has also been raised in other submissions. It is also considered appropriate that the word 'Group 1' is also added to correctly refer to those water bodies where esplanade reserves are required. On this basis, the submission point was accepted in part, with the text changes included in Appendix A.

DoC sought the amendment of Rule 24.2.5 to provide for consideration of topography along the margins of water bodies to allow for increased run-off from adjoining land. Unfortunately, the Hearings Panel did not hear any additional explanation as to specific reasons for the relief sought, and in the absence of such, resolved that the submission point be rejected.

Ross and Margaret Hood opposed Rule 24.2.5(h) which provides that Council may require esplanade reserves to be fenced to protect the values of the reserve. The submitter contends that such a requirement would be costly for private landowners, and it is assumed that the relief sought is that this clause be deleted.

The Officer's report noted that the esplanade reserve provisions in the Operative District Plan require all esplanade reserves to be fenced and to specify the type of fence expected. It was explained that in reviewing the provisions, that these fencing requirements could be financially onerous, but that in some circumstances fencing off an esplanade reserve would be appropriate - for example to prevent damage from stock. Accordingly the Proposed Plan states that "*Council may require reserves to be fenced to protect the value of the reserve*". The Proposed Plan is less demanding in terms of requiring fencing than the Operative District Plan that is replacing. However it can still require the protection of esplanade reserves from adjoining land use activities when considered appropriate.

In terms of costs to landowners, it has to be noted that this situation will only arise if a landowner chooses to subdivide their land, and even then, the fencing requirement is more flexible than was the case in the past. The potential cost of any fencing would be assessed by a subdivider as part of the decision-making process they would undertake in making a decision as to whether or not to

subdivide their land. The Hearings Panel concluded that on balance, the requirement is set out in Rule 24.2.5 (h) was reasonable. It was resolved that the submission point be rejected.

4.14 Rule 24.2.6 Subdivision and Development Access Strips

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
83.11	Ross Hood & Margaret Hood	Amend Rule 24.2.6(b) so that all areas are specifically named and documented so there can be no misunderstanding of which areas are involved.	

Ross and Margaret Hood oppose in part Rule 24.2.6(b) which states that with respect to access strips, *"notwithstanding any other provisions or rules in the District Plan, in respect of any unscheduled water body, heritage item or site or area of significant conservation values, an access strips shall only be created where there is a demonstrated need for public access or protection of conservation or recreational values"*.

The submitter also made reference to this matter in their submission to the hearing, which was based on uncertainty as to which water bodies or other features which might be subject to the taking of an access strip, and the necessity for such access arrangements.

Those waterways subject to proposed esplanade reserve provisions are contained in Schedule 12 to the District Plan. Generally, the purpose of access strips is to provide for relatively rare circumstances where access is required "to" rather than "along or adjacent to" features such as a river or stream. The circumstances where this may be appropriate will depend entirely on whether a subdivision is undertaken by a landowner, and the utility or otherwise of an access strip is completely dependent on where that subdivision is located, the need for public access, factors such as topography, as well as the nature of the subdivision itself. While ideally it would be preferable to provide a greater degree of certainty, it would be very difficult in advance to determine when an access strip might be required, as the location and nature of future subdivisions are completely unknown. However requiring access strip is linked specifically to whether the land is subdivided or not; it cannot be simply imposed on a landowner unless that person is undertaking a subdivision, and even then, is not likely to be required in most cases. If the council wished to take land to provide access outside of the subdivision process, then it would need to undertake a designation and pay compensation.

The Hearings Panel acknowledges the point that the submitter was attempting to make, but in recognition of the above factors, resolved that submission point be rejected.

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

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
67.17	Taiaro Raukawa Environmental	Amend Issue Discussion 11.1 by including a new sentence at the end	

Sub No.	Submitter Name	Decision Requested	Further Submission
	Resource Unit	of paragraph 5 as follows: <u>Other areas of Māori land in the district have Ngā Whenua Rahui kawenata or covenants under the Reserves and Conservation Acts.</u>	

Taiao Raukawa Environmental Resource Unit supported in part the ‘Issue 11.1 Discussion for Activities on Surface of Water’, subject to an amendment which acknowledges other areas of Maori land are also protected and managed as reserves under the Reserves Act and Conservation Act. The submission refers to Nga Whenua Rahui, which is a contestable Ministerial fund established in 1991 to provide funding for the protection of indigenous ecosystems on Maori land. Its scope covers the full range of natural diversity originally present in the landscape. Issue 11.1 relates to activities on the surface of water.

The Hearings Panel considers it is appropriate that reference be made to Nga Whenua Rahui in the text set out under the issue, and accordingly the submission point was accepted. The text changes are contained in Appendix A.

4.16 11.1.2 Policy and Methods

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
101.62	Director-General of Conservation (DoC)	Amend Policy 11.1.2 through explaining what “significant values” means within this policy or define the term “significant values”.	
101.63	Director-General of Conservation (DoC)	Amend Method section 11.1 by providing a list of these existing management arrangements.	

DoC sought clarification on what was meant by ensuring that the “significant values” of waterways and their margins are recognised and provided for in the wording of Policy 11.1.2. The Plan also refers to existing management arrangements for certain lakes in the district, and the submitter seeks clarification what these arrangements are.

The “significant values” referred to in the policy are contained in Issue 11.1, and include landscape, ecology, significance to Tangata Whenua, and recreational values. They are also described in Objective 11.1.1. The Hearings Panel are satisfied that the values which DoC seeks to have clarified are already contained in the objective, and inform the subsidiary policies, including Policy 11.1.2. For this reason, the Hearings Panel considers the intent of further submission point 101.62 is already addressed, and no change to the Policy is required. On this basis this particular submission point was rejected.

However, merit was seen in the submitter’s suggestion that the ‘Methods for Issue 11.1 and Objective 11.1.1’ be expanded by making reference to management arrangements for specific water bodies, notably Lake Horowhenua, and Lake Papaitonga. Accordingly submission point 101.63 was accepted, and the text changes are contained in Appendix A.

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

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
108.08	HDC (Planning Department)	Amend Rule 19.6.4(a)(v) and 19.6.4(a)(x) as follows: (v) 20 metres from <u>the bed of</u> any water body listed in Schedule 12 - Priority Water Bodies. (x) 20 metres from the bed of any water body listed in Schedule 12 - Priority Water Bodies.	528.29 Horizons Regional Council - Support

The HDC (Planning Department) sought a minor wording change to Rule 19.6.4(a)(v) to clarify the building setback from priority water bodies identified in Schedule 12, specifically to make it clear where the 20m building setback is measured from. The addition of a reference to “bed” would provide the necessary clarity, because the term “bed” (of a river or lake) is defined in the RMA, and is commonly in used in planning documents. The Hearings Panel considered the amendment proposed by the officers was appropriate and this submission point was accepted. The text change is contained in Appendix A.

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

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
95.48	New Zealand Defence Force (NZDF)	Amend Rule 19.6.28 as follows: Any activity on the surface of any lake or river (<u>excluding any temporary military training activity</u>) shall not....	
27.30	Horizons Regional Council	Amend Rule 19.6.28(b) to provide clarification.	

NZDF sought an amendment to the permitted activity standard (Rule 19.6.28) which manages activities on the surface of water. Although the subject of the submission is TMT activities on the surface of water, the rule relates to the Rural Zone provisions. The amendment seeks to exclude temporary military training activities from the surface of water rules, so that these activities only operate under the specific “temporary military training activity rule and standards”.

Rule 19.1(i) permits activities of a recreational nature on the surface of any water body, subject to the criteria in Rule 19.6.28. Temporary military training activities are permitted in the Rural Zone under Rule 19.1(r) subject to performance standards under Rule 19.6.30. The definition of ‘temporary military training activity’ specifically includes “*an activity on the surface of any water body, undertaken for Defence purposes*”.

The Officer's report argued that given that the activities provided for in Rule 19.1(i) and 19.6.28 apply to *recreation* activities, these rules did not apply to temporary military training activities. The definition of "temporary military training activities" includes defence activities undertaken on the surface of water, and are managed by the provisions in Rule 19.1(r) and 19.6.30.

While the Hearings Panel agreed that at first sight there might appear to be some element of possible ambiguity in terms of the application of the rules, the distinction between TMT activities on one hand, and recreational activities on the other, was sufficiently clear such that no change to the rules was required. For this reason the submission point was rejected.

Horizons sought an amendment to Rule 19.6.28(b) to clarify the wording and scope of this permitted activity standard, which manages structures erected, moored or placed on or above any water surface with reference to an exclusion for road bridges. At the hearing Ms Penelope Tucker (Horizons Regional Council) expanded on her concerns that the rule was unclear, and that the rule also had the potential to duplicate the Proposed One Plan rules. Following her presentation, the Hearings Panel requested that the reporting officer revisit this issue in consultation with Horizons.

The role of a district council as set out under section 31 of the RMA includes the "control of any actual and potential effects of activities in relation to the *surface* of waters in rivers and lakes". Section 13 of the RMA regulates the use of the *beds* of lakes and rivers, and it is a regional council responsibility.

Following discussion between the officers, we were presented with a brief report outlining amended text as agreed between Horizons and Horowhenua District Council. The proposal was to amend Rule 19.6.28 so that it only addressed the size and height of structures that are on the surface of water, with all other structures (in, on, over and under the bed of a river or lake) being managed by Rule 16.12 of the Proposed One Plan.

It was noted that structures on the surface of the water which were supported by other structures on the bed of a river (such as a bridge) would require consideration under both the district and regional plans, with the former focusing on visual effects.

The agreed text changes were to amend rule 19.6.28 (b) to limit its ambit to structures erected, moored or replaced on any water surface, by removing the 'exclusion' relating to bridge structures, and adding an advisory note cross referencing to the provisions of the Proposed One Plan.

The Hearings Panel concurred with the wording arrived at between the officers of the two councils and resolved that the submission point be accepted in part. Text changes are contained in Appendix A to this decision.

4.19 Schedule 12 – Priority Water Bodies

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
80.04	Todd Energy Ltd	Delete Schedule 12 OR Amend Chapter 3 as requested in Submission points 92.03, 92.21-92.17 to clarify the purpose and	524.07 Higgins Group Holdings Ltd - Support

Sub No.	Submitter Name	Decision Requested	Further Submission
		application of Schedule 12.	
92.04	KCE Mangahao Ltd	Delete Schedule 12 OR Amend Chapter 3 as requested in Submission points 92.03, 92.21-92.17 to clarify the purpose and application of Schedule 12.	524.08 Higgins Group Holdings Ltd - Support

Todd Energy Ltd and KCE Mangahao Ltd both opposed the inclusion of Mangaore Stream in Group 2 of Schedule 12.

Although the submitters were not represented at the hearing, the Hearings Panel did receive a written statement prepared by Ms Lorelle Barry of Sigma Consultants, on behalf of the submitter. It was noted that Todd Energy owned land in the Tararua foothills and provided management support for the Mangahao Power Station.

The written statement noted that Mangaore Stream was listed as a Group 2 'Priority Water Body', and that the implications of its inclusion in Schedule 12 were unclear. For this reason there was concern that the listing could limit the operations of the Power Station. There was also concern at the lack of linkages within the Proposed Plan between the objectives/policies and rules including Schedule 12, and that the officer's report had not adequately addressed the concerns raised in the submission.

These submissions have arisen on various chapters of the review of the District Plan. Schedule 12 of the Proposed Plan sets out what are defined as "Priority Water Bodies" and are split into two groups. Group 1 listed coastline and various major rivers and lakes within the district which are seen as having the highest values in terms of such factors as natural, ecological, recreational, cultural, and other values, as well as their significance in terms of the desirability of public access to and from these water bodies. Those in Group 2, which include the Mangaore Stream, are of lesser significance, but are still considered to be important waterways for the purpose of the values listed above. The Officer's report explained that the selection of these waterways is based on provisions within the operative District Plan, the "default RMA provisions (Section 230), where every water body over 3 metres in width is subject to an esplanade reserve or strip", but most importantly, the contents of the Open Space Strategy undertaken as background to the preparation of the Proposed Plan.

The primary significance of the provisions in Schedule 12 is to identify those water bodies which are the most significant such features in the district, and which have significant values in terms of their natural, ecological, recreational and cultural characteristics. It also identifies those waterways where the taking of esplanade reserves or strips upon subdivision will be undertaken, as is required under the subdivision provisions of the RMA. The Hearings Panel agreed that the linkages within the Proposed Plan between Schedule 12 and the objectives and policies were ambiguous for plan users. That said, it understands that the purpose of Schedule 12 is to identify water bodies on the basis of their significance and potential recreational and environmental values, with respect to taking of esplanade reserves upon subdivision. Accordingly the significance of the listing in Schedule 12 is that should subdivision be undertaken adjacent to the Mangaore Stream, including on land owned by the submitter, it was probable that an esplanade reserve would be sought. It is perhaps unfortunate that the submitter was unable to be represented at the hearing so that the

specific implications for subdivision (if any) in terms of the operation of the power station, could be further explored.

Earlier in Part 4.6 of this decision a similar concern was raised by Federated Farmers, and the Hearings Panel have agreed to provide a reference below Policy 4.2.3 to provide a specified link between that policy (which relates to Esplanade reserves or strips) and Schedule 12.

In terms of the appropriate response to the submission point, it was noted that Ms Barry's conclusions called for clear links between Schedule 12 and other strategies used to interpret the chapter. Given the clarification provided for under the wording of Policy 4.2.3 (refer Appendix A for text changes), it was considered the most appropriate course of action was that the submission point be accepted in part.

5.0 SECTION 32

Section 32 requires an evaluation of whether an objective is the most appropriate way to achieve the purpose of the Act and whether, having regard to their efficiency and effectiveness, the policies rules and other methods are the most appropriate for achieving the objective. As we understand it the use of the term "most appropriate" in section 32(3) of the Act has a meaning similar to suitable rather than superior as such, changes sought therefore only need to be preferable in resource management terms to the existing provisions in order to be the "most appropriate" way of satisfying the purpose of the Act.

The primary issue arising through submissions concerned the taking of esplanade reserves and esplanade strips upon subdivision. These submissions broadly fell into three groups, being those from P. Taueki and Muaupoko Cooperative Society concerning the taking of esplanade reserves in terms of effects on cultural sites of significance to Maori; submissions from Federated Farmers and others with respect to imply access across private land, or the effects on adjoining private land resulting from public access; and the clarity of plan provisions and their application, raised in submissions from KCE Mangahao Limited and Todd Energy with respect to their particular property interests. Apart from the Taueki submission, the only submission questioning the entire validity of taking esplanade reserves and strips was a submission from R. and M. Hood.

The background to these issues was addressed in the course of this decision, notably in Parts 4.5 4.6, 4.9 and 4.19. The challenge to the taking of an esplanade reserve around Lake Horowhenua has been addressed through recognition that the presence of an existing strip of Maori land around this water body effectively meant that the taking of such a reserve would not be possible, quite apart from any cultural considerations.

In terms of the other submissions, the Hearings Panel was satisfied that the taking of esplanade provisions was clearly mandated by the provisions of the legislation itself, having regard to sections 77, 229 and 230 of the RMA. The Panel did not consider that having regard to the legislation and to case law, that there was an ability to completely waive a requirement to take esplanade reserves or strips entirely with respect to waterways within the District. In this respect, Horowhenua District Council was following the same requirements as every other district council in New Zealand. It was satisfied that identifying 'priority' waterways in the district through Schedule 12, and requiring esplanade reserves or strips adjacent to these waterways was an efficient and effective way of giving effect to the legislation. In terms of other waterways, taking esplanade reserves or strips on a more limited case-by-case basis, and incorporating within Policy 4.2.6 those circumstances where it would not be appropriate to take esplanade reserves or strips upon subdivision reflected an appropriate policy balance.

Considerations where esplanade reserves or strips would not be taken could include sensitive sites of cultural significance, or circumstances in which even in the longer term, the acquisition of esplanade reserves or strips is unlikely to provide usefully for public access. The RMA (unlike in the UK for example), does not provide for a "right to roam" principle, and does not imply that there is a right of direct access across private land - this is a separate issue. The trigger for taking esplanade reserves is a decision made by a landowner to subdivide land to create allotments of less than 4ha adjacent to water bodies, and in any other circumstances compensation is payable and/or designation required. Overall, the Hearings Panel was satisfied that the provisions contained in the plan, subject to the amendments made through decisions, satisfy the requirements of Section 32 of the Act.

The second issue arises with respect to regulating the activities of temporary military training exercises (TMT). In the final analysis, agreement was reached on the manner in which most TMT exercises were managed with respect to district plan requirements between Council officers and representatives of NZDF, with the exception of night firing exercises and use of explosives. The Hearings Panel however wishes to record it considers the current process whereby each district council determines its own requirements for managing these activities (which are of nationwide significance and application for NZDF activities) to be completely inefficient, and the requirements of NZDF would be better achieved through a national standard or similar process. It is perhaps ironic that this is in fact is what NZDF is trying to achieve through a submission process on individual district plans.

None of the submissions made on the Proposed Plan involved adding additional objectives, policies or rules, or making existing provisions more restrictive, and accordingly no changes were made to the plan provisions which have the effect of increasing their regulatory impact.

There were no challenges seeking the removal of objectives and policies, or submissions that the rules be made more liberal with respect to the demolition or alteration of heritage buildings, and the officer's reports made no reference to any specific section 32 challenges made through submissions.

6.0 DECISION

For all the following reasons we resolve the following:

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



Robert Nixon (Chair)



Cr Garry Good



Cr Leigh McMeeken

Dated: 23 September 2013

APPENDIX A: Proposed Plan as amended by Hearing Decisions

Chapter 4 Open Space and Access to Water bodies

1. Amend Objective 4.1.1 Open Space Zone as follows:

Objective 4.1.1

Council's parks and reserves and identified privately owned open spaces are efficiently used and developed with a range of recreational activities and opportunities that meet the changing needs of community, while ensuring the uses and development are compatible with the character, ~~and~~ amenity and special values of the open spaces and their surrounding environment.

2. Make consequential amendments to 4.1 'Issue Discussion', and to Policy 4.1.6 and Policy 4.1.9 as follows:

4.1 Issue Discussion

....

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

Policy 4.1.6

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

Policy 4.1.9

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

3. Amend Issue 4.2 as follows:

Issue 4.2:

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

4. Amend 4.2 'Issue Discussion' paragraph 1, and insert a fourth paragraph as follows:

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

...

The relationship that Maori have with water bodies (and their margins) is to be recognised and provided for when considering the maintenance and enhancement of public access networks to and along lakes, rivers and other water bodies in the district. It is important that public access does not take place in a manner which degrades cultural value of sites of significance to Tangata Whenua, and where this might be the case, consultation is undertaken with them with respect to the creation of public access, particularly in respect to Lake Horowhenua. No esplanade requirements apply with respect to Lake Horowhenua, as it is already surrounded by a strip of land in Maori ownership, as is one side of Hokio Stream which drains the lake.

5. Amend Objective 4.2.1 Public Access to Water Bodies as follows:

Objective 4.2.1

Maintain and enhance public access to and along the coast, rivers, lakes and streams, at appropriate locations while preserving the natural character, cultural values and other values of these water bodies and their margins, and where the need for the protection of sites and areas of significance to Tangata Whenua is taken into account.

6. Amend Policy 4.2.2 as follows:

Policy 4.2.2

Prioritise the need for public access to water bodies with significant natural/ecological, natural hazards, and recreational/access ~~and cultural~~ values.

7. Add the following note after Policy 4.2.3:

Note: Refer to Schedule 12 which identifies Priority Water Bodies in the District

8. Amend the third bullet point of Policy 4.2.6 and add two additional bullet points reading as follows:

- The creation of the esplanade area would adversely affect the natural, and ecological ~~and cultural~~ values of the water body and its margins;
- The creation of the esplanade area would adversely affect sensitive sites or areas of significance to Tangata Whenua;

- The taking of an esplanade reserve or strip would be unlikely to be of value in terms of enhancing public access in the particular location concerned, even in the longer term.

9. Add an additional paragraph to the Explanation and Principal Reasons for Policies 4.2.1 - 4.2.7 before the final paragraph, reading as follows:

The appropriateness of providing public access which might affect sensitive sites or areas of significance to Tangata Whenua, or the form of that access, has to be considered carefully in terms of potential adverse cultural impacts. There are sites of particular significance in the vicinity of Lake Horowhenua and its margins, which are important to Muaupoko.

Chapter 11 Water and Surface of Water

10. Amend the 11.1 'Issue Discussion' as follows:

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

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

11. Amend Methods for 11.1 and Objective 11.1.1 as follows:

Methods for Issue 11.1 and Objective 11.1.1

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

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

Duplication of roles under the RMA may be inappropriate.

Chapter 15 Residential Zone

12. Amend the temporary military training activity permitted activity conditions (Rule 15.6.31) for the Residential Zone as follows:

15.6.31 Temporary Military Training Activities

- (a) *All temporary military training activities shall, in addition to the other conditions, also comply with the following conditions:*

- (i) *No permanent structures shall be constructed.*
- (ii) *The activity shall not require excavation (permanent or mechanical), unless provided for in this District Plan.*
- (iii) *The duration of any temporary military training activity shall not exceed 31 consecutive days.*
- (iv) *Noise generated from mobile sources (other than weapons firing and use of explosives) shall be assessed in accordance with and not exceed the limits as set out in NZS 6803:1999 Acoustics - Construction noise when applied at any noise sensitive activity.*

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 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.*~~

- (vi) *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 15.3; or

(b) If minimum separation distances In Table 15.3 cannot be met:

- *Daytime sound levels do not exceed a peak sound pressure level of 120 dBC when measured at the site boundary; and*
- *Night time sound levels do not exceed a peak sound pressure level of 90 dBC when measured at the 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 15.3: 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 site within the Residential Zone</u>
1. <u>Live firing of weapons and single or multiple explosive events</u>	7.00am to 7.00pm (daytime hours)	At least 1500m
	7.00pm to 7.00am (night time hours)	At least 4500m
2. <u>Firing of blank ammunition</u>	7.00am to 7.00pm (daytime hours)	At least 750m
	7.00pm to 7.00am (night time hours)	At least 2250m

13. Amend the temporary military training activities ‘Matters of Control’ (Rule 15.7.4) as follows:

15.7.4 Temporary Military Training Activities

(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.

Chapter 16 Industrial Zone

14. Amend the temporary military training activity permitted activity conditions (Rule 16.6.23) for the Industrial Zone as follows:

16.6.23 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 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 $L_{Aeq(15min)}$
- 10.00am – 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.~~

(vi) 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 16.1; or

(b) If minimum separation distances in Table 16.1 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 16.1: 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</u>	<u>At least 750m</u>
	<u>7.00pm to 7.00am (night time)</u>	<u>At least 2250m</u>

15. Amend the temporary military training activities 'Matters of Control' (Rule 16.7.6) as follows:

16.7.6 Temporary Military Training Activities

(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.

Chapter 17 Commercial Zone

16. Amend the temporary military training activity permitted activity conditions (Rule 17.6.25) for the Commercial Zone as follows:

17.6.25 Temporary Military Training Activities

- (a) *All temporary military training activities shall, in addition to the other conditions, also comply with the following conditions:*
 - (i) *No permanent structures shall be constructed.*
 - (ii) *The activity shall not require excavation (permanent or mechanical), unless provided for in this District Plan.*
 - (iii) *The duration of any temporary military training activity shall not exceed 31 consecutive days.*
 - (iv) *Noise generated from mobile sources (other than weapons firing and use of explosives) shall be assessed in accordance with and not exceed the limits as set out in, NZS 6803:1999 Acoustics - Construction noise when applied at anythe 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 $L_{Aeq(15min)}$
- 10.00am – 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.~~

- (vi) 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 17.1; or

(b) If minimum separation distances in Table 17.1 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 17.1: 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</u>	<u>At least 750m</u>
	<u>7.00pm to 7.00am (night time)</u>	<u>At least 2250m</u>

17. Amend the temporary military training activities ‘Matters of Control’ (Rule 17.7.6) as follows:

17.7.6 Temporary Military Training Activities

(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.

Chapter 19 Rural Zone

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

19.6.4 Building Setbacks from Boundaries and Separation Distances

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

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

...

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

19. Amend Subclause (b) of Rule 19.6.28 'Activities on the Surface of the Water' as follows:

~~Any structure erected, moored, or placed on or above any water surface but excluding any bridge or other structure forming part of the roading resource, or the maintenance, replacement or upgrading of network utilities, shall not exceed 10 m² gross floor area and shall not exceed 3 m height of the water surface.~~

Note: The Proposed One Plan manages all structures in, on, or under the beds of rivers and lakes. Therefore, any anchors or piles used in conjunction with any structure permitted by the Rule 19.6.28 (b) must be assessed against the Horizons Regional Council Proposed One Plan in terms of Section 13 of the RMA.

Further, any works in relation to the damming or diversion of any water; or discharges to water must be assessed against the Proposed One Plan in terms of Sections 14 and 15 of the RMA.

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

Note: Rule 19.6.28 has immediate legal effect from 14 September 2012.

20. Amend the temporary military training activity permitted activity conditions (Rule 19.6.30) for the Rural Zone 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 $L_{Aeq(15min)}$
- 10.00am – 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.~~

- (vi) 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>

21. Amend the temporary military training activities 'Matters of Control' (Rule 19.7.10) as follows:

19.7.10 Temporary Military Training Activities

(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.

Chapter 20 Open Space Zone

22. Add to Rule 20.1 the following:

“Relocated buildings up to and including 40m² in gross floor area.”

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

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

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

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

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

25. Amend Rule 20.2(c) as follows:

The placement of any relocated building and/or accessory building on any site (refer Rule 20.7.3)

Except

Any relocated buildings up to and including 40m² in gross floor area.

26. Amend the permitted activity noise conditions in 20.6.7 as follows:

20.6.7 Noise

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

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

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

20.6.15 Vehicle Parking, Manoeuvring, and Loading

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

28. Add a new permitted activity condition under Rule 20.6.16 as follows:

20.6.16 Safety and Visibility at Road and Rail Intersection

(a) No building or structure shall be erected, no materials shall be placed, or vegetation planted that would obscure the railway level crossing approach sight triangles as detailed in Appendix 1: Traffic Sight Lines at Road and Rail Intersections in Chapter 21.

And consequential changes to numbering.

29. Amend the permitted activity signs condition in 20.6.18 as follows:

20.6.18 Signs

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

30. Amend the temporary military training activity permitted activity conditions (Rule 19.6.30) for the Open Space Zone as follows:

20.6.22 Temporary Military Training Activities

(a) All temporary military training activities shall, in addition to the other conditions, also comply with the following conditions:

- (i) No permanent structures shall be constructed.
- (ii) The activity shall not require excavation (permanent or mechanical), unless provided for in this District Plan.
- (iii) The duration of any temporary military training activity shall not exceed 31 consecutive days.
- (iv) Noise generated from mobile sources (other than weapons firing and use of explosives) shall be assessed in accordance with and not exceed the limits as set out in, NZS 6803:1999 Acoustics - Construction noise when applied at 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 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 $L_{Aeq(15min)}$
- 10.00am – 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.~~

- (vi) 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 20.3; or

(b) If minimum separation distances in Table 20.3 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 20.3: 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</u>	<u>At least 750m</u>
	<u>7.00pm to 7.00am (night time)</u>	<u>At least 2250m</u>

31. Amend the Matters of Control for Subdivisions Clause 20.7.1 as follows:

20.7.1 Subdivision of Land (Rule 20.2(a))

...

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

...

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

32. Amend the temporary military training activities 'Matters of Control' (Rule 20.7.6) as follows:

20.7.6 Temporary Military Training Activities

(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.

Chapter 24 Subdivision and Development

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

24.2.5 Esplanade Reserves/Strips

Subdivision

The following apply in all Zones:

(a) An Esplanade reserve shall be required where an allotment of less than 4 ha is to be created adjacent to the water bodies listed in Group 1 in Schedule 12 -- Priority Water Bodies.

(This clause shall not apply to Lake Horowhenua)

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

(c) An Esplanade strip shall be required and created where an allotment of less than 4 ha is to be created adjacent to the water bodies listed in Group 2 in Schedule 12 - Priority Water Bodies.

(This clause shall not apply to the Hokio Stream)

34. Add a subclause to the Assessment Matter relating to light spill Rule 25.6.3 as follows:

25.6.3 Light Spill

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

Chapter 28 General Provisions

35. Add the following new Clause 28.2.XX to Chapter 28, Clause 28.2 *"Information to be supplied with applications for resource consent and other planning related applications"*

28.2.X Information Requirements: Noise Management Plan for Temporary Military Training Activities

The Noise Management Plan required under Rules 15.6.31, 16.6.23, 17.6.25, 19.6.30 and 20.6.22 shall contain the following:

- (i) State the objectives of the Management Plan (i.e. comply with a peak sound pressure level of 120 dBC (daytime) and 90 dBC (night time) when measured at the notional boundary of any residential dwelling unit or noise sensitive activity, or any site boundary in the Residential Zone or Greenbelt Residential Zone).
- (ii) A description of the site including but not limited to any characteristics which may mitigate noise and a map showing potentially affected noise sensitive activities.
- (iii) A description of the activity, including times, dates, nature and location of the activity and noise sources and a map showing the predicted peak sound pressure levels (noise contour map).
- (iii) Methods to ensure the emission of noise does not exceed the noise level specified in Rules 15.6.31, 16.6.23, 17.6.25, 19.6.30 and 20.6.22, including but not limited to, location and orientation of dwellings, location of activities and hours of operation.

- (iv) Detail on the programme for notification and communication with the occupiers of affected noise sensitive activities prior to the activities commencing, including updates during the event.
- (v) Detail procedures for receiving and deciding on complaints.
- (vi) Detail procedures for noise monitoring and reporting.

APPENDIX B: Schedule of Decisions on Submission Points

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Hearing Panel Decision
11.18	511.04	Philip Taueki HDC (Community Assets Department)	Oppose In-Part	Reject Accept In-Part
	519.13	Charles Rudd(Snr)	Support	Reject
	527.00	Director-General of Conservation (DoC)	Support	Reject
60.12	519.31	Muaupoko Co-operative Society Charles Rudd(Snr)	Support	Reject Reject
11.19	519.14	Philip Taueki Charles Rudd(Snr) -	Support	Accept In-Part Accept In-Part
60.13	519.32	Muaupoko Co-operative Society Charles Rudd(Snr)	Support	Accept In-Part Accept In-Part
67.13		Taiao Raukawa Environmental Resource Unit		Accept In-Part
96.15		Federated Farmers of New Zealand		Reject
98.28		Horticulture NZ		Reject
101.22		Director-General of Conservation (DoC)		Accept In-Part
101.23	509.00	Director-General of Conservation (DoC) New Zealand Historic Places Trust (NZHPT)	Support	Reject Reject
117.04		New Zealand Historic Places Trust (NZHPT)		Reject
67.12		Taiao Raukawa Environmental Resource Unit		Reject
101.24	511.05	Director-General of Conservation (DoC) HDC (Community Assets Department)t	Support In-Part	Reject Reject
96.16	506.09	Federated Farmers of New Zealand Ernslaw One Ltd	Support	Reject Reject
11.20	519.15	Philip Taueki Charles Rudd(Snr)	Support	Accept Accept
60.14	519.33	Muaupoko Co-operative Society Charles Rudd(Snr)	Support	Accept Accept
96.17	506.10	Federated Farmers of New Zealand Ernslaw One Ltd	Support	Reject Reject
	517.16	Horticulture NZ	Support	Reject

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Hearing Panel Decision
11.21	519.16	Philip Taueki Charles Rudd(Snr)	Support	Reject Reject
60.15	519.34	Muaupoko Co-operative Society Charles Rudd(Snr)	Support	Reject Reject
96.18		Federated Farmers of New Zealand		Accept In-Part
101.25		Director-General of Conservation (DoC)		Accept
83.06		Ross Hood & Margaret Hood		Reject
96.19		Federated Farmers of New Zealand		Accept In-Part
96.20		Federated Farmers of New Zealand		Accept
83.07		Ross Hood and Margaret Hood		Accept In-Part
96.21		Federated Farmers of New Zealand		Accept
11.22	519.17	Philip Taueki Charles Rudd(Snr)	Support	Accept In-Part Accept In-Part
33.01		Levin Golf Club		Accept
51.05		Waitare Beach Progressive Association (WBPA)		Accept In-Part
60.16	519.35	Muaupoko Co-operative Society Charles Rudd(Snr)	Support	Accept In-Part Accept In-Part
67.09		Taiao Raukawa Environmental Resource Unit		Accept In-Part
83.08		Ross Hood & Margaret Hood		Reject
98.54		Horticulture NZ		Accept In-Part
101.21		Director-General of Conservation (DoC)		Accept In-Part
40.29		House Movers Section of NZ Heavy Haulage Association Inc.		Reject
40.43		House Movers Section of NZ Heavy Haulage Association Inc.		Reject
95.06		New Zealand Defence Force (NZDF)		Accept
27.22	524.06	Horizons Regional Council Higgins Group Holdings Ltd	Support	Accept Accept

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Hearing Panel Decision
40.27		House Movers Section of NZ Heavy Haulage Association Inc.		Reject
117.24		New Zealand Historic Places Trust (NZHPT)		Accept In-Part
25.07	525.23	Michael White Maurice and Sophie Campbell	Support	Accept In-Part Accept In-Part
26.14		Horowhenua Astronomical Society Inc.		Accept In-Part
40.30		House Movers Section of NZ Heavy Haulage Association Inc		Reject
95.49		New Zealand Defence Force (NZDF)		Accept
108.19		HDC (Planning Department)		Accept
5.07		Elaine Gradock		Accept
95.30		New Zealand Defence Force (NZDF)		Accept
108.36		HDC (Planning Department)		Accept In-Part
95.40		New Zealand Defence Force (NZDF)		Reject
108.06		HDC (Planning Department)		Accept
95.16		New Zealand Defence Force (NZDF)		Accept
95.11		New Zealand Defence Force (NZDF)		Accept
95.54		New Zealand Defence Force (NZDF)		Accept
95.25		New Zealand Defence Force (NZDF)		Accept In-Part
95.35		New Zealand Defence Force (NZDF)		Accept In-Part
55.33	506.58 521.11	KiwiRail Ernslaw One Ltd NZ Transport Agency (NZTA)	In-Part In-Part	Accept Accept In-Part Accept
117.19		New Zealand Historic Places Trust (NZHPT)		Accept
41.39		Powerco		Accept
40.28		House Movers Section of NZ Heavy Haulage Association Inc.		Reject
40.36		House Movers Section of NZ Heavy Haulage Association Inc.		Reject

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Hearing Panel Decision
95.45		New Zealand Defence Force (NZDF)		Accept In-Part
94.23		NZ Transport Agency (NZTA)		Accept
94.27		NZ Transport Agency (NZTA)		Accept
93.24		The Oil Companies		Accept
40.10		House Movers Section of NZ Heavy Haulage Association Inc.		Accept
117.30		New Zealand Historic Places Trust (NZHPT)		Accept In-Part
78.11		Telecom New Zealand Ltd		Reject
79.11		Chorus New Zealand Ltd		Reject
96.40		Federated Farmers of New Zealand		Accept In-Part
101.71		Director-General of Conservation (DoC)		Reject
83.10		Ross and Margaret Hood		Reject
83.11		Ross Hood & Margaret Hood		Reject
67.17		Taiao Raukawa Environmental Resource Unit		Accept
101.62		Director-General of Conservation (DoC)		Reject
101.63		Director-General of Conservation (DoC)		Accept
108.08	528.29	HDC (Planning Department) Horizons Regional Council	Support	Accept Accept
95.48		New Zealand Defence Force (NZDF)		Reject
27.30		Horizons Regional Council		Accept In-Part
80.04	524.07	Todd Energy Ltd Higgins Group Holdings Ltd	Support	Accept In-Part Accept In-Part
92.04	524.08	KCE Mangahao Ltd Higgins Group Holdings Ltd	Support	Accept In-Part Accept In-Part

RESOURCE MANAGEMENT ACT 1991

PROPOSED HOROWHENUA DISTRICT PLAN

HEARING OF SUBMISSIONS

DECISION OF HEARING PANEL

TOPIC: Report on District Plan
Natural Features & Values

HEARING PANEL: Robert Nixon (Chair)
Cr Leigh McMeeken
Cr Garry Good

HEARING DATE: 12th April and 28th May 2013

CONTENTS

1.0	INTRODUCTION	3
2.0	OFFICER'S REPORT	3
3.0	SUBMITTER APPEARANCES	4
4.0	EVALUATION	4
4.1	Introduction	4
4.2	Issue 3.2 Indigenous Biological Diversity	4
4.3	Objective 3.2.1	5
4.4	Policy 3.2.2	7
4.5	Policy 3.2.3	8
4.6	Issue 3.3 Lakes, Rivers and Other Water Bodies & Issue	10
4.7	Objective 3.3.1	12
4.8	Policy 3.3.2	13
4.9	Policy 3.3.3	14
4.10	Policy 3.3.4	15
4.11	Policy 3.3.5	16
4.12	Policy 3.3.6	16
4.13	Policy 3.3.8	17
4.14	Policy 3.3.9	18
4.15	Explanation & Principal Reasons for Objective 3.3.1	19
4.16	Methods for Issue 3.3 & Objective 3.3.1	19
4.17	Issue 3.4 Notable Trees	20
4.18	Methods for Issue 3.4 & Objective 3.4.1	20
4.19	Chapter 3 - General Matters	21
4.20	Rule 15.1(m) – Residential Zone Permitted Activity List (Notable Trees)	22
4.21	Rule 19.4.12 – Rural Zone Discretionary Activity (Notable Trees)	23
4.22	Rule 19.6.27 – Rural Zone Conditions for Permitted Activities (Notable Trees)	24
4.23	Rule 20.1(j) – Open Space Zone Permitted Activity (Notable Trees)	25
4.24	Assessment Criteria 25.7.15(e) Notable Trees	25
4.25	Chapter 26 - Definitions	26
4.26	Schedule 3 - Notable Trees	26
5.0	SECTION 32	26
6.0	DECISION	28
	APPENDIX A: Proposed Plan as amended by Hearing Decisions	29
	APPENDIX B: Schedule of Decisions on Submission Points	37

1.0 INTRODUCTION

- 1.1 We were appointed by the Horowhenua District Council to consider submissions on the Proposed District Plan relating to Natural Features and Values.
- 1.2 A hearing into the submissions was held on 12 April and 28 May 2013. The hearing was closed on the 13 September 2013.

Abbreviations

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

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

2.0 OFFICER'S REPORT

- 2.1 We were provided with and reviewed the officer report prepared by Sheena McGuire pursuant to s42A of the Act prior to the hearing commencing.
- 2.2 The Officer's report noted that submissions received on Chapter 3 were confined to a relatively small number of submitters, but with some of those submitters commenting on numerous separate provisions. One primary issue raised concerned the respective roles of the Horizons Regional Council and the District Council with respect to the management of indigenous biodiversity, a matter of concern to both Federated Farmers and the Regional Council.
- 2.3 The second issue concerned the relationship between Chapters 3 and 4 of the District Plan, and in particular the purpose and application of Schedule 12, which identifies Priority Water Bodies which are subject to esplanade reserve and strips upon subdivision, which in turn is addressed separately under Chapter 4.
- 2.4 Finally, there was a submission made with respect to the addition of a further notable tree, and another raising concerns about the clarity of the rules relating to the removal of notable trees and the circumstances in which this activity could be undertaken.

3.0 SUBMITTER APPEARANCES

3.1 The following submitters made appearances at the hearing:

Ms. Penelope Tucker (Horizons Regional Council)

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

- Mike Hurley for Transpower
- Lorelle Barry for Todd Energy and KCE Mangahao Ltd
- Allen Little for Horowhenua Astronomical Society

4.0 EVALUATION

4.1 Introduction

Submission Received

Sub No.	Submitter Name	Decision Requested	Further Submission
67.08	Taiao Raukawa Environmental Resource Unit	Amend Chapter 3 Introduction to read 'kaitiaki is to preserve the sprit <u>spirit</u> of the land'.	

This submission simply sought that the word 'sprit' be corrected to read as 'spirit'. This submission was accepted.

4.2 Issue 3.2 Indigenous Biological Diversity

Submission Received

Sub No.	Submitter Name	Decision Requested	Further Submission
96.45	Federated Farmers of New Zealand	Amend Issue 3.2 to provide for a transfer of the biodiversity function from the Horowhenua District Council to the Manawatu-Wanganui Regional Council under Section 33 of the RMA and associated consultation takes place.	506.29 Ernslaw One Ltd - Support
96.46	Federated Farmers of New Zealand	Amend Issue 3.2 as follows: Land use, subdivision and development can result in the damage and destruction of areas of significant indigenous vegetation and significant habitats of indigenous fauna and the intrinsic values of ecosystems, including loss of indigenous biological diversity. <u>The single biggest threat to the long term viability of indigenous biodiversity is</u>	506.30 Ernslaw One Ltd - Support 527.08 Director-General of Conservation (DoC) - Oppose

Sub No.	Submitter Name	Decision Requested	Further Submission
		<u>that of invasive pests, both plant and animal. Pressure from land use activities such as clearance of forest and scrub and drainage of wetland areas is tightly controlled and significantly constrained through the regional policy statement.</u> Or words to that effect.	

By way of background, the reporting officer informed us that the issue of whether indigenous biological diversity was to be managed at the level of regional or district plans had been the subject of litigation extending to the High Court, and involved the contents of the Regional "One Plan". The outcome of this process was that the High Court had ruled that biological diversity was to be managed at the regional plan level.

Federated Farmers sought that a transfer of functions from the District Council to the Regional Council take place under Section 33 of the RMA with respect to the management of indigenous biological diversity. As this matter has been resolved by the High Court, we consider any process for the transfer of powers is unnecessary. In her evidence to the hearing (refer paragraph 5.3 below, and paragraph 11 of her evidence) Ms Penelope Tucker for the Regional Council drew our attention to the decision of Judge Kos (*Property Rights in New Zealand Inc v Manawatu-Wanganui Regional Council, NZHC 1272*) confirming this point. We suspect this submission point may have been overtaken by events, given the timing of the High Court decision. The Hearings Panel resolved that the submission point be rejected.

Federated Farmers (96.46) also sought an amendment to Issue 3.2 to emphasise pest and weed control and to recognise that private land owners are not the sole cause of biodiversity loss, and have made positive contributions to biodiversity. The reporting officer was of the opinion that the role of controlling pests and plant invasions is not a function of HDC under its district plan, and the submitter's suggested wording may detract from the primary issue the Council is seeking to manage. However, the Hearings Panel considered that there was scope to clarify the wording under the 'Discussion' for Issue 3.2 to strengthen the recognition that feral animals and invasive weeds were a threat to biological diversity. On this basis the submission point was accepted in part. The text changes are contained in Appendix A.

4.3 Objective 3.2.1

Submission Received

Sub No.	Submitter Name	Decision Requested	Further Submission
27.04	Horizons Regional Council	Delete Objective 3.2.1 and replace with an objective that covers the matters signalled in Policy 7-1(b)(ii) of the POP as the areas of territorial authority jurisdiction.	517.12 Horticulture NZ – In-Part
96.47	Federated Farmers of New Zealand	Amend Objective 3.2.1 to provide for a transfer of the biodiversity function from the Horowhenua District Council to the Manawatu-Wanganui Regional Council under Section 33 of the RMA	506.31 Ernslaw One Ltd - Support 517.13 Horticulture NZ -

Sub No.	Submitter Name	Decision Requested	Further Submission
		and associated consultation takes place, and Delete Objective 3.2.1.	Support 527.09 Director-General of Conservation (DoC) - Oppose
101.11	Director-General of Conservation (DoC)	Amend Objective 3.2.1 as follows so that it aligns with the Horizons Regional Council's One Plan; To protect the areas of significant indigenous vegetation and significant habitats of indigenous fauna <u>or to maintain indigenous biological diversity including enhancement where appropriate.</u>	

Submissions made on Objective 3.2.1 all relate to the roles and responsibilities of the Regional Council and HDC in applying land use controls for maintaining indigenous biological diversity. The submissions seek alignment with the One Plan in fulfilling the District Council's obligations in regards to indigenous biological diversity. The issue was somewhat complex, reflecting different perspectives on behalf of the Regional and District Councils, Federated Farmers and DoC.

Horizons Regional Council sought the deletion of Objective 3.2.1, which as notified reads "*To protect the areas of significant indigenous vegetation and significant habitats of indigenous fauna*".

The submitter argued that this matter was properly the responsibility of the Regional Council, noting that Policy 7-1 in the One Plan sets out local authority responsibilities for controlling land use activities for the purpose of managing indigenous biological diversity. The reporting officer considered that the intention of the objective was not to duplicate the role of the Regional Council, but rather to enable the district to consider any adverse impacts on indigenous biological diversity in circumstances where it was considering resource consents, particularly subdivision, which was not controlled by the Regional Council.

In paragraph 7 of her evidence, Ms Penelope Tucker stated that "*on reflection, I agree with Ms McGuire that these provisions provide the necessary policy framework to enable the District to be able to consider these matters when making decisions on resource consents, and therefore to give effect to POP Policy 7- 1(c). This does not undermine the fact that the Regional Council has the rule-making function for indigenous biological diversity, as consideration of these matters by the district will only be triggered for activities such as subdivision which are not controlled by the Region*".

We note that it is not uncommon for regional and district plans to contain objectives and policies relating to the same issue, as this is possible in terms of their overlapping functions under the RMA - urban growth being one example. Provided the objectives and policies at the district level do not unduly duplicate or are *inconsistent* with those in a regional policy statement or plan, then complementary objective and policy provisions may be appropriate at both regional and district levels. It is however important to avoid rules at both the regional and district plan levels relating to the same matter, but that is not the case with respect to the Proposed District Plan. An objective and policies on indigenous biological diversity will be helpful in situations where a resource consent for a discretionary or non-complying activity might trigger the need to consider a full range of

adverse effects, which in very limited circumstances (notably subdivision applications) may include indigenous biological diversity.

On this basis, we acknowledge and appreciate Ms Tucker's comments, and her response to the officer's report on behalf of the Regional Council. Accordingly, the Hearings Panel resolved that submission point 27.04 be rejected.

Federated Farmers (96.47) sought that a transfer of the indigenous biological diversity function from HDC to Horizons take place under Section 33 of the RMA. This matter is discussed under our decision on the same issue as covered in paragraph 4.2 above, where it is concluded that such a transfer is now unnecessary. Similarly it is not necessary to delete Objective 3.2.1, on the basis for our conclusions as set out in the discussion above with respect to the submission point of the Horizons Regional Council. The Hearings Panel resolved that submission points 96.47, 506.31 and 517.13 be rejected, and 527.09 be accepted.

The Department of Conservation sought that Objective 3.2.1 be amended to align with the wording of the Proposed One Plan to read "*To protect the areas of significant indigenous vegetation and significant habitats of indigenous fauna and to maintain indigenous biological diversity including enhancement where appropriate*". This amended wording was initially supported by the reporting officer as it aligns with the wording in the One Plan Policy 7–1(a). Ms McGuire explained that this wording in this policy set out the Regional Council's responsibilities, whereas that of the District Council was contained in Policy 7–1(b). She added that the 'enhancement' of biological diversity was addressed under One Plan Policy 7-2A.

While these issues can readily be lost in semantics, and we accept that the submission of DoC was intended to be helpful, the Hearings Panel concluded that its preference was to avoid discrepancies between the functions of the two councils and that the submission of DoC be rejected.

4.4 Policy 3.2.2

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
26.00	Horowhenua Astronomical Society Inc	Amend Policy 3.2.2 to incorporate protection of the natural light cycle at night as a way of maintaining and enhancing indigenous biological diversity.	
27.05	Horizons Regional Council	Delete Policy 3.2.2 and replace with a policy that seeks to recognise and retain notable trees and amenity trees within the district, in line with the requirements of the POP.	517.14 Horticulture NZ - In Part
101.12	Director-General of Conservation (DoC)	Retain Policy 3.2.3 as notified. Retain Policy 3.2.2 as notified.	

Policy 3.2.2 reads "*Manage the effects of subdivision, use and development to avoid, remedy or mitigate the adverse effects on areas of significant indigenous vegetation and significant habitats of indigenous fauna and the intrinsic values of the ecosystems.*"

The **Horowhenua Astronomical Society** sought the inclusion of the protection of the natural light cycle at night as a way of maintaining and enhancing indigenous biological diversity. The adverse effects of lightspill and end on the natural qualities of the night sky have been addressed in the decision of the Hearings Panel on submissions relating to "*Open Space and Access to Water Bodies, Water and the Surface of Water*"; and under "*Urban Environment and Rural Environment*". Those decisions resolved that an additional Assessment Criteria be included in Chapter 25 of the District Plan (Rules - Assessment Matters) to ensure that adverse effects generated from light spill on the night sky are included in any assessment of relevant resource consents. We agreed with the officer's assessment that this is a more appropriate means of addressing the concerns raised by the Horowhenua Astronomical Society.

(This submission was given effect to through the text changes associated with decisions on the Open Space Hearing and involves the addition of a new clause 25.6.3 (f)).

Horizons Regional Council requested that Policy 3.2.2 be deleted and replaced with a policy that seeks to recognise and retain notable trees and amenity trees within the district to align with the requirements of the One Plan. However, on the half of the Regional Council Ms Tucker stated that Horizons no longer opposed the inclusion of this policy in the District Plan, for the same reasons as discussed under our paragraph 4.3 above. The Hearings Panel resolved that submission point 27.05 be rejected.

The reporting officer advised that the submission point by DoC contained in the Summary of Submissions did not accurately record the original submission on Policy 3.2.2, incorrectly referring to Policy 3.2.3 instead. This submission supported Policy 3.2.2 and in the Hearings Panel resolved that it be accepted.

4.5 Policy 3.2.3

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
26.17	Horowhenua Astronomical Society Inc	Amend Policy 3.2.3 to incorporate protection of the natural light cycle at night as a way of maintaining and enhancing indigenous biological diversity.	
27.34	Horizons Regional Council	Delete Policy 3.2.3 and replace with a policy that seeks to recognise and retain notable trees and amenity trees within the district, in line with the requirements of the POP.	
96.48	Federated Farmers of New Zealand	Amend Policy 3.2.3 as follows: Encourage subdivision, land use and development that maintains and enhances indigenous biological diversity through the protection and enhancement of areas of significant indigenous vegetation and significant habitats of indigenous fauna, <u>and</u> recognise voluntary actions	506.32 Ernslaw One Ltd - Support

Sub No.	Submitter Name	Decision Requested	Further Submission
		<u>undertaken by landowners.</u> Or words to that effect.	
101.13	Director-General of Conservation (DoC)	Amend Policy 3.2.3 as follows: Encourage <u>where appropriate</u> subdivision, land use and development that maintains and enhances indigenous biological diversity through the protection and enhancement of areas of significant indigenous vegetation and significant habitats of indigenous fauna.	

Policy 3.2.3 reads "*Encourage subdivision, land use and development that maintains and enhances indigenous biological diversity through the protection and enhancement of areas of significant indigenous vegetation and significant habitats of indigenous fauna.*"

The **Horowhenua Astronomical Society** sought the same relief on this policy as with Policy 3.2.2. Our conclusions with respect to this are discussed in our paragraph 4.4 above, where it was concluded that the matter be addressed through adding an assessment matter for resource consents. On this basis the panel resolved that this submission point be accepted in part, with the text changes contained in Appendix A.

Horizons Regional Council requested that Policy 3.2.3 be deleted and replaced with a policy that seeks to recognise and retain notable trees and amenity trees within the district to align with the requirement of the One Plan. However Ms Penelope Tucker on behalf of the Regional Council indicated that Horizons no longer opposed the inclusion of this policy in the District Plan, for the same reasons as discussed under our paragraph 4.3 above. The Hearings Panel resolved that submission point 27.34 be rejected.

Federated Farmers sought an amendment to Policy 3.2.3 to recognise private land owners taking voluntary action to enhance or maintain indigenous biodiversity. With the exception of subdivision, the Council is no longer responsible for rules relating to indigenous biodiversity. It was somewhat unclear whether the recognition sought through the submission was for some form of financial compensation or as a positive factor when a resource consent was being assessed. If the latter, this can be raised as a positive effect in the assessment of a resource consent application. The focus of the policy is support for indigenous biodiversity in a manner complementary to the provisions of the One Plan, rather than the methods whereby this could be achieved which will primarily occur at the regional level. The wording of the policy itself strongly suggests that a positive approach would be taken to development (whether by private or public organisations) which enhances indigenous biodiversity. The Hearings Panel resolved that the wording of the Policy did not need to change, and that accordingly the submission point be rejected.

The Department of Conservation sought to add the words 'where appropriate' as a qualification to Policy 3.2.3. The reporting officer noted there may be situations where it may not be appropriate to encourage subdivision, land use and development even if it maintains and enhances indigenous biodiversity, but that the application of the term 'where appropriate' would be too subjective. The Hearings Panel considered that the addition of this word did not really add to or help to clarify the policy to any extent, and accordingly resolved that this submission point be rejected.

4.6 Issue 3.3 Lakes, Rivers and Other Water Bodies & Issue

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
80.20	Todd Energy Ltd	<p>Amend Issue 3.3 to clarify the purpose and application of Schedule 12 and the two groups or priority water bodies.</p> <p>The resultant wording should not constrain the further development of the Mangahao Power Station and renewable electricity generation projects.</p>	
92.21	KCE Mangahao Ltd	<p>Amend Issue 3.3 to clarify the purpose and application of Schedule 12 and the two groups or priority water bodies.</p> <p>The resultant wording should not constrain the further development of the Mangahao Power Station and renewable electricity generation projects.</p>	
80.22	Todd Energy Ltd	<p>Amend Issue Discussion 3.3 to clarify the purpose and application of Schedule 12 and the two groups or priority water bodies.</p> <p>The resultant wording should not constrain the further development of the Mangahao Power Station and renewable electricity generation projects.</p>	
92.24	KCE Mangahao Ltd	<p>Amend Issue Discussion 3.3 to clarify the purpose and application of Schedule 12 and the two groups or priority water bodies.</p> <p>The resultant wording should not constrain the further development of the Mangahao Power Station and renewable electricity generation projects.</p>	
96.50	Federated Farmers of New Zealand	<p>Amend 3.3 Issue Discussion as follows:</p> <p>.....The management of water its self (taking, use and discharge,); <u>activities including land disturbance, vegetation clearance and cultivation on the margins of water bodies (Chapter 5</u></p>	<p>513.13 Rayonier New Zealand Ltd - Support</p> <p>517.11 Horticulture NZ - Support</p>

Sub No.	Submitter Name	Decision Requested	Further Submission
		<u>and 12 Regional Policy Statement and Regional Plan</u>) and the beds of fresh water bodies (<u>Chapter 16, Regional Plan</u>) are managed by Horizons Regional Council. Or words to that effect.	

Todd Energy Ltd and KCE Mangahao Ltd lodged submissions that relate to the scheduled priority water bodies and the purpose of these. Both submitters seek an explanation of the meaning of “priority water bodies” to assist with the interpretation and application of Schedule 12 and the associated provisions. This submission arises numerous times in this group of decisions and before other Hearings Panels. The substantive submission will be addressed in this section of the Hearings Panels decision, with cross reference made back to Part 4.6 where the same submission arises subsequently.

The reporting officer explained that the purpose of Schedule 12 Priority Water Bodies (Groups 1 and 2) is to provide for the maintenance and enhancement of public access to significant water bodies, and to create a buffer between priority water bodies and any developments adjacent to these. Chapter 4 – ‘Open Space and Access to Water Bodies’ seeks to outline the purpose and application of Schedule 12 in relation to public access to priority water bodies. Chapter 3 - Natural Features and Values seeks to outline the purpose and application of Schedule 12 in relation to the protection of the natural character of priority water bodies. We note that Schedule 12 identifies Group 1 water bodies as being the coastline, and Lakes Horowhenua and Papaitonga, while Group 2 appears to comprise smaller rivers in the district. These are priority water bodies because of their high natural character and significant values.

Issue 3.3 concerns inappropriate subdivision, land use and development in, on or adjacent to water bodies. The officer's report conceded that the application of Schedule 12 is not clearly stated in Issue 3.3, and that for these reasons the submission points had raised a matter that did need to be addressed.

However the officer’s report concluded that the Explanation and Principal Reasons for Objective 3.3.1 was a more appropriate part of the chapter to emphasise the linkage between Chapter 3 and Schedule 12. The Hearings Panel were firmly of the opinion that there was a clear need for a much more explicit link between Chapter 3 and Schedule 12, and further that this should form part of the commentary associated with the lead objective, rather than within the text of the Issue 3.3. The Hearings Panel decided that the Explanation and Principal Reasons for Objective 3.3.1 be amended to provide an explanation of the purpose of Schedule 12 and its application. On this basis, it resolved that the submission points be accepted in-part (to the extent of amending the explanation and principal reasons for objective 3.3.1. The text changes are contained in Appendix A.

Federated Farmers sought that all Regional Council responsibilities for the management of activities in and adjacent to lakes, rivers or streams be listed in the ‘Issue Discussion’ for Issue 3.3 as provided for by rules in the One Plan. The Hearings Panel accepted that this would provide a useful addition to the text and provide guidance for readers of the District Plan, and accordingly resolved that the submission point be accepted. The text changes to paragraph two of Issue Discussion 3.3 are set out in Appendix A.

4.7 Objective 3.3.1

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
80.24	Todd Energy Ltd	Amend Objective 3.3.1 to clarify the purpose and application of Schedule 12 and the two groups or priority water bodies. The resultant wording should not constrain the further development of the Mangahao Power Station and renewable electricity generation projects.	
92.25	KCE Mangahao Ltd	Amend Objective 3.3.1 to clarify the purpose and application of Schedule 12 and the two groups or priority water bodies. The resultant wording should not constrain the further development of the Mangahao Power Station and renewable electricity generation projects.	
101.14	Director-General of Conservation (DoC)	Amend Objective 3.3.1 as follows: To protect the natural character of lakes, rivers, <u>wetlands</u> and other water bodies and their margins, from inappropriate use, and development.	

Todd Energy Ltd and KCE Mangahao Ltd made submissions that relate to the linkage between scheduled priority water bodies and Chapter 3. This issue was discussed in the Hearings Panel's assessment under our paragraph 4.6 above, and consequential amendments were made to the explanation and principal reasons for Objective 3.3.1. It was resolved that submission point be accepted in part, with the text changes contained in Appendix A.

DoC made a submission seeking clarification of the meaning of the words '*other water bodies*' in Objective 3.3.1 which reads:

"To protect the natural character of lakes, rivers and other water bodies and their margins, from inappropriate use and development."

DoC were concerned that wetlands need to be explicitly covered in the policy. We consider it was appropriate that wetlands be incorporated in the wording of the policy, and further to this accepted the reporting officer's proposal that the term 'water body' be clearly explained in the 'Issue Discussion' for Issue 3.3. For consistency, and as a consequential amendment, the term "wetlands" will need to be added wherever reference is made to "lakes, rivers and other water bodies" which includes Policies 3.3.2, 3.3.3, 3.3.5, 3.3.7, 3.3.8, and 3.3.9. To the extent that this would address the issues raised by DoC, this submission point was accepted in part. Text changes are contained in Appendix A.

4.8 Policy 3.3.2

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
96.51	Federated Farmers of New Zealand	Amend Policy 3.3.2 as follows: Identify priority lakes, rivers and other water bodies with high natural character and conservation, recreation, cultural, amenity and intrinsic value, <u>for the purpose of creating a comprehensive network of esplanade reserves and strips to maintain and enhance public access and natural character.</u>	528.20 Horizons Regional Council -Oppose
80.03	Todd Energy Ltd	Amend Policy 3.3.2. provide clear policy direction and to clarify the purpose and application of Schedule 12 and the two groups or priority water bodies. The resultant wording should not constrain the further development of the Mangahao Power Station and renewable electricity generation projects.	
92.03	KCE Mangahao Ltd	Amend Policy 3.3.2. provide clear policy direction and to clarify the purpose and application of Schedule 12 and the two groups or priority water bodies. The resultant wording should not constrain the further development of the Mangahao Power Station and renewable electricity generation projects.	
101.15	Director-General of Conservation (DoC)	Amend Policy 3.3.2 through rewording to better provide for wetland types generally.	

Policy 3.3.2 reads "*Identify priority lakes, rivers and other water bodies and their margins, from inappropriate use, and development.*"

Federated Farmers have all raised essentially the same concerns addressed above under Part 4.7, concerning the purpose of identifying priority lakes, rivers and other water bodies with high natural character.

As discussed in Part 4.7, it was considered appropriate that the 'Explanation and Principal Reasons' for Issue 3.3 be amended to explain in more detail the basis for the identification of priority water bodies and the meaning of Group 1 and 2 Priority Water Bodies, and 'how related

objectives and policies are to be applied'. Although the submitter is correct to the extent that these waterways have a linkage to provisions enabling the creation of esplanade reserves and esplanade strips, the policy has wider application, and extends to the protection of river margins generally, in circumstances where adjoining development is contemplated. The Hearings Panel resolved that the submission point be accepted in-part, with the text changes shown in Appendix A.

Todd Energy Ltd and KCE Mangahao Ltd sought clarification on the purpose and application of Group 1 and 2 Priority Water Bodies in Policy 3.3.2. This matter has been addressed earlier in our paragraph 4.6, with the Hearings Panel having made amendments to the explanation and principal reasons for Objective 3.3.1, which better gives effect to the intent of the submissions. The Hearings Panel resolved that these submissions be accepted in part, with the text changes set out in Appendix A.

DoC seek amendment to Policy 3.3.2 to ensure that wetlands are adequately protected as natural features in the Horowhenua District. DoC request that the objective be amended to list wetlands as a protected feature, as well as lakes, rivers and other water bodies. This has been addressed earlier in our discussion under our paragraph 4.7, where the same issue arose with respect to Objective 3.3.1. This submission was accepted in part, and amendments made to the various provisions in Chapter 3 to make reference to wetlands. The text changes are contained in Appendix A.

4.9 Policy 3.3.3

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
80.21	Todd Energy Ltd	Amend 3.3.3 to provide clear policy direction and to clarify the purpose and application of Schedule 12 and the two groups or priority water bodies. The resultant wording should not constrain the further development of the Mangahao Power Station and renewable electricity generation projects.	
92.22	KCE Mangahao Ltd	Amend 3.3.3 to provide clear policy direction and to clarify the purpose and application of Schedule 12 and the two groups or priority water bodies. The resultant wording should not constrain the further development of the Mangahao Power Station and renewable electricity generation projects.	
96.52	Federated Farmers of New Zealand	Delete Policy 3.3.3	517.15 Horticulture NZ – Support

Sub No.	Submitter Name	Decision Requested	Further Submission
			528.21 Horizons Regional Council -Oppose
101.16	Director-General of Conservation (DoC)	Amend Policy 3.3.3 through rewording to better provide for wetland types generally.	

Policy 3.3.3 reads "*Manage the design, location and scale of subdivision and/or land development and use adjoining lakes, rivers and other water bodies so they retain their special values and natural character.*"

Todd Energy Ltd and KCE Mangahao Ltd seek clarification on the purpose and application of Group 1 and 2 Priority Water Bodies in Policy 3.3.3. It has been agreed that it is in fact necessary to provide this clarification, as has been discussed above under Parts 4.6 and 4.7 of these decisions. The necessary text changes are contained in Appendix A.

DoC have sought amendment to Policy 3.3.3 to ensure that wetlands are adequately protected as natural feature in the Horowhenua District, by explicit reference to them as a category of water body. These matters have been addressed earlier under Part 4.6 of these decisions. The submission point was accepted and the necessary text changes are contained in Appendix A.

Federated Farmers sought the deletion of Policy 3.3.3 on the basis of their suggested amendments to Policy 3.3.2, which they argued would make Policy 3.3.3 redundant. This appeared to be based on the contention of the submitter that Policy 3.3.2 was confined to the provision of esplanade reserves and strips, whereas it has a wider basis of addressing riparian development as a whole. There is some element of duplication in the two policies, the key difference being that the first is concerned with the identification of priority water bodies, and the second with the management of activities adjacent to them. Although the matter of determining the best approach to the drafting of these provisions is rather finely balanced, the Hearings Panel concluded that the policy be retained. The Hearings Panel resolved that submission point 96.52 be rejected.

4.10 Policy 3.3.4

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
26.02	Horowhenua Astronomical Society Inc	Amend Policy 3.3.4 to consider and control the amount and type of artificial lighting for any subdivision or development proposals close to a water body.	
80.23	Todd Energy Ltd	Amend 3.3.4 to provide clear policy direction and to clarify the purpose and application of Schedule 12 and the two groups or priority water bodies. The resultant wording should not constrain the further development of the Mangahao Power Station and renewable electricity generation	

Sub No.	Submitter Name	Decision Requested	Further Submission
		projects.	
92.23	KCE Mangahao Ltd	Amend 3.3.4 to provide clear policy direction and to clarify the purpose and application of Schedule 12 and the two groups or priority water bodies. The resultant wording should not constrain the further development of the Mangahao Power Station and renewable electricity generation projects.	

Policy 3.3.4 concerns the protection of the natural character of lakes and rivers and water bodies from subdivision use and development, with an attached set of seven assessment matters. The submissions made on this Policy by the **Horowhenua Astronomical Society** are virtually the same as those made on Policy 3.2.3 addressed earlier in discussion under Part 4.5 of these decisions. In our assessment of their submission on that matter, we concluded that it would be preferable to address the protection of the night sky under the assessment matters contained in the rules in Chapter 25 of the District Plan, which enables their consideration to the general resource consent process. On this basis, their submission point is accepted in part. Policy 3.3.4 however, is focused on quite different environmental issues to those of concern to the Society.

Todd Energy Ltd and KCE Mangahao Ltd seek clarification on the purpose and application of Group 1 and 2 Priority Water Bodies in Policy 3.3.4. These matters are the same as those which have been addressed earlier under our consideration of Issue 3.3, Objective 3.3.1 and Policy 3.3.2 in our paragraphs 5.6-5.8. The submissions are accepted in part, and text changes are contained in Appendix A.

4.11 Policy 3.3.5

Submission Received

Sub No.	Submitter Name	Decision Requested	Further Submission
101.17	Director-General of Conservation (DoC)	Amend Policy 3.3.5 through rewording to better provide for wetland types generally.	

Policy 3.3.5 concerns the need for setbacks for activities and buildings from waterways. Consistent with their other submissions, DoC have sought reference be made to wetlands. This has been addressed earlier in our discussion under Part 4.7, where the same issue arose with respect to Objective 3.3.1. This submission was accepted in part, and amendments made to the various provisions in Chapter 3 to make reference to wetlands. The text changes are contained in Appendix A.

4.12 Policy 3.3.6

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
---------	----------------	--------------------	--------------------

Sub No.	Submitter Name	Decision Requested	Further Submission
96.14	Federated Farmers of New Zealand	Amend Policy 3.3.6 to include non-regulatory methods which promote and encourage actions such as financial assistance, provision of material and plants, rates relief and regulatory incentives. Or words to this effect.	506.08 Ernslaw One Ltd - Support
101.18	Director-General of Conservation (DoC)	Amend Policy 3.3.6 by clarifying what is meant by the term "planted water body margins" or provide explanation within the section.	

Policy 3.3.6 reads "*Promote and encourage the development or maintenance of planted water body margins.*"

Federated Farmers have sought the inclusion of non-regulatory methods in conjunction with the implementation of Policy 3.3.6. This submission is similar in nature to others lodged by the submitter, which seek to promote or require the Council to adopt non-regulatory methods such as financial assistance to landowners with respect to planting within the margins of water bodies.

The focus of the policy is to encourage planting in the margins of water bodies, and would normally only be required in a regulatory sense if there were a resource consent granted adjacent to a water body which might require as a condition of consent that some planting be undertaken. We are not convinced that landowners should have an expectation of compensation in such circumstances, although the positive effects of such activities can be taken into account. Collaborative methods are already provided for in terms of the non-regulatory methods for implementing Objective 3.3.1. The Hearings Panel resolved that this submission point be rejected.

DoC sought clarification of the meaning of the term 'planted water body margins'. The officer's report explained that this term is not referred to or defined within any section under Issue 3.3. It was noted that a more commonly used term was 'riparian planting'. We agreed that this term is likely to convey more meaning to readers of the District Plan, and is more widely quoted in literature relating to the management of water bodies. Accordingly, the Hearings Panel resolved that this submission point be accepted. The text changes are set out in Appendix A.

4.13 Policy 3.3.8

Submission Received

Sub No.	Submitter Name	Decision Requested	Further Submission
98.26	Horticulture NZ	Retain Policy 3.3.8.	

The only submission lodged on Policy 3.3.8 was in support, and was accordingly accepted, noting that the policy will be amended to include the word "wetlands" as a consequential amendment to submissions lodged by DoC on the provisions in Chapter 3.

4.14 Policy 3.3.9

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
83.05	Ross Hood & Margaret Hood	No specific relief request. Inferred: Amend Policy 3.3.9 through acknowledging that recreational use and enjoyment of water bodies can have adverse effects on the environment.	528.15 Horizons Regional Council -Oppose
101.42	Director-General of Conservation (DoC)	Amend Policy 3.3.9 as follows: Provide for the maintenance of the natural character of lakes, rivers <u>and their margins</u> and other water bodies, whilst balancing the need to provide public access to and along these water bodies by way of an esplanade network. Include a cross reference to Section 11, Policy 11.1.3.	

Policy 3.3.9 reads "*Provide for the maintenance of the natural character of lakes, rivers and other water bodies, whilst balancing the need to provide public access to and along these water bodies by way of an esplanade network.*"

Mr and Mrs Hood appeared at the hearings and gave written evidence under the hearing topic 'Open Space Zone and Access to Water Bodies'. At that hearing Mrs Hood expressed her dissatisfaction that she and other submitters had to appear at multiple hearings to present their overall submission.

The Hoods are critical of provisions in the District Plan which purport to encourage or provide for public access, particularly in the context of esplanade reserves, esplanade strips, and access strips. They contended that public access especially where it facilitated large numbers of people having access to river margins, could result in loss of privacy, damage to natural values, and vandalism. They were also critical of the need to provide for public access if this were in fact required along the many minor waterways throughout the Horowhenua District.

In considering the submission on this particular policy, we note that it does not call for indiscriminate public access, but seeks to balance the protection of natural character of water bodies with the need for public access to and along these water bodies. Provision for Esplanade reserves and strips is a requirement of the RMA under section 230 of the Act for the subdivision of properties of less than 4 ha in area. It is a requirement applicable to all district councils, not only within the Horowhenua. It is a requirement on identified waterways as set out in Schedule 12 of the District Plan, and not on waterways generally, or on allotments of more than 4 ha. The policy framework also has to address other effects on waterways such as vegetation clearance and earthworks, independently of any esplanade requirements. The Hearings Panel considered that this particular policy struck an appropriate balance given legislative requirements and the need to protect natural values. The submitter appeared to be taking the position that the legislation itself

was flawed, and that the Council should disregard it. It was resolved that this submission point be rejected.

The submission of DoC sought that Policy 3.3.9 also make reference to the margins of lakes and rivers consistent with Section 6(a) of the RMA, along with a cross reference to policy 11.1.3 which also concerns access to waterways. Throughout Chapter 3 there is various reference to lakes, rivers and other water bodies, and their margins. Although not all water bodies would be of a status such that they would be captured by Section 6(a) of the Act, reference to the margins of waterways would be consistent with the terminology of the act and the intention of the policy. We were advised by the reporting officer that cross referencing is only provided in Rule Chapters. We were not convinced that a cross reference of this nature between policies was necessary.

The submission of **DoC** was accepted in part to the extent that reference be added to the margins of rivers within Policy 3.3.9. The text changes are contained in Appendix A.

4.15 Explanation & Principal Reasons for Objective 3.3.1

Submission Received

Sub No.	Submitter Name	Decision Requested	Further Submission
80.26	Todd Energy Ltd	Amend Explanation and Principle Reasons 3.3.1 to clarify the purpose and application of Schedule 12 and the two groups or priority water bodies. The resultant wording should not constrain the further development of the Mangahao Power Station and renewable electricity generation projects.	
92.17	KCE Mangahao Ltd	Amend Explanation and Principle Reasons 3.3.1 to clarify the purpose and application of Schedule 12 and the two groups or priority water bodies. The resultant wording should not constrain the further development of the Mangahao Power Station and renewable electricity generation projects.	

These two submissions seek clarification on the purpose and application of Group 1 and 2 Priority Water Bodies and raised the same issues as those which have been addressed earlier under our consideration of Issue 3.3, Objective 3.3.1 and Policy 3.3.2 in Parts 4.6-4.8. The submissions are accepted in part, and text changes are contained in Appendix A.

4.16 Methods for Issue 3.3 & Objective 3.3.1

Submission Received

Sub No.	Submitter Name	Decision Requested	Further Submission
----------------	-----------------------	---------------------------	---------------------------

Sub No.	Submitter Name	Decision Requested	Further Submission
80.25	Todd Energy Ltd	Amend Methods 3.3 to clarify the purpose and application of Schedule 12 and the two groups or priority water bodies. The resultant wording should not constrain the further development of the Mangahao Power Station and renewable electricity generation projects.	
92.26	KCE Mangahao Ltd	Amend Methods 3.3 to clarify the purpose and application of Schedule 12 and the two groups or priority water bodies. The resultant wording should not constrain the further development of the Mangahao Power Station and renewable electricity generation projects.	

These two submissions seek clarification on the purpose and application of Group 1 and 2 Priority Water Bodies and raised the same issues as those which have been addressed earlier under our consideration of Issue 3.3, Objective 3.3.1 and Policy 3.3.2 in our paragraphs 4.6-4.8. The submissions are accepted in part, and text changes are contained in Appendix A.

4.17 Issue 3.4 Notable Trees

Submission Received

Sub No.	Submitter Name	Decision Requested	Further Submission
101.20	Director-General of Conservation (DoC)	Retain intent of Issue 3.4.	

This submission in support was accepted

4.18 Methods for Issue 3.4 & Objective 3.4.1

Submission Received

Sub No.	Submitter Name	Decision Requested	Further Submission
16.00	Robert White	No specific decision requested. Inferred: Retain the method which outlines the potential for Council to provide financial assistance through a fund for land owners with notable trees on their property. Assist the submitter with repair of broken path.	

This submission in support was accepted.

4.19 Chapter 3 - General Matters

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
98.25	Horticulture NZ	Amend the provisions in relation to Issue 3.3 to ensure that existing primary production activities are not adversely affected through provisions in Section 3.3 or duplication of Regional Plan requirements.	
96.49	Federated Farmers of New Zealand	Amend Chapter 3 to relocate all provisions under Issue 3.3 to Chapter 4: Open Space and Access to Water Bodies.	
25.00	Michael White	Amend Chapter 3 to include the night sky as a natural feature and the protection of the night time environment through proper lighting controls and rules a priority. Council should register the Levin Adventure Park as a Star Park and commit to reducing and controlling light pollution around this area to a minimum.	525.16 Maurice and Sophie Campbell - Support
11.17	Philip Taueki	No specific relief requested. Inferred: Retain and implement the objectives and policies in Chapter 3.	
60.11	Muaupoko Co-operative Society	No specific relief requested. Inferred: Retain and implement the objectives and policies in Chapter 3.	

Horticulture NZ sought amendments to avoid duplication in terms of requirements between district and regional plans. This issue was discussed under Part 4.3 of our decision with respect to the submissions of the Regional Council, to which reference should be made. The Regional Council accepted at the hearing that the provisions in the District Plan complement rather than duplicate the provisions in the One Plan. The respective roles of the two bodies are contained and clarified under the "Methods" for Issue 3.3 and Objective 3.3.1. Rules have regulatory effect, and those relating to open space and the protection of indigenous biodiversity are not duplicated in both plans.

The provisions of the District Plan within Chapter 3, and particularly the rules in the plan, do not seek to regulate existing horticultural activities, and are only likely to be triggered by a proposed development which adversely affected water bodies or their margins. The Hearings Panel resolved that this submission point be rejected.

Federated Farmers were of the view that the provisions under Issue 3.3 would be more appropriately located within Chapter 4 - Open Space and Access to Water. The Hearings Panel

understands that there is a degree of overlap between the two chapters. In particular, the issue of taking esplanade reserves and strips, while predominantly addressed within the provisions of Chapter 4, also arise under Issue 3.3 and Policy 3.3.4. However chapter 4 is where the taking of land through subdivision is specifically addressed at a policy level. The provisions in chapter 3 have a broader emphasis and relate primarily to the 'Natural Features and Values' in the district, of which water bodies are one important component. The values associated with water bodies within this chapter are not confined to what would be defined as outstanding natural features and landscapes (ONFL).

In considering the structure of any District Plan, there can always be debate over whether it could be constructed and its contents organised, in different ways. The Hearings Panel are of the opinion that it is appropriate that objectives and policies relating to the natural and cultural values of waterways remain as part of the Chapter 3 which addresses the overall natural features and values of the district. However it is agreed that it would be helpful for plan users to provide a cross reference to those aspects of development associated with waterways which would be captured by esplanade provisions upon subdivision. This can be achieved by providing a cross reference to the esplanade provisions and to Schedule 12 within the explanation and reasons for Objective 3.3.1. On this basis it was resolved that the submission be accepted in part.

Mr M.White sought the inclusion of an 'issue' and associated policies on the preservation and reclamation of the night sky. This issue was addressed earlier in paragraph 4.4 and proposed amendments to the District Plan were outlined therein. This submission and further submission are accepted in part.

Philip Taueki and the Muaupoko Co-operative Society expressed general support for the contents of chapter 3 and the submissions were accordingly accepted.

4.20 Rule 15.1(m) – Residential Zone Permitted Activity List (Notable Trees)

Submission Received

Sub No.	Submitter Name	Decision Requested	Further Submission
116.00	Truebridge Associates Limited	Delete Rule 15.1(m) as a permitted activity and insert as a discretionary activity.	

Rule 15.1(m) specifies permitted activities in the Residential Zone, with specific reference to notable trees. **Truebridge Associates** lodged a submission that the removal of notable trees would be more appropriately classified as a discretionary activity.

The rules for each zone, including the Residential Zone, begin with a list of permitted activities. In the case of notable trees, Rule 15.1 (m) states:

"Where a tree is listed in Schedule 3 - Notable Trees the following are permitted activities:

- (i) The removal or partial removal of the Notable Tree*
- (ii) Any activities within the drip line of a Notable Tree*
- (iii) Any trimming and maintenance of a Notable Tree"*

On the face of it, the rule appears to be a nonsense, because it provides for the removal of Notable Trees, or works that may adversely affect them, as a permitted activity. A similarly worded rule also appears under Chapter 16 (Industrial Zone), Chapter 17 (Commercial Zone), Chapter 19 (Rural Zone), and Chapter 20 (Open Space Zone).

The officer explained that the structure of all rule chapters in the Proposed Plan provided that activities which can be undertaken without resource consent, are listed as permitted activities. Following the list of permitted activities there are ‘Conditions’ for permitted activities, which mean that if these are not complied with, a resource consent would be required. Under clause 15.1 however, the status of permitted activities is qualified by cross reference to other provisions of the chapter. This is a common form of rule construction found in ‘effects’ based plans. The ‘Introduction’ section also explains that all permitted activities must comply with the Permitted Activity Conditions specified in each set of zone rules, but users of the District Plan may well simply proceed directly to the rule and seek guidance from that. However the Hearings Panel agreed with the submission of Truebridge Associates that it would be understandable that a reader of the plan would conclude that the removal of a notable tree was a permitted activity.

The reality is that under Rule 15.3, the removal or partial removal of a notable tree would become a restricted discretionary activity pursuant to Rule 15.6.28. The activity would only be permitted if there was confirmation that the tree was dead, removal was required for emergency work, etc.

The nature of this permitted activity rule however, makes it particularly vulnerable to misinterpretation. The Hearings Panel sought that the reporting officer pursue possible alternative wording to clarify the matter. This had two outcomes, the first to add a note underneath a permitted activity rule referring to the required standards applicable to it - in the case of notable trees in the Residential Zone, this being Rule 15.6.28. Secondly, the same issue arises in all other relevant chapters, and as a consequential amendment the rule needs to be clarified in these chapters as well.

The rules requiring clarification are 15.1 (m), 16.1 (q), 17.1 (w), 19.1 (p), and 20.1 (j) to ensure a consistent approach across zones. On this basis, the submission of Truebridge Associates was accepted in part. The wording amendments are set out in Appendix A.

4.21 Rule 19.4.12 – Rural Zone Discretionary Activity (Notable Trees)

Submission Received

Sub No.	Submitter Name	Decision Requested	Further Submission
101.70	Director-General of Conservation (DoC)	Amend Rule 19.4.12 by adding references so that in considering an application for a resource consent under Rule 19.4.12 the Council will have regard to the matters of assessment set out in Policies 3.4.2 – 3.4.5.	

One submission was made on Rule 19.4.12 requesting the inclusion of a cross-reference to relevant policies.

DoC sought the inclusion of a cross-reference to policies 3.4.2-3.4.5 in Rule 19.4.12. While a helpful suggestion, the Hearings Panel considered that the structure of the plan as framed is

sufficient to enable plan users to identify the links between the objectives and policies without unduly 'bulking up' the document with cross-references. There are circumstances in which cross-references are to be added with respect to specific issues, but not at a general level between policies and rules. The submission point was rejected.

4.22 Rule 19.6.27 – Rural Zone Conditions for Permitted Activities (Notable Trees)

Submission Received

Sub No.	Submitter Name	Decision Requested	Further Submission
99.31	Transpower New Zealand Ltd	Amend Rule 19.6.27 Notable Trees as follows in the event relief sought under Chapter 22 is not accepted: c) Any trimming and maintenance of a tree listed in Schedule 3 - Notable Trees shall be limited to: (ii) the removal of branches interfering with buildings, structures, overhead wires or utility networks, but only to the extent that they are touching those buildings, or structures, or interfering with <u>likely to compromise</u> the effective operation of those overhead wires or utility networks.	

Transpower New Zealand Ltd sought an amendment to Rule 19.6.27(c) to ensure that the protection of notable trees does not compromise the operation of overhead wires or utility networks. This is a permitted activity rule relating to notable trees, which provides for trimming and maintenance of such trees, but limited to minor trimming necessary to maintain the health of the tree, the removal of branches interfering with buildings, structures, overhead wires or utility networks, the removal of broken branches or dead wood, or works required during an emergency. This submission turned on a rather subtle point that the words " *interfering with those overhead wires or utility networks* ", currently contained in the rule, overlooked the fact that overhead wiring network would already have reached the point where it was being "interfered" with by that point. The Hearings Panel was initially attracted to the wording of the submission, which sought an amendment to read "the removal of branches interfering with buildings, structures, overhead wires or utility networks, but only to the extent that they are touching those buildings, or structures, or ~~interfering with~~ likely to compromise the effective operation of those overhead wires or utility networks".

However the Hearings Panel, while acknowledging the vital importance of maintaining utility networks, were also aware that there were only a very small number of notable trees as a proportion of the tree cover in the district as a whole, and similarly as a proportion of the trees which would be likely to have any adverse effects on overhead reticulation. While accepting that it would be proper in appropriate circumstances to enable trimming to be undertaken - including trimming prior to any problems actually arising - it was also important to be satisfied that the nature of the trimming proposed was necessary and not simply expedient. Given the importance of notable trees, and the need to ensure that the trimming was undertaken in an appropriate manner, it was considered necessary to require that any such work be supervised by a qualified arborist.

Accordingly, it was resolved that the submission be accepted in part, with the qualification of additional wording to the rule. This is considered by the Panel to be within the scope of the original submission; in addition to ensure consistency across the various zones in the District Plan, a similar consequential amendment is required to rules 15.6.28 (c) (ii); 16.6.20 (c) (ii); 17.6.22 (c) (ii); and 20.6.19 (c) (ii). The amendments are set out in full in Appendix A.

The Hearings Panel notes that there are also assessment criteria which apply to works affecting Notable Trees under Rule 25.7.15, which arise in the course of Submission point 55.12 under Part 4.24 below (KiwiRail).

4.23 Rule 20.1(j) – Open Space Zone Permitted Activity (Notable Trees)

Submission Received

Sub No.	Submitter Name	Decision Requested	Further Submission
101.71	Director-General of Conservation (DoC)	Amend Rule 20.1 (j) by considering cross-referencing to notable trees chapters/rules.	

DoC have sought the inclusion of a cross-reference in Rule 20.1(j), in the Open Space Zone, to other notable tree provisions in other chapters. The Hearings Panel appreciated that this was a helpful submission, but given that the District Plan was structured in a manner where the zone rules were clearly set out in each zone chapter (albeit with a consequent element of repetition), a cross-reference in this case was not necessary. It was resolved that this submission point be rejected.

4.24 Assessment Criteria 25.7.15(e) Notable Trees

Submission Received

Sub No.	Submitter Name	Decision Requested	Further Submission
55.12	KiwiRail	Amend Assessment Criteria 25.7.15(e) as follows: e) The extent to which work on or near a Notable Tree is necessary to preserve or maintain the efficiency or safety of any public work, network utility or road <u>or railway</u> .	

KiwiRail sought an amendment to Clause 25.7.15(e) to facilitate essential safety work in relation to the notable trees located near the railway corridor. Unlike the discussion previously on the Transpower submission (99.31), this concerns an assessment matter, not a rule. Subclause (e) states *"the extent to which work on or near a Notable Tree is necessary to preserve or maintain the efficiency or safety of any public work, network utility or road"*. KiwiRail have requested that railways should also be listed to ensure that level crossing sightlines are kept clear for safety purposes. The Hearings Panel considered that the relief sought was consistent with the protection of other important infrastructure, and noted the qualifications attached to the trimming of such trees as described under Part 4.22 above, and the other assessment matters under Clause 25.7.15. Given these safeguards, the Hearings Panel resolved that the submission point be accepted. The wording amendments are shown in Appendix A.

4.25 Chapter 26 - Definitions

Submission Received

Sub No.	Submitter Name	Decision Requested	Further Submission
108.37	HDC (Planning Department)	Include definition for "bed" as follows: <u>Bed has the same meaning as in the Resource Management Act 1991.</u>	

'Bed' is a term that **HDC (Planning Department)** consider requires definition, as it is included in Rules 19.6.4(a)(v) and 19.6.4(a)(x) in relation to setbacks from water bodies. The Hearings Panel resolved that this submission point be accepted on the basis of providing greater clarity and consistency in the application of the rules. The wording amendments are contained in Appendix A.

4.26 Schedule 3 - Notable Trees

Submission Received

Sub No.	Submitter Name	Decision Requested	Further Submission
1.00	Scotson & McKay	Include the <i>Podocarpus Totara</i> at 61 Kuku East Road, Levin as a Notable Tree with Schedule 3.	

Scotson & McKay sought the inclusion of a *Podocarpus Totara* tree located on their property at 61 Kuku East Road, Levin to Schedule 3 of the District Plan. A way of background, the reporting officer advised the Panel that the Council had invited the community to nominate trees of significance that may be worthy of protection under the District Plan. The submitters made contact with Council seeking to list a Totara tree on their property after the District Plan had been finalised and publicly notified. As a result, this particular tree was not assessed or included in Schedule 3.

The tree has been assessed by a qualified arborist, which concluded that the tree met the minimum STEM criteria as required by the District Plan to be included on the Schedule of Notable Trees. While the tree is partially located within the road reserve, it is currently within the fenced curtilage managed by the land owners, and is located well clear of the existing road formation. The Council's Roading Services Manager is not opposed to listing the tree in Schedule 3 - Notable Trees. Accordingly the Hearings Panel resolved that the submission point be accepted, with the addition to the schedule shown in Appendix A.

5.0 SECTION 32

5.1 Section 32 requires an evaluation of whether an objective is the most appropriate way to achieve the purpose of the Act and whether, having regard to their efficiency and effectiveness, the policies, rules and other methods are the most appropriate for achieving the objective. As we understand it the use of the term "most appropriate" in s.32(3) of the Act has a meaning similar to suitable rather than superior. As such, changes sought therefore only need to be preferable in resource management terms to the existing provisions in order to be the "most appropriate" way of satisfying the purpose of the Act.

- 5.2 None of the submissions made on the Proposed Plan involved adding additional objectives policies or rules, or making existing provisions more restrictive. The submissions did not substantively challenge the content of objectives and policies, all rules rather seeking refinements or clarification. There were submissions seeking that objectives and policies on biodiversity be removed from the plan, which was resolved with one of the submitters, which importantly was Horizons Regional Council. Overall, there was a perhaps surprising lack of opposition to the objectives policies and rules in principle, at least in so far as this topic area was concerned.
- 5.3 The submission of Federated Farmers sought transfer of powers, and this is no longer required having regard to a recent decision of the High Court. Accordingly no changes were made to the plan provisions which have the effect of increasing its regulatory impact, with the exception of a requirement for an arborist's opinion to be sought where notable trees were being trimmed.
- 5.4 There were submissions seeking that a clearer linkage be provided between the objectives and policies in the esplanade provisions that apply along priority waterways, but those submissions of the particular points subject to this Hearing appeared to the Hearings Panel to be seeking clarification of their application rather than challenging whether such provision should be provided or not. Even the submission by the Hoods on Policy 3.3.9 related to acknowledging their contention that there were possible adverse effects associated with public access, the thrust of their submission of the hearing appeared to be based on disagreement with the legislation itself.
- 5.5 Amendments to the plan to satisfy the submissions by DoC included reference to wetlands at a policy level, and are consistent with the requirements of Sections 6 and 7 of the Act and which were not opposed by any other parties. Other submissions were related to matters of cross-referencing and that part of the plan where particular provision should be located, rather than substantive issues associated with their interpretation and enforcement. Changes made to the rules relating to notable trees have the effect of slightly liberalising the relevant rules, and ensuring that they were consistent across the various zones in the District Plan.
- 5.6 Overall, the Hearings Panel concluded that with the amendments and refinements made to the provisions of the District Plan which were subject of these hearings, that the relevant provisions were considered to be necessary to achieve the purposes of the Act, and would be effective and efficient.

6.0 DECISION

For all the following reasons we resolve the following:

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



Robert Nixon (Chair)



Cr Garry Good



Cr Leigh McMeeken

Dated: 23 September 2013

APPENDIX A: Proposed Plan as amended by Hearing Decisions

1. Amend third paragraph of Chapter 3: Introduction to read:

...

"To Tangata Whenua it is specifically the natural environment that provides an identity. It is turangawaewae – a standing place, where the role of kaitiaki is to preserve the spirit of the land. The natural environment is the creator, providing physical and spiritual nourishment."

2. Amend Issue Discussion for Issue 3.2 to read:

...

"The remaining natural habitats are is small, fragmented and under pressure from pests and disturbance faced with a number of pressures. One of the main threats to indigenous biological diversity in the Horowhenua District is pests such as feral animals and invasive weeds. In addition to this, there are land use ~~A number of activities that~~ have the potential to adversely affect remaining areas of significant indigenous vegetation and habitats of indigenous fauna. Such activities and their effects include uncontrolled stock grazing that can damage indigenous forest understorey and limit regeneration, and the fragmentation of remnant indigenous forest and wetland areas through clearance for pasture and exotic forestry. ~~Other threats include, feral animals, invasion of weeds and drainage.~~"

3. Amend Issue 3.3 to read:

Issue 3.3 Lakes, Rivers, Wetlands and Other Water Bodies

Inappropriate subdivision, land use and development in, on, or adjacent to lakes, rivers, wetlands and other water bodies, can adversely affect their natural character and other values such as ecological, recreation, cultural and amenity values.

4. Amend Issue Discussion for Issue 3.3 to read:

"The Horowhenua has numerous lakes, rivers and other water bodies of varying size and significance which are valued for a range of conservation, recreation, cultural, amenity and intrinsic reasons. In the context of this District Plan 'other water bodies' includes streams and tributaries, wetlands and dune lakes. Under Section 6 of the RMA, one of the matters of national importance is the preservation of the natural character of wetlands, lakes, and rivers, and wetlands and their margins, and the protection of them from inappropriate use, subdivision and development. Another matter of national importance provided for in the RMA is the maintenance and enhancement of public access to and along lakes and rivers.

Responsibility for the management of activities in and adjacent to lakes, rivers, wetlands or streams other water bodies is a responsibility shared between the Horizons Regional Council and the Council. The Council is responsible for managing the effects arising from activities on the surface of these water bodies, as well as subdivision, development and use of the land along the

margins of rivers, lakes, wetlands and other water bodies. The management of the water itself (taking, use, discharges), activities including land disturbance, vegetation clearance and cultivation on the margins of water bodies, as well as the beds of freshwater bodies, are managed by Horizons Regional Council.

Lake Horowhenua is the largest freshwater body in the District and is highly valued for its cultural, recreational, natural and amenity values. There are smaller dune lakes and wetlands scattered throughout the rural areas of the District. The Manawatu River is the largest river in the Horowhenua and its catchment includes extensive land area outside of the District. There are a number of other rivers and streams draining from the Tararua Ranges towards the Tasman Sea. In addition, there are other smaller streams and tributaries across the plains and coastal areas connected to these lakes and rivers.

Lakes, rivers, wetlands and other water bodies have many values. They are natural drainage channels and systems. The water bodies and their edges provide habitats for both aquatic and terrestrial species. They also often function as ecological corridors along which animals move to other habitats. In addition, they form an integral component of the landscape. They are also important for recreational uses such as boating, fishing and swimming.

Water bodies also have important cultural values. For Tangata Whenua, waters are seen as the lifeblood of the land and therefore, of the people. Access to water and the management of water quality and ecological systems are important to Tangata Whenua for social, economic, spiritual and cultural reasons, including customary activities. The margins of water bodies are also where many wāhi tapu and other cultural heritage sites may be located.

Public access to and along water bodies is also a major issue, as limited access constrains the recreational values of freshwater environments. However, access must be provided in a form that does not adversely affect the conservation values, increase risk to natural hazards or any operational requirements of adjoining landowners, such as farming operations.

Activities on land near water bodies can adversely affect the values of the water bodies if not properly managed. Over time, water bodies and their margins can deteriorate because of changes to land use in their catchments. As many water bodies throughout the District flow through farmland, there has been, and remains, potential for modification of the ~~river~~ water body margin areas by unsustainable land use practices, vegetation clearance, or earthworks. In addition, the subdivision of land on the edges of river, lakes, wetlands and ~~wetlands~~ other water bodies leads to intensified settlement that in turn can detrimentally affect the natural character of riparian areas and potential conflict with their recreational use (for example, wetlands used for hunting).

Fundamental to preserving the natural character of lakes, rivers, wetlands and other water bodies is the need to protect the attributes that constitute natural character of Horowhenua's lakes, rivers, wetlands and other water bodies and their amenity values – in particular, the potential loss of reasonable buffer areas along the edge of water bodies. Such buffers allow for vegetated strips, which are important for ecological purposes (fish habitats and reduction of water and silt runoff from pastures), as well as to maintain visual and landscape values. Such buffers can also provide for public access and natural hazard defence systems. The required depth of such buffers will vary widely – in urban areas, they need not be as extensive as they need to be in rural areas, particularly on the banks of major rivers, lakes, wetlands and other water bodies ~~wetlands~~.

5. Amend Explanation and Principal Reasons for Objective 3.3.1 to read:

...

"An effective way to achieve protection of the natural character of water bodies is creating a buffer between waterways and adjoining activities, which could include the creation of an esplanade reserve or strip. In addition, when development, land use change or subdivision occurs, it provides an opportunity to consider the potential for restoration and enhancement of the natural values of the margins of waterways.

Council has prepared an Open Space Strategy which identifies water bodies with significant values where creating esplanade reserves or strips are considered a priority.

These priority water bodies are listed in Schedule 12-Priority Water Bodies. In terms of the application of this Schedule, there are provisions which provide for: separation distances between buildings and priority water bodies in the Rural Zone; the creation of esplanade reserves which relate to subdivisions adjacent to Group 1 Priority Water Bodies; and the creation of esplanade strips which relate to subdivisions adjacent to Group 2 Priority Water Bodies in Schedule 12.

The priority water bodies identified are where new connections allow for the creation of a natural buffer to protect the natural values of water bodies and their margins as well as providing for public access.

As land adjoining these priority water bodies is subdivided and developed, opportunities can arise for formal access to be obtained through the subdivision process. This systematic process allows a District-wide network to be developed over time and can result in the restoration and enhancement of water bodies and their margins.

While rivers, lakes and wetlands are susceptible to inappropriate activities that may adversely affect their natural character and special values, in general, provision for the cultural and recreational use and enjoyment of the water bodies should continue to be made, as such activities do not create significant environmental issues. Other tools outside the District Plan can be successfully used to separate or manage conflicting activities if required (for example, bylaws)."

6. Amend Policy 3.3.2 as follows:

"Identify priority lakes, rivers, wetlands, and other water bodies with high natural character and conservation, recreation, cultural, amenity and intrinsic values."

7. Amend Policy 3.3.3 as follows:

"Manage the design, location and scale of subdivision and/or land development and use adjoining lakes, rivers, wetlands and other water bodies so they retain their special values and natural character."

8. Amend Policy 3.3.4 as follows:

"Ensure subdivision, use and development protects the natural character of lakes, rivers, wetlands and other water bodies and maintain and enhance their special values by having regard to the following matters in assessing proposals:

- extent to which natural processes, elements and patterns that determine the area's natural character are sustained, and/or restored and rehabilitated;
 - degree of change to landform and relief;
 - degree of protection of vegetation cover and patterns, including use of a buffer;
 - compatibility with existing level of modification to the environment;
 - functional necessity to be located in or near the water body and no reasonably practicable alternative locations exist;
 - ability to mitigate any potential adverse effects of subdivision, use, and development; and
 - provision of public amenity and access to land acquired by Council for reserve purposes."
-

9. Amend Policy 3.3.5 as follows:

"Ensure the adverse effects on the natural character and special values of lakes, rivers, wetlands and other water bodies are avoided or mitigated through establishing setbacks for activities and buildings that may cause adverse effects. "

10. Amend Policy 3.3.6 to read:

"Promote and encourage the development or maintenance of riparian planting along water body margins."

11. Amend Policy 3.3.8 as follows:

"Promote a strategic approach to the management of lakes, rivers, wetlands and other water bodies and their margins and catchments, particularly by using management plans for areas with significant environmental issues that require a collaborative approach with other groups or organisations."

12. Amend Policy 3.3.9 to read:

"Provide for the maintenance of the natural character of lakes, rivers and other water bodies and their margins, whilst balancing the need to provide public access to and along these water bodies by way of an esplanade network."

Residential Zone

13. Amend Rule 15.1(m) to read as follows:

" Where a tree is listed in Schedule 3 - Notable Trees the following are permitted activities:.

(i) The removal or partial removal of a Notable Tree.

(ii) Any activities within the drip line of a Notable Tree.

(iii) Any trimming and maintenance of a Notable Tree.

Note: The above activities must comply with all Conditions for Permitted Activities specified in Rule 15.6.28."

14. Amend Rule 15.6.28(c)(ii) to read:

The removal of branches interfering with buildings, structures, overhead wires or utility networks, but only to the extent that they are touching those buildings, or structures, or interfering with likely to compromise the effective operation of those overhead wires or utility networks and only where the work is carried out by, or under the supervision of a qualified arborist who has advised the Council in advance of the work to be carried out.

Industrial Zone

15. Amend Rule 16.1(q) to read:

" Where a tree is listed in Schedule 3 - Notable Trees the following are permitted activities:.

- (i) The removal or partial removal of a Notable Tree.
- (ii) Any activities within the drip line of a Notable Tree.
- (iii) Any trimming and maintenance of a Notable Tree.

Note: The above activities must comply with all Conditions for Permitted Activities specified in Rule 16.6.20."

16. Amend Rule 16.6.20(c)(ii) to read:

The removal of branches interfering with buildings, structures, overhead wires or utility networks, but only to the extent that they are touching those buildings, or structures, or interfering with likely to compromise the effective operation of those overhead wires or utility networks and only where the work is carried out by, or under the supervision of a qualified arborist who has advised the Council in advance of the work to be carried out.

Commercial Zone

17. Amend Rule 17.1(w) to read:

" Where a tree is listed in Schedule 3 - Notable Trees the following are permitted activities:.

- (i) The removal or partial removal of a Notable Tree.
- (ii) Any activities within the drip line of a Notable Tree.
- (iii) Any trimming and maintenance of a Notable Tree.

Note: The above activities must comply with all Conditions for Permitted Activities specified in Rule 17.6.22."

18. Amend Rule 17.6.22(c)(ii) to read:

The removal of branches interfering with buildings, structures, overhead wires or utility networks, but only to the extent that they are touching those buildings, or structures, or ~~interfering with likely to compromise the effective operation of~~ those overhead wires or utility networks and only where the work is carried out by, or under the supervision of a qualified arborist who has advised the Council in advance of the work to be carried out.

Rural Zone

19. Amend Rule 19.1(p) to read:

Where a tree is listed in Schedule 3 - Notable Trees the following are permitted activities:.

- (i) The removal or partial removal of a Notable Tree.
- (ii) Any activities within the drip line of a Notable Tree.
- (iii) Any trimming and maintenance of a Notable Tree.

Note: The above activities must comply with all Conditions for Permitted Activities specified in Rule 19.6.27.

20. Amend Rule 19.6.27(c) to read:

- c) Any trimming and maintenance of a tree listed in Schedule 3 - Notable Trees shall be limited to:
 - (ii) the removal of branches interfering with buildings, structures, overhead wires or utility networks, but only to the extent that they are touching those buildings, or structures, or ~~interfering with likely to compromise the effective operation of~~ those overhead wires or utility networks and only where the work is carried out by, or under the supervision of a qualified arborist who has advised the Council in advance of the work to be carried out.
-

Open Space Zone

21. Amend Rule 20.1(j) to read:

Where a tree is listed in Schedule 3 - Notable Trees the following are permitted activities:.

- (i) The removal or partial removal of a Notable Tree.
- (ii) Any activities within the drip line of a Notable Tree.
- (iii) Any trimming and maintenance of a Notable Tree.

Note: The above activities must comply with all Conditions for Permitted Activities specified in Rule 19.6.27.

22. Amend Rule 20.6.19(c)(ii) to read:

The removal of branches interfering with buildings, structures, overhead wires or utility networks, but only to the extent that they are touching those buildings, or structures, or ~~interfering with~~ likely to compromise the effective operation of those overhead wires or utility networks and only where the work is carried out by, or under the supervision of a qualified arborist who has advised the Council in advance of the work to be carried out.

23. Amend Assessment Criteria 25.7.15 to read:

"e) The extent to which work on or near a Notable Tree is necessary to preserve or maintain the efficiency or safety of any public work, network utility or road or railway."

24. Include a new definition in Chapter 26 - Definitions as follows:

"Bed has the same meaning as in the Resource Management Act 1991."

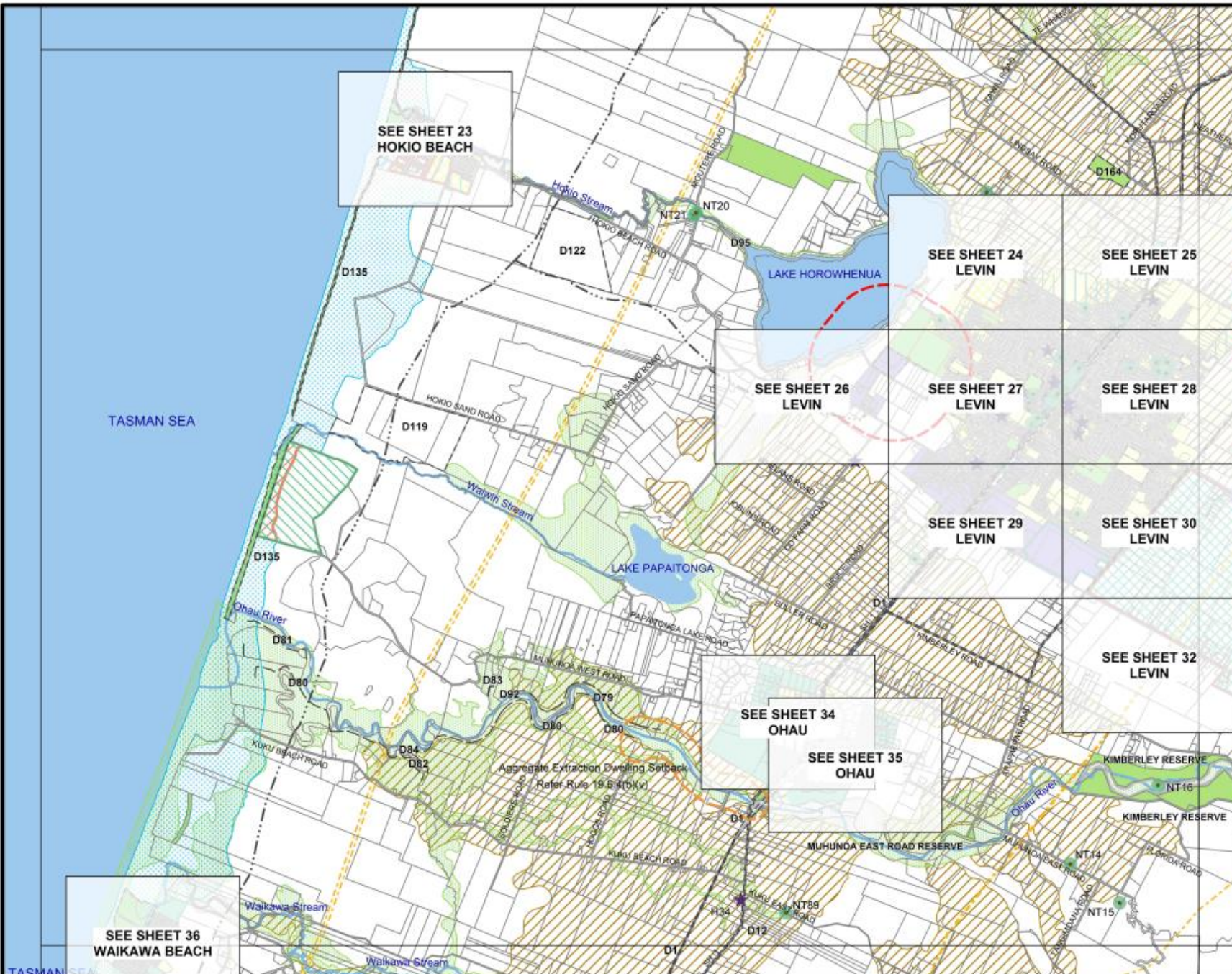
25. Include a new tree to Schedule 3 - Notable Trees as follows:

The following trees are identified as Notable Trees within the Horowhenua District.

...

Map No.	Ref.	Latin Name	Common Name	Location	Score	Legal Description
<u>7</u>	<u>NT89</u>	<u>Podocarpus Totara</u>	<u>Totara</u>	<u>61 Kuku East Road, Levin</u>	<u>167</u>	<u>Lot 1 DP 56764</u>

26. Amend Planning Map 7 to show new notable tree NT89 as attached.



LEGEND

ZONES

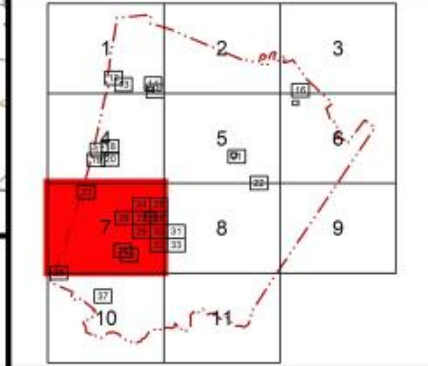
- Commercial Zone
- Industrial Zone
- Residential Zone
- Rural Zone
- Greenbelt Residential Zone
- Open Space Zone
- Residential Deferred Zone
- Greenbelt Residential Deferred Zone

OVERLAYS

- Greenbelt Residential 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

APPENDIX B: Schedule of Decisions on Submission Points

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Hearing Panel Decision
67.08		Taiao Raukawa Environmental Resource Unit		Accept
96.45	506.29	Federated Farmers of New Zealand Ernslaw One Ltd	Support	Reject Reject
96.46	506.30 527.08	Federated Farmers of New Zealand Ernslaw One Ltd Director-General of Conservation (DoC)	Support Oppose	Accept In-Part Accept In-Part Accept In-Part
27.04	517.12	Horizons Regional Council Horticulture NZ	In-Part	Reject Accept In-Part
96.47	506.31 517.13 527.09	Federated Farmers Ernslaw One Ltd Horticulture NZ Director-General of Conservation (DoC)	Support Support Oppose	Reject Reject Reject Accept
101.11		Director-General of Conservation (DoC)		Reject
101.12		Director-General of Conservation (DoC)		Accept
26.00		Horowhenua Astronomical Society		Accept In-Part
27.05	517.14	Horizons Regional Council Horticulture NZ	In-Part	Reject Reject
26.17		Horowhenua Astronomical Society		Accept In-Part
27.34		Horizons Regional Council		Reject
96.48	506.32	Federated Farmers Ernslaw One Ltd	Support	Reject Reject
101.13		Director-General of Conservation (DoC)		Reject
80.20		Todd Energy Ltd		Accept In-Part
92.21		KCE Mangahao Ltd		Accept In-Part
80.22		Todd Energy Ltd		Accept In-Part
92.24		KCE Mangahao Ltd		Accept In-Part
96.50	513.13	Federated Farmers Rayonier New Zealand Ltd	Support	Accept Accept

	517.11	Horticulture NZ	Support	Accept
80.24		Todd Energy Ltd		Accept In-Part
92.25		KCE Mangahao Ltd		Accept In-Part
101.14		Director-General of Conservation (DoC)		Accept In-Part
96.51	528.20	Federated Farmers Horizons Regional Council	Oppose	Accept In-Part Accept In-Part
80.03		Todd Energy Ltd		Accept In-Part
92.03		KCE Mangahao Ltd		Accept In-Part
101.15		Director-General of Conservation (DoC)		Accept In-Part
80.21		Todd Energy Ltd		Accept In-Part
92.22		KCE Mangahao Ltd		Accept In-Part
96.52	517.15 528.20	Federated Farmers Horticulture NZ Horizons Regional Council	Support Oppose	Reject Reject Accept
101.16		Director-General of Conservation (DoC)		Accept
26.02		Horowhenua Astronomical Society Inc		Accept In-Part
80.23		Todd Energy Ltd		Accept In-Part
92.23		KCE Mangahao Ltd		Accept In-Part
101.17		Director-General of Conservation (DoC)		Accept In-Part
96.14	506.08	Federated Farmers Ernslaw One Ltd	Support	Reject Reject
101.18		Director-General of Conservation (DoC)		Accept
98.26		Horticulture NZ		Accept
83.05	528.15	Ross and Margaret Hood Horizons Regional Council	Oppose	Reject Accept
101.42		Director-General of Conservation (DoC)		Accept In-Part
80.26		Todd Energy Ltd		Accept In-Part
92.17		KCE Mangahao Ltd		Accept In-Part
80.25		Todd Energy Ltd		Accept In-Part

92.26		KCE Mangahao Ltd		Accept In-Part
101.20		Director-General of Conservation (DoC)		Accept
16.00		Robert White		Accept
98.25		Horticulture NZ		Reject
96.49		Federated Farmers		Accept In-Part
25.00	525.16	Michael White Maurice and Sophie Campbell	Support	Accept In-Part Accept In-Part
11.17		Philip Taueki		Accept
60.11		Muaupoko Co-operative Society		Accept
116.00		Truebridge Associated Limited		Accept In-Part
101.70		Director- General of Conservation (DoC)		Reject
99.31		Transpower New Zealand Ltd		Accept In-Part
101.71		Director-General of Conservation (DoC)		Reject
55.12		KiwiRail		Accept
108.37		HDC (Planning Department)		Accept
1.00		Scotson & McKay		Accept

RESOURCE MANAGEMENT ACT 1991

PROPOSED HOROWHENUA DISTRICT PLAN

HEARING OF SUBMISSIONS

DECISION OF HEARING PANEL

TOPIC: Report on District Plan
Natural Hazards

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

HEARING DATE: 15th April & 28th May 2013

CONTENTS

1. INTRODUCTION	3
2. OFFICER'S REPORT	3
3. SUBMITTER APPEARANCES.....	3
4. EVALUATION	4
Objective 8	4
Policies 8.1.2 – 8.1.14	4
Explanation & Principle Reasons for Objective 8.1.1	5
Anticipated Environmental Result 8(d).....	6
Chapter 8 General Matters	6
Rules 15.1(j): Residential Zone – Permitted Activity List.....	8
Rule 15.4(h): Residential Zone – Discretionary Activity List.....	11
Rule 15.6.14: Residential Zone – Conditions for Permitted Activities (Flood Hazard Overlay Area)	11
Rules 16.1(n): Industrial Zone – Permitted Activity List.....	12
Rule 16.4(e): Industrial Zone – Discretionary Activity List.....	13
Rule 16.6.19: Industrial Zone – Conditions for Permitted Activities (Flood Hazard Overlay Area).....	13
Rules 17.1(p): Commercial Zone – Permitted Activity List	14
Rule 17.4(g): Commercial Zone – Discretionary Activity List.....	15
Rule 17.6.21: Commercial Zone – Conditions for Permitted Activities (Flood Hazard Overlay Area)	15
Rules 19.1(m): Rural Zone – Permitted Activity List.....	16
Rule 19.4.8: Rural Zone – Discretionary Activity List	17
Rules 19.4.9 and 19.6.10: Rural Zone – Discretionary Activity List and Conditions of Permitted Activity (Moutoa Floodway).....	18
Rule 19.6.11: Rural Zone – Conditions for Permitted Activities (Flood Hazard Overlay Area).....	19
Rules 20.1(g): Open Space Zone – Permitted Activity List	21
Rule 20.4(d): Open Space Zone – Discretionary Activity List.....	22
Rule 20.6.11: Open Space Zone – Conditions for Permitted Activities (Flood Hazard Overlay Area)	22
Planning Maps.....	24
5. SECTION 32.....	26
6. DECISION	27
APPENDIX A: Proposed Plan as amended by Hearing Decisions	28
APPENDIX B: Schedule of Decisions on Submission Points	36
APPENDIX C: Officer's statement dated 30 April 2013	40

1. INTRODUCTION

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

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

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

2. OFFICER'S REPORT

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

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

3. SUBMITTER APPEARANCES

3.1 On 15 April 2013 we heard in person from:

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

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

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

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

3.5 We also received tabled written material from:

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

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

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

4. EVALUATION

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

Objective 8

Submissions Received

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

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

Policies 8.1.2 – 8.1.14

Submissions Received

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

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

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

Explanation & Principle Reasons for Objective 8.1.1

Submissions Received

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

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

Anticipated Environmental Result 8(d)

Submissions Received

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

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

Chapter 8 General Matters

Submissions Received

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
----------------	-----------------------	---------------------------	---------------------------

³ Lifelines are the network services of water, sewage, transport, power and communications which are essential to the functioning of a community.

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

⁵ Officer’s report, page 65

⁶ Page 46 of Appendix C, third paragraph.

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

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

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

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

Flood Hazard Overlay Area

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

Except

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

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

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

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

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

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

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

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

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

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

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

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

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

Submissions Received

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

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

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

Submissions Received

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

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

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

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

Submissions Received

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

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

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

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

Submissions Received

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

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

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

Submissions Received

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

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

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

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

Submissions Received

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

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

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

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

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

Submissions Received

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

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

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

Submissions Received

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

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

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

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

Submissions Received

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

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

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

Rule 19.4.8: Rural Zone – Discretionary Activity List

Submissions Received

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

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

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

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

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

Submissions Received

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

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

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

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

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

Submissions Received

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

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

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

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

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

Submissions Received

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

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

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

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

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

Submissions Received

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

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

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

Submissions Received

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

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

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

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

Planning Maps

Submissions Received

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

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

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

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

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

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

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

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

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

5. SECTION 32

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

¹³ Page 47 – Mapping of Flood Hazard Overlay Area

6. DECISION

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

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

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



Robert van Voorthuysen



Cr Garry Good



Cr Tony Rush

Dated: 23 September 2013

APPENDIX A: Proposed Plan as amended by Hearing Decisions

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

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

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

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

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

Policy 8.1.6 is amended as follows:

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

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

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

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

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

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

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

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

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

Add to Rule 15.1(j) as follows:

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

- (vi) New network utility cabinets/buildings;

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

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

Add to Rule 15.6.14 as follows:

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

Except

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

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

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

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

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

Add to Rule 16.1(n) as follows:

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

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

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

Add to Rule 16.6.19 as follows:

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

Except

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

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

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

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

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

Add to Rule 17.1(p) as follows:

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

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

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

Add to Rule 17.6.21 as follows:

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

Except

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

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

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

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

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

Add to Rule 19.1(m) as follows:

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

Amend Rule 19.4.8(iv) as follows:

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

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

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

Amend Rule 19.4.8(b) as follows:

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

Amend Rule 19.6.10 as follows:

19.6.10 Moutoa Floodway

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

Exceptions

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

Amend Rule 19.6.11 as follows:

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

Exceptions:

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

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

Add to Rule 20.1(g) as follows:

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

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

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

Add to Rule 20.6.11 as follows:

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

Except

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

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

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

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

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

Amend Assessment Criteria 25.7.14 Natural Hazards as follows:

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

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

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

Amend 28.2.2 Information Requirements 1: General Information as follows:

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

Amend 28.2.4 Information Requirements 3: Subdivision as follows:

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

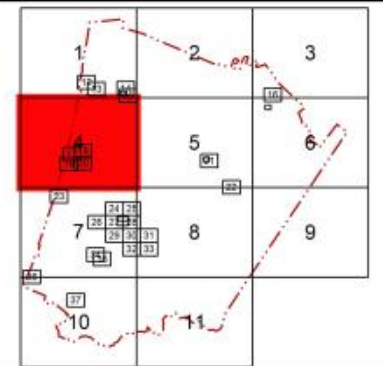
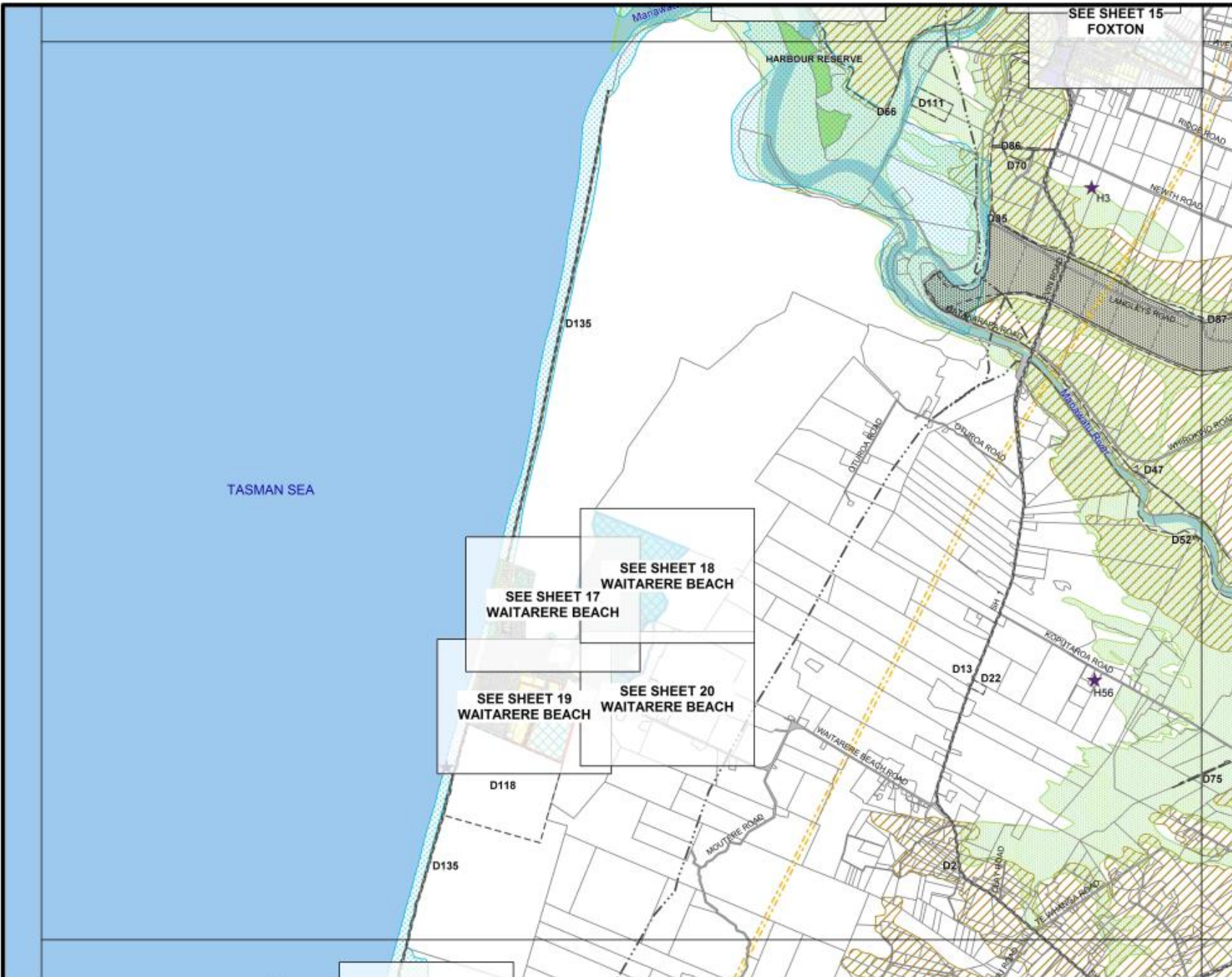
The following amendments are made to the Planning Maps:

Amend Planning Map 4 as attached.

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

LEGEND
ZONES

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



Scale 1 : 50,000

HOROWHENUA DISTRICT PLAN
RURAL

Planning Map 4

LEGEND
ZONES

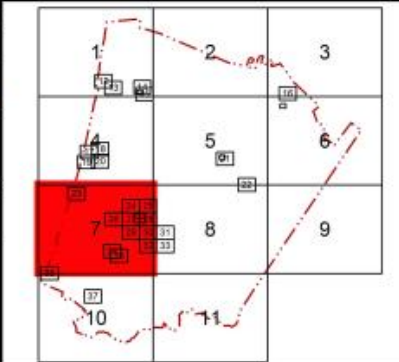
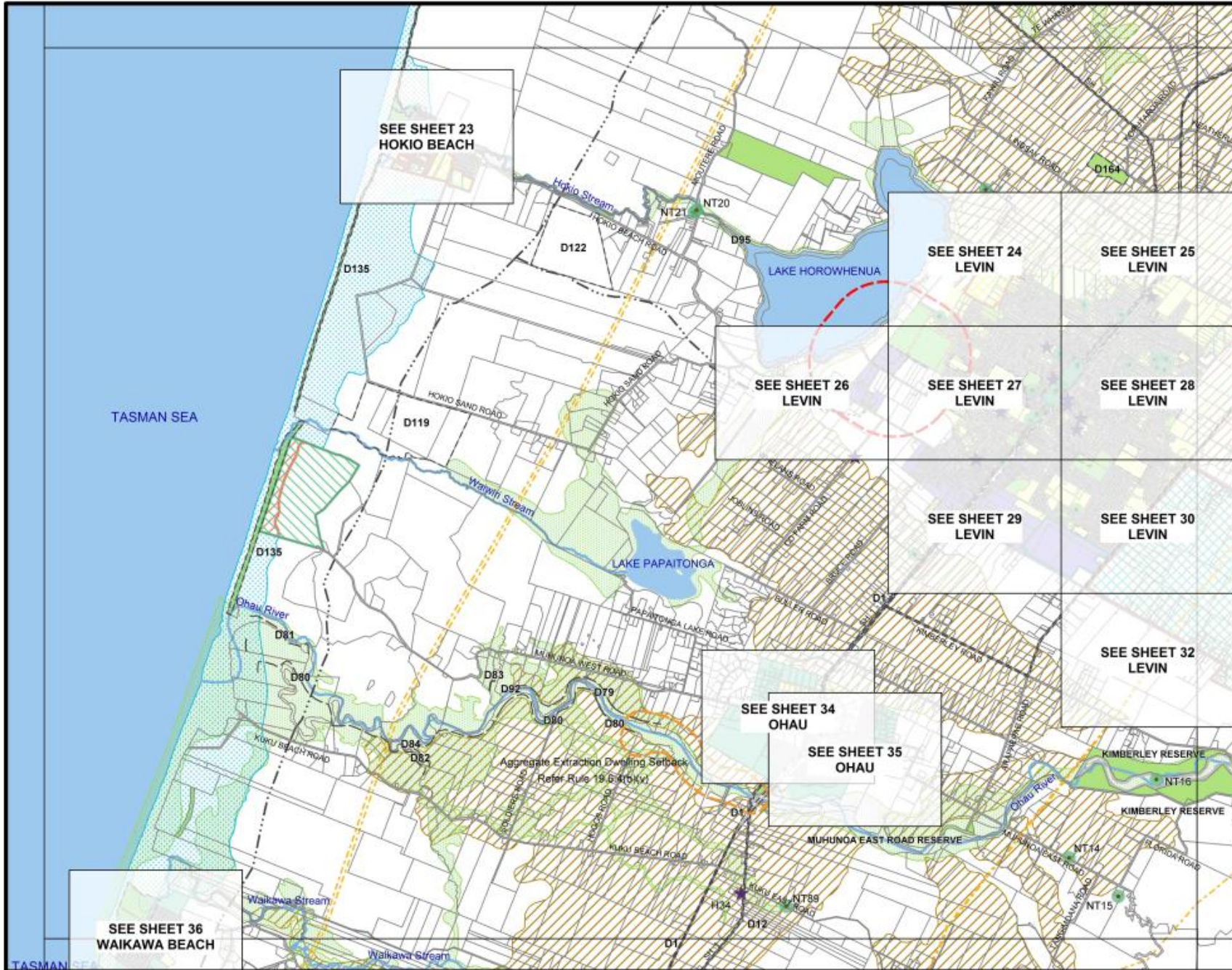
- Commercial Zone
- Industrial Zone
- Residential Zone
- Rural Zone
- Greenbelt Residential Zone
- Open Space Zone
- Residential Deferred Zone
- Greenbelt Residential Deferred Zone

OVERLAYS

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

FEATURES

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



Scale 1 : 50,000

HOROWHENUA DISTRICT PLAN
RURAL

Planning Map 7

APPENDIX B: Schedule of Decisions on Submission Points

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

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

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

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

APPENDIX C: Officer's statement dated 30 April 2013

Proposed Horowhenua District Plan

Natural Hazards

Hearing: 15 April 2013

Officer Right of Reply and Response to Commissioners Questions

Officer Right of Reply

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

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

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

Liquefaction

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

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

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

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

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

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

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

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

Recommended Amendment:

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

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

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

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

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

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

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

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

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

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

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

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

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

Amend Assessment Criteria 25.7.14 Natural Hazards as follows:

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

Amend 28.2.2 Information Requirements 1: General Information as follows:

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

Amend 28.2.4 Information Requirements 3: Subdivision as follows:

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

Mapping of the Flood Hazard Overlay Area

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

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

Recommended Amendment:

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

Response to Commissioners Questions

Moutoa Floodway (Rules 19.4.9 and 19.6.10)

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

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

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

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

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

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

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

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

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

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

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

Recommended Amendment:

Amend Rule 19.6.10 as follows:

19.6.10 Moutoa Floodway

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

Exceptions

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

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

Amend Rule 19.6.11 as follows:

19.6.11 Flood Hazard Overlay Area (excluding Moutoa Floodway)

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

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

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

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

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

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

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

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

Recommended Amendment:

Amend Rule 15.6.14 (Residential Zone) as follows:

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

Except

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

(b) ...

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

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

Amend Rule 16.6.19 (Industrial Zone) as follows:

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

Except

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

(b) ...

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

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

Amend Rule 17.6.14 (Commercial Zone) as follows:

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

Except

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

(b) ...

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

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

Amend Rule 19.6.10 (Rural Zone) as follows:

19.6.10 Moutoa Floodway

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

Exceptions

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

Amend Rule 19.6.11 (Rural Zone) as follows:

19.6.11 Flood Hazard Overlay Area (excluding Moutoa Floodway)

(a) ...

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

(d) ...

Amend Rule 20.6.11 (Open Space Zone) as follows:

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

Except

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

(b) ...

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

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

Response prepared by Hamish Wesney

Reviewed by David McCorkindale

Dated 30th April 2013

RESOURCE MANAGEMENT ACT 1991

PROPOSED HOROWHENUA DISTRICT PLAN

HEARING OF SUBMISSIONS

DECISION OF HEARING PANEL

TOPIC: Report on District Plan
Coastal Environment

HEARING PANEL: Robert Van Voorthuysen (Chair)
Cr Garry Good
Cr David Allan

HEARING DATE: 18th April & 28th May 2013

CONTENTS

1. INTRODUCTION	3
2. OFFICER'S REPORT	3
3. SUBMITTER APPEARANCES	3
4. EVALUATION	3
Chapter 5 Introduction	4
Issue 5.1 Discussion	5
Objective 5.1.1	6
Policy 5.1.2	7
Policy 5.1.3	7
Policy 5.1.4	7
Policy 5.1.5	8
Policy 5.1.6	8
Policy 5.1.7	9
Policy 5.1.8	9
Policy 5.1.9	9
Issue 5.2 Discussion	10
Objective 5.1.2	10
Policy 5.2.2	10
Policy 5.2.4	11
Policy 5.2.5	11
Policy 5.2.6	11
Explanation and Principal Reasons (Objective 5.2.1)	12
Issue 5.3 Discussion	12
Objective 5.3.1	13
Policy 5.3.3	13
Policy 5.3.4 (and Objective 5.3.1)	14
Policy 5.3.5	14
Methods for Issue 5.3 & Objective 5.3.1	15
Chapter 5 Anticipated Environmental Results	15
General Matters	15
Rule 19.4.7: Rule Zone – Discretionary Activity (Buildings, Structures and Subdivision in the Coastal Natural Character and Hazard Overlay Area)	16
Planning Maps 7 and 41 - Coastal Natural Character and Hazards Area	17
Planning Maps 10 and 36 - Coastal Natural Character and Hazards Area	18
Plan Change 22	19
5. SECTION 32	20
6. DECISION	20
APPENDIX A: Proposed Plan as amended by Hearing Decisions	21
APPENDIX B: Schedule of Decisions on Submission Points	33
APPENDIX C: Officer's statement dated 18 April 2013	36
APPENDIX D: Officer's statement dated 23 April 2013	40
	41

1. INTRODUCTION

1.1 We were appointed by the Horowhenua District Council to consider submissions on the Proposed District Plan relating to the Coastal Environment. A hearing was held on 18 April 2013 and 28 May 2013. The hearing was closed on 13 September 2013.

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

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

2. OFFICER'S REPORT

2.1 We received a comprehensive Section 42A Report¹ (officer's report) prepared by David McCorkindale (HDC's Project Manager – District Plan Review). The officer's report evaluated each submission point and made a recommendation on it, clearly stating the reasons for each recommendation.

2.2 Mr McCorkindale also helpfully provided:

- A written statement dated 18 April 2013 containing answers to our written questions; comments on the tabled material provided by Kiwirail, the Waitarere Beach Progressive & Ratepayers Association and the Horowhenua Astronomical Society Inc; and several corrections to the original officer's report. That statement is attached to this Decision as Appendix C;
- A written statement dated 23 April 2013 addressing a query we posed regarding the relationship of the Proposed Plan and Change 22 (as was discussed in paragraph 12 on page 67 of the officer's report). That statement is attached to this Decision as Appendix D.

3. SUBMITTER APPEARANCES

3.1 On 18 April 2013 we heard in person from Sophie Campbell on behalf of herself (submitter 58 and further submitter 525) and Friends of Strathnaver (submitter 57)². On 28 May 2013 we heard from Philip Taueki (submitter 11). Mr Taueki was supported by his partner, Anne Hunt, and he had two witnesses speak as part of his presentation, firstly his sister Vivienne Taueki and secondly Professor Whatarangi Winiata.

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

3.3 We also received tabled written material from:

- The Director-General of Conservation (submitter 101 and further submitter 527);
- The Horowhenua Astronomical Society Inc (submitter 26);
- Kiwirail (submitter 55);
- The Waitarere Beach Progressive & Ratepayers Association (submitter 51).

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

4. EVALUATION

4.1 The relevant statutory requirements were identified and described in Section 3 of the officer's report. We accept and adopt that description and have had regard to or taken into account the identified matters as appropriate.

¹ Section 42A Report to the District Plan Review Hearing Panel, Proposed Horowhenua District Plan, Coastal Environment, April 2013.

² Ms Campbell advised that fully supported the recommendations in the officer's report regarding the matters raised by both submitters that she represented.

Chapter 5 Introduction

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
11.23	Philip Taueki	No specific relief requested. Inferred: Reference customary rights in relation to Hokio Beach in the Introduction of Chapter 5 and recognise and mitigate the risk of disturbance of cultural sites of significance.	519.18 Charles Rudd(Snr) -Support
60.17	Muaupoko Co-operative Society	No specific relief requested. Inferred: Reference customary rights in relation to Hokio Beach in the Introduction of Chapter 5 and recognise and mitigate the risk of disturbance of cultural sites of significance.	519.36 Charles Rudd(Snr) -Support
67.14	Taiao Raukawa Environmental Resource Unit	Amend Introduction of Chapter 5 include more discussion on ongoing Maori relationships to access water bodies so that particular Māori customary rights to water bodies are recognised and maintained..	
101.26	Director-General of Conservation (DoC)	Amend paragraph two, third sentence in the Introduction as follows: ... This estuary is considered an important estuarine ecosystem...	
101.27	Director-General of Conservation (DoC)	Amend paragraph five, second sentence of the Introduction as follows: ... The preservation of the natural character of the coastal environment, and its <u>its</u> protection from inappropriate subdivision, use and development is a matter of national importance (section 6(a))....	
101.28	Director-General of Conservation (DoC)	Amend paragraph eight of the Introduction as follows: Add at the conclusion of the paragraph a new sentence: " <u>it must give effect to</u> ".	
101.29	Director-General of Conservation (DoC)	Include a reference in the Introduction to the National Policy Statement for Freshwater Management 2011 (NPSFWM).	
101.30	Director-General of Conservation (DoC)	Amend paragraph 10 through mentioning relevant Conservation Management Strategy and Iwi	

Sub No.	Submitter Name	Decision Requested	Further Submission
		Management Plans.	
101.31	Director-General of Conservation (DoC)	Amend Figure 5-1 through giving effect to Policy 1 of the NZCPS.	
101.32	Director-General of Conservation (DoC)	Amend Figure 5-1 through clarifying what is meant by the wording "Coastal Dominance Zone"	

- 4.2 The above submissions were evaluated by the reporting officer in section 4.1.2 of the officer's report. Mr Taueki was the only submitter to express any opposition to that evaluation. He was concerned about a lack of consultation with Maori landowners during the preparation of the Proposed Plan. That is not a matter relevant to our evaluation which is concerned with possible improvements to the wording of the Proposed Plan. We have reviewed the officer's evaluation and we agree with it and adopt it as our reasons pursuant to Clause 10(2)(a) of Schedule 1 to the RMA. The officer also recommended amendments to the Introduction of Chapter 5 (inserting new fourth and fifth paragraphs, amending the existing fifth and eighth paragraphs, adding additional text following the existing eight paragraph, adding additional text following the existing tenth paragraph and amending Figure 5-1) of the Proposed Plan.
- 4.3 The officer also recommended consequential amendments to the third paragraph and Policy 5.1.2.
- 4.4 We have reviewed the recommended amendments and consider them to be appropriate. We are also satisfied that the consequential amendments are necessary and appropriate. We therefore adopt those recommendations as our decisions pursuant to Clause 10(1) of Schedule 1 to the RMA.

Issue 5.1 Discussion

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
101.33	Director-General of Conservation (DoC)	Amend Paragraph 2 of the Issue Discussion through deleting "perceptual" from the seven components of natural character, or, provide a term that is better aligned with the NZCPS.	
101.34	Director-General of Conservation (DoC)	Amend Paragraph 2 of the Issue Discussion through adding two new bullet points to the seven components of natural character; <u>Context</u> and <u>Setting</u> .	

- 4.5 The Director-General of Conservation's submissions were evaluated by the reporting officer in section 4.2.2 of the officer's report. The Director-General of Conservation supported that evaluation. We have reviewed the officer's evaluation and we agree with it and adopt it as our reasons pursuant to Clause 10(2)(a) of Schedule 1 to the RMA. The officer also recommended amendments to the second paragraph of Issue Discussion for Issue 5.1 of

the Proposed Plan.³ We have reviewed those recommended amendments and consider them to be appropriate. We therefore adopt that recommendation as our decision pursuant to Clause 10(1) of Schedule 1 to the RMA.

Objective 5.1.1

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
26.05	Horowhenua Astronomical Society Inc	Amend Objective 5.1.1 to provide for the protection of the natural night environment as an intrinsic feature of the character of the Coastal Environment.	
50.03	Rayonier NZ Ltd	Amend the Plan to recognise plantation forestry as a significant mitigator from the adverse effects of inland drift of sand dunes in the district.	506.73 Ernslaw One Ltd - Support
101.35	Director-General of Conservation (DoC)	<p>Delete the current Objective 5.1.1 and rewrite as follows:</p> <p>To preserve natural character of the Coastal Environment and avoid, remedy or mitigate the adverse environmental effects from inappropriate subdivision, use and development. <u>Ensure only appropriate subdivision, use and development occurs in the Coastal Environment.</u></p> <p>Alternatively reword as follows:</p> <p><u>To provide for the appropriate subdivision, use and development consistent with the need to preserve the natural character of the coastal environment.</u></p>	513.39 Rayonier New Zealand Ltd - Support

4.6 The above submissions were evaluated by the reporting officer in section 4.3.2 of the officer's report. No submitters expressed any opposition to that evaluation. We have reviewed the officer's evaluation and we agree with it and adopt it as our reasons pursuant to Clause 10(2)(a) of Schedule 1 to the RMA. The officer also recommended amendments to the Explanation and Principal Reasons for Objective 5.1.1 of the Proposed Plan. We have reviewed those recommended amendments and consider them to be appropriate. We therefore adopt that recommendation as our decision pursuant to Clause 10(1) of Schedule 1 to the RMA.

³ This included some revised wording that was set out in the written Statement of 18 April 2013 (see Appendix C to this Decision).

Policy 5.1.2

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
101.36	Director-General of Conservation (DoC)	Amend Policy 5.1.2 by providing a definition or further explanation of the term "zone of coastal dominance"	
98.29	Horticulture NZ	Retain Policy 5.1.2.	

4.7 The submission of the Director-General of Conservation was evaluated by the reporting officer in section 4.4.2 of the officer's report. The Director-General of Conservation supported that evaluation. We have reviewed the officer's evaluation and we agree with it and adopt it as our reasons pursuant to Clause 10(2)(a) of Schedule 1 to the RMA. The officer also recommended amendments to Policy 5.1.2 of the Proposed Plan. We have reviewed those recommended amendments and consider them to be appropriate. We therefore adopt that recommendation as our decision pursuant to Clause 10(1) of Schedule 1 to the RMA.

4.8 Horticulture NZ's support for Policy 5.1.2 is noted and their submission is accepted.

Policy 5.1.3

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
101.37	Director-General of Conservation (DoC)	Amend Policy 5.1.3 as follows: Perceptual <u>Context</u> <u>Setting</u>	

4.9 The submission of the Director-General of Conservation was evaluated by the reporting officer in section 4.5.2 of the officer's report. The Director-General of Conservation supported that evaluation. We have reviewed the officer's evaluation and we agree with it and adopt it as our reasons pursuant to Clause 10(2)(a) of Schedule 1 to the RMA. The officer also recommended amendments to Policy 5.1 of the Proposed Plan. We have reviewed those recommended amendments and consider them to be appropriate. We therefore adopt that recommendation as our decision pursuant to Clause 10(1) of Schedule 1 to the RMA.

Policy 5.1.4

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
101.38	Director-General of Conservation (DoC)	Retain intent of Policy 5.1.4	

4.10 The Director-General of Conservation’s support for Policy 5.1.2 is noted and the submission is accepted.

Policy 5.1.5

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
101.39	Director-General of Conservation (DoC)	Retain intent of Policy 5.1.5	

4.11 The Director-General of Conservation’s support for Policy 5.1.5 is noted and the submission is accepted.

Policy 5.1.6

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
55.13	KiwiRail	Retain Policy 5.1.6	
101.40	Director-General of Conservation (DoC)	Amend Policy 5.1.6 as follows: ... except where <u>there is a significant public benefit, and there is no reasonable alternative outside very high natural areas of natural character and...</u>	

4.12 KiwiRail’s support for Policy 5.1.6 is noted and their submission is accepted. We note that KiwiRail tabled a written statement opposing the additional wording recommended by the officer to be inserted into Policy 5.1.6 which read “... there is a significant public benefit ...”.

4.13 The Director-General of Conservation’s submission was evaluated by the reporting officer in section 4.8.2 of the officer’s report. The Director-General of Conservation’s supported that evaluation.

4.14 We have reviewed the officer’s original evaluation and we do not agree with it. However, we note that the officer tabled an amended evaluation and recommendation (see the Statement contained Appendix C of this Decision) where he rescinded his previously suggested insertion of the additional wording (the wording in paragraph 4.12 above that is opposed by KiwiRail).

4.15 We accept the officer’s revised reasoning set out in his Statement contained in Appendix C and we adopt it as our reasons pursuant to Clause 10(2)(a) of Schedule 1 to the RMA. Our decision pursuant to Clause 10(1) of Schedule 1 to the RMA is to retain Policy 5.1.6 as notified with no amendment. Accordingly, we reject the Director-General of Conservation’s submission.

Policy 5.1.7

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
26.06	Horowhenua Astronomical Society Inc	Amend Policy 5.1.7 to provide for the protection of the natural night environment as an intrinsic feature of the character of the Coastal Environment.	

4.16 The Horowhenua Astronomical Society Inc's submission was evaluated by the reporting officer in section 4.9.2 of the officer's report. The submitter did not express any opposition to that evaluation. We have reviewed the officer's evaluation and we agree with it and adopt it as our reasons pursuant to Clause 10(2)(a) of Schedule 1 to the RMA. The officer recommended no amendments to Policy 5.1.7 of the Proposed Plan. We consider that to be appropriate. We therefore adopt that recommendation as our decision pursuant to Clause 10(1) of Schedule 1 to the RMA.

Policy 5.1.8

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
101.41	Director-General of Conservation (DoC)	Amend Policy 5.1.8 as follows: Ensure development within the Coastal Environment recognises and respects <u>avoids adverse effects on</u> the sensitive...	

4.17 The Director-General of Conservation's submission was evaluated by the reporting officer in section 4.10.2 of the officer's report. The Director-General of Conservation supported that evaluation. We have reviewed the officer's evaluation and we agree with it and adopt it as our reasons pursuant to Clause 10(2)(a) of Schedule 1 to the RMA. The officer recommended no amendments to Policy 5.1.8 of the Proposed Plan. We consider that to be appropriate. We therefore adopt that recommendation as our decision pursuant to Clause 10(1) of Schedule 1 to the RMA.

Policy 5.1.9

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
101.43	Director-General of Conservation (DoC)	Reword this policy to ensure that it gives effect to Policy 14 of the NZCPS.	

4.18 The Director-General of Conservation's submission was evaluated by the reporting officer in section 4.11.2 of the officer's report. The Director-General of Conservation supported that evaluation. We have reviewed the officer's evaluation and we agree with it and adopt it as our reasons pursuant to Clause 10(2)(a) of Schedule 1 to the RMA. The officer recommended no amendments to Policy 5.1.9 of the Proposed Plan. We consider that to

be appropriate. We therefore adopt that recommendation as our decision pursuant to Clause 10(1) of Schedule 1 to the RMA.

Issue 5.2 Discussion

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
101.44	Director-General of Conservation (DoC)	Amend Issue Discussion 5.2 by the addition of "vehicle access" and a discussion of the issues that arise from this type of activity within the coastal environment and the adverse effects that might arise from this use.	

4.19 The submission of the Director-General of Conservation was evaluated by the reporting officer in section 4.12.2 of the officer's report. The Director-General of Conservation supported that evaluation. We have reviewed the officer's evaluation and we agree with it and adopt it as our reasons pursuant to Clause 10(2)(a) of Schedule 1 to the RMA. The officer also recommended amendments to the Issue Discussion for Issue 5.2 of the Proposed Plan.⁴ We have reviewed those recommended amendments and consider them to be appropriate. We therefore adopt that recommendation as our decision pursuant to Clause 10(1) of Schedule 1 to the RMA.

Objective 5.1.2

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
101.45	Director-General of Conservation (DoC)	Retain Objective 5.2.1 as notified.	

4.20 The Director-General of Conservation's support for Objective 5.2.1 is noted and the submission is accepted.

Policy 5.2.2

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
101.46	Director-General of Conservation (DoC)	Retain Policy 5.2.2 as notified.	

4.21 The Director-General of Conservation's support for Policy 5.2.2 is noted and the submission is accepted.

⁴ We note that in his Statement contained in Appendix C the officer corrected a typographical error in the recommended wording.

Policy 5.2.4

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
101.47	Director-General of Conservation (DoC)	Amend Policy 5.2.4 as follows: Develop, improve and maintain existing <u>appropriate</u> forms of access to the coast.	

4.22 The submission of the Director-General of Conservation was evaluated by the reporting officer in section 4.15.2 of the officer's report. The Director-General of Conservation supported that evaluation. We have reviewed the officer's evaluation and we agree with it and adopt it as our reasons pursuant to Clause 10(2)(a) of Schedule 1 to the RMA. The officer also recommended amendments to Policy 5.2.4 of the Proposed Plan. We have reviewed those recommended amendments and consider them to be appropriate. We therefore adopt that recommendation as our decision pursuant to Clause 10(1) of Schedule 1 to the RMA.

Policy 5.2.5

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
101.48	Director-General of Conservation (DoC)	Amend Policy 5.2.5 as follows: Ensure that adverse effects arising from the provision of <u>existing</u> new or upgraded public access are avoided, remedied or mitigated particularly on areas with high natural character and areas subject to coastal hazards.	

4.23 The submission of the Director-General of Conservation was evaluated by the reporting officer in section 4.16.2 of the officer's report. The Director-General of Conservation supported that evaluation. We have reviewed the officer's evaluation and we agree with it and adopt it as our reasons pursuant to Clause 10(2)(a) of Schedule 1 to the RMA. The officer also recommended amendments to Policy 5.2.5 of the Proposed Plan. We have reviewed those recommended amendments and consider them to be appropriate. We therefore adopt that recommendation as our decision pursuant to Clause 10(1) of Schedule 1 to the RMA.

Policy 5.2.6

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
101.49	Director-General of Conservation (DoC)	Amend Policy 5.2.6 as follows: Where new access to the coast is provided, ensure <u>it is located and constructed so</u> that disturbance to foredunes and adjacent coastal	

Sub No.	Submitter Name	Decision Requested	Further Submission
		marine area is minimised.	

4.24 The submission of the Director-General of Conservation was evaluated by the reporting officer in section 4.17.2 of the officer's report. The Director-General of Conservation supported that evaluation. We have reviewed the officer's evaluation and we agree with it and adopt it as our reasons pursuant to Clause 10(2)(a) of Schedule 1 to the RMA. The officer also recommended amendments to Policy 5.2.6 of the Proposed Plan. We have reviewed those recommended amendments and consider them to be appropriate. We therefore adopt that recommendation as our decision pursuant to Clause 10(1) of Schedule 1 to the RMA.

Explanation and Principal Reasons (Objective 5.2.1)

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
101.51	Director-General of Conservation (DoC)	Include a Policy and explanation to control where vehicle access is allowed or to that effect.	

4.25 The submission of the Director-General of Conservation was evaluated by the reporting officer in section 4.18.2 of the officer's report. The Director-General of Conservation supported that evaluation. We have reviewed the officer's evaluation and we agree with it and adopt it as our reasons pursuant to Clause 10(2)(a) of Schedule 1 to the RMA. The officer also recommended amendments to the Proposed Plan involving a new Policy 5.2.7 and a new third paragraph for the Explanation and Principal Reasons for Objective 5.2.1.

4.26 We note that in response to our questions the officer (see his statement contained Appendix C to this Decision) revised his originally recommended wording for the new Policy. He suggested that the words "Coastal Environment" be replaced with the words "on beaches and sand dunes".

4.27 We have reviewed those recommended amendments and consider them to be appropriate. We therefore adopt that recommendation as our decision pursuant to Clause 10(1) of Schedule 1 to the RMA.

Issue 5.3 Discussion

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
101.50	Director-General of Conservation (DoC)	Amend Issue discussion 5.3 by reflecting Policies 24 to 27 of the NZCPS in this section and providing for them in the policies.	

4.28 The submission of the Director-General of Conservation was evaluated by the reporting officer in section 4.19.2 of the officer's report. The Director-General of Conservation supported that evaluation. We have reviewed the officer's evaluation and we agree with it and adopt it as our reasons pursuant to Clause 10(2)(a) of Schedule 1 to the RMA. The officer also recommended amendments to the Issue 5.3 Discussion of the Proposed Plan.

We have reviewed those recommended amendments and consider them to be appropriate. We therefore adopt that recommendation as our decision pursuant to Clause 10(1) of Schedule 1 to the RMA.

Objective 5.3.1

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
101.52	Director-General of Conservation (DoC)	<p>Amend Objective 5.3.1 as follows:</p> <p>Relief A: Obj 1: Avoid or mitigate subdivision, land use and development in the Coastal Environment where it is subject to natural hazards, and</p> <p>Obj 2: <u>Ensure that land use and development do not significantly worsen the risk of occurrence or the severity of coastal hazards or compromise the effective functioning or integrity of natural hazard protection or mitigation works.</u></p> <p>Or;</p> <p>Relief b: Delete <u>“and ensure that land use and development do not significantly worsen the risk of occurrence or the severity of coastal hazards or compromise the effective functioning or integrity of natural hazard protection or mitigation works”</u></p> <p>As the example provided in Relief a, would suffice.</p>	

4.29 The submission of the Director-General of Conservation was evaluated by the reporting officer in section 4.20.2 of the officer’s report. The Director-General of Conservation supported that evaluation. We have reviewed the officer’s evaluation and we agree with it and adopt it as our reasons pursuant to Clause 10(2)(a) of Schedule 1 to the RMA. The officer also recommended amendments to Objective 5.3.1 of the Proposed Plan. We have reviewed those recommended amendments and consider them to be appropriate. We therefore adopt that recommendation as our decision pursuant to Clause 10(1) of Schedule 1 to the RMA.

Policy 5.3.3

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
101.53	Director-General of Conservation (DoC)	Amend Policy 5.3.3 by clarifying what the intent of this policy is.	

4.30 The submission of the Director-General of Conservation was evaluated by the reporting officer in section 4.21.2 of the officer's report. The Director-General of Conservation supported that evaluation. We have reviewed the officer's evaluation and we agree with it and adopt it as our reasons pursuant to Clause 10(2)(a) of Schedule 1 to the RMA. The officer also recommended amendments to Policy 5.3.3 of the Proposed Plan. We have reviewed those recommended amendments and consider them to be appropriate. We therefore adopt that recommendation as our decision pursuant to Clause 10(1) of Schedule 1 to the RMA.

Policy 5.3.4 (and Objective 5.3.1)

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
101.54	Director-General of Conservation (DoC)	Delete "significant" from Objective 5.3.1 if Policy 5.3.4 is going to remain as notified then.	

4.31 The submission of the Director-General of Conservation was evaluated by the reporting officer in section 4.22.2 of the officer's report. The Director-General of Conservation supported that evaluation. We have reviewed the officer's evaluation and we agree with it and adopt it as our reasons pursuant to Clause 10(2)(a) of Schedule 1 to the RMA. The officer also recommended amendments to Objective 5.3.1 of the Proposed Plan. We have reviewed those recommended amendments and consider them to be appropriate. We therefore adopt that recommendation as our decision pursuant to Clause 10(1) of Schedule 1 to the RMA.

Policy 5.3.5

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
101.55	Director-General of Conservation (DoC)	Include a policy that takes into account hazard risks over at least 100 years, are to be assessed or to that effect.	
101.56	Director-General of Conservation (DoC)	Include new policies that align with the NZCPS or to that effect.	

4.32 The submissions of the Director-General of Conservation were evaluated by the reporting officer in section 4.23.2 of the officer's report. The Director-General of Conservation supported that evaluation. We have reviewed the officer's evaluation and we agree with it and adopt it as our reasons pursuant to Clause 10(2)(a) of Schedule 1 to the RMA. The officer also recommended amendments to the Proposed Plan as follows:

- A new Policy 5.3.6;
- Two new Methods under District Plan Methods for Issue 5.3 and Objective 5.3.1;
- An amended issue discussion for Issue 5.3;
- A new Policy 5.3.7.

4.33 We have reviewed those recommended amendments and consider them to be appropriate. We therefore adopt that recommendation as our decision pursuant to Clause 10(1) of Schedule 1 to the RMA.

Methods for Issue 5.3 & Objective 5.3.1

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
101.57	Director-General of Conservation (DoC)	Amend method by adopting the approach of Policy 24 of the NZCPS or to that effect.	

4.34 The Director-General of Conservation's submission was evaluated by the reporting officer in section 4.24.2 of the officer's report. The Director-General of Conservation supported that evaluation. We have reviewed the officer's evaluation and we agree with it and adopt it as our reasons pursuant to Clause 10(2)(a) of Schedule 1 to the RMA. In this case the officer recommended no amendments to the Methods for Issue 5.3 & Objective 5.3.1 of the Proposed Plan. We consider that to be appropriate. We therefore adopt that recommendation as our decision pursuant to Clause 10(1) of Schedule 1 to the RMA.

Chapter 5 Anticipated Environmental Results

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
101.19	Director-General of Conservation (DoC)	Include an objective and policies that relate to Tangata Whenua and their association with the coastal environment.	

4.35 The submission of the Director-General of Conservation was evaluated by the reporting officer in section 4.25.2 of the officer's report. The Director-General of Conservation supported that evaluation. We have reviewed the officer's evaluation and we agree with it and adopt it as our reasons pursuant to Clause 10(2)(a) of Schedule 1 to the RMA. The officer also recommended deleting AER 5(c) and adding a new AER 1(i) to the Proposed Plan. We have reviewed those recommended amendments and consider them to be appropriate. We therefore adopt that recommendation as our decision pursuant to Clause 10(1) of Schedule 1 to the RMA.

General Matters

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
51.00	Waitarere Beach Progressive & Ratepayers Association (WBPRA)	No specific relief requested. Inferred: retain provisions that maintain vehicle access to the beach.	

4.36 The Waitarere Beach Progressive & Ratepayers Association's support for vehicle access to the beach is noted and the submission is accepted.

Rule 19.4.7: Rule Zone – Discretionary Activity (Buildings, Structures and Subdivision in the Coastal Natural Character and Hazard Overlay Area)

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
49.01	Alan & Marie Blundell	No specific relief requested. Inferred that Rule 19.4.7 should not be applied to the properties in Reay MacKay/Strathnaver Drive, Waikawa Beach.	525.15 Maurice and Sophie Campbell - Support
52.00	Rosemaire Saunders	Amend the Rule 19.4.7 by removing the reference to the Coastal Natural Character Zone and making associated amendments to the Planning Maps (see submission point 52.01) to distinguish between the Coastal Natural Character and Hazard area and limit the Hazard area in the location south of the Waikawa Village to the dunes immediately adjacent to the foreshore.	525.09 Maurice and Sophie Campbell - Support
57.00	Friends of Strathnaver	Amend the Rule 19.4.7 by removing the reference to the Coastal Natural Character Zone and making associated amendments to the Planning Maps (see submission point 57.01) to distinguish between the Coastal Natural Character and Hazard area and limit the Hazard area in the location south of the Waikawa Village to the dunes immediately adjacent to the foreshore.	525.06 Maurice and Sophie Campbell - Support 527.04 Director-General of Conservation (DoC) - Oppose
58.00	JS & MJ Campbell	Amend the Rule 19.4.7 by removing the reference to the Coastal Natural Character Zone and making associated amendments to the Planning Maps (see submission point 58.01) to distinguish between the Coastal Natural Character and Hazard area and limit the Hazard area to the dunes immediately adjacent to the foreshore.	527.05 Director-General of Conservation (DoC) - Oppose
64.00	Derek Watt	Delete Rule 19.4.7.	527.06 Director-General of Conservation (DoC) - Oppose
69.00	Walls-Bennett & Bailey	Amend Rule 19.4.7 so that it only	525.00 Maurice and

Sub No.	Submitter Name	Decision Requested	Further Submission
		applies to hazard areas.	Sophie Campbell - Support
76.01	Ann Percy	Delete Rule 19.4.7. If it is not possible to remove the rule, comprehensive guidelines will need to be in place as well as a consent process in which costs are not passed to the land owner. This should be informed by community consultation.	
82.01	Kevin Doncliff	No specific relief requested. Inferred: Delete the word 'hazard' from Rule 19.4.7.	525.05 Maurice and Sophie Campbell - Support
113.00	Ron & Betty Zanobergen	Delete Rule 19.4.7.	525.02 Maurice and Sophie Campbell - Support

4.37 The above submissions were evaluated by the reporting officer in section 4.27.2 of the officer's report. No submitters expressed any opposition to that evaluation and Sophie Campbell on behalf of herself and the Friends of Strathnaver supported the evaluation. We have reviewed the officer's evaluation and we agree with it and adopt it as our reasons pursuant to Clause 10(2)(a) of Schedule 1 to the RMA. The officer also recommended amendments to the Proposed Plan as follows:

- A new final paragraph for issue Discussion of Issue 5.1;
- A new Policy 5.1.X;
- A new paragraph in the Explanation and Principal Reasons for Objective 5.1.1
- A new Restricted Discretionary Activity Rule 19.3.X;
- New Matters of Discretion and conditions for Restricted Discretionary Activities Rule 19.8.X;
- Two new Discretionary Activity Rules 19.4.X;
- Amended Planning Maps to identify the extent of the "Waikawa Beach - Strathnaver Coastal Natural Character Area Overlay" and the "Waikawa Beach - Strathnaver Coastal Hazard Area Overlay."

4.38 We have reviewed those recommended amendments and consider them to be appropriate. We therefore adopt that recommendation as our decision pursuant to Clause 10(1) of Schedule 1 to the RMA.

Planning Maps 7 and 41 - Coastal Natural Character and Hazards Area

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
46.02	Vincero Holdings Ltd	Amend Planning Map 7 so that the Proposed Coastal Natural Character and Hazards Area and Coastal Outstanding Natural Feature Landscape (ONFL) are amended to the area covered by D135 on the Planning Maps and removed from Lot	

Sub No.	Submitter Name	Decision Requested	Further Submission
		1 DP 48282.	
46.03	Vincero Holdings Ltd	Amend Planning Map 41 so that the Proposed Coastal Natural Character and Hazards Area and Coastal Outstanding Natural Feature Landscape (ONFL) are amended to the area covered by D135 on the Planning Maps and removed from Lot 1 DP 48282.	

4.39 The above submissions were evaluated by the reporting officer in section 4.28.2 of the officer's report. No submitters expressed any opposition to that evaluation. We have reviewed the officer's evaluation and we agree with it and adopt it as our reasons pursuant to Clause 10(2)(a) of Schedule 1 to the RMA. The officer also recommended amendments to the Proposed Plan as follows:

- A new Policy 5.1.X;
- A new Permitted Activity Rule 19.1.X;
- A new Condition for Permitted Activities Rule 19.6.X;
- A new Discretionary Activity Rule 19.4.X;
- Amended Planning Maps 7 and 41 to identify Lot 1 DP 48282 as the "Muhunoa West Forest Park Overlay" and also identify the "Muhunoa West Forest Park Coastal Natural Character and Hazard Area overlay"

4.40 We have reviewed those recommended amendments and consider them to be appropriate. We therefore adopt that recommendation as our decision pursuant to Clause 10(1) of Schedule 1 to the RMA.

Planning Maps 10 and 36 - Coastal Natural Character and Hazards Area

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
52.01	Rosemaire Saunders	Amend Planning Map 10 by distinguishing between the Coastal Natural Character zone and the Hazard zone and identify as two separate areas. The Hazard area should be limited in the location south of the Waikawa Village to the dunes immediately adjacent to the foreshore.	525.10 Maurice and Sophie Campbell - Support
57.01	Friends of Strathnaver	Amend Planning Map 10 by distinguishing between the Coastal Natural Character zone and the Hazard zone and identify as two separate areas. The Hazard area should be limited in the location south of the Waikawa Village to the dunes immediately adjacent to the foreshore.	525.07 Maurice and Sophie Campbell - Support
58.01	JS & MJ Campbell	Amend Planning Map 10 by distinguishing between the Coastal Natural Character zone and the Hazard zone and identify as two	

Sub No.	Submitter Name	Decision Requested	Further Submission
		separate areas. The Hazard zone should be reduced to the dune area adjacent to the foreshore.	
69.01	Walls-Bennett & Bailey	Amend Planning Map 10 to distinguish between Coastal Natural Character Area and Hazard Area. AND Retain Hazard Area in the foreshore dunes; Delete Coastal Natural Character Zone from Lot 8 Uxbridge Terrace, Waikawa Beach.	525.01 Maurice and Sophie Campbell - Support
82.00	Kevin Doncliff	Amend Planning Map 10 and potentially Planning Map 36 by removing the reference to 'Hazard' in the Proposed Coastal Natural Character and Hazard Area Overlay. Amend the extent of the Proposed Coastal Natural Character and Hazard Area Overlay so it only includes the dunes and not the approved Strathnaver subdivision. Amend any consequential changes to Proposed District Plan text provisions.	525.04 Maurice and Sophie Campbell - Support
113.01	Ron & Betty Zanobergen	Amend Planning Map 36 to remove 59a Reay MacKay Grove, Waikawa Beach from within the proposed Coastal Natural Character and Hazard Area.	525.03 Maurice and Sophie Campbell - Support

4.41 The above submissions were evaluated by the reporting officer in section 4.29.2 of the officer's report. No submitters expressed any opposition to that evaluation and Sophie Campbell on behalf of herself and the Friends of Strathnaver supported the evaluation. We have reviewed the officer's evaluation and we agree with it and adopt it as our reasons pursuant to Clause 10(2)(a) of Schedule 1 to the RMA. The officer also recommended amendments to the Proposed Plan as follows:

- Amended Planning Maps 10 and 36 to identify a new "Waikawa Beach - Strathnaver Coastal Natural Character Area Overlay" and a new "Waikawa Beach - Strathnaver Coastal Hazard Area Overlay" and remove the "Coastal Natural Character and Hazard Overlay" as shown on the Planning Maps in the appendix to the officer's report.

4.42 We have reviewed those recommended amendments and consider them to be appropriate. We therefore adopt that recommendation as our decision pursuant to Clause 10(1) of Schedule 1 to the RMA.

Plan Change 22

4.43 Paragraph 12 on page 67 of the officer's report raised the relationship and potential conflict between the Proposed Plan's rules for new buildings in the Strathnaver Coastal Natural

Character Area Overlay and those that relate to the Coastal Environment Landscape Domain in Change 22.

4.44 At our request Mr McCorkindale helpfully prepared a written statement of further information on this matter. As we noted at the commencement of this Decision, that statement is attached in full to this Decision as Appendix D. We consider Mr McCorkindale's key conclusions to be:

a) The more specific Proposed Plan provisions relating to the Strathnaver Coastal Natural Character Area Overlay and the Muhunua West Forest Park Overlay should prevail over the more general provisions for those areas that are contained in Change 22;

b) Accordingly a new clause (v) should be added to Rule 19.3.7(b) to read as follows:

(v) Buildings within the Waikawa Beach - Strathnaver Coastal Natural Character Area Overlay (Refer Rule 19.3.X) and the Muhunua West Forest Park Overlay (Refer Rule 19.1.X)

c) Unfortunately there is no scope within submissions to make that amendment to Rule 19.3.7(b) as part of this Decision.

4.45 We agree with Mr McCorkindale's evaluation and conclusions and we recommend that Council officers address this matter once the Plan Change 22 provisions become operative.

5. SECTION 32

5.1 A Section 32 report accompanied the Proposed Plan when it was notified. We have evaluated the changes we intend to make to the Proposed Plan in the light of section 32 of the RMA. Where we have amended objectives we have considered alternatives and have concluded that with the amendments we propose each objective will better achieve the purpose of the RMA. Similarly we are satisfied that the amendments we have made to the policies and rules will enable the objectives to be better achieved.

6. DECISION

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

1. That pursuant to clause 10 of Schedule 1 to the Resource Management Act 1991 Chapter 5 Coastal Environment and associated other provisions of the Proposed Horowhenua District Plan are approved inclusive of the amendments set out in Appendix A.

2. That for the reasons set out in this decision the submissions and further submissions are accepted, accepted in part or rejected as set out in Appendix B.

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



Robert van Voorthuysen



Cr Garry Good



Cr David Allan

Dated: 23 September 2013

APPENDIX A: Proposed Plan as amended by Hearing Decisions

The following amendments are made to the Chapter 5: Coastal Environment:

The second paragraph of the Introduction is amended to read:

This estuary is ~~considered~~ an important estuarine ecosystem particularly for migratory birds and is recognised as a RAMSAR World Heritage Site

A new fourth paragraph is included to read:

The local coastal areas are of great significance to Maori both spiritually and as a source of food, weaving and carving materials. Over time land use and development activities have reduced the coast's natural values and its ability to provide food and other resources. Coastal resources continue to provide sustenance and identity to coastal Maori. Maori regard the coastal environment as 'baskets of food' providing kaimoana. As a food source, the coast needs to be treated with respect. Sand dunes contain many important cultural sites including middens and urupa (burial grounds) reflecting historical activities. These sites are very significant spiritually to Maori. Inappropriate subdivision, use and development within the Coastal Environment have the potential to adversely affect the values which make the Coastal Environment of such great significance to Maori.

A new fifth paragraph is included to read:

Protected customary rights provide recognition and protection of Maori customary activities, uses and practices that are exercised in the common marine and coastal area. A customary rights order is an order made by either the Maori Land Court or the High Court over an area of the public foreshore and seabed. A customary rights order will recognise a particular activity, use or practice that has been carried out on an area of the public foreshore and seabed since 1840. Each customary rights order will clearly define the type of activity, use or practice, and its scale, extent and frequency. Activities carried out in accordance with customary rights orders are known as recognised customary activities under the RMA. Section 6 of the RMA includes "the protection of recognised customary activities" as a matter of national importance that shall be recognised and provided for when exercising functions and powers under the RMA. Resource consent is not required for recognised customary activities. Of particular importance to Council is ensuring that appropriate access to the common marine and coastal area is available to those with customary rights so that these customary activities can be continued. It is noted that there are parts of the Horowhenua Coastline that are privately owned some of which is Maori customary land or Maori freehold land. The presence of recognised customary activities in coastal areas will directly influence how the Coastal Environment is managed and used.

The current fifth paragraph of the Introduction is amended to read:

The preservation of the natural character of the coastal environment, and ~~its~~ its protection from inappropriate subdivision, use and development is a matter of national importance (Section 6(a))

The eighth paragraph of the Introduction is amended by adding a new sentence to read:

The District Plan must give effect to the NZCPS.

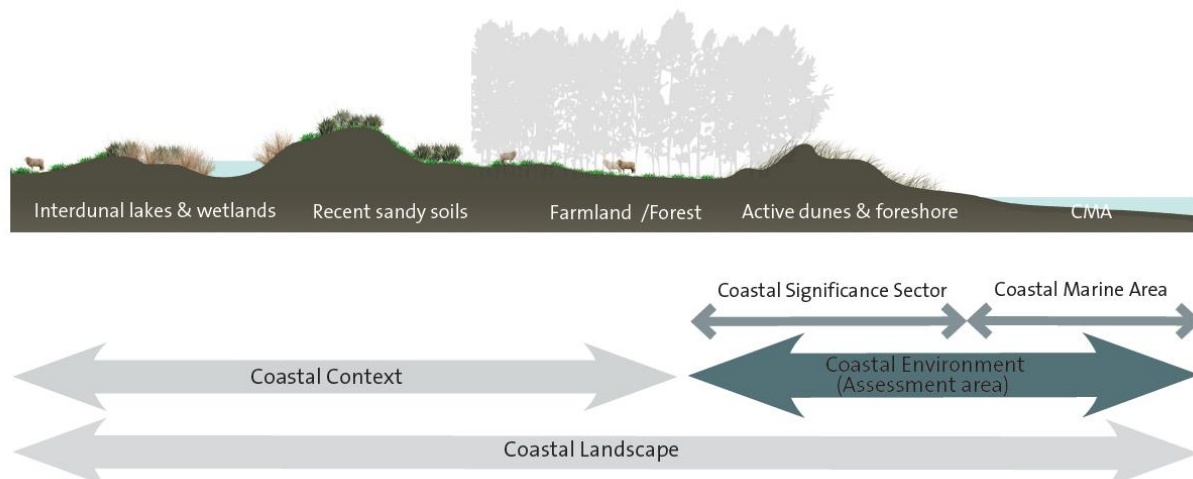
A new paragraph to the Introduction is inserted before the paragraph starting "The Proposed One Plan...". The new paragraph reads:

National Policy Statement Freshwater Management 2011 sets out objectives and policies that direct local government to manage water in an integrated and sustainable way, while providing for economic growth within set water quantity and quality limits. As the NZCPS also addresses issues with water quality in the coastal environment an integrated and consistent approach towards this is required.

A new paragraph to the Introduction is inserted after the paragraph starting "Reserve Management Plans...". The new paragraph reads:

It is noted that in managing the coastal environment Council is also required to have regard to planning documents recognised by an Iwi authority where these planning documents have been lodged with Council and also other relevant strategies (e.g. Conservation Management Strategies).

Figure 5-1 Coastal Landscape Cross Section is amended by replacing the term “Coastal Dominance Zone (CDZ)” with “Coastal Significance Sector”.



A consequential amendment to third paragraph under the heading The Extent of the Coastal Environment reads:

Council, as part of undertaking a natural character assessment of the Coastal Environment, determined the extent of the Horowhenua Coastal Environment by identifying the extent of where the coastal processes, influences and qualities are significant, or the Coastal Significance Sector zone of coastal dominance as shown in the coastal landscape cross section diagram below.

The second paragraph of Issue Discussion for Issue 5.1 is amended to read:

In this context, seven components of natural character were identified and assessed.

- Waterscape
- Landform
- Vegetation/Habitat
- Biodiversity
- Natural Systems and Processes
- Structures and settlements
- Perceptual and Experiential

A new final paragraph for the Issue Discussion of Issue 5.1 is included to read:

It is also recognised that there are several areas within the Coastal Environment where notable subdivisions have occurred or been granted consent. While these areas have a level of natural character, through granting consent the Council has signalled that an additional level of development would be acceptable. A challenge for Council is to achieve a balance between the expectations of private property owners wanting to develop and use their properties and Council’s statutory obligations of protecting and preserving natural character in the coastal environment.

Policy 5.1.2 is amended to read:

Identify in the District Plan the landward extent of the Coastal Environment based on the presence of coastal characteristics including the extent of where the coastal processes, influences and qualities are significant (i.e. the Coastal Significance Sector zone of coastal dominance).

Policy 5.1.3 is amended to read:

Identify in the District Plan areas with high and very high natural character based on the degree of natural character for the following components:

- Waterscape
- Landform
- Vegetation/Habitat
- Biodiversity

Natural Systems and Processes
Structures and settlements
Perceptual and Experiential

Policy 5.1.6 is amended to read:

In areas of high and very high natural character within the Coastal Environment, avoid subdivision and development where the level of natural character is reduced, except where there is a significant public benefit and the development has a functional need to be located within the Coastal Environment. Such development should avoid, as far as practicable, adverse effects on the natural character, and where avoidance is not achievable, adverse effects are to be remedied or mitigated.

A new Policy 5.1.X is included that reads:

Ensure that development within the Waikawa Beach – Strathnaver Coastal Natural Character Area Overlay avoid as far as practicable, adverse effects on the natural character and where avoidance is not achievable, adverse effects are to be remedied or mitigated.

A new Policy 5.1.X is included that reads:

Ensure that development within the Muhunua West Forest Park Overlay avoids as far as practicable, adverse effects on the natural character and where avoidance is not achievable, adverse effects are to be remedied or mitigated.

The Explanation and Principal Reasons for Objective 5.1.1 is amended by adding a new final paragraph that reads:

It is recognised that large areas of plantation forest dominate parts of the coastal environment. Although by virtue of usually consisting of exotic species these plantation forests do not directly contribute to the natural character of the coastal environment, the plantation forests have been a significant factor in stabilising active dunefields and creating areas of productive rural land east of the forest areas. The plantation forests have also had the indirect but positive impact, on the natural character of the foredunes through limiting the types of development and activities that occur immediately landward of the foredunes.

A new paragraph in the Explanation and Principal Reasons for Objective 5.1.1 is included that reads;

It is recognised that previous subdivision has created some notable areas within the Coastal Environment. Through the granting of subdivision consent for these developments, Council has signalled that some form of development is likely to be acceptable and potentially a reduced level of natural character. Where the subdivision consent conditions do not adequately control the effects of built development on the natural character of the Coastal Environment (i.e. through a site specific Council approved management plan) it will be necessary for these matters to be given due consideration through a land use consent process. In these situations it will be necessary to recognise the reduced levels of natural character that may exist as a result of subdivisions having been historically approved.

The Issue Discussion for Issue 5.2 is amended to read:

While vehicle access to and along beaches such as Waitarere Beach is extremely popular with beach users, it does present the challenge of finding the right balance between allowing vehicles on the beach for recreational purposes and keeping a safe beach environment for beach users. Vehicle access to and along the beaches improves accessibility and supports recreational uses. However, this vehicle access can expose a greater portion of the coastal environment to the misuse of vehicles and associated adverse effects on the coastal environment. Motor bikes and other off-road vehicles can pose a threat to maintaining vegetation within the foredunes when used in sensitive locations or in an inappropriate manner.

Policy 5.2.4 is amended to read:

Develop, improve and maintain existing forms of access to the coast that do not adversely affect the recognised values of the Coastal Environment.

Policy 5.2.5 is amended to read:

Ensure that adverse effects arising from the provision of existing, new or upgraded public access are avoided, remedied or mitigated particularly on areas with high natural character and areas subject to coastal hazards.

Policy 5.2.6 is amended to read:

Where new access to the coast is provided, ensure it is located and constructed so that disturbance to foredunes and adjacent coastal marine area is minimised.

Chapter 5 is amended by adding a new Policy 5.2.7 that reads:

Ensure that the use of vehicles in the Coastal Environment does not give rise to adverse environmental effects including but not limited to damaging dunes, harming ecological systems and posing a danger to other beach users.

The Explanation and Principal Reasons for Objective 5.2.1 is amended by adding a new third paragraph that reads:

The use of vehicles in the Coastal Environment has the potential to result in significant adverse environmental effects. It is important that the use of vehicles is managed in a way that does not adversely affect the recognised values of the Coastal Environment or the safety of other beach users.

The Issue Discussion for Issue 5.3 is amended so that the second paragraph reads:

Subdivision and development can be directly affected by a hazard event. Risks associated with tsunami, sea level rise and climate change are relevant to every coastal environment including the Horowhenua. Areas that are potentially affected or at high risk need to be identified and t~~The effects of natural hazards need to be avoided or mitigated.~~

The Issue discussion for Issue 5.3 is amended by including the following new paragraphs after the current second paragraph:

The coastal environment is subject to a range of natural hazards that have potential to adversely affect people and properties within the coastal environment. To provide for the wellbeing and safety of people and communities, it is imperative to identify and minimise the risks from such hazards by avoiding development from these areas, or mitigating the risks through design and siting.

Coastal hazard risks are projected to increase as an effect of climate change which is expected to cause future changes in sea level and coastal processes. In areas of the coast where accretion currently occurs, sea level rise could eventually cancel out or even reverse this trend. Given the uncertainties with the rate of sea level rise it is necessary to take a precautionary approach to coastal hazards.

The NZCPS provides direction on managing the coastal edge in a way that recognises the potential effects of climate change. The NZCPS promotes the restoration of natural defences, such as dunes and coastal vegetation, against hazards. Maintenance and protection of the naturally functioning dune buffer is an important component for protection of the coast.

The Issue discussion for Issue 5.3 is amended by including the following new paragraph as a final paragraph (after the other changes made above) that reads:

With a generally accreting coastline, hard protection structures are not common within the Horowhenua Coastal Environment. The most notable hard protection structure is the sea wall at Foxton Beach. Hard protection structures while proving to be effective in controlling the effects of erosion, can have negative impacts on the environment and community. Hard protection structures often hold the shoreline seaward of its natural location resulting in the loss of a dry beach above the mean high water mark, resulting in reduced natural character and amenity. The presence of hard protection structures can also increase the effects of erosion on the land immediately adjacent to the end of the structure. Where such structures exist they are likely to face further challenges and costs associated with maintaining the structures as a result of pressure from the effects of climate change.

Objective 5.3.1 is amended to read

Avoid or mitigate subdivision, land use and development in the Coastal Environment where it is subject to natural hazards. Where and ensure that land use and development occurs in the Coastal Environment, ensure that it does not do not significantly worsen the risk of occurrence or the severity of coastal hazards or compromise the effective functioning or integrity of natural hazard protection or mitigation works.

Policy 5.3.3 is amended to read:

In areas subject to Coastal Hazards, ensure new subdivision, use and development are located and designed to avoid or mitigate the effects of natural hazards, unless there is a particular functional need for a use or development to locate in an area subject to significant risk. Avoid or mitigate the effects of natural hazards on subdivision, use and development in areas subject to Coastal Hazards where practicable except where the development is not a habitable building and has a functional need to be located within the Coastal Hazard Area which should avoid where practicable or mitigate the effects of coastal hazards.

A new Policy 5.3.6 is included that reads:

Encourage the protection, restoration and enhancement of natural defences such as beaches, dunes, coastal vegetation, estuaries, wetlands and intertidal areas, where these protect coastal land uses from coastal hazards.

A new Policy 5.3.7 is amended that reads:

Ensure that environmental and social costs are recognised and considered at the time of assessing any application for hard protection structures to protect private property from coastal hazards.

A new Method under District Plan Methods for Issue 5.3 & Objective 5.3.1 is included that reads:

Require consent applications within the Coastal Environment for hard protection structures to recognise and consider the environmental and social costs.

A new Method under District Plan Methods for Issue 5.3 & Objective 5.3.1 is included that reads:

Require subdivision and land use consent applications within the Coastal Environment to address the impact on natural defences (such as beaches, dunes, coastal vegetation, estuaries, wetlands and intertidal areas) that protect coastal land uses from coastal hazards.

AER 5(c) is deleted:

~~The protection and enhancement of historical and cultural values, including Tangata Whenua spiritual values (taonga raranga) associated with the coast.~~

A new AER 5(g) is included that reads:

The protection and enhancement of historical and cultural values, including Tangata Whenua spiritual values (taonga raranga) associated with their ancestral lands including the coast.

A new Permitted Activity Rule 19.1.X is included that reads:

Buildings and development within the Muhunua West Forest Park Overlay.

A new Restricted Discretionary Activity Rule 19.3.X is included that reads:

Buildings and Structures in the Waikawa Beach - Strathnaver Coastal Natural Character Area Overlay
Any buildings and structures in the Waikawa Beach - Strathnaver Coastal Natural Character Area Overlay.

A new Discretionary Activity Rule 19.4.X is included that reads:

Subdivision in the Waikawa Beach - Strathnaver Coastal Natural Character Area Overlay
Any subdivision of land (excluding boundary adjustments) in the Waikawa Beach - Strathnaver Coastal Natural Character Area Overlay.

A new Discretionary Activity Rule 19.4.X is included that reads:

Buildings, Structures and Subdivision in the Waikawa Beach - Strathnaver Coastal Hazard Area Overlay

Any buildings, structures and subdivision of land (excluding boundary adjustments) in the Waikawa Beach - Strathnaver Coastal Hazard Area Overlay identified on the Planning Maps.

A new Discretionary Activity Rule 19.4.X is included that reads:

Subdivision in the Muhunua West Forest Park Coastal Natural Character and Hazard Area Overlay

Any subdivision of land (excluding boundary adjustments) in the Muhunua West Forest Park Coastal Natural Character and Hazard Area Overlay.

A new Condition for Permitted Activities Rule 19.6.X is included that reads:

Buildings and development within the Muhunua West Forest Park Overlay

Buildings and development within the Muhunua West Forest Park Overlay that are in accordance with approved Management Plan (SUB 2729/2008).

New Matters of Discretion and conditions for Restricted Discretionary Activities Rule 19.8.X are included that read:

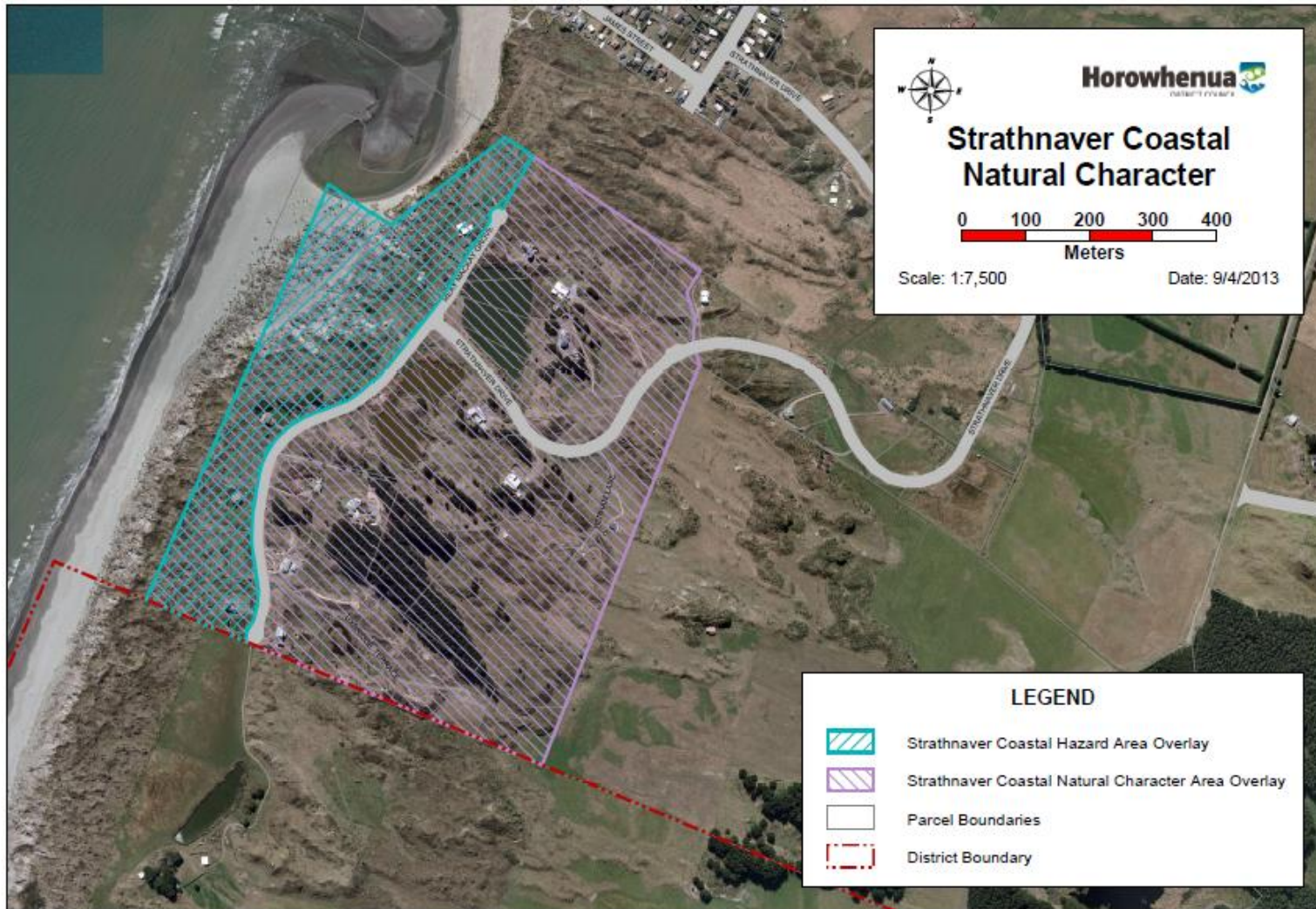
Buildings and Structures in the Waikawa Beach - Strathnaver Coastal Natural Character Area Overlay

- (i) Matters of Discretion
 - Design, siting, external appearance of building or structure
 - Impact on natural character of coastal area

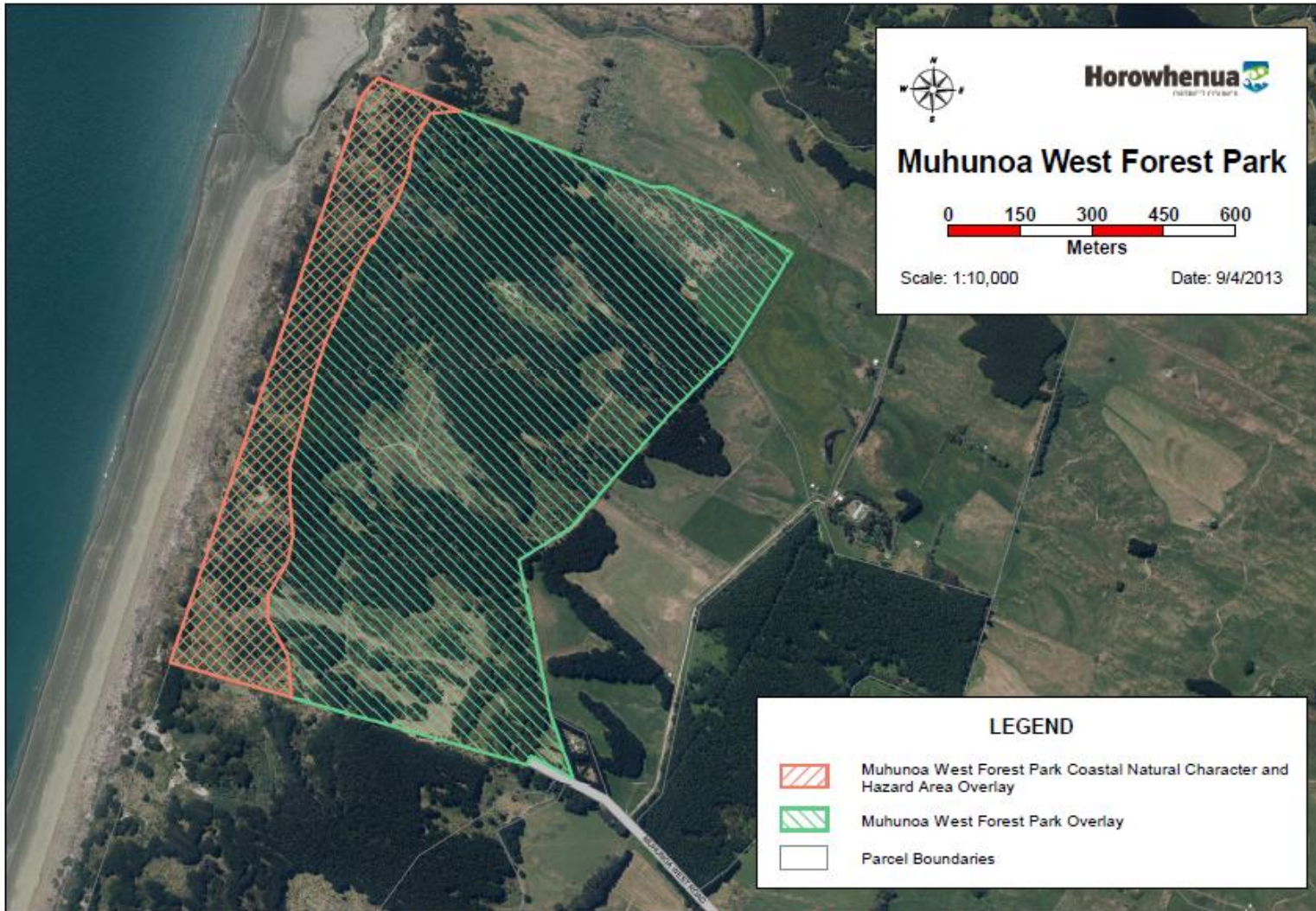
Under Section 77D of the RMA an activity requiring resource consent under Rule 19.8.X shall not be subject to limited notification and shall not be publicly notified, except where the Council decides special circumstances exist (pursuant to Section 95A(4) or the applicant request public notification (pursuant to Section 95A(2)(b)).

Planning Maps 7 and 41 are amended to identify Lot 1 DP 48282 as the “Muhunua West Forest Park Overlay” and also identify the “Muhunua West Forest Park Coastal Natural Character and Hazard Area overlay” (as shown on following map).

Planning Maps 10 and 36 are amended to identify a new “Waikawa Beach - Strathnaver Coastal Natural Character Area Overlay” and a new “Waikawa Beach - Strathnaver Coastal Hazard Area Overlay” and remove the “Coastal Natural Character and Hazard Area Overlay” (as shown on the following map).



Cadastral Base Derived from Digital Cadastral Database - Crown Copyright Reserved. Reproduced Under Licence from Land Information New Zealand.



Cadastral Base Derived from Digital Cadastral Database - Crown Copyright Reserved. Reproduced Under Licence from Land Information New Zealand.

LEGEND
ZONES

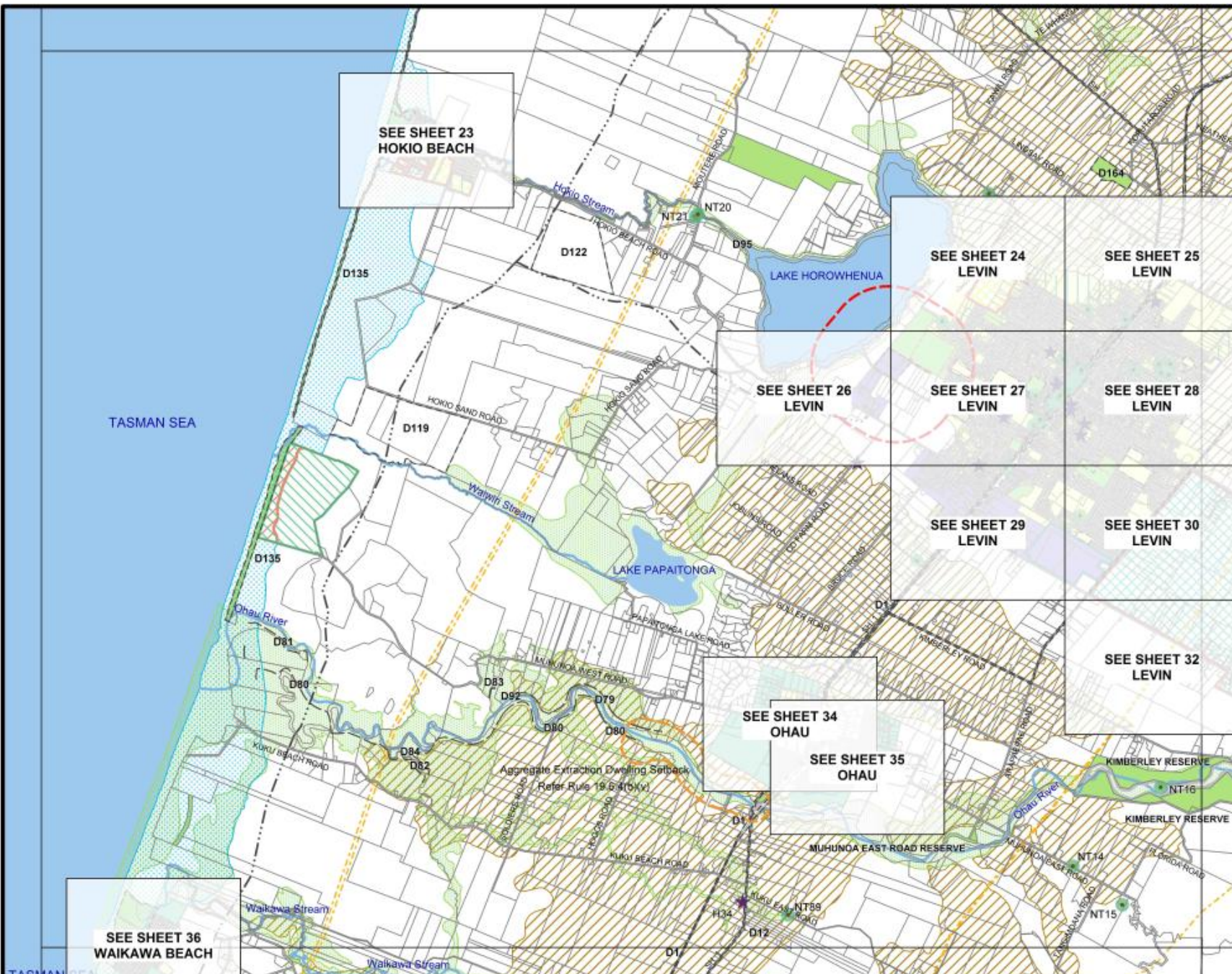
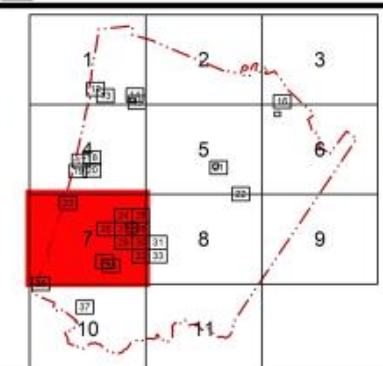
- Commercial Zone
- Industrial Zone
- Residential Zone
- Rural Zone
- Greenbelt Residential Zone
- Open Space Zone
- Residential Deferred Zone
- Greenbelt Residential Deferred Zone

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)

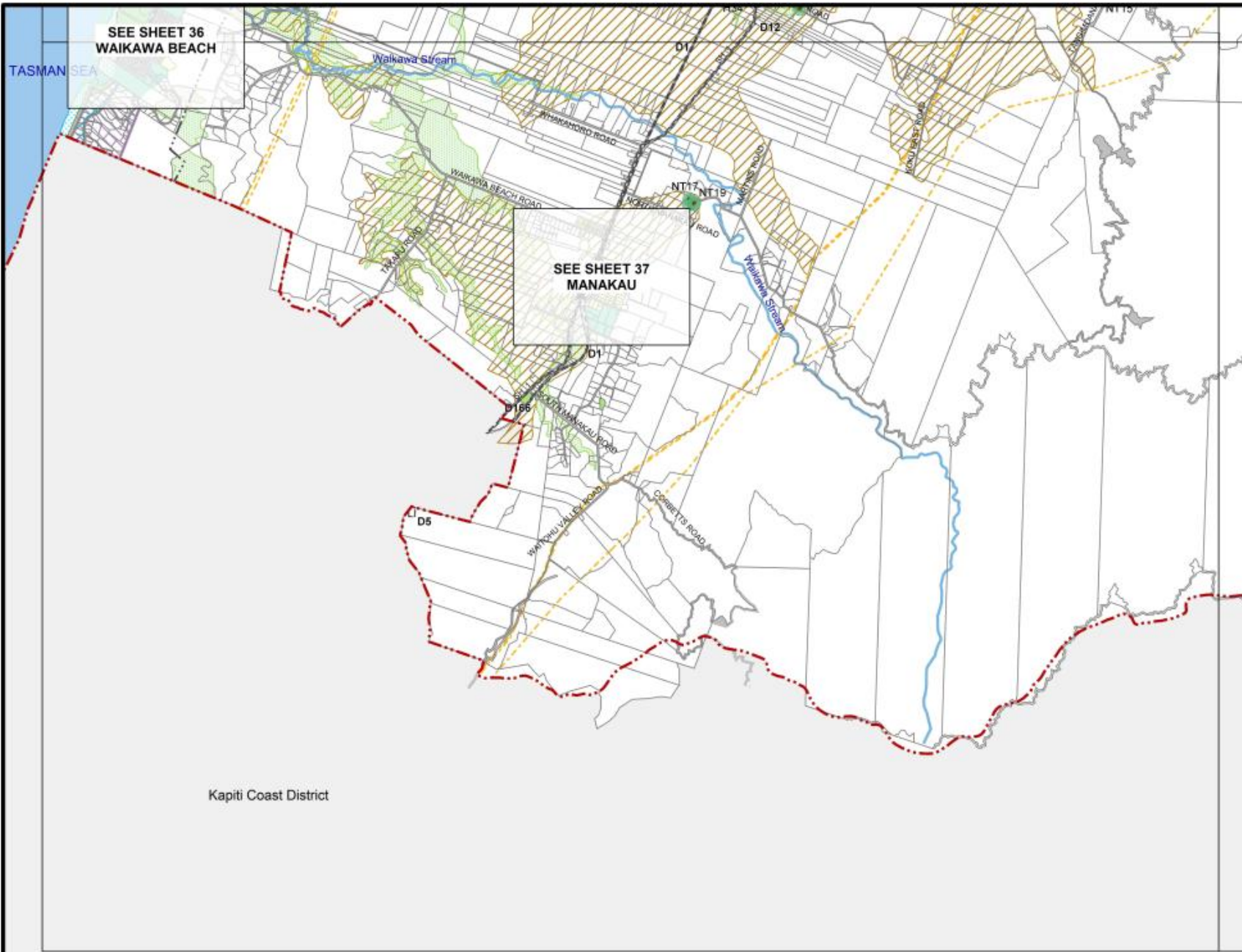
FEATURES

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



HOROWHENUA DISTRICT PLAN
RURAL

Planning Map 7



LEGEND
ZONES

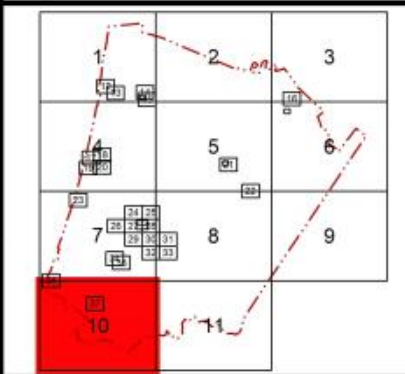
- Commercial Zone
- Industrial Zone
- Residential Zone
- Rural Zone
- Greenbelt Residential Zone
- Open Space Zone
- Residential Deferred Zone
- Greenbelt Residential Deferred Zone

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

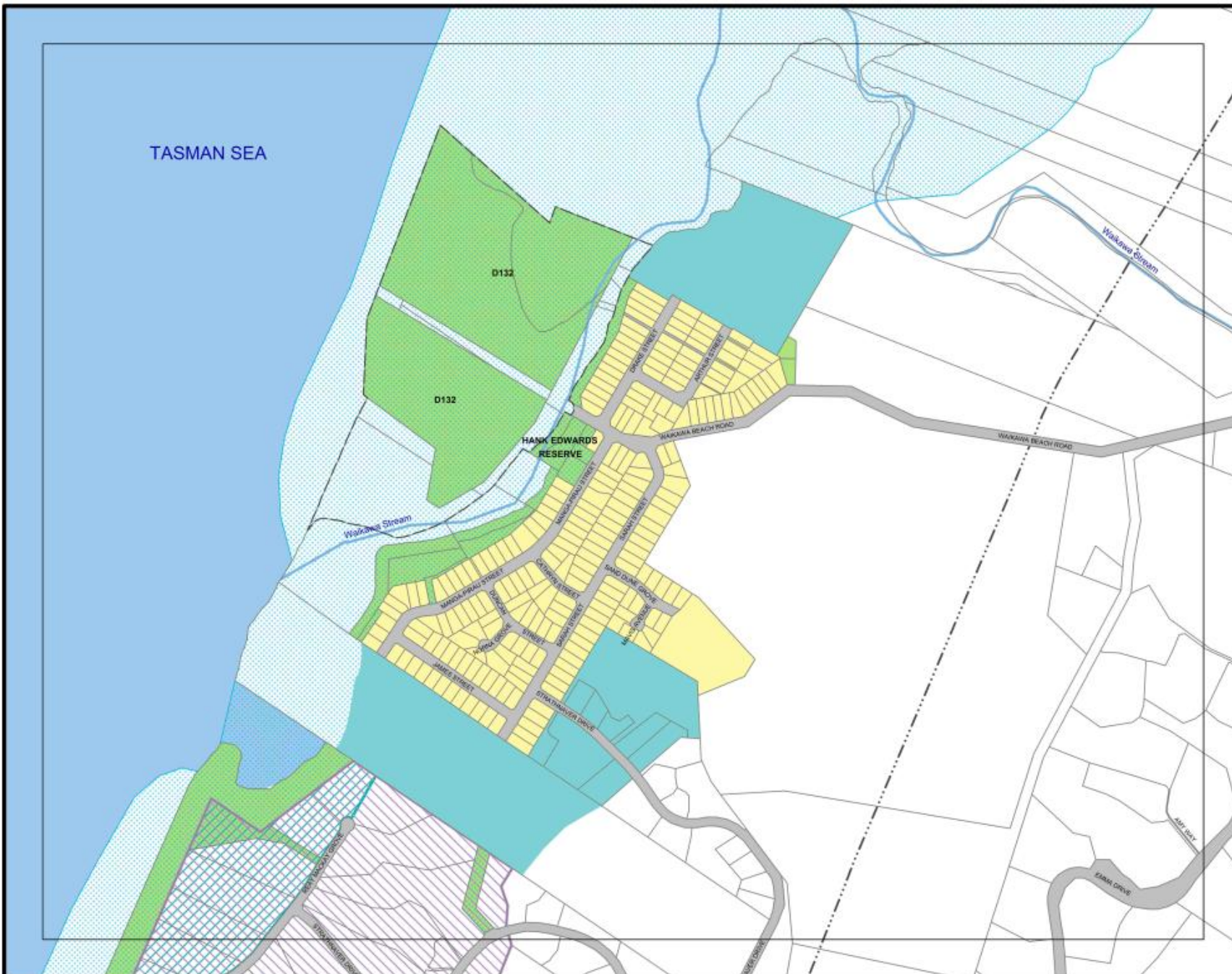
- Notable Tree
- Historic Heritage Building, Structure or Site
- Gas Transmission Pipeline
- National Grid Corridor (High Voltage Transmission Line)
- Designation
- Road



Scale 1 : 50,000

HOROWHENUA DISTRICT PLAN
RURAL

Planning Map 10



LEGEND

ZONES

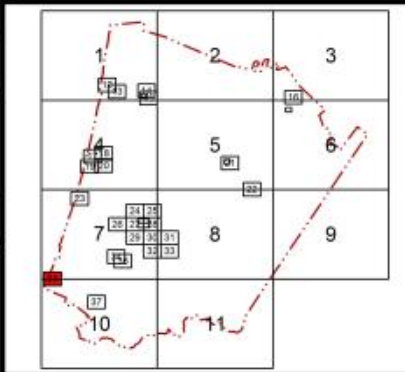
- Commercial Zone
- Industrial Zone
- Residential Zone
- Rural Zone
- Greenbelt Residential Zone
- Open Space Zone
- Residential Deferred Zone
- Greenbelt Residential Deferred Zone

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



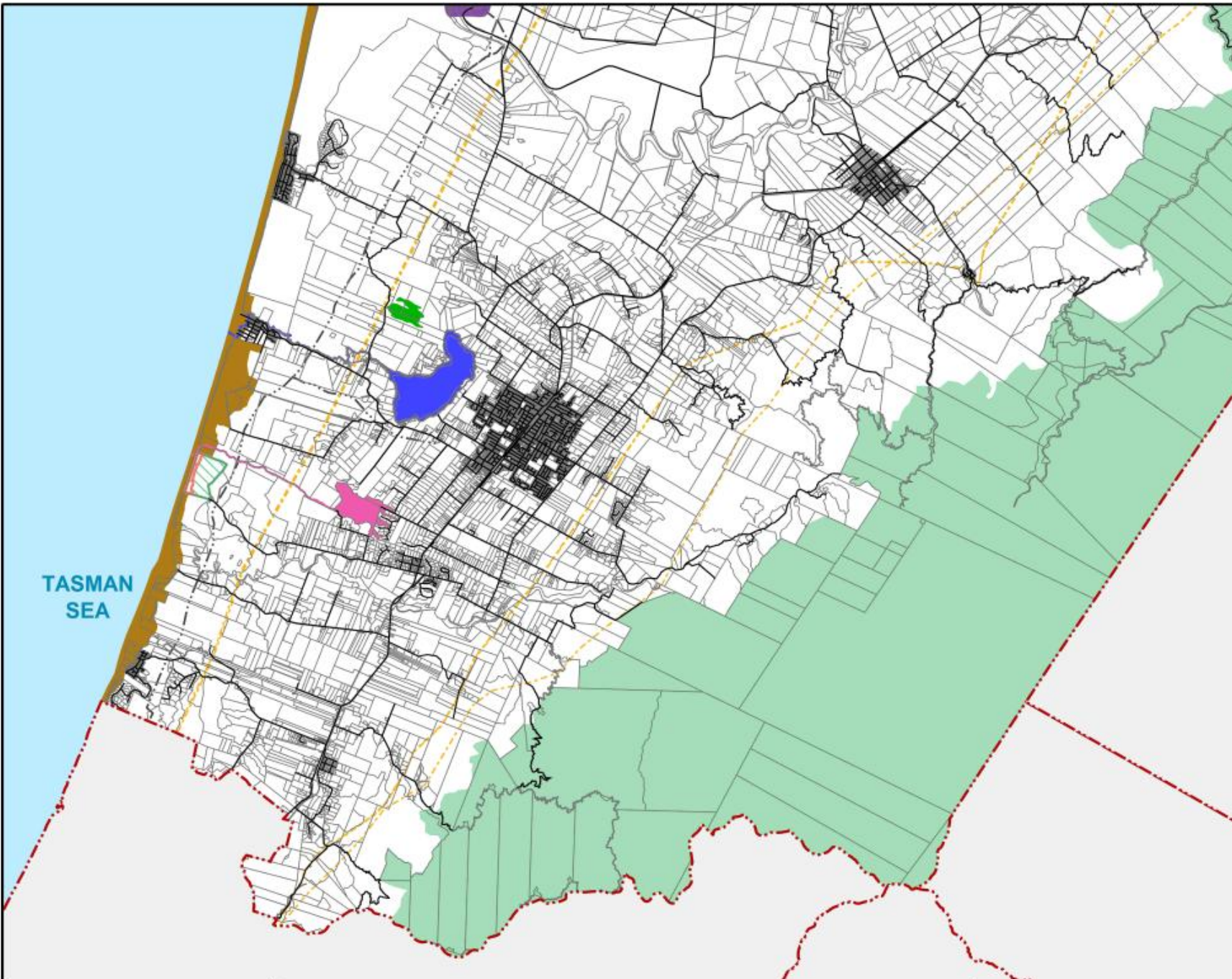
Scale 1 : 7,500

HOROWHENUA DISTRICT PLAN
WAIKAWA BEACH

Planning Map 36

LEGEND

-  MUHUNGA WEST FOREST PARK
-  MUHUNGA WEST FOREST PARK COASTAL NATURAL CHARACTER AND HAZARD AREA
-  MANAWATU ESTUARY ONFL
-  COASTAL ONFL
-  MOUTERE HILL ONFL
-  LAKE HOROWHENUA ONFL (Includes Hoko Stream and land 20m from each bank of the stream)
-  LAKE PAPAITONGA ONFL (Includes Waitiri Stream and land 20m from each bank of the stream)
-  TARARUA RANGES ONFL
-  GAS TRANSMISSION PIPELINE
-  HIGH VOLTAGE ELECTRICITY TRANSMISSION LINES
-  ROADS
-  PROPERTIES
-  NEIGHBOURING TERRITORIAL AUTHORITY



TASMAN
SEA

HOROWHENUA DISTRICT PLAN
OUTSTANDING NATURAL FEATURES & LANDSCAPES

Planning Map 41

Note: Planning Maps 40 and 41 form part of Proposed Plan Change 22. These planning maps are not operative and do not form part of the Proposed District Plan. These maps are therefore not open for submission.



Scale 1 : 120,000

APPENDIX B: Schedule of Decisions on Submission Points

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Hearing Panel Decision
11.23	519.18	Taueki Rudd	Support	Accept Accept
60.17	519.36	Muaupoko Co-operative Society Rudd	Support	Accept Accept
67.14		Taiao Raukawa Environmental Resource Unit		Accept
101.26		DoC		Accept
101.27		DoC		Accept
101.28		DoC		Accept In-Part
101.29		DoC		Accept
101.30		DoC		Accept
101.31		DoC		Reject
101.32		DoC		Accept
101.33		DoC		Accept In-Part
101.34		DoC		Reject
26.05		Horowhenua Astronomical Society Inc.		Reject
50.03	506.73	Rayonier NZ Ltd Ernslaw One Ltd	Support	Accept Accept
101.35	513.39	DoC Ernslaw One Ltd	Support	Reject Reject
101.36		DoC		Accept
98.29		Horticulture NZ		Accept
101.37		DoC		Accept In-Part
101.38		DoC		Accept
101.39		DoC		Accept
55.13		KiwiRail		Accept

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Hearing Panel Decision
101.40		DoC		Reject
-26.06		Horowhenua Astronomical Society Inc.		Reject
101.41		DoC		Reject
101.43		DoC		Reject
101.44		DoC		Accept
101.45		DoC		Accept.
101.46		DoC		Accept
101.47		DoC		Accept In-Part
101.48		DoC		Accept
101.49		DoC		Accept
101.51		DoC		Accept
101.50		DoC		Accept In-Part
101.52		DoC		Accept In-Part
101.53		DoC		Accept
101.54		DoC		Accept
101.55		DoC		Reject
101.56		DoC		Accept
101.57		DoC		Reject
101.19		DoC		Accept In-Part
51.00		WBPRA		Accept
49.01	525.15	Blundell Campbell	Support	Accept In-Part Accept In-Part
52.00	525.09	Saunders Campbell	Support	Accept In-Part Accept In-Part
57.00	525.06 527.04	Friends of Strathnaver Campbell DoC	Support Oppose	Accept In-Part Accept In-Part Accept In-Part

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Hearing Panel Decision
58.00	527.05	Campbell DoC	Oppose	Accept In-Part Accept In-Part
64.00	527.06	Watt DoC	Oppose	Reject Accept In-Part
69.00	525.00	Walls-Bennett & Bailey Campbell	Support	Reject Reject
76.01		Percy		Reject
82.01	525.05	Doncliff Campbell	Support	Reject Reject
113.00	525.02	Zanobergen Campbell	Support	Reject Reject
46.02		Vincero Holdings Ltd		Accept In-Part
46.03		Vincero Holdings Ltd		Accept In-Part
52.01	525.10	Saunders Campbell	Support	Accept In-Part Accept In-Part
57.01	525.07	Friends of Strathnaver Campbell	Support	Accept In-Part Accept In-Part
58.01		Campbell		Accept In-Part
69.01	525.01	Walls-Bennett & Bailey Campbell	Support	Accept In-Part Accept In-Part
82.00	525.04	Doncliff Campbell	Support	Accept In-Part Accept In-Part
113.01	525.03	Zanobergen Campbell	Support	Accept In-Part Accept In-Part

APPENDIX C: Officer's statement dated 18 April 2013

Proposed Horowhenua District Plan

Coastal Environment Hearing: 18 April 2013

Response to Commissioner's Questions and Tabled Evidence of KiwiRail

Q: Would the additional words recommended in 4.8.4 preclude private developments that have a functional need to be in the CE? E.g. a shore based paua farm developed by iwi?

Potentially yes, it would make it difficult for private developments to be established. The example you referred to undoubtedly has a functional need to be located in the Coastal Environment. However whether this activity is deemed "development" per se as defined by the Proposed Plan (and therefore potentially not provided for) is an interesting question.

We do want this policy to send a clear message that there are going to be very few types of development that should expect to be sited in the Coastal Environment. An example of such a development would be a Surf Lifesaving and Rescue facility that provides a benefit to the public and has a functional need to be sited on or close to the beach.

I note the appropriateness of including the term significant public benefit has also been raised by KiwiRail in their tabled evidence albeit in a different context. KiwiRail is of the view that the amendment of Policy 5.1.6 extends beyond the intent of NZCPS Policy 6, Clause 1a, which recognises that the provision of infrastructure is an activity important to the social, economic and cultural well-being of people and communities.

On reflection, I recognise that parts of the Coastal Environment with high and very high natural character are privately owned including some Maori Freehold or Maori Customary land and not all development undertaken on private property should therefore have to significantly benefit the public. I am satisfied that the 'functional needs' test is going to rule out a lot of different types of development that might usually be anticipated on privately owned land but would reduce the natural character. I also accept that the focus of Policy 6(1)(a) NZCPS is in relation to the social, economic and cultural well-being of people and communities rather than public benefits. Having considered this matter further I would therefore like to revise my recommendation on this point and simply recommend that Policy 5.1.6 be retained as notified without further modification.

This policy as now recommended would read:

"In areas of high and very high natural character within the Coastal Environment, avoid subdivision and development where the level of natural character is reduced, except where the development has a functional need to be located within the Coastal Environment. Such development should avoid, as far as practicable, adverse effects on the natural character, and where avoidance is not achievable, adverse effects are to be remedied or mitigated."

Q: In 4.18.4 is the use of "coastal environment" too broad? It could capture vehicles and land that is landward of the sand dunes such as tractors on farms. Could the policy say instead ".. vehicles in the Coastal Environment on beaches and in sand dunes does not ..." and then amend the explanation accordingly?

Yes and no, would be my answer to this. It is the Coastal Environment that we are concerned about and I accept that there will be areas of the Coastal Environment where the use of vehicles such as tractors would be acceptable. The Coastal Environment in the Proposed District Plan is

essentially defined by the active dune environment (Coastal Significance Sector) so there is a level of sensitivity that could be compromised by the use of vehicles even if they are on the inland side of the foredunes. Uncovered sand dunes (i.e. where the vegetation cover has been removed by the use of vehicles) will very quickly travel inland and result in a modified landscape and potentially adverse effects on neighbouring properties.

That said in this case the proposed Policy is focusing on the use of vehicles on the foredune environment and in the area between the seaward toe of the foredunes and the low tide mark. On this basis it would be appropriate to refine the wording so that a sharper focus was given to the specific area the policy is to address. I consider the words suggested “on beaches and in sand dunes do not” would more accurately reflect the intent of the policy as drafted.

This change should also be reflected in the Explanation and Principal Reasons for Objective 5.2.1. I therefore recommend the following amendments to what I had recommended in the Section 42A Report:

Amend Chapter 5 by adding a new Policy 5.2.7 to read:

“Ensure that the use of vehicles ~~in the coastal environment does~~ on beaches and in sand dunes do not give rise to adverse environmental effects including but not limited to damaging dunes, harming ecological systems and posing a danger to other beach users”.

Amend the Explanation and Principal Reasons for Objective 5.2.1 by adding a new third paragraph to read:

“The use of vehicles on beaches and in sand dune in the Coastal Environment has the potential to result in significant adverse environmental effects. It is important that the use of vehicles is managed in a way that does not adversely affect the recognised values of the Coastal Environment or the safety of other beach users”.

Q: Page 69 of the Section 42A report Paragraph 23 says a “couple of” should this be “several” instead in the first line of the new wording?

Although in the report I have only discussed two specific areas of notable rural subdivision within the Coastal Environment in which case a “couple” is technically correct, I accept that this phrasing is somewhat colloquial. I can think of at least one other sizeable subdivision in the Coastal Environment that could be considered to be notable. As the word ‘several’ implies *a moderate number, more than two but not many* I would therefore recommend that the wording be amended to read “several” instead of a “couple of” as I consider this to be more accurate and have an appropriate level of formality. In addition I consider that it would be appropriate to also make some further refinement to the wording of the first sentence to address two aspects, firstly some of these subdivisions are verging on rural-residential in character so it would be appropriate not to specifically refer to rural only, secondly not all of these subdivisions identified have “occurred”, some have been consented and are yet to be fully developed.

I recommend that following amendment to the new final paragraph for Issue Discussion of Issue 5.1

“It is also recognised that there are several ~~a couple of~~ areas within the Coastal Environment where notable rural subdivisions have occurred or been granted consent. While these areas have a level of natural character, through granting consent, the Council has signalled that an additional level of development would be acceptable. A challenge for Council is to achieve a balance between the expectations of private property owners wanting to develop and use their properties

and Council's statutory obligations of protecting and preserving natural character in the coastal environment.”

Tabled Evidence from Waitarere Progressive Ratepayers Association.

I consider the information supplied to add further context to the matter of vehicles on the beach at Waitarere. The recommendations of the Section 42A report address this matter in a manner that I consider aligns with the Waitarere Progressive Ratepayers Association. I accept their comments and am satisfied that no further amendments are necessary.

Tabled Evidence from Horowhenua Astronomical Society

I have considered the matters raised in the tabled information by the Horowhenua Astronomical Society. I also have the benefit of hearing their presentation at the Open Space hearing. I acknowledge their comments and remain satisfied that the recommendations of my report are an appropriate response to the concerns raised. While I acknowledge their submission points have been recommended to be rejected in this report, this is more because I did not support the specific relief requested. I consider that the Proposed Plan does address their concerns (in particular Policy 5.1.5).

Corrections

On reviewing the Section 42A Report I have identified the following errors:

Page 42: sections 4.12.2 and 4.12.4 both include the word “exposure” rather than the word “expose”

This same error has been carried over to Page 135 (Appendix 6.5) in the Amendment to Issue Discussion for Issue 5.2.

The correct wording should read:

“While vehicle access to and along beaches such as Waitarere Beach is extremely popular with beach users, it does present the challenge of finding the right balance between allowing vehicles on the beach for recreational purposes and keeping a safe beach environment for beach users. Vehicle access to and along the beaches improves accessibility and supports recreational uses. However, this vehicle access can ~~exposure~~ expose a greater portion of the coastal environment to the misuse of vehicles and associated adverse effects on the coastal environment. Motor bikes and other off-road vehicles can pose a threat to maintaining vegetation within the foredunes when used in sensitive locations or in an inappropriate manner.”

Page 70 and Page 74 – The non-notification clause incorrectly reads “special circumstance sexist” this should read “special circumstances exist” as below:

Under Section 77D of the RMA an activity requiring resource consent under Rule 19.8.X shall not be subject to limited notification and shall not be publicly notified, except where the Council decides special circumstances sexist (pursuant to Section 95A(4) or the applicant request public notification (pursuant to Section 95A(2)(b))”

I note that the full extent of the recommended changes including this non-notification clause has not been carried over to Appendix 6.5 (Proposed District Plan as amended per officer's recommendations). With the correction added from above, the Appendix should read:

Include new Matters of Discretion and conditions for Restricted Discretionary Activities Rule 19.8.X that reads:

“Buildings and Structures in the Waikawa Beach - Strathnaver Coastal Natural Character Area Overlay (Refer Rule 19.3.X)”

(i) Matters of Discretion

- Design, siting, external appearance of building or structure
- Impact on natural character of the coastal environment”

(ii) Non-Notification

Under Section 77D of the RMA an activity requiring resource consent under Rule 19.8.X shall not be subject to limited notification and shall not be publicly notified, except where the Council decides special circumstances exist (pursuant to Section 95A(4) or the applicant request public notification (pursuant to Section 95A(2)(b))”

I have also noted that “) ” should be added after the words “(excluding boundary adjustments” in the recommendation contained on page 79 and again in Appendix 6.5 on page 139. The correct wording of this recommendation reads:

“Subdivision in the Muhunua West Forest Park Coastal Natural Character and Hazard Area Overlay

Any subdivision of land (excluding boundary adjustments) in the Muhunua West Forest Park Coastal Natural Character and Hazard Area Overlay”.

Response prepared by David McCorkindale

Dated 18th April 2013

APPENDIX D: Officer's statement dated 23 April 2013

Proposed Horowhenua District Plan

Coastal Environment Hearing: 18 April 2013

Reporting Officer Response – 23 April 2013

Response to Commissioner's Questions

Q: Para 12 on page 67 identifies the relationship and potential conflict between the recommended rules for new buildings in the Strathnaver Coastal Natural Character Area Overlay in Proposed Plan and those that relate to the Coastal Environment Landscape Domain as are part of Plan Change 22. The Commissioners have asked for guidance regarding any changes that may be necessary (or helpful) to clarify how the relationship of these two sets and how the rules would apply?

The section 42A Report identifies that there is potential for a parcel of land to be within the Strathnaver Coastal Natural Character Area Overlay and also the Coastal Environment Landscape domain. As per the recommendations of the Section 42A report there would be a restricted discretionary activity rule that applies to new buildings in the Strathnaver Coastal Natural Character Area Overlay, while a restricted discretionary rule (19.3.7) resulting from Plan Change 22 would also apply for new buildings (over 5 metres in height) in the Coastal Environment. The two rules are for slightly different purposes and while they trigger the same activity status, there are different standards between the two rules (i.e. some exemptions are provided for as part of the Coastal Environment Domain rule)

The same situation could also arise for land parcels in the Muhunua West Forest Park Overlay. I recommend that it is appropriate that the same approach discussed below be applied to this area also. I note a difference between these two areas (Strathnaver Coastal Natural Character Area and Muhunua West Forest Park) is that the recommended rules for the Muhunua West Forest Park Overlay would enable buildings as a permitted activity.

In my opinion the Proposed Plan rules for the Strathnaver Coastal Natural Character Area Overlay would make more sense to override the rules from Plan Change 22. The key difference between the two rules is that the Plan Change 22 rules permit the following:

- (i) Buildings, additions and alterations that do not exceed 5 metres in height.
- (ii) Buildings, additions and alterations that do not exceed 5 metres in height and are on a dune or part of a dune that is no greater than 10m from toe to summit.
- (iii) Primary production buildings.
- (iv) Buildings for temporary activities.

The Proposed Plan rule is more onerous in that it requires all buildings to obtain resource consent within the Strathnaver Coastal Natural Character Area Overlay. This requirement is primarily to manage the impact of those buildings on the natural character of the Coastal Environment. I acknowledge that buildings with heights of less than 5 metres could still through their siting and design, adversely affect the natural character of the Coastal Environment. The matters of discretion included for the rule relating to buildings on the Strathnaver Coastal Natural Character Area Overlay would in my opinion address all the matters that would have been considered as part of the Plan Change 22 rule as well as the additional matter of natural character.

In terms of the Muhunua West Forest Park Overlay the Proposed Plan rules are more relaxed than the rules from Plan Change 22. This is because buildings are provided for as permitted activity due to the comprehensive and site specific management plan that forms part of the subdivision consent for this site. I am satisfied that it would be appropriate for the Proposed Plan rules to also apply to this overlay instead of the more general rules from Plan Change 22.

To make it clear which rules should apply to these sites I recommend that an exemption be made to Rule 19.3.7 (Subdivision and Buildings in Individual Landscape Domains) for sites located within the Strathnaver Coastal Natural Character Area Overlay and the Muhunua West Forest Park Overlay. To assist plan users I recommend that a cross-reference to the applicable rules be included in the list of rule exemptions. The amendment would result in an additional exemption (v) being added to 19.3.7(b) as follows:

Rule 19.3.7 Subdivision and Buildings in Individual Landscape Domains

- (b) Any subdivision within the Foxton Dunefields, Moutoa-Opiki Plains, Tararua Terraces, Levin-Koputaroa, Levin-Ohau, Kuku and Manakau Downlands Landscape Domains that does not comply with any of the conditions for Controlled Activities in Rule 19.7.3, provided that the conditions for Restricted Discretionary Activities in Rule 19.8.17 are met. (Refer Rule 19.8.16)
- (c) Buildings within those parts of the Coastal Environment and Coastal Lakes, Landscape Domains that are not Outstanding Natural Features and Landscapes except for:
 - (i) Buildings, additions and alterations that do not exceed 5 metres in height.
 - (ii) Buildings, additions and alterations that do not exceed 5 metres in height and are on a dune or part of a dune that is no greater than 10m from toe to summit.
 - (iii) Primary production buildings.
 - (iv) Buildings for temporary activities. (Refer Rule 19.8.8)
 - (v) Buildings within the Waikawa Beach - Strathnaver Coastal Natural Character Area Overlay (Refer Rule 19.3.X) and the Muhunua West Forest Park Overlay (Refer Rule 19.1.X)

For the purposes of this Rule, Primary Production Building means any building used principally to support primary production activities. This shall include buildings used for storage and management of stock but shall exclude buildings used in total or in part for residential activities.

- (d) Buildings within those parts of the Hill Country Landscape Domain that are not Outstanding Natural Features and Landscapes except for:
 - (i) Buildings, additions and alterations that do not exceed 5 metres in height and that are located 30 metres vertically below a ridge or hilltop, measured from the roofline of the house.
 - (ii) Primary production buildings.
 - (iii) Buildings for temporary activities. (Refer Rule 19.8.9)

For the purposes of this Rule, Primary Production Building means any building used principally to support primary production activities. This shall include buildings used for storage and management of stock but shall exclude buildings used in total or in part for residential activities.

Scope

I now turn to the issue of scope. Plan Change 22 was notified on 5 September 2009. The decision on this plan change was notified 7 September 2012. Five appeals were lodged with the Environment Court against the decision. As the Plan Change was not operative at the time the Proposed Plan was notified so the provisions of Plan Change 22 (whether specifically subject to appeal points or not) were not open to submissions as part of the Proposed Plan. The provisions of Plan Changes 20, 21 and 22 were identified in the Proposed Plan as greyed out to indicate they were not open to submissions but shown in the Plan so that the Proposed Plan framework and integration of the Plan Change was clear. Therefore I do not consider that through making a decision on the Proposed Plan there is scope to amend the rules relating to Plan Change 22 in this process.

This change would need to be made as part of a later plan change which officers see as being necessary to smoothly integrate and achieve consistency between the current Plan Changes 20, 21 and 22 and the Proposed Plan.

I am also of the opinion that the recommended change would not be deemed to have a minor effect, or be correcting a minor error thereby ruling out the option of making the change under Clause 16 of the First Schedule.

From past experience in dealing with matters of this nature I consider that it would be helpful for the Hearing Panel to indicate in their decision the prioritisation of the rules for the Strathnaver Coastal Natural Character Area Overlay and Muhunoa West Forest Park Overlay over Rule 19.3.7 being the rule relating to the Coastal Environment and Coastal Lakes Landscape Domains. The decision could also signal to Council officers that this matter be addressed once the Plan Change 22 provisions become operative.

This would provide some guidance for the interim period prior to a plan change being prepared to resolve this potential inconsistency and rule conflict.

Response prepared by David McCorkindale

Dated: 23rd April 2013

RESOURCE MANAGEMENT ACT 1991

PROPOSED HOROWHENUA DISTRICT PLAN

HEARING OF SUBMISSIONS

DECISION OF HEARING PANEL

TOPIC: **Report on District Plan
Urban Environment (Including Residential,
Industrial and Commercial Zones)**

HEARING PANEL: **Jane Black (Chair)
Cr Garry Good
Cr David Allan**

HEARING DATE: **22nd & 23rd April and 28th May 2013**

CONTENTS

Page

1.0	INTRODUCTION	4
	Abbreviations	4
2.0	OFFICER'S REPORT	4
3.0	SUBMITTER APPEARANCES	5
4.0	EVALUATION	5
	Objective 6.1.1 and Policies - Overall Form, Activities and Servicing of Urban Settlements	5
	Policy 6.2.4 - Tararua Road Growth Area	6
	Policies 6.3.37 and 6.3.38 (Commercial Zone)	6
	Objective 6.3.3 (Industrial Zone)	7
	Chapter 6, Urban Environment Chapter – General Matters Raised	7
	Chapter 15 Residential Zones – Permitted Activities (Rule 15.1)	9
	Chapter 15 Residential Zones – Controlled Activities (Rule 15.2)	11
	Chapter 15 Residential Zones – Discretionary Activities (Rule 15.4)	12
	Chapter 15 Residential Zones – Non-Complying Activities (Rule 15.5)	13
	Permitted Activity Conditions (Rule 15.6) - General	13
	Permitted Activity Condition (Rule 15.6.8) – Accessory Buildings	15
	Permitted Activity Condition (15.6.9) – Fences	15
	Permitted Activity Condition (15.6.10) – Home Occupations	16
	Permitted Activity Condition (15.6.11) – Noise	16
	Permitted Activity Condition (15.6.12) – Vibration	17
	Permitted Activity Condition (15.6.20) – Surface Water Disposal	17
	Permitted Activity Condition (15.6.27) – Signs	18
	Permitted Activity Condition (15.6.31) – Temporary Military Training Activities	18
	Controlled Activity Condition (15.7.1) – Relocated Buildings	19
	Controlled Activity Standard (15.7.4) – Temporary Military Training Activities	19
	Controlled Activity Standard (15.7.5, Table 15-3) – Subdivision of Land	19
	Matters of Discretion and Conditions for Restricted Discretionary Activities (15.8.7 and 15.8.8) – Subdivision and Land Use within Tararua Road Growth Area Overlay	21
	Matters of Discretion and Conditions for Restricted Discretionary Activities (15.8.9) – Medium Density Development	21
	Matters of Discretion and Conditions for Restricted Discretionary Activities (15.8.13) – Signs	22
	Chapter 15 Residential Zone Rules – General Matters Raised	22
	Chapter 16 Industrial Zone – Permitted Activities (16.1)	24
	Controlled Activities (16.2) – Industrial Zone	24
	Discretionary Activities (Rule 16.4) - Industrial Zone	25
	Permitted Activity Standards (16.6) – General	25
	Permitted Activity Standard (16.6.1) – Maximum Building Height	27
	Permitted Activity Standard (16.6.3) – State Highway 1 Frontage	28
	Permitted Activity Standard (16.6.4) – Signs	28
	Permitted Activity Standard (16.6.5) – Noise	29
	Permitted Activity Standard (16.6.6) – Vibration	29
	Permitted Activity Standard (16.6.7) – Odour	30
	Permitted Activity Standard (16.6.9) – Unsightly Buildings	30
	Permitted Activity Standard (16.6.11) – Wastes Disposal	30
	Permitted Activity Standard (16.6.23) – Temporary Military Training Activities	31
	Controlled Activity Matters of Control and Conditions (16.7.1) – Subdivision of Land	31
	Controlled Activity Matters of Control and Conditions (16.7.3) – Relocated Buildings	32
	Controlled Activity Matters of Control and Conditions (16.7.6) – Temporary Military Training Activities	32
	Controlled Activity Matters of Control and Conditions (16.7.7) – Tararua Road	33

Growth Area Overlay	
Matters of Discretion and Conditions for Restricted Discretionary Activities (16.8.4 and 16.8.5) – Land use and Subdivision Tararua Growth Area Overlay	35
Chapter 16 Industrial Zone Rules – General Matters Raised	35
Chapter 25 Assessment Criteria – Residential Zone (25.3)	37
Chapter 25 Assessment Criteria – Industrial Zone (25.4)	38
Schedule 5 Tararua Road Growth Area	38
Schedule 10 Medium Density Residential Development Design Guide	41
Planning Map 29 and 31	41
Chapter 17 Commercial Zone - Permitted Activities (Rule 17.1)	41
Controlled Activities - Commercial Zone (17.2)	42
Restricted Discretionary Activities (17.3) and Discretionary Activities (17.4) - Commercial Zone	42
Permitted Activity Standards (17.6) – General	43
Permitted Activity Standard (17.6.1) - Maximum Building Height	45
Permitted Activity Standard (17.6.2) - Building Frontage and Size	45
Permitted Activity Standard (17.6.3) - Verandahs	46
Permitted Activity Standard (17.6.5) - Signs	46
Permitted Activity Standard (17.6.6) - Noise	47
Permitted Activity Standard (17.6.7) - Noise Insulation	48
Permitted Activity Standards (17.6.8) - Vibration	48
Permitted Activity Standard (17.6.25) - Temporary Military Training Activities	48
Controlled Activity Matters of Control and Conditions (17.7.1) – Subdivision of Land	49
Controlled Activity Matters of Control and Conditions (17.7.3) - Relocated Buildings	49
Controlled Activity Matters of Control and Conditions (17.7.6) - Temporary Military Training Activities	50
Chapter 17 Commercial Zone Rules - General Matters Raised	50
Chapter 25 Assessment Criteria	53
Chapter 26 Definitions - New Definition "Drive-Through Restaurant"	54
Schedule 9 Foxton and Shannon Town Centre Design Guide	55
Chapter 18 Greenbelt Residential Zone	55
5.0 DECISION	56
APPENDIX A: Proposed Plan as amended by Hearing Decisions	
APPENDIX B: Schedule of Decisions Submission Points	
APPENDIX C: Tararua Road Growth Area Overlay Levin Design Guide	

1. INTRODUCTION

- 1.1 We were appointed by the Horowhenua District Council to consider submissions on the Proposed District Plan relating to the Urban Environment and Residential, Industrial and Commercial zones.
- 1.2 A hearing into the submissions received on the Urban Environment and Residential, Industrial and Commercial zones was held on the 22nd and 23rd of April 2013. A separate hearing was held to hear the submission of Mr Philip Taueki on a range of hearing topics on 28th May 2013. This hearing was heard by all members of the District Plan Review Hearing Panel. The hearing was closed on the 13 September 2013.

Abbreviations

- 1.3 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
Future Map	Future Map Limited
HAL	High Amenity Landscapes
HDC	Horowhenua District Council
Higgins	Higgins Group Holdings Ltd
Homestead	Homestead Group Limited
Horizons	Horizons Regional Council
Horticulture NZ	Horticulture New Zealand
House Movers	House Movers Section of NZ Heavy Haulage Association Inc
NZHPT	New Zealand Historic Places Trust
HRC	Horizons Regional Council
KiwiRail	KiwiRail Holdings Ltd
McDonalds	McDonalds Restaurants (New Zealand) Ltd
Muaupoko	Muaupoko Co-operative Society
NPSET	National Policy Statement on Electricity Transmission
NPSREG	National Policy Statement on Renewable Electricity Generation
NZDF	New Zealand Defence Force
NZECP	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 Ms. Claire Price and Ms. Sheena McGuire for our assistance under s42A(1) of the RMA
ONFL	Outstanding Natural Features and Landscapes
PIANZ	Poultry Industry Association of New Zealand Inc
Progressive	Progressive Enterprises Ltd
Proposed Plan	Proposed Horowhenua District Plan
Rayonier	Rayonier New Zealand Ltd
S42a	Section 42a
Telecom	Telecom New Zealand Ltd
The Act	Resource Management Act
Transpower	Transpower New Zealand Ltd
WBPR	Waitare Beach Progressive and Ratepayers Association

2.0 OFFICER'S REPORT

- 2.1 We were provided with and had reviewed the Officer report prepared by consultant planner Claire Price and Horowhenua District Council Policy Planner Sheena McGuire pursuant to s42A of the Act prior to the hearing commencing. The officer's report evaluated each submission point and made a recommendation on it, clearly stating the reasons for each recommendation.

- 2.2 The officers also provided a written statement dated 27 May 2013 as a right of reply to our questions in relation to the tabled evidence of House Movers Section of NZ Heavy Haulage Association Inc. This issue and the relief sought is relevant to all zones but as the submitter presented evidence to the Urban Environment Hearing, it is addressed as part of this decision. The right of reply is attached as Appendix A
- 2.3 The officers provided a further written statement dated 27 May 2013 as a right of reply and response to our questions in relation to the following matters raised in submissions and tabled evidence:
- a. Residential Subdivision
 - b. Odour
 - c. Unsightly Buildings
 - d. Future Map
 - e. Assessment Criteria – Building Setbacks

3.0 SUBMITTER APPEARANCES

3.1 The following submitters made an appearance at the hearing:

- Horizons Regional Council
- Future Map
- NZ Defence Force
- House Movers Section of NZ Heavy Haulage
- Gary Spelman
- Graham Halstead

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

- KiwiRail
- Horowhenua Astronomical Society
- Powerco
- The Oil Companies
- Progressive Enterprises Limited

3.3 On the 28th May we heard Philip Taueki.

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

4.0 EVALUATION

4.1 The relevant statutory requirements were identified and described in Section 3 of the officer's report. We accept and adopt that description and have had regard to or taken into account the identified matters as appropriate.

Objective 6.1.1 and Policies - Overall Form, Activities and Servicing of Urban Settlements

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submissions
41.00	Powerco	Retain Objective 6.1.1 without modification	

Sub No.	Submitter Name	Decision Requested	Further Submissions
41.01	Powerco	Amend Policy 6.1.4 to read as follows Ensure that all developments within the urban settlements provide: Water supply suitable for human consumption and fire fighting; Facilities for the collection, treatment, and disposal of sewage and other wastes in a manner that maintains community and environmental health; and For the collection and disposal of surface-water run-off in a way which avoids worsening any localised inundation; <u>and</u> <u>The ability to connect to a secure gas and / or electricity supply.</u>	
55.14	KiwiRail	Retain Policy 6.1.17	

4.2 The above submissions were evaluated by the reporting officer in section 4.1.2 of the officer's report. No submitters expressed any opposition to that evaluation. We have reviewed the officer's evaluation and we agree with it and adopt it as our reasons pursuant to Clause 10(2)(a) of Schedule 1 to the RMA. The officer also recommended amendments to Policy 6.1.4 (inserting a new bullet point in relation to the provision of an energy supply for urban settlements) of the Proposed Plan. We have reviewed the recommended amendments and consider them to be appropriate and we therefore adopt those recommendations as our decisions pursuant to Clause 10(1) of Schedule 1 to the RMA.

4.3 The support for Objective 6.1.1 by Powerco is noted and their submission is accepted.

4.4 The support for Policy 6.1.17 by KiwiRail is noted and their submission is accepted.

4.5 We have reviewed the recommended amendments and consider them to be appropriate. We therefore adopt those recommendations as our decisions pursuant to Clause 10(1) of Schedule 1 to the RMA.

Policy 6.2.4 - Tararua Road Growth Area

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submissions
94.28	NZ Transport Agency (NZTA)	Retain Policy 6.2.4 as notified.	

4.6 The support for Policy 6.2.4 from the NZ Transport Agency is noted and their submission is accepted.

Policies 6.3.37 and 6.3.38 (Commercial Zone)

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submissions
---------	----------------	--------------------	---------------------

Sub No.	Submitter Name	Decision Requested	Further Submissions
5.00	Elaine Gradock	No specific relief requested. Inferred: Amend the identified area for larger scale retail development in Levin to include the commercial town centre.	
94.29	NZ Transport Agency (NZTA)	Retain Policy 6.3.38 as notified.	

4.7 The above submissions were evaluated by the reporting officer in section 4.3.2 of the officer's report. No submitters expressed any opposition to that evaluation. We have reviewed the officer's evaluation and we agree with it and adopt it as our reasons pursuant to Clause 10(2)(a) of Schedule 1 to the RMA.

4.8 The support for Policy 6.2.4 from the NZ Transport Agency is noted and their submission is accepted.

Objective 6.3.3 (Industrial Zone)

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submissions
37.01	Homestead Group Limited	Amend Objective 6.3.3 as follows: ..., and the character and amenity values of adjoining areas are protected <u>maintained</u> .	

4.9 The above submissions were evaluated by the reporting officer in section 4.4.2 of the officer's report. No submitters expressed any opposition to that evaluation. We have reviewed the officer's evaluation and we agree with it and adopt it as our reasons pursuant to Clause 10(2)(a) of Schedule 1 to the RMA

Chapter 6, Urban Environment Chapter – General Matters Raised

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submissions
11.24	Philip Taueki	No specific relief sought. Inferred: Acknowledge and reference Hokio Beach as a former Maori township and the issues associated with this.	519.19 Charles Rudd(Snr) - Support
60.18	Muaupoko Co-operative Society	No specific relief requested. Inferred: Acknowledge and reference Hokio Beach as a former Maori township and the issues associated with this.	519.37 Charles Rudd(Snr) - Support
101.59	Director-General of Conservation (DoC)	Include an issue and policy outlining the importance of treating any pollutants on-site in the aforementioned zones so that they don't impact on off-site or downstream environments for example; <u>While urban and commercial zones do not</u>	

Sub No.	Submitter Name	Decision Requested	Further Submissions
		<u>generally have significant natural values; activities in these areas can have effects on other natural systems; especially water bodies. The main effect comes from storm water runoff and associated contamination for the large number of hard surfaces. Ensuring that this water is clean before it enters water bodies should be a priority. Natural hazard protection works at coastal townships will have regard for the intrinsic values of the site's ecosystem.</u>	
110.05	Fraser	No specific relief request. Inferred: Amend the Commercial Objectives, Policies and Methods to achieve a balance outcome that will not degrade property values or lifestyle of the adjacent residential precinct and at the same time advance the economic well-being.	
110.06	Fraser	No specific relief request. Inferred: Include a new method that provide for the establishment of a Design Panel or mechanism to study and advise with some authority, Council on the best practice design standards for any new retailing activity.	

- 4.10 Mr Taueki spoke to his submission and the hearing panel asked him if he was satisfied with the rewording proposed by the officer in their report that provided a more comprehensive description of Hokio Beach. Mr Taueki responded that he was disappointed that he had not been consulted or had the opportunity to contribute to this. We consider that the additional description is helpful and accept Mr Taueki's concerns. We therefore accept in part submissions 11.24 and 60.18 and further submissions 519.19 and 519.37
- 4.11 Mr Fraser sought the establishment of a design panel or similar mechanism to ensure that 'best practice' design standards were adhered to with the development of large format retailing. The officer commented that the objectives and policies of the Plan address the compatibility of commercial development with local character and amenity. Specific development standards implement this direction. They also agreed with the submitter that consideration should be given to seeking expert urban design advice on large format retailing developments. We agree with this recommendation as the effects of this type of development can have an effect on the character and amenity of the area and assessment of these effects and modification of designs should improve the outcomes where necessary. Accordingly we accept in part submissions 110.05 and 110.06.
- 4.12 DoC sought greater recognition of the effects of urban activities on the natural environment and requested a specific issue and policy to address this. The officer commented in their report that Chapters 3 and 6 do

recognise natural values in the urban environment and that this matter is adequately addressed. We agree with this recommendation and accept in part submission 101.59.

Chapter 15 Residential Zones – Permitted Activities (Rule 15.1)

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submissions
95.02	New Zealand Defence Force (NZDF)	Retain Rule 15.1(o) as notified	
40.13	House Movers Section of NZ Heavy Haulage Association Inc.	Amend Rule 15.1 to include <u>“The placement of any Relocated building and/or accessory building on any site subject to the conditions at [rule ref]”.</u>	
108.09	HDC (Planning Department)	Amend Rule 15.1(c) as follows: Visitor accommodation for up to four persons <u>per site within a any residential dwelling unit and/or family flat.</u>	
40.39	House Movers Section of NZ Heavy Haulage Association Inc.	Amend Rule 15.1(f) as follows: “The construction, alteration of, addition to, <u>removal, re-siting</u> and demolition of buildings and structures for any permitted activity”.	
51.03	Waitarere Progressive Association (WBPRA)	No specific relief requested. Inferred: Amend the District Plan to make relocatable housing comply with the same standards as new dwellings.	
119.00	Graham Halstead	Add Primary Production Activities’ to the list of Permitted activities in the residential zone.	

4.13 The support for Rule 15.1(o) by NZ Defence Force is noted and their submission is accepted.

4.14 In respect of submission 51.03 we agree with the officer’s evaluation in section 4.6.2 and adopt it as our reasons pursuant to Clause 10(2)(a) of Schedule 1 to the RMA.

4.15 Mr Halstead attended the hearing and spoke in support of his submission 119.00. He reiterated that he wishes to continue farming and constructing buildings when required without having to go through a resource consent process to do so. We understand from the officer that as part of Plan Change 21, the land was rezoned from Rural to Residential to provide for the district’s urban growth. Mr Halstead can rely on existing use rights to continue to undertake farming activities which includes making changes to buildings and activities provided they are of the same scale, character and intensity as existing. It would not be appropriate to provide for rural activities in a residential zone as these activities would potentially conflict with the

amenity and character of the residential zone. We agree with the officer's evaluation in section 4.6.2 in that farming activities are able to be continued on land zoned residential and that it would be inappropriate and contrary to the objectives and policies of the residential zone to allow rural activities in the residential zone. We therefore reject submission 119.00.

- 4.16 Submission point 108.09 seeks clarification of Rule 15.1 (c) so that visitor accommodation can be established in family flats as well as residential dwellings. We agree with the officer's evaluation in section 4.6.2. No submitters expressed any opposition to that evaluation and we adopt it as our reasons pursuant to Clause 10(2)(a) of Schedule 1 to the RMA. The officer recommended amendments to Rule 15.1 of the Proposed Plan to provide for visitor accommodation in family flats. We have reviewed the recommended amendments and consider them to be appropriate and we therefore adopt those recommendations as our decisions pursuant to Clause 10(1) of Schedule 1 to the RMA.
- 4.17 House Movers submission requests that the relocation of buildings is a permitted activity rather than a controlled activity as provided for in the Proposed Plan. There are a number of submission points by House Movers that are consequential to this request and all the submission points have been made across all zones of the Plan. This decision relates to all submission points made in all zones.
- 4.18 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.
- 4.19 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.
- 4.20 We asked the officer 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 officer 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.
- 4.21 While there may be a large number of relocated buildings, we asked the officer to explain whether there was an issue in terms of the effects on amenity. The officer 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 officer 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?*

4.22 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, the reporting officer 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.

4.23 In considering the effectiveness and efficiency of a permitted activity or controlled activity status, the reporting officer 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.

4.24 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 reporting officer 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.

4.25 We agree with the submitter and the reporting officer 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.

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

4.27 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.

Chapter 15 Residential Zones – Controlled Activities (Rule 15.2)

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submissions
40.11	House Movers Section of NZ Heavy Haulage Association Inc.	Delete Rule 15.2(a)	

Sub No.	Submitter Name	Decision Requested	Further Submissions
117.06	New Zealand Historic Places Trust (NZHPT)	No specific relief requested. Inferred: Retain Rules 15.2(b), 15.3(f), 15.7.2 and 15.8.11	
70.07	Future Map Limited	Delete Rules 15.2(e), 15.3(d), 15.5(a), 15.6.4(c), 15.8.3(v), 15.8.7, 15.8.8.	

- 4.28 The decision relating to the submissions of NZ Heavy Haulage Associated Inc is included in 4.17-4.27 above. In summary, we agree with and adopt the reporting officer's evaluation and recommendation as our reasons pursuant to Clause 10(2)(a) of Schedule 1 to the RMA. We found the reporting officer's right of reply provided further information and clarification to assist us in coming to this decision. We have reviewed the recommended amendments and consider them to be appropriate and we therefore adopt those recommendations as our decisions pursuant to Clause 10(1) of Schedule 1 to the RMA.
- 4.29 The decision relating to the submissions by Future Map are in section 4.93-4.102. This submission seeks a consequential amendment from earlier submission points and we agree with the reporting officer's evaluation and adopt it as our reasons pursuant to Clause 10(2)(a) of Schedule 1 to the RMA.
- 4.30 The support for Rules 15.2(b), 15.39f), 15.7.2 and 15.8.11 by NZHPT is noted and their submission is accepted.
- 4.31 The decision relating to Future Map is included in section 4.93-4.102 in relation to the rezoning of land in the Tararua Road Growth Area Overlay. The provisions in this section are consequential of the overall decision found in section 4.93-4.102 and we agree with and adopt the reporting officer's evaluation and recommendation as our reasons pursuant to Clause 10(2)(a) of Schedule 1 to the RMA. The reporting officer recommended that as the area zoned Residential is to be rezoned Industrial, the provisions of the Residential Zone in relation to this area, become redundant. We have reviewed the recommended amendments and consider them to be appropriate and we therefore adopt those recommendations as our decisions pursuant to Clause 10(1) of Schedule 1 to the RMA.

Chapter 15 Residential Zones – Discretionary Activities (Rule 15.4)

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submissions
81.01	Phillip Lake	Amend Rule 15.4(e) as follows: New community facilities or additions and alterations to existing community facilities (including education facilities and grounds) for community activities including services having a social, community ceremonial, educational, recreational, worship, or spiritual purpose.	
117.20	New Zealand Historic Places Trust (NZHPT)	Amend Rule 15.4 to include subdivisions that negatively impact on the heritage values of any sites listed in Schedule 2.	
108.11	HDC (Planning Department)	Amend Rule 15.4(c) Two or more residential units/ <u>family flats</u> per site.	

Sub No.	Submitter Name	Decision Requested	Further Submissions
108.38	HDC (Planning Department)	Amend Residential Dwelling Unit definition as follows: Residential Dwelling Unit means a building which accommodates one (1) household unit, and can include a dwelling house, a flat, a home unit, an apartment, or a town house, <u>but excludes a family flat.</u>	
116.01	Truebridge Associates Limited	Delete Rule 15.4(d) as a discretionary activity and insert as a controlled activity.	

4.32 The above submissions were evaluated by the reporting officer in section 4.8.2 of the reporting officer's report. No submitters expressed any opposition to that evaluation. We have reviewed the reporting officer's evaluation and we agree with it and adopt it as our reasons pursuant to Clause 10(2)(a) of Schedule 1 to the RMA. The reporting officer also recommended amendments to Rule 15.4(d) and the definition of Residential Dwelling Unit (clarifying provision for family flats) of the Proposed Plan. We have reviewed the recommended amendments and consider them to be appropriate and we therefore adopt those recommendations as our decisions pursuant to Clause 10(1) of Schedule 1 to the RMA.

Chapter 15 Residential Zones – Non-Complying Activities (Rule 15.5)

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submissions
94.24	NZ Transport Agency (NZTA)	Retain Rule 15.5(a) as notified.	Reject
70.07	Future Map Limited	Delete 15.2(e), 15.3(d), 15.5(a), 15.6.4(c), 15.8.3(v), 15.8.7, 15.8.8.	Accept

4.33 The submission by Future Map is addressed in the decision relating to the rezoning of land within the Tararua Road Growth Area Overlay section 4.93-4.102. The provisions in this section (4.9.2 of the reporting officer's report) are consequential of the overall decision found in section 4.93-4.102 and we agree with and adopt the reporting officer's evaluation and recommendation as our reasons pursuant to Clause 10(2)(a) of Schedule 1 to the RMA. The reporting officer's recommended that as the area zoned Residential is to be rezoned Industrial, Rule 15.5(a) becomes redundant in managing vehicle access on State Highway 57. Managing new access from industrial activities is however appropriate and a consequential amendment is made by the insertion of a new Non-Complying Activity rule in the Industrial Area 16.5(b) We have reviewed the recommended amendments and consider them to be appropriate and we therefore adopt those recommendations as our decisions pursuant to Clause 10(1) of Schedule 1 to the RMA.

Permitted Activity Conditions (Rule 15.6) - General

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submissions
---------	----------------	--------------------	---------------------

Sub No.	Submitter Name	Decision Requested	Further Submissions
25.03	Michael White	Amend Permitted Activity Conditions 15.6 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 Residential zone.	504.01 The Oil Companies - In-Part 525.19 Maurice and Sophie Campbell - Support
26.09	Horowhenua Astronomical Society Inc.	Amend Permitted Activity Conditions 15.6 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 Residential Zone.	
27.17	Horizons Regional Council	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.	
40.14	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</u>	

Sub No.	Submitter Name	Decision Requested	Further Submissions
		<p><u>relocated dwelling shall be completed with [12] months of the building being delivered to the site. Without limiting (iii) (above) reinstatement work is to include connections to all infrastructure services and closing in and ventilation of the foundations.</u></p> <p><u>v) The proposed owner of the relocated building must certify to the Council that the reinstatement work will be completed within the [12] month period.</u></p>	
95.17	New Zealand Defence Force (NZDF)	Retain the removal of conditions as notified	

4.34 The decision relating to the submissions of NZ Heavy Haulage Associated Inc is included in 4.17-4.27 above. This submission seeks a consequential amendment from earlier submission points and we agree with the reporting officer's evaluation and adopt it as our reasons pursuant to Clause 10(2)(a) of Schedule 1 to the RMA.

4.35 The support for Rule 15.6 by NZ Defence Force is noted and the submission accepted.

4.36 The above submissions were evaluated by the reporting officer in section 4.10.2 of the reporting officer's report. No submitters expressed any opposition to that evaluation. We have reviewed the reporting officer's evaluation and we agree with it and adopt it as our reasons pursuant to Clause 10(2)(a) of Schedule 1 to the RMA. The reporting officer also recommended amendments to the Residential Permitted Activity Conditions by inserting a new condition in relation to light spill. We have reviewed the recommended amendments and consider them to be appropriate and we therefore adopt those recommendations as our decisions pursuant to Clause 10(1) of Schedule 1 to the RMA.

Permitted Activity Condition (Rule 15.6.8) – Accessory Buildings

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submissions
51.04	Waitarere Progressive Association (WPRA)	<p>No specific relief requested.</p> <p>Inferred: Amend the District Plan to provide for accessory buildings large enough for a couple of vehicles, boat and gear.</p>	

4.37 The above submissions were evaluated by the reporting officer in section 4.11.2 of the reporting officer's report. No submitters expressed any opposition to that evaluation. We have reviewed the reporting officer's evaluation and we agree with it and adopt it as our reasons pursuant to Clause 10(2)(a) of Schedule 1 to the RMA.

Permitted Activity Condition (Rule 15.6.9) –Fences

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submissions
---------	----------------	--------------------	---------------------

Sub No.	Submitter Name	Decision Requested	Further Submissions
116.02	Truebridge Associates Limited	Delete Rule 15.6.9(a)(i).	

4.38 The above submissions were evaluated by the reporting officer in section 4.12.2 of the reporting officer's report. No submitters expressed any opposition to that evaluation. We have reviewed the reporting officer's evaluation and we agree with it and adopt it as our reasons pursuant to Clause 10(2)(a) of Schedule 1 to the RMA.

Permitted Activity Condition (15.6.10) – Home Occupations

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submissions
108.00	HDC (Planning Department)	Amend Rules 15.6.10(a) and 15.8.5(b)(i) as follows: 15.6.10(a) A Home occupations shall not exceed 50m ² of total floor area dedicated to this activity. 15.8.5(b)(i) A Home occupations shall not exceed 70m ² of total floor area dedicated to this activity.	

4.39 The above submissions were evaluated by the reporting officer in section 4.13.2 of the reporting officer's report. No submitters expressed any opposition to that evaluation. We have reviewed the reporting officer's evaluation and we agree with it and adopt it as our reasons pursuant to Clause 10(2)(a) of Schedule 1 to the RMA. The reporting officer also recommended amendments to the Residential Permitted Activity Condition 15.6.10 – Home Occupations to provide clarity to the total space allowed to be used for home occupations on a site and we therefore adopt those recommendations as our decisions pursuant to Clause 10(1) of Schedule 1 to the RMA.

Permitted Activity Condition (15.6.11) – Noise

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submissions
95.26	New Zealand Defence Force (NZDF)	Amend Rule 15.6.11(d) as follows: The noise limits in Rule 15.6.11(a) <u>and the provision of Rule 15.6.11 (b)</u> shall not apply to... Temporary Military Training Activities.	

Sub No.	Submitter Name	Decision Requested	Further Submissions
5.02	Elaine Gradock	No specific relief requested. Inferred: Retain proposed Rule 15.6.11(a)(i) noise limits.	

4.40 The above submissions were evaluated by the reporting officer in section 4.14.2 of the reporting officer's report. No submitters expressed any opposition to that evaluation. We have reviewed the reporting officer's evaluation and we agree with it and adopt it as our reasons pursuant to Clause 10(2)(a) of Schedule 1 to the RMA. The reporting officer also recommended amendments to the Residential Permitted Activity Condition 15.6.11 –Noise to provide consistency between exemptions and we therefore adopt those recommendations as our decisions pursuant to Clause 10(1) of Schedule 1 to the RMA.

Permitted Activity Condition (15.6.12) – Vibration

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submissions
95.36	New Zealand Defence Force (NZDF)	Retain Rule 15.6.22 as notified (conditionally).	

4.41 While originally being neutral in respect of this rule, NZ Defence Force 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 that 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, Ms Grace stated that NZDF accepts the reporting officer's recommendation and that they would not pursue this exemption. We therefore accept in part submission point 95.36.

Permitted Activity Condition (15.6.20) – Surface Water Disposal

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submissions
15.01	Charles Wallis	Include a clause which ensures that when Council staff are made aware of a surface water disposal issue affecting another property that a report is made to Council and a follow up report be completed every six months outlining the action taken to resolve the issue.	511.09 HDC (Community Assets Department) - Oppose

4.42 The above submissions were evaluated by the reporting officer in section 4.16.2 of the reporting officer's report. We agree with the reporting officer's report that the relief sought is a Council operational matter and not a District Plan matter. The issue raised has however been referred to the Council's Community Assets Department for further consideration.

Permitted Activity Condition (15.6.27) – Signs

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submissions
108.02	HDC (Planning Department)	Amend Rule 15.6.27(b) 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.	

4.43 The above submissions were evaluated by the reporting officer in section 4.17.2 of the reporting officer’s report. No submitters expressed any opposition to that evaluation. We have reviewed the reporting officer’s evaluation and we agree with it and adopt it as our reasons pursuant to Clause 10(2)(a) of Schedule 1 to the RMA. The reporting officer also recommended amendments to the Residential Permitted Activity Condition 15.6.27 –Signs in order to clarify the intent of the standard and we therefore adopt those recommendations as our decisions pursuant to Clause 10(1) of Schedule 1 to the RMA.

Permitted Activity Condition (15.6.31) – Temporary Military Training Activities

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submissions
95.12	New Zealand Defence Force (NZDF)	Retain as notified	
95.07	New Zealand Defence Force (NZDF)	Retain Rule 15.6.31(a)(i) as notified.	
95.50	New Zealand Defence Force (NZDF)	Retain Rule 15.6.31(a)(ii) as notified.	
95.21	New Zealand Defence Force (NZDF)	Retain as notified [15.6.31(a)(iv)(v)] (conditionally)	
95.31	New Zealand Defence Force (NZDF)	Include provisions from the District Plan in regards to night time noise, which states; <u>Impulse Noise Resulting from the use of explosives and small arms is not to exceed 122 dBC</u>	

4.44 NZDF made this submission across a number of zones (Open Space, Urban Environment and Rural Environment). The submission is discussed in detail in the decision of the Hearings Panel dealing with the Open Space and Water Bodies. The submission point is accepted and the consequential changes are detailed in Appendix A.

Controlled Activity Condition (15.7.1) – Relocated Buildings

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submissions
40.12	House Movers Section of NZ Heavy Haulage Association Inc.	Delete Rule 15.7.1	
40.32	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 15.7.1(a)(iii).	

4.45 The decision relating to the submissions of NZ Heavy Haulage Associated Inc is included in 4.17-4.27 above. This submission seeks a consequential amendment from earlier submission points and we agree with the reporting officer's evaluation and adopt it as our reasons pursuant to Clause 10(2)(a) of Schedule 1 to the RMA.

Controlled Activity Standard (15.7.4) – Temporary Military Training Activities

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submissions
95.41	New Zealand Defence Force (NZDF)	Retain Controlled activity status. Amend Rule 15.7.4 by clarifying matters for control, especially in regards to noise.	

4.46 NZDF made this submission across a number of zones (Open Space, Urban Environment and Rural Environment). The submission is discussed in detail in the decision of the Hearings Panel dealing with the Open Space and Water Bodies. The submission point is accepted and the consequential changes are detailed in the Appendix A.

Controlled Activity Standard (15.7.5, Table 15-3) – Subdivision of Land

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submissions
116.03	Truebridge Associates Limited	Delete Rule 15.7.5(a)(i).	
55.27	KiwiRail	Retain Rule 15.2(e). Inferred: Retain Rule 15.7.5(a)(iii)	

Sub No.	Submitter Name	Decision Requested	Further Submissions
117.14	New Zealand Historic Places Trust (NZHPT)	Amend Rule 15.7.5(a) (vi) as follows: Effects on significant sites and features, including natural, cultural, <u>archaeological</u> and historical sites.	
27.23	Horizons Regional Council	Amend Table 15-3 (Rule 15.7.5(b)) to change the minimum net site area/minimum average site areas reflect the minimum lot sizes specified on page 19-27(Rule 19.7.3).	
116.04	Truebridge Associates Limited	Amend Table 15-3 to allow for a running cool off period of 10 years from the date of title issue.	
116.05	Truebridge Associates Limited	Amend Table 15-3 to specify one parent lot size of 2025m ² .	
116.06	Truebridge Associates Limited	Amend Table 15-3 to specify the minimum area in order of 4000m ² to 5000m ² where a sewage disposal system is not available.	

4.47 The above submissions were evaluated by the reporting officer in section 4.21.2 of the reporting officer's report. No submitters expressed any opposition to that evaluation in respect of submissions 116.03, 55.27, 117.14, 116.04, 116.05, 116.06. We have reviewed the reporting officer's evaluation in respect of these matters and we agree with it and adopt it as our reasons pursuant to Clause 10(2)(a) of Schedule 1 to the RMA. In doing so the recommended change from 8000m² to 5000m² by the reporting officer to the minimum net site area standards applying to residential allotments in Ohau East is accepted. The reporting officer made a recommendation that a change be made to acknowledge the concerns raised by NZHPT and that the effects of subdivision on archaeological sites should be included.

4.48 Horizons Regional Council submitted that the provisions for residential density for areas where there are no reticulated services were inconsistent with the Proposed One Plan. In response to this, the reporting officer stated in their report that the provisions of section 91 of the RMA enabled the Council (HDC) to put the consent process on hold until the necessary discharge consents were obtained from Horizons. At the hearing, Pen Tucker from Horizons pointed out that the subdivision consent from HDC, would still have to be granted (as a controlled activity) and the inconsistency between the two documents would lead to uncertainty for the applicant. In response, the reporting officer agreed that it was necessary to avoid creating false expectations through the provisions of the proposed plan and that the activity status should be elevated to Restricted Discretionary for subdivisions where reticulated wastewater is not available. They also recommended that the Controlled Activity Status for subdivisions would be appropriate where the density is consistent with the Proposed One Plan. A further recommendation was made that boundary adjustments could be provided for as Controlled Activities. We adopt those recommendations as our decisions pursuant to Clause 10(1) of Schedule 1 to the RMA.

Matters of Discretion and Conditions for Restricted Discretionary Activities (15.8.7 and 15.8.8) – Subdivision and Land Use within Tararua Road Growth Area Overlay

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submissions
94.25	NZ Transport Agency (NZTA)	Retain Rule 15.8.7(a)(v) as notified.	
94.26	NZ Transport Agency (NZTA)	Retain Rule 15.8.8(a)(i) bullet point 3 as notified.	

4.49 The above submissions were evaluated by the reporting officer in section 4.22.2 of the reporting officer’s report. No submitters expressed any opposition to that evaluation. As Future Map has sought the removal of the residential component from the Tararua Growth Area (the decision relating to this matter is in section 4.93-4.102) the relief sought by NZTA is now redundant. We have reviewed the reporting officer’s evaluation and we agree with it and adopt it as our reasons pursuant to Clause 10(2)(a) of Schedule 1 to the RMA. The reporting officer recommended that rules 15.8.7 and 15.8.8 Matters of Discretion and Conditions be deleted and we adopt those recommendations as our decisions pursuant to Clause 10(1) of Schedule 1 to the RMA.

Matters of Discretion and Conditions for Restricted Discretionary Activities (15.8.9) – Medium Density Development

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submissions
116.07	Truebridge Associates Limited	Delete Rule 15.8.9 as matters of discretion and insert as matters of control.	
116.08	Truebridge Associates Limited	Delete parts of Rule 15.8.9(a) that require on-going monitoring after completion of consent.	
116.09	Truebridge Associates Limited	Delete Rule 15.8.9(b)(i).	
116.10	Truebridge Associates Limited	Delete Rule 15.8.9(b)(vii).	
51.02	Waitarere Progressive Association (WBPRA)	Amend the District Plan to plan for smaller plot sizes in an area of undeveloped land to allow for more appropriate design of plots rather than infill development.	

4.50 The above submissions were evaluated by the reporting officer in section 4.23.2 of the reporting officer’s report. No submitters expressed any opposition to that evaluation. We have reviewed the reporting officer’s evaluation and we agree with it and adopt it as our reasons pursuant to Clause 10(2)(a) of Schedule 1 to the RMA. The reporting officer also recommended deletion of 15.8.9 condition (viii) which required the provision of a utility space for each medium density unit on the basis that this is a matter more appropriately dealt with

in the Design Guide. We adopt those recommendations as our decisions pursuant to Clause 10(1) of Schedule 1 to the RMA.

Matters of Discretion and Conditions for Restricted Discretionary Activities (15.8.13) – Signs

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submissions
94.21	NZ Transport Agency (NZTA)	Retain as notified	

4.51 The support for Rule 15.8.13 by the NZ Transport Agency is noted and their submission is accepted.

Chapter 15 Residential Zone Rules – General Matters Raised

Submissions Received - Earthwork Provisions on Heritage Sites

Sub No.	Submitter Name	Decision Requested	Further Submissions
117.25	New Zealand Historic Places Trust (NZHPT)	Amend Chapter 15 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.	

4.52 The above submissions were evaluated by the reporting officer in section 4.25.2 of the reporting officer's report. No submitters expressed any opposition to that evaluation. We have reviewed the reporting officer's evaluation and we agree with it and adopt it as our reasons pursuant to Clause 10(2)(a) of Schedule 1 to the RMA.

Submissions Received - Air Quality Issues

Sub No.	Submitter Name	Decision Requested	Further Submissions
3.01	Matthew Thredgold	Include a provision that prohibits the installation of new solid fuel wood burners, solid fuel stoves and heaters and have provisions for phasing out and eventually prohibiting the use of solid fuel wood burners, solid fuel stoves and heaters in the Residential Zone.	

4.53 The above submissions were evaluated by the reporting officer in section 4.25.6 of the reporting officer's report. No submitters expressed any opposition to that evaluation. We have reviewed the reporting officer's evaluation and we agree with it and adopt it as our reasons pursuant to Clause 10(2)(a) of Schedule 1 to the RMA.

Submissions Received - Cross Reference to National Environmental Standards

Sub No.	Submitter Name	Decision Requested	Further Submissions
93.19	The Oil Companies	Retain the cross reference to national environmental standards in Chapter 15.	

4.54 The support for the cross reference to the National Environmental Standards by The Oil Companies is noted and their submission is accepted.

Submissions Received – Network Utility Rules

Sub No.	Submitter Name	Decision Requested	Further Submissions
78.07	Telecom New Zealand Ltd	Delete all Network Utility Rules and Standards within the Residential Chapter, other than specific cross referencing to particular standards in the zone chapters where relevant and reasonably applicable to network utilities.	
79.07	Chorus New Zealand Ltd	Delete all Network Utility Rules and Standards within the Residential Chapter, other than specific cross referencing to particular standards in the zone chapters where relevant and reasonably applicable to network utilities.	

4.55 The above submissions were evaluated by the reporting officer in section 4.25.14 of the reporting officer’s report. No submitters expressed any opposition to that evaluation. We have reviewed the reporting officer’s evaluation and we agree with it and adopt it as our reasons pursuant to Clause 10(2)(a) of Schedule 1 to the RMA.

Submissions Received – Relocated Buildings

Sub No.	Submitter Name	Decision Requested	Further Submissions
40.06	House Movers Section of NZ Heavy Haulage Association Inc.	Amend the Proposed District Plan to provide for the relocation of dwellings and buildings as a permitted activity subject to the following performance standards/conditions (or to the same or similar effect): <u>Relocated buildings are permitted where the following matters can be satisfied:</u> <u>a) Any relocated building can comply with the relevant standards for Permitted Activities in the District Plan</u> <u>b) Any relocated dwelling must have been previously designed, built and used as a dwelling;</u> <u>c) A building inspection report shall accompany the building consent for the building/dwelling. The report is to identify all reinstatement work required to the exterior of the building/dwelling; and</u> <u>d) The building shall be located on permanent foundations approved by building consent, no later than 12 months of the building being moved to the site.</u> <u>e) All work required to reinstate the exterior of</u>	

Sub No.	Submitter Name	Decision Requested	Further Submissions
		<u>any relocated building/dwelling, including the siting of the building/dwelling on permanent foundations, shall be completed within 12 month of the building being delivered to the site.</u>	

4.56 The decision relating to the submissions of NZ Heavy Haulage Associated Inc is included in 4.17-4.27 above. This submission seeks a consequential amendment from earlier submission points and we agree with the reporting officer’s evaluation and adopt it as our reasons pursuant to Clause 10(2)(a) of Schedule 1 to the RMA.

Chapter 16 Industrial Zone – Permitted Activities (16.1)

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submissions
40.17	House Movers Section of NZ Heavy Haulage Association Inc.	Amend Rule 16.1 to include <u>“The placement of any Relocated building and/or accessory building on any site subject to the conditions at [rule ref]”.</u>	
110.02	Fraser	Amend Rule 16.1(b) to include retail activities as permitted activities.	523.00 Future Map Limited
40.40	House Movers Section of NZ Heavy Haulage Association Inc.	Amend Rule 16.1(k) as follows: “The construction, alteration of, addition to, <u>removal, re-siting</u> and demolition of buildings and structures for any permitted activity”.	
95.03	New Zealand Defence Force (NZDF)	Retain Rule 16.1 (s) as notified	

4.56 The support for Rule 16.1 by NZ Defence Force is noted and the submission accepted.

4.57 The decision on the submissions by House Movers Section of NZ Heavy Haulage Association Inc is in section 4.17-4.27. The decision in relation to the provisions for relocated buildings in all other zones also applies to the Industrial Zone. We agree with the reporting officer’s evaluation that the permitted activity status is not appropriate to control the effects of relocated buildings. The submission points 40.21 and 40.41 are consequential to the main decision and we agree with the reporting officer’s evaluation and adopt it as our reasons pursuant to Clause 10(2)(a) of Schedule 1 to the RMA.

4.58 In respect of submission 110.02 and further submission 523.00, we have reviewed the reporting officer’s evaluation and we agree with it and adopt it as our reasons pursuant to Clause 10(2)(a) of Schedule 1 to the RMA.

Controlled Activities (16.2) – Industrial Zone

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submissions
40.15	House Movers Section of NZ Heavy Haulage Association Inc.	Delete Rule 16.2(c)	
70.03	Future Map Limited	Amend Rule 16.2(g) as follows: Within the Tararua Road Growth Area Overlay, all activities identified in Rule 16.1 shall be controlled activities subject to complying with the conditions in Rule 16.6 (apart from Rule 16.6.2(a)(ii) and Rule 16.7.7(b)(iii)) and complying with conditions in Rule 16.7.7. (Refer Rule 16.7.7).	

4.59 The decision relating to the submissions of NZ Heavy Haulage Associated Inc is included in 4.117-4.27 above. This submission seeks a consequential amendment from earlier submission points and we agree with the reporting officer's evaluation and adopt it as our reasons pursuant to Clause 10(2)(a) of Schedule 1 to the RMA.

4.60 The decisions on the submissions by Future Map Limited are included in section 4.93-4.102. This submission point is a consequential amendment and we have reviewed the reporting officer's evaluation in 4.27.2 and we agree with it and adopt it as our reasons pursuant to Clause 10(2)(a) of Schedule 1 to the RMA. The reporting officer recommended that rule 16.2 Controlled Activities be amended and we adopt those recommendations as our decisions pursuant to Clause 10(1) of Schedule 1 to the RMA.

Discretionary Activities (Rule 16.4) – Industrial Zone

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submissions
117.21	New Zealand Historic Places Trust (NZHPT)	Amend Rule 16.4 to include subdivisions that negatively impact on the heritage values of any sites listed in Schedule 2.	

4.61 The submission point by NZHPT was raised in relation to the Residential and Commercial Zones and the decision in section 4.15 addresses this matter.

Permitted Activity Standards (16.6) - General

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submissions
25.04	Michael White	Amend Permitted Activity Conditions 16.6 to control the emission of outdoor lighting at and above the horizontal and to limit the level and timing of lighting in the Industrial zone.	525.20 Maurice and Sophie Campbell - Support
26.10	Horowhenua	Amend Permitted Activity Conditions 16.6 to	

Sub No.	Submitter Name	Decision Requested	Further Submissions
	Astronomical Society Inc.	include rules that control the emission of light at and above the horizontal and to limit the level and timing of lighting in the Industrial Zone.	
27.19	Horizons Regional Council	<p>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</p> <p>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.</p>	
40.18	House Movers Section of NZ Heavy Haulage Association Inc.	<p>Include the following performance standards/conditions in (or to the same or similar effect) for relocated buildings:</p> <p>Permitted Activity Standards for Relocated Buildings</p> <p><u>i) Any relocated building intended for use as a dwelling (excluding previously used garages and accessory buildings) must have previously been designed, built and used as a dwelling.</u></p> <p><u>ii) A building pre-inspection report shall accompany the application for a building consent for the destination sit. That report is to identify all reinstatement works that are to be completed to the exterior of the building.</u></p> <p><u>iii) The building shall be located on permanent foundations approved by building consent, no later than [2] months of the being moved to the site.</u></p> <p><u>iv) All other reinstatement work required by the building inspection report and the building consent to reinstate the exterior of any relocated dwelling shall be completed with [12] months of the building being delivered to the site. Without limiting (iii) (above) reinstatement work is to include connections to all infrastructure services and closing in and ventilation of the foundations.</u></p> <p><u>v) The proposed owner of the relocated</u></p>	

Sub No.	Submitter Name	Decision Requested	Further Submissions
		<u>building must certify to the Council that the reinstatement work will be completed within the [12] month period.</u>	
95.18	New Zealand Defence Force (NZDF)	Retain the removal of conditions as notified	

- 4.62 The support for Rule 16.6 by NZ Defence Force is noted and the submission accepted.
- 4.63 The decision relating to the submissions of NZ Heavy Haulage Associated Inc is included in 4.17-4.27 above. This submission seeks a consequential amendment from earlier submission points and we agree with the reporting officer's evaluation and adopt it as our reasons pursuant to Clause 10(2)(a) of Schedule 1 to the RMA.
- 4.64 In respect of the submissions 25.04 and further submission 525.20, submissions 26.10 and 27.19, we have reviewed the reporting officer's evaluation in 4.29.2 and we agree with it and adopt it as our reasons pursuant to Clause 10(2)(a) of Schedule 1 to the RMA. The reporting officer recommended that a condition be added to control light spill from activities in the Industrial Zone onto any site within the Residential Zone and we adopt those recommendations as our decisions pursuant to Clause 10(1) of Schedule 1 to the RMA.

Permitted Activity Standard (16.6.1) – Maximum Building Height

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submissions
70.04	Future Map Limited	Amend Rule 16.6.1 as follows: (a) No part of any building shall exceed a height of 18 metres. <u>(b) Any building within the Low Impact industrial area of the Tararua Growth Area Structure Plan shall not exceed a height of 10 metres.</u>	

- 4.65 At the hearing, Mr Harford presenting evidence for Future Map said that a height of 10m for the Low Impact Industrial Zone provides the capacity and capability for efficient operation. It also provides for a scale of development that is consistent with the character of the area and allows for good amenity adjacent to the open space and at the point of transition to the residential area. The reporting officer supported this height limit and the hearing panel agreed that it was an appropriate height
- 4.66 Mr Harford said that Future Map sought a 18m height limit in the Industrial Zone to allow for internal gantries and loading facilities in higher buildings. He argued that this was more efficient use of land avoiding the need for larger building footprints. He said that the residential zone to the north was approximately 130 metres away and would not be visually impacted. The Low Impact Industrial Zone and open space area also provided a transition to the residential area. He produced a visual assessment and cross sections to demonstrate the effects of 18m high buildings. These also showed planting in the open spaces are to provide screening. Mr Harford said that 12m was too low to achieve the aim of providing for covered space through height rather than buildings with large footprints. He did however comment that he considered a 15m height would provide the space required and would be consistent with the adjacent Rural Zone. The reporting officer considered that the 12m height limit was appropriate and consistent with the Industrial Zone throughout

Horowhenua. Subsequent to hearing the evidence the reporting officer further considered the height limit for this area. They reviewed the heights of other industrial buildings in the region and beyond and reported that the most of the recently constructed buildings appeared to be less than 12m and used for a range of uses. This did not appear to support Future Map’s view that there is a trend towards taller buildings driven by the logistics of storage. The reporting officer was concerned that there would be adverse visual effects of 18m high buildings from within the Industrial area and the residential and rural areas albeit that there will be change in this area once development occurs. They considered that the planting as shown on the visual assessment provided by Future Map would take a long time to be an effective screening of 18m high buildings. Looking at a 15m height, the reporting officer commented that while this is permitted in the Rural Zone, this is generally used for one-off buildings such as silos rather than sheds and farm buildings. In the Industrial Zone buildings up to this height would be likely to occupy about 70 -100% of the site. They acknowledged that the design guide would require some modification of the built form but they still considered that 15m was too high and not supported by the policy direction for the Industrial Zone. The Hearing Panel was not convinced that the height of buildings at 18m or 15m could be adequately mitigated by the planting and setbacks proposed. We did not agree that the “line of sight” as portrayed on the visual assessment could be assumed but rather the buildings would be highly visible and out of scale with surrounding development. We accept that the design guide would provide some moderation of the built form but would not address the impact of the height on adjacent activities. We consider that the 12m height limit is consistent with the policy for height in the Industrial Zone and that it is appropriate in the context of the Tararua Growth Area and surrounding land uses. We therefore accept in part submission 70.04.

Permitted Activity Standard (16.6.3) – State Highway 1 Frontage

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submissions
37.02	Homestead Group Limited	Delete Rule 16.6.3(a)	

4.67 The above submission was evaluated by the reporting officer in section 4.31.2 of the reporting officer’s report. No submitters expressed any opposition to that evaluation. We have reviewed the reporting officer’s evaluation and we agree with it and adopt it as our reasons pursuant to Clause 10(2)(a) of Schedule 1 to the RMA.

Permitted Activity Standard (16.6.4) - Signs

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submissions
108.03	HDC (Planning Department)	Amend Rule 16.6.4(a)(iv) as follows: Any temporary sign shall be displayed for no longer than two (2) calendar months in every calendar year of a 12 month period and removed within seven (7) days after the event. Temporary signs do not need to be on the site of the temporary activity.	

4.68 The above submission was evaluated by the reporting officer in section 4.32.2 of the reporting officer’s report. No submitters expressed any opposition to that evaluation. We have reviewed the reporting officer’s evaluation and we agree with it and adopt it as our reasons pursuant to Clause 10(2)(a) of Schedule 1 to the RMA. The reporting officer also recommended amendments be made to the temporary signs provisions to

clarify the intent of the rule and we adopt this recommendation as our decisions pursuant to Clause 10(1) of Schedule 1 to the RMA.

Permitted Activity Standard (16.6.5) - Noise

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submissions
95.27	New Zealand Defence Force (NZDF)	Amend Rule 16.6.5(d) as follows: The noise limits in Rule 16.6.5(a) <u>and the provision of Rule 16.6.5 (b)</u> shall not apply to... Temporary Military Training Activities.	
97.01	Lowe Corporation Ltd & Colyer Mair Assets Ltd	No specific relief requested. Inferred: Amend Rule 16.6.5 so that the noise limits set in the permitted activity conditions are applied to the properties situated in the adjacent zones, rather than to the Industrial Zone.	
5.03	Elaine Gradock	No specific relief requested. Inferred: Retain proposed Rule 16.6.5(a)(i) noise limits.	
108.34	HDC (Planning Department)	Amend Rule 16.6.5(e)(iv) as follows: Vehicles being driven on a road (within the meaning of Section 2(1) of the Transport Act 1962), or within a site as part of or compatible with a normal residential <u>industrial</u> activity.	

4.69 Submissions 97.01, 5.03 and 108.34 were evaluated by the reporting officer in section 4.33.2 of the reporting officer's report. No submitters expressed any opposition to that evaluation. We have reviewed the reporting officer's evaluation and we agree with it and adopt it as our reasons pursuant to Clause 10(2)(a) of Schedule 1 to the RMA. The reporting officer recommended amendments be made to Rule 16.6.5 Noise and we adopt this recommendation as our decision pursuant to Clause 10(1) of Schedule 1 to the RMA.

Permitted Activity Standard (16.6.6) - Vibration

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submissions
95.37	New Zealand Defence Force (NZDF)	Retain Rule 16.6.6 as notified (conditionally).	

4.70 While originally being neutral with respect to this rule, NZ Defence Force 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 that 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, Ms Grace stated that NZDF accepts the reporting officer's recommendation and that they would not pursue this exemption. We therefore accept in part submission point 95.37.

Permitted Activity Standard (16.6.7) - Odour

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submissions
97.02	Low Corporation Ltd & Colyer Mair Assets Ltd	No specific relief requested. Inferred: Amend Rule 16.6.7 (a) so that the permitted activity conditions relating to offensive odour is more precise and reflects the FIDEL factors.	

4.71 In their evaluation in section 4.35.2, the reporting officer recommended that amendments to the permitted activity standard 16.6.7 – Odour, were not necessary and that the Proposed Plan provided reference to the Proposed One Plan thereby indicating that this Plan also has to be considered. At the hearing, Pen Tucker from Horizons sought improved consistency between both Plans and in their right of reply, the reporting officer agreed that amendments to the Rule were appropriate to provide greater consistency. The reporting officer provided wording to address this. This amendment would apply across all zones. We agree with the reporting officer's evaluation in their right of reply and we adopt the recommended amendments as our decision pursuant to Clause 10(1) of Schedule 1 to the RMA.

Permitted Activity Standard (16.6.9) Unsightly Buildings

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submissions
117.13	New Zealand Historic Places Trust (NZHPT)	No specific relief requested. Inferred: Delete Rule 16.6.9.	
37.04	Homestead Group Limited	Delete Rule 16.6.9(a)	

4.72 The reporting officer recommended that the submissions be rejected and that the standard relating to Unsightly Buildings be retained. We asked the reporting officer for further advice on the vires of the condition and its enforceability as it appeared to us to be open to excessive subjectivity. In their right of reply, the reporting officer reported that they had received legal advice that some subjectivity in the application of the condition is acceptable provided that there is a threshold to constitute what is and what is not permitted. The reporting officer also commented that the rule does contribute to the amenity controls in the Plan and it is appropriate that it be retained. They recommended that the condition be reworded to improve the certainty and objectivity of the rule and we adopt the recommended amendments as our decision pursuant to Clause 10(1) of Schedule 1 to the RMA.

Permitted Activity Standard (16.6.11) – Wastes Disposal

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submissions
110.03	Fraser	Amend Rule 16.6.11 to include reference to petroleum and other hazardous chemicals	

4.73 The above submission was evaluated by the reporting officer in section 4.37.2 of the reporting officer's report. No submitters expressed any opposition to that evaluation. We have reviewed the reporting officer's evaluation and we agree with it and adopt it as our reasons pursuant to Clause 10(2)(a) of Schedule 1 to the RMA. The reporting officer also recommended amendments be made to the standard to include transporting and disposing of hazardous substances and we adopt this recommendation as our decision pursuant to Clause 10(1) of Schedule 1 to the RMA.

Permitted Activity Standard (16.6.23) – Temporary Military Training Activities

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submissions
95.13	New Zealand Defence Force (NZDF)	Retain as notified	
95.08	New Zealand Defence Force (NZDF)	Retain Rule 16.6.23(a)(i) as notified.	
95.51	New Zealand Defence Force (NZDF)	Retain Rule 16.6.23(a)(ii) as notified	
95.22	New Zealand Defence Force (NZDF)	Retain as notified (conditionally)	
95.32	New Zealand Defence Force (NZDF)	Include provisions in the District Plan in regards to night time noise, which states; <u>Impulse Noise Resulting from the use of explosives and small arms is not to exceed 122 dBC.</u>	

4.74 Support for Rule 16.6.23 by NZ Defence Force is noted and the submission accepted. In respect of submission point 95.32 NZDF made this submission across a number of zones (Open Space, Urban Environment and Rural Environment). The submission is discussed in detail in the decision of the Hearings Panel dealing with the Open Space and Water Bodies. The submission point is accepted and the consequential changes are detailed in Appendix A.

Controlled Activity Matters of Control and Conditions (16.7.1) – Subdivision of Land

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submissions
---------	----------------	--------------------	---------------------

Sub No.	Submitter Name	Decision Requested	Further Submissions
117.15	New Zealand Historic Places Trust (NZHPT)	Amend Rule 16.7.1(a) (vi) as follows: Effects on significant sites and features, including natural, cultural, <u>archaeological</u> and historical sites.	
41.37	Powerco	Amend Rule 16.7.1(a)(iv) as follows The provision of servicing, including water supply, wastewater systems, stormwater management and disposal, streetlighting, telecommunications and electricity <u>and, where applicable, gas.</u>	

4.75 The above submission was evaluated by the reporting officer in section 4.39.2 of the reporting officer's report. No submitters expressed any opposition to that evaluation. We have reviewed the reporting officer's evaluation and we agree with it and adopt it as our reasons pursuant to Clause 10(2)(a) of Schedule 1 to the RMA. The reporting officer also recommended amendments be made to the Matters of Control for Subdivision and we adopt this recommendation as our decision pursuant to Clause 10(1) of Schedule 1 to the RMA.

Controlled Activity Matters of Control and Conditions (16.7.3) – Relocated Buildings

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submissions
40.16	House Movers Section of NZ Heavy Haulage Association Inc.	Delete Rule 16.7.3	
40.33	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 16.7.3(a)(iii).	

4.76 The decision relating to the submissions of NZ Heavy Haulage Associated Inc is included in 4.17-4.27 above. This submission seeks a consequential amendment from earlier submission points and we agree with the reporting officer's evaluation and adopt it as our reasons pursuant to Clause 10(2)(a) of Schedule 1 to the RMA.

Controlled Activity Matters of Control and Conditions (16.7.6) – Temporary Military Training Activities

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submissions
95.42	New Zealand Defence Force (NZDF)	Retain Controlled activity status. Amend Rule 16.7.6 by clarifying matters for control, especially in regards to noise.	

4.77 NZ Defence Force sought clarification of the Matters of Control for Controlled Activities. The reporting officer agreed and recommended changes so that they were more specific to temporary military activities. Ms Grace, appearing for NZDF agreed with changes made but sought that (iii) be reworded to make the meaning clearer. The reporting officer agreed with this matter and the redrafted wording of 16.7.6 was provided in their final right of reply dated 28th May 2013 which had been reviewed and agreed to by Ms Grace. We concur with the recommended changes as they directly address the effects of non-compliance.

Controlled Activity Matters of Control and Conditions (16.7.7) – Tararua Road Growth Area Overlay

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submissions
70.05	Future Map Limited	Amend Rule 16.7.7 as follows: (b) Conditions (ii) Any building fronting onto Tararua Road, or adjoining or facing across a road from the Tararua Road Growth Area Overlay residential area shall be set back from the boundary by not less than: · 10 metres from Tararua Road. · 8 metres from Tararua Road Growth Area Residential Area.	
70.06	Future Map Limited	Include new subclauses to Rule 16.7.7(b) as follows: ...16.7.7(b) (iii) <u>Any building located within the Low Impact Industrial Area overlay within the Tararua Growth Area shall be limited to offices, commercial activities and service activities including warehousing, storage and distribution activities but excluding the maintenance and refuelling of vehicles.</u> <u>16.7.7(b) (iv)</u> <u>All development undertaken within the Tararua Growth Area Structure Plan shall be in accordance with Design Guide contained in Schedule 5 of the Proposed Horowhenua District Plan.</u>	

4.78 The main decision on the submission points of Future Map is in section 4.93-4.102. Submission point 70 .05 is a consequential amendment as a result of the main decision and we agree with the reporting officer’s evaluation in section 4.42.2 and adopt it as our reasons pursuant to Clause 10(2)(a) of Schedule 1 to the RMA. Amendment to Rule 16.7.7 is appropriate to remove reference to setbacks from the Tararua Road Growth Area Overlay residential area as the residential area has been removed. The reporting officer agreed that setback from the residential area is no longer relevant and that the 10m setback from Tararua Road should be applied. Future Map and the reporting officer agreed that this setback should now also be applied to

Arapaepae Road. The hearing panel agreed that the setback from the residential area is redundant but that it is relevant and appropriate to have a 10m setback from these two roads.

4.79 In respect of submission point 70.06, Mr Harford responded to the reporting officer's report that commercial activities would be inconsistent with the objectives for the Industrial Zone. Mr Harford said that it was not their intention that provision be made for specific retail outlets but rather commercial activities ancillary to the Low Impact Industrial activities. They cited the example of an outdoor power equipment centre that offers servicing as part of the business that sells parts and equipment. They considered that this type of activity would be compatible within the Low Impact Industrial Zone. Following the hearing of evidence Mr Harford provided an example of a rule that he considered would be appropriate:

i) Retail Activity in the Industrial or Low Impact Industrial zone is limited to the following:

• Retail display and sales associated with a service or industrial activity shall be limited to goods produced or serviced/processed/manufactured on the site and may include only ancillary products to goods produced or serviced/processed/manufactured on the site.

The size of the retail area shall not

exceed a maximum gross floor area of ??m² located within buildings, except that this limitation shall not apply to:

- Outdoor display and sales including vehicle and machinery sales;

4.80 The reporting officer evaluated the rule in their reply and found that this rule was from the (Partially Operative Ashburton District Plan. The reporting officer pointed out that in fact this type of retailing is permitted in association with service activities.

Industrial Activity means the use of land or premises for the purpose of manufacturing, fabricating, processing, repair, packaging, storage, collection, or distribution of goods; and **includes the wholesale or retail sale of goods manufactured on the site.**

Commercial Garage/Vehicle Sales Yard means land or any premises where motor vehicles are sold, leased, hired, repaired, maintained, cleaned, re-fuelled, panelbeaten, overhauled, painted, or housed; **and includes the retail sale of motor vehicle accessories ancillary to that activity**, but excludes any garage or building used for the storage of any vehicles which is incidental to and secondary to the principal activity on the site and which is not operated for commercial reward.

Wholesale Trade means business engaged in sales to businesses, **and may include sales to general public**, but wholly consists of sales in one (1) or more of the following categories:

(a) Automotive and marine supplies

(b) Buildings supplies

(c) Garden and landscaping supplies

(d) Farming and agricultural supplies

(e) Hire services (excluding hire of books, DVD and video)

(f) Office furniture, equipment and systems supplies.

4.81 We agree that the Plan provides for retailing as requested and described by Future Map as it provides for service activities and retailing ancillary to these activities.

4.82 The reporting officer also recommended heavy industrial activity be a non-complying activity in the Tararua Road Growth Area Overlay Low Impact Industrial Zone as they are incompatible with the adjoining residential area and other activities in the Low Impact Industrial Area. Future Map agreed with this approach and the recommendation that a list of heavy industrial activities be appended to the Plan.

4.83 Future Map also sought a condition that development will be in accordance with the Design Guide for the Tararua Growth Area. The reporting officer commented that this is better applied as a matter of control as already provided for in the Plan. We concur with this as matters covered by Design Guides are subject to

interpretation as opposed to conditions which are fixed and measurable. We therefore accept in part submissions 70.05 and 70.06.

Matters of Discretion and Conditions for Restricted Discretionary Activities (16.8.4 and 16.8.5) – Land use and Subdivision Tararua Growth Area Overlay

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submissions
70.08	Future Map Limited	Retain Rule 16.8.4.	
70.09	Future Map Limited	Retain Rule 16.8.5.	

4.84 The main decision on the submission points of Future Map is in section 4.93-4.102. In relation to submission points 70.08 and 70.09, these were evaluated by the reporting officer in section 4.43.2 of the reporting officer's report. At the hearing the submitter agreed with the reporting officer's evaluation. We have reviewed the reporting officer's evaluation and we agree with it and adopt it as our reasons pursuant to Clause 10(2)(a) of Schedule 1 to the RMA. The reporting officer also recommended amendments be made to the Matters of Discretion for land use activities in the Tararua Road Growth Area Overlay and we adopt this recommendation as our decisions pursuant to Clause 10(1) of Schedule 1 to the RMA.

Chapter 16 Industrial Zone Rules – General Matters Raised

Submissions Received - Cross Reference to National Environmental Standards

Sub No.	Submitter Name	Decision Requested	Further Submissions
93.20	The Oil Companies	Retain the cross reference to National Environmental Standards in Chapter 16.	

4.85 The support for the cross reference to the National Environmental Standards by The Oil Companies is noted and their submission is accepted.

Submissions Received – Relocated Buildings

Sub No.	Submitter Name	Decision Requested	Further Submissions
40.07	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 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 consent:</u>	

		<u>i) proposed landscaping</u> <u>ii) the proposed timetable for completion of the work required to reinstate</u> <u>iii) the appearance of the building following reinstatement</u>	
--	--	--	--

4.86 The decision relating to the submissions of NZ Heavy Haulage Associated Inc is included in 4.17-4.27 above. This submission seeks a consequential amendment from earlier submission points and we agree with the reporting officer's evaluation and adopt it as our reasons pursuant to Clause 10(2)(a) of Schedule 1 to the RMA.

Submissions Received – Tararua Road Growth Area Overlay

Sub No.	Submitter Name	Decision Requested	Further Submissions
110.04	Fraser	No specific relief requested: Inferred: Amend the Tararua Road Growth Area Overlay setback provisions to provide appropriate residential protection from the industrial area.	523.03 Future Map Limited

4.87 The decisions on the submissions by Future Map are in section 4.93-4.102. As the residential area is to be removed from the Tararua Road Growth Area Overlay, the setback provisions are redundant and we agree with the reporting officer's evaluation in section 4.44.10 and adopt it as our reasons pursuant to Clause 10(2)(a) of Schedule 1 to the RMA.

Submissions Received – Earthwork Provisions on Heritage Sites

Sub No.	Submitter Name	Decision Requested	Further Submissions
117.26	New Zealand Historic Places Trust (NZHPT)	Amend Chapter 16 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.	

4.88 The above submission was evaluated by the reporting officer in section 4.44.14 of the reporting officer's report. No submitters expressed any opposition to that evaluation. We have reviewed the reporting officer's evaluation and we agree with it and adopt it as our reasons pursuant to Clause 10(2)(a) of Schedule 1 to the RMA.

Submissions Received – Network Utility Rules

Sub No.	Submitter Name	Decision Requested	Further Submissions
---------	----------------	--------------------	---------------------

78.08	Telecom New Zealand Ltd	Delete all Network Utility Rules and Standards within the Industrial Chapter, other than specific cross referencing to particular standards in the zone chapters where relevant and reasonably applicable to network utilities.	
79.08	Chorus New Zealand Ltd	Delete all Network Utility Rules and Standards within the Industrial Chapter, other than specific cross referencing to particular standards in the zone chapters where relevant and reasonably applicable to network utilities.	

4.89 The above submission was evaluated by the reporting officer in section 4.44.18 of the reporting officer's report. No submitters expressed any opposition to that evaluation. We have reviewed the reporting officer's evaluation and we agree with it and adopt it as our reasons pursuant to Clause 10(2)(a) of Schedule 1 to the RMA.

Chapter 25 Assessment Criteria – Residential Zone (25.3)

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submissions
94.32	NZ Transport Agency (NZTA)	Retain 25.3.1(f) as notified.	
94.33	NZ Transport Agency (NZTA)	Retain 25.3.9(c) as notified.	
94.35	NZ Transport Agency (NZTA)	Retain 25.2.4(a) 25.3.9(c) as notified.	
55.05	KiwiRail	Amend Assessment Criteria 25.3.4(b) as follows: Whether the proposed activity will have reverse sensitivity effects on adjacent activities or zones; <u>including on the operation of land transport networks, including railways.</u>	521.08 NZ Transport Agency - In-Part
55.07	KiwiRail	Amend Assessment Criteria 25.3.9(c) as follows: c) Whether the height and design of the fence would be perceived to have a negative impact on vehicle or pedestrian safety including <u>on level crossing sightlines and applying the principle of passive surveillance of the street (applying Crime Prevention Through Environment Design (CPTED) principles).</u>	521.07 NZ Transport Agency - Support

- 4.90 The support of NZTA for the assessment criteria is noted and their submissions accepted.
- 4.91 Ms Butler for KiwiRail tabled evidence at the hearing. She supported the reporting officer’s recommendation in respect of their submission 55.07 but opposed the recommended change to assessment criteria 25.3.4(b). The recommended amendment added *transport networks (rail and road)* to consideration of reverse sensitivity effects. The reason Ms Butler gave was that the amendment only addressed the physical location of the transport corridor and not the operational effects. She gave noise and vibration as examples of operational effects that extend beyond the corridor. In their right of reply the reporting officer agreed with Ms Butler and amended their recommendation to include reference to the operation of the network. The Hearing Panel agreed that the effects of transport networks extend beyond the boundaries of their location and the assessment criteria should reflect that. We therefore accept submissions 55.05 and 55.07.

Chapter 25 Assessment Criteria – Industrial Zone (25.4)

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submissions
37.06	Homestead Group Limited	Delete Assessment Criteria 25.4	

- 4.92 The above submission was evaluated by the reporting officer in section 4.46.3 of the reporting officer’s report. No submitters expressed any opposition to that evaluation. We have reviewed the reporting officer’s evaluation and we agree with it and adopt it as our reasons pursuant to Clause 10(2)(a) of Schedule 1 to the RMA.

Schedule 5 Tararua Road Growth Area

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submissions
70.00	Future Map Limited	Delete the proposed Tararua Growth Area Structure Plan. AND Include the Tararua Road Development - Zoning Master Plan.	
70.01	Future Map Limited	Amend Tararua Road Growth Area Design Guide as presented by submitter at future hearing.	
110.04	Fraser	No specific relief requested: Inferred: Amend the Tararua Road Growth Area Overlay setback provisions to provide appropriate residential protection from the industrial area.	523.03 Future Map Limited

- 4.93 The submissions by Future Map request changes to the provisions for the Tararua Road Growth Area Overlay (TRGAO). As new owners of the land they seek the rezoning of residential land to industrial and rural to industrial. There are number of other amendments sought including a new Master Plan, the introduction of a Low Impact Area, reserve/stormwater management area and a new design guide. A number of consequential

changes to the Proposed Plan are potentially required as a result of these changes. The TRGAO was established by Plan Change 17, (now operative) which identified this area as an appropriate location for the development of industrial activities in the district. Future Map now seek amendments to the provisions to deliver their aspirations for the area.

- 4.94 The amendments sought are consistent with the objectives and policies of the Proposed Plan. The Master Plan proposed by Future Map included land not owned by Future Map being 165 Tararua Road and 172 Arapaepae Road. No further submissions were received by the owners but the reporting officer considered that the rezoning of these properties would have significant consequences on the use of this land given the changes sought by Future Map. The reporting officer accordingly recommended that these properties not be rezoned. At the hearing, Mr Harford presenting evidence for Future Map stated that the owners may have wished to have their land rezoned but Future Map accepted the officer's recommendation in respect of this matter. The Hearings Panel agreed that the Master Plan should be amended accordingly.

There was general agreement between the reporting officer and the submitter in respect of the rezoning with the following matters outstanding as points of disagreement:

1. The provision for service activities and ancillary retail activity within the Low Impact Industrial Zone
2. Maximum height within the Industrial Zone
3. Access to Arapaepae Road (SH 57)
4. Maintenance and vesting of the landscaping strip along Tararua Road and Arapaepae Road
5. Width of the Buffer/Stormwater Area
6. Design Guide

These matters will be addressed in turn.

- 4.95 Future Map sought provision for commercial activities ancillary to a service activity in the Low Impact Industrial Area. David Harford in his evidence for Future Map gave the example of an *outdoor power equipment centre that offers servicing and maintenance of equipment but as part of the business sells parts and equipment*. The reporting officer responded that this type of retail activity is already provided for in the area through the activities permitted and the definition of these activities. For example, Industrial activities are permitted and the definition of this includes *the wholesale or retail sale of goods manufactured on site*. Commercial garages and vehicle sales yards are permitted and the definition includes *the retail sale of motor vehicle accessories*. Wholesale Trade is permitted and the definition includes *sales to the general public*. We concur with the reporting officer that the activities sought by Future Map are already provided for and no amendment is required to enable the establishment of the type of retailing envisaged by the submitter.
- 4.96 The reporting officer and the submitters agree that a maximum height of 10m is appropriate in the Low Impact Industrial Zone. Future Map requested that the maximum height limit in the Industrial Zone be 18m rather than the permitted 12m. In his evidence Mr Harford said that the height would allow for internal gantry and loading facilities. He said that this was a more efficient use of space than a building with a greater footprint and that a 12m height is too low to provide for adequate covered internal space. We asked for more information on the impact of the 18m height and Future Map provided cross sections showing the relationship between the adjoining residential area and the location of 18m high buildings in the Industrial Zone. These also show planting on the boundary to screen the area. Mr Harford said that a compromise would be 15m which would enable some flexibility in height.
- 4.97 In their right of reply, the reporting officer considered that the 12m height limit was consistent with the policy direction which refers to *moderate height (under three storeys)* as being appropriate in the Industrial Zone. They also looked at recent developments in adjacent districts and reported that these appeared to generally be less than 12m and occupied by a range of uses. They acknowledged that the maximum height in the Rural Zone is 15m but in their view, there would be few buildings achieving this height within the Rural Zone as they were most likely to be for specific purposes such as grain silos. The reporting officer also

contended that any such buildings would be singular to a farm rather than in an Industrial Zone where significant building coverage is possible. A further matter of concern to the reporting officer was that a 18m height limit would challenge a height hierarchy that has taller buildings at the centre of town with lower heights on the edges of the centre albeit that the 12m height permitted in the Industrial Zone is inconsistent with this. The reporting officer considered that the adjoining residential area would be affected by buildings of 18m height and that the planting proposed by Future Map on the boundary would not adequately screen buildings. They considered that 18m high buildings would adversely affect the character and amenity values of the area and public views from key roads. They acknowledged that taller buildings may be appropriate but should be dealt with through a resource consent process.

- 4.98 The cross sections provided by Future Map were helpful in considering the impacts on the adjoining residential area. Due to the setbacks from residential areas with the stormwater/buffer/open space reserve, the location of buildings is likely to be approximately 72m away. The submitter has also said that significant planting will occur within these areas and on the boundary. On the boundary with the Greenbelt Residential Zone to the east of the site there would be approximately a 28m setback. Coverage of the site will not achieve 100% due to the internal roading network and the setbacks both internally and on the boundaries. We agree that this provides generous mitigation of the visual effects of new buildings in the TRGAO but consider that this is necessary to address the significant change in character from rural to industrial. The issue of what height the buildings are is therefore important in terms of the degree to which they impact on the adjacent areas. We assume that in establishing the policy direction in respect of an appropriate height for the Industrial Zone, the relationship with adjoining zones, particularly residential would have been taken into account. We agree with the reporting officer that a 12m height is consistent with the policy direction and consider that an increase in this height would not be consistent with the urban form of the district and would if applied across this area have an impact on the visual amenity of the area. Applications can be made for buildings that exceed this height through a resource consent process and these will be considered against the design guide to determine the appropriateness of the proposal.
- 4.99 In his evidence Mr Harford said that Future Map accepted that no access would be permitted to Arapaepae Road. However, at the hearing Mr Mason for Future Map asked us to consider “leaving the door open” for access on to this road. We note that NZTA are opposed to access being allowed through discussions with the submitter and that provision has been made in the Proposed Plan for it as a non-complying activity. To this extent we agree with the reporting officer that the “door is open” for a connection and access to be made to Arapaepae Road through a resource consent being granted.
- 4.100 Landscaping strips are proposed along both Tararua Road and Arapaepae Road and there was some discussion as to who was going to own and maintain these. Mr Mason considered that they would be vested in the Council and in their report, the reporting officer believed that they would be maintained by the owners as they are within the property boundary. In the reporting officer’s right of reply, they commented that it would be consistent with management of other landscaping strips in the area, for Council to maintain them. However they acknowledged that this was a matter that would need to be resolved at the time of a subdivision application at which time any land to be vested in Council would need to be shown. We agree that this is a matter for negotiation with Council at the time of subdivision and not a matter for us to determine as part of this decision.
- 4.101 The Master Plan provides for a 60m buffer/stormwater area between the residential area and the Low Impact Industrial Area. The area is shown in the design guide but with no dimensions. We understand that the purpose of the areas is for stormwater attenuation and also to provide a noise, visual buffer between the residential activities and industrial activities. At the hearing the width of this buffer was discussed as it was uncertain at this stage, how the actual dimension can be determined. The actual requirements for stormwater attenuation will not be known until a subdivision design is prepared and it is also possible that more than one area may be necessary. The reporting officer in their right of reply considered that a width of 50-60m is an appropriate distance to reduce noise effects and reverse sensitivity effects and this was supported by acoustic engineering advice received by the submitter. We agree that as the actual stormwater requirements are unknown until a subdivision design is produced an indicative width should only be shown.

4.102 All activities in the TRGAO are a controlled activity. The matters of control require assessment against a Design Guide. While a design guide was included in Future Map’s submission the reporting officer commented that it did not cover all aspects of site layout and design and that it should be restructured for consistency with other design guides in the Plan. Future Map provided a revised design guide that addresses the matters recommended by the reporting officer. The hearing panel considered that the revised design guide provides a good framework to guide development as it occurs to achieve a high level of amenity within the area and in relation to its neighbours and the wider context.

Schedule 10 Medium Density Residential Development Guide

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submissions
110.07	Fraser	Include provision for visitor parking in higher density developments.	

4.103 The above submission was evaluated by the reporting officer in section 4.48.2 of the reporting officer’s report. No submitters expressed any opposition to that evaluation. We have reviewed the reporting officer’s evaluation and we agree with it and adopt it as our reasons pursuant to Clause 10(2)(a) of Schedule 1 to the RMA.

Planning Map 29 and 31

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submissions
70.02	Future Map Limited	Amend Planning Maps 29 and 30 to rezone the following parcels of land and adjoining properties from Industrial and Residential to Industrial and future Industrial, as shown on the Zoning Master Plan attached to the submission and includes the following properties: Lot 1 and 2 DP 45916, Lot 2 DP 341015, Lot 1 DP 30627, Pt Lot 1 DP 9882, Lot 1 DP 341015, Lot 1 and Lot 191 DP 52352, Lot 2 and 3 DP 30627	

4.104 The main decision on the submissions by Future Map is in section 4.93-4.102. This submission point is consequential to this decision and we agree with the reporting officer’s evaluation and adopt it as our reasons pursuant to Clause 10(2)(a) of Schedule 1 to the RMA.

Chapter 17 Commercial Zone – Permitted Activities (Rule 17.1)

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submissions
40.21	House Movers Section of NZ Heavy Haulage Association Inc.	Amend Rule 17.1 to include “ <u>The placement of any Relocated building and/or accessory building on any site subject to the conditions at [rule ref]</u> ”.	

Sub No.	Submitter Name	Decision Requested	Further Submissions
40.41	House Movers Section of NZ Heavy Haulage Association Inc.	Amend Rule 17.1(m) as follows: “The construction, alteration of, addition to, <u>removal, re-siting</u> and demolition of buildings and structures for any permitted activity”.	
73.00	McDonalds Restaurants (New Zealand) Limited	Amend Rule 17.1 to include 'Drive-Through Restaurant' as a permitted activity.	
95.04	New Zealand Defence Force (NZDF)	Retain as notified	

4.105 The decision on the submissions by House Movers Section of NZ Heavy Haulage Association Inc is in section 4.17-4.27. The decision in relation to the provisions for relocated buildings in all other zones also applies to the Commercial Zone. We agree with the reporting officer’s evaluation that the permitted activity status is not appropriate to control the effects of relocated buildings. The submission points 40.21 and 40.41 are consequential to the main decision and we agree with the reporting officer’s evaluation and adopt it as our reasons pursuant to Clause 10(2)(a) of Schedule 1 to the RMA.

4.106 Submission point 73.00 was evaluated by the reporting officer in section 4.50.2 of the reporting officer’s report. No submitters expressed any opposition to that evaluation. We have reviewed the reporting officer’s evaluation and we agree with it and adopt it as our reasons pursuant to Clause 10(2)(a) of Schedule 1 to the RMA.

4.107 The support for Rule 17.1 by NZ Defence Force is noted and the submission accepted.

Controlled Activities – Commercial Zone (17.2)

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submissions
40.19	House Movers Section of NZ Heavy Haulage Association Inc.	Delete Rule 17.2(c)	

4.108 The decision relating to the submissions of NZ Heavy Haulage Associated Inc is included in 4.17-4.27 above. This submission seeks a consequential amendment from earlier submission points and we agree with the reporting officer’s evaluation and adopt it as our reasons pursuant to Clause 10(2)(a) of Schedule 1 to the RMA.

Restricted Discretionary Activities (17.3) and Discretionary Activities (17.4) – Commercial Zone

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submissions
---------	----------------	--------------------	---------------------

Sub No.	Submitter Name	Decision Requested	Further Submissions
71.01	Progressive Enterprises Limited	Amend Rule 17.3 as follows: Insert <u>...(g) Supermarkets within a Large Format Retail Overlay Area.</u>	
71.00	Progressive Enterprises Limited	Delete Rule 17.4(c).	
117.22	New Zealand Historic Places Trust (NZHPT)	Amend Rule 17.4 to include subdivisions that negatively impact on the heritage values of any sites listed in Schedule 2.	

4.109 Progressive Enterprises sought that supermarkets within a large format retail overlay area be provided for as a restricted discretionary activity rather than a discretionary activity as proposed. The Plan requires that retail activities over 3000m² are a discretionary activity and Progressive Enterprises sought that this threshold be deleted as they considered it to be an arbitrary size and not consistent with new generation supermarkets. In their S42A report the reporting officer commented that Council wishes to control the effects of large format retailing on the vitality of smaller retail areas and the immediate area and that is why the Plan identifies specific areas for this activity. They also said that the threshold had been set at 3000m² as in their experience, above this size, Council needed to assess the effects which they said were potentially streetscape, traffic and town centre vitality. Having said this they then considered that the as the effects were generally known it would be appropriate for supermarkets to be provided for as a restricted discretionary activity. They recommended amendments to the Plan to enable this while still retaining retail activities over 3000m² (other than supermarkets) as a discretionary activity:

1. Rule 17.3 providing for supermarkets as a restricted discretionary activity in the Large Format Retail Overlay Area
2. Rule 17.4(c) excluding supermarkets from Discretionary Activities
3. Rule 17.8.8 adding matters of discretion for the consideration of supermarkets within the Large Format Retail Overlay Area
4. Adding a new policy providing guidance for the location and design of supermarkets

4.110 Mr Foster for Progressive Enterprises tabled evidence at the hearing which said that they accepted and supported the recommended amendments. The hearings panel agreed that as the effects can be identified it is appropriate that they be provided as a restricted discretionary activity. We accordingly accept in part submissions 71.01 and 71.00.

4.111 In respect of the submission from NZHPT this matter is already provided for in the Plan and therefore their submission 117.22 is accepted in part.

Permitted Activity Standards (17.6) – General

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submissions
25.05	Michael White	Amend Permitted Activity Conditions 17.6 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 Commercial zone.	525.21 Maurice and Sophie Campbell - Support

Sub No.	Submitter Name	Decision Requested	Further Submissions
26.11	Horowhenua Astronomical Society Inc.	Amend Permitted Activity Conditions 17.6 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 Commercial Zone.	
27.20	Horizons Regional Council	<p>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</p> <p>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.</p>	
40.22	House Movers Section of NZ Heavy Haulage Association Inc.	<p>Include the following performance standards/conditions (or to the same or similar effect) for relocated buildings:</p> <p>Permitted Activity Standards for Relocated Buildings</p> <p><u>i) Any relocated building intended for use as a dwelling (excluding previously used garages and accessory buildings) must have previously been designed, built and used as a dwelling.</u></p> <p><u>ii) A building pre-inspection report shall accompany the application for a building consent for the destination site. That report is to identify all reinstatement works that are to be completed to the exterior of the building.</u></p> <p><u>iii) The building shall be located on permanent foundations approved by building consent, no later than [2] months of the being moved to the site.</u></p> <p><u>iv) All other reinstatement work required by the building inspection report and the building consent to reinstate the exterior of any relocated dwelling shall be completed with [12] months of the building being delivered to the site. Without limiting (iii) (above) reinstatement work is to include connections to all infrastructure services and closing in and</u></p>	

Sub No.	Submitter Name	Decision Requested	Further Submissions
		<u>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>	
95.19	New Zealand Defence Force (NZDF)	Retain the removal of conditions as notified	

4.112 The decision relating to the submissions of NZ Heavy Haulage Associated Inc is included in 4.17-4.27 above. This submission seeks a consequential amendment from earlier submission points and we agree with the reporting officer's evaluation and adopt it as our reasons pursuant to Clause 10(2)(a) of Schedule 1 to the RMA.

4.113 The support for Rule 17.6 by NZ Defence Force is noted and the submission accepted.

4.114 The above submissions were evaluated by the reporting officer in section 4.53.2 of the reporting officer's report. No submitters expressed any opposition to that evaluation. We have reviewed the reporting officer's evaluation and we agree with it and adopt it as our reasons pursuant to Clause 10(2)(a) of Schedule 1 to the RMA. The reporting officer also recommended amendments be made to Rule 17.6 inserting a permitted activity condition on lightspill and we adopt this recommendation as our decisions pursuant to Clause 10(1) of Schedule 1 to the RMA.

Permitted Activity Standard (17.6.1) Maximum Building Height

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submissions
71.02	Progressive Enterprises Limited	Amend Rule 17.6.1(c) as follows: Outside of the Pedestrian Overlay Area in all towns, no part of any building shall exceed a height of 8m <u>9m provided that supermarket platforms to a height of 9.8m shall be permitted where such platforms occupy less than 10% of the overall roof area.</u>	

4.115 The above submissions were evaluated by the reporting officer in section 4.54.2 of the reporting officer's report. Mr Foster for Progressive Enterprises tabled evidence at the hearing. He said that while they still had concerns with the proposed height limit, they accepted it on the understanding that an exception could be sought and granted for roof plant up to 9.8m. The definition of height excludes, amongst other items, lift towers and machinery rooms provided that they do not measure more than 2m horizontally and more than 1.5m above the maximum height of the building. To this extent, Progressive Enterprises' concerns are addressed and beyond this an application for a resource consent would be necessary. We therefore reject submission 71.02.

Permitted Activity Standard (17.6.2) – Building Frontage and Size

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submissions
---------	----------------	--------------------	---------------------

Sub No.	Submitter Name	Decision Requested	Further Submissions
71.03	Progressive Enterprises Limited	Amend Rule 17.6.2(b) as follows: Insert <u>(iv) No blank wall maximum length limits shall apply to walls that otherwise do not front or face a street.</u>	
108.07	HDC (Planning Department)	Amend Rule 17.6.2 parts (b) and (c) as follows : (b) <u>In Levin</u> outside the Pedestrian Overlay Area in Levin , the following conditions apply: (c) <u>In Foxton</u> outside the Pedestrian Overlay Area in Foxton , the following conditions apply:	
108.30	HDC (Planning Department)	Amend Rule 17.6.2(d)(iii) as follows: The area between <u>the front road boundary</u> and any on-site carpark and the front road boundary <u>with a frontage of more than 6 metres</u> shall include a landscape strip. This landscaping strip shall comply with the following conditions:	

4.116 The above submissions were evaluated by the reporting officer in section 4.55.2 of the reporting officer's report. Mr Foster for Progressive Enterprises tabled evidence at the hearing. He said that Progressive Enterprises appreciated the reporting officer's clarification of this point and withdrew their submission. In respect of the submission points by HDC Planning Department, we have reviewed the reporting officer's evaluation and we agree with it and adopt it as our reasons pursuant to Clause 10(2)(a) of Schedule 1 to the RMA. The reporting officer also recommended amendments be made to Rule 17.6.2 and 17.6.2 (d) (iii) to provide clarity and greater certainty for the application of the rules and we adopt this recommendation as our decisions pursuant to Clause 10(1) of Schedule 1 to the RMA.

Permitted Activity Standard (17.6.3) - Verandahs

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submissions
71.04	Progressive Enterprises Limited	Retain Rules 17.6.3(a) and 17.6.3(b).	

4.117 The support for Rule 17.6.3 by Progressive Enterprises Limited is noted and their submission is accepted.

Permitted Activity Standard (17.6.5) - Signs

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submissions
---------	----------------	--------------------	---------------------

Sub No.	Submitter Name	Decision Requested	Further Submissions
71.05	Progressive Enterprises Limited	Amend Rule 17.6.6(a) as follows: Insert <u>(vi) Pylon stands to a maximum height of 9m and a width of 3.3m with a maximum face area of 58m² (two faces) within a Large Format Retail Overlay Area.</u>	
108.04	HDC (Planning Department)	Amend Rule 17.6.5(a)(iv) 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.	

4.118 The above submissions were evaluated by the reporting officer in section 4.57.2 of the reporting officer's report. We note that the reference in the summary of the submission to 17.6.6(a) should read 17.6.5(a). In his evidence Mr Foster for Progressive Enterprises accepted that pylon signs are included in the definition of advertising signs and that this is permitted in the Commercial Zone. He did however suggest that the Hearing Panel consider including "free standing signs" in the definition. We do not consider this necessary as they are already provided for and we therefore reject submission 71.05. In respect of the submission by HDC Planning Department, we have reviewed the reporting officer's evaluation and we agree with it and adopt it as our reasons pursuant to Clause 10(2)(a) of Schedule 1 to the RMA. The reporting officer also recommended an amendment be made to Rule 17.6.5(a)(iv) in order to clarify the intent of the standard and we adopt this recommendation as our decision pursuant to Clause 10(1) of Schedule 1 to the RMA.

Permitted Activity Standard (17.6.6) - Noise

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submissions
5.04	Elaine Gradock	No specific relief requested. Inferred: Retain proposed Rule 17.6.6(a)(i) noise limits.	
95.28	New Zealand Defence Force (NZDF)	Amend Rule 17.6.6(d) as follows: The noise limits in Rule 17.6.6(a) <u>and the provision of Rule 17.6.6 (b)</u> shall not apply to... Temporary Military Training Activities.	
108.35	HDC (Planning Department)	Rule 17.6.6(e)(iv) Vehicles being driven on a road (within the meaning of Section 2(1) of the Transport Act 1962), or within a site as part of or compatible with a normal residential commercial activity.	

4.119 The above submissions were evaluated by the reporting officer in section 4.58.2 of the reporting officer’s report. No submitters expressed any opposition to that evaluation. We have reviewed the reporting officer’s evaluation and we agree with it and adopt it as our reasons pursuant to Clause 10(2)(a) of Schedule 1 to the RMA. The reporting officer also recommended an amendment be made to Rule 17.6.6 in order to clarify the intent of the standard and to Permitted Activity Standard 17.6.6 –Noise to provide consistency between exemptions. We adopt this recommendation as our decision pursuant to Clause 10(1) of Schedule 1 to the RMA.

Permitted Activity Standard (17.6.7) – Noise Insulation

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submissions
5.05	Elaine Gradock	No specific relief requested. Inferred: Retain proposed Rule 17.6.7 noise insulation.	

4.120 The support for Rule 17.6.7 by Elaine Gradock is noted and her submission is accepted.

Permitted Activity Standards (17.6.8) - Vibration

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submissions
95.38	New Zealand Defence Force (NZDF)	Retain Rule 17.6.8 as notified (conditionally).	

4.121 While originally being neutral in respect of this rule, NZ Defence Force 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 that 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, Ms Grace stated that NZDF accepts the reporting officer’s recommendation and that they would not pursue this exemption. We therefore accept in part submission point 95.38.

Permitted Activity Standard (17.6.25) – Temporary Military Training Activities

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submissions
95.09	New Zealand Defence Force (NZDF)	Retain Rules 17.6.25(a)(i) as notified.	
95.52	New Zealand Defence Force (NZDF)	Retain Rules 17.6.25(a)(ii) as notified.	
95.14	New Zealand Defence Force (NZDF)	Retain Rule 17.6.25 (a) (iii) as notified	

Sub No.	Submitter Name	Decision Requested	Further Submissions
95.23	New Zealand Defence Force (NZDF)	Retain Rules 17.6.25 (iv) (v) as notified (conditionally)	
95.33	New Zealand Defence Force (NZDF)	Include current provisions in the District Plan in regards to night time noise, which state; Impulse Noise Resulting from the use of explosives and small arms is not to exceed 122 dBC.	

4.122 The support for Rule 17.6.25 (a)(i), 17.6.25(a)(ii), 17.6.25(a)(iii), 17.6.25(a)(iv) and (v) by NZ Defence Force is noted and their submission is accepted.

4.123 In respect of submission point 95.33 NZDF made this submission across a number of zones (Open Space, Urban Environment and Rural Environment). The submission is discussed in detail in the decision of the Hearings Panel dealing with the Open Space and Water Bodies. The submission point is accepted and the consequential changes are detailed in Appendix A.

Controlled Activity Matters of Control and Conditions (17.7.1) – Submission of Land

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submissions
117.16	New Zealand Historic Places Trust (NZHPT)	Amend Rule 17.7.1(a) (vi) as follows: Effects on significant sites and features, including natural, cultural, archaeological and historical sites.	
41.38	Powerco	Amend Rule 17.7.1(a)(iv) as follows The provision of servicing, including water supply, wastewater systems, stormwater management and disposal, streetlighting, telecommunications and electricity and, where applicable, gas.	

4.124 The above submissions were evaluated by the reporting officer in section 4.62.2 of the reporting officer's report. We have reviewed the reporting officer's evaluation and we agree with it and adopt it as our reasons pursuant to Clause 10(2)(a) of Schedule 1 to the RMA. Powerco tabled evidence at the hearing and in respect of this point they stated that they were satisfied that their submission had been given effect to. The reporting officer also recommended amendments be made to Rule 17.7.1 to provide for consideration of the effects of subdivision on archaeological sites and the provision of servicing including gas and we adopt this recommendation as our decisions pursuant to Clause 10(1) of Schedule 1 to the RMA.

Controlled Activity Matters of Control and Conditions (17.7.3) – Relocated Buildings

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submissions
40.20	House Movers Section of NZ Heavy Haulage Association Inc.	Delete Rule 17.7.3	

Sub No.	Submitter Name	Decision Requested	Further Submissions
40.34	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 17.7.3(a)(iii).	

4.125 The decision on the submissions by House Movers Section of NZ Heavy Haulage Association Inc is in section 4.17-4.27. These are consequential changes to the main submission points and we agree with the reporting officer's evaluation and adopt it as our reasons pursuant to Clause 10(2)(a) of Schedule 1 to the RMA.

Controlled Activity Matters of Control and Conditions (17.7.6) – Temporary Military Training Activities

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submissions
95.43	New Zealand Defence Force (NZDF)	Retain Controlled activity status. Amend Rule 17.7.6 by clarifying matters for control, especially in regards to noise.	

4.126 NZ Defence Force sought clarification of the Matters of Control for Controlled Activities. The reporting officer agreed and recommended changes so that they were more specific to temporary military activities. Ms Grace, appearing for NZDF agreed with changes made but sought that (iii) be reworded to make the meaning clearer. The reporting officer agreed with this matter and the redrafted wording of 17.7.6 was provided in their final right of reply dated 28th May 2013 which had been reviewed and agreed to by Ms Grace. We concur with the recommended changes as they directly address the effects of non-compliance and accept in part submission point 95.43.

Chapter 17 Commercial Zone Rules – General Matters Raised

Submissions Received – Air Quality

Sub No.	Submitter Name	Decision Requested	Further Submissions
3.02	Matthew Thredgold	Include a provision that prohibits the installation of new solid fuel wood burners, solid fuel stoves and heaters and have provisions for phasing out and eventually prohibiting the use of solid fuel wood burners, solid fuel stoves and heaters in the Commercial Zone.	528.03 Horizons Regional Council - Oppose

4.127 The above submissions were evaluated by the reporting officer in section 4.65.2 of the reporting officer's report. No submitters expressed any opposition to that evaluation. We have reviewed the reporting officer's evaluation and we agree with it and adopt it as our reasons pursuant to Clause 10(2)(a) of Schedule 1 to the RMA.

Submissions Received – Rezoning of Residential Properties

Sub No.	Submitter Name	Decision Requested	Further Submissions
---------	----------------	--------------------	---------------------

Sub No.	Submitter Name	Decision Requested	Further Submissions
51.01	Waitarere Beach Progressive & Ratepayers Association (WBPRA)	No relief specified. Inferred: ensure that residential activities and development can continue on the existing residential sites identified for commercial zoning.	

4.128 The above submissions were evaluated by the reporting officer in section 4.65.6 of the reporting officer's report. No submitters expressed any opposition to that evaluation. We have reviewed the reporting officer's evaluation and we agree with it and adopt it as our reasons pursuant to Clause 10(2)(a) of Schedule 1 to the RMA. The reporting officer also recommended amendments be made to Rule 17.6.2(d) to exempt residential buildings from the display window requirement and we adopt this recommendation as our decision pursuant to Clause 10(1) of Schedule 1 to the RMA.

Submissions Received – Cross Reference to National Environmental Standards

Sub No.	Submitter Name	Decision Requested	Further Submissions
93.21	The Oil Companies	Retain the cross reference to National Environmental Standards in Chapter 17.	

4.129 The support for the cross reference to the National Environmental Standards by The Oil Companies is noted and their submission is accepted.

Submissions Received – Relocated Buildings and Dwellings

Sub No.	Submitter Name	Decision Requested	Further Submissions
40.08	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 consent:</u> <u>i) proposed landscaping</u> <u>ii) the proposed timetable for completion of the work required to reinstate</u> <u>iii) the appearance of the building following reinstatement</u>	

4.130 The decision relating to the submissions of NZ Heavy Haulage Associated Inc is included in 4.17-4.27 above. This submission seeks a consequential amendment from earlier submission points and we agree with the reporting officer's evaluation and adopt it as our reasons pursuant to Clause 10(2)(a) of Schedule 1 to the RMA

Submissions Received – Earthwork Provisions for Heritage Sites

Sub No.	Submitter Name	Decision Requested	Further Submissions
117.27	New Zealand Historic Places Trust (NZHPT)	Amend Chapter 17 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.	

4.131 The above submissions were evaluated by the reporting officer in section 4.65.18 of the reporting officer’s report. No submitters expressed any opposition to that evaluation. We have reviewed the reporting officer’s evaluation and we agree with it and adopt it as our reasons pursuant to Clause 10(2)(a) of Schedule 1 to the RMA.

Submissions Received – Network Utility rules

Sub No.	Submitter Name	Decision Requested	Further Submissions
79.09	Chorus New Zealand Ltd	Delete all Network Utility Rules and Standards within the Commercial Chapter.	
78.09	Telecom New Zealand Ltd	Delete all Network Utility Rules and Standards within the Commercial Chapter, other than specific cross referencing to particular standards in the zone chapters where relevant and reasonably applicable to network utilities.	

4.132 The above submissions were evaluated by the reporting officer in section 4.65.22 of the reporting officer’s report. No submitters expressed any opposition to that evaluation. We have reviewed the reporting officer’s evaluation and we agree with it and adopt it as our reasons pursuant to Clause 10(2)(a) of Schedule 1 to the RMA.

Submissions Received – Commercial-Residential Interface Provisions

Sub No.	Submitter Name	Decision Requested	Further Submissions
114.01	Gary Spelman	Amend Chapter 17 to ensure the following issues are specified with regard to future commercial developments occurring on a Residential Zone boundary: Single level low profile structure with high degree of articulation; limit on the maximum site coverage with specific setback requirements on zone boundary; consideration of operational aspects of planned commercial activity with respect to delivery hours, positioning of extraction and like systems and positioning of off-street	

		parking, hours of operation; noise and vibration; and respect for environment.	
--	--	--	--

4.133 Mr Spelman attended the hearing and Mr West spoke to Mr Spelman’s submission on his behalf. Mr Spelman had experienced disturbance from neighbouring commercial activities and objected to the proposed rezoning of the adjacent properties on Exeter and Bristol Streets. This submission and the related decision are addressed in General Matters – Planning Maps. Mr Spelman sought that if the rezoning was upheld, controls would be included on commercial developments where they adjoin residential zones. The reporting officer considered that the provisions of the Plan adequately provided addressed the mitigation of effects from commercial activities where they adjoined the residential zone. Rule 17.6.4 specifically addresses this matter and requires that:

1. Buildings must comply with the residential zone daylight setback
2. All buildings and structures must be setback 4.5m from the residential zone boundary
3. All outdoor areas must be screened by a fence
4. Servicing can only occur between 7am and 9pm.

4.134 The Plan also controls noise and vibration which, in addition to servicing, are the main effects on residential properties. Noise levels have to be contained within the commercial site and if they extend beyond the boundary, the noise standard of the residential zone applies.

4.135 The hearing panel accepted Mr Spelman’s invitation for a site visit and we appreciated being shown around his property and through his carefully restored home. We noted that his house was setback some distance from the boundary of the property proposed to be rezoned and there was also a shed and garage on that boundary. While we appreciate Mr Spelman’s concerns we did consider that the Plan provides for the potential effects to be managed. In particular the building setback from the boundary and compliance with the residential daylight setback will mean that any building will be of a similar height as a residential building while being further away from the boundary. Accordingly we accept in part submission 114.01.

Chapter 25 – Assessment Criteria

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submissions
71.07	Progressive Enterprises Limited	Amend 25.5.1 as follows: Insert <u>...(o) The extent to which the functional and operational requirements of supermarkets, including but not limited to the following:</u> <u>Visibility of the store and related parking;</u> <u>Relationship of the site to the placement of the supermarket, building, customer parking area and store entry;</u> <u>Adequate and easily accessible heavy goods servicing; and</u> <u>The necessary restrictions on the extent of exterior glazing;</u> <u>Have been taken into account when assessing compliance with criteria (a) to (n) of section 25.5.1.</u>	510.00 McDonald's Restaurants Ltd - Support

Sub No.	Submitter Name	Decision Requested	Further Submissions
71.08	Progressive Enterprises Limited	Retain 25.5.2, 25.5.3, 25.5.4 provided criterion (o), clause (g) is adapted.	
71.09	Progressive Enterprises Limited	Amend 25.5.6(a)(vii) as follows: ...The extent to which verandahs have been incorporated as an integral part of the design, to establish a strong relationship with pedestrians and so that the shop fronts appear obvious and accessible <u>provided that such criterion shall not apply to supermarkets...</u>	
71.10	Progressive Enterprises Limited	Retain 25.7.11.	

4.136 The above submissions were evaluated by the reporting officer in section 4.66.2 of the reporting officer's report. Progressive Enterprises tabled evidence at the hearing and said that they supported the amendment proposed by the reporting officer and would not pursue the other relief sought in their submission. We have reviewed the reporting officer's evaluation and we agree with it and adopt it as our reasons pursuant to Clause 10(2)(a) of Schedule 1 to the RMA. The reporting officer also recommended amendments be made to Assessment Criteria 25.5.1 to include consideration of the functional and operational requirements of supermarkets and we adopt this recommendation as our decision pursuant to Clause 10(1) of Schedule 1 to the RMA.

Chapter 26 Definitions – New Definition “Drive-Through Restaurant”

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submissions
73.01	McDonalds Restaurants (New Zealand) Limited	Include definition for “Drive-Through Restaurant” as follows: <u>Drive-Through Restaurant means any land and/or building with a drive-through service on or in which food and beverages are prepared, served and sold to the public for consumption on or off the premises and may include an ancillary café and /or playground area.</u>	

4.137 The above submission was evaluated by the reporting officer in section 4.67.2 of the reporting officer's report. No submitters expressed any opposition to that evaluation. We have reviewed the reporting officer's evaluation and we agree with it and adopt it as our reasons pursuant to Clause 10(2)(a) of Schedule 1 to the RMA.

Schedule 9 – Foxton and Shannon Town Centre Design Guide

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submissions
71.12	Progressive Enterprises Limited	Amend Section 4.1 as follows: Insert <u>7. Notwithstanding the foregoing guidelines, where practicable such provisions shall not generally apply to supermarkets because of their functional and operational characteristics.</u>	

4.138 The above submission was evaluated by the reporting officer in section 4.68.2 of the reporting officer’s report. No submitters expressed any opposition to that evaluation. We have reviewed the reporting officer’s evaluation and we agree with it and adopt it as our reasons pursuant to Clause 10(2)(a) of Schedule 1 to the RMA.

Chapter 18 Greenbelt Residential Zone

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submissions
26.12	Horowhenua Astronomical Society Inc.	Amend Permitted Activity Conditions 18.6 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 Greenbelt Residential Zone.	
117.17	New Zealand Historic Places Trust (NZHPT)	Amend Rule 18.7.1(e) as follows: Effects on significant sites and features, including natural, cultural, archaeological and historical sites.	
93.22	The Oil Companies	Retain the cross reference to National Environmental Standards in Chapter 18.	

4.139 The Horowhenua Astronomical Society, NZHPT and the Oil Companies made the same submission points across all zones and as a result this has captured Chapter 18 Greenbelt Residential Zone. This chapter was reviewed as part of Plan Change 21 and this was not operative at the time the Proposed Plan was notified. These submission points are therefore out of scope for the review of the District Plan. The reporting officer indicated that a plan change is likely to be undertaken after the Proposed Plan decision is notified so that the changes made as a result of Plan Change 21 are incorporated in the Plan. At this time the matters raised by the submitters could be addressed. We therefore reject the submissions.

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 Urban Environment and Residential, Industrial and Commercial Zones 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.



Jane Black



Cr Garry Good



Cr David Allan

Dated: 23 September 2013

APPENDIX A: Proposed Plan as amended by Hearing Decisions

Chapter 6 Urban Environment

Amend the Introduction of Chapter 6 by adding further description to the Hokio Beach section to read as follows:

Hokio Beach

The settlement extends along the narrow valley of the Hokio Stream which discharges surplus waters from Lake Horowhenua out to sea. On the northern side of the stream mouth was Te Ua-mairangi, a high grassed hill on which stood the first of the tall carved posts (pou rahui) that defined the boundaries of the Mua-Upoko territory. One of the lagoons connected with the hydrographic system of Lake Horowhenua - Pakau-hokio, translates to "the wing of the Hiko". Hokioi (*Harpaqornis moorei*) was a great bird of prey and it is thought that a breeding ground for the bird was located on the rockfaces of the Tararuas directly opposite Hokio.

The topography in this area is low-lying and surrounded by relatively young and unstable sand dunes. The nature of the coastal geology and location at the mouth of the Hokio Stream have confined the size of the settlement and high ground water means that surface-water ponding is a potential constraint on further development within the settlement.

Historically, the high water table was more of an advantage than a constraint for Maori, who dammed areas to enable wider transport by waka. Like other rivers and streams along the coastline, the Hokio Stream was used by Maori and pakeha settlers alike for loading, unloading, and the building of boats. Every 10 miles or so accommodation houses provided a place for the coach service to change horses and for passengers to refresh. The Hokio Accommodation House, was the largest of such houses along the Kapiti coast and provided an important link between colonial society and the Maori inhabitants of the immediate coastal area for trading and hospitality.

The settlement has developed as a beach holiday destination with a landscape character derived from the high proportion of baches, close proximity to the beach and sand soil, and coastal sand vegetation, with narrow roads and unformed berm areas. Water supply and sewage disposal are provided independently on each site. Average section size is therefore medium-large.

Amend Policy 6.1.4 as follows:

"Ensure that all developments within the urban settlements provide:

Water supply suitable for human consumption and fire fighting;

- Facilities for the collection, treatment, and disposal of sewage and other wastes in a manner that maintains community and environmental health; ~~and~~
- For the collection and disposal of surface-water run-off in a way which avoids worsening any localised inundation; ~~and~~
- The ability to provide an energy supply, whether this is through connecting to a secure electricity or gas supply, or through an alternative method generated on-site. "

Issue 6.2 Tararua Road Growth Area

Amend the Urban Environment Policy Framework for the Tararua Road Growth Area as follows:

Issue 6.2 TARARUA ROAD GROWTH AREA

The provision for and management of industrial growth in South East Levin.

ISSUE DISCUSSION

Between 1999 and 2006 Levin has seen considerable change in the demand for land for urban development. From a low growth situation in the late 1990s increasingly competitive land prices have seen a significant change in demand for both rural residential land and for urban density development. In addition there has been a growing demand for industrial land in Levin from both local and the wider region because of constrained land supply in competing centres such as Palmerston North and Wellington.

One of the appropriate means of providing opportunities for growth and further development of Levin is to zone additional land for ~~both industrial and residential~~ activities. One of the most suitable areas for peripheral urban growth is on the southern edge of the urban area north of Tararua Road and west of Arapaepae Road.

This is an area of approximately 50 hectares of flat land with no significant development constraints other than careful management of stormwater discharges to ground, protection of adjoining residential areas and adjacent rural areas, and, to some extent, road access. There is an opportunity to contribute to the provision of existing and future demand for ~~both residential and~~ industrial activities. ~~Initially it~~ is proposed to enable the development of ~~38~~ 50 hectares of this area which will contribute significantly to land supply over the next 10-15 years and potentially longer term.

This land forms a strategic growth node for Levin and the quality of development is important to the overall quality of the environment of the town. State Highway 57 is an important strategic transport corridor and currently forms the major route for Palmerston North to Wellington traffic. Therefore, development in the vicinity of this route will influence other activities within the District.

It is also important that development of this area is planned in a manner that avoids adverse effects on the safe and efficient functioning of the highway. The Tararua Road intersection has formerly had a poor safety record and recent design improvements have significantly reduced crashes at this intersection. Roading infrastructure will need to be upgraded as the area develops including upgrading of the intersections with State Highways.

~~Neighbourhood facilities/centre~~

~~Providing retail facilities to meet local community needs (such as a dairy, a café and / or bakery and a fast food takeaway) along with community facilities and open space will contribute towards the creation of a successful community, and could also benefit adjacent neighbourhoods and communities. These facilities could be integrated successfully with the proposed industrial area, and help create an environment that stimulates inward investment and economic development. These uses should be grouped together to create a community centre, a focus for activity. A preferred location for this use is at the centre of the residential zone and adjacent/close to the industrial zone.~~

~~However, care must be taken to ensure that the scale of any such retail facilities do not undermine existing commercial activity within Levin's town centre (commercial centre zones).~~

Retail facilities provided as a neighbourhood centre could comprise of the following uses:

- ~~Café~~
- ~~Dairy (with or without a liquor licence)~~
- ~~Bakery~~
- ~~Butchers~~
- ~~Hairdresser~~
- ~~Fast food take away~~
- ~~Pub / Bar~~
- ~~Restaurant~~
- ~~Post office~~
- ~~Estate agent and / or other professional services~~

~~Maximum unit sizes should typically be around 150m² (net) in size. There should be scope to exceed this size, where grocery and food retail units of 400 to 500m² are now considered to be the minimum in order to be viable.~~

~~Careful consideration of potential impacts on the town centre is needed, particularly should the cumulative amount of retail floor space at the centre exceed 700m² (net).~~

Objectives & Policies

Objective 6.2.1 Tararua Road Growth Area

~~Promotion of urban peripheral growth to the south of Levin to enable development opportunities within a sustainable management framework.~~

To provide for efficient use and development in the Tararua Road Growth Area in an integrated, coordinated and cost effective way with the existing industrial area, while avoiding adverse effects on adjoining residential areas and adjacent rural areas, and maintaining the safety and efficiency of the local and State Highway roading networks.

Policy 6.2.2

~~Enable urban growth on land north of Tararua Road and west of Arapaepae Road in accordance with the Tararua Road Growth Area Structure Plan.~~

Provide for industrial development in south-east Levin through an extended Industrial Zone with Arapaepae Road (State Highway 57) and Tararua Road forming the boundaries of this zoning and identify as a specific urban growth area (Tararua Road Growth Area).

Policy 6.2.3

~~Provide opportunities within the Structure Plan for planned areas of industrial and residential activities.~~

Manage subdivision and development within the Tararua Road Growth Area through applying a specific management framework including a Structure Plan to ensure a structured and integrated pattern of development that is efficient and environmentally sustainable.

Policy 6.2.4

Ensure that development is of a high quality and that adverse effects on the State Highways are avoided.

~~**Policy 6.2.5**~~

~~Promote the development of a neighbourhood centre within the Tararua Road Growth Area that provides a mix of activities within a high quality environment, including open space and local housing.~~

New Policy 6.2.X

Manage the actual and potential adverse effects on the environment from new industrial activity through the resource consent process using the Structure Plan and Design Guide to ensure the amenity of the industrial area reflects the outcomes set in the Design Guide and the Industrial Zone, as well as protecting the amenity values and character of the adjoining residential and adjacent rural areas.

New Policy 6.2.X

Manage all stormwater generated from the Tararua Road Growth Area Overlay through use of low impact urban design principles, including the provision a dual purpose stormwater / recreation reserve buffer between the industrial area and adjoining residential area.

New Policy 6.2.X

Ensure the safety and efficiency of Tararua Road is maintained as a result of new road connections and property access and the increased generation of traffic from the Tararua Road Growth Area Overlay, and discourage heavy vehicle movements through streets in the adjoining residential area.

New Policy 6.2.X

Restrict access to Arapaepae Road (State Highway 57) from the Tararua Road Growth Area to protect the safety and efficiency of this road from the adverse effects of land use activities, subdivision and development.

Explanation and Principal Reasons

The Tararua Road Growth Area located in south-east Levin and adjoins an existing industrial area to the west. The Tararua Road Growth Area is bounded by existing residential areas to the north, Arapaepae Road (State Highway 57) to the east, Tararua Road to the south, and the existing industrial area to the west which fronts Cambridge Street. Rural land is located adjacent to this area on the opposite side of Arapaepae Road (State Highway 57) and Tararua Road. This large area provides a substantial industrial land supply to meet future requirements, both in the short and long term. It is anticipated that a wide range of different forms of industrial activities could locate within this area, including light servicing activities (such as goods storage and distribution) and manufacturing.

To manage the effects of subdivision and development in this area, a specific management framework, which complements the underlying Industrial Zone provisions. This management framework is based on three key main features: 1. Resource consent for all development and subdivision; 2. Structure Plan; and 3. Design Guide. The resource consent process provides for a case-by-case assessment of each proposal to ensure the subdivision and development achieves the objectives for the growth area, and would be assessed against the Structure Plan and Design Guide. A Structure Plan has been prepared by the developer which provides a framework to ensure a coordinated and well designed pattern of development. A developer led Design Guide provides the basis for assessing the quality of the development to ensure the growth area achieves a certain level of amenity, as well as protecting the adjoining residential and adjacent rural areas.

Due to the flat topography of the area and the potentially high level of impervious surfaces from industrial development, the management of stormwater needs to be carefully planned. Low impact stormwater design principles are to be utilised in the Tararua Road Growth Area, including on-site techniques, on-road, and a dual purpose stormwater / recreation reserve area. This dual purpose stormwater / recreation reserve area would also form a buffer between the existing residential area and new industrial development. Each proposed subdivision and development would need to assess the quantity and quality of stormwater to ensure it is effectively managed.

Large traffic volumes are a necessary part of the functioning of the Industrial Zone. With such a large area zoned for industrial development, it enables the roading network, connections and access to be well planned and designed. Provision is made in the Tararua Road Growth Area Structure Plan and Design Guide for managing this network, connections and access. New access directly to main arterial roads, particularly Arapaepae Road (State Highway 57) is restricted, with alternative access to be provided through new roads connecting from Tararua Road. As some of the new roads connect to roads that traverse the adjoining residential area, measures are to be implemented to discourage heavy vehicles using these roads through the residential areas to protect their amenity values and safety in residential neighbourhoods.

Methods for Issue 6.2 & Objective 6.2.1

District Plan

- Identification of Tararua Road Growth Overlay Area in south-east Levin and shown on the Planning Maps.
- Use of a Structure Plan and Design Guide for managing subdivision and development within the Tararua Road Growth Area.
- The existing District Plan Industrial Zone permitted activities and conditions framework of rules for activities are used for development of the Tararua Road Growth Area, as well as rules specific to the Tararua Road Growth Area including a “Low Impact Industrial Area”, where appropriate.
- The residential development is subject to the Residential Zone rules and associated general provisions.
- Rules will require resource consent for land use and subdivision activities, assessing against the Structure Plan (Pocock Zoning Master Plan) and Design Guide as to the form, character and amenity values of these areas, and the protection of adjoining residential and rural areas.
- The industrial development area includes some modification to the existing Industrial Zone rules to reflect modern forms of industrial activities.
- Rules will specify minimum standards in a similar manner to existing zones but the quality of site layout and landscape design will also be subject to scrutiny and in exercising this discretion regard will be given to the Tararua Road Growth Area Design Guide and Structure Plan.

Urban Settlements – Commercial Zone

Include a new Policy 6.3.XX to read:

“Recognise and provide for supermarkets within the Large Format Retail Overlay in a way that ensures:

- The site layout and building design maintains and enhances an attractive streetscape and public focused environment;

- The traffic effects are managed so that the safety and efficiency of the road network is maintained;
- The vibrancy and vitality of the Levin town centre is not compromised.

Include a new method in Methods for Issue 6.3 & Objective 6.3.2 as follows:

Education, Advice and Information

Council will consider establishing and facilitating an Urban Design Panel consisting of suitably qualified professionals to work with Council, individuals and developers to help improve the design, amenity and viability of development projects that have potentially significant urban design implications due to scale, public nature or location."

Chapter 15 Residential Zone

15.1 Permitted Activities

Amend Rule 15.1(c) to read:

Visitor accommodation for up to four persons per site within a any residential dwelling unit and/or family flat.

Add to Rule 15.1 as follows:

Relocated buildings up to and including 40m² in gross floor area

15.2 Controlled Activities

Delete the Tararua Road Growth Area provisions within the Residential Zone Chapter as follows:

~~(c) Any subdivision of land, except within the Tararua Road Growth Area Overlay.~~

Amend Rule 15.2 (a)

The placement of any Relocated building and/or accessory building on any site (Refer Rule 15.7.1)

Except

Any relocated buildings up to and including 40m² in gross floor area.

15.3 Restricted Discretionary Activities

Delete the Tararua Road Growth Area provisions within the Residential Zone Chapter as follows:

~~(d) Any subdivision of land within the Tararua Road Growth Area Overlay.~~

Add a new Restricted Discretionary Activity to Rule 15.3 for all subdivisions within Residential Zones that do not have a deferred status and do not have access to reticulated wastewater as follows:

(a) Any subdivision where the lots would not be serviced by a reticulated wastewater system. (Refer to Rule 15.8.XX)

15.4 Discretionary Activities

Amend Rule 15.4(d) to read:

(d) Two or more residential units/family flats per site.

15.5 Non-Complying Activities

Deleted Rule 15.5(a) as follows:

~~(a) Any new vehicular access to State Highway 57 within the Tararua Road Growth Area Overlay.~~

15.6 Conditions for Permitted Activities

Delete the Tararua Road Growth Area provisions within the Residential Zone Chapter as follows:

15.6.4 Building Setback From Boundaries

~~(c) Within the Tararua Road Growth Area Overlay the following additional building setbacks apply:~~

- ~~(i) No building shall be located closer than 10 metres from the State Highway 57 road boundary; and~~
- ~~(ii) No building shall be located closer than 8 metres from an Industrial Zone boundary.~~

15.6.10 Home Occupations

Amend Rule 15.6.10(a) as follows:

~~(a) A home occupation shall not exceed 50m² of total floor area dedicated to this activity. The total floor area dedicated to home occupations on a site, shall not exceed 50m².~~

15.6.11 Noise

Amend Rule 15.6.11(d) as follows:

(d) The noise limits in Rule 15.6.11(a) and (b) shall not apply to:

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

15.6.13 Odour

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

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 reporting 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.

15.6.16 Unsightly Buildings

~~(a) No building shall be left unfinished, or constructed, or become in such a state be permitted to deteriorate, so such that its external appearance is a distraction from the amenities adversely affects the amenity of the neighbourhood in which it is situated.~~

15.6.27 Signs

Amend Rule 15.6.27(b) as follows:

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

15.6.31 Temporary Military Training Activities

(a) All temporary military training activities shall, in addition to the other conditions, also comply with the following conditions:

- (i) No permanent structures shall be constructed.
- (ii) The activity shall not require excavation (permanent or mechanical), unless provided for in this District Plan.
- (iii) The duration of any temporary military training activity shall not exceed 31 consecutive days.

- (iv) Noise generated from mobile sources (other than weapons firing and use of explosives) shall be assessed in accordance with and not exceed the limits as set out in, NZS 6803:1999 Acoustics - Construction noise when applied at any noise sensitive activity.

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

- (vi) 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 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.

- (viii) Any training activities involving the use of explosives and/or firing of weapons shall comply with either:

- The separation distances identified in Table 15.3; or
- If minimum separation distances in Table 15.3 cannot be met:
 - Daytime sound levels do not exceed a peak sound pressure level of 120 dBC when measured at the site boundary; and
 - Night time sound levels do not exceed a peak sound pressure level of 90 dBC when measured at the 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 15.3: 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 site within the 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</u>	<u>At least 750m</u>
	<u>7.00pm to 7.00am (night time)</u>	<u>At least 2250m</u>

Include a new Residential Permitted Activity Condition to read:

15.6.XX Light Spill

(a) The spill of light from any outdoor artificial lighting shall not exceed 10 lux (lumens per square metre) when measured at the boundary of an adjoining residential site. The maximum lux shall be measured horizontally or vertically at the site boundary.

Amend the Matters of Control and Conditions for Controlled Activities

15.7.1 Relocated Buildings (Refer to Rule 15.2(a))

.....(c) Non-Notification

- (i) Under section 77D of the RMA, an activity requiring resource consent under Rule 15.7.1 shall not be publicly notified, except where:
 - The Council decides special circumstances exist (pursuant to Section 95A(4), or
 - The applicant requests public notification (pursuant to Section 95A(2)(b)

15.7.4 Temporary Military Training Activities

Amend the temporary military training activity Matters of Control in Rule 15.7.4 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) The actual and potential adverse effects on the amenity (in particular noise) and character of the residential area and the measures to avoid, remedy or mitigate these effects as a result of a noise condition non-compliance or prolonged duration of a proposed activity;
 - (iii) 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.

15.7.5 Subdivision of Land

Amend the Matters of Control for Subdivisions as follows:

...

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

Amend Rule 15.7.5, Table 15-3 to specifically provide for boundary adjustments as Controlled Activities within Hokio Beach, Waikawa Beach, Manakau and Ohau West, and to provide Controlled Activity status for subdivisions at the density set in the Proposed Plan (800m² and 2000m²) where reticulated wastewater is available at Hokio Beach, Waikawa Beach, Manakau and Ohau West as follows:

Table 15-1: Standards Applying to Subdivision and Residential Dwelling Units

Type of Allotment, or Subdivision	Pre-Requisite Conditions	Minimum Net Site Area/ Minimum Average Site Area	Minimum Shape Factor
Hokio Beach and Waikawa Beach			
Residential Allotments	Where reticulated sewerage disposal is not available	800m ²	18 metres diameter
<u>Boundary Adjustment</u>	<u>Where reticulated sewerage disposal is not available</u>	<u>800m²</u>	<u>18 metres diameter</u>
Low Density Area	Where reticulated sewerage disposal is not available	1,000m ² Minimum average site area of 2,000m ²	18 metres diameter
Ohau and Manakau			
Residential Allotments (Ohau West and Manakau)	Where reticulated sewerage disposal is not available	2,000m ²	18 metres diameter
<u>Boundary Adjustment</u>	<u>Where reticulated sewerage disposal is not available</u>	<u>2,000m²</u>	<u>18 metres diameter</u>
Residential Allotments (Ohau East)	Where reticulated sewerage disposal is not available	8,000m² <u>5,000m²</u>	18 metres diameter

15.8.3 Non-Compliance with Road Setback Rule 15.6.4(a)

Delete the Tararua Road Growth Area provisions within the Residential Zone Chapter as follows:

(a) Matters of Discretion

- ~~(v) Within the Tararua Road Growth Area Overlay, effect on the residential amenity given the noise, vibration and air pollution effects of State Highway 57. In assessing effects full consideration will be given to the noise and vibration standards contained in Rules 15.6.11 and 15.6.12.~~

15.8.5 Non-Compliance with Home Occupations Rule 15.6.10 (Refer to Rule 15.3(a))

Amend Rule 15.8.5(b)(i) as follows:

(b) Conditions

- (i) ~~A home occupation shall not exceed 70m² of total gross floor area dedicated to this activity.~~ The total floor area dedicated to home occupations on a site, shall not exceed 70m².

15.8.7 Subdivision within the Tararua Road Growth Area Overlay

Delete the Tararua Road Growth Area provisions within the Residential Zone Chapter as follows:

(a) Matters of Discretion

- ~~(i) Those matters specified in Chapters 21 and 24.~~
- ~~(ii) The degree to which the allotment/s are subject to, or likely to be subject to, material damage by erosion, falling debris, subsidence, slippage, or inundation and seismic events.~~
- ~~(iii) The amalgamation of any allotments and/or balance areas with other land owned by the subdivider.~~

- ~~(iv) The design and layout of proposed urban areas.~~
- ~~(v) The amenity effects caused by noise, vibration and air pollution effects of State Highway 57.~~
- ~~(vi) The amenity effects on existing and proposed residential areas (should design standards contained in the Design Guide not be complied with or should proposals not be in accordance with the Structure Plan – Schedule 5).~~
- ~~(vii) The transportation, movement, streetscape and community effects of not providing all residential accesses, buffer strips and landscaping as shown on the Structure Plan and as described in the Design Guide – Schedule 5.~~

~~15.8.8 Land use within the Tararua Road Growth Area Overlay (Refer to Rule 15.3(a))~~

~~(a) Matters of Discretion~~

- ~~(i) Any permitted or controlled activity within the Tararua Road Growth Area Overlay, which does not comply with any condition in Rules 15.6 and 15.7 and Chapters 21, 22, 23 and 24, the matters over which Council will exercise its discretion shall be restricted to the following:~~

~~Avoiding, remedying or mitigating of any effects deriving from noncompliance with the particular condition(s) that is not met.~~

~~The design and layout of proposed urban areas.~~

~~The amenity effects caused by noise, vibration and air pollution effects of State Highway 57 at the boundary of residential properties.~~

~~The amenity effects on existing and proposed residential areas (should design standards contained in Schedule 5 – Tararua Growth Area Design Guide not be complied with or should proposals not be consistent with the Structure Plan).~~

~~The transportation, movement, streetscape and community effects of not providing all residential accesses, buffer strips and landscaping as shown on the Structure Plan and as described in Schedule 5 – Tararua Growth Area Design Guide.~~

15.8.9 Medium Density Development within Levin, Foxton Beach and Waitare Beach

Amend the Medium Density Development Restricted Discretionary Activity Conditions in Rule 15.8.9(b) as follows:

(b) Conditions

~~(viii) All residential dwelling units shall be provided with a utility space of at least 10m² and an outdoor lockable storage compartment of at least 3m² which meets the following requirements:~~

- ~~• Minimum dimension: 1 metre; and~~
- ~~• Kept free of access to other units driveways, manoeuvring areas, parking spaces, private outdoor space and accessory buildings.~~

15.8 Matters of Discretion and Conditions for Restricted Discretionary Activities

Add in new Matters of Discretion and Conditions for the new Restricted Discretionary Activity Rule 15.3.XX as follows:

15.8.XX Subdivision where reticulated wastewater is not available Hokio Beach, Waikawa Beach, Manakau and Ohau (West) (Refer Rule 15.3(f))

(a) Matters of Discretion

- (i) The ability to provide on-site effluent disposal and meet environmental standards required by Horizons Regional Council.

(b) Conditions

- (i) Demonstrate compliance with the Minimum Net Site Area/Minimum Average Site Area as set out in Table 15-3 Standards Applying to Subdivision and Residential Dwelling Units (Rule 15.7.5(b));
- (ii) Demonstrate compliance with the servicing, road, access, network utility and structure plan conditions set

out in Rule 15.7.5(b)(ii) – (v).

Chapter 16 Industrial Zone

16.1 Permitted Activities

Add to Rule 16.1 as follows:

Relocated buildings up to and including 40m² in gross floor area.

16.2 Controlled Activities

Amend Rule 16.2 (c)

The placement of any Relocated building and/or accessory building on any site (Refer Rule 15.7.3)

Except

Any relocated buildings up to and including 40m² in gross floor area.

Amend Rule 16.2(g) to read:

- (g) Within the Tararua Road Growth Area Overlay, all activities identified in Rule 16.1 shall be controlled activities subject to complying with the conditions in Rule 16.6 ~~(apart from Rule 16.6.2(a)(ii))~~ and complying with conditions in Rule 16.7.7. (Refer Rule 16.7.7).
-

16.5 Non-Complying Activities

Add a new Non-Complying Activity to 16.5 as follows:

The following activities shall be non-complying activities in the Industrial Zone:

...

(b) Any heavy industrial activity listed in Schedule 13 within the Tararua Road Growth Area Overlay, Low Impact Industrial Area (Schedule 5).

(c) Any new access to State Highway 57 within the Tararua Road Growth Area Overlay.

16.6 Permitted Activity Conditions

16.6.1 Maximum Building Height

Amend the permitted activity conditions relating to maximum building height in 16.6.1 as follows:

- (a) No part of any building shall exceed a height of 12 metres.
- (b) Within the Low Impact industrial Area of the Tararua Growth Area Structure Plan, no part of any building shall exceed a height of 10 metres.

16.6.4 Signs

Amend Rule 16.6.4(a)(iv) as follows:

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

16.6.5 Noise

Amend the noise condition in Rule 16.6.5 as follows:

- (a) Noise from any activity shall not exceed the following limits when measured at, or within any point, within any site in the Residential, Greenbelt Residential, or Rural Zones:

...

- (b) Noise from any activity shall not exceed 65dB LAeq at any time, when measured at, or within, any other site in the Industrial, Commercial or Open Space Zones.
- (c) Sound 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.

- (d) Construction, maintenance and demolition works shall be measured, assessed, managed and controlled in accordance with the provisions of NZS 6803:1999 Acoustics – Construction noise.
- (e) The noise limits in Rule 16.6.5(a), ~~and 16.6.5(b)~~ and 16.6.5(c) shall not apply to the following activities:
- (i) Fire and civil emergency sirens.
 - (ii) Construction, maintenance and demolition work.
 - (iii) The operation of the Main North Island Trunk Railway.
 - (iv) Vehicles being driven on a road (within the meaning of Section 2(1) of the Transport Act 1962), ~~or within a site as part of or compatible with a normal residential activity.~~
 - (v) Temporary Military Training Activities.
 - (vi) Temporary events.

That the permitted activity condition be amended as follows:

16.6.7 Odour

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

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 reporting 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.

16.6.9 Unsightly Buildings

- (a) No building shall be left unfinished, ~~or constructed, or become in such a state~~ be permitted to deteriorate, so such that its external appearance is a distraction from the amenities adversely affects the amenity of the neighbourhood in which it is situated.

16.6.18 Hazardous Substances

Amend Rule 16.6.18 as follows:

- (a) All activities using, ~~or storing,~~ transporting or disposing of hazardous substances shall comply with the Hazardous Substances Classification parameters for the Industrial Zone in Chapter 23 and shall comply with the permitted activity conditions in that Chapter.

16.6.23 Temporary Military Training Activities

- (a) All temporary military activities shall, in addition to the other conditions, also comply with the following conditions:
- (i) No permanent structures shall be constructed.
 - (ii) The activity shall not require excavation (permanent or mechanical), unless provided for in this District Plan.
 - (iii) The duration of any temporary military training activity shall not exceed 31 consecutive days.
 - (iv) Noise generated from mobile sources (other than weapons firing and use of explosives) shall be assessed in accordance with and not exceed the limits as set out in Table 2 of 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.
 - (vi) 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.

(viii) Any training activities involving the use of explosives and/or firing of weapons shall comply with either:

(a) The separation distances identified in Table 16.1; or

(b) If minimum separation distances in Table 16.1 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 the 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 16.1: 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>

2. Firing of blank ammunition	7.00am to 7.00pm	At least 750m
	7.00pm to 7.00am (night time)	At least 2250m

Include a new Industrial Permitted Activity Condition to read:

16.6.X Light Spill

(a) The spill of light from any artificial lighting shall not exceed 10 lux (lumens per square metre) onto any site within the Residential Zone. The maximum lux shall be measured horizontally or vertically at the Residential Zone site boundary.

Amend the Matters of Control and Conditions for Controlled Activities

16.7 Matters of Control and Conditions for Controlled Activities

16.7.1 Subdivision of Land (Rule 16.2(a))

Amend the Matters of Control for Subdivisions as follows:

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

...

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

16.7.3 Relocated Buildings (Refer to Rule 16.2(c))

.....(c) Non-Notification

(j) Under section 77D of the RMA, an activity requiring resource consent under Rule 16.7.3 shall not be publicly notified, except where:

- The Council decides special circumstances exist (pursuant to Section 95A(4), or
- The applicant requests public notification (pursuant to Section 95A(2)(b)

16.7.6 Temporary Military Training Activities

Amend the temporary military training activity Matters of Control in Rule 16.7.6 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) The actual and potential adverse effects on the amenity (in particular noise) and character of the surrounding area and the measures to avoid, remedy or mitigate these effects as a result of a noise condition non-compliance or prolonged duration of a proposed activity;

(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.

16.7.7 Tararua Road Growth Area Overlay (Refer Rule 16.2(g))

Amend the Conditions in Rule 16.7.7 as follows:

(a) Matters of Control

In addition to the other rules in Rule 16.7, the matters over which Council reserves its control for the Tararua Road Growth Area Overlay are as follows:

- (i) Site design, landscape design, lighting, signage and stormwater; and,
 - (ii) Construction method and management plan, which will include but not be limited to consideration of traffic routing, hours of operation, noise, dust and vibration suppression measures, erosion and sediment control plans and site screening / hoarding.
 - (iii) In exercising its control Council shall have regard to the extent that the proposal is consistent with the Tararua Growth Area Design Guide and Tararua Road Growth Area Structure Plan (Refer Schedule 5) and the manner in which amenity of existing businesses and residential properties is affected during construction.
- (b) Conditions
- ~~(i) Retail and commercial activities shall be subject to the following conditions:
No more than 250m² or 25% whichever is the smaller, of the gross floor area of a building or part of a building used by an activity shall be used for retailing; and,
No more than 40% of the gross floor area of a building or part of a building used by any activity shall be used for retailing and office purposes combined.~~
 - ~~(ii) Any building fronting onto Tararua Road, or adjoining or facing across a road from the Tararua Road Growth Area Overlay residential area shall be set back 10 metres from the boundary by not less than:
15 metres from Tararua Road.
8 metres from Tararua Road Growth Area Residential Area.~~
- (i) Buildings shall be set back 10 metres from Tararua Road and Arapaepae Road (State Highway 57) within the Tararua Road Growth Area Overlay.

16.8 Matters of Discretion and Conditions for Restricted Discretionary Activities

16.8.4 Within the Tararua Road Growth Area Overlay non-compliance with Permitted Activity Conditions (Rule 16.6), Controlled Activity Conditions (Rule 16.7) and Permitted Activity Conditions in Chapters 21, 22, 23 and 24. (Refer Rule 16.3(a))

Amend the Matters of Discretion for land use activities within the Tararua Road Growth Area Overlay 16.8.4 as follows:

- (a) Matters of Discretion
 - (i) Matters in Schedule 5 – Tararua Road Growth Area Structure Plan and Design Guide.
 - (ii) The location, layout, design and appearance of the development, including buildings.
 - (iii) The management of stormwater, wastewater, water supply and other servicing.
 - (iv) The maintenance of amenity values and reverse sensitivity effects at the growth area boundary and management of adverse effects on adjoining and adjacent properties, particular adjoining residential and rural areas.
 - (v) The provision of adequate carparking, manoeuvring and safe access to the site.
 - (vi) The management of traffic generated and potential adverse effects on the safety and efficiency of the street network.
 - (vii) Avoiding, remedying or mitigating of any effects deriving from non-compliance with the particular condition(s) that is not met;
 - ~~(ii) Where performance standards in respect of floor space for retail, showrooms and commercial activities are exceeded or that space is used for the retail of products not manufactured on the premises, then discretion will also include:~~
 - ~~• Traffic effects;~~
 - ~~• The effect of the non-compliance on the role and function of the commercial centre as an important community and social resource and as employment location for the community of Horowhenua; and,~~
 - ~~• Townscape and amenity effects.~~
- (b) Conditions
 - (i) All other aspects of the activity shall comply with any relevant conditions.

16.8.5 Subdivision within the Tararua Road Growth Area Overlay (Refer Rule 16.3(d))

Amend the Matters of Discretion for subdivision within the Tararua Road Growth Area Overlay 16.8.5 as follows:

- (a) Matters of Discretion
- (i) Matters listed in Rule 16.7.1 Subdivision of Land;
 - (ii) Matters in Schedule 5 – Tararua Road Growth Area Structure Plan and Design Guide;
 - (iii) Those matters specified in Chapters ~~22~~ 21 and 24;
 - (ii) The degree to which the allotment/s are subject to, or likely to be subject to, material damage by erosion, falling debris, subsidence, slippage, or inundation and seismic events;
 - (iii) The amalgamation of any allotments and/or balance areas with other land owned by the subdivider;
 - (iv) The design and layout of proposed urban areas;
 - (v) The amenity effects caused by noise, vibration and air pollution effects of State Highway 57;
 - (vi) The amenity effects on existing ~~and proposed~~ residential areas should design standards contained in the Design Guide not be complied with or should proposals not be consistent with the Structure Plan; and,
 - (vii) The transportation, movement, streetscape and community effects of not providing ~~all residential accesses~~ the internal roading network and accesses to the external roading network, buffer strips and landscaping as shown on the Structure Plan and as described in the Design Guide.
 - (viii) ~~In the Tararua Growth Area Overlay~~ The design and positioning of any vehicular access on to Tararua Road, Winiata Street, Perth Street.

In exercising this control Council shall have regard to the extent that the proposal is consistent with the Tararua Growth Area Structure Plan and complies with the Tararua Road Growth Area Design Guide (refer Schedule 5).

(b) Conditions

- (i) All lots shall demonstrate compliance with the permitted activity conditions, except no minimum lot area requirement applies.
- (ii) Water Supply, Wastes and Surfacewater Disposal, and Other Services: All subdivisions shall comply with the conditions in Chapter 24.
- (iii) Roads and Access: All subdivisions shall comply with the conditions in Chapter 21.

~~(c)(b)~~ Non-Notification

- (i) Under section 77D of the RMA, an activity requiring resource consent in relation to Rule 16.8.5 shall not be publicly notified, except where:
 - The Council decides special circumstances exist (pursuant to Section 95A(4)), or
 - The applicant requests public notification (pursuant to Section 95A(2)(b)).

Chapter 17 Commercial Zone

17.1 Permitted Activities

Add to Rule 17.1 as follows:

Relocated buildings up to and including 40m² in gross floor area

17.2 Controlled Activities

Amend Rule 17.2 (c)

The placement of any Relocated building and/or accessory building on any site (Refer Rule 17.7.3)

Except

Any relocated buildings up to and including 40m² in gross floor area.

17.3 Restricted Discretionary Activities

Amend Rule 17.3 and add a new rule as follows:

(g) Supermarkets with a gross floor area exceeding 3,000m² within a Large Format Retail Overlay Area.

17.4 Discretionary Activities

Amend Rule 17.4 as follows:

(c) Retail activity (excluding supermarkets) with a gross floor area exceeding 3,000m² within a Large Format Retail Overlay Area.

17.6 Conditions for Permitted Activities

17.6.1 Maximum

17.6.2 Building Frontage and Size

Amend Rule 17.6.2 Building Frontage and Size to read:

...

(b) In Levin outside the Pedestrian Overlay Area ~~in Levin~~, the following conditions apply:

(c) In Foxton outside the Pedestrian Overlay Area ~~in Foxton~~, the following conditions apply:"

(d) In Foxton Beach, Waitare Beach and Manakau, the following conditions apply:

(i) No building shall be setback more than 5 metres from the front road boundary.

(ii) All buildings, except for residential dwelling units shall have display windows along the ground floor road frontage. At least 50% of ground floor facade surface shall be display space or transparent window or doors. The minimum window area shall be kept clear and not be boarded up, painted or covered by signage.

(iii) The area between the front road boundary and any on-site carpark ~~and the front road boundary with a frontage of more than 6 metres~~ shall include a landscape strip. This landscaping strip shall comply with the following conditions:

17.6.5 Signs

Amend Rule 17.6.5(a)(iv) as follows:

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

17.6.6 Noise

(a) Noise from any activity shall not exceed the following limits when measured at, or within any point, within any site in the Residential, Greenbelt Residential, or Rural Zones:

...

(b) Noise from any activity shall not exceed 65dB LAeq at any time, when measured at, or within, any other site in the Industrial, Commercial or Open Space Zones.

(c) Sound 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.

(d) Construction, maintenance and demolition works shall be measured, assessed, managed and controlled in accordance with the provisions of NZS 6803:1999 Acoustics – Construction noise.

(e) The noise limits in Rule 17.6.6(a), ~~and 17.6.6(b) and 17.6.6(c)~~ shall not apply to the following activities:

(i) Fire and civil emergency sirens.

(ii) Construction, maintenance and demolition work.

(iii) The operation of the Main North Island Trunk Railway.

(iv) Vehicles being driven on a road (within the meaning of Section 2(1) of the Transport Act 1962), ~~or within a site as part of or compatible with a normal residential activity.~~

(v) Temporary Military Training Activities.

(vi) Temporary events.

17.6.9 Odour

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

adjoining residential property or at the boundary of any property in any other zone.

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 reporting 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.

17.6.10 Unsightly Buildings

(a) No building shall be left unfinished, or constructed, or become in such a state be permitted to deteriorate, so such that its external appearance is a distraction from the amenities adversely affects the amenity of the neighbourhood in which it is situated.

17.6.25 Temporary Military Training Activities

(a) All temporary military activities shall, in addition to the other conditions, also comply with the following conditions:

- (i) No permanent structures shall be constructed;
- (ii) The activity shall not require excavation (permanent or mechanical), unless provided for in this District Plan.
- (iii) The duration of any temporary military training activity shall not exceed 31 consecutive days.
- (iv) Noise generated from mobile sources (other than weapons firing and use of explosives) shall be assessed in accordance with and not exceed the limits as set out in Table 2 of 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.

(vi) 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.

(viii) Any training activities involving the use of explosives and/or firing of weapons shall comply with either:

- (a) The separation distances identified in Table 17.1; or
- (b) If minimum separation distances in Table 17.1 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 the 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 17.1: 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</u>	<u>At least 750m</u>
	<u>7.00pm to 7.00am (night time)</u>	<u>At least 2250m</u>

17.6.X Light Spill

- (a) The spill of light from any artificial lighting shall not exceed 10 lux (lumens per square metre) onto any site within the Residential Zone. The maximum lux shall be measured horizontally or vertically at the Residential Zone site boundary.

17.7 Matters of Control and Conditions for Controlled Activities

Amend the Matters of Control in Rule 17.7.1 as follows:

17.7.1 Subdivision of Land

17.7.1 Subdivision of Land (Rule 17.2(a))

...

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

...

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

17.7.3 Relocated Buildings (Refer to Rule 17.2(c))

Add a Non-Notification clause to Rule 17.7.3 as follows:

.....(c) Non-Notification

- (k) Under section 77D of the RMA, an activity requiring resource consent under Rule 17.7.3 shall not be publicly notified, except where:
- The Council decides special circumstances exist (pursuant to Section 95A(4), or
 - The applicant requests public notification (pursuant to Section 95A(2)(b)).

17.7.6 Temporary Military Training Activities

Amend the temporary military training activity Matters of Control in Rule 17.7.6 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) The actual and potential adverse effects on the amenity (in particular noise) and character of the surrounding area and the measures to avoid, remedy or mitigate these effects as a result of a noise condition non-compliance or prolonged duration of a proposed activity;
 - (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.

17.8 Matters of Discretion and Conditions for Restricted Discretionary Activities

Include a new Rule under 17.8 Matters of Discretion and Conditions for Restricted Discretionary Activities that reads:

Rule 17.8.8 Supermarkets within the Large Format Retail Overlay Area

- (a) Matters of Discretion
- (i) Design, external appearance and siting of the building, including the space around buildings.
 - (ii) Landscaping.
 - (iii) Location and design of site access (pedestrian and vehicular), parking and servicing.
 - (iv) Traffic effects, including effects on the transport network from the volume and type of traffic generated.
 - (v) Effects on the vitality and vibrancy of the town centres.

Chapter 25 Assessment Criteria

25.3 Assessment Criteria For Land Use Consents In The Residential Zone

25.3.4 Building Setbacks

Amend Assessment Criteria 25.3.4(b) as follows:

...

(b) Whether the proposed activity will have reverse sensitivity effects on adjacent activities or zones; including on the operation of land transport networks, including railways.

25.5 Assessment Criteria for Land Use Consent In The Commercial Zone

Amend 25.5.1 General Assessment Criteria for Land Use Consents in the Commercial Zone to include:

...

(o) The extent to which any application for a supermarket or other large format retail activity demonstrates the functional and operational requirements of the proposed activity have been taken into account when assessing a proposal against the relevant matters in 25.5.1 (a) to (n).

Chapter 26 Definitions

Amend the definition of Residential Dwelling Unit to read:

Residential Dwelling Unit means a building which accommodates one (1) household unit, and can include a dwelling house, a flat, ~~a home unit~~, an apartment, or a town house, but excludes a family flat.

Schedule 5 – Tararua Road Growth Area Overlay Structure Plan and Design Guide Structure Plan and Design Guide

Amend Schedule 5 by deleting the Tararua Road Growth Area Structure Plan and Design Guide and insert the amended Zoning Master Plan and the supporting Tararua Road Growth Area Overlay Levin Design Guide (Refer to Appendix C of this report). The following amendments are required to the Zoning Master Plan:

- remove external access points to State Highway 57,
 - exclude properties at 165 Tararua Road and 172 Arapaepae Road, and the HDC open spaces adjoining SH57; and
 - extend the Low Impact Industrial Zone around the property at 172 Arapaepae Road.
-

Schedule 13 – New Schedule

Include a new Schedule 13 Heavy Industries (based on the list included in the Combined Wairarapa District Plan, Appendix 4)

Schedule of Heavy Industries

<u>Abattoirs and slaughterhouses</u>	<u>Glass manufacture</u>
<u>Acetylene-gas manufacture</u>	<u>Gelatine manufacture</u>
<u>Acids manufacture</u>	<u>Glue manufacture</u>
<u>Aerosol packers and manufacture</u>	<u>Gunpowder manufacture</u>
<u>Aluminium alloy manufacture</u>	<u>Gypsum manufacture</u>
<u>Alkali-waste works</u>	<u>Hydrochloric acid manufacture</u>
<u>Ammonia manufacture</u>	<u>Incinerator works</u>
<u>Ammunition manufacture</u>	<u>Industrial chemicals manufacture</u>
<u>Animal by-products manufacture</u>	<u>Iron works and foundry</u>
<u>Asbestos manufacture</u>	<u>Lacquer manufacture</u>
<u>Asphalt manufacture</u>	<u>Lead works</u>
<u>Battery manufacture and recycling</u>	<u>Leather tanning</u>
<u>Bearing manufacture</u>	<u>Lime manufacture</u>
<u>Briquette manufacture</u>	<u>Linoleum manufacture</u>
<u>Bisuphide of carbon works</u>	<u>Lucerne dehydration</u>
<u>Boiler makers</u>	<u>Manure (artificial) manufacture</u>
<u>Boiler manufacture</u>	<u>Meatworks – killing, freezing and packing</u>
<u>Boiling down works</u>	<u>Oil distillation and refining</u>
<u>Bone crushing</u>	<u>Oxygen – gas manufacture</u>
<u>Bulk storage of asphalt, tallow, industrial chemicals and scrap metal</u>	<u>Paint, varnish, lacquer etc. manufacture</u>
<u>Candle manufacture</u>	<u>Petroleum based products manufacture</u> <u>Plastics manufacture</u>
<u>Celluloid works</u>	<u>Pulp and paper manufacture</u>
<u>Cement – packing bag, cleaning works</u>	<u>Pyridine works</u>
<u>Cement manufacture</u>	<u>Railway workshops</u>
<u>Chemicals manufacture</u>	<u>Rubber goods manufacture</u>
<u>Chlorine works</u>	<u>Smelting metals (all types)</u>
<u>Coke manufacture</u>	<u>Soap manufacture</u>
<u>Concrete batching</u>	<u>Steel works</u>
<u>Detergent manufacture</u>	<u>Sale Stock yards (commercial)</u>
<u>Distillation of coal, wood and bones</u>	<u>Stone and mineral crushing</u>
<u>Explosive manufacture and storage</u>	<u>Sulphur-chloride manufacture</u>

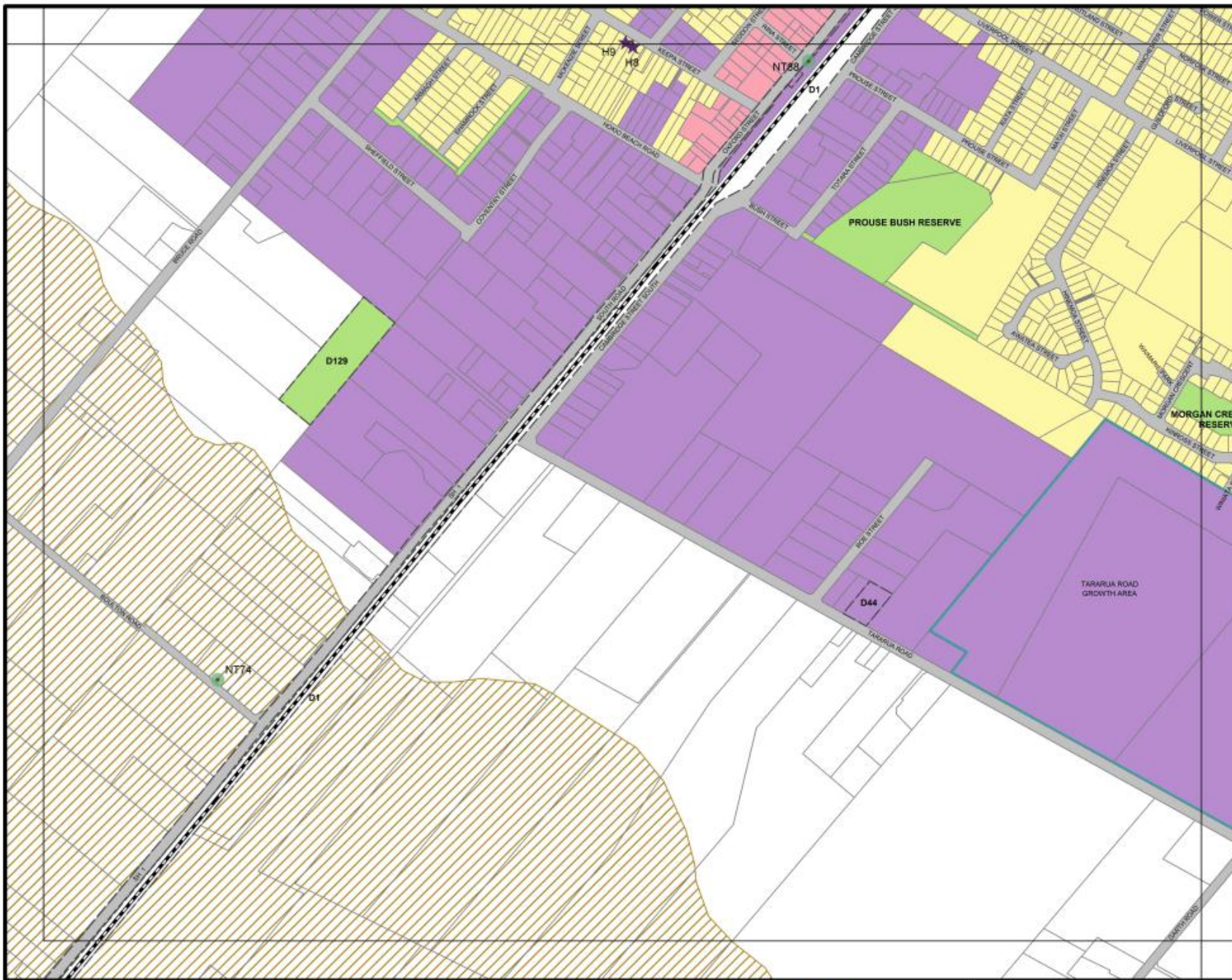
<u>Fat rendering</u>	<u>Sulphur-dioxide manufacture</u>
<u>Fellmongering</u>	<u>Tallow- melting and refining</u>
<u>Fertiliser works</u>	<u>Tanning and curing of hides and skins</u>
<u>Fibreglass manufacture</u>	<u>Tar manufacture, refining, mixing</u>
<u>Fibrous plaster manufacture</u>	<u>Timber treatment</u>
<u>Fireworks manufacture and storage</u>	<u>Turpentine manufacture</u>
<u>Fire clay products manufacture</u>	<u>Varnish manufacture</u>
<u>Fish curing and preserving</u>	<u>White lead manufacture</u>
<u>Fluorine works</u>	<u>Wool scouring</u>
<u>Foundry</u>	<u>Zinc chloride manufacture</u>
<u>Fuel oil refining</u>	<u>Zinc works</u>
<u>Fur curing and tanning</u>	

Or any other industry, warehouse, or bulk storage that is, or under any conditions may become noxious or dangerous in relation to adjacent areas.

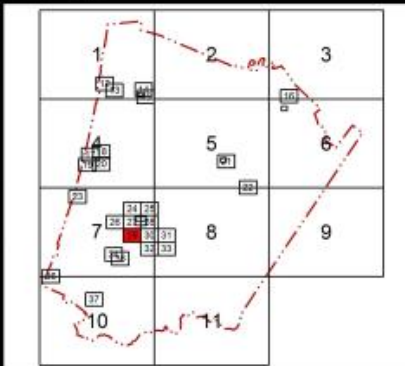
Planning Maps 29 and 30

Amend Planning Maps 29 and 30 to rezone the following parcels of land and adjoining properties from Residential and Rural to Industrial, as shown on the attached Planning Maps and includes the following properties:

Lot 1 and 2 DP 45916, Lot 2 DP 341015, Lot 1 DP 30627.



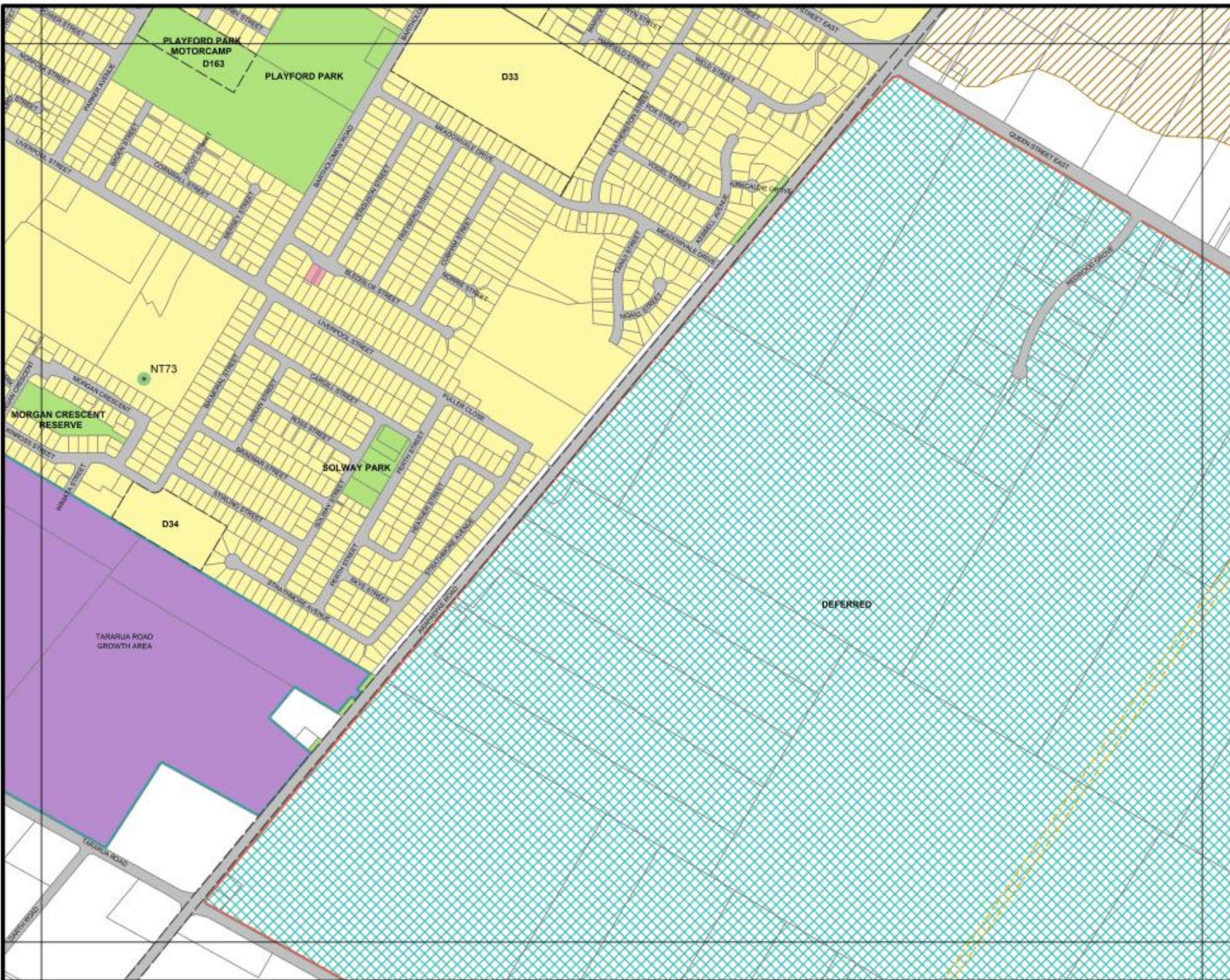
- LEGEND**
- ZONES**
- Commercial Zone
 - Industrial Zone
 - Residential Zone
 - Rural Zone
 - Greenbelt Residential Zone
 - Open Space Zone
 - Residential Deferred Zone
 - Greenbelt Residential Deferred Zone
- OVERLAYS**
- Greenbelt Residential Waitarere Rise
 - Greenbelt Residential Foxton Beach North
 - Strathnaver Coastal Natural Character Area
 - Strathnaver Coastal Hazard Area
 - Muhunua West Forest Park
 - Muhunua West Forest Park Coastal Natural Character and Hazard Area
 - Low Density Area
 - Medium Density Area
 - Large Format Retail Area
 - Town Centre Heritage/Character Area
 - Foxton Tourism Area
 - Pedestrian Area
 - Coastal Natural Character and Hazard Area
 - Flood Hazard Area (1:50,000 Rural Maps Only)
 - 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
LEVIN

Planning Map 29



LEGEND
ZONES

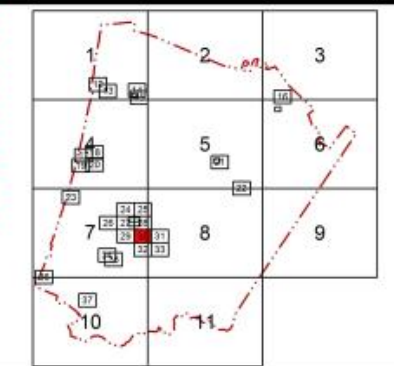
- Commercial Zone
- Industrial Zone
- Residential Zone
- Rural Zone
- Greenbelt Residential Zone
- Open Space Zone
- Residential Deferred Zone
- Greenbelt Residential Deferred Zone

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)
- Moutoe Floodway (1:50,000 Rural Maps Only)
- Versatile Land (LUC Class I & II Soil)

FEATURES

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



Scale 1 : 7,500

HOROWHENUA DISTRICT PLAN
LEVIN

Planning Map 30

APPENDIX B: Schedule of Decisions on Submission Points

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Hearing Panel Decision
Chapter 6				
41.00		Powerco		Accept
41.01		Powerco		Accept In-Part
55.14		KiwiRail		Accept
94.28		NZ Transport Authority (NZTA)		Accept
5.00		Elaine Gradock		Reject
94.29		NZ Transport Agency (NZTA)		Accept
37.01		Homestead Group Limited		Reject
11.24		Philip Taueki		Accept
	519.19	Charles Rudd	Support	Accept
60.18		Muaupoko Co-operative Society		Accept
	519.37	Charles Rudd	Support	Accept
101.59		Director-General of Conservation (DoC)		Accept In-Part
110.05		Fraser		Accept In-Part
110.06		Fraser		Accept In-Part
Chapter 15 – Residential Zone				
95.02		New Zealand Defence Force (NZDF)		Accept
40.13		House Movers Section of NZ Heavy Haulage Association Inc.		Accept In-Part
108.09		HDC (Planning Department)		Accept
40.39		House Movers Section of NZ Heavy Haulage Association Inc.		Reject
51.03		Waitarere Progressive Association (WBPR)		Reject
119.00		Graham Halstead		Reject
40.11		House Movers Section of NZ Heavy Haulage Association Inc.		Reject
117.06		New Zealand Historic Places Trust (NZHPT)		Accept
70.07		Future Map Limited		Accept In-Part
	511.08	HDC (Planning Department)	In-Part	Accept In-Part
81.01		Phillip Lake		Reject
117.20		New Zealand Historic Places Trust (NZHPT)		Accept In-Part

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Hearing Panel Decision
108.11		HDC (Planning Department)		Accept
108.38		HDC (Planning Department)		Accept In-Part
116.01		Truebridge Associates Limited		Reject
94.24		NZ Transport Agency (NZTA)		Reject
25.03		Michael White		Accept In-Part
	504.01	The Oil Companies	In-Part	Accept In-Part
	525.19	Maurice and Sophie Campbell	Support	Accept In-Part
27.17		Horizons Regional Council		Accept
26.09		Horowhenua Astrological Society Inc.		Accept In-Part
40.14		House Movers Section of NZ Heavy Haulage Association Inc.		Reject
95.17		New Zealand Defence Force (NZDF)		Accept
51.04		Waitarere Progressive Association (WBPPRA)		Reject
116.02		Truebridge Associates Limited		Reject
108.00		HDC (Planning Department)		Accept In-Part
95.26		New Zealand Defence Force (NZDF)		Accept
5.02		Elaine Gradock		Accept
95.36		New Zealand Defence Force (NZDF)		Accept In-Part
15.01		Charles Wallis		Reject
	511.09	HDC (Community Assets Department)	Oppose	Accept
108.02		HDC (Planning Department)		Accept
95.12		New Zealand Defence Force (NZDF)		Accept
95.50		New Zealand Defence Force (NZDF)		Accept
95.07		New Zealand Defence Force (NZDF)		Accept
95.31		New Zealand Defence Force (NZDF)		Accept
95.21		New Zealand Defence Force (NZDF)		Accept
40.12		House Movers Section of NZ Heavy Haulage Association		Reject

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Hearing Panel Decision
		Inc.		
40.32		House Movers Section of NZ Heavy Haulage Association Inc.		Reject
95.41		New Zealand Defence Force (NZDF)		Accept
116.03		Truebridge Associates Limited		Reject
55.27		KiwiRail		Accept
117.14		New Zealand Historic Places Trust (NZHPT)		Accept
27.23		Horizons Regional Council		Accept In-Part
116.04		Truebridge Associates Limited		Reject
116.05		Truebridge Associates Limited		Reject
116.06		Truebridge Associates Limited		Accept In-Part
94.25		NZ Transport Agency (NZTA)		Reject
94.26		NZ Transport Agency (NZTA)		Reject
116.07		Truebridge Associates Limited		Reject
116.08		Truebridge Associates Limited		Reject
116.09		Truebridge Associates Limited		Reject
116.10		Truebridge Associates Limited		Accept
51.02		Waitarere Progressive Association (WPRA)		Reject
94.21		NZ Transport Agency (NZTA)		Accept
117.25		New Zealand Historic Places Trust (NZHPT)		Accept In-Part
3.01		Matthew Thredgold		Reject
93.19		The Oil Companies		Accept
78.07		Telecom New Zealand Ltd		Reject
79.07		Chorus New Zealand Ltd		Reject
40.06		House Movers Section of NZ Heavy Haulage Association Inc.		Accept
Chapter 16 – Industrial Zone				
95.03		New Zealand Defence Force (NZDF)		Accept
40.17		House Movers Section of NZ Heavy Haulage Association Inc.		Reject
40.40		House Movers Section of NZ Heavy Haulage Association Inc.		Reject

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Hearing Panel Decision
110.02		Fraser		Accept In-Part
	523.00	Future Map Limited	Support	Accept In-Part
40.15		House Movers Section of NZ Heavy Haulage Association Inc.		Reject
70.03		Future Map Limited		Accept In-Part
117.21		New Zealand Historic Places Trust (NZHPT)		Accept In-Part
25.04		Michael White		Accept In-Part
	525.20	Maurice and Sophie Campbell	Support	Accept In-Part
26.10		Horowhenua Astronomical Society Inc.		Accept In-Part
27.19		Horizons Regional Council		Accept
40.18		House Movers Section of NZ Heavy Haulage Association Inc.		Reject
95.18		New Zealand Defence Force (NZDF)		Accept
70.04		Future Map Limited		Accept In-Part
37.02		Homestead Group Limited		Reject
108.03		HDC (Planning Department)		Accept
95.27		New Zealand Defence Force (NZDF)		Accept In-Part
97.01		Lowe Corporation Ltd & Colyer Mair Assets Ltd		Reject
5.03		Elaine Gradock		Accept
108.34		HDC (Planning Department)		Accept In-Part
95.37		New Zealand Defence Force (NZDF)		Accept In-Part
97.02		Lowe Corporation Ltd & Colyer Mair Assets Ltd		Accept In-Part
117.13		New Zealand Historic Places Trust (NZHPT)		Accept In-Part
37.04		Homestead Group Limited		Accept In-Part
110.03		Fraser		Accept In-Part
95.13		New Zealand Defence Force (NZDF)		Accept
95.51		New Zealand Defence Force (NZDF)		Accept
95.08		New Zealand Defence Force (NZDF)		Accept
95.22		New Zealand Defence Force (NZDF)		Accept In-Part
95.32		New Zealand Defence Force (NZDF)		Accept In-Part
117.15		New Zealand Historic Places		Accept

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Hearing Panel Decision
		Trust (NZHPT)		
41.37		Powerco		Accept
40.16		House Movers Section of NZ Heavy Haulage Association Inc.		Reject/Accept In-Part
40.33		House Movers Section of NZ Heavy Haulage Association Inc.		Reject/Accept In-Part
95.42		New Zealand Defence Force (NZDF)		Accept
70.05		Future Map Limited		Accept In-Part
70.06		Future Map Limited		Accept In-Part
70.08		Future Map Limited		Accept In-Part
70.09		Future Map Limited		Accept In-Part
93.20		The Oil Companies		Accept
40.07		House Movers Section of NZ Heavy Haulage Association Inc.		Accept
110.04		Fraser		Accept In-Part
	523.03	Future Map Limited	Oppose	Accept In-Part
117.26		New Zealand Historic Places Trust (NZHPT)		Accept In-Part
78.08		Telecom New Zealand Ltd		Reject
79.08		Chorus New Zealand Ltd		Reject
94.32		NZ Transport Agency (NZTA)		Accept
94.33		NZ Transport Agency (NZTA)		Accept
94.36		NZ Transport Agency (NZTA)		Accept
55.05	521.08	KiwiRail NZ Transport Agency (NZTA)	Support In-Part	Accept In-Part Accept In-Part
55.07		KiwiRail		Reject
	521.07	NZ Transport Agency (NZTA)	Support In-Part	Reject
37.06		Homestead Group Limited		Reject
70.00		Future Map Limited		Accept In Part
70.01		Future Map Limited		Accept In-Part
70.02		Future Map Limited		Accept In-Part
110.07		Fraser		Reject
Chapter 17 – Commercial Zone				
40.21		House Movers Section of NZ Heavy Haulage Association Inc.		Reject/Accept In-Part
40.41		House Movers Section of NZ Heavy Haulage Association Inc.		Reject
73.00		McDonalds Restaurants (New Zealand) Limited		Reject
95.04		New Zealand Defence Force		Accept

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Hearing Panel Decision
		(NZDF)		
40.19		House Movers Section of NZ Heavy Haulage Association Inc.		Reject
71.01		Progressive Enterprises Limited		Accept In-Part
71.00		Progressive Enterprises Limited		Accept In-Part
117.22		New Zealand Historic Places Trust (NZHPT)		Accept In-Part
25.05		Michael White		Accept In-Part
	525.21	Maurice & Sophie Campbell	Support	Accept In-Part
26.11		Horowhenua Astronomical Society		Accept In-Part
27.20		Horizons Regional Council		Accept
40.22		House Movers Section of NZ Heavy Haulage Association Inc.		Reject
95.19		New Zealand Defence Force (NZDF)		Accept
71.02		Progressive Enterprises Limited		Reject
71.03		Progressive Enterprises Limited		Reject
108.07		HDC (Planning Department)		Accept
108.30		HDC (Planning Department)		Accept
71.04		Progressive Enterprises Limited		Accept
71.05		Progressive Enterprises Limited		Reject
108.04		HDC (Planning Department)		Accept
5.04		Elaine Gradock		Accept
95.28		New Zealand Defence Force (NZDF)		Accept In-Part
108.35		HDC (Planning Department)		Accept In-Part
5.05		Elaine Gradock		Accept
95.38		New Zealand Defence Force (NZDF)		Accept In-Part
95.09		New Zealand Defence Force (NZDF)		Accept
95.52		New Zealand Defence Force (NZDF)		Accept
95.14		New Zealand Defence Force (NZDF)		Accept
95.23		New Zealand Defence Force (NZDF)		Accept In-Part
95.33		New Zealand Defence Force (NZDF)		Accept In-Part

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Hearing Panel Decision
117.16		New Zealand Historic Places Trust (NZHPT)		Accept
41.38		Powerco		Accept
40.20		House Movers Section of NZ Heavy Haulage Association Inc.		Reject
40.34		House Movers Section of NZ Heavy Haulage Association Inc.		Reject
95.43		New Zealand Defence Force (NZDF)		Accept
3.02		Matthew Thredgold		Reject
51.01		Waitarere Beach Progressive & Ratepayers Association (WBPPRA)		Accept In-Part
93.21		The Oil Companies		Accept
40.08		House Movers Section of NZ Heavy Haulage Association Inc.		Accept
117.27		New Zealand Historic Places Trust (NZHPT)		Accept In-Part
79.09		Chorus New Zealand Ltd		Reject
78.09		Telecom New Zealand Ltd		Reject
114.01		Gary Spelman		Accept In-Part
71.08		Progressive Enterprises Limited		Accept In-Part
71.07	510.00	Progressive Enterprises Limited McDonalds Restaurants Ltd	Support	Accept In-Part
71.09		Progressive Enterprises Limited		Reject
71.10		Progressive Enterprises Limited		Accept In-Part
73.01		McDonalds Restaurants (New Zealand) Limited		Reject
71.12		Progressive Enterprises Limited		Reject
26.12		Horowhenua Astronomical Society Inc.		Reject
117.17		New Zealand Historic Places Trust (NZHPT)		Reject
93.22		The Oil Companies		Reject

APPENDIX C: Tararua Road Growth Area Overlay Levin Design Guide

HOROWHENUA

DISTRICT PLAN

Tararua Road Growth Area Overlay
Levin

DESIGN GUIDE





DATE: 4 SEPTEMBER 2013

VERSION: 3

Contents

1	Introduction	4
	Purpose of the Design Guide	4
3	Application and implementation	5
4	Design Guide Structure	6
5	Process	7
6	Site Context	8
	6.1 Land use	8
	6.2 Site and Surrounds: Characteristics, Features and Buildings	8
	6.2.1 Characteristics and Features	8
	6.2.2 Buildings	9
	6.2.3 Transport Network and Access	11
	6.2.4 Infrastructure and Servicing	11
7	Development Outcomes for the Tararua Road Growth Area	12
8	Subdivision and Development Guidelines	13
	8.1 Street Blocks	13
	8.2 Growth Area Boundary Treatments	14
	8.3 Roding and Transport	16
	8.4 Infrastructure and Network Utility Services	17
9	Building and Amenity Guidelines	19
	9.1 Site Layout	19
	9.2 Building Scale and Design	20
	9.3 Building Setbacks and Street Frontage Landscaping	21
	9.4 Fencing	23

1. Introduction

A large area of land on the south-east area of Levin has been zoned Industrial and is identified as the Tararua Road Growth Area Overlay (TRGA). This land is currently undeveloped and a coordinated and managed approach is required for the progressive urban development of this land to achieve the desired objectives. Through the District Plan and this Design Guide, new subdivision and land use development is to be managed to ensure the development aspirations are realised and it responds to the local context and character.

2. Purpose of the Design Guide

The purpose of the Tararua Road Growth Area Design Guide is to provide guidance for those undertaking subdivision and land use activities within the TRGA. The Design Guide provides a set of outcomes and guidelines to shape subdivision and land use development to meet landowner, community and Council expectations for the TRGA.

The guidelines are to be used in conjunction with the District Plan Objectives, Policies and Rules and to assist in the implementation of the Tararua Road Growth Area Structure Plan.

The Tararua Road Growth Overlay Area is shown on Planning Map 29 and 30. The area is zoned Industrial and a Structure Plan in Schedule 5 of the District Plan applies further sub-areas, infrastructure, landscape buffers and other features as follows:

- Industrial Zone
- Low Impact Area
- Landscape Buffer
- Landscape Noise Buffer
- Reserve / open space
- Reserve / stormwater
- Industrial Distributor Road
- Future Road Linkage

Section 7 of the Design Guide describes the development outcomes for the TRGA. Sections 8 and 9 set out the guidelines that assist subdivision and land use development to achieve the stated outcomes.

It should be noted that the illustrations within the Design Guide are intended to define and demonstrate what is meant by outcomes or guidelines and are not intended to represent actual design solutions.

3. Application and Implementation

This Design Guide applies to the Tararua Road Growth Overlay Area (TRGA) identified on the Planning Maps. The TRGA is located on the urban periphery of south-east Levin and is in close proximity to existing industrial activities at Tararua Road and Cambridge Street South and residential activities to the north.

Under the District Plan rules, all subdivision and land use activities require resource consent within the TRGA and applications will be assessed against the guidelines contained within this document. The Design Guide is to be applied in conjunction with the rules and standards in the District Plan. Subdivision and land use proposals that are not consistent with the Design Guide can be a basis for the Council to decline resource consent approval.

This Design Guide offers a step-by-step approach to a higher standard of amenity within the TRGA and to manage effects at the Industrial Zone boundary with the neighbouring Residential and Rural Zones. These outcomes are achieved through the consideration of context and subdivision design, through to site layout and creating positive relationships between public/private spaces at the land use stage. Innovation and individual design solutions in development are encouraged; the guidelines are to assist the consideration of key principles in order to achieve the outcomes of this document.

4. Design Guide Structure

The Design Guide is to be used to:

- A** Assist property developers, surveyors, engineers, architects and planners to prepare and design subdivisions and land use developments; and
- B** Assist Horowhenua District Council staff to evaluate new subdivision and land use applications.

Consistency with the guidance provided in this Design Guide can be achieved most effectively by following the process set out below as it will ensure relevant information has been collated and communication lines between the Council and applicant are open early on in the design process.

Each section of the design guide is generally structured into 4 parts (for example):



5. Process

The Horowhenua District Council encourages landowners, developers and their surveyors, planners, architects, engineers and other advisers to work collaboratively throughout the development planning process and to seek early discussions with Council prior to undertaking detailed design for any development. This allows for development concepts to be discussed prior to commencing detailed design, gives all parties more certainty which aids the preparation for the drafting of any applications and the eventual processing of them.

A diagram of the design process is described below. The need for all of these steps will depend on the development scale. This process is optional but is intended to assist in providing for an efficient design and consenting process.

Step 1

Preliminary Meeting

Initial discussion about aspects of the site and its context, confirm district plan requirements and other consents required (regional council) and confirm information requirements/expectations. It may be appropriate to hold a joint Council meeting with officers from Horowhenua District Council and Horizons



Step 2

Concept subdivision plan / draft site layout plan

The developer/applicant may submit draft or conceptual drawings for the proposed subdivision, or land use, prior to commencing detailed drawings, to seek preliminary feedback from Council in regards to the approval process, the District Plan rules, the Structure Plan and the design guide.

With respect to subdivision applications, confirm the timing of district and regional consents and whether all consents are to be processed concurrent or separate.



Step 3

Design Process Meeting

Meeting(s) as required to develop the concept designs and continually resolve design issues with Council staff, including Community Assets with respect to infrastructure and reserve development.



Step 4

Final Design

The developer/applicant is to submit the final design and supporting forms and assessment as part of the resource consent application.

6. Site Context

Integrating greenfield industrial development into the existing environment requires an appropriate response to the existing land uses, characteristics, features and topography of the TRGA and its surrounds. Industrial development will bring about change to the area, but can do so in a way that best responds to the locality.

This section broadly describes the land uses, connections, characteristics and features of the TRGA and its relationship with south east Levin and future subdivision and developments should respond to this context.

6.1 Land use

There is a diversity of land uses surrounding the TRGA including:

- Residential and rural residential
- Primary production
- School
- Industrial
- Major roads (State Highway 57 and Tararua Road)
- Local roads (Hinemoa Street, Kinross Street, Winiata Street, Strathmore Avenue and Perth Street)

The subdivisions are to set the underlying framework and infrastructure to enable the development and operation of new industrial buildings and activities within the TRGA. Mitigation measures are to be integrated into subdivision designs to both protect new industrial development from reverse sensitivity effects; and to protect the adjacent land uses from adverse environmental effects.

6.2 Site and Surrounds: Characteristics, Features and Buildings

6.2.1 Characteristics and Features

The TRGA is relatively flat and bound by major roads to the east (State Highway 57/Arapaepae Road) and south (Tararua Road). Currently, the area is open pasture with a shelterbelt running parallel with the northern boundary in part. There are views into the site from the existing residential activities to the north, the industrial activities to the west and from rural activities from the remaining aspects. The Tararua Ranges are the dominant natural feature within the wider context and views to these ranges from new development within the area would be possible and therefore should be promoted in future subdivision design and building orientation.



Viewpoint: from northern boundary of the Tararua Road Growth Area at Hinemoa Street looking south east, south and south west, with the Tararua Ranges forming the backdrop to the east and connection with the existing industrial activities to the west.

An established planted strip along Arapaepae Road (SH 57) for the length of the existing residential area is located north of the TRGA. The Council owns three parcels of land to partially assist the continuation of this amenity strip along the eastern boundary of the growth area.



Viewpoint: from eastern extent at Arapaepae Road towards the existing Residential Zone and the Council planted amenity strip to be continued along the Tararua Road Growth Area boundary.

6.2.2 Buildings

The TRGA is currently void of any principal buildings, whereas the adjoining Industrial Zone (Cambridge Street South and Tararua Road) contains a range of industrial buildings which are generally simple pitched roof structures that have a rural industrial appearance and scale. The exception is the Carter Holt Harvey (Packaging) building which is larger in scale, yet repeats the same simple pitched roof form and appears as a series of attached buildings. Refer to photos below for these existing buildings.



Photo 1: Looking west along Tararua Road. Established industrial activity. Rural industrial character. Single storey workshop/warehouse, simple pitched roof.



Photo 2: Looking east along Tararua Road. Scale of industrial buildings are larger than residential, but not overly dominant. Tararua Ranges providing backdrop.



Photo 3: Looking south-west along Tararua Road towards adjacent Rural Zone. The form and scale of the glasshouses provides distinctive character of the locality and their functional use.



Photo 4: Looking west along Tararua Road, simple building form and structure.



Photo 5: Near corner of Tararua Road and Cambridge Street South with the stock yards in the foreground and associated industrial building in the background.



Photo 6: Cambridge Street South looking north towards wholesale trade supply (RD 1) and manufacturing industries. Buildings are a mix of styles, yet are similar in scale and alignment with the street.



Photos 7 and 8: View of Carter Holt Harvey facility from Tararua Road. Larger scale building, but remains simple in form, setback from the road, open weave security fencing, established trees and clear signage.

6.2.3 Transport Network and Access

The TRGA is strategically positioned to access main transport links such as State Highway 1, State Highway 57 (Arapaepae Road) and the North Island Main Trunk Railway. To maintain the safe and efficient operation of State Highway 57, subdivisions and land use developments are to avoid providing direct road or vehicle crossing access onto the state highway. As an alternative, access onto Tararua Road and new roads within the TRGA will provide the main external entry/exit point.

Hinemoa Street, Winiata Street and Perth Street are residential streets to the immediate north of the TRGA and have the potential to provide transport options (drive, walk or cycle) from home to work, for those working in the industrial area. Any potential road connections from the TRGA to the residential area need to be designed to provide for residential traffic as well as to restrict heavy industrial traffic.

There is currently no dedicated pedestrian footpath or cycle lane along Tararua Road or State Highway 57. As development within the TRGA and the (Deferred) Greenbelt Residential Zone to the east of Arapaepae Road progresses, demand for pedestrian and cycle facilities are likely to become increasingly demanded and should be proactively considered.

6.2.4 Infrastructure and Servicing

As the TRGA is currently undeveloped, there is no infrastructure or services through the area. However, existing reticulated water and wastewater services are available within road reserve along Tararua Road. There is no reticulated stormwater system in Levin and all stormwater is to be managed on-site. Electricity and telecommunication services are available within Tararua Road and an applicant should liaise with the relevant network utility operator for these services.

7. Development Outcomes for the Tararua Road Growth Area

The industrial development outcomes for the TRGA are listed below and demonstrated spatially on the Structure Plan:

- Create a quality industrial environment in the south-east extent of Levin that will enhance the reputation, economic and social wellbeing of the Horowhenua district;
- Maximise the strategic position of the site and its close proximity to national transport links to attract quality industrial business to the Levin area;
- Provide opportunities for a range of industrial activities, wholesale and trade supply activities and other associated non-industrial activities to locate within the TRGA,
- Create an industrial environment that responds to the context, characteristics and features of the site and its surrounds and creates a level of amenity that people enjoy working within;
- Provide effective noise, visual and amenity buffers between the existing adjoining land uses and the new industrial environment so that adverse effects are internalised within the Industrial Zone and the risk of reverse sensitivity effects is minimised.
- Provide an intermediary Low Impact Area and maintain a substantial separation distance between the existing residential area to the north of the TRGA and the standard Industrial Zone.
- Provide an effective stormwater collection, treatment and disposal system throughout the TRGA using low impact urban design principles and other environmentally responsive and sustainable design solutions;
- Create a linear reserve between the residential area (including Taitoko Primary School) that supports multiple uses, including stormwater treatment swales, open space, and walking and cycling connections to and through the TRGA;
- Connect the TRGA with the existing urban area in south-east Levin and avoiding connections to State Highway 57, using a safe and efficient internal roading system and access onto local roads.

8. Subdivision and Development Guidelines

This section of the Design Guide sets out the subdivision and development guidelines to be considered and assessed as part of the design and consent process for future development in the TRGA.

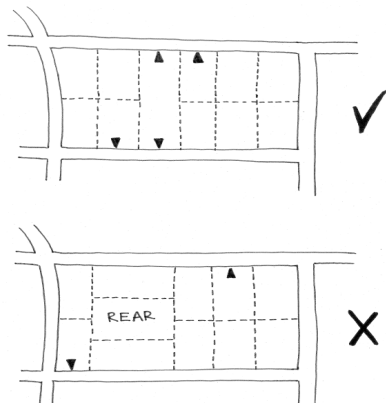
8.1 Street Blocks

The design of street blocks and the subdivision of individual lots in conjunction with the overall internal roading network and hierarchy can create a connected and well laid out industrial area. The layout of the industrial area and street blocks has significant potential to influence ease of movement in and around the area, access to sites, the efficient development of individual lots, and a positive interface with surrounding areas.

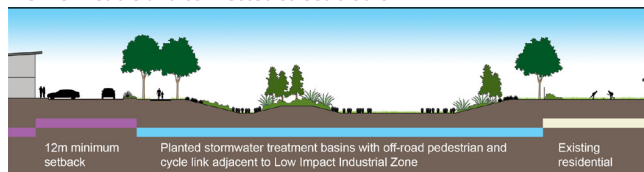
A grid pattern, with a hierarchy from main roads to secondary roads connecting with existing main and secondary roads, provides an easy to navigate and readily developable industrial area, as shown on the Structure Plan.

The interface with the adjoining residential area to the north of the TRGA needs to be carefully managed to protect the amenity of the residential area and avoid reverse sensitivity effects for new industrial development, with separation distance a key method used as shown on the Structure Plan.

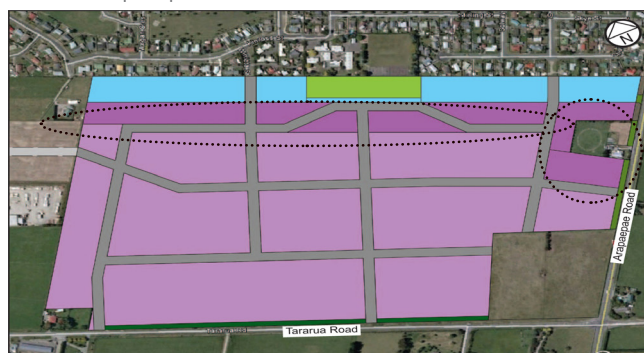
Lots need to be of a size and shape to accommodate a range of industrial uses. Rear lots are undesirable due to access difficulties and the inability for development to address the street. Similarly, reserves intended for public use that are well fronted by public roads are more secure because of the informal surveillance from the road and activities that interface with the road across the carriageway.



1-3. Permeable and connected street blocks



4. Width of open space and storm water reserve



5-6. Low Impact Area within the TRGA Structure Plan

1. Street blocks should be of a scale and shape to achieve a permeable and connected street layout suited to industrial land use.

2. The street blocks should form a grid pattern responding to the historical urban pattern and connect with the existing road network.

3. All lots should be a regular shape, front onto a road, and be accessed directly from a legal road. Rear lots are to be avoided, but through lots (with dual road frontage) are permissible.

4. A reserve/open space/stormwater treatment area should extend for the full length of the TRGA with the adjoining residential area. The width of this area should be sufficient to accommodate stormwater detention and treatment and avoid amenity (e.g. noise and visual) conflicts between residential and industrial uses.

5. A Low Impact Area is to be provided for on the southern side of the reserve/open space/stormwater treatment area and adjoining the rural-residential property at 172 Arapaepae Road (Lot 191 DP 52352 and Lot 1 DP 341015)

6. The central reserve/open space area within the linear reserve and the road layout should be designed so that a road extends along the full length of the southern side of the reserve.

8.2 Growth Area Boundary Treatments

A range of existing land uses either adjoin or are in close proximity to the TRGA. There is potential for new industrial activities and development to adversely affect the established residential and rural amenity in the adjoining areas. Setbacks and landscape planting around the perimeter of the TRGA can mitigate these adverse effects on the amenity values of the adjoining areas. In addition, vegetation and trees can improve the attractiveness and visual appeal of the general area, including when viewed from key public viewpoints as State Highway 57 (Arapaepae Road).

A landscaped buffer along State Highway 57 (Arapaepae Road) would continue and reinforce the existing beautification strip to the north of the TRGA. In designing the landscape buffers, future management and maintenance needs to be considered to ensure they are retained in perpetuity and are not costly to maintain. While the primary function of landscape buffers is to visually screen industrial development, the design of the landscape buffers should also consider other functions such as walking/cycling.

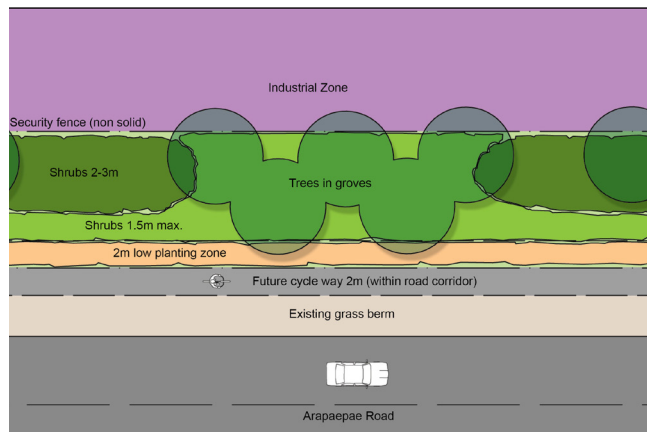
1. Provide a buffer area between the existing residential activities (including the Taitoko Primary School) within the adjoining Residential Zone and new industrial activities through the use of a linear reserve/open space/stormwater management area so that visual, noise and nuisance effects (dust, lighting and on-site traffic noise) are minimised.



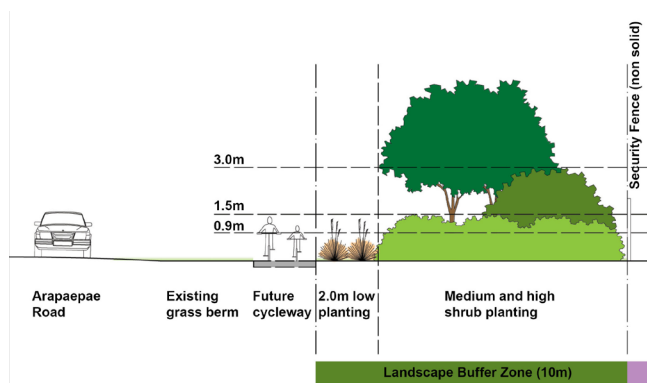
1. Buffer area between future industrial activities (Low Impact) and existing residential

2. Create a 10m wide Landscape Buffer along the Arapaepae Road boundary to mitigate visual effects. This buffer should be designed as follows:

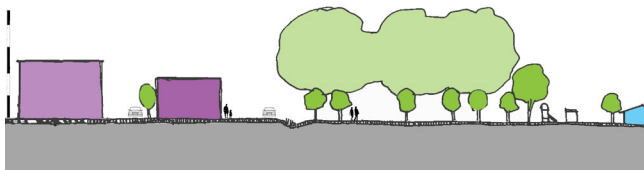
- Low planting zone: Low amenity planting with maximum mature height of 0.9m immediately adjacent to the Arapaepae Road frontage for a minimum width of 2m.
- High planting zone: Continuous shrub planting and groves of specimen trees with a mature height of between 2m to 3m.
- For every 40m along the landscape buffer area there is to be a maximum of shrub planting area of 20m; and
- For every 50m along the landscape buffer area there is to be groves of trees (5 tree minimum). Regular spacing of the specimen trees is to be avoided.
- Remaining Area: The areas between the Low and High planting zones shall be planted with shrubs and amenity plants with maximum mature height of 1.5m.
- Fencing: A 1.8m – 2.0m high non-solid security fence is to be positioned on the TRGA side of the landscape buffer and not be visible from the road.



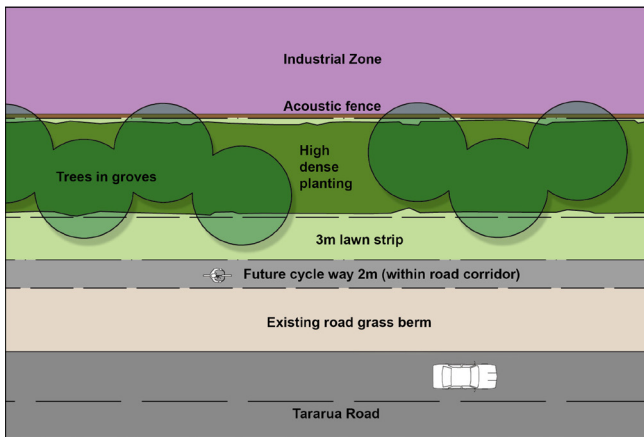
2. Landscape Buffer: Plan



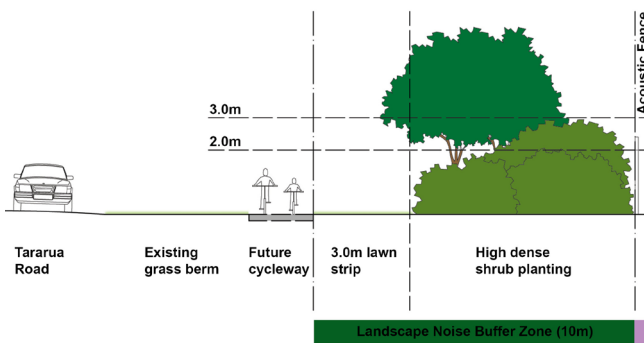
2. Landscape Buffer: Cross-Section



3. Landscape concept to provide attractive outlook into TRGA



4. Landscape and Noise Buffer: Plan



4. Landscape and Noise Buffer: Cross-Section



5. Hierarchy of vegetation heights to provide screening and natural surveillance

3. Maintain an attractive outlook from the adjoining residential properties and Taitoko Primary School by softening and screening industrial development through planting within the reserve/open space/stormwater management area.

4. Create a 10m wide Landscape and Noise Buffer along Tararua Road and the south-east extent of Arapaepae Road to mitigate visual and noise effects. This buffer should be designed as follows:

- Lawn Strip: A 3m wide lawn area shall be established immediately adjacent to the road frontages.
- High planting zone: Dense shrub planting and groves of specimen trees to achieve a mature height of between 2m to 3m to ensure the acoustic fence is screened from the road.
- For every 50m along the landscape buffer area there is to be groves of trees (5 tree minimum). Regular spacing of the specimen trees is to be avoided.
- Fencing: An acoustic fence is to be positioned on the TRGA side of the Landscape Noise Buffer, with a minimum height of 2.4m.

5. Design landscape buffer areas to be safe for pedestrians and cyclists to use as informal open space.

6. Protect the adjoining rural-residential property at 172 Arapaepae Road by minimising visual and noise effects through the use of building setbacks, landscaping and/or noise buffers between this property and the eastern periphery of the TRGA.

7. Ensure any new landscape planting areas to be vested with the Council are designed to include species that are characteristic and local to the area, are established and maintained so that the long term maintenance is cost effective to the Council and community.

8.3 Roading and Transport

The roading and transport infrastructure should be considered in an integrated fashion together with the street blocks that they create. The design of the road network for the TRGA needs to connect with the existing local road network in a safe and efficient way. A new internal roading network with TRGA is also required.

The new road network should ensure there is a clear hierarchy of main and secondary roads, with a high level of connectivity to, from and within the TRGA. The new road network should be designed so it efficiently directs traffic into and out of the TRGA via Tararua Road, particularly for heavy traffic, with secondary connections to the existing streets to the north. The connections to the residential streets to the north must be designed to discourage heavy vehicular traffic to avoid safety and amenity effects within the adjoining residential area.

1. Maintain the safe and efficient operation of State Highway 57 by avoiding new access or road connections to the State Highway.

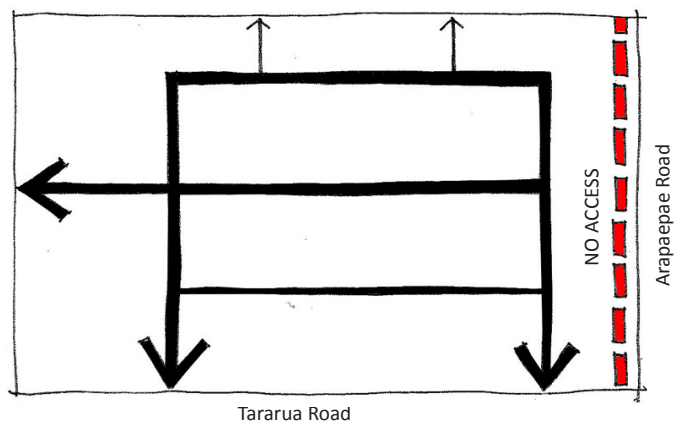
2. Provide primary road access to/from the TRGA via Tararua Road, with secondary road access via Winiata Street and Perth Street, and provision for a future road linkage to the west of the TRGA.

3. If subdivision and development is undertaken in stages, the roading networks should be designed with connections and capacity that provides for the development of the TRGA in its entirety.

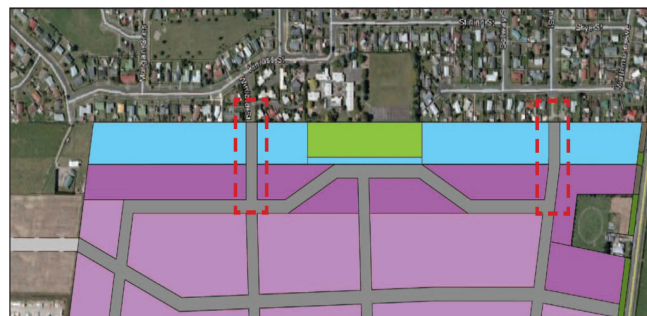
4. The internal roading network within the TRGA should achieve an interconnected system of streets as shown on the Structure Plan to enable through industrial traffic to move safely and efficiently to and from destinations.

5. Road designs, including road carriageway widths, should relate to the nature and function of the road. Provision should be made for heavy vehicles, as well as provision for pedestrians and cyclists.

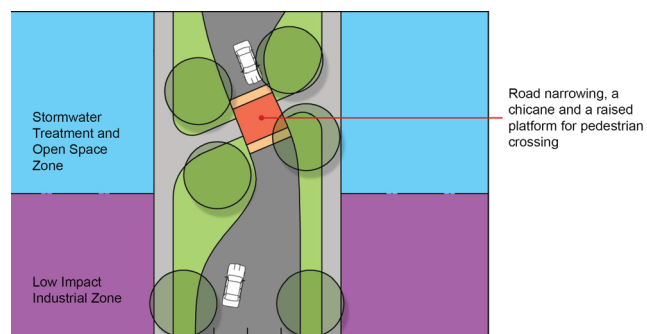
6. Restrict heavy industrial traffic from using internal access roads that connect with the existing residential area to the north of the TRGA. This restriction may be achieved through the design of the new road connections (e.g. narrow road carriageway width, planting and street tree layouts, the use of a chicane, and/or raised road surface). The design of this traffic calming measure should consider the alignment of any off-road pedestrian and cycle path within the reserve/open space/stormwater treatment area.



1-5. Schematic roading hierarchy and internal and external roading connections



6. Road linkages to Residential zone requiring a specific road design



6. Potential design solution for Residential zone road linkages

8.4 Infrastructure and Network Utility Services

The TRGA is a greenfield development site and requires the extension of infrastructure and services across the site. Infrastructure and network utility services include new roads, reserves, stormwater management, water supply, wastewater, trade waste, telecommunications, gas and power. The provision of infrastructure and network utilities is a key requirement for the effective and functional development and operation of industrial activities. It is important the design and provision of infrastructure and network utilities caters for the demands from industrial activities, both in the short and longer term (i.e. future proofed).

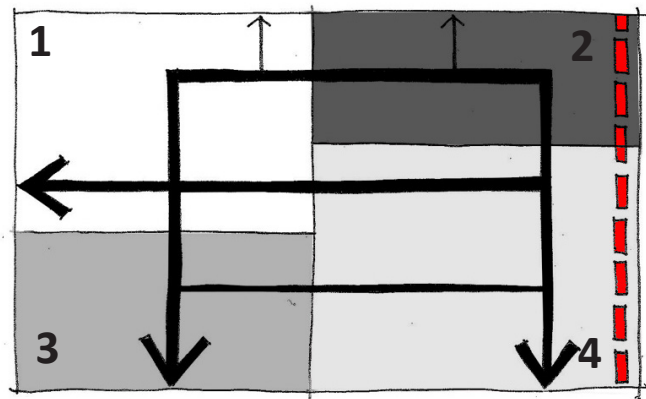
To achieve these outcomes, the infrastructure and network utility services should be planned in a comprehensive manner working with the respective network utility operators. Upgrades may be required to some services to meet future demands. In addition, the provision of new infrastructure and services should be undertaken in an environmentally conscious manner. The long-term maintenance costs of infrastructure as well as the up-front capital costs need to be considered in the design and planning of infrastructure.

1. Infrastructure (including roads) and network utility services should be planned and designed comprehensively (i.e. in an integrated manner for the entire TRGA) so that the location of utility structures, services and spaces are part of an overall scheme and meet immediate and long-term requirements.

2. If subdivision and development is undertaken in stages, the infrastructure and network utilities should be designed to provide for the capacity that satisfies the demands and requirements of the entire TRGA in a cost effective and environmentally sustainable way.

3. The design should connect efficiently with existing infrastructure. Allowance should be made for future connections with adjacent sites.

4. Utilise new technology and low impact urban design principles in managing stormwater throughout the TRGA and ensure that all stormwater run off can be collected, treated and disposed of within the overall TRGA area.



1-3: Integrated, planned infrastructure provision across multiple stages of subdivision and development



4. Low Impact urban design stormwater provision



5. Open space supporting multiple functions



6-7. Planted linear reserve supporting open space and stormwater functions



6-7. Separation distance and planting to provide an attractive outlook

5. Provide for multiple functions (open space, amenity, stormwater management, alternative transport connections) into the design of reserves.

6. Design the linear reserve so it extends along the entire northern boundary with the Residential Zone and has a width and design that responds to the following requirements:

- An stormwater detention area. This area is integral to the overall TRGA stormwater management system (collection, treatment and storage). Secondary or more stormwater collection and treatment areas and methods may be required across the TRGA.

- Provides a separation distance (approximately 50 – 60m) between the northern boundary with the Residential Zone and the Low Impact Area with TRGA in a way that buffers noise, mitigates visual effects from buildings and results in an attractive and visually appealing outlook for the residential properties and Taitoko Primary School.

- Provides a safe alternative route for walkers and cyclists from work to home.

7. Consider the long-term maintenance costs of infrastructure and services.

9 Building and Amenity Guidelines

The future character of the TRGA is reflected in the outcomes described in Section 7 above which is a good quality industrial environment. The outcomes also seek to create a relatively high level of amenity within the TRGA, to enable a good environment for business and industrial activities to operate and to provide enjoyment for those working or passing through the area. A key factor in achieving these outcomes is to ensure positive interfaces are established between the private realm (future businesses) and public realm (roads, streetscapes and stormwater reserve/open space) both within and on the edges of the development. This section of the guidelines focuses on the relationship between the private and public realms within the TRGA.

The Low Impact Area is an intermediary area between the linear reserve and the main industrial environment. There are some specific guidelines relating to the Low Impact Area because activities and buildings within the Low Impact Area are smaller in scale and less intensive than the standard Industrial Zone.

9.1 Site Layout

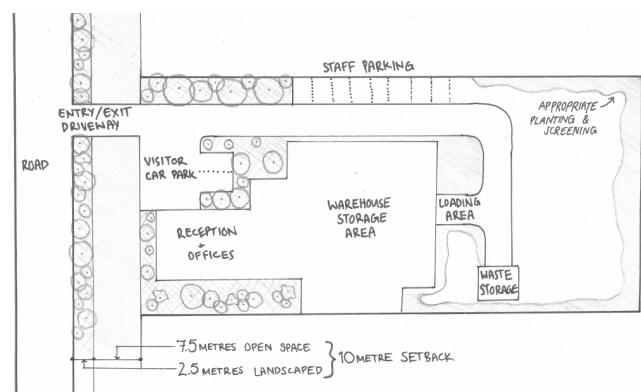
Functional and attractive industrial sites are to achieve high quality building and landscape frontages to public spaces including streets and reserves, leaving the remainder of the site and buildings to operate industrial activities effectively. The location of facilities and operational areas within industrial sites can influence the nature and scale of external adverse effects, such as not locating noisy or other nuisance creating operations near the property boundary.

1. Position at the front of building any administration, office or other spaces accessed by the public, and present main entry doors and glazing to address the street or reserve. Where a site is bounded by more than one street or a public space it should establish a primary frontage on one public boundary, generally to meet the most significant street or space. Secondary frontages may be established on others.



1. Primary (visitor) access and building frontage

2. Provide for legible vehicular and pedestrian access, as well as safe and efficient access for servicing/loading vehicles.



2-3. Conceptual layout to avoid potential conflict of adjoining sites

3. The layout of the industrial development avoids potential conflict between activities on adjoining sites through the location and design of storage areas, rubbish and waste disposal, loading bays, delivered areas and any noisy machinery and activities.

9.2 Building Scale and Design

Managing the scale of buildings (and structures) within the Industrial Zone, particularly the Low Impact Area can improve the overall relationship of new development to its surrounds. Buildings of great height or bulk may visually overwhelm their immediate surroundings. Where the length, width and/or height of a new development conflicts with the characteristics of its surroundings, design techniques may be employed to modify and mitigate the visual impacts.



1. Scale and design of industrial buildings



2. Building height and stepping down to primary street frontage



3. Building facade broken up



4. Appropriate use of glazing to provide building interest and articulation

1. Buildings on sites facing existing residential and rural residential activities are to be of a scale and position that minimises adverse visual effects and maintain an attractive and open outlook towards the TRGA.

2. Lower building heights at street frontages to create a scale that is appropriate at street level. This visual stepping is not required for buildings on streets that primarily function for service and supply vehicles.

3. Continuous blank external building facades on the street frontage or linear reserve/open space/stormwater area should be avoided by ensuring walls of a length greater than 20m are either reduced or the façade broken with steps.

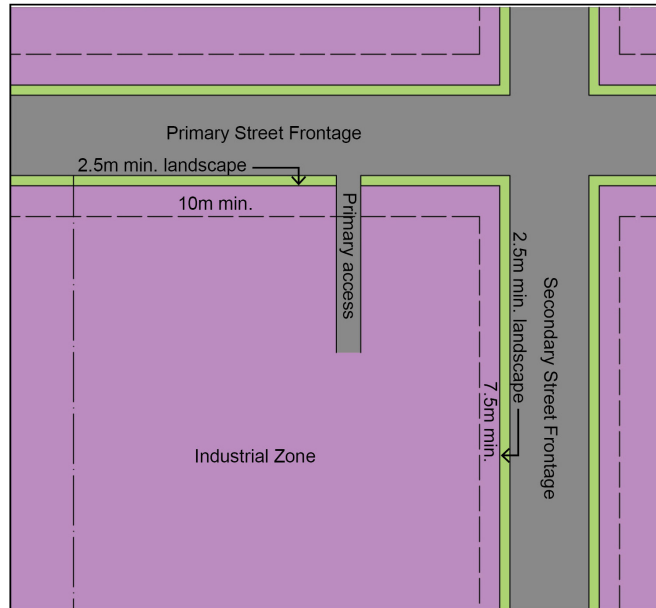
4. Examples of adding interest to long continuous walls can include walls being stepped back or vary walls in alignment, creative use of materials, texture or colour changes, and the use of glazing (where the optimal amount of window and door glazing across any single façade is between 5% and 50% of the external wall).

9.3 Building Setbacks and Street Frontage Landscaping

Buildings and landscaping are to create attractive and safe spaces between the development within the site and immediate road frontage and reserves. Building setbacks from the road frontage and landscaping provides visual relief from the industrial development.

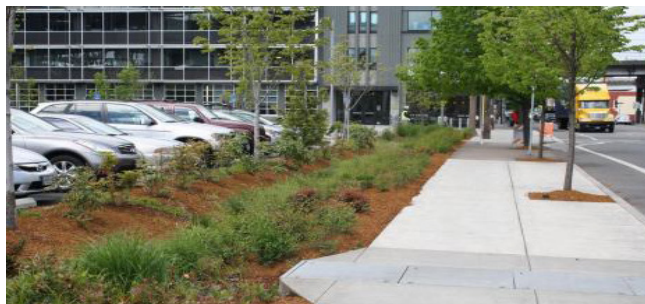
1. Sites should differentiate between the street that provides the main visitor entry or “front” of the activity, compared to the street that provides access for service vehicles as follows:

- **Main Entry Street Frontage:** Buildings are to be setback a minimum of 10m from the street frontage. Within this 10m building setback a 2.5m landscape strip is to be established and the remaining 7.5m is to be maintained as open space.
- **Service Street Frontage:** Buildings are to be setback a minimum of 7.5m from the street frontages. Within this building setback a 2.5m landscape strip is to be established and the remaining 5m is to be maintained as open space.

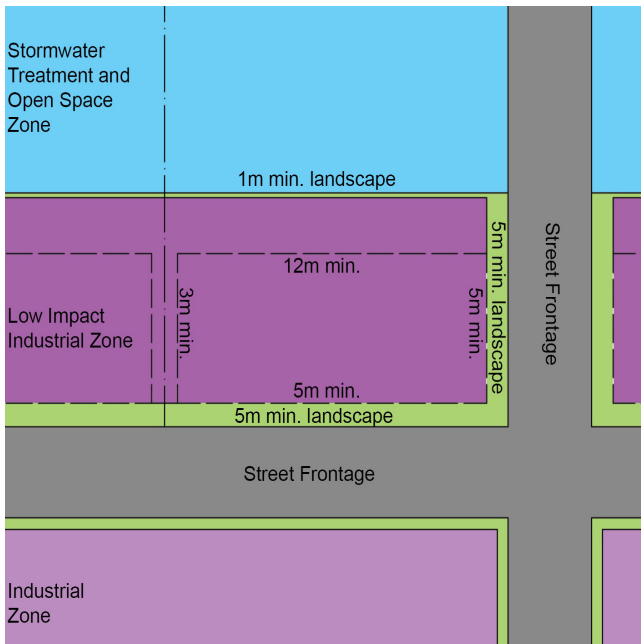


1. Industrial Zone: Building setbacks and landscape requirements.

2. On-site car parking areas shall be designed with a regular grid of shade trees, of a suitable species, between parking rows at a ratio of 1 per 6 car-bays.



2. Landscaping within car parking areas.



3. Low Impact Area: Building setbacks and landscape requirements.

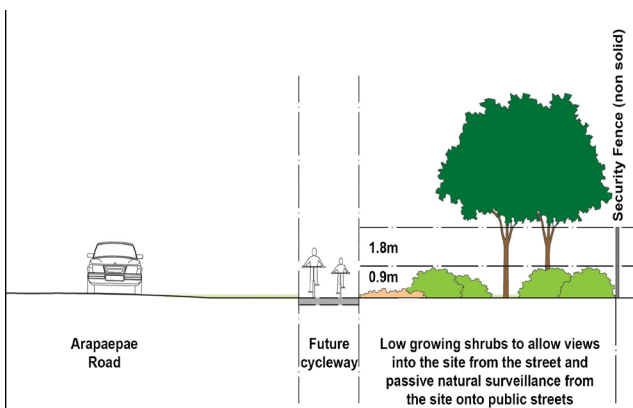
3. Sites within the Low Impact Area are to provide the following building setbacks:

- **Linear Reserve:** Buildings are to be setback a minimum of 12m from the boundary of the linear reserve. Within this building setback include a minimum 1m landscape strip immediately adjoining the reserve.
- **All Streets:** Buildings are to be setback a minimum of 5m from all street frontages. Within this building setback the entire 5m width is to be a landscape strip.
- **Properties Boundaries:** Buildings are to be setback a minimum of 3m from all property boundaries (side and rear).



4. Shared parking for reserve and visitors to industrial site

4. Incorporate on-site car parking into building setback from the linear reserve and encourage visitors to access the reserve.



5. Hierarchy of plant heights with road boundary landscaping

5. Within any of the landscape strips referred to above, appropriately spaced and positioned trees with high canopies (above 2m in height, where mature trees are pruned clear to a minimum of 1.8m above ground level) and low growing shrubs (less than 0.9m) allow views into the site from the street as well as enabling natural surveillance from the site onto public streets.

The landscape strips within each property are to be established and maintained by the individual owners and not vested in Council. Consequently, it is important that each landscape strip is designed and established with a cost effective maintenance regime in place.

9.4 Fencing

Safety, amenity and accessibility can be improved by avoiding dominant fences on the front boundary of lots and adjoining reserves to create positive spaces between private front yards and public spaces:

1. Avoid solid fences above 1.2m along any road frontage..

2. The use of rail-less chain link or steel mesh fence security fencing can be appropriate where this type of fencing has a height between 1.8m to 2m.

3. For sites within the Low Impact Area:

- Linear Reserve: Any fences along the boundary of the linear reserve are to be designed so that natural surveillance of the reserve can be maintained and the edge of the reserve is attractive and accessible. The use of security fences or solid fences of a height 1.2m or greater are inappropriate and shall be avoided.

- Street frontage: Any fence along the street frontage shall be designed to have a high proportion of transparency, where only 35% of the fence can be determined to have a solid appearance.



1. Definition of public and private space while maintaining and appropriate level of natural surveillance



2. Example of rail-less chain mesh fence



3. Low and open fences enable natural surveillance over adjoining reserve

RESOURCE MANAGEMENT ACT 1991

PROPOSED HOROWHENUA DISTRICT PLAN

HEARING OF SUBMISSIONS

DECISION OF HEARING PANEL

TOPIC: Report on District Plan
Land Transport and Subdivision & Development

HEARING PANEL: Robert Van Voorthuysen (Chair)
Cr Tony Rush
Cr Leigh McMeeken

HEARING DATE: 29th April & 28th May 2013

CONTENTS

1. INTRODUCTION	4
2. OFFICER'S REPORT	4
3. SUBMITTER APPEARANCES	4
4. EVALUATION	4
General Matters.....	5
Issue 10.1.....	6
Issue 10.2.....	7
Issue 10.3.....	7
Objective 10.1.1 and Policies 10.1.2 to 10.1.7.....	8
Policy 10.1.8.....	8
Policy 10.1.9.....	9
Policies 10.1.10, 10.1.11, 10.1.12 and 10.1.13.....	9
Objective 10.2.1 and Policies 10.2.2, 10.2.3 and 10.2.4.....	10
Objective 10.3.1 and Policies 10.3.2, 10.3.3 and 10.3.4.....	10
Policy 10.3.5.....	10
Policy 10.3.6.....	11
Policies 10.3.7, 10.3.8, 10.3.9 and 10.3.10.....	12
Policy 10.3.11.....	12
Policy 10.3.12.....	13
New Policy under Objective 10.3.1.....	13
Explanation and Principal Reasons for Objective 10.1.1.....	14
Methods for Issue 10.1 and Objective 10.1.1.....	14
Methods for Issue 10.3 and Objective 10.3.1.....	14
Rule 21.1.1 Vehicular and Pedestrian Accessways Design Standards.....	16
Rule 21.1.3 Vehicle Crossings to the State Highways.....	17
Rule 21.1.5 Construction of Vehicle Crossings.....	17
Rule 21.1.6 Formation Standards.....	17
Rule 21.1.8 Vehicle Parking Standards.....	19
Table 21.4 Vehicle Parking Space Ratios.....	20
Chapter 21 General.....	21
Rule 24.1.1 General Standard of Compliance.....	22
Rules 24.1.5 and 24.2.4 Surface Water Disposal.....	23
Rule 24.2.7 Utility Services.....	23
Chapter 24 – General Matters.....	24
All Zone Rule Chapters: Permitted Activity Conditions - Vehicle Parking, Manoeuvring, and Loading.....	25
All Zone Rule Chapters: Permitted Activity Condition - Safety and Visibility at Road and Rail Intersections.....	27
Chapter 17 Commercial Zone: Rule 17.6.17(a)(iv) – Permitted Activity Conditions: Vehicle Parking, Manoeuvring and Loading.....	28
Chapter 25 Assessment Criteria – All Zones: Vehicle Access.....	29
Chapter 26 Definitions – New Definition 'Loading'.....	30
Subdivision and Development Principles and Requirements (2012), Engineering Appendix One - Vehicle Crossings.....	30
Subdivision and Development Principles and Requirements (2012), Section 8 - Earthworks and Geotechnical.....	32
Subdivision and Development Principles and Requirements (2012), Section 10 Stormwater.....	33
Subdivision and Development Principles and Requirements (2012), Schedule 4, Altered Requirements to Section 4 NZS 4404:2010 Stormwater.....	35
Subdivision and Development Principles and Requirements (2012), Engineering Appendix 2, Stormwater Disposal to Soakpits.....	36
Proposed Plan references to Council's Subdivision and Development Principles and Requirements (2012).....	37
5. SECTION 32.....	38
6. DECISION.....	38

APPENDIX A: Proposed Plan as amended by Hearing Plan Decisions	39
APPENDIX B: Schedule of Decisions on Submission Points	53
APPENDIX C: Officer's statement dated 17 May 2013	59

1. INTRODUCTION

1.1 We were appointed by the Horowhenua District Council to consider submissions on the Proposed District Plan relating to the Land Transport and Subdivision & Development chapters. A hearing was held on 29 April 2013 and 28 May 2013 and it was closed on 13 September 2013.

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

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

2. OFFICER'S REPORT

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

2.2 Mr Wesley also helpfully provided a further written statement dated 17 May 2013 containing answers to our questions. That statement is attached to this Decision as Appendix C.

3. SUBMITTER APPEARANCES

3.1 On 18 April 2013 we heard in person from Penelope Tucker and Wayne Wallace on behalf of Horizons Regional Council (submitter 27 and further submitter 528) and Warwick Meyer on behalf of HDC Community Assets Department (submitter 91 and further submitter 511). On 28 May 2013 we heard from Philip Taueki (submitter 11). Mr Taueki was supported by his partner, Anne Hunt, and he had two witnesses speak as part of his presentation, firstly his sister Vivienne Taueki and secondly Professor Whatarangi Winiata.

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

3.3 We also received tabled written material from:

- M Foster on behalf of Progressive Enterprises Ltd (submitter 71);
- Georgina McPherson on behalf of Powerco Limited (submitter 41 and further submitter 505);
- Pam Butler on behalf of KiwiRail (submitter 55);
- Chris Keenan on behalf of Horticulture New Zealand (submitter 98 and further submitter 517).

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

4. EVALUATION

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

¹ Section 42A Report to the District Plan Review Hearing Panel, Proposed Horowhenua District Plan, Land Transport and Subdivision & Development, April 2013.

General Matters

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
11.29	Philip Taueki	No specific relief requested. Inferred: Amend Chapter 10 to include provision for consultation with Tangata Whenua at any early phase of development in order to bypass sites that are culturally sensitive.	519.24 Charles Rudd (Snr) - Support
60.23	Muaupoko Co-operative Society	No specific relief requested. Inferred: Amend Chapter 10 to include provision for consultation with Tangata Whenua at any early phase of development in order to bypass sites that are culturally sensitive.	

4.2 The above submissions were evaluated by the reporting officer in section 4.1.2 of the officer's report. We have reviewed the officer's evaluation and we agree with it and adopt it as our reasons pursuant to Clause 10(2)(a) of Schedule 1 to the RMA. The officer recommended no amendments to Chapter 10 of the Proposed Plan. We consider that to be appropriate. We therefore adopt that recommendation as our decision pursuant to Clause 10(1) of Schedule 1 to the RMA.

Issue 10.1

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
27.13	Horizons Regional Council	Amend Issue 10.1 through considering the ongoing impacts of decreased funding streams from the National Land Transport Fund on future transportation needs.	521.02 NZ Transport Agency (NZTA) - Oppose
27.14	Horizons Regional Council	Amend Issue 10.1 to reflect the thinking of the New Zealand Transport Agency.	521.03 NZ Transport Agency (NZTA)- Oppose 523.02 Future Map Ltd- Support
91.00	HDC (Community Assets Department)	Amend wording of Issue 10.1 under the heading: The Integration of New or Extended Infrastructure With Existing Networks, as follows: ... For Example, new or extended roads should be compatible with the District's long-term roading hierarchy <u>and structure plans</u> .	523.01 Future Map Ltd- Support 526.01 Truebridge Associates Ltd - Oppose
94.19	NZ Transport Agency (NZTA)	Retain Issue 10.1 as notified.	
101.61	Director-General of Conservation (DoC)	Include policies that link to the objective and also take into account the issues that have been identified.	506.02 Ernslaw One Ltd - Oppose

4.3 The submissions were evaluated by the reporting officer in section 4.2.2 of the officer's report. We have reviewed the officer's evaluation and other than with regard to the submission of Horizons Regional Council we agree with it and adopt it as our reasons pursuant to Clause 10(2)(a) of Schedule 1 to the RMA. The officer recommended amendments to the Issue Discussion for Issue 10.1 of the Proposed Plan. We have reviewed those recommended amendments and consider them to be appropriate. We

therefore adopt that recommendation as part of our decision pursuant to Clause 10(1) of Schedule 1 to the RMA.

- 4.4 We heard from Mr Wallace on behalf of Horizons Regional Council how there was currently a Land Transport Management Amendment Bill before the House that would repeal the need for the National Land Transport Strategy (NLTS), Regional Land Transport Strategy (RLTS) and Regional Land Transport Programme (RLTP). These would be replaced by “an enlarged Government Policy Statement on Land Transport Funding” and a Regional Land Transport Plan. Mr Wallace suggested that the Proposed Plan should refer to those new documents. We advised Mr Wallace that we must of course take the law as we find it today, but we asked him to further consider wording changes to the Proposed Plan that would provide some flexibility should the Land Transport Management Amendment Bill be enacted.
- 4.5 Mr Wesley’s further Statement (attached as Appendix C to this Decision) outlines² the further amendments subsequently sought by Mr Wallace to the second bullet point under the Methods for Issue 10.1 and Objective 10.1.1 – Long Term Plan and Regional Land Transport Programme on page 10-7 of the Proposed Plan. Two options were proposed by Mr Wallace, one referring to a “Regional Land Transport Plan” and one referring more generally to “any plan or programme which supercedes it [the Regional Land Transport Programme]”. Mr Wesley preferred the more general wording and so do we.
- 4.6 We therefore accept-in-part the submissions 27.13 and 27.14 of Horizons Regional Council and the further submissions opposing and supporting those submissions for the reasons outlined above. We also adopt Mr Wesley’s recommendation³ as part of our decision pursuant to Clause 10(1) of Schedule 1 to the RMA.

Issue 10.2

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
94.16	NZ Transport Agency (NZTA)	Retain Issue 10.2 as notified.	

- 4.7 The NZ Transport Agency’s support for Issue 10.2 is noted and their submission is accepted.

Issue 10.3

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
94.17	NZ Transport Agency (NZTA)	Retain Issue 10.3 as notified.	
55.19	KiwiRail	Retain Issue 10.3	

- 4.8 The NZ Transport Agency’s and KiwiRail’s support for Issue 10.3 is noted and their submissions are accepted.

² The 17 May 2013 Statement from Mr Wesley attached as Appendix C to this Decision, pages 3 and 4

³ Ibid, page 3

Objective 10.1.1 and Policies 10.1.2 to 10.1.7

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
55.15	KiwiRail	Retain Objective 10.1.1	
94.55	NZ Transport Agency (NZTA)	Retain Objective 10.1.1	
94.56	NZ Transport Agency (NZTA)	Retain Policy 10.1.2	
94.57	NZ Transport Agency (NZTA)	Retain Policy 10.1.3	
94.58	NZ Transport Agency (NZTA)	Retain Policy 10.1.4	
94.59	NZ Transport Agency (NZTA)	Retain Policy 10.1.5	
94.60	NZ Transport Agency (NZTA)	Retain Policy 10.1.6	
94.61	NZ Transport Agency (NZTA)	Retain Policy 10.1.7	

4.9 The NZ Transport Agency's and KiwiRail's support for the provisions is noted and their submissions are accepted.

Policy 10.1.8

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
27.15	Horizons Regional Council	No specific relief sought. Inferred: Amend Policy 10.1.8 to consider the mandatory installation of bike racks.	521.04 NZ Transport Agency (NZTA) - Support
94.62	NZ Transport Agency (NZTA)	Retain Policy 10.1.8.	

4.10 The submissions were evaluated by the reporting officer in section 4.6.2 of the officer's report. Horizons Regional Council supported that evaluation. We have reviewed the officer's evaluation and we agree with it and adopt it as our reasons pursuant to Clause 10(2)(a) of Schedule 1 to the RMA. The officer also recommended an amendment to

Policy 10.1.4 (we presume a second clause to the existing Policy 10.1.4) and its associated Explanation and Principle Reasons of the Proposed Plan. We have reviewed those recommended amendments and consider them to be appropriate. We therefore adopt that recommendation as our decision pursuant to Clause 10(1) of Schedule 1 to the RMA.

4.11 The NZ Transport Agency's support for Policy 10.1.8 is noted and their submissions are accepted.

Policy 10.1.9

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
55.16	KiwiRail	Retain Policy 10.1.9	Accept
94.63	NZ Transport Agency (NZTA)	Retain Policy 10.1.9.	Accept

4.12 The NZ Transport Agency's and KiwiRail's support for Policy 10.1.9 is noted and their submissions are accepted.

Policies 10.1.10, 10.1.11, 10.1.12 and 10.1.13

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
55.17	KiwiRail	Retain Policy 10.1.10	
94.64	NZ Transport Agency (NZTA)	Retain Policy 10.1.10	
94.65	NZ Transport Agency (NZTA)	Retain Policy 10.1.11	
94.66	NZ Transport Agency (NZTA)	Retain Policy 10.1.12	
94.67	NZ Transport Agency (NZTA)	Retain Policy 10.1.13	

4.13 The NZ Transport Agency's and KiwiRail's support for the provisions is noted and their submissions are accepted.

Objective 10.2.1 and Policies 10.2.2, 10.2.3 and 10.2.4

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
94.38	NZ Transport Agency (NZTA)	Retain Objective 10.2.1	
94.39	NZ Transport Agency (NZTA)	Retain Policy 10.2.2	
94.40	NZ Transport Agency (NZTA)	Retain Policy 10.2.3	
94.41	NZ Transport Agency (NZTA)	Retain Policy 10.2.4	

4.14 The NZ Transport Agency's support for the provisions is noted and their submissions are accepted.

Objective 10.3.1 and Policies 10.3.2, 10.3.3 and 10.3.4

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
94.43	NZ Transport Agency (NZTA)	Retain Objective 10.3.1	
94.44	NZ Transport Agency (NZTA)	Retain Policy 10.3.2	
94.45	NZ Transport Agency (NZTA)	Retain Policy 10.3.3	
55.20	KiwiRail	Retain Policy 10.3.4	
94.46	NZ Transport Agency (NZTA)	Retain Policy 10.3.4	

4.15 The NZ Transport Agency's support for the provisions is noted and their submissions are accepted.

Policy 10.3.5

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
94.47	NZ Transport Agency (NZTA)	Retain Policy 10.3.5.	

Sub No.	Submitter Name	Decision Requested	Further Submission
98.33	Horticulture NZ	Amend Policy 10.3.5 as follows: Ensure that adequate on-site parking and manoeuvring space is provided for each type of activity in a safe and visually attractive manner .	

- 4.16 The NZ Transport Agency's support for Policy 10.3.5 is noted and their submission is accepted.
- 4.17 Horticulture NZ's submission was evaluated by the reporting officer in section 4.11.2 of the officer's report. Horticulture NZ did not support that evaluation. The tabled evidence from Chris Keenan explained how Horticulture NZ was concerned about how the term "visually attractive" would be interpreted. As noted by Mr Keenan and Mr Wesley (in his verbal reply) Policy 10.3.5 is a matter that decision makers will need to have regard to under section 104 RMA when resource consents are required for developments where the permitted activity conditions for parking are not met.
- 4.18 Mr Wesley further considered the matter raised by Horticulture NZ in his additional written Statement dated 17 May 2013⁴ (attached as Appendix C to this Decision). He concluded by stating that his original recommendation remained unchanged.
- 4.19 We accept that the term "visually attractive" is subjective. However, we are satisfied that a competent decision maker would be able to ascertain on the evidence presented for any particular case whether or not any proposed parking areas were to be landscaped or screened in a "visually attractive manner" in the context of the existing background environment at the relevant site. We therefore reject Horticulture NZ's submission and adopt the reporting officers evaluation as set out in his original Section 42A report and in his additional written Statement dated 17 May 2013, along with our discussion above, as our reasons pursuant to Clause 10(2)(a) of Schedule 1 to the RMA. We also adopt the reporting officer's recommendation as our decision pursuant to Clause 10(1) of Schedule 1 to the RMA.

Policy 10.3.6

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
94.48	NZ Transport Agency (NZTA)	Retain Policy 10.3.6.	
98.34	Horticulture NZ	Amend Policy 10.3.6 as follows: Ensure that adequate on-site loading and unloading provision be made in a safe and attractive manner .	

- 4.20 The NZ Transport Agency's support for Policy 10.3.6 is noted and their submission is accepted-in-part (as the Policy is to be amended as explained below).

⁴ See page 4 of that Statement

4.21 Horticulture NZ's submission was evaluated by the reporting officer in section 4.12.2 of the officer's report. Horticulture NZ supported that evaluation. We have reviewed the officer's evaluation and we agree with it and adopt it as our reasons pursuant to Clause 10(2)(a) of Schedule 1 to the RMA. The officer also recommended an amendment to Policy 10.3.6 of the Proposed Plan. We have reviewed that recommended amendment and consider it to be appropriate. We therefore adopt that recommendation as our decision pursuant to Clause 10(1) of Schedule 1 to the RMA.

Policies 10.3.7, 10.3.8, 10.3.9 and 10.3.10

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
94.49	NZ Transport Agency (NZTA)	Retain Policy 10.3.7.	
94.50	NZ Transport Agency (NZTA)	Retain Policy 10.3.8.	
94.51	NZ Transport Agency (NZTA)	Retain Policy 10.3.9.	
94.52	NZ Transport Agency (NZTA)	Retain Policy 10.3.10.	

4.22 The NZ Transport Agency's support for the provisions is noted and their submissions are accepted.

Policy 10.3.11

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
55.21	KiwiRail	Amend Policy 10.3.11 as follows: Adverse effects include glare, inappropriate lighting, smoke, or discharges onto the road <u>or railway corridor</u>	
94.53	NZ Transport Agency (NZTA)	Retain Policy 10.3.11.	

4.23 The NZ Transport Agency's support for Policy 10.3.11 is noted and their submission is accepted-in-part (as the Policy is to be amended as explained below).

4.24 KiwiRail's submission was evaluated by the reporting officer in section 4.14.2 of the officer's report. KiwiRail supported that evaluation. We have reviewed the officer's evaluation and we agree with it and adopt it as our reasons pursuant to Clause 10(2)(a) of Schedule 1 to the RMA. The officer also recommended an amendment to Policy 10.3.11 of the Proposed Plan. We have reviewed that recommended amendment and consider it to be appropriate. We therefore adopt that recommendation as our decision pursuant to Clause 10(1) of Schedule 1 to the RMA.

Policy 10.3.12

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
55.22	KiwiRail	Retain Policy 10.3.12	
94.54	NZ Transport Agency (NZTA)	Retain Policy 10.3.12	

4.25 The NZ Transport Agency's and KiwiRail's support for Policy 10.3.12 is noted and their submissions are accepted.

New Policy under Objective 10.3.1

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
55.23	KiwiRail	Include a further policy to Chapter 10 under Objective 10.3.1 which states: <u>Ensure that land use activities, subdivision and development adjoining land transport networks including; the North Island Main Trunk Railway, avoid, remedy or mitigate any adverse effects by protecting themselves from the reverse sensitivity effects from noise and vibration; particularly in bedrooms and other noise sensitive rooms.</u>	

4.26 KiwiRail's submission was evaluated by the reporting officer in section 4.16.2 of the officer's report. KiwiRail supported that evaluation. We have reviewed the officer's evaluation and we agree with it and adopt it as our reasons pursuant to Clause 10(2)(a) of Schedule 1 to the RMA. The officer also recommended an amendment to Policy 10.3.12 of the Proposed Plan. We have reviewed that recommended amendment and consider it to be appropriate. We therefore adopt that recommendation as our decision pursuant to Clause 10(1) of Schedule 1 to the RMA.

Explanation and Principal Reasons for Objective 10.1.1

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
27.16	Horizons Regional Council	No specific relief requested. Infer Retain Explanation & Principal Reasons.	521.05 NZ Transport Agency (NZTA) - Support

4.27 The submission of Horizons Regional Council was evaluated by the reporting officer in section 4.17.2 of the officer's report. Horizons Regional Council supported that evaluation. We have reviewed the officer's evaluation and we agree with it and adopt it as our reasons pursuant to Clause 10(2)(a) of Schedule 1 to the RMA. The officer recommended no amendments to the Explanation and Principal Reasons for Objective 10.1.1 of the Proposed Plan. We consider that to be appropriate. We therefore adopt that recommendation as our decision pursuant to Clause 10(1) of Schedule 1 to the RMA.

Methods for Issue 10.1 and Objective 10.1.1

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
55.18	KiwiRail	Retain bullet point 3 of Methods 10.1.	
94.68	NZ Transport Agency (NZTA)	Retain Methods 10.1.	

4.28 The NZ Transport Agency's support for the provisions is noted and their submission is accepted.

4.29 KiwiRail's submission was evaluated by the reporting officer in section 4.18.2 of the officer's report and KiwiRail supported that evaluation. We have reviewed the officer's evaluation and we agree with it and adopt it as our reasons pursuant to Clause 10(2)(a) of Schedule 1 to the RMA. The officer recommended no amendments to the Methods for Issue 10.1 and Objective 10.1.1 of the Proposed Plan. We consider that to be appropriate. We therefore adopt that recommendation as our decision pursuant to Clause 10(1) of Schedule 1 to the RMA.

Methods for Issue 10.3 and Objective 10.3.1

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
55.24	KiwiRail	Retain bullet point 2 of Methods 10.3.	

Sub No.	Submitter Name	Decision Requested	Further Submission
55.25	KiwiRail	Amend bullet point 3 of Methods 10.3 as follows: Where resource consent applications involve access onto the State Highway network <u>or across a railway corridor.</u> <u>Council will forward copies of applications to NZTA and KiwiRail respectively, as affected parties.</u>	
74.03	Ernslaw One Limited	Amend Method 10.3 bullet 1 as follows: ...or mitigate adverse effects of activities including their effects on transport routes (such as glare, night lighting, setback distances for plantation forestry of any <u>planted vegetation</u>). Or words to such effect.	513.30 Rayonier New Zealand Ltd - Support
94.18	NZ Transport Agency (NZTA)	Amend Methods Advice Note as follows: ... The District Plan is... The NZTA has powers under the Land Transport Management Act <u>Government Roading Powers Act 1989</u> ...Access Roads.	

4.30 The submissions were evaluated by the reporting officer in section 4.19.2 of the officer's report. KiwiRail supported that evaluation and no other submitter expressed any opposition

to it. We have reviewed the officer's evaluation and we agree with it and adopt it as our reasons pursuant to Clause 10(2)(a) of Schedule 1 to the RMA. The officer also recommended amendments to Method 10.3 of the Proposed Plan. We have reviewed those recommended amendments and consider them to be appropriate. We therefore adopt that recommendation as our decision pursuant to Clause 10(1) of Schedule 1 to the RMA.

Rule 21.1.1 Vehicular and Pedestrian Accessways Design Standards

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
55.34	KiwiRail	<p>Include a new rule to 21.1.1 as follows:</p> <p><u>Rule –Vehicle entrance separation from railway level crossings</u></p> <p><u>New vehicle access ways shall be located a minimum of 30 metres from a railway level crossing.</u></p>	511.12 HDC (Community Assets Department) – In-Part

4.31 The submissions were evaluated by the reporting officer in section 4.20.2 of the officer's report. KiwiRail supported that evaluation. Mr Meyer on behalf of the HDC (Community Assets Department) expressed some concerns regarding the proposed 30m separation distance.

4.32 We were unclear as to what, if any, further amendments HDC (Community Assets Department) were seeking to the provisions and so we asked Mr Meyer if he would further consider the matter and advise us of any specific wording changes he sought. Mr Meyer subsequently advised:

“While it is acknowledged that the example given in the evidence regarding the 30 meter separation between new vehicle crossing places and a railway level crossing where parallel roads intersect, a consent would be required, the number of potential new occurrences is limited. Therefore further discussions with both the reporting Planner and KiwiRail have determined no changed [sic] in the recommended wording is proposed.”⁵

4.33 In light of Mr Meyer clarifying that no changes are sought additional to those recommended by Mr Wesley, we have reviewed the officer's evaluation and we agree with it and adopt it as our reasons pursuant to Clause 10(2)(a) of Schedule 1 to the RMA. The officer also recommended an amendment to Rule 21.1.1(d) of the Proposed Plan and a new Rule 21.1.5. We have reviewed that recommended amendment and consider it to be appropriate. We therefore adopt that recommendation as our decision pursuant to Clause 10(1) of Schedule 1 to the RMA.

⁵ See unnumbered Appendix to the 17 May 2013 Statement from Mr Wesley attached as Appendix C to this Decision.

Rule 21.1.3 Vehicle Crossings to the State Highways

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
94.42	NZ Transport Agency (NZTA)	Retain Rule 21.1.3.	

4.34 The NZ Transport Agency's support for the provision is noted and their submission is accepted.

Rule 21.1.5 Construction of Vehicle Crossings

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
91.03	HDC (Community Assets Department)	Delete Rule 21.1.5 and replace with; <u>Where a development or subdivision involves the creation of a vehicle crossing the formation and its use shall comply with Council's Subdivision and Development Principles and Requirements (2012) Appendix One-Vehicle Crossings.</u>	526.04 Truebridge Associates Ltd - Oppose

4.35 The HDC's (Community Assets Department) submission was evaluated by the reporting officer in section 4.22.2 of the officer's report. We understand that the HDC (Community Assets Department) supports that evaluation and no other submitter expressed any opposition to it. We have reviewed the officer's evaluation and we agree with it and adopt it as our reasons pursuant to Clause 10(2)(a) of Schedule 1 to the RMA. The officer also recommended amendments to Rule 21.1.5 of the Proposed Plan. We have reviewed those recommended amendments and consider them to be appropriate. We therefore adopt that recommendation as our decision pursuant to Clause 10(1) of Schedule 1 to the RMA. In addition, as a consequential amendment resulting from a decision on Chapter 26: Definitions, the definition of "development" is deleted, the term "development" in Rule 21.1.5 is replaced with "activity" which applies consistent terminology throughout the Proposed Plan.

Rule 21.1.6 Formation Standards

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
---------	----------------	--------------------	--------------------

Sub No.	Submitter Name	Decision Requested	Further Submission
91.04	HDC (Community Assets Department)	Amend Rule 21.1.6(a) as follows: i) As part of any new road <u>in urban and greenbelt residential areas</u> , pedestrian footpaths shall be provided.	526.05 Truebridge Associates Ltd - Oppose
91.05	HDC (Community Assets Department)	Amend Rule 21.1.6(a)(iv) as follows: iv) Footpath cross-fall gradients and ramps shall <u>Footpath and ramp gradients shall</u> not exceed 1 in except where steps or other safety measures are provided.	526.06 Truebridge Associates Ltd - Oppose
55.35	KiwiRail	Include a new rule 21.1.6(c)(iii) as follows: <u>(iii) No structure or materials shall be placed, or trees planted that would obscure the sight distances from any road to a road intersection or rail level crossing as shown in Diagram 2 – Traffic Sight Lines at Road and Rail Intersections (Page 21-15).</u>	506.59 Ernslaw One Ltd – In-Part 511.13 HDC (Community Assets Department) – In-Part 521.12 NZTA - In-Part

4.36 The submissions were evaluated by the reporting officer in section 4.23.2 of the officer's report. In relation to the two submissions on the provision of footpaths and the gradient of footpaths and ramps, no submitters expressed any opposition to the officer's evaluation. We have reviewed the officer's evaluation and we agree with it and adopt it as our reasons pursuant to Clause 10(2)(a) of Schedule 1 to the RMA. We agree with the intent of the recommended amended wording to Rule 21.1.6 Formation Standards of the Proposed Plan, but consider there is uncertainty about the application of "urban and greenbelt residential areas". We consider this wording should refer to 'zones' to provide greater certainty and be consistent with other wording in the Proposed Plan. We therefore adopt the recommendation to Rule 21.1.6(iv) as our decision pursuant to Clause 10(1) of Schedule 1 to the RMA and use the following amended wording to Rule 21.1.6(i):

As part of any new road in Residential, Commercial, Industrial, Greenbelt Residential and Open Space Zones, pedestrian footpaths shall be provided...

4.37 In relation to managing level crossing sightlines, KiwiRail supported the evaluation in section 4.23.2 of the officer's report. Mr Meyer on behalf of the HDC (Community Assets Department) expressed some concern about sight distances and suggested that a definition for the word "obstruction" might be desirable. However, no recommended wording was provided for our consideration at the Hearing.

4.38 We asked Mr Meyer to advise us of any particular wording changes he sought. Mr Meyer subsequently advised:

"Further discussions with KiwiRail have confirmed that parking restrictions within the approach site triangles are not required as a norm and that monitoring would be difficult. They also confirmed that when investigating level crossing accidents parked vehicles have not been a factor with vision lines. No change in the recommended wording is proposed.

Where a crossing Alarm has been turned off, the flashing lights are still working and therefore KiwiRail have confirmed these crossings come into the alarmed category and no change in the recommendation is required."⁶

4.39 No other submitter expressed any opposition to the officer's evaluation. We have reviewed the officer's evaluation and we agree with it and adopt it as our reasons pursuant to Clause 10(2)(a) of Schedule 1 to the RMA. The officer also recommended amendments to Rule 21.1.6 Formation Standards of the Proposed Plan. This included the deletion of the existing Diagram 1 – Traffic Sight Lines at Road and Rail Intersections on Page 21-14 of the proposed Plan and the insertion of a new substantial Appendix 1 dealing with Railway Level Crossing Requirements. We have reviewed those recommended amendments and consider them to be appropriate, except we consider that the new Appendix is more appropriately inserted as a 'rule' in Chapter 21 so as to apply a consistent format and structure to the Plan provisions. We therefore adopt that recommendation as our decision pursuant to Clause 10(1) of Schedule 1 to the RMA.

Rule 21.1.8 Vehicle Parking Standards

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
78.24	Telecom New Zealand Ltd	Amend the Proposed Plan as necessary such that network utilities are not subject to car parking requirements.	
79.24	Chorus New Zealand Ltd	Amend the Proposed Plan as necessary such that network utilities are not subject to car parking requirements.	

4.40 The submissions were evaluated by the reporting officer in section 4.24.2 of the officer's report. Neither Chorus nor Telecom expressed any opposition to that evaluation. We have reviewed the officer's evaluation and we agree with it and adopt it as our reasons pursuant to Clause 10(2)(a) of Schedule 1 to the RMA. In this case the officer recommended no amendments to Rule 21.1.8 of the Proposed Plan. We consider that to be appropriate. We

⁶ See unnumbered Appendix to the 17 May 2013 Statement from Mr Wesley attached as Appendix C to this Decision.

therefore adopt that recommendation as our decision pursuant to Clause 10(1) of Schedule 1 to the RMA.

Table 21.4 Vehicle Parking Space Ratios

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission				
108.33	HDC (Planning Department)	<p>Amend Table 21.4 as follows:</p> <table border="1"> <thead> <tr> <th>Activity</th> <th>Number of Spaces Required</th> </tr> </thead> <tbody> <tr> <td>Residential Activities</td> <td><u>1.2</u> spaces per residential dwelling unit.</td> </tr> </tbody> </table>	Activity	Number of Spaces Required	Residential Activities	<u>1.2</u> spaces per residential dwelling unit.	
Activity	Number of Spaces Required						
Residential Activities	<u>1.2</u> spaces per residential dwelling unit.						
108.14	HDC (Planning Department)	<p>Amend Table 21.4 as follows:</p> <table border="1"> <thead> <tr> <th>Activity</th> <th>Number of Spaces Required</th> </tr> </thead> <tbody> <tr> <td>Residential Activities</td> <td> <p><u>1.2</u> spaces per residential dwelling unit.</p> <p><u>1 space per family flat</u></p> <p>1 space per residential dwelling unit within a Medium Density Development.</p> </td> </tr> </tbody> </table>	Activity	Number of Spaces Required	Residential Activities	<p><u>1.2</u> spaces per residential dwelling unit.</p> <p><u>1 space per family flat</u></p> <p>1 space per residential dwelling unit within a Medium Density Development.</p>	
Activity	Number of Spaces Required						
Residential Activities	<p><u>1.2</u> spaces per residential dwelling unit.</p> <p><u>1 space per family flat</u></p> <p>1 space per residential dwelling unit within a Medium Density Development.</p>						
108.32	HDC (Planning Department)	<p>Amend Table 21-4 Note as follows:</p> <p>Note: Parking standards do not apply to <u>sites within</u>:</p> <p><u>(i) the Commercial Zone Pedestrian Overlay</u></p> <p><u>(ii) Commercial Zone in Foxton Beach (except for the properties on the corner of Seabury Avenue and Dawick Street legally described as Lots 3 and 4 DP 91336 and Lots 1</u></p>					

Sub No.	Submitter Name	Decision Requested	Further Submission
		and 2 DP 333144) <u>(iii) Commercial Zone in Waitarere Beach</u> <u>(iv) Commercial Zone in Manakau</u>	

4.40 The HDC's (Planning Department) submission was evaluated by the reporting officer in section 4.25.2 of the officer's report. There were no further submitters on this matter. Out of interest, we asked Mr Wesley to remind us why the existing requirement is for 2 parking spaces (the submission seeks to reduce this to 1 parking space for the reasons set out in clauses 1 to 4 of section 4.25.2 of the officer's report).

4.41 Mr Wesley addressed this matter in his 17 May 2013 Statement (Appendix C to this Decision). In summary, he advised that the increase to 2 on-site parking spaces was to provide 1 on-site carpark for residents and 1 on-site carpark for visitors. However, he retained his original recommendation to reduce the notified standard from 2 car parks to 1 carpark.

4.42 We have reviewed Mr Wesley's further advice and we agree with it and adopt it (together with his original evaluation referred to in paragraph 4.40 above) as our reasons pursuant to Clause 10(2)(a) of Schedule 1 to the RMA. The officer also recommended amending Table 21.4 of the Proposed Plan and the Note that follows it. We have reviewed those recommended amendments and consider them to be appropriate. We therefore adopt that recommendation as our decision pursuant to Clause 10(1) of Schedule 1 to the RMA.

4.43 As a consequential matter to their submissions on Rules 15.6.3, 16.5.15, 17.6.17, 19.6.22 and 20.6.15 Powerco sought⁷ the insertion of an additional note at the end of Table 21-4 which would read:

Note: Parking standards do not apply to network utilities.

4.44 We consider that such an additional note would be helpful for Plan readers and we have decided that it should be added to the Proposed Plan. We noted that Mr Wesley also supported that additional note.⁸

Chapter 21 General

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
26.15	Horowhenua Astronomical Society Inc	Amend Chapter 21 to include provisions that manage the effects of lighting with particular regard to limiting light spill, glare and energy consumption.	

⁷ Letter from Georgina McPherson of Burton Consultants dated 26 April 2013

⁸ Mr Wesley's Statement dated 17 May 2013 (attached as Appendix C to this Decision), page 5

Sub No.	Submitter Name	Decision Requested	Further Submission
51.08	Waitarere Progressive Association (WBPRA)	No specific relief requested. Inferred: That the infrastructure and engineering standards for Waitarere maintain and embrace the “feel” of Waitarere rather than the standard engineering requirements and standards.	

4.45 The submissions were evaluated by the reporting officer in section 4.26.2 of the officer’s report. Neither submitter expressed any opposition to that evaluation. We have reviewed the officer’s evaluation and we agree with it and adopt it as our reasons pursuant to Clause 10(2)(a) of Schedule 1 to the RMA. In this case the officer recommended no amendments to the Proposed Plan. We consider that to be appropriate. We therefore adopt that recommendation as our decision pursuant to Clause 10(1) of Schedule 1 to the RMA.

Rule 24.1.1 General Standard of Compliance

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
38.02	Range View Ltd & Page	Delete Rule 24.1.1 in its entirety and have these matters becomes matters that are considered in the consent process.	511.15 HDC (Community Assets Department) – Oppose 526.31 Truebridge Associates Ltd – Support
46.01	Vincero Holdings Ltd	Delete Rule 24.1.1 in its entirety and have these matters becomes matters that are considered in the consent process.	

4.46 The submissions were evaluated by the reporting officer in section 4.27.2 of the officer’s report. Neither the submitters nor further submitters expressed any opposition to that evaluation. We have reviewed the officer’s evaluation and we agree with it and adopt it as our reasons pursuant to Clause 10(2)(a) of Schedule 1 to the RMA. In this case the officer recommended no amendments to the Proposed Plan. We consider that to be appropriate. We therefore adopt that recommendation as our decision pursuant to Clause 10(1) of Schedule 1 to the RMA.

Rules 24.1.5 and 24.2.4 Surface Water Disposal

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
27.31	Horizons Regional Council	Delete Rule 24.1.5 and amend Rule 24.2.4 to amalgamate the two rules. Amend 24.2.4 to provide more certainty on what a 'satisfactory system' means.	

4.47 Horizons Regional Council's submission was evaluated by the reporting officer in section 4.28.2 of the officer's report. Horizons Regional Council supported that evaluation but sought minor wording changes to the advice note under Rule 24.2.4(a)(ii).

4.48 Mr Wesley subsequently advised that he supported an amendment to the advice note as sought by Horizons Regional Council.⁹

4.49 We have reviewed the officer's evaluation and we agree with it and adopt it as our reasons pursuant to Clause 10(2)(a) of Schedule 1 to the RMA. The officer recommended an amendment to the advice note under Rule 24.2.4(a)(ii) of the Proposed Plan. We have reviewed that recommended amendment and consider it to be appropriate. We therefore adopt that recommendation as our decision pursuant to Clause 10(1) of Schedule 1 to the RMA.

Rule 24.2.7 Utility Services

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
41.47	Powerco	Amend Rule 24.2.7 as follows: (a) Utility services, <u>including electricity, telecommunications and gas (where proposed), shall be provided to the boundary of each additional allotment at the time of subdivision in accordance with:</u> <u>(i) The requirements of the relevant supply authority, including any necessary easements. Written</u>	

⁹ Statement dated 17 May 2013 (attached as Appendix C to this Decision), page 2.

Sub No.	Submitter Name	Decision Requested	Further Submission
		<p><u>confirmation from the relevant supply authority shall be provided so that the subdivision can be adequately supplied.</u></p> <p>(ii) shall be provided in accordance with the permitted activity conditions in Rule 22.1.</p> <p><u>Except that installation of utility services will not be required at the time of subdivision where only one additional lot is being created and where the supply authority has confirmed in writing that connection is available at the standard fee.</u></p> <p><u>(b) Any necessary easements for the protection of utility services shall be provided where they traverse any new allotment, right of way of access lot. All such easements shall be in favour of the utility provider.</u></p>	

4.50 Powerco's submission was evaluated by the reporting officer in section 4.29.2 of the officer's report. Powerco supported that evaluation. We have reviewed the officer's evaluation and we agree with it and adopt it as our reasons pursuant to Clause 10(2)(a) of Schedule 1 to the RMA. The officer also recommended amendments to Rule 24.2.7 of the Proposed Plan. We have reviewed those recommended amendments and consider them to be appropriate. We therefore adopt that recommendation as our decision pursuant to Clause 10(1) of Schedule 1 to the RMA.

Chapter 24 – General Matters

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
---------	----------------	--------------------	--------------------

Sub No.	Submitter Name	Decision Requested	Further Submission
26.16	Horowhenua Astronomical Society Inc	Amend Chapter 24 to include rules around the provision of lighting systems associated with the development of subdivisions. These rules should avoid or minimise impacts on the environment, reduce energy and maintenance costs over the life of the lighting system and provide effective lighting services.	
99.38	Transpower New Zealand Ltd	Amend PC 20 – 22 provisions to align with revised transmission corridor widths.	

4.51 The submissions were evaluated by the reporting officer in section 4.30.2 of the officer's report. Neither submitter expressed any opposition to that evaluation. We have reviewed the officer's evaluation and we agree with it and adopt it as our reasons pursuant to Clause 10(2)(a) of Schedule 1 to the RMA. In this case the officer recommended no amendments to the Proposed Plan. We consider that to be appropriate. We therefore adopt that recommendation as our decision pursuant to Clause 10(1) of Schedule 1 to the RMA.

All Zone Rule Chapters: Permitted Activity Conditions - Vehicle Parking, Manoeuvring, and Loading

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
41.31	Powerco	Retain Rule 15.6.23 without modification	
108.15	HDC (Planning Department)	Amend Rule 15.6.23(a) as follows: All activities, except network utilities on sites less than 200m² , shall be provided with vehicle parking spaces, manoeuvring areas, and loading facilities in accordance with the permitted activity	

Sub No.	Submitter Name	Decision Requested	Further Submission
		conditions in Chapter 21.	
41.32	Powerco	Retain Rule 16.6.15 without modification	
108.16	HDC (Planning Department)	Amend Rule 16.6.15(a) as follows: All activities, except network utilities on sites less than 200m² , shall be provided with vehicle parking spaces, manoeuvring areas, and loading facilities in accordance with the permitted activity conditions in Chapter 21.	
41.33	Powerco	Retain Rule 17.6.17(a) without modification	
108.17	HDC (Planning Department)	Amend Rule 17.6.17(a)(i) as follows: All activities, except network utilities on sites less than 200m² , shall be provided with vehicle parking spaces, manoeuvring areas, and loading facilities in accordance with the permitted activity conditions in Chapter 21.	
41.34	Powerco	Retain Rule 19.6.22 without modification	
108.18	HDC (Planning Department)	Amend Rule 17.6.17(a)(i) as follows: All activities, except network utilities on sites less than 200m² , shall be provided with vehicle parking spaces, manoeuvring areas, and loading facilities in	

Sub No.	Submitter Name	Decision Requested	Further Submission
		accordance with the permitted activity conditions in Chapter 21.	
41.35	Powerco	Retain Rule 20.6.15 without modification	

4.52 The submissions were evaluated by the reporting officer in section 4.31.2 of the officer's report. No submitters expressed any opposition to that evaluation. We have reviewed the officer's evaluation and we agree with it and adopt it as our reasons pursuant to Clause 10(2)(a) of Schedule 1 to the RMA. In this case the officer recommended further amendments to Rules 15.6.23, 16.6.15, 17.6.17, 19.6.22 and 20.6.15 of the Proposed Plan. We have reviewed those amendments and consider them to be appropriate. We therefore adopt that recommendation as our decision pursuant to Clause 10(1) of Schedule 1 to the RMA.

All Zone Rule Chapters: Permitted Activity Condition - Safety and Visibility at Road and Rail Intersections

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
55.26	KiwiRail	Retain Rule 15.6.24.	
94.12	NZ Transport Agency (NZTA)	Retain Rule 15.6.24 as notified.	
55.28	KiwiRail	Retain Rule 16.6.16.	
94.13	NZ Transport Agency (NZTA)	Retain Rule 16.6.16 as notified.	
55.29	KiwiRail	Retain Rule 17.6.18.	
94.14	NZ Transport Agency (NZTA)	Retain Rule 17.6.18 as notified.	
55.32	KiwiRail	Retain Rule 19.6.23.	
94.15	NZ Transport Agency (NZTA)	Retain Rule 19.6.23 as notified.	

4.53 The submissions were evaluated by the reporting officer in section 4.32.2 of the officer's report. KiwiRail supported that evaluation and NZTA did not express any opposition to it. We have reviewed the officer's evaluation and we agree with it and adopt it as our reasons pursuant to Clause 10(2)(a) of Schedule 1 to the RMA. In this case the officer recommended further amendments to Rules 15.6.24, 16.6.16, 17.6.18 and 19.6.23 of the Proposed Plan and that a new permitted activity condition should be inserted into the new Open Space Zone (Rule 20.6.XX) on the Safety and Visibility at Road and Rail Intersection.

We have reviewed those amendments and consider them to be appropriate. We therefore adopt that recommendation as our decision pursuant to Clause 10(1) of Schedule 1 to the RMA.

Chapter 17 Commercial Zone: Rule 17.6.17(a)(iv) – Permitted Activity Conditions: Vehicle Parking, Manoeuvring and Loading

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
71.06	Progressive Enterprises Limited	<p>Amend Rule 17.6.17(a)(iv) as follows:</p> <p>17.6.17(a)(iv)(ii)</p> <p>Any surface or ground level parking area shall not exceed a maximum width of 10m along the site road frontage or 40% of the site frontage whichever is the lesser...</p> <p>OR</p> <p>17.6.17(a)(iv)(ii)</p> <p>Any surface or ground level parking area shall not exceed a maximum width of 10m along the site road frontage or 40% of the site frontage whichever is the lesser <u>provided that such a requirement shall not apply to a Large Format Retail Overlay Area.</u></p>	

4.54 Progressive Enterprises Limited's submission was evaluated by the reporting officer in section 4.33.2 of the officer's report. Progressive Enterprises Limited advised¹⁰ that they "... will accept the assurance provided by the officer, and hence will not take the matter further at this stage." We have taken this to mean that Progressive Enterprises Limited accept the officer's evaluation of their submission. We have reviewed the officer's evaluation and we agree with it and adopt it as our reasons pursuant to Clause 10(2)(a) of Schedule 1 to the RMA. In this case the officer recommended no amendments to the Proposed Plan. We consider that to be appropriate. We therefore adopt that recommendation as our decision pursuant to Clause 10(1) of Schedule 1 to the RMA.

¹⁰ Tabled letter from Zomac Planning Solutions Ltd, dated 23 April 2013

Chapter 25 Assessment Criteria – All Zones: Vehicle Access

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
94.31	NZ Transport Agency (NZTA)	Retain 25.7.8 as notified	
55.11	KiwiRail	<p>Amend Assessment Criteria 25.7.8(c) as follows:</p> <p>(c) <u>Safe design and sightlines, including level crossing sightlines</u></p> <p>And add a further new criteria ;</p> <p><u>The extent to which the proposal has given regard to:</u></p> <ul style="list-style-type: none"> i. <u>Visibility and sight distances particularly the extent to which vehicles entering or exiting the level crossing are able to see trains</u> ii. <u>The extent to which failure to provide adequate level crossing sightlines will give rise to level crossing safety risks.</u> 	521.10 NZ Transport Agency (NZTA) – In-Part

4.55 The submissions were evaluated by the reporting officer in section 4.34.2 of the officer’s report. KiwiRail supported that evaluation and NZTA did not express any opposition to it. We have reviewed the officer’s evaluation and we agree with it and adopt it as our reasons pursuant to Clause 10(2)(a) of Schedule 1 to the RMA. The officer recommended further amendments to Assessment Criteria 25.7.8 of the Proposed Plan. We have reviewed those amendments and consider them to be appropriate. We therefore adopt that recommendation as our decision pursuant to Clause 10(1) of Schedule 1 to the RMA.

Chapter 26 Definitions – New Definition ‘Loading’

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
110.00	W. Fraser	<p>Include definition for “Loading” as follows:</p> <p><u>Loading includes loading and unloading of goods and freight.</u></p>	

4.56 Mr Fraser’s submission was evaluated by the reporting officer in section 4.35.2 of the officer’s report. The submitter did not express any opposition to that evaluation. We have reviewed the officer’s evaluation and we agree with it and adopt it as our reasons pursuant to Clause 10(2)(a) of Schedule 1 to the RMA. In this case the officer recommended no amendments to the Proposed Plan. We consider that to be appropriate. We therefore adopt that recommendation as our decision pursuant to Clause 10(1) of Schedule 1 to the RMA

Subdivision and Development Principles and Requirements (2012), Engineering Appendix One - Vehicle Crossings

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
91.13	HDC (Community Assets Department)	<p>Amend (2) Vehicle Crossing Places and Include two subclauses after e) as follows:</p> <p>f) <u>Where vehicle crossings are subject to a "change in use", commercial or farm type crossings may be required to be formed.</u></p> <p>g) <u>The width of vehicle crossing shown on the drawings may increase for commercial, industrial and crossing, where vehicles "passing" is required.</u></p>	<p>526.14 Truebridge Associates Ltd</p> <p>- Oppose</p>

Sub No.	Submitter Name	Decision Requested	Further Submission
91.14	HDC (Community Assets Department)	<p>Amend (6) General and Include a subclauses after g) as follows:</p> <p><u>h) Ongoing maintenance of vehicle crossing places is the responsibility of the landowner(s). However, from time to time when Council have programmed works such as reseals or footpath renewals, vehicle crossings may be upgraded.</u></p>	<p>526.15 Truebridge Associates Ltd</p> <p>- Oppose</p>
91.15	HDC (Community Assets Department)	<p>Include a new Heading and wording after (6) General as follows:</p> <p><u>7. Work within Council Road Reserve</u></p> <p><u>For construction of all vehicle crossings within or on Council and NZTA roads, a Corridor Access Request (CAR) shall be applied for. These applications are separate to any other consents issued and a Work Access Permit (WAP) will be issued to work within the roading network if approved. For applications on State Highways, requests should be sent to NZTA.</u></p>	<p>526.16 Truebridge Associates Ltd</p> <p>- Oppose</p>
91.16	HDC (Community Assets Department)	<p>Amend the Notes of Diagram 1: Residential Crossings, Grass Berm, No Footpath (page 7-10) and add another note after subclause (d) as follows:</p> <p><u>(e) For slopes greater than</u></p>	<p>526.17 Truebridge Associates Ltd</p> <p>- Oppose</p>

Sub No.	Submitter Name	Decision Requested	Further Submission
		<u>1 in 15, concrete or asphalt surfacing may be required.</u>	

4.57 The HDC's (Community Assets Department) submission was evaluated by the reporting officer in section 4.36.2 of the officer's report. HDC (Community Assets Department) supported the evaluation and Truebridge Associates Ltd did not attend the hearing to speak to their further submission. We have reviewed the officer's evaluation and we agree with it and adopt it as our reasons pursuant to Clause 10(2)(a) of Schedule 1 to the RMA. The officer recommended the HDC's Subdivision and Development Principles and Requirements (2012) Engineering Appendix 1, Section 2 Vehicle Crossing Places be amended. We have reviewed those recommended amendments and consider them to be appropriate. We therefore adopt that recommendation as our decision pursuant to Clause 10(1) of Schedule 1 to the RMA.

Subdivision and Development Principles and Requirements (2012), Section 8 - Earthworks and Geotechnical

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
91.17	HDC (Community Assets Department)	Amend 8.2. Performance Criteria, as follows: Earthworks proposed for the development shall: control surface and ground water flows <u>and levels</u> both during and after construction.	526.18 Truebridge Associates Ltd - Oppose

4.58 The HDC's (Community Assets Department) submission was evaluated by the reporting officer in section 4.37.2 of the officer's report. HDC (Community Assets Department) supported the evaluation and Truebridge Associates Ltd did not attend the hearing to speak to their further submission. We have reviewed the officer's evaluation and we agree with it and adopt it as our reasons pursuant to Clause 10(2)(a) of Schedule 1 to the RMA. The officer recommended an amendment to Section 8.2 Performance Criteria for the Earthwork and Geotechnical Section of the Subdivision and Development Principles and Requirements document. We have reviewed that recommended amendment and consider it to be appropriate. We therefore adopt that recommendation as our decision pursuant to Clause 10(1) of Schedule 1 to the RMA.

Subdivision and Development Principles and Requirements (2012), Section 10 Stormwater

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
91.18	HDC (Community Assets Department)	<p>Amend 10.3 Performance Criteria by inserting a new subclause after bullet 3 as follows:</p> <p>A stormwater system proposed for a development shall:</p> <p>...</p> <p><u>Achieve hydraulic neutrality so that peak flood levels are not increased as a result of filling in floodable areas for the 1 in 2 year, 1 in 5 year, 1 in 10 year, 1 in 50 year and 1 in 100 year design rainfall events. Levels shall not exceed the pre-development peak levels for the same design rainfall events. This can be met by the provision of storage to offset or replace that volume lost to the footprint of the proposed works. Alternatively, this may also be achieved by over attenuation of runoff peaks flows.</u></p>	526.19 Truebridge Associates Ltd - Oppose
91.19	HDC (Community Assets Department)	<p>Amend 10.4 Design Requirements by adding a new subclause after the 4th bullet point and amending wording in bullet points 7 and 8 as follows:</p> <p>The design of a stormwater system shall include the following:</p> <p>...</p> <p><u>Design shall account for</u></p>	526.20 Truebridge Associates - Oppose

Sub No.	Submitter Name	Decision Requested	Further Submission
		<p><u>all types of surfacing on a site noting impervious area is made up of building coverage, sheds, driveways, footpaths, paths, decks etc.</u></p> <p>...</p> <p>Areas of private property may be able to become inundated (usually not exceeding 300mm <u>except in dedicated stormwater storage/attenuation/treatment areas</u>) provided they are not used as building sites and roads may be inundated up to maximum height of 200mm at the centreline, in the 1% AEP storm event.....</p> <p>Detention and/or storage devices/<u>areas</u> may be required as part of a development to mitigate stormwater effects on downstream catchments <u>and surrounding land</u>. Such devices shall make provision for grit and debris entrapment and be designed for ease of maintenance.</p>	

4.59 The HDC's (Community Assets Department) submissions were evaluated by the reporting officer in section 4.38.2 of the officer's report. HDC (Community Assets Department) supported the evaluation and Truebridge Associates Ltd did not attend the hearing to speak to their further submission. We have reviewed the officer's evaluation and we agree with it and adopt it as our reasons pursuant to Clause 10(2)(a) of Schedule 1 to the RMA. The officer recommended an amendment to Section 10.3 of the Subdivision and Development Principles and Requirements document. We have reviewed that recommended amendment and consider it to be appropriate. We therefore adopt that recommendation as our decision pursuant to Clause 10(1) of Schedule 1 to the RMA.

Subdivision and Development Principles and Requirements (2012), Schedule 4, Altered Requirements to Section 4 NZS 4404:2010 Stormwater

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
91.20	HDC (Community Assets Department)	<p>Amend 19.7 Clause 4.3.7.9 Soakage Device, second bullet as follows</p> <p>...</p> <p>Council requires on-site disposal through soak pits unless this may cause adverse effects and alternatives are approved.</p> <p>The Council may require small diameter outlets from soak pits to control groundwater levels.</p> <p><u>The Council may require measures such as small diameter outlets or subsoil drains from the soak pits to allow the slow drain down after a storm event when groundwater is high and inhibits natural drain-down.</u></p>	526.21 Truebridge Associates Ltd - Oppose

4.60 The HDC's (Community Assets Department) submission was evaluated by the reporting officer in section 4.39.2 of the officer's report. HDC (Community Assets Department) supported the evaluation and Truebridge Associates Ltd did not attend the hearing to speak to their further submission. We have reviewed the officer's evaluation and we agree with it and adopt it as our reasons pursuant to Clause 10(2)(a) of Schedule 1 to the RMA. The officer recommended an amendment to Section 19.7 of the Subdivision and Development Principles and Requirements document. We have reviewed that recommended amendment and consider it to be appropriate. We therefore adopt that recommendation as our decision pursuant to Clause 10(1) of Schedule 1 to the RMA.

Subdivision and Development Principles and Requirements (2012), Engineering Appendix 2, Stormwater Disposal to Soakpits

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
91.21	HDC (Community Assets Department)	Amend Section 2.3 and the definition of "A" as follows: A = catchment area in hectares <u>discharging to the soak pit</u> (to include buildings, <u>and</u> hard surfaces and grassed areas)	526.22 Truebridge Associates Ltd - Oppose
91.22	HDC (Community Assets Department)	Amend Diagram 'Typical Soak Pit Layout for yard Sump', Page 6-6, and add a note as follows: <u>Details are schematic only. For more detailed drawings of soakage pits and pre-treatment measures refer other accepted industry guidelines such as Auckland Council's Soakage Design Manual</u>	526.23 Truebridge Associates Ltd - Oppose
91.23	HDC (Community Assets Department)	Amend Diagram 'Typical Soak Pit', Page 3-6, and add a note as follows: <u>Details are schematic only. For more detailed drawings of soakage pits and pre-treatment measures refer other accepted industry guidelines such as Auckland Council's Soakage Design Manual</u>	526.24 Truebridge Associates - Oppose

Sub No.	Submitter Name	Decision Requested	Further Submission
91.24	HDC (Community Assets Department)	Amend 1. Introduction by adding a new paragraph after the 5 th as follows: <u>There are other more comprehensive guidelines that are widely available that should also be referred to when investigating, designing and understanding maintenance requirements of soakpits (for example Auckland Council's Soakage Design Manual)</u>	526.25 Truebridge Associates Ltd - Oppose

4.61 The HDC's (Community Assets Department) submissions were evaluated by the reporting officer in section 4.40.2 of the officer's report. HDC (Community Assets Department) supported the evaluation and Truebridge Associates Ltd did not attend the hearing to speak to their further submission. We have reviewed the officer's evaluation and we agree with it and adopt it as our reasons pursuant to Clause 10(2)(a) of Schedule 1 to the RMA. The officer recommended an amendment to Subdivision and Development Engineering Appendix 2 (Stormwater Disposal to Soakpits) of the Subdivision and Development Principles and Requirements document. We have reviewed that recommended amendment and consider it to be appropriate. We therefore adopt that recommendation as our decision pursuant to Clause 10(1) of Schedule 1 to the RMA.

Proposed Plan references to Council's Subdivision and Development Principles and Requirements (2012)

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
91.25	HDC (Community Assets Department)	Amend all Proposed Plan references to "Subdivision and Development Principles and Requirements 2012" with a version control date added. In addition, Include references to appendices as listed below including version control date: Engineering Appendix One Vehicle Crossings Engineering Appendix Two Stormwater Disposal	526.26 Truebridge Associates Ltd - Oppose

Sub No.	Submitter Name	Decision Requested	Further Submission
		to Soakpits Engineering Appendix Three Pumping Stations Engineering Appendix Four Working in Roads and Trench Construction Engineering Appendix Five As-Builts	

4.62 The HDC's (Community Assets Department) submission was evaluated by the reporting officer in section 4.41.2 of the officer's report. HDC (Community Assets Department) supported the evaluation and Truebridge Associates Ltd did not attend the hearing to speak to their further submission. We have reviewed the officer's evaluation and we agree with it and adopt it as our reasons pursuant to Clause 10(2)(a) of Schedule 1 to the RMA. The officer recommended that all references in the Proposed Plan to the 'Subdivision and Development Principles and Requirements (2012)' be amended to refer to "Version: November 2012". We have reviewed that recommended amendment and consider it to be appropriate. We therefore adopt that recommendation as our decision pursuant to Clause 10(1) of Schedule 1 to the RMA.

5. SECTION 32

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

6. DECISION

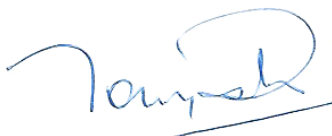
6.1 For all of the foregoing reasons we resolve the following:

1. That pursuant to clause 10 of Schedule 1 to the Resource Management Act 1991 Chapter 10 Land Transport, Chapter 21 Vehicle Access, Parking, Loading and Rooding, Chapter 24 Subdivision and Development and associated other provisions of the Proposed Horowhenua District Plan are approved inclusive of the amendments set out in Appendix A.
2. That for the reasons set out in this decision the submissions and further submissions are accepted, accepted in part or rejected as set out in in Appendix B.

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



Robert van Voorthuysen



Cr Tony Rush



Cr Leigh McMeeken

Dated 23 September 2013

APPENDIX A: Proposed Plan as amended by Hearing Plan Decisions

The following amendments are made to Chapter 10: Land Transport

Issue Discussion for Issue 10.1 is amended as follows:

The paragraph under the heading “The Integration of New or Extended Infrastructure with Existing Networks”:

.....For example, new or extended roads should be compatible with the District’s long-term roading hierarchy and structure plans.

The section titled “Agencies Involved” is amended as follows:

This District Plan can contribute only a share of the policies and methods necessary to support land transport networks ~~in meeting~~ to meet the needs of the community.

The text under the second bullet point under the sub-heading ‘Long Term Plan and Regional Land Transport Programme’ in the section Methods for Issue 10.1 and Objective 10.1.1 is amended as follows:

- *Council will continue, in association with other agencies through the Regional Land Transport Programme, or any plan or programme which supersedes it, to improve infrastructure and facilities for pedestrians and cyclists and public transport passengers and will continue to maintain and improve the safety and efficiency of the road network.*

A new Policy 10.1.4 is added as follows:

Policy 10.1.4

Encourage the development of pedestrian paths and cycleways, as well as convenient and accessible cycle parking, to support the opportunity to use non-vehicular transportation modes throughout the District.

The following paragraph is added to the end of the Explanation and Principal Reasons section as follows:

The development of a network of pedestrian paths and cycleways in the District would support the opportunity for residents and visitors to move between areas and around the district. The provision of cycle parking in convenient and accessible locations, such as near or at schools, retail areas, recreation reserves, public transport locations and other community facilities would support the cycling. An efficient approach in providing this land transport infrastructure is for Council to work in partnership with or support other agencies.

Policy 10.3.6 is amended as follows:

Ensure that adequate and safe on-site loading and unloading provision be made ~~in a safe and attractive manner~~.

Policy 10.3.11 is amended as follows:

Avoid, remedy, and mitigate any adverse effects generated by land use activities, subdivision and development adjoining the State Highways, District roads or the North Island Main Trunk Railway line where such adverse effects have the potential to reduce the safety and efficiency for road users (drivers, pedestrians and cyclists) and railway users. Adverse effects include glare, inappropriate lighting, smoke, or discharges onto the road or railway corridor.

Policy 10.3.12 is amended as follows:

Ensure that land use activities, subdivision and development adjoining State Highways, other arterial roads and the North Island Main Trunk Railway, avoid, remedy or mitigates any ~~adverse reverse sensitivity~~ effects ~~on the safe and efficient operation of the roading and rail networks~~ by protecting themselves from noise and vibration, particularly in bedrooms.

Methods 10.3, bullet point 1 is amended as follows:

The District Plan will include rules controlling the location, size, and design of advertising signs visible from transport routes; and standards for the operation of certain activities intended to avoid, remedy or mitigate adverse effects of activities including their effects on transport routes (such as glare, night lighting, setback distances for plantation forestry and shelterbelt planting).

Methods 10.3, bullet point 3 is amended as follows:

Where resource consent applications involve access onto the State Highway network or across a railway corridor, Council will forward copies of applications to NZTA and KiwiRail respectively as an affected party.

Methods Advice Note is amended as follows:

The District Plan is considered to beThe NZTA has powers under the ~~Land Transport Management Act~~ Government Rounding Powers Act 1989 to control the location and design of State Highway crossing places for designated Limited Access Roads.

The following amendments are made to Chapter 21: Vehicle Access, Parking, Loading and Rooding

Rule 21.1.1(d) is consequentially amended as follows:

(d) (i) All vehicle access points shall be sited in accordance with Table 21-1, ~~and 21-2~~ and Rule 21.1.5

A new rule is inserted as follows, and all other rules are renumbered accordingly:

Rule 21.1.5 Vehicle Crossing Separation from Railway Level Crossings

(i) New vehicle crossings shall be located a minimum of 30 metres from a railway level crossing.”

Rule 21.1.5 is amended as follows:

21.1.5 Construction of Vehicle Crossings

(a) Where ~~an activity development~~ or subdivision involves the creation of a vehicle crossing the ~~following vehicle crossing standards shall apply:~~

~~(i) State Highways~~

~~The formation of the vehicle crossing and its use shall comply with Council's Subdivision and Development Principles and Requirements (2012) Appendix One - Vehicle Crossings~~ ~~(i) Council Roads/Private Accessways~~

~~Vehicle crossings shall comply with Council's Subdivision and Development Principles and Requirements (2012) Appendix One - Vehicle Crossings.~~

Rule 21.1.6 Formation Standards is amended as follows:

(a) Standards for Pedestrian Facilities

(i) As part of any new road in Residential, Commercial, Industrial, Greenbelt Residential and Open Space Zones, pedestrian footpaths shall be provided...

...

(iv) Footpath ~~cross-fall gradient~~ and ramps gradients shall not exceed 1 in 8 except where steps or other safety measures are provided.

(c) ~~Safety and Visibility at Road and Rail Intersections~~ Safety Standards for Rail Level Crossings

~~(i) No structure or materials shall be placed, or trees planted that would obscure the sight distances from any road to a road intersection or rail level crossing as shown in Diagram 1 - Traffic Sight Lines at Road and Rail Intersections (Page 21-14).~~

- (ii)(i) Where any accessway crosses a rail level crossing, it shall be formed at the same level as the level crossing for 20 metres both sides of the level crossing and shall be approved by New Zealand Railways Corporation.

Diagram 1 – Traffic Sight Lines at Road and Rail Intersections on Page 21-14 is deleted.

A new rule on Railway Level Crossing Requirements is inserted into Chapter 21 as follows:

Rule 21.1.X Railway Level Crossing Requirements

(a) Activities and Subdivision near Existing Level Crossings

Maintaining the sight triangle requirements set out in this rule is important to maintain clear visibility around level crossings to reduce the risk of collisions.

The requirements set out in (b) below apply only to level crossings without alarms or barrier arms, while the requirements set out in (c) below apply to all level crossings.

All the requirements set out in this rule apply during both the construction and operation stages of any land use activities or subdivision.

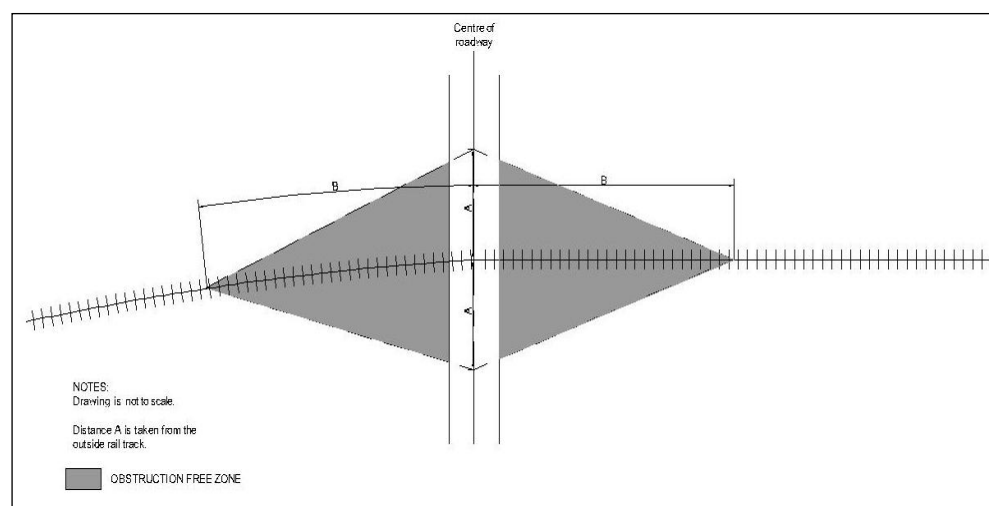
(b) Approach Sight Triangles at Level Crossings without Alarms and/or Barrier Arms

A road vehicle driver when approaching a level crossing with signs and without alarms or barrier arms needs to be able to either:

- see a train and stop before the crossing; or
- to continue at the approach speed and cross the level crossing safely.

- (i) No new visual obstructions are permitted within the approach sight triangles (shaded areas) shown diagrammatically in Diagram 1, irrespective of whether any visual obstructions already exist. The required sight triangles to achieve this are 30 metres from the outside rail (approach distance along road) and 320 metres along the railway track.

Diagram 1: Approach Sight Triangles For Level Crossings



(c) Restart Sight Triangles for all Level Crossings

A road vehicle driver when stopped at the level crossing needs to be able to see far enough along the railway to be able to start off, cross and clear the level crossing safely before the arrival of any previously unseen train.

(i) No new visual obstructions are permitted within the restart sight triangles (shaded areas), shown diagrammatically in Diagram 2, irrespective of whether any visual obstructions already exist. The restart sight triangle is measured 5 m back from the outside rail and distance C is specified in the table below depending on the type of control.

Diagram 2: Restart Sight Triangles for Level Crossings

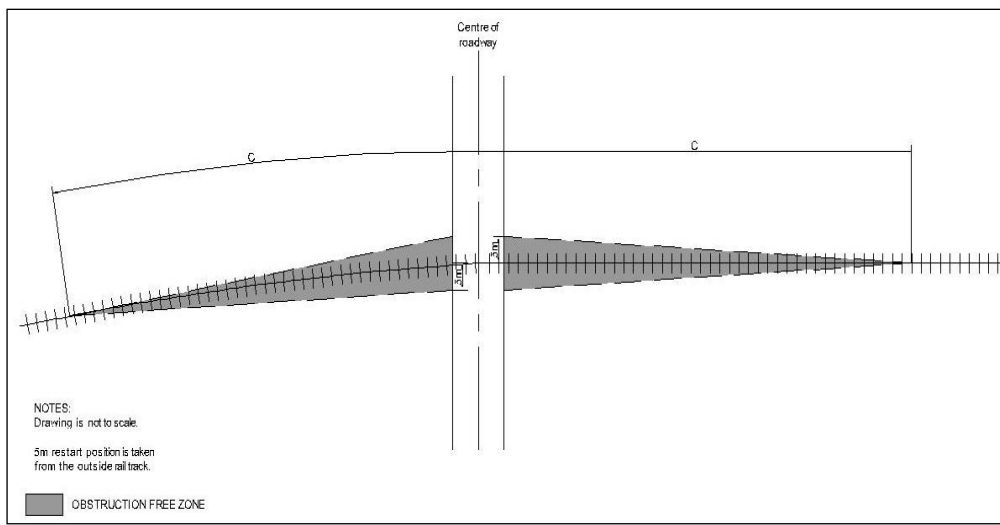


Table 1: Required Restart Sight Distances For Level Crossings

Required approach visibility along tracks C (m)		
Signs only	Alarms only	Alarms and boom gates
677 m	677 m	60 m

Notes:

1. The dimensions in Diagrams 1 and 2 apply to a single set of rail tracks only. For each additional set of tracks, add 25 m to the along-track distance in Diagram 1, and 50 m to the along-track distance in Diagram 2.
2. All figures are based on the sighting distance formula used in NZTA Traffic Control Devices Manual 2008, Part 9 Level Crossings. The formulae in this document are performance based. However, for the purpose of this rule, the parameters are fixed to enable easy application. The parameters used are:
 - A train speed of 110 kph and a single set of rail tracks

- A vehicle approach speed of 20 kph
- A fall of 8 % on the approach to the level crossing and a rise of 8 % at the level crossing
- 25 m design truck
- 90° angle between road and rail

Table 21.4 is amended as follows:

Activity	Number of Spaces Required
Residential Activities	<u>1 2 spaces per residential dwelling unit.</u> <u>1 space per family flat</u> 1 space per residential dwelling unit within a Medium Density Development.

The Table 21-4 Note is amended as follows:

Note: Parking standards do not apply to sites within:

- (i) the Commercial Zone Pedestrian Overlay
- (ii) Commercial Zone in Foxton Beach (except for the properties on the corner of Seabury Avenue and Dawick Street legally described as Lots 3 and 4 DP 91336 and Lots 1 and 2 DP 333144)
- (iii) Commercial Zone in Waitarere Beach
- (iv) Commercial Zone in Manakau

Note: Parking standards do not apply to network utilities.

The following amendments are made to Chapter 15: Residential Zone

Rule 15.6.24 Safety and Visibility at Road and Rail Intersection is amended as follows:

- (i) No building or structure shall be erected, no materials shall be ~~deposited~~ placed, or vegetation planted that would obscure the railway level crossing approach sight distances triangles ~~from any road and rail intersection as shown detailed in Diagram 4(Rule 21.1.X in Chapter 21 Traffic Sight Lines at Road and Rail Intersections).~~

Rule 15.6.23 is amended as follows:

15.6.23 Vehicle Parking, Manoeuvring, and Loading

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

The following amendments are made to Chapter 16: Industrial Zone

Rule 16.6.16 Safety and Visibility at Road and Rail Intersection is amended as follows:

- (i) No building or structure shall be erected, no materials shall be ~~deposited~~ placed, or vegetation planted that would obscure the railway level crossing approach sight distances triangles ~~from any road and rail intersection as shown detailed in Rule 21.1.X in Diagram 4~~ (Chapter 21-Traffic Sight Lines at Road and Rail Intersections).

Rule 16.6.15 is amended as follows:

16.6.15 Vehicle Parking, Manoeuvring, and Loading

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

The following amendments are made to Chapter 17: Commercial Zone

Rule 17.6.18 Safety and Visibility at Road and Rail Intersection is amended as follows:

- (i) No building or structure shall be erected, no materials shall be ~~deposited~~ placed, or vegetation planted that would obscure the railway level crossing approach sight distances triangles ~~from any road and rail intersection as shown detailed in Rule 21.1.X in Diagram 4~~ (Chapter 21-Traffic Sight Lines at Road and Rail Intersections).

Rule 17.6.17(a)(i) is amended as follows:

17.6.17 Vehicle Parking, Manoeuvring, and Loading

Note: Activities within any Pedestrian Overlay Area are not required to provide onsite vehicle parking spaces, but where parking is provided compliance is required with the conditions in Chapter 21 (except the minimum number of carparks).

- (a) Outside of any Pedestrian Overlay Area, the following conditions apply:
- (i) All activities, ~~except network utilities on sites less than 200m²,~~ shall provide on-site vehicle parking, manoeuvring areas and loading facilities as required in Chapter 21.
-

The following amendments are made to Chapter 19: Rural Zone

Rule 19.6.23 (Rural Zone) Safety and Visibility at Road and Rail Intersection is amended as follows:

- (i) No building or structure shall be erected, no materials shall be ~~deposited~~ placed, or vegetation planted that would obscure the railway level crossing approach sight distances triangles ~~from any road and rail intersection as shown detailed in Rule 21.1.X in Diagram 4~~ (Chapter 21 Traffic Sight Lines at Road and Rail Intersections).

Rule 19.6.22 is amended as follows:

19.6.22 Vehicle Parking, Manoeuvring, and Loading

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

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

A new permitted activity condition is added to the Open Space Zone (Rule 20.6.XX) on the Safety and Visibility at Road and Rail Intersection as follows:

20.6.XX Safety and Visibility at Road and Rail Intersections

- (i) No building or structure shall be erected, no materials shall be placed, or vegetation planted that would obscure the railway level crossing approach sight triangles as detailed in Rule 21.1.X in Chapter 21.

Rule 20.6.15 is amended as follows:

20.6.15 Vehicle Parking, Manoeuvring, and Loading

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

The following amendments are made to Chapter 24: Subdivision and Development

Section 24.2.7 Utility Services is amended as follows:

- (a) Utility services shall be provided in accordance with ~~the permitted conditions in Rule 22.1~~ Council's Subdivision and Development Principles and Requirements (2012).

The Advice Note under Rule 24.2.4(a)(ii) is amended as follows:

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

The following amendments are made to Chapter 25: Assessment Criteria

Assessment Criteria 25.7.8 is amended by adding the following:

- (e) The visibility and sight distances at rail level crossings, particularly the extent to which vehicles entering or exiting the level crossing are able to see trains.
 - (f) The extent to which failure to provide adequate level crossing sightlines will give rise to level crossing safety risks.
-

The following amendments are made to Horowhenua District Council's Subdivision and Development Principles and Requirements document

Engineering Appendix 1, Section 2 Vehicle Crossing Places is amended as follows:

2. VEHICLE CROSSING PLACES

- a)
- e) The distances between any new vehicle crossing point and any road intersection shall be as per the table below.
- f) Where vehicle crossings are subject to a "change in use", commercial or farm type crossings may be required to be formed.
- g) The width of vehicle crossing shown on the drawings may increase for commercial, industrial and crossing, where vehicle "passing" is required.

Engineering Appendix 1, Section 6 General is amended as follows:

6. GENERAL

- a)
- g) Kerb ramps allow the safe and easy movement of wheeled trolleys and prams, as well as wheelchairs.
- h) Ongoing maintenance of vehicle crossing places is the responsibility of the landowner(s). However, from time to time when Council have programmed works such as reseals or footpath renewals, vehicle crossings may be upgraded.

Engineering Appendix 1, is amended by inserting a new Section after (6) as follows:

7. WORK WITHIN COUNCIL ROAD RESERVE

For construction of all vehicle crossings within or on Council and NZTA roads, a Corridor Access Request (CAR) shall be applied for. These applications are separate to any other consent issued and a Work Access Permit (WAP) will be issued to work within the roading network if approved. For applications on State Highways, requests should be sent to NZTA.

Engineering Appendix 1, is amended by altering the Notes for Diagram 1 as follows:

Notes for Diagram 1:

- a)
- d) Broom finished.
- (e) For slopes greater than 1 in 15, concrete or asphalt surfacing may be required.

The Section 8.2 Performance Criteria for the Earthworks and Geotechnical Section of the Subdivision and Development Principles and Requirements document is amended as follows:

8.2 Performance Criteria

Earthworks proposed for the development shall:

- ...
- control surface and ground water flows and levels both during and after construction.
- ...

Section 10.3 of the Subdivision and Development Principles and Requirements document is amended as follows:

10.3 Performance Criteria

A stormwater system proposed for a development shall:

- ...
- Achieve hydraulic neutrality so that peak flows into the receiving bodies for the 1 in 2 year, 1 in 5 year, 1 in 10 year, 1 in 50 year and 1 in 100 year design rainfall events, shall not exceed the pre-development peak flows for the same design rainfall events. Critical duration storm events pre-development shall be matched for post development.
- Achieve hydraulic neutrality so that peak flood levels are not increased as a result of filling in floodable areas for the 1 in 2 year, 1 in 5 year, 1 in 10 year, 1 in 50 year and 1 in 100 year design rainfall events. Levels shall not exceed the pre-development peak levels for the same design rainfall events. This can be met by the provision of storage to offset or replace that volume lost to the footprint of the proposed works. Alternatively, this may also be achieved by over attenuation of runoff peaks flows.
- Take into account winter groundwater mounding and groundwater levels.
-

10.4.2 Design Requirements

The design of a stormwater system shall include the following:

- ...
- Secondary flow paths shall be designed to adequately cater for the full 1% AEP (100 year) flow less an appropriate contribution from the primary drainage system. The contribution from the primary drainage system shall take account of the risk and likely degree of blockage as well as the capacity of the inlets to the system. Allowance for 100% blockage may be necessary in certain situations. Provision of additional capacity in the primary drainage system does not eliminate the need to provide a secondary flow path.
- Design shall account for all types of surfacing on a site noting impervious area is made up of building coverage, sheds, driveways, footpaths, paths, decks etc.
- ...
- Areas of private property may be able to become inundated (usually not exceeding 300mm except in dedicated stormwater storage/attenuation/treatment areas) provided they are not used as building sites and roads may be inundated up to maximum height of 200mm at the centreline, in the 1% AEP storm event.
- Detention and/or storage devices/areas may be required as part of a development to mitigate stormwater effects on downstream catchments and surrounding land. Such devices shall make provision for grit and debris entrapment and be designed for ease of maintenance.

Section 19.7 of the Subdivision and Development Principles and Requirements document is amended as follows:

19.7 Clause 4.3.7.9 - Soakage devices

- Council considers 0.5 to be an appropriate reduction factor to be applied to the rate of soakage determined through a soakage test.
- Add further paragraphs.

Council requires on-site disposal through soak pits unless this may cause adverse effects and alternatives are approved.

~~The Council may require small diameter outlets from soak pits to control groundwater levels.~~

The Council may require measures such as small diameter outlets or subsoil drains from the soak pits to allow the slow drain down after a storm event when groundwater is high and inhibits natural drain-down.

Engineering Appendix 2, Stormwater Disposal to Soakpits of the Subdivision and Development Principles and Requirements document is amended as follows:

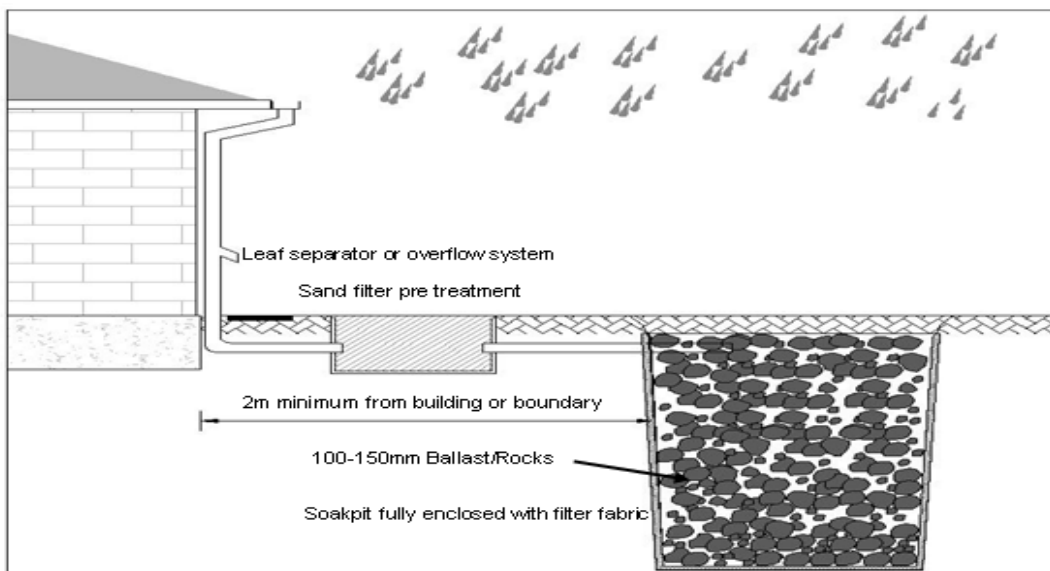
Section 1 “Introduction to Soakpits” is amended by adding a new paragraph after the 5th paragraph as well as a note under the Typical Soak Pits Layout diagram as follows.

1. Introduction to Soakpits

...

E1 states that where the collected surface water is to be discharged to a soak pit, the suitability of the natural ground to receive and dispose of the water without causing damage or nuisance to neighbouring property shall be demonstrated to the satisfaction of the territorial authority.

There are other more comprehensive guidelines that are widely available that should also be referred to when investigating, designing and understanding maintenance requirements of soakpits (for example Auckland Council’s Soakage Design Manual)



Typical Soak Pit Layout

Note: Details are schematic only. For more detailed drawings of soakage pits and pre-treatment measures refer other accepted industry guidelines such as Auckland Council's Soakage Design Manual.

Section 2 "What size is my soak pit" is amended by deleting the reference to grassed areas in the formula as follows:

2.0 What size is my soak pit

....

2.3 Assess the storm water catchment volume (Rc)

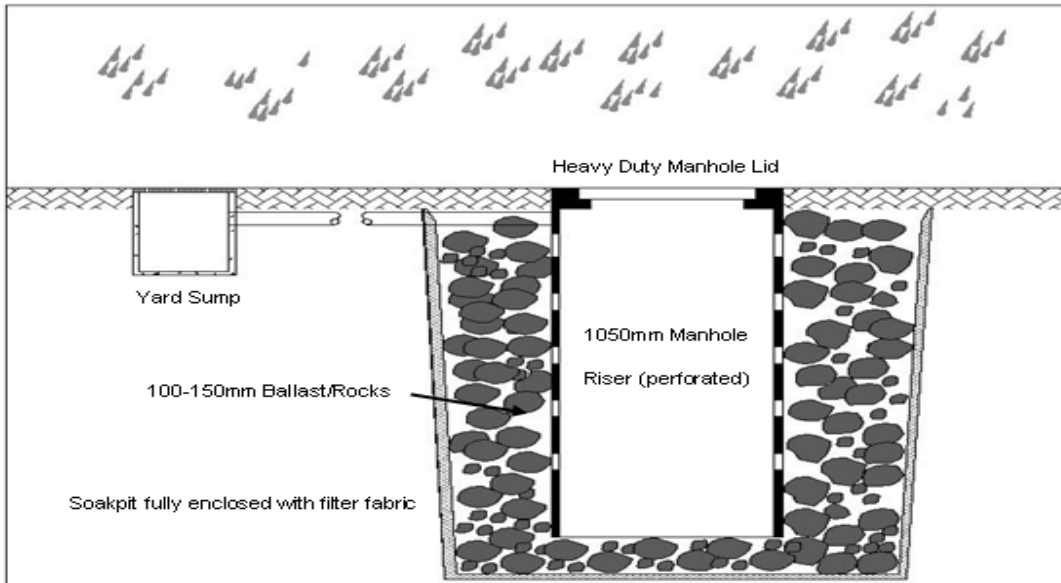
Measure all surface areas which collect rainwater in square metres, and convert to square hectares. Include the roof area and also any decks, patios and paved areas. Calculate the volume per hour.

A = catchment area in hectares (to include buildings, and hard surfaces ~~and grassed areas~~)

Section 3 "Maintenance" is amended by adding a note under the Typical Soak Pits Layout diagram as follows:

3.0 Maintenance

....



Typical Soak Pit Layout for Yard Sump

Note: Details are schematic only. For more detailed drawings of soakage pits and pre-treatment measures refer other accepted industry guidelines such as Auckland Council's Soakage Design Manual.

All references in the Proposed Plan to the 'Subdivision and Development Principles and Requirements (2012)' are amended to refer to "Version: November 2012".

APPENDIX B: Schedule of Decisions on Submission Points

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Hearing Panel Decisions
11.29	519.24	Philip Taueki Charles Rudd (Snr)	Support	Reject Reject
60.23		Muaupoko Co-operative Society		Reject
27.13	521.02	Horizons Regional Council NZ Transport Agency (NZTA)	Oppose	Accept In-Part Accept In-Part
27.14	521.03 523.02	Horizons Regional Council NZ Transport Agency (NZTA) Future Map Ltd	Oppose Support	Accept In-Part Accept In-Part Accept In-Part
91.00	523.01 526.01	HDC (Community Assets Department) Future Map Ltd Truebridge Associates Ltd	Support Oppose	Accept Accept Reject
94.19		NZ Transport Agency (NZTA)		Accept In-Part
101.61	506.02	Director-General of Conservation (DoC) Ernslaw One Ltd	Oppose	Reject Accept
94.16		NZ Transport Agency (NZTA)		Accept
55.15		KiwiRail		Accept
94.55		NZ Transport Agency (NZTA)		Accept
94.56		NZ Transport Agency (NZTA)		Accept
94.57		NZ Transport Agency (NZTA)		Accept
94.58		NZ Transport Agency (NZTA)		Accept
94.59		NZ Transport Agency (NZTA)		Accept
94.60		NZ Transport Agency (NZTA)		Accept
94.61		NZ Transport Agency (NZTA)		Accept
27.15	521.04	Horizons Regional Council NZ Transport Agency (NZTA)	Support	Accept In-Part Accept In-Part

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Hearing Panel Decisions
94.62		NZ Transport Agency (NZTA)		Accept
55.16		KiwiRail		Accept
94.63		NZ Transport Agency (NZTA)		Accept
55.17		KiwiRail		Accept
94.64		NZ Transport Agency (NZTA)		Accept
94.65		NZ Transport Agency (NZTA)		Accept
94.66		NZ Transport Agency (NZTA)		Accept
94.67		NZ Transport Agency (NZTA)		Accept
94.38		NZ Transport Agency (NZTA)		Accept
94.39		NZ Transport Agency (NZTA)		Accept
94.40		NZ Transport Agency (NZTA)		Accept
94.41		NZ Transport Agency (NZTA)		Accept
94.43		NZ Transport Agency (NZTA)		Accept
94.44		NZ Transport Agency (NZTA)		Accept
94.45		NZ Transport Agency (NZTA)		Accept
55.20		KiwiRail		Accept
94.46		NZ Transport Agency (NZTA)		Accept
94.47		NZ Transport Agency (NZTA)		Accept
98.33		Horticulture NZ		Reject
94.48		NZ Transport Agency (NZTA)		Accept In-Part
98.34		Horticulture NZ		Accept
94.49		NZ Transport Agency (NZTA)		Accept
94.50		NZ Transport Agency (NZTA)		Accept
94.51		NZ Transport Agency (NZTA)		Accept
94.52		NZ Transport Agency (NZTA)		Accept

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Hearing Panel Decisions
55.21		KiwiRail		Accept
94.53		NZ Transport Agency (NZTA)		Accept In-Part
55.22		KiwiRail		Accept
94.54		NZ Transport Agency (NZTA)		Accept
55.23		KiwiRail		Accept In-Part
27.16	521.05	Horizons Regional Council NZ Transport Agency (NZTA)	Support	Accept Accept
55.18		KiwiRail		Accept
94.68		NZ Transport Agency (NZTA)		Accept
55.24		KiwiRail		Accept
55.25		KiwiRail		Accept
74.03	513.30	Ernslaw One Limited Rayonier New Zealand Ltd	Support	Accept In-Part Accept In-Part
94.18		NZ Transport Agency (NZTA)		Accept
55.34	511.12	KiwiRail HDC (Community Assets Department)	Support in part	Accept In-Part Accept In-Part
94.42		NZ Transport Agency (NZTA)		Accept
91.03	526.04	HDC (Community Assets Department) Truebridge Associates Ltd	Oppose	Accept In-Part Reject
91.04	526.05	HDC (Community Assets Department) Truebridge Associates Ltd	Oppose	Accept In-Part Reject
91.05	526.05	HDC (Community Assets Department) Truebridge Associates Ltd	Oppose	Accept Reject
55.35	506.59 511.13 521.12	KiwiRail Ernslaw OneLtd HDC (Community Assets Department NZTA	Support in part Support in part Support in part	Accept In-Part Accept In-Part Accept In-Part Accept In-Part

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Hearing Panel Decisions
78.24		Telecom New Zealand Ltd		Accept In-Part
79.24		Chorus New Zealand Ltd		Accept In-Part
108.33		HDC (Planning Department		Accept
108.14		HDC (Planning Department)		Accept
108.32		HDC (Planning Department)		Accept
26.15		Horowhenua Astronomical Society Inc		Accept In-Part
51.08		Waitarere Progressive Association (WBPRA)		Accept In-Part
38.02	511.15	Range View Ltd & Page HDC (Community Assets Department)	Oppose	Reject Accept
	526.31	Truebridge Associates Ltd	Support	Reject
46.01		Vincero Holdings Ltd		Reject
27.31		Horizons Regional Council		Accept In-Part
41.47		Powerco		Accept In-Part
26.16		Horowhenua Astronomical Society Inc		Reject
99.38		Transpower New Zealand Ltd		Reject
41.31		Powerco		Accept
108.15		HDC (Planning Department)		Accept
41.32		Powerco		Accept
108.16		HDC (Planning Department)		Accept
41.33		Powerco		Accept
108.17		HDC (Planning Department)		Accept
41.34		Powerco		Accept
108.18		HDC (Planning Department)		Accept
41.35		Powerco		Accept
55.26		KiwiRail		Accept In-Part

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Hearing Panel Decisions
94.12		NZ Transport Agency (NZTA)		Accept In-Part
55.28		KiwiRail		Accept In-Part
94.12		NZ Transport Agency (NZTA)		Accept In-Part
55.29		KiwiRail		Accept In-Part
94.12		NZ Transport Agency (NZTA)		Accept In-Part
55.32		KiwiRail		Accept In-Part
94.12		NZ Transport Agency (NZTA)		Accept In-Part
71.06		Progressive Enterprises		Reject
94.31		NZTA		Accept In-Part
55.11	521.10	KiwiRail NZTA	Support	Accept In-Part Accept In-Part
110.00		Fraser		Reject
91.13	526.14	HDC (Community Assets Department) Truebridge Associates Ltd	Oppose	Accept Reject
91.14	526.15	HDC (Community Assets Department) Truebridge Associates Ltd	Oppose	Accept Reject
91.15	526.16	HDC (Community Assets Department) Truebridge Associates Ltd	Oppose	Accept Reject
91.16	526.17	HDC (Community Assets Department) Truebridge Associates Ltd	Oppose	Accept Reject
91.17	526.18	HDC (Community Assets Department) Truebridge Associates Ltd	Oppose	Accept Reject
91.18	526.19	HDC (Community Assets Department) Truebridge Associates Ltd	Oppose	Accept Reject
91.19	526.20	HDC (Community Assets Department) Truebridge Associates Ltd	Oppose	Accept Reject

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Hearing Panel Decisions
91.20	526.21	HDC (Community Assets Department) Truebridge Associates Ltd	Oppose	Accept Reject
91.21	526.22	HDC (Community Assets Department) Truebridge Associates Ltd	Oppose	Accept Reject
91.22	526.23	HDC (Community Assets Department) Truebridge Associates Ltd	Oppose	Accept Reject
91.23	526.24	HDC (Community Assets Department) Truebridge Associates Ltd	Oppose	Accept Reject
91.24	526.25	HDC (Community Assets Department) Truebridge Associates Ltd	Oppose	Accept Reject
91.25	526.26	HDC (Community Assets Department) Truebridge Associates Ltd	Oppose	Accept Reject

APPENDIX C: Officer's statement dated 17 May 2013

Proposed Horowhenua District Plan

Land Transport and Subdivision and Development

Hearing: 15 April 2013

Officer Right of Reply and Response to Commissioners Questions

We have considered the evidence presented by submitters at the hearing on 29th April 2013. In addition, we have considered the questions and comments from the Commissioners raised during the hearing. Below we respond to the evidence presented and questions/comments. In responding to the matters raised, we have ordered them into the following topics to align with the Section 42A Report:

- Minimum On-Site Carpark Standard (Residential Activities)
 - HDC Community Assets Department
 - Horizons Regional Council
 - Tabled Statements
-

Minimum On-Site Carpark Standard (Residential Activities)

The Proposed Plan (as notified) required '2 spaces per residential dwelling unit' for the number of on-site carparks for residential activities (Table 21-4 under Rule 21.1.8(h)). This standard is a change from the Operative Plan which requires '1 space per residential dwelling unit' for residential activities. In response to a submission, in the Section 42A Report it is recommended that the minimum on-site carpark standard for residential activities be reduced back to 1 space per residential dwelling unit.

Commissioners queried the basis for the Proposed Plan (as notified) increasing the minimum on-site carpark standard from '1' to '2' per residential dwelling unit. This increase was based on the nature and intensity of residential development experienced in the Horowhenua over the last 5-10 years. Generally, most new dwellings have a single or double garage with an on-site carpark(s) directly in front providing for visitor carparking. However, there have been a few instances where due to the location and design of the dwelling, in particular, the on-site garage, the provision for visitor parking has not been provided. Therefore, the increase to '2' on-site parking standards was to provide one on-site carpark for residents and one on-site carpark for visitors.

In responding to the submission, it is now considered that the requirement for '1' on-site carpark is appropriate for the reasons outlined in the Section 42A Report.

HDC Community Assets Department

Three matters were raised by Mr Meyer on behalf of Council's Community Assets Department. Firstly, Mr Meyer queried the recommendation in the Section 42A Report adding a new condition to Rule 21.1.1 requiring a 30m separation distance between new vehicle crossings and a railway level crossing (Section 4.20 of the Section 42A Report). Mr Meyer highlighted a specific concern with a property in Tokomaru which may have difficulty in complying with this recommended new condition, and suggested existing titles could be exempted from this new condition. Following further discussion and investigation with Mr Meyer, it is considered there are a limited number of properties where the concern expressed by Mr Meyer could arise (see Appendix 1). Given this, it is considered the resource consent process is the most effective and efficient approach to assess

new vehicle crossings within 30m of a railway level crossing is safe. Therefore, no exemption for existing titles is considered appropriate.

The second matter Mr Meyer raised was regarding the new visual obstruction conditions for railway level crossings (Section 4.23 of the Section 42A Report). He questioned whether vehicles parking within road reserve would be considered a 'visual obstruction' in terms of this rule, as well as whether turning off alarms on railway level crossings changed which rules applied. Mr Meyer has discussed these questions with Kiwirail who have advised parked vehicles are generally not considered a visual obstruction and if alarms are turned off during the night it is still considered a level crossing with alarms (see Appendix 1). Given this clarification, no amendments to the recommended provisions in Section 4.23 of the Section 42A Report are considered necessary.

The third matter raised by Mr Meyer was support for changing the Council's Subdivision and Development Principles and Requirements document to ensure it was current and up-to-date (Section 4.41 of the Section 42A Report). This support is noted and no changes to the recommended amendments are required.

Horizons Regional Council (Subdivision and Development)

At the hearing, Horizons Regional Council (Pen Tucker) 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) (see Section 4.28 of the Section 42A Report). 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 27.31 be accepted in part and that the advice note be amended as below.

Recommended Amendment:

Amend Advice Note under Rule 24.2.4(a)(ii) as follows:

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

Horizons Regional Council (Land Transport)

At the hearing, Horizons Regional Council (Wayne Wallace) highlighted the Land Transport Management Amendment Bill is currently due for a second reading in Parliament and this Bill included proposed amendments to statutory planning documents in the land transport sector. Given this Mr Wallace contended the District Plan could be amended to reflect this potential changes. Commissioners sought further comment from Horizons Regional Council on specific amendments to the District Plan to recognise these pending changes. Below are the suggested amendments received from Horizons:

Preference would be an amendment to the second bullet point under the Methods for Issue 10.1 and Objective 10.1.1 – Long Term Plan and Regional Land Transport Programme on page 10-7 (with additional text underlined and highlighted):

- *...through the Regional Land Transport Programme (to be replaced with a Regional Land Transport Plan by 30 June 2015), to improve...*

We note the Chair's comments regarding the vagaries of the legislative process however, and if this wording, which is based on the expectation that the amendments currently before the House will be passed as drafted, is not acceptable to the Panel we would be comfortable with the following less specific alternative:

- *... through the Regional Land Transport Programme, or any plan or programme which supercedes it, to improve...*

It is noted two submissions were received on the Methods for Issue 10.1 and Objective 10.1.1 from Kiwirail and NZTA seeking the methods be retained unchanged. Horizons did not submit on this section of the Proposed Plan. However, Horizons submitted on Issue 10.1 (submission point 27.13 in Section 4.2 of the Section 42A Report) commenting about upcoming changes to funding to land transport programmes, which indirectly relates to the Methods. Therefore, the above requested amendments above to the Methods are considered to be within the ambit of the relief now sought. As noted by Horizons, as the subject Bill is still to be finalised and receive royal assent, the specific wording of policy documents and timelines currently in the draft Bill could change. Therefore, I prefer the second wording suggested to ensure the Proposed Plan does not contain incorrect references in the future. Accordingly, it is recommended submission point 27.13 is accepted in part and the second bullet in the method is amended.

Recommended Amendment:

Amend under the second bullet point under the sub-heading ‘Long Term Plan and Regional Land Transport Programme’ in the section Methods for Issue 10.1 and Objective 10.1.1 as follows:

- *Council will continue, in association with other agencies through the Regional Land Transport Programme, or any plan or programme which supercedes it, to improve infrastructure and facilities for pedestrians and cyclists and public transport passengers and will continue to maintain and improve the safety and efficiency of the road network.*

Tabled Statements

Horticulture NZ provided a written statement for the Land Transport and Subdivision and Development Hearing. In that statement, Horticulture NZ responded to the Section 42A Report evaluation on their submission on Policy 10.3.5 relating to on-site parking and manoeuvring area. In response to the Section 42A Report, Horticulture NZ sought in their written statement a revised amendment to Policy 10.3.5 by replacing the reference “visually attractive manner” to “with screening provided when adjacent to a residential zone boundary”. Horticulture NZ contends this change in wording is clearer on the intent of the rules which apply to implement this policy.

The submissions on Policy 10.3.5 are evaluated in Section 4.11 of the Section 42A Report. In the written statement from Horticulture NZ, they correctly outline the rules for on-site carparking and where screening is required for parking areas adjacent to the Residential Zone. However, apart from non-compliance with the screening rule, Horticulture NZ do not consider the application of this policy for resource consents for parking areas associated with a range of activities (e.g. some non-primary production activities in the Rural Zone and non-residential activities in the Residential Zone). It is noted this policy applies to all zones. In assessing a resource consent application for activities not permitted in the respective zone, the provision for parking would be assessed to ensure sufficient parking is provided on-site as well as in a safety manner. In addition, all zones include an objective to ‘maintain and enhance’ the character and amenity values of the areas. Parking areas if inappropriately sited and designed can detract from the character and amenity values. In this context, the policy requiring parking areas to be ‘visually attractive’ is considered effective and efficient in achieving the objectives. Therefore, it is recommended Policy 10.3.5 is retained unchanged, and that the submission point from Horticulture NZ (98.33) is rejected.

In regard to Policy 10.3.6 on loading areas, the support from Horticulture NZ in the written statement for the recommendation to delete reference to ‘attractive’ from this policy is noted.

Zomac Planning Solutions provided a written statement on behalf of Progressive Enterprises Ltd. In this statement, Zomac respond to the evaluation in the Section 42A Report (section 4.33) on Rule 17.6.17(a)(iv) regarding on-site parking stating they are not convinced functional and

operational requirements (for supermarkets) are available in the current standards, but they accept the assurance provided by the officer, and hence will not take the matter further at this stage. This comment is acknowledged and no further evaluation or change in recommendation is made.

Kiwirail provided a written statement noting most of the submissions had been recommended to be accepted and they supported these recommendations. Kiwirail noted a “slight glitch” in the numbering of some submissions. This ‘glitch’ is typographical errors in Section 4.32.3 of the Section 42A Report, and I note this also applies to the NZTA submission points in the same table. Below is a corrected table for Section 4.32.3 and supersedes the table in the original report (note: only changes are submission numbering):

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Officer's Recommendation
55.26		KiwiRail		Accept In Part
94.12		NZ Transport Agency (NZTA)		Accept In Part
55.28		KiwiRail		Accept In Part
94.13		NZ Transport Agency (NZTA)		Accept In Part
55.29		KiwiRail		Accept In Part
94.14		NZ Transport Agency (NZTA)		Accept In Part
55.32		KiwiRail		Accept In Part
94.15		NZ Transport Agency (NZTA)		Accept In Part

Burton Consultants provided a written statement on behalf of Powerco on two matters. Firstly, the written statement accepted the approach of referring to Council's Subdivision and Development Principles and Requirements (2012) document in Rule 24.2.7 on 'utility services' in lieu of amending the rule as originally sought (section 4.29 of the Section 42A Report). This acceptance is noted. Secondly, in relation to the recommendation to amend the on-site parking standards by deleting reference to 'network utilities', Powerco supports this approach in principle. However, for the avoidance of doubt, Powerco seeks a 'note' be added below the rule table for on-site parking standards to clarify no parking requirements apply to network utilities. I support the addition of this note for clarification purposes and consider it is within scope of Powerco's submission points (41.31, 41.32, 41.33, 41.34 and 41.35) and recommend these submission points be accepted.

Recommended Amendment:

Add a note below Table 21.4 in Rule 21.1.8 as follows:

Note: Parking standards do not apply to network utilities.

Response prepared by Hamish Wesney
Reviewed by David McCorkindale

Dated 17th May 2013

Follow up

District Plan Review : Land Transport and Subdivision and Development Hearing 29-04-2013 : Community Assets

With regard to Page 43 of the Reporting Planners report (# 10.01)

While it is acknowledged that the example given in the evidence regarding the 30 meter separation between new vehicle crossing places and a railway level crossing where parallel roads intersect, a consent would be required, the number of potential new occurrences is limited. Therefore further discussions with both the reporting Planner and KiwiRail have determined no change in the recommended wording is proposed.

With regard to Page 50 of the Reporting Planners report (# 10.01)

Further discussions with KiwiRail have confirmed that parking restrictions within the approach site triangles are not required as a norm and that monitoring would be difficult. They also confirmed that when investigating level crossing accidents parked vehicles have not been a factor with vision lines. No change in the recommended wording is proposed.

Where a crossing Alarm has been turned off, the flashing lights are still working and therefore KiwiRail have confirmed these crossings come into the alarmed category and no change in the recommendation is required.

Thanks for the opportunity to clarify further this discussion.

**Warwick Meyer, for Community Assets, Horowhenua District Council
30th April 2013**

RESOURCE MANAGEMENT ACT 1991

PROPOSED HOROWHENUA DISTRICT PLAN

HEARING OF SUBMISSIONS

DECISION OF HEARING PANEL

TOPIC: Report on District Plan
Hazardous Substances & Contaminated Land

HEARING PANEL: Robert Van Voorthuysen (Chair)
Cr Tony Rush
Cr Leigh McMeeken

HEARING DATE: 30th April & 28th May 2013

CONTENTS

1. INTRODUCTION	3
2. OFFICER'S REPORT	3
3. SUBMITTER APPEARANCES	3
4. EVALUATION	4
Issue 9.1 Hazardous Substances	4
Issue Discussion for Issue 9.1	4
Objective 9.1.1 Hazardous Substances	4
Policy 9.1.2.....	5
Policy 9.1.3.....	5
Policy 9.1.4.....	5
Policy 9.1.5.....	5
Policy 9.1.6.....	6
Policy 9.1.7.....	6
Policy 9.1.8.....	6
Policy 9.1.9.....	7
Methods for Issue 9.1 and Objective 9.1.1.....	7
Chapter 9: Hazardous Substances - General Matters.....	8
Chapter 23: Hazardous Substances - Exemptions (23.1)	9
Chapter 23: Hazardous Substances - Permitted Activities (23.2).....	10
Chapter 23: Hazardous Substances - Controlled Activities (23.3).....	11
Chapter 23: Hazardous Substances - Conditions for Permitted Activities (23.6)	13
Chapter 23: Hazardous Substances - General Matters.....	13
Chapter 26: Definitions - Hazardous Facilities	13
Issue 9.2 Contaminated Land.....	15
Objective 9.2.1 Contaminated Land.....	15
Policy 9.2.2.....	16
Policy 9.2.3.....	16
Policy 9.2.4.....	17
Policy 9.2.5.....	17
Policy 9.2.6.....	18
Chapter 26: Definitions - Contaminated Land	18
5. SECTION 32	18
6. DECISION	19
APPENDIX A: Proposed Plan as amended by Hearing Decisions	20
APPENDIX B: Schedule of Decisions on Submission Points	23
APPENDIX C: Officer's statement dated 21 May 2013	25

1. INTRODUCTION

1.1 We were appointed by the Horowhenua District Council to consider submissions on the Proposed District Plan relating to the Hazardous Substances and Contaminated Land chapters. A hearing was held on 30 April 2013 and 28 May 2013 and it was closed on 13 September 2013.

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

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

2. OFFICER'S REPORT

2.1 We received a comprehensive Section 42A Report¹ (officer's report) prepared by Sheena McGuire, a Policy Planner at HDC. The officer's report evaluated each submission point and made a recommendation on it, clearly stating the reasons for each recommendation.

2.2 Ms McGuire also helpfully provided a written statement dated 21 May 2013 containing answers to our questions and some of the matters raised in the evidence presented at the hearing (including material tabled by submitters who did not attend in person). That statement is attached to this Decision as Appendix C.

3. SUBMITTER APPEARANCES

3.1 On 30 April 2013 we heard in person from:

- Rhea Dasent and Geoff Kane on behalf of Federated Farmers of New Zealand (submitter 96 and further submitter 516);
- Penelope Tucker on behalf of Horizons Regional Council (submitter 27 and further submitter 528);
- Lynette Wharf on behalf of Horticulture New Zealand (submitter 98 and further submitter 517).

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

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

3.4 We also received tabled written material from:

- Georgina McPherson on behalf of the Oil Companies (submitter 93 and further submitter 504);
- Georgina McPherson on behalf of Powerco Limited (submitter 41 and further submitter 505);

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

¹ Section 42A Report to the District Plan Review Hearing Panel, Proposed Horowhenua District Plan, Hazardous Substances and Contaminated Land, April 2013.

4. EVALUATION

4.1 The relevant statutory requirements were identified and described in Section 3 of the officer's report. We accept and adopt that description and have had regard to or taken into account the identified matters as appropriate.

Issue 9.1 Hazardous Substances

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
93.00	The Oil Companies	Retain intent of Issue 9.1	

4.2 The Oil Companies' support for Issue 9.1 is noted and their submission is accepted.

Issue Discussion for Issue 9.1

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
93.12	The Oil Companies	Retain intent of Issue 9.1 Discussion.	

4.3 The Oil Companies' support for the Issue Discussion for Issue 9.1 is noted and their submission is accepted.

Objective 9.1.1 Hazardous Substances

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
93.01	The Oil Companies	Retain intent of Objective 9.1.1	
27.10	Horizons Regional Council	Delete the word disposal from Objective 9.1.1 To ensure that adequate measures are taken to avoid or mitigate the adverse environmental effects of the use, storage, <u>and</u> transport and disposal of hazardous substances.	517.17 Horticulture NZ – In-Part

4.4 The submissions were evaluated by the reporting officer in section 4.3.2 of the officer's report. The Oil Companies, Horizons Regional Council and Horticulture NZ all supported that evaluation. We have reviewed the officer's evaluation and we agree with it and adopt it as our reasons pursuant to Clause 10(2)(a) of Schedule 1 to the RMA. The officer also recommended an amendment to Objective 9.1.1 of the Proposed Plan. We have reviewed that recommended amendment and consider it to be appropriate. We therefore adopt that recommendation as our decision pursuant to Clause 10(1) of Schedule 1 to the RMA.

4.5 We note that as a consequence of the above amendment the second paragraph of the Issue Discussion for Issue 9.1 needs to be amended to refer to the Regional Council's role in relation to the disposal of hazardous substances.

Policy 9.1.2

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
93.02	The Oil Companies	Retain intent of Policy 9.1.2	

4.6 The Oil Companies' support for Policy 9.1.2 is noted and their submission is accepted.

Policy 9.1.3

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
93.03	The Oil Companies	Retain intent of Policy 9.1.3	
98.31	Horticulture NZ	Retain Policy 9.1.3.	

4.7 The Oil Companies' and Horticulture NZ's support for Policy 9.1.3 is noted and their submissions are accepted.

Policy 9.1.4

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
93.04	The Oil Companies	Retain intent of Policy 9.1.4	

4.8 The Oil Companies' support for Policy 9.1.4 is noted and their submission is accepted.

Policy 9.1.5

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
27.11	Horizons Regional Council	Delete the word disposal from Policy 9.1.5: Limit the use, <u>and</u> storage and disposal of hazardous substances near any of the following areas...	517.18 Horticulture NZ – In-Part
93.05	The Oil Companies	Retain intent of Policy 9.1.5	

4.9 The submissions were evaluated by the reporting officer in section 4.7.2 of the officer's report. The Oil Companies, Horizons Regional Council and Horticulture NZ all supported that evaluation. We have reviewed the officer's evaluation and we agree with it and adopt it as our reasons pursuant to Clause 10(2)(a) of Schedule 1 to the RMA. The officer also recommended an amendment to Policy 9.1.5 of the Proposed Plan. We have reviewed that recommended amendment and consider it to be appropriate. We therefore adopt that recommendation as our decision pursuant to Clause 10(1) of Schedule 1 to the RMA.

Policy 9.1.6

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
27.12	Horizons Regional Council	Delete the word disposal from Policy 9.1.6: Establish controls to ensure that facilities which involve the use, storage, <u>or</u> transport or disposal of hazardous substances...	517.19 Horticulture NZ – In-Part
93.06	The Oil Companies	Retain intent of Policy 9.1.6	

4.10 The submissions were evaluated by the reporting officer in section 4.8.2 of the officer's report. The Oil Companies, Horizons Regional Council and Horticulture NZ all supported that evaluation. We have reviewed the officer's evaluation and we agree with it and adopt it as our reasons pursuant to Clause 10(2)(a) of Schedule 1 to the RMA. The officer also recommended an amendment to Policy 9.1.6 of the Proposed Plan. We have reviewed that recommended amendment and consider it to be appropriate. We therefore adopt that recommendation as our decision pursuant to Clause 10(1) of Schedule 1 to the RMA.

Policy 9.1.7

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
93.07	The Oil Companies	Retain intent of Policy 9.1.7	

4.11 The Oil Companies' support for Policy 9.1.7 is noted and their submission is accepted.

Policy 9.1.8

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
93.08	The Oil Companies	Amend Policy 9.1.8 as follows: Appropriate facilities and systems are to be provided to <u>seek to</u> avoid accidental events involving hazardous substances (such as	

Sub No.	Submitter Name	Decision Requested	Further Submission
		spills and gas escapes) that have the potential to create unacceptable risks to the environment and human health.	

4.12 The Oil Companies' submission was evaluated by the reporting officer in section 4.10.2 of the officer's report. The Oil Companies supported that evaluation. We have reviewed the officer's evaluation and we agree with it and adopt it as our reasons pursuant to Clause 10(2)(a) of Schedule 1 to the RMA. The officer also recommended an amendment to Policy 9.1.8 of the Proposed Plan. We have reviewed that recommended amendment and consider it to be appropriate. We therefore adopt that recommendation as our decision pursuant to Clause 10(1) of Schedule 1 to the RMA.

Policy 9.1.9

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
93.09	The Oil Companies	Retain intent of Policy 9.1.9 provided that the last two sentences of the Explanation and Principle Reasons are also retained as follows: ...Council does not consider that any consent is necessary specifically for transportation of hazardous substances at the District level. At present there are controls under the Transport Act, the Explosives Act, and New Zealand Standards.	

4.13 The Oil Companies' support for Policy 9.1.9 is noted and their submission is accepted.

Methods for Issue 9.1 and Objective 9.1.1

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
93.10	The Oil Companies	Retain intent of Methods for Issue 9.1 and Objective 9.1.1 without modification.	

4.14 The Oil Companies' support for the Methods for Issue 9.1 and Objective 9.1.1 is noted and their submission is accepted.

Chapter 9: Hazardous Substances - General Matters

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
11.28	Philip Taueki	No specific relief requested. Inferred: Amend Chapter 9 to restrict the storage, use and disposal of hazardous substances within a chain strip of any waterway, including Lake Horowhenua.	504.00 The Oil Companies - Oppose 519.23 Charles Rudd(Snr) - Support
60.27	Muaupoko Co-operative Society	No specific relief requested. Inferred: Amend Chapter 9 to restrict the storage, use and disposal of hazardous substances within a chain strip of any waterway, including Lake Horowhenua.	

- 4.15 The submissions were evaluated by the reporting officer in section 4.13.2 of the officer's report. The Oil Companies supported that evaluation but Mr Taueki did not.
- 4.16 In his presentation to us Mr Taueki explained that Lake Horowhenua was a taonga of the Muaupoko iwi. He tabled evidence showing the large number of archaeological sites around the western side of the Lake and alongside the Hokio Stream, together with significant areas of Maori owned land adjacent to and in close proximity to the Lake and Hokio Stream. On balance we consider that it would be appropriate to exclude the storage of hazardous substances within 20m of the landward edge of the lake bed and also the bed of the Hokio Stream. We have chosen a buffer distance of 20m as Mr Taueki sought a buffer of one chain (which equates to 20.11m) and 20m is already used as a buffer distance in other Rules of similar effect, such as Rule 19.6.4(a)(v) which deals with building setbacks from water bodies.
- 4.17 We note that the 20m buffer may affect recreational boating activities (should they, for example, wish to store petrol in that 20m buffer area), however we also note that Mr Taueki advised us that the Muaupoko iwi do not wish to have powerboats on the Lake in any case, other than safety craft with small engines.
- 4.18 We therefore consider it appropriate to add a new clause (b) to Rule 23.6.3 that reads as follows:
- (b) There shall be no storage of hazardous substances within 20 metres of the landward edge of the beds Lake Horowhenua and the Hokio Stream.
- 4.19 Paragraphs 4.15 to 4.17 above record our reasons pursuant to Clause 10(2)(a) of Schedule 1 to the RMA. Our decision pursuant to Clause 10(1) of Schedule 1 to the RMA is to amend Rule 23.6.3 as indicated above. This means that the Oil Companies submission is accepted in part as we have only applied the 20m exclusion buffer to Lake Horowhenua and the Hokio Stream and have not imposed it on all water bodies in the District.

Chapter 23: Hazardous Substances - Exemptions (23.1)

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
96.39	Federated Farmers of New Zealand	<p>Amend Rule 23.1 as follows:</p> <p>(a) Fuel contained in tanks of motor vehicles, agricultural and forestry equipment, boats, aircraft, locomotives and small engines <u>and the storage of fuel for primary production where it complies with the Guidelines for Safe Above-Ground Fuel Storage on Farms (Department of Labour, Oct 2001) for fuel.</u></p> <p>(e) Storage of superphosphate or lime or <u>any similar other fertiliser in the Rural Zone where that storage is done so in accordance with the Fertiliser Group Standards (corrosive (HSR002569), oxidising (HSR002570, subsidiary hazard HSR002571) and Toxic (HSR002572) 2006.</u></p> <p>And</p> <p>That an advice note be provided for Rule 23.1.1 to ensure that readers of the plan know to refer to the regional plan for rules governing fertiliser use.</p>	<p>506.23 Ernslaw One Ltd - Support</p> <p>513.19 Rayonier New Zealand Ltd - Support</p> <p>517.37 Horticulture NZ - In Part</p>
98.48	Horticulture NZ	Retain Rule 23.1 Exemptions as notified.	
41.46	Powerco	Retain without modification Rule 23.1.1(h)	

4.20 The submissions were evaluated by the reporting officer in section 4.14.2 of the officer's report. Powerco supported that evaluation. Federated Farmers supported the evaluation with regard to fertilisers (Rule 23.1.1(e)) but noted that the Rule omitted any reference to "lime". We have decided to include a reference to lime for completeness and note that Ms McGuire also recommended that to us in her reply.²

² Written Statement dated 21 May 2013, page 5.

4.21 Federated Farmers also sought an amendment to the Note that Ms McGuire recommended for insertion after Rule 23.1 as follows:

Note: The exemptions specified in Rule 23.1 are still subject to the requirements in the Horizons Regional Council Proposed One Plan for fertiliser and agrichemical use.

4.22 Ms McGuire advised us that:

“The Proposed Plan has requirements for the discharge and disposal of waste, trade waste and sewage which would not be covered by the [amended] advice note as requested by Federated Farmers.”³

4.23 We accept Ms McGuire’s advice and have decided not to amend the advice note as sought by Federated Farmers.

4.24 Federated Farmers also sought a further amendment to Rule 23.1.1(a) so that it would refer to the Guidelines for “Above ground fuel storage on farms” dated January 2012 and produced by the Environmental Protection Society.⁴ We consider that addition to be appropriate and confirmed with Ms Dasent that she was comfortable with her recommended wording “primary production” being altered to “a primary production activity” as that latter wording is a defined term in the Proposed Plan.

4.25 Horticulture NZ also sought an amendment to Rule 23.1.1(a). Ms Wharfe advised that Horticulture NZ sought an exemption for on farm fuel storage that met the HSNO requirements.⁵ We asked Ms Wharfe if she would be satisfied with the wording sought by Federated Farmers and she advised that she would prefer a direct reference to the HSNO legislation. We then asked Ms Wharfe to consider how the relief sought by Federated Farmers and Horticulture NZ might be jointly accommodated. In the event we received no further input from Ms Wharfe on that matter.

4.26 On balance, we find that it is more helpful to users of the Proposed Plan to refer to the EPA Guideline document as sought by Federated Farmers. We noted that Ms McGuire is of the same view.⁶

4.27 Horticulture NZ also sought an amendment to Rule 23.1.1(m). Ms Wharfe advised that the reference to the New Zealand Standard 8409:2004 Management of Agrichemicals could usefully be confined to Section 4 Storage, Section 5 Use of Agrichemicals and Appendix L Storage requirements. We consider that to be a helpful amendment to the Proposed Plan.

4.28 We adopt the officer’s evaluation in section 4.14.2 of the officer’s report and the written Statement of 21 May 2013 (attached as Appendix C to this Decision) as part of our reasons pursuant to Clause 10(2)(a) of Schedule 1 to the RMA. Other reasons are set out above. We therefore generally adopt the officer’s recommended amendments to Rule 23.1 as our decision pursuant to Clause 10(1) of Schedule 1 to the RMA together with the further amendments outlined above.

Chapter 23: Hazardous Substances - Permitted Activities (23.2)

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
98.49	Horticulture NZ	Include a new sub-clause to Rule	

³ Written Statement dated 21 May 2013, page 5.

⁴ Dasent, Statement of evidence, page 4.

⁵ Wharfe, Statement of Evidence, page 5.

⁶ Written Statement dated 21 May 2013, page 7.

Sub No.	Submitter Name	Decision Requested	Further Submission
		23.2 as follows: <u>(c) Storage of fuel in the Rural Zone for primary production activities that meets HSNO requirements is a permitted activity.</u>	
98.50	Horticulture NZ	Amend Table 23 and review quantities in Table 23.2 to determine alignment with HSNO and express quantities in Table 23.2 to include volumes by litre.	

4.29 Horticulture NZ's submission was evaluated by the reporting officer in section 4.15.2 of the officer's report. Horticulture NZ advised that their issue of concern had been addressed by Ms McGuire's evaluation of the changes sought to Rule 23.1. We have reviewed the officer report's section 4.15.2 evaluation and we agree with it and adopt it as our reasons pursuant to Clause 10(2)(a) of Schedule 1 to the RMA. The officer recommended no amendments to the Proposed Plan. We consider that to be appropriate. We therefore adopt that recommendation as our decision pursuant to Clause 10(1) of Schedule 1 to the RMA.

Chapter 23: Hazardous Substances - Controlled Activities (23.3)

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
93.25	The Oil Companies	Amend Rule 23.3.1(a) as follows: 23.3.1 The following activities shall be Controlled Activities: (a) The retail sale of fuel, up to a storage of 100,000 litres of petrol and up to 50,000 litres of diesel in all zones excluding the Rural Zone and the Industrial Zone , in underground storage tanks, provided it can be demonstrated that the following Codes of Practice are adhered to: Below Ground Stationary Container Systems for Petroleum - Design and Installation HSNOCOP 44, EPA, 2012. Below Ground Stationary Container Systems for Petroleum – Operation	

Sub No.	Submitter Name	Decision Requested	Further Submission
		HSNOCOP 45, EPA, 2012. ...	
93.26	The Oil Companies	Amend Rule 23.3.1(b) as follows: 23.3.1 The following activities shall be Controlled Activities: ... (b) The retail sale of LPG, with a storage of up to six tonnes (single or multi vessel storage) of LPG, provided it can be demonstrated that the following standard is adhered to: Australian and New Zealand Standard 1596:2008 Storage and Handling of LP Gas.	

4.30 The Oil Companies submission was evaluated by the reporting officer in section 4.16.2 of the officer's report. The Oil Companies opposed that evaluation insofar as it related to Rule 23.3.1(b). Ms McPherson advised that the Oil Companies considered that the officer's recommendation to allow multi vessel storage of LPG containers up to a limit of 30 individual vessels was arbitrary.⁷ Ms McPherson advised that a figure of 150 vessels was more realistic, but she had undertaken to consult further with the Oil Companies about that.

4.31 We heard again from Ms McPherson by way of a letter dated 17 May 2013. In that letter Ms McPherson helpfully advised that the design, installation and operation of LPG storage facilities is strictly controlled through HSNO and the Australian and New Zealand Standard 1596:2008 Storage and Handling of LPG (AS/NZS 1596:2008). Ms McPherson stated:

"... the storage of portable LPG cylinders in secure cages is well regulated by HSNO and is specifically addressed in AS/NZS 1596:2008, separately to the requirements around LPG storage in single large vessels (e.g. up to 6 tonnes). In addition, a location test certificate must be issued by an independent test certifier (approved by the Environmental Protection Agency (EPA)) for the storage of LPG in quantities over 100kg.

"AS/NZS 1596:2008 is currently undergoing revision ... [and] the standards relating to exchange facilities for portable cylinders have been agreed with the Environmental Protection Authority ..."

"Of particular relevance is clause H3(d), which specifies that the maximum aggregate capacity of cylinders in a cage or single group of cages shall not exceed 1250kg. This equates to some 138 individual 9kg cylinders and is significantly more than the 30 cylinder maximum storage threshold recommended in the Officer's Report."⁸

4.32 In responding to Ms McPherson's additional information Ms McGuire advised that the HSNO controls on the storage of individual LPG vessel were adequate and she recommended that the Oil Companies relief be granted. We accept that amended recommendation.

⁷ Tabled letter from Burton Consultants, dated 29 April 2013, page 3.

⁸ Letter from Burton Consultants dated 17 May 2013

- 4.33 We received further advice from Ms McPherson by way of email dated 28 May 2013. In that email she helpfully advised⁹ “as matter of technical accuracy, it would be more appropriate to include a reference to ‘exchange facilities for portable LPG cylinders’ in the wording of Rule 23.3.1 rather than ‘multi-vessel’ ”. Ms McGuire supported that further amendment and we also consider it to be appropriate.
- 4.34 On balance, we agree with the evaluation in the officer’s report and Ms McGuire’s further written statement dated 21 May 2013 and we adopt that evaluation as our reasons pursuant to Clause 10(2)(a) of Schedule 1 to the RMA. Our decision pursuant to Clause 10(1) of Schedule 1 to the RMA is to amend Rules 23.3.1(a) and 23.3.1(b) as sought by the Oil Companies.
- 4.35 We note that as a result of evaluating the further information provided by Ms McPherson, Ms McGuire identified¹⁰ the need for an amendment to Rule 23.5.1. The amendment is required to ensure that activities which exceed the Chapter 23 Controlled Activity quantity limits for the retail sale of fuel and LPG are assessed as a Discretionary Activity. We are satisfied that the consequential amendment proposed by Ms McGuire to Rule 23.5.1 is a correction of a minor error and so is allowed by Clause 16(2) of Schedule 1 to the RMA. We have therefore amended the Rule accordingly (we have slightly varied the wording recommended to us by Ms McGuire).

Chapter 23: Hazardous Substances - Conditions for Permitted Activities (23.6)

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
93.29	The Oil Companies	Retain Rule 23.6.	

- 4.36 The Oil Companies’ support for the Hazardous Substances - Conditions for Permitted Activities (Rule 23.6) is noted and their submission is accepted.

Chapter 23: Hazardous Substances - General Matters

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
95.46	New Zealand Defence Force (NZDF)	Retain as notified.	

- 4.37 The New Zealand Defence Force’s support for the Chapter 23: Hazardous Substances provisions is noted and their submission is accepted.

Chapter 26: Definitions - Hazardous Facilities

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
---------	----------------	--------------------	--------------------

⁹ Based on information she received from Peter Gilbert of the LPGA.

¹⁰ Written Statement dated 21 May 2013, page 2

Sub No.	Submitter Name	Decision Requested	Further Submission
96.42	Federated Farmers of New Zealand	Amend Hazardous Facility definition by inserting a new sub-clause to the exclusion list as follows: ... <u>On-farm use and storage of fertilisers, fuel and agrichemicals.</u>	506.26 Ernslaw One Ltd - Support
98.04	Horticulture NZ	Delete the definition of Hazardous Facility.	504.02 The Oil Companies - Oppose 506.49 Ernslaw One Ltd - Support

4.38 The submissions were evaluated by the reporting officer in section 4.19.2 of the officer's report and were further considered in Ms McGuire's written statement dated 21 May 2013 (attached as Appendix C to this Decision).

4.39 Federated Farmers supported the amended definition of "hazardous facility" recommended in the officer's report, however, they wished to see that definition further amended by the inclusion of the underlined words as follows¹¹:

"Hazardous facility means any large scale, industrial or commercial activity involving ..."

4.40 We asked Ms Dasent what "large scale" might mean and she accepted that was an undesirably subjective term. We also advised her that as the exclusions in Rule 23.1 included fuel, fertiliser and agrichemicals stored on farms, we failed to understand the residual concern held by Federated Farmers. Ms Dasent advised that it was a general concern about how the rest of the proposed Plan would be implemented. On balance we find that it is not necessary to further amend the definition as sought by Federated Farmers, particularly given the limited use of the term "hazardous facility" in the Plan.

4.41 Horticulture NZ was also concerned about the evaluation in the officer's report. Ms Wharfe sought that the definition be amended to read as follows:¹²

"In respect of Rule 23.6 of this Plan Hazardous Facility means ..."

4.42 In response to that request we asked Ms McGuire to check where in the Plan the term "hazardous facility" was used. She subsequently advised that the defined term is used in Chapter 8 Natural Hazards, Chapter 9 Hazardous Substances and Contaminated Land, and Chapter 23 Hazardous Substances. Therefore we have decided not to make the amendment recommended by Ms Wharfe.

4.43 We adopt the evaluation in section 4.19.2 of the officer's report and Ms McGuire's further written statement¹³ as part of our reasons pursuant to Clause 10(2)(a) of Schedule 1 to the RMA together with the additional reasons set out above. The reporting officer recommended an amendment to the definition of "hazardous facility" in the Proposed Plan.

¹¹ Dasent, Statement of Evidence, page 6.

¹² Wharfe, Statement of Evidence, page 7.

¹³ Appendix C to this Decision, page 7.

We have reviewed that recommended amendment and consider it to be appropriate. We therefore adopt that amended definition as our decision pursuant to Clause 10(1) of Schedule 1 to the RMA.

Issue 9.2 Contaminated Land

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
93.11	The Oil Companies	Amend Issue 9.2 as follows: The use and development of potentially contaminated land can lead to adverse effects on the environment and human health, when the necessary remediation <u>or management measures</u> works have not been undertaken prior to use.	

- 4.44 The Oil Companies submission was evaluated by the reporting officer in section 4.16.2 of the officer's report. Ms McPherson advised¹⁴ that the Oil Companies opposed the officer's evaluation for a number of reasons, including that the Oil Companies considered that not all contaminated land posed a risk to human health, that it was not appropriate to avoid risks to future users, and that the HDC was not responsible for risks to the "environment" but only for risks to "people".
- 4.45 We had some problems with the views espoused by Ms McPherson and the further wording changes she sought, but as she did not attend the hearing we could not put our queries directly to her, we instead asked Ms McGuire to convey some of our concerns to Ms McPherson and then respond to us accordingly in her written reply.
- 4.46 In her further written statement of 21 May 2013 Ms McGuire discussed the concerns of the Oil Companies and referred to some further comments that had been provided by Ms McPherson.¹⁵ We have carefully considered Ms McGuire's further evaluation of the matters of concern to the Oil Companies and we consider her conclusions to be well founded. In particular we note that under the RMA the environment includes people and communities and that it is entirely appropriate to avoid risks to future users. A risk is an effect and under Section 3(c) of the RMA the definition of effect includes "any past, present, or future effect" (our emphasis).
- 4.47 Consequently, on balance we accept Ms McGuire's overall evaluation and we agree with it and adopt it as our reasons pursuant to Clause 10(2)(a) of Schedule 1 to the RMA. The officer included a revised recommendation regarding amendments to the Issue Discussion for Issue 9.2 in her further written Statement of 21 May 2013. We have reviewed those recommended amendments and consider them to be appropriate. We therefore adopt that revised recommendation as our decision pursuant to Clause 10(1) of Schedule 1 to the RMA.

Objective 9.2.1 Contaminated Land

Submissions Received

¹⁴ Tabled letter from Burton Consultants, dated 29 April 2013, pages 3 to 6.

¹⁵ Appendix C to this Decision, pages 2 and 3.

Sub No.	Submitter Name	Decision Requested	Further Submission
93.13	The Oil Companies	Amend Objective 9.2.1 as follows: To avoid, or mitigate the risk of adverse effects from the <u>subdivision, use, or</u> redevelopment or remediation of contaminated and potentially contaminated land on human health and the environment.	

4.48 The Oil Companies' submission was evaluated by the reporting officer in section 4.21.2 of the officer's report. The Oil Companies accepted that evaluation. We have reviewed the officer's evaluation and we agree with it and adopt it as our reasons pursuant to Clause 10(2)(a) of Schedule 1 to the RMA. The officer also recommended an amendment to Objective 9.2.1 of the Proposed Plan. We have reviewed that recommended amendment and consider it to be appropriate. We therefore adopt that recommendation as our decision pursuant to Clause 10(1) of Schedule 1 to the RMA.

Policy 9.2.2

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
93.14	The Oil Companies	Retain intent of Policy 9.2.2 without modification.	

4.49 The Oil Companies' support for Policy 9.2.2 is noted and their submission is accepted.

Policy 9.2.3

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
93.15	The Oil Companies	Amend Policy 9.2.3 as follows: Require development sites that have a history of land use that could have resulted in contamination of the soil to undertake a preliminary site investigation to confirm whether further investigation, remediation or management is required, to ensure that the land is suitable for increased <u>the intended</u> exposure to humans and the environment.	
98.32	Horticulture NZ	Amend the definition of	

Sub No.	Submitter Name	Decision Requested	Further Submission
		'development' (refer to relief sought in Section 26, Definitions).	

4.50 The submissions were evaluated by the reporting officer in section 4.23.2 of the officer's report. Horticulture NZ did not oppose that evaluation and the Oil Companies supported it. We have reviewed the officer's evaluation and we agree with it and adopt it as our reasons pursuant to Clause 10(2)(a) of Schedule 1 to the RMA. The officer also recommended an amendment to Policy 9.2.3 of the Proposed Plan. We have reviewed that recommended amendment and consider it to be appropriate. We therefore adopt that recommendation as our decision pursuant to Clause 10(1) of Schedule 1 to the RMA.

Policy 9.2.4

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
93.16	The Oil Companies	Amend Policy 9.2.4 as follows: Ensure that all remediation, use, subdivision and redevelopment of <u>when</u> land affected by soil contamination is used, subdivided, and/or redeveloped, it is managed or remediated in a way that prevents or mitigates adverse effects and <u>unacceptable</u> risk on human health and the environment.	

4.51 The submissions were evaluated by the reporting officer in section 4.24.2 of the officer's report. The Oil Companies opposed that evaluation for the reasons set out in their submission. On balance we prefer the evaluation in the officer's report. We consider the term "unacceptable risk" sought by the Oil Companies is subjective. Consequently we adopt the officer's evaluation as our reasons pursuant to Clause 10(2)(a) of Schedule 1 to the RMA. In this case the officer recommended no amendments to Policy 9.2.4 of the Proposed Plan. We consider that to be appropriate. We therefore adopt that recommendation as our decision pursuant to Clause 10(1) of Schedule 1 to the RMA.

Policy 9.2.5

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
93.17	The Oil Companies	Amend Policy 9.2.5 as follows: Require management measures for contaminated land, <u>which may include that provides for</u> remediation, or containment, or disposal of contaminated soil, <u>to</u>	

Sub No.	Submitter Name	Decision Requested	Further Submission
		<u>ensure that any</u> so the level of contamination is appropriate for <u>the proposed</u> any likely future use of the land.	

4.52 The Oil Companies' submission was evaluated by the reporting officer in section 4.25.2 of the officer's report. The Oil Companies supported that evaluation. We have reviewed the officer's evaluation and we agree with it and adopt it as our reasons pursuant to Clause 10(2)(a) of Schedule 1 to the RMA. The officer also recommended an amendment to Policy 9.2.5 of the Proposed Plan. We have reviewed that recommended amendment and consider it to be appropriate. We therefore adopt that recommendation as our decision pursuant to Clause 10(1) of Schedule 1 to the RMA.

Policy 9.2.6

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
93.18	The Oil Companies	Retain intent of Policy 9.2.6 without modification.	

4.53 The Oil Companies' support for Policy 9.2.6 is noted and their submission is accepted.

Chapter 26: Definitions - Contaminated Land

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
93.27	The Oil Companies	Retain definition of Contaminated Land without modification.	

4.54 The Oil Companies' support for the definition of Contaminated Land is noted and their submission is accepted.

5. SECTION 32

5.1 A Section 32 report accompanied the Proposed Plan when it was notified. We have evaluated the changes we intend to make to the Proposed Plan in the light of section 32 of the RMA. Where we have amended objectives we have considered alternatives and have concluded that with the amendments we propose each objective will better achieve the purpose of the RMA. Similarly we are satisfied that the amendments we have made to the policies and rules will enable the objectives to be better achieved.

6. DECISION

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

1. That pursuant to clause 10 of Schedule 1 to the Resource Management Act 1991 Chapter 9 Hazardous Substances and Contaminated Land, Chapter 23 Hazardous Substances and Chapter 26 Definitions and associated other provisions of the Proposed Horowhenua District Plan are approved inclusive of the amendments set out in Appendix A.
2. That for the reasons set out in this decision the submissions and further submissions are accepted, accepted in part or rejected as set out in in Appendix B.

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



Robert van Voorthuysen



Cr Tony Rush



Cr Leigh McMeeken

Dated: 23 September 2013

APPENDIX A: Proposed Plan as amended by Hearing Decisions

Chapter 9: Hazardous Substances and Contaminated Land

The second paragraph of the Issue Discussion for Issue 9.1 is amended as follows:

The disposal of hazardous substances is a daily need for the community, ranging from the disposal of paint and detergents from residential sites to the residuals of agricultural chemicals from farms. Where these substances are disposed of in a controlled way, the risks to the environment and communities can be avoided or mitigated. Horizons Regional Council is responsible for discharges onto land and therefore the discharge or disposal of hazardous substances into the environment, including farm applications of fertiliser which is controlled through the Proposed One Plan.

Objective 9.1.1 is amended to read:

To ensure that adequate measures are taken to avoid or mitigate the adverse environmental effects of the use, storage, and transport ~~and disposal~~ of hazardous substances.

Policy 9.1.5 is amended to read:

Limit the use and storage ~~and avoid disposal~~ of hazardous substances near any of the following areas ...

Policy 9.1.6 is amended to read:

Establish controls to ensure that facilities which involve the use, storage, or transport ~~or disposal~~ of hazardous substances ...

Policy 9.1.8 is amended to read:

Appropriate facilities and systems are to be provided ~~to~~ that seek to avoid accidental events involving hazardous substances (such as spills and gas escapes) that have the potential to create unacceptable risks to the environment and human health.

Issue 9.2 is amended to read:

The use and development of potentially contaminated land can lead to adverse effects on the environment and human health, when the necessary remediation or management measures ~~works~~ have not been undertaken prior to use.

A new second paragraph is inserted into the Issue Discussion for Issue 9.2 as follows:

In circumstances where more sensitive land uses are proposed on land that has either not been fully remediated (but the level of contamination was acceptable for the previous land use) or is potentially contaminated land, it is important to ensure that the land is remediated to a satisfactory degree to avoid or reduce risks to human health. Alternatively, contaminated land needs to be managed so that it does not pose an unacceptable risk to current or proposed land uses. The on-going management of contaminants on land needs to be adequate to protect the reasonably foreseeable needs of present and future land users. Poorly implemented risk management plans can result in unforeseen and unexpected adverse effects and poorly managed information can result

in uninformed land use decisions, both of which can expose people and the environment to unacceptable risks.

Objective 9.2.1 is amended to read:

To avoid, or mitigate the risk of adverse effects from the subdivision, use, redevelopment or remediation of contaminated and potentially contaminated land on human health and the environment.

Policy 9.2.3 is amended to read:

Require development sites that have a history of land use that could have resulted in contamination of the soil to undertake a preliminary site investigation to confirm whether further investigation, remediation or management is required, to ensure that the land is suitable for ~~increased~~ the intended exposure to humans and the environment.

Policy 9.2.5 is amended to read:

Require management measures for contaminated land, which may include ~~that provides for~~ remediation, or containment, or disposal of contaminated soil, to ensure that any ~~so the level of~~ contamination is appropriate for the proposed ~~any likely~~ future use of the land.

Chapter 23: Hazardous Substances

Rule 23.1.1 is amended to read:

- (a) Fuel contained in tanks of motor vehicles, agricultural and forestry equipment, boats, aircraft, locomotives and small engines and the storage of fuel for a primary production activity where it complies with the Guidelines for Above Ground Fuel Storage on Farms (Environmental Protection Authority, January 2012).
- (e) Storage of ~~superphosphate or lime or similar~~ fertilisers or lime on farms for the purpose of primary production activities in the Rural Zone where that storage is in accordance with the Fertiliser Group Standards (corrosive (HSR002569), oxidising (HSR002570, subsidiary hazard HSR002571) and Toxic (HSR002572) 2006.

Note: The exemptions specified in Rule 23.1 are still subject to the requirements in the Horizons Regional Council Proposed One Plan for fertiliser and agrichemical use.

Rule 23.3.1 is amended to read:

- (a) The retail sale of fuel, up to a storage of 100,000 litres of petrol and up to 50,000 litres of diesel in all zones ~~excluding the Rural Zone and the Industrial Zone~~, in underground storage tanks, provided it can be demonstrated that the following Codes of Practice are adhered to:
 - Below Ground Stationary Container Systems for Petroleum - Design and Installation HSNOCOP 44, EPA, 2012.
 - Below Ground Stationary Container Systems for Petroleum – Operation HSNOCOP 45, EPA, 2012.

- (b) The retail sale of LPG, with a storage of up to six tonnes of LPG (in either single vessel storage) or in an exchange facility for portable LPG cylinders, provided it can be demonstrated that the following standard is adhered to:
- Australian and New Zealand Standard 1596:2008 Storage and Handling of LP Gas.

Rule 23.5 is amended to read:

23.5.1 The following activities shall be a Discretionary Activity:

...

- (b) The retail sale of fuel in all zones where the storage of petrol in underground storage tanks exceeds 100,000 litres or the storage of diesel in underground storage tanks exceeds 50,000 litres of diesel.
- (c) The retail sale of LPG where the storage of LPG exceeds six tonnes (involving either single or multi vessel storage).

A new clause (b) is added to Rule 23.6.3 as follows:

- (b) There shall be no storage of hazardous substances within 20 metres of the landward edge of the beds Lake Horowhenua and the Hokio Stream.

Chapter 26

The definition of hazardous facility is amended as follows:

Hazardous Facility means any activity involving hazardous substances and the sites where hazardous substances are used, stored, handled or disposed of, and any installations or vehicles parked on site that contain hazardous substances. ~~Hazardous facility does not include any of the following:~~

- ~~• The incidental use and storage of hazardous substances in domestic quantities.~~
- ~~• Fuel in motor vehicles, boats and small engines.~~
- ~~• Retail outlets for domestic usage of hazardous substances (e.g. supermarkets, hardware shops, pharmacies, home garden centres).~~
- ~~• Gas and oil pipelines.~~
- ~~• Trade waste sewers."~~

APPENDIX B: Schedule of Decisions on Submission Points

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Hearing Panel Decision
93.00		The Oil Companies		Accept
93.12		The Oil Companies		Accept
27.10	517.17	Horizons Regional Council Horticulture NZ	In-Part	Accept Accept In-Part
93.01		The Oil Companies		Accept
93.02		The Oil Companies		Accept
93.03		The Oil Companies		Accept
98.31		Horticulture NZ		Accept
93.04		The Oil Companies		Accept
27.11	517.18	Horizons Regional Council Horticulture NZ	In-Part	Accept Accept In-Part
93.05		The Oil Companies		Accept
27.12	517.19	Horizons Regional Council Horticulture NZ	In-Part	Accept Accept In-Part
93.06		The Oil Companies		Accept
93.07		The Oil Companies		Accept
93.08		The Oil Companies		Accept In-Part
93.09		The Oil Companies		Accept
93.10		The Oil Companies		Accept
11.28	504.00 519.23	Philip Taueki The Oil Companies Charles Rudd	Oppose Support	Accept Accept In-Part Accept
60.27		Muaupoko Co-operative Society		Accept
96.39	506.23 513.19	Federated Farmers Ernslaw One Ltd Rayonier New Zealand Ltd	Support Support	Accept In-Part Accept In-Part Accept In-Part

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Hearing Panel Decision
	517.37	Horticulture NZ	In-Part	Accept In-Part
98.48		Horticulture NZ		Accept
41.46		Powerco		Accept
98.49		Horticulture NZ		Accept In-Part
98.50		Horticulture NZ		Reject
93.25		The Oil Companies		Accept
93.26		The Oil Companies		Accept
93.29		The Oil Companies		Accept
95.46		New Zealand Defence Force (NZDF)		Accept
96.42		Federated Farmers		Accept In-Part
98.04		Horticulture NZ		Accept In-Part
93.11		The Oil Companies		Accept
93.13		The Oil Companies		Accept In-Part
93.14		The Oil Companies		Accept
93.15		The Oil Companies		Accept
98.32		Horticulture NZ		Reject
93.16		The Oil Companies		Reject
93.17		The Oil Companies		Accept
93.18		The Oil Companies		Accept
93.27		The Oil Companies		Accept

APPENDIX C: Officer's statement dated 21 May 2013

Proposed Horowhenua District Plan

Hazardous Substances & Contaminated Land Hearing: 30 April 2013

Reporting Officer Response – 21 May 2013

Response to Tabled Evidence

The Oil Companies (submitter number 93.00) sought a number of changes to the Proposed Plan provisions relating to the management of hazardous substances and contaminated land. The Oil Companies provided evidence to be tabled at the Hearing which addressed three matters where the submitter sought amendment to the recommendations made in the Section 42A Report. I have outlined and provided a response to these matters below.

1. Rule 23.3.1(b) - Hazardous Substances - Controlled Activities

In their original submission, the Oil Companies sought amendment to Rule 23.3.1(b) to provide for the multi vessel storage of LPG for retail sale. In responding to this submission point, Council received comment from hazardous substances expert Kerry Laing. Mr Laing held some reservations in providing for the multi vessel storage of a large number of LPG bottles given the increased risk and uncertain demand for such facilities in the Horowhenua. In the Section 42A Report on Hazardous Substances and Contaminated Land I recommended that multi vessel storage be provided for as a controlled activity provided the total number of multi vessels does not exceed 30. In making this recommendation I realised that this was a departure from the relief sought and therefore provided the submitter with an opportunity to present their case at the hearing.

The Oil Companies have provided a written statement which I have attached to this report. In this statement, the Oil Companies outline current and future regulations which seek to control the storage of LPG, outside of the District Plan. The Oil Companies have helpfully provided some context behind their relief sought in their original submission and have provided useful direction in terms of revisions to a New Zealand Standard to specifically address the storage of portable LPG cylinders. I am satisfied that there is a process in place to successfully address the storage of single and multi vessel LPG and that there are adequate regulations outside of the District Plan which will control this storage in the interim before the New Zealand Standard is finalised. I accept that the proposed threshold of 30 would seem to be overly restrictive in light of the other controls that would be regulated. On this basis, I recommend that the relief sought by the Oil Companies in submission point 93.26 is accepted and note that once the New Zealand Standard comes into effect, amendment to the District Plan to correctly refer to this updated standard will be necessary.

Recommended amendment:

Rule 23.3.1(b)

The retail sale of LPG, with storage of up to six tonnes (single or multi vessel storage) of LPG, provided it can be demonstrated that the following standard is adhered to:

- *Australian and New Zealand Standard 1596:2008 Storage and Handling of LP Gas.*

In providing a written statement to the Hearing Panel the Oil Companies have raised a matter which does not appear to fall within the scope of their original submission however, I consider it is a valid matter to have been raised. Controlled Activities in Chapter 23 provide quantity limits for the retail sale of fuel and of LPG. In the case that these quantity limits are exceeded, the Proposed

Plan should have caught these activities as a Discretionary Activity. This default has not been provided for in the Proposed Plan which may lead to Plan users then relying on the Permitted and Discretionary quantities of fuel and LPG provided in Table 23-2. This is not the intent of Chapter 23 as the retail sale of hazardous substances has specifically been addressed as a controlled activity whereas the table seeks to control storage and use of fuel and LPG not for retail sale. The Oil Companies made specific submissions on both clause (a) and (b) of Rule 23.3.1 (submission points 93.25, 93.26) however do not specifically address the matter of the activity status where an activity exceeds the quantity limits of fuel and LPG. I recognise that there may not be the scope to address this matter as the submission points were not explicit about this, but I consider it appropriate to identify this matter for consideration by the Hearing Panel. If the Hearing Panel do consider there is scope, perhaps as a consequential change, to make an amendment to the rule I recommend the following changes to address this matter:

Rule 23.5 Discretionary Activity

23.5.1 The following activities shall be a Discretionary Activity:

...

(b) The retail sale of fuel, exceeding a storage of 100,000 litres of petrol and exceeding 50,000 litres of diesel in all zones in underground storage tanks.

(c) The retail sale of LPG, exceeding a storage of six tonnes (single or multi vessel storage) of LPG.

2. Issue Discussion for Issue 9.2 Contaminated Land

In their original submission (submission point 93.11), the Oil Companies sought amendment to the wording of Issue 9.2 to ensure that remediation is appropriately recognised as one method of managing contaminated land. The Section 42A Report recommends that this submission point be accepted and in addition, the Issue Discussion is amended to further support the requested relief.

The Oil Companies' tabled evidence provides alternative amendments to the Issue Discussion for Issue 9.2 for the purpose of clarification and consistency with the focus of the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (NES).

The Oil Companies seek amendments to the Issue Discussion to ensure that contaminated land is managed to avoid unacceptable risk to current land owners, occupiers and/or users. The Issue Discussion as recommended in the Section 42A Report refers to unacceptable risk to current and future land owners, occupiers and/or users. I accept that the key issue that the NES seeks to manage contaminated land in a way that is fit for its intended or proposed purpose and not all potential future works on the subject site as different activities have different levels of unacceptable risk. However, I think that management measures should seek to avoid unacceptable risk in the long term not only for the current land owner or user. The land may be used for the same purpose in the future and the management measures should seek to maintain the level of risk over time. I also consider that in the case of a subdivision application concerning contaminated land, the intended or future use of the land may not be known and may change over time (e.g. subdivision of commercial land could be used for various activities in the future which may have a greater or lesser risk to exposure from contamination depending on the number and length of occupancy). In addition, the use of land could change overtime, particularly if different activities (change of use) is permitted by the plan (e.g. commercial land changing from warehouse/storage to an education facility or child-care centre).

The Oil Companies also seek change to the Issue Discussion to remove any duplication or confusion with the management of 'contaminants on land' which could be misinterpreted to be referring to the management of hazardous substances. I support change to this sentence however,

I do not support the deletion of the sentence. As outlined above, contaminated land requires ongoing management to avoid unacceptable risk in terms of current and future activities.

I accept the amendment to the final sentence of the second paragraph as sought by the Oil Companies in their tabled evidence for the purpose of clarification.

The Oil Companies also sought the removal of 'the environment' in managing the effects of contaminated land. I do not support this amendment as the 'the environment' is not considered to be solely natural elements such as land, air and water, but can include the built environment and people. The Proposed Plan refers to 'the environment' in policies for the management of contaminated land and the submitter has not objected to the use of the term in these provisions of the Plan. On this basis, I recommend that 'the environment' remains in the final sentence of the second paragraph.

I recommend that the Issue Discussion of Issue 9.2 as recommended in the Section 42A Report, is amended as follows:

“Hazardous substances can contaminate land when discharges occur and are not cleaned up. Contaminated land is an area where contaminants occur at greater levels than naturally occurring background levels. Within the Horowhenua there are a number of known sites containing contaminated land where testing has confirmed the presence of hazardous substances. An owner wishing to conduct activities on contaminated land needs to ensure the contaminant is not exposed during activities or that it is appropriately managed, usually through remediation or removal of contaminated material from the land or other management measures.

In circumstances where more sensitive land uses are proposed on land that has not been fully remediated (but level of contamination was acceptable for the previous land use) or is potentially contaminated land, it is important to ensure that the land is remediated to a satisfactory degree to avoid or reduce risks to human health. Alternatively, contaminated land needs to be managed so that it does not pose an unacceptable risk to current or proposed land uses~~future owners, occupiers and/or users~~. The on-going management of contaminants on land needs to be adequate to protect the reasonably foreseeable needs of present and future landowners, occupiers and users. Poorly implemented risk management plans can result in unforeseen and unexpected adverse effects and poorly managed information can result in uninformed land use decisions both of which can ~~and~~ expose people and the environment to unacceptable risks.

Horizons Regional Council has accepted principal responsibility for identifying and investigating contaminated sites within the region. Territorial authorities are responsible for controlling the effects of the use and development of land for the purpose of preventing or mitigating any adverse effects of the subdivision, use and development of contaminated land. When land has been contaminated by historical activities, it is not controlled by regional councils because hazardous substances are no longer being discharged to the environment. In this situation, processes need to be put in place so that future owners and users of the land are not adversely affected. The best time to do this is when there is an application to subdivide the land, or to change the land use. The National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health directs the requirement for consent or otherwise for activities on contaminated or potentially contaminated land in this regard.”

Response to Commissioners Questions

The Oil Companies' response on the use of the term 'unacceptable risk' in Policy 9.2.4:

In terms of the query on 'unacceptable risk', this is illustrated quite well by the Soil Contaminant Standards set out in Appendix B of the MfE User Guide on the NES for assessing and managing contaminants in soil ("the NES") – refer: <http://www.mfe.govt.nz/publications/rma/users-guide-nes-for-assessing-managing-contaminants-in-soil/guide-nes-for-assessing-managing-contaminants-in-soil.pdf>

The Appendix sets out the soil contamination standards that have been derived by MfE for five standard land-use scenarios:

- *Rural / lifestyle block*
- *Residential*
- *High-density residential*
- *Parks / residential*
- *Commercial / industrial outdoor worker (unpaved)*

The standards essentially indicate what level of soil contamination is considered acceptable for each of those land-use scenarios.

The soil contaminant standard for arsenic, for example, is set at 70mg/kg for a commercial site, but only 17mg/kg for a rural residential block, where 25% consumption of home-grown produce is assumed.

So at a commercial site where arsenic concentrations are up to 70mg/kg, while there will still be some risk to human health, that risk is considered to be acceptable because the type of land use involves few pathways by which the contaminants could affect human health.

In contrast, if that same site was to be used for rural / lifestyle purposes a concentration of 70 mg/kg of arsenic in the soil would be considered to pose an 'unacceptable risk', as there are numerous pathways by which the soil contaminants could affect human health, including through eating food grown on the site.

These soil contamination standards are also used as consent thresholds in the NES itself.

So in terms of Policy 9.2.4, the Oil Companies are seeking to include a reference to 'unacceptable risk' rather than just to 'risk' to recognise that in some situations, a higher level of soil contamination (e.g. 70 mg/kg of arsenic), may be considered acceptable because the risk of those contaminants affecting human health is low because of the specific land use (e.g. a commercial site).

Reporting Officers Right of Reply

Federated Farmers of New Zealand and Horticulture New Zealand both spoke to their submissions on the hazardous substances provisions in the Proposed Plan. There were several parallels between the two submitters in their response to the recommendations in the Section 42A Report and the further amendments sought. I have discussed these points below.

Rule 23.1 Exemptions

Fertilisers

Federated Farmers sought an advice note referring plan users to the Regional Council requirements for fertiliser and agrichemical use. Federated Farmers tabled an amended advice note at the hearing which refers specifically to Regional Council requirements for fertiliser and agrichemical use. This advice note applies to all exemptions listed in Rule 23.1 and if the note refers specifically to the use of fertilisers and agrichemicals, this implies that there are no other Regional Council requirements that apply to any exemption. Rule 23.1(i) and (j) refer to hazardous wastes contained in waste disposal facilities and trade waste or sewage stored, transported, treated or disposed respectively. The Proposed Plan has requirements for the discharge and disposal of waste, trade waste and sewage which would not be covered by the advice note as requested by Federated Farmers. For this reason I recommend that the wording of the advice note as provided in the Section 42A Report is retained.

Horticulture NZ support in part the Section 42A Report recommended amendments to the exemption of fertilisers. Horticulture NZ raised a concern that the Proposed Plan does not include a definition of 'Fertiliser' and some definitions of fertiliser do not include the substance lime. For completeness Horticulture NZ requested in their tabled evidence at the hearing, that the exemption be amended to refer to "Storage of fertilisers and lime...". I recommend that the amendment sought to the exemption be accepted for the purpose of clarity and certainty in the application of the exemption.

Commissioner van Voorthuysen also suggested amending the wording of the exemption to refer to "primary production activities". I support this suggestion as this term is defined in the Proposed Plan and therefore the amendment would provide consistency and clarity in the application of the exemption.

Rule 23.1.1(e)

As notified

"Storage of superphosphate or lime or similar fertilisers in the Rural Zone."

As recommended in the Section 42A Report

"Storage of ~~superphosphate or lime or similar~~ fertilisers on farms for the purpose of primary production in the Rural Zone where that storage is in accordance with the Fertiliser Group Standards (corrosive (HSR002569), oxidising (HSR002570), subsidiary hazard (HSR002571) and toxic (HSR002572) 2006)."

As recommended following the hearing

"Storage of ~~superphosphate or lime or similar~~ fertilisers **and lime** on farms for the purpose of primary production **activities** in the Rural Zone where that storage is in accordance with the Fertiliser Group Standards (corrosive (HSR002569), oxidising (HSR002570), subsidiary hazard (HSR002571) and toxic (HSR002572) 2006)."

Storage of fuel above ground

Federated Farmers and Horticulture NZ made submissions on the Proposed Plan seeking amendment to Chapter 23 to provide specifically for storage of fuel above ground for primary production purposes on farms. The Section 42A Report discusses this matter and recommends that the storage of fuel above ground on farms is provided for in large quantities in the existing provisions as a permitted activity.

Both Federated Farmers and Horticulture NZ presented evidence at the hearing supporting their original submissions in seeking to make the above ground storage of fuel on farms an exempt activity in Chapter 23 provided the relevant HSNO requirements and guidelines are complied with.

The submitters raise concern for the administrative difficulties of applying the quantity limits in practice as the quantities for fuel are not provided in litres. The submitters also express concern for unnecessary duplication of the Hazardous Substances and New Organisms Act (HSNO) requirements and the District Plan. I attach the thresholds in place for the storage of fuel that trigger the requirement for a location test certificate. Horticulture NZ provided these thresholds to highlight regulations that would still apply if the storage of fuel is an exempt activity under the Proposed Plan.

I consider that without this exemption the permitted quantity limits for fuel stored above ground would allow for storage of fuel on farms in relatively large quantities and although the storage facility would be required to comply with the conditions for permitted activities, these conditions are not dissimilar to the standards outlined in the EPA Guidelines for 'Above ground fuel storage on farms'. As the storage of fuel is not likely to trigger consent in many cases, I consider that the EPA Guidelines could provide for best practice implementation of the HSNO Act which would also remove duplication between the Proposed Plan and national legislation. I also note that both

Federated Farmers and Horticulture NZ stated that the storage of fuel on farms is largely industry-regulated in that facilities for the storage of fuel on farms must remain at a high standard with relevant guidelines to receive and store substances such as fuel.

Commissioner van Voorthuysen also suggested amending the wording of the exemption to refer to "primary production activities". I support this suggestion as this term is defined in the Proposed Plan and therefore the amendment would provide consistency and clarity in the application of the exemption.

It was also raised at the hearing whether it would be appropriate to amend the wording of the exemption to refer to 'all subsequent amendments' of the Guidelines for Above Ground Fuel Storage on Farms. I do not support using this phrasing where a particular standard or guideline has been referred to in the Proposed Plan. I note that the Quality Planning website¹⁶ advises against this practice of using words such as "or any replacement standard" or "or any subsequent corresponding successor" after the reference to the document. Clause 31 of Schedule 1 requires that there has to be a variation or plan change for an amendment to an externally referenced document to have effect through the Plan. On this basis it is not appropriate to simply expect an updated version of the Guidelines for Above Ground Fuel Storage on Farms to apply to the Proposed Plan without that updated standard or document having gone through the First Schedule process. If documents by reference were replaced by any subsequent or amended document without this process, the community would not have their say on these changes and the Council would not have discretion to choose whether the updated standard was appropriate without a Plan Change. For this reason I recommend that only the document incorporated by reference is referred to in this provision.

On this basis, I recommend that Rule 23.1 Exemptions is amended to include the following:

23.2.1(a) Fuel contained in tanks of motor vehicles, agricultural and forestry equipment, boats, aircrafts, locomotive and small engines and the storage of fuel of primary production activities where it complies with the Guidelines for Above Ground Fuel Storage on Farms (Environmental Protection Agency 2012).

Definition - Hazardous Facility

Federated Farmers and Horticulture NZ made submissions seeking the amendment and deletion of the definition for Hazardous Facility.

Federated Farmers submitted that the definition did not provide a full list of those activities exempt from the provisions for hazardous facilities and therefore was not consistent with Rule 23.1. Federated Farmers upheld this position at the hearing.

Horticulture NZ made a submission that questioned the relevance of the definition and sought the deletion of the definition. Horticulture NZ upheld this view at the hearing and further reinforced that the definition for hazardous facility is provided in District Plan's where the Hazardous Facility Screening Procedure is adopted. As the Horowhenua District Council has not adopted this approach Horticulture NZ do not see the need for such a definition.

Federated Farmers are concerned that if the definition does not specifically set out the facilities that would be exempt from the term, this could be a cause of confusion in application of provisions relating to hazardous facilities. While it is important that the Proposed Plan provides clarity for plan users to ensure that provisions are interpreted and applied correctly, the exemptions of Chapter 23 are clearly stated at the outset of the Chapter and the submitter noted this helpful location for plan users. I consider that the definition of hazardous facility would become overly complicated and extensive if all exemptions were provided when these are already clearly outlined within the chapter relating specifically to hazardous facility provisions.

¹⁶ [http://www.qualityplanning.org.nz/index.php/plan-steps/witig-plans/external-documents-and-appendices\(e\)](http://www.qualityplanning.org.nz/index.php/plan-steps/witig-plans/external-documents-and-appendices(e))

In addressing the matter of relevance raised by Horticulture NZ, a full search of the Proposed Plan identified that the following chapters of the Proposed Plan Chapter 8 Natural Hazards, Chapter 9 Hazardous Substances and Contaminated Land and Chapter 23 Hazardous Substances all contained references to the term Hazardous Facility. For this reason I consider that there is the need for the definition of the term Hazardous Facility for the purpose of clarity and consistency in the application of this term.

Rule 19.6.25

Horticulture NZ also raised that the hazardous substances provision in Chapter 19 Rural Zone does not reference all provisions in Chapter 23 and could in turn undermine the purpose of Rule 23.1 Exemptions.

This matter was addressed in the Miscellaneous section of the Section 42A Report for General Parts 2, 3 and 4. I have provided an extract from this report below:

“In the hearing for Hazardous Substances and Contaminated Land submitter Horticulture NZ raised that Rule 19.6.25 fails to refer to all provisions in Chapter 23 - Hazardous Substances, namely Rule 23.1 Exemptions. This could be problematic as the Rule currently (as notified) only refers to the quantity limits in Table 23-1 in requiring all hazardous facilities within the Rural Zone to comply with the defined quantity limits. This Rule does not account for a list of exemptions to these quantity limits as outlined in Rule 23.1. These exemptions include the storage of fertiliser and the storage of fuel above ground on farms and without such exemptions in the Rural Zone, farmers and growers could be unnecessarily caught which would undermine the intent and purpose of Rule 23.1. Council seek that the Rural Zone Conditions for Permitted Activities provide a rule for hazardous substances which replicates the wording of the identical rule in all other zones in the Proposed Plan.

Rule 19.6.25 should read:

(a) All activities using or storing hazardous substances shall comply with the Hazardous Substances Classification parameters for the Rural Zone in Table 23.2 in Chapter 23 and shall comply with the permitted activity conditions in that Chapter.

While this rule does not specifically refer to Rule 23.1 Exemptions, it refers to Chapter 23 in its entirety and therefore applies the exempt activities. This matter was not raised in Horticulture NZ's original submission but was raised during the hearing by this submitter. It would seem that there is no scope within the submissions received to have addressed this matter and seek to resolve this issue.

The Commissioner's may wish to keep these matters in mind when preparing the decisions on submissions in case the opportunity arises to address these matters as consequential changes or alternatively by providing some direction to Council on matters that would need to be addressed as part of future plan changes.”

Response to Commissioners Comments:

Councillor Rush raised that the function and responsibilities of Regional Council should not only be clarified by way of an advice note for Rule 23.1 as requested by Federated Farmers (96.39), but also clearly outlined in the policy context of Chapter 9.

As discussed at the hearing, it was agreed that I would amend the second paragraph of the Issue Discussion for Issue 9.1 to clarify the function of Regional Council in relation to both disposal and discharges of hazardous substances. I recommend that the second paragraph of Issue Discussion for Issue 9.1 is amended as follows:

"The disposal of hazardous substances is a daily need for the community, ranging from the disposal of paint and detergents from residential sites to the residuals of agricultural chemicals from farms. Where these substances are disposed of in a controlled way, the risks to the environment and communities can be avoided or mitigated. Horizons Regional Council is responsible for discharges onto land and therefore the discharge or disposal of hazardous substances into the environment, including farm applications of fertiliser which is controlled through the Proposed One Plan."

Response prepared by Sheena McGuire

Response reviewed by David McCorkindale

Dated: 21 May 2013

RESOURCE MANAGEMENT ACT 1991

PROPOSED HOROWHENUA DISTRICT PLAN

HEARING OF SUBMISSIONS

DECISION OF HEARING PANEL

TOPIC: Report on District Plan
Utilities & Energy

HEARING PANEL: Dean Chrystal (Chair)
Cr Tony Rush
Cr Leigh McMeeken

HEARING DATE: 6th & 7th May 2013

CONTENTS

1.0 INTRODUCTION	4
2.0 OFFICER'S REPORT	4
3.0 SUBMITTERS.....	5
4.0 EVALUATION	6
Chapter 12 Introduction	6
Issue 12.1 Network Utilities.....	8
Issue for Discussion for Issue 12.1	9
Objective 12.1.1	10
Policy 12.1.2.....	11
Policy 12.1.3.....	12
Policy 12.1.4.....	14
Policy 12.1.5.....	16
Policy 12.1.6.....	16
Policy 12.1.7.....	16
Policy 12.1.8.....	17
Policy 12.1.9.....	17
New Policy 12.1.X.....	18
Explanation & Principal Reasons for Objective 12.1.1	19
Methods for Issue 12.1 & Objective 12.1.1	21
Issue 12.2 Energy	23
Issue Discussion for Issue 12.2	24
Objective 12.2.1	25
Policy 12.2.2.....	26
Policy 12.2.3.....	26
Policy 12.2.4.....	27
Policy 12.2.5.....	28
Policy 12.2.6.....	29
Policy 12.2.7.....	30
Policy 12.2.8.....	32
Policy 12.2.9.....	33
Policy 12.2.10.....	34
Policy 12.2.11.....	35
Policy 12.2.12.....	36
Policy 12.2.13.....	37
Policy 12.2.14.....	37
New Policy 12.2.X.....	38
Explanation & Principal Reasons for Objective 12.2.1	39
Methods for Issue 12.2 & Objective 12.2.1	40
Chapter 12 – New Objective	43
Chapter 12 – General Matters	43
Rule 15.1 (i) Permitted Activity Rule – Residential Zone	45
Rule 15.7.5(a) Subdivision of Lane – Residential Zone	45
Rule 16.1 (m) Permitted Activity Rule – Industrial Zone	45
Rule 17.1 (o) Permitted Activity Rule – Industrial Zone	45
Rule 19.1 (k) Permitted Activity Rule – Rural Zone	46
Rule 19.4.6 Network Utilities and Electricity Generation	48
Rule 19.6.24 (b) Network Utilities and Energy	48
Rule 20.1 (f) Permitted Activity Rule – Open Space Zone	49
Chapter 22 - Introduction	50
Rule 22.1 Conditions for Permitted Activities.....	50
Rule 22.1.1 Gas Pressure.....	50
Rule 22.1.2 Electricity Voltage	50
Rule 22.1.4 (a) Sites Adjoining the Residential Zone	52
Rule 22.1.5 (a) Undergrounding of Services	52
Rule 22.1.5 (c) Undergrounding of Services.....	53
Rule 22.1.6 Undergrounding Services - Reinstatement	53
Rule 22.1.8 Height of Network Utility Masts, Pylons, Towers Aerials & other Structures	53
Rule 22.1.8(b)(i) Height of Network Utility Masts, Pylons, Towers Aerials & other Structures.....	55
Rule 22.1.8(b)(ii) Height of Network Utility Masts, Pylons, Towers Aerials & other Structures	55
Rule 22.1.8(b)(iii) Height of Network Utility Masts, Pylons, Towers Aerials & other Structures	55
Rule 22.1.10 Maintenance, Replacement and Upgrading Network Utilities.....	58

Chapter 22 – X New Rule	63
Chapter 22 – General Matters	68
Rule 25.7.12 Assessment Criteria – Network Utilities and Wind Monitoring Masts	70
Rule 25.7.13 Assessment Criteria – Wind Energy Facilities	72
Chapter 26 Definitions – Domestic Scale Renewable Energy Device.....	78
Chapter 26 Definitions – Network Utility	78
Chapter 26 Definitions – Wind Energy Facilities.....	79
Chapter 26 Definitions – New Definition “Critical Infrastructure”	80
Chapter 26 Definitions – New Definition “National Grid Corridor”	81
5.0 DECISION	84
APPENDIX A: PROPOSED PLAN AS AMENDED BY HEARING DECISIONS	85
APPENDIX B: SCHEDULE OF DECISIONS ON SUBMISSION POINTS	92

1.0 INTRODUCTION

- 1.1 We were appointed by the Horowhenua District Council to consider submissions on the Proposed District Plan relating to the topic of Utilities and Energy.
- 1.2 A hearing into the submissions received on the topic of Utilities and Energy was held on the 6th and 7th May 2013.
- 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	Director-General of Conservation
Genesis	Genesis Power Ltd
HAL	High Amenity Landscapes
HDC	Horowhenua District Council
Horizons	Horizons Regional Council
KCE Mangahao	KCE Mangahao Ltd
NPSET	National Policy Statement on Electricity Transmission
NPSREG	National Policy Statement on Renewable Electricity Generation
NZEC	New Zealand Electrical Code of Practice
NZWEA	New Zealand Wind Energy Association
Officer's report	Report evaluating the submissions prepared by Mr David McCorkindale for our assistance under s42A(1) of the RMA
ONFL	Outstanding Natural Features and Landscapes
Powerco	Powerco Ltd
Proposed Plan	Proposed Horowhenua District Plan
Rayonier	Rayonier New Zealand Ltd
RMA	Resource Management Act
Telecom	Telecom New Zealand Ltd
Todd	Todd Energy Ltd
The Act	Resource Management Act
Transpower	Transpower New Zealand Ltd
Vector	Vector Gas Ltd

2.0 OFFICER'S REPORT

- 2.1 We were provided with and had reviewed the Officer report prepared by David McCorkindale pursuant to s42A of the Act prior to the hearing commencing.
- 2.2 In his report Mr McCorkindale informed us that the relevant provisions within the Proposed Plan are largely contained within Part B Objectives and Policies - Chapter 12 (Utilities and Energy) and Part C Rules - Chapter 22 (Utilities and Energy), with some related provisions appearing in the Zone Rules, Assessment Criteria and General Provision chapters of the Proposed Plan. Mr McCorkindale noted that Chapter 12 is effectively a new chapter as the current Operative Plan does not have a policy chapter that specifically addressed both Utilities and Energy.

- 2.3 Mr McCorkindale in his report highlighted that a number of submissions were made in relation to the Utilities and Energy chapter. These submissions have supported some provisions requesting they be adopted as proposed, while others have requested changes to the wording or deletion of specific changes.
- 2.4 Mr McCorkindale summarised the key issues raised by submissions and provided a discussion on them. His main recommendations on the key issues raised in submissions had been:
- Generally retaining the policy framework for Network Utilities and Energy with appropriate amendments to provide greater clarity or to improve the relationship of the Plan with the RMA and National Policy Statements (NPSREG and NPSET)
 - Provision for minor upgrading of network utilities and existing renewable electricity generation or distribution facilities
 - Providing for the effects of visual intrusion and interruption from renewable electricity generation facilities on the Tararua Ranges to be minimised.
 - Clarification that the activity status for activities not meeting the permitted activity conditions in Chapter 22 would be Restricted Discretionary.
 - Increased height thresholds in the Industrial and Commercial zones for masts, pylons, towers, support structures, aerials and antennas.
 - Provision made for certain sized lightning rods to be excluded from building and structure height calculations.
 - Provision made for the Residential zone setbacks from boundaries and daylight setback envelope to apply to network utility structures located on sites next to a Residential zoned property.
 - Provision made for wind monitoring masts of up to 500mm maximum diameter as permitted activities (subject to other controls including a boundary set back based on the height of the mast).
 - Recognition of the positive, local, regional and national benefits derived from the use and development of renewable energy through inclusion in the Assessment Criteria for Wind Energy Facilities.
 - Provision made for the trimming, felling and removal of vegetation and non-notable trees to retain the operational efficiency of overhead wires or utility networks.
 - Inclusion of a new definition for National Grid Corridor that would replace the term 'Transmission Line Corridor' currently used in the Plan.

3.0 SUBMITTERS

Appearances

- 3.1 The following submitter made an appearance at the hearing:
- Rhea Dasent on behalf of Federated Farmers of New Zealand
 - Andrew Hoggard (Manawatu-Rangitikei President) on behalf of Federated Farmers of New Zealand
 - Penelope Tucker, on behalf of Manawatu-Wanganui Regional Council (Horizons Regional Council)
 - Lynette Wharfe, resource management consultant on behalf of Horticulture New Zealand
 - Ben Farrell, on behalf of New Zealand Wind Energy Association
 - Nicky McIndoe, Legal Counsel on behalf of Transpower New Zealand Ltd;
 - Mike Hurley, Environmental Advisor for Transpower New Zealand Ltd
 - Graham Spargo, planning consultant on behalf of Transpower New Zealand Ltd;

- Lorelle Barry, planning consultant on behalf of Todd Energy Ltd and KCE Mangahao Ltd
- Tom Anderson, planning consultant on behalf of Telecom
- Mary Barton, senior environmental planner with Chorus New Zealand Limited

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

- Georgina McPherson, planning consultant on behalf of Powerco
- Kellie Roland, Environmental Policy Manager at Genesis Power Limited
- Darryl McMillan, Vector Gas Limited

General Submitter Comments

1. Transpower New Zealand Ltd

3.3 Ms McIndoe took us through the various statutory requirements we needed to take account of including the modified Long Bay – Okura formula stemming from Environment Court decisions. She also referred to the objective and various policies of the NPSET.

3.4 Mr Hurley identified that Transpower owned and operated the National Grid, which transmits electricity throughout New Zealand. He said that there were 5 National Grid transmission lines in Horowhenua District, together with other infrastructure such a substation and switchyard and that these lines played a critical role in New Zealand’s electricity transmission network.

3.5 Mr Hurley said that Transpower was aware that a balance needed to be struck between competing issues associated with the use of the electricity transmission network. He said that only via planning tools such as District Plan rules can sustainable management of the both the transmission resource, and the environment they are located in, be achieved. He noted that the NPSET provides that use, development and protection of the transmission network needs to be managed in a way which enables people and communities to provide for their social, economic and cultural wellbeing and for their health and safety, while sustaining the potential of the Grid to meet the reasonably foreseeable needs of future generations, and while also avoiding, remedying and mitigating adverse effects of activities on the environment. He said that it was important to note that full mitigation was not possible due to the scale, form, function and technical constraints of the infrastructure and that this was recognised in the NPSET.

2. Horticulture NZ

3.6 Ms Wharfe said that the NPSET had led to plan changes around the country where Transpower had sought an approach of corridor management which had the potential for significant effects on horticulture particularly where fruit is grown on support structures. She said that Horticulture NZ has been working with Transpower to seek a resolution to these issues.

3.7 Ms Wharfe said that Horticulture NZ generally supported Transpower basing its requirements on NZECP34:2001 and was intending to sign a Memorandum of Understanding between the parties recognising that position.

4.0 EVALUATION

Chapter 12 Introduction

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submissions
99.07	Transpower New Zealand Ltd	Include the following paragraphs to the 12 Introduction, Utilities Section as follows: <u>The Council is required to give effect to any National Policy Statement (NPS). The stated</u>	514.18 Todd Energy Ltd -Support

Sub No.	Submitter Name	Decision Requested	Further Submissions
		<p><u>objective of the NPSET is to “Recognise the national significance of the electricity transmission network by facilitating the operation, maintenance and upgrade of the existing transmission network and the establishment of new transmission resources to meet the needs of present and future generations, while:</u></p> <p><u>- Managing the adverse environmental effects of the network; and</u></p> <p><u>- Managing the adverse effects of other activities on the network”.</u></p> <p><u>The issues associated with electricity transmission are significant at a national, regional and local level and the benefits of the network must be recognised and provided for. Within the District, there is the potential for the development of new high voltage electricity transmission.</u></p>	<p>515.18 KCE Mangahao Ltd - Support</p> <p>516.06 Federated Farmers of New Zealand - Oppose</p>
100.00	New Zealand Wind Energy Association	<p>Amend Introduction, Energy (page 12-2) and substantiate the statement “the benefits and need for renewable energy is recognised”.</p> <p>Possible wording to the fifth paragraph includes:</p> <p>The benefits and need for renewable energy is recognised through objectives, policies and methods (including rules) that provide for the development, maintenance, operation and upgrading of renewable energy activities.”</p>	

4.1 Transpower, supported by Todd Energy Ltd and KCE Mangahao, request that a statement be added indicating that Council is required to give effect to any National Policy Statement. Federated Farmers opposed the submission point considering that a balancing statement is required to identify that network utilities and the National Grid can also have adverse effects on surrounding land uses. Both Transpower and Federated Farmers suggested text that they considered to be appropriate.

4.2 The Reporting Officer noted that Transpower had specifically identified the NPSET, and he was conscious that there are other NPS’s that were relevant to this chapter. He was therefore sympathetic to the point made by Federated Farmers. He recommended that the suggested wording proposed by Transpower be added to the Introduction as a new 10th paragraph as follows:

“The Council is required to give effect to any National Policy Statement (NPS). The stated objective of the NPSET is to “recognise the national significance of the electricity transmission network by facilitating the operation, maintenance and upgrade of the existing transmission network and the establishment of new transmission resources to meet the needs of present and future generations, while:

- Managing the adverse environmental effects of the network; and
- Managing the adverse effects of other activities on the network”.

The issues associated with electricity transmission are significant at a national, regional and local level and the benefits of the network must be recognised and provided for. Within the District, there is the potential for the development of new high voltage electricity transmission.”

4.4 The Reporting Officer in the original Section 42A Report also recommended that a new 11th paragraph be added to the Introduction, with this paragraph supported by Federated Farmers. In response Mr Spargo noted that ‘balancing’ in section 5 of the RMA does not relate specifically to balancing ‘competing’ land uses. He suggested an amendment to the new paragraph which was supported by the Reporting Officer in the Supplementary S42A Report. The proposed new revised paragraph 11 read:

“It is recognised while network utilities can have national, regional and local benefits, they can also have adverse effects on surrounding land uses, many of which have been established long before the network utility. The sustainable management of natural and physical resources requires Council to achieve a balance between the effects of different land uses”.

4.5 We have reviewed the requested amendments and recommendations and consider them to be appropriate and address the differing views that the submitters raised. The submissions are accepted in part and we adopt the reasons and recommendations above as our decision pursuant to Clause 10(2)(a) of Schedule 1 to the RMA.

4.6 NZWEA supported the Introduction but requested that an amendment be included to the fifth paragraph of the Energy section to substantiate how the benefits of renewable energy would be recognised in the Plan.

4.7 The Reporting Officer said that the change proposed by NZWEA provided some additional clarification and may be helpful to Plan users. He accepted the wording proposed, subject to the inclusion of the words “where appropriate”. Mr Farrell however considered the term “where appropriate” to be ambiguous, unjustified and created uncertainty about how the Council was providing for renewable energy development. He also considered there was no proviso in the NPSREG that allowed Councils to limit their recognition of, and provision for, renewable energy.

4.8 The Reporting Officer in responding, acknowledged the submitter’s interpretation of the proposed qualifier “where appropriate”, and recommended the fifth paragraph under Energy be amended as follows and the submission be accepted:

“The benefits and need for renewable energy is recognised, and so is the need to effectively manage the potential for effects arising from energy related infrastructure through objectives, policies and methods (including rules) that provide for the development, maintenance, operation and upgrading of renewable energy activities. Particularly where the local environment is sensitive to the scale and nature of energy generation facilities, for example adverse ecological, cultural and heritage, landscape and visual effects have the potential to be significant.

4.9 We have reviewed the amendment and recommendation and consider it to be appropriate. We therefore adopt the reasons and recommendations as our decision pursuant to Clause 10(2)(a) of Schedule 1 to the RMA.

Issue 12.1 Network Utilities

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
25.02	Michael White	Amend Issue 12.1 to manage light spill and glare of street and highway lighting networks.	511.06 HDC (Community Assets Department) - Oppose 525.18 Maurice and Sophie Campbell - Support
99.08	Transpower New	Retain Issue 12.1	

Sub No.	Submitter Name	Decision Requested	Further Submission
	Zealand Ltd		

4.10 M White, supported by M & S Campbell and opposed by HDC (Community Assets Department), sought that the Issue be amended to manage light spill and glare from the street and highway lighting networks. HDC (Community Assets Department) said that it was not practical or cost effective to retrofit existing services specifically for light spill and glare purposes; however consideration could be given to future new works on this matter.

4.11 The Reporting Officer considered that this Issue had been worded as a high level statement about adverse effects without referring to specific examples and that it would send the wrong message to include one example within this issue, as it could be perceived to be the main issue for the District. He considered the current wording provided some coverage of the issue the submitter raises, however recommended that additional text be added to the Issue Discussion for Issue 12.1 which would enable this example to be identified as follows:

“Therefore, in making provision for network utilities, their environmental effects must be balanced against the community’s need for the service or facility. An example of this challenge is the provision of street lighting which is required for public safety, yet the spill light from this can adversely affect the night environment. It is also recognised that there may be limited choice in locating utilities, given logistical or technical practicalities. Some level of adverse effects may need to be accepted to recognise the necessity for some utility services and facilities.”

4.12 We have reviewed the requested amendment and subsequent recommendation and associated wording and consider it to be appropriate. We therefore adopt that recommendation and reasons as our decision pursuant to Clause 10(2)(a) of Schedule 1 to the RMA and accept the submission in part.

4.13 The support for Issue 12.1 from Transpower is noted and accepted in part given the above amendment.

Issue for Discussion for Issue 12.1

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
41.11	Powerco	Retain the fourth paragraph of the issue discussion for 12.1 without modification.	
99.09	Transpower New Zealand Ltd	Amend the fourth paragraph of 12.1 Network Utilities, Issue Discussion as follows: For example, residential areas and areas containing outstanding natural features and landscapes would be vulnerable to the intrusion of large buildings or pylons.	528.24 Horizons Regional Council – Oppose
99.10	Transpower New Zealand Ltd	Retain paragraphs 5 and 6 of 12.1 Network Utilities, Issue Discussion (page 12-3).	

4.14 Transpower, opposed by Horizons, sought an amendment to the third paragraph of the Issue Discussion to remove the reference to outstanding natural features and landscapes.

4.15 The Reporting Officer considered that the words could be removed without the Plan losing any of its intent. He noted that the next sentence states that *“Areas with outstanding natural features and landscapes and areas of significant indigenous vegetation or habitats also need to be protected from inappropriate use and*

development of utilities” and was satisfied that this following sentence captures the key point, in relation to the protection of areas with outstanding natural features and landscapes, more so than the sentence Transpower seek to amend. He noted that the sentence to be amended would still be appropriate and technically correct in only referring to residential areas and recommended the submission be accepted and further submission rejected and the following wording adopted:

“For example, residential areas ~~and areas containing outstanding natural features and landscapes~~ would be vulnerable to the intrusion of large buildings or pylons”.

4.16 At the hearing Ms Tucker said she could support the amendment, however Mr Spargo sought an amendment to the next sentence in the third paragraph of the Issue Discussion in order to better align it with, and give effect to, Policy 7 of the National Policy Statement on Electricity Transmission (NPSET). The proposed amendment is as follows:

“Areas with outstanding natural features and landscape and areas of significant indigenous vegetation or habitats also need to be protected from inappropriate use and ~~should seek to be protected from development of utilities~~ should seek to avoid these.”

4.17 In the Memorandum from Counsel for Transpower, Ms McIndoe notes that Transpower’s general submission refers to the possibility of further relief being required to address concerns with the Proposed Plan, and considers that this provides scope for the relief sought.

4.18 In the Supplementary s42A Report, the Reporting Officer supported the proposed amendment.

4.19 We have reviewed the requested amendments and subsequent recommendations and associated wording and consider it to be appropriate. We therefore adopt that recommendations and reasons as our decisions pursuant to Clause 10(2)(a) of Schedule 1 to the RMA and accept the submission and reject the further submission.

4.20 The support for the fourth paragraph of the issue discussion for Issue 12.1 from Powerco is noted however we also point to our previous decision which amended this paragraph and the submission is therefore accepted in part. The support for paragraphs 5 and 6 of the issue discussion for Issue 12.1 from Transpower is noted and accepted and the provisions approved.

Objective 12.1.1

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
41.02	Powerco	Retain Objective 12.1.1 without modification.	
78.00	Telecom New Zealand Ltd	Retain intent of Objective 12.1.1	
79.00	Chorus New Zealand Limited	Retain intent of Objective 12.1.1	
99.11	Transpower New Zealand Ltd	Amend Objective 12.1.1 Network Utilities as follows: To protect and provide for the establishment, operation, maintenance and upgrading of network utilities, while avoiding, remedying or mitigating adverse effects on the environment to the extent practicable.	512.04 Vector Gas Ltd - In-Part 516.09 Federated Farmers of New Zealand - Oppose

4.21 Transpower, supported in part by Vector and opposed by Federated Farmer, sought an amendment to Objective 12.1.1 to read *“To protect and provide for the establishment, operation, maintenance and*

upgrading of network utilities, while avoiding, remedying or mitigating adverse effects on the environment to the extent practicable."

4.22 The Reporting Officer agreed with adding the protection component to the Objective but did not support the qualifier that was requested for the end of this objective. He said that this sort of qualifier was not used within the Act and did not see it being helpful here. He noted that the further submission by Federated Farmers opposed the amendment on the basis that outright protection was unnecessary and acknowledged the tension raised between farming and network utility activities. However he considered that the Objective when read in its entirety was indeed appropriate for achieving sustainable management of natural and physical resources and responding to Issue 12.1.

4.23 The Reporting Officer recommended the submission be accepted in part and that the Objective be amended to read:

"To protect and provide for the establishment, operation, maintenance and upgrading of network utilities, while avoiding, remedying or mitigating adverse effects on the environment."

4.24 Ms Dasent opposed the recommendation because the word *protect* brings to mind Section 6 (of the RMA) matters, but there is no Section 6 matter directing that network utilities be protected. She referred to the NPSET saying that its wording did not include protection as an objective.

4.25 Mr Spargo, while supporting the above amendment and referring us to Policy 10 of the NPSET with regards to Federated Farmers concerns, sought the inclusion of an amendment to the Explanation and Reasons section to explain the Objective in the context of Transpower to give effect to Policies 3 and 4 of the NPSET as follows:

"In establishing the standards and in assessing resource consent applications, it is important to recognise the location of utilities is often dictated by operational and technical requirements. For example, constraints imposed on avoiding, remedying and mitigating adverse environmental effects of transmission activities are recognised under the NPSET (Policy 3). In addition, given the function and role of network utilities, some must be distributed throughout the District and in particular settlements"

4.26 In his Supplementary S42A Report, the Reporting Officer supports the proposed wording, as it provides a useful example of technical requirements that could apply and appropriately regards the policy direction in the NPSET.

4.27 We have reviewed the requested amendments and subsequent recommendations and associated wording and consider them to be appropriate. We note that the concerns expressed by Ms Dasent highlight the tension between in particular farmers and network utility operators. However we do not consider that the word *protect* is in any way related to Section 6 (of the RMA) in this context and consider it entirely appropriate that network utilities are given a reasonably supportive framework within the District Plan given their importance to community wellbeing and the effect to the national policy statement. We therefore adopt the recommendations and reasons as our decisions pursuant to Clause 10(2)(a) of Schedule 1 to the RMA. In doing so we have accepted in part the further submissions of Vector and Federated Farmers.

4.28 The support of Objective 12.1.1 by Powerco, Telecom and Chorus is noted however we refer to our decision above and have accepted in part these submissions.

Policy 12.1.2

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
41.03	Powerco	Retain Policy 12.1.2 without modification.	
78.01	Telecom New Zealand	Retain intent of Policy 12.1.2	

Sub No.	Submitter Name	Decision Requested	Further Submission
	Ltd		
79.01	Chorus New Zealand Ltd	Retain intent of Policy 12.1.2	

4.29 The support for Policy 12.1.2 from the above submitters is noted and accepted and the provision approved. No amendments are proposed to Policy 12.1.2.

Policy 12.1.3

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
25.01	Michael White	Amend Policy 12.2.3 to manage light spill and glare of street and highway lighting networks.	525.17 Maurice and Sophie Campbell - Support
41.04	Powerco	Retain Policy 12.1.3 without modification.	
78.02	Telecom New Zealand Ltd	Retain intent of Policy 12.1.3	
79.02	Chorus New Zealand Ltd	Retain intent of Policy 12.1.3	
98.35	Horticulture NZ	Amend Policy 12.1.3 as follows: Avoid, remedy or mitigate the adverse environmental effects, including effects on primary production activities, arising from the establishment, construction, operation, maintenance and upgrading of network utilities.	505.04 Powerco - Oppose 506.56 Ernslaw One Ltd - Support 513.23 Rayonier New Zealand Ltd - Support 514.13 Todd Energy Ltd - Oppose 515.13 KCE Mangahao Ltd - Oppose 516.10 Federated Farmers of New Zealand - Support 518.04 Transpower New Zealand Ltd – In-Part
99.12	Transpower New Zealand Ltd	Amend Policy 12.1.3 as follows: To the extent practicable, avoid, remedy or mitigate the adverse environmental effects arising from the establishment, construction, operation, maintenance and upgrading of network utilities and where appropriate, consider the extent to which any adverse effects have been avoided, remedied or mitigated by a route, site and method selection process.	512.05 Vector Gas Ltd - Support 516.11 Federated Farmers of New Zealand - Oppose

4.30 M White, supported by M & S Campbell, sought that Policy 12.1.3 be amended to manage light spill and glare of street and highway lighting networks. The Reporting Officer said that Policy 12.1.3 was a general policy that has application to a wide range of network utilities and a wide range of potential environmental effects and did not focus on a particular network utility or set of environmental effects. He said that to include the focus on light spill and glare would unnecessarily narrow the focus and application of the policy and recommended that the submissions be rejected.

4.31 We have reviewed the requested amendment and subsequent recommendation and agree that the current wording of the policy can be applied to street and road lighting without specific reference. We therefore adopt the Reporting Officer's recommendation as our decision pursuant to Clause 10(2)(a) of Schedule 1 to the RMA.

- 4.32 Horticulture NZ requested that the policy be amended to specifically refer to adverse environmental effects on primary production activities. The submission was opposed by Powerco, Todd Energy, KCE Mangahao Ltd, opposed in-part by Transpower and supported by Ernslaw One, Rayonier NZ and Federated Farmers.
- 4.33 The Reporting Officer did not consider the amendment sought to be necessary, noting that primary production activities are already covered generically by the current wording of the policy and that it applied across all zones of the District. He did not consider it appropriate to single out one type of land use at this policy level. He said that it could just as easily be argued that Residential and Commercial activities should be explicitly included in the policy to ensure that the adverse effects on those activities are avoided, remedied or mitigated also. He therefore recommended that the submission and those supporting it be rejected and those opposing be accepted.
- 4.34 Ms Dasent expressed concern that generic wording will mean that primary production is not considered. She sought that the policy be reworded to include reference to *“effects on primary production activities”*.
- 4.35 Ms Wharfe said that the reason Horticulture NZ wanted recognition of effects on primary production was because it can be overlooked as being ‘open space’ so the effects are minimal. She said that if the Panel were not of a mind to make the changes sought then the following should be added to the Explanation and Reasons:
- “Many network utilities are located in the rural zone, often on privately owned land. Where this occurs there is a need to consider the effects of the network utility on the activities undertaken on the land such as primary production activities which can be constrained due to the location of the utility on the land. Such effects should be considered when considering the establishment, construction, operation, maintenance and upgrading of network utilities”.*
- 4.36 At the hearing Ms McIndoe said that Transpower opposed the Horticulture NZ amendment on the basis that it legitimised reserve sensitivity effects which Policy 10 of the NPSET requires policy makers to avoid.
- 4.37 In his right of reply the Reporting Officer said that he was generally supportive of recognition being given to the impacts on primary production activities in the Explanation and Principal Reasons rather than the policy. He said that it was appropriate that where a new or upgraded network utility requires resource consent then it would be appropriate to consider any adverse effects that the network utility would have on existing land use activities, including primary production activities. He recommended accepting in part the submissions and adding the following wording to the end of paragraph 2 of the Explanation and Principal Reasons:
- “It is recognised that many network utilities in the District are located in the Rural zone and often on privately owned land. In some circumstances the location of these network utilities can constrain the activities undertaken on the land. Where resource consent is required to establish, construct, operate, maintain and upgrade network utilities in the Rural zone, consideration should be given to the effects of the network utility on the existing activities undertaken on the land such as primary production.”
- 4.38 We have considered the revised wording proposed by the Reporting Officer and consider that it is an appropriate addition to the Explanation and Principal Reasons which clarifies the situation as far as consents for network utilities in rural areas are concerned. We consider it entirely appropriate that where such consents are required that consideration is given to their impact on surrounding activities. We do not consider this addition is at odds with Policy 10 of the NPSET, which we acknowledge is only about electricity transmission, as this wording is about consents associated with network utilities themselves. We therefore fail to see how it could be construed to legitimise reserve sensitivity effects. Indeed in our view other policies of the NPSET such as Policies 4 and 8 support this approach of considering adverse effects. Overall it is noted that this addition is wider than just electricity transmission and our decision is to adopt the revised wording of the Reporting Officer and accept in part all those submissions associated with this matter.
- 4.39 Transpower, supported by Vector Gas and opposed by Federated Farmers, sought the following amendment to Policy 12.1.3:

“To the extent practicable, Avoid, remedy or mitigate the adverse environmental effects arising from the establishment, construction, operation, maintenance and upgrading of network utilities and where appropriate, consider the extent to which any adverse effects have been avoided, remedied or mitigated by a route, site and method selection process.”

4.40 The Reporting Officer did not support the qualifier “To the extent practicable” saying that the RMA did not use such qualifiers when seeking that the environmental effects are avoided, remedied or mitigated. In terms of the second part of the relief sought he noted that Policy 4 of the NPSET requires decision makers to have regard to the extent which any adverse effects have been avoided, remedied or mitigated by the route, site and method selection. While he accepted that this process can be a very effective approach to avoiding adverse environmental effects, he did not consider it should be referred to within a policy which has application to a wide range of network utilities not just electricity transmission utilities to which the NPSET applies. The Reporting Officer considered that it would be helpful to refer to this approach within the Explanation and Principal Reasons to indicate that this is one approach that could be used. He recommended that the following wording be added after the second paragraph of the Explanation and Principal Reasons and that the submission and further submission of Vector be accepted in-part and the further submission by Federated Farmers be accepted:

“In considering the environmental effects of new transmission infrastructure or major upgrades of existing transmission infrastructure, the NPS on Electricity Transmission (2008) requires that Council must have regard to the extent to which any adverse effects have been avoided, remedied or mitigated by the route, site and method selection.”

4.41 In his evidence, Mr Spargo noted that the wording of the paragraph recommended by the Reporting Officer provides a qualifier of sorts and supports the paragraphs inclusion into the Plan.

4.42 We have reviewed the requested amendment and subsequent reasoning and recommendation and agree that the addition of wording in the Explanation and Principal Reasons is the appropriate means of addressing this matter. We therefore adopt the Reporting Officer’s recommendation and reasoning as our decision pursuant to Clause 10(2)(a) of Schedule 1 to the RMA.

4.43 The support of Powerco, Telecom and Chorus for retaining Policy 12.1.3 is noted and accepted.

Policy 12.1.4

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
41.05	Powerco	Retain Policy 12.1.4 without modification.	
78.06	Telecom New Zealand Ltd	Amend Policy 12.1.4 as follows: Provide additional protection for sensitive areas such as Outstanding Natural Features and Landscapes, heritage and cultural sites and buildings, Notable Trees, coasts, lakes, river and other waterways, and open space from the adverse effects of network utilities.	505.05 Powerco - Support
79.06	Chorus New Zealand Ltd	Amend Policy 12.1.4 as follows: Provide additional protection for sensitive areas such as Outstanding Natural Features and Landscapes, heritage and cultural sites and buildings, Notable Trees, coasts, lakes, river and other waterways, and open space from	

Sub No.	Submitter Name	Decision Requested	Further Submission
		the adverse effects of network utilities.	

4.44 Chorus and Telecom supported by Powerco requested that the reference to open space be removed from this policy on the basis that it was unclear what constituted open space and it was inconsistent with the provision of permitted network utilities in the Open Space zone.

4.45 The Reporting Officer noted that the term open space is defined in the Proposed Plan as follows:

***Open Space** means any public or private area of substantially unoccupied space or vacant land; and includes parks, reserves, playgrounds, landscaped areas, gardens, together with any ancillary seating and vehicle parking and pedestrian shelters and conveniences; but excludes any recreation facilities. It need not specifically be zoned as Open Space.*

4.46 The Reporting Officer was initially satisfied that it was appropriate to retain “open space” within this policy as it was signalling that some areas have a greater sensitivity to the adverse effects of network utilities and may warrant additional protection. He recommended that the submissions be rejected.

4.47 Ms McPherson said that the definition of open space appears to include almost any space that is not occupied by buildings, including land in both public and private ownership. She said that while some areas covered by the definition of ‘open space’ may indeed be sensitive to the adverse effects of network utilities, other areas are exactly where network utilities were typically located and could not be considered to have a greater sensitivity to the adverse effects of network utilities, which would warrant additional protection. She said it was not appropriate to impose the same policy approach to network utilities across such a broad range of ‘open space’ locations.

4.48 Ms McPherson went on to say that the broad scope of the term ‘open space’ cast doubt on the robustness of the policy and that the definition of ‘open space’ was so broad ranging that it was not entirely clear what the other spaces are that will not require additional protection from network utilities. She considered that given the broad scope and uncertainty associated with the term ‘open space’, such features should, at most, only be afforded additional protection from ‘significant adverse effects’, rather than ‘adverse effects’ in general.

4.49 In the Supplementary S42A Report, the Reporting Officer accepted the expert evidence from Powerco acknowledging the concerns regarding the potential for inherent conflict within the policy as different open space areas will have different levels of sensitivity. He said that on reflection not including the term ‘open space’ was going to provide greater certainty to the application of the policy. He recommended the following amendment to Policy 12.1.4:

“Provide additional protection for sensitive areas such as Outstanding Natural Features and Landscapes, heritage and cultural sites and buildings, Notable Trees, coasts, lakes, rivers and other waterways, ~~and open space~~ from the adverse environmental effects of network utilities.”

4.50 We have reviewed the amendment now proposed and agree with it. We therefore adopt the Reporting Officer’s latest recommendation and reasoning as our decision pursuant to Clause 10(2)(a) of Schedule 1 to the RMA. We have also therefore accepted the submissions.

4.51 We note that Powerco also made a submission supporting the retention of Policy 12.1.4 without modification and note that given the above amendment this submission is accepted in part.

Policy 12.1.5

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
25.09	Michael White	Amend Policy 12.1.5 to manage light spill and glare of street and highway lighting networks.	525.25 Maurice and Sophie Campbell - Support
41.06	Powerco	Retain Policy 12.1.5 without modification.	

4.52 M White supported by M & S Campbell sought that Policy 12.1.5 be amended to manage light spill and glare of street and highway lighting networks. The Reporting Officer noted that Policy 12.1.5 was a general policy that has application to a wide range of network utilities and a wide range of potential effects that could compromise the health and safety of the community and did not focus on a particular network utility or set of environmental effects. He said that to include the focus on light spill and glare would unnecessarily narrow the focus and application of the policy and recommended that the submissions be rejected.

4.53 We have reviewed the requested amendment and subsequent recommendation and agree that the current wording of the policy can be applied to street and highway lighting without change. We therefore adopt the Reporting Officer's recommendation as our decisions pursuant to Clause 10(2)(a) of Schedule 1 to the RMA.

4.54 The support for Policy 12.1.5 from Powerco is noted and accepted and the provisions approved. No amendments are proposed to Policy 12.1.5.

Policy 12.1.6

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
41.07	Powerco	Retain Policy 12.1.6 without modification.	
78.03	Telecom New Zealand Ltd	Retain intent of Policy 12.1.6	
79.03	Chorus New Zealand Ltd	Retain intent of Policy 12.1.6	
80.06	Todd Energy Ltd	Retain Policy 12.1.6	
92.06	KCE Mangahao Ltd	Retain Policy 12.1.6	
99.13	Transpower New Zealand Ltd	Retain Policy 12.1.6	

4.55 The support for Policy 12.1.6 from the above submitters is noted and accepted and the provision approved. No amendments are proposed to Policy 12.1.6.

Policy 12.1.7

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
41.08	Powerco	Retain Policy 12.1.7 without modification.	
91.01	HDC (Community Assets Department)	Amend Policy 12.1.7 as follows: Require services where practicable, to be underground in new areas of development within Urban areas and Greenbelt Residential areas.	526.02 Truebridge Associates Ltd - Oppose

- 4.56 HDC (Community Assets Department), opposed by Truebridge Associates Ltd, requested that Policy 12.1.7 be amended to read “*Require services where practicable, to be underground in new areas of development within Urban ~~areas~~ and Greenbelt Residential areas*”.
- 4.57 The Reporting Officer said that under the Operative Plan the structure had included Greenbelt Residential areas as part of the Urban framework and that the Proposed Plan separated the Urban and Greenbelt Residential out. He said that given that Greenbelt Residential areas are located adjacent to urban areas it is appropriate that the services (where practicable) be installed underground and therefore considered it appropriate and correct to have a separate reference in the policy for Greenbelt Residential areas. He recommended that the submission be accepted and the further submission rejected and that Policy 12.1.7 be amended to reflect the above wording.
- 4.58 We have reviewed the requested amendment and subsequent recommendation and agree that the revised wording of the policy is appropriate. We therefore adopt the Reporting Officer’s recommendation as our decisions pursuant to Clause 10(1) of Schedule 1 to the Act.
- 4.59 The support of Policy 12.1.7 by Powerco is noted; however we refer to our decision above and accept in part their submission.

Policy 12.1.8

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
41.09	Powerco	Retain Policy 12.1.8 without modification.	
78.05	Telecom New Zealand Ltd	Retain intent of Policy 12.1.8	
79.05	Chorus New Zealand Ltd	Retain intent of Policy 12.1.8	

- 4.60 The support for Policy 12.1.8 from the above submitters is noted and accepted and the provision approved. No amendments are proposed to Policy 12.1.8.

Policy 12.1.9

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
41.10	Powerco	Retain Policy 12.1.9 without modification.	
78.04	Telecom New Zealand Ltd	Retain intent of Policy 12.1.9	
79.04	Chorus New Zealand Ltd	Retain intent of Policy 12.1.9	
99.14	Transpower New Zealand Ltd	Amend Policy 12.1.9 as follows: Recognise the presence and function of existing network utilities, and their locational and operational requirements, by managing land use, development and / or subdivision in locations which could compromise their safe and efficient operation and maintenance subdivision and new land use activities adjacent to them, to ensure the long-term efficient and effective functioning of that utility.	

- 4.61 Transpower sought to amend Policy 12.1.9 to give effect to the NPSET. The amendment read:
 “Recognise the presence and function of existing network utilities, and their locational and operational requirements, by managing land use, development and / or subdivision in locations which could compromise their safe and efficient operation and maintenance ~~subdivision and new land use activities adjacent to them~~, to ensure the long-term efficient and effective functioning of that utility.”
- 4.62 The Reporting Officer noted that the amendment changed the focus of the policy from managing subdivision and new land use to managing existing subdivision, land use and development also. He said that existing development and land use would have existing use rights so the policy could not apply retrospectively. Nevertheless, he considered it was appropriate that in a situation where an existing activity constructs a new building or adds an addition to an existing building then the effects of these changes on the efficient and effective functioning of a network utility should be managed. He therefore recommended the amendment sought by Transpower be accepted.
- 4.63 We have reviewed the requested amendment and subsequent recommendation and agree that the revised wording of the policy is appropriate. We therefore adopt the Reporting Officer’s recommendation and reasoning as our decisions pursuant to Clause 10(2)(a) of Schedule 1 to the RMA.
- 4.64 The support of Policy 12.1.7 by Powerco, Telecom and Chorus is noted however we refer to our decision above and accept their submissions in part.

New Policy 12.1.X

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
80.07	Todd Energy Ltd	Include a new Policy under Objective 12.1 to provide for positive guidance in relation to the establishment of utilities in High Amenity Landscapes.	
92.07	KCE Mangahao Ltd	Include a new Policy under Objective 12.1 to provide for positive guidance in relation to the establishment of utilities in High Amenity Landscapes.	

- 4.65 Todd Energy and KCE Mangahao both requested that an additional policy be added under Objective 12.1.1. They identified that there is currently no policy direction for utilities established in High Amenity Landscapes which are discussed within the Explanation and Principal Reason as follows:
“The effects of utilities can arise during construction or installation, maintenance or on-going operation, and can be most significant in sensitive areas such as residential or open space areas, or in outstanding natural features and landscapes and domains of high landscape amenity, ecological, heritage, or cultural value.”
- 4.66 The Reporting Officer noted that Policy 12.1.4 currently provides some direction for utilities within Outstanding Natural Features and Landscapes and he considered that an amendment to this Policy would be the most appropriate place to include reference to the domains of high landscape amenity. He recommended the submission be accepted in part and that the policy be amended to include a reference to domains of high landscape amenity, as follows:
“Provide additional protection for sensitive areas such as Outstanding Natural Features and Landscapes, domains of high landscape amenity, heritage and cultural sites and buildings, Notable Trees, coast, lakes, river and other waterways, and open space from the adverse environmental effects of network utilities”.
- 4.67 Ms Barry did not agree with this amendment stating that there was still no clear policy directive provided in terms of positive guidance for the establishment of utilities in domains of high landscape amenity. She said that the changes to the policy were more restrictive and sought the recommended amendment be rejected.

- 4.68 The Reporting Officer in his Supplementary S42A Report said that a new policy as sought would result in a policy that does not add any further direction or consideration than the existing policies (namely Policies 12.1.2 – 12.1.4). He noted that the rules for the domains of high landscape amenity provide for the establishment of network utilities up to certain heights, which was no different to the approach for all zones. He therefore considered there was little meaningful direction that could be given in a new policy without repeating existing policies. He said that his original recommended amendment to the policy recognises that there is a rule regime in place for managing the effects of network utilities in certain landscape domains and as such there is additional protection provided to these areas.
- 4.69 Ms Barry responded with additional wording to be added to the end of Policy 12.1.4 that reads:
“... network utilities except that it is acknowledged that network utilities may be located in ONFL’s and Domains of High Landscape Amenity. The adverse effects of these and, any mitigation measures proposed, will be determined on a case by case basis”.
- 4.70 In his right of reply the Reporting Officer did not support the amendment. He said that while he understood and appreciated that the submitter is trying to signal that network utilities can be sited within ONFL’s and Domains of High Landscape Amenity he did not consider that the policy currently sent a contrary message. He considered the proposed additional wording to be unnecessary and said that the Plan would become very long if it were necessary to have a policy giving direction and positive guidance about all the possible activities that can be located in certain areas.
- 4.71 We have reviewed the initial request, the Reporting Officer’s suggested amendment and the revised amendment of the submitter. We have also looked closely at the existing policy framework. We have reached a conclusion that both a new policy and the submitter’s suggested amendment to Policy 12.1.4 are unnecessary and would add nothing to the overall policy framework. Policy 12.1.4, with the amendment recommended by the Reporting Officer, essentially covers the new policy suggested while the addition proposed merely states the obvious in that network utilities are not prohibited from ONFL’s and Domains of High Landscape Amenity and applications are inherently considered on a case by case basis.
- 4.72 Our decision is therefore to adopt the revised wording of Policy 12.1.4 as proposed above by the Reporting Officer as we consider it clarifies that Domains of High Landscape Amenity are one of the sensitive areas to be considered. As a result the submissions are accepted in part.

Explanation & Principal Reasons for Objective 12.1.1

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
91.02	HDC (Community Assets Department)	Amend wording of the fourth paragraph of 12.1.1 Explanation and Principal Reasons as follows: ... Services such as power and telecommunications have traditionally been provided throughout the District by way of overhead servicing. However, overhead lines and structures associated with services can detract from visual amenity and be a crash hazard, therefore provision of new reticulation is required to be by way of underground reticulation. ...	526.03 Truebridge Associates Ltd – Oppose
99.15	Transpower New Zealand Ltd	Retain the last sentence of paragraph 4 in the 12.1.1 Explanation and Principal Reasons.	

Sub No.	Submitter Name	Decision Requested	Further Submission
		Some exceptions to under grounding of services will exist, such as high voltage transmission lines, as it is often not practical to underground these in terms of cost and operation.	
99.16	Transpower New Zealand Ltd	Amend the second sentence of final paragraph in the 12.1.1 Explanation & Principal Reasons as follows: In-Particular, it is important to protect the operation of network utilities from incompatible activities on adjacent sites.	

4.73 HDC (Community Assets Department), opposed by Truebridge Associates Ltd, sought an amendment to the fourth paragraph of the Explanation and Principle Reasons 12.1.1 as follows:

“Services such as power and telecommunications have traditionally been provided throughout the District by way of overhead servicing. However, overhead lines and structures associated with services can detract from visual amenity and be a crash hazard; therefore provision of new reticulation is required to be by way of underground reticulation.”

4.74 The Reporting Officer considered the change to be appropriate and provided additional context for someone reading or applying the Proposed Plan. He noted that the further submission made by Truebridge opposed all submission points made by HDC (Community Assets Department), but has failed to provide any reasoning behind opposing this amendment. He therefore recommended that the further submission be rejected and the submission accepted and that the wording be amended as above.

4.75 We have reviewed the requested amendment and subsequent recommendation and agree that the revised wording is appropriate. We therefore adopt the Reporting Officer’s recommendation and reasoning as our decisions pursuant to Clause 10(2)(a) of Schedule 1 to the RMA.

4.76 The support for the last sentence of paragraph 4 by Transpower is noted and accepted.

4.77 Transpower also sought an amendment to the second sentence in the final paragraph to read: *“In particular, it is important to protect the operation of network utilities from incompatible activities ~~on adjacent sites~~”*.

4.78 The Reporting Officer did not consider that the change was necessary, noting that ‘adjacent’ meant in the vicinity of, or as defined in the Collins Dictionary it can mean near or close to, and does not necessarily have to be adjoining or next to, although this can be the case. He said he was unable to identify examples that are likely to occur where an incompatible activity that is not adjacent would impact on the operation of a network utility and noted that in terms of consistency Policy 12.1.9 refers to “subdivision and new land use activities adjacent” in recognising the presence and function of established network utilities. He recommended that the submission be rejected.

4.79 Mr Spargo said there was little benefit of including the term “on adjacent sites” as it introduces potential for debate over its interpretation. He suggested that it is the effects of the incompatible activities that are of relevance in the context of the explanation and principal reasons, irrespective of how the site location is defined.

4.80 While we understand the Reporting Officer’s point in referring to Policy 12.1.9 we note that the wording of that policy which includes the word ‘adjacent’ has been deleted in our decision above. The issue of consistency therefore no longer exists and we consider there is no reason to retain the words “on adjacent sites”. Further we agree with Mr Spargo that it provides little benefit as the issue is about protecting network utilities from incompatible uses. Our decision is therefore to accept the submission and delete the words “on adjacent sites” from the sentence.

Methods for Issue 12.1 & Objective 12.1.1

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
41.12	Powerco	Retain the Methods for Issue 12.1 and Objective 12.1.1 without modification.	
80.08	Todd Energy Ltd	No specific relief requested: Inferred: Amend 12.1 Methods (bullet point 3 and 4) to describe when and why resource consents are required for assessing network utilities.	
92.08	KCE Mangahao Ltd	No specific relief requested. Inferred: Amend 12.1 Methods (bullet point 3 and 4) to describe when and why resource consents are required for assessing network utilities.	
99.17	Transpower New Zealand Ltd	Amend the Methods for Issue 12.1 & Objective 12.1.1 (page 12-6) as follows: - Promote the use of relevant Codes of Practice and industry guidelines - Designated network utilities and sites and the electricity transmission network will be identified on the Planning Maps	

4.81 Transpower requested the following amendments to the 6th and 7th methods:

- “Promote the use of relevant Codes of Practice and industry guidelines.”
- “Designated network utilities and sites and the electricity transmission network will be identified on the Planning Maps.”

4.82 The Reporting Officer considered the amendments requested to both of these methods to be acceptable as they reflect the intention of the methods and what is currently identified on the Planning Maps. He recommended that the submission be accepted.

4.83 Todd Energy and KCE Mangahao submitted that they considered the third and fourth bullet points to be unclear and inferred that the two methods should be amended.

4.84 The Reporting Officer recommend the submissions be accepted and the following amendments made to provide greater clarity and to improve the consistency and linkages between the supporting policies and these methods:

- “Resource consents will be required for network utility operations which do not comply with performance standards, or for heritage buildings and sites, ~~or~~ Outstanding Natural Features and Landscapes or landscapes and domains of High Landscape Amenity.”
- “Require network utilities, that do not comply with performance standards or that are located in sensitive areas including Outstanding Natural Features and Landscapes, landscapes and Domains of High Landscape Amenity, or heritage sites ~~which have variable effects or which may have adverse effects if located in some localities,~~ to be assessed through the resource consent process to consider the potential effects of the proposal and impose specific conditions if appropriate.”

4.85 Ms McPherson representing Powerco who had supported Methods of Issue 12.1 and Objective 12.1.1 said that while supporting the amendments to the 6th and 7th bullet points said she did not support the changes

recommended to bullet points 3rd and 4th bullet points. She said that the wording of the 3rd bullet point needed to be amended to achieve the intended outcome, which was to specify that resource consents will be required for network utility operations that are to be located on or within heritage buildings and sites, or Outstanding Natural Features and Landscapes etc. The method currently states that resource consents will be required for heritage buildings and sites, or Outstanding Natural Features and Landscapes etc themselves. She said that as a minimum, the bullet point should be amended to read:

- *Resource consents will be required for network utility operations which do not comply with performance standards or which are to be located on or within ~~for~~ heritage buildings and sites, or Outstanding Natural Features and Landscapes or landscapes and domains of High Landscape Amenity.*

4.86 Notwithstanding this, Ms McPherson said the wording recommended for the two bullet point's resulted in no substantive difference between them and therefore only one was required and she sought the deletion of the 3rd bullet point. She also recommended the 4th bullet point be amended as below considering the wording was confusing as the 'landscapes and Domains of High Landscape Amenity' are not clearly defined and that did not accurately reflect the rules relating to network utilities creating the potential for confusion and misinterpretation:

"Require network utilities, that do not comply with performance standards, including those that apply to network utilities ~~are located in sensitive areas including~~ Outstanding Natural Features and Landscapes, ~~landscapes and Domains of High Landscape Amenity, or heritage sites~~ or buildings, or within rural zoned parts of the Coastal Environment, Coastal Lakes, Manakau Downlands and Hill Country Landscape Domains to be assessed through the resource consent process to consider the potential effects of the proposal and impose specific conditions if appropriate."

4.87 In a written response to the supplementary evidence and other information raised in the hearing, Ms Barry said that Todd Energy and KCE Mangahao supported the proposed amendments to bullet-points 3 and 4, resulting in bullet-point 3 being deleted and the wording being included in bullet point 4.

4.88 In his Supplementary S42A Report, the Reporting Officer accepts this amendment as providing clarity to the intent and application of bullet point 4 and that the terminology and references are in accordance with those used throughout the Proposed Plan.

4.89 We have reviewed all the above requested amendments and subsequent recommendations and agree that the 3rd bullet point should be deleted and amalgamated into the 4th bullet point. We consider the scope to achieve this is provided by the Todd Energy and KCE Mangahao submissions. In terms of the revised wording of bullet points 6 and 7, while we consider they are appropriate we note that in terms of bullet point 7 that a consequential amendment is required stemming from a decision associated with the Rural Chapter which resulted in the words "electricity transmission network" being amended to "National Grid". We consider the same amendments is now required here for reasons of consistency and further that a subsequent amendment is required to the Planning Map Legend for the same reasons.

4.90 Our decision is therefore to adopt the recommended wording, apart from that referred to below, and reasoning above as our decisions pursuant to Clause 10(2)(a) of Schedule 1 to the RMA. The submission of Transpower is accepted and the remaining submissions, including Powerco's support, are accepted in part. The revised wording resulting from the consequential amendments is as follows:

Amend bullet point 7 to read:

"Designated network utilities and sites and the National Grid Corridor will be identified on the Planning Maps."

Amend the Planning Map Legend to read:

"National Grid Corridor (High Voltage Electricity Transmission Lines)"

Issue 12.2 Energy

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
80.09	Todd Energy Ltd	Amend Issue 12.2 so that it reflects the national importance provide for in national renewable energy policy by the following:Generating electricity from renewable resources can have environmental benefits compared to utilising non-renewable energy resources.... OR similar wording to achieve relief sought.	
92.09	KCE Mangahao Ltd	Amend Issue 12.2 so that it reflects the national importance provide for in national renewable energy policy by the following:Generating electricity from renewable resources can have environmental benefits compared to utilising non-renewable energy resources.... OR similar wording to achieve relief sought.	
100.01	New Zealand Wind Energy Association (NZWEA)	Amend Issue 12.2 by inserting the following statement: Like all districts in New Zealand the Horowhenua district needs to provide for the development of new renewable electricity facilities as a matter of national significance. The development of new electricity generation facilities can create adverse effects on the environment...	516.07 Federated Farmers of New Zealand - Oppose

4.91 Todd Energy and KCE Mangahao sought that the Issue be amended so that it has a stronger relationship to the NPS REG by replacing the word ‘can’ with ‘have’, as follows:

‘...Generating electricity from renewable resources ~~can~~ have environmental benefits compared to utilising non-renewable energy resources....

4.92 The Reporting Officer agreed that the Issue should recognise and strengthen the connection between the environmental benefits of renewable sources of energy compared to non-renewable resources. In his opinion the wording change requested does not help the readability of this Issue and could lead to confusion. He understood the point that is not currently clear in the Issue is the comparison of environmental benefits between electricity from renewable resources and those from non-renewable resources, however he could not categorically state that generating electricity from renewable resources always has greater environmental benefits than the use of non-renewables particularly in the short term. He therefore recommended the submissions be accepted in part and that the following amendment to the Issue be made to clarify this point:

“...Generating electricity from renewable resources can have greater environmental benefits compared to utilising non-renewable energy resources....”

- 4.93 We have reviewed the requested amendment and subsequent recommendation and agree that the Reporting Officer’s revised wording of the Issue is appropriate. We therefore adopt the Reporting Officer’s recommendation and reasoning as our decisions pursuant to Clause 10(2)(a) of Schedule 1 to the RMA.
- 4.94 NZWEA, opposed by Federated Farmers, sought to include the following at the beginning of the Issue:
‘Like all districts in New Zealand the Horowhenua district needs to provide for the development of new renewable electricity facilities as a matter of national significance’.
- 4.95 The Reporting Officer said that whilst he agreed that Councils across New Zealand must provide for the development of renewable energy facilities, the words ‘as a matter of national significance’ are misleading in that someone reading the Plan could determine that this is a matter listed under section 6 of the Act but it is not. He said the Council must have regard to the benefits to be derived from the use and development of renewable energy as required under Section 7 but the need to provide for renewable energy is actually driven by the NPS on renewable energy. As such, he recommended the submissions be accepted in part and that the wording be included in the Plan albeit without reference to ‘matters of national significance’.
- 4.96 Mr Farrell considered the relief sought was entirely consistent with the requirements of the NPSREG and that the Reporting Officer had overstated concerns regarding potential for confusion between matters of national importance and matter of national significance. He said that if the Council was concerned about the potential confusion then an explanatory note could be provided in the Plan that explains the difference between ‘matters of national significance’ and ‘matters of national importance’.
- 4.97 The Reporting Officer in his Supplementary S42A Report suggested the following amendment to the Issue paragraph to provide the relief sought by the submitter while putting the NPSREG in context:
“Like all districts in New Zealand, the Horowhenua District is required under the NPS for Renewable Energy Generation to provide for the development of renewable electricity facilities as a matter of national significance. The development of new electricity generation facilities can create adverse effects on the environment, in particular, the scale and utilitarian nature of many facilities may cause adverse landscape and visual effects. Generating electricity from renewable resources can have greater environmental benefits compared to utilising non-renewable energy resources, as well as support economic and social well-being at a local, regional and national level”.
- 4.98 The amendment was supported by Ms Dasent for Federated Farmers.
- 4.99 We have reviewed the requested amendment and subsequent recommendation and agree that the Reporting Officer’s revised wording of the Issue addresses the concerns raised by Mr Farrell. We therefore adopt the above recommendation and reasoning as our decisions pursuant to Clause 10(2)(a) of Schedule 1 to the RMA. We have therefore accepted in part the submissions.

Issue Discussion for Issue 12.2

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
80.10	Todd Energy Ltd	Rewrite the Energy Issue Discussion	
92.10	KCE Mangahao Ltd	Rewrite the Energy Issue Discussion	

- 4.100 Todd Energy and KCE Mangahao sought that the Issue Discussion be amended so it separates out the discussion for renewable energy from the discussion on efficient use of energy.
- 4.101 The Reporting Officer noted that under Section 7 of the RMA, there are two “other matters” on energy which the Council is required to have particular regard to in its District Plan, being:
 (ba) The efficiency of the end use of energy.

(j) The benefits to be derived from the use and development of renewable energy.

4.102 The Reporting Officer went on to say that the Issue Discussion sections of the Plan were intended to be an overview rather than in-depth discussions of the issues facing the District. He said that for energy, it was efficient to discuss renewable energy and energy efficiency together as they provide a complete picture of the energy issues in the Horowhenua. He considered the Issue Discussion appropriately outlines the issues relating to renewable energy in the Horowhenua, and by grouping it with energy efficiency; it did not lessen or conflict with other issues. He recommended the submissions be rejected.

4.103 Ms Barry said that the two subjects require separate discussion to set the ground for the policies that follow, as they set forth separate issues and considerations. She said that by combining the two subject’s recognition of the NPSREG had not been given.

4.104 In his Supplementary S42A report, the Reporting Officer responded to the issue of recognition of the NPSREG and a single discussion on energy by proposing the following paragraph be inserted as a new final paragraph and accepting in part the submissions:

“Energy efficiency and conservation go hand in hand with renewable energy. Passive energy approaches towards energy efficiency and conservation can be taken in relation to the built environment. These include orientation of buildings towards the sun to assist passive heating, cooling and natural lighting. Reductions in overall energy use can be made through provision of hot water through solar water heating. The success of these approaches is dependent on the initial layout of a subdivision or building development providing landowners with opportunities to implement these passive energy approaches. It is important that future developments consider energy efficient and conservation measures. Conserving the use of energy together with the generation of renewable energy will be vital in responding to the challenges of providing enough energy to meet future energy needs and reducing greenhouse gas emissions.”

4.105 We consider the new paragraph adds to the understanding of this section by setting out in its own right the energy efficiency issue. We have therefore adopted the Reporting Officer’s recommended wording as our decision pursuant to Clause 10(2)(a) of Schedule 1 to the Act.

Objective 12.2.1

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
44.01	Genesis Power Ltd	Amend Objective 12.2.1 as follows: To recognise the need for, and provide for the development and use of renewable electricity generation infrastructure, where the adverse effects on the environment can be energy utilising renewable resources through appropriately sited and designed renewable electricity generation activities, while ensuring environmental effects are avoided, remedied or mitigated.	
100.02	New Zealand Wind Energy Association (NZWEA)	Amend Objective 12.2.1 as follows: To recognise the need for, and provide for the development and use of energy utilising renewable resources through appropriately sited and designed renewable electricity generation activities, while ensuring environmental effects are appropriately avoided, remedied or mitigated.	

Sub No.	Submitter Name	Decision Requested	Further Submission
99.19	Transpower New Zealand Ltd	Amend Objective 12.2.1 Energy as follows: To recognise the need for, and provide for the development, transmission and distribution and use of energy utilising renewable resources through appropriately sited and designed renewable electricity generation activities, while ensuring environmental effects are avoided, remedied or mitigated.	501.09 Genesis Power Ltd - Support

4.106 Genesis sought that Objective 12.2.1 be reworded to be more concise and clearer in its meaning as follows:

~~“To recognise the need for, and provide for the development and use of renewable electricity generation infrastructure, where the adverse effects on the environment can be energy utilising renewable resources through appropriately sited and designed renewable electricity generation activities, while ensuring environmental effects are avoided, remedied or mitigated.”~~

4.107 Transpower, supported by Genesis, sought an amendment to Objective 12.2.1 to better give effect to the NPSET (policies 1, 2, 3 and 4) by inserting the words “transmission and distribution” to read: “To recognise the need for, and provide for the development, transmission and distribution and use of energy utilising renewable resources ...”.

4.108 NZWEA sought an amendment involving inserting the word ‘appropriately’ to read: “... while ensuring environmental effects are appropriately avoided, remedied or mitigated”.

4.109 The Reporting Officer agreed that the wording proposed by Genesis was much clearer and the intent of the objective easier to understand. He recommended that this submission be accepted. He went on to say that while he also agreed that the objective should refer to transmission and distribution as these were important aspects of utilities, this further amendment was not required as the term ‘infrastructure’ introduced by the submission from Genesis would include distribution and transmission. He therefore recommended the submission by Transpower and further submission by Genesis be accepted in part.

4.110 With regard to the submission from NZWEA, the Reporting Officer did not consider it appropriate or necessary to include the word ‘appropriately’ as a qualifier as it is unlikely that avoidance, remediation or mitigation would be inappropriate. He recommended that the submission from NZWEA be rejected.

4.111 We have reviewed the requested amendments and subsequent recommendations and agree that the revised wording of the policy put forward by Genesis is appropriate. We also agree that the addition of the word ‘appropriately’ into the policy is unnecessary. We therefore adopt the above recommendations and reasoning as our decisions pursuant to Clause 10(2)(a) of Schedule 1 to the RMA.

Policy 12.2.2

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
44.02	Genesis Power Ltd	Retain Policy 12.2.2 without modification.	

4.112 The support for Policy 12.2.2 from the above submitter is noted and accepted and the provision approved. No amendments are proposed to Policy 12.2.2.

Policy 12.2.3

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
44.03	Genesis Power Ltd	Amend Policy 12.2.3 as follows: Provide for small domestic scale renewable electricity generation facilities where their adverse effects on the environment are not significant can be avoided, remedied or mitigated.	

4.113 Genesis sought an amendment to 12.2.3 as follows to achieve consistency with the RMA:

“Provide for small domestic scale renewable electricity generation facilities where their adverse effects on the environment ~~are not significant can be avoided, remedied or mitigated.~~”

4.114 The Reporting Officer considered the amendment to be consistent with the RMA and to be an acceptable change. He noted that while this amendment would make it a tougher test of ‘effects’ for a development proposal to be acceptable he considered that the policy still retains its original intent of being enabling as it signals effects can be avoided, remedied or mitigated. He recommended that the submission be accepted.

4.115 We have reviewed the requested amendment and the recommendation and agree that the amended wording better aligns with the RMA. We therefore adopt the Reporting Officer’s recommendation as our decision pursuant to Clause 10(2)(a) of Schedule 1 to the Act.

Policy 12.2.4

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
44.04	Genesis Power Ltd	Delete Policy 12.2.4 in its entirety.	
80.12	Todd Energy Ltd	Amend Policy 12.2.4 so that it focuses on “significant” adverse effects, not all adverse effects.	
80.27	Todd Energy Ltd	Amend Policy 12.2.4 to qualify only significant adverse effects.	501.06 Genesis Power Ltd - Oppose
92.12	KCE Mangahao Ltd	Amend Policy 12.2.4 so that it focuses on “significant” adverse effects, not all adverse effects.	501.01 Genesis Power Ltd - Oppose
92.27	KCE Mangahao Ltd	Amend Policy 12.2.4 to qualify only significant adverse effects.	
100.03	New Zealand Wind Energy Association (NZWEA)	Amend Policy 12.2.4 as follows: Manage the establishment and development of new renewable electricity generation facilities to ensure the adverse effects on the environment are appropriately avoided, remedied or mitigated.	501.12 Genesis Power Ltd - Oppose

4.116 Genesis sought that Policy 12.2.4 be deleted in its entirety on the basis that it repeats Objective 12.2.1 and therefore is not needed.

4.117 The Reporting Officer said that Objective 12.2.1 “recognises and provides for the development and use” of renewable electricity generation infrastructure, whereas Policy 12.2.4 seeks to “manage the establishment and development” of such facilities. He said that the policy’s purpose is therefore different to the objective and recommended that the submission from Genesis be rejected.

4.118 We agree with the Reporting Officer that there is a clear difference between Policy 12.2.4 and Objective 12.2.1 and note that the policy is framed in a way to provide direction on the establishment of renewable

electricity generation facilities which in turn achieves the objective. We therefore adopt the above recommendation and reasoning as our decision pursuant to Clause 10(2)(a) of Schedule 1 to the RMA.

- 4.119 Todd Energy and KCE Mangahao, opposed by Genesis, sought that the policy require only consideration of ‘significant’ adverse effects.
- 4.120 The Reporting Officer said that all adverse effects should be considered and the policy should not be limited to significant adverse effects only. He also questioned how ‘significant’ would be defined by the Council and that it may differ from the applicant, potentially opening up an application to a subjective debate. He recommended that the submissions be rejected.
- 4.121 Ms Barry said that the policy as worded would require that all adverse effects are avoided, remedied or mitigated. She said that in terms of defining significant it was up to the applicant to put a case forward and for the consent authority to determine whether the assessment was correct in terms of the RMA. In response to a suggestion from the Panel regarding the use of the qualifier ‘more than minor’ rather than ‘significant’ Ms Barry said in a written response that this was only relevant in terms of the s104D gateway test.
- 4.122 The Reporting Officer also considered this further in his right of reply saying that it was not the intent of the policy to capture every adverse effect (some of which maybe minor) to be avoided, remedied or mitigated. He said that on this basis he would support reference to adverse effects that were ‘more than minor’ and that the policy be reworded to read:
- “Manage the establishment and development of new renewable electricity generation facilities to ensure the adverse environmental effects ~~on the environment~~ that are more than minor are avoided, remedied or mitigated.”*
- 4.123 Firstly, we agree with the Reporting Officer and see no reason why in this instance the policy should be limited to “significant adverse effects”. While we accept that it is possible to establish a ‘significance’ test framework there would in our view need to be some justification for doing so and we have not been provided with that and nor are we aware of any reasoning for doing so. Notwithstanding this, we also accept that the policy should not be drafted in such a manner that it captures every adverse effect. Such a policy would certainly not achieve an objective which seeks to “Recognise the need for, and provide for the development and use of energy utilising renewable resources ...”. The conundrum here perhaps emphasises the difficulties faced when paraphrasing the RMA within a policy framework.
- 4.124 We therefore consider the use of ‘more than minor’ in the circumstances is the most effective approach as recommended by the Reporting Officer. We are not concerned by the use of similar (although not the same) phasing within the s104D gateway test and consider that its use here is within the context of a policy and not an assessment of effects on the environment, although we acknowledge comparison maybe well made. We therefore adopt the above recommended wording of the Reporting Officer as part of our decision pursuant to Clause 10(2)(a) of Schedule 1 to the RMA and accept in part all submissions.
- 4.125 NZWEA, opposed by Genesis, sought an amendment involving inserting the word ‘appropriately’ to read: “... ensure the adverse effects on the environment are appropriately avoided, remedied or mitigated.” They state that it is not always possible to fully avoid, remedy or mitigate adverse effects of renewable electricity generation activities.
- 4.126 The Reporting Officer said that words ‘avoided, remedied and mitigated’ provide for the management of effects without the need for any qualification and recommended that the submission be rejected and the further submission accepted.
- 4.127 We agree that the addition of the word ‘appropriately’ into the policy is unnecessary, however we note the revised wording we have now adopted above and consider that it may go some way towards addressing NZWEA’s concerns. We therefore adopt the above recommendations and reasoning as our decision pursuant to Clause 10(2)(a) of Schedule 1 to the RMA and accept in part both submissions.

Policy 12.2.5

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
44.05	Genesis Power Ltd	Amend Policy 12.2.5 to read: Recognise the contribution of renewable energy use and development to the well-being of the District, Region and Nation and the technical, locational and operational requirements of energy generation and distribution operations and infrastructure in setting environmental standards and assessing applications for resource consent. Include Policy XX which reads: Recognise the technical, locational and operational requirements of energy generation and distribution operations and infrastructure in setting environmental standards and assessing applications for resource consent.	514.00 Todd Energy Ltd - Support 515.00 KCE Mangahao Ltd - Support
99.20	Transpower New Zealand Ltd	Retain Policy 12.2.5	
100.04	New Zealand Wind Energy Association (NZWEA)	Retain Policy 12.2.5	

4.128 Genesis, supported by Todd Energy Ltd and KCE Mangahao, sought that Policy 12.2.5 be split into two policies due to the diverse issues that the policy was addressing as follows:

~~“Recognise the contribution of renewable energy use and development to the well-being of the District, Region and Nation. and the technical, locational and operational requirements of energy generation and distribution operations and infrastructure in setting environmental standards and assessing applications for resource consent.~~

And a new Policy 12.2.X:

Recognise the technical, locational and operational requirements of energy generation and distribution operations and infrastructure in setting environmental standards and assessing applications for resource consent.”

4.129 The Reporting Officer supported the amendment saying that it resulted in two policies that were clear in their intent and had they remained combined as a single policy it would have been possible for one of the aspects the policy addresses to be overlooked in addressing the other. He therefore recommended the submissions be accepted and that as a result of the amendment the submissions in support from Transpower and NZWEA be accepted in part.

4.130 We have reviewed the requested amendment and the recommendations and agree that dividing the policy into two provides a better balance of issues. We therefore adopt the Reporting Officer’s recommendation as our decision pursuant to Clause 10(2)(a) of Schedule 1 to the Act.

Policy 12.2.6

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
44.06	Genesis Power Ltd	Delete Policy 12.2.6 in its entirety.	514.01 Todd Energy Ltd - Support 515.01 KCE Mangahao Ltd – Support 528.10 Horizons Regional Council -

Sub No.	Submitter Name	Decision Requested	Further Submission
			Oppose
99.22	Transpower New Zealand Ltd	Amend Policy 12.2.6 as follows: To the extent practicable, avoid, remedy or mitigate, adverse effects on the environment from renewable electricity generation and distribution activities, specifically on those parts of the environment most sensitive to change.	501.10 Genesis Power Ltd - Oppose 516.12 Federated Farmers of New Zealand - Oppose
100.05	New Zealand Wind Energy Association (NZWEA)	Delete Policy 12.2.6.	501.13 Genesis Power Ltd - Support

4.131 Genesis, supported by Todd Energy and KCE Mangahao and opposed by Horizons, sought that Policy 12.2.6 be deleted in its entirety considering it repeated Objective 12.2.1 and sought to afford greater protection to parts of the environment most sensitive to change.

4.132 NZWEA, supported by Genesis, considered the policy duplicated Policy 12.2.4 and was therefore not necessary and should be deleted.

4.133 Transpower, opposed by Genesis and Federated Farmers, sought the following amendment:

“To the extent practicable, avoid, remedy or mitigate, adverse effects on the environment from renewable electricity generation and distribution activities, specifically on those parts of the environment most sensitive to change.”

4.134 The Reporting Officer agreed that in some respects, Policy 12.2.6 was a repeat of Objective 12.2.1 but that it also referred to ‘those parts of the environment most sensitive to change’ and was therefore more specific than the objective. He noted that there were further policies that referred to ONFL’s, which would be encompassed by this policy thus it could be considered duplication. However, he said that Policy 12.2.6 could apply to a wide range of areas, although he noted that it would be necessary for an applicant or Council to prove that an area was sensitive to change but this could include landscapes and domains of high landscape amenity. He therefore did not find it necessary to identify which parts of the environment were sensitive to change and did not consider there was a need to refer to the ‘extent practicable’ as this was determined through the application process. He recommended that Policy 12.2.6 remain as proposed and that submission from Genesis, NZWEA and Transpower and further submissions by Todd Energy, KCE Mangahao and Genesis be rejected and that the further submissions by Horizons, Genesis and Federated Farmers be accepted.

4.135 We have reviewed the requests sought and the recommendations and agree that the policy should remain unchanged. We therefore adopt the Reporting Officer’s recommendation and reasoning as our decision pursuant to Clause 10(2)(a) of Schedule 1 to the Act.

Policy 12.2.7

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
44.07	Genesis Power Ltd	Amend Policy 12.2.7 as follows: Avoid the development of renewable electricity generation facilities where they will adversely affect effects on the character and values of Outstanding Natural Features and Landscapes cannot be avoided, remedied or mitigated.	514.02 Todd Energy Ltd - Support 515.02 KCE Mangahao Ltd - Support 527.02 Director-General of the Department of Conservation – Oppose 528.11 Horizons Regional Council – Oppose
100.06	New Zealand Wind	Delete Policy 12.2.7	501.14 Genesis Power Ltd - In-Part

Sub No.	Submitter Name	Decision Requested	Further Submission
	Energy Association (NZWEA)	OR Amend Policy 12.2.7 as follows 12.2.7 Avoid the development of renewable electricity generation facilities where they will significantly adversely affect the character and values of Outstanding Natural Features and Landscapes. (Refer to Submission Point 100.07)	514.19 Todd Energy Ltd - Support 515.19 KCE Mangahao Ltd – Support

4.136 Genesis, supported by Todd Energy Ltd and KCE Mangahao Ltd and opposed by DoC and Horizons, sought that Policy 12.2.7 be amended as follows:

“Avoid the development of renewable electricity generation facilities where ~~they will adversely affect effects on~~ the character and values of Outstanding Natural Features and Landscapes cannot be avoided, remedied or mitigated.”

4.137 The submission notes that Plan Change 22 has adopted a non-complying activity status for activities within Outstanding Natural Landscapes and Features thus requiring an applicant to meet one of the two threshold tests in order for consent to be granted. It contends that in this context Policy 12.2.7 sets an inappropriate policy framework in that it seeks to avoid any development that generates adverse effects on the character and values of Outstanding Natural Features and Landscapes.

4.138 NZWEA, supported by Todd Energy and KCE Mangahao and in part by Genesis, sought that either the policy be deleted or the word ‘significantly’ be added to read: “... where they will significantly adversely affect the character ...” They contend that it would be virtually impossible for a wind farm proposal located in or near an ONFL or the Tararua Ranges to satisfy this policy and that given a non-complying status benefits could not be taken into account in the s104D gateway test.

4.139 The Reporting Officer considered the changes suggested by Genesis align the policy more closely to the intent of the RMA. He said that furthermore, there was some cross-over with Plan Change 22 which addresses outstanding natural landscapes and this policy would eventually be one of a suite of policies that sought to protect such areas. With regard to NZWEA’s concerns, the Reporting Officer said that whilst a non-complying activity must address Policy 12.2.7 it did not prevent the consideration of positive aspects/benefits of a proposal. He noted that the policy was likely to be one of many that must be considered and a proposal ‘must not be contrary to’ a policy rather than ‘meet’ a policy in terms of the gateway test. He further considered the addition of the word ‘significantly’ was inappropriate as it is a subjective word and unnecessary qualifier. He therefore recommended that the submissions from Genesis, Todd Energy and KCE Mangahao be accepted and those from DoC and Horizons (528.11) be rejected and that those from NZWEA, Todd Energy and KCE Mangahao be rejected and that from Genesis be accepted in-part.

4.140 Ms Tucker said that the change proposed would lead to an inconsistency with the relevant provisions of the One Plan and that the policy needed to first focus on avoiding adverse effects. She put forward the following wording which she considered gave better effect to Policy 7-7 of the One Plan:

Avoid significant adverse cumulative effects on the characteristics and values of Outstanding Natural Features and Landscapes. In all other cases:

(a) Avoid the adverse effects of renewable electricity generation facilities on the character and values of outstanding natural features and landscapes;

(b) Where avoidance is not reasonably practicable then the effects need to be remedied or mitigated.

4.141 We have given consideration to the two versions of the policy suggested. While we do not consider there is a need to refer to cumulative effects we are of the view that the remaining elements of Ms Tucker version, given its alignment to the One Plan, are the most appropriate. In saying that we do have some reservations with the phrase “*not reasonably practicable*” because we consider it is somewhat open to interpretation.

Nevertheless we have included it in the following revised policy wording given that it stems from the One Plan.

“Avoid adverse effects which are more than minor of renewable electricity generation facilities on the character and values of outstanding natural features and landscapes; or where avoidance is not reasonably practicable then the effects need to be remedied or mitigated.”

4.142 The submissions and further submissions associated with this policy are accepted in part.

Policy 12.2.8

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
44.08	Genesis Power Ltd	Delete Policy 12.2.8 in its entirety.	514.03 Todd Energy Ltd - Support 515.03 KCE Mangahao Ltd – Support 528.12 Horizons Regional Council – Oppose
80.13	Todd Energy Ltd	No specific relief requested. Inferred: Delete Policy 12.2.8	501.07 Genesis Power Ltd – Support
92.13	KCE Mangahao Ltd	No specific relief requested. Inferred: Delete Policy 12.2.8	501.02 Genesis Power Ltd – Support
100.07	New Zealand Wind Energy Association	Delete Policy 12.2.8 OR Amend Policy 12.2.8 as follows 12.2.8 Ensure development of renewable electricity generation facilities minimises visual do not interruption or intrusion of intrude views of the Tararua Ranges when viewed from public spaces within the Levin urban area. (Refer to Submission Point 100.06)	501.15 Genesis Power Ltd - In-Part 514.20 Todd Energy Ltd - Support 515.20 KCE Mangahao Ltd – Support 528.25 Horizons Regional Council – Oppose

4.143 Todd Energy and KCE Mangahao, supported by Genesis, oppose Policy 12.2.8 as being too restrictive and seek its deletion. Similarly, Genesis, supported by Todd Energy and KCE Mangahao and opposed by Horizons has sought the deletion of the policy on the basis that it essentially extends the Outstanding Landscape zone to encompass any property outside of the area, by requiring views from the Levin urban area of the ranges not to be interrupted. On this basis, they considered it to be onerous and did not give effect to the NPSREG.

4.144 NZWEA, supported by Todd Energy and KCE Mangahao, in part by Genesis and opposed by Horizons, also opposed Policy 12.2.8 saying that the desire for a wind farm to not ‘interrupt’ or ‘intrude’ views from public spaces or the Levin urban area is a particularly high threshold. They requested that the policy be deleted, or that it be amended to read as follows:

“Ensure development of renewable electricity generation facilities minimises visual do not interruption or intrusion of intrude views of the Tararua Ranges when viewed from public spaces within the Levin urban area.”

4.145 The Reporting Officer agreed the policy was very restrictive and was likely to be a significant barrier to renewable energy generation facilities as any wind turbine or other such facility was likely to interrupt a view of the Tararua Ranges from a public space in Levin. He said that the area of land that would be affected by the policy was relatively expansive and he agreed that the policy should be reworded to minimise effects on views rather than trying to prevent any development. He said that land between the Ranges and public open spaces in Levin were not identified as an ONFL’s and therefore should not be treated as such. He did however consider Policy 12.2.8 to be an important policy addressing a specific tension for the District and therefore recommended that it be retained but reworded as sought by NZWEA and that their submission be accepted

in part and the submissions from Genesis, Todd Energy and KCE Mangahao be rejected together with the further submissions from Todd Energy, KCE Mangahao and Genesis. He recommended the submission from Horizons be accepted.

4.146 Ms Tucker considered the use of the word '*minimises*' proposed by the Reporting Officer would be difficult to interpret and inconsistent with Policy 7-7(aa) of the One Plan. She suggested the following wording:

"Ensure development of renewable electricity generation facilities avoids as far as reasonably practical and otherwise remedies or mitigates visual ~~do not~~ interruption or intrusion of intrude views of the Tararua Ranges when viewed from public spaces within the Levin urban area."

4.147 Ms Roland said it was not clear from the explanation provided in the Officer's Report as to what the existing tension within the District was and that the re-worded policy continued to impose a higher effects threshold for renewable electricity generation facilities than otherwise promoted by the RMA. In addition, she considered that the amendments would have unintended consequences for the development of renewable energy generation infrastructure in the district, specifically when considering how views would actually be required to be minimised in the context of a windfarm development, through conditions of consent.

4.148 Ms Barry on the other hand supported the amended wording.

4.149 In his Supplementary S42A Report the Reporting Officer explained that the tension in the local context was the view of the Tararua Ranges, particularly those immediately behind Levin which are considered to be important and valued by the local community. He said that the local community would consider those views to be 'spoiled' and the natural values of this feature compromised if there were network utility structures or wind turbines sited on these Ranges.

4.150 We spent some time questioning this policy and considering its intended outcomes. We acknowledge the community desire to retain views of the Tararua Ranges from public spaces and the tension this creates with potential opportunities for wind generation in the area. We agree that the policy as presently worded is overly onerous and effectively creates a defacto landscape overlay area between the Ranges and Levin itself, which as we understand it was not the intent. Nevertheless, we consider it would be difficult not to have some interruption of the views of the Ranges from public places in Levin if turbines were placed on land between the ONFL and Levin.

4.151 We therefore agree that the appropriate approach is to minimise impacts on views of the Ranges from Levin rather than not interrupting them entirely as to do so would essentially mean that wind turbines would always be contrary to, or inconsistent with, this policy. In this context we note that such a proposition is not backed by rules to this extent, nor did any evidence suggest there should be such rules. We do not favour the wording suggested by Ms Tucker which seems to us to be overly wordy and containing qualifiers which will be difficult to interpret and assess against. We therefore consider the wording proposed by NZWEA as their alternative relief to be appropriate and we have adopted that as our decision and we have as a result accepted in part all submission on this issue.

4.152 To address NZWEA's concerns (expressed in a number of submission points) about the consideration of the positive benefits of renewable energy generation, the Reporting Officer noted that Policy 12.2.5 provided for the recognition of the "contribution of renewable energy use and development to the well-being of the District, Region and Nation". He said that this policy must be given due consideration along with all other relevant policies that seek to minimise adverse effects on the environment. As such, he felt that Policy 12.2.5 goes some way to addressing NZWEA's concerns and recommended that submission points 100.07, 501.15, 514.20, 515.20 and 528.25 be accepted in-part.

4.153 We agree with the Reporting Officer's assessment on this issue and adopt his recommendation and reasoning as our decision pursuant to Clause 10(2)(a) of Schedule 1 to the Act.

Policy 12.2.9

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
44.09	Genesis Power Ltd	Retain Policy 12.2.9 in its entirety.	514.04 Todd Energy Ltd - Support 515.04 KCE Mangahao Ltd - Support
100.08	New Zealand Wind Energy Association	Amend policy by substantiating how the plan provides for the identification and assessment of potential sites and renewable energy sources. OR Include Methods in the District Plan to give effect to Policy 12.2.9.	

4.154 NZWEA supported Policy 12.2.9 but could not identify the method which implemented the policy. They sought that the policy be amended by substantiating how the Plan provides for the identification and assessment of potential sites and renewable energy sources, or that additional Methods in the District Plan are included to give effect to Policy 12.2.9.

4.155 Genesis supported Policy 12.2.9 and was supported by Todd Energy and KCE Mangahao Ltd.

4.156 The Reporting Officer noted that Policy 12.2.9 states: *“Provide for the identification and assessment of potential sites and energy sources for renewable electricity generation”*. He said that it was not the purpose of the Council to identify sites that are suitable for renewable energy generation, but acknowledged that the Council could facilitate it by providing opportunities within the District. He noted that it was anticipated that energy companies would undertake this work and considered that the policy should be amended as follows to clarify this:

“Provide for the identification and assessment by energy generators and developers, of potential sites and energy sources for renewable electricity generation.”

4.157 With regard to the methods, the Reporting Officer said that the Proposed Plan identified under Methods for Issue 12.2 & Objective 12.2.1: District Plan, bullet point one: *“Rules to permit investigation and research of renewable energy sources and domestic-scale electricity generation equipment subject to minimum standards recognising the relevant locational, technical and operational requirements and environmental characteristics and amenities of different areas”*. In particular he noted wind monitoring masts are provided for in the Rural zone.

4.158 On the basis of the above the Reporting Officer recommended that the submissions from Genesis and NZWEA are accepted in part together with further submissions.

4.159 We have reviewed the request and the recommended amendment and agree that the revised wording of the policy is appropriate. Further we accepted that the Methods for Issues are already adequate. We therefore adopt the Reporting Officer’s recommendation as our decision pursuant to Clause 10(2)(a) of Schedule 1 to the Act.

Policy 12.2.10

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
44.10	Genesis Power Ltd	Retain Policy 12.2.10 in its entirety.	514.05 Todd Energy Ltd Support 515.05 KCE Mangahao Ltd - Support
100.09	New Zealand Wind Energy Association (NZWEA)	Retain Policy 12.2.10	

4.160 The support for Policy 12.2.10 from the above submitters is noted and accepted and the provisions approved. No amendments are proposed to Policy 12.2.10.

Policy 12.2.11

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
44.11	Genesis Power Ltd	Retain Policy 12.2.11 in its entirety.	514.06 Todd Energy Ltd - Support 515.06 KCE Mangahao Ltd - Support
80.15	Todd Energy Ltd	Amend Policy 12.2.11 so that it clearly relates to reverse sensitivity. OR Inferred: Delete Policy 12.2.11	501.08 Genesis Power Ltd - In-Part
92.15	KCE Mangahao Ltd	Amend Policy 12.2.11 so that it clearly relates to reverse sensitivity. OR Inferred: Delete Policy 12.2.11	501.03 Genesis Power Ltd - In-Part
99.21	Transpower New Zealand Ltd	Amend Policy 12.2.11 as follows: Ensure that new land use, development and / or subdivision subdivisions and land use activities do not adversely affect the efficient operation, and maintenance and upgrading of existing renewable electricity generation or distribution facilities.	516.13 Federated Farmers of New Zealand – Oppose 501.11 Genesis Power Ltd - Support

4.161 Todd Energy and KCE Mangahao, supported in part by Genesis, sought that if the key focus of Policy 12.2.11 was reverse sensitivity this should be made more explicit.

4.162 Transpower, supported by Genesis and opposed by Federated Farmers, sought the policy be amended as follows to better give effect to the NPSET:

“Ensure that new land use, development and / or subdivision ~~subdivisions and land use~~ activities do not adversely affect the efficient operation, ~~and~~ maintenance and upgrading of existing renewable electricity generation or distribution facilities.”

4.163 Genesis, supported by Todd Energy and KCE Mangahao, sought that the policy be retained.

4.164 The Reporting Officer said that the policy was intended to ensure that development did not adversely affect the operation of existing renewable electricity generation or distribution facilities. He said that the placement of an activity or subdivision could adversely affect the operation of such facilities through reverse sensitivity i.e. complaints about health or noise issues, and that the relocation of the generation or distribution facilities is likely to be costly and a new site may be difficult to find. As such, he considered such facilities were important and fundamental to the health and well-being of the community and should be protected from reverse sensitivity effects.

4.165 The Reporting Officer agreed with the wording suggested by Transpower and considered it appropriate to include consideration of upgrading as this was provided for as a permitted activity in the Rural and Residential zones. He said that the Policy would not ‘permit’ upgrading but did ensure that development did not limit the ability of generation and distribution facilities to upgrade. He therefore recommended that the submission by Transpower be accepted and the amendment proposed made. The further submissions from Genesis and Federated Farmers were recommended to be accepted and rejected respectively. The submissions from Todd Energy, KCE Mangahao and Genesis and associated further submissions are recommended to be accepted in part given the above amendment.

- 4.166 Mr Spargo supported the reporting officer’s recommendation, stating that the wording provides an enabling framework for the upgrading of infrastructure. However. Ms Dasent disagreed stating that it was unreasonable to restrict legitimate activities, such as farming, on the premise that a future upgrade of a utility needs to be protected.
- 4.167 We have reviewed the recommended amendment and reasoning and agree that the revised wording of the policy is appropriate. We note that in relation to the concerns expressed by Ms Dasent that the provision only related to new land use, development and / or subdivision and is therefore not dissimilar to other situations where such development occurs. In this regard we consider the amendment provision strikes the correct balance. We therefore adopt the Reporting Officer’s recommendations and reasoning as our decision pursuant to Clause 10(2)(a) of Schedule 1 to the Act.

Policy 12.2.12

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
25.10	Michael White	Amend Policy 12.2.12 to manage light spill and glare of street and highway lighting networks.	525.26 Maurice and Sophie Campbell - Support
44.12	Genesis Power Ltd	Delete Policy 12.2.12 from Chapter 12 and reinstate in Chapters 2, 5, 6, and 7.	

- 4.168 M White supported by M & S Campbell sought that Policy 12.2.12 manage light spill and glare of street and highway lighting networks.
- 4.169 The Reporting Officer noted that the policy had a general focus on energy efficiency rather than a direct focus on lighting but considered that the policy as currently worded would be supportive of the submitter’s approach towards light spill. He 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 which may address the concerns of the submitter. On this basis the Reporting Officer considered the policy in its current form addressed the concerns of the submitter and recommended that submission and further submission be rejected.
- 4.170 We have reviewed the request and the recommendation and agree that the issues raised by the submitter are well covered in the Plan with reference to the Council’s Subdivision and Development Principles and Requirements (2012). We therefore adopt the Reporting Officer’s recommendation and reasoning as our decision pursuant to Clause 10(2)(a) of Schedule 1 to the Act.
- 4.171 Genesis supported Policy 12.2.12 but considered that it did not appropriately respond to the identified issues within the Utilities and Energy Chapter, or support Objective 12.2.1. They sought that the policy be removed from Chapter 12 and reinstated in Chapters 2, 5, 6 and 7.
- 4.172 The Reporting Officer said that the format of the Plan includes Zone Chapters and district-wide chapters. The district-wide chapters apply across all five zones, while the Zone Chapters provide a targeted or specific response relevant to each zone. In this case he said that the policy in question was applicable across all zones and it was not anticipated that it would need to be worded differently between the zones. He considered it appropriate to have the policy appear once in the Utilities and Energy chapter rather than multiple times in the different Zone Chapters and recommended that the submission be rejected.
- 4.173 Ms Roland said the policy (along with Policies 12.2.13 and 12.2.14) should (but did not) describe how a particular objective is to be achieved: that is, a general course of action to be pursued to achieve certain environmental outcomes. Furthermore, she said the policy was not relevant to the energy generation and transmission industries generally but was more specifically relevant to residential, commercial and industrial

development within the District. She agreed that the policies were appropriately worded, however that their location within the Utilities and Energy chapter of the Proposed Plan posed a real risk of these policies being overlooked.

4.174 In the Supplementary S42A Report, the Reporting Officer, following further consideration, proposed an amendment to Objective 12.2.1 to clarify the linkage with Policy 12.2.12. The proposed amendment is as follows:

“To recognise and provide for the efficient use of energy and the development and use of renewable electricity generation infrastructure, where the adverse effects on the environment can be avoided, remedied or mitigated.”

4.175 We understand the concern raised by Genesis and consider the response by the Reporting Officer is a better outcome than moving the policy to another chapter(s) and we therefore agree that the Utilities and Energy Chapter is the appropriate location for the policy. We therefore adopt the Reporting Officer’s recommended revised wording as our decision pursuant to Clause 10(2)(a) of Schedule 1 to the Act. The submission is therefore accepted in part.

Policy 12.2.13

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
44.13	Genesis Power Ltd	Delete Policy 12.2.13 from Chapter 12 and reinstate in Chapters 2, 5, 6, and 7.	

4.176 Genesis supported Policy 12.2.13 but considered that it did not appropriately respond to the identified issues within the Utilities and Energy Chapter, or support Objective 12.2.1. They sought that the policy be removed from Chapter 12 and reinstated in Chapters 2, 5, 6 and 7.

4.177 This matter has already been covered in the discussion and evaluation above on Policy 12.2.12 and we note that our decision was to adopt the rewording proposed to Objective 12.2.1 considering it to be a better outcome than moving the policy to another chapter(s). On this basis we therefore accept in part the Genesis submission.

4.178 Notwithstanding the above we have made a consequential amendment to the policy as described below under the evaluation of Policy 12.2.14.

Policy 12.2.14

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
44.14	Genesis Power Ltd	Delete Policy 12.2.14 from Chapter 12 and reinstate in Chapter 10.	

4.179 Genesis supported Policy 12.2.14 but considered that it did not appropriately respond to the identified issues within the Utilities and Energy Chapter, nor support Objective 12.2.1. They sought that the policy be removed from Chapter 12 and reinstated in Chapter 10.

4.180 The Reporting Officer said that while he understood the issue raised, the reason for including Policy 12.2.14 in the Utilities and Energy chapter was because reducing the need and length of vehicle trips and reducing the use of private motor vehicles saves energy in the form of petrol or diesel, this was not clear in the wording of the policy. He agreed that the policy did not respond appropriately to the identified issues and should at least refer to the reduction in energy consumption. He considered that because the policy was

over-arching, it was correctly located in the Utilities and Energy Chapter, however that it should be amended as follows and the submission accepted in part:

“Transport networks should be designed so that the number, length and need for vehicle trips is minimised, and reliance on private motor vehicles is reduced, to assist in reducing energy consumption.”

4.181 Ms Roland said the policy should (but did not) describe how a particular objective is to be achieved: that is, a general course of action to be pursued to achieve certain environmental outcomes. Furthermore, she said the policy was not relevant to the energy generation and transmission industries generally but was more specifically relevant to residential, commercial and industrial development within the District. She agreed that the policies were appropriately worded, however that their location within the utilities and energy chapter of the Proposed Plan posed a real risk of these policies being overlooked.

4.182 We firstly acknowledge again that in part this matter has already been covered in the discussion and evaluation above on Policy 12.2.12 and we note that our decision was to adopt the rewording proposed to Objective 12.2.1 considering it to be a better outcome than moving the policy to another chapter. We have also reviewed the recommended amendment to the policy proposed by the Reporting Officer and agree that the revised wording is appropriate and have adopted his recommendation and reasoning in this regard as our decision pursuant to Clause 10(2)(a) of Schedule 1 to the Act. On this basis we therefore accept in part the Genesis submission.

4.183 As a consequential amendment we consider the same additional wording should be added to Policy 12.2.13 as follows for reasons of consistency:

“Encourage subdivision and development to be designed so that buildings can utilise energy efficiency and conservation measures, including by orientation to the sun and through other natural elements, to assist in reducing energy consumption.”

New Policy 12.2.X

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
80.11	Todd Energy Ltd	Include a new Policy under Objective 12.2.1 to provide for positive guidance in relation to the consideration of wind energy facility development and the tension between suitable locations and their values.	501.05 Genesis Power Ltd - Support 503.07 NZWEA - Support
92.11	KCE Mangahao Ltd	Include a new Policy under Objective 12.2.1 to provide for positive guidance in relation to the consideration of wind energy facility development and the tension between suitable locations and their values.	501.00 Genesis Power Ltd - Support 503.08 NZWEA - Support

4.184 Todd Energy and KCE Mangahao, supported by Genesis and NZWEA, sought the inclusion of a new policy to provide clearer positive guidance to wind energy facility development. They considered that while it was accepted that effects and responses need to be assessed on a case by case basis, further policy guidance in relation to weighing up the factors should be provided.

4.185 The Reporting Officer considered it was unnecessary to have a policy that provides positive guidance in relation to the consideration of wind energy facility development and the tension between suitable locations and their values. He said that these are matters that are considered through the resource consent process and a policy would need to be worded to provide for a wide range of activities and locations. He also noted

that the Plan provided some guidance through the proposed policies i.e. managing effects on outstanding natural landscapes and providing for the consideration of the benefits of renewable energy generation. He recommended that the submissions be rejected.

4.186 Ms Barry commented that the Horowhenua district was a unique location which was suitably placed and recognised for wind energy facility development, perhaps more so than any other district and as such there was a need to recognise this unique situation in the Proposed Plan.

4.187 In his Supplementary S42A Report the Reporting Officer said that while he understood there were areas in the District that were better suited to wind energy generation, he did not consider it necessary for the Proposed Plan to specifically identify these locations at a policy level. He drew comparison with other activities within the district such as forestry and market gardening that were better suited to particular parts of the district but which the Proposed Plan did not indicate where these were or their appropriateness or not. He noted that the policy and rule framework signaled that wind energy facilities are anticipated in the Rural Zone and considered it would not be efficient or effective to add a policy to specifically refer to locations or areas of the District where such facilities should be encouraged as there were a number of factors which would influence this outcome.

4.188 In a written response to a request from the Panel Ms Barry provided the following new policy:

“To recognise the need, and provide for the development, of wind energy activities/facilities within the District, while ensuring environmental effects are avoided, remedied or mitigated.”

4.189 As part of our evaluation we have reviewed the suggested new policy against the existing provisions and we consider that the sentiments it contains are already embodied within those existing provisions. In this regard we note that Objective 12.2.1, as amended, begins with *“To recognise and provide for the development and use of renewable electricity generation infrastructure”*. Further, Policy 12.2.5, as amended, requires an assessment to *“Recognise the contribution of renewable energy use and development to the well-being of the District, Region and Nation”*, while Policy 12.2.9 as amended is too *“Provide for the identification and assessment by energy generators and developers, of potential sites and energy sources for renewable electricity generation”*.

4.190 On the basis of the above we see no need to add an additional policy along the lines proposed by the submitters and we have therefore rejected these submissions.

Explanation & Principal Reasons for Objective 12.2.1

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
100.10	New Zealand Wind Energy Association (NZWEA)	Amend 6th paragraph of the 12.2 Explanation & Principal Reasons as follows: As with other network utilities, the District Plan...	

4.191 NZWEA sought to amend the sixth paragraph of the Explanation and Principal Reasons for Objective 12.2.1 so that it reads:

“As with ~~other~~ network utilities, the District Plan...”

4.192 NZWEA considered that this would help distinguish renewable electricity generation activities from network utilities. However the Reporting Officer said that the entire paragraph is intended to refer to utilities in general, not just ‘network utilities’ and to refer to the latter would be limiting the explanation and reasons in a way not intended by the policy. He recommended that the submission be rejected.

4.193 We have reviewed the requested amendment and the recommendation and agree with the conclusion of the Reporting Officer. We therefore adopt the Reporting Officer’s recommendation as our decision pursuant to Clause 10(2)(a) of Schedule 1 to the Act.

Methods for Issue 12.2 & Objective 12.2.1

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
80.14	Todd Energy Ltd	Include Methods and any other provisions required to support Policies 12.2.9 and 12.2.10 and providing for the identification and assessment of potential sites for renewable energy generation (including wind energy facilities) and In-particularly how they will be implemented.	
92.14	KCE Mangahao Ltd	Include Methods and any other provisions required to support Policies 12.2.9 and 12.2.10 and providing for the identification and assessment of potential sites for renewable energy generation (including wind energy facilities) and In-particularly how they will be implemented.	
100.11	New Zealand Wind Energy Association	<p>Amend Methods 12.2 12.1, District Plan, fourth bullet point as follows:</p> <p>Resource consents will be required for new renewable electricity generation facilities, with more stringent activity status within Outstanding Natural Features and Landscapes and Domains of High Landscape Amenity. to ensure that Assessment of environmental effects are properly assessed through the resource consent process, and impose conditions to avoid, remedy or mitigate adverse effects as appropriate.</p> <p>Include an additional Method 12.2 12.1 Long Term Plan and Annual Plan as a seventh bullet point as follows:</p> <p>The council may develop an infrastructure strategy that, among other things, signals community interest in preferred locations for potential renewable electricity generation.</p>	<p>514.21 Todd Energy Ltd - Support</p> <p>515.21 KCE Mangahao Ltd -Support</p> <p>527.11 Director General of the Department of Conservation – Oppose</p> <p>528.26 Horizons Regional Council - Oppose</p>

4.194 Todd Energy and KCE Mangahao identified that there was no explanation or provision in the Proposed Plan to achieve Policies 12.2.9 and 12.2.10.

- 4.195 The Reporting Officer said that it was not the purpose or intent of the Proposed Plan to identify suitable sites for renewable energy generation and assessment would occur as part of a consent process. He noted that the Explanation and Reasons included the following *“In recognition of the benefits of renewable electricity, investigation into renewable energy sources is provided for in the District Plan. Investigations include the evaluation of prospective sites or sources, and also of emerging technologies and methods”*. He said that these investigations are intended to be undertaken by the generators and developers not the Council. He therefore recommended that the submissions be rejected.
- 4.196 Ms Barry contended that one of the main functions of a district plan was to identify area (zones) for development including potential development, and supply the rules around these. She said that if the District Plan was unable to give direction as to appropriate land uses in appropriate locations, what other method would provide this in a district wide sense.
- 4.197 In the Supplementary S42A Report, the Reporting Officer said that the Rural zone policy and rule frameworks, aside from the ONFL areas, provide for network utilities as permitted activities subject to compliance with certain standards. He considered this framework to be effective in the Proposed Plan in signalling where this activity is anticipated.
- 4.198 In her written response to supplementary evidence, Ms Barry provided examples of other district plans where potential development areas are proposed to be identified. She suggested that the same method of highlighting areas for future wind farm potential to be included within the district plan.
- 4.199 We accept that the District Plan could identify areas as potential locations for renewable energy generation. However in order to do so we would expect some form of high level assessment both in terms of the wind resource and the potential environmental impacts to inform such identification. We believe that is what Policy 12.2.9 is aiming at. At present we have no relevant information before us in which to make such a judgement. Further we consider the industry would need to be involved identifying such areas. Finally, we acknowledge the comments of the Reporting Officer regarding the provisions within the Rural zone. We have therefore on this basis rejected these submissions.
- 4.200 NZWEA, supported by Todd Energy and KCE Mangahao and opposed by Horizons and DoC, sought an amendment to the fourth bullet point of the Methods under the heading District Plan and the inclusion of an additional method under the heading Long Term and Annual Plan as follows:

District Plan

...

- ~~“Resource consents will be required for new renewable electricity generation facilities, with more stringent activity status within Outstanding Natural Features and Landscapes and Domains of High Landscape Amenity. to ensure that Assessment of environmental effects are properly assessed through the resource consent process, and impose conditions to avoid, remedy or mitigate adverse effects as appropriate”.~~

Long Term Plan and Annual Plan

...

- The Council may develop an infrastructure strategy that among other things signals community interest in preferred locations for potential renewable electricity generation

- 4.201 In terms of the first matter, NZWEA have concerns over the more stringent non-complying activity status within the ONFL and domains of high landscape amenity which they contend would make it impossible to establish a wind farm. They consider a more appropriate method for achieving this policy would be to ensure

that renewable electricity generation activities are provided for as discretionary activities while ensuring the objectives and policies in the Proposed Plan clearly signal the desire to protect these sensitive areas from development.

- 4.202 The Reporting Officer, in the Supplementary S42A Report, considered that the method as currently written accurately reflected the current approach and actual framework in the Proposed Plan. He said that until such time that the framework changes the method should remain as notified.
- 4.203 In relation to the second matter, NZWEA suggests that Council prepare a non-statutory renewable energy strategy or infrastructure strategy, which among other things, highlights locations where people in the community think potential renewable electricity generation activities might be appropriate.
- 4.204 The Reporting Officer said that while the method was only suggesting that Council may develop a Strategy rather than actually committing Council to undertake the preparation of such a Strategy, he was not convinced of the need for the Council to prepare a Strategy of this kind and he was not aware that the Council and community see renewable electricity generation being a hot issue that warrants this action. He noted that the cost of such a Strategy would be ultimately borne by the ratepayers, with the Strategy potentially being of greater benefit to renewable electricity operators than Council or the community. In other words he said that if there was no further renewable electricity generation facilities established in Horowhenua the Council and community would not have lost anything by not preparing a Strategy.
- 4.205 Notwithstanding the above, the Reporting Officer said that given that the method would not commit the Council to preparing the Strategy he could be persuaded to include it. Council would at some point in time need to make a decision if it wanted to commit resources to preparing this Strategy. He noted that even without the method, Council would still have the opportunity to prepare a Strategy if there was a need or desire to do so. He invited further comment from NZWEA.
- 4.206 The Reporting Officer recommended that the submissions by NZWEA and further submissions by Todd Energy and KCE Mangahao be rejected and the further submissions by Horizons and DoC be accepted.
- 4.207 In a written response to the Supplementary S42A Report, Ms Barry supported NZWEA's submission by identifying the preparation of an infrastructure strategy as being in line with the directions from central government on renewable energy provided by the National Policy Statement for Renewable Electricity Generation (NPSREG). NZWEA did not respond further.
- 4.208 At the hearing Ms Tucker supported the views of the Reporting Officer saying they gave effect to Policy 7-7 of the One Plan.
- 4.209 We have reviewed the requested amendments from NZWEA. On the first point we agree with the Reporting Officer that the method accurately reflects the current approach and actual framework within the Proposed Plan, particularly in relation to ONFL's and Domains of High Landscape Amenity and we see no value or purpose in altering it as was sought.
- 4.210 On the second point we are of the view that such a strategy if it were to be produced is largely the responsibility of the energy industry not the Council and we do not consider it appropriate to commit the Council financially to it. Notwithstanding this, we considered the sentiments of the method have some merit. We therefore consider that rather than signal it under the Long Term Plan and Annual Plan heading, thus committing the Council to financial expenditure it be made a method under a new heading 'Other Processes' and worded as follows:
- "Work with the Energy Industry to develop an infrastructure strategy that among other things signals community interest in preferred locations for potential renewable electricity generation."
- 4.211 Our decision is therefore to adopt the above wording and accept in part all submissions.

Chapter 12 – New Objective

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
99.18	Transpower New Zealand Ltd	Include a new Objective that provide for the following: To protect the operation of network utilities from inappropriate land use, development and / or subdivision activities.	516.08 Federated Farmers of New Zealand - Oppose

4.212 Transpower, opposed by Federated Farmers, sought that a new objective be added to Chapter 12 to give effect to Policies 10 and 11 of the NPSET relating to the protection of the electricity transmission network from inappropriate land use, development and/or subdivision activities.

4.213 The Reporting Officer had earlier recommended (and we adopted) that Objective 12.1.1 be amended to include reference to protection. He therefore considered that this amendment addressed the submission by Transpower. He also considered other policies clearly signalled the intent of the Proposed Plan to protect the operation of network utilities from inappropriate land use, including the amended Policy 12.1.9 which explicitly addressed the impact of land use, development or subdivision in locations which could compromise the safe and efficient operation and maintenance of network utilities. The Reporting Officer was therefore satisfied that the matter was already addressed in the Plan. He recommended that the submissions point be accepted in-part.

4.214 We have reviewed the requested amendment and the recommendation and agree with the conclusion of the Reporting Officer that the matter is now covered by amendments to other provisions. We therefore adopt the Reporting Officer's recommendation and reasoning as our decision pursuant to Clause 10(2)(a) of Schedule 1 to the Act.

Chapter 12 – General Matters

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
26.08	Horowhenua Astronomical Society Inc	Amend Chapter 12 to ensure Council manages street and road lighting networks in a way that minimises impacts on the environment, both directly through minimising light spill and glare, and through improving the energy efficiency and effectiveness of the network.	
29.14	Allen Little	No specific relief requested.	
80.05	Todd Energy Ltd	Amend Chapter 12 to ensure that the introduction, objectives and policies reflect existing and proposed renewable electricity generation project more strongly and clearly.	
92.05	KCE Mangahao Ltd	Amend Chapter 12 to ensure that the introduction, objectives and policies reflect existing and proposed renewable electricity generation project more strongly and clearly.	
101.64	Director-General of	Retain as notified.	503.02 NZWEA - Oppose

Sub No.	Submitter Name	Decision Requested	Further Submission
	Conservation (DoC)		

- 4.215 The Horowhenua Astronomical Society sought that Chapter 12 be amended to ensure Council manages street and road lighting networks in a way that minimises impacts on the environment, both directly through minimising light spill and glare, and through improving the energy efficiency and effectiveness of the network.
- 4.216 The Reporting Officer said that under Rule 24.1.1 all subdivision and development was subject to the Council’s Subdivision and Development Principles and Requirements (2012), which has adopted NZS 1158. He said that this Standard manages lighting and the effects of lighting and may address the concerns of the submitter. He considered that this Subdivision and Development chapter of the Plan was the most appropriate place to address specific controls needed to manage street and road lighting networks. He therefore considered that the submitter’s concerns are already addressed in the Proposed Plan and recommended that this submission be accepted in-part.
- 4.217 We have reviewed the requested amendment and the recommendation and agree with the conclusion of the Reporting Officer that the matter is already addressed. We therefore adopt the Reporting Officer’s recommendation and reasoning as our decision pursuant to Clause 10(2)(a) of Schedule 1 to the Act.
- 4.218 A Little submitted that the community must learn to practice energy efficiency and avoid wastage of resources such as electricity.
- 4.219 The Reporting Officer noted that the submitter did not identify any specific relief to the Proposed Plan to address this concern. He said that Chapter 12 already contained a policy (12.2.12) that had an energy efficiency focus and that while it did not specifically target electricity reticulation it was applicable to this form of network utility. He therefore considered that the submitter’s concerns were already addressed in the Proposed Plan and recommend that this submission be accepted in-part.
- 4.220 We have reviewed the requested amendment and the recommendation and agree with the conclusion of the Reporting Officer that the matter is already addressed. We therefore adopt the Reporting Officer’s recommendation and reasoning as our decision pursuant to Clause 10(2)(a) of Schedule 1 to the Act.
- 4.221 Todd Energy and KCE Mangahao opposed the lack of clarity in Chapter 12 in assessing and providing a policy framework for utilities and energy. They sought that Chapter 12 be amended to ensure that the introduction, objectives and policies reflect existing and proposed renewable electricity generation project more strongly and clearly.
- 4.222 The Reporting Officer considered that the Plan provided an appropriate response in the Horowhenua context to the matter of utilities and energy. He said that Energy is discussed generically within the chapter referring to both renewable energy and energy efficiency. He also considered that the policies (including recommended amendments) provided clarity, recognised existing electricity generation infrastructure and the need for these facilities to be able to continue to operate, be maintained and upgraded. Considering that the Plan addresses the submitter’s point he recommended that the submission be accepted in-part.
- 4.223 Ms Barry said that Todd Energy and KCE Mangahao sought explicit reference to the Mangahao Power Station and its continued operation as a key contributor to national renewable energy generation within the Introduction section.
- 4.224 In response in the Supplementary S42A Report, the Reporting Officer proposed additional text to be added to the Issue Discussion for Issue 12.2 to make specific reference to the Mangahao Power Station, as follows:
- “... The Mangahao Power Station located east of Shannon is currently the District’s only renewable energy facility. This facility contributes to the national renewable energy generation and its continued operation will be important in responding to the challenge of meeting the national target of 90% of electricity in New Zealand being from renewable sources by 2025.”*

4.225 We agree that the wording proposed by the Reporting Officer is appropriate given that the Mangahao Power Station is the only current renewable energy facility within the district. We therefore adopt the Reporting Officer’s recommendation as our decision pursuant to Clause 10(2)(a) of Schedule 1 to the Act and have accepted in part the submissions.

4.226 DoC, opposed by NZWEA, generally supported the provisions in Chapter 12 and sought they be retained as notified. Given that there are a number of changes recommended to the provisions of Chapter 12 and that some of the submission points by NZWEA in relation to Chapter 12 have been accepted, we have accepted in part these submissions.

Rule 15.1 (i) Permitted Activity Rule – Residential Zone

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
41.15	Powerco	Retain Rule 15.1(i)	

4.227 The support for Rule 15.1(i) from the above submitter is noted and accepted and the provisions approved. No amendments are proposed to Rule 15.1(i).

Rule 15.7.5(a) Subdivision of Lane – Residential Zone

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
41.36	Powerco	Amend Rule 15.7.5(a)(iv) as follows The provision of servicing, including water supply, wastewater systems, stormwater management and disposal, street lighting, telecommunications and electricity and, where applicable, gas.	

4.228 Powerco sought that Rule 15.7.5(a)(iv) be amended to read:

“The provision of servicing, including water supply, wastewater systems, stormwater management and disposal, street lighting, telecommunications and electricity and, where applicable, gas”.

4.229 The Reporting Officer supported the inclusion of a reference to gas and recommended that the submission be accepted.

4.230 We have reviewed the requested amendment and recommendation and agree that the revised wording of the rule is appropriate. We therefore adopt the Reporting Officer’s recommendation as our decisions pursuant to Clause 10(2)(a) of Schedule 1 to the Act.

Rule 16.1 (m) Permitted Activity Rule – Industrial Zone

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
41.16	Powerco	Retain Rule 16.1(m) without modification	

4.231 The support for Rule 16.1(m) from the above submitter is noted and accepted and the provisions approved. No amendments are proposed to Rule 16.1(m).

Rule 17.1 (o) Permitted Activity Rule – Industrial Zone

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
41.17	Powerco	Retain Rule 17.1(o) without modification	

4.232 The support for Rule 17.1(o) from the above submitter is noted and accepted and the provisions approved. No amendments are proposed to Rule 17.1(o).

Rule 19.1 (k) Permitted Activity Rule – Rural Zone

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
41.18	Powerco	Retain Rule 19.1(k) without modification.	
80.16	Todd Energy Ltd	Amend Rule 19.1(k)(iv) to provide certainty about the scope of upgrading by reference to increased footprint, height or other specific parameters.	517.21 Horticulture NZ - Oppose
92.16	KCE Mangahao Ltd	Amend Rule 19.1(k)(iv) to provide certainty about the scope of upgrading by reference to increased footprint, height or other specific parameters.	
96.28	Federated Farmers of New Zealand	Amend Rule 19.1(k) by classifying that construction and upgrading of network utilities is a discretionary activity.	506.15 Ernslaw One Ltd - Support 507.10 Chorus - Oppose 508.10 Telecom - Oppose 513.15 Rayonier New Zealand Ltd - Support 514.11 Todd Energy Ltd - Oppose 515.11 KCE Mangahao Ltd - Oppose 517.20 Horticulture NZ - Support 518.05 Transpower New Zealand Ltd – In-Part
98.36	Horticulture NZ	Amend Rule 19.1(k)(i) as follows: (k) The following network utilities and electricity generation activities: (i) The construction, operation, maintenance and minor upgrading of network utilities. (ii) Wind monitoring masts. (iii) Domestic scale renewable energy device. (iv) The operation, maintenance, refurbishment, enhancement and upgrading of an existing energy generation facility, except where significant external modification is involved.	514.14 Todd Energy Ltd - Oppose 515.14 KCE Mangahao Ltd - Oppose 518.06 Transpower New Zealand Ltd – In-Part
99.23	Transpower New Zealand Ltd	Retain Rule 19.1(k).	

4.233 Todd Energy, opposed by Horticulture NZ, and KCE Mangahao consider the use of the word ‘significant’ within the rule for external modification to existing energy generation facilities was inappropriate for a permitted activity as it required a judgement to be made in its interpretation. They sought that Rule

19.1(k)(iv) be amended to provide certainty about the scope of upgrading by reference to increased footprint, height or other specific parameters.

- 4.234 The Reporting Officer agreed that Rule 19.1(k)(iv) was unclear as the term ‘significant external modification’ was subjective and it is not obvious what was meant by the term. He recommended that the rule be amended to refer to ‘minor upgrading’ and that the reference to ‘significant external modification’ be removed. He said that the term ‘minor upgrading’ was subject to the standards in Chapter 22, although it appeared that these mainly related to the upgrading or replacement of lines rather than buildings. He noted there were other standards under Chapter 22 that relate to the height and size of buildings and any upgrading of buildings would need to comply with these. He said that the submitters may wish to suggest some appropriate standards along the lines of what a ‘minor upgrade’ would mean in the context of the existing energy generation facilities, such as a building that did not increase in floor area by more than 10m². He therefore recommended that the submissions be accepted in part.
- 4.235 This change was supported by Ms Wharfe.
- 4.236 Ms Barry supported the inclusion of a reference in the rule to the minor upgrading of buildings being not more than an increase of 15% in floor area. She said that this has been based on discussions with architects and what in their view would constitute a minor upgrade.
- 4.237 In the Supplementary S42A Report, the Reporting Officer noted the feedback and supported the 15% threshold proposed by Ms Barry.
- 4.238 We have considered the above amendments proposed to Rule 19.1(k) and agree with the suggested changes which are detailed below. We therefore adopt the Reporting Officer’s recommendations and reasoning as our decisions pursuant to Clause 10(2)(a) of Schedule 1 to the Act.
- 4.239 Federated Farmers opposed Rule 19.1(k) and the permitted status for the construction and upgrading of network utilities. They considered it to be entirely inappropriate as it did not take into account the adverse effects that this can create and were concerned that the Rule displays an insufficient understanding of the adverse impacts created by the construction or upgrading that burden the owners of the land that infrastructure is located on. The submission was supported by Ernslaw One Ltd, Rayonier and Horticulture NZ and opposed by Chorus, Telecom, Todd Energy and KCE Mangahao and in part by Transpower.
- 4.240 The Reporting Officer understood the submitter’s concerns but noted that the construction and upgrading of utilities was subject to other rules in the Plan in relation to the applicable zone which includes standards that limit the height and size of towers, poles and associated buildings. He said that the Council had a duty to provide for utilities as they were vital to the well-being of the District including the farming community. He said that the rules did not provide for any utility operator to construct a pole or generating facility on private land, and that this and the issue of access was subject to legislation outside of the Proposed Plan. He recommended that the submission be rejected, together with further submissions in support, while those in opposition be accepted and that of Transpower be accepted in part.
- 4.241 Ms Dasent made reference to Federated Farmers’ concerns with construction and upgrading of network utilities. She went on to support the amendment proposed by Horticulture NZ (see below) and recommended by the Reporting Officer to introduce the word ‘minor’ into Rule 19.1(k)(i), saying that this addressed their concerns about carte blanche upgrading at any scale as a permitted activity.
- 4.242 Ms Wharfe said that if construction is included as a permitted activity then at the very least there should be a caveat that other provisions in the Plan may require resource consent. She said that if no construction could take place without consent then ‘construction’ should be deleted from Rule 19.1 k)(i).
- 4.243 Horticulture NZ, supported by Transpower and opposed by Todd Energy and KCE Mangahao, identified that clauses (k) and (m) of Rule 19.1 both refer to upgrading of network utilities, but that clause (m) specifically refers to ‘minor upgrading’. They considered clause (k) should be consistent with this approach and amended accordingly.

4.244 The Reporting Officer agreed with Horticulture NZ that Rule 19.1(k) should refer to minor upgrading to ensure it was consistent with Rule 22.1.10. He recommended that this submission is accepted and Rule 19.1(k) is amended accordingly and that the further submission by Todd Energy and KCE Mangahao be rejected while Transpower's be accepted in part.

4.245 In dealing with the submissions of Federated Farmers and Horticulture NZ we note that Ms Dasent (Federated Farmers) is now supporting the amendment proposed by Horticulture NZ to introduce the word 'minor' into the construction clause (i.e. Rule 19.1(k)(i)). We agree that this is appropriate and indeed provides consistency with other clauses within Rule 19.1. We also have some sympathy for the point made by Ms Wharfe and propose as a consequential amendment that an additional note be added at the end of the rule referring users to the provisions within Chapter 22. We have therefore accepted the submission by Horticulture NZ and the further submission by Transpower and rejected the further submissions by Todd Energy and KCE Mangahao in related to that submission. In terms of the Federated Farmers submission, given the amendments now proposed we have accepted in part all those submissions related to this point. The amendments to Rule 19.1(k) are shown in full below:

“(k) The following network utilities and electricity generation activities:

- (i) The construction, operation, maintenance and minor upgrading of network utilities.
- (ii) Wind monitoring masts.
- (iii) Domestic scale renewable energy device.
- (iv) The operation, maintenance, refurbishment, enhancement and minor upgrading of an existing energy generation facility ~~except where significant external modification is involved.~~ including an increase in floor area of up to 15% of the existing gross floor area.

Notes

...

- The Rules associated with Network Utilities are contained within Chapter 22.”

4.246 Transpower supported Rule 19.1(k) and sought that it be retained. In his evidence, Mr Spargo supported the proposed addition of “minor” upgrading within Rule 19.1(k)(i). We have therefore accepted in part this submission given this and other changes. Powerco also supported Rule 19.1(k), however given the modifications we have adopted the submission is also accepted in-part.

Rule 19.4.6 Network Utilities and Electricity Generation

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
99.26	Transpower New Zealand Ltd	Retain Rule 19.4.6	
80.17	Todd Energy Ltd	Retain Rule 19.4.6(b) which provides for wind energy facilities as discretionary activities in the Rural Zone.	

4.247 The support for Rule 19.4.6 from the above submitters is noted and accepted and the provision approved. No amendments are proposed to Rule 19.4.6.

Rule 19.6.24 (b) Network Utilities and Energy

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
---------	----------------	--------------------	--------------------

Sub No.	Submitter Name	Decision Requested	Further Submission
99.28	Transpower New Zealand Ltd	Amend 19.6.24 Network Utilities and Energy as follows: (a) All network utilities and structures associated with network utilities shall comply with the permitted activity conditions in Chapter 22. (b) All other relevant conditions in this part of the District Plan shall also apply to any new network utility or associated structure.	

4.248 Transpower sought an amendment to Rule 19.6.24 as follows to ensure that the maintenance, replacement and minor upgrading of network utility activities and infrastructure is not required to comply with the Rural Zone District Plan provisions:

“(b) All other relevant conditions in this part of the District Plan shall also apply to any new network utility or associated structure.”

4.249 The Reporting Officer agreed in part pointing out that the notes section in Chapter 22 provides for minor upgrading that does not need to comply with any conditions other than Rule 22.1.10 Maintenance, Replacement and Upgrading Network Utilities. He said therefore Rule 19.6.24(b) only relates to new network utilities and major upgrades. He recommended that the rule be amended as below to reflect this and the submission be accepted in part:

“All other relevant conditions in this part of the District Plan shall also apply to any new or major upgrade of any network utility or associated structure.”

4.250 Mr Spargo agreed with the intent of the amendment but not the terminology. He considered the intent of the rule was to capture those activities not able to achieve compliance with the permitted activity conditions for ‘minor upgrades’. He said that non-compliance with those standards does not mean the upgrade is a ‘major upgrade’, but rather, the upgrade is not a minor one. He proposed the following amendment to enable upgrades that do not fit within the permitted activity conditions:

“All other relevant conditions in this part of the District Plan shall also apply to any new utilities or major upgrade of any network utility or associated structure which are not able to meet the permitted activity conditions under Rule 22.1.10.”

4.251 In his Supplementary S42A Report the Reporting Officer supported the proposed amendment saying that it better describes the intent and application of these rules.

4.252 We have considered the above discussion and proposed amendments to Rule 19.6.24(b) and agree with the suggested change by Mr Spargo shown above. We therefore adopt his wording and reasoning as our decisions pursuant to Clause 10(2)(a) of Schedule 1 to the Act.

Rule 20.1 (f) Permitted Activity Rule – Open Space Zone

Submissions Received

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

4.253 The support for Rule 20.1(f) from the above submitter is noted and accepted and the provision approved. No amendments are proposed to Rule 20.1(f).

Chapter 22 - Introduction

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
41.40	Powerco	Retain without modification the first paragraph of the introduction to Chapter 22.	
99.34	Transpower New Zealand Ltd	Retain the last paragraph to 22 Introduction without modification.	

4.254 The support for the Chapter 22 Introduction from the above submitters is noted and accepted and the provision approved. No amendments are proposed to Chapter 22 – Introduction.

Rule 22.1 Conditions for Permitted Activities

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
25.08	Michael White	Amend Rule 22.1 to include performance rules around the provision of lighting systems associated with the development of subdivisions. These rules should avoid or minimise impacts on the environment, reduce energy and maintenance costs over the life of the lighting system and provide effective lighting services.	525.24 Maurice and Sophie Campbell - Support

4.255 M White, supported by M & S Campbell, sought that Rule 22.1 be amended to include performance rules around the provision of lighting systems associated with the development of subdivisions that required developers to provide lighting that complies with the general objectives of AS/NZS 1158 to limit light spill and glare, and with the Sustainable Procurement Guidelines.

4.256 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. He said that this Standard manages lighting and the effects of lighting and may address the concerns of the submitter. On the basis that the Proposed Plan already addresses the relief requested albeit in a different part of the Plan (Chapter 24), he recommended that the submissions be accepted in-part.

4.257 We have reviewed the requested amendment and recommendation and agree with the Reporting Officer. We therefore adopt his recommendation and reasoning as our decision pursuant to Clause 10(2)(a) of Schedule 1 to the Act.

Rule 22.1.1 Gas Pressure

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
41.41	Powerco	Retain Rule 22.1.1 without modification.	

4.258 The support for Rule 22.1.1 from the above submitter is noted and accepted and the provision approved. No amendments are proposed to Rule 22.1.1.

Rule 22.1.2 Electricity Voltage

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
98.46	Horticulture NZ	Delete Rule 22.1.2.	514.15 Todd Energy Ltd - Oppose 515.15 KCE Mangahao Ltd - Oppose 516.23 Federated Farmers of New Zealand - Support 518.12 Transpower New Zealand Ltd - Oppose
99.35	Transpower New Zealand Ltd	Retain Rule 22.1.2 without modification.	517.36 Horticulture NZ - Oppose

- 4.259 Horticulture NZ, supported by Federated Farmers and opposed by Todd Energy, KCE Mangahao and Transpower, sought that Rule 22.1.2 be deleted as it provided for new electricity lines up to 110kV as a permitted activity. They contended such an approach means that landowners affected by the new line have no ability to comment or submit on the proposed new lines.
- 4.260 The Reporting Officer said that he understood the submitter’s concern about landowners being consulted prior to lines being established across their land. However, he said that whilst the Proposed Plan provides for this activity, it does not mean that the utility company can undertake this work without consultation with the relevant landowners. He noted that the Proposed Plan was about managing effects on the environment and people, whilst there is other legislation that deals with access to private land that any utility company must comply with. He also noted that this provision (albeit with slightly amended wording) had been carried over from the Operative Plan. He recommended that the submission and further submission of Federated Farmers be rejected and further submissions in opposition be accepted.
- 4.261 Transpower, opposed by Horticulture supported Rule 22.1.2 and sought that it be retained without modification. The Reporting Officer recommended that submission be accepted and the further submission rejected.
- 4.262 Ms Dasent disputed the Reporting Officer’s reasoning stating that although there is other legislation about access onto private land, there is no platform for affected landowners to let their concerns be known to the Council when a new 110kV line is built, so the Council can take into account the effects when making a decision on a resource consent application. She said there needs to be a process where the Council can assess the level of adverse effects and make a decision, and recommend conditions to address the effects.
- 4.263 Ms Wharfe said that by providing for new lines up to 110kV as a permitted activity meant that effects could not be considered even if a land owner was adversely effected such as via amenity effects on views.
- 4.264 Mr Spargo supported the Reporting Officer, noting that there is other legislation dealing with landownership matters, and seeks that the rule is retained.
- 4.265 We struggle with the contentions of Horticulture NZ and Federated Farmers on this issue who seemed to us in the main to be confusing the role of private property rights and the Proposed Plan. The point here is that the Council has, through its evaluations in preparing the Proposed Plan, decided that new electricity lines up to 110kV have no adverse effects. Neither Horticulture NZ nor Federated Farmers provided much in the way of evidence to the contrary. We note that Rule 22.1.2 is in that regard no different from Rule 22.1.1 which allows for gas pipelines up to a certain pressure.
- 4.266 What the submitters actually seem to be more concerned about is that by making such electricity lines a permitted activity lines companies will be able to establish on their land as of right and without discussion. This is clearly an incorrect assumption – no one can establish such an activity on private land (or any other land) without the owner’s consent. If a land owner does not want an electricity line on their land they have a

right to say no. Should a lines company or Transpower pursue such a route via designation then there is regulatory process to follow which involves submissions etc.

- 4.267 On the basis of the above we have accepted the submissions of Transpower, Todd Energy and KCE Mangahao and rejected the submissions of Horticulture NZ and Federated Farmers.

Rule 22.1.4 (a) Sites Adjoining the Residential Zone

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
78.13	Telecom New Zealand Ltd	Amend Rule 22.1.4(a) as follows : (a) Notwithstanding any other conditions, where it is proposed to locate any network utility structure on a site adjoining the Residential Zone, the performance conditions of the adjoining Residential Zone shall apply in relation to the height and location of any network utility structure.	
79.13	Chorus New Zealand Ltd	Amend Rule 22.1.4(a) as follows : (a) Notwithstanding any other conditions, where it is proposed to locate any network utility structure on a site adjoining the Residential Zone, the performance conditions of the adjoining Residential Zone shall apply in relation to the height and location of any network utility structure.	

- 4.268 Telecom and Chorus sought that Rule 22.1.4(a) be amended by removing the reference to height and location and adding reference to the daylight setback envelope (Note: the submissions were incorrectly summarised). They argue that rather than applying the height rules for the adjoining zone, it is more appropriate to apply the residential height in relation to boundary (daylight) and set back controls.

- 4.269 The Reporting Officer said that this change would provide for network utility structures on sites adjoining Residential zoned properties to have a greater height than provided for by the current wording by relying on the setback controls and daylight envelope (i.e. the higher the structure the further away from the boundary the structure would need to be sited). He considered this to be an effective approach to managing the adverse effects on the amenity of the neighbouring property while balancing the potential need for a network utility structure to be higher than the height threshold of the Residential zone. He recommended that the submissions be accepted and that Rule 22.1.4 be amended as follows:

“Notwithstanding any other conditions, where it is proposed to locate any network utility structure on a site adjoining the Residential Zone, the performance conditions of the adjoining Residential Zone in relation to setbacks from boundaries and daylight setback envelope shall apply ~~in relation to the height and location of~~ any network utility structure.”

- 4.270 We have reviewed the requested amendment and recommendation and agree with the Reporting Officer. We therefore adopt his recommendation and reasoning as our decision pursuant to Clause 10(2)(a) of Schedule 1 to the Act.

Rule 22.1.5 (a) Undergrounding of Services

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
41.42	Powerco	Retain Rule 22.1.5(a) without modification.	
99.36	Transpower New Zealand Ltd	Retain the Note under 22.1.5(a) without modification	

4.271 The support for Rule 22.1.5(a) from the above submitters is noted and accepted and the provision approved. No amendments are proposed to Rule 22.1.5(a).

Rule 22.1.5 (c) Undergrounding of Services

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
41.43	Powerco	Retain Rule 22.1.5(c) without modification.	

4.272 The support for Rule 22.1.5(c) from the above submitter is noted and accepted and the provision approved. No amendments are proposed to Rule 22.1.5(c).

Rule 22.1.6 Undergrounding Services - Reinstatement

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
41.44	Powerco	Retain Rule 22.1.6 without modification.	

4.273 The support for Rule 22.1.6 from the above submitter is noted and accepted and the provision approved. No amendments are proposed to Rule 22.1.6.

Rule 22.1.8 Height of Network Utility Masts, Pylons, Towers Aerials & other Structures

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
78.14	Telecom New Zealand Ltd	Amend Rule 22.1.8 by exempting lightning rods from the maximum height limit. Refer to Submission Point 78.15 for relief sought to Chapter 26 and the definition of 'building'.	
78.16	Telecom New Zealand Ltd	Amend Rule 22.1.8 as follows: (a) All masts, pylons, towers, support structure, aerials, antennas and other structures associated with network utilities and domestic scale renewable energy device shall not exceed the following maximum height requirements: (i) 13.5 metres in the Residential Zone and Open Space Zone. (ii) 13.5 15 metres in the Commercial Zone, except in the Pedestrian Area Overlay in Levin. (iii) 20 metres in the Commercial Zone in the Pedestrian Area Overlay in Levin. (iv) 20 25 metres in the Industrial Zone.	
79.14	Chorus New Zealand Ltd	Amend Rule 22.1.8 by exempting lightning rods from the maximum height limit. Refer to Submission Point 78.15 for relief sought to Chapter 26 and the definition of 'building'.	

Sub No.	Submitter Name	Decision Requested	Further Submission
79.16	Chorus New Zealand Ltd	Amend Rule 22.1.8 as follows: (a) All masts, pylons, towers, support structure, aerials, antennas and other structures associated with network utilities and domestic scale renewable energy device shall not exceed the following maximum height requirements: (i) 13.5 metres in the Residential Zone and Open Space Zone. (ii) 13.5 15 metres in the Commercial Zone, except in the Pedestrian Area Overlay in Levin. (iii) 20 metres in the Commercial Zone in the Pedestrian Area Overlay in Levin. (iv) 20 25 metres in the Industrial Zone.	

4.274 Telecom and Chorus sought Rule 22.1.8 be amended by exempting lighting rods from the maximum height limit. Both submitters also considered that the heights for masts, pylons, towers, support structure, aerials, antennas etc were unnecessarily restrictive in the Commercial Zone (outside the pedestrian overlay area) and the Industrial Zone. They sought to increase the height in the Commercial zone from 13.5m to 15m and in the Industrial zone from 20m to 25m.

4.275 With regards to lightning rods the Reporting Officer agreed that given their usual height and dimensions they could be exempt from the height provisions. However, he considered that the rule should set specific standards rather than applying a generic exemption. He therefore recommended that these submissions be accepted in part and the amendment below be made.

4.276 In terms of the heights of ancillary structures the Reporting Officer said that the Commercial and Industrial zones tended to contain large buildings that are not necessarily tall but are large in scale and visually dominating. As such, he considered that utilities are more likely to 'blend' with the buildings and activities in these zones and the impact of an increased height limit is less likely to adversely affect anticipated amenity values than if they were established in the Residential or Rural zone. He therefore recommended that the height limits in the Commercial and Industrial zones were increased as sought by the submitters and that the submissions be accepted.

4.277 We have reviewed the requested amendments and recommendations and agree with the Reporting Officer. We therefore adopt his recommendation and reasoning as our decision pursuant to Clause 10(2)(a) of Schedule 1 to the Act and have amended Rule 22.1.8 to read:

"(a) All masts, pylons, towers, support structure, aerials, antennas and other structures associated with network utilities and domestic scale renewable energy device shall not exceed the following maximum height requirements:

(i) 13.5 metres in the Residential Zone and Open Space Zone.

(ii) ~~13.5~~ 15 metres in the Commercial Zone, except in the Pedestrian Area Overlay in Levin.

(iii) 20 metres in the Commercial Zone in the Pedestrian Area Overlay in Levin.

(iv) ~~20~~ 25 metres in the Industrial Zone.

This maximum height is not to be exceeded by the support structure, aerial or antenna mounting or the aerial or antenna whether affixed to the land, a building or an existing mast, tower or pole, except for lightning rods where they do not exceed:

• 1 square metre in area on any one side or

• 2m above the building or structure to which it is attached or

- 600mm in diameter.

Rule 22.1.8(b)(i) Height of Network Utility Masts, Pylons, Towers Aerials & other Structures

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
44.17	Genesis Power Ltd	Retain Rule 22.1.8(b)(i)	

4.278 The support for Rule 22.1.8(b)(i) from the above submitter is noted and accepted and the provision approved. No amendments are proposed to Rule 22.1.8(b)(i).

Rule 22.1.8(b)(ii) Height of Network Utility Masts, Pylons, Towers Aerials & other Structures

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
44.18	Genesis Power Ltd	Amend Rule 22.1.(b)(ii) as follows: (ii) Maximum Diameter 250mm 500mm.	
100.13	New Zealand Wind Energy Association (NZWEA)	Amend 22.1.8(b) so that the permitted diameter is changed from 250mm to 500mm. All wind monitoring masts shall comply with the following conditions: (i) Maximum Height: 80 metres. (ii) Maximum Diameter: 250500mm. (iii) Minimum Setback: 500 metres from all boundaries. (iv) Equipment: Limited to instrumentation necessary to record and log wind direction and speed.	

4.279 Genesis and NZWEA both sought that the maximum diameter of a wind monitoring masts be increased from 250mm to 500mm considering that the 250mm maximum diameter prescribed by the rule may preclude the use of typical wind monitoring structures which have a width greater than 250mm.

4.280 The Reporting Officer said that the increased maximum diameter suggested by the submitters was considered reasonable. He noted that the rule was intended to provide for these types of monitoring masts not preclude them, and therefore recommended that the submissions be accepted and that Rule 22.1.8(b)(ii) be amended as follows:

“(ii) Maximum Diameter: ~~250~~500mm.”

4.281 Mr Farrell concurred with the amendments proposed by the Reporting Officer.

4.282 We have reviewed the requested amendments and recommendations and agree with the Reporting Officer. We therefore adopt his recommendation and reasoning as our decision pursuant to Clause 10(2)(a) of Schedule 1 to the Act.

Rule 22.1.8(b)(iii) Height of Network Utility Masts, Pylons, Towers Aerials & other Structures

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
44.19	Genesis Power Ltd	Amend Rule 22.1.8(b)(iii) to read:	503.06 NZWEA -

Sub No.	Submitter Name	Decision Requested	Further Submission
		<p>(iii) Minimum Setback: 500 metres from all boundaries 25 metres from the notional boundary of any site, not owned by the owner of the site on which the wind monitoring mast is to be located.</p> <p>Sub-sequential Amendment to the definition of “site” as follows: an area of land comprised wholly of one (1) computer freehold register 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 freehold register.</p> <p>Sub-sequential Amendment to the definition of “notional boundary” as follows: with regard to the measurement of noise, the legal boundary of the property site on which any rural dwelling is located or a line 20m from the dwelling whichever point is closer to the dwelling.</p>	<p>In-Part</p> <p>514.07 Todd Energy Ltd - Support</p> <p>515.07 KCE Mangahao Ltd - Support</p>

4.283 Genesis, supported by NZWEA (in part), Todd Energy and KCE Mangahao, opposed Rule 22.1.8(b)(iii) contending that it imposed an arbitrary setback of 500m from all boundaries. They said that often wind farms comprise of multiple computer freehold registers and as such the rule has the potential to default the erection of a wind monitoring device to a Discretionary Activity. Further, they considered the 500m setback to be excessive. They considered that any offset required should be from the notional boundary of the site as this was where the amenity was likely to be affected. The following amendment was suggested to address this concern:

“(iii) Minimum Setback: 500 metres from all boundaries-25 metres from the notional boundary of any site, not owned by the owner of the site on which the wind monitoring mast is to be located.”

4.284 The submitters suggested a sub-sequential amendment to the definition of “site” as follows:

“an area of land comprised wholly of one (1) computer freehold register 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 freehold register.”

4.285 The submitters also suggested a sub-sequential amendment to the definition of “notional boundary” as follows:

“with regard to the measurement of noise, the legal boundary of the property site on which any rural dwelling is located or a line 20m from the dwelling whichever point is closer to the dwelling.”

4.286 The Reporting Officer acknowledged that the setback distance was significant and that wind monitoring masts can have a functional requirement to be tall, and therefore the Proposed Plan permits them up to 80m in height. In principle, he supported the approach of applying setback from dwellings on neighbouring properties under separate ownership rather than from property boundaries. He said that the effects on amenity from wind monitoring masts, primarily visual dominance from the height of these structures as well as noise, is experienced from dwellings rather than land use for primary production purposes. However, he

did not agree that 25m was sufficient distance to minimise these effects. He considered that given the height of these masts may vary depending on location and functional requirements, an effective and efficient approach could be that the setback distance relates to the height of the structure (i.e. the taller the structure, the larger the setback distance). He therefore recommended that the setback distance from dwellings on properties under separate ownership be equivalent to the height of the structure.

4.287 In terms of the subsequent change to the definition of 'notional boundary' the Reporting Officer did not accept the proposed amendment necessitated reference to the notional boundary. He did however agree with the changes suggested to the definition of site to refer to 'computer freehold register' instead of certificate of title, reflecting a change in terminology. Overall, he recommended that the submission point from Genesis be accepted in part together with the further submissions from NZWEA, Todd Energy and KCE Mangahao and that the following amendments be made:

Amend Rule 22.1.8(b)(iii) to read:

"(iii) Minimum Setback: 500 metres from all boundaries Equal to the height of the wind monitoring mast from any residential dwelling unit on a site under separate ownership."

Amend the definition of "site" as follows:

"an area of land comprised wholly of one (1) computer freehold register ~~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 freehold register."

4.288 Ms Roland supported the amendments on the basis that the rule specified the notional boundary of any dwelling on a separate lot in separate ownership as the appropriate means to calculate the setback from. Furthermore, she considered it appropriate to use the height of the structure to determine the necessary setback from a notional boundary.

4.289 Firstly, while we agree that the definition of site requires amendment we note that as a result of decisions stemming from the Definition Hearing a further adjustment to this definition was made. We have therefore adopted that definition, as shown below, and accepted in part the submissions:

*"**Site** means an area of land ~~comprised wholly of~~ held in one (1) computer register (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.~~"*

4.290 Turning to the setback matter, we consider the primary potential effect here is one of visual amenity although we also note that noise could be a factor. We agree that the 500m separation distance is excessive and requires amendment. In considering this issue we have canvassed a number of setback options, including looking at the provisions of other plans. While we agree that any setback should be from a site in separate ownership we had some concerns with the proposed setback from a residential dwelling and being equal to the height of the wind monitoring mast. We consider the amenity effects from even a 30-40m high tower with its various guy wires being only 30-40m from a house could have a significant effect on someone's amenity. While we accept that there is a reasonable likelihood that most masts will be well clear of residential dwellings there is a potential that within the District such masts and dwellings could be within relatively close proximity.

4.291 For the above reasons we consider the setback of wind monitoring masts should be from the boundary of a site in a separate ownership and further that any guy wires should be anchored outside the standard boundary setback for that zone. We have therefore adopted the following amendment to Rule 22.1.8(b)(iii) and accepted in part the submissions:

Minimum Setback: 500 metres from all boundaries Equal to the height of the wind monitoring mast from any boundary of a site under separate ownership and subject to any guy wires being anchored outside the building setback requirements for the zone.

Rule 22.1.10 Maintenance, Replacement and Upgrading Network Utilities

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
41.45	Powerco	Amend Rule 22.1.10(a) as follows The maintenance and replacement of the following utilities: (i) Existing transformers and lines above ground for conveying electricity at all voltages and capacities. (ii) Existing telecommunication lines. (iii) Existing telecommunication and radiocommunication facilities. (iv) Existing buildings and depots. (v) Existing weather radar. (vi) Existing river protection works. (vii) Existing gas transmission and distribution facilities.	512.00 Vector Gas Ltd - Support
42.00	Vector Gas Ltd	Amend Rule 22.1.10 as follows: ...(vii) Existing gas pipelines and associated above ground station sites.	
80.19	Todd Energy Ltd	No specific relief requested. Inferred: Retain Rule 22.10	514.09 Todd Energy Ltd - In-Part 515.09 KCE Mangahao Ltd – In-Part
92.19	KCE Mangahao Ltd	No specific relief requested. Inferred: Retain Rule 22.10	514.10 Todd Energy Ltd - In-Part 515.10 KCE Mangahao Ltd – In-Part
99.37	Transpower New Zealand Ltd	Retain Rule 22.1.10 (a) and (b) and Include a new subclause as follows ... (c) The trimming, felling and removal of vegetation and trees i) The trimming, felling and removal of vegetation and non-notable trees to retain the operational efficiency of existing network utilities. ii) The trimming and removal of branches likely to compromise the operational efficiency of overhead wires or utility networks	
91.06	HDC (Community Assets Department)	Amend Rule 22.1.10(a) to add a new subclause referring to Council network utilities. (a) The maintenance and replacement of the following utilities: (i) existing transformers and lines above ground for conveying electricity at all voltages and capacities. ... (vii) Council Network Utilities.	511.14 HDC (Community Assets Department) – In-Part 526.07 Truebridge Associates – Oppose
98.47	Horticulture NZ	Amend Rule 22.1.10(b) so that the following is provided for: Re-number point ii) as ix) with the requirement regarding increase in	

Sub No.	Submitter Name	Decision Requested	Further Submission
		voltage part of the minor upgrading of re-conductoring the line with higher capacity conductors. After 'operating at a reduced voltage' add and 'will not increase the separation distances required by NZECP 34.2001	
96.38	Federated Farmers of New Zealand	Delete Rule 22.1.10(b) And Amend rules to make: Minor upgrading and upgrading of network facilities are a discretionary activity.	506.22 Ernslaw One Ltd - Support 507.11 Chorus - Oppose 508.11 Telecom - Oppose 514.12 Todd Energy Ltd - Oppose 515.12 KCE Mangahao Ltd - Oppose

4.292 Vector Gas sought an amendment to Rule 22.1.10(a) to undertake necessary routine planned maintenance work and emergency repair work and to enable it to maintain its asset in a safe and efficient manner. They requested that a new clause be added to this rule to read:

"...(vii) Existing gas pipelines and associated above ground station sites."

4.293 Powerco sought a similar amendment to this rule:

"...(vii) Existing gas transmission and distribution facilities."

4.294 The Reporting Officer considered the requested amendments to be appropriate, as gas pipelines should be treated no differently to the other network utilities referred to in this rule. He said that while the wording suggested differed between the two submissions they had the same intent. He noted that Vector made a further submission in support of the Powerco submission and therefore recommended the Powerco wording be used for the amendment and that their submission and Vector's supporting further submission be accepted and Vector's submission be accepted in part.

4.295 In evidence tabled by Vector Gas, they have indicated that the amendments proposed by the Reporting Officer give effect to the relief sought.

4.296 We have reviewed the requested amendments and recommendation and agree with the Reporting Officer. We therefore adopt his recommendation and reasoning as our decision pursuant to Clause 10(2)(a) of Schedule 1 to the Act.

4.297 Todd Energy and KCE Mangahao support Rule 22.1.10 however they submitted there is no apparent provision for energy activities. Both submitters made further submissions on these submissions to be clear that the relief sought is for clarification of the intended purpose of this chapter in relation to energy.

4.298 The Reporting Officer was unclear as to what the submitters meant when they refer to 'energy activities' and assumed that it could be energy generation facilities and a concern that minor upgrading of these is not provided for. He said that in his opinion the effects of extending a generation facility are likely to be significantly greater than the addition of an overhead line.

4.299 In evidence, Ms Barry considered the inclusion of the wording "*including generation and distribution utilities for renewable sources of energy*" in the Rule heading would clarify the issue.

4.300 In his supplementary report, the Reporting Officer said that while the suggested amendment was of little benefit if it led to greater clarity he supported the it, recommending that the submission be accepted and the following amendment made, which we note was accepted by Ms Barry:

Rule 22.1.10 Maintenance, Replace and Upgrading Network Utilities including generation and distribution utilities for renewable sources of energy.

- 4.301 We have reviewed the requested amendments and recommendation and agree with the Reporting Officer. We therefore adopt his recommendation and reasoning as our decision pursuant to Clause 10(2)(a) of Schedule 1 to the Act.
- 4.302 Transpower supported Rule 22.1.10(a) and (b) but sought an amendment to include an additional clause to the rule enabling the trimming, felling and removal of vegetation and trees where that vegetation and / or tree represent an operational risk to the network utility. They contended the relief was sought in order to give effect to Policies 2, 3 and 5 of the NPSET. The submitter also requested relief to the provisions in Chapter 19 relating to the trimming, felling and removal of vegetation. They considered it appropriate to reference a permitted activity condition to this effect in the Utilities section, rather than dispersed throughout other chapters of the Plan (e.g. Rule 19.6.27). In the event relief to this effect is accepted, Transpower sought Rule 19.6.27(c) ii) be deleted.
- 4.303 The submitter requested the following amendment be added to Rule 22.1.10:
- “(c) The trimming, felling and removal of vegetation and trees
- i) The trimming, felling and removal of vegetation and non-notable trees to retain the operational efficiency of existing network utilities.
- ii) The trimming and removal of branches likely to compromise the operational efficiency of overhead wires or utility networks.”
- 4.304 The Reporting Officer agreed that it was appropriate to include rules that provide for the trimming, felling and removal of non-notable trees and vegetation. He noted that it was vital to the operation of lines and network facilities that this work occur without undue delay but also with consideration of any adverse effects on the environment. He said that this matter is also managed under the Electricity (Hazards from Trees) Regulations 2000 but considered that rules in the Proposed Plan removed any ambiguity around such activities. He recommended that the rule be amended and the submission from Transpower be accepted in part as some changes are recommended to the wording suggested.
- 4.305 In evidence Mr Spargo said he did not believe the Reporting Officer’s assessment of the relief sought addresses the full suite of issues raised in Transpower’s submission. He said the intent of the submission on sub-clause (c) (ii) was to provide for the trimming and removal of specific branches of notable trees where they may compromise the effective operation of overhead wires or utility providers. He therefore sought specific reference to “notable trees” in subclause 22.1.10(c)(ii).
- 4.306 The Reporting Officer noted a similar issue was raised in the Natural Features and Values hearings, and a recommendation made to the Hearing Panel on a related point for Rule 19.6.27. He said that for consistency with this recommendation and to address the submitter’s concerns the following amendments be made:
- “(c) The trimming, felling and removal of vegetation and trees*
- i) The trimming, felling and removal of vegetation and non-notable trees to retain the operational efficiency of existing network utilities.*
- ii) The trimming and removal of branches of notable trees likely to compromise the effective operational efficiency of overhead wires or utility networks and only where the work is carried out by, or under the supervision of a qualified arborist who has advised the Council in advance of the work to be carried out.”*
- 4.307 Notwithstanding this amendment, the Reporting Officer questioned the need for the amendment given that the recommendation to the Natural Features and Values Hearings Panel was that the same rule wording be

adopted in all zones. He said that this wording set out below had a broader focus than just network utilities and therefore considered it more appropriate for the rule to sit within the zone chapters rather than just Chapter 22

“The removal of branches interfering with buildings, structures, overhead wires or utility networks, but only to the extent that they are touching those building or structures, or ~~interfering with~~ likely to compromise the effective operation of those overhead wires or utility networks and only where the work is carried out by, or under the supervision of a qualified arborist who has advised the Council in advance of the work to be carried out.”

4.308 We have reviewed the requested amendments and recommendation and agree with the Reporting Officer noting that the Natural Features and Values Hearings adopted the above recommended wording and applied it to each on the zone chapters. On this basis we do not consider any amendment to the Proposed Plan resulting from this submission is necessary. We have however accepted in part the submission given the amendments that have been made elsewhere appear to address Transpower’s main concerns.

4.309 HDC (Community Assets Department), opposed by Truebridge, sought an amendment so that Council network utilities are referred to in the rule. The rule does not currently specify Council network utilities and could imply that these utilities should be treated differently to those that are already listed in this rule. The submitter sought the following amendment to Rule 22.1.10(a):

“(vii) Council Network Utilities.”

4.310 The Reporting Officer considered the change to be acceptable as Council network utilities should be treated no differently to those that are already listed in this rule. He recommended that the submission be accepted and further submission be rejected and that a new clause be added to the rule as suggested above.

4.311 We have reviewed the requested amendments and recommendation and agree with the Reporting Officer. We therefore adopt his recommendation and reasoning as our decision pursuant to Clause 10(2)(a) of Schedule 1 to the Act.

4.312 The Reporting Officer noted that HDC (Community Assets Department) made a further submission that sought a further amendment so that the new clause would read “(vii) Council Network Utilities and Utility Treatment Plants”. While he considered the intent of the change to be acceptable, in his opinion this additional change was not within scope and goes beyond what was originally sought. For procedural reasons he recommended that the further submission be rejected. We agree with that approach.

4.313 Horticulture NZ supported the description of ‘minor upgrading’ in Rule 22.1.10(b), however said that clause (ii), the re-conductoring of the line with higher capacity conductors, was linked to an increase in voltage which is included at the end of the description and the two should be linked. In addition, they said minor upgrading should not increase the separation distances required in NZECP 34:2001 therefore impacting on adjacent landowners. To address this concern Horticulture NZ sought to amend Rule 22.1.10(b) by renumbering clause (ii) as (ix) with the requirement regarding increase in voltage part of the minor upgrading of re-conductoring the line with higher capacity conductors and at the end of the rule after ‘operating at a reduced voltage’ add ‘and will not increase the separation distances required by NZECP 34.2001’.

4.314 The Reporting Officer noted an increase from 66kV line to 110kV line would increase the setback distances required under NZCEP 34:2001, but said that this would only affect future activities and would not require existing activities/buildings to relocate. He also noted that new electricity lines and associated transformers are provided for as permitted up to and including 110kV; therefore it seemed appropriate to provide for upgrading of lines etc to 110kV. He therefore recommended that Rule 22.1.10(b) remain unchanged and the submission from Horticulture NZ be rejected.

- 4.315 Ms Wharfe said that it was incorrect to say that this would only affect future activities because NZECP34 applies to existing activities and would therefore apply where there was an increase in voltage. She said that while Transpower considered the obligation for the increased setback would be theirs there was no certainty that distribution companies would take the same position. She considered the change proposed by Horticulture NZ should be implemented.
- 4.316 At the hearing, Mr Spargo supported the Reporting Officer's recommendation that Rule 22.1.10(b) is retained as it gives effect to Policy 5 of the NPSET.
- 4.317 While we understand the concerns of Horticulture NZ and Ms Wharfe as we have already discussed elsewhere in this decision lines up to 110kV are permitted. It would therefore seem inconsistent not to allow upgrades to this level. The matter of compliance with NZECP34 in this instance falls, we consider, with the operator of the lines not the land owner. Our decision is therefore to reject the submission.
- 4.318 Federated Farmers, supported by Ernslaw One but opposed by Chorus, Telecom, Todd Energy, KCE Mangahao and Transpower New Zealand Ltd, opposed Rule 22.1.10(b) saying it gave a definition for minor upgrading, which meant that large scale activities that can have significant adverse effects are inappropriately provided for as permitted. They considered that rules that allows upgrading activities on land owned by farmers will have a direct impact on those farmers and therefore need to be considered during a resource consent process and avoided, remedied, or mitigated by conditions
- 4.319 The Reporting Officer noted the discussion above in relation to the submission from Horticulture NZ but also added that established activities have existing use rights, and providing for limited upgrading is important to ensure the efficient and on-going operation of utility networks that are vital to the community of Horowhenua. He said that whilst such facilities can be established on and cross private property, this is subject to private agreement between the property owner and the utility operator and was not a matter for consideration under the RMA. He also noted that a rule in the Proposed Plan permitting the establishment or upgrading of a utility does not override any other legislation or agreement required between the utility operator and private land owners. He recommended that the submission from Federated Farmers and further submission from Ernslaw One be rejected and the further submissions from Chorus, Telecom, Todd Energy and KCE Mangahao be accepted.
- 4.320 Ms Dasent said that it must be remembered that often network utilities can be located on land that is not owned by the network utility company, but by a private landowner. She said that the rule displayed an insufficient understanding of the adverse impacts that burden the owners of the land that infrastructure is located on and that a resource consent process was needed. Ms Dasnet also responded to the Reporting Officer's contention that the Proposed Plan does not override any other legislation or agreement required between the utility operator and private land owners. She said that although they would prefer negotiations to be solely between a utility operator and landowner the fact that the Proposed Plan has forayed into this topic by providing rules for such, means that all adverse effects now need to be considered by the Council, and not just selective effects.
- 4.321 Mr Spargo supported the Reporting Officer's recommendation that Rule 22.1.10(b) is retained as it gave effect to Policies 2, 3 and 5 of the NPSET.
- 4.322 As referred to above we have to some extent covered this matter earlier in our decision. We are of the view that this issue is in the main about private property rights. Federated Farmers have not identified to us any potential adverse environmental effects that persuade us that amendments to the rules are necessary. Their concern seems to be based around access to private property associated with the upgrading of facilities. While we accept that such activity may well cause disruption to the landowner that is not a reason to require a resource consent. A resource consent should only be required where there is the potential for an adverse environmental effect. We consider it is not for the Council to act as arbitrator between private land owners and network utility operators over access issues.

4.323 For the above reasons we have rejected the submission from Federated Farmers and further submission from Ernslaw One and accepted the further submissions from Chorus, Telecom, Todd Energy and KCE Mangahao.

Chapter 22 – X New Rule

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
78.17	Telecom New Zealand Ltd	Include a new permitted activity standard in Rule 22.1 Conditions for Permitted Activities, that provides for masts and attached antennas to exceed the permitted height limits in Rule 22.1.8 by an additional 5m in Commercial, Industrial and Rural Zones, where the antennas of more than one network utility operator are co-located on the same mast.	
79.17	Chorus New Zealand Ltd	Include a new permitted activity standard in Rule 22.1 Conditions for Permitted Activities, that provides for masts and attached antennas to exceed the permitted height limits in Rule 22.1.8 by an additional 5m in Commercial, Industrial and Rural Zones, where the antennas of more than one network utility operator are co-located on the same mast.	
78.18	Telecom New Zealand Ltd	Include a new permitted activity standard in Rule 22.1 Conditions for Permitted Activities, that provides for antennas and ancillary support structures and equipment mounted on buildings as permitted activities provided they do not exceed the height of the part of the building to which they are attached by more than the following limits: Residential and Open Space Zones: 3m All Other Zones: 5m	
79.18	Chorus New Zealand Ltd	Include a new permitted activity standard in Rule 22.1 Conditions for Permitted Activities, that provides for antennas and ancillary support structures and equipment mounted on buildings as permitted activities provided they do not exceed the height of the part of the building to which they are attached by more than the following limits: Residential and Open Space Zones: 3m All Other Zones: 5m	
100.14	New Zealand Wind Energy Association (NZWEA)	Include new rules to provide for wind farm activities: 22.1.11 Wind farms (a) The construction, operation, maintenance and upgrading of a new wind farm in the rural zone outside any ONFL is a restricted discretionary activity. Council’s discretion is restricted	501.16 Genesis Power Ltd - Support 516.24 Federated Farmers of New

Sub No.	Submitter Name	Decision Requested	Further Submission
		<p>to:</p> <p>i. the matters contained in the national policy statement for renewable electricity generation;</p> <p>ii. effects on peoples amenity values, particularly noise and visual amenity;</p> <p>iii. effects on other infrastructure;</p> <p>iv. effects on the relationship of tangata whenua and their culture and traditions with their ancestral lands, water, sites, waahi tapu and other taonga;</p> <p>v. effects on areas of significant indigenous vegetation or significant habitats of indigenous fauna; and</p> <p>vi. effects on maintaining public access to and along the coastal marine area, lakes and rivers.</p> <p>(b) The development of any new wind farm outside the rural zone or within an ONFL is a discretionary activity.</p> <p>Or Alternatively</p> <p>Amend the matters for discretion to those listed in 25.7.13 (Refer to relief sought under this provision)</p>	<p>Zealand</p> <p>- In-Part</p> <p>527.12 Director-General of Conservation (DoC) – Oppose</p> <p>528.27 Horizons Regional Council – Oppose</p>
100.15	New Zealand Wind Energy Association (NZWEA)	<p>Include a new permitted activity standard to provide appropriate limits for wind farm sound as follows:</p> <p>22.1.12 Wind farm noise Permitted Activity...</p> <p>Wind Farm Noise received outside a High Amenity Area Wind turbine sound received outdoors at the boundary of any Urban Area or at the notional boundary of any Noise Sensitive Activity is a permitted activity provided:</p> <p>i. At any wind speed wind farm sound levels (LA90(10 min)) shall not exceed the background sound level by more than 5 dB, or a level of 40 dB LA90(10 min), whichever is the greater.</p> <p>ii. Noise is measured and assessed in accordance with NZS6808:2010.</p>	

4.324 Telecom and Chorus sought that in order to encourage co-location solutions that minimise the required bulk of structures to support more than one network; the rules (in selected zones) should provide for an additional height allowance to incentive such solutions. They suggested that a permitted activity standard be added to Rule 22.1 that provides for masts and attached antennas to exceed the permitted height limits in Rule 22.1.8 by an additional 5m in Commercial, Industrial and Rural Zones, where the antennas of more than one network utility operator are co-located on the same mast.

4.325 Based on the reasoning in the submission, the Reporting Officer did not find it appropriate to provide for an increased height limit to encourage co-location and suggested that the submitters address the matter further at the hearing.

- 4.326 Mr Anderson said that for co-location to work, separation between the different telecommunication network operator's antennas on a single mast is required. This was because each telecommunication network requires different radiofrequencies along a spectrum. He said that Telecom had advised that the minimum required vertical separation between different operator's antennas to meet required radiofrequency isolation to avoid interference is 1.5m. This was measured from the top of one operator's antenna to the bottom of the other operator's antenna.
- 4.327 Mr Anderson went on to describe Telecom's criteria for selecting a mobile telecommunication site which included providing customers with a high quality service while minimising environmental impacts and gaining the most economic solution to assist in reducing costs for users of the network. In his experience of the site selection process, an option that was able to comply with the permitted activity provisions of the Proposed Plan had significantly more 'weight' compared to an option which required resource consent, primarily due to cost. As such, co-location as a permitted activity becomes more attractive as an option for Telecom and other operators and acts as an incentive to pursue the option.
- 4.328 In the Supplementary S42A Report, the Reporting Officer acknowledged that the environmental effects of an additional 5m height for structures would be less than additional masts of 20m within close proximity of each other. He proposed that an amendment to Rule 22.1.8(a) is made as follows:
- “(vii) 25 metres in the Commercial Zone in the Pedestrian Area Overlay in Levin and Rural Zone where antennas of more than one network utility operator are co-located on the same mast.”*
- 4.329 We consider the proposed amendment is appropriate and could result in a more efficient use of resources than constructing two similar masts and is without any significant environmental impact. We therefore adopt the Reporting Officer's recommendation and reasoning as our decision pursuant to Clause 10(2)(a) of Schedule 1 to the Act and the submissions are accepted.
- 4.330 Telecom and Chorus sought that a new permitted activity standard be added to Rule 22.1, providing for antennas and ancillary support structures and equipment mounted on buildings provided they do not exceed the height of the part of the building to which they are attached by more than the following limits, Residential and Open Space Zones: 3m and All Other Zones: 5m.
- 4.331 The Reporting Officer noted that at present the only provision dealing with antennas on buildings is an exemption from the definition of 'Height' for antennas, masts and other support structures that do not measure more than 2m in a horizontal plane, or more than 1.5m above the height of the building. He said it was preferable to provide for allowance for antennas on buildings within the rules section rather than a definition, where the allowances for antennas and associated equipment above buildings can be varied depending on zone sensitivity. He considered a 1.5m allowance to be unrealistic for networks that use vertically orientated panel antennas.
- 4.332 The Reporting Officer said that antennas are currently controlled by rules managing their dimension and height: although the height rule appears to only relate to antennas on masts or poles. He considered it appropriate to amend Rule 22.1.8 to make it clear that the height limits apply to antennas on buildings as well as masts rather than providing for specific exemptions. He recommend the following be included at the end of Rule 22.1.8 and that the submissions from Telecom and Chorus be accepted in part:
- “This maximum height is not to be exceeded by the support structure, aerial or antenna mounting or the aerial or antenna whether affixed to the land, a building or an existing mast, tower or pole”.*
- 4.333 We have reviewed the requested amendment and recommendation and agree with the Reporting Officer's conclusion. We therefore adopt his recommendation and reasoning as our decision pursuant to Clause 10(2)(a) of Schedule 1 to the Act.

- 4.334 NZWEA, supported by Genesis and opposed by Federated Farmers in part, DoC and Horizons sought that a new rule be included in Chapter 22 to provide specifically for wind farm activities or alternatively, amend the matters for discretion to those listed in 25.7.13. They considered that in order to provide for the national significance of wind farm activities the District Plan should simply classify 'wind farms' as either permitted, controlled, restricted discretionary or discretionary activities and that there is no need for wind farms to be subject to other rules in the District Plan.
- 4.335 The Reporting Officer agreed and advised that wind farms were specifically provided for as Discretionary Activities under Rule 19.4.6. He recommended that the submission be accepted in part together with the further submissions.
- 4.336 We have reviewed the requested amendment and recommendation and agreed that wind farm activity is already provided for within the rules. We therefore adopt his recommendation and reasoning as our decision pursuant to Clause 10(2)(a) of Schedule 1 to the Act.
- 4.337 NZWEA sought that a new permitted activity standard be included in Chapter 22 to provide noise limits for wind farm sound. They argued that in order to provide for the national significance of wind farms the District Plan should set a permitted noise limit for wind farm sound, in accordance with NZS6808:2010.
- 4.338 The Reporting Officer said that the Proposed Plan did not contain any specific rule or standard that applies to noise from wind turbines and that this was not surprising given that the establishment of a wind farm was proposed to be a discretionary activity where a case-by-case assessment of wind farm noise would be made. Advice from Nigel Lloyd of Acousafe Noise Control Solutions (discussed in more detail in relation to clause 25.7.13) said that wind farms were best left as discretionary activities where the provisions of NZS6808 can be applied.
- 4.339 The Reporting Officer went on to say that given the special audible characteristics of wind farm noise and the many variables which influence assessment and compliance with this standard (e.g. location, wind farm design, proximity to dwellings), he did not consider it appropriate to use NZS6808:2010 as a permitted activity noise standard. Compliance with this standard was most effectively assessed through the resource consent process to consider these variables and special audible characteristics. He recommended that the submission from NZWEA be rejected.
- 4.340 Mr Farrell said that in his experience applicants, submitters, noise experts and decision makers involved in wind farm proposals exert significant time and resources debating the application of NZS6808:2010 and health effects that might be attributed to wind turbine noise. In his opinion much of this could be substantially reduced if the District Plan provided appropriate statutory guidance on the matter. He accepted a permitted activity status was not necessary, however considered that the District Plan should manage wind turbine noise through codifying NZS6808:2010 and providing some guidance about health effects that might be attributed to wind turbine noise. He noted that the Environment Court had repeatedly determined that NZS6808:2010 was the appropriate tool for managing wind farm noise and drew our attention to a recent Clutha District Council Decision which had addressed the same issue and provided for a policy which required consideration of the standard in assessing any wind farm application.
- 4.341 Mr Farrell recommend that, as an alternative to the permitted noise limit sought by NZWEA, the Proposed Plan be amended to include a new policy as follows:
- With respect to the assessment of wind farm noise effects during both the assessment of any resource consent application and the ongoing operation of wind farms, to:*
- (a) *Require that wind farm sound be predicted, measured and assessed in accordance with NZS 6808:2010 Acoustics – Wind Farm Noise; and*
- (b) *Recognise that compliance with this standard will ensure that noise and health effects associated with wind farms will be no more than minor; but*

(c) *Acknowledging that non-compliance with the standard in certain circumstances does not necessarily mean that noise and health effects are significant.*

4.342 Mr Farrell said that in his opinion introducing this policy would make the District Plan less uncertain and more effective; it will make wind farm consenting processes simpler and more efficient, and will provide direction about how to safeguard people's health in turbines of wind turbine noise. He also considered this was within the scope of the NZWEA submission.

4.343 The Reporting Officer, in his Supplementary S42A Report notes that noise is only one of a number of potential effects that may arise from a wind energy facility and considered giving prominence to a single potential effect inappropriate. He said that these matters were more effectively addressed through an assessment matter referring to the same NZS standard. Notwithstanding this, in response to the issues raised by NZWEA, he proposed the following minor amendment to Assessment Criteria 25.7.13(e) to include reference to "any special audible characteristics":

"The actual or potential noise effects of the construction, development and operation of the wind energy facilities, including particular consideration of any ~~the~~ special audible characteristics, and the proximity to and effect on settlements or dwellings, and the ability to meet NZS 6808:2010 Acoustics – Wind Farm Noise."

4.344 In his supplementary evidence, Mr Farrell responded to issues raised in the hearing and proposes a replacement of Clause 25.7.13(e) as an alternative to a new policy. The proposed wording of the replacement clause was:

"With respect to the assessment of wind farm noise effects during both the assessment of any resource consent application for a wind farm, and the ongoing operation of wind farms, Council will:

(i) Require that wind turbine sound be predicted, measured and assessed in accordance with NZS 6808:2010 Acoustics – Wind Farm Noise (or any superseding standard); and

(ii) Recognise that compliance with this standard will ensure that wind turbine noise and associated health effects will be no more than minor; and

(iii) Acknowledge that non-compliance with the standard does not necessarily mean that wind turbine noise and associated health effects will be significant."

4.345 In a right of reply the Reporting Officer said he remained content with the wording of the current assessment criteria as per his recommended amendment. He considered that the currently worded assessment criteria was adequate in identifying that noise from wind energy facilities needs to be considered and assessed in terms of its ability to meet NZS 6808:2010 Acoustic – Wind Farm Noise. He did not consider it appropriate for the assessment criteria to state that compliance with the standard would ensure that the noise and health effects would be no more than minor as suggested in (b). He said that while the standard is designed to ensure that noise and health effects are no more than minor, he considered it appropriate that the assessment criteria allow the level of effects to be determined based on the effects themselves. He felt that a case by case approach was the preferred approach rather than a generic approach to this activity and its associated noise effects.

4.346 The Reporting Officer also did not support the wording "or any superseding standard" and noted that the Quality Planning website advises against this practice of using words such as "or any replacement standard" or "or any subsequent corresponding successor" after the reference to the document. He reminded us that Clause 31 of Schedule 1 (of the Act) requires that there be a variation or plan change for an amendment to an externally referenced document to have effect through the Plan. On this basis he said it was not appropriate to simply expect an updated version of NZS6808:2010 to apply to the Proposed Plan without that updated standard or document having gone through a First Schedule process.

4.347 We have reviewed the proposed assessment criteria proposed by Mr Farrell and like the Reporting Officer have concerns with the way it is worded. In our view sub-clauses (ii) and (iii) are not appropriate in an assessment criterion as they seem to be attempting to pre-judge the determination of any application. In our view the present assessment criteria is sufficient to ensure that an assessment against NZS6808:2010 is made. We therefore adopt the Reporting Officer's recommended wording and accept in part the submission.

Chapter 22 – General Matters

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
44.15	Genesis Power Ltd	<p>Include statement within Chapter 22 clarifying the activity status of those activities not complying with the permitted activity criteria.</p> <p>Include new Controlled Activity rule for wind monitoring masts not complying with Rule 22.1.8(b).</p> <p>Rule XX</p> <p>Any wind monitoring mast not complying with Condition 22.1.8 is a controlled activity. Control is reserved over:</p> <ul style="list-style-type: none"> i. The scale and bulk of the wind monitoring mast in relation to the site; ii. The built characteristic of the locality; iii. The extent to which the effects of the height can be mitigated by setbacks, planting, design or the topography of the site; iv. Effects on landscape values; v. Effects on amenity values; vi. Duration of consent sought. 	
44.16	Genesis Power Ltd	<p>Include all rules relating to Utilities and Energy in Chapter 22.</p> <p>Include new Rule in Chapter 22 which provides for the development and on-going use of renewable energy infrastructure as a Discretionary Activity.</p>	<p>514.07 Todd Energy Ltd</p> <p>- Support</p>
78.12	Telecom New Zealand Ltd	<p>Delete all Network Utility Rules and Standards within the Utilities and Energy Chapter.</p> <p>Add a new standalone network utilities chapter.</p>	
79.12	Chorus New Zealand Ltd	<p>Delete all Network Utility Rules and Standards within the Utilities and Energy Chapter.</p> <p>Add a new standalone network utilities chapter.</p>	
80.18	Todd Energy Ltd	<p>No specific relief requested.</p> <p>The submitter seeks clarification of the intended purpose of Chapter 22 in relation to energy.</p> <p>Inferred: Amend Chapter 22 Utilities and Energy, or another Chapter in the District</p>	

Sub No.	Submitter Name	Decision Requested	Further Submission
		Plan so it better provides for energy activities.	
92.18	KCE Mangahao Ltd	No specific relief requested. The submitter seeks clarification of the intended purpose of Chapter 22 in relation to energy. Inferred: Amend Chapter 22 Utilities and Energy, or another Chapter in the District Plan so it better provides for energy activities.	

4.348 Genesis considered that it was unclear in Chapter 22 what activity status an activity defaults to if it does not meet the permitted activity standard. They said the plan appeared to be silent in this regard. They said that if it was the intention for activities not complying with the permitted activity criteria to default to a discretionary activity, it is proposed that a new controlled activity provision is applied to wind monitoring masts. Genesis suggested a new Controlled Activity rule for wind monitoring masts not complying with Rule 22.1.8(b).

4.349 The Reporting Officer agreed that it was not clear what status an activity defaults to if it cannot meet the Conditions of Chapter 22. He considered it appropriate that activities default to a restricted discretionary activity status as controlled was not considered stringent enough and did not provide the ability to decline the proposal if the adverse effects were unacceptable. He recommended that the submission be accepted in part and a new matter included under Condition 22.1 to read:

“(a) Any activities not meeting the Permitted Activity Conditions shall be Restricted Discretionary Activities, with the exercise of the Council’s discretion being restricted to the matter(s) specified in the assessment matters in 25.7.12.”

4.350 Ms Roland supported the amendment to Rule 22.1.

4.351 We have reviewed the request by Genesis and generally agree with the Reporting Officer’s amendment. We do however consider that for consistency reasons with other parts of the Proposed Plan the word “meeting” should be replaced with “complying with”. Other than that minor amendment we adopt the Reporting Officer’s recommendation and reasoning as our decision pursuant to Clause 10(2)(a) of Schedule 1 to the Act.

4.352 Genesis, supported by Todd Energy, also considers that for completeness, all rules pertaining to Utilities and Energy should be included within Chapter 22 using the example of Rule 19.4.6(b) which provides for wind energy facilities in the Rural Zone as a discretionary activity. Furthermore, they note that the plan does not specifically provide for other forms of renewable electricity generation and it would be helpful if this matter was addressed in Chapter 22.

4.353 The Reporting Officer said that the Plan was set out so that all activities that are permitted or listed as requiring resource consent in a zone are included in the relevant chapter i.e. wind monitoring masts are provided for in the Rural Chapter but the conditions they must meet are included in Chapter 22. He said that the conditions apply across the District and are therefore included in one section whereas the status of activities differs between the zones. He did not find it appropriate to duplicate rules in several chapters and therefore recommended that the submissions be rejected.

4.354 We agree with the Reporting Officer in terms of the way the Plan is set up and adopt his recommendation and reasoning as our decision pursuant to Clause 10(2)(a) of Schedule 1 to the Act.

- 4.355 Telecom and Chorus opposed the current rule framework and raised the same concern over the format of the Proposed Plan and how the document provides for network utilities rules and standards. They sought that all rules for network utilities be contained in a standalone chapter, to enable a ‘one stop shop’ approach and allow for greater confidence in determining how a proposal fits the Proposed Plan provisions.
- 4.356 Similar to the above comments the Reporting Officer explained that the format of the rules and standards of the Proposed Plan was based on five zone chapters and three district-wide chapters, which included Utilities and Energy (Chapter 22). He said that the district-wide chapters only set out permitted activity standards which apply across all five zones. The Zone Chapters provide the mechanics to identify the relevant activity status and any consent requirements within each zone. He recommended that the submissions be rejected.
- 4.357 Again we agree with the Reporting Officer in terms of the way the Plan is set up and adopt his recommendation and reasoning as our decision pursuant to Clause 10(2)(a) of Schedule 1 to the Act.
- 4.358 Todd Energy and KCE Mangahao considered there was a lack of provision for “renewable sources of energy” in Chapter 22. They infer that Chapter 22 Utilities and Energy be amended or that another Chapter in the Proposed Plan be added so the Plan better provides for energy activities.
- 4.359 The Reporting Officer was unsure what the submitters meant when they referred to ‘energy’ and ‘energy activities’. He said that if this was the generation of energy then that was provided for in Chapter 22 and the zone chapters of the Plan. If they were referring to energy consumption and efficiency he said that this was not generally managed through the Proposed Plan. He therefore invited the submitters to address the matter further at the hearing.
- 4.360 Ms Barry said that Chapter 22 seems to focus on general utilities and would benefit from the inclusion of the wording “*including generation and distribution utilities for renewable sources of energy*” within the text. She said the specific inclusion of the words “*renewable sources of energy*” would promote both clarity and reflect national policy documents such as the NPSREG.
- 4.361 In his Supplementary S42A Report, the Reporting Officer said he was still uncertain (other than the amendment to Rule 22.1.10 heading) how the additional words would provide greater clarity and he suggested the submitter specify sections within Chapter 22 where this wording would fit. He recommended the submissions be accepted in part on the basis of the amendment to Rule 22.1.10 heading.
- 4.362 There was no further response from the submitters on this matter and therefore we have adopted the recommendation and reasoning of the Reporting Officer as our decision pursuant to Clause 10(2)(a) of Schedule 1 to the Act

Rule 25.7.12 Assessment Criteria – Network Utilities and Wind Monitoring Masts

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
41.49	Powerco	Retain Assessment Criteria 25.7.12 without modification.	
42.02	Vector Gas Ltd	Amend Assessment Criteria 25.7.12 as follows: ...(g) The extent to which a proposed activity will affect the efficient and effective operation of district significant infrastructure. Such consideration will be based on advice provided by the infrastructure manager.	501.18 Genesis Power Ltd - In-Part
44.23	Genesis Power Ltd	Amend Assessment Criteria 25.7.12(f) as	

Sub No.	Submitter Name	Decision Requested	Further Submission
		follows: With respect to network utilities, Wwhether alternative locations, routes or other options are economically, operationally, physically or technically practicable.	
99.43	Transpower New Zealand Ltd	Amend assessment criteria 25.7.12 a) as follows: (a) The size and scale of proposed structures and whether they are appropriate and necessary for their function in keeping with the size and scale of any existing development	
99.44	Transpower New Zealand Ltd	Retain assessment criteria 25.7.12 (b) and (f).	

4.363 Vector Gas, supported in part by Genesis, sought an amendment to Assessment Criteria 25.7.12 to ensure that consideration was given to other activities such as land use that had the potential to adversely affect the safe and effective operation of significant infrastructure such as gas transmission pipelines. They requested a new clause be added to 25.7.12 that reads:

“(g) The extent to which a proposed activity will affect the efficient and effective operation of district significant infrastructure. Such consideration will be based on advice provided by the infrastructure manager.”

4.364 The Reporting Officer said that this set of assessment criteria apply to the effects of network utilities, not the effects of other activities on network utilities. He therefore did not support the new assessment criteria requested. However given that district significant infrastructure is most typically located in the Rural zone, he saw merit in adding the criterion to the Assessment Criteria for Land Use Consents in the Rural Zone, under the heading General 25.2.1. This he said would address the concerns of the submitter by ensuring that the effects on the efficient and effective operation of district significant infrastructure are taken into account when considering land use consent applications for activities in the Rural zone. He recommended that the submissions be accepted in part.

4.365 Genesis questioned the words “Such consideration will be based on advice provided by the infrastructure manager” and sought clarification. To address this concern the Reporting Officer recommended an amendment to the wording provided by Vector, so that the assessment criteria reads:

“The extent to which a proposed activity will affect the efficient and effective operation of district significant infrastructure. Consideration will be given to ~~based on~~ advice provided by the manager of the potentially affected infrastructure manager.”

4.366 In evidence tabled by Vector Gas, they indicated that the amendments proposed by the Reporting Officer give effect to the relief sought.

4.367 We have considered the proposed additional criterion and consider the approach and wording put forward by the Reporting Officer is appropriate. We therefore adopt his recommendation and reasoning as our decision pursuant to Clause 10(2)(a) of Schedule 1 to the Act and the submissions are accepted in part.

4.368 Genesis sought an amendment to Assessment Criteria 25.7.12(f) to include wind monitoring masts which they said are located in the most operationally and technically practicable location on a site to obtain the necessary wind speed and direction data. They suggested amending Assessment Criteria 25.7.12(f) to read as follows:

“With respect to network utilities, ~~W~~whether alternative locations, routes or other options are economically, operationally, physically or technically practicable.”

- 4.369 The Reporting Officer accepted the point made that for wind monitoring masts their location is driven by their purpose. He therefore supported the amendment requested and recommended that the submission be accepted.
- 4.370 We have considered the proposed amendment to the criterion and consider it is appropriate. We therefore adopt the Reporting Officer’s recommendation and reasoning as our decision pursuant to Clause 10(2)(a) of Schedule 1 to the Act.
- 4.371 Transpower sought an amendment to Assessment Criteria 25.7.12(a) to require an assessment of the development / activity on the operation, maintenance, upgrading or development of the electricity transmission network as well as appropriately assess network utility activities in general. They suggested the following amendment:
- “(a) The size and scale of proposed structures and whether they are appropriate and necessary for their function ~~in keeping with the size and scale of any existing development~~”
- 4.372 The Reporting Officer saw the functional consideration to be part of the next assessment criterion 25.7.12(b) which reads *“The protection of the environment while recognising technical and operational necessity which may result in adverse effects”*. On this basis he did not consider it beneficial to amend 25.7.12(a) as requested. He also considered that such an amendment would lose some its intended focus which is on how the structures relate to the surrounding environment. For instance the size of a tall network utility structure in a Commercial area with tall buildings is likely to be visually more acceptable than the same size structure in an Open Space or Residential area where the typical built height is much lower. He therefore recommended that the submission be rejected.
- 4.373 Mr Spargo provided support for the retention of Assessment Criteria 25.7.12(a) in accordance with the recommendation from the Reporting Officer.
- 4.374 We have considered the amendment sought and agree that it is unnecessary. We therefore adopt the Reporting Officer’s recommendation and reasoning as our decision pursuant to Clause 10(2)(a) of Schedule 1 to the Act.
- 4.375 Transpower supported Assessment Criteria 25.7.12 (b) and (f) in the context of giving effect to the NPSET. The support is noted however given that criterion 25.7.12(f) has been amended there submission is accepted in part.
- 4.376 Powerco supports Assessment Criteria 25.7.12. The support is noted however given that criterion 25.7.12(f) has been amended there submission is accepted in part.

Rule 25.7.13 Assessment Criteria – Wind Energy Facilities

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
44.25	Genesis Power Ltd	Delete Assessment Criteria 25.7.13(a)(ii) in its entirety.	514.08 Todd Energy Ltd - Support 515.08 KCE Mangahao Ltd - Support
44.26	Genesis Power Ltd	Amend Assessment Criteria 25.7.13(b) as follows: The ecological impact of the proposal, including the extent of disruption to vegetation and habitat, any impacts on waterways,	527.03 DoC - Oppose

Sub No.	Submitter Name	Decision Requested	Further Submission
		and the likely effect on birds and other fauna.	
44.27	Genesis Power Ltd	Amend Assessment Criteria 25.7.13(i) as follows: The positive local, regional and national benefits to be derived from the use and development of renewable energy infrastructure.	
100.17	New Zealand Wind Energy Association (NZWEA)	Amend Assessment Criteria 25.7.13 as follows: Wind Farms Energy Facilities (a) The landscape and visual effects of the proposal, including: (i) The extent to which the proposal will adversely affect rural character, views from residences, key public places, including roads, and recreation areas. (ii) The visibility of the proposal, including the number of turbines and their height. (iii) The extent to which the proposal will adversely affect the natural character of the Coastal Environment, water bodies, and Outstanding Natural Features and Landscapes. (iv) The extent to which any aspects of the proposal can be sited underground. (b) The ecological impact of the proposal, including the extent of disruption to vegetation and habitat, any impacts on waterways, and the likely effect on birds and other fauna. (c) The effects on heritage, cultural, geological and archaeological values and sites. (d) The effects of traffic and vehicle movements. (e) The actual or potential noise effects of the construction, development and operation of the wind farm energy facilities, In-Particular including particular consideration of the special audible characteristics, and the proximity to and effect on settlements or dwellings, and the ability to comply with meet NZS 6808:2010 Acoustics – Wind Farm Noise. (f) The extent to which the proposal will adversely affect amenity values of the surrounding environment, including the effects of electromagnetic interference to broadcast or other signals, blade glint and shadow flicker. (g) The effects extent of any earthworks, including the construction of access tracks, roads and turbine platforms. (h) The cumulative effects of the proposal.	527.13 Director-General of Conservation (DoC) - Oppose

Sub No.	Submitter Name	Decision Requested	Further Submission
		(i) The benefits to be derived from the proposal renewable energy. (j) Mitigation and rehabilitation works. (k) Operational and technical considerations.	

- 4.377 Genesis, supported by Todd Energy and KCE Mangahao, sought the deletion of Assessment Criterion 25.7.13(a)(ii) contending that the effects of a wind farm should be considered based on the information supplied in an application and balanced with a broad judgement of effects of the development accordingly. NZWEA also requested the deletion of the criterion.
- 4.378 The Reporting Officer noted that this particular criterion refers to “*The visibility of the proposal, including the number of turbines and their height*”, which he considered was a very important consideration in the assessment of Wind Energy Facilities. He said that there would be parts of the District where potential sites could have very little visibility beyond the site boundaries. He considered it to be an appropriate assessment criterion when included as part of the suite of criteria that has been set out in 25.7.13. He therefore recommended that the submissions be rejected.
- 4.379 Ms Roland accepted that the visual effects of a wind farm development are an integral consideration as to its appropriateness. However, she noted that Assessment Criteria 25.7.13(a)(ii) refers to the visibility of a proposal, with specific reference to the number of turbines and their height. She said that whether something is visible or not does not mean that there is an effect. Ms Roland went on to say that the number, location, design and height of wind turbines within a proposed wind farm are closely linked to resource availability and economies of scale, countered by a comprehensive effects assessment. The ability to remove wind turbines, or reduce their overall height as part of the assessment of an activity has the potential to undermine the feasibility of a project. She considered Assessment Criterion 25.7.13(a) was sufficiently broad to allow a comprehensive assessment of the actual and potential visual effects of a development to be undertaken, without the need to include criterion (ii).
- 4.380 In the Supplementary S42A Report, the Reporting Officer acknowledged that visibility did not necessarily mean that this was an adverse effect. However, he recommended retaining the criterion to ensure that a clear signal is sent to potential applicants and decision makers that the visual component of the development is important and will form part of the assessment.
- 4.381 We consider the assessment criterion referred to is entirely appropriate within the context of the suite of criteria provided within Clause 25.7.13. We would have thought that the height and number of turbines is a relevant consideration in any wind farm application. Aside from noise these aspects are in our view key environmental issues for most wind farm assessments in terms of district plans. We therefore adopt the Reporting Officer’s recommendation and reasoning as our decision pursuant to Clause 10(2)(a) of Schedule 1 to the Act.
- 4.382 Genesis sought an amendment to Assessment Criteria 25.7.13(b) to delete reference to “any impacts on waterways” contending that the management of waterways is a Regional Council function. This submission was opposed by DoC on the basis that the NPS for Freshwater Management (2011) directs that an integrated approach is required and hence this provision as part of 25.7.13(b) was appropriate.
- 4.383 The Reporting Officer said that the Council as a territorial authority does have responsibilities in terms of waterways, including managing activities on the surface of water and access to water bodies. He was of the opinion that the reference to waterways in this Assessment Criteria was appropriate and that the submission be rejected and the further submission accepted.

4.384 Ms Roland said that it was not clear how the assessment criterion will actually assist in achieving the function of NPS for Freshwater Management in the context of a resource consent application, specifically as the Council was limited in its ability to impose conditions which specifically address water quality. She said that in the context of landuse activities, the management of freshwater bodies is generally linked to earthworks and that other than in specified areas such as Outstanding Natural Features and Landscapes there were no restrictions on earthworks identified on land in the Rural zone generally. She suggested the following rewording of Assessment Criterion 25.7.13(b):

The ecological impact of the proposal, including the extent of the disruption to vegetation and habitat, any impacts on waterways located within a Specific Landscape Domain, Heritage Setting, Coastal Outstanding Natural Feature and Landscape, and the likely effect on birds and other fauna.

4.385 In his Supplementary S42A Report, the Reporting Officer stated that the proposed amendments confuse the matter as it could imply that it is only the earthworks impacts on waterways in these specific locations that would be considered. He recommended retaining the wording as proposed to ensure that the provision addresses other works and activities that may adversely affected waterways.

4.386 We have considered the amendment sought and have some sympathy with the Genesis submission regarding the “impacts on waterways” wording although we accept there may be rare occasions where land use matters in this regard need to be considered. We do not however consider the rewording proposed by Ms Roland is helpful as it seems to us to rather narrow the focus of the criterion. We consider the focus should be on ecological values per se and consider that by including specific matters it has become confused. We have therefore decided to accept in part the submissions and modify the criterion to read:

“The ecological impact of the proposal on the habitats of flora and fauna, ~~including the extent of the disruption to vegetation and habitat, any impacts on waterways, and the likely effect on birds and other fauna.~~”

4.387 Genesis sought amendment to Assessment Criteria 25.7.13(i) to recognise the positive, local, regional and national benefits of an activity in the assessment of the development and use of renewable energy infrastructure. They sought the following amendment to Assessment Criteria 25.7.13(i):

“The positive local, regional and national benefits to be derived from the use and development of renewable energy infrastructure.”

4.388 The Reporting Officer noted that Section 7(j) of the RMA refers to “the benefits to be derived from the use and development of renewable energy”. He considered that it would be appropriate to bring consistency to the assessment criteria and recommended the submission be accepted in-part and that the following wording be used which is a slight variation to the wording requested:

“The positive local, regional and national benefits to be derived from the use and development of renewable energy infrastructure.”

4.389 We have considered the amendment sought and agree with the slight amendment proposed by the Reporting Officer. We therefore adopt the Reporting Officer’s recommendation and reasoning as our decision pursuant to Clause 10(2)(a) of Schedule 1 to the Act.

4.390 NZWEA, opposed by DoC, supported the provision of specific assessment criteria for wind farm proposals subject to the deletion or amendment of some of the proposed assessment matters, which they considered were too stringent and/or not necessary as follows:

“Wind Farms Energy Facilities

(a) The landscape and visual effects of the proposal, including:

- (i) The extent to which the proposal will adversely affect rural character, views from residences, key public places, including roads, and recreation areas.
- ~~(ii) The visibility of the proposal, including the number of turbines and their height.~~
- (b)
- (e) The actual or potential noise effects of the construction, development and operation of the wind farm energy facilities, ~~In-Particular including particular consideration of the special audible characteristics, and the proximity to and effect on settlements or dwellings, and the ability to comply with meet NZS 6808:2010 Acoustics – Wind Farm Noise.~~
- (f) The extent to which the proposal will adversely affect amenity values of the surrounding environment, ~~including the effects of electromagnetic interference to broadcast or other signals, blade glint and shadow flicker.~~
- (g) The effects extent of any earthworks, ~~including the construction of access tracks, roads and turbine platforms.~~
- (h)
- (i) The benefits to be derived from the proposal renewable energy.
- (j)
- (k)”

4.391 The Reporting Officer said that the first amendment sought was to change the term ‘Wind Energy Facilities’ to ‘Wind Farm’. He noted that NZWEA had also requested an amendment to the definition of ‘Wind Energy Facilities’. He did not consider amending ‘Wind Energy Facilities’ to ‘Wind Farm’ to be acceptable noting that the NPSREG does not refer to Wind Farms, the term Wind Energy Facility is however used. He did not support this change.

4.392 The Reporting Officer supported the removal of the word “adversely” from 25.7.13(a)(i). In doing so he noted that it does give the assessment criteria a wider focus requiring applicants and the consent authority to address all effects (i.e. not just the adverse effects) on rural character, views from residences, key public places, including roads and recreation areas.

4.393 The Reporting Officer noted that he had already addressed and recommended against deleting 25.7.13(a)(ii).

4.394 In terms of (e) the Reporting Officer noted that he had already indicated he did not support the replacing ‘Wind Energy Facilities’ with ‘Wind Farm’. The second part of the change seeks to remove the reference to “particular consideration of the special audible characteristics, and the proximity to and effect on settlements or dwellings”. He said that Council’s noise adviser Nigel Lloyd of Acousafe Consulting and Engineering Ltd had commented “It was found in the Turitea Wind Farm Hearing before the Board of Inquiry that there is considerable discretion required in the assessment process for wind farms using NZS6808:2010”. He also advised that:

“wind farms are best left as discretionary activities where the provisions of NZS6808 can be applied. This requirement is adequately set out in Assessment Criteria 25.7.13(e). NZWEA seeks to delete reference to a particular consideration being given to special audible characteristics in 25.7.13(e). West Wind wind farm exhibited three different types of special audible characteristics at start-up which finally took six months to fully identify and correct. The presence of these characteristics aggravated the situation for neighbours and complaints reduced considerably once they had been corrected. It has since been recognised that wind farms need to be designed to avoid special audible characteristics and that tests should be undertaken during the commissioning of the wind farms to ensure that the actual design is appropriate. Resource consent conditions were included by the Environment Court for Mill Creek wind farm and by the Board of Inquiry for

Turitea wind farm and these go beyond the requirements of NZS6808. I recommend that the NZWEA submission be rejected in respect of the changes they seek to the noise provisions.”

- 4.395 The Reporting Officer concurred with the advice provided by Mr Lloyd and considered that the current assessment criterion to be appropriate as it identifies that particular consideration would be given to the special audible characteristics, while also allowing applicants to demonstrate their ability to assess and then to meet NZ 6808:2010. He therefore did not support the changes requested to 25.7.13(e).
- 4.396 We note here that a change has already been made to this criterion as a result of an earlier decision.
- 4.397 The amendment to (f) to remove the word “adversely” was supported by the Reporting Officer, who noted that it gave the assessment criteria a wider focus requiring applicants and the consent authority to address all effects (i.e. not just the adverse effects). He did not however support the second part of the amendment requested to (f) considering the effects of electromagnetic interference to broadcast or other signals, blade glint and shadow flicker to be relevant and important considerations that nearby residents would want to know are going to be assessed.
- 4.398 The Reporting Officer supported replacing ‘extent’ with ‘effects’ in (g) however did not support the remaining changes requested. He considered it helpful to signal the type of earthworks that would be considered as part of this assessment criterion.
- 4.399 In terms of the amendment to (i), the Reporting Officer noted the amendment recommended above in relation to the Genesis submission and considered it to be an appropriate response to this submission point also.
- 4.400 Overall the Reporting Officer recommended the submission be accepted in-part.
- 4.401 Mr Farrell considered Clause 25.7.13(e) should be amended as sought by NZWEA because the clause, as proposed, duplicated some of the assessment matters covered by NZS6808:2010 and this duplication would not benefit any party. He noted that NZS6808:2010 requires an assessment of noise effects on potentially affected settlements and dwellings and an assessment of special audible characteristics. He considered that clause 25.7.13(e), as proposed, implies that all wind turbines will have special audible characteristics, which in his opinion was an overstatement. He considered Mr Lloyd’s statements slightly misleading and, in respect of the relief sought considered the example of special audible characteristics at West Wind should not be used as a reason for rejecting NZWEAs submission because West Wind was based on an earlier version of NZS6808, NZS6808:2010 was updated after West Wind was constructed to address, among other things, special audible characteristics, and the special audible characteristics at West Wind were only temporary, occurring during the wind turbine commissioning stage of the project development.
- 4.402 For three of these matters (Clauses 25.7.13(a)(ii), 25.7.13(e) and 25.7.13(i)) we have already previously made decisions and we therefore do not intend to traverse them again. We agree with the Reporting Officer in relation to not using the term Wind Farm, noting that this is discussed in more detail below, and with the deletion of the word ‘adversely’ in Clause 25.7.13(a)(i). We also agree with the Reporting Officer’s response the Clause 25.7.13(f) to again delete the word ‘adversely’ but retain the remainder of the clause. We see no harm at all in referring to those effects set out in (f) as they are all well established issues associated with wind farm applications. Finally, in relation to Clause 25.7.13(g) we agree with the replacement of the word ‘extent’ with ‘effects’ but consider the remainder of the clause should be left unchanged. Again we see no harm in referring to the forms of earthworks set out in (g) as they are all generally associated with wind farm applications.
- 4.403 Overall, we therefore agree with the Reporting Officer’s recommendations and adopt them as our decisions pursuant to Clause 10(2)(a) of Schedule 1 to the Act. The specific changes to the Clause 25.7.13 associated with this NZWEA submission are set out below and the submission is accepted in part:

- (a) The landscape and visual effects of the proposal, including:
 - (i) ...
 - (ii) The extent to which the proposal will ~~adversely~~ affect the natural character of the Coastal Environment, water bodies, and Outstanding Natural Features and Landscapes.
- (b) ...
- (c) The extent to which the proposal will ~~adversely~~ affect amenity values of the surrounding environment, including the effects of electromagnetic interference to broadcast or other signals, blade glint and shadow flicker.
- (d) The ~~extent~~ effects of any earthworks, including the construction of access tracks, roads and turbine platforms.

Chapter 26 Definitions – Domestic Scale Renewable Energy Device

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
100.18	New Zealand Wind Energy Association (NZWEA)	Retain the definition of Domestic Scale Renewable Energy Device as proposed.	

4.404 The support for the definition of Domestic Scale Renewable Energy Device from the above submitter is noted and accepted and the definition approved.

Chapter 26 Definitions – Network Utility

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
41.50	Powerco	Retain the definition of Network Utility without modification.	
100.19	New Zealand Wind Energy Association (NZWEA)	Amend the definition of Network Utility as follows: Network Utility includes any: (a) aerial or mast or antennae or dish antennae; (b) tower or pole, including any wind turbine; (c) pole-mounted street light;	

4.405 NZWEA sought that the reference to “including any wind turbine” be deleted from the definition of Network Utility. They considered that electricity generators are not necessarily "network utility operators" under the RMA and that the District Plan could appropriately capture wind turbines in other definitions (either Domestic Scale Renewable Energy Devices or Wind Farm) rather than as part of the Network Utility definition.

4.406 The Reporting Officer noted that the words “including any wind turbine” were added to the definition for network utility as part of Plan Change 22. He said that due to Plan Change 22 not being operative at the time the Proposed Plan was notified this aspect of the network utility definition was not subject to the review and was shown in a grey highlight. While he was sympathetic to the point that the submitter had made, he did not consider there was scope to make the amendment requested which would need to be addressed as part of a future plan change seeking to ensure an appropriate alignment and fit between the current plan changes and the Proposed Plan. He recommended that this submission be rejected.

4.407 We agree with the Reporting Officer’s comments with regards this matter and Plan Change 22 and adopt his recommendation as our decisions pursuant to Clause 10(2)(a) of Schedule 1 to the Act.

4.408 The support for the definition from Powerco is noted and their submission accepted.

Chapter 26 Definitions – Wind Energy Facilities

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
100.20	New Zealand Wind Energy Association (NZWEA)	Amend definition of Wind Energy Facility as follows: Wind Farm Energy Facilities means the land, buildings, turbines, structures, substations, underground cabling, earthworks, access tracks and roads associated with the generation of electricity by wind force and the operation, maintenance and upgrading of the wind farm energy facility. This does not include domestic scale renewable energy device or any cabling required to link the wind energy facility to the point of entry into the electricity network, whether transmission or distribution in nature.	501.17 Genesis Power Ltd - Support

4.409 NZWEA, supported by Genesis, sought that the term ‘Wind farms’ should be used instead of ‘Wind Energy Facilities’, that the word “force” be deleted and that “maintenance and upgrading” be introduced into the definition.

4.410 While appreciating NZWEA’s desire for wind energy facilities to be seen as a farming activity in a similar way to a typical rural primary production activity the Reporting Officer considered the proposed change created some issues of consistency. He said that neither the RMA nor the NPSREG refers to wind farms, but that the term ‘wind energy facility’ is used within the NPSREG. He also said the term wind farm gives the impression of a group of wind turbines (more than one or two), whereas the term “wind energy facility” is sufficiently neutral in that it could be used in reference to a single wind turbine or a group of them.

4.411 In terms of the other two changes the Reporting Officer supported the removal of “force” and the addition of “maintenance” but did not support the inclusion of the term “upgrading”. He said that upgrading of a wind energy facility could cover a very wide range of works with varying levels of environmental effects. He did not consider it appropriate to include the reference here but rather have upgrading addressed through the rule framework (22.1.10). He recommended that the two minor changes be made to the current definition as follows and that the submissions be accepted in part:

“Wind Energy Facilities means the land, buildings, turbines, structures, substations, underground cabling, earthworks, access tracks and roads associated with the generation of electricity by wind ~~force~~ and the operation, and maintenance of the wind energy facility. This does not include domestic scale renewable energy device or any cabling required to link the wind energy facility to the point of entry into the electricity network, whether transmission or distribution in nature.”

4.412 Mr Farrell considered the terms “wind farm” and “wind energy facility” to be largely synonymous. However, in his experience, the most common and plainer of the two terms is “wind farm”. In response to the Reporting Officer’s comments he said he was not aware of any national or regional level statutory RMA document that binds or uses either term “wind farm” or “wind energy facility”. He said that there was

inconsistency across New Zealand on this point and NZWEA, which represents the New Zealand wind energy industry, is attempting to promote a nationally consistent approach by encouraging use of the term “wind farm” in its submissions on district plans throughout New Zealand. Additionally, NZWEA uses the term “wind farm” in all its material and NZWEA will soon be publishing a wind farm development guidelines document which will include a definition for “wind farm”.

- 4.413 In response to expert evidence, the Reporting Officer remains of the view that the term ‘wind farm’ implies a group of wind turbines, where ‘wind energy facility’ provides for a single wind turbine or group.
- 4.414 We have reviewed the requested amendments and agree with the amendments to the definition itself proposed by the Reporting Officer. In terms of the title change we were not convinced of the need to change from ‘wind energy facility’ to ‘wind farm’. While we understand the point being made by NZWEA the fact that the NPSREG refers to the term ‘wind energy facility’ is somewhat telling. If consistency in wording is to be sought and obtained within the industry then we would have thought that started with what is essentially its primary document the NPS, not individual district plans. In our view differences in terminology between the NPS and Proposed Plan can only lead to confusion and establish grounds for differing interpretations. We therefore agree with the amendments proposed by the Reporting Officer to the definition and adopt his recommendation as our decision pursuant to Clause 10(2)(a) of Schedule 1 to the Act.

Chapter 26 Definitions – New Definition “Critical Infrastructure”

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
99.06	Transpower New Zealand Ltd	Include a definition of the term “critical infrastructure” as follows: Critical infrastructure: means infrastructure necessary to provide services which, if interrupted, would have a serious effects on the people within the district or a wider population, and which would require immediate reinstatement. Critical infrastructure includes infrastructure for electricity substations and the electricity transmission network.	516.27 Federated Farmers of New Zealand - Oppose

- 4.415 Transpower, opposed by Federated Farmers, identified that the term “critical infrastructure” was not defined in the Proposed Plan and requested that the following definition be provided which aligns with the One Plan:
“Critical infrastructure: means infrastructure necessary to provide services which, if interrupted, would have a serious effects on the people within the district or a wider population, and which would require immediate reinstatement. Critical infrastructure includes infrastructure for electricity substations and the electricity transmission network.”
- 4.416 The Reporting Officer said that the Proposed Plan had tried to avoid including definitions for terms that do not appear in the Proposed Plan. He appreciated the importance of critical infrastructure and that this was a term used within the One Plan and he considered this was the most helpful place for the definition given its direct relevance to the application of the One Plan. He recommended that the submission be rejected and that further submission be accepted.
- 4.417 In his erratum, Mr Spargo notes that the phrase ‘critical infrastructure’ is used within the Plan, including in Policy 8.1.8 and within the Explanation and Principal Reasons.
- 4.418 In his right of reply the Reporting Officer said there appeared to be only two references to the term in the Proposed Plan, one of which in the Explanation and Reasons to Objective 8.1.1 was followed by a list of

examples, and he was not convinced a definition was needed. He did however, note and consider whether the list of examples covered the matter that Transpower sought to be included in their definition i.e. “electricity substations and the electricity transmission network” and noted that “electricity transmission network” was not included. He therefore recommended the following amendment be made to the 4th paragraph of the Explanation and Reasons to Objective 8.1.1:

“Preferably, lifeline and critical infrastructure and services (e.g. electricity substations and transmission networks, public water supply/treatment plants, public wastewater treatment plants, strategic road and rail networks and health care institutions/hospitals) should be placed at minimal risk from natural hazards, and therefore some form of control on the location of such services within areas of significant risks is necessary. The presence of hazardous facilities or substances within natural hazard areas may also cause additional adverse effects during an event, and therefore need to be managed.”

4.419 We note that in a response to a query we made regarding this amendment Ms Tucker said that she saw no issue in including “transmission networks” as an example of critical infrastructure as recommended by the Reporting Officer. Having therefore considered the request by Transpower we see little need in the circumstances for a definition of critical infrastructure to be included in the Plan and consider the response by the Reporting officer to be appropriate. We therefore adopt the Reporting Officer’s recommendation and reasoning as our decision pursuant to Clause 10(2)(a) of Schedule 1 to the Act and accept in part the submissions.

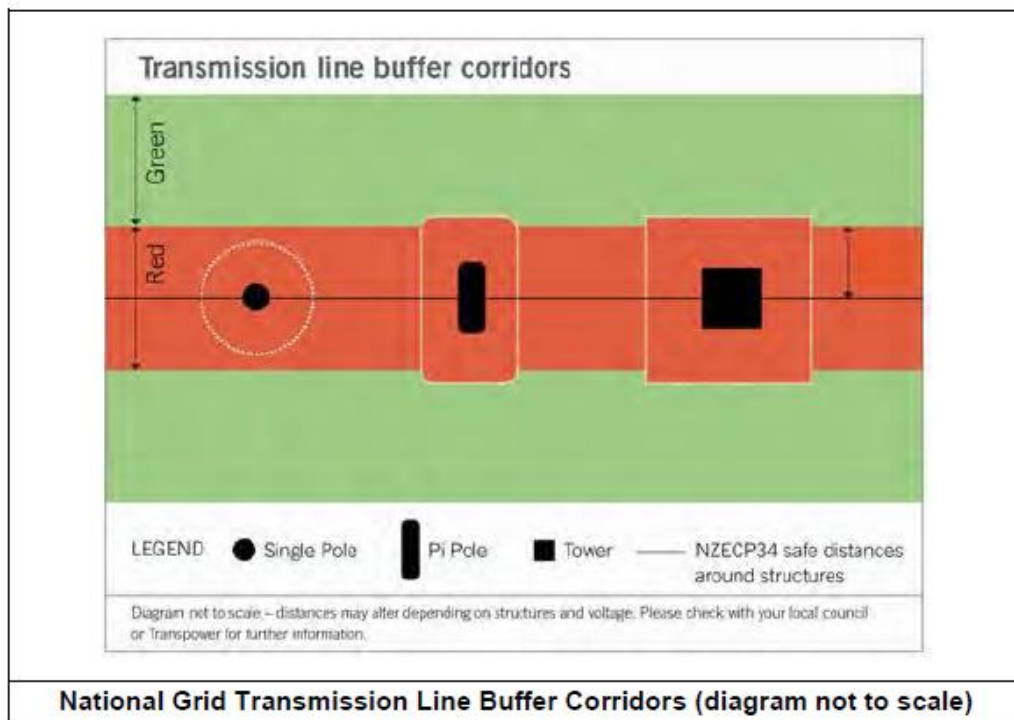
Chapter 26 Definitions – New Definition “National Grid Corridor”

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
99.48	Transpower New Zealand Ltd	<p>Include a definition for the term “National Grid Corridor” as follows: National Grid Corridor: means a corridor either side of the assets used or owned by Transpower NZ Limited as part of the National Grid. The measurement of setback distances from National Grid electricity lines shall be taken from the centre line of the electricity transmission line and the outer edge of any support structure. The centre line at any point is a straight line between the centre points of the two support structures at each end of the span as depicted on the diagram below: [refer to Transpower’s diagram in full submission] The corridor widths of the National Grid corridor are: For a 220kV Electricity Transmission Line a 12m red zone corridor and green zone of an additional 25m for a total corridor width of 37m either side of the centreline For a 110kV Electricity Transmission Line a 10m red zone corridor and green zone of an additional 6m for a total corridor width of 16m either side of the centreline</p>	<p>516.28 Federated Farmers of New Zealand - Oppose</p> <p>517.41 Horticulture NZ – In-Part</p>

4.420 Transpower, opposed by Federated Farmers and in part by Horticulture NZ, identified that the term “Transmission Line Corridor” was used in the Proposed Plan but was not defined and that a definition was required for implementation purposes. Transpower considered a more appropriate term would be “National Grid Corridor” and suggested the definition below. Transpower also noted the term “National Grid” was used elsewhere in the Proposed Plan and that use of the term will be appropriate for consistency:

“National Grid Corridor: means a corridor either side of the assets used or owned by Transpower NZ Limited as part of the National Grid. The measurement of setback distances from National Grid electricity lines shall be taken from the centre line of the electricity transmission line and the outer edge of any support structure. The centre line at any point is a straight line between the centre points of the two support structures at each end of the span as depicted on the diagram below:



The corridor widths of the National Grid corridor are:

For a 220kV Electricity Transmission Line a 12m red zone corridor and green zone of an additional 25m for a total corridor width of 37m either side of the centreline

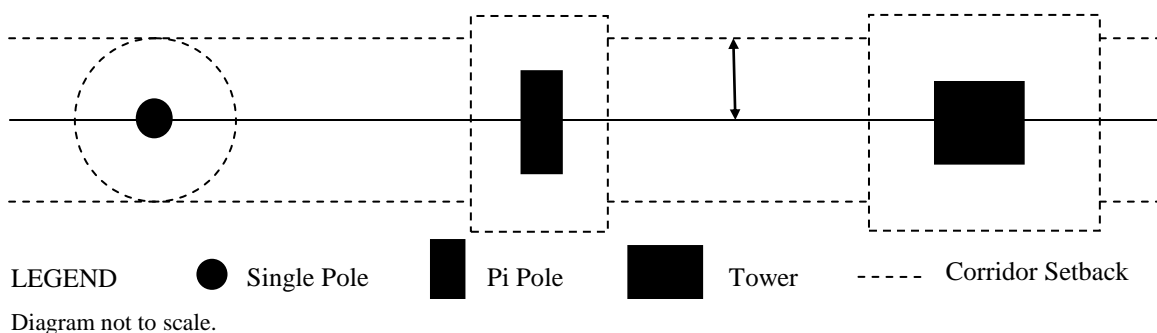
For a 110kV Electricity Transmission Line a 10m red zone corridor and green zone of an additional 6m for a total corridor width of 16m either side of the centreline.”

- 4.421 Federated Farmers opposition is on the basis that setback distances and a nominal corridor are already provided for by NZEC34:2001 and there is no need for a corridor that is any wider than 12 metres in the Proposed Plan.
- 4.422 The Reporting Officer said that he was supportive of firstly using the term ‘National Grid Corridor’ in place of the term ‘Transmission Line Corridor’ and secondly considered there to be merit in adding a definition for ‘National Grid Corridor’ to the Proposed Plan.
- 4.423 He said that a definition of National Grid Corridor that identified what it was and how the centre line is identified would be a helpful and a worthwhile addition to the Plan. He did not consider that it would be appropriate to include the references to the corridor widths as part of this definition because there had been a deliberate effort to avoid including standards/thresholds within the definitions. He said the corridor widths were appropriately located in the Zone Rule chapters of the Plan (e.g. Rule 19.6.14). He considered the

diagram helped improve the understanding of the definition and in particular where setback distances should be taken from.

- 4.424 The Reporting Officer noted that in supporting the change in terminology, it was necessary to make consequential amendments to other parts of the Proposed Plan where the term Transmission Line Corridor has been used. He therefore recommended that the submissions be accepted in part and that a new definition be added for National Grid Corridor as below and that any references to the Transmission Line Corridor be replaced:

“National Grid Corridor: means a corridor either side of the assets used or owned by Transpower NZ Limited as part of the National Grid. The measurement of setback distances from National Grid electricity lines shall be taken from the centre line of the electricity transmission line and the outer edge of any support structure. The centre line at any point is a straight line between the centre points of the two support structures at each end of the span as depicted on the diagram below.”



Amend Rule 19.6.14 Heading and replace the term “Transmission Line Corridor with “National Grid Corridor”.

- 4.425 Mr Spargo supported the Reporting Officer’s recommendation for the insertion of the definition without the inclusion of separation distances.
- 4.426 Ms Wharfe said that to clarify the intent of the definition there should at the very least be a reference as to where the setback distances can found in the Plan and when the corridor would apply – such as subdivision and for some buildings.
- 4.427 We have considered the inclusion of the definition and consider it to be appropriate. We do not consider it is necessary to provide further information to plan users as to where the definition applies or where provisions can be found. That is not done for other definitions. We therefore adopt the Reporting Officer’s recommendation and reasoning as our decision pursuant to Clause 10(2)(a) of Schedule 1 to the Act and accept in part the submissions.

5.0 DECISION

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

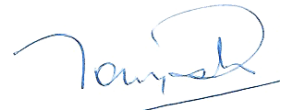
1. That pursuant to clause 10 of the Schedule 1 to the Resource Management Act 1991 the Utilities and Energy sections of the Proposed Horowhenua District Plan be approved including the amendments set out in Appendix A to this decision.
2. That for the reasons set out in the above report submissions and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



Dean Chrystal



Cr Leigh McMeeken



Cr Tony Rush

Dated 23 September 2013

APPENDIX A: Proposed Plan as amended by Hearing Decisions

Chapter 8 Natural Hazards

Amend the 4th paragraph of the Explanation and Reasons to Objective 8.1.1 to read:

Preferably, lifeline and critical infrastructure and services (e.g. electricity substations and transmission networks, public water supply/treatment plants, public wastewater treatment plants, strategic road and rail networks and health care institutions/hospitals) should be placed at minimal risk from natural hazards, and therefore some form of control on the location of such services within areas of significant risks is necessary. The presence of hazardous facilities or substances within natural hazard areas may also cause additional adverse effects during an event, and therefore need to be managed.

Chapter 12 Utilities and Energy

Include a new 10th paragraph to the Utilities section of the Introduction to read:

The Council is required to give effect to any National Policy Statement (NPS). The stated objective of the NPSET is to "Recognise the national significance of the electricity transmission network by facilitating the operation, maintenance and upgrade of the existing transmission network and the establishment of new transmission resources to meet the needs of present and future generations, while:

- Managing the adverse environmental effects of the network; and
- Managing the adverse effects of other activities on the network.

The issues associated with electricity transmission are significant at a national, regional and local level and the benefits of the network must be recognised and provided for. Within the District, there is the potential for the development of new high voltage electricity transmission."

Include a new 11th paragraph to the Utilities section of the Introduction to read:

It is recognised while network utilities can have national, regional and local benefits, they can also have adverse effects on surrounding land uses, many of which have been established long before the network utility. The sustainable management of natural and physical resources requires Council to achieve a balance between the effects of different land uses.

Amend the fifth paragraph of the Energy section of the Introduction to read:

~~The benefits and need for renewable energy is recognised, and so is the need to effectively manage the potential for effects arising from energy related infrastructure through objectives, policies and methods (including rules) that provide for the development, maintenance, operation and upgrading of renewable energy activities. Particularly where the local environment is sensitive to the scale and nature of energy generation facilities, for example adverse ecological, cultural and heritage, landscape and visual effects have the potential to be significant.~~

Amend the third paragraph of the Issue Discussion for Issue 12.1 to read:

Some areas of the District have higher levels of amenity and other environmental characteristics than others. Certain utilities may not therefore be appropriate in those locations due to the nature of their effects. For example, residential areas ~~and areas containing outstanding natural features and landscapes~~ would be vulnerable to the intrusion of large buildings or pylons. Areas with outstanding natural features and landscapes and areas of significant indigenous vegetation or habitats also need to be protected from inappropriate use and development of utilities should seek to avoid these. In some instances, locational factors may determine the exact position of a utility, but as a general principle, network utility operators will be encouraged to locate utilities in areas with characteristics similar to the utility or in a manner which will have few adverse effects on the environment.

Amend the fourth paragraph of the Issue Discussion for Issue 12.1 to read:

Therefore, in making provision for network utilities, their environmental effects must be balanced against the community's need for the service or facility. An example of this challenge is the provision of street lighting which is required for public safety, yet the spill light from this can adversely affect the night environment. It is also recognised

that there may be limited choice in locating utilities, given logistical or technical practicalities. Some level of adverse effects may need to be accepted to recognise the necessity for some utility services and facilities.

Amend Objective 12.1.1 to read:

To protect and provide for the establishment, operation, maintenance and upgrading of network utilities, while avoiding, remedying or mitigating adverse effects on the environment.

Amend Policy 12.1.4 to read:

“Provide additional protection for sensitive areas such as Outstanding Natural Features and Landscapes, domains of high landscape amenity, heritage and cultural sites and buildings, Notable Trees, coast, lakes, river and other waterways, ~~and open space~~ from the adverse environmental effects of network utilities”.

Amend Policy 12.1.7 to read:

Require services where practicable, to be underground in new areas of development within Urban areas and Greenbelt Residential areas.

Amend Policy 12.1.9 to read:

Recognise the presence and function of existing network utilities, and their locational and operational requirements, by managing land use, development and / or subdivision in locations which could compromise their safe and efficient operation and maintenance ~~subdivision and new land use activities adjacent to them~~, to ensure the long-term efficient and effective functioning of that utility.

Add to the end of the paragraph 2 of the Explanation and Principal Reasons:

It is recognised that many network utilities in the District are located in the Rural zone and often on privately owned land. In some circumstances the location of these network utilities can constrain the activities undertaken on the land. Where resource consent is required to establish, construct, operate, maintain and upgrade network utilities in the Rural zone, consideration should be given to the effects of the network utility on the existing activities undertaken on the land such as primary production.

Add a new paragraph after the 2nd paragraph of the Explanation and Principal Reasons 12.1.1 to read:

In considering the environmental effects of new transmission infrastructure or major upgrades of existing transmission infrastructure, the NPS on Electricity Transmission (2008) requires that Council must have regard to the extent to which any adverse effects have been avoided, remedied or mitigated by the route, site and method selection.

Amend the third paragraph of the Explanation and Principal Reasons 12.1.1 to read:

In establishing the standards and in assessing resource consent applications, it is important to recognise the location of utilities is often dictated by operational and technical requirements. For example, constraints imposed on avoiding, remedying and mitigating adverse environmental effects of transmission activities are recognised under the NPSET (Policy 3). In addition, given the function and role of network utilities, some must be distributed throughout the District and in particular settlements.

Amend the fourth paragraph of Explanation and Principle Reasons 12.1.1 as follows:

Services such as power and telecommunications have traditionally been provided throughout the District by way of overhead servicing. However, overhead lines and structures associated with services can detract from visual amenity and be a crash hazard, therefore provision of new reticulation is required to be by way of underground reticulation. It is also

Amend the sixth paragraph of Explanation and Principle Reasons 12.1.1 as follows:

There are a number of large scale utilities within the District and to protect the adjoining activities and the ongoing operation of the utilities, various degrees of control will be implemented. In particular, it is important to protect the

operation of network utilities from incompatible activities on adjacent sites. The continued ability for network utilities ...

Amend Methods for Issue 12.1 & Objective 12.1.1 (bullet points 3, 4, 6 and 7) to read:

- ~~• Resource consents will be required for network utility operations which do not comply with performance standards, or for heritage buildings and sites, or Outstanding Natural Features and Landscapes.~~
- Require network utilities that do not comply with performance standards, including those that apply to network utilities, which have variable effects or which may have adverse effects if located in Outstanding Natural Features and Landscapes, heritage sites or buildings, or within Rural zoned parts of the Coastal Environment, Coastal Lakes, Manakau Downlands and Hill Country Landscape Domains, some localities, to be assessed through the resource consent process to consider the potential effects of the proposal and impose specific conditions if appropriate.
- Promote the use of relevant Codes of Practice and industry guidelines.
- Designated network utilities and sites including the National Grid will be identified on the Planning Maps.

Amend Issue 12.2 to read:

Like all districts in New Zealand, the Horowhenua District is required under the NPS for Renewable Energy Generation to provide for the development of renewable electricity facilities as a matter of national significance. The development of new electricity generation facilities can create adverse effects on the environment, in particular, the scale and utilitarian nature of many facilities may cause adverse landscape and visual effects. Generating electricity from renewable resources can have greater environmental benefits compared to utilising non-renewable energy resources, as well as support economic and social well-being at a local, regional and national level.

Add to the end of the fourth paragraph of the Issue Discussion the following:

... . The Mangahao Power Station located east of Shannon is currently the District's only renewable energy facility. This facility contributes to the national renewable energy generation and its continued operation will be important in responding to the challenge of meeting the national target of 90% of electricity in New Zealand being from renewable sources by 2025.

Add new paragraph to the end the Issue Discussion:

Energy efficiency and conservation go hand in hand with renewable energy. Passive energy approaches towards energy efficiency and conservation can be taken in relation to the built environment. These include orientation of buildings towards the sun to assist passive heating, cooling and natural lighting. Reductions in overall energy use can be made through provision of hot water through solar water heating. The success of these approaches is dependent on the initial layout of a subdivision or building development providing landowners with opportunities to implement these passive energy approaches. It is important that future developments consider energy efficient and conservation measures. Conserving the use of energy together with the generation of renewable energy will be vital in responding to the challenges of providing enough energy to meet future energy needs and reducing greenhouse gas emissions.

Amend Objective 12.2.1 to read:

To recognise ~~the need for,~~ and provide for the efficient use of energy and the development and use of renewable electricity generation infrastructure, where the adverse effects on the environment can be energy-utilising renewable resources through appropriately sited and designed renewable electricity generation activities, while ensuring environmental effects are avoided, remedied or mitigated.

Amend Policy 12.2.3 to read:

"Provide for small domestic scale renewable electricity generation facilities where their adverse effects on the environment are not significant can be avoided, remedied or mitigated."

Amend Policy 12.2.4 to read:

Manage the establishment and development of new renewable electricity generation facilities to ensure the adverse environmental effects on the environment that are more than minor are avoided, remedied or mitigated.

Amend Policy 12.2.5 to read:

Recognise the contribution of renewable energy use and development to the well-being of the District, Region and Nation. ~~and the technical, locational and operational requirements of energy generation and distribution operations and infrastructure in setting environmental standards and assessing applications for resource consent.~~

Include a new Policy 12.2.X:

Recognise the technical, locational and operational requirements of energy generation and distribution operations and infrastructure in setting environmental standards and assessing applications for resource consent.

Amend Policy 12.2.7 to read:

Avoid adverse effects which are more than minor ~~the development~~ of renewable electricity generation facilities ~~where they will adversely affect on~~ the character and values of outstanding natural features and landscapes; or where avoidance is not reasonably practicable then the effects need to be remedied or mitigated.

Amend Policy 12.2.8 to read:

Ensure development of renewable electricity generation facilities minimises visual ~~do not interruption~~ or intrusion of ~~intrude~~ views of the Tararua Ranges when viewed from public spaces within the Levin urban area.

Amend Policy 12.2.9 to read:

Provide for the identification and assessment by energy generators and developers, of potential sites and energy sources for renewable electricity generation.

Amend Policy 12.2.11 to read:

Ensure that new land use, development and / or subdivision ~~subdivisions and land use~~ activities do not adversely affect the efficient operation, ~~and~~ maintenance and upgrading of existing renewable electricity generation or distribution facilities.

Amend Policy 12.2.13 to read:

Encourage subdivision and development to be designed so that buildings can utilise energy efficiency and conservation measures, including by orientation to the sun and through other natural elements, to assist in reducing energy consumption.

Amend Policy 12.2.14 to read:

Transport networks should be designed so that the number, length and need for vehicle trips is minimised, and reliance on private motor vehicles is reduced, to assist in reducing energy consumption.

Add a new heading and method to the Methods for Issue 12.2 & Objective 12.2.1 as follows:

Other Processes

- Work with the Energy Industry to develop an infrastructure strategy that among other things signals community interest in preferred locations for potential renewable electricity generation.

Chapter 15 Residential Zone

Amend Rule 15.7.5(a)(iv) to read:

The provision of servicing, including water supply, wastewater systems, stormwater management and disposal, street lighting, telecommunications and electricity and, where applicable, gas.

Chapter 19 Rural Zone

Amend Rule 19.1(k) and add a Note as follows:

“(k) The following network utilities and electricity generation activities:

- (i) The construction, operation, maintenance and minor upgrading of network utilities.
- (ii) Wind monitoring masts.

(iii) Domestic scale renewable energy device.

(iv) The operation, maintenance, refurbishment, enhancement and minor upgrading of an existing energy generation facility, except where significant external modification is involved, including an increase in floor area of up to 15% of the existing gross floor area

Notes

...

- The Rules associated with Network Utilities are contained within Chapter 22.

Amend Rule 19.6.14 Heading and replace the term “Transmission Line Corridor with “National Grid Corridor”.

Amend Rule 19.6.24(b) to read:

All other relevant conditions in this part of the District Plan shall also apply to any new network utilities or upgrade of any network utility or associated structure which are not able to meet the permitted activity conditions under Rule 22.1.10.

Chapter 22 Utilities & Energy

Amend Rule 22.1.4 to read:

Notwithstanding any other conditions, where it is proposed to locate any network utility structure on a site adjoining the Residential Zone, the performance conditions of the adjoining Residential Zone in relation to setbacks from boundaries and daylight setback envelope shall apply ~~in relation to the height and location of any network utility structure.~~

Amend Rule 22.1.8 to read:

(a) All masts, pylons, towers, support structure, aerials, antennas and other structures associated with network utilities and domestic scale renewable energy device shall not exceed the following maximum height requirements:

- (i) 13.5 metres in the Residential Zone and Open Space Zone.
- (ii) ~~13.5~~ 15 metres in the Commercial Zone, except in the Pedestrian Area Overlay in Levin.
- (iii) 20 metres in the Commercial Zone in the Pedestrian Area Overlay in Levin.
- (iv) ~~20~~ 25 metres in the Industrial Zone.

This maximum height is not to be exceeded by the support structure, aerial or antenna mounting or the aerial or antenna whether affixed to the land, a building or an existing mast, tower or pole, except for lightning rods where they do not exceed:

- 1 square metre in area on any one side or
- 2 metres above the building or structure to which it is attached or
- 600mm in diameter.

(v)...

- (vii) 25 metres in the Commercial Zone in the Pedestrian Area Overlay in Levin and Rural Zone where antennas of more than one network utility operator are co-located on the same mast.

Amend Rule 22.1.8(b) to read:

All wind monitoring masts shall comply with the following conditions:

- (i) Maximum Height: 80 metres.
- (ii) Maximum Diameter: ~~250~~500mm.
- (iii) Minimum Setback: ~~500 metres from all boundaries~~ Equal to the height of the wind monitoring mast from any boundary of a site under separate ownership and subject to any guy wires being anchored outside the building setback requirements for the zone.
- (iv) Equipment: Limited to instrumentation necessary to record and log wind direction and speed.

Amend Rule 22.1.10(a) to read:

Rule 22.1.10 Maintenance, Replace and Upgrading Network Utilities including generation and distribution utilities for renewable sources of energy

(a)

(vii) Existing gas transmission and distribution facilities.

(viii) Council Network Utilities.

Include a new Restricted Discretionary Activity Rule 22.2

Rule 22.2 Restricted Discretionary Activities

22.2.1 The following activities shall be Restricted Discretionary Activities:

(a) Any activities not complying with the Permitted Activity Conditions in Rule 22.1 shall be Restricted Discretionary Activities, with the exercise of the Council's discretion being restricted to the matter(s) specified in the assessment matters in 25.7.12.

Chapter 25 Assessment Criteria

Include a new assessment criterion under 25.2.1 General that reads:

The extent to which a proposed activity will affect the efficient and effective operation of district significant infrastructure. Consideration will be given to advice provided by the manager of the potentially affected infrastructure.

Amend Assessment Criteria 25.7.12(f) to read:

With respect to network utilities, ~~W~~whether alternative locations, routes or other options are economically, operationally, physically or technically practicable.

Amend Assessment Criteria 25.7.13 to read:

- (a) The landscape and visual effects of the proposal, including:
- (i) The extent to which the proposal will adversely affect rural character, views from residences, key public places, including roads, and recreation areas.
 - (ii) The visibility of the proposal, including the number of turbines and their height.
 - (iii) The extent to which the proposal will ~~adversely~~ affect the natural character of the Coastal Environment, water bodies, and Outstanding Natural Features and Landscapes.
 - (iv) The extent to which any aspects of the proposal can be sited underground.
- (b) The ecological impact of the proposal on the habitats of flora and fauna, including the extent of the disruption to vegetation and habitat, any impacts on waterways, and the likely effect on birds and other fauna.
- (c) The effects on heritage, cultural, geological and archaeological values and sites.
- (d) The effects of traffic and vehicle movements.
- (e) The actual or potential noise effects of the construction, development and operation of the wind energy facilities, including particular consideration of any ~~the~~ special audible characteristics, and the proximity to and effect on settlements or dwellings, and the ability to meet NZS 6808:2010 Acoustics – Wind Farm Noise.
- (f) The extent to which the proposal will ~~adversely~~ affect amenity values of the surrounding environment, including the effects of electromagnetic interference to broadcast or other signals, blade glint and shadow flicker.
- (g) The ~~extent~~ effects of any earthworks, including the construction of access tracks, roads and turbine platforms.

- (h) The cumulative effects of the proposal.
- (i) The positive local, regional and national benefits to be derived from the use and development of renewable energy.
- (j) Mitigation and rehabilitation works.
- (k) Operational and technical considerations.

Chapter 26 Definitions

Amend the definition of “Site” in Chapter 26 to read:

Site means an area of land ~~comprised wholly of~~ held in one (1) computer register (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.~~

Amend the definition of “Wind Energy Facilities” in Chapter 26 to read:

Wind Energy Facilities means the land, buildings, turbines, structures, substations, underground cabling, earthworks, access tracks and roads associated with the generation of electricity by wind ~~force~~ and the operation and maintenance of the wind energy facility. This does not include domestic scale renewable energy device or any cabling required to link the wind energy facility to the point of entry into the electricity network, whether transmission or distribution in nature.

Include a new definition in Chapter 26 Definitions for “National Grid Corridor” to read:

National Grid Corridor: means a corridor either side of the assets used or owned by Transpower NZ Limited as part of the National Grid. The measurement of setback distances from National Grid electricity lines shall be taken from the centre line of the electricity transmission line and the outer edge of any support structure. The centre line at any point is a straight line between the centre points of the two support structures at each end of the span as depicted on the diagram below.

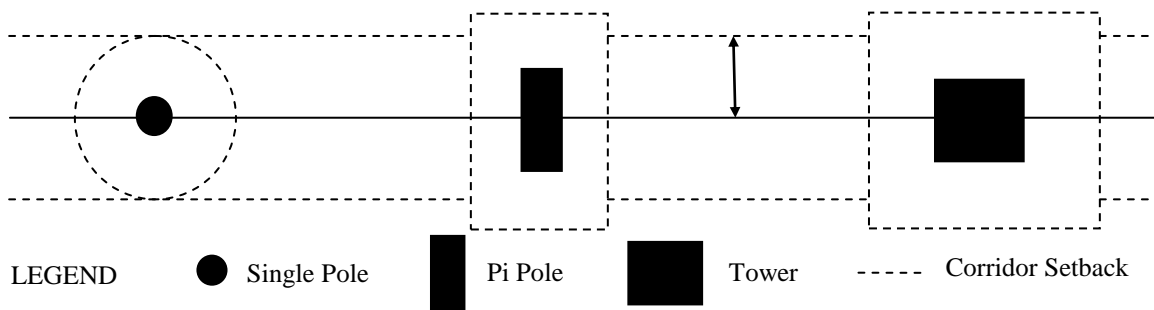


Diagram not to scale.

Planning Maps

Amend the Planning Map Legend to read:

National Grid Corridor (High Voltage Electricity Transmission Lines)

APPENDIX B: Schedule of Decisions on Submission Points

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Hearing Panel Decision
99.07		Transpower New Zealand Ltd		Accept In-Part
	514.18	Todd Energy Ltd	Support	Accept In-Part
	515.18	KCE Mangahao Ltd	Support	Accept In-Part
	516.06	Federated Farmers of New Zealand	Oppose	Accept In-Part
100.00		NZWEA		Accept
25.02		Michael White		Accept In-Part
	511.06	HDC (Community Assets Department)	Oppose	Accept In-Part
	525.18	Maurice & Sophie Campbell	Support	Accept In-Part
99.08		Transpower New Zealand Ltd		Accept In-Part
41.11		Powerco		Accept In-Part
99.09		Transpower New Zealand Ltd		Accept
	528.24	Horizons Regional Council	Oppose	Reject
99.10		Transpower New Zealand Ltd		Accept
41.02		Powerco		Accept In-Part
78.00		Telecom New Zealand Ltd		Accept In-Part
79.00		Chorus New Zealand Ltd		Accept In-Part
99.11		Transpower New Zealand Ltd		Accept In-Part
	512.04	Vector Gas Ltd	In-Part	Accept In-Part
	516.09	Federated Farmers of New Zealand	Oppose	Accept In-Part
41.03		Powerco		Accept
78.01		Telecom New Zealand Ltd		Accept
79.01		Chorus New Zealand Ltd		Accept
25.01		Michael White		Reject
	525.17	Maurice & Sophie Campbell	Support	Reject
41.04		Powerco		Accept
78.02		Telecom New Zealand Ltd		Accept
79.02		Chorus New Zealand Ltd		Accept
98.35		Horticulture NZ		Accept In-Part
	505.04	Powerco	Oppose	Accept In-Part
	506.56	Ernslaw One Ltd	Support	Accept In-Part
	513.23	Rayonier New Zealand Ltd	Support	Accept In-Part
	514.13	Todd Energy Ltd	Oppose	Accept In-Part
	515.13	KCE Mangahao Ltd	Oppose	Accept In-Part
	516.10	Federated Farmers of New Zealand	Support	Accept In-Part
	518.04	Transpower New Zealand Ltd	In-Part	Accept In-Part
99.12		Transpower New Zealand Ltd		Accept In-Part

	512.05	Vector Gas Ltd	Support	Accept In-Part
	516.11	Federated Farmers of New Zealand	Oppose	Accept
41.05		Powerco		Accept In-Part
78.06		Telecom New Zealand Ltd		Accept
	505.05	Powerco	Support	Accept
79.06		Chorus New Zealand Ltd		Accept
25.09		Michael White		Reject
	525.25	Maurice & Sophie Campbell	Support	Reject
41.06		Powerco		Accept
41.07		Powerco		Accept
78.03		Telecom New Zealand Ltd		Accept
79.03		Chorus New Zealand Ltd		Accept
80.06		Todd Energy Ltd		Accept
92.06		KCE Mangahao Ltd		Accept
99.13		Transpower New Zealand Ltd		Accept
91.01		HDC (Community Assets Department)		Accept
	526.02	Truebridge Associates Ltd	Oppose	Reject
41.08		Powerco		Accept In-Part
41.09		Powerco		Accept
78.05		Telecom New Zealand Ltd		Accept
79.05		Chorus New Zealand Ltd		Accept
41.10		Powerco		Accept In-Part
78.04		Telecom New Zealand Ltd		Accept In-Part
79.04		Chorus New Zealand Ltd		Accept In-Part
99.14		Transpower New Zealand Ltd		Accept
80.07		Todd Energy Ltd		Accept In-Part
92.07		KCE Mangahao Ltd		Accept In-Part
91.02		HDC (Community Assets Department)		Accept
	526.03	Truebridge Associates Ltd	Oppose	Reject
99.15		Transpower New Zealand Ltd		Accept
99.16		Transpower New Zealand Ltd		Accept
41.12		Powerco		Accept In-Part
80.08		Todd Energy Ltd		Accept In-Part
92.08		KCE Mangahao Ltd		Accept In-Part
99.17		Transpower New Zealand Ltd		Accept
80.09		Todd Energy Ltd		Accept In-Part
92.09		KCE Mangahao Ltd		Accept In-Part
100.01		NZWEA		Accept In-Part
	516.07	Federated Farmers of New Zealand	Oppose	Accept In-Part

80.10		Todd Energy Ltd		Accept In-Part
92.10		KCE Mangahao Ltd		Accept In-Part
44.01		Genesis Power Ltd		Accept
100.02		NZWEA		Reject
99.19	501.09	Transpower New Zealand Ltd Genesis Power Ltd	Support	Accept In-Part Accept In-Part
44.02		Genesis Power Ltd		Accept
44.03		Genesis Power Ltd		Accept
44.04		Genesis Power Ltd		Reject
80.12		Todd Energy Ltd		Accept In-Part
80.27	501.06	Todd Energy Ltd Genesis Power Ltd	Oppose	Accept In-Part Accept In-Part
92.12	501.01	KCE Mangahao Ltd Genesis Power Ltd	Oppose	Accept In-Part Accept In-Part
92.27		KCE Mangahao Ltd		Accept In-Part
100.03	501.12	NZWEA Genesis Power Ltd	Oppose	Accept In-Part Accept In-Part
44.05	514.00 515.00	Genesis Power Ltd Todd Energy Ltd KCE Mangahao Ltd	Support Support	Accept Accept Accept
99.20		Transpower New Zealand Ltd		Accept In-Part
100.04		NZWEA		Accept In-Part
44.06	514.01 515.01 528.10	Genesis Power Ltd Todd Energy Ltd KCE Mangahao Ltd Horizons Regional Council	Support Support Oppose	Reject Reject Reject Accept
99.22	501.10 516.12	Transpower New Zealand Ltd Genesis Power Ltd Federated Farmers of New Zealand	Oppose Oppose	Reject Accept Accept
100.05	501.13	NZWEA Genesis Power Ltd	Support	Reject Reject
44.07	514.02 515.02 527.02 528.11	Genesis Power Ltd Todd Energy Ltd KCE Mangahao Ltd DoC Horizons Regional Council	Support Support Oppose Oppose	Accept In-Part Accept In-Part Accept In-Part Accept In-Part Accept In-Part
100.06	501.14 514.19	NZWEA Genesis Power Ltd Todd Energy Ltd	In-Part Support	Accept In-Part Accept In-Part Accept In-Part

	515.19	KCE Mangahao Ltd	Support	Accept In-Part
44.08		Genesis Power Ltd		Accept In-Part
	514.03	Todd Energy Ltd	Support	Accept In-Part
	515.03	KCE Mangahao Ltd	Support	Accept In-Part
	528.12	Horizons Regional Council	Oppose	Accept In-Part
80.13		Todd Energy Ltd		Accept In-Part
	501.07	Genesis Power Ltd	Support	Accept In-Part
92.13		KCE Mangahao Ltd		Accept In-Part
	501.02	Genesis Power Ltd	Support	Accept In-Part
100.07		NZWEA		Accept In-Part
	501.15	Genesis Power Ltd	In-part	Accept In-Part
	514.20	Todd Energy Ltd	Support	Accept In-Part
	515.20	KCE Mangahao Ltd	Support	Accept In-Part
	528.25	Horizons Regional Council	Oppose	Accept In-Part
44.09		Genesis Power Ltd		Accept In-Part
	514.04	Todd Energy Ltd	Support	Accept In-Part
	515.04	KCE Mangahao Ltd	Support	Accept In-Part
100.08		NZWEA		Accept In-Part
44.10		Genesis Power Ltd		Accept
	514.05	Todd Energy Ltd	Support	Accept
	515.05	KCE Mangahao Ltd	Support	Accept
100.09		NZWEA		Accept
44.11		Genesis Power Ltd		Accept In-Part
	514.06	Todd Energy Ltd	Support.	Accept In-Part
	515.06	KCE Mangahao Ltd	Support	Accept In-Part
80.15		Todd Energy Ltd		Accept In-Part
	501.08	Genesis Power Ltd	In-Part	Accept In-Part
92.15		KCE Mangahao Ltd		Accept In-Part
	501.03	Genesis Power Ltd	In-Part	Accept In-Part
99.21		Transpower New Zealand Ltd		Accept
	516.13	Federated Farmers of New Zealand	Oppose	Reject
	501.11	Genesis Power Ltd	Support	Accept
25.10		Michael White		Accept In-Part
	525.26	Maurice & Sophie Campbell	Support	Accept In-Part
42.12		Genesis Power Ltd		Accept In-Part
44.13		Genesis Power Ltd		Accept In-Part
44.14		Genesis Power Ltd		Accept In-Part
80.11		Todd Energy Ltd		Reject
	501.05	Genesis Power Ltd	Support	Reject

	503.07	NZWEA	Support	Reject
92.11		KCE Mangahao Ltd		Reject
	501.00	Genesis Power Ltd	Support	Reject
	503.08	NZWEA	Support	Reject
100.10		NZWEA		Reject
80.14		Todd Energy Ltd		Reject
92.14		KCE Mangahao Ltd		Reject
110.11		NZWEA		Accept In-Part
	514.21	Todd Energy Ltd	Support	Accept In-Part
	515.21	KCE Mangahao Ltd	Support	Accept In-Part
	527.11	DoC	Oppose	Accept In-Part
	528.26	Horizons	Oppose	Accept In-Part
99.18		Transpower New Zealand Ltd		Accept In-Part
26.08		Horowhenua Astronomical Society Inc		Accept In-Part
29.14		Allen Little		Accept In-Part
80.05		Todd Energy Ltd		Accept In-Part
92.05		KCE Mangahao Ltd		Accept In-Part
101.64		DoC		Accept In-Part
	503.02	NZWEA	Oppose	Accept In-Part
41.15		Powerco		Accept
41.36		Powerco		Accept
41.16		Powerco		Accept
41.17		Powerco		Accept
41.18		Powerco		Accept In-Part
80.16		Todd Energy Ltd		Accept In-Part
	517.21	Horticulture NZ	Oppose	Accept In-Part
92.16		KCE Mangahao Ltd		Accept In-Part
96.28		Federated Farmers of New Zealand		Accept In-Part
	506.15	Ernslaw One Ltd	Support	Accept In-Part
	507.10	Chorus	Oppose	Accept In-Part
	508.10	Telecom	Oppose	Accept In-Part
	513.15	Rayonier New Zealand Ltd	Support	Accept In-Part
	514.11	Todd Energy	Oppose	Accept In-Part
	515.11	KCE Mangahao Ltd	Oppose	Accept In-Part
	517.20	Horticulture NZ	Support	Accept In-Part
	518.05	Transpower New Zealand Ltd	In-Part	Accept In-Part
98.36		Horticulture NZ		Accept
	514.14	Todd Energy	Oppose	Reject
	515.14	KCE Mangahao Ltd	Oppose	Reject

	518.06	Transpower New Zealand Ltd	In-Part	Reject
99.23		Transpower New Zealand		Accept In-Part
99.26		Transpower New Zealand Ltd		Accept
80.17		Todd Energy Ltd		Accept
99.28		Transpower New Zealand Ltd		Accept In-Part
41.19		Powerco		Accept
41.40		Powerco		Accept
99.34		Transpower New Zealand Ltd		Accept
25.08		Michael White		Accept In-Part
	525.24	Maurice & Sophie Campbell	Support	Accept In-Part
41.41		Powerco		Accept
98.46		Horticulture NZ		Reject
	514.15	Todd Energy Ltd	Oppose	Accept
	515.15	KCE Mangahao Ltd	Oppose	Accept
	516.23	Federated Farmers of New Zealand	Support	Reject
	518.12	Transpower New Zealand Ltd	Oppose	Accept
99.35		Transpower New Zealand Ltd		Reject
	517.36	Horticulture NZ	Oppose	Accept
78.13		Telecom New Zealand Ltd		Accept
79.13		Chorus New Zealand Ltd		Accept
41.42		Powerco		Accept
99.36		Transpower New Zealand Ltd		Accept
41.43		Powerco		Accept
41.44		Powerco		Accept
78.14		Telecom New Zealand Ltd		Accept
78.16		Telecom New Zealand Ltd		Accept
79.14		Chorus New Zealand Ltd		Accept
79.16		Chorus New Zealand Ltd		Accept
44.17		Genesis Power Ltd		Accept
44.18		Genesis Power Ltd		Accept
100.13		NZWEA		Accept
44.19		Genesis Power Ltd		Accept In-Part
	503.06	NZWEA	In-Part	Accept In-Part
	514.07	Todd Energy Ltd	Support	Accept In-Part
	515.07	KCE Mangahao Ltd	Support	Accept In-Part
41.45		Powerco		Accept
	512.00	Vector Gas Ltd	Support	Accept
42.00		Vector Gas Ltd		Accept In-Part
80.19		Todd Energy Ltd		Accept

	514.09	Todd Energy Ltd	In-Part	Accept
	515.09	KCE Mangahao Ltd	In-Part	Accept
92.19		KCE Mangahao Ltd		Accept
	514.10	Todd Energy	In-Part	Accept
	515.10	KCE Mangahao Ltd	In-Part	Accept
99.37		Transpower New Zealand Ltd		Accept In-Part
91.06		HDC (Community Assets Department)		Accept
	511.14	HDC (Community Assets Department)	In-Part	Reject
	526.07	Truebridge Associates Ltd	Oppose	Reject
98.47		Horticulture NZ		Reject
96.38		Federated Farmers of New Zealand		Reject
	506.22	Ernslaw One Ltd	Support	Reject
	507.11	Chorus	Oppose	Accept
	508.11	Telecom	Oppose	Accept
	514.12	Todd Energy Ltd	Oppose	Accept
	515.12	KCE Mangahao Ltd	Oppose	Accept
	518.13	Transpower New Zealand Ltd	Oppose	Accept
78.17		Telecom New Zealand Ltd		Accept
79.17		Chorus New Zealand Ltd		Accept
78.18		Telecom New Zealand Ltd		Accept In-Part
79.18		Chorus New Zealand Ltd		Accept In-Part
100.14		NZWEA		Accept In-Part
	501.16	Genesis Power Ltd	Support	Accept In-Part
	516.24	Federated Farmers Of New Zealand	In-Part	Accept In-Part
	527.12	Director General of Conservation (DoC)	Oppose	Accept In-Part
	528.27	Horizons Regional Council	Oppose	Accept In-Part
100.15		NZWEA		Accept In-Part
44.15		Genesis Power Ltd		Accept In-Part
44.16		Genesis Power Ltd		Reject
	514.07	Todd Energy Ltd	Support	Reject
78.12		Telecom New Zealand Ltd		Reject
79.12		Chorus New Zealand Ltd		Reject
80.18		Todd Energy Ltd		Accept In-Part
81.18		KCE Mangahao Ltd		Accept In-Part
41.49		Powerco		Accept In-Part
42.02		Vector Gas Ltd		Accept In-Part
	501.18	Genesis Power Ltd	In-Part	Accept In-Part
44.23		Genesis Power Ltd		Accept
99.43		Transpower New Zealand Ltd		Reject

99.44		Transpower New Zealand Ltd		Accept In-Part
44.25	514.08	Genesis Power Ltd		Reject
	515.08	Todd Energy Ltd	Support	Reject
		KCE Mangahao Ltd	Support	Reject
44.26	527.03	Genesis Power Ltd		Accept In-Part
		DoC	Oppose	Accept In-Part
44.27		Genesis Power Ltd		Accept In-Part
100.17	527.13	NZWEA		Accept In-Part
		DoC	Oppose	Accept In-Part
100.18		NZWEA		Accept
41.50		Powerco		Accept
100.19		NZWEA		Reject
100.20	501.17	NZWEA		Accept In-Part
		Genesis Power Ltd	Support	Accept In-Part
99.06	516.27	Transpower New Zealand Ltd		Accept In-Part
		Federated Farmers	Oppose	Accept In-Part
99.48	516.28	Transpower New Zealand Limited		Accept In-Part
	517.41	Federated Farmers of New Zealand	Oppose	Accept In-Part
		Horticulture NZ	In-Part	Accept In-Part

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

CONTENTS

1.0 INTRODUCTION	4
ABBREVIATIONS	4
2.0 OFFICER’S REPORT	4
3.0 SUBMITTER APPEARANCES.....	5
4.0 EVALUATION	6
POLICY 2.1.20	6
POLICY 2.1.21	8
EXPLANATION AND PRINCIPAL REASONS (OBJECTIVE 2.1.1)	9
ISSUE 2.3 DISCUSSION	9
ISSUE 2.4	10
OBJECTIVE 2.4.1	10
POLICY 2.4.2	11
POLICY 2.4.3	11
EXPLANATION AND PRINCIPAL REASONS (OBJECTIVE 2.4.1)	12
METHODS FOR ISSUES AND OBJECTIVE 2.4.1	12
ISSUE 2.5	12
OBJECTIVE 2.5.1	16
POLICY 2.5.2	19
POLICY 2.5.3	20
POLICY 2.5.4	21
POLICY 2.5.5	23
POLICY 2.5.6	23
POLICY 2.5.7	24
POLICY 2.5.9	25
POLICY 2.5.10	26
POLICY 2.5.11	28
POLICY 2.5.12	29
POLICY 2.5.14	30
POLICY 2.5.15	31
POLICY 2.5.16	31
POLICY 2.5.21	32
EXPLANATION AND PRINCIPAL REASONS (OBJECTIVE 2.5.1)	33
NEW POLICY 2.5.X	35
NEW POLICIES CHAPTER 2	37
CHAPTER 2 – ANTICIPATED ENVIRONMENTAL RESULTS.....	38
CHAPTER 2 – GENERAL MATTERS	39
CHAPTER 19 – RULES - GENERAL	41
RULE 19.1 - NOTES.....	41
RULE 19.1 – LIST OF PERMITTED ACTIVITIES	41
RULE 19.1(A)(- PERMITTED ACTIVITY (PRIMARY PRODUCTION ACTIVITIES)	44
RULE 19.1(D) – PERMITTED ACTIVITY (VISITOR ACCOMMODATION)	46
RULE 19.1(G) – PERMITTED ACTIVITY (CONSTRUCTION OF BUILDINGS)	46
RULE 19.1(H) – PERMITTED ACTIVITY (EXISTING COMMUNITY FACILITIES)	46
RULE 19.1(J) – PERMITTED ACTIVITY (DEPARTMENT OF CONSERVATION LAND)	47
RULE 19.1(L) – PERMITTED ACTIVITY (SIGNS)	48
RULE 19.1(R) – PERMITTED ACTIVITY (TEMPORARY MILITARY TRAINING ACTIVITIES)	48
RULE 19.2(A) – CONTROLLED ACTIVITY (SUBDIVISION).....	48
RULE 19.2(D) – CONTROLLED ACTIVITY (RELOCATED BUILDINGS)	49
NEW RULE 19.2.X – CONTROLLED ACTIVITY (AGGREGATE EXTRACTION).....	50
RULE 19.3 – RESTRICTED DISCRETIONARY ACTIVITY	51
RULE 19.4 – DISCRETIONARY ACTIVITY (HISTORIC HERITAGE)	51
RULE 19.4.1(A) – DISCRETIONARY ACTIVITY (GENERAL)	51
RULE 19.4.2(A) – DISCRETIONARY ACTIVITY (RESIDENTIAL DWELLINGS)	52
RULE 19.4.4(A) – DISCRETIONARY ACTIVITY (COMMUNITY FACILITIES).....	55

RULE 19.5 – NON-COMPLYING ACTIVITY	55
RULE 19.6 – PERMITTED ACTIVITY CONDITIONS	56
RULE 19.6.1 PERMITTED ACTIVITY CONDITIONS (RESIDENTIAL DWELLING UNITS AND FAMILY FLATS)	59
RULE 19.6.4 – PERMITTED ACTIVITY CONDITIONS (BUILDING SETBACKS)	59
RULE 19.6.5(A), 19.8.3(B) (I) – PERMITTED ACTIVITY AND DISCRETIONARY ACTIVITY CONDITIONS (HOME OCCUPATIONS)	68
RULE 19.6.6 – PERMITTED ACTIVITY CONDITION (NOISE INSULATION)	69
RULE 19.6.7 – PERMITTED ACTIVITY CONDITION (NOISE)	69
RULE 19.6.8 – PERMITTED ACTIVITY CONDITION (VIBRATION).....	72
RULE 19.6.9 – PERMITTED ACTIVITY CONDITION (ODOUR)	73
RULE 19.6.14 – PERMITTED ACTIVITY CONDITION (TRANSMISSION LINE CORRIDOR)	74
RULE 19.6.15 – PERMITTED ACTIVITY CONDITION (PLANTING SETBACKS).....	80
RULE 19.6.16 – PERMITTED ACTIVITY CONDITION (FORESTRY AND TIMBER HARVESTING)	84
RULE 19.6.17 PERMITTED ACTIVITY CONDITION (WASTES DISPOSAL)	84
RULE 19.6.19 – PERMITTED ACTIVITY CONDITION (SURFACE WATER DISPOSAL).....	86
RULE 19.6.26 – PERMITTED ACTIVITY CONDITION (SIGNS)	87
RULE 19.6.30 – PERMITTED ACTIVITY CONDITION (TEMPORARY MILITARY TRAINING ACTIVITIES)	87
RULE 19.7.1 – CONTROLLED ACTIVITY (SUBDIVISION OF LAND)	92
RULE 19.7.6 – CONTROLLED ACTIVITY (RELOCATED BUILDINGS)	92
RULE 19.7.10 - CONTROLLED ACTIVITY (TEMPORARY MILITARY TRAINING ACTIVITIES).....	93
RULE 19.7.X – NEW CONTROLLED ACTIVITY (AGGREGATE EXTRACTION).....	94
RULE 19.8 – DISCRETIONARY ACTIVITY (AGGREGATE EXTRACTION).....	94
RULE 19.8.7 – RESTRICTED DISCRETIONARY ACTIVITY (SIGNS)	95
CHAPTER 19 – GENERAL MATTERS	95
ASSESSMENT CRITERIA – 25.2.1 GENERAL	97
ASSESSMENT CRITERIA – 25.2.2 BUILDINGS	99
ASSESSMENT CRITERIA – 25.2.4 TREE PLANTING.....	100
ASSESSMENT CRITERIA – 25.2.6 NON-PRIMARY PRODUCTION ACTIVITIES.....	102
CHAPTER 26 - DEFINITIONS	102
5.0 DECISION	106
APPENDIX A: PROPOSED PLAN AS AMENDED BY HEARING DECISIONS	107
APPENDIX B: SCHEDULE OF DECISIONS ON SUBMISSION POINTS	126
APPENDIX C: OFFICER RIGHT OF REPLY AND RESPONSE TO COMMISSIONERS QUESTIONS	144

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
---------	----------------	--------------------	---------------------

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
----------------	-----------------------	---------------------------	---------------------------

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~~ diverse 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 agrichemical 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 landscape 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 on sealed roads 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
---------	----------------	--------------------	--------------------

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</u> <u>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.	
--------	--------------	---	--

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
---------	----------------	--------------------	--------------------

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
---------	----------------	--------------------	--------------------

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 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.*

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 previously 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:

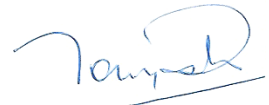
1. That pursuant to clause 10 of Schedule 1 to the Resource Management Act 1991 the Rural Environment sections of the Proposed Horowhenua District Plan be approved including the amendments set out in Appendix A to this decision.
2. That for the reasons set out in the above report submissions and further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

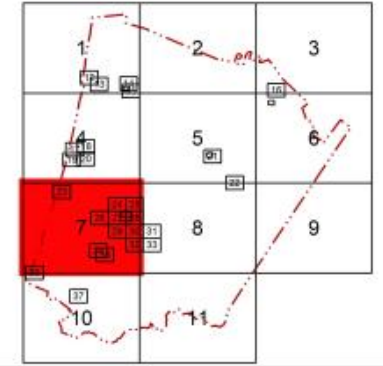
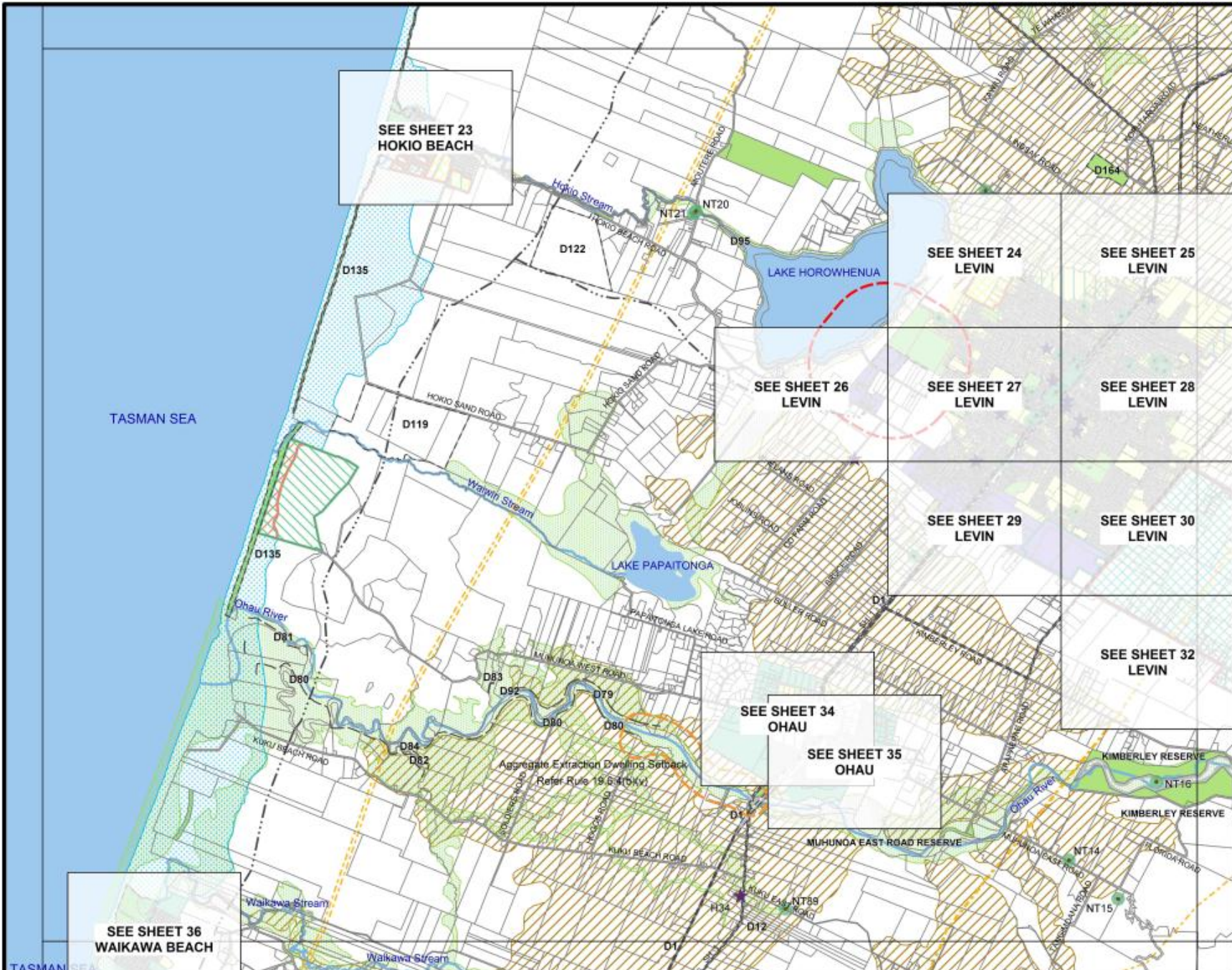
- Commercial Zone
- Industrial Zone
- Residential Zone
- Rural Zone
- Greenbelt Residential Zone
- Open Space Zone
- Residential Deferred Zone
- Greenbelt Residential Deferred Zone

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



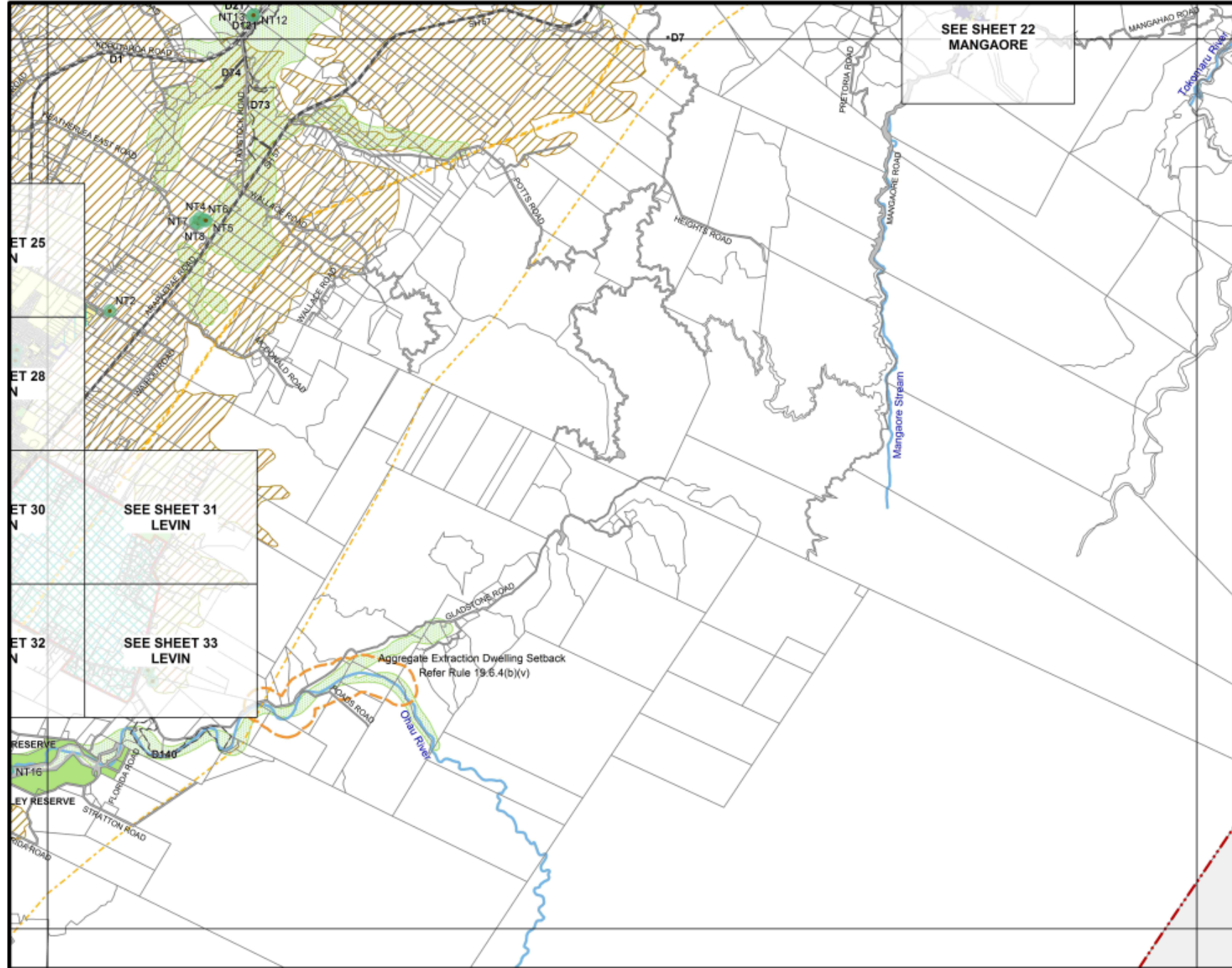
Scale 1 : 50,000

HOROWHENUA DISTRICT PLAN
RURAL

Planning Map 7

LEGEND
ZONES

- 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



SEE SHEET 22
MANGAORE

SEE SHEET 31
LEVIN

SEE SHEET 33
LEVIN



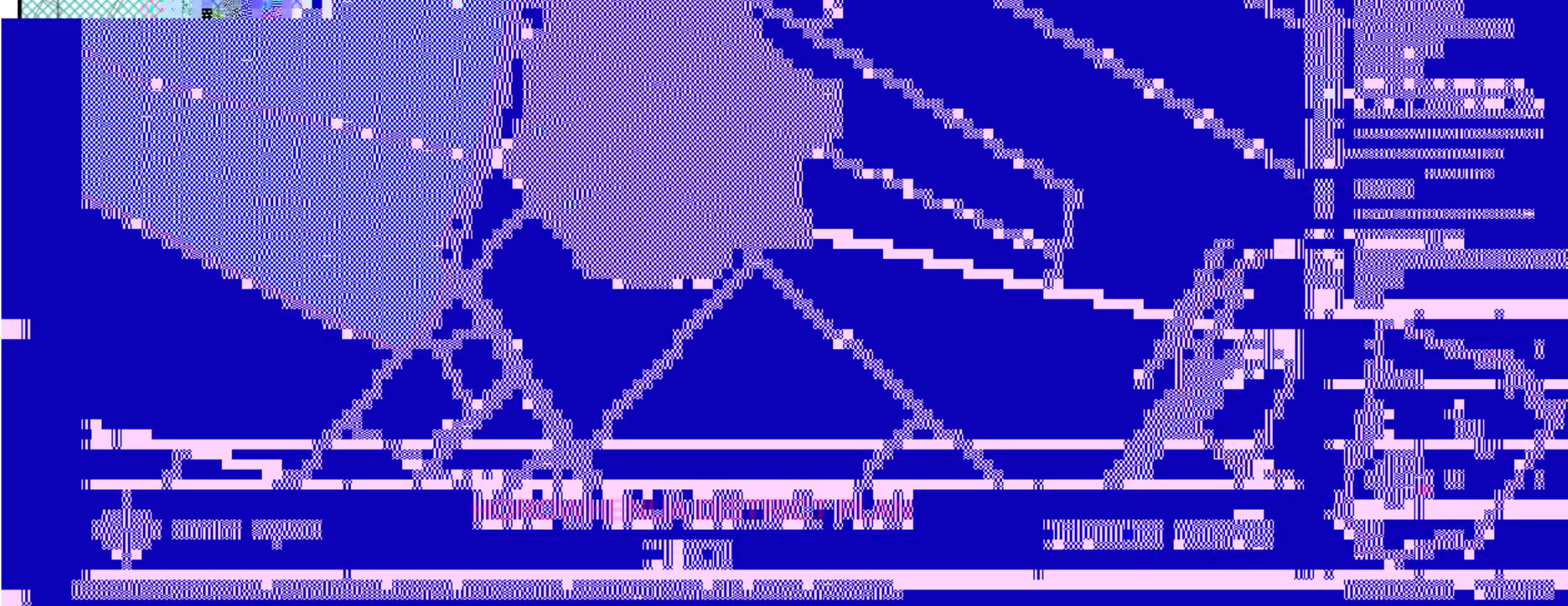
HOROWHENUA DISTRICT PLAN
RURAL

Planning Map 8



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



LEGEND
ZONES

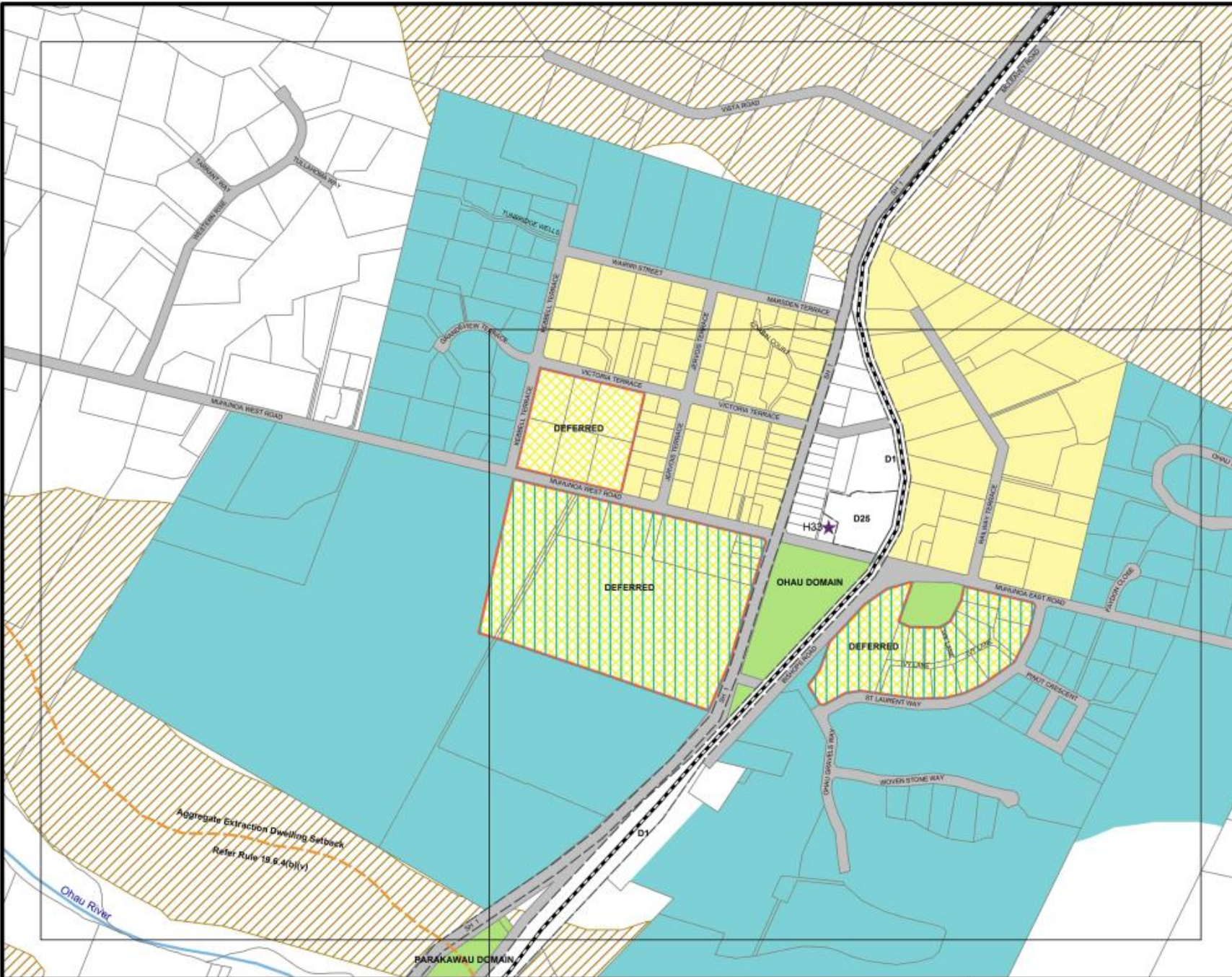
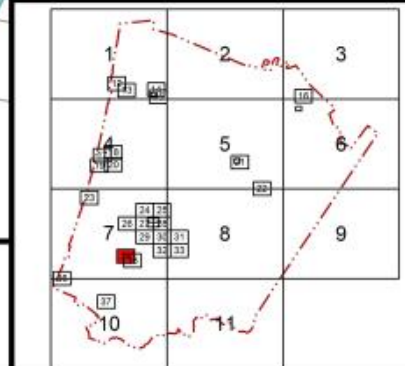
- Commercial Zone
- Industrial Zone
- Residential Zone
- Rural Zone
- Greenbelt Residential Zone
- Open Space Zone
- Residential Deferred Zone
- Greenbelt Residential Deferred Zone

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 : 7,500

HOROWHENUA DISTRICT PLAN
OHAU

Planning Map 34

LEGEND
ZONES

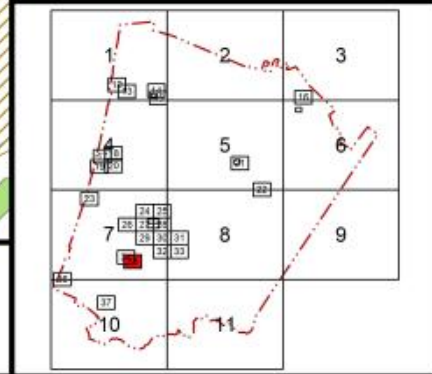
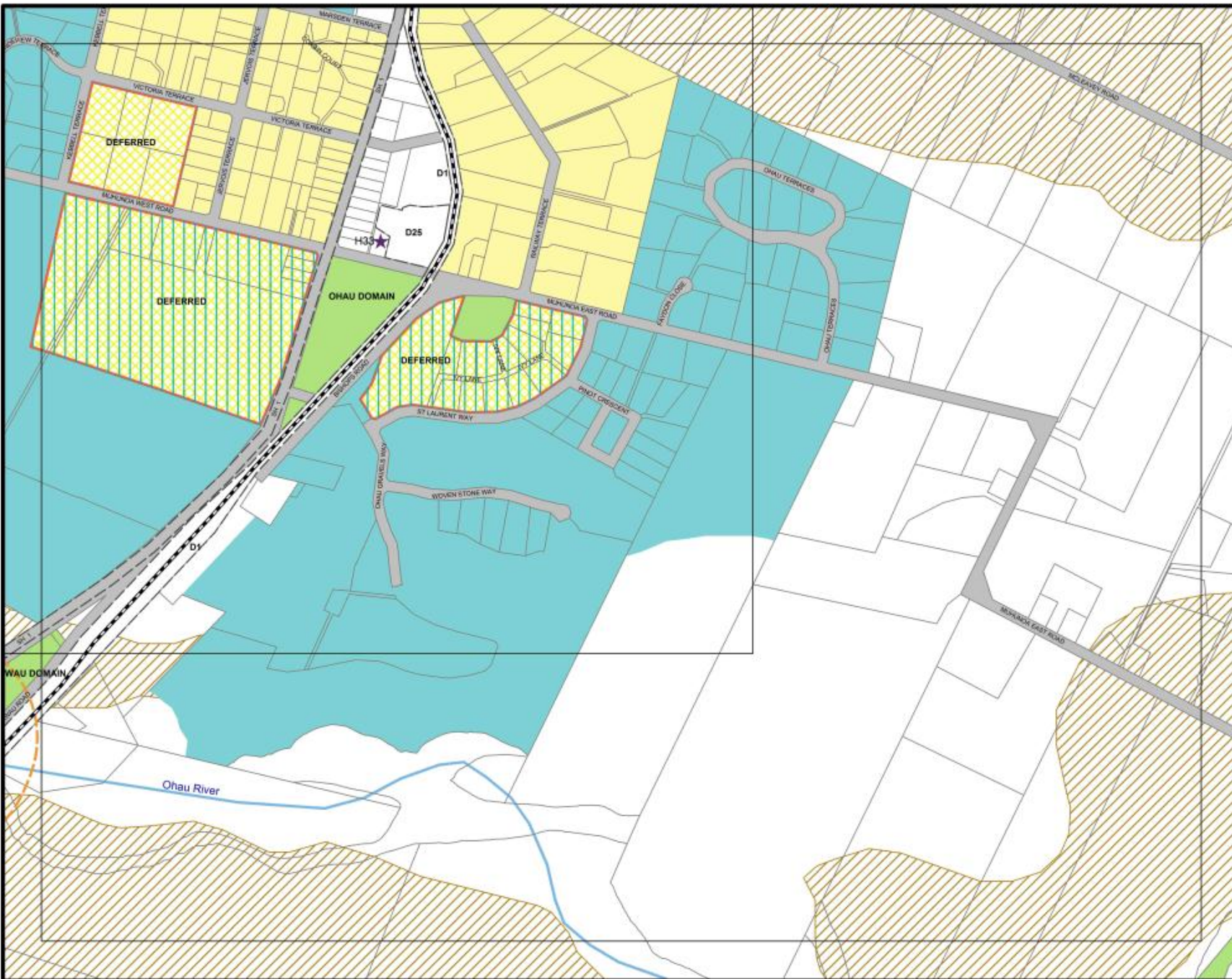
- Commercial Zone
- Industrial Zone
- Residential Zone
- Rural Zone
- Greenbelt Residential Zone
- Open Space Zone
- Residential Deferred Zone
- Greenbelt Residential Deferred Zone

OVERLAYS

- Greenbelt Residential Waitarere Rise
- Greenbelt Residential Foxton Beach North
- Strathnaver Coastal Natural Character Area
- Strathnaver Coastal Hazard Area
- Muhunua West Forest Park
- Muhunua West Forest Park Coastal Natural Character and Hazard Area
- Low Density Area
- Medium Density Area
- Large Format Retail Area
- Town Centre Heritage/Character Area
- Foxton Tourism Area
- Pedestrian Area
- Coastal Natural Character and Hazard Area
- Flood Hazard Area (1:50,000 Rural Maps Only)
- 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 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	Horticulture NZ NZ Pork Industry Board	Support	Accept Accept
	506.51	Ernslaw One Ltd	Support	Accept
	522.09	PIANZ & EPFNZ	Support	Accept
101.00		Director-General of Conservation (DoC)		Reject
65.02		Horowhenua Farmers' Ratepayer Group		Reject
66.02		Bruce & Christine Mitchell		Reject
98.09	516.02	Horticulture NZ Federated Farmers of New Zealand	Support	Reject Reject
101.01		Director-General of Conservation (DoC)		Accept
98.10		Horticulture NZ		Reject
67.05	522.06	Taiao Raukawa Environmental Resource Unit PIANZ & EPFNZ	Support	Reject Reject
32.02	528.04	NZ Pork Industry Board Horizons Regional Council	Support	Accept Accept
83.01	513.00	Hood Rayonier New Zealand Ltd	Support	Accept Accept
96.01	500.00	Federated Farmers of New Zealand NZ Pork Industry Board	Support	Accept Accept

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	500.20	PIANZ & EPFNZ NZ Pork Industry Board	Support	Accept Accept
	513.44	Rayonier New Zealand Ltd	Support	Accept
74.04	513.32	Ernslaw One Limited Rayonier New Zealand Ltd	Support	Accept Accept
96.26	506.14	Federated Farmers of New Zealand Ernslaw One Ltd	Support	Accept 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	506.37	Higgins Group Holdings Ltd Ernslaw One Ltd	Support	Accept In-Part Accept In-Part
99.32	517.23	Transpower New Zealand Ltd Horticulture NZ	In-Part	Accept Accept In-Part
117.23		New Zealand Historic Places Trust (NZHPT)		Accept In-Part
96.30	506.16	Federated Farmers of New Zealand Ernslaw One Ltd	Support	Reject 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	Ernslaw 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	Ernslaw 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	517.08	NZ Pork Industry Board	Oppose	Reject
	522.04	Horticulture NZ		Accept
		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
--	--------	--------------------------	--------	--------

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.

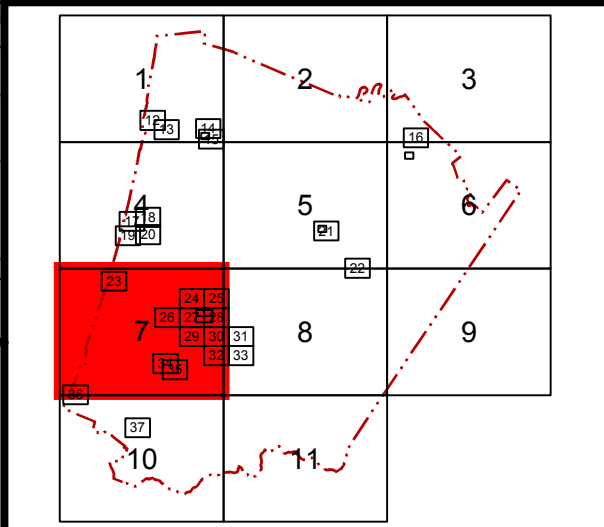
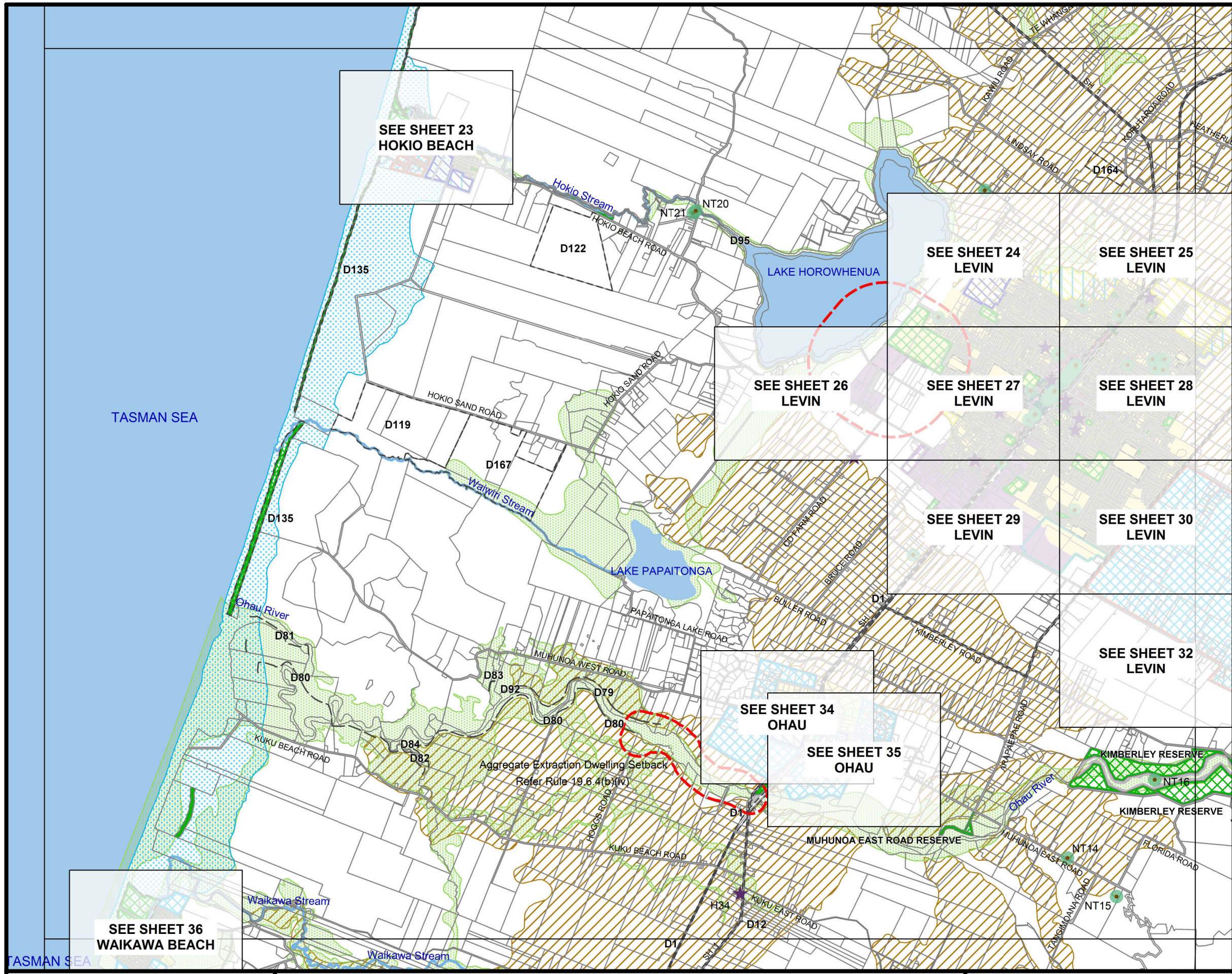
Response prepared by Hamish Wesley and David McCorkindale

Dated 28th May 2013

Appendix 1 – Gravel Extraction Buffer Aerial Photographs and Amended Planning Maps

LEGEND
ZONES

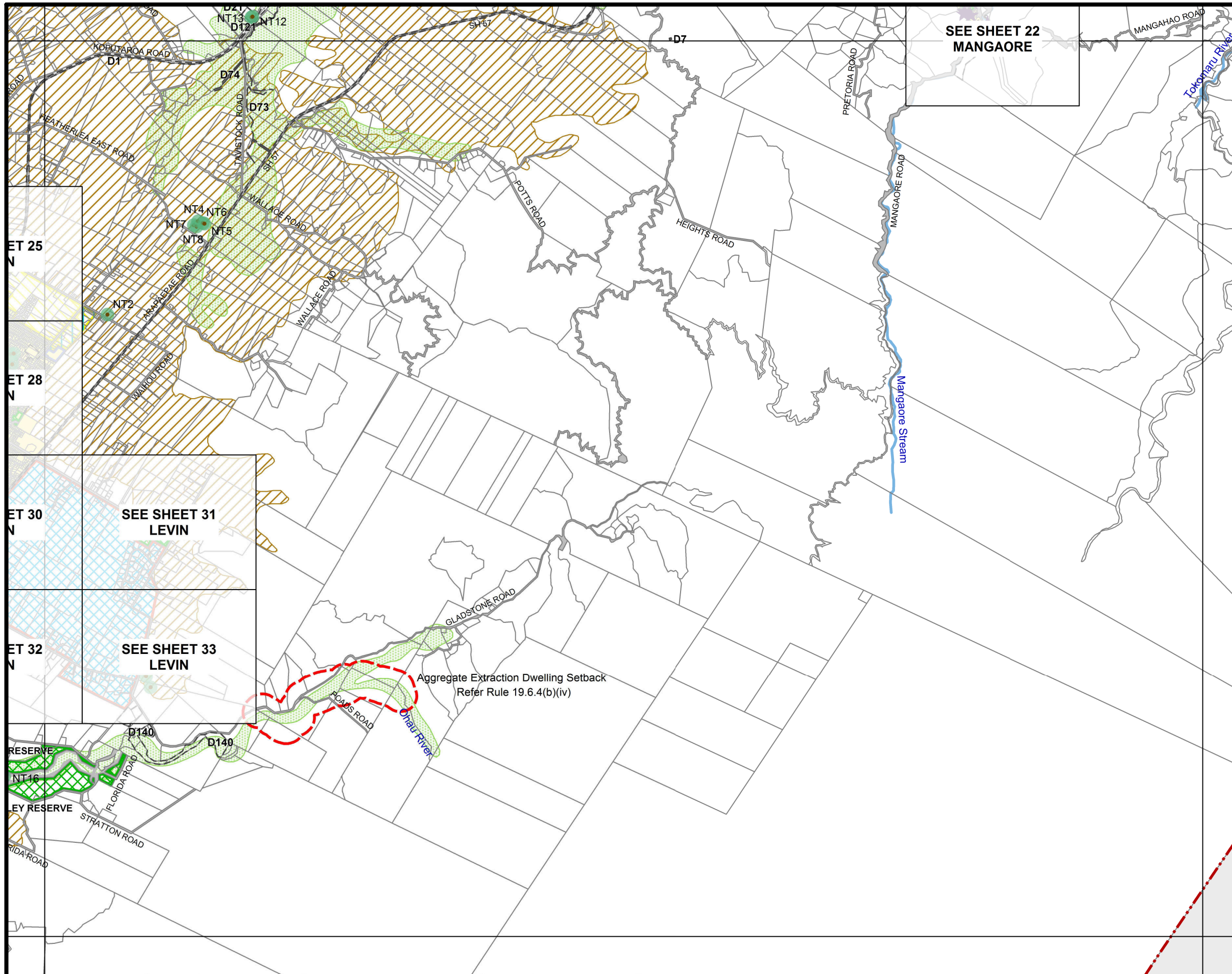
- Commercial Zone
 - Industrial Zone
 - Residential Zone
 - Rural Zone
 - Proposed Commercial Zone
 - Proposed Greenbelt Residential Zone (part of PC 21)
 - Proposed Greenbelt Residential Deferred Zone (part of PC 21)
 - Proposed Industrial Zone
 - Proposed Open Space Zone
 - Proposed Residential Zone
 - 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



SEE SHEET 22
MANGAORE

LEGEND

ZONES

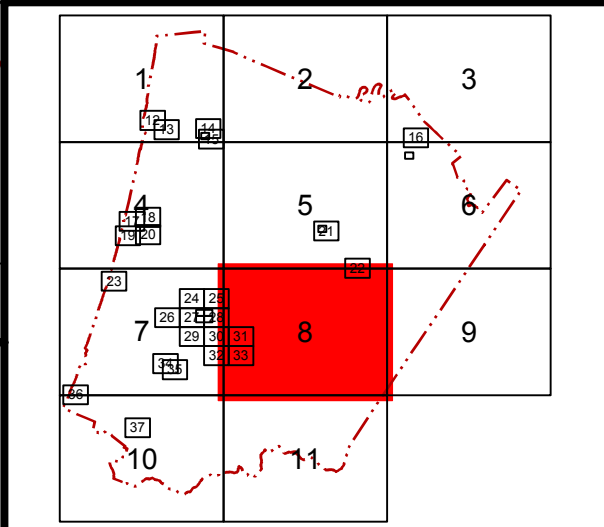
- Commercial Zone
- Industrial Zone
- Residential Zone
- Rural Zone
- Proposed Commercial Zone
- Proposed Greenbelt Residential Zone (part of PC 21)
- Proposed Greenbelt Residential Deferred Zone (part of PC 21)
- Proposed Industrial Zone
- Proposed Open Space Zone
- Proposed Residential Zone
- Proposed 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 Foxton 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 8

LEGEND
ZONES

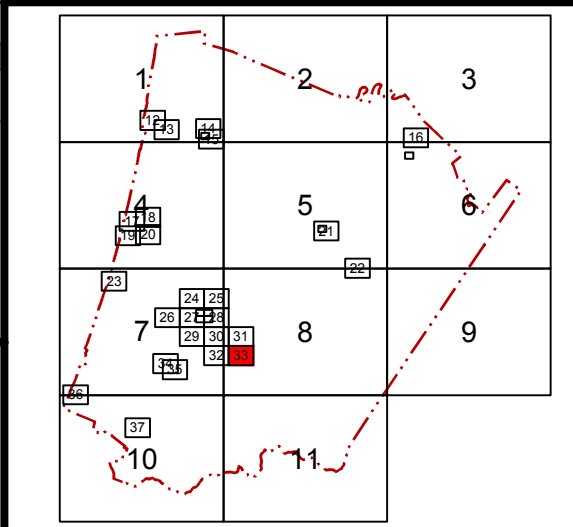
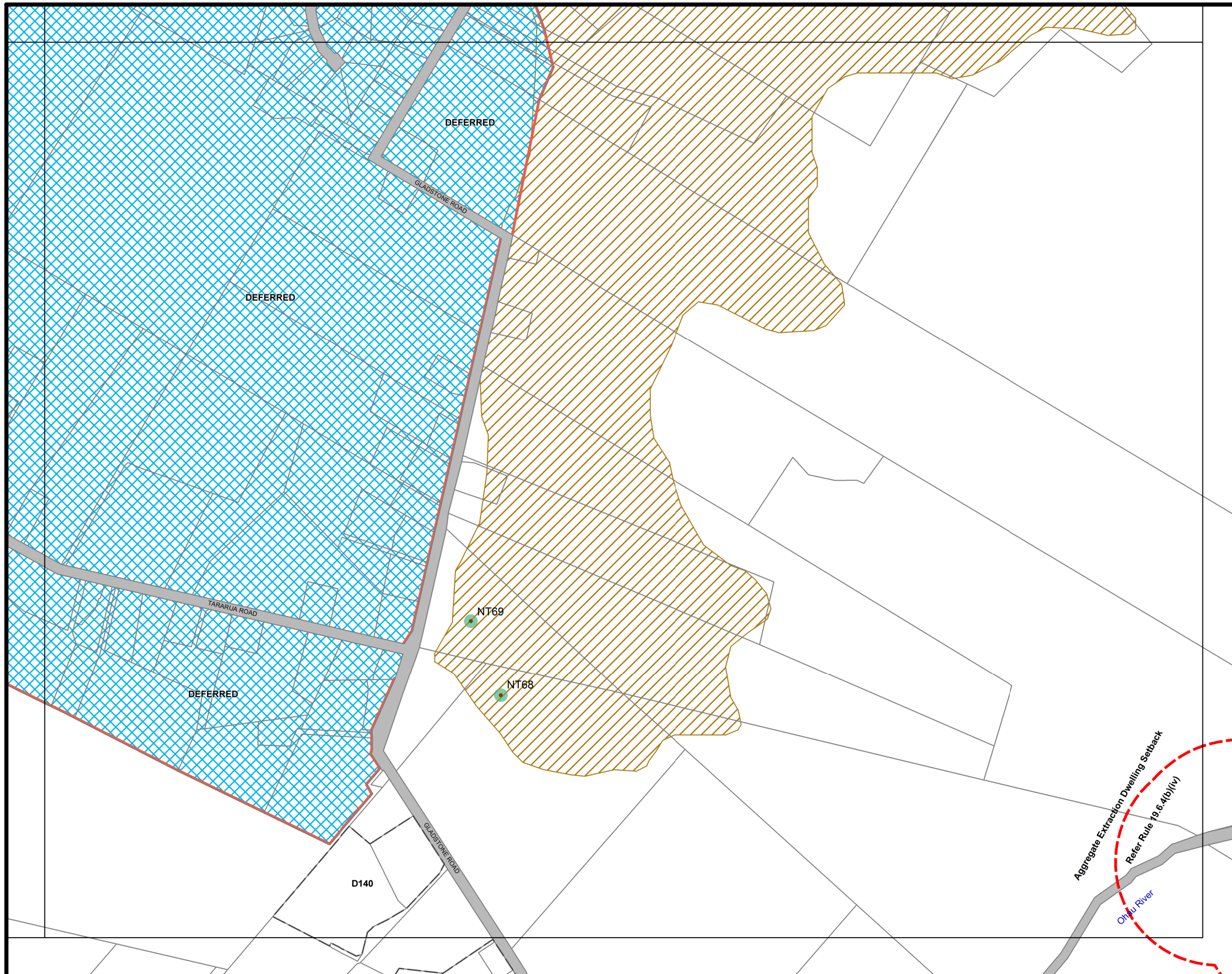
- Commercial Zone
- Industrial Zone
- Residential Zone
- Rural Zone
- Proposed Commercial Zone
- Proposed Greenbelt Residential Zone (part of PC 21)
- Proposed Greenbelt Residential Deferred Zone (part of PC 21)
- Proposed Industrial Zone
- Proposed Open Space Zone
- Proposed Residential Zone
- Proposed 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 Foxton 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 : 7,500

PROPOSED HOROWHENUA DISTRICT PLAN
LEVIN

Planning Map 33

LEGEND
ZONES

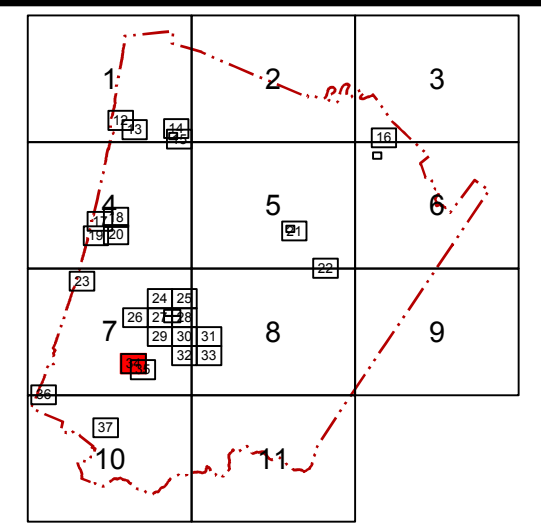
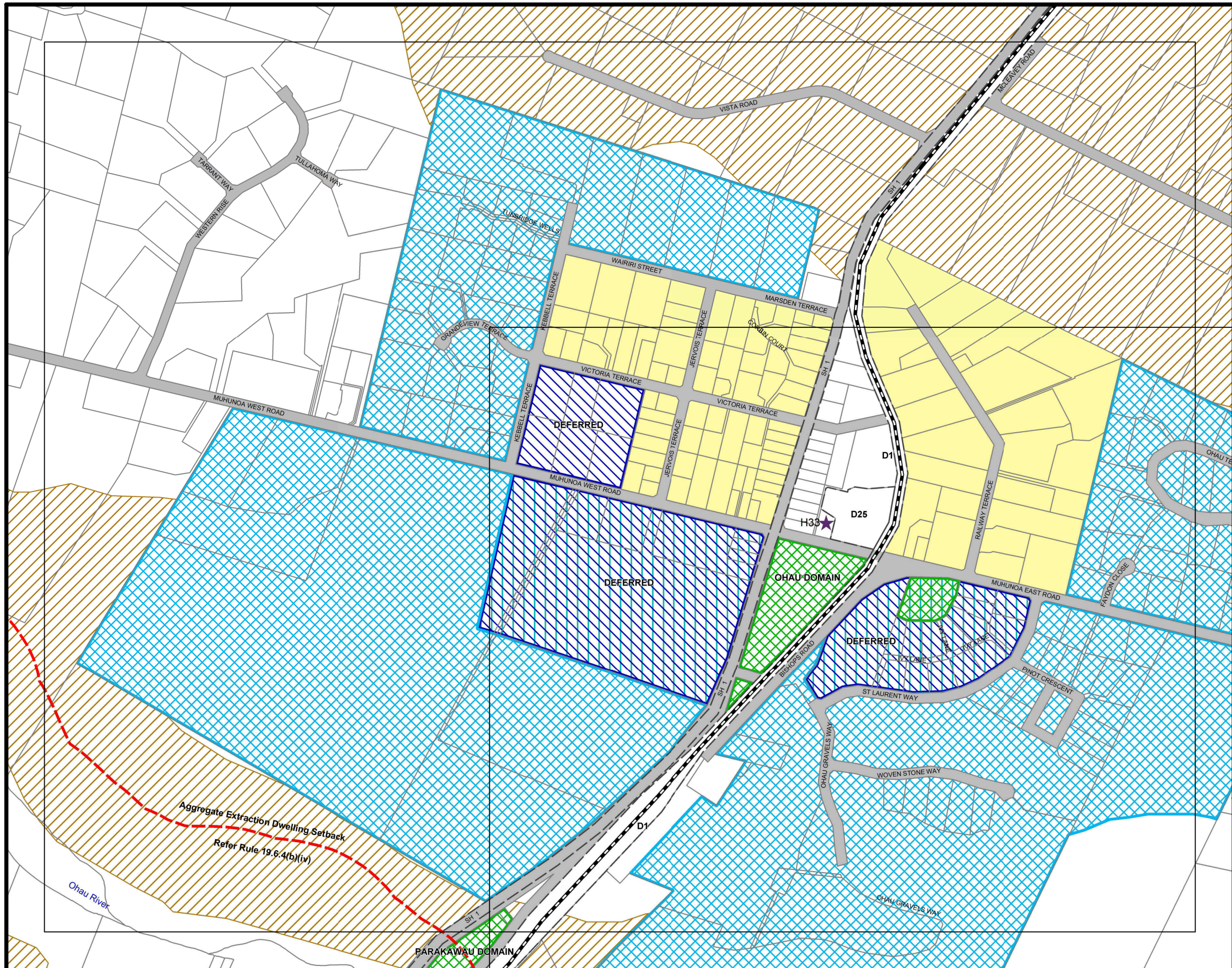
- Commercial Zone
- Industrial Zone
- Residential Zone
- Rural Zone
- Proposed Commercial Zone
- Proposed Greenbelt Residential Zone (part of PC 21)
- Proposed Greenbelt Residential Deferred Zone (part of PC 21)
- Proposed Industrial Zone
- Proposed Open Space Zone
- Proposed Residential Zone
- Proposed 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 Foxton 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 : 7,500

PROPOSED HOROWHENUA DISTRICT PLAN
OHAU

Planning Map 34

LEGEND
ZONES

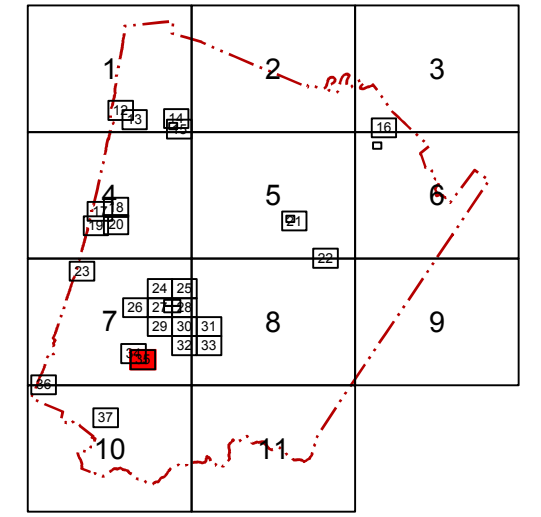
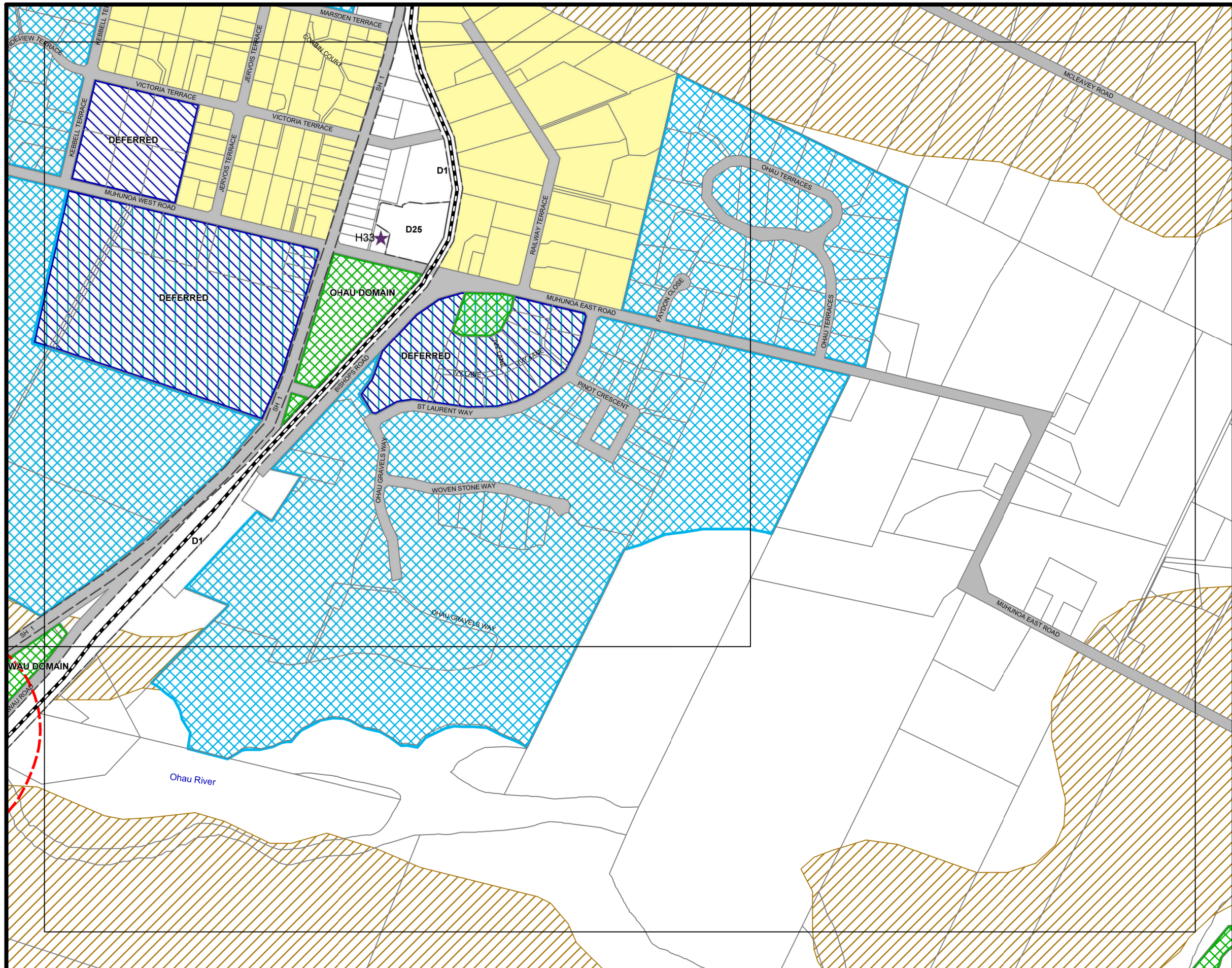
- Commercial Zone
- Industrial Zone
- Residential Zone
- Rural Zone
- Proposed Commercial Zone
- Proposed Greenbelt Residential Zone (part of PC 21)
- Proposed Greenbelt Residential Deferred Zone (part of PC 21)
- Proposed Industrial Zone
- Proposed Open Space Zone
- Proposed Residential Zone
- Proposed 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 : 7,500

PROPOSED HOROWHENUA DISTRICT PLAN
OHAU

Planning Map 35

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)

Chapman Tripp
t: +64 4 499 5999
f: +64 4 472 7111

10 Customhouse Quay
PO Box 993, Wellington 6140
New Zealand

www.chapmantripp.com
Auckland, Wellington,
Christchurch

**CHAPMAN
TRIPP** 

**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)

Chapman Tripp
T: +64 4 499 5999
F: +64 4 472 7111

10 Customhouse Quay
PO Box 993, Wellington 6140
New Zealand

www.chapmantripp.com
Auckland, Wellington,
Christchurch

**CHAPMAN
TRIPP** 

**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

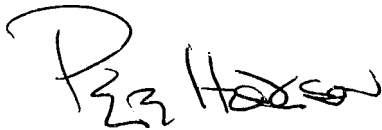
THE ELECTRICITY ACT 1992

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.

CONTENTS

	Page
INTRODUCTION	1
SECTION 1	2
SCOPE, INTERPRETATION, GLOSSARY AND GENERAL	2
1.1. SCOPE.....	2
1.2. INTERPRETATION	2
1.3. GLOSSARY OF ABBREVIATIONS USED IN THIS CODE.....	3
SECTION 2	4
MINIMUM SAFE DISTANCES FOR EXCAVATION AND CONSTRUCTION NEAR OVERHEAD ELECTRIC LINE SUPPORTS	4
2.1 GENERAL	4
2.2 EXCAVATION NEAR OVERHEAD ELECTRIC LINE SUPPORTS	4
2.3 INSTALLATION OF CONDUCTIVE FENCES NEAR OVERHEAD ELECTRIC LINE SUPPORTS	4
2.4 CONSTRUCTION OF BUILDINGS AND SIMILAR STRUCTURES NEAR OVERHEAD ELECTRIC LINE SUPPORTS	5
SECTION 3	8
SAFE DISTANCE REQUIREMENTS BETWEEN CONDUCTORS AND BUILDINGS (AND OTHER STRUCTURES)	8
3.1 GENERAL	8
3.2 PROCESS FOR ESTABLISHING SAFE DISTANCES.....	8
3.3 SAFE DISTANCES FROM CONDUCTORS WITHOUT ENGINEERING ADVICE.....	9
3.4 MINIMUM SAFE DISTANCES OF CONDUCTORS FROM BUILDINGS AND OTHER STRUCTURES WITH SPECIFIC ENGINEERING ADVICE	10
SECTION 4	12
SAFE DISTANCES OF CONDUCTORS FROM THE GROUND AND WATER	12
4.1 GENERAL	12
4.2 MINIMUM SAFE DISTANCES OF CONDUCTORS FROM THE GROUND AND POOLS.....	12
4.3 MATERIAL DEPOSITED UNDER OR NEAR OVERHEAD ELECTRIC LINES.....	12
4.4 SAFE DISTANCES OF CONDUCTORS OVER NAVIGABLE WATERWAYS AND BOAT RAMPS.....	14
4.5 SAFE DISTANCES OF CONDUCTORS OVER RAILWAY TRACKS	14
SECTION 5	15
SAFE DISTANCES FOR THE OPERATION OF MOBILE PLANT NEAR CONDUCTORS	15
5.1 GENERAL	15
5.2 MINIMUM APPROACH DISTANCE	15
5.3 WORKING ABOVE OVERHEAD ELECTRIC LINES.....	15
5.4 CONSENT FOR REDUCED MINIMUM APPROACH DISTANCES.....	15
5.5 REDUCED MINIMUM APPROACH DISTANCES FOR COMPETENT EMPLOYEES.....	16
5.6 OTHER REQUIREMENTS	16

SECTION 6	18
MINIMUM SAFE DISTANCES BETWEEN CONDUCTORS OF DIFFERENT CIRCUITS, TELECOMMUNICATION LINES AND STAY WIRES	18
6.1 GENERAL	18
6.2 CONDUCTORS OF DIFFERENT CIRCUITS ON DIFFERENT SUPPORTS (UNATTACHED CROSSINGS)	18
6.3 CONDUCTORS (SAME OR DIFFERENT CIRCUITS) ON THE SAME SUPPORT (ATTACHED CROSSINGS) INCLUDING SHARED SPANS	19
6.4 TELECOMMUNICATION LINES NEAR CONDUCTORS AND STAY WIRES	19
SECTION 7	21
DESIGN AND INSTALLATION REQUIREMENTS FOR SUPPORTS AND STAY WIRES OF OVERHEAD ELECTRIC LINES, AND CONTROL OF ACCESS	21
7.1 SUPPORTS	21
7.2 STAY WIRES	21
7.3 CONTROL OF ACCESS	21
SECTION 8	22
SAFE DISTANCES FOR THE DESIGN OF SUBSTATIONS, GENERATING STATIONS, SWITCHYARDS AND SWITCHROOMS	22
8.1 GENERAL	22
8.2 METALCLAD SWITCHGEAR	22
8.3 BARE CONDUCTORS WITHIN EARTHED ENCLOSURES.....	22
8.4 BARE CONDUCTORS IN SUBSTATIONS, SWITCHYARDS, GENERATING STATION BUILDINGS AND OTHER LOCATIONS	22
SECTION 9	23
MINIMUM SAFE APPROACH DISTANCE LIMITS FOR PERSONS WORKING NEAR EXPOSED LIVE PARTS	23
9.1 GENERAL	23
9.2 MINIMUM APPROACH DISTANCE LIMITS FOR NON COMPETENT PERSONS WORKING NEAR EXPOSED LIVE PARTS.....	23
9.3 MINIMUM SAFE APPROACH DISTANCE LIMITS FOR COMPETENT EMPLOYEES FROM EXPOSED LIVE PARTS	24
SECTION 10	25
REQUIREMENTS FOR INSPECTION AND RECORDS	25
10.1 INSPECTION.....	25
10.2 RECORDS	25

TABLES

TABLE 1	MINIMUM SAFE DISTANCES BETWEEN BUILDINGS AND OVERHEAD ELECTRIC LINE SUPPORT STRUCTURES	5
TABLE 2	SAFE DISTANCES FROM CONDUCTORS WITHOUT ENGINEERING ADVICE	9
TABLE 3	MINIMUM SAFE DISTANCES OF CONDUCTORS FROM BUILDINGS AND OTHER STRUCTURES WHERE SPECIFIC CALCULATION OF CONDUCTOR MOVEMENT HAS BEEN CARRIED OUT	11
TABLE 4	MINIMUM SAFE DISTANCES OF CONDUCTORS FROM THE GROUND ..	13
TABLE 5	MINIMUM DISTANCES VERTICALLY ABOVE RAILWAY TRACKS	14
TABLE 6	REDUCED MINIMUM APPROACH DISTANCES <i>(where written consent has been obtained)</i>	16
TABLE 7	MINIMUM VERTICAL DISTANCES BETWEEN CONDUCTORS <i>(unattached crossings)</i>	18
TABLE 8	MINIMUM SAFE DISTANCES BETWEEN CONDUCTORS <i>(attached crossings)</i>	19
TABLE 9	MINIMUM SAFE APPROACH DISTANCE LIMITS FOR PERSONS FROM EXPOSED LIVE PARTS <i>(Where consent from the owner of the live parts has been obtained)</i>	23
TABLE 10	MINIMUM SAFE APPROACH DISTANCE LIMITS FOR COMPETENT EMPLOYEES FROM EXPOSED LIVE PARTS	24

FIGURES

FIGURE 1	MINIMUM SAFE DISTANCES FOR EXCAVATION AND CONSTRUCTION NEAR POLES OR STAY WIRES	6
FIGURE 2	MINIMUM SAFE DISTANCES FOR EXCAVATION AND CONSTRUCTION NEAR TOWERS	7
FIGURES 3 AND 4	BUILDING ELEVATION AND BALCONY SECTION.....	10
FIGURE 5	MINIMUM SAFE DISTANCES FOR THE OPERATION OF MOBILE PLANT NEAR CONDUCTORS	17
FIGURE 6	MEASUREMENT OF MINIMUM SAFE APPROACH DISTANCES	24

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

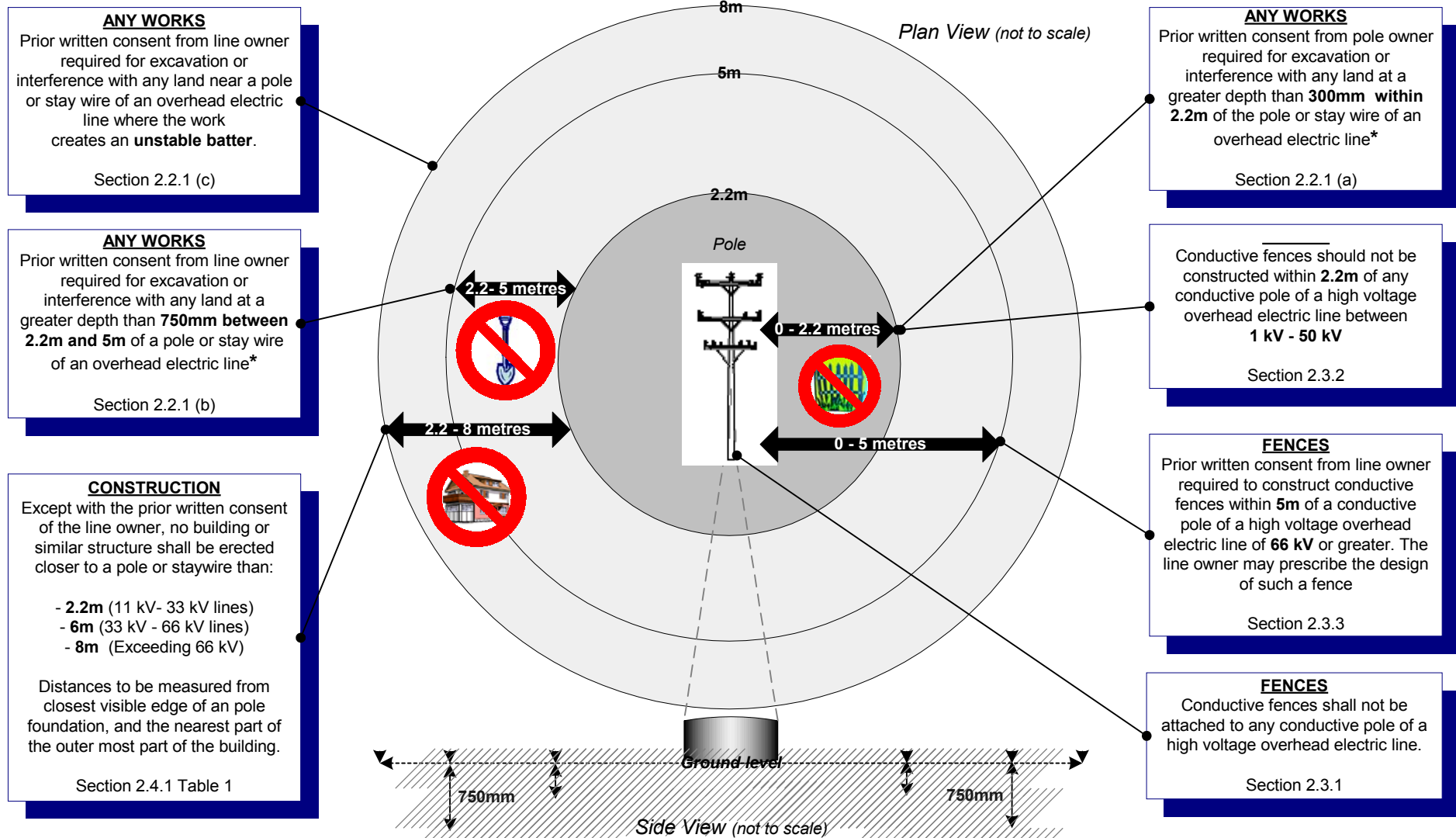
- 2.4.1 Except with the prior written consent of the overhead electric line owner, no building or similar structure shall be erected closer to a high voltage overhead electric line support structure than the distances specified in Table 1. The distances in Table 1 are to be measured from the closest 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.

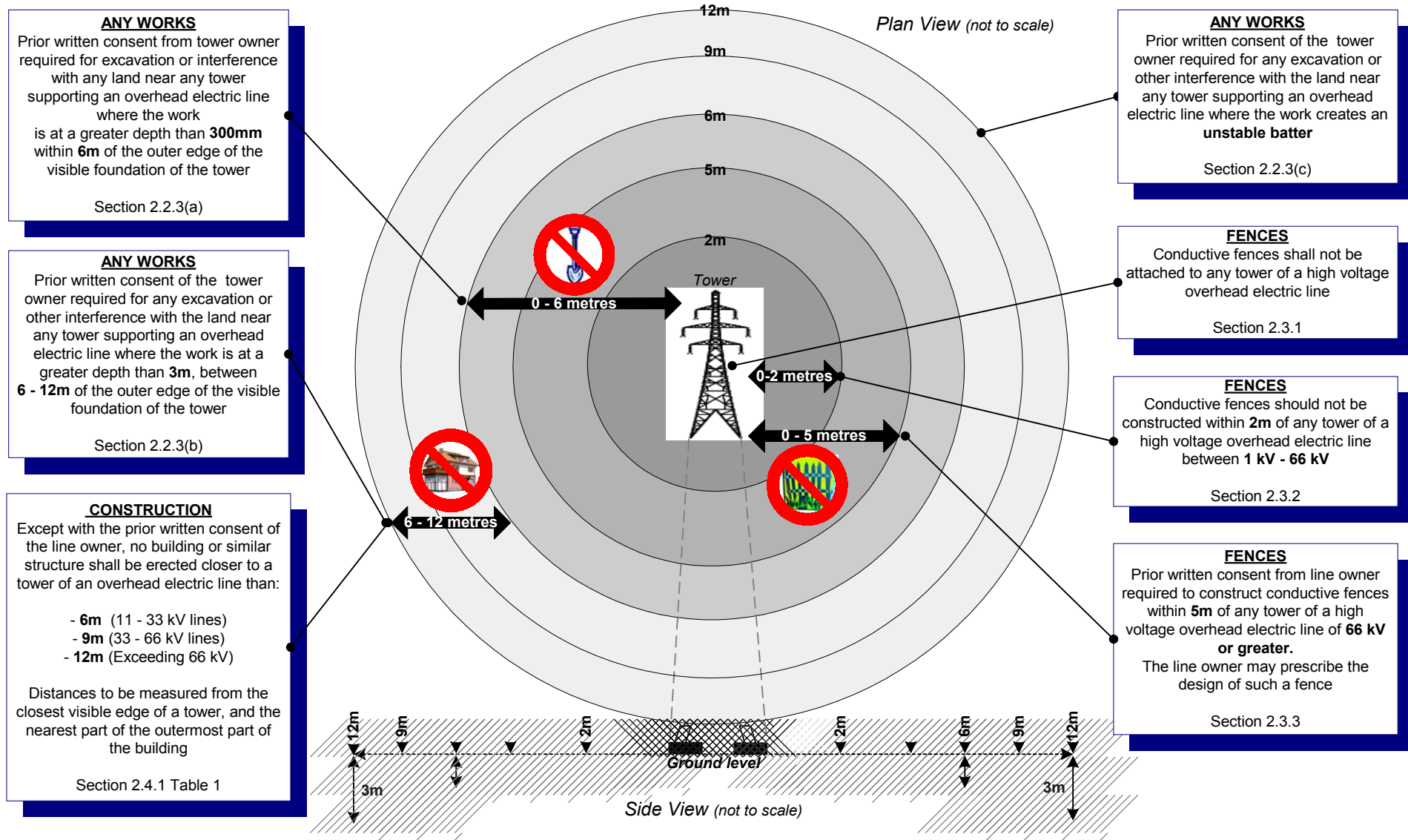
FIGURE 1 MINIMUM SAFE DISTANCES FOR EXCAVATION AND CONSTRUCTION NEAR POLES OR STAY WIRES



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

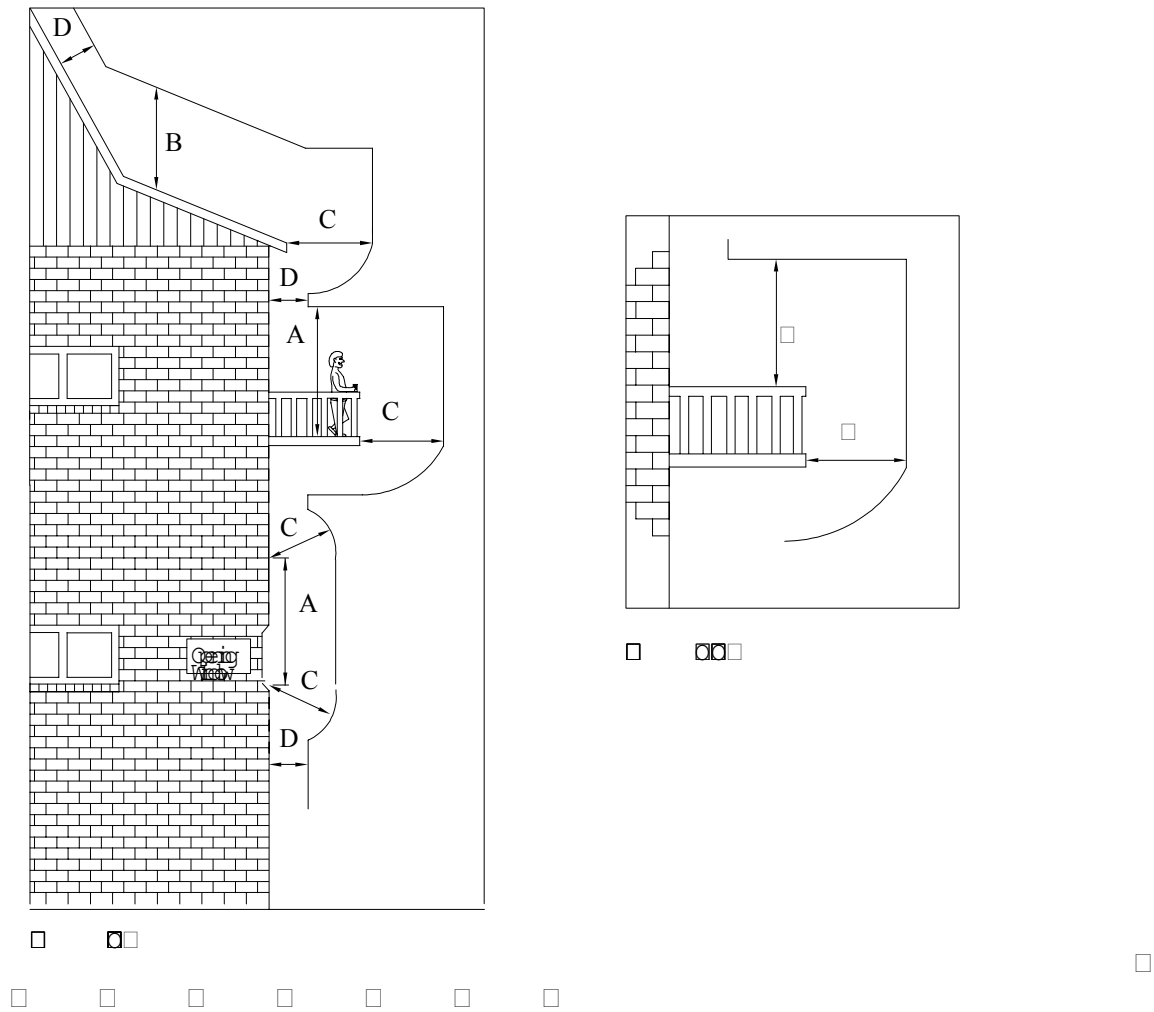


TABLE 3 MINIMUM SAFE DISTANCES OF CONDUCTORS FROM BUILDINGS AND OTHER STRUCTURES WHERE SPECIFIC CALCULATION OF CONDUCTOR MOVEMENT HAS BEEN CARRIED OUT

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

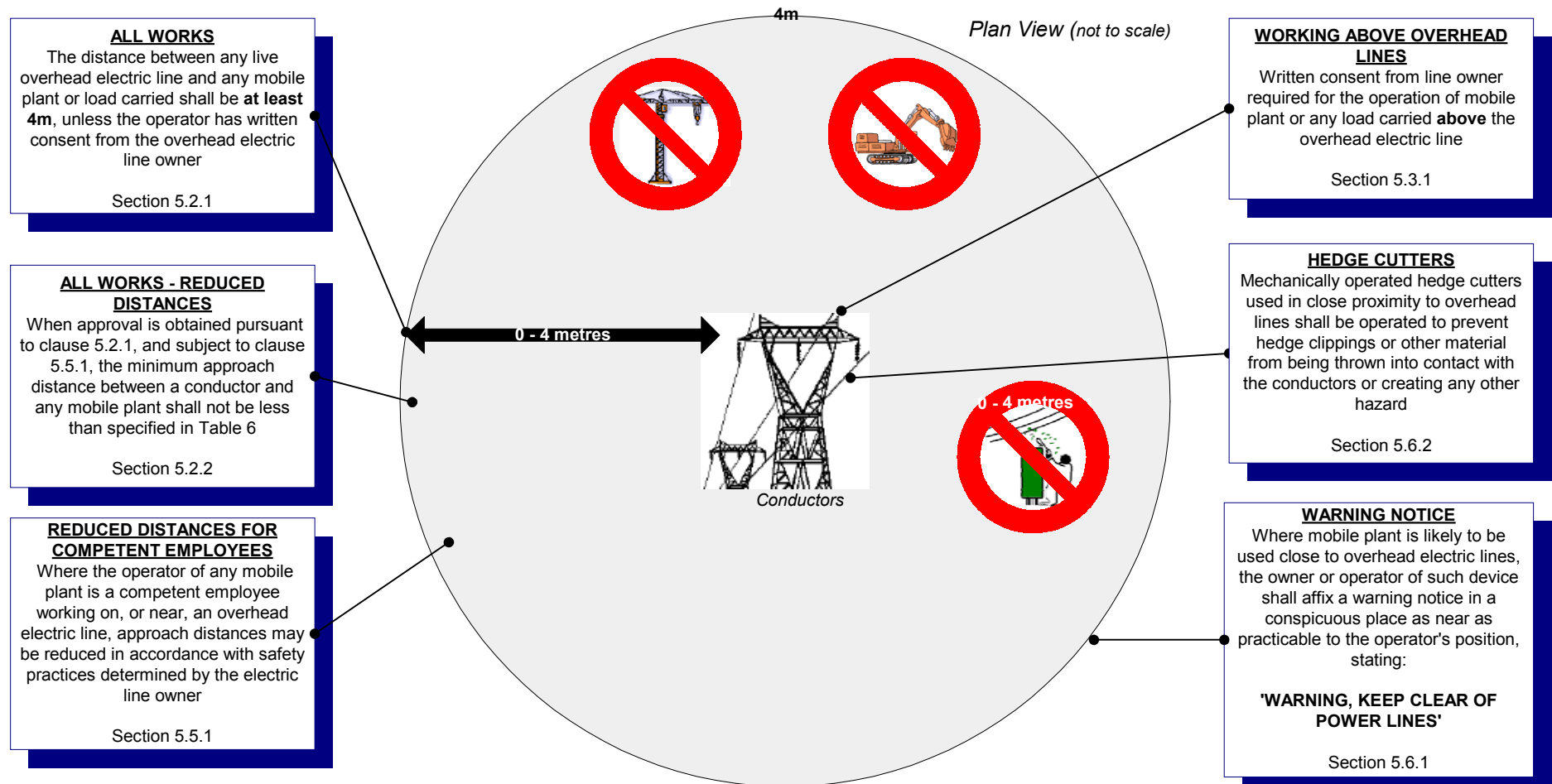
5.5 REDUCED MINIMUM APPROACH DISTANCES FOR COMPETENT EMPLOYEES

- 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

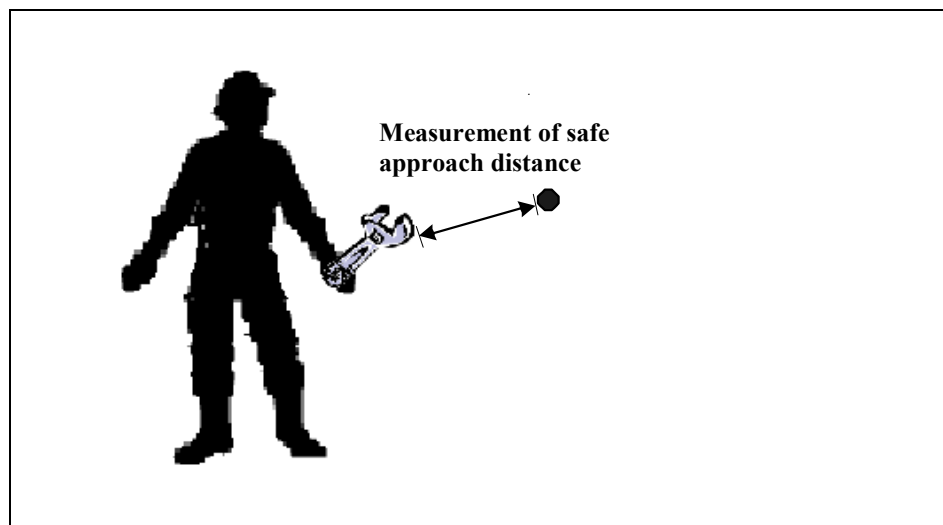
9.3 MINIMUM SAFE APPROACH DISTANCE LIMITS FOR COMPETENT EMPLOYEES FROM EXPOSED LIVE PARTS

- 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).

RESOURCE MANAGEMENT ACT 1991

PROPOSED HOROWHENUA DISTRICT PLAN

HEARING OF SUBMISSIONS

DECISION OF HEARING PANEL

TOPIC: Report on District Plan
General Part 2 (Definitions)

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

HEARING DATE: 20th & 21st May 2013

CONTENTS

	Page
1.0 INTRODUCTION	3
Abbreviations	3
2.0 OFFICER'S REPORT	3
3.0 SUBMITTER APPEARANCES	4
4.0 EVALUATION	4
Abbreviations	4
Definition - 'Building'	5
Definition - 'Bund'	6
Definition - 'Development'	7
Definitions - 'Earthworks'/'Aggregate Extraction'	8
Definition - 'Family Flat'	11
Definition - 'Hazardous Substances'	12
Definition - 'Noise Sensitive Activity'	12
Definition - 'Official Sign'	12
Definition - 'Open Space'	13
Definition - 'Plantation Forestry'	15
Definition - 'Relocated Building'	15
Definition - 'Sensitive Activities'	16
Definitions - 'Site'/'Notional Boundary'	17
Definitions - 'Temporary Military Training Activity' and 'Temporary Activity'	18
Definition - 'Vehicle Service Station'	19
New Definition - 'Reverse Sensitivity'	19
New Definition - 'Supermarket'	20
New Definition - 'Wastes'	21
5.0 DECISION	21
APPENDIX A: Proposed Plan as amended by Hearing Decision	22
APPENDIX B: Schedule of Decisions on Submission Points	27

1.0 INTRODUCTION

- 1.1 We were appointed by the Horowhenua District Council to consider submissions on the Proposed District Plan relating to General Part 2 – Definitions.
- 1.2 A hearing into the submissions received on General Part 2 - Definitions was held on the 20 and 21 May 2013. The hearing was closed on the 13 September 2013. The hearing also heard submissions in relation to General Part 3 (Assessment Matters, General Provisions, General & Miscellaneous Matters) and General Part 4 (Planning Maps). The decisions on these topics have been issued separately and have not been addressed in this decision.

Abbreviations

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

Chorus	Chorus New Zealand Ltd
CPTED	Crime Prevention through Environmental Design
DoC	Department of Conservation
Ernslaw One	Ernslaw One Limited
Federated Farmers	Federated Farmers of New Zealand
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
HRC	Horizons Regional Council
KiwiRail	KiwiRail Holdings Ltd
NPS	National Policy Statement
NZDF	New Zealand Defence Force
NZ Pork	The New Zealand Pork Industry Board
Officer's report	Report evaluating the submissions prepared by Ms. Lynette Baish for our assistance under s42A(1) of the RMA
ONFL	Outstanding Natural Features and Landscapes
Proposed Plan	Proposed Horowhenua District Plan
Rayonier	Rayonier New Zealand Ltd
S42a	Section 42a Resource Management Act 1991
Telecom	Telecom New Zealand Ltd
The Act	Resource Management Act 1991
Transpower	Transpower New Zealand Ltd

2.0 OFFICER'S REPORT

- 2.1 We were provided with and had reviewed the Officer's report prepared by Horowhenua District Council Resource Management Planner Lynette Baish pursuant to s42A of the Act prior to the hearing commencing.
- 2.2 In her report Ms. Baish informed us that her report focused on General Matters: Definitions (Chapter 26) and associated provisions throughout the Proposed Horowhenua District Plan. She set out that the relevant provisions within the Proposed Plan are contained within Chapter 26 General Provisions: Definitions, and are cited throughout all parts of the District Plan. She went onto say that some of the provisions within the Operative District Plan relating to Definitions have been the subject of a number of plan changes since the District Plan became operative (September 1999) and that new or amended definitions were incorporated into the Operative District Plan through

Plan Change 8 (Natural Features), Plan Change 10 (Home Occupations), and Plan Change 19 (Stevensons Engineering).

2.3 Ms. Baish said that a number of submissions were made in relation to Definitions (Chapter 26) and that the submission points have been evaluated through the Officer’s report, with specific recommendations for each point raised within each submission.

3.0 SUBMITTER APPEARANCES

3.1 The following submitters made an appearance at the hearing (not all of whom presented specifically in relation to the General Part 2 (Definitions) topic:

- Higgins Holdings Limited
- Horizons Regional Council
- KiwiRail
- Horticulture New Zealand
- Warwick Meyer (on behalf of the Levin Golf Club), (on behalf of HDC – Community Assets) and (personal submission)
- John West and Gary Spelman
- Viv Bold
- Christine Mitchell (on behalf Horowhenua Farmers’ Ratepayer Group and Bruce and Christine Mitchell)
- Bryce Holmes (on behalf of Homestead Group Limited)
- Peter Everton

3.2 In addition, a written submission for presentation at the hearing was received from:

- House Movers Section of the NZ Heavy Haulage Association
- Powerco
- Rayonier New Zealand Ltd
- New Zealand Historic Places Trust
- New Zealand Pork Industry Board
- Richard Tingey

4.0 EVALUATION

Abbreviations

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submissions
32.29	NZ Pork Industry Board	Add CPTED and other abbreviations used in the Plan to list of abbreviations.	

4.1 The officer's report noted there were 17 abbreviations listed at the beginning of Chapter 26, Definitions. It was not intended that this be an exhaustive list of abbreviations, and the emphasis in choosing abbreviations was to specifically identify those which are most commonly used in the Plan. The Hearings Panel resolved that it was not necessary to add an extensive list of abbreviations, and the submission point was accordingly rejected.

Definition – 'Building'

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submissions
78.15	Telecom New Zealand Ltd	Amend the definition of Building by exempting lightning rods.	
79.15	Chorus New Zealand Ltd	Amend the definition of Building by exempting lightning rods.	
98.00	Horticulture NZ	Amend Clause (g) of the definition of Building as follows: Building means any temporary or permanent or movable or immovable structure; and includes any structure intended for occupation by people or animals or machinery but does not include any of the following: (a) (g) Any pergola, <u>crop support structure</u> or <u>crop protection structure</u> or similar structure of a substantially open nature. ...	518.14 Transpower NZ Ltd – In-Part
99.45	Transpower New Zealand Ltd	Amend Clause (f) of the definition of Building as follows: (f) Any electricity poles and <u>towers</u> . pylons .	
37.03	Homestead Group Limited	Amend the definition of Building to avoid hardstand and car park areas being captured.	

4.2 Both **Telecom** and **Chorus** sought that lightning rods be excluded from the definition of "building", given that they were very small features with minimal visual impact. The officer's report generally concurred with the content of these submission points, but noted that the submissions did not quantify what might be "small". She recommended that lightning rods, provided they were less

than 2m above the height of the building or structure to which they were attached, be excluded from the definition of "building". The Hearings Panel agreed that this would be an appropriate approach, and the submission points were accepted in part.

- 4.3 **Homestead Group** sought that hardstanding and carparking be explicitly excluded from the definition of "building". The reporting officer was of the opinion that the definitions in the Plan clearly contemplated controlling structures and buildings, but not those with a minimum height of less than 2m, a similar provision found in many district plans. The Hearings Panel, while acknowledging the basis of the submitter's concerns, did not believe that hardstanding or car parking areas would be captured by the definition of building as set out in the Proposed Plan. Accordingly this submission point was rejected.
- 4.4 **Horticulture NZ** were concerned that the exclusion from the definition of "building" under subclause (g) was imprecise. It excludes *"any pergola or similar structure of a substantially open nature"*. The reporting officer agreed that the definition of "building" could exclude crop support structures, but that crop protection structures should be included in the definition. She contended that crop protection structures could include 'closed-in' buildings, such as tunnel houses, and therefore needed to be subject to the normal rules pertaining to buildings. Ms Wharfe, presenting evidence on behalf of Horticulture NZ maintained that crop protection structures are also open and vertical in nature; for example, artificial shelter belts constructed with posts and wind/shade cloth. Ms Wharfe considered that the words *"similar structures of a substantially open nature"* was too imprecise.
- 4.5 We agreed that this wording was imprecise, and did not provide adequate certainty. We think that the wording provided by Horticulture NZ goes some way to better provide for crop protection structures, while also ensuring that larger protection structures such as tunnel houses are captured by the definition of "building". To this end we resolve that the wording of the exclusion under subclause (g) should be amended to read *"Any pergola, crop support structure or vertical crop protection structure"*. On this basis, Horticulture New Zealand's submission point was accepted in part.
- 4.6 Finally, **Transpower** sought that the word "pylons" (as contained in the list of structures exempted from the definition of "building"), be replaced by the word "towers", in accordance with contemporary technical terminology. This was considered to be an appropriate amendment for this reason, and the submission point was accepted.

Definition – 'Bund'

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submissions
98.01	Horticulture NZ	Amend the definition of Bund by either: a) replace 'means' with 'includes' or b) add 'or sediment control mechanism' as follows: Bund means <u>includes</u> an embankment which may be used as a mitigation measure to limit noise effects, provide a visual screen or as a liquid containment system ... OR Bund means an embankment which may	

		be used as a mitigation measure to limit noise effects, provide a visual screen or as a liquid containment system designed to prevent the dispersal of hazardous substances from accidental on-site discharges <u>or sediment control mechanism.</u>	
--	--	--	--

4.7 In response of the submission from Horticulture New Zealand, reporting officer recommended that the word "bund" should be amended to include embankments associated with a wider range of functions, including containment of hazardous substances, or the management of sediment. Presenting on behalf of Horticulture NZ, Ms Wharfe supported the amendments recommended by the officer. The Hearings Panel agreed that this widened definition properly included additional functions which bunds were typically intended to serve. The submission point was accepted with slightly modified wording from that sought by the submitter.

Definition – ‘Development’

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submissions
98.02	Horticulture NZ	Amend the definition of Development as follows: Development means carrying out any work or ancillary activity on any land including the construction, alteration, or demolition of any building or any excavation of land or any deposit of materials on land. <u>Development means carrying out construction, alteration or demolition of any building or any excavation of land not provided as a permitted activity and excludes day to day rural production activities such as fencing, cultivation and maintenance of farm tracks, orchard activities such as planting, shelterbelt and tree removal and root ripping.</u>	516.25 Federated Farmers of New Zealand - Support

4.8 Horticulture New Zealand sought an amended definition of "development". Rather than supporting an amendment to the definition, the officer recommended instead that the definition be deleted, As it was not achieving its original purpose. Furthermore, she considered it was essentially superfluous, as the related rules concerning development were self-explanatory. In response, Ms Wharfe agreed that it would be better to rely on the rules framework than amending the existing definition. We agreed with the officer and the submitter that the definition should be deleted, as it is not necessary to provide clarity for the administration of the District Plan. We were conscious however that deleting the definition would be outside the scope of the relief sought through the

submission, albeit that this was an acceptable course of action to the submitter. However as the definition did not appear to have any regulatory effect, it was considered that its deletion could be justified in accordance with Clause s16(2) to the First Schedule to the RMA.

- 4.9 Given the position taken by the submitter in response to the officer's report, the Hearings Panel resolved that the submission point be accepted in part.

Definitions – 'Earthworks' and Request for New Definition 'Aggregate Extraction'

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submissions
98.03	Horticulture NZ	<p>Amend the definition of Earthworks by adding an exclusion as follows.</p> <p>Earthworks means any alteration to the existing natural ground level including re-shaping, re-contouring, excavation, backfilling, compaction, stripping of vegetation and top soil and depositing of clean fill.</p> <p><u>The term earthworks does not include activities such as digging post holes, cultivation and harvesting of crops, planting trees removal of trees and root ripping, burials, drilling bores, digging of pits and installations of services where these activities do not reshape or re-contour the land.</u></p>	<p>506.48 Ernslaw One Ltd – In-Part</p> <p>528.22 Horizons Regional Council –In-Part</p>
77.01	Higgins Group Holdings Ltd	<p>Amend definition of Earthworks as follows:</p> <p>Earthworks means any alteration to the existing natural ground level including re-shaping, re-contouring, excavation, backfilling, compaction, stripping of vegetation and top soil and depositing of clean fill. <u>Earthworks does not include Aggregate Extraction.</u></p>	<p>506.36 Ernslaw One Ltd - Support</p> <p>513.09 Rayonier New Zealand Ltd - Support</p>
99.46	Transpower New Zealand Ltd	<p>Retain the definition of Earthworks, subject to relief sought under Rule 19.6.14.</p>	517.39 Horticulture NZ - Oppose
66.09	Bruce & Christine	<p>Amend the definition for Earthworks to align with Federated Farmers' request</p>	

Sub No.	Submitter Name	Decision Requested	Further Submissions
	Mitchell	OR Amend the definition for earthworks to specify a threshold of 2.5 metres to allow normal farming activities such as tracking and fencelines.	
96.41	Federated Farmers of New Zealand	Amend definition of Earthworks by excluding agricultural and horticultural earthworks.	506.24 Ernslaw One Ltd - Support 506.25 Ernslaw One Ltd - In-Part 518.15 Transpower New Zealand Ltd – In-Part
65.09	Horowhenua Farmers' Ratepayer Group	Amend the definition for earthworks to align with Federated Farmers' request OR Amend the definition for earthworks to specify a threshold of 2.5 metres to allow normal farming activities such as tracking and fencelines.	518.16 Transpower New Zealand Ltd – In-Part 528.14 Horizons Regional Council –In-Part
77.00	Higgins Group Holdings Ltd	Include definition for Aggregate Extraction as follows: <u>“Aggregate Extraction means the use of land, buildings and plant for the primary purpose of extraction, winning, quarrying, excavation, taking and associated crushing and processing of mineral deposits such as, but not limited to, rock, gravel, and sand”.</u>	506.35 Ernslaw One Ltd - In-Part

4.10 **Horticulture NZ** sought that the definition of "earthworks" be amended so that 'normal' farming earthworks (day to day rural production activities including cultivation, harvesting removal of trees and root ripping) are exempted from earthwork rules. We noted that provision for earthworks in the Rural Zone formed part of Plan Change 22, and is not subject to any changes as part of the Proposed Plan. We can therefore only address the definition. However we noted in this regard that Rule 19.6.12 (as part of Plan Change 22) has two notes appended to it, the first of which excludes activities such as digging post holes, cultivation of crops, planting trees, burials, drilling bores, digging offal pits and installations of services where these activities do not reshape or recontour the land. (This note means while earthworks are controlled in specified areas, by their exclusion, they are permitted).

4.11 The officer commented that the approach to the Proposed Plan was to keep definitions succinct and provide clarity while the rules and conditions would be tailored to particular circumstances and activities. We agreed with the officer that there is a need to control farm related earthworks in certain areas and the rules are appropriate to set parameters for acceptable earthworks in terms of effects. In this regard, earthworks generally are not controlled across zones, but are controlled

where they are to be carried out in specified areas such as listed heritage sites, specified landscape domains, outstanding natural landscapes and features and flood hazard areas. Looking at the permitted activities in the Rural Zone, Primary Production Activities are permitted activities and turning to the definition of Primary Production Activities, this includes "*any agricultural, horticultural, floricultural, arboricultural, forestry or intensive farming activity but does not include mineral extraction or mineral processing or the harvesting clearance or modification of indigenous vegetation*". We considered that this includes the types of activities that the submitter is requesting be exempt from the definition of earthworks. On this basis, the Hearings Panel were of the opinion that the activities that Horticulture NZ would like specified as permitted activities are generally covered by the definition of Primary Production Activities. The rule framework then controls the types of earthworks that require specific management, and that it was not necessary or appropriate to amend the definition of earthworks. Accordingly the Hearing Panel rejected this submission point.

- 4.12 **Federated Farmers, B. and C. Mitchell and Horowhenua Farmer's Ratepayer Group** sought similar amendments that would exclude agricultural and horticultural earthworks from the definition of earthworks. Horowhenua Farmers' Ratepayer Group and the Mitchell's requested alternative changes to the definition if it was decided to not exclude agricultural and horticultural earthworks. They sought that the definition that was decided as part of Plan Change 22 be amended so that the depth and height of earthworks allowed (ie those earthworks to be excluded from the definition) be increased from 1m to 2.5m. At the hearing Ms Mitchell said that she would accept 1.5m rather than 2.5m. For the reasons outlined above in paragraph 4.11, the Hearing Panel rejected these submission points, as the matters of concern were already adequately covered under existing definitions and rules such that normal farming activities would not be "captured".
- 4.13 **Horizons Regional Council** (Ms Penelope Tucker) addressed their further submission, supporting in part the submissions of Horticulture New Zealand and Horowhenua Farmers Ratepayer Group. In her written submissions, (paragraphs 5 to 13) she sought the exclusion of farm dumps and offal pits (*resulting in an alteration to the existing ground level*) from the definition. She said that Horizons wanted to make it explicit that these were permitted activities and that the Regional Councils 'One Plan' controls them. The note referred to above (part of Plan Change 22) relates only to Specific Landscape Domains, and Horizons sought that this apply in the rural zone generally. The submitter considered that the clearest way of addressing this matter was through exclusions to the definition.
- 4.14 The officer reiterated that the approach to the definitions was to keep them succinct and avoid exclusions and rely on the rules for specificity. In addition, earthworks are permitted throughout the Rural Zone and therefore there is no need to exclude them from the definition if the relief sought by Horizons is to ensure they are permitted. We do not see that excluding these activities from the definition of earthworks achieves what Horizons are seeking. Rather, it could create confusion as to the status of these activities which, it could be argued, are also permitted as Primary Production Activities. There is also a potential difficulty with the scope of the Horizons further submission, which appears to seek relief through amendments which are well beyond the scope of the submission points that the further submitter purports to support in part. The Hearings Panel concluded that the definition of earthworks should not be changed as sought by Horizons, and the further submission was rejected.
- 4.15 **Higgins Group Limited** sought that provision be made for aggregate extraction as a specific activity rather than being included within the definition of earthworks and therefore the rules relating to earthworks. They made submissions on the Rural Zone provisions seeking new specific rules and in respect of this hearing they sought exclusion of aggregate extraction from the definition of earthworks and a new definition for aggregate extraction. The decision in relation to the main points of the submission is contained in the Rural Zone decisions, but the main points are summarised here.

- 4.16 Mr Bashford presented evidence at the hearing on behalf of Higgins. He stated that aggregate extraction is an important contributor to the economy of the district and that there are large national infrastructure projects planned that will create further demand for this activity. He considered that the nature of aggregate extraction was different from other rural based activities for three reasons:
- They are fixed to a specific location where the resource is located
 - Demand is cyclic and when in demand it has effects beyond the site that can be a problem
 - It is often perceived as an industrial activity.
- 4.17 Mr Bashford outlined that the effects of aggregate extraction are specific to that activity, and not to earthworks generally. In particular he considered that while most of potential adverse effects of aggregate extraction can be internalised within the site, noise can be an effect experienced beyond the site boundary. Specific activities such as rock crushing and screening are particularly noisy and these have implications for reverse sensitivity issues.
- 4.18 The officers initially considered that specific recognition of aggregate extraction was unnecessary, as they were of the opinion there were no unique reasons to do so. They revised their opinion after further consideration and hearing more evidence from the submitter in relation to the nature and effects of the activity. We agreed with the submitter that the nature of the activity and its potential to generate effects needed to be managed through the Plan more effectively. To this end we agreed that aggregate extraction should be provided for as a specific activity and the provision amended accordingly. The decision relating to new provisions for aggregate extraction are found in the Rural Environment decision. In respect of the submission relating to the definition of earthworks, we consider that it should exclude aggregate extraction and that a new definition for this activity be introduced. Accordingly we accepted these submission points and the submitters definition is contained in the text changes set out in Appendix A.
- 4.19 **Transpower's** support for the earthworks definition is noted, and the decision on their submission points in relation to activities permitted in within the National Grid Corridor is contained in the Rural Zone Decisions. In recognition of amendments made in response to other submissions on this definition (such as that of Higgins Group above) this submission point was accepted in part.

Definition – 'Family Flat'

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submissions
108.39	HDC (Planning Department)	Amend Family Flat definition as follows: Family Flat means any detached building which shall be capable of being a self-contained residential unit with kitchen and bathroom facilities, and shall be secondary in scale to any principal residential dwelling on the site. <u>Note: A Family Flat in the Greenbelt Residential Zone shall be no more than 50m² in maximum gross floor area (plus a covered verandah up to 10m²).</u>	

4.20 This submission sought to provide an interim floorspace limitation for family flats in the Greenbelt Residential Zone pending a later plan change or variation to address the issue comprehensively across the District Plan. In other zones a floor space limitation is contained within the specific zone rules. Although incorporating this provision within the definition is somewhat cumbersome, the relief sought was considered acceptable as an interim measure, and the submission point was accepted.

Definition – ‘Hazardous Substance’

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submissions
95.47	New Zealand Defence Force (NZDF)	Retain definitions as notified.	

4.21 The support for Definition – ‘Hazardous Substances’ from the NZ Defence Force is noted and their submission is accepted.

Definition – ‘Noise Sensitive Activity’

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submissions
55.00	KiwiRail	Retain the definition of Noise Sensitive Activities as notified.	

4.22 The support for Definition – ‘Noise Sensitivity’ from KiwiRail is noted and their submission is accepted.

Definition – ‘Official Sign’

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submissions
41.20	Powerco	Amend the definition of Official signs to encompass asset identification and health and safety signs, Or, alternatively asset identification and health and safety signs could be included within the list of permitted signs by adding “identification and/or health and safety signs associated with infrastructure” to the following zones, Residential, Industrial, Commercial, Rural and Open Space.	512.01 Vector Gas Ltd - Support

4.23 Powerco tabled evidence supporting the officer's recommendations that rather than alter the definition for "official sign", which has a specific meaning, health and safety signs should be added to the list of permitted signs. The Hearings Panel agreed with this submission point, as it provides for a type of sign that has a specific meaning while retaining the clarity of the definition for official sign. A new definition for "health and safety sign" was added as part of a separate decision by the Hearings Panel on Rural Environment as follows:

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

4.24 In respect of provision for asset identification signs, the officer recommended that these could fall within the provision for advertising signs. Powerco were in general agreement with this approach, but pointed out that there was a discrepancy between the provision for advertising signs as permitted activities, and the permitted activity conditions for signs which refers to public information signs (not advertising signs). There is also a definition for advertising signs but not public information signs. Powerco submitted that in order to provide clarity on the provision for this type of sign, reference to "public information signs" in the permitted activity conditions should be replaced with "advertising signs." We agreed that this would provide greater clarity and avoid confusion between the use of different terms. We therefore decided that the Tables 15-1, 19-1 and 20-1 be amended to replace the term public information signs with advertising signs. The Hearing Panel resolved that submission point be accepted in-part.

Definition – ‘Open Space’

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submissions
32.31	NZ Pork Industry Board	Amend as follows: Open Space means any public or private area of substantially unoccupied space or vacant land; and includes parks, reserves, playgrounds, landscaped areas, gardens, together with any ancillary seating and vehicle parking and pedestrian shelters and conveniences; but excludes any recreation facilities. It need not specifically be zoned as Open Space.	
96.43	Federated Farmers of New Zealand	Amend definition of Open Space as follows: Open Space means any public or private area of substantially unoccupied space or vacant land; and includes parks, reserves, playgrounds, landscaped areas, gardens, together with any ancillary seating and vehicle parking and pedestrian shelters and conveniences; but excludes any	502.01 Warwick Meyer– In-Part 506.27 Ernslaw One Ltd - Support

Sub No.	Submitter Name	Decision Requested	Further Submissions
		recreation facilities. It need not specifically be zoned as Open Space.	
98.05	Horticulture NZ	Amend the definition of 'Open Space' by: Open Space means any public or private area of substantially unoccupied space or vacant land; and includes parks, reserves, playgrounds, landscaped areas, gardens, together with any ancillary seating and vehicle parking and pedestrian shelters and conveniences; but excludes any recreation facilities. It need not specifically be zoned as Open Space. <u>Land used for Primary Production Activities is not included as open space.</u> OR Open Space means any public or private area of substantially unoccupied space or vacant land; and includes parks, reserves, playgrounds, landscaped areas, gardens, together with any ancillary seating and vehicle parking and pedestrian shelters and conveniences; but excludes any recreation facilities. It need not specifically be zoned as Open Space.	

4.25 **The New Zealand Pork Industry Board** were concerned at the potential implications of the definition of "Open Space" in conjunction with the operation of Rule 19.6.4(c)(iii) which requires intensive farming operations to achieve a setback of 600m from specified zone boundaries. The concern was that the wording the final sentence of the definition would imply that any intensive farming operation had to be set back 600 m from an area of "open space", whether actually zoned open space or not. However it is clear that the wording of Rule 19.6.4(c)(iii) specifically refers to (among other zones) required setbacks from the Open Space Zone. For this reason, the Hearings Panel did not consider that the interpretation of concern to the submitter would in reality arise, and accordingly the submission point was rejected. However, the broader issue of what is meant by "open space" is also addressed under the following paragraph below addressing submission points from Federated Farmers and Horticulture New Zealand.

4.26 **Federated Farmers and Horticulture NZ** were concerned that definition of "open space" in the Plan as notified, could include private farm land, and that this could lead some people to think that such land was publicly accessible. In her section 42A report, the officer commented that the definition needs to recognise that there could be provision for privately owned open space - for example, golf courses and perhaps private gardens. She considered that the list of examples in the definition was sufficient illustration that it was clear that primary production activities were not included in the definition. However we think there is some force in the submitters argument that "open space" is not well described as "*.....any public or private area of substantially unoccupied space or vacant land....*".

4.27 We concur with the officer and a further submitter (Meyer), that private land should be included

within the definition to provide for circumstances where the owners of privately owned land were supportive of Open Space Zoning, such as the Levin Golf Club facility. However we accept that the proposed wording is too open to interpretation and uncertainty as reflected by the submitters' concerns, and that it could be interpreted by some to include all open rural land. We decided that the issue is not so much about ownership, as one about correctly specifying the activities which might take place in areas of open space. We have provided a new definition that we consider is more succinct and should not be interpreted as including farmland. The Hearings Panel is of the view that this amendment, although not adopting the same wording sought in the submission, would address the substantive concerns of the submitters. This amended definition is as follows:

"Open space means any land (whether or not zoned Open Space) which is developed for recreation or amenity activities that do not take place in buildings".

On this basis, the Hearing Panel resolved that the submission points be accepted in part.

Definition – 'Plantation Forestry'

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submissions
50.06	Rayonier NZ Ltd	Delete the proposed definition of Plantation Forestry and include a replacement definition as follows: <u>Plantation forestry means the commercial production of trees for wood products and ancillary activities. Activities ancillary to plantation forestry include; establishment and planting, earthworks, infrastructure maintenance, harvesting and the minor and temporary disturbance of indigenous vegetation.</u>	506.76 Ernslaw One Ltd - Support

4.28 The submitter sought the inclusion of a range of ancillary activities to be included in the definition of "plantation forestry". The officer commented that the definition is not meant to be an exhaustive list of all associated activities. In addition, the Proposed Plan seeks to control some of the activities sought to be listed by the submitter and by including them in the definition would enable them to be permitted; for example, earthworks. Although finely balanced, the Hearings Panel concluded that the existing definition was adequate, and resolved that the submission point be rejected.

Definition – 'Relocated Building'

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submissions
40.38	House Movers Section of NZ Heavy Haulage	Amend the definition of Relocated Building.	

Sub No.	Submitter Name	Decision Requested	Further Submissions
	Association Inc.	Relocated Building means any previously used building which is transported in whole or In-Parts and re-located from its original site to a new its <u>destination</u> site; but excludes any pre-fabricated building which is delivered dismantled to a site for erection on that site.	
40.02	House Movers Section of NZ Heavy Haulage Association Inc.	Amend the Definitions section of the plan to accord with trade practice and usage so as to distinguish between the activities of removal, re-siting, and relocation of dwellings and buildings.	

4.29 House Movers presented evidence during the course of the hearings on the District Plan, but did not specifically address submission point 40.38. Mr Ashton for House Movers briefly addressed the second matter in respect of providing for “removal” but did not provide any specific rationale why the amendment sought was necessary. We consider that the definition for "relocated building" provides adequately for the process of relocation of a building from its original site to a new site, wherever in the District that may be. The Hearings Panel resolved that the submission points be rejected.

Definition – ‘Sensitive Activities’

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submissions
99.47	Transpower New Zealand Ltd	Amend the definition of Sensitive activities as follows: Sensitive Activities means any of the following activities: Residential activities Visitor accommodation Community activities Recreational facilities and activities Camping grounds Educational facilities Places of assembly Marae and papakainga housing Cafes and restaurants <u>For activities within the National Grid</u>	

Sub No.	Submitter Name	Decision Requested	Further Submissions
		<u>corridor, recreational facilities and activities are not considered “sensitive activities”.</u>	
98.06	Horticulture NZ	Amend the definition of Sensitive activities by inserting additional facilities as follows: <u>hospitals, rest homes or medical facilities.</u>	500.24 NZ Pork Industry Board - Support
110.01	W.Fraser	Amend definition for Sensitive Activities to include 'houses of prostitution' and 'liquor stores' as Sensitive Activities.	

- 4.30 At the hearing, **Transpower** did not specifically comment on their submission point 99.47 or the officers’ recommendation. This was that the rule should be amended rather than the definition, to provide clarity that recreational facilities and activities are not considered sensitive activities within the National Grid corridor. We agree with the officers’ evaluation that amending the rule rather than the definition better achieves the outcome sought by the submitter. This would be implemented by amending Rule 19.6.14(b) to exclude recreational facilities and activities from the provision for setbacks from the Transmission Line Corridor. On this basis, the Hearings Panel considers it would be appropriate that Submission point 99.47 be accepted. The amendments to Rule 19.6.14 are contained in Appendix A.
- 4.31 **Horticulture NZ** sought that the range of uses listed in the Plan as "sensitive activities" be extended to include hospitals, rest homes or medical facilities rather than relying on the generic listings in the Plan. The officer was satisfied that the generic list included the facilities and activities sought by the submitter. We accepted the submitter's argument that clarity would be best achieved through adding reference to the above activities as being ‘sensitive’ as they are often treated as such in other district plans, and the current term "community activities" was insufficient. Accordingly the Hearings Panel resolved that this submission point be accepted.
- 4.32 The submission by **W. Fraser** requested that houses of prostitution and liquor stores be listed as sensitive activities. We acknowledge the officer's explanation that "*although I agree that houses of prostitution and liquor stores are indeed the types of activities that would impact on sensitive activities, I do not consider they are sensitive activity in themselves (i.e. impacted by other activities)*". Perhaps understandably, the submitter has misinterpreted the intent of the rule. We also agree with the officer that such activities are subject to regulation under other statutes. For this reason, the Hearings Panel resolved that this submission point be rejected.

Definitions – ‘Site’ and ‘Notional Boundary’

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submissions
44.21	Genesis Power Ltd	Amend definition of Notional Boundary as follows: ...with regard to the measurement of	

Sub No.	Submitter Name	Decision Requested	Further Submissions
		noise, the legal boundary of the property <u>site</u> on which any rural dwelling is located or a line 20m from the dwelling whichever point is closer to the dwelling.	
44.20	Genesis Power Ltd	Amend definition of Site as follows: an area of land comprised wholly of <u>one (1) computer freehold register certificate of title</u> ; 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 <u>freehold</u> register.	

4.33 The officers report noted that the concept of the 'notional boundary' had been included in the Proposed Plan to deal with the regulation of noise in rural areas, this being a practical response given the intent to protect residential amenity around a dwelling on a farm, rather than having the rule applying to an entire farm. The term notional boundary is only associated with noise rules and conditions, as is typically the case with other district plans. The Hearings Panel agreed with the reporting officer that it would not be appropriate to remove reference to noise in the definition, as this was the only context in which it applied. It was however agreed that it would be appropriate, as sought by the submitter, to replace the term "property" with the term "site". The latter word is most commonly used in district plans, and is a term (unlike property) which is defined in the Proposed Plan.

4.34 It was agreed that it was appropriate to replace the term "Certificate of Title" with the term "*one computer freehold register*" as this was now the contemporary term used in terms of computerised registers relating to the ownership of land. This is the terminology adopted by LINZ following the change from paper-based Certificates of Title between 1999 and 2002. The Hearings Panel resolved that submission point 44.20 be accepted, and that submission point 44.21 be accepted in part.

Definitions – 'Temporary Military Training Activity' and 'Temporary Activity'

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submissions
95.00	New Zealand Defence Force (NZDF)	Retain definition of Temporary Military Training Activity as notified.	

Sub No.	Submitter Name	Decision Requested	Further Submissions
95.01	New Zealand Defence Force (NZDF)	Amend definition of Temporary Activity by adding a sub-clause to the exemption list as follows: ... it does not include Temporary Military Training Activities.	

4.35 The support for the definition of "Temporary Military Training Activity" by NZ Defence Force is noted and their submission point 95.00 was accepted. In relation to their submission point 95.01 relating to the wider definition of "Temporary Activity" we agree with the submitter and the reporting officer that the definition of Temporary Activities should exclude Temporary Military Training Activities, as this is already subject to a separate definition. The Hearings Panel resolved that this submission point be accepted, with the necessary wording changes set out in Appendix A.

Definition – ‘Vehicle Service Station’

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submissions
93.28	The Oil Companies	Support definition for Vehicle Service Station.	

4.36 The support for Definition – ‘Vehicle Service Station’ from The Oil Companies is noted and their submission is accepted.

Requested New Definition – ‘Reverse Sensitivity’

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submissions
32.33	NZ Pork Industry Board	Include new definition for "Reverse sensitivity" as follows: <u>Reverse sensitivity means the vulnerability of an existing lawfully established activity to complaints from new activities which are sensitive to the adverse environmental effects being generated by the existing activity, thereby creating the potential for the operation and/or expansion of the existing activity to be constrained.</u>	506.68 Ernslaw One Ltd - Support 513.05 Rayonier New Zealand Ltd - Support 516.29 Federated Farmers of New Zealand - Support 524.09 Higgins Group Holdings Ltd - Support

Sub No.	Submitter Name	Decision Requested	Further Submissions
98.07	Horticulture NZ	Include a new definition for “Reverse sensitivity” as follows: <u>“Reverse sensitivity” is the vulnerability of an existing lawfully established activity to other activities in the vicinity which are sensitive to adverse environmental effects that may be generated by such existing activity, thereby creating the potential for the operation of such existing activity to be constrained.</u>	505.17 Powerco - Support 506.50 Ernslaw One Ltd - Support 513.25 Rayonier New Zealand Ltd - Support 516.30 Federated Farmers of New Zealand - Support

4.37 The issue of reverse sensitivity was discussed at length at the Rural Environment hearing in relation to how the management of these effects are dealt with in the Plan. Specifically, DoC, NZ Pork and Horticulture NZ sought rewording of Objective 2.5.1 to clarify that the objective clearly addresses reverse sensitivity effects. The officer agreed that some rewording would clarify the objective, and the Hearings Panel dealing with the Rural Environment made specific changes to the Objective and its ‘Explanation and Reasons’ to both explain and strengthen provisions designed to protect existing activities from reverse sensitivity effects.

4.38 NZ Pork and Horticulture NZ have also submitted that there needs to be a definition of reverse sensitivity and they provided suggested wording, a position supported by the reporting officer. While we could appreciate the intention behind these submission points, we were not convinced that a definition of reverse sensitivity was in fact required. As noted above, Objective 2.5.1 and its Explanation and Reasons sets out the aims for avoiding the potential conflict between established activities and new adjacent activities, and the policies outline that separation distances and other measures will be used to manage potential effects. These are further implemented through rules where separation distances and setbacks provide protection for activities from the effects generated by a new activity. There is no mention of ‘reverse sensitivity’ in the rules and there is no need to, as the matter is already comprehensively addressed. The Hearings Panel therefore resolved that these submission points be rejected.

Requested New Definition – ‘Supermarket’

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submissions
71.11	Progressive Enterprises Ltd	Include definition for “Supermarket” as follows: <u>Supermarket means a retail shop where a comprehensive range of predominately domestic supplies and convenience goods and services are sold for consumption or use off-premise, and includes lotto shops and pharmacies located within such premises.</u>	

- 4.39 Commissioner Nixon declared a conflict of interest in respect of this submission point, and did not participate in the Hearings Panel's decision on this particular matter.
- 4.40 The officer's report noted that references to supermarkets were concentrated in the Urban Zone provisions of the Proposed Plan where they were discussed in conjunction with large format retail activities. The officer's report considered there was little contention or confusion over the scope or meaning of the term 'supermarket'. The Hearings Panel agreed with the officer's conclusion and the submission point was rejected.

Requested New Definition – 'Wastes'

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submissions
27.01	Horizons Regional Council	Include a definition for "wastes" in relation to Policy 2.5.6 and only cover areas within Council's jurisdiction.	

- 4.41 Ms Tucker presented evidence at the hearing and stated that Horizons were satisfied that the matter would be adequately addressed through the Rural Environment Hearing. As a result of decisions made by the Hearings Panel on that topic, it was decided to adopt the officers' recommendation that Rule 19.6.17 (Waste Disposal) be amended to exclude those wastes that are regulated by Horizons Proposed 'One Plan'. Accordingly submission point 27.01 seeking amendment to the definition was rejected, but as agreed with Horizons the amendment to Rule 19.6.17 meant there was no longer any need to include a definition.

5.0 DECISION

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

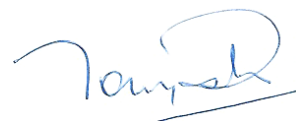
1. That pursuant to clause 10 of Schedule 1 to the Resource Management Act 1991 Part 2 General - Definitions (Chapter 26) be approved including the amendments set out in Appendix A to this decision.
2. That for the reasons set out in the above report submissions and further submissions are accepted, accepted in part or rejected as listed in Appendix B to this decision.



Robert Nixon (Chair)



Jane Black



Cr Tony Rush

Dated: 23 September 2013

APPENDIX A: Proposed Plan as amended by Hearing Decisions

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

Chapter 26: Definitions

Add a new definition 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 the definition of Building as follows:

Building means any temporary or permanent or movable or immovable structure; and includes any structure intended for occupation by people or animals or machinery but does not include any of the following:

- (a) Any fence or wall which has a height of 2 metres or less.
- (b) Any structure which has a height of 2 metres or less and having a floor area of less than 5.5m² which is located at least 1 metre from any adjoining property boundary.
- (c) Any vehicle, trailer, tent, caravan, or boat.
- (d) Any swimming pool or tank which has a height of less than 1 metre above ground.
- (e) Any part of a deck, terrace, balcony, or patio which has a height less than 1 metre above ground.
- (f) Any electricity poles and ~~pylons towers~~.
- ~~(g) Any pergola, crop support structure or vertical crop protection structure or similar structure of a substantially open nature.~~
- (h) Scaffolding or falsework erected temporarily for maintenance and construction purposes.
- (i) Lightning rods and their mountings where they do not exceed 2 metres above the building or structure to which it is attached.

Amend the definition of Bund as follows:

Bund means an embankment which may be used as a mitigation measure for different effects, including but not limited to, limit noise effects, provide a visual effects (e.g. screening), or as a liquid containment system for hazardous substances, and for sediment and erosion control. ~~designed to prevent the dispersal of hazardous substances from accidental on-site discharges.~~

Delete the definition of Development as follows:

~~**Development** means carrying out any work or ancillary activity on any land including the construction, alteration, or demolition of any building or any excavation of land or any deposit of materials on land.~~

Amend definition of Earthworks as follows:

Earthworks means any alteration to the existing natural ground level including re-shaping, re-contouring, excavation, backfilling, compaction, stripping of vegetation and top soil and depositing of clean fill. Earthworks does not include Aggregate Extraction.

Amend the definition of Family Flat as follows:

Family Flat means any detached building which shall be capable of being a self-contained residential unit with kitchen and bathroom facilities, and shall be secondary in scale to any principal residential dwelling on the site.

Within the Greenbelt Residential Zone, a Family Flat shall be no more than 50m² in maximum gross floor area (plus a covered verandah up to 10m²).

Amend the definition of Notional Boundary as follows:

Notional Boundary means, with regard to the measurement of noise, the legal boundary of the ~~property site~~ on which any dwelling is located or a line 20 metres from the dwelling whichever point is closer to the dwelling.

Amend the definition of open space as follows:

Open Space means any ~~public or private area of substantially unoccupied space or vacant land (whether or not zoned Open Space) which is developed for recreation or amenity activities that do not take place in buildings;~~ and includes parks, reserves, playgrounds, landscaped areas, gardens, together with any ancillary seating and vehicle parking and pedestrian shelters and conveniences; ~~but excludes any recreation facilities. It need not specifically be zoned as Open Space.~~

Amend the definition of Sensitive activities by inserting additional facilities as follows:

Sensitive Activities means any of the following activities:

- Residential activities
- Visitor accommodation
- Community activities
- Recreational facilities and activities
- Camping grounds
- Educational facilities
- Places of assembly
- Marae and papakainga housing
- Cafes and restaurants
- Hospitals, rest homes or medical facilities.

Amend the definition of Site as follows:

Site means an area of land ~~comprised wholly of~~ held in one (1) computer register (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.~~

Amend the definition of Temporary Activity as follows:

Temporary Activity means any short term activity and any buildings and structures associated with that activity and includes, but is not limited to:

- any event such as a gala, a sports event, a festival, a market or an outdoor music event; or

- any short term filming activities.

It does not include Temporary Military Training Activities.

Make consequential amendments to correct references in respect of advertising signs and to include Health and Safety Signs as a permitted activity in the following zones:

Chapter 15: Residential Zone

Amend Rule 15.1(h) as follows:

The following types of signs:

(i)...

(v) Health and safety signs

Amend Rule 15.6.27 Table 15-1 as follows:

Table 15-1: Maximum Face Area for Signs

Type of Sign	Maximum Face Area (m ²) per site
Public information Advertising signs, located on the site to which the activity relates identifying the building, property or business which can include a sign attached to the building	1m ²
<u>Health and safety signs</u>	<u>N/A</u>

Chapter 16: Industrial Zone

Amend Rule 16.1(l) as follows:

The following types of signs:

(i)...

(vi) Health and safety signs

Chapter 17: Commercial Zone

Amend Rule 17.1(n) as follows:

The following types of signs:

(i)...

(vi) Health and safety signs

Chapter 19: Rural Zone

Amend Rule 19.1(l) as follows:

(iv) ...

(v) Health and Safety Signs

Amend Rule 19.6.26 Table 19-1 as follows:

Table 19-2: Maximum Face Area for Signs

Type of Sign	Maximum Face Area (m ²) per site
Public information Advertising signs, located on the site to which the activity relates identifying the building, property or business which can include a sign attached to the building	1m ²
<u>Health and safety signs</u>	<u>N/A</u>

Amend Rule 19.6.14(b) by adding an additional bullet point as follows:

- Recreational activities and facilities

Chapter 20: Open Space Zone

Amend Rule 20.1(e) as follows:

The following types of signs:

(i)...

(ix) Health and safety signs

Amend Rule 20.6.18 Table 20-1 as follows:

Table 20-3: Maximum Face Area for Signs

Type of Sign	Maximum Face Area (m ²) per site
--------------	--

<p><u>Public information-Advertising</u> signs, located on the site to which the activity relates identifying the building, property or business which can include a sign attached to the building</p>	<p>1m²</p>
<p><u>Health and safety signs</u></p>	<p><u>N/A</u></p>

APPENDIX B: Schedule of Decisions on Submission Points

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Hearing Panel Decision
32.29		NZ Pork Industry Board		Reject
78.15		Telecom New Zealand Ltd		Accept In-Part
79.15		Chorus New Zealand Ltd		Accept In-Part
98.00	518.14	Horticulture NZ Transpower New Zealand Ltd	In-Part	Accept In-Part Accept In-Part
99.45		Transpower New Zealand Ltd		Accept
37.03		Homestead Group Limited		Reject
98.01		Horticulture NZ		Accept
98.02	516.25	Horticulture NZ Federated Farmers of NZ	Support	Accept In-Part Accept In-Part
98.03	506.48 528.22	Horticulture NZ Ernslaw One Ltd Horizons Regional Council	In-Part In-Part	Reject Reject Reject
77.01	506.36 513.09	Higgins Group Holdings Ltd Ernslaw One Ltd Rayonier New Zealand Ltd	Support Support	Accept Accept
99.46	517.39	Transpower New Zealand Ltd Horticulture NZ	Oppose	Accept In-Part Accept In-Part
66.09		Bruce & Christine Mitchell		Reject
96.41	506.24 506.25 518.15	Federated Farmers of NZ Ernslaw One Ltd Ernslaw One Ltd Transpower New Zealand Ltd	Support In-Part In-Part	Reject Reject Reject Accept In-Part
65.09	518.16 528.14	Horowhenua Farmers' Ratepayer Group Transpower New Zealand Ltd Horizons Regional Council	In-Part In-Part	Reject Accept Reject
77.00	506.36	Higgins Group Holdings Ltd Ernslaw One Ltd	In-Part	Accept

108.39		HDC (Planning Department)		Accept
95.47		New Zealand Defence Force (NZDF)		Accept
55.00		KiwiRail		Accept
41.20	512.01	Powerco Vector Gas Ltd	Support	Accept In-Part Accept In-Part
32.31		NZ Pork Industry Board		Reject
96.43	506.27 502.01	Federated Farmers of NZ Ernslaw One Ltd Meyer	Support In-Part	Accept In-Part Accept In-Part Accept In-Part
98.05		Horticulture NZ		Accept In-Part
50.06	506.76	Rayonier NZ Ltd Ernslaw One Ltd	Support	Reject Reject
40.38		House Movers Section of NZ Heavy Haulage Association Inc.		Reject
40.02		House Movers Section of NZ Heavy Haulage Association Inc.		Reject
99.47		Transpower New Zealand Ltd		Accept
98.06	500.24	Horticulture NZ NZ Pork Board	Support	Accept Accept
110.01		Fraser		Reject
44.21		Genesis Power Ltd		Accept In-Part
44.20		Genesis Power Ltd		Accept
95.00		New Zealand Defence Force (NZDF)		Accept
95.01		New Zealand Defence Force (NZDF)		Accept
93.28		The Oil Companies		Accept
32.33	506.68 513.05 516.29 524.09	NZ Pork Industry Board Ernslaw One Ltd Rayonier New Zealand Ltd Federated Farmers of NZ Higgins Group Holdings Ltd	Support Support Support Support	Reject Reject Reject Reject Reject
98.07		Horticulture NZ		Reject

	505.17	Powerco	Support	Reject
	506.50	Ernslaw One Ltd	Support	Reject
	513.25	Rayonier New Zealand Ltd	Support	Reject
	516.30	Federated Farmers of NZ	Support	Reject
71.11		Progressive Enterprises Ltd		Reject
27.01		Horizons Regional Council		Reject

RESOURCE MANAGEMENT ACT 1991

PROPOSED HOROWHENUA DISTRICT PLAN

HEARING OF SUBMISSIONS

DECISION OF HEARING PANEL

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

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

HEARING DATE: 20th & 21st May 2013

CONTENTS

1.0	INTRODUCTION.....	3
2.0	OFFICER'S REPORT	3
3.0	SUBMITTER APPEARANCES	4
4.0	EVALUATION	4
4.1	Clause 25.1.1 General Assessment Criteria for Subdivision Applications.....	4
4.2	Clause 25.2.1 Assessment Criteria for Land Use Consents in the Rural Zone, General....	4
4.3	Clause 25.7.1 Assessment Criteria for Consents in All Zones, Noise	5
4.4	Clause 25.7.2 Assessment Criteria for Consents in All Zones, Noise Insulation	6
4.5	25.7.3 Assessment Criteria for Consents in All Zones, Vibration	7
4.6	25.7.5 Assessment Criteria for Consents in All Zones, Servicing.....	7
4.7	Clause 25.7.11(b) Assessment Criteria for Consents in All Zones, Advertising Signs, Traffic and Pedestrian Safety	9
4.8	New Assessment Criteria	9
4.9	Part E, Chapter 28 General Provisions, Section 28.2.2 Information Requirement 1: General Information.....	10
4.10	Section 28.2.3 Information Requirement 2: Assessment of Environmental Effects and Technical Information	11
4.11	Section 28.2.4 – 28.2.6 Information Requirement 3, 4 and 5: Subdivision, Urban Subdivision and Rural Subdivision	12
4.12	Clause 28.3 Provision of Services	14
4.13	General Submissions	15
4.14	Allen Little (Submitter Number 29).....	27
5.0	MISCELLANEOUS - MISSED SUBMISSION POINTS.....	34
5.1	Chapter 3 Natural Features and Values - Policy 3.4.4	34
5.2	Chapter 15 Residential Zone - Rule 15.1(g)	34
5.3	Chapter 16 Industrial Zone - Rule 16.6.2.....	35
5.4	Chapter 17 Commercial Zone - Rule 17.6.17	36
5.5	Chapter 15 Residential Zone - Further Submission 511.08	36
5.6	Chapter 2 Rural Environment - Further Submissions 519.11 and 519.12	37
5.7	Miscellaneous - Other Matters.....	38
6.0	SECTION 32	40
7.0	DECISION.....	40
	APPENDIX A: PROPOSED PLAN AS AMENDED BY HEARING DECISIONS.....	41
	APPENDIX B: SCHEDULE OF DECISION ON SUBMISSION POINTS.....	46

1.0 INTRODUCTION

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

Abbreviations

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

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

2.0 OFFICER'S REPORT

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

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

3.0 SUBMITTER APPEARANCES

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

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

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

4.0 EVALUATION

4.1 Clause 25.1.1 General Assessment Criteria for Subdivision Applications

Submissions Received

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

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

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

Submissions Received

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

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

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

Submissions Received

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

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

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

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

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

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

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

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

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

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

Submissions Received

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

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

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

4.5 25.7.3 Assessment Criteria for Consents in All Zones, Vibration

Submissions Received

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

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

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

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

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

4.6 25.7.5 Assessment Criteria for Consents in All Zones, Servicing

Submissions Received

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

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

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

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

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

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

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

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

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

Submissions Received

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

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

4.8 New Assessment Criteria

Submissions Received

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

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

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

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

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

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

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

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

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

Submissions Received

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

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

"Presence of any network utilities or community infrastructure"

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

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

Submissions Received

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

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

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

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

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

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

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

Submissions Received

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

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

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

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

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

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

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

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

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

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

4.12 Clause 28.3 Provision of Services

Submissions Received

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

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

4.13 General Submissions

Submissions Received

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

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

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

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

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

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

Air Quality

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

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

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

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

Outdoor Lighting

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

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

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

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

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

Relationship between the Proposed Plan and Plan Changes 20 and 22

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

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

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

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

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

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

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

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

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

Hokio

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

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

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

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

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

Relocated Buildings

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

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

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

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

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

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

Reverse Sensitivity – Rail

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

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

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

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

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

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

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

Waitare Beach – Public Facility Upgrade

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

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

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

Objectives, Priorities and Long Term Planning and Annual Planning

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

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

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

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

Consultation with Muaupoko, Lake Horowhenua

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

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

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

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

This submission point was rejected.

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

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

Charles Rudd Snr

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

Encroachments Policy

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

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

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

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

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

Private Property Rights

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

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

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

Place Names and use of Macrons

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

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

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

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

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

Subdivision and Development Principles and Requirements

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

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

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

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

4.14 Allen Little (Submitter Number 29)

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
---------	----------------	--------------------	--------------------

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

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

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

Chapter 2 Rural Environment

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

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

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

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

Chapter 5 Coastal Environment and Chapter 6 Urban Environment

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

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

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

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

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

Noise Control

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

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

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

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

Light Pollution

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

Local Alcohol Policy

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

Footpaths and Walkways

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

Chapter 10 Land Transport

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

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

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

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

Historic Heritage

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

Chapter 14 Cross Boundary Issues

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

Chapter 15 Residential Zone

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

Chapter 16 and 17 Industrial and Commercial Zone

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

Chapter 18 Greenbelt Residential Zone

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

Chapter 19 Rural Zone

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

Chapter 22 Utilities and Energy and Chapter 24 Subdivision and Development

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

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

5.0 MISCELLANEOUS - MISSED SUBMISSION POINTS

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

5.1 Chapter 3 Natural Features and Values - Policy 3.4.4

Submissions Received

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

The submitter supported Policy 3.4.4, which reads as follows:

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

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

5.2 Chapter 15 Residential Zone - Rule 15.1(g)

Submissions Received

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

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

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

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

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

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

5.3 Chapter 16 Industrial Zone - Rule 16.6.2

Submissions Received

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

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

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

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

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

The Hearings Panel resolved that this submission point be rejected.

5.4 Chapter 17 Commercial Zone - Rule 17.6.17

Submissions Received

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

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

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

5.5 Chapter 15 Residential Zone - Further Submission 511.08

Submissions Received

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

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

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

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

5.6 Chapter 2 Rural Environment - Further Submissions 519.11 and 519.12

Submissions Received

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

Charles Rudd lodged two further submissions in support of two submission points made by Philip Taueki. Mr Taueki (11.13 and 11.14) submitted that any rural activities affecting the ecological values of Lake Horowhenua, Lake Papaitonga and the rural environment in general must be referred to Tangata Whenua for consultation, referring to a number of urupa and other sites of cultural significance throughout the rural environment. It was these two submission points that were supported by Mr Rudd.

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

Chapter 1 of the District Plan: 'Matters of importance to Tangata Whenua' contains discussion, objectives and policies and methods that address, among other matters, consultation with Tangata Whenua on plan changes and resource consent applications. One of the issues that has arisen through the hearings process is the frustration that some parties have expressed (including this

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

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

5.7 Miscellaneous - Other Matters

5.7.1 Duplicate Zonings, Foxton

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

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

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

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

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

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



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

5.7.2 Cross Reference, Hazardous Substances and Contaminated Land Rule

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

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

Rule 19.6.25 *should* read:

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

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

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

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

6.0 SECTION 32

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

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

7.0 DECISION

For all of the foregoing reasons we resolve the following:

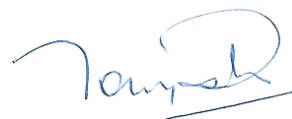
1. That pursuant to clause 10 of Schedule 1 to the Resource Management Act 1991 General Part 3 – Assessment Matters, General Provisions, General and Miscellaneous Matters be approved including the amendments set out in Appendix A to this decision.
2. That for the reasons set out in the above report submissions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



Robert Nixon (Chair)



Jane Black



Cr Tony Rush

Dated: 23 September 2013

APPENDIX A: Proposed Plan as amended by Hearing Decisions

Entire Proposed Plan

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

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

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

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

Chapter 15: Residential Zone

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

15.6 CONDITIONS FOR PERMITTED ACTIVITIES

The following conditions shall apply to all permitted activities:

15.6.32 Noise Insulation

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

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

Chapter 25 Assessment Matters

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

25.2 ASSESSMENT CRITERIA FOR LAND USE CONSENTS IN THE RURAL ZONE

25.2.1 General

....

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

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

25.2.2 Buildings

....

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

25.7 ASSESSMENT CRITERIA FOR CONSENTS IN ALL ZONES

25.7.2 Noise Insulation for Residential Noise Sensitive Activities

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

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

25.7.16 Historic Heritage

(a) Historic Heritage Buildings and Structures

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

Chapter 28: General Provisions

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

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

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

7. Amend Clause 28.2.2 (b) as follows:

Description of Site

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

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

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

.....

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

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

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

- (q) Structure Plans: Features of a structure plan must be shown on the proposed scheme plan for any urban subdivision involving a site on which a structure plan is shown. The application must detail how the proposal is in accordance with the requirements of the structure plan.
- (r) Building Area and Effluent Disposal Area: For rural subdivisions where no sewer connection is proposed to available Council reticulation, a building area and effluent disposal and reserve disposal area must be shown in compliance with the specifications detailed in Rule 19.7.2(f).

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

Provision of Services

15. Amend Section 28.3 Provision of Services as follows:

28.3 PROVISION OF SERVICES

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

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

28.6 Advice Notes

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

Applications involving Archaeological Sites.

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

APPENDIX B: Schedule of Decision on Submission Points

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

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

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

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

RESOURCE MANAGEMENT ACT 1991

PROPOSED HOROWHENUA DISTRICT PLAN

HEARING OF SUBMISSIONS

DECISION OF HEARING PANEL

TOPIC: Report on District Plan
General Part 4 (Planning Maps)

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

HEARING DATE: 20th-21st & 28th May 2013

CONTENTS

1.0	INTRODUCTION	3
2.0	OFFICER'S REPORT	3
3.0	SUBMITTER APPEARANCES	5
4.0	EVALUATION	6
4.1	Planning Map 5	6
4.2	Planning Maps 5, 7, 8, 10, 15A and 27	6
4.3	Planning Map 7	8
4.4	Planning Maps 7, 24, 26 and 27	10
4.5	Planning Map 12	11
4.6	Planning Maps 12, 13 and 15	14
4.7	Planning Maps 12, 17, 19, 27, 27A, 27B, 28, 28A, 28B, 29 and 30	15
4.8	Planning Map 13	16
4.9	Planning Map 15	17
4.10	Planning Map 15A	21
4.11	Planning Map 17	29
4.12	Planning Maps 17 and 19	32
4.13	Planning Map 21	34
4.14	Planning Map 26	35
4.15	Planning Map 27	36
4.16	Planning Maps 27A, 27B, 28A and 28B	37
4.17	Planning Map 27A	38
4.18	Planning Maps 27A and 28A	39
4.19	Planning Map 27B	41
4.20	Planning Map 28A	44
4.21	Planning Map 28B	47
4.22	Planning Map 29	49
4.23	Planning Map 30	54
4.24	Planning Map 36	56
4.25	Planning Maps - General Matters	57
5.0	SECTION 32	59
6.0	DECISION	61
APPENDIX A: PROPOSED PLAN AS AMENDED BY HEARING DECISIONS		62
APPENDIX B: SCHEDULE OF DECISIONS ON SUBMISSION POINTS		66

1.0 INTRODUCTION

- 1.1 We were appointed by the Horowhenua District Council to consider submissions on the Proposed District Plan relating to General Part 4 - Planning Maps.
- 1.2 Hearings relating to a range of general submissions, including those on planning maps was held on 20 – 22 and 28 May 2013. The hearing was closed on the 13 September 2013. These hearings also heard submissions in relation to General Part 2 (Definitions) and General Part 3 (Assessment Matters, General Provisions, General Miscellaneous Matters), which are the subject of separate decisions.
- 1.3 This particular group of decisions are confined to submissions relating to the planning maps. For the convenience of readers of these decisions, the relevant planning maps and/or aerial photographs of the affected sites are incorporated into the text.
- 1.4 The Hearings Panel took the opportunity of undertaking site visits to the various properties which were subject to submissions.

Abbreviations

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

NZHPT New Zealand Historic Places Trust

Officer's report Report evaluating the applications prepared for our assistance under s42A(1) of the RMA

Proposed Plan Proposed Horowhenua District Plan

The Act Resource Management Act

2.0 OFFICER'S REPORT

- 2.1 We were provided with and reviewed the officer's report prepared by Susan Graham pursuant to s42A of the Act prior to the hearing commencing. However we noted that two sections of the report relating to Planning Maps 29 and 30 were prepared by David McCorkindale.
- 2.2 The Council has undertaken a full review of the District Plan, including earlier Plan Changes, which did not however include the most recent Plan Changes 20 – 22, which were not operative at the time the Proposed Plan was notified.
- 2.3 It was explained by way of background that the Horowhenua Development Plan which was adopted by Council in 2008 identified and addressed growth pressure issues for next 20 years. This Plan had no statutory weight but provided the Council with a vision for development which has substantially influenced the review of zoning changes undertaken, a number of which arise in our decision. The Development Plan went through a process of public consultation before it was formally adopted by Council. Some areas, such as those for residential expansion were proposed for rezoning through Plan Change 21. Other areas for rezoning or the addition of new 'overlays' such as large format retail have been implemented through the District Plan Review. The non-statutory Foxton Town Plan which was also subject to public consultation provided a vision for the future of Foxton. This has influenced proposed zoning changes and new overlays, such as commercial rezoning in the centre of Foxton and the 'Foxton Tourism Overlay'.

- 2.4 The officer's report noted that targeted consultation was undertaken in relation to rezoning areas of land which were considered to be inappropriately zoned under the Operative District Plan. Examples of these included areas of land which are not used in accordance with their zoning, and properties having split zonings. This consultation process also included an invitation for landowners to contact Council if they wished to have their property considered for rezoning. The Council's 'Community Connection' (May 2011) leading up to the District Plan review also included an article inviting landowners to contact Council if they wished to have their property rezoned.
- 2.5 A record of requests from landowners who wished their properties to be rezoned was gathered, and a review using aerial photography and zoning maps to identify other anomalous zonings was undertaken along with site visits. These properties were assessed in terms of current and historical zoning, use and development of the land, the consent history, surrounding land uses and context, demand and anticipated future changes, completeness and efficient use/development, reflection of existing land use and the effects of the zone change. The analysis also included an evaluation against the Development Plan and other strategic documents which influence zoning.
- 2.6 Recommendations were reviewed by the District Plan Review Advisory Group before being included in the Proposed District Plan. An analysis was made under Section 32 of the RMA for the proposed changes to the Planning Maps in order to identify the need, benefits and costs arising from the zoning of specific areas, and the appropriateness of the current and proposed zoning and proposed overlays having regard to their effectiveness and efficiency relative to other means in achieving the purpose of the RMA. Current zonings contained within the Operative District Plan were retained, where it was considered that the existing zoning was appropriate.
- 2.7 It was also noted that as part of the review of the District Plan, a new "Open Space" zoning was applied to areas of open space owned and administered by the Council. During the course of hearing submissions, the issue of the zoning also arose with respect to private land, and land in Crown ownership.
- 2.8 By way of background, there are three Plan Changes which had some bearing on matters that arose during submissions. These have been subject to separate hearings outside the current Proposed Plan hearing process, and will ultimately be 'merged' with the Proposed Plan as amended in response to submissions and possible appeals. These three plan changes are:
- Plan Change 20 identifies Landscape Domains which relate to rules for rural subdivision and proposes Planning Maps 38 and 39. This Plan Change became operative on 23 May 2013 after the Proposed Plan had been publicly notified.
 - Proposed Plan Change 21 identified areas for rezoning Residential, Residential Low Density and Greenbelt Residential. This Plan Change became operative on 23 May 2013 after the Proposed Plan had been publicly notified.
 - Proposed Plan Change 22 reviewed the Outstanding Natural Feature and Landscapes of the District, this Plan Change is currently subject to appeals lodged with the Environment Court.
- 2.9 *The aerial photographs and/or planning maps have been retained from the Officer's report, as their presence assists in understanding the decisions made by the Hearings Panel.*

3.0 SUBMITTER APPEARANCES

3.1 The following submitters made appearances at the hearing (noting that not all of these submitters were specifically in relation to the hearing topic General Part 4 (Planning Maps) :

- Mr Gary Spelman
- Mr John West, legal counsel for Gary Spelman
- Mr Warwick Meyer (on behalf of the Levin Golf Club), (on behalf of the HDC – Community Assets) and (personal submission)
- Ms Viv Bold
- Mr Bryce Holmes (Planning Consultant for Homestead Group Limited)
- Ms Christine. Mitchell (on behalf of Horowhenua Farmers' Ratepayer Group and Bruce and Christine Mitchell)
- Mr Peter Everton
- Higgins Holdings Limited
- Horizons Regional Council
- Kiwi Rail
- Horticulture New Zealand
- Philip Taueki (was heard at a separate hearing held 28 May and heard by all members of the District Plan Review Hearing Panel))

4.0 EVALUATION

4.1 Planning Map 5

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
62.00	Kathleen Bills	Retain the rezoning of the Makerua Pool Site (Pt Lot 39 DP 408 at 178-188 Makerua Road SH57) from Rural to Open Space on Planning Map 5.	
63.00	Taupunga Farming Company	Amend Planning Map 5 to include Lot 1 DP 20312 Okuku Road, Shannon within the Rural Zone.	
91.11	HDC (Community Assets Department)	Delete Designation 155 (D155) and Open Space Zoning.	526.12 Truebridge Associates Ltd - Oppose

K. Bills (62.00) made a submission in support of rezoning the Makerua Pool site from Rural to Open Space Zone. The Hearings Panel resolved that the submission point be accepted.

Taupunga Farming Company (63.00) and the **HDC (Community Assets Department)** submitted in opposition to rezoning the Okunui Hall site, a 1972m² property on the western side of Okuku Road, approximately 3.2km north of the settlement of Shannon, from Rural to Open Space Zone. We were advised that the Council is expected to dispose of this property, and accordingly it's zoning as Open Space is no longer necessary. The Hearings Panel resolved that the submission point be accepted, and that the property remain zoned Rural. The Truebridge Associates Ltd (526.12) further submission appears to relate to a 'global' further submission unrelated to this particular property. Map changes are contained in Appendix A.

HDC (Community Assets Department) are also seeking the removal of a designation (D155) over this property, and this is addressed separately in the Designations Hearing.

4.2 Planning Maps 5, 7, 8, 10, 15A and 27

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
108.46	HDC (Planning Department)	Amend Planning Maps 5, 7, 10, 15A and 27 to rezone the following cemeteries as Open Space Zone: Rezone Ihakara Gardens (Cemetery), Foxton, (Legally described as Awahou 97B) from Residential to Open Space. Rezone Mako Mako Road (Old Levin Cemetery), Levin (Legally described as Section 29 Blk Waiopahu SD) from Residential to Open Space Rezone Avenue Cemetery, Avenue North Road, Levin (Legally described as Lot 3 DP 397828) from Rural to	

Sub No.	Submitter Name	Decision Requested	Further Submission
		<p>Open Space.</p> <p>Rezone Foxton Cemetery, Hickford Road, Foxton (Legally described as Sec 614 Town of Foxton & Lot 2 DP 61106) from Rural to Open Space.</p> <p>Rezone Shannon Cemetery, Brown Street, Shannon (Legally described as Lots 486 & 488 DP 369) from Rural to Open Space.</p> <p>Rezone Koputaroa Cemetery, Koputaroa Road (Legally described as Pt Lot 1 DP 4297) from Rural to Open Space.</p> <p>Rezone Manakau Cemetery, South Manakau Road, Manakau (Legally described as Pt Lot 28A) from Rural to Open Space.</p>	

HDC (Planning Department) submitted that the District's cemeteries should be rezoned Open Space as this is the most appropriate zoning for these areas.

By way of background, it was explained that in the Operative Plan the District's cemeteries, parks and reserves had the same zoning as the adjacent land, typically zoned Rural. The Open Space Zone contained in the Proposed Plan specifically addresses the District's open spaces, and provides for recreation activities, as well other community parks and reserves. Four cemeteries are designated in the Operative District Plan and HDC (Community Assets Department) have sought these be 'rolled over' into the Proposed Plan and that other cemeteries without designations (Manakau Cemetery, Ihakara Gardens, Avenue Cemetery) also be designated. The relief sought omits reference to Planning Map 8, but does seek the rezoning of Koputaroa Cemetery (Pt Lot 1 DP 4297) which is identified on Planning Maps 5 and 8.

The Hearings Panel accepts that the consistent zoning of the District's cemeteries as Open Space is appropriate, and was not opposed by any other party. The Hearings Panel resolved that the submission points be accepted. For completeness, the list of the cemeteries to be rezoned is set out below, and is also included in Appendix A.

Amend Planning Maps 5, 7, 8, 10, 15A and 27 to rezone the District's Cemeteries to Open Space.

- *Rezone Ihakara Gardens (Cemetery), Foxton, (Legally described as Awahou 97B) from Residential to Open Space on Proposed Planning Map 15A.*
- *Rezone Mako Mako Road (Old Levin Cemetery), Levin (Legally described as Section 29 Blk Waiopehu SD) from Residential to Open Space on Proposed Planning Map 27.*
- *Rezone Avenue Cemetery, Avenue North Road, Levin (Legally described as Lot 3 DP 397828) from Rural to Open Space on Proposed Planning Map 7.*
- *Rezone Foxton Cemetery, Hickford Road, Foxton (Legally described as Sec 614 Town of Foxton & Lot 2 DP 61106) from Rural to Open Space on Proposed Planning Map 5.*
- *Rezone Shannon Cemetery, Brown Street, Shannon (Legally described as Lots 486 & 488 DP 369) from Rural to Open Space on Proposed Planning Map 5.*

- *Rezone Koputaroa Cemetery, Koputaroa Road, Levin (Legally described as Pt Lot 1 DP 4297) from Rural to Open Space on Proposed Planning Maps 5 and 8.*
- *Rezone Manakau Cemetery, South Manakau Road, Manakau (Legally described as Pt Lot 28A DP 415) from Rural to Open Space on Proposed Planning Map 10.*

4.3 Planning Map 7

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
33.00	Levin Golf Club	Amend Planning Map 7 to rezone the Levin Golf Club site (160 Moutere Road) from Rural to Open Space.	502.00 Warwick Meyer-Support
36.00	Trucis Investments Ltd	Amend Planning Map 7 to rezone the property at 654 State Highway 1 (Lot 1 DP 71431) from Rural to Industrial.	

The Levin Golf Club lodged a submission requesting their property to be rezoned Open Space in the Proposed Plan. The submitter notes that the land occupied by the club is owned by its members and cannot be sold without a 100% vote. The Levin Golf Club site comprises 49.8345 ha located on the eastern side of Moutere Road in close proximity to Lake Horowhenua to the east. A further submission was received in support of this from Mr W. Meyer, who made a brief appearance in support of the submission on behalf of the Club. The Hearings Panel were in receipt of a letter from Mr Stuart Thompson, the president of the club, stating that they *"are very happy with the Officer's recommendations and consequently do not request speaking rights at the hearing on our submission...."*. The Panel specifically asked Mr Meyer whether the more restrictive Open Space Zone rules (relative to rural zoning) raised any potential issues with the future development of facilities at the Club; for example, site coverage would be restricted to 5%. He confirmed that the Club was satisfied that the more restrictive Open Space rules were not an issue of concern. It was confirmed that there would be no adverse effects with respect to surrounding land uses of the land were to be rezoned Open Space.

The key point which made any Open Space zoning over this land distinctive was that it applied to *private* land, as other land contained within the Open Space Zone was owned and/or designated by the Horowhenua District Council. This issue was discussed at some length in the Officer's report. If private land was to be incorporated into the Open Space Zone, some adjustments would be needed to be made to the provisions of the Proposed Plan to reflect this fact. For example, Objective 4.1.1 refers to *"Council's parks and reserves are efficiently used and developed....."* The required consequential amendments to the Open Space Zone policy framework were identified in the officer's report. There was a need to remain within the scope of submissions, and associated with this, it was important to ensure that private recreational facilities generally were not inadvertently "captured" by any consequential amendments to the objective and policy provisions. Those provisions in Chapter 4 that were likely to require an amendment included the "Introduction", Issue 4.1, the "Discussion" for Issue 4.1, Objective 4.1.1, the Explanation and Principal Reasons for Objective 4.1.1, the "Methods" for Issue 4.1 and Objective 4.1.1, and the "Explanation" for the Methods. In addition, the officer also recommended the insertion of a new Policy 4.1.15.

The Hearings Panel agreed, that given that the incorporation of this area of private open space into the Open Space Zone represented a significant qualification of the existing objective/policy framework which only focused on Council owned facilities, a range of amendments to the text of the objectives and policies in Chapter 4 would be required. These are set out in Appendix A to these decisions.

Given that the proposed Open Space zoning was agreed as being entirely appropriate by both officers and the submitter, the Hearings Panel resolved that the submission point be accepted, with the text changes contained in Appendix A.

Trucis Investments Ltd lodged a submission opposing the existing and proposed Rural zoning of 654 State Highway 1, Levin South (Lot 1 DP 71431) and requesting this area to be rezoned Industrial in line with the current land use.



2011 aerial photograph of site outlined in green and surrounding properties

The Officer's report noted that the 6730m² Rural zoned property is located on the western side of State Highway 1 and contains a large warehouse structure of 1962m². The site adjoins the old Kuku Dairy Factory and is located approximately 250 metres south of the intersection with Kuku Beach Road. Planning permission was granted in 1990 to use this property as a coolstore for horticultural purposes seasonally from April to August. Land use consent was granted in 2007 for the extension of the warehouse and the operation of a Bulk Goods Distribution Facility year round 8am - 5pm Monday - Friday. In 2008 a liquid detergent manufacturing and packaging plant was found to be operating from this site without consent. This activity ceased after enforcement action by Council. The effects of rezoning this property from Rural to Industrial would alter what would be permitted within the site from rural activities including primary production activities and residential activities to Industrial activities including manufacturing of goods, wholesale trade, vehicle service

stations and commercial garages. Building setback from the rear and side boundaries would be 4.5 metres instead of the 10 metre setback requirement of the Proposed Rural zone rules.

The Hearings Panel visited the site, and noted the officer's comment that the site is not likely to be developed residentially or used for primary production activities given the current use and the nature of the buildings on the site, an observation that could also be made with respect to the adjoining site containing the old dairy factory. We noted the presence of three residential properties which adjoin the subject site to the south and which share an access with it. The submitter did not appear at the hearing to offer evidence in support of the submission. It was the Hearings Panel's view that the rezoning sought was not appropriate given the lack of any evidence before us as to the likely effects that would flow from rezoning, that any rezoning would logically need to include the adjoining former dairy factory to the north, and that the result of accepting the submission would be to create a spot zone.

For these reasons, the Hearings Panel resolved that the submission point be rejected.

4.4 Planning Maps 7, 24, 26 and 27

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
11.15	Philip Taueki	Delete the 800m buffer zone from Planning Maps 7, 24, 26 and 27.	511.20 HDC (Community Assets Department) - Oppose 519.26 Charles Rudd Snr) - Support
60.09	Muaupoko Co-operative Society	Delete the 800m buffer zone from Planning Maps 7, 24, 26 and 27.	

Two submissions were made regarding the 800 metre buffer zone which appears on Planning Maps 7, 24, 26 and 27. **P. Taueki** and the **Muaupoko Co-operative Society** submitted that the 800 metre buffer zone is culturally offensive, being located in close proximity to a site that is whenua parekura (a battlefield where blood was shed), and should be deleted.

The officers report explained that the red dotted line marks the extent of an 800 metre buffer around the Levin Sewerage Treatment Plant shown on Planning Maps 7, 24, 26 and 27, associated with a rule in the Proposed Plan which makes any proposed habitable building within this setback (but only in the Rural zone) a Controlled Activity under Rule 19.2 (e). Rule 19.9.7 provides that any new dwelling within this area shall be allowed as long as it does not constrain the continued operation of the Levin Wastewater Treatment Plant, and what is effectively a 'no complaints' covenant registered on the title of the property in the event of consent being granted. This area is a continuance of a similar provision in the Operative Plan.

It is apparent from the submissions of Mr Taueki that it is the existence of the Levin Wastewater Treatment Plant which is the primary matter of concern to the submitter, who has consistently opposed any plan provisions related to the operation of this facility. Accordingly, the existence of this rule is entirely linked to the continued existence of the plant itself. The Hearings Panel is aware of various proposals to improve the operation of the plant, although not its removal as such as this

would create an insoluble problem with respect to the continued occupation of Levin and the surrounding area. The status of the plant and the nature of its future operation is an issue that is well beyond the scope of matters that this Hearings Panel can consider.

If this particular rule was removed in isolation, it would raise a risk of incompatible residential development in close proximity to the plant, a matter which is quite distinct from environmental and cultural issues relating to the need to better address water quality issues associated with Lake Horowhenua.

Accordingly, the Hearings Panel resolved that the submission points be rejected as the future of this rule is entirely dependent on future decisions of much wider importance to be made with respect to the management of Lake Horowhenua and its surrounds.

4.5 Planning Map 12

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
14.00	Kornelius du Plessis	Amend Planning Map 12 to change the zoning of 50 Signal Street, Foxton Beach from proposed Commercial to Residential.	
90.04	Foxton Community Board	Amend Planning Map 12 by rezoning the following areas from Open Space Zone to Residential Zone: An extension of Marine Parade North with an extension of Cousins Avenue West; and An extension of Marine Parade South with an extension of Barber Street and Chrystal Street.	

K. du Plessis lodged a submission opposing the proposed rezoning of 50 Signal Street, Foxton Beach from Residential to Commercial. He was concerned that the change in zoning would increase his potential rates burden.



50 Signal Street outlined in green proposed Commercial shown as red hatched existing Commercial pink

This submitter, like a number of others which will be referred to later in this decision, challenged the rezoning only of their own individual property, which forms part of a wider rezoning of land to Commercial. 50 Signal Street is a 407m² property with a residential dwelling located centrally on the property.

The submitter's property is located in the centre of an area rezoned Commercial under the Proposed District Plan. The property directly to the north is occupied by the Simply Balmy Cafe, with the Foxton Beach Police Station located just to the north of the cafe. Apart from this, all of the properties within the area which has been rezoned commercial are residential in character, while the topography of the "zone" is somewhat unusual, being elevated above the street following the lines of what appears to be an old sand dune system.

The road reserve is very wide along this portion of Signal Street and opposite is an area of open space and vehicle parking. This area is one of two areas proposed to be rezoned Commercial in accordance with the Development Plan. This plan concluded that Foxton Beach lacked an identifiable commercial centre and that this location was suitable for Commercial zoning, reflecting it's (albeit limited) existing commercial development, and proximity to the Holben Reserve and the beach. The Commercial zone would allow for mixed use including commercial and residential activities.

With respect to concerns about rating levels, we were advised that HDC has not adopted planning boundaries for rating purposes as some Councils have, and has no intention of doing so. We were advised that the Council has an urban rating area which is based on the extent of existing urban development, not the potential area for urban development (i.e. urban land zones). In any event, we also accept the comments of the reporting officer that the zoning of land has to be considered

in terms of what would be best to achieve the purposes of the Resource Management Act, and that rating issues are of little or no relevance in this context.

On the face of it, the commercial zoning in this location would appear ambitious in the absence of clear demand. However even if we accept that this was the case, there are no submissions in opposition to the rezoning of this area of land except with respect to the individual property owned by the submitter. If the relief sought by the submitter were granted, 50 Signal Street would become an isolated residentially zoned property surrounded by commercial zoning - effectively a small spot zone. The Hearings Panel concluded that this would not result in a coherent or logical zoning pattern, and consequently concluded that the submission point be rejected.

The Foxton Community Board requested that an area of land extending north from Marine Parade North lining up with an extension of Cousins Avenue West, and an area extending south from Marine Parade South lining up with an extension of Barber Street and Chrystal Street excluding any area on the seaward side of Marine Parade, be rezoned Residential.

The background to the use of these areas was identified in the Development Plan. The area subject to the submission was identified as Areas 4 and 5 (Standard Residential) subject to that future development in these areas being subject to consultation through the Foxton Beach Coastal Reserve Management Plan process. It was explained that this process proceeded concurrently with the Development Plan process.

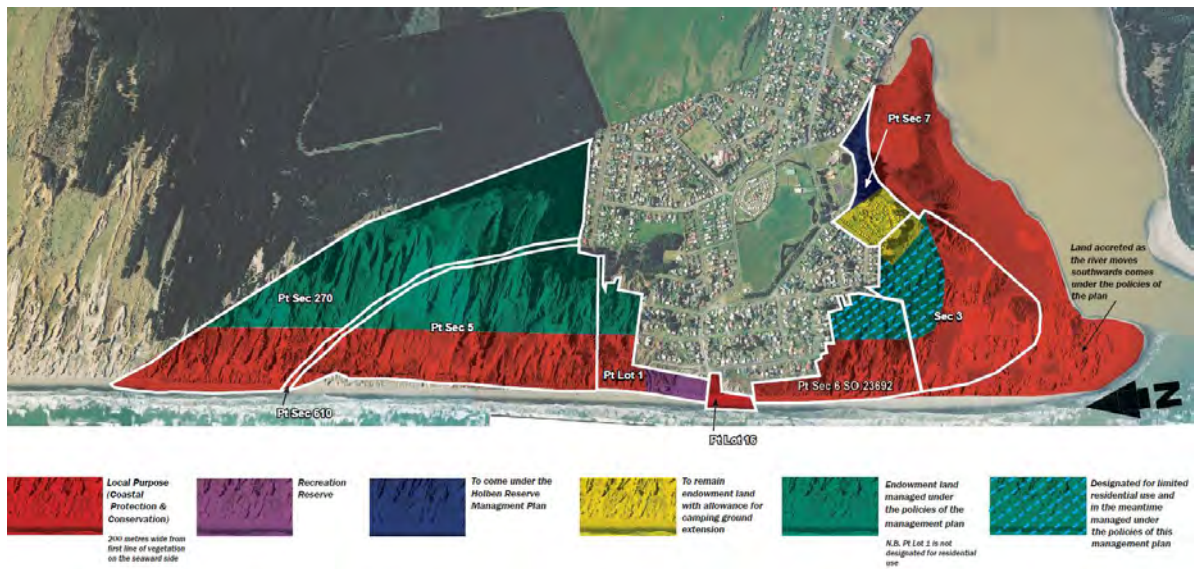
The Development Plan concluded that Area 4 (the 6.1 ha area extending north from Marine Parade North) and Area 5 (the 3.4 ha area extending south from Marine Parade South) would constitute a logical extension to the existing residential area with good connections to existing roads and access to reticulated infrastructure and community facilities. However these areas were also identified as subject to natural hazards and some parts were low lying and subject to ponding. The two areas were located within the coastal foreshore area which has a high natural character and dune landscape values, and potentially contained sites of historic heritage or cultural value (e.g. middens).

The Officer's report noted that a geomorphological assessment undertaken by Dr Craig Sloss of Boffa Miskell as part of the Development Plan process recommended that the dunes to the north of Foxton Beach should be excluded from any future development to ensure the conservation of a regionally and nationally important geomorphological and ecological coastal landscape, avoid potential problems associated with development in an active dune field and proximity to a saline water table and avoid potential hazards associated with storm surge and coastal inundation, coastal erosion and potential rising sea levels.

The Hearings Panel noted that while the two areas concerned are in locational terms (relative to their proximity to the township) suitable for residential development, there are physical, ecological and cultural considerations which would render them unsuitable for such development. It is considered that they would be better managed as part of the Councils reserve system.

Referring to the map below, the Foxton Beach Coastal Reserves Management Plan which was adopted by Council in 2009 identifies the area north of Marine Parade North as currently an Endowment Area 1960 (Reserves and Other Lands Disposal Act 1956). The area shaded red closer to the coastline is proposed to be declared and classified as a Local Purpose Reserve the purpose of which is Coastal Protection and Conservation. The area to the east of this shaded green is proposed to be Endowment Land managed under the policies of the management plan. The area to the south of Marine Parade South is identified under this Plan as currently Endowment

Area under the Reserves and Other Lands Disposal Act 1956 and proposed to be designated for limited residential use and in the meantime managed under the policies of this management plan.



Foxton Beach Coastal Reserves Management Plan Map

The two areas identified to be rezoned Residential in the Development Plan were not proposed to be rezoned through Plan Change 21, which gave effect to the Development Plan in terms of the future growth needs of Foxton Beach. Under Proposed Plan Change 22 the area to the north of Marine Parade North has been identified as part of the Coastal Outstanding Natural Landscape and the area to the south of Marine Parade South was identified as part of the Manawatu Estuary Outstanding Natural Landscape. Both of these areas consist of largely unmodified dune land with some pedestrian accessways to the beach.

The submitter did not appear at the hearings in support of their submission. The Hearings Panel concurred with the conclusions in the Officer’s report, and we were satisfied that detailed consideration had been given to the appropriate zoning pattern for these two areas of land. There was also no evidence that the provision of residentially zoned land in Foxton Beach was insufficient for the foreseeable future needs of that community. For these reasons, the submission point was rejected.

4.6 Planning Maps 12, 13 and 15

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
90.00	Foxton Community Board	Retain the Residential Zoning for properties along State Highway 1 and in Foxton Beach which have commercial premises, but can operate under existing use rights.	

The Foxton Community Board submitted in support of the retention of Residential zoning for a number of existing commercial premises, particularly on State Highway 1 in Foxton and Foxton Beach. It was noted that the Residential zoning of all of these properties was retained through our

decisions with the significant exception of land subject to a submission by S. and J. Marshall, which is assessed under Part 4.9 below. Overall however, it had been concluded that in terms of the Development Plan, commercial development should be consolidated into Main Street Foxton, rather than along the State Highway.

The Hearings Panel resolved that the submission point be accepted in part, having regard to its decision on the Marshall submission point.

4.7 Planning Maps 12, 17, 19, 27, 27A, 27B, 28, 28A, 28B, 29 and 30

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
116.11	Truebridge Associates Limited	Amend Planning Maps 12, 17, 19, 27, 27A, 27B, 28, 28A, 28B, 29 and 30 as marked on attachment to Submission 116.	

Truebridge Associates Ltd submission requests that the areas of Medium Density overlay to be extended within Levin, Waitarere Beach and Foxton Beach.

It was explained to the Hearings Panel that the ‘overlay’ was a technique used in the Proposed Plan to identify areas where higher density development would be appropriate, and was derived from work undertaken as part of the Horowhenua Development Plan. The higher density area within Levin was identified between the Levin Domain and St Josephs School, immediately south-west of the town centre, reflecting previous infill subdivision, and to provide opportunities for higher residential densities close to the town centre and key public open spaces.

In Waitarere Beach, it is proposed to provide for commercial and higher density residential on either side of Waitarere Beach Road. The Proposed Plan has provided for higher density residential development either side of the Commercial zone, with the Medium Density Overlay to extend one urban block to the north and south of Waitarere Beach Road in a consolidated form around the prospective future commercial area.

In Foxton Beach, three individual urban blocks were identified, all positioned around Holben Reserve. The higher density area was extended one street closer to the beach, therefore bringing consistency to the overall urban block bound by Ocean Beach Road/Signal Street/Trafalgar Street/Marine Parade.

The submitter contended that the proposed Medium Density Overlay Areas in Levin, Waitarere Beach and Foxton Beach were too small, and their expansion would promote consolidated development in preference to peripheral greenfield development requiring extension of Council infrastructure. They also argued that as only a limited proportion of lots would actually be redeveloped, the extent of the medium density overlay needed to be large. The areas identified within their submission were very extensive in area. The medium density overlays would enable lots to be reduced in area from 330m² to 225m² net site area.

Again, the Hearings Panel did not have the benefit of evidence from the submitter to expand upon the content of their submission and to enable their case to be tested through questioning. However

there were a number of reasons why we consider that the expansion of the medium density overlay areas beyond what was proposed in the Proposed Plan to not be appropriate.

We were satisfied that the Horowhenua Development Plan had considered the issue carefully as part of the review of urban growth needs in the District. Even without the overlay provision, there was still substantial potential for redevelopment to higher densities. While noting the submitters comments with respect to promoting consolidated development and avoiding peripheral expansion, we concluded that this factor conveys less weight in the context of Horowhenua District (by way of contrast to larger urban centres) given the limited rate of population growth, the apparently small level of demand for very small residential properties, reasonably generous provision for future greenfield growth, and the limited travel times to access services. Higher density development of the nature proposed is typically associated with the provision of frequent public transport services, and we heard little evidence that this was either required or available on the scale and frequency that would support higher densities over the extended area proposed. We note that even if parts of some of the areas concerned might be described as "run down" this does not necessarily mean that redevelopment would take place at higher densities. In our opinion, the purpose of the Act would be better achieved by retaining the current extent of the higher density overlays provided for under the Proposed Plan.

Finally, we also note the principles set out in the High Court Decision by Justice Kos, in the case *Palmerston North City Council v Motor Machinists Limited, NZHC 1290 (2013)*. In this, the High Court expressed concerns about submissions made seeking changes through submissions which other affected parties may not have been aware of. While we acknowledge that the very large number of potentially affected parties may have been able to deduce the nature of the relief sought by the submitter through a careful analysis of the submissions made on the Proposed Plan, it is apparent to us that there would need to be a well-informed and careful public debate before the scale of the density changes proposed by the submission were to be pursued. The relief sought to this submission has the potential to significantly change the character of the areas affected, and the extent of these areas is also large. We have considerable doubts that in the absence of public knowledge of the changes proposed, in the absence of evidence to support them, that it would be appropriate to allow this submission.

The Hearings Panel resolved that the submission point be rejected.

4.8 Planning Map 13

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
90.03	Foxton Community Board	No specific relief requested.	511.21 HDC (Community Assets Department) – In-Part
108.40	HDC (Planning Department)	Amend Planning Map 13 to identify Lot 4 DP 9897 and Part Lot 3 DP 10243 as Road Reserve.	

Foxton Community Board lodged a 'neutral' submission point on the proposed rezoning of an area of land at Seabury Avenue/Dawick Street and Hall Place from Residential to Open Space (the summary of submissions incorrectly referred to rezoning to Commercial). HDC (Community Assets

Department) lodged a further submission in part support, but went beyond this by also requesting that the adjacent Council owned properties which are shown as Open Space be rezoned Commercial. HDC (Planning Department) submitted requesting a section of Edinburgh Terrace, Foxton Beach which is currently zoned Rural, be displayed on the Planning Maps as road reserve to match its actual land use.

The Foxton Community Board submission does not specify any specific relief, but appears to reflect a desire to be kept informed/involved in any final decisions relating to a prospective property agreement between Horowhenua District Council and another party involving the creation of sections on Hall Place. The officer's report noted that this would expand the proposed Commercial area by over twice its size, and that such an outcome would be appropriate in terms of managing effects on the adjoining environment.

However the Hearings Panel notes that it is simply not possible to extend the scope of relief sought through a *further submission* to request a rezoning beyond that sought in the original submission, which in itself in this case was not particularly clear. It was resolved that the submission of the Foxton Community Board be accepted, and that of the HDC (Community Assets Department) be accepted in part, but only to the extent that it supports the proposed rezoning as notified within the Proposed Plan.

HDC (Planning Department) requested that a section of Edinburgh Terrace, Foxton Beach (Part Lot 4 DP 9897 and Part Lot 3 DP 10243) currently zoned rural be shown as road reserve to match its actual land use. This is a piece of land comprising 342m² which is a part of the Road Reserve of Edinburgh Terrace just west of Flagstaff Street in Foxton Beach. This situation appears to have arisen as a simple anomaly on the planning maps. As it is part of the formed road reserve of Edinburgh Terrace, the Hearings Panel agreed it would be appropriate to identify this area as road reserve on Planning Map 13. Accordingly, the submission point was accepted.

4.9 Planning Map 15

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
75.00	Stuart & Jean Marshall	Amend Planning Map 15 to identify 36 Johnston Street, Foxton as within the Commercial Zone, without a Pedestrian Area Overlay.	
75.01	Stuart & Jean Marshall	Amend Planning Map 15 to remove 36 Johnson Street, Foxton from within the Foxton Town Centre Character Heritage Overlay Area.	
108.41	HDC (Planning Department)	Amend Planning Map 15 to identify the residential parts of 149 and 151 Union Street (Lots 6 and 7 DP 345888) as within the Rural Zone to reflect the existing land use and to give each property a single zone.	

S. and J. Marshall lodged a submission opposing the rezoning of part of 36 Johnston Street, Foxton from Industrial to Residential, and requested that this property be rezoned Commercial without the Foxton Town Centre Character Heritage or Pedestrian overlays. There seemed to be some confusion with respect to the summary of the submission, which from the Hearing Panels reading of the original, appears to clearly oppose both the Town Centre Character Heritage Overlay and the Pedestrian Overlay.

HDC (Planning Department -108.41) submitted requesting the areas of 149 and 151 Union Street, Foxton that are currently zoned Residential to be rezoned Rural.



2010 aerial photograph of subject site and surrounding area

The S. and J. Marshall submission relates to approximately half of the large property of 5391m² at 36 Johnston Street, Foxton. This rather large and desolate site on State Highway 1 was originally a service station. At the time the property was considered for rezoning it was thought that zoning the entire site under one zoning would provide the ability to develop the property in a more efficient and effective manner under a single set of rules. An isolated industrial zoning adjoining residential activities and a school was at the time considered to raise the potential for ongoing land use conflict. Although it was suspected that the previous service station use may have resulted in site contamination, it was considered these risks could be mitigated or managed. It was also considered that a Residential zoning would reinforce the commercial town centre of Foxton in accordance with Policy 6.3.38, which sought to concentrate development in Main Street to the west.

The Marshall's submission noted that testing by BP Oil had revealed a significant level of contamination underground in the centre of the property where it straddles the Industrial and Residential portions of the current zoning. Because of this contamination the Horowhenua District Council would not be able to issue Building Permits for residential use, but could for commercial

use. A 15 year management/containment plan was currently being complied with by BP Oil for this site. There was no expectation of removing on-site contaminants given their "sticky consistency" that made their removal very difficult. The submission also stated that BP Oil were certain from expert advice that the site is suitable for commercial activity and this was demonstrated through a recently granted Resource Consent (501/2012/3250) for a fish and chip shop and a cafe. The submission noted that the land owners and their tenant intend to further develop commercial activity on this site consistent with commercial zoning and that this would allow the property to again play a significant role socially and in the employment of people in the Foxton area.

The Officer's report canvassed the advantages and disadvantages of rezoning the front half of the property back to commercial use. It was concluded that standards relating to development close to the boundaries will be sufficient to protect residential amenity, albeit that the retention of a commercial zoning in this area would to some extent undermine the intention of concentrating commercial development further west in the town centre.

The Hearings Panel were of the view that in an ideal world, the zoning of this property for residential purposes would be a logical outcome. However we were of the view that given the history of the site and the extent of site contamination, and the fact that a recent resource consent had been granted (2012) to enable ongoing commercial use, that the proposed zoning of the site as Residential was not realistic. The value of the land, and the demand for land in Foxton generally, would have to be very high indeed to justify a prospective developer undertaking the necessary remedial works to make the land fit for purpose in terms of residential development.

Accordingly, the Hearings Panel resolved that the submission point be accepted, and the site at 36 Johnston Street be rezoned Commercial is shown in Appendix A.

HDC (Planning Department) submitted requesting that parts of 149 and 151 Union Street, Foxton (Lots 6 and 7 DP 345888) that are currently zoned Residential, be rezoned Rural. These two properties have split zonings and have been developed as rural properties, with the residential component inconsistent with this development. The submission point also notes that where possible, split zones within the Proposed Plan have been avoided.



Sites outlined in green - Existing Residential zone in yellow

It was explained that these two split zoned properties were subject to an oversight during preparation of the Planning Maps for the Proposed Plan. Somewhat unusually, HDC in seeking to avoid split zonings lodged a submission to provide scope for the Hearing Panel to consider the appropriateness of the requested change. To allow the affected landowners to be aware of the HDC submission and have the opportunity to lodge a further submission, a courtesy letter was sent to the owner of these two sites advising of the submission, and the further submission process. The landowner was also informed that should they wish to make a further submission opposing the rezoning then HDC would be prepared to not pursue the rezoning. No further submission was received from the landowner.

The properties at 149 and 151 Union Street, Foxton are two sections of 1.6 and 1.7 hectares that have been developed rurally, each with a residential dwelling and rural activities including grazing stock. Directly west of these properties are smaller Residential properties ranging from around 700m² to 2000m² in size. Those parts of 149 and 151 Union Street that are zoned Residential comprise small areas near the road frontage with Union Street which extend the Residential zone out in the same pattern as the smaller adjoining Residential zoned properties. Rural land to be rezoned Greenbelt Residential (deferred) adjoins these properties to the east, north of the Residential zoned properties.

The Officer's report noted that it would be appropriate to rezone the Residential part of the properties at 149 and 151 Union Street, Foxton as Rural as they are established and developed rural properties and the split zoning is untidy and could be problematic for future development of the site (e.g. needing to apply zone interface controls such as daylight setback from the Residential zone boundary).

The Hearings Panel were not of the view that the split zoning of the properties would in reality create significant obstacles, but recognising that the landowner had not pursued the matter any

further, and that the relief sought by HDC reflects the actual land use undertaken on the properties concerned, resolved that the submission point be accepted and the zoning of the Proposed Plan be amended as shown on Appendix A.

4.10 Planning Map 15A

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
35.00	Anthony Hunt	Amend Planning Map 15A to rezone the area west of Harbour Street north of the Foxton Hotel Service Lane (including the site of Designation 143) from Residential to Recreational (Open Space) or place under some covenant that recognises the heritage qualities of this area.	
68.00	Te Taitoa Maori o Te Awahou	Amend Planning Map 15A to rezone the property adjacent to the Whare Manaaki building on Harbour Street, Foxton from Residential to a more appropriate zone for a carpark/service area.	
84.00	Graeme & Joan Petersen	Amend Planning Map 15A so that the existing Residential zoning of 34 Harbour Street, Foxton is retained. Do not proceed with the proposed Commercial zoning for this property.	
85.00	Warren Millar	Amend Planning Map 15A so that the existing residential zoning 104 Main Street, Foxton is retained. Do not proceed with the proposed Commercial zoning for this property.	
86.00	Ivan Chambers	Amend Planning Map 15A so that the existing Residential zoning of 69 Main Street, Foxton is retained. Do not proceed with the proposed Commercial zoning for this property.	
87.00	Robin Hapi	Amend Planning Map 15A so that the existing Residential zoning of 104A Main Street, Foxton is retained. Do not proceed with the proposed Commercial zoning for this property.	
88.00	Gail Chambers	Amend Planning Map 15A so that the existing Residential zoning of 69 Main Street, Foxton is retained. Do not	

Sub No.	Submitter Name	Decision Requested	Further Submission
		proceed with the proposed Commercial zoning for this property.	
89.00	Beverly Ann Fowler	Amend Planning Map 15A so that the existing Residential zoning of 67 Main Street, Foxton is retained. Do not proceed with the proposed Commercial zoning for this property.	
90.01	Foxton Community Board	Retain the rezoning of properties on Harbour Street, Foxton from Residential to Commercial on Planning Map 15A.	
90.02	Foxton Community Board	Amend Planning Map 15A and rezone the Ihakara Gardens, Foxton, from Residential to Open Space Zone.	

Ten submissions were received on Planning Map 15A (Foxton CBD). These submissions were both in support and in opposition to the zoning of properties located on this planning map. (Attention is also drawn to the contents of the Hearings Panel decision entitled "*General Part 3 Assessment Matters, General Provisions, General and Miscellaneous Matters*" to relating to errors on the planning maps for this area affecting adjoining properties).

Harbour Street and Main Street properties, Foxton

Six submissions were made by owners of properties in Harbour Street and Main Street, Foxton, which are currently zoned Residential 1 in the Operative Plan but are proposed to be rezoned Commercial in the Proposed District Plan. All these submissions were made in opposition to the proposed rezoning of these properties from Residential to Commercial.



Submitters properties outlined in green - existing Commercial in pink, existing Residential in yellow, Proposed Commercial in hatched red, and existing Industrial in purple

The rather complicated pattern of properties subject to submissions were described in the Officer's report, which proved helpful during our site visit. Three of the subject properties are located on the western side of Main Street, between Main Street and Harbour Street. 104 and 104A Main Street are rear sections which access Main Street via a shared formed access way. The property at 34 Harbour Street adjoins these sections to the south and is also a rear section accessing Harbour Street via a formed accessway. These properties are developed with residential dwellings and accessory buildings. They are surrounded by five properties to the north, south and west which are zoned Residential under the Operative District Plan and two properties which are zoned Commercial under the Operative District Plan to the east. The sections to the west which are currently zoned Residential are vacant sections of a similar size to the submitters properties. The property directly to the south is a residentially developed section. The property directly to the south east is currently zoned Commercial and contains the Foxton Hotel. The property to the north east is zoned Commercial and is developed with the Tram Station Cafe.

The first group of submissions concerned the block of land between Main Street and Harbour Street towards the southern end of the town centre.



2010 Aerial photograph of the five submitters properties highlighted in green and surrounding area

G. and J. Petersen opposed the proposed rezoning of 34 Harbour Street, from Residential to Commercial on the basis that the Council had allowed them to purchase and build on the property as a residential section. **W. Millar** opposed the rezoning of 104 Main Street, Foxton from Residential to Commercial on the basis that;

- (a) The current use of the property is residential,
- (b) Adjacent properties on three sides are residential,
- (c) The property is adjacent to the Foxton River Loop and protection of existing residential sites should be paramount.
- (d) There are existing commercial sites in Main Street and further along Harbour Street that remain vacant – no new Commercial sites at the expense of the existing residential sites are required.
- (e) Harbour Street is a historical residential area overlooking the Manawatu River Loop at Foxton.
- (f) This rezoning has not been requested by existing owners of the properties affected.
- (g) Rezoning could affect existing resale opportunities for the current residential properties.
- (h) Commercial properties could detrimentally affect the residential qualities of the property through noise, commercial waste, traffic, appearance, views etc.

R. Hapi of 104A Main Street also opposed the proposed rezoning to commercial.

The officer's report explained the background to the zoning pattern adopted, and the advantages and disadvantages with proceeding with the expanded Commercial zoning in this part of Foxton. As noted earlier, the Hearings Panels discretion was significantly influenced by the fact that the submitters had only lodged submissions relating to the rezoning of their own particular properties, and not the expansion of the commercial zoning as a whole. The implication of this was that we

were unable to alter the proposed zoning of properties which had been rezoned Commercial and upon which no submissions have been lodged, even if we had been persuaded that this relief should be granted.

Noting that the whole area on the western side of the start of Main Street had been zoned Commercial, it was explained that the direction contained in the Horowhenua Development Plan and subsequent Foxton Town Plan had been adopted as a basis for consolidating commercial development around the Main Street area of Foxton, improving connections to the river loop, and providing increased opportunities for tourism and other complementary development. This meant incorporating the existing industrial and residential zoned land at the southern end of Main Street into the Commercial Zone. Also introduced was the concept of a 'Tourism Development Overlay'. The area extending over the existing Commercial zone from Wharf Street was identified as the northern border of this area which would extend south to Union Street including a group of residentially developed properties on the eastern side of Main Street and a group of residentially developed properties on the eastern side of Harbour Street.

It was emphasised to us that the non-statutory plans had been through a public consultative process which sought to implement vision for the town centre of Foxton. The Foxton Town Plan provides a set of initiatives that collectively provide for the enhancement of Foxton's attributes and the qualities that the community values.

The two residential properties at 67 and 69 Main Street, Foxton are located on the eastern side of Main Street, with no. 69 also having frontage on to Cook Street. These two properties by virtue of their location and frontage onto Main Street, read as part of the Foxton town centre streetscape. Both properties are developed with residential dwellings and accessory buildings. They are adjoined by Residential zoned and developed sections to the north and east. Industrial zoned and developed land is located across Cook Street to the south and a Commercial zoned property containing the Foxton Hotel is located across Main Street to the west.

The reporting officer acknowledged that rezoning these properties and surrounding properties from Residential to Commercial may decrease the existing amenity for the existing residential activities, but on balance concluded that the policy direction to concentrate commercial activities within Main Street, and to enhance tourism in the area outweighed the adverse environmental effects of rezoning these properties - for example the redevelopment of an existing residential property for commercial purposes adjoining remaining residential properties.

At this point, it is appropriate to mention the submission by the **Foxton Community Board** (90.01) supporting rezoning the section of Harbour Street, Foxton from Residential to Commercial to enable future tourism development in the town. The reporting officer noted that the submitter asserted that the rezoning would not preclude existing residential sections being used residentially, but quite properly pointed out that for those properties that have been developed with residential dwellings, existing use rights would remain. However it was noted that the same does not apply for those vacant residential sections that do not already have a dwelling. The submitter did not appear at the hearing in support of their case, and we observed that existing use rights can make even minor extensions to existing dwellings subject to resource consent processes, which may well be onerous for some landowners. The Commercial zone rules permit residential activities provided they occur above ground floor. Therefore, if a landowner for one of the currently vacant Residential zoned sections proposed to construct a new standalone dwelling, they would require resource consent.

The Hearings Panel noted that for the area between Main Street and Harbour Street time had to be allowed for a gradual regeneration of the current rather eclectic mix of frontage lots, back sections, vacant sections and sections containing modest dwellings. There was a feeling within the Hearings Panel that the rezoning proposed was rather ambitious given the likely level of development, and recognising that it reflected community aspirations rather than evidence of commercial or tourism demand. There was also some concern that there was no outline development plan to provide a framework for the staged commercial redevelopment of the area, which could occur on an ad hoc, lot by lot basis. To that extent, this was an aspect that may require further development through the District Plan in the future.

Notwithstanding these reservations, and as noted above, even given the nature and scale of the commercial rezoning proposed, to grant the relief sought through the submissions by Petersen, Millar and Hapi, would lead to a patchwork quilt of mixed Commercial and Residential zoned properties in the area between Main Street and Harbour Street. This would result in a completely incoherent zoning pattern, with likely adverse effects and land use conflict between commercial and residential activities as a mixture of front and rear sections were developed for different purposes. Accordingly, we concluded that the submission points from these three submitters, although having some merit to them, should be rejected. As we have decided that the proposed zoning of this area of Foxton is to be retained, the submission point of the Foxton Community Board was accepted.

Turning to the eastern side of Main Street, **Ivan Chambers and Gail Chambers** as owners of 69 Main Street, and **B.Fowler** as the owner of 67 Main Street, Foxton all submitted in opposition to the rezoning of their sites from Residential to Commercial. Their submissions stated that the existing zoning of these properties is appropriate as the surrounding properties on two sides are residential and the other two properties are very light commercial and town centre heritage.

The Panel noted that the two residential properties concerned were very small and entirely residential in character. Their rezoning to Commercial would add little value in terms of the scope for commercial regeneration and development in Foxton in the future, and the retention of residential zoning would not undermine the direction signalled through the Development Plan, or the objective of consolidating commercial development on Main Street.

For these reasons, the submission points made by I. and G. Chambers and B. Fowler were accepted, and that the zoning of these properties revert to Residential as shown in Appendix A.

Foxton River Loop

Anthony Hunt submitted in opposition to an area west of Harbour Street, north of the Foxton Hotel Service Lane (including Designation D143 – Clyde Street Water Bore) being zoned Residential. The submission point seeks that this area be zoned for recreation or subject to a covenant that recognises the area's heritage qualities. The area in question on Harbour Street consists of approximately 2.9 ha of land along the banks of the Manawatu River. The Officer's report advised that the majority of this land is in Crown ownership apart from a property of 2055m² at the western end of Clyde Street on the bank of the Manawatu River, which is owned by the Awahou Indoor Bowls Association Incorporated and developed with this clubs building.



Aerial photograph of area shown outlined in red

All of the Crown owned land within this area which incorporates 2.8509 ha has been gazetted as Recreation Reserve, which is administered by the Horowhenua District Council. A Management Plan has been prepared to assist with day to day management and provide long term direction for its management and use. The reserve is of historic significance for the town and the region as a reminder of Foxton's history as a flourishing port. Under the Operative District Plan this site was zoned Residential 1, and Residential under the Proposed Plan.

As the property is gazetted Reserve Land administered by Council it would be appropriate to rezone this land Open Space, which is intended to apply under the Proposed Plan to all Council parks and reserves. It appears to the Hearings Panel that the zoning of this land for residential purposes is a historical anomaly, as there does not appear to have been any intention or desire on the part of any party that it be developed for residential use, even assuming that it was physically suitable for such a purpose. Open Space zoning is consistent with the land's use as a public recreation area in Foxton.

Accordingly, the Hearings Panel resolved that the submission be accepted and that the land be rezoned Open Space, as set out in Appendix A.

28 Harbour Street

Te Taitoa Maori o Te Awahou (68.00) submitted requesting the rezoning of 28 Harbour Street Foxton, which is the property adjoining the Whare Manaaki building on Harbour Street, from Residential to a zoning more appropriate for a future carpark to service Te Awahou-Nieuwe Stroom.



Aerial photograph of site outlined in green and surrounding area

28 Harbour Street was zoned Residential under the Operative Plan and the Proposed Plan rezones this property to Commercial, and is included within the Proposed Foxton Tourism Area Overlay. Carparks are provided as permitted activities within the Commercial Zone, which provides the relief sought by the submitter. For this reason, the Hearings Panel resolved that the submission be accepted.

Ihakara Gardens

The Foxton Community Board (90.02) lodged a second submission point under this group of submissions, opposing the Residential zoning of the Ihakara Gardens in Foxton, which date back to 1850. This submission states that the Ihakara Gardens should be zoned Open Space as they are both a public garden and a gravesite.



Aerial photograph of Ihakara Gardens outlined in red

Ihakara Gardens comprises 2555m² owned and managed by Horowhenua District Council, and it appears that the Residential zoning under the Operative District Plan was simply carried over into the Proposed Plan. As decided under Section 4.2. of this decision, the Hearings Panel have accepted that the Open Space Zone should be applied to all of the District's cemeteries. For this reason, the submission point of the Foxton Community Board (90.02) was accepted, and the amended zoning shown in Appendix A.

4.11 Planning Map 17

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
24.00	Peter & Vivien Wright	Amend Planning Map 17 to change the zoning of 677 Waitarere Beach Road, Waitarere from proposed Commercial to Residential.	
28.00	Peter & Vivien Wright	Amend Planning Map 17 to change the zoning of 677 Waitarere Beach Road, Waitarere from proposed Commercial to Residential.	

These two separate submission points were lodged by these submitters opposing the proposed rezoning of 673/675 and 677 Waitarere Beach Road, Waitarere Beach from Residential to

Commercial. **P. and V. Wright** are the owners of these properties. Both have been in the ownership of the family for many years.

The submitter was of the opinion that 677 Waitarere Beach Road is the most commercially desirable section in Waitarere Beach, as it is flat, fenced, powered, has garages and a workshop, and is next to a restaurant and close to the beach. Notwithstanding that, the submitter says he has had residential enquiries over the years but no one has ever shown interest in setting up a commercial venture on the land. He notes that 673/675 Waitarere Beach Road are elevated and built on and he considers the site has only limited space for off street parking and would be unsuitable for most commercial ventures. In his view there is no demand for commercial land in Waitarere Beach, citing that two of the three purpose built shops behind the 4 Square store are vacant, the old service station has been empty for years, the Motel closed in 1991 and the gift shop, hairdresser and Boyce Plumbing and hardware have closed down. He adds that the "Hub" restaurant and other food ventures have failed. Based on professional advice, he contends that commercial zoning will lower the value of the property and complicate consent applications for any future additions or improvements. The submission states "while we can appreciate the Council's vision, we consider, the Field of Dreams ("make it and they will come") presumption is overly optimistic.

673/675 and 677 Waitarere Beach Road, Waitarere Beach are located side by side just to the east of the Sail on Inn Restaurant and Bar in between Park Avenue and Rua Avenue, approximately 350 metres from the Waitarere beach front. 673/675 Waitarere Beach Road is a 1075m² property with a 25 metres road frontage to Waitarere Beach Road containing a residential dwelling located in the north eastern corner of the property, elevated above Waitarere Beach Road, a double garage with a second storey loft just south of the dwelling built in a similar style and various other small sheds including a garage located on the boundary with Waitarere Beach Road. This property has two formed vehicle entranceways to Waitarere Beach Road. 677 Waiterere Beach Road is a 781m² flat section with a double garage in the south-western corner with a formed access on to Waitarere Beach Road. The Officer's report noted that these two properties are zoned Residential under the Operative District Plan, as are all surrounding properties.



673/675 and 677 Waitarere Beach Road highlighted in green - Proposed Commercial hatched red

These properties are located near the western end of an area of land spanning approximately 300 metres of the southern side of Waitarere Beach Road which is to be rezoned Commercial under the Proposed District Plan. Once again, this ambitious rezoning derives from the Development Plan which concluded that Waitarere Beach does not have an identifiable town centre. However it is observed that historically commercial activities were established on Waitarere Beach Road on residentially zoned land. In effect it creates a commercial zone supposedly anchored at each end from two residential properties east of the corner of Kahukura Avenue which contain the Beachcomber Cafe and the Waitarere Beach Four Square, and extending to the Sail on Inn Restaurant and Bar on the corner of Waitarere Beach Road and Rua Avenue near the beach front. The proposed Commercial zone within the Waitarere Beach area would allow for mixed use including commercial and residential activities.

The residential use of the properties subject to Commercial zoning would be permitted subject to compliance with Condition 17.6.2 (d) of the Proposed Plan which requires all buildings to have display windows along the ground floor frontage and landscaping requirements. This would however result in new residential development requiring resource consent.

The Officer's report claims that a transition to commercial uses for the identified commercial area may take a long time to eventuate, but it is considered important to provide opportunities for a commercial centre to be established. As noted earlier with respect to the du Plessis submission in Foxton Beach, HDC has not adopted planning boundaries for rating purposes as some Councils have. We also agree with the reporting officer that matters concerning property rates and values are not environmental effects under the Resource Management Act 1991.

Once again, the Hearings Panel found itself in the same position as it did with respect to submissions opposing part of the proposed rezonings for new Commercial zoned land in Foxton

Beach and in Foxton, addressed earlier in these decisions. These submissions relate purely to the submitters own property. If these Wright properties were left zoned Residential, they would result in a spot Residential zone and an incoherent zoning pattern along the frontage of Waitarere Beach Road.

The Hearings Panel is again caught with limited discretion available to it, except with respect to the submitters own properties. We consider that there is some force in the submitter's arguments, and an apparent history of unsuccessful commercial activity which supports the notion that the very long and extensive strip of proposed commercial zoning is unrealistically ambitious. We also consider that it has the potential to create unnecessary administration and compliance costs for the numerous residential owners along the strip of frontage properties, many of whom may have no intention of redeveloping their properties for commercial purposes. If these properties were to be redeveloped for commercial purposes, it may be preferable to do so in a more holistic way involving integrated development of an area of commercial land rather than ad hoc ribbon development of individual frontage properties along Waitarere Beach Road.

We would suggest that the Council revisit the need, or more properly perhaps, the scale and form, of the proposed Commercial Zone along Waitarere Beach Road. We have doubts that a viable "town centre" is likely to emerge from dispersed ad hoc commercial development along such a long road frontage. We consider a better result would be achieved by concentrating any future Commercial zoning in a more compact arrangement. To that extent, we are not entirely convinced that development in the form anticipated by this ribbon zoning would in fact be consistent with Policy 6.3.36 which aims to *"recognise the smaller-scale and diverse character of commercial areas in the smaller rural and coastal settlements by managing development to ensure an attractive and safe environment is created and maintained with well designed and attractive frontages and limited on-site vehicle access."*

However given our inability to review the zoning of properties which have not been the subject of submissions, we have rather reluctantly accepted that the Wright submission will have to be rejected.

4.12 Planning Maps 17 and 19

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
108.42	HDC (Planning Department)	Amend Planning Maps 17 and 19 to identify Lot 14 DP 24470 as Road Reserve.	
108.43	HDC (Planning Department)	Amend Planning Map 19 to identify Lot 13 DP 42904 and Lot 173 DP 50461 as Road Reserve.	

HDC (Planning Department - 108.42) lodged a submission requesting that a section of Taonui Street, Waitarere Beach which is currently zoned Rural, be identified as road reserve. Lot 14 DP 24470 is a 1019m² land parcel of Taonui Street vested in Council as road reserve and connects Kahukura Avenue and Rummel Street.



Area of road outlined in green

This submission point was unopposed and the Hearings Panel resolved that it be accepted.

HDC (Planning Department - 108.43) also lodged a submission requesting that two sections of pedestrian accessway connecting Kahukura Avenue and Park Avenue to be identified as road reserve to reflect their legal status and use. The two areas of land legally described as Lot 13 DP 42904 and Lot 173 DP 50461 over which the accessway between Kahukura Avenue and Park Avenue is formed are identified as part of the Residential 2 Zone, although this land is vested in Council as road.



Accessway outlined in green above

Given this legal status, the Hearings Panel agreed it would be appropriate to identify these areas as road reserve on Planning Map 19, and accordingly the submission point was accepted.

4.13 Planning Map 21

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
112.00	Shannon Progressive Association	Retain the proposed rezoning of 39a Margaret Street, Shannon from Residential Zone to Open Space Zone on Planning Map 21.	

The Shannon Progressive Association lodged a submission supporting the rezoning of 39a Margaret Street (Planning Map 21) from Residential to Open Space (*The Council's property information records together with those held by Land Information New Zealand identify this property as no.35 Margaret Street, Shannon*). The Officer's report notes that a Resource Consent was applied for by the Shannon Progressive Association in September 2010 (LUC/3017/2010) to erect a Waterwheel structure on this property. Under an Open Space zoning, a setback of 4.5 m from the Residential Zone Boundary and 4m from the road boundary will be required, and the Association may wish to re-site proposed waterwheel to comply with this setback requirement. Access and parking requirements and any other applicable conditions would also need to be complied with for this to be a permitted activity under the Proposed Plan.

The Hearings Panel resolved that the submission point by Shannon Progressive Association be accepted.

4.14 Planning Map 26

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
18.00	Paul Pearce	Retain proposed rezoning of Lot 4 DP 53896 (corner of Hamaria and Mako Mako Roads, Levin) from Industrial to Rural.	
19.00	Grant Leslie & Anne Searle	Retain proposed rezoning of Lot 4 DP 53896 (corner of Hamaria and Mako Mako Roads, Levin) from Industrial to Rural.	
20.00	Robert Kel	Retain proposed rezoning of Lot 4 DP 53896 (corner of Hamaria and Mako Mako Roads, Levin) from Industrial to Rural.	
21.00	Errol Skelton	Retain proposed rezoning of Lot 4 DP 53896 (corner of Hamaria and Mako Mako Roads, Levin) from Industrial to Rural.	
22.00	Kevin MacMillan	Retain proposed rezoning of Lot 4 DP 53896 (corner of Hamaria and Mako Mako Roads, Levin) from Industrial to Rural.	
115.00	Alan McKenna	Amend Planning Map 26 to remove the proposed rezoning from Rural to Industrial on the properties south of Levin, State Highway 1, and maintain the current Rural zoning.	520.00 Homestead Group Ltd- Oppose

Five submissions were made relating to Planning Map 26 supporting the rezoning of the 2 ha property on the corner of Hamaria and Mako Mako Roads, Levin, owned by G. and A. Searle from Industrial to Rural. One submission point by Alan McKenna erroneously referred to Planning Map 26, and this is addressed with respect to submissions on Planning Map 29.

P. Pearce, G. and A. Searle, R. Kel, E. Skelton and **K. MacMillan** all submitted in support of the proposed rezoning of Lot 4 DP 53896 on the corner of Hamaria and Mako Mako Roads, Levin from Industrial to Rural, observing that this land area has been used for rural activities for over 30 years. The submissions further observed that Rural zoning would reflect the long-standing use of the land, was consistent with lifestyle properties in the area, and that the unusual land shape was unsuitable for industrial use.

The Hearings Panel noted that the submissions were also supported by the reporting officer, and accordingly was resolved that the proposed rezoning be retained, and that the submission points be accepted.

4.15 Planning Map 27

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
30.00	Peter Everton	No specific relief requested. Inferred: Retain the proposed rezoning of properties from Rural to Industrial on Hokio Beach Road, Levin on Planning Map 27.	
30.01	Peter Everton	Amend Planning Map 27 to include Lot 2 DP 431415 within the Industrial Zone.	

P. Everton lodged a submission supporting the rezoning of a block of land on the southern side of Hokio Beach Road, Levin, west of the intersection with Bruce Road, from Rural to Industrial (Planning Map 27). This incorporates three properties (Lots 1 and 2 DP 73882 and Lot 1 DP 18451) which adjoin the existing Industrial zoned land to the east and represent an extension of the existing pattern of the existing Industrial zoned area under the Operative Plan. These blocks of land are currently used industrially as an automotive wreckers and a digger hire business. The Hearings Panel resolved that the submission point in support be accepted. Mr Everton appeared at the hearing in support of his submission, describing the nature of the property and its surrounds, and emphasising that it's rezoning would be consistent with the pattern of industrial development on adjoining land to the east.

P. Everton also sought the rezoning of his 8189 m² property in Hokio Beach Road (Lot 2 DP 431415) which partially adjoins the above rezoned land to also be rezoned from Rural to Industrial. He argues that rezoning would be appropriate as it reflects the historic and current land use of the site as a truck depot/workshop/office/storage area. The submitter cited previous meetings with Council officers regarding this proposal, and his advice to immediate neighbours of his intention to request that the property be rezoned from Rural to Industrial. The Hearings Panel noted that these parties have not lodged a further submission in opposition to Mr Everton.

If the Everton property was rezoned Industrial, it would comprise a relatively small parcel surrounded by Rural zoned land to the north, south and west. There are three residential sized properties along this Road frontage, being 119 and 121 Hokio Beach Road and 109-113 Hokio Beach Road. Realistically, their small size precludes rural activities. One residential property (109 - 113 Hokio Beach Road) would be left as an isolated spot zone, while another would be partly isolated by the proposed Industrial zoning on two boundaries.



2010 Aerial photograph of site outlined in green and surrounding area- hashed purple is proposed Industrial, solid purple is existing Industrial

The reporting officer had some concerns that the protection of the existing amenity of these small rural properties could be achieved given they would be enveloped by the industrial zoning of the Everton property. On visiting the site, the Hearings Panel noted that the amenity values of this area were poor, a factor not assisted by the untidy appearance of the 'industrial' development and a virtual lack of any landscaping.

While acknowledging that the Everton property was to some extent industrial in character, the Hearings Panel felt it would be clearly preferable to the zoning of this land, if it were to occur, to be undertaken comprehensively to include the small 'rural' properties along the Hokio Beach Road frontage. Rezoning would not merely maintain the status quo in terms of land use, but could significantly intensify the range of activities undertaken on the site and the levels of effects that would be generated. We were not satisfied that the purpose of the Act would be better achieved by the somewhat ad hoc zoning proposed extending further along Hokio Beach Road. We consider further zoning in this area would need to take account of the need to substantially improve the poor standard of amenity which currently exists, an outcome which would not be achieved through the rezoning proposed. For these reasons, the Hearings Panel resolved that the submission point be rejected.

4.16 Planning Maps 27A, 27B, 28A and 28B

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
Hearing Decision: Proposed Horowhenua District Plan – General Part 4 (Planning Maps)			

Sub No.	Submitter Name	Decision Requested	Further Submission
5.01	Elaine Gradock	No specific relief requested. Inferred: Amend the identified area for larger scale retail development in Levin to include the commercial town centre on Planning Maps 27A, 27B, 28A and 28B.	

One submission was received supporting identifying an area for larger scale retail development within the Levin town centre.

E. Gradock supported the identification of an area for large format retail development, contending that Levin needs a large 'big box' retail site for consumer choice. The reporting officer advised that a Large Format Retail Overlay which would allow for large floor areas for retail activities had been identified in the Development Plan, and was located over existing and proposed Commercial zoned properties north of the Levin Pedestrian Overlay Area. The selection of these areas were based on the need for the location of such facilities to be outside of the pedestrian focused area to ensure the vibrancy, vitality, character and amenity values of the main town centre. This reflects concern that large format retail is largely based on vehicular traffic rather than a pedestrianised environment, which could have an adverse effect on a town centre. The Hearings Panel resolved that the submission point be accepted to the extent that it supports the identification of a large format retail area on the Proposed Plan.

4.17 Planning Map 27A

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
108.44	HDC (Planning Department)	Amend Planning Map 27A to identify Lot 3 DP 21580 as Road Reserve.	

One submission point was made relating to Planning Map 27A. **HDC (Planning Department)** (108.44) made a submission point requesting a section on the corner of Stanley Street and Salisbury Street to be displayed as road reserve.

HDC (Planning Department - 108.44) sought that a small triangular area on the corner of Stanley Street and Salisbury Street, Levin (Lot 3 DP 21580) to be correctly identified as road reserve. This small corner parcel of land is vested in Council as road.



Corner parcel highlighted in green

The Hearings Panel resolved it would be appropriate to identify this land parcel as road reserve on Planning Map 27A to reflect its legal status and land use. This submission point was accepted.

4.18 Planning Maps 27A and 28A

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
114.00	Gary Spelman	Amend Planning Maps 27A and 28A to remove the proposed rezoning of properties in the Exeter and Bristol Street, Levin area to Commercial and maintain as Residential.	

A submission was received from **Mr Spelman** opposing the rezoning of properties in Exeter and Bristol Streets, Levin, from Residential to Commercial.



Area proposed to be rezoned Commercial shown in hatched pink

Mr West presented submissions on behalf of his client Mr Spelman. He noted that Mr Spelman opposed the rezoning of the area off Exeter and Bristol Street, which adjoined his property along Exeter Street to the east. He was concerned that there would be adverse effects on the amenity of his adjoining residential property. It was apparent that he took considerable pride in the maintenance of the dwelling on this property, a factor that was apparent to us from our site visit. The need for commercial land in this location was questioned, and there was concern that there was potential for large scale, unattractive commercial buildings to be erected on his eastern boundary, potentially devaluing the Spelman property.

The reporting officer explained that the area proposed to be rezoned Commercial on the north western corner of Exeter and Bristol Streets in Levin was assessed for rezoning through a land use survey conducted in 2012. The reporting officer considered that "on balance", rezoning these properties to Commercial was the most appropriate zoning, given that two out of these three properties are currently developed commercially and the zone interface rules would protect the adjoining residential properties.

The latter point became an issue of discussion at the hearing, where in response to Mr Spelman's concerns about the scale of the building which might in future replace the existing structure on his eastern boundary, it was noted that any building or structure was required under Rule 17.6.4 (a)(ii) to be set back 4.5 m from the Residential Zone boundary, and with the additional application of the recession plane, would limit the height of any such building to approximately 8m at this distance. Furthermore, it was noted that in the Residential Zone itself a building could be erected to a height of 8.5m under Rule 15.6.2 (a) as of right. It was also noted that the Spelman dwelling was set back from the proposed Commercial Zone boundary, and there was an intervening shed on his property.

The existing large building was in fact located directly on his eastern boundary, and not set back at all.

The Hearings Panel were conscious of the genuine concerns held by Mr Spelman, but when considering the rules package in the District Plan as a whole, the existing pattern of land use activities to the east of his property, the configuration of the dwelling on his own property, and the protection provided for under the rules on the common boundary, it was concluded that the proposed Commercial Zone was still appropriate. Taking these factors into account, it was concluded that the submission point be rejected.

4.19 Planning Map 27B

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
6.01	Heather Benning	Amend Planning Map 27B to include 28 Durham Street, Levin within the Residential Zone and Medium Density Development Overlay.	
11.25	Philip Taueki	Amend Planning Map 27B to include Pt Sec 28 Levin Suburban (former Levin School site) within the Commercial Zone.	519.20 Charles Rudd(Snr) - Support
60.22	Muaupoko Co-operative Society	Amend Planning Map 27B to include Pt Sec 28 Levin Suburban within the Commercial Zone.	

28 Durham Street

A submission was received from **H. Benning** seeking the rezoning of the site at 28 Durham Street, Levin, a 1012m² section which is zoned Commercial under both the Operative District Plan and the Proposed Plan. This property is a corner section with road frontage to both Durham Street and Salisbury Street. It contains a well maintained residential dwelling which serves as a family home and which is surrounded on all sides by streets and car parking. The submitter seeks Residential zoning with the 'Medium-Density Overlay'. To the north and west the Commercial sections are owned by Horowhenua District Council and are developed as long term vehicle parking spaces which are also proposed to be designated for car parking use. It was also originally proposed to designate 28 Durham Street for car parking purposes, but this proposed designation has been declined through the hearings relating to the submissions on designations.

The Hearings Panel considers that an irreversible pattern of Commercial and associated carparking development has now enveloped the site. Although properties across Durham Street to the south remain Residential, we consider there was little or no prospect of residential development re-establishing adjacent to the submitters property, and that it's rezoning to Residential would create an anomalous spot zoning. For these reasons the submission point was rejected.



Aerial photograph with property outlined in green

Levin Adventure Park

P. Taueki and the Muaupoko Co-operative Society request the rezoning of the Levin Adventure Park site (legally described as Pt Sec 28 Levin Suburban) from Residential to Commercial. The submitter states that this Residential zoning is inconsistent with the Commercial zoning of adjoining properties along Oxford Street, Levin's main commercial street. The site comprises Pt Sec 28 Levin Suburban, a 3.2767 ha property located on the western side of Oxford Street, Levin (State Highway 1), between the intersections with Stuckey and Durham Streets. It is zoned Residential 1 under the Operative District Plan and Residential in the Proposed Plan and was formerly the Levin School. The Horowhenua Visitor Information Centre (since relocated) and the Levin Adventure Park were developed on this site. The site also contains five listed 'Notable Trees' under the Proposed District Plan.

This large site is essentially on the interface between commercial town centre development to the north, residential development to the southwest, and commercial/industrial development extending along Oxford Street to the south. The Hearings Panel considers that it is premature to consider the long-term development in zoning of this land pending future decisions with respect to Treaty of Waitangi claims being resolved. As ex-Crown land, this site may well form part of a future treaty settlement. We are well aware that this area is seen as an asset/open space of significant value to the community, but upon resolution of Treaty claims, the site, or at least parts of it, could be seen as having commercial and/or residential development potential when consideration is given to the adjacent land use patterns. The current use of the site for open space purposes cannot be regarded as a de facto designation for the future. Provided any adverse effects are addressed, future owners of the land would be entitled to expect that the site be developed in a manner

enabling the highest and best use. In terms of the final resolution of such zoning matters, this would require wider community involvement, most notably with the Crown's Treaty partners, something which cannot be realistically addressed at this point in time.



Levin Adventure Park site outlined in red

Any commercial rezoning of the land *at this point in time* is inappropriate as there has been no consultation or opportunity to consider the implications of such a rezoning in terms of visual impacts, traffic effects, or potential land use conflict with adjoining residential activity. This would be something which would be best addressed through a plan change procedure, which would enable prior assessment of any land use of alternatives ranging from the current open space usage to various combinations of urban activities over all or part of the site.



Adventure park property and surrounds showing Proposed District Plan zoning - yellow - existing Residential - pink - existing Commercial - hatched pink - Proposed Commercial

While Mr Taueki appeared at a special hearing held on 28 May where he was heard by all members of the District Plan Review Hearing Panel, the zoning of this particular site did not feature as part of his verbal presentation to the Hearing Panel.

The merits or otherwise of the zoning of this land as pursued through Mr Taueki's submission need to wait for the resolution of Treaty claims. In the meantime, the Hearings Panel considers that the current Residential zoning should remain in place, and that the submission points be rejected.

4.20 Planning Map 28A

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
8.00	Graham & Sonia Broughton	Amend Planning Map 28A to change the zoning of 189 Cambridge Street, Levin from proposed Commercial to Residential.	
43.00	Franklyn Leong & Heather Brown	Amend Planning Map 28A to rezone the properties in Essex Street that are proposed to be rezoned Commercial, by zoning them Residential.	

Sub No.	Submitter Name	Decision Requested	Further Submission
73.02	McDonald's Restaurants (New Zealand) Limited	Amend Planning Map 28A to remove the 'Proposed Pedestrian Area' notation from the McDonald's site.	

189 Cambridge Street

G. and S. Broughton opposed the rezoning of 189 Cambridge Street Levin, from Residential to Commercial as they contended this would have an adverse effect on their adjoining properties at 185 and 187 Cambridge Street which comprise two attached residential units. They contended that Cambridge Street is zoned Residential, the development of inappropriate scale could occur adjacent to their residential properties, and that there would be a loss of property value. The property subject to the rezoning is a 1062m² property which is made up of three allotments on one title. It is a corner section with road frontage to both Tyne Street and Cambridge Street and forms an L shape with two allotments extending south and sharing a boundary with the railway reserve. This property contains a large building located up to the boundary with the railway reserve, which operates as Ken Masons Auto Electrician. A large sealed area is located near the road frontage with Tyne and Cambridge Streets. Land Use Consent (XN/1998/788) has been granted in 1998 for the auto electrical workshop on this site, and a consent was granted in 2007 (501/2007/2304) for a new office and workshop on the site.



189 Cambridge Street shown in hatched pink

The Officer's report stated that the proposed rezoning of this property to Commercial was part of the land use survey undertaken in 2012, which noted the existing commercial use, and the impacts of adjacent road and rail traffic on residential amenity.

From our site visit, we acknowledge that the environment in Cambridge Street is essentially residential, but that this site is somewhat unique in that street given its established land uses, and the combined effect of road and rail traffic in conjunction with the level crossing adjacent to the site. We also note that an element of protection is provided for adjoining residences from future

commercial development on the site in terms of required 4.5 m building setback, recession planes to protect sunlight admission, and a requirement to comply with the residential noise standards at the site boundary. These factors will limit the height and scale of future buildings on the site at 189 Cambridge Street.

Given in connection with commercial activities along Tyne Street beyond the railway crossing, we are satisfied that this site does not 'read' as a typical spot zone. For these reasons, the Hearings Panel considered that the proposed Commercial zoning should be retained and that the submission point be rejected.

Essex Street

F. Leong and H. Brown have opposed the rezoning of the area on the corner of Bristol and Essex Streets, Levin from Residential to Commercial. Matters raised by the submitter included increases in traffic volumes, safety issues for children and the elderly, availability of other commercial buildings on land, vandalism and graffiti, feral pests and lack of consultation.

By way of background, the Officer's report noted that during 2006 – 2009 Council had evaluated areas appropriate for new commercial, industrial and residential development as part of the Horowhenua Development Plan. The area between York Street, Bristol Street, Exeter Street and Oxford Street was identified as the preferred location for future commercial development, in particular, large format retail. It was considered appropriate to identify a whole street block with a contiguous pattern of commercial zoning, close to but not within the existing town centre. The wider street width was also seen as providing a suitable buffer to adjoining residential development beyond.



Area proposed to be rezoned Commercial shown in hatched red

Unfortunately, the submitters did not appear at the hearing to expand on their concerns. Inspecting the site area from the Street, we note that it contains a mix of uses - residential, recreational and commercial - which would require a potential large format retail developer to acquire a large number of properties in separate ownership. We understood informally at the hearing that this in fact may well be the case. We were of the view that it will be important to ensure that the quality of any eventual development takes account of the residential neighbours to the north and west.

We felt it would have been useful to have had a better appreciation of how this land would be developed comprehensively within the framework of the rules in the District Plan. However we also heard no contrary evidence presented with respect to potential adverse effects. On balance, the Hearings Panel concluded that the proposed Commercial zoning should be retained.

Accordingly, the Hearings Panel resolved that the submission point by Leong and Brown in opposition to the rezoning of the area on the corner of Bristol and Essex Streets, Levin from Residential to Commercial be rejected.

McDonald's Restaurant

McDonald's Restaurants Ltd opposed the identification of their site located on the corner of Oxford Street (State Highway 1) and Stanley Street being within the proposed 'Pedestrian Overlay', primarily on the grounds of the traffic function of Oxford Street and the presence of car parking. The main frontage of McDonald's is to Oxford Street, with vehicle access to/from the carpark and drive-through from Stanley Street exiting to Oxford Street.

This area is proposed to be zoned Commercial under the Proposed Plan with the Pedestrian Overlay Area introduced to differentiate between 'pedestrian' and 'vehicular' oriented areas. With respect to this, the officer's report noted that Policy 6.3.35 in the District Plan states:

"Recognise and protect the pedestrian environment within the core part of commercial areas in the main urban settlements by managing development to ensure an attractive and safe pedestrian focused environment with active, transparent and continual building frontages, shelter and limited on-site vehicle access".

It was explained that along this section of Oxford Street, the plan attempted to achieve a pedestrian focused town centre environment with buildings sited on the front boundary having verandas and display windows. The Hearings Panel noted that the submitter did not appear at the hearing, and that their concerns may have arisen as a misunderstanding in terms of the potential impacts of the District Plan on their operations. The intention of the plan is not to restrict the existing activities of the submitter, but to recognise the location of this and other businesses in the pedestrian core of Levin, and to differentiate this part of the town from large-floorspace commercial/industrial activities beyond, which are characterised by large street setbacks and frontage car parking.

The Hearings Panel resolved that the submission point be rejected.

4.21 Planning Map 28B

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
----------------	-----------------------	---------------------------	---------------------------

Sub No.	Submitter Name	Decision Requested	Further Submission
111.00	Mark Dunn	Amend Planning Map 28B to remove all properties on Manchester Street, Levin that are within the Medium Density Area.	

M. Dunn lodged a submission in opposition to the Proposed Medium Density Area on the southern side of Manchester Street Levin, because all affected properties except number 14 Manchester Street had already been subdivided below 700m², removing the need for a 'Medium Density Overlay' in this location.



Properties to have Medium Density Overlay on southern side of Manchester St shown with hashed white lines - Existing Commercial - pink

Manchester Street is a local road of approximately 220 metres in length which extends between Cambridge Street and Winchester Street close to the Town Centre of Levin. Land use and zoning in this area is mixed with a group of properties towards the western end on the southern side of the street, closest to the town centre zoned Commercial and the remainder of the street zoned residential. The officer's report noted that the southern side of Manchester Street, especially the south eastern corner, had experienced significant infill subdivision with lots ranging from approximately 330m² to 750m², except 14 Manchester Street which is 1012m².

The Proposed Plan provided for slightly higher densities (medium density) than the Operative District Plan to enable development at greater residential densities close to the town centre. The location and extent of these medium density areas was based on a reasonable walking distance to the town centre and an assessment as to whether the character and amenity of the area could accommodate more intensive development.

The Officer's report acknowledged that within the Medium Density Overlay Area in Manchester Street there were limited opportunities for further re-development given the existing pattern of infill subdivision, but considered that potential remained for further medium density development to occur either on individual properties or as part of a multi-lot comprehensive development.

From our site visit we noted that the area currently exhibits a mixed density character. Taking a longer term perspective, and having regard to the location of the area concerned relative to the centre of Levin, the Hearings Panel was of the opinion that the Medium Density Overlay should remain in place. Even if the potential for further subdivision in the medium term is limited, the location and character of the area was such that its reversion to 'standard' residential density controls was considered inappropriate.

For these reasons, the Hearings Panel resolved that the submission point be rejected.

4.22 Planning Map 29

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
2.00	Homestead Concrete Homes Ltd	Retain proposed rezoning of 70-90 Main Road South, Levin from Rural to Industrial on Planning Map 29.	
31.00	The Surveying Company (Wellington) Ltd	Amend Planning Map 29 to rezone Lot 2 of the proposed subdivision of Lots 1 & 2 DP 56588 (15 and 15a Keepa Street, Levin) from Residential to Industrial.	
37.00	Homestead Group Limited	Retain the proposed rezoning of land from Rural to Industrial on Planning Map 29.	
108.45	HDC (Planning Department)	Amend Planning Map 29 to identify Section 1 SO 37969 as within the Residential Zone.	
115.00	Alan McKenna	Amend Planning Map 26 to remove the proposed rezoning from Rural to Industrial on the properties south of Levin, State Highway 1, and maintain the current Rural zoning.	520.00 Homestead Group Ltd - Oppose

Five submissions were received relating to different areas for the area covered by Planning Map 29. Two submissions support the proposed rezoning of an area of 70-90 Main Road South, Levin, while one submission opposes this rezoning. One submission requested rezoning a property from Residential to Industrial to reflect the recent subdivision that has occurred in Keepa Street. One submission requested rezoning a roadside section (Section 1 SO 37969) from Road to Residential.

70-90 Main Road South, Levin

Homestead Homes Ltd and Homestead Group Ltd supported the rezoning of 70-90 Main Road South, Levin, from Rural to Industrial. Homestead Homes operate their business from 74 and 76 Main Road South. The Council has rezoned four large properties on the southern edge of Levin from Rural to Commercial with frontage to the western side of the state highway. Mr A. McKenna opposed this rezoning and sought that the land be rezoned Rural.

The land proposed to be rezoned was described as comprising four properties (70, 74-76, 80-82 and 90 Main Road South (State Highway 1)) which immediately adjoin the existing Industrial zoned land to the north. The property 70 Main Road South is an established 2 ha rural lifestyle block, adjoining the existing industrial zone to the north. It contains an existing residential dwelling.

The property 74-76 Main Road South comprises two titles of approximately 2.8 hectares, formerly used as a Levin Borough Council landfill and public works depot. The site currently contains large industrial buildings from which Homestead Concrete Homes Ltd operate their business. By way of background, land use consent was granted in 2010 (LUC/2010/2974) to operate this facility and an application was recently lodged to change the conditions of this consent relating to hours of operation. The reporting officer advised that there has been a history of complaints made by the owner of the neighbouring property at 80-82 Main Road South Council regarding noise and hours of operation from the Homestead site. At the time of the hearing, a resource consent application is being processed prior to determining a hearing date.

The property 80-82 Main Road South is a 1.2643 hectare property containing an existing dwelling (occupied by submitter A. McKenna) with sheds on the northeast side of the property. Along the Road frontage there is a vacant office and storage unit formerly used by Transbuild and an office and storage depot currently occupied by Davis and Montague plumbing and drain layers. The balance of the land is used for grazing.

The property 90 Main Road South is a 2 hectare property containing a residential dwelling, accessory buildings an area of plantation forest and a large number of wrecked motor vehicles. A motor vehicle wrecking business appears to be operating from this site.

Mr Bryce Holmes appeared at the hearing to give evidence in support of Homestead Group Limited. He was critical of arguments (by McKenna) that there was adequate industrial land available, which he said reflected a "supply-side" approach whereby land would only be released once other industrial land ran out, which he contended was tantamount to a licensing approach to rezoning. He said that (his client's) land was currently being used for industrial use and had been developed to a high standard. He considered that reliance on existing use rights was problematic in terms of potential future site development. He considered a longer term view need to be taken to enable future investment decisions to be made with some confidence, rather than anticipating change as an immediate consequence of rezoning.

He did not consider that the existing buildings would cause significant issues of shading or loss of sunlight and that potential noise issues were being addressed through the current application before the Council and upon advice from Malcolm Hunt and Associates. He emphasised that New Zealand Transport Agency had not opposed the rezoning and that the safety and efficiency of the state highway was not an issue.

He considered that rezoning would not constitute urban creep as the "rezoning proposals would provide more efficient district planning provisions for those (existing) uses". He did not support the removal of the McKenna property from the rezoning.

The reporting officer noted that the Industrial zoning proposed better reflects existing activities, noting also that the rural potential of the land had been adversely affected by a previous site being utilised for a Council quarry on public works depot and other industrial uses.

He noted that the submitter (McKenna) who owns and lives on the property 80-82 Main Road South had opposed the proposed rezoning of 70-90 Main Road South on the basis that there was adequate industrial land available (including a large area in Tararua Road) which should be promoted before rezoning more land Industrial.



2010 Aerial photograph of sites and surrounding area- hashed purple is proposed Industrial, solid purple is existing Industrial

In considering this extensive rezoning, some members of the Hearings Panel were concerned at potential for uncoordinated ribbon development extending south of Levin, and the potential for uncoordinated development with a potentially poor standard of amenity. Given the previous use of the Homestead site for a quarry, we were not uncomfortable with an Industrial zoning over that property, which was quite large and had long since lost any potential element of rural amenity or rural land use potential.

The Officer's report noted that new provisions introduced by the Proposed Plan (Rule 16.6.3) would require new industrial activities on these sites to ensure that where these sites have frontage to State Highway 1, buildings are to be setback 10m from the road frontage, and a landscape strip is required in the area between any building or car park. The report went on to say that as *"these properties (70-90 Main Road South) would essentially become the urban edge and southern gateway (i.e. the first properties from the south) there is an exciting opportunity of creating a more visually pleasing entrance to the urban area of Levin if the proposed rezoning occurs"*.

In light of this, we were however concerned about the property at 90 Main Road South, which would effectively be the "gateway" for visitors approaching Levin from the south. The presence of a dense pattern of pine trees on the property has a fortunate effect of mitigating what would otherwise be an appalling standard of amenity associated with the very large number of derelict vehicles on the site. The property is also partially screened by trees on the frontage rural properties further beyond to the south. The planning controls are not particularly robust in our opinion, and would be difficult to apply in terms of arguments about existing use rights.

We were satisfied that there was a strong case for rezoning the properties at 70 - 76 Main Road South (i.e. down to and including the Homestead property). Although the owner of 70 Main Road South did not appear at the hearing, and that their property appears to be in rural use, it is effectively sandwiched between the existing industrial area to the north and the Homestead property which visually exhibits a heavy industrial character. We have some reservations about continuing the zoning further south to include the McKenna property and that at 90 Main Road South. We note that the McKenna submission provided sufficient scope to only uphold the rezoning of some, and not all of these properties.

In the final analysis, the matter was finely balanced. We conclude that the balance was tipped in favour of maintaining the industrial zoning over all of the subject properties on the basis that all except the northernmost property had been significantly compromised for rural purposes by existing industrial development on-site. Having regard to this, we did not consider that the potential availability of other industrially zoned land was a major consideration in this case, given that reversion to productive rural uses appears unlikely. The rules framework for the area is 'adequate' - but certainly no more than that - to protect the amenity of the surrounding environment. From a traffic management perspective, the lack of any submissions from NZTA was significant.

Notwithstanding this, the Council will need to be conscious of the potential for further industrial ribbon development extending along this section of the state highway. The Council has only limited control over the quality of development in this location, which could (upon the removal of existing trees, for example) result in an unattractive visual appearance for travellers arriving in Levin from the South. Further reinforcement of planning controls in this location may well be worth pursuing through a future plan change. The Hearings Panel resolved that the submission points by Homestead Homes Ltd and Homestead Group Ltd in support of rezoning 70-90 Main Road South, Levin from Rural to Industrial zone be accepted, and that the submission point by McKenna in opposition to rezoning 70-90 Main Road South, be rejected.

Keepa Street, Levin

The Surveying Company (Wellington) Ltd lodged a submission requesting Lot 2 of a recently granted subdivision consent (502/2012/3329) at 15-15a Keepa Street, Levin be rezoned from Residential to Industrial to incorporate the entire property which has increased in size due to a boundary adjustment.



Approved subdivision plan 502/2012/3329

Keepa Street has a mixture of Residential, Industrial and Commercial zoned properties. The Officer’s report describes the property at 15 Keepa Street as an 1108m² property with an existing dwelling located centrally towards the front of the property and is zoned Residential. 15A Keepa St is a rear section located behind 15 Keepa Street, accessed via a driveway running adjacent to the western boundary of 15 Keepa Street. This property is zoned Industrial and contains two workshops currently used by Engine Restorations Ltd for vintage car restoration work. The boundary adjustment (501/2012/3329) granted in January 2013 increased the size of 15A Keepa Street and reduced the size of 15 Keepa Street by 520m² which consisted of the rear grassed area of 15 Keepa Street.

The Hearings Panel agrees that as the rear area now forms part of the adjoining property, it would be appropriate to rezone the balance land (i.e. Lot 2 of the subdivision) from Residential to Industrial to avoid the split zoning of one property. The amenity of the adjoining residential property

in 15 Keepa Street would be protected by the zone interface rules. It was resolved that the submission point to rezone Lot 2 of 501/2012/3329 from Residential to Industrial be accepted and the Planning Maps be amended as set out in Appendix A.

Shamrock Street, Levin

HDC (Planning Department) lodged a submission to rezone Section 1 SO 37969, a strip of land of 211m² being a part of 43 Shamrock Street, which was mistakenly zoned as part of Hokio Beach Road reserve from part of the Road Reserve to Residential. This simply corrects an anomaly on the planning maps, and the Hearings Panel resolved that submission point be accepted and that the Planning Maps be amended to reflect this as shown in Appendix A.

4.23 Planning Map 30

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
54.00	Warwick Meyer	Amend Planning Map 30 to rezone Part Lot 1 DP 86925 being the land on the corner of Queen Street and Arapaepae Road, Levin with a special zoning to provide for vehicle service stations, food preparation and sales, visitor accommodation and local produce stores as a permitted activity. Alternatively amend the permitted activities for underlying zone of the site to include vehicle service stations, food preparation and sales, visitor accommodation and local produce stores on this site.	526.00 Truebridge Associates Ltd- Oppose

W. Meyer lodged a submission requesting a special zoning for his land on the south eastern corner of Arapaepae Road (State Highway 57) and Queen Street East, Levin to provide for vehicle service stations, food preparation and sales, visitor accommodation and local produce stores as a permitted activity. Alternatively, the submitter seeks to retain the Rural Zoning, but amend the rules to permit the use of this particular site for this purpose. The land is located on the south eastern corner of Arapaepae Road (State Highway 57) and Queen Street East, Levin, is a 12.8393 ha in area.

The submitter is employed by the Council, but the Hearings Panel acknowledges that the submission is made in a personal capacity.

This location is a major intersection which acts as the main eastern gateway to Levin for traffic travelling along State Highway 57. The Officer’s report noted that NZTA recently announced as part of a package of works for State Highway works between Levin and Otaki, provision would be made for improvements at this intersection in the form of a new roundabout. However, we were advised that NZTA had more recently stated that as "the cost of a roundabout and the impact on heavy vehicles would be considerable, we have decided to maintain the current arrangement here also. We will continue to review the performance of this intersection".

This property is zoned Rural under the Operative District Plan and is identified as Rural land to be rezoned Greenbelt Residential (deferred) under Proposed Plan Change 21. Meantime, the rules of the Rural Zone apply within the Greenbelt Residential (Deferred) Zone until the deferred status is lifted, which in turn is dependent on the availability of reticulated infrastructure to service this area. At this time, Council has made no commitment in its Long Term Plan (i.e. next 10 years) to service this area.

By way of further background, in 2009, the Council prepared a Structure Plan for the Gladstone Greenbelt area which includes the submitter's site. This Structure Plan was prepared as part of the ongoing programme of work for implementing the Horowhenua Development Plan and would be introduced into the District Plan at some unspecified time in the future. The Structure Plan was adopted by Council, but at this point does not form part of the Proposed Plan. It is apparent from the evidence that the final development framework for this area and the final configuration of the roading network may not be resolved for a considerable period of time.



Aerial photograph of site outlined in green and surrounding area

The Hearings Panel accepts that the highly visible location of this land for activities such as vehicle service stations, food preparation and sales, visitor accommodation and local produce stores may well be appropriate, particularly for serving passing traffic. However, in terms of the proposed new growth area east of State Highway 57, a significant commercial development in this location would not be centrally located to serve that area, or alternatively might undermine the future viability of a centrally located commercial facility within the growth area.

The Hearings Panel considered the rezoning of the land, or alternatively putting in place a specific rule framework to provide for commercial development in this location, is premature at this stage. While the notification of the Proposed Plan has provided an opportunity for the submitter, it is considered that changes to the planning regime for the site should follow (not potentially determine) the nature of the traffic management arrangements which will ultimately be adopted by

NZTA for the intersection, the specific nature of the rules framework required in this location, and whether the location is suitable for the full range of activities proposed having regard to ultimate zoning and rules package for the growth area. The further submission by Truebridge also makes comment about traffic safety at this intersection, a factor which would be important in determining an appropriate zoning package. At this point in time, these issues have simply not been clarified or addressed in any detail. Consideration would also have to be given to any potential impacts of the full range of activities proposed on the vitality of the Levin Town Centre.

For these reasons, Hearings Panel resolved that the submission point be rejected.

4.24 Planning Map 36

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
49.00	Alan & Marie Blundell	Amend Planning Map 36 so that the properties of Reay MacKay/Strathnaver Drives at Waikawa Beach are rezoned from Rural to Residential.	525.14 Maurice and Sophie Campbell - Support

A. and M. Blundell lodged a submission seeking the rezoning of properties in Reay Mackay/Strathnaver Drives, Waikawa Beach from Rural to Residential. The submitter also lodged a submission point opposing the Coastal Natural Character and Hazard Area Overlay which has been addressed separately in the Coastal Environment Hearing and decision.

The submitter considers that the scale of subdivision and development approvals now present in the area calls into question the current rural zoning, and that residential zoning would be more appropriate.

The Hearings Panel were advised that the extent of residential zoning at Waikawa Beach was specifically evaluated as part of Proposed Plan Change 21, including rezoning all or part of Strathnaver Glen subdivision to Residential. It was noted that a significant number of submissions were lodged on the Plan Change. It was determined that zoning all or parts of Strathnaver Glen residential should not proceed because of the need to protect rural and natural character and amenity, avoid natural hazards, and having regard to traffic and servicing matters. From inspection, the area concerned comprises a surprisingly dispersed environment with a varied but predominantly rural residential character and density. The Hearings Panel were of the opinion that residential zoning could result in further redevelopment of the subdivision with significantly higher densities than is currently the case, which would inevitably raise issues with respect to amenity and servicing. Such an exercise would require careful consultation and analysis, which already appears to have occurred through the Plan Change 21 process.

The Hearings Panel was not persuaded that residential zoning was appropriate for the character of this area and its future development, and accordingly resolved that submission point be rejected.

4.25 Planning Maps - General Matters

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
65.07	Horowhenua Farmers' Ratepayer Group	Amend Planning Maps to accurately identify areas of class 1 and 2 soils.	
65.08	Horowhenua Farmers' Ratepayer Group	Amend the extent of the Hill Country Domain so that the western boundary for the Hill Country Domain is where land rises sharply and continuously at the base of the foothills at a slope of 40 degrees.	
66.07	Bruce & Christine Mitchell	Amend Planning Maps to accurately identify areas of class 1 and 2 soils.	
66.08	Bruce & Christine Mitchell	Amend the extent of the Hill Country Domain so that the western boundary for the Hill Country Domain is where land rises sharply and continuously at the base of the foothills at a slope of 40 degrees.	
67.07	Taiao Raukawa Environmental Resource Unit	Amend Chapter 2 to include a Planning Map of Kuku.	
99.50	Transpower New Zealand Ltd	Amend all relevant Planning Maps, so that the electricity transmission network is identified on the District Plan Planning Maps.	

Land Use Classification (Class 1 and 2 Soils)

The Horowhenua Farmers' Ratepayer Group and B. and C. Mitchell submitted requesting the Planning Maps be amended to accurately identify areas of Class 1 and 2 soils. This submission states that the LUC mapping base provided by the Horizons Regional Council is too large scale to be accurate. The submitter contends that if Council wishes to regulate activities according to Land Use Capability, a more accurate mapping base should be used.

We were advised that the only rules within the Proposed Plan relating to the Land Use Classification system (Class 1 and 2 soils) are those associated with rural subdivision, which provisions were reviewed as part of the Proposed Plan Change 20. There are no land use rules relating to soil classification. During the hearing of the subdivision policies and rules under Plan Change 20, the accuracy of using soil classification under the Land Use Classification system was addressed, and it was decided through that process that the soil classification system was adequate for the purpose of the subdivision rules.

The provisions of Proposed Plan Change 20 (including mapping Class 1 and 2 soils) are not open for submission through these hearings on the District Plan Review, and the subject matter of these submissions have already been addressed separately through that process.

The Hearings Panel resolved that the submission points by the Horowhenua Farmers' Ratepayer Group and B. and C. Mitchell be rejected for the above reasons.

100 Metre Contour – Hill Country Landscape Domain Boundary

Horowhenua Farmers' Ratepayer Group and B. and C. Mitchell lodged submissions requesting the amendment of the 100 metre contour line which would amend the extent of the Hill Country Domain. Their submission states that in the 'Decisions of the Hearing Panel' for Plan Change 22, the commissioners recommended that HDC needs to further consider the 100m contour line as a boundary for the Hill Country DHLA in a future District Plan Review, which they suggested should be linked to slope. Ms C. Mitchell appeared at the hearing, and was critical of the use of this contour which was regarded as a crude method of identifying land that should be appropriately included in the Hill Country DHLA.

Again, this was an example where the particular issue had been raised as part of submissions on Proposed Plan Change 22 which was not open for submission through these District Plan Review hearings as they specifically exclude the content of matters raised under the Plan Change - that is, to avoid duplication of hearings processes on the same topic. Unfortunately there appeared to be some confusion over this, with the submitter apparently understanding that the concerns they raised before Plan Change 22 could be instead addressed through these hearings. It is the Hearings Panel's understanding that in considering the matters raised on Plan Change 22, the Council was advised to revisit the method whereby the boundary of the Hill Country DHLA was determined, which in practice would require further analysis and clarification through a further plan change at a later date. No work has been done with respect to this issue in terms of these hearings on the balance of the new Proposed Plan as the relevant Plan Change had not yet been made operative. It is regrettable that this misunderstanding has caused some frustrations for the submitter.

The Hearings Panel resolved that the submission points by Horowhenua Farmers' Ratepayer Group and C. Mitchell be rejected for the above reasons, but also acknowledging that the issue will need to be addressed through a subsequent plan change or plan review.

Kuku

Taiao Raukawa Environmental Resource Unit lodged a submission requesting the inclusion of a Planning Map of the settlement of Kuku.

While the District Planning Maps cover the Horowhenua in a grid method, inset maps are included which display settlements at a smaller scale so that zone boundaries and other planning features can be more easily read. All land in the Kuku area is zoned Rural (i.e. there are no detailed variations in the zoning pattern) and all overlays and features in this area are able to be determined with sufficient clarity on Planning Map 7. The Hearings Panel were satisfied that an additional more detailed planning map of Kuku was not required at this point in time, and accordingly this particular submission point was rejected.

Electricity Transmission Network

Transpower lodged a submission requesting all relevant Planning Maps be amended to identify the electricity transmission network. The submission stated that only Maps 40 and 41 (which formed part of Plan Change 22) showed this network. Transpower contended that the District Plan must give effect to Policy 12 of the National Policy Statement on Electricity Transmission 2008 (NPSET),

which requires that such infrastructure be identified. However the officer conceded that displaying the electricity transmission network on Planning Maps 1-11 (map scale of 1:50,000) would be beneficial, observing that these are used to display the District's zoning and other features (e.g. notable trees) in the rural environment. It was also suggested that the gas transmission pipeline which is also currently displayed on Planning Maps 40 and 41 with the electricity network, should be displayed on Planning Maps 1-11 for consistency and to assist plan users. *(The Hearings Panel notes that such an amendment, although not sought through submissions, would fall within the ambit of Clause 16 (2) of the Act).*

The Hearings Panel resolved that the submission point from Transpower be accepted for the above reasons.

5.0 SECTION 32

- 5.1 Section 32 requires an evaluation of whether a proposed objective is the most appropriate way to achieve the purpose of the Act and whether, having regard to their efficiency and effectiveness, the policies, rules and other methods are the most appropriate for achieving the objective. As we understand it the use of the term "most appropriate" in s.32(3) of the Act has a meaning similar to suitable rather than superior. As such, changes sought therefore only need to be preferable in resource management terms to the existing provisions in order to be the "most appropriate" way of satisfying the purpose of the Act.
- 5.2 Only the submission by the Levin Golf Club to rezone the Levin Golf Club as Open Space has resulted in any amendments being recommended to the objectives, policies and associated plan provisions. The text changes made to the objectives and policies in Chapter 4 to provide for privately owned recreation spaces to have an Open Space Zoning, include a clear qualification that such zoning would only occur with the agreement of the effect landowner. Accordingly, the amendments made do not have the effect of increasing the regulatory impact that would be expected with a more restrictive rules framework under Open Space zoning.
- 5.3 The zoning of land is effectively a rules framework which gives effect to objectives and policies in the District Plan concerning land use. Generally, a zoning which allows a wider range of activities - sometimes referred to as the "highest use" - is often preferred by the landowner, as this will enable the greatest rates of economic return. Hence a Residential zoning will typically allow a larger range of activities than a Rural zoning, while a Commercial or Industrial zoning usually allow a larger range of activities than a rural or residential zoning. All of these issues arose in the course of the numerous submissions addressed above.
- 5.4 Section 32 at least implies that the regulation of land use through zoning will need to be justified as the most appropriate way of achieving the purpose of the Act, particularly if that zoning is more restrictive and provides only for a more limited range of land-use activities. For that reason, it is common for landowners through plan reviews to seek a zoning which either enables them to make greater use of the land and achieve a higher return, or which reflects an existing use of land which is not anticipated under the current more restrictive zoning.

- 5.5 The basis for accepting or rejecting the submissions was contained within the discussion accompanying each decision.
- 5.6 However a number of submissions were received on rezonings contained in the Proposed District Plan which enabled more intensive use (e.g. commercial rather than residential) but where the landowners had no desire to undertake more intensive development, or considered the prospect of such development was economically unlikely, and where the proposed zoning would require resource consents to be obtained for any extensions to the existing land use, notably where this was residential.
- 5.7 Examples of such submissions were those of du Plessis (14.00), Petersen (84.00), Millar (85.00), Hapi (87.00), P&V Wright (24.00 and 28.00), McKenna (115.00), Chambers (86.00), Chambers (88.00), and Fowler (89.00). In a number of these cases we indicated that while there was some merit in the submissions, the Hearings Panel's scope for changing the rezonings was significantly constrained by the fact that the submissions were confined to the submitters own individual properties. Accordingly, we concluded that with the exception of submission points 86.00, 88.00 and 89.00, that the proposed rezonings should be retained, as this would provide a more coherent (efficient and effective) zoning pattern and better achieve the purpose of the Act.
- 5.8 Other submissions sought that provision be made for more intensive development, either around existing on-site activities which were considered inconsistent with the existing Rural zoning (for example Trucis (36.00) and Everton (30.00 and 30.01), while others sought rezoning to enable more intensive land use, such as Meyer (54.00), Taueki (11.25), and Muaupoko Co-operative Society (60.22). In the case of the former, the Hearings Panel considered that the rezoning sought by the submitters would create an illogical zoning pattern which would not permit comprehensive development in a manner consistent with immediately adjoining land uses, and which would create spot zoning. It is more efficient to provide for isolated activities within larger general zones by way of resource consent or even existing use rights.
- 5.9 In the case of the Meyer, Taueki, and Muaupoko submissions, the rezoning proposals might have merit, but were premature at this stage as they would require more intensive assessment of the environmental effects allowing the change in land-use proposed, and in the case of the former Levin school site, were subject to Treaty of Waitangi claims. The submission by Marshall (75.00) was accepted as the evidence was clear that the rezoning of that site for residential purposes was largely impractical because of long-standing previous use and potential site contamination. The Hearings Panels decisions in these cases were based on determining the final zoning that was appropriate based on the information available at this point in time, and the comparative environmental effects of alternative zonings.
- 5.10 Other submissions opposed rezoning of land proposed through the District Plan on the basis of anticipated adverse effects on the submitters adjoining properties - examples being the submissions of Spelman (114.00), Leong and Brown (43.00), and Broughton (8.00). In this case the Hearings Panel concluded that the proposed zonings contained in the District Plan should be retained on the basis of whether the land use proposed was appropriate given the existing and likely future land use in the immediate vicinity, with the retention of residential land-use unlikely to be viable in the medium and longer term, and the adequacy of performance standards to protect the amenity of the adjoining residential properties.

5.11 There were also numerous rezonings which either corrected long-standing anomalies on the Planning Maps, or which reflected errors and omissions. The submission points of Horowhenua Farmers Ratepayers Group and B. Mitchell concern matters arising in separate hearings.

6.0 DECISION

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

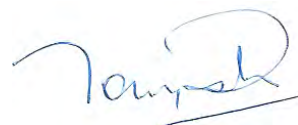
1. That pursuant to clause 10 of Schedule 1 to the Resource Management Act 1991 General Part 4 – Planning Maps be approved including the amendments set out in Appendix A to this decision.
2. That for the reasons set out in the above report submissions and further submissions are accepted, accepted in part or rejected as listed in Appendix B to this decision.



Robert Nixon (Chair)



Jane Black



Cr Tony Rush

Dated: 23 September 2013

APPENDIX A: Proposed Plan as amended by Hearing Decisions

Part A Introduction

Chapter 4: Open Space and Access to Water Bodies

1. Amend the Introduction by the addition of a new paragraph after the first paragraph reading as follows:

Privately owned open spaces also provide opportunities for recreational activities which are valued and enjoyed by the community (e.g. golf courses). The District Plan recognises privately owned open spaces, where the owners of these areas support the continued use and development of recreational activities and the protection of open space qualities.

2. Amend the final paragraph of the Introduction as follows:

The open space areas in this chapter primarily cover land owned and managed by the Council for parks and reserves purposes. Privately owned open spaces, such as the Levin Golf Course, can also be recognised and provided for under this chapter and the Open Space zoning network where their specific identification as part of the formal open space network is supported by the owner of that facility. There are other areas used and managed for recreational activities and open space, such as land administered by the Department of Conservation which is covered by other chapters in the District Plan.

3. Amend Issue 4.1 Open Space Zone as follows:

The use, development and protection of Council's parks and reserves, and privately owned open spaces where supported by the landowner, so a range of recreation activities are provided for developed to meet the needs of the community, while being compatible with the nature, character and amenity of the open spaces and the surrounding environment.

4. Amend the "Issue Discussion" by adding an additional paragraph following the second paragraph as follows:

Privately owned open spaces can provide opportunities for recreation and are valued by the community (e.g. golf courses). Recognition of these privately owned open spaces, in addition to the Council's own parks and reserves, is appropriate where the owners of these areas seek to align their land use management with the provisions of the Open Space Zone.

5. Amend Objective 4.1.1 as follows:

Council's parks and reserves and identified privately owned open spaces are efficiently used and developed with a range of recreational activities and opportunities that meet the changing needs of community, while ensuring the uses and development are compatible with the character, ~~and~~ amenity and special values of the open spaces and their surrounding environment.

6. Add a new Policy 4.1.15 reading as follows:

Provide for the inclusion of privately owned recreation land within the Open Space Zone, where the owners of such land are supportive of its inclusion within the Zone, and seek to manage such open space in a way which promotes its recreational use and development, and the protection of its open space qualities.

7. Amend paragraph 1 of the Explanation and Principal Reasons for Objective 4.1.1 as follows:

A range of recreational activities and facilities are expected to occur within the Open Space Zone. The Open Space Zone ensures that Council's parks and reserves are valued for their contribution to both urban and rural environments throughout the District. The Open Space Zone can also provide for the use, development and protection of privately owned open space, should landowners seek to manage their properties in this way, especially where these areas are valued by the community for their open space role.

8. Amend Methods for Issues 4.1 and Objective 4.1.1 (District Plan) by the addition of a second bullet point as follows:

- Provide for the incorporation of privately owned open spaces within the Open Space Zone where sought by the landowner, and where the qualities of an open space are consistent with the outcomes expected within the zone.

9. Amend the first line of the third paragraph of the italicised note following the Methods for Issues 4.1 and Objective 4.1.1 as follows:

The Open Space Zone recognises the value of Council's parks and reserves, and where appropriate, may also include privately owned open spaces.

Planning Maps

Planning Maps 1-4:

Amend Planning Maps 1, 2, 3 and 4 so that the HV voltage transmission lines and gas pipelines are shown.

Planning Map 5:

Amend Planning Map 5 so that the Okunui Hall site, Okuku Road, Shannon (Lot 1 DP 20312) is zoned Rural.

Rezone Koputaroa Cemetery, Koputaroa Road (Legally described as Pt Lot 1 DP 4297) from Rural to Open Space.

Rezone Foxton Cemetery, Hickford Road, Foxton (Legally described as Sec 614 Town of Foxton & Lot 2 DP 61106) from Rural to Open Space.

Rezone Shannon Cemetery, Brown Street, Shannon (Legally described as Lots 486 & 488 DP 369) from Rural to Open Space.

Amend Planning Map 5 so that the HV voltage transmission lines and gas pipelines are shown.

Planning Maps 6 and 6A:

Amend Planning Maps 6 and 6A so that the HV voltage transmission lines and gas pipelines are shown.

Planning Map 7:

Rezone Avenue Cemetery, Avenue North Road, Levin (Legally described as Lot 3 DP 397828) from Rural to Open Space.

Amend Planning Map 7 to rezone the Levin Golf Club at 142 - 160 Moutere Road, Levin (Horowhenua XIB41 North B4B1 and Horowhenua XIB41 North B4B2) from Rural to Open Space.

Amend Planning Map 7 so that the HV voltage transmission lines and gas pipelines are shown.

Planning Map 8:

Rezone Koputaroa Cemetery, Koputaroa Road (Legally described as Pt Lot 1 DP 4297) from Rural to Open Space.

Amend Planning Map 8 so that the HV voltage transmission lines and gas pipelines are shown.

Planning Map 10:

Rezone Manakau Cemetery, South Manakau Road, Manakau (Legally described as Pt Lot 28A DP 415) from Rural to Open Space.

Amend Planning Map 10 so that the HV voltage transmission lines and gas pipelines are shown.

Planning Map 13:

Amend Planning Map 13 to take off the rural zoning from Part Lot 4 DP 9897 and Part Lot 3 DP 10243 and identify this area as road reserve.

Planning Map 15:

Amend Planning Map 15 to rezone 36 Johnston Street, Foxton Commercial.

Amend Planning Map 15 to rezone the Residential zoned portions of 149 and 151 Union Street, Foxton Rural.

Amend Planning Map 15 to rezone Section 4 SO 31290 Open Space.

Planning Map 15A:

Amend Planning Map 15A rezone Sections 4 and 5 SO 31920 and Lots 1 and 2 DP 47692 Open Space.

Amend Planning Map 15A to rezone Awahou 97B commonly known as Ihakara Gardens, Foxton Open Space.

Amend Planning Map 15A to rezone 67 Main Street and 69 Main Street, Foxton Residential

Planning Map 17:

Amend Planning Map 17 to display Lot 14 DP 24470 as road reserve.

Planning Map 19:

Amend Planning Map 19 to display Lot 14 DP 24470 as road reserve.

Amend Planning Map 19 to display Lot 13 DP 42904 and Lot 173 DP 50461 as road reserve.

Planning Map 27:

Rezone Mako Mako Road (Old Levin Cemetery), Levin (Legally described as Section 29 Blk Waiopehu SD) from Residential to Open Space.

Planning Map 27A:

Amend Planning Map 27A to display Lot 3 DP 21580 as road reserve.

Planning Map 29:

Amend Planning Map 29 to rezone Lot 2 of 501/2012/3329 from Residential to Industrial.

Amend Planning Map 29 to rezone Section 1 SO 37969 from road reserve to Residential.

APPENDIX B: Schedule of Decisions on Submission Points

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Hearing Panel Decision
62.00		Kathleen Bills		Accept
63.00		Taupunga Farming Company		Accept
91.11	526.12	HDC (Community Assets Department) Truebridge Associates Ltd	Oppose	Accept Reject
108.46		HDC (Planning Department)		Accept
33.00	502.00	Levin Golf Club Meyer	Support	Accept Accept
36.00		Trucis Investments Ltd		Reject
11.15	511.20 519.26	Taueki HDC (Community Assets Department) Rudd	Oppose Support	Reject Accept Reject
60.09		Muaupoko Co-operative Society		Reject
14.00		Kornelius du Plessis		Reject
90.04		Foxton Community Board		Reject
90.00		Foxton Community Board		Accept In- Part
116.11		Truebridge Associates Ltd		Reject
90.03	511.21	Foxton Community Board HDC (Community Assets Department)	In Part	Accept Accept In-Part
108.40		HDC (Planning Department)		Accept
75.00		Marshall		Accept
108.41		HDC (Planning Department)		Accept
35.00		Anthony Hunt		Accept
68.00		Te Taitoa Maori o Te Awahou		Accept
84.00		Petersen		Reject
85.00		Millar		Reject

86.00		Ivan Chambers		Accept
87.00		Hapi		Reject
88.00		Gail Chambers		Accept
89.00		Fowler		Accept
90.01		Foxton Community Board		Accept
90.02		Foxton Community Board		Accept
24.00		Wright		Reject
28.00		Wright		Reject
108.42		HDC (Planning Department)		Accept
108.43		HDC (Planning Department)		Accept
112.00		Shannon Progressive Association		Accept
18.00		Pearce		Accept
19.00		Searle		Accept
20.00		Kel		Accept
21.00		Skelton		Accept
22.00		MacMillan		Accept
30.00		Peter Everton		Accept
30.01		Peter Everton		Reject
5.01		Gradock		Accept
108.44		HDC (Planning Department)		Accept
114.00		Spelman		Reject
6.01		Benning		Reject
11.25	519.20	Taueki Rudd	Support	Reject Reject
60.22		Muaupoko Co-operative Society		Reject
8.00		Broughton		Reject
43.00		Leong and Brown		Reject
73.02		McDonald's Restaurant (New Zealand) Limited		Reject

111.00		Dunn		Reject
2.00		Homestead Concrete Homes Ltd		Accept
31.00		The Surveying Company (Wellington) Ltd		Accept
37.00		Homestead Group Ltd		Accept
108.45		HDC (Planning Department)		Accept
115.00	520.00	Alan McKenna Homestead Group Ltd	Oppose	Reject Accept
54.00	526.00	Meyer Truebridge Associates	Oppose	Reject Accept
49.00	525.14	Blundell Campbell	Support	Reject Reject
65.07		Horowhenua Farmers' Ratepayer Group		Reject
66.07		Mitchell		Reject
65.08		Horowhenua Farmers' Ratepayer Group		Reject
66.08		Mitchell		Reject
67.07		Taiao Raukawa Environmental Resource Unit		Reject
99.50		Transpower		Accept

LEGEND
ZONES

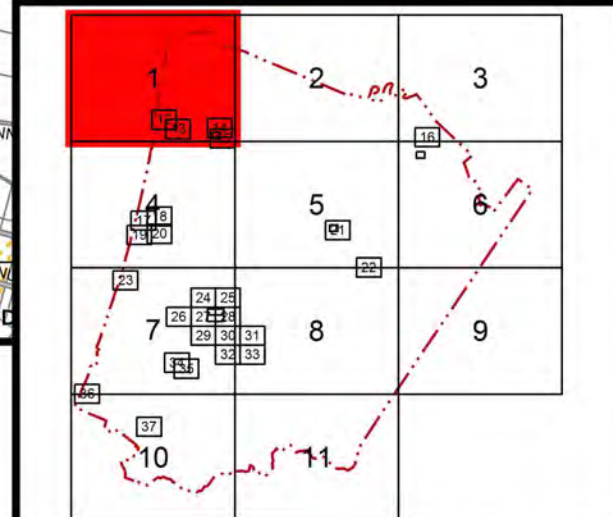
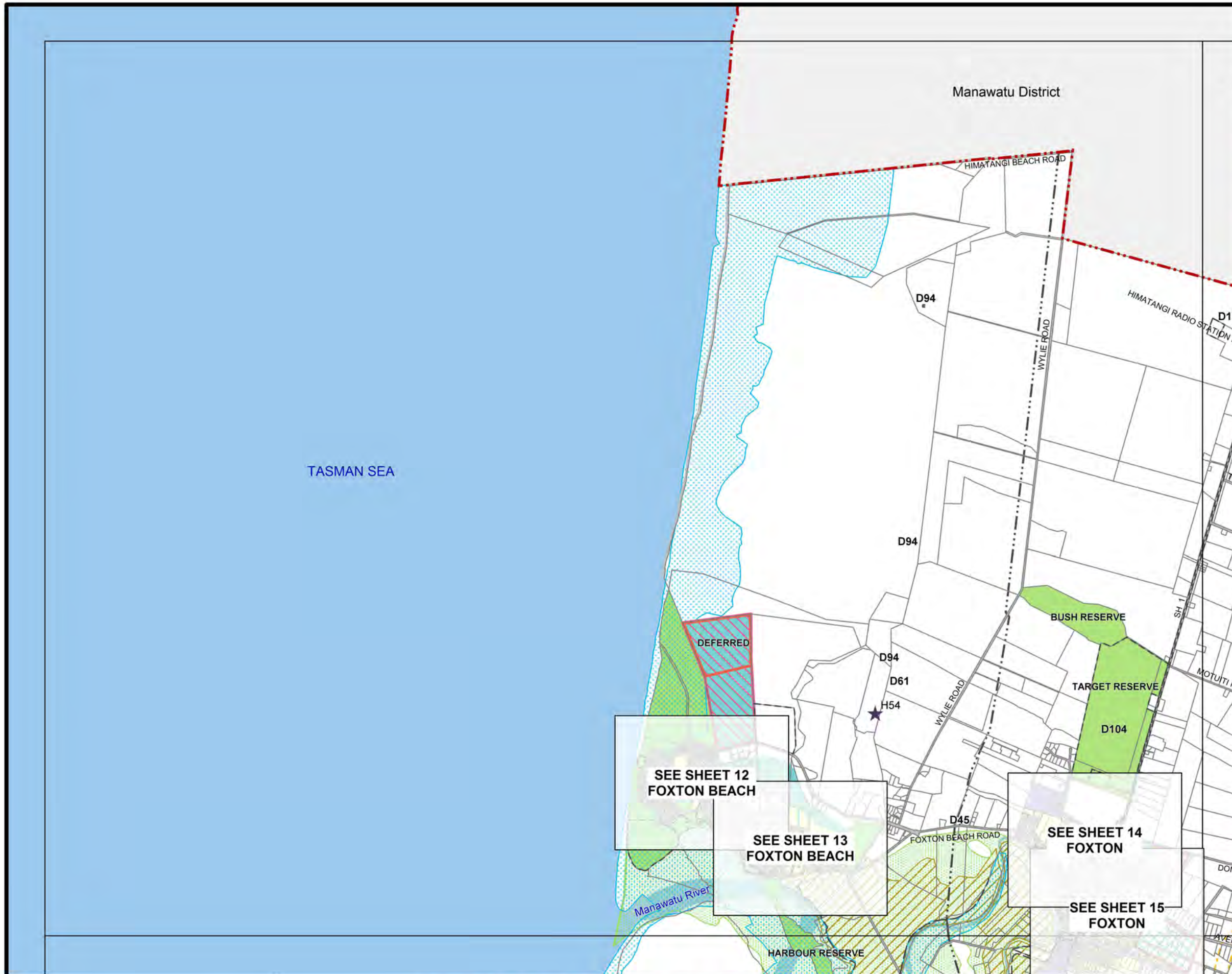
- Commercial Zone
- Industrial Zone
- Residential Zone
- Rural Zone
- Greenbelt Residential Zone
- Open Space Zone
- Residential Deferred Zone
- Greenbelt Residential Deferred Zone

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

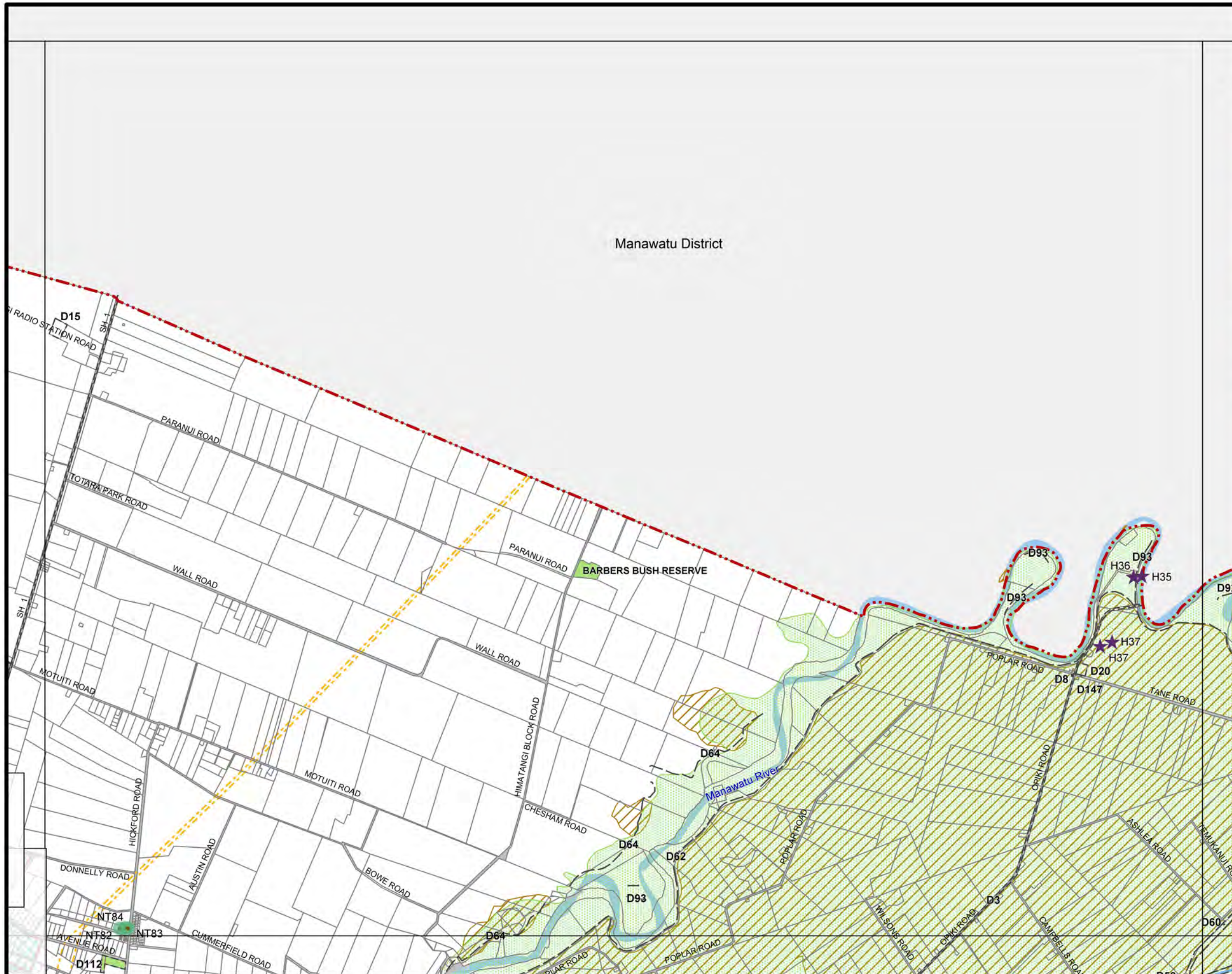
- Notable Tree
- Historic Heritage Building, Structure or Site
- Gas Transmission Pipeline
- National Grid Corridor (High Voltage Transmission Line)
- Designation
- Road



Scale 1 : 50,000

HOROWHENUA DISTRICT PLAN
RURAL

Planning Map 1



LEGEND

ZONES

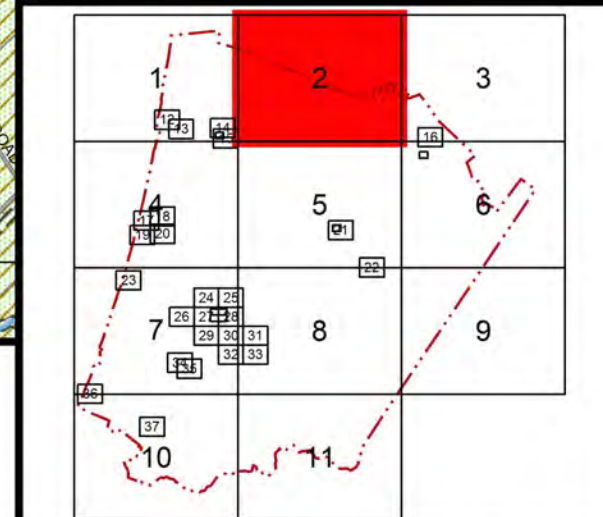
- Commercial Zone
- Industrial Zone
- Residential Zone
- Rural Zone
- Greenbelt Residential Zone
- Open Space Zone
- Residential Deferred Zone
- Greenbelt Residential Deferred Zone

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 2

LEGEND

ZONES

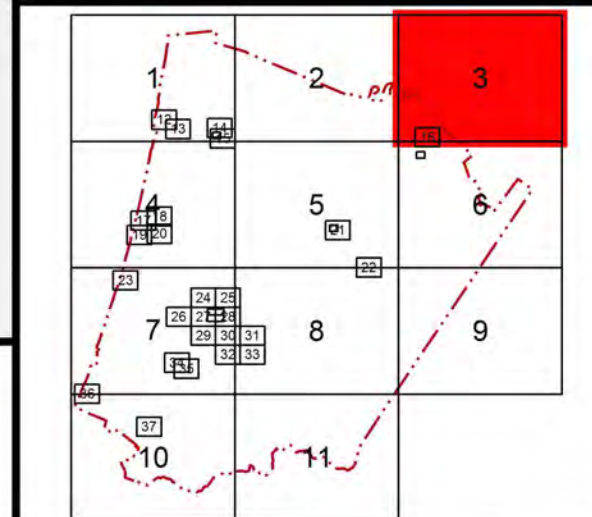
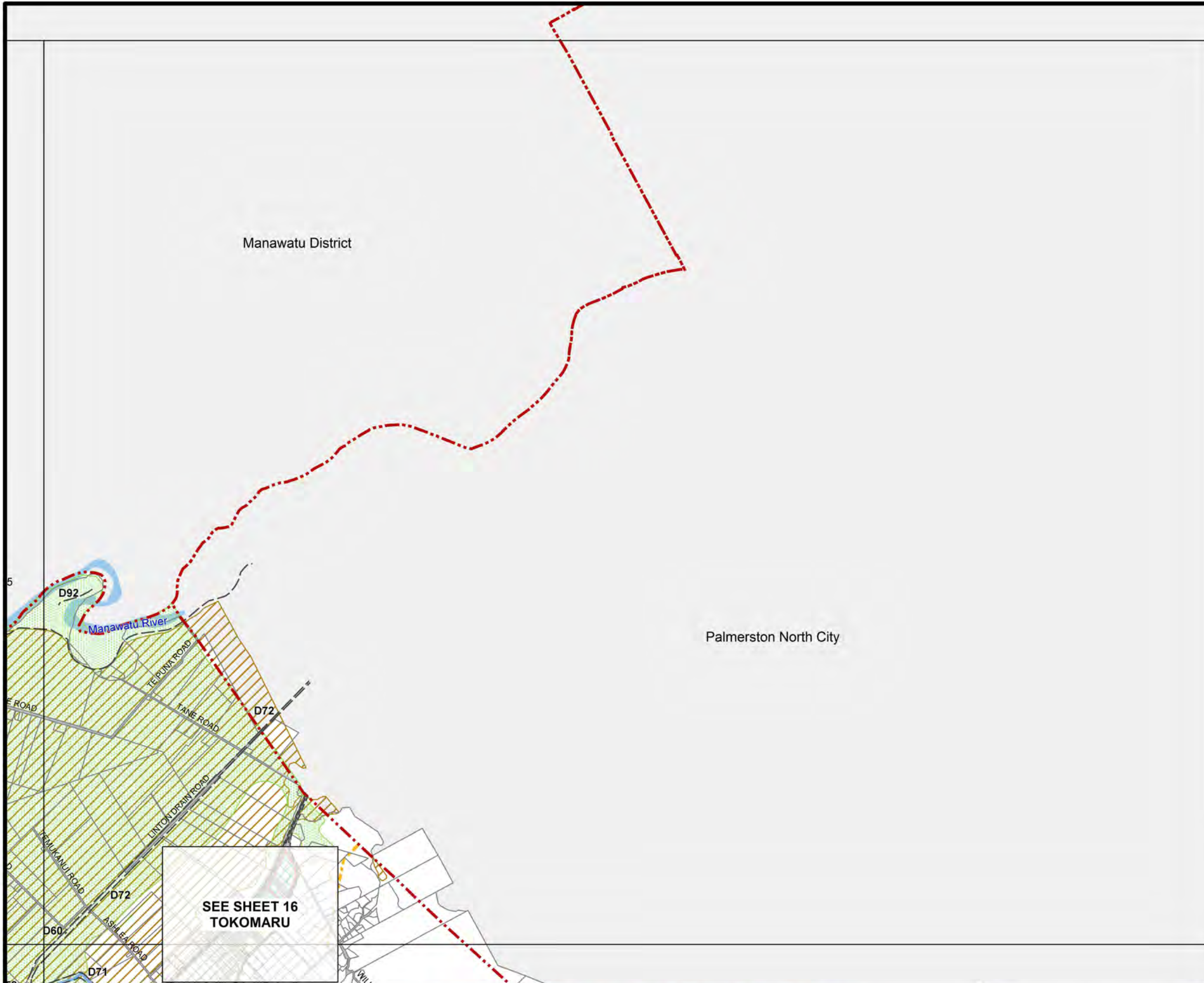
- Commercial Zone
- Industrial Zone
- Residential Zone
- Rural Zone
- Greenbelt Residential Zone
- Open Space Zone
- Residential Deferred Zone
- Greenbelt Residential Deferred Zone

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 3

LEGEND
ZONES

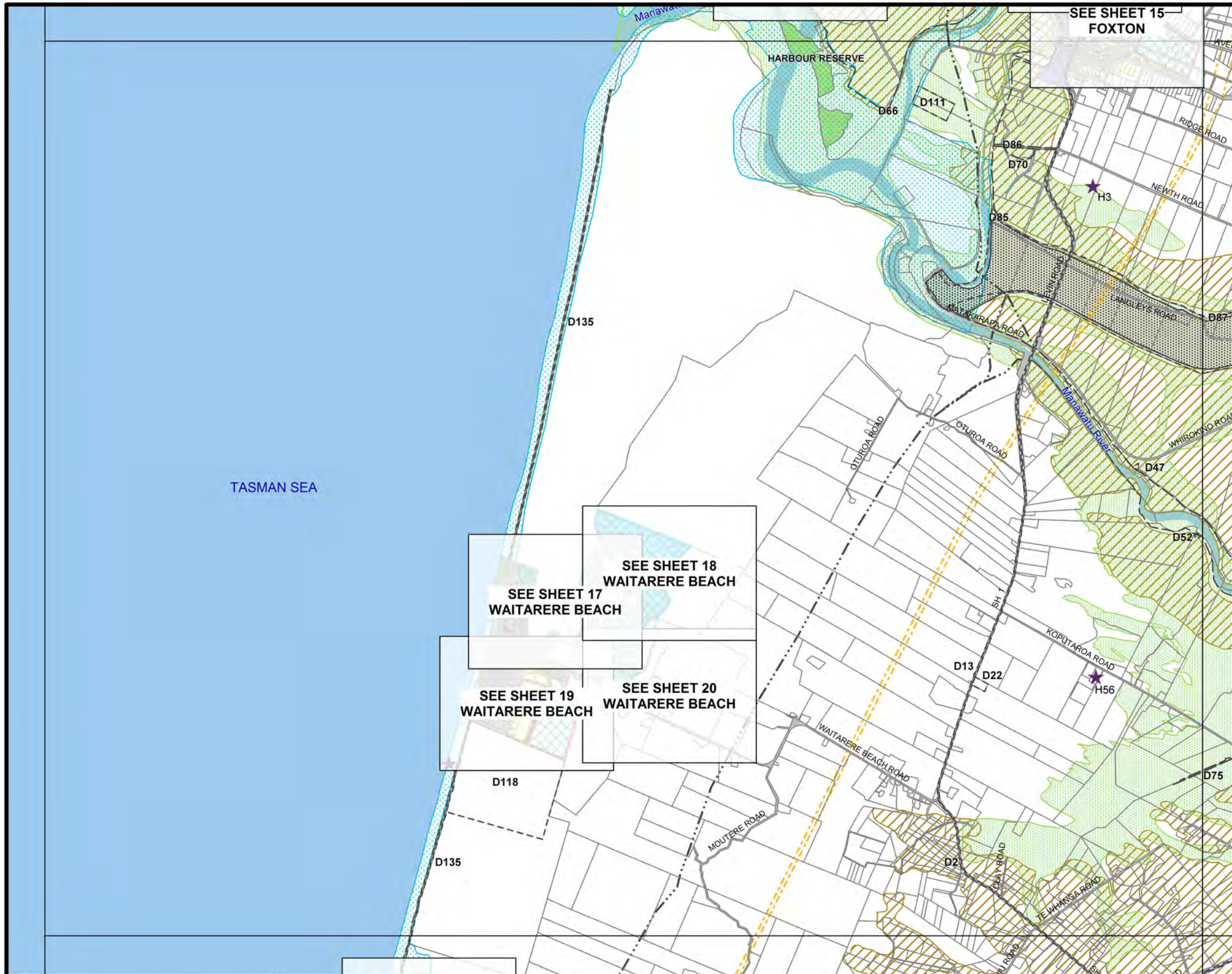
- Commercial Zone
- Industrial Zone
- Residential Zone
- Rural Zone
- Greenbelt Residential Zone
- Open Space Zone
- Residential Deferred Zone
- Greenbelt Residential Deferred Zone

OVERLAYS

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

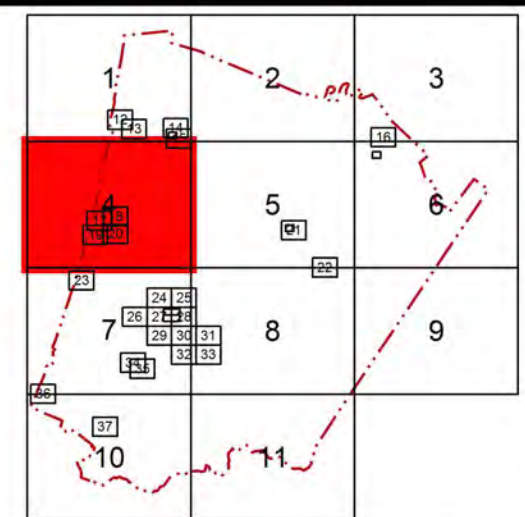


SEE SHEET 17
WAITARERE BEACH

SEE SHEET 18
WAITARERE BEACH

SEE SHEET 19
WAITARERE BEACH

SEE SHEET 20
WAITARERE BEACH



Scale 1 : 50,000

HOROWHENUA DISTRICT PLAN
RURAL

Planning Map 4

LEGEND

ZONES

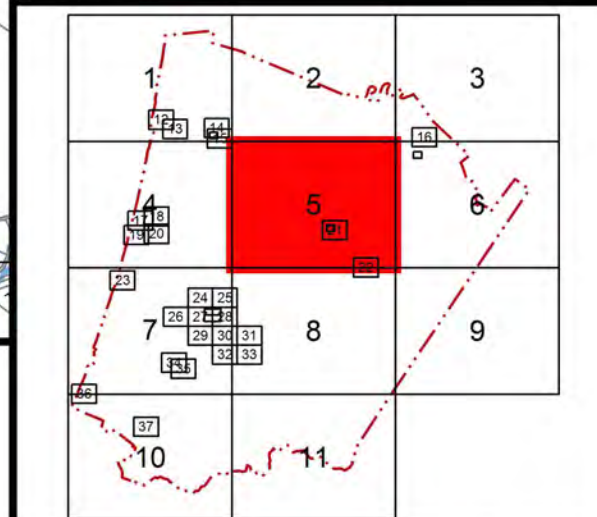
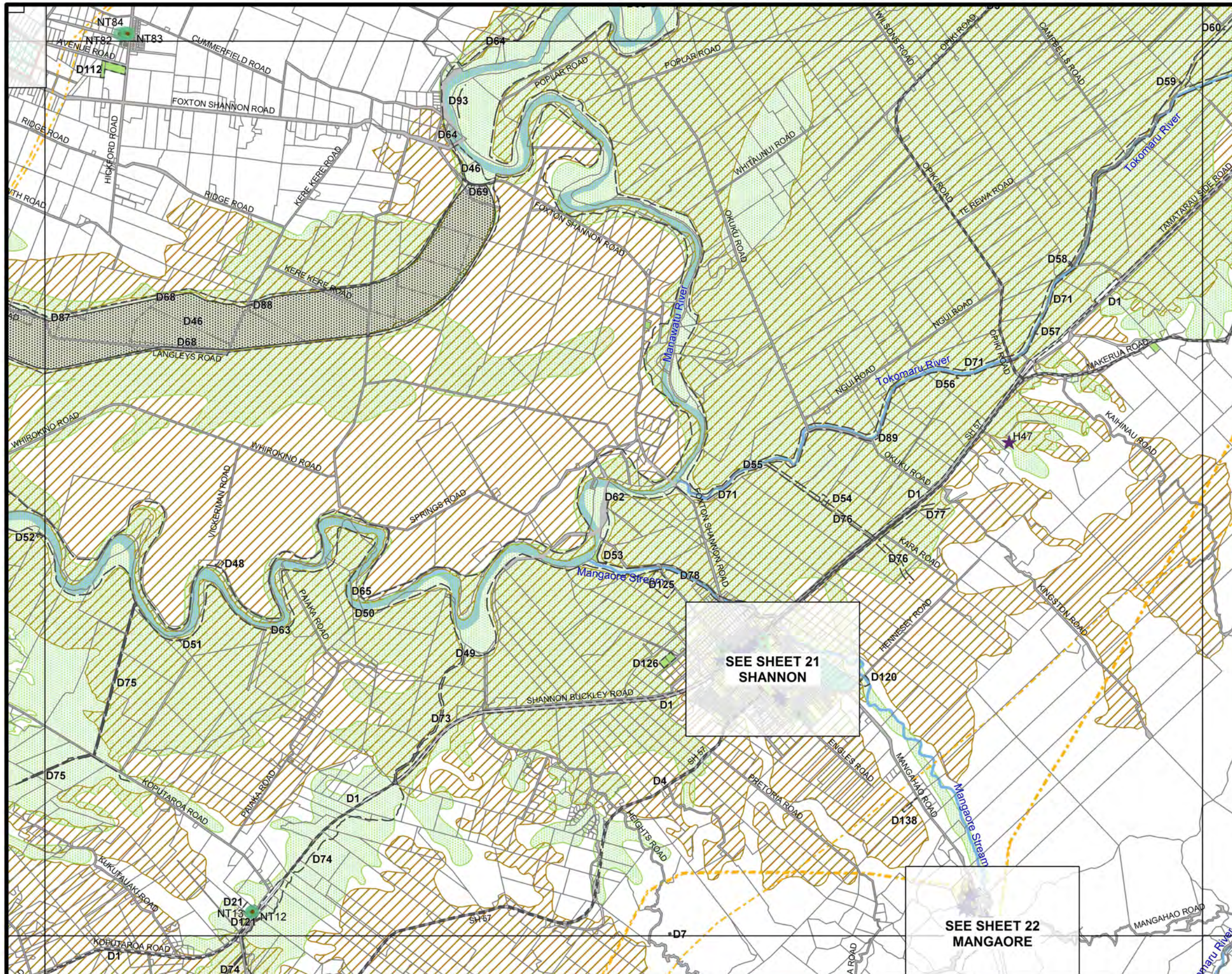
- Commercial Zone
- Industrial Zone
- Residential Zone
- Rural Zone
- Greenbelt Residential Zone
- Open Space Zone
- Residential Deferred Zone
- Greenbelt Residential Deferred Zone

OVERLAYS

- Greenbelt Residential 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

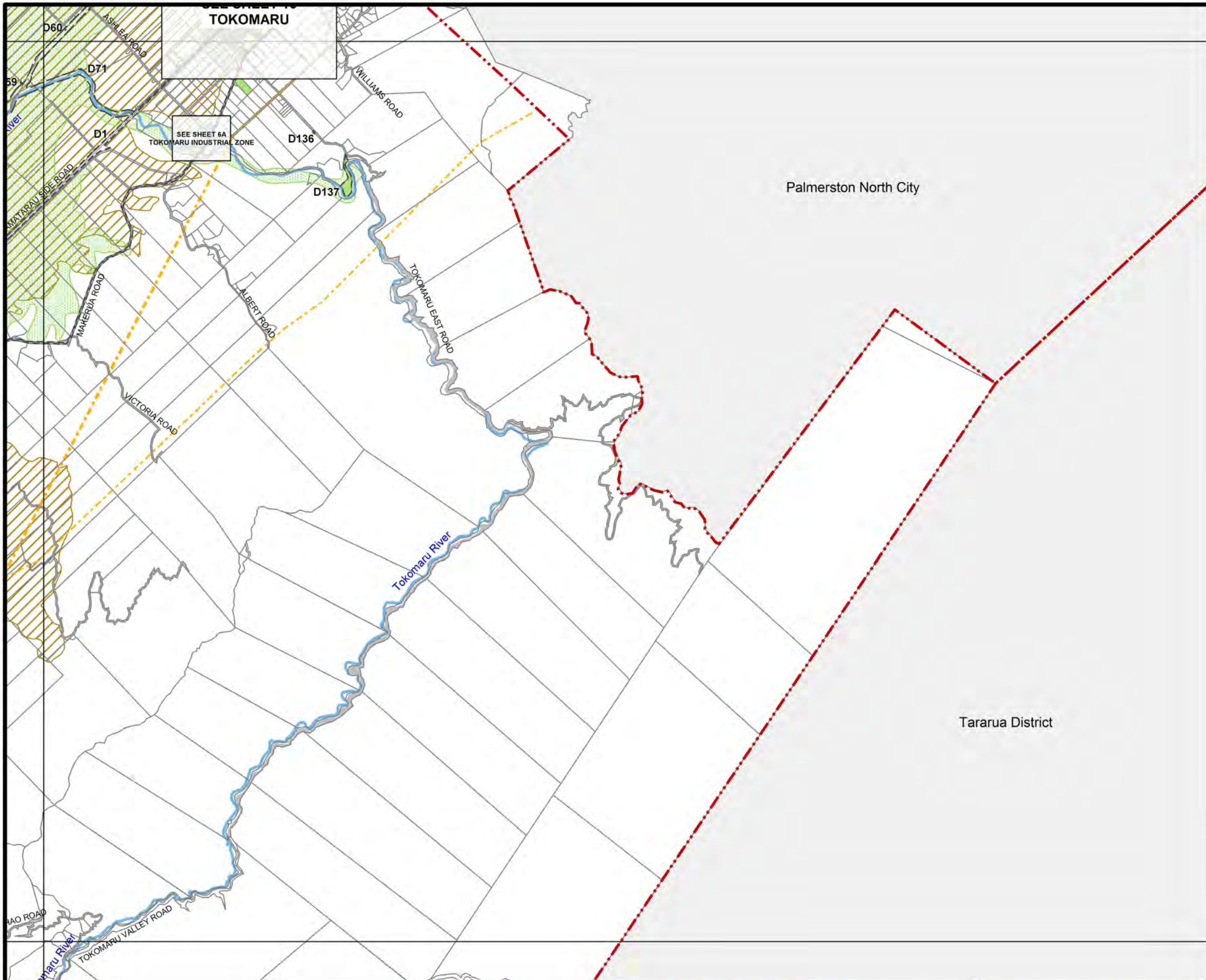
- Notable Tree
- Historic Heritage Building, Structure or Site
- Gas Transmission Pipeline
- National Grid Corridor (High Voltage Transmission Line)
- Designation
- Road



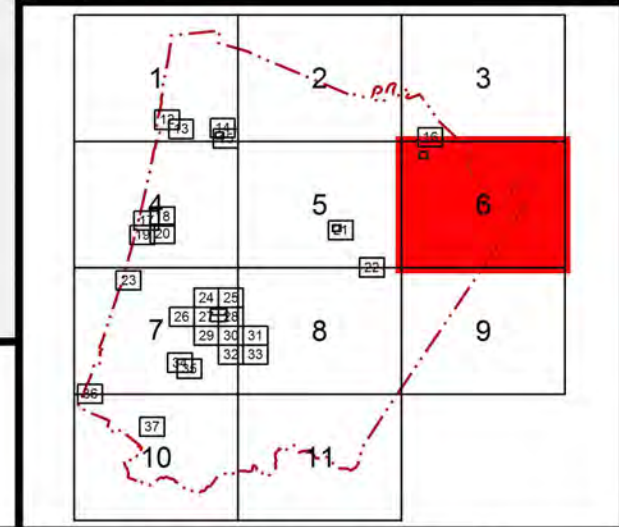
Scale 1 : 50,000

HOROWHENUA DISTRICT PLAN
RURAL

Planning Map 5



- 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 6

LEGEND
ZONES

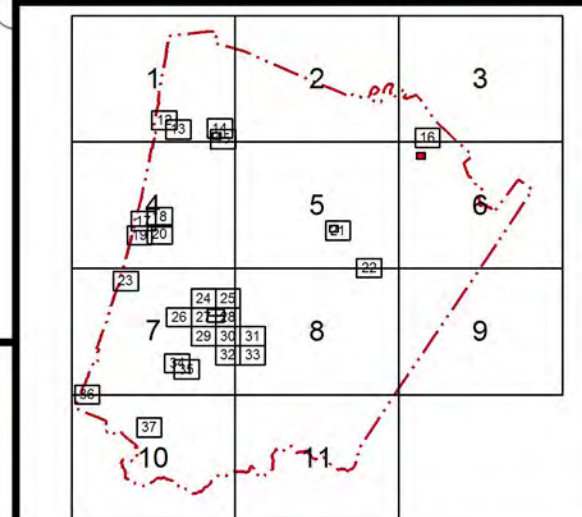
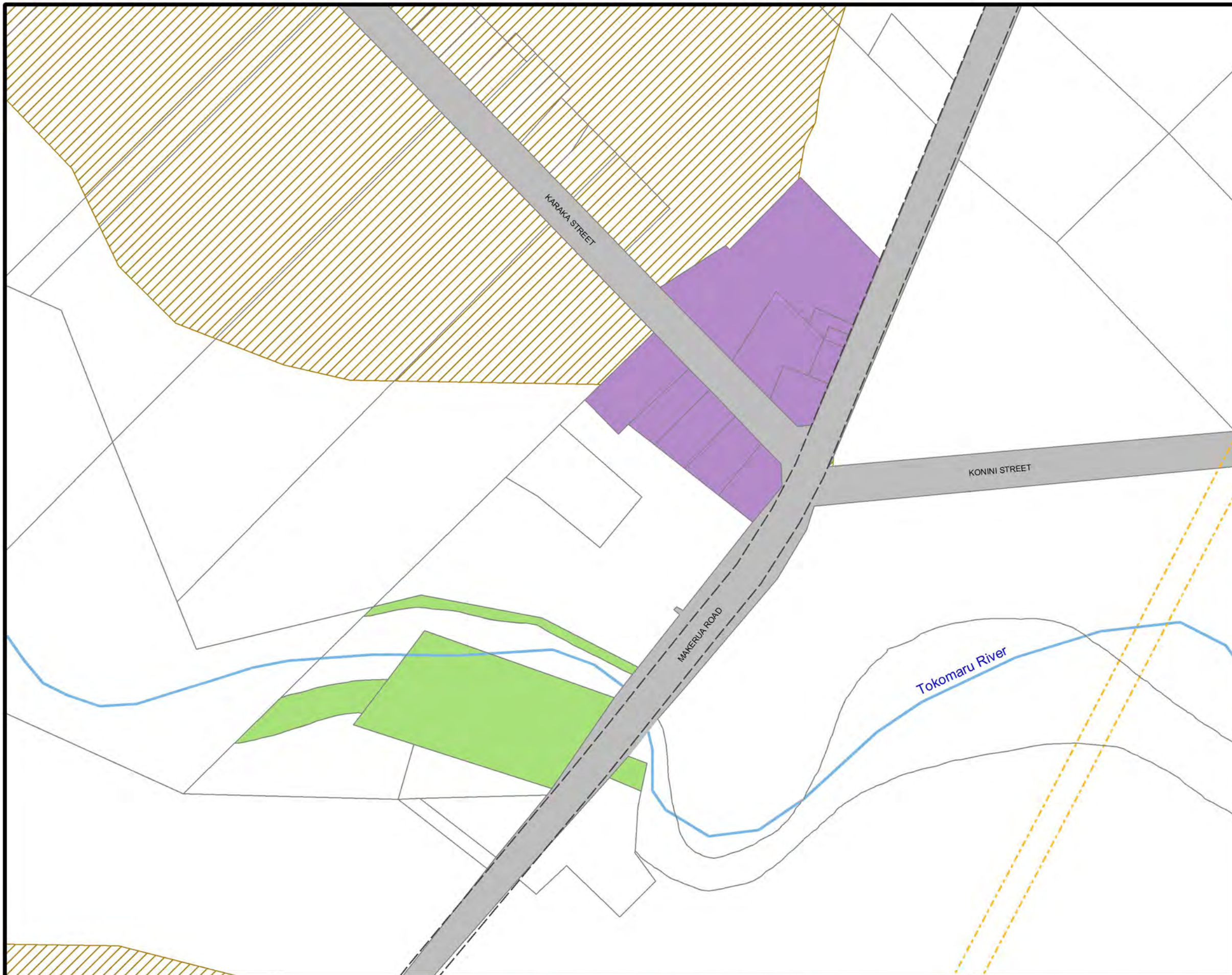
- Commercial Zone
- Industrial Zone
- Residential Zone
- Rural Zone
- Greenbelt Residential Zone
- Open Space Zone
- Residential Deferred Zone
- Greenbelt Residential Deferred Zone

OVERLAYS

- Greenbelt Residential Waitarere Rise
- Greenbelt Residential Foxton Beach North
- Strathnaver Coastal Natural Character Area
- Strathnaver Coastal Hazard Area
- Muhunua West Forest Park
- Muhunua West Forest Park Coastal Natural Character and Hazard Area
- Low Density Area
- Medium Density Area
- Large Format Retail Area
- Town Centre Heritage/Character Area
- Foxton Tourism Area
- Pedestrian Area
- Coastal Natural Character and Hazard Area
- Flood Hazard Area (1:50,000 Rural Maps Only)
- 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
- High Voltage Transmission Line
- Designation
- Road



Scale 1 : 2,500

HOROWHENUA DISTRICT PLAN
TOKOMARU INDUSTRIAL ZONE

Planning Map 6A

LEGEND

ZONES

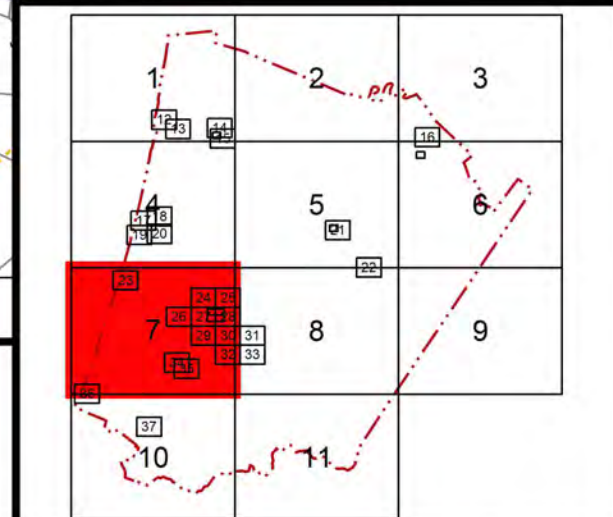
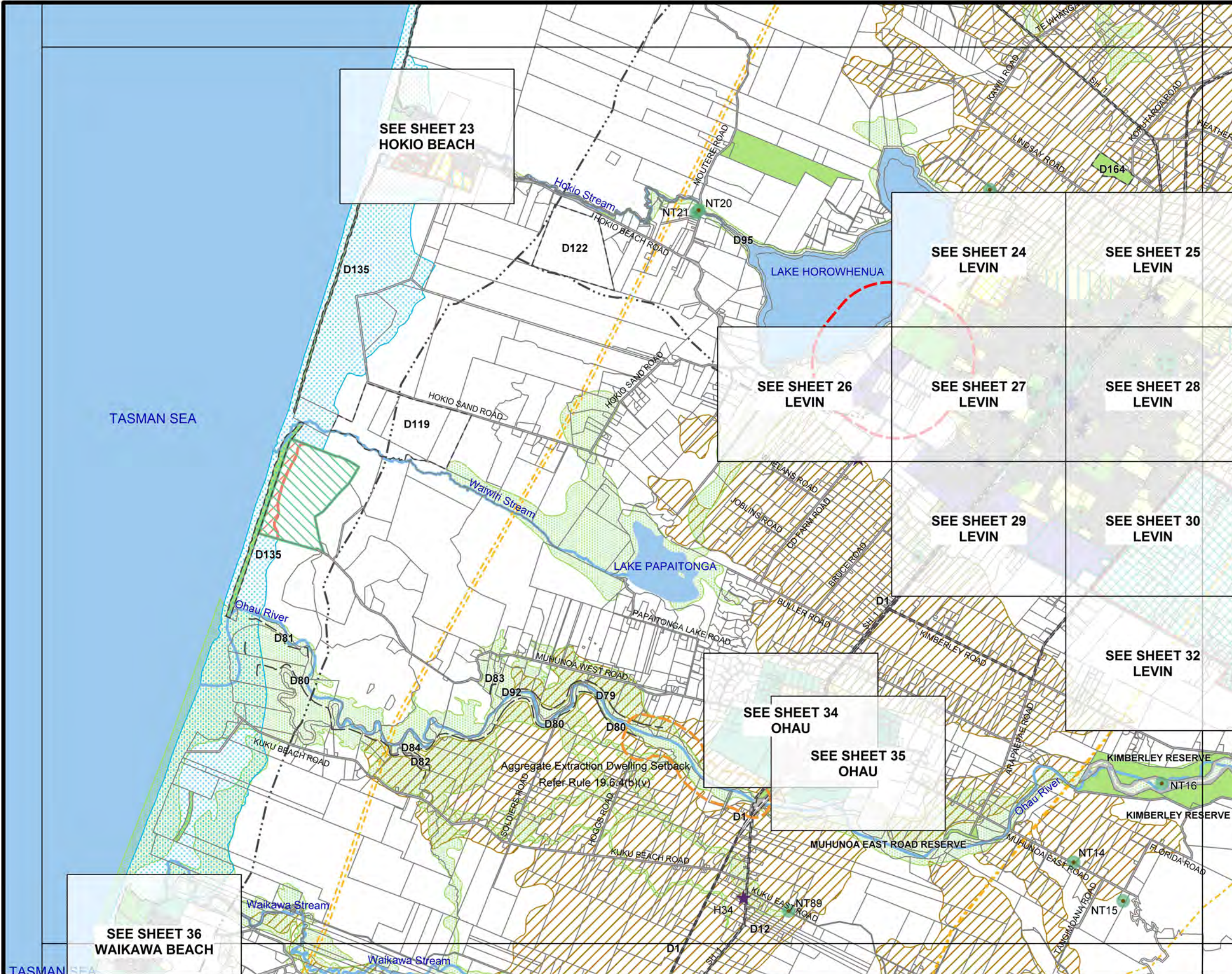
- Commercial Zone
- Industrial Zone
- Residential Zone
- Rural Zone
- Greenbelt Residential Zone
- Open Space Zone
- Residential Deferred Zone
- Greenbelt Residential Deferred Zone

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

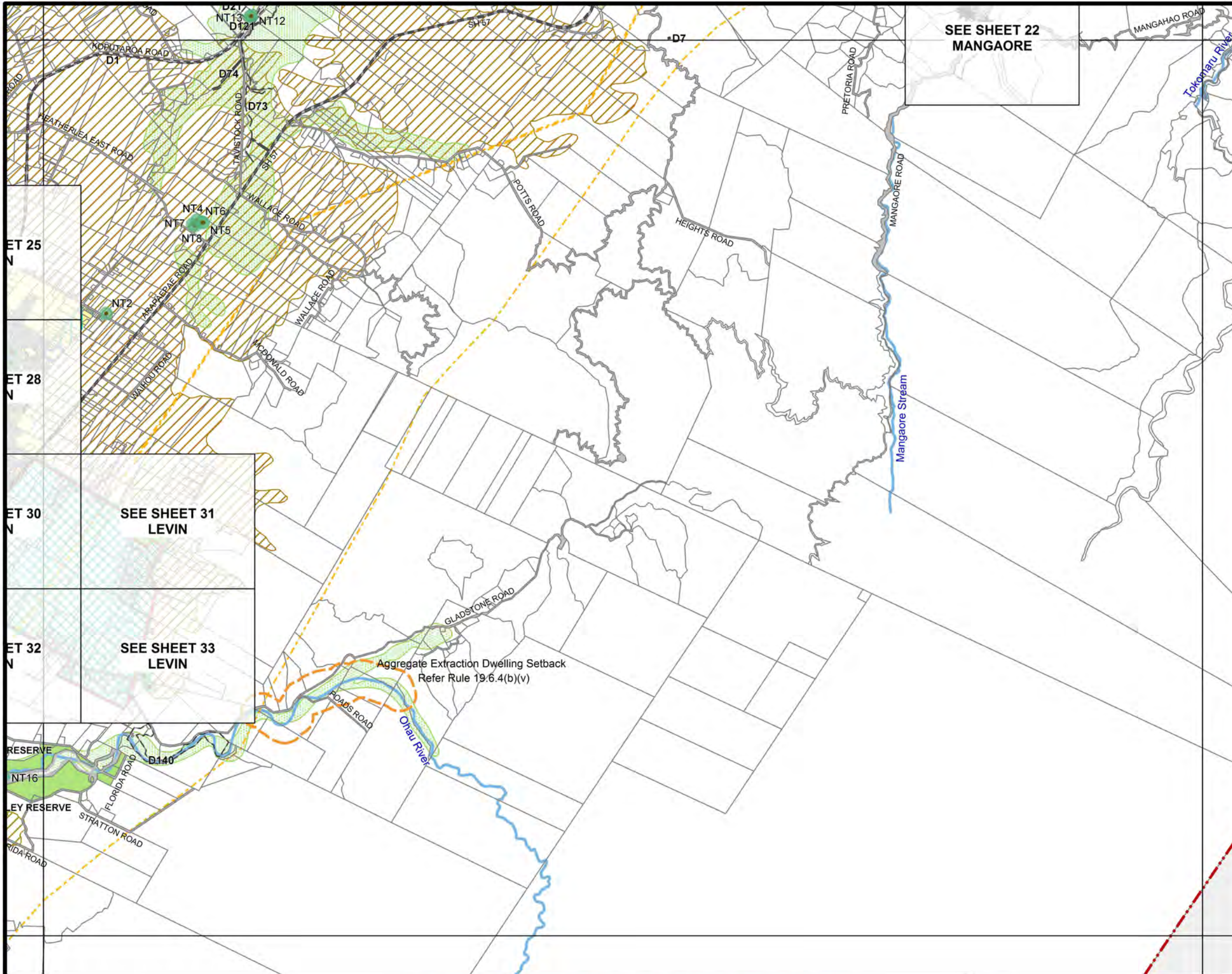
- Notable Tree
- Historic Heritage Building, Structure or Site
- Gas Transmission Pipeline
- National Grid Corridor (High Voltage Transmission Line)
- Designation
- Road



Scale 1 : 50,000

HOROWHENUA DISTRICT PLAN
RURAL

Planning Map 7



LEGEND

ZONES

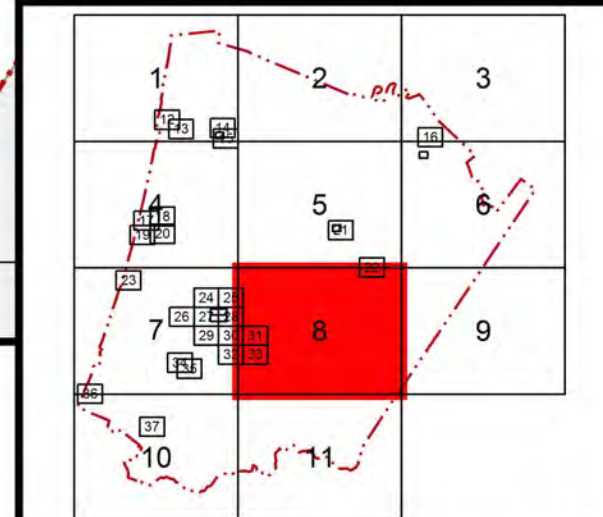
- Commercial Zone
- Industrial Zone
- Residential Zone
- Rural Zone
- Greenbelt Residential Zone
- Open Space Zone
- Residential Deferred Zone
- Greenbelt Residential Deferred Zone

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

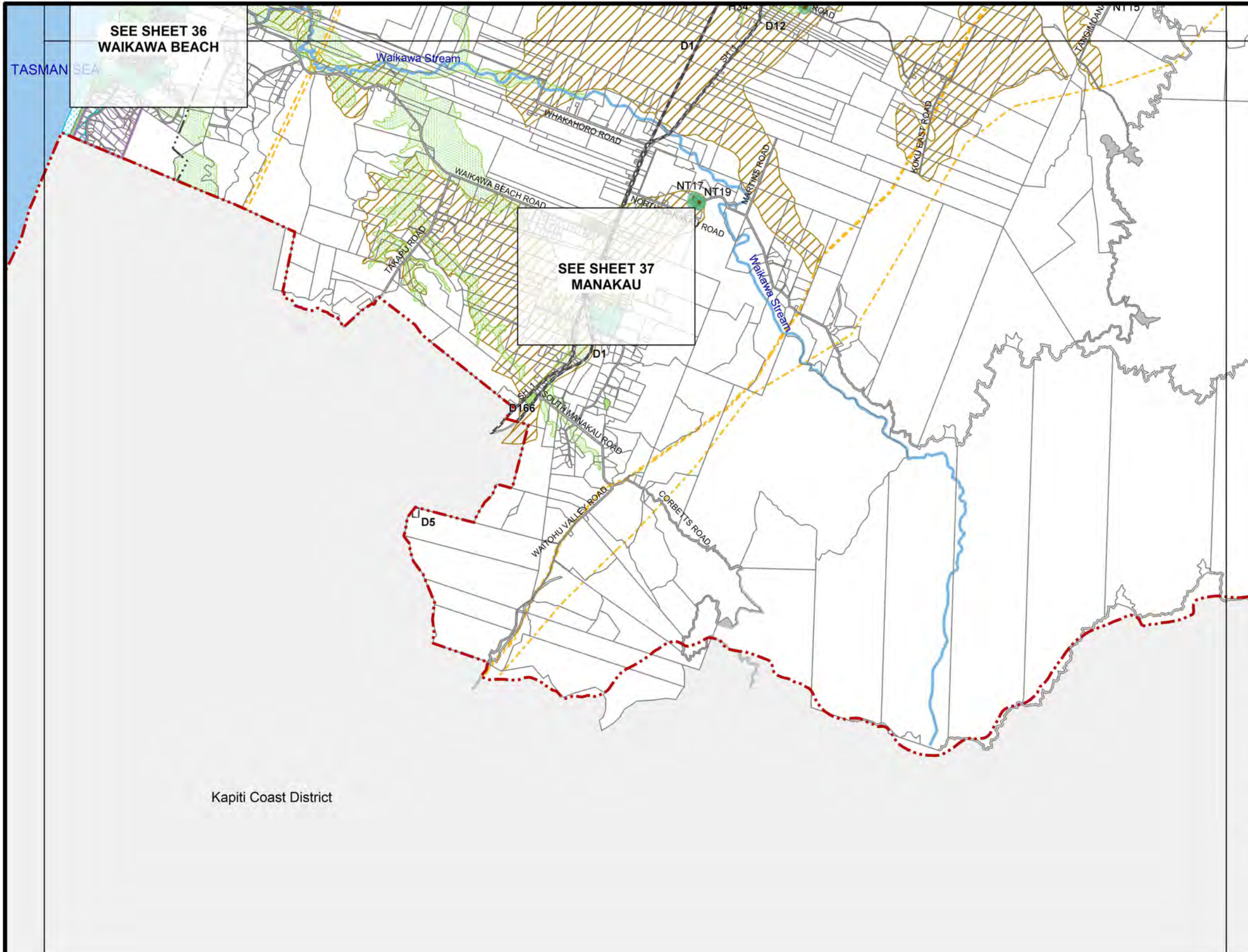
- Notable Tree
- Historic Heritage Building, Structure or Site
- Gas Transmission Pipeline
- National Grid Corridor (High Voltage Transmission Line)
- Designation
- Road



Scale 1 : 50,000

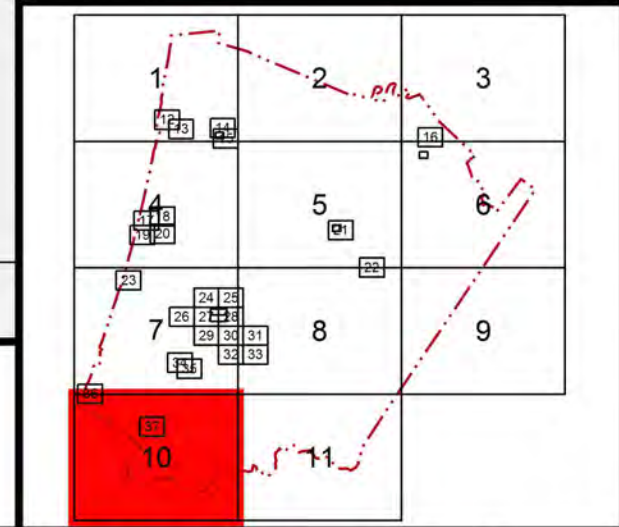
HOROWHENUA DISTRICT PLAN
RURAL

Planning Map 8



- 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

Kapiti Coast District



Scale 1 : 50,000

HOROWHENUA DISTRICT PLAN
RURAL

Planning Map 10

LEGEND

ZONES

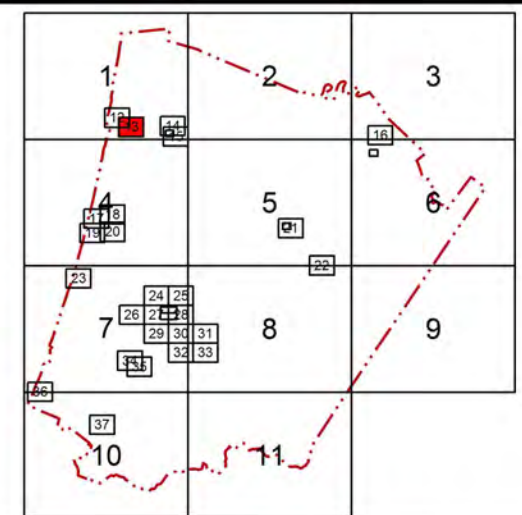
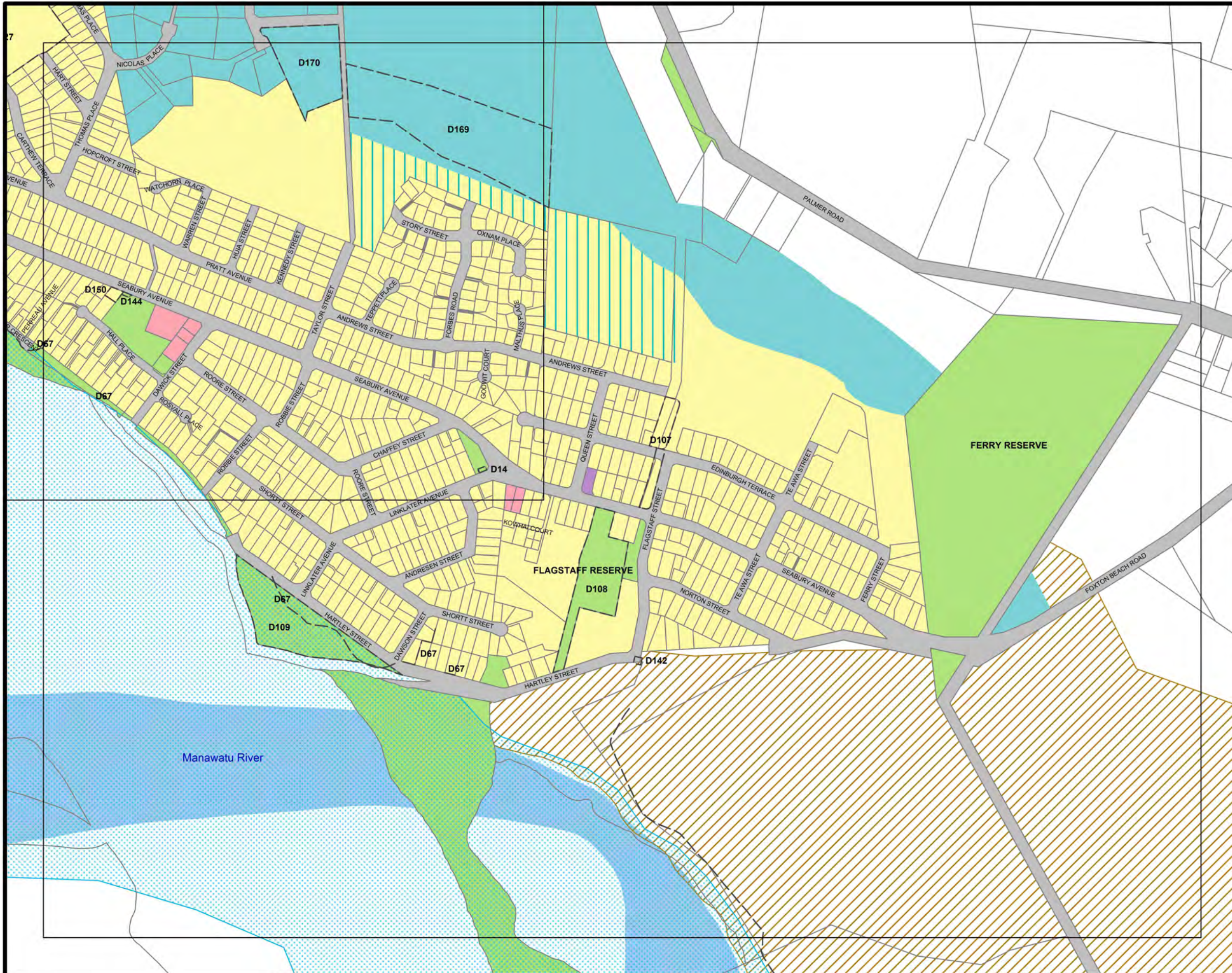
- Commercial Zone
- Industrial Zone
- Residential Zone
- Rural Zone
- Greenbelt Residential Zone
- Open Space Zone
- Residential Deferred Zone
- Greenbelt Residential Deferred Zone

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 : 7,500

HOROWHENUA DISTRICT PLAN
FOXTON BEACH

Planning Map 13

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)

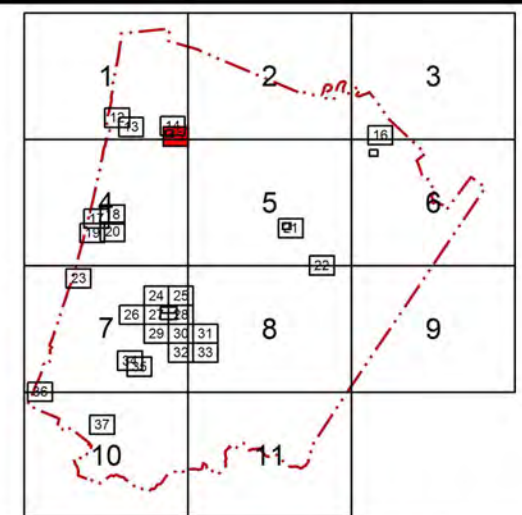
FEATURES

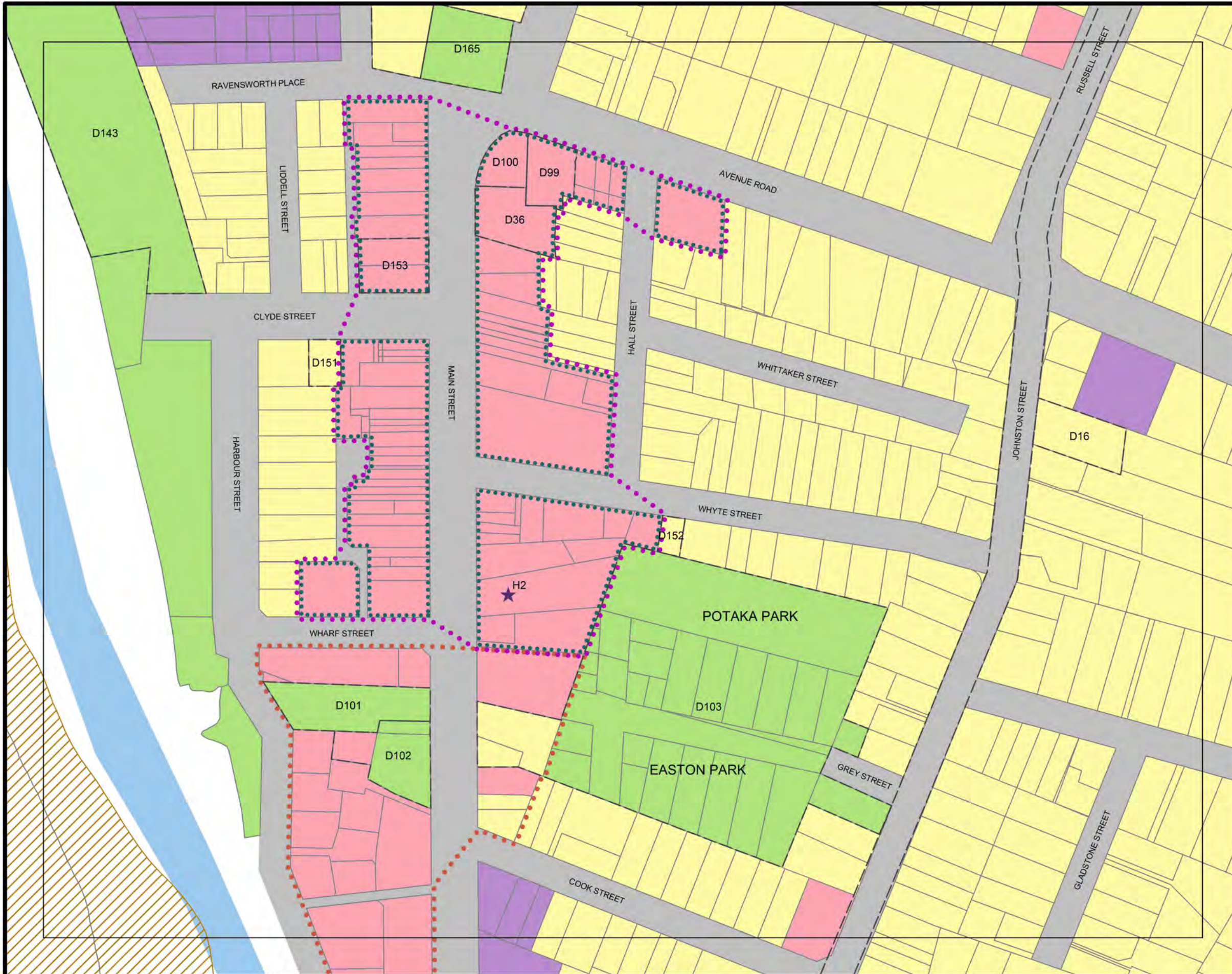
- Notable Tree
- Historic Heritage Building, Structure or Site
- Gas Transmission Pipeline
- National Grid Corridor (High Voltage Transmission Line)
- Designation
- Road

**SEE SHEET 15A
FOXTON CBD**

HOROWHENUA DISTRICT PLAN
FOXTON

Planning Map 15





LEGEND

ZONES

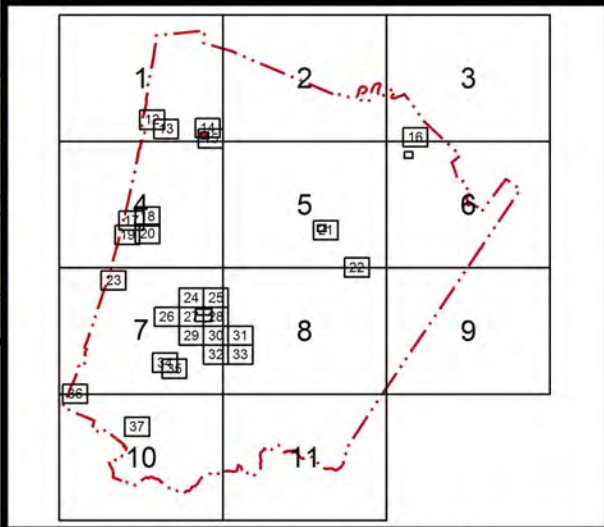
- Commercial Zone
- Industrial Zone
- Residential Zone
- Rural Zone
- Greenbelt Residential Zone
- Open Space Zone
- Residential Deferred Zone
- Greenbelt Residential Deferred Zone

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

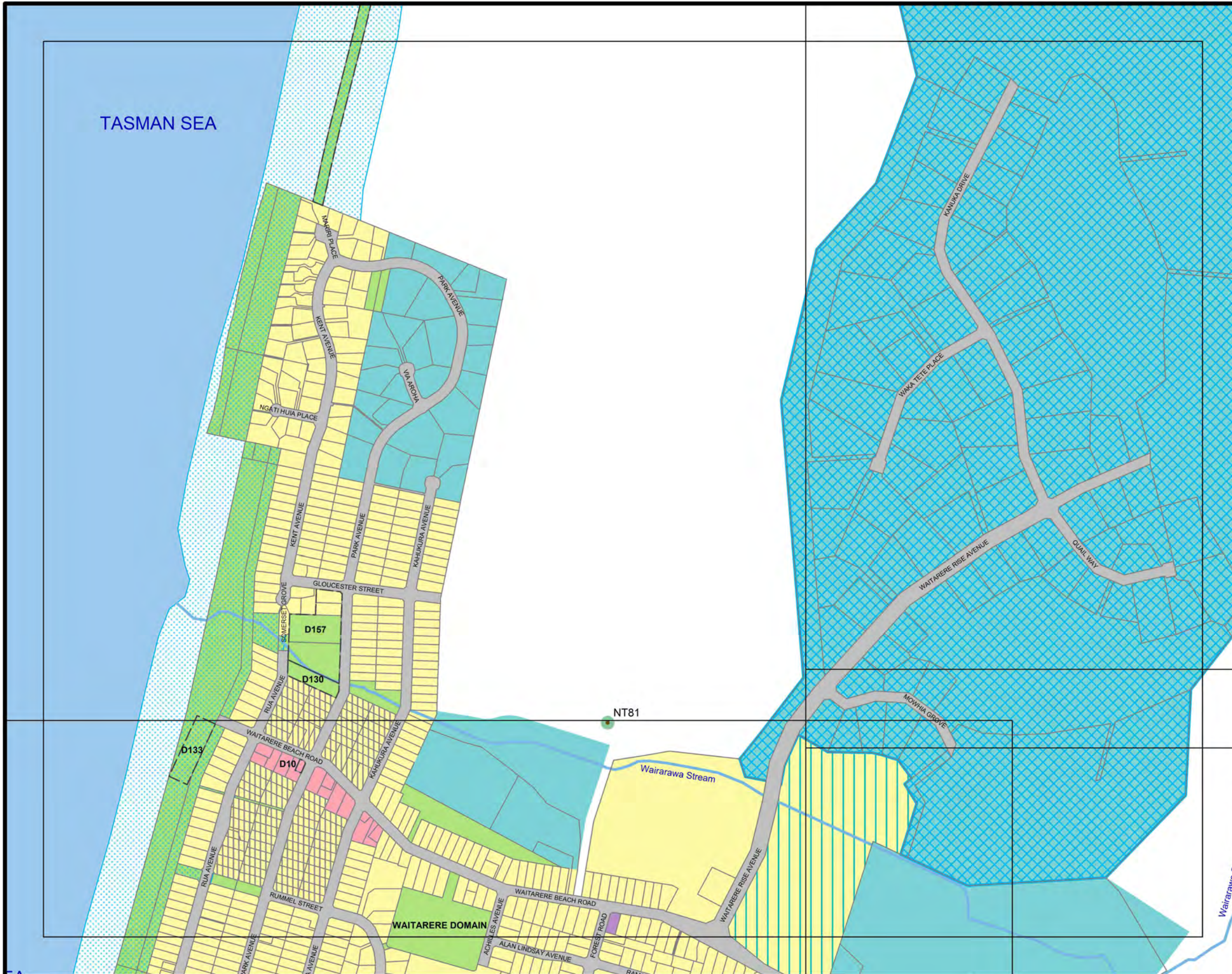
- Notable Tree
- Historic Heritage Building, Structure or Site
- Gas Transmission Pipeline
- National Grid Corridor (High Voltage Transmission Line)
- Designation
- Road



Scale 1 : 2,500

HOROWHENUA DISTRICT PLAN
FOXTON CBD

Planning Map 15A



LEGEND

ZONES

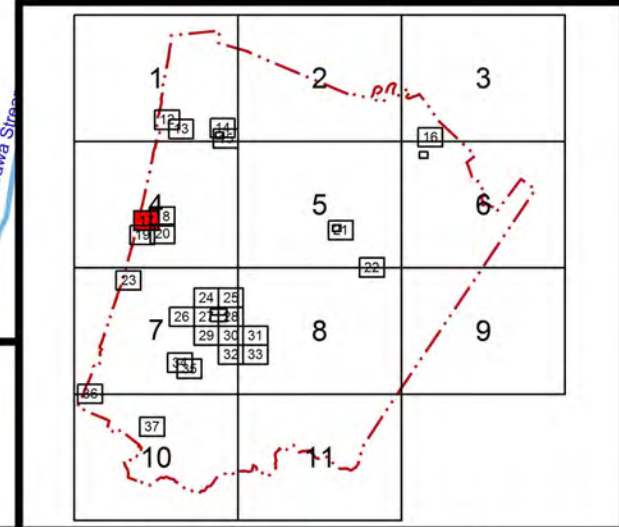
- Commercial Zone
- Industrial Zone
- Residential Zone
- Rural Zone
- Greenbelt Residential Zone
- Open Space Zone
- Residential Deferred Zone
- Greenbelt Residential Deferred Zone

OVERLAYS

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

FEATURES

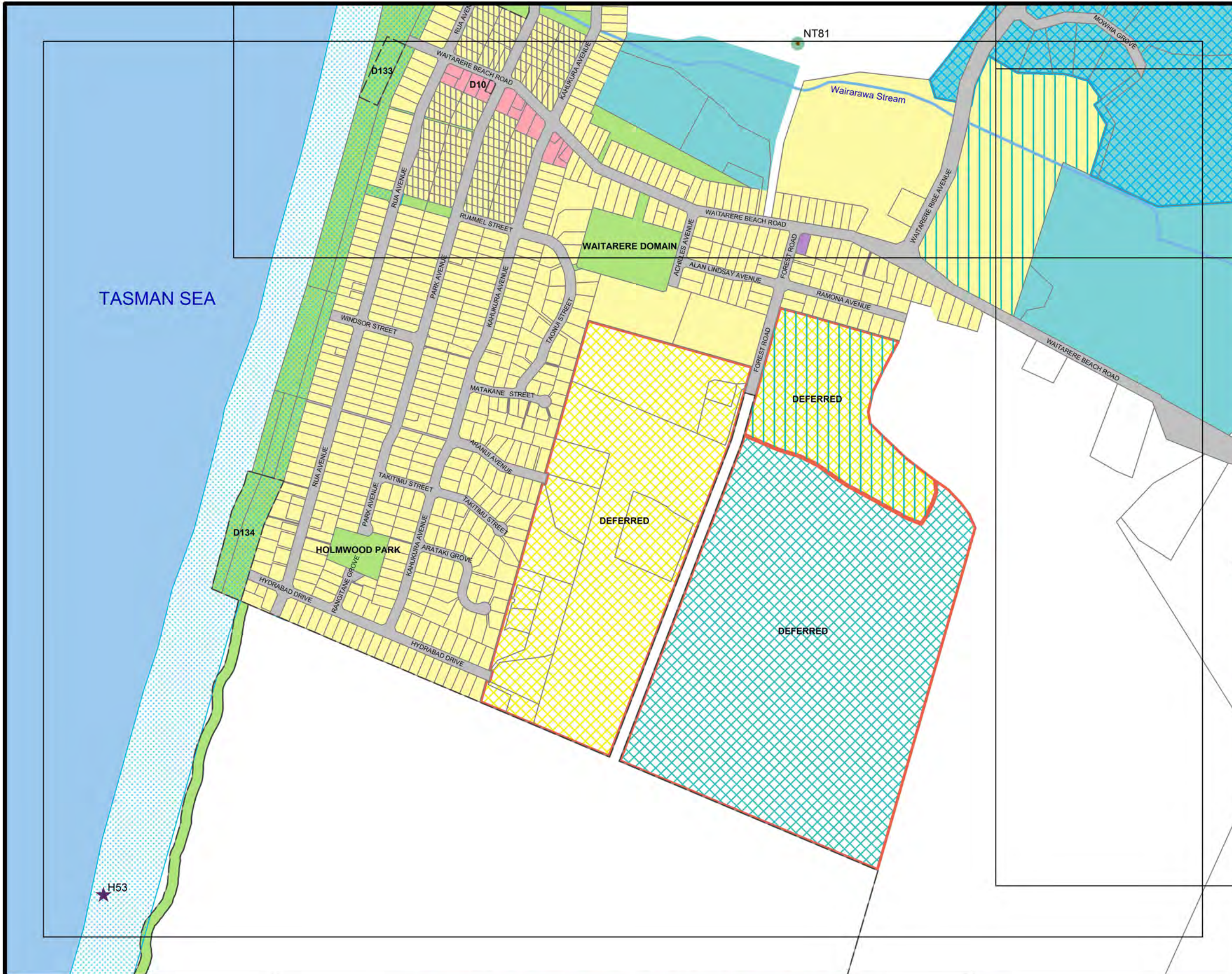
- Notable Tree
- Historic Heritage Building, Structure or Site
- Gas Transmission Pipeline
- National Grid Corridor (High Voltage Transmission Line)
- Designation
- Road



Scale 1 : 7,500

HOROWHENUA DISTRICT PLAN
WAITARERE BEACH

Planning Map 17



LEGEND

ZONES

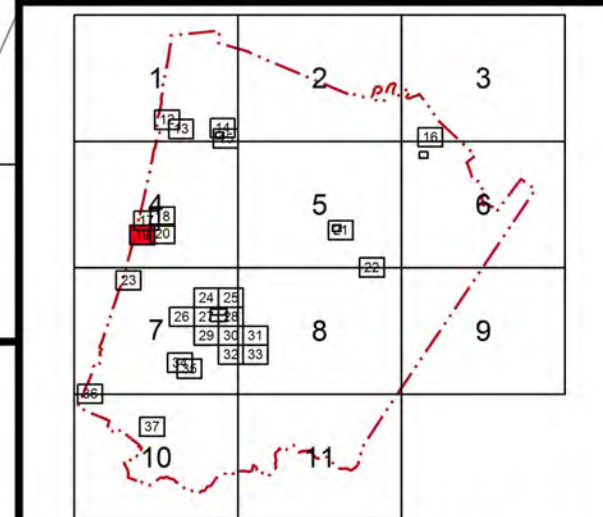
- Commercial Zone
- Industrial Zone
- Residential Zone
- Rural Zone
- Greenbelt Residential Zone
- Open Space Zone
- Residential Deferred Zone
- Greenbelt Residential Deferred Zone

OVERLAYS

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

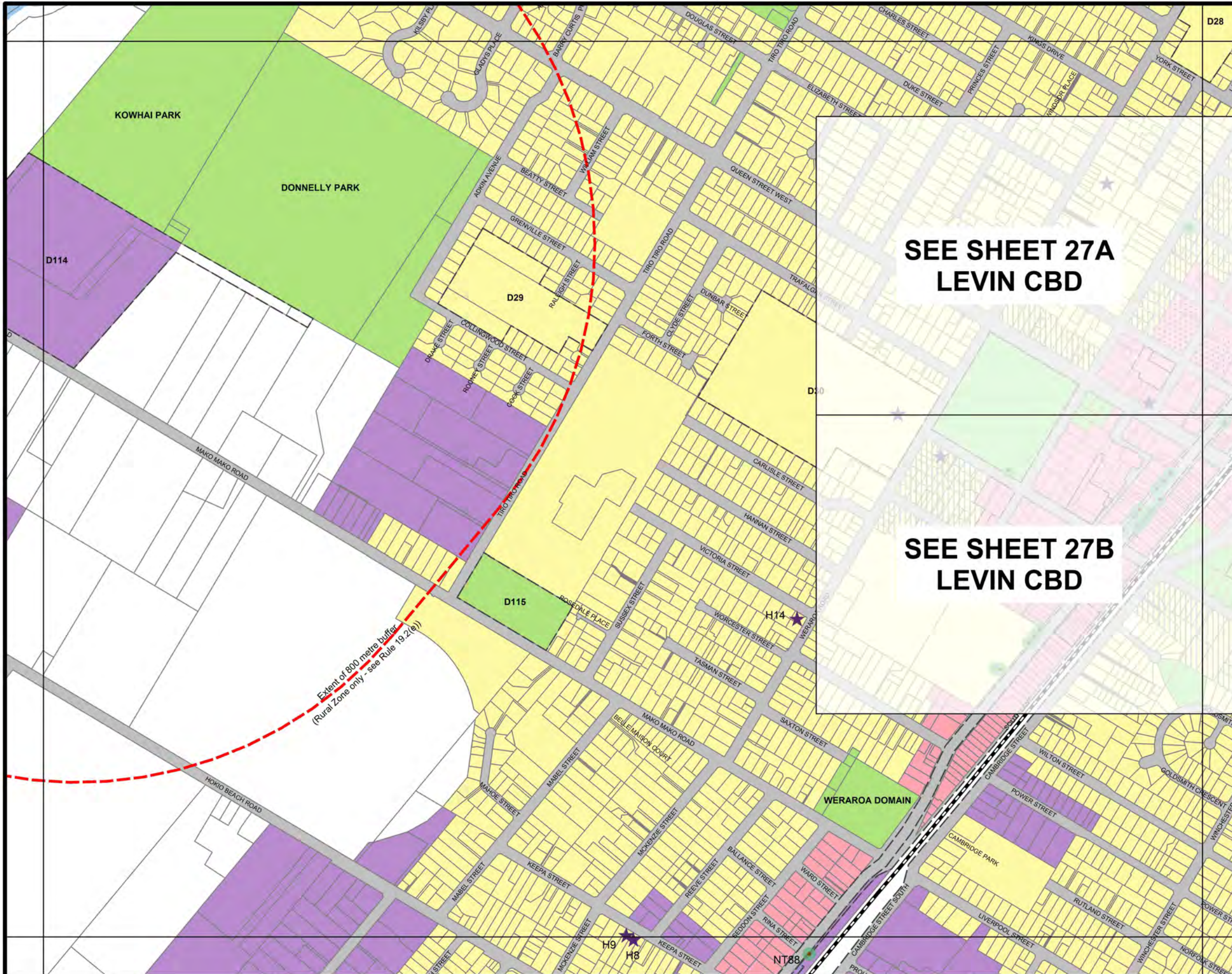
FEATURES

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



HOROWHENUA DISTRICT PLAN
WAITARERE BEACH

Planning Map 19



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)

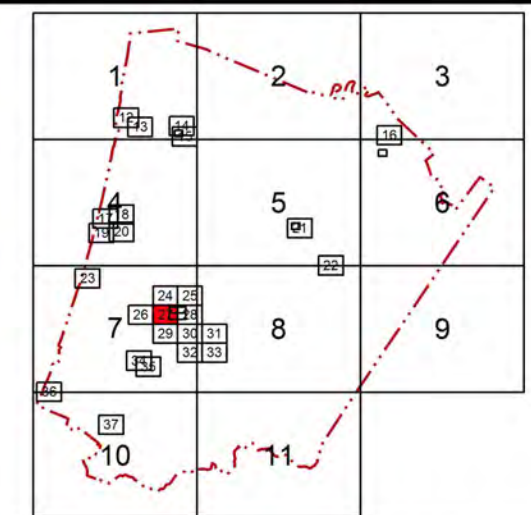
FEATURES

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



HOROWHENUA DISTRICT PLAN
LEVIN

Planning Map 27



LEGEND

ZONES

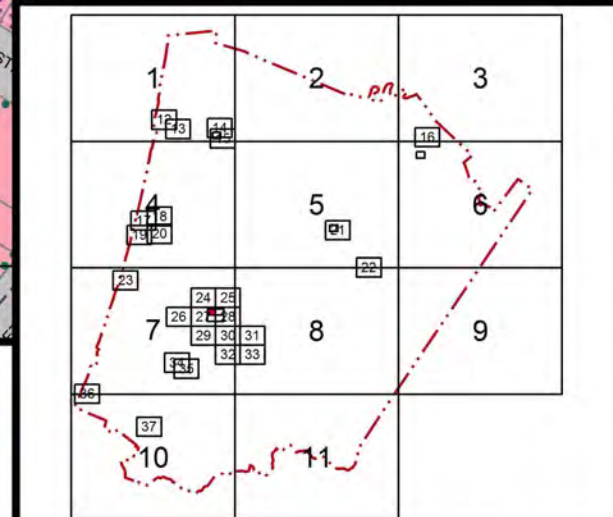
- Commercial Zone
- Industrial Zone
- Residential Zone
- Rural Zone
- Greenbelt Residential Zone
- Open Space Zone
- Residential Deferred Zone
- Greenbelt Residential Deferred Zone

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 : 2,500

HOROWHENUA DISTRICT PLAN
LEVIN CBD

Planning Map 27A

LEGEND

ZONES

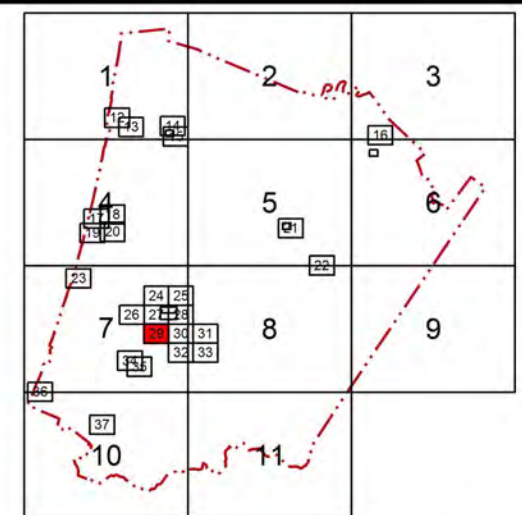
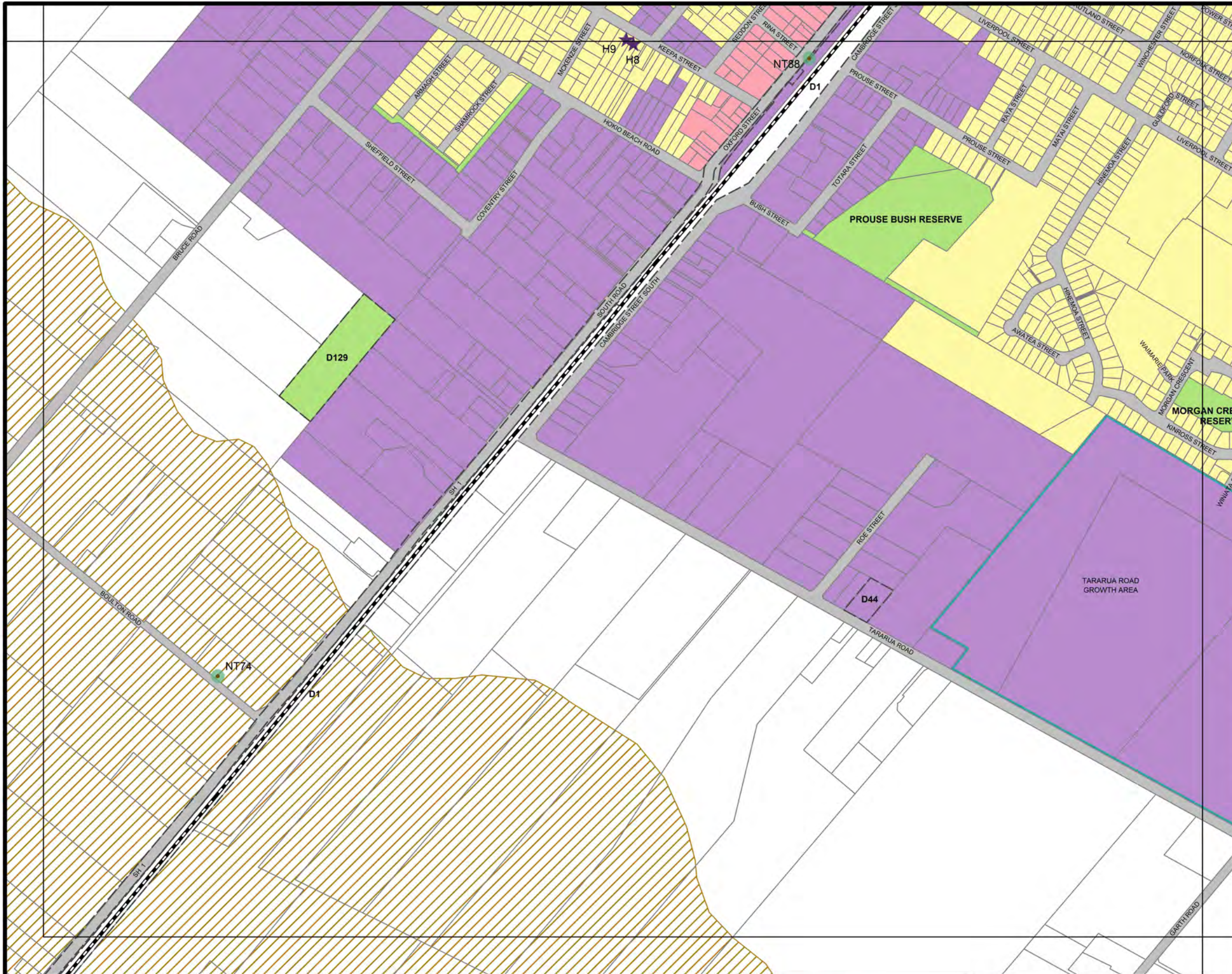
- Commercial Zone
- Industrial Zone
- Residential Zone
- Rural Zone
- Greenbelt Residential Zone
- Open Space Zone
- Residential Deferred Zone
- Greenbelt Residential Deferred Zone

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



HOROWHENUA DISTRICT PLAN
LEVIN

Planning Map 29

RESOURCE MANAGEMENT ACT 1991

PROPOSED HOROWHENUA DISTRICT PLAN

HEARINGS OF SUBMISSIONS

DECISION OF HEARING PANEL

TOPIC: Report on District Plan
Designations

HEARING PANEL: Dean Chrystal

HEARING DATE: 4th April 2013

INDEX

Page

1.0	INTRODUCTION	3
	Delegated Authority	3
	Abbreviations	3
2.0	OFFICER'S REPORT	3
3.0	SUBMITTER APPEARANCES	3
4.0	STATUTORY REQUIREMENTS FOR DESIGNATIONS	4
	Notification	4
	Assessment	4
5.0	EVALUATIONS AND RECOMMENDATIONS	5
	New Zealand Railways Corporation	5
	New Zealand Transport Agency	6
	Telecom New Zealand Limited	8
	Chorus New Zealand Limited	10
	Minister of Education	12
	Minister of Police	15
	Transpower New Zealand Limited	15
	Horizons Regional Council (Land Drainage - rollover)	16
	Horizons Regional Council (Flood Control - new)	17
	Horizons Regional Council (Land Drainage – new)	20
	Horizons Regional Council (Erosions Control – new)	22
	Horizons Regional Council (Water Diversion – new)	23
	Horizons Regional Council (Water Level Control – new)	25
	Horowhenua District Council (Various – rollover)	26
	Horowhenua District Council (Water Treatment - rollover)	27
	Horowhenua District Council (Various Community – rollover)	27
	Horowhenua District Council (Recreation – rollover)	29
	Horowhenua District Council (Refuse – rollover)	30
	Horowhenua District Council (Sewage Treatment – rollover)	32
	Horowhenua District Council (Rubbish Dump - rollover)	35
	Horowhenua District Council (Water Treatment – new)	38
	Horowhenua District Council (Recycling – new)	40
	Horowhenua District Council (Recreation – new)	44
	Horowhenua District Council (Community – new)	48
	Horowhenua District Council (Sewage Treatment – new)	56
	Horowhenua District Council (Stormwater Management – new)	59
	Horowhenua District Council (Road widening)	62
	Horowhenua District Council (Other)	62
	MetService	63

APPENDIX 1 Recommended Designations, Rollovers, Conditions and Other Amendments

APPENDIX 2 Schedule of Recommendations on Submission Points

1.0 INTRODUCTION

1.1 I was appointed by the Horowhenua District Council to consider submissions on the Proposed District Plan relating to Designations and make recommendations accordingly.

1.2 A hearing into the submissions received on the proposed designation was held on the 4 April 2013. A separate hearing was held on 28 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 13 September 2013.

Delegated Authority

1.4 Pursuant to a Council resolution of the 7th February 2013 I was given full authority to hear and make recommendations for the Proposed District Plan hearings relating to Designations.

Abbreviations

1.5 In preparing this decision I have used the following abbreviations:

Proposed Plan	Proposed Horowhenua District Plan
Officer's report	Report evaluating the applications prepared by Ms Sheena McGuire for our assistance under s42A(1) of the RMA
The Act	Resource Management Act
NoR	Notice of Requirement
NZRC	New Zealand Rail Corporation
Transpower	Transpower New Zealand Limited
NZTA	New Zealand Transport Agency
Telecom	Telecom NZ Ltd
Horizons	Horizons Regional Council
HDC	Horowhenua District Council
Chorus	Chorus NZ Ltd

2.0 OFFICER'S REPORT

2.1 I was provided with and had reviewed the Officer report prepared by Council Policy Planner Sheena McGuire pursuant to s42A of the Act prior to the hearing commencing.

2.2 In her report Ms McGuire noted that a requiring authority can be a Minister of the Crown, a local authority or a network utility operator approved as a requiring authority under Section 167 of the Act. A requiring authority can designate land for a public work or a network utility. The effect of designating land is to authorise the use of that land for a particular work. Once a designation is in place it takes precedence over the zoning of the land. Other people may not, without the prior written consent of the requiring authority, do anything in relation to the designated land that would impede the public work.

2.3 Prior to the Proposed Plan being notified, all requiring authorities that held designations in the district were requested to:

- Confirm existing designations (roll over);
- Propose modifications to existing designations;
- Propose new requirements for consideration.

2.4 Council received notice of requirement for all three types of designations, those being new, modified and rolled over. There is a different process to be followed for each type of designation as set out in the Resource Management Act 1991 (RMA). The s42A report considered notices of requirement in order of requiring authority. Those designations being rolled over with modification are considered first followed by new notices of requirement and any designations that have been withdrawn by the requiring authority.

3.0 SUBMITTER APPEARANCES

3.1 The following submitters made appearances at the hearing:

- Ms Vivienne Taueki
- Mr Charles Rudd (Snr)
- Mr Warwick Meyer on behalf of the Council's Community Assets Department
- Philip Taueki (heard separately on 28 May 2013)

3.2 In addition, a written correspondence for presentation at the hearing was received from:

- Pam Butler on behalf of KiwiRail supporting the recommendations relating to NZRC designations; and
- Mike Hurley on behalf of Transpower supporting the recommendations relating to Transpower designations.

4.0 STATUTORY REQUIREMENTS FOR DESIGNATIONS

Notification

- 4.1 Clause 5 (1B) of the First Schedule requires that a territorial authority ensure that notice is given of any requirement or modification of a designation under clause 4 to land owners and occupiers who, in the territorial authority's opinion, are likely to be directly affected.
- 4.2 In order to meet that requirement the Council sent out letters to owners/occupiers giving notice that one or more designations directly affected a property that they had an interest in. The letter indicated that the designation was shown on the Planning Maps of the Proposed District Plan and listed in Schedule 1 of the Plan. They were encouraged to contact the Council Planning Department to understand which designations were relevant to their property.

Assessment

- 4.3 In assessing notices of requirement (designations) to be included in a Proposed District Plan, the territorial authority makes a recommendation or decision, depending on who has lodged the notice of requirement.
- 4.4 If the notice of requirement is received from Council (i.e. Council is the requiring authority), the Panel (in this case myself) hearing the notice of requirement is delegated to make a recommendation to the Council in accordance with section 168A(4) of the Act to confirm, modify, impose conditions or withdraw the requirement. The Council will then make its decision under clause 9(2) of the First Schedule of the Act.
- 4.5 In terms of those notices of requirement lodged by other requiring authorities, the Panel (being myself) makes a recommendation to the requiring authority under clause 9(1) of the First Schedule in accordance with section 171(2) of the Act to confirm, modify, impose conditions or withdraw the requirement. The requiring authority then makes a decision whether to accept or reject the recommendation in whole or in part pursuant to section 172 of the Act.
- 4.6 When making a recommendation on a Notice of Requirement, the territorial authority must have regard to matters listed in Sections 168A(3) or 171(1) and must not have regard to trade competition. It must provide reasons for the recommendation or decisions. Sections 168A(3) and 171(1) provide that:

When considering a requirement and any submissions received, a territorial authority must, subject to Part II, consider the effects on the environment of allowing the requirement, having particular regard to -

- (a) any relevant provisions of -
- (i) a national policy statement;
 - (ii) a New Zealand coastal policy statement;
 - (iii) a regional policy statement or proposed regional policy statement;
 - (iv) a plan or proposed plan; and

- (b) whether adequate consideration has been given to alternative sites, routes, or methods of undertaking the work if -
 - (i) the requiring authority does not have an interest in the land sufficient for undertaking the work; or
 - (ii) it is likely that the work will have a significant adverse effect on the environment; and
- (c) whether the work and designation are reasonably necessary for achieving the objectives of the requiring authority for which the designation is sought; and
- (d) any other matter the territorial authority considers reasonably necessary in order to make a recommendation on the requirement.

4.7 For those notices of requirement for the rollover of designations that Council has received no submissions on and does not wish to recommend any new conditions, the territorial authority is not allowed to make a recommendation. It must simply include the 'roll over' designation in the Proposed District Plan.

4.8 A list of the designations to be rolled over without modification was provided in Appendix One of the Officer's Report.

5.0 EVALUATIONS AND RECOMMENDATIONS

1. New Zealand Railways Corporation - D1

DESIGNATING AUTHORITY : NEW ZEALAND RAILWAYS CORPORATION					
Des. No	Map No	Designating Purpose	Street Address	Legal Description	Modification Sought
D1	3,5,7,8,10	Railway Purposes	State Highway and Cambridge Street, Levin	Defined on the Planning Maps	Alteration - Correct extent of designation shown

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
55.02	KiwiRail	Amend the Schedule of Designations by adding references to all the Planning Maps which show the railway designation In-Part or in detail being: Maps <u>3, 5, 7, 8, 10, 16, 21, 21A, 25, 27, 27B, 28, 28A, 28B, 29, 34, 35, and 37</u> and Add a column to the schedule identifying that the underlying zonings applying to the railway corridor are " <u>various</u> ".	
55.03	KiwiRail	Retain the railway designation D1 as shown on Planning Maps 3, 5, 7, 8, 10, 16, 21, 21A, 25, 27, 27B, 28, 28A, 28B, 29, 34, 35 and 37.	
55.04	KiwiRail	Amend the Schedule of designations 1 by adding a new clause 1.6 which reads: <u>The provisions of the Plan shall apply in relation to any land that is subject to a designation only to the extent that the land is used for a purpose other than the designated purpose. The Planning Maps</u>	

Sub No.	Submitter Name	Decision Requested	Further Submission
		<p><u>show the underlying zoning for land subject to a designation. Where a designation runs across a number of zonings the underlying zoning will be the same as the land immediately adjacent and/or predominant in that locality or area (or similar wording to achieve the stated relief)</u></p> <p>And; Amend Planning Maps 3, 5, 7, 8, 10, 16, 21, 21A, 25, 27, 27B, 28, 28A, 28B, 29, 34, 35, and 37 to show the adjacent zoning hatching with Designation D1 heavily outlined.</p>	

5.1 KiwiRail requested the rollover of existing railway designation D1, however subsequently submitted requesting minor alterations (identified above) to rectify discrepancies which were contained in the Operative District Plan Planning Maps which did not include some areas of designated rail land or show the railway as continuous where the rail line crosses roads along with amendments to the schedule as detailed above.

5.2 The Reporting Officer noted that as the railway was already in existence any adverse effects on the environment were expected to be no different from the current situation and were part of the existing environment. Further a consideration of alternative sites, routes or methods was not necessary as the public work was already in existence and no boundaries were being altered other than corrections on the Planning Maps.

5.3 The Reporting Officer recommended that:

- The notice of requirement for the roll over with modification of the designation D1 Railway Purposes State Highway and Cambridge Street, Levin from the NZRC be confirmed with amendments.
- Corrections be made to the Planning Map references to refer to all maps which display the railway designation D1; and
- The note on page 2 of the planning maps is amended rather than a new clause 1.6 to clarify the underlying zoning of designations as follows:

The roads and railway shown on the Planning Maps are shaded grey and white respectively for ease of reference. Although the roads and railway are shaded grey and white they are all zoned. Roads and the railway share the same zoning as the land nearest to each point of the road or railway. Where the zone is different on either side of the road or railway, the boundary between the zones is the centre line of the road or railway.

5.4 I consider that the modifications and amendments recommended are points of clarification only and do not alter the nature, size, or purpose of the designation. Furthermore they are supported by KiwiRail. I recommend that the KiwiRail submissions are **accepted** and **accepted in part**.

5.5 For the foregoing reasons and in accordance with section 171(2) of the Act under the delegated powers provided to me by the Horowhenua District Council I recommend to KiwiRail as Requiring Authority that the NZRC designation D1 be rolled over and amendments made as contained in Appendix 1.

2. New Zealand Transport Agency - D2, D3, D4

5.6 The NZTA gave notice of requirement for the rollover of the following designations with modification.

DESIGNATING AUTHORITY : NZ TRANSPORT AGENCY					
Des. No	Map No	Designating Purpose	Street Address	Legal Description	Modification Sought

D2	1,2,4,7,10	State Highway 1 - To undertake maintenance, operation and use of, and improvement of a State Highway		Defined on the Planning Maps	Alteration - Amend requiring authority, extend designation to include former D5 completed works, correct extent of designation shown
D3	2,5	State Highway 56 - To undertake maintenance, operation and use of, and improvement of a State Highway		Defined on the Planning Maps	Alteration - Amend requiring authority, correct extent of designation shown
D4	3,5,6,7,8	State Highway 57 - To undertake maintenance, operation and use of, and improvement of a State Highway		Defined on the Planning Maps	Alteration - Amend requiring authority, correct extent of designation shown

5.7 NZTA requested that the following designation be withdrawn.

DESIGNATING AUTHORITY : NZ TRANSPORT AGENCY					
Des. No	Map No	Designating Purpose	Street Address	Legal Description	Conditions
D4		Proposed Motorway	SH 1 - Mako Mako Road	Defined on the Planning Maps	

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
94.00	NZ Transport Agency (NZTA)	Retain Designation D2 as notified.	
94.01	NZ Transport Agency (NZTA)	Retain Designation D3 as notified.	
94.02	NZ Transport Agency (NZTA)	Retain Designation D4 as notified.	
94.03	NZ Transport Agency (NZTA)	Retain Planning Map 1 as notified.	
94.04	NZ Transport Agency (NZTA)	Retain Planning Map 2 as notified.	
94.05	NZ Transport Agency (NZTA)	Retain Planning Map 3 as notified.	
94.06	NZ Transport Agency (NZTA)	Retain Planning Map 4 as notified.	
94.07	NZ Transport Agency (NZTA)	Retain Planning Map 5 as notified.	
94.08	NZ Transport Agency (NZTA)	Retain Planning Map 6 as notified.	
94.09	NZ Transport Agency (NZTA)	Retain Planning Map 7 as notified.	

Sub No.	Submitter Name	Decision Requested	Further Submission
94.10	NZ Transport Agency (NZTA)	Retain Planning Map 8 as notified.	
94.11	NZ Transport Agency (NZTA)	Retain Planning Map 10 as notified.	

- 5.8 NZTA requested that three of its five existing designations be rolled over, with minor alterations, including updating the requiring authority from Transit NZ to NZ Transport Agency, that the designating purpose be amended for clarity and consistency with the agency's national approach, and that a designation for proposed road widening on State Highway 1, be combined with the designation for the full extent of State Highway 1 as the works have been completed.
- 5.9 NZTA made a submission in support of all three of the agency's designations. No further submissions were made on designations.
- 5.10 The Reporting Officer noted that the three state highways which run through the Horowhenua district were already in existence and given effect to, therefore any adverse effects on the environment were expected to be no different from the current situation and were part of the existing environment. She recommended that the notice of requirement be rolled over with the modifications sought by NZTA to D2, D3 and D4 and that part of D4 Proposed Motorway SH 1 - Mako Mako Road, be withdrawn as requested.
- 5.11 I consider that the modifications recommended are relatively minor and do not alter the nature, size, or purpose of the designation and recommend that the submissions by NZTA be **accepted**.
- 5.12 For the foregoing reasons and in accordance with section 171(2) of the Act under the delegated powers provided to me by the Horowhenua District Council I recommend to NZTA as Requiring Authority that designations D2, D3 and D4 be rolled over and amendments made as contained in Appendix 1 and that that part of D4 Proposed Motorway SH 1 - Mako Mako Road, be withdrawn.
- 5.13 I note that the Reporting Officer has recommended under clause 16(2) of the First Schedule of the Act that additional Planning Maps be included in the NZTA designations to clarify all the maps upon which the designations are identified. I support that recommendation.

3. Telecom New Zealand Limited - D5, D6, D7

- 5.14 Telecom gave notice of requirement for the rollover of the following designations with modifications.

DESIGNATING AUTHORITY : TELECOM NZ LTD					
Des. No	Map No	Designating Purpose	Street Address	Legal Description	Modification Sought
D5	10	Telecommunication Radiocommunication and Ancillary Activities	State Highway 1/Waitohu Valley Road, Manakau	Section 1 SO 26184 CT: WN46B/608	Alteration - Amend legal description, insert new conditions (see Appendix 1)
D6	28A	Telecommunication Radiocommunication and Ancillary Activities	10-12 Devon Street Levin	Sections 7, 9 Blk IV Town of Levin CT: WN39B/997 and WN35D/858	Alteration - Amend legal description, insert new conditions (see Appendix 1)

D7	5	Telecommunication Radiocommunication and Ancillary Activities	Heights Road, Shannon	Lot 1 DP 72490 CT: WN41A/293	Alteration - Amend legal description, insert new conditions (see Appendix 1)
----	---	---	--------------------------	---------------------------------	--

5.15 Telecom requested that the following designation be withdrawn.

DESIGNATING AUTHORITY : TELECOM NZ LTD					
Des. No	Map No	Designating Purpose	Street Address	Legal Description	Conditions
D17	8	Telecommunication Radiocommunication and Ancillary Activities	Potts Road, Arapaepae	Lot 2 DP 6443	<p>1) All radio equipment shall be designed and operated in compliance with New Zealand Standard 6609:1990 (Radio Frequency Radiation) in all places to which the public has access.</p> <p>2) All new network utility buildings shall not exceed a maximum height of 15 metres or a maximum floor area of 50 square metres.</p> <p>3) An outline plan shall not be required in respect of any work or project that complies with the above conditions.</p> <p>4) Any work or project which fails to comply with one or more of the above conditions or an outline plan shall require a resource consent. Such applications for resource consents shall be assessed as discretionary activities.</p>

5.16 Telecom gave notice of requirement for the rollover of three of its existing designations with minor alterations to the designating purpose, street address, legal description and conditions, and the withdrawal of one designation. Nine remaining designations were requested to be rolled over with minor alterations under the requiring authority Chorus NZ Ltd (see below).

5.17 The Reporting Officer noted that all three designations were already in existence and that an updated list of conditions (set out in Appendix 1) aligned with the underlying zones were proposed. She recommended that the NoR be rolled over with the modifications sought by Telecom to D5, D6 and D7 and that D17 be withdrawn.

5.18 I consider that the modifications recommended are relatively minor and do not alter the nature, size, or purpose of the designation.

5.19 For the foregoing reasons and in accordance with section 171(2) of the Act under the delegated powers provided to me by the Horowhenua District Council I recommend to Telecom as Requiring Authority that designations D5, D6 and D7 be rolled over, including conditions, and amendments made as contained in Appendix 1 and that D17 be withdrawn.

4. Chorus New Zealand Limited - D8-D16

5.20 Chorus NZ Ltd gave notice of requirement for the rollover of nine existing Telecom NZ Ltd designations with minor alterations.

DESIGNATING AUTHORITY : CHORUS NZ LTD					
Des. No	Map No	Designating Purpose	Street Address	Legal Description	Modification Sought
D8	2	Telecommunication Radiocommunication and Ancillary Activities	3 Poplar Road, Opiki	Section 1 SO 25041 CT:WN36A/664	Alteration - Amend requiring authority, amend street address and legal description, insert new conditions (see Appendix 1)
D9	21A	Telecommunication Radiocommunication and Ancillary Activities	4 Stout Street, Shannon	Lot 2 DP 66855 CT:WN40A/207	Alteration - Amend requiring authority, amend street address and legal description, insert new conditions (see Appendix 1)
D10	17,19	Telecommunication Radiocommunication and Ancillary Activities	667 Waitarere Beach Road, Waitarere	Section 1 SO 25757 CT:WN37A/958	Alteration - Amend requiring authority, amend street address and legal description, insert new conditions (see Appendix 1)
D11	37	Telecommunication Radiocommunication and Ancillary Activities	33A Honi Taipua Street, Manakau	Lots 1, 2 DP 81871 CT:WN48B/764	Alteration - Amend requiring authority, amend street address and legal description, insert new conditions (see Appendix 1)
D12	7	Telecommunication Radiocommunication and Ancillary Activities	685 State Highway 1, Kuku	Section 1 SO 24101 CT:WN36A/476	Alteration - Amend requiring authority, amend street address and legal description, insert new conditions (see Appendix 1)
D13	4	Telecommunication Radiocommunication and Ancillary Activities	805 State Highway 1, Poroutawhao	Section 1 SO 24078 CT:WN36A/596	Alteration - Amend requiring authority, amend street address and legal description, insert new conditions (see Appendix 1)
D14	12,13	Telecommunication Radiocommunication and Ancillary Activities	1A Linklater Avenue, Foxton Beach	Lot 1 DP 72853 CT:WN39B/611	Alteration - Amend requiring authority, amend street address and legal description, insert new conditions (see Appendix 1)
D15	2	Telecommunication Radiocommunication and Ancillary Activities	State Highway 1, Himatangi		Alteration - Amend requiring authority, delete legal description, insert new conditions (see Appendix 1)

DESIGNATING AUTHORITY : CHORUS NZ LTD					
Des. No	Map No	Designating Purpose	Street Address	Legal Description	Modification Sought
D16	15A	Telecommunication Radiocommunication and Ancillary Activities	Johnston Street, Foxton	Section 623 Town of Foxton CT:WN36A/856	Alteration - Amend requiring authority, amend legal description, insert new conditions (see Appendix 1)

Submission Received

Sub No.	Submitter Name	Decision Requested	Further Submission
D1.00	Samuel Stocker	Any current or future "designation" should be removed from this site with existing usage rights only allowed	

5.21 The designations to be rolled over included changing the name of the requiring authority (Telecom to Chorus) and minor alterations to designation purposes, street address, legal description and conditions. The modifications were points of correction or clarification only and did not alter the nature, size, or purpose of the designations.

5.22 One submission was received in opposition to the designation of D11 from a landowner (Mr Stocker) adjacent to the designation. The submission identified that at the time of subdivision of his land and the Chorus site, the septic tank which services the Stocker property was incorporated into the adjacent land parcel now owned by Chorus. Through maintenance and upgrades, a new support cable has been installed which extends beyond the site owned by Chorus and onto Mr Stocker's land. Mr Stocker has concerns for the on-going use of the septic tank which services the submitter's property and the threat of future works which may have adverse affects on him as the landowner of the site adjacent to the designation.

5.23 Consultation between Chorus and the submitter was undertaken in response to the submission and concerns raised. Chorus provided a written response to the submission. In that response they noted that they had discussed the possibility of an easement for the septic tank and disposal field (on the Chorus designation) and the timber stay and pile supporting equipment (on Mr Stocker's land). They also said that they did "*not have plans to undertake any major projects or works on this site in the foreseeable future*" and that "*given the size of the site (142m²) there is very limited potential for future development of the site beyond the existing infrastructure*". Further Chorus indicated they were willing to accept a condition requiring any mobile equipment to be excluded from the designation and subject to underlying zone rules and to this end, the following wording was suggested:

"That new mobile equipment, being masts and antennas forming part of the cellular network, shall be subject to the rules for the underlying zone."

5.24 The Reporting Officer noted that all nine designations were already in existence and had therefore given effect to.

5.25 In term of the Stocker submission the Reporting Officer acknowledged that Chorus had worked through the matters raised in the submission however noted that a number of the issues raised were civil matters between the landowners and were not considered to be matters for the District Plan to address. Nevertheless, she considered the designation of private property to be inappropriate and recommended that the legal description for designation D11 be amended to refer only to Lot 1 DP 81871 CT: WN48B/764 as Mr Stocker is the owner of property Lot 2 DP 81871. She also recommended that the above condition be imposed on the

designated site to ensure that in the case of the installation and operation of mobile equipment forming part of the cellular network, appropriate controls are put in place to manage any adverse effects on adjacent properties. She noted that the condition suggested by Chorus would reduce the height of new equipment including masts and associated antennas for cellular telecommunication networks from 15 metres to 8.5 metres as required in the underlying Residential Zone. This was seen as an appropriate condition which would ensure that new equipment would not extend beyond the maximum building height in the Residential Zone without consent.

5.26 At the hearing an email from Mr Stocker was presented to me dated 4th April 2013 stating that:

Last minute negotiations with Chorus has meant that I will now not attend today's hearing. Instead I will withdraw my opposition to the designation and support the recommendations of the reviewer.

5.27 In essence therefore Mr Stocker was now accepting the recommendations put forward by Chorus and contained within the Officer's Report.

5.28 Dealing with designation D11 first I agree that some of the matters raised by the submitter whilst of some significance are beyond the scope of recommendations I can make. Nevertheless, it would appear that Mr Stocker and Chorus have reached agreement on those matters to the satisfaction of both parties and for clarity I have recommended Mr Stocker's submission be **accepted in part**. On the outstanding matters I agree that Lot 2 should be deleted from the designations description and therefore recommend that designation D11 be amended to correctly refer only to the land parcel owned by Chorus. I also recommend that the condition regarding masts and associated antennas for cellular telecommunication networks proposed by Chorus be included as a condition as follows:

The following condition applies to Designation D11 Telecommunication Radiocommunication and Ancillary Activities 33A Honi Taipua Street, Manakau Lot 1 DP 81871 CT:WN48B/764.

That new equipment, being masts and antennas forming part of the cellular telecommunication network, shall be subject to the rules for the underlying zone.

5.29 Further, I consider that the remaining modifications recommended are relatively minor and do not alter the nature, size, or purpose of the designation and note that an updated list of conditions (set out in Appendix 1) aligned with the underlying zones are proposed.

5.30 For the foregoing reasons and in accordance with section 171(2) of the Act under the delegated powers provided to me by the Horowhenua District Council I recommend to Chorus NZ Ltd as Requiring Authority that designations D8, D9, D10, D11, D12, D13, D14, D15 and D16 be rolled over, including conditions, and modifications, amendments and the new condition referred to above be made as contained in Appendix 1.

5. Minister of Education - D17-D34

5.31 The Minister of Education gave notice of requirement for the rollover of the following designations with modification.

DESIGNATING AUTHORITY : MINISTER OF EDUCATION					
Des. No	Map No	Designating Purpose	Street Address	Legal Description	Modification Sought
D17	14	Educational Purposes	Manawatu College, Ladys Mile, Foxton	Pt Lot 1 DP 15206, Lots 4, 5 Deeds 586, Lot 2 DP 15206, Sections 621, 624 Town of Foxton	Alteration - Amend designating purpose, amend street address and legal description

DESIGNATING AUTHORITY : MINISTER OF EDUCATION					
Des. No	Map No	Designating Purpose	Street Address	Legal Description	Modification Sought
D18	14,15	Educational Purposes	Foxton Primary, Park Street, Foxton	Sections 94, 96, 527 Town of Foxton, Lots 1, 2 DP 2612, Lots 1, 2 DP 12396	Alteration - Amend designating purpose, amend street address and legal description
D19	15	Educational Purposes	Coley Street Primary, Coley Street, Foxton	Sections 489, 490, 491, 494 Town of Foxton, Pt Sections 492, 493 Town of Foxton, Lot 10 DP 24627, Lot 1 DP 26102, Pt Lot 2 DP 10437	Alteration - Amend designating purpose, amend street address and legal description
D20	2	Educational Purposes	Opiki Primary, Opiki Road (566 Tane Road), Opiki	Pt Lot 8 DP 8800	Alteration - Amend designating purpose, amend street address and legal description
D21	5	Educational Purposes	Koputaroa Primary, 399 Koputaroa Road, Koputaroa	Pt Section 20 Blk XIV Mt Robinson SD	Alteration - Amend designating purpose, amend street address and legal description
D22	4	Educational Purposes	Poroutawhao Primary, 796-800 State Highway 1, Koputaroa	Pt Lot 1 DP 6258	Alteration - Amend designating purpose, amend street address and legal description
D23	16	Educational Purposes	Tokomaru Primary, Tokomaru Road, Tokomaru	Sections 166, 167 Town of Tokomaru	Alteration - Amend designating purpose, amend street address and legal description
D24	21A	Educational Purposes	Shannon Primary, State Highway 57, Shannon	Lots 3-8 DP 15463, Pt Lot 15 DP 7724, Lot 2 DP 364308	Alteration - Amend designating purpose, amend street address
D25	34,35	Educational Purposes	Ohau Primary, 13 Muhunua East Road, Ohau	Lot 2 DP 83084	Alteration - Amend designating purpose, amend street address
D26	37	Educational Purposes	Manakau Primary, State Highway 1, Manakau	Sections 32-37 Town of Manakau	Alteration - Amend designating purpose, amend street address and legal description
D27	12	Educational Purposes	Foxton Beach Primary, Thomas Place, Foxton Beach	Pt Section 270 Town of Foxton	Alteration - Amend designating purpose, amend street address and legal description
D28	24,25, 27,28	Educational Purposes	Levin North Primary, Weraroa Road, Levin	Section 85 Levin Suburban	Alteration - Amend designating purpose, amend street address and legal description
D29	27	Educational Purposes	Levin Intermediate and Levin School, Collingwood Street, Levin	Lot 1 DP 28645, Pt Lot 2 DP 15701, Lot 1 DP 40425	Alteration - Amend designating purpose, amend street address and legal description

DESIGNATING AUTHORITY : MINISTER OF EDUCATION					
Des. No	Map No	Designating Purpose	Street Address	Legal Description	Modification Sought
D30	27,27 A,27B	Educational Purposes	Horowhenua College, Weraroa Road, Levin	Lot 2 DP 329514	Alteration - Amend designating purpose, amend street address and legal description
D31	28	Educational Purposes	Fairfield Primary, MacArthur Street, Levin	Lots 7, 8 DP 18673, Pt Lot 15, 17, 19 DP 1824	Alteration - Amend designating purpose, amend street address and legal description
D32	28	Educational Purposes	Levin East Primary, 78-92 Bartholomew Road, Levin	Pt Section 31 Blk I Waiopehu SD	Alteration - Amend designating purpose, amend street address and legal description
D33	28,30	Educational Purposes	Waiopehu College, Bartholomew Road, Levin	Lot 2 DP 42596, Lot 43 DP 32857, Pt Sec 31 Blk I Waiopehu SD	Alteration - Amend designating purpose, amend street address and legal description
D34	30	Educational Purposes	Taitoko Primary, Balmoral Street, Levin	Pt Lot 65 DP 27947	Alteration - Amend designating purpose, amend street address

5.32 The Minister of Education requested that the following designation be withdrawn.

DESIGNATING AUTHORITY : MINISTER OF EDUCATION					
Des. No	Map No	Designating Purpose	Street Address	Legal Description	Conditions
D25	7	Muhunoa East School	Muhunoa East Road, Ohau	Sections 32-37 DP420	

5.33 The Minister of Education (MoE) requested the rollover of 18 of the 19 existing designations with minor alterations and the withdrawal of one designation. No submissions were received on any of the designations.

5.34 The Reporting Officer noted that the request included an amendment to the designating purpose of all the sites to read 'Educational Purposes' for reasons of consistency across the country. Minor amendments were also requested to correct the legal descriptions of some of the designated sites in the District.

5.35 I consider that the amendments proposed are appropriate and do not alter the nature, size, or purpose of the designation and note that the requested designation to be withdrawn is clearly no longer considered necessary by MoE.

5.36 For the foregoing reasons and in accordance with section 171(2) of the Act under the delegated powers provided to me by the Horowhenua District Council I recommend to the Minister of Education as Requiring Authority that designations D19, D20, D21, D22, D23, D24, D26, D27, D28, D29, D30, D31, D32, D33 and D34 be rolled over and amendments made as contained in Appendix 1 and that D25 be withdrawn.

6. Minister of Police - D37

5.37 The Minister of Police gave notice of requirement for the rollover of the following designation with modification.

DESIGNATING AUTHORITY : MINISTER OF POLICE					
Des. No	Map No	Designating Purpose	Street Address	Legal Description	Modification Sought
D37	27A	Levin Police Station	5-7 Bristol Street, 17 Stanley Street, Levin	Lot 1 DP 76606	Alteration - Amend legal description

5.38 The Minister of Police requested the rollover of the designation for the Levin Police Station with minor alterations. The Minister requested that the legal description of the site of the Levin Police Station is amended to reflect the correct legal description of the site. No submissions were received on designation D37.

5.39 I consider that the amendment proposed is appropriate and does not alter the nature, size, or purpose of the designation.

5.40 For the foregoing reasons and in accordance with section 171(2) of the Act under the delegated powers provided to me by the Horowhenua District Council I recommend to the Minister of Police as Requiring Authority that designation D37 be rolled over and the amendment made as contained in Appendix 1.

7. Transpower New Zealand Limited - D39, 40

5.41 Transpower gave notice of requirement for the rollover of the following designations with modifications.

DESIGNATING AUTHORITY : TRANSPOWER NZ LTD					
Des. No	Map No	Designating Purpose	Street Address	Legal Description	Modification Sought
D39	22	Substation	Mangahao Road, Mangaore Village	Section 1 SO 37062	Alteration - Amend requiring authority, amend designating purpose and legal description
D40	22	Outdoor Switchyard	Te Paki Road, Mangaore Village	Section 1 SO 37683	Alteration - Amend requiring authority, amend street address

Submission Received

Sub No.	Submitter Name	Decision Requested	Further Submission
99.49	Transpower New Zealand Ltd	Amend the legal description of the D40 designation as follows: <u>Part of</u> Section 1 SO 37683.	

5.42 Transpower requested the rollover of two existing designations with minor alterations. Those alterations were to amend the designating purpose of designation D39 from Outdoor Switchyard to Substation to correctly identify the nature of activities within the existing designation and to amend the legal description of designation D39 so as to list the correct parcel of land to be designated. The request also amended the street address of designation D40 to list the correct address.

- 5.43 Subsequently, Transpower submitted seeking a minor change to the legal description of D40 to provide clarity on the legal extent of the designated site.
- 5.44 I consider that the amendments proposed are appropriate and do not alter the nature, size, or purpose of the designation and recommend that the submissions by Transpower be **accepted**.
- 5.45 For the foregoing reasons and in accordance with section 171(2) of the Act under the delegated powers provided to me by the Horowhenua District Council I recommend to Transpower as Requiring Authority that designations D39 and D40 be rolled over and amendments made as contained in Appendix 1.

8. Horizons Regional Council - D49, D51, D52, D54, D55, D56, D58

- 5.46 Manawatu-Wanganui Regional Council (Horizons) gave notice of requirement for the rollover of seven designations with minor alterations.

DESIGNATING AUTHORITY : HORIZONS REGIONAL COUNCIL					
Des. No	Map No	Designating Purpose	Street Address	Legal Description	Modification Sought
D49	5	Land Drainage	Koputaroa No. 1 Pump Station	Defined on the Planning Maps	Alteration – Amend legal description
D51	5	Land Drainage	Koputaroa No. 3 Pump Station	Defined on the Planning Maps	Alteration – Amend legal description
D52	4	Land Drainage	Koputaroa No. 4 Pump Station	Defined on the Planning Maps	Alteration – Amend legal description
D54	5	Land Drainage	Speirs Pump Station	Defined on the Planning Maps	Alteration – Amend legal description
D55	5	Land Drainage	Okuku Pump Station	Defined on the Planning Maps	Alteration – Amend legal description
D56	5	Land Drainage	Makerua East Pump Station	Defined on the Planning Maps	Alteration – Amend legal description
D58	5	Land Drainage	Donnelly Pump Station	Defined on the Planning Maps	Alteration – Amend legal description

- 5.47 Horizons gave notice of requirement for the rollover of seven designations with minor alterations. No submissions were received on the designations.
- 5.48 The Reporting Officer noted that designations D49, D55 and D56 were existing designations for land drainage purposes that were incorrectly recorded on the Planning Maps in the Operative District Plan in terms of their precise location and extent. Horizons had sought to correct these discrepancies so as to accurately display the location of the land drainage features and the extent of the assets. In terms of designations D51, D52, D54 and D58 she noted that legal descriptions for these designations were incorrect and that Horizons has requested that these be updated to reflect the correct descriptions.

5.49 I consider that the amendments proposed are appropriate and do not alter the nature, size, or purpose of the designation, but merely correct previous mapping and description errors.

5.50 For the foregoing reasons and in accordance with section 171(2) of the Act under the delegated powers provided to me by the Horowhenua District Council I recommend to Horizons as Requiring Authority that designations D49, D51, D52, D54, D55, D56 and D58 be rolled over and amendments made as contained in Appendix 1.

9. Horizons Regional Council - D61-D84

5.51 Horizons lodged a notice of requirement for new designations for the following flood protection structures, including providing for their on-going maintenance.

DESIGNATING AUTHORITY : HORIZONS REGIONAL COUNCIL					
Des. No	Map No	Designating Purpose	Street Address	Legal Description	Modification Sought
D61	1	Flood Control	Lake No. 1 Stopbank	Defined on the Planning Maps	New
D62	2,3,5	Flood Control	Manawatu River Stopbank – true left bank PNC boundary to Tokomaru River	Defined on the Planning Maps	New
D63	4,5	Flood Control	Manawatu River Stopbank – true left bank Tokomaru River to Levin Road	Defined on the Planning Maps	New
D64	2,5	Flood Control	Manawatu River Stopbank – true right bank from Himatangi 2B1C2 to Moutoa Sluice gates	Defined on the Planning Maps	New
D65	4,5	Flood Control	Manawatu River Stopbank – Moutoa sluice gates to Matararapa Road	Defined on the Planning Maps	New
D66	1,4,13 , 15	Flood Control	Manawatu River and Foxton Loop Stopbank – Matararapa Road to Whitebait Creek	Defined on the Planning Maps	New
D67	12,13	Flood Control	Manawatu River Stopbank, and concrete and timber floodwalls – Foxton Beach township	Defined on the Planning Maps	New
D68	4,5	Flood Control	Moutoa Floodway Stopbanks – both banks from Moutoa sluice gates to Foxton Loop confluence	Defined on the Planning Maps	New

DESIGNATING AUTHORITY : HORIZONS REGIONAL COUNCIL

Des. No	Map No	Designating Purpose	Street Address	Legal Description	Modification Sought
D69	5	Flood Control	Moutoa Sluice gates – Foxton/Shannon Road	Defined on the Planning Maps	New
D70	4	Flood Control	Duck Creek Stopbanks – both banks and ringbank on true left bank opposite Newth Road/Levin Road Junction	Defined on the Planning Maps	New
D71	5,6	Flood Control	Tokomaru River Stopbanks – both banks from Manawatu confluence to the NIMT	Defined on the Planning Maps	New
D72	3,5,6	Flood Control	Linton Main Drain Stopbanks – both banks from Tokomaru confluence to PNCC boundary	Defined on the Planning Maps	New
D73	5,8	Flood Control	Koputaroa Stream Stopbanks – both banks from Manawatu confluence to NIMT	Defined on the Planning Maps	New
D74	5,8	Flood Control	Koputaroa Stream Stopbank – true left bank from NIMT to SH 57 and tributary drains	Defined on the Planning Maps	New
D75	4,5	Flood Control	Aratangata Drain Stopbanks – both banks from Manawatu confluence to 800m south of Koputaroa Road	Defined on the Planning Maps	New
D76	5	Flood Control	Kara Creek Stopbanks – both banks from Tokomaru confluence to midway between SH 57 and Hennessy Road	Defined on the Planning Maps	New
D77	5	Flood Control	Mangapuketea Stream Stopbanks – both banks from Kara confluence to south of Kingston Road	Defined on the Planning Maps	New
D78	5,21	Flood Control	Mangaore Stream Stopbanks – both banks from Manawatu confluence to NIMT	Defined on the Planning Maps	New

DESIGNATING AUTHORITY : HORIZONS REGIONAL COUNCIL					
Des. No	Map No	Designating Purpose	Street Address	Legal Description	Modification Sought
D79	7	Flood Control	Ohau River Stopbank – true right bank from opposite Hogg’s Road to Lot 2 DP 68543	Defined on the Planning Maps	New
D80	7	Flood Control	Ohau River Stopbank – true left bank from the end of Hogg’s Road to the river mouth	Defined on the Planning Maps	New
D81	7	Flood Control	Coastal Stopbank - 150m long centred on E2692829/N6059055	Defined on the Planning Maps	New
D82	7	Flood Control	Kuku Stream Stopbanks – both banks from Ohau confluence to 600m upstream	Defined on the Planning Maps	New
D83	7	Flood Control	Parkins Stopbank – 180m long centred on E2696011/N6058563	Defined on the Planning Maps	New
D84	7	Flood Control	Haynes Drop Structure and Spillway Gates – centred on E2694975/N6057767	Defined on the Planning Maps	New

5.52 Horizons sought to designate a range of sites for Flood Protection Purposes. All the sites are currently used for the purpose of flood protection and would continue to be used for this purpose including the on-going maintenance of stopbanks, drop structures, spillway gates and sluice gates. No submissions were received on the proposed designations.

5.53 The notices of requirement provided the following information in respect of the nature of the public works and restrictions that are in place for the management of the flood protection structures:

Any restrictions regarding activities are governed by the permitted activity criteria of Horizons Proposed One Plan Rule 16-13 (Activities undertaken by or on behalf of the Regional Council in rivers with Schedule AB Value of Flood Control and Drainage) and Rule 16-14 (Activities affecting Schedule AB Value of Flood Control and Drainage). No works can be undertaken by any other party without applying for resource consent.

5.54 The Reporting Officer noted that the on-going maintenance of these flood protection assets will require some work and that the effects on water quality and soil conservation (erosion) from these works would be managed under the Proposed One Plan.

5.55 The NoR provided information on the positive effects the flood protection structures have on the community as follows:

Flood protection and land drainage are paramount to Horizons role in keeping people safe and are a major part of Council business. Managing rivers through engineering works allows the Council to help prevent floods and provide adequate land drainage when necessary.

This protection is funded through scheme rates based upon the amount of protection benefit each ratepayer receives. To ensure people's needs are met many things are taken into consideration including type of use, level of flood protection needed, erosion control, native habitat protection, recreation, and spiritual values.

- 5.56 In considering the potential adverse effects the Reporting Officer noted that the structures were already in existence and that any adverse effects on the environment would relate to maintenance works and any future upgrades. She identified that the adverse effects from these works on water quality, soil conservation and diverting floodwaters would be managed by the provisions of the Proposed One Plan. The other potential adverse effects identified related to noise, traffic, dust and impacts on the use of land. However she considered that given the stopbanks were predominantly located in rural areas, these types of effects would be similar to those generated by primary production activities which use heavy machinery.
- 5.57 The Reporting Officer noted that Horizons maintain ongoing annual consultation regarding works and on-going Scheme operational requirements with the public. These provided an opportunity for the public to be informed and to discuss proposed maintenance works for the flood protection assets, including whether the works are necessary and the management of the potential adverse effects.
- 5.58 Clearly a key role of the Regional Council is to manage river systems and provide protection from flooding. I have considered the new designations sought by Horizons noting the important role that the flood protection works play in reducing the effects of flooding in the lower Manawatu catchment and thus protecting the community. Given the nature of the flood protection structures that are already in place the use of the designation procedures is in my view an entirely appropriate mechanism for dealing with such significant infrastructure. The designations will provide a high degree of certainty for the flood protection structures and for their on-going use and maintenance.
- 5.59 Given the established nature of the infrastructure and that that any anticipated adverse effects are likely to be minimal I consider reviewing alternatives is unnecessary. I also note that no submissions in opposition to the NoR's were received.
- 5.60 For the foregoing reasons and in accordance with section 171(2) of the Act under the delegated powers provided to me by the Horowhenua District Council I recommend to Horizons as Requiring Authority that the notice of requirement for new designations for Flood Control be D61, D62, D63, D64, D65, D66, D67, D68, D69, D70, D71, D72, D73, D74, D75, D76, D77, D78, D79, D80, D81, D82, D83 and D84 be confirmed as contained in Appendix 1.

10. Horizons Regional Council D85-D91

- 5.61 Horizons Regional Council lodged a notice of requirement for new designations for the following land drainage structures, including providing for their on-going maintenance.

DESIGNATING AUTHORITY : HORIZONS REGIONAL COUNCIL					
Des. No	Map No	Designating Purpose	Street Address	Legal Description	Modification Sought
D85	4	Land Drainage	Pleuger Pump Station – at drain outlet on northern side of floodway	Defined on the Planning Maps	New
D86	4	Land Drainage	Whirokino Pump Station – at outlet drain on Duck Creek	Defined on the Planning Maps	New

DESIGNATING AUTHORITY : HORIZONS REGIONAL COUNCIL					
Des. No	Map No	Designating Purpose	Street Address	Legal Description	Modification Sought
D87	5	Land Drainage	Bowler Pump Station – Moutoa floodway	Defined on the Planning Maps	New
D88	5	Land Drainage	Kere Kere Road Pump Station – Moutoa floodway	Defined on the Planning Maps	New
D89	5	Land Drainage	Kingston Pump Station – Tokomaru River adjacent to Okuku Road	Defined on the Planning Maps	New
D90	14,15	Land Drainage	Kings Canal Drain – between Nye Street and Avenue Road, Foxton	Defined on the Planning Maps	New
D91	15	Land Drainage	Foxton East Culvert – adjacent to Harbour Street/Purcell Street junction, Foxton Loop	Defined on the Planning Maps	New

5.62 Horizons also sought to designate the above sites for Land Drainage Purposes. All the sites are currently used for the purpose of land drainage and would continue to be used for that purpose including the on-going maintenance of pump stations, drains and culverts. No submissions were received on the proposed designations.

5.63 The NoR's provided the following information in respect of the nature of the public works and restrictions that are in place for the management of the land drainage structures:

Any restrictions regarding activities are governed by the permitted activity criteria of Horizons Proposed One Plan Rule 16-13 (Activities undertaken by or on behalf of the Regional Council in rivers with Schedule AB Value of Flood Control and Drainage) and Rule 16-14 (Activities affecting Schedule AB Value of Flood Control and Drainage). No works can be undertaken by any other party without applying for resource consent.

5.64 The NoR provides information on the positive effects the land drainage structures have on the community as follows:

Flood protection and land drainage are paramount to Horizons role in keeping people safe and are a major part of Council business. Managing rivers through engineering works allows the Council to help prevent floods and provide adequate land drainage when necessary.

This protection is funded through scheme rates based upon the amount of protection benefit each ratepayer receives. To ensure people's needs are met many things are taken into consideration including type of use, level of flood protection needed, erosion control, native habitat protection, recreation, and spiritual values.

5.65 In considering the potential adverse effects the Reporting Officer noted that the structures are already in existence and that any adverse effects on the environment would relate to maintenance works and any future upgrades. She identified that the adverse effects from these works on water quality, soil conservation (erosion) and diverting floodwaters would be effectively managed by the provisions of the Proposed One Plan. The other potential adverse effects identified related to noise, traffic, dust and impacts on the use of land however it was

considered that given the facilities were predominantly located in rural areas, the types of effects would be similar to those generated by primary production activities which use heavy machinery.

- 5.66 The Reporting Officer noted that Horizons maintain ongoing annual consultation regarding the facilities with the public. These provided an opportunity for the public to be informed and to discuss proposed maintenance works for the flood protection assets, including whether the works are necessary and the management of potential adverse effects.
- 5.67 Again I note the key role of the Regional Council in managing and providing for protection from flooding. I have considered the new designations sought by Horizons noting the important role these land drainage facilities play in the wider flood protection schemes. Given their nature and that they have been in place for some time the use of the designation procedures is in my view an entirely appropriate mechanism for dealing with such infrastructure. The designations will provide a high degree of certainty for the land drainage facilities and for their on-going use and maintenance.
- 5.68 Given the established nature of the infrastructure and that any anticipated adverse effects are likely to be minimal I consider reviewing alternatives is unnecessary. I also note that no submissions in opposition to the NoR's were received.
- 5.69 For the foregoing reasons and in accordance with section 171(2) of the Act under the delegated powers provided to me by the Horowhenua District Council I recommend to Horizons as Requiring Authority that the notice of requirement for new designations D85, D86, D87, D88, D89, D90 and D91 for Land Drainage Purposes be confirmed as contained in Appendix 1.

11. Horizons Regional Council - D92

- 5.70 Horizons Regional Council lodged a notice of requirement for a new designation for the following drop structure for Erosion Control Purposes, including the on-going maintenance of the public work.

DESIGNATING AUTHORITY : HORIZONS REGIONAL COUNCIL					
Des. No	Map No	Designating Purpose	Street Address	Legal Description	Modification Sought
D92	7	Erosion Control	Parkins Drop Structure – centred on E2696272/N6058480	Defined on the Planning Maps	New

- 5.71 Horizons sought to designate the above site for Erosion Control Purposes. The site is currently used for the purpose of erosion control and will continue to be used for this purpose including the on-going maintenance of the drop structure. No submissions were received on designation D92.
- 5.72 The NoR provides the following information in respect of the nature of the public works and restrictions that are in place for the management of the erosion control structure:
- Any restrictions regarding activities are governed by the permitted activity criteria of Horizons Proposed One Plan Rule 16-13 (Activities undertaken by or on behalf of the Regional Council in rivers with Schedule AB Value of Flood Control and Drainage) and Rule 16-14 (Activities affecting Schedule AB Value of Flood Control and Drainage). No works can be undertaken by any other party without applying for resource consent.*
- 5.73 The NoR provides information on the positive effects the erosion control structure has on the community as follows:

Flood protection and land drainage are paramount to Horizons role in keeping people safe and are a major part of Council business. Managing rivers through engineering works allows the Council to help prevent floods and provide adequate land drainage when necessary.

This protection is funded through scheme rates based upon the amount of protection benefit each ratepayer receives. To ensure people's needs are met many things are taken into consideration including type of use, level of flood protection needed, erosion control, native habitat protection, recreation, and spiritual values.

- 5.74 In considering the potential adverse effects the Reporting Officer noted that given the structure was already in existence, any adverse effects on the environment would relate to maintenance works and any future upgrades. She said that adverse effects from such works on water quality and soil conservation would be effectively managed by the provisions of the Proposed One Plan. The other potential adverse effects identified related to noise, traffic, dust and impacts on the use of land however it was considered that given the structure was located in a rural area, the types of effects would be similar to those generated by primary production activities which use heavy machinery.
- 5.75 The Reporting Officer noted that Horizons maintain ongoing annual consultation regarding works on the structure with the public.
- 5.76 I note the role of the Regional Council in managing erosion control and the role of the structure in ensuring erosion control protection for the community. Given the nature of the structure and that it has been in place for some time the use of the designation procedures is in my view an entirely appropriate mechanism for dealing with this type of important infrastructure. The designation will provide a high degree of certainty for the structure facilities and for its on-going use and maintenance.
- 5.77 Given the established nature of the structure and that any anticipated adverse effects are likely to be minimal I consider reviewing alternatives is unnecessary. I also note that no submissions in opposition to the NoR's were received.
- 5.78 For the foregoing reasons and in accordance with section 171(2) of the Act under the delegated powers provided to me by the Horowhenua District Council I recommend to Horizons as Requiring Authority that new designation D92 for Erosion Control be confirmed as contained in Appendix 1.

12. Horizons Regional Council - D93

- 5.79 Horizons lodged a notice of requirement for a new designation for the following guidebanks to provide for Water Diversion Purposes, including the on-going maintenance of the public work.

DESIGNATING AUTHORITY : HORIZONS REGIONAL COUNCIL					
Des. No	Map No	Designating Purpose	Street Address	Legal Description	Modification Sought
D93	2,3,5	Water Diversion	Manawatu River Guidebanks – at 40, 44, 53, 54, 58 and 62km	Defined on the Planning Maps	New

- 5.80 Horizons sought to designate the above sites for Water Diversion Purposes. All the sites are currently used for the purpose of water diversion and will continue to be used for this purpose including the on-going maintenance of guidebanks. No submissions were received on designation D93.

5.81 The NoR provides the following information in respect of the nature of the public works and restrictions that are in place for the management of the water diversion structures:

Any restrictions regarding activities are governed by the permitted activity criteria of Horizons Proposed One Plan Rule 16-13 (Activities undertaken by or on behalf of the Regional Council in rivers with Schedule AB Value of Flood Control and Drainage) and Rule 16-14 (Activities affecting Schedule AB Value of Flood Control and Drainage). No works can be undertaken by any other party without applying for resource consent.

5.82 The NoR provides information on the positive effects the water diversion structure has on the community as follows

Flood protection and land drainage are paramount to Horizons role in keeping people safe and are a major part of Council business. Managing rivers through engineering works allows the Council to help prevent floods and provide adequate land drainage when necessary.

This protection is funded through scheme rates based upon the amount of protection benefit each ratepayer receives. To ensure people's needs are met many things are taken into consideration including type of use, level of flood protection needed, erosion control, native habitat protection, recreation, and spiritual values.

5.83 In considering the potential adverse effects the Reporting Officer noted that given the structures were already in existence, any adverse effects on the environment would relate to maintenance works and any future upgrades. She said that adverse effects from such works on water quality, soil conservation and diverting floodwaters would be effectively managed by the provisions of the Proposed One Plan. The other potential adverse effects identified related to noise, traffic, dust and impacts on the use of land however it was considered that given the structures were located in a rural area, the types of effects would be similar to those generated by primary production activities which use heavy machinery.

5.84 The Reporting Officer noted that Horizons maintain ongoing annual consultation regarding works on the structures with the public.

5.85 I note the role of the Regional Council in controlling water diversion and the role of the structures play in protection for the community. Given the nature of the structures and that they have been in place for some time the use of the designation procedures is in my view an entirely appropriate mechanism for dealing with this type of important infrastructure. The designation will provide a high degree of certainty for the structures and for their on-going use and maintenance.

5.86 Given the established nature of the structures and that any anticipated adverse effects are likely to be minimal I consider reviewing alternatives is unnecessary. I also note that no submissions in opposition to the NoR's were received.

5.87 For the foregoing reasons and in accordance with section 171(2) of the Act under the delegated powers provided to me by the Horowhenua District Council I recommend to Horizons as Requiring Authority that the new designation D93 for Water Diversion be confirmed as contained in Appendix 1.

13. Horizons Regional Council - D94 and D95

5.88 Horizons lodged a notice of requirement for new designations for the following control weir structures to provide for water level control purposes, including the on-going maintenance of the public works.

DESIGNATING AUTHORITY : HORIZONS REGIONAL COUNCIL					
Des. No	Map No	Designating Purpose	Street Address	Legal Description	Modification Sought
D94	1	Water Level Control	Lake No. 2, Lake No. 3 and Lake Koputara Control Weirs – North of Foxton Beach township	Defined on the Planning Maps	New
D95	7	Water Level Control	Lake Horowhenua Control Weir – Hokio Stream at E2699288/N6064334	Defined on the Planning Maps	New

5.89 Horizons sought to designate the above sites for Water Level Control Purposes. Both sites are currently used for the purpose of water level control and will continue to be used for this purpose including the on-going maintenance of control weirs. No submissions were received on designations D94 and D95.

5.90 The NoR provides the following information in respect of the nature of the public works and restrictions that are in place for the management of the water level control structures:

Any restrictions regarding activities are governed by the permitted activity criteria of Horizons Proposed One Plan Rule 16-13 (Activities undertaken by or on behalf of the Regional Council in rivers with Schedule AB Value of Flood Control and Drainage) and Rule 16-14 (Activities affecting Schedule AB Value of Flood Control and Drainage). No works can be undertaken by any other party without applying for resource consent.

5.91 The NoR provides information on the positive effects the water level control structures have on the community as follows:

Flood protection and land drainage are paramount to Horizons role in keeping people safe and are a major part of Council business. Managing rivers through engineering works allows the Council to help prevent floods and provide adequate land drainage when necessary.

This protection is funded through scheme rates based upon the amount of protection benefit each ratepayer receives. To ensure people's needs are met many things are taken into consideration including type of use, level of flood protection needed, erosion control, native habitat protection, recreation, and spiritual values.

5.92 In considering the potential adverse effects the Reporting Officer noted that given the weir structures were already in existence, any adverse effects on the environment would relate to maintenance works and any future upgrades. She said that adverse effects from such works on water quality, soil conservation and diverting floodwaters would be effectively managed by the provisions of the Proposed One Plan. The other potential adverse effects identified related to noise, traffic, dust and impacts on the use of land however it was considered that given the structures were located in a rural area, the types of effects would be similar to those generated by primary production activities which use heavy machinery.

5.93 The Reporting Officer noted that Horizons maintain ongoing annual consultation regarding works on the structures with the public.

5.94 The Regional Council uses the weir structures to control the levels of both lakes concerned. Given the nature of the structures and that they have been in place for some time the use of the designation procedures is in my

view an appropriate mechanism for dealing with this type of important infrastructure. The designation will provide a high degree of certainty for the weir structure facilities and for its on-going use and maintenance.

5.95 Given the established nature of the weir structures and that any anticipated adverse effects are likely to be minimal I consider reviewing alternatives is unnecessary. I also note that no submissions in opposition to the NoR's were received.

5.96 For the foregoing reasons and in accordance with section 171(2) of the Act under the delegated powers provided to me by the Horowhenua District Council I recommend to Horizons as Requiring Authority that new designation D94 and D95 for Water Level Control be confirmed as contained in Appendix 1.

14. Horowhenua District Council - D97, D100, D104, D120, D129 and D130

5.97 HDC gave notice of requirement for the rollover and alteration of the following designations.

DESIGNATING AUTHORITY : HOROWHENUA DISTRICT COUNCIL					
Des. No	Map No	Designating Purpose	Street Address	Legal Description	Modification Sought
D97	15	Water Treatment and Council Depot	Union Street, Harbour Street, Foxton	Pt 169 Section Town of Foxton, Lot 1 DP 30185, Road Reserve Harbour Street, Foxton	Alteration - Amend extent of designation
D100	15A	Museum	Main Street, Foxton	Section 640 Town of Foxton	Alteration - Amend legal description
D104	1,14	Recreation Reserve	State Highway 1, Foxton	Pt Sections 410, 477 Town of Foxton, Sections 634, 635 Town of Foxton	Alteration - Amend legal descriptions
D120	5	Rubbish Dump	Hennesey Road, Shannon	Lot 1 DP 6241	Alteration - Amend legal description
D129	29	Council Depot	Sheffield Street, Coventry Street, Levin	Section 62 Horowhenua Settlement	Alteration - Amend street address and legal description
D130	17	Reserve for Civic Purposes	Park Avenue, Waitarere	Section 2 Blk III Moutere SD	Alteration - legal description

5.98 HDC requested the rollover of the above designations with minor alterations. No submissions were received on any of the designations.

5.99 The Reporting Officer noted that the request included that the legal descriptions and street addresses of designations D100, D104, D120, D129 and D130 be corrected to accurately reference the sites designated and that a correction be made to the boundary of designation D97 for the Water Treatment and Council Depot at Union Street and Harbour Street, Foxton

5.100 I consider that the amendments proposed are appropriate and do not alter the nature, size, or purpose of the designation.

5.101 For the foregoing reasons and in accordance with section 168A(4) of the Act I recommend that the Horowhenua District Council as Requiring Authority roll over and amend designations D97, D100, D104, D120, D129 and D130 as contained in Appendix 1.

15. Horowhenua District Council - D98 and D107

5.102 HDC gave notice of requirement for the rollover and alteration of the following designations.

DESIGNATING AUTHORITY : HOROWHENUA DISTRICT COUNCIL					
Des. No	Map No	Designating Purpose	Street Address	Legal Description	Modification Sought
D98	15	Water Treatment Plant	Harbour Street, Foxton	Section 1 SO 18592	Alteration - Amend extent of designation
D107	13	Water Treatment and Reservoir	Edinburgh Street, Foxton Beach	Pt Lot 3 DP 10243, Pt Lot 4 DP 9897, Pt Lot 3 DP10243, Pt Lot 4 DP 4897, Pt Lot 3 DP10243, Pt Lot 4 DP 4897	Alteration - Amend extent of designation

5.103 HDC sought to roll over the above designations for Water Treatment and Supply Purposes with modifications in terms of the extent of these designations. The designations provide for the current and proposed use and purpose of water treatment plants including a pump station, pipes and reservoirs, ancillary buildings, structures and infrastructure required for water treatment activities and supply purposes. However, only part of these sites is currently designated for this public work. HDC seeks the expansion of the designation boundaries to accurately designate the true footprint of the public work. No submissions were received on the designations.

5.104 The Reporting Officer agreed with the assessment within the NoR which said that "*there will be negligible change in environmental effects resulting from the designation, as it is for an existing public work. Noise effects from the existing Foxton Water Treatment Plant site are restricted to pumps and other machinery, none of which generate adverse noise emissions beyond the boundary of the proposed designated site. Visually, existing buildings and structures form part of the existing rural environment while new buildings associated with the future expansion of the site will be functional and resemble water supply structures. Apart from maintenance works, operations at the site are largely dormant*".

5.105 I note that both facilities currently exist, are already partly designated and are a necessary part of the water supply network for their respective communities. Further, the expanding of the extent of the designations will merely reflect the actual footprint of both facilities and is therefore, I consider an appropriate alteration.

5.106 For the foregoing reasons and in accordance with section 168A(4) of the Act I recommend that the Horowhenua District Council as Requiring Authority roll over and amend designations D98 and D107 as contained in Appendix 1.

16. Horowhenua District Council - D99, D101, D105, D116, D117, D128, D133 and D159

5.107 HDC gave notice of requirement for the rollover and alteration of the following designations.

DESIGNATING AUTHORITY : HOROWHENUA DISTRICT COUNCIL					
Des. No	Map No	Designating Purpose	Street Address	Legal Description	Modification Sought
D99	15A	Town Hall	Coronation Hall, Avenue Road, Foxton	Lot 1 DP 86249	Alteration - Amend extent of designation
D101	15A	Council Offices	Main Street, Foxton	Pt Section 598 Town of Foxton	Alteration - Amend extent of designation
D105	12	Surf Lifesaving Clubrooms and Car Park	Foxton Beach	Pt Lot 1 DP 17622	Alteration - Amend designating purpose and legal description
D116	27B	Library and Community Centre	Te Takere, Bath Street Levin,	Lot 1 DP 31552, Pt Sec 15 Blk XI Town of Levin, Pt Sec 13 Blk XI Town of Levin, Lot 14 DP 31985, Lot 12 DP 31985, Sec 1 SO 449786	Alteration - Amend extent of designation
D117	27B	Car Park	Bath Street, Levin	Pt Lot 1 DP 1713, Pt Lot 3 DP1713, Lot 2 DP1713, Lot 1 DP1713, Lot 5 DP1713, Lot 6 DP 1713	Alteration - Amend extent of designation
D128	21A	Reserve for Civic Purposes (Shannon Library)	Plimmer Street, Stout Street, Shannon	Road Reserve, Pt Lot 232 DP368, Lot 3 DP 76783, Pt Lot 233 DP 368, Pt Lot 234 DP368, Pt Lot 235 DP 368	Alteration - Amend extent of designation
D133	17,19	Surf Lifesaving Clubrooms and Car Park	Waitarere Beach Road, Waitarere	Lot 60 DP 10023	Alteration - Amend designating purpose , legal description and extent
D159	21A	Reserve for Civic Purposes	Shannon War Memorial Hall, 10 Grey Street, Shannon	Pt Lots 186 DP 368, Pt Lots 187 DP 368, Pt Lot 187 DP 368	Alteration - Amend extent of designation

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
6.00	Heather Benning	Delete designation D117 for the designating purpose of a carpark on Lot 5 DP 1713 at 28 Durham Street, Levin.	
91.09	HDC (Community Assets Department)	Amend the legal description in Designation 117 by removing reference to Lot 5 DP1713 so it reads. Pt Lot 1 DP 1713, Pt Lot 3 DP1713, Lot 2 DP1713, Lot 1 DP1713, Lot 5 DP1713 , Lot 6 DP 1713.	526.10 Roger Truebridge - Oppose

- 5.108 HDC gave notices of requirement to roll over the above designated sites with alterations and extensions for the use and development of community facilities and public halls. The sites are all currently in existence and used for the purpose of community services and include ancillary buildings, structures and infrastructure. Modifications are sought to the current designations to alter their extent, purpose and legal descriptions to accurately reflect their correct footprint, use and location.
- 5.109 Two submissions and one further submission were received on designation D117 (Bath Street/Salisbury Street Carpark) in relation to the proposed extension of the designation for Car Park Purposes. HDC originally sought to roll over this designation with the modification of extending the boundary of the car park along the full length of Salisbury Street. Part of this extension included a private parcel of land on the northwest corner of Salisbury Street and Durham Street (Lot 5 DP 1713) which contains a dwelling and other buildings which are currently used for residential purposes. H Benning, being the owner of this property, made a submission in opposition to the designation of the property highlighting that it is currently used for residential purposes, while HDC (Community Assets) made a submission to remove this parcel of land from the designation. A further submission opposed the HDC submission, however it was noted that this further submitter (R Truebridge) submitted on all points made by HDC and that there were no specific comments in relation this specific submission point.
- 5.110 The Reporting Officer said that she understood the original intent of including the subject property in the expanded designation was a signal by Council that it was interested in acquiring this property in the future to facilitate the expansion of the carpark. However, as highlighted in the submission from Council's Community Assets Department, the land is in private ownership and they have no immediate plans to acquire the land. The Reporting Officer recommended that submission points 6.00 and 91.09 be accepted and further submission point 526.10 be rejected noting that this change would reduce the extent of the designation and satisfy both submitters without undermining the purpose of the designation.
- 5.111 The Reporting Officer agreed with the overall assessment within the NoR which said that *"there will be negligible change in environmental effects resulting from the designations, as it is for a public work. Actual adverse effects of the activities are mitigated through the enclosed nature of these community facilities i.e. with an enclosed building. Transportation effects linked with the use of these community uses will be consistent with current effects. Visually, existing buildings form part of the existing environment"*.
- 5.112 I consider the removal of the Salisbury Street property is appropriate given the Council's indication that it has no intentions of purchasing the land in the short term. I therefore recommend that the two submissions be **accepted** and the further submission **rejected**. That aside, I note that all the facilities currently exist, provide community related assets and are already partly designated. The expansion of the extent of the designations will reflect the actual footprint of each facility and the activities they contain, thus effects on the environment can be expected to be minimal and the consideration of alternatives is not necessary. In these circumstances no conditions are recommended. I also note the sites concerned are now all within Council ownership. I therefore consider the alterations sought and the amendments to the purpose and legal descriptions to be appropriate.
- 5.113 For the foregoing reasons and in accordance with section 168A(4) of the Act I recommend that the Horowhenua District Council as Requiring Authority roll over and amend designations D99, D101, D105, D116, D117, D128, D133 and D159 as contained in Appendix 1, with the exception the Lot 5 DP 1718 removed from designation D117 on Planning Map 27B.

17. Horowhenua District Council - D102 and D103

- 5.114 HDC gave notice of requirement for the rollover and alteration of the following designations.

DESIGNATING AUTHORITY : HOROWHENUA DISTRICT COUNCIL					
Des. No	Map No	Designating Purpose	Street Address	Legal Description	Modification Sought
D102	15A	Proposed Local Purpose Reserve (Park, Heritage)	Flax Mill Reserve, Main Street, Foxton	Pt Lot 2 DP 69076, Lot 1 DP 20930, Lot 2 DP 20930	Alteration - Amend designating purpose and extent of designation
D103	15A	Recreation Reserve (Easton Park & Potaka Park)	Johnson Street, Foxton	Defined on the Planning Maps	Alteration - Amend designating purpose and extent of designation

5.115 HDC sought to rollover the above designations for Recreational Reserve Purposes with modification to the purpose and extent of the designations. Both sites are currently used for aquatic and recreation facilities, including ancillary buildings, structures, infrastructure and operations required to meet the community's recreational needs. The current designations do not cover the full extent of the existing facilities and the designating purpose requires amendment to accurately capture the nature of the activities. No submissions were received on either designation.

5.116 The Reporting Officer agreed with the overall assessment within the NoR which said that *"there will be negligible change in environmental effects resulting from the designation, as it is for an existing public work. All effects associated with these existing aquatic and recreational activities are temporary. Noise and traffic effect in particular form part of the existing environment and such effects will be no worse than currently experienced. There is no need to further mitigate these existing effects which are part of the existing environment"*.

5.117 I note that both facilities currently exist, provide community assets and are already partly designated. The expansion of the extent of the designations will reflect the actual footprint of each facility and the activities they contains, thus effects on the environment can be expected to be minimal. While I note the new Open Space zone is underlying the designations the Council has chosen to continue with the designations by rolling them over (with alterations) rather than rely on this new zone. In the circumstances of a rollover such as these it is difficult to now justify recommending conditions. I also note the two sites concerned are within Council ownership. I therefore consider the alterations sought and the amendments to the purpose of the designation to be acceptable.

5.118 For the foregoing reasons and in accordance with section 168A(4) of the Act I recommend that the Horowhenua District Council as Requiring Authority roll over and amend designations D102 and D103 as contained in Appendix 1.

18. Horowhenua District Council - D106 and D127

5.119 HDC gave notice of requirement for the rollover and alteration of the following designations.

DESIGNATING AUTHORITY : HOROWHENUA DISTRICT COUNCIL					
Des. No	Map No	Designating Purpose	Street Address	Legal Description	Modification Sought
D106	1,12	Refuse Disposal Site (Closed)	Foxton Beach	Pt Section 3 Blk II Moutere SD, Pt Sections 6, 7 Blk I Moutere SD	Alteration - Amend extent of designation

DESIGNATING AUTHORITY : HOROWHENUA DISTRICT COUNCIL

Des. No	Map No	Designating Purpose	Street Address	Legal Description	Modification Sought
D127	21	Waste Transfer Station and Depot, Refuse Collection and Transfer	Thomson Street, Shannon	Lot 625 DP 369, Lot 627 DP 369	Alteration - Amend extent of designation

- 5.120 HDC sought to roll over the above designations for Refuse Purposes with modifications to the extent of the designations. D106 relates to a former refuse disposal site which is no longer operational, and the designation is said to limit other inappropriate use of this land. D127 is currently used for the purpose of refuse collection, sorting and consolidation facilities and ancillary buildings, structures and operations. Both sites are currently only designated in part and HDC have sought the expansion of the designation boundaries to accurately reflect the true footprint of the public works. No submissions were received on either designation.
- 5.121 The Reporting Officer agreed with the overall assessment within the NoR which said that *"there will be negligible change in environmental effects resulting from the designation, as it is for the extension of an existing public work related to the collection, sorting and consolidation of refuse. The nature of the activity will remain consistent with the purpose of the adjoining designation, the effects of which form part of the existing environment. Horowhenua District Council's existing refuse transfer station is kept in a clean and tidy state. Material is removed on a regular basis to prevent excess accumulation and pest nuisance. The stations are only in operation during business hours to mitigate any potential noise effect to neighbouring properties"*.
- 5.122 She went onto say that the designations are considered reasonably necessary in providing for the ongoing use and management of the sites as part of the waste management service for the community. The NoR she said would ensure *"Council are providing for the collection of recyclable material in a way that avoids any significant adverse effects on the environment while sustaining urban growth"*.
- 5.123 While I note that both facilities currently exist in spatial terms, it is somewhat mystifying as to why the Council would seek to continue to designate a closed Refuse Disposal Site (D106) in order to 'limit other inappropriate use of this land'. This seems at the very least to be the wrong designating purpose, unless the Council were considering reopening the disposal site or ultimately the wrong mechanism for this site. The land is in Council ownership and it is identified as an Outstanding Natural Landscape and Feature and therefore the chances of inappropriate use are limited. Alternatives would be to designate for recreational purposes or rely on the underlying Open Space zone.
- 5.124 Notwithstanding the comments above, my ability to recommend against such a designation in what is effectively a rollover situation is limited to the modification to the extent of the designation. That on its own would seem to be a pointless exercise in the circumstances. I therefore somewhat reluctantly recommend the designation be approved.
- 5.125 I accept that the Waste Transfer Station is a community asset and is already partly designated. The expansion of the extent of the designation will reflect the actual site of the facility which crosses over two titles rather than just the one presently designated. It would also appear to enable expansion of the facility on this second site which currently only contains the primary access road into the site. Nevertheless, the effects on the environment of this expansion can be expected to be minimal in the circumstances and in this regard I note that the Council also owns the adjoining site to the northeast. In these circumstances no conditions are recommended and I consider the alterations sought to the designation to be appropriate.

5.126 For the foregoing reasons and in accordance with section 168A(4) of the Act I recommend that the Horowhenua District Council as Requiring Authority roll over and amend designations D106 and D127 as contained in Appendix 1.

19. Horowhenua District Council - D111, D113, D114, D118 and D119

5.127 HDC gave notice of requirement for the rollover and alteration of the following designations.

DESIGNATING AUTHORITY : HOROWHENUA DISTRICT COUNCIL					
Des. No	Map No	Designating Purpose	Street Address	Legal Description	Modification Sought
D111	4	Oxidation Ponds	Newth Road, Foxton	Manawatu-Kukutauaki 7E1A, 7E2A	Alteration - Amend extent of designation
D113	1,12	Sewage Treatment Plant	248 Palmer Road, Foxton Beach	Lot 3 DP 395314	Alteration - Amend extent of designation
D114	26,27	Sewage Treatment Plant	Mako Mako Road, Levin	Lot 1 DP 28296, Lot 1 DP 30808, Lot 3 DP 59892, Pt Section 22 Blk I Waiopahu SD, Pt Section 22 Blk I Waiopahu SD	Alteration - Amend extent of designation
D118	4,19	Sewage Treatment and Disposal	Waitarere	Lot 1 DP 70579	Alteration - Amend extent of designation
D119	7	Sewage Treatment and Disposal	Hokio Sand Road, Hokio Beach	Horowhenua XIB41SouthP, Horowhenua XIB41SouthS, Horowhenua XIB41SouthN1, Lot 1 DP 59628	Alteration - Reduce extent of designation

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
60.04	Muaupoko Co-operative Society	Submitter opposes the designation of the area for the Levin Waste-Water Treatment Plant due to the serious cultural effects related to the activities carried out in this area. Inferred: Delete Designation D114	511.17 HDC (Community Assets Department) - Oppose
60.05	Muaupoko Co-operative Society	Submitter opposes the designation of the area for the "the Pot" due to the serious cultural effects related to the activities carried out in this area. Inferred: Delete Designation D119	511.18 HDC (Community Assets Department) - Oppose

Sub No.	Submitter Name	Decision Requested	Further Submission
91.07	HDC (Community Assets Department)	Amend definition of Waste Water Works as follows: Waste Water <u>Wastewater</u> Works (for the purpose of waste water <u>sewage and wastewater</u>	526.08 Roger Truebridge - Oppose

- 5.128 HDC sought to rollover the above designations for Waste Water Work Purposes with modifications relating to the extent of the designations. The sites are currently used for the treatment, disposal and management of sewage including all associated wastewater management and site infrastructure required for sewage treatment and disposal purposes.
- 5.129 Submissions by the Muaupoko Co-operative Society opposed designation D114 Levin Waste-Water Treatment Plant and designation D119 Sewage Treatment and Disposal, Hokio Beach Road. Both submissions were opposed by HDC (Community Assets Department). HDC (Community Assets Department) also submitted seeking to clarify the term 'Waste Water Works' as defined in Chapter 26 - Definitions which relates directly to all designations in the Proposed Plan for waste water purposes. A further submission opposed the HDC submission, however it was noted that this further submitter (R Truebridge) submitted on all points made by HDC and that there were no specific comments in relation this specific submission.
- 5.130 In relation to effects on the environment, the NoR provides *"there will be negligible change in environmental effects resulting from the designation, as it is for an existing public work. There are no noise emissions associated with sub-surface infrastructure and noise effects from the existing pump station are restricted to pumps and other machinery, none of which generate adverse noise emissions beyond the boundary of the proposed designated site. There are no odour effects as sewage is contained in pipework and other subsurface infrastructure. Visually, existing buildings and structures form part of the existing environment. Apart from the maintenance works, operations at the site are largely dormant"*.
- 5.131 Muaupoko Co-operative Society opposed the designation of the Levin Wastewater Treatment Plant as they contend the wastewater works have significant cultural effects. The treatment plant is currently responsible for pumping effluent to a storage lake in Hokio Sand Road, where the treated sewage is held before being disposed of to land.
- 5.132 The Reporting Officer noted that the proposed designation is for a public work that is well established and has been in place for a number of years and the nature and scale of the public work is not proposed to change. The only modification proposed to the designation is to include a strip of land east of the main site which is owned by Council and currently used as part of the existing operation of the wastewater treatment plant. She said that no further activities or facilities at the plant are proposed which will increase or worsen effects (including cultural effects) as a result of this change.
- 5.133 Muaupoko Co-operative Society also opposes the designation of the Levin Wastewater Treatment and Disposal Area again contending the wastewater works have significant cultural effects. This area contains the storage land and land treatment area and it is proposed to reduce the size of the current designation.
- 5.134 The Reporting Officer noted that while the designation of D114 and D119 would have the effect of overriding the rules of the District Plan (where the activity is in keeping with the purpose of the designation), changes to the current established activity would be subject to the requirements of the Regional Council. In that regard she referred to the various controls of the Regional Council which in this case would particularly relate to discharges to land, air and water. Thus any changes to how the treatment plant and disposal currently operates would need to meet the requirements of the Regional Council or obtain resource consent.

- 5.135 The Reporting Officer also noted that both sites and their activities are well established with consents from the Regional Council and that until such time as an alternative option has been developed and is available, the existing treatment plant and sewage treatment and disposal area remain necessary to treat the waste from the Levin community.
- 5.136 The Reporting Officer made the point that regardless of the designations both the Treatment Plant and the Disposal Area could continue to operate under existing use rights. She also noted that confirming the designations as part of the Proposed Plan would not remove the need to comply with the requirements of the Regional Council. She was satisfied that the designation of these sites, with alterations to the boundary extent, was appropriate to allow for the ongoing works and reflected the actual footprint of the designations.
- 5.137 At the hearing Ms V Taueki on behalf of the Muaupoko Co-operative Society (the Society) said that the Wastewater Treatment Plant was in an area of wahi tapu. She also indicated that the Society was concerned about the overflow of waste water from the plant into Lake Horowhenua which had occurred in the past, stating that the lake could not afford further overflows. Ms Taueki considered that the Wastewater Treatment Plant needed to be relocated as it was culturally insensitive for effluent to be discharging into the lake and she noted that there had initially been an agreement to move the Plant.
- 5.138 Turning to the Wastewater Treatment and Disposal Area Ms Taueki said that such an activity should not be occurring in an area identified as an Outstanding Natural Landscape and Feature.
- 5.139 I note here that both Ms Taueki and Mr Rudd, who accompanied her, made reference to other designations in their presentation such as the weir on Lake Horowhenua and the stormwater management in the Kawiu Reserve. As they had not submitted on these I have not taken their comments any further.
- 5.140 HDC (Community Assets Department) made a submission in partial support of a definition for wastewater works in Chapter 26 of the Proposed Plan. This definition was proposed to assist with the interpretation of the waste water designating purpose. HDC requested that the definition be amended for clarity on what is meant by the term wastewater works and how this is to be read in the context of designations. They requested the following amendment:
- Wastewater Works (for the purpose of sewage and waste-water designations) means any construction, operation and/or maintenance of facilities, buildings and structures for the purpose of receiving and treating sewage; and managing effluent, sludge and odour discharges from the processes. This includes, but is not limited to site management, fencing, landscaping, earthworks, monitoring, liquid storage facilities, buildings, pipework and structures.
- 5.141 The Reporting Officer recommended that the submission be accepted as the changes requested were minor points of clarification.
- 5.142 Dealing first with the two designation upon which submissions were made I first note that both Designations D114 and D119 are currently designated in the Operative District Plan and have been in operation for a number of years. I accept that the role of both the Wastewater Treatment Plant and the Wastewater Treatment and Disposal Area are critical to the continued treatment of Levin's wastewater. I also acknowledge the cultural importance of the local area to Muaupoko and in particular that of Lake Horowhenua. Sensitivity around the lake is clearly strong and if there are issues of its contamination associated with 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 Regional Council has powers to undertake such enforcement and can ultimately prosecute if conditions are breached. Finally, the issue of whether or not the area of the Wastewater Treatment Plant contains a wahi tapu site or sites was inconclusive. A greater level of evidential proof would be needed to substantiate that claim.

5.143 The question of the appropriate location for both facilities heading into the future is not one that is before me. Uplifting the designations will not result in the relocation of the facilities, that decision is one that the Council and community would need to make through a much more thorough and wider process. In this regard I received a statement from Mr W Potts Council's Community Assets Manager, regarding the Levin Wastewater Treatment Plant which said:

The Levin Wastewater Treatment Plant WWTP, is an essential piece of infrastructure for the future well being of Levin.

Council undertook and Strategic Water and Wastewater Services Review in 2011. This review considered the necessary infrastructure for the next 50 years and concluded that Council will maintain the WWTP at its present site and extend the irrigation field at the Pot. Council have resolved to maintain and develop the plant at the existing site.

Council have recently installed additional groundwater monitoring bores at the WWTP and upstream of the plant to track the groundwater plume and determine any affects on groundwater. Additionally, there has been almost one year of odour monitoring in order to model discharges to air.

Presently, Council are installing a \$7 million pipe line from the WWTP to the irrigation fields at the Pot. The pipe construction will be complete in October 2013. This pipe provides for the security of the future of the WWTP and the Pot.

Council are committed to the present site for the WWTP and the irrigation fields.

5.144 The question before me therefore is whether it is appropriate to rollover both designations with the alterations proposed and I acknowledge my power in this regard is limited. Having considered the various matters I consider the rollover and alteration of both designations to be appropriate as it will provide the Council with a higher degree of certainty in terms of maintaining and upgrading these facilities than simply relying on existing use rights. The submission of the Muaupoko Co-operative Society in terms of D114 is recommended to be **rejected**, while the submission on D119 is recommended to be **accepted in part** on the basis that part of the designation is to be removed. The two further submissions are recommended to be **accepted**.

5.145 Turning to the definition of Wastewater Works I agree that the amendments proposed are minor and merely provide for clarification. I therefore recommend that the HDC submission be **accepted** and the further submission in opposition **rejected**.

5.146 I have also given consideration to the situation of the Waitarere Sewage Treatment and Disposal designation D118 as the land is not owned by the Council, but by the Crown and occupied by Matariki Forests. While the existing designation is a relatively small area containing a pond it is proposed to substantially increase the extent of the designation to allow for irrigation over a wider area as part of a new lease agreement the Council is intending to seek along with a new resource consent. It is the proximity of the designation and the intended irrigation areas to Residential, Deferred Residential and Deferred Greenbelt Residential sites and the potential adverse effects that might result that is of concern. I am therefore recommending the following condition:

No sewage treatment facility or disposal activity shall take place within 200 metres of any Residential, Deferred Residential and Deferred Greenbelt Residential.

5.147 In terms of the remaining designations I note that they are important community infrastructure and are already partly designated. The expansion of the extent of the designations will reflect in most cases the actual footprint of each facility and the activities it contains, thus effects on the environment of this expansion can be expected to be minimal. In these circumstances no conditions are recommended. I also note that apart from the Waitarere site all others are within Council ownership. I therefore consider the alterations sought to the designations to be appropriate.

5.148 For the foregoing reasons and in accordance with section 168A(4) of the Act I recommend that the Horowhenua District Council as Requiring Authority roll over and amend designations D111, D113, D114, D118 (subject to the above condition) and D119 as contained in Appendix 1.

5.149 I also in accordance with clause 10 of Schedule 1 to the Act approve the amendment to definition of Wastewater Works as contained in Appendix 1.

20. Horowhenua District Council - D122

5.150 HDC gave notice of requirement for the rollover and alteration of the following designation.

DESIGNATING AUTHORITY : HOROWHENUA DISTRICT COUNCIL					
Des. No	Map No	Designating Purpose	Street Address	Legal Description	Modification Sought
D122	7	Rubbish Dump	Hokio Beach Road, Hokio Beach	Lot 3 DP 40743	Roll over

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
60.06	Muaupoko Co-operative Society	Submitter opposes the designation of the area for the Levin Landfill due to serious cultural effects related to the activities carried out in this area. Inferred: Delete Designation D122	511.19 HDC (Community Assets Department) - Oppose

5.151 HDC gave notice of requirement for the rollover of designation D122 without modification. The site is currently used for the purpose of a rubbish dump (land fill) and is not proposed to change in size or nature.

5.152 The Muaupoko Co-operative Society opposed designation D122 contending that activities associated with the rubbish dump have significant cultural effects. The submission was opposed in a further submission from HDC (Community Assets).

5.153 The Reporting Officer noted that the site had been designated under the Operative District Plan and had been in operation for a number of years. As the public work was well established she did not consider that the cultural effects of the activities which occur on the site will be any more or less than when the operation was first established.

5.154 The Reporting Officer noted that while the designation would have the effect of overriding the rules of the District Plan (where the activity is in keeping with the purpose of the designation), changes to the current established activity would be subject to the requirements of the Regional Council. In that regard she referred to the various controls of the Regional Council which in this case would particularly relate to discharges to land, air and water. Thus any changes to how the rubbish dump currently operates would need to meet the requirements of the Regional Council or obtain resource consent.

5.155 The Reporting Officer also noted that the site and its activities were well established with consents from the Regional Council and that until such time as an alternative option has been developed and is available, the existing rubbish dump remained necessary to dispose of solid waste from the Horowhenua community. She made the point that regardless of the designation the rubbish dump could continue to operate under existing use rights. She also noted that confirming the designation as part of the Proposed Plan would not remove the

need to comply with the requirements of the Regional Council. She was satisfied that the designation was appropriate for the site.

- 5.156 At the hearing Ms V Taueki on behalf of the Muaupoko Co-operative Society (the Society) referred to culverts discharging contaminants from the landfill into the adjacent Hokio Stream. She also said that there were sacred sites in the landfill designated area.
- 5.157 I note that the designation is currently in the Operative District Plan and has been in operation for a number of years and that this is simply a rollover of the designation. I accept that the role of the Rubbish Dump is of some importance in the disposal of the community's solid waste. I also acknowledge the cultural importance of the local area to Muaupoko. Again I reiterate if there are issues of contamination of the Hokio Stream associated with the Rubbish Dump 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. Whether or not the area of the Rubbish Dump contains sacred sites was not clear and would need a greater level of evidential proof to substantiate that claim.
- 5.158 The question of the rubbish dump's appropriate location heading into the future is not one that is before me. Uplifting the designation would not result in its relocation. The question before me is whether it is appropriate to rollover the designation. Having considered the various matters I consider the rollover of the designation is appropriate as it is an important community facility and will provide the Council with a higher degree of certainty in terms of maintaining and upgrading the facilities on site than simply relying on existing use rights. In these circumstances no conditions are recommended and I also note the site is within Council ownership. The submission of the Muaupoko Co-operative Society in terms of D122 is recommended to be **rejected** and the further submission recommended to be **accepted**.
- 5.159 For the foregoing reasons and in accordance with section 168A(4) of the Act I recommend that the Horowhenua District Council as Requiring Authority roll over designation D122 as contained in Appendix 1.

Horowhenua District Council

- 5.160 The next series of designations relate to new notices of requirement by HDC for a wide range of infrastructure and community facilities and assets. For a number of these the Reporting Officer expressed concerns with the lack of detail provided in order to assess the level of effects. At the hearing Mr W Meyer on behalf of the Community Assets Department provided a series of conditions for individual designations in order to overcome the concerns expressed by the Reporting Officer.
- 5.161 At the hearing I provided the Reporting Officer with an opportunity to respond to the conditions put forward by Mr Meyer and enabled an opportunity for revised conditions to be provided to me where appropriate, which was subsequently done. An extensive array of conditions associated with individual designations is now proposed. These conditions are along the lines of the various zone standards.
- 5.162 At the outset I consider the approach taken by the Council to designate large numbers of community facilities and assets is somewhat unusual. It would appear that this approach has been taken in order to avoid the need for resource consents. However I note that outline plans for the works being undertaken will still generate the need for an application.
- 5.163 A further concerning factor was the lack of detailed assessment accompanying some of the NoR's particularly where the activity was not currently existing. However, whilst not to diminish the importance of the lack of assessment the subsequent offering of conditions has addressed many of the potential effects which may have arisen.
- 5.164 Each of the notices of requirements is now addressed below.

21. Horowhenua District Council - D136, D137, D138, D139, D140, D141, D142, D143 and D177

5.165 HDC gave notice of requirement for a number of new designations relating to water treatment plants, water intakes and water bores. Because of their similarities I have chosen to address these together.

DESIGNATING AUTHORITY : HOROWHENUA DISTRICT COUNCIL					
Des. No	Map No	Designating Purpose	Street Address	Legal Description	Modification Sought
D136	6	Tokomaru Water Treatment Plant	Tokomaru East Road, Tokomaru	Lot 1 DP 55439, Road Reserve	New
D137	6	Tokomaru Water Intake	186 Tokomaru East Road, Tokomaru	Lot 1 DP 25126	New
D138	5	Shannon Water Treatment Plant	166 Mangahao Road, Shannon	Lot 1 DP 56692, Pt Section 2 Blk XVI Mt Robinson SD, Pt Section 2 Blk XVI Mt Robinson SD	New
D139	22	Shannon Water Intake	Mangaore Road, Shannon	Lot 1 DP 343456	New
D140	8,33	Levin Water Treatment Plant	282 Gladstone Road, Levin	Defined on the Planning Maps	New
D141	14	Ladys Mile Water bore	Ladys Mile, Foxton	Section 622 Town of Foxton	New
D142	13	Flagstaff Street Water bore	Unformed Flagstaff Street, Foxton Beach	Lot 1 DP 25288, Lot 1 DP 441451, Road Reserve	New
D143	14,15,15A	Clyde Street Water bore	Clyde Street, Foxton	Section 4 SO 31290	New
D177	15	Water Treatment Plant	Foxton Water Treatment Plant	Pt Lot 1 DP 15523, Lot 14 DP 54494, Pt Section 169 Town of Foxton	New

5.166 HDC sought to designate the above sites for Water Treatment and Supply Purposes, Water Intake and Supply Purposes and Water Bore Purposes. All sites are currently used for the purposes sought by the NoR's. No submissions were received on any of the designations.

5.167 The NoR's provided the purpose of each proposed designation and indicated where appropriate that it included the construction, use and maintenance of all ancillary buildings, structures and infrastructure required for the designating purpose. They also provided an assessment for each site which in summary indicated that:

- There will be negligible change in environmental effects resulting from the designation, as it is for an existing public work.
- Future expansion would be within the proposed designation footprint.
- Noise effects are restricted to pumps and other machinery, none of which generate adverse noise emissions beyond the boundary of the proposed designated site.
- Visually, existing buildings and structures form part of the existing environment.
- Apart from the maintenance works, operations at most sites are largely dormant.
- In terms of the Shannon Water Treatment Plant new buildings associated with the future expansion of the site will be functional and resemble water supply structures.
- In terms of the Clyde Street Water bore it is located in a floodplain and on rare occasions may become inoperable. However, the infrastructure is designed for its location and will be able to withstand flood events.

5.168 The Reporting Officer said that in assessing the environmental effects of water treatment plants, water intakes and water bores, the assessment relates to the land use effects which are considered to primarily relate to amenity values.

5.169 In terms of the water treatment plants she indicated they were well established and include or are associated with a series of water intakes, pump stations, bores, pipes, reservoirs and ancillary buildings and structures required for water treatment and supply purposes.

5.170 In assessing the effects on visual amenity the water treatment plants and associated water intakes and water bores might have, the Reporting Officer noted that some structures such as reservoirs were significant in size and were predominant structures. They were however already in existence and generally located in the Rural Zone or adjacent to industrial activity away from residential land uses. She considered these larger structures were generally accepted within this context and the effects on visual amenity generally anticipated or expected.

5.171 In terms of water intakes and water bores, the Reporting Officer considered the effects on visual amenity were minimal as structures such as pump stations, pipes and water bores were small in scale and unobtrusive. In terms of noise effects, it was expected that there would be some noise generation as a result of the operation and maintenance of the water treatment and supply works. However, the noise levels are not anticipated to be significant and would be limited to within the designation sites.

5.172 I note in the main that these water treatment plants, water intakes and water bores are all existing public works primarily in Council ownership that have been operating for some time albeit that they were not designated. In most cases resource consents cover extraction and discharge matters and if these were to be extended then further consents would still be necessary.

5.173 These facilities are essential services which a Council provides and I note that each of the NoR emphasis this stating that:

The public work is essential to Council's requirement under the Local Government Act (LGA) which empowers councils to promote the wellbeing of communities. In addition, the LGA specifies Councils obligations and restrictions relating to provision of water services.

5.174 Further, I accept that any adverse effects on the environment are for the most part existing and are unlikely to change significantly as a result of designating the sites.

- 5.175 There are two designations which require some further discussion. The first is the Flagstaff Street Water bore in Foxton (D142). Part of this designation is in private ownership while the majority is on unformed road reserve. I understand that while the bore itself is within the road reserve there is a requirement for there to be fences 5 metres from the water source. This has meant that the fences now sit outside the road reserve and extend into the neighbouring land. I was informed that the landowner was aware of this and that there had been discussions between Council and the landowner and an understanding that a boundary adjustment would be undertaken to bring this designated area within the road reserve. On this basis and given the environment within which the bore is in I am comfortable with this designation.
- 5.176 The second designation is the Levin Water Treatment Plant on Gladstone Road (D140). This designation covers a significant area of land and is not contiguous. The majority of the designation covers the existing treatment plant and water take area however an area contained by Lot 1 and 2 DP 91241 is not part of the present Treatment Plant but has previously been the subject of a withdrawn resource consent for water treatment purposes. My concern with including these two parcels of land is that it would allow a substantial level of as yet to be determined development to occur on what is currently open land which had not been assessed in terms of potential effects. Added to this is the fact that the two sites are bound by or adjacent to a number of small rural and deferred Greenbelt Residential properties. On this basis I am recommending that these two sites be removed from designation D140.
- 5.177 Overall taking the above factors into account along with the potential significant cost of relocation I do not consider reviewing alternative sites to be necessary. I consider designation is an appropriate mechanism in the circumstances to provide ongoing certainty for these important community facilities and infrastructure thus ensuring their on-going use and maintenance can continue.
- 5.178 For the foregoing reasons and in accordance with section 168A(4) of the Act I recommend that the Horowhenua District Council as Requiring Authority confirm designations D136, D137, D138, D139, D140 (minus Lot 1 and 2 DP 91241), D141, D142, D143 and D177 (referred to as D146 as a result of clause 16 amendments) as contained in Appendix 1.

22. Horowhenua District Council - D144, D146 and D147

- 5.179 HDC gave notice of requirement for a number of new designations relating to recycling stations.

DESIGNATING AUTHORITY : HOROWHENUA DISTRICT COUNCIL					
Des. No	Map No	Designating Purpose	Street Address	Legal Description	Modification Sought
D144	12,13	Foxton Beach Recycling Station	Seabury Avenue, Foxton Beach	Lot 1 DP 91336	New
D146	21A	Shannon Recycling Station	20 Ballance Street, Shannon	Pt Lot 266 DP 368	New
D147	2	Opiki Recycling Station	566 Tane Road/Opiki School	Road Reserve, Tane Road	New

- 5.180 HDC sought to designate the above sites for Recycling Station Purposes. The sites are currently used for *“existing recycling collection, sorting and consolidation facilities and associated buildings, structures, infrastructure and operations”*. No submissions were received on any of the proposed designations.

5.181 The notice of requirement said:

There will be a negligible change in environmental effects resulting from the designation, as it is for an existing public work. These activities form part of the existing environment. The recycling stations are kept in a clean and tidy state. Recyclable material is removed on a regular basis to prevent excess accumulation and pest nuisance. The stations are only emptied between the hours of 8am and 6pm to mitigate any potential noise effects to neighbouring properties.

5.182 In assessing the environmental effects the Reporting Officer said that the effects were considered to be primarily related to amenity and traffic. She noted that all sites front main traffic routes and that the transfer of materials was limited to the hours of 8am and 6pm, therefore it was not considered that the noise effects will be significant given the surrounding environment. She also noted that the three sites were located adjacent to compatible uses such as commercial and industrial uses in Shannon, open space and community facility in Foxton Beach and a rural school in the case of Opiki rather than more noise sensitive residential activities. She said that while there was the option of imposing a condition as part of these designations to restrict the transfer of materials to these hours, due to the location of these facilities and the nature of the surrounding land uses such a condition was not necessary.

5.183 The Reporting Officer considered that recycling activities would not result in odour effects as recycled material is stored on site in an appropriate recycling reciprocal and remains there on a temporary basis before being transferred. In terms of visual amenity, the recycling stations are already in existence and visual intrusion of these facilities on the surrounding properties is considered acceptable. She said that the extent of the designated areas will limit any future development or expansion of the facilities to very modest increases, which she considered to be of an acceptable scale in the context of the surrounding land uses.

5.184 I note firstly that the Recycling Stations are all relatively small facilities effectively consisting of shipping container styled receptacles for various recycled materials. I also acknowledge that they provide a useful service in promoting sustainable management through the collection of recyclable materials. I have chosen to deal with each site separately as upon further questioning and assessment I have found a number of differences in the three sites.

5.185 Dealing first with the Foxton Beach site I note that it is in Council ownership and has been operating for some time from that site. The site itself is a small contained title of just 99m² bordering an open space zone and a Council community centre (also proposed to be designated) and opposite residential properties on a main road into Foxton Beach. Further expansion of the facility is limited due to the size of the site. I accept that any adverse effects on the environment are existing and are unlikely to change significantly as a result of designating this site. Therefore while I consider the use of the designation mechanism for such a small scale facility somewhat unusual I am of the view that the site is acceptable for the purpose proposed and in the circumstances do not believe alternatives need to be considered.

5.186 Turning next to the Shannon site. This facility is located at the front of a much larger site (some 1012m² in total) which upon further investigation I found was not within Council ownership. As I was subsequently led to understand it the Council had discussed the designation of the site with the owner and who ultimately chose not to oppose it via submission. There was however no documentation of the consultation with the landowner regarding the designation before me.

5.187 The site itself is proposed to be zoned Commercial as is the adjoining site to the south-east and one of those across the road while the site to the north-west is already zoned Commercial, however the site at the rear and the remainder of those across Ballance Street are residentially zoned, although I note the activities on some of these sites are not residential in nature.

5.188 The potential enabled by the designation of the whole site would be for a significantly larger Recycling Station to develop. That could be achieved without the need to meet the relevant Commercial zone standards.

5.189 Overall therefore I am concerned that the extent of this proposed designation could result in impacts on the amenity of the surrounding environment which have not been properly assessed (there was no assessment of environmental effects before me) and while I could recommend conditions I am further concerned that there has been no clear documented consultation directly with the present landowner as required in terms of Clause 5(1B) of the First Schedule of the Act. The expectations of a designation are that the requiring authority ultimately intends to purchase the site (if it does not already own it). In this case I have no information before me that a consultation process with the property owner outlining these factors has taken place. Finally, I consider there is an element of disconnect here between designating this land for what is essentially an industrial use and the proposed new zoning of the site as Commercial.

5.190 For all the above reasons I am recommending that this designation not proceed.

5.191 Finally, I have considered that Opiki site. The site of this facility lies adjacent to the Opiki School on Tane Road within an area which appears to be part of a car park associated with the school. The land concerned is however road reserve.

5.192 The Opiki facility is essentially a container with holes in it for the various recycling materials. I accept that given the current size of the facility it is unlikely to create any adverse effects, however my concern with this designation was that the site of the designation itself was undefined because it sits on road reserve. To overcome this I consider a cadastral map which clearly identifies the site should be provided. Therefore while again I consider the use of the designation mechanism for such a small scale facility is somewhat unusual I am, subject to the provision of a map clearly identifying the site, of the view that the site is acceptable in terms of its environmental impact for the purpose proposed and in the circumstances do not believe alternatives need to be considered.

5.193 For the foregoing reasons and in accordance with section 168A(4) of the Act I recommend that the Horowhenua District Council as Requiring Authority confirm designations D144 and D147 (identified via a cadastral map) as contained in Appendix 1 and withdraw designation D146.

23. Horowhenua District Council - D145

5.194 HDC gave notice of requirement for a new designation relating to a recycling station at Tokomaru.

DESIGNATING AUTHORITY : HOROWHENUA DISTRICT COUNCIL					
Des. No	Map No	Designating Purpose	Street Address	Legal Description	Modification Sought
D145	16	Tokomaru Recycling Station	761 Makerua Road, State Highway 57	Lot 3 DP 50706	New

5.195 HDC sought to designate the above site for Recycling Station Purposes. The site is currently vacant and is adjacent to the existing Tokomaru Recycling Station. The Council do not own the site on which the current recycling station is situated and are seeking the designation of this adjacent land parcel in case the facility is required to be relocated. The purpose of the recycling station designation sought would allow for "recycling collection, sorting and consolidation facilities and associated buildings, structures, infrastructure and operations". No submissions were received opposing the designation.

5.196 The notice of requirement said:

There will be a negligible change in environmental effects resulting from the designation, as it is for an existing public work. These activities form part of the existing environment. The recycling stations are kept in a

clean and tidy state. Recyclable material is removed on a regular basis to prevent excess accumulation and pest nuisance. The stations are only emptied between the hours of 8am and 6pm to mitigate any potential noise effects to neighbouring properties

- 5.197 In assessing the potential environmental effects the Reporting Officer considered the primary effects were related to amenity and traffic. She noted that in terms of traffic movements and the transfer of recycled materials noise generated on site would not be significant in the context of the surrounding environment given that the site is located adjacent to the Tokomaru Hall Carpark which fronts State Highway 56 where traffic movements are frequent. She noted that the transfer of recycled material occurs between the hours of 8:00am and 6:00pm and would limit any noise disturbance to adjacent land owners. She did however consider it appropriate that a condition be imposed on the designation to limit the transfer of recycled materials to these times. This period is within the “day time” period of 7:00am – 7:00pm for noise rules in the Proposed Plan when higher noise levels are provided for.
- 5.198 In terms of visual amenity, the Reporting Officer said that the current recycling station was small in scale and sufficiently setback from the road boundary so did not adversely affect the character or visual amenity of the town and that the same would apply to the designated location provided the facilities did not differ significantly in size or scale. She noted that recycling activities do not necessarily result in odour as the recycled material is stored on site on a temporary basis before being transferred.
- 5.199 The Reporting Officer went on to note that the subject site was approximately 2060m² and could be potentially fully developed for the identified designation purpose. She considered there was a potential for significant environmental effects to arise if the whole site was developed for the designated purpose. She noted that the existing structures were no more than 30m² in area and while recognising that larger facilities may be needed in the future to meet the needs of the local community, questioned the need for the full site for this purpose. To ensure that the effects would not be significant and to give some certainty to the scale of development that could be anticipated the Reporting Officer recommend that a condition be imposed as part of the designation to limit the size of buildings and structures that could be constructed for the designated purpose. In addition, she recommended that a limit be placed on the area of the site that could be covered by buildings and structures for this purpose.
- 5.200 Again I acknowledge that the current Recycling Station is a relatively small facility effectively consisting of a container styled receptacle for various recycled materials. I also acknowledge that it provides a useful service in promoting sustainable management through the collection of recyclable materials.
- 5.201 The site itself is a rear site of over 2000m² in Council ownership behind the Tokomaru Community Hall and car park. I note here that the car park is also in Council ownership and is sought to be designated or car parking purposes and have therefore wondered why the Council has not sought to combine the two designating purposes onto this one site rather than what is currently being sought. Nevertheless, the proposed designation is for a new location and the Reporting Officer is correct to identify that larger facilities may be needed in the future to meet the needs of the local community and that given the location of the site adjoining residential properties there is a potential for adverse effects.
- 5.202 The conditions proposed by the Reporting Officer are in my view appropriate however given the surrounding residential environment I consider a setback requirement should also be added to the conditions to ensure an appropriate level of amenity is maintained. Therefore again while I consider the use of the designation mechanism for such a small scale facility is somewhat unusual I am of the view that subject to the following recommended conditions which will ensure that effects on the environment will be minimal the site is acceptable for the purpose proposed and in the circumstances do believe alternatives need to be considered:
- a. *No building or structure shall exceed a gross floor area of 40m², be within 3m of a residential site and the portion of the site covered by buildings and structures for this purpose shall not exceed 20% of the net site area.*

b. That the transfer of stored recycled materials shall occur between the hours of 8:00am and 6:00pm.

5.203 For the foregoing reasons and in accordance with section 168A(4) of the Act I recommend that the Horowhenua District Council as Requiring Authority confirm designation D145 as contained in Appendix 1.

24. Horowhenua District Council - D148

5.204 HDC gave notice of requirement for a new designation relating to a number recreation reserves. These are covered together below as the issues are generally the same.

DESIGNATING AUTHORITY : HOROWHENUA DISTRICT COUNCIL					
Des. No	Map No	Designating Purpose	Street Address	Legal Description	Modification Sought
D148	27A,27B	Recreation Reserve	Levin Domain, Queen Street West/Salisbury Street	Section 24 Levin Suburban	New
D156	22	Mangaore Village Reserves	Mangahao Road, Mangaore Village	Lot 33 DP 71906, Lot 48 DP 71905	New
D179	21	Recreation Reserve	Shannon Domain Ballance Street, Stout Street, Shannon	Lot 703 DP 368, Lot 706 Town of Shannon	New
D180	21A	Recreation Reserve	Te Maire Park, Plimmer Terrace, Shannon	Lot 1 DP 71514	New
D181	27B/28B	Levin Public Gardens	4 Kent Street, Levin	Lot 1 DP 45757 and Lot 2 DP45727	New

5.205 HDC sought to designate the above reserves for Recreational Reserve Purposes. The sites are currently used for existing aquatic and recreation facilities, community facilities and public halls, and include ancillary buildings, structures, infrastructure and operations required to meet the community's recreational needs. No submissions were received on any of the sites.

5.206 The NoR's provide the following information in respect of the nature of the public works:

Levin Domain

The establishment, operation, maintenance and use of aquatic and recreational facilities including all ancillary buildings, structures, infrastructure and operations to the community's recreational needs.

Other Reserves

The use and development of community facilities and public halls where the primary purpose of that building is associated with community services and purposes, including all ancillary buildings, structures and infrastructure

5.207 The notices also indicates that:

Levin Domain

“there will be negligible change in environmental effects resulting from the designation, as it is for an existing public work. All effects associated with these existing aquatic and recreational activities are temporary. Noise and traffic effects in particular form part of the existing environment and such effects will be no worse than currently experienced. There is no need to further mitigate these existing effects which are part of the existing environment”.

Other Reserves

“there will be negligible change in environmental effects resulting from the designation, as it is for an existing public work. Actual adverse effects of the activities are mitigated through the enclosed nature of these community facilities i.e. within an enclosed building. Transportation effects linked with the use of these community uses will be consistent with current effects. Visually, existing buildings form part of the existing environment”.

5.208 The Reporting Officer indicated that as part of the Proposed Plan, the Council’s parks and reserves have been rezoned as Open Space which was a new zone introduced as part of the Proposed Plan. She said that the Open Space zone had specifically been created to provide for Council’s parks and reserves enabling them to be used and developed for a range of recreational activities and opportunities, and recognising the important contribution that these open space areas make to the District. She said that the timing of the preparation of the Proposed Plan had required that NoR’s for designations be provided up to 40 working days prior to the notification of the Plan. At that time Council officers responsible for the management of Council’s parks and reserve did not have certainty regarding the proposed extent of the new Open Space zone. What has transpired is that a number of sites are now proposed to be both zoned Open Space and designated as Recreation Reserve.

5.209 The Reporting Officer noted that the effect of any designation would mean that any works undertaken on the site in accordance with the purpose of the designation would see the rules for the underlying Open Space zone no longer apply. She therefore questioned whether the designations were reasonably necessary, given that the Open Space zone specifically provides for the use and development of these sites as recreation reserve with provisions designed to enable appropriate forms of development while managing the adverse effects on adjoining properties. She noted that usually an advantage of a designation would be to enable a use or activity that might not have otherwise been provided for by the underlying zone.

5.210 The Reporting Officer said that the assessment of effects accompanying the NoR did not consider the potential for new development that would be enabled by the designation. She noted that the NoR included very generic statements for each of the sites. She considered the potential for development to occur that could be argued to fit this purpose was significant and went onto say that the lack of supporting information about future development plans and their associated effects meant that it had not been possible to accurately assess the potential adverse environmental effects on the sites.

5.211 At the hearing Mr Meyer offered a number of conditions for each of the reserves covering such things as a limitation on residential activity, site coverage, daylight setback and height. These were subsequently reviewed by the Reporting Officer and additional conditions added such as limiting the times flood lighting could operate. On this basis the Reporting Officer was able to support the designations.

5.212 The Reporting Officer was correct to question the need for these designations given the introduction of the Open Space zone to the Proposed District Plan. It seems to me that designating these sites is to some extent undermining the new Open Space zone and I note in particular that by designating some of the sites specific rules such as Rules 20.6.5(a)(viii) and (ix) effectively become redundant. Having said that I note that a number of reserves were already designated and the Council has sort to roll these over. Therein lies the difficulty with this issue and I further note that those rolled over reserves are not subject to any conditions.

- 5.213 I accepted that the existing levels of development and activity on each of the sites may be at acceptable levels and it is primarily the potential future development and increases in activity level that could occur to which consideration needs to be given due to their proximity to more sensitive activities. To that end Mr Meyer provided some indication of the possible future works on each of the sites.
- 5.214 Having considered the pros and cons of these issues I have decided that on balance these sites can be recommended to be designated on the basis that the Council is continuing to designate similar such sites and there is therefore a precedent set. I remain however somewhat doubtful about this approach particularly given the new Open Space zone which it seems to me was designed to cater exactly for these situations. I will therefore now focus on the matter of conditions and whether or not they should be imposed.
- 5.215 As noted those rolled over reserves are not subject to conditions however Mr Meyer and the Reporting Officer have offered/recommended conditions in these new designation cases. I have reviewed each of the sites and I accept there is a potential for adverse effects to occur in each case given their proximity to residential areas and in some cases the high level of activity they currently, and could in the future, contain. I therefore consider conditions are appropriate.
- 5.216 The conditions offered cover some common provisions while differing provisions for each site are also proposed. These are listed below:

The following conditions shall apply to designation D148. Recreation Reserve, Levin Domain, Queen Street West/Salisbury Street, Levin.

- a) *No residential activities shall occur.*
- b) *The maximum height of a solid boundary fence shall not exceed 2.5 metres and an open mesh fence shall not exceed 4 metres.*
- c) *No part of any building shall encroach outside an envelope created by a line drawn vertically 8.5 metres above the ground level at the boundary and inclined at an angle of 45 degrees (1:1 slope).*
- d) *The proportion of the net site area covered by buildings shall not exceed 20%.*
- e) *The operating hours for flood lighting (excluding safety and security lighting) shall not extend beyond 10.00pm daily.*
- f) *Activities shall comply with the permitted activity condition for Notable Trees (20.6.19) in the underlying Open Space Zone.*

The following conditions shall apply to designations D156 Mangaore Village Reserves, Mangahao Road, Mangaore Village.

- a) *No residential activities shall occur.*
- b) *The maximum height of a solid boundary fence shall not exceed 2.5 metres and an open mesh fence shall not exceed 4 metres.*
- c) *No part of any building shall encroach outside an envelope created by a line drawn vertically 4.5 metres above the ground level at the boundary and inclined at an angle of 45 degrees (1:1 slope).*
- d) *The proportion of the net site area covered by buildings shall not exceed 15%.*
- e) *Activities shall comply with the following permitted activity conditions for the underlying Open Space Zone:*
 - Noise (20.6.7), Vibration (20.6.8), Odour (20.6.9), Storage of Goods and Materials (20.6.10), Flood Hazard Overlay Area (20.6.11), Surfacewater Disposal (20.6.12), Engineering Works (20.6.13), Vehicle Access (20.6.14), Vehicle Parking, Manoeuvring, and Loading (20.6.15), Network Utilities and Energy (20.6.16), Hazardous Substances (20.6.17), Notable Trees (20.6.19), Sites of Significance to Tangata Whenua (20.6.20), Temporary Activities (20.6.21), and Temporary Military Training Activities (20.6.22), Subdivision of Land (20.7.1), Boundary Adjustments - Flood Hazard Overlay Areas (20.7.2), Historic*

Heritage - Buildings (20.7.4), Temporary Filming Activities (20.7.5), and Temporary Military Training Activities (20.7.6).

The following conditions shall apply to designation D179 Recreation Reserve, Shannon Domain Ballance Street/Stout Street, Shannon

- a) *No residential activities shall occur.*
- b) *The maximum height of a solid boundary fence shall not exceed 2.5 metres and an open mesh fence shall not exceed 4 metres.*
- c) *No part of any building shall exceed a height of 7.5 metres at the boundary.*
- d) *No part of any building shall encroach outside an envelope created by a line drawn vertically 7.5 metres above the ground level at the boundary and inclined at an angle of 45 degrees (1:1 slope).*
- e) *The proportion of the net site area covered by buildings shall not exceed 10%.*
- f) *The operating hours for flood lighting (excluding safety and security lighting) shall not extend beyond 10.00pm daily.*

The following conditions shall apply to designation D180 Recreation Reserve, Te Maire Park Plimmer Terrace, Shannon

- (a) *No residential activities shall occur.*
- (b) *The maximum height of a solid boundary fence shall not exceed 2.5 metres and an open mesh fence shall not exceed 4 metres.*
- (c) *No part of any building shall encroach outside an envelope created by a line drawn vertically 2.7 metres above the ground level at the boundary and inclined at an angle of 45 degrees (1:1 slope).*
- (d) *The proportion of the net site area covered by buildings shall not exceed 15%.*
- (e) *The following heritage provisions from the underlying Open Space Zone shall apply to any listed Historic Heritage Building, Structure or Site:*

Rules 20.1(h), 20.1(i), 20.2(d), 20.7.4, 20.3(e), 20.3(f), 20.8.5, 20.8.6, 20.4(g), 20.4(h) and 20.5(b).

The following conditions shall apply to designation D181 Levin Public Gardens, 4 Kent Street, Levin

- a) *Residential activities shall be limited to no more than one dwelling.*
- b) *The proportion of the net site area covered by buildings shall not exceed 20%.*
- c) *The following heritage provisions from the underlying Open Space Zone shall apply to any listed Historic Heritage Building, Structure or Site:*
 - i) *Any sign attached to a heritage building or structure shall be a Restricted Discretionary Activity (Rule 20.3(f)).*
 - ii) *Rules 20.4(g) 20.4(h) not including the addition, upgrade or maintenance of disability access and fire egresses to Thompson House (H10).*

5.217 I am generally comfortable with the conditions now proposed except in one area. Both the Levin and Shannon Domains are multipurpose venues. In relation to the Levin Domain Mr Meyer indicated that potential future options include amongst other things a function centre, while possible future work at the Shannon Domain was unknown. My concern here is with the potential impact of facilities on the surrounding residential amenity in terms of noise. While I note the NoR states that “*noise and traffic effects in particular form part of the existing environment and such effects will be no worse than currently experienced. There is no need to further mitigate these existing effects which are part of the existing environment*” that, with respect, is not the point. It is the potential future activities provided for by the designations and for which no assessment was provided which

are of concern. I therefore intend to recommend a further condition relating to noise be applied to both designations as follows:

Noise from any activity on this site between the hours of 10.00pm – 7.00am on any day shall not exceed 40dB LAeq (15mins) and 65 dB (LAmax) when measured at the boundary of any adjacent Residential zoned property or 65dB LAeq when measured at the boundary of any adjacent Commercial zoned property.

5.218 Finally I consider that given these are all reserves and in Council ownership with existing facilities upon them reviewing alternative sites is not necessary. Overall therefore I recommend the designations be approved subject to the above conditions.

5.219 For the foregoing reasons and in accordance with section 168A(4) of the Act I recommend that the Horowhenua District Council as Requiring Authority confirm designations D148, D156, D179 (referred to as D161 as a result of clause 16 amendments), D180 (referred to as D167 as a result of clause 16 amendments) and D181 as contained in Appendix 1. I note that as a result of a deletion below D181 was renumbered D155 by the Reporting Officer and I have therefore adopted this renumbering within Appendix 1.

25. Horowhenua District Council - D149, D150, D151, D153, D155, D157, D160-D163 and D178

5.220 HDC gave notice of requirement for new designations relating to a range of community facilities.

DESIGNATING AUTHORITY : HOROWHENUA DISTRICT COUNCIL					
Des. No	Map No	Designating Purpose	Street Address	Legal Description	Modification Sought
D149	12	Foxton Beach Motor Camp	Holben Parade, Foxton Beach	Pt Section 7 Blk I Moutere SD	New
D150	12,13	Foxton Beach Community Centre	Seabury Avenue, Foxton Beach	Lot 1 DP 74876	New
D151	15A	Foxton Library	Clyde Street, Foxton	Lot 1 DP 21372	New
D153	15A	Community Facility	88 Main Street, Foxton	Lot 5 DP 16224	New
D155	5	Okonui Hall Domain	Okuku Road-Shannon North	Lot 1 DP 20312	New
D157	17	Waitarere Beach Motor Camp	Park Avenue, Waitarere Beach	Lot 1 DP 13250, Lot 2 DP 13250, Lot 12 DP 10678, Pt Lot 63 DP 10023	New
D160	27B	Community Centre	Jack Allen Centre, 21/23 Durham Street, Levin	Lot 43 DP 1734, Lot 44 DP 1734	New

DESIGNATING AUTHORITY : HOROWHENUA DISTRICT COUNCIL

Des. No	Map No	Designating Purpose	Street Address	Legal Description	Modification Sought
D161	27B	Cinema	Salisbury Street, Levin	Lot 12, 13 DP 2234	New
D162	27B	Council Offices	126-148 Oxford Street, Levin	Defined on the Planning Maps	New
D163	28,30	Motor Camp	Playford Motor Camp, Park Avenue, Levin	Section 68 Levin SUBURBAN	New
D178	15A	Town Hall	Foxton Memorial Hall, Main Street, Clyde Street, Foxton	Pt Sections 104, 105 Town of Foxton	New

Submissions Received

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
62.01	Kathleen Bills	Oppose	Oppose the designation of Lot 1 DP 20312 for the designating purpose of Okonui Hall Domain.	Delete designation D155.	
63.01	Taupunga Farming Company	Oppose	Oppose the designation of the Okonui Hall Domain site (Lot 1 DP 20312).	Delete designation D155.	
91.10	HDC (Community Assets Department)	In-Part	Land maybe disposed of by Council.	Delete designation D155.	526.11 Roger Truebridge - Oppose

5.221 HDC sought to designate the above sites for a range of civic purposes. The sites are currently used for HDC's reserves, community facilities, a cinema and restaurant and public halls in Levin, Foxton, Foxton Beach, Mangaore, Shannon and Waitarere Beach. Three submissions were received on proposed designation D155 and one further submission.

5.222 The NoR provided the following information in respect of the nature of the public works:

The use and development of community facilities and public halls where the primary purpose of that building is associated with community services and purposes, including all ancillary buildings, structures and infrastructure.

- 5.223 The NoR said that *“there will be negligible change in environmental effects resulting from the designation, as it is for an existing public work. Actual adverse effects of the activities are mitigated through the enclosed nature of these community facilities i.e. within an enclosed building. Transportation effects linked with the use of these community uses will be consistent with current effects. Visually, existing buildings form part of the existing environment”*.
- 5.224 The Reporting Officer noted that while it is generally accepted that the existing use of these sites did not give rise to significant adverse effects, the designation would have the effect of enabling future development of the sites that was consistent with the designating purpose and the in such case the rules of the underlying zone would no longer apply. She said that the variety of sites and purposes meant the development potential on some of these sites was significant, however whether any proposed development would have a significant adverse effect on the environment including adjacent properties had been difficult to determine based on the information provided.
- 5.225 Three submissions opposed the designation of the Okunui Hall Domain site. Of particular note is the submission by HDC (Community Assets Department) which sought the withdrawal of the designation. Given this, I do not need to consider this matter any further and the submissions are **accepted** and the further submission **rejected**.
- 5.226 At the hearing Mr Meyer offered a number of conditions for each of these sites covering such things as building height, site coverage and daylight setback as well as specific conditions on individual sites. These were subsequently reviewed by the Reporting Officer and additional conditions added. On this basis the Reporting Officer was able to support the designations. Mr Meyer also sought the withdrawal of D153 the Community Facility at 88 Main Street, Foxton.
- 5.227 I accept that the existing levels of development and activity on each of the sites may be at acceptable levels and it is primarily the potential future development and increases in activity level that could occur to which consideration needs to be given due to their proximity to more sensitive activities. To that end Mr Meyer provided some indications of the possible future works on each of the sites. I note here that a number of similar facilities are already designated and the Council has sort to roll these over. Again this is the difficulty with this issue and I further note that those rolled over sites are not subject to any conditions.
- 5.228 Having considered the pros and cons of these issues I have decided that on balance all but one of these sites can be recommended to be designated on the basis that the Council is continuing to designate similar such sites and there is therefore a precedent set. Furthermore, that a series of conditions have been suggested to control effects. I remain however somewhat doubtful about the approach of effectively using the designation procedures to override the zone provisions.
- 5.229 The one proposed designation I have not recommended proceed is the Cinema on Salisbury Street in Levin (D161). I find it difficult to view this as a ‘community facility’ in the true sense of the word. It is essentially a commercial activity containing both movie theatre and food and beverage facilities and particularly in terms of the latter it is in direct competition with other similar such facilities. I consider designating this site would be an inappropriate use of the designation provisions. I have given similar consideration to the three camping grounds proposed to be designated however as I was led to understand it they are the only camping facilities in the Horowhenua.
- 5.230 I will therefore now focus on the matter of conditions and whether or not they should be imposed. I have reviewed each of the sites and I accept there is a potential for adverse effects to occur in each case given their proximity to residential areas and in some cases the high level of activity they currently, and could in the future, contain. I therefore consider conditions are appropriate, although I note that in some cases the conditions are virtually the same as the underlying zone provisions.

5.231 The conditions proposed cover some common provisions with differing provisions for each individual site also proposed. These are listed below:

The following conditions shall apply to designation D149 Foxton Beach Motor Camp, Holben Parade, Foxton Beach

- a) Residential activities shall be limited to no more than two dwellings.
- b) The maximum height of a solid boundary fence shall not exceed 2.5 metres and an open mesh fence shall not exceed 4 metres.
- c) No part of any building shall exceed a height of 8.5 metres.
- d) No part of any building shall encroach outside an envelope created by a line drawn vertically 2.7 metres above the ground level at the boundary and inclined at an angle of 45 degrees (1:1 slope).
- e) There shall be no more than 60 motel or cabin units serviced on the site.
- f) Buildings shall be set back 4.5 metres from any adjoining Residential Zone boundary.

The following conditions shall apply to designation D150 Foxton Beach Community Centre, Seabury Avenue, Foxton Beach.

- a) No part of any building shall exceed a height of 8.5 metres.
- b) No part of any building shall encroach outside an envelope created by a line drawn vertically 2.7 metres above the ground level at the boundary and inclined at an angle of 45 degrees (1:1 slope).
- c) The proportion of the net site area covered by buildings shall not exceed 55%.
- d) Activities shall comply with the following permitted activity conditions for the underlying Residential Zone:
Noise (15.6.11), Vibration (15.6.12), Odour (15.6.13), Flood Hazard Overlay Area (15.6.14), Storage of Goods and Materials (15.6.15), Unsightly Buildings (15.6.16), Wrecked Motor Vehicles (15.6.17), Water Supply (15.6.18), Waste Disposal (15.6.19), Surfacewater Disposal (15.6.20), Engineering Works (15.6.21), Vehicle Access (15.6.22), Vehicle Parking, Manoeuvring, and Loading (15.6.23), Safety and Visibility at Road and Rail intersection (15.6.24), Network Utilities and Energy (15.6.25), Hazardous Substances (15.6.26), Notable Trees (15.6.28), Sites of Significance to Tangata Whenua (15.6.29), Temporary Activities (15.6.30), and Temporary Military Training Activities (15.6.31).

The following conditions apply to designation D151 Foxton Library, Clyde Street, Foxton.

- a) No part of any building shall exceed a height of 8.5 metres.
- b) No part of any building shall encroach outside an envelope created by a line drawn vertically 2.7 metres above the ground level at the boundary and inclined at an angle of 45 degrees (1:1 slope).
- c) The proportion of the net site area covered by buildings shall not exceed 50%.
- d) Buildings shall be set back 4.5 metres from any adjoining Residential Zone boundary.
- e) Activities shall comply with the following permitted activity conditions for the underlying Residential Zone:
Noise (15.6.11), Vibration (15.6.12), Odour (15.6.13), Flood Hazard Overlay Area (15.6.14), Storage of Goods and Materials (15.6.15), Unsightly Buildings (15.6.16), Wrecked Motor Vehicles (15.6.17), Water Supply (15.6.18), Waste Disposal (15.6.19), Surfacewater Disposal (15.6.20), Engineering Works (15.6.21), Vehicle Access (15.6.22), Vehicle Parking, Manoeuvring, and Loading (15.6.23), Safety and Visibility at Road and Rail intersection (15.6.24), Network Utilities and Energy (15.6.25), Hazardous Substances (15.6.26), Notable Trees (15.6.28), Sites of Significance to Tangata Whenua (15.6.29), Temporary Activities (15.6.30), and Temporary Military Training Activities (15.6.31).

The following conditions shall apply to designation D157 Waitarere Beach Motor Camp, Park Avenue, Waitarere.

- a) *Residential activities shall be limited to no more than one dwelling.*
- b) *The maximum height of a solid boundary fence shall not exceed 2.5 metres and an open mesh fence shall not exceed 4 metres.*
- c) *No part of any building shall exceed a height of 8.5 metres.*
- d) *No part of any building shall encroach outside an envelope created by a line drawn vertically 2.7 metres above the ground level at the boundary and inclined at an angle of 45 degrees (1:1 slope).*
- e) *There shall be no more than 10 motel or cabin units serviced on the site.*
- f) *Buildings shall be set back 4.5 metres from any Residential Zone boundary adjoining (but not within) the designated site.*

The following conditions shall apply to designation D160 Community Centre, Jack Allen Centre 21/23 Durham Street, Levin.

- a) *All activities shall comply with provisions of Chapter 17 Commercial Zone.*

The following condition shall apply to designation D162 Council Offices, 126-148 Oxford Street, Levin.

- a) *No part of any building shall exceed a height of 15 metres measured at the Oxford Street road boundary.*

The following conditions shall apply to designation D163 Motor Camp, Playford Park Motor Camp Parker Avenue, Levin.

- a) *Residential activities shall be limited to no more than two dwellings.*
- b) *The maximum height of a solid boundary fence shall not exceed 2.5 metres and an open mesh fence shall not exceed 4 metres.*
- c) *No part of any building shall exceed a height of 8.5 metres.*
- d) *No part of any building shall encroach outside an envelope created by a line drawn vertically 2.7 metres above the ground level at the boundary and inclined at an angle of 45 degrees (1:1 slope).*
- e) *There shall be no more than 40 motel or cabin units serviced on the site.*
- f) *Buildings shall be set back 4.5 metres from any adjoining Residential Zone boundary.*

The following condition shall apply to designation D178 Town Hall, Foxton Memorial Hall Main Street/Clyde Street, Foxton.

- a) *No part of any building shall exceed a height of 8.5 metres.*

5.232 Finally I consider that given these remaining sites are all in Council ownership with existing facilities reviewing alternative sites is not necessary. Overall therefore I recommend these designations be approved subject to above conditions.

5.233 For the foregoing reasons and in accordance with section 168A(4) of the Act I recommend that the Horowhenua District Council as Requiring Authority confirm designations D149, D150, D151, D153, D157, D160, D162, D163 and D178 (referred to as D148 as a result of clause 16 amendments) as contained in Appendix 1 and withdraw designations D155 and D161.

26. Horowhenua District Council - D152

5.234 HDC gave notice of requirement for a new designation relating to the St John Ambulance Building in Foxton.

DESIGNATING AUTHORITY : HOROWHENUA DISTRICT COUNCIL

Des. No	Map No	Designating Purpose	Street Address	Legal Description	Modification Sought
D152	15A	St John Ambulance Building	8 Whyte Street, Foxton	Lot 1 DP 80945	New

5.235 HDC sought to designate the site of the St John Ambulance Building in Foxton. The building and use is established on the site proposed to be designated. No submissions were received.

5.236 The NoR provides the following information in respect of the nature of the public works:

The use and development of community facilities and public halls where the primary purpose of that building is associated with community services and purposes, including all ancillary buildings, structures and infrastructure.

5.237 The NoR states that *“there will be negligible change in environmental effects resulting from the designation, as it is for an existing public work. Actual adverse effects of the activities are mitigated through the enclosed nature of these community facilities i.e. within an enclosed building. Transportation effects linked with the use of these community uses will be consistent with current effects. Visually, existing buildings form part of the existing environment”*.

5.238 The Reporting Officer considered that the primary effects of the designation relate to visual amenity, noise and traffic movements noting that the St John Ambulance Building was already in existence. In terms of visual effects, she said that the existing building occupied the majority of the site footprint and was not considered to detract from the surrounding land uses which consist of commercial, recreational and residential. She also considered noise associated with traffic movements and ambulance operations would be sporadic and temporary in nature.

5.239 The Reporting Officer also said that the site had been previously designated in part as part of the Easton Park designation in the Operative Plan, and as the building was already constructed and functioning as proposed for the designated purpose, the adverse environmental effects would be no more than minor.

5.240 I note that the ambulance building currently exists, is an important community asset in providing for people’s health and safety and that the site has previously been partially designated. The expansion of the extent of the designations will essentially reflect the actual footprint of the site and building, thus effects on the environment can be expected to be minimal. In these circumstances no conditions are recommended. I also note the site concerned is within Council ownership. I therefore consider no alternatives need to be considered.

5.241 For the foregoing reasons and in accordance with section 168A(4) of the Act I recommend that the Horowhenua District Council as Requiring Authority confirm designation D152 contained in Appendix 1.

27. Horowhenua District Council - D154

5.242 HDC gave notice of requirement for a new designation relating to the Tokomaru Hall Carpark.

DESIGNATING AUTHORITY : HOROWHENUA DISTRICT COUNCIL					
Des. No	Map No	Designating Purpose	Street Address	Legal Description	Modification Sought
D154	16	Tokomaru Hall Carpark	State Highway 57, Tokomaru	Pt Section 27 Town of Tokomaru	New

5.243 HDC sought to designate the above site for the Tokomaru Hall Carpark. The site is currently used as a carpark for the Tokomaru Town Hall and access to the Tokomaru Recycling Station. No submissions were received.

5.244 The NoR provides the following information in respect of the nature of the public works:

The use and development of community facilities and public halls where the primary purpose of that building is associated with community services and purposes, including all ancillary buildings, structures and infrastructure.

5.245 The NoR stated that “*there will be negligible change in environmental effects resulting from the designation, as it is for an existing public work. Actual adverse effects of the activities are mitigated through the enclosed nature of these community facilities i.e. within an enclosed building. Transportation effects linked with the use of these community uses will be consistent with current effects. Visually, existing buildings form part of the existing environment*”.

5.246 The Reporting Officer considered the potential environmental effects associated with this designation were vehicle movements and noise, particularly given that at certain times of the day it can be expected that there will be regular vehicle movements both entering and exiting the site. She noted however that the carpark was already in existence and currently served the Town Hall and Tokomaru Recycling Station and that as it fronted the State Highway, it was not expected that vehicle movements or noise would be out of context with the local environment.

5.247 I acknowledge that the car park is already in existence and provides a useful facility for the adjoining hall and Recycling Station. While the extent of the proposed designation is of a moderate size, the designation purpose effectively limits its use to car parking, thus effects on the environment associated with vehicle movements and noise are unlikely to increase beyond what current exists. These factors combined with the proximity of the state highway mean that any environmental effects are considered to be no more than minor. In these circumstances no conditions are recommended. I also note the site concerned is within Council ownership. Given these factors I do not consider reviewing alternative sites to be necessary.

5.248 For the foregoing reasons and in accordance with section 168A(4) of the Act I recommend that the Horowhenua District Council as Requiring Authority confirm designation D154 as contained in Appendix 1.

28. Horowhenua District Council - D158

5.249 HDC gave notice of requirement for a new designation relating to public toilets in Shannon.

DESIGNATING AUTHORITY : HOROWHENUA DISTRICT COUNCIL

Des. No	Map No	Designating Purpose	Street Address	Legal Description	Modification Sought
D158	21A	Public Toilets	Shannon Public Toilets, 7 Ballance Street, Shannon	Pt Lot 236 DP 368	New

5.250 HDC sought to designate the above site for Public Toilets. The site is currently used for public toilet facilities in Shannon. No submissions were received.

5.251 The NoR provides the following information in respect of the nature of the public works:

The use and development of community facilities and public halls where the primary purpose of that building is associated with community services and purposes, including all ancillary buildings, structures and infrastructure.

5.252 The NoR stated that *“there will be negligible change in environmental effects resulting from the designation, as it is for an existing public work. Actual adverse effects of the activities are mitigated through the enclosed nature of these community facilities i.e. within an enclosed building. Transportation effects linked with the use of these community uses will be consistent with current effects. Visually, existing buildings form part of the existing environment”*.

5.253 The Reporting Officer considered the potential environmental effects of this designation were visual amenity, vehicle movements and parking. She noted that a block of public toilets existed on the site proposed for the designation which consisted of a small building located close to the road boundary of State Highway 57. The designating purpose of a public toilet, limits development on the site to buildings designed to provide toilet facilities for the public. Given the scope of the designating purpose, additions or upgrades to the existing facilities were not considered likely to have significant adverse effects on the amenity of the surrounding area which is primarily used for commercial activities. In terms of vehicle movements, it can be expected that on a main highway route, public toilets will serve many people which may generate additional traffic movements around the site. In assessing the environmental effects of the designation of the Public Toilets in Shannon, the Reporting Officer was satisfied that effects would be no more than minor

5.254 I note that the toilet block currently exists and is an important community asset in providing for people’s wellbeing. The extent of the proposed designation is a long narrow site of some 384m². The toilet block building occupies the front half of the site but is still set back approximately 10m from the road. Given the limitations provided by the designation and the surrounding commercially zoned land any effects on the environment even if redevelopment occurred can be expected to be minimal. In these circumstances no conditions are recommended. I also note the site concerned is within Council ownership. Given these factors I do not consider reviewing alternative sites to be necessary.

5.255 Therefore again while I consider the use of the designation mechanism for such a small scale facility is somewhat unusual I am of the view that the designation is an acceptable mechanism in these circumstances to provide ongoing certainty for this community facility ensuring its on-going use and maintenance can continue.

5.256 For the foregoing reasons and in accordance with section 168A(4) of the Act I recommend that the Horowhenua District Council as Requiring Authority confirm designation D158 as contained in Appendix 1.

29. Horowhenua District Council - D164, D165 and D166

5.257 HDC gave notice of requirement for new designations relating to three cemeteries.

DESIGNATING AUTHORITY : HOROWHENUA DISTRICT COUNCIL					
Des. No	Map No	Designating Purpose	Street Address	Legal Description	Modification Sought
D164	7	Cemetery	Avenue North Road, Levin	Lot 3 DP 397828	New
D165	15A	Cemetery	Park Street/Avenue Road, Foxton	Awahou 97B	New
D166	10	Manakau Cemetery	State Highway 1/South Manakau Road	Pt Lot 28A DP 415	New

5.258 HDC sought to designate the above sites for Cemetery Purposes. The sites are existing cemeteries located at Foxton, Levin and Manakau with capacity for extensions associated with continued cemetery growth. No submissions were received on any of the designations.

5.259 The NoR provides the following information in respect of the nature of the public works:

The use and development of the district's cemeteries as public demand requires it, including all ancillary building, structures and infrastructure.

5.260 The NoR stated “*there will be negligible change in environmental effects resulting from the designation, as it is for an existing public work. Any future expansion of the resource will be within the proposed designation footprint. The nature of the activities at the sites means that adverse effects will be minimal*”.

5.261 The Reporting Officer considered the relevant effects to be vehicle movement and noise and that as these sites were already established and used for the purpose of cemeteries they were unlikely to be used for another purpose. She considered vehicle movements to be intermittent and having temporary effects and did not consider that this would result in adverse effects for adjacent land owners or generate traffic for prolonged periods. On this basis, she considered the environmental effects to be no more than minor.

5.262 I acknowledge that these cemeteries are already in existence and are important (and sensitive) community facilities, which are in Council ownership. The extent of the designations will essentially reflect land set aside for cemetery purposes and thus effects on the environment can be expected to be minimal. I also note that the purpose of the designation would not allow for the development of a crematorium. In these circumstances no conditions are recommended and I consider no alternative sites need to be considered.

5.263 For the foregoing reasons and in accordance with section 168A(4) of the Act I recommend that the Horowhenua District Council as Requiring Authority confirm designations D164, D165 and D166 as contained in Appendix 1.

30. Horowhenua District Council - D167

5.264 HDC gave notice of requirement for a new designation relating to sewage treatment and disposal on Hokio Sand Road.

DESIGNATING AUTHORITY : HOROWHENUA DISTRICT COUNCIL					
Des. No	Map No	Designating Purpose	Street Address	Legal Description	Modification Sought
D167	7	Sewage Treatment & Disposal	383 Hokio Sand Road	Defined on the Planning Maps	New

5.265 HDC sought to designate the above site for Sewage Treatment and Disposal Purposes. The site is proposed to be used for the treatment of sewage and application of effluent to land including all associated wastewater management and site infrastructure required for sewage treatment and application purposes. No submissions were received.

5.266 The NoR provided the following information in respect of the nature of the public works:

Wastewater works: The application of treated effluent and sludge to land, including the associated discharge of odour. The proposed public work also includes the construction, operation and maintenance of facilities, buildings, structures and infrastructure for the purposes of receiving and treating sewage prior to its application to land and air.

5.267 In terms of environmental effects of the proposed designation, the NoR states “*there will be minimal noise and dust effects beyond the boundary of the proposed designated site. The management of wastewater shall be restricted by:*

- *No treatment of wastewater within 50m of a public road or neighbouring property boundary; and*
- *No application of treated wastewater to land within 20m of a public road or neighbouring property boundary; and*
- *No offensive or objectionable odour beyond the boundary from any treatment facility or land application system”.*

5.268 The NoR identifies that the proposed designated site is located adjacent to the existing designation for the purpose of disposing of treated effluent to land and that the effects of the proposed designation will be consistent with this existing designated use. Noise effects associated with the proposed treatment of sewage and management of effluent will not be noticeable at the boundary of the proposed designated site due to the separation distances proposed. The proposed separation distances from activities and operations will mitigate adverse effects.

5.269 The Reporting Officer said that the purpose of the designation could result in the construction, operation and maintenance of facilities, buildings, structures and infrastructure for sewage treatment and disposal purposes. She noted that the site was not presently used or developed for this purpose, is currently grazed pasture, but that it adjoins the existing sewage disposal area on its western boundary which is already designated for this purpose. She noted that while the Requiring Authority had concluded that minimal effects would be associated with the use of this site for this purpose, very few details of the potential development for this purpose had been provided in order to assess the environmental effects. Notwithstanding this, the Reporting Officer noted that the nature and level of development on the adjoining site could provide an indication of what development may occur on the new site and an understanding of the effects from the new sites operation and maintenance activities.

5.270 The key effects were identified as being the amenity of adjacent properties such as noise, dust and odour. The Reporting Officer noted that the Regional Council’s functions would ensure that environmental effects

associated with discharges would be appropriately managed. However she said there was a need to better understand the potential development of the site and that once that was better understood, a more complete assessment of the environmental effects could be undertaken and any potential conditions imposed to ensure that there were no significant adverse environmental effects.

5.271 At the hearing Mr Meyer, on behalf of the HDC Community Assets Department, did not provide any further detailed information on the likely development of the site but did offer a condition relating to boundary setbacks as mitigation to overcome the concerns expressed by the Reporting Officer. This was subsequently reviewed by the Reporting Officer and additional conditions added as follows. On this basis the Reporting Officer was able to support the designations:

- a) Any storage ponds or disposal to land shall be located no closer than 30 meters from any dwelling at time of construction; or
- b) Where there is no dwelling on the adjoining site, storage ponds or disposal to land shall not be located closer than 20 metres to any boundary not designated for a similar purpose.
- c) Buildings shall be setback 10 metres from the boundary.

5.272 I also note the previously referred to statement by Mr Potts Council’s Community Assets Manager, regarding the importance of the Wastewater Treatment Plant and the Council’s intention to upgrade and expand the irrigation field.

5.273 Having reviewed the information before me I am not satisfied that a sufficient assessment has been undertaken of this proposed designation. A designation of Sewage Treatment and Disposal Purposes envisages significant infrastructure and I would expect a high level of assessment including consideration of national and regional provisions along with a consideration of alternatives to accompany such a proposed designation as the potential for adverse effects on the surrounding environment is high. I acknowledge that works may well be reasonably necessary for achieving the Requiring Authority’s objectives however this on its own is not sufficient and while I could recommend the conditions proposed be included I have no information before me to confirm that they are indeed sufficient to mitigate any potential effects. On this basis I am unable to recommend approval of the designation.

5.274 For the foregoing reasons and in accordance with section 168A(4) of the Act I recommend that the Horowhenua District Council as Requiring Authority withdraws D167.

31. Horowhenua District Council - D168

5.275 HDC gave notice of requirement for a new designation relating to a sewage facility in Shannon.

DESIGNATING AUTHORITY : HOROWHENUA DISTRICT COUNCIL					
Des. No	Map No	Designating Purpose	Street Address	Legal Description	Modification Sought
D168	22	Sewage Facility	Mangahao Road, Shannon	Lot 55 DP 71906	New

5.276 HDC sought to designate the above site for Sewage Facility Purposes. The site is currently used for a wastewater pump station and associated buildings, structures, infrastructure and operations. The nature of the proposed public work is all wastewater works involved with the transfer and pumping of sewage. No submissions were received.

5.277 The NoR stated “there will be negligible change in environmental effects resulting from the designation, as it is for an existing public work. Noise effects from the existing pump station are restricted to pumps and other machinery, none of which generate adverse noise emissions beyond the boundary of the proposed designated site. There are no odour effects as sewage is contained in pipework and other subsurface infrastructure. Visually, existing buildings and structures form part of the existing environment. Apart from the maintenance works, operations at the site are largely dormant”.

5.278 The Reporting Officer noted that the proposed designation site was not located in close proximity to domestic dwellings, with the closest dwellings being approximately 100 metres away and located within Mangaore Village. She said there was a considerable difference in elevation between the designated site and the nearest dwellings and that the site was traversed by overhead electricity lines running from the Managhao Power Station and Substation which would constrain alternative uses of the land. She noted that only a small portion of the 1366m² site is currently developed for the designation purpose and that while this purpose would enable further development on this site (that is consistent with the designation purpose), she was satisfied that this would not give rise to significant adverse environmental effects.

5.279 I note that the site is in Council ownership and that the facility is necessary in terms of dealing sustainably with wastewater management. I also accept that any adverse effects on the environment associated with the site are existing and are unlikely to change significantly as a result of it being designated, particularly given its location and size. Given these factors I do not consider reviewing alternative sites to be necessary and that overall I can recommend approval of the designation.

5.280 For the foregoing reasons and in accordance with section 168A(4) of the Act I recommend that the Horowhenua District Council as Requiring Authority confirm designations D168 as contained in Appendix 1.

32. Horowhenua District Council - D169, D171, D172, D172, D174, D175 and D176

5.281 HDC gave notice of requirement for new designations relating to stormwater management.

DESIGNATING AUTHORITY : HOROWHENUA DISTRICT COUNCIL					
Des. No	Map No	Designating Purpose	Street Address	Legal Description	Modification Sought
D169	12,13	Stormwater Management	Palmer Road, Foxton Beach	Lot 115 DP 400224	New
D171	12	Stormwater Management	Nash Parade, Seabury Avenue, Foxton Beach	Lot 2 DP 46385	New
D172	12	Stormwater Management	Holben Reserve, Foxton Beach	Lot 4 DP 46385	New
D173	25	Stormwater Management	Kennedy Drive Reserve, Levin	Defined on the Planning Maps	New
D174	25	Stormwater Management	Kawiu Reserve, The Avenue, Levin	Lot 7 DP16252, Lot 8 DP 16252, Pt Lot 6 DP 16252	New
D175	28	Stormwater	MacArthur Street, Cambridge Street,	Section 73 Levin Suburban	New

DESIGNATING AUTHORITY : HOROWHENUA DISTRICT COUNCIL					
Des. No	Map No	Designating Purpose	Street Address	Legal Description	Modification Sought
		Management	Levin		
D176	28	Stormwater Management	Vincent Drive Reserve, Easton Way, Gimblett Court, Levin	Lot 118 DP 74864, Lot 119 DP 74864	New

5.282 HDC sought to designate the above sites for Stormwater Management Purposes. The sites are proposed to be used for stormwater management purposes including ancillary buildings, structures, infrastructure, operations and activities required for that management. The subject sites are all currently used for stormwater purposes to varying degrees. No submissions were received on any of the sites.

5.283 In terms of environmental effects of the proposed designations, the NoR provides:

To the extent possible, stormwater management areas have been identified and sized accordingly to ensure that adverse effects are minimised. However, there is a risk that during heavy rainfall, stormwater management systems could reach capacity, which may result in some temporary adverse effects on the environment.

5.284 The Reporting Officer said that in assessing the environmental effects of the various pieces of land for stormwater management purposes, visual amenity, noise and accessibility were to be considered. She said that the designations would provide for large ponding areas to collect stormwater and associated structures, infrastructure and ancillary buildings, many of which were already in place. She did note however that as the sites were reserve land, sizable buildings may have an impact on visual amenity, noting that reserves have high amenity values for the community and there are expectations of appropriate development on such sites. The Reporting Officer recommended that conditions be imposed on the designations to ensure that these values are protected and amenity levels are maintained.

5.285 The Reporting Officer went on to note that the operation of pumping devices for stormwater management purposes had the potential to generate noise. However, she considered that noise effects would not extend beyond the boundary of the designations. She also noted that high rainfall and ponding may reduce accessibility to and around the sites, however that the effect would be temporary and would not have long lasting significant effects on adjacent land owners or the wider community. She considered that as the sites were currently serving stormwater management purposes, the environmental effects including visual would be no more than minor provided if a condition controlling the size of ancillary buildings was imposed.

5.286 The Reporting Officer also noted that stormwater management practices would be governed by resource consents issued by Horizons Regional Council, which will provide measures to avoid, remedy or mitigate any adverse effects on the environment in this regard. She advised that at this stage no such resource consents were in place but relevant consents would be applied for in due course.

5.287 I note that a number of the sites are vested as reserves and all fall to be in Council ownership. While it is somewhat unclear as to what extent each site is necessary for stormwater management I acknowledge that such facilities and/or area are necessary in terms of dealing sustainably with stormwater management from surrounding urban areas. I also accept that any adverse effects on the environment are either existing and are unlikely to change significantly as a result of the designating of these sites, or can be controlled by conditions. With regards conditions I consider that visual and noise are the primary effects likely to arise from

development on the sites. In that regard I agree with the Reporting Officer that a condition on the size of buildings should be included. I also consider it is appropriate to require the relevant noise standards to be met. The potential is for such sites to include pumping stations and although it was considered no noise effects would extend beyond the boundary of the designated sites, this was not supported by evidence.

5.288 Given the above factors I do not consider reviewing alternative sites to be necessary. Overall I consider the designations are an acceptable mechanism in these circumstances to provide ongoing certainty for this stormwater infrastructure thus ensuring its on-going use and maintenance can continue subject to the following conditions:

- a) *No ancillary building for stormwater management purposes shall exceed a gross floor area of 20m². In the case that an ancillary building exceeds 20m², the activity will be subject to the provisions of the underlying zone.*
- b) *All development shall comply with the noise standards of the underlying zone.*

5.289 For the foregoing reasons and in accordance with section 168A(4) of the Act I recommend that the Horowhenua District Council as Requiring Authority confirm designations D169, D171, D172, D173, D174, D175 and D176 (referred to as D123 as a result of clause 16 amendments) as contained in Appendix 1.

33. Horowhenua District Council - D170

5.290 HDC gave notice of requirement for a new designation relating to wastewater and stormwater management.

DESIGNATING AUTHORITY : HOROWHENUA DISTRICT COUNCIL					
Des. No	Map No	Designating Purpose	Street Address	Legal Description	Modification Sought
D170	12,3	Wastewater and Stormwater Management	Carex Grove, Foxton Beach	Lot 58 DP 407170	New

5.291 HDC has sought to designate the above site for Stormwater and Wastewater Management Purposes. The site is primarily a large stormwater retention area and includes ancillary buildings, structures, infrastructure and operations. No submissions were received.

5.292 In terms of environmental effects of the proposed designation, the NoR states:

There will be negligible change in environmental effects resulting from the designation, as it is for an existing work for the management of both wastewater and stormwater. Noise effects at the proposed designated site are restricted to operational machinery, none of which generate adverse noise emissions beyond the boundary of the site. There are no known odour effects beyond the boundary of the site which would be considered objectionable due to the nature of on-site activities. Visually, existing buildings and infrastructure form part of the existing environment. Apart from maintenance works, activities at the site are largely dormant.

5.293 The Reporting Officer noted that the site was part of a relatively new subdivision development and that the area identified for the designation had already been developed for this purpose as part of the subdivision. She said that while the designation purpose would enable further development on this site, given the high level of existing development, any future development is likely to be limited. She was satisfied that the environmental effects of future development could be adequately managed through the imposition of a condition as part of the designation.

5.294 The Reporting Officer noted that the Requiring Authority had assessed that the noise and odour effects from this activity would not have any adverse effect beyond the boundary. Therefore, the main potential environmental effect that needs to be considered with any increased development relating to this designation would be the visual effects of additional buildings and structures. She noted that there was only a narrow strip of land around the pond available for further buildings and structures. To provide some certainty about the size of the buildings that may be constructed on this site as part of the designation, the Reporting Officer recommended a condition be imposed limiting the gross floor area of any ancillary building to 20m² to ensure that these buildings are of a subordinate scale to the domestic dwellings and accessory buildings likely to be constructed on the adjoining properties.

5.295 I note that the site is to be vested as local purpose reserve and would thus fall to be in Council ownership. It contains primarily stormwater related facilities, but there is also a wastewater pumping station on the site. I acknowledge that the facility is necessary in terms of dealing sustainably with stormwater management from the surrounding urban area. I also accept that any adverse effects on the environment are existing and are unlikely to change significantly as a result of the designating of this site. Given these factors I do not consider reviewing alternative sites to be necessary.

5.296 With regards to conditions I consider that visual and noise are the primary effects likely to arise from development on the site. In that regard I agree with the Reporting Officer that a condition on the size of buildings should be included. I also consider it is appropriate to require the relevant noise standards to be met. While it was considered no noise effects would extend beyond the boundary of the designated sites, this was not supported by evidence.

5.297 Overall I consider designation is an acceptable mechanism in these circumstances to provide ongoing certainty for this important piece of infrastructure thus ensuring its on-going use and maintenance can continue subject to the following condition:

- a) *No ancillary building shall exceed a gross floor area of 20m². In the case of an ancillary building exceeding 20m² gross floor area the activity will be subject to the provisions of the underlying zone.*
- b) *All development shall comply with the noise standards of the underlying zone.*

5.298 For the foregoing reasons and in accordance with section 168A(4) of the Act I recommend that the Horowhenua District Council as Requiring Authority confirm designation D170 as contained in Appendix 1.

34. Horowhenua District Council - Withdrawn Designation D123

DESIGNATING AUTHORITY : HOROWHENUA DISTRICT COUNCIL					
Des. No	Map No	Designating Purpose	Street Address	Legal Description	Conditions
D123		Proposed Road Widening	State Highway 57, Tokomaru	Pt Sec 27 SO 12359 & Lot 1 DP 80547	

5.299 Since notification of the Proposed Plan, notice has been received from Horowhenua District Council requesting that the above designation in the Operative District Plan be withdrawn.

5.300 Given the above I recommend that in accordance with section 168A(4) of the Act the Horowhenua District Council as Requiring Authority withdraw designation D123.

35. Horowhenua District Council - Other submissions

5.301 Four submissions were received regarding the designation of sites that were not proposed to be designated in the Proposed Plan by any requiring authority and two further submissions on submission 11.38 were received.

Sub No.	Submitter Name	Decision Requested	Further Submission
11.38	Philip Taueki	Designate the Kimberley site, the Kohitere site and the Horticulture Research site for special purposes other than just rural and marae-based activities.	511.16 HDC (Community Assets Department) - In Part 519.25 Charles Rudd(Snr) - Support
60.20	Muaupoko Co-operative Society	Designate the Kimberley site, the Kohitere site and the Horticulture Research site for special purposes and rural and marae-based activities.	
11.32	Philip Taueki	Amend Planning Map 7 to show the following sites as designations: the Kimberley site, the Kohitere site and the Horticulture Research site for special purposes and rural and marae-based activities.	
60.26	Muaupoko Co-operative Society	Amend Planning Map 7 to show the following sites as designations: the Kimberley site, the Kohitere site and the Horticulture Research site for special purposes and rural and marae-based activities.	

5.302 P Taueki and Muaupoko Co-operative Society sought the designation of the Kimberley site, the Kohitere site and the Horticulture Research site for special purposes and rural and marae-based activities. The submitters requested that Council designate these sites to provide for their on-going public use and to ensure flexibility in how the sites are used in the future. HDC (Community Assets Department) oppose submission point 11.38 in-part and C Rudd supports this point.

5.303 The Reporting Officer noted that for Council to designate a site there must be a defined purpose or vision for the use of that site. In addition, land can only be designated by parties with 'requiring authority' status under the RMA and not by third parties. In designating land, a requiring authority would typically have a specific interest in the land (e.g. as owner or occupier). She noted that the sites were understood to form part of the landbank held by the Office of Treaty Settlements.

5.304 I accept that designation is at this stage not the correct mechanism for these sites given that the future ownership is unknown and that Council has no requirement for them. Further, that if the Council as requiring Authority were to designate these sites they could ultimately be expected to purchase them. Notwithstanding this, I note that all three sites are in the Rural zone and it may be that that zoning is also inappropriate given the infrastructure associated with the sites and the potential that rural uses will not predominant. This is something the Council will need to consider once the future of these sites has been determined.

5.305 On the basis of the above, I recommend submissions by Mr Taueki and the Muaupoko Co-operative Society are **rejected**, along with the further submission by Mr Rudd and further submission by HDC is **accepted in-part**.

36. Metservice - D44

5.306 The Metservice requested that their one designation be withdrawn.

DESIGNATING AUTHORITY : METSERVICE					
Des. No	Map No	Designating Purpose	Street Address	Legal Description	Conditions
D44	7	Meteorological Activities	Kimberley Road, Levin	Sections 32-37 DP420	

5.307 Given the above request I recommend in accordance with section 171(2) of the Act the Horowhenua District Council recommend to the Metservice as Requiring Authority that designations D44 be withdrawn. I note that there is now a new D44 as a result of this withdrawal.



Dean Chrystal

Dated 23 September 2013

APPENDIX 1: Recommended Designations, Rollovers, Conditions and Other Amendments

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

* Denotes associated condition(s)

New Zealand Railways Corporation (KiwiRail)

DESIGNATING AUTHORITY : NEW ZEALAND RAILWAYS CORPORATION				
Des. No	Map No	Designating Purpose	Street Address	Legal Description
D1	<u>3,5,7,8,10, 16, 21, 21A, 25, 27, 27B, 28, 28A, 28B, 29, 34, 35, 37</u>	Railway Purposes	State Highway and Cambridge Street, Levin	Defined on the Planning Maps

New Zealand Transport Agency

DESIGNATING AUTHORITY : NZ TRANSPORT AGENCY				
Des. No	Map No	Designating Purpose	Street Address	Legal Description
D2	<u>1,2,4,7,10,14, 15, 15A, 25, 27, 27A, 27B, 28, 28A, 28B, 29, 34,35,37</u>	State Highway 1 - To undertake maintenance, operation and use of, and improvement of a State Highway		Defined on the Planning Maps
D3	<u>2,5</u>	State Highway 56 - To undertake maintenance, operation and use of, and improvement of a State Highway		Defined on the Planning Maps
D4	<u>3,5,6, 6A,7,8, 16, 21, 21A, 28, 30, 32</u>	State Highway 57 - To undertake maintenance, operation and use of, and improvement of a State Highway		Defined on the Planning Maps

Telecom New Zealand Limited

DESIGNATING AUTHORITY : TELECOM NZ LTD				
Des. No	Map No	Designating Purpose	Street Address	Legal Description
D5*	10	Telecommunication Radiocommunication and Ancillary Activities	State Highway 1/Waitohu Valley Road, Manakau	Section 1 SO 26184 CT: WN46B/608
D6*	28A	Telecommunication Radiocommunication and Ancillary Activities	10-12 Devon Street, Levin	Sections 7, 9 Blk IV Town of Levin CT: WN39B/997 and WN35D/858
D7*	5	Telecommunication Radiocommunication and Ancillary Activities	Heights Road, Shannon	Lot 1 DP 72490 CT: WN41A/293

Chorus New Zealand Limited

DESIGNATING AUTHORITY : CHORUS NZ LTD				
Des. No	Map No	Designating Purpose	Street Address	Legal Description
D8*	2	Telecommunication Radiocommunication and Ancillary Activities	3 Poplar Road, Opiki	Section 1 SO 25041 CT:WN36A/664
D9*	21A	Telecommunication Radiocommunication and Ancillary Activities	4 Stout Street, Shannon	Lot 2 DP 66855 CT:WN40A/207
D10*	17,19	Telecommunication Radiocommunication and Ancillary Activities	667 Waitarere Beach Road, Waitarere	Section 1 SO 25757 CT:WN37A/958
D11*	37	Telecommunication Radiocommunication and Ancillary Activities	33A Honi Taipua Street, Manakau	Lots 1,2 DP 81871 CT:WN48B/764
D12*	7	Telecommunication Radiocommunication and Ancillary Activities	685 State Highway 1, Kuku	Section 1 SO 24101 CT:WN36A/476
D13*	4	Telecommunication Radiocommunication and Ancillary Activities	805 State Highway 1, Poroutawhao	Section 1 SO 24078 CT:WN36A/596
D14*	12,13	Telecommunication Radiocommunication and Ancillary Activities	1A Linklater Avenue, Foxton Beach	Lot 1 DP 72853 CT:WN39B/611
D15*	2	Telecommunication Radiocommunication and Ancillary Activities	State Highway 1, Himatangi	
D16*	15A	Telecommunication and Radiocommunication and Ancillary Activities	Johnston Street, Foxton	Section 623 Town of Foxton CT:WN36A/856

Minister of Education

DESIGNATING AUTHORITY : MINISTER OF EDUCATION				
Des. No	Map No	Designating Purpose	Street Address	Legal Description
D17	14	Educational Purposes	Manawatu College, Ladys Mile, Foxton	Pt Lot 1 DP 15206, Lots 4, 5 Deeds 586, Lot 2 DP 15206, Sections 621, 624 Town of Foxton
D18	14,15	Educational Purposes	Foxton Primary, Park Street, Foxton	Sections 94, 96, 527 Town of Foxton, Lots 1, 2 DP 2612, Lots 1, 2 DP 12396
D19	15	Educational Purposes	Coley Street Primary, Coley Street, Foxton	Sections 489, 490, 491, 494 Town of Foxton, Pt Sections 492, 493 Town of Foxton, Lot 10 DP 24627, Lot 1 DP 26102, Pt Lot 2 DP 10437
D20	2	Educational Purposes	Opiki Primary, Opiki Road (566 Tane Road), Opiki	Pt Lot 8 DP 8800
D21	5	Educational Purposes	Koputaroa Primary, 399 Koputaroa Road, Koputaroa	Pt Section 20 Blk XIV Mt Robinson SD
D22	4	Educational Purposes	Poroutawhao Primary, 796-800 State Highway 1, Koputaroa	Pt Lot 1 DP 6258
D23	16	Educational Purposes	Tokomaru Primary, Tokomaru Road, Tokomaru	Sections 166, 167 Town of Tokomaru

DESIGNATING AUTHORITY : MINISTER OF EDUCATION

Des. No	Map No	Designating Purpose	Street Address	Legal Description
D24	21A	Educational Purposes	Shannon Primary, State Highway 57, Shannon	Lots 3-8 DP 15463, Pt Lot 15 DP 7724, Lot 2 DP 364308
D25	34,35	Educational Purposes	Ohau Primary, 13 Muhunua East Road, Ohau	Lot 2 DP 83084
D26	37	Educational Purposes	Manakau Primary, State Highway 1, Manakau	Sections 32-37 Town of Manakau
D27	12	Educational Purposes	Foxton Beach Primary, Thomas Place, Foxton Beach	Pt Section 270 Town of Foxton
D28	24,25,27,28	Educational Purposes	Levin North Primary, Weraroa Road, Levin	Section 85 Levin Suburban
D29	27	Educational Purposes	Levin Intermediate and Levin School, Collingwood Street, Levin	Lot 1 DP 28645, Pt Lot 2 DP 15701, Lot 1 DP 40425
D30	27,27A,27B	Educational Purposes	Horowhenua College, Weraroa Road, Levin	Lot 2 DP 329514
D31	28	Educational Purposes	Fairfield Primary, MacArthur Street, Levin	Lots 7, 8 DP 18673, Pt Lot 15, 17, 19 DP 1824
D32	28	Educational Purposes	Levin East Primary, 78-92 Bartholomew Road, Levin	Pt Section 31 Blk I Waiopahu SD
D33	28,30	Educational Purposes	Waiopahu College, Bartholomew Road, Levin	Lot 2 DP 42596, Lot 43 DP 32857, Pt Section 31 Blk I Waiopahu SD
D34	30	Educational Purposes	Taitoko Primary, Balmoral Street, Levin	Pt Lot 65 DP 27947

Minister of Courts

DESIGNATING AUTHORITY : MINISTER FOR COURTS

Des. No	Map No	Designating Purpose	Street Address	Legal Description
D35	27A	Levin Courthouse	Stanley Street/Bristol Street, Levin	Section 8 Blk IX Town of Levin

Minister of Police

DESIGNATING AUTHORITY : MINISTER OF POLICE

Des. No	Map No	Designating Purpose	Street Address	Legal Description
D36	14,15	Foxton Police Station	3 Main Street, Foxton	Pt Lot 2 DP 30219
D37	27A	Levin Police Station	5-7 Bristol Street, 17 Stanley Street, Levin	Lot 1 DP 76606
D38	21A	Shannon Police Station	25 Ballance Street, Shannon	Lot 241 DP 368

Transpower New Zealand Limited

DESIGNATING AUTHORITY : TRANSPOWER NZ LTD

Des. No	Map No	Designating Purpose	Street Address	Legal Description
D39	22	Substation	Mangahao Road, Mangaore Village	Section 1 SO 37062

D40	22	Outdoor Switchyard	Te Paki Road, Mangaore Village	Pt Section 1 SO 37683
-----	----	--------------------	--------------------------------	-----------------------

Electra

DESIGNATING AUTHORITY : ELECTRA				
Des. No	Map No	Designating Purpose	Street Address	Legal Description
D41	15	Depot and Substation	11A Union Street, Foxton	Lot 4 DP 67167
D42	21	Depot and Substation	Stafford Street, Shannon	Pt Lot 3 DP 71149
D43	24	Depot and Substation	270 Kawiu Road, Levin	Lot 1 DP 42722
D44	29	Electricity Substation and Telecommunication, Radiocommunication and Ancillary Activities	69 Tararua Road, Levin	Lot 2 DP 59877

Powerco

DESIGNATING AUTHORITY : POWERCO				
Des. No	Map No	Designating Purpose	Street Address	Legal Description
D45	1	Gas Metering Site	Foxton Beach Road	Lot 1 DP 77026

Horizons Regional Council

DESIGNATING AUTHORITY : HORIZONS REGIONAL COUNCIL				
Des. No	Map No	Designating Purpose	Street Address	Legal Description
D46	4,5	Flood Protection	Moutoa Floodway	Defined on the Planning Maps
D47	4	Land Drainage	Diagonal Pump Station	Defined on the Planning Maps
D48	5	Land Drainage	Cooks Pump Station	Defined on the Planning Maps
D49	5	Land Drainage	Koputaroa No. 1 Pump Station	Defined on the Planning Maps
D50	5	Land Drainage	Koputaroa No. 2 Pump Station	Defined on the Planning Maps
D51	5	Land Drainage	Koputaroa No. 3 Pump Station	Defined on the Planning Maps
D52	4	Land Drainage	Koputaroa No. 4 Pump Station	Defined on the Planning Maps
D53	5	Land Drainage	Mangaore Pump Station	Defined on the Planning Maps
D54	5	Land Drainage	Speirs Pump Station	Defined on the Planning Maps
D55	5	Land Drainage	Okuku Pump Station	Defined on the Planning Maps
D56	5	Land Drainage	Makerua East Pump Station	Defined on the Planning Maps
D57	5	Land Drainage	Birnie Coombs Pump Station	Defined on the Planning Maps
D58	5	Land Drainage	Donnelly Pump Station	Defined on the Planning Maps

DESIGNATING AUTHORITY : HORIZONS REGIONAL COUNCIL

Des. No	Map No	Designating Purpose	Street Address	Legal Description
D59	5	Land Drainage	Boundary Pump Station	Defined on the Planning Maps
D60	3	Land Drainage	Ashlea Road Pump Station	Defined on the Planning Maps
D61	1	Flood Control	Lake No. 1 Stopbank	Defined on the Planning Maps
D62	2,3,5	Flood Control	Manawatu River Stopbank – true left bank PNC boundary to Tokomaru River	Defined on the Planning Maps
D63	4,5	Flood Control	Manawatu River Stopbank – true left bank Tokomaru River to Levin Road	Defined on the Planning Maps
D64	2,5	Flood Control	Manawatu River Stopbank – true right bank from Himatangi 2B1C2 to Moutoa Sluice gates	Defined on the Planning Maps
D65	4,5	Flood Control	Manawatu River Stopbank – Moutoa sluice gates to Matararapa Road	Defined on the Planning Maps
D66	1,4,13, 15	Flood Control	Manawatu River and Foxton Loop Stopbank – Matararapa Road to Whitebait Creek	Defined on the Planning Maps
D67	12,13	Flood Control	Manawatu River Stopbank, and concrete and timber floodwalls – Foxton Beach township	Defined on the Planning Maps
D68	4,5	Flood Control	Moutoa Floodway Stopbanks – both banks from Moutoa sluice gates to Foxton Loop confluence	Defined on the Planning Maps
D69	5	Flood Control	Moutoa Sluice gates – Foxton/Shannon Road	Defined on the Planning Maps
D70	4	Flood Control	Duck Creek Stopbanks – both banks and ringbank on true left bank opposite Newth Road/Levin Road Junction	Defined on the Planning Maps
D71	5,6	Flood Control	Tokomaru River Stopbanks – both banks from Manawatu confluence to the NIMT	Defined on the Planning Maps
D72	3,5,6	Flood Control	Linton Main Drain Stopbanks – both banks from Tokomaru confluence to PNCC boundary	Defined on the Planning Maps
D73	5,8	Flood Control	Koputaroa Stream Stopbanks – both banks from Manawatu confluence to NIMT	Defined on the Planning Maps
D74	5,8	Flood Control	Koputaroa Stream Stopbank – true left bank from NIMT to SH 57 and tributary drains	Defined on the Planning Maps
D75	4,5	Flood Control	Aratangata Drain Stopbanks – both banks from Manawatu confluence to 800m south of Koputaroa Road	Defined on the Planning Maps

DESIGNATING AUTHORITY : HORIZONS REGIONAL COUNCIL

Des. No	Map No	Designating Purpose	Street Address	Legal Description
D76	5	Flood Control	Kara Creek Stopbanks – both banks from Tokomaru confluence to midway between SH 57 and Hennessy Road	Defined on the Planning Maps
D77	5	Flood Control	Mangapuketea Stream Stopbanks – both banks from Kara confluence to south of Kingston Road	Defined on the Planning Maps
D78	5,21	Flood Control	Mangaore Stream Stopbanks – both banks from Manawatu confluence to NIMT	Defined on the Planning Maps
D79	7	Flood Control	Ohau River Stopbank – true right bank from opposite Hogg’s Road to Lot 2 DP 68543	Defined on the Planning Maps
D80	7	Flood Control	Ohau River Stopbank – true left bank from the end of Hogg’s Road to the river mouth	Defined on the Planning Maps
D81	7	Flood Control	Coastal Stopbank - 150m long centred on E2692829/N6059055	Defined on the Planning Maps
D82	7	Flood Control	Kuku Stream Stopbanks – both banks from Ohau confluence to 600m upstream	Defined on the Planning Maps
D83	7	Flood Control	Parkins Stopbank – 180m long centred on E2696011/N6058563	Defined on the Planning Maps
D84	7	Flood Control	Haynes Drop Structure and Spillway Gates – centred on E2694975/N6057767	Defined on the Planning Maps
D85	4	Land Drainage	Pleuger Pump Station – at drain outlet on northern side of floodway	Defined on the Planning Maps
D86	4	Land Drainage	Whirokino Pump Station – at outlet drain on Duck Creek	Defined on the Planning Maps
D87	5	Land Drainage	Bowler Pump Station – Moutoa floodway	Defined on the Planning Maps
D88	5	Land Drainage	Kere Kere Road Pump Station – Moutoa floodway	Defined on the Planning Maps
D89	5	Land Drainage	Kingston Pump Station – Tokomaru River adjacent to Okuku Road	Defined on the Planning Maps
D90	14,15	Land Drainage	Kings Canal Drain – between Nye Street and Avenue Road, Foxton	Defined on the Planning Maps
D91	15	Land Drainage	Foxton East Culvert – adjacent to Harbour Street/Purcell Street junction, Foxton Loop	Defined on the Planning Maps
D92	7	Erosion Control	Parkins Drop Structure – centred on E2696272/N6058480	Defined on the Planning Maps
D93	2,3,5	Water Diversion	Manawatu River Guidebanks – at 40, 44, 53, 54, 58 and 62km	Defined on the Planning Maps

DESIGNATING AUTHORITY : HORIZONS REGIONAL COUNCIL

Des. No	Map No	Designating Purpose	Street Address	Legal Description
D94	1	Water Level Control	Lake No. 2, Lake No. 3 and Lake Koputara Control Weirs – North of Foxton Beach township	Defined on the Planning Maps
D95	7	Water Level Control	Lake Horowhenua Control Weir – Hokio Stream at E2699288/N6064334	Defined on the Planning Maps

Horowhenua District Council

DESIGNATING AUTHORITY : HOROWHENUA DISTRICT COUNCIL

Des. No	Map No	Designating Purpose	Street Address	Legal Description
D96	14	Local Purpose Reserve (Water Works)	Herrington Street, Foxton	Lot 32 DP 17402
D97	15	Water Treatment and Council Depot	Union Street, Harbour Street, Foxton	Pt 169 Section Town of Foxton, Lot 1 DP 30185, Road Reserve Harbour Street, Foxton
D98	15	Water Treatment Plant	Harbour Street, Foxton	Section 1 SO 18592
D99	15A	Town Hall	Coronation Hall, Avenue Road, Foxton	Lot 1 DP 86249
D100	15A	Museum	Main Street, Foxton	Section 640 Town of Foxton
D101	15A	Council Offices	Main Street, Foxton	Pt Section 598 Town of Foxton
D102	15A	Proposed Local Purpose Reserve (Park, Heritage)	Flax Mill Reserve, Main Street, Foxton	Pt Lot 2 DP 69076, Lot 1 DP 20930, Lot 2 DP 20930
D103	15A	Recreation Reserve (Eastern Park & Potaka Park)	Johnston Street, Foxton	Defined on the Planning Maps
D104	1,14	Recreation Reserve	State Highway 1	Pt Sections 410, 477 Town of Foxton, Sections 634, 635 Town of Foxton
D105	12	Surf Lifesaving Clubrooms and Car Park	Foxton Beach	Pt Lot 1 DP 17622
D106	1,12	Refuse Disposal Site (Closed)	Foxton Beach	Pt Section 3 Blk II Moutere SD, Pt Sections 6, 7 Blk I Moutere SD
D107	13	Water Treatment and Reservoir	Edinburgh Street, Foxton Beach	Pt Lot 3 DP 10243, Pt Lot 4 DP 9897, Pt Lot 3 DP10243, Pt Lot 4 DP 4897, Pt Lot 3 DP10243, Pt Lot 4 DP 4897
D108	13	Recreation Reserve	Foxton Beach	Lot 2 DP 422595
D109	13	Recreation Reserve	Hartley Street, Foxton Beach	Pt Section 268 Town of Foxton
D110	1,15	Waste Transfer Station and Closed Landfill	Purcell Street, Stewart Street, Foxton	Section 591 Town of Foxton, Lot 1 DP 14663, Crown Land Survey Office Plan 21809
D111	4	Oxidation Ponds	Newth Road, Foxton	Manawatu-Kukutauaki 7E1A,

DESIGNATING AUTHORITY : HOROWHENUA DISTRICT COUNCIL

Des. No	Map No	Designating Purpose	Street Address	Legal Description
				7E2A
D112	5	Cemetery	Hickford Road, Foxton	Section 614 Town of Foxton, Lot 2 DP 61106
D113	1,12	Sewage Treatment Plant	248 Palmer Road, Foxton Beach	Lot 3 DP 395314
D114	26,27	Sewage Treatment Plant	Mako Mako Road, Levin	Lot 1 DP 28296, Lot 1 DP 30808, Lot 3 DP 59892, Pt Section 22 Blk I Waiopehu SD, Pt Section 22 Blk I Waiopehu SD
D115	27	Cemetery	Mako Mako Road, Levin	Section 29 Blk I Waiopehu SD
D116	27B	Library and Community Centre	Te Takere, Bath Street Levin,	Lot 1 DP 31552, Pt Sec 15 Blk XI Town of Levin, Pt Sec 13 Blk XI Town of Levin, Lot 14 DP 31985, Lot 12 DP 31985, Sec 1 SO 449786
D117	27B	Car Park	Bath Street, Levin	Pt Lot 1 DP 1713, Pt Lot 3 DP1713, Lot 2 DP1713, Lot 1 DP1713, Lot 5 DP1713, Lot 6 DP 1713
D118*	4,19	Sewage Treatment and Disposal	Waitarere	Lot 1 DP 70579
D119	7	Sewage Treatment and Disposal	Hokio Sand Road, Hokio Beach	Horowhenua XIB41SouthP, Horowhenua XIB41SouthS, Horowhenua XIB41SouthN1, Lot 1 DP 59628
D120	5	Rubbish Dump	Hennesey Road, Shannon	Lot 1 DP 6241
D121	5	Cemetery	Koputaroa Road, Levin	Pt Lot 1 DP 4297
D122	7	Rubbish Dump	Hokio Beach Road, Hokio Beach	Lot 3 DP 40743
D123	16	Segregation Strip	State Highway 57, Tokomaru	Road Reserve
D123*	28	Stormwater Management	Vincent Drive Reserve, Easton Way, Gimblett Court, Levin	Lot 118 DP 74864, Lot 119 DP 74864
D124	16	Sewage Treatment Plant	Nikau Street, Tokomaru	Lot 1 DP 45200, Lot 2 DP 45200
D125	5	Sewage Treatment Plant	Johnson Street, Shannon	Lot 1 DP 30807
D126	5	Cemetery	Brown Street, Shannon	Lot 486 DP 369, Lot 488 DP 369
D127	21	Waste Transfer Station and Depot, Refuse Collection and Transfer	Thomson Street, Shannon	Lot 625 DP 369, Lot 627 DP 369
D128	21A	Reserve for Civic Purposes (Shannon Library)	Plimmer Street, Stout Street, Shannon	Road Reserve, Pt Lot 232 DP368, Lot 3 DP 76783, Pt Lot 233 DP 368, Pt Lot 234 DP368, Pt Lot 235 DP 368
D129	29	Council Depot	Sheffield Street, Coventry Street, Levin	Section 62 Horowhenua Settlement
D130	17	Reserve for Civic Purposes	Park Avenue, Waitarere	Section 2 Blk III Moutere SD

DESIGNATING AUTHORITY : HOROWHENUA DISTRICT COUNCIL

Des. No	Map No	Designating Purpose	Street Address	Legal Description
D131	23	Proposed Foreshore Reserve	Hokio Beach	Defined on the Planning Maps
D132	36	Proposed Foreshore Reserve	Waikawa Beach	Defined on the Planning Maps
D133	17,19	Surf Lifesaving Clubrooms and Car Park	Waitare Beach Road	Lot 60 DP 10023
D134	19	Proposed Foreshore Reserve	Waitare Beach	Defined on the Planning Maps
D135	4,7,17,19,23	Proposed Foreshore Reserve	Hokio Beach, Waikawa Beach, Waitare Beach	Defined on the Planning Maps
D136	6	Tokomaru Water Treatment Plant	Tokomaru East Road, Tokomaru	Lot 1 DP 55439, Road Reserve
D137	6	Tokomaru Water Intake	186 Tokomaru East Road, Tokomaru	Lot 1 DP 25126
D138	5	Shannon Water Treatment Plant	166 Mangahao Road, Shannon	Lot 1 DP 56692, Pt Section 2 Blk XVI Mt Robinson SD, Pt Section 2 Blk XVI Mt Robinson SD
D139	22	Shannon Water Intake	Mangaore Road, Shannon	Lot 1 DP 343456
D140	8,33	Levin Water Treatment Plant	282 Gladstone Road, Levin	Defined on the Planning Maps <u>Excluding Lot 1 and 2 DP91241</u>
D141	14	Ladys Mile Water bore	Ladys Mile, Foxton	Section 622 Town of Foxton
D142	13	Flagstaff Street Water bore	Unformed Flagstaff Street, Foxton Beach	Lot 1 DP 25288, Lot 1 DP 441451, Road Reserve
D143	14,15,15A	Clyde Street Water bore	Clyde Street, Foxton	Section 4 SO 31290
D144	12,13	Foxton Beach Recycling Station	Seabury Avenue, Foxton Beach	Lot 1 DP 91336
D145*	16	Tokomaru Recycling Station	761 Makerua Road, State Highway 57	Lot 3 DP 50706
D146	21A	Shannon Recycling Station	20 Ballance Street, Shannon	Pt Lot 266 DP 368
D146	15	Water Treatment Plant	Foxton Water Treatment Plant	Pt Lot 1 DP 15523, Lot 14 DP 54494, Pt Section 169 Town of Foxton
D147	2	Opiki Recycling Station	566 Tane Road/Opiki School	Road Reserve, Tane Road <u>as defined on cadastral map in Appendix 2.</u>
D148*	27A,27B	Recreation Reserve	Levin Domain, Queen Street West/Salisbury Street	Section 24 Levin Suburban
D149*	12	Foxton Beach Motor Camp	Holben Parade, Foxton Beach	Pt Section 7 Blk I Moutere SD
D150*	12,13	Foxton Beach Community Centre	Seabury Avenue, Foxton Beach	Lot 1 DP 74876
D151*	15A	Foxton Library	Clyde Street, Foxton	Lot 1 DP 21372
D152	15A	St John Ambulance Building	8 Whyte Street, Foxton	Lot 1 DP 80945

DESIGNATING AUTHORITY : HOROWHENUA DISTRICT COUNCIL

Des. No	Map No	Designating Purpose	Street Address	Legal Description
D153	15A	Community Facility	88 Main Street, Foxton	Lot 5 DP 16224
D153*	15A	Town Hall	Foxton Memorial Hall, Main Street, Clyde Street, Foxton	Pt Sections 104, 105 Town of Foxton
D154	16	Tokomaru Hall Carpark	State Highway 57, Tokomaru	Pt Section 27 Town of Tokomaru
D155	5	Okonui Hall Domain Levin	Okuku Road Shannon North	Lot 1 DP 20312
D155*	27B/28B	Levin Public Gardens	4 Kent Street Levin	Lot 1 DP 45757 and Lot 2 DP45727
D156*	22	Mangaore Village Reserves	Mangahao Road, Mangaore Village	Lot 33 DP 71906, Lot 48 DP 71905
D157*	17	Waitare Beach Motor Camp	Park Avenue, Waitare Beach	Lot 1 DP 13250, Lot 2 DP 13250, Lot 12 DP 10678, Pt Lot 63 DP 10023
D158	21A	Public Toilets	Shannon Public Toilets, 7 Ballance Street, Shannon	Pt Lot 236 DP 368
D159	21A	Reserve for Civic Purposes	Shannon War Memorial Hall, 10 Grey Street, Shannon	Pt Lots 186 DP 368, Pt Lots 187 DP 368, Pt Lot 187 DP 368
D160*	27B	Community Centre	Jack Allen Centre, 21/23 Durham Street, Levin	Lot 43 DP 1734, Lot 44 DP 1734
D161	27B	Cinema	Salisbury Street, Levin	Lot 12, 13 DP 2234
D161*	21	Recreation Reserve	Shannon Domain Ballance Street, Stout Street, Shannon	Lot 703 DP 368, Lot 706 Town of Shannon
D162*	27B	Council Offices	126-148 Oxford Street, Levin	Defined on the Planning Maps
D163*	28,30	Motor Camp	Playford Motor Camp, Park Avenue, Levin	Section 68 Levin SUBURBAN
D164	7	Cemetery	Avenue North Road, Levin	Lot 3 DP 397828
D165	15A	Cemetery	Park Street/Avenue Road	Awahou 97B
D166	10	Manakau Cemetery	State Highway 1/South Manakau Road	Pt Lot 28A DP 415
D167	7	Sewage Treatment & Disposal	383 Hokio Sand Road	Defined on the Planning Maps
D167*	21A	Recreation Reserve	Te Maire Park, Plimmer Terrace, Shannon	Lot 1 DP 71514
D168	22	Sewage Facility	Mangahao Road, Shannon	Lot 55 DP 71906
D169*	12,13	Stormwater Management	Palmer Road, Foxton Beach	Lot 115 DP 400224
D170*	12,3	Wastewater and Stormwater Management	Carex Grove, Foxton Beach	Lot 58 DP 407170
D171*	12	Stormwater Management	Nash Parade, Seabury Avenue, Foxton Beach	Lot 2 DP 46385

DESIGNATING AUTHORITY : HOROWHENUA DISTRICT COUNCIL

Des. No	Map No	Designating Purpose	Street Address	Legal Description
D172*	12	Stormwater Management	Holben Reserve, Foxton Beach	Lot 4 DP 46385
D173*	25	Stormwater Management	Kennedy Drive Reserve, Levin	Defined on the Planning Maps
D174*	25	Stormwater Management	Kawiu Reserve, The Avenue, Levin	Lot 7 DP16252, Lot 8 DP 16252, Pt Lot 6 DP 16252
D175*	28	Stormwater Management	MacArthur Street, Cambridge Street, Levin	Section 73 Levin Suburban

Planning Map Amendment

Kiwi Rail

Amend Note 1 on the Index Map as follows:

The roads and railway shown on the Planning Maps are shaded grey and white respectively for ease of reference. Although the roads and railway are shaded grey and white they are all zoned. Roads and the railway share the same zoning as the land nearest to each point of the road or railway. Where the zone is different on either side of the road or railway, the boundary between the zones is the centre line of the road or railway.

Amend the Planning Maps to show recommendations on the Notice of Requirements.

Chapter 26 – General Provisions: Definitions

Amend the definition of Wastewater Works as follows:

Wastewater Works (for the purpose of sewage and waste-water designations) means any construction, operation and/or maintenance of facilities, buildings and structures for the purpose of receiving and treating sewage; and managing effluent, sludge and odour discharges from the processes. This includes, but is not limited to site management, fencing, landscaping, earthworks, monitoring, liquid storage facilities, buildings, pipework and structures.

Appendix 1: Conditions

Telecom and Chorus

Masts and Antennas

1. The height of any (new) mast and associated antennas (including any lightning rod) shall not exceed the following height limits in the respective underlying zones of the designations:

<i>Residential</i>	<i>15m</i>
<i>Rural</i>	<i>25m</i>
<i>Commercial (within Pedestrian Overlay Areas)</i>	<i>20m</i>
<i>Commercial (outside Pedestrian Overlay Areas)</i>	<i>15m</i>

2. Notwithstanding condition 1, the antennas on the mast existing as at [the date of the notification of the Proposed District Plan Decisions] may be upgraded, reconfigured or additional antennas installed subject to there being no increase in the overall height of the mast and attached antennas.

3. Antennas mounted on the roof of buildings shall not exceed more than 3 metres above the maximum height of the roof of any existing building in the Residential or Commercial (outside Pedestrian Overlay Areas) zones, and 6 metres above the maximum height of the roof of any existing building in the Rural or Commercial (within Pedestrian Overlay Areas) zones.

Buildings

4. Any buildings, excluding masts, exhaust flues, antennas and air conditioning equipment shall be contained within the following building envelope:

Residential and Commercial (outside Pedestrian Overlay Areas)

Height 8.5m
Boundary Setback 3m from a road boundary and 1.5m from any other boundary
Floor Area 50m²

Rural and Commercial (within Pedestrian Overlay Areas)

Height 15m
Boundary Setback 3m from a road boundary and 1.5m from any other boundary
Floor Area 50m²

Except this shall not restrict the maintenance, upgrading and replacement of any existing building where it infringes this condition provided there is no additional exceedence of the standards with this condition.

Height in relation to boundary - shall comply with the relevant height in relation to boundary controls from adjoining residential boundaries as included in the Horowhenua District Plan.

Noise

5. Any new noise generating equipment (excluding any electricity alternator required for emergency backup power generation) shall not exceed the following noise limits:

At the boundary with any Rural or Residential Zoned land:

7am - 10pm: 55 dBA. L10
10pm - 7am: 40 dBA.L10
10pm - 7am: 65 dBA. Lmax

At the boundary with any Commercial Zoned land:

At any time on any day: 65 dBA. L10

6. Any new noise generating equipment (excluding any electricity alternator required for emergency backup power generation) shall cumulatively in combination with any other noise generating equipment on the site not result in any increase in existing noise levels received at any other property boundary where the noise levels in Condition 5 are exceeded. A noise assessment shall be submitted as part of any outline plan to confirm the existing noise levels and predicted new noise level to confirm compliance with this condition.
7. For any changes or additions to any electricity alternators on the site, where the noise from all electricity alternators exceeds the noise limits in Condition 5, an Outline Plan shall be required which demonstrates how the equipment and any mitigation is the best practicable option (BPO) to ensure that noise levels do not exceed a reasonable level, and do not exceed existing noise levels.

Radiofrequency Fields

8. Any equipment transmitting radiofrequency energy shall comply with the exposure levels stated in New Zealand Standard NZS2772.1:1999.1 at all times.

Outline Plan of Works

9. That an Outline Plan of works shall not be required for any internal building works (excluding equipment generating external noise), general site maintenance and repair work, like for like replacement of equipment, or for the replacement of any antennas with antennas of similar size, provided that there is no overall increase in the overall height of the facility.

Designation D11 (Chorus)

Designation D11 Telecommunication Radiocommunication and Ancillary Activities 33A Honi Taipua Street, Manakau Lot 1 DP 81871 CT:WN48B/764

That new mobile equipment, being masts and antennas forming part of the cellular network, shall be subject to the rules for the underlying zone.

Horowhenua District Council

Waitarere Sewage Treatment and Disposal Area

Designation D118 Sewage Treatment and Disposal, Waitarere, Lot 1 DP 70579

No sewage treatment facility or disposal activity shall take place within 200 metres of any Residential, Deferred Residential and Deferred Greenbelt Residential.

Tokomaru Recycling Station

Designation D145 Tokomaru Recycling Station 761 Makerua Road, State Highway 57, Lot 3 DP 50706.

- a) No building or structure shall exceed a gross floor area of 40m², be within 3m of a residential site and the portion of the site covered by buildings and structures for this purpose shall not exceed 20% of the net site area.
- b) That the transfer of stored recycled materials shall occur between the hours of 8:00am and 6:00pm.

Levin Domain

Designation D148. Recreation Reserve, Levin Domain, Queen Street West/Salisbury Street, Levin.

- a) No residential activities shall occur.
- b) The maximum height of a solid boundary fence shall not exceed 2.5 metres and an open mesh fence shall not exceed 4 metres.
- c) No part of any building shall encroach outside an envelope created by a line drawn vertically 8.5 metres above the ground level at the boundary and inclined at an angle of 45 degrees (1:1 slope).
- d) The proportion of the net site area covered by buildings shall not exceed 20%.
- e) The operating hours for flood lighting (excluding safety and security lighting) shall not extend beyond 10.00pm daily.
- f) Noise from any activity on this site between the hours of 10.00pm – 7.00am on any day shall not exceed 40dB L_{Aeq} (15mins) and 65 dB (L_{Amax}) when measured at the boundary of any adjacent Residential zoned property or 65dB L_{Aeq} when measured at the boundary of any adjacent Commercial zoned property.
- g) Activities shall comply with the permitted activity condition for Notable Trees (20.6.19) in the underlying Open Space Zone.

Shannon Domain

Designation D161 Recreation Reserve, Shannon Domain Ballance Street/Stout Street, Shannon

- a) No residential activities shall occur.
- b) The maximum height of a solid boundary fence shall not exceed 2.5 metres and an open mesh fence shall not exceed 4 metres.
- c) No part of any building shall exceed a height of 7.5 metres at the boundary.
- d) No part of any building shall encroach outside an envelope created by a line drawn vertically 7.5 metres above the ground level at the boundary and inclined at an angle of 45 degrees (1:1 slope).
- e) The proportion of the net site area covered by buildings shall not exceed 10%.
- f) The operating hours for flood lighting (excluding safety and security lighting) shall not extend beyond 10.00pm daily.
- g) Noise from any activity on this site between the hours of 10.00pm – 7.00am on any day shall not exceed 40dB L_{Aeq} (15mins) and 65 dB (L_{Amax}) when measured at the boundary of any adjacent Residential zoned property or 65dB L_{Aeq} when measured at the boundary of any adjacent Commercial zoned property.

Mangaore Village Reserves

Designations D156 Mangaore Village Reserves, Mangahao Road, Mangaore Village.

- a) No residential activities shall occur.
- b) The maximum height of a solid boundary fence shall not exceed 2.5 metres and an open mesh fence shall not exceed 4 metres.
- c) No part of any building shall encroach outside an envelope created by a line drawn vertically 4.5 metres above the ground level at the boundary and inclined at an angle of 45 degrees (1:1 slope).
- d) The proportion of the net site area covered by buildings shall not exceed 15%.
- e) Activities shall comply with the following permitted activity conditions for the underlying Open Space Zone:

Noise (20.6.7), Vibration (20.6.8), Odour (20.6.9), Storage of Goods and Materials (20.6.10), Flood Hazard Overlay Area (20.6.11), Surfacewater Disposal (20.6.12), Engineering Works (20.6.13), Vehicle Access (20.6.14), Vehicle Parking, Manoeuvring, and Loading (20.6.15), Network Utilities and Energy (20.6.16), Hazardous Substances (20.6.17), Notable Trees (20.6.19), Sites of Significance to Tangata Whenua (20.6.20), Temporary Activities (20.6.21), and Temporary Military Training Activities (20.6.22), Subdivision of Land (20.7.1), Boundary Adjustments - Flood Hazard Overlay Areas (20.7.2), Historic Heritage - Buildings (20.7.4), Temporary Filming Activities (20.7.5), and Temporary Military Training Activities (20.7.6).

Te Maire Park

Designation D167 Recreation Reserve, Te Maire Park Plimmer Terrace, Shannon

- a) No residential activities shall occur.
- b) The maximum height of a solid boundary fence shall not exceed 2.5 metres and an open mesh fence shall not exceed 4 metres.
- c) No part of any building shall encroach outside an envelope created by a line drawn vertically 2.7 metres above the ground level at the boundary and inclined at an angle of 45 degrees (1:1 slope).
- d) The proportion of the net site area covered by buildings shall not exceed 15%.
- e) The following heritage provisions from the underlying Open Space Zone shall apply to any listed Historic Heritage Building, Structure or Site:
Rules 20.1(h), 20.1(i), 20.2(d), 20.7.4, 20.3(e), 20.3(f), 20.8.5, 20.8.6, 20.4(g), 20.4(h) and 20.5(b).

Levin Public Gardens

Designation D155 Levin Public Gardens, 4 Kent Street, Levin

- a) Residential activities shall be limited to no more than one dwelling.
- b) The proportion of the net site area covered by buildings shall not exceed 20%.
- c) The following heritage provisions from the underlying Open Space Zone shall apply to any listed Historic Heritage Building, Structure or Site:

- i) Any sign attached to a heritage building or structure shall be a Restricted Discretionary Activity (Rule 20.3(f)).
- ii) Rules 20.4(g) 20.4(h) not including the addition, upgrade or maintenance of disability access and fire egresses to Thompson House (H10).

Foxton Beach Motor Camp

The following conditions shall apply to designation D149 Foxton Beach Motor Camp, Holben Parade, Foxton Beach

- a) Residential activities shall be limited to no more than two dwellings.
- b) The maximum height of a solid boundary fence shall not exceed 2.5 metres and an open mesh fence shall not exceed 4 metres.
- c) No part of any building shall exceed a height of 8.5 metres.
- d) No part of any building shall encroach outside an envelope created by a line drawn vertically 2.7 metres above the ground level at the boundary and inclined at an angle of 45 degrees (1:1 slope).
- e) There shall be no more than 60 motel or cabin units serviced on the site.
- f) Buildings shall be set back 4.5 metres from any adjoining Residential Zone boundary.

Foxton Beach Community Centre

Designation D150 Foxton Beach Community Centre, Seabury Avenue, Foxton Beach.

- a) No part of any building shall exceed a height of 8.5 metres.
- b) No part of any building shall encroach outside an envelope created by a line drawn vertically 2.7 metres above the ground level at the boundary and inclined at an angle of 45 degrees (1:1 slope).
- c) The proportion of the net site area covered by buildings shall not exceed 55%.
- d) Activities shall comply with the following permitted activity conditions for the underlying Residential Zone:

Noise (15.6.11), Vibration (15.6.12), Odour (15.6.13), Flood Hazard Overlay Area (15.6.14), Storage of Goods and Materials (15.6.15), Unsightly Buildings (15.6.16), Wrecked Motor Vehicles (15.6.17), Water Supply (15.6.18), Waste Disposal (15.6.19), Surfacewater Disposal (15.6.20), Engineering Works (15.6.21), Vehicle Access (15.6.22), Vehicle Parking, Manoeuvring, and Loading (15.6.23), Safety and Visibility at Road and Rail intersection (15.6.24), Network Utilities and Energy (15.6.25), Hazardous Substances (15.6.26), Notable Trees (15.6.28), Sites of Significance to Tangata Whenua (15.6.29), Temporary Activities (15.6.30), and Temporary Military Training Activities (15.6.31).

Foxton Library

Designation D151 Foxton Library, Clyde Street, Foxton.

- a) No part of any building shall exceed a height of 8.5 metres.
- b) No part of any building shall encroach outside an envelope created by a line drawn vertically 2.7 metres above the ground level at the boundary and inclined at an angle of 45 degrees (1:1 slope).
- c) The proportion of the net site area covered by buildings shall not exceed 50%.
- d) Buildings shall be set back 4.5 metres from any adjoining Residential Zone boundary.
- e) Activities shall comply with the following permitted activity conditions for the underlying Residential Zone:

Noise (15.6.11), Vibration (15.6.12), Odour (15.6.13), Flood Hazard Overlay Area (15.6.14), Storage of Goods and Materials (15.6.15), Unsightly Buildings (15.6.16), Wrecked Motor Vehicles (15.6.17), Water Supply (15.6.18), Waste Disposal (15.6.19), Surfacewater Disposal (15.6.20), Engineering Works (15.6.21), Vehicle Access (15.6.22), Vehicle Parking, Manoeuvring, and Loading (15.6.23), Safety and Visibility at Road and Rail intersection (15.6.24), Network Utilities and Energy (15.6.25), Hazardous Substances (15.6.26), Notable Trees (15.6.28), Sites of Significance to Tangata Whenua (15.6.29), Temporary Activities (15.6.30), and Temporary Military Training Activities (15.6.31).

Waitarere Beach Motor Camp

Designation D157 Waitarere Beach Motor Camp, Park Avenue, Waitarere.

- a) Residential activities shall be limited to no more than one dwelling.
- b) The maximum height of a solid boundary fence shall not exceed 2.5 metres and an open mesh fence shall not exceed 4 metres.
- c) No part of any building shall exceed a height of 8.5 metres.
- d) No part of any building shall encroach outside an envelope created by a line drawn vertically 2.7 metres above the ground level at the boundary and inclined at an angle of 45 degrees (1:1 slope).
- e) There shall be no more than 10 motel or cabin units serviced on the site.
- f) Buildings shall be set back 4.5 metres from any Residential Zone boundary adjoining (but not within) the designated site.

Jack Allen Community Centre

Designation D160 Community Centre, Jack Allen Centre 21/23 Durham Street, Levin.

All activities shall comply with provisions of Chapter 17 Commercial Zone.

Council Offices, Levin

Designation D162 Council Offices, 126-148 Oxford Street, Levin.

No part of any building shall exceed a height of 15 metres measured at the Oxford Street road boundary.

Playford Park Motor Camp, Levin

Designation D163 Motor Camp, Playford Park Motor Camp Parker Avenue, Levin.

- a) Residential activities shall be limited to no more than two dwellings.
- b) The maximum height of a solid boundary fence shall not exceed 2.5 metres and an open mesh fence shall not exceed 4 metres.
- c) No part of any building shall exceed a height of 8.5 metres.
- d) No part of any building shall encroach outside an envelope created by a line drawn vertically 2.7 metres above the ground level at the boundary and inclined at an angle of 45 degrees (1:1 slope).
- e) There shall be no more than 40 motel or cabin units serviced on the site.
- f) Buildings shall be set back 4.5 metres from any adjoining Residential Zone boundary.

Foxton Memorial Hall

Designation D153 Town Hall, Foxton Memorial Hall Main Street/Clyde Street, Foxton.

No part of any building shall exceed a height of 8.5 metres.

Stormwater Management - Various

Designation D123 Stormwater Management, Vincent Drive Reserve, Easton Way, Gimblett Court, Levin, Lot 118 DP 74864, Lot 119 DP 74864

Designation D169 Stormwater Management, Palmer Road, Foxton Beach, Lot 115 DP 400224;

Designation D171 Stormwater Management, Nash Parade, Seabury Avenue, Foxton Beach, Lot 2 DP 46385;

Designation D172, Stormwater Management, Holben Reserve, Foxton Beach, Lot 4 DP 46385;

Designation D173 Stormwater Management, Kennedy Drive Reserve, Levin, Defined on the Planning Maps;

Designation D174 Stormwater Management, Kawi Reserve, The Avenue, Levin, Lot 7 DP16252, Lot 8 DP 16252, Pt Lot 6 DP 16252;

Designation D175 Stormwater Management, MacArthur Street, Cambridge Street, Levin, Section 73 Levin Suburban; and

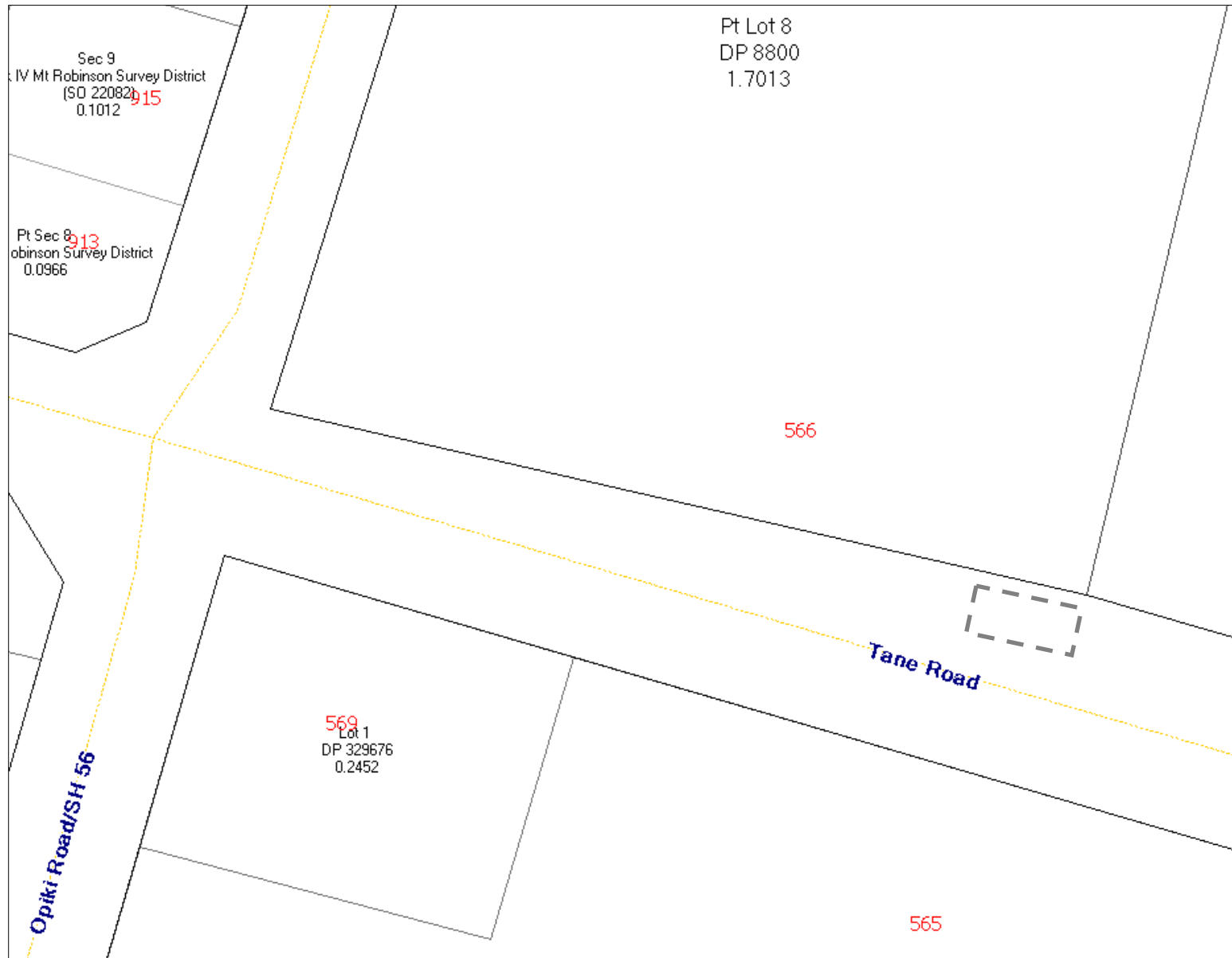
- a) No ancillary building for stormwater management purposes shall exceed a gross floor area of 20m². In the case that an ancillary building exceeds 20m², the activity will be subject to the provisions of the underlying zone.
- b) All development shall comply with the noise standards of the underlying zone.

Wastewater and Stormwater Management

Designation D170 Wastewater and Stormwater Management, Carex Grove, Foxton Beach Lot 58 DP 407170

- a) No ancillary building shall exceed a gross floor area of 20m². In the case of an ancillary building exceeding 20m² gross floor area the activity will be subject to the provisions of the underlying zone.
- b) All development shall comply with the noise standards of the underlying zone.

Appendix 2: Opiki Recycling Station Extent



Horowhenua District
Council Designation D147
Opiki Recycling Station

--- Designation extent

APPENDIX 2: Schedule of Recommendations on Submission Points

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Hearing Panel Recommendation
55.02		KiwiRail		Accept In-Part
55.03		KiwiRail		Accept
55.04		KiwiRail		Accept In-Part
94.00		New Zealand Transport Agency (NZTA)		Accept
94.01		New Zealand Transport Agency (NZTA)		Accept
94.02		New Zealand Transport Agency (NZTA)		Accept
94.03		New Zealand Transport Agency (NZTA)		Accept
94.04		New Zealand Transport Agency (NZTA)		Accept
94.05		New Zealand Transport Agency (NZTA)		Accept
94.06		New Zealand Transport Agency (NZTA)		Accept
94.07		New Zealand Transport Agency (NZTA)		Accept
94.08		New Zealand Transport Agency (NZTA)		Accept
94.09		New Zealand Transport Agency (NZTA)		Accept
94.10		New Zealand Transport Agency (NZTA)		Accept
94.11		New Zealand Transport Agency (NZTA)		Accept
D1.00		Samuel Stocker		Accept In-Part
99.49		Transpower New Zealand Ltd		Accept
6.00		Heather Benning		Accept
91.09		HDC (Community Assets Department)		Accept
	526.10	Truebridge Associates	Oppose	Reject
60.04	511.17	Muaupoko Co-operative Society		Reject
		HDC (Community Assets Department)	Oppose	Accept
60.05	511.18	Muaupoko Co-operative Society		Accept In-Part
		HDC (Community Assets Department)	Oppose	Accept

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Hearing Panel Recommendation
91.07		HDC (Community Assets Department)		Accept
	526.06	Truebridge Associates	Oppose	Reject
60.06		Muaupoko Co-operative Society		Reject
	511.19	HDC (Community Assets Department)	Oppose	Accept
62.01		Kathleen Bills		Accept
63.01		Taupunga Farming Company		Accept
91.10		HDC (Community Assets Department)		Accept
	526.11	Truebridge Associates	Oppose	Reject
11.38		Philip Taueki		Reject
	511.16	HDC (Community Assets Department)	In-Part	Accept In-Part
	519.25	Charles Rudd	Support	Reject
60.20		Muaupoko Co-operative Society		Reject
11.32		Philip Taueki		Reject
60.26		Muaupoko Co-operative Society		Reject
91.07		HDC (Community Assets Department)		Accept
	526.08	Roger Truebridge	Oppose	Reject

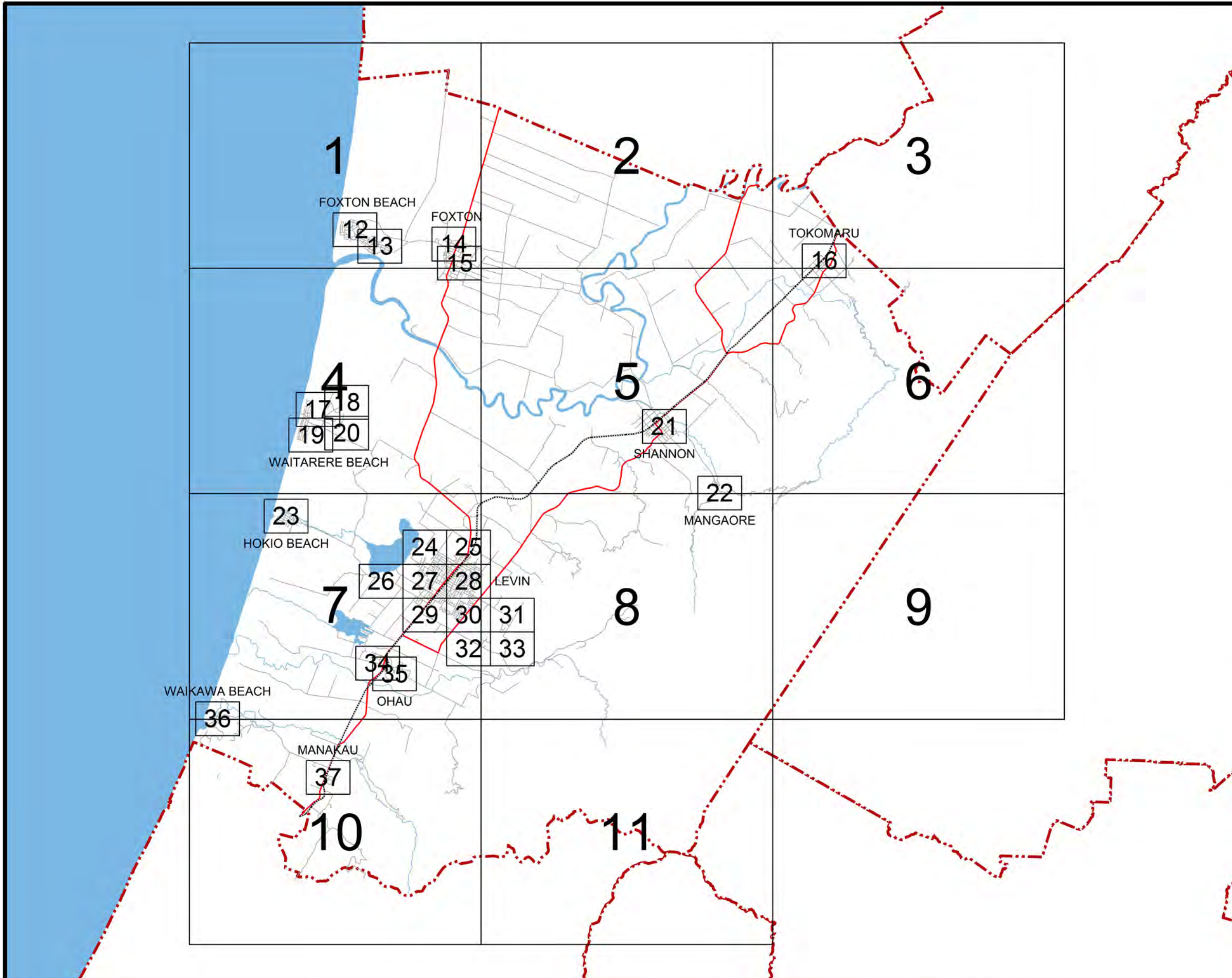
DISCLAIMER

The information on these Planning Maps is prepared to inform and assist the application of Council's District Plan only. Horowhenua District Council is not responsible for, and excludes to the full extent permissible by law, any liability for any loss or damage (including any direct, indirect, incidental or consequential loss, economic or otherwise) which may be caused by using the information displayed on the Planning Maps for any private purpose whatsoever, for any error on the Planning Maps that may be established by submission, consent or otherwise within the planning/resource management process generally and as may otherwise apply by application of common law principles generally.

It is noted that the flood hazard displayed on the Planning Maps has been provided by Horizons Regional Council. While Horizons Regional Council endeavours to provide useful and accurate information, Horizons Regional Council shall not, however, be liable whether in contract, tort, equity or otherwise, for any loss or damage of any type (including consequential losses) arising directly or indirectly from the inadequacy, inaccuracy or any other deficiency in information supplied irrespective of the cause. Use of this information supplied is entirely at the risk of the user and shall be deemed to be acceptance of this liability exclusion.

NOTES

1. The roads and railway shown on the Planning Maps are shaded grey and white respectively for ease of reference. Although the roads and railway are shaded grey and white they are all zoned. Roads and the railway share the same zoning as the land nearest to each point of the road or railway. Where the zone is different on either side of the road or railway, the boundary between the zones is the centre line of the road or railway.
2. Some properties are subject to multiple features and overlays. Care is needed when interpreting these features, especially when they have been overlaid upon each other.
3. Please note that where the Planning Maps refer to Plan Change 22, these overlays or features are not operative and do not form part of the Proposed District Plan. These are therefore not open for submission.



HOROWHENUA DISTRICT PLAN
HOROWHENUA DISTRICT

Index Map

Scale 1 : 200,000

LEGEND
ZONES

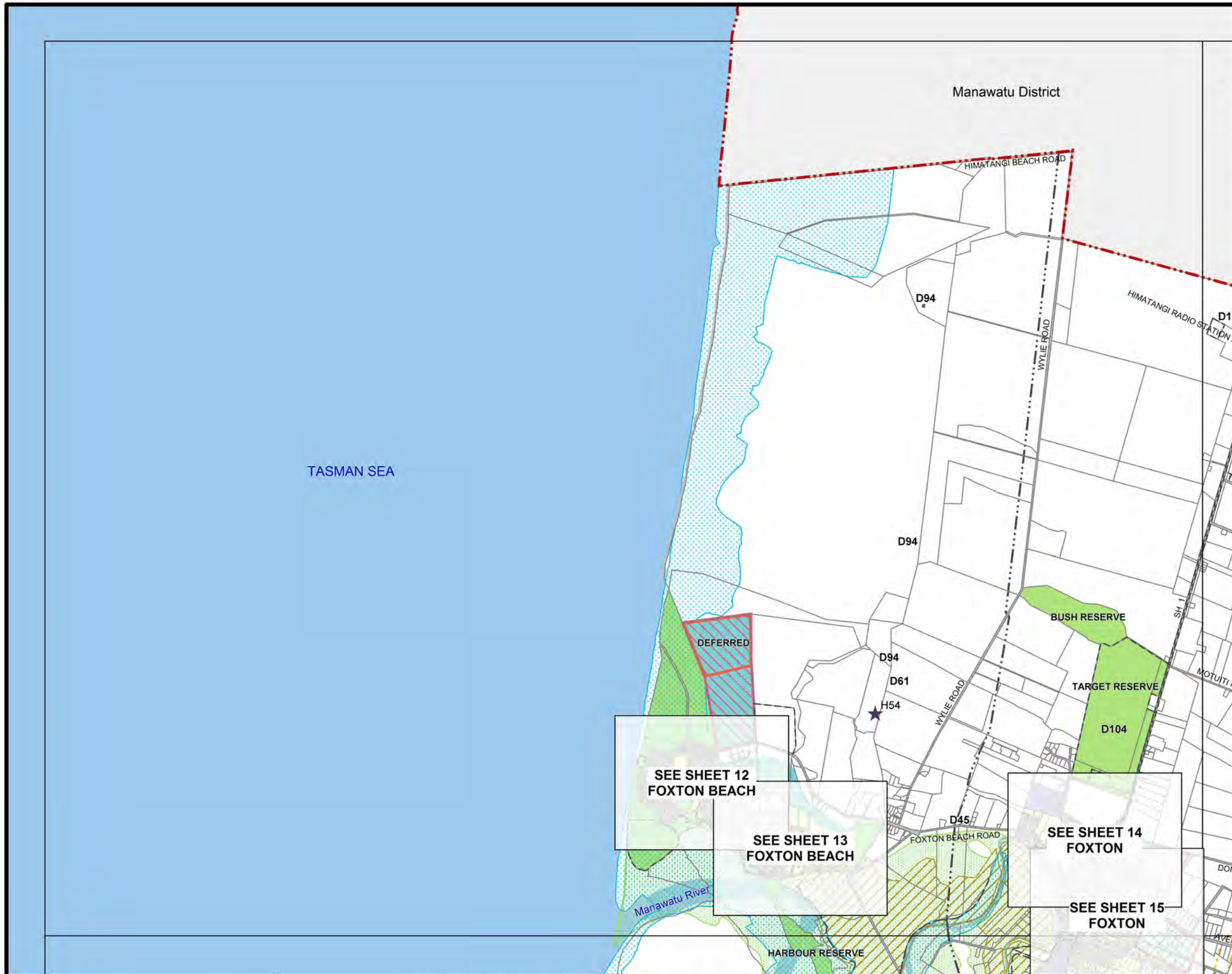
- Commercial Zone
- Industrial Zone
- Residential Zone
- Rural Zone
- Greenbelt Residential Zone
- Open Space Zone
- Residential Deferred Zone
- Greenbelt Residential Deferred Zone

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

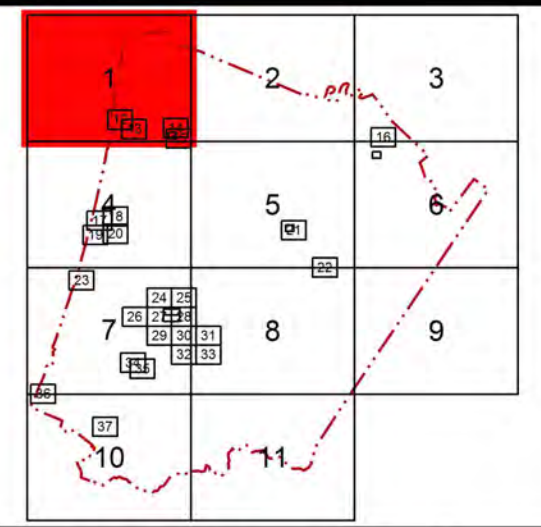


SEE SHEET 12
FOXTON BEACH

SEE SHEET 13
FOXTON BEACH

SEE SHEET 14
FOXTON

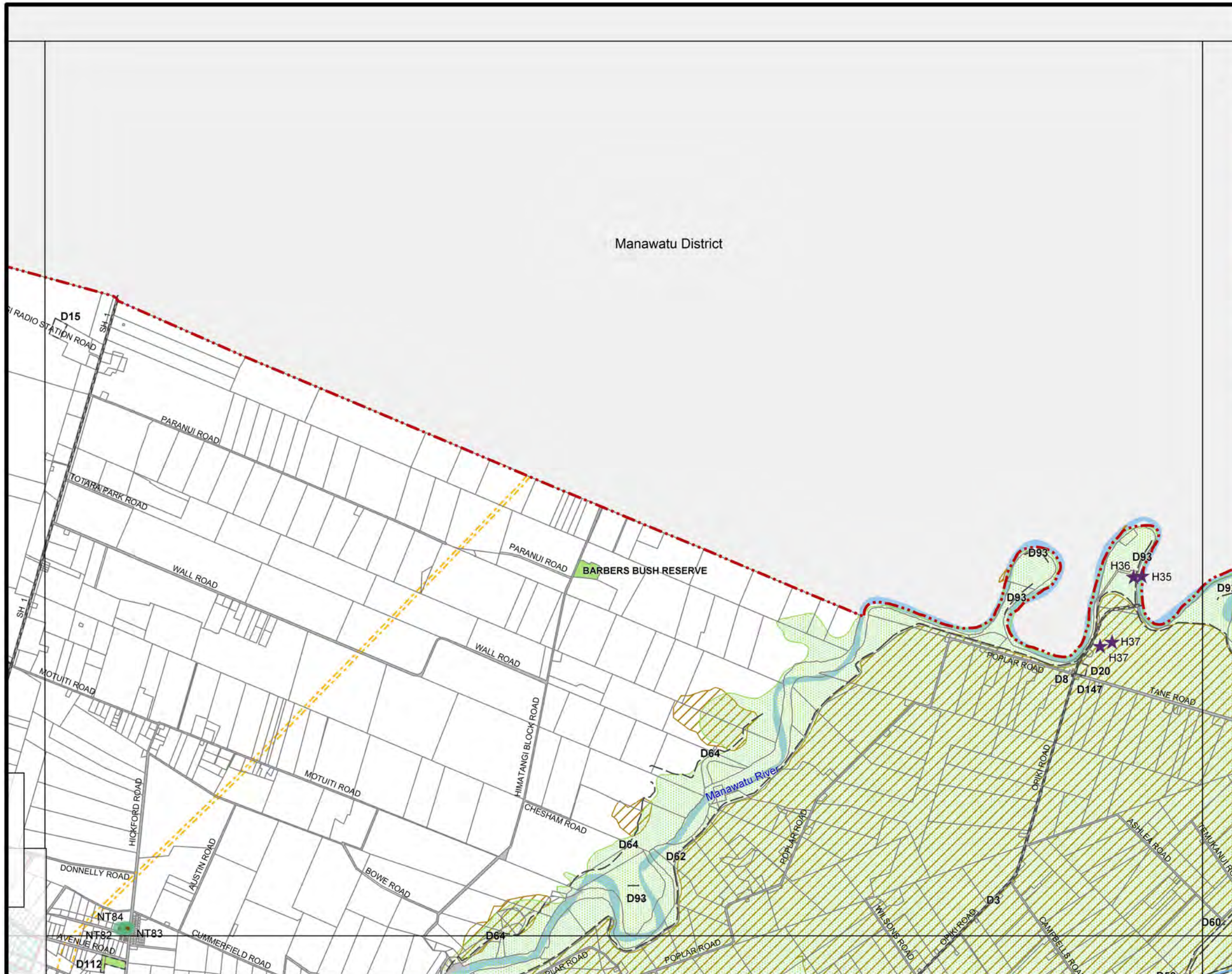
SEE SHEET 15
FOXTON



Scale 1 : 50,000

HOROWHENUA DISTRICT PLAN
RURAL

Planning Map 1



LEGEND

ZONES

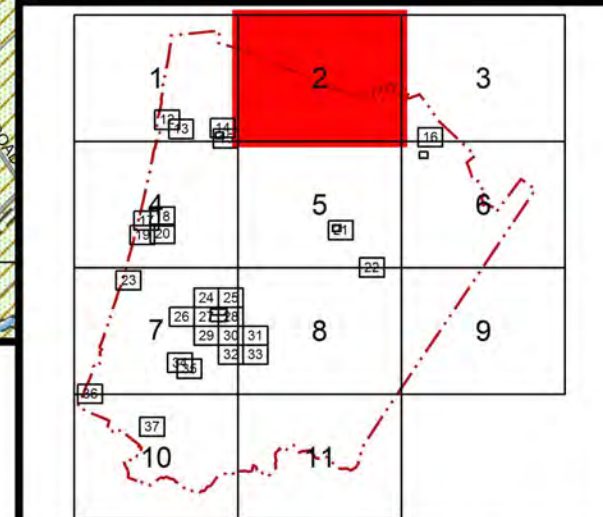
- Commercial Zone
- Industrial Zone
- Residential Zone
- Rural Zone
- Greenbelt Residential Zone
- Open Space Zone
- Residential Deferred Zone
- Greenbelt Residential Deferred Zone

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



N
W E S
Scale 1 : 50,000

HOROWHENUA DISTRICT PLAN
RURAL

Planning Map 2

LEGEND
ZONES

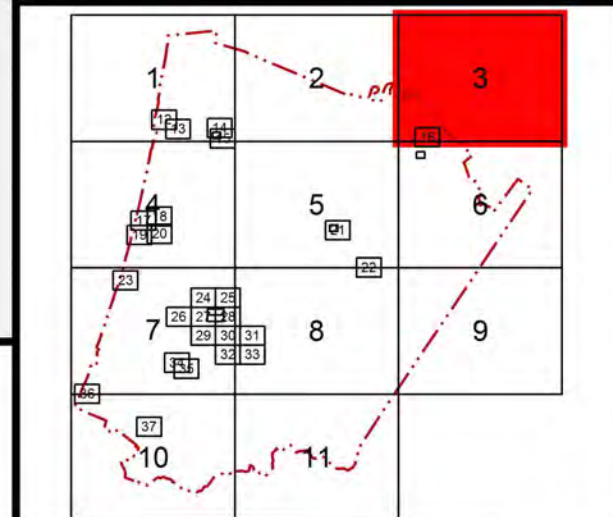
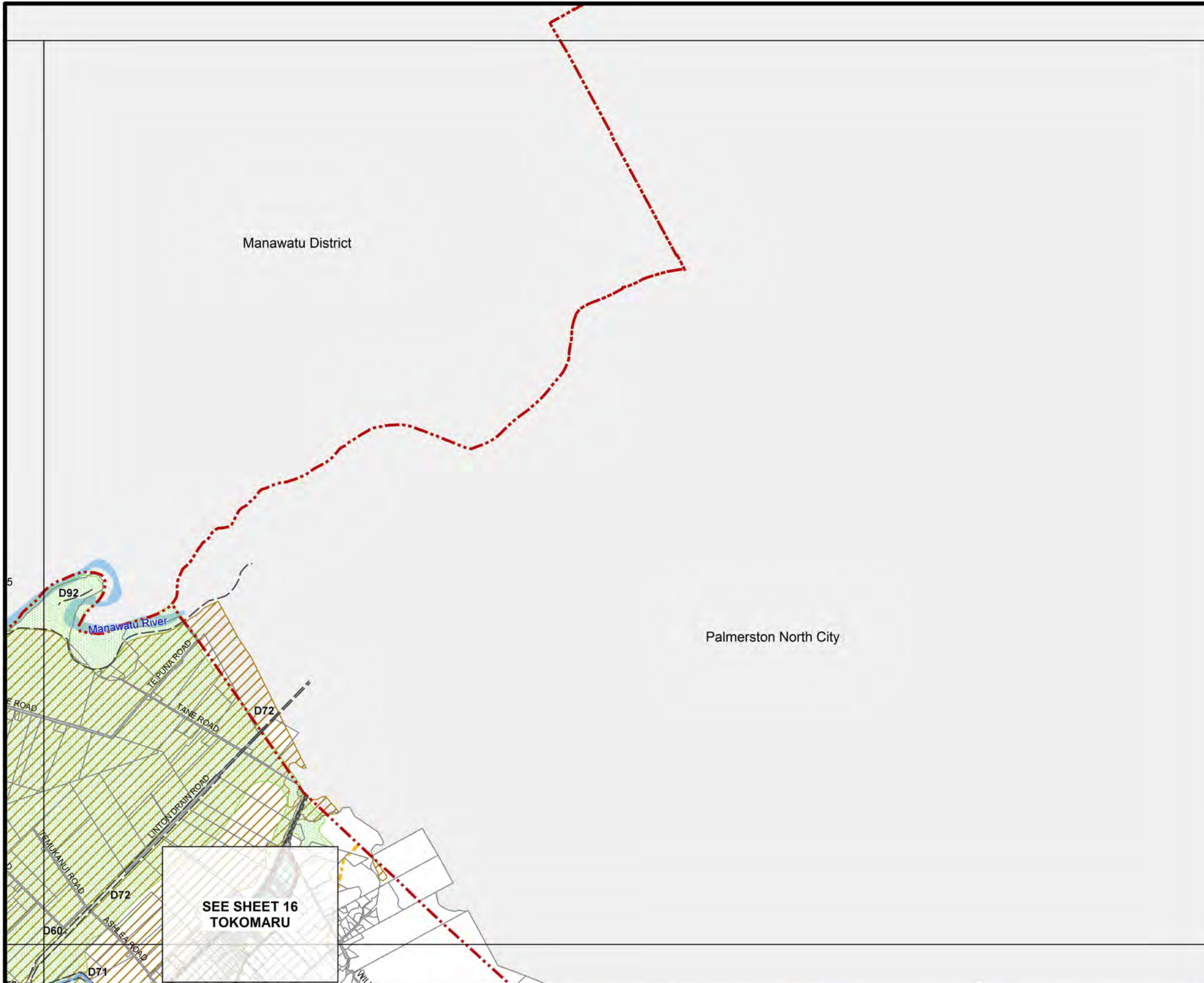
- Commercial Zone
- Industrial Zone
- Residential Zone
- Rural Zone
- Greenbelt Residential Zone
- Open Space Zone
- Residential Deferred Zone
- Greenbelt Residential Deferred Zone

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 3

LEGEND
ZONES

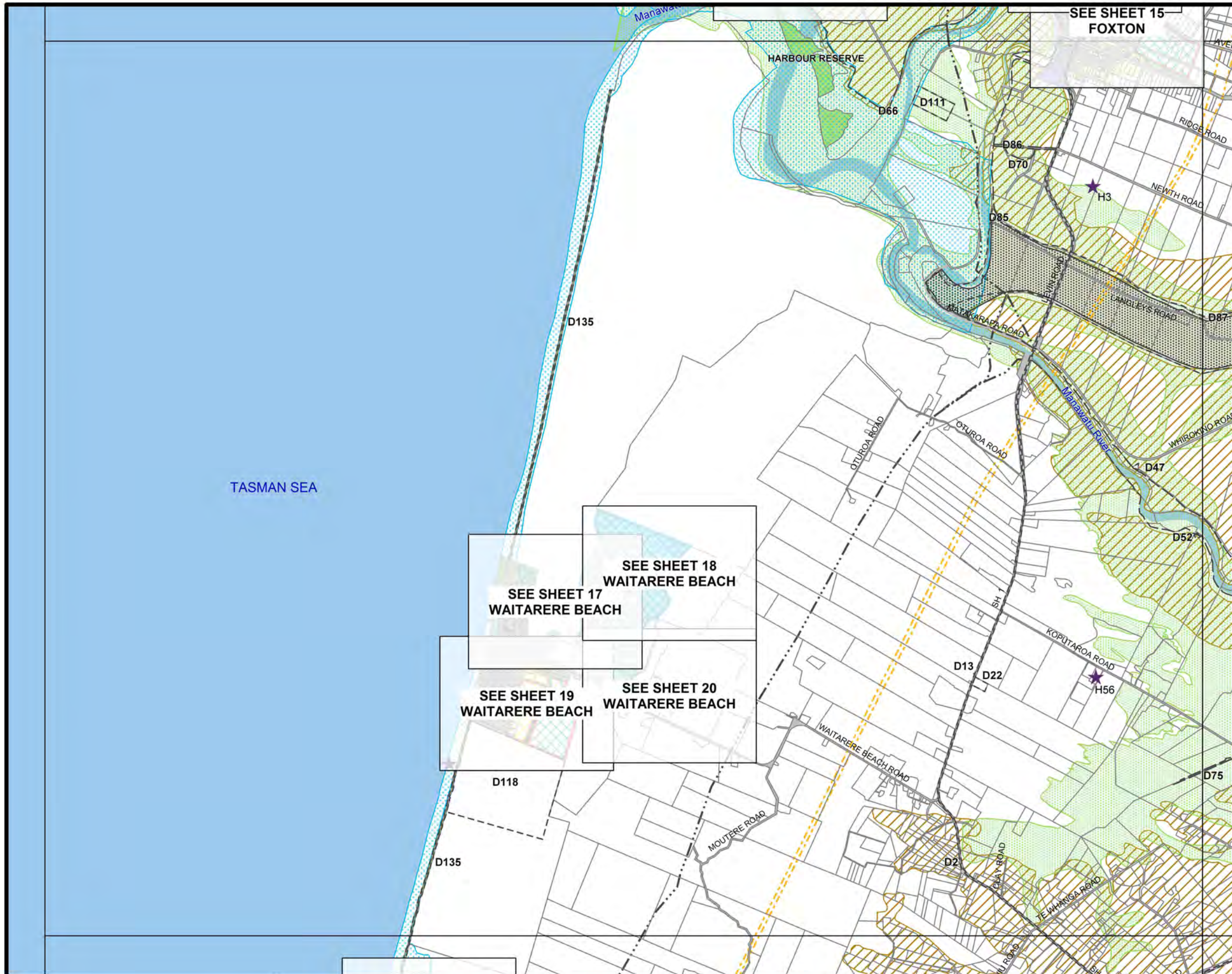
- Commercial Zone
- Industrial Zone
- Residential Zone
- Rural Zone
- Greenbelt Residential Zone
- Open Space Zone
- Residential Deferred Zone
- Greenbelt Residential Deferred Zone

OVERLAYS

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

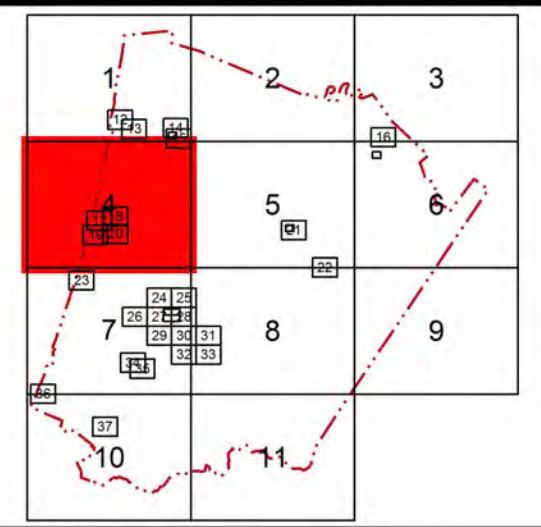


SEE SHEET 17
WAITARERE BEACH

SEE SHEET 18
WAITARERE BEACH

SEE SHEET 19
WAITARERE BEACH

SEE SHEET 20
WAITARERE BEACH



Scale 1 : 50,000

HOROWHENUA DISTRICT PLAN
RURAL

Planning Map 4

LEGEND
ZONES

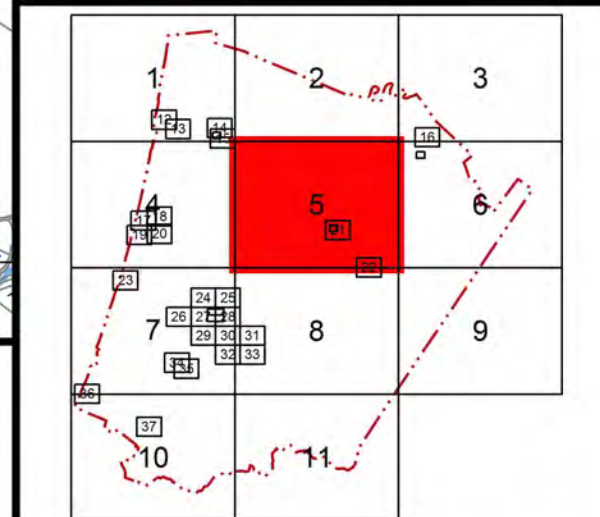
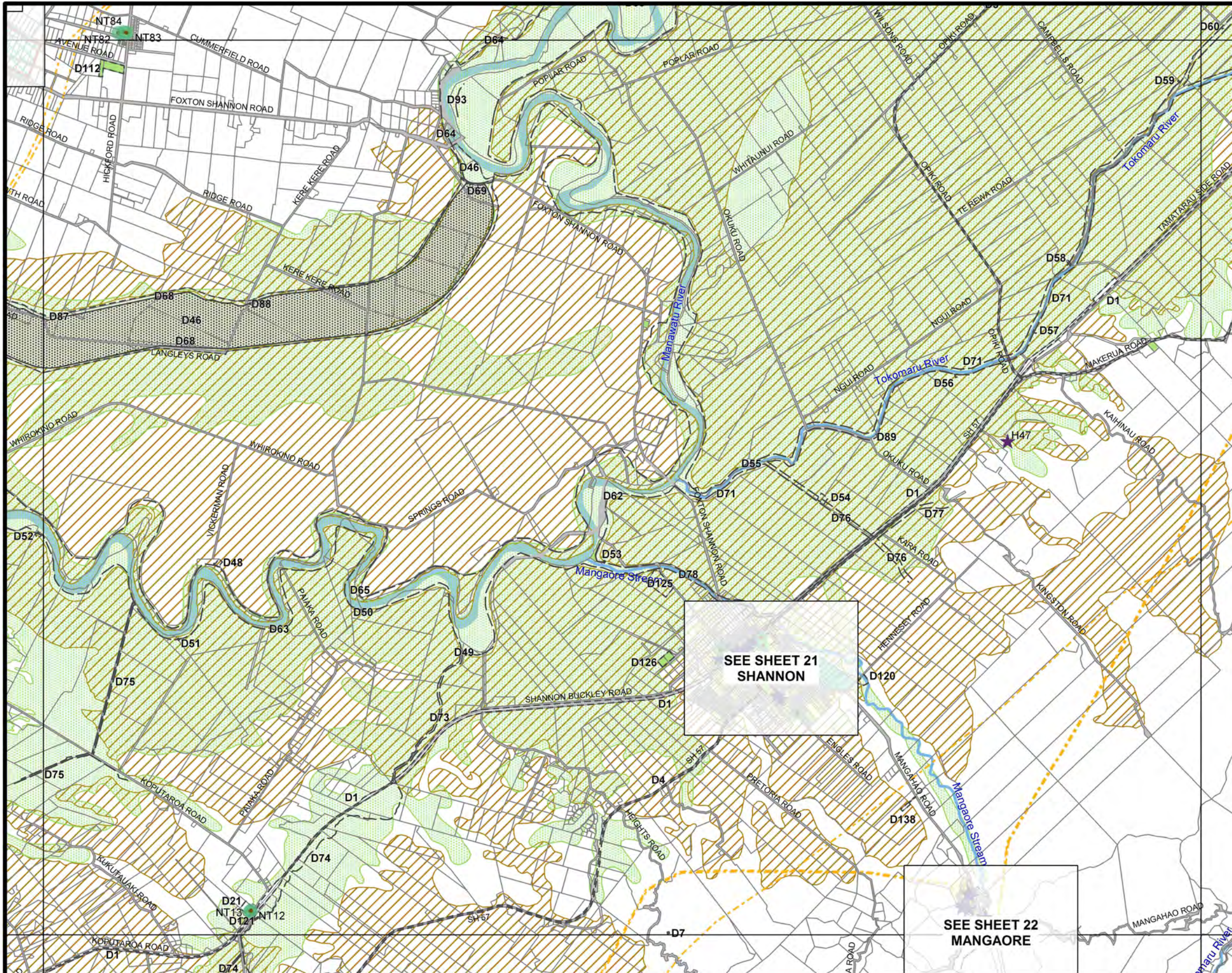
- Commercial Zone
- Industrial Zone
- Residential Zone
- Rural Zone
- Greenbelt Residential Zone
- Open Space Zone
- Residential Deferred Zone
- Greenbelt Residential Deferred Zone

OVERLAYS

- Greenbelt Residential 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

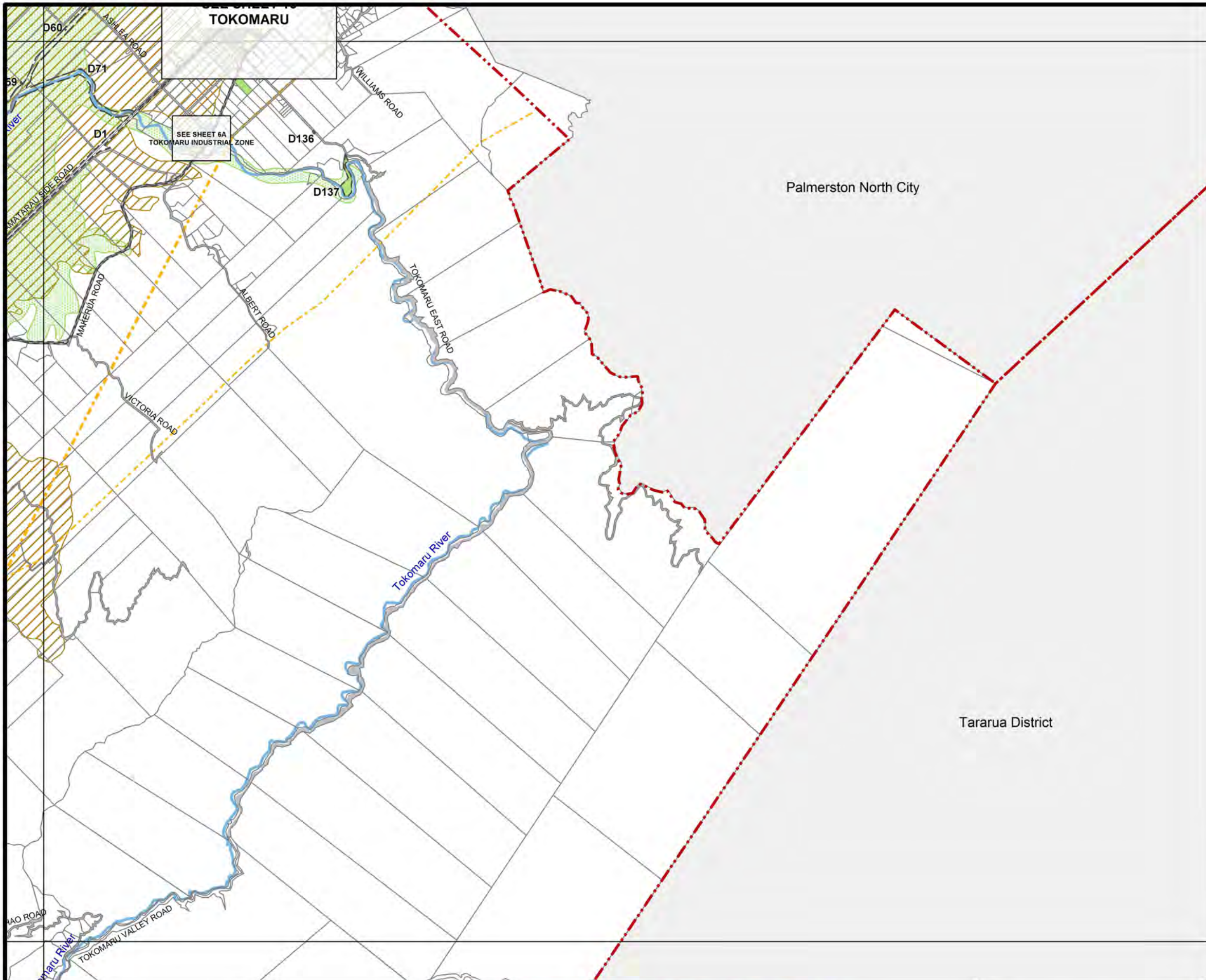
- Notable Tree
- Historic Heritage Building, Structure or Site
- Gas Transmission Pipeline
- National Grid Corridor (High Voltage Transmission Line)
- Designation
- Road



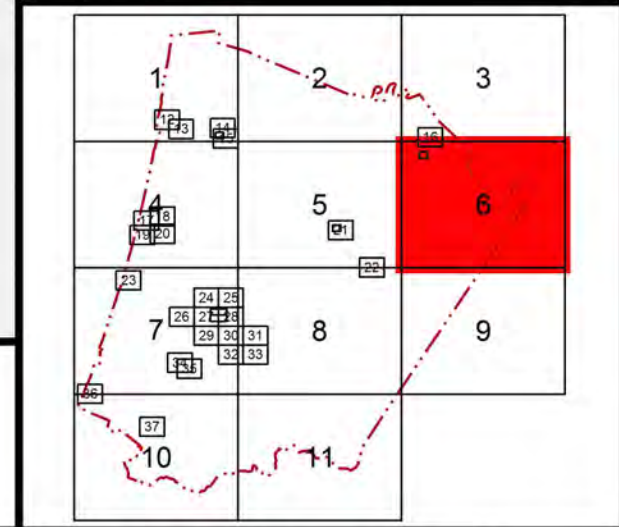
Scale 1 : 50,000

HOROWHENUA DISTRICT PLAN
RURAL

Planning Map 5



- 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 6

LEGEND
ZONES

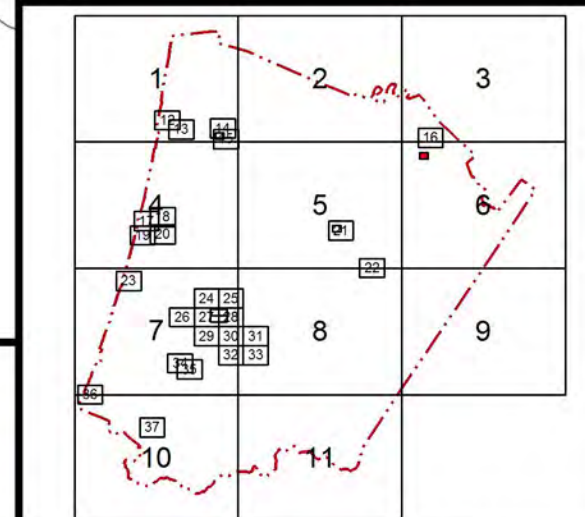
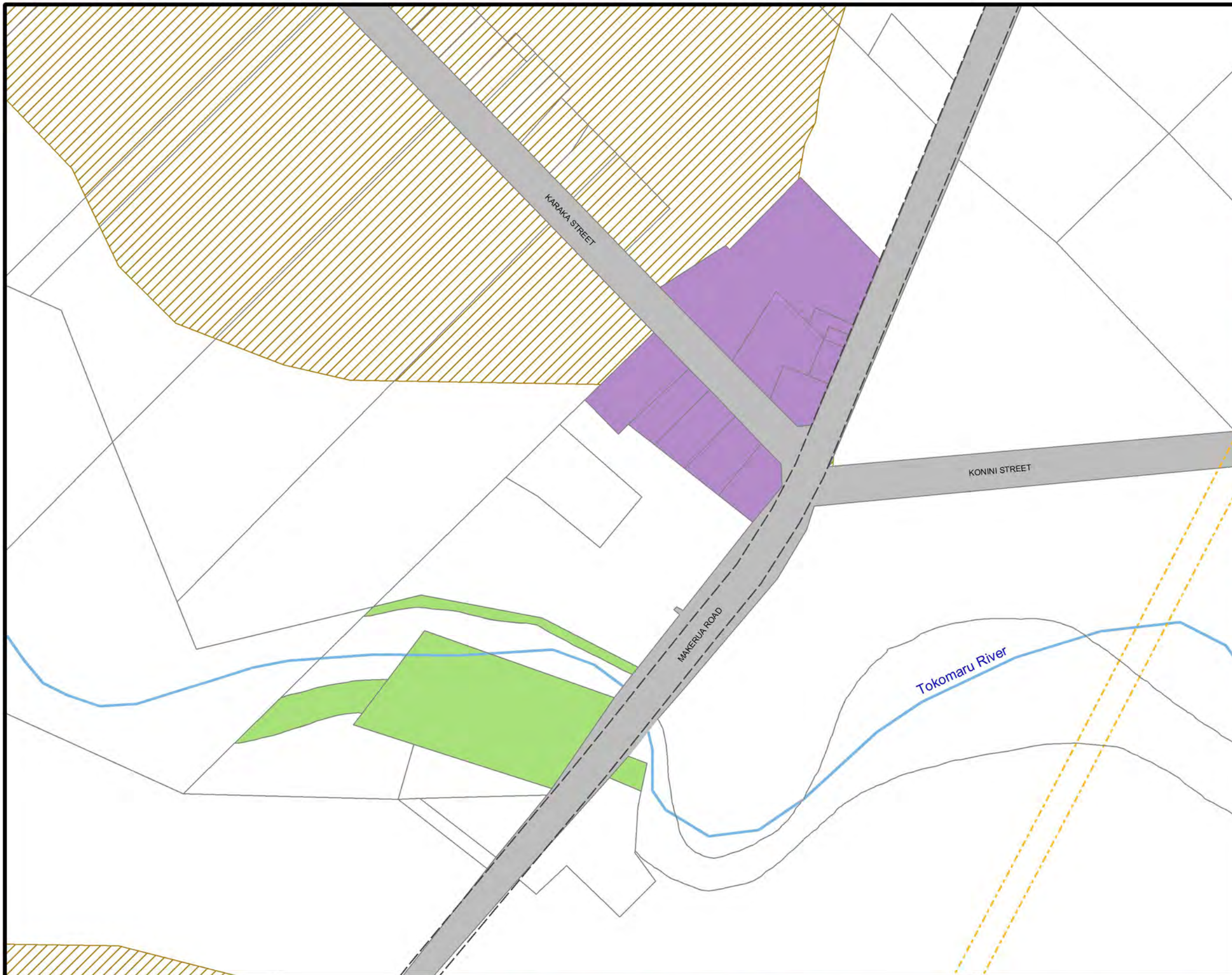
- Commercial Zone
- Industrial Zone
- Residential Zone
- Rural Zone
- Greenbelt Residential Zone
- Open Space Zone
- Residential Deferred Zone
- Greenbelt Residential Deferred Zone

OVERLAYS

- Greenbelt Residential Waitarere Rise
- Greenbelt Residential Foxton Beach North
- Strathnaver Coastal Natural Character Area
- Strathnaver Coastal Hazard Area
- Muhunua West Forest Park
- Muhunua West Forest Park Coastal Natural Character and Hazard Area
- Low Density Area
- Medium Density Area
- Large Format Retail Area
- Town Centre Heritage/Character Area
- Foxton Tourism Area
- Pedestrian Area
- Coastal Natural Character and Hazard Area
- Flood Hazard Area (1:50,000 Rural Maps Only)
- 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
- High Voltage Transmission Line
- Designation
- Road



Scale 1 : 2,500

HOROWHENUA DISTRICT PLAN
TOKOMARU INDUSTRIAL ZONE

















Planning Map 6A

LEGEND







ZONES

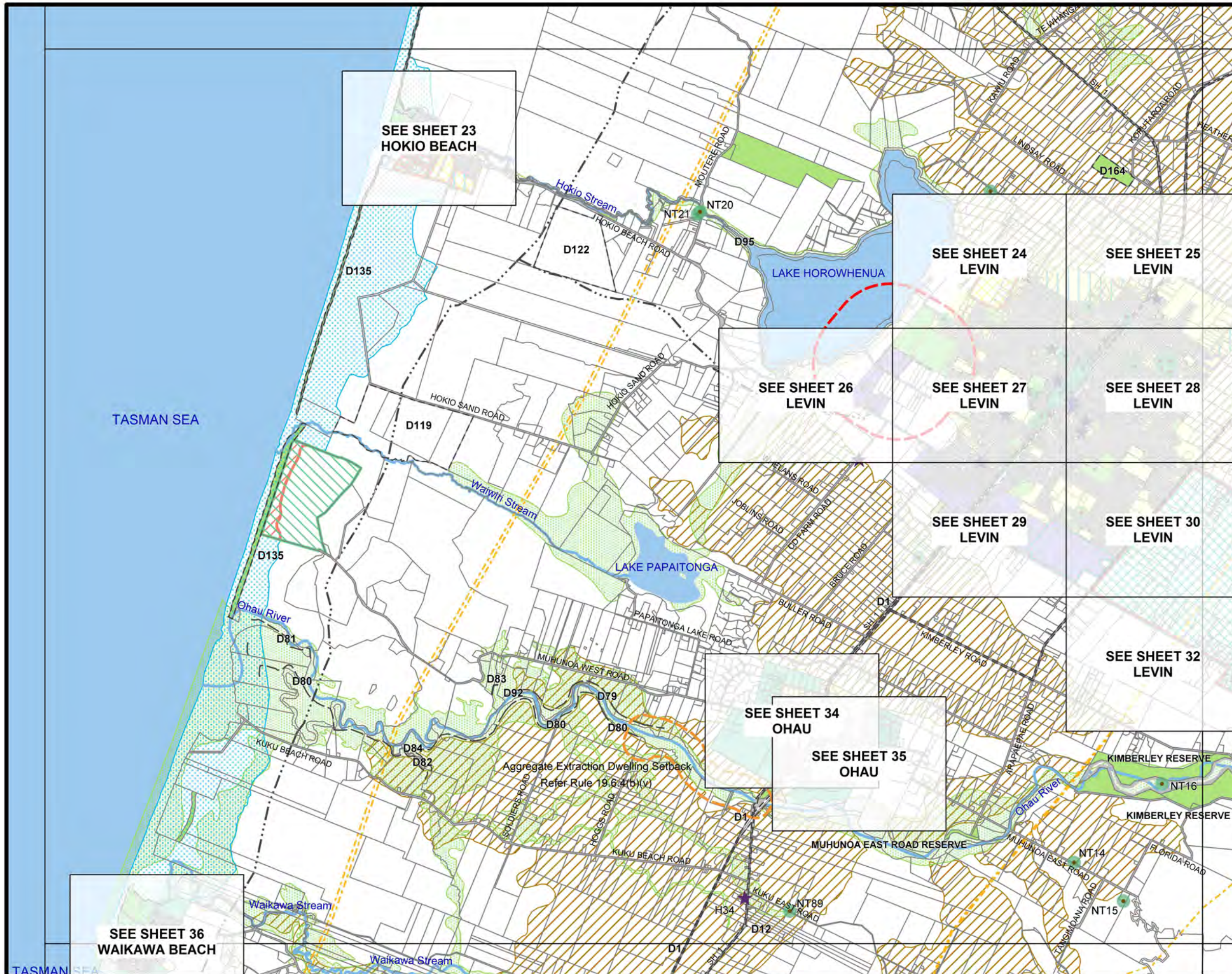
-  Commercial Zone
-  Industrial Zone
-  Residential Zone
-  Rural Zone
-  Greenbelt Residential Zone
-  Open Space Zone
-  Residential Deferred Zone
-  Greenbelt Residential Deferred Zone

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



SEE SHEET 23
HOKIO BEACH

SEE SHEET 24
LEVIN

SEE SHEET 25
LEVIN

SEE SHEET 26
LEVIN

SEE SHEET 27
LEVIN

SEE SHEET 28
LEVIN

SEE SHEET 29
LEVIN

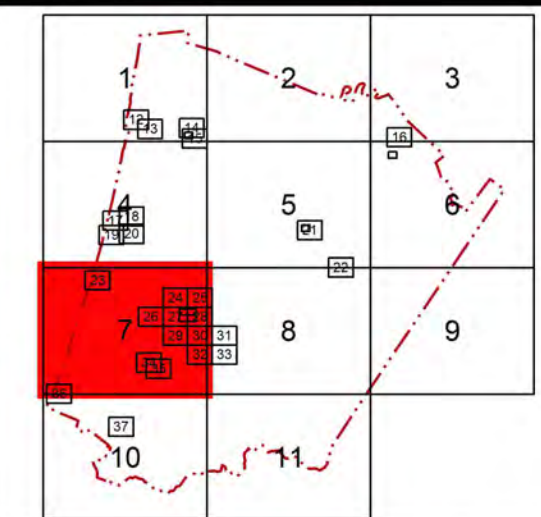
SEE SHEET 30
LEVIN


SEE SHEET 32
LEVIN

SEE SHEET 34
OHAI

SEE SHEET 35
OHAI

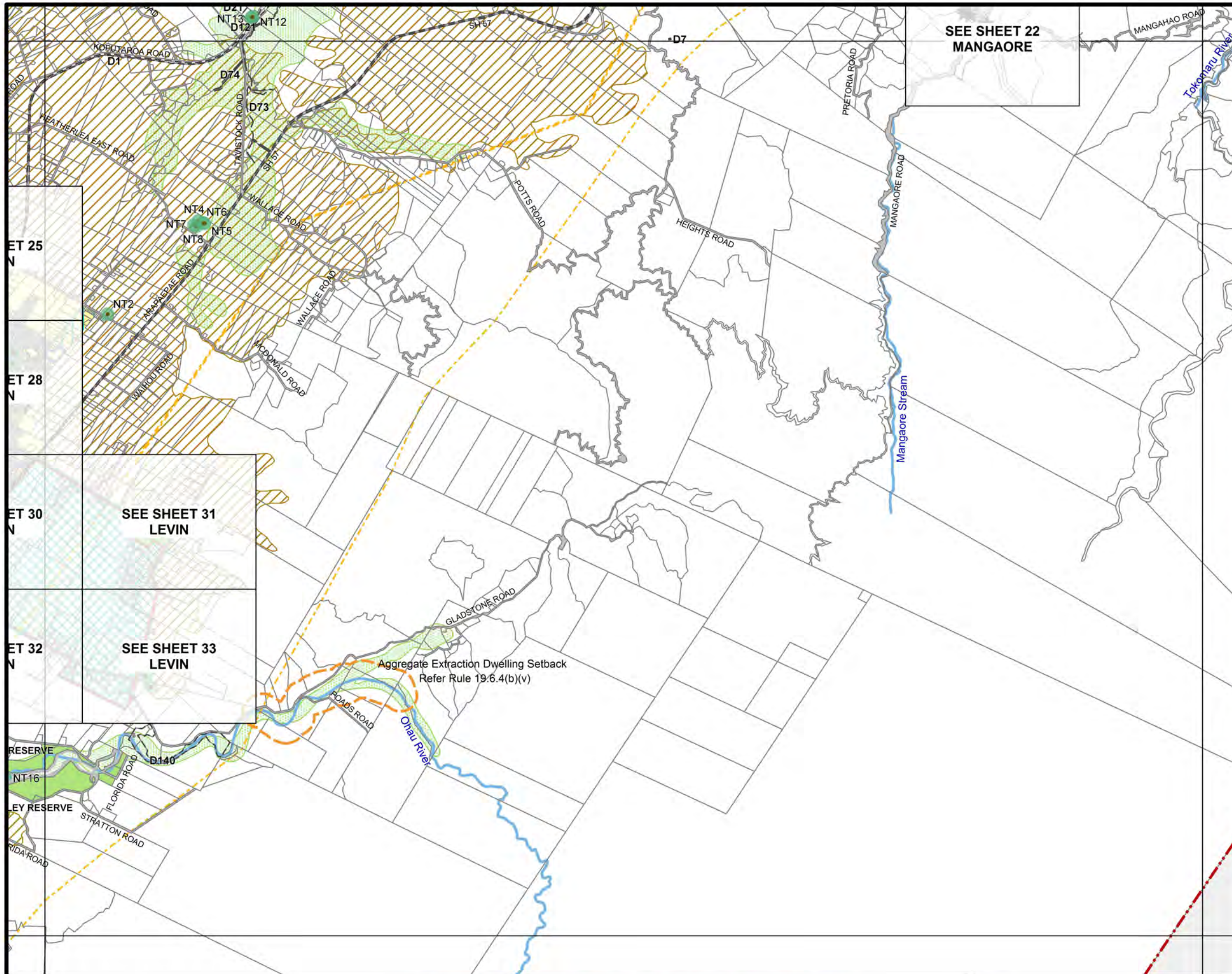
SEE SHEET 36
WAIKAWA BEACH



 Scale 1 : 50,000

HOROWHENUA DISTRICT PLAN
RURAL

Planning Map 7



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

SEE SHEET 22
MANGAORE

ET 25
N

ET 28
N

ET 30
N

ET 32
N

SEE SHEET 31
LEVIN

SEE SHEET 33
LEVIN

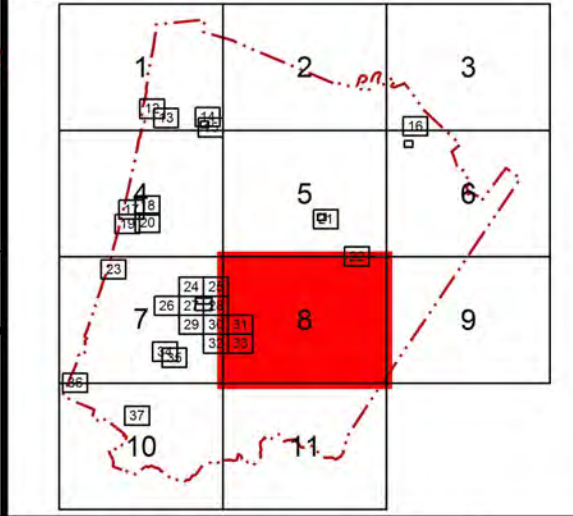
Aggregate Extraction Dwelling Setback
Refer Rule 19.6.4(b)(v)

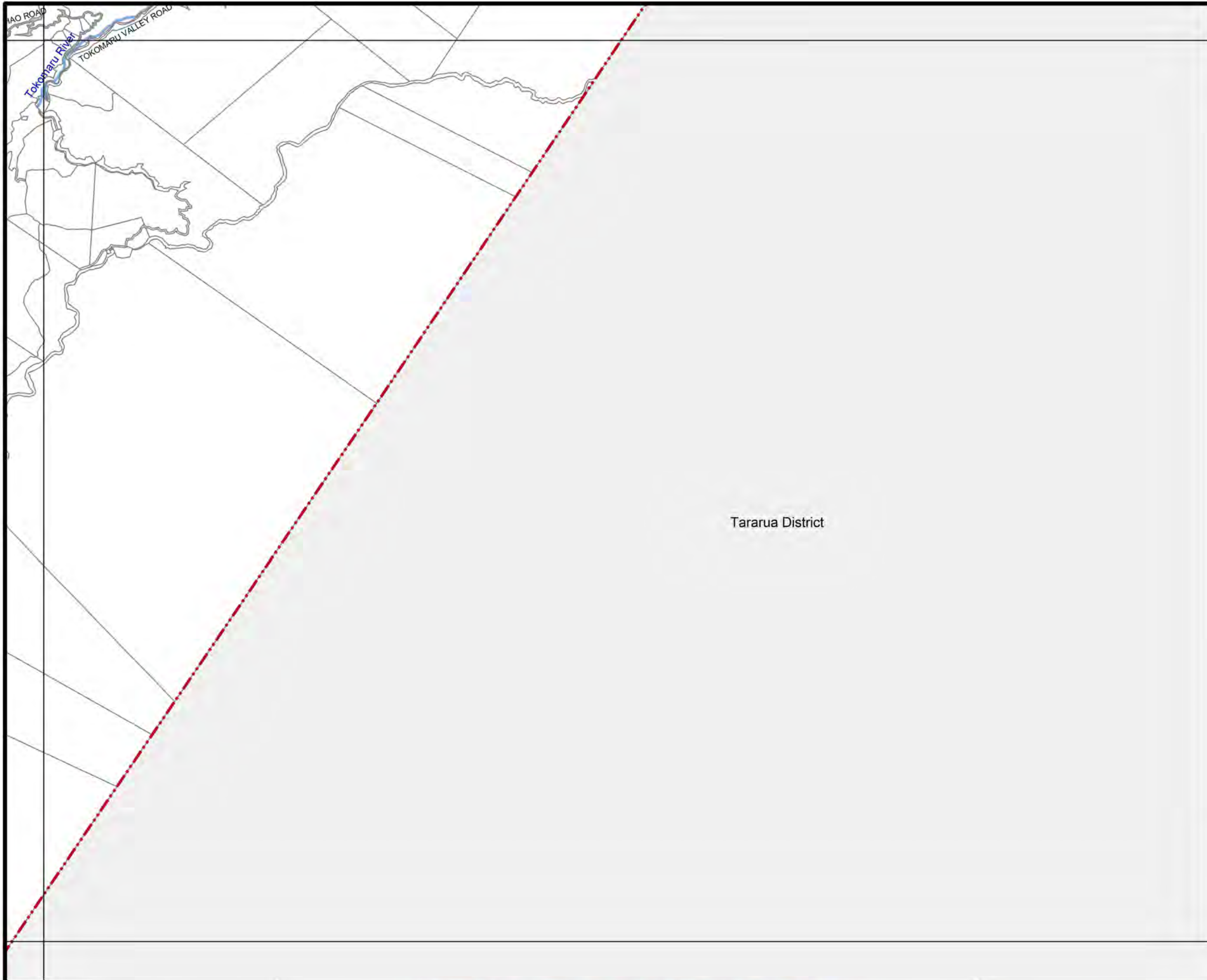
RESERVE
NT16
KEY RESERVE
FLORIDA ROAD
STRATTON ROAD

Scale 1 : 50,000

HOROWHENUA DISTRICT PLAN
RURAL

Planning Map 8





LEGEND
ZONES

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

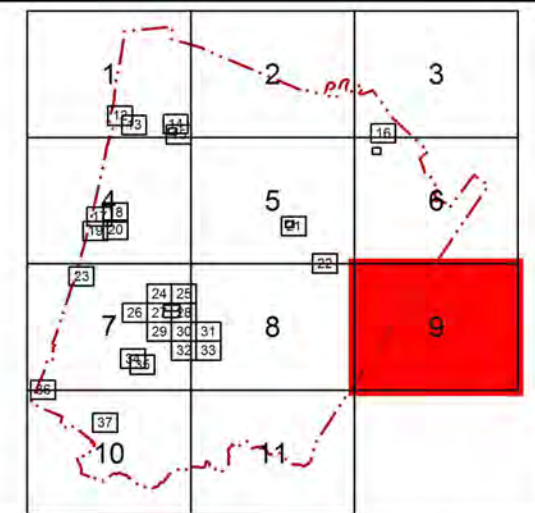
OVERLAYS

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

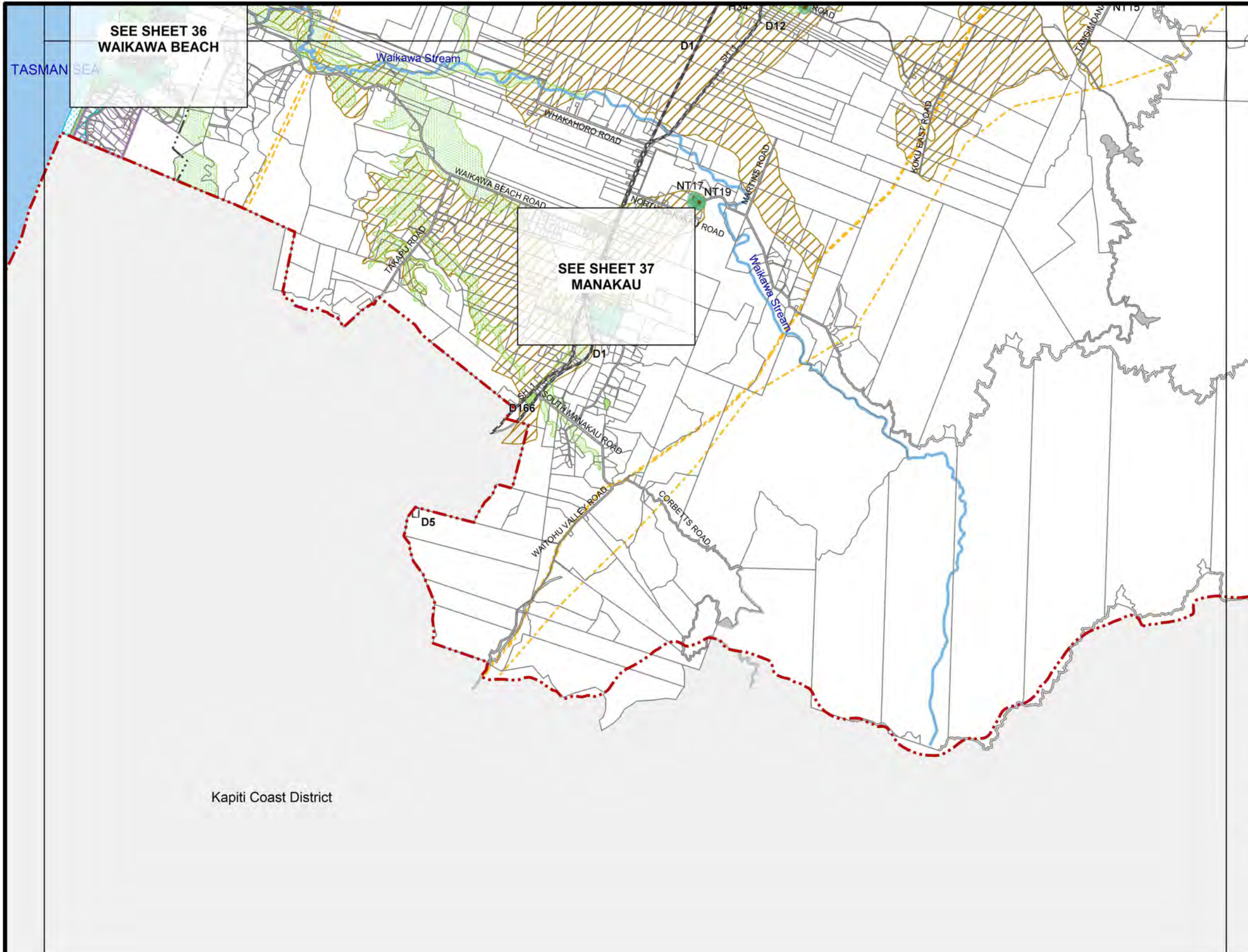
Tarua District



Scale 1 : 50,000

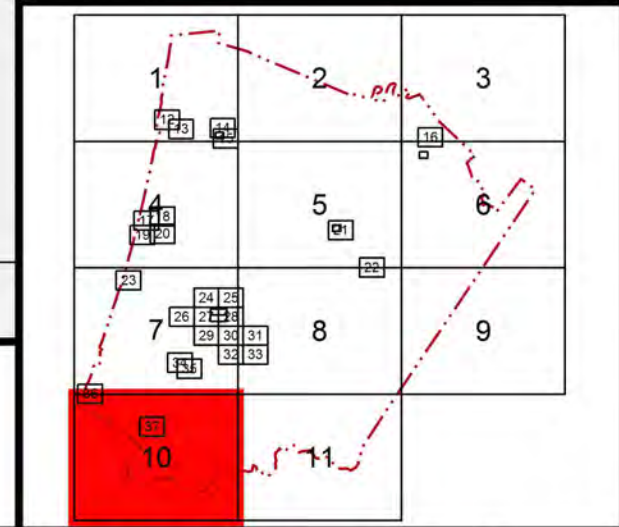
HOROWHENUA DISTRICT PLAN
RURAL

Planning Map 9



- 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

Kapiti Coast District



Scale 1 : 50,000

HOROWHENUA DISTRICT PLAN
RURAL

Planning Map 10

LEGEND
ZONES

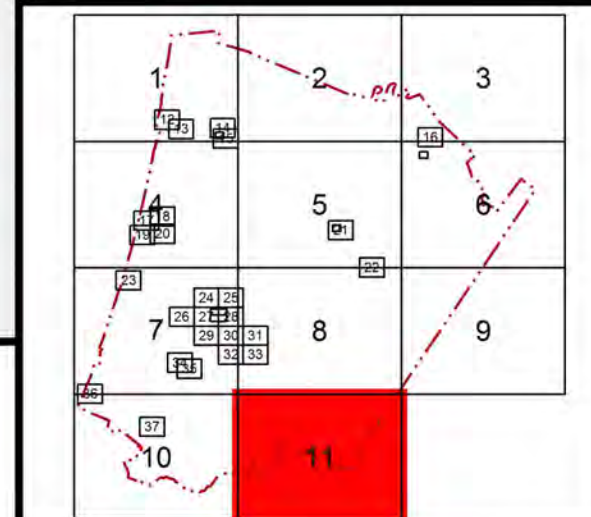
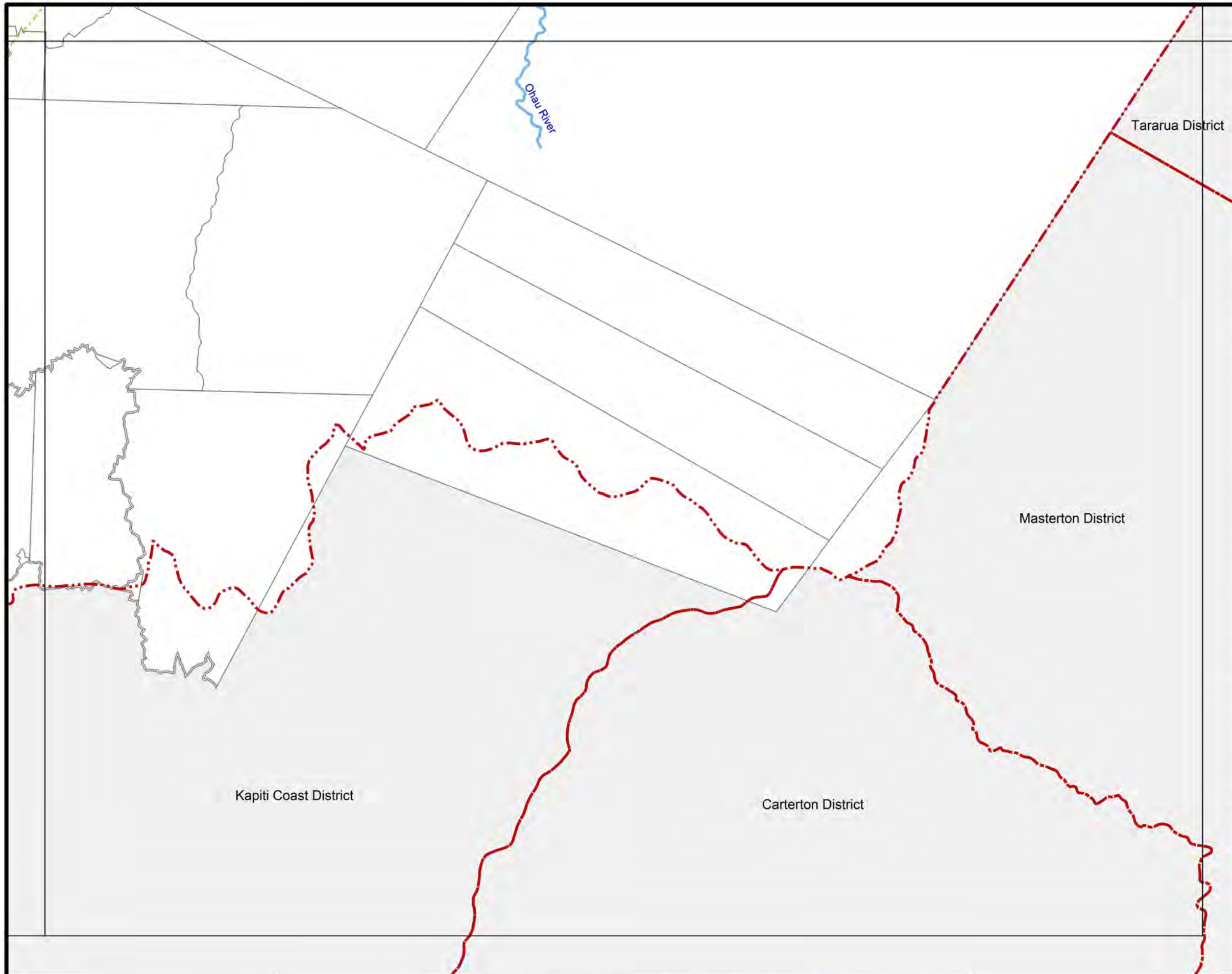
- Commercial Zone
- Industrial Zone
- Residential Zone
- Rural Zone
- Greenbelt Residential Zone
- Open Space Zone
- Residential Deferred Zone
- Greenbelt Residential Deferred Zone

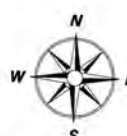
OVERLAYS

- Greenbelt Residential Waitarere Rise
- Greenbelt Residential Foxton Beach North
- Strathnaver Coastal Natural Character Area
- Strathnaver Coastal Hazard Area
- Muhunua West Forest Park
- Muhunua West Forest Park Coastal Natural Character and Hazard Area
- Low Density Area
- Medium Density Area
- Large Format Retail Area
- Town Centre Heritage/Character Area
- Foxton Tourism Area
- Pedestrian Area
- Coastal Natural Character and Hazard Area
- Flood Hazard Area (1:50,000 Rural Maps Only)
- 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 11



LEGEND

ZONES

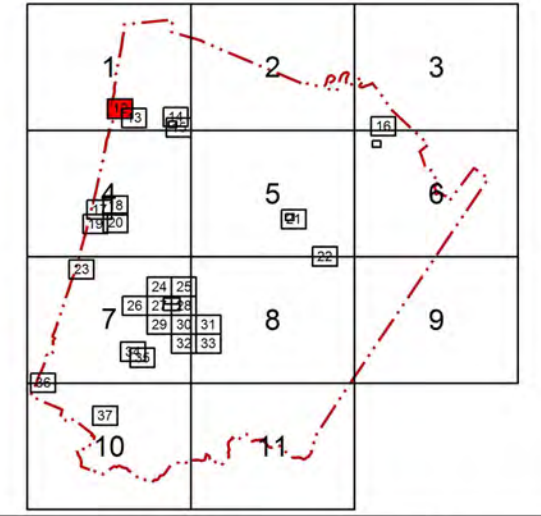
- Commercial Zone
- Industrial Zone
- Residential Zone
- Rural Zone
- Greenbelt Residential Zone
- Open Space Zone
- Residential Deferred Zone
- Greenbelt Residential Deferred Zone

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

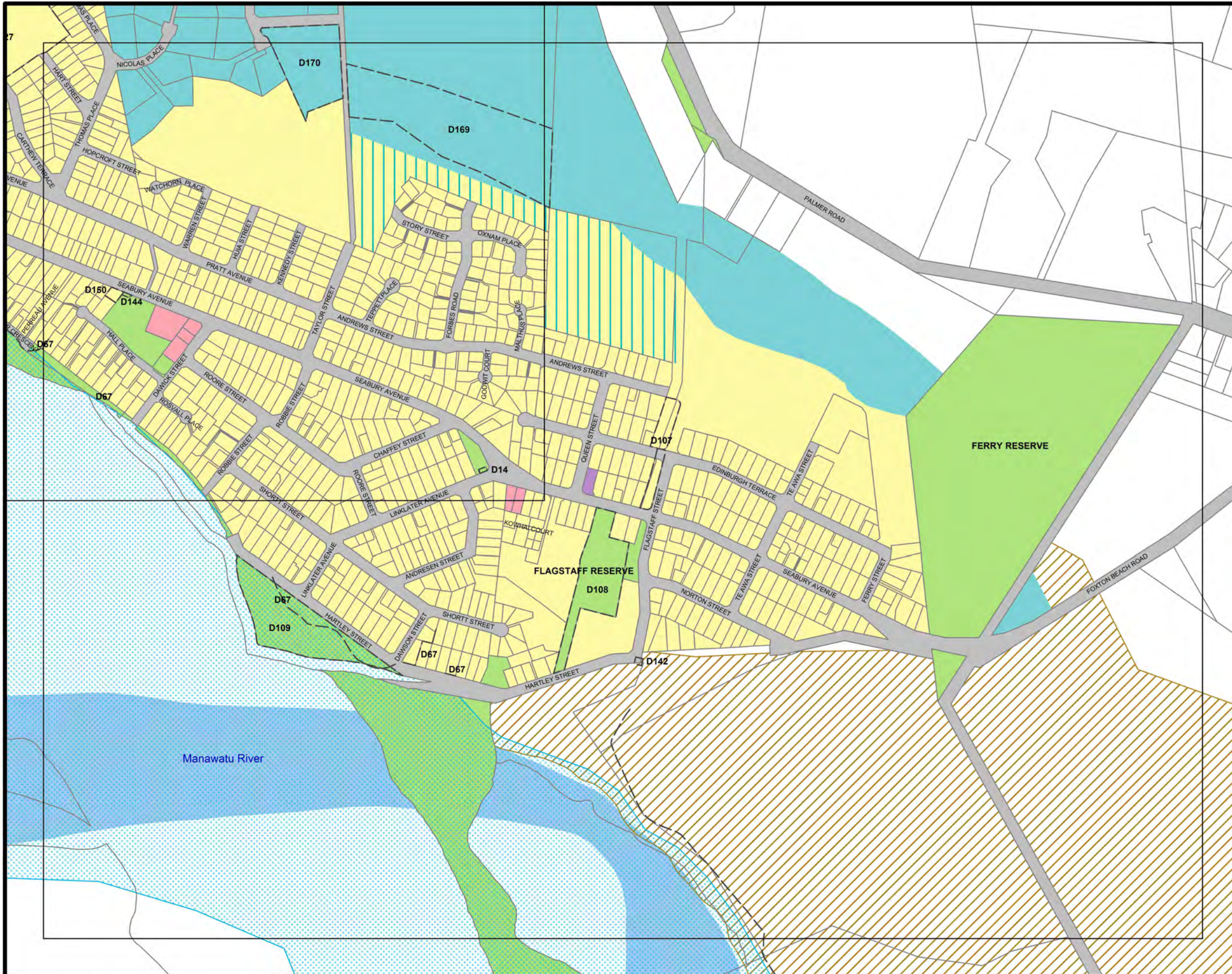
- Notable Tree
- Historic Heritage Building, Structure or Site
- Gas Transmission Pipeline
- National Grid Corridor (High Voltage Transmission Line)
- Designation
- Road



N
W E S
Scale 1 : 7,500

HOROWHENUA DISTRICT PLAN
FOXTON BEACH

Planning Map 12



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)

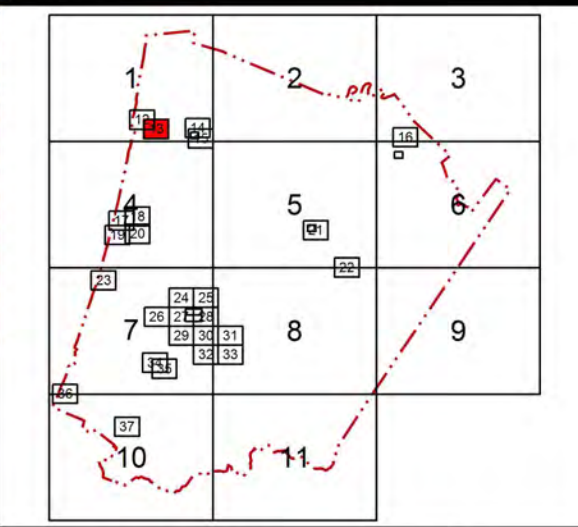
FEATURES

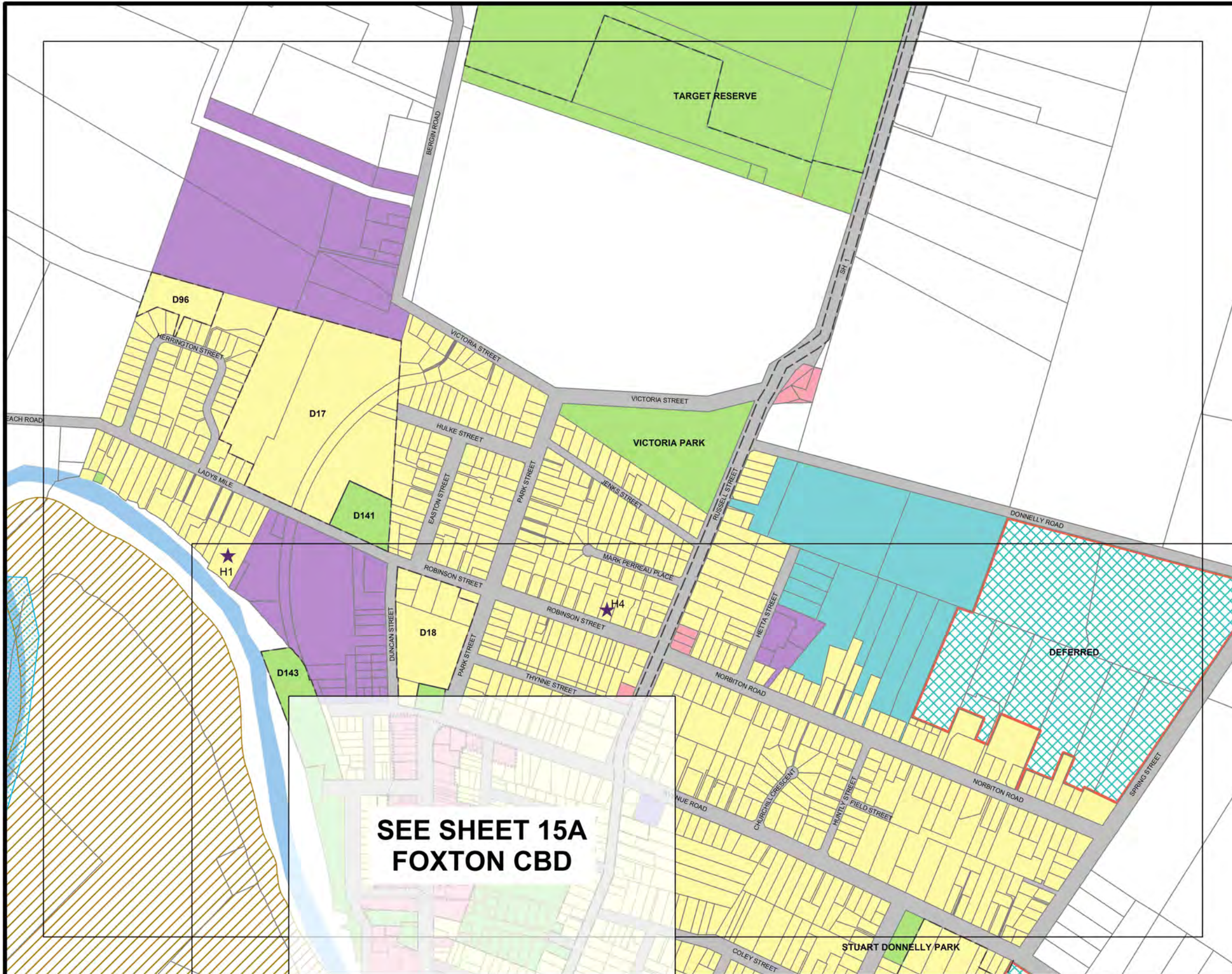
- Notable Tree
- Historic Heritage Building, Structure or Site
- Gas Transmission Pipeline
- National Grid Corridor (High Voltage Transmission Line)
- Designation
- Road

Scale 1 : 7,500

HOROWHENUA DISTRICT PLAN
FOXTON BEACH

Planning Map 13





LEGEND

ZONES

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

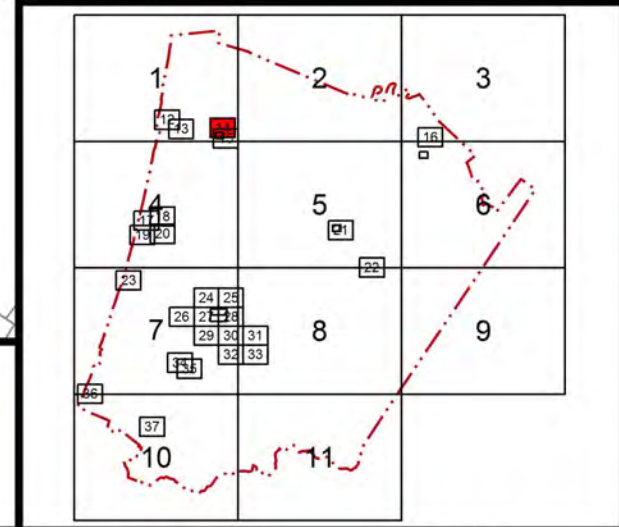
OVERLAYS

- 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

**SEE SHEET 15A
FOXTON CBD**



Scale 1 : 7,500

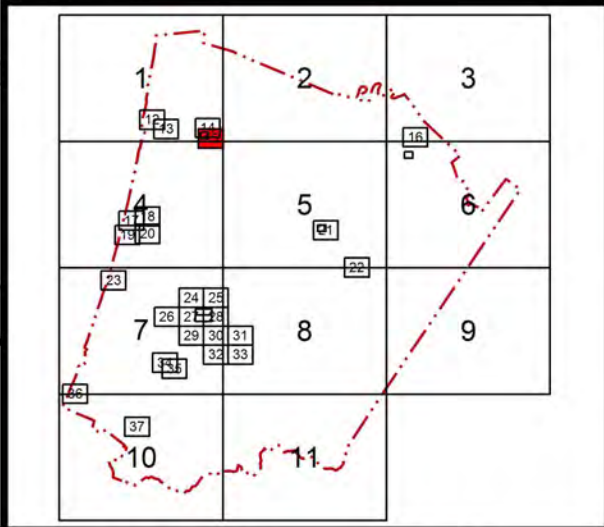
HOROWHENUA DISTRICT PLAN
FOXTON

Planning Map 14



**SEE SHEET 15A
FOXTON CBD**

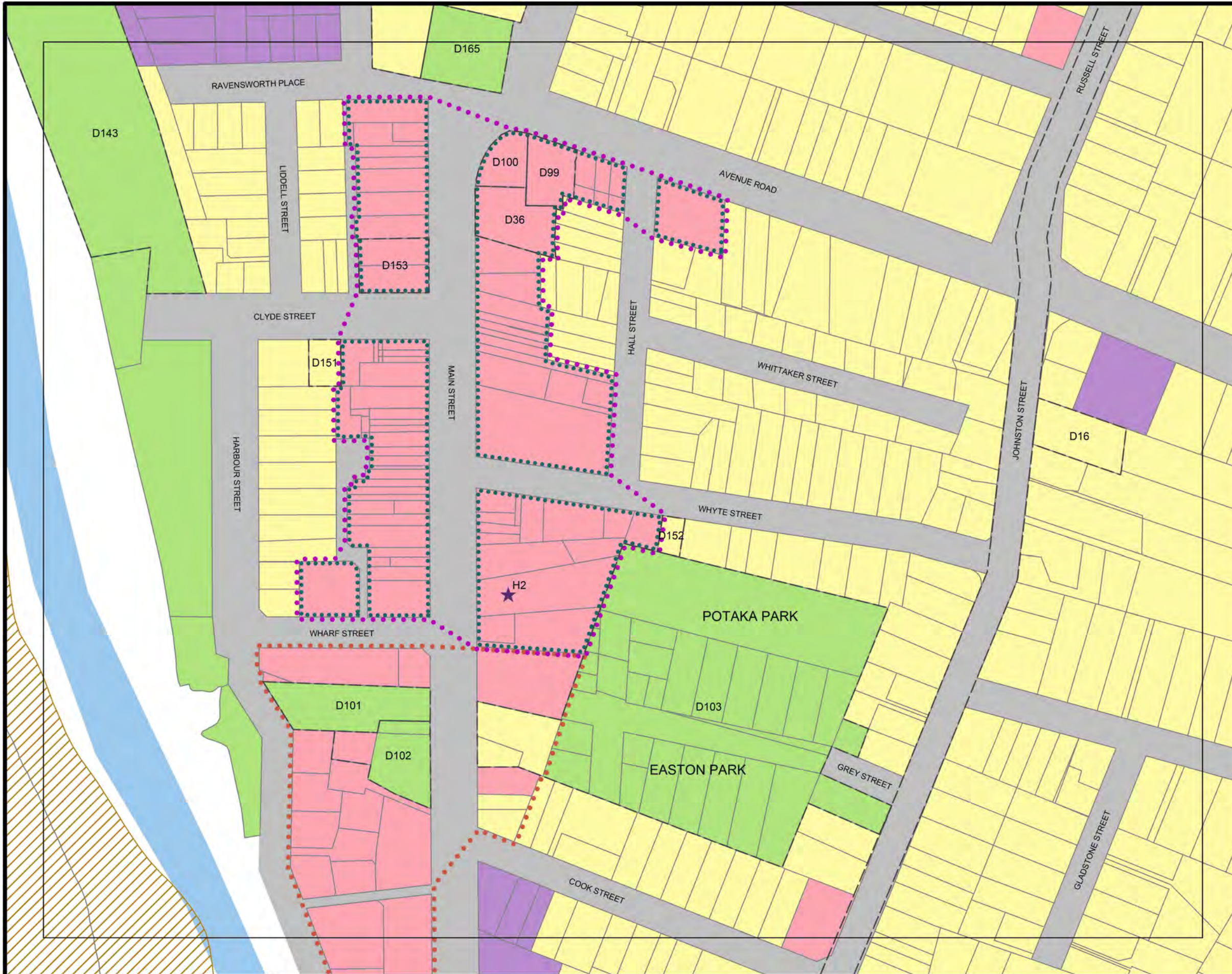
- ### LEGEND
- #### ZONES
- Commercial Zone
 - Industrial Zone
 - Residential Zone
 - Rural Zone
 - Greenbelt Residential Zone
 - Open Space Zone
 - Residential Deferred Zone
 - Greenbelt Residential Deferred Zone
- #### OVERLAYS
- Greenbelt Residential Waitare Rise
 - Greenbelt Residential Foxton Beach 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 : 7,500

HOROWHENUA DISTRICT PLAN FOXTON

Planning Map 15



LEGEND

ZONES

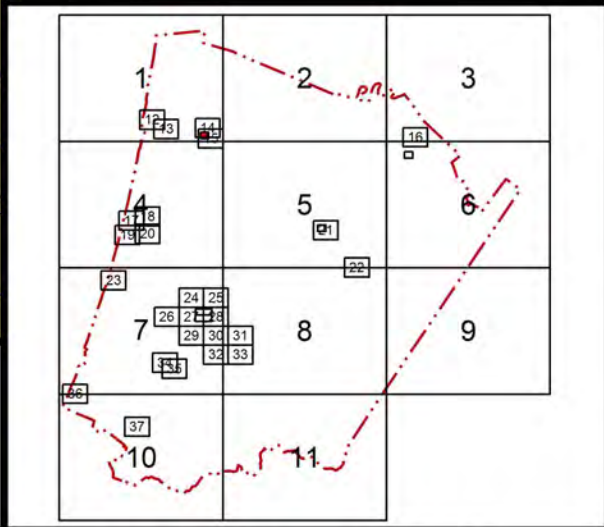
- Commercial Zone
- Industrial Zone
- Residential Zone
- Rural Zone
- Greenbelt Residential Zone
- Open Space Zone
- Residential Deferred Zone
- Greenbelt Residential Deferred Zone

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 : 2,500

HOROWHENUA DISTRICT PLAN
FOXTON CBD

Planning Map 15A

LEGEND
ZONES

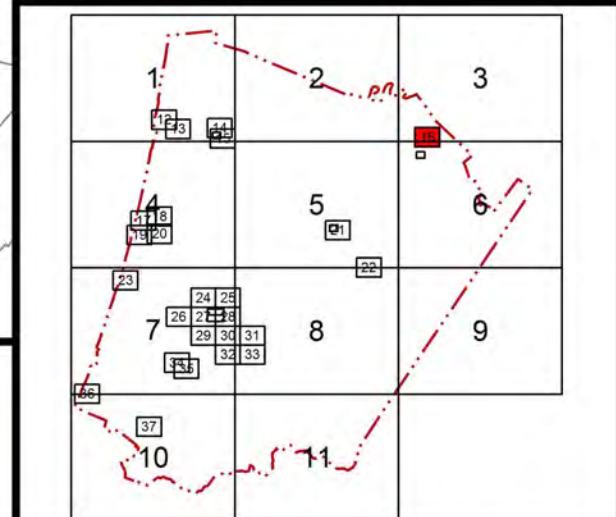
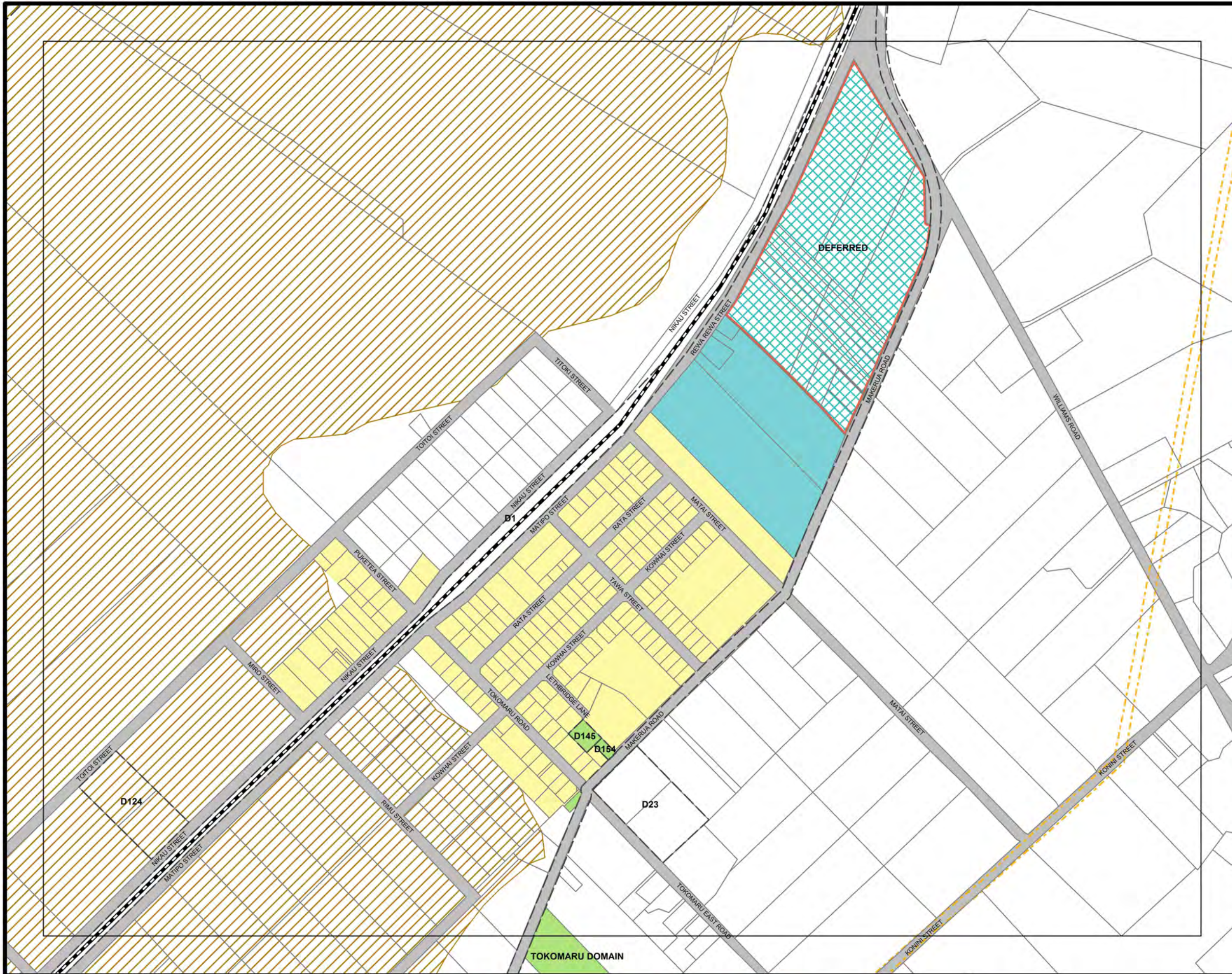
- Commercial Zone
- Industrial Zone
- Residential Zone
- Rural Zone
- Greenbelt Residential Zone
- Open Space Zone
- Residential Deferred Zone
- Greenbelt Residential Deferred Zone


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 : 7,500

HOROWHENUA DISTRICT PLAN
TOKOMARU

Planning Map 16

TASMAN SEA

LEGEND
ZONES

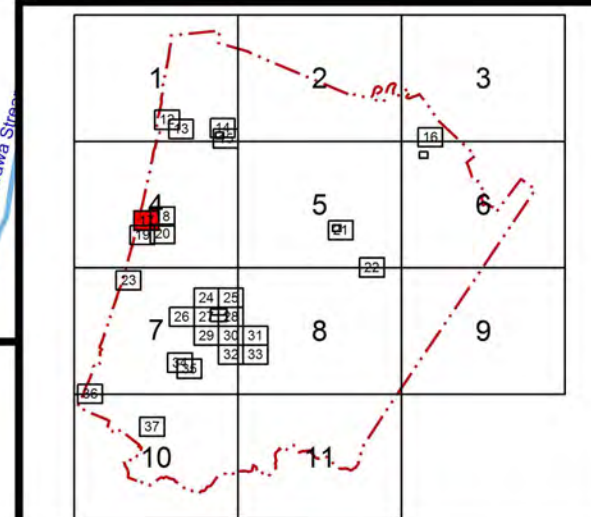
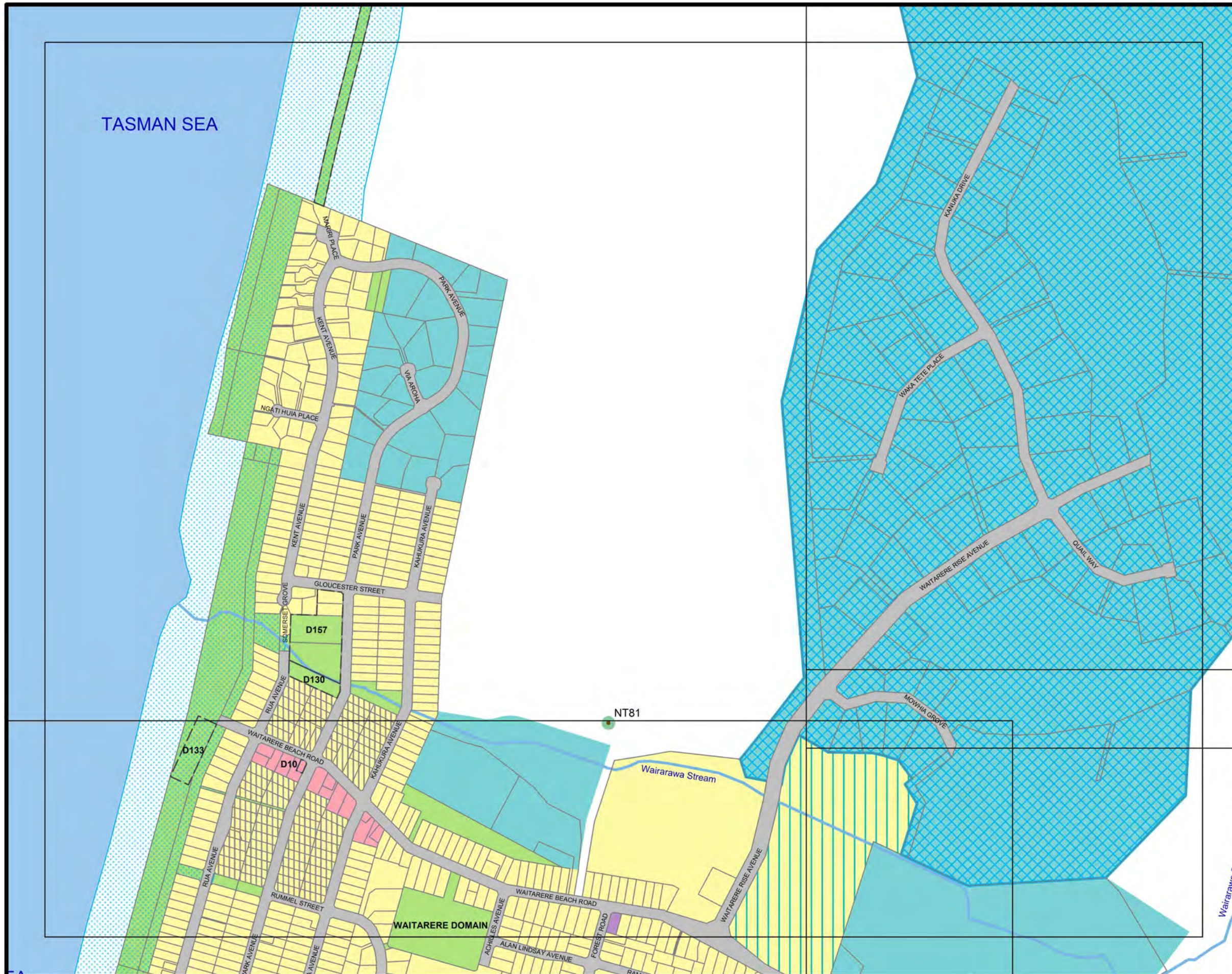
- Commercial Zone
- Industrial Zone
- Residential Zone
- Rural Zone
- Greenbelt Residential Zone
- Open Space Zone
- Residential Deferred Zone
- Greenbelt Residential Deferred Zone

OVERLAYS

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

FEATURES

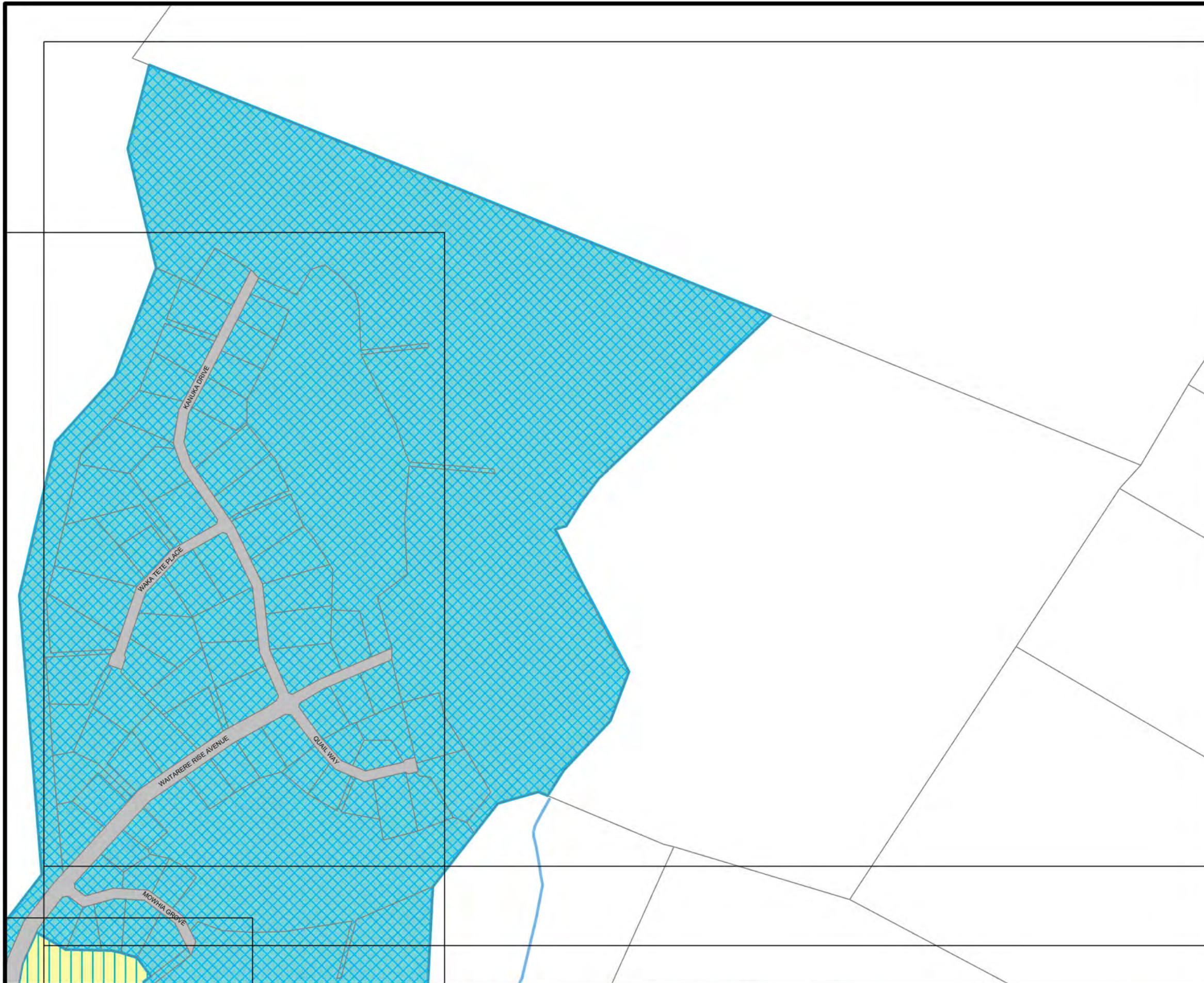
- Notable Tree
- Historic Heritage Building, Structure or Site
- Gas Transmission Pipeline
- National Grid Corridor (High Voltage Transmission Line)
- Designation
- Road



Scale 1 : 7,500

HOROWHENUA DISTRICT PLAN
WAITARERE BEACH

Planning Map 17



LEGEND

ZONES

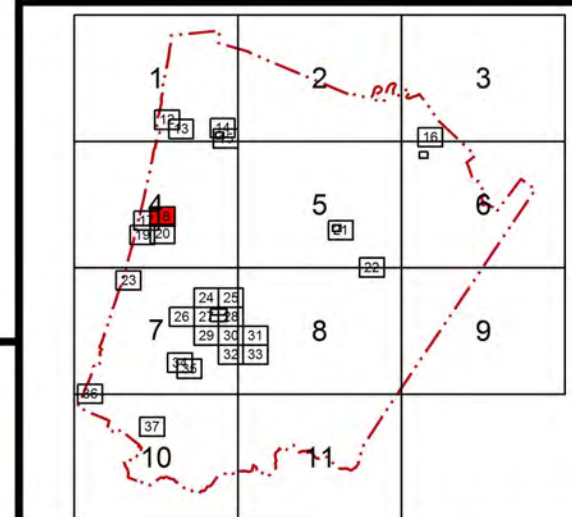
- Commercial Zone
- Industrial Zone
- Residential Zone
- Rural Zone
- Greenbelt Residential Zone
- Open Space Zone
- Residential Deferred Zone
- Greenbelt Residential Deferred Zone

OVERLAYS

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

FEATURES

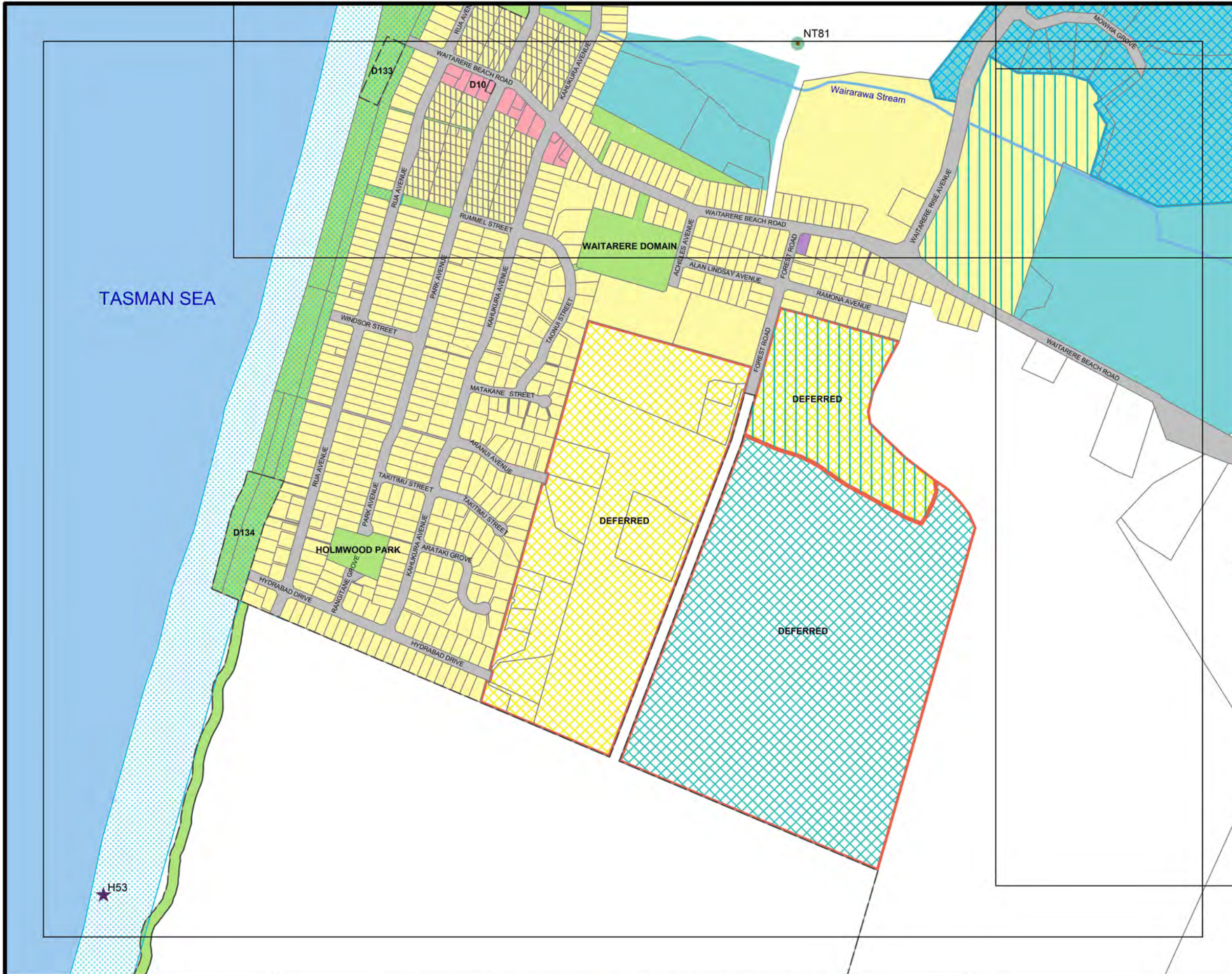
- Notable Tree
- Historic Heritage Building, Structure or Site
- Gas Transmission Pipeline
- National Grid Corridor (High Voltage Transmission Line)
- Designation
- Road



Scale 1 : 7,500

HOROWHENUA DISTRICT PLAN
WAITARERE BEACH

Planning Map 18



LEGEND
ZONES

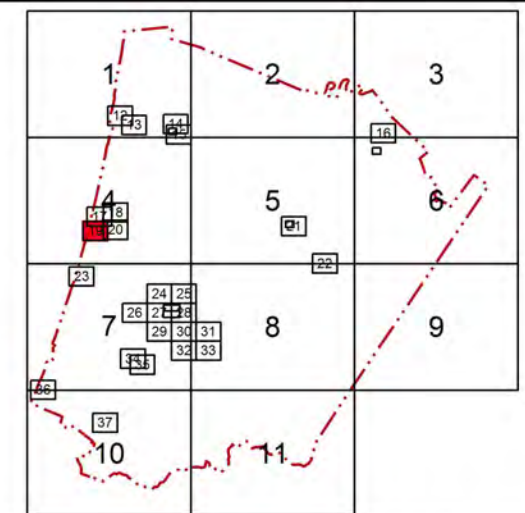
- Commercial Zone
- Industrial Zone
- Residential Zone
- Rural Zone
- Greenbelt Residential Zone
- Open Space Zone
- Residential Deferred Zone
- Greenbelt Residential Deferred Zone

OVERLAYS

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



HOROWHENUA DISTRICT PLAN
WAITARERE BEACH

Planning Map 19

LEGEND
ZONES

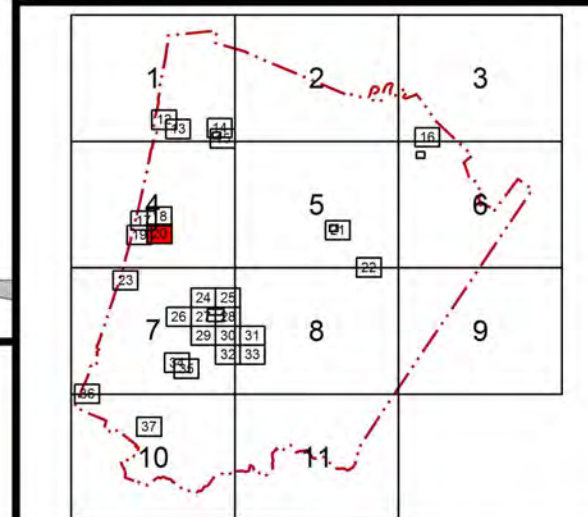
- Commercial Zone
- Industrial Zone
- Residential Zone
- Rural Zone
- Greenbelt Residential Zone
- Open Space Zone
- Residential Deferred Zone
- Greenbelt Residential Deferred Zone

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

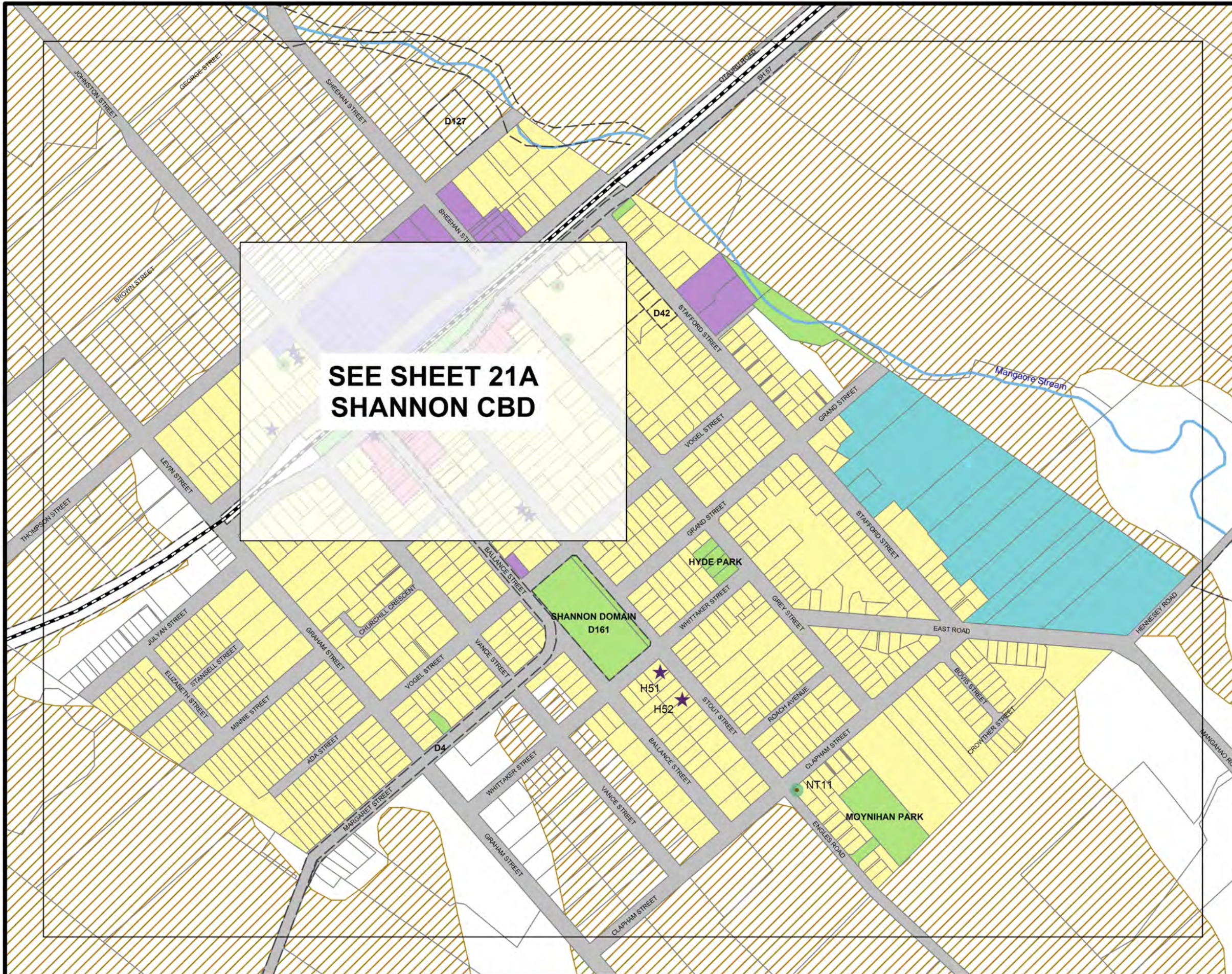



 Scale 1 : 7,500

HOROWHENUA DISTRICT PLAN

WAITAREBE BEACH

Planning Map 20



**SEE SHEET 21A
SHANNON CBD**

LEGEND

ZONES

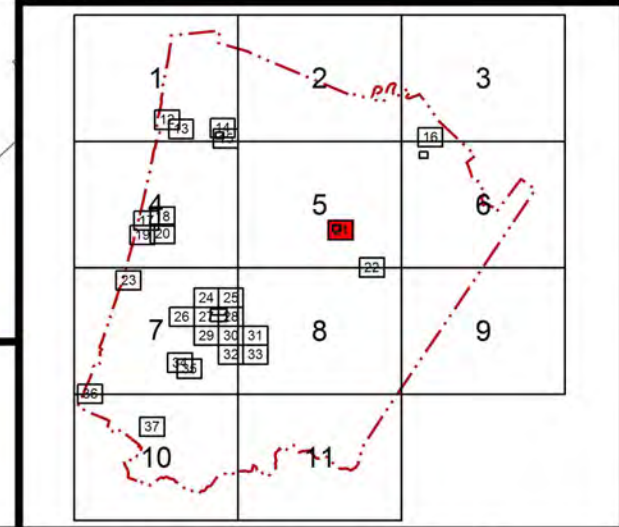
- Commercial Zone
- Industrial Zone
- Residential Zone
- Rural Zone
- Greenbelt Residential Zone
- Open Space Zone
- Residential Deferred Zone
- Greenbelt Residential Deferred Zone

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

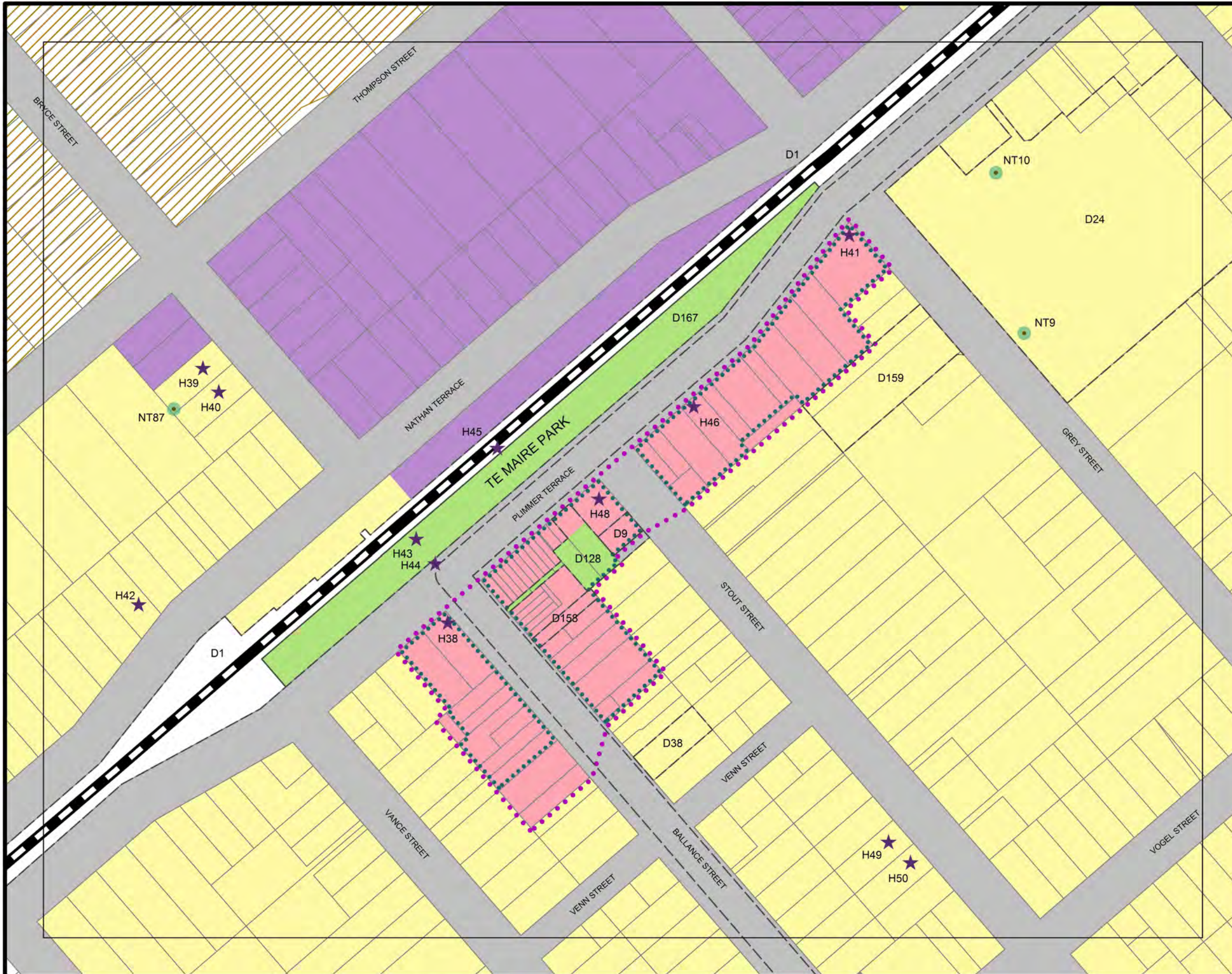
- Notable Tree
- Historic Heritage Building, Structure or Site
- Gas Transmission Pipeline
- National Grid Corridor (High Voltage Transmission Line)
- Designation
- Road



Scale 1 : 7,500

HOROWHENUA DISTRICT PLAN
SHANNON

Planning Map 21



LEGEND

ZONES

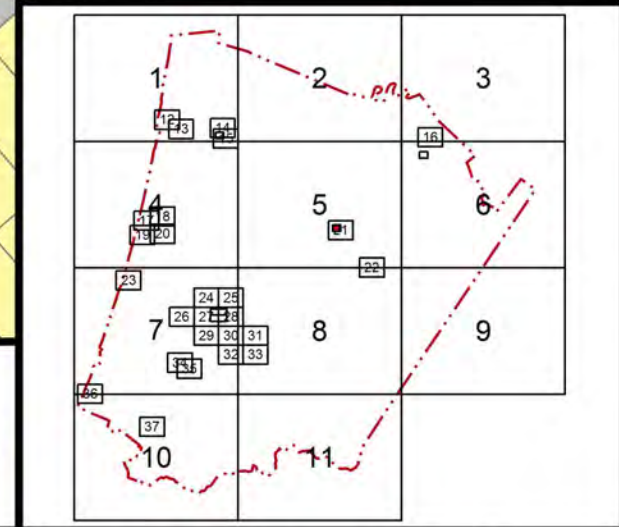
- Commercial Zone
- Industrial Zone
- Residential Zone
- Rural Zone
- Greenbelt Residential Zone
- Open Space Zone
- Residential Deferred Zone
- Greenbelt Residential Deferred Zone

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

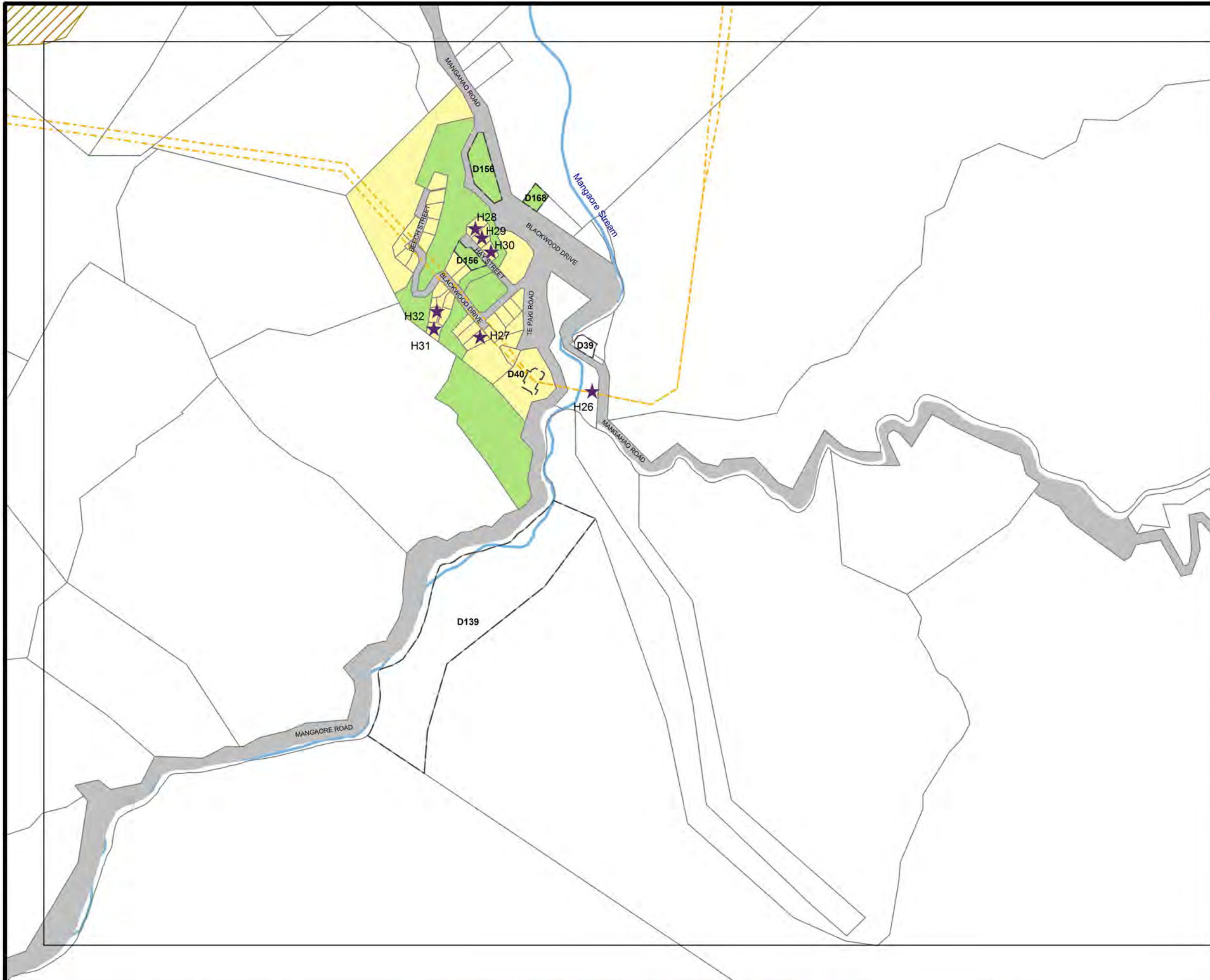
- Notable Tree
- Historic Heritage Building, Structure or Site
- Gas Transmission Pipeline
- National Grid Corridor (High Voltage Transmission Line)
- Designation
- Road



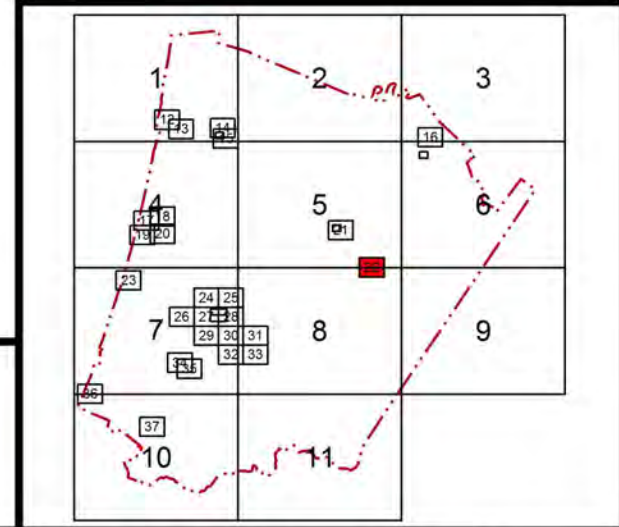
Scale 1 : 2,500

HOROWHENUA DISTRICT PLAN
SHANNON CBD

Planning Map 21A



- 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 : 7,500

HOROWHENUA DISTRICT PLAN
MANGAORE

Planning Map 22

LEGEND
ZONES

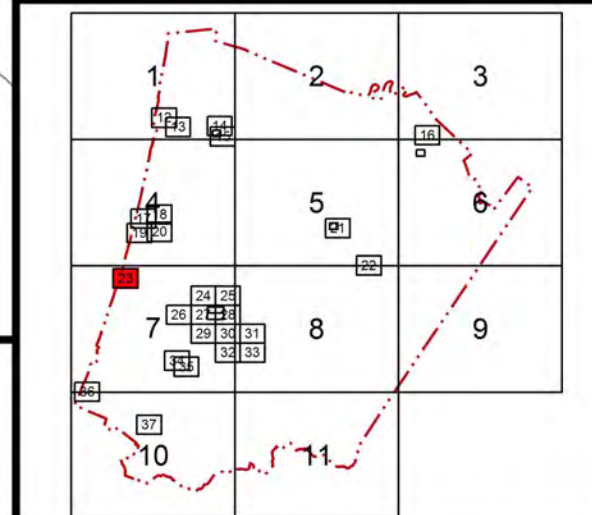
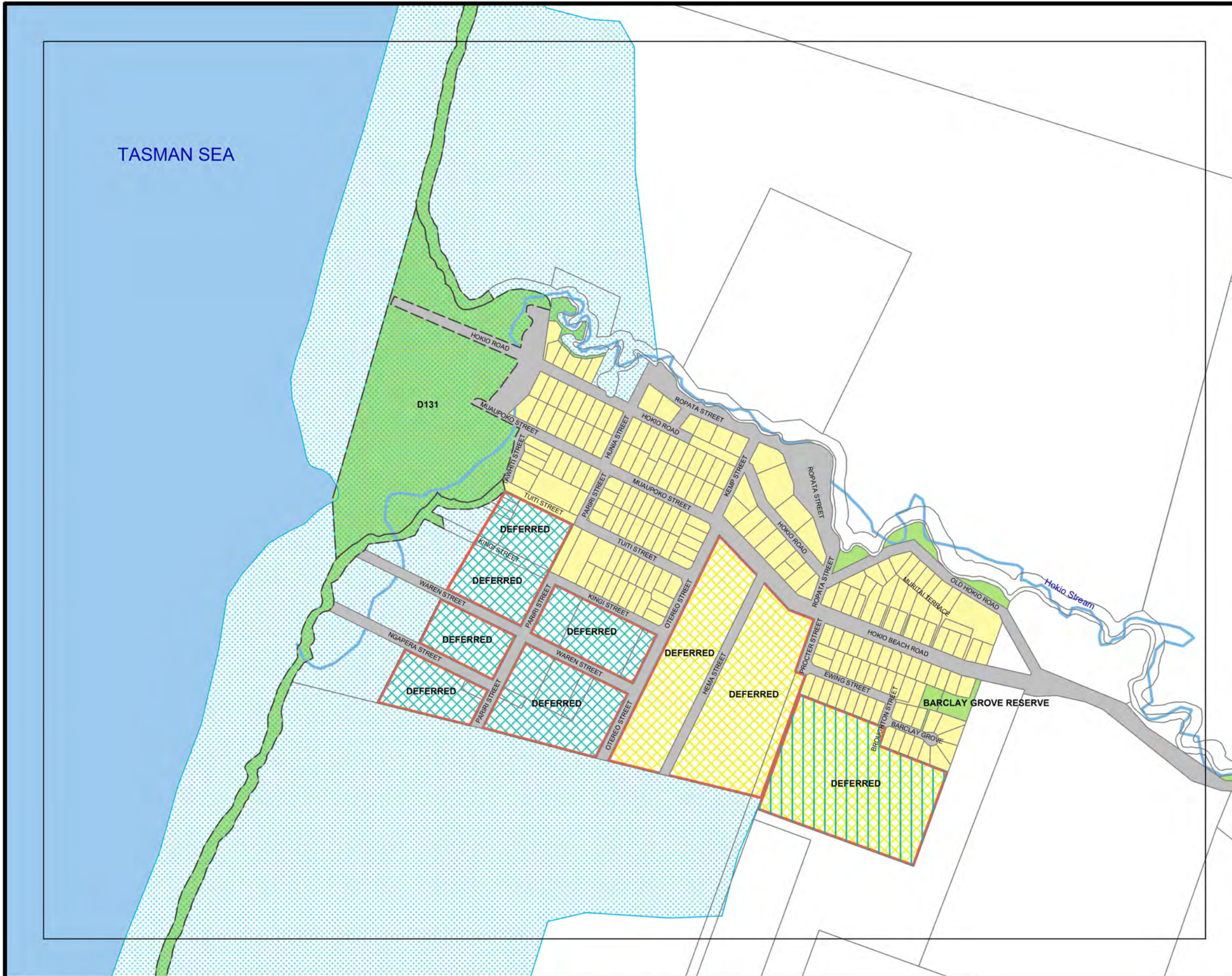
- Commercial Zone
- Industrial Zone
- Residential Zone
- Rural Zone
- Greenbelt Residential Zone
- Open Space Zone
- Residential Deferred Zone
- Greenbelt Residential Deferred Zone

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 : 7,500

HOROWHENUA DISTRICT PLAN
HOKIO BEACH

Planning Map 23

LEGEND
ZONES

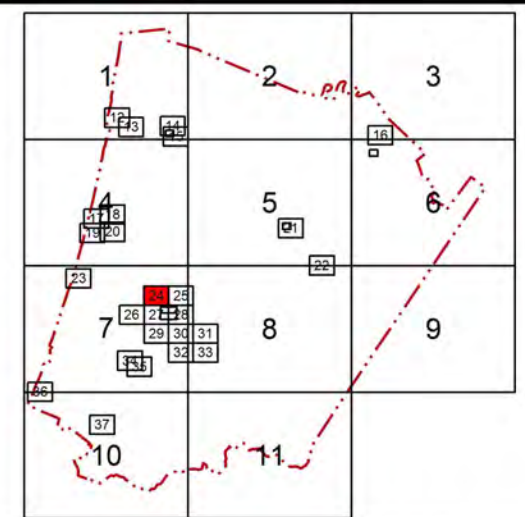
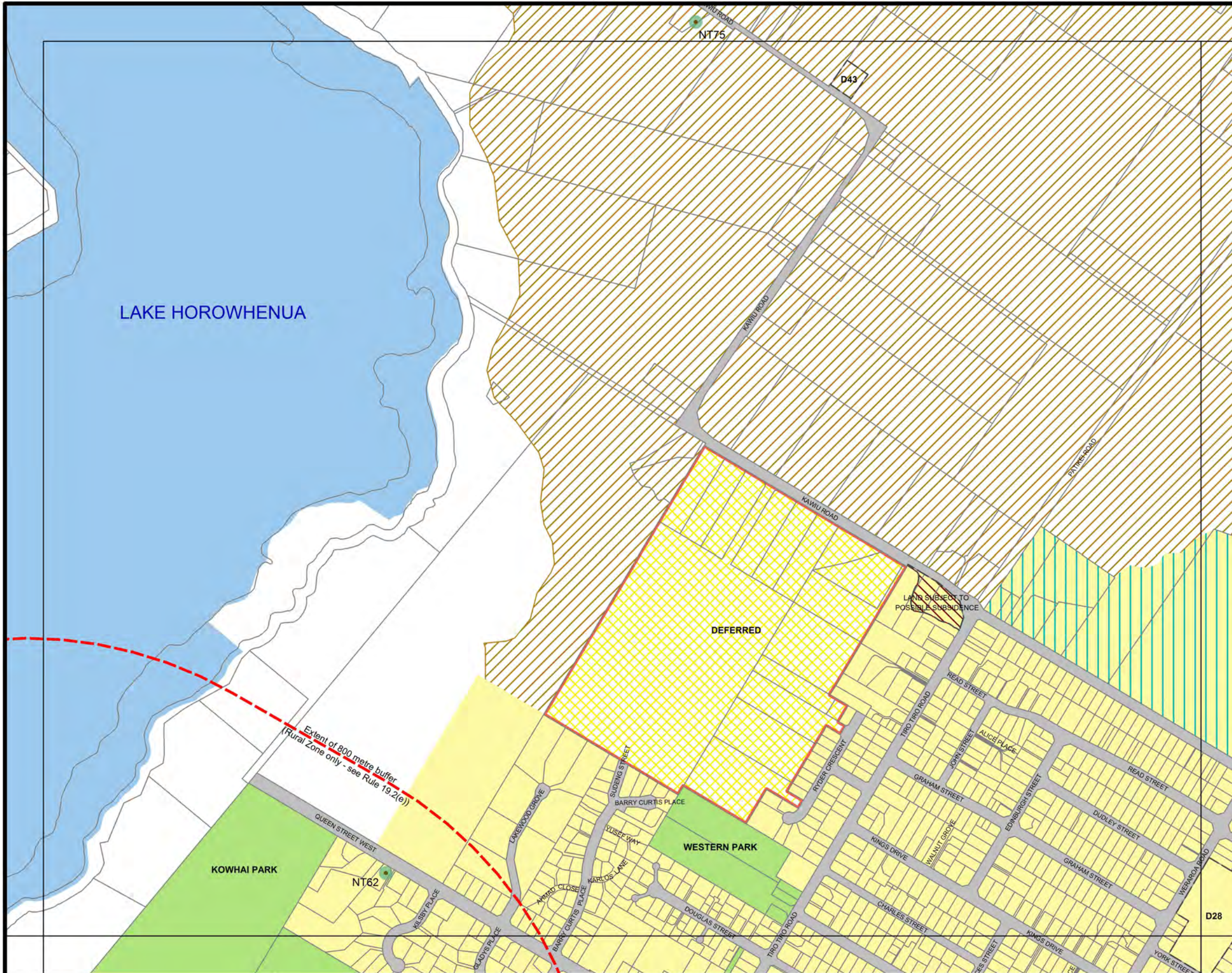
- Commercial Zone
- Industrial Zone
- Residential Zone
- Rural Zone
- Greenbelt Residential Zone
- Open Space Zone
- Residential Deferred Zone
- Greenbelt Residential Deferred Zone

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 : 7,500

HOROWHENUA DISTRICT PLAN
LEVIN

Planning Map 24

LEGEND

ZONES

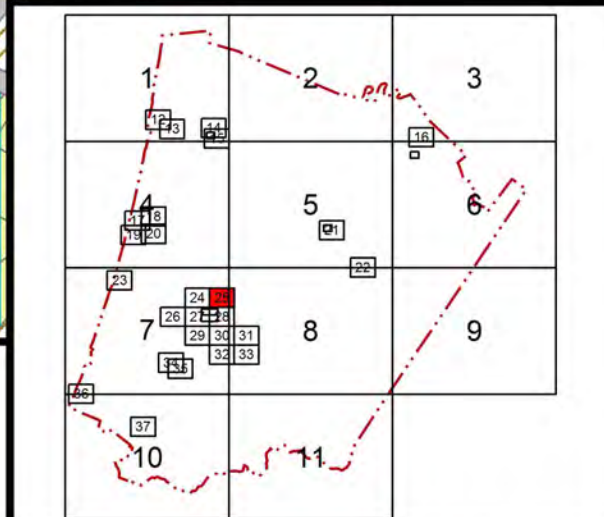
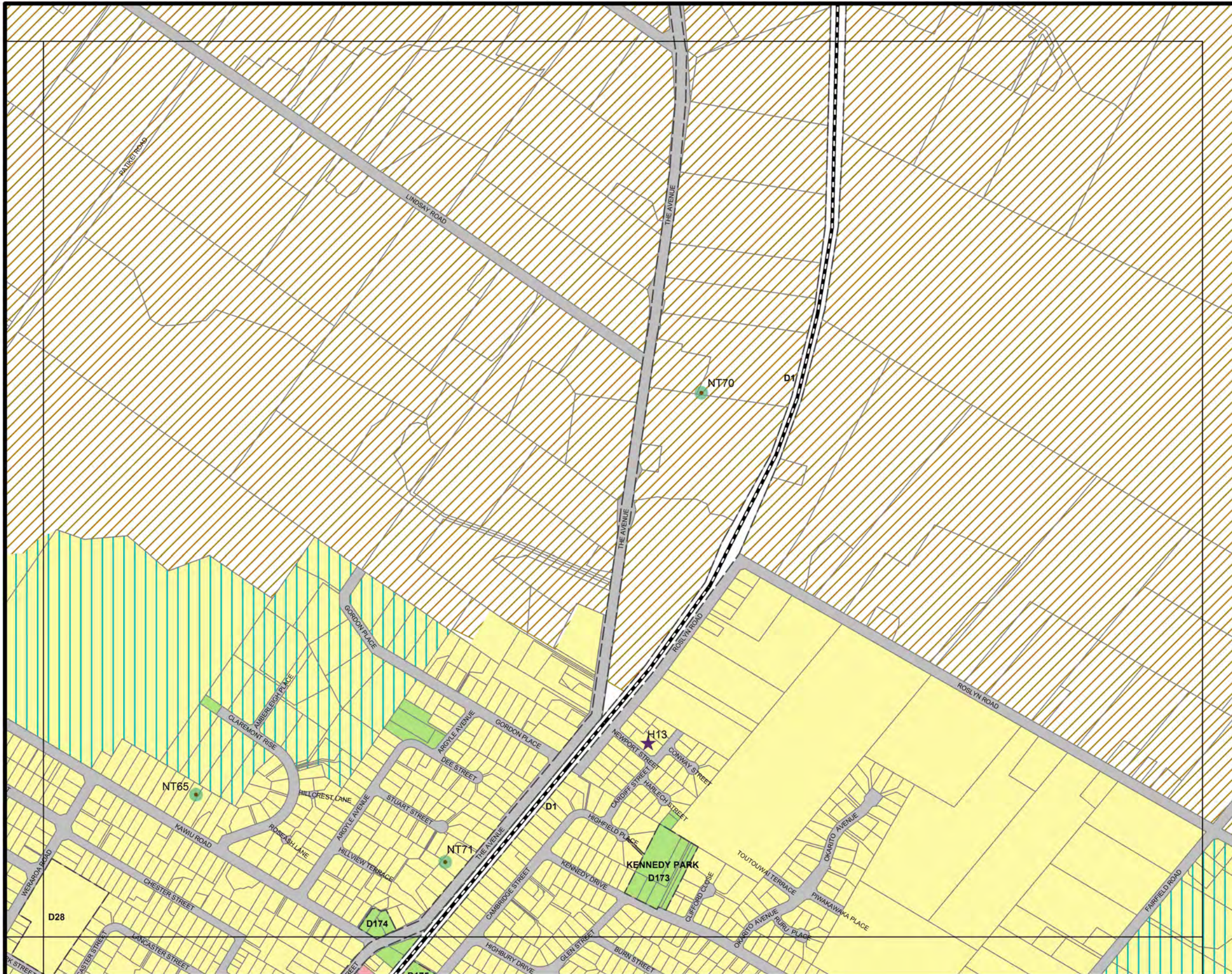
- Commercial Zone
- Industrial Zone
- Residential Zone
- Rural Zone
- Greenbelt Residential Zone
- Open Space Zone
- Residential Deferred Zone
- Greenbelt Residential Deferred Zone

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

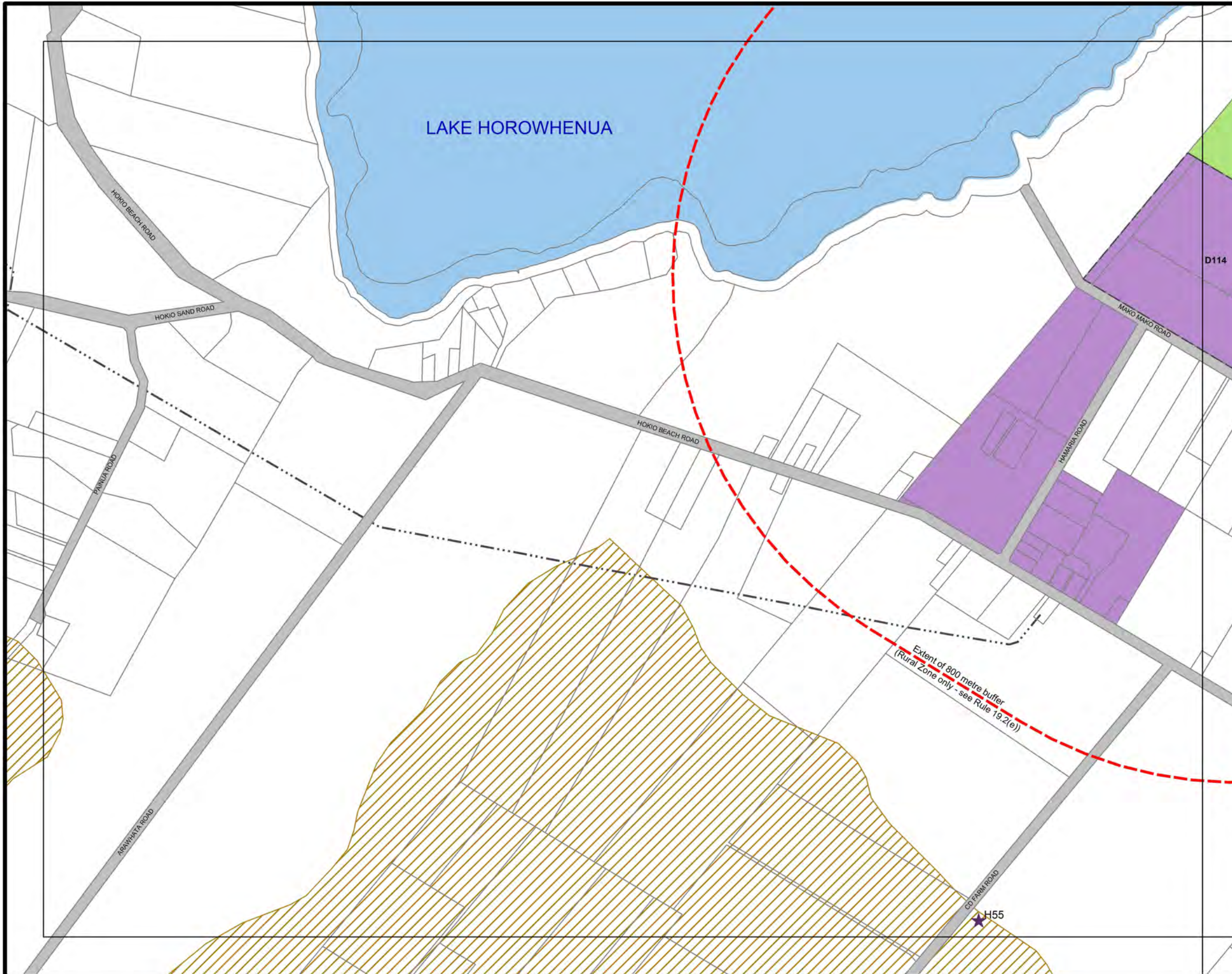
- Notable Tree
- Historic Heritage Building, Structure or Site
- Gas Transmission Pipeline
- National Grid Corridor (High Voltage Transmission Line)
- Designation
- Road



Scale 1 : 7,500

HOROWHENUA DISTRICT PLAN
LEVIN

Planning Map 25



LEGEND

ZONES

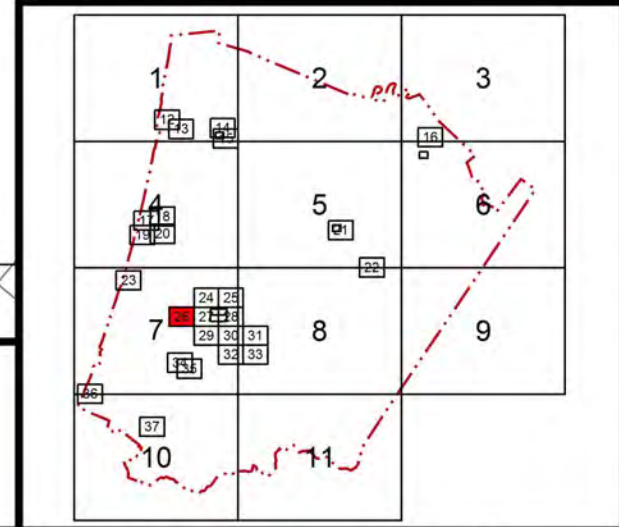
- Commercial Zone
- Industrial Zone
- Residential Zone
- Rural Zone
- Greenbelt Residential Zone
- Open Space Zone
- Residential Deferred Zone
- Greenbelt Residential Deferred Zone

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

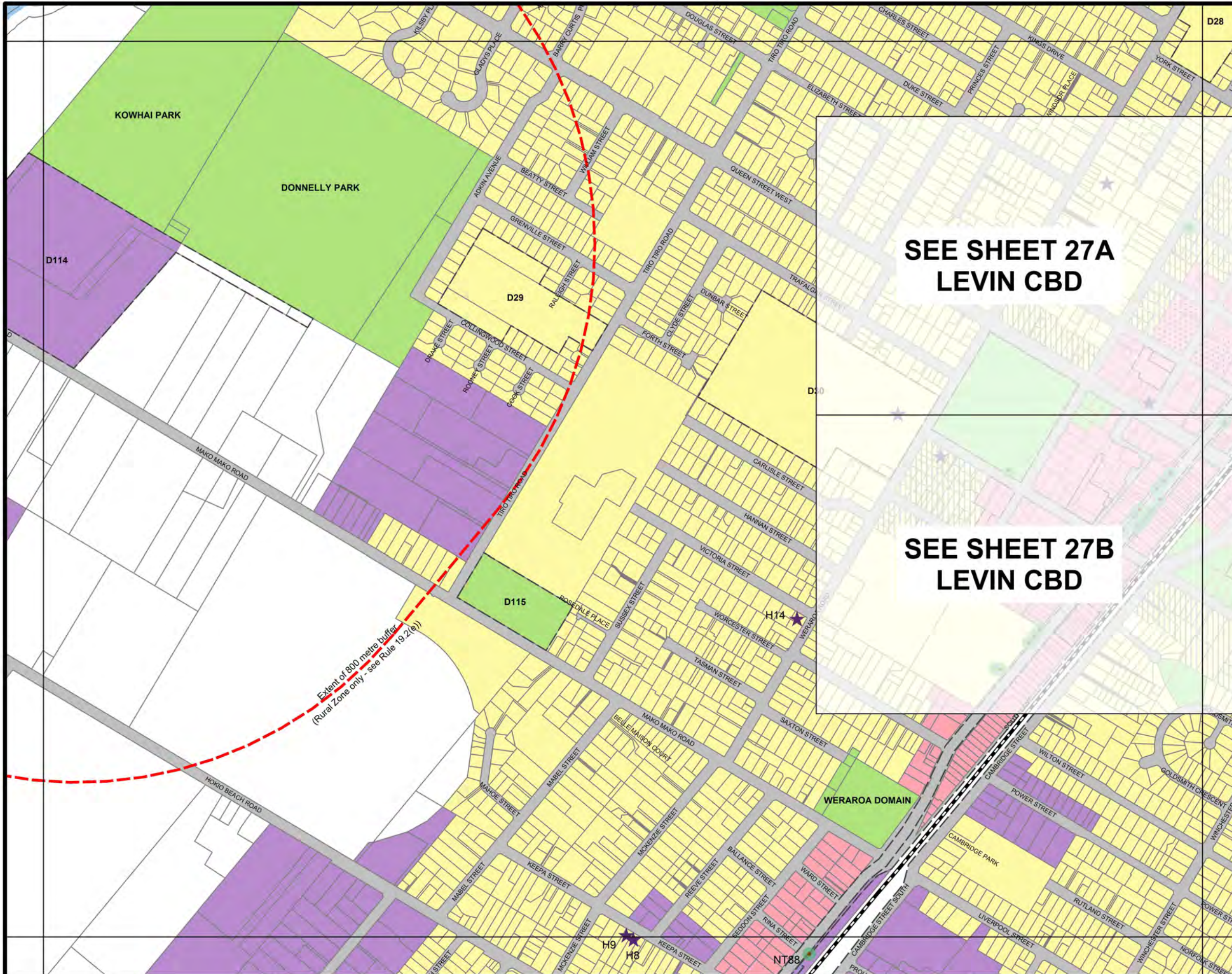
- Notable Tree
- Historic Heritage Building, Structure or Site
- Gas Transmission Pipeline
- National Grid Corridor (High Voltage Transmission Line)
- Designation
- Road



Scale 1 : 7,500

HOROWHENUA DISTRICT PLAN
LEVIN

Planning Map 26



LEGEND
ZONES

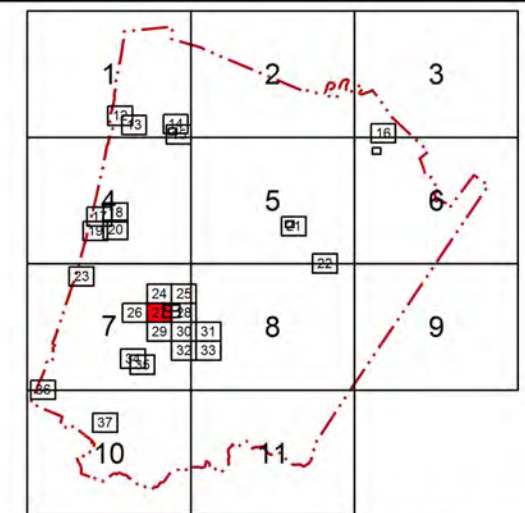
- Commercial Zone
- Industrial Zone
- Residential Zone
- Rural Zone
- Greenbelt Residential Zone
- Open Space Zone
- Residential Deferred Zone
- Greenbelt Residential Deferred Zone

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



HOROWHENUA DISTRICT PLAN
LEVIN

Planning Map 27



LEGEND

ZONES

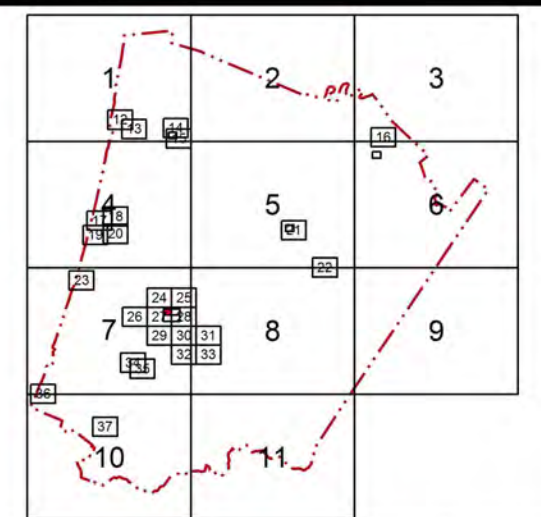
- Commercial Zone
- Industrial Zone
- Residential Zone
- Rural Zone
- Greenbelt Residential Zone
- Open Space Zone
- Residential Deferred Zone
- Greenbelt Residential Deferred Zone

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



HOROWHENUA DISTRICT PLAN
LEVIN CBD

Planning Map 27A

LEGEND

ZONES

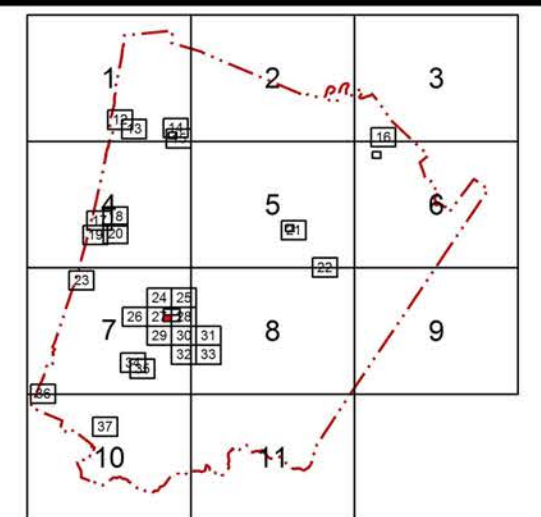
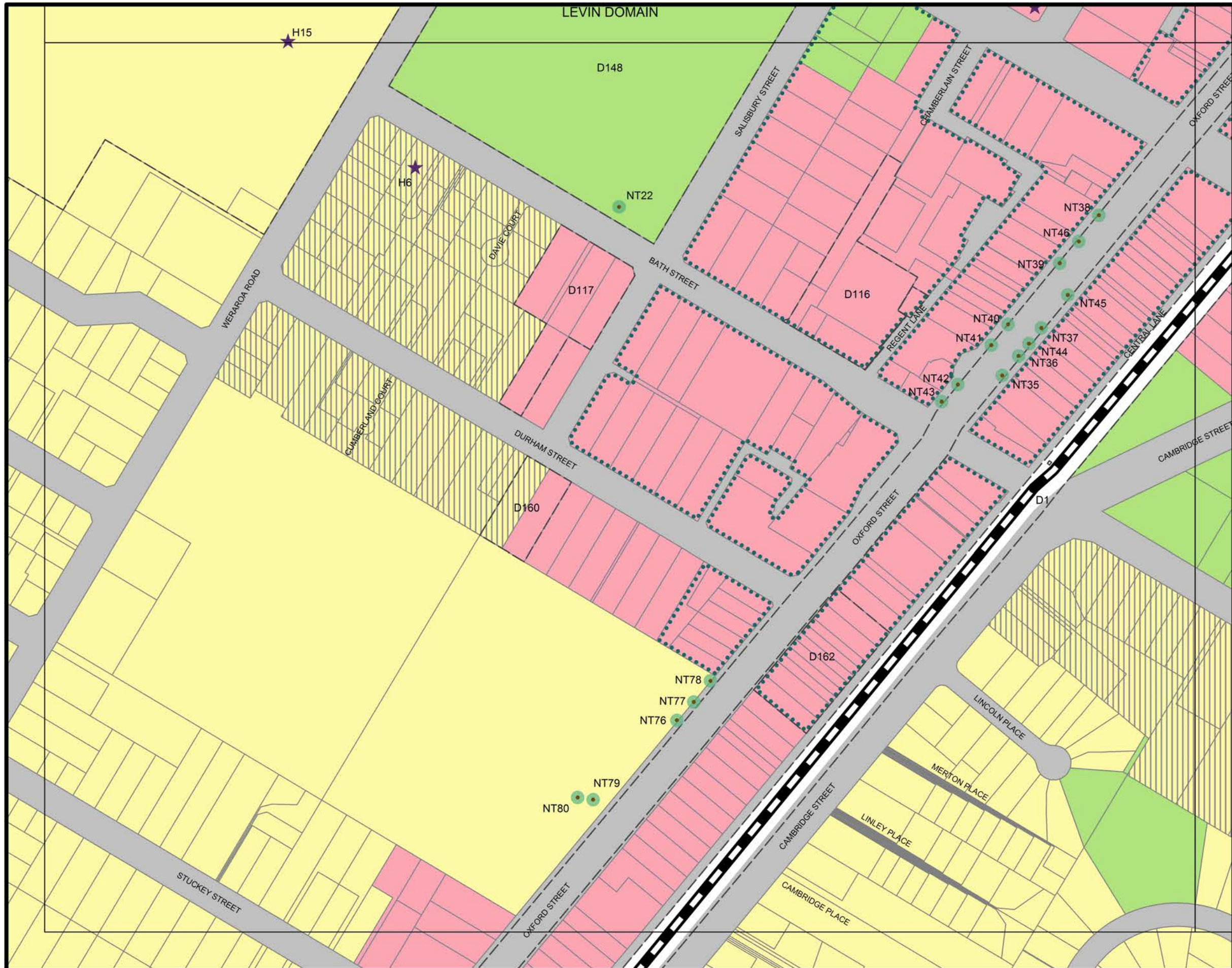
- Commercial Zone
- Industrial Zone
- Residential Zone
- Rural Zone
- Greenbelt Residential Zone
- Open Space Zone
- Residential Deferred Zone
- Greenbelt Residential Deferred Zone

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

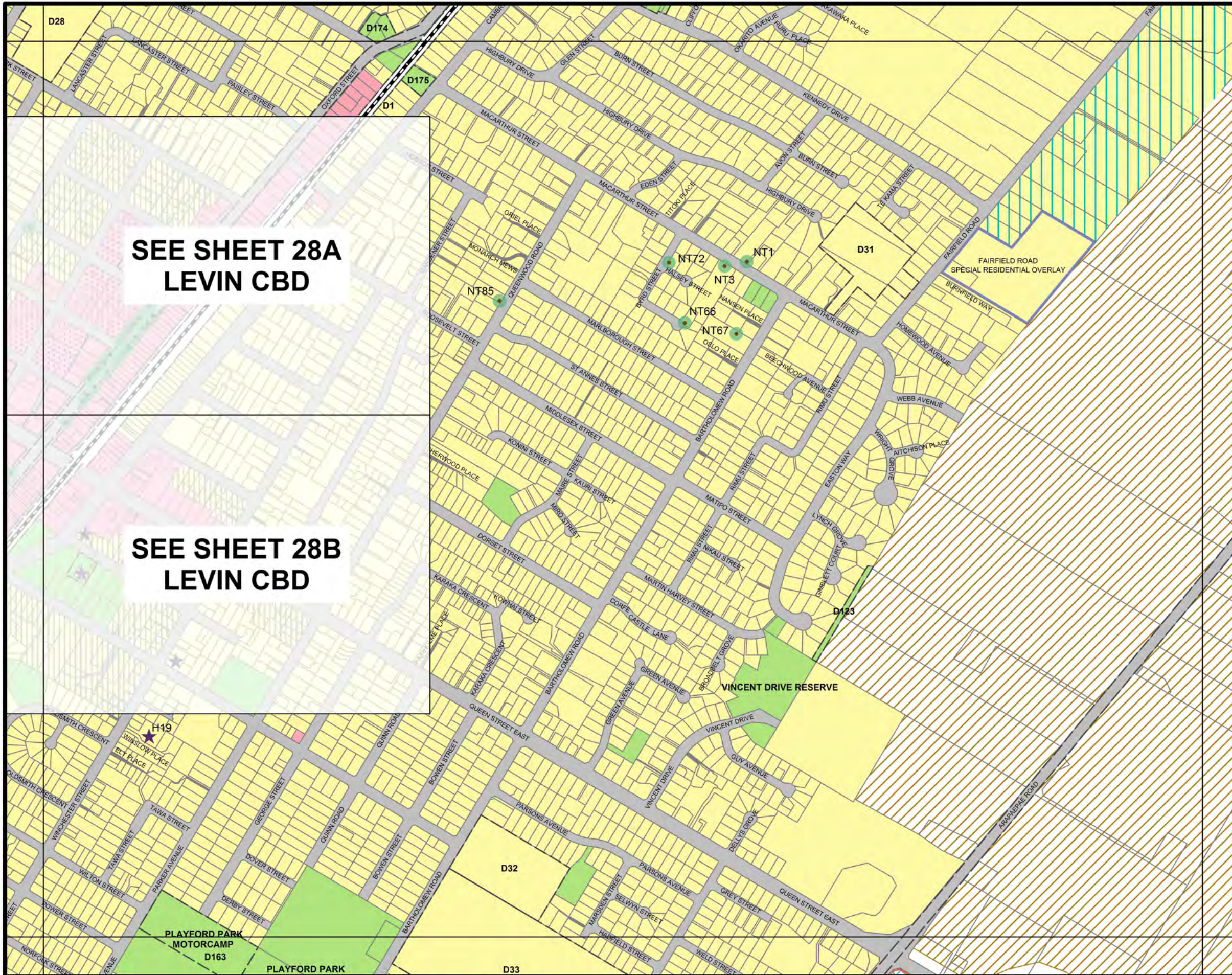
- Notable Tree
- Historic Heritage Building, Structure or Site
- Gas Transmission Pipeline
- National Grid Corridor (High Voltage Transmission Line)
- Designation
- Road



Scale 1 : 2,500

HOROWHENUA DISTRICT PLAN
LEVIN CBD

Planning Map 27B



LEGEND
ZONES

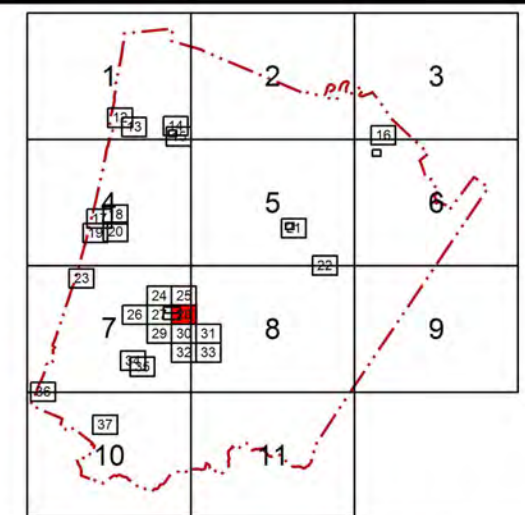
- Commercial Zone
- Industrial Zone
- Residential Zone
- Rural Zone
- Greenbelt Residential Zone
- Open Space Zone
- Residential Deferred Zone
- Greenbelt Residential Deferred Zone

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



HOROWHENUA DISTRICT PLAN
LEVIN

Planning Map 28

LEGEND

ZONES

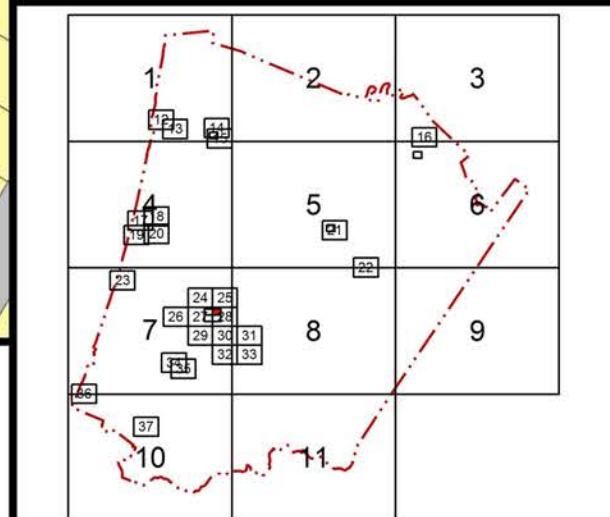
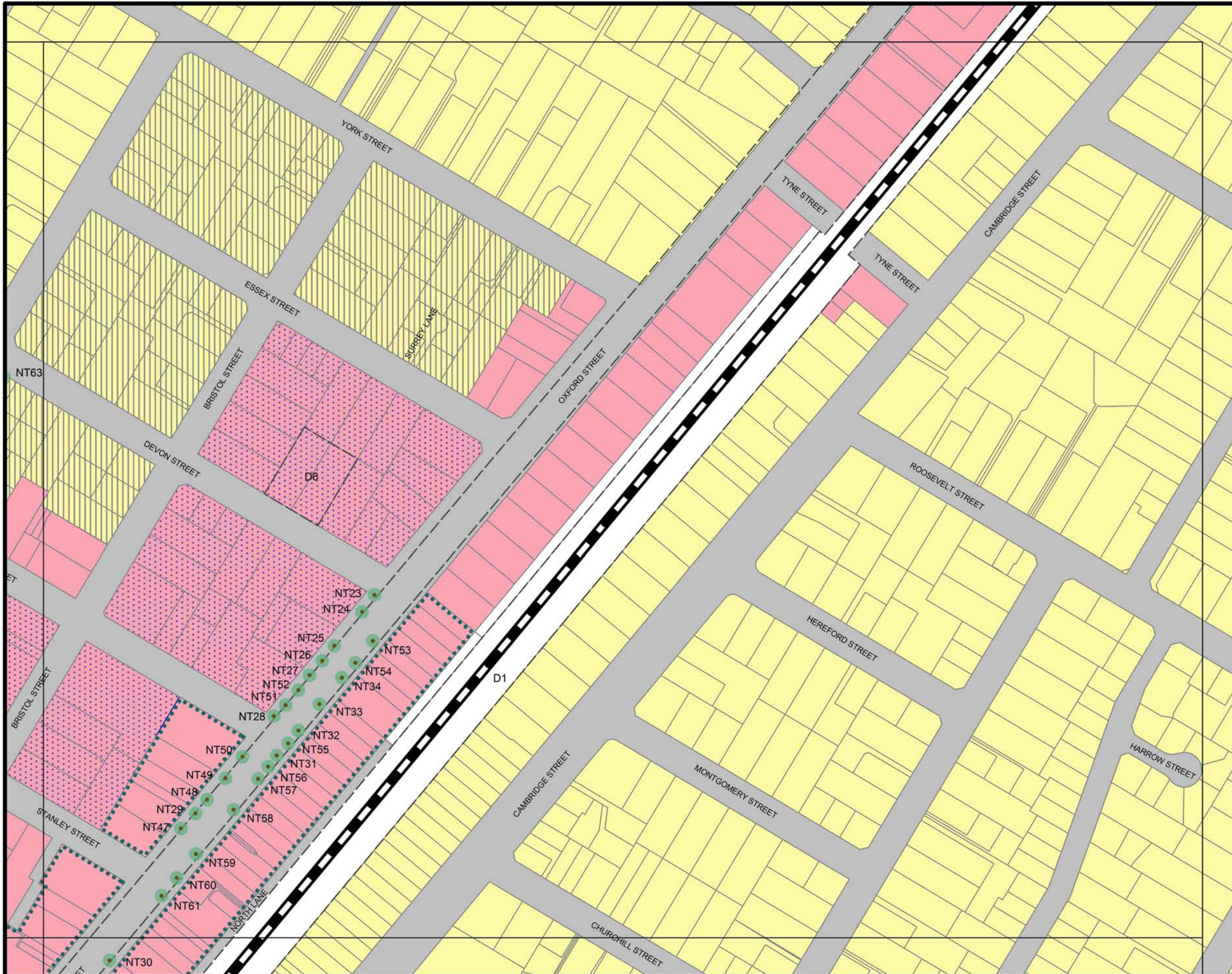
- Commercial Zone
- Industrial Zone
- Residential Zone
- Rural Zone
- Greenbelt Residential Zone
- Open Space Zone
- Residential Deferred Zone
- Greenbelt Residential Deferred Zone

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

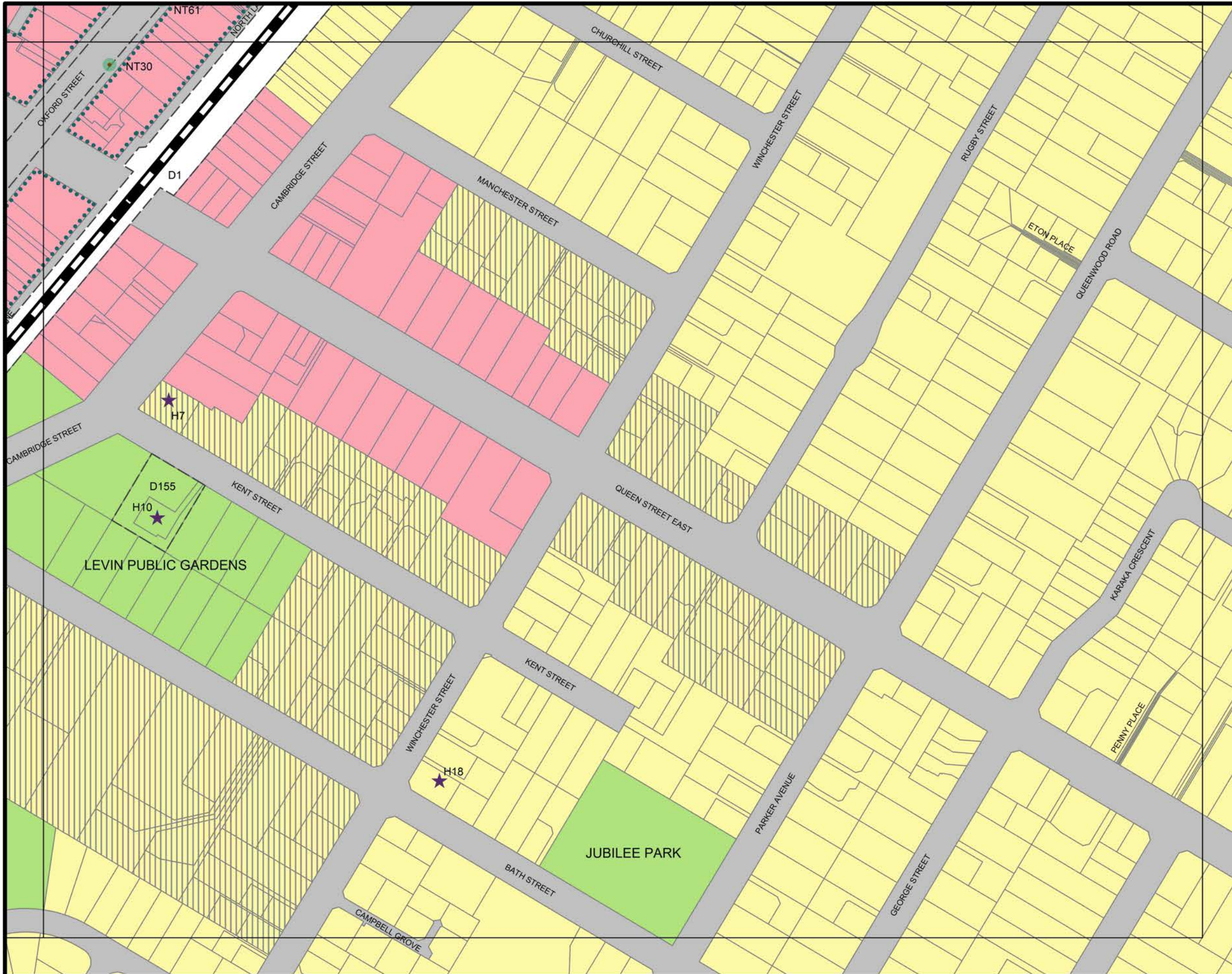
- Notable Tree
- Historic Heritage Building, Structure or Site
- Gas Transmission Pipeline
- National Grid Corridor (High Voltage Transmission Line)
- Designation
- Road



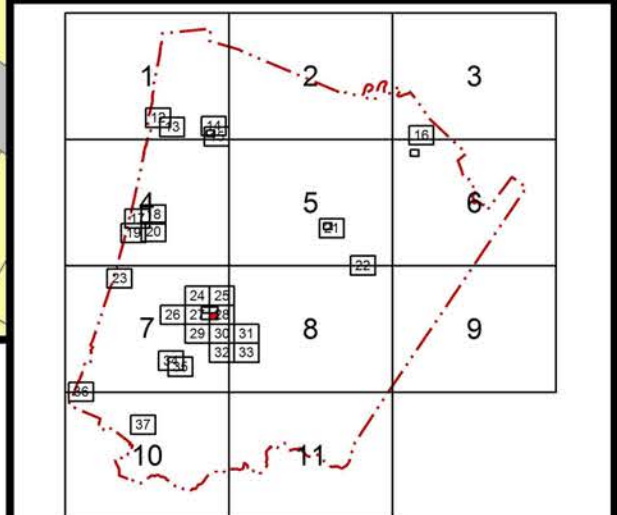
Scale 1 : 2,500

HOROWHENUA DISTRICT PLAN LEVIN CBD

Planning Map 28A

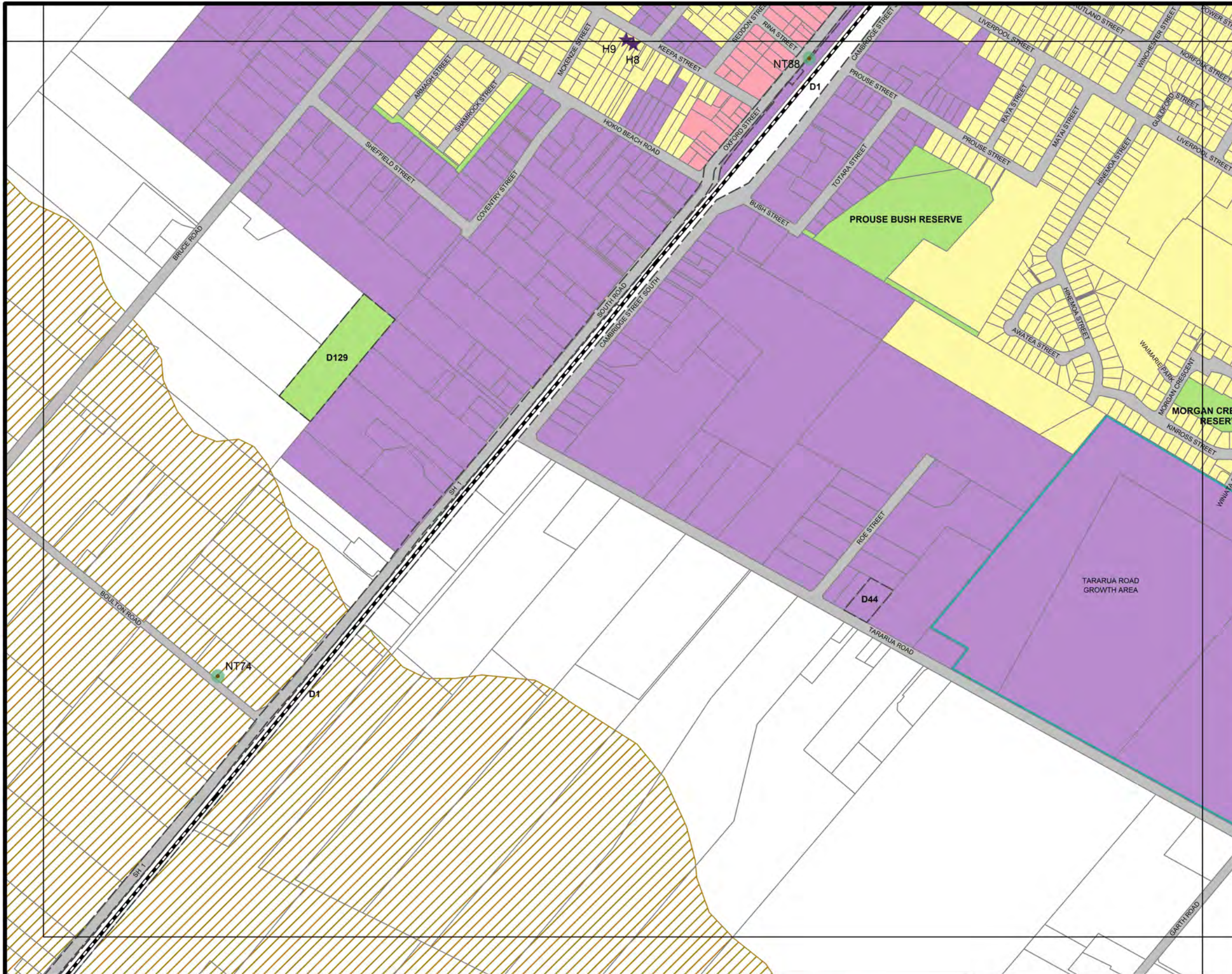


- LEGEND**
- ZONES**
- Commercial Zone
 - Industrial Zone
 - Residential Zone
 - Rural Zone
 - Greenbelt Residential Zone
 - Open Space Zone
 - Residential Deferred Zone
 - Greenbelt Residential Deferred Zone
- OVERLAYS**
- Greenbelt Residential Waitare Rise
 - Greenbelt Residential Foxton Beach North
 - 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



HOROWHENUA DISTRICT PLAN
LEVIN CBD

Planning Map 28B



LEGEND
ZONES

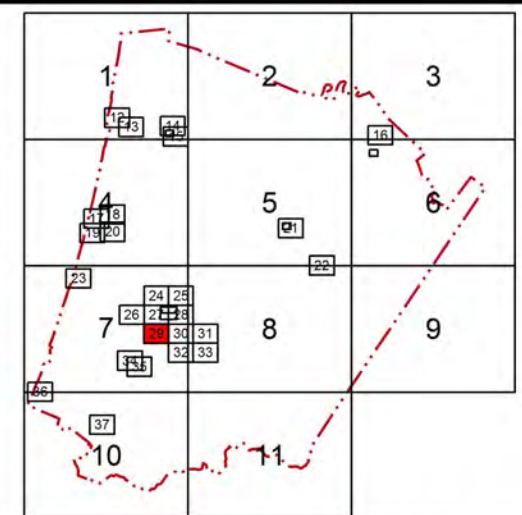
- Commercial Zone
- Industrial Zone
- Residential Zone
- Rural Zone
- Greenbelt Residential Zone
- Open Space Zone
- Residential Deferred Zone
- Greenbelt Residential Deferred Zone

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

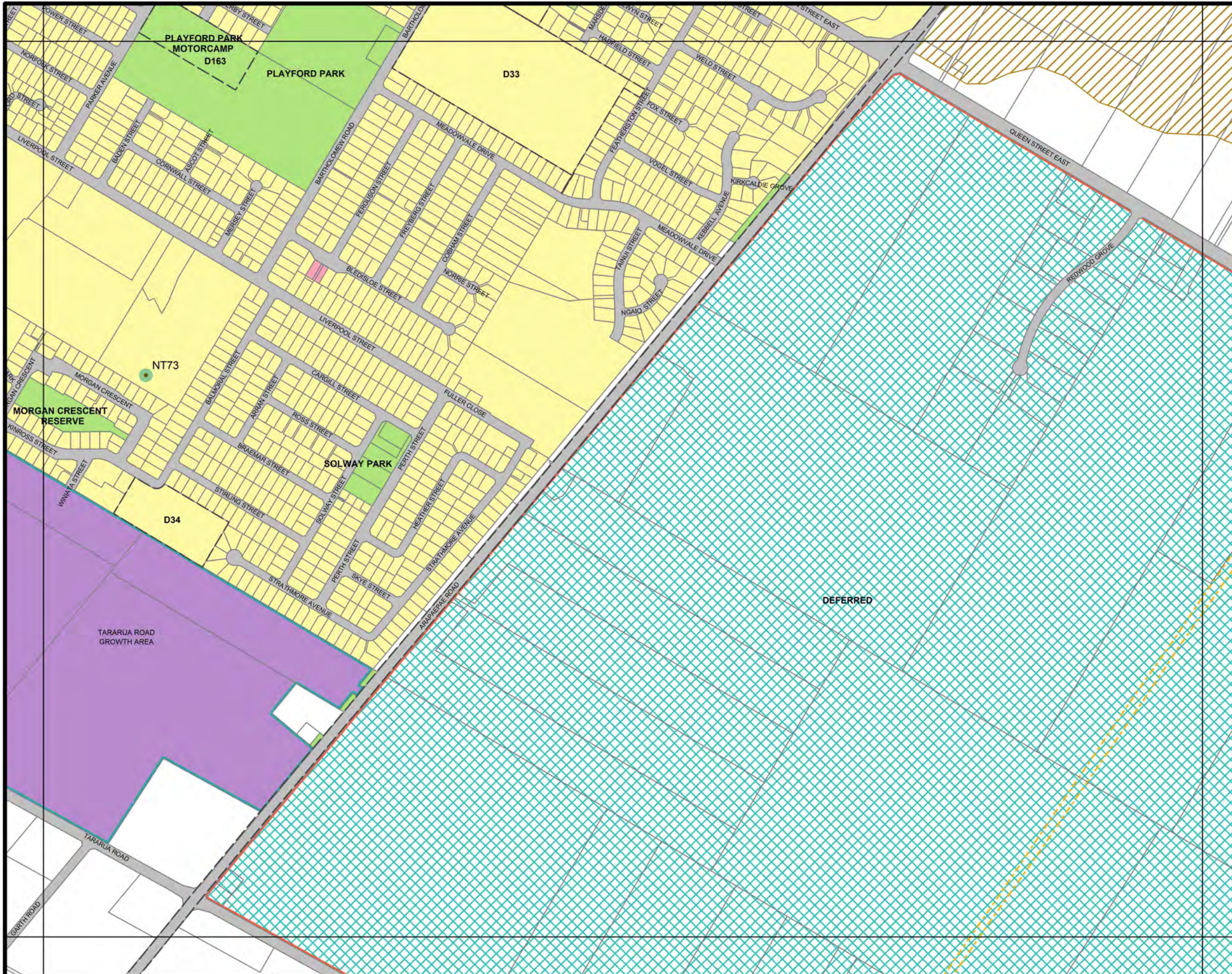
- Notable Tree
- Historic Heritage Building, Structure or Site
- Gas Transmission Pipeline
- National Grid Corridor (High Voltage Transmission Line)
- Designation
- Road



Scale 1 : 7,500

HOROWHENUA DISTRICT PLAN
LEVIN

Planning Map 29



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)

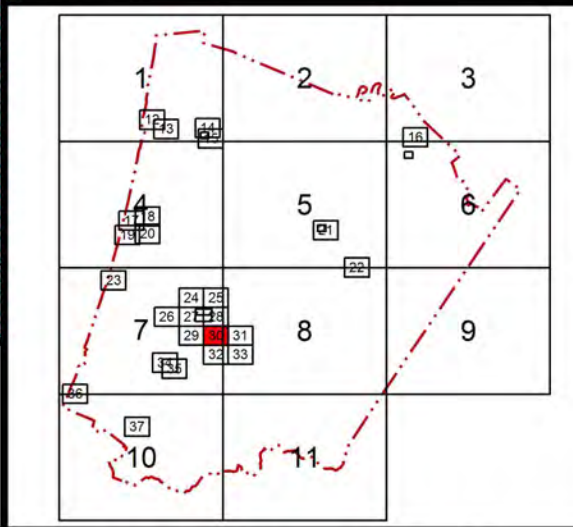
FEATURES

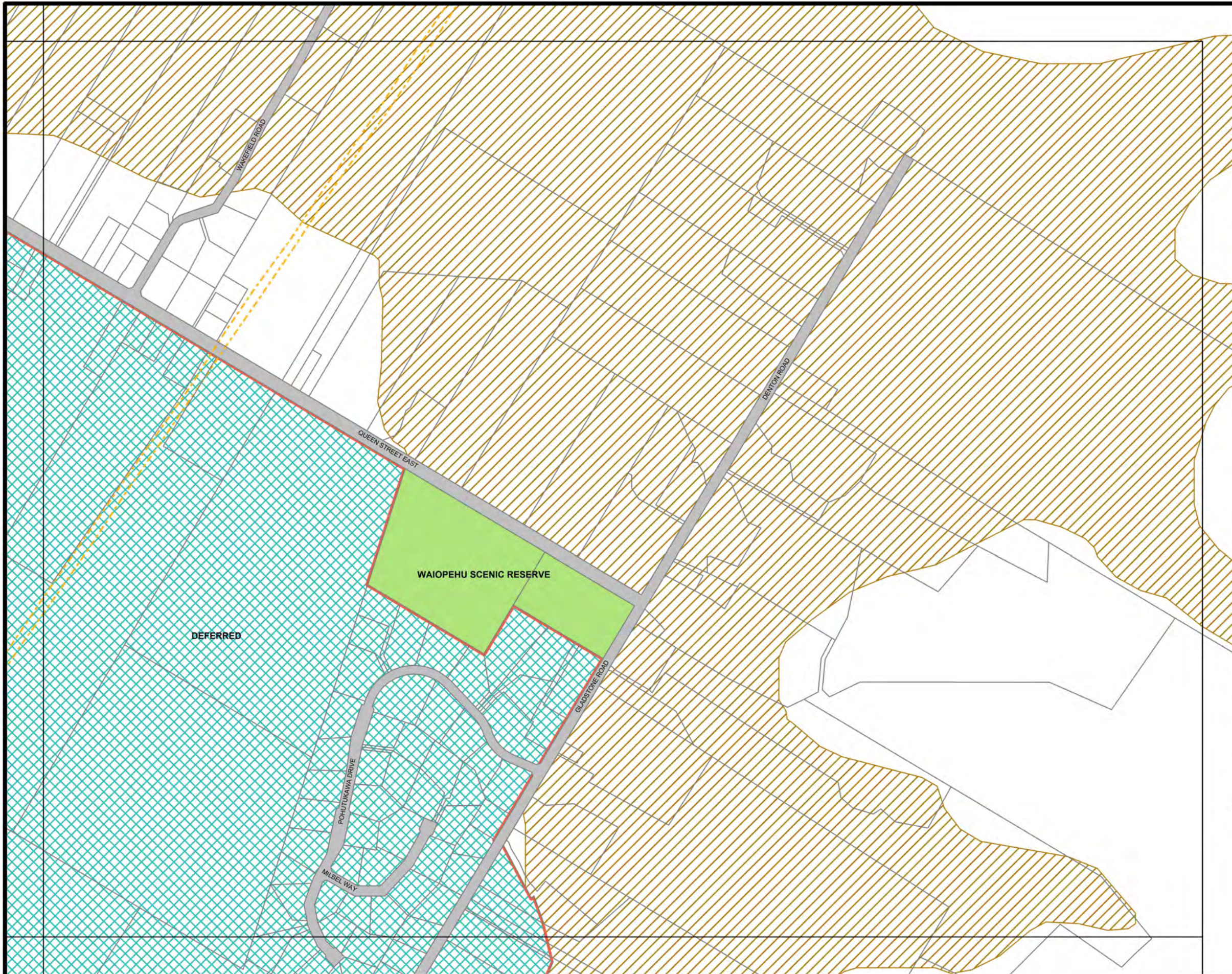
- Notable Tree
- Historic Heritage Building, Structure or Site
- Gas Transmission Pipeline
- National Grid Corridor (High Voltage Transmission Line)
- Designation
- Road

Scale 1 : 7,500

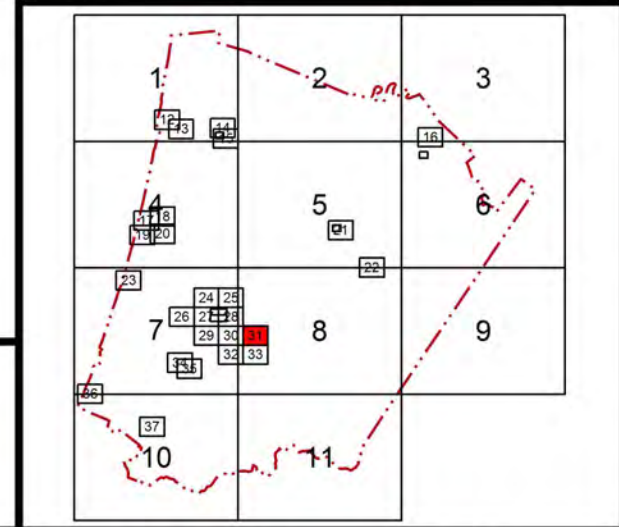
HOROWHENUA DISTRICT PLAN
LEVIN

Planning Map 30





- 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 : 7,500

HOROWHENUA DISTRICT PLAN
LEVIN

Planning Map 31

LEGEND

ZONES

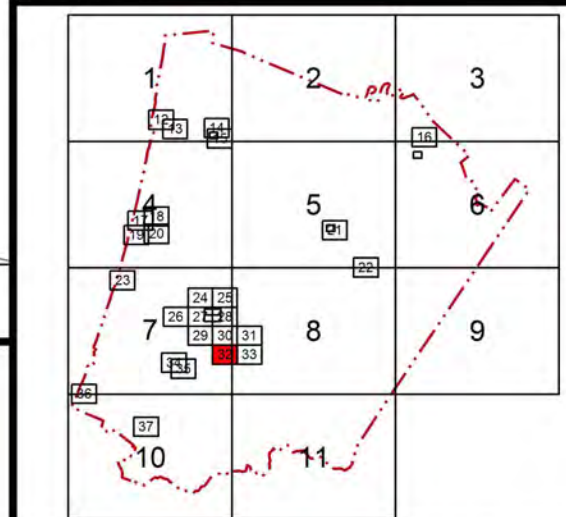
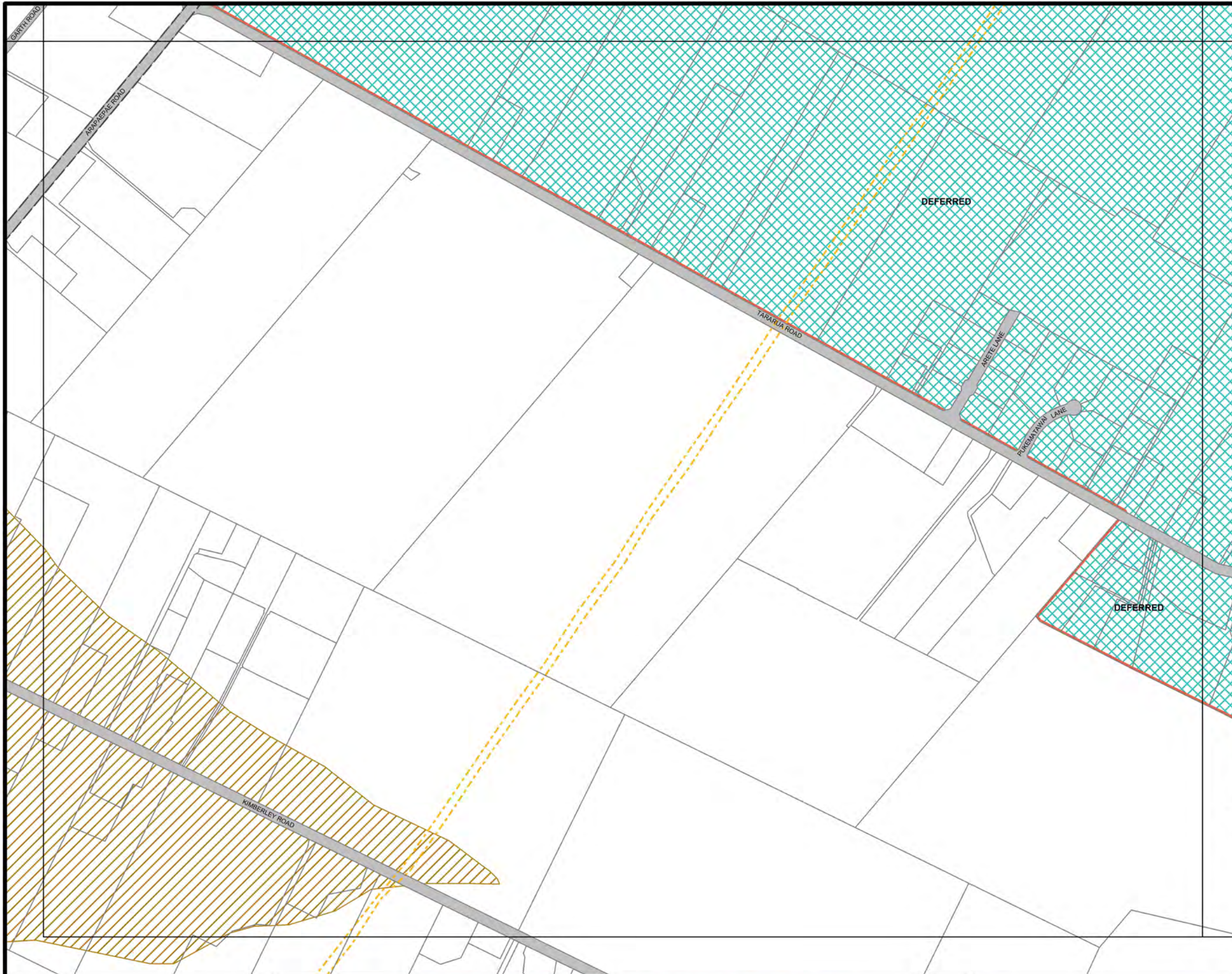
- Commercial Zone
- Industrial Zone
- Residential Zone
- Rural Zone
- Greenbelt Residential Zone
- Open Space Zone
- Residential Deferred Zone
- Greenbelt Residential Deferred Zone

OVERLAYS

- Greenbelt Residential Waitare Rise
- Greenbelt Residential Foxton Beach North
- Strathnaver Coastal Natural Character Area
- Strathnaver Coastal Hazard Area
- Muhunoa West Forest Park
- Muhunoa 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

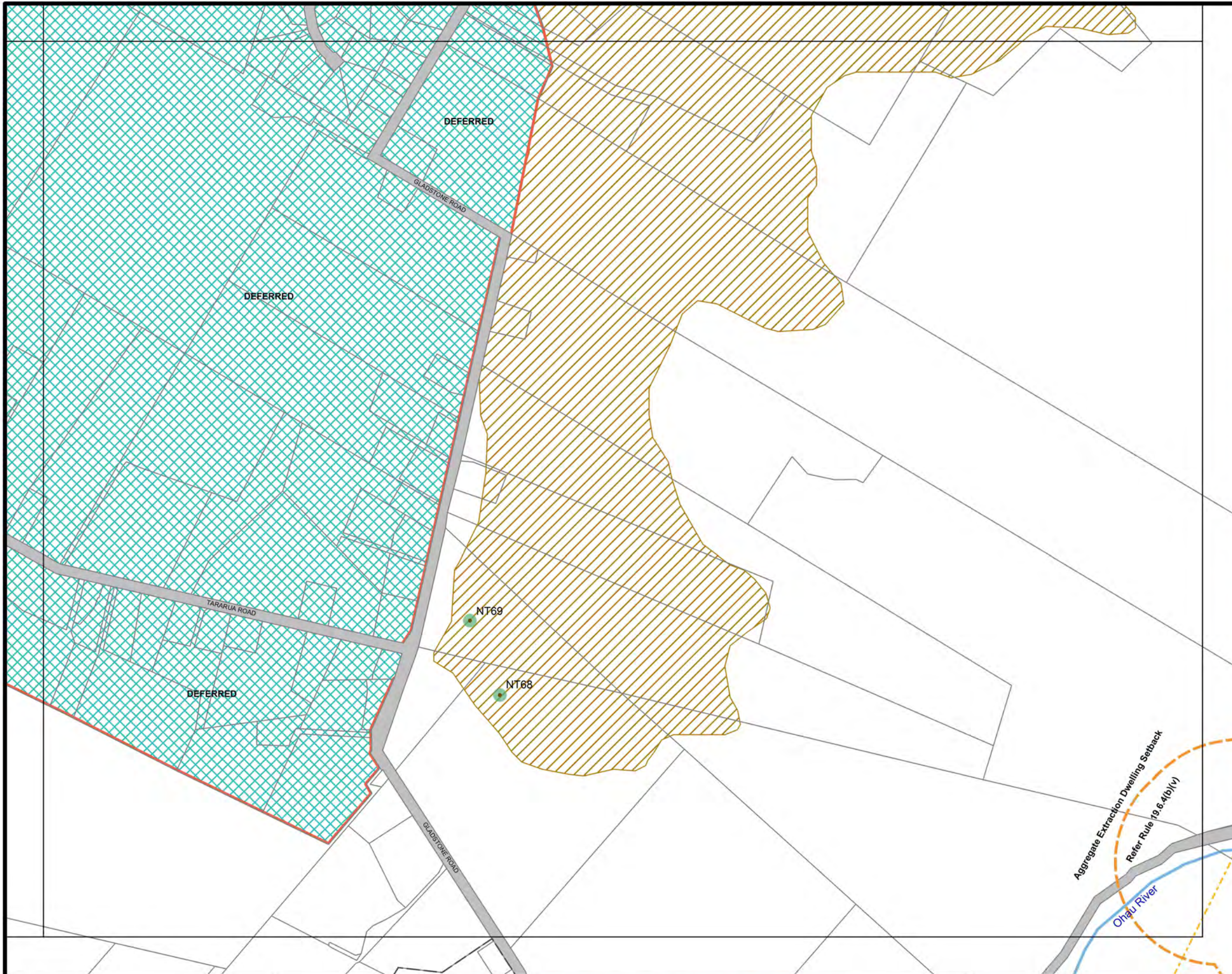
- Notable Tree
- Historic Heritage Building, Structure or Site
- Gas Transmission Pipeline
- National Grid Corridor (High Voltage Transmission Line)
- Designation
- Road



Scale 1 : 7,500

HOROWHENUA DISTRICT PLAN
LEVIN

Planning Map 32



LEGEND

ZONES

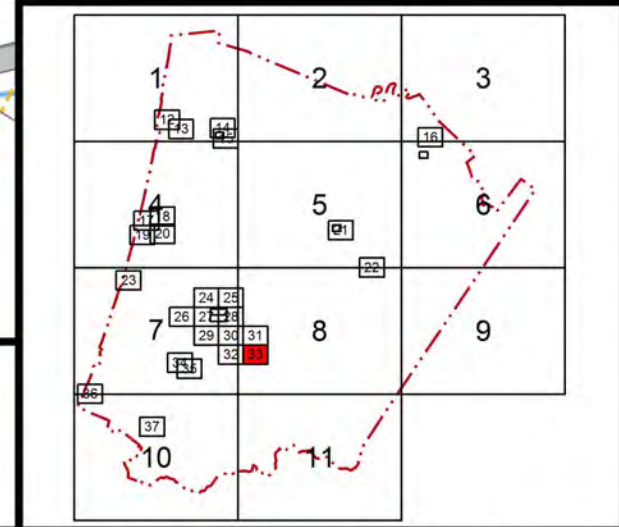
- Commercial Zone
- Industrial Zone
- Residential Zone
- Rural Zone
- Greenbelt Residential Zone
- Open Space Zone
- Residential Deferred Zone
- Greenbelt Residential Deferred Zone

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 : 7,500

HOROWHENUA DISTRICT PLAN
LEVIN

Planning Map 33

LEGEND
ZONES

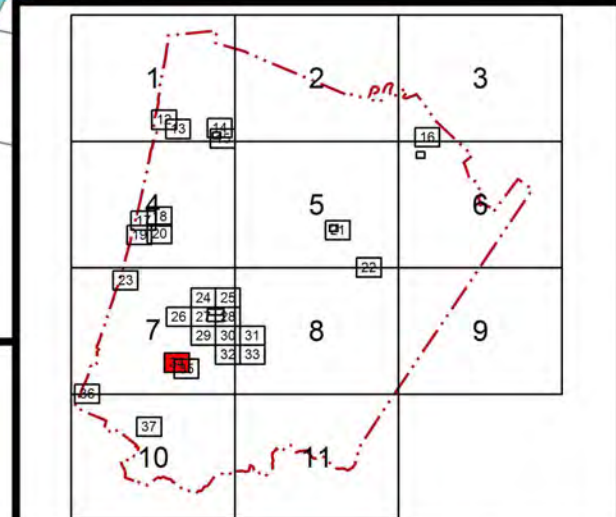
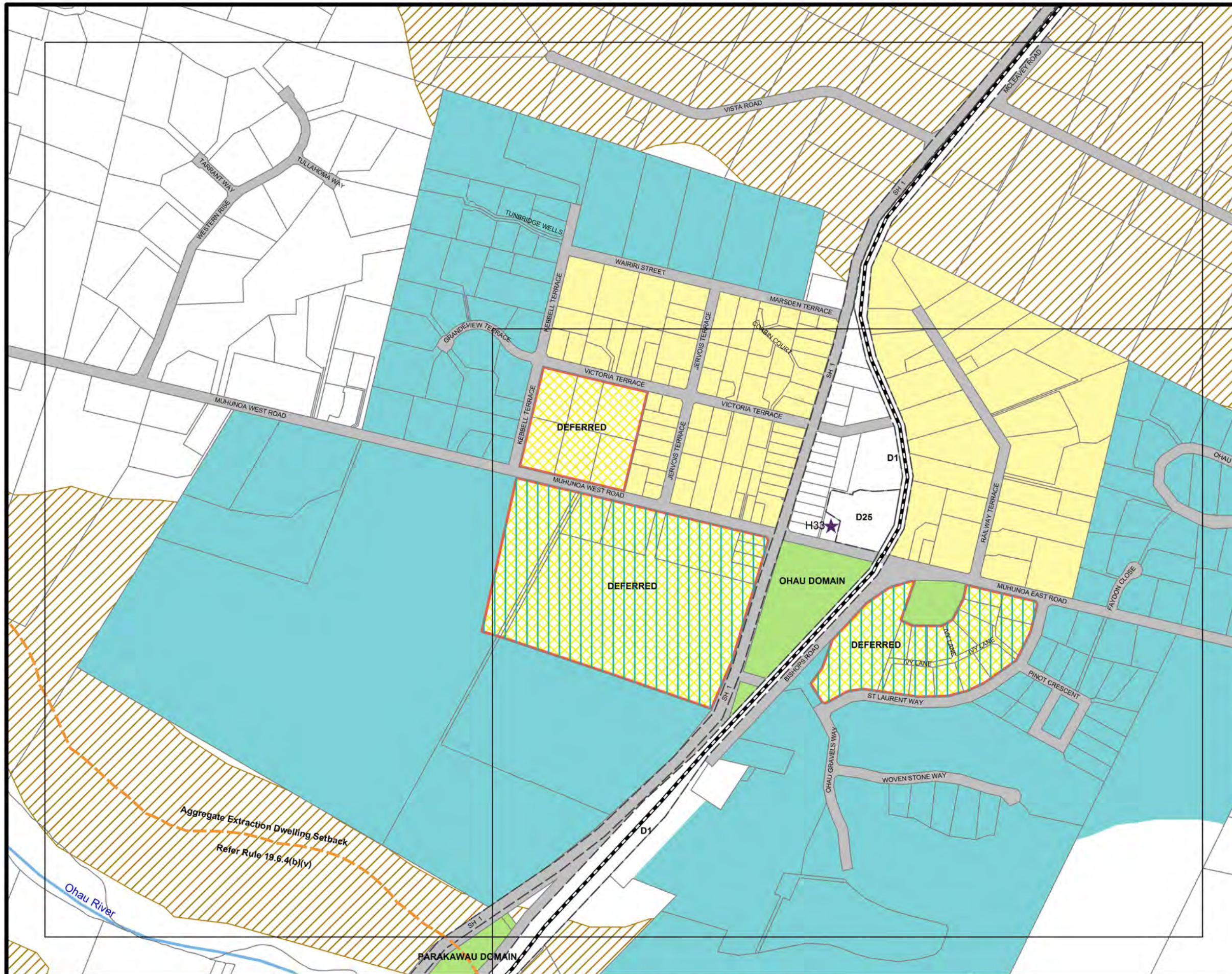
- Commercial Zone
- Industrial Zone
- Residential Zone
- Rural Zone
- Greenbelt Residential Zone
- Open Space Zone
- Residential Deferred Zone
- Greenbelt Residential Deferred Zone

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

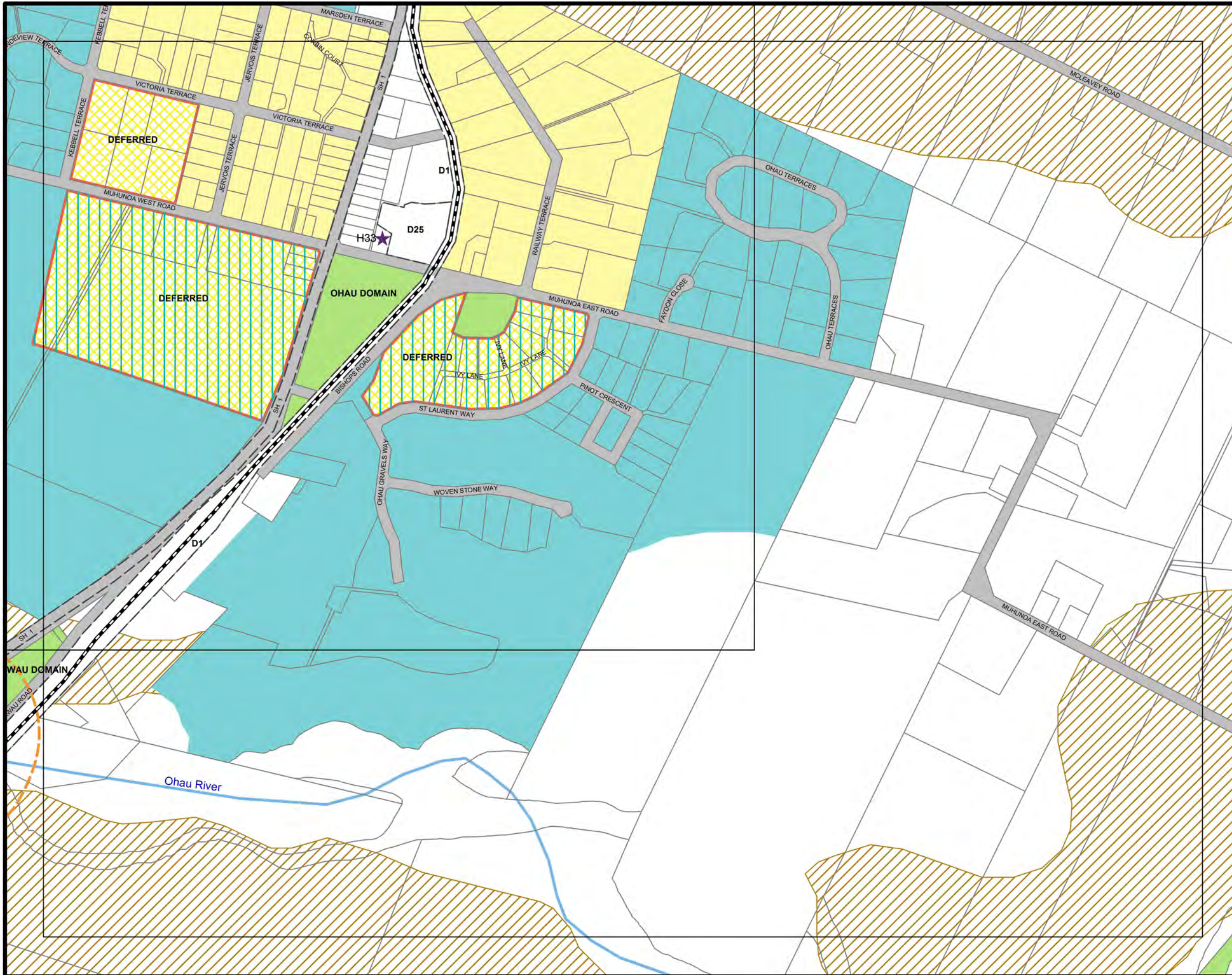
- Notable Tree
- Historic Heritage Building, Structure or Site
- Gas Transmission Pipeline
- National Grid Corridor (High Voltage Transmission Line)
- Designation
- Road



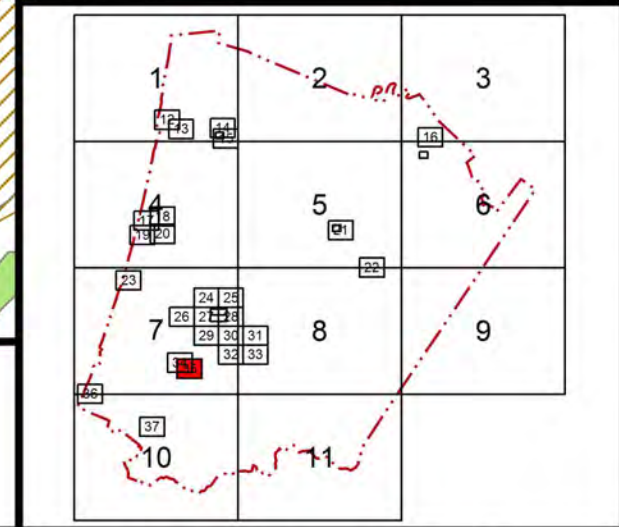
Scale 1 : 7,500

HOROWHENUA DISTRICT PLAN
OHAU

Planning Map 34



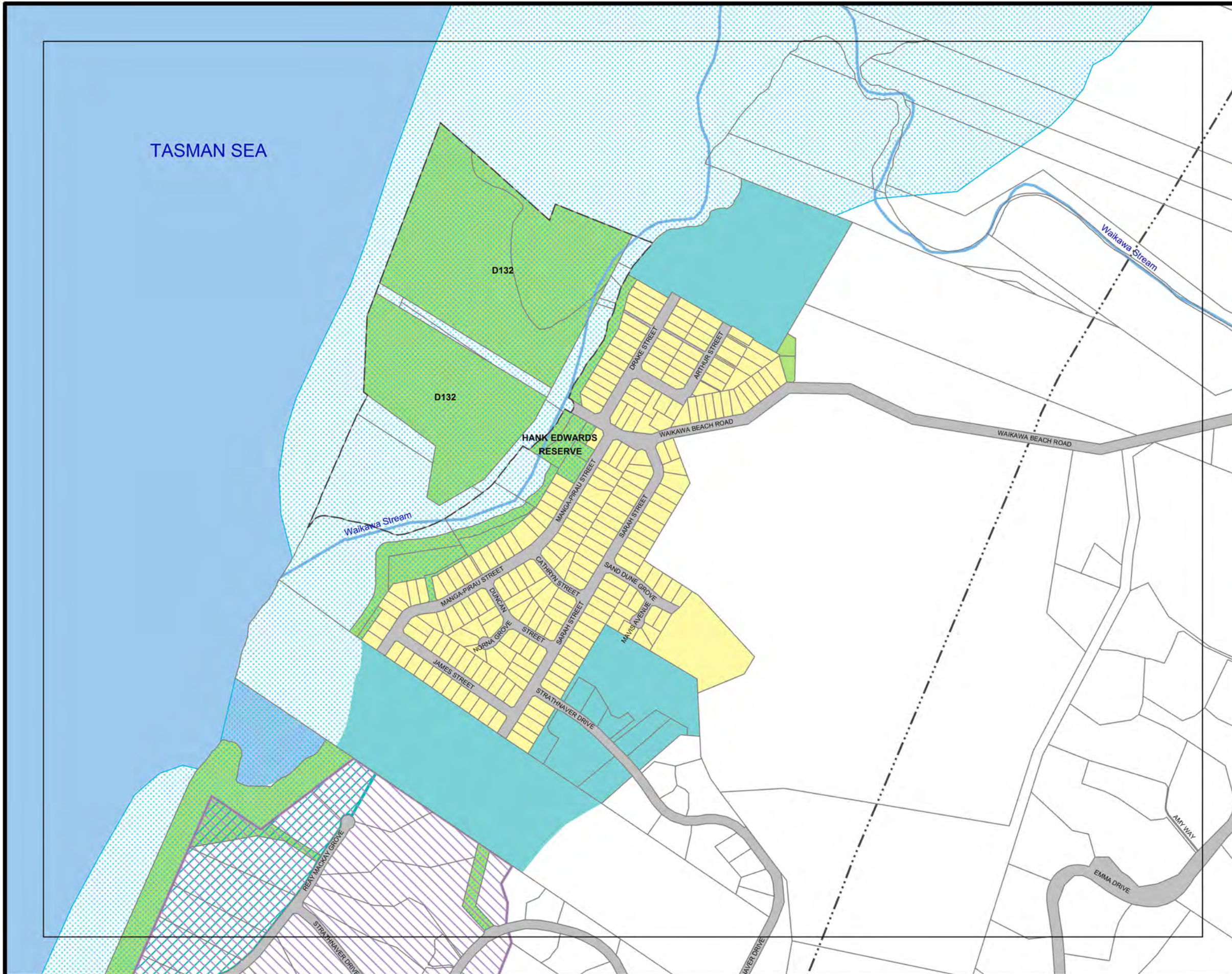
- LEGEND**
- ZONES**
- Commercial Zone
 - Industrial Zone
 - Residential Zone
 - Rural Zone
 - Greenbelt Residential Zone
 - Open Space Zone
 - Residential Deferred Zone
 - Greenbelt Residential Deferred Zone
- OVERLAYS**
- Greenbelt Residential Waitare Rise
 - Greenbelt Residential Foxton Beach North
 - 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 : 7,500

HOROWHENUA DISTRICT PLAN
OHAI

Planning Map 35



LEGEND

ZONES

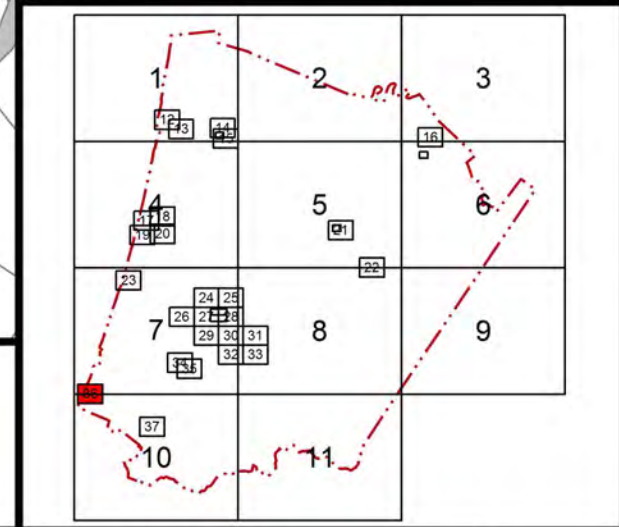
- Commercial Zone
- Industrial Zone
- Residential Zone
- Rural Zone
- Greenbelt Residential Zone
- Open Space Zone
- Residential Deferred Zone
- Greenbelt Residential Deferred Zone

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

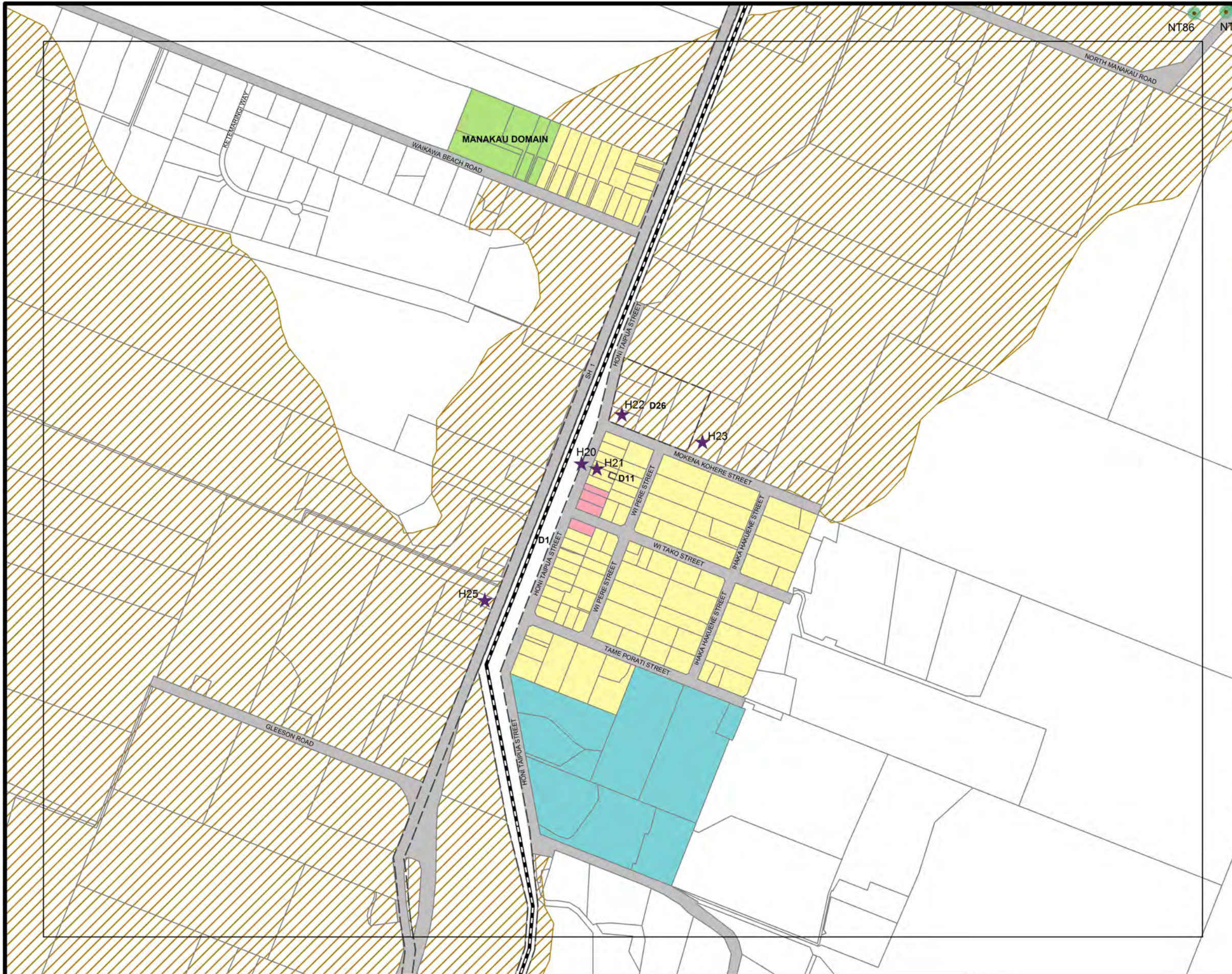
- Notable Tree
- Historic Heritage Building, Structure or Site
- Gas Transmission Pipeline
- National Grid Corridor (High Voltage Transmission Line)
- Designation
- Road



Scale 1 : 7,500

HOROWHENUA DISTRICT PLAN
WAIKAWA BEACH

Planning Map 36



LEGEND

ZONES

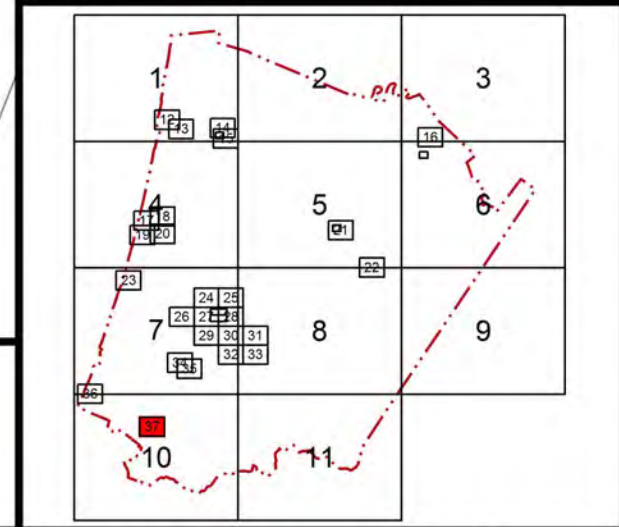
- Commercial Zone
- Industrial Zone
- Residential Zone
- Rural Zone
- Greenbelt Residential Zone
- Open Space Zone
- Residential Deferred Zone
- Greenbelt Residential Deferred Zone

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 : 7,500

HOROWHENUA DISTRICT PLAN
MANAKAU

Planning Map 37