

Submission in support of notable tree.

Submission from 61 Kuku East Road, Ohau, Levin.

We request the addition of the Podocarpus Totara at the above address to the schedule of notable trees.

The Totara height is 14.25m, with a spread of 13m and a girth of 3.7m. The age of the tree is estimated to be between 100 and 150 years. It has a STEM score of 168.

This particular Totara is a heavy seeder and fruiter, and together with other native trees on our property attracts good populations of Kereru, Tui, Fantail, Grey Warbler, Wax Eyes and tree weta. In addition Bellbird and Shining Cuckoo have been seen.

Kohekohe, Nikau, Supplejack, Pigeonwood, Putaputaweta, Hinau, Pseudopanax, Pittosporums and Coprosmas among others all seed heavily on the forest duff created by the Totara and supporting native trees.

The Totara is a tall stepping stone tree from the mountains to the sea. Its deep rooting system and wide spreading branches have shown themselves to be superior in longevity to surrounding exotic trees that regularly fall because of shallow root systems or are prone to rotting.

We would estimate that this particular Totara given heritage protection could live another 1000 years.

We the undersigned would like to thank you for your consideration in this matter.



W.J.Scotson and M.K. McKay.

4. My submission is that: (Clearly state whether you SUPPORT or OPPOSE specific parts of the Proposed District Plan or wish to have amendments made, giving reasons for your views)

Please see attached sheet.

(Continue on a separate sheet if necessary)

5. I/We seek the following decision from the Horowhenua District Council: (Give precise details of what amendments you wish to see and your reasons)

That the Podocarpus Totara at 61 Kuku East Road, RD 20 Levin is added to the Schedule of Notable Trees.

(Continue on a separate sheet if necessary)

6. Proposed District Plan Hearing

Do you wish to attend the Council hearing for the Proposed District Plan? Yes No

Do you wish to be speak in support of your submission at the hearing? Yes No

If others make a similar submission would you be prepared to consider presenting a joint case at the hearing? Yes No

I have attached ...1... additional pages to this submission.

Signature of Submitter: M. H. Key Date: 16-9-2012
(Or person authorised to sign on behalf of submitter)

Note: A signature is not required if you make your submission by electronic means.

Submissions must be received no later than 4:00pm 12 November 2012

Further Information

If you require further information about the Proposed District Plan please visit the Council website www.horowhenua.govt.nz or email districtplan@horowhenua.govt.nz or phone (06) 366 0999.

Privacy Act 1993

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SUBMISSION FORM

Proposed Horowhenua District Plan

Resource Management Act 1991

Form 5 of Resource Management

(Forms, Fees, Procedure) Regs 2003

Council Use Only
 Date Received:/...../.....
 Submission No:



Submissions can be:
 Delivered to: Horowhenua District Council Offices, 126 Oxford Street, Levin
 Posted to: Shaping Horowhenua, Horowhenua District Council, Private Bag 4002, Levin 5540
 Faxed to: (06) 366 0983
 Emailed to: districtplan@horowhenua.govt.nz

Submissions must be received no later than 4:00pm 12 November 2012

1. Submitter Contact Details

Full Name: Daniel Lawry.....
 Name of Organisation; *Homestead Concrete Homes Ltd*.....
 Address for Service: 76 Main Rd Sth Levin.....
 Post code: 5510.....
 Telephone (Day time): (06) 368 1357 Mobile: 021 2424 682
 Email: daniel@homesteadgroup.co.nz

Note: you must fill in all sections of this form.

2. Trade Competition

I could gain an advantage in trade competition through this submission? Yes No
 I am directly affected by an effect of the subject matter that
 (a) adversely affects the environment; and
 (b) does not relate to trade competition or the effects of trade competition? Yes No
Please note that if you are a person who could gain an advantage in trade competition through the submission, your right to make a submission may be limited by Clause 6 of Schedule 1 of the Resource Management Act 1991.

3. The specific provisions of the Proposed District Plan that my submission relates to are as follows: (Please specify the Rule, Policy or Map number your submission relates to)

Planning Map 29. Proposed Commercial Zone to 70-90 main Rd South be changed from Rural to Industrial Zoning.....

(Continue on a separate sheet if necessary)

4. My submission is that: (Clearly state whether you SUPPORT or OPPOSE specific parts of the Proposed District Plan or wish to have amendments made, giving reasons for your views)

We fully SUPPORT this action as the activities in this area have been of a commercial nature for some years. The County Council used to be in our yard of 74-76 main rd Sth and has been used as a quarry.
.....
Number 78 has two sheds rented out, one to a panel beater and the other a septic tank guy, previous to this there was a building company there and plumbers.

Next door is a car wrecker, and beyond that is a motel.....
.....
.....

(Continue on a separate sheet if necessary)

5. I/We seek the following decision from the Horowhenua District Council: (Give precise details of what amendments you wish to see and your reasons)

We would like to see as has been proposed by the Council on Planning Map 29. This decision goes ahead for the Benefit of the community.....
.....
.....

(Continue on a separate sheet if necessary)

6. Proposed District Plan Hearing

Do you wish to attend the Council hearing for the Proposed District Plan? Yes No

Do you wish to be speak in support of your submission at the hearing? Yes No

If others make a similar submission would you be prepared to consider presenting a joint case at the hearing? Yes No

I have attached additional pages to this submission.

Signature of Submitter: Date: 20/9/2012.....
(Or person authorised to sign on behalf of submitter)

Note: A signature is not required if you make your submission by electronic means.

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Further Information

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Faxed to: (06) 366 0983

Emailed to: districtplan@horowhenua.govt.nz

Submissions must be received no later than 4:00pm 12 November 2012

1. Submitter Contact Details

Full Name: Matthew Thredgold

Name of Organisation: *(If on behalf of an Organisation)*.....

Address for Service: 83 Wallace Loop Road, RD1, Levin.....

.....Post code: 5571

Telephone (Day time): (06) 368 4245.....Mobile: 0272371133.....

Email: matthew.thredgold@xtra.co.nz.....

Note: you must fill in all sections of this form.

2. Trade Competition

I could gain an advantage in trade competition through this submission? Yes No

I am directly affected by an effect of the subject matter that

(a) adversely affects the environment; and

(b) does not relate to trade competition or the effects of trade competition? Yes No

Please note that if you are a person who could gain an advantage in trade competition through the submission, your right to make a submission may be limited by Clause 6 of Schedule 1 of the Resource Management Act 1991.

3. The specific provisions of the Proposed District Plan that my submission relates to are as follows: *(Please specify the Rule, Policy or Map number your submission relates to)*

Unfortunately it seems to be totally absent from the district plan.

4. My submission is that: *(Clearly state whether you SUPPORT or OPPOSE specific parts of the Proposed District Plan or wish to have amendments made, giving reasons for your views)*

The district plan does not address air quality issues. Wood smoke is poisonous and has been linked to 1100 annual deaths in NZ. Levin, Shannon, Foxton and smaller centres such as Manakau, at times, suffer from poor air quality. The smoke can be thick, and the pollution can be chronic. It makes living in town unpleasant and undesirable. With the emphasis of increasing densities in towns (especially for older residents, who have worse health effects from wood smoke than young adults) it is necessary to prohibit installation of new solid fuel home heating, and it is also necessary to, at worst, phase out, or at best, prohibit, existing solid fuel woodburners. Prohibition is best, because the results are immediate, and where so-called "clean" wood burners have been installed in other Australian and New Zealand towns,

there have been no demonstrated improvements in air quality. This is because so called “clean” woodburners, when used in the real world, rather than in laboratory testing, fail to match the laboratory performance.

There is also a need to change the plan to prohibit rural burning off. As a resident in the rural zone for the past 15 months, smoke invading my property from neighbours burning rubbish and tree trimmings has been a problem over a dozen times. I greatly resent having my air fouled by smoke, and it limits my ability to enjoy my gardens (and sometimes the smoke is smelt inside my house). The regional council rules state that they are not allowed to cause smoke and odour nuisance beyond their property boundaries, but the physical reality is smoke always does, so my view is that the rules are completely ineffective and offer no protection from intermittent, but serious (and completely preventable) air pollution. The rural zone in the district plan should therefore limit and control burning off as a permitted activity. My preference would be for complete prohibition.

5. I/We seek the following decision from the Horowhenua District Council: (Give precise details of what amendments you wish to see and your reasons)

Ban new installations of woodburners and other solid fuel stoves and heaters in residential and commercial zones.

Have provisions for phasing out and eventually prohibiting the use of woodburners and other solid fuel stoves and heaters in residential and commercial zones.

Prohibit all open air burning of rubbish and wood across the whole district.

6. Proposed District Plan Hearing

Do you wish to attend the Council hearing for the Proposed District Plan? Yes No

Do you wish to be speak in support of your submission at the hearing? Yes No

If others make a similar submission would you be prepared to consider presenting a joint case at the hearing? Yes No

I have attached ...0..... additional pages to this submission.

Signature of Submitter: **Date:** 7/10/12.....
(Or person authorised to sign on behalf of submitter)

Note: A signature is not required if you make your submission by electronic means.

Submissions must be received no later than 4:00pm 12 November 2012

Further Information

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COMPLETED

with Thanks 

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Emailed to: districtplan@horowhenua.govt.nz

Submissions must be received no later than 4:00pm 12 November 2012

1. Submitter Contact Details

Full Name: MALCOLM S. GUY
Name of Organisation: (If on behalf of an Organisation) NONE
Address for Service: R.D.S. LEVIN Post code:
Telephone (Day time): 0276687000 Mobile: 0276687000
Email:

Note: you must fill in all sections of this form.

2. Trade Competition

I could gain an advantage in trade competition through this submission? Yes No
I am directly affected by an effect of the subject matter that
(a) adversely affects the environment; and
(b) does not relate to trade competition or the effects of trade competition? Yes No

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3. The specific provisions of the Proposed District Plan that my submission relates to are as follows: (Please specify the Rule, Policy or Map number your submission relates to)

More Information Regarding The Flood Zones in The Rural Areas. Especially The "Bandary Areas" in The Proposed ZONES / Please (Continue on a separate sheet if necessary)



4. My submission is that: (Clearly state whether you SUPPORT or OPPOSE specific parts of the Proposed District Plan or wish to have amendments made, giving reasons for your views)

.....
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.....
.....

(Continue on a separate sheet if necessary)

5. I/We seek the following decision from the Horowhenua District Council: (Give precise details of what amendments you wish to see and your reasons)

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.....
.....
.....
.....

(Continue on a separate sheet if necessary)

6. Proposed District Plan Hearing

Do you wish to attend the Council hearing for the Proposed District Plan? Yes No

Do you wish to be speak in support of your submission at the hearing? Yes No

(Perhaps?)

If others make a similar submission would you be prepared to consider presenting a joint case at the hearing? Yes No

I have attached additional pages to this submission.

Signature of Submitter: Malcolm Grey Date: 7/10/12
(Or person authorised to sign on behalf of submitter)

Note: A signature is not required if you make your submission by electronic means.

Submissions must be received no later than 4:00pm 12 November 2012

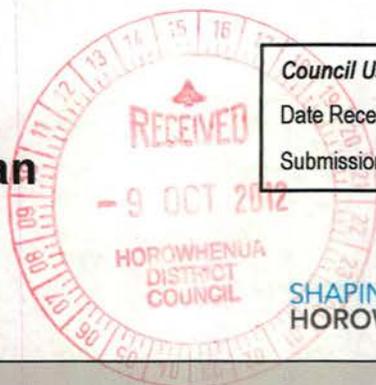
Further Information

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1. Submitter Contact Details

Full Name: ELAINE HELEN CRADOCK
 Name of Organisation: *(If on behalf of an Organisation)*.....
 Address for Service: 4 ROSS STREET
LEVIN Post code: 5510
 Telephone (Day time): 368426 Mobile:
 Email:

Note: you must fill in all sections of this form.

2. Trade Competition

I could gain an advantage in trade competition through this submission? Yes No
 I am directly affected by an effect of the subject matter that
 (a) adversely affects the environment; and
 (b) does not relate to trade competition or the effects of trade competition? Yes No

Please note that if you are a person who could gain an advantage in trade competition through the submission, your right to make a submission may be limited by Clause 6 of Schedule 1 of the Resource Management Act 1991.

3. The specific provisions of the Proposed District Plan that my submission relates to are as follows: (Please specify the Rule, Policy or Map number your submission relates to)

I SUPPORT THE IDENTIFIED AREA FOR LARGE RETAIL
DEVELOPMENT AND ENSURING ACTIVITIES DO NOT RETRACT
FROM THE HEART OF THE LEVIN SHOPPING AREA, BUT
IT WOULD ENHANCE THE TOWN - LEVIN BADLY NEEDS
A LARGE BIG BOX RETAIL SITE FOR CHOICE
THE MALL IS LOOKING VERY TATTY NOW ESPECIALLY
WITH THE NEW TRUCKER BUILDING. COULD THE MALL
BE DONE UP SOMETIME (Continue on a separate sheet if necessary)

4. My submission is that: (Clearly state whether you SUPPORT or OPPOSE specific parts of the Proposed District Plan or wish to have amendments made, giving reasons for your views)

I SUPPORT THE NEW NOISE LEVELS THE NEW SCHEDULE FROM 7PM - 10PM

ALSO NOISE INSULATION IN THE COMMERCIAL ZONE

(Continue on a separate sheet if necessary)

5. I/we seek the following decision from the Horowhenua District Council: (Give precise details of what amendments you wish to see and your reasons)

THE ONE PLAN IS GENERALLY ACCEPTABLE TO ME AS LONG AS IT IS IMPLEMENTED OVER A PERIOD OF TIME THAT WONT IMPACT TOO MUCH ON RATE RISES. RATES SHOULD BE KEPT AT 5%

(Continue on a separate sheet if necessary)

6. Proposed District Plan Hearing

Do you wish to attend the Council hearing for the Proposed District Plan? Yes No

Do you wish to be speak in support of your submission at the hearing? Yes No

If others make a similar submission would you be prepared to consider presenting a joint case at the hearing? Yes No

I have attached additional pages to this submission.

Signature of Submitter: Elit Cradock Date: 5 OCTOBER 2012
(Or person authorised to sign on behalf of submitter)

Note: A signature is not required if you make your submission by electronic means.

Submissions must be received no later than 4:00pm 12 November 2012

Further Information

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4. My submission is that: (Clearly state whether you SUPPORT or OPPOSE specific parts of the Proposed District Plan or wish to have amendments made, giving reasons for your views)

Question 4: My submission is:

I oppose Designation D117 placed on DP 1713: Lot 5.
This is a family home that has belonged to the family since 1929. It is a residential property on which the central business district has encroached.
It is zoned commercial and I would like it to be re zoned to Residential Zone and medium-density development to bring it into alignment with all the other residential properties adjacent to it (South and West of 28) in Durham Street

(Continue on a separate sheet if necessary)

5. I/We seek the following decision from the Horowhenua District Council: (Give precise details of what a

Question 5: I seek the following decision:

1) Please remove the Designation 117 for carpark on DP 1713: Lot 5, ie 28 Durham St, Levin
2) Please rezone DP 1713: Lot 5 from Commercial to Residential Zone and medium density development to bring it into alignment with all other adjacent (South and West) residential properties in Durham St.
This has been a family home for 83 years and continues to be so. It is a valuable and convenient property being so close to the town centre.

Should the decision be made to sell the property in the future, I wish to retain the right to sell it on the open market, just as all my neighbours are currently able to do with their own properties.

6. Pro

Do yo

Do yo

I have no objection to HDC having first right of refusal on open market value but I would like it to be zoned residential and the carpark designation D117 lifted to enlarge future options for this property.

If others make a similar submission would you be prepared to consider presenting a joint case at the hearing? Yes No

I have attached ...0... additional pages to this submission. - just map & designation schedule 1.

Signature of Submitter: Heather Benning **Date:** 10-10-12
(Or person authorised to sign on behalf of submitter)

Note: A signature is not required if you make your submission by electronic means.

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SCHEDULE 1: Designations

DESIGNATING AUTHORITY : HOROWHENUA DISTRICT COUNCIL					
Des. No	Map No	Designating Purpose	Street Address	Legal Description	Modification Sought
					designation
D112	5	Cemetery	Hickford Road, Foxton	Sec 614 Town of Foxton, Lot 2 DP 61106	Roll over
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 Waiiopehu SD, Pt Section 22 Blk I Waiiopehu SD	Alteration - Amend extent of designation
D115	27	Cemetery	Mako Mako Road, Levin	Section 29 Blk I Waiiopehu SD	Roll over
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
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
D120	5	Rubbish Dump	Hennesey Road, Shannon	Lot 1 DP 6241	Alteration - Amend legal description
D121	5	Cemetery	Koputaroa Road, Levin	Pt Lot 1 DP 4297	Roll over
D122	7	Rubbish Dump	Hokio Beach Road, Hokio Beach	Lot 3 DP 40743	Roll over
D123	16	Segregation Strip	State Highway 57, Tokomaru	Road Reserve	Roll over
D124	16	Sewage Treatment Plant	Nikau Street, Tokomaru	Lot 1 DP 45200, Lot 2 DP 45200	Roll over
D125	5	Sewage Treatment Plant	Johnson Street, Shannon	Lot 1 DP 30807	Roll over
D126	5	Cemetery	Brown Street, Shannon	Lot 486 DP 369, Lot 488 DP 369	Roll over
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
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
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 - Amend designating purpose and legal description
D131	23	Proposed Foreshore	Hokio Beach	Defined on the Planning Maps	Roll over

LEGEND
ZONES

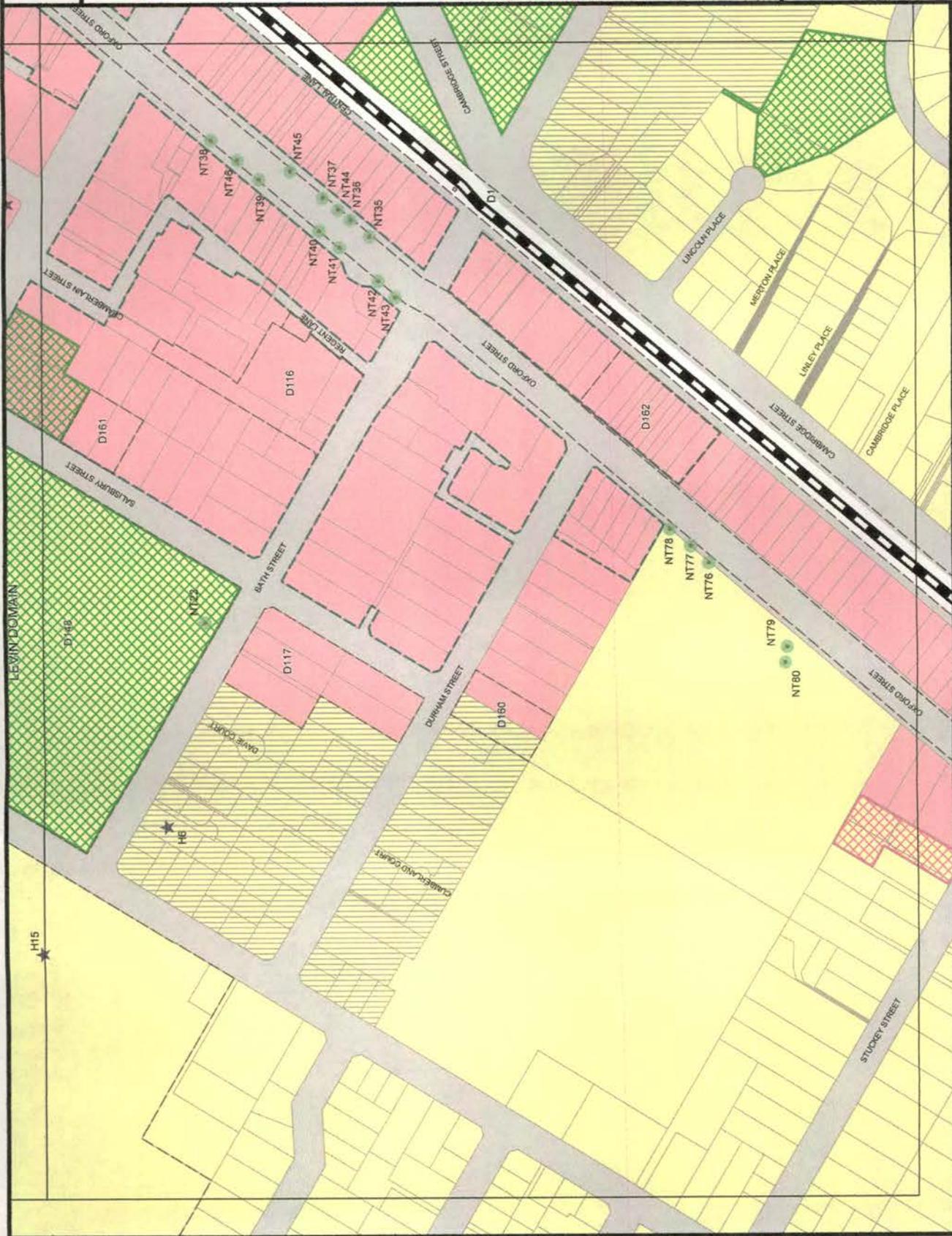
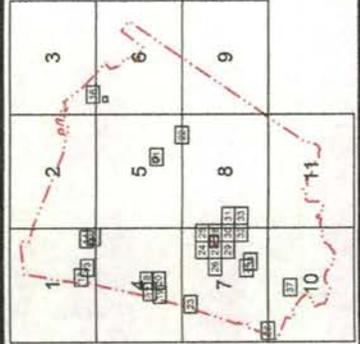
- Commercial Zone
- Industrial Zone
- Residential Zone
- Rural Zone
- Proposed Commercial Zone
- Proposed Greenbelt Residential Zone (part of PC 21)
- Proposed Greenbelt Residential Deferred Zone (part of PC 21)
- Proposed Industrial Zone
- Proposed Open Space Zone
- Proposed Residential Zone
- Proposed Residential Zone (part of PC 21)
- Proposed Residential Deferred Zone
- Proposed Rural Zone

OVERLAYS

- Proposed Greenbelt Residential Waikare 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)
- Moultou Floodway (1:50,000 Rural Maps Only)
- Versatile Land (LUC Class 1 & 11 Soil)

FEATURES

- Notable Tree
- Historic Heritage Building, Structure or Site
- Designation
- Road



Planning Map 27B

PROPOSED HOROWHENUA DISTRICT PLAN
LEVIN CBD

Scale 1 : 2,500

SUBMISSION due 12 November 2012

On the PROPOSED HOROWHENUA DISTRICT PLAN

To: Horowhenua District Council

From: **Heather Adele Heron-Speirs, on behalf of Heirs Partnership** (herself, and Terence Roydon Speirs and Ofelia Guevara Speirs), farm land owners, Poroutawhao; 756 Foxton Road, RD 12, Levin 5572; P: 3680471; E: haheeron@clear.net.nz

Re: **Flood Hazard Area, Rural boundary set-back, and Transmission line corridor**, specifically, (a) proposed Rural Planning Map 4: Extent of flood hazard Area; (b) proposed rule 19.4.8; (c) proposed rule 19.6.11; (d) proposed rule 19.6.4; and (e) proposed rule 19.6.14(b)

I *oppose* these proposed changes for the following reasons:

(a) proposed Rural Planning Map 4: Extent of flood hazard Area

I assert that the area marked as susceptible to flooding which is on our property at Poroutawhao is, in fact, not so susceptible. Some of it is sand hill; some is ironstone and though flat, is elevated; and other parts, though low and peaty or sandy, and prone to a little spot ponding, have not flooded in my memory or knowledge (except that sometimes water sits in parts of the bush area at the rear of our property, as it is meant to – it is Pukatea lowland bush). I *attach* a farm paddock map with the proposed flood hazard zone marked on it so you can see some of these features.

My family has been on half of the land that comprises this property for three generations and bought the other half in 1972 i.e. 40 years ago. After growing up here on the farm (born 1962), I moved to Wellington in 1980 and then returned in 1996. We have had significant flood events in the region in the times I have been living here but I have only known paddock ponding from poor drainage in spots, not 'flooding' as such (i.e. water backing up), on our property. On the contrary, in the 2004 Moutoa floods, we had 900 cows from 6 farmers come onto our property where we re-commissioned our milking shed for their use, because our property was 'high and dry'. Our property has considerable fall from west to east and drains onto Guy's and the Aratangata flooding area there. The only time I have known a flood to be an issue here was the one in 1998 (I think it was that year, October) and then the issue was the speed of the run-off down the drains (it took out several culverts) not surface flooding.

I would like our property to be taken out of the proposed flood hazard zone. If the Council wishes to proceed with including it, I feel it needs to justify the exact boundaries of the flood zone, because it is clear that flooding is not possible in some places presently included, and unknown in other parts.

(b) Proposed flood hazard area: proposed rule 19.4.8 (building etc.)

Unless the boundaries of the proposed flood hazard area are highly accurate, this proposed rule restricting building etc. in the area is unjustified and oppressive.

I would like to see accurate mapping of the perimeters of the flood area, or else the restrictions of this rule confined to areas with a known flood history or incontestable high risk.

(c) Proposed flood hazard area: proposed rule 19.6.11 (earthworks)

This rule limiting earthworks is again unjustified and oppressive unless the mapping is highly accurate. Even if it is accurate, there will be land in which earthworks are most unlikely to cause a problem. On our farm, where sand hills run west-east, and water flows in the same direction, we have never had a problem with earthworks creating flooding. However, we have built a number of farm tracks, including along the top of sand hills, which has involved moving more earth than the small amount specified in this rule. For us, the rule would create inconvenience and expense without any conceivable benefit to the land or to the public interest.

Again, I would like to see accurate mapping of the perimeters of the flood area. Also, within the mapped zone, I would like to see the restrictions of this rule confined to areas where it is known that earthworks could create significant flood problems.

(d) Rural boundary set-back, proposed rule 19.6.4

This rule proposes a change for properties larger than 5000m² such that set-back from the title boundary for new buildings will no longer be 3m, with 30m between an existing building on one title and any new building on another, to a flat set-back rule of 10m from the title boundary for all new buildings.

I understand that the proposed rule is intended to create simplicity in the service of certainty, and that the effective 20m minimum gap between buildings on adjacent properties is intended to preserve the spacious feel of rural living and prevent problems between neighbours who are too close.

However, the proposed rule has the undesirable effect of creating a 10m strip all around the perimeter of the title that can no longer be used to site a house, where that strip used to be only 3m. That is a considerable increase in the area which is ruled out for development, and depending on the size and shape of the title, could create significant limitations for some property owners. Furthermore, the proposed rule actually lessens the allowable minimum space between houses on adjacent rural properties, thus detracting from the spacious rural feel that already exists and which the rule is supposed to serve.

While the 10m strip has the advantage of being easy to calculate, it does not serve its purpose well because it does not precisely target the real issue, namely, the space between houses on adjacent properties. The present rule does target that issue directly: there must be 30m between such houses.

I understand that the present rule has been the cause of distress to some people who have effectively found themselves the losers in a race to place a house close to the boundary where a neighbour who is also building. The new rule seeks to address this by providing a simple predictable formula for would-be house builders. However, it could have the effect of resolving this problem by allowing *neither* of them to build

on a desirable site, because that site is close to the boundary, rather than at least allowing one of them to do it without problem, and the other to apply for consent to do so. Furthermore, the proposed change could rule out other potential dwelling sites, by creating the wider 10m no-build strip around the title boundaries. If a title has curving boundaries in a hill and valley area, this could spoil all good sites.

I feel that the proposed rule is a blunt instrument which does not target the issue, and will restrict flexibility in the selection of building sites, while actually reducing the space between rural houses.

I would like to see the essence of the present rule retained, but supplemented to target the real problem, i.e. to prevent the 'race' situation referred to. That problem is one of timing: one neighbour gets building consent just before the other does, so the other has to start again with a new plan. I am not sure of the best way to resolve this (I think the Council planners could generate better ideas from their knowledge of building processes) but perhaps the answer is to require 'land owner A', who wants to build between 3 and 10m of its boundary with 'landowner B', to notify land owner B at the same time that land owner A applies for a building consent. If this is a problem to B, then it can notify landowner A and the Council, but must substantiate the notification with evidence of plans to build within 30m of the proposed site of A's house. If the Council accepts that B has presented satisfactory evidence (the kinds of evidence that would suffice can be specified), then the two parties can be given a time (say, one month) to resolve their problem by written agreement notified to the Council, or else the fall-back position that will apply is that neither can build closer to the boundary than 10m in that vicinity (again, vicinity can be defined). I think a simple process like this provides a maximum of fairness between neighbours while it also leaves open the bulk of the flexibility and rural space provided for under the present rule.

(e) Transmission line corridor, proposed rule 19.6.14(b)

This rule reduces the width of the transmission line corridor that was introduced a few years ago (e.g. from 32m to 10m from the centreline of 110kV lines). The creation of the 32m corridor has been highly controversial throughout the country, because of its major uncompensated impact on property rights, and this change appears to be a softener in response to the outcry. However, the concept of the Council imposing *any* such corridor is both flawed and redundant.

In rule 19.6.14(a) the Council recognises the government's regulations which set out in detail already existing legal restrictions on the distance of buildings and works from power lines and towers: New Zealand Electrical Code of Practice of Electrical Safety Distances (NZECP 34:2001). This document is readily searchable and accessible (www.med.govt.nz/energysafety/documents), is finely tailored to the various types of power lines and towers, is tightly focussed on what is necessary for safety, and, as a regulation under the Electricity Act 1992, is *already law*.

By doubling up on the far more detailed and focussed rules under that Code of Practice, a Council imposed corridor confuses necessary requirements, and imposes unnecessary expense and burdens on land owners. The Code of Practice is a 25 page document addressing issues which the proposed Council rule purports to address in

less than half a page. Once again, the Council rule is a blunt and oppressive instrument, but in this case, it is also redundant.

I understand that the Western Bay of Plenty District Council and Waimate District Council have declined to impose a transmission line corridor, recognising that to do so would be redundant with the Code of Practice. I would like to see HDC follow suit, changing the proposed rule to remove the corridor altogether.

I wish to attend and speak at the public hearing

I would consider presenting a joint case with others who have made similar submissions.

I attach 1 page, being the map referred to under (a), above.

Yours faithfully,

Heather Heron-Speirs, LIB(Hons), MA(Hons) Psych

SUBMISSION FORM

Proposed Horowhenua District Plan

Resource Management Act 1991

Form 5 of Resource Management

(Forms, Fees, Procedure) Regs 2003

Council Use Only
 Date Received:/...../.....
 Submission No:



Submissions can be:
 Delivered to: Horowhenua District Council Offices, 126 Oxford Street, Levin
 Posted to: Shaping Horowhenua, Horowhenua District Council, Private Bag 4002, Levin 5540
 Faxed to: (06) 366 0983
 Emailed to: districtplan@horowhenua.govt.nz

Submissions must be received no later than 4:00pm 12 November 2012

1. Submitter Contact Details

Full Name: Graham & Sonia Broughton
 Name of Organisation: *(If on behalf of an Organisation)*.....
 Address for Service: 130 Mansfield St, Thornbury, Victoria, Australia
Post code: 3071
 Telephone (Day time): +61390299767Mobile: +61423625671
 Email: g.s.broughton@gmail.com

Note: you must fill in all sections of this form.

2. Trade Competition

I could gain an advantage in trade competition through this submission? Yes No

I am directly affected by an effect of the subject matter that
 (a) adversely affects the environment; and
 (b) does not relate to trade competition or the effects of trade competition? Yes No

Please note that if you are a person who could gain an advantage in trade competition through the submission, your right to make a submission may be limited by Clause 6 of Schedule 1 of the Resource Management Act 1991.

3. The specific provisions of the Proposed District Plan that my submission relates to are as follows: *(Please specify the Rule, Policy or Map number your submission relates to)*

Proposed Horowhenua District Plan Planning Map 28A, specifically, the proposal to change 189 Cambridge Street from Residential zoning to Commercial zoning.

.....

(Continue on a separate sheet if necessary)

4. My submission is that: *(Clearly state whether you SUPPORT or OPPOSE specific parts of the Proposed District Plan or wish to have amendments made, giving reasons for your views)*

We OPPOSE the proposal to alter address 189 Cambridge street to Commercial zoning. Our properties at 185 & 187 Cambridge street will be negatively impacted should commercial property development be allowed at this location, as follows:

We see no need for rezoning of this section, given this entire area of Cambridge street is Residential zoning currently, so to change it otherwise would negatively impact the residential feel of the neighbourhood.

The direct neighbour (187) property is rented long term to an elderly gentleman and we feel it would negatively impact on his privacy and peace to have commercial property operating directly next door.

The properties were purchased for fair price based on a residential street, not as part of a mixed zone; strong loss of our properties value will be incurred should this rezoning take place and we feel this is unfair and inappropriate.

Any building of structures allowable under Commercial zoning could severely overshadow our adjoining properties, given 189 Cambridge is on the Northerly boundary of our properties.

In a Commercial zone, businesses which attract large amounts of traffic could be erected which would detract from the neighbouring properties rental prospects, and also impact on the safety and 'feel' of the street.

Commercial zoning will not restrict the type of business set up and a business such as a service station, etc., will be an undesirable neighbour for any future tenants.

(Continue on a separate sheet if necessary)

5. I/We seek the following decision from the Horowhenua District Council: *(Give precise details of what amendments you wish to see and your reasons)*

Removal of the proposal to change 189 Cambridge street to Commercial zoning, instead leaving it as Residential zoning as is.

.....
.....
.....
.....

(Continue on a separate sheet if necessary)

6. Proposed District Plan Hearing

Do you wish to attend the Council hearing for the Proposed District Plan? Yes No

Do you wish to be speak in support of your submission at the hearing? Yes No

If others make a similar submission would you be prepared to consider presenting a joint case at the hearing? Yes No

I have attached additional pages to this submission.

Signature of Submitter: N/A **Date:** 12th October, 2012



(Or person authorised to sign on behalf of submitter)

Note: A signature is not required if you make your submission by electronic means.

Submissions must be received no later than 4:00pm 12 November 2012

Further Information

If you require further information about the Proposed District Plan please visit the Council website www.horowhenua.govt.nz or email districtplan@horowhenua.govt.nz or phone (06) 366 0999.

Privacy Act 1993

Please note that submissions are public information. Information on this form including your name and submission will be accessible to the media and public as part of the decision making process. Council is required to have this by the Resource Management Act 1991. Your contact details will only be used for the purpose of the Proposed District Plan process. The information will be held by the Horowhenua District Council, 126 Oxford Street, Levin. You have the right to access the information and request its correction.

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Submissions must be received no later than 4:00pm 12 November 2012

1. Submitter Contact Details

Full Name: Lynn Marie Straugheir & Anthony Earle Straugheir.....
 Name of Organisation: *(If on behalf of an Organisation)*
 Address for Service: 6 Hawick Street, Karori, Wellington.....
 Post code: 6012.....
 Telephone (Day time): 04 476 4759..... Mobile: 027 59 66 787 Lynn.....
 Email: lynn.tony@xtra.co.nz.....

Note: you must fill in all sections of this form.

2. Trade Competition

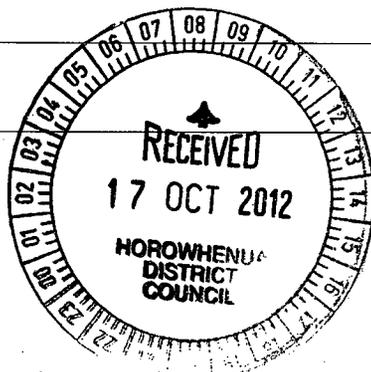
I could gain an advantage in trade competition through this submission? Yes No
 I am directly affected by an effect of the subject matter that
 (a) adversely affects the environment; and
 (b) does not relate to trade competition or the effects of trade competition? Yes No

Please note that if you are a person who could gain an advantage in trade competition through the submission, your right to make a submission may be limited by Clause 6 of Schedule 1 of the Resource Management Act 1991.

3. The specific provisions of the Proposed District Plan that my submission relates to are as follows: *(Please specify the Rule, Policy or Map number your submission relates to)*

We are making a submission on the Proposed District Plan in respect of the Rural Zone Rules clause 19.1 Permitted Activity (a) primary production activities, which relates to forest harvesting being a permitted activity.

.....
 (Continue on a separate sheet if necessary)



HD068233

4. My submission is that: (Clearly state whether you SUPPORT or OPPOSE specific parts of the Proposed District Plan or wish to have amendments made, giving reasons for your views)

I would like an amendment to the Proposed District Plan. We are seeking to put some restrictions on the permitted activity of forest harvesting to avoid adverse environmental effects from rising ground water...

We own the property at 169 Kahukura Avenue, Waitarere Beach and have done since June 2003.

Several residents in the Waitarere Beach settlement have, in the last 3-4 years, experienced a rapid increase in the ground water on their properties, in some cases the water level is now up to 15cm above ground level, as previously the water level was around 15cm below the ground level this equates to approximately a 30cm rise. This water level rise corresponds with the timing of the felling of trees in the Waitarere Forest.

When the recent harvesting near Waitarere Beach took place a total of 79 hectares were taken, 34 hectares over a two year period beginning 2007 and a further 45 hectares beginning in 2006. The area harvested directly borders the northern and eastern urban boundary of the Waitarere Beach settlement (see attachment 1.0). We believe this to be too many hectares within the timeframe and this has caused a ground water rise of 35-40 cm adversely affecting many urban properties within the township. Furthermore this causes flooding in heavy rain for Gloucester Street, there has been a permanent sign erected by roading contractors to warn of this problem. The council have also installed a curb and channel and a pump at the northern end of Kahukura Ave to try and alleviate the problems caused by the ground water.

An average of 300 trees per hectare were harvested beginning sometime during 2006, by the time they had finished in 2009 a total of 79 hectares had been harvested that is approximately 23,700 trees. An average tree drinks 25 litres per day (*How much water do trees use? It depends on the time of the year and the availability of ground water, but an average tree will consume about 25 litres of water per day. <http://www.sabie.co.za/about/forestry/>*). 23,700 trees transpiring an average of 25 litres per day equates to 592,500 litres of water per day, and although the forest was replanted the new trees will only use a very small portion of that. That is a lot of water not going into the atmosphere anymore, it has stayed in the ground pooling in low lying areas.

5. I/We seek the following decision from the Horowhenua District Council: (Give precise details of what amendments you wish to see and your reasons)

The relief we seek is for the harvesting to be done in a controlled manner within 500 metres of the urban boundary in the Waitarere Beach settlement.

This is the manner we propose: that no more than 25 hectares at any one time be harvested within 500 metres of the urban boundary, then the next 25 hectares within 500 metres of the urban boundary not to be harvested until the newly planted section is at least 5 years old.

We believe this would lessen the effect of the rising ground water to about a third of what residents have experienced over the last 4 or so years.

We understand that the harvesting of these trees is necessary, as is the replanting. I expect the Horowhenua District Council to be fully supportive of my submission as originally the forest was planted in the 1930's to prevent sand dune erosion and to protect nearby farmland. The council have also spent money and resources on trying to alleviate the water pooling in the township by installing roadside gutters and a pump in Kahukura Ave.

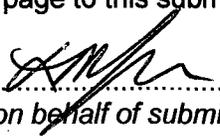
6. Proposed District Plan Hearing

Do you wish to attend the Council hearing for the Proposed District Plan? Yes No

Do you wish to speak in support of your submission at the hearing? Yes No

If others make a similar submission would you be prepared to consider presenting a joint case at the hearing? Yes No

I have attached one additional page to this submission. (Attachment 1.0).

Signature of Submitter:  Date: 14 October 2012
(Or person authorised to sign on behalf of submitter)

Note: A signature is not required if you make your submission by electronic means.

Submissions must be received no later than 4:00pm 12 November 2012

Further Information

If you require further information about the Proposed District Plan please visit the Council website www.horowhenua.govt.nz or email districtplan@horowhenua.govt.nz or phone (06) 366 0999.

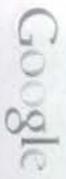
Privacy Act 1993

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waitarere beach - Google Maps

Attachment 1.0.

<http://maps.google.co.nz/maps?q=waitarere+beach&oe=utf-8&rls=org.mozilla:en-GB>



To see all the details that are visible on this screen, use the Print link next to the map



Showing section of Waitarere Forest harvested near the township - highlighted area.

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 Faxed to: (06) 366 0983
 Emailed to: districtplan@horowhenua.govt.nz



Submissions must be received no later than 4:00pm 12 November 2012

1. Submitter Contact Details

Full Name: Anne Hunt
 Name of Organisation: (If on behalf of an Organisation)
 Address for Service: 17 Nash Parade.
 Foxton Beach. Post code: 4815
 Telephone (Day time): 06 363 7750 Mobile: -
 Email: anne.hunt@inspire.net.nz

Note: you must fill in all sections of this form.

2. Trade Competition

I could gain an advantage in trade competition through this submission? Yes No
 I am directly affected by an effect of the subject matter that
 (a) adversely affects the environment; and
 (b) does not relate to trade competition or the effects of trade competition? Yes No

Please note that if you are a person who could gain an advantage in trade competition through the submission, your right to make a submission may be limited by Clause 6 of Schedule 1 of the Resource Management Act 1991.

3. The specific provisions of the Proposed District Plan that my submission relates to are as follows: (Please specify the Rule, Policy or Map number your submission relates to)

.....
Ch. 8.3 Natural Hazards.

Planning Maps.

(Continue on a separate sheet if necessary)

4. My submission is that: (Clearly state whether you SUPPORT or OPPOSE specific parts of the Proposed District Plan or wish to have amendments made, giving reasons for your views)

OPPOSE The omission of liquefaction areas from the planning map overlays.

(Continue on a separate sheet if necessary)

5. I/We seek the following decision from the Horowhenua District Council: (Give precise details of what amendments you wish to see and your reasons)

Inclusion of the liquefaction areas from the planning map overlays due to its significance in terms of planning

(Continue on a separate sheet if necessary)

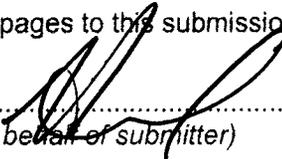
6. Proposed District Plan Hearing

Do you wish to attend the Council hearing for the Proposed District Plan? Yes No

Do you wish to be speak in support of your submission at the hearing? Yes No

If others make a similar submission would you be prepared to consider presenting a joint case at the hearing? Yes No

I have attached ...1... additional pages to this submission.

Signature of Submitter:  Date: 17/10/12.
(Or person authorised to sign on behalf of submitter)

Note: A signature is not required if you make your submission by electronic means.

Submissions must be received no later than 4:00pm 12 November 2012

Further Information

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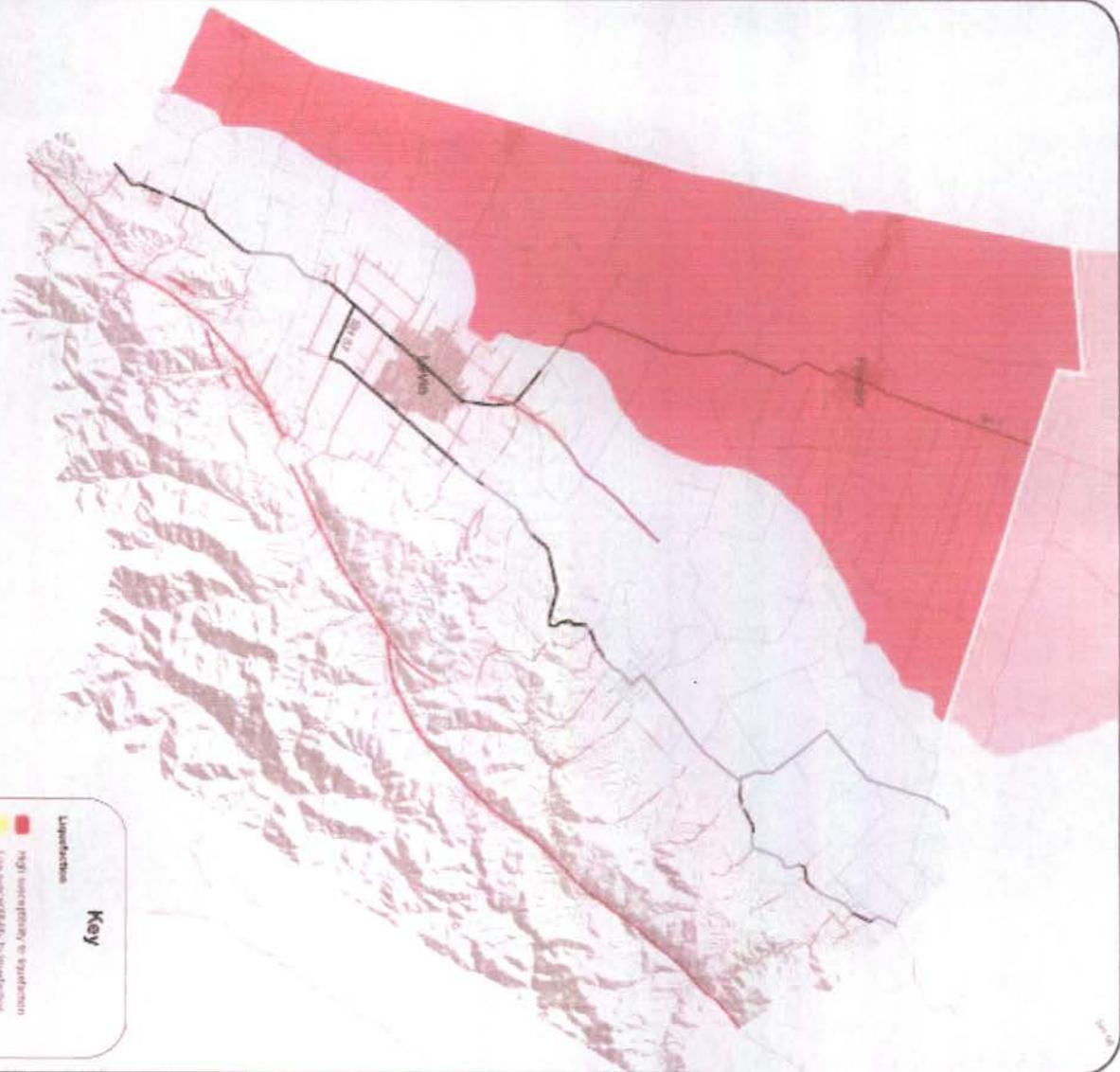
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HOROWHENUA DISTRICT: FAULTING AND LIQUEFACTION



Lifelines Project



Key

Liquefaction

- High susceptibility to liquefaction
- Low susceptibility to liquefaction
- Wellington Fault Line
- Active Fault Lines

4. My submission is that: (Clearly state whether you SUPPORT or OPPOSE specific parts of the Proposed District Plan or wish to have amendments made, giving reasons for your views)

.....
.....
.....
.....
.....
.....

(Continue on a separate sheet if necessary)

5. I/We seek the following decision from the Horowhenua District Council: (Give precise details of what amendments you wish to see and your reasons)

.....
.....
.....
.....
.....

(Continue on a separate sheet if necessary)

6. Proposed District Plan Hearing

Do you wish to attend the Council hearing for the Proposed District Plan? Yes No

Do you wish to be speak in support of your submission at the hearing? Yes No

If others make a similar submission would you be prepared to consider presenting a joint case at the hearing? Yes No

I have attached 12 additional pages to this submission.

Signature of Submitter: [Signature] Date: 15/10/12
(Or person authorised to sign on behalf of submitter)

Note: A signature is not required if you make your submission by electronic means.

Submissions must be received no later than 4:00pm 12 November 2012

Further Information

If you require further information about the Proposed District Plan please visit the Council website www.horowhenua.govt.nz or email districtplan@horowhenua.govt.nz or phone (06) 366 0999.

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districtplan@horowhenua.govt.nz

The Proposed District Review Summary posted out to all residents offers a reassurance that the Tangata Whenua Chapter provides for greater participation in resource management planning processes and decision making. It states that:

The proposed District Plan outlines Council's commitment to work with local Iwi to undertake an assessment of cultural sites of significance in the District. This process would commence within 12 months of public notification of the Proposed District Plan. The outcome would be the inclusion of a schedule and mapped cultural sites of significance in the District Plan.

It is obvious that this assurance is designed to lull Maori into a false sense of security, when Chapter One of Part B of Volume 1 addresses: Matters of Importance to Tangata Whenua by assuming that an Iwi Authority has the mana to speak on behalf of Tangata Whenua, circumventing those who do have the mana over the whenua.

Therefore this section of the District Plan fails demonstrably to address the matters of importance to Tangata Whenua in Horowhenua at both a generic level and also at an Iwi specific level providing for the situations where an Iwi may prefer to address a resource management in a manner which is relevant to them.

There are three sections in the RMA which have a direct relevance to Maori.

Section 6 Matters of National Importance

(e) the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu and other taonga.

Section 7 Other matters

a) Kaitiakitanga

Section 8 Treaty of Waitangi

In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development and protection of natural and physical resources, shall take into account the principles of the Treaty of Waitangi

The RMA 1991 quite correctly defines 'Tangata Whenua' in relation to a particular area, as meaning the Iwi, or hapu that holds mana whenua over that area.

The words 'tangata whenua' and 'tribal authority' are not synonymous.

The only reference in the RMA that refers to consultation through the tribal authority is in Schedule One which refers specifically to the preparation, changes and review of policy statements and plans.

Chapter One: Tangata Whenua

The statement supposedly made by Muaupoko is not a valid account, and should be purged from the District Plan and replaced with a statement that is historically and culturally authentic.

For a start, 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.

Section 18 of the Reserves and Other Lands Disposal Act 1956 states that the bed of the lake, the islands therein, the dewatered area and the strip of land one chain in width around the original margin of the lake are hereby declared to be and to have always been owned by the Maori owners.

Whilst council then goes on to claim that it recognises the special status of Tangata Whenua and the need for active protection of Tangata Whenua interests in dealing with other parties and in administering this plan, council then goes on to suggest that it is vital that Tangata Whenua play an active role in the planning process.

How? By excluding them?

The policies identified on 1-8 to 1-9 sound commendable.

The explanations and principles on the next page are laudable.

And the definition of kaitiakitanga is helpful.

But the final sentence on page 1-11 undermines all these objectives.

On page 1-12, the fourth bullet point needs serious adjustment because it is not the tribal authorities who should be consulted on the survey to identify areas and sites of cultural significance, but Tangata Whenua.

Under the heading 'monitoring', the liaison should be with Tangata Whenua, not iwi authorities.

Iwi Management Plans and Memoranda of Partnerships are of no value if they are not ratified by the Iwi, because they will discourage engagement between Tangata Whenua and Council. They will foster resentment rather than provide the foundation for ongoing engagement and dialogue.

Once again, the establishment of a forum for the discussion of resource management issues of mutual concern to Tangata Whenua and Council will be a waste of time and resources if this forum is development through relationship agreements between Council and Iwi authorities.

It will not give full effect to kaitiakitanga for Council to devolve any functions, powers or duties under the RMA to Iwi authorities.

For Council to work with Iwi authorities to develop and agree on operational procedures for processing proposed plans, plan changes and resource consent applications for proposals that may adversely affect identified areas and sites of cultural significance, will marginalise the very people the Council is required to consult, the Tangata Whenua.

An Iwi Consultation Guide will serve no purpose because it will not devolve consultation to the hapu who have the right, under the RMA, to be consulted over these matters.

It is true to say that Maori acknowledge the environment and objects within the environment as having not only a physical presence but also as having spiritual and metaphysical values. Every living thing is recognised as having a mana, wairua and mauri of its own.

Where the mauri or the relationship of Tangata Whenua and their culture and traditions with their ancestral lands is not recognised, protected or provided for, the Maori resource management system is compromised.

On page 1-15 of this proposed District Plan, Council claims that it will be largely dependent on Tangata Whenua, through Iwi authorities, identifying

opportunities for how their traditional relationship can be maintained or enhanced.

The first step towards achieving this object is to remove three simple words, 'through Iwi authorities' from this paragraph, and elsewhere in this chapter.

Mua-Upoko tikanga is inclusive.

The MTA is structured not on traditional relationships but on the English system of an incorporated society where only a few select people have input on matters of significance to all members.

Therefore, this 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!

An Iwi authority is not a substitute for Tangata Whenua or Maori.

Chapter Two: Rural Environment

Page 2-17, it says that some fertile soils were previously wetlands which were, and remain an important food and mahinga taonga source for Tangata Whenua. The possible long term adverse effects of these historical and cultural trends on the availability of versatile inland for future generations is a significant resource management issue for the District.

The decision of the Hokio Drainage Board to lower the level of Lake Horowhenua to drain areas of swampland in the vicinity of the lake for agricultural purposes had an adverse impact on traditional Maori activities such as fishing and harvesting flax.

Any rural activities that are likely to adversely affect the ecological values of Lake Horowhenua, Lake Papaitanga and the rural environment in general must be referred to Tangata Whenua for consultation.

As there are a number of urupa and other sites of cultural significance throughout the rural environment due to the generations of Mua-Upoko who have maintained ahi kaa in the Horowhenua, provisions must be in place to

avoid disturbing any human remains or taonga while undertaking any activity within the rural environment.

On page 2-27, it is culturally offensive to recognise the existence of the Levin Wastewater Treatment Plant in Mako Mako Road as a legitimate activity adjoining the rural zone and protect it from the effects of reverse sensitivity. The location of the Levin Wastewater Treatment Plant in such close proximity to a site that is whenua parekura (a battlefield where blood was shed) is insensitive and culturally offensive.

It is particularly offensive to Mua-Upoko when treated effluent overflows or seeps into the waters of Lake Horowhenua.

The 800 metre buffer zone is culturally offensive and should be deleted.

There are a number of sites within the rural environment that are well-established sites for government activities. These include:

- a) the Kimberley site which was first established as an Industrial School and officially opened by Premier Richard John Seddon in 1906. It evolved into the largest psychopaedic institution in New Zealand
- b) The Kohitere site which was established as a State Farm in 1894
- c) The Horticultural Research site established after World War Two.

As these are well-developed properties that have been in existence for up to one hundred years, they should be given a special designation to allow them to continue to be used for special purposes other than just rural or Marae-based activities.

To give them a designation that would provide greater flexibility regarding future usage would not compromise the landscape, soil usage or even traffic management as there are numerous buildings on site, plenty of parking and until recently, operated under existing use rights.

Chapter Three: Natural Features and Values

Page 3-7 Inappropriate subdivisions, land use and development in, on or adjacent to lakes, rivers and other water bodies can adversely affect their natural character and other values such as ecological, recreation, cultural and amenity values.

Once again, the sentiments expressed in this chapter sound worthy, and it is to be hoped that Council is sincere in following through with these policies.

Lake Horowhenua is the largest freshwater body in the District and is highly valued for its cultural, recreational, natural and amenity values.

Lakes, rivers and other water bodies have many values. They are natural drainage channels and systems. The water bodies and edges provide habitats for both aquatic and terrestrial species. They also 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 wahi 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 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 margin areas by unsustainable land use practices, vegetation clearance or earthworks.

Fundamental to preserving the natural character of lakes, rivers and other water bodies is the need to protect the attributes that constitute the natural character of Horowhenua's lakes and rivers and their amenity values – in particular the loss of reasonable buffer areas along the edge of water bodies.

Policy 3.3.9

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.

3-13 The environmental results for natural features and values which are anticipated to result are as follows:

3(a) Protection of Horowhenua's significant natural areas from the adverse effects of use, subdivision and development.

3(b) maintenance and enhancement of the biodiversity of the Horowhenua's indigenous flora and fauna, natural habitats and ecosystems

3(c) A landscape which illustrates the community's uniqueness, spirit and dynamism.

Chapter Four: Open Space and Access to Water Bodies

It states on page 4-1 that contaminants, sediments and peak stormwater flows can be managed and contained using low impact urban design development (LIUDD) techniques which contributes to water quality and flood protection before the water enters the District's rivers, lakes and other water bodies. This is not correct, as the Council has set in place no provisions to manage the contaminants entering Lake Horowhenua.

No development should occur within the vicinity of Lake Horowhenua unless there are provisions to prevent further contamination of this taonga.

On page 4-2 it says that the maintenance and enhancement of public access to and along the coast, lakes and rivers is considered a matter of national importance for which Council has responsibility, and that the Open Space Strategy provides direction on priority water bodies and where public access is considered appropriate to maintain and enhance.

It is a serious violation of the Treaty of Waitangi to prepare plans suggesting the development of a pathway around Lake Horowhenua which is privately-owned Maori Freehold Land. Due to the settlement of Mua-Upoko around the lake several centuries ago, there are a number of sites of cultural significance around the perimeter of the lake, and therefore it is highly offensive for the Council to suggest that the public should have right of access around the lake.

On page 4-7, under the heading access to water bodies, there is reference to the operational requirements of landowners such as farming operations or hydro energy generation operations but no reference to the cultural

significance of waterways and in particular Lake Horowhenua. This is a serious oversight.

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 in Chapter One relating to Tangata Whenua.

On page 4-9, it states that the public benefits gained from enhanced access to water bodies must be weighed against the effects on the values of the water body and their margins, as well as adjoining properties. For example, in rural areas, personal safety and security can be a concern for landowners if public access is created along waterways, adjacent to their properties, and in urban areas, loss of privacy can be a concern. In addition, public access could adversely affect the natural values of the water body, such as dune habitats or riparian margins. Where an esplanade area had the potential to contribute to the open space network and provide enhanced connectivity or ecological corridors, the conservation values are to be weighed up against the provision of public access, the management of natural hazards and the aspirations of the landowner. Therefore, proposals involving new public access need to be carefully assessed, and there may be circumstances where reduced or no public access is appropriate.

Once again these comments demonstrate the pitfalls of relying on a tribal authority for input.

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.

Chapter Five – Coastal Environment

On page 5-1 there is no reference to customary rights in relation to Hokio Beach. All it states is that the coastal landscape contains a significant number of archaeological sites and sites of particular cultural value to Iwi resulting from the historical pattern of settlement of the area. There are no provisions to mitigate the risk of disturbing traditional burial sites.

Chapter Six: Urban Environment

There is no reference to Hokio Beach originally being established as a Maori township, and the distinctive issues that arise from its status.

On Map 27B, the former Levin School site is zoned residential.

This zoning is inconsistent with the commercial zoning of adjoining properties along State Highway One.

Consistency would be achieved by zoning the former Levin School site as commercial, particularly given that the SH1 will no longer be deviating away from Levin's existing CBD.

Chapter Eight: Natural Hazards

There is no reference to Lake Horowhenua becoming a natural hazard due to the toxic algal bloom that appears during the summer months, and which places at risk small children and animals.

There is no reference to the liquefaction areas within the coastal environment.

Chapter Nine: Hazardous Substances and Contaminated Land

At page 9-1, it is noted that all hazardous substances need to be carefully managed at every stage of their life cycle from chemical production through distribution to use and ultimate disposal. Poor management at any stage could pose a risk of adverse effects on people and the environment.

Territorial authorities have a responsibility under section 31 of the RMA to control any actual or potential effects of the use, development or protection of land.

This protection should particularly apply to land which is in close proximity to waterways. Due to the adverse impact on fisheries, there should be a complete ban on the storage, use and disposal of hazardous substances within a chain strip of any waterway, including Lake Horowhenua.

Chapter Ten: Land Transport

On page 10-2 it states that the transportation network should continue to be developed to support the strategic and sustainable growth of the Horowhenua.

There is no provision for consultation with Tangata Whenua at any early phase of development in order to bypass sites that are culturally sensitive.

Chapter Eleven: Water and Surface of Water

It is pleasing to see that the Council acknowledges that water is essential to sustain the District's human communities and natural habitats and fauna.

The District Council has an important role to play in the management of activities on the surface of water and ensuring the important values of waterways are effectively protected. These values are both physical and spiritual and waterways have a particular significance to Maori who respect waterways as living entities with their own life force (mauri).

Given the important values that rivers and lakes have as publicly-available resources, and their importance to Tangata Whenua, it is necessary that activities on water surfaces are carefully managed. It is reasonable to permit activities to use the surfaces of waterways and activities which promote public access to rivers and lakes will be encouraged, provided the activities do not compromise those important values or give rise to conflicts between users.

If the Council is sincere about these sentiments, it is disturbing to see the approach taken by the Council in response to the vandalism at the Rowing Club. The activities occurring at Lake Horowhenua are compromising those values of importance to Tangata Whenua and is giving rise to conflicts between the owners and members of the public whose only right of access is dependent upon compliance with the Reserves Act, the regulations and By-Laws.

The long history of Maori and European occupation and settlement in the District has provided it with a rich legacy of places of historic and cultural heritage value. These range from culturally important sites such as Lake Papaitonga, through to archaeological sites such as the Moa hunter midden near Foxton and built heritage such as the Shannon Railway Station and Duncan House.

13-3 Commence a comprehensive survey of historic heritage in the District, including sites of significance to Maori and archaeological sites, within 12 months of the date of notification of the Proposed District Plan. The survey should apply a thematic approach to the identification of prospective historic heritage buildings and sites and to be undertaken in consultation with Iwi, local historical societies, the NZHPT and potentially affected landowners.

Maps:

Maps 24. 26 and 27 – Remove 800 metre buffer zone

Map 27 B – the former Levin School site should be zoned commercial so that it is consistent with adjoining properties along State Highway One.

Map 7 – The Kimberley, Kohitere and Horticultural Research sites should be given a special designation allowing the facilities to be utilised as of right.

I wish to exercise my right to speak to this submission.

Phil Taueki – PO Box 664 Levin philtaueki@gmail.com

SUBMISSION FORM
Proposed Horowhenua District Plan
Resource Management Act 1991
Form 5 of Resource Management
(Forms, Fees, Procedure) Regs 2003

Council Use Only
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 Submission No:



Submissions can be:

Delivered to: Horowhenua District Council Offices, 126 Oxford Street, Levin
 Posted to: Shaping Horowhenua, Horowhenua District Council, Private Bag 4002, Levin 5540
 Faxed to: (06) 366 0983
 Emailed to: districtplan@horowhenua.govt.nz

Submissions must be received no later than 4:00pm 12 November 2012

1. Submitter Contact Details

Full Name: Daina Parlovskis
 Name of Organisation: *(If on behalf of an Organisation)*
 Address for Service: 175 Kahukura Avenue, Waitare Beach
Levin Post code:
 Telephone (Day time): 063586450 Mobile: 0273434976
 Email:

Note: you must fill in all sections of this form.

2. Trade Competition

I could gain an advantage in trade competition through this submission? Yes No
 I am directly affected by an effect of the subject matter that
 (a) adversely affects the environment; and
 (b) does not relate to trade competition or the effects of trade competition? Yes No

Please note that if you are a person who could gain an advantage in trade competition through the submission, your right to make a submission may be limited by Clause 6 of Schedule 1 of the Resource Management Act 1991.

3. The specific provisions of the Proposed District Plan that my submission relates to are as follows: (Please specify the Rule, Policy or Map number your submission relates to)

We are making a submission on the Proposed District Plan in respect of the Rural Zone Rules clause 19.1 Permitted Activity (a) primary production activities, which relates to forest harvesting being a permitted activity. My backyard is so full of water that I am unable to plant trees or walk without fear of not being able to get my gumboot out.

(Continue on a separate sheet if necessary)



4. My submission is that: (Clearly state whether you SUPPORT or OPPOSE specific parts of the Proposed District Plan or wish to have amendments made, giving reasons for your views)

I would like an amendment to the Proposed District Plan. We are seeking to put some restrictions on the permitted activity of forest harvesting to avoid adverse environmental effects from rising ground water...

We own the property at ... 175 Kahukura Ave, Waitarere Beach

Several residents in the Waitarere Beach settlement have, in the last 3-4 years, experienced a rapid increase in the ground water on their properties, in some cases the water level is now up to 15cm above ground level, as previously the water level was around 15cm below the ground level this equates to approximately a 30cm rise. This water level rise corresponds with the timing of the felling of trees in the Waitarere Forest.

When the recent harvesting near Waitarere Beach took place a total of 79 hectares were taken, 34 hectares over a two year period beginning 2007 and a further 45 hectares beginning in 2006. The area harvested directly borders the northern and eastern urban boundary of the Waitarere Beach settlement (see attachment 1.0). We believe this to be too many hectares within the timeframe and this has caused a ground water rise of 35-40 cm adversely affecting many urban properties within the township. Furthermore this causes flooding in heavy rain for Gloucester Street, there has been a permanent sign erected by roading contractors to warn of this problem. The council have also installed a curb and channel and a pump at the northern end of Kahukura Ave to try and alleviate the problems caused by the ground water.

An average of 300 trees per hectare were harvested beginning sometime during 2006, by the time they had finished in 2009 a total of 79 hectares had been harvested that is approximately 23,700 trees. An average tree drinks 25 litres per day (How much water do trees use? It depends on the time of the year and the availability of ground water, but an average tree will consume about 25 litres of water per day. <http://www.sabie.co.za/about/forestry/>). 23,700 trees transpiring an average of 25 litres per day equates to 592,500 litres of water per day, and although the forest was replanted the new trees will only use a very small portion of that. That is a lot of water not going into the atmosphere anymore, it has stayed in the ground pooling in low lying areas.

I am unable to use $\frac{1}{2}$ the property as it is covered in H₂O + under the house. I do not wish further mischief.

5. I/We seek the following decision from the Horowhenua District Council: (Give precise details of what amendments you wish to see and your reasons)

The relief we seek is for the harvesting to be done in a controlled manner within 500 metres of the urban boundary in the Waitarere Beach settlement.

This is the manner we propose: that no more than 25 hectares at any one time be harvested within 500 metres of the urban boundary, then the next 25 hectares within 500 metres of the urban boundary not to be harvested until the newly planted section is at least 5 years old.

We believe this would lessen the effect of the rising ground water to about a third of what residents have experienced over the last 4 or so years.

We understand that the harvesting of these trees is necessary, as is the replanting. I expect the Horowhenua District Council to be fully supportive of my submission as originally the forest was planted in the 1930's to prevent sand dune erosion and to protect nearby farmland. The council have also spent money and resources on trying to alleviate the water pooling in the township by installing roadside gutters and a pump in Kahukura Ave.

6. Proposed District Plan Hearing

Do you wish to attend the Council hearing for the Proposed District Plan? Yes No

Do you wish to speak in support of your submission at the hearing? Yes No *Work commitments nurse*

If others make a similar submission would you be prepared to consider presenting a joint case at the hearing? Yes No

I have attached one additional page to this submission. (Attachment 1.0).

Signature of Submitter: *[Handwritten Signature]* Date: *21-10-12*
(Or person authorised to sign on behalf of submitter)

Note: A signature is not required if you make your submission by electronic means.

Submissions must be received no later than 4:00pm 12 November 2012

Further Information

If you require further information about the Proposed District Plan please visit the Council website www.horowhenua.govt.nz or email districtplan@horowhenua.govt.nz or phone (06) 366 0999.

Privacy Act 1993
Please note that submissions are public information. Information on this form including your name and submission will be accessible to the media and public as part of the decision making process. Council is required to have this by the Resource Management Act 1991. Your contact details will only be used for the purpose of the Proposed District Plan process. The information will be held by the Horowhenua District Council, 126 Oxford Street, Levin. You have the right to access the information and request its correction.

**SUBMISSION FORM Proposed Horowhenua District Plan
Council Use Only**

Date Received:/...../.....

Submission No:

**Resource Management Act 1991
Form 5 of Resource Management
(Forms, Fees, Procedure) Regs 2003**

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Faxed to: (06) 366 0983

Emailed to: districtplan@horowhenua.govt.nz

Submissions must be received no later than 4:00pm 12 November 2012

1. Submitter Contact Details

2.

Full Name: ...John Edgar Scaife Hammond.

Name of Organisation: (*If on behalf of an Organisation*).....

Address for Service: 32 Tame Porati Street Manakau RD31
Levin

.....Post code: 5573.....

Telephone (Day time): 06 3626729.....

Mobile:

Email:johnha@clear.net.nz.....

Note: you must fill in all sections of this form.

2. Trade Competition

I could gain an advantage in trade competition through this submission? No

I am directly affected by an effect of the subject matter that (a) adversely affects the environment. No

and (b) does not relate to trade competition or the effects of trade competition. Correct.

Please note that if you are a person who could gain an advantage in trade competition through the submission, your right to make a submission may be limited by Clause 6 of Schedule 1 of the Resource Management Act 1991.

The specific provisions of the Proposed District Plan that my submission relates to are as follows: *(Please specify the Rule, Policy or Map number your submission relate)...This is a general comment about the plan as a whole.*

4. My submission is that: *(Clearly state whether you SUPPORT or OPPOSE specific parts of the Proposed District Plan or wish to have amendments made, giving reasons for your views)*

It appears to me than the Proposed District Plan is a comprehensive set of policies which it is intended should be observed when taking decisions about the District's development. These policies are comprehensive, reasonable and, presumably in conformity with the laws of New Zealand.

Yet, I do not understand how a set of policies can add up to a Plan. A Plan should have specific objectives, which should be measurable in terms of cost to implement and of outcome and with an indication of the yardsticks which will be used to judge post facto whether the results are in line with the objectives.

It is not reasonable to expect Council to implement all the polices tabulated. It is not realistic to expect that it will have the financial resources to do so. Adoption of the whole Plan will tempt future councils to impose higher increases in rate charges than the community will tolerate. There will, in practice, have to be imposed an order of priorities. That is lacking in the Plan. As the proposed Plan now stands it presents an unintended risk that future councils will be compelled to adopt excessively expensive policies.

Council has to observe the letter of the law but I assume that the proposed Plan is in effect a statement of policies only rather than a plan of action, and that ratepayers will have the opportunity to comment on specific objectives, priorities and costs at each annual and ten year plan submission time. If so, it would be helpful to have such a statement from Council.

5. **I/We seek the following decision from the Horowhenua District Council:** *(Give precise details of what amendments you wish to see and your reasons .*
(Continue on a separate sheet if necessary)

See 4 above.

6. Proposed District Plan Hearing

Do you wish to attend the Council hearing for the Proposed District Plan? No

Do you wish to be speak in support of your submission at the hearing?
No

If others make a similar submission would you be prepared to consider presenting a joint case at the hearing? Yes



Signature of

Submitter: **Date:** .21 October 2012..
(Or person authorised to sign on behalf of submitter)

Note: A signature is not required if you make your submission by electronic means.

Submissions must be received no later than 4:00pm 12 November 2012
Further Information

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1. Submitter Contact Details

Full Name: Kornelius Geertsema du Plessis
 Name of Organisation: *(If on behalf of an Organisation)*.....
 Address for Service: 6 Conifer Court Raumati Beach.....
Post code: 5032
 Telephone (Day time): 2991291Mobile: 0212699085
 Email: neels7@xtra.co.nz

Note: you must fill in all sections of this form.

2. Trade Competition

I could gain an advantage in trade competition through this submission? No X
 I am directly affected by an effect of the subject matter that
 (a) adversely affects the environment; and
 (b) does not relate to trade competition or the effects of trade competition? No X
Please note that if you are a person who could gain an advantage in trade competition through the submission, your right to make a submission may be limited by Clause 6 of Schedule 1 of the Resource Management Act 1991.

3. The specific provisions of the Proposed District Plan that my submission relates to are as follows: *(Please specify the Rule, Policy or Map number your submission relates to)*

Rezoning of some properties in Foxton Beach from Residential to Commercial --- 50 Signal Street

(Continue on a separate sheet if necessary)

4. My submission is that: *(Clearly state whether you SUPPORT or OPPOSE specific parts of the Proposed District Plan or wish to have amendments made, giving reasons for your views)*

I oppose the rezoning of 50 Signal Street. I had a chat with a policy planner at the council and I have serious concerns regarding the increase in rates and water rates due to the rezoning. Feedback I got from the council is as follows:

“So in short, yes the rezoning of your property could alter your rates if at the time of the valuation of your property their was demand for commercially zoned land.” Also refer to <http://www.stuff.co.nz/nelson-mail/communities/7581375/Rates-shock-for-some-as-rezoning-develops>

The rates might not be an issue now but it may become an issue in future. I can't see why you want to rezone 50 Signal Street at this stage. Can't you hold it off until someone wants to use the property for business purposes? I can't see why we need to stay in a 'commercially zoned' bach. It can't be that difficult to keep the zoned proposal in the books and when I sell the bach and a business wants to use it then you just rezone that small area as well

.....
.....
.....

(Continue on a separate sheet if necessary)

5. I/We seek the following decision from the Horowhenua District Council: *(Give precise details of what amendments you wish to see and your reasons)*

Remove 50 Signal Street from the planned rezoning proposal and put it on the back burner until someone wants to use the property for business purposes OR Give us a written agreement that we won't have the same issues as the people had in Nelson with their rates going through the roof

.....
.....
.....

(Continue on a separate sheet if necessary)

6. Proposed District Plan Hearing

Do you wish to attend the Council hearing for the Proposed District Plan? No x

Do you wish to be speak in support of your submission at the hearing? No x

If others make a similar submission would you be prepared to consider presenting a joint case at the hearing? Yes x

I have attached additional pages to this submission.

Signature of Submitter: KG du Plessis..... **Date:** 2012-10-25.....
(Or person authorised to sign on behalf of submitter)

Note: A signature is not required if you make your submission by electronic means.

Submissions must be received no later than 4:00pm 12 November 2012

Further Information



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Submissions must be received no later than 4:00pm 12 November 2012

1. Submitter Contact Details

Full Name: CHARLES IAN WAHUIS
 Name of Organisation: *(If on behalf of an Organisation)*
 Address for Service: 1125A HIGH ST
Taita Lower Hutt Post code: 5011
 Telephone (Day time): 04 5672 761 Mobile:
 Email:



Note: you must fill in all sections of this form.

2. Trade Competition

I could gain an advantage in trade competition through this submission? Yes No
 I am directly affected by an effect of the subject matter that
 (a) adversely affects the environment; and
 (b) does not relate to trade competition or the effects of trade competition? Yes No

Please note that if you are a person who could gain an advantage in trade competition through the submission, your right to make a submission may be limited by Clause 6 of Schedule 1 of the Resource Management Act 1991.

3. The specific provisions of the Proposed District Plan that my submission relates to are as follows: (Please specify the Rule, Policy or Map number your submission relates to)

- e) We are making a submission on the Proposed District Plan in respect of the Rural Zone Rules clause 19.1 Permitted Activity (a) primary production activities, which relates to forest harvesting being a permitted activity.
- b) we are making a submission on the proposed District Plan in respect of the Residential zone Rules clause 15.6.20 surface water disposal.

(Continue on a separate sheet if necessary)



4. My submission is that: (Clearly state whether you SUPPORT or OPPOSE specific parts of the Proposed District Plan or wish to have amendments made, giving reasons for your views)

4a) I would like an amendment to the Proposed District Plan. We are seeking to put some restrictions on the permitted activity of forest harvesting to avoid adverse environmental effects from rising ground water...

We own the property at ... 173 Kahukura Ave, Waitarere Beach

Several residents in the Waitarere Beach settlement have, in the last 3-4 years, experienced a rapid increase in the ground water on their properties, in some cases the water level is now up to 15cm above ground level, as previously the water level was around 15cm below the ground level this equates to approximately a 30cm rise. This water level rise corresponds with the timing of the felling of trees in the Waitarere Forest.

When the recent harvesting near Waitarere Beach took place a total of 79 hectares were taken, 34 hectares over a two year period beginning 2007 and a further 45 hectares beginning in 2006. The area harvested directly borders the northern and eastern urban boundary of the Waitarere Beach settlement (see attachment 1.0). We believe this to be too many hectares within the timeframe and this has caused a ground water rise of 35-40 cm adversely affecting many urban properties within the township. Furthermore this causes flooding in heavy rain for Gloucester Street, there has been a permanent sign erected by roading contractors to warn of this problem. The council have also installed a curb and channel and a pump at the northern end of Kahukura Ave to try and alleviate the problems caused by the ground water.

An average of 300 trees per hectare were harvested beginning sometime during 2006, by the time they had finished in 2009 a total of 79 hectares had been harvested that is approximately 23,700 trees. An average tree drinks 25 litres per day (How much water do trees use? It depends on the time of the year and the availability of ground water, but an average tree will consume about 25 litres of water per day. <http://www.sabie.co.za/about/forestry/>). 23,700 trees transpiring an average of 25 litres per day equates to 592,500 litres of water per day, and although the forest was replanted the new trees will only use a very small portion of that. That is a lot of water not going into the atmosphere anymore, it has stayed in the ground pooling in low lying areas.

4b) See separate sheet attachment 2

5. I/We seek the following decision from the Horowhenua District Council: (Give precise details of what amendments you wish to see and your reasons)

5a) The relief we seek is for the harvesting to be done in a controlled manner within 500 metres of the urban boundary in the Waitarere Beach settlement.

This is the manner we propose: that no more than 25 hectares at any one time be harvested within 500 metres of the urban boundary, then the next 25 hectares within 500 metres of the urban boundary not to be harvested until the newly planted section is at least 5 years old.

We believe this would lessen the effect of the rising ground water to about a third of what residents have experienced over the last 4 or so years.

We understand that the harvesting of these trees is necessary, as is the replanting. I expect the Horowhenua District Council to be fully supportive of my submission as originally the forest was planted in the 1930's to prevent sand dune erosion and to protect nearby farmland. The council have also spent money and resources on trying to alleviate the water pooling in the township by installing roadside gutters and a pump in Kahukura Ave.

5.b) See separate sheet attachment 2 + 3

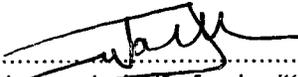
6. Proposed District Plan Hearing

Do you wish to attend the Council hearing for the Proposed District Plan? Yes No

Do you wish to speak in support of your submission at the hearing? Yes No

If others make a similar submission would you be prepared to consider presenting a joint case at the hearing? Yes No

I have attached ~~one~~ additional pages to this submission. (Attachment 1.0). Attachment 2, 3, 4, 5.

Signature of Submitter:  Date: 26-10-12
(Or person authorised to sign on behalf of submitter)

Note: A signature is not required if you make your submission by electronic means.

Submissions must be received no later than 4:00pm 12 November 2012

Further Information

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Privacy Act 1993

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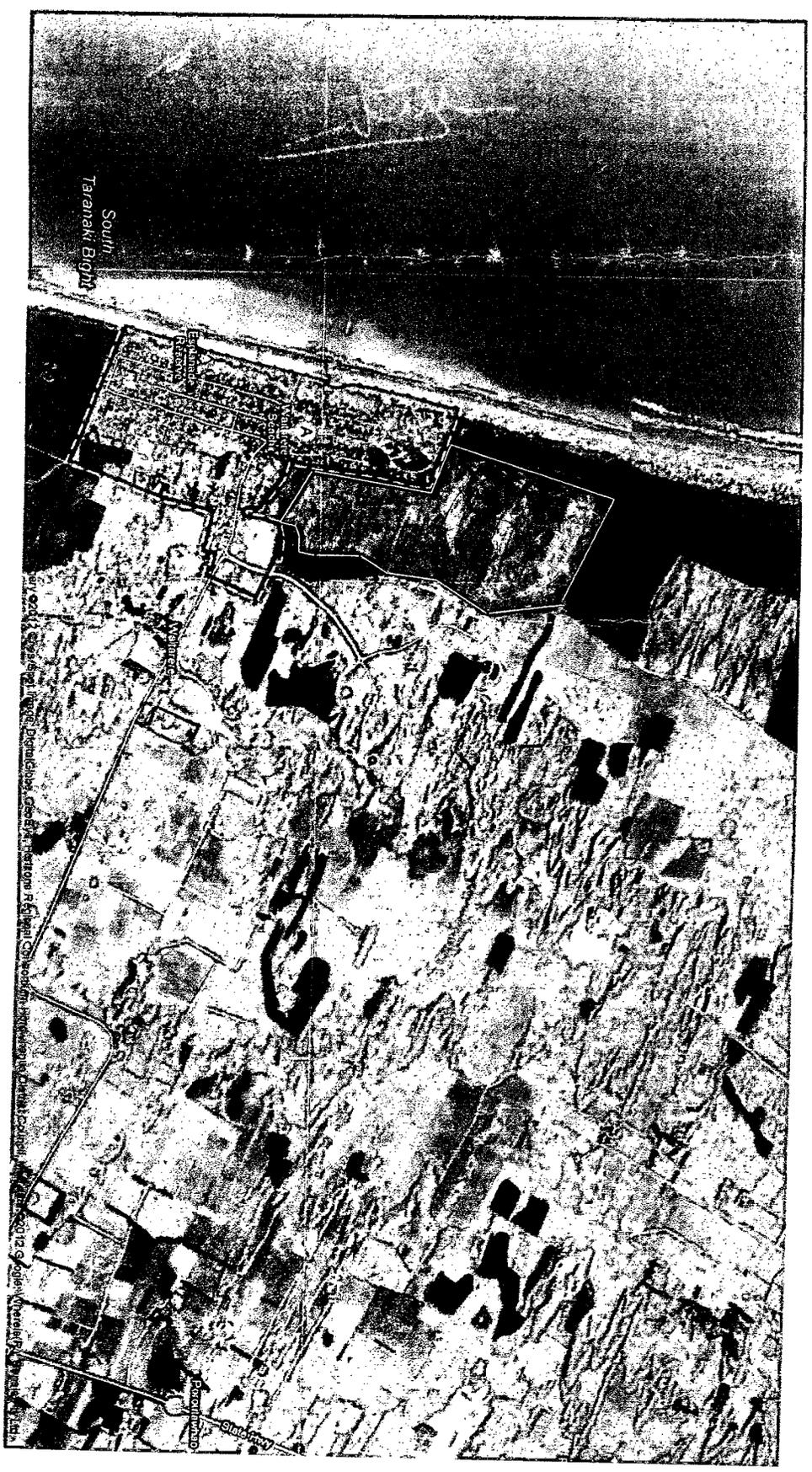
waitarere beach - Google Maps

Attachment 1.0.

Google

<http://maps.google.co.nz/maps?q=waitarere+beach&oe=utf-8&rls=Org.mozilla-en-GB>

To see all the details that are visible on the screen, use the Print link next to the map



Showing section of Waitarere Forest harvested near the township - highlighted area.

attachment 2

4 D)

I would like to see an additional clause added to the proposed District Plan under Residential Zone Rules 15.6.20 to ensure that where Horowhenua District Council Staff are made aware of surface Water Disposal issues that they are followed up on a 6 monthly basis and a report made in writing to Council of action taken to resolve

As advised above^(4A) we own the property at 173 Kohukura Ave.

In addition to the rapid increase in the use in ground water as above we have also become the recipients by way of other water from neighbouring properties. We receive "run off" from the property behind us at 174 Park Avenue. Their back yard slopes down to our boundary fence ^{water} "pools" in the corner drains through into our Section. The depth of water varies but would be at a maximum up to 60cm and takes months to drain.

In addition water also pools through from the neighbouring property at 175 Kohukura Ave under the boundary fence, also the previous owner about 4/5 years ago removed a concrete water tank that was used to collect rain water from their house roof. That water now "pools" on

the ground, and drains also to our section under the boundary fence.

This issue was raised on two separate occasions with HDC Reading Engineer, Mike Pond when I met with him to discuss issues around surface water run off from Kohupura Ave onto my property.

I am aware that this same matter raised with other HDC Staff has seen no written report made to Council.

In summer, the water does disappear (if there is no severe rain) but the ground does not dry out, but this could also be as a result of the high water Table as advised in HA above.

5b) The decision I seek is for H.D.C. Staff to ensure when they are made aware of a surface water disposal issue affecting another property that a report is made to Council. Where the matter is unresolved over time a follow up report be done every 6 months to ensure the issue is not lost sight of.

I expect the H.D.C. to be fully supportive of my submission as they are aware surface water disposal or lack of Council affect another person's property. In addition the Council have

Attachment 3

also spent money and resources on trying to alleviate water pooling in Waikanae Beach by installing kerbing and channelling and a pump in Kohukura Ave.

As a result of the water issue advised in 4A and the issue advised in 4B this flooding situation has now become extremely serious, as affecting the enjoyment of our property and will have no doubt have a major impact on property valuation.

The flooding issue caused by the water pooling from Park Ave has been around for many years, the water from the removal of the bank at 175 Kohukura Ave since 2005 (I have photos showing our lawn was dry during summer prior to this) and the rise in water table over the last 3/4 years.

173 KAHUKURA AVE WAITARERE BEACH 21-07-2011

attachment 4

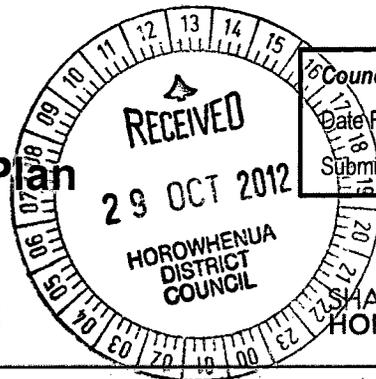
(3 DAYS AFTER THE RAIN)





173 KAHUKURA AVE WAITARERE BEACH 21-07-2011
attachment 5. (3 DAYS AFTER THE RAIN)

SUBMISSION FORM
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 Posted to: Shaping Horowhenua, Horowhenua District Council, Private Bag 4002, Levin 5540
 Faxed to: (06) 366 0983
 Emailed to: districtplan@horowhenua.govt.nz

Submissions must be received no later than 4:00pm 12 November 2012

1. Submitter Contact Details

Full Name: ROBERT EWAN WHITE
 Name of Organisation: (If on behalf of an Organisation)
 Address for Service: 50 SALISBURY ST
LEVIN Post code: 5510
 Telephone (Day time): 06 368 2286 Mobile: 021 182 9101
 Email: _____

Note: you must fill in all sections of this form.

2. Trade Competition

I could gain an advantage in trade competition through this submission? Yes No

I am directly affected by an effect of the subject matter that
 (a) adversely affects the environment; and
 (b) does not relate to trade competition or the effects of trade competition? Yes No

Please note that if you are a person who could gain an advantage in trade competition through the submission, your right to make a submission may be limited by Clause 6 of Schedule 1 of the Resource Management Act 1991.

3. The specific provisions of the Proposed District Plan that my submission relates to are as follows: (Please specify the Rule, Policy or Map number your submission relates to)

AS PER LETTER ATTACHED

(Continue on a separate sheet if necessary)

4. My submission is that: (Clearly state whether you SUPPORT or OPPOSE specific parts of the Proposed District Plan or wish to have amendments made, giving reasons for your views)

Support

(Continue on a separate sheet if necessary)

5. I/We seek the following decision from the Horowhenua District Council: (Give precise details of what amendments you wish to see and your reasons)

AS PER ATTACHED

(Continue on a separate sheet if necessary)

6. Proposed District Plan Hearing

Do you wish to attend the Council hearing for the Proposed District Plan? Yes No

Do you wish to be speak in support of your submission at the hearing? Yes No

If others make a similar submission would you be prepared to consider presenting a joint case at the hearing? Yes No

I have attached ...1... additional pages to this submission.

Signature of Submitter: R E White Date: 29-10-12
(Or person authorised to sign on behalf of submitter)

Note: A signature is not required if you make your submission by electronic means.

Submissions must be received no later than 4:00pm 12 November 2012

Further Information

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26th October. 2012

Horowhenua District Council.
Private Bag 4002.
Levin 5540.

To Whom it may concern.

I am putting in this submission in regards to the path on my property situated at 50 Salisbury Street, that has been lifted and broken with large dips which makes it all uneven. The area is 12 metres long by 900mm wide.

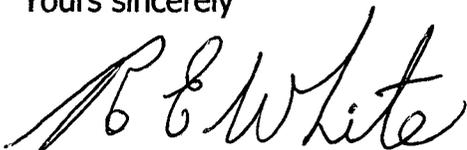
The problem has arisen because of the root damage from the 2 heritage trees – 1 Kauri and 1 Rimu – both approx. 95 years old. Approx. 6 years ago, the roots caused damage to the Council footpath approx. 18 metres long and 4 metres wide. Your Council workers dug up the whole footpath, chain-sawed the large roots off, refilled and re-asphalted. A big job, but nothing was done to repair my path.

After your latest survey of all Heritage Trees in the Horowhenua District that was carried out at your request by 'Downers', the man doing the survey noticed all the damage the roots were causing my path, and this is now on record with your report you sent to me. I would like to have the broken path removed and replaced. I have been informed that there is a fund available for matters like this to be funded even if only a reasonable percentage.

I enjoy having these 2 trees on my property but I don't think I should have to shoulder the full cost of the damage caused by these Heritage Trees, which are controlled by your Council.

The only costing that I have done so far is that I have obtained a verbal quote from Allied Ready Mix for the measurements of the path 12 metres long by 900mm wide and 100mm depth. Their quote at the moment is \$345.00 delivered on site.

Yours sincerely

A handwritten signature in black ink that reads "R.E. White". The signature is written in a cursive style with a large, sweeping initial "R" and "E".

R.E. White.
50 Salisbury Street
Levin.

SALISBURY ST

DEVON ST

Council FOOTPATH

Manhole

Manhole

DAMAGED SECTION ON MY PAIL
12 METRES BY 900MM

50 SALISBURY ST

HOUSE

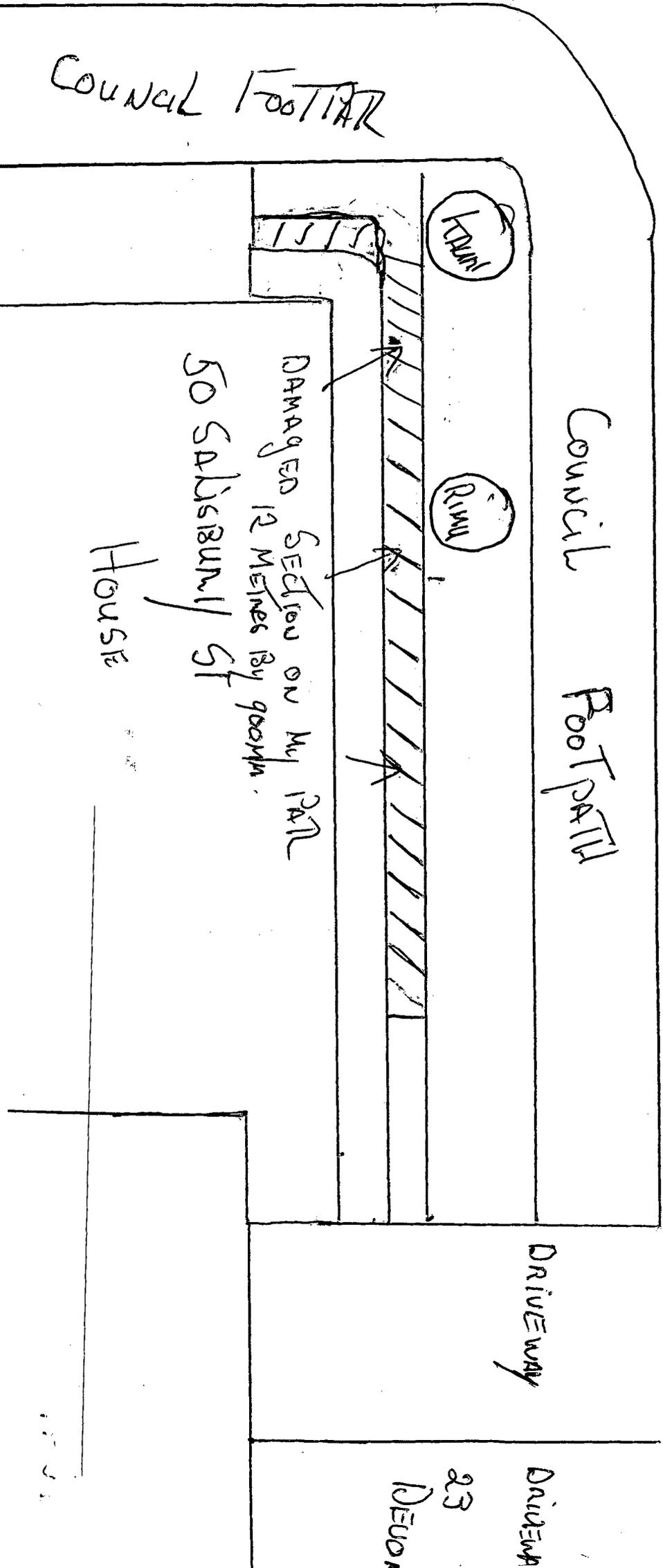
DRIVEWAY

DRIVEWAY

23

DEVON

COUNCIL FOOTPATH



Horowhenua District Council Notable Tree Register

Register Item Number: NT99/069H89

Date: 29 May 2012

Tree Information

Species:

Latin

Common

Dacrydium cupressinum

Rimu

Age: 90 + Years (approx)

Description: This Rimu is one of two notable trees on this corner section.

Evaluation Score: 177

Street Address: 50 Salisbury Street
Levin

Legal Description: Lot 2 DP 31045

GPS

S: 1793608

E: 5500161

Significance:

This tree was one of many planted by Mr E Lancaster. This Rimu is noted for its form and stature.

Notes from site visit 2012:

It is in good condition and will require no work, although the property owner is concerned with the footpath lifting.

copy

Horowhenua District Council Notable Tree Register

Register Item Number: NT99/071H91

Date: 29 May 2012

Tree Information

Species:

Latin
Common

Agathis australis
Kauri

Age: 90 + Years (approx)

Description: This Kauri is one of two notable trees on this corner section.

Evaluation Score: 180

Street Address: 50 Salisbury Street
Levin

Legal Description: Lot 2 DP 1045

GPS

S: 1792608
E: 5500161

Significance:

This tree was one of many planted by Mr E Lancaster. This Kauri is noted for its form, stature and visibility within the local community.

Notes from site visit 2012:

The tree is in good condition.

It has a lot of lower epicormic growth that could be removed to prevent it growing out towards the footpath.
The tree is also lifting the footpath.

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 Faxed to: (06) 366 0983
 Emailed to: districtplan@horowhenua.govt.nz

Submissions must be received no later than 4:00pm 12 November 2012

1. Submitter Contact Details

Full Name: Penelope Brown
 Name of Organisation: *(If on behalf of an Organisation)*
 Address for Service: 29 Keepa St, Levin
 Post code:
 Telephone (Day time): 06 3683 189 Mobile:
 Email:

Note: you must fill in all sections of this form.

2. Trade Competition

I could gain an advantage in trade competition through this submission? Yes No
 I am directly affected by an effect of the subject matter that
 (a) adversely affects the environment; and
 (b) does not relate to trade competition or the effects of trade competition? Yes No

Please note that if you are a person who could gain an advantage in trade competition through the submission, your right to make a submission may be limited by Clause 6 of Schedule 1 of the Resource Management Act 1991.

3. The specific provisions of the Proposed District Plan that my submission relates to are as follows: (Please specify the Rule, Policy or Map number your submission relates to)

Issue 13.3 Balancing Private Rights / Public Good



(Continue on a separate sheet if necessary)

4. My submission is that: (Clearly state whether you SUPPORT or OPPOSE specific parts of the Proposed District Plan or wish to have amendments made, giving reasons for your views)

I support the initiative that the Council may commit resources such as rates relief to owners of heritage buildings, given the fact that home owners are hindered in some areas of renovation due to restrictions put on the buildings and also being penalised financially with some insurance companies refusing to insure older buildings thus limiting the choice of insurance companies, and those companies having higher premiums on older buildings, (Continue on a separate sheet if necessary) see attachment.

5. I/We seek the following decision from the Horowhenua District Council: (Give precise details of what amendments you wish to see and your reasons)

That the Council commit resources such as rates relief to encourage the management and protection of historic heritage buildings.

(Continue on a separate sheet if necessary)

6. Proposed District Plan Hearing

Do you wish to attend the Council hearing for the Proposed District Plan? Yes No

Do you wish to be speak in support of your submission at the hearing? Yes No

If others make a similar submission would you be prepared to consider presenting a joint case at the hearing? Yes No

I have attached ...1... additional pages to this submission.

Signature of Submitter: P. J. Brown Date: 24-10-2012
(Or person authorised to sign on behalf of submitter)

Note: A signature is not required if you make your submission by electronic means.

Submissions must be received no later than 4:00pm 12 November 2012

Further Information

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4. continued.

It is important that our historic heritage is protected and buildings be maintained, and such assistance as rates relief encourages a sensitivity to retaining and preserving the historic sites for the Public Good.

EB

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Date Received:/...../.....
Submission No:

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Faxed to: (06) 366 0983
Emailed to: districtplan@horowhenua.govt.nz

Submissions must be received no later than 4:00pm 12 November 2012

1. Submitter Contact Details

Full Name: PAUL MARSHALL PEANCE
Name of Organisation: (If on behalf of an Organisation) -
Address for Service: 157 WAKO WAKO RD
LEVIN Post code: _____
Telephone (Day time): 3673159 Mobile: 027 26 73159
Email: paul.p.tab@kima.co.nz

Note: you must fill in all sections of this form.

2. Trade Competition

I could gain an advantage in trade competition through this submission? Yes No

I am directly affected by an effect of the subject matter that
(a) adversely affects the environment; and
(b) does not relate to trade competition or the effects of trade competition? Yes No

Please note that if you are a person who could gain an advantage in trade competition through the submission, your right to make a submission may be limited by Clause 6 of Schedule 1 of the Resource Management Act 1991.

3. The specific provisions of the Proposed District Plan that my submission relates to are as follows: (Please specify the Rule, Policy or Map number your submission relates to)

MAP 26 - CORNER HAWARUA AND WAKO WAKO ROAD
LOT 4 DP 53896 CERTIFICATE OF TITLE 244/815
INDUSTRIAL ZONED LAND PROPOSED TO BE REZONED
RURAL.

(Continue on a separate sheet if necessary)

4. My submission is that: (Clearly state whether you SUPPORT or OPPOSE specific parts of the Proposed District Plan or wish to have amendments made, giving reasons for your views)

I SUPPORT THE PROPOSED DISTRICT PLAN PROPOSING
TO REZONE THE LAND RURAL. THIS LAND AREA
HAS BEEN USED FOR RURAL ACTIVITIES FOR OVER
30 YEARS

(Continue on a separate sheet if necessary)

5. I/We seek the following decision from the Horowhenua District Council: (Give precise details of what amendments you wish to see and your reasons)

WE SEEK THE LAND TO BE REZONED RURAL AS
THIS REFLECTS THE LONG TERM ACTIVITY OF THE LAND
AND IS IN KEEPING WITH THE OTHER LIFESTYLE
PROPERTIES IN THE AREA. THE UNUSUAL LAND SHAPE
DOES NOT SUIT INDUSTRIAL USAGE AND HAS ONLY EVER
BEEN USED FOR LIFESTYLE PURPOSES

(Continue on a separate sheet if necessary)

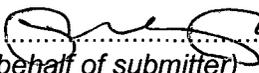
6. Proposed District Plan Hearing

Do you wish to attend the Council hearing for the Proposed District Plan? Yes No

Do you wish to be speak in support of your submission at the hearing? Yes No

If others make a similar submission would you be prepared to consider presenting a joint case at the hearing? Yes No

I have attached additional pages to this submission.

Signature of Submitter:  Date: 19/10/12.
(Or person authorised to sign on behalf of submitter)

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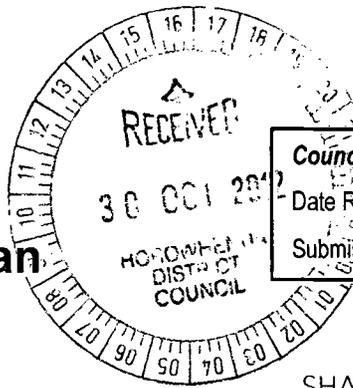
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1. Submitter Contact Details

Full Name: GRANT LESLIE & ANNE SEARLE
 Name of Organisation: (If on behalf of an Organisation)
 Address for Service: P O Box 20009 Summerhill
 Palmerston North Post code: 4448
 Telephone (Day time): Mobile: 0274-420120
 Email:

Note: you must fill in all sections of this form.

2. Trade Competition

I could gain an advantage in trade competition through this submission? Yes No

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3. The specific provisions of the Proposed District Plan that my submission relates to are as follows: (Please specify the Rule, Policy or Map number your submission relates to)

MAP 26 - CORNER HAMARIA AND MAKO MAKO ROAD
 LOT 4 DP 53896 CERTIFICATE OF TITLE 240/875
 INDUSTRIAL ZONED LAND PROPOSED TO BE REZONED
 RURAL

(Continue on a separate sheet if necessary)

4. My submission is that: (Clearly state whether you SUPPORT or OPPOSE specific parts of the Proposed District Plan or wish to have amendments made, giving reasons for your views)

I SUPPORT THE PROPOSED DISTRICT PLAN PROPOSING TO REZONE THE LAND RURAL. THIS LAND AREA HAS BEEN USED FOR RURAL ACTIVITIES FOR OVER 30 YEARS

(Continue on a separate sheet if necessary)

5. I/We seek the following decision from the Horowhenua District Council: (Give precise details of what amendments you wish to see and your reasons)

WE SEEK THE LAND TO BE REZONED RURAL AS THIS REFLECTS THE LONG TERM ACTIVITY OF THE LAND AND IS IN KEEPING WITH THE OTHER LIFE STYLE PROPERTIES IN THE AREA. THE UNUSUAL LAND SHAPE DOES NOT SUIT INDUSTRIAL USAGE AND HAS ONLY EVER BEEN USED FOR LIFESTYLE PURPOSES.

(Continue on a separate sheet if necessary)

6. Proposed District Plan Hearing

Do you wish to attend the Council hearing for the Proposed District Plan? Yes No

Do you wish to be speak in support of your submission at the hearing? Yes No

If others make a similar submission would you be prepared to consider presenting a joint case at the hearing? Yes No

I have attached additional pages to this submission.

Signature of Submitter: [Signature] Date:

(Or person authorised to sign on behalf of submitter)

Note: A signature is not required if you make your submission by electronic means.

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 Emailed to: districtplan@horowhenua.govt.nz

Submissions must be received no later than 4:00pm 12 November 2012

1. Submitter Contact Details

Full Name: Robert John Kei
 Name of Organisation: (If on behalf of an Organisation) 131 Mako Mako Rd Levin.
 Address for Service: 481 Arapaepae Rd. OHAU Levin Track Trust
Levin Post code:
 Telephone (Day time): 021767905 Mobile:
 Email:

Note: you must fill in all sections of this form.

2. Trade Competition

I could gain an advantage in trade competition through this submission? Yes No

I am directly affected by an effect of the subject matter that
 (a) adversely affects the environment; and
 (b) does not relate to trade competition or the effects of trade competition? Yes No

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3. The specific provisions of the Proposed District Plan that my submission relates to are as follows: (Please specify the Rule, Policy or Map number your submission relates to)

MAP 26 - CORNER HAMARIA AND MAKO MAKO ROADS
LOT 4 DP 53896 CERTIFICATE OF TITLE 24D/875
INDUSTRIAL ZONED LAND PROPOSED TO BE REZONED
RURAL.

.....

(Continue on a separate sheet if necessary)

4. My submission is that: (Clearly state whether you SUPPORT or OPPOSE specific parts of the Proposed District Plan or wish to have amendments made, giving reasons for your views)

I SUPPORT THE PROPOSED DISTRICT PLAN PROPOSING
TO REZONE THE LAND RURAL. THIS LAND AREA
HAS BEEN USED FOR RURAL ACTIVITIES FOR OVER
30 YEARS.

(Continue on a separate sheet if necessary)

5. I/We seek the following decision from the Horowhenua District Council: (Give precise details of what amendments you wish to see and your reasons)

I SEEK THE LAND TO BE REZONED RURAL AS
THIS REFLECTS THE LONG TERM ACTIVITY OF THE LAND
AND IS IN KEEPING WITH THE OTHER LIFESTYLE
PROPERTIES IN THE AREA. THE UNUSAL LAND SHAPE
DOES NOT SUIT INDUSTRIAL USAGE AND HAS ONLY EVER
BEEN USED FOR LIFESTYLE PURPOSES (Continue on a separate sheet if necessary)

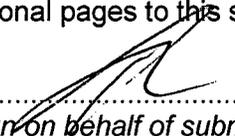
6. Proposed District Plan Hearing

Do you wish to attend the Council hearing for the Proposed District Plan? Yes No

Do you wish to be speak in support of your submission at the hearing? Yes No

If others make a similar submission would you be prepared to consider presenting a joint case at the hearing? Yes No

I have attached additional pages to this submission.

Signature of Submitter:  Date: 22/10/12
(Or person authorised to sign on behalf of submitter)

Note: A signature is not required if you make your submission by electronic means.

Submissions must be received no later than 4:00pm 12 November 2012

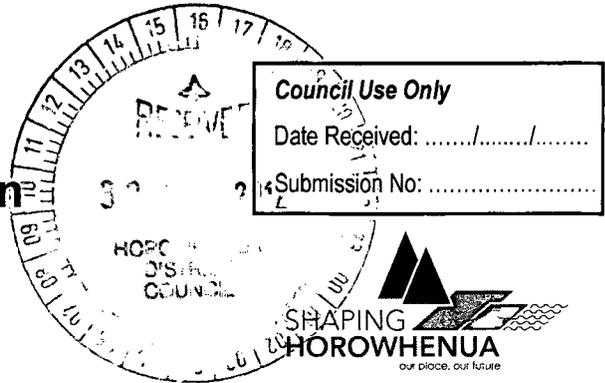
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 Emailed to: districtplan@horowhenua.govt.nz

Submissions must be received no later than 4:00pm 12 November 2012

1. Submitter Contact Details

Full Name: Errol Bryan Shelton
 Name of Organisation: (If on behalf of an Organisation)
 Address for Service: 177 Mako Mako
 Post code:
 Telephone (Day time): 36 95440 Mobile:
 Email:

Note: you must fill in all sections of this form.

2. Trade Competition

I could gain an advantage in trade competition through this submission? Yes No

I am directly affected by an effect of the subject matter that
 (a) adversely affects the environment; and
 (b) does not relate to trade competition or the effects of trade competition? Yes No

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3. The specific provisions of the Proposed District Plan that my submission relates to are as follows: (Please specify the Rule, Policy or Map number your submission relates to)

MAP 26 - CORNER HAMARIA AND MAKO MAKO ROAD
LOT A DP 53896 CERTIFICATE OF TITLE 24 D / 875
INDUSTRIAL ZONED LAND PROPOSED TO BE REZONED
RURAL

(Continue on a separate sheet if necessary)

4. My submission is that: (Clearly state whether you SUPPORT or OPPOSE specific parts of the Proposed District Plan or wish to have amendments made, giving reasons for your views)

I SUPPORT THE PROPOSED DISTRICT PLAN PROPOSING
TO REZONE THE LAND RURAL. THIS LAND AREA
HAS BEEN USED FOR ACTIVITIES FOR OVER
30 YEARS

(Continue on a separate sheet if necessary)

5. I/We seek the following decision from the Horowhenua District Council: (Give precise details of what amendments you wish to see and your reasons)

I SEEK THE LAND TO BE REZONED RURAL AS
THIS REFLECTS THE LONG TERM ACTIVITY OF THE LANDS
AND IS IN KEEPING WITH THE OTHER LIFESTYLE
PROPERTIES IN THE AREA.

(Continue on a separate sheet if necessary)

6. Proposed District Plan Hearing

Do you wish to attend the Council hearing for the Proposed District Plan? Yes No

Do you wish to be speak in support of your submission at the hearing? Yes No

If others make a similar submission would you be prepared to consider presenting a joint case at the hearing? Yes No

I have attached additional pages to this submission.

Signature of Submitter: E.B. Shelton
(Or person authorised to sign on behalf of submitter)

Date:

28/10/12

Note: A signature is not required if you make your submission by electronic means.

Submissions must be received no later than 4:00pm 12 November 2012

Further Information

If you require further information about the Proposed District Plan please visit the Council website www.horowhenua.govt.nz or email districtplan@horowhenua.govt.nz or phone (06) 366 0999.

Privacy Act 1993

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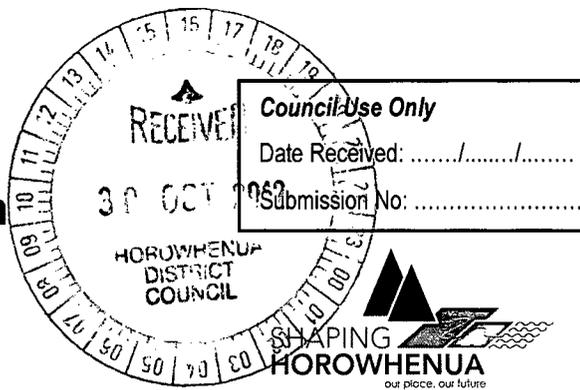
SUBMISSION FORM

Proposed Horowhenua District Plan

Resource Management Act 1991

Form 5 of Resource Management

(Forms, Fees, Procedure) Regs 2003



Submissions can be:
 Delivered to: Horowhenua District Council Offices, 126 Oxford Street, Levin
 Posted to: Shaping Horowhenua, Horowhenua District Council, Private Bag 4002, Levin 5540
 Faxed to: (06) 366 0983
 Emailed to: districtplan@horowhenua.govt.nz

Submissions must be received no later than 4:00pm 12 November 2012

1. Submitter Contact Details

Full Name: KEVIN MACMILLAN
 Name of Organisation: *(If on behalf of an Organisation)*
 Address for Service: 170 MAKO MAKO ROAD
 Post code:
 Telephone (Day time): 06 3688842 Mobile: 021 2438047
 Email:

Note: you must fill in all sections of this form.

2. Trade Competition

I could gain an advantage in trade competition through this submission? Yes No

I am directly affected by an effect of the subject matter that
 (a) adversely affects the environment; and
 (b) does not relate to trade competition or the effects of trade competition? Yes No

Please note that if you are a person who could gain an advantage in trade competition through the submission, your right to make a submission may be limited by Clause 6 of Schedule 1 of the Resource Management Act 1991.

3. The specific provisions of the Proposed District Plan that my submission relates to are as follows: *(Please specify the Rule, Policy or Map number your submission relates to)*

MAP 26 - CORNER HAMARIA AND MAKO MAKO ROAD
LOT 4 DP 53896 CERTIFICATE OF TITLE 24 D/875
INDUSTRIAL ZONED LAND PROPOSED TO BE REZONED
RURAL

(Continue on a separate sheet if necessary)

4. My submission is that: (Clearly state whether you SUPPORT or OPPOSE specific parts of the Proposed District Plan or wish to have amendments made, giving reasons for your views)

I SUPPORT THE PROPOSED DISTRICT PLAN PROPOSING TO REZONE THE LAND RURAL. THIS LAND AREA HAS BEEN USED FOR RURAL ACTIVITIES FOR OVER 30 YEARS.

(Continue on a separate sheet if necessary)

5. I/We seek the following decision from the Horowhenua District Council: (Give precise details of what amendments you wish to see and your reasons)

I SEEK THE LAND TO BE REZONED RURAL AS THIS REFLECTS THE LONG TERM ACTIVITY OF THE LAND AND IS IN KEEPING WITH THE OTHER LIFESTYLE PROPERTIES IN THE AREA. THE UNUSUAL LAND SHAPE DOES NOT SUIT INDUSTRIAL USAGE AND HAS ONLY EVER BEEN USED FOR LIFESTYLE PURPOSES

(Continue on a separate sheet if necessary)

6. Proposed District Plan Hearing

Do you wish to attend the Council hearing for the Proposed District Plan? Yes No

Do you wish to be speak in support of your submission at the hearing? Yes No

If others make a similar submission would you be prepared to consider presenting a joint case at the hearing? Yes No

I have attached additional pages to this submission.

Signature of Submitter: U. Maer Date: 21/10/2012
(Or person authorised to sign on behalf of submitter)

Note: A signature is not required if you make your submission by electronic means.

Submissions must be received no later than 4:00pm 12 November 2012

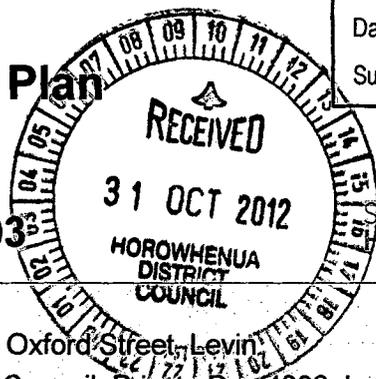
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 Emailed to: districtplan@horowhenua.govt.nz

Submissions must be received no later than 4:00pm 12 November 2012

1. Submitter Contact Details

Full Name: Cheryl Bernadine Margin
 Name of Organisation: (If on behalf of an Organisation)
 Address for Service: 172 Park Ave, Watarere beach, LEVIN Post code: 5510
 Telephone (Day time): 06-3681205 Mobile: _____
 Email: Waynecheryl2@xtra-co-nz

Note: you must fill in all sections of this form.

2. Trade Competition

I could gain an advantage in trade competition through this submission? Yes No

I am directly affected by an effect of the subject matter that
 (a) adversely affects the environment; and
 (b) does not relate to trade competition or the effects of trade competition? Yes No

Please note that if you are a person who could gain an advantage in trade competition through the submission, your right to make a submission may be limited by Clause 6 of Schedule 1 of the Resource Management Act 1991.

3. The specific provisions of the Proposed District Plan that my submission relates to are as follows: (Please specify the Rule, Policy or Map number your submission relates to)

We are making a submission on the Proposed District Plan in respect of the Rural Zone Rules clause 19.1 Permitted Activity (a) primary production activities, which relates to forest harvesting being a permitted activity.

(Continue on a separate sheet if necessary)

4. My submission is that: (Clearly state whether you SUPPORT or OPPOSE specific parts of the Proposed District Plan or wish to have amendments made, giving reasons for your views)

I would like an amendment to the Proposed District Plan. We are seeking to put some restrictions on the permitted activity of forest harvesting to avoid adverse environmental effects from rising ground water...

We own the property at ... *172 Park Avenue, Waitarere Beach*

Several residents in the Waitarere Beach settlement have, in the last 3-4 years, experienced a rapid increase in the ground water on their properties, in some cases the water level is now up to 15cm above ground level, as previously the water level was around 15cm below the ground level this equates to approximately a 30cm rise. This water level rise corresponds with the timing of the felling of trees in the Waitarere Forest.

When the recent harvesting near Waitarere Beach took place a total of 79 hectares were taken, 34 hectares over a two year period beginning 2007 and a further 45 hectares beginning in 2006. The area harvested directly borders the northern and eastern urban boundary of the Waitarere Beach settlement (see attachment 1.0). We believe this to be too many hectares within the timeframe and this has caused a ground water rise of 35-40 cm adversely affecting many urban properties within the township. Furthermore this causes flooding in heavy rain for Gloucester Street, there has been a permanent sign erected by roading contractors to warn of this problem. The council have also installed a curb and channel and a pump at the northern end of Kahukura Ave to try and alleviate the problems caused by the ground water.

An average of 300 trees per hectare were harvested beginning sometime during 2006, by the time they had finished in 2009 a total of 79 hectares had been harvested that is approximately 23,700 trees. An average tree drinks 25 litres per day (*How much water do trees use? It depends on the time of the year and the availability of ground water, but an average tree will consume about 25 litres of water per day.* <http://www.sabie.co.za/about/forestry/>). 23,700 trees transpiring an average of 25 litres per day equates to 592,500 litres of water per day, and although the forest was replanted the new trees will only use a very small portion of that. That is a lot of water not going into the atmosphere anymore, it has stayed in the ground pooling in low lying areas.

5. I/We seek the following decision from the Horowhenua District Council: (Give precise details of what amendments you wish to see and your reasons)

The relief we seek is for the harvesting to be done in a controlled manner within 500 metres of the urban boundary in the Waitarere Beach settlement.

This is the manner we propose: that no more than 25 hectares at any one time be harvested within 500 metres of the urban boundary, then the next 25 hectares within 500 metres of the urban boundary not to be harvested until the newly planted section is at least 5 years old.

We believe this would lessen the effect of the rising ground water to about a third of what residents have experienced over the last 4 or so years.

We understand that the harvesting of these trees is necessary, as is the replanting. I expect the Horowhenua District Council to be fully supportive of my submission as originally the forest was planted in the 1930's to prevent sand dune erosion and to protect nearby farmland. The council have also spent money and resources on trying to alleviate the water pooling in the township by installing roadside gutters and a pump in Kahukura Ave.

6. Proposed District Plan Hearing

Do you wish to attend the Council hearing for the Proposed District Plan? Yes No

Do you wish to speak in support of your submission at the hearing? Yes No

If others make a similar submission would you be prepared to consider presenting a joint case at the hearing? Yes No

I have attached one additional page to this submission. (Attachment 1.0).

Signature of Submitter: C. B. Marejir Date: 26-10-2012
(Or person authorised to sign on behalf of submitter)

Note: A signature is not required if you make your submission by electronic means.

Submissions must be received no later than 4:00pm 12 November 2012

Further Information

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The felling of the trees has changed our lives and affected the property directly in that we can't use a third of the property now due to flooding.

I can't let my grandchildren play outside as it's too dangerous as during the winter the ground water is so high it's like a mini lake and I worry they could drown.

We also can't use the vegetable garden as it's too water soaked. So there goes our home grown vegetables.

At the moment there's a great deal of mosquitoes around becoming a real nuisance

These are a direct result of our back yard flooding. The sections up the road flooding and also the council soak pits.

Water sits in these and are a great breeding ground for mosquitoes.

My partner and I have lived at this address for Thirty years. We moved here in 1982 and have never seen our back yard so water sodden until the recent tree felling in the forest and we are quite sure this is the reason for our flooding.

ATTACHMENT 1.0 – L Straugheir Submission 10 October 2012

waitarere beach - Google Maps

<http://maps.google.co.nz/maps?q=waitarere+beach&oe=utf-8&rls=org.mozilla:en-GB>

Attachment 1.0.

Google

To see all the details that are visible on this screen, use the Print link next to the map



showing section of Waitare Forest harvested near the township - highlighted area.

SUBMISSION FORM
Proposed Horowhenua District Plan 3
Resource Management Act 1991
Form 5 of Resource Management
(Forms, Fees, Procedure) Regs 2003



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 Emailed to: districtplan@horowhenua.govt.nz

Submissions must be received no later than 4:00pm 12 November 2012

1. Submitter Contact Details

Full Name: Peter and Vivien Wright.....
 Name of Organisation: *(If on behalf of an Organisation)* N/A.....
 Address for Service: 673 Waitarere Beach Road,.....
 Waitarere, Levin..... Post code: 5510.....
 Telephone (Day time): 06 368 1480..... Mobile: 0275 315 6464(Peter).....
 Email: p.vwright@xtra.co.nz.....

Note: you must fill in all sections of this form.

2. Trade Competition

I could gain an advantage in trade competition through this submission? Yes No

I am directly affected by an effect of the subject matter that
 (a) adversely affects the environment; and
 (b) does not relate to trade competition or the effects of trade competition? Yes No

Please note that if you are a person who could gain an advantage in trade competition through the submission, your right to make a submission may be limited by Clause 6 of Schedule 1 of the Resource Management Act 1991.

3. The specific provisions of the Proposed District Plan that my submission relates to are as follows: *(Please specify the Rule, Policy or Map number your submission relates to)*

Planning Map 17, Designation D10. Re designation of residential properties on the south side of Waitarere Beach Road as Commercial zone.

Specifically as it applies to Lot 2 DP 59754 being 677 Waitarere Beach Road, Waitarere

(Continue on a separate sheet if necessary)

4. My submission is that: (Clearly state whether you SUPPORT or OPPOSE specific parts of the Proposed District Plan or wish to have amendments made, giving reasons for your views)

We strenuously OPPOSE the re zoning of this property to Commercial.

1. We have owned this property for over 30 years. It is the most commercially desirable section in Waitarere - Flat, fenced, powered, garages and workshop, next to restaurant, close to beach.
2. We have had many residential enquiries over the years but no one has ever shown interest in setting up a commercial venture on it.
3. WHY? There is no demand for Commercial land in Waitarere Beach. Two of the 3 purpose built shops behind the 4 Square store are vacant. The old service station has been empty for years. The Motel closed in 1991. The gift shop, Hairdresser and Boyce Plumbing and Hardware closed down. The "Hub" restaurant and various other food ventures have failed.
4. Commercial Zoning, on professional advice, will lower the value of the property, complicate consent applications for any future additions or improvements we wish to make to our residence. It will impact on Annual Rating differentials and the formidable list of restrictions, requirements and permitted activities (Rule 17 Commercial Zone) will dissuade any potential enterprise from proceeding.
5. While we can appreciate the Council's vision, we consider, the Field of Dreams ("make it and they will come") presumption, is overly optimistic.

(Continue on a separate sheet if necessary)

5. We seek the following decision from the Horowhenua District Council: (Give precise details of what amendments you wish to see and your reasons)

That the Council retain the status quo and that Lot 2 DP 59754 continue to be zoned residential.

If an owner in the future wishes to start a commercial venture then THEY can apply for Resource Consent to re zone appropriately for their intentions.....

(Continue on a separate sheet if necessary)

6. Proposed District Plan Hearing

Do you wish to attend the Council hearing for the Proposed District Plan? Yes No

Do you wish to be speak in support of your submission at the hearing? Yes No

If others make a similar submission would you be prepared to consider presenting a joint case at the hearing? Yes No

I have attached ...no additional pages to this submission.

Signature of Submitter:

Peter and Vivien Wright

Date: 22 October 2012

(Or person authorised to sign on behalf of submitter)

Note: A signature is not required if you make your submission by electronic means.

Submissions must be received no later than 4:00pm 12 November 2012

Further Information

If you require further information about the Proposed District Plan please visit the Council website www.horowhenua.govt.nz or email districtplan@horowhenua.govt.nz or phone (06) 366 0999.



Address **677 Waitarere Beach Road**

Address is approximate

677 Waitarere Beach Road

Waitarere

owned by P & V Wright, 673 Waitarere Beach Road, Waitarere



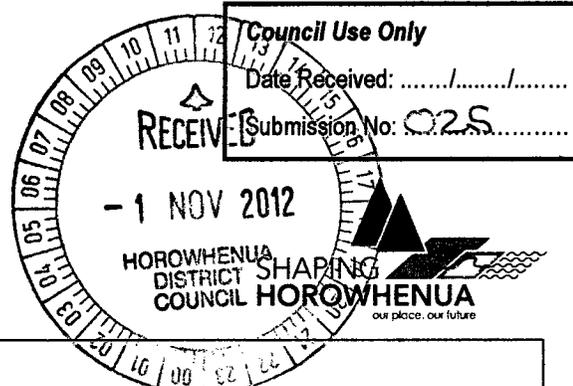
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 Emailed to: districtplan@horowhenua.govt.nz

Submissions must be received no later than 4:00pm 12 November 2012

1. Submitter Contact Details

Full Name: Michael Robert White
 Name of Organisation: *(If on behalf of an Organisation)*
 Address for Service: 141 Oturoa Road, RD 12, Levin
 Post code: 5572
 Telephone (Day time): (021)100-7170 Mobile: (021)100-7170
 Email: mmjr@xtra.co.nz

Note: you must fill in all sections of this form.

2. Trade Competition

I could gain an advantage in trade competition through this submission? Yes No

I am directly affected by an effect of the subject matter that
 (a) adversely affects the environment; and
 (b) does not relate to trade competition or the effects of trade competition? Yes No

Please note that if you are a person who could gain an advantage in trade competition through the submission, your right to make a submission may be limited by Clause 6 of Schedule 1 of the Resource Management Act 1991.

3. The specific provisions of the Proposed District Plan that my submission relates to are as follows: *(Please specify the Rule, Policy or Map number your submission relates to)*

Chapter 3 – Natural Features and Values. Request addition of issue and policy.....
 Chapter 12 – Utilities and Energy. Issue 12.1 (Network Utilities), Policies 12.1.3, 12.1.5, 12.2.12.....
 Chapters 15, 16, 17, 18, 19, 20 (all zones), Rules X.6 (Conditions for Permitted Activities). Request addition of issue and policy.....
 Chapter 24 – Subdivision and Development. Rule 24.2.7 (Utility Services).....
 Chapter 22 – Utilities and Energy Rules. Rule 22.1 (Conditions for Permitted Activities)

(Continue on a separate sheet if necessary)

4. My submission is that: (Clearly state whether you SUPPORT or OPPOSE specific parts of the Proposed District Plan or wish to have amendments made, giving reasons for your views)

In relation to Chapter 3 – Natural Features and Values: I support the issues and policies proposed, but there is one glaring omission – preservation and reclamation of our greatest natural feature of all, the night sky. This precious feature is slowly, but surely, being eroded by light pollution, the majority of which is caused by inefficient, misdirected and wasteful street lighting. Aside from depriving all citizens of their right to see the intrinsic beauty of the night sky, or observe it for scientific or cultural purposes, there are proven detrimental effects of light pollution to flora and fauna, and human health, both physical and mental.

NB – submissions continued on separate sheet(s) attached

(Continue on a separate sheet if necessary)

5. I/We seek the following decision from the Horowhenua District Council: (Give precise details of what amendments you wish to see and your reasons)

In relation to Chapter 3 – Natural Features and Values: I wish to see Chapter 3 amended to include the night sky as a natural feature, and the protection of the nighttime environment through proper lighting controls and rules a priority. I am privileged to live in a rural area (about 10km north of Levin) with no street lighting, and have relatively dark skies. I have made a personal commitment to protect that by registering my property as a Star Park (<http://onestar-awb.org/starparks/poroutawhao-starpark>). However, I still have to avoid the light pollution domes of Levin to the south, Palmerston North to the north-east and Foxton to the north of me, as these areas are too light-polluted to view astronomical objects.

NB – amendments continued on separate sheet(s) attached

6. Proposed District Plan Hearing

Do you wish to attend the Council hearing for the Proposed District Plan? Yes No

Do you wish to be speak in support of your submission at the hearing? Yes No

If others make a similar submission would you be prepared to consider presenting a joint case at the hearing? Yes No

I have attached 14 additional pages to this submission.

Signature of Submitter:  Date: 23/10/12
(Or person authorised to sign on behalf of submitter)

Note: A signature is not required if you make your submission by electronic means.

Submissions must be received no later than 4:00pm 12 November 2012

Further Information

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4. My submission is that: (Clearly state whether you SUPPORT or OPPOSE specific parts of the Proposed District Plan or wish to have amendments made, giving reasons for your views)

In relation to Chapter 12 – Utilities and Energy. Issue 12.1 (Network Utilities), Policies 12.1.3, 12.1.5, 12.2.12: I support the intention of these policies, but submit that street and highway lighting is also a network utility that should be managed in such a way as to negate adverse effects on the night environment. I draw your attention to the objectives of the AS/NZS 1158 Road Lighting Standards :

"The objective of road lighting is to provide a lighted environment....., while protecting the integrity of the night time environment through control of light spill and glare."

"Spill light is generally wasted light and energy, especially upward light that produces sky glow. Life cycle energy usage of a lighting scheme should be minimized not only from a cost point of view but also that of limiting the associated greenhouse gas emissions."

There are many viable and cost-effective alternatives to inefficient sodium street lighting and simple ways to fit street lights with full cutoff shields to prevent light spill. These allow usage of lower lumen luminaires and, over time, represent significant savings in energy costs, which ultimately are borne by the ratepayer.

In relation to Chapters 15, 16, 17, 18, 19, 20 (all zones), Rules X.6 (Conditions for Permitted Activities): There are no conditions or rules governing outdoor lighting. Light spill on to neighbouring private property and causing sky glow, also impact on ecological values. The introduction of artificial light into the night environment is linked to unintended human health effects ranging from cancers to depression. I submit that rules be developed and included in the District Plan to control the emission of light at and above the horizontal and to limit the level and timing of lighting applied in all zones.

In relation to Chapter 24 – Subdivision and Development. Rule 24.2.7 (Utility Services) and Chapter 22 – Utilities and Energy Rules. Rule 22.1 (Conditions for Permitted Activities): Section (a) states that "Utility services shall be provided in accordance with the permitted activity conditions in Rule 22.1". Rules for managing street lights and other external lighting to avoid impacts on the environment are missing from Rule 22.1. Subdivision developers should be specifically required to provide lighting that complies with the General Objectives of AS/NZS 1158 to limit spill light and glare, and to also comply with the guidelines contained in the NZ Government's Sustainable Procurement Guidelines. These guidelines require purchases of services to minimise impacts on the environment and to minimise whole of life costs including energy costs.

5. I/We seek the following decision from the Horowhenua District Council: *(Give precise details of what amendments you wish to see and your reasons)*

In relation to Chapter 3 – Natural Features and Values (continued): I run the public outreach activities (formerly Levin Stargazers) for the Horowhenua Astronoical Society, and we hold free monthly public stargazing events in the Adventure Park, but light pollution is proving a major challenge in this location. I would like to see HDC register the Levin Adventure Park as a Star Park, and commit to reducing and controlling light pollution around this area as a minimum. I would also like to see the preservation of our night sky added to Chapter 3 as a natural features, and policies put in place to protect it.

In relation to Chapter 12 – Utilities and Energy. Issue 12.1 (Network Utilities), Policies 12.1.3, 12.1.5, 12.2.12, Rules X.6 (Conditions for Permitted Activities): I submit that the HDC manage its street and road lighting networks in a way that minimizes impacts on the environment, both directly through minimising light spill and glare, and through improving the energy efficiency and effectiveness of the network. This issue, and policies to manage it, need to be added to this section of the proposed plan.

A model lighting ordinance is available from

http://www.darksky.org/assets/documents/MLO/MLO_FINAL_June2011.pdf as a starting point.

In relation to Chapters 15, 16, 17, 18, 19, 20 (all zones), Rules X.6 (Conditions for Permitted Activities): I submit that rules be developed and included in the District Plan to control the emission of light at and above the horizontal and to limit the level and timing of lighting applied in all zones.

In relation to Chapter 24 – Subdivision and Development. Rule 24.2.7 (Utility Services) and Chapter 22 – Utilities and Energy Rules. Rule 22.1 (Conditions for Permitted Activities): I would like to see the inclusion of 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. The reduction of whole of life costs will benefit ratepayers and help with the refurbishment of existing lighting networks.

**REPORT 4 OF THE COUNCIL ON SCIENCE AND PUBLIC HEALTH (A-12)
AMERICAN MEDICAL ASSOCIATION**

Light Pollution: Adverse Health Effects of Nighttime Lighting

Authors: David Blask, PhD, MD (Tulane University School of Medicine); George Brainard, PhD (Jefferson Medical College); Ronald Gibbons, PhD (Virginia Tech); Steven Lockley, PhD (Brigham and Women's Hospital, Harvard Medical School); Richard Stevens, PhD (University Connecticut Health Center); and Mario Motta, MD (CSAPH, Tufts Medical School).

EXECUTIVE SUMMARY

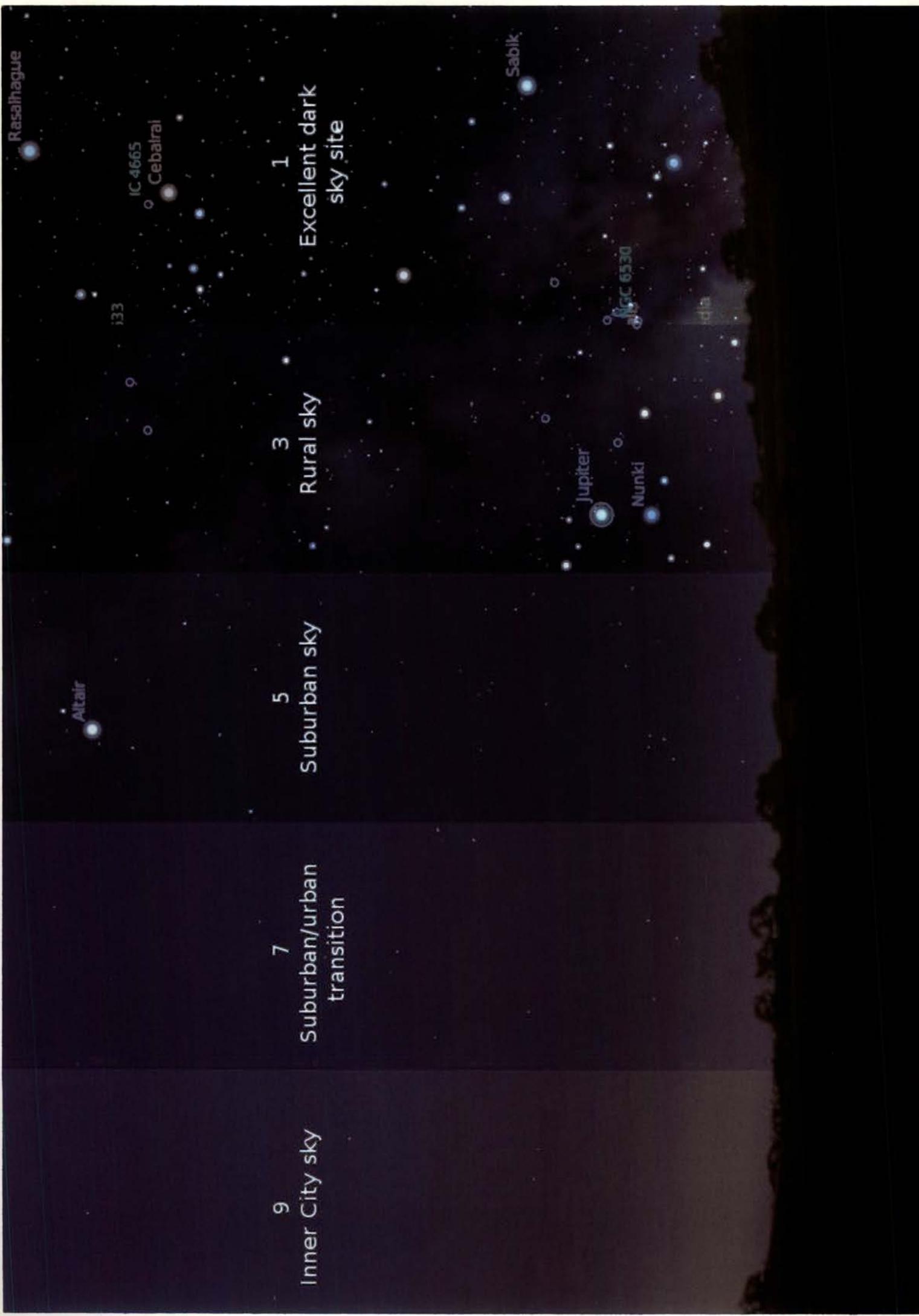
Objective. To evaluate the impact of artificial lighting on human health, primarily through disruption of circadian biological rhythms or sleep, as well as the impact of headlamps, nighttime lighting schemes, and glare on driving safety. Concerns related to energy cost, effects on wildlife and vegetation, and esthetics also are briefly noted.

Methods. English-language reports in humans were selected from a PubMed search of the literature from 1995 to March 2012 using the MeSH terms "circadian/biological clocks/rhythm," "chronobiology/disorders," "photoperiod," "light/lighting" "sleep," "work schedule," or "adaptation," combined with the terms "physiology," "melatonin," "adverse effects/toxicity," "pathophysiology," "neoplasm," "epidemiology/etiology," "mental disorders," "energy metabolism," and "gene expression." Additional articles were identified by manual review of the references cited in these publications; others were supplied by experts in the field who contributed to this report (see Acknowledgement).

Results. Biological adaptation to the sun has evolved over billions of years. The power to artificially override the natural cycle of light and dark is a recent event and represents a man-made self-experiment on the effects of exposure to increasingly bright light during the night as human societies acquire technology and expand industry. In addition to resetting the circadian pacemaker, light also stimulates additional neuroendocrine and neurobehavioral responses including suppression of melatonin release from the pineal gland improving alertness and performance. Low levels of illuminance in the blue or white fluorescent spectrum disrupt melatonin secretion. The primary human concerns with nighttime lighting include disability glare (which affects driving and pedestrian safety) and various health effects. Among the latter are potential carcinogenic effects related to melatonin suppression, especially breast cancer. Other diseases that may be exacerbated by circadian disruption include obesity, diabetes, depression and mood disorders, and reproductive problems.

Conclusion. The natural 24-hour cycle of light and dark helps maintain precise alignment of circadian biological rhythms, the general activation of the central nervous system and various biological and cellular processes, and entrainment of melatonin release from the pineal gland. Pervasive use of nighttime lighting disrupts these endogenous processes and creates potentially harmful health effects and/or hazardous situations with varying degrees of harm. The latter includes the generation of glare from roadway, property, and other artificial lighting sources that can create unsafe driving conditions, especially for older drivers. More direct health effects of nighttime lighting may be attributable to disruption of the sleep-wake cycle and suppression of melatonin release. Even low intensity nighttime light has the capability of suppressing melatonin release. In various laboratory models of cancer, melatonin serves as a circulating anticancer signal and suppresses tumor growth. Limited epidemiological studies support the hypothesis that nighttime lighting and/or repetitive disruption of circadian rhythms increases cancer risk; most

attention in this arena has been devoted to breast cancer. Further information is required to evaluate the relative role of sleep versus the period of darkness in certain diseases or on mediators of certain chronic diseases or conditions including obesity. Due to the nearly ubiquitous exposure to light at inappropriate times relative to endogenous circadian rhythms, a need exists for further multidisciplinary research on occupational and environmental exposure to light-at-night, the risk of cancer, and effects on various chronic diseases.



9
Inner City sky

7
Suburban/urban
transition

5
Suburban sky

3
Rural sky

1
Excellent dark
sky site

Rasalhague

IC 4665
Cebalrai

i33

Altair

Jupiter

Nunki

NGC 6530

Sabik

Idia



Outdoor Lighting

The New Zealand Energy Efficiency and Conservation Authority (EECA) have calculated that street and pedestrian lighting annual energy consumption accounts for 21 million \$(NZ), or 28% of an average Territorial Local Authority's (TLA) total energy costs. Carbon Dioxide (CO₂) emissions from electricity generation associated with this end use are 25,900 tonnes per year. The survey results received indicate that energy costs amount to \$18.6 million per annum, excluding state highway street lighting paid for by Transit New Zealand.

There appeared to be a wide range of practices in the area of street and pedestrian lighting, with small rural TLA's lacking the street-lighting engineering resources of the larger urban TLA's. In response the EECA, through the Energy-Wise Councils Partnership, and Transfund partnered this study to improve the understanding of the opportunities for cost effective improvements in street lighting. *The EECA Street Lighting Energy Efficiency Study*

Other outdoor lighting includes signage, architectural and security lighting and floodlighting of carparks, buildings, monuments, schools and homes.

At present, much of the installed outdoor lighting spills light beyond the area intended to be lit. The wasted light represents a waste of New Zealand's energy resources, and is having a significant impact on the visibility of the night time sky.

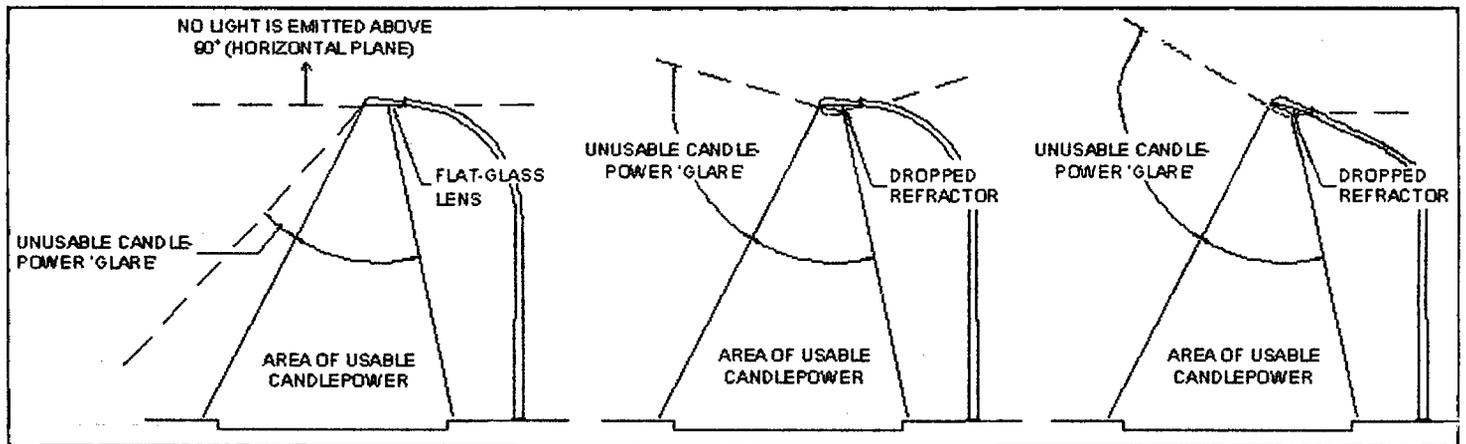


Figure 1

Figure 1 shows three possible designs for a standard street light fixture. The left hand image shows a street light with a flat-glass lens or full cut-off lamp. This design projects nearly all of the output of the lamp onto the area to be lit. No light is projected above the lamp, not into adjacent properties.

The center image shows a similar lamp, but with a dropped refractor lens. This is also known as a semi-cutoff lamp. As shown the output from this lamp can disperse widely beyond the intended work area of the fixture. An estimated 30 to 40% of the light from this light will fall outside of the area intended to be lit, with much of this light interacting with aerosols in the atmosphere to produce sky glow. This sky glow masks our view of the universe.

The right hand image shows the typical situation in New Zealand where the lamp is mounted at an elevated angle, approximately 15 degrees above horizontal. This worsens the effect of spilled light into the night sky. These lights are

visible from many kilometers away.

The EECA report on streetlight discusses a number of aspects of lighting but fails to mention this spilled light, nor the energy cost of this light.

The City of Calgary in Canada has taken notice of this spilled light and replaced replaced many of its street lights with cutoff light fittings. The energy savings are significant. [Calgary Street Lights](#)

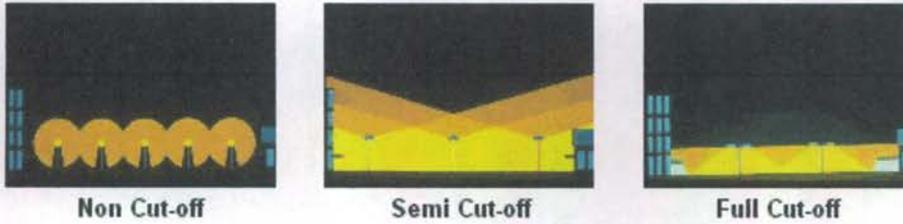


Figure 2

Figure 2 shows the difference between Non Cut-off, Semi Cut-off and Full Cut-off lights. By directing all the light from a lamp onto the required area, a lower wattage bulb can be used to achieve the desired lighting levels.

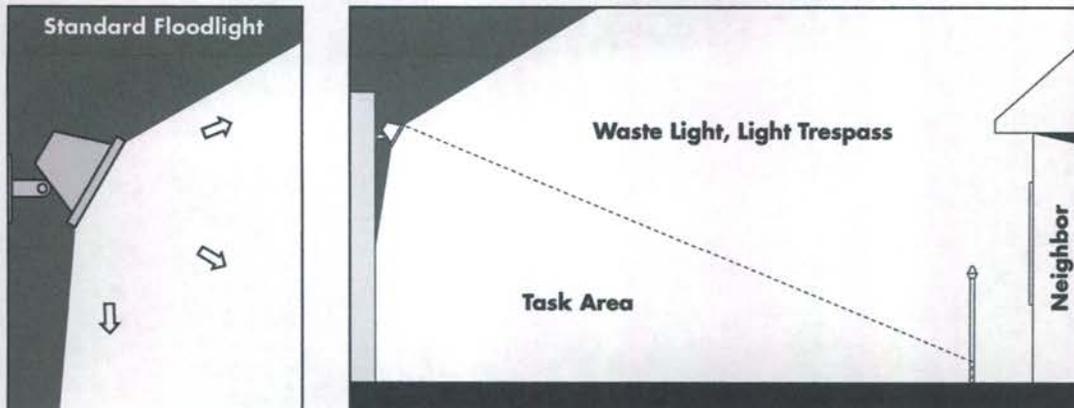


Figure 3

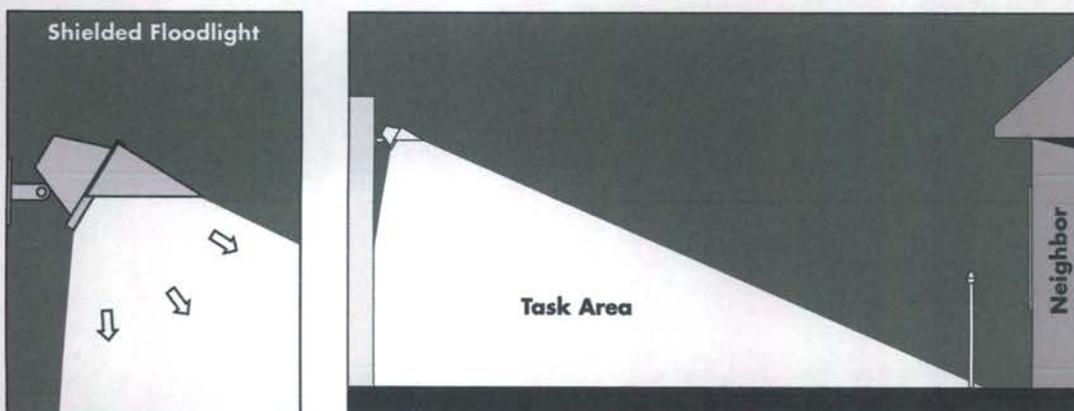


Figure 4

Figures 3 and 4 again display the savings that can be made. In this case a shield has been applied to the floodlight to direct the light on to the task area. The neighbouring property is protected from the direct output from the light and no direct light spills into the sky.

spills into the sky.

For an excellent article on New Zealand's light pollution see the New Zealand Listener article of August 2003 [Good Night](#) by Rebecca Greatrex.

|



The Royal Astronomical Society of New Zealand - RASNZ

The Case for Urban Sustainability at Night

Light Pollution Issues.

RASNZ - Dark Sky Vision Statements

- The RASNZ believes in the importance of the New Zealand nighttime environment in terms of the cultural, historic, educational, scientific and recreational importance of the stars, other nighttime phenomena, and the geographic uniqueness of New Zealand at night.
- The RASNZ believes that wasteful outdoor lighting is reducing the intrinsic and amenity value of the nighttime environment for urban and rural New Zealanders.

As nearly 87% of all New Zealanders live in towns and cities, the effects of inefficient or ineffective night time outdoor lighting, have a significant impact on our population. While the RASNZ's interest is clearly focussed on the night sky, there are other impacts from poor lighting such as wasted energy, and environmental and social effects which can be addressed.

New Zealand Urban Design Protocol

In February 2005 the Royal Astronomical Society of New Zealand (RASNZ) became a signatory to the Ministry for the Environment's Urban Design Protocol.

The Urban Design Protocol states: "Environmentally responsible towns and cities constantly seek ways to minimise adverse impacts on human health and natural and cultural systems, including air quality and water quality. They minimise waste production, energy and water use, and maximise the efficiency of land use and infrastructure."

The RASNZ believe that these statements are just as valid after sunset as during the day.

Outdoor lighting in New Zealand, as part of Urban Design, is in urgent need of review to ensure minimal wastage of energy and to minimise impacts on human health and natural and cultural systems.

Who are the RASNZ?

The RASNZ is a New Zealand society of professional, technical and amateur astronomers. Present membership is around 200. The society also has 23 affiliated local societies spread throughout New Zealand. These local societies have a combined membership of around 600. There are a further 4 independent societies, as well as two public commercial observatories.

- The object of the RASNZ is the promotion and extension of knowledge of astronomy and related branches of science.
- The RASNZ encourages interest in Astronomy, and is an association of observers and others for mutual

help and advancement of science.

- The RASNZ was founded in 1920 as the New Zealand Astronomical Society and assumed its present title on receiving the Royal Charter in 1946.
- In 1967 RASNZ became a Member Body of the Royal Society of New Zealand.
- The RASNZ is a contributing member of the International Dark-Sky Association.

Further details of the RASNZ and its activities are on its [web site](#).

Disclaimer:

The RASNZ does not portray itself as an expert body in the areas of Lighting, Energy, Health, Crime Prevention, and Environmental Effects, among others. However the RASNZ will use this web site to raise issues in all these areas which challenge experts in these areas to respond to, and resolve.

The main aim of this web site is to raise the profile of the night time environment to show it is worthy of protection from the impacts of modern urban design.

email: urbanstars@rasnz.org.nz



New Zealand Urban Design Protocol

New Zealand Urban Design Protocol

In February of 2005 the Royal Astronomical Society of New Zealand (RASNZ) became a Sector Organisation Signatory to the New Zealand Ministry for the Environment's Urban Design Protocol.

The Urban Design Protocol has the following vision and Mission Statements:

- **Vision**

Making New Zealand towns and cities more successful through quality urban design.

- **Mission statement**

The New Zealand Urban Design Protocol calls for a significant step-up in the quality of urban design in New Zealand and a change in the way we think about our towns and cities. As part of a co-ordinated programme of sustainable development, it aims to ensure New Zealand's towns and cities are successful places for people.

It will achieve this by:

- creating a national cross-sector commitment to quality urban design
- providing a national resource of tools, actions and experiences
- setting up partnerships between government, the private sector and professionals
- increasing the awareness of quality urban design and demonstrating its value.

The Urban Design Protocol recognises that:

- towns and cities are complex systems that require integrated management
- quality urban design is an essential component of successful towns and cities
- urban design needs to be an integral part of all urban decision-making
- urban design requires alliances across sectors and professionals
- urban design applies at all scales, from small towns to large cities
- urban design has a significant influence on people and how they live their lives
- our towns and cities are important expressions of New Zealand's cultural identity including our unique Maori heritage.

The Protocol identifies seven essential design qualities: (7 C's)

1. Context: Seeing that buildings, places and spaces are part of the whole town or city
2. Character: Reflecting and enhancing the distinctive character, heritage and identity of our urban environment
3. Choice: Ensuring diversity and choice for people
4. Connections: Enhancing how different networks link together for people

5. Creativity: Encouraging innovative and imaginative solutions
6. Custodianship: Ensuring design is environmentally sustainable, safe and healthy
7. Collaboration: Communicating and sharing knowledge across sectors, professions and with communities.

The New Zealand Urban Design Protocol is part of the Government's Sustainable Development Programme of Action and the Urban Affairs Portfolio. One of the main aims of the government under this Programme of Action is decoupling economic growth from pressures on the environment. The supply and use of energy has always had environmental consequences.

More recently, the threat of climate change has pushed energy to a central position in international debate. The questions are now about:

- the energy we need
- the long-term effects of how we now use energy
- how we will change to more sustainable energy use.

Improving Energy Efficiency And Conservation

Using energy more efficiently, that is, using less energy for the same amount of production, heating, light and transport, is a cost-effective way of achieving sustainable development.

At present the overall technical efficiency of energy use averages 25 per cent. There is scope for ongoing, cost-effective improvements in efficiency across all sectors. These improvements should deliver immediate and realisable gains for the environment, the economy and people's welfare.

After detailed consideration within the framework of the National Energy Efficiency and Conservation Strategy, the government has adopted a **target of at least a 20 per cent improvement** in economy-wide energy efficiency by 2012. *Sustainable Development For New Zealand Programme Of Action - (PDF Brochure)*

The RASNZ has signed the NZ Urban Design Protocol as a Sector Organisation, and have made the commitment to:

- Demand quality urban design
- Develop community action projects
- Participate in community engagement forums
- Lead proactive neighbourhood projects

The main aim for the RASNZ, within the protocol, is to encourage energy saving through efficient and effective outdoor lighting.

What is a StarPark?

A StarPark is a window to the firmament that each community voluntarily designates to enjoy the starry night sky. Its function is to claim and secure the right to starlight, especially for future generations.

Just as communities designate areas for recreation, sport, the enjoyment of nature or silence, these same sites and others can be places where the starry sky is enjoyed.

A StarPark is an oasis that each community designates for stargazing/observing or to protect the night environment. A site where to learn under the stars and fight against light pollution, with a view to progressively enlarge its area of influence.

"One Star at a Time" program

is a worldwide effort to create accessible public spaces to view a starry night sky.

The program uses night sky conservation to unite people across the planet, their cultures and their skies.

Join the Global StarPark Network
www.onestaratatime.org



STARLIGHT
COMMUNITIES

ASTRONOMERS
WITHOUT BORDERS

with the support of



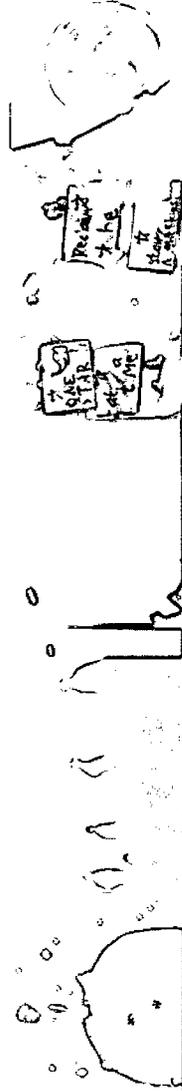
Starlight
a treasure
that can't be lost

One Star
at a time

One People One Sky

Reclaim the
Starry Night

The Global Star Park Network
is a worldwide effort to preserve
humanity's heritage of connecting
with the starlit firmament



Global StarPark Network

Dark Skies Associations

<http://www.rasnz.org.nz/darkskies/>

<http://www.darksky.org/>

<http://www.onestar-awb.org/>

Light Pollution Resources

Lighting Research Center – Light Pollution

<http://www.lrc.rpi.edu/programs/nlpip/lightinganswers/lightpollution/abstract.asp>

Lighting Research Center - Light, Sight and Photobiology

<http://www.lrc.rpi.edu/programs/Futures/LF-Photobiology/index.asp>

Gardco Lighting – Saving Energy in Outdoor Lighting

http://www.sitelighting.com/brochure/g-e_energy_brochure.pdf

The World Atlas of Artificial Night Sky Brightness – Oceania

<http://www.lightpollution.it/worldatlas/pages/fig9.htm>

Ecological Impacts of Light Pollution on Wildlife

<http://www.starlight2007.net/pdf/proceedings/SharonWise.pdf>

Geowise – Light Pollution

<http://www.geogise.com/environmental-issues/light-pollution.php>

The Facts About Light Pollution

<http://osr.org/en-us/articles/the-facts-about-light-pollution/>

How Light Pollution Works (plus animal and human effects, and practical solutions)

<http://science.howstuffworks.com/environmental/green-science/light-pollution.htm>

Astronomical Society of South Australia – Light Pollution, the Solution

<http://www.assa.org.au/lightpollution/solution.asp>

Horowhenua Astronomical Society Inc

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David W, Ward

Chief Executive

Horowhenua District Council

Private Bag 4002

Levin 5510



1st November 2012

Dear Sir

Submission on Horowhenua District Plan (Proposed)

Natural Features and Values

The Horowhenua Astronomical Society Inc, with support from the **Royal Astronomical Society of New Zealand**, wishes to submit to the Horowhenua District Plan (Proposed) to request that protection of the integrity of the night environment is included in the district plan.

The Horowhenua Astronomical Society Inc. was formed in 1990, as the Foxton Beach Astronomical Society (FBAS), and Incorporated as a Society on 26th April 1993. Our name was changed in 2012 to reflect its wider membership base and outreach activities.. Its **Nelson Bartlett Observatory** is located at Foxton Beach School and our members come from throughout the Horowhenua and Manawatu Districts, ranging in experience from beginner to advanced. We have an emphasis on learning about Astronomy and sharing opportunities to observe the night sky using a variety of telescopes. The Society aims to foster and promote universal appreciation of access to Astronomical science and the pleasures of night time observing.

From an astronomy point of view, loss of vision of the night sky through sky glow and light spill means a loss of amenity value not only for astronomers but for all of the residents of Horowhenua.

The night time part of the environment has played an important role in the development of life on this planet. Flora and fauna have adapted to niche parts of the daily light cycle such as day, twilight or night. Seasonal changes in light drive the yearly cycles of plants and animals.

Twilight and night are modified or overwhelmed by poor lighting techniques which spill light well beyond the intended area, or which shine when not required.

Avoiding or minimising the unwanted effects of introducing artificial light into the night environment brings immediate benefits to the environment, and will result in whole of life energy savings leading to financial savings for rate payers and reduced exposure to carbon emission charges.

“Issue 3.2 INDIGENOUS BIOLOGICAL DIVERSITY

“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.”

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“Notwithstanding the above, district councils still have an overarching responsibility in relation to Sections 6(c) and 7(d) of the RMA (i.e. protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna; and intrinsic values of ecosystems) when making decisions on resource consent applications. For example, in determining an application for a subdivision consent which contains or is adjacent to an area of significant indigenous vegetation, the District Council would need to recognise and provide for the protection of this area, and have **particular regard to the intrinsic values of its ecosystems.**” **Horowhenua District Plan (Proposed)**”

The recent IUCN **World Conservation Congress** adopted Motion 173 Dark skies and nature conservation.

“M173 Dark skies and nature conservation

GIVEN that species and ecosystems function night and day, and that artificial light can interfere with organism and ecosystem functions;

UNDERSTANDING that the appreciation of cultural heritage sites in their authentic state, the enjoyment of landscape aesthetics, and a true wilderness experience may be diminished by outdoor artificial light, glare and sky glow;

RECOGNIZING that astronomy, both scientific and amateur, and night sky viewing by the general public are essential contributions to understanding and enjoying our natural world;

BEING aware that cultural traditions, mythology and ceremony throughout the world bear a close relationship to night sky phenomena; and

NOTING that energy efficiency, human health and personal safety are all enhanced by the use of proper lighting and diminished by excess lighting;

The World Conservation Congress, at its session in Jeju, Republic of Korea, 6–15 September 2012:

1. CALLS UPON environmental and natural resource management agencies to recognize that outdoor artificial light should be subject to effective standards in order to help restore and/or maintain the ecological integrity of natural areas and the commemorative integrity of cultural sites, to respect traditional beliefs related to the night sky, and to protect species and ecosystems everywhere;

2. SUGGESTS that urban and non-urban infrastructure management authorities regulate and control outdoor lighting in the areas under their jurisdiction so as to achieve just the right amount, spectrum and timing of outdoor lighting necessary for public use and safety..... “

<http://portals.iucn.org/2012motions/?q=M-173>

3. The specific provisions of the Proposed District Plan which our submission relates to are as follows: (Please specify the Rule, Policy or Map number your submission relates to)

Policy 3.2.2

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 ecosystems.

Policy 3.2.3

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.

4. Our submission is that: (Clearly state whether you SUPPORT or OPPOSE specific parts of the Proposed District Plan or wish to have amendments made, giving reasons for your views)

Our submission is that we support Policies 3.2.2 and 3.2.3 but request that the HDC incorporate protection of the natural light cycle at night as a way of maintaining and enhancing indigenous biological diversity. Natural light and the absence of artificial light at night are intrinsic values of Horowhenua District's ecosystems.

5. I/We seek the following decision from the Horowhenua District Council: (Give precise details of what amendments you wish to see and your reasons)

We seek that rules around prevention of light spill, glare and excessive lighting levels be included for highway and street lighting, subdivisions, land use and development. Technologies exist now to achieve quality light where and when it is needed while minimising impacts on the environment and on other users of the night.

Issue 3.3 LAKES, RIVERS AND OTHER WATER BODIES

Inappropriate subdivision, land use and development in, on, or adjacent to lakes, rivers and other water bodies, can adversely affect their natural character and other values such as ecological, recreation, cultural and amenity values

3. The specific provisions of the Proposed District Plan that my submission relates to are as follows: (Please specify the Rule, Policy or Map number your submission relates to)

Policy 3.3.4

Ensure subdivision, use and development protects the natural character of lakes, rivers 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;

4. Our submission is that: (Clearly state whether you SUPPORT or OPPOSE specific parts of the Proposed District Plan or wish to have amendments made, giving reasons for your views)

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The Horowhenua Astronomical Society submits that the natural light processes of the night are an important part of the natural character that should be sustained, restored and rehabilitated in areas related to lakes, rivers and other water bodies. Excessive, inefficient artificial lighting systems can disrupt natural processes both adjacent to water bodies and within the water body itself. Excessive lighting falling onto a water surface reflects into the night sky adding to skyglow.

5. I/We seek the following decision from the Horowhenua District Council: (Give precise details of what amendments you wish to see and your reasons)

We seek that the amount and type of artificial lighting within a proposed subdivision, land use and development in, on, or adjacent to lakes, rivers and other water bodies be considered and managed when considering appropriateness of resource consent proposals.

Issue 3.4 NOTABLE TREES

The natural, amenity, heritage and cultural values of an area can be adversely affected by the loss of Notable Trees through intentional or inadvertent damage, destruction or improper maintenance.

3. The specific provisions of the Proposed District Plan that our submission relates to are as follows: (Please specify the Rule, Policy or Map number your submission relates to)

Objective 3.4.1 Notable Trees

To recognise and protect Notable Trees which are of aesthetic, botanical, heritage or ecological significance within the District.

4. Our submission is that: (Clearly state whether you SUPPORT or OPPOSE specific parts of the Proposed District Plan or wish to have amendments made, giving reasons for your views)

Policy 3.4.4

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.

We support Policy 3.4.4 with the emphasis on "protection and conservation"

5. I/We seek the following decision from the Horowhenua District Council: (Give precise details of what amendments you wish to see and your reasons)

“Methods for Issue 3.4 & Objective 3.4.1

District Plan

• Rules are provided in the District Plan to manage the effects of activities which have the potential to adversely affect Notable Trees.”

The Horowhenua Astronomical Society Inc submit that rules be established to discourage or prevent the uplighting of trees as a way to highlight them. The addition of artificial light at night is known to adversely affect some trees and is likely to disrupt insect and bird ecosystems that rely on the tree. Excess light will also flood into the sky contributing to sky glow.

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5. Coastal Environment

The RMA places special importance on the sustainable management of the coast. The preservation of the natural character of the Coastal Environment, and its protection from inappropriate subdivision, use and development, is a matter of national importance (Section 6(a)). Due to the differing levels of development and modification, the level of natural character within the Coastal Environment varies along the coastline.

The New Zealand Coastal Policy Statement 2010 (NZCPS) This is a National Policy Statement and provides guidance on how the RMA's responsibilities should be met.

3. The specific provisions of the Proposed District Plan that my submission relates to are as follows: (Please specify the Rule, Policy or Map number your submission relates to)

Objective 5.1.1 Natural Character of the Coastal Environment

To preserve natural character of the Coastal Environment and avoid, remedy or mitigate the adverse environmental effects from inappropriate subdivision, use and development.

Policy 5.1.7

Confine urban development in the Coastal Environment to existing settlements and identified growth areas to avoid urban sprawl along the coastal margin.

4. Our submission is that: (Clearly state whether you SUPPORT or OPPOSE specific parts of the Proposed District Plan or wish to have amendments made, giving reasons for your views)

We support the intention of the Plan to preserve the Natural Character of the Coastal Environment and call on the HDC to incorporate protection of the Natural Night Environment as an intrinsic feature of the character of the Coastal Environment as proposed by Policy 13-2-e of the NZCPS.

“(e) the natural darkness of the night sky;”

Marine and migratory birds are particularly susceptible to the effects of bright unshielded lights in coastal areas.

**5. I/We seek the following decision from the Horowhenua District Council:
(Give precise details of what amendments you wish to see and your reasons)**

We seek rules which preserve the natural character of coastal areas by restricting to essential lighting only and that this lighting be shielded and directed to the intended area to be lit, limited to the levels required and only lit at the times required.

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12. Utilities and Energy

“Utilities provide services or resources which support the community, and in doing so can use, develop or protect a resource. The resource management of utilities is two-way. The resources and infrastructure associated with individual utilities require protection to enable effective and secure operation, but to also ensure that any adverse effects generated by utilities are avoided, remedied or mitigated. Urban growth should also be integrated with infrastructure to ensure efficiency in the design and management of infrastructure.”

3. The specific provisions of the Proposed District Plan that my submission relates to are as follows: (Please specify the Rule, Policy or Map number your submission relates to)

Issue 12.1 NETWORK UTILITIES

The maintenance and development of network utilities to enable the community to provide for its social and economic well-being, **recognising that the infrastructure and operation of network utilities may create adverse effects on the environment**, and other activities may impact their safe and efficient functioning.

Policy 12.1.3

Avoid, remedy or mitigate the adverse environmental effects arising from the establishment, construction, operation, maintenance and upgrading of network utilities.

Policy 12.1.5

Ensure the establishment, operation, maintenance and upgrading of network utilities does not compromise the health and safety of the community.

Policy 12.2.12

Encourage energy efficiency and conservation practices, including use of energy efficient materials and renewable energy in development.

4. Our submission is that: (Clearly state whether you SUPPORT or OPPOSE specific parts of the Proposed District Plan or wish to have amendments made, giving reasons for your views)

Our submission supports the intentions of the above policies but requests that the HDC recognise that the provision of street and highway lighting is a network utility and that it should be managed in a way that limits adverse effects on the environment.

Significant gains in energy efficiency are available through the use of modern lighting technologies and by avoiding adverse impacts on the environment through wasteful lighting systems.

We submit that the HDC notes the objective of the AS/NZS 1158 Road Lighting Standards :

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"The objective of road lighting is to provide a lighted environment....., while protecting the integrity of the night time environment through control of light spill and glare."

"Spill light is generally wasted light and energy, especially upward light that produces sky glow. Life cycle energy usage of a lighting scheme should be minimized not only from a cost point of view but also that of limiting the associated greenhouse gas emissions."

5. I/We seek the following decision from the Horowhenua District Council: (Give precise details of what amendments you wish to see and your reasons)

We submit that the HDC manage its street and road lighting networks in a way that minimizes impacts on the environment, both directly through minimising light spill and glare, and through improving the energy efficiency and effectiveness of the network.

Chapters 15, 16, 17, 18, 19, 20. ALL ZONES

The Horowhenua Astronomical Society notes that there are no rules or conditions to manage artificial outdoor lighting. Wasteful lighting practices reduce amenity values through light spill on to neighbouring private property and through sky glow, and impact on ecological values. The introduction of artificial light into the night environment is linked to unintended human health effects ranging from cancers to depression.

3. The specific provisions of the Proposed District Plan that my submission relates to are as follows: (Please specify the Rule, Policy or Map number your submission relates to)

"CONDITIONS FOR PERMITTED ACTIVITIES

The following conditions shall apply to all permitted activities:....."

4. Our submission is that: (Clearly state whether you SUPPORT or OPPOSE specific parts of the Proposed District Plan or wish to have amendments made, giving reasons for your views)

Our submission is that rules be developed and included in the District Plan to control the emission of light at and above the horizontal and to limit the level and timing of lighting applied in all zones.

**5. I/We seek the following decision from the Horowhenua District Council:
(Give precise details of what amendments you wish to see and your reasons)**

Our submission is that rules be developed and included in the District Plan to control the emission of light at and above the horizontal and to limit the level and timing of lighting applied in all zones.

Page | 8

21 RULES: Vehicle Access, Parking, Loading & Rooding

3. The specific provisions of the Proposed District Plan that my submission relates to are as follows: (Please specify the Rule, Policy or Map number your submission relates to)

There are no provisions listed to manage Vehicle Access, Parking, Loading & Rooding lighting.

4. Our submission is that: (Clearly state whether you SUPPORT or OPPOSE specific parts of the Proposed District Plan or wish to have amendments made, giving reasons for your views)

Our submission is that the environmental effects of the provision of Vehicle Access, Parking, Loading & Rooding be managed including the effects of the provision of lighting.

**5. I/We seek the following decision from the Horowhenua District Council:
(Give precise details of what amendments you wish to see and your reasons)**

We seek that appropriate provisions are included to manage the effects of lighting with particular regard to limiting spill light, glare and energy consumption.

24. SUBDIVISION AND DEVELOPMENT

“This Chapter sets out the standards, conditions and matters over which the Council has reserved its discretion for subdivision and development. This includes the obligations resting with developers in terms of providing services to subdivisions or developments either as permitted activities or as those activities requiring resource consent. The intention is to ensure that the reasonable direct on and off site effects on infrastructure of a development are avoided, remedied or mitigated by the developer.”

3. The specific provisions of the Proposed District Plan that my submission relates to are as follows: (Please specify the Rule, Policy or Map number your submission relates to)

24.2.7 Utility Services

(a) Utility services shall be provided in accordance with the permitted activity conditions in Rule 22.1.

4. Our submission is that: (Clearly state whether you SUPPORT or OPPOSE specific parts of the Proposed District Plan or wish to have amendments made, giving reasons for your views)

Our submission is that specific rules should be applied to manage Street Lights and other external lighting to avoid impacts on the environment. These rules are missing from Section 22.

Subdivision developers should be specifically required to provide lighting that complies with the General Objectives of AS/NZS 1158 to limit spill light and glare, and to also comply with the guidelines contained in the NZ Government's Sustainable Procurement Guidelines. These guidelines require purchases of services to minimise impacts on the environment and to minimise whole of life costs including energy costs.

5. I/We seek the following decision from the Horowhenua District Council: (Give precise details of what amendments you wish to see and your reasons)

We seek the inclusion of 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. The reduction of whole of life costs will benefit ratepayers and help with the refurbishment of existing lighting networks.

General Comment

An example of poor illumination and lighting design is readably seen in Levin at various sports fields where from time to time night games are played. When flood lighting is on it's visible at a distance well beyond the urban area. Excessive spill lighting such as this needs to be avoided. Spoiling the natural environment from usage of ill designed lighting technologies is inappropriate.

We respectfully ask Council to ensure that vision of the night sky is not lost through sky glow and light spill. When this happens it constitutes a serious loss of amenity value for all residents of the Horowhenua amongst whom Astronomers have a special interest. Our members request that protection of the integrity of the night environment is included in the district plan. As an example of what can be done in District Council Planning, we reference and acknowledge the "Mackenzie District Plan" http://www.mackenzie.govt.nz/Site/A-Z/D-F/district_plan.aspx **Page | 1**

As appropriate we would like to appear and be available to Council to advance these matters. We ask you to note our lead representative in this regard is:-

Mr Allen Little QSM,JP
7 Earl Street
Levin 5510
Phone (06) 367-5900
Email:- vision@inspire.net.nz

Thank you for receiving this our submission.

Yours sincerely



Stephen Chadwick, MA(Hons), PhD, DipSW
President

2 November 2012



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David McCorkindale
Project Manager (District Plan Review)
Horowhenua District Council
Private Bag 4002
LEVIN 5540

Dear David

SUBMISSION TO PROPOSED HOROWHENUA DISTRICT PLAN

Please find enclosed Horizons Regional Councils (Horizons) submission to the Proposed District Plan.

Horizons acknowledge the opportunities that your Council provided for feedback on the Plan review and the cooperative manner in which that was undertaken.

I believe that this submission reflects that previous work.

Yours sincerely

A handwritten signature in cursive script that reads 'I. Lowe'.

Ian Lowe
COORDINATOR DISTRICT ADVICE

Encls: Form 5
Submission to the Proposed Horowhenua District Plan

Kairanga

Marton

Palmerston North

Taihape

Taumarunui

Wanganui

Woodville



HD094729

24hr Freephone 0508 800 800

SUBMISSION FORM
Proposed Horowhenua District Plan
Resource Management Act 1991
Form 5 of Resource Management
(Forms, Fees, Procedure) Regs 2003

Council Use Only
 Date Received: 05/11/12
 Submission No: 027



Submissions can be:
 Delivered to: Horowhenua District Council Offices, 126 Oxford Street, Levin
 Posted to: Shaping Horowhenua, Horowhenua District Council, Private Bag 4002, Levin 5540
 Faxed to: (06) 366 0983
 Emailed to: districtplan@horowhenua.govt.nz

Submissions must be received no later than 4:00pm 12 November 2012

1. Submitter Contact Details

Full Name: IAN LOWE
 Name of Organisation: (If on behalf of an Organisation) HORIZONS REGIONAL COUNCIL
 Address for Service: Private Bag 11025 Palmerton North
 Post code: 4442
 Telephone (Day time): 06 952 2908 Mobile: 021 2277102
 Email: ian.lowe@horizons.govt.nz

Note: you must fill in all sections of this form.

2. Trade Competition

I could gain an advantage in trade competition through this submission? Yes No
 I am directly affected by an effect of the subject matter that
 (a) adversely affects the environment; and
 (b) does not relate to trade competition or the effects of trade competition? Yes No

Please note that if you are a person who could gain an advantage in trade competition through the submission, your right to make a submission may be limited by Clause 6 of Schedule 1 of the Resource Management Act 1991.

3. The specific provisions of the Proposed District Plan that my submission relates to are as follows: (Please specify the Rule, Policy or Map number your submission relates to)

See attached submission

(Continue on a separate sheet if necessary)

4. My submission is that: (Clearly state whether you SUPPORT or OPPOSE specific parts of the Proposed District Plan or wish to have amendments made, giving reasons for your views)

..... See attached submission

(Continue on a separate sheet if necessary)

5. I/We seek the following decision from the Horowhenua District Council: (Give precise details of what amendments you wish to see and your reasons)

..... See attached submission

(Continue on a separate sheet if necessary)

6. Proposed District Plan Hearing

Do you wish to attend the Council hearing for the Proposed District Plan? Yes No

Do you wish to be speak in support of your submission at the hearing? Yes No

If others make a similar submission would you be prepared to consider presenting a joint case at the hearing? Yes No

I have attached 13 additional pages to this submission.

Signature of Submitter: Steve Date: 2/11/12
(Or person authorised to sign on behalf of submitter)

Note: A signature is not required if you make your submission by electronic means.

Submissions must be received no later than 4:00pm 12 November 2012

Further Information

If you require further information about the Proposed District Plan please visit the Council website www.horowhenua.govt.nz or email districtplan@horowhenua.govt.nz or phone (06) 366 0999.

Privacy Act 1993

Please note that submissions are public information. Information on this form including your name and submission will be accessible to the media and public as part of the decision making process. Council is required to have this by the Resource Management Act 1991. Your contact details will only be used for the purpose of the Proposed District Plan process. The information will be held by the Horowhenua District Council, 126 Oxford Street, Levin. You have the right to access the information and request its correction.

SUBMISSION TO THE PROPOSED HOROWHENUA DISTRICT PLAN

To: The Chief Executive
Horowhenua District Council
Private Bag 4002
LEVIN 5540

From: Horizons Regional Council
Private Bag 11 025
Manawatu Mail Centre
PALMERSTON NORTH 4442

1. Introduction

Horizons Regional Council (Horizons) appreciates the opportunity to comment on the Proposed Horowhenua District Plan (Proposed Plan).

Horizons has worked closely with Horowhenua District Council officers prior to the plans notification to provide advice and input in regards to aligning the Proposed Plan with the Regional Policy Statement and Plan (Proposed One Plan - POP).

The positive approach that staff adopted throughout that process has been appreciated.

Horizons acknowledge the fact that the Horowhenua District Council has sought to make provisions of the Proposed Plan consistent with the POP (Proposed Plan, p A-6).

To this end, Horizons' main interests in the Proposed Plan are in those areas where there are interconnections between the POP and the Proposed Plan.

Horizons believes that in general terms the Proposed Plan gives effect to the POP, however there are some areas where the Proposed Plan is not consistent with the POP. Those areas are identified below and the relevant relief as sought is highlighted.

2. Chapter 2 - Objectives and Policies: Rural Environment

2A. Policy 2.5.6 – Horizons support this policy in part, however consider the intent of the policy to be unclear. Specifically, the policy is not clear about what 'wastes' are intended to be encompassed by this policy and therefore what rules it links to.

It would seem that Policy 2.5.6 may link to Rule 19.6.17, in which case there are issues about the wastes that are addressed by that rule. Sewage and

effluent are Regional Council functions, and the regulation of these types of discharges through a District Plan would be inappropriate.

Relief sought:

- ***That “wastes” be defined and only cover areas within HDC’s jurisdiction; and***
- ***That the policy be re-worded to provide more specificity around the adverse effects that are intended to be avoided, remedied or mitigated through this policy e.g. on-site amenity.***

2B. Policy 2.5.14 – Horizons support the inclusion of this policy, however, have concerns regarding the overlap and potential implications with the POP. Policy 8-2, table 8.3 of the POP specifies the following regional standard for ambient air quality:

Table 8.3 Regional Standards for Ambient Air* Quality

Contaminant^A	Regional Standard
Odour	<ul style="list-style-type: none"> • A <i>discharge^A</i> must not cause any offensive or objectionable odour beyond the <i>property*</i> boundary.

Policy 2.5.14 only makes reference to adverse odours, not “offensive or objectionable odour” as the POP does. In addition this policy does not cover dust nuisance. There is also a question around whether this policy (and the related rule 19.6.9) crosses over into Regional Council jurisdiction.

Relief sought:

- ***That this policy be deleted, if it is found to be outside the territorial authority jurisdiction; or***
- ***If retained, that it be reworded to align with Policy 8-2 of the Proposed Regional Policy Statement.***

2C. Policy 2.5.15 - Horizons support the inclusion of this policy, however consider that it should be reworded to include “intensive farming activities” in line with Rule 19.6.4(b).

3. Chapter 3 - Objectives and Policies: Indigenous Biological Diversity

3A. Objective 3.2.1 Horizons oppose this policy. This policy does not give effect to the Regional Policy Statement as it attempts to cover areas outside Territorial Authority jurisdiction.

In particular, Policy 7-1(b)(ii) of the POP specifies what territorial authorities must be responsible for. Policy 7-1 reads as follows:

Policy 7-1: Responsibilities for maintaining indigenous biological diversity[^]

In accordance with s62(1)(i) RMA, local authority responsibilities for controlling land[^] use activities for the purpose of managing indigenous biological diversity[^] in the Region are apportioned as follows:

(a) The Regional Council must be responsible for:

- (i) developing objectives, policies and methods for the purpose of establishing a Region-wide approach for maintaining indigenous biological diversity[^], including enhancement where appropriate*
- (ii) developing rules[^] controlling the use of land[^] to protect areas of significant indigenous vegetation and significant habitats of indigenous fauna and to maintain indigenous biological diversity[^], including enhancement where appropriate.*

(b) Territorial Authorities[^] must be responsible for:

- (ii) retaining schedules of notable trees and amenity trees in their district plans[^] or such other measures as they see fit for the purpose of recognising amenity, intrinsic and cultural values associated with indigenous biological diversity[^], but not for the purpose of protecting significant indigenous vegetation and significant habitats of indigenous fauna as described in (a)(ii) above.*

The District Council is not required to address protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna that are covered by Schedule E of the POP. If the intent of the objective is to deal with amenity issues associated with notable trees and amenity trees then this should be made explicit.

Relief sought:

That Objective 3.2.1 in its current form be deleted and replaced with an objective that covers the matters signalled in Policy 7-1(b)(ii) of the POP as the areas of Territorial Authority jurisdiction.

- 3B. Policies 3.2.2 and 3.2.3** – For the same reasons reported above under Objective 3.2.1, Horizons oppose these policies. It is requested that these Policies be deleted and replaced with policies that seek to recognise and retain notable trees and amenity trees within the District, in line with the requirements of the POP.

There is a related issue of managing the effects of subdivision which may impact on significant habitat areas and the ability to impose covenants and the like. This is a matter that could be addressed through the policy stream.

Horizons notes that areas of indigenous biological diversity not listed in Schedule E of the POP can be regulated by territorial authorities through objectives, policies and rules and it therefore may be appropriate for a policy to this effect to be included.

4. Chapter 8 – Objectives and Policies: Natural Hazards

Horizons supports the approach that the Proposed Plan takes in relation to natural hazards and consider a precautionary approach has been taken.

Policy 10-1 of the POP identifies the responsibility for natural hazard management within the region. A key role for Horizons is that of taking the lead role in collecting, analysing and storing regional natural hazard information and communicating this to Territorial Authorities (10-1 (b) (iii)).

As noted in the Proposed Plan, flooding is identified as a major hazard within the Horowhenua area. Horizons has recently carried out flood plain mapping and modelling of parts of the Horowhenua district to update its flood hazard database however not all parts of the districts flood information has been updated at this stage.

Large areas of the district still rely on the older “indicative” flood information as being the best currently available information to provide guidance in terms of land use. There will be areas within the district that are not shown on the flood hazard layer that will be susceptible to flooding / ponding resulting from localised drainage issues or high ground water levels.

Horizons wish to highlight that just because an area is not shown as being within the Flood Hazard Overlay area that it does not necessarily mean that the area is not prone to some form of flood hazard.

To this end it is urged that a cautionary approach be taken when assessing land use proposals against the Flood Hazard Overlay as currently shown.

As Horizons updates its flood hazard database this information will be provided to the Horowhenua District Council.

Policy 10-1 further requires that Territorial Authorities develop objectives, policies and methods, including rules for the control of the use of land to mitigate natural hazards. This also includes the identification of Floodways and other areas known to be inundated in a 0.5% annual exceedance probability (AEP) flood event and controlling land use activities in these areas (10-1 (c) (i)(ii)).

The extent to which the Proposed Plan gives effect to Policy 10-1 is acknowledged.

- 4A. Policy 8.1.2** Identification of the Moutoa Floodway on Planning Maps. Horizons support this policy and note the application to rollover the existing designation for the Floodway to also include the Floodway stopbanks.
- 4B. Policy 8.1.3** Identification of 0.5% AEP floodable areas. Horizons support this policy however again stress that the areas as identified do not necessarily cover all floodable areas within the district. A cautionary approach is recommended when assessing land use proposals.

- 4C. **Policy 8.1.6** Flood hazard avoidance. The policy proposes that Flood hazard avoidance is preferred to flood hazard mitigation. Horizons do not support this policy as written as it is not aligned to the POP.

Relief sought:

- **Change the wording of policy 8.1.6 to be consistent with the POP. "Flood hazard avoidance must be preferred to flood hazard mitigation".**
-

5. **Chapter 9 – Objectives/Policies: Hazardous Substances and Contaminated Land**

- 5A. **Objective 9.1.1** – Horizons support this policy in part, but oppose the inclusion of the word "*disposal*". Disposal of hazardous substances is a Regional Council function specified within Policy 3-10(a) of the POP and should therefore not sit within a District Council objective.

Relief sought:

- **That the word "disposal" be deleted from Objective 9.1.1 as follows:**

"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."

- 5B. **Policy 9.1.5** – As with Objective 9.1.1, Horizons oppose the inclusion of the word disposal in this policy for the reasons as above.

Relief sought:

- **That the word "disposal" be deleted so that Policy 9.1.5 reads as follows:**

"Limit the use and storage, ~~and disposal,~~ of hazardous substances near any of the following areas....."

- 5C. **Policy 9.1.6** - As with Objective 9.1.1 and Policy 9.1.5, Horizons oppose the inclusion of the word disposal in this policy for the reasons above.

Relief sought:

- **That the word "disposal" be deleted so that Policy 9.1.6 reads as follows:**

"Establish controls to ensure that facilities which involve the use, storage or transport ~~disposal~~ of hazardous substances are located, designed, constructed and managed to avoid, remedy or mitigate adverse effects on the environment and/or human health"

6. Chapter 10 – Objectives and Policies: Transport

6A. Issue 10.1 Maintaining and Developing Land Transport Network

6A1 1. Significant Changes and Future Transportation Needs

Horizons note that Council is anticipating increasing vehicle numbers and that vehicle use will add to the demands on local and arterial roads.

This does however appear to be at odds with the current trend in Vehicle Kilometres Travelled (VKT), both regionally and nationally, which have shown to have plateaued, and in some instances there has been a decline in VKT in the past 5 years.

The reasons for this are not clear; however the global financial crisis, increased fuel prices and general increased costs of operating vehicles have likely all contributed to this. There is also evidence that younger people (16-25 years) are less interested in driving vehicles than they used to be due to increased up-take in social media.

All this has a direct influence to the Horowhenua District as decreased VKT means less revenue going into the National Land Transport Fund which has flow on effects to the funding the District Council gets from the National Land Transport Programme (NLTP).

Territorial Authorities' are in effect being asked to do the same, or more, for less particularly in the areas of maintenance and renewals. If the current VKT trends continue then Territorial Authorities will likely have to reduce their levels of service on some local roads rather than increase them as the proposed District Plan suggests.

Recommendation – consider the ongoing impacts of decreased funding streams from the NLTP on future transportation needs.

6A2. Traffic Congestion – Oxford Street Levin

The New Zealand Transport Agencies current thinking in regards to the Roads of National Significance project is that SH57 will become a heavy vehicle bypass of Levin which will relieve some of the traffic congestion issues on Oxford Street. SH1 will still be designated through Levin.

Recommendation – update this section to reflect the above.

6B. Policy 10.1.8

Horizons support the intent of Policy 10.1.8 however advocate that as well as the provision of cycle traffic on carriageways and separate bicycle tracks, that new subdivisions and developments also consider the mandatory installation of bike racks, where appropriate, at schools, shopping centres, recreation

reserves and public transport collection points and terminals, for safe and easy storage of bikes when not in use.

6C. Objectives and Policies - Explanation and Principal Reasons

Policy 10.6 of Horizons current Regional Land Transport Strategy (RLTS) advocates *“for the review of minimum parking requirements in district plans and the implementation of parking pricing to reflect the true cost of parking provision”*.

Horizons recognises that in districts, such as Horowhenua, traffic congestion and parking supply are not issues as they are in other districts, however this does not relieve the District Council of the burden to consider reviewing minimum parking requirements as this affects other land use issues, such as urban form.

To this end Horizons is pleased to note that the District Council will consider reductions in parking provision, subject to a resource consent where demand will not occur simultaneously and that the operational hours or arrangements of those activities means that sharing of parking spaces will occur.

6D. Section 32 Report

6D1. Section 1.2.3 Regional Land Transport Strategy

Horizons request that the District Council note that the wording in parts of the Section 32 Report regarding transport issues is in some places out of date and needs reworking to reflect the current RLTS and RLTP.

The operative RLTS was published in 2010 and takes a 30 year planning horizon through to 2040, with the RLTP being most recently published in 2012. The RLTP contains the regions list of transport projects to be considered for national funding over the 2012-2015 period.

Key projects in the Horowhenua identified in the current RLTP are:

- Otaki to north of Levin section of the Wellington Road of National Significance
- Foxton to Shannon High Productivity Motor Vehicle route
- SH57 north of Shannon safety project – seal widening, removal of hazards and consideration of passing opportunities

Recommendation – note the relevant sections of the operative RLTS and RLTP.

7. Chapter 15 – Rules: Residential Zone

- 7A. Rule 15.1(j)** – Horizons supports this rule but also seek the expansion of this rule. This rule allows soil conservation, erosion protection, river control or flood protection works undertaken by, or supervised by Horizons Regional Council only in the Flood Hazard Overlay Area as a permitted activity.

Horizons carry out a wide range of activities within its river and drainage scheme areas with not all of the scheme areas falling directly within the identified Flood Hazard Overlay Area of the Proposed Plan, notably in the Moutoa Floodway which is a separate overlay.

Horizons is concerned that the wording as above severely limits the ability of the Regional Council to carryout its functions in all areas of its river and drainage scheme areas as permitted activities.

Point (j)(ii) second bullet point refers to rules in the Proposed One Plan and states that there are rules relating to activities in the beds of lakes and rivers and for land adjacent to rivers zoned for river and flood control amongst other matters.

As a result of changes to the Proposed One Plan from the Environment Court decisions there are also controls in the Plan in relation to setbacks from rivers generally. An amendment to this policy can give better effect to the Proposed One Plan.

Relief sought;

- ***Amend the Permitted Activity criteria in the Residential, Industrial, Commercial, Rural and Open Space Zone sections of the Proposed Plan 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 of supervised by Horizons Regional Council; and***
- ***Amend 15.1 (j)(ii) second bullet point as follows:
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...”***

- 7B. Rule 15.7.5(b)** – Horizons support this rule in part. POP Rule 13-11 relates to the installation of new and upgraded on-site wastewater systems. Rule 13-11 specifies minimum Lot size requirements which then determine the level of treatment.

The Lot sizes of 800 m² for Hokio Beach, Waikawa Beach and Ohau (West) and Manakau, specified in Table 15-3 (under Rule 15.7.5(b) of the Proposed Plan do not meet the POP requirements.

Additionally the Lot sizes as specified in Table 15-3 appear to be in contradiction with the Lot design parameter table under Rule 19.7.3 which has been addressed by Plan Change 20-22.

Relief sought:

- ***That the minimum net site area/minimum average site areas be changed to reflect the minimum Lot sizes specified on page 19-27 (Rule 19.7.3) of the Horowhenua District Plan, Plan Change 20-22.***
-

8. Chapter 19 – Rules: Rural Zone

8A. Rule 19.6.4 (b) and (c) – Horizons support this rule in part, noting the following issues with the rule:

- 19.6.4 (b) - Setbacks from effluent storage and treatment facilities only apply to residential dwelling units. Horizons questions whether the rule should also require new effluent storage and treatment facilities to meet minimum setback distances from residential dwelling units and sensitive areas.
- 19.6.4 (b) and (c) – Horizons note that dairy farming is specifically excluded from the definition of an “intensive farming activity”. Horizons believe that dairy farming activities should be considered within this rule framework.

Relief sought:

- ***That Rule 19.6.4 be amended to include setback requirements for effluent storage and treatment facilities; and***
- ***That Rule 19.6.4 be amended to include dairy farming activities or the definition of “intensive farming activity” be amended to include dairy farming activities.***

8B. Rule 19.6.9 – Horizons support the inclusion of this rule, however, the same concerns expressed regarding Policy 2.5.14 also apply to this rule. Rule 19.6.9 only makes reference to offensive odour (not objectionable or offensive as the POP does) and does not appear to address dust nuisance issues.

This rule also states the methods for defining whether an odour is offensive. This is different to the methods the Regional Council relies on, namely the FIDOL factors

(Frequency, Intensity, Duration, Offensiveness/character, Location (of exposure)) and potentially provides some cause for conflict where the District and Regional Council assess an odour differently.

There is also a question around whether this rule (and the related Policy 2.5.14) crosses over into Regional Council functions and therefore should be removed to ensure there is no unnecessary duplication.

Relief sought:

- ***That this rule be deleted, if it is found to be outside territorial authority jurisdiction; or***
- ***If retained, that it be reworded to align with Policy 8-2 of the Proposed One Plan (i.e. no offensive or objectionable odour beyond the property boundary) and reference the guidance given under 14.2 (Guidelines for Managing Noxious, Dangerous, Offensive and Objectionable Effects) of the POP for assessing whether an odour is offensive or objectionable.***

- 8C. Rule 19.6.16** – Horizons oppose the inclusion of this rule. This rule addresses re-vegetation following forestry harvesting – a matter that is already covered by the previous rule (19.6.15). In addition, this rule appears to cross over into Regional Council functions that are dealt with in the POP.

Relief sought:

- ***That rule 19.6.16 be deleted in its entirety.***

- 8D. Rule 19.6.17** – Horizons support this rule in part. The reference to wastes is too general and gives no certainty about what wastes in particular are captured by the Rule.

The small amount of certainty that is given by the description of wastes in brackets just provides more confusion as sewage and effluent are matters covered by Regional Council jurisdiction. It is considered that this rule should only make reference to refuse.

Relief sought:

- ***That rule 19.6.17 be amended to define the wastes covered by this rule (excluding, of course 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.***

- 8E. Rule 19.6.19** – Horizons neither support or oppose this rule but would like to note that if an activity, subdivision or development were not to connect to a reticulated scheme, then it would need to meet the POP stormwater discharge rules.

- 8F. Rule 19.6.28(b)** – Horizons neither support nor oppose this rule but notes the following points requiring clarification to provide certainty on the intention of the rule:

- What structures is the phrase “other structure” intended to capture? Is this a reference to a culvert (which would be on the bed, so not addressed by TA functions) or some other type of structure? Clarification on this point is required.
- Why is the rule restricted to bridges associated with the roading resource only? This rule should cover stock bridges and farm access bridges also.

Relief sought: provide clarification and amend wording if required.

9. Chapter 24 – Rules: Subdivision and Development

- 9A. Rules 24.1.5 and 24.2.4** – Horizons neither support nor oppose these rules but consider that more certainty needs to be given on what a satisfactory system for the collection and containment of contaminant and disposal of surface water actually refers to. It is also suggested that rules 24.1.5 and 24.2.4 be amalgamated as it seems pointless to have two separate rules ultimately dealing with the same issue.

Relief sought:

- ***That Rule 24.2.4 be amended to provide more certainty on what a “satisfactory system” means (e.g. reference to any best practice guidelines or national standards in existence); and***
 - ***That Rule 24.1.5 be amalgamated into Rule 24.2.4 with Rule 24.1.5 then being deleted.***
-

10. Chapter 26 – General Provisions: Definitions

- 10A. Intensive Farming** – Horizons is concerned that dairy milking sheds have specifically been excluded from the definition and effluent storage and/or treatment facilities are not mentioned in the definition. An explanation for the reasoning behind this is required as Horizons does consider that dairy farming activities do fall within an intensive farming category.

Relief sought: Provide clarification/amend as required.

- 10B. Primary Production Activity** – Horizons would also like clarification as to whether non-habitable dwellings are included within this definition as this may affect the intention behind Rule 19.1(m) (permitted activities within flood hazard overlay areas).

Relief sought: Provide clarification/amend as required.

11. Conclusion

Horizons acknowledge and note the extent to which the Proposed Plan seeks to align with and give effect to the Regional Policy Statement and Regional Plan (Proposed One Plan).

In general it is considered that the Proposed Plan does that however there are some areas where there are some inconsistencies which Horizons seeks to address through the submission process.

Horizons Regional Council wishes to be heard in support of its submission, however the opportunity to resolve and or narrow points of contention at pre-hearing meetings is welcomed.



Ian Lowe
COORDINATOR DISTRICT ADVICE

Point of Contact:

Proposed One Plan – Clare Barton
Transport Issues – Wayne Wallace

4. My submission is that: (Clearly state whether you SUPPORT or OPPOSE specific parts of the Proposed District Plan or wish to have amendments made, giving reasons for your views)

We strenuously OPPOSE the re zoning of this property to Commercial.

1. This property has been our home for over 20 years and has been a family owned residence for over 70 years.
2. The section is elevated and built on. It has limited space for off street parking and would be unsuitable for most commercial ventures.
3. WHY? There is no demand for Commercial land in Waitare Beach. Two of the 3 purpose built shops behind the 4 Square store are vacant. The old service station has been empty for years. The Motel closed in 1991. The gift shop, Hairdresser, and Boyce Plumbing and Hardware closed down. The "Hub" restaurant and various other food ventures have failed.
4. Commercial Zoning, on professional advice, will lower the value of the property, complicate consent applications for any future additions or improvements we wish to make to our residence. It will impact on Annual Rating differentials and it will make the property less attractive to residential buyers if we ever decide to sell.
5. While we can appreciate the Council's vision, we consider, the "Field of Dreams" ("make it and they will come") presumption, is overly optimistic.

(Continue on a separate sheet if necessary)

5. We seek the following decision from the Horowhenua District Council: (Give precise details of what amendments you wish to see and your reasons)

That the Council retain the status quo and that Lot 42 DP 10023 continue to be zoned residential.

If an owner in the future wishes to start a commercial venture then THEY can apply for Resource Consent to re zone appropriately for their intentions.

(Continue on a separate sheet if necessary)

6. Proposed District Plan Hearing

Do you wish to attend the Council hearing for the Proposed District Plan? Yes No

Do you wish to be speak in support of your submission at the hearing? Yes No

If others make a similar submission would you be prepared to consider presenting a joint case at the hearing? Yes No

I have attached ...no additional pages to this submission.

Signature of Submitter: *Peter and Vivien Wright*

P. Wright
Date: 22 October 2012

(Or person authorised to sign on behalf of submitter)

Note: A signature is not required if you make your submission by electronic means.

Submissions must be received no later than 4:00pm 12 November 2012

Further Information

If you require further information about the Proposed District Plan please visit the Council website www.horowhenua.govt.nz or email districtplan@horowhenua.govt.nz or phone (06) 366 0999.



Address **673 Waitare Beach Road**

Address is approximate

673 Waitare Beach Road

Waitare

Owned by Peter & Vivien Wright



Allen Little QSM,JP
7 Earl Street
Levin 5510
Phone (06) 367-5900 Mobile (021) 02533330
Email:- vision@inspire.net.nz

Chief Executive
Horowhenua District Council
Private Bag 4002
Levin 5510

Tuesday 6th November 2012

Dear Sir,

PROPOSED HOROWHENUA DISTRICT PLAN 2012

This is a personal submission on the proposed plan in relation to which there are issues which concern me as a Citizen and Ratepayer. Basically I believe the draft plan as published could be enhanced if certain matters could be considered inter alia. In preparing this submission I have attempted to think outside the box and offer a variety of positive suggestions which I hope XCouncil can find a way to accommodate.

Chapter 2 Rural Environment

I believe there needs to be more stringent survey and inspection within rural area to ensure maximum compliance with Land use understandings. Effluent disposal, land irrigation along with safety of access and egress from properties need to be monitored for compliance issues. Synergies with the Regional Council should be explored with a view to rationalising resources.

Chapter 3 Natural Features and Values

Care should be taken not to alter landscapes and natural features. It seems important that some commitment is made to restorative work with Lake Horowhenua with its shores and parkland being available for family recreation.

Chapter 4 Open Space and Access to Water Bodies

There is an important issue with regards waste water disposal in the Horowhenua. It's obvious there are sensitivities concerning lake Horowhenua and to a lesser extent Lake Papatonga. We need to look at in-flow and the affect of surface drainage on these bodies of water. Resources should be committed to consult with owners and interested parties to advance natural restoration of our lakes.

Chapter 5 Coastal Environment

We are a district with a variety of settled Coastal communities. Care should be taken to ensure these localities are valued as unique places of worth with residents accorded access to services and facilities common to residents in principle urban areas.

Chapter 6 Urban Environment

As with all communities where people live in close proximity there needs to be a degree of tolerance and respect. Real care needs to be taken when considering the subdivision of property not to foster overcrowding and congestion of resources. When considering infill development we must protect and enhance the natural coastal settlements, assure minimal loss of character.

With the population demographic expecting to reflect an increase in the Older citizens who will have different housing needs its important to ensure congenial habitat through affordable and accessible housing. Transport, Communication and convenient access to services are required. In previous times "Granny Flats" became a popular option in some circumstances. Relocated buildings can be out of character in some locations but some right to tenure on a short term occupancy basis say up to ten years should be considered.

Where ever possible our urban neighbourhood's should be residential but there may be good and reasonable use in some locations for small owner occupier home based business operations. Where a property is to be used for other than domestic purposes an Annual "**Shared Purpose Licence**" should be required and contain some controls on disturbance from Traffic, Advertisements, Noise etc. Working from home should be encouraged where the effects do not have an impact on the neighbouring properties. For me there are four issues which require consideration within Policy frameworks:-

1. Noise control

Council obviously has taken excellent expert advice on the question of noise management or control It is proposed to make amendments in regard to noise limits in various areas. Disturbance from intrusive noise. I appreciate this is a complex issue with a definite evidential component. recently it was necessary for me to call on Councils Noise Control staff and we appreciated the obvious results following this incident. There are many and various sources of noise disturbances which permeate the environment. Council is conscious of the problem and endeavours to manage it through regulatory processes. The issue of extraneous intrusive noise however continues. There is a complex aspect of intrusive and disturbing noise which is socially offensive and it relates to amplified motor vehicle audio. It is specifically designed to draw attention as the vehicle to which it is fitted travels on our streets. This "Boom, Boom, Thud Thud" noise pollution is an issue which might be discouraged through development of local by laws. What I am seeking is for Council to undertake further consideration of this issue. In raising this matter, I don't want to be seen intolerant of fair and reasonable noise specifically related to a particular occasion or celebration. Neighbours are entitled to enjoy their space with some expectation of reasonable tolerance. I'm not in this matter referring to back yard parties or barbeques which aren't a regular on going occurrence. An occasion for celebration is not unreasonable and such events are largely finite. My issue has to do with the amplification of sound which permeates over a wide area particularly with an emphasis on Bass Sounds produced deliberately to attract attention. The problem has to do with the immature use of "Subwoofer" capabilities largely in motor vehicles but otherwise from dwellings. You will know a "Subwoofer" is a complete loudspeaker, dedicated to the reproduction of low-pitched audio frequencies known as the "bass". The typical frequency range for a subwoofer is about 20–200 Hz for consumer products. They are intended to augment the low frequency range of loudspeakers covering higher frequency bands. Subwoofers are made up of one or more woofers in a loudspeaker enclosure capable of withstanding air pressure while resisting

deformation. Subwoofer enclosures come in a variety of designs, including bass reflex, infinite baffle, horn-loaded, and band-pass designs. The lay person would typically experience a deep penetrating 'Boom, Boom' sound which is intrusive and disturbing. It's this intrusive noise which should be prevented or controlled by local regulation

The first subwoofers were developed in the 1960s to add bass response to home stereo systems and came into popular consciousness in the 1970s. With the advent of the disc in the 1980s, easy reproduction of deep and loud bass was no longer limited by the ability of a stylus to track a record groove. During the 1990s, DVDs were increasingly recorded with "surround sound" processes which included a Low-frequency effects (LFE) channel, heard using the subwoofer in home theatres systems. During the 1990s, subwoofers also became increasingly popular in home stereo systems, custom car audio installations, and in PA systems. It seems to me we should review the control, instillation and use of Subwoofers in built up areas. Audio amplification and reproduction technologies may well have evolved faster than our regulatory consciousness.

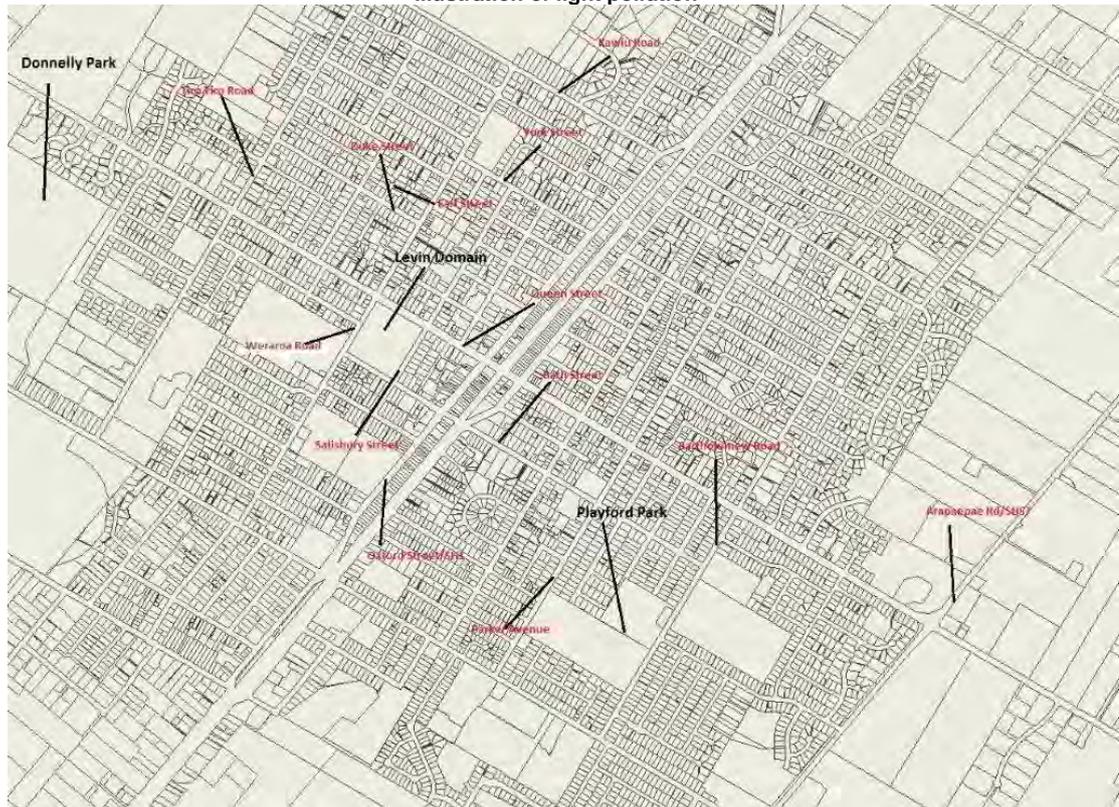
Please can Council review its policies and practices around management of intrusive noise such as from "Subwoofer's" in residential areas. I am unsure where the synergies might be with road safety enforcement but wonder if it would be appropriate to raise the matter with the Police on the basis of risk management. Driver distraction must surely be an issue of concern for everyone. Perhaps its indicative of a matter of public good which might reasonably be referred to Parliament because the wider public health and well-being is being put at risk.

2. Light pollution

There is a general issue which is of concern and that's excessive and inappropriate night time illumination. This is particularly evident in Levin at various sporting locations where floodlighting is used. I am told that people can read a newspaper some blocks away from the domain when the flood lights are on at night to play Rugby. Because I share an interest in Astronomy, I ask please for the importance of the night environment to be included in the district plan with measures which avoid excessive, poorly designed intrusive lighting. I seek appropriate provisions to be included to manage the effects of lighting with particular regard to limiting spill light, glare and energy consumption. People do not need to live in the dark but should show some sensitivity to others who are concerned about excessive poorly designed lighting. If people ask for night lighting for security and personal safety reasons could this need be satisfied with alternatives such as increased use of surveillance cameras.



Illustration of light pollution



Levin urban area showing Parks with inappropriate Flood lighting

3 Local Alcohol policy

Recently Parliament progressed Alcohol Law Reform in New Zealand and one of the desired out comes is that there should be Local Alcohol policy. It would be useful if Council could be seen as proactive in perusing this matter. It could potentially relate to activities of a certain type which might reasonably be undertaken across all zones. What a person can or can't do in a particular location could be directly associated with a Local Alcohol Policy. In the context of current planning I urge Council to begin its work on this important matter of public importance.

4 Intrusion of foliage over footpaths and pedestrian walk ways

Ever since people have lived in communities and walked on paths this has been an issue of concern. People with Blindness and Low Vision are bothered by foliage of all sorts which invades the presumed clear walking space of foot paths. If Council could commit to more active monitoring of the foliage issue this would no doubt encourage awareness among property owners and occupiers.

Chapter 10 Land Transport

It's important that a comprehensive study is undertaken into the need for provision of Public Transportation. A feasibility study should be undertaken which leads to development of a light rail link between Levin, Waikanae, and Palmerston North. Use of land is influenced by the traffic corridors. Consideration should be given to discouraging the carrying of certain Agricultural consignments such as live stock through built up areas such as Levin's main road (SH1) I believe there needs to be more collaboration over all areas of local Government and in particular with Horizons Regional Council in development of Roading infrastructure and signage.

In November 2007, I wrote to seek Council concerning improvement of Rail Service to the Horowhenua. I believe an efficient Rail system is important to our Regions economic and social development. We must have improved connectivity between Wellington and the Horowhenua / Manawatu. My hope was Council would accord high priority to revitalising the Railway.

Historically the Wellington / Manawatu line was first talked about in 1878 and was to be a Government funded project. By January 1881, a group of Wellington businessmen eager to take advantage of the new market opportunities opening up in Manawatu, became tired of waiting for Government action and formed the Wellington and Manawatu Railway Company which built a railway line from Wellington to join up with the Foxton-Palmerston North line at Longburn. The line was completed in November 1886 and opened up much of inland Horowhenua and Manawatu for settlement. The Wellington and Manawatu Railway Company operated a very successful railway service until December 1908 when it was bought by the Government to become part of the North Island Main Trunk Line. Nearly a hundred years later the line from Wellington to the Horowhenua and Manawatu is sadly underutilised. Whilst the current District Plan notes "The North Island Main Trunk Railway Line provides rail freight and passenger services from and through the District - including commuter services between Palmerston North and District centres and Wellington. The Development of national rail and Road links have been instrumental in the location and growth of Levin, Foxton, Shannon, and other District settlements". It contends "Public passenger transport is not a significant feature of land transport in the District although rail and bus services operate on the main connecting routes. The townships are small in size and most people use private vehicles or cycles or walk. Private vehicles predominate in the rural areas."

An efficient Rail system is important to our Regions economic and social development because people and freight need to move from place to place. With the districts population changing and various options of land settlement being exercised, we need improvements in all aspects of communication and transport.

Dependant citizens need accessible and affordable public transport. With the advancing aged, incapacitated and frail population adding to the complexities of urban sprawl and migration, efficient "public passenger transport" must be seen as economically, environmentally and significant. To say passenger transport is not a significant feature of land transport in the District is a misconstruction of the truth.

Kapiti District Council Community and Strategic Directions Committee (14 March 2007 Ref MSP-07-462) Dr G Ferguson, Group Manager, Strategy and Partnerships KCDC) recommended :-

1.2 That the Committee approves the following broad framework for rail in the development of the draft Sustainable Transport Strategy:

- (i) that all communities along the Kapiti Coast are serviced by passenger rail services: including a Raumati South rail station; the Lindale transport hub and extension of electrified passenger rail services at the same time; passenger rail services to Waikanae in the short term diesel services, in the longer term electrification; (with extension of passenger rail services to Otaki; in the short term diesel services, in the longer term electrification.
- (ii) extension of passenger rail services from the Kapiti Coast through Horowhenua to Palmerston North;
- (iii) improved commuter services between Kapiti Coast and the Wellington CBD that are reliable, can respond in terms of passenger demand (capacity) and are of a high standard and design;
- (iv) that urban form and the management of growth and density of development supports passenger transport;
- (v) that funding of improved rail services should have priority alongside improved safety on the existing State Highway network;

1.3 That the Committee approves further work being undertaken to explore the tidal flow concept and the potential for rail services to the north of the District, including links with Horowhenua and Palmerston North.

Kapiti District Council **Sustainable Transport Principles (STP)** are as follow :-.

STP 1: A sustainable transport system delivers progress and benefit across all areas of wellbeing.

STP 2: That In moving to a sustainable transport system and as a way of reducing and spreading environmental and economic risk, emphasis be given to the following hierarchy of transport users (in ranked order), until such time as each travel mode is capable of delivering balanced benefits across the four areas of wellbeing:

- pedestrians;
- people with physical mobility problems;
- cyclists;
- public transport users;
- commercial/ business users;
- car borne shoppers and visitors;
- car borne commuters;
- car borne general travel.

STP 3: Communities should have access to a physical network and travel service that links them to the widest possible range of travel modes and to essential civic and economic centres, and social infrastructure.

STP 4: Intervention to reduce constraints on travel access and mobility (such as congestion) should be based on the following hierarchy (in descending priority order): ensuring:

- ~ reliable access to basic social and civic services (such as health);
- ~ timely and reliable access of freight and goods for processing and markets;

~ reliable access of workers to employment, with a priority placed on local employment access but a recognition of links with regional employment; responding to: people's mobility demands in relation to local enjoyment of family, friends, the local environment and community facilities; people's demands for unrestrained general mobility.

STP 5: A road corridor should be able to provide for pedestrian, cycling, passenger transport and vehicle use in a way that people have equal opportunities for access to all travel modes. This should include feeling safe to walk and cycle in a situation of multiple modes in a corridor.

STP 6: A transport system should function in a way that minimises throughputs of energy.

STP 7: A transport system and any of its externalities should operate within local and global ecosystem capacity, such that ecosystem services (local and global) are maintained.

Horowhenua District Council should collaborate with neighbouring Local and Regional Government entities plus the Business community, to ensure an adequate Rail service is available in the district when required.

Whilst my primary concern has to do with improved rail connectivity between Wellington and the Horowhenua / Manawatu, I recognise other parties might want to see priorities set relative to their interests. Completion of electrification to Palmerston North would require funding and might be suggested as a reason not to proceed further at this stage. In the absence of electrification with present signal infrastructure and track, it would be possible to run smaller economic "Rail Cars" and begin a sustainable Railway service for both commuters and freight.

Improved connectivity between Wellington and the Horowhenua / Manawatu through rail efficiency will happen when we set rail as a high priority. Use and development of the Railway is as vital today as it was way back in January 1881. There is new business to be done and myriad opportunities for the entrepreneur when people move with ease on an efficiently scheduled Railway. An efficient Rail system is important economically, socially and environmentally, moving people and freight from place to place. I respectfully ask that Council seriously considers the options and advantages of an accessible, user friendly Railway service to the Horowhenua.

I believe an '**Innovation and public facilities working party**' should be established to explore options, study and recommend futurist development of Transport and Communications services for the Horowhenua.

Chapter 12 Utilities and Energy

Within the Horowhenua we should all be seen doing our part to manage our Energy consumption. We must as a community learn to practice energy efficiency and avoidance of wastage of resources such as Electricity. Electrical reticulation should comply with current best practice with aging infrastructure assessed for operational efficiencies.

Chapter 13 Historic Heritage

Horowhenua can be proud of our new Library complex which provides an ideal hub for the care and preservation of Historic, Cultural and similar resources endowed for the common interest of everyone. It would be useful if Council appointed qualified Archivist to care for Historical documents etc.

Chapter 14 Cross Boundary Issues

A major issue of public interest must be the re-emergence of awareness around re configuring local Government. We should be actively perusing synergies with both Palmerston North City and other communities to the South of Levin such as Otaki and Waikanae.

Chapter 15 Residential Zone

Notwithstanding previous comments, as with all communities where people live in close proximity there needs to be a degree of tolerance and respect. The purpose of a Residential zone is for the congenial and mutual living of all citizens who are entitled to reside there. The Residential Zone should ideally accommodate a diverse mix of men women and children of all ages, dispositions and callings. Council policy needs to ensure that every citizen has full and convenient access to common amenities or facilities.

Chapter 16 & 17 Industrial Zone & Commercial Zones

In order to attract business and enterprise Council should device policies which inspire and encourage the development of sustainable industry throughout the district. A survey of Industrial Zone occupancy and usage should be undertaken with a view to identifying any capacity for development. Attention should be given to developing a package of “Start Up” incentives which attract new business enterprise and innovation. Perhaps this could be achieved through formation of a “Business Intelligence Unit” within Horowhenua District Council. This speciality enterprise could work collaboratively with business through the maze of start-up requirement’s leading to new jobs for local workers and a settled engaged citizenry.

Chapter 18 Greenbelt Residential Zone & Chapter 20 Open Space Zone

We need realistic policies which facilitate careful maintenance of the residential Greenbelt. The residential environment is the predominant land use in many towns in the District. Some residential areas/towns have been established for over 100 years, while other residential areas are more recent developments. The majority of residential areas have a similar basic function, form and character, in that they provide living accommodation on a permanent or semi-permanent basis, and are generally absent of large-scale commercial or other activities. Each of the following residential areas have a unique character : Levin, Foxton, Foxton Beach, Shannon, Waitarere, Tokomaru, Mangaore, Hokio Beach, Ohau, Manakau, Waikawa Beach. This character makes them special and attractive to citizens who choose to live there. We need to encourage care and maintenance of the aspects which make these locations nice places. The Greenbelt and open spaces should be high in any matrix of value. The natural environment and its associated greenery needs everyone’s care and protection. Open spaces need to be freely and safely accessible to the general public.

Chapter 19 Rural Zone

In partnership with the Agricultural, Horticultural, Viticulture and Primary Production interests Council should be working to ensure common sense policies and practices are in place to manage the Rural Zone. Residential occupancy should be in line

with traditional practices with constraints put on subdivision for lesser purposes. Our districts rural zone should be dedicated to farming related activities. As previously stated I believe there needs to be more stringent survey and inspection within rural area to ensure maximum compliance with Land use understandings. Effluent disposal, land irrigation along with safety of access and egress from properties need to be monitored for compliance issues. Synergies with the Regional Council should be explored with a view to rationalising resources.

Chapter 22 Utilities and Energy

As a progressive futuristic Community we should expect access to all utilities readily available in New Zealand including Ultra-fast Broadband, Fibre Optic media cables, Solar Energy reticulation and emerging Digital telecommunications technologies. Obviously installations and connection infrastructure would need to comply with best practice and designed to provide maximum and equal opportunity for all citizens. Network utilities and structures associated them must comply with both regulatory and local conditions as specified. New Residential properties should demonstrate some consideration of Solar Energy usage and where possible Telecommunications and Electrical reticulation should be from underground connections. The Council should set an example and establish an Energy Conservation initiative to avoid wastage of Electricity. **Excessive and in appropriate Street lighting should be reduced.**

Chapter 24 Subdivision and Development

Peoples living situations and expectations alter over time and there is a demand for different styles and designs in residential sub divisions. As previously mentioned, being a progressive futuristic Community we should expect access to Ultra-fast Broadband, Fibre Optic media cables, Solar Energy reticulation and emerging Digital telecommunications technologies. All future Subdivisions should be required to submit evidence of current best practice and how structures or residents will be connected to utilities. Council could set the standard for local energy efficiency and conservation by developing its own policies and controls. There are new 'sensor' lights which could be used to only come on when movement happens. If there is no movement then lights would stay off or dim. Architects and Engineers designing new Subdivisions should demonstrate an awareness of Energy Efficiency in their Plans. **The flood lighting for outdoor living areas should be of a non-spill, non-intrusive type sufficient for the purpose but controlled.**

Thanks for receiving this submission. Please note I am available to meet with Council and speak on the issues which I have raised.

Yours faithfully



Allen Little
7 Earl Street
Levin 5510

SUBMISSION FORM
Proposed Horowhenua District Plan
Resource Management Act 1991
Form 5 of Resource Management
(Forms, Fees, Procedure) Regs 2003

Council Use Only

Date Received:/...../.....

Submission No:



Submissions can be:

Delivered to: Horowhenua District Council Offices, 126 Oxford Street, Levin
 Posted to: Shaping Horowhenua, Horowhenua District Council, Private Bag 4002, Levin 5540
 Faxed to: (06) 366 0983
 Emailed to: districtplan@horowhenua.govt.nz

Submissions must be received no later than 4:00pm 12 November 2012

1. Submitter Contact Details

Full Name: PETER EVERTON
 Name of Organisation: (If on behalf of an Organisation) ROLTON TRUSTS PARTNERSHIP
 Address for Service: PO BOX 1012
LEVIN Post code: 5540
 Telephone (Day time): 06 3685105 Mobile:
 Email: marie.everton@extra.co.nz

Note: you must fill in all sections of this form.

2. Trade Competition

I could gain an advantage in trade competition through this submission? Yes No

I am directly affected by an effect of the subject matter that

(a) adversely affects the environment; and

(b) does not relate to trade competition or the effects of trade competition? Yes No

Please note that if you are a person who could gain an advantage in trade competition through the submission, your right to make a submission may be limited by Clause 6 of Schedule 1 of the Resource Management Act 1991.

3. The specific provisions of the Proposed District Plan that my submission relates to are as follows: (Please specify the Rule, Policy or Map number your submission relates to)

AS PER ATTACHED MAP LEVIN 27



(Continue on a separate sheet if necessary)

4. My submission is that: (Clearly state whether you SUPPORT or OPPOSE specific parts of the Proposed District Plan or wish to have amendments made, giving reasons for your views)

WE SUPPORT THE PROPOSED ZONING CHANGES
TO PROPERTIES IN HOKIO BEACH ROAD LEVIN

(Continue on a separate sheet if necessary)

5. I/We seek the following decision from the Horowhenua District Council: (Give precise details of what amendments you wish to see and your reasons)

WE SEEK TO HAVE OUR PROPERTY INCLUDED
IN THE PROPOSED ZONING CHANGE FROM
RURAL TO INDUSTRIAL - REFER OUR
ATTACHED SUBMISSION

(Continue on a separate sheet if necessary)

6. Proposed District Plan Hearing

Do you wish to attend the Council hearing for the Proposed District Plan? Yes No

Do you wish to be speak in support of your submission at the hearing? Yes No

If others make a similar submission would you be prepared to consider presenting a joint case at the hearing? Yes No

I have attached ...4... additional pages to this submission.

Signature of Submitter: P. Everton Date: 25/10/12
(Or person authorised to sign on behalf of submitter)

Note: A signature is not required if you make your submission by electronic means.

Submissions must be received no later than 4:00pm 12 November 2012

Further Information

If you require further information about the Proposed District Plan please visit the Council website www.horowhenua.govt.nz or email districtplan@horowhenua.govt.nz or phone (06) 366 0999.

Privacy Act 1993

Please note that submissions are public information. Information on this form including your name and submission will be accessible to the media and public as part of the decision making process. Council is required to have this by the Resource Management Act 1991. Your contact details will only be used for the purpose of the Proposed District Plan process. The information will be held by the Horowhenua District Council, 126 Oxford Street, Levin. You have the right to access the information and request its correction.

SUBMISSION ON PROPOSED HOROWHENUA DISTRICT PLAN

Re: Proposed change of zoning to land in Hokio Beach Road Levin from rural to industrial.

Rolton Trusts Partnership, the proprietors being Peter Everton, Desmond William Rolfe, and Dennis Stephen Everton own Lot 2, Deposited Plan 431415 that adjoins the proposed land being changed from rural to industrial zoning. Refer HDC Zoning Map 27 (attached).

We would like Horowhenua District Council to include our property in the proposed change from rural to industrial. This property has been used as a truck depot/workshop/office/storage area since the early 1940's and is still used for those purposes today. Mr Paul Ireland has a truck depot/office and contracting business next door.

On June 2, 2010 Paul Ireland and myself had a meeting with David McCorkindale, Project Manager (District Plan Review) to enquire about changing the zoning of our properties from rural to industrial. It was David McCorkindale's suggestion that we wait until the next District Plan Review.

I have approached our immediate neighbours to inform them of our intention to ask Horowhenua District Council to change the zoning of our property from rural to industrial.



Peter Everton
Rolton Trusts Partnership

25 October 2012

LEGEND
ZONES

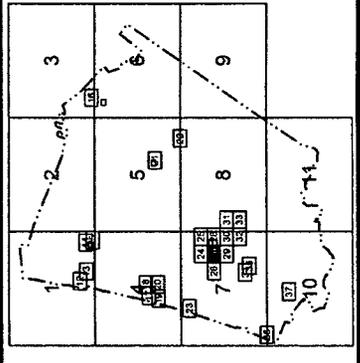
- Commercial Zone
- Industrial Zone
- Residential Zone
- Rural Zone
- Proposed Commercial Zone
- Proposed Greenbelt Residential Zone (part of PC 21)
- Proposed Greenbelt Residential Detached Zone (part of PC 21)
- Proposed Industrial Zone
- Proposed Open Space Zone
- Proposed Residential Zone
- Proposed Residential Zone (part of PC 21)
- Proposed Residential Detached Zone
- Proposed Rural Zone

OVERLAYS

- Proposed Greenbelt Residential Waikare 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 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)
- Moorea Floodway (1:50,000 Rural Maps Only)
- Versatile Land (LUC Class 1 & II Soil)

FEATURES

- Noctile Tree
- Historic Heritage Building, Structure or Site
- Designation
- Road



**SEE SHEET 27A
LEVIN CBD**

**SEE SHEET 27B
LEVIN CBD**

PROPOSED HOROWHENUA DISTRICT PLAN

LEVIN

Scale 1 : 7,500



Planning Map 27



**COMPUTER FREEHOLD REGISTER
UNDER LAND TRANSFER ACT 1952**

Search Copy



R. W. Muir
Registrar-General
of Land

Identifier 521500
Land Registration District Wellington
Date Issued 18 November 2010

Prior References

63416

Estate Fee Simple
Area 8189 square metres more or less
Legal Description Lot 2 Deposited Plan 431415

Proprietors

Peter Everton as to a 1/3 share
Desmond William Rolfe as to a 1/3 share
Dennis Stephen Everton as to a 1/3 share

Interests

Subject to a right to drain water over part marked B on DP 431415 created by Easement Instrument 6084424.3 - 19.7.2004 at 9:00 am
8640490.2 Consent Notice pursuant to Section 221 Resource Management Act 1991 - 18.11.2010 at 9:56 am

SUBMISSION FORM
Proposed Horowhenua District Plan
Resource Management Act 1991
Form 5 of Resource Management
(Forms, Fees, Procedure) Regs 2003

Council Use Only
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Faxed to: (06) 366 0983
Emailed to: districtplan@horowhenua.govt.nz

Submissions must be received no later than 4:00pm 12 November 2012

1. Submitter Contact Details

Full Name: **Robyne Kay Leach**
Name of Organisation: **The Surveying Company (Wellington) Limited – Agent for Roger Murray Horn**

Address for Service: **243 Main Street, Upper Hutt**
..... Post code: **5018**
Telephone (Day time): **(04) 527 9028**..... Mobile:
Email: **robynel@subdivision.co.nz**

Note: you must fill in all sections of this form.

2. Trade Competition

I could gain an advantage in trade competition through this submission? Yes No

I am directly affected by an effect of the subject matter that
(a) adversely affects the environment; and
(b) does not relate to trade competition or the effects of trade competition? Yes No

Please note that if you are a person who could gain an advantage in trade competition through the submission, your right to make a submission may be limited by Clause 6 of Schedule 1 of the Resource Management Act 1991.

3. The specific provisions of the Proposed District Plan that my submission relates to are as follows: (Please specify the Rule, Policy or Map number your submission relates to)

Planning map 29

4. My submission is that: (Clearly state whether you SUPPORT or OPPOSE specific parts of the Proposed District Plan or wish to have amendments made, giving reasons for your views)

We are asking to include part of number 15 Keepa Street, Levin (Lot 2 DP 56588) and that part of number 15a (Lot 1 DP 56588) currently zoned residential in the District plan review for rezoning to industrial. Our client is the owner of 15 & 15a Keepa Street. 15 Keepa Street is zoned residential and 15a to the rear of number 15 is predominantly zoned industrial. The owner of these properties is intending to carry out a boundary adjustment to increase the size of the lot to the rear (number 15a) to provide more area to extend the current workshop. We wish to have the whole of the newly created lot 2 rezoned industrial (plan attached).

5. I/We seek the following decision from the Horowhenua District Council: (Give precise details of what amendments you wish to see and your reasons)

That Lot 2 of the proposed subdivision of Lots 1 & 2 DP 56588 is rezoned to industrial (plan attached). The owner of these properties will at the time of applying for the Resource consent to subdivide, also apply for a land use consent to carry out industrial activities (predominantly carparking) on that portion of the property not already zoned industrial. The owner will seek affected parties consent from the owners and occupiers of number 17, 17a and 13 for this land use consent.

6. Proposed District Plan Hearing

Do you wish to attend the Council hearing for the Proposed District Plan? Yes No

Do you wish to be speak in support of your submission at the hearing? Yes No

If others make a similar submission would you be prepared to consider presenting a joint case at the hearing? Yes No

I have attached 1 additional pages to this submission.

Signature of Submitter: *[Signature]* Date: 6 November 2012
(Or person authorised to sign on behalf of submitter)

Note: A signature is not required if you make your submission by electronic means.

Submissions must be received no later than 4:00pm 12 November 2012

Further Information

If you require further information about the Proposed District Plan please visit the Council website www.horowhenua.govt.nz or email districtplan@horowhenua.govt.nz or phone (06) 366 0999.

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SUBMISSION FORM

Proposed Horowhenua District Plan

Resource Management Act 1991

Form 5 of Resource Management

(Forms, Fees, Procedure) Regs 2003

<p>Council Use Only</p> <p>Date Received:/...../.....</p> <p>Submission No:</p>
--



Submissions can be:
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 Posted to: Shaping Horowhenua, Horowhenua District Council, Private Bag 4002, Levin 5540
 Faxed to: (06) 366 0983
 Emailed to: districtplan@horowhenua.govt.nz

Submissions must be received no later than 4:00pm 12 November 2012

1. Submitter Contact Details

Full Name: New Zealand Pork Industry Board

Name of Organisation: *(If on behalf of an Organisation)* Jaye Hill

Address for Service: Massey University (IFNHHG) Private Bag 11222 Palmerston North.....
Post code: 4442

Telephone (Day time): 06 3505082.....Mobile:

Email: j.v.hill@massey.ac.nz.....

Note: you must fill in all sections of this form.

2. Trade Competition

I could gain an advantage in trade competition through this submission? Yes No

I am directly affected by an effect of the subject matter that
 (a) adversely affects the environment; and
 (b) does not relate to trade competition or the effects of trade competition? Yes No

Please note that if you are a person who could gain an advantage in trade competition through the submission, your right to make a submission may be limited by Clause 6 of Schedule 1 of the Resource Management Act 1991.

3. The specific provisions of the Proposed District Plan that my submission relates to are as follows: *(Please specify the Rule, Policy or Map number your submission relates to)*

Please refer to the attachment for full submission,

.....

.....

.....

.....

.....

.....

.....

(Continue on a separate sheet if necessary)

4. My submission is that: *(Clearly state whether you SUPPORT or OPPOSE specific parts of the Proposed District Plan or wish to have amendments made, giving reasons for your views)*

.....
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.....
.....

(Continue on a separate sheet if necessary)

5. I/We seek the following decision from the Horowhenua District Council: *(Give precise details of what amendments you wish to see and your reasons)*

.....
.....
.....
.....
.....

(Continue on a separate sheet if necessary)

6. Proposed District Plan Hearing

Do you wish to attend the Council hearing for the Proposed District Plan? Yes No

Do you wish to be speak in support of your submission at the hearing? Yes No

If others make a similar submission would you be prepared to consider presenting a joint case at the hearing? Yes No

I have attached ...5..... additional pages to this submission.

Signature of Submitter: **Date:** 6/11/12.....
(Or person authorised to sign on behalf of submitter)

Note: A signature is not required if you make your submission by electronic means.

Submissions must be received no later than 4:00pm 12 November 2012

Further Information

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Privacy Act 1993

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The specific provision/s (e.g. the section, objective, policy, or rule number, and/or map number) of the Proposed Horowhenua District Plan that this submission relates to is as follows; and whether you support, support in part, or oppose the specific provision/s; and the reasons for that submission are as follows:					
Specific provision submitting on (write clause number or map number, e.g. 2.3.1 or Zone Map 25)	Support ✓	Support in Part ✓	Oppose ✓	My submission is: (please include the reasons for your view)	I seek the following decision from Council on this provision: (give precise details – e.g. what you would like the wording of a specific provision (or map) to be changed to)
Part A Introduction					
The Horowhenua District Plan			✓	The district plan should assist in managing sustainable landuse which includes social, cultural and economic effects of the use and development of land. It is not appropriate for the plan to focus solely on environmental effects.	Amend as follows; The Horowhenua District Plan is intended to assist the Council manage the environmental, <u>social, cultural and economic effects</u> of the use, development, and protection of land (and associated resources), including the control of the subdivision of land.
The Horowhenua District Plan			✓	Insert a paragraph outlining the importance of encouraging sustainable development and commercial activities which includes primary production into the district including economic social and cultural effects.	Amend to reflect these concerns
Part 2 -Objectives/policies : Rural Environment					
Issue 2.4 Sustainable Land Management Practices			✓	NZPork is opposed to provisions which place undue financial and time constraints on farmers due o over regulation at a time when consent compliance costs are becoming a genuine concern for producers These provisions do not appear appropriate for a district plan. Rather they are extensively covered by the Horizons Regional Council in the One Plan.	Delete Issue 2.4 and all associated provisions.
Objective 2.4.1 sustainable land management Practices			✓		
Policy 20.4.2			✓		
Explanation of reasons			✓		
Methods for issue 2.45 and Objectives 2.4.1			✓		
Issue 2.5		✓		NZPork supports the intent of the issue however requests the rephrasing for clarity of the issue.	Amend as follows; <u>A diverse diversity range</u> 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 landuse . 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 landuse.</u>

Objective 2.5.1		✓		<p>The objective focuses on avoiding, remedying or mitigating adverse effects from primary production activities but does not mention similar provisions for avoiding, remedying or mitigating adverse effects associated with inappropriate placement sensitive activities in the zone.</p> <p>The Objective also needs to link to the economic impacts that can occur as a result of reverse sensitivity.</p>	<p>Amend as follows;</p> <p>To enable primary production activities and other associated rural based land uses to function efficiently and effectively in the Rural Zone, while avoiding, remedying or mitigating the adverse effects of activities, including reverse sensitivity effects <u>from inappropriately located sensitive activities</u>, in a way that maintains and enhances the <u>productive capacity</u>, character and amenity values of the rural environment.</p>
Policy 2.5.2	✓				Retain intent of policy.
Policy 2.5.3	✓				Retain intent of policy.
Policy 2.5.4		✓		Policy need to explicitly state that this included adverse effects including reverse sensitivity on existing lawfully established rural operations	<p>Amend as follows;</p> <p>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.</p>
Policy 2.5.6		✓		The policy is opposed as it is too broad to meet the requirements of a district plan needs to specifically outline parameters of effects.	<p>Amend as follows;</p> <p>Ensure that all activities within the rural environment dispose of wastes in a manner that avoids remedies or mitigates adverse effects on <u>nuisance and amenity</u>.</p>
Policy 2.5.9		✓		Support in part. NZPork supports the intent of the policy however the focus of the policy on the life supporting capacity of the soils ignores industries that are reliant on the rural environment not necessarily the soils.	<p>Amend as follows;</p> <p>Manage the effects of additional dwellings on the life supporting capacity <u>versatility of soils landscape</u> and the character and amenity values of the rural environment, recognising any farm worker accommodation should be located and related to the scale and intensity of the primary production activities on site.</p>
Policy 2.5.11	✓				Retain intent of policy.
Policy 2.5.15	✓				Retain intent of policy.
Anticipated environmental results			✓	NZPork questions the focus of this section on environmental results. District plans are to provide for sustainable development which includes environment, social, economic and cultural considerations. This plan appears to overlook these considerations for the rural environment.	<p>Social, economic and cultural considerations need to be included in the section.</p> <p>Delete term environmental from the title and rephrase section to address concerns.</p>
Anticipated environmental results 2(d)			✓	Not appropriate for a district plan	Delete

19 Rural Zone					
19.1 permitted activities (a) (m)	✓				Retain intent of rule.
19.6.4 Building Setbacks from Boundaries and Separation Distances (b)	✓				Retain intent of rule.
19.6.4 Building Setbacks from Boundaries and Separation Distances (c)			✓	<p>We oppose the inclusion open space, industrial zoning within the rule.</p> <p>We note that the definition for ‘open space’ applies to both public and private unoccupied space or vacant land and that does not require specific zoning requirements. The definition for open space is therefore not rigorous enough to trigger the setback requirements.</p> <p>Additionally industrial environments have similar parameters to the rural environment in terms of the potential for industries to produce odour and noise and we therefore see it inappropriate to require a setback similar to sensitive environments such as residential zones.</p>	<p>Delete Open space and industrial zones from the setback.</p> <p>(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.</p>
19.6.9 Odour			✓	<p>Within the plan there is an acknowledgment that for some rural industries the discharges of odours are a component of the rural environment. The RMA requires activities to avoiding, remedying or mitigating adverse effects such as odours as far as practically possible however this rule outlines no offensive odours detected beyond the boundary of the property and is therefore opposed.</p>	<p>Amend as follows;</p> <p>(a) No activity shall give rise to offensive odours able to be detected at the boundary of any adjoining property. Activates emitting odours will avoid, remedy or mitigate adverse effects as far as practically possible.</p>
19.6.17 Wastes Disposal			✓	<p>‘Roads and road users’ have been removed from the Horizons One plan following appeals from rural industries. NZPork submitted that the plan overlooks the practical implications of imposing significant adverse effects of nuisance and odour from any consideration of who “affected parties’ might be. We therefore oppose the inclusion of point (ii) in the district plan for the same reasons.</p>	<p>(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:</p> <p>(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.</p>

				NZPork also opposes the inclusion of (iv) any channel or water body as we submit it is not appropriate for a district plan. It is also comprehensively covered in the regional plan so NZPork sees no reason for further regulation.	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.
25 Assessment Criteria					
2.5.2.1 General (d)	✓				Retain intent of criteria as notified.
2.5.2.1 General (h)	✓				Retain intent of criteria as notified.
2.5.2.6 Non-Primary Production Activities (b)	✓				Retain intent of criteria as notified.
2.5.2.6 Non-Primary Production Activities (f)	✓				Retain intent of criteria as notified.
25.7.5 Servicing (bii)		✓		NZPork supports the intent of the criteria however opposes the provisions requirement with a district plan as it is already a requirement of Regional plan. NZPork is opposed to provisions which place undue financial and time constraints due to over regulation on farmers at a time when consent compliance costs are becoming a genuine concern for producers.	(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.
26 General Provisions :					
Abbreviations		✓		Ensure list of abbreviations is complete e.g. add CPTED etc.	add CPTED etc.
Definitions Intensive farming		✓		NZPork supports the definition which seeks to link outdoor intensive farming practices with the ability to maintain ground cover. However, opposes the current definitions inclusions of 'substantially proving food and fertilizers from off the site'. In our view this is not what should trigger an intensive farm definition as it is unclear as to what constitutes 'substantial' i.e. could a dairy farms that provide supplement feeds and apply fertilizer trigger the definition The definition also does not allow for free range pig farms with over 5 pigs , where ground cover can be maintained and therefore any potential effect on amenities is low.	Amend 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: <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).

Open space			✓	<p>The definition for open space is opposed due to the content in which it is used within the plan in relation to set backs from intensive farms.</p> <p>See submission point for rule 19.6.4</p>	<p>Amend as follows;</p> <p>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.</p>
Primary Production Activity	✓				Retain definition as notified.
New definition – reverse sensitivity				<p>Several references are made to the term 'reverse sensitivity'. For certainty and clarity this should be defined.</p>	<p><u>Insert definition</u></p> <p><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></p>



SUBMISSION FORM

Proposed Horowhenua District Plan

Resource Management Act 1991

Form 5 of Resource Management

(Forms, Fees, Procedure) Regs 2003

Council Use Only
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 Posted to: Shaping Horowhenua, Horowhenua District Council, Private Bag 4002, Levin 5540
 Faxed to: (06) 366 0983
 Emailed to: districtplan@horowhenua.govt.nz

Submissions must be received no later than 4:00pm 12 November 2012

1. Submitter Contact Details

Full Name: HAROLD STEWART THOMPSON
 Name of Organisation: (If on behalf of an Organisation) LEVIN GOLF CLUB
 Address for Service: 18 EASTON WAY
LEVIN Post code: 5510
 Telephone (Day time): 06-3683890 Mobile: 021 923 351
 Email: stewartthompson@gmail.com

Note: you must fill in all sections of this form.

2. Trade Competition

I could gain an advantage in trade competition through this submission? Yes No
 I am directly affected by an effect of the subject matter that
 (a) adversely affects the environment; and
 (b) does not relate to trade competition or the effects of trade competition? Yes No
Please note that if you are a person who could gain an advantage in trade competition through the submission, your right to make a submission may be limited by Clause 6 of Schedule 1 of the Resource Management Act 1991.

3. The specific provisions of the Proposed District Plan that my submission relates to are as follows: (Please specify the Rule, Policy or Map number your submission relates to)

MAP 7 & POLICIES OPEN SPACE & ACCESS
TO WATER BODIES & RULES OPEN SPACE
ZONE

(Continue on a separate sheet if necessary)



4. My submission is that: (Clearly state whether you SUPPORT or OPPOSE specific parts of the Proposed District Plan or wish to have amendments made, giving reasons for your views)

SUPPORT THE CREATION OF OPEN SPACE ZONES & BELIEVE THAT THE GOLF CLUB (LEVIN) WOULD BE MORE SUITED TO THE OPEN SPACE RULES THAN THE RURAL RULES PROPOSED BEING A RECREATION ACTIVITY. THE LAND OCCUPIED BY THE CLUB IS OWNED BY ITS MEMBERS AND CANNOT BE SOLD WITHOUT 100% VOTE. (Continue on a separate sheet if necessary)

5. I/We seek the following decision from the Horowhenua District Council: (Give precise details of what amendments you wish to see and your reasons)

INCLUDE THE PROPERTIES KNOWN AS 160 MOUTERE RD BEING CTNND/1366 (HOROWHENUA X1B41 NORTH B4B2) 48.1475 ha AND CTNNC3/1462 (HOROWHENUA X1B41 NORTH B4B2) 1.6187 ha OWNED BY LEVIN GOLF CLUB INC BE INCLUDED ON THE MAPS ZONED OPEN SPACE AND CONSEQUENTIAL AMENDMENTS. (Continue on a separate sheet if necessary)

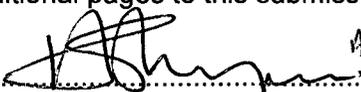
6. Proposed District Plan Hearing

Do you wish to attend the Council hearing for the Proposed District Plan? Yes No

Do you wish to be speak in support of your submission at the hearing? Yes No

If others make a similar submission would you be prepared to consider presenting a joint case at the hearing? Yes No

I have attached additional pages to this submission.

Signature of Submitter:  AS President Date:

Note: A signature is not required if you make your submission by electronic means.

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1. Submitter Contact Details

Full Name: ANTHONY NEAL HUNT
 Name of Organisation: (If on behalf of an Organisation) FOXTON HISTORICAL SOCIETY
 Address for Service: S RAVENSWOOD PLACE
 FOXTON Post code: 4814
 Telephone (Day time): 363 6546 Mobile:
 Email: tony-and-judith@extra.co.nz

Note: you must fill in all sections of this form.

2. Trade Competition

I could gain an advantage in trade competition through this submission? Yes No
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Heritage Policies 13.3.3 and 13.3.4
 and Schedule 2

(Continue on a separate sheet if necessary)

4. My submission is that: (Clearly state whether you SUPPORT or OPPOSE specific parts of the Proposed District Plan or wish to have amendments made, giving reasons for your views)

Schedule 2 is incomplete and does not recognise the stated policies as regards to the Foxton area.

(Continue on a separate sheet if necessary)

5. I/We seek the following decision from the Horowhenua District Council: (Give precise details of what amendments you wish to see and your reasons)

The inclusion of all the properties/location listed on the attached list. This is a slight modification of the letter (also attached) sent to HDC by the Foxton Historical Society in 2007. There has been no notice taken of this request in Schedule 2. The list is in order of preference.

(Continue on a separate sheet if necessary)

6. Proposed District Plan Hearing

Do you wish to attend the Council hearing for the Proposed District Plan? Yes No

Do you wish to be speak in support of your submission at the hearing? Yes No

If others make a similar submission would you be prepared to consider presenting a joint case at the hearing? Yes No

I have attached ...2... additional pages to this submission.

Signature of Submitter: Date:
(Or person authorised to sign on behalf of submitter)

Note: A signature is not required if you make your submission by electronic means.

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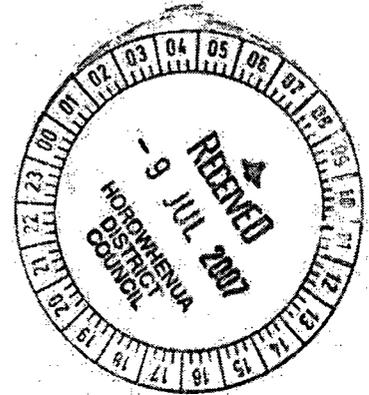
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FOXTON HISTORICAL SOCIETY

71 Union Street
Foxton
5.7.2007

Horowhenua District Council
Levin



To whom it may concern

I am writing on behalf of the Foxton Historical Society re the Listed Buildings in your District Plan. The Historic Places Trust has suggested this action when asked about the possible classification of buildings.

A look at the present list in the Plan shows there are many Foxton buildings of heritage value not listed in your Plan. This situation, we have found, has its roots in the days of Foxton Borough when a rather cursory survey was done by the Historic Places Trust. But several reviews by your staff have not remedied this. We to have been amiss but now wish to remedy the situation.

We have compiled a list of buldings and sites which would rank alongside those already listed for their heritage value and would like to propose their addition to your Plan list. Already listed are Duncan House, All Saints Church, Nye Homestead and 31 Robinson Street. Our proposed additions, not necessarily in order are:

Foxton Little Theatre	St Mary's Church(R.C.)
Indoor Bowls Hall(ex Harbour Board)	Water tower
Windmill	Auto Marine Shed(ex Road Services)
Bank of New Zealand	New World Facade
Town Hall	Court House
Police house	Law Office
17 Ladys Mile	Easton Homestead (Shannon Road)
Austin Homestead(Shannon Road)	Marks's home "The Oaks" Howan Street
Manawatu Print	"Goldies" shop
Racing Club Office	Damick Street Hall
Herrington Street state houses precinct	"Dr Wylies house(cnr Clyde and Harbour)
Nesbit house Levin Road	Trestle Bridge(Whirokino)
Faix Stripper Museum	Ihakara Gardens

This is a large list and there are other locations that would have equal claims for inclusion but this will enable a start to be made in getting properties listed.

We would like to get from you the requirements of listing in the Plan and to discuss the whole matter with the appropriate officer from the Council.

Your sincerely

Isabell Rotherham
Isabell Rotherham
Secretary
Foxton Historical Society

**FOXTON BUILDINGS AND SITES TO BE INCLUDED IN HOROWHENUA
DISTRICT COUNCIL'S DISTRICT PLAN**

1	Foxton Little Theatre- ex St Andrews Presbyterian Church	Main Street
2	Foxton Water Tower	Seaview Gardens
3	Court House/Museum of Foxton History	Main Street
4	St Mary's Roman Catholic Church	Johnston Street
5.	Easton's Hotel façade, part of New World building	Main Street
6	Town Hall formerly Coronation Hall	Avenue Road
7	Law Office	Main Street
8	Easton Homestead	430 Foxton- Shannon Road
9	Awahou Indoor Bowls Hall	Clyde Street
10	69 Norbiton Road	Norbiton Road
11	Ihakara Gardens	Ravensworth Place
12	De Mole	Main Street
13	Manawatu Print	Main Street
14	Racing Club Office	Main Street
15	76 Main Street	Main Street
16	Dolphin and Flaxmill Blocks	Riverside
17	7 Clyde Street	Clyde Street
18	14 Howe Street	Howan Street
19	Easton Park entrance	Main Street
20	Police Sergeant's house	Main Street
21	17 Lady's Mile	Lady's Mile
22	10 Howe Street	Howe Street
23	24 Park Street	Park Street

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1. Submitter Contact Details

Full Name: ANTHONY NEAL HUNT
 Name of Organisation: *(If on behalf of an Organisation)*
 Address for Service: S RAVENSWORTH PLACE
FOXTON Post code: 4814
 Telephone (Day time): 363 684 6 Mobile:
 Email: tony_and_judith@xtra.co.nz

Note: you must fill in all sections of this form.

2. Trade Competition

I could gain an advantage in trade competition through this submission? Yes No

I am directly affected by an effect of the subject matter that
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 (b) does not relate to trade competition or the effects of trade competition? Yes No

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3. The specific provisions of the Proposed District Plan that my submission relates to are as follows: (Please specify the Rule, Policy or Map number your submission relates to)

Map 15A FOXTON CENTRAL
including section D143

(Continue on a separate sheet if necessary)

4. My submission is that: (Clearly state whether you SUPPORT or OPPOSE specific parts of the Proposed District Plan or wish to have amendments made, giving reasons for your views)

I oppose the area west of Harbour St north of the Foxton Hotel Service Lane ^{including D143} being zoned residential as this area is a focal point for the work being done to reclaim the River as a integral part of Foxton's tourist development

(Continue on a separate sheet if necessary)

5. I/We seek the following decision from the Horowhenua District Council: (Give precise details of what amendments you wish to see and your reasons)

Reclassification as recreational or under some covenant that recognises the areas heritage qualities

(Continue on a separate sheet if necessary)

6. Proposed District Plan Hearing

Do you wish to attend the Council hearing for the Proposed District Plan? Yes No

Do you wish to be speak in support of your submission at the hearing? Yes No

If others make a similar submission would you be prepared to consider presenting a joint case at the hearing? Yes No

I have attached additional pages to this submission.

Signature of Submitter: A. A. Hunt Date: 5-11-12
(Or person authorised to sign on behalf of submitter)

Note: A signature is not required if you make your submission by electronic means.

Submissions must be received no later than 4:00pm 12 November 2012

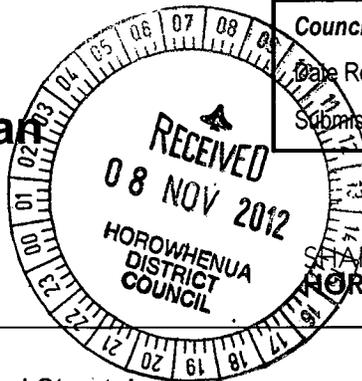
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 Faxed to: (06) 366 0983
 Emailed to: districtplan@horowhenua.govt.nz

Submissions must be received no later than 4:00pm 12 November 2012

1. Submitter Contact Details

Full Name: RICHARD JOHN CURTIS
 Name of Organisation: (If on behalf of an Organisation) TRUCKS INVESTMENTS LTD
 Address for Service: P.O. BOX 3820
WELLINGTON Post code: 6140
 Telephone (Day time): 04-566 9953 Mobile: 021-300 480
 Email: CURTIS.HOLDINGS@PARADISE.NET.NZ

Note: you must fill in all sections of this form.

2. Trade Competition

I could gain an advantage in trade competition through this submission? Yes No
 I am directly affected by an effect of the subject matter that
 (a) adversely affects the environment; and
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3. The specific provisions of the Proposed District Plan that my submission relates to are as follows: (Please specify the Rule, Policy or Map number your submission relates to)

THE PROPERTY AT 65A SHI LEVIN SOUTH LOT ONE
DP 71431 = 6730 S.M. SECTION WITH
INDUSTRIAL BUILDINGS COVERING 1962 S.M
OF THE SAID SECTION.
WE NEED IS RURAL DESIGNATION UNDER THE
CURRENT DISTRICT PLAN TO BE REZONED
AN INDUSTRIAL ZONE.

(Continue on a separate sheet if necessary)



4. My submission is that: (Clearly state whether you SUPPORT or OPPOSE specific parts of the Proposed District Plan or wish to have amendments made, giving reasons for your views)

WE OPPOSE THE CURRENT ZONING BEING RURAL AS THE SUBDIVISION & PURPOSE BUILT BUILDINGS WERE CLEARLY BUILT AND FIT THE ACTIVITY OF THE INDUSTRIAL ZONING CRITERIA. - PERMITTED ACTIVITIES -

(Continue on a separate sheet if necessary)

5. I/We seek the following decision from the Horowhenua District Council: (Give precise details of what amendments you wish to see and your reasons)

WE REQUIRE THIS SITE REZONED TO WHAT IT WAS INTENTIONALLY USED FOR TO FIT IN WITH THE DISTRICT PLAN INDUSTRIAL ZONE AS IS LOT '4 DP73189 (6078sqm) AND NOT AS IT STANDS NOW UNDER THE DISTRICT PLAN AS IT ALWAYS WAS USED AS INDUSTRIAL PURPOSES.

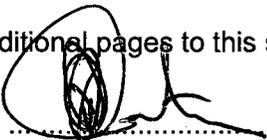
6. Proposed District Plan Hearing

Do you wish to attend the Council hearing for the Proposed District Plan? Yes No

Do you wish to be speak in support of your submission at the hearing? Yes No

If others make a similar submission would you be prepared to consider presenting a joint case at the hearing? Yes No

I have attached additional pages to this submission.

Signature of Submitter:  (Or person authorised to sign on behalf of submitter)

Date: 16-10-2012

Note: A signature is not required if you make your submission by electronic means.

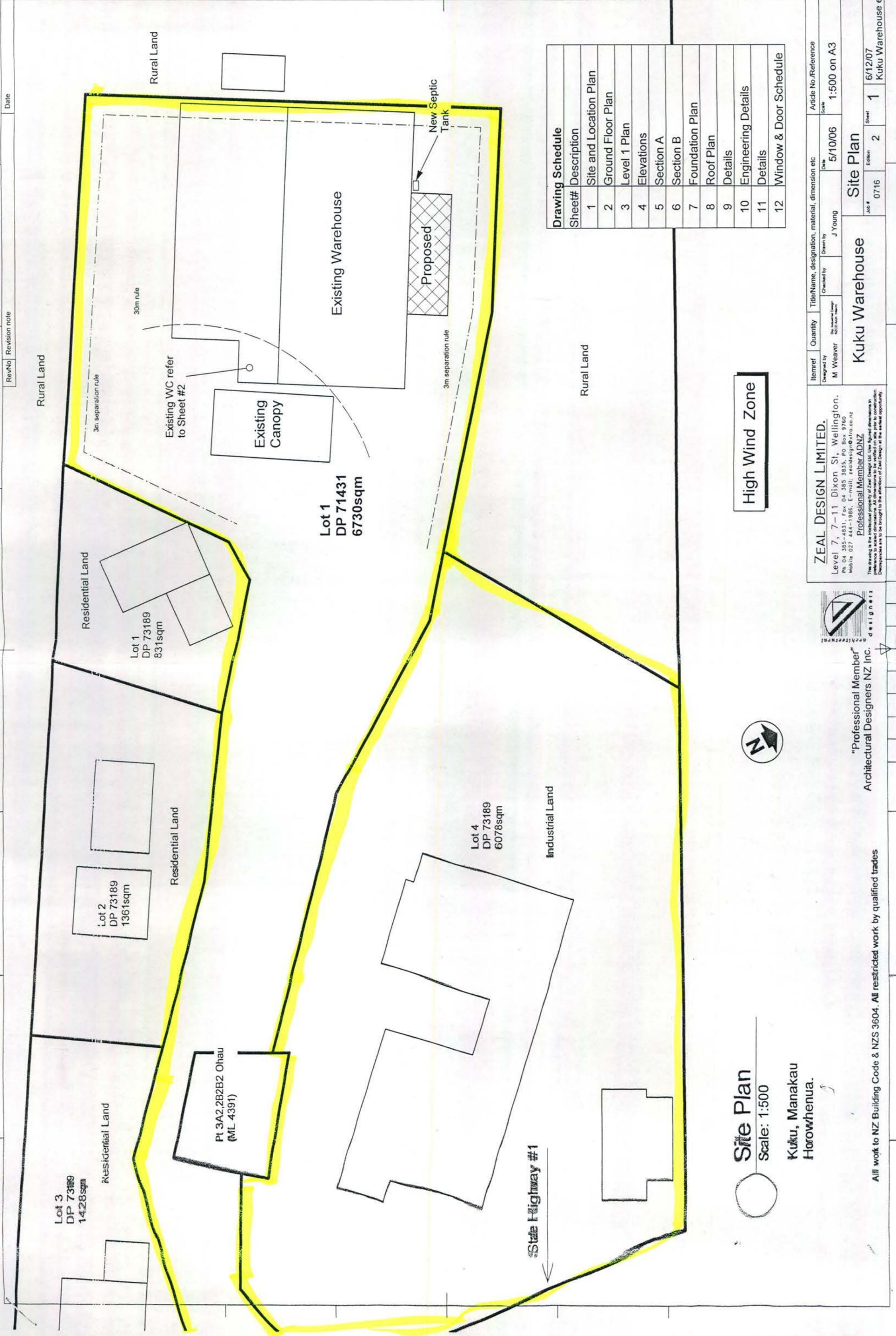
Submissions must be received no later than 4:00pm 12 November 2012

Further Information

If you require further information about the Proposed District Plan please visit the Council website www.horowhenua.govt.nz or email districtplan@horowhenua.govt.nz or phone (06) 366 0999.

Privacy Act 1993

Please note that submissions are public information. Information on this form including your name and submission will be accessible to the media and public as part of the decision making process. Council is required to have this by the Resource Management Act 1991. Your contact details will only be used for the purpose of the Proposed District Plan process. The information will be held by the Horowhenua District Council, 126 Oxford Street, Levin. You have the right to access the information and request its correction.



Drawing Schedule	Sheet#	Description
1	Site and Location Plan	
2	Ground Floor Plan	
3	Level 1 Plan	
4	Elevations	
5	Section A	
6	Section B	
7	Foundation Plan	
8	Roof Plan	
9	Details	
10	Engineering Details	
11	Details	
12	Window & Door Schedule	

High Wind Zone

Site Plan
Scale: 1:500

Kuku, Manakau
Horowhenua.

ZEAL DESIGN LIMITED.
Level 7, 7-11 Dixon St, Wellington.
Ph 04 385-4831, Fax 04 385 3835, PO Box 9760
Mobile 027 444-1986, E-mail: zealdesign@xero.co.nz
Professional Member ADNZ

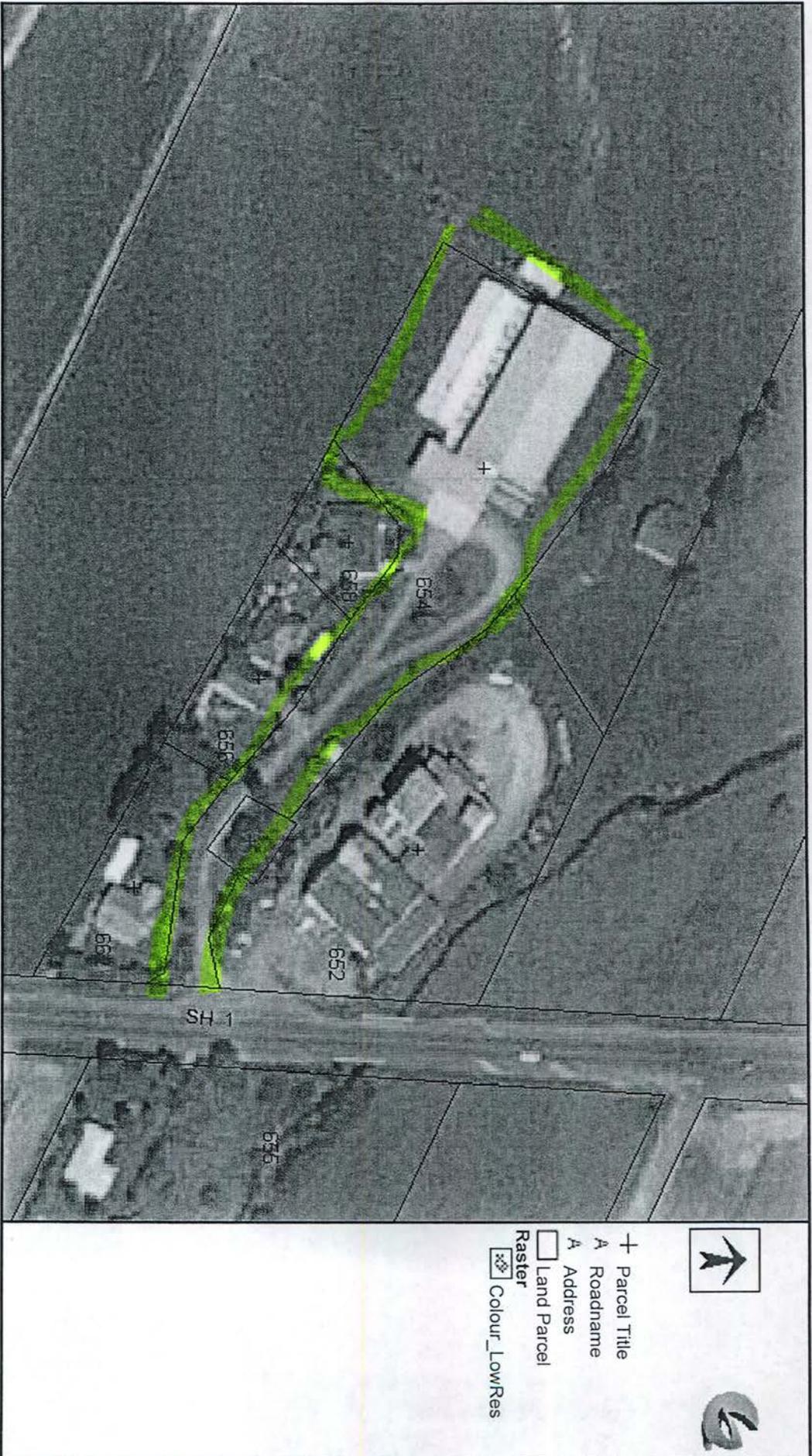
Kuku Warehouse

Designed by: M Weaver
Checked by: J Young
Date: 5/10/06
Scale: 1:500 on A3

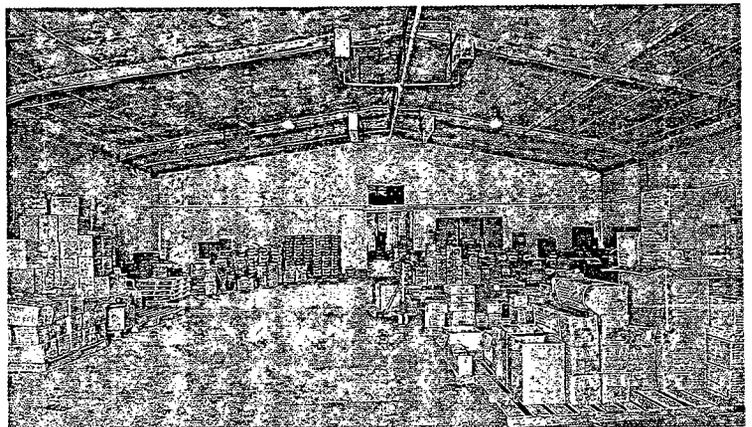
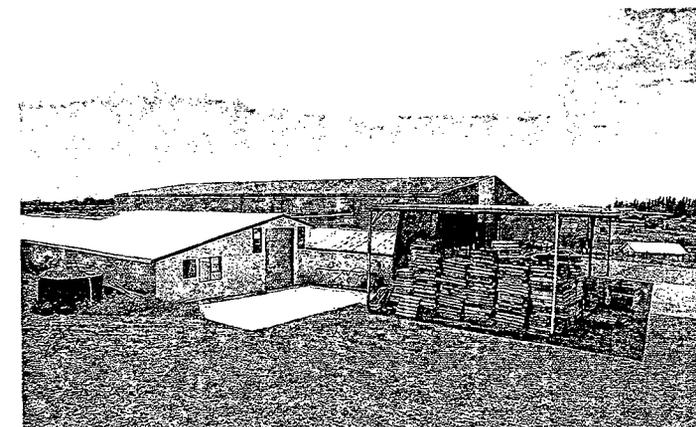
Article No./Reference: 1
Job #: 0716
Edition: 2
Sheet: 1
Date: 6/12/07
Project: Kuku Warehouse edition

Architectural Designers NZ Inc.
"Professional Member"
Architectural Designers NZ Inc.

All work to NZ Building Code & NZS 3604. All restricted work by qualified trades



This plan is suitable for information only.
Intergraph accepts no liability for any error
whatsoever.



Horowhenua, Levin, 654 State Highway 1

Coolstore / Warehouse

- Large versatile buildings, brand new offices
- Elevated high exposure SH1 location
- To be sold with vacant possession
- Potential net rental \$70,000pa + GST

You will struggle to find a better value proposition than this. Comprising of two large buildings and a brand new office facility, the first building being high stud coolstore, with the second a lower stud warehouse with large canopied area. Located on SH1 just 7 kilometres south of Levin this property is currently being used for light manufacturing and warehouse / distribution but the possibilities are endless.

Property Details

Office	172m ²	1.85/sqft
Coolstore	933m ²	10.043sqft
Warehousing	647m ²	6.964sqft
Canopy	210m ²	2.260sqft
Total Land Area	6.730m ²	
Zoning	Rural with consent to use as a coolstore / pickhouse and for industrial purposes including bulk goods storage and distribution.	

Tenancy Details

Vacant possession.

Tenders Close

4pm, Wednesday 24th February 2010

The Bayleys Building, Level 14

Corner Brandon Street and Lambton Quay

Wellington, New Zealand

www.bayleys.co.nz/403300

Andrew Smith

M 021 421 401

B 04 499 6022

andrew.smith@bayleys.co.nz

Capital Commercial Ltd, Bayleys, Licensed under the RFA Act 2008

Stephen Lange

M 027 276 2580

B 04 299 6022

stephen.lange@bayleys.co.nz

Capital Commercial Ltd, Bayleys, Licensed under the RFA Act 2008

SUBMISSION FORM

Proposed Horowhenua District Plan

Resource Management Act 1991

Form 5 of Resource Management

(Forms, Fees, Procedure) Regs 2003

Council Use Only

Date Received:/...../.....

Submission No:



Submissions can be:

Delivered to: Horowhenua District Council Offices, 126 Oxford Street, Levin

Posted to: Shaping Horowhenua, Horowhenua District Council, Private Bag 4002, Levin 5540

Faxed to: (06) 366 0983

Emailed to: districtplan@horowhenua.govt.nz

Submissions must be received no later than 4:00pm 12 November 2012

1. Submitter Contact Details

Full Name: Homestead Group Limited

Name of Organisation: *(If on behalf of an Organisation)* Land Matters Limited

Address for Service: 20 Addington Road, RD 1, Otaki

..... Post code: 5581

Telephone (Day time): 06 364 7293 Mobile: 021 877 143

Email: bryce@landmattersnz.com

Note: you must fill in all sections of this form.

2. Trade Competition

I could gain an advantage in trade competition through this submission? Yes No

I am directly affected by an effect of the subject matter that

(a) adversely affects the environment; and

(b) does not relate to trade competition or the effects of trade competition? Yes No

Please note that if you are a person who could gain an advantage in trade competition through the submission, your right to make a submission may be limited by Clause 6 of Schedule 1 of the Resource Management Act 1991.

3. The specific provisions of the Proposed District Plan that my submission relates to are as follows: (Please specify the Rule, Policy or Map number your submission relates to)

See Attached

.....

.....

.....

.....

.....

.....

.....

(Continue on a separate sheet if necessary)

4. My submission is that: (Clearly state whether you SUPPORT or OPPOSE specific parts of the Proposed District Plan or wish to have amendments made, giving reasons for your views)

See Attached

(Continue on a separate sheet if necessary)

5. I/We seek the following decision from the Horowhenua District Council: (Give precise details of what amendments you wish to see and your reasons)

See Attached

(Continue on a separate sheet if necessary)

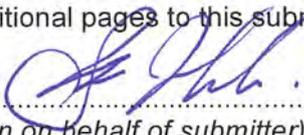
6. Proposed District Plan Hearing

Do you wish to attend the Council hearing for the Proposed District Plan? Yes No

Do you wish to be speak in support of your submission at the hearing? Yes No

If others make a similar submission would you be prepared to consider presenting a joint case at the hearing? Yes No

I have attached 6..... additional pages to this submission.

Signature of Submitter:  Date: 2/11/2012.
(Or person authorised to sign on behalf of submitter)

Note: A signature is not required if you make your submission by electronic means.

Submissions must be received no later than 4:00pm 12 November 2012

Further Information

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Privacy Act 1993
Please note that submissions are public information. Information on this form including your name and submission will be accessible to the media and public as part of the decision making process. Council is required to have this by the Resource Management Act 1991. Your contact details will only be used for the purpose of the Proposed District Plan process. The information will be held by the Horowhenua District Council, 126 Oxford Street, Levin. You have the right to access the information and request its correction.

Form 5

Submission on publicly notified proposed plan under
the First Schedule, Resource Management Act 1991

To *Horowhenua District Council*

Name of submitters: *Homestead Group Limited*

This is a submission on the following proposed plan (the **proposal**):

Proposed Horowhenua District Plan September 2012

The specific provisions of the proposal that our submission relates to are:

See Part 2 and 3 of the submission (attached).

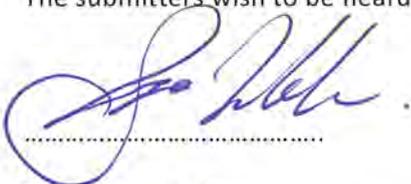
Our submission is:

See Part 2 of the submission (attached).

The submitter seeks the following decision from the local authority:

See part 3 of the submission (attached).

The submitters wish to be heard in support of this submission.



Signature of person

authorised to sign on

behalf of Homestead Group Limited

Date November 2012

Address for Service of Submitter: C/- Land Matters Limited, 20 Addington Road, RD 1, Otaki

Telephone: 06 364 9143 (DDI)

Fax/email: 06 364 5142/bryce@landmattersnz.com

Contact Person: Bryce Holmes – Principal Planner - MNZPI

IN THE MATTER

of the Resource Management Act
1991

AND

IN THE MATTER

of Proposed Horowhenua District
Plan ("Proposed District Plan or
PDP")

SUBMISSIONS OF HOMESTEAD GROUP LIMITED ("HOMESTEAD" OR "THE SUBMITTER")

1. INTRODUCTION & BACKGROUND

- 1.1 We represent the owner of lands contained within Council's recently notified Proposed District Plan. The submitter own the property situated at 74 - 76 Main Road South (State Highway 1), Levin.
- 1.2 The combined land area owned by the submitter is 2.7877ha. The land is held in 2 titles and is legally described as Lot 1 DP 59301 and Lot 2 DP 59301.
- 1.3 The land is currently used for industrial activities, administration of the company's business activities and other related uses. The use is allowed for under existing use provisions in the Resource Management Act 1991 (RMA) and a current resource consent permitting the industrial use. Homestead's main operation includes fabricating concrete tilt slabs for all building types and in particular was founded on products for residential use. The submitter is a major source of economic activity for the district through purchase of materials, demand for related services (administration, accounting, etc) and employment.
- 1.4 It is fair to conclude that the submitter is utilising the land resource for positive social and economic well being with very little impact on the environment. These matters are at the core of the sustainable management purpose of the RMA, which the Proposed District Plan seeks to achieve overall.
- 1.5 Without limiting the general **support** to the intent of the Proposed Plan to re-zone the land to Industrial, the following contains more specific submissions

on the content of the PDP. The suggestions have been made to provide a framework to work together on giving the Proposed District Plan the best opportunity of success.

2. SUBMISSIONS

Planning Map 29

- 2.1 The submitters **support** the extent of the proposed re-zoning of land from Rural to Industrial on **planning map 29**. They seek that the Industrial Zone shown on Planning Map 29 remains. The reason for the support is because the zoning provides a better policy framework for the current use of the land, and a suite for other provisions that support its Industrial use. For instance the plan permits the use of the land for industrial activities without the need for resource consent which is one of the draw backs of the existing Rural Zoning.

Relief Sought

Retain the Proposed Industrial Zoning on planning maps 29.

- 2.2 However the Submitter does have some concerns with some of the rules, conditions, and assessment criteria that are applied to the Industrial Zone which warrant improvement.

Chapter 6 Objectives/Policies

- 2.3 The submitters **oppose objective 6.3.3** in its current form. The Objective seeks to facilitate the efficient use and development of the industrial zone but then undermines this intent with the following statement “ ... *and the character and amenity values of adjoining areas are protected*”. The word protected gives an impression of a no change situation. However in reality the Industrial Zone is a dynamic working environment where it is not always possible to protect surrounding amenity.

Relief Sought

The submitter seeks the word “protected” is deleted from objective 6.3.3 and replaced with the word “maintained”.

Chapter 16 including Associated/Related Definitions in Chapter 26

- 2.4 The submitter **opposes** permitted activity **condition 16.6.3(a)** which requires buildings to be set back 10 metres from State Highway 1. The condition is restrictive and does not allow flexibility for the placement of buildings on site. The condition has no explanation about whether the setback is for transportation matters or amenity consideration. Either way, and in an

industrial environment, deleting the condition is unlikely to have a significant effect on the environment.

Relief Sought

The submitter seeks condition 16.6.3(a) is deleted from the Proposed Plan.

- 2.5 The definition of **Building** needs amendment to include hardstand and car parking areas because there is no exclusion of these in the plan. Currently the Proposed Plan does not contain a definition of structure and the RMA interpretation is:

Structure means any building, equipment, device, or other facility made by people and which is fixed to land [; and includes any raft]:

- 2.6 There could be an interpretation that hardstand areas are captured by the setback condition and consent would be required for a breach.

Relief Sought

The submitter seeks the definition is amended to avoid the above interpretation.

- 2.7 The submitter **opposes condition 16.6.9(a)**. It states:

16.6.9 Unsightly Buildings

(a) No Building shall ever be left unfinished, or constructed, or become in such a state, so that its external appearance is a detraction from the amenities of the neighbourhood in which it is situated.

- 2.8 The reason for the opposition is because the condition is very subjective and its interpretation will change from person to person. In fact it could never be complied with for new buildings because to comply assumes a continuous construction period.

Relief Sought

The submitter seeks condition 16.6.9(a) is deleted from the Proposed Plan.

- 2.9 The submitter **opposes condition 16.6.21(a)**. It states:

16.6.21 Sites of significance to Tangata Whenua

(a) 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 Council prior to the time that any activity or development is proposed.

- 2.10 The reason for the opposing this condition is because it could lead to the situation where people use the condition inappropriately. What constitutes a site of significance to Maori? Who will be the judge of this? These should be shown in the Proposed Plan if known to Council at this point in time, and if others are discovered, then the Historic Places Act 1993 is the appropriate legislation to manage the administration of the site.

Relief Sought

The submitter seeks condition 16.6.21(a) is deleted from the Proposed Plan.

- 2.11 The submitter **opposes assessment criteria 25.4**. That part of the Proposed Plan is for activities in the Industrial Zone that may need resource consent for failure to comply with the land use conditions in Chapter 16. The assessment criteria is extensive and contains subjective matters. The criteria could lead to costly information requirements for even the simplest application. It is considered section 104 of the Act is sufficient for consideration of land use activities requiring resource consent.

Relief Sought

The submitter seeks assessment criteria 25.4 is deleted from the Proposed Plan.

3. CONCLUSION and RELIEF SOUGHT

- 3.1 To give the Proposed Plan the best chance of promoting economic activity through investment, the Plan must first provide the right provisions to do so.
- 3.2 The suggested changes have been requested to achieve that end result and in recognition of the strategic position the submitters land holds within the District. The submitter looks forward to engaging with the Council on these matters to achieve a suitable outcome for all parties.
- 3.3 However at the moment there are issues with parts of the Proposed Plan and:
- In terms of Section 32 of the Act, the Proposed Plan is not efficient or effective; and
 - The Section 32 Report is deficient in the analysis of the costs and benefits of the new provisions, and the analysis is deficient in that some of the provisions are not the most appropriate way to achieve the purpose of the Act.

3.4 The submitters seek the following relief:

3.4.1 Consistency with the enabling purpose of the RMA; and

3.4.2 Amendments to the Proposed Plan to reflect its submissions.

3.4.3 Any similar or consequential relief.

November 2012

SUBMISSION FORM

Proposed Horowhenua District Plan

Resource Management Act 1991

Form 5 of Resource Management

(Forms, Fees, Procedure) Regs 2003

Council Use Only
Date Received:/...../.....
Submission No:



Submissions can be:
 Delivered to: Horowhenua District Council Offices, 126 Oxford Street, Levin
 Posted to: Shaping Horowhenua, Horowhenua District Council, Private Bag 4002, Levin 5540
 Faxed to: (06) 366 0983
 Emailed to: districtplan@horowhenua.govt.nz

Submissions must be received no later than 4:00pm 12 November 2012

1. Submitter Contact Details

Full Name: Range View Limited and M J Page

Name of Organisation: *(If on behalf of an Organisation)* Land Matters Limited

Address for Service: 20 Addington Road, RD 1, Otaki

..... Post code: 5581

Telephone (Day time): 06 364 7293 Mobile: 021 877 143

Email: bryce@landmattersnz.com

Note: you must fill in all sections of this form.

2. Trade Competition

I could gain an advantage in trade competition through this submission? Yes No

I am directly affected by an effect of the subject matter that

(a) adversely affects the environment; and

(b) does not relate to trade competition or the effects of trade competition? Yes No

Please note that if you are a person who could gain an advantage in trade competition through the submission, your right to make a submission may be limited by Clause 6 of Schedule 1 of the Resource Management Act 1991.

3. The specific provisions of the Proposed District Plan that my submission relates to are as follows: *(Please specify the Rule, Policy or Map number your submission relates to)*

See Attached

.....

.....

.....

.....

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.....

.....

(Continue on a separate sheet if necessary)

Form 5

Submission on publicly notified proposed plan under
the First Schedule, Resource Management Act 1991

To *Horowhenua District Council*

Name of submitters: *Range View Limited and MJ Page*

This is a submission on the following proposed plan (the **proposal**):

Proposed Horowhenua District Plan September 2012

The specific provisions of the proposal that our submission relates to are:

See Part 2 and 3 of the submission (attached).

Our submission is:

See Part 2 of the submission (attached).

The submitter seeks the following decision from the local authority:

See part 3 of the submission (attached).

The submitters wish to be heard in support of this submission.



Signature of person

authorised to sign on

behalf of Range View Limited and MJ Page

Date November 2012

Address for Service of Submitter: C/- Land Matters Limited, 20 Addington Road, RD 1, Otaki

Telephone: 06 364 9143 (DDI)

Fax/email: 06 364 5142/bryce@landmattersnz.com

Contact Person: Bryce Holmes – Principal Planner - MNZPI

IN THE MATTER

of the Resource Management Act
1991

AND

IN THE MATTER

of Proposed Horowhenua District
Plan (“Proposed District Plan or
PDP”)

SUBMISSIONS OF RANGE VIEW LIMITED AND M J PAGE (“THE SUBMITTER”)

1. INTRODUCTION & BACKGROUND

- 1.1 We represent the owner of lands contained within Council’s recently notified Proposed District Plan. The submitter owns the property situated at Manakau North Road, Manakau.
- 1.2 The land is held shown on Planning Maps 10, 39 and 41.

2. SUBMISSIONS

- 2.1 The Submitter has concerns with some of the rules, conditions, and other provisions that are applied to the Rural Zone and Domains.
- 2.2 The submitter **opposes condition 19.6.13(a)**. It states:

19.6.13 Sites of significance to Tangata Whenua

(a) 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 Council prior to the time that any activity or development is proposed.

- 2.3 The reason for the opposing this condition is because it could lead to the situation where people use the condition inappropriately. What constitutes a site of significance to Maori? Who will be the judge of this? These should be shown in the Proposed Plan if known to Council at this point in time, and if others are discovered, then the Historic Places Act 1993 is the appropriate legislation to manage the administration of the site.

Relief Sought

The submitter seeks condition 19.6.13(a) is deleted from the Proposed Plan.

- 2.4 The submitter **opposes conditions 19.6.14 (a) – (b)**. 19.6.14(a) requires buildings to comply with the New Zealand Electrical Code of Practice of Electrical Safety Distances (NZCEP 34:2001), whereas 19.6.14(b) sets out other setbacks of buildings and ‘Sensitive Activities’ from transmission lines. In some cases compliance with NZCEP 34:2001 is determined by suitably qualified people if pylons are a certain distance apart. Compliance should be more clear cut and not left to unknown interpretation. In addition the requirements of NZCEP 34:2001 (condition (a)) may be different than the standards in part (b) of the condition. Because of these interpretation issues, and because the management of transmission lines operate under other legislation, the submitter seeks:

Relief Sought

The submitter seeks condition 19.6.14 is deleted from the Proposed Plan in its entirety.

- 2.5 The Submitter opposes **part 24.1.1** in chapter 24 of the Proposed Plan. 24.1.1(a) requires compliance with NZS 4404:2010 for all subdivision and development. Development is defined in chapter 26 and is all encompassing. 24.1.1(b) requires all public road reserves to be 20 metres wide. 24.1.1(c) requires rights of way serving up to 12 unit to be 10 – 12 metres wide.
- 2.6 The above standards are inconsistent with each other in that NZS 4404:2010 contains provisions for roads to be less than 20 metres wide. Condition (a) is therefore inconsistent with (b). Requiring compliance with NZS 4404:2010 is problematic in itself given there are elements in the standard that a discretionary on the part of the relevant Territorial Authority. Technical compliance may not be achieved because of this.

Relief Sought

The submitter seeks condition 24.1.1 is deleted from the Proposed Plan in its entirety and these matter become matters to consider in the consent process.

- 2.7 Throughout the Proposed Plan there are statements that because Plan Changes 20 – 22 are not operative they do not form part of the Proposed Plan Change. It goes further to suggest that Plan Changes 20 – 22 are not open for submission. This is despite Plan Changes 20 – 22 being an integral and integrated part of the Proposed District Plan. There is a relationship between Plan Change 22 and earlier Plan Change 20 of which there are issues that are currently being addressed between the Parties. This relationship will need to be reflected in the Proposed Plan.

Relief Sought

The submitter seeks the outstanding matters between the parties in Plan Changes 20 and 22 are addressed to the submitters satisfaction and incorporated into the Proposed District Plan.

3. CONCLUSION and RELIEF SOUGHT

- 3.1 The submitter looks forward to engaging with the Council on these matters to achieve a suitable outcome for all parties.

- 3.2 However at the moment there are issues with parts of the Proposed Plan and:

- In terms of Section 32 or the Act, the Proposed Plan is not efficient or effective; and
- The Section 32 Report is deficient in the analysis of the costs and benefits of the new provisions, and the analysis is deficient in that some of the provisions are not the most appropriate way to achieve the purpose of the Act.

- 3.3 The submitters seek the following relief:

3.3.1 Consistency with the enabling purpose of the RMA; and

3.3.2 Amendments to the Proposed Plan to reflect its submissions.

3.3.3 Any similar or consequential relief.

November 2012

SUBMISSION FORM
Proposed Horowhenua District Plan
Resource Management Act 1991
Form 5 of Resource Management
(Forms, Fees, Procedure) Regs 2003

Council Use Only
 Date Received:/...../.....
 Submission No: 039



Submissions can be:
 Delivered to: Horowhenua District Council Offices, 126 Oxford Street, Levin
 Posted to: Shaping Horowhenua, Horowhenua District Council Private Bag 4002, Levin 5540
 Faxed to: (06) 366 0983
 Emailed to: districtplan@horowhenua.govt.nz

Submissions must be received no later than 4:00pm 12 November 2012

1. Submitter Contact Details

Full Name: V.V. Bold
 Name of Organisation: *(If on behalf of an Organisation)*
 Address for Service: 418 Hokio Beach Rd
RD1 Levin Post code: 5571
 Telephone (Day time): 368-5197 Mobile: 027-431-5181
 Email:

Note: you must fill in all sections of this form.

2. Trade Competition

I could gain an advantage in trade competition through this submission? Yes No

I am directly affected by an effect of the subject matter that
 (a) adversely affects the environment; and
 (b) does not relate to trade competition or the effects of trade competition? Yes No

Please note that if you are a person who could gain an advantage in trade competition through the submission, your right to make a submission may be limited by Clause 6 of Schedule 1 of the Resource Management Act 1991.

3. The specific provisions of the Proposed District Plan that my submission relates to are as follows: (Please specify the Rule, Policy or Map number your submission relates to)

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 eg Walkways & the Library.
Was the Council made enough out of the Hokio Dump now.

(Continue on a separate sheet if necessary)

4. My submission is that: (Clearly state whether you SUPPORT or OPPOSE specific parts of the Proposed District Plan or wish to have amendments made, giving reasons for your views)

I oppose the Proposed District Plan as the money isn't there to pay for this increase in rates.

(Continue on a separate sheet if necessary)

5. I/We seek the following decision from the Horowhenua District Council: (Give precise details of what amendments you wish to see and your reasons)

(Continue on a separate sheet if necessary)

6. Proposed District Plan Hearing

Do you wish to attend the Council hearing for the Proposed District Plan? Yes No

Do you wish to be speak in support of your submission at the hearing? Yes No

If others make a similar submission would you be prepared to consider presenting a joint case at the hearing? Yes No

I have attached additional pages to this submission.

Signature of Submitter: Wally Bold
(Or person authorised to sign on behalf of submitter)

Date: 7/11/2012

Note: A signature is not required if you make your submission by electronic means.

Submissions must be received no later than 4:00pm 12 November 2012

Further Information

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Privacy Act 1993

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Submission on Proposed Horowhenua District Plan

C/- Planning Department
Shaping Horowhenua
Horowhenua District Council
Private Bag 4002
Levin 5540

Email: districtplan@horowhenua.govt.nz

Submission on: Proposed Horowhenua District Plan

Name: House Movers Section of New Zealand Heavy Haulage Association (Inc)
Britton Housemovers Wellington- Porirua
Gold Coast Building Removals – Waikanae

Address: House Movers Section of New Zealand Heavy Haulage Association (Inc)
C/- Stuart Ryan
P.O. Box 1296
Shortland Street
Auckland 1140

Introduction

1. The House Movers Section of the New Zealand Heavy Haulage Association (Inc) ("the Association") represents firms and individuals engaged in building removal and relocation throughout New Zealand.
2. The Association wishes to ensure that regulatory controls through District Plans properly reflect the purpose and intentions of the resource management legislation as expressed in the decision of the Environment Court in *New Zealand Heavy Haulage Association Inc v The Central Otago District Council* (Environment Court, C45/2004, Thompson EJ presiding). In this case the Environment Court held that there was no real difference in effect and amenity value terms between the in situ construction of a new dwelling and relocation of a second-hand dwelling, subject to appropriate permitted activity performance standards.
3. There are several aspects to the shifting of buildings, including removal (off a site), relocation (onto a site), and re-siting (within a site).

The specific provisions which this submission relates to are:

4. All provisions (including objectives, policies, rules, assessment criteria, methods and reasons) regulating the removal, re-siting, and relocation of buildings in the plan, including (without limitation) rules 15.2(a), 15.7.1, 16.2(b), 16.7.3, 17.2(c), 17.7.3, 19.2(d), 19.7.6, 20.2(c), 20.7.3 and any definitions relating to removal, re-siting, and relocation of buildings.

Reasons for submissions: provisions relating to the removal, re-siting, and relocation of dwellings and buildings

5. The Association is opposed to the proposed plan's treatment of removal, re-siting, and relocation of buildings in its entirety. The reasons for this submission are:

Proposed Horowhenua District Plan

House Movers Section of New Zealand Heavy Haulage Association (Inc)

6. The proposed plan regulates relocation of buildings as a controlled activity. It is submitted that regulation of removal and relocation of buildings in the proposed plan does not meet the aims of the Resource Management Act, in particular:
 - a. The classification of removal, re-siting, and relocation of buildings in the proposed plan as a controlled activity is inconsistent and contrary to sustaining the potential of natural and physical resources of the district in accordance with Section 5 RMA, and Part 2 of the Act generally.
 - b. It is inconsistent with sustainable management to require resource consent for removal, re-siting, and relocation of buildings, but to provide for construction of new buildings as a permitted activity.
 - c. Relocation of buildings is an affordable housing/construction option, and consistent with sustainable management by providing for the recycling and reuse of materials which would otherwise go to landfill. Activity classification should take into account the positive effects from activities.
 - d. Providing for notifiable resource consent applications as a controlled activity /restricted discretionary activity does not recognise the transaction costs associated with obtaining neighbors' approvals and any hearing process.
 - e. Controls on removal, re-siting, and relocation of buildings in the proposed plan are not necessary to assist Council to carry out its functions.
 - f. Controls on removal, re-siting, and relocation of buildings in the proposed plan do not meet section 32 criteria of the RMA. It is denied that Council has carried out a proper section 32 assessment on removal, re-siting, and relocation of dwellings and buildings, or if any section 32 assessment has been carried out, it is not sufficient in that Council has failed to have regard to the extent to which the objectives, rules and policies and other methods are necessary; to consider other means that may be used to achieved the same objectives and policies (including the "do nothing" option); to carry out a proper evaluation of the benefits and costs (both monetary and non-monetary) of regulation of removal, re-siting, and relocation of buildings; or be satisfied that the regulation in the proposed plan is the most appropriate, efficient and effective means of exercising Council's functions.
 - g. Controls in the plan on removal and relocation of buildings are inconsistent with the criteria in Sections 75 and 76 of the RMA.
 - h. Controls in the plan on removal, re-siting, and relocation of buildings are not proportionate to controls on new dwellings and buildings in the plan.
 - i. In practical terms, any potential adverse effect on amenity values from building relocation is remedied after an initial establishment period. The same establishment period is present whenever a new dwelling is constructed, and whereas the Council has not generally promoted similar controls for new dwellings.
 - j. Any performance bond or restrictive covenant would be unnecessary and not the most appropriate means of Council exercising its functions.

The proposed plan fails to apply the decision of the Environment Court in *New Zealand*

Proposed Horowhenua District Plan

House Movers Section of New Zealand Heavy Haulage Association (Inc)

Heavy Haulage Association Inc v The Central Otago District Council (Environment Court, C45/2004, Thompson EJ presiding). Central Otago District treated relocated dwellings a discretionary activity in its proposed plan. The position of Central Otago District was not upheld by the Environment Court. Following a defended hearing the Court allowed for relocation of dwellings as a permitted activity subject to a number of performance standards. As a default rule, i.e. where unable to meet permitted activity standards, relocation was provided for as a restricted discretionary (non-notifiable) activity.

k.

l. The proposed plan does not recognise the transaction costs of not expressly exempting relocation and removal of buildings from any requirement to obtain neighbour approval.

m. The submitter pleads the reasons given by the Court in *New Zealand Heavy Haulage Association Inc v The Central Otago District Council* as if set out herein.

Relief - the following decisions are sought on removal, re-siting, and relocation of dwellings and buildings

7. Rewrite the proposed plan, and its policies and objectives, rules, methods and reasons to reflect the reasons for this submission.
8. Delete all provisions (including objectives, policies, rules, assessment criteria and other methods and reasons) on removal, re-siting, and relocation of buildings in the proposed plan, the definitions section, and elsewhere.
9. 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.
10. Recognise in the objectives, policies and rules and methods of the plan the need to provide for the coordination between Building Act and Resource Management Act, to avoid regulatory duplication.
11. Expressly provide in the proposed plan (whether in the definitions or in the activity rules) 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.
12. In the event that *demolition* and *or removal* and *re-siting* of buildings is not a permitted activity (as provided for in paragraph 11 above), 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.
13. Replace the policy provisions relating to relocated dwellings and buildings of the proposed plan in the entirety (either by rewriting the plan, or alternatively, by deleting the relevant sections and replacing the provisions 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, so as to achieve performance standards no more restrictive than provided for

Proposed Horowhenua District Plan

House Movers Section of New Zealand Heavy Haulage Association (Inc)
in paragraph 14 below.

14. Provide for the relocation of dwellings and buildings subject to the following performance standards/conditions (or to same or similar effect):

Relocation of buildings

Relocated buildings are permitted where the following matters can be satisfied:

- a) Any relocated building can comply with the relevant standards for Permitted Activities in the District Plan;
- b) Any relocated dwelling must have been previously designed built and used as a dwelling;
- 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
- d) The building shall be located on permanent foundations approved by building consent, no later than [2] months of the building being moved to the site.
- e) All work required to reinstate the exterior of any relocated building/dwelling, including the siting of the building/dwelling on permanent foundations, shall be completed within 12 months of the building being delivered to the site.

15. As a default rule, in the event that *relocation* of a buildings/dwelling 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 (or to the same or similar effect):

Restricted Discretionary Activity

(on a non-notified, non-service basis)

Where an activity is not permitted by this Rule, Council will have regard to the following matters when considering an application for resource consent:

- i) Proposed landscaping;
- ii) the proposed timetable for completion of the work required to reinstate the exterior of the building and connections to services;
- iii) the appearance of the building following reinstatement

16. 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.
17. Restrict (as a discretionary activity rule) the use of restrictive covenants for the removal, re-siting, and relocation of dwellings and buildings.
18. Make any consequential amendments to give effect to this submission, including such amendments as required to the provisions, definitions, other matters, rules, objectives,

Proposed Horowhenua District Plan

House Movers Section of New Zealand Heavy Haulage Association (Inc)

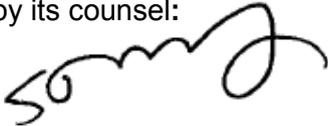
policies and reasons of the proposed plan to give appropriate recognition to the positive effects of removal, re-siting, and relocation of dwellings and buildings and dwellings, in accordance with the reasons for this submission, and the relief sought as a whole.

19. Suggested drafting to give effect to this submission is attached as **Schedule 1**, (or the same or similar effect but without limiting the relief sought).
20. A suggested pre-inspection report (as a non-statutory form) is attached as **Schedule 2**.
21. The Association **does** wish to be heard in support of these submissions.
22. If others are making a similar submission, the Association would be prepared to consider presenting a joint case with them at any hearing.

Dated: 6 November 2012

House Movers Section of New Zealand Heavy Haulage Association (Inc)

by its counsel:



..... S J Ryan

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Proposed Horowhenua District Plan

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Schedule 1 – Suggested Rules

Delete

- Rules 15.2(a), 15.7.1, 16.2(c), 16.7.3, 17.2(c), 17.7.3, 19.2(d), 19.7.6, 20.2(c) and 20.7.3

Add

- “The placement of any Relocated building and/or accessory building on any site subject to the conditions at [x.y.z]” to the Permitted Activity list to chapters 15,16,17,19 and 20
- Add the following Conditions for Permitted Activities to chapters 15,16,17,19 and 20¹

Permitted Activity Standards for Relocated Buildings

- 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.
- 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.
- iii. **The building shall be located on permanent foundations approved by building consent, no later than [2] months of the building being moved to the site.**
- 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 within **[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.
- 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.

Amend (as shown in tracking):

- The definition of **Relocated Building** to “**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 destination site; but excludes any pre-fabricated building which is delivered dismantled to a site for erection on that site.
- The permitted activities listed at 15.1(f), 16.1(k), 17.1(m), 19.1(g) and 20.1(d) to read “The construction, alteration of, addition to, removal, re-siting and demolition of buildings and structures for any permitted activity”

¹ Drafting in **bold** shows where differs from standards approved by the Environment Court in the *Central Otago* case

RELOCATED DWELLING

PRE-INSPECTION REPORT

Note: Any relocated building intended for use as a dwelling must make application for building consent under the Building Act 2004 prior to relocation within the district. In addition the Horowhenua District Plan requires this building pre-inspection report prepared by a Licensed Builder Practitioner or Building Surveyor to accompany the application for a building consent with a certificate by the intended owners.

Applicant:

Address:

Telephone:

Email

Report Prepared By:
(Name of Inspector)

Address:
.....

Date:

Qualifications Of Inspector:²

Present Location Of Building:

Valuation Reference No: N/A

Type Of Building:

Approx. Age Of Building:

Proposed Site Of Building:

Proposed Valuation No:

Proposed Use Of Building:

² Inspector must be a Licensed Building Practitioner (Design) or Building Surveyor.

Proposed Horowhenua District Plan

House Movers Section of New Zealand Heavy Haulage Association (Inc)

1. EXTERNAL CONDITION

	Type	Condition	Comments (Please specify any reinstatement work necessary)
Exterior Cladding	Eg Fibroplank Weatherboard	Good	
Wall Frame (exterior)		Good	
Roofing		Good	
Spouting		Good	
Downpipes		Good	
Joinery		Good	
Decoration (exterior)			

1. SUBFLOOR FRAMING

	Comments (Please specify any rotten or borer affected framing requiring replacement)
Bearers	
Floor Joists	
Flooring	

2. PREVIOUS USE

	Previous Use	Comments
Note: 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		

3. GENERAL COMMENTS and/or ADDITIONAL INFORMATION BY INSPECTOR

This building is of solid construction, and complies with the description above.

This building is not dangerous or insanitary.

[*add any further description*]

I, certify that the information provided is true and correct and that the building described above appears to have complied with the relevant Building Regulations at the time of its construction.

Date:

Signed:

Name (Print) [.....]

Licensed Building Practitioner / Building Surveyor (*specify*)

OWNER CERTIFICATE (rule xxx Horowhenua District Plan)

Name of [intended] owner/s: [.....] **CERTIFY** that
I/we will
ensure:

1. The building will be connected it to all infrastructure services within [2] months of the building being delivered to the site.
2. The building will be located permanent foundations approved by building consent, no later than [2] months of the building being moved to the site.
3. All work for any required reinstatement of the exterior of the building in accordance with the building pre-inspection report (above) will be completed within [12] months of the building being delivered to the site.

ACKNOWLEDGEMENT. Rule [xx] requires reinstatement of relocated dwellings as a standard in the Horowhenua District Plan. I/ we acknowledge that failure to complete any work for reinstatement of the building may lead to the Council taking enforcement action under the Building Act 2004, or Resource Management Act 1991, including by way of an notice to fix, infringement notice, abatement notice, enforcement order, or prosecution.

Date:

Signed:..... **Name (Print)** [.....]
Owner

Signed: **Name (Print)** [.....]
Owner

Signed: **Name (Print)** [.....]
Owner



**SUBMISSION BY POWERCO LIMITED ON THE PROPOSED
HOROWHENUA DISTRICT PLAN**

Due 12th November 2012

TO: Shaping Horowhenua
Horowhenua District Council
Private Bag 4002
Levin 5540

FROM: Powerco Limited ("Powerco")
Private Bag 2061
NEW PLYMOUTH 4342

By Email: districtplan@horowhenua.govt.nz

ADDRESS FOR SERVICE: BURTON PLANNING CONSULTANTS LIMITED
Level 1, 2-8 Northcroft Street
PO Box 33-817, Takapuna
AUCKLAND 0740

Attention: Georgina McPherson

Phone: (09) 917 4301

Fax: (09) 917 4311

gmcpherson@burtonconsultants.co.nz



1. INTRODUCTION

- 1.1 Powerco is New Zealand's second largest gas and electricity Distribution Company and has experience with energy distribution in New Zealand spanning more than a century. The Powerco network spreads across the upper and lower central North Island servicing over 400,000 consumers. This represents 46% of the gas connections and 16% of the electricity connections in New Zealand.
- 1.2 Powerco's energy assets within the Horowhenua comprise a gas distribution network, which includes underground pipes, valves and above-ground facilities such as District Regulator Stations (DRS) and Gas Measurement Systems (GMS). Powerco's assets are based in and around Levin and Foxton and are located in both urban and rural areas. The map in Attachment A shows the Powerco Gas Footprint for Horowhenua.

New Zealand Energy Strategy

- 1.3 The NZES provides a vision of New Zealand's energy future and has a core focus of moving towards a low emission energy system. The vision is for a reliable and resilient system delivering New Zealand sustainable, low emissions energy services, through:
- Providing clear direction on the future of New Zealand's energy system
 - Utilising markets and focused regulation to securely deliver energy services at competitive prices
 - Reducing greenhouse gas emissions, including through an emissions trading scheme
 - Maximising the contribution of cost-effective energy efficiency and conservation of energy
 - Maximising the contribution of cost-effective renewable energy resources while safeguarding our environment
 - Promoting early addition of environmentally sustainable energy technologies
 - Supporting consumers through the transition.
- 1.4 Powerco supports the overall vision of the NZES, while recognising that the transition to a more sustainable energy system will involve tradeoffs and compromises. The NZES recognises that gas has a significant role to play in this transition as it produces fewer emissions than other fossil fuels and will provide increased diversity and flexibility of supply.

The Resource Management Act 1991

- 1.5 Under the Resource Management Act 1991 (RMA), Powerco's gas infrastructure is a significant physical resource that must be sustainably managed, and any adverse effects on that infrastructure must be avoided, remedied or mitigated.

The Regional Policy Statement

- 1.6 The Horizons One-Plan, which encompasses the Regional Policy Statement, establishes a policy framework that identifies the major resource management issues for the Manawatu-Wanganui Region and provides an overriding direction and consistency in managing matters across local government boundaries.
- 1.7 The Environment Court has released its interim decision on the parts of the One Plan that were under appeal. While the One-Plan is not yet fully operative it is well advanced in the process. The District Plan will have to "give effect" to the operative RPS.
- 1.8 Chapter three of the One-Plan details how activities involving infrastructure (and also renewable energy, waste, hazardous substances and contaminated land) will be addressed.
- 1.9 The One-Plan contains relevant provisions in relation to the protection of pipelines and gas facilities used for the transmission and distribution of natural and manufactured gas, as follows:
 - 1.10 Ensuring that the benefits of infrastructure are recognised and appropriately weighed along with other matters in the decision making process. (Policy 3-1);
 - 1.11 Ensuring that adverse effects on infrastructure and other physical resources of regional or national importance from other activities are avoided as far as reasonably practicable (Policy 3-2); and
 - 1.12 Requiring decision makers to, in managing adverse effects of new infrastructure, take into account a range of factors including the need for the infrastructure, any functional, operational or technical constraints that require the infrastructure to be located or designed in the manner proposed, alternative locations and whether the effects can be off-set (Policy 3-3).
- 1.13 Requiring territorial authorities to align the management of urban growth and infrastructure asset management planning to ensure the efficient and effective provision of associated infrastructure (Policy 3-3A).
- 1.14 Powerco's gas distribution network is recognised in the One Plan as being of regional or national importance. It is, therefore, appropriate that its management is comprehensively addressed in the Horowhenua District Plan.

2. POWERCO'S SUBMISSION – GENERAL COMMENTS

- 2.1 Reliable and constant energy supply is critical to sustaining our regional economy, population and way of life and demand for energy is constantly increasing. Powerco faces an increasing number of constraints, in terms of providing a secure and reliable supply of energy to meet the increasing demand and population growth.
- 2.2 While it is recognised that gas is only one form of energy available within the Horowhenua District, it is critical that the planning documents that guide development within the district adequately provide for the core strategic infrastructure that is required to support growth.
- 2.3 Powerco provided comments on the Council's District Plan Discussion Document in November 2011 identifying the key infrastructure issues that need to be addressed in the Horowhenua District Plan. It acknowledges the extent to which those comments have been reflected in the Proposed Horowhenua District Plan ("the Proposed Plan").
- 2.4 In particular, Powerco acknowledges the extent to which the key social and economic benefits of infrastructure have been recognised and provision made for the ongoing operation, maintenance and upgrade of existing infrastructure as well as the establishment of new infrastructure. Powerco supports many of these provisions. However, some minor changes are sought as matters of clarification and consistency.
- 2.5 Powerco also seeks to ensure the appropriate integration of infrastructure with new subdivision and development. It recognises that these issues are largely addressed through Plan Changes 20 and 21, which deal with rural subdivision and greenbelt residential and urban growth (respectively). However, again, some minor changes are sought to provisions in the Proposed District Plan to ensure a clear and consistent approach.
- 2.6 The specific provisions of the Proposed Plan that Powerco's submission relates to are detailed below and can be summarised as follows:
- Chapter 6 - Objectives & Policies: Urban Environment
 - Chapter 12 – Objectives & Policies: Utilities & Energy
 - Chapter 14 – Objectives & Policies: Cross Boundary Issues
 - Zone Rules - Chapters 15, 16, 17, 19 & 20
 - Chapter 22 - Rules: Utilities & Energy
 - Chapter 23 - Rules: Hazardous Facilities
 - Chapter 24 - Rules: Subdivision & Development

- Chapter 25 - Assessment Criteria
- Chapter 26 - Definitions
- Chapter 28 - General Provisions

3. CHAPTER 6 – OBJECTIVES & POLICIES: URBAN ENVIRONMENT

- 3.1 Issue 6.1 deals with the overall form, activities and servicing of urban settlements. It is addressed through Objective 6.1.1 and Policies 6.1.2 to 6.1.20, some of which are subject to Plan Change 20 and are not available for submission as part of the current process.
- 3.2 Powerco supports Objective 6.1.1, which seeks to achieve sustainable management of the District’s natural and physical resources and achievement of an appropriate mix of infrastructure services, and a range of urban activities to enable the District’s settlements to function as vibrant attractive communities.
- 3.3 Powerco supports the general intent of Policy 6.1.4, which seeks to ensure that all development within the urban settlements is adequately serviced. However the policy currently relates to water supply, stormwater and wastewater only. Powerco seeks to broaden the policy to address the need to ensure that urban development is also provided with an adequate and secure energy supply (i.e. gas and / or electricity). Access to a secure energy supply is essential to the health and wellbeing of communities and this should be recognised in this policy.

RELIEF SOUGHT

CHAPTER 6 – OBJECTIVES & POLICIES: URBAN ENVIRONMENT

(additions underlined; deletions in ~~strikethrough~~)

- 1. Retain Objective 6.1.1 without modification, as follows:**

Objective 6.1.1 Overall Form, Activities and Servicing of Urban Areas

Sustainable management of the District's natural and physical resources used and developed for urban purposes; and

Achievement of an appropriate mix of infrastructure services, and a range of urban activities to enable the District's settlements to function as vibrant attractive communities.
- 2. Amend Policy 6.1.4 to recognise the need to provide a secure energy supply, comprising gas and / or electricity, in addition to water supply, stormwater and wastewater disposal infrastructure. This could be achieved by making the following changes to the policy or to the same**

effect:

Policy 6.1.4

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 connect to a secure gas and / or electricity supply.*

3. Adopt any other such relief, including additions, deletions or consequential amendments necessary as a result of the matters raised in these submissions, as necessary to give effect to this submission.

4. CHAPTER 12 – OBJECTIVES & POLICIES: UTILITIES & ENERGY

- 4.1 Issue 12.1 is identified as ‘*the maintenance and development of network utilities to enable the community to provide for its social and economic well-being, recognising that the infrastructure and operation of network utilities may create adverse effects on the environment, and other activities may impact their safe and efficient functioning*’. Powerco supports this issue and seeks that it be retained without modification.
- 4.2 Objective 12.1.1 and Policies 12.1.2 – 12.1.9 together seek to address Issue 12.1. Powerco supports these objectives and policies and seeks that they be retained without modification. The policies successfully address the need to provide for the establishment, operation, maintenance and upgrade of network utilities in order to deliver key social and economic benefits, while balancing the need to manage the adverse effects of network utilities on the environment with the constraints associated with network utility infrastructure and also to manage the potential adverse effects of other activities on network utilities.
- 4.3 In addition, Powerco supports the issue discussion and in particular the recognition that logistical or technical practicalities can limit choice in locating utilities and that some level of adverse effects may need to be accepted to recognise the necessity for some utility services and facilities.
- 4.4 The chapter also identifies the methods that will be adopted for issue 12.1 and Objective 12.1.1, to enable the establishment, operation, maintenance and upgrading of network utilities, while avoiding, remedying or mitigating their adverse effects. Powerco supports these methods.

- 4.5 The policy framework set out in Chapter 12 does not address the need to coordinate the delivery of network utilities with the subdivision and development of land in order to ensure security of supply. This is a critical issue as subdivisions and/or development with inadequate security of supply have the potential to generate significant resource management issues, including the potential need for significant infrastructure upgrades to provide the additional supply. In this respect, it is expected that an appropriate policy framework will be adopted through Plan Changes 20 and 21, which together seek to identify appropriate areas for new development within the district and to manage development within those areas, including the provision of the necessary network utility services.

RELIEF SOUGHT

CHAPTER 12 – OBJECTIVES & POLICIES: UTILITIES & ENERGY

(additions underlined; deletions in ~~strikethrough~~)

- 1. Retain Objective 12.1.1 and Policies 12.1.2 – 12.1.9 without modification, as follows:**

Objective 12.1.1 Network Utilities

To provide for the establishment, operation, maintenance and upgrading of network utilities, while avoiding, remedying or mitigating adverse effects on the environment.

Policy 12.1.2

Enable the establishment, operation, maintenance and upgrading of essential network utilities.

Policy 12.1.3

Avoid, remedy or mitigate the adverse environmental effects arising from the establishment, construction, operation, maintenance and upgrading of network utilities.

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, coast, lakes, river and other waterways, and open space from the adverse environmental effects of network utilities.

Policy 12.1.5

Ensure the establishment, operation, maintenance and upgrading of network utilities does not compromise the health and safety of the community.

Policy 12.1.6

Consider the locational, technical and operational requirements of network utilities and the contribution they make to the functioning and well-being of the community in assessing their location, design and appearance.

Policy 12.1.7

Require services where practical, to be underground in new areas of development within urban areas.

Policy 12.1.8

Encourage the co-location or multiple use of network utilities where this is efficient and practicable in order to avoid, remedy or mitigate adverse effects on the environment.

Policy 12.1.9

Recognise the presence and function of established network utilities, and their locational and operational requirements, by managing subdivision and new land use activities adjacent to them, to ensure the long-term efficient and effective functioning of that utility.

2. Retain the fourth paragraph under the heading ‘issue discussion’ relating to Issue 12.1 without modification, 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. 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.

3. Retain the Methods for Issue 12.1 & Objective 12.1.1 without modification, as follows:

District Plan

- *Rules to permit certain essential network utilities subject to minimum standards recognising the relevant locational, technical and operational requirements and environmental characteristics and amenities of different areas. The minimum standards in each zone include:*
 - *undergrounding all pipes, lines and cables in urban areas and their location within existing roading networks;*
 - *landscaping and site screening where appropriate; and*
 - *co-location of network utilities wherever practicable.*
- *Any activity or proposal which does not comply with stated standards*

will be assessed through the resource consent process.

- *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, 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.*
- *Apply the rules and standards (including cross-referencing within the District Plan itself) of the National Environmental Standards which relate to network utilities (e.g. electricity transmission activities and telecommunication facilities).*
- *Promote the use of relevant Codes of Practice.*
- *Designated network utilities and sites will be identified on the Planning Maps.*
- *Specify the information necessary for a designation notice of requirement. Conditions may be recommended by Council for certain requirements for designations dependent upon the circumstances of the proposed works.*

4. Adopt any other such relief, including additions, deletions or consequential amendments necessary as a result of the matters raised in these submissions, as necessary to give effect to this submission.

5. CHAPTER 14 – OBJECTIVES & POLICIES: CROSS BOUNDARY ISSUES

5.1 Objective 14.1.1 seeks to address resource management issues which cross administrative boundaries in a coordinated and integrated manner. This is supported by Policy 14.1.2 which states that the council will cooperate with other neighbouring territorial authorities and the Regional Council to address resource management issues in an integrated manner.

5.2 Powerco supports this objective and policy. The lineal nature of its gas infrastructure (and in other parts of the country its electricity infrastructure) means that it extends beyond property and zone boundaries and traverses many environments within each District and between Districts and Regional. The lineal nature and extent also makes it vulnerable to many potential activities and means that a constraint on one part of the network will potentially affect the entire network. Integrated management is, therefore, essential to achieve the sustainable management of Powerco's gas distribution assets.

RELIEF SOUGHT

CHAPTER 14 – OBJECTIVES & POLICIES: CROSS BOUNDARY ISSUES

(additions underlined; deletions in ~~strikethrough~~)

- 1. Retain Objective 14.1.1 and Policies 14.1.2 without modification, as follows:**

Objective 14.1.1 Cross Boundaries Issues

To address resource management issues which cross administrative boundaries in a coordinated and integrated manner.

Policy 14.1.2

Cooperate with other neighbouring territorial authorities and the Regional Council to address resource management issues in an integrated manner.

- 2. Adopt any other such relief, including additions, deletions or consequential amendments necessary as a result of the matters raised in these submissions, as necessary to give effect to this submission.**

6. ZONE RULES – CHAPTERS 15, 16, 17, 19 & 20

- 6.1 The activity status as well as some standards, conditions and matters of discretion relating to network utilities are set out in each of the zone chapters, being Chapter 15: Residential Zone; Chapter 16: Industrial Zone; Chapter 17: Commercial Zone; Chapter 19: Rural Zone and Chapter 20: Open Space Zone.
- 6.2 Each of the zone chapters takes the same general approach to utilities and as such, Powerco's submission points with respect to the zone chapters have been grouped to avoid repetition.
- 6.3 Chapter 22 sets out more specific standards, conditions and matters of discretion relating to network utilities and is discussed in a separate part of the submission.

Construction, Operation, Maintenance and Upgrading of Network Utilities

- 6.4 Provision is made in each of the zone chapters for the construction, operation, maintenance and upgrading of network utilities as a permitted activity, subject to compliance with the relevant permitted activity conditions and provisions in other chapters (including Chapter 22). Powerco supports this approach and seeks the retention of the relevant rules in each of the zone chapters.

Signs

- 6.5 Signs are required on gas infrastructure by law for the purposes of asset identification and to warn people of health and safety risks. In all cases they are attached to, and viewed within the context of, the gas infrastructure. It is considered appropriate to permit these signs throughout the district. The adverse effects of such signs are considered to be negligible given their limited size and setting, whereas the potential for positive effects is significant in alerting members of the public to situations that may pose a risk to their health and safety.
- 6.6 The proposed District Plan provides for 'official signs' and 'advertising signs' located on the site to which the activity relates, including public facility or information signs identifying a building, property or business to be erected as a permitted activity in all zones, subject to compliance with the relevant permitted activity conditions.
- 6.7 The definitions / descriptions of such signs do not appear to include the type of asset identification and health and safety signs identified above. As such, Powerco requests the inclusion of a new permitted activity standard for health and safety and asset identification signs that would apply in all parts of the district. This could be achieved either by:
- (a) Amending the definition / description of 'official signs' or 'advertising signs' to encompass the type of asset identification and health and safety signs identified above; or
 - (b) Including 'asset identification and health and safety signs' within the list of permitted signs in each of the Residential, Industrial, Commercial, Rural and Open Space chapters.
- 6.8 Health and safety and asset identification signs are generally modest in size due to their nature. However, should the Council consider it appropriate to include a permitted activity condition limiting their size, Powerco would suggest that a limit of 1m² would be appropriate.

Flood Hazard Overlay Areas

- 6.9 In each of the zone chapters provision is made for the maintenance or minor upgrading of existing network utilities within the Flood Hazard Overlay Areas as a permitted activity, subject to compliance with the relevant permitted activity conditions and provision in other chapters. Powerco supports this approach, subject to an expansion of the definition of 'maintenance' and 'minor upgrading', which is set out Chapter 22. This is discussed in more detail in part 7 of this submission.
- 6.10 New network utilities within the Flood Hazard Overlay Areas require discretionary activity consent in each of the zone chapters. Powerco supports this approach and seeks that it be retained.

Parking and Manoeuvring

- 6.11 Each of the zone chapters provides an exemption for network utilities on sites of less than 200 sqm from the vehicle parking, manoeuvring and loading requirements and this is supported. Support 15.6.23, 16.6.15, 17.6.17(a), 19.6.22 and 20.6.15 which exempts network utilities on sites less than 200 sqm from the requirement to provide vehicle parking, manoeuvring and loading facilities.

Subdivision – Matters for Control

- 6.12 The zone chapters each set out matters of control with respect to the subdivision of land. In each zone, one of these matters relates to the provision of servicing including electricity. Powerco supports the general intent of this provision but seeks that it be expanded to recognise that consideration should also be given to the ability to provide gas as an alternative form of energy supply. Powerco considers that the subdivision stage of development is the most appropriate time to have regard to the ability to connect to gas infrastructure, where this option is sought by the developer, particularly given the potential need to create service easements.
- 6.13 It is noted that the equivalent matter of control in the Rural zone chapter is subject to Plan Change 22 and is not currently open for submission.

RELIEF SOUGHT

ZONE RULES – CHAPTERS 15, 16, 17, 19 & 20

(additions underlined; deletions in ~~strikethrough~~)

- 1. Retain without modification Rules 15.1(i), 16.1(m), 17.1(o), 19.1(k) and 20.1(f), which provide for the construction, operation, maintenance and upgrading of network utilities in each of the zone chapters as a permitted activity, subject to compliance with the relevant permitted activity conditions and provisions in other chapters (including Chapter 22).**
- 2. Include provision for asset identification and health and safety signs to be erected without the need for consent. This could be achieved by:**
 - (a) Amending the definition of ‘official signs’ or ‘warning signs’ to encompass the asset identification and health and safety signs; or
 - (b) Including ‘asset identification and health and safety signs’ within the list of permitted signs in each of the following chapters Residential (Rule 15.1(h)), Industrial (16.1(l)), Commercial (Rule 17.1(n)), Rural (Rule 19.1(l)) and Open Space (Rule 20.1(e)), as follows or to the same effect:

The following types of signs...

Identification and/or health and safety signs associated with infrastructure

3. **Retain without modification Rules 15.1(j), 16.1(n), 17.1(p), 19.1(m), 20.1(g), which provide for the maintenance and upgrade of existing network utilities in a Flood Hazard Overlay Area as a permitted activity.**
4. **Retain without modification Rules 15.4(h), 16.4(e), 17.4(g), 19.4.8, 20.4(d), which provide for new network utilities as a discretionary activity in the Flood Hazard Overlay Areas.**
5. **Retain without modification Rules 15.6.23, 16.6.15, 17.6.17(a), 19.6.22 and 20.6.15 which exempt network utilities on sites less than 200 sqm from the requirement to provide vehicle parking, manoeuvring and loading facilities.**
6. **Amend the following matters for control in each of the zone chapters 15.7.5(a)(iv); 16.7.1(a)(iv); 17.7.1(a) (iv); and 20.7.1(a)(iv) to recognise**
The provision of servicing, including water supply, wastewater systems, stormwater management and disposal, streetlighting, telecommunications and electricity and, where applicable, gas.
7. **Adopt any other such relief, including additions, deletions or consequential amendments necessary as a result of the matters raised in these submissions, as necessary to give effect to this submission.**

7. CHAPTER 22 – RULES: UTILITIES AND ENERGY

- 7.1 Chapter 22 sets out the standards, conditions and matters reserved for Council discretion for network utilities which apply across all zones.
- 7.2 The introduction to the chapter identifies that the rules in the Utilities and Energy chapter take precedence over any other zone rules that may apply to utilities in the District Plan, unless specifically stated to the contrary. Powerco supports this approach and seeks the retention of this statement.
- 7.3 Rule 22.1.1 provides for natural or manufactured gas and necessary incidental equipment including household connections and compressor stations up to a gauge pressure of 2,000 kilopascals to be established as a permitted activity condition. Powerco supports this approach and seeks the retention of this rule.
- 7.4 Rule 22.1.5(a) provides for and requires new gas supply lines in the Residential, Greenbelt Residential, Commercial and Industrial Zones to be established underground as a permitted activity condition. Powerco supports this approach and seeks the retention of this rule.

- 7.5 Rule 22.1.5(c) provides for earthworks associated with installing and maintaining underground reticulated services to be undertaken as a permitted activity condition. Powerco supports this approach and seeks the retention of this rule.
- 7.6 Rule 22.1.6 requires the reinstatement of ground surface and any vegetation disturbed in the course of installing underground network utility services to be undertaken as soon as practicable after installation. Powerco supports this approach and seeks the retention of this rule.
- 7.7 Rule 22.1.10 provides for 'maintenance and replacement' of a number of specifically identified utilities as a permitted activity condition. Powerco support this approach but is concerned to note that gas infrastructure is not included in the list of identified utilities, such that the maintenance and replacement of existing gas infrastructure would potential require consent. It is important that Powerco can carry out minor upgrading and maintenance of gas distribution infrastructure in an unfettered way to ensure there is a reliable gas supply. As such, Powerco seeks that Rule 22.1.10 is expanded to provide for the maintenance and replacement of existing gas transmission and distribution infrastructure.

RELIEF SOUGHT

CHAPTER 22 – RULES: UTILITIES AND ENERGY

(additions underlined; deletions in ~~strikethrough~~)

1. **Retain the first paragraph of the introduction to the chapter without modification as follows:**

The rules contained in this section take precedence over any other zone rules that may apply to utilities in the District Plan, unless specifically stated to the contrary.

2. **Retain Rule 22.1.1 without modification.**
3. **Retain Rule 22.1.5(a) and (c) without modification.**
4. **Retain Rule 22.1.6 without modification.**
5. **Amend Rule 22.1.10 to provide for the maintenance and replacement of existing gas transmission and distribution infrastructure as a permitted activity condition as follows or to the same effect:**

(a) 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.*

6. Adopt any other such relief, including additions, deletions or consequential amendments necessary as a result of the matters raised in these submissions, as necessary to give effect to this submission.

8. CHAPTER 23 – RULES: HAZARDOUS FACILITIES

- 8.1 Chapter 23 sets out the rules relating to hazardous substances. Clause 23.1.1(h) exempts gas and oil pipelines from the requirement to comply with the provisions of the chapter and is supported.

RELIEF SOUGHT

CHAPTER 23 – RULES: HAZARDOUS FACILITIES

- 1. Retain without modification clause 23.1.1(h), which exempts gas and oil pipelines from the requirement to comply with the hazardous facilities provisions set out in Chapter 23.**

9. CHAPTER 24 – RULES: SUBDIVISION AND DEVELOPMENT

- 9.1 Chapter 24 sets out the standards, conditions and matters over which the Council has reserved its discretion for subdivision and development.
- 9.2 Section 24.2 sets out a number of requirements that all activities requiring resource consent must comply with, in addition to the rules and permitted activity conditions for each zone. The conditions include detailed requirements around the need to provide water supply (24.2.2), wastewater disposal (24.2.3) and surface water disposal (24.2.4) systems to serve new development or subdivision.
- 9.3 The conditions also include clause 24.2.7, which specifies that utility services shall be provided in accordance with the permitted activity conditions in Rule 22.1. While Powerco supports the general intent of this condition, it is not considered to provide enough certainty around the obligations on developers to ensure that network utility services, such as gas, electricity and telecommunications can be made available to new subdivision and development and that appropriate provision is made for the creation of any easements necessary to facilitate such connections. The provision should be amended as set out in the relief sought below.

RELIEF SOUGHT

CHAPTER 24 – RULES: SUBDIVISION AND DEVELOPMENT

(additions underlined; deletions in ~~strikethrough~~)

1. Amend condition 24.2.7 Utility Services to provide greater certainty around the obligation on developers to ensure the availability of network utility services such as gas, electricity and telecommunications to new subdivision and development, as follows or to the same effect:

24.2.7 Utility Services

(a) Utility services, 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:

(i) The requirements of the relevant supply authority, including any necessary easements. Written confirmation from the relevant supply authority shall be provided so that the subdivision can be adequately supplied.

(ii) ~~shall be provided in accordance with the permitted activity conditions in Rule 22.1.~~

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.

(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.

2. Adopt any other such relief, including additions, deletions or consequential amendments necessary as a result of the matters raised in these submissions, as necessary to give effect to this submission.

10. CHAPTER 25 – ASSESSMENT CRITERIA

10.1 25.3 assessment criteria for land use consents in residential zone – support 25.3.1(c) which is ‘*whether the activity can be adequately serviced. The site must be capable of sustaining the infrastructure servicing needs of the development.*’

10.2 Similar criteria would be useful in the Industrial, Commercial and Open Space zones.

- 10.3 Section 25.7 sets out general assessment criteria for all consents in all zones. Clause 25.7.5 addresses servicing and relates to the provision of potable water supply, reticulated wastewater and on-site stormwater management and the extent of compliance with the Council's Subdivision and Development Principles and Requirements (2012). Powerco supports these provisions but seeks the inclusion of a further criterion addressing the provision of network utilities such as electricity, gas and telecommunications, which are critical to meet the servicing needs of new development.
- 10.4 Clause 25.7.12 Network Utilities and Wind Monitoring Masts sets out criteria for assessing proposals for network utilities and wind monitoring masts. Powerco supports these criteria and seeks that they be retained.

RELIEF SOUGHT

CHAPTER 25 – ASSESSMENT CRITERIA

(additions underlined; deletions in ~~strikethrough~~)

1. **Amend clause 25.7.5 Servicing to address the provision of network utilities, such as electricity, gas and telecommunications, to new subdivision and development, as follows or to the same effect:**

(e) Provision of electricity, gas and telecommunications

- (i) The extent to which connections electricity, gas and telecommunications networks are available to service the needs of the development and/or subdivision.

2. **Retain the assessment criteria in 25.7.12 Network Utilities and Wind Monitoring Masts without modification as follows:**

25.7.12 Network Utilities and Wind Monitoring Masts

- (a) *The size and scale of proposed structures and whether they are in keeping with the size and scale of any existing development.*
- (b) *The protection of the environment while recognising technical and operational necessity which may result in adverse effects.*
- (c) *The potential for the network utility operator to locate new network infrastructure within road corridors or underground and the provisions made for co-siting or sharing facilities where technically and economically practicable.*
- (d) *The extent to which the design and appearance or location of new or additional network utilities, including associated structures, adversely affect:*
 - (i) *the safety and efficiency of the road network;*
 - (ii) *the character, amenity values, including streetscapes, of the*

surrounding area; and
(iii) the values and attributes of any site or areas of natural and/or cultural heritage.

(e) Whether there are any significant demonstrable adverse effects on people’s health and safety.

(f) Whether alternative locations, routes or other options are economically, operationally, physically or technically practicable.

3. Adopt any other such relief, including additions, deletions or consequential amendments necessary as a result of the matters raised in these submissions, as necessary to give effect to this submission.

11. CHAPTER 26 – DEFINITIONS

11.1 Powerco supports the definition of network utility, which includes any pipeline for the distribution or transmission of natural or manufactured gas and any necessary incidental equipment, including compressors and gate stations.

RELIEF SOUGHT

CHAPTER 26 – DEFINITIONS

1. Retain the definition of ‘network utility’ without modification.

12. CHAPTER 28 – GENERAL PROVISIONS

12.1 Section 28.2 sets out the information to be supplied with applications for resource consent.

12.2 All types of applications will be required to submit the general information listed in section 28.2.2. Part (b) requires a description of the site, including a number of specifically identified features. Powerco supports this requirement but requests that an additional bullet point be added requiring the identification of all service connections including any gas pipelines that traverse the site. Inappropriate activities in close proximity to gas pipelines, such as development and earthworks, can affect the ability to access pipelines for maintenance purposes or result in direct damage to the integrity of pipelines, creating a risk to public health and safety. As such, Powerco requests the introduction of an information requirement for all consents to identify the location of any gas pipelines (and infrastructure generally) on the development site.

- 12.3 Section 28.2.4 sets out the information required to be submitted with applications for subdivision consent. Part (n) of the 'details of the proposed subdivision to be provided' requires details of road lighting and the proposed location and type of power and telephone services. Powerco supports the general intent of this requirement but seeks a specific reference to gas and to the potential need to create easements in associated with network utility provision.
- 12.4 Section 28.3 relates to the provision of services. Powerco supports this provision and in particular the first three paragraphs which relate to the developer's obligation to supply and install electricity power, street light reticulation and lamps and telecommunication services, the need to provide for ducts of conduits across roads and vehicles in some cases, and the need to obtain appropriate easements for access or servicing over adjoining land. Powerco seeks an amendment to the first paragraph to include a specific reference to 'gas' infrastructure.

RELIEF SOUGHT

CHAPTER 28 – GENERAL PROVISIONS

(additions underlined; deletions in ~~striketrough~~)

1. **Amend 28.2.2(b) to include** an information requirement for all consents to identify the location of any gas pipelines (and infrastructure generally) on the development site, as follows or to the same effect:

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

- Any existing network utility infrastructure, including underground services.

2. **Amend 28.2.4(n) Lighting and Other Services to include a specific reference to gas and to the potential need to create easements in association with the provision of network utility infrastructure, as follows or to the same effect:**

(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

3. **Adopt any other such relief, including additions, deletions or consequential amendments necessary as a result of the matters raised in these submissions, as necessary to give effect to this submission.**

13. **POWERCO WISHES TO BE HEARD IN SUPPORT OF THIS SUBMISSION.**
14. **IF OTHERS MAKE A SIMILAR SUBMISSION, POWERCO WOULD BE PREPARED TO CONSIDER PRESENTING A JOINT CASE AT ANY HEARING.**
15. **POWERCO COULD NOT GAIN AN ADVANTAGE IN TRADE COMPETITION THROUGH THIS SUBMISSION.**
16. **POWERCO IS DIRECTLY AFFECTED BY AN EFFECT OF THE SUBJECT MATTER OF THE SUBMISSION THAT—**
 - (A) ADVERSELY AFFECTS THE ENVIRONMENT; AND**
 - (B) DOES NOT RELATE TO TRADE COMPETITION OR THE EFFECTS OF TRADE COMPETITION.**

Dated at TAKAPUNA this 8th day of November 2012

Signature for and on behalf of
Powerco Limited:



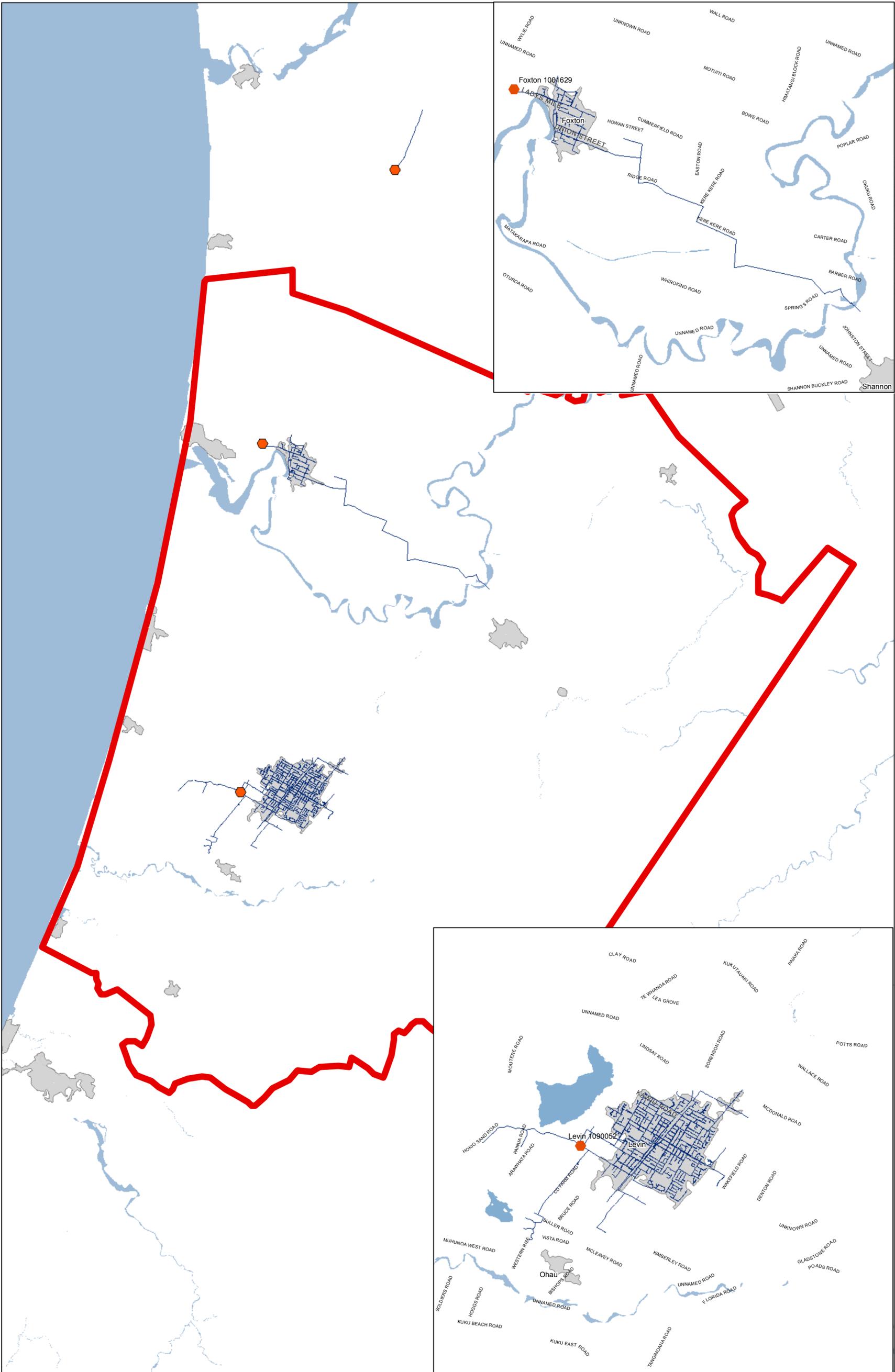
.....
Georgina McPherson

Address for service: (as per cover sheet)

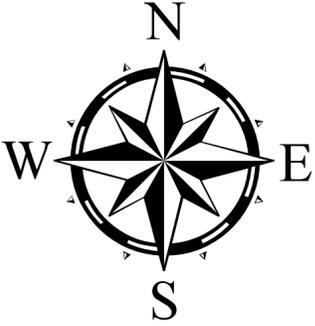
BURTON PLANNING CONSULTANTS LIMITED
PO Box 33-817
Takapuna, 0740
Auckland

Attention: Georgina McPherson

Phone: (09) 917-4301
Fax: (09) 917-4311
E-Mail: gmcpherson@burtonconsultants.co.nz



- Legend**
-  Gas Gate
 -  Horowhenua District Area
 -  Distribution Mains



0 1,000 2,000 4,000 6,000 8,000 Meters

Powerco Gas Distribution in Horowhenua District area



Printed 8/11/2012

Cartography&GIS : Hamed Farzin

• The information shown on this plan relates to Powerco's UNDERGROUND GAS/ELECTRICITY reticulation only.
 • This plan:
 - Should be used as a guide only and no warranty to its accuracy is given or implied
 - Must be used in conjunction with the Conditions outlined on the Underground Enquiry Form
 - Must be kept on site while excavation work is taking place
 - May not necessarily indicate all redundant pipes/cables or all service pipes/cables. Additional pipes/cables may have been installed since this plan was printed.
 • For work in the vicinity of Powerco's gas pipes/cables please refer to the Conditions outlined on the Underground Enquiry Form.
 • It is the responsibility of the person in charge of the work to ensure compliance with all relevant Acts, Regulations and Codes of Practice.
 • It is the Contractor's responsibility to comply with the Department of Labour's Occupational Safety & Health booklet "Guide for Safety with Underground Services", this includes the requirement that the exact location of the gas pipes/cables be determined by handdigging.
 • In the event of being unable to locate the gas pipe/cable and/or additional information is required, Powerco should be contacted for further assistance Phone 0800 769 372

SUBMISSION FORM
Proposed Horowhenua District Plan
Resource Management Act 1991
Form 5 of Resource Management
(Forms, Fees, Procedure) Regs 2003

Council Use Only
 Date Received:/...../.....
 Submission No: 042.....



Submissions can be:

Delivered to: Horowhenua District Council Offices, 126 Oxford Street, Levin
 Posted to: Shaping Horowhenua, Horowhenua District Council, Private Bag 4002, Levin 5540
 Faxed to: (06) 366 0983
 Emailed to: districtplan@horowhenua.govt.nz

Submissions must be received no later than 4:00pm 12 November 2012

1. Submitter Contact Details

Full Name: Darryl McMillan.....
 Name of Organisation: *(If on behalf of an Organisation)* Vector Gas Limited
 Address for Service: Private Bag 2020, New Plymouth.....
Post code: 4342.....
 Telephone (Day time): (06) 769 8217Mobile: (0274) 872 101
 Email: darryl.mcmillan@vector.co.nz

Note: you must fill in all sections of this form.

2. Trade Competition

I could gain an advantage in trade competition through this submission? Yes No
 I am directly affected by an effect of the subject matter that
 (a) adversely affects the environment; and
 (b) does not relate to trade competition or the effects of trade competition? Yes No

Please note that if you are a person who could gain an advantage in trade competition through the submission, your right to make a submission may be limited by Clause 6 of Schedule 1 of the Resource Management Act 1991.

3. The specific provisions of the Proposed District Plan that my submission relates to are as follows: *(Please specify the Rule, Policy or Map number your submission relates to)*

Refer to attached submission.....

(Continue on a separate sheet if necessary)

4. My submission is that: (Clearly state whether you SUPPORT or OPPOSE specific parts of the Proposed District Plan or wish to have amendments made, giving reasons for your views)

Refer to attached submission.....
.....
.....
.....
.....
.....

(Continue on a separate sheet if necessary)

5. I/We seek the following decision from the Horowhenua District Council: (Give precise details of what amendments you wish to see and your reasons)

Refer to attached submission.....
.....
.....
.....
.....

(Continue on a separate sheet if necessary)

6. Proposed District Plan Hearing

Do you wish to attend the Council hearing for the Proposed District Plan? Yes No

Do you wish to be speak in support of your submission at the hearing? Yes No

If others make a similar submission would you be prepared to consider presenting a joint case at the hearing? Yes No

I have attached ...6..... additional pages to this submission.

Signature of Submitter: *D. M. M. M.* Date: 7/11/12
(Or person authorised to sign on behalf of submitter)

Note: A signature is not required if you make your submission by electronic means.

Submissions must be received no later than 4:00pm 12 November 2012

Further Information

If you require further information about the Proposed District Plan please visit the Council website www.horowhenua.govt.nz or email districtplan@horowhenua.govt.nz or phone (06) 366 0999.

Privacy Act 1993

Please note that submissions are public information. Information on this form including your name and submission will be accessible to the media and public as part of the decision making process. Council is required to have this by the Resource Management Act 1991. Your contact details will only be used for the purpose of the Proposed District Plan process. The information will be held by the Horowhenua District Council, 126 Oxford Street, Levin. You have the right to access the information and request its correction.

42 Connett Rd West
Bell Block
Private Bag 2020
New Plymouth
Phone +64 6 755 0861
Fax +64 6 759 6494
DDI (06) 769 8217



7 November 2012

Shaping Horowhenua
Horowhenua District Council
Private Bag 4002
Levin 5540

Dear Sir/Madam

Re: Proposed Horowhenua District Plan

Thank you for notifying us of the above mentioned Proposed District Plan. Please find enclosed a submission from Vector Gas Limited.

If you have any queries regarding this letter please feel free to contact me.

Yours faithfully

A handwritten signature in black ink, appearing to read "D. McMillan".

Darryl McMillan
Land Management
darryl.mcmillan@vector.co.nz



HD094774





**NOTICE OF SUBMISSION ON
PROPOSED HOROWHENUA DISTRICT PLAN
PURSUANT TO CLAUSE 6 OF THE FIRST SCHEDULE OF THE RESOURCE
MANAGEMENT ACT 1991**

To: Horowhenua District Council
Private Bag 4002
LEVIN 5540

Submission On: Proposed Horowhenua District Plan

From: Vector Gas Limited

C/- Darryl McMillan

Address: Private Bag 2020
New Plymouth

I Introduction

1.1 This submission relates to the Proposed Horowhenua District Plan.

1.2 Vector Gas Limited ("Vector") is the owner and operator of approximately 2500km of high pressure natural gas transmission pipelines (pipelines) throughout the North Island. The below ground pipelines deliver gas from production stations in Taranaki through to various towns and locations throughout the North Island. Within the Horowhenua District Vector manages approximately 46km of pipeline and various above ground gas compounds. These pipelines are the sole source of natural gas to reticulated gas distribution networks within Horowhenua District and other networks south of Horowhenua, including Wellington City. A map indicating the alignment of pipelines within Horowhenua and the Wellington Region is shown in the poster map enclosed.

II Reasons for the submission

- 2.1 Gas transmission pipelines are required to meet the safety and operational requirements of the Health and Safety in Employment (Pipelines) Regulations 1999 and the operating code Standard AS2885 Pipelines – Gas and Liquid Petroleum (AS2885). Vector is required to ensure that the protection and integrity of the pipelines they own and manage is maintained to ensure the safety of the public, property, and the environment.
- 2.2 Third party interference is one of the main risks to the safety and integrity of the underground pipelines. Activities which may affect the pipelines should take into account the location and protection requirements of the pipeline. Due to the singular linear nature of the transmission pipeline system, an event which affects one part of the system will have an effect on the entire system downstream. Activities in the vicinity of pipeline and above ground compounds should be carried out in such a way so as not to compromise its safe and efficient operation.
- 2.3 Particular activities which are known to adversely affect underground utilities such as gas pipelines include but not limited to, earthworks (excavation and filling), installation of new underground utilities, tree planting over pipelines, construction of buildings, and the construction of new roads. Vector does not oppose development or the carrying out of these activities in the vicinity of pipelines providing that the necessary safety, operational and protection requirements are provided. Resource consent applications which may include these types of activities should consider the location of utilities and the possible effects that activity may have on a utility.
- 2.4 Energy, provided through pipelines, is a natural and physical resource which enables people and communities to provide for their social and economic wellbeing. Vector's submission is consistent with Section 5 of the Resource Management Act in that the relief sought promotes the sustainable management of a natural and physical resource.
- 2.5 The sustainable management of infrastructure is the joint responsibility of all people who live, work or travel in the region. It is important that there is effective communication between territorial authorities, infrastructure owners/operators, resource users and the general public, so that the appropriate management of significant infrastructure is understood and recognised. Regionally significant infrastructure represents a major investment upon which society depends for its efficient and effective functioning.

III Submission

3.1 Vector seeks that the Proposed Horowhenua District Plan be adopted subject to some specific amendments that are sought below, or amendments which give effect to Vector’s concerns as set out in this submission (to Vector’s satisfaction).

3.2 Any other necessary consequential amendments be made.

Submission

3.3 This submission relates to Chapter 22 Utility and Energy, Rule 22.1.10.

From time to time Vector may be required to undertake maintenance and replacement work on existing gas transmission pipeline infrastructure. Such work is required to ensure that this infrastructure is operated and maintained in accordance with the standards which it operates under. A provision which allows Vector to undertake routine planned maintenance work and emergency repair work is necessary to enable Vector, as a utility operator, to maintain its asset in a safe and efficient manner.

Relief Sought

3.4 Vector seeks:

Include gas transmission pipeline and above ground stations sites under Rule 22.1.10 Maintenance, Replacement and Upgrading Network Utilities to read:

22.1.10 Maintenance, Replacement and Upgrading Network Utilities

(a) The maintenance and replacement of the following utilities:

.....

(vii) Existing gas pipelines and associated above ground station sites.

Submission

3.5 This submission relates to Chapter 25 Assessment Criteria, Section 25.1.1 General Assessment Criteria.

Vector commends the Council for the inclusion of criteria which considers the effect of a proposed subdivision activity on the efficient and effective operation of district significant infrastructure. Vector suggests that when making such

considerations that advice should be sought from the utility operator to understand the effect an activity can have on the operating requirements of particular infrastructure.

Relief Sought

3.6 Vector seeks

Amend the following General Assessment Criteria under Section 24A.1.1 to read:

- (m) The extent a proposed subdivision and subsequent land use will affect the efficient and effective operation of district significant infrastructure. Such consideration will be based on advice provided by the infrastructure manager.

Submission

3.7 This submission relates to Chapter 25 Assessment Criteria, Section 25.7.12 Network Utilities and Wind Monitoring Masts.

With the inclusion of criteria which assesses the effects from subdivision activities on district significant infrastructure under Section 25.1.1, Vector considers that the same consideration should be given to other activities such as land use. These types of activities have the potential to adversely affect the safe and effective operation of significant infrastructure such as gas transmission pipelines.

Relief Sought

3.8 Vector seeks

Include additional assessment criteria under Section 25.7.12 to read:

25.7.12 Network Utilities and Wind Monitoring Masts

.....

- (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.

Submission

- 3.9 This submission relates to Chapter 28 General Provisions, Section 28.2.3 Information Requirement 2: Assessment of Environmental Effects and Technical Information.

Vector suggests that any resource consent application for an activity near regionally significant infrastructure should provide specific information to ensure that such effects are considered and recognised appropriately. Different types of regionally significant infrastructure may operate under its own unique set of technical code and safety requirements. To understand the effect an activity may have on the operation of such infrastructure communication with the infrastructure operator is crucial.

Relief Sought

- 3.10 Vector seeks

Include an additional requirement for information under Section 28.2.3 Information Requirement 2: Assessment of Environmental Effects and Technical Information to read:

.....(j) Regionally Significant Infrastructure

Any resource consent application for an activity near regionally significant infrastructure shall supply the following information:

- (i) The location of any existing regionally significant infrastructure in relation to the proposed activity.
- (ii) Comments from the infrastructure operator confirming what effects the proposed activity may have on the operation of such infrastructure.

IV Vector does wish to be heard in support of this submission.

V If others make a similar submission, Vector would be prepared to consider presenting a joint case at any hearing.

Address for service:

Vector
Private Bag 2020
New Plymouth
Att: Darryl McMillan

Contacts:

Ph: (06) 769 8217
Fax: (06) 759 6494
Email: darryl.mcmillan@vector.co.nz

Dated.....^{7th}.....day of November 2012

Signed



Darryl McMillan
Land Management
Vector Gas Limited

High Pressure Gas Pipelines WELLINGTON



Look out for these signs when planning work in this region



Obtain exact pipeline location and permit before commencing work near a pipeline by contacting us on 0800 734 567 (at least 48 hours notice is required)

DISCLAIMER: This map is provided for information purposes only. Whilst care has been taken in the preparation of this map, Vector, its associates and related companies, accept no liability for the accuracy and completeness of this map and makes no representation or warranty, expressed or implied, in relation to the same. **COPYRIGHT** of this map is vested in Vector Limited. The content may not be reproduced, either in whole or in part, by any means whatsoever without the prior written consent of Vector Limited. Topographical information from Land Information, New Zealand's NZTopo250 Dataset, CROWN COPYRIGHT RESERVED.
DATE OF ISSUE: 17/05/2011 **DRAWING FILE:** GIS-G0000-161-04-B

SUBMISSION FORM
Proposed Horowhenua District Plan
Resource Management Act 1991
Form 5 of Resource Management
(Forms, Fees, Procedure) Regs 2003

Council Use Only
 Date Received:/...../.....
 Submission No: 043



Submissions can be:

Delivered to: Horowhenua District Council Offices, 126 Oxford Street, Levin
 Posted to: Shaping Horowhenua, Horowhenua District Council, Private Bag 4002, Levin 5540
 Faxed to: (06) 366 0983
 Emailed to: districtplan@horowhenua.govt.nz

Submissions must be received no later than 4:00pm 12 November 2012

1. Submitter Contact Details

Full Name: FRANKLYN KEITH LEONG & HEATHER BROWN
 Name of Organisation: *(If on behalf of an Organisation)*
 Address for Service: 48 BRISTOL ST.
 Post code:
 Telephone (Day time): 06 367 2664 Mobile:
 Email:

Note: you must fill in all sections of this form.

2. Trade Competition

I could gain an advantage in trade competition through this submission? Yes No
 I am directly affected by an effect of the subject matter that
 (a) adversely affects the environment; and
 (b) does not relate to trade competition or the effects of trade competition? Yes No

Please note that if you are a person who could gain an advantage in trade competition through the submission, your right to make a submission may be limited by Clause 6 of Schedule 1 of the Resource Management Act 1991.

3. The specific provisions of the Proposed District Plan that my submission relates to are as follows: (Please specify the Rule, Policy or Map number your submission relates to)

PLANNING MAP 28A COMMERCIAL ZONE CHAPTER 17
THE ESSEX ST. PROPERTIES, DETAILED AS PROPOSED COMMERCIAL
ZONED.

(Continue on a separate sheet if necessary)

48 Bristol St.

Levin

9th Nov 2012

To Sir or Madam, Council,

Re: Submission No 4.

As we live on the corner of Bristol and Essex St, Council want to change our Residential area to Commercial.

These are my concerns if the proposals goes ahead.

- TRAFFIC.** Increase of Traffic volume and noise e.g. Big trucks are getting bigger, now coming down our streets, and there have been increases of crashes since we have been here.
- CHILDREN** Grandchildren living here going to shops and school with increase of traffic.
- PETS.** Being a pet owner pets could get run over especially when increase of traffic occurs in busy periods.
- ELDERLY.** Having a Rest Home near by, worry about the elderly walking, on scooters, or their walkers, with increase of traffic. I have personally help elderly cross roads with walkers as sometimes they get stuck with their wheels.
- ENVIRONMENT.** Would we see unattractive Barb wire fences, and glaring flood lighting (security), at nite around New Commercial Buildings, and would we have a increase in Rodents, e.g. Rats, Mice, and Feral Cats.
- Health.** Health is another issue with the stress put on family with all the proposals that have put about, its to hard in some areas of the proposals to understand.

Myself, and two Grandchildren suffer Asthma + Sinus trouble with increase of heavy traffic would stir more dust and so on into the air. Its bad enough when Council do roading.

Council. And finally Question to the Council.

Why don't we use our empty buildings that are already zoned Commercial or Industrial for retail, without encroaching on Residential dwellings and land. If these dwellings are filled with Retail outlets or other business purposes. I think there would be a decrease in vandalism + Graffiti

CONSULTATION.

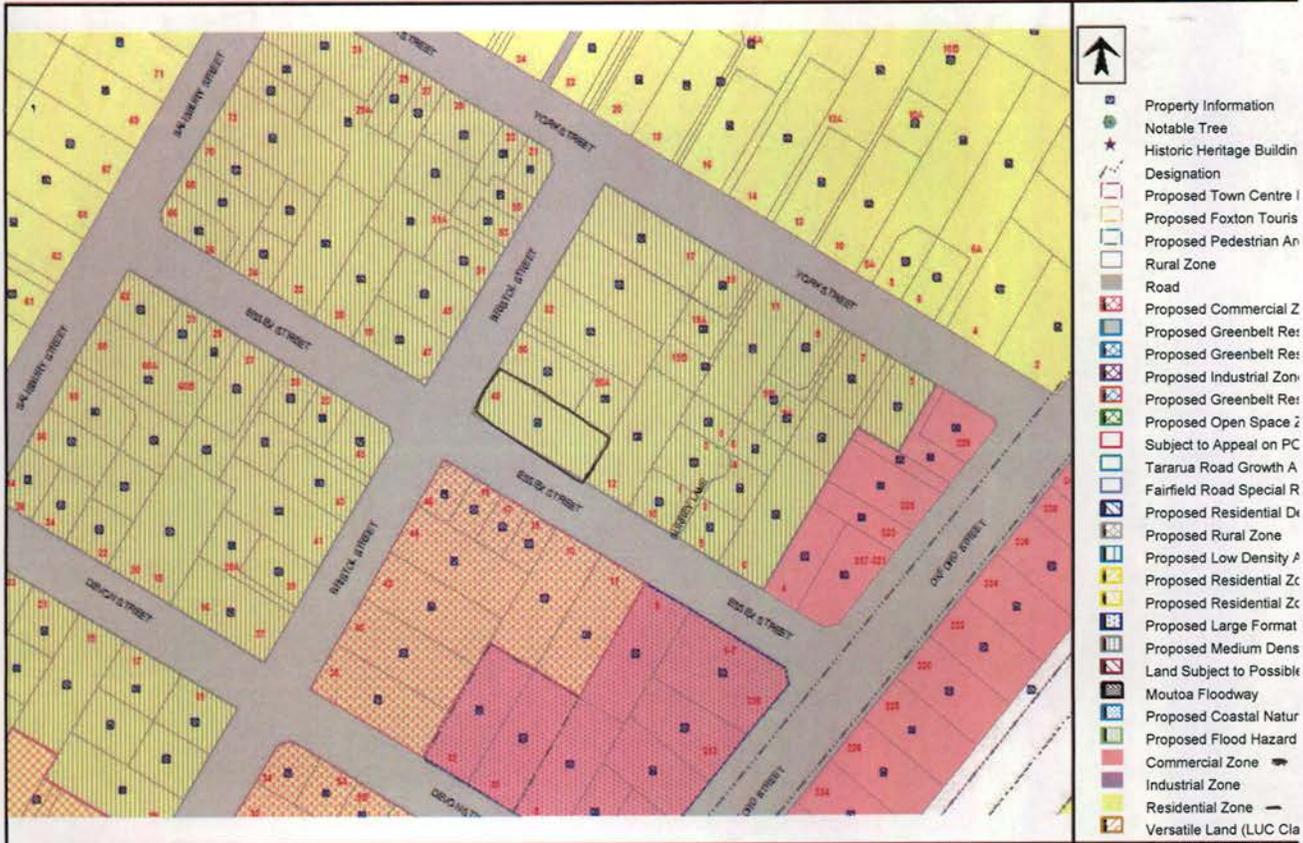
No Consultation with home owners about change of re zoning from residential to commercial, As this area has been a long termed Residential for many years. and if so how many Residents. have been informed before Sept. 19th 2012. in Bristol + Essex st.

Thanking you.
M.K.L.

Changes for Levin

- Rezoning of some properties in Levin from Residential to Commercial (Oxford Street, Cambridge Street, Tyne Street, Exeter Street, Keepa Street, Stuckey Street, Queen Street East, Winchester Street, Bristol Street, Devon Street, Essex Street, Bath Street and Bledisloe Street);
- Rezoning of a property from Industrial to Rural (Hamaria Road & Mako Mako Road, Levin);
- Rezoning of rural properties from Rural to Industrial (Hokio Beach, Levin) and from Rural to Residential (Mako Mako Road, Levin);
- Introduction of a Medium Density Overlay Area, and accompanying rules, in the Residential Zone in parts of Levin (Weraroa Road, Durham Street, Bath Street, Winchester Street, Kent Street, Cambridge Street, Manchester Street, Queen Street East & West, Stanley Street, Salisbury Street, Exeter Street, Bristol Street, Devon Street, Essex Street and York Street);
- Introduction of a Large Format Retail Overlay Area, and accompanying rules, to part of the area zoned Commercial in Levin (the Area includes properties on Stanley Street, Bristol Street, Devon Street, Exeter Street, Essex Street, and Oxford Street);
- Introduction of a Pedestrian Area Overlay, and accompanying rules, to part of the area zoned Commercial in Levin (Area includes properties on Oxford Street, Durham Street, Salisbury Street, Bath Street, Regent Lane, Queen Street West, Chamberlain Street, Exeter Street and Stanley Street);

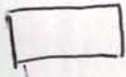
Changes for Foxton



100 m 1 : 1717
 The information displayed in this map has been taken from HDC's databases. It is made available in good faith but its accuracy or completeness is not guaranteed.

Produced by Horowhenua District Council 14:44
 8/11/2012

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Submission by Genesis Power Limited

Trading as Genesis Energy

ON

Proposed Horowhenua District Plan

09 November 2012

Submission by Genesis Power Limited

Trading as Genesis Energy

ON

Proposed Horowhenua District Plan

To: Planning Department – Shaping
Horowhenua
Horowhenua District Council
Private Bag 4002
Levin 5540

Date: 9 November 2012

Name: Genesis Power Limited

Contact: Kellie Roland
Environmental Policy Manager
Level 2
11 Chews Lane
PO Box 10568
WELLINGTON

Phone: 04 495 3340

Fax: 04 495 6363

E-mail: kellie.roland@genesisenergy.co.nz

Submission on the Proposed Horowhenua District Plan

Genesis Power Limited trading as Genesis Energy (“Genesis Energy”) welcomes the opportunity to submit on the Proposed Horowhenua District Plan (“the Proposed Plan”).

We depend upon and fully support the principles of sustainable management and efficient use of resources as outlined in Part 2 of the Resource Management Act (“the Act”). We have particular interests in ensuring the Proposed Plan provides for the development of new renewable electricity generation sites within the Horowhenua District.

Comments on the Proposed Plan

The National Policy Statement for Renewables Electricity Generation (“the Renewables NPS”) requires Councils to recognise the need to develop, operate, maintain and upgrade renewable electricity generation throughout New Zealand.

We consider that the Proposed Plan generally responds well to the Renewables NPS. However, we have identified some key improvements that should be made to properly implement the Renewables NPS. Many of our suggested amendments are relatively minor, however seek to ensure consistency with the Act and to improve the general usability of the Plan.

The key areas that we consider Council needs to address in the Proposed Plan are:

1. The Proposed Plan seeks to create a pseudo Outstanding Landscape overlay across a large portion of the District by requiring views from the Levin urban area of the Tararua ranges are not interrupted, which will unduly restrict land use and development across a substantial area of the Horowhenua District.
2. There are a number of policies currently in Chapter 12 (Utilities and Energy) that do not fit with the overall purpose and objective of that Chapter. We suggest that these policies be deleted from Chapter 12 and are reinstated in Chapters 2, 5, 6 and 7.
3. The Proposed Plan suggests that activities that do not conform with the permitted activity standards set out in Chapter 22 will fall to be considered as discretionary activities. We consider that this is an onerous default for

relatively benign, temporary activities such as wind monitoring masts. To address this issue, we propose a new controlled activity rule for wind monitoring masts.

4. The Proposed Plan does not properly recognise the positive local, regional and national benefits of the development and use of renewable energy infrastructure. We suggest that this recognition is important for the proper implementation of Councils obligations under the Renewables NPS.

Appendix 1 details our specific submission points, the reasons for our submissions and the specific relief sought. In addition, we seek any additional consequential amendments necessary to give effect to our submission.

We wish to be heard in support of this submission and confirm we will not gain an advantage in trade competition through this submission.

Should you have any questions regarding the comments made, please do not hesitate to contact me at 04 495 3348.

Genesis Power Limited

A handwritten signature in black ink, appearing to read 'K. Roland', is positioned above the typed name.

Kellie Roland
Environmental Policy Manager

Appendix 1: Specific Submission Points

Provision	Support / Oppose	Reasons for the Submission	Relief Sought
Part A: Introduction Part B – Objectives and Policies (page A-10)	Support in Part	When assessing a resource consent application under section 104 of the RMA, the activity does not have to comply with each and every objective and policy in the relevant plan, but rather the relevant objectives and policies must be looked at in a holistic and comprehensive manner. This should be outlined within Part B – Objectives and Policies.	Add the following paragraph after the third paragraph in Part A Introduction (Part B – Objectives and Policies): <u>While the objectives and policies form a comprehensive suite of outcomes for the region, the 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>
Chapter 12 Objectives and Policies: Utilities and Energy			
Objective 12.2.1 (page 12-7)	Support in Part	Objective 12.2.1 generally gives effect to the Renewables NPS however would benefit from being reworded to be clearer in its meaning and more concise.	Amend Objective 12.2.1 to read: To recognise the need for , and provide for the development and use of <u>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</u> avoided, remedied or mitigated.
Policy 12.2.2	Support	Policy 12.2.2 gives effect to Policy E1 of the Renewables NPS and on this basis it is	Retain Policy 12.2.2.

Provision	Support / Oppose	Reasons for the Submission	Relief Sought
(page 12-7)		supported.	
Policy 12.2.3 (page 12-7)	Support in Part	Policy 12.2.3 provides for the continued operation, maintenance and upgrading of existing renewable electricity generation infrastructure. It is appropriate to amend the policy to ensure consistency with the Act.	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 <u>can be avoided, remedied or mitigated.</u>
Policy 12.2.4 (page 12.2.4)	Support in Part	While the intent of Policy 12.2.4 is supported, it repeats Objective 12.2.1.	Delete Policy 12.2.4 in its entirety.
Policy 12.2.5 (page 12-8)	Support	Policy 12.2.5 gives effect to the Renewables NPS however would be better served if it was separated into two policies, given the diversity of the issues that it covers.	<u>Amend Policy 12.2.5 to read:</u> 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. <u>Insert Policy XX which reads:</u> <u>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.</u>
Policy 12.2.6 (page 12-8)	Oppose	Policy 12.2.6 replicates Objective 12.2.1 however seeks to afford greater protection to “those parts of the environment most sensitive to change”. The plan defines Outstanding Natural Features and	Delete Policy 12.2.6 in its entirety.

Provision	Support / Oppose	Reasons for the Submission	Relief Sought
		Landscapes (Plan Change 22), however does not identify “parts of the environment most sensitive to change”. On the basis that the assessment of this policy will be subjective and replicates Objective 12.2.1, it is considered Policy 12.2.6 should be deleted in its entirety.	
Policy 12.2.7 (page 12-8)	Oppose	Plan Change 22 has adopted a non-complying activity status for activities within Outstanding Natural Landscapes and Features. The two tiered non-complying threshold test requires applicants to meet one of the two threshold tests in order for consent to be granted. 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.	Amend Policy 12.2.7 to read: 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 <u>cannot be avoided, remedied or mitigated.</u>
Policy 12.2.8 (page 12-8)	Oppose	The Tararua Ranges are identified as an Outstanding Landscape within the District Plan. Policy 12.2.8 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 are not interrupted. This creates a pseudo Outstanding Landscape overlay on a large portion of the District. On this basis, Policy 12.2.8 is considered to be onerous	Delete Policy 12.2.8 in its entirety.

Provision	Support / Oppose	Reasons for the Submission	Relief Sought
		and does not give effect to the Renewables NPS.	
Policy 12.2.9 (page 12-8)	Support	Policy 12.2.9 gives effect to Policy G of the Renewables NPS, which provides for the investigation, identification and assessment of potential sites and energy sources for renewable electricity generation.	Retain Policy 12.2.9 in its entirety.
Policy 12.2.10 (page 12-8)	Support	Policy 12.2.10 gives effect to Policy G of the Renewables NPS, which provides for the investigation, identification and assessment of potential sites and energy sources for renewable electricity generation.	Retain Policy 12.2.10 in its entirety.
Policy 12.2.11 (page 12-8)	Support	Policy 12.2.11 gives effect to Policy D of the Renewables NPS, which seeks to avoid reverse sensitivity effects.	Retain Policy 12.2.11 in its entirety.
Policy 12.2.12 (Page 12-8)	Support in Part	Policy 12.2.12 seeks to encourage energy efficiency and conservation practices, including the use of energy efficient material and renewal energy in development. While the policy is generally supported, it is considered that it does not appropriately respond to the identified issues within the Utilities and Energy Chapter, nor does it support Objective 12.2.1. We consider the policy would be better suited to those chapters which provide for subdivision and development (i.e. zone chapters).	Delete Policy 12.2.12 from Chapter 12 and reinstate in Chapters 2, 5, 6 and 7.

Provision	Support / Oppose	Reasons for the Submission	Relief Sought
Policy 12.2.13 (Page 12-8)	Support in Part	Policy 12.2.13 seeks to encourage subdivision and development to be designed so that buildings can utilise energy efficiency and conservation measures. While the policy is generally supported, it is considered that it does not appropriately respond to the identified issues within the Utilities and Energy Chapter, nor does it support Objective 12.2.1. We consider policy 12.2.13 would be better suited to those chapters which provide for subdivision and development (i.e. zone chapters).	Delete Policy 12.2.13 from Chapter 12 and reinstate in Chapters 2, 5, 6 and 7.
Policy 12.2.14 (Page 12-8)	Support in Part	Policy 12.2.14 seeks to encourage innovative design in respect to transportation networks. While the policy is generally supported, it is considered that it does not appropriately respond to the identified issues within the Utilities and Energy Chapter, nor does it support Objective 12.2.1. We consider the policy would be better suited to Chapter 10 (Transportation).	Delete Policy 12.2.14 from Chapter 12 and reinstate in Chapter 10
Chapter 22 Rules: Utilities and Energy			
General Comment		Chapter 22 contains a list of permitted activities. It is not clear in the chapter what activity status an activity defaults to if it does not meet the permitted activity standard. The plan appears to be silent in	Include statement within Chapter 22 clarifying the activity status of those activities not complying with the permitted activity criteria.

Provision	Support / Oppose	Reasons for the Submission	Relief Sought
		<p>this regard. If the intention is 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.</p>	<p>Add Controlled Activity rule for wind monitoring masts not complying with Rule 22.1.8(b).</p> <p><u>Rule XX</u></p> <p><u>Any wind monitoring mast not complying with Condition 22.1.8 is a controlled activity.</u></p> <p><u>Control is reserved over:</u></p> <ul style="list-style-type: none"> i. <u>The scale and bulk of the wind monitoring mast in relation to the site;</u> ii. <u>The built characteristic of the locality;</u> iii. <u>The extent to which the effects of the height can be mitigated by setbacks, planting, design or the topography of the site;</u> iv. <u>Effects on landscape values;</u> v. <u>Effects on amenity values;</u> vi. <u>Duration of consent sought.</u>
<p>General Comment</p>		<p>For completeness, it is considered that all rules pertaining to Utilities and Energy should be included within Chapter 22. For example, Rule 19.4.6(b) provides for wind energy facilities in the Rural Zone as a discretionary activity. The discretionary activity status for wind energy facilities is supported.</p> <p>Furthermore, it is noted that the plan does not specifically provide for other forms of renewable electricity generation. It would be</p>	<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>

Provision	Support / Oppose	Reasons for the Submission	Relief Sought
		helpful if this matter was addressed in Chapter 22 also.	
Rule 22.1.8(b)(i) (page 22-3)	Support	Rule 22.1.8(b)(i) provides for wind monitoring masts, up to 80 metres in height, as a permitted activity, which is considered appropriate.	Retain Rule 22.1.8(b)(i).
Rule 22.1.8(b)(ii) (page 22-3)	Oppose	Rule 22.1.8(b)(ii) prescribes a maximum diameter of 250mm as a permitted activity. It is considered that the maximum diameter prescribed by this rule may preclude the use of typical wind monitoring structures (e.g. lattice structures) which have a width greater than 250mm. It is considered appropriate that the Plan provides for structures which have a width of up to 500mm, such that common structures comply with the permitted activity threshold.	Amend Rule 22.1.8(b)(ii) to read: (ii) Maximum Diameter 250mm <u>500mm</u> .
Rule 22.1.8(b)(iii) (page 22-3)	Oppose	Rule 22.1.8(b)(iii) imposes an arbitrary setback of 500 metres from all boundaries. Often, wind farms comprise multiple computer freehold registers (formerly Certificates of Title) and as such, the rule as written has the potential to default the erection of a wind monitoring device to a Discretionary Activity, where it is located closer than 500-metres to a boundary, which may be within the “windfarm site”. The Section 32 analysis is silent on the need for	Amend Rule 22.1.8(b)(iii) to read: (ii) Minimum Setback: 500 metres from all boundaries <u>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.</u> <u>Subsequential Amendment to the definition of “site” as follows:</u> an area of land comprised wholly of one (1) <u>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

Provision	Support / Oppose	Reasons for the Submission	Relief Sought
		<p>a 500 metre setback, which seems excessive, specifically given the general overall visual appearance of wind monitoring mast and their temporary nature. In the rural zone, the greatest setback requirement for a building from the site boundary is 20-metres, where that building can be 15 metres in height.</p> <p>It is noted that the rule as written requires wind monitoring masts to be off-set from 'boundaries' which is not a term defined by the Plan. The plan defines a site as</p> <p><i>"...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".</i></p> <p>While wind monitoring masts do not emit any noise, it would be appropriate that any offset is taken from the notional boundary of a site, as this is where amenity is likely to be affected.</p>	<p><u>freehold</u> register.</p> <p><u>Subsequential Amendment to the definition of "notional boundary" as follows:</u></p> <p>with regard to the measurement of noise, the legal boundary of the <u>property site</u> on which any rural dwelling is located or a line 20m from the dwelling whichever point is closer to the dwelling.</p>
Chapter 25 Assessment Criteria			
Assessment	Support in Part	To give effect to the Renewables NPS, it is considered appropriate that regard is had to	Amend Assessment Criteria 25.2.1(d) to read:



Provision	Support / Oppose	Reasons for the Submission	Relief Sought
Criteria 25.2.1(d) (page 25-11)		any reverse sensitivity effect that may be generated by the establishment of a landuse activity in proximity to an existing renewable energy generation site.	The likelihood of the proposed activity to generate reverse sensitivity effects on the primary production, <u>existing renewable energy generation sites</u> 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.
Assessment Criteria 25.7.12(f) (page 25-32)	Support in Part	Wind monitoring masts are located in the most operationally and technically practicable location on a site to obtain the necessary wind speed and direction data. On this basis, it is considered inappropriate for Assessment Criteria 27.7.12(f) to include wind monitoring masts.	Amend Assessment Criteria 27.7.12(f) to read: <u>With respect to network utilities, W</u> whether alternative locations, routes or other options are economically, operationally, physically or technically practicable.
New Assessment Criteria 25.2.1(l)		It is considered appropriate that the positive local, regional and national benefits of an activity are recognised in the assessment of an activity.	Insert the following Assessment Criteria <u>The positive local, regional and national benefits promoted by the development or use.</u>
Assessment Criteria 25.7.13(a)(ii) (page 25-32)	Oppose	Assessment criteria 25.7.13(a)(ii) seeks to assess the visual effects of a wind energy facility on the landscape through an assessment of the number and height of turbines in a development. The number, placement and type of wind turbines within a windfarm is undertaken as part of a comprehensive feasibility study at the commencement of a project. Any amendments to the number or height of turbines through the resource consent	Deleted criteria 25.7.13(a)(ii) in its entirety.

Provision	Support / Oppose	Reasons for the Submission	Relief Sought
		process can undermine the viability of the project. The effects of a windfarm should be considered based on the information supplied in an application and balanced with a broad judgement of effects of the development accordingly. On this basis, it is considered that Assessment criteria 25.7.13(a)(ii) is inappropriate and should be deleted in its entirety.	
Assessment Criteria 25.7.13(b) (page 25-33)	Support in Part	Assessment Criteria 25.7.13(b) seeks to assess the ecological effects of a wind farm including the effects on waterways. The management of waterways is a Regional Council function and as such reference to "impacts on waterways" should be removed from Assessment Criteria 25.7.13(b)	Amend Assessment Criteria 25.7.13(b) to read: 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.
Assessment Criteria 25.7.13(i) (page 25-33)	Support in Part	It is considered appropriate that the positive local, regional and national benefits of an activity are recognised in the assessment the development and use of renewable energy infrastructure.	Insert the following Assessment Criteria Amend Assessment Criteria 25.7.13(i) The <u>positive local, regional and national</u> benefits to be derived from <u>the use and development of</u> renewable energy <u>infrastructure</u> .
Consequential Amendments		We acknowledge that it may be necessary to make consequential amendments to the LWRP to give effect to the relief sought in this submission.	Make consequential amendments as necessary to give effect to this submission.

Form 5

Submission on a publicly notified proposal for policy statement or plan Clause 6 of first schedule, Resource Management Act 1991

To: districtplan@horowhenua.govt.nz

Name of submitter:

Landlink Ltd

This is a submission on the following proposed plan:

Horowhenua District Plan

The specific provisions of the proposal that my submission relates to are:

Condition 19.6.4 Building setbacks from boundaries and separation distances ... on sites of 5,000m² or less ... (viii) 3 metres from any other site boundary

Our submission is:

In support

We seek the following decision from the local authority:

To make condition 19.6.4 (viii) operative

We do not wish to be heard in support of our submission.

Ben Addington

Signature of person authorised to sign on behalf of submitter

9 November 2012

Date

999
9 November 2012



Address for service of submitter: Landlink Ltd
PO Box 370
WAIKANAE 5250

Telephone: (04) 902 6161

Email: ben@landlink.co.nz

Contact person: Ben Addington, Senior Planner

SUBMISSION FORM
Proposed Horowhenua District Plan
Resource Management Act 1991
Form 5 of Resource Management
(Forms, Fees, Procedure) Regs 2003

<p>Council Use Only</p> <p>Date Received:/...../.....</p> <p>Submission No:</p>
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Submissions can be:
 Delivered to: Horowhenua District Council Offices, 126 Oxford Street, Levin
 Posted to: Shaping Horowhenua, Horowhenua District Council, Private Bag 4002, Levin 5540
 Faxed to: (06) 366 0983
 Emailed to: districtplan@horowhenua.govt.nz

Submissions must be received no later than 4:00pm 12 November 2012

1. Submitter Contact Details

Full Name: Vincero Holdings Limited

Name of Organisation: *(If on behalf of an Organisation)* Land Matters Limited

Address for Service: 20 Addington Road, RD 1, Otaki

..... Post code: 5581.....

Telephone (Day time): 06 364 7293 Mobile: 021 877 143.....

Email: bryce@landmattersnz.com.....

Note: you must fill in all sections of this form.

2. Trade Competition

I could gain an advantage in trade competition through this submission? Yes No

I am directly affected by an effect of the subject matter that
 (a) adversely affects the environment; and
 (b) does not relate to trade competition or the effects of trade competition? Yes No

Please note that if you are a person who could gain an advantage in trade competition through the submission, your right to make a submission may be limited by Clause 6 of Schedule 1 of the Resource Management Act 1991.

3. The specific provisions of the Proposed District Plan that my submission relates to are as follows: (Please specify the Rule, Policy or Map number your submission relates to)

See Attached

.....

.....

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.....

.....

(Continue on a separate sheet if necessary)

Form 5

Submission on publicly notified proposed plan under
the First Schedule, Resource Management Act 1991

To *Horowhenua District Council*

Name of submitters: *Vincero Holdings Limited*

This is a submission on the following proposed plan (the **proposal**):

Proposed Horowhenua District Plan September 2012

The specific provisions of the proposal that our submission relates to are:

See Part 2 and 3 of the submission (attached).

Our submission is:

See Part 2 of the submission (attached).

The submitter seeks the following decision from the local authority:

See part 3 of the submission (attached).

The submitters wish to be heard in support of this submission.



Signature of person

authorised to sign on

behalf of Vincero Holdings Limited

Date

9 November 2012

Address for Service of Submitter:

C/- Land Matters Limited, 20 Addington Road, RD 1, Otaki

Telephone:

06 364 9143 (DDI)

Fax/email:

06 364 5142/bryce@landmattersnz.com

Contact Person:

Bryce Holmes – Principal Planner - MNZPI

IN THE MATTER

of the Resource Management Act
1991

AND

IN THE MATTER

of Proposed Horowhenua District
Plan (“Proposed District Plan or
PDP”)

SUBMISSIONS OF VINCERO HOLDINGS LIMITED (“THE SUBMITTER”)

1. INTRODUCTION & BACKGROUND

- 1.1 We represent the owner of lands contained within Council’s recently notified Proposed District Plan. The submitter owns the property situated at Muhunoa Road, Ohau.
- 1.2 The land is shown on Planning Maps 7, 39 and 41. The land is legally described as Lot 1 DP 48282 and is just over 100ha. The land is subject to a comprehensive RMA approval by Council and which includes a Management Plan that has also been certified by the Council. The application number is SUB/2729/2009. The management plan has been assessed by Council and would result in achieving the purpose and principles of the Act.

2. SUBMISSIONS

- 2.1 The Submitter has concerns with some of the rules, conditions, and other provisions that are applied to the Rural Zone and Rural Domains.
- 2.2 The submitter **opposes condition 19.6.13(a)**. It states:

19.6.13 Sites of significance to Tangata Whenua

- (a) *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 Council prior to the time that any activity or development is proposed.*

- 2.3 The reason for the opposing this condition is because it could lead to the situation where people use the condition inappropriately. What constitutes a site of significance to Maori? Who will be the judge of this? These should be shown in the Proposed Plan if known to Council at this point in time, and if others are discovered, then the Historic Places Act 1993 is the appropriate legislation to manage the administration of the site.

Relief Sought

The submitter seeks condition 19.6.13(a) is deleted from the Proposed Plan.

- 2.4 The Submitter opposes **part 24.1.1** in chapter 24 of the Proposed Plan. 24.1.1(a) requires compliance with NZS 4404:2010 for all subdivision and development. Development is defined in chapter 26 and is all encompassing. 24.1.1(b) requires all public road reserves to be 20 metres wide. 24.1.1(c) requires rights of way serving up to 12 unit to be 10 – 12 metres wide.

- 2.5 The above standards are inconsistent with each other in that NZS 4404:2010 contains provisions for roads to be less than 20 metres wide. Condition (a) is therefore inconsistent with (b). Requiring compliance with NZS 4404:2010 is problematic in itself given there are elements in the standard that a discretionary on the part of the relevant Territorial Authority. Technical compliance may not be achieved because of this.

Relief Sought

The submitter seeks condition 24.1.1 is deleted from the Proposed Plan in its entirety and these matter become matters to consider in the consent process.

- 2.6 The submitter opposes **Planning Maps 7 and 41** which show part of its land within the **Proposed Coastal Natural Character and Hazards Area and Coastal Outstanding Natural Feature Landscape (ONFL)**. These matters have all been assessed and canvassed in a comprehensive RMA process culminating in a management plan for the property. The implications of the planning map notations could result in inconsistent administration of the provisions applying to the planning maps 7 and 41 and the management plan for the land.

Relief Sought

The submitter seeks the Proposed Coastal Natural Character and Hazards Area and Coastal Outstanding Natural Feature Landscape (ONFL) be amended to the area covered by D135 on the planning maps and removed from Lot 1 DP 48282.

- 2.7 Throughout the Proposed Plan there are statements that because Plan Changes 20 – 22 are not operative they do not form part of the Proposed Plan Change. It goes further to suggest that Plan Changes 20 – 22 are not open for submission. This is despite Plan Changes 20 – 22 being an integral and integrated part of the Proposed District Plan. There is a relationship between Plan Change 22, earlier Plan Change 20, and now the overlay of the Proposed Coastal Natural Character and Hazard Area (Map 7). In terms of this relationship is could lead to inconsistent administration between the District Plan and a Management Plan developed through the RMA process for the submitters land. This is particularly the case with all of **Chapters 3, 5, 8** and the **rules** in **Chapter 19**. The submitter opposes those provisions.

Relief Sought

The submitter seeks the Proposed Coastal Natural Character and Hazards Area and Coastal Outstanding Natural Feature Landscape (ONFL) be amended to the area covered by D135 on the planning maps and removed from Lot 1 DP 48282.

In the alternative;

Council amends the provisions of Chapters 3, 5, 8 and 19 to give effect and enables the certified Muhunoa Forest Park Management Plan that is contained in file SUB/2729/2009.

3. CONCLUSION and RELIEF SOUGHT

- 3.1 The submitter looks forward to engaging with the Council on these matters to achieve a suitable outcome for all parties.

- 3.2 However at the moment there are issues with parts of the Proposed Plan and:

- In terms of Section 32 or the Act, the Proposed Plan is not efficient or effective; and
- The Section 32 Report is deficient in the analysis of the costs and benefits of the new provisions, and the analysis is deficient

in that some of the provisions are not the most appropriate way to achieve the purpose of the Act.

3.3 The submitters seek the following relief:

3.3.1 Consistency with the enabling purpose of the RMA; and

3.3.2 Amendments to the Proposed Plan to reflect its submissions.

3.3.3 Any similar or consequential relief.

November 2012

Fax: 06 355 4115
File No: 19.2.1
DM 897646

12 November 2012

David Ward
Chief Executive
Horowhenua District Council
Private Bag 4002
Levin 5540

Good afternoon David,

Thank you for the opportunity for to provide a submission on the Proposed District Plan for Horowhenua.

Introduction

The Palmerston North City Council thanks the Horowhenua District Council for the opportunity to comment on the Shaping Horowhenua - Proposed Horowhenua District Plan.

Specific Comment – Chapter 14

The Palmerston North City Council is generally supportive of the consultative approach identified in Chapter 14 Cross Boundary Issues. Of particular relevance to the Council is the consultative approach and process outlined in relation to consenting Windfarm developments which have the potential to impact on the Palmerston North City Council. The proposed objective, policies and methods outlined in Chapter 14 is supported.

This approach will provide for an integrated and consistent approach to managing windfarm development applications where they across district boundaries.

Decision Requested:

Retain the planning approach and process for managing cross boundaries issues in relation to windfarm applications.

We thank the Horowhenua District Council for this opportunity to provide a submission and look forward to engaging further on the proposed District Plan plan as it goes through the plan making process.

Yours faithfully



Cynthia Ward
SENIOR POLICY PLANNER



HD094802

Cont C. R. Dawson Rule No. 19.6.4 A3.

5/ I would like to see the smaller properties (< 5000sqm) that require a closer than 10 metres distance to the boundary, have to apply for the distance to be reduced, on 1 or all boundaries, and by 1-5 metres depending on their requirements

At the time of Building Consent, I would like all Affected and Concerned Parties this should include Neighbouring Properties (Not part of the particular subdivision) able to have their say.

These smaller properties are concentrating population in areas that may not be able to cope in the future without help i.e. Town facilities such as Water, Sewage, and Stormwater.

They have also taken away the Rural Aspect of a subdivision by concentrating Homes to close together.

To look after the Environment and to keep the Rural Aspect of these subdivisions The Council should look more closely at all buildings being built on properties. Such as Garages Sheds etc that are being converted later to live in

4. My submission is that: (Clearly state whether you SUPPORT or OPPOSE specific parts of the Proposed District Plan or wish to have amendments made, giving reasons for your views)

I Support a 10 metre setback distance for all houses on rural Properties. I Oppose the fact that there have been allowances made for smaller (< 5000m²) Rural Properties to have a reduced setback distance to 3 metres.

(Continue on a separate sheet if necessary)

5. I/We seek the following decision from the Horowhenua District Council: (Give precise details of what amendments you wish to see and your reasons)

On attached Page:

(Continue on a separate sheet if necessary)

6. Proposed District Plan Hearing

Do you wish to attend the Council hearing for the Proposed District Plan? Yes No

Do you wish to be speak in support of your submission at the hearing? Yes No

If others make a similar submission would you be prepared to consider presenting a joint case at the hearing? Yes No

I have attached ... additional pages to this submission.

Signature of Submitter: R. Plauer Date: 8/11/12
(Or person authorised to sign on behalf of submitter)

Note: A signature is not required if you make your submission by electronic means.

Submissions must be received no later than 4:00pm 12 November 2012

Further Information

If you require further information about the Proposed District Plan please visit the Council website www.horowhenua.govt.nz or email districtplan@horowhenua.govt.nz or phone (06) 366 0999.

Privacy Act 1993

Please note that submissions are public information. Information on this form including your name and submission will be accessible to the media and public as part of the decision making process. Council is required to have this by the Resource Management Act 1991. Your contact details will only be used for the purpose of the Proposed District Plan process. The information will be held by the Horowhenua District Council, 125 Oxford Street, Levin. You have the right to access the information and request its correction.

SUBMISSION FORM
Proposed Horowhenua District Plan
Resource Management Act 1991
Form 5 of Resource Management
(Forms, Fees, Procedure) Regs 2003

Council Use Only
 Date Received: 12.11.12
 Submission No: 069



Submissions can be:
 Delivered to: Horowhenua District Council Offices, 126 Oxford Street, Levin
 Posted to: Shaping Horowhenua, Horowhenua District Council, Private Bag 4002, Levin 5540
 Faxed to: (06) 366 0983
 Emailed to: districtplan@horowhenua.govt.nz

Submissions must be received no later than 4:00pm 12 November 2012

1. Submitter Contact Details

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 Name of Organisation: (If on behalf of an Organisation)
 Address for Service: 50 Leah Mackay Drive
 Waukawa Beach Post code:
 Telephone (Day time): 06 2933 768 Mobile: 021 625 167
 Email: marie.blundell@xtra.co.nz

Note: you must fill in all sections of this form.

2. Trade Competition

I could gain an advantage in trade competition through this submission? Yes No

I am directly affected by an effect of the subject matter that (a) adversely affects the environment; and (b) does not relate to trade competition or the effects of trade competition? N/A Yes No

Please note that if you are a person who could gain an advantage in trade competition through the submission, your right to make a submission may be limited by Clause 6 of Schedule 1 of the Resource Management Act 1991.

3. The specific provisions of the Proposed District Plan that my submission relates to are as follows: (Please specify the Rule, Policy or Map number your submission relates to)

Map 36 - Waukawa Beach
 Rural Zone - R.U.7

(Continue on a separate sheet if necessary)

4. My submission is that: (Clearly state whether you SUPPORT or OPPOSE specific parts of the Proposed District Plan or wish to have amendments made, giving reasons for your views)

Oppose specific part of Rural Grading R.4.7 of the Proposed District Plan.

(Continue on a separate sheet if necessary)

5. I/We seek the following decision from the Horowhenua District Council: (Give precise details of what amendments you wish to see and your reasons)

Amendment - removal of rural grading to residential - see attached submission

(Continue on a separate sheet if necessary)

6. Proposed District Plan Hearing

Do you wish to attend the Council hearing for the Proposed District Plan? Yes No

Do you wish to be speak in support of your submission at the hearing? Yes No

If others make a similar submission would you be prepared to consider presenting a joint case at the hearing? Yes No

I have attached 002 additional pages to this submission.

Signature of Submitter: [Signature] Date: 09-11-12 (Or person authorised to sign on behalf of submitter)

Note: A signature is not required if you make your submission by electronic means.

Submissions must be received no later than 4:00pm 12 November 2012

Further Information

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Please note that submissions are public information. Information on this form including your name and submission will be accessible to the media and public as part of the decision making process. Council is required to have this by the Resource Management Act 1991. Your contact details will only be used for the purpose of the Proposed District Plan process. The information will be held by the Horowhenua District Council, 126 Oxford Street, Levin. You have the right to access the information and request its correction.

HOROWHENUA DISTRICT COUNCIL

SUBMISSION

19.4.7

We strongly oppose the proposed Horowhenua District Council plan in respect to the rural grading of Reay MacKay /Strathnaver Drives, Waikawa Beach and wish to seek an amendment.

The area was set up and sold as premium lots bought on the understanding that the council had covered the margin from property/sea distance with specific building platforms, arising from resource requirements designated by the council. As such this development has attracted mid to high end homes, no resemblance to the rural areas as noted on the map. We seek to be aligned with the same arrangements as those given to Waiterere albeit it a smaller area.

The hazard situation is opposed as the setting up of the area and the margin of sandhill reserve does in no way require hazard zoning and is quite different to the situation faced by Paekakariki and Raumati where housing was built directly on the edge of the beach area.

One cannot predict nature; earthquakes, storms, floods, drought etc and historical evidence as produced on mapping of the area shows that over the last 100 years movement has been in and out and never further inland than the worst level of 1942. The sandhill reserve in place before development resource consent was granted over compensates for any expected erosion and as such took into consideration any environmental or erosion predictions.

This residential lifestyle area was developed to council covenants and requirements with approval by council/regional direction to ensure development of the area taking into account protection of erosion and the natural environment.

In closing we would like to emphasise that the area is akin to a village with diligent owners who are attuned to the environment and made the choice to live because of the restrictions placed on each of the properties as directed by council. We request that an amendment from rural grading to residential in respect of the area mentioned in the opening be favourably considered.

Alan & Marie Blundell

RAYONIER NEW ZEALAND LTD

SUBMISSION ON THE PROPOSED HOROWHENUA DISTRICT PLAN 2012

To: Horowhenua District Council

126-148 Oxford Street
Levin 5510

By email: enquiries@horowhenua.govt.nz

Submitter: **Rayonier New Zealand Ltd**

Address: Rayonier New Zealand Ltd
PO Box 13 285
Tauranga 3141

Contact: Kelvin Meredith

Telephone: 07 927 2405 or 027 4311 040
Fax: 07 927 2411
Email: kelvin.meredith@rayonier.com

1 INTRODUCTION

- 1.1 Rayonier New Zealand Ltd (RNZ) manages 178,000 hectares of plantation forest in New Zealand, on behalf of Matariki Forests, of which 2583 ha are within the Horowhenua District. Matariki Forests is the third largest forestry company New Zealand and has estate in most regions of New Zealand. On a day to day basis, RNZ manages for planning rules of 10 Regional Councils and 26 District Councils.
- 1.2 RNZ acknowledge the Horowhenua District Councils (HDC) approach to identifying the resource management objectives for the key environmental issues in the Horowhenua District. While we support the majority of the proposed plan, there are some aspects that will have negative economic impacts on the viability of plantation forestry in the Horowhenua District.
- 1.3 The Proposed Horowhenua District Plan (PHDP) should recognise plantation forestry as an important contributor to the districts environmental, social and

economic well being. The PHDP should promote plantation forestry as a sustainable land use and natural and physical resource.

2 FORESTRY IN HOROWHENUA

2.1 Plantation forests are widespread throughout New Zealand and the forest industry provides important economic, environmental and social benefits, including but not limited to the following:

- (i) Significant contributions to the New Zealand economy in terms of exports and employment.
- (ii) Supplies a sustainable, renewable and well managed resource to local and international markets.
- (iii) Plays an important role in carbon sequestration to mitigate the effects of climate change and helps to meet our international obligations.
- (iv) Provides significant recreational opportunities for individuals and organisations.
- (v) Provides significant local environmental benefits including the maintenance of biodiversity, water quality, amelioration of peak flood flows, land stabilisation.

2.2 Matariki Forests own significant land holdings within the Horowhenua District with 3 forests totalling 2,583 hectares of stocked land. See Table 1.

Table 1: Matariki Forests Horowhenua Estate

Forest	Area (hectares)
Kohitere	395
Manakau	296
Waitarere	1,892
District Total	2,583

3 SUBMISSION 1

Section	Identifier	Page	Status
2.4	<p>Methods for issue 2.4 and objective 2.4.1</p> <p><i>Education and Information – Council will encourage land users to use Codes of Practice and other good practise guidelines.</i></p>	2-23	Support

- 3.1 The forestry industry leads the way in the primary production sector within New Zealand through its adoption of good practice and industry training guides, engineering and environmental standards, many of which are underpinned by robust well managed Environmental Management Systems (EMS). Many companies systems and management practices are certified by accredited third party schemes such as Forest Stewardship Council® (FSC®) and ISO 14001 which are routinely audited by independent auditors.
- 3.2 RNZ forestry operations are planned and undertaken in accordance with the Environmental Code of Practice for Plantation Forestry (ECOP) 2007, this code of practice is an updated version of the original LIRO code. The new ECOP has kept pace with changing environmental expectations and provides a valuable resource developed by industry experts. In 2009 the ECOP was awarded the Green Ribbon Award for Best Planning Document of the Year by the Resource Management Law Association.
- 3.3 The New Zealand Forest Owners Association (NZFOA) has recently developed the New Zealand Forest Road Engineering Manual released in July 2012 and is freely available on the NZFOA website. This document provides technical information and suggested good practice for forest roading operations.
- 3.4 RNZ operate under an Environmental Management System and in house Environmental Standards. These in many instances go above and beyond what is required by many local authority rules. The Environmental Standards were developed in 2010 and have been implemented and are audited against in all Matariki owned and RNZ managed forests. The standards are regularly reviewed and updated to keep pace with changing environmental expectations and increased awareness within the forestry industry.
- 3.5 RNZ are certified under an internationally recognised certification scheme for well managed forests with the Forest Stewardship Council (FSC).

Relief Sought

Issue 2.4 and Objective 2.4.1 wording to remain the same

4 SUBMISSION 2

Section	Identifier	Page	Status
Policy 2.5.11	<i>Manage reverse sensitivity conflict between primary production activities and sensitive activities through appropriate separation distances, while giving priority to existing lawfully established activities.</i>	2-26	Support

- 4.1 Plantation forestry regularly faces reverse sensitivity issues as urbanisation encroaches on the rural environment. It is important that the rural area is recognised as a working landscape and that primary production activities, namely plantation forestry, should not be adversely affected by reverse sensitivity issues.

Relief Sought

Policy 2.4.11 wording to remain the same

5 SUBMISSION 3

Section	Identifier	Page	Status
Policy 2.5.12	<i>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.</i>	2-26	Oppose

- 5.1 The statement '*reduction in rural amenity caused by tree shelterbelts or plantation forestry on adjacent and adjoining properties*' is inappropriate in a District Plan policy. Land uses or specific industries should not be singled

out as having an adverse effect on rural amenity, which is in itself is a highly subjective assessment. This statement is highly subjective and places plantation forestry in an inequitable position when compared with other rural land uses.

- 5.2 The policy should be specific to the effects of shade from shelterbelts and plantation forestry on sealed roads only.
- 5.3 Removal of forestry from previously planted areas by restrictive land rules will also force commercial duress in regards to the ETS. Liability for deforestation may become a reality for either party, HDC as the rule maker, or the forest owner as the grower.

Relief Sought

- 5.4 Reword Policy 2.5.12

Avoid, remedy or mitigate the adverse environmental effect of shading on sealed roads caused by tree shelterbelts or plantation forestry.

- 5.5 Or words to such effect.

6 SUBMISSION 4

Section	Identifier	Page	Status
Objective 5.1.1	Natural character of coastal environment <i>To preserve natural character of the coastal environment and avoid, remedy or mitigate the adverse environmental effects from inappropriate subdivision, use and development.</i>	5-3	Conditionally support

- 6.1 RNZ manage Waitarere forest which is situated within the coastal environment. It is important that the HDC recognise that this forest was planted as production/protection forest by the now defunct NZ Forest Service. One of the intentions of planting was to stem the inland march of sand dunes. Much of the productive landscape behind the forest would not exist if the

forests had not been planted and the forest acts as a safeguard. The forest also supports a council managed community sewage scheme that services these expanding communities.

- 6.2 The coastal area of the Horowhenua is far from containing natural character and is a highly modified landscape with very few natural areas remaining. What is considered "inappropriate subdivision" requires better definition.

Relief Sought

That the PHDP recognises plantation forestry as a significant mitigator from the adverse effects of inland drift of sand dunes in the district

7 SUBMISSION 4

Section	Identifier	Page	Status
Rule 19.1	Rural zone – Permitted activities	19-1	Support

- 7.1 RNZ support the permitted activity status of primary production activities in the Horowhenua District provided HDC amend the definition of Primary Production, as stated in submission 5 below.

Relief Sought

Rule 19.1 wording to remain the same. See submission 5 below in regards to the definition of Primary Production Activity.

8 SUBMISSION 5

Section	Identifier	Page	Status
Definitions	Definition of <i>Primary Production Activity</i>	26-13	Oppose

- 8.1 The PHDP defines *Primary Production Activity* as the following:

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.

Relief Sought

Reword the definition as follows:

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

9 SUBMISSION 6

Section	Identifier	Page	Status
Definitions	Definition of <i>Plantation Forestry</i>	26-13	Oppose

9.1 *Plantation forestry means the commercial production of trees for wood products and includes woodlots, large scale plantations, a mix of pastoral and forest uses, and firewood lots, provided any area is contiguous planting over 1 hectare, but does not include shelterbelts and trees planted for horticultural purposes.*

9.2 The proposed definition does not encompass the entire spectrum of plantation forestry activities, we suggest an alternative definition.

Relief Sought

Delete the definition of *Plantation Forestry* and replace with:

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.

10 SUBMISSION 7

Section	Identifier	Page	Status
Rule 19.6.15	Rural zone – Planting setbacks for Plantation Forestry and Shelterbelt Planting	19-16	Conditionally support

10.1 The rural zone rule outlines that setback distances proposed in the plan, these are:

- (a) *No plantation forest shall be planted within 10 meters from any site boundary*
- (b) *No plantation forest shall be planted within 25 meters from any existing residential dwelling unit*
- (c) *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.*
- (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.*

10.2 RNZ support the proposed setback distance of 10 meters from site boundaries. However clarification is required that this only applies to new forest plantings only and not for existing forests which enjoy existing use rights under s10 RMA. Compulsory setbacks on existing plantation forests would result in significant economic losses as land is taken out of production and maintenance costs associated with weed infestation increase.

10.3 Removal of forestry from previously planted areas by restrictive land rules will also force commercial duress in regards to the ETS. Liability for deforestation may become a reality for either party, HDC as the rule maker, or the forest owner as the grower.

10.4 Rule 19.6.15(b) should be deleted. We propose that an alternative rule which states that no residential dwelling unit shall be located within 50 meters adjacent to any plantation forest in the rural zone.

10.5 Rule 19.6.15(d) is not clearly worded, is this rule intended to relate to existing plantation forests?. RNZ acknowledge the rules intent of reducing the risk of ice on roads. However, this rule should be specific to sealed roads only. The rule needs to be amended to reflect this.

Relief Sought

Reword the rules as follows:

- (a) *No new plantation forest shall be planted within 10 meters from any site boundary*
- (b) *No new residential dwelling unit should be located within 50 meters adjacent to any plantation forest*
- (c) *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.*
- (d) *No new plantation forest or shelterbelt shall be planted or allowed to grow in any position which could result in any icing of any sealed public road carriageway as a result of shading of the road between 10:00am and 2:00pm on the shortest day.*

Or words to such effect

11 SUBMISSION 8

Section	Identifier	Page	Status
Rule 19.6.16	Forestry and Timber Harvesting <i>Managing revegetation for any primary production activity of harvested forestry areas shall be undertaken as soon as practicable after harvesting has occurred.</i>	19-16	Oppose

- 11.1 What constitutes managed revegetation? Is it replanting or can managed revegetation be the natural reversion of an area back to indigenous forest cover or even exotic weeds?
- 11.2 Is the intent of the rule to prevent deforestation through replanting after forest harvesting? Or is it to have greater control over the management of revegetation?

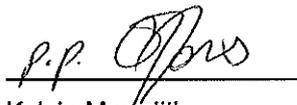
Relief Sought

This rule is confusing and unclear in its intent. Delete rule 19.6.16.

12 CONCLUSION

- 12.1 We wish to be heard in support of this submission.
- 12.2 If others make a similar submission, the submitter will consider presenting a joint case with them at any hearings.
- 12.3 Thank you for the opportunity to submit on the Proposed Horowhenua District Plan

Dated 9 November 2012



Kelvin Meredith

For and on behalf of Rayonier Matariki Forests

Waitāre Progressive Association

Waitarere Beach Progressive & Ratepayers Association Inc

ESTABLISHED 1945

12 November 2012

Submission to Proposed Horowhenua District Plan

Trade Competition

We are not a trade competitor. We are a community group interested in the wellbeing of the area.

Introduction

Waitarere Progressive wish to acknowledge the consultation process that has been provided during the drafting of this plan including the time and assistance given by council officers.

The proposed changes and the keeping of existing rules in this plan as it relates to Waitarere we feel in most areas of the plan reflect the view and wishes of most of the community.

We understand the need for rules and it is also important to preserve the relaxed nature of the beach community and look of the village.

Beach Access

We seek to maintain vehicle access to the beach

We're pleased to see that access to beach for vehicles will be maintained as to allow fishermen /white baiters, elderly, disabled and all other users to spread along the expanse of this admired coast line.

Commercial Zone Section 17

We seek consideration for existing land owners.

We are in recognition of the potential need of a dedicated area for future commercial activities and to keep this development in a confined area as to encourage a more compact hub to the community and still allowing current land owners the ability to build a domestic dwelling on this land excepting set back conditions.

For background there are existing residential owners in this area that we would not like to see disadvantaged. Similarly requiring building to the front may inhibit best use of the land as there are reasonable size residential sections in this area.

Medium Density Housing

We seek further review of this change of zoning.

We do have concerns regarding the rezoning of existing residential area to allow smaller lot sizes. We would like to set a high building standard criterion to ensure we do not follow others trends of poor quality infill housing creating what could be called slum zones.

There are also further practical considerations - as Waitarere does not have town water supply, with the equivalent of 3 houses on an existing standard section in a low rainfall area and combined with the smaller roof catchment there may a requirement for up to 6 water tanks (2 per house) which takes up space on a small plot. This area of Waitarere has also a high water table which can pop buried tanks out of the ground.

Suggestion

We believe it could be more suitable to allow this smaller plot size to be planned for an area of undeveloped land to allow a more appropriate design of plots rather than risk infill housing.

This will maintain the beach feel of Waiterere for future users with larger plot sizes which keeps to the trend of making the Horowhenua an area of high quality lifestyle something lost to so many other areas that once changed cannot be reversed.

Residential Zone - Relocatable Housing Requirements

We seek the relocatable housing comply with the same standard as new dwellings

If relocatable housing is to remain a permitted activity that rules be put in place to ensure the dwelling meets the building code for coastal conditions just as new dwellings are expected to comply.

This coast is a very harsh environment and the requirement for maintenance and upkeep of property in these conditions is very real and often under estimated.

Residential Zone – Accessory Building Requirements

We seek further consideration to the proposed square metre rule.

There are large sections at Waitarere – older accommodation will quite often not have an internal garage. The garaging requirement for a couple of vehicles, boat and gear may exceed the size requirements.

Open Space – Council Owned Land

We seek consultation if land originally designated for future requirements is to be rezoned.

There is currently land held by council which could be potentially valuable for future infrastructure. For example high points of land would be suitable for water storage if Waitarere were to go to town supply.

Recycling Drop off Facility

We seek consideration to a permanent recycling drop off facility.

We would like to see permanent recycling facility which does not necessarily need to be in the village itself. Visitors are not necessarily at the beach on the day of recycling or aware of the recycling policy.

Waitarere “Feel”

We seek consideration be given for planning infrastructure requirements that embrace, maintain, and preserve the “feel” of the area.

We seek the plan consider the future development of public facilities.

The majority of the plan has been about permitted activities to private owners.

The association believes that the plan should go further than the gate and set the future type and look of the area including street lights and vehicle entrances etc.

For example the type of curbs and footpaths, grass or alternative rather than concrete is preferred. From a practical perspective kerb sides tend to grow above the concrete footpaths over time which can be hazardous.

The domain tennis courts and public amenities require up grading.

Public Halls are tired and beyond the use by date. There is a need for hall with modern facilities for the community to utilise.

The community recognises the need for upkeep and has recently upgraded the domain playground children’s slide. Similarly the Surf Club is promoting the need for a new facility.

An agreed strategy for the development of the area facilities and infrastructure will allow all future work to work in harmony with a plan that will set the Horowhenua apart and may allow in some instances an easier, cheaper alternative to maintain in the future.

We would like to talk to our submission if possible.

Adam Herlihy
President
Waitarere Beach Progressive and Ratepayers Association

SUBMISSION FORM

Proposed Horowhenua District Plan

Resource Management Act 1991

Form 5 of Resource Management

(Forms, Fees, Procedure) Regs 2003

<p>Council Use Only</p> <p>Date Received:/...../.....</p> <p>Submission No:</p>
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Submissions can be:
 Delivered to: Horowhenua District Council Offices, 126 Oxford Street, Levin
 Posted to: Shaping Horowhenua, Horowhenua District Council, Private Bag 4002, Levin 5540
 Faxed to: (06) 366 0983
 Emailed to: districtplan@horowhenua.govt.nz

Submissions must be received no later than 4:00pm 12 November 2012

1. Submitter Contact Details

Full Name: Rosemarie Saunders

Name of Organisation: *(If on behalf of an Organisation)*.....

Address for Service: 57 Toomba Avenue, Ashgrove, Queensland, Australia

.....Post code: 4060

Telephone (Day time): +617 3366 2700.....Mobile: +61 417 763 237.....

Email: saunders07@bigpond.com

Note: you must fill in all sections of this form.

2. Trade Competition

I could gain an advantage in trade competition through this submission? Yes No

I am directly affected by an effect of the subject matter that

(a) adversely affects the environment; and

(b) does not relate to trade competition or the effects of trade competition? Yes No

Please note that if you are a person who could gain an advantage in trade competition through the submission, your right to make a submission may be limited by Clause 6 of Schedule 1 of the Resource Management Act 1991.

3. The specific provisions of the Proposed District Plan that my submission relates to are as follows: *(Please specify the Rule, Policy or Map number your submission relates to)*

Rule 19.4.7 – Building structures and subdivision in the Coastal Natural Character & Hazard Zone.....

Planning Map 10.....

Rule 19.6.4 – Building setbacks from boundaries & separation distance

.....

.....

.....

.....

(Continue on a separate sheet if necessary)

4. My submission is that: *(Clearly state whether you SUPPORT or OPPOSE specific parts of the Proposed District Plan or wish to have amendments made, giving reasons for your views)*

SEE ATTACHED SHEET.....
.....
.....
.....
.....
.....

(Continue on a separate sheet if necessary)

5. I/We seek the following decision from the Horowhenua District Council: *(Give precise details of what amendments you wish to see and your reasons)*

SEE ATTACHED SHEET.....
.....
.....
.....
.....

(Continue on a separate sheet if necessary)

6. Proposed District Plan Hearing

Do you wish to attend the Council hearing for the Proposed District Plan? Yes No

Do you wish to be speak in support of your submission at the hearing? Yes No

If others make a similar submission would you be prepared to consider presenting a joint case at the hearing? Yes No

I have attached two (2).. additional pages to this submission.

Signature of Submitter: **Date:** 11 November 2012.....
(Or person authorised to sign on behalf of submitter)

Note: A signature is not required if you make your submission by electronic means.

Submissions must be received no later than 4:00pm 12 November 2012

Further Information

If you require further information about the Proposed District Plan please visit the Council website www.horowhenua.govt.nz or email districtplan@horowhenua.govt.nz or phone (06) 366 0999.

Privacy Act 1993

Please note that submissions are public information. Information on this form including your name and submission will be accessible to the media and public as part of the decision making process. Council is required to have this by the Resource Management Act 1991. Your contact details will only be used for the purpose of the Proposed District Plan process. The information will be held by the Horowhenua District Council, 126 Oxford Street, Levin. You have the right to access the information and request its correction.

**ATTACHMENT SHEET TO SUBMISSION FORM 5
FROM ROSEMARIE SAUNDERS
DATED 11 NOVEMBER 2012**

4. My submission is that: -

I oppose Rule 19.4.7 as this rule should only relate to the Hazard zone and not the Coast Natural Character zone.

The Hazard overlay needs to be distinguished from the Coast Natural Character Zone.

The Hazard zone should relate to the dunes by the foreshore.

In the Waikawa Beach rural zone, both the Strathnaver and Reay MacKay Grove areas have already been subject to subdivision which has shaped and developed the area into a residential lifestyle subdivision.

The land forms have been modified to create roads, rights of ways and driveways as well as specified building platforms, dwellings and gardens using mainly native plants.

Hence, the ability for continued earthworks and development has been limited. Plan change 20 has already restricted the ability of any property in this area to subdivide as a parent title of 20 hectares is now required under Plan Change 20.

I oppose Planning Map 10 as it joins together the Coastal Natural Character and the Hazard zone as if they are the same thing. As an owner of the rural area to the south of the Waikawa Village, I acknowledge that the area is a very special place.

It is truly an area of Coastal Natural Character, but I oppose it being called a Hazard zone. I believe the Hazard zone is not applicable and should relate to the dunes by the foreshore .

I oppose Rule 19.6.4 as there are many lots in this location that have an area of less than 5000m². The separation between the dwellings is important to me and to everyone else's way of life. I very much enjoy the rural environment and that is exactly what it is.

By the Council imposing this rule it could severely affect some existing dwellings that have already been established.

These dwellings were constructed knowing it was a first in first served basis and when or if the neighbouring properties built they had to obtain permission from the existing dwelling owner. If this rule was in existence then it would have predetermined the location of the dwellings on the lot.

5. I seek the following decision from the Horowhenua District Council: -

Rule 19.4.7

- I wish the Council to take out the reference to the Coastal Natural Character zone in my location and on Planning Map 10.
- To distinguish between the Coastal Natural Character and the Hazard zone so they are separate areas.

- To retain the Hazard zone in our location south of the Waikawa Village to the dunes immediately adjacent to the foreshore.
- To create the Coastal Natural Character⁴ zone in the remaining land as this would avoid the dwellings in the residential lifestyle area of Strathnaver Drive and Reay MacKay Grove.

Planning Map 10

- Should distinguish between the Coastal Natural Character zone and the Hazard zone as two separate areas.

Rule 19.6.4

- I wish the Council to remove 19.6.4 (a) (viii) and replace it with all new dwellings shall be 20 metres from any established dwelling. This would protect the residents who have already built as this is a rural area and that is part of the reason many people have built and established themselves in the area.
- By amending this rule it would also be in line with the section that relates to 19.6.4 (a) (iii) hence it would protect the existing dwelling but would still be in line with the plan change review for the rural zone.

SUBMISSION FORM
Proposed Horowhenua District Plan
Resource Management Act 1991
Form 5 of Resource Management
(Forms, Fees, Procedure) Regs 2003



Council Use Only
 Date Received:/...../.....
 Submission No: OS3.....



Submissions can be:
 Delivered to: Horowhenua District Council Offices, 126 Oxford Street, Levin
 Posted to: Shaping Horowhenua, Horowhenua District Council, Private Bag 4002, Levin 5540
 Faxed to: (06) 366 0983
 Emailed to: districtplan@horowhenua.govt.nz

Submissions must be received no later than 4:00pm 12 November 2012

1. Submitter Contact Details

Full Name: Peter McMenamin and Helen Fitzgerald
 Name of Organisation: *(If on behalf of an Organisation)*.....
 Address for Service: 302/19 College Street
Wellington Post code: 6011
 Telephone (Day time): (04) 384 6615 Mobile: 027 248 7965
 Email: peterhels@extra.co.nz

Note: you must fill in all sections of this form.

2. Trade Competition

I could gain an advantage in trade competition through this submission? Yes No

I am directly affected by an effect of the subject matter that
 (a) adversely affects the environment; and
 (b) does not relate to trade competition or the effects of trade competition? Yes No

Please note that if you are a person who could gain an advantage in trade competition through the submission, your right to make a submission may be limited by Clause 6 of Schedule 1 of the Resource Management Act 1991.

3. The specific provisions of the Proposed District Plan that my submission relates to are as follows: (Please specify the Rule, Policy or Map number your submission relates to)

1. Planning Map 7 - proposed Flood Hazard Area - Rule 19.4.7
2. Rules - Rural Zone - 19.6.4

(Continue on a separate sheet if necessary)



HD094791

4. My submission is that: (Clearly state whether you SUPPORT or OPPOSE specific parts of the Proposed District Plan or wish to have amendments made, giving reasons for your views)

1. The scientific basis for the flood hazard area is questionable, the actual delineation does not make sense (eg: the exclusion of the Waikawa Beach settlement), and the proposal will adversely and unnecessarily affect the values of the properties in the area.
2. The 3 metre set-back in Rule 19.6.4 (viii) is unrealistically low and could allow a building to be erected much too close to a boundary in a Rural Zone.

(Continue on a separate sheet if necessary)

5. I/We seek the following decision from the Horowhenua District Council: (Give precise details of what amendments you wish to see and your reasons)

1. The whole basis for the Flood Hazard area needs to be examined and the science verified before any such zone is imposed, and even then the boundaries of the zone should more realistically reflect the most vulnerable areas.
2. The 3 metre set-back should be changed to a 30 metre set-back.

(Continue on a separate sheet if necessary)

6. Proposed District Plan Hearing

Do you wish to attend the Council hearing for the Proposed District Plan? Yes No

Do you wish to be speak in support of your submission at the hearing? Yes No

If others make a similar submission would you be prepared to consider presenting a joint case at the hearing? Yes No

I have attached ⁰ additional pages to this submission.

Signature of Submitter: *Peter Mc Menamin & Helen Fitzgerald*
Peter Mc Menamin Date: November 2012
(Or person authorised to sign on behalf of submitter) 144 Strathaver Drive

Note: A signature is not required if you make your submission by electronic means.

Submissions must be received no later than 4:00pm 12 November 2012

Further Information

If you require further information about the Proposed District Plan please visit the Council website www.horowhenua.govt.nz or email districtplan@horowhenua.govt.nz or phone (06) 366 0999.

Privacy Act 1993

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SUBMISSION FORM
Proposed Horowhenua District Plan
Resource Management Act 1991
Form 5 of Resource Management
(Forms, Fees, Procedure) Regs 2003

Council Use Only
 Date Received: 12/11/12
 Submission No: 054



Submissions can be:
 Delivered to: Horowhenua District Council Offices, 126 Oxford Street, Levin
 Posted to: Shaping Horowhenua, Horowhenua District Council, Private Bag 4002, Levin 5540
 Faxed to: (06) 366 0983
 Emailed to: districtplan@horowhenua.govt.nz

Submissions must be received no later than 4:00pm 12 November 2012

1. Submitter Contact Details

Full Name: Warwick Ashton Meyer
 Name of Organisation: (If on behalf of an Organisation) Not Applicable
 Address for Service: 44 Western Rise, RD20, Ohau
 Levin Post code: 5570
 Telephone (Day time): 06 366 0999 Ext 6818 Mobile: 021 499981
 Email: warwick.meyer@ihug.co.nz

Note: you must fill in all sections of this form.

2. Trade Competition

I could gain an advantage in trade competition through this submission? No
 I am directly affected by an effect of the subject matter that
 (a) adversely affects the environment; and
 (b) does not relate to trade competition or the effects of trade competition? No
Please note that if you are a person who could gain an advantage in trade competition through the submission, your right to make a submission may be limited by Clause 6 of Schedule 1 of the Resource Management Act 1991.

3. The specific provisions of the Proposed District Plan that my submission relates to are as follows: (Please specify the Rule, Policy or Map number your submission relates to)

Planning Map 30
 Greenbelt Residential and or Rural as a deferred zoning, Rules

(Continue on a separate sheet if necessary)

4. My submission is that: *(Clearly state whether you SUPPORT or OPPOSE specific parts of the Proposed District Plan or wish to have amendments made, giving reasons for your views)*

My submission is for a special zoning for land on the intersection of Arapaepae Road/SH57 and Queen St, Levin.

Pt. Lot 1 DP 86925 (12.8393ha) has a substantial amount of land restricted for State Highway purposes shown on an approved but yet to be notified Structure Plan known as Gladstone Greenbelt.

The reason for this land to be put aside for State Highway purposes is for future dual carriageways and controlled grade separation for access into Levin from SH57 or maybe a future SH1 bypass. While the bypass seems to have less relevance now than it did when the Structure Plan was prepared in 2009 NZTA still identifies this intersection to have improvements and the need to be controlled. Likely forms of control will be grade separation or roundabouts. This being the case the subject site would lend itself for access to businesses normally associated with roads such as vehicle service stations, food preparation and sales, visitor accommodation, and local produce stores.

Any controlled intersection would reduce the risk of these activities being located at several sites along the highway which can only be good for NZTA's state highway network. This is an ideal time and willing landowner to put aside land for such activities and I submit that the land legally described as Pt. Lot 1 DP 86925 and shown on the attached drawing should have a special Greenbelt Residential zoning (or Rural zoning) to include permitted activities relating to the underlying zone and vehicle service stations, visitor accommodation, food preparation and sales and local produce stores but could be restricted to being permitted only after or in conjunction with such intersection improvement. Some sort of "green" buffer zone could also be offered between Greenbelt housing and the proposed activities.

Any such activities would also have to meet NZTA access requirements to state highways. I maintain that this land does have substantial transport corridor restrictions and activities put on it and therefore the proposed activities provide controlled development for activities that are associated with transport corridors.

(Continue on a separate sheet if necessary)

5. I/We seek the following decision from the Horowhenua District Council: *(Give precise details of what amendments you wish to see and your reasons)*

That Pt. Lot 1 DP 86925 (12.8393ha) have the following permitted activities ,vehicle service stations, food preparation and sales, visitor accommodation, and local produce stores included to the permitted activities of the underlying zone of either Rural or Greenbelt Residential and any consequential amendments for the reasons described above.

(Continue on a separate sheet if necessary)

6. Proposed District Plan Hearing

Do you wish to attend the Council hearing for the Proposed District Plan? Yes

Do you wish to be speak in support of your submission at the hearing? Yes

If others make a similar submission would you be prepared to consider presenting a joint case at the hearing? Yes

I have attached ...one..... additional pages to this submission.

Signature of Submitter:  **Date:** 12-11-2012
(Or person authorised to sign on behalf of submitter)

Note: A signature is not required if you make your submission by electronic means.

Submissions must be received no later than 4:00pm 12 November 2012

Further Information

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Privacy Act 1993

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LAND PROPOSED
FOR CHANGE IN
PERMITTED ACTIVITIES



SUBMISSION ON THE PROPOSED HOROWHENUA DISTRICT PLAN

By email: districtplan@horowhenua.govt.nz

TO: Planning Department,
Shaping Horowhenua
Horowhenua District Council
Private Bag 4002
Levin 5540

NAME OF SUBMITTER:

New Zealand Railways Corporation (KiwiRail)

ADDRESS FOR SERVICE:

Level 6
Wellington Railway Station
Bunny Street
PO Box 593

WELLINGTON 6140

Attention: Pam Butler

Ph: 04 498 3389

Fax: 04 473 1460

Email: pam.butler@kiwirail.co.nz

KiwiRail wishes to be heard in support of this submission and we may wish to have a joint submission with other parties who have a similar submission

A handwritten signature in black ink, appearing to be the name "Pam Butler". The signature is stylized and somewhat abstract, with overlapping loops and a horizontal line at the bottom.

Pam Butler
Senior RMA Advisor
KiwiRail

09 November 2012

Dear Sir/Madam,

KiwiRail is the authority responsible for the management and operation of the national railway network. This includes managing railway infrastructure and land, as well as rail freight and passenger services within New Zealand. NZRC is also a Requiring Authority for land designated for "Railway Purposes" throughout New Zealand.

Rail forms a key part of the region's significant land transport infrastructure. The North Island Main Trunk Line provides a key rail freight and passenger link between Wellington and the North Island. The line through Horowhenua is therefore of district, regional and national importance.

KiwiRail seeks to protect its ability to operate, maintain and enhance the national rail network in the future. To achieve this, it encourages adjoining land uses that do not compromise its short or long term ability to operate a safe and efficient rail network, both day and night. Where sensitive activities are proposed on land adjoining the railway, appropriate controls should be imposed to ensure their long term amenity. Similarly, it is appropriate that the District Plan provides controls that promote the safe operation of the region's significant land transport networks including the railway.

KiwiRail's submissions on the Plan are set out on the attached table. Insertions we wish to make are marked in ***bold, italicised and underlined***, while recommended deletions are shown as ~~struck out~~ text. Where direct sections of the proposed plan are used this is shown in *italics*. All requested changes include any consequential changes to the Plan to accommodate the requested change in the stated, or alternate, location.

We look forward to working with Council further during the development of the new Plan.

Submission Number	Plan Chapter and page reference	Plan Section (e.g. 2.2.6 Neighbourhood Amenity) Lighting and Glare Policy)	Submission/Comments/Reasons	Relief Sought (as stated or similar to achieve the requested relief)
1.	Section 26 Definitions P 26-12	Noise Sensitive Activity	Providing a definition of 'noise sensitive activities' recognises that sensitive receiving environments exist and need to be treated to achieve a reasonable level of internal acoustic amenity. The definition is part of a strategy to ensure that new development internalises the adverse effects of locating close to existing and proposed high noise environments.	Retain the definition for "Noise Sensitive Activities" as notified within the Proposed plan.
2.	Section 28 General Provisions P 28-9	28.2.4 Information Requirement 3: Subdivision Assessment of Effects for Subdivision Application criteria 'k' Any effect of reverse sensitivity.	<p>The potential for reverse sensitivity impacts of new activities on existing uses is recognised as an effect on the environment that must be avoided, remedied or mitigated under the Resource Management Act 1991 (the Act). Further, addressing reverse sensitivity effects is necessary under Part 2 of the Act which requires that the social and economic well-being of both the future residents (and occupiers of other noise-sensitive premises) as well as the rail operator are provided for, and that the efficient use of physical resources like strategic transport corridors and existing lines are also enabled. KiwiRail supports the need to consider reverse sensitivity as a criteria requiring assessment when considering subdivision design; to ensure that these reverse sensitivity effects are avoided or mitigated.</p> <p>Reverse sensitivity describes the effect that development of one kind may have on activities already in an area. It usually results from the people involved in a newly established activity complaining about the effects of existing activities in an area. For land transport operators such as KiwiRail, this means there is a real risk that new activities such as houses, educational facilities, that choose to locate near existing busy rail lines, may object or complain about the noise or vibration, and /or take legal action. A variety of mitigation measures may be undertaken or imposed to alleviate reverse sensitivity issues including buffer strips or buffer distances, minimum site or lot sizes, noise barriers and acoustic insulation to reduce the noise inside rooms to acceptable levels. The use of buffer strips, buffer distances, minimum site and appropriate lot sizes will assist in placing sensitive buildings as far as possible from the noise source. Considering how far developers intend to address this issue through subdivision design is an appropriate consent criterion.</p>	Retain Assessment of Effects for Subdivision Application criteria 'k'; Any effect of reverse sensitivity.
3.	Schedule 1 Designations P 1-3	Schedule of Designations – 1	<p>The New Zealand Railways Corporation (KiwiRail) supports the inclusion of the Railway Designation D1 within the Schedule of Designations in the Proposed Plan. However we note that this Schedule does not reference the entire set of Planning Maps that show the location of the railway designation.</p> <p>This submission therefore seeks to include all the Map references applying to the D1 railway corridor designation.</p>	<p>Alter the Schedule of Designations as notified for the D1 Railway Designation by adding references to all the Planning Maps which show the railway designation in part or in detail being:</p> <p><u>3, 5, 7, 8, 10, 16, 21, 21A, 25, 27, 27B, 28, 28A, 28B, 29, 34, 35, and 37 and</u></p> <p>And:</p> <p>Add a column to the schedule identifying that the underlying zonings applying to the railway corridor are "<u>Various</u>"</p>
4.	Planning Maps	All maps containing the D1 Railway Designation	The New Zealand Railways Corporation (KiwiRail) supports the recording of the D1 designation within the respective Planning Maps for the Proposed Plan.	Retain the D1 railway designation as shown on all Planning Maps 3,5,7,8,10, 16, 21, 21A, 25, 27, 27B, 28, 28A, 28B, 29, 34, 35, and 37
5.	Planning Maps 3,5,7,8,10, 16, 21, 21A, 25, 27, 27B, 28, 28A, 28B, 29, 34, 35, and 37	Land underlying the D1 designation as shown in listed planning maps	<p>The land underlying the railway designation throughout the district is not provided with an alternative zone to which it might be put (should the designation ever be uplifted). The Maps appear to give a default 'rural' underlying zoning to the entire railway corridor. This is clearly either unintended, or if intended is unreasonable given the corridor stretches across the district and lies adjacent to other zones.</p> <p>KiwiRail is keen to ensure that it has a reasonable alternative zoning should any parts of the corridor not be required for operational use. The Quality Planning website describes the correct procedures for dealing with designations as:</p> <p><i>When including a designation in a district plan and depicting it on the relevant planning map it is important to indicate the provisions that would apply to the designated land in the event that:</i></p> <ol style="list-style-type: none"> <i>all or part of the designation is uplifted; or</i> <i>an activity is proposed (subject to the requiring authority's agreement) which is not associated with the purpose of the designation.</i> <p><i>This is often referred to as the 'underlying zoning' (usually consistent with the surrounding area). For certainty,</i></p>	<p>Amend the Schedule of designations 1 by adding a new clause 1.6 which reads:</p> <p><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 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</u></p>

Submission Number	Plan Chapter and page reference	Plan Section (e.g. 2.2.6 Neighbourhood Amenity Lighting and Glare Policy)	Submission/Comments/Reasons	Relief Sought (as stated or similar to achieve the requested relief)
			<i>it is important to be explicit when more than one underlying zoning could be interpreted to apply (e.g., where different zones about a road designation the district plan may state the underlying zoning extends to the road centre line). http://www.qualityplanning.org.nz/plan-development/requirements.php</i>	<u>achieve the stated relief)</u> And; Amend <u>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.</u>
6.	25 Assessment criteria P 25-15	25. 3 ASSESSMENT CRITERIA 25.3.4 Building Setbacks	Reverse sensitivity describes the effect that development of one kind may have on activities already in an area. It usually results from the people involved in a newly established activity complaining about the effects of existing activities in an area. For land transport owners such as Kiwi Rail this means that there is a real risk that new activities such as houses, educational facilities and offices that choose to locate near existing arterial roads, state highways or busy rail lines may object or complain about the noise or vibration, and /or take legal action. A variety of mitigation measures may be undertaken or imposed to alleviate reverse sensitivity issues including buffer strips or buffer distances, minimum site or lot sizes, noise barriers and acoustic insulation to reduce the noise inside rooms to acceptable levels. The use of buffer strips, buffer distances, minimum site and lot sizes seek to place sensitive buildings as far as possible from the noise source.	Alter clause 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>
7.	25 Assessment criteria, pp 25-27, 25-28	25.7 ASSESSMENT CRITERIA 25.7.1 Noise (b)	The potential for reverse sensitivity impacts of new activities on existing uses is recognised as an effect on the environment that must be avoided, remedied or mitigated under the Resource Management Act 1991 (the Act). Further, addressing reverse sensitivity effects is necessary under Part 2 of the Act which requires that the social and economic well-being of both the future residents (and occupiers of other noise-sensitive premises) as well as the rail operator are provided for, and that the efficient use of physical resources like strategic transport corridors and existing lines are also enabled. Reverse sensitivity describes the effect that development of one kind may have on activities already in an area. It usually results from the people involved in a newly established activity complaining about the effects of existing activities in an area. Noise sensitive receivers can compromise the operation of established land use such as the region's significant land transport networks. It is therefore important that newly establishing sensitive receivers are encouraged to internalise effects to achieve a reasonable level of internal acoustic amenity. Ensuring the long term amenity of noise sensitive activities close to the railway corridor may take the form of enhanced acoustic insulation, but can also be as simple as accommodating, in the design and layout of lots in new subdivisions; building orientation and aspect, the location of glazing and outdoor amenity areas.	Alter (b) to read as follows: The proposed methods for avoiding, remedying or mitigating adverse effects including <u>reverse sensitivity effects form 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.
8.	25 Assessment criteria P 25-18	25.3.9 Fencing <i>(c) Whether the height and design of the fence would be perceived to have a negative impact on vehicle or pedestrian safety including applying the principle of passive surveillance of the street (applying Crime Prevention Through Environment Design (CPTED) principles).</i>	The poor location of land uses including structures, vegetation and signage can obstruct the required safety sightlines for railway level crossings. It is important that level crossings sightlines are free from obstructions to enable road users approaching a level crossing to check for trains.	Alter clause (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</u> applying the principle of passive surveillance of the street (applying Crime Prevention Through Environment Design (CPTED) principles).
9.	25: Assessment criteria P 25-12	25.2.4 Tree Planting , clause (a)	The poor location of land uses including structures, vegetation and signage can obstruct the required safety sightlines for railway level crossings. It is important that level crossings sightlines are free from obstructions to enable road users approaching a level crossing to check for trains. Of particular concern is plantation planting and shelter belts – the latter of which tend to be fast growing and obscure sightlines.	Alter clause (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.
10.	25 Assessment criteria applying to all zones	25.7.2 Noise Insulation for Residential Activities, including; Clause(a)	The potential for reverse sensitivity impacts of new activities on existing uses is recognised as an effect on the environment that must be avoided, remedied or mitigated under the Resource Management Act 1991 (the Act). Further, addressing reverse sensitivity effects is necessary under Part 2 of the Act which requires that the social and economic well-being of both the future residents (and occupiers of other noise-sensitive premises) as well as the rail operator are provided for, and that the efficient use of physical resources like strategic transport corridors and existing lines are also enabled.	Alter 25.7.2 Noise Insulation for Residential Activities as follows: 25.7.2 Noise Insulation for <u>Noise sensitive activities</u> (a) The degree of noise attenuation achieved by the <u>noise sensitive activity</u>

Submission Number	Plan Chapter and page reference	Plan Section (e.g. 2.2.6 Neighbourhood Amenity Lighting and Glare Policy)	Submission/Comments/Reasons	Relief Sought (as stated or similar to achieve the requested relief)
			This provision allows the consideration of applications involving the need for acoustic treatment. It currently only applies to residential activities and should be altered to apply to all noise sensitive activities. The control should be altered to cover all noise sensitive activities. In addition, clause (a) should be amended.	
11.	25: Assessment criteria P 25-28	25.7.3 Vibration	<p>This provision applies to consents for all zones in the District and recognises the vibration caused by an activity, but it does not provide assessment criteria for the consideration of vibration effects generated from existing or planned infrastructure activities and how ensure that that the poor location of vibration--sensitive activities can be avoided to reduce the effect on efficient operation of the District's significant land transport networks.</p> <p>The potential for reverse sensitivity impacts of new activities on existing uses is recognised as an effect on the environment that must be avoided, remedied or mitigated under the Resource Management Act 1991 (the Act). Further, addressing reverse sensitivity effects is necessary under Part 2 of the Act which requires that the social and economic well-being of both the future residents (and occupiers of other noise-sensitive premises) as well as the rail operator are provided for, and that the efficient use of physical resources like strategic transport corridors and existing lines are also enabled.</p> <p>High levels of vibration can be highly annoying to the occupants of nearby buildings. The amount of vibration generated by rail or road operations will dependant on the weight of vehicles or trains, the condition of the road or rail and the ability of the ground below the road or rail to attenuate the vibration . Specific building design is likely to be required in certain cases to reduce vibration to acceptable levels. Developers near existing sources of vibration should identify and demonstrate how any reverse sensitivity effects from locating noise sensitive activities near sources of vibration are to be mitigated.</p>	<p>Alter clause 25.7.3 by adding the following additional clause;</p> <p><u>(c) 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.</p>
12.	25: Assessment criteria P 25-29	25.7.8 Vehicle Access <i>(c) Safe design and sightlines</i>	<p>Although level crossing accidents make up a low proportion of accidents, they have a greater probability of a death or serious injury than other road accidents. This is largely to do with the mass and speed of a train and an inability of the train to brake or take evasive action. One of the key factors in maintaining safety is to ensure vehicle drivers are presented with sufficient visibility along the rail tracks. It is necessary to keep these 'sight triangles' free of physical obstructions (erected, placed or grown). It is also important to ensure that obstructions do not block the visibility of level crossing signs or alarms to approaching drivers.</p> <p>The poor location of land uses including structures, vegetation and signage can obstruct the required safety sightlines for railway level crossings. It is important that level crossings sightlines are free from obstructions to enable road users approaching a level crossing to check for trains. This new criteria will assist in ensuring that applicants adequately address road safety.</p>	<p>Alter clause as follows;</p> <p><u>(c) 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> <p><u>i. Visibility and sight distances particularly the extent to which vehicles entering or exiting the level crossing are able to see trains</u></p> <p><u>ii. The extent to which failure to provide adequate level crossing sightlines will give rise to level crossing safety risks.</u></p>
13.	25: Assessment criteria P 25-34	25.7.15 Notable Trees <i>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.</i>	At times works will be required to Notable trees to clear level crossing sightlines. The poor location of land uses including structures, vegetation and signage can obstruct the required safety sightlines for railway level crossings. It is important that level crossings sightlines are free from obstructions to enable road users approaching a level crossing to check for trains. This change facilitates this essential safety work near the railway corridor.	Alter clause e by adding the words <u>or railway</u> so it reads 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> .
14.	Section 5 OBJECTIVES/POLICIES: Coastal Environment P 5-4	Policy 5.1.6 <i>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, <u>except where the development has a functional need to be located within the Coastal Environment.</u></i>	This criterion recognises that in places regionally (and nationally) important land transport networks are located in the coastal environment. This is a criterion which provides for works to land based transport networks to be considered when they require replacement, or alteration along their current alignments. This is important as this transport infrastructure is particularly important for enabling people and communities to provide for their social, economic, and cultural wellbeing and for their health and safety.	Retain Policy 5.1.6

Submission Number	Plan Chapter and page reference	Plan Section (e.g. 2.2.6 Neighbourhood Amenity) Lighting and Glare Policy)	Submission/Comments/Reasons	Relief Sought (as stated or similar to achieve the requested relief)
		<i>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.</i>		
15.	Section 6 OBJECTIVES/POLICIES: Urban Environment P 6-8	Policy 6.1.17 <i>Provide for the efficient use and development of existing urban settlements through intensification and redevelopment, including medium density residential development in identified areas, infill subdivision and reuse of commercial/industrial premises.</i>	Support. This policy seeks to ensure that future development within the District is sustainable and well integrated by directing residential growth pressures away from the Rural and Coastal zones and into towns, villages and other defined growth areas. The policy assists in addressing the need to provide for the continuance of rural activities and for well planned, well integrated infrastructure development. It is important to ensure the safety and efficiency of transport networks are not adversely affected by unanticipated and substantial traffic volumes occurring at inappropriate locations.	Retain Policy 6.1.17
16.	10 OBJECTIVES/POLICIES: Land Transport P 10-3	Objective 10.1.1 Maintaining and Developing Land Transport Network <i>Maintenance of land transport networks to efficiently and safely move people and goods through and within the District to meet the current and future needs of the District.</i>	Support. The railway network is comparable to the state highway network in that it provides a through function for the transport of freight and passengers. KiwiRail therefore supports the intent of this policy. The immediate and long term protection of existing and proposed land transport networks is a key resource management issue.	Retain Policy 10.1.1
17.	10 OBJECTIVES/POLICIES: Land Transport P10-5	Policy 10.1.9 <i>Require all proposed allotments to have access from a public road suitable for the safe and efficient carriage of vehicles, cyclists, and pedestrians.</i>	Support. The railway network is comparable to the state highway network in that it provides a through function for the transport of freight and passengers. KiwiRail will only grant at grade access over its railway corridors as a last resort, and prefers that all crossings be grade separated. The policy seeks to achieve good levels of road user safety and avoiding new level crossings will assist that.	Retain Policy 10.1.9
18.	10 OBJECTIVES/POLICIES: Land Transport P 10-6	Policy 10.1.10 <i>Access across a rail corridor for subdivisional purposes is only permitted at an existing public level crossing and where sufficient safe sightlines are available or alternatively at a position where there are existing safety warning devices.</i>	Support The railway network is comparable to the state highway network in that it provides a through function for the transport of freight and passengers. KiwiRail will only grant at grade access over its railway corridors as a last resort, and prefers that all crossings be grade separated. The policy seeks to achieve good levels of road user safety and avoiding new level crossings will assist that.	Retain Policy 10.1.10
19.	10 OBJECTIVES/POLICIES: Land Transport P 10-7	Methods for Issue 10.1 & Objective 10.1.1, bullet point 3 <i>The District Plan will provide for all existing public roads and parking areas as designated public works; and will recognise designated railway lines and rail facilities.</i>	Support provision. Designations protect the on-going operation of railway corridors and their inclusion in the Proposed Plan is necessary to ensure the integration of land use activities and transport networks.	Retain bullet point 3
20.	10 OBJECTIVES/POLICIES: Land Transport P 10-10	Issue 10.3 ADVERSE EFFECTS OF LAND USE ACTIVITIES, SUBDIVISION AND DEVELOPMENT ON LAND TRANSPORT INFRASTRUCTURE	Support particularly; <i>The maintenance of safe sight lines at rail level crossings is a particular issue that needs to be provided for.</i> Although level crossing accidents make up a low proportion of accidents, they have a greater probability of a death or serious injury than other road accidents. This is largely to do with the mass and speed of a train and an inability of the train to brake or take evasive action. One of the key factors in maintaining safety is to ensure vehicle drivers are presented with sufficient visibility along the rail tracks. It is necessary to keep these 'sight triangles' free of physical obstructions (erected, placed or grown). It is also important to ensure that obstructions do not block the visibility of level crossing signs or alarms to approaching drivers. It is expected that some developments will fall within the generic sight triangles, but will not have a material impact on visibility. KiwiRail	Retain clause

Submission Number	Plan Chapter and page reference	Plan Section (e.g. 2.2.6 Neighbourhood Amenity) Lighting and Glare Policy)	Submission/Comments/Reasons	Relief Sought (as stated or similar to achieve the requested relief)
			generally has no objection to these developments proceeding.	
21.	10 OBJECTIVES/POLICIES: Land Transport P 10-11	Policy 10.3.4 <i>Ensure that buildings and activities do not compromise the necessary clear sight lines for trains and road vehicles at level rail crossings, or of vehicles at road intersections.</i>	Support policy. Although level crossing accidents make up a low proportion of accidents, they have a greater probability of a death or serious injury than other road accidents. This is largely to do with the mass and speed of a train and an inability of the train to brake or take evasive action. One of the key factors in maintaining safety is to ensure vehicle drivers are presented with sufficient visibility along the rail tracks. It is necessary to keep these 'sight triangles' free of physical obstructions (erected, placed or grown). It is also important to ensure that obstructions do not block the visibility of level crossing signs or alarms to approaching drivers. It is expected that some developments will fall within the generic sight triangles, but will not have a material impact on visibility. KiwiRail generally has no objection to these developments proceeding.	Retain Policy 10.3.4
22.	10 OBJECTIVES/POLICIES: Land Transport P 10-11	Policy 10.3.11 <i>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). Adverse effects include glare, inappropriate lighting, smoke, or discharges onto the road</i>	The potential for reverse sensitivity impacts of new activities on existing uses is recognised as an effect on the environment that must be avoided, remedied or mitigated under the Resource Management Act 1991 (the Act). Further, addressing reverse sensitivity effects is necessary under Part 2 of the Act which requires that the social and economic well-being of both the future residents (and occupiers of other noise-sensitive premises) as well as the rail operator are provided for, and that the efficient use of physical resources like strategic transport corridors and existing lines are also enabled. Support but the clause should also refer directly to avoiding any glare, discharges etc directly onto the railway corridor – as it has for roads.	Alter Policy 10.3.11 by adding to the end of the clause: Adverse effects include glare, inappropriate lighting, smoke, or discharges onto the road <u>or railway corridor</u>
23.	10 OBJECTIVES/POLICIES: Land Transport P 10-11	Policy 10.3.12 <i>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 effects on the safe and efficient operation of the roading and rail networks.</i>	Support. The potential for reverse sensitivity impacts of new activities on existing uses is recognised as an effect on the environment that must be avoided, remedied or mitigated under the Resource Management Act 1991 (the Act). Further, addressing reverse sensitivity effects is necessary under Part 2 of the Act which requires that the social and economic well-being of both the future residents (and occupiers of other noise-sensitive premises) as well as the rail operator are provided for, and that the efficient use of physical resources like strategic transport corridors and existing lines are also enabled. This policy supports the rules sought to address reverse sensitivity effects in the Proposed Plan.	Retain Policy 10.3.12
24.	10 OBJECTIVES/POLICIES: Land Transport P 10-11	A New policy 10.3.14	Proposed policy 10.3.12 partially addresses the issue of reverse sensitivity, but it doesn't specifically address the issue of the need address the internal acoustic amenity of noise sensitive development adjacent to land transport corridors, including the railway, throughout the district. The World Health Organisation has guidelines for community noise which are reflected in the acceptable indoor and outdoor noise levels specified in various New Zealand and overseas standards. The loudness of noise can be reduced by distance, by screening the noise with natural or man-made structures or by the insulation of affected buildings. For noise sensitive buildings in close proximity to high noise roads or railway lines suitable indoor noise levels may only be achieved with noise barriers and/or insulation of the building. Noise is defined as unwanted sound. High use of land transport networks can produce high levels of noise which can be disturbing to noise sensitive land uses nearby, particularly if the noise disturbs sleep. KiwiRail considers that developers who wish to build noise sensitive development less than 30 metres from the railway designation boundary should demonstrate that they can achieve the following internal noise standards: <ul style="list-style-type: none"> • 35 L_{Aeq(1 hr)} in bedrooms • 40 L_{Aeq(1hr)} in other habitable spaces. 	Add a further policy to 10 OBJECTIVES/POLICIES: Land Transport 10-11 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>
25.	10 OBJECTIVES/POLICIES: Land Transport P 10-12	Methods for Issue 10.3 & Objective 10.3.1 bullet point 2 <i>The District Plan will include controls on building location intended to maintain clear sight lines to key intersections and rail level crossings and maintain</i>	Support this provision. The poor location of buildings, fences and other land uses similarly affects both road intersections and railway level crossing sightlines. The safe and efficient operation of railway level crossings form an integral part of the District's road safety system.	Retain clause as proposed

Submission Number	Plan Chapter and page reference	Plan Section (e.g. 2.2.6 Neighbourhood Amenity) Lighting and Glare Policy)	Submission/Comments/Reasons	Relief Sought (as stated or similar to achieve the requested relief)
		<i>a minimum separation distances with major transport infrastructure to minimise reverse sensitivity issues.</i>		
26.	10 OBJECTIVES/POLICIES: Land Transport P 10-12	Methods for Issue 10.3 & Objective 10.3.1 bullet point 3	Alter to add KiwiRail as a statutory consultee where proposals affect the railway corridor similarly to that required for through-routes like as State Highways.	Alter clause to read as follows: Where resource consent applications involve access onto the State Highway network <u>or across a railway corridor, Council will forward copies of applications to NZTA and KiwiRail respectively, as affected parties.</u>
27.	15 RULES: Residential Zone P 15-12	15.6.24 Safety and Visibility at Road and Rail Intersections <i>a) 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 1 (Chapter 21 - Traffic Sight Lines at Road and Rail Intersections).</i>	The poor location of buildings, fences and other land uses similarly affects both road intersections and railway level crossing sightlines. The safe and efficient operation of railway level crossings form an integral part of the District's road safety system.	Retain rule 15.6.24
28.	15 RULES: Residential Zone P 15-17	15.7.5 Subdivision of Land (Refer to Rule 15.2(e)) (a) Matters of Control (iii) <i>The provision of any new roads, cycleways, footpaths, provision of linkages to existing roads, access over or under railway lines, the diversion or alteration of any existing roads, the provision of access, passing bays, parking and manoeuvring areas, and any necessary easements.</i>	Support, as this will ensure that any access over rail corridors is adequately assessed at the time a subdivision is proposed.	Retain 15.2.(e)(a)(iii)
29.	16 RULES: Industrial Zone P 16-9	16.6.16 Safety and Visibility at Road and Rail Intersection	The poor location of buildings, fences and other land uses similarly affects both road intersections and railway level crossing sightlines. The safe and efficient operation of railway level crossings form an integral part of the District's road safety system.	Retain rule
30.	17 RULES: Commercial Zone P 17-13	17.6.18 Safety and Visibility at Road and Rail Intersection	The poor location of buildings, fences and other land uses similarly affects both road intersections and railway level crossing sightlines. The safe and efficient operation of railway level crossings form an integral part of the District's road safety system.	Retain rule
31.	19 RULES: Rural Zone P 19-12	19.6.6 Noise Insulation <i>b) 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</i>	The inclusion of the reverse sensitivity acoustic performance standard in the Rural zone is supported, but Noise sensitive activities are likely to raise similar reverse sensitivity effects regardless of where they might be located in the District and KiwiRail considers that this should be a district wide rule. Adopting a district wide control is more efficient. As noise sensitive activities located adjacent to transport networks have a similar affect throughout the District, it is appropriate that Council adopt a district wide approach for managing reverse sensitivity. Applying a district wide approach to managing reverse sensitivity will also enable Council to achieve a more consistent approach to managing the location of noise sensitive activities and encourage better urban design solutions to achieve reasonable levels of internal amenity for noise sensitive receivers. Reverse sensitivity describes the effect that development of one kind may have on activities already in an area. It usually results from the people involved in a newly established activity complaining about the effects of existing activities in an area. Noise sensitive receivers can compromise the operation of established land use	Retain rule 19.6.6; unless replaced with a district wide rule as sought in related submission.

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Submission Number	Plan Chapter and page reference	Plan Section (e.g. 2.2.6 Neighbourhood Amenity) Lighting and Glare Policy)	Submission/Comments/Reasons	Relief Sought (as stated or similar to achieve the requested relief)
		<p>bedrooms. (ii) 40dBA LAeq (1 hour) inside other habitable rooms. (iii) Compliance with Rule 19.6.6(b) 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.</p>	<p>such as the region's significant land transport networks. It is therefore important that newly establishing sensitive receivers are encouraged to internalise effects to achieve a reasonable level of internal acoustic amenity .Ensuring the long term amenity of noise sensitive activities close to the railway corridor may take the form of enhanced acoustic insulation, but can also be as simple as accommodating, in the design and layout of lots in new subdivisions; building orientation and aspect, the location of glazing and outdoor amenity areas.</p> <p>The potential for reverse sensitivity impacts of new activities on existing uses is recognised as an effect on the environment that must be avoided, remedied or mitigated under the Resource Management Act 1991 (the Act). Further, addressing reverse sensitivity effects is necessary under Part 2 of the Act which requires that the social and economic well-being of both the future residents (and occupiers of other noise-sensitive premises) as well as the rail operator are provided for, and that the efficient use of physical resources like strategic transport corridors and existing lines are also enabled.</p> <p>KiwiRail supports the rule as it applies to the rural zone but seeks in the following submission, the insertion of the acoustic performance standard into the Proposed Plan where it will have into a district-wide application.</p>	
32.	Chapter 15 Residential Chapter 16 Industrial Chapter 17 Commercial Chapter 18 Greenbelt residential Chapter 20 Open Space	New rule	<p>Noise sensitive activities raise similar reverse sensitivity effects regardless of where they might be located in the District and KiwiRail considers that a performance standard seeking that new development addresses these adverse effects should be a district-wide rule i.e. apply to all zones in the Proposed Plan.</p> <p>As noise sensitive activities located adjacent to transport networks potentially have a same adverse effect throughout the District, it is appropriate that Council adopt a district wide approach for managing the reverse sensitivity. Applying a district wide approach to managing reverse sensitivity will also assist in managing the location of noise sensitive activities, and encourage better urban design solutions to achieve reasonable levels of internal amenity for noise sensitive receivers.</p> <p>Reverse sensitivity describes the effect that development of one kind may have on activities already in an area. It usually results from the people involved in a newly established activity complaining about the effects of existing activities in an area. Noise sensitive receivers can compromise the operation of established land use such as the region's significant land transport networks. It is therefore important that newly establishing sensitive receivers are encouraged to internalise effects to achieve a reasonable level of internal acoustic amenity .Ensuring the long term amenity of noise sensitive activities close to the railway corridor may take the form of enhanced acoustic insulation, but can also be as simple as accommodating, in the design and layout of lots in new subdivisions; building orientation and aspect, the location of glazing and outdoor amenity areas.</p> <p>The potential for reverse sensitivity impacts of new activities on existing uses is recognised as an effect on the environment that must be avoided, remedied or mitigated under the Resource Management Act 1991 (the Act). Further, addressing reverse sensitivity effects is necessary under Part 2 of the Act which requires that the social and economic well-being of both the future residents (and occupiers of other noise-sensitive premises) as well as the rail operator are provided for, and that the efficient use of physical resources like strategic transport corridors and existing lines are also enabled.</p> <p>KiwiRail seeks the insertion of the acoustic performance standard into all the relevant zones in the Plan or in a location in the Plan which will apply district-wide.</p>	<p>Add a new rule to all and each of the following zones ;</p> <ul style="list-style-type: none"> • Chapter 15 Residential • Chapter 16 Industrial • Chapter 17 Commercial • Chapter 18 Greenbelt residential • Chapter 20 Open Space <p>which states: <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> (i) <u>35dBA LAeq (1 hour) inside bedrooms.</u> (ii) <u>40dBA LAeq (1 hour) inside other habitable rooms.</u> (iii) <u>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> or Locate this rule in one location in the plan where it will have district-wide applicability (i.e. to all zones).</p>
33.	19 RULES: Rural Zone P 19-18	19.6.23 Safety and Visibility at Road and Rail Intersections	The poor location of buildings, fences and other land uses similarly affects both road intersections and railway level crossing sightlines. The safe and efficient operation of railway level crossings form an integral part of the District's road safety system.	Retain rule
34.	20 RULES: Open Space Zone	20.6 CONDITIONS FOR PERMITTED ACTIVITIES	<p>Add a rule to permitted activities in the Open Space zone which provides for level crossing safety sightlines similar to that which applies in all other zones.</p> <p>NB: the change includes the change sought in submission 36 referring to a new diagram '2' in rule 21.1.6(c)</p>	Add new rule 20.6.23 to CONDITIONS FOR PERMITTED ACTIVITIES in Open Space zones the following;

Submission Number	Plan Chapter and page reference	Plan Section (e.g. 2.2.6 Neighbourhood Amenity Lighting and Glare Policy)	Submission/Comments/Reasons	Relief Sought (as stated or similar to achieve the requested relief)
	P 20-13			<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>
35.	21 RULES: Vehicle Access, Parking, Loading & Rooding P 21-1	21.1.1 Vehicular and Pedestrian Access ways Design Standards	Conflicts at level crossings can lead to the misuse of level crossings, and affect other road users. To facilitate good integrated planning KiwiRail seeks a new rule which requires developers to provide a minimum of 30 metres separation between new vehicle access ways and railway level crossings. This buffer is designed to: i.reduce the potential for vehicles to queue over the level crossing; i.to ensure visibility of the crossing isn't blocked by turning vehicles; and to i.avoid congestion and confusion in the vicinity of the level crossing. One of the primary reasons for seeking this 30m control is to allow space for vehicles to wait/stop at level crossings (including longer milk trucks and rural heavy goods vehicles), without frustrating someone trying to get in or out of an adjacent property. Frustration, leading to risk-taking behaviour by drivers at intersections can be reduced by providing adequate waiting distances. The requested control is designed to avoid these conflicts and promote road safety.	Add new rule to 21.1.1. <u>Rule -Vehicle entrance separation from railway level crossings</u> <u>New vehicle access ways shall be located a minimum of 30 metres from a railway level crossing.</u>
36.	21 RULES: Vehicle Access, Parking, Loading & Rooding P 21-5	21.1.6 Formation Standards (c) Safety and Visibility at Road and Rail Intersections	The poor location of land uses including structures, vegetation and signage can obstruct the required safety sightlines for railway level crossings. It is important that level crossings sightlines are free from obstructions to enable road users approaching a level crossing to check for trains. KiwiRail's level crossing assessment criteria is based on Part 9: Level Crossings of the New Zealand Transport Agency's Traffic Control Devices Manual. We have recently amended our policy and are seeking its inclusion in the plan as a new "Diagram 2" in section Rule 21.1.6(c) and as shown as Attachment 1. Road and rail sightlines are subtly different and separating will ensure that road safety is more appropriately promoted.	Add a new rule <u>21.1.6 (c) (iii) to Safety and Visibility at Road and Rail Intersections;</u> <u>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>

Attachment 1:
Part of KiwiRail submission number 35 to

21 RULES:
Vehicle Access, Parking, Loading & Roading
21.1.6 Formation Standards
(c) Safety and Visibility at Road and Rail Intersections

New Diagram 2.

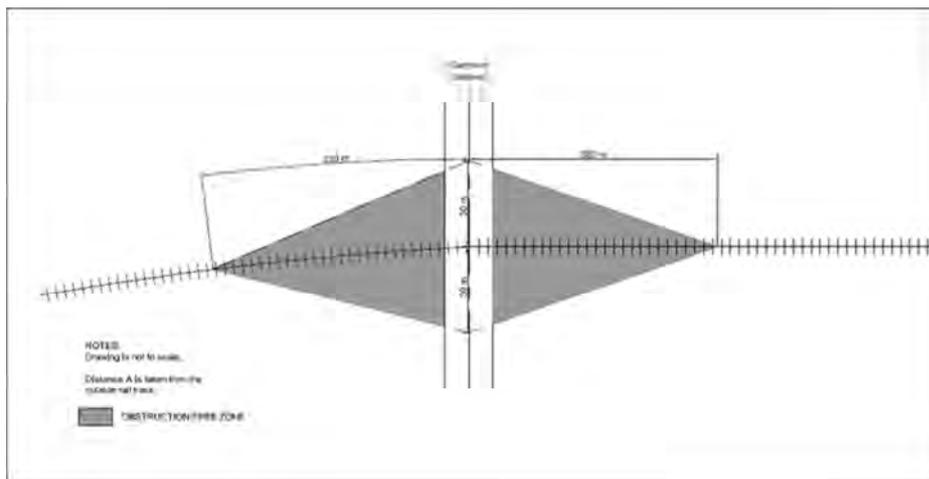
1. Developments near Existing Level Crossings

It is important to maintain clear visibility around level crossings to reduce the risk of collisions. All the conditions set out in this standard apply during both the construction and operation stages of any development.

Approach sight triangles at level crossings with Stop or Give Way signs

On sites adjacent to rail level crossings controlled by Stop or Give Way Signs, no building, structure or planting shall be located within the shaded areas shown in Figure 1. These are defined by a sight taken 30 metres from the outside rail and 320 metres along the railway track.

Figure 1: Approach Sight Triangles for Level Crossings with “Stop” or “Give Way” Signs



Advice Note:

The approach sight triangles ensure that clear visibility is achieved around rail level crossings with Stop or Give Way signs so that a driver approaching a rail level can either:

- *See a train and stop before the crossing; or*
- *Continue at the approach speed and cross the level crossing safely.*

Of particular concern are developments that include shelter belts, tree planting, or a series of building extensions. These conditions apply irrespective of whether any visual obstructions already exist.

No approach sight triangles apply for level crossings fitted with alarms and/or barrier arms. However, care should be taken to avoid developments that have the potential to obscure visibility of these alarm masts. This is particularly important where there is a curve in the road on the approach to the level crossing, or where the property boundary is close to the edge of the road surface and there is the potential for vegetation growth.

Restart sight triangles at level crossings

On sites adjacent to all rail level crossings, no building, structure or planting shall be located within the shaded areas shown in Figure 2. These are defined by a sight triangle taken 5 metres from the outside rail and distance A along the railway track. Distance A depends on the type of control (Table 1).

Figure 2: Restart Sight Triangles for al Level Crossings

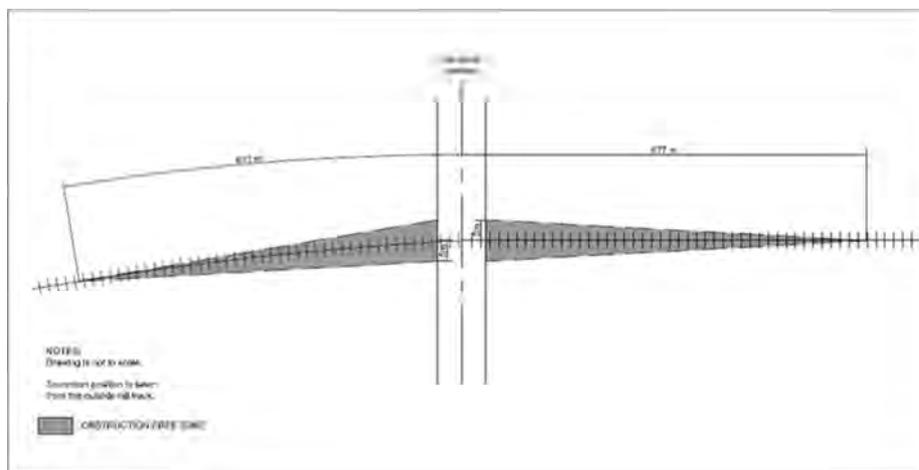


Table 1: Required Restart Sight Distances For Figure 2

Required approach visibility along tracks A (m)		
Signs only	Alarms only	Alarms and barriers
677 m	677 m	60 m

Advice Note:

The restart sight line triangles ensure that a road vehicle driver stopped at a level crossing can 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.

Of particular concern are developments that include shelter belts, tree planting, or a series of building extensions. These conditions apply irrespective of whether any visual obstructions already exist.

Notes:

- Figures 1 and 2 show a single set of rail tracks only. For each additional set of tracks add 25 m to the along-track distance in Figure 1, and 50 m to the along-track distance in Figure 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 the rule contains fixed parameters to enable easy application of the standard. Approach and restart distances are derived from a:
 - train speed of 110 km/h
 - vehicle approach speed of 20 km/h
 - fall of 8 % on the approach to the level crossing and a rise of 8 % at the level crossing
 - 25 m design truck length
 - 90° angle between road and rail

10th November 2012

Horowhenua District Council
Private Bag 4002
LEVIN 5540

By EMAIL

Form 5, Clause 6 of the First Schedule, RMA

RE: SUBMISSION TO HOROWHENUA DISTRICT COUNCIL ON PROPOSED DISTRICT PLAN

Name of Submitter: Rod Halliday

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Submission on: Proposed Horowhenua District Plan –

The specific provision(s) of the proposed plan that my submission relates are as follows:

Rural Zone Rules

1. **Rule 19.6.4 - Building Setbacks from Boundaries and Separation Distances.**

(a) All buildings shall comply with the following setback

(iii) **10m from any other site boundary.**

and

Except on sites of 5,000m² or less, where the following setbacks apply.

(viii) **3m from any other site boundary.**

2. **Rule 19.6.4 - Building Setbacks from Boundaries and Separation Distances.**

(b) All new 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;
- (ii) 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;
- (iii) 20 metres from any other farm (e.g. dairy and poultry) effluent storage and treatment facilities on any other site.

(c) Any building used for intensive farming activity shall comply with the following setback and separation distances.

- (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.

The submission relates to:

The submission relates to the above noted rules of the PDP as they specifically relate to the construction of new residential dwellings in the rural area.

These rules are intended to ensure there is adequate separation between legitimate rural activities and new dwellings in the rural area that are often sensitive to such activities. Protecting the rural areas of the district for productive rural uses is a key outcome of the rural zone objectives and policies.

However there is increasing demand for rural living and managing this relationship is a key challenge for the PDP in particular the avoidance of reverse sensitivity issues that can arise when dwellings are built in the rural area.

(1) Whilst the submitter support the separation distance provisions, I am concerned that the exemption for allotments of less than 5,000m² under rules 19.6.4(a)(viii) is too small and does not adequately capture the majority of lifestyle allotment that are up to 1 Hectare, but typically between 1-2 acres (or 4000m² – 8000m²).

As a result, a 5,500m² property (for example) would be treated the same as a large holding of say 30 hectares in terms of building setback. For an allotment of 5,500m² the imposition of a 10m setback on all four boundaries would place severe restrictions on the placement of a dwelling; and may result in it being built in position that is less than ideal

and compromises the use of the remaining land. Figures 1-3 provided in [Attachment 1](#) illustrate how a various 5001m² shaped allotments would be affected by a 10m setback rule. In almost all cases more than half of the site would be affected by a 10m setback and therefore unable to be built on. Whilst it is acknowledged a resource consent could be lodged this would result in unnecessary cost and uncertainty.

The Section 32 analysis undertaken by Council acknowledges that the Proposed Plan Change 20 contains a minimum lot size of 5,000m² in the Rural Zone and also that this size is common due to Horizons Regional Councils on-site waste-water disposal requirements. It further notes that existing smaller rural lots are generally situated in close proximity to the urban areas, and in places, would be similar in character and amenity to areas zoned Greenbelt Residential. The Section 32 concludes...

‘Therefore, 5,000m² is considered to provide an effective level to differentiate “rural” and “rural-residential” properties for the purpose of a simple two-tier rule for building setbacks’.

Whilst I support simple rules in District Plans, I consider that the implied and arbitrary definition in the section 32 analysis of a rural-residential allotment being less than 5,000m² is flawed and skewed towards the new provisions recently introduced through PC20. It does recognise the many other allotments slightly larger than this created before PC20 that are yet to be developed. This view is supported by the 2006 State of the Environment Report that cites a large number of smaller rural-residential lots of between 4,000m² - 7,000m² (Refer also to Section 32 analysis).

As such, in my view, the proposed setback rule disadvantages those existing allotments, yet to be developed, that are between 5,001m² - 10,000m² (1 Hectare) and the two-tier approach to building setbacks is not satisfactory in terms of achieving the efficient use and development of land resources under the Resource Management Act.

(2) In respect to the plan provisions relating to separation distances between dwellings and ‘sensitive uses’; these provisions are also supported in principle. However, in the submitters view the rules do not adequately protect existing vacant lifestyle allotments that are capable of containing a dwelling, but are yet to be developed. In situations where existing vacant lifestyle allotments adjoin a large land holding, it is conceivable that a ‘sensitive use’ may be permitted to establish on the large holding prior to a dwelling being built. For example, a piggery may be built 50m from a vacant lifestyle allotment, and because there is no dwelling on the allotment the proposal will comply with Rule 19.6.4(c)(i) in relation to the separation rule to residential dwellings. However, when building consent application is made to construct the dwelling on the lifestyle allotment the proposal will fail to meet Rule 19.6.4(b)(i) because the dwelling itself will be within 300m of the piggery. In fact, it may transpire that there is no longer a complying location for a dwelling on the lifestyle allotment, and in a worst-case scenario it may no longer be appropriate for a dwelling to be constructed on the site at all.

As such, the District Plan rules need to be amended to manage scenarios such as this. Whilst it is certainly not the desire of the submitter to prevent legitimate rural activities

from establishing and occurring, it is important to protect the legitimate expectations of property owners created when a subdivision for a lifestyle allotment is approved by HDC. As such, it is not sound resource management practice for HDC to allow the subdivision of land and not have adequate protection in the District Plan for its legitimate development i.e. construction of a dwelling.

I therefore **Oppose** these provisions of the Proposed District Plan.

I seek the following decision(s) from Council

- 1) I seek that Rule 19.6.4(a)(viii) be amended in one of two ways.
 - a) Increase the exemption to include allotments less than 1ha, **or**
 - b) Introduce an 'intermediate' category for allotments of between 5,001m² - 1ha with a setback of 5m from any other boundary.
 - 2) **I seek that Rule 19.6.4 (c)(i) be amended to read as follows. (insert underlined)**
"300m from any residential dwelling unit (or existing allotment less than 1ha that is capable of containing a dwelling) and other sensitive activities on any other site.
 - 3) **I seek that Rule 19.6.4 (b) be amended to include an exception to the rule to read;**
"Exception: where the title of the allotment predates the establishment of an activity listed above, the above rules shall not apply.
-

I wish to attend and speak at the hearing in support of my submission and would consider a joint presentation with other submitters if appropriate:

I cannot gain an advantage in trade competition through this submission and consider I am directly affected by an effect of the subject matter that adversely affects the environment. My submission does not relate to trade competition or the effects of trade competition.

Yours faithfully



Rod Halliday

Date: 10th November 2012

FIGURE 1 - 5000 m² lot

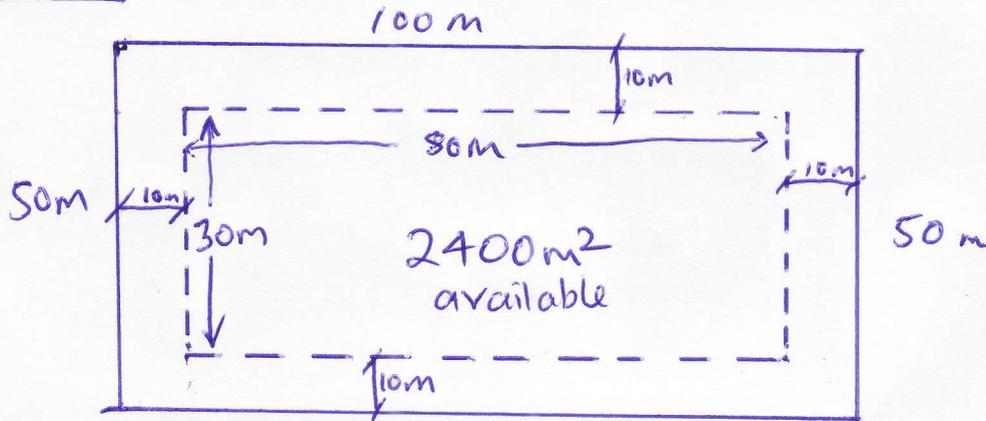


FIGURE 2 - 5000 m² lot. - -

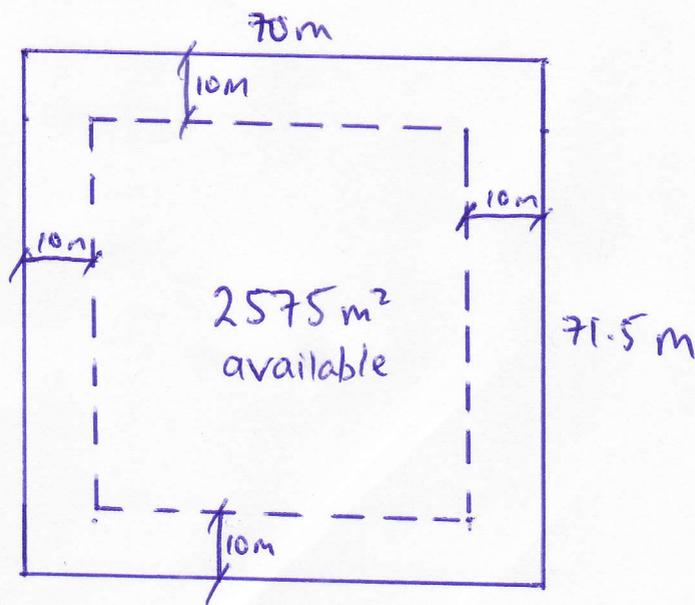
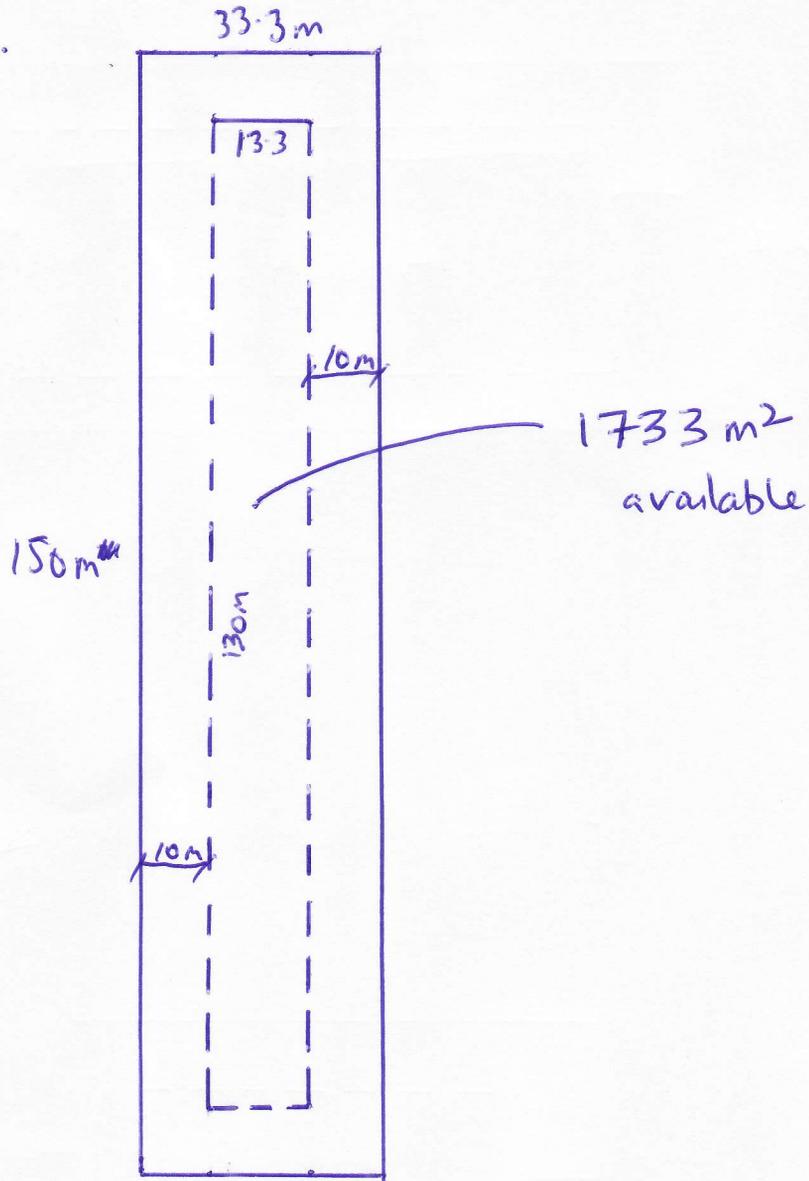


FIGURE 3 - 5000 m² lot



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Proposed Horowhenua District Plan
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 Submission No: 057



Submissions can be:

Delivered to: Horowhenua District Council Offices, 126 Oxford Street, Levin
 Posted to: Shaping Horowhenua, Horowhenua District Council, Private Bag 4002, Levin 5540
 Faxed to: (06) 366 0983
 Emailed to: districtplan@horowhenua.govt.nz

Submissions must be received no later than 4:00pm 12 November 2012

1. Submitter Contact Details

Full Name: ALAN BLUNDELL.....
 Name of Organisation: *(If on behalf of an Organisation)* FRIENDS OF STRATHNAVER.....
 Address for Service: PO BOX 136
 LEVIN Post code:
 Telephone (Day time): 06-3686249..... Mobile:
 Email: FRIENDSOFSTRATHNAVER@GMAIL.COM.....

Note: you must fill in all sections of this form.

2. Trade Competition

I could gain an advantage in trade competition through this submission? No
 I am directly affected by an effect of the subject matter that
 (a) adversely affects the environment; and
 (b) does not relate to trade competition or the effects of trade competition? Yes

Please note that if you are a person who could gain an advantage in trade competition through the submission, your right to make a submission may be limited by Clause 6 of Schedule 1 of the Resource Management Act 1991.

3. The specific provisions of the Proposed District Plan that my submission relates to are as follows: *(Please specify the Rule, Policy or Map number your submission relates to)*

SEE ATTACHED SHEET

.....

.....

.....

.....

.....

.....

.....

(Continue on a separate sheet if necessary)

4. My submission is that: (Clearly state whether you SUPPORT or OPPOSE specific parts of the Proposed District Plan or wish to have amendments made, giving reasons for your views)

SEE ATTACHED SHEET

(Continue on a separate sheet if necessary)

5. I/We seek the following decision from the Horowhenua District Council: (Give precise details of what amendments you wish to see and your reasons)

SEE ATTACHED SHEET

(Continue on a separate sheet if necessary)

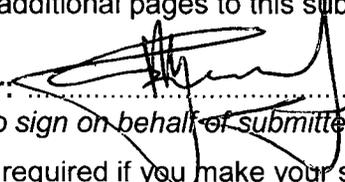
6. Proposed District Plan Hearing

Do you wish to attend the Council hearing for the Proposed District Plan? Yes

Do you wish to be speak in support of your submission at the hearing? Yes

If others make a similar submission would you be prepared to consider presenting a joint case at the hearing? No

I have attached ...2..... additional pages to this submission.

Signature of Submitter:  Date: 09-11-2012.....
(Or person authorised to sign on behalf of submitter)

Note: A signature is not required if you make your submission by electronic means.

Submissions must be received no later than 4:00pm 12 November 2012

Further Information

If you require further information about the Proposed District Plan please visit the Council website www.horowhenua.govt.nz or email districtplan@horowhenua.govt.nz or phone (06) 366 0999.

Privacy Act 1993

Please note that submissions are public information. Information on this form including your name and submission will be accessible to the media and public as part of the decision making process. Council is required to have this by the Resource Management Act 1991. Your contact details will only be used for the purpose of the Proposed District Plan process. The information will be held by the Horowhenua District Council, 126 Oxford Street, Levin. You have the right to access the information and request its correction.

3- Specific provisions of the proposed district plan that my submission relates to are as follows:

RULE 19.4.7 Building structures and subdivision in the Coastal Natural Character & Hazard Zone

Planning Map 10

RULE 19.6.4 Building setbacks from boundaries & separation distance

4 - My submission is that:

We Oppose Rule 19.4.7 as this rule should only relate to the Hazard zone and not the Coastal Natural Character zone.

The Hazard overlay needs to be distinguished from the Coastal Natural Character Zone.

The Hazard zone should relate to the dunes by the fore shore.

In the Waikawa Beach rural zone - Strathnaver and Reay MacKay Grove area - we have been subjected to subdivision which has shaped and developed our area into a residential lifestyle subdivision.

The land forms have been modified to create roads, rights of ways and driveways as well as specified building platforms, dwellings and gardens using mainly native plants.

Hence the ability for continued earthworks and development has been limited. Plan change 20 has already restricted the ability of any property in this area to subdivide as a parent title of 20 hectares is now required under Plan Change 20.

We Oppose Planning Map 10 as it lumps together the Coastal Natural Character and the Hazard zone as if they are the same thing.

As residents of the rural area to the south of the Waikawa Village we acknowledge that we live in a special place.

It is truly an area of Coastal Natural Character, but we oppose being called a Hazard zone.

We believe the Hazard zone is not applicable.

We oppose Rule 19.6.4 as there are many lots in our location that have an area less than 5000m². The separation between dwellings is important to our way of life.

We all enjoy a rural environment as that is what we are.

By Council imposing this rule it could severely affect some existing dwellings that are already established

These dwelling were constructed knowing it was a first in first served basis and when or if the neighbouring properties built they had to obtain permission from the existing dwelling - if this rule was in existence then it would have predetermined the location of the dwellings on the lot.

5 - We seek the following decision from the Horowhenua District Council

Rule 19.4.7 - we wish Council to take out the reference to the Coastal Natural Character zone in our location and on Planning Map 10.

To distinguish between the Coastal Natural Character and the Hazard zone so they are separate areas.

To retain the Hazard zone in our location south of the Waikawa Village to the dunes immediately adjacent to the foreshore.

To create the Coastal Natural Character zone in the remaining land, this would avoid the dwellings in the residential lifestyle area of Strathnaver Drive/ Reay Mackay Grove

Planning Map 10 should distinguish between the Coastal Natural Character zone and the Hazard zone as two separate areas.

Rule 19.6.4 - we wish Council to remove 19.6.4 (a) (viii) and replace it with all new dwellings shall be 20 metres from any established Dwelling.

This would protect the residents who have already built as this is a rural area and that is part of the reason many people have built and established themselves in this area.

By amending this rule it would also be in line with the section that relates to 19.6.4 (a) (iii) hence it would protect the existing dwelling but would still be inline with the plan change review for the rural zone.

Friends of Strathnaver

Rose & John Saunders, Lizzy and Andy Stanley, Anja & Theo Van Schoonhoven, Alan & Marie Blundell, Craig & Jaynie Hudgell, Stephen & Fiona Crombie, Kevin & Rose Doncliff, Michele Walls-Bennett, Jo & Mark Freeman, Kate & Tim Gibbs, Matt & Shelley Fogden, Maurice & Sophie Campbell, Neave Fraser, Ron and Betty Zandbergen, Helen Fitzgerald & Peter McMenamin

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 Faxed to: (06) 366 0983
 Emailed to: districtplan@horowhenua.govt.nz

Submissions must be received no later than 4:00pm 12 November 2012

1. Submitter Contact Details

Full Name: Ms Jacqueline Sophie + Maurice John Campbell
 Name of Organisation: *(If on behalf of an Organisation)*.....
 Address for Service: PO Box 136
Levin Post code: 5540
 Telephone (Day time): 06 3686 249 Mobile: 027-29 45503
 Email: maurice.sophie@stra.co.nz

Note: you must fill in all sections of this form.

2. Trade Competition

I could gain an advantage in trade competition through this submission? Yes No
 I am directly affected by an effect of the subject matter that
 (a) adversely affects the environment; and
 (b) does not relate to trade competition or the effects of trade competition? Yes No

Please note that if you are a person who could gain an advantage in trade competition through the submission, your right to make a submission may be limited by Clause 6 of Schedule 1 of the Resource Management Act 1991.

3. The specific provisions of the Proposed District Plan that my submission relates to are as follows: (Please specify the Rule, Policy or Map number your submission relates to)

Our submission relates to Rule 19.4.7.
Buildings, Structures & Subdivision in the Coastal
Natural Character & Hazard Overlay & also
relates to Planning Map 10.
Also Rule 19.6.4 Building setbacks
from Boundaries & Separation Distances.

(Continue on a separate sheet if necessary)

4. My submission is that: (Clearly state whether you SUPPORT or OPPOSE specific parts of the Proposed District Plan or wish to have amendments made, giving reasons for your views)

OPPOSE BOTH RULES & MAP 10
Map 10 has lumped the Coastal Natural Character + THE Hazard zone together - in our location the coastline is accreting these zones should be shown separately.
19.4.7 should relate to a Hazard zone only.
RULE 19.6.4 on another sheet (Continue on a separate sheet if necessary)

5. I/We seek the following decision from the Horowhenua District Council: (Give precise details of what amendments you wish to see and your reasons)

We seek that Council reduce the hazard area to the Dune area adjacent to the foreshore.
We seek that Council take the Coastal Natural features out of rule 19.4.7 But leave this as a Hazard zone rule.
CONTINUED ON EXTRA SHEET (Continue on a separate sheet if necessary)

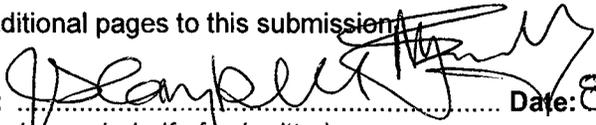
6. Proposed District Plan Hearing

Do you wish to attend the Council hearing for the Proposed District Plan? Yes No

Do you wish to be speak in support of your submission at the hearing? Yes No

If others make a similar submission would you be prepared to consider presenting a joint case at the hearing? Yes No

I have attached additional pages to this submission

Signature of Submitter:  Date: 8-11-12
(Or person authorised to sign on behalf of submitter)

Note: A signature is not required if you make your submission by electronic means.

Submissions must be received no later than 4:00pm 12 November 2012

Further Information

If you require further information about the Proposed District Plan please visit the Council website www.horowhenua.govt.nz or email districtplan@horowhenua.govt.nz or phone (06) 366 0999.

Privacy Act 1993

Please note that submissions are public information. Information on this form including your name and submission will be accessible to the media and public as part of the decision making process. Council is required to have this by the Resource Management Act 1991. Your contact details will only be used for the purpose of the Proposed District Plan process. The information will be held by the Horowhenua District Council, 126 Oxford Street, Levin. You have the right to access the information and request its correction.

④ We wish the rule relating to rural lots below 5000m² be amended to protect existing dwellings from dwellings being built close to the boundary. As we built where we did knowing the neighbour would need to get our permission to build closer than 30 metres from our dwelling

⑤ We seek that Council amend Rule 19.6.4 to protect existing rural dwelling from having another dwelling erected 3 metres from the boundary on all rural lots. We ask Council to remove 19.6.4 (a) (viii) & replace it with 20m separation distance between dwelling. on lots smaller than 5000m²

SUBMISSION FORM
Proposed Horowhenua District Plan
Resource Management Act 1991
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Submission No: 059



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 Faxed to: (06) 366 0983
 Emailed to: districtplan@horowhenua.govt.nz

Submissions must be received no later than 4:00pm 12 November 2012

1. Submitter Contact Details

Full Name: PETER JOHN WEBB and SUSAN FRANCES WEBB
 Name of Organisation: *(If on behalf of an Organisation)* - M.A. -
 Address for Service: 63/186 The Terrace
Wellington 6011 Post code: 6011
 Telephone (Day time): (04) 472-8643 Mobile: 027 4475084
 Email: peterandsusanwebb@xtra.co.nz

Note: you must fill in all sections of this form.

2. Trade Competition

I could gain an advantage in trade competition through this submission? Yes No

I am directly affected by an effect of the subject matter that
 (a) adversely affects the environment; and
 (b) does not relate to trade competition or the effects of trade competition? Yes No

Please note that if you are a person who could gain an advantage in trade competition through the submission, your right to make a submission may be limited by Clause 6 of Schedule 1 of the Resource Management Act 1991.

3. The specific provisions of the Proposed District Plan that my submission relates to are as follows: (Please specify the Rule, Policy or Map number your submission relates to)

Diagram of the flood plain for the Ohau River

(Continue on a separate sheet if necessary)

4. My submission is that: (Clearly state whether you SUPPORT or OPPOSE specific parts of the Proposed District Plan or wish to have amendments made, giving reasons for your views)

The district plan as proposed is inaccurate in that the boundary of the flood plain, insofar as the plain affects our property at 354 Mahunua East Road, Chaei, does not follow the contours of the escarpment alongside the river but includes part of our land which is some 60 feet above the river and is obviously incapable of ever being flooded.

(Continue on a separate sheet if necessary)

5. I/We seek the following decision from the Horowhenua District Council: (Give precise details of what amendments you wish to see and your reasons)

We ask that the boundary of the flood plain, insofar as the plain affects our property at 354 Mahunua East Road, Chaei, follow the contours of the escarpment alongside the river rather than the current straight line which encompasses part of our land which is incapable of ever being flooded.

If our request is unable to be met we ask that the Council remain alert to the problem.

(Continue on a separate sheet if necessary)

6. Proposed District Plan Hearing

Do you wish to attend the Council hearing for the Proposed District Plan? Yes No

Do you wish to be speak in support of your submission at the hearing? Yes No

If others make a similar submission would you be prepared to consider presenting a joint case at the hearing? Yes No

I have attached ^{M:1} additional pages to this submission.

Signature of Submitter: *J. Hill* *Susan Hills* Date: 7 Nov 2012
(Or person authorised to sign on behalf of submitter)

Note: A signature is not required if you make your submission by electronic means.

Submissions must be received no later than 4:00pm 12 November 2012

Further Information

If you require further information about the Proposed District Plan please visit the Council website www.horowhenua.govt.nz or email districtplan@horowhenua.govt.nz or phone (06) 366 0999.

Privacy Act 1993

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Muaupoko Co-operative Society
C/- 24 Painua Road
RD 1
LEVIN

Telephone 06-368-0718

11 November 2012

The Chief Executive Officer
Horowhenua District Council
Private Bag
LEVIN

Dear Sir,

Re: Proposed Horowhenua District Plan – Submission

Please accept the following as my submission on behalf of the Muaupoko Co-operative Society (the MCS), to the Proposed Horowhenua District Plan 2012 (the proposed plan):

I oppose the proposed plan and wish to be heard in respect of this submission.

The reasons for my opposition are as follows:

The MCS, being an Iwi Authority representing the interests of Muaupoko, and also participants in the preparation of the Operative Horowhenua District Plan 1999 (the operative plan), requested inclusion in the processes of the preparation of the proposed plan, however the Council stated that they would only deal with the Muaupoko Tribal Authority (the MTA), this despite being informed that the MTA does not have the mandate to represent the interests of the MCS.

The behaviour of the Council in this matter has not been offensive, divisive and totally inconsistent with achieving the objectives identified in the operative plan, nor are they consistent with achieving the objectives identified in sections 6 and 7 of the Local Government Act.

The tangata whenua of Muaupoko, who so may be affected by the proposed plan, have not been consulted either directly by the Council, or indirectly through the MTA, (who have just recently signed a Memorandum of Understanding with the Council), to identify and define exactly what the matters of importance are to tangata whenua in relation to their taonga and waahi tapu.

Further more 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 and waahi tapu from inappropriate use and development, and to also ensure the sustainability of the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga, to meet the needs of nga tamariki, mokopuna, the future generations. Tangata whenua believe that rules regulations are desperately needed in relation to the protection and sustainability of their taonga, including Lake Horowhenua, and also believe that without such protection mechanisms, the taonga will suffer further deterioration to where the tangata whenua will eventually lose their relationship with them altogether, this is not an outcome consistent with the purpose or intentions of the RMA.

The re-instatement of Lake Horowhenua into Chapter 13-3 of Horizons Regional Councils One Plan (following the notification of the proposed plan) should require the Council to include appropriate provisions in the proposed plan to address this matter. Whether this is achieved by way of rules or regulations, there is an urgent need to prevent the ongoing discharge of storm water, waste water and run off associated to intensive land use activities in the district such as agriculture and horticulture, from entering Lake Horowhenua. These matters need to be provided for now and not in 10 years time when the district plan will be reviewed again.

Statements supposedly made by Muaupoko at the beginning of Part B - Chapter 1 are incorrect and should be removed from the proposed plan.

Volume 1, Part B – Objectives/Policies, Chapter 1 – Matters of Importance to Tangata Whenua, sets out the policy framework as it responds to the “Significant Resource Management Issues” identified for the Horowhenua District in relation to the matters of national importance as set out in Sections 6(e), 7(a), and 8 of the Resource Management Act 1991 (RMA).

The issues are:

- Issue 1.1 – Active Participation by Tangata Whenua
- Issue 1.2 – Relationship of Tangata Whenua with Ancestral Lands
- Issue 1.3 – Protection of Sites of Cultural Significance
- Issue 1.4 – Development by Iwi and Hapu

Objectives & Policies related to the issues include the following statements:

To provide Tangata Whenua with opportunities to actively participate in resource management processes (including decision making) on matters that have the potential to affect their cultural values and well-being.

Ensuring that Council actively recognise the principles of the Treaty of Waitangi in exercising its function and duties under the RMA, including the principles of Tino Rangatiratanga, Active Protection, Shared Decision Making etc. Each whanau or hapu is kaitiaki for the area over which they hold mana whenua, that is, their ancestral lands and seas.

Kaitiakitanga will need to be interpreted in the context of individual resource use issues with guidance from the appropriate Tangata Whenua who are the kaitiaki in different parts of the District.

It would appear from these statements that the Council is committed to consulting with the tangata whenua of the District, however this is not quite the case, at paragraph 8 of page 1-11 it reads:

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 dialogue and also to identify any Iwi Management Plans recognised by Iwi Authorities and lodged with Council.

Reference to the Council consulting with Iwi Authorities is common throughout Part B – Chapter 1, however the RMA only refers specifically to “consultation with the tangata whenua of the area who may so be affected through Iwi Authorities” in Clause 3(1)(b) of the First Schedule in relation to the preparation of proposed policy statements or plans. This does not apply to Sections 6(e), 7(a) and 8 of the RMA, and there is no provision within the RMA that gives authority to either the Council or an Iwi Authority to circumvent the mana of the tangata whenua or to remove their right to participate in the matters discussed in Chapter 1, which is what will occur if the proposed plan is adopted in its current state. The provision to consult through an Iwi Authority totally undermines all of the objectives stated in Chapter 1.

I therefore oppose Chapter 1 in its entirety, as it is not consistent with the purpose or intentions of the RMA in particular sections 6(e), 7(a) and 8.

I oppose the designation of the areas where the Levin Waste-Water Treatment Plant, the Levin Landfill and “the Pot” are sited, this due to the serious cultural effects related to the activities carried out in these areas.

Further, I wish to record my opposition to Chapters 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, and 13 of the proposed plan, the reasons being the same as those stated in the submission made to the proposed plan by Mr Philip Taueki.

The relief I seek is that the proposed plan be declined until such time as the matters raised above 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.

Please do not hesitate to contact me if you require any further information relating to this submission.

The address for service is:

The Muaupoko Co-operative Society

C/- Vivienne Taueki

24 Painua Road,

RD 1

LEVIN Contact Phone No: 06-3680-0718

Yours sincerely

Vivienne Taueki

On behalf of the Muaupoko Co-operative Society

Muaupoko Co-operative Society
C/- 24 Painua Road
RD 1
LEVIN

Telephone 06-368-0718

11 November 2012

The Chief Executive Officer
Horowhenua District Council
Private Bag
LEVIN

Dear Sir,

Re: Proposed Horowhenua District Plan – Submission

This letter is to advise you of an error in our earlier submission to the Proposed Horowhenua District Plan.

Paragraph 5 on page 1 of the submission reads:

“The behaviour of the Council in this matter has not been offensive, divisive and totally inconsistent with achieving the objectives identified in the operative plan, nor are they consistent with achieving the objectives identified in sections 6 and 7 of the Local Government Act.”

This paragraph should read:

“The behaviour of the Council in this matter has been offensive, divisive and totally inconsistent with.....”

I have amended the signed hard copy of the submission and I will deliver this to the HDC offices tomorrow.

Yours sincerely

Vivienne Taueki
On behalf of the Muaupoko Co-operative Society

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 Emailed to: districtplan@horowhenua.govt.nz

Submissions must be received no later than 4:00pm 12 November 2012

1. Submitter Contact Details

Full Name: Murray Richard Tingey (called Richard Tingey)
 Name of Organisation: (If on behalf of an Organisation) _____
 Address for Service: 56 Kings Drive
LEVIN Post code: 5510
 Telephone (Day time): (06) 368 8587 Mobile: _____
 Email: cave.wood.88@hotmail.com

Note: you must fill in all sections of this form.

2. Trade Competition

I could gain an advantage in trade competition through this submission? Yes No

I am directly affected by an effect of the subject matter that
 (a) adversely affects the environment; and
 (b) does not relate to trade competition or the effects of trade competition? Yes No

Please note that if you are a person who could gain an advantage in trade competition through the submission, your right to make a submission may be limited by Clause 6 of Schedule 1 of the Resource Management Act 1991.

3. The specific provisions of the Proposed District Plan that my submission relates to are as follows: (Please specify the Rule, Policy or Map number your submission relates to)

The walking policy and cycling policy

(Continue on a separate sheet if necessary)

4. My submission is that: (Clearly state whether you SUPPORT or OPPOSE specific parts of the Proposed District Plan or wish to have amendments made, giving reasons for your views)

I oppose the lack of mention of an encroachment policy. This includes permanent encroachments where long term fencing is given ad hoc licence without a formal application process and public register of encroachments, at present. There is also not a clear policy on there being a three metre wide walking strip either side of rural roads.

* (Continue on a separate sheet if necessary) *

5. I/We seek the following decision from the Horowhenua District Council: (Give precise details of what amendments you wish to see and your reasons)

(A) Culverts need to extend at least three metres from the road edge for the fence above the culvert to be three metres from the road edge too (B) A full and thorough policy on encroachments over road reserves to guarantee walking and cycling on paper roads plus three metres of walking space either side of rural roads in use.

* (Continue on a separate sheet if necessary) *

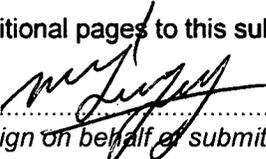
6. Proposed District Plan Hearing

Do you wish to attend the Council hearing for the Proposed District Plan? Yes No

Do you wish to be speak in support of your submission at the hearing? Yes No

If others make a similar submission would you be prepared to consider presenting a joint case at the hearing? Yes No

I have attached ~~one~~ additional pages to this submission.

Signature of Submitter: 
(Or person authorised to sign on behalf of submitter)

Date: Wednesday 14 November 2012

Note: A signature is not required if you make your submission by electronic means.

Submissions must be received no later than 4:00pm 12 November 2012

Further Information

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Privacy Act 1993

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* Continued from earlier sheet in 4 & 5

4. My submission is that: (Clearly state whether you SUPPORT or OPPOSE specific parts of the Proposed District Plan or wish to have amendments made, giving reasons for your views)

My reason is that Kawiu Road, from Tiro Tiro Road north, has a mixture of absent, poor and good Walking Strip Width. There is also a new fence above the culvert at from 128 to 125 Kawiu Road that's only one metre from the tarseal and encroachment of the road reserve with fences between Tiro Tiro Road and the first right (90°) angle bend in Kawiu Road. (Continue on a separate sheet if necessary)

5. I/We seek the following decision from the Horowhenua District Council: (Give precise details of what amendments you wish to see and your reasons)

(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) Seven day grazing encroachments for horses and cattle only with very light weight electric fencing to be two metres from tarseal. (E) Pampas grass/eradicat- ed on road reserves (F) Street trees to give ^{three metres of walkstrip, both sides} (Continue on a separate sheet if necessary)

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 Emailed to: districtplan@horowhenua.govt.nz

Submissions must be received no later than 4:00pm 12 November 2012

1. Submitter Contact Details

Full Name: Kathleen Patricia Bills

Name of Organisation: *(If on behalf of an Organisation)*.....

Address for Service: 258 Makerua Road RD4 Palmerston North New Zealand.....
 Post code: 4474

Telephone (Day time): 063627022..... Mobile: 0212043082.....

Email: kathybills@inspire.net.nz.....

Note: you must fill in all sections of this form.

2. Trade Competition

I could gain an advantage in trade competition through this submission? Yes No

I am directly affected by an effect of the subject matter that
 (a) adversely affects the environment; and
 (b) does not relate to trade competition or the effects of trade competition? Yes No

Please note that if you are a person who could gain an advantage in trade competition through the submission, your right to make a submission may be limited by Clause 6 of Schedule 1 of the Resource Management Act 1991.

3. The specific provisions of the Proposed District Plan that my submission relates to are as follows: *(Please specify the Rule, Policy or Map number your submission relates to)*

The zoning of the old Makerua School Pool Site *main Road, Makerua*

.....

.....

.....

.....

.....

(Continue on a separate sheet if necessary)

4. My submission is that: (Clearly state whether you SUPPORT or OPPOSE specific parts of the Proposed District Plan or wish to have amendments made, giving reasons for your views)

I support the zoning of this site as an Open Space Zone It is a community facility highly valued by the local community for summer recreation and community activity.

(Continue on a separate sheet if necessary)

5. I/We seek the following decision from the Horowhenua District Council: (Give precise details of what amendments you wish to see and your reasons)

To uphold the Proposed District Plan zoning of the old Makerua Pool Site as an Open Space

(Continue on a separate sheet if necessary)

6. Proposed District Plan Hearing

Do you wish to attend the Council hearing for the Proposed District Plan? Yes No

Do you wish to be speak in support of your submission at the hearing? Yes No

If others make a similar submission would you be prepared to consider presenting a joint case at the hearing? Yes No

I have attached additional pages to this submission.

Signature of Submitter: *[Handwritten Signature]* Date: 12/11/12
(Or person authorised to sign on behalf of submitter)

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Submissions must be received no later than 4:00pm 12 November 2012

1. Submitter Contact Details

Full Name: Kathleen Patricia Bills
 Name of Organisation: *(If on behalf of an Organisation)* Taupunga Farming Company.....
 Address for Service: c/- K. P Bills, 258 Makerua Road, RD4, Palmerston North
 Post code: 4474
 Telephone (Day time): 063627022 Mobile: 021 2043082.....
 Email: kathybills@inspire.net.nz.....

Note: you must fill in all sections of this form.

2. Trade Competition

I could gain an advantage in trade competition through this submission? Yes No
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I seek a change to the proposed District Plan so that the current zoning of Rural for the Okunui Hall Site (Okuku Road) is retained and not changed to the Open Space Zoning as proposed. To also not change the Hall to designate Hall Domain Site.

(Continue on a separate sheet if necessary)

4. My submission is that: (Clearly state whether you SUPPORT or OPPOSE specific parts of the Proposed District Plan or wish to have amendments made, giving reasons for your views)

I seek a change to the proposed District Plan so that the current zoning of Rural for the Okunui Hall Site (Okuku Road) is retained and not changed to the Open Space Zoning as proposed. To also not change the Hall to designate Hall Domain Site.....

(Continue on a separate sheet if necessary)

5. I/We seek the following decision from the Horowhenua District Council: (Give precise details of what amendments you wish to see and your reasons)

To change the proposed District Plan so that the Okunui Hall (Okuku Road) is zoned Rural.....

(Continue on a separate sheet if necessary)

6. Proposed District Plan Hearing

Do you wish to attend the Council hearing for the Proposed District Plan? Yes No
Do you wish to be speak in support of your submission at the hearing? Yes No
If others make a similar submission would you be prepared to consider presenting a joint case at the hearing? Yes No

I have attached additional pages to this submission.

Signature of Submitter: [Signature] Date: 12/11/12
(Or person authorised to sign on behalf of submitter)

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Submissions must be received no later than 4:00pm 12 November 2012

1. Submitter Contact Details

Full Name: Derek Watt.....
 Name of Organisation: *(If on behalf of an Organisation)*.....
 Address for Service: 150 Hill Road, Belmont, Lower Hutt.....
Post code: 5010.....
 Telephone (Day time): 04 5690268Mobile: 027 808 0745
 Email: d.watt@pl.net.....

Note: you must fill in all sections of this form.

2. Trade Competition

I could gain an advantage in trade competition through this submission? Yes No

I am directly affected by an effect of the subject matter that
 (a) adversely affects the environment; and
 (b) does not relate to trade competition or the effects of trade competition? Yes No

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.....
 Rules 19.4.7 and Rule 19.6.4

(Continue on a separate sheet if necessary)

4. My submission is that: (Clearly state whether you SUPPORT or OPPOSE specific parts of the Proposed District Plan or wish to have amendments made, giving reasons for your views)

I Oppose sections 19.4.7 and 19.6.4 Specifically the following.

19.4 DISCRETIONARY ACTIVITIES

The following activities shall be discretionary activities in the Rural Zone:.....

19.4.7 Buildings, Structures and Subdivision in the Coastal Natural Character and Hazard Overlay Area

(a) Any buildings, structures and the subdivision of land (excluding boundary adjustments) in the Coastal Natural Character and Hazard Overlay Area identified on the Planning Maps.

For the purposes of this rule, 'structures' does not include permanent or temporary structures designed to assist or restrict pedestrian access (such as fences, bollards, timber walkways and steps) or for passive recreation use (such as picnic tables, barbeques, and rubbish/recycling bins).....

19.6.4 Building Setbacks from Boundaries and Separation Distances...

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

(iii) 10 metres from any other site boundary;.....

(Continue on a separate sheet if necessary)

5. I/We seek the following decision from the Horowhenua District Council: (Give precise details of what amendments you wish to see and your reasons)

I seek the deletion of section 19.4.7. The most sensitive areas along the coast are already covered by the restrictions on ONFL and need not apply to the 'Coastal Natural Character and Hazard Overlay Area'. This adversely affects our freedom to operate in a normal and legitimate manner on our own property. Such as restricting the building of a garden shed, the design of a house without the council and adjacent landowners having say over matters of taste and personal expression. It also devalues our property significantly due to the uncertainty and costs associated with building a house. Such devaluation (need it be pointed out) is at the landowners cost, not the Horowhenua District Councils cost and therefore any change in plan should not be taken lightly by the Council.

I also seek the reduction of the setbacks on rural properties. These are excessive given all the other restrictions on rural properties (such as minimum areas for subdivision etc).

The percentage of land that this new boundary restriction represents is large for the smaller rural properties (1 hectare for instance). This can be seen in Figures one and two. In the least-affecting case (a square-shaped section), a one hectare section will have 36% of it's area affected by this proposed change. For rectangular sections this increases, for instance a 1 hectare section of 200 by 50 meters would have 52% of it's area unavailable for building without special consent. It can be seen therefore that a huge chunk of a 1-hectare section is restricted for building under the proposed plan.

Figure 1

Figure showing least affected case for a 1-hectare site for the proposed 10 m site-boundary restriction. **36%** of the available area (greyed out) that would be unavailable for building without special consent.

{ 100 meters by 100 meter section (illustrative only) for a 10,000 m³ }

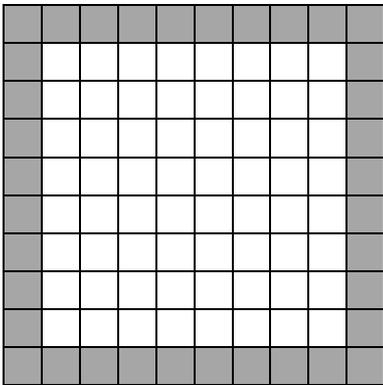
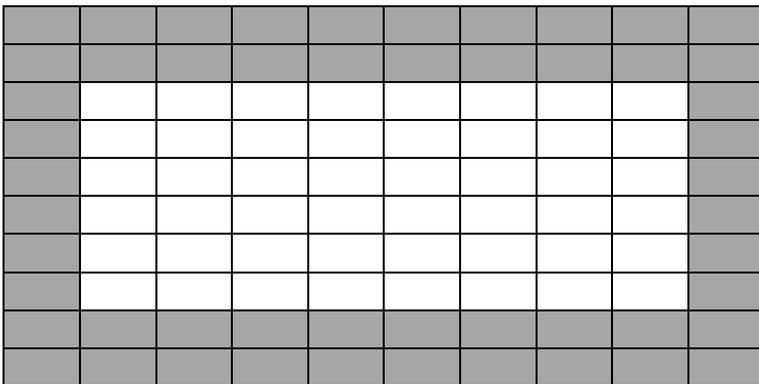


Figure 2

Figure showing least affected case for a 1-hectare site for the proposed 10 m site-boundary restriction. **52%** of the available area (greyed out) that would be unavailable for building without special consent.

{ 200 meter by 50 meter section (illustrative only) for a 10,000 m³ }



In my particular case, our section of ~9000 m³ covers an area *largely unfavourable* for building. It has a designated building site which includes an area within the proposed 10 m boundary restriction. This is because the boundaries and building platforms on our subdivision were set several years ago with the old 3 m setback in mind. The inability to use the designated building platform as envisaged for the subdivision would significantly affect the value and usefulness of our land.

(Continue on a separate sheet if necessary)

6. Proposed District Plan Hearing

Do you wish to attend the Council hearing for the Proposed District Plan? Yes No

Do you wish to be speak in support of your submission at the hearing? Yes No

If others make a similar submission would you be prepared to consider presenting a joint case at the hearing? Yes No

I have attached additional pages to this submission.

Signature of Submitter: **Date:** 11 Nov 2012.....
(Or person authorised to sign on behalf of submitter)

Note: A signature is not required if you make your submission by electronic means.

Submissions must be received no later than 4:00pm 12 November 2012

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1. Submitter Contact Details

Full Name: Christine Mitchell

Name of Organisation: *(If on behalf of an Organisation)*Horowhenua Farmers' Ratepayer group

Address for Service: 297 Potts Road

R.D. 1 Levin.....Post code: 5571

Telephone (Day time): 36 88588.....Mobile:

Email: ngarere@xtra.co.nz.....

Note: you must fill in all sections of this form.

2. Trade Competition

I could gain an advantage in trade competition through this submission? Yes No

I am directly affected by an effect of the subject matter that

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(b) does not relate to trade competition or the effects of trade competition? Yes No

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3. The specific provisions of the Proposed District Plan that my submission relates to are as follows: *(Please specify the Rule, Policy or Map number your submission relates to)*

Please see attached document.....

.....

.....

.....

.....

.....

.....

.....

(Continue on a separate sheet if necessary)

4. My submission is that: *(Clearly state whether you SUPPORT or OPPOSE specific parts of the Proposed District Plan or wish to have amendments made, giving reasons for your views)*

.....
.....
.....
.....
.....
.....

(Continue on a separate sheet if necessary)

5. I/We seek the following decision from the Horowhenua District Council: *(Give precise details of what amendments you wish to see and your reasons)*

.....
.....
.....
.....
.....

(Continue on a separate sheet if necessary)

6. Proposed District Plan Hearing

Do you wish to attend the Council hearing for the Proposed District Plan? Yes No

Do you wish to be speak in support of your submission at the hearing? Yes No

If others make a similar submission would you be prepared to consider presenting a joint case at the hearing? Yes No

I have attached ...5..... additional pages to this submission.

Signature of Submitter: **Date:** 12.11.12
(Or person authorised to sign on behalf of submitter)

Note: A signature is not required if you make your submission by electronic means.

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Horowhenua Farmers' Ratepayer Group
C/- C. Mitchell
297 Potts Road
Levin
Ph. 3688588
11 November 2012

H.D.C. District Plan Review Submission

The Horowhenua Farmers' Ratepayer Group is pleased to be able to submit its views about some of the proposals in the H.D.C. District Plan Review.

We do wish to have the opportunity to speak to our submission.

The Horowhenua Farmers' Ratepayer Group wishes to take the opportunity to comment specifically on the following policies, issues and proposed rules.

1. CHAPTER 2: RURAL ENVIRONMENT.

Policy 2.1.20 *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.*

We are delighted that Council recognises that the countryside is a rural production landscape. Thank you.

2. LAND USE ACTIVITIES – NATURE, CHARACTER, AMENITY VALUES AND SERVICING

Issue 2.5 *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. However, some of these effects are anticipated and expected in a rural environment.*

We applaud Council for acknowledging that, 'Dogs barking, stock noise, farm machinery noise, stock movements, burning, and spraying are all necessary and usual aspects of life in a rural area. Other activities in the rural environment should therefore anticipate and expect the amenity values to be modified by such effects.'

We are pleased that Council recognises that these activities are an essential part of a rural productive environment.

Relief Sought:

Add 'aerial topdressing and spraying' to the list of possible effects.

3. CHAPTER 4: OPEN SPACE AND ACCESS TO WATERBODIES

Policy 2.1.21

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

health and safety of users, landowners and adjoining properties

protection and restoration of conservation values

integration with the transport network, including cycleways where appropriate.

.....This Strategy identifies connections along river corridors, along the coast, between the ranges and the coast, connections to the ranges, and along the railway corridor. One method of implementation is creating connections when land is subdivided. Council will encourage and support landowners/subdividers in making these connections, recognising that due to the scale and complexity of some of the wider networks, it may take many years for these complete integrated networks to be realised and appreciated.

If a landowner wishes to create esplanade areas and other open space connections between existing public recreation or conservation reserves, that is their right. However our members would like to be reassured that providing esplanade strips will not be a requirement imposed by Council when consent to subdivide is applied for.

We are concerned that compulsory esplanade strips could impact, not only on the privacy and operational requirements of the adjoining landowner, but on the saleability of subdivided land. A potential buyer could be put off by a public accessway adjoining the land.

While it may seem ideal to have open accessways around the district for the public, there are potential dangers, not only to the landowners involved. The public can also be at risk. Pest control, particularly rabbit shooting, is extremely dangerous when unexpected people may be strolling around the countryside.

Maintaining these esplanade areas will involve costs for mowing, weed and pest control. Will these costs involve an increase for rural rates?

4. CHAPTER 19: RURAL ZONE

19.6.1 Residential Dwelling Units and Family Flats

- (a) One residential dwelling unit per site.
- (b) One family flat of up to 70m² in maximum gross floor area plus a covered verandah up to 10m² per site.

A farming business often requires more houses for on-farm employees, retired parents or farming family members. A farming situation is quite different from a lifestyle property.

Relief Sought:

That the number of permitted dwellings is related to the size of the property.

5. 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.
- (b) No plantation forest shall be planted within 25 metres from any existing residential dwelling unit.

A plantation forest can cause major shading, view restrictions and a lot of mess.

Relief Sought

- That Condition 19.6.15 (a) and (b) is amended to read:
 - (a) No plantation forest shall be planted within 20 metres from any site boundary unless that boundary is already adjacent to plantation forestry, in which case the distance must be greater than 10 metres.
 - (b) No plantation forest shall be planted within 100 metres from any existing residential dwelling unit which is located on a separately owned property.

6. 19.6.19 Surfacewater Disposal

(a) All activities shall make provision for the management of stormwater as means of dealing with water quantity and water quality to avoid significant adverse effects or nuisance.

All water flows downhill. In times of high rainfall events it is unrealistic to expect landowners to have total control over the containment and flow of water which enters their property, either from the sky or over land. Which upstream landowner out of several will be held accountable for flooding on properties further downstream?

The above needs further clarification and discussion.

7. Proposed Flood Hazard Map Overlays

There are some areas identified in the map overlays which are incorrect. More accurate mapping, in conjunction with landowners is needed.

8. Land Use Class Capability

The LUC supplied by Horizons are not accurate enough to be used. The scale is too large. Areas of land are identified as Class 1 or 2 when limitations such as wetness and soil type relegate their use to pastoral farming rather than to arable crops. Other areas are not classified as Class 1 or 2 when they should be. If Council wishes to regulate activities according to Land Use Capability, the maps should be updated so they are accurate.

We are concerned to see Class 1 and 2 land off Ryder Crescent and Kawiu Road being proposed for 'Deferred Residential' development. Surely these precious soils should be maintained as productive.

9. Hill Country Domain Definition

In the 'Decisions of Hearing Panel' for Plan Change 22, (Pg 15 – 5.50) the commissioners recommend that HDC needs to further consider the 100m contour line as a boundary for the Hill Country DHLA in a future District Plan review. On Page 48 Para 5.293 they suggest it should be tied to slope.

Relief Sought

That the western boundary for the Hill Country Domain be where the land rises sharply and continuously at the base of the foothills, at a slope of, say, 40 degrees.

10. Earthworks

In the 'Decisions of Hearing Panel' for Plan Change 22 (Page 52 para 5.322) the commissioners suggest changing the definition of 'earthworks'.

We agree with Federated Farmers stance that the definition of *Earthworks* excludes normal farming earthworks.

If that is not agreed to by Council, we ask that the threshold of 1 metre is increased to 2.5 metres to allow normal farming activities such as tracking and fencelines to proceed on our rural production landscape.

11. Liquefaction and rising sea levels

Large areas of land, especially in the coastal area have been identified as high liquefaction risk areas. Rising sea levels are also a threat to development along the

coast. We would urge Council to take these risk factors into account when allowing subdivision in coastal areas and those areas which will be impacted by flooding from waterways which is caused by rising sea levels.

12. Historic, Heritage and other restrictions

The Horowhenua Farmers' Ratepayer Group contends that when property rights are taken away from individuals because of public opinion and new Council policies and rules, those property owners should be compensated for the extra costs imposed on them. This includes owners of historic buildings, heritage sites, areas of ecological significance and areas of significant visual aesthetic appeal.

We would suggest that Council sets up a fund for this recompense purpose.

With the exception of some matters discussed in our submission, the Horowhenua Farmers' Ratepayer Group whole-heartedly supports the submissions made by Federated Farmers of New Zealand.

Christine Mitchell (Secretary Horowhenua Farmers' Ratepayer Group)

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1. Submitter Contact Details

Full Name: Bruce and Christine Mitchell

Name of Organisation: *(If on behalf of an Organisation)*.....

Address for Service: 297 Potts Road

R.D. 1 Levin.....Post code: 5571

Telephone (Day time): 36 88588.....Mobile:

Email: ngarere@xtra.co.nz.....

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2. Trade Competition

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3. The specific provisions of the Proposed District Plan that my submission relates to are as follows: *(Please specify the Rule, Policy or Map number your submission relates to)*

Please see attached document.....

We support the points raised in the Horowhenua Farmers' Ratepayer Group submission

.....

.....

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.....

.....

(Continue on a separate sheet if necessary)

4. My submission is that: *(Clearly state whether you SUPPORT or OPPOSE specific parts of the Proposed District Plan or wish to have amendments made, giving reasons for your views)*

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.....
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(Continue on a separate sheet if necessary)

5. I/We seek the following decision from the Horowhenua District Council: *(Give precise details of what amendments you wish to see and your reasons)*

.....
.....
.....
.....
.....

(Continue on a separate sheet if necessary)

6. Proposed District Plan Hearing

Do you wish to attend the Council hearing for the Proposed District Plan? Yes No

Do you wish to be speak in support of your submission at the hearing? Yes No

If others make a similar submission would you be prepared to consider presenting a joint case at the hearing? Yes No

I have attached additional pages to this submission.

Signature of Submitter: **Date:** 11.11.12
(Or person authorised to sign on behalf of submitter)

Note: A signature is not required if you make your submission by electronic means.

Submissions must be received no later than 4:00pm 12 November 2012

Further Information

If you require further information about the Proposed District Plan please visit the Council website www.horowhenua.govt.nz or email districtplan@horowhenua.govt.nz or phone (06) 366 0999.

Privacy Act 1993

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SUBMISSION FORM

Proposed Horowhenua District Plan

Resource Management Act 1991

Form 5 of Resource Management

(Forms, Fees, Procedure) Regs 2003

Council Use Only

Date Received:/...../.....

Submission No:



Submissions can be:

Delivered to: Horowhenua District Council Offices, 126 Oxford Street, Levin

Posted to: Shaping Horowhenua, Horowhenua District Council, Private Bag 4002, Levin 5540

Faxed to: (06) 366 0983

Emailed to: districtplan@horowhenua.govt.nz

Submissions must be received no later than 4:00pm 12 November 2012

1. Submitter Contact Details

Full Name: Dr Huhana Smith

Name of Organisation: *(If on behalf of an Organisation)* Taiao Raukawa Environmental Resource Unit

Address for Service: C/O 658 State Highway One

RD 20, Kuku (via Levin).....Post code: 5570

Telephone (Day time): 06 3626360.....Mobile: 021 244 8711.....

Email: makareta@me.com.....

Note: you must fill in all sections of this form.

2. Trade Competition

I could gain an advantage in trade competition through this submission? Yes No

I am directly affected by an effect of the subject matter that
(a) adversely affects the environment; and

(b) does not relate to trade competition or the effects of trade competition? Yes No

Please note that if you are a person who could gain an advantage in trade competition through the submission, your right to make a submission may be limited by Clause 6 of Schedule 1 of the Resource Management Act 1991.

3. The specific provisions of the Proposed District Plan that my submission relates to are as follows: *(Please specify the Rule, Policy or Map number your submission relates to)*

Ensure macrons are correct.

Part A Introduction Volume 1,

Find **Maori** and replace all with macron over a as in **Māori**.

Find **Ngati** and replace all with **Ngāti**.....

In **Statement of Ngāti Raukawa** the following amendments (page 1-3) Include after... (like Kauwhata **(Feilding)**, Tukorehe (Kuku) etc

Include at end of Para 1 after Te Rauparaha. **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.**

In Para 5 include the bullet point

Tuku Whenua – Gifting land; (NB as first bullet point, please)

Include in para 1 page 1-4, after second sentence ending in “local environments”, the following as bullet pointed list of marae, from north to south of region.

Te Au, Himatangi;

Paranui, Himatangi;

Motuiti, Himatangi;

Whakawehi, Shannon;

Kereru, Kōptāraoa;

Matau, Kōptāraoa;

Huia, Poroutawhao;

Ngātokowaru, Hōkio;

Kikopiri, Muhunoa;

Tukorehe, Kuku;

Wehiwehi, Manakau;

Include in Para 1, page 1-4 *After* cemeteries; **wāhi tapu**; *after* former papa kainga; **wāhi tūpuna**,

After last sentence and before last paragraph of the **Statement of Ngāti Raukawa**, include the following paragraph.

“...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.

(Reference from Dr Royden Somerville QC and Katia Fraser, 2001, *An Overview of the Marine and Coastal Area (Takutai Moana) Act 2011*.)

Require heading on page 1-6? Statutory Duties and Responsibilities under the RMA after dissecting line

Add to 1 (g) Page 1-23, Greater public awareness of Tāngata Whenua and their customary rights and relationships with taonga, **including lands, coastlines, waterways, foothills and mountain ranges, etc**

Macron on Ōhau.

Suggested amendment. Include in Volume 1, page 2-23 “Control through the District Plan, is not expected to be the **only** means of achieving sustainable land management, with other agencies having a role, **too.**”

Page 2-19. Slight changes to Reverse sensitivity is a term used **that explains the** effect that new development ... occurring in **an area. It usually...**

Page 2-29. Should a Kuku Planning map be included?

Page 3-1. Sprit should be **spirit**

Page 4-2. Note that iwi, hapū and whanau as tangata whenua to certain areas of the marine and coastal region of Horowhenua 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. Taiao Raukawa advocates for hapū tinorangatiratanga and co-management opportunities for certain areas of coastline according to kawa or protocols set down by ancestral customary interests that continue today. For example, some key areas include Kuku, Ōhau estuary to sea, other trusts and Māori farming incorporations south towards Waikawa, especially where Māori land bounds the sea.

(Continue on a separate sheet if necessary)

4. My submission is that: *(Clearly state whether you SUPPORT or OPPOSE specific parts of the Proposed District Plan or wish to have amendments made, giving reasons for your views)*

Opposes. On page 1-2, in para 4 of Statement of Ngāti Apa. Ngāti Raukawa acknowledge all other iwi within the region, however it makes it clear that it OPPOSES the statement by Ngāti Apa on Omarupapako/Round Bush Reserve and seeks to amend the paragraph in Statement of Raukawa as in section 3 above.

Neither Supports Nor Opposes. Page 2-27. Taiao Raukawa QUESTIONS Policy 2.5.21 to protect Levin Wastewater Treatment Plant in Makomako Road from effects of reverse sensitivity. **Taiao Raukawa seeks that Council work on ensuring best solutions for best practice to ensure that the treatment plant works to the best environmental standards.**

Amend. Policy 4.1.4 Must take consideration of claims to customary marine title or claims to the common marine and coastal area. This is not to preclude the public but if granted will help restrict damaging behaviors to sensitive coastal regions, rare plant and bird life. These areas need protection for the benefit of the whole community, but it shall be recognised that management and determination of their positive and enhanced futures, shall be led by iwi and hapū.

Amend. Page 4-7. Issues 4.2 Access to Water bodies Taiao Raukawa seeks more discussion on ongoing Māori relationships to access to Water Bodies, so that particular Māori customary rights to waterbodies are recognised and maintained in relation to the procedures to be completed under the Marine and Coastal Areas (Takutai Moana) Act 2011.

See also latest reports that relate to Horowhenua coastal areas and water health in key waterways of region.

See www.mtm.ac.nz for latest poor water quality analysis (October 2012) on Waiwiri Stream from Lake to sea and microbial contamination in waterway length and shellfish at mouth.

See also Ōhau Loop report and list of recommendations. Note also the poor state of local Kuku Stream in this report as well.

Amend. Page 5-1. Coastal Environment Taiao Raukawa seeks more discussion on ongoing Māori relationships to access to Water Bodies, so that particular Māori customary rights to waterbodies are recognised and maintained in relation to the procedures to be completed under the Marine and Coastal Areas (Takutai Moana) Act 2011.

Amend by adding to. Page 8-8 Natural Hazards

The top 10 hazards for the greater Horizons Regional Council region are:

1. Earthquake
2. Locally generated tsunami
3. Human pandemic
4. Volcanic activity at Mt Ruapehu
5. Sea level rise
6. Volcanic activity at Mt Egmont/Taranaki
7. Beach erosion and flooding
8. Flooding
9. Agricultural drought
10. Cyclones (tropical cyclones)

Taiao Raukawa suggests that Council take coastal processes research over the years and compile recent reports about coastal processes, seismic hazards\ liquefaction risk for the Horowhenua coastline and make them more explicit for the community.

Supports 8 (d) Greater public awareness and see following references:

M.K. Holland & I.D. Holland, 1985, *Processes of Coastal Change Manawatu-Horowhenua*, Manawatu Catchment Board and Regional Water board report, Palmerston North.

Horizons Regional Council, 2009, *Hazards Risk Assessment* www.horizons.govt.nz/keeping-people-safe/emergency-management/regional-hazards/

National Institute of Water and Atmospheric Research Ltd, 2005, *Meteorological Hazards and the Potential Impacts for Climate Change in the Horizons Region*, NIWA: Wellington.

Dr R.D Shand, 2012, Kāpiti Coast Erosion Hazard Assessment, A report prepared for the Kapiti Coast District Council, Coastal Systems Ltd Research: Wanganui.

S. M. Smith, 2007, *Hei whenua ora: hapū and iwi approaches for reinstating valued ecosystems within cultural landscape*, a thesis presented in partial fulfilment of the requirements for the degree of Doctor of Philosophy in Māori Studies, Massey University: Palmerston North.

Amend by adding to: Para 2 on page 11-3 Water and Surface of Water.

Other areas of Māori land in the district have Ngā Whenua Rahui kawenata or covenants under the Reserves and Conservation Acts.

Amend by adding to: Policy 13.1.2

Place Māori cultural values as number one bullet point as they are the longest term human values in region, followed by archaeological values, then rest of values as follows.

Amend by adding to: Issues 13.1 and Obj 13.1.1

Under District Plan include after bullet point two "including site **and interrelated areas of significance to Māori including wāhi tapu, wāhi tūpuna and archaeological, within 12 months, etc...**,

Amend by adding to: Issues 13.3 and Obj 13.3.1

Last bullet point, please add **areas of interrelated significance** after heritage buildings and between sites, as this gives a better coverage of ancestral landscape significance to Māori, rather than a “dots on map perspective”.

(Continue on a separate sheet if necessary)

5. I/We seek the following decision from the Horowhenua District Council: (Give precise details of what amendments you wish to see and your reasons)

I have listed all areas for amendment and trust they meet with Council approval.
.....
.....
.....
.....

(Continue on a separate sheet if necessary)

6. Proposed District Plan Hearing

Do you wish to attend the Council hearing for the Proposed District Plan? Yes X No ..

Do you wish to be speak in support of your submission at the hearing? Yes X No ..

If others make a similar submission would you be prepared to consider presenting a joint case at the hearing? Yes X No ..

I have attached 3 additional pages to this submission.

Signature of Submitter: Dr Huhana Smith **Date:** 10 November 2012.....
(Or person authorised to sign on behalf of submitter)

Note: A signature is not required if you make your submission by electronic means.

Submissions must be received no later than 4:00pm 12 November 2012

Further Information

If you require further information about the Proposed District Plan please visit the Council website www.horowhenua.govt.nz or email districtplan@horowhenua.govt.nz or phone (06) 366 0999.

Privacy Act 1993

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From: Hayley Bell [mailto:hayley.b@actrix.co.nz]
Sent: Monday, 12 November 2012 12:22 a.m.
To: District Plan
Cc: David Ward; brendan@canvasland.co.nz
Subject: Horowhenua District Plan Submission from Te Taitoa Maori o Te Awahou
Importance: High

Tena koutou,

Nga mihi ki a koutou,

Thanks for the opportunity to submit comment on the Horowhenua District Plan. We do not wish to speak to our submission.

We would like to commend you on the inclusion of the Tangata Whenua section, your commitment to Te Tiriti o Waitangi and working in collaboration with local iwi and hapu. We welcome strengthened relationships with you in the Foxton district and consideration of our interests in the Manawatu River and the Te Awahou-Nieuwe Stroom Project.

In relation to the Whare Manaaki building we have recently re-opened and the development of Te Awahou-Nieuwe Stroom, we would like to make one observation about the zoning of property adjacent to Whare Manaaki in Harbour Street, Foxton. Currently in the District Plan it is zoned residential. The boundary of the that property has been moved so close to Whare Manaaki, that we can put our hand out the window and touch the fence. This leaves no room for vehicles to get up to the mural area or the proposed new Flax Stripper Museum site. We had anticipated that that property would become a carpark/ service area for Te Awahou-Nieuwe Stroom. It will be difficult to use it for that purpose if it remains residential or if it is sold and a house built there in the near future. We are not sure how this issue could be resolved in the current District Plan but want our observations noted.

Thanks you for your time.

Nga mihi,

Hayley Bell

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SUBMISSION FORM
Proposed Horowhenua District Plan
Resource Management Act 1991
Form 5 of Resource Management
(Forms, Fees, Procedure) Regs 2003

Council Use Only
 Date Received:/...../.....
 Submission No:



Submissions can be:
 Delivered to: Horowhenua District Council Office, 115 Water Street, Waiuku
 Postal Address: Horowhenua, P.O. Box 100, Waiuku, Horowhenua District Council, Private Bag 4000, Waiuku, 5010
 Email: submissions@horowhenua.govt.nz

Submissions must be received no later than 4:00pm 12 November 2012

1. Submitter Contact Details

Full Name: Michelle Wallis-Bennett & Steven Bailey
 Name of Organisation: (If on behalf of an Organisation)
 Address for Service: Lot 8, Uxbridge Terrace, Waiuku Beach
 Post code:
 Telephone (Day time): 021858364 Mobile: 021858364
 Email: michelew@ppi.co.nz

Note: you must fill in all sections of this form.

2. Trade Competition

I could gain an advantage in trade competition through this submission? Yes No

I am directly affected by an effect of the subject matter that
 (a) adversely affects the environment; and
 (b) does not relate to trade competition or the effects of trade competition? Yes No

Please note that if you are a person who could gain an advantage in trade competition through the submission, your right to make a submission may be limited by Clause 6 of Schedule 1 of the Resource Management Act 1991.

3. The specific provisions of the Proposed District Plan that my submission relates to are as follows: (Please specify the Rule, Policy or Map number your submission relates to)

19.4.7 - Building Structures & Subdivision in the Coastal Natural Character & Hazard Zone
Planning Map 10

(Continue on a separate sheet if necessary)

4. My submission is that: (Clearly state whether you SUPPORT or OPPOSE specific parts of the Proposed District Plan or wish to have amendments made, giving reasons for your views)

We oppose 19.4.7 as this rule should only relate to the Hazard Zone.
This area is now a developed subdivision & the hazard should only relate to the dune by the foreshore.
We oppose planning map 10 - we do not feel this is applicable as it combined Coastal Natural character & Hazard Zone.

(Continue on a separate sheet if necessary)

5. I/We seek the following decision from the Horowhenua District Council: (Give precise details of what amendments you wish to see and your reasons)

Rule 19.4.7. We seek Council to take out reference to Coastal Natural character zone in an location & on Planning map 10. & to distinguish between Coastal Natural character & Hazard. To retain Hazard in the dune foreshore.

(Continue on a separate sheet if necessary)

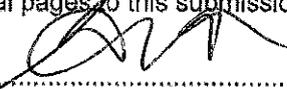
6. Proposed District Plan Hearing

Do you wish to attend the Council hearing for the Proposed District Plan? Yes No

Do you wish to be speak in support of your submission at the hearing? Yes No

If others make a similar submission would you be prepared to consider presenting a joint case at the hearing? Yes No

I have attached additional pages to this submission.

Signature of Submitter:  Date: 12/11/12
(Or person authorised to sign on behalf of submitter)

Note: A signature is not required if you make your submission by electronic means.

Submissions must be received no later than 4:00pm 12 November 2012

Further Information

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SUBMISSION FORM
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 Faxed to: (06) 366 0983
 Emailed to: districtplan@horowhenua.govt.nz

Submissions must be received no later than 4:00pm 12 November 2012

1. Submitter Contact Details

Full Name: Future Map Limited, Future Map (No2) Ltd and Future Map (No3) Ltd.....
 Name of Organisation: *(If on behalf of an Organisation)*
 Address for Service: Urbis Ashburton 2012 Ltd Po Box 603 Ashburton 7700
Post code:
 Telephone (Day time): 03 3077 164..... Mobile: 029 3077 164
 Email: david@urbisashburton.co.nz.....

Note: you must fill in all sections of this form.

2. Trade Competition

I could gain an advantage in trade competition through this submission? Yes No
 I am directly affected by an effect of the subject matter that
 (a) adversely affects the environment; and
 (b) does not relate to trade competition or the effects of trade competition? Yes No

Please note that if you are a person who could gain an advantage in trade competition through the submission, your right to make a submission may be limited by Clause 6 of Schedule 1 of the Resource Management Act 1991.

3. The specific provisions of the Proposed District Plan that my submission relates to are as follows: (Please specify the Rule, Policy or Map number your submission relates to)

Please see attached submissions and plans.

(Continue on a separate sheet if necessary)

4. My submission is that: (Clearly state whether you SUPPORT or OPPOSE specific parts of the Proposed District Plan or wish to have amendments made, giving reasons for your views)

We Oppose ^{parts} of the Proposed Tararua Growth Area Structure Plan as provided for in Schedule 5, and the associated Design Guide.

We provide an amended plan which we seek for the site.

(Continue on a separate sheet if necessary)

5. I/We seek the following decision from the Horowhenua District Council: (Give precise details of what amendments you wish to see and your reasons)

To approve the amended ^{dev} Structure Plan for the Tararua Growth Area and necessary amendments as required within the Design Guide.

Please refer to the attached submission.

(Continue on a separate sheet if necessary)

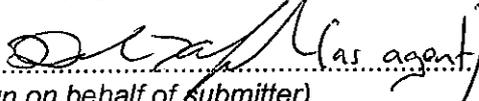
6. Proposed District Plan Hearing

Do you wish to attend the Council hearing for the Proposed District Plan? Yes No

Do you wish to be speak in support of your submission at the hearing? Yes No

If others make a similar submission would you be prepared to consider presenting a joint case at the hearing? Yes No

I have attached ..17.. additional pages to this submission.

Signature of Submitter:  (as agent) Date: 12th November 2012
(Or person authorised to sign on behalf of submitter)

Note: A signature is not required if you make your submission by electronic means.

Submissions must be received no later than 4:00pm 12 November 2012

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FORM 5

**SUBMISSION ON PUBLICLY NOTIFIED PROPOSAL
FOR POLICY STATEMENT OR PLAN**

Clause 6 of the First Schedule, Resource Management Act 1991

To: Horowhenua District Council

Name of Submitter: *(full name)*

Future Map Limited, Future Map (No 2) Ltd, and Future Map (No 3) Ltd

This is a submission on the following proposed plan (*or*) on a proposed change to the following policy statement *or* plan) (the proposal):

Proposed Horowhenua District Plan

The specific provisions of the proposal that our submission relates to are:

The proposed zone provisions of the Proposed Horowhenua District Plan in relation to the land located with boundaries between Tararua Road and Arapaepae Road (State Highway 57) and near to Roe Street and properties on Kinross Street and Strathmore Avenue in Levin. The topographical plan below shows the proposed site location. This includes the land shown as the Tararua Growth Area Structure Plan in both the Operative and Proposed Horowhenua District Plans.



Figure 1: Site Location

The site is also shown on the proposed Tararua Development Plans included with this submission which are explained in more detail below.

Without limitation, the following specific provisions are relevant to this submission:

The site is proposed to be zoned Industrial, Residential and Rural under the Proposed Horowhenua District Plan.

Proposed District Plan: Planning Map: 29 and 30

Schedule 5: Tararua Growth Area Structure Plan and Design Guide

Chapter 15: Residential Zone

Chapter 16: Industrial Zone

Our submission is:

Background

This submission will provide a sufficient level of detail that enables Council staff and/or consultants engaged by Council to review this submission to understand the intent and reasoning behind the layout. This submission does not go into the full extent and analysis and assessment that describes the proposal in detail. This level of detail can be provided if necessary at the hearing on these submissions (and further submissions as the case may be) where evidence can be presented to Council.

Some initial consultation with Council had been undertaken by the submitters prior to the lodgement of this submission to simply provide information on what might be possible for this land.

The properties the subject to this submission are legally described as 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. The physical area of the site is approximately 54.61ha in total.

The land is in the ownership of the following parties;

- Future Map Ltd
- Future Map (No 2) Ltd
- Future Map (No 3) Ltd
- LF Woodgates
- LM Welby
- Horowhenua District Council
- Levin Borough Council

It should be noted that Lots 2 and 3 DP 30627 are two small allotments (404m² each) that have no titles issued and therefore the ownership of this is not certain at this time.

Lot 2 DP 341015 being 19.28ha has been purchased unconditionally by Future Map (No 3) Ltd. This property is shown presently on the attached landonline "*Spatial map print*" as being owned by *Cullimore Steel (2007) Ltd*.

The intent of the submitters is rezone the land now as opposed to seeking a deferred zoning for the sites.

Existing Tararua Growth Area Structure Plan

The Tararua Growth Area Structure Plan (TGASP) includes provision for and extension of Residential zoned land from that existing on Kinross Street and Strathmore Avenue. There is provision of Industrial land that connects to the existing Industrial land to the west with road access to Cambridge Street South and Roe Street. There is provision for industrial distributor roads providing connection from Tararua Road through to future road linkages within both the existing Industrial zoned land to the west and to the residential land created within the TGASP.

The land was zoned Rural in the Operative District Plan however Plan Change 17 *Tararua Growth Area Structure Plan* was approved in 2008. The Proposed Plan has just “rolled over” the earlier plan provisions from Plan Change 17 that were approved in 2008.

It is noted that there is provision for future road linkages to the rural zone to the east but there is no connection to Arapaepae Road (State Highway 57). It is understood that this is due to the potential traffic issues that NZTA have or could have with roading connections to SH 57.

There is provision for landscape noise buffers on Arapaepae Road (SH 57) and a landscape buffer area on the road frontage to Tararua Road.

The design guide for the TGASP sets the guidelines for how the site is intended to be developed and the associated standards for future development.

A site description outlining the current environment is provided in 3.1 *Site Description* of the Design Guide.

Of importance and relevance to this submission is that within the Design guide under the heading *Site Context and Proposal* it was outlined that in order to achieve an appropriate site specific solution it was important to understand and respond to the unique character of the site. The key things that are to be taken into account were;

- Form and architecture in the surrounding area;
- Landscape and topography;
- Linkages and movement;
- Land uses; and
- Historical context.

These are all important and have been taken into consideration in this submission with the preparation of the zoning Master Plan prepared by Pocock Design:Environment which will be described in greater detail below.

Under 3.2 *The context issues* it explains the important issues for the growth area including the diversity of the area, the lack of significant natural features and characteristics, the topography (which is a flat site), there is no significant building form existing at present and therefore the reliance on the development to create a style and

characteristic in accord with the relevant zone rules and plan standards. For the purpose of this submission the proposed Master Plan referred to above works to a very similar context. An exception to this (other than the removal of any residential zoning and the provision for additional reserve area and two standards of industrial zoning) is the proposed road linkages includes future provision for access to Arapaepae Road (SH 57) with two potential linkages within the Future Industrial zone. It is considered that with appropriate layout and treatments provision for access to and from SH 57 may be a possibility. With the inclusion of the additional rural land to the southeast of the site (with frontage to both Tararua Roads and Arapaepae Roads) landscape buffers are provided for.

This TGASP encompasses a 38ha site and includes a mix of industrial and residential activities. The bulk (20ha) of the site is proposed to be developed as an industrial business park in the southern part of the site. A buffer of residential development (approximately 200 dwellings and associated facilities and services) is proposed along the entire length of the northern boundary. This area is estimated to be 18ha.

The proposed Master Plan encompasses an area of some 54ha and includes no provision for residential land but does include a significant reserve/stormwater area as a buffer to the existing residential zone and a “stepped” industrial zoning such that low impact industrial activities are located adjoining the buffer area closest to the residential zoning and thence further south toward Tararua Road is the industrial zoning.

The balance of the details contained within the Design Guide could all be applied to and be relevant to the proposed Master Plan prepared as part of this submission. It is considered that this proposed Master Plan can replace the existing provisions and details contained within the TGASP with changes as required to give effect to this submission. This will be explained to some degree below.

Proposed Tararua Road Development – Zoning Master Plan

This submission includes the following plans which describes the proposed intent for the site;

- *Tararua Road Development – Zoning Master Plan*
- *Tararua Road Development – Wider Connections Diagram*
- *Tararua Road Development – Cross Section and Images*

The proposed Zoning Master Plan has been developed by Pocock Design:Environment in accordance with the submitter’s requirements to work with the TGASP in terms of developing a future growth area but remove the provision for residential development within this site.

The site is seen as a strategic location for future Industrial development on the south side of Levin. The site is located between two main traffic routes and is seen as an ideal Industrial Park for business development in the lower North Island.

As the TGASP as approved provides for industrial development essentially on the boundary with future residential zoning the submitters view is this proposal may cause potential amenity effects to the residential zoning from the Industrial activities that could establish on this site in the future.

This proposal is to seek a rezoning now as part of the Proposed Plan or District Plan review. In terms of the future Industrial zoning proposed it is considered provision for this zone can be achieved by provision for some additional rules in the Industrial zone to provide for specific activities to only occur within this part of the zone. This is explained in the proposed amendments below.

The current Tararua Growth Area plan includes provision for traffic calming measures in relation to traffic either moving through the areas with connection to both the proposed and existing industrial areas. This proposal would still wish to include provision for traffic calming measures and some examples of this are included below for reference. We have shown these as examples of the types of options that might fit well within the development although this can be determined and discussed at the hearings or should the proposed zonings sought by this submission be upheld prior to development of the future roading.

Traffic Calming Structures –Planting in road near kerb



Photo 1



Photo 2



Photo 3

Reserve/ Stormwater Treatment Area

The stormwater treatment area and reserve is a minimum 60m width landscaped area designed to be a large passive recreation reserve and stormwater treatment area located between the existing residential area and the low impact Industrial area. The modern-day stormwater treatment facility would be designed to treat a significant volume of stormwater from development which includes runoff from main roads, railway, and industrial areas. For most of the time however it is envisaged this reserve could be dry.

The proposal would include planting within the stormwater treatment ponding areas for the purpose of beautification and essentially treating contaminants alongside the key function of stormwater retention. Examples of the type of designs that could be undertaken are shown on the cross section and images diagrams included in this submission.

Developing the land into a stormwater treatment area and a naturalised wetland system will involve carrying major earthworks, installing culverts, bridges, paths and the planting which could include native plants. Naturally this then becomes an attraction or refuge for many wildfowl, both native and exotic to establish habitats within the reserve.

Provision for an active/passive reserve area is included which connects to the existing park area off Kinross Street. This was seen as a logical extension to the existing park with good connectivity to the stormwater reserve.

Although no specific discussion has been undertaken with Council's reserves department the intention would be that once developed this reserve area would vest in Council as an asset. Essentially it will be the developer who creates the reserve/stormwater area and in turn it would vest with the Council.

The reserve/stormwater area is intended to be integrated into the overall structure plan for the site and provided for within the design guideline. The cross section and images provided for by Pocock Design:Environment provides imagery of how this might look in terms of appearance and design. The types of controls that could be included in the Structure Plan to provide for this reserve area could include

Low Impact Industrial area

The intention of this area is to restrict industrial development to low impact industrial activities such as storage and distribution, warehousing and industrial showroom and office facilities. Larger manufacturing or processing facilities such as "wet" industries would be restricted in this zone. It is proposed that there would be building height and setback restrictions from the reserve area and a limit on outdoor storage of goods. This zoning could be achieved through an overlay to the Industrial zoning with some rules included to restrict some forms of development.

Industrial Area

This proposed zoning would remain as it does now within the Industrial zone rules of the Proposed Plan and the controls contained with the TGASP at this time. There may be consequential amendments required to be included in the Proposed Plan to give effect to this zoning.

Landscape Noise buffer

An image showing an option for this is provided in the cross section. This could include a planted walkway/cycleway around the edge of the site on Tararua and Arapaepae Roads which in time will allow almost a circuit around the periphery of the site via the new roading to connect back to the stormwater reserve areas.

Roading linkages

The layout on the master plan shows wide roads with good internal connections which enables the development to function effectively. The wide roads allow ample widths for heavy traffic to operate upon plus provision for kerbside parking and use of both sides of the roads for pedestrian and cycle activities.

The potential for a future road linkage through the Industrial area to the west to Cambridge Street South is envisaged as a future logical solution and therefore enable traffic movement options in the future. The future access to Arapaepae Road (SH 57) is shown for the purpose of potential traffic movement. An option that could be put to NZTA is for development of a left turn only slip lane into the development off Arapaepae Road and likewise a left turn out from the development such that any vehicles do not have to cross paths of traffic. This is at some cost to the developer but if it provides a workable solution in terms of maintaining traffic flows then it is something the submitters are happy to discuss further. Should this matter prove to create issues for NZTA the option is available to remove this connectivity and simply operate internally with access to Tararua Road.

Plan provisions

We **oppose and seek to amend** the following provisions in the Proposed District Plan for the Tararua Growth Area Structure Plan for the reasons set out below.

Proposed District Plan: Planning Maps 29 and 30.

The submitters site and adjoining other land is proposed to be zoned a mix of both Residential and Industrial and the submitters seeks all the land to be rezoned as Industrial and future Industrial in accordance with the Master Plan provided.

Proposed District Plan: Schedule 5: Tararua Growth Area Structure Plan

The submitter seeks that the proposed Tararua Growth Area Structure Plan be replaced with the Tararua Road Development – Zoning Master Plan as proposed. However for ease of changes to the text in the plan the submitter is happy to have the same wording *Tararua Growth Area Structure Plan* used as it exists in the Proposed Plan now.

Proposed District Plan: Schedule 5: Tararua Growth Area Structure Plan Design Guide

The Design Guide is an integral part of the Tararua Growth Area Structure Plan. Most of what is contained in terms of the design principles and explanations within this guideline is relevant for this proposed change to the TGASP. However there will need to be amendments made to some of the matters including setbacks and the diagrams as with the inclusion of the stormwater reserve and associated landscape plantings, the introduction of a low impact industrial area and removal of the residential area the details of this Design Guide will be required to be updated to reflect the proposed changes.

At this time the submitter requests Council note this point in their submission summary and that the submitter will undertake to make the required changes and present this at the future hearing or post hearing for the purpose of deliberations for decisions. At this time of filing the submission there was no time to prepare a detailed document but the submitter is happy to discuss specific criteria that could apply to this reserve area.

Proposed District Plan: Chapter 16: Rules: Industrial Zone

Amendments to the existing rules below. Additions are shown in **bold** and *italics* and deletions shown as ~~strikethrough~~.

*16.2(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 rule 16.7.7(b)(iii)**) and complying with conditions in Rule 16.7.7. (Refer Rule 16.7.7).*

Insert additional rules to the conditions for permitted activities.

16.6.1 Maximum Building Height

- (a) No part of any building shall exceed a height of 18 metres.
- (b) ***Any building within the Low Impact industrial area of the Tararua Growth Area Structure Plan shall not exceed a height of 10 metres.***

16.7.7 Tararua Road Growth Area Overlay (Refer Rule 16.2(g))

(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.~~

A new rule is proposed which states the following;

16.7.7(b) (iii)

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.

16.7.7(b) (iv)

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.

The following two rules are to be retained as is.

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.

16.8.5 Subdivision within the Tararua Road Growth Area Overlay

It is considered the proposed amendments as outlined (and any additions/changes Council see as relevant) can be provided for within the plan provisions and this includes any additional matters for control or assessment matters that Council may recommend be included within the plan provisions.

Proposed District Plan: Chapter 15: Rules: Residential Zone

As the submission proposes to remove the residential zoning from within the TGASP delete the following text from the Residential zone rules as it applies to this Structure Plan.

~~Permitted Activities: 15.2 (c) Any subdivision of land, except within the Tararua Road Growth Area Overlay. (Refer Rule 15.7.5)~~

~~Restricted Discretionary Activities 15.3 (d) Any subdivision of land within the Tararua Road Growth Area Overlay. (Refer Rule 15.8.7)~~

~~Non-Complying Activities: 15.5 (a) Any new vehicular access to State Highway 57 within the Tararua Road Growth Area Overlay.~~

~~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.~~

~~15.8.3 Non Compliance with Road Setback Rule 15.6.4(a) (Refer to Rule 15.3(a))~~

~~(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.~~

~~15.8.7 Subdivision within the Tararua Road Growth Area Overlay (Refer Rule 15.3(d))~~

~~15.8.8 Land use within the Tararua Road Growth Area Overlay (Refer to Rule 15.3(a))~~

We seek the following decision from the local authority:

- (a) That the proposed Tararua Road Development Zoning Master Plan be provided for or amended as stated above; and
- (b) Such further or other relief, including consequential or alternative amendments to these and other relevant provisions of the Proposed Horowhenua District Plan, that may be required to give effect to this submission.

We wish to be heard in support of our submission.

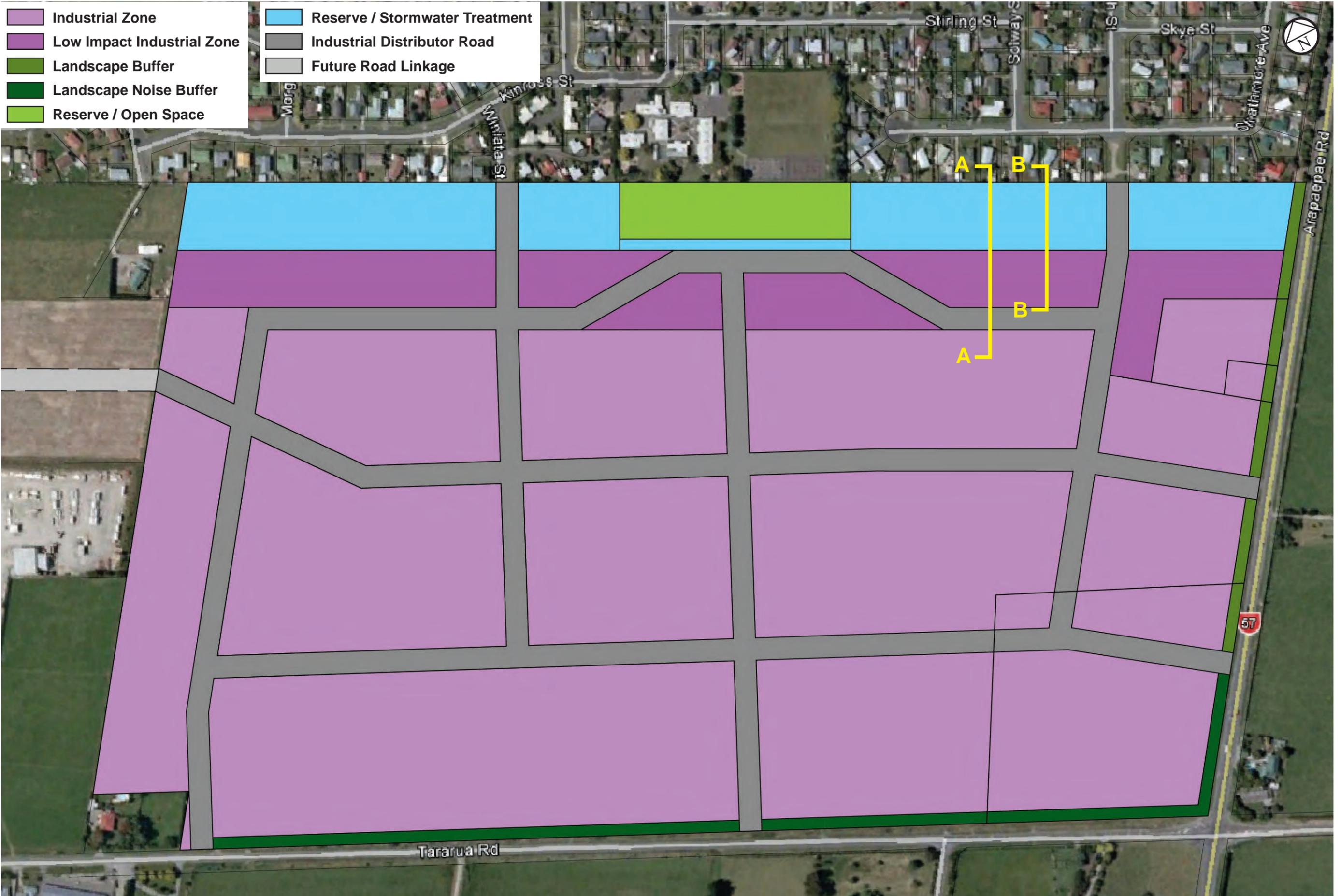
If others make a similar submission, we will consider presenting a joint case with them at a hearing.

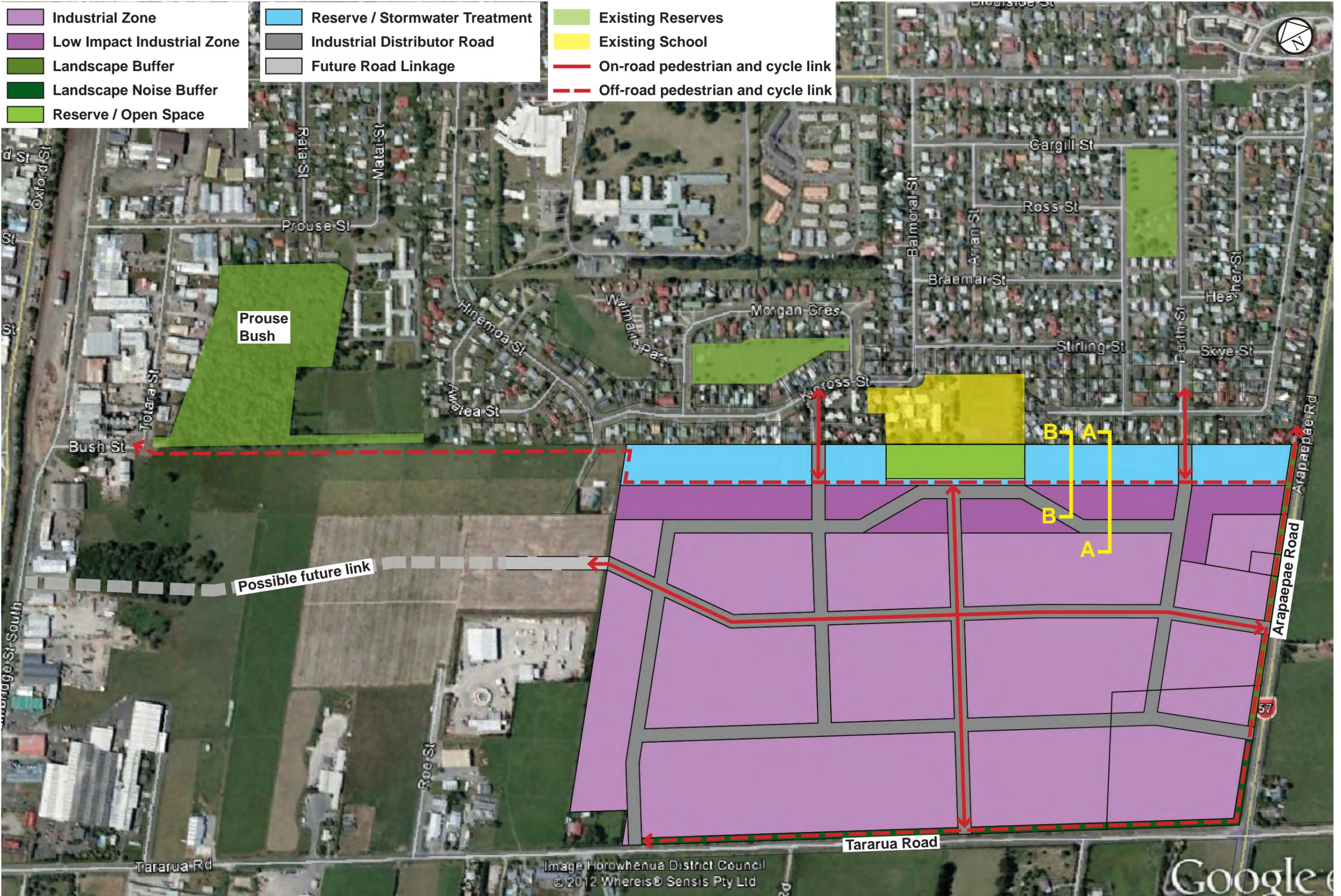
Signature of submitter
(or person authorised to sign on behalf
of submitter)

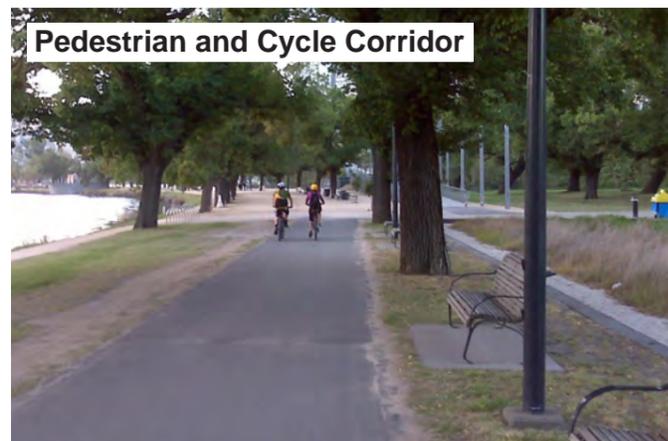
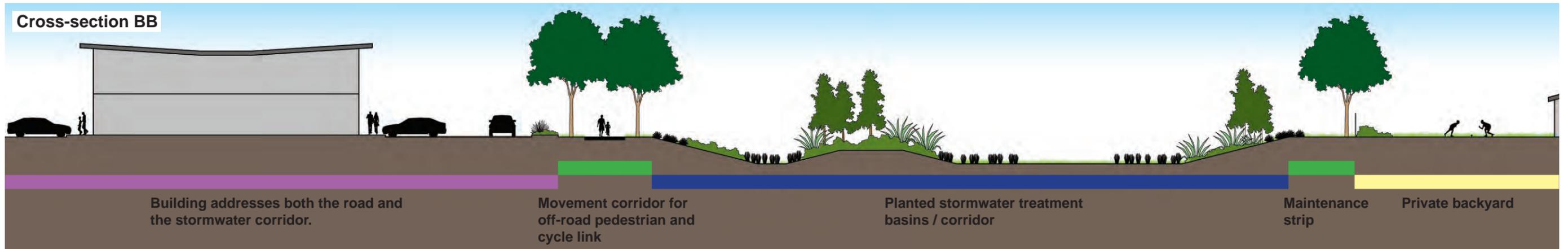
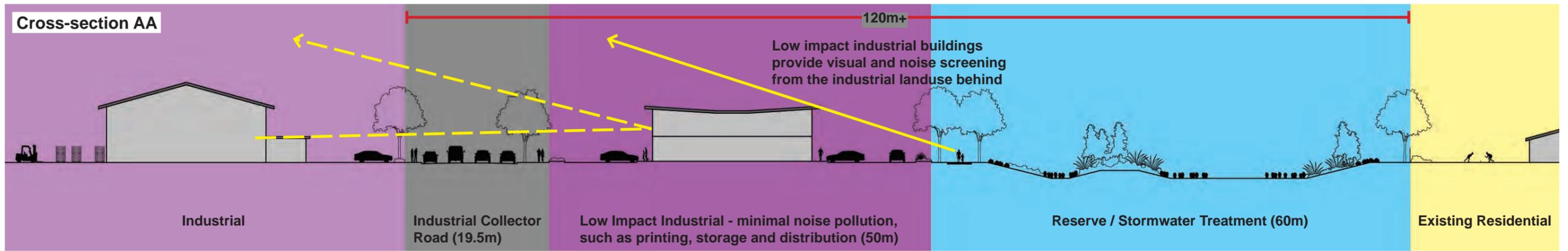
Date

Address for service of submitter: Future Map Limited
C/- Urbis Ashburton 2012 Limited
PO Box 603
Ashburton 7700

Telephone: 03 3077 164
Fax: 03 3077 165
Email: david@urbisashburton.co.nz
Contact Person: David Harford







SUBMISSION FORM
Proposed Horowhenua District Plan
Resource Management Act 1991
Form 5 of Resource Management
(Forms, Fees, Procedure) Regs 2003

Council Use Only
 Date Received:/...../.....
 Submission No:



Submissions can be:

Delivered to: Horowhenua District Council Offices, 126 Oxford Street, Levin
 Posted to: Shaping Horowhenua, Horowhenua District Council, Private Bag 4002, Levin 5540
 Faxed to: (06) 366 0983
 Emailed to: districtplan@horowhenua.govt.nz

Submissions must be received no later than 4:00pm 12 November 2012

1. Submitter Contact Details

Full Name: PROGRESSIVE ENTERPRISES LTD
 Name of Organisation: (If on behalf of an Organisation)..... AS ABOVE
 Address for Service: ZOMAC PLANNING SOLUTIONS LTD, P.O. BOX 103,
WHANGAPARAOA Post code: 0932
 Telephone (Day time): 094282101 Mobile: 0274722798
 Email: mike@zomac.co.nz

Note: you must fill in all sections of this form.

2. Trade Competition

I could gain an advantage in trade competition through this submission? Yes No

I am directly affected by an effect of the subject matter that
 (a) adversely affects the environment; and
 (b) does not relate to trade competition or the effects of trade competition? Yes No

Please note that if you are a person who could gain an advantage in trade competition through the submission, your right to make a submission may be limited by Clause 6 of Schedule 1 of the Resource Management Act 1991.

3. The specific provisions of the Proposed District Plan that my submission relates to are as follows: (Please specify the Rule, Policy or Map number your submission relates to)

AS PER THE ATTACHED SHEETS

(Continue on a separate sheet if necessary)

4. My submission is that: (Clearly state whether you SUPPORT or OPPOSE specific parts of the Proposed District Plan or wish to have amendments made, giving reasons for your views)

WE OPPOSE SPECIFIC PARTS OF THE PROPOSED DISTRICT PLAN AND SEEK AMENDMENTS WITH REASONS SET OUT ON THE ATTACHED SHEETS

(Continue on a separate sheet if necessary)

5. I/We seek the following decision from the Horowhenua District Council: (Give precise details of what amendments you wish to see and your reasons)

THE DECISIONS WE SEEK WITH REASONS ARE SET OUT ON THE ATTACHED SHEETS

(Continue on a separate sheet if necessary)

6. Proposed District Plan Hearing

Do you wish to attend the Council hearing for the Proposed District Plan? Yes No

Do you wish to be speak in support of your submission at the hearing? Yes No

If others make a similar submission would you be prepared to consider presenting a joint case at the hearing? Yes No

I have attached additional pages to this submission.

Signature of Submitter: (M.J. FOSTER) Date: 31/10/2012
(Or person authorised to sign on behalf of submitter)

Note: A signature is not required if you make your submission by electronic means.

Submissions must be received no later than 4:00pm 12 November 2012

Further Information

If you require further information about the Proposed District Plan please visit the Council website www.horowhenua.govt.nz or email districtplan@horowhenua.govt.nz or phone (06) 366 0999.

Privacy Act 1993

Please note that submissions are public information. Information on this form including your name and submission will be accessible to the media and public as part of the decision making process. Council is required to have this by the Resource Management Act 1991. Your contact details will only be used for the purpose of the Proposed District Plan process. The information will be held by the Horowhenua District Council, 126 Oxford Street, Levin. You have the right to access the information and request its correction.

**PROPOSED HOROWHENUA DISTRICT PLAN
SUBMISSION BY PROGRESSIVE ENTERPRISES LIMITED**

1. Background

Progressive Enterprises Ltd (Progressive) is one of two major supermarket operators in New Zealand. It has an existing 3275m² Countdown supermarket in Levin's commercial area situated on the corner of Stanley Street, Bristol Street and Exeter Street. It is also interested in expanding its retail offer in the townships of Foxton and Shannon.

2. General

In principle Progressive supports the centre based approach contained in the Proposed District Plan (PDP) and supports the principles and reasons behind the "Large Format Retail Area" overlay. Progressive also supports good urban design and amenity outcomes. However, such support is conditional upon appropriate recognition being given to the functional and operational characteristics of large supermarkets, which by their nature are high traffic and customer generators. They are not "big box" retail in the accepted sense of that phrase.

3. Supermarket Operational Characteristics / Requirements

The four key functional and operational characteristics / requirements of supermarkets are:

- a) A store that is easily identified and visible from the street and surrounding area.
- b) The provision of at least some at-grade customer car parking, which is clearly visible (preferably along with the entrance to the store) to motorists approaching the store from the local roading network.
- c) Exterior glazing of the store needs to be limited in extent, given the requirements of displaying fresh produce and in order to maximise the efficiency of the store's energy requirements.
- d) Adequate and easily accessible servicing areas must be provided.

A brief explanation of these requirements follows.

Visibility of the Store and of Related Parking Areas

One of the key factors when developing a supermarket site is the convenience and attractiveness of the site. Convenience is a major factor in the economic success of a supermarket. This is because customers are much more likely to use a supermarket which is convenient, that is in terms of access, and also that is attractive. If a store has a strong and clear street presence combined with a visible and easily accessible carpark, it is far more likely to be patronised. For a customer to perceive a supermarket as "convenient" a number of matters will be relevant:

- i. Locating within the transport route;
- ii. Close proximity to other retail;
- iii. Highly visible;

- iv. Ease of access to and from the site;
- v. Availability and numbers of car parks; and
- vi. Location of parking in relation to the store entrance.

Relationship of the Site, Parking and Store Entry

A key element of convenience is the relationship between the site entry, the location of the carparking and the location of the main entrance to the store. Ideally all these architectural elements are located in the correct sequence, in an easily accessible manner and designed in such a fashion that this sequence is clearly communicated to the shopper.

Usually the optimal location for entry and egress will be the front of the site. This is largely due to exposure to passing traffic and the impact on visibility. The location of entry and egress and the provision of adequate parking is also a factor which determines the convenience of a supermarket. The bulk of carparking needs to be as close to the front entry of the supermarket as possible because customers want to walk the shortest distance from their car to the supermarket, and in reverse when pushing trolleys.

Limit Exterior Glazing to the Store

An essential requirement of good food retailing is the control of light over the product. For example, fresh food needs to be illuminated by a light source of the correct colour in order for it to look its best. Natural light will vary considerably during the day and also from season to season and is therefore a poor light source where the retail objective is a light source of the correct colour, intensity, brightness and constancy. In addition, excessive exterior glazing causes other difficult environmental problems such as the need for additional mechanical plant to control heat gain from uninsulated glazing as well as difficulties associated with spoilage of fresh food which is exposed to direct natural light.

Progressive's ongoing development approach to its supermarkets and commitment to energy savings means that methods to increase natural light access into supermarkets have been regularly re-assessed and applied in the design of stores where this is possible. The result of this is that the internal floor layout of the supermarket has changed significantly, in particular providing the check-out area close to the front of the store has enabled the inclusion of extensive frontage glazing associated with the customer entry / exit to the supermarket.

Serviceability

In order for supermarkets to operate efficiently it is critical that the back-of-house operation is carefully planned. The back-of-house requirements consist essentially of delivery, storage, preparation and refuse disposal functions. These operations need to be designed in such a way that delivery traffic is catered for in a safe manner, that noise and any other potential adverse effects of the service operation are mitigated, and that site access for these operations can be kept physically separate from the customer where this is possible.

In terms of the foregoing, Progressive has a number of specific concerns in relation to the Proposed Plan. These are set out below.

4. The Specific Provisions of the PDP that our submission relates to:

- a) Rule 17.4 Discretionary Activities Clause C – retail activity with a gross floor area exceeding 3,000m² within a Large Format Retail Overlay Area, and Rule 17.3 as it relates to this matter.
- b) Rule 17.6.1(c) limiting building height to 8.5m.
- c) Rule 17.6.2(b)(ii) limiting the extent of blank walls.
- d) Rules 17.6.3(a) & (b) dealing with verandah requirements.
- e) Rule 17.6.5 dealing with signs.
- f) Rule 17.6.17(a)(iv) relating to the width of parking areas along site road frontages.
- g) Rule 25.5.1 General Assessment Criteria for land use consents in the Commercial Zone.
- h) Rule 25.5.2 Shop Frontages.
- i) Rule 25.5.3 Verandahs.
- j) Rule 25.5.4 Amenity and Landscaping.
- k) Rule 25.5.6 Large Format Retail Activities.
- l) Rule 25.7.11 Advertising Signs.
- m) Section 26 Definitions.
- n) Schedule 9 Foxton and Shannon Town Centre Design Guide.

Progressive supports the form and nature of the rules contained in Section 21 Vehicle Access, Parking, Loading and Roving, and in particular supports the one car parking space per 20m² of retail floor provision in Table 21.4.

5. Our Submission is:

- a) The 3000m² floor area figure in Rule 17.4 Clause C is arbitrary and the whole clause should be deleted. New generation Countdown supermarkets throughout New Zealand are generally 4200m² in gross floor area and have car parking for 210 customer cars. Most District Plans now classify supermarkets as a restricted discretionary activity largely because of their high traffic generating characteristics.
- b) New generation supermarket buildings are 9m high at the roof apex exclusive of plant platforms which range in height from 700 – 900mm but only normally occupy less than 5% of the overall roof area. A height limit of 8.5m is thus insufficient and should be changed to 9m with an exemption for plant platforms and associated screening. It is noted that the height limit for the residential zone is 8.5m and it is normal planning practice to provide higher limits in commercial and industrial zones.
- c) The limitation on the extent of blank walls fails to recognise the functional and operational requirements of supermarkets, where sunlight penetration has to be minimised to limit sun damage to produce lines.
- d) The proposed requirements for verandahs are supported provided that Rule 17.6.3(b) is retained as that rule applying to buildings that are set back from the street will recognise the functional and operational requirements of supermarkets.

- e) The proposed requirements for signs are supported in part, in particular the lack of restrictions on wall signage face areas. However, there is no rule addressing free standing pylon signage and there should be some provision for this type of sign.
- f) The provisions of Rule 17.6.17(a)(iv) is a draconian requirement that fails to recognise the functional and operational needs of supermarkets in the Large Format Overlay Area. At a minimum the first sentence of this rule (it should actually be numbered 17.6.17(a)(ii)) should either be deleted or supermarkets listed as being exempt. The urban design focus of the currently worded rule is misplaced with respect to supermarkets.
- g) The General Assessment Criteria of section 25 should be amended by adding a clause that recognises the functional and operational requirements of supermarkets.
- h) The content of Section 25.5.2 is supported provided the additional clause described in (g) above is added.
- i) The content of Section 25.5.3 is also supported provided the additional clause described in (g) above is added.
- j) As identified in (h) and (i) above, this criteria is also supported provided the additional clause described in (g) above is also added.
- k) Sub-clause 25.5.5(a)(vii) should be amended to exempt supermarkets from such a requirement.
- l) The content of Section 25.7.11 is supported provided an additional clause described in (g) above is added.
- m) Section 26 should be amended by adding a definition of “supermarket.”
- n) The intent of the Schedule 9 ‘Foxton and Shannon Town Centre Design Guide’ is supported in principle but appropriate recognition of the functional and operational requirements of supermarkets should be added.

6. We seek the following decisions from the Horowhenua District Council:

- a) That Rule 17.4(c) be deleted in its entirety and Rule 17.3 be amended by adding a new subclause (g) which states:

“Supermarkets within a Large Format Retail Overlay Area.”
- b) That Rule 17.6.1(c) be amended to read:

“Outside of the Pedestrian Overlay Area in all towns, no part of any building shall exceed a height of 9m provided that supermarket plant platforms to a height of 9.8m shall be permitted where such platforms occupy less than 10% of the overall roof area.”
- c) That Rule 17.6.2(b)(iii) be amended by adding a new sub-clause (iv) which states:

“(iv) No blank wall maximum length limits shall apply to walls that otherwise do not front or face a street.”
- d) That the wording of Rules 17.6.3(a) and (b) be retained as currently worded.
- e) That Rule 17.6.6(a) be amended by adding a new sub-clause (vi) which states:

“(vi) Pylon signs to a maximum height of 9m and width of 3.3m with a maximum face area of 58m² (two faces) within a Large Format Retail Overlay Area.”

- f) That Rule 17.6.17(a)(iv) be renumbered 17.6.17(a)(ii) and be amended either by deleting the first sentence of the rule which currently states:

“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”

OR by adding the words:

“Provided that such a requirement shall not apply to a Large Format Retail Overlay Area.”

- g) That section 25.5.1 be amended by the addition of a new assessment criteria which states:

“(o) The extent to which the functional and operational requirements of supermarkets, including but not limited to the following:

- Visibility of the store and the related parking;
- Relationship of the site to the placement of the supermarket; building, customer parking area and store entry;
- Adequate and easily accessible heavy goods servicing; and
- The necessary restrictions on the extent of exterior glazing:

Have been taken account of when assessing compliance with criteria (a) to (n) of section 25.5.1.”

- h) That the wording of section 25.5.2 be retained as currently proposed, providing criterion (o) in clause (g) above is adopted.
- i) That the wording of section 25.5.3 be retained as currently worded, provided criterion (o) in clause (g) above is adopted.
- j) That the wording of section 25.5.4 be retained as currently worded, provided criterion (o) in clause (g) above is adopted.
- k) That section 25.5.6(viii) be amended by adding the words:

“provided that such a criterion shall not apply to supermarkets.”

- l) That the wording of section 25.7.11 be retained as currently worded, provided criterion (o) in part (g) above is adopted.
- m) That section 26 be amended by adding a definition of a supermarket as follows:

‘Supermarket means a retail shop where a comprehensive range of predominantly 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.’

- n) That Schedule 9, Section 4.1 Building Location and Form be amended by adding a new sub-clause which states:
 - '7. Notwithstanding the foregoing guidelines, where practicable such provisions shall not generally apply to supermarkets because of their functional and operational characteristics.'
- o) Such other amendments to the Proposed District Plan as necessary to give effect to the foregoing decisions being sought.

SUBMISSION ON A PUBLICLY NOTIFIED PROPOSAL FOR POLICY STATEMENT OR PLAN

Under Clause 6 of the First Schedule to The Resource Management Act 1991

To: Horowhenua District Council (Council)

Submission on: Proposed Horowhenua District Plan (Proposed District Plan)

Name of Submitter: Poultry Industry Association of New Zealand (PIANZ)
Egg Producers Federation of New Zealand (EPFNZ)

Address: C/- Harrison Grierson Consultants Limited
PO Box 5760
Wellesley Street
AUCKLAND

Attention: Scott Williams

1. The specific provisions of Proposed District Plan that this submission relates to are:

The Proposed District Plan in its entirety.

2. Our submission is:

INTRODUCTION

Harrison Grierson acts on the behalf of the Poultry Industry Association of New Zealand (PIANZ) and the Egg Producers Federation of New Zealand (EPFNZ), collectively referred to in this **letter as the 'submitters'**. The submitters have a number of poultry operations within the Horowhenua District, comprising nineteen egg layer farms, two feedmills, three rearers, five meat chicken growers and a processing plant.

The submitters have been involved in the Proposed District Plan process since 2011 where they provided feedback on the Horowhenua District Plan Review Discussion Document. Based on the feedback provided as part of the Discussion Document, the Council released the Draft Rural Environment Provisions for the Proposed Horowhenua District Plan in March 2012. The submitters also provided feedback on these draft provisions.

PROPOSED DISTRICT PLAN

The submitters have been involved with the Proposed District Plan review from an early stage. All of the issues that have been raised by the submitters have been satisfactorily addressed. The submitters support the direction taken in the Proposed District Plan has taken, specifically in relation to the establishment and operation of new and existing primary production activities. The rural section of the Proposed District Plan contains provisions which recognise the importance of intensive farming activities in the Horowhenua District. In particular the submitters support the following provisions:

- Proposed Objective 2.4.1 and associated policies seek to ensure the sustainable management of rural soils for rural uses. Also Proposed Objective 2.5.1 and its associated policies specifically ensure that primary production activities such as intensive farming can operate *efficiently and effectively*. For example the submitters support Policy 2.5.2, which explicitly recognises the dependence that primary production activities have on rural land. The submitters also support Policy 2.5.4, which seeks to avoid reverse sensitivity effects;
- That Primary Production activities are classified as Permitted Activities under Rule 19.1 of the Proposed Plan, subject to compliance with relevant performance criteria;
- Proposed Rule 19.6.4(c), which requires new intensive poultry farms to be located at least 300m from any residential boundary. The proposed setback of 300m is reflective of the odour minimisation practices that poultry farms use and is a reasonable distance. The submitters strongly opposed the onerous setback rules contained in the current District Plan (for example the current rules require a new poultry farm of 5,000 birds to be located at least 5km from any urban zone). The current requirements are overly onerous and the submitters support the more reasonable approach taken in the Proposed District Plan.
- Proposed Rule 19.6.4(b), which requires *"all residential dwelling units and sensitive activities to be located at least 300m from any building containing an existing intensive farming activity"*. The submitters consider that proposed Rule 19.6.4(b) will help ensure existing lawfully established intensive farms will not be compromised by encroaching rural residential development in rural areas;
- Proposed Rule 19.6.4, which acknowledges that it is not only dwellings that can cause reverse sensitivity effects. The submitters consider that this rule provides protection for intensive farms from non-traditional rural activities that could compromise their operation (schools, churches and restaurants).
- Proposed Clause 19.6.17, which has removed the effluent disposal controls and refers the reader to the Horizon One Plan.

RELIEF

The submitters request that the Proposed District Plan is adopted as notified with no changes.

- 4. We wish to be heard in support of our submission.**
- 5. If others make a similar submission we will consider presenting a joint case with them at a hearing.**



Signature
(Signature of submitter or person authorised to sign on behalf of submitter)

Date 12 November 2012

Address for Service of Submitters Poultry Industry Association of New Zealand (Inc)
Egg Producers Federation of New Zealand.

C/- Harrison Grierson Consultants Limited
P O Box 5760
Wellesley Street

AUCKLAND
Attention: Scott Williams, Planner

Telephone: (09) 917 5000

Facsimile: (09) 917 5040

Email: s.williams@harrisingrierson.com

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**SUBMISSION TO HOROWHENUA DISTRICT COUNCIL'S
PROPOSED DISTRICT PLAN**

Clause 5 of First Schedule, Resource Management Act 1991

To: Horowhenua District Council
Private Bag 4002
LEVIN 5540

Submission on: Proposed District Plan

1. **McDonald's Restaurants (New Zealand) Ltd (McDonald's)**, (c/o Barker & Associates Limited at the address for service set out below), provide this submission as follows.
2. **McDonald's** operates many family restaurants throughout New Zealand, and specifically within Levin have a stand-alone restaurant at 267 Oxford Street (at the corner of Stanley Street). Further, within the life time of the Proposed District Plan, it is possible that McDonald's may be seeking to expand their presence in the Horowhenua area with additional stand-alone restaurants.
3. This submission is primarily in relation to the existing Levin stand-alone restaurant that McDonald's operate. Activities at this site include functional buildings that support a drive-through facility, car parking and ancillary activities. In general, the site is used for the sale of food and beverages that are prepared, served and sold to the public for consumption on or off the premises. In addition, the site includes a McCafe, a children's playground, other amenities and a comprehensive package of both free-standing and on-building signage. The sites operate on a 24 hour, 7 day per week basis.
4. **Grounds for the submission:**
 - 4.1 In the absence of the relief sought in this submission being granted, the Proposed District Plan:
 - (a) Will not promote the sustainable management of natural and physical resources;
 - (b) Will otherwise be inconsistent with the purpose and principles of the Resource Management Act 1991 ("RMA").
 - (c) Will enable the generation of significant adverse effects on the environment;
 - (d) Will not warrant approval in terms of the tests in section 32 of the RMA; and
 - (e) Will be contrary to sound resource management practice.
 - 4.2 In particular, but without derogation from the generality of the above:
5. **Rule 17.1 Commercial Zone Permitted Activities**

The submission is that:

- For the reasons outlined in 3. above, McDonald's consider that their business is best covered by a term or category being "Drive-Through Restaurant". In terms of the Definitions and the permitted activities

provided for in the Commercial Zone, no specific provision is made for drive-through restaurants, restaurants or cafes. Rather, these activities appear to be covered under the broad heading of “retail”. While this is one manner of addressing these type of activities, it is considered more appropriate to specifically provide for the aforementioned activities, as this will provide greater certainty and clarity for future users of the Proposed Plan.

- An example of this potential confusion is seen in the section “21. Vehicle Access, Parking, Loading & Rooding”. Specifically, table 21-4 includes parking rates for both “Restaurants & Cafes” and “Retail Activities and Retail Shops”. Clearly it is the former category and its supporting parking rate that is appropriate for restaurants/cafes. However with no definition provided for “Restaurants & Cafes” there is no certainty within the proposed provisions as to which rate would apply.

The following change is sought from the local authority:

- We suggest that a new term/category is introduced to the Proposed District Plan of “Drive-Through Restaurant” with this being defined as *“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.”* This category of activity should be specifically included in the Permitted Activities list at rule 17.1.

6. Planning Map 28A and Proposed Pedestrian Area notation

The submission is that:

- The McDonald’s site is shown on Planning Map 28A as being part of a “Proposed Pedestrian Area”. This is considered to be inappropriate.
- In particular, this notation does not appear to be based on a detailed assessment of the existing environment. For example, the site has frontage to Oxford Street with this street acknowledged as being a road of primary importance for the movement of vehicles. Further, the block of land shown with the proposed notation is dominated by at-grade car parking. In our opinion, these two factors alone mean that the site is inappropriate for a pedestrian area notation.
- The consequence of the “Pedestrian Area” notation is the related urban design controls that result. These include, among other things, requirements for buildings to front sites, a glazing requirement for building frontages and the provision of a verandah. Such controls have no cognisance of the existing environment or the operational characteristics of the existing McDonald’s activity.

The following change is sought from the local authority:

- Remove the “Proposed Pedestrian Area” notation from the McDonald’s site.

7. Such further or alternative relief considered by Council to be appropriate and desirable in order to respond to the matters raised above.
8. Any consequential relief required to give effect to the specific amendments noted above.
9. **McDonald's wish to be heard in support of this submission.**
10. **McDonald's would consider presenting a joint case with any other party seeking similar relief.**

DATED at Auckland this **12th** day of November **2012**

McDonald's Restaurants (New Zealand) Ltd



By their duly authorised agents

Barker & Associates Limited
PO Box 1986
Shortland Street
AUCKLAND 1140

Attention: Matt Norwell

ERNSLAW ONE LTD

SUBMISSION ON THE PROPOSED HOROWHENUA DISTRICT PLAN 2012

TO:	Chief Executive Horowhenua District Council Private Bag 4002 Levin 5540
SUBMISSION ON:	HOROWHENUA DISTRICT PLAN 2012
NAME:	Ernslaw One Ltd
ADDRESS:	Ernslaw One Ltd PO Box 2042 GISBORNE 4040
Contact Name:	Richard Heikell
TELEPHONE	06 868 0071 or 0274 545043
FAX	06 863 1011
Email:	Richard.heikell@ernslaw.co.nz

Introduction

Ernslaw One Ltd is a private company, registered in New Zealand. The company was established in 1990 when it purchased several Crown Forestry Licences for State Forests from the government, as well as a sawmill. The company has since bought more forests and more land which has been converted to forestry. Ernslaw One's primary area of business is plantation forestry. In 2008 the company purchased the Karioi Forest and Pulp Mill, and the Waimarino Forest Leases and Tangiwai Sawmill from Winstone Pulp International.

The company has its Head Office in Auckland, and the North Island Regional office in Gisborne and the Southern North Island Regional Office in Bulls.

Ernslaw One owns and manages forests in the Manawatu-Wanganui Region totalling 46,788 hectares of land.

Ernslaw One Ltd's Shannon (Tararua Foothills) forest of 1,316 hectares is within the Horowhenua District Council region. Shannon Forest lies 5 km south-east of Shannon and is part of the water supply catchment for Shannon Township.

Ernslaw One Ltd replanted all areas in Radiata Pine once harvesting was complete. The forest is planted on moderate to steep ex-pasture or reverting farmland. The majority of the forest was established by Carter Holt Harvey, between the 1974 and 1981. The land is generally stable. Operations within the forest have been carried out with a great deal of care to avoid any detrimental effects. This was be monitored by the Horizons Regional Council.

The forests are used by interest groups such as hunters, mountain bikers, trampers, and horse riders.

This careful management has enabled the natural character, amenity values, ecological values and water values of the forest to be maintained or enhanced without regulation.

We believe HDC should recognise that the forest growing and processing industry in the Horowhenua District is an important contributor to the economy and promoting forestry as a land use as a sustainable natural and physical resource.

Plantation forests are widespread throughout New Zealand and the forest industry provides important economic, environmental and social benefits, including but not limited to the following:

- Significant contributions to the New Zealand economy in terms of exports and employment.
- Supplies a sustainable, renewable and well managed resource to local and international markets.
- Plays an important role in carbon sequestration to mitigate the effects of climate change and helps to meet our international obligations.
- Provides significant recreational opportunities for individuals and organisations.
- Provides significant local environmental benefits including the maintenance of biodiversity, water quality, amelioration of peak flood flows, land stabilisation.

SUBMISSION 1

Section	Identifier	Page	Status
2.4	<p>Methods for issue 2.4 and objective 2.4.1</p> <p><i>Education and Information – Council will encourage land users to use Codes of Practice and other good practise guidelines.</i></p>	2-23	Support

The forestry industry leads the way in the primary production sector within New Zealand through its adoption of good practice and industry training guides, engineering and environmental standards, many of which are underpinned by robust well managed Environmental Management Systems (EMS). Many companies systems and management practices are certified by accredited third party schemes such as Forest Stewardship Council® (FSC®) which are routinely audited by independent auditors.

Ernslaw One forestry operations are planned and undertaken in accordance with the Environmental Code of Practice for Plantation Forestry (ECOP) 2007. The new ECOP has kept pace with changing environmental expectations and provides a valuable resource developed by industry experts. In 2009 the ECOP was awarded Best Planning Document of the Year by the Resource Management Law Association.

The New Zealand Forest Owners Association (NZFOA) has recently developed the New Zealand Forest Road Engineering Manual released in July 2012 and is freely available on the NZFOA website. This document technical information and suggested good practice for forest roading operations.

Ernslaw One has an Environmental Management System and in house Environmental Standards. These in many instances go above and beyond what is required by many Regional Council rules. The standards are regularly reviewed and updated to keep pace with changing environmental expectations and increased awareness within the forestry industry.

Ernslaw One hold international environmental certification with the Forest Stewardship Council (FSC).

Relief Sought

Issue 2.4 and Objective 2.4.1 wording to remain the same

SUBMISSION 2

Section	Identifier	Page	Status
Policy 2.5.11	<i>Manage reverse sensitivity conflict between primary production activities and sensitive activities through appropriate separation distances, while giving priority to existing lawfully established activities.</i>	2-26	Support

Plantation forestry often faces reverse sensitivity issues as the rural area becomes more fragmented with the encroachment of urbanisation. Individuals often believe that the rural area is a quiet environment, it is important that the rural area is recognised as a working landscape and that production activities, namely plantation forestry, should not be adversely effected by the policy setting appropriate separation distances.

Relief Sought

Policy 2.5.11 wording to remain the same

SUBMISSION 3

Section	Identifier	Page	Status
Policy 2.5.12	<i>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.</i>	2-26	Oppose

The statement '*reduction in rural amenity caused by tree shelterbelts or plantation forestry on adjacent and adjoining properties*' is inappropriate in a District Plan policy. Industries should not be singled out as reducing or having any less than a positive effect on rural amenity (as indicated in your reverse

sensitivity policy; this statement is highly subjective and inequitable between land uses.

The policy should be specific to the effects that all vegetation has on the shading of sealed roads only.

Removal of forestry from previously planted areas by restrictive land rules will also force commercial duress in regards to ETS. Liability for deforestation may become a reality for either party, HDC as the rule maker, or the forest owner as the grower.

Relief Sought (1)

Reword Policy 2.5.12

Avoid, remedy or mitigate any adverse environmental effects of shading on sealed roads caused by planted vegetation.

Or words to such effect.

Relief Sought (2)

Reword the corresponding **Methods for Issue 10.3 & Objective 10.3.1** sections and amend the statement as follows

“mitigate adverse effects of activities including their effects on transport routes (such as glare, night lighting, setback distances ~~for plantation forestry~~ of any planted vegetation).”

Or words to such effect.

SUBMISSION 4

Section	Identifier	Page	Status
Rule 19.1	Rural zone – Permitted activities	19-1	Support

Ernslaw One supports the permitted activity status of primary production activities in the Horowhenua District provided the definition of Primary production activities is as submitted in Submission 5.

Relief Sought

Rule 19.1 wording to remain the same subject to the satisfaction of submission 5 below in regards to the definition of Primary Production Activity.

Alternatively, if submission 5 is not satisfied then the addition of plantation forestry must be made to Rule 19.1

SUBMISSION 5

Section	Identifier	Page	Status
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Definitions	Definition of Primary Production Activity		Oppose
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The PHDP defines Primary Production Activity as the following:

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.

Relief Sought

Reword the definition as follows:

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

SUBMISSION 6

Section	Identifier	Page	Status
Definitions/Rural Zone Rules	Definition of Primary Production Activity/Definition of Indigenous vegetation clearance		Oppose in part

The PHDP defines Primary Production Activity as the following:

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.

Upon satisfaction of Submission 4 and 5 to clarify plantation forestry as a permitted activity, we submit that some definitions around Indigenous vegetation clearance, modification, damage, destruction or removal are required in the Rural Zone Rules.

The current definition of Primary Production Activity states *does not include mineral extraction or mineral processing or the harvesting clearance or modification of indigenous vegetation.*

In the process of harvesting plantation forests there is incidental clearance of indigenous vegetation that has grown under the canopy of a plantation forest and Scattered trees, shrubs and scrub amongst production forestry land. The rule should reflect that this is the reality of production forestry within the Rural Zone.

Relief Sought

Incorporate within the Rural Zone Rules an exemption similar to *Greenbelt Residential Zone Rules 18.6.21 Protection of Areas of Significant Indigenous Vegetation and Significant Habitats (a)* to ensure that Indigenous vegetation clearance, modification, damage, destruction or removal does not include

- *Vegetation that has grown under the canopy of a plantation forest*
- *Scattered trees, shrubs and scrub amongst pasture or horticultural land or production forestry land; or is within an area of failed planting (within the last rotation); or*
 - *Actions necessary for the avoidance of imminent danger to human life; or*
 - *Actions necessary for the current operation and maintenance of existing infrastructure, including roads, tracks, drains, stream or river access, structures and fence lines and the maintenance, replacement and upgrading of network utilities consistent with Rule 22.1.10 of this Plan; or* □
 - *The disturbance or damage (but not destruction) of indigenous vegetation as the consequence of harvesting of plantation forest; including where the harvesting involves: (ix) the lifting and/or dragging of logs, and/or (x) the construction and maintenance of forestry roads and stream crossings.*
 - *And the modification is temporary and minor and does not compromise the ecological functioning of the area;*
 - *Damage, modification or disturbance of indigenous vegetation, or wetland indigenous vegetation or dune indigenous vegetation as a result of production forest harvesting provided that the best practicable option is taken to minimise any damage, modification or disturbance.*
 - *Diseased vegetation that creates an environmental or ecological risk.*

SUBMISSION 7

Section	Identifier	Page	Status
Rule 19.6.15 (a)	Rural zone – Planting setbacks for Plantation Forestry and Shelterbelt Planting (a) <i>No plantation forest shall be planted within 10 metres from any site boundary</i>	19-16	Conditionally support

- (a) *No plantation forest shall be planted within 10 metres from any site boundary*

Ernslaw One supports the proposed setback distance of 10 metres from site boundaries. However, this should be for new forest plantings only and not for existing forests. Compulsory setbacks on existing plantation forests would result in significant economic losses as land is taken out of production and maintenance costs associated with weed infestation increase.

Removal of forestry from previously planted areas by restrictive land rules will also force commercial duress in regards to ETS. Liability for deforestation may become a reality for either party, HDC as the rule maker, or the forest owner as the grower.

Relief Sought

Reword the rules as follows:

- (a) *No new plantation forest shall be planted within 10 metres from any site boundary*

Or words to such effect

SUBMISSION 8

Section	Identifier	Page	Status
Rule 19.6.15 (b)	Rural zone – Planting setbacks for Plantation Forestry and Shelterbelt Planting (b) <i>No plantation forest shall be planted within 25 metres from any existing residential dwelling unit</i>	19-16	Oppose in part

Rule 19.6.15(b) is not clearly worded, does this rule relate to existing plantation forests?

Ernslaw One supports the proposed setback if it is applied to new planting only not replanting of existing forested areas. This should be for new plantings only and not for existing forests. Compulsory setbacks on existing plantation forests would result in significant economic losses as land is taken out of production and maintenance costs associated with weed infestation increase.

Removal of forestry from previously planted areas by restrictive land rules will also force commercial duress in regards to ETS. Liability for deforestation may become a reality for either party, HDC as the rule maker, or the forest owner as the grower.

Plantation forestry is often troubled with reverse sensitivity issues as the rural area becomes more fragmented with the encroachment of urbanisation. Individuals often believe that the rural area is a quiet environment, it is important that the rural area is recognised as a working landscape and that production activities, namely plantation forestry, should not be adversely effected by the policy setting appropriate separation distances.

Therefore we ask that the rule is applied fairly to other land uses within proximity of Plantation Forests and that no new residential dwelling should be permitted to be located within 50 metres adjacent to any existing plantation forest.

Relief Sought

Rule 19.6.15(b) should be applied to new forestry planting only.

(b) *No new plantation forest shall be planted within 25 metres from any existing residential dwelling unit*

And we propose that an 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

SUBMISSION 9

Section	Identifier	Page	Status
Rule 19.6.15 (c)	Rural zone – Planting setbacks for Plantation Forestry and Shelterbelt Planting <i>(c) Vegetation planted to form a shelterbelt for more than 20 metres in length shall not exceed 6 metres in height from the ground level within 10 meters horizontal distance from any site boundary.</i>	19-16	Oppose in part

Rule 19.6.15(c) is not clearly worded, does this rule relate to existing plantation forests?

Ernslaw One supports the proposed setback. However, this should be for new plantings only and not for existing forests. Compulsory setbacks on existing plantation forests would result in significant economic losses as land is taken out of production and maintenance costs associated with weed infestation increase.

Removal of forestry from previously planted areas by restrictive land rules will also force commercial duress in regards to ETS. Liability for deforestation may become a reality for either party, HDC as the rule maker, or the forest owner as the grower.

Relief Sought

Reword the rules as follows:

- (c) *New 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

SUBMISSION 10

Section	Identifier	Page	Status
Rule 19.6.15 (d)	Rural zone – Planting setbacks for Plantation Forestry and Shelterbelt Planting <i>(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.</i>	19-16	Oppose in part

Rule 19.6.15(d) is not clearly, nor fairly, worded and places a burden on landowners without justification for the rule.

- 1) Plantation Forests are not the only vegetation which may shade roads causing the ice effects that this rule is written to mitigate. There is no evidence to state that Plantation Forests shade roads more than other vegetation and no accident statistics to validate a rule that single out plantation forests as a cause of icing.
- 2) It is unclear if this rule applies to existing plantation forests? If the rule does apply to existing plantation forests Ernslaw One would strongly oppose this rule. Compulsory setbacks on existing plantation forests would result in significant economic losses as land is taken out of production and maintenance costs associated with weed infestation increase. Removal of forestry from previously planted areas by restrictive land rules will also force commercial duress in regards to ETS. Liability for deforestation may become a reality for either party, HDC as the rule maker, or the forest owner as the grower.
- 3) Ernslaw One acknowledges the rules intent of reducing the risk of ice on roads. However, this rule should be specific to sealed roads only. The rule needs to be amended to reflect this.

Relief Sought

Reword the rules as follows:

- (d) *No new vegetation shall be planted or allowed to grow in any position which could result in any icing of any sealed public road carriageway as a result of shading of the road between 10:00am and 2:00pm on the shortest day.*

Or words to such effect

SUBMISSION 11

Section	Identifier	Page	Status
Rule 19.6.16	Forestry and Timber Harvesting <i>(a) Managed revegetation for any primary production activity of harvested forestry areas shall be undertaken as soon as practicable after harvesting has occurred.</i>		Oppose

The Rule is incongruous with the role of the District Council.

No Issues, Policies or Objectives have recognised that delayed revegetation of plantation forest harvesting areas is a problem. It is a 'policy orphan', and it is unclear the effects the rule is trying to manage. It therefore should be removed.

The rule is poorly worded, unspecific and rules out natural revegetation as an option.

Relief Sought

Delete Rule 19.6.16

SUBMISSION 12

Section	Identifier	Page	Status
Objective 2.4.1	Objectives & Policies: Sustainable Land Management Practices		Support

Grazing, production forestry, and other forms of cropping and horticulture are permitted activities in the rural environment.

Relief Sought

Retain the objective and policy.

4. My submission is that: *(Clearly state whether you SUPPORT or OPPOSE specific parts of the Proposed District Plan or wish to have amendments made, giving reasons for your views)*

We are opposed to the proposed district plan change that changes our zoning from Industrial and residential to entirely a Residential Zoning.....

.....
.....

(Continue on a separate sheet if necessary)

5. I/We seek the following decision from the Horowhenua District Council: *(Give precise details of what amendments you wish to see and your reasons)*

We propose that the council re zones the entire parcel as Commercial,(without the over lay)

1.Without the over lay: Foxton town centre character heritage.

2.Without a pedestrian overlay

(Continue on a separate sheet if necessary)

6. Proposed District Plan Hearing

Do you wish to attend the Council hearing for the Proposed District Plan? Yes

Do you wish to be speak in support of your submission at the hearing? Yes

If others make a similar submission would you be prepared to consider presenting a joint case at the hearing? Yes

I have attached ...**YES**..... additional pages to this submission.

Signature of Submitter: **Date:** 12.11.2012.....
(Or person authorised to sign on behalf of submitter)

Note: A signature is not required if you make your submission by electronic means.

Submissions must be received no later than 4:00pm 12 November 2012

Further Information

If you require further information about the Proposed District Plan please visit the Council website www.horowhenua.govt.nz or email districtplan@horowhenua.govt.nz or phone (06) 366 0999.

Privacy Act 1993

Please note that submissions are public information. Information on this form including your name and submission will be accessible to the media and public as part of the decision making process. Council is required to have this by the Resource Management Act 1991. Your contact details will only be used for the purpose of the Proposed District Plan process. The information will be held by the Horowhenua District Council, 126 Oxford Street, Levin.

You have the right to access the information and request its correction.

Opposition to the Proposed district Plan Change – 36 Johnson Street Foxton, formerly known as the BP Foxton site.

Historically (operating 24 hours since 1956, one of the first in the country) the site was used as a garage, prior to its most recent use as a service station/truckstop/ lotto outlet/ general store and takeaway shop.

As a garage and shop for vehicle repairs, environmental conscience was unheard of consequently (as in most old fuel sites) a contamination level is present, underground. This was an acceptable outcome in the past but in todays terms (approx last 20 years) environmental awareness is such that previous practises, and levels of contamination are completely unacceptable.

Current testing by BP Oil shows a significant level of contamination underground, refer to the AECOM Report – Air, soil and Groundwater Quality Assessment 23.04.2012 Former BP Foxton Service Station.

We will refer to this report in the future in its entirety and in part., a copy of this report is on file at the council with a recently issued Resource Consent (issued last month).

There is a significant area of contamination in the centre of the property -36 Johnson Street- straddling the Industrial and residential portions of the current zoning and categorise it as never being suitable for residential use, under the '**National Environmental Standard of a contaminated site.**'

Therefore the **Horowhenua District council will never be able to issue Building Permits for Residential use, but can continue do so under commercial use.**

There is a 15 year Management/Containment plan being complied by BP Oil at this time, but it is a containment and monitoring plan, not a removal plan. We may wish to refer to this plan in the future but it will not be complete by 12 November 2012.

There is no expectation of removal until technical know-how further evolves, as it is a product of sticky consistency that makes it very difficult to remove effectively.

THE GOOD NEWS

BP Oil are certain from independent expert advice, that the site is suitable for Commercial activity and this was demonstrated recently by their support in the obtaining of Resource Consent for 36 Johnson Street.

It is the intention of the land owners and their Tenant to further develop commercial activity on the site and a Commercial Zoning would be consistent with this.

This will allow the property to again play a significant role socially and in the employment of people particularly youth in the Foxton area which under the recent economic down turn, is much needed in the district.

Stuart and Jean Marshall are happy to answer any questions or expand on any of the above, that the council officers may require or find helpful in their decision making.

Copies of the relevant documents are held by the Horowhenua District Council.

SUBMISSION FORM

Proposed Horowhenua District Plan

Resource Management Act 1991

Form 5 of Resource Management

(Forms, Fees, Procedure) Regs 2003

Council Use Only
 Date Received:/...../.....
 Submission No:



Submissions can be:
 Delivered to: Horowhenua District Council Offices, 126 Oxford Street, Levin
 Posted to: Shaping Horowhenua, Horowhenua District Council, Private Bag 4002, Levin 5540
 Faxed to: (06) 366 0983
 Emailed to: districtplan@horowhenua.govt.nz

Submissions must be received no later than 4:00pm 12 November 2012

1. Submitter Contact Details

Full Name: Ann Percy.....
 Name of Organisation: *(If on behalf of an Organisation)*.....
 Address for Service: 150 Hill Road Belmont Lower Hutt.....
Post code: 5010.....
 Telephone (Day time): 04 565 1582.....Mobile: 0212161481.....
 Email: a.percy@pl.net.....

Note: you must fill in all sections of this form.

2. Trade Competition

I could gain an advantage in trade competition through this submission? Yes No

I am directly affected by an effect of the subject matter that
 (a) adversely affects the environment; and
 (b) does not relate to trade competition or the effects of trade competition? Yes No

Please note that if you are a person who could gain an advantage in trade competition through the submission, your right to make a submission may be limited by Clause 6 of Schedule 1 of the Resource Management Act 1991.

3. The specific provisions of the Proposed District Plan that my submission relates to are as follows: *(Please specify the Rule, Policy or Map number your submission relates to)*

Policy 2.5.10 ; Rule 19.6.4 Building setbacks from boundaries and separation distances... 10m from any site boundary

Rule 19.4.7 Buildings, structures and subdivision in the Coastal Natural Character and Hazard Overlay Area (discretionary activity)

.....
(Continue on a separate sheet if necessary)

4. My submission is that: (Clearly state whether you SUPPORT or OPPOSE specific parts of the Proposed District Plan or wish to have amendments made, giving reasons for your views)

I **oppose** rule 19.6.4 requiring buildings set back 10 m from boundaries because:

1. I dispute building placement will negatively affect the ability of rural landowners to undertake farming activities

Eg: our section is a rural subdivision which does not adjoin productive farms.

2. Requiring building 10m from boundaries will have a **negative environment impact**

Eg: it prevents utilising naturally occurring building sites to minimise potential earthworks. 'Earthworks for subdivision and development can have substantial and cumulative effects on the environment, silting streams and estuaries, and altering catchments. They can significantly alter topography and result in the loss of vegetation, which would otherwise enhance the character and identity of the subdivision. Earthworks in sensitive areas that are easily eroded (such as the coastal dunes) and on visually prominent sites are of particular concern, particular care should be taken in locating buildings in these environments.' (Kapiti Coast District Council Rural Subdivision Design Guide April 2009).

Many rural subdivisions have existing building platforms that are yet to be built on, these may be within 10m from boundaries.

3. Requiring building 10 m from the boundary will have a **negative visual impact**.

Eg. It will encourage artificial patterns onto the landscape, such landscape blocks with large distances between dwellings. Clusters of buildings minimise the visual impact on an open rural environment, promotes community and security and retains rural character and values (Ibid).

I object to **Rule 19.4.7 Buildings, structures and subdivision in the Coastal Natural Character and Hazard Overlay Area (discretionary activity)** because

1. The process is not transparent

2. The process is not fair and equitable

3. The process is too adversarial

With no clear guidelines, and decisions left to a council employee or neighbours:

a. Such a change greatly increases uncertainty and stress.

For example, we have very recently bought a section just within a proposed area of Coastal Natural Character. It was our intention to build a simple house in keeping with the environment for our retirement. Without clear guidelines we no longer know whether we can achieve our dream.

b. This change escalates housing affordability through the consents process

c. It will lead to increased council overheads. For example more paper work, more employees or contractors, increased rates.

d. This change will decrease land values. For example others will not want to buy our section due to the above uncertainty.

e. This change will reduce development of communities in coastal areas. The restrictions mean it is less likely to have a vibrant, involved community caring for each other and the land. Instead it will be somewhere that is visited but not inhabited; or a preserve for the very rich.

f. This places the control of coastal planning in the hands of a limited number of people. This will lead to a bland, homogenous built environment based on a few people's taste. By allowing landowners to respond personally to their environment, a richer more diverse, interesting and appropriate landscape results.

5. I/We seek the following decision from the Horowhenua District Council: (Give precise details of what amendments you wish to see and your reasons)

Rule 19.6.4 iii) change to **3m** from any other site boundary

Because 10m is too restrictive to property owners and will lead to negative environmental and visual impacts. This will still be the situation with a larger section.

Rule 19.4.7 Buildings, structures and subdivision in the Coastal Natural Character and Hazard Overlay Area (**discretionary activity**)

Remove rule because it will lead to a process that is not transparent, fair and equitable and will be adversarial. If it is not possible to remove the rule, comprehensive guidelines need to be in place as well as a consents process in which costs are not passed to the land owner. This should be informed by community consultation.

.....
.....
.....

(Continue on a separate sheet if necessary)

6. Proposed District Plan Hearing

Do you wish to attend the Council hearing for the Proposed District Plan? Yes No

Do you wish to be speak in support of your submission at the hearing? Yes No

If others make a similar submission would you be prepared to consider presenting a joint case at the hearing? Yes No

I have attached additional pages to this submission.

Signature of Submitter: **Date:** 12 November 2012.....
(Or person authorised to sign on behalf of submitter)

Note: A signature is not required if you make your submission by electronic means.

Submissions must be received no later than 4:00pm 12 November 2012

Further Information

If you require further information about the Proposed District Plan please visit the Council website www.horowhenua.govt.nz or email districtplan@horowhenua.govt.nz or phone (06) 366 0999.



Privacy Act 1993

Please note that submissions are public information. Information on this form including your name and submission will be accessible to the media and public as part of the decision making process. Council is required to have this by the Resource Management Act 1991. Your contact details will only be used for the purpose of the Proposed District Plan process. The information will be held by the Horowhenua District Council, 126 Oxford Street, Levin. You have the right to access the information and request its correction.

SUBMISSION FORM

Proposed Horowhenua District Plan

Resource Management Act 1991

Form 5 of Resource Management

(Forms, Fees, Procedure) Regs 2003

Council Use Only
 Date Received:/...../.....
 Submission No:



Submissions can be:
 Delivered to: Horowhenua District Council Offices, 126 Oxford Street, Levin
 Posted to: Shaping Horowhenua, Horowhenua District Council, Private Bag 4002, Levin 5540
 Faxed to: (06) 366 0983
 Emailed to: districtplan@horowhenua.govt.nz

Submissions must be received no later than 4:00pm 12 November 2012

1. Submitter Contact Details

Full Name: **Cobus van Vuuren**.....
 Name of Organisation: **Higgins Group Holdings Limited**.....
 Address for Service: **Private Bag 11411**.....
Palmerston North..... Post code: **4442**.....
 Telephone (Day time): **06 350 3680**..... Mobile: **027 457 9151**.....
 Email: **cobus@higgins.co.nz**.....

Note: you must fill in all sections of this form.

2. Trade Competition

I could gain an advantage in trade competition through this submission? Yes No

I am directly affected by an effect of the subject matter that
 (a) adversely affects the environment; and
 (b) does not relate to trade competition or the effects of trade competition? Yes No

Please note that if you are a person who could gain an advantage in trade competition through the submission, your right to make a submission may be limited by Clause 6 of Schedule 1 of the Resource Management Act 1991.

3. The specific provisions of the Proposed District Plan that my submission relates to are as follows: (Please specify the Rule, Policy or Map number your submission relates to)

Refer attached submission

.....

.....

.....

.....

.....

.....

.....

(Continue on a separate sheet if necessary)

4. My submission is that: *(Clearly state whether you SUPPORT or OPPOSE specific parts of the Proposed District Plan or wish to have amendments made, giving reasons for your views)*

Refer attached submission
.....
.....
.....
.....
.....

(Continue on a separate sheet if necessary)

5. I/We seek the following decision from the Horowhenua District Council: *(Give precise details of what amendments you wish to see and your reasons)*

Refer attached submission
.....
.....
.....
.....

(Continue on a separate sheet if necessary)

6. Proposed District Plan Hearing

Do you wish to attend the Council hearing for the Proposed District Plan? Yes No

Do you wish to be speak in support of your submission at the hearing? Yes No

If others make a similar submission would you be prepared to consider presenting a joint case at the hearing? Yes No

I have attached **SEVEN** additional pages to this submission.

Signature of Submitter: **Date:** 12 November 2012.....
(Or person authorised to sign on behalf of submitter)

Note: A signature is not required if you make your submission by electronic means.

Submissions must be received no later than 4:00pm 12 November 2012

Further Information

If you require further information about the Proposed District Plan please visit the Council website www.horowhenua.govt.nz or email districtplan@horowhenua.govt.nz or phone (06) 366 0999.

Privacy Act 1993

Please note that submissions are public information. Information on this form including your name and submission will be accessible to the media and public as part of the decision making process. Council is required to have this by the Resource Management Act 1991. Your contact details will only be used for the purpose of the Proposed District Plan process. The information will be held by the Horowhenua District Council, 126 Oxford Street, Levin. You have the right to access the information and request its correction.

ATTACHMENT TO AND CONTENT OF RMA FORM 5 SUBMISSION

HOROWHENUA DISTRICT PLAN REVIEW

SUBMISSION OF HIGGINS GROUP HOLDINGS LIMITED

12 November 2012

BACKGROUND

Aggregates are fundamental to the maintenance, growth and development of New Zealand. They are essential to the construction of our infrastructure and our buildings. In 1991, 14 million tonnes of aggregates were produced, which equates to 4 tonnes per person per year. Consumption in 2008 was 11 tonnes per person (50 million tonnes per year). Further statistics and information about the important role aggregates have in New Zealand are attached to this submission as Appendix A.

Access to aggregate (crushed rock, gravel or stone) is increasingly problematic due to a lack of recognition of the need to protect aggregate resources and quarrying activities, and public misconceptions about the industry. Few people understand the extent of the role aggregate has in New Zealand's economy and infrastructure and in people's everyday well-being. Quarrying and aggregates processing often have negative connotations due to the effects arising from the activity namely the generation of noise and dust. They are also susceptible to reverse sensitivity effects arising from subdivision taking place in the vicinity of existing operations. Additionally, aggregate resources are at risk of being 'sterilised', where development is allowed to occur that will prevent the future extraction of aggregates from a site.

It is possible to avoid, remedy or mitigate the effects of quarrying using best practice measures to ensure that people are not unduly affected by any such activities. However, it is also necessary to ensure that quarrying and aggregate processing activities are provided for in the District Plan and recognised as vitally important on a local, regional and national scale.

IDENTIFICATION OF ISSUES AND REASONS FOR SUBMISSION

Higgins Group Holdings Limited (the Higgins Group or Higgins) undertakes a range of infrastructure related activities in the Horowhenua District. The company has a contracting and aggregates yard at 48 Tatarua Road in Levin and also undertakes river based gravel extraction within the Horowhenua District, mostly from sites along the Ohau River. The yard at Tatarua Road is within the Rural Zone whilst the existing aggregate extraction sites appear to be within either the Rural Zone or within the proposed Flood Hazard Area. Higgins, therefore, has a direct interest in the planning framework for the Horowhenua District insofar as that framework relates to its ability to access aggregate resources and associated extraction and processing activities.

Provision for aggregate extraction

As discussed above, aggregates are fundamental to development and infrastructure throughout New Zealand including in the local context. It is also vital that they are sourced as close as possible to their end use to ensure that their costs are kept to a reasonable and affordable level. The benefits of aggregates as a resource are identified in Chapter Six of the Manawatu-Wanganui Regional Council's Proposed One Plan (Part II - Regional Policy Statement) where it is states:

"Utilisation of the Region's gravel resource provides an economic benefit and there may be flood protection benefits from having it removed from rivers."

Policy 6-32 of the Proposed One Plan states:

"Subject to Policies 6-27 to 6-31 and the need to ensure that gravel extraction volumes are sustainable, activities that enable gravel extraction will generally be allowed in recognition of the benefit the gravel resource provides for use and development and the flood protection benefit of having it managed."

The significance of aggregates to the local community is highlighted in the Proposed Horowhenua District Plan Objectives and Policies section for the Rural Environment where it states that:

"Infrastructural and other industrial-type activities also occur in the rural environment, such as network utility facilities, gravel extraction and quarrying/aggregate processing, and these are critical to the functioning of the District."

Despite recognition of the importance of aggregates to the Region and District in the Regional Policy Statement (Proposed One Plan) and the Proposed District Plan (Objectives and Policies section), no specific provisions for the activities required to allow for the recovery or processing of aggregates have been provided within the rule framework in the Rural Zone of the Proposed District Plan.

It is also apparent that the definition of "Earthworks" is wide enough so that it would likely include aggregate extraction. This presents an issue in respect of proposed Rule 19.6.11 Flood Hazard Overlay Area that restricts earthworks in a Flood Hazard Overlay Area to a maximum of 20m³ per 12 month period. As most aggregate extraction activities occur within the Flood Hazard Overlay Areas defined in the Proposed District Plan (e.g. from rivers) this rule unnecessarily restricts access to aggregate resources within the District. Rule 19.6.11(b) may also present issues through limiting the footprint of non-habitable structures to 40m² within the Flood Hazard Overlay Area. Aggregate processing involves the use of plant and structures to crush, grade and sort the material so that it is suitable for its various end uses. The terms "structure" or "non-habitable" are not defined in the proposed District Plan, so the application of this rule may vary depending on various future interpretations of these terms.

Reverse Sensitivity

Reverse sensitivity is an issue that can affect existing and future aggregate extraction and processing activities and sites. This type of effect can arise when land uses that are sensitive to noise, vibration or dust, such as residential, home occupations and visitor accommodation activities, establish themselves close to aggregate extraction sites. This issue is also recognised in the District Plan under Issue 2.3¹ of the Objectives and Policies Section for the Rural Environment where it states:

"Reverse sensitivity issues may also arise near to existing large-scale processing activities and infrastructure facilities which may generate external adverse effects on the immediate area. In most cases, the rural environment is the only place where large-scale processing and infrastructure facilities such as landfills, treatment plants, and aggregate extraction and processing activities can be sited to have sufficient resources and/or land to operate and be sufficiently far enough away from residential dwellings to avoid adversely affecting occupants. It is important that this requirement is recognised and provided for, and that increased residential development resulting from rural subdivision is not encouraged in these locations."

There are objectives and policies under Issue 2.3 that address reverse sensitivity in respect of residential activities and subdivision. For example, Policy 2.3.3 seeks to restrict subdivision in areas identified as being at risk from the external effects of existing large scale processing and infrastructure facilities and Policy 2.3.6 seeks to ensure that the potential for reverse sensitivity effects on lawfully established activities, where such effects are created by subdivision which would result in residential activity, are avoided, remedied or mitigated. Subdivision is a controlled activity within the Rural Zone and one of the matters of control is the management of potential reverse sensitivity effects including, but not limited to, noise, vibration, odour, dust and visual effects.

However, such policies are not proposed in the sections of the Proposed District Plan that deal with Land Use Activities in the Rural Zone (Issue 2.5 and associated Objectives and Policies) and a number of potentially sensitive activities, such as home occupations and visitor accommodation are permitted as of right throughout the rural zone.

This absence of policy direction and the permissive nature of the Proposed District Plan in relation to certain activities across the entire Rural Zone could lead to land use activities being established near aggregate extraction and processing sites without any consideration of reverse sensitivity effects on those sites. Of particular note are the aggregate resources available from or near the Ohau River as evident by the existing Aggregate Extraction sites along that river. Protection of those resources to ensure their availability for future generations is considered essential.

¹ It is understood that Issue 2.3 and its associated objectives and policies was introduced to the District Plan by Plan Change 20 and as this Plan Change is not yet operative it is not open to submission through this District Plan Review process.

SPECIFIC SUBMISSION POINTS

To overcome the above identified issues, Higgins submits that several amendments and insertions are required to the Proposed District Plan as follows:

1. That "Aggregate Extraction" be separately defined within the definitions section of the District Plan.

Having "Aggregate Extraction" separately defined enables the District Plan to specifically provide for the activity. Given its acknowledged importance to the District, it is submitted that specific provision for "Aggregate Extraction" is essential to ensure an unhindered supply for future uses. The following definition is sought:

"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".

2. That the definition of "Earthworks" be amended to exclude "Aggregate Extraction".

The definition of Earthworks needs to be amended so that it excludes "Aggregate Extraction". This is required so that Aggregate Extraction activities are not captured by existing or future rules in the District Plan that aim to control effects of earthworks. The following amended definition of earthworks is sought:

"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".

3. That specific provision be made for Aggregate Extraction activities in the Proposed District Plan as a Controlled Activity.

The effects of Aggregate Extraction activities are well known and are confined to certain matters such as noise, vibration, dust, traffic and visual amenity effects. Almost all aggregate extraction activities take place in the Rural Zone due to the aggregate resource being located in rural areas and also due to greater "buffer" distances available between the extraction activities and neighbours. It is submitted that Aggregate Extraction should be a controlled activity in the Rural Zone with control reserved over the above mentioned effects. The following provisions are sought to be inserted into the Proposed District Plan:

Rule 19.2 Controlled Activities

...

- (i) Aggregate Extraction

Rule 19.7 Matters of Control and Conditions for Controlled Activities

...

19.7.11 Aggregate Extraction [Refer Rule 19.2(i)]

- (a) Matters of Control

- (i) The management of noise and vibration

- (ii) The management of heavy vehicle movements on local roads

- (iii) Management of dust, erosion and sediment discharges beyond the site

- (iv) The effects of modifications to the landscape character and particularly on the amenity values of any outstanding natural feature or landscape.

4. That recognition of Aggregate Extraction be made within the discussion of Issue 2.5 in the Objectives and Policies section for the Rural Zone.

This follows on from the recognition of Aggregate Extraction provided in the District Plan in relation to residential sites and subdivision. It is submitted that similar recognition should be provided in the District Plan in relation to other Land use activities in the Rural Zone. The following wording is sought to be inserted in the issue Discussion under Issue 2.5:

ISSUE DISCUSSION

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. Other industrial-type activities also occur in the rural environment, such as aggregate extraction, which is critical to the functioning of the District. 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.

While there is diversity in the nature and scale of land use activities, the elements which combine to give the rural environment its character and amenity values are listed in Explanation and Principal Reasons under Issue 2.1 above.

Given the nature and scale of some primary production activities and aggregate extraction 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, stock movements, burning, and spraying are all necessary and usual aspects of life in a rural area.

5. That an amendment be made to Objective 2.5.1 and specific policy be inserted into the District Plan under Issue 2.5 to ensure that the effects (including reverse sensitivity) of other land uses on existing Aggregate Extraction activities are taken into account.

It is submitted that recognition of Aggregate Extraction within Objective 2.5.1 and the insertion of a specific policy to recognise Aggregate Extraction is essential to ensure that reverse sensitivity effects are fully considered in any resource consent applications for activities intending to establish near Aggregate Extraction sites. The following amendments to Objective 2.5.1 and an additional policy are sought:

Objective 2.5.1 Land Use Activities – Nature, Character, Amenity Values and Servicing

To enable primary production activities, and other associated rural based land uses and Aggregate Extraction activities 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.

...

Policy 2.5.22

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.

6. That the exception to Rule 19.6.11 be expanded to include Aggregate Extraction activities.

It is submitted that Rule 19.6.11 unnecessarily restricts potential Aggregate Extraction activities from land near rivers and streams, which is where the majority of such activities are currently located and are likely to be located in the foreseeable future. Aggregate Extraction activities within the bed of a river require resource consent from the Manawatu-Wanganui Regional Council where the effects on flood hazards are assessed. In the first instance it is submitted that Rule 19.6.11 is unnecessary and is simply addressing issues and effects that are already addressed by the Regional Council, and that the rule should be deleted in its entirety.

The rule contains an exception to the rule for soil conservation and river/flood control works carried out by or on behalf of the Manawatu-Wanganui Regional Council. River and flood control works may, in fact, necessitate the removal of aggregate from an aggraded river bed by a contractor engaged by the Regional

Council. If the Council does not wish to delete the rule, it is submitted that the exception be widened in scope to include Aggregate Extraction activities. The following wording is sought:

19.6.11 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.

- (b) Within a Flood Hazard Overlay Area, the erection, placement, alteration of or addition to any non-habitable structure, with an unsealed or permeable floor shall not exceed a gross floor area of 40m² per site.

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 or to any Aggregate Extraction activities.

7. That a new condition for permitted activities be inserted under Rule 19.6 that limits the establishment of dwellings and other noise sensitive activities within 500 metres of the boundaries of any lawfully established aggregate extraction site or the Ohau River bed.

A number of sensitive activities are permitted within the Rural Zone meaning that there is often no way for the Council to consider the effects (including reverse sensitivity) of those activities on Aggregate Extraction sites and activities. It is submitted that the Proposed District Plan approach (rule framework) is inconsistent with the recognition that Aggregate Extraction activities are critical to the functioning of the District. To rectify this issue it is submitted that the effects of sensitive activities seeking to establish near existing Aggregate Extraction sites or the Ohau River bed be assessed through a resource consent process. The following amendment to Conditions for Permitted Activities in 19.6.4 Building Setbacks from Boundaries and Separation Distances, and additional matters of discretion are sought:

Rule 19.6 Conditions for Permitted Activities

...

19.6.4 Building Setbacks from Boundaries and Separation Distances

- (a) All buildings shall comply with the following setbacks:
- (i) 10 metres from any District road boundary;
 - (ii) 15 metres from any State Highway boundary;
 - (iii) 10 metres from any other site boundary;
 - (iv) 15 metres from any bank or stream edge;
 - (v) 20 metres from any water body listed in Schedule 12 – Priority Water Bodies.

Except on sites of 5,000m² or less, where the following setbacks apply:

- (vi) 10 metres from any District road boundary;
- (vii) 15 metres from any State Highway boundary;
- (viii) 3 metres from any other site boundary;
- (ix) 15 metres from any bank or stream edge;
- (x) 20 metres from any water body listed in Schedule 12 – Priority Water Bodies.

Note: Rules 19.6.4(a)(iv) 19.6.4(a)(v), 19.6.4(a)(ix) and 19.6.4(a)(x) have immediate legal effect from 14th September 2012.

- (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;
 - (ii) 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;
 - (iii) 20 metres from any other farm (e.g. dairy and poultry) effluent storage and treatment facilities on any other site.
 - (iv) 500 metres from any Aggregate Extraction site or the Ohau River bed.
- (c) Any building used for intensive farming activity shall comply with the following setbacks and separation distances:
- (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.

Rule 19.8 Matters of Discretion and Conditions for Restricted Discretionary Activities

...

19.8.17 Separation Distances from Aggregate Extraction Sites

(a) Matters of Discretion

- (i) Reverse sensitivity effects including those created by, but not limited to, noise, vibration, dust, heavy traffic and visual amenity.

DECISION SOUGHT

Higgins Group Holdings Limited seek that the above deletions, amendments and changes, and any consequential amendments as necessary, are incorporated into the Proposed District Plan to give effect to the above mentioned submission points and outcomes sought.

Aggregates Fact Sheet

Aggregates are fundamental to the lives of everyday New Zealanders. Without an ongoing supply of aggregates, the production of concrete and the development of buildings, roads and infrastructure would come to a standstill.

The facts

- In 2007, New Zealand produced 46.34 million tonnes of aggregates worth \$592 million
- With an estimated population of 4,250,000, each New Zealander consumes a truckload (10.9 tonnes) of aggregates every year
- Over half the aggregate produced is used on roads and a further 21% is used to construct commercial and residential buildings
- The economic benefit to our country (direct, indirect and induced) is \$2.1 billion and approximately 10,000 jobs

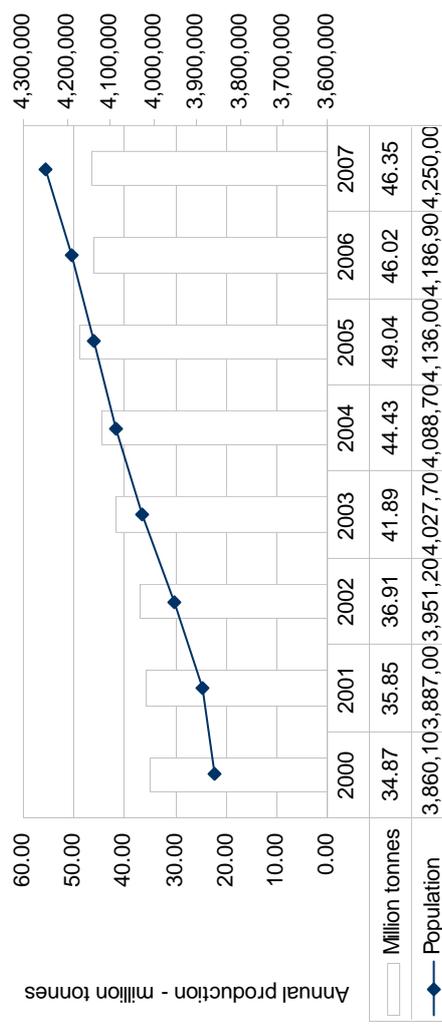
Location and transport

For each tonne of aggregate produced, every 30 kilometres it has to travel doubles the cost.

AGGREGATE USE: COMPARISON BY COUNTRY

Country	Tonnes per person
New Zealand	10.9
United States	8.4
Australia	7.0
Europe	6.9
Great Britain	4.7
World (estimate)	3.0

NEW ZEALAND AGGREGATE PRODUCTION -v- POPULATION



This fact sheet was prepared by the Aggregate and Quarry Association of New Zealand. For more information phone 0-4-568 9123.

Form 5

**Submission on the Proposed Horowhenua District Plan
Under Clause 6 of the First Schedule to the Resource Management Act 1991**

To: Planning Department
Shaping Horowhenua
Horowhenua District Council
Private Bag 4002
LEVIN 5540

Submission on: Proposed Horowhenua District Plan

Name: Telecom New Zealand Limited

Address: Telecom New Zealand Limited
Private Bag 920028
AUCKLAND
(Please note different address for service below)

1. Telecom New Zealand Limited (Telecom) makes the following general submission:

At midnight on 30 November 2011, Telecom de-merged into two separate publicly listed companies, with Telecom becoming a retail service provider and Chorus a network services operator. As part of its business, Telecom has retained a number of network assets that may be affected by the Proposed Horowhenua District Plan (Proposed Plan) including:

- A 3G mobile network, with a 4G mobile network currently in development which will provide a higher speed network with increased data capacity;
- Aspects of the Public Switched Telecom Network (PSTN) for fixed line calling including a number of major exchanges;
- International Satellite station and cable terminal assets; and
- Telecom Payphones.

The purpose of the Resource Management Act 1991, as embodied in section 5, is promotion of the sustainable management of natural and physical resources. Telecommunications infrastructure is a significant physical resource, and the safe, reliable and efficient functioning of the network is vital for the regional economy and is in the public interest.

Telecom is a major telecommunication network provider within the Horowhenua District. The network is utilised for a wide range of purposes that are essential to modern society. This includes personal and commercial communications, wireless data transfer, linking financial institutions to convey critical financial transaction data, fire and burglary monitoring and control facilities, and other emergency services communications. The provision of resilient telecommunication networks during emergencies is critical, as has been highlighted in the case of the Canterbury earthquakes. The Telecom network is subject to constant maintenance, modification and upgrading as the number of customers and services increase, and changes in technology occur.

Within any District Plan framework there is a need to balance policy and provision to provide for the efficient maintenance and rollout of network utilities infrastructure whilst appropriately managing the effects on the environment with such. There has been in recent years a shift in how these two issues are balanced with the provision for infrastructure historically playing a passive background role. The recent shift places significantly greater importance on the need to allow for critical infrastructure and network utilities. The *Resource Management (National Environmental Standards for Telecommunication Facilities) Regulations 2008* (NESTF) which deals with the provision for telecommunications in roads is an example of a measure put in place by Government to better provide for deployment of critical infrastructure. The NESTF is a permissive instrument, and overrides all District Plans that are more restrictive.

The purpose of this submission is to ensure that the provisions of the Proposed Horowhenua District Plan adequately recognise and provide for telecommunication and radio communication utility infrastructure, and do not unnecessarily impede the efficient and effective operation, maintenance and upgrading of the network. While it is considered that the policy framework generally provides a good balance between the provision for telecommunication utilities and their environmental effects, it is considered that as currently drafted some of the associated rules are:

- (a) unreasonably restrictive in the manner in which telecommunication and radio communication facilities are provided for in relation to the actual and potential environmental effects of the activities; and
- (b) unclear, uncertain or unworkable.

For the above reasons, it is considered that aspects of the Proposed Plan fail to promote the purpose of the Resource Management Act ("RMA").

The particular parts of the Proposed Plan that that Telecom either supports or opposes and the relief sought is outlined below.

2. Telecom makes the following submissions to the Proposed Horowhenua District Plan, and seeks:

EITHER

- (i) The relief as set out in the specific submissions below;

OR

- (ii) Such other relief to like effect to remedy the concerns outlined below;

AND in relation to both (i) and (ii) above

- (iii) Any consequential amendments necessary as a result of the amendments to grant the relief sought above.

Objective and Policies

2.1 Submission in Support – Objective 12.1.1 and Policies 12.1.2, 12.1.3, 12.1.6 & 12.1.9:

Relevant Provisions: Chapter 12 OBJECTIVES/POLICIES: Utilities and Energy; Objective 12.1.1 Network Utilities and Policies 12.1.2, 12.1.3, 12.1.6 and 12.1.9

It is considered that Objective 12.1.1 Network Utilities and associated Policies 12.1.2, 12.1.3, 12.1.6 and 12.1.9 provide a good balance of recognising the importance of utilities to the community and their locational and technical requirements, while ensuring that the adverse effects are managed. Policy 12.1.9 also recognises that there can be reverse sensitivity effects that need to be managed through the subdivision and land use provisions.

Relief Sought:

Retain Objective 12.1.1 Network Utilities and associated Policies 12.1.2, 12.1.3, 12.1.6 and 12.1.9.

2.2 Submission in Support – Policy 12.1.8:

Relevant Provision: Chapter 12 OBJECTIVES/POLICIES: Utilities and Energy; Policy 12.1.8

Policy 12.1.8 is to “*Encourage the co-location or multiple use of network utilities where this is efficient and practicable in order to avoid, remedy or mitigate adverse effects on the environment*”. Telecom supports the provision for co-location as set out in Policy 12.1.8. However, it is noted that there are currently no rules to implement this objective (this is addressed in submission 2.8 below).

Relief Sought:

Retain Policy 12.1.8.

2.3 Submission in Opposition – Policy 12.1.4:

Relevant Provision: Chapter 12 OBJECTIVES/POLICIES: Utilities and Energy; Policy 12.1.4

Policy 12.1.4 is “*Provide additional protection for sensitive areas such as Outstanding Natural Features and Landscapes, 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*”. The additional protection afforded to ‘open space’ in this policy is unclear in terms of what constitutes open space, and it is unnecessary and inconsistent with the provision of permitted network utilities in the Open Space zone. Placement of network utilities in open space areas (i.e. antennas located on flood light structures, underground lines or small cabinet structures) is often an appropriate environmental response to deploying infrastructure with minimum impact on communities.

Relief Sought:

After the word “*waterway*” delete the words “*and open space*”.

Structure of the Proposed Plan – Standalone Utility Section

2.4 Submission in Opposition – Structure of the Plan

Relevant Provisions: The rules for each of the zones in Chapters 15-20 and Chapter 22 RULES: Utilities and Energy.

The activity status for network utilities is contained in each of the zone chapters. Chapter 22 contains conditions for permitted utilities with an introductory statement that "*The rules in this section take precedence over any other zone rules that may apply to utilities in the District Plan, unless specifically stated to the contrary*". However, many network utility structures such as standalone masts are by definition also a "*Building*" in terms of the District Plan definition. It is therefore unclear whether the rules that apply to a "*Building*" in the zone chapters that haven't been addressed in the Chapter 22 e.g. screening, daylight, setbacks, site coverage, landscaping and car parking requirements, would also apply to network utilities such as masts.

If it is the intention of the Council for all zone performance standards to apply to network utilities in addition to any specific standards within the network utilities section, this would not be supported. Given their operational and functional requirements, it is not realistic for network utilities, and in particular telecommunication facilities, to be able to sit within normal zone building controls.

In summary, a complete standalone chapter for network utilities would provide a 'one stop shop' approach and allow for greater confidence in determining how a proposal fits in terms of the District Plan provisions. In addition, this approach recognises that due to the particular operational and functional requirements of network utilities, the general provisions that apply to other activities and buildings within a zone may not be appropriate for telecommunication facilities.

Relief Sought:

That all rules for network utilities be contained in a standalone chapter (including the activity status and permitted conditions), other than specific cross referencing to particular standards in the zone chapters where relevant and reasonably applicable to network utilities (e.g. zone noise standards, height in relation to boundary and set backs from residential zone interface).

Sites Adjoining Residential Zones

2.5 Submission in Opposition - Sites Adjoining the Residential Zone – Rule 22.1.4(a)

Relevant Provisions: Chapter 22, Rule 22.1.4(a)

Rule 22.1.4(a) provides that where it is proposed to locate a network utility structure on a site adjoining a Residential Zone, the performance conditions for the adjoining Residential Zone shall apply in relation to the height and location of any network utility structure. Telecom agrees that it is appropriate to have rules that address the interface with adjoining Residential Zones. However, rather than applying the height limits for the adjoining zone, it is more appropriate to apply the residential height in relation to boundary (daylight) and set back controls. This will mean that on a larger site adjoining a residential zone, a structure set well away from the Residential Zone boundary will be able to be erected to the height limit intended for that zone, while a structure erected in closer proximity may need to be lower to meet the height in relation to boundary control.

Relief Sought:

That Rule 22.1.4(a) be amended such that the height in relation to boundary (daylight) and setback controls for the Residential Zone apply to network utility structures on sites adjoining Residential Zones at the Residential Zone interface. Remove the terms "*height*" and "*location*" from the existing rule as notified.

Lightning Rods

2.6 Submission in Opposition – Rule 22.1.8 and the Definition of ‘Building’

Relevant Provisions: Chapter 22, Rule 22.1.8 and the definition of ‘Building’ in Chapter 26

Small lightning rods are routinely attached to the top of masts and antennas. They are not currently excluded from the maximum height requirements for network utilities in Rule 22.1.8, or through the exemptions provided for in the definition of “*Building*” in Chapter 26. It is requested that due to their small size and therefore negligible environmental effect that lightning rods be expressly excluded from the maximum height limit for the utility structure to which they are attached. In addition to providing an exemption within the rules, it may also assist to provide an exemption for lightning rods in the definition of “*Building*”.

Relief Sought:

Exempt lightning rods from the maximum height limit in Rule 22.1.8, and through an exemption in the definition of “*Building*” in Chapter 26.

Height of Network Utility Masts

2.7 Submission in Opposition – Rule 22.1.8

Relevant Provisions: Chapter 22, Rule 22.1.8

Rule 22.1.8 sets out the permitted height limits in the zones for masts and attached antennas. In general, Telecom considers these height limits to be reasonable (aside from co-location in some specific zones which is the subject of a separate submission). However, the height limits are considered to be unnecessarily restrictive in the Commercial Zone (outside the pedestrian overlay area), and the Industrial Zone. Where practicable, Telecom prefers to deploy infrastructure in commercial and industrial zones within urban areas where larger building typologies are enabled and larger scale structures are better able to be absorbed.

Relief Sought:

Amend Rule 22.1.8 by increasing the permitted height limit for masts and attached antennas in the Commercial Zone (outside the pedestrian overlay area) and the Industrial Zone to 15m and 25m respectively.

Height of Masts and Antennas where more than one Network Operator is Co-Located on the same Mast.

2.8 Submission in Opposition – Rule 22.1 Conditions for Permitted Activities – New Rule for the Permitted Height of Masts and Attached Antennas where more than one Network Operator is Co-located on the same Mast

Relevant Provisions: Chapter 22, Rule 22.1 Conditions for Permitted Activities

Policy 12.1.8 encourages the co-location or multiple use of network utilities where this is efficient and practicable in order to avoid, remedy or mitigate adverse effects on the environment. Telecom supports use of co-location solutions where this is feasible. However,

where two network operators are located on the same mast, vertical separation of antennas is generally undertaken to avoid interference issues. While this may also be able to be achieved by horizontal separation, such a solution requires a larger bulkier headframe at the mast head, which may not always be practical structurally or desirably visually. Accordingly, to encourage co-location solutions that minimise the required bulk of structures to support more than one network, the rules (in selected zones) need to provide for an additional height allowance to incentivise such solutions.

Relief Sought:

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.

Antennas Mounted on Buildings

2.9 Submission in Opposition – Rule 22.1 Conditions for Permitted Activities – New Rule for Antennas Mounted on Buildings

Relevant Provisions: Chapter 22, Rule 22.1 Conditions for Permitted Activities

There are currently no permitted activity conditions providing for antennas mounted on buildings. This is a common means of deploying antennas and avoids the need to build standalone masts where existing buildings are located in suitable locations and at a suitable height. Currently, 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 maximum height of the building. It would be preferable to provide for allowances 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. A 1.5m allowance is considered to be unrealistic for networks that use vertically orientated panel antennas.

Telecom requests that a 3m allowance be provided for in Residential and Open Space Zones, and 5m in other zones.

Relief Sought:

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

Network Utilities in Flood Hazard Overlay Areas**2.10 Submission in Opposition – Rules 15.6.14, 16.6.19, 17.6.21, 19.6.11, 20.6.11
Conditions for Permitted Activities – Flood Hazard Overlay Area**

Relevant Provisions: Zone Chapters: Rules 15.6.14, 16.6.19, 17.6.21, 19.6.11, 20.6.11
Conditions for Permitted Activities

A Permitted Activity condition is included in each of the zones (excluding the Greenbelt Residential Zone) setting out what activities and buildings are permitted in flood hazard overlay areas. Where the permitted activity condition is not met, a resource consent as a discretionary activity is required.

The Proposed District Plan includes extensive flood hazard overlay areas. While it is generally prudent to avoid siting new buildings and structures in areas subject to flooding, it is not practical for all network utility equipment, and particularly linear utilities, to avoid these areas given that they cover extensive areas. Lines, either below ground or above ground supported by poles, can be sited in flood hazard areas without undue risk to the equipment or the community. Further, small telecommunication cabinets, which can be sited in roads as permitted activities regardless of any flood hazard risk, are not afforded the same permitted activity status outside of roads in flood hazard overlay areas. This equipment is non-habitable and Telecom is of the view that it can make its own assessment of risk as to the suitability or otherwise of siting small utility cabinets in flood hazard overlay areas, including any minimum floor area height that may be appropriate. Further, any sensitive equipment associated with masts will be sited on or within the mast well above flood levels. As currently drafted, the permitted activity conditions for flood hazard overlay areas would not provide for the above described activities as permitted activities.

Accordingly, Telecom requests permitted activity status under the applicable permitted activity condition in each zone for lines (above and below ground), including any ancillary earthworks such as trenching, as well as network utility masts and buildings/cabinets not exceeding 5m² in floor area.

Relief Sought:

Amend the permitted activity conditions for the Flood Hazard Overlay Area in each zone such that the following is provided for as a permitted activity:

- 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.

Parking Rules

2.11 Submission in Opposition – Rule 21.1.8 Vehicle Parking Standards and Zone Permitted Activity Conditions for Car Parking

Relevant Provisions: Rule 21.1.8 Vehicle Parking Standards, and Zone Permitted Activity Conditions for Car Parking

The parking rules for each zone apply to all activities except network utilities on sites of less than 200m². However, there is no parking limit specified for network utilities in Chapter 21. Network utilities are often located either in a road reserve or on a small lease area on a larger property where it may also be uncertain to determine whether this constitutes a network utility being located on a site of less than 200m².

Relief Sought:

Amend the Proposed Plan as necessary such that network utilities are not subject to car parking requirements.

3. **Telecom New Zealand Limited does wish to be heard in support of its submission.**
4. **If others make a similar submission Telecom would be prepared to consider presenting a joint case with them at any hearing.**

Signed:.....

Telecom New Zealand Limited

Dated at ~~Wellington~~ ^{AUCKLAND} this 11 day of November 2012

Address for Service:

Telecom New Zealand Limited
C/- Chorus
PO Box 632
Wellington
Attention: Mary Barton

Other Contact Details for planning enquiries:

Attention: Louise Miles
Telephone: 04 801 6862
Fax: 04 801 6865
E-mail: louise@incite.co.nz
Address: Incite (Wellington Limited)
PO Box 2058
Wellington

Form 5

Submission on the Proposed Horowhenua District Plan Under Clause 6 of the First Schedule to the Resource Management Act 1991

To: Planning Department
Shaping Horowhenua
Horowhenua District Council
Private Bag 4002
LEVIN 5540

Submission on: Proposed Horowhenua District Plan

Name: Chorus New Zealand Limited

Address: Chorus New Zealand Limited
PO Box 632
WELLINGTON
(Please note different address for service below)

1. **Chorus New Zealand Limited (Chorus) makes the following general submission:**

Chorus 'demerged' from Telecom as a separate company at midnight on 30 November 2011. As part of its business activities, Chorus maintains and builds a world class network made up of local telephone exchanges, radio communications infrastructure, cabinets and copper and fibre cables.

Chorus' telecommunication and radio communication facilities and networks are essential services because of the critical role they play, both in terms of allowing people and communities to provide for their "wellbeing", and also for assisting to ensure their "health and safety". Chorus' fixed line network connects homes and businesses through an extensive network made up of fibre optic and copper cable. The Ultra Fast Broadband (UFB) and Rural Broadband Initiative (RBI) projects currently underway will lay additional fibre cable. This network is also supported by a number of radio communication sites ranging from small repeater sites to large microwave stations.

Chorus works with many different retail service providers to give access to our network and develop innovative new products and services. Our customers include Actrix, Airnet, CallPlus, Compass, Digital Island, Gen-I, Orcon, TelstraClear, Telecom, Trustpower, Vodafone and WorldxChange to name a few. Chorus helps these providers connect their customers to the world.

In addition to supporting our customers to deliver fixed line services; Chorus' fibre network also underpins an extensive mobile phone network, which provides a wide range of mobile services to residents and visitors nationally. In order to satisfy customer demands, Chorus is constantly altering and developing both the fixed line and mobile network support infrastructure to ensure services meet the needs of our customers and the local community.

Reliance on telecommunications has never been so high and this will continue to grow as an ever expanding range of applications are developed that require access to an ultra fast

broadband network. Chorus is partnering with the Crown Fibre Holdings to undertake one of the largest infrastructure upgrades the country has ever seen.

Within any District Plan framework there is a need to balance policy and provisions to provide for the efficient maintenance and rollout of network utilities infrastructure whilst appropriately managing the effects on the environment associated with such. There has been in recent years a shift in how these two issues are balanced with the provision for infrastructure historically playing a passive background role. The recent shift places significantly greater importance on the need to allow for critical infrastructure and network utilities. *The Resource Management (National Environmental Standards for Telecommunication Facilities) Regulations 2008* (NESTF) is an example of a measure put in place by Government to better provide for deployment of critical infrastructure.

Improved internet speed is important from a Government perspective because broadband improvements can increase economic activity and productivity. Prime Minister John Key, in a Press Release dated 5 March 2012, announced the next 693 schools to be connected by Chorus for the ultra-fast broadband initiative. The Prime Minister confirmed in the announcement that, *"Building a more competitive and productive economy is one of the Government's four key priorities for its second term and the rollout of UFB is an important part of this"*.

The Ministry of Economic Development (MED), who advises the Minister for Communications and Information Technology and manage the Telecommunications Act 2001, has a clear policy direction to develop a sound regulatory environment for the information and communications technology (ICT) sector. The MED states on their website that:

"The Internet has become part of the way New Zealanders live, learn and do business. We're (Public) hungry for faster Internet speed and the ability to exchange large amounts of information. There is also a desire to find faster and better ways to search, process and use information. New technologies put increasing demands on the capacity on the broadband network infrastructure."

Further to these policy objectives around the provision of efficient infrastructure, there is a critical need for the provision of resilient telecommunications networks during emergencies as has been highlighted in the case of the Canterbury earthquakes. Functioning communications networks that support emergency services during such events are crucial, and can be the difference between life and death in some circumstances.

Building provisions into District Plans that allow for equipment upgrades to be undertaken in a relatively straightforward manner is pertinent in the telecommunications industry given that technological advancements tend to occur rapidly in the industry. This is evidenced by the recent emergence of mobile devices which rely on the mobile network for connection to the internet. Currently Chorus provides network infrastructure support for the 3G network which is supplied to the public by our customers. However, the 4G network is currently under development which will provide a higher speed network with increased data capacity. Whilst the exact technological requirements for this network are not yet known, it will likely involve the provision of additional antennas on existing sites as well as additional new sites. Other technological advances during the life to the District Plan, along with more instances of telecommunications providers seeking to co-locate on each other's assets, are also likely to occur requiring existing assets to be upgraded. Therefore any new District Plan provisions should be created with such technological advancements and/or provision for co-location of equipment being kept in mind.

The purpose of this submission is to ensure that the provisions of the Proposed Horowhenua District Plan adequately recognise and provide for telecommunication and radio communication utility infrastructure, and do not unnecessarily impede the efficient and effective operation, maintenance and upgrading of the network. While it is considered that the policy framework generally provides a good balance between the provision for telecommunication utilities and their environmental effects, it is considered that as currently drafted some of the associated rules are:

- (a) unreasonably restrictive in the manner in which telecommunication and radio communication facilities are provided for in relation to the actual and potential environmental effects of the activities; and
- (b) unclear, uncertain or unworkable.

For the above reasons, it is considered that aspects of the Proposed Plan fail to promote the purpose of the Resource Management Act ("RMA").

The particular parts of the Proposed Plan that that Chorus either supports or opposes and the relief sought is outlined below.

2. Chorus makes the following submissions to the Proposed Horowhenua District Plan, and seeks:

EITHER

- (i) The relief as set out in the specific submissions below;

OR

- (ii) Such other relief to like effect to remedy the concerns outlined below;

AND in relation to both (i) and (ii) above

- (iii) Any consequential amendments necessary as a result of the amendments to grant the relief sought above.

Objective and Policies

2.1 Submission in Support – Objective 12.1.1 and Policies 12.1.2, 12.1.3, 12.1.6 & 12.1.9:

Relevant Provisions: Chapter 12 OBJECTIVES/POLICIES: Utilities and Energy; Objective 12.1.1 Network Utilities and Policies 12.1.2, 12.1.3, 12.1.6 and 12.1.9

It is considered that Objective 12.1.1 Network Utilities and associated Policies 12.1.2, 12.1.3, 12.1.6 and 12.1.9 provide a good balance of recognising the importance of utilities to the community and their locational and technical requirements, while ensuring that the adverse effects are managed. Policy 12.1.9 also recognises that there can be reverse sensitivity effects that need to be managed through the subdivision and land use provisions.

Relief Sought:

Retain Objective 12.1.1 Network Utilities and associated Policies 12.1.2, 12.1.3, 12.1.6 and 12.1.9.

2.2 Submission in Support – Policy 12.1.8:

Relevant Provision: Chapter 12 OBJECTIVES/POLICIES: Utilities and Energy; Policy 12.1.8

Policy 12.1.8 is to “*Encourage the co-location or multiple use of network utilities where this is efficient and practicable in order to avoid, remedy or mitigate adverse effects on the environment*”. Chorus supports the provision for co-location as set out in Policy 12.1.8. However, it is noted that there are currently no rules to implement this objective (this is addressed in submission 2.8 below).

Relief Sought:

Retain Policy 12.1.8.

2.3 Submission in Opposition – Policy 12.1.4:

Relevant Provision: Chapter 12 OBJECTIVES/POLICIES: Utilities and Energy; Policy 12.1.4

Policy 12.1.4 is “*Provide additional protection for sensitive areas such as Outstanding Natural Features and Landscapes, 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*”. The additional protection afforded to ‘open space’ in this policy is unclear in terms of what constitutes open space, and it is unnecessary and inconsistent with the provision of permitted network utilities in the Open Space zone. Placement of network utilities in open space areas (i.e. antennas located on flood light structures, underground lines or small cabinet structures) is often an appropriate environmental response to deploying infrastructure with minimum impact on communities.

Relief Sought:

After the word “*waterway*” delete the words “*and open space*”.

Structure of the Proposed Plan – Standalone Utility Section

2.4 Submission in Opposition – Structure of the Plan

Relevant Provisions: The rules for each of the zones in Chapters 15-20 and Chapter 22 RULES: Utilities and Energy.

The activity status for network utilities is contained in each of the zone chapters. Chapter 22 contains conditions for permitted utilities with an introductory statement that “*The rules in this section take precedence over any other zone rules that may apply to utilities in the District Plan, unless specifically stated to the contrary*”. However, many network utility structures such as standalone masts are by definition also a “*Building*” in terms of the District Plan definition. It is therefore unclear whether the rules that apply to a “*Building*” in the zone chapters that haven’t been addressed in the Chapter 22 e.g. screening, daylight, setbacks, site coverage, landscaping and car parking requirements, would also apply to network utilities such as masts.

If it is the intention of the Council for all zone performance standards to apply to network utilities in addition to any specific standards within the network utilities section, this would not be supported. Given their operational and functional requirements, it is not realistic for network utilities, and in particular telecommunication facilities, to be able to sit within normal zone building controls.

In summary, a complete standalone chapter for network utilities would provide a 'one stop shop' approach and allow for greater confidence in determining how a proposal fits in terms of the District Plan provisions. In addition, this approach recognises that due to the particular operational and functional requirements of network utilities, the general provisions that apply to other activities and buildings within a zone may not be appropriate for telecommunication facilities.

Relief Sought:

That all rules for network utilities be contained in a standalone chapter (including the activity status and permitted conditions), other than specific cross referencing to particular standards in the zone chapters where relevant and reasonably applicable to network utilities (e.g. zone noise standards; height in relation to boundary and set backs from the residential zone interface).

Sites Adjoining Residential Zones

2.5 Submission in Opposition - Sites Adjoining the Residential Zone – Rule 22.1.4(a)

Relevant Provisions: Chapter 22, Rule 22.1.4(a)

Rule 22.1.4(a) provides that where it is proposed to locate a network utility structure on a site adjoining a Residential Zone, the performance conditions for the adjoining Residential Zone shall apply in relation to the height and location of any network utility structure. Chorus agrees that it is appropriate to have rules that address the interface with adjoining Residential Zones. However, rather than applying the height limits for the adjoining zone, it is more appropriate to apply the residential height in relation to boundary (daylight) and set back controls. This will mean that on a larger site adjoining a residential zone, a structure set well away from the Residential Zone boundary will be able to be erected to the height limit intended for that zone, while a structure erected in closer proximity may need to be lower to meet the height in relation to boundary control.

Relief Sought:

That Rule 22.1.4(a) be amended such that the height in relation to boundary (daylight) and setback controls for the Residential Zone apply to network utility structures on sites adjoining Residential Zones at the Residential Zone interface. Remove the terms "*height*" and "*location*" from the existing rule as notified.

Lightning Rods

2.6 Submission in Opposition – Rule 22.1.8 and the Definition of 'Building'

Relevant Provisions: Chapter 22, Rule 22.1.8 and the definition of 'Building' in Chapter 26

Small lightning rods are routinely attached to the top of masts and antennas. They are not currently excluded from the maximum height requirements for network utilities in Rule 22.1.8, or through the exemptions provided for in the definition of "*Building*" in Chapter 26. It is requested that due to their small size and therefore negligible environmental effect that lightning rods be expressly excluded from the maximum height limit for the utility structure to which they are attached. In addition to providing an exemption within the rules, it may also assist to provide an exemption for lightning rods in the definition of "*Building*".

Relief Sought:

Exempt lightning rods from the maximum height limit in Rule 22.1.8, and through an exemption in the definition of “*Building*” in Chapter 26.

Height of Network Utility Masts**2.7 Submission in Opposition – Rule 22.1.8**

Relevant Provisions: Chapter 22, Rule 22.1.8

Rule 22.1.8 sets out the permitted height limits in the zones for masts and attached antennas. In general, Chorus considers these height limits to be reasonable (aside from co-location in some specific zones which is the subject of a separate submission). However, the height limits are considered to be unnecessarily restrictive in the Commercial Zone (outside the pedestrian overlay area), and the Industrial Zone. Where practicable, Chorus prefers to deploy infrastructure in commercial and industrial zones within urban areas where larger building typologies are enabled and larger scale structures are better able to be absorbed.

Relief Sought:

Amend Rule 22.1.8 by increasing the permitted height limit for masts and attached antennas in the Commercial Zone (outside the pedestrian overlay area) and the Industrial Zone to 15m and 25m respectively.

Height of Masts and Antennas where more than one Network Operator is Co-Located on the same Mast.**2.8 Submission in Opposition – Rule 22.1 Conditions for Permitted Activities – New Rule for the Permitted Height of Masts and Attached Antennas where more than one Network Operator is Co-located on the same Mast**

Relevant Provisions: Chapter 22, Rule 22.1 Conditions for Permitted Activities

Policy 12.1.8 encourages the co-location or multiple use of network utilities where this is efficient and practicable in order to avoid, remedy or mitigate adverse effects on the environment. Chorus supports use of co-location solutions where this is feasible. However, where two network operators are located on the same mast, vertical separation of antennas is generally undertaken to avoid interference issues. While this may also be able to be achieved by horizontal separation, such a solution requires a larger bulkier headframe at the mast head, which may not always be practical structurally or desirably visually. Accordingly, to encourage co-location solutions that minimise the required bulk of structures to support more than one network, the rules (in selected zones) need to provide for an additional height allowance to incentivise such solutions.

Relief Sought:

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.

Antennas Mounted on Buildings

2.9 Submission in Opposition – Rule 22.1 Conditions for Permitted Activities – New Rule for Antennas Mounted on Buildings

Relevant Provisions: Chapter 22, Rule 22.1 Conditions for Permitted Activities

There are currently no permitted activity conditions providing for antennas mounted on buildings. This is a common means of deploying antennas and avoids the need to build standalone masts where existing buildings are located in suitable locations and at a suitable height. Currently, 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 maximum height of the building. It would be preferable to provide for allowances 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. A 1.5m allowance is considered to be unrealistic for networks that use vertically orientated panel antennas.

Chorus requests that a 3m allowance be provided for in Residential and Open Space Zones, and 5m in other zones.

Relief Sought:

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

Network Utilities in Flood Hazard Overlay Areas

2.10 Submission in Opposition – Rules 15.6.14, 16.6.19, 17.6.21, 19.6.11, 20.6.11 Conditions for Permitted Activities – Flood Hazard Overlay Area

Relevant Provisions: Zone Chapters: Rules 15.6.14, 16.6.19, 17.6.21, 19.6.11, 20.6.11 Conditions for Permitted Activities

A Permitted Activity condition is included in each of the zones (excluding the Greenbelt Residential Zone) setting out what activities and buildings are permitted in flood hazard overlay areas. Where the permitted activity condition is not met, a resource consent as a discretionary activity is required.

The Proposed District Plan includes extensive flood hazard overlay areas. While it is generally prudent to avoid siting new buildings and structures in areas subject to flooding, it is not practical for all network utility equipment, and particularly linear utilities, to avoid these areas given that they cover extensive areas. Lines, either below ground or above ground supported by poles, can be sited in flood hazard areas without undue risk to the equipment or the community. Further, small telecommunication cabinets, which can be sited in roads as

permitted activities regardless of any flood hazard risk, are not afforded the same permitted activity status outside of roads in flood hazard overlay areas. This equipment is non-habitable and Chorus is of the view that it can make its own assessment of risk as to the suitability or otherwise of siting small utility cabinets in flood hazard overlay areas, including any minimum floor area height that may be appropriate. Further, any sensitive equipment associated with masts will be sited on or within the mast well above flood levels. As currently drafted, the permitted activity conditions for flood hazard overlay areas would not provide for the above described activities as permitted activities.

Accordingly, Chorus requests permitted activity status under the applicable permitted activity condition in each zone for lines (above and below ground), including any ancillary earthworks such as trenching, as well as network utility masts and buildings/cabinets not exceeding 5m² in floor area.

Relief Sought:

Amend the permitted activity conditions for the Flood Hazard Overlay Area in each zone such that the following is provided for as a permitted activity:

- 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.

Parking Rules

2.11 Submission in Opposition – Rule 21.1.8 Vehicle Parking Standards and Zone Permitted Activity Conditions for Car Parking

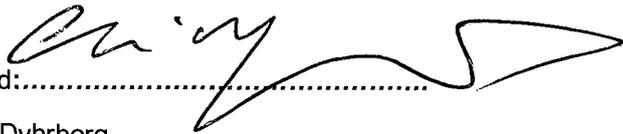
Relevant Provisions: Rule 21.1.8 Vehicle Parking Standards, and Zone Permitted Activity Conditions for Car Parking

The parking rules for each zone apply to all activities except network utilities on sites of less than 200m². However, there is no parking limit specified for network utilities in Chapter 21. Network utilities are often located either in a road reserve or on a small lease area on a larger property where it may also be uncertain to determine whether this constitutes a network utility being located on a site of less than 200m².

Relief Sought:

Amend the Proposed Plan as necessary such that network utilities are not subject to car parking requirements.

3. **Chorus New Zealand Limited does wish to be heard in support of its submission.**
4. **If others make a similar submission Chorus would be prepared to consider presenting a joint case with them at any hearing.**



Signed:.....

Chris Dyhrberg
General Manager Network Build
Chorus New Zealand Limited

Chorus New Zealand Limited

Dated at Wellington this day of November 2012

Address for Service:

Chorus New Zealand Limited
PO Box 632
Wellington
Attention: Mary Barton

Other Contact Details for planning enquiries:

Attention: Louise Miles
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 Wellington

SUBMISSION FORM
Proposed Horowhenua District Plan
Resource Management Act 1991
Form 5 of Resource Management
(Forms, Fees, Procedure) Regs 2003

Council Use Only
Date Received:/...../.....
Submission No:



Submissions can be:
 Delivered to: Horowhenua District Council Offices, 126 Oxford Street, Levin
 Posted to: Shaping Horowhenua, Horowhenua District Council, Private Bag 4002, Levin 5540
 Faxed to: (06) 366 0983
 Emailed to: districtplan@horowhenua.govt.nz

Submissions must be received no later than 4:00pm 12 November 2012

1. Submitter Contact Details

Name of Organisation:	Todd Energy Ltd
Address for Service:	c/- Sigma Consultants Ltd, PO Box 553, ROTORUA.....
	Post code: 3040
Telephone	(Day time): (07) 347 3456..... Mobile: 021607212
Email:	annn@sigmaconsult.co.nz.....

Note: you must fill in all sections of this form.

2. Trade Competition

I could gain an advantage in trade competition through this submission? Yes No

I am directly affected by an effect of the subject matter that
 (a) adversely affects the environment; and
 (b) does not relate to trade competition or the effects of trade competition? Yes No

Please note that if you are a person who could gain an advantage in trade competition through the submission, your right to make a submission may be limited by Clause 6 of Schedule 1 of the Resource Management Act 1991.

3. The specific provisions of the Proposed District Plan that my submission relates to are as follows: (Please specify the Rule, Policy or Map number your submission relates to)

Refer to attachment for details.....

.....

.....

.....

.....

.....

.....

(Continue on a separate sheet if necessary)

4. My submission is that: (Clearly state whether you SUPPORT or OPPOSE specific parts of the Proposed District Plan or wish to have amendments made, giving reasons for your views)

The submitter both opposes and supports parts of the Horowhenua Proposed District Plan, as set out in the attachment.

Refer to attachment for details.

.....
.....
.....

(Continue on a separate sheet if necessary)

5. I/We seek the following decision from the Horowhenua District Council: (Give precise details of what amendments you wish to see and your reasons)

The submitter seeks changes to the Horowhenua Proposed District Plan objectives and policies and/or to the rules and/or other such changes as are necessary to achieve the submission.

Refer to attachment for details.

.....
.....

(Continue on a separate sheet if necessary)

6. Proposed District Plan Hearing

Do you wish to attend the Council hearing for the Proposed District Plan? Yes No

Do you wish to speak in support of your submission at the hearing? Yes No

If others make a similar submission would you be prepared to consider presenting a joint case at the hearing? Yes No

I have attached 4 additional pages to this submission.

Signature of Submitter:  Date: 12 November 2012
(Person authorised to sign on behalf of submitter)

Note: A signature is not required if you make your submission by electronic means.

Submissions must be received no later than 4:00pm 12 November 2012

Further Information

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Privacy Act 1993

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ATTACHMENT

Background:

Todd Energy Ltd owns land in the Tararua Foothills and provides management support for the Mangahao Power Station. This submission relates to provisions in the Proposed Horowhenua District Plan ("PDP") relating to the establishment and operation of electricity generation projects based on renewable resources. The submission in part opposes and in part supports the provisions identified below.

The submitter owns land that is located in the Rural Zone and in the Hill Country Landscape Domain with an overlay of High Amenity Landscape ("HAL"). The overlay of Outstanding Natural Landscapes and Features ("ONFL") was proposed in PC22 but removed in the Commissioners' decision, as sought by Todd Energy Ltd. No appeal has therefore been lodged in relation to PC22. Todd Energy Ltd was a submitter on PC22 but not in relation to PC20.

1. Part A Introduction:

- 1.1 The specific provision that this submission relates to is pages A-11 Part F and A-12 Planning Maps of Part A: Introduction.
- 1.2 The submitter supports the intent of the introduction and explanation provided by Part A but considers that the introduction needs to be expanded. There is no reference on page A-11 Part F to the scheduling of rivers and streams nor the purpose of the scheduling. In addition on page A-12 Planning Maps there is no reference to High Amenity Landscapes ("HAL") and the implication of being in a HAL.
- 1.3 Todd Energy seeks the following decision from the Council:
 - Inclusion of a description of the purpose of Schedule 12 and
 - Inclusion of a discussion of the HAL (and the ONFL) and the implications.

2. Chapter 2 Objectives/ Policies: Rural Environment – Issue 2.1

- 2.1 The specific provision that this submission relates to is Chapter 2 Rural Environment and in particular Policy 2.1
- 2.2 The submitter opposes in part the objectives and policies in relation to landscape as they are set out in Chapter 2 as they do not provide clarity and certainty, for the following reasons:
 - The submitter owns land that is located in the Rural Zone and in the Hill Country Landscape Domain with an overlay of High Amenity Landscape ("HAL"). The landscape domains have been identified through PC20 and the HAL overlay has been confirmed through PC22.
 - The reason for "grey-out" of text is accepted as being subject to separate processes. However, at the time of making this submission on the PDP, the outcome to the plan changes can only be assumed as the scope of the appeals and their outcomes are yet to be determined. The relationship with the rest of the PDP remains uncertain and subject to potential change.

- All chapters and provisions are inter-related and there are constraints on viewing the chapters in isolation from the “grey-out” areas, subject to PC 20-22. Therefore, consideration of the objectives, policies and rules cannot be approached in an integrated manner.
- For Todd Energy’s purposes, all of its land is in the Rural Zone, but any activity undertaken on its land would require an assessment in terms of the land’s rural zoning and the Tararua Terrace / Hill Country landscape domains including part as a HAL. An assessment of one is difficult without due consideration of the other. Chapter 2 contains no reference to Outstanding Natural Features and Landscapes (“ONFL”) or HALs.
- The policies on the landscape domains have been copied in a block following Policies 2.1.20 and 2.1.21 which are not “grey-out”, but their relationship to the forgoing policies is not clear and the numbering does not relate to the PDP numbering.
- It is not clear whether the landscape domain policies relate solely to the Issue heading and hence relate just to subdivision and subsequent development following subdivision or to all development subject to land use consents, including, potentially, electricity generation projects.
- In addition, it is not clear that the wording in the “grey-out” text follows exactly the wording of PC20 and PC22 as the wording of policy HC.1 states the need to “protect” and this does not reflect the differentiation between policy intent for the Outstanding Natural Features and Landscapes (“ONFL”) and the HAL.
- It may also be noted that the decision of the Commissioners on Plan Change 22 refers to several matters that are to be considered in the plan review, including the area in the HAL above the 100m contour boundary and the fit between the network utilities and chapters 19/22, as well as renewable energy and streams and rivers. Not all of these appear to have been addressed as part of the wider district plan review.

2.3 Todd Energy seeks the following decision from the Council:

- 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.

3. Chapter 2 Objectives/ Policies: Rural Environment – Issue 2.5

3.1 The specific provisions that this submission relates to are under Issue 2.5 Land Use Activities – Nature, Character, Amenity Values and Servicing

3.2 The submitter identifies that “infrastructure” is referred to in the Issue Discussion and Explanation and Principal Reasons, as are potential reverse sensitivity issues. However, the objectives and policies do not provide any policy guidance in relation to infrastructure. Infrastructure can be as limited in its location by physical resources as primary production is, and this should be recognised.

3.3 Todd Energy seeks the following decision from the Council:

- To include a policy 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.

- To include a policy to recognise the potential reverse sensitivity issues, such as in Policy 2.5.11 in the Rural Environment.

4. Chapter 3 Issue 3.3 Lakes, Rivers and Other Water Bodies

4.1 The specific provisions that this submission relates to are Issue 3.3 and Schedule 12 (Priority Water Bodies).

4.2 The submitter opposes the inclusion of the Mangaore Stream in Group 2 of Schedule 12 as there is no clear explanation of the purpose of the schedule, the basis of the two groups and the way in which the schedule will be applied.

- Mangaore Stream is listed as a Group 2 Priority Water Body in Schedule 12. The implications of this inclusion are not clear and therefore the potential for it to impact on or limit the operation of the Mangahao Power Station cannot be determined accurately.
- There is no clear policy link to the two different groups in Schedule 12. Policy 3.3.2 states that priority lakes, rivers and water bodies will be identified but does not identify the purpose of the priority or how it will be applied. This is reflected in Methods for Issue 3.3 and Objective 3.3.1. Policies 3.3.3 and 3.3.4 are generic and not linked to the priority water bodies. Neither the Issue Discussion nor the Explanation and Principal Reasons describe the existence or purpose of the schedule. Only bullet point 3 of the Methods refers to rules based on priority water bodies.
- Therefore there is no clear policy driver for the schedule. There is also no explanation or purpose of the difference between Group 1 and Group 2 water bodies in relation to the description (values) in the schedule.
- There is only a brief reference to the schedule in the rules contained within Chapter 19: Rural in relation to building setback from the water bodies listed in the schedule, and in Chapter 24: Subdivision and Development, in relation to the requirement for esplanade reserves and strips in certain circumstances, but no further reference is given.
- A clearer policy direction and explanation is necessary to enable the implications to be determined.

4.3 Todd Energy seeks the following decision from the Council:

- Either the Schedule should be deleted, or
- The purpose and application of Schedule 12 (Priority Water Bodies) and the two groups should be clarified and a clear policy direction reflected in the objectives and policies.
- The resultant wording should not constrain the further development of the Mangahao Power Station and renewable electricity generation projects.

5. Chapter 12 Objectives/ Policies: Utilities and Energy

5.1 The specific provision that this submission relates to are contained in Chapter 12 Utilities and Energy

5.2 The submitter opposes the lack of clarity in the chapter in assessing and providing policy framework for utilities and energy:

- The chapter begins with a discussion about Utilities and Energy under separate headings. Energy is referred to in paragraph 2 of "Utilities" but the "Energy" section is very generic and

does not provide a clear foundation for the issue discussion and objectives and policies that follow. It is suggested that the introduction should be revised to provide a clearer focus and discussion of renewable energy as is appropriate having regards to national energy policies.

- At the bottom of page 12-4 there is a clear statement that recognises that the location of utilities is often dictated by operational requirements and this is reflected in Policy 12.1.6. This is strongly supported.
- There is no policy direction for utilities to be established in HAL, although there is for ONFLs. The Explanation and Principal Reasons refer to HALs but policy is required to provide positive guidance.
- Bullet points 3 and 4 in Methods (page 12-5) refer to the need for resource consents for network utilities with “variable effects or which may have adverse effects if located in some localities”. The meaning is not clear.
- Issue 2.2 Energy requires a stronger introductory statement given the national renewable energy policy: “can have environmental benefits” should be phrased as “have” or similar.
- The Issue Discussion deals with renewable energy generation and design for efficient use. These two subjects require separate discussion to set the ground for the policies that follow, as they are separate issues and considerations. This would provide the opportunity for a focussed discussion of renewable energy resources which would be more consistent with the national policy direction.
- The inclusion of a definition of “wind energy facilities” and specific policies for developing renewable energy resources is supported subject to amendments, as follows. However, it is considered that clearer positive guidance could be given for considering wind energy facility development. The tension between suitable locations and their values is identified in the issue statement: the Explanation and Principal Reasons refer to potential effects. While it is accepted that effects and responses need to be assessed on a case by case basis, given the limited opportunity and identified sites, further policy guidance to weighing up the factors could be provided.
- In Chapter 12 (Utilities and Energy), Policy 12.2.4 requires that consideration is given to “adverse effects” and this needs to be qualified to relate only to significant adverse effects. Adverse effects may occur that are minor and the policy would require that all adverse effects must be avoided, remedied or mitigated in relation to new renewable electricity generation facilities.
- Policy 12.2.8 is similarly restrictive without giving clearer guidance, and there is wording missing.
- There is no explanation in this chapter or throughout the PDP as to how Policies 12.2.9 and 12.2.10 are to be achieved. These policies relate to providing for the identification and assessment of potential sites and energy sources for renewable electricity generation (12.2.9), and encouraging research for exploratory-scale investigations into renewable electricity generation technologies and methods (12.2.10). However, this does not appear to be supported by specific provisions. It would be helpful to be able to respond to the proposed implementation of these policies.
- Policy 12.2.11 is unclear. The policy relates to subdivision and land use activities not adversely affecting renewable electricity generation operation. If the avoidance of reverse sensitivity issues is the key focus of this policy, then specific reference to reverse sensitivity issues should be made in the policy and the policy made more explicit.
- The decision of the Commissioners on Plan Change 22 recommends a “Renewable Energy” section of the proposed district plan to give appropriate emphasis in accordance with national policy. Rewriting the Energy Issue Discussion under 2 headings would assist here.

- 5.3 Todd Energy seeks the following decision from the Council:
- Todd Energy Ltd supports the inclusion of specific provisions for renewable energy projects in the PDP but seeks that the objectives and policies reflect existing and proposed renewable electricity generation projects more strongly and clearly.
 - Issue Discussion Energy should be re-written to provide a focussed discussion on renewable energy generation.
 - Provisions are required to support policies providing for the identification and assessment of potential sites for renewable energy generation (including wind energy facilities) and in particular how they will be implemented.

6. Chapter 19: Rural Zone Rules

6.1 The specific provisions that this submission relates to are Rules 19.1(k) and 19.4.6(b). Rule 19.4.6(b) provides for wind energy facilities as discretionary activities and is supported.

6.2 The submitter opposes the lack of certainty provided in Rule 19.1(k)(iv):

- This rule provides for “the operation, maintenance, refurbishment, enhancement and upgrading of an existing energy generation facility except where significant external modification is involved”. While the intent of the rule is supported (although it is covered by existing use rights), the use of the word “significant” is inappropriate for a permitted activity as it requires a judgement to be made in its interpretation.
- There will be occasions when a power station or associated facilities are upgraded and the footprint, height or scale may change or increase: it is not clear whether “external modifications” refers to cosmetic changes or would encompass and enable more substantial changes not altering the general scale of effects. A clear unambiguous wording is required.

6.3 Todd Energy seeks the following decision from the Council:

- Retention of the rule which provides for wind energy facilities as discretionary activities in the rural zone.
- Amendment of Rule 19.1(k)(iv) to provide certainty about the scope of upgrading by reference to increased footprint, height or other specific parameters.

7. Chapter 22 Utilities and Energy Rules

7.1 The specific provisions that this submission relates to are the lack of provision for “energy” in the chapter. There is provision for utilities but not for “energy”.

7.2 The submitter supports Rule 22.1.10 (Maintenance, Replacement and Upgra

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Proposed Horowhenua District Plan
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Form 5 of Resource Management
(Forms, Fees, Procedure) Regs 2003

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Date Received:/...../.....

Submission No: 081.....



Submissions can be:

Delivered to: Horowhenua District Council Offices, 126 Oxford Street, Levin
 Posted to: Shaping Horowhenua, Horowhenua District Council, Private Bag 4002, Levin 5540
 Faxed to: (06) 366 0983
 Emailed to: districtplan@horowhenua.govt.nz

Submissions must be received no later than 4:00pm 12 November 2012

1. Submitter Contact Details

Full Name: Philip John Lake
 Name of Organisation: *(If on behalf of an Organisation)*.....
 Address for Service: 104 Union Street
Foxton..... Post code: 4814
 Telephone (Day time): 06 366 0999..... Mobile: 027 67 000 27
 Email: philip.lake@actrix.co.nz

Note: you must fill in all sections of this form.

2. Trade Competition

I could gain an advantage in trade competition through this submission? Yes No
 I am directly affected by an effect of the subject matter that
 (a) adversely affects the environment; and
 (b) does not relate to trade competition or the effects of trade competition? Yes No

Please note that if you are a person who could gain an advantage in trade competition through the submission, your right to make a submission may be limited by Clause 6 of Schedule 1 of the Resource Management Act 1991.

3. The specific provisions of the Proposed District Plan that my submission relates to are as follows: (Please specify the Rule, Policy or Map number your submission relates to)

Rules 15.1(g), 15.4(e), 19.1(h), 19.4.4(a)

(Continue on a separate sheet if necessary)

4. My submission is that: (Clearly state whether you SUPPORT or OPPOSE specific parts of the Proposed District Plan or wish to have amendments made, giving reasons for your views)

I oppose the proposed wording of Rules 15.1(g) and 15.4(e) which classes all additions and alterations to existing community facilities as discretionary activities. I believe existing facilities should be able to develop for the benefit of the community with minimal restrictions because this benefits others, promotes social cohesion, places less strain on limited funds for such community organisations, and promotes efficient development of existing facilities.
[See separate sheet] (Continue on a separate sheet if necessary)

5. I/We seek the following decision from the Horowhenua District Council: (Give precise details of what amendments you wish to see and your reasons)

that Rule 15.1(g) be amended to include additions and alterations to existing community facilities as permitted activities; and delete the words "or additions and alterations to existing community facilities" from Rule 15.4(e). I seek that Rules 19.1(h) and 19.4.4(a) be amended to match these changes to the Residential Rules.

(Continue on a separate sheet if necessary)

6. Proposed District Plan Hearing

Do you wish to attend the Council hearing for the Proposed District Plan? Yes No

Do you wish to be speak in support of your submission at the hearing? Yes No

If others make a similar submission would you be prepared to consider presenting a joint case at the hearing? Yes No

I have attached additional pages to this submission.

Signature of Submitter:  Date: 12 November 2012
(Or person authorised to sign on behalf of submitter)

Note: A signature is not required if you make your submission by electronic means.

Submissions must be received no later than 4:00pm 12 November 2012

Further Information

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4. My submission [continued]

as a preference to any ad-hoc development of new community facilities within the Residential zone. Developments of existing facilities will still need to take care to ensure that they comply with all permitted activity standards such as car parking areas, daylight envelope, and noise limits whenever changes are proposed, as these standards will trigger the need for land use resource consent approvals for breaches. This retains some control over potential future expansions of existing community facilities.

The current and proposed Rules in the District Plan are very inefficient because every change to facilities, no matter how minor, is classed as a discretionary activity. I believe that changes to existing facilities should only require land use resource consents as limited discretionary activities when any permitted activity standard is exceeded and therefore the consenting process is limited to assessing and controlling the effects of those breaches.

A further inefficiency of the discretionary classification caused by the wording of these Rules is that it leads to very inefficient financial effects. The processing charges are either borne by cash-strapped community groups and their members or sponsors, or they apply for and receive rebates or full waivers of charges from the Council on the grounds that they are eligible community groups or charities. These rebates are borne by all ratepayers. Such money-go-rounds are inefficient and unnecessary. The Council should take all opportunities available to assist and promote community development.

All of the above comments also apply to the similar Rules 19.1(h) and 19.4.4(a) for the Rural zone.

 12-11-12



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 Faxed to: (06) 366 0983
 Emailed to: districtplan@horowhenua.govt.nz

Submissions must be received no later than 4:00pm 12 November 2012

1. Submitter Contact Details

Full Name: Kevin John Doneliff
 Name of Organisation: *(If on behalf of an Organisation)*
 Address for Service: 179 Strathnaver Dr RD 31 Levin
 Post code: 5573
 Telephone (Day time): 063626562 Mobile: 0274446445
 Email: Kevin_doncliff@hettich.co.nz

Note: you must fill in all sections of this form.

2. Trade Competition

I could gain an advantage in trade competition through this submission? Yes No

I am directly affected by an effect of the subject matter that
 (a) adversely affects the environment; and
 (b) does not relate to trade competition or the effects of trade competition? Yes No

Please note that if you are a person who could gain an advantage in trade competition through the submission, your right to make a submission may be limited by Clause 6 of Schedule 1 of the Resource Management Act 1991.

3. The specific provisions of the Proposed District Plan that my submission relates to are as follows: (Please specify the Rule, Policy or Map number your submission relates to)

Rules: Rural Zone Proposed Horowhenua District Plan Planning Map 10 19.4.7 SHT 36 Waitawa Beach.
Policy 9.5 Public access we already have this Horizons one Plan Policy 9.1
Plan Change 20 has already restricted future development
Strathnaver has been approved and no more development will take place under Plan (Continue on a separate sheet if necessary)
change 20.

(See attached SHT)

4. My submission is that: (Clearly state whether you SUPPORT or OPPOSE specific parts of the Proposed District Plan or wish to have amendments made, giving reasons for your views)

I/O P P o s e - The Hazard word needs to go.
We are an Established Subdivision and Coastal
Natural Character not Hazard area.
Insurance will increase.
Property values as in Kapiti will decrease.
Lim report when viewed will make selling
our properties harder. (Continue on a separate sheet if necessary)

5. I/We seek the following decision from the Horowhenua District Council: (Give precise details of what amendments you wish to see and your reasons)

The word Hazard needs to be dropped.
The Existing Coastal Buffer needs to be
confined to the Dunes as Council have
already approved the Strathnaver Subdivision
and the permanent home, don't encroach on the
Dunes/ Buffer. (Continue on a separate sheet if necessary)

6. Proposed District Plan Hearing

Do you wish to attend the Council hearing for the Proposed District Plan? Yes No

Do you wish to be speak in support of your submission at the hearing? Yes No

If others make a similar submission would you be prepared to consider presenting a joint case at the hearing? Yes No

I have attached additional pages to this submission.

Signature of Submitter: KT Dondiff Date: 9/11/2012
(Or person authorised to sign on behalf of submitter)

Note: A signature is not required if you make your submission by electronic means.

Submissions must be received no later than 4:00pm 12 November 2012

Further Information

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Horowhenua
DISTRICT COUNCIL

(See attached sht.)

(Kevin John Doncliff) 9/11/2012

Submission Form Continuence, 3, 4, 5
Section Below.

I would Question the accurate mapping of the area, was a specialist employed? or did a flyover near enough attitude prevail? I require evidence.

We are Zoned Rural and we are permanent's also residential lifestyle and highly modified/organized with our own water supply, sewerage system in place.

Kapiti Coast Paraparaumu, Raumati etc is not accreting ours is accreting therefore the sea goes out, as in many past yrs photographs showing little erosion change over the past 100 yrs ↓

The Residents do Endeavour to plant out to the boundary line to Buffer in natural vegetation to preserve the natural coastal environment.

I would also remind Council when approving the Strathnaver subdivision for the selling off of land to myself/others for permanent residence and all the appropriate Council fees you were happy to do so with no mention of the proposed zoning change that I am opposing.

More to the point Council has already allowed several properties mainly weekenders to erect small out houses/containers with no facilities or services a drive by survey will attest to this. There are not permitted and have pd no fees etc as well

The Council studies I believe show that I/we would be in a coastal significant area sector by my reckoning of section 32.

Kind / Regards
Kevin Doncliff

K J Doncliff

9/11/2012.

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 Emailed to: districtplan@horowhenua.govt.nz

Submissions must be received no later than 4:00pm 12 November 2012

1. Submitter Contact Details

Full Name: ROSS HERBERT HOOD & MARGARET ALICE HOOD
 Name of Organisation: *(If on behalf of an Organisation)*
 Address for Service: 690 SH 57
RDI LEVIN Post code: 5571
 Telephone (Day time): 063687558 Mobile:
 Email: mahood@actrix.gen.nz

Note: you must fill in all sections of this form.

2. Trade Competition

I could gain an advantage in trade competition through this submission? Yes No

I am directly affected by an effect of the subject matter that
 (a) adversely affects the environment; and
 (b) does not relate to trade competition or the effects of trade competition? Yes No

Please note that if you are a person who could gain an advantage in trade competition through the submission, your right to make a submission may be limited by Clause 6 of Schedule 1 of the Resource Management Act 1991.

3. The specific provisions of the Proposed District Plan that my submission relates to are as follows: (Please specify the Rule, Policy or Map number your submission relates to)

AS Detailed on the Submission
1. Page 1-8
2. Page 2-22, Issue 2.4, 2.5.11, 2.27, 2.5.21
Methods of Issue 2.4. page 2-24
Policy 2.5.16: page 2-27
3. 3.3.9. page 3-9
Policy 4. 4.2.4. page 4-8, 4-9,
Rules: Rural Zone. 19.4.2.: (Continue on a separate sheet if necessary)
24. Rules: 24.2.5. page 24.5.
Section 32. including Section 32. Page 18.

4. My submission is that: (Clearly state whether you SUPPORT or OPPOSE specific parts of the Proposed District Plan or wish to have amendments made, giving reasons for your views)

AS per written submission

(Continue on a separate sheet if necessary)

5. I/We seek the following decision from the Horowhenua District Council: (Give precise details of what amendments you wish to see and your reasons)

changes to various policies - as per the written submission.

(Continue on a separate sheet if necessary)

6. Proposed District Plan Hearing

Do you wish to attend the Council hearing for the Proposed District Plan? Yes No

Do you wish to be speak in support of your submission at the hearing? Yes No

If others make a similar submission would you be prepared to consider presenting a joint case at the hearing? Yes No

I have attached **6** additional pages to this submission.

Signature of Submitter: M. Hood Date: 9-11-2012
(Or person authorised to sign on behalf of submitter)

Note: A signature is not required if you make your submission by electronic means.

Submissions must be received no later than 4:00pm 12 November 2012

Further Information

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Submission to HDC District Plan

R H & M A Hood
690 SH 57
Levin

1: Objectives/Policies Page 1-8 Matters of Importance to Tangata Whenua

The policies and objectives outlined in this section are admirable. The same rules and understanding should apply across the board, as the barriers alluded to are the same for all citizens. The cost and time of being involved in making submissions, resources of individuals and the timeframes are as much an issue for Ngati Pakeha as they are for Tangata Whenua.

It is time for HDC to reassess its attitude towards the Property Rights of all its Land Owners. There has been a movement by Council to quietly erode Property Rights. It appears that Council Officers see these rights as not having significant importance and something they can whittle away as they see fit. We submit that this attitude is completely wrong and must be addressed. A policy of protection of all Land owner's Property Rights must be the written Policy of all future District Plans. Failure to do so will cause on going ill will and disharmony. Wars have been fought over Property Rights.

In future we request that HDC staff and Councillors give more, not less respect to Property Rights. We are supposedly a democratic country not a communist one.

2: OBJECTIVE /POLICIES: Rural Environment Page 2-22

Issue 2.4 Sustainable Land Management Practises.

We question Council's ability to make any informed judgements in this field. While two examples have been given, light sandy soils and steep hill country, there is also nothing in this document to say that HDC will restrict their interfering to these types of land. We submit HDC does not have sufficient technical skills to make any judgement on farming in its area. The document implies that farmers are not managing their own properties in a sustainable manner and historically have not done so either. We submit that a tour around this region will show otherwise. Our dunes are not encroaching inland and our foothills have very few slips. Our farmers already practice what you are now trying to legislate for. It is just another unnecessary intrusion of our rights. If historically, urban HDC were as skilled at looking after its own back yard, "we", would have half the pollution problems that are now evident. Lake Horowhenua being the prime example.

In our case, our family has farmed the same piece of land for almost ninety years. We have always used the best science-based practices available at the time to improve output and care for the land. Farming is a long-term occupation and repetitive by nature. Traditionally farmers in our area have stayed here. Four families who took up titles in 1924-1930 still farm at Koputaroa. We are sustainable farming.

Council must stop making up laws to erode land owner's rights in the region, both urban and rural. From this document, HDC appears to be trying to get into areas of expertise it knows nothing about. The only possible outcome then is more expenditure on staff, consultants with higher rates required to cover it and for no good tangible outcome. Rates are already the highest cost on our farm. In fact 100% of Ross's superannuation goes just to pay HDC rates.



Issue 2.5 Land Use activities. page 2-25

Adverse effects

We disagree with the *example of adverse effects of activities*
i.e. Close-density, urban-style residential settlement patterns

We believe no more subdivision of productive rural land should occur. Thus to allow for individuals who wish to move to the country we submit.

1: Only areas already subdivided should be able to be subdivided. We see cluster, close-density, settlement patterns to be the only choice. The problem that many existing subdivisions are on high quality land must be mitigated by restricting further subdivisions to that, already lost, productive land.

Land classification in the past has been poorly implemented.

At one stage in time our dairy farm on Paiaka Road was classed C. No amount of discussion could convince the Council at the time, that the C classification was wrong. Has it been changed now?

The benefits of cluster subdivision are a rural lifestyle for those who wish it but in controlled and specific areas. The size of many, existing lots are bigger than most people want. The land involved becomes non productive and in many cases badly cared for. Noxious weeds proliferate and general skills to tend the land are often lacking. The infrastructure required for a 4ha property is much the same as a farm. eg loading race, cattle yards, and hay barns. It was shown in a study done by Council when Mr Malcolm Guy was Mayor, that the loss of income to the region then, because of subdivision was \$18 million per annum. What would it be now?

Subdividing of productive land is itself unsustainable. The fact that food production is the lifeline of this country and a world shortage of food is forecasted in the near future, demands that HDC and all Councils must factor this into their plans.

It has been well documented that at any given time, there is only three days food stored in any town or city. World wide there is reputed to be only 57 days of stored food in total. In a disaster, earthquake etc, how would Horowhenua fare? This area is one of New Zealand's food baskets.

Farmland must be left in economic units so future generations can provide food for themselves and more. It is pointless having a clean, green environment if there is no farmland left to supply food for its inhabitants.

2. If HDC views subdivision as being required in future, allowing for re-subdivision of existing small blocks would enable those who have a block bigger than they need to sell the part they don't need. This has happened to a subdivision on the corner of Koputaroa Road and Kukutaueki Road.

Infrastructure such as roads, sewerage and power already exist so costs should be reduced.

We submit HDC's policy should be to cluster small blocks together where they already are and leave the farming areas for farming.

We also believe it is possible that no subdivision at all, apart from re-subdivision may be the best and long term sustainable option.

Page 3

2.5.11 Managing reverse sensitivity conflict. (Page 2-26)

Manage reverse sensitivity conflict between primary production activities etc

While the sentiment of this sounds plausible, the reality is flawed. HDC is trying to prevent conflict that has and is already occurring because urban people transplanted into a rural environment are frequently looking through rose coloured glasses when they do so. The reality of farming is outlined quite well.(page 2-24.)

Life stylers often are under the wrong impression that they are moving into a rule-free environment when in fact the norms of rural living have a complex and stringent set of rules totally foreign to urban dwelling. Hence the conflicts.

The turnover of rural smallholdings is a clear proof of the difficulties. The fact the HDC has made such a strong issue of protecting the Levin Wastewater Treatment Plant in Mako Mako Road (page 2-27 2.5.21) is proof that HDC has already encountered some difficulties and want to ensure it is protected from the effects of reverse sensitivity. From our personal experience, we know there have been problems. Our grand- children's pet dog died a horrible death by drowning at that plant because there was not adequate fencing in place to stop an old dog falling in. It could so easily have been a child. How does HDC protect itself in such a case?

Policy 2.5.16 (page 2-27)

National Grid, State Highways, Main Trunk Railway

Again while this Policy has merit, these three institutions also bring their own problems. Our farm adjoins Sate Highway 57. We had a five-year battle with Transit over their piping polluted water and garbage run off directly onto our land. The fact that they were polluting our farm stock water dam, was of no concern to them. It took a personal confrontation with the CEO of Transit, Mr Christensen by my elderly mother, at a public meeting in Shannon, to get Transit to agree to put grates over the culverts. These three giant companies already have huge power to do exactly as they wish. Don't give them more power. Protect your ratepayers from their excesses.

3: Objectives/Policies: Natural Features and Values and open Spaces and access to Water bodies

Policy 3.3.9 (page 3-9)

We disagree with the statement

that recreational use and enjoyment of water bodies should continue, as they do not create significant environmental issues.

Evidence that this incorrect is called *Didemo* and *Giardia*. Both introduced into our pristine environment by people enjoying their recreation. Human are the most polluting beings on earth. Not animals. (seven wire fences page 24.6 h)

From this explanation we see HDC buys into the propaganda that animals are the cause of all our pollution problems. This is ludicrous. From the propaganda one would be forgiven for believing six million cows are all standing in every river and defecating at once, hence the polluting of our rivers. The fact that the vast majority of

Page 4

animals in this country, never see a river or stream in their lives, has been conveniently overlooked. A recent report indicated that the Manawatu River was three times as polluted below Palmerston North's sewerage outlet compared to above the outlet. MAN is the polluter. At every point where people congregate at the water's edge you will find rubbish left, plastic bags, dog faeces, petrol or diesel film on the water, bottles etc.

To preserve our natural environment HDC should probably actively restrict access as much as it can.

Giving people greater access to rivers is not warranted and in most cases not even wanted. There is already unfettered access to every beach and major river in the HDC region. Brochures produced by Fish and Game of the Lower Manawatu River Fishery and the Kapiti Coast River fisheries prove this. The demand for access to every metre of stream is an idealistic approach that is ill conceived.

The example given of the Petterson subdivision, Tavistock Road should be proof of an unnecessary, forced, acquisition. Who is ever going to walk up that little stream? We believe there is good access already to the major waterways in the HDC region. Public access to closed areas is usually just a polite request to the landowner. You cannot preserve the natural character of streams etc if they are fenced off or being invaded by hoards of people. The fenced off, planted area along streams, become a haven for vermin, rats, ferrets, stoats. These then decimate wild life which has these streams as their natural habitat. Floods spread noxious weeds along the banks that aren't grazed. Floods take away fences. How many times are they to be re-fenced and at who's expense?

Policy 4.2.4 (page 4-8)

*Consider esplanade strips appropriate along the margins of other water bodies
Not identified for their significant values where etc*

We strongly disagree with this policy.

It is vital that HDC documents and publishes the name and location of any waterway they consider to have the potential to fall into this category. Just stating that there are potentially such waterways means that in future every waterway could fall into these criteria. Be specific or delete this section entirely.

4.Objectives/Policies. Open spaces and access to Water Bodies.

Page 4-9

The strategy acknowledges that in urban areas, loss of privacy can be a concern.

The strategy needs to acknowledge this is just a great a concern for rural dwellers as in most cases they will be the ones affected by new connections and corridors. Remember the farm is not only our home; it is our office, our workshop, our factory. Creating public access ways through our farmland for what ever reason, impinges on our privacy as well as considerable issues around Health and Safety.

For section 3 & 4

Any land taken by HDC in this ideologically driven quest must include monetary compensation for the landowner. The quantity of land taken under all the policy



Page 5

options stated could run into hundreds of hectares. Who determines the value of this land? Market value, nominal value or some contrived figure set by policy?

This leads to the question. Are the “recreational users” going to pay for this or again is the ratepayer going to be charged? The next question must be then, who is responsible for keeping these strips free of weeds, rubbish etc’ and again at whose expense?

RULES: Rural Zone 19.4.2 page 19-7

Residential Density.

19.4.2 (a) *Two or more residential dwelling units per site*

Here again we have urban thinking trying to implant itself on rural lives. The coffee book picture of the rural setting that HDC is trying to preserve is out of touch as usual. The reality actually differs from farm to farm according to farmers’ needs for housing themselves, family and staff. To impose this restriction on rural dwellers is just another restriction on freedom and a money making venture by HDC. If farmers require a third house to be built on “their” land, it is because it is needed for whatever reason. HDC should be trying to find ways of “getting out” of our lives, not dreaming up more and more ways to tax us. If HDC employed one staff member to find ways of reducing the invasion of new laws and deleting as many old ones as possible, instead of employing a team of Staff dreaming up more ways to restrict the inhabitants of Horowhenua, how much better off would we all be. HDC should stick to their core role and stop expanding their tentacles into every corner of its citizen lives.

24 Rules: Subdivision and Development 24.2.5 page 24-5

Esplanade reserves /strips

Has anyone calculated the cost and amount of land involved if the aims of this rule were fully implemented? The cost of fencing the reserves (24.2.5 h) alone is potential hundreds of thousands of dollars.

24.2.7 (b) All areas should be specifically named and documented so there can be no misunderstanding of which areas are involved.

Section 32 Report Utilities and Energy incorporating

RULES: Rural Zone. 19.8 .15 page 19-38 & Page 18 Section 32

All rural landscape domains –within 32 meters of the centre line of high voltage transmission lines

We find it disconcerting that a rule that has potential to have a major impact on all farmers who have Transmission Lines crossing through their properties, is buried so deep within the colossal amount of paperwork that is this proposed District Plan. The mention of 32m buffer zone from the centre line, 19.7.2(v111) (page 19-25) and 19.8.15 (page 19-38) are shaded, so therefore not up for discussion. BUT as this is also eluded to **under National Grid Page 18 Section 32 Report, Utilities and**



Page 6

Energy, we wish to make a submission on the subject, (we also question when is it/or was it open for discussion.)

All landowners that are affected by such a major change should have been/be notified of such a major change to a District Plan. Farmers in Bay of Plenty and Waimate have taken this land grab by Transpower to Court.

The Court has thrown out the demand for a 32 m buffer zone each side of the centre line. It concluded that the existing laws cover all Council requirements. i.e. the existing Code of Practice for Electrical Safety Distances NZECP34.20001 was quoted; HDC should heed this point and delete all reference to a 32m from the centre line of High Voltage Transmissions Lines. While reference to this is under discussion in relationship to subdivision, it is our experience that once it becomes a part of a District Plan, it then tends to be taken as an across the board intention. For those of us who have several Transmission lines crossing our farmland, this is not an acceptable position for the HDC to take.

Remember the 32m are in reality, 64m of land taken. Common sense should tell people not to build under power lines.

TO conclude

Through out this document, we see a bias, (conscious or unconscious) towards urban dweller's rights. Property rights are sacrosanct to farmers. We like our space and privacy just as much as urban people. We don't want people traipsing over our land. Not just to be bloody-minded but because of the Health and Safety issues and Privacy issues that farming involves.

We put it to you, if we felt like exploring the urban environment and wandered into the Mayor's place of work or across a Councillor or HDC employee's garden, the sensitivity of the issue would have adverse effects.

Our farms are our homes, our place of work and our sanctuary. Please keep this in mind when you are legislating.



SUBMISSION FORM
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Resource Management Act 1991
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 Faxed to: (06) 366 0983
 Emailed to: districtplan@horowhenua.govt.nz

Submissions must be received no later than 4:00pm 12 November 2012

1. Submitter Contact Details

Full Name: GRAEME + JOAN PETERSEN
 Name of Organisation: (If on behalf of an Organisation)
 Address for Service: 34 HARBOUR ST., FOXTON.
 Post code:
 Telephone (Day time): 363 54 11 Mobile:
 Email:

Note: you must fill in all sections of this form.

2. Trade Competition

I could gain an advantage in trade competition through this submission? Yes No

I am directly affected by an effect of the subject matter that
 (a) adversely affects the environment; and
 (b) does not relate to trade competition or the effects of trade competition? Yes No

Please note that if you are a person who could gain an advantage in trade competition through the submission, your right to make a submission may be limited by Clause 6 of Schedule 1 of the Resource Management Act 1991.

3. The specific provisions of the Proposed District Plan that my submission relates to are as follows: (Please specify the Rule, Policy or Map number your submission relates to)

Re zoning to commercial NOT WANTED.

(Continue on a separate sheet if necessary)

4. My submission is that: (Clearly state whether you SUPPORT or OPPOSE specific parts of the Proposed District Plan or wish to have amendments made, giving reasons for your views)

OPPOSE COMMERCIAL RE ZONING HARBOUR ST. No 34
'WHY' IF COUNCIL WANTS TO RE ZONE DID THEY ALLOW US
TO PURCHASE + BUILD ON THIS SECTION. No 34. G Petersen

(Continue on a separate sheet if necessary)

5. I/We seek the following decision from the Horowhenua District Council: (Give precise details of what amendments you wish to see and your reasons)

THE EXISTING RESIDENTIAL ZONING OF 34 HARBOUR ST
SHOULD REMAIN AS IS

(Continue on a separate sheet if necessary)

6. Proposed District Plan Hearing

Do you wish to attend the Council hearing for the Proposed District Plan? Yes No

Do you wish to be speak in support of your submission at the hearing? Yes No

If others make a similar submission would you be prepared to consider presenting a joint case at the hearing? Yes No

I have attached additional pages to this submission.

Signature of Submitter: G.E. + G.J. Petersen Date: 6/10/2012.
(Or person authorised to sign on behalf of submitter)

Note: A signature is not required if you make your submission by electronic means.

Submissions must be received no later than 4:00pm 12 November 2012

Further Information

If you require further information about the Proposed District Plan please visit the Council website www.horowhenua.govt.nz or email districtplan@horowhenua.govt.nz or phone (06) 366 0999.

Privacy Act 1993

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 Emailed to: districtplan@horowhenua.govt.nz

Submissions must be received no later than 4:00pm 12 November 2012

1. Submitter Contact Details

Full Name: WARREN MAURICE DOUGLAS MILLAR
 Name of Organisation: (If on behalf of an Organisation)
 Address for Service: 104 MAIN STREET
FOXTON Post code: 4814
 Telephone (Day time): 06 363 8877 Mobile: 027 286 8877
 Email:

Note: you must fill in all sections of this form.

2. Trade Competition

I could gain an advantage in trade competition through this submission? Yes No

I am directly affected by an effect of the subject matter that
 (a) adversely affects the environment; and
 (b) does not relate to trade competition or the effects of trade competition? Yes No

Please note that if you are a person who could gain an advantage in trade competition through the submission, your right to make a submission may be limited by Clause 6 of Schedule 1 of the Resource Management Act 1991.

3. The specific provisions of the Proposed District Plan that my submission relates to are as follows: (Please specify the Rule, Policy or Map number your submission relates to)

The re-zoning of 104 Main St, from Residential to Commercial. (See attached map)

.....

(Continue on a separate sheet if necessary)

4. My submission is that: (Clearly state whether you SUPPORT or OPPOSE specific parts of the Proposed District Plan or wish to have amendments made, giving reasons for your views)

I oppose the commercial rezoning of 104 Main St, Foxton the reasons include the following:
1/ The current & ongoing use of the property is "RESIDENTIAL"
2/ Adjacent properties on three sides are "Residential"
3/ The property is adjacent to the Foxton river loop and protection of existing residential sites should be paramount
(See attached sheet) (Continue on a separate sheet if necessary)

5. I/We seek the following decision from the Horowhenua District Council: (Give precise details of what amendments you wish to see and your reasons)

The existing residential zoning of 104 Main St should remain for the reasons outlined above in section 4.

(Continue on a separate sheet if necessary)

6. Proposed District Plan Hearing

Do you wish to attend the Council hearing for the Proposed District Plan? Yes No

Do you wish to be speak in support of your submission at the hearing? Yes No

If others make a similar submission would you be prepared to consider presenting a joint case at the hearing? Yes No

I have attached ...2 additional pages to this submission.

Signature of Submitter: Warren Mulla Date: 05/10/2012
(Or person authorised to sign on behalf of submitter)

Note: A signature is not required if you make your submission by electronic means.

Submissions must be received no later than 4:00pm 12 November 2012

Further Information

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4 continued:

4. There are existing commercial sites on Main St, and further along Harbour St, that remain vacant - no new commercial sites at the expense of the existing residential sites in this vicinity are required.

5. Harbour St is a historical residential area overlooking the Manawatu river loop at Foxton.

6. This rezoning has not been requested by existing owners of the properties affected.

7. The rezoning could affect existing resale opportunities for the current residential properties

8. Commercial properties could detrimentally affect the existing residential qualities of the property -

eg: 1 Noise

2 Commercial waste

3 Traffic

4 Appearance

5 Views etc.

WARREN MILLAR

104 MAIN ST

FOXTON

SUBMISSION FORM
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 Emailed to: districtplan@horowhenua.govt.nz

Submissions must be received no later than 4:00pm 12 November 2012

1. Submitter Contact Details

Full Name: Ivan Douglas Chambers
 Name of Organisation: *(If on behalf of an Organisation)*
 Address for Service: 69 Main Street Foxton
 Post code: 4814
 Telephone (Day time): 363 7406 Mobile:
 Email: iqchambers@extra.co.nz

Note: you must fill in all sections of this form.

2. Trade Competition

I could gain an advantage in trade competition through this submission? Yes No
 I am directly affected by an effect of the subject matter that
 (a) adversely affects the environment; and
 (b) does not relate to trade competition or the effects of trade competition? Yes No
Please note that if you are a person who could gain an advantage in trade competition through the submission, your right to make a submission may be limited by Clause 6 of Schedule 1 of the Resource Management Act 1991.

3. The specific provisions of the Proposed District Plan that my submission relates to are as follows: (Please specify the Rule, Policy or Map number your submission relates to)

I oppose the rezoning of 69 Main Street
from residential to commercial

(Continue on a separate sheet if necessary)

4. My submission is that: (Clearly state whether you SUPPORT or OPPOSE specific parts of the Proposed District Plan or wish to have amendments made, giving reasons for your views)

I oppose the commercial rezoning of 69 Main Street and my reasons are outlined in Section 4.

(Continue on a separate sheet if necessary)

5. I/We seek the following decision from the Horowhenua District Council: (Give precise details of what amendments you wish to see and your reasons)

The existing residential zoning of 69 Main Street Foxton should remain for the reasons outlined in Section 4

(Continue on a separate sheet if necessary)

6. Proposed District Plan Hearing

Do you wish to attend the Council hearing for the Proposed District Plan? Yes No

Do you wish to be speak in support of your submission at the hearing? Yes No

If others make a similar submission would you be prepared to consider presenting a joint case at the hearing? Yes No

I have attached additional pages to this submission.

Signature of Submitter: Michaelson Date: 7-11-2012
(Or person authorised to sign on behalf of submitter)

Note: A signature is not required if you make your submission by electronic means.

Submissions must be received no later than 4:00pm 12 November 2012

Further Information

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4. My submission is that: (Clearly state whether you SUPPORT or OPPOSE specific parts of the Proposed District Plan or wish to have amendments made, giving reasons for your views)

I oppose the rezoning of 104A Main St Foxton from Residential A1 commercial.

- The existing zoning is appropriate
- properties on two sides are residential & the other two very light commercial & town centre heritage.

(Continue on a separate sheet if necessary)

5. I/We seek the following decision from the Horowhenua District Council: (Give precise details of what amendments you wish to see and your reasons)

That the existing zoning of 104A Main St be retained.

(Continue on a separate sheet if necessary)

6. Proposed District Plan Hearing

Do you wish to attend the Council hearing for the Proposed District Plan? Yes No

Do you wish to be speak in support of your submission at the hearing? Yes No

If others make a similar submission would you be prepared to consider presenting a joint case at the hearing? Yes No

I have attached additional pages to this submission.

Signature of Submitter: R. M. Napi Date: 7/11/2012
(Or person authorised to sign on behalf of submitter)

Note: A signature is not required if you make your submission by electronic means.

Submissions must be received no later than 4:00pm 12 November 2012

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 Emailed to: districtplan@horowhenua.govt.nz

Submissions must be received no later than 4:00pm 12 November 2012

1. Submitter Contact Details

Full Name: Gail Noeleen CHAMBERS
 Name of Organisation: *(If on behalf of an Organisation)*.....
 Address for Service: 69 Main Street, FOXTON
 Post code: 4814
 Telephone (Day time): 06-363 7406 Mobile:
 Email: gchambers@xtra.co.nz

Note: you must fill in all sections of this form.

2. Trade Competition

I could gain an advantage in trade competition through this submission? Yes No

I am directly affected by an effect of the subject matter that
 (a) adversely affects the environment; and
 (b) does not relate to trade competition or the effects of trade competition? Yes No

Please note that if you are a person who could gain an advantage in trade competition through the submission, your right to make a submission may be limited by Clause 6 of Schedule 1 of the Resource Management Act 1991.

3. The specific provisions of the Proposed District Plan that my submission relates to are as follows: (Please specify the Rule, Policy or Map number your submission relates to)

I oppose the rezoning of 69 Main Street from ~~commercial~~ to residential to commercial

.....

(Continue on a separate sheet if necessary)

4. My submission is that: (Clearly state whether you SUPPORT or OPPOSE specific parts of the Proposed District Plan or wish to have amendments made, giving reasons for your views)

I oppose the rezoning of 69 Main Street from residential to commercial. The existing zoning is appropriate. Properties on two sides are residential and the other two very light commercial + town centre heritage.

(Continue on a separate sheet if necessary)

5. I/We seek the following decision from the Horowhenua District Council: (Give precise details of what amendments you wish to see and your reasons)

That the existing zoning of 69 Main Street be retained.

(Continue on a separate sheet if necessary)

6. Proposed District Plan Hearing

Do you wish to attend the Council hearing for the Proposed District Plan? Yes No

Do you wish to be speak in support of your submission at the hearing? Yes No

If others make a similar submission would you be prepared to consider presenting a joint case at the hearing? Yes No

I have attached additional pages to this submission.

Signature of Submitter: *G. Chamber* Date: *7-11-2012*
(Or person authorised to sign on behalf of submitter)

Note: A signature is not required if you make your submission by electronic means.

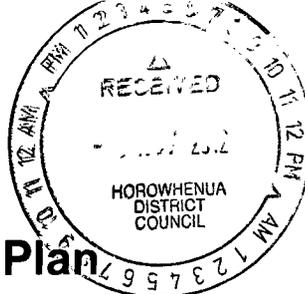
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Further Information

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 Emailed to: districtplan@horowhenua.govt.nz

Submissions must be received no later than 4:00pm 12 November 2012

1. Submitter Contact Details

Full Name: BEVERLY ANN FOWLER
 Name of Organisation: (If on behalf of an Organisation)
 Address for Service: 67 MAIN STREET
 FOXTON Post code: 4814
 Telephone (Day time): 06 363 5403 Mobile:
 Email:

Note: you must fill in all sections of this form.

2. Trade Competition

I could gain an advantage in trade competition through this submission? Yes No

I am directly affected by an effect of the subject matter that
 (a) adversely affects the environment; and
 (b) does not relate to trade competition or the effects of trade competition? Yes No

Please note that if you are a person who could gain an advantage in trade competition through the submission, your right to make a submission may be limited by Clause 6 of Schedule 1 of the Resource Management Act 1991.

3. The specific provisions of the Proposed District Plan that my submission relates to are as follows: (Please specify the Rule, Policy or Map number your submission relates to)

I OPPOSE THE REZONING OF 67 MAIN ST FROM RESIDENTIAL TO COMMERCIAL

(Continue on a separate sheet if necessary)

4. My submission is that: (Clearly state whether you SUPPORT or OPPOSE specific parts of the Proposed District Plan or wish to have amendments made, giving reasons for your views)

I oppose the rezoning of 67 Main Street from residential to commercial. The existing zoning is appropriate. Properties on two sides are residential & the other two very light commercial + town centre heritage.

(Continue on a separate sheet if necessary)

5. I/We seek the following decision from the Horowhenua District Council: (Give precise details of what amendments you wish to see and your reasons)

That the existing zoning of 67 Main Street be retained.

(Continue on a separate sheet if necessary)

6. Proposed District Plan Hearing

Do you wish to attend the Council hearing for the Proposed District Plan? Yes No

Do you wish to be speak in support of your submission at the hearing? Yes No

If others make a similar submission would you be prepared to consider presenting a joint case at the hearing? Yes No

I have attached additional pages to this submission.

Signature of Submitter: B. A. Dowler Date: 8-11-12
(Or person authorised to sign on behalf of submitter)

Note: A signature is not required if you make your submission by electronic means.

Submissions must be received no later than 4:00pm 12 November 2012

Further Information

If you require further information about the Proposed District Plan please visit the Council website www.horowhenua.govt.nz or email districtplan@horowhenua.govt.nz or phone (06) 366 0999.

Privacy Act 1993

Please note that submissions are public information. Information on this form including your name and submission will be accessible to the media and public as part of the decision making process. Council is required to have this by the Resource Management Act 1991. Your contact details will only be used for the purpose of the Proposed District Plan process. The information will be held by the Horowhenua District Council, 126 Oxford Street, Levin. You have the right to access the information and request its correction.

Foxton Community Board Submission on the Proposed Horowhenua District Plan

Commercial Properties Classed as Residential A number of existing commercial premises, particularly on State Highway 1 in Foxton and at Foxton Beach, have been proposed as Residential. We understand these properties are already classed as Residential despite their commercial use and that under the proposed District Plan they will retain all existing use rights. On that basis we are happy with the logic involved and support these zonings.

Harbour Street There are a small number of residential sections proposed as Commercial in Harbour Street, to fit in with the proposed Foxton Tourism Area. We agree with this classification to enable future tourism development in the town. We understand this does not preclude these sections being used as residential should the owners so wish.

Ihakara Gardens These have been zoned as Residential but in our view should be Open Space as they are both a public garden and the site of graves.

Foxton Beach Open Space The proposed Open Space bounded by Seabury Avenue, Dawick Street and Hall Place is a change from the previous Residential designation. We note that part of this area is currently subject to a long standing but uncompleted property agreement between Horowhenua District Council and another party involving the creation of sections on Hall Place. The Community Board does not wish to submit either for or against this proposal at this stage but reserves the right to submit in response to any other submissions on this.

Open Space Area at the end of Marine Parade North and South The Community Board recognizes this area has been included as Open Space as a consequence of the Coastal Management Strategy, but believes that a small area of this should be rezoned as Residential. This area should square up 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. This extension area should not include residential sections on the seaward side of Marine Parade

We do not wish to speak to this submission

Neville Gimblett
Chair



Foxton Community Board
c/o 70 Main Street Foxton
ph 363 7080



SUBMISSION FORM
Proposed Horowhenua District Plan
Resource Management Act 1991
Form 5 of Resource Management
(Forms, Fees, Procedure) Regs 2003

<p>Council Use Only</p> <p>Date Received:/...../.....</p> <p>Submission No: 091</p>
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Submissions can be:
 Delivered to: Horowhenua District Council Offices, 126 Oxford Street, Levin
 Posted to: Shaping Horowhenua, Horowhenua District Council, Private Bag 4002, Levin 5540
 Faxed to: (06) 366 0983
 Emailed to: districtplan@horowhenua.govt.nz

Submissions must be received no later than 4:00pm 12 November 2012

1. Submitter Contact Details

Full Name: Warwick Ashton Meyer.....
 Name of Organisation: Horowhenua District Council :Community Assets.....
 Address for Service: Private Bag 4002.....
 Levin..... Post code: 5540.....
 Telephone (Day time): 366 0999..... Mobile: 021 499981.....
 Email: warwickm@horowhenua.govt.nz.....

Note: you must fill in all sections of this form.

2. Trade Competition

I could gain an advantage in trade competition through this submission? **No**

I am directly affected by an effect of the subject matter that
 (a) adversely affects the environment; and
 (b) does not relate to trade competition or the effects of trade competition? **No**

Please note that if you are a person who could gain an advantage in trade competition through the submission, your right to make a submission may be limited by Clause 6 of Schedule 1 of the Resource Management Act 1991.

3. The specific provisions of the Proposed District Plan that my submission relates to are as follows: (Please specify the Rule, Policy or Map number your submission relates to)

.....
 Various as per attached "Submission: Proposed District Plan review from Community Assets".....

(Continue on a separate sheet if necessary)

4. My submission is that: (Clearly state whether you SUPPORT or OPPOSE specific parts of the Proposed District Plan or wish to have amendments made, giving reasons for your views)

.....
Various as per attached "Submission: Proposed District Plan review from Community Assets"

.....
.....
.....
.....
.....
(Continue on a separate sheet if necessary)

5. I/We seek the following decision from the Horowhenua District Council: (Give precise details of what amendments you wish to see and your reasons)

.....
Various as per attached "Submission: Proposed District Plan review from Community Assets"

.....
and consequential amendments.....
.....

.....
(Continue on a separate sheet if necessary)

6. Proposed District Plan Hearing

Do you wish to attend the Council hearing for the Proposed District Plan? Yes

Do you wish to be speak in support of your submission at the hearing? Yes

If others make a similar submission would you be prepared to consider presenting a joint case at the hearing? Yes

I have attached ...six..... additional pages to this submjission.

Signature of Submitter: *M. Hayes for Community Assets* **Date:** 12-11-2012
(Or person authorised to sign on behalf of submitter)

Note: A signature is not required if you make your submission by electronic means.

Submissions must be received no later than 4:00pm 12 November 2012

Further Information

If you require further information about the Proposed District Plan please visit the Council website www.horowhenua.govt.nz or email districtplan@horowhenua.govt.nz or phone (06) 366 0999.

Privacy Act 1993

Please note that submissions are public information. Information on this form including your name and submission will be accessible to the media and public as part of the decision making process. Council is required to have this by the Resource Management Act 1991. Your contact details will only be used for the purpose of the Proposed District Plan process. The information will be held by the Horowhenua District Council, 126 Oxford Street, Levin. You have the right to access the information and request its correction.

Submission: Proposed District Plan review from Community Assets

(as attached to the Form 5)

1. Chapter 10 Objectives/Policies: Land Transport

Page 10-2

Heading :The Integration of New or Extended Infrastructure With Existing Networks

Decision Sort : *add after the words* : "For Example.....roading hierarchy" **and structure plans.**

Comment: Adopted structure plans provide linkages between existing and potential areas for future development and shall be considered and incorporated into future development.

2. Chapter 12 Objective/Polices: Utilities and Energy

Page 12-4

Policy 12.1.7

Decision Sort: *add extra words* ".....within Urban **and Greenbelt Residential** areas."

Comment: Greenbelt residential is urban in nature but provides larger areas of open space which should not be cluttered with overhead servicing.

3. Chapter 12 Objective/Polices: Utilities and Energy

Page 12-5

Heading: Explanation and Principal Reasons

Decision Sort: *add extra words* ".....visual amenity **and be a crash hazard**, therefore.....reticulation."

Comment: Improving safety for road users has its benefits.

4. Chapter 21 Rules: Vehicle Access, Parking, Loading & Roading

Page 21-4

Heading : 21.1.5 Construction of Vehicle Crossing

Decision Sort: *Delete the whole clause in entirety and replace with*

"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."

Comment: simplify wording.

5. Chapter 21 Rules: Vehicle Access, Parking, Loading & Rooding

Page 21-4

Heading : 21.1.6 Formation Standards (2 Changes sort)

Decision Sort: add extra words "As part of any new road *in urban and greenbelt residential areas*provided ."

Comment: Rural areas seldom have footpaths

Decision Sort: reword "**Footpath and ramp gradients shall**provided ."

Comment: Wrong interpretation using the word crossfall

6. Chapter 22 Rules: Utilities and Energy

Page 22-4

Heading : 22.1.10 Maintenance, Replacement and upgrading Network Utilities

Decision Sort: add extra paragraph (*vii*) **Council network Utilities**

Comment: There seems to be no say on Council Utilities.

7. Chapter 26 General Provisions: Definitions

Page 26-16

Heading : Waste Water Works

Decision Sort: **Wastewater** one word also add (....purpose of *sewage* and *wastewater*.....)

Comment: to be more consistent with designation description

8. Chapter 28 General Provisions

Pages 28-10 to 28-12

Heading : Engineering Drawings to be Supplied to Information Requirement 5:Rural Subdivision

Decision Sort: Delete all wording from (a) *Engineering*.....toin Rule 19.7.2(f).

Replace with

(a) Details as required by Council' Subdivision and Development Principles and Requirements.

(b) Features of a structure plan must be shown on a site on which a structure plan is shown. The applicant must detail how the proposal is in accordance with the requirements of the structure plan.

(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).

Comment: duplication in Council' Subdivision and Development Principles and Requirements. Some renumbering of other paragraphs in this section will be required along with modifications too Table 28-1.

9. Schedule 1:Designations

Page 1-11

D117

Decision Sort: Remove reference to Lot 5 DP1713

Comment: Land in private ownership if Council acquires can be revisited at that time

10.Schedule 1:Designations

Page 1-13

D155/Map 5

Decision Sort: Remove designation in its entirety and Open space zoning

Comment: Land maybe disposed of by Council.

11.Engineering Appendix One: Vehicle Crossings

Heading: Vehicle Crossing Places (page 2-10)

Decision Sort: add after paragraph e).....two extra paragraphs.

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 vehicles "passing" is required.

Comment: Provides scope for variations to the standard

Heading: General (page 4-10)

Decision Sort: add after paragraph g).....one extra paragraph.

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.

Comment: Provides details regarding maintenance previously not covered

Decision Sort: add new Heading and wording at end of Heading 6 paragraphs (page 4-10).

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 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.

Comment :Typically vehicle crossing construction has not required formal access to work in road reserve however recent legislation requires Council to manage all work in the roading corridor.

Heading: Diagram 3 :Residential Crossings, Grass Berm, No Footpath (page 7-10)

Decision Sort: add extra wording after paragraph d) .

(For slopes greater than 1 in 15, concrete or asphalt surfacing may be required.)

Comment: In residential areas better surfacing may be required to prevent chip/gravel runoff for pedestrians cyclists.

12.Subdivision and Development, Principles and Requirements 2012

Page 21

Decisions Sort : Section 8 Earthworks and Geotechnical, 8.2. Performance Criteria, bullet 7 after word “flows” insert ***“and levels”***

Page 26

Section 10. Stormwater, 10.3 Performance Criteria, after bullet 3 add new bullet:

“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.”

Page 28

10.4.2 Design Requirements, bullet 7 after word “300mm” insert ***“except in dedicated stormwater storage/attenuation/treatment areas”***

Page 28

10.4.2 Design Requirements, bullet 8 to the end of the word “devices” add ***“/areas”*** and after the word “catchments” add ***“and surrounding land”***

Comment :There is no specific provision relating to control of filling in floodable areas. This can be a critical element of subdivision design – filling to achieve safe floor levels can transfer flooding onto adjacent land. Therefore an amendment is proposed.

13.Subdivision and Development, Principles and Requirements 2012

Page 60

Schedule 4: Altered Requirements to Section 4 NZS 4404:2010 Stormwater, 19.7, Clause 4.3.7.9 - Soakage devices.

Decision Sort : *second bullet point:* Delete "The Council may require small diameter outlets from soak pits to control groundwater levels."

And replace with "***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***".

Comment : There is reference to the use of small diameter outlets to control groundwater levels where soakpits are used. This is relatively non-specific, and may not give sufficient clarity of guidance to ensure the right outcomes are achieved, that is slow drain down after a storm event.

14.Subdivision and Development, Principles and Requirements 2012

Page 28

Decision Sort :10.4.2 *Design Requirements.* After current bullet 4 add new bullet:

"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."

Comment : The term coverage as defined in these clauses is different to total impervious area on a site, where impervious area includes building coverage but also driveways, paths, decks etc. This latter characteristic is also fundamental in assessing and designing for stormwater under the Subdivision and Development, Principles and Requirements 2012, in particular Section 10. Stormwater. This requires amendment of the later to clarify.

15.Subdivision and Development, Principles and Requirements 2012, Engineering Appendix Two: Stormwater Disposal to Soakpits.

Page 4-6

Decision Sort : *Section 2.3.* Delete "catchment area in hectares (to include buildings, hard surfaces and grassed areas)"

And replace with "***catchment area in hectares discharging to the soak pit (to include buildings and hard surfaces)***"

Comment : Runoff volume is calculated taking into account "hard" surfaces only as noted in the introduction. However, reference is made to grassed areas in the worked example. This needs amendment to clarify the document.

16.Subdivision and Development, Principles and Requirements 2012, Engineering Appendix Two: Stormwater Disposal to Soakpits

Page 6-6

Decisions Sort: *Typical Soakpit Layout & Typical Soakpit Layout with Yard Sump figures.*

Add note to figure *"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"*

Page 2-6

1.0 Introduction to Soakpits:

After paragraph 5 add new paragraph *"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)."*

Comment :These figures are schematic and lacking detail, and could be interpreted incorrectly by designers, builders and home owners. There is insufficient detail for a sound design to be undertaken at an individual house level.

17.Documents by reference

Where the proposed plan references Council's Subdivision and Development Principles and Requirements (2012) and or associated Appendix's we support substantially in part the application of these documents but we request various minor updates as submitted and a version control should be referenced in the final District Plan. The documents' referred are:

Subdivision and Development Principles and Requirements 2012

Engineering Appendix One Vehicle Crossings

Engineering Appendix Two Stormwater Disposal to Soakpits

Engineering Appendix Three Pumping Stations

Engineering Appendix Four Working in Roads and Trench Construction

Engineering Appendix Five As-Builts

Decision Sort :*Version control to be added, Version: 12 November 2012 and includes minor alterations and submissions requested.*

Comment; It is understood that changes made through the submission changes proposed will not take effect until such time wording has been confirmed or otherwise as part of this process.

Version control may very depending on final submissions.

These documents are in Trim.

SUBMISSION FORM
Proposed Horowhenua District Plan
Resource Management Act 1991
Form 5 of Resource Management
(Forms, Fees, Procedure) Regs 2003

Council Use Only

Date Received:/...../.....

Submission No:



Submissions can be:

Delivered to: Horowhenua District Council Offices, 126 Oxford Street, Levin

Posted to: Shaping Horowhenua, Horowhenua District Council, Private Bag 4002, Levin 5540

Faxed to: (06) 366 0983

Emailed to: districtplan@horowhenua.govt.nz

Submissions must be received no later than 4:00pm 12 November 2012

1. Submitter Contact Details

Name of Organisation: KCE Mangahao Ltd
 Address for Service: c/- Sigma Consultants Ltd, PO Box 553, ROTORUA.....
 Post code: 3040
 Telephone (Day time): (07) 347 3456..... Mobile: 021607212.....
 Email: annn@sigmaconsult.co.nz.....

Note: you must fill in all sections of this form.

2. Trade Competition

I could gain an advantage in trade competition through this submission? Yes No

I am directly affected by an effect of the subject matter that

(a) adversely affects the environment; and

(b) does not relate to trade competition or the effects of trade competition? Yes No

Please note that if you are a person who could gain an advantage in trade competition through the submission, your right to make a submission may be limited by Clause 6 of Schedule 1 of the Resource Management Act 1991.

3. The specific provisions of the Proposed District Plan that my submission relates to are as follows: (Please specify the Rule, Policy or Map number your submission relates to)

Refer to attachment for details.....

(Continue on a separate sheet if necessary)

ATTACHMENT

Background:

KCE Mangahao Ltd owns the Mangahao Power Station in the Tararua Foothills and the associated reservoirs, dams and infrastructure supporting the power station. This submission relates to provisions in the Proposed Horowhenua District Plan ("PDP") relating to the ongoing operation of the Power Station and associated infrastructure and the establishment of additional components to support its ongoing operation which is based on a renewable resource. The submission in part opposes and in part supports the provisions identified below.

The submitter owns land that is located in the Rural Zone and in the Tararua Terraces and Hill Country Landscape Domains. The Hill Country Landscape Domain has an overlay of High Amenity Landscape ("HAL") in the foothills and Outstanding Natural Landscapes and Features ("ONFL") in the ranges. KCE Mangahao (as Mangahao Joint Venture) was a submitter on PC22 but not in relation to PC20.

1. Part A Introduction:

- 1.1 The specific provision that this submission relates to is pages A-11 Part F and A-12 Planning Maps of Part A: Introduction.
- 1.2 The submitter supports the intent of the introduction and explanation provided by Part A but considers that the introduction needs to be expanded. There is no reference on page A-11 Part F to the scheduling of rivers and streams nor the purpose of the scheduling. In addition on page A-12 Planning Maps there is no reference to High Amenity Landscapes ("HAL") and the implication of being in a HAL.
- 1.3 KCE Mangahao Ltd seeks the following decision from the Council:
 - Inclusion of a description of the purpose of Schedule 12 and
 - Inclusion of a discussion of the HAL (and the ONFL) and the implications.

2. Chapter 2 Objectives/ Policies: Rural Environment – Issue 2.1

- 2.1 The specific provision that this submission relates to is Chapter 2 Rural Environment and in particular Policy 2.1
- 2.2 The submitter opposes in part the objectives and policies in relation to landscape as they are set out in Chapter 2 as they do not provide clarity and certainty, for the following reasons:
 - The submitter owns land that is located in the Rural Zone and in the Hill Country Landscape Domain with an overlay of High Amenity Landscape ("HAL") and ONFL. The landscape domains have been identified through PC20 and the ONFL/ HAL overlays have been confirmed through PC22.
 - The reason for "grey-out" of text is accepted as being subject to separate processes. However, at the time of making this submission on the PDP, the outcome to the plan changes can only be assumed as the scope of appeals and their outcomes are yet to be determined. The relationship with the rest of the PDP remains uncertain and subject to potential change.

- All chapters and provisions are inter-related and there are constraints on viewing the chapters in isolation from the “grey-out” areas subject to PC 20-22. Therefore, consideration of the objectives, policies and rules cannot be approached in an integrated manner.
- For KCE Mangahao’s purposes, all of its land is in the Rural Zone, but any activity undertaken on its land would require an assessment in terms of the land’s rural zoning and the Tararua Terrace / Hill Country landscape domains including part as a HAL and ONFL. An assessment of one is difficult without due consideration of the other. Chapter 2 contains no reference to Outstanding Natural Features and Landscapes (“ONFL”) or HALs.
- The policies on the landscape domains have been copied in a block following Policies 2.1.20 and 2.1.21 which are not “grey-out”, but their relationship to the forgoing policies is not clear and the numbering does not relate to the PDP numbering.
- It is not clear whether the landscape domain policies relate solely to the Issue heading and hence relate just to subdivision and subsequent development following subdivision or to all development subject to land use consents, including, potentially, electricity generation projects.
- In addition, it is not clear that the wording in the “grey-out” text follows exactly the wording of PC20 and PC22 as the wording of policy HC.1 states the need to “protect” and this does not reflect the differentiation between policy intent for the Outstanding Natural Features and Landscapes (“ONFL”) and the HAL.
- It may also be noted that the decision of the commissioners on Plan Change 22 refers to several matters that are to be considered in the plan review, including the area in the HAL above the 100m contour boundary and the fit between the network utilities and chapters 19/22, as well as renewable energy and streams and rivers. Not all of these appear to have been addressed as part of the wider district plan review.

2.3 KCE Mangahao seeks the following decision from the Council:

- 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.

3. Chapter 2 Objectives/ Policies: Rural Environment – Issue 2.5

3.1 The specific provisions that this submission relates to are set out under Issue 2.5 Land Use Activities – Nature, Character, Amenity Values and Servicing

3.2 The submitter identifies that “infrastructure” is referred to in the Issue Discussion and Explanation and Principal Reasons, as are potential reverse sensitivity issues. However, the objectives and policies do not provide any policy guidance in relation to infrastructure. Infrastructure can be as limited in its location by physical resources as primary production is, and this should be recognised.

3.3 KCE Mangahao seeks the following decision from the Council:

- To include a policy 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.

- To include a policy to recognise the potential reverse sensitivity issues, such as in Policy 2.5.11 in the Rural Environment.

4. Chapter 3 Issue 3.3 Lakes, Rivers and Other Water Bodies

4.1 The specific provisions that this submission relates to are Issue 3.3 and Schedule 12 (Priority Water Bodies).

4.2 The submitter opposes the inclusion of the Mangaore Stream in Group 2 of Schedule 12 as there is no clear explanation of the purpose of the schedule, the basis of the two groups and the way in which the schedule will be applied.

- Mangaore Stream is listed as a Group 2 Priority Water Body in Schedule 12. The implications of this inclusion are not clear and therefore the potential for it to impact on or limit the operation of the Mangahao Power Station cannot be determined accurately.
- There is no clear policy link to the two different groups in Schedule 12. Policy 3.3.2 states that priority lakes, rivers and water bodies will be identified but does not identify the purpose of the priority or how it will be applied. This is reflected in Methods for Issue 3.3 and Objective 3.3.1. Policies 3.3.3 and 3.3.4 are generic and not linked to the priority water bodies. Neither the Issue Discussion nor the Explanation and Principal Reasons describe the existence or purpose of the schedule. Only bullet point 3 of the Methods refers to rules based on priority water bodies.
- Therefore there is no clear policy driver for the schedule. There is also no explanation or purpose of the difference between Group 1 and Group 2 water bodies in relation to the description (values) in the schedule.
- There is only a brief reference to the schedule in the rules contained within Chapter 19: Rural in relation to building setback from the water bodies listed in the schedule, and in Chapter 24: Subdivision and Development, in relation to the requirement for esplanade reserves and strips in certain circumstances, but no further reference is given.
- A clearer policy direction and explanation is necessary to enable the implications to be determined.

4.3 KCE Mangahao seeks the following decision from the Council:

- Either the Schedule should be deleted, or
- The purpose and application of Schedule 12 (Priority Water Bodies) and the two groups should be clarified and a clear policy direction reflected in the objectives and policies.
- The resultant wording should not constrain the further development of the Mangahao Power Station and renewable electricity generation projects.

5. Chapter 12 Objectives/ Policies: Utilities and Energy

5.1 The specific provisions that this submission relates to are contained in Chapter 12 Utilities and Energy

5.2 The submitter opposes the lack of clarity in the chapter in assessing and providing policy framework for utilities and energy:

- The chapter begins with a discussion about Utilities and Energy under separate headings. Energy is referred to in paragraph 2 of "Utilities" but the "Energy" section is very generic and

does not provide a clear foundation for the issue discussion and objectives and policies that follow. It is suggested that the introduction should be revised to provide a clearer focus and discussion of renewable energy as is appropriate having regards to national energy policies.

- At the bottom of page 12-4 there is a clear statement that recognises that the location of utilities is often dictated by operational requirements and this is reflected in Policy 12.1.6. This is strongly supported.
- There is no policy direction for utilities to be established in HAL, although there is for ONFLs. The Explanation and Principal Reasons refer to HALs but policy is required to provide positive guidance.
- Bullet points 3 and 4 in Methods (page 12-5) refer to the need for resource consents for network utilities with “variable effects or which may have adverse effects if located in some localities”. The meaning is not clear.
- Issue 2.2 Energy requires a stronger introductory statement given the national renewable energy policy: “can have environmental benefits” should be phrased as “have” or similar.
- The Issue Discussion deals with renewable energy generation and design for efficient use. These two subjects require separate discussion to set the ground for the policies that follow, as they are separate issues and considerations. This would provide the opportunity for a focussed discussion of renewable energy resources which would be more consistent with the national policy direction.
- The inclusion of a definition of “wind energy facilities” and specific policies for developing renewable energy resources is supported subject to amendments, as follows. However, it is considered that clearer positive guidance could be given for considering wind energy facility development. The tension between suitable locations and their values is identified in the issue statement: the Explanation and Principal Reasons refer to potential effects. While it is accepted that effects and responses need to be assessed on a case by case basis, given the limited opportunity and identified sites, further policy guidance to weighing up the factors could be provided.
- In Chapter 12 (Utilities and Energy) Policy 12.2.4 requires that consideration is given to “adverse effects” and this needs to be qualified to relate only to significant adverse effects. Adverse effects may occur that are minor and the policy would require that all adverse effects must be avoided, remedied or mitigated in relation to new renewable electricity generation facilities.
- Policy 12.2.8 is similarly restrictive without giving clearer guidance, and there is wording missing.
- There is no explanation in this chapter or throughout the PDP as to how Policies 12.2.9 and 12.2.10 are to be achieved. These policies relate to providing for the identification and assessment of potential sites and energy sources for renewable electricity generation (12.2.9), and encouraging research for exploratory-scale investigations into renewable electricity generation technologies and methods (12.2.10). However, this does not appear to be supported by specific provisions. It would be helpful to be able to respond to the proposed implementation of these policies.
- Policy 12.2.11 is unclear. The policy relates to subdivision and land use activities not adversely affecting renewable electricity generation operation. If the avoidance of reverse sensitivity issues is the key focus of this policy, then specific reference to reverse sensitivity issues should be made in the policy and the policy made more explicit.
- The decision of the Commissioners on Plan Change 22 recommends a “Renewable Energy” section of the proposed district plan to give appropriate emphasis in accordance with national policy. Rewriting the Energy Issue Discussion under 2 headings would assist here.

- 5.3 KCE Mangahao seeks the following decision from the Council:
- KCE Mangahao Ltd supports the inclusion of specific provisions for renewable energy projects in the PDP but seeks that the objectives and policies reflect existing and proposed renewable electricity generation projects more strongly and clearly.
 - Issue Discussion Energy should be re-written and this will provide a focussed discussion on renewable energy generation.
 - Provisions are required to support policies providing for the identification and assessment of potential sites for renewable energy generation (including wind energy facilities) and in particular how they will be implemented.

6. Chapter 19: Rural Zone Rules

6.1 The specific provision that this submission relates to is Rule 19.1(k).

6.2 The submitter opposes the lack of certainty provided in Rule 19.1(k)(iv):

- This rule provides for “the operation, maintenance, refurbishment, enhancement and upgrading of an existing energy generation facility except where significant external modification is involved” (emphasis added). While the intent of the rule is supported (although it is covered by existing use rights), the use of the word “significant” is inappropriate for a permitted activity as it requires a judgement to be made in its interpretation.
- There will be occasions when a power station or associated facilities are upgraded and the footprint, height or scale may change or increase: it is not clear whether “external modifications” refer to cosmetic changes or would encompass and enable more substantial changes not altering the general scale of effects. A clear unambiguous wording is required.

6.3 KCE Mangahao seeks the following decision from the Council:

- Amendment of Rule 19.1(k)(iv) to provide certainty about the scope of upgrading by reference to increased footprint, height or other specific parameters.

7. Chapter 22 Utilities and Energy Rules

7.1 The specific provisions that this submission relates to are the lack of provision for “energy” in the chapter. There is provision for utilities but not for “energy”.

7.2 The submitter supports Rule 22.1.10 (Maintenance, Replacement and Upgrading Network Utilities). The explanatory notes are clear and highlight what constitutes “maintenance and replacement” and also “minor upgrading” of electricity and telecommunication utilities. However, there is no apparent provision for “energy” activities.

7.3 KCE Mangahao seeks clarification of the intended purpose of this chapter in relation to “energy”.

SUBMISSION BY THE OIL COMPANIES ON THE PROPOSED HOROWHENUA DISTRICT PLAN

**TO: Shaping Horowhenua
 Horowhenua District Council
 Private Bag 4002
 Levin 5540**

NAME: Z Energy Ltd BP Oil NZ Ltd
 PO Box 2091 PO Box 892
 WELLINGTON WELLINGTON

Mobil Oil NZ Ltd
 PO Box 1709
 AUCKLAND

(hereafter collectively referred to as “The Oil Companies”)

1. INTRODUCTION

- 1.1 The Oil Companies receive, store and distribute refined petroleum products.
- 1.2 The Oil Companies core business relates to the operation and management of their individual service station networks, commercial refuelling facilities and bulk storage (Terminal) facilities at ports and airports. Hydrocarbons are the principal substance managed by the Oil Companies.
- 1.3 This submission is focused on those issues the Oil Companies perceive may inappropriately restrict or limit their existing and future operations.

2. THE OIL COMPANIES SUBMISSION

- 2.1 The Oil Companies consider that some amendments are necessary to ensure that the provisions within the proposed Horowhenua District Plan (“the Proposed Plan”) do not unreasonably and/or unnecessarily restrict the Companies maintenance activities and oil industry standardised procedures. The reasons for this are discussed below. The relief sought in respect of each matter is addressed in Section 4.0 of this submission.
- 2.2 The specific provisions of the Proposed Plan to which this submission relates are:
 - Chapter 9 – Objectives & Policies: Hazardous Substances & Contaminated Land
 - Contaminated Land Provisions

- Chapter 23 – Rules: Hazardous Substances
- Chapter 26 – Definitions

3. CHAPTER 9 – OBJECTIVES & POLICIES: HAZARDOUS SUBSTANCES & CONTAMINATED LAND

Hazardous Substances

- 3.1 Issue 9.1 relates to the risks of adverse environmental and health effects associated with the storage, use, disposal and transportation of hazardous substances. The issue is supported.
- 3.2 Objective 9.1.2 and Policies 9.1.3 to 9.1.9 seek to address Issue 9.1. The general approach set out in these policies is supported, in particular in relation to Objective 9.1.2 and Policies 9.1.3 to 9.1.7.
- 3.3 Policy 9.1.8 states that *‘appropriate facilities and systems are to be provided 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’*. The Companies support the intent of this policy and seek to avoid accidental spills through the implementation of best practice measures in accordance with industry standards. However, due to the nature of such spills being accidental, complete avoidance is not possible. The wording of the policy should be amended to recognise this.
- 3.4 Policy 9.1.9 states that *‘transportation of hazardous substances, including wastes, should be undertaken in a safe manner, by modes and transport routes which prevent or minimise the risk of adverse effects on residents, on the natural and physical environment, and on other transport users’*. The transport of hazardous substances is currently managed under the Transport Act, the Explosives Act and New Zealand Standards and the Companies do not consider it is appropriate to control the transport of hazardous substances further through the district plan. The explanation to Issue 9.1 clarifies that the Council does not intend to specifically control the transportation of hazardous substances through the consent process and provided this clarification is retained, the Companies do not oppose Policy 9.1.9.
- 3.5 The Companies support the Methods for Issue 9.1 and Objective 9.1.1, particularly to the extent that they promote the use of good practice guidelines, industry standards and Codes of Practice.

Contaminated Land

- 3.6 Issue 9.2 states that *‘the use and development of potentially contaminated land can lead to adverse effects on the environment and human health, when the necessary remediation works have not been undertaken prior to use.’*

- 3.7 The Companies support the general intent of the issue. However, the Proposed Plan contains no definition of “remediation”, which increases the potential for uncertainty in administration. The Companies would be concerned if remediation was to be narrowly defined in this context as only relating to the removal and reduction of the contaminant source. The Companies wish to ensure that source removal, pathway control and institutional control are all considered equally by plans and that the terminology used does not deliberately or inadvertently bias for, or against, any option. The rationale for this being that the appropriateness of the types of control applied should be considered on a site by site basis. The rationale for this approach is that the appropriateness of the type or types of control applied should be considered on a site by site basis.
- 3.8 The discussion document on the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (“the NES”) has provided a useful starting point to consider the scope of these matters as follows:

“Figure 9: Methods for managing the risks from contaminants in soil

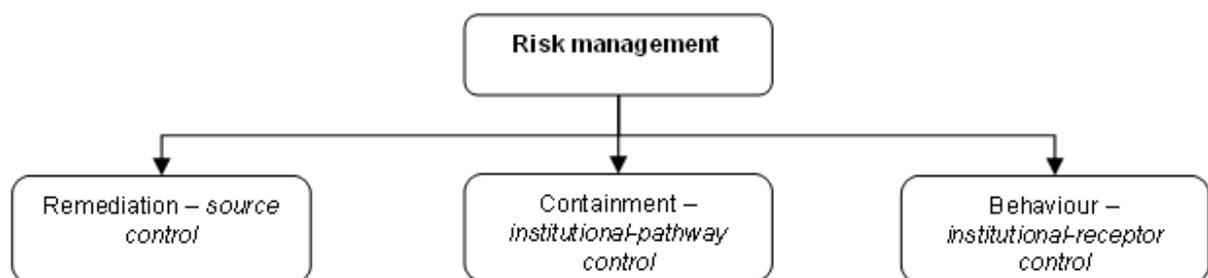


Figure 9 defines the methods for managing the risks from contaminants in soil. Risk management of contaminants in soil can be broadly achieved by three methods:

- Remediation – removing and reducing the contaminant source
- Containment – blocking of pathways through the contaminant may reach the receptor (ie. institutional-pathway control)
- Behaviour – modifying the behaviour of the receptor (eg. person) so that they are not exposed to the contaminant source or its pathways. (ie. institutional-receptor control)”

- 3.9 If read narrowly, the issue in its current form would require remediation i.e. removal or reduction of the contaminant source, to be applied to all contaminated land. This is a concern as in some cases it is not appropriate, practicable or possible to only deal with source control for all contaminated land. It is appropriate to “manage” contaminated land for the full range of matters outlined above. How that is dealt with will depend upon an array of factors including level and type of contaminants present, pathways, receptors, future use of the land and various engineering solutions to the management such as capping, building design, treatment options including remediation. Remediation is, and should be seen and referred to, as a subset of the management of contaminated land. As such, the Companies seek that the wording of Issue 9.2 be amended as set out in the Relief Sought below.

- 3.10 The Companies support the issue discussion to the extent that it identifies the respective roles and responsibilities of the regional and district councils in managing contaminated land and the role of the NES in directing the requirement for consent or otherwise for activities on contaminated or potentially contaminated land.
- 3.11 Objective 9.2.1 and Policies 9.2.2 to 9.2.6 seek to address Issue 9.2. The Companies support the general intent of the objective and policies but seek some changes to the wording as set out below:
- 3.12 Objective 9.2.1 seeks to avoid or mitigate the risk of adverse effects from the use, redevelopment or remediation of contaminated land. While the Companies accept that remediation can itself result in adverse effects that need to be managed, in this context remediation is one of the management responses available for avoiding or mitigating the adverse effects from the subdivision, use or redevelopment of contaminated land. The focus of the policy should be changed to reflect this.
- 3.13 Policy 9.2.2 seeks to identify those sites that may be subject to potential contamination as a result of historical land uses and is supported.
- 3.14 Policy 9.2.3 seeks to ensure that land is suitable for “increased exposure to humans”. This assumes that the intended use of the land will involve increased human use and effectively sets a defacto remediation standard for increased human use. The policy needs to recognise that different levels of contamination may be acceptable depending on the intended end use of the land. The end use needs to be the driver for determining any remediation standard or contaminant mitigation strategy. This policy should be amended to refer to “the intended exposure to humans”.
- 3.15 Policy 9.2.4 should be amended to properly focus on the need for management of contaminated land (which may involve remediation) during subdivision, use or redevelopment in order to prevent or mitigate adverse effects, for the reasons set out in paragraphs 3.9 and 3.12 above. The Policy should also be amended to refer to “unacceptable risk”. All contaminated land poses some level of risk but the key issue is whether or not this risk is acceptable for human health and the environment in accordance with industry guidelines.
- 3.16 The Companies support the general intent of Policy 9.2.5 to the extent that it recognises the various management options of remediation, containment and disposal. Changes are sought to the wording of Policy 9.2.5 to recognise these options are subsets of the management of contaminated land and to refer to the ‘proposed’ future use of land, rather than ‘likely’ future use of land, which may require consideration of a much broader range of possible uses, including more sensitive uses.
- 3.17 The Companies support Policy 9.2.6.

RELIEF SOUGHT

CHAPTER 9 – OBJECTIVES & POLICIES: HAZARDOUS SUBSTANCES & CONTAMINATED LAND

(additions underlined; deletions in ~~strikethrough~~)

1. Retain without modification Issue 9.1 as follows:

Issue 9.1 HAZARDOUS SUBSTANCES

The risks of adverse environmental and health effects associated with the storage, use, disposal, and transportation of hazardous substances.

2. Retain without modification Objective 9.1.2 and Policies 9.1.3 to 9.1.7 as follows:

Objective 9.1.1 Hazardous Substances

To ensure that adequate measures are taken to avoid or mitigate the adverse environmental effects of the use, storage, transport and disposal of hazardous substances.

Policy 9.1.2

Control classes of hazardous substances which have the potential to cause adverse effects on the environment, recognising that the quantities of hazardous substances requiring control will vary depending on the proximity of sensitive activities, and the susceptibility and sensitivity of the surrounding environment to adverse effects from hazardous substances.

Policy 9.1.3

Allow appropriate quantities and classes of hazardous substances to be used and stored to provide for land use activities to avoid or mitigate adverse effects and unacceptable risks to the environment and community.

Policy 9.1.4

Ensure hazardous substances are stored under conditions which reduce the risk of any leaks or spills contaminating land or water.

Policy 9.1.5

Limit the use and storage, and avoid disposal, of hazardous substances near any of the following areas:

- *waterbodies or wetlands;*
- *areas of outstanding natural features and landscapes;*
- *significant ecological sites;*

- sites of particular heritage or cultural value;
- popular recreational areas; and
- dwellings, other than a dwelling on the same site as the activity.

Policy 9.1.6

Establish controls to ensure that facilities which involve the use, storage, transport or disposal of hazardous substances are located, designed, constructed and managed to avoid, remedy or mitigate adverse effects on the environment and/or human health.

Policy 9.1.7

Disposal of hazardous wastes is to be undertaken in an environmentally safe manner at authorised facilities to avoid the risk of hazardous substances creating adverse effects on the environment and human health.

- 3. Amend Policy 9.1.8 to recognise that complete avoidance of accidental spills is not possible, as follows or to the same effect:**

Policy 9.1.8

Appropriate facilities and systems are to be provided to 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.

- 4. Retain Policy 9.1.9, provided the last two sentences of the 'explanation' are also retained as follows:**

Policy 9.1.9

Transportation of hazardous substances, including wastes, should be undertaken in a safe manner, by modes and transport routes which prevent or minimise the risk of adverse effects on residents, on the natural and physical environment, and on other transport users.

Explanation and Principal Reasons

...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.

- 5. Retain the Methods for Issue 9.1 and Objective 9.1.1 without modification.**

- 6. Amend Issue 9.2 to recognise that remediation may not be the only way of managing the potential adverse effects of contaminated land, as follows or to the same effect:**

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.

- 7. Amend Objective 9.2.1 as follows to properly focus on the subdivision, use or redevelopment of contaminated land as the trigger for potential adverse effects on human health and the environment. These effects will need to be managed, with remediation being one of the available management options.**

Objective 9.2.1 Contaminated Land

To avoid, or mitigate the risk of adverse effects from the subdivision, use, or redevelopment ~~or remediation~~ of contaminated and potentially contaminated land on human health and the environment.

- 8. Retain Policy 9.2.2 without modification as follows:**

Policy 9.2.2

Identifying those sites that may be subject to potential contamination as a result of historical land uses.

- 9. Amend 9.2.3 to recognise that different levels of contamination may be acceptable depending on the intended end use of land rather than an assumption of increased human exposure, as follows:**

Policy 9.2.3

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.

- 10. Amend Policy 9.2.4 as follows:**

Policy 9.2.4

Ensure that ~~all remediation, use, subdivision and redevelopment of~~ when 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 unacceptable risk on human health and the environment.

- 11. Amend Policy 9.2.5 as follows:**

Policy 9.2.5

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.

12. Retain Policy 9.2.6 without modification as follows:

Policy 9.2.6

Ensure that exposure from the on-going use of land affected by soil contaminants is managed in a way that prevents or mitigates any adverse effects on human health and the environment.

13. Adopt any other such relief, including additions, deletions or consequential amendments necessary as a result of the matters raised in these submissions, as necessary to give effect to this submission.

4. CONTAMINATED LAND PROVISIONS

4.1 The Section 32 report associate with Hazardous Substances and Contaminated Land clarifies that all rules relating to contaminated land have been deleted from the Proposed Plan, such that the Council can rely on the NES when considering proposals for the use, subdivision or development of contaminated land. A cross reference to the NES has been included in each of the zone chapters of Proposed Plan, as follows:

National Environmental Standards:

- *For any activities on contaminated or potentially contaminated land, refer to the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health Regulations 2011.*

4.2 The Companies support this approach. They also note that the only other earthworks rules in the Proposed Plan relate specifically to earthworks within the setting of a Heritage Building or within a Flood Plain, such that there is unlikely to be any conflict between the earthworks provisions set out in the NES and the Proposed Plan.

RELIEF SOUGHT

CONTAMINATED LAND RULES

1. Retain the cross reference to the NES in each of the zone chapters, as follows:

National Environmental Standards:

- *For any activities on contaminated or potentially contaminated land, refer to the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health Regulations 2011.*

5. CHAPTER 23 – RULES: HAZARDOUS SUBSTANCES

- 5.1 Rules relating to the management of hazardous substances are set out in Chapter 23 of the Proposed Plan. The Council proposes to adopt a quantity based approach to determining the consent requirements of specific hazardous facilities and the Companies support this approach.
- 5.2 Rule 23.3.1(a) provides as a controlled activity for 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.
- 5.3 It is not clear why the provision does not apply in the Rural and Industrial Zones. Working through the remainder of the provisions in the chapter including Table 23-2: Quantity Limits for Hazardous Substances, the underground storage of 100,000 litres of petrol (HSNO Class 3.1A) would require a Discretionary activity consent in the Rural Zone and a Restricted Discretionary activity consent in the Industrial Zone (Table 23-2 sets a Permitted Activity threshold for Class 3.1A liquids of some 41,000 litres in the Rural Zone and some 81,000 litres in the Industrial Zone).
- 5.4 There is no effects based reason to apply a more restrictive activity status to the underground storage of petrol in the Rural and Industrial Zones than in other parts of the District, especially when the same Codes of Practice would apply. Indeed it could be argued that the Rural and Industrial Zones are likely to be less sensitive and more able to accommodate such activities than the Residential, Commercial and Open Space Zones where a Controlled activity status is applied by Rule 23.3.1(a).
- 5.5 As such, the Companies seek that Rule 23.3.1(a) be amended to apply in all parts of the district.
- 5.6 Rule 23.3.1(b) provides for the retail sale of LPG, with a storage of up to six tonnes (single vessel storage) of LPG, as a controlled activity 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.
- 5.7 The Companies support the intent of this provision. However, it is noted that the industry is increasingly moving towards the use of swap a bottle facilities at service stations, which involve customer swapping an empty gas bottle with a pre-filled bottle stored at the service station, rather than having the empty bottled refilled on site. Such swap a bottle facilities involve the storage of multiple individual (9kg) bottles within a locked 'cage' structure. The storage of 150 individual bottles, for example, would equate to some 1350kg of LPG storage. While this is well within the six tonne

threshold set by Rule 23.3.1(b), such a facility would not currently comply with the rule as it comprises multi vessel rather than single vessel storage. The Companies seek that Rule 23.3.1(b) be amended to provide for the multi vessel as well as single vessel storage of LPG.

- 5.8 A number of conditions for permitted activities are set out in Rule 23.6. The Companies support those conditions and in particular condition 23.6.8, which relates to underground storage tanks.

RELIEF SOUGHT

CHAPTER 23 – RULES: HAZARDOUS SUBSTANCES

(additions underlined; deletions in ~~strikethrough~~)

1. Amend Rule 23.3.1 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 HSNOCOP 45, EPA, 2012.*

(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.*

2. Retain the permitted activity conditions set out in Rule 23.6.

3. Adopt any other such relief, including additions, deletions or consequential amendments necessary as a result of the matters raised in these submissions, as necessary to give effect to this submission.

6. CHAPTER 26 – DEFINITIONS

- 6.1 The Proposed Plan contains definitions of ‘contaminated land’ and ‘vehicle service station’, both of which are supported by the Oil Companies.

RELIEF SOUGHT

CHAPTER 26 – DEFINITIONS

1. Retain the definition of contaminated land without modification.

Contaminated Land means land that has a hazardous substance in or on it that:

- (a) has significant adverse effects on the environment, or*
- (b) is reasonably likely to have significant adverse effects on the environment.*

2. Retain the definition of vehicle service station without modification.

Vehicle Service Station means any land or premises used principally for the retail sale of motor vehicle fuels and for the re-fuelling and servicing of vehicles; incorporating activities which are incidental to the principal re-fuelling activity including the retail sale of motor vehicle accessories, oils, spare parts, and the retail sale of convenience goods; and ancillary services including mechanical repairs, warrant of fitness testing, tyre servicing, the mechanical washing of vehicles, and the hire of vehicles.

7. **THE OIL COMPANIES WISH TO BE HEARD IN SUPPORT OF THIS SUBMISSION**
8. **IF OTHERS MAKE A SIMILAR SUBMISSION, TRANSPOWER WOULD NOT BE PREPARED TO CONSIDER PRESENTING A JOINT CASE AT ANY HEARING.**
9. **THE OIL COMPANIES COULD NOT GAIN AN ADVANTAGE IN TRADE COMPETITION THROUGH THIS SUBMISSION.**
10. **THE OIL COMPANIES ARE DIRECTLY AFFECTED BY AN EFFECT OF THE SUBJECT MATTER OF THE SUBMISSION THAT—**
 - (A) ADVERSELY AFFECTS THE ENVIRONMENT; AND**
 - (B) DOES NOT RELATE TO TRADE COMPETITION OR THE EFFECTS OF TRADE COMPETITION.**

Dated at TAKAPUNA this 12th November 2012

Signature for and on behalf of
The Oil Companies:



Georgina McPherson
Senior Planner

Address for service:

BURTON PLANNING CONSULTANTS LIMITED
PO Box 33-817
Takapuna, 0740
Auckland

Attention: Georgina McPherson

Phone: (09) 917-4302
Fax: (09) 917-4311
E-Mail: gmcpherson@burtonconsultants.co.nz
Ref: 12/142



Pursuant to Clause 6 of the first Schedule of the Resource Management Act 1991

Submission on Horowhenua District Council Proposed District Plan Shaping Horowhenua

To: Planning Department
Shaping Horowhenua
Horowhenua District Council
Private Bag 4002,
Levin 5540

From: NZ Transport Agency
PO Box 1947
Palmerson North 4440

1 The NZ Transport Agency (NZTA) supports the Horowhenua District Council Proposed District Plan (*Shaping Horowhenua*).

2 The specific provisions of the Proposed District Plan that the NZTA's submission relates to are as follows:

The proposed plan change in its entirety.

3 The NZTA's submission is that:

3.1 Role of the NZTA

The NZ Transport Agency (NZTA) is a Crown Entity which is required by the Land Transport Management Act 2003 to undertake its functions in a way that contributes to an affordable, integrated, safe responsive and sustainable land transport system. The NZTA's functions include:

- To promote an affordable, integrated, safe, responsive and sustainable land transport system;
- To manage the State Highway system, including planning, funding, design, construction, maintenance and operation;
- To manage funding of the land transport system; and
- To assist, advise and co-operate with approved organisations such as the Horowhenua District Council.

The NZTA seeks to ensure the potential effects from development do not impact on the safe and efficient operation of the state highway network. The NZTA is interested in the Horowhenua District Plan Review because it has implications on how the state highway network is protected and managed.



3.2 Specific comments applying to the amendments to the Proposed District Plan provisions.

The NZTA supports the overall intent and direction of Proposed District Plan. The NZTA's specific comments on Proposed District Plan are as follows:

Proposed District Plan provision	The NZTA's position & decision sought by the NZTA
<i>Schedule 1 Designations - D2, D3 & D4</i>	Support, retain as notified.
<i>Planning Maps - recording of designations D2, D3 and D4</i>	Support, retain as notified.
<i>Safety and Visibility at Road and Rail Intersections 19.6.23 (Rural Zone), 17.6.18 (Commercial Zone), 16.6.16 (Industrial Zone), 15.6.24 (Residential)</i>	Support, retain as notified.
<i>Issue 10.2 MANAGING EFFECTS OF TRANSPORT INFRASTRUCTURE & the corresponding Objectives, Policies and Methods</i>	Support, retain as notified.
<i>Issue 10.3 ADVERSE EFFECTS OF LAND USE ACTIVITIES, SUBDIVISION AND DEVELOPMENT ON LAND TRANSPORT INFRASTRUCTURE & the corresponding Objectives, Policies and Methods</i>	Support in part, retain as notified except make the following changes to the Methods advice note: <i>The NZTA has powers under the Land Transport Management Act Government Roading Powers Act 1989 to control the location and design of State Highway crossing places for designated Limited Access Roads -</i>
<i>Issue 10.1 MAINTAINING AND DEVELOPING LAND TRANSPORT NETWORK & the corresponding Objectives, Policies and Methods</i>	Support, retain as notified.
<i>19.6.6 Noise Insulation a)</i>	Support, retain as notified.
<i>15.8.13 Signs (Refer Rule 15.3(h) and 15.3(i))</i> <i>19.8.7 Signs (Refer Rule 19.3.5)</i> <i>20.8.7 Signs (Rule 20.3(g) and Rule 20.3(h))</i> <i>(a) (iv) & (v)</i>	Support, retain as notified.
<i>15.5 NON-COMPLYING ACTIVITIES</i>	Support, retain as notified.



(a)	
15.8.7 (a) (v)	Support, retain as notified.
15.8.8 (a) (i) bullet point 3	Support, retain as notified.
21.1.3 – <i>Vehicle Crossings to the State Highways</i>	Support, retain as notified.
Policy 6.2.4	Support, retain as notified.
Policy 6.3.38	Support, retain as notified.
Policy 2.5.16	Support, retain as notified.
25.7.8 – <i>Vehicle Access</i>	Support, retain as notified.
25.3.1 – <i>General (f)</i>	Support, retain as notified.
25.7.1 – <i>Noise (b)</i>	Support, retain as notified.
25.2.4 – <i>Tree Planting (a)</i>	Support, retain as notified.
25.3.9 – <i>fencing (c)</i>	Support, retain as notified.
25.3.4 – <i>Building Setbacks (a) (ii)</i>	Support, retain as notified.
25.7.11 – <i>Advertising Signs (b)</i>	Support, retain as notified.

3.3 The NZTA seeks the following decision from the Horowhenua District Council:

That the Proposed District Plan be approved subject to the above amendments (or amendments to the same effect).



4 The NZTA does wish to be heard in support of this submission.

Dated at Palmerston North this the 12th day of November 2012.

A large, handwritten signature in blue ink, appearing to be 'Alan Catchpole', written over a horizontal line.

Alan Catchpole

Principal Planner

Pursuant to a delegation from the Chief Executive of the NZ Transport Agency.

Address for service: Cole O'Keefe
Resource Planner
NZ Transport Agency
PO Box 1947
Palmerston North 4440

Telephone Number: (06) 953 6620

E-mail: cole.o'keefe@nzta.govt.nz

Submission on Proposed Horowhenua District Plan

Clause 6 of First Schedule, Resource Management Act 1991

To: Horowhenua District Council (Shaping Horowhenua)
Address: Private Bag 4002, Levin 5540.
Email: districtplan@horowhenua.govt.nz

Submitter: New Zealand Defence Force
Contact Person: Rob Owen, Environmental Services

Address for Service: New Zealand Defence Force
C/- Property Group
Defence Shared Services
Private Bag 902
Upper Hutt

Phone: 04 587 2006
Fax: 04 587 2023
Email: rob.owen@nzdf.mil.nz

1 Preliminary Matters:

- 1.1 This is a submission on the Proposed Horowhenua District Plan.
- 1.2 NZDF could not gain an advantage in trade competition through this submission.
- 1.3 This submission relates to provisions in the proposed Plan affecting Temporary Military Training activities undertaken by the New Zealand Defence Force (NZDF). In particular, this includes (but is not limited to) Sections 15, 16, 17, 19, 20, 23 and 26 (General Provisions) of the Proposed Plan.

2 NZDF Submission

- 2.1 NZDF's submission, and support or opposition to each matter addressed, is detailed on the attached sheet.

3 Decisions Sought from Council

- 3.1 The decisions sought from Council on each of the matters raised in the submission are detailed on the attached sheet.

4 **Hearing**

4.1 NZDF wishes **to be heard** in support of this submission.

4.2 If others make a similar submission, **we will consider** presenting a joint case with them at the hearing.



Person authorised to sign
on behalf of New Zealand Defence Force

12 November 2012

NZDF Submission on Proposed Horowhenua District Plan

1. NZDF **supports** the retention of the definition of Temporary Military Training Activity (Section 26 General Provisions: Definitions) in an unchanged form in the proposed Plan and **requests** that this definition is retained.

2. NZDF notes that the definition of **Temporary Activity** has been altered to:

“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.”*

This definition has removed the specific inclusion of “temporary military training activity” from the definition that was used in the Operative Plan. Technically, such activities could still be covered by this definition as well as the more specific definition of “temporary military training activity”.

The permitted activity standards for “Temporary Activities” are more restrictive than for Temporary Military Training Activities, so NZDF would prefer to clarify the definition of “Temporary Activities” further, to indicate that it does not apply to Temporary Military Training Activities.

3. NZDF **requests** that the definition of “Temporary Activities” is clarified by including the following additional phrase at the end of the proposed definition of Temporary Activity:

“It does not include Temporary Military Training Activities”.

4. NZDF acknowledges the inclusion of Temporary Military Training Activities as Permitted Activities in all of the proposed Zones. It is noted that this retains the current provisions, and corrects the absence of this permitted activity rule from the Commercial 2 Zone in the Operative Plan (whether by error or purposeful omission).

5. NZDF therefore **supports** the inclusion of Temporary Military Training Activities as Permitted Activities in all of the proposed Zones and **requests** that these rules are retained.

6. The Proposed Plan also retains the following permitted activity conditions for Temporary Military Training Activities in all of the proposed Zones:

- “(i) No permanent structures may be constructed.*
- “(ii) The activity shall not require excavation (permanent or mechanical), unless provided for in this District Plan.”*

7. NZDF notes that this retains the provisions of the current District Plan, and adopts a **neutral stance** on this issue.

8. The following permitted activity condition is also retained in all of the proposed Zones, but has been altered to include the word “consecutive”:

- “(iii) The duration of any temporary military training activity shall not exceed 31 consecutive days.”*

This clarifies ambiguities which may have arisen with the definition in the Operative Plan.

9. NZDF therefore **supports** the change of permitted activity condition (iii) for all zones to include the word "consecutive" and **requests** that this is retained.
10. The following two Permitted Activity Conditions have been removed for all Zones:
- (i) *The written consent of the owner shall have been obtained.*
 - (ii) *Flying activity shall be in compliance with Civil Aviation regulations or in agreement with the local controlling authority.*

NZDF notes that this removes redundant requirements from the Plan.

11. On this basis NZDF **supports** the removal of these two permitted activity conditions from the Proposed Plan and **requests** that these provisions are removed.
12. The following new Permitted Activity conditions have been introduced for Temporary Military Training Activities in all of the proposed Zones:
- "(iv) *Noise shall not exceed the limits as set out in Table 2 of NZS 6803:1999 Acoustics – Construction Noise when applied at any noise sensitive activity.*
 - (v) *Noise levels shall be measured and assessed in accordance with that Standard as if it were construction noise;"*

The Section 32 reports do not give a clear indication of the reasons behind the introduction of this change.

13. NZDF **conditionally supports** the introduction of these new noise standards, but has commissioned a technical review to investigate the matter in more detail. At the time of this submission this review has not yet been completed; as soon as the results of the review are available, NZDF will come back to the Council to confirm its support (or otherwise) for the change and to discuss any specific recommendations or requests that may arise from the review.
14. NZDF notes that, in addition to the changes noted in paragraph 12 above, Temporary Military Training Activities are no longer included in the general permitted noise conditions for each proposed Zone. However, the general provision (b) in the Permitted Conditions for Noise (Sections 15.6.11, 16.6.5, 17.6.6, 19.6.7 & 20.6.7) that:
- "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"*
- has not been restricted from applying to such activities. This requirement is redundant, as there are no possible situations to which it might apply.
15. For the avoidance of doubt NZDF **requests** that this clause is specifically excluded, by addition of the following words in each general noise permitted activity standard:
- "(d) *The noise limits in Rule [15.6.11, 16.6.5, 17.6.6, 19.6.7 & 20.6.7] (a) and the provisions of Rule [15.6.11, 16.6.5, 17.6.6, 19.6.7 & 20.6.7](b) shall not apply to:temporary military training activities".*
16. The following new Permitted Activity condition has been introduced for Temporary Military Training Activities in all of the proposed Zones:

- (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.*

NZDF notes that the existing requirement for all zones (except Residential 1) is that:

"Impulse Noise resulting from the use of explosives and small arms is not to exceed 122 dBC".

The Section 32 reports supporting the Proposed Plan state that *"it is considered efficient and effective to provide for permitted noise levels that are in character with the zone"* but do not give any specific reasons why the change from the status quo is necessary. NZDF submits that the status quo has been working satisfactorily to date and there appear to be no valid reasons given for introducing a blanket restriction on night-time use of explosives and small arms.

17. For these reasons NZDF **opposes** this proposed Permitted Activity condition, and **requests** that the current provisions of the District Plan in respect of night-time noise be retained, with the proviso that NZDF would wish to discuss this matter further with Council once a more detailed technical review (as noted in paragraph 12) has been completed.
18. NZDF notes that the Proposed Plan introduces a new permitted activity condition relating to Vibration for all Zones.

"Vibration

- (a) *No activity shall create any vibration which exceeds the limits in the following standards:*
- (i) *AS 2670.1-2001 Evaluation of human exposure to whole-body vibration – General requirements.*
 - (ii) *AS 2670.2 -1990 Evaluation of human exposure to whole-body vibration – Continuous and Shock-Induced Vibration in Buildings (1 to 80 Hz).*
 - (iii) *DIN 4150-3:1999 Effects of vibration on structures.*
 - (iv) *NZS 4403:1976 – Code of Practice for Storage, Handling, and Use of Explosives, and any subsequent amendments."*

The Section 32 reports give no specific reasons as to why these new standards are proposed, and gives no guidance as to the appropriateness or otherwise of these standards to Temporary Military Training Activities.

19. On this basis, NZDF adopts a **neutral stance** on the proposed introduction of the standards until a technical analysis of their implications has been completed. Once the results of this analysis are available, NZDF will come back to the Council with any further comments or requests.
20. In all of the proposed Zones, any Temporary Military Training Activities that are not Permitted Activities are defined as Controlled Activities, with Council reserving its control to:
- "the avoidance, remedying or mitigating any adverse effects on the environment."* (Sections 15.7.4, 16.7.6, 17.7.6, 19.7.10 & 20.7.6).
21. NZDF **supports** the retention of Controlled activity status for any Temporary Military Training Activities that are not Permitted Activities. However NZDF **requests** that the matters for control are made more specific - to noise in particular – in order to give NZDF more certainty in understanding Council's requirements.

22. The Proposed Plan introduces a new Rural Zone permitted activity standard for Activities on the Surface of the Water (Section 19.6.28). These are as follows:

- " (a) Any activity on the surface of any lake or river shall not exclusively occupy any defined area of water for more than 8 hours per day, for more than seven (7) consecutive days.*
 - (b) 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 metres height above the water surface.*
- (This rule has immediate effect from 14th September 2012)."*

Because Temporary Military Training Activities by definition can also include activities on the surface of the water (as per Clause 1 above), this rule creates an apparent contradiction with Rule 19.6.30 (a)(iii) for the same zone (and noted in paragraph 8 above), that states:

"The duration of any temporary military training activity shall not exceed 31 consecutive days".

23. NZDF therefore **requests** that for the avoidance of doubt this possible contradiction is removed by amending the permitted activity standard in Section 19.6.28(a) to read:

"Any activity on the surface of any lake or river (excluding any temporary military training activity) shall not".

24. NZDF acknowledges Sections 23 (Rules: Hazardous Substances) and 26 (General Provisions: Definitions) have been updated to reflect the requirements of the HSNO legislation.

25. On this basis NZDF **supports** these proposed changes and **requests** that they are retained.

SUBMISSION

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To: Horowhenua District Council
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Submission on: Proposed Horowhenua District Plan.

Submission by: Federated Farmers of New Zealand
Manawatu/Rangitikei Province.

Date: 12 November 2012

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The Manawatu/Rangitikei Province of Federated Farmers appreciates this opportunity to submit on the proposed Horowhenua District Plan.

We acknowledge any submissions made by individual members of Federated Farmers.

NOTES

Federated Farmers notes that much of the proposed District Plan is not open for submission as it is currently part of Plan Changes 20-22.

Our submission is ordered on the same chronological order that provisions appear in the proposed District Plan.

For ease of the reading of each of our submission points, we have incorporated the wording of each provision as proposed in the *Subject Matter and Provision in the Plan* section, and our suggested wording amendment are shown below in the *Relief Sought* section. Our suggested amendments are shown with ~~strikeout~~ for deletions and underlining for additional wording.

CHAPTER 2: RURAL ENVIRONMENT.

1 Subject matter and provision in the Plan:

Policy 2.1.20 *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.*

Summary of reasons for this submission:

Federated Farmers supports Policy 2.1.20 which seeks to maintain rural character, and specifically because the policy includes rural productive values.

Relief Sought:

- That Policy 2.1.20 is retained as written.

2 Subject matter and provision in the Plan:

Issue 2.4 *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.*

Summary of reasons for this submission:

Federated Farmers submits that Issue 2.4 be deleted as it is outside the District Council's functions under Section 31 of the RMA and provides little value to the overall management of the District's resources.

The discussion of this Issue is focused on land management practice which can affect soil erosion and the productive capacity of soils. These are functions that belong to the Regional Council, as Section 30(1)(c) specifically states that the control of the use of land for the purpose of soil conservation is a regional council function.

While the proposed District Plan has provisions for subdivision and development for the purpose of reducing fragmentation and loss of productive potential due to property sizes which is considered consistent with its functions, an issue regarding land management practice for the purpose of soil conservation is outside the District Council's vires. There seems little value in including Issue 2.4 into the District Plan, when methods are limited to education which is already undertaken by the Regional Council.

Issue 2.2 and its associated objectives and policies already deal with fragmentation of the soil resource due to subdivision. Federated Farmers considers that this is an appropriate concern to be addressed by the District Council under Section 31 of the RMA, and that Issue 2.3 is not required.

Relief Sought:

- That Issue 2.4 for Sustainable Management Practices is deleted.

3 Subject matter and provision in the Plan:

Objective 2.4.1 *Sustainable management of the soils of the District to enable their long term use for a range of purposes.*

Summary of reasons for this submission:

Federated Farmers submits that Objective 2.4.1 be deleted.

As for our submission point on Issue 2.4 there is little value added by this suite of provisions regarding land management practice for the purpose of soil conservation when this is a function that belongs to the Regional Council, and when the District Council's methods are limited to education.

The Objectives and policies under Issue 2.2 already manage the concern around lost productive capacity through inappropriate subdivision causing fragmentation of the soil resource which is appropriate under Section 31 of the RMA, so there is no need for Objective 2.4.1.

Relief Sought:

- That Objective 2.4.1 is deleted.

4 Subject matter and provision in the Plan:

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.*

Summary of reasons for this submission:

Federated Farmers submits that Policy 2.4.2 be deleted.

As for our submission point on Issue 2.4 there is little value added by this suite of provisions regarding land management practice for the purpose of soil conservation when this is a function that belongs to the Regional Council, and when the District Council's methods are limited to education.

The Objectives and policies under Issue 2.2 already manage the concern around lost productive capacity through inappropriate subdivision causing fragmentation of the soil resource which is appropriate under Section 31 of the RMA, so there is no need for Policy 2.4.2.

Relief Sought:

- That Policy 2.4.2 is deleted.

5 Subject matter and provisions in the Plan:

Policy 2.4.3 *Promote land management practices which sustain the potential of soil resources to meet the reasonably foreseeable needs of future generations.*

Summary of reasons for this submission:

While this Policy seems to be for a noble cause, Federated Farmers submits that it be deleted.

As for our submission point on Issue 2.4 there is little value added by this suite of provisions regarding land management practice for the purpose of retaining soils productive capacity when this is a function that belongs to the Regional Council, and when the District Council's methods are limited to education.

The objectives and policies under Issue 2.2 already manage the concern around lost productive capacity through inappropriate subdivision causing fragmentation of the soil resource which is appropriate under Section 31 of the RMA, so there is no need for Policy 2.4.2.

Relief Sought:

- That Policy 2.4.3 is deleted.

6 Subject matter and provisions in the Plan:

Issue 2.5 *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. However, some of these effects are anticipated and expected in a rural environment.*

Summary of reasons for this submission:

In general Federated Farmers support the explanations and principle reasons for the policies and objectives contained in Section 2.5 Land use activities – nature, character, amenity value and servicing. It is critically important that existing and legitimate primary production land uses in the rural zone are protected from reverse sensitivity and that within the rural zone some primary production activities will at time generate external effects that cannot be avoided (3rd paragraph under Issue 2.5 discussion on page 2-24).

Support is also given for the discussion of specific affects that should be anticipated such as noise from dogs and livestock, farm machinery etc.

The Issue needs to specify that both positive and negative effects can arise, as just having the words “effects” makes the reader assume it is referring to negative effects.

Support is given for the acknowledgement in the Issue that some effects are anticipated and expected in the rural environment. This acknowledgement should continue along this line by specifying that some effects are essential in order for activities to continue.

Relief Sought:

- That Issue 2.5 is amended to read:

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. Or words to that effect.

7 Subject matter and provision in the Plan:

Objective 2.5.1 *To enable primary production activities and other associated rural based land uses to function efficiently and effectively in the Rural Zone, while avoiding, remedying or mitigating the adverse effects of activities, including reverse sensitivity effects, in a way that maintains and enhances the character and amenity values of the rural environment*

Summary of reasons for this submission:

The recognition that primary production activities must be able to operate effectively in the rural zone is critical for a district such as the Horowhenua, which is so reliant on primary production for the community wellbeing. Also supported is the inclusion of rural-based activities into the Objective, as activities such as rural contracting or processing are important components of the primary production industry.

Federated Farmers supports the use of the term *to enable* as this is consistent with the enabling intent of the RMA.

Support is also given for the provision to avoid, remedy or mitigate adverse effects, as this is consistent with Section 5(2)(c) of the RMA, and also provides more options on how to manage adverse effects.

However not only character and amenity aspects of the rural environment are worthy of maintenance or enhancement. The productive capacity of the rural environment is an important component of enabling primary production and should also be included into the Objective. The term *productive capacity* incorporates many aspects and is a broad enough term to use in an objective that seeks to enable primary production.

Relief Sought:

- That Objective 2.5.1 is amended to read:

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

8 Subject matter and provision in the Plan:

Policy 2.5.2 *Provide for the establishment and operation of primary production activities which rely on a location in the rural environment, provided they meet minimum environmental standards reasonably necessary to avoid, remedy or mitigate any adverse effects without unduly affecting landowners' ability to use their land productively.*

Summary of reasons for this submission:

Support is given for Policy 2.5.2 in that both establishment of new and operation of existing primary production activities will be provided for. This will ensure that Horowhenua is able to evolve and provide for new markets that may emerge and retain a thriving local economy and community.

Support is also given for the provision to avoid, remedy or mitigate adverse effects, as this is consistent with Section 5(2)(c) of the RMA, and also provides more options on how to manage adverse effects.

The ability to use their land productively is an important value to landowners that needs to be understood by decision makers, and the inclusion of this wording is appreciated.

Relief Sought:

- That Policy 2.5.2 is retained.

9 Subject matter and provision in the Plan:

Policy 2.5.3 *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.*

Summary of reasons for this submission:

Support is given for Policy 2.5.3 in that both establishment of new and operation of existing activities that are associated primary production will be provided for. Support activities such as rural contracting and processing are vital to the overall production industry.

Support is also given for the provision to avoid, remedy or mitigate adverse effects, as this is consistent with Section 5(2)(c) of the RMA, and also provides more options on how to manage adverse effects.

Relief Sought:

- That Policy 2.5.3 is retained.

10 Subject matter and provision in the Plan:

Policy 2.5.4 *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 are avoided, remedied or mitigated.*

Summary of reasons for this submission:

Federated Farmers supports Policy 2.5.4 which seeks to manage sensitive activities. Reverse sensitivity towards the effects of their farms and the confidence to continue farming operations is an important issue for our members.

The definition of *sensitive activities* in Chapter 26 of the Plan is supported in how it links to Policy 2.5.4.

The clarity of Policy could be improved by specifying that it is not only the environment that needs to be protected from adverse effects from sensitive activities, but also rural production activities. While Policy 2.5.11 specifically refers to reverse sensitivity issues between sensitive activities and primary production, that policy only applies for separation distances. Policy 2.5.4 is broader in scope and it would be useful to include established production activities in what is to be protected.

Relief Sought:

- That Policy 2.5.4 is amended to read:

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 and existing legitimately established rural activities are avoided, remedied or mitigated. Or words to that effect.

11 Subject matter and provision in the Plan:

Policy 2.5.7 *Avoid, remedy or mitigate the impact of buildings on the rural landscape and maintain overall low building density and building height throughout the rural environment.*

Summary of reasons for this submission:

Federated Farmers understands that what contributes to rural amenity is the low density of buildings; however it is important to remember that buildings are necessary for primary production activities. Rural buildings may be clustered together for ease of access, and others may be tall in order to be fit for storing equipment. That being said, corresponding Rule 19.6.2 gives a maximum height of 15m as a permitted activity, which Federated Farmers considers is sufficient.

Support is also given for the provision to avoid, remedy or mitigate adverse effects, as this is consistent with Section 5(2)(c) of the RMA, and also provides more options on how to manage adverse effects.

Relief Sought:

- That 2.5.7 is amended to recognise that buildings are necessary for primary production:

Avoid, remedy or mitigate the impact of buildings on the rural landscape and maintain overall low building density and building height throughout the rural environment, while recognising that buildings are necessary for primary production activities. Or words to that effect.

12 Subject matter and provision in the Plan:

Policy 2.5.9 *Manage the effects of additional dwellings on the 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.*

Summary of reasons for this submission:

Federated Farmers considers that life-supporting capacity of soils can be enhanced by the provision of additional dwellings, allowing for worker accommodation as without workers the soil will not be productive.

Corresponding Condition 19.6.1 only allows for one house and one 70m² flat, this is insufficient for worker accommodation. Many farmers have multiple dwellings on the farm as accommodation for employees, farm managers or retired parents. Because farms are located in remote rural areas, by necessity worker accommodation needs to be provided. Allowing multiple dwellings will enable the social well-being of rural communities. We will discuss Rule 19.6.1 further on in our submission.

Support is given for the intent that farm worker accommodation must be related to the scale and intensity of production occurring, however this good intention is not reflected in Condition 19.6.1.

Relief Sought:

- That Policy 2.5.9 is amended to recognise that houses on rural properties are necessary to provide for social wellbeing:

Manage the effects of additional dwellings on the life-supporting capacity of soils and the character and amenity values of the rural environment, recognising that rural housing provides an important social service, and any farm worker accommodation should be located and related to the scale and intensity of the primary production activities on site. Or words to that effect.

13 Subject matter and provision in the Plan:

Policy 2.5.10 *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 buildings, while recognising the degree of privacy and rural spaciousness is different in areas comprising existing smaller rural-residential lots.*

Summary of reasons for this submission:

Farmers are more concerned about the ability to continue farming, rather than privacy and amenity. Federated Farmers reminds the Council that privacy and amenity policies should not adversely impact on farming activities. While it is important that farmers are able to live on their land, primary production is the purpose of the rural zone. New dwellings should be setback, rather than rural buildings.

Corresponding rule 19.64 for building setbacks has a greater setback for new houses than the setback for other buildings. This is supported as it reflects our concern that new houses as sensitive activities should be managed allowing existing farming operations the confidence to continue. The policy should reinforce that it is new buildings that will be setback, and that existing buildings are not affected by setback rules.

Support is also given for the provision to avoid, remedy or mitigate adverse effects, as this is consistent with Section 5(2)(c) of the RMA, and also provides more options on how to manage adverse effects.

Relief Sought:

- That Policy 2.5.10 is amended to read:

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 new buildings, while recognising the degree of privacy and rural spaciousness is different in areas comprising existing smaller rural-residential lots. Or words to that effect.

14 Subject matter and provision in the Plan:

Policy 2.5.11 *Manage reverse sensitivity conflict between primary production activities and sensitive activities through appropriate separation distances, while giving priority to existing lawfully established activities.*

Summary of reasons for this submission:

Federated Farmers supports the appropriate priority is given to existing lawfully established activities within Policy 2.5.11. This is an important aspect to managing reverse sensitivity in an area that is used actively for production, the main purpose of the rural zone is for production and existing productive land uses and activities need to have the ability to continue.

The concept of covenants is covered in the last paragraph of the Explanation and Principle Reasons on page 2-29 which is supported in principle by Federated Farmers. However this Policy should extend the range of ways to manage reverse sensitivity by including covenants. These can be issued at the time of consent for residential subdivision or other sensitive activities in the rural zone.

Relief Sought:

- That Policy 2.5.11 is amended to read:

Manage reverse sensitivity conflict between primary production activities and sensitive activities through appropriate separation distances, and no-complaints covenants on new sensitive activities, while giving priority to existing lawfully established activities. Or words to that effect.

CHAPTER 3: NATURAL FEATURES AND VALUES

15 Subject matter and provision in the Plan:

Provisions under Issue 3.2 – Indigenous Biological Diversity.

Summary of reasons for this submission:

The Horizons Regional Council under the One Plan now must be responsible for developing objectives, policies and methods for the purpose of developing a region wide approach for managing indigenous biological diversity, which has been acknowledged in the Issue Discussion on page 3-5.

Federated Farmers appealed this One Plan provision reasoning that local decisions regarding land use should be made at a local level. Additionally, we have been concerned that the required transfer of the biodiversity function process and the associated community consultation did not occur as required under Section 33 of the RMA. Although the Environment Court has upheld this decision and that the Regional Council will take and retain control of land use for the management of indigenous biodiversity, we still consider that a transfer of the biodiversity function and consultation needs to take place within the Horowhenua District.

Relief Sought:

- That 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; and

16 Subject matter and provision in the Plan:

Issue 3.2 *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.*

Summary of reasons for this submission:

Federated Farmers considers that Issue 3.2 needs to accurately reflect pressures on indigenous biodiversity from introduced pests and weeds. We are concerned that Issue 3.2 places blame on land use activities on biodiversity loss and ignores the many positive contributions of landowners to biodiversity.

It is critical for both the Regional and the District Councils to acknowledge that in many instances the reason why indigenous biodiversity still exists on privately owned land is because landowners have, at their own expense, protected the area and as such have provided a significant public good.

Federated Farmers also considers it vital that an accurate reflection of the pressures on the maintenance of indigenous biodiversity is outlined within the District Plan. In evidence put before the Environment Court by Regional Council staff (S42A report of Fleur Maseuk paragraph 15) it is

stated that non-human impacts (those of invasive pest species) represent the greatest contemporary threat to the long term viability of indigenous biodiversity.

Within Issue 3.2 and paragraph 2 of the Issues Discussion the current wording is highly suggestive that clearance by landowners and stock access to patches of bush are the key threats to indigenous biodiversity in the region. This is not the case and in many instances the protection that private landowners have provided for indigenous biodiversity on their land which includes fencing and extensive pest management at their own expense is the very reason it still exists. An example of the dedication that private landowners have towards protecting indigenous biodiversity is the number of QEII covenants in the Horizons region which consists of 7,464ha, of which the average size of the covenanted area is 23ha. The community must be better informed about the true threats facing indigenous biodiversity and it is a responsibility of the District Council to serve the community better in this regard.

Relief sought:

- That Issue 3.2 is amended to read:

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. The single biggest threat to the long term viability of indigenous biodiversity is 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. Or words to that effect.

17 Subject matter and provision in the Plan:

Objective 3.2.1 *To protect the areas of significant indigenous vegetation and significant habitats of indigenous fauna.*

Summary of reasons for this submission:

Federated Farmers recognise that both the Regional and the District Council have an obligation under the RMA to maintain indigenous biodiversity under section 30 (ga) and 31 (b) (iii).

However Federated Farmers note that within the Regional Plan and Regional Policy Statement there is now extensive protection provided for indigenous biodiversity and that the Regional Council will take and retain control of land use for the management of indigenous biodiversity. Although this is accepted by Federated Farmers as the decision of the Court, we remain concerned that the required transfer of the biodiversity function process and the associated community consultation did not occur as required under Section 33 of the RMA.

We therefore expect that the protection required under Objective 3.2.1 of the District Plan does not extend beyond that protection already granted under the One Plan.

Relief Sought:

- That 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, and
- That Objective 3.2.1 is deleted to avoid duplication with the One Plan or amended to reflect the finding that land use control for the management of indigenous biodiversity is a Manawatu-Wanganui Regional Council function.

18 Subject matter and provision in the Plan:

Policy 3.2.3 *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.*

Summary of reasons for this submission:

Federated Farmers supports Policy 3.2.3 which seeks to encourage subdivision, land use and development which maintains and enhances biodiversity. Regulation is not always only about regulating undesirable activities but also should include encouragement of desirable activities.

While we recognise that there is limited scope for the District Council to encourage activities when biodiversity is a function that the Regional Council has assumed, there are still opportunities. Many landowners undertake personal actions that maintain or enhance indigenous biodiversity on their properties by carrying out pest and weed control, fencing off areas, formally protecting areas by QEII covenants, and planting native species. These actions are undertaken because of the value placed in the inherent values of the land by the landowner.

Relief Sought:

- That Policy 3.2.3 is amended to read:

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, and recognise voluntary actions undertaken by landowners.
Or words to that effect.

19 Subject matter and provision in the Plan:

Provisions under Issue 3.3 – Lakes Rivers and Other Water Bodies.

Summary of reasons for this submission:

Federated Farmers is concerned that the suite of provisions under Issue 3.3 are misplaced in the Natural Features and Values section of the Plan, and that they seem to belong more in the Open Space and Access provisions in Chapter 4.

Priority water bodies do not link to Outstanding Natural Features and Landscapes provisions which already identify features according to strict criteria and are addressed in the suite of provisions under Issue 3.1, although some features such as Lake Horowhenua and Lake Papatonga appear in both lists. Other priority water bodies have not been assessed using ONFL criteria and are not intended to fulfil Section 6(b) functions of the RMA,

The key reason for the specific identification of priority water bodies appears to be the application of more comprehensive network of esplanade strips or reserves around these features. This is supported by the fact that *subdivision* is highlighted as the main problem in Issue 3.3, the emphasis of policies on subdivision and public access, and the practical application of Schedule 12 to Conditions 24.2.5 for esplanade reserves/strips in the subdivision chapter of the Plan. The purpose of priority water bodies appears to be more related to Section 6(d) of the RMA.

Therefore Federated Farmers submits that the provisions under Issue 3.3 are relocated to Chapter 4: Open Space and Access to Water Bodies.

Relief Sought:

- That the provisions under Issue 3.3 are relocated to Chapter 4: Open Space and Access to Water Bodies.

20 Subject matter and provision in the Plan:

Issue 3.3 *Inappropriate subdivision, land use and development in, on, or adjacent to lakes, rivers and other water bodies, can adversely affect their natural character and other values such as ecological, recreation, cultural and amenity values.*

Summary of reasons for this submission:

Within paragraph 2 of the Discussion of Issue 3.3 the division of the responsibility of activities in and adjacent to water bodies is conversed. It is important to recognise that the rules within Chapter 12 of the Horizons One Plan have a significant impact on activities along the margins of water bodies. Setback distances for vegetation clearance, land disturbance and cultivation as well as the activity status of activities within these setback distances is now explicit in the One Plan rules. Although these rules are yet to be finalised its important that the District Plan effectively links through to the Regional Plan.

The last paragraph on page 3-7 states that there remains potential for the modification of river margins due to unsustainable land use practices, vegetation clearance and earthworks. Federated Farmers strongly disagrees with this statement. Not only does the One Plan control such activities through the rules stream of Chapter 12, but Chapter 16 of the One Plan is also very explicit regarding what can and what can't be done in and adjacent to water bodies (refer to table 16.1 of the One Plan).

Federated Farmers is pleased to note that the potential impacts of public access to water bodies must be provided for in a way that does not compromise the legitimate activities of landowners who adjoin that water body (paragraph 6 on page 3-7).

Federated Farmers recognises the role that the District Council must play regarding the management of subdivision and the impact that may have on natural features and their values such as lakes, rivers and other water bodies. Such management must also align with the regional plan and stronger linkages between Issue 3.3 and the Regional Plan could be made specifically under paragraph 2 of the Issues discussion.

Support is given to the specification that only *inappropriate* subdivision, land use and development is the type of development that is the issue. Appropriate subdivision, use and development occurs frequently without creating adverse effects and does not need to be further managed than normal zone provisions allow for.

Relief Sought:

- That the following references to the Regional Plan are included in paragraph 2 of the issues discussion (page 3-7).

.....The management of water its self (taking, use and discharge,); activities including land disturbance, vegetation clearance and cultivation on the margins of water bodies (Chapter 5 and 12 Regional Policy Statement and Regional Plan) and the beds of fresh water bodies (Chapter 16, Regional Plan) are managed by Horizons Regional Council. Or words to that effect.

21 Subject matter and provision in the Plan:

Policy 3.3.2 *Identify priority lakes, rivers and other water bodies with high natural character and conservation, recreation, cultural, amenity and intrinsic value.*

Summary of reasons for this submission:

Policy 3.3.2 links through to Schedule 12 of the District Plan but also through to the One Plan schedule AB: *Surface Water Management Values* where the water bodies of the Horizons region are all given values which include values such as natural state, sites of significance cultural and sites of significance aquatic. There should be good alignment between the District and the Regional Plan regarding the priority water bodies in the Horowhenua District.

Policy 3.3.2 does not explain to what purpose priority water bodies are to be identified. Policy 3.3.3 follows on to provide for management of subdivision and/or land development in order to retain values but does not mention prioritising, so it is perhaps to be assumed that this is why priority water bodies are identified. Rules for the creation of esplanade reserves and strips during subdivisions in Conditions for Subdivision 24.2.5 directly reference the Schedule 12 priority water bodies, and seem to be the only application of priority water bodies in the District Plan. In order to provide further clarity for Policy 3.3.2 the purpose of prioritising water bodies should be included directly into this policy to ensure that priority water bodies are only used to provide a network of esplanade reserves.

Relief Sought:

- That Policy 3.3.2 is amended to read:

Identify priority lakes, rivers and other water bodies with high natural character and conservation, recreation, cultural, amenity and intrinsic value, for the purpose of creating a comprehensive network of esplanade reserves and strips to maintain and enhance public access and natural character.

22 Subject matter and provision in the Plan:

Policy 3.3.3 *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.*

Summary of reasons for this submission:

Federated Farmers submits that Policy 3.3.3 be deleted, as we have suggested an amendment to Policy 3.3.2 which should address concerns regarding subdivision and development reducing public access and natural character.

Relief Sought:

- That Policy 3.3.3 is deleted.

23 Subject matter and provision in the Plan:

Policy 3.3.6 *Promote and encourage the development or maintenance of planted water body margins.*

Summary of reasons for this submission:

Federated Farmers supports Policy 3.3.6 which seeks to promote and encourage planting of water margins. Non-regulatory methods are an important part of the tool box when managing water margins and amenity values of natural features.

However corresponding methods are limited to co-operation with regional initiatives, particularly as the One Plan has assumed functions over biodiversity. In corresponding Conditions for subdivision 24.2.5 article (h) states that Council may require reserves to be fenced. There is an opportunity here to promote and encourage fencing and riparian planting by providing financial assistance, gifting of plants, rates relief or regulatory incentives such as transferable development rights.

Relief Sought:

- That Policy 3.3.6 is amended to include non-regulatory methods which promote and encourage actions such as financial assistance, provision of materials and plants, rates relief and regulatory incentives.

CHAPTER 4: OPEN SPACE AND ACCESS TO WATERBODIES

24 Subject matter and provision in the Plan:

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, and hazard risks may be degraded.*

Summary of reason for this submission:

Federated Farmers recognises the benefit to the community that the putting aside of esplanade strips and reserves at the time of subdivision offers. However, it is equally relevant that the application of esplanade reserves and strips is done so appropriately and in a manner that does not restrict the existing lawful operation of adjoining landowners, or endorse trespass.

Federated Farmers believes that the comments made under Issue 4.2 suggest that the Council does recognise that provision of access to water bodies must not adversely affect the operating requirements of adjoining landowners (paragraphs 1 and 2 of page 4-7). Similarly Federated Farmers also note that on page 4-9 reference is made to the public benefit gained by enhanced access must be weighed against the effects of that access on the values of the water body and also the impact for adjoining properties. Federated Farmers endorse such recognition by the council of the potential negative impacts that public access to water bodies may present for adjoining landowners.

Federated Farmers is concerned that public access provisions give the public the impression that access is freely available over private land. It is important to remember that members of the public need to ask permission for access over private property, and that landowners are within their rights to decline access. The District Plan should not contradict these rights.

Relief Sought:

- That Issue 4.2 is amended to read:

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~~ must not be compromised, ~~or and~~ the other qualities of the water bodies and their margins including natural character, ecological values, and hazard risks ~~may be~~ are not degraded Or words to that effect.

25 Subject matter and provision in the Plan:

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 and other values of these water bodies and their margins.*

Summary of reason for this submission:

In line with comments made above Federated Farmers believe that a strengthening of recognition for private landowners through Objective 4.2.1 is appropriate.

Support is given to the recognition that public access may be maintained and enhanced only at appropriate locations. Federated Farmers recognises that esplanade reserves and strips may be a way of increasing public access, but we do not support any expectation that private landowners will provide public access. Access over private land is a matter for the landowner to decide.

Relief sought:

- That Objective 4.2.1 is amended to read:

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 and recognising the rights of private landowners to refuse access over private land. Or words to that effect.

26 Subject matter and provision in the Plan:

Policy 4.2.2 *Prioritise the needs for public access to water bodies with significant natural/ecological, natural hazards, recreational/access and cultural values.*

Summary reasons for this submission:

Federated Farmers is concerned that policies seeking to improve public access may be read to mean that the public can access water bodies by crossing over private land, which is in fact trespass. Public access needs to be limited to land that is owned by a local authority such as an esplanade or a park, or by the Crown such as a reserve.

Relief sought:

- That Policy 4.2.2 is amended to read:

Recognise ~~Prioritize~~ the needs for public access where appropriate to water bodies with significant natural/ ecological, natural hazards, recreational/access and cultural values whilst recognising the rights of private landowners to refuse access over private land. Or words to that effect.

27 Subject matter and provision in the Plan:

Policy 4.2.3 *Require esplanade reserves or strips along the coast and identified rivers, lakes and streams that are considered of significant value in the District.*

Summary of reasons for this submission:

Federated Farmers acknowledges that the RMA provides for esplanade areas to be taken or set aside when allotments of less than 4 hectares are created. However, Section 77 of the RMA also provides for district plans to include rules to waive, reduce or enlarge the required width of a reserve, to enable a reserve to be taken from allotments of 4 hectares or greater, and for an esplanade strip to be required instead.

Section 237F of the Resource Management Act requires that where any esplanade reserve or esplanade strip of any width is required to be set aside or created on an allotment of 4 hectares or more created when land is subdivided, the territorial authority shall pay to the registered proprietor of that allotment compensation for any esplanade reserve or any interest in land taken for any esplanade strip, unless the registered proprietor agrees otherwise.

Federated Farmers is concerned that Policy 4.2.3 will mean that the Council may not have the financial resources to keep up with compensation. The requirements for taking esplanade reserves should be waived if the Council is unable to pay compensation or there is no agreement to voluntarily vest a reserve.

Relief Sought:

- That Policy 4.2.3 is amended to read:

Require where appropriate esplanade reserves or strips along the coast and identified rivers, lakes and streams that are considered of significant value in the District in accordance with Section 237F of the RMA.

28 Subject matter and provision in the Plan:

Policy 4.2.6 *Consider the reduction in width or waiver of the esplanade reserve or strips requirements where:*

- *The reduced width still provides for the use and enjoyment of the area;*
- *The purpose for the esplanade area can still be achieved;*
- *The creation of the esplanade area would adversely affect the natural, ecological, and cultural values of the water body and its margins;*
- *Public health and safety is protected;*
- *Conflicts with other recreational uses are minimised;*
- *Flooding and other natural hazards are managed; and*
- *Alternative public access is available.*

Summary of reasons for this submission:

Federated Farmers supports Policy 4.2.6 which provides for a reduction or waiver of esplanade requirements. An ability to waive the requirement for an esplanade reserve will provide the Council and resource users with more flexibility. However further circumstances where the ability to waive requirements need to be included.

Esplanade strips or reserves may not always be appropriate in all circumstances, including when protection of the riparian area is more appropriately achieved by an alternate protection mechanism such as a Land Transfer Act or QEII covenant, the subdivision involves only a minor boundary adjustment, or public safety and security reasons means that public access is not always desirable. Protection mechanisms other than perpetual protection can also be appropriate. Covenants under the Land Transfer Act 1951 can be registered to maintain or enhance natural functioning of the adjacent water body. Allowing for these types of mechanisms to be available will provide the Council and resource users with more options and flexibility so case-by-case solutions can be used.

Relief Sought:

- That Policy 4.2.6 is amended to read:

Consider the reduction in width or waiver of the esplanade reserve or strips requirements where:

- *The reduced width still provides for the use and enjoyment of the area;*
- *The purpose for the esplanade area can still be achieved;*
- *The creation of the esplanade area would adversely affect the natural, ecological, and cultural values of the water body and its margins;*
- *Public health and safety is protected;*
- *Conflicts with other recreational uses are minimised;*
- *Flooding and other natural hazards are managed; and*
- *Alternative public access is available.*
- *Compensation as per Section 237 of the RMA is impractical for the Council.*
- *The land has little or no value in terms of enhancing public access.*
- *Where the land is protected in perpetuity, provided that public access is secured along the margins of the coast, river or lake concerned.*
- *Protection of the riparian area is more appropriately achieved by an alternate protection mechanism.*
- *The subdivision involves only a minor boundary adjustment.*
- *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. Or words to this effect.*

29 Subject matter and provision in the Plan:

Policy 4.2.7 *Support landowners seeking to create esplanade areas and other open space connections between existing public recreation or conservation reserves, or any isolated areas, by developing partnerships and assisting with information and technical advice.*

Summary of reasons for this submission:

Federated Farmers is generally supportive of the intent of Policy 4.2.7. Landowners wishing to develop esplanade areas and other open spaces which are of benefit to the wider community should be supported to do this by the District Council.

Support is given to the provision for other open space connections, as esplanade strips or reserves may not always be appropriate in all circumstances. Protection of the riparian area can be achieved by an alternate protection mechanism such as a Land Transfer Act 1951 or QEII covenant. While not all QEII covenants provide for public access, this can be an agreed condition with the landowner. Allowing for these types of mechanisms to be available will provide the Council and resource users with more options and flexibility so case-by-case solutions can be used.

Relief Sought:

- That Policy 4.2.7 be retained.

30 Subject matter and provision in the Plan:

Method for Issues 4.2 and Objective 4.2.1

Summary of reason for this submission:

Federated Farmers support the flexibility of methods in the district plan to reduce or waive the requirements of esplanade strips or reserves adjacent to Schedule 12 water bodies and rule that can allow for the appropriate development of reserves or strips adjacent to other water bodies.

Relief sought:

- That these methods are retained.

CHAPTER 13: HISTORIC HERITAGE

31 Subject matter and provision in the Plan:

Issue 13.3 *Reconciling the tension between the private cost and public benefit of protecting and managing the District's historic heritage.*

Summary of reasons for this submission:

Federated Farmers agrees with the Council that the balancing of private cost and public benefit for heritage is a significant issue.

Many of our members are impacted by heritage provisions as they own land where historic and archaeological sites are located, and often use their own resources to manage these sites. Our members value heritage, but often the unknown costs or implications of heritage can create a perception that heritage is a burden.

When developing policy around heritage, the impacts on resource users must be addressed. Resource users do value heritage resources and Council's mechanisms to protect them should include encouragement for resource users. If the effects on landowners are ignored it could be perceived that recognised heritage resources are a hindrance and a liability, resulting in negative consequences all around. Policies that provide for recognition of the private efforts that go into protecting a public resource, and non-regulatory methods that assist landowners is a great initiative from this Council.

Relief Sought:

- That Issue 13.3 is retained.

32 Subject matter and provision in the Plan:

Policy 13.3.2 *Increase public recognition and understanding of the District's historic heritage, its associated values and the respective responsibility that the public and private landowners assume in its ongoing management and protection.*

Summary of reasons for this submission:

Support is given for Policy 13.3.2 which seeks to increase public awareness of the responsibility that private landowners assume over heritage that is located on private property.

Relief Sought:

- That Policy 13.3.2 is retained.

33 Subject matter and provision in the Plan:

Policy 13.3.3 *Develop a range of non-regulatory mechanisms that encourage, assist and facilitate the conservation and protection of buildings and sites identified in the Historic Heritage Schedule.*

Summary of reasons for this submission:

Federated Farmers strongly supports Policy 13.3.3 which provides for the development of non-regulatory mechanisms as tools for managing heritage.

The corresponding methods include a great range of non-regulatory methods that will go a long way toward achieving this policy.

Relief Sought:

- That Policy 13.3.3 is retained.

34 Subject matter and provision in the Plan:

Methods for Issue 13.3 and Objective 13.3.1

- *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 and sites.*
- *Implement the actions identified in the Council's Heritage Strategy.*
- *Provide guidance and advice to assist landowners to sensitively manage scheduled historic heritage buildings and sites.*
- *Develop information and promotional material relating to scheduled historic heritage buildings and sites, including their associated value and the community benefit that is derived from their ongoing protection.*
- *Liaise and collaborate with landowners, Iwi and other groups and agencies with interests in the management and protection of scheduled historic heritage buildings and sites.*

Summary of reasons for this submission:

Federated Farmers supports these methods provided for the Heritage Chapter.

Currently the wording of the first bullet point only indicates that Long Term Plan and Annual Plan processes may occur, but further assurance that these methods will be implemented will provide assurance to landowners that they *will* occur.

Further financial assistance should be provided by a fund, or a cost-share agreement system. Landowners may intend to fence off archaeological sites or carry out maintenance and repairs on

historic buildings. We note however that presently the Schedule 2 of the Plan only contains one archaeological site of a midden on private land, but more sites could be added in the future.

Relief Sought:

- That the first bullet point is amended to provide confirmation that these methods will occur by reading:

Through the Long Term Plan and Annual Plan processes, Council ~~may~~will 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. Or words to that effect.

- 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.

CHAPTER 19: RURAL ZONE

35 Subject matter and provision in the Plan:

Rule 19.1(a) *Primary production activities.*

Summary of reasons for this submission:

Federated Farmers strongly supports the provision of primary production activities as permitted. Primary production is the main reason for the rural zone, and is vital to the local economy of Horowhenua, and people and communities wellbeing.

Relief Sought:

- That Rule 19.1(a) is retained providing for primary production as a permitted activity.

36 Subject matter and provision in the Plan:

Rule 19.1(g) *The construction, alteration of, addition to, and demolition of buildings and structures for any permitted activity.*

Summary of reasons for this submission:

Federated Farmers supports the provision of buildings associated with a permitted activity being permitted. This is a recognition that buildings are needed for activities such as farming to operate.

Relief Sought:

- That Rule 19.1(g) is retained.

37 Subject matter and provision in the Plan:

Rule 19.1(k) *The construction, operation, maintenance and upgrading of network utilities.*

Summary of reasons for this submission:

Permitted status for the construction and upgrading is entirely inappropriate and does not take into account the adverse effects that this can create. Network utilities such as electricity transmission or telecommunications traverse over private land, this is different to generation or station facilities where the infrastructure is located on land owned by the utility company. Federated Farmers is gravely concerned that this Rule displays an insufficient understanding of the adverse impacts created by construction or upgrading that burden the owners of the land that infrastructure is located on.

Construction and upgrading will involve the Network Utility operator temporarily occupying a wider strip of land than what it needs for the life of the lines. Disturbance and impacts of construction include damage to pasture and soil compaction; damage to property, gates and fence lines; livestock disturbance; having to change farming practice like not being able to graze particular paddocks or continue with irrigation; damage and destruction of crops; and storage of materials and machinery on the property. There will be effects on the remainder of the property as workers will need access over the property to reach the construction site such as damage to private roads and tracks, the removal of fences or widening of gateways. Even worker facilities like smoko rooms and portaloos will be located on the land. Landowners are also concerned about liability if there is an accident while workers are on their land.

Activities such as maintenance, repair and operation as permitted are more reasonable. Activities such as washing or repainting pylons, repair of conductors, trimming trees, re-tensioning and re-sagging of conductors are activities that Federated Farmers considers as maintenance, repair and operation, and that we accept are needed to ensure that transmission continues. It needs to be remembered that network utility operators still have an obligation to give notice to the landowner prior to entering the property for maintenance, repair and operation, and the landowner may set conditions of entry. We will continue discussing what constitutes maintenance and repair further in our submission on Rule 22.1.10.

There may be a perception that the adverse effects of construction and upgrading are managed by other legislation, but the permitted activity status in the District Plan enables these activities to occur without consideration of the needs of and affects on landowners.

Relief Sought:

- That construction and upgrading of network utilities is a discretionary activity.

38 Subject matter and provision in the Plan:

Rule 19.1(m) *Within the Flood Hazard Overlay Areas (including Moutoa Floodway) only, the following activities:*

- (i) Primary production activities.*
- (ii) Soil conservation, erosion protection, river control or flood protection works undertaken by, or supervised by, the Horizons Regional Council.*
- (iii) Maintenance or minor upgrading of existing network utilities.*

Summary of reasons for this submission:

Support is given for the provision of primary production activities as permitted within the Flood Hazard Overlay Areas. However there is some confusion when this permitted status interacts with Condition 19.6.11 and the definition of *Primary Production Activities* which makes the permitted status seem not so favourable.

Common understanding of primary production activities would include earthworks and buildings which are vital for farming, such as tracking, digging silage pits, and buildings for equipment storage or for livestock, and it would seem that these are permitted under Rule 19.1(m). However Condition 19.6.11 limits earthworks to only 20m³ and buildings to only 40m², which would mean that many normal activities associated with primary production would need resource consent. This is compounded by the definition of *Primary Production Activities* which doesn't seem to be clear as to whether this includes activities ancillary to production – like earthworks and buildings.

Federated Farmers submits that the logical solution to this would be to specify that activities ancillary to primary production like earthworks and buildings are included within the definition of *Primary Production Activities*. We will discuss this definition further on in our submission.

Relief Sought:

- That earthworks and buildings that are associated with primary production activities are permitted within Flood Hazard Overlays.

39 Subject matter and provision in the Plan:

Rule 19.4.1 (a) *Any activity that is not a permitted, controlled, restricted discretionary, or non-complying activity is a discretionary activity.*

Summary of reasons for this submission:

Federated Farmers opposes the default discretionary status of activities that are not assigned a status elsewhere.

Under Section 9 the use of land is presumed to be permitted unless it is restricted by a rule in a plan. We appreciate that not every eventuality can be covered with the use of activity lists, which is why

the Council should be identifying resource issues specific to the district and only control land use relating to the management of any adverse effects on those resources.

As per Section 76(3) when making a rule a territorial authority shall have regard to the actual or potential effect on the environment. The power to include rules in plans is provided by section 77A and the types of activities can only be described as per section 77B. There is no provision for activities to be described as “any activities not listed”. Further, the issue of adverse effects which have not been anticipated can be addressed via a plan change or variation. This is the appropriate remedy as provided by the RMA for activities otherwise unanticipated.

Relief Sought:

- That Rule 19.4.1(a) is deleted, and
- That permitted status is the default status for activities not otherwise provided for.

40 Subject matter and provision in the Plan:

Rule 19.4.11(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.*
- (ii) Earthworks.*
- (iii) Subdivision of land.*

Summary of reasons for this submission:

Federated Farmers is concerned that the use of the word site in this Rule will bring confusion when it interacts with the definition of *Site* in Chapter 26. The definition of *Site* refers to an entire property or certificate of title, whereas this Rule appears to refer to the discrete area that has the historic significance. Seeking to restrict buildings, earthworks and subdivision on the entire property even when not located near the historic area is impractical. While it is noted that there is only one historic site that is listed in Schedule 2 of the Plan that appears to be on private land, more sites may be added in the future.

Relief Sought:

- That Rule 19.4.11(a) is amended to read:

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~~ the historic site.*
- (ii) Earthworks on the historic site.*
- (iii) Subdivision of land where the boundary is on the historic site.*

41 Subject matter and provision in the Plan:

Condition 19.6.1 (a) *One residential dwelling unit per site.*

(b) *One family flat of up to 70m² in maximum gross floor area plus a covered verandah up to 10m² per site.*

Except on sites of 5,000m² or less, the maximum gross floor area of the family flat shall not exceed 50m² plus covered verandah up to 10m² per site.

Summary of reasons for this submission:

Providing only for one dwelling and one flat per property is too restrictive and will compromise the social and economic well being of people and communities.

Many farmers require multiple dwellings on the farm as accommodation for employees, farm managers or retired parents. Because farms are located in remote rural areas, by necessity worker accommodation needs to be provided. Providing housing in rural areas fulfils an important social service.

Other Councils such as Hauraki provide for a graduated approach to number of houses, where the number of dwellings permitted depends on the size of the property. This means that issues around density of dwellings in the rural zone are managed while also providing for more houses for larger properties. As currently written, the rule would only provide for one house and one flat if the property was 1ha or 1,000ha.

Policy 2.5.9 states that farm worker accommodation should be related to the scale of the primary production activities on site, however this Condition does not allow for scale of the property or production activity to be taken into account.

Relief Sought:

- That a graduated approach to the number of houses permitted per property is included in Condition 19.6.1, providing for more than two dwellings for larger rural properties.

42 Subject matter and provision in the Plan:

Condition 19.6.7 Noise

- (a) *Noise from any activity shall not exceed the following limits when measured at, or within, any point within any other site:*
- (i) *On any day -*
- *7.00am – 7.00pm: 55dB LAeq (15mins)*
 - *7.00pm – 10.00pm: 50B LAeq (15mins)*
 - *10.00pm 7.00am: 40dB LAeq (15mins)*
 - *10.00pm – 7.00am: 65dB (LAm_{ax})*
- (b) *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.*
- (c) *Construction, maintenance and demolition work shall be measured, assessed, managed and controlled in accordance with the provisions of NZS 6803:1999 Acoustics – Construction noise.*
- (d) *Except the noise limits in Rule 19.6.7 (a) shall not apply to:*
- (i) *Fire and civil emergency sirens.*
- (ii) *Audible bird scaring devices.*
- (iii) *Mobile sources associated with primary production activities.*
- (iv) *Construction, maintenance and demolition work.*
- (v) *The operation of the Main North Island Trunk Railway.*
- (vi) *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.*
- (vii) *Temporary Military Training Activities.*
- (viii) *Temporary events.*
- (e) *Audible bird-scaring devices (including firearms) shall comply with the following conditions:*
- (i) *Devices shall not operate between sunset and sunrise.*
- (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.*
- (iv) *There shall be no more than 12 events per hour on any site within 500 metres of a dwelling.*
- (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.*

Notwithstanding the above rules, Section 16 of the RMA imposes a duty on every occupier of land and any person carrying out an activity in, on, or under, a water body to adopt the best practicable option to avoid unreasonable noise.

Summary of reasons for this submission:

Noise from farming activities should be anticipated in the rural zone and unrestrained by secondary activities such as rural residential dwellings. Noise is part and parcel of a landscape that is used

activity for primary production, and farm households all accept this noise as incidental to getting the job done. Federated Farmers believes that education is a better method of reducing complaints about noise, rather than constraining normal farming activities with regulations.

Federated Farmers support the condition (d) (iii) regarding exemption for mobile sources associated with primary production. This could however be further improved by also allowing for temporary sources along the lines of (viii) temporary events. An example may be temporary calf rearing and the associated noise levels to also be exempt based on the temporary nature of the activity.

Relief Sought:

- That provision d (iii) is amended to read as follows:

(iii) Mobile and/ or temporary sources associated with primary production activities.

Or words to that effect.

43 Subject matter and provision in the Plan:

Condition 19.6.11 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.

(b) Within a Flood Hazard Overlay Area, the erection, placement, alteration of or addition to any non-habitable structure, with an unsealed or permeable floor shall not exceed a gross floor area of 40m² per site.

Summary of reasons for this submission:

This condition is severely restricting for farmed properties and should be deleted. Federated Farmers notes that significant areas of land are included within the Flood Hazard Overlay Areas, Planning Map 5 shows a good example of how much farmland is included within this overlay and therefore subject to this condition. In many cases entire properties are classified as within the Flood Hazard Overlay Areas.

Federated Farmers submits that the focus should be on adverse effects arising from land use and development rather than the activities themselves, and adverse effects should be avoided, remedied or mitigated to retain consistency with Section 31(1)(b)(i) of the RMA. Regulation should not unnecessarily restrict land use that is appropriate for the location susceptible to natural hazards, like farming.

The restriction to only 20m³ of earthworks per site per 12 months will severely limit normal farming earthworks, which is unnecessary and will not achieve sustainable management. Council would be processing resource consent applications for minor activities like clean filling around troughs which will have no affect on flooding. The purpose of the rule needs to be further delineated as to prevent

normal farming activities in the appropriate rural zone being captured. Most of the areas shown to be floodable are rural, and rural land use is appropriate and well-established here, and earthworks are vital for farming to continue. While we recognise that tracks are excluded, this does not go far enough to ensure that normal farming earthworks can continue.

The restriction to only 40m² floor area and the inclusion of non-habitable structures with permeable floors will directly restrict farm buildings, Federated Farmers submits that this is unnecessary and should be deleted. Rules intended to manage flood risk should not accidentally regulate farm building or fences, as these are not inhabited so lives will not be at risk, and such sheds and fences will not make flooding worse. There is no need to require a resource consent for a shed used to park tractors with a dirt floor: no lives are at risk if it floods; and there will be minimal damage compared to a house being flooded.

The Building Consent process and Building Codes already manage a building's resilience to natural hazards and ensures that buildings will be constructed sufficiently to withstand natural hazards and keep people safe. For example please refer to *Compliance Document for New Zealand Building Code Clause E1 Surface Water* which aims to safeguard people from injury or illness, and other property from damage, caused by surface water. There is no need for further regulation in the District Plan when concerns are already met by current building codes.

Relief Sought:

- That Condition 19.6.11 is deleted.

44 Subject matter and provisions in the Plan:

Condition 19.6.14 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.*

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*

Subject matter and provision in the Plan:

Federated Farmers has seen a similar transmission line corridor rule appear in proposed district plans, and we oppose all provisions relating to this subject. Transmission corridor rules in district plans that seek to constrain normal rural activities undertaken by a landowner on their own land should be deleted.

Transmission is Over Private Land: Matters concerning transmission lines across privately owned land should be private matters between network utility operators and the landowners across whose land the transmission lines pass, and should not be regulated in district plans.

Undermines Compensation: The Electricity Transmission Corridors and provisions will supplant the rights of landowners to achieve compensation when future upgrades to transmission lines are carried out. The Public Works Act 1981 outlines that compensation will be paid when injurious affection has occurred even if no land has been taken. If the injurious affection has occurred by restrictions in the District Plan, then this will erode landowners ability to obtain fair compensation.

Unnecessary to Protect Transmission Interests: Transpower already has the means to secure their interests by using the easement agreement system pursuant to the Land Transfer Act 1952, Part 3 of the Electricity Act 1992 provides for the powers and duties of electricity operators and owners of electrical works, and also grants statutory rights of access to existing works in Section 23 of the Electricity Act 1992.

Misunderstood NPS Direction: Policy 10 of the National Policy Statement on Electricity Transmission only seeks to ensure that electricity transmission of the national grid is not compromised. Policy 11 only requires that “sensitive activities” need to be managed, which are specifically defined in the NPS as schools, houses and hospitals. Farm buildings and primary production structures should not be managed as sensitive activities, nor will these activities compromise transmission. Any provisions relating to lines other than the national grid are also in breach of the NPS.

Duplicate Regulation: There is already a regulatory framework for safety distances for buildings and structures from overhead line supports. The NZECP34:2001 outlines distances for buildings in Section 2.4 and Section 3.3 has distances between buildings and conductors without engineering advice.

Duplicate Process: Landowners are already expected to obtain prior written consent from the owner of overhead electric line support structures if their activities exceed the minimum safe distances in NZECP34:2001. The proposed rules in the District Plan will mean that landowners will have to go through duplicate and parallel processes - obtaining prior written consent under NZECP34:2001, and applying to the Council for resource consent.

Relief Sought:

- That Condition 19.6.14 is deleted.

45 Subject matter and provisions in the Plan:

Condition 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.*
- (b) *No plantation forest shall be planted within 25 metres from any existing residential dwelling unit.*
- (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.*
- (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.*

Summary of reasons for this submission:

Federated Farmers considers that Condition 19.6.15 needs to focus on setbacks from a separately owned property, to avoid capturing adjacent properties owned by the same landowner.

Shelterbelts are commonly planted around houses to protect them from wind, and the definition could even capture hedges. It should be up to the landowner to determine whether they want shelter around the house, or to set trees back further to prevent shading.

Internal effects created by a forest or shelterbelt close to a house on the same property and owned by the same person should not be a concern. Creating effects upon oneself is not a matter of concern to the Council, as regulations should seek to reduce conflict and manage effects imposed upon others. It would be impractical to require a resource consent when the affected party is also

the applicant. A level of on-site flexibility needs to be retained so that landowners can tailor solutions to their individual needs and property considerations.

Replanting of existing forests that have been harvested need to be provided for as an existing use right, so Condition 19.6.15 should be limited to new trees only.

Relief sought:

- That Condition 19.6.15 is amended to read:
 - (a) *No new plantation forest shall be planted within 10 metres from any ~~site~~-boundary of a separately owned site.*
 - (b) *No new plantation forest shall be planted within 25 metres from any existing residential dwelling unit located on a separately owned site.*
 - (c) *Vegetation planted to form a new 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 separately owned site.*
 - (d) *No new 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. Or words to that effect.*

46 Subject matter and provision in the Plan:

Condition 19.6.16 (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.

Summary of reasons for this submission

Federated Farmers is unsure why this rule has been included and submits that it be deleted. The Council should not find itself having to monitor and enforce such a rule that does not achieve any clear resource management purpose and has a vague timeline.

Federated Farmers submits that Condition 19.6.16(a) be deleted, and that resource management issues regarding harvesting of forestry be left to the Regional Council as the Note advises.

Relief Sought

- That Condition 19.6.16(a) be deleted.

CHAPTER 22: UTILITIES AND ENERGY

47 Subject matter and provision in the Plan:

Rule 22.1.10(b) *(Minor upgrading of electricity and associated telecommunications lines, where the term “minor upgrading” shall mean an increase in the carrying capacity, efficiency or security of electricity and associated telecommunications lines, utilising the existing support structures or structures of a similar scale and character, and includes:*

- (i) Addition of circuits and conductors.*
- (ii) Reconductoring of the line with higher capacity conductors.*
- (iii) Resagging of conductors.*
- (iv) Addition of longer or more efficient insulators.*
- (v) Addition of earthwires, which may contain telecommunication lines, earthpeaks and lightning rods.*
- (vi) Addition of electrical fittings.*
- (vii) Tower replacement in the same location or within the existing alignment of the transmission line corridor.*
- (viii) Replacement of existing cross arms with cross arms of an alternative design;*
- (ix) Increase in tower height only to achieve compliance with the clearance distances specified in the New Zealand Electrical Code of Practice for Electrical Safe Distances NZECP 34:2001.*

Minor upgrading shall not include any increase in the voltage of the line above 110kV unless the line was originally constructed to operate at a higher voltage but has been operating at a reduced voltage.

Summary of reasons for this submission:

Federated Farmers opposes Rule 22.1.10(b) which gives a definition for *minor upgrading*, which means that a large scale of activities that can have significant adverse effects are inappropriately provided for as permitted. It must be remembered that often network utilities can be located on land that is not owned by the network utilities company, but by a private landowner. Farmers host network utilities such as electricity transmission lines on their own private land, and so rules that allow upgrading activities will have a direct impact on them.

Rule 22.1.10(b) provides for much larger scale of activities such as the replacement of an entire electricity transmission tower, which does not even have to occupy the same footprint but can be within alignment of the existing corridor, as permitted. Increase in tower height will also be permitted. This Rule displays an insufficient understanding of the adverse impacts that burden the owners of the land that infrastructure is located on.

Upgrading activities will involve a network utility operator temporarily occupying a wider strip of land than what the completed utility needs. Disturbance and impacts of construction include damage to pasture and soil compaction; damage to property, gates and fence lines; livestock disturbance; having to change farming practice like not being able to graze particular paddocks or continue with irrigation; damage and destruction of crops; and storage of materials and machinery

on the property. There will be effects on the remainder of the property as workers will need access over the property to reach the construction site such as damage to private roads and tracks, the removal of fences or widening of gateways. Even worker facilities like smoko rooms and portaloos will be located on the land. Landowners are also concerned about liability if there is an accident while workers are on their land.

Adverse effects of upgrading need to be considered during a resource consent process and avoided, remedied or mitigated by conditions. Allowing for any scale of upgrading as permitted is inappropriate and will not achieve sustainable management as envisaged by Section 5 of the RMA.

Relief Sought:

- That Rule 22.1.10(b) is deleted, and
- That minor upgrading and upgrading of network utilities are a discretionary activity.

CHAPTER 23: HAZARDOUS SUBSTANCES

48 Subject matter and provision in the Plan:

23.1 Exemptions – Hazardous substances

Summary of reasons for this submission:

As stated in our comments document dated 9th March 2012, Federated Farmers supports the permitted activity status for hazardous substances that do not exceed the medium threshold hazard factor which, as we understand it covers, farm fertilisers (which may be corrosive, toxic/ ecotoxic and oxidative), fuel (flammable) and Agrichemicals (toxic /ecotoxic).

Federated Farmers also supports the explicit exemptions for some hazardous substances as outlined on page 23-1 of the proposed district plan. Within these listed exemptions there are sound provisions made for the exemption of storage and use of agrichemicals (m) as long as the use and storage is in accordance with the New Zealand standard 8409:2004 Management of Agrichemicals.

Although an exemption is also included for storage of superphosphate and lime or similar fertilisers in the rural zone Federated Farmers believes that improvements to the exemption could be made which align the fertiliser provision more closely to the agrichemical exemption.

Given the reasons for exemptions as outlined at the top of page 23-2 of the draft district plan which include small quantities of material stored, impracticality of exercising control or because industry codes of practice provide adequate levels of security the citing of the relevant legislation for fertilisers would strengthen the exemption for fertilisers and align this exemption with that included for agrichemicals.

Federated Farmers also believe that an advice note should accompany this exemption to ensure that readers of the plan know to refer to the regional plan for rules governing fertiliser use. We do note that reference to use being managed by the regional plan is made under section 9.1 Issue Discussion on page 9-2 of the proposed district plan.

Federated Farmers also believe that it is appropriate to also list an exemption for the storage of fuel for use in primary production where the storage of that fuel complies with the Guidelines for Safe Above Ground Fuel Storage on Farms.

Federated Farmers have a firm belief that where current and relevant legislation exists that such legislation forms the basis of district plan provisions and guidelines.

The inclusion of reference to relevant industry standards also complements the methods for issue 9.1 and objective 9.1.1 (page 9-4, Proposed District Plan).

Relief Sought:

- That an additional exemption for fuel storage for use in primary production is also provided along the lines of the wording below

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 for primary production where it complies with the Guidelines for Safe Above-Ground Fuel Storage on Farms (Department of Labour, Oct 2001) for fuel.

- That Rule 23.1.1(e) is amended to read:

Storage of superphosphate, ~~or~~ lime or any and other fertilisers 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.

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.

CHAPTER 24: SUBDIVISION AND DEVELOPMENT

49 Subject matter and provision in the Plan:

Condition 24.2.5 Esplanade Reserves/Strips

Summary of reasons for this submission:

Federated Farmers understands that the identification of the Schedule 12 Water bodies is generally so that a more comprehensive network of esplanade reserves of strips can be formed. If this is the case then Federated Farmers is generally supportive but would however suggest some minor amendments to Condition 24.4.5 (b) to improve clarity.

Regarding additional provisions with Condition 24.2.5 Federated Farmers support the level of flexibility that these rules represent with regard to how and when the requirements of an esplanade reserve or strip is applied and the ability to waive reserves or strips in appropriate circumstances specifically 24.2.5 (g) (l – x).

Federated Farmers supports Condition 24.2.5(f) providing for payment of compensation unless agreed otherwise with the proprietor, which is consistent with Section 237F of the RMA.

Support is also given for Condition 24.2.5(g) which enables the reduction or waiver of esplanade in certain circumstances. Particular support is given for article (vi) *the rights of property owners and the security of private property*.

Relief Sought:

- That Condition 24.2.5 (b) is amended to read:

(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 m, where adjacent to any other Schedule 12 water body.

- That Conditions 24.2.5 (f) and (g) are retained.

CHAPTER 26: DEFINITIONS

50 Subject matter and provision in the Plan:

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.

Summary of reasons for this submission:

Federated Farmers submits that the definition of *Earthworks* excludes normal farming earthworks.

Earthworks are part and parcel of farming activities, and comprise of such a range of activities from depositing clean fill around gates and troughs to reduce mud, laying water pipes to troughs, digging silage pits, bulldozing for new fence lines, and farm tracking. These are all activities that are expected to occur on farms and are minor scale compared to subdivision development earthworks or network utility earthworks.

Councils such as Western Bay of Plenty and Franklin exclude agricultural and horticultural earthworks from the definition of *Earthworks* and thus a subsequent exclusion from regulation. This is a common-sense approach that acknowledges how important agriculture and horticulture is to these rural districts. Their approach means that farmers and orchardists are permitted to carry on their normal activities and that the Council need not waste time and resources processing consents that have little benefit.

For your interest, the Western Bay of Plenty definition of Earthworks is:

“Earthworks” means the alteration of land contours on any site including, without limitation; deposition, disturbance of land by moving, removing, placing or replacing soil by excavating, cutting, filling or backfilling and re-compacting of existing ground, but does not include domestic and reserve gardening, quarrying and normal agricultural and horticultural practices.

Federated Farmers urges Horowhenua District Council to follow their lead and include an enabling, forward-thinking and practical definition of *Earthworks*.

Relief Sought:

- That agricultural and horticultural earthworks are excluded from the definition of *Earthworks*.

51 Subject matter and provision in the Plan:

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.*

Summary of reasons for this submission:

Federated Farmers submits that the definition of *Hazardous Facility* expressly excludes farm storage of substances.

Rule 23.1 exempts fertilisers and agrichemical use and storage in the rural zone from provisions in Chapter 23, for consistency the definition of *Hazardous Facility* should also exclude on-farm storage.

Relief Sought:

- That the definition of *Hazardous Facility* excludes on-farm use and storage:

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.*
- *On-farm use and storage of fertilisers, fuel and agrichemicals.*

52 Subject matter and provision in the Plan:

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.

Summary of reasons for this submission:

Federated Farmers is concerned that this definition of *Open Space* may lead to confusion around public access over private land. The inclusion of private areas and the note that they do not specifically need to be zoned as Open Space could indicate to the public that farms are available as Open Space and publically accessible. Areas such as QEII covenants may be protected for their intrinsic scenic or natural qualities, but these remain on private land. Members of the public who enter private land without permission from the landowner are trespassing.

Relief Sought:

- That the definition of *Open Space* is amended to exclude private land to remove any confusion regarding public access over private land.

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.

53 Subject matter and provision in the Plan:

Primary Production Activity 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. **Primary Production Building** means any building used solely to support primary production.

Summary of reasons for this submission

Federated Farmers supports the definition of Primary Production Activity, however as per our submission on the definition of *Earthworks*, we submit that earthworks associated with agriculture and horticulture are incorporated into the definition of *Primary Production Activities*.

Relief Sought

- That the definition of *Primary Production Activity* is amended to include agricultural and horticultural earthworks.

Federated Farmers is a not-for-profit primary sector policy and advocacy organisation that represents the majority of farming businesses in New Zealand. Federated Farmers has a long and proud history of representing the interests of New Zealand's farmers.

The Federation aims to add value to its members' farming businesses. Our key strategic outcomes include the need for New Zealand to provide an economic and social environment within which:

- Our members may operate their business in a fair and flexible commercial environment;
- Our members' families and their staff have access to services essential to the needs of the rural community; and
- Our members adopt responsible management and environmental practices.

These comments are representative of member views and reflect the fact that resource management and government decisions impact on our member's daily lives as farmers and members of local communities.

Federated Farmers thanks the Horowhenua District Council for considering our submission to the proposed Horowhenua District Plan.



SUBMISSION FORM
Proposed Horowhenua District Plan
Resource Management Act 1991
Form 5 of Resource Management
(Forms, Fees, Procedure) Regs 2003

Council Use Only

Date Received:/...../.....

Submission No:



Submissions can be:

Delivered to: Horowhenua District Council Offices, 126 Oxford Street, Levin

Posted to: Shaping Horowhenua, Horowhenua District Council, Private Bag 4002, Levin 5540

Faxed to: (06) 366 0983

Emailed to: districtplan@horowhenua.govt.nz

Submissions must be received no later than 4:00pm 12 November 2012

1. Submitter Contact Details

Full Name: Philip Hocquard

Name of Organisation: *(If on behalf of an Organisation)* LOWE CORPORATION LIMITED and COLYER MAIR ASSETS LIMITED

Address for Service: 499 Coventry Road

Hastings Post code: 4172.....

Telephone (Day time): (06) 872-7799 Mobile: (027) 208-3302.....

Email: pwh@lowecorp.co.nz.....

Note: you must fill in all sections of this form.

2. Trade Competition

I could gain an advantage in trade competition through this submission? Yes No

I am directly affected by an effect of the subject matter that

(a) adversely affects the environment; and

(b) does not relate to trade competition or the effects of trade competition? Yes No

Please note that if you are a person who could gain an advantage in trade competition through the submission, your right to make a submission may be limited by Clause 6 of Schedule 1 of the Resource Management Act 1991.

3. The specific provisions of the Proposed District Plan that my submission relates to are as follows: (Please specify the Rule, Policy or Map number your submission relates to)

.....

Generally, we support the proposed plan particularly with its emphasis on the economic, social and cultural well-being of the community. Our business provides employment and economic benefits for Levin as well as supporting infrastructure for other businesses in the Horowhenua and surrounding regions and, accordingly, benefits the social and cultural well-being of the town and the surrounding area.

However, our concern is that the objectives, policies and rules under the Plan do not unduly restrict our ability to operate. In particular, we have concerns about Rule 16.6.7 in respect of Odour in the Industrial zone as well as Rules 16.6.2 and 16.6.5 where our property adjoins residential and open space zones..

(Continue on a separate sheet if necessary)

4. My submission is that: *(Clearly state whether you SUPPORT or OPPOSE specific parts of the Proposed District Plan or wish to have amendments made, giving reasons for your views)*

With respect to Rules 16.6.2 and 16.6.5 that consideration be given by Council to apply the setback and screening Rules to the properties situated in the adjacent zones rather than to the Industrial zone properties, given the contribution of industry to the economic, social and cultural well-being of the community. The application of these Rules as they are could be an undue restriction on properties in the Industrial zone when the effects they are endeavouring to resolve could be mitigated or resolved by some adjustments being made on the neighbouring properties.

With respect to Rule 16.6.7, this Rule is too vague and does not take into account the rationale for having a separate Industrial zone in the first place. Whether an odour is offensive should be judged not only by at least two people but should also have regard to the frequency, intensity, duration, offensiveness and location of the odour (the FIDOL factors) and the fact that odours from other sources and those typical of an industrial environment could be anticipated near an industrial zone.

(Continue on a separate sheet if necessary)

5. I/We seek the following decision from the Horowhenua District Council: *(Give precise details of what amendments you wish to see and your reasons)*

As above.....

(Continue on a separate sheet if necessary)

6. Proposed District Plan Hearing

Do you wish to attend the Council hearing for the Proposed District Plan? Yes No

Do you wish to be speak in support of your submission at the hearing? Yes No

If others make a similar submission would you be prepared to consider presenting a joint case at the hearing? Yes No

I have attached ...0..... additional pages to this submission.

Signature of Submitter: Date: 12/11/2012
(Or person authorised to sign on behalf of submitter)

Note: A signature is not required if you make your submission by electronic means.

Submissions must be received no later than 4:00pm 12 November 2012

Further Information

If you require further information about the Proposed District Plan please visit the Council website www.horowhenua.govt.nz or email districtplan@horowhenua.govt.nz or phone (06) 366 0999.

Privacy Act 1993

Please note that submissions are public information. Information on this form including your name and submission will be accessible to the media and public as part of the decision making process. Council is required to have this by the Resource Management Act 1991. Your contact details will only be used for the purpose of the Proposed District Plan process. The information will be held by the Horowhenua District Council, 126 Oxford Street, Levin. You have the right to access the information and request its correction.

SUBMISSION ON PROPOSED HOROWHENUA DISTRICT PLAN

TO: Horowhenua District Council

FROM: Horticulture New Zealand

ADDRESS: PO Box 10 232
WELLINGTON

1. Horticulture New Zealand's submission, and the decisions sought, is detailed in the attached schedules:

Schedule 1: Overall comments
Schedule 2: Definitions
Schedule 3: Part B Objectives and Policies
Schedule 4: Part C Rules

2. Horticulture New Zealand wishes to be heard in support of this submission.

3. Background to Horticulture New Zealand and its RMA involvement:

3.1 Horticulture New Zealand was established on 1 December 2005, combining the New Zealand Vegetable and Potato Growers', New Zealand Fruitgrowers' and New Zealand Berryfruit Growers Federations, and also includes Olives New Zealand.

3.2 On behalf of its 6,000 active grower members Horticulture New Zealand takes a detailed involvement in resource management planning processes as part of its National Environmental Policies. Horticulture New Zealand works to raise growers' awareness of the RMA to ensure effective grower involvement under the Act, whether in the planning process or through resource consent applications. The principles that Horticulture New Zealand considers in assessing the implementation of the Resource Management Act 1991 (RMA) include:

- The effects based purpose of the Resource Management Act,
- Non-regulatory methods should be employed by councils;
- Regulation should impact fairly on the whole community, make sense in practice, and be developed in full consultation with those affected by it;
- Early consultation of land users in plan preparation;
- Ensuring that RMA plans work in the growers interests both in an environmental and an economic sustainable production sense.

Thank you for the opportunity to submit on the Proposed Horowhenua District Plan



Chris Keenan
Manager, Resource Management and Environment

Date: 12 November 2012

Address for Service:

Manager, Resource Management and Environment
Horticulture New Zealand
P O Box 10-232
WELLINGTON

DDI: 64 4 470 5669
Mobile 0274 668 0142
Fax: 64 4 471 2861
Email: chris.keenan@hortnz.co.nz

SCHEDULE ONE: Overall comments

1.1 Horticulture is an important activity in Horowhenua and contributes significantly to the economic and social wellbeing of the district. Key industries include, but are not limited to potatoes, onions, asparagus, fresh vegetables, and kiwifruit.

1.2 Horticulture New Zealand considers that the production of food is a critical issue that should be reflected in the District Plan and the role that the district contributes to such production through the combination of factors and attributes that are required for food production to be undertaken.

Recent changes to the Horizons One Plan note the acceptance of this. In particular, changes have been made that recognise the importance of the district for domestic food supply, with a value for domestic food supply being added to specified catchments within the Horowhenua, in particular catchments of Lake Horowhenua, the Ohau River and immediately south of the River.

In addition, changes have been made to provisions relating to management of soils that recognise the importance of protecting the production systems from inappropriate subdivision and development.

1.3 Horticulture New Zealand seeks that provision will be made in the District Plan that will enable the maintenance of the attributes required for food production so that this important activity can continue in the district.

1.4 Consequential Amendments
Horticulture NZ is aware that consequential amendments may be required to give effect to this submission or any consultation / collaboration in relation to it.

Decision Sought: Provide for consequential amendments that give effect to the intent of the submission, other wording other than the relief stated in the decisions sought in following schedules, if it gives effect to the intent, or as a consequence of the submission.

SCHEDULE TWO: Definitions

2.1 Building

The definition of building does not include any pergola or similar structure of a substantially open nature. Horticulture NZ supports the exclusion but seeks that crop support structures and crop protection structures are specifically included in the exemption as they are of a substantially open nature.

Decision sought:

Amend clause g) of the definition of building as follows:

Any pergola, crop support structure or crop protection structure or similar structure of a substantially open nature.

2.2 Bund

The definition describes a number of functions of a bund. A bund can also be used as a sediment control mechanism to stop sediment laden storm water getting into water bodies. This should be added to the definition of bund or the definition amended so that it is not limited to the specific uses listed.

Decision sought:

Amend the definition of bund by either:

- a) replace 'means' with 'includes' or
- b) add 'or sediment control mechanism'.

2.3 Development

The definition of development is very broad:

Carrying out:

- any work
- or ancillary activity

on any land **including**

- construction alteration or demolition of any building
- any excavation of land
- any deposit of material on land.

The use of the word 'including' means that 'development' is not limited to the specified matters.

The term development is used in the RMA in the context of 'subdivision, use and development' so the term development is likely to be used throughout the requirements of the District Plan. The open ended nature of the definition therefore is of concern.

Decision sought:

Amend the definition of development as follows:

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.

2.4 Earthworks

The definition of earthworks means any alteration to the existing natural ground level including:

- re-shaping
- re-contouring
- excavation
- backfilling
- compaction
- stripping of vegetation and topsoil
- depositing of clean fill.

Therefore the definition of earthworks could include a range of activities undertaken as part of rural production activities. Proposed Rule 19.6.12 in Plan Change 22 includes provisions for earthworks in the Rural Zone but specifically has a note stating: *The term earthworks does not include 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 re-contour the land.*

However it is questioned what status a Note has in the Plan and so it is sought that the exclusion be added to the definition of earthworks in the Proposed Plan. Harvesting of crops, removal of trees and root ripping are specifically sought to be added as they are activities that may disturb the soil but with minimal effects.

Decision sought:

Amend the definition of earthworks by adding the exclusion.

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 offal pits and installations of services where these activities do not reshape or re-contour the land.

- 2.5 Hazardous facility. The Proposed Plan has a definition of hazardous facility which includes a number of exclusions. However Rule 23.1 lists a range of items and facilities that are exemptions from the hazardous substance rules. Therefore the definition of hazardous facility is misleading as it is not consistent with Rule 23.1.

The focus in the rules should be on the substances and quantities stored so a definition of hazardous facility is not required.

Decision sought:

Delete the definition of hazardous facility.

- 2.6 Open space. The definition of open space means any public or private area of *substantially unoccupied space* or vacant land. It includes a list of areas such as parks, reserves, playgrounds, landscaped areas, gardens. It then states: "It need not specifically be zoned as Open Space."

The Proposed Plan includes provisions for an Open Space Zone which is essentially

land owned and managed by council but land owned by both entities is covered in other section of the Proposed Plan.

Horticulture NZ is concerned that the combination of 'private area', 'substantially unoccupied space' and not zoned as Open Space could give an impression that rural production land could be termed 'open space'. An amendment is sought to the definition to ensure that primary production land is not considered to be 'open space'.

Decision sought:

Amend the definition of 'open space' by adding: Land used for Primary Production Activities is not included as open space:

OR

Limit it to the land identified in the Open Space Zone by deleting the last sentence of the definition.

- 2.7 Sensitive activities. The definition of sensitive activities includes a list of activities. However hospitals, rest homes or medical facilities are not included. It would be appropriate to specify these facilities as sensitive activities.

Decision sought:

Amend the definition of sensitive activities to include hospitals, rest homes or medical facilities.

- 2.8 Reverse sensitivity

The Proposed Plan discusses reverse sensitivity but there is no definition for the term. It would be useful that there is clarity as to what the term means and that it is the potential effects of a new activity on an existing lawfully established activity that is the issue.

Decision sought:

Include a definition for reverse sensitivity as follows:

"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.

SCHEDULE THREE: Part B Objectives and Policies

3.1 Chapter 2 - Rural Environment

3.1.1 Policy 2.1.20

Policy 2.1.20 is to implement Objective 2.1.1 which is not open for submission. The policy seeks to avoid remedy or mitigate adverse effects on rural character, including rural production values. This approach is supported. However it is considered that there should be specific mention of potential reverse sensitivity effects as these are a concern to primary production in the district.

Decision sought:

Amend Policy 2.1.20 by adding after 'rural productive values' 'and potential reverse sensitivity effects'.

3.1.2 Policy 2.1.21

Policy 2.1.21 seeks to encourage the creation of local open space areas when land is subdivided. However there is a concern the rural production land could be taken out of production to create such open spaces. This should be a matter of consideration in the policy.

Decision sought:

Amend Policy 2.1.21 by adding an additional bullet point:

- Protection of primary production activities in the area and does not take land out of rural production activities.

3.1.3 Explanation and Principal Reasons

Consistent with the change sought to Policy 2.1.21 an additional sentence is sought to the Explanation and Principal Reasons.

Decision sought:

Add to the Explanation and Principal Reasons the following:

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.

3.1.4 Sustainable Land Management Practices

The Proposed Plan seeks to introduce a new section on Sustainable Land Management Practices. The Council seeks to "assess and positively influence the significantly adverse effects of land use activities on soil capability."

It is acknowledged that the Regional Council is the authority directly responsible for soil conservation and land disturbance and also discharges. So it is unclear the extent to which Section 2.4 should be included in the Proposed Plan. Growers are facing regulation through the Proposed One Plan and adding an additional layer on similar issues within the District Plan is not appropriate. For instance: statements such as 'successive and uninterrupted cropping' and 'loss of soil versatility' as examples of

'inappropriate land management' need to be seen in the wider context of the operations in the district. Given that this issue is already addressed in the Proposed One Plan Section 2.4 should be deleted.

Decision sought:

Delete Section 2.4 Sustainable Land Management Practices.

3.1.5 Issue 2.5 Land use activities – Nature, Character, Amenity Values and Servicing.

The Explanation and Principal Reasons to Section 2.1 Effects of subdivision and subsequent use and development set out the key elements that contribute to rural character linked to the primary production activities in the area. Section 2.1 is part of Plan Change 20, so not open for submissions as part of the Proposed District Plan.

However Section 2.5 introduces provisions that relate to rural character and seeks to manage reverse sensitivity effects. This approach is supported, however some changes are sought to provide greater clarity as to where responsibilities lie.

The Issue describes a number of adverse effects of activities that are of concern. The language is rather emotive and describes activities rather than adverse effects. For instance: "The careless and indiscriminate use of air sprays resulting in spray drift". The words describe an activity, rather than effects. There are many factors that can contribute to off-target spray drift. Such incidents are the responsibility of the regional council as they manage discharges to air. Therefore the district council's function relates to land use to ensure that reverse sensitivity effects do not occur – that is rural residential lifestyle being located too close to primary production activities where agrichemical spraying is likely to be undertaken – resulting in potential for complaints from the lifestyleers. Often the complaints are linked to perception rather than actual effects.

Decision sought:

Amend bullet point 5 in Issue 2.5 as follows:

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

3.1.6 Objective 2.5.1 Land use activities - Nature, Character, Amenity Values and Servicing.

The objective seeks to ensure that primary production activities can function efficiently and effectively while avoiding reverse sensitivity effects. As written it would appear that it is the primary production activity that should be avoiding remedying or mitigating the reverse sensitivity effects. The presumption should be the other way around – it is the responsibility of the new sensitive activity to manage the potential for the reverse sensitivity effects due to sensitivity to the lawfully established primary production activity.

It is considered that Objective 2.5.1 addresses two matter and they would be better split into two separate objectives.

Decisions sought:

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.

Add new objective as follows:

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.

3.1.7 Policy 2.5.2

The policy provides for the operation of primary production activities that meet minimum environmental standards necessary to avoid, remedy or mitigate adverse effects without unduly affecting the landowners ability to use their land productively. This policy is supported.

Decision sought:

Retain Policy 2.5.2.

3.1.8 Policy 2.5.3

Policy 2.5.3 provides for the establishment of new non-primary production activities as long as they are compatible with primary production activities and as long as they avoid, remedy or mitigate adverse effects. It would be useful to add 'including potential reverse sensitivity effects' to the policy so it is clear the effects that need to be managed.

Decision sought:

Amend Policy 2.5.3 by adding "including potential reverse sensitivity effects' at the end of the policy.

3.1.9 Policy 2.5.4

Policy 2.5.4 is similar to Policy 2.5.3 however the existence of primary production should be included in the policy.

Decision sought:

Amend Policy 2.5.4 by adding 'including effects on primary production activities', after environment.

3.1.10 Policy 2.5.9

Policy 2.5.9 recognises the need for farm worker accommodation to be located on the site of the primary production activity and this is supported.

Decision sought:

Retain Policy 2.5.9.

3.1.11 Policy 2.5.10

Policy 2.5.10 seeks to manage the effects of buildings on rural privacy and character

through boundary setbacks. The location of buildings is also a key factor contributing to potential for reverse sensitivity effects. This should be acknowledged in the policy.

Decision sought:

Amend Policy 2.5.10 as follows:

Avoid, remedy or mitigate adverse effects, including potential reverse sensitivity effects, on 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.

3.1.12 Policy 2.5.11

Policy 2.5.11 specifically seeks to manage reverse sensitivity conflicts, through appropriate separation distances, giving priority to existing lawfully established activities. This is supported. However the policy should include 'potential reverse sensitivity conflict' because the point where such potential conflicts are best managed is through subdivision and building locations to avoid the potential for such effects.

Policy 2.5.13 addresses odour, which is a potential reverse sensitivity effect. It would be better for Policy 2.5.14 to be incorporated into Policy 2.5.11.

Decision sought:

Amend Policy 2.5.11 as follows:

Manage potential reverse sensitivity conflict between primary production activities and sensitive activities, including effects from odour, through appropriate separation distance, while giving priority to existing lawfully established activities.

3.1.13 Policy 2.5.14

The policy relates specifically to odour and the potential for reverse sensitivity conflicts. This is best addressed in Policy 2.5.11.

Decision sought:

Delete Policy 2.5.14 and include within Policy 2.5.11.

3.1.14 Policy 2.5.16

The policy seeks to manage land use activities, subdivision and development adjacent to the National Grid, State Highway and rail network. However there is also a need to consider the effects of such activities on primary production activities, particularly the National Grid, which may traverse across rural land.

Decision sought:

Add to the end of Policy 2.5.16:

.. while not compromising the primary production activities undertaken on the site.

3.1.15 Policies 2.5.19 and 2.5.20

Both policies address signage. There is no mention of signage relating to hazard

identification and safety on the site. Such signage should be provided for as a permitted activity in the Rural Zone. The policy structure needs to allow for such provisions.

Decision sought:

Add a new policy to provide for signage for hazard identification and safety on the site. Amend Paragraph 8 of the Explanation to include recognition of signs for hazard identification and safety on site.

3.1.16 Explanation and Principal Reasons for Section 2.5

The last paragraph in the Explanation describes reverse sensitivity as it relates to the Levin Wastewater Treatment Plant. However reverse sensitivity is wider than just that effect and the explanation should be amended to broaden the discussion.

Decision sought:

Amend Paragraph 10 in the Explanation by adding:
Reverse sensitivity can also exist where sensitive activities locate adjacent to existing primary production activities, leading to complaints about the existing lawfully established activity.

3.1.17 Anticipated Environmental Effects

AER 2b) provides for primary production activities as the principal land use in the rural zone. This is supported.

Decision sought:

Retain AER 2b).

3.2 Chapter 3 Natural Features

3.2.1 Section 3.3 Lakes Rivers and other water bodies

It is recognised that there are significant waterbodies in the district where there is a requirement to protect natural character and Section 3.3.1 provides for that. However the term 'adjacent' is used in a number of the policies. Horticulture NZ seeks to ensure that the extent of 'adjacent' does not impact on existing primary production activities. It is also important to recognise that there are activities adjacent to waterbodies that are managed through the Proposed One Plan because of potential discharges to water. Horticulture NZ wants to avoid duplication in terms of requirements between the district and regional plans.

Decision sought:

Ensure that existing primary production activities are not adversely affected through provisions in Section 3.3 or duplication of Regional Plan requirements.

3.2.2 Policy 3.3.8

Horticulture NZ supports a strategic and collaborative approach to management of lakes, rivers and other water bodies and their margins and catchments. This approach

to Lake Horowhenua was sought through the Proposed One Plan, seeking that all parties are involved in developing a management approach to the lake.

Decision sought:
Retain Policy 3.3.8.

3.3 Chapter 4 Open space and access to water bodies

3.3.1 The focus in Chapter 4 is on land owned by Council. However the proposed definition of open space is wider than just council owned land. A change is sought to the definition of open space so that it is clearly council owned land or other land designated or administered for open space.

Decision sought:
Amend the definition of 'open space' by adding: Land used for Primary Production Activities is not included as open space:
OR
Limit it to the land identified in the Open Space Zone by deleting the last sentence in the definition.

3.3.2 Objective 4.1.1 Open Space Zone

Horticulture NZ supports that the objective of Open Space Zone ensures that uses and development are compatible with the character and amenity of their surrounding environment. However it should also be compatible with the surrounding land uses.

Decision sought:
Amend Objective 4.1.1...to include land uses: ...'while ensuring the uses and development are compatible with the character, *land uses*, and amenity of the open spaces and their surrounding environment.

3.4 Chapter 5 Coastal Environment

3.4.1 Policy 5.1.2

Horticulture NZ supports the definition of the coastal environment linked to the Zone of Coastal Dominance.

Decision sought:
Retain Policy 5.1.2.

3.5 Chapter 8 Natural Hazards

Horticulture NZ recognises that there are flood prone areas within the Horowhenua District, including the Moutoa Floodway, and that Council is seeking to take a proactive approach to managing potential risks, particularly through controls on the location of buildings and structures. This is an appropriate approach. It is also recognised that primary production activities are undertaken on much land that is identified as flood prone. It is important that existing primary production activities are able to be continued on such land.

Decision sought:

Ensure that primary production activities are able to continue on land identified as flood prone.

3.6 Chapter 9 Hazardous substances and contaminated land

3.6.1 Policy 9.1.3

Horticulture NZ supports Policy 9.1.3 that seeks to provide for land use activities to use of hazardous substances through avoiding or mitigating adverse effects.

Decision sought:

Retain Policy 9.1.3.

3.6.2 Policy 9.2.3

Policy 9.2.3 requires 'development sites' to undertake investigations. As identified in relation to the definition of the term 'development' the proposed definition is very wide. When the term is used in a context such as Policy 9.2.3 it is important that the definition is clear and not open-ended.

Decision sought:

Amend the definition of development as follows:

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.

3.7 Chapter 10 Land Transport

3.7.1 Policy 10.3.5

Policy 10.3.5 seeks to ensure adequate on-site parking and maneuvering space is a 'safe and visually attractive manner'. Provision of parking space is a functional requirement. The need for safety is accepted. However it is unclear how council will determine if the area is 'visually attractive'. This requires a judgment that may not be related to the functional requirements of the site.

Decision sought:

Delete 'and visually attractive manner' from Policy 10.3.5.

3.7.2 Policy 10.3.6

Provision of on-site loading and unloading is a functional requirement. It is unclear how council will determine if the area is 'attractive'. This requires a judgment that may not be related to the functional requirements of the site.

Decision sought:

Delete 'and attractive manner' from Policy 10.3.6.

3.8 Chapter 12 Utilities and Energy

- 3.8.1 All the policies in Chapter 12 relating to network utilities focus on the requirements of the network utility. It is important to recognise that network utility operations can also impact on the land uses in the vicinity of the activity. While provision of network utilities is important to the district, doing so should not unreasonably compromise existing land use activities, particularly primary production activities in the Rural Zone.

Horticulture NZ is concerned about the use of the term 'upgrading' which is not defined in the Plan. 'Minor upgrading' is described in Rule 22.1.10 b). The scale and nature of upgrading can have significant impact.

Policy 12.1.3 seeks that network utilities avoid, remedy or mitigate adverse effects on the environment. Horticulture NZ seeks that the policy explicitly list adverse effects on primary production activities.

Decision sought:

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.

SCHEDULE FOUR: Part C Rules

4.1 Rural Zone

4.1.1 Rule 19.1 Permitted Activities

Rule 19.1 lists activities provided for as permitted in the Rural Zone. Clauses k) and m) refer to upgrading of network utilities. Clause m) specifically refers to 'minor upgrading'. Clause k) should be consistent with this approach. Rule 22.1.10 sets out what is 'minor upgrading'. Any upgrade that does not meet this description should not be a permitted activity.

Clause l) relates to signs. There should be provision for signs for safety and hazard identification as a permitted activity.

Decision sought:

Amend Rule 19.1 k) i) to include 'minor' upgrading of network utilities.

Amend Rule 19.1 l) to include for signs for safety and hazard identification as a permitted activity.

4.1.2 Rule 19.4.8 Flood hazard Overly Area

Rule 19.4.8 a) iv) makes the use of hazardous substances a discretionary activity in a flood hazard area. That would mean that a farmer or grower could not use agrichemicals or apply fertiliser in these areas without getting a discretionary consent. It is accepted that storage of such substances presents a risk, but inclusion of 'use' is inappropriate in terms of risk management.

Decision sought:

Delete 'use' from Rule 19.4.8 a) iv) or provide an exemption for use as part of primary production activities.

4.1.3 Rule 19.6.4 Building setbacks from boundaries and separation distances.

Horticulture NZ does not support the reduction in the setback distances for dwellings. These are a key tool in managing potential reverse sensitivity effects. Reducing the setbacks does not implement the objectives and policies in Chapter 2. It is considered that there could be a distinction in setbacks between dwellings and other buildings. It is where people are located in dwellings that is most likely to generate reverse sensitivity effects. A dwelling could be located closer, but would require an assessment of the effects, including potential reverse sensitivity effects. Greater setbacks are provided for residential dwelling units adjacent to intensive farming activities and effluent storage. Setbacks for dwellings from primary production activities should be included in this part of the rule.

Decision sought:

Amend 19.6.4 as follows:

Add an additional point to 19.6.4 b)

30 metres from any property where existing primary production activities are

undertaken..

4.1.4 Rule 19.6.7 Noise

There is provision in 19.6.7 d) iii) for an exemption in the noise rule for noise associated with primary production activities.

Decision sought:

Retain 19.6.7 d) iii).

4.1.5 Rule 19.6.7 e) Audible bird scarers

The provisions for audible bird scaring devices provide for the use of such devices within reasonable parameters. However some changes are sought to ensure the workability of the provisions. The main time of challenge from birds is before sunrise and after sunset so amendment is sought to be able to use devices in that time.

The provisions set an ASEL 65dB which takes into account the noise over a period of time so there is no need to also limit the number of events. The issue is the noise exposure which is addressed in clause iii).

Decision sought:

Amend Rule 19.6.7 e) to:

i) Devices shall not operate between one hour after sunset and one hour before sunrise.

iii) Add 'in different ownership' after other site.

iv) Delete clauses iv) and v).

4.1.6 Rule 19.6.9 Odour

Odour is a discharge to air which is managed by the Regional Council. The rule is a duplication and unnecessary.

Decision sought:

Delete Rule 19.6.9.

4.1.7 Transmission Line Corridor

Rule 19.6.14 limits activities within certain distances from transmission lines. There are exemptions for fences up to 2.5 metres in height. Horticulture NZ wants to ensure that there is provision for crop support structures and crop protection structures without setback requirements so an exemption is sought to Rule 19.6.14.

Decision sought:

Add to the exemption in Rule 19.6.14:

'crop support structures and crop protection structures that meet the requirements of NZECP 34:2001.'

4.1.8 Rule 19.6.15 Planting setbacks

The issue that the Council is seeking to address is shading of the road and neighbouring properties. Rather than apply an arbitrary height and setback distance the rule should provide that no shading of roads or neighbouring properties occurs at midday on the shortest day.

Decision sought:

Amend Rule 19.6.15 to require that there is no shading of roads or neighbouring properties occurs at midday on the shortest day.

4.1.9 Rule 19.6.26 Signs

There should be specific provision for signs for hazard identification and safety.

Decision sought:

Amend Rule 19.6.26 b) as follows:

'Official signs, including for hazard identification and safety'.

4.2 Chapter 22 Utilities and Energy Rules

4.2.1 Rule 22.1.2 Conditions for Permitted Activities Electricity voltage

Rule 22.1.2 provides for new electricity lines up to 110kV as a permitted activity. Such an approach means that landowners affected by the new line have no ability to comment or submit on the proposed new lines. This is important in that there may be requirements for separation distances of activities under NZECP 34:2001 that will impact on landowners. It is considered that all new lines should require resource consent.

Decision sought:

Delete Rule 22.1.2.

4.2.2 Rule 22.1.10 Maintenance, Replacement and upgrading network utilities.

Horticulture NZ supports the description of 'minor upgrading' in Rule 22.1.10 b). However Clause ii) is linked to the increase of voltage which is included at the end of the description. The two should be linked. In addition, minor upgrading should not increase the separation distances required in NZECP 34:2001 therefore impacting on adjacent landowners.

Decision sought:

Renumber point ii) as ix) with the requirement regarding increase in 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.'

4.3 Chapter 23 Hazardous Substances

- 4.3.1 Rule 23.1 provides exemptions for a range of hazardous substances including storage of fertiliser in the Rural Zone and the use and storage of agrichemicals in accordance with NZS 8409:2004. Horticulture NZ supports this approach.

Decision sought:

Retain Rule 32.1 Exemptions as notified.

- 4.3.2 Rule 23.2 Permitted activities

Storage of fuel on rural properties is not provided as an exemption from the hazardous substances rules so it is taken that Rule 23.2.1 b) would apply. The quantities specified in Table 23.2 are in weight. Substances such as fuels should be expressed in volume – litres. Storage of fuel that meets the requirements of HSNO should be provided for as a permitted activity. It is noted that the quantities in Table 23.2 appear to be sourced from the Land Use Planning Guide for Hazardous Facilities (MfE). This publication is pre-HSNO and should be used with caution. Quantities in Table 23.2 should therefore be reassessed to determine their alignment with HSNO provisions.

Decision sought:

Add an additional point to 23.2.1 as follows:

Storage of fuel in the Rural Zone for primary production activities that meets HSNO requirements is a permitted activity.

Review quantities in Table 23.2 to determine alignment with HSNO and express quantities in Table 23.2 to include volumes by litre.

4.4 Chapter 25 Assessment Criteria

- 4.4.1 25.2 Assessment criteria for land use consents in the Rural Zone

Horticulture NZ supports the inclusion of 25.2.1 d) to assess the likelihood of reverse sensitivity effects on primary production activities.

There are specific criteria listed for buildings under 25.2.2. It is assumed that the general criteria in 25.2.1 would also apply to buildings. This should be explicit.

Decision sought:

Retain 25.2.1 d).

Add at the beginning of 25.2.2 Buildings:

'In addition to assessment criteria in 25.2.1 buildings need to address specific assessment criteria.'

Add to the end of 25.2.2 h) 'including potential reverse sensitivity effects on primary production activities'.

- 4.4.2 25.2.6 Non-primary production activities

Matter f) relates to reverse sensitivity effects. The assessment should be on the potential for reverse sensitivity as actual effects are not known at assessment stage.

Decision sought:

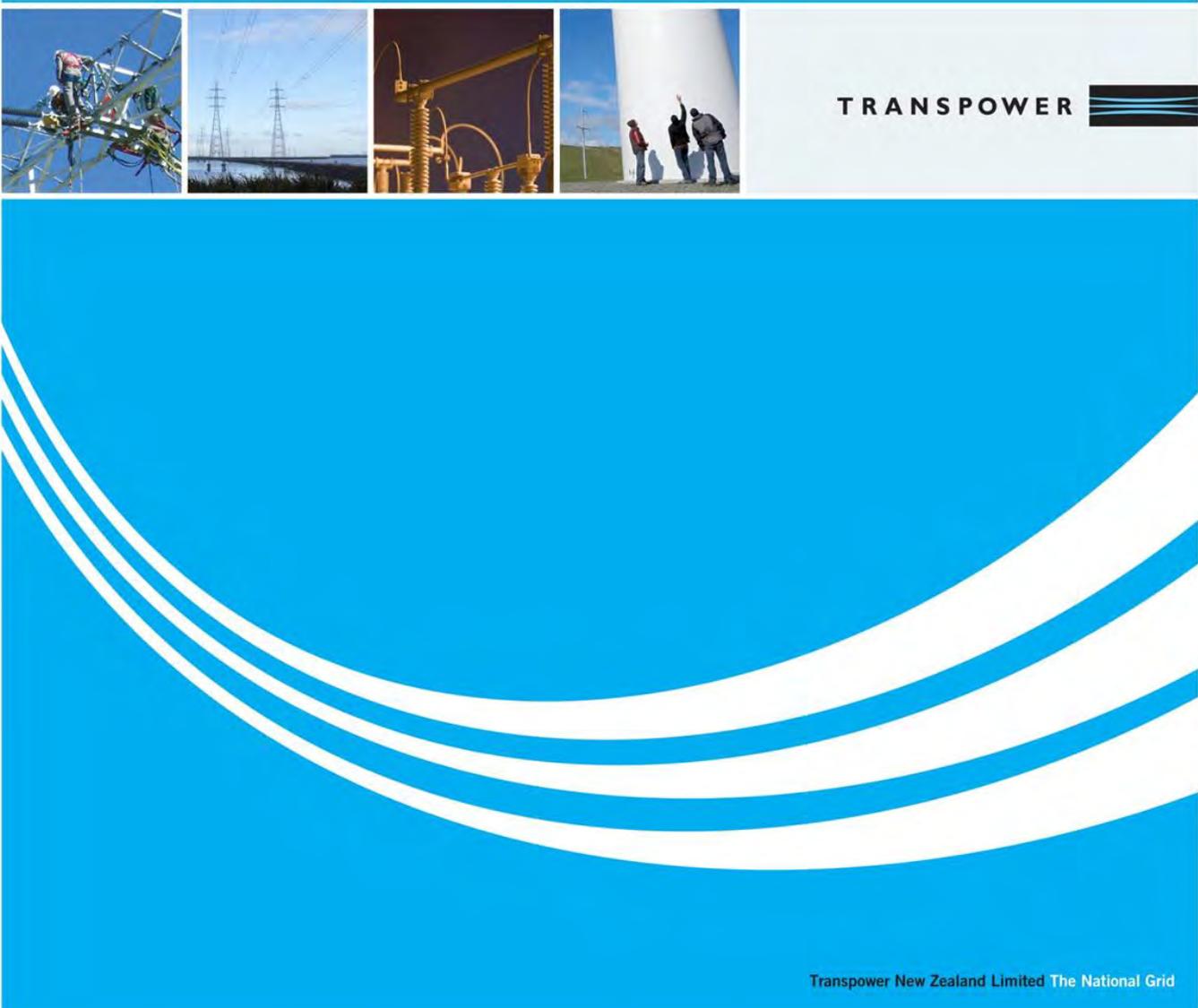
Amend 25.2.6 g).

'The extent to which the non-primary production activity has the potential to generate reverse sensitivity effects...'

Submission: Proposed Horowhenua District Plan 2012 by Transpower New Zealand Ltd

12 November 2012

Keeping the energy flowing



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APPROVED FOR RELEASE



Mike Hurley -Environmental Advisor

On behalf of the Environment, Strategy and Approvals Manager

1 Introduction

1.1 Introduction to Transpower

Transpower is a State Owned Enterprise that plans, builds, maintains and operates New Zealand's high voltage transmission network – the National Grid. The National Grid links generators to distribution companies and major industrial users. The National Grid, which extends from Kaikohe in the North Island down to Tiwai in the South Island, transports electricity throughout New Zealand.

The National Grid comprises approximately 12,000 km of transmission lines and around 180 substations. The control centres (located in Wellington and Hamilton) operate a network of around 300 telecommunication sites, most of which operate on a line of sight basis and link together the components that make up the National Grid.

The following National Grid transmission assets (owned and operated by Transpower) are located within the Horowhenua District (refer to map in Appendix A):

Electricity Transmission Lines:

- Bunnythorpe – Haywards A (BPE-HAY A) 220kV - single circuit on towers
- Bunnythorpe – Haywards B (BPE-HAY B) 220kV – single circuit on towers
- Mangahao - Paekakariki A (MHO-PKK A) 110kV – single circuit on single pole
- Mangahao - Paekakariki A (MHO-PKK B) 110kV - single circuit on single pole
- Bunnythorpe – Haywards A (BPE-WIL A) 220kV – double circuit on towers

Substations:

- Mangahao substation, Mangahao Road, Mangaore Village
- Mangahao Switchyard, Te Paki Road, Mangaore Village

Transpower recognises and appreciates that the HDC has consulted with Transpower on certain provisions, prior to the notification of the Proposed Plan.

1.2 National Policy Statement on Electricity Transmission 2008 (NPSET)

Under the Resource Management Act 1991 (RMA), Transpower's electricity infrastructure is a nationally significant physical resource that must be sustainably managed, and any adverse effects on that infrastructure must be avoided, remedied or mitigated.

The 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 objective of the NPSET is to be achieved through 14 policies which are briefly summarised below:

- Policy 1 recognises the national benefits of transmission, including the facilitation of the use and development of new electricity generation;
- Policies 2 – 9 guide the management of the environmental effects of transmission;

- Policies 10 and 11 seek to manage the adverse effects of third party activities on the transmission network;
- Policy 12 requires District Councils to identify the electricity network on their planning maps;
- Policy 13 requires decision makers to recognise the designation process as facilitating long-term planning of the infrastructure; and
- Policy 14 requires Regional Councils to include objectives, policies and methods to facilitate long term planning for investment in transmission infrastructure and its integration with land uses.

Section 75(3)(a) of the RMA requires that district plans must „give effect“ to a national policy statement. Decision makers are to be guided by the NPSET when drafting plan provisions and it should be taken into account during the hearing and decision making process.

The Ministry for the Environment NPSET Implementation Guide for Local Authorities provides direction on how the NPSET provisions could best be given effect to through district planning instruments. The guidance has been designed so local authorities can adapt rather than adopt the examples provided to suit the particular format and structure of their planning instruments, or as part of addressing the specific resource management issues of the district.

The NPSET requires local authorities to manage adverse effects caused by development near high-voltage transmission lines. Specifically, the NPSET requires local authorities to give effect to Policies 10 and 11, which require them to manage adverse effects caused by development near high-voltage transmission lines.

1.3 National Environmental Standards for Electricity Transmission Activities 2009 (NESETA)

The NESETA came into effect on the 14 January 2010 and apply to existing (as at 14 January 2010) high voltage transmission lines owned or operated by Transpower (i.e. existing National Grid transmission lines). The NESETA does not apply to substations, new high voltage transmission lines or lines that are not owned or operated by Transpower.

The NESETA provides a consistent national consent framework for managing the environmental effects of the operation, maintenance and upgrade of the existing high voltage electricity transmission network which takes into account the high level objective and policies of the NPSET.

The NESETA:

- specifies that electricity transmission activities are permitted, subject to terms and conditions to ensure that these activities do not have significant adverse effects on the environment; and,
- specifies the resource consent requirements for electricity transmission activities that do not meet the terms and conditions for permitted activities.

The Ministry for the Environment has prepared guidance to assist local authorities with reviewing (and amending) district plans to fully incorporate and recognise the NESETA.

Under Section 44A of the RMA, local authorities are required to ensure there are no duplications or conflicts between the provisions of the NESETA and a Proposed Plan.

1.4 Manawatu-Wanganui Regional Policy Statement

1.4.1 Proposed RPS - One Plan (2010 decisions version)

The Proposed One Plan (POP) sets out issues, objectives, policies and methods acknowledging nationally important infrastructure and how Horizons Regional Council will make decisions about it to ensure the benefits and effects are balanced and managed appropriately. The POP includes the following relevant provisions:

Issue 3-1 **Infrastructure and other physical resources of regional or national importance:**
There is potential for concerns about local adverse effects to prevail over recognition of the regional and national benefits of establishing infrastructure and other physical resources of regional or national importance. There is also potential for other activities to constrain the operation, maintenance or upgrading of infrastructure and other physical resources of regional or national importance.

Objective 3-1 **Infrastructure and other physical resources of regional or national importance:**
To have regard to the benefits of infrastructure and other physical resources of regional or national importance by enabling their establishment, operation, maintenance and upgrading.

Policy 3-1 **Benefits of infrastructure and other physical resources of regional or national significance:**

- a) *The Regional Council and Territorial Authorities must recognise the following infrastructure as being physical resources of regional or national importance:*
 - i. *facilities for the generation of more than 1MW of electricity and its supporting infrastructure where the electricity generated is supplied to the electricity distribution and transmission networks.*
 - ii. *The National Grid and electricity distribution and transmission networks defined as the system of transmission lines, sub-transmission and distribution feeders (6.6kV and above) and all associated substations and other works to convey electricity.*
- b) *The Regional Council and Territorial Authorities must, in relation to the establishment, operation, maintenance or upgrading of infrastructure and other physical resources of regional or national importance, listed in (a) and (aa), have regard to the benefits derived from those activities.*
- c) *The Regional Council and Territorial Authorities must achieve as much consistency across local authority boundaries as is reasonably possible with respect to policy and plan provisions and decision-making for existing and future infrastructure.*

Policy 3-2 **Adverse effects of other activities on infrastructure and other physical resources of regional or national importance:**
The Regional Council and Territorial Authorities must ensure that adverse effects on infrastructure and other physical resources of regional or national importance from other activities are avoided as far as reasonably practicable. Including by using the following mechanisms:

- a) *Ensuring that current infrastructure, infrastructure corridors and other physical resources of regional or national importance, are identified and had regard to in all resource management decision-making, and any development that would adversely affect the operation, maintenance or upgrading of those activities is avoided as far as reasonably practicable.*
- b) *Ensuring that any new activities that would adversely affect the*

operation, maintenance or upgrading of infrastructure and other physical resources of regional or national importance are not located near existing such resources or such resources allowed by unimplemented resource consent or other RMA authorisations.

- ba) Ensuring that there is no change to existing activities that increases their incompatibility with existing infrastructure and other physical resources of regional or national importance, or such resources allowed by unimplemented resource consents or other RMA authorisations.*
- c) Notifying the owners or managers of infrastructure and other physical resources of regional or national importance of consent applications that may adversely affect the resources that they own or manage.*
- d) Ensuring safe operation distances are maintained when establishing rules and considering applications for buildings, structures and other activities near overhead electric lines and conductors e.g. Giving effect to the New Zealand Code of Practice for Electrical Safe Distances (NZECP 34:2001), prepared under the Electricity Act 1992, and the Electricity (Hazards from Trees) Regulations 2003 prepared under the Electricity Act 1992.*
- e) Ensuring that any planting does not interfere with existing infrastructure e.g. giving effect to the Electricity (Hazards from Trees) Regulation 2003 promulgated under the Electricity Act 1992 and Section 6.4.4 External Interference Prevention of the Operating Code Standard for Pipelines – Gas and Liquid Petroleum (NZS/AS 2885), and*
- f) Ensuring effective integration of transport and land use planning and protecting the function of the strategic road and rail network as mapped in the Regional Land Transport Strategy.*

Policy 3-3

Adverse effects on infrastructure and other physical resources of regional or national importance on the environment:

In managing any adverse environmental effects arising from the establishment, operation, maintenance and upgrading of infrastructure or other physical resources of regional or national importance, the Regional Council and Territorial Authorities must:

- a) Allow the operation, maintenance and upgrading of all such activities once they have been established, no matter where they are located,*
- b) Allow minor adverse effects arising from the establishment of new infrastructure and physical resources of regional or national importance, and*
- c) Avoid, remedy or mitigate more than minor adverse effects arising from the establishment of new infrastructure and other physical resources of regional or national importance, taking into account:*
 - i. the need for the infrastructure or other physical resources of regional or national importance,*
 - ii. any functional, operational or technical constraints that require infrastructure or other physical resources of regional or national importance to be located or designed in the manner proposed,*
 - iii. whether there are any reasonably practicable alternative locations or designs, and*
 - iv. whether any more than minor adverse effects that cannot be adequately avoided, remedied or mitigated by services or works can be appropriately avoided, remedied or mitigated by services or works can be appropriately offset, including through the use of*

financial contributions.

Issue 3-1A **Energy:**
Energy conservation and energy efficiency are important but on their own will not be sufficient to meet future energy demands. If consumption of non-renewable energy resources is to be reduced or avoided, there will need to be an increase in the use of renewable energy resources. However, these are functional, operational and technical factors that constrain the location, layout, design and generation potential of renewable energy facilities.

Objective 3-1A **Energy:**
An improvement in the efficiency of the end use of energy and an increase in the use of renewable energy resources within the Region.

Policy 3-4 **Renewable Energy**
a) *The Regional Council and Territorial Authorities must have particular regard to:*
i) *The benefits of the use and development of renewable energy resource. . .*
ii) *The Region's potential for the use and development of renewable energy resources; and,*
iii) *The need for renewable energy activities to locate where the renewable energy resource is located. . . .*

Policy 3-5 **Energy Efficiency**
a) *The Regional and Territorial Authorities must have particular regard to the efficient end use of energy in consent decision-making processes for large users of energy. . .*

1.4.2 Operative Manawatu-Wanganui Regional Policy Statement (1998)

The Operative Regional Policy Statement includes the following relevant provision:

Objective 30 ***To have land transport systems and public utility networks which meet the needs of the Region, while avoiding, remedying or mitigating adverse environmental effects***

Policy 30.3 *To provide for the maintenance and future development of essential public services such as public utility networks*

1.4.3 Manawatu-Wanganui Regional Policy Statement – Overview

The policies above will be implemented by the Horowhenua District Plan and in decisions on resource consents and designations.

The Regional Policy Statement(s) specifically recognises the nationally significant benefits of the National Grid, electricity distribution and transmission and the need to enable its establishment, operation, maintenance and upgrading. In making resource management decisions, Territorial Authorities must ensure nationally important infrastructure is had regard to and that any development that would adversely affect the operation, maintenance or upgrading is avoided as far as practicable. This includes ensuring safe distances are maintained for buildings and structures in relation to overhead electricity line and conductors. The POP identifies that owners of infrastructure of nationally important infrastructure should be notified where the integrity of that infrastructure is potentially compromised. It is therefore appropriate, given the national significance of Transpower's electricity transmission network, that its management is comprehensively addressed in the Horowhenua District Plan.

1.5 Transpower's Corridor Management Approach

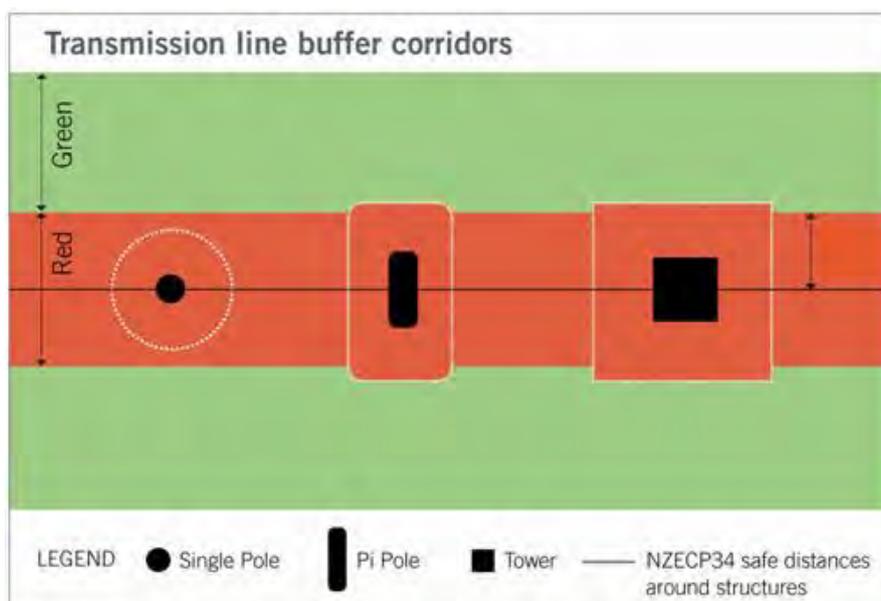
Transmission line buffer corridors (or „buffer zones“) are the area below, and immediately next to, transmission lines in which activities and land uses may be incompatible with the safe and efficient operation of the national electricity transmission network or the safety of the public. Buffer zones are an approach promoted by Transpower to manage activities that are incompatible with the national electricity transmission network.

Buffer zones do not unnecessarily restrict land use e.g. normal farming practices such as cropping, harvesting, grazing ploughing would not be restricted. Only incompatible activities such as those identified below would be restricted:

- large buildings and structures underneath the conductors (wires));
- earthworks around the tower foundations; and,
- earthworks that would materially reduce clearance distances to conductors would be restricted.

Transpower's approach to buffer zone management is focused on maintaining a secure supply of electricity and this forms the basis for Transpower's submissions on plan changes, district plan reviews and involvement resource consent applications.

The buffer zone approach identifies two zones: a red zone for the area under and closest to the line and a green zone for a short distance beyond this. The two buffer zones are illustrated below.



Transmission Line Buffer Corridors

1.5.1 Red Zone

The red zone relates to the area sought to be protected from inappropriate development and activity that is incompatible with transmission lines. This zone is typically 12m either side of the centre line of the transmission line; 10m either side on an 110kV or less single pole line. The red zone also includes the safe separation distances from the outer edge of support structures.

The red zone is determined by the swing of the conductors under „everyday wind“ conditions (based on a 46km wind) and the access requirements for maintenance purposes. The conductors are likely

to be within this corridor on most days and it is within this corridor that the maintenance activities will occur (they don't occur in high wind conditions).

1.5.2 Green Zone

The green zone is based on the maximum swing on the 95th percentile span; this recognises that generally the longer spans are in areas that are unlikely to be developed; e.g. over valleys. On the 220kV lines in the district this equates to an additional 25m beyond the zone. An additional 6m green zone is proposed for the 110kV lines to recognise the scattering of pi –poles on the 110kV lines that are predominately single pole lines.

Within the green zone Transpower recommend that all activities are managed by a district plan through permitted activity standards. The ability for an activity to benefit from permitted activity status is recommended to be conditional upon the activity being able to comply with the New Zealand Electrical Code of Practice for Electrical Safe Distances 2001 (NZECP34).

Compliance with NZECP34 is not a new requirement and all structures near a transmission line are required to be compliant with it, regardless of whether the activity is in Transpower's red or green buffer zone. The NZECP34 defines how close parts of a structure can be to the transmission line.

1.5.3 Approach to Subdivision

Transpower encourage subdivision layouts which locate building platforms away from the red zone and Transpower is generally supportive of development near transmission lines if planned appropriately in this respect and do not compromise the ability to maintain the transmission lines.

1.5.4 Approach to Planting Trees and Vegetation

The effects of planting and vegetation in the transmission line buffer zone are managed by the Electricity (Hazards from Trees) Regulations 2003 under the Electricity Act. The Hazards from Trees Regulations outline safe distances between trees and electrical conductors (wires), and responsibilities for trimming trees. All planting around transmission lines is required to be compliant with the Regulations.

1.5.5 Why NZECP34 is not adequate alone

It has been suggested in other areas around the country that NZECP34 should be relied on without any additional rules in the District Plan. Transpower's view is that reliance on NZECP34 alone will not fulfil HDC's obligation to give effect to the NPSET.

NZECP34 seeks to protect persons, property, vehicles and mobile plants from harm or damage from electrical safety hazards by setting out minimum safe electrical distances. It does not address the other electrical safety hazards and the potential effects of the line on activities in close proximity to the line. Further, it does not protect the integrity of the National Grid from the effects of other activities, it does not control subdivision, it does not distinguish sensitive activities, and thereby does not prevent the types of inappropriate development contemplated by the NPSET from occurring. In short, it does not consider the environmental effects of activities on the National Grid, nor potential environmental effects of the National Grid on activities.

NZECP34 does not provide an opportunity for the Ministry of Business, Innovation, and Employment (or Transpower) to be involved in consenting processes. At the consenting stage unsafe or poorly designed developments can be screened and prevented. Whereas Transpower often only becomes aware of breaches of NZECP34 once developments are in place, and the cost of mitigating the associated risk is usually very high.

Development that complies with NZECP34 can still constrain maintenance activities on lines (which can have consequential effects on safety) and can result in increasing the number of people potentially at risk and exposed to adverse effects. It is these effects that the NPSET requires be addressed in order to achieve sustainable management. As NZECP34 is unable to address these effects it is perhaps not surprising that NZECP34 is not referenced in the objective or any of the policies of the NPSET. Additional controls are required in the form of Plan rules.

2 General Submission

By way of succinct summary, Transpower seeks the following general outcomes:

- the benefits of electricity transmission are recognised;
- the NPSET is given effect to in the context of both protecting existing and enabling new high voltage electricity transmission lines;
- the NESETA is appropriately recognised and provided for to ensure the effective operation, maintenance and upgrade of the high voltage electricity transmission lines;
- Transpower's approach to corridor management is recognised and provided for; and,
- the need for long term planning on the National Grid is acknowledged and provided for through an appropriate District Plan policy framework.

The Proposed Plan goes some way to achieving these outcomes. In particular, it recognises the NPSET and the NESETA, and seeks to appropriately manage activities within the transmission corridor to protect critical infrastructure.

However, some modifications / clarification to the Proposed Plan are required in order to ensure the outcomes sought above are achieved. Of particular note is the need to include the electricity transmission network on the District Plan Maps in order to give effect to Policy 12 of the NPSET.

To ensure the outcomes identified above are achieved, Transpower seek the adoption of the relief sought throughout the balance of this submission and where appropriate, adopt any other such relief, including additions, deletions or consequential amendments necessary as a result of the matters raised in these submissions, as necessary to give effect to this submission.

The relief sought throughout this submission is structured as follows:

- Strike through – provisions sought for deletion; and,
- Underlined – provisions sought for addition.

3 Specific Submission

3.1 Part A: Introduction

It is important that the relationship between the NPSET and NESETA and the Proposed Plan is clearly acknowledged and explained.

Part A – Introduction confirms the policy hierarchy established through the RMA and acknowledges that the District Plan must give effect to¹ a national policy statement. Specifically, the role of NPSET

¹ Section 75 of the RMA.

in providing a national level policy direction on the need to operate, maintain, develop and upgrade the national electricity transmission network is recognised. This matter is confirmed as being of national importance. Specifically, Transpower welcomes the wording which provides a policy framework for the development of new lines.

The requirement for the NESETA to be administered and enforced by the Horowhenua District Council (HDC) is acknowledged in the Proposed Plan, and so is Section 43 (and 44) of the RMA which explains the relationship between the NESETA and other RMA related documents and functions. This acknowledgement and explanation is supported.

Reference is made to the Proposed Plan not containing any rules that could duplicate the regulations in the NESETA. While Transpower supports this, reference to the fact that rules cannot conflict with the NESETA needs to be made to be consistent with Section 44A of the RMA. In the event duplication or conflict arises, the NESETA prevails and the Plan would need to be amended accordingly.

Transpower supports the approach of including cross references to the NESETA in the relevant rule chapters. The integration of the NESETA in this manner is considered both appropriate and effective.

3.1.1 Relief Sought – Part A Introduction

1. Retain text relating to the „Hierarchy and Relationship and Resource Management and Policy and Plans“ subject the following modification relating to National Environmental Standards section (page A-6):

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).

3.2 Part B: Objectives and Policies

3.2.1 Chapter 2, Rural Environment

It is important that the relationship between the NPSET and NESETA and the Proposed Plan is clearly acknowledged and explained.

The vast majority of the rural environment objectives and policies relate to the provisions of Plan Changes 20 – 22. While these provisions are not currently open for submission Transpower has submitted on those provisions. Notwithstanding this, District Plan provisions relating to nature, character, and amenity values and servicing of activities in the rural environment are currently open for submission.

The rural environment within the Horowhenua district is traversed by a number of transmission lines which form part of the National Grid. It is essential that the District Plan contains an appropriate policy framework to both protect this critical and nationally important infrastructure from inappropriate rural based activities / development and manage effects upon the network (i.e. reverse sensitivity effects).

Transpower supports the inclusion of Objective 2.5.1 but requests that the objective be amended to recognise established activities in the rural area which are not necessarily associated with primary production activities. National Grid infrastructure is not associated with primary production activities and not necessarily a „rural based land use“; however it is an established land use that must be located within the rural area. This approach would be consistent with Policy 1, 2 and 5 of the NPSET. In seeking this relief, Transpower note a number of policies (e.g. Policy 2.5.3) seek to

provide for the establishment of new non primary production activities and existing lawfully established activities.

Transpower supports Policy 2.5.16 which specifically seeks to ensure that land use activities, subdivision and development adjoining the National Grid avoid, remedy or mitigate any adverse effects on the safe and efficient operation of the electricity transmission network. The policy captures both existing and proposed activities, subdivision and development.

3.2.2 Relief Sought – Chapter 2, Rural Environment

2. Amend Objective 2.5.1 as follows:

To enable primary production activities and other ~~associated rural based~~ established land uses that have a functional necessity to be located within the rural area 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.

3. Add a paragraph to the Explanation and Principal Reasons section:

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.

4. Retain Policy 2.5.16 without modification:

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.

3.2.3 Chapter 8: Natural Hazards

The electricity transmission network often has operational and locational constraints and requirements. Transpower already has support structures within a natural hazard area identified on the District Planning Maps and there may be a requirement to locate a new tower or pole within a natural hazard area at some point in the future. In recognition of this, Transpower supports Policy 8.1.5 which recognises there may be a functional necessity to locate a structure within an identified hazard areas, and where this is the case the structure will be allowed. The relief sought would give effect to Policy 3 of the NPSET.

Transpower also supports the wording of Policy 8.1.8 which seeks to avoid, where practicable, the siting of new critical infrastructure and services within areas of significant risk from natural hazard events. Avoidance may not always be practicable because of location and operational constraints; however, Transpower's route, site and method selection process (NPSET Policy 4) will ensure adverse effects are avoided, remedied or mitigated.

The term „critical infrastructure“ is not defined in the District Plan. Transpower recommend a definition be provided which aligns with the Proposed One Plan, thereby including electricity transmission infrastructure.

3.2.4 Relief sought – Chapter 8, Natural Hazards

5. Retain Policy 8.1.5 without modification:

Avoid the establishment of any new structure or activity, or any increase in the scale of any existing structure or activity, within the identified areas at significant risk from flood events, as identified in Policy 8.1.3, unless:

- flood hazard avoidance is achieved or the 0.5% AEP (1 in 200 years) flood hazard is mitigated, or
- the non-habitable structure or activity is on production land, or
- there is a functional necessity to locate the structure or activity within such an area, in which case the structure or activity may be allowed.

6. Retain Policy 8.1.8 without modification:

Avoid, where practicable, the siting of new critical infrastructure and services within areas of significant risk from natural hazard events.

7. Add 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.*

3.2.5 Chapter 12: Utilities and Energy (utility provisions)

Transpower supports many of the specific network utility provisions and the retention of many of these provisions is sought.

The District Plan is required to give effect to a National Policy Statement. Transpower considers the introductory section to the Utilities section (12-1) would benefit from a statement to this effect. This would be consistent with the statement regarding the need to give effect to the NPS: Renewable Electricity Generation in the Energy section of Chapter 12.

Transpower supports Issue 12.1 which recognises the need to both enable and protect network utilities.

The Issue Discussion under Issue 12.1 Network Utilities includes a statement to the effect that pylons would intrude into outstanding natural features and landscapes (and residential areas). Transpower seeks the deletion of the explanatory sentence as it relates to outstanding natural landscapes. The inference of the sentence is to preclude pylon (inferred as including high voltage electricity transmission pylons) development whereas the consideration of this issue would need to be assessed under the policy framework provided by the District Plan. In considering such development, the decision maker must recognise and provide for the development of the electricity transmission network and appreciate there may be locational constraints. This is consistent with Policy 2 of the NPSET. Furthermore, towers currently form part of Outstanding Natural Landscapes as provided for under Plan Change 22. Transpower supports the intent of Objective 12.1.1 Network Utilities and seeks its retention subject to an amendments which recognises the need to protect network utilities and that there may, in certain circumstances, be adverse effects associated with the establishment operation, maintenance and upgrading of network utilities. This would be consistent with the issue identified (12.1).

Policies 10 and 11 of the NPSET relate to the protection of the electricity transmission network. To give effect to these policies, Transpower considers that an objective should be included in the District Plan to protect the operation of network utilities from inappropriate land use, development and / or subdivision activities. This relief sought would be consistent with the issue identified (12.1).

Policy 4 of the NPSET requires decision makers to have regard to the extent to which any adverse effects have been avoided, remedied or mitigate by the route, site and method selection. This

should be recognised in the policy framework. Transpower has developed the ACRE² model to identify and secure the most suitable location for new and replacement transmission infrastructure (such as lines, substations and switching stations). An amendment to Policy 12.1.3 is sought to recognise this.

Transpower acknowledge the intent of Policy 12.1.9 but considers the provision requires strengthening to give effect to the NPSET. An amendment is sought to manage land use, subdivision and also „development“ which could compromise the safe and efficient functioning of network utilities. Transpower considers this gives effect to the NPSET.

The Proposed Plan recognises the impracticality of under grounding high voltage transmission lines and this statement is supported by Transpower. Undergrounding of such infrastructure can be cost prohibitive and constrained by operational limitations.

The methods to address the network utility issue and achieve the objective include the application of rules and standards of NESs. The specific reference to the NESETA is supported in this context as is the promotion of relevant Codes of Practice.

The electricity transmission network needs to be included on the Planning Maps to give effect to Policy 12 of the NPSET, regardless of whether it is designated or not. . Transpower can provide GIS data free of charge to assist with the implementation of this Policy

3.2.6 Relief Sought – Chapter 12, utility provisions

8. Add the following paragraphs to the Utilities introductory section 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.

9. Retain Issue 12.1 without modification:

The maintenance and development of network utilities to enable the community to provide for its social and economic well-being, recognising that the infrastructure and operation of network utilities may create adverse effects on the environment, and other activities may impact their safe and efficient functioning.

10. Delete the following sentence in the network utilities issue discussion (page 12-3):

For example, residential areas ~~and areas containing outstanding natural features and landscapes~~ would be vulnerable to the intrusion of large buildings or pylons.

11. Retain the following paragraphs in the network utilities issue discussion (page 12-3):

² Area, Corridor, Route, Easement

Therefore, in making provision for network utilities, their environmental effects must be balanced against the community's need for the service or facility. 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.

The efficient and effective establishment, use and maintenance of the District's utility infrastructure can be adversely affected by the inappropriate location and nature of other land use activities and by failure to recognise their importance in meeting community needs. For example, locating residential dwellings close to wastewater treatment facilities could potentially expose new residents to adverse effects such as odour. Therefore, to protect and provide for the continued ability of utilities to function and be effective operationally, an important consideration is the suitability of new adjacent activities establishing in close proximity or otherwise in a manner that could unduly compromise the efficient long-term functioning of a utility activity.

12. 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.

13. 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.

14. Retain Policy 12.1.6 without modification:

Consider the locational, technical and operational requirements of network utilities and the contribution they make to the functioning and well-being of the community in assessing their location, design and appearance.

15. 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.

16. Retain the sentence (2nd paragraph, last sentence on page 12-5):

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.

17. Amend the following sentence from the 3rd paragraph on page 12-5 as follows:

In particular, it is important to protect the operation of network utilities from incompatible activities ~~on adjacent sites~~.

18. 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*

3.2.7 Chapter 12, Energy provisions

Policy 1 of the NPSET requires that decision makers must recognise and provide for the national, regional and local benefits of sustainable, secure, and efficient electricity transmission. The benefits include the facilitation of the use and development of new electricity generation, including renewable energy.

The Proposed Plan recognises that facilities for the distribution of generated electricity to the grid may also be necessary and that transmission activities may generate environmental effects. This is supported, subject to amendments sought to better give effect to the NPSET (Policies 1, 2, 3 and 4).

3.2.8 Relief sought – Chapter 12, Energy provisions

19. 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.

20. Retain Policy 12.2.5 without modification:

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.

21. Amend Policy 12.2.6 as follows:

To the extent practicable, aAvoid, 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.

22. 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.

3.3 Part C: Rules

3.3.1 Chapter 19: Rural Zone

The majority of Transpower's assets within the District are contained within the Rural Zone. The Proposed Plan provides for the construction of new network utilities and the operation, maintenance and upgrading of existing network utilities as a permitted activity, subject to conditions (19.1(k)). The maintenance and minor upgrading of existing network utilities in the flood overlay areas is also a permitted activity (19.1(m)). These provisions are supported by Transpower, as is reference to the NESETA regulating activities involving the operation, maintenance, upgrading, relocation, or removal of an existing transmission line (rather than the District Plan).

Lines and support structures (including towers, mast and poles) for conveying electricity at a voltage exceeding 110kV are specifically identified as a discretionary activity under Rule 19.4.6(a). A discretionary activity status is considered appropriate for the assessment of any new transmission lines within the district in recognition of the national importance and significance of this critical infrastructure. This activity status is considered to give effect to Policies 1 and 2 of the NPSET and

provide for the consideration of the national benefits of electricity transmission, rather than just any potential adverse effects within the district.

Permitted activity standards apply to development and activities within the transmission line corridor and the principle of this is supported to give effect to NPSET Policies 10 and 11. Permitted activity standard 19.6.14 a) and b) is supported, subject to the definitions of „sensitive activity” and „building⁶” being retained. Transpower seek that the rule, currently titled “Transmission Line Corridor” be replaced with „National Grid Corridor” as in Transpower’s experience, members of the public are more familiar with this term. To assist implementation, a definition for the National Grid Corridor is sought to be added. Policy 10 of the NPSET requires that the District Plan ensure that the operation, maintenance, upgrading and development of the electricity transmission network is not compromised.

Within the transmission corridor, the undertaking of earthworks could potentially compromise the network. Examples of the electricity transmission network being compromised through earthworks are provided below.



Accordingly, Transpower seek the addition of provisions to appropriately manage earthworks and certain other activities within the electricity transmission corridor to give effect to Policy 10 of the NPSET.

In seeking this relief, Transpower is primarily concerned about the area directly below the wires and immediately next to the structure foundations. Transpower refers to this area as the „red zone” and it typically extends 12 metres either side of the transmission line (10m on single pole lines). Within this area Transpower considers that inappropriate development should be avoided due the effects on and from the Transmission Lines.

Principally, these are new buildings and structures, extensions to existing buildings and structures, and some earthworks (those that could undermine the support structures or reduce clearances to live wires below safe separation distances). It is appropriate these activities require resource consent and an accompanying assessment of the effects of the activity on the integrity of the electricity transmission network. Roading, open spaces, grazing, cultivation and many other primary production practices can occur around the transmission lines.

³ Notwithstanding the relief sought by Transpower for the definition of building to address a terminology issue between pylons and towers.

Transpower considers the maintenance, replacement and minor upgrading of network utility activities and infrastructure should not also be required to comply with the Rural Zone District Plan provisions. Permitted activities provided for through Chapter 22 should be recognised for their existence and performing function. An amendment to Rule 19.6.24 is sought.

NESETA Regulation 30 provides for the trimming, felling or removal of any tree or vegetation as a permitted activity subject to the activity not being restricted by a rule in a district plan or being in a natural area. Transpower seeks the inclusion of a permitted activity related to the trimming, felling and removal of vegetation and trees, where that activity is required to minimise an operational risk to a network utility activity.

Transpower also seek that a trimming of Notable Trees also be included where that tree(s) would compromise the effective operation of the network. The term „interfering with“ in the context of overhead lines is not supported as when vegetation has reached this point, it is already compromising the integrity of the network. Trimming in advance of this point is required and appropriate wording is suggested.

3.3.2 Relief Sought – Chapter 19, Rural Zone Rules

23. Retain Rules 19(k) and 19(m) without modification.
24. Retain reference to the NESETA applying to activities involving the operation, maintenance, upgrading, relocation, or removal of an existing transmission line but ensure this is not solely linked to earthworks as inferred by the margin of the „note“ on page 19-3 (which could be realigned to match the „(t)“ above).
25. Retain Rule 19.4.6 Network Utilities and Electricity Generation without modification:
Network Utilities and Electricity Generation
 - (a) *Lines and support structures (including towers, masts and poles) for conveying electricity at a voltage exceeding 110kV.*
26. Rename the rule header “National Grid Corridor” and amend Rule 19.6.14 a) as follows:
All buildings within a National Grid Corridor shall comply with New Zealand Electrical Code of Practice of Electrical Safety Distances (NZECP 34:2001).
27. Retain Rule 19.6.14 b) Network Utilities and Electricity Generation.
28. Add Rule 19.6.14 c) to include provisions relating to earthworks with the corridor and add an advice note relating to vegetation within the electricity transmission corridor as follows:
 - 1. 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 (a) and (b) above.
 - 2. 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.

3. 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 1 and 2 above:

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

Note:

Vegetation to be planted within the transmission corridor as shown on Council's 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

29. Amend Rule 19.6.24 (b) Network Utilities and Energy

19.6.24 Network Utilities and Energy

(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.

30. Incorporate Rule 19.6.10 into 19.4.9 to simplify the District Plan

31. Add a permitted activity condition relating to the trimming, felling and removal of vegetation and non-notable trees

32. 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~~ likely to compromise the effective operation of those overhead wires or utility networks.*

33. Transpower sees the inclusion of a notification statement to the effect that where activities are proposed within the National Grid Corridor and a resource consent is required, Transpower will be considered an affected party.

34. Where the permitted activity standards relating to subdivision, use and development within the National Grid corridor are not met, Transpower considers a Non-Complying activity status is appropriate.

3.3.3 Chapter 22: Utilities and Energy

The last paragraph of the introductory section specifically refers to the applicability of the NESETA for the operation, maintenance, upgrading, relocation or removal of an existing transmission line that is part of the National Grid. The intent of this is supported however an amended paragraph is sought to better reflect the applicability of the NESETA in the context of Section 44A of the RMA.

110kV transmission lines form part of the electricity transmission network. The provision of new 100kV lines and associated transformers as a permitted activity supported by Transpower.

Transpower supports the note attached to Rule 22.1.5: Undergrounding of Services which confirms that the rule does not include high voltage new electricity. There may be operational limitations and prohibitive costs associated with undergrounding high voltage electricity.

Transpower needs to be able to promptly maintain, replace and undertake minor upgrades to its assets to ensure that there is a reliable source of supply for the National Grid. In this context, Rule 22.1.10(a) provides for the maintenance and replacement of existing transformers and lines above ground for conveying electricity at all voltages and capacities as a permitted activity. Further, Rule 22.1.10(b) provides for minor upgrading of electricity and telecommunication lines as a permitted activity. Transpower seeks that the maintenance, replacement and minor upgrading provisions be retained in recognition that these provisions give effect to Policy 5 of the NPSET.

In the context of maintaining network utilities and to provide for their efficient and effective functioning, Transpower seek enabling provisions associated with the trimming, felling and removal of vegetation and trees where that vegetation and / or tree represent an operational risk to the network utility. Relief is sought in order to give effect to Policies 2, 3 and 5 of the NPSET. While relief is sought under Chapter 19 relating to the trimming, felling and removal of vegetation, relief is also sought under Chapter 22 for certainty and ease of reference. Transpower considers 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 recommends Rule 19.6.27c) ii) be deleted.

3.3.4 Relief Sought – Chapter 22, Utilities and Energy Rules

35. Retain Rules 19(k) and 19(m) without modification.

36. Retain the last paragraph to the introductory section (22-1) without modification:

The National Environmental Standards for Electricity Transmission Activities Regulations 2009, contain a separate code of rules for the operation, maintenance, upgrading, relocation, or removal of an existing transmission line that is part of the national grid, as defined in the regulation. Except as provided for by the regulation, no rules in this District Plan apply to such activities.

37. Retain Rule 22.1.2 without modification:

(a) Any new electricity lines and associated transformers shall be limited to a voltage up to and including 110kV.

38. Retain the note under 22.1.5(a) without modification:

(a) All new electricity, gas (natural and manufactured) and telecommunication supply lines shall be reticulated underground in the Residential, Greenbelt Residential, Commercial and Industrial Zones.

Note: electricity supply lines in this rule do not include high voltage

39. Retain Rule 22.1.10 (a) and (b) without modification.

40. Add a new Rule to Chapter 22.1.10 (c) 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

3.3.5 Chapter 24: Subdivision and Development

Transpower accepts there is no scope to submit on the District Plan provisions relating to subdivision and development which formed part of Plan Changes 20 -22.

Notwithstanding this, Transpower would accept the subdivision corridor could be realigned with the revised transmission corridor widths (commented on in section 6) when the opportunity arises.

3.4 Part D – Assessment Criteria

The inclusion of assessment criteria 25.2.1 (k) which provides assessment criteria for land use development in the Rural Zone is supported. The criteria reference the extent to which alternative sites, designs and layout have been considered, thereby giving effect to Policy 4 of the NPSET. Other assessment criteria contained in Chapter 25.7.12 are supported in the context of giving effect to the NPSET.

To give effect to Policy 10 of the NPS, Transpower seeks an assessment criteria be included in Section 25.2.1 of the District Plan to require an assessment as to whether land use development in the Rural Zone would have an adverse effect on the operation, maintenance, upgrading or development of the electricity transmission network.

Additional relief is sought below to require an assessment of the development / activity on the operation, maintenance, upgrading or development of the electricity transmission network as well as appropriately assess network utility activities in general.

3.4.1 Relief sought – assessment criteria

41. Retain assessment criteria 25.2.1(e), (k)
42. Add a new general assessment criteria under 25.2.1 as follows:
(x) whether the development would have an adverse effect on the operation, maintenance, upgrading or development of the electricity transmission network
43. Add a new assessment criteria relating to buildings under 25.2.2 as follows:
(x) whether development within the transmission corridor would have an adverse effect on the operation, maintenance, upgrading or development of the electricity transmission network.
44. Add a new assessment criteria relating to tree planting under 25.2.4 as follows:
(x) whether tree planting within the transmission corridor would have an adverse effect on the operation, maintenance, upgrading or development of the electricity transmission network.
45. 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
46. Retain assessment criteria 25.7.12 (b) and (f).

3.5 Part E – General Provisions

The definition of „building“ means any temporary or permanent or movable or immovable structure but specifically excludes any electricity poles or pylons. This exclusion is supported by Transpower, subject to amendment of the terminology used. Transpower notes the terms pylons and towers are used interchangeably in the Proposed Plan; „towers“ are the standard industry terminology.

Transpower accepts the exclusion of small buildings/structures from the definition of „building“, even where those buildings may be within a transmission corridor. It is not Transpower’s intent to restrict small scale infrastructure such as mobile irrigators or mobile plant but it is appropriate to manage buildings and structures exceeding these thresholds within the National Grid corridor to ensure the National Grid is able to operate effectively and efficiently.

Transpower considers more certainty is required in respect of earthworks near support structures and maintaining clearance distances. The relief sought under Rule 19.6.14 c) would enable some earthworks to be undertaken as a permitted activity within the transmission corridor. With this rule based approach adopted, Transpower seek to retain the current definition of „earthworks“.

The definition of „sensitive activities“ in the context of activities within the transmission line corridor includes some activities which are not considered sensitive to the transmission line. Transpower does not wish to unnecessarily restrict these activities. Accordingly, an amendment to the definition is sought.

The term “Transmission Line Corridor” is used in the District Plan but not defined and a definition of the term is required for implementation purposes. Transpower considers a more appropriate term would be „National Grid Corridor” and suggests a suitable definition below. Transpower notes the term „National Grid” is used elsewhere in the District Plan and that use of the term will be appropriate for consistency.

3.5.1 Relief sought – definitions

47. Retain definition of „building“, subject to an amendment as follows:

(f) Any electricity poles and ~~towers~~ pylons.

48. Retain the definition of „earthworks“, subject to relief sought under Rule 19.6.14.

49. Amend the definition of „sensitive activities“ as follows:

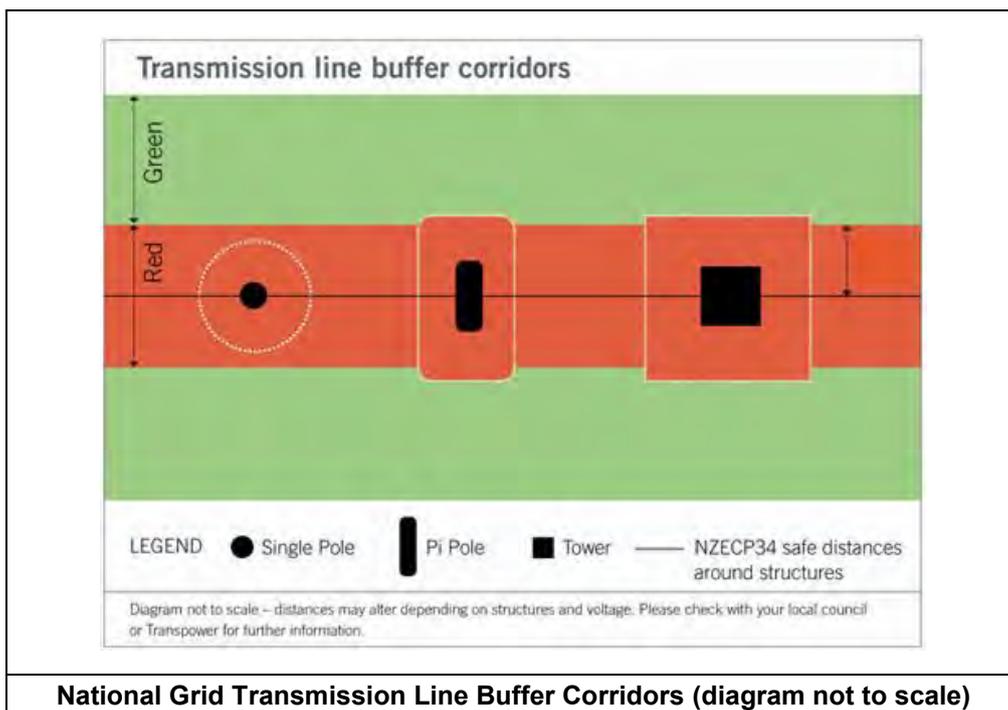
Sensitive Activities means any of the following activities:

- Residential activities
- Visitor accommodation
- Community activities
- Recreational facilities and activities
- Camping grounds
- Educational facilities
- Places of assembly
- Marae and papkainga housing
- Cafes and restaurants

For activities within the National Grid corridor, recreational facilities and activities are not considered „sensitive activities“.

50. Add a definition for the term „National Grid Corridor” to assist with implementation of the District Plan:

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

51. Add a definition for the term „critical infrastructure“ consistent with the One Plan which gives effect to the NPSET:

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.

3.6 Part F – Schedules

3.6.1 Schedule 1: Designations

The District Plan as notified has included the following designations in accordance with Transpower’s notice to rollover the existing designations with minor amendments around how it is described. The scope and purpose of the designations are not changing (only the way that is described is changing). The Transpower designations as notified are:

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

The Outdoor Switchyard (D40 designation) only occupies part of Section 1 SO 37683, as is correctly depicted on planning map 22. When originally designated the whole land parcel Section 1 SO 37063 was designated for the switchyard. Since that time Section 1 SO 37063 has been incorporated in Section 1 SO 37683. To provide clarity and avoid any further confusion, as the area shown on the map does not match the legal description listed, Transpower seeks that the legal description has the words “part of” to the legal description.

3.6.2 Relief sought - Designations

52. Amend the legal description of the D40 designation as follows:

Part of Section 1 SO 37683.

3.7 Planning Maps

The Planning Maps forming part of the Proposed Plan do not illustrate the electricity transmission network⁴. The absence of this nationally significant infrastructure is contrary to Policy 12 of the NPSET, which the District Plan must give effect to. Transpower can provide GIS data for this purpose free of charge.

3.7.1 Relief Sought – Planning Maps

53. Identify the electricity transmission network on the District Plan Planning Maps.

4 Summary

Relief is sought in this submission to ensure that Transpower’s assets, activities and operations are both enabled and protected in the Horowhenua district. Specifically, the relief seeks to ensure:

- The benefits of electricity transmission are recognised;
- the provisions of the National Policy Statement on Electricity Transmission (NPSET) and the National Environmental Standard for Electricity Transmission Activities (NESETA) are appropriately recognised and provided for; and,
- appropriate provisions are provided for in order to address integrated management and reverse sensitivity.

Transpower wishes to be heard in support of this submission.

If others make a similar submission, Transpower would not be prepared to consider presenting a joint case at any hearing.

⁴ Only Map 40 and 41 which formed part of Plan Change 22, illustrate the electricity transmission network.

Signature for and on behalf of:

Transpower New Zealand Ltd:



Hywel Edwards, Senior Planner, Beca

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12 November 2012

To Horowhenua District Council ('Council')

Address: 126 Oxford Street, Private Bag 4002, Levin 5540

Sent via email to: districtplan@horowhenua.govt.nz

Submitter New Zealand Wind Energy Association ('NZWEA')

Submission This is a submission on the Proposed District Plan made in accordance with Schedule 1 Clause 6 of the Resource Management Act.

Specific submission points are provided on pages 3-12 below.

Hearings & Meetings At this stage NZWEA wishes to be heard at Council hearings should they be deemed necessary and, if others make a similar submission, NZWEA will consider presenting a joint case.

NZWEA would prefer to meet with Council representatives and other relevant submitters in attempt to address the matters arising from this submission prior to any hearing.

Please contact the undersigned to arrange meetings and/or to discuss the matters arising from this submission.

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C/- Ben Farrell

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Contact: Ben Farrell
Telephone: (04) 499 5025
Mobile: 021 767622
Fax: (04) 473 6754
Email: ben@nzwea.org.nz



Signed: Ben Farrell
Senior Environmental Planner & Project Manager Guidelines

Date: 12 November 2012

ABOUT THE NEW ZEALAND WIND ENERGY ASSOCIATION

The New Zealand Wind Energy Association is a non-Governmental, non-profit, membership-based industry association that works towards the development of wind energy as a reliable, sustainable, clean and commercially viable energy source.

NZWEA's Mission, as set out in the Association's Rules under the Incorporated Societies Act 1908, is *"to promote the uptake of New Zealand's abundant wind resource as a reliable, sustainable, clean and commercially viable energy source"*.

NZWEA's membership includes around 80 companies and organisations involved in the New Zealand wind energy sector, including:

- All of the major electricity generator-retailers (Contact Energy, Genesis Energy, Meridian Energy, Mighty River Power & TrustPower).
- Local and international independent electricity generators.
- Transpower and several lines companies.
- Major international & domestic wind turbine manufacturers; and a range of other companies with interests ranging from site evaluation through to operations and maintenance.

NZWEA supports the development of well-planned wind farms because wind power can be used to generate competitively priced electricity while at the same time having fewer effects on fewer people than any other existing alternative source of electricity:

- Wind energy has a high level of public support.
- Environmental effects of wind farms are well understood and can often be avoided, remedied or mitigated.
- Wind energy complements existing hydro-generation resources and wind is endlessly renewable so it helps to provide a long term security of supply and security of electricity price.
- Wind farms have nationally significant benefits, contribute to the sustainable management of natural resources, and wind energy helps to mitigate the potential impact of climate change. This is reinforced in Government policy that promotes the development of more renewable energy activities including the National Policy Statement for Renewable Electricity Generation (NPSREG), the New Zealand Energy Strategy 2011-2021, and the New Zealand Energy Efficiency and Conservation Strategy 2011-2016) which all identify a target of 90% of electricity being generated from renewable energy sources by 2025.

The NPSREG, among other things, seeks to ensure that a more consistent national approach is applied to REG activities within the resource management framework, including district plan rules.

While NZWEA seeks to engage with its members on its submissions, the views of NZWEA may not necessarily reflect the views of each individual member.

Further information on NZWEA, its members and activities, and the New Zealand wind energy industry in general is available on the Association's website: www.windenergy.org.nz.

Submission point 1

Provision

Chapter 12 Introduction: Energy

NZWEA position

NZWEA supports this introduction section subject to one amendment. The introduction states “*the benefits and need for renewable energy is recognised*” but this is not substantiated.

Relief Sought

1. Retain introduction for energy (page 12-2) subject to substantiating the statement “*the benefits and need for renewable energy is recognised*”. Possible wording is “*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.*”

Submission point 2

Provision

Issue 2.2 Energy

NZWEA position

NZWEA supports the issue but considers the issue should acknowledge the need for Horowhenua to provide for renewable electricity generation as a matter of national significance.

Relief Sought

2. Amend the issue 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...

Submission point 3

Provision

Objective 12.2.1

NZWEA position

NZWEA supports the plans direction to avoid, remedy or mitigate adverse effects. However, it is not always possible to fully avoid, remedy or mitigate adverse effects of renewable electricity generation activities. Insertion of the term ‘appropriately’ into the objective would address this issue.

Relief Sought

1. Amend objective 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.

Submission point 4

Provision

Policy 12.2.4

NZWEA position

NZWEA supports the plans direction to avoid, remedy or mitigate adverse effects. However, it is not always possible to fully avoid, remedy or mitigate adverse effects of renewable electricity generation activities. Insertion of the term 'appropriately' into the policy would address this issue.

Relief Sought

2. Amend policy 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.

Submission point 5

Provision

Policy 12.2.5

NZWEA position

NZWEA supports this policy because it accords with the NPSREG and therefore the purpose of the Act.

Relief Sought

3. Retain policy 12.2.5

Submission point 6

Provision

Policy 12.2.6

NZWEA position

Oppose

Comment

This policy duplicates policy 12.2.4 and is not necessary.

Relief Sought

4. Delete policy 12.2.6.

Submission point 7

Provision

Polices 12.2.7 and 12.2.8

NZWEA position

NZWEA opposes these policies.

It would be virtually impossible for a wind farm proposal located in or near an ONFL or the Tararua Ranges to satisfy these two polices. 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. These policies may be appropriate if the benefits of a wind farm proposal are able to be taken into account alongside these policies. However, if the activity status of a wind farm proposal is non-complying, the s104D(1) gateway test may prevent the benefits of the proposal being considered. Such an outcome would be contrary to the NPSREG.

Relief Sought

5. Delete policies 12.2.7 and 12.2.8

OR

6. Ensure renewable electricity generation activities are discretionary activities and amend policies 12.2.7 and 12.2.8 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.

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.

Submission point 8

Provision

12.2.9

NZWEA position

NZWEA supports this policy but cannot identify the method which supports this policy in the plan.

Relief Sought

7. Amend policy by substantiating how the plan provides for the identification and assessment of potential sites and renewable energy sources OR

8. Provide methods in the plan to give effect to this policy.

Submission point 9

Provision

Policy 12.2.10

NZWEA position

NZWEA supports this policy because it accords with the NPSREG and therefore the purpose of the ACT.

Relief Sought

9. Retain policy

Submission point 10

Provision

12.2.11

NZWEA position

NZWEA supports this policy because it accords with the NPSREG and therefore the purpose of the ACT.

Relief Sought

10. Retain policy.

Submission point 11

Provision

12 Explanation and Reasons (p12-9)

NZWEA position

NZWEA suggests a minor correction to distinguish renewable electricity generation activities from network utilities.

Relief Sought

11. Amend sixth paragraph as follows:

As with ~~other~~ network utilities, the District Plan...

Submission point 12

Provision

12 Methods for Issue 12.2 & Objective 12.2.1

NZWEA position

NZWEA opposes the more stringent activity status within ONFLs and Domains of High Landscape Amenity. NZWEA considers there is no justification for the non-complying activity status. The non-complying activity status discourages development in these locations. In fact the non-complying activity status could make it virtually impossible for a wind farm proposal located in or near an ONFL or Domains of High Landscape Amenity to satisfy the s104D(1) gateway test, which may prevent the benefits of the proposal being

considered. Such an outcome would be contrary to the NPSREG. A more appropriate method for achieving this policy is to ensure that renewable electricity generation activities are provided for as discretionary activities while ensuring the objectives and policies in the plan clearly signal the desire to protect these sensitive areas from development.

In addition to the relief sought above, NZWEA suggests the council prepares 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.

Relief Sought

12. Amend fourth bullet point as follows:

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.

13. Insert seventh bullet point as follows:

The council may develop an infrastructure strategy that, among other things, signals community interest in preferred locations for potential renewable electricity generation.

Submission point 13

Provision

Chapter 14

NZWEA position

NZWEA supports the provisions in Chapter 14.

Relief Sought

14. Retain Chapter 14 as proposed.

Submission point 14

Provision

Rule 22.1.8(b)

NZWEA position

NZWEA supports the provision of permitted wind monitoring masts but considers the minimum diameter standard too restrictive. Metrological masts are typically temporary activities that have benign adverse environmental effects and there

appears to be no rationale for restricting the width to 250mm when met masts can be up to 450mm in diameter.

Relief Sought

15. Retain 22.1.8(b) subject to increasing the permitted diameter from 2500mm to 500mm.

Submission point 15

Provision

New rule – 22.1.11

NZWEA position

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. There is no need for wind farms to be subject to other rules in the district plan. Rather, a simple rule framework can be provided that ensures the benefits of any wind farm proposal are considered alongside:

- Environmental effects known to arise from wind farm developments
- Relevant planning provisions, including the district plan objectives and policies.

Relief Sought

16. Insert 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 to:

- i. the matters contained in the national policy statement for renewable electricity generation;*
- ii. effects on peoples amenity values, particularly noise and visual amenity;*
- iii. effects on other infrastructure;*
- iv. effects on the relationship of tangata whenua and their culture and traditions with their ancestral lands, water, sites, waahi tapu and other taonga;*
- v. effects on areas of significant indigenous vegetation or significant habitats of indigenous fauna; and*
- vi. effects on maintaining public access to and along the coastal marine area, lakes and rivers.*

(b) The development of any new wind farm outside the rural zone or within an ONFL is a discretionary activity.

OR ALTERNATIVELY

17. Amend the matters for discretion to those listed in 25.7.13 as amended below.

Submission point 16

Provision

New rule

NZWEA position

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.

The efficient and effective assessment of wind farm noise effects, with or without adherence to NZS6808:2010, will be greatly improved if the district plan provides specific noise limits as recommended in NZS6808:2010. This should involve the council identifying any locations to be afforded more stringent protection from wind turbine noise (high amenity areas).

Relief Sought

18. Insert a new permitted activity standard to provide appropriate limits for wind farm sound:

22.1.12 Wind farm noise

Permitted Activity...

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:

- 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.*
- ii. Noise is measured and assessed in accordance with NZS6808:2010.*

Submission point 17

Provision

25.7.1 Assessment Criteria for Noise

NZWEA position

NZWEA opposes noise assessment requirements on wind farm proposals that are not set out in NZS6808:2010. NZS6808:2010 is the most appropriate mechanism for assessing noise effects from wind farms and the district plan should recognise and provide for this.

Relief Sought

19. Insert a new clause as follows:

(j) Noise effects from wind farms shall be measured and assessed in accordance with NZS6808:2010.

Submission point18

Provision

25.7.13

NZWEA position

NZWEA supports the provision of specific assessment criteria for wind farm proposals subject to deletion or amendment of some of the proposed assessment matters, which are too stringent and/or are not necessary.

Relief Sought

20. Amend 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.*

(i) *The benefits to be derived from the proposal renewable energy.*

(j) *Mitigation and rehabilitation works.*

(k) *Operational and technical considerations.*

Submission point 19

Provision

Definition: Domestic Scale Renewable Energy Device

NZWEA position

NZWEA supports the proposed definition.

Relief Sought

21. Retain definition as proposed.

Submission point 20

Provision

Definition: Network Utility

NZWEA position

Electricity generators are not necessarily "network utility operators" under the RMA and the district plan can appropriately capture wind turbines in other definitions (either Domestic Scale Renewable Energy Devices or Wind Farm). Accordingly, NZWEA opposes the inclusion of wind turbines in the definition of network utility.

Relief Sought

22. Delete 'including any wind turbine' from the definition.

Submission point 21

Provision

Definition of Wind Energy Facilities

NZWEA position

NZWEA supports this definition in part. NZWEA recommends the term 'Wind farms' should be used instead of 'Wind Energy Facilities'. Wind farms are primarily rural activities that farm the wind.

NZWEA also suggests minor amendments to accord with the NPSREG.

Relief Sought

23. 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.

Submission point 22

Provision

Amendments that have like effect

Relief Sought

24. Any other amendments that have the effect of the relief sought above.

Submission point 23

Provision

Consequential amendments

Relief Sought

25. Any other amendments that are required as a consequence of the relief sought above.

12 November 2012

Chief Executive
Horowhenua District Council
Private Bag 4002
Levin 5540

Dear Sir/Madam.

**SUBMISSION ON HOROWHENUA DISTRICT COUNCIL PROPOSED
HOROWHENUA DISTRICT PLAN 2012**

Thank you for providing the Department of Conservation with a copy of the Proposed District Plan for our submission.

Please find attached a submission on behalf of the Director-General of Conservation in respect of the Proposed Plan.

If you have any questions or would like to arrange a time to meet and discuss this submission, please contact Anna Glassie at 07 8581046 or at aglassie@doc.govt.nz.

Yours sincerely



Benjamin Reddiex
Acting Conservator
Wellington Hawke's Bay Conservancy.

RESOURCE MANAGEMENT ACT 1991

SUBMISSION ON PUBLICLY NOTIFIED PROPOSAL FOR A PROPOSED DISTRICT PLAN

TO: Horowhenua District Council

SUBMISSION ON: Proposed Horowhenua District Plan 2012

NAME: Alastair Morrison
Director-General of Conservation

ADDRESS: c/- Department of Conservation
Wellington Hawke's Bay Conservancy
PO Box 5086
Wellington 6145

STATEMENT OF SUBMISSION BY THE DIRECTOR-GENERAL OF THE DEPARTMENT OF CONSERVATION

Pursuant to clause 6 of the First Schedule of the Resource Management Act 1991 (RMA), I, Benjamin Reddiex, Acting Conservator, acting upon delegation from the Director-General of the Department of Conservation, make the following submission in respect of the Proposed Horowhenua District Plan.

1. This is a submission on the following proposed District Plan:
Horowhenua District Council Proposed Waipa District Plan 2012.
2. The specific provisions of the Proposed District Plan that my submission relates to are set out in Attachment 1 which forms part of this submission.
3. My submission is as set out below and in Attachment 1. The decisions sought in this submission are required to ensure that the Proposed District Plan:
 - promotes the sustainable management of natural and physical resources in the Horowhenua District as required by Part 2 of the RMA;
 - provides for the preservation of the natural character of the wetlands, lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use, and development as required by Section 6(a) of the RMA.

- provides for the protection of outstanding natural features and landscapes from inappropriate subdivision, use, and development as required by Section 6(b) of the RMA
- provides for the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna as required by Section 6(c) of the RMA.
- gives effect to the New Zealand Coastal Policy Statement 2010, the National Policy Statement on Freshwater Management 2011 and the Wellington Regional Policy Statement as required by section 75(3) of the RMA
- is not inconsistent with the Horizons One Plan as required by section 75(4) of the Resource Management Act.]

4. I seek the following decision from the Council:

- 4.1 That the particular provisions of the Proposed District Plan that I support, as identified in Attachment 1, are retained.
- 4.2 That the amendments, additions and deletions to the Proposed District Plan sought in Attachment 1 are made.
- 4.3 Further or alternative relief to like effect to that sought in 4.1 – 4.2 above.

5. I wish to be heard in support of my submission.

Benjamin Reddiex
Acting Conservator
Wellington Hawke's Bay Conservancy

Pursuant to delegated authority
On behalf of
Alastair Morrison
Director-General of Conservation

Date 12 November 2012

Address for service: Department of Conservation
Wellington Hawke's Bay Conservancy
PO Box 5086

Wellington 6145

Telephone: (07) 858 1000

Fax/email: (07) 858 1001

Contact person: Anna Glassie
RMA Planner- Policy and Regulatory Services Group
Ph (07) 858 1574
aglassie@doc.govt.nz

A copy of the Instrument of Delegation may be inspected at the Office of the Director-General of Conservation, 18 - 32 Manners Street, Wellington.

ATTACHMENT 1:

HOROWHENUA DISTRICT COUNCIL PROPOSED HOROWHENUA DISTRICT PLAN 2012

SUBMISSIONS BY THE DIRECTOR-GENERAL OF CONSERVATION

The specific provisions that my submission relates to are set out in Attachment 1 using the **headings** and numbers contained in the Proposed District Plan. My submissions are set out immediately following these headings, together with the reason and the decision I seek from the Council.

The decision that has been requested may suggest new or revised wording for identified sections of the proposed statement. This wording is intended to be helpful but alternative wording of like effect may be equally acceptable. Text quoted from the Proposed District Plan and supporting documents are shown in *Italics*. The wording of decisions sought shows new text as underlined and original text to be deleted as ~~strikethrough~~.

Unless specified in each submission point my reasons for supporting are that the policies are consistent with the Resource Management Act 1991 (RMA) and would support the enhancement or protection of conservation values.

Consequential amendments, where necessary, to the Objectives and other parts of the Proposed Plan are also sought for consistency of wording as a result of the following submissions.

2. Part B – Objectives/Policies

2.1 Chapter 2 – Rural Environment

Policy 2.1.20

Submission: This policy seeks to maintain the character of the rural area. There is no mention of the natural environment within this policy. The natural environment is what makes up the character of the rural area.

Relief: It is requested that the Council insert the words “natural environment” within this policy as the character of the rural area is encompassing of the natural environment, so that the Policy would read:

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 natural environment and to be undertaken in a

manner which avoids, remedies or mitigates adverse effects on rural character, including rural productive values.

Policy 2.1.21

Submission: Policy 2.1.21 is supported as written.

Relief: The Director-General seeks the policy be retained.

Objectives/Policies: Rural Environment

Objective 2.4.1 Sustainable Land Management Practices

Submission: Objective 2.4.1 and Policies 2.4.2 and 2.4.3 are supported as written.

Relief: The Director-General seeks these be retained.

Objective 2.5.1 Land Use Activities – Nature, Character, Amenity Values And Servicing

Submission: Objective 2.5.1 is not clear when stating “*while avoiding, remedying or mitigating the adverse effects of activities, including reverse sensitivity effects.*”

Relief: It is requested that Council either add further explanation pertaining to reverse sensitivity effects or provide a list of what is envisaged via reverse sensitivity matters.

Policy 2.5.2

Submission: The use of the wording “*meet minimum environmental standards*” is of concern as there is no guidance or explanation on the use of this terminology.

Relief: Provide a list detailing the minimum environmental standards or define what is meant by the term “minimum environmental standards”.

Policy 2.5.4

Submission: This policy does not take into account the cumulative effects.

Relief: Add “including cumulative adverse effects” after adverse effects, so that the policy would read:

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, including cumulative effects, on the environment are avoided, remedied or mitigated.

Policy 2.5.5

Submission: The policy states that “*Manage any activity which does not meet minimum standards*”. What does the plan deem as meeting minimum standards? If there is no threshold to explain this, then minimum standards could mean the least afforded protection. This policy needs to be clear and unambiguous to ensure that any adverse effects on the environment will be avoided, remedied or mitigated. This term has been referred to throughout the plan hence the importance of definition or explanation.

Relief: Council is requested to define or add an explanation of the term “minimum standards”.

Policy 2.5.6

Submission: Policy 2.5.6 is of concern in that “dispose of wastes in a manner that avoids...” could refer to number of things. This policy must clearly identify what is intended when referring to “wastes”.

Relief: Add list of wastes or further explanation on what is meant by the term “wastes” in this policy.

Policy 2.5.21

Submission: Policy 2.5.21 should require compliance with the resource consent to ensure that any effects that arise from this activity are captured.

Relief: Add to the policy the wording: “as long as it is operating within its resource consent”.

3. Part B – Objectives/Policies

3.1 Chapter 3 – Natural Features and Values

Objective 3.2.1

Submission: This objective is reasonable should align with Horizons Regional Council’s Proposed One Plan (“POP”).

Relief: Align objective 3.2.1 with the POP, so that it reads as follows:

“To protect the areas of significant indigenous vegetation and significant habitats of indigenous fauna or to maintain indigenous biological diversity including enhancement where appropriate”

Policy 3.2.2

Submission: Policy 3.2.2 is supported as written.

Relief: The Director-General seeks the policy be retained.

Policy 3.2.3

Submission: The policy is generally supported. The addition of the words “where appropriate” will ensure that these types of activities are suitable on the basis that the protection and enhancement of areas of significant indigenous vegetation and significant habitats of indigenous fauna are provided for.

Relief: It is requested that Council add to Policy 3.2.3 as follows:

“Encourage where appropriate subdivision, land use and development that maintains and enhances...”

Section 3 Objectives/Policies: Natural Features and Values

Objective 3.3.1 Lakes, Rivers and Other Water Bodies

Submission a): Issue 3.3 briefly discusses Lakes, Rivers and Other Water Bodies (including wetlands). Objective 3.3.1 omits any reference to wetlands despite this being discussed throughout the section. Horowhenua is well known for its nationally important coastal wetlands some of which may occur wholly or partially in the “coastal marine area”. The RMA definition of “water bodies” does not include wetlands which occur in the coastal marine area, meaning these areas would not be covered by the Objective.

Relief: It is requested that Council insert “wetlands” after rivers to ensure that all wetlands are protected from inappropriate use, and development.

Policies 3.3.2, 3.3.3 and 3.3.5

Submission: The current policy provisions (3.3.2, 3.3.3 and 3.3.5) could be improved to better provide for the protection of wetlands generally. One of the matters of national importance in section 6 of the RMA is the preservation of the natural character of wetlands, lakes and rivers, and their margins. As mentioned above the policies need to implement the objective and provide for all types of wetland and also margins.

Relief: It is requested that the wording of Policies 3.3.2, 3.3.3 and 3.3.5 be re worded to better provide for wetland types generally.

Policy 3.3.6

Submission: This policy is not clear when using the term “planted water body margins”. There is no mention or explanation throughout the section to advise the reader what this term involves?

Relief: It is requested that Council clarify what they mean by the word “planted water body margins” or provide explanation within the section.

Policy 3.3.9

Submission: This policy is generally supported, but would be improved by adding reference to the margins of lakes and rivers, consistent with section 6 of the RMA. Cross referencing to section 11, particularly policy 11.1.3 would aid this policy, and assure the reader that while providing access that any adverse environmental effects can be avoided, remedied or mitigated.

Relief: Add reference to “and their margins” after “lakes and rivers”. And add cross reference to section 11, policy 11.1.3.

Issue 3.4 Notable Trees

The issues, discussion, objectives, and policies of this section are generally supported as written.

Section 4 Objectives/Policies: Open Space and Access to Water Bodies

The discussion of issues, objectives, policies and methods of this section are generally supported as written, apart from any specific areas of concern identified below.

Submission: Section 4 discusses riparian management but there are no policies that implement riparian management. Even though esplanades are provided for, the use and development of riparian margins has a key role to play in maintaining and enhancing the Open Space network.

Relief: Insert a policy that provides for the management of riparian margins or to that effect.

Objective 4.1.1 Open Space Zone

Submission: Objective 4.1.1 should reflect the issues that have been discussed. Throughout section 4, adverse effects have been highlighted and addressed as a major issue. It is important to address this within the objective.

Relief: Add wording to the objective 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”.

Policy 4.1.3

Submission: The intent of the policy is supported, however the addition of “and protection” will assist implementation.

Relief: Add “and protection” to the policy as follows: “...parks and reserves are recognised and protected...”

Policy 4.1.7

Submission a): Policy 4.1.7 states that “Provide for the management of storm water in suitable places within the Open Space Zone...”. What does “suitable places” mean in this context?

Relief: Define or explain what is meant by “suitable places”.

Policy 4.2.3

Submission: This policy is supported as written.

Relief: The Director-General seeks the policy be retained.

Section 5 Coastal Environment

The discussion of issues, objectives, policies and methods of this section are generally supported as written, apart from any specific areas of concern identified below.

Submission a: In paragraph two, third sentence delete wording as follows: “This estuary is ~~considered~~ an important estuarine ecosystem...”;

Submission b): In paragraph five, second sentence make changes as follows: “The preservation of the natural character of the coastal environment, and ~~it’s~~ its protection from inappropriate subdivision, use and development is a matter of national importance (section 6(a)).”

Submission c): In paragraph eight, add at the conclusion of the paragraph a new sentence: “It must be given effect to.”

Submission d): Reference should be made to the National Policy Statement for Freshwater Management 2011 (NPSFWM), as the management of coastal water and fresh water requires an integrated and consistent approach.

Submission e): In paragraph 10 “Reserve Management Plans” there is no mention of relevant Conservation Management Strategy and Iwi Management Plans. Pursuant to section 74(2) and 74(2A) of the RMA Council shall have regard to these documents to the extent their content has a bearing on relevant issues of the District.

Submission f): Figure 5-1: Coastal Landscape Cross Section, this approach to identifying Coastal Environment does not appear to give effect to policy 1 as it does not account for NCZCPS 2010 Policy 1(2)(e) or 1(2)(f). Policy 1(2)(f) is an important factor where the coastal environment is concerned. Furthermore given the recent review of plan change 22, the figure is incorrect. The identification of the Coastal Environment has still not been defined correctly. This is still under review.

Submission g): The wording “Coastal Dominance Zone” in Figure 5-1 is unclear. What does “Coastal Dominance” mean?

Submission h): Referring to the second page of the issue discussion, the seven components of natural character, the use of the word “Perceptual” - Policy 13 (2)e, f, g, h of the NZCPS are all experiential not perceptual.

Submission i): As above referring to the same issue, context and setting is also an important component.

Relief a): Delete “considered” from this policy;

Relief b): Delete “it’s” and add correct grammar “its”;

Relief c): Insert the statement “it must be given effect to”;

Relief d): It is requested that Council consider the National Policy statement for freshwater management;

Relief e): Council must consider the relevant Conservation Management Strategy and Iwi Management Plans as these documents are integral to any plan review.

Relief f): It is requested that Council await further studies in regards to defining the Coastal landscape due to the boundaries still under investigation.

Relief g): Define “coastal dominance” or explanation is requested.

Relief h): Delete the word “perceptual” or provide a better term that is aligned with the NZCPS.

Relief i): Add two new bullet points – Context and setting;

Objectives & Policies

Objective 5.1.1

Submission: This objective in its current form adds nothing to part 2 of the RMA. Subdivision and development in the coastal environment must be done in an appropriate manner to preserve its natural character.

Relief: Delete the current Objective and re-write as follows:

“To preserve natural character of the coastal environment and ~~avoid, remedy or mitigate the adverse environmental effects of the subdivision, use and development.~~ ensure only appropriate subdivision, use and development occurs in the Coastal Environment.”

Or alternatively wording as follows:

“To provide for the appropriate subdivision, use and development consistent with the need to preserve the natural character of the coastal environment”

Policy 5.1.2

Submission: The use of the wording “zone of coastal dominance” has been discussed previously. This wording needs to be defined or have further explanation.

Relief: Provide definition or further explanation of the term “zone of coastal dominance”.

Policy 5.1.3

Submission: The components listed are acceptable in its current form with the exception of the deletion of “perceptual”. The addition of the word “Experiential” (from Policy 13(2) of the NZCPS, reflecting paragraphs (e), (f), (g), and (h)) is consistent with the preservation of natural character. Also the inclusion of two new bullet points Context and Setting add to the components of natural character.

Relief: It is requested that Council delete “perceptual” and insert “experiential” therefore aligning with the NZCPS. In addition the insertion of two new bullet points “context” and “setting” is sought.

Policy 5.1.4

Submission: This policy is not necessary given section 6(b) of the RMA provides for this.

Relief: The Director-General supports the retention of this policy..

Policy 5.1.5

Submission: This policy is not necessary given policy 15 of the NZCPS 2010 provides for this.

Relief: The Director-General supports the retention of this policy.

Policy 5.1.6

Submission: This policy is reasonable in its current form. However it would be improved by the addition of the words: “there is a significant public benefit and there is no reasonable alternative outside high and very high natural areas of natural character and ...”.

Relief: Add after “except where” the words: “there is a significant public benefit, and there is no reasonable alternative outside high and very high natural areas of natural character and ...”.

Policy 5.1.8

Submission: The use of the word respects should be deleted and replaced with “avoid adverse effects on...”

Relief: Re-word the policy to read:

“Ensure development within the Coastal Environment recognises and ~~respects~~ avoids adverse effects on the sensitive...”

Policy 5.1.9

Submission: This policy is vague and its intention is at odds with Policy 14 of the NZCPS.

Relief: Reword this policy to ensure that it gives effect to Policy 14 of the NZCPS.

Issue 5.2

Submission: The issue discussion does not discuss vehicle access. Policy 20 of the NZCPS is relevant as vehicle access can cause adverse effects in the coastal environment if not managed appropriately.

Relief: Add to the Issue Discussion “vehicle access” and discuss the issues that arise from this type of activity within the coastal environment and the adverse effects that might arise from this use.

Objective 5.2.1

Submission: Objective 5.2.1 is supported as written.

Relief: The retention of the objective is supported.

Policy 5.2.2

Submission: This policy is supported as written.

Relief: The policy's retention is supported.

Policy 5.2.4

Submission: The intent of the policy is supported but the addition of the word "appropriate" will assist this policy.

Relief: Add after "existing" the word: "appropriate".

Policy 5.2.5

Submission: The intent of the policy is supported but the addition of the word "existing" is necessary to ensure the policy capture existing public access.

Relief: Add after "provision of" the word: "existing".

Policy 5.2.6

Submission: The intent of the policy is supported but it needs to refer to location and construction.

Relief: Reword policy as follows:

"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.

Explanation and Principal Reasons.

Submission: There is no mention of vehicle access within this section as highlighted previously. This should be considered in order to give effect to the NZCPS Policy 20.

Relief: It is requested that Council add a policy and explanation to control where vehicle access is allowed or to that effect.

Issue 5.3

Issue Discussion

Submission: Sea level rise and climate change are topical issues that are present in every coastal environment. The issue discussion does not discuss sea level rise, climate change effects, or give effect to NZCPS policies 24 to 27.

Relief: That policies 24 to 27 of the NZCPS be reflected in this section and provided for in the policies.

Objective 5.3.1

Submission: This objective is too wordy and long. It is requested that the paragraph be split into two objectives.

Relief a: obj 1: Avoid or mitigate subdivision, land use and development in the Coastal Environment where it is subject to natural hazards and

Obj 2: *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.*

Relief b: Or delete ~~“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.”~~

As the example provided in Relief a, would suffice.

Policy 5.3.3

Submission: Policy 5.3.3, this policy makes no sense. It is too wordy and is not clear in its intent.

Relief: Request that Council clarify what is the intent of this policy.

Policy 5.3.4

Submission: This policy needs to reflect the objective. The objective uses the term “significantly worsen” whereas in this policy it states that “land does not accelerate or worsen any material...”. Consistency is requested when applying such words.

Relief: It is requested that if Council is going to keep this policy as notified then “significant” should be deleted from Objective 5.3.1.

Policy 5.3.5

Submission a: New development is acceptable. However this policy lacks any mention of hazards which under NZCPS Policy 24 need to be assessed looking at least 100 years out.

Relief a: Add a policy that takes into account hazard risks over at least 100 years, are to be assessed or to that effect.

Submission b: In general the overall section is lacking in consideration of the NZCPS. As mentioned previously, NZCPS Policies 24; 25 (c), (d), (e); Policy 26, and Policy 27 are not adequately addressed.

Relief b: It is requested that Council provide policies that align with the NZCPS or to that effect.

Methods for Issue 5.3 and Objective 5.3.1

Submission: Bullet point 4 states, “Where there are significant risks from coastal hazards (inundation, erosion, sea level rise and tsunami) that have not yet been identified in the District plan, ...” . This does not give effect to Policy 24 of the NZCPS which requires “Identification of areas that are potentially affected by coastal hazards”.

Relief: It is requested that Council adopt the approach of Policy 24 of the NZCPS or to that effect.

Anticipated Environmental Results

Submission: This section does not have one objective or policy relating to Tangata Whenua. 5 (c) states “The protection and enhancement of historical and cultural values, including Tangata whenua spiritual values (taonga raranga) associated with the coast”. This needs to be reflected in the objective and policies within this section.

Relief: Add an objective and policies that relate to Tangata Whenua and their association with the Coastal Environment.

Chapter 6 Urban Environment

Submission: The provisions in this section lack consideration of the effect of activities in the urban/residential, commercial and industrial zone on natural values. Activities in the aforementioned areas can have effects on natural systems; especially water bodies. One effect comes from storm water runoff from the large area of hard surfaces. Ensuring that this water is clean before it enters water bodies should be a priority. Towns located within Coastal settings are subject to natural hazards the mitigation of which often involves protection works. Such works should have regard to the “intrinsic values” of the site’s ecosystem.

Relief: Add in 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:

While urban and commercial zones do not 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 from 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

Chapter 7 Greenbelt Residential Environment – not open for submission

Chapter 8 Natural Hazards

The discussion of issues, objectives, policies and methods of this section are generally supported as written, apart from any specific areas of concern identified below.

Submission a): A new objective is required that will include future hazards thereby taking a precautionary approach and to recognise the need to manage hazards arising with climate change.

Relief: Add a new objective that will implement the above submission or to that effect.

Submission b): Further polices are required to confirm the precautionary approach and to recognise the need to manage hazards arising with climate change.

Relief: Add two new 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.

Chapter 10 Land Transport

The discussion of issues, objectives, policies and methods of this section are generally supported as written, apart from any specific areas of concern identified below.

Submission: The Issue Discussion raises valid points. However, particular regard should also be given to road earthworks which scar the landscape or cause siltation of waterways which can cause adverse effects if not managed properly. The concern is the policies are lacking any consideration of the points raised in this submission and do not correlate well with the objective.

Relief: Provide policies that link to the objective and also takes into account the issues that have been identified.

Chapter 11 Water and Surface of Water

The discussion of issues, objectives, policies and methods of this section are generally supported as written, apart from any specific areas of concern identified below.

Policy 11.1.2

Submission: The policy is generally supported, however when using the term “significant values” does this incorporate cultural and biological values? The Definitions section does not cover this term.

Relief: It is requested that Council explain what “significant values” means within this policy or define the term “significant values”.

Methods for Issue 11.1 & Objective 11.1.1

Submission: Under “Other” there is the statement “*Existing management arrangements for certain lakes would seem to operate...*” What are the existing management arrangements that Council are referring to?

Relief: It is requested that Council provide a list of these existing management arrangements.

Chapter 12 Utilities and Energy

Submission: General support for provisions.

Relief: retain provisions of Chapter 12 as written.

Chapter 13 Historic Heritage

The discussion of issues, objectives, policies and methods of this section are generally supported as written, apart from any specific areas of concern identified below.

Policy 13.2.3

Submission: This policy is generally supported. Reference to the International Council on Monuments and Sites (ICOMOS) NZ Charter principles would assist.

Relief: It is requested that Council add “adhering to ICOMOS principles” to the policy in order to provide assistance to the reader when any maintenance, redecoration, repair etc. type work is required.

Chapter 14 Cross Boundary Issues

Submission: General support for provisions of Chapter 14.

Relief: Its retention as notified is supported.

Part C – Rules

Chapter 19 Rules: Rural Zone

The rules in this section are generally supported as written, apart from any specific areas of concern identified below.

Submission a: in 19.1 (j) last bullet the use of the words “*noxious plant*” should be defined or explained further to avoid ambiguity. If the intention is to cover those plants in National and Regional pest management plans then the words “noxious

plants” should be replaced with “pest plants” as per the Biosecurity Act 1993. To give the Department the ability to control plants that have an adverse impact on conservation values then the following relief is sought. It is also preferable to refer to the term “animal pests” as this is commonly used.

Relief a: It is requested that Council replace:”Noxious Plant and pest control” with: “Control of Pest plant, other plants adversely impacting on conservation values and animal pests.”

Submission b: in 19.1 (n) the addition of a paragraph (iii) referring to the ICOMOS NZ Charter would assist implementation. This charter 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.

Relief b: It is requested that Council add to 19.1 (n) a paragraph as follows: “(iii) Consider ICOMOS NZ Charter to guide conservation work”; or to that effect.

Rule 19.4.10 Historic Heritage – Buildings and Structures

Submission: It could be helpful to provide a clear, direct, link from the provisions of Chapter 13 Historic Heritage in considering an application under this rule.

Relief: Add references so that in considering an application for a resource consent under rule 19.4.10 the Council will have regard to the matters of assessment set out in Policies 3.4.2 – 3.4.5.

Rule 19.4.12 Notable Trees

Submission: It could be helpful to provide a clear, direct, link from the provisions of Chapter 3 Natural Features and Values in considering an application under this rule.

Relief: Add references so that in considering an application for a 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.

Chapter 20 Rules: Open Space Zone

Rule 20.1(j) Notable Trees

Submission: The notable trees related rules appears in various sections, to assist the reader it would be helpful if cross-references to the applicable chapters and rules in relation to notable trees is provided.

Relief: Consider cross referencing to notable trees chapters/rules.

Chapter 24 Rules: Subdivision and Development

Rule 24.2.5

Submission: The addition of a new paragraph under “Subdivision” is requested as topography along the margins has not been provided for.

Relief: Insert new paragraph with wording as follows: “Topography along the margins of the water bodies which result in increased runoff from adjacent land.”

To: Horowhenua District Council
districtplan@horowhenua.govt.nz

From: Christina Paton
6 Warren Street
Foxton Beach 4815
Ph. 363 5323
malimidwe@clear.net.nz

Date: 12 November 2012

Subject: Submission to Proposed District Plan

Trade competition clause does not apply.

Specific Provision

There are no maps included in the proposal offering any information on the liquefaction high risk factor that has been identified by Horizons Regional Council. Further, this information has not been included in the texts of this proposed District Plan and they are therefore perceived as being incomplete.

My submission is that this proposal is laid on the table until all relevant information has been provided for public consultation and that adequate explanation is supplied as to why this information was omitted according to instruction from the Horowhenua District Councillors. Given that the Christchurch City Council is currently under duress because a similar omission was decided on in the past I fail to see why the Horowhenua District Council can justify a like omission.

I wish to attend the Council hearing.
I wish to speak in support of my submission.

Christina Paton. 12 November 2012.

SUBMISSION FORM
Proposed Horowhenua District Plan
Resource Management Act 1991
Form 5 of Resource Management
(Forms, Fees, Procedure) Regs 2003



Council Use Only	
Date Received:
Submission No: <u>103</u>



Submissions can be:
 Delivered to: Horowhenua District Council Offices, 126 Oxford Street, Levin
 Posted to: Shaping Horowhenua, Horowhenua District Council, Private Bag 4002, Levin 5540
 Faxed to: (06) 366 0983
 Emailed to: districtplan@horowhenua.govt.nz

Submissions must be received no later than 4:00pm 12 November 2012

1. Submitter Contact Details

Full Name: Colin Lloyd Easton
 Name of Organisation: *(If on behalf of an Organisation)*
 Address for Service: P.O. Box 127
Foxton Post code: 4848
 Telephone (Day time): Mobile: 021 363 893
 Email: easton.c@xtra.co.nz

Note: you must fill in all sections of this form.

2. Trade Competition

I could gain an advantage in trade competition through this submission? Yes No

I am directly affected by an effect of the subject matter that
 (a) adversely affects the environment; and
 (b) does not relate to trade competition or the effects of trade competition? Yes No

Please note that if you are a person who could gain an advantage in trade competition through the submission, your right to make a submission may be limited by Clause 6 of Schedule 1 of the Resource Management Act 1991.

3. The specific provisions of the Proposed District Plan that my submission relates to are as follows: (Please specify the Rule, Policy or Map number your submission relates to)

1 Subdivision and Development and L.U.C.
2 " " " "
3 Historic Heritage
4 Liquefaction

(Continue on a separate sheet if necessary)

4. My submission is that: (Clearly state whether you SUPPORT or OPPOSE specific parts of the Proposed District Plan or wish to have amendments made, giving reasons for your views)

See additional pages

(Continue on a separate sheet if necessary)

5. I/We seek the following decision from the Horowhenua District Council: (Give precise details of what amendments you wish to see and your reasons)

(Continue on a separate sheet if necessary)

6. Proposed District Plan Hearing

Do you wish to attend the Council hearing for the Proposed District Plan? Yes No

Do you wish to be speak in support of your submission at the hearing? Yes No

If others make a similar submission would you be prepared to consider presenting a joint case at the hearing? Yes No

I have attached ...2... additional pages to this submission.

Signature of Submitter: [Signature] (Or person authorised to sign on behalf of submitter)

Date: 12/11/12

Note: A signature is not required if you make your submission by electronic means.

Submissions must be received no later than 4:00pm 12 November 2012

Further Information

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Privacy Act 1993

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C.L. Easton
PO Box 127
FOXTON 4848
New Zealand

SUBMISSIONS ON PROPOSED DISTRICT PLAN

(1) One of my concerns is the use of Land Use Capability (LUC) as a means of identifying land that is class 1 & 2 which is identified in the district plan to being of special nature that should be protected from subdivision for present and future generations. This class 1 & 2 are highly desirable for all types of farming including horticulture. The LUC that identify class 1 & 2 & 3 & 4 has large areas of which can still be subdivided which should not be allowed. I have a property South of Ridge Road, Foxton which ½ is class 1 & 2 and the other is 3 & 4. This whole property is capable of growing anything which the Opiki area can grow and has a good water table. I now refer to 52 Hickford Road subdivision which I wrote to Horowhenua District Council but they said it was classed rubbish land along with the sand country. One of my properties surrounds this subdivision which is South of Ridge Road and reaches to Hickford Road. I have been farming the sand country area nearby for over 40 years and know its capabilities. There are lots of areas in between the sand ridges that should be classed as elite soils which are currently being classed as non elite soils. Our future generations are the ones that will suffer if the council continues to allow subdivision on our good land. Local farmers with years of experience can identify which land is of excellent soil quality and what isn't.

Area south of Ridge Road to SH 1 is a classic example of not being classed as 1 & 2. refer to planning Map 4 & 5 & 2.

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.

C.L. Easton
PO Box 127
FOXTON 4848
New Zealand

(2) There is a need to change subdivision within the rural environment from a controlled activity to one that requires such a division to become a discretionary, notifiable application.

When a person or persons want to subdivide there should be consultation with the local farmers before it is allowed to go ahead. If it is required notification then objections can be heard and justified. E.g. reverse sensitivity and existing use of the land being safe guarded from complaints by new lifestylers who do not understand what farmers need to do to be productive.

(3) Historic, Heritage and Natural Bush Remnants.

The need for a fund to compensate and assist those that have restrictions placed upon private property for the common good and also rates relief.

This will make general public realize that there will be a cost attached to these areas.

(4) Liquefaction

This needs to be looked at when subdivision is being proposed in certain areas. I have no expertise in liquefaction and I am unable to specify any areas..



SUBMISSION FORM

Proposed Horowhenua District Plan

Resource Management Act 1991

Form 5 of Resource Management

(Forms, Fees, Procedure) Regs 2003

Council Use Only
Date Received:/...../.....
Submission No: 104



Submissions can be:
Delivered to: Horowhenua District Council Offices, 126 Oxford Street, Levin
Posted to: Shaping Horowhenua, Horowhenua District Council, Private Bag 4002, Levin 5540
Faxed to: (06) 366 0983
Emailed to: districtplan@horowhenua.govt.nz

Submissions must be received no later than 4:00pm 12 November 2012

1. Submitter Contact Details

Full Name: BILL HUZZIFF
Name of Organisation: *(If on behalf of an Organisation)*.....
Address for Service: BAKER STREET,
R.D.11 FOXTON Post code: 4891
Telephone (Day time): 06 3638701 Mobile:
Email: wrhuzziff@clear.net.nz

Note: you must fill in all sections of this form.

2. Trade Competition

I could gain an advantage in trade competition through this submission? Yes No
I am directly affected by an effect of the subject matter that
(a) adversely affects the environment; and
(b) does not relate to trade competition or the effects of trade competition? Yes No
Please note that if you are a person who could gain an advantage in trade competition through the submission, your right to make a submission may be limited by Clause 6 of Schedule 1 of the Resource Management Act 1991.

3. The specific provisions of the Proposed District Plan that my submission relates to are as follows: *(Please specify the Rule, Policy or Map number your submission relates to)*

controlled activity status of rural
subdivision
.....
.....
.....
.....
.....

(Continue on a separate sheet if necessary)

4. My submission is that: (Clearly state whether you SUPPORT or OPPOSE specific parts of the Proposed District Plan or wish to have amendments made, giving reasons for your views)

..... see attached pages

.....

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(Continue on a separate sheet if necessary)

5. I/We seek the following decision from the Horowhenua District Council: (Give precise details of what amendments you wish to see and your reasons)

..... see attached pages

.....

.....

.....

.....

(Continue on a separate sheet if necessary)

6. Proposed District Plan Hearing

Do you wish to attend the Council hearing for the Proposed District Plan? Yes No

Do you wish to be speak in support of your submission at the hearing? Yes No

If others make a similar submission would you be prepared to consider presenting a joint case at the hearing? Yes No

I have attached additional pages to this submission.

Signature of Submitter: *W. A. Hussiff* Date: *12-11-12*
(Or person authorised to sign on behalf of submitter)

Note: A signature is not required if you make your submission by electronic means.

Submissions must be received no later than 4:00pm 12 November 2012

Further Information

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Privacy Act 1993

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5 November 2012

submission to the district plan

the need to change subdivision within the rural environment from a controlled activity to one which requires such a subdivision to become a discretionary, notifiable application.

There is a complete lack of consultation with the rural community when major changes are to take place within the rural parts of the district. These changes, such as subdivisions, have a major impact on the surrounding farms. They interfere with and impose restrictions on normal farming activities and also deny rural folk their rights to produce an income and to their enjoyment of living in such an environment.

There are large areas of what used to be farm land or horticultural land contained within the residential greenbelt, deferred residential greenbelt and land already subdivided. There has been no attempt, within the district plan, to quantify the costs and benefits of such urban sprawl. And yet it is a prime requirement of the Resource Management Act, under section 32, for planners to give due consideration to economic outcomes.

Several subdivisions have taken place within the Foxton area and the first time that the neighbouring owners became aware of what was happening was when the subdivision of the land has already taken place.

The exception to this was the proposed subdivision at 232 Hickford Road, Foxton. This was required to be notified because part of the plan included a road connecting to an existing road. When this proposed major change came to the attention of the surrounding farmers they voiced their disapproval in 23 submissions. The subdivision did not go ahead.

Subdivisions, within the rural domains, usually start out with seemingly good reasons and purposes but these do not stand the test of time. For example the average time nationally between purchase and sale of lifestyle blocks is three years. The idealistic intentions soon succumb to the reality of what could best be described as subsistence farming. Without the access to modern tools and the economic justification for purchasing such tools then lifestyle blocks became time-consuming millstones around peoples necks and their enthusiasm soon falters. What then happens is that the subdivisions become subdivided again and become urban enclaves in a rural setting but without the essential services i.e. water and sewerage which are part of modern urban life. As an example of this I point

to the urban enclave at the intersection of Hickford and Motuiti Roads. This has been subdivided and subdivided again without thought of surface water and sewerage disposal.

There are an over abundance of subdivided land within the Horowhenua district and each subdivision has the potential to undermine and destroy the rural way of life.

Theoretically there are safeguards set up by the district Council to protect the rural community. But these theoretical safeguards such as reverse sensitivity and existing use have in practice not been safeguards at all. It is for the above reasons that I believe that any subdivision, of whatever type, should be a notified discretionary activity under the district plan.

Allow rural ratepayers to have their say.

4. My submission is that: (Clearly state whether you SUPPORT or OPPOSE specific parts of the Proposed District Plan or wish to have amendments made, giving reasons for your views)

See attached pages

(Continue on a separate sheet if necessary)

5. I/We seek the following decision from the Horowhenua District Council: (Give precise details of what amendments you wish to see and your reasons)

See attached pages

(Continue on a separate sheet if necessary)

6. Proposed District Plan Hearing

Do you wish to attend the Council hearing for the Proposed District Plan? Yes No

Do you wish to be speak in support of your submission at the hearing? Yes No

If others make a similar submission would you be prepared to consider presenting a joint case at the hearing? Yes No

I have attached additional pages to this submission.

Signature of Submitter: W.A. Huzziff Date: 12-11-12
(Or person authorised to sign on behalf of submitter)

Note: A signature is not required if you make your submission by electronic means.

Submissions must be received no later than 4:00pm 12 November 2012

Further Information

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3 November 2012

Submission on the proposed district plan.

The deficiencies of the land use capability (L UC) system as a means of classifying land.

My concern relates to the use of Land Use Capability criteria as a means of identifying land that is class one and two and which is identified in the district plan to being of special nature that should be protected from subdivision for present and future generations. The reason for identifying this as special land is because of the quality and versatility of the soil types which make them highly desirable for all types of farming and horticulture use.

The land use capability system (L UC) that the district is using is fundamentally flawed. Speaking for my area only (the Foxton area] it fails to identify large areas of land which are superior soils. By superior I mean soils that are as good as anywhere in New Zealand and by which token as good as anywhere in the world. Of particular note is the farmland between Ridge Road and the Moutua spillway within which boundaries there are many hundreds of hectares of prime farmland. The District Council has already allowed subdivisions to take place on these elite soils. I refer specifically to the subdivision at 52 Hickford Road, Foxton.

Several farmers objected to the subdivision but were told the subdivision was not on elite soils. After the subdivision was put in place and was being advertised for sale the land agent listed it as class one soil. The agent was aware of the quality of the soil. The farmers were aware of the quality of the soil. The land use capability [LUC] system wasn't aware of the quality of the soil. It was classed as L UC class three or greater. (Planning map 4) never shown as part of the Moutoa / Opiki Plains domain. (Planning map 38)

L UC was devised as a system to help farm consulting officers and others as a rough guide as to the potential of the soil for farming purposes. After assessing the land they could then give advice as to stocking rate, fertiliser application and potential carrying capacity for the particular farm. It was never intended and did not have the accuracy to carry out the tasks the district Council is using it for.

The district Council is safeguarding the elite soils for the present generations and succeeding generations. The future of our food producing industries depend on their classifications. A rough and ready guide is not

adequate for this purpose. The council planners need to make a comprehensive survey of the district and then rethink their classification system. Only then will they be able to say to future generations "we did a good job".

The L UC system is not up to the job.



Council Use Only
 Date Received:/...../.....
 Submission No: ~~107~~ 108

SUBMISSION FORM
Proposed Horowhenua District Plan
Resource Management Act 1991
Form 5 of Resource Management
(Forms, Fees, Procedure) Regs 2003



Submissions can be:
 Delivered to: Horowhenua District Council Offices, 126 Oxford Street, Levin
 Posted to: Shaping Horowhenua, Horowhenua District Council, Private Bag 4002, Levin 5540
 Faxed to: (06) 366 0983
 Emailed to: districtplan@horowhenua.govt.nz

Submissions must be received no later than 4:00pm 12 November 2012

1. Submitter Contact Details

Full Name: Rosalie Huzziff
 Name of Organisation: *(If on behalf of an Organisation)*.....
 Address for Service: Baker Street
R.D. 11 Foxton Post code: 4891
 Telephone (Day time): 06 363 8701 Mobile:
 Email:

Note: you must fill in all sections of this form.

2. Trade Competition

I could gain an advantage in trade competition through this submission? Yes No

I am directly affected by an effect of the subject matter that
 (a) adversely affects the environment; and
 (b) does not relate to trade competition or the effects of trade competition? Yes No

Please note that if you are a person who could gain an advantage in trade competition through the submission, your right to make a submission may be limited by Clause 6 of Schedule 1 of the Resource Management Act 1991.

3. The specific provisions of the Proposed District Plan that my submission relates to are as follows: (Please specify the Rule, Policy or Map number your submission relates to)

Objectives/Policies: Historic Heritage
Policy 13.13.2 to 13.3.4

.....

(Continue on a separate sheet if necessary)

4. My submission is that: (Clearly state whether you SUPPORT or OPPOSE specific parts of the Proposed District Plan or wish to have amendments made, giving reasons for your views)

As Attached.

(Continue on a separate sheet if necessary)

5. I/We seek the following decision from the Horowhenua District Council: (Give precise details of what amendments you wish to see and your reasons)

That Council sets up a special fund for Historic, Heritage & other restrictions.

(Continue on a separate sheet if necessary)

6. Proposed District Plan Hearing

Do you wish to attend the Council hearing for the Proposed District Plan? Yes No

Do you wish to be speak in support of your submission at the hearing? Yes No

If others make a similar submission would you be prepared to consider presenting a joint case at the hearing? Yes No

I have attached1... additional pages to this submission.

Signature of Submitter: *R. H. Jeff* Date: 12-11-12
(Or person authorised to sign on behalf of submitter)

Note: A signature is not required if you make your submission by electronic means.

Submissions must be received no later than 4:00pm 12 November 2012

Further Information

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Privacy Act 1993

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3 November 2012.

Historic, Heritage and other restrictions.

The need for a fund to compensate and assist those that have restrictions placed upon private property for the common good.

It seems to me to be completely unfair to see property rights taken away from individuals without compensation for the extra costs involved. Compensation is a well established principle overseas. For example, the EU recompenses the farming community for aesthetic and environmental restrictions with subsidies that equate to 30% of farming income. If public opinion is used to justify restrictions on private property then surely the duly elected or appointed representatives of the public are duty-bound to assist those that they restrict for the public good. For that reason I believe there is a need for the Horowhenua district Council to set up a fund of \$1 million for recompense purposes.

In the first instance the fund should be used to help those with historic buildings. These buildings are by modern standards difficult to utilise, expensive to heat and costly to maintain. In most instances the cheapest option would be demolition and rebuild but this is not an option to those who have had a historic restriction placed on a building that they own. Similarly where restrictions are placed on farmland farmers should be compensated.

Such a fund would establish two important principles:
the first would be that all restrictions have a cost involved
the second would be that planners and others would be sure of their justification before restrictions were applied because they would have to explain themselves, and the expense, to the elected representatives of the public and ultimately to the public themselves.



Council Use Only
 Date Received:/...../.....
 Submission No: 108/107

SUBMISSION FORM
Proposed Horowhenua District Plan
Resource Management Act 1991
Form 5 of Resource Management
(Forms, Fees, Procedure) Regs 2003



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 Faxed to: (06) 366 0983
 Emailed to: districtplan@horowhenua.govt.nz

Submissions must be received no later than 4:00pm 12 November 2012

1. Submitter Contact Details

Full Name: Rosalie Huzziff
 Name of Organisation: *(If on behalf of an Organisation)*
 Address for Service: Baker Street
R.D.11 Foxton Post code: 4891
 Telephone (Day time): 06 363 8701 Mobile:
 Email:

Note: you must fill in all sections of this form.

2. Trade Competition

I could gain an advantage in trade competition through this submission? Yes No
 I am directly affected by an effect of the subject matter that
 (a) adversely affects the environment; and
 (b) does not relate to trade competition or the effects of trade competition? Yes No
Please note that if you are a person who could gain an advantage in trade competition through the submission, your right to make a submission may be limited by Clause 6 of Schedule 1 of the Resource Management Act 1991.

3. The specific provisions of the Proposed District Plan that my submission relates to are as follows: (Please specify the Rule, Policy or Map number your submission relates to)

Planning Map 1, 2, 4, 5 12, 13, 14, 15

(Continue on a separate sheet if necessary)

4. My submission is that: (Clearly state whether you SUPPORT or OPPOSE specific parts of the Proposed District Plan or wish to have amendments made, giving reasons for your views)

No Further Subdivision should take place on liquefaction areas as set out on attachment.

(Continue on a separate sheet if necessary)

5. I/We seek the following decision from the Horowhenua District Council: (Give precise details of what amendments you wish to see and your reasons)

That the liquefaction be incorporated into the District Plan

(Continue on a separate sheet if necessary)

6. Proposed District Plan Hearing

Do you wish to attend the Council hearing for the Proposed District Plan? Yes No

Do you wish to be speak in support of your submission at the hearing? Yes No

If others make a similar submission would you be prepared to consider presenting a joint case at the hearing? Yes No

I have attached additional pages to this submission.

Signature of Submitter: Date: 12-11-12
(Or person authorised to sign on behalf of submitter)

Note: A signature is not required if you make your submission by electronic means.

Submissions must be received no later than 4:00pm 12 November 2012

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Fifth of November, 2012.

Submission to the district Council on the need to map areas of potential liquefaction and the need to avoid these areas for subdivision.

Horizons regional Council has identified large areas of land, especially in the coastal area, which they believe would have liquefaction problems in the event of a major earthquake. [Manawatu - Wanganui Civil Defence Emergency Management report] They seem to have taken a broad brush approach to identifying the areas rather than presenting a detailed assessment. As such it does not have much practical application for urban planning in the Horowhenua district. What is clear however is the combination of high water tables and sandy soils make potential liquefaction very real in the event of a major earthquake. Long-term planning for urban development (which the district plan largely is) in the Foxton area would indicate that the town should head in a northerly direction rather than the green belt residential areas identified on the eastern boundary of Foxton and enclosed between Avenue Road and Union Street/ Shannon Road. Going north would move urban development towards lighter drier soils whereas the soils designated green belt residential are characterised by sand ridges snaking through wet peaty soils. Prime liquefaction sites. A revision of urban expansion, for the Foxton area, would of course upset plan change 20, 21 and 22 but it is better to require the planners to revise their work than have residents go through the type of heartache which the people of Christchurch went through.

This is a very rough assessment of what is needed in future planning for Foxton. As far as the rural area surrounding Foxton is concerned, under the district plan, any subdivisions would be classified as controlled activities. They would not be subject to scrutiny by surrounding land owners. It is in the district plan that urban development in the Foxton dune field domain should be kept off the dunes but the land area between dunes would be the land most susceptible to liquefaction. Therefore no residential subdivisions should take place in this domain. It should be kept entirely for agriculture use.

I have limited knowledge of other areas and will not comment on potential liquefaction issues which may arise elsewhere.

SUBMISSION FORM
Proposed Horowhenua District Plan
Resource Management Act 1991
Form 5 of Resource Management
(Forms, Fees, Procedure) Regs 2003



Council Use Only	
Date Received:/...../.....
Submission No:	108



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 Posted to: Shaping Horowhenua, Horowhenua District Council, Private Bag 4002, Levin 5540
 Faxed to: (06) 366 0983
 Emailed to: districtplan@horowhenua.govt.nz

Submissions must be received no later than 4:00pm 12 November 2012

1. Submitter Contact Details

Full Name: David McCorkindale

Name of Organisation: Horowhenua District Council (Planning Department).....

Address for Service: Private Bag 4002, Levin.....
 Post code: 5540

Telephone (Day time): 06 366 0999 Mobile:

Email: davidbm@horowhenua.govt.nz

Note: you must fill in all sections of this form.

2. Trade Competition

I could gain an advantage in trade competition through this submission? Yes No

I am directly affected by an effect of the subject matter that
 (a) adversely affects the environment; and
 (b) does not relate to trade competition or the effects of trade competition? Yes No

Please note that if you are a person who could gain an advantage in trade competition through the submission, your right to make a submission may be limited by Clause 6 of Schedule 1 of the Resource Management Act 1991.

3. The specific provisions of the Proposed District Plan that my submission relates to are as follows: (Please specify the Rule, Policy or Map number your submission relates to)

See attached submission

.....

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(Continue on a separate sheet if necessary)

4. My submission is that: *(Clearly state whether you SUPPORT or OPPOSE specific parts of the Proposed District Plan or wish to have amendments made, giving reasons for your views)*

See attached submission

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(Continue on a separate sheet if necessary)

5. I/We seek the following decision from the Horowhenua District Council: *(Give precise details of what amendments you wish to see and your reasons)*

See attached submission

.....

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.....

.....

(Continue on a separate sheet if necessary)

6. Proposed District Plan Hearing

Do you wish to attend the Council hearing for the Proposed District Plan? Yes No

Do you wish to speak in support of your submission at the hearing? Yes No

If others make a similar submission would you be prepared to consider presenting a joint case at the hearing? Yes No

I have attached 24 additional pages to this submission.

Signature of Submitter: David McCorkindale **Date:** 12 November 2012
(Or person authorised to sign on behalf of submitter)

Note: A signature is not required if you make your submission by electronic means.

Submissions must be received no later than 4:00pm 12 November 2012

Further Information

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Horowhenua District Council (Planning Department) Submission on the Proposed Horowhenua District Plan

While the Planning Department supports the intent of the Proposed District Plan, there are matters within the Proposed District Plan where amendments to the proposed provisions are sought. The amendments sought are generally seeking to provide greater certainty to interpretation of the Plan. These matters are set out below.

Specific provision submitting on	Support	Support in part	Oppose	Submission	Decision Sought
Part C - Rules Rules 15.6.10(a), 15.8.5(b)(i), 19.6.5(a) and 19.8.3(b)(i)		Support in part		Home occupations - The number of home occupations permitted per residential site within the Residential Zone or rural site within the Rural Zone is unclear. A total floor area of 50m ² is specified for permitted activities however the proposed rules are unclear whether this size threshold is per home occupation or a cumulative threshold for home occupations on site. The current rule could be interpreted to provide for two or more home occupations on one residential property provided each home occupation is no more than 50m ² . There is a similar issue with the 70m ² size threshold for restricted discretionary activities.	That Rule 15.6.10(a) and Rule 19.6.5(a) be amended to clarify that the 50m ² threshold should be applied as a cumulative threshold for all home occupations on a site (i.e. if there is more than one home occupation on a site the combined area must not be more than 50m ²). That Rule 15.8.5(b)(i) and Rule 19.8.3(b)(i) be amended to clarify that the 70m ² threshold should be applied as a cumulative threshold for all home occupations on a site. Amend 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. 19.6.5(a) A Home occupations shall not exceed 50m ² of total floor area dedicated to this activity. 19.8.3(b)(i) A Home occupations shall not exceed 70m ² of total floor area dedicated to this activity.
Rules 15.6.27(b), 16.6.4(a)(iv), 17.6.5(a)(iv), 19.6.26(c) and 20.6.18(b)		Support in part		Temporary signs - The rule specifying the permitted display period for temporary signs allows such signs to be displayed for no more than two months for every calendar year. The reference to a calendar year would allow for a temporary sign erected in the month of	That the temporary sign Rules 15.6.27(b), 16.6.4(a)(iv), 17.6.5(a)(iv), 19.6.26(c), 20.6.18(b) are amended as follows: Any temporary sign shall be displayed for no longer than two (2) calendar months in every

Specific provision submitting on	Support	Support in part	Oppose	Submission	Decision Sought
Rules 17.6.2(b) and 17.6.2(c)		Support in part		<p>November to be continuously displayed through February the following calendar year. This undermines the intent of the provision to permit the display of temporary signs for no more than two months within a 12 month period.</p> <p>Building frontage and size - The phrasing of Rule 17.6.2 (b) and (c) is not explicit in the spatial area the rule applies to. Parts (b) and (c) refer to areas outside the pedestrian area overlay within the townships of Levin and Foxton but could be interpreted to apply to all areas of the district outside the pedestrian area overlays within Levin and Foxton.</p>	<p>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.</p> <p>That parts (b) and (c) of Rule 17.6.2 be amended as follows to clarify that the rule applies to areas within Levin and Foxton which are outside of the respective pedestrian area overlays.</p> <p>(b) <u>In Levin</u> outside the Pedestrian Overlay Area in Levin, the following conditions apply:</p> <p>(c) <u>In Foxton</u> outside the Pedestrian Overlay Area in Foxton, the following conditions apply:</p>
Rules 19.6.4(a)(v) and 19.6.4(a)(x)		Support in part		<p>Water bodies - The wording of Rule 19.6.4(a)(v) does not specify the point at which a building setback from a water body should be measured. This rule could be interpreted in several ways and requires clarity for consistency in its application.</p>	<p>That 19.6.4(a)(v) and (x) shall be amended as follows to clarify the point where a building setback should be measured from a water body.</p> <p>19.6.4(a)</p> <p>(v) 20 metres from <u>the bed of</u> any water body listed in Schedule 12 - Priority Water Bodies.</p> <p>(x) 20 metres from <u>the bed of</u> any water body listed in Schedule 12 - Priority Water Bodies.</p> <p>That the Plan be amended as follows:</p>
Rules 15.1(c) and 19.1(d).		Support in part		<p>Visitor Accommodation - The Proposed Plan provides for Visitor accommodation for up to four persons within a residential dwelling unit in the Residential and Rural Zones. The current rules introduce some uncertainty over whether visitor accommodation could be provided in both the principle dwelling unit on site and a family flat and if so whether each can accommodate four persons. The current definition of residential dwelling unit does not assist with the interpretation of the rules regarding visitor accommodation and could be read to include a family flat. The Plan should be amended to bring greater certainty.</p>	<p>Amend Rule 15.1(c) Visitor accommodation for up to four persons <u>per site within a any residential dwelling unit and/or family flat.</u></p> <p>Amend Rule 19.1(d) Visitor accommodation for up to four persons <u>per site within a any residential dwelling unit and/or family flat.</u></p>

Specific provision submitting on	Support	Support in part	Oppose	Submission	Decision Sought						
<p>Rules 15.4(c), 19.4.2(a), 19.6.4(b) and 19.6.4(c), and Table 21-4</p>		<p>Support in part</p>		<p>The rule should allow visitor accommodation to be provided in different in both dwellings and family flats, however the total number of persons accommodated should not exceed four persons.</p> <p>Family Flat - The Proposed Plan is vague on whether a 'family flat' is defined as a residential dwelling unit. There are a number of rules within the Plan that would apply to family flats if they are considered a residential dwelling unit. The Plan should be amended to bring greater certainty to how the Plan is interpreted. The Plan should be amended to specifically exclude 'family flats' from the definition of residential dwelling unit. This would remove the need for family flats to comply with rules relating specifically to residential dwelling units such as outdoor living space requirements. Consequentially there are several rules which would benefit from a specific reference to the 'family flats' so it is clear how the rules are to be interpreted.</p>	<p>That the Plan be amended as follows:</p> <p>Amend Rule 15.4(c) Two or more residential units/<u>family flats</u> per site.</p> <p>Amend Rule 19.4.2(a) Two or more residential dwelling units/<u>family flats</u> per site.</p> <p>Amend Rule 19.6.4(b) All residential dwelling units, <u>family flats</u>, and sensitive activities shall comply with the following additional setbacks and separation distances:</p> <p>Amend Rule 19.6.4(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;</p> <p>Amend Table 21-4</p> <table border="1" data-bbox="1081 163 1364 759"> <thead> <tr> <th data-bbox="1081 163 1144 578">Activity</th> <th data-bbox="1081 578 1144 1122">Number of Spaces Required</th> </tr> </thead> <tbody> <tr> <td data-bbox="1144 163 1207 578">Residential Activities</td> <td data-bbox="1144 578 1207 1122">2 spaces per residential dwelling unit. 1 space per family flat</td> </tr> <tr> <td data-bbox="1207 163 1270 578"></td> <td data-bbox="1207 578 1270 1122">1 space per residential dwelling unit within a Medium Density Development.</td> </tr> </tbody> </table>	Activity	Number of Spaces Required	Residential Activities	2 spaces per residential dwelling unit. 1 space per family flat		1 space per residential dwelling unit within a Medium Density Development.
Activity	Number of Spaces Required										
Residential Activities	2 spaces per residential dwelling unit. 1 space per family flat										
	1 space per residential dwelling unit within a Medium Density Development.										

Specific provision submitting on	Support	Support in part	Oppose	Submission	Decision Sought
Rules 15.6.23(a), 16.6.15(a), 17.6.17(a)(i), 19.6.22(a) and 20.6.5(a)		Support in part		Vehicle Parking, Manoeuvring, and Loading - The proposed rules for vehicle parking, manoeuvring and loading specifically exclude network utilities on sites less than 200m ² from having to comply with parking, manoeuvring and loading provisions in Chapter 21 of the Proposed Plan. Technically Network Utility sites exceeding 200m ² in size would be caught by this rule and be required to comply with provisions set out in Chapter 21, however there are no specific parking requirements for network utilities so this aspect of the rule is redundant and can be removed.	That vehicle parking, manoeuvring and loading rules are amended as follows: Amend Rule 15.6.23(a) 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. Amend Rule 16.6.15(a) 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. Amend Rule 17.6.17(a)(i), 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. Amend Rule 19.6.22(a) 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. Amend Rule 20.6.5(a) 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.
Rules 15.1(j), 15.6.14, 16.1(n), 16.6.20, 17.1(p), 17.6.21, 19.1(m), 19.6.11(c),		Support in part		Installation of Underground Network Utilities in the Flood Hazard Area - The Proposed Plan contains rules which would require resource consent for the underground	That permitted activities and permitted activity conditions for the flood hazard area overlay are amended to provide for the installation of underground network utilities as follows.

Specific provision submitting on	Support	Support in part	Oppose	Submission	Decision Sought
20.1(g) and 20.6.11				<p>installation of network utilities such as pipes, lines and cables in the Flood Hazard Area. Given that the underground installation of these utilities would not result in any structures above ground that could displace flood waters or be at risk from a flood event the consent requirement would seem unduly onerous, particularly as it may be visually more acceptable to underground these utilities. The Plan should be amended to make the installation of underground network utilities a permitted activity. There would need to be an associated requirement for the ground to be reinstated with no change to the contour so that there was no additional effect on flood water flow paths.</p>	<p>Amend Rule 15.1(j), <u>(iii) Installation of underground network utilities.</u></p> <p>Amend Rule 15.6.14 <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>Amend Rule 16.1(n) <u>(iii) Installation of underground network utilities.</u></p> <p>Amend Rule 16.6.20 <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>Amend Rule 17.1(p) <u>(iii) Installation of underground network utilities.</u></p> <p>Amend Rule 17.6.21 <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>Amend Rule 19.1(m) <u>(iv) Installation of underground network utilities.</u></p> <p>Amend Rule 19.6.11 <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>

Specific provision submitting on	Support	Support in part	Oppose	Submission	Decision Sought
Rule 17.6.2(d)(iii)		Support in part		Building frontage and size - This rule seeks to ensure that areas of car parking are landscaped to reduce their visual impact. The rule however is unclear on whether this should apply to the scenario where a small portion of the car park extends to the frontage. To bring greater clarity and a level of pragmatism to this rule, a threshold should be introduced so that the landscaping requirement would not apply to car park areas with frontages that are less than the typical length of a car park (6m).	<p>Amend Rule 20.1(g) (iii) <u>Installation of underground network utilities.</u></p> <p>Amend Rule 20.6.11 (c) <u>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>Decision Sought: Amend Rule 17.6.2(d)(iii) as follows:</p> <p>The area between <u>the front road boundary and any on-site carpark and the front road boundary with a frontage of more than 6 metres</u> shall include a landscaping strip. This landscaping strip shall comply with the following conditions:</p>
Rule 17.6.17 and Table 21-4 Note		Support in part		<p>Parking standards - The proposed rules would require that the onsite parking requirements would apply to the commercial zoned properties in Waitare Beach, Manakau and Foxton Beach. With the exception of the commercial zoned land on the corner of Seabury Avenue and Dawick Street, the commercial zoned properties in these settlements are generally small scale properties which if developed commercially would most likely lend themselves to small commercial or retail premises. It is considered that on-street car parking in these areas would be adequate to cater for commercial activities established on these sites and therefore these sites should be made exempt from the on-site parking requirements in the same way that these requirements do not apply to the Pedestrian Overlay areas in Levin, Shannon and Foxton.</p>	<p>Amend Rule 17.6.17 as follows:</p> <p>Note: Activities within any Pedestrian Overlay Area or within Waitare Beach, Manakau and Foxton Beach (except for the properties on the corner of Seabury Avenue and Dawick Street legally described as Lots 3 and 4 DP 91336 and Lots 1 and 2 DP 333144) 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).</p> <p>Amend Table 21-4 Note as follows:</p> <p>Note: Parking standards do not apply to sites within:</p> <p>(i) <u>the Commercial Zone Pedestrian Overlay</u> (ii) <u>Commercial Zone in Foxton Beach (except for the properties on the corner of Seabury</u></p>

Specific provision submitting on	Support	Support in part	Oppose	Submission	Decision Sought
				The site on the corner of Seabury Avenue and Dawick Street (legally described as Lots 3 & 4 DP 91336 and Lots 1 & 2 DP 333144) offers a much greater range of commercial opportunities and at a potentially significant scale, for this reason the on-site parking requirements should continue to apply to this site.	<u>Avenue and Dawick Street</u> legally described as <u>Lots 3 and 4 DP 91336 and Lots 1 and 2 DP 333144</u> <u>(iii) Commercial Zone in Waitare Beach</u> <u>(iv) Commercial Zone in Manakau</u>
Table 21.4		Support in part		Vehicle access, loading and parking - The Proposed Plan requires that two (2) parking spaces are to be provided for each residential unit. This is an increase from the current requirement under the Operative Plan of one (1) space per residential unit. The requirement for two (2) parking spaces is considered to be unduly onerous for the Horowhenua context and would have potential to result in additional areas of hard surfaces to provide appropriate parking spaces which could exacerbate any on-site stormwater disposal issues. The Proposed Plan should be amended to revert back to the current parking requirement of one (1) space per residential dwelling unit.	Amend Table 21-4 Residential Activities 12 spaces per residential dwelling unit.
Rules 16.6.5(e)(iv), 17.6.6(e)(iv) and 20.6.7(d)(iv)		Support in part		Noise - The rule exempting certain activities from the permitted noise levels appears in each zone. Each rule refers to "a normal residential activity". For the Commercial, Industrial and Open Space zones the rule should be made zone specific by referring to the predominant permitted activity in each respective zone instead of referring to "residential activity".	Amend as follows: Rule 16.6.5(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 industrial activity. 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. Rule 20.6.7(d)(iv) Vehicles being driven on a road (within the

Specific provision submitting on	Support	Support in part	Oppose	Submission	Decision Sought
Part C - General Provisions					meaning of Section 2(1) of the Transport Act 1962), or within a site as part of or compatible with a normal residential recreation activity.
Chapter 26: Bed Definition		Support in part		To assist with the interpretation of amended Rules 19.6.4(a)(v) and 19.6.4(a)(x) it would be helpful to include reference to the Resource Management Act 1991 definition of 'bed' is included in Chapter 26: General Provisions Definitions.	That a new definition be added to Chapter 26 to read as follows: Bed has the same meaning as in the <u>Resource Management Act 1991</u> .
Chapter 26: Residential Dwelling Unit Definition		Support in part		The Proposed Plan is vague on whether a 'family flat' is defined as a residential dwelling unit. The Plan should be amended to specifically exclude 'family flats' from the definition of residential dwelling unit. This would improve the certainty of how the Plan is to be interpreted and would have the effect of removing the need for family flats to comply with rules relating specifically to residential dwelling units such as outdoor living space requirements.	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> .
Chapter 26: Family Flat Definition		Support in part		The family flat definition does not include a size requirement for a family flat in the Proposed District Plan as it does in the Operative Plan. This size requirement is included in the zone chapter rules. The Greenbelt Residential Chapter sits outside the Proposed Plan and can not be updated to reflect this change at this time. To cover the interim period it is recommended a note be added to the family flat definition to ensure that there will be a size requirement for a family flat in the Greenbelt Residential Zone before the appropriate amendment can be made through the plan variation process.	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. Note: A Family Flat in the Greenbelt Residential Zone shall be no more than 50m ² in maximum gross floor area (plus a covered verandah up to 10m ²).
Planning Maps					
Planning Map 13		Support in part		A section of Edinburgh Terrace, Foxton Beach is displayed as Rural Zone on Planning Map 13. This should be displayed	Rezone Part Lot 4 DP 9897 and Part Lot 3 DP 10243 as Road. See Map 1 attached.

Specific provision submitting on	Support	Support in part	Oppose	Submission	Decision Sought
Planning Map 15		Support in part		as Road to reflect its actual land use and correct zoning. There are two properties at 149 and 151 Union Street, Foxton which have split zones. These sites have been developed as rural properties and the residential component does not match this development. Where possible split zones within the Plan have tried to be avoided.	It is recommended that the residential parts of 149 and 151 Union Street (Lots 6 and 7 DP 345888) are rezoned to Rural to reflect the existing land use and to give each property a single zone. See Maps 2 and 3 and aerial photograph 1 attached.
Planning Map 17 & 19		Support in part		A section of Taonui Street, Waitarere Beach is displayed as Rural Zone on Planning Map 17 and 19. This should be displayed as Road to reflect its actual land use and correct zoning.	Rezone Lot 14 DP 24470 as Road. See Map 4 attached.
Planning Map 19		Support in part		Two sections connecting Kahukura Avenue and Park Avenue should both be displayed as Road to reflect the correct zoning of the accessway.	Rezone Lot 13 DP 42904 and Lot 173 DP 50461 as Road. See Map 5 attached.
Planning Map 27A		Support in part		A small corner section on the corner of Stanley Street and Salisbury Street, Levin should be displayed as Road to reflect the current land use.	Rezone Lot 3 DP 21580 as Road. See Map 6 attached.
Planning Map 29		Support in part		A roadside section on Hokio Beach Road should be zoned Residential to reflect the correct land use.	Rezone Section 1 SO 37969 as Residential. See Map 7 attached.
Planning Map 5, Planning Map 7, Planning Map 10, Planning Map 15A and Planning Map 27		Support in part		These Council owned cemeteries in the District including Ihakara Gardens are zoned Residential or Rural. Although the cemeteries are proposed to be designated by Horowhenua District Council it is considered that the Proposed Open Space Zone would be the most appropriate underlying zone for these sites. The Open Space zone reflects the limited development opportunities these sites offer and the contribution these spaces can make to open space within the district. The Proposed Planning Maps should be amended the zoning of each cemetery <ul style="list-style-type: none"> • Rezone Ihakara Gardens (Cemetery), Foxton, (Legally described as Awahou 97B) from Residential to Open Space. 	Amend Planning Maps 5, 7, 10, 15A and 27 to display the cemeteries as Open Space Zone. See attached Maps <ul style="list-style-type: none"> • Ihakara Cemetery • Old Levin Cemetery • Avenue Cemetery Levin • Manakau Cemetery • Koputaroa Cemetery • Shannon Cemetery • Foxton Cemetery.

Specific provision submitting on	Support	Support in part	Oppose	Submission	Decision Sought
				<ul style="list-style-type: none"> • 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 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. • Rezone Koputaroa Cemetery, Koputaroa Road (Legally described as Pt Lot 1 DP 4297) from Rural to Open Space • Rezone Manakau Cemetery, South Manakau Road, Manakau (Legally described as Pt Lot 28A DP 415) from Rural to Open Space 	

The Planning Department also seek any consequential amendments to the above submission points.

Attachments



Map 1 : Parcels to be rezoned as Road on Planning Map 13.



Map 2 : Parcels to be rezoned as Rural on Planning Map 15.



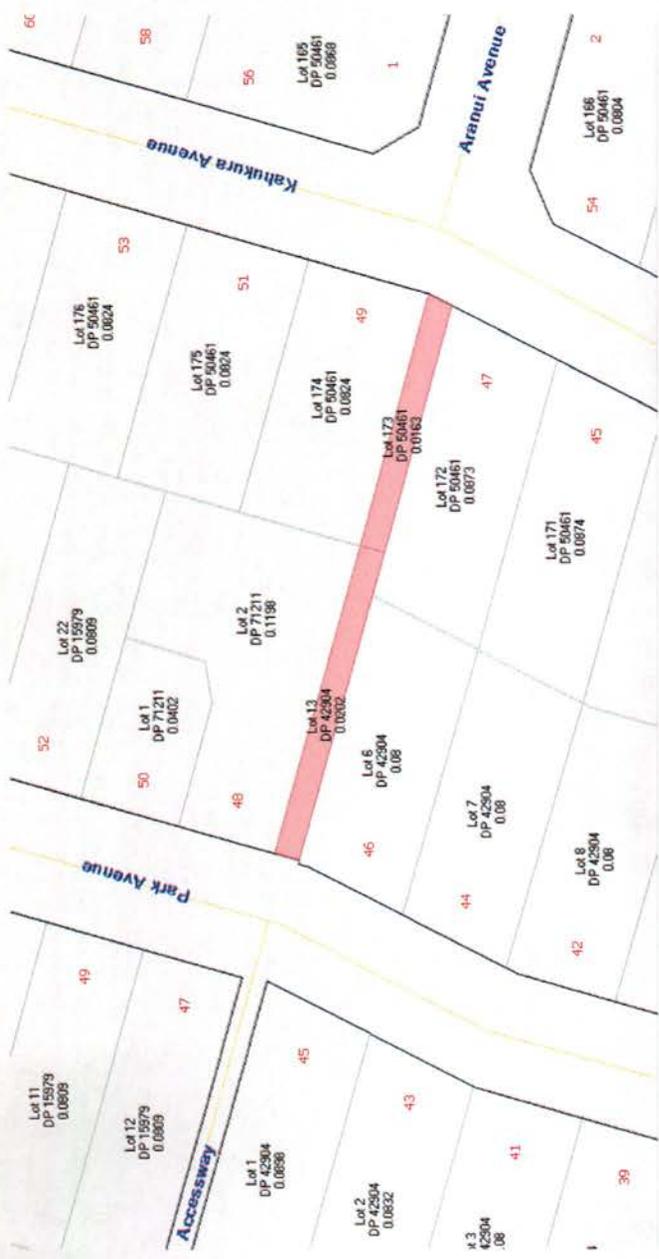
Aerial photograph 1 : 149 and 151 Union Street, Foxton.



Map 3 : Split zoning of 149 and 151 Union Street, Foxton.



Map 4 : Parcel to be rezoned as Road on Planning Map 17.



Map 5 : Parcels to be rezoned as Road on Planning Map 19.



Map 6 : Parcel to be rezoned as Road on Planning Map 27A.



Map 7 : Parcel to be rezoned Residential on Planning Map 29.



Scale
1 : 500

SUBMISSION TO PROPOSED DISTRICT PLAN
IHAKARA CEMETERY, FOXTON

LEGEND



Proposed Residential Zone to be
Rezoned Open Space



Proposed Rural Zone to be Rezoned
Open Space



Scale
1 : 1,500

SUBMISSION TO PROPOSED DISTRICT PLAN
OLD LEVIN CEMETERY

LEGEND

Proposed Residential Zone to be
Rezoned Open Space



Proposed Rural Zone to be Rezoned
Open Space





Scale
1 : 3,000

SUBMISSION TO PROPOSED DISTRICT PLAN
AVENUE CEMETERY, LEVIN

LEGEND



Proposed Residential Zone to be
Rezoned Open Space



Proposed Rural Zone to be Rezoned
Open Space



Scale
1 : 2,000

SUBMISSION TO PROPOSED DISTRICT PLAN
FOXTON CEMETERY

LEGEND

Proposed Residential Zone to be
Rezoned Open Space



Proposed Rural Zone to be Rezoned
Open Space





Scale
1 : 1,000

SUBMISSION TO PROPOSED DISTRICT PLAN
KOPUTAROA CEMETERY

LEGEND

-  Proposed Residential Zone to be Rezoned Open Space
-  Proposed Rural Zone to be Rezoned Open Space



Scale
1 : 1,500

SUBMISSION TO PROPOSED DISTRICT PLAN
SHANNON CEMETERY

LEGEND

-  Proposed Residential Zone to be Rezoned Open Space
-  Proposed Rural Zone to be Rezoned Open Space



Horowhenua
DISTRICT COUNCIL



LEGEND

Proposed Residential Zone to be Rezoned Open Space



Proposed Rural Zone to be Rezoned Open Space



SUBMISSION TO PROPOSED DISTRICT PLAN
MANAKAU CEMETERY



Scale
1 : 2,500

4. My submission is that: (Clearly state whether you SUPPORT or OPPOSE specific parts of the Proposed District Plan or wish to have amendments made, giving reasons for your views)

Please see enclosed submission with attachments

(Continue on a separate sheet if necessary)

5. I/We seek the following decision from the Horowhenua District Council: (Give precise details of what amendments you wish to see and your reasons)

Please see enclosed submission with attachments

(Continue on a separate sheet if necessary)

6. Proposed District Plan Hearing

Do you wish to attend the Council hearing for the Proposed District Plan? Yes No

Do you wish to be speak in support of your submission at the hearing? Yes No

If others make a similar submission would you be prepared to consider presenting a joint case at the hearing? Yes No

I have attached 13 additional pages to this submission.

Signature of Submitter: Charles Rudd Date: 12 November 2012
(Or person authorised to sign on behalf of submitter)

Note: A signature is not required if you make your submission by electronic means.

Submissions must be received no later than 4:00pm 12 November 2012

Further Information

If you require further information about the Proposed District Plan please visit the Council website www.horowhenua.govt.nz or email districtplan@horowhenua.govt.nz or phone (06) 366 0999.

Privacy Act 1993

Please note that submissions are public information. Information on this form including your name and submission will be accessible to the media and public as part of the decision making process. Council is required to have this by the Resource Management Act 1991. Your contact details will only be used for the purpose of the Proposed District Plan process. The information will be held by the Horowhenua District Council, 126 Oxford Street, Levin. You have the right to access the information and request its correction.

**Horowheua District Council's
Proposed Horowheua District Plan**

Submission

of

Charles Rudd (snr)

12 November 2012

.....

Rules give structure

Structure give meaning

Or so they say, because many of the issues that I have witnessed about the HDC's Governance and management protocol's, it's 'Do what we say, but do not do what we do'. Hopefully I hope that, that type of attitude will change, but I won't hold my breath about it.

Submission:

Vo1 Part A Introduction

Page A3 states: To take into account the principles of the Treaty of Waitangi, as stated in section 8, of the RMA 1991.

Comment: My enclosed submission is based on those principles in a holistic way.

Maori Values:

Amend proposed document, to reflect:

- Muaupoko, Rangitaane, Ngati Apa, Ngati Raukawa ki te Tonga.

Statutory Acknowledgements:

Amend proposed document, to state:

The Treaty of Waitangi 1840: 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 Tribes of New Zealand and to their respective families and individuals 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".

Status of Land in New Zealand:

1. Maori Customary Land
 2. Maori Freehold Land
 3. General Land Owned by Maori
 4. General Land
 5. Crown Land
 6. Crown Land Reserved for Maori
- Not including General Land owned by Maori, Maori Communal Land, Maori Customary Land, Maori Freehold Land and Maori Reservations, come under the jurisdiction of the Maori Land Court.
 - Most of the above named lands are held in Trusts as legal entities. An example is the Horowhenua Lake Trust, which have beneficial owners of Muaupoko descent attached. But in saying that, Lake Horowhenua and the Hokio Stream **is not owned by the Muaupoko Tribe.**
 - The Muaupoko Tribal Authority Incorporated, **is not** an owner in the in the above estates, nor do they have jurisdiction over Tribal Forests, Fisheries or other Maori properties.
 - As said in the Treaty of Waitangi 1840, “to the respective families and individuals”.
 - The Treaty of Waitangi 1840 does not include the words, Iwi or Tribal Authority.

A17 1 Objectives / Policies: Matters of Importance to Tangatawhenua:

Amend document to reflect in proper order:

- Muaupoko
- Rangitaane
- Ngati Apa
- Ngati Raukawa ki te Tonga

1 – 1 Statement of Muaupoko:

Amend proposed document to reflect:

Muaupoko have many traditional hapu. Those currently active are:

- Ngai te Ngarue
- Ngai te Ao
- Ngati Tamarangi
- Ngati Hine

- Ngati Pariri
- Ngati Whanokirangi
- Punahau

Include in the proposed document:

- Waipunahau = Lake Horowhenua
- Waiwiri = Lake Papaitonga / Buller Lake
- Waitawa = Forest Lakes

1.2 Delete from proposed document:

- At the time of preparing this Proposed District Plan (14 September 2012) the Muaupoko Tribal Authority Incorporated is recognised Mandated Iwi Authority representing Muaupoko for the purposes of the RMA.

Reason's for deletion requests:

- Misinformation in the proposed document, on the subject matter.
- Muaupoko Tribal Authority Incorporated going through a process, at the time of preparing the proposed document.
- Represent only those registered with them.
- Do not represent the Muaupoko tribe:
 1. Those who do not want to affiliate with them.
 2. Read the G2 Horowhenua Royal Commission reports, of the 1890's.
- Conflicts with A4 – Part A: Introduction, 1ST paragraph, 2nd sentence which states”

‘The information provided must be the same as would be given under section 95E of the RMA to persons likely affected, or as may be agreed between the governance entity and the relevant consent authority’.
- Conflicts with Sections 6, 7, and 8 of the RMA Act 1991.
- Conflicts with what I have asked to amend in the proposed document, in reference to ‘Statutory Acknowledgement’.
- Because of what is said in the proposed document without checking on the actual facts, the Horowhenua District Council could be seen as interfering as a territorial authority. By seemingly to be siding with the Muaupoko Tribal Authority Incorporated, in the internal politics of a Maori Tribe, relative to a ‘Divide and conquer / Divide and rule’ agenda.

- As a Maori. I believe that Maori Authorities **should not** be given preferential treatment behind closed doors, on issues such as proposed District Plans / Long Term Plans, or other. These plans could be said to come under the Treaty of Waitangi 1840, Article One relative to the Kawatanga / Governance system. Therefore as all New Zealanders, even Iwi Authorities if they have an interest, put in submissions just like anyone else.
-

In regards to the below statement, how many man- hours, resources and cost associated factors did it take to produce the Proposed Horowhenua District Plain?

The above question is relevant because we of the district who have an interest in what is going on, are unpaid and are only given a few weeks to try and comprehend the massive proposed document, to maybe place in a submission on any subject matter, therefore:

- As a person of the district and of the local community of Levin, I reserve the right given time, to put forth and speak on the following issues that I may have an interest in:

Part B – Objectives / Policies	Chapters 1 - 14
Part C – Rules	Chapters 15 – 24
Part D – Assessment Matters	Chapter 25
Part E – General Provisions	Chapters 26 – 28
Part F – Schedules	Schedules 1 – 12

Sincerely



Charles Rudd (snr)

W A T E T I R I T I O W A I T A N G I

HE KUPU WHAKATAKI Ko Wikitoria te Kuini o Ingarani i tana mahara atawai ki ngā rangatira me nga hapū o Nu Tirani i tana hiahia hoki kia tohungia ki a rātou o rātou rangatiratanga me to rātou wenua a kia mau tonu hoki te rongo ki a rātou me te Atanoho hoki kua wakaaro ia he mea tika kia tukua mai tetahi rangatira hei kai wakarite ki ngā Tangata Māori o Nu Tirani kia wakaetia e ngā rangatira Māori te Kawanatanga o te Kuini ki ngā wāhikatoa o te wenua nei me ngā motu – nā te mea hoki he tokomaha ke ngā tangata o tona Iwi kua noho ki tenei wenua a e haere mai nei.

Na ko te Kuini e hiahia ana kiā wakaritea te Kawanatanga kia kua ai nga kino e puta mai ki te tangata Māori ki te Pākehā e noho ture kore ana.

Na kua pai te Kuini kia tukua ahau a Wiremu Hopihona he Kapitana i te Rōiara Nawi hei Kawana mo ngā wāhi katoa o Nu Tirani. Tukua aianei a mua atu ki te Kuini e mea atu ana ia ki ngā rangatira o te wakaminenga o ngā hapū o Nu Tirani me era rangatira atu enei ture ka Kōrerotia nei.

KO TE TUATAHI Ko ngā rangatira o te Wakawinenga me ngā rangatira katoa hoki, kihai i uru ki taua Wakaminenga, ka tuku rawa atu ki te Kuini o Ingarangi ake tonu atu te Kawanatanga katoa o o rātou wenua.

KO TE TUARUA Ko te Kuini o Ingarangi ka wakarite ka wakaae ki ngā rangatira, ki nga hapū, ki ngā tangata katoa o Nu Tirani, te tino rangatiratanga o o rātou wenua o rātou kainga me o rātou taonga katoa. Otiia ko ngā rangatira o te Wakaminenga me ngā rangatira katoa atu, ka tuku ki te Kuini te hokonga o era wāhi wenua e pai ai te tangata nona te wenua, ki te ritenga o te utu e wakaritea ai e rātou ko te kaihoko e meatia nei e te Kuini hei kaihoko miona.

KO TE TUATORU Hei wakaritenga mai hoki tenei mo te wakaetanga ki te Kawanatanga o te Kuini. Ka tiakina e te Kuini o Ingarangi ngā tangata Māori katoa o Nu Tirani. Ka tukua ki a rātou ngā tikanga katoa rite tahi ki ana mea ki ngā tangata o Ingarangi.

Na, ko matou ko ngā rangatira o te Wakaminenga o ngā hapū o Nu Tirani ka huihui nei ki Waitangi ko matou hoki ko ngā rangatira o Nu Tirani ka kite nei i te ritenga o enei kupu. Ka tangohia ka wakaetia katoatia e matou. Koia ka tohungia ai o matou ingoa o matou tohu.

Ka meatia tenei ki Waitangi i te ono o ngā ra o Pepueri i te tau kotahi mano, e waru rau e wa te kau o to tatou Ariki.

• TREATY OF WAITANGI: A LITERAL ENGLISH TRANSLATION OF THE MAORI TEXT •

Signed at Waitangi February 1840, and afterwards by about 500 chiefs.

VICTORIA, the Queen of England, in her kind (gracious) thoughtfulness to the Chiefs and Hapus of New Zealand, and her desire to preserve to them their chieftainship and their land, and that peace and quietness may be kept with them, because a great number of the people of her tribe have settled in this country, and (more) will come, has thought it right to send a chief (an officer) as one who will make a statement to (negotiate with) Maori people of New Zealand. Let the Maori chiefs accept the governorship (KAWANATANGA) of the

Queen over all parts of this country and the Islands. Now, the Queen desires to arrange the governorship lest evils should come to the Maori people and the Europeans who are living here without law. Now, the Queen has been pleased to send me, William Hobson, a Captain in the Royal Navy to be Governor for all places of New Zealand which are now given up or which shall be given up to the Queen. And she says to the Chiefs of the Confederation of the Hapus of New Zealand and the other chiefs, these are the laws spoken of.

THIS IS THE FIRST

The Chiefs of the Confederation, and all these chiefs who have not joined in that Confederation give up to the Queen of England for ever all the Governorship (KAWANATANGA) of their lands.

THIS IS THE SECOND

The Queen of England agrees and consents (to give) to the Chiefs, hapus, and all the people of New Zealand the full chieftainship (rangatiratanga) of their lands, their villages and all their possessions (taonga: everything that is held precious) but the Chiefs give to the Queen the purchasing of those pieces of land which the owner is willing to sell, subject to the arranging of payment which will be agreed to by them and the purchaser who will be appointed by the Queen for the purpose of buying for her.

THIS IS THE THIRD

This is the arrangement for the consent to the governorship of the Queen. The Queen will protect all the Maori people of New Zealand, and give them all the same rights as those of the people of England.
WILLIAM HOBSON, Consul and Lieutenant-Governor

Now, we the Chiefs of the Confederation of the Hapus of New Zealand, here assembled at Waitangi, and we, the chiefs of New Zealand, see the meaning of these words and accept them, and we agree to all of them. Here we put our names and our marks.

THE FOURTH ARTICLE

Two churchmen, the Catholic Bishop, Pompallier and the Anglican Missionary William Colenso recorded a discussion on what we would call religious freedom and customary law. In answer to a direct question from Pompallier, Hobson agreed to the following statement. It was read to the meeting before any of the chiefs had signed the Treaty.

E mea ana te Kawana ko ngā whakapono katoa o Ingarani, o ngā Weteriana, o Roma, me te ritenga Maori hoki e tiakina ngatahitia e ia.

Translation:
The Governor says that the several faiths (beliefs) of England, of the Wesleyans, of Rome, and also Maori custom shall alike be protected by him.

ENGLISH VERSION

PREAMBLE

Her Majesty, Victoria, Queen of the United Kingdom of Great Britain and Ireland, regarding with her Royal Favour the Native Chiefs and Tribes of New Zealand, and anxious to protect their just Rights and Property, and to secure to them the enjoyment of Peace and Good Order, has deemed it necessary, in consequence of the great number of Her Majesty's Subjects who have already settled in New Zealand, and the rapid extension of Emigration both from Europe and Australia which is still in progress, to constitute and appoint a functionary properly authorised to treat with the Aborigines of New Zealand for the recognition of Her Majesty's Sovereign authority over the whole or any

part of these islands. Her Majesty therefore being desirous to establish a settled form of Civil Government with a view to averting the evil consequences which must result from the absence of the necessary Laws and Institutions alike to the Native population and to Her Subjects has been graciously pleased to empower and authorise me William Hobson, a Captain in Her Majesty's Royal Navy, Consul, and Lieutenant-Governor of such parts of New Zealand as may be or hereafter shall be ceded to Her Majesty, to invite the confederated and independent Chiefs of New Zealand to concur in the following Articles and Conditions.

ARTICLE THE FIRST

The chiefs of the Confederation of the United Tribes of New Zealand and the separate and independent Chiefs who have not become members of the Confederation, cede to Her Majesty the Queen of England, absolutely and without reservation, all the rights and powers of Sovereignty which the said Confederation or Individual Chiefs respectively exercise or possess, or may be supposed to exercise or to possess over their respective Territories as the sole Sovereigns thereof.

ARTICLE THE SECOND

Her Majesty the Queen of England confirms and guarantees to the Chiefs and Tribes of New Zealand and to the respective families and individuals thereof, the full exclusive and undisturbed possession of the Lands and Estates, Forests, Fisheries, and other properties which they may collectively or individually possess, so long as it is their wish and desire to maintain the same in their possession: but the Chiefs of the United Tribes and the Individual Chiefs yield to Her Majesty the exclusive right of Pre-emption over such lands as the proprietors thereof may be disposed to alienate, at such prices as may be agreed upon between the respective proprietors and persons appointed by Her Majesty to treat with them in that behalf.

ARTICLE THE THIRD

In consideration thereof, Her Majesty the Queen of England extends to the Natives of New Zealand Her Royal Protection and imparts to them: all the Rights and Privileges of British subjects.
W. Hobson, Lieutenant-Governor

Now therefore, We the Chiefs of the Confederation of the United Tribes of New Zealand being assembled in Congress at Victoria, in Waitangi and We the Separate and Independent Chiefs of New Zealand claiming authority over the Tribes and Territories which are specified after our respective names having been made fully to understand the Provision of the foregoing Treaty, accept and enter into the same in the full spirit and meaning thereof. In witness of which, we have attached our signatures or marks at the places and the dates respectively specified.

Done at Waitangi, this sixth day of February in the year of Our Lord, one thousand eight hundred and forty.

AS YOU CAN SEE, THERE ARE TWO TREATIES: THE MAORI TREATY, (INCLUDING ITS TRANSLATION INTO ENGLISH), AND THE ENGLISH VERSION.

WHICH TREATY IS THE REAL ONE?

Both. There are 512 signatures but only 30 are on an English version. The rest are all on the Maori Treaty. The Waitangi Tribunal is instructed to have regard to both Maori and English versions as both have signatures.

IS THE TREATY LEGAL?

Yes, but like other treaties, the Treaty of Waitangi is not directly enforceable by the courts unless Parliament has so directed in an Act of Parliament.

This has happened in some but not all areas of law. Parliament has set up the Waitangi Tribunal to hear and report on claims that the Treaty has been breached.

WHAT HAPPENS WHEN THE TWO TEXTS ARE INTERPRETED DIFFERENTLY?

In International law, in any ambiguity the *contra proferentum* principle applies. This means that a provision should be interpreted against the party who drafts it and that the indigenous language text takes precedence.



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Belgium, Bolivia, Costa Rica, Cuba, Denmark, Dominican Republic, Ecuador, Estonia, Finland, Germany, Greece, Guatemala, Hungary, Latvia, Nicaragua, Peru, Portugal, Slovenia and Spain: draft resolution

United Nations Declaration on the Rights of Indigenous Peoples

The General Assembly,

Taking note of the recommendation of the Human Rights Council contained in its resolution 1/2 of 29 June 2006, by which the Council adopted the text of the United Nations Declaration on the Rights of Indigenous Peoples,

Recalling its resolution 61/178 of 20 December 2006, by which it decided to defer consideration of and action on the Declaration to allow time for further consultations thereon, and also decided to conclude its consideration before the end of the sixty-first session of the General Assembly,

Adopts the United Nations Declaration on the Rights of Indigenous Peoples as contained in the annex to the present resolution.

* Reissued for technical reasons.



Annex

United Nations Declaration on the Rights of Indigenous Peoples

The General Assembly,

Guided by the purposes and principles of the Charter of the United Nations, and good faith in the fulfilment of the obligations assumed by States in accordance with the Charter,

Affirming that indigenous peoples are equal to all other peoples, while recognizing the right of all peoples to be different, to consider themselves different, and to be respected as such,

Affirming also that all peoples contribute to the diversity and richness of civilizations and cultures, which constitute the common heritage of humankind,

Affirming further that all doctrines, policies and practices based on or advocating superiority of peoples or individuals on the basis of national origin or racial, religious, ethnic or cultural differences are racist, scientifically false, legally invalid, morally condemnable and socially unjust,

Reaffirming that indigenous peoples, in the exercise of their rights, should be free from discrimination of any kind,

Concerned that indigenous peoples have suffered from historic injustices as a result of, inter alia, their colonization and dispossession of their lands, territories and resources, thus preventing them from exercising, in particular, their right to development in accordance with their own needs and interests,

Recognizing the urgent need to respect and promote the inherent rights of indigenous peoples which derive from their political, economic and social structures and from their cultures, spiritual traditions, histories and philosophies, especially their rights to their lands, territories and resources,

Recognizing also the urgent need to respect and promote the rights of indigenous peoples affirmed in treaties, agreements and other constructive arrangements with States,

Welcoming the fact that indigenous peoples are organizing themselves for political, economic, social and cultural enhancement and in order to bring to an end all forms of discrimination and oppression wherever they occur,

Convinced that control by indigenous peoples over developments affecting them and their lands, territories and resources will enable them to maintain and strengthen their institutions, cultures and traditions, and to promote their development in accordance with their aspirations and needs,

Recognizing that respect for indigenous knowledge, cultures and traditional practices contributes to sustainable and equitable development and proper management of the environment,

Emphasizing the contribution of the demilitarization of the lands and territories of indigenous peoples to peace, economic and social progress and development, understanding and friendly relations among nations and peoples of the world,

Recognizing in particular the right of indigenous families and communities to retain shared responsibility for the upbringing, training, education and well-being of their children, consistent with the rights of the child,

Considering that the rights affirmed in treaties, agreements and other constructive arrangements between States and indigenous peoples are, in some situations, matters of international concern, interest, responsibility and character,

Considering also that treaties, agreements and other constructive arrangements, and the relationship they represent, are the basis for a strengthened partnership between indigenous peoples and States,

Acknowledging that the Charter of the United Nations, the International Covenant on Economic, Social and Cultural Rights¹ and the International Covenant on Civil and Political Rights as well as the Vienna Declaration and Programme of Action,² affirm the fundamental importance of the right to self-determination of all peoples, by virtue of which they freely determine their political status and freely pursue their economic, social and cultural development,

Bearing in mind that nothing in this Declaration may be used to deny any peoples their right to self-determination, exercised in conformity with international law,

Convinced that the recognition of the rights of indigenous peoples in this Declaration will enhance harmonious and cooperative relations between the State and indigenous peoples, based on principles of justice, democracy, respect for human rights, non-discrimination and good faith,

Encouraging States to comply with and effectively implement all their obligations as they apply to indigenous peoples under international instruments, in particular those related to human rights, in consultation and cooperation with the peoples concerned,

Emphasizing that the United Nations has an important and continuing role to play in promoting and protecting the rights of indigenous peoples,

Believing that this Declaration is a further important step forward for the recognition, promotion and protection of the rights and freedoms of indigenous peoples and in the development of relevant activities of the United Nations system in this field,

Recognizing and reaffirming that indigenous individuals are entitled without discrimination to all human rights recognized in international law, and that indigenous peoples possess collective rights which are indispensable for their existence, well-being and integral development as peoples,

Recognizing also that the situation of indigenous peoples varies from region to region and from country to country and that the significance of national and regional particularities and various historical and cultural backgrounds should be taken into consideration,

¹ See resolution 2200 A (XXI), annex.

² A/CONF.157/24 (Part I), chap. III.

Solemnly proclaims the following United Nations Declaration on the Rights of Indigenous Peoples as a standard of achievement to be pursued in a spirit of partnership and mutual respect:

Article 1

Indigenous peoples have the right to the full enjoyment, as a collective or as individuals, of all human rights and fundamental freedoms as recognized in the Charter of the United Nations, the Universal Declaration of Human Rights³ and international human rights law.

Article 2

Indigenous peoples and individuals are free and equal to all other peoples and individuals and have the right to be free from any kind of discrimination, in the exercise of their rights, in particular that based on their indigenous origin or identity.

Article 3

Indigenous peoples have the right to self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.

Article 4

Indigenous peoples, in exercising their right to self-determination, have the right to autonomy or self-government in matters relating to their internal and local affairs, as well as ways and means for financing their autonomous functions.

Article 5

Indigenous peoples have the right to maintain and strengthen their distinct political, legal, economic, social and cultural institutions, while retaining their right to participate fully, if they so choose, in the political, economic, social and cultural life of the State.

Article 6

Every indigenous individual has the right to a nationality.

Article 7

1. Indigenous individuals have the rights to life, physical and mental integrity, liberty and security of person.

2. Indigenous peoples have the collective right to live in freedom, peace and security as distinct peoples and shall not be subjected to any act of genocide or any other act of violence, including forcibly removing children of the group to another group.

³ Resolution 217 A (III).

Article 8

1. Indigenous peoples and individuals have the right not to be subjected to forced assimilation or destruction of their culture.

2. States shall provide effective mechanisms for prevention of, and redress for:

(a) Any action which has the aim or effect of depriving them of their integrity as distinct peoples, or of their cultural values or ethnic identities;

(b) Any action which has the aim or effect of dispossessing them of their lands, territories or resources;

(c) Any form of forced population transfer which has the aim or effect of violating or undermining any of their rights;

(d) Any form of forced assimilation or integration;

(e) Any form of propaganda designed to promote or incite racial or ethnic discrimination directed against them.

Article 9

Indigenous peoples and individuals have the right to belong to an indigenous community or nation, in accordance with the traditions and customs of the community or nation concerned. No discrimination of any kind may arise from the exercise of such a right.

Article 10

Indigenous peoples shall not be forcibly removed from their lands or territories. No relocation shall take place without the free, prior and informed consent of the indigenous peoples concerned and after agreement on just and fair compensation and, where possible, with the option of return.

*

Article 11

1. Indigenous peoples have the right to practise and revitalize their cultural traditions and customs. This includes the right to maintain, protect and develop the past, present and future manifestations of their cultures, such as archaeological and historical sites, artefacts, designs, ceremonies, technologies and visual and performing arts and literature.

2. States shall provide redress through effective mechanisms, which may include restitution, developed in conjunction with indigenous peoples, with respect to their cultural, intellectual, religious and spiritual property taken without their free, prior and informed consent or in violation of their laws, traditions and customs.

Article 12

1. Indigenous peoples have the right to manifest, practice, develop and teach their spiritual and religious traditions, customs and ceremonies; the right to maintain, protect, and have access in privacy to their religious and cultural sites; the right to the use and control of their ceremonial objects; and the right to the repatriation of their human remains.

2. States shall seek to enable the access and/or repatriation of ceremonial objects and human remains in their possession through fair, transparent and effective mechanisms developed in conjunction with indigenous peoples concerned.

Article 13

1. Indigenous peoples have the right to revitalize, use, develop and transmit to future generations their histories, languages, oral traditions, philosophies, writing systems and literatures, and to designate and retain their own names for communities, places and persons.

2. States shall take effective measures to ensure that this right is protected and also to ensure that indigenous peoples can understand and be understood in political, legal and administrative proceedings, where necessary through the provision of interpretation or by other appropriate means.

Article 14

1. Indigenous peoples have the right to establish and control their educational systems and institutions providing education in their own languages, in a manner appropriate to their cultural methods of teaching and learning.

2. Indigenous individuals, particularly children, have the right to all levels and forms of education of the State without discrimination.

3. States shall, in conjunction with indigenous peoples, take effective measures, in order for indigenous individuals, particularly children, including those living outside their communities, to have access, when possible, to an education in their own culture and provided in their own language.

Article 15

1. Indigenous peoples have the right to the dignity and diversity of their cultures, traditions, histories and aspirations which shall be appropriately reflected in education and public information.

2. States shall take effective measures, in consultation and cooperation with the indigenous peoples concerned, to combat prejudice and eliminate discrimination and to promote tolerance, understanding and good relations among indigenous peoples and all other segments of society.

Article 16

1. Indigenous peoples have the right to establish their own media in their own languages and to have access to all forms of non-indigenous media without discrimination.

2. States shall take effective measures to ensure that State-owned media duly reflect indigenous cultural diversity. States, without prejudice to ensuring full freedom of expression, should encourage privately owned media to adequately reflect indigenous cultural diversity.

Article 17

1. Indigenous individuals and peoples have the right to enjoy fully all rights established under applicable international and domestic labour law.

2. States shall in consultation and cooperation with indigenous peoples take specific measures to protect indigenous children from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development, taking into account their special vulnerability and the importance of education for their empowerment.

3. Indigenous individuals have the right not to be subjected to any discriminatory conditions of labour and, inter alia, employment or salary.

Article 18

Indigenous peoples have the right to participate in decision-making in matters which would affect their rights, through representatives chosen by themselves in accordance with their own procedures, as well as to maintain and develop their own indigenous decision-making institutions.

Article 19

States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free, prior and informed consent before adopting and implementing legislative or administrative measures that may affect them.

Article 20

1. Indigenous peoples have the right to maintain and develop their political, economic and social systems or institutions, to be secure in the enjoyment of their own means of subsistence and development, and to engage freely in all their traditional and other economic activities.

2. Indigenous peoples deprived of their means of subsistence and development are entitled to just and fair redress.

Article 21

1. Indigenous peoples have the right, without discrimination, to the improvement of their economic and social conditions, including, inter alia, in the areas of education, employment, vocational training and retraining, housing, sanitation, health and social security.

2. States shall take effective measures and, where appropriate, special measures to ensure continuing improvement of their economic and social conditions. Particular attention shall be paid to the rights and special needs of indigenous elders, women, youth, children and persons with disabilities.

Article 22

1. Particular attention shall be paid to the rights and special needs of indigenous elders, women, youth, children and persons with disabilities in the implementation of this Declaration.

2. States shall take measures, in conjunction with indigenous peoples, to ensure that indigenous women and children enjoy the full protection and guarantees against all forms of violence and discrimination.

Article 23

Indigenous peoples have the right to determine and develop priorities and strategies for exercising their right to development. In particular, indigenous peoples have the right to be actively involved in developing and determining health, housing and other economic and social programmes affecting them and, as far as possible, to administer such programmes through their own institutions.

Article 24

1. Indigenous peoples have the right to their traditional medicines and to maintain their health practices, including the conservation of their vital medicinal plants, animals and minerals. Indigenous individuals also have the right to access, without any discrimination, to all social and health services.

2. Indigenous individuals have an equal right to the enjoyment of the highest attainable standard of physical and mental health. States shall take the necessary steps with a view to achieving progressively the full realization of this right.

Article 25

Indigenous peoples have the right to maintain and strengthen their distinctive spiritual relationship with their traditionally owned or otherwise occupied and used lands, territories, waters and coastal seas and other resources and to uphold their responsibilities to future generations in this regard.

Article 26

1. Indigenous peoples have the right to the lands, territories and resources which they have traditionally owned, occupied or otherwise used or acquired.

2. Indigenous peoples have the right to own, use, develop and control the lands, territories and resources that they possess by reason of traditional ownership or other traditional occupation or use, as well as those which they have otherwise acquired.

3. States shall give legal recognition and protection to these lands, territories and resources. Such recognition shall be conducted with due respect to the customs, traditions and land tenure systems of the indigenous peoples concerned.

Article 27

States shall establish and implement, in conjunction with indigenous peoples concerned, a fair, independent, impartial, open and transparent process, giving due recognition to indigenous peoples' laws, traditions, customs and land tenure systems, to recognize and adjudicate the rights of indigenous peoples pertaining to their lands, territories and resources, including those which were traditionally owned or otherwise occupied or used. Indigenous peoples shall have the right to participate in this process.

Article 28

1. Indigenous peoples have the right to redress, by means that can include restitution or, when this is not possible, just, fair and equitable compensation, for the lands, territories and resources which they have traditionally owned or otherwise occupied or used, and which have been confiscated, taken, occupied, used or damaged without their free, prior and informed consent.

2. Unless otherwise freely agreed upon by the peoples concerned, compensation shall take the form of lands, territories and resources equal in quality, size and legal status or of monetary compensation or other appropriate redress.

* * *

Article 29

1. Indigenous peoples have the right to the conservation and protection of the environment and the productive capacity of their lands or territories and resources. States shall establish and implement assistance programmes for indigenous peoples for such conservation and protection, without discrimination.

2. States shall take effective measures to ensure that no storage or disposal of hazardous materials shall take place in the lands or territories of indigenous peoples without their free, prior and informed consent.

3. States shall also take effective measures to ensure, as needed, that programmes for monitoring, maintaining and restoring the health of indigenous peoples, as developed and implemented by the peoples affected by such materials, are duly implemented.

Article 30

1. Military activities shall not take place in the lands or territories of indigenous peoples, unless justified by a relevant public interest or otherwise freely agreed with or requested by the indigenous peoples concerned.

2. States shall undertake effective consultations with the indigenous peoples concerned, through appropriate procedures and in particular through their representative institutions, prior to using their lands or territories for military activities.

Article 31

1. Indigenous peoples have the right to maintain, control, protect and develop their cultural heritage, traditional knowledge and traditional cultural expressions, as well as the manifestations of their sciences, technologies and cultures, including human and genetic resources, seeds, medicines, knowledge of

the properties of fauna and flora, oral traditions, literatures, designs, sports and traditional games and visual and performing arts. They also have the right to maintain, control, protect and develop their intellectual property over such cultural heritage, traditional knowledge, and traditional cultural expressions.

2. In conjunction with indigenous peoples, States shall take effective measures to recognize and protect the exercise of these rights.

Article 32

1. Indigenous peoples have the right to determine and develop priorities and strategies for the development or use of their lands or territories and other resources.

2. States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free and informed consent prior to the approval of any project affecting their lands or territories and other resources, particularly in connection with the development, utilization or exploitation of mineral, water or other resources.

3. States shall provide effective mechanisms for just and fair redress for any such activities, and appropriate measures shall be taken to mitigate adverse environmental, economic, social, cultural or spiritual impact.

Article 33

1. Indigenous peoples have the right to determine their own identity or membership in accordance with their customs and traditions. This does not impair the right of indigenous individuals to obtain citizenship of the States in which they live.

2. Indigenous peoples have the right to determine the structures and to select the membership of their institutions in accordance with their own procedures.

Article 34

Indigenous peoples have the right to promote, develop and maintain their institutional structures and their distinctive customs, spirituality, traditions, procedures, practices and, in the cases where they exist, juridical systems or customs, in accordance with international human rights standards.

Article 35

Indigenous peoples have the right to determine the responsibilities of individuals to their communities.

Article 36

1. Indigenous peoples, in particular those divided by international borders, have the right to maintain and develop contacts, relations and cooperation, including activities for spiritual, cultural, political, economic and social purposes, with their own members as well as other peoples across borders.

2. States, in consultation and cooperation with indigenous peoples, shall take effective measures to facilitate the exercise and ensure the implementation of this right.

Article 37

1. Indigenous peoples have the right to the recognition, observance and enforcement of treaties, agreements and other constructive arrangements concluded with States or their successors and to have States honour and respect such treaties, agreements and other constructive arrangements.

2. Nothing in this Declaration may be interpreted as diminishing or eliminating the rights of indigenous peoples contained in treaties, agreements and other constructive arrangements.

Article 38

States in consultation and cooperation with indigenous peoples, shall take the appropriate measures, including legislative measures, to achieve the ends of this Declaration.

Article 39

Indigenous peoples have the right to have access to financial and technical assistance from States and through international cooperation, for the enjoyment of the rights contained in this Declaration.

Article 40

Indigenous peoples have the right to access to and prompt decision through just and fair procedures for the resolution of conflicts and disputes with States or other parties, as well as to effective remedies for all infringements of their individual and collective rights. Such a decision shall give due consideration to the customs, traditions, rules and legal systems of the indigenous peoples concerned and international human rights.

Article 41

The organs and specialized agencies of the United Nations system and other intergovernmental organizations shall contribute to the full realization of the provisions of this Declaration through the mobilization, inter alia, of financial cooperation and technical assistance. Ways and means of ensuring participation of indigenous peoples on issues affecting them shall be established.

Article 42

The United Nations, its bodies, including the Permanent Forum on Indigenous Issues, and specialized agencies, including at the country level, and States shall promote respect for and full application of the provisions of this Declaration and follow up the effectiveness of this Declaration.

Article 43

The rights recognized herein constitute the minimum standards for the survival, dignity and well-being of the indigenous peoples of the world.

Article 44

All the rights and freedoms recognized herein are equally guaranteed to male and female indigenous individuals.

Article 45

Nothing in this Declaration may be construed as diminishing or extinguishing the rights indigenous peoples have now or may acquire in the future.

Article 46

1. Nothing in this Declaration may be interpreted as implying for any State, people, group or person any right to engage in any activity or to perform any act contrary to the Charter of the United Nations or construed as authorizing or encouraging any action which would dismember or impair, totally or in part, the territorial integrity or political unity of sovereign and independent States.

2. In the exercise of the rights enunciated in the present Declaration, human rights and fundamental freedoms of all shall be respected. The exercise of the rights set forth in this Declaration shall be subject only to such limitations as are determined by law, and in accordance with international human rights obligations. Any such limitations shall be non-discriminatory and strictly necessary solely for the purpose of securing due recognition and respect for the rights and freedoms of others and for meeting the just and most compelling requirements of a democratic society.

3. The provisions set forth in this Declaration shall be interpreted in accordance with the principles of justice, democracy, respect for human rights, equality, non-discrimination, good governance and good faith.

Looking at water through different eyes

— The Maori perspective

Aila Taylor of the Te Atiawa, and Mike Patrick of the Taranaki Catchment Commission describe the different, yet similar ways the Maori and the Caucasian look at water. (This is essentially a transcript of a paper presented to the 1987 Conference of the New Zealand Water Supply and Disposal Association, as part of the session entitled "Water, Wastes and Waitangi")
 Ko Taranaki te maunga
 Ko Waitakalho
 Ko Waiotanga
 Ko Waitara ngawa
 Ko Tangaroa te tangata
 nui tonu

Te Atiawa te iwi
 o te mauri ora
 o te kotou katoa

To the Maori, water is the essential ingredient of life — a priceless treasure left by ancestors for the life-sustaining use of their descendants. The descendants are, in turn, charged with a major stewardship duty, *kaitiaki*, to ensure that these treasures are passed on in as good a state, or indeed better, to those following. Water and associated resources confirm life to man, and thereby form a basis for his identification, his belonging, his mana.

"Ngā wai-kōe?" — what (water) are you?
 "No-wai-kōe?" — who am I?

In other words, what is your "home water"? An answer to these questions gives the enquirer an immediate picture of the man, his area, his valued resources and way of life, and what you might expect to eat in his *haka* — his identity, both singular and "tribal".

Maori life was situated and moulded around valued resources, their availability and sustainability — *marae* were sited in prime locations for water source and food gathering purposes. A particular tribe or hapu could therefore pride itself on its ability to both sustain itself, as well as feeding (and thereby impressing) visitors to the *marae*. And, as the centre for social, cultural and spiritual well-being for the group, the *marae* and its associated resources assumed great significance, and mana. "Ka haere mai te tangata
 Ka noho te tangata
 Ka whaingā te tangata"

(the people come, the people stay, the people are fed).

In a (historically) hand-to-mouth society such as this, therefore, it is difficult to consider anything other than a conservation ethic — willful pollution or destruction of a waterway or a food resource

would probably have an immediate and significantly detrimental effect on the community as a whole. Consequently, an elaborate set of rules, restrictions and guidelines were enforced — often by means of quasi-religious concepts such as *tapu*, *rahui*, *utu* and *murū* — to ensure that such resources were indeed maintained as appropriate for community needs — resource management, or *rangaitiranga*; and guardianship, or *kaitiakitanga*.

Water therefore acquired a spirit, a *wairua*, consistent with how the Maori perceived its quality and its use — a form of Maori classification system was used, in fact (refer Appendix). In this, the interwoven nature of the spiritual and the physical becomes apparent. (Compare this to the present national classification system where water quality standards are also based upon perceived uses of that water — uses, however, which do not involve the metaphysical).

Such a personification of what Europeans regard as non-living, or lesser beings — land, sky, animals, plants, etc. — and the fact that all such "beings" are part of a greater organism, are two major aspects of the traditional Maori view of life, and these differences (from modern European lifestyle and beliefs) must be recognised and provided for, as already occurs for example in the practice of religion — the weekly, one-stop visit to the church versus a less formalised, more everyday association of life and living with God. In theory, the recognition and sympathetic understanding of the traditional Maori approach should not be that difficult, given that European society is based on a similar ideology and mythology:

Tuiz = Skyfather (as was Rangiūi) Tuesday
 Friig = Earthmother (as was Papatuanuku)
 Friday

Papatuanuku is recognised by the Maori as the mother, who provides life for all living things through the waters in her womb. From her life is derived to her, the waste of life and the body devoid of life is to be returned — the life-giving essence, water, must remain pure and unadulterated in order to provide life for those that follow.

Water and waste?

Within such a belief, it is very apparent that the mixing of human waste with natural water is, in fact, a grievous wrong-doing,

an act which would seriously diminish the life-force (*mauri*) of the water, demean its *wairua*, and thereby affect the *mana*, the prestige, of those who use it and its resources. Consequently, the Maori question the basic (Caucasian) tenet of "disposal of waste to water is an appropriate and valid use of that water". The imposition, therefore, of such a principle within New Zealand was bound to cause more than a quizzical stir. When it is enforced by high-powered legislation, Acts and Regulations, Inspectors and policemen, all contrary to previous systems of communal resource management for the benefit of all, is it no wonder that we hear statements such as:

"... the law pertaining to maori fishing grounds does not give proper recognition to maori interests in the light of the principles of the Treaty of Waitangi..."

... or that there is a need to: "... stop European laws from over-riding Maori Rights." Or further: "Waitangi Day is now a celebration on the part of the Pakeha for what they had achieved, and a mourning by the Maori for what had been lost."

Finally, one perhaps could point to the (many) statements by the Waitangi Tribunal with regard to water and resource statutes; that they are monocultural, containing no specific provisions for the recognition and protection of Maori interests (as required by the Treaty); that they offend (or can do so) the *mana* of the Maori by taking away their promised rights of *kaitiakitanga*, *rangaitiranga*, and *kawanatanga*.

But is such a "different" viewpoint so inconsistent with present European views with regard to waste disposal and management of water?

If a local authority were to propose to discharge sewage effluent, albeit chlorinated, tertiary-treated, nutrient-stripped, "drinkable" material, into a favourite swimming hole or shellfish reef, would not most Europeans still feel uncomfortable about continuing to use that water and its resources? Despite your (undoubtedly extensive) knowledge of coliform levels, dic-off, dilution and dispersion, etc., wouldn't you, even as an expert, feel that brief twinge of irrationality, of unexplained fear and doubt? **Conflict Resolution?**

Obviously, therefore,

the conflicts can be, and often are, many and varied. For example, from a water board point view, how does one balance up, on the one hand, a matter of fact, substance and perhaps economics against a perspective that is largely religious or spiritual in nature? How can a board respond to statements such as: "When water is taken from the river, it is like removing a hand from the human body, and the more water taken, the more dismembered becomes the body. If everything is taken from the river, it is the same as the removal of its innards."

Or "I object most strongly to the Ammonia-Urea plant having the right to perform an induced and illegal abortion upon Papatuanuku."

We are all aware of the new breed of resource management and environmental legislation — Conservation, Environment, Fisheries Acts, draft Water and Soil Act, etc. — which have espoused duties to take into consideration the physical, or cultural resources, or interest associated with any waters or fishing grounds, insofar as they contribute to the general or to particular aspects of the wellbeing of Maori people; or to be consistent with the principles of the Treaty of Waitangi. We now know that there is such a thing as a "traditional maori fishery", outside of European legislative frameworks and controls for the management of fisheries.

And a recent High Court decision has clearly stated that, although the Water and Soil Conservation Act is very deficient in guidelines for handling and considering Maori issues, Maori spiritual values regarding water cannot be dismissed as merely personal; the law can indeed cope with such metaphysical considerations and, consequently, such values can be accorded due weight in water board determination (*Huakina Development Trust v Waikato Valley Authority and Bowater*).

The Maori may need to become more sympathetic to the European approach, and their attempts to adapt to such different procedures — written, rather than verbal, evidence may become the order of the day — in order to ensure that appropriate consideration and weight can be given to Maori claims and objections. The Maori may also need to recognise that many European New Zealanders also have similar desires for

environmental improvement and protection.

In all this, however, the role of common sense and reasoning, in a framework of mutual respect and recognition of each other's position, would appear to offer the logical solution to approaching and resolving these issues and differences. A balance must be struck, one which does not involve claims of priority, or exclusive profession or management by either party.

In modern negotiating parlance: There's no longer the need for winner/loser conflict situations, but rather the winner/winner situation, in which both parties achieve an agreeable result!

Certainly, the Maori claims a right to be heard; to have their perspective and views fairly considered and given due weight; and in the final decision-making process, to feel happy that they have at least had a significant input into the decision. And given the recent events at Rotorua (sew-

age disposal solution) and in Northland (acceptance of artificial wetlands for sewage treatment), European engineers, scientists and water managers should not necessarily fear that consideration of matters Maori will lead to a major upheaval in their respective trades. By relying on discussion, respect, recognition, and the fact that we are all Earthlings, solutions to what originally seem insurmountable problems can undoubtedly be found.

Obviously, this discussion begs the question of Maori representation on authorities — in areas where one tribe predominates, having one representative from that tribe on any authority will be of obvious benefit, although there have been claims for equal (man for man) representation. In Taranaki, however, with its eight tribes, allowing for representation could be both problematic and fraught with factional difficulties. Perhaps, in

these cases, a Maori representative could be found who would act as a go-between, a liaison who would refer matters relating to the tribe from that area, for their consideration and input to the decision-making.

Benefits

The benefits are many — for all!

Once organisations, local authorities, and decision makers can come to grips with joint resource management, and accept an input from another perspective, surely it will then benefit all who wish to use those resources. It will hopefully ensure maintenance of "treasures" for future generations.

It is perhaps fitting here to consider the words of the great prophet and leader Te Whiti o Rongomai (at Paribaka):

"One day the cat and the dog will eat from the same dish."

But don't expect it all to change overnight!

SUBMISSION FORM
Proposed Horowhenua District Plan
Resource Management Act 1991
Form 5 of Resource Management
(Forms, Fees, Procedure) Regs 2003

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 Faxed to: (06) 366 0983
 Emailed to: districtplan@horowhenua.govt.nz

Submissions must be received no later than 4:00pm 12 November 2012

1. Submitter Contact Details

Full Name: W. AUSTIN FRASER
 Name of Organisation: (If on behalf of an Organisation).....
 Address for Service: 72 SAWSBURY ST
LEVIN Post code: 5510
 Telephone (Day time): 06 368 7300 Mobile: —
 Email: C.STREAMWISE@HUG.CO.NZ

Note: you must fill in all sections of this form.

2. Trade Competition

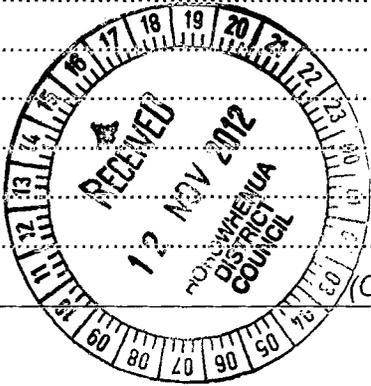
I could gain an advantage in trade competition through this submission? Yes No
 I am directly affected by an effect of the subject matter that
 (a) adversely affects the environment; and N/A
 (b) does not relate to trade competition or the effects of trade competition? Yes No

Please note that if you are a person who could gain an advantage in trade competition through the submission, your right to make a submission may be limited by Clause 6 of Schedule 1 of the Resource Management Act 1991.

3. The specific provisions of the Proposed District Plan that my submission relates to are as follows: (Please specify the Rule, Policy or Map number your submission relates to)

See attached

(Continue on a separate sheet if necessary)



4. My submission is that: (Clearly state whether you SUPPORT or OPPOSE specific parts of the Proposed District Plan or wish to have amendments made, giving reasons for your views)

See attached

(Continue on a separate sheet if necessary)

5. I/We seek the following decision from the Horowhenua District Council: (Give precise details of what amendments you wish to see and your reasons)

See attached

(Continue on a separate sheet if necessary)

6. Proposed District Plan Hearing

Do you wish to attend the Council hearing for the Proposed District Plan? Yes No

Do you wish to be speak in support of your submission at the hearing? Yes No

If others make a similar submission would you be prepared to consider presenting a joint case at the hearing? Yes No

I have attached ...2... additional pages to this submission.

Signature of Submitter: [Signature] Date: 12.11.2012
(Or person authorised to sign on behalf of submitter)

Note: A signature is not required if you make your submission by electronic means.

Submissions must be received no later than 4:00pm 12 November 2012

Further Information

If you require further information about the Proposed District Plan please visit the Council website www.horowhenua.govt.nz or email districtplan@horowhenua.govt.nz or phone (06) 366 0999.

Privacy Act 1993

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HOROWHENUA DISTRICT COUNCIL:

SUBMISSION

'Horowhenua District Plan – 2012'

**Attachment to Form 5
(SUBMISSION FORM)**

**W. Austin Fraser
72 Salisbury Street
LEVIN 5510**

Tel: 06 368 7300

E-mail: streamwise@ihug.co.nz

26 GENERAL PROVISIONS:

Definitions:

P 26-10

Recommendation: Include 'Loading': - Loading includes loading and unloading of goods and freight..

Reason: Provides definitive explanation.

P26-14

Sensitive activities:

Recommendation: That 'houses of prostitution' be included

Reason: While recognizing the well established norms of this activity, provision should be made to exclude this from residential precincts.

Recommendation: That Liquor stores be included in this category

Reason: Gives definitive control. of the number of outlets & location of this activity.

INDUSTRIAL:

Zoning for industrial activity has been marginally addressed however I can recognize the legitimacy of this in that the development process is usually undertaken by private sector or private/public sector initiative or participation.. This includes specific design criteria and is undertaken at the proposal stage. Therefore, comment is limited except to record the following.

16 RULES: Industrial zone:

16-1 Permitted Activities

(b) Wholesale Trade: (including building supplies)

Recommendation: That if one sector is identified and it includes 'wholesale & retail', that the 'retail' activity should be identified.

Reason: This precludes any assumption or potential legal challenge from other 'wholesale/retail' activities.

Industrial (cont'd)

16-6.11 Wastes Disposal.

(a) **Recommendation:** That it include petroleum and other hazardous chemicals.

General: The industrial to residential 'set-backs' for the Tararua Road industrial zone are marginal and should be carefully assessed.

Commercial

Large format retailing:

A considerable amount of research has been undertaken on 'large format retailing. There is no question that the Horowhenua will have to, at some time, address this issue. In this context, and upholding the premise that the Horowhenua is the 'Best Lifestyle District' will require particular attention to this activity.

Large format retailing imposes a number of negative influences on the socio/economic well being of a community. While there may be a need to plan for large format retailing, Council has a responsibility to approach this activity in an objective and rationally researched manner

The planning documents do not adequately cover the design, site format (including set-backs) or activities surrounding this activity. It creates a quantum leap in the commercial activity of the CBD and therefore requires specific and more detailed study.

Recommendation: That Council give particular attention to this activity to achieve a balanced outcome that will not degrade the property values or lifestyle of the adjacent residential precinct and residents and at the same time advance the economic well being of the District.

Recommendation: That Council establish a '*Design Panel*' or mechanism to study and advise with some authority, Council on the 'best practice' design standards for any new retailing activity.

RESIDENTIAL:

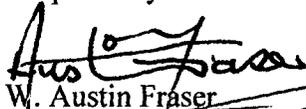
26 GUIDELINES:

4.5 Access, Carparking and Infrastructure:

Recommendation: That provision be made for visitor parking in higher density developments..

Reason: With more urban 'infill' there will be more isolation if provision is not made for human interaction.

Respectfully



W. Austin Fraser

SUBMISSION FORM
Proposed Horowhenua District Plan
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 Emailed to: districtplan@horowhenua.govt.nz

Submissions must be received no later than 4:00pm 12 November 2012

1. Submitter Contact Details

Full Name: Mark Lindsay Dum
 Name of Organisation: *(If on behalf of an Organisation)*
 Address for Service: 14 Manchester St
Levin Post code:
 Telephone (Day time): 3689792 (wk) Mobile:
 Email: Mardindum@xtra.co.nz



Note: you must fill in all sections of this form.

2. Trade Competition

I could gain an advantage in trade competition through this submission? Yes No
 I am directly affected by an effect of the subject matter that
 (a) adversely affects the environment; and
 (b) does not relate to trade competition or the effects of trade competition? Yes No

Please note that if you are a person who could gain an advantage in trade competition through the submission, your right to make a submission may be limited by Clause 6 of Schedule 1 of the Resource Management Act 1991.

3. The specific provisions of the Proposed District Plan that my submission relates to are as follows: (Please specify the Rule, Policy or Map number your submission relates to)

change of ~~residential~~ zoning from residential to medium density residential in Manchester St

(Continue on a separate sheet if necessary)

4. My submission is that: (Clearly state whether you SUPPORT or OPPOSE specific parts of the Proposed District Plan or wish to have amendments made, giving reasons for your views)

I oppose this change
All affected properties except no 14 have
been subdivided below 700 sq mts therefore
there is no need to change the zoning

(Continue on a separate sheet if necessary)

5. I/We seek the following decision from the Horowhenua District Council: (Give precise details of what amendments you wish to see and your reasons)

leave the zoning as it is as there
is no need to change

(Continue on a separate sheet if necessary)

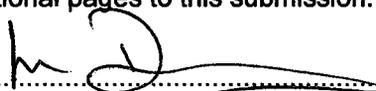
6. Proposed District Plan Hearing

Do you wish to attend the Council hearing for the Proposed District Plan? Yes No

Do you wish to be speak in support of your submission at the hearing? Yes No

If others make a similar submission would you be prepared to consider presenting a joint case at the hearing? Yes No

I have attached additional pages to this submission.

Signature of Submitter:  Date: 11.11.12
(Or person authorised to sign on behalf of submitter)

Note: A signature is not required if you make your submission by electronic means.

Submissions must be received no later than 4:00pm 12 November 2012

Further Information

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Privacy Act 1993

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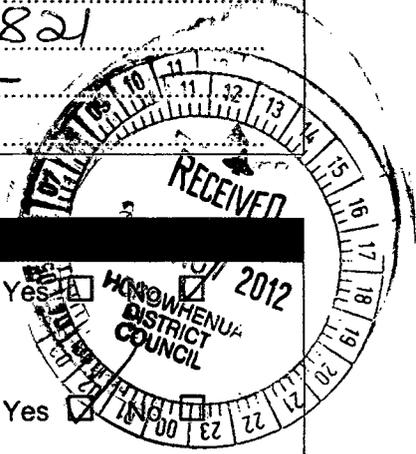


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 Emailed to: districtplan@horowhenua.govt.nz

Submissions must be received no later than 4:00pm 12 November 2012

1. Submitter Contact Details

Full Name: Shannon Progressive Association - Ross Campbell (Chair)
 Name of Organisation: (If on behalf of an Organisation) - Tony Cottle (Treasurer)
 Address for Service: c/- 14 Margaret St, Shannon - Kelvin Lane (Member)
 Post code: 4821
 Telephone (Day time): 06 36 27872 or 3627254 Mobile: -
 Email: OwlCott@xtra.co.nz



Note: you must fill in all sections of this form.

2. Trade Competition

I could gain an advantage in trade competition through this submission? Yes
 I am directly affected by an effect of the subject matter that
 (a) adversely affects the environment; and
 (b) ~~does not relate to trade competition or the effects of trade competition?~~ Yes

Please note that if you are a person who could gain an advantage in trade competition through the submission, your right to make a submission may be limited by Clause 6 of Schedule 1 of the Resource Management Act 1991.

3. The specific provisions of the Proposed District Plan that my submission relates to are as follows: (Please specify the Rule, Policy or Map number your submission relates to)

We, the members of Shannon Progressive Assn, take this opportunity to respectfully remind Horowhenua District Council of the purpose that the 1005 m² parcel of land at 39a Margaret St, Shannon being lot 2 DP 362338 was purchased for: i.e. for the specific purpose of building a waterwheel. Resolved at HDC meeting 17/11/04 and purchased 9/3/06.
 Further that the Building Consent no. 2009/1310/027 issued 26/11/09 is specifically for the purpose of construction of a waterwheel.
 The proposed HDC plan re-zones the site from residential to Open Space zone which we expect to enhance the project which Shannon Progressive Assn are proceeding with.

4. My submission is that: (Clearly state whether you SUPPORT or OPPOSE specific parts of the Proposed District Plan or wish to have amendments made, giving reasons for your views)

Refer to no. 3.

(Continue on a separate sheet if necessary)

5. I/We seek the following decision from the Horowhenua District Council: (Give precise details of what amendments you wish to see and your reasons)

Refer to no. 3.

(Continue on a separate sheet if necessary)

6. Proposed District Plan Hearing

Do you wish to attend the Council hearing for the Proposed District Plan? Yes No

Do you wish to be speak in support of your submission at the hearing? Yes No

If others make a similar submission would you be prepared to consider presenting a joint case at the hearing? Yes No

I have attached additional pages to this submission.

Signature of Submitter: *Rob Campbell*
Chair Shannon Progressive Assn Date: *9/11/12*
(Or person authorised to sign on behalf of submitter)

Note: A signature is not required if you make your submission by electronic means.

Submissions must be received no later than 4:00pm 12 November 2012

Further Information

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 Emailed to: districtplan@horowhenua.govt.nz

Submissions must be received no later than 4:00pm 12 November 2012

1. Submitter Contact Details

Full Name: RON & BETTY ZANBERGEN (ALPACA TRUSTEES LIMITED)
 Name of Organisation: *(If on behalf of an Organisation)*
 Address for Service: 59A REAY MCKAY GROVE, WAIKAWA BEACH
LEVIN RURAL (5571) Post code: RD1 (5571)
 Telephone (Day time): 06 362 6036 Mobile: 0221
 Email: ron.atp@hotmail.com

Note: you must fill in all sections of this form.

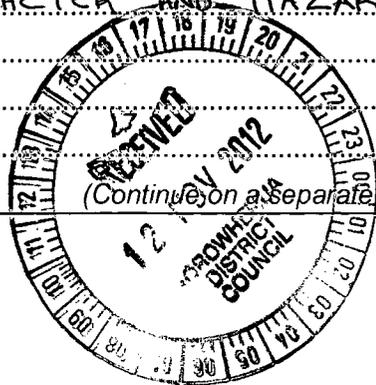
2. Trade Competition

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3. The specific provisions of the Proposed District Plan that my submission relates to are as follows: (Please specify the Rule, Policy or Map number your submission relates to)

19 RULES: RURAL ZONE
19.4.7 BUILDINGS, STRUCTURES AND SUBDIVISION IN THE
COASTAL NATURAL CHARACTER AND HAZARD
OVERLAY AREA.



(Continue on a separate sheet if necessary)

4. My submission is that: (Clearly state whether you SUPPORT or OPPOSE specific parts of the Proposed District Plan or wish to have amendments made, giving reasons for your views)

WE OPPOSE THE POINT 19.4.7 REASONS BEING THE FOLLOWING:
1) IF WE ARE IN THIS HAZARD AREA, WE ARE CONCERNED OF OUR PROPERTY VALUE DECREASING AND SUBSEQUENTLY LOSING BY MOVING TO KAPITI COAST
2) WE ARE CONCERNED OF OUR INSURANCE ON OUR HOUSE INCREASING DUE TO THIS HAZARD AREA.
3) OUR RATES WILL NOT GET A DECREASE IF THIS GOES THROUGH.
4) IF THERE IS A TSUNAMI THEN IT IS DIFFICULT (Continue on a separate sheet if necessary) TO DRAW A LINE TO HOW FAR A WAVE WILL COME INLAND.

5. I/We seek the following decision from the Horowhenua District Council: (Give precise details of what amendments you wish to see and your reasons)

WE SEEK THE FOLLOWING DECISIONS:
WE DO NOT AGREE WITH AND DON'T WANT THE POINT 19.4.7 TO BE DISCONTINUED AND DO NOT WANT THE OR TO INCLUDED IN THE HAZARD OVERLAY AREA. THAT THIS POINT IS TAKEN OUT.

(Continue on a separate sheet if necessary)

6. Proposed District Plan Hearing

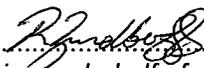
Do you wish to attend the Council hearing for the Proposed District Plan? Yes No

Do you wish to be speak in support of your submission at the hearing? Yes No

If others make a similar submission would you be prepared to consider presenting a joint case at the hearing? Yes No

I have attached additional pages to this submission.

SUBMITTED 3:30pm.

Signature of Submitter:  Date: 12 NOVEMBER, 2012
(Or person authorised to sign on behalf of submitter)

Note: A signature is not required if you make your submission by electronic means.

Submissions must be received no later than 4:00pm 12 November 2012

Further Information

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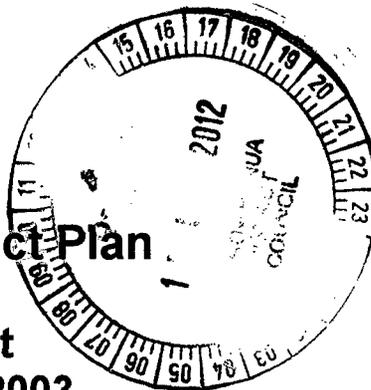
SUBMISSION FORM

Proposed Horowhenua District Plan

Resource Management Act 1991

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 Faxed to: (06) 366 0983
 Emailed to: districtplan@horowhenua.govt.nz

Submissions must be received no later than 4:00pm 12 November 2012

1. Submitter Contact Details

Full Name: Gary Spelman.....
 Name of Organisation: *(If on behalf of an Organisation)*
 Address for Service: 42 Salisbury St, Levin
 Post code: 5510
 Telephone (Day time): 0274423664..... Mobile: 0274423664
 Email: garylspelman@gmail.com.....



Note: you must fill in all sections of this form.

2. Trade Competition

I could gain an advantage in trade competition through this submission? Yes No

I am directly affected by an effect of the subject matter that
 (a) adversely affects the environment; and
 (b) does not relate to trade competition or the effects of trade competition? Yes No

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3. The specific provisions of the Proposed District Plan that my submission relates to are as follows: *(Please specify the Rule, Policy or Map number your submission relates to)*

Commercial rezoning to Exeter and Bristol Street areas, Levin.

Concerns regarding the impact that a commercial rezoning of this area will have on the abutting residential properties given that the council has identified no immediate commercial need to rezone in the first place .

Document Reference:
 "2.2.1 Given the "current low projected development" and does the proposed re-zoning need to occur in the first place putting pressure on local residents, inviting large scale unattractive commercial buildings and activities and potentially devaluing their properties"

However, I understand the need for rezoning and respect the Council's effort in making sensible and considered choices with an aim to meet the needs of all parties.

If the proposed rezoning proceed then I submit there needs to be re-evaluation of the aspects that may cause difficulties between business in the commercial zone and the neighbouring residents.

4. My submission is that: (Clearly state whether you SUPPORT or OPPOSE specific parts of the Proposed District Plan or wish to have amendments made, giving reasons for your views)

2.1.4

land use activities:

- Oppose option 2
- Option 1 is most effective at managing activity in the proposed commercial areas

- List specific properties rather than permit all activities where there is a boundary line between residential and proposed commercial activities with respect to the common problems that arise on such boundaries - noise, vibration, hours of operation etc. For example, commercial office site is preferable when compared to a hardware business or supermarket where there is extended hours of business and large scale activities including "big box" activities.

2.3.1 Standards for development: characteristics of proposed developments.

If the zoning does proceed then I propose the following issues are specified with regard to future commercial developments occurring on a boundary with residential zones.

1. Single level low profile structure with high degree of articulation
2. limit on the maximum site coverage with specific set back requirements on the boundary with a residential property.
3. Consideration of operational aspects of the planned commercial activity with respect to:

- Hours available to receive deliveries
- Positioning of conditioning / ventilation / extraction systems - away from residential neighbour(s)
- Positioning of off street parking

4. Restricted hours of operation e.g. 8am - 5pm 6 days out of seven
5. Noise and vibration - levels consistent with that of residential zones and hours of operation.
6. Respect for environment- beautification and greening of site.

(Continue on a separate sheet if necessary)

5. I/We seek the following decision from the Horowhenua District Council: (Give precise details of what amendments you wish to see and your reasons)

I request the council take time to consider such issues, consult interested parties (residential neighbours in proposed rezoning areas) and specify caveats for future commercial activities if the proposed rezoning

occurs. This would demonstrate their foresight and respect for existing residents in these areas and provide protection for the neighbourhood character and wellbeing of all parties.....

See above for specific issues identified to date.....

(Continue on a separate sheet if necessary)

6. Proposed District Plan Hearing

Do you wish to attend the Council hearing for the Proposed District Plan? Yes No

Do you wish to be speak in support of your submission at the hearing? Yes No

If others make a similar submission would you be prepared to consider presenting a joint case at the hearing? Yes No

I have attached additional pages to this submission.

Signature of Submitter: G. L. Johnson Date: 12 November 2012
(Or person authorised to sign on behalf of submitter)

Note: A signature is not required if you make your submission by electronic means.

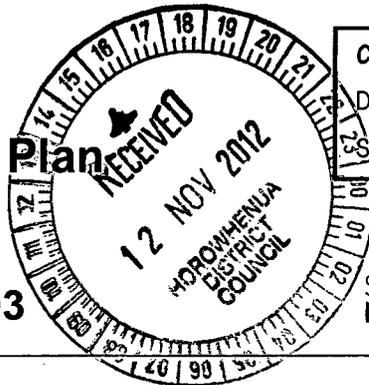
Submissions must be received no later than 4:00pm 12 November 2012

Further Information

If you require further information about the Proposed District Plan please visit the Council website www.horowhenua.govt.nz or email districtplan@horowhenua.govt.nz or phone (06) 366 0999.

Privacy Act 1993
Please note that submissions are public information. Information on this form including your name and submission will be accessible to the media and public as part of the decision making process. Council is required to have this by the Resource Management Act 1991. Your contact details will only be used for the purpose of the Proposed District Plan process. The information will be held by the Horowhenua District Council, 126 Oxford Street, Levin. You have the right to access the information and request its correction.

SUBMISSION FORM
Proposed Horowhenua District Plan
Resource Management Act 1991
Form 5 of Resource Management
(Forms, Fees, Procedure) Regs 2003



Council Use Only
 Date Received:/...../.....
 Submission No: 115



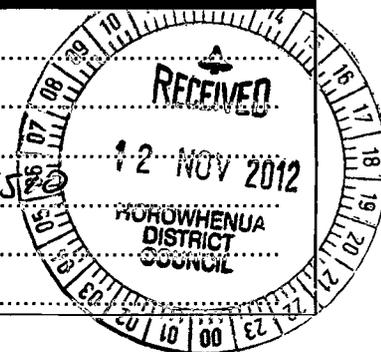
Submissions can be:

Delivered to: Horowhenua District Council Offices, 126 Oxford Street, Levin
 Posted to: Shaping Horowhenua, Horowhenua District Council, Private Bag 4002, Levin 5540
 Faxed to: (06) 366 0983
 Emailed to: districtplan@horowhenua.govt.nz

Submissions must be received no later than 4:00pm 12 November 2012

1. Submitter Contact Details

Full Name: ALAN ALBERT MEKISIMA
 Name of Organisation: *(If on behalf of an Organisation)*
 Address for Service: 80 MAIN ROAD SOUTH
LEVIN Post code: 5500
 Telephone (Day time): (06) 3680914 Mobile:
 Email: mary.alan@xnet.co.nz



Note: you must fill in all sections of this form.

2. Trade Competition

I could gain an advantage in trade competition through this submission? Yes No
 I am directly affected by an effect of the subject matter that
 (a) adversely affects the environment; and
 (b) does not relate to trade competition or the effects of trade competition? Yes No

Please note that if you are a person who could gain an advantage in trade competition through the submission, your right to make a submission may be limited by Clause 6 of Schedule 1 of the Resource Management Act 1991.

3. The specific provisions of the Proposed District Plan that my submission relates to are as follows: (Please specify the Rule, Policy or Map number your submission relates to)

PLANNING MAP 26.
THIS SHOWS A PROPOSED CHANGE TO FOUR PROPERTIES ON
THE WEST, NAMELY HOMESTEAD BUILDERS WHO OWN/OCCUPY
TWO PROPERTIES, OURSELVES AND GOODE'S WHO OWN/OCCUPY
THE FOURTH.

(Continue on a separate sheet if necessary)

4. My submission is that: (Clearly state whether you SUPPORT or OPPOSE specific parts of the Proposed District Plan or wish to have amendments made, giving reasons for your views)

I STRONGLY OPPOSE THE RE-ZONING OF ~~HABITAT~~ LANDS ON STATE HIGHWAY 1 SOUTH, SHOWN AS PROPOSED INDUSTRIAL. THERE IS ADEQUATE INDUSTRIAL LAND ABOUT THE AREA INCLUDING TARARUA ROAD WHICH SHOULD BE PROMOTED. EXISTING USE OF THIS LAND IS CONSENTED AND THE STATUS QUO WORKS WELL. THE EXCEPTION TO CONSENTED USE IS THE PROPERTY OWNED BY GOODE. (Continue on a separate sheet if necessary)

5. I/We seek the following decision from the Horowhenua District Council: (Give precise details of what amendments you wish to see and your reasons)

TO LEAVE THE PRESENT ZONING AS IT IS. TO LEAVE THE USE OF THIS LAND AS IT IS AND ANY FURTHER USE TO BE APPLIED FOR BY CONSENT AS HAS BEEN IN THE PAST. TO ENFORCE CONSENT OR CORRECT USE TO THE LAND OCCUPIED/OWNED BY GOODES. (Continue on a separate sheet if necessary)

6. Proposed District Plan Hearing

Do you wish to attend the Council hearing for the Proposed District Plan? Yes No

Do you wish to be speak in support of your submission at the hearing? Yes No

If others make a similar submission would you be prepared to consider presenting a joint case at the hearing? Yes No

I have attached ...0... additional pages to this submission.

Signature of Submitter:  (Or person authorised to sign on behalf of submitter)

Date: 12/11/12

Note: A signature is not required if you make your submission by electronic means.

Submissions must be received no later than 4:00pm 12 November 2012

Further Information

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See attached

.....

.....

.....

.....

.....

(Continue on a separate sheet if necessary)

5. I/We seek the following decision from the Horowhenua District Council: (Give precise details of what amendments you wish to see and your reasons)

See attached

.....

.....

.....

.....

.....

(Continue on a separate sheet if necessary)

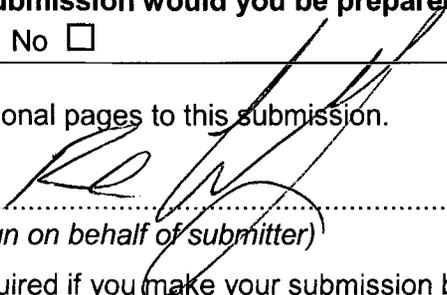
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Do you wish to attend the Council hearing for the Proposed District Plan? Yes No

Do you wish to be speak in support of your submission at the hearing? Yes No

If others make a similar submission would you be prepared to consider presenting a joint case at the hearing? Yes No

I have attached additional pages to this submission.

Signature of Submitter:  Date: 12 November 2012.....
(Or person authorised to sign on behalf of submitter)

Note: A signature is not required if you make your submission by electronic means.

Submissions must be received no later than 4:00pm 12 November 2012

Further Information

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TRUEBRIDGE ASSOCIATES LIMITED

LICENSED CADASTRAL SURVEYORS

&

RESOURCE MANAGEMENT CONSULTANTS

Directors:

William Loudon Riordan, B.SURV. M.N.Z.I.S.
Roger Colin Truebridge, B.SURV. M.N.Z.I.S.

TELEPHONE 06 368 6249
FAX 06 368 6049
EMAIL levin@truebridge.co.nz

522 QUEEN STREET
LEVIN

12 November 2012

The Senior Planner
Horowhenua District Council
126 Oxford Street
Levin

Attention: David McCorkindale;

Dear Sir,

Re: Proposed Horowhenua District Plan Review – Submission.

Please find herewith my submission on the proposed Horowhenua District Plan Review.

It is primarily focused on the new residential rules but I have an interest in all of the rules in general and at this point I wish to thank the authors of the review for all of their work and the high standard of the document.

My submission will step through the areas of the residential rules that I consider need to be further addressed in order that carefully considered accommodation is given and made for the changing times that we are in, and the pressures that are being placed on the residential needs of this District.

In recent times there has been considerable media coverage on the need to make housing and residential development more affordable for the average New Zealander and that the way to achieve this is to trim the RMA process, and to also make local authorities more streamlined and efficient in order to reduce the cost of housing.

While these two areas are always at the forefront of peoples thinking, they are in my opinion, not the areas that will see and help encourage new growth in this district.

Over the past two to three years the rural rules have been adjusted to better suit the desires of the district, which is having the effect of greatly reducing the degree of sporadic rural/residential development in the district.

In order to promote considered growth in line with Central Government's desire to reduce the cost of housing and to place ourselves in a position that development opportunities are available to promote and enhance our district, it is my opinion, that the residential rules for development need to be addressed.

The Plan Review has done this but it has not gone far enough in the areas it has covered and it has proposed controls that will reduce the degree of imagination and diversity that should be allowed in a healthy community.

Offices at

LEVIN
Ph 06 368 6249
Fax 06 368 6049

FEILDING
Ph 06 323 7576
Fax 06 323 1134

KAPITI COAST
Ph 04 298 3083
Fax 04 298 3083

PALMERSTON NORTH
Ph 06 357 9765
Fax 06 357 9762



My submission largely deals with the Medium Density Residential rules as this is the area within which council has the opportunity to enable lower cost housing near the centre of its settlements with increased densities that will draw the community closer to the centre of the three settlements where the new zone is proposed and also create the ability for council to improve its network utilities in a smaller and more concentrated way. This will have the effect of revitalising the town centres while minimising council's infrastructure costs in the short to medium term.

By doing this the town centres can embark upon a new phase of redevelopment of the residential areas that are located in the oldest areas of the three settlements.

I have considered the proposed rules in Section 15 of the review and will step through them in the areas I feel need addressing as part of my submission.

Section 15: Residential Rules.

I have attached this section of the review and coloured that areas I feel need to be addressed in red.

15.1 Permitted Activities

15.1(m) This section relates to notable trees and it would appear that it should be moved to discretionary activities as items (i) to (iii) are permitted activities and I believe the intent of the rule is that they should not be.

15.4 Discretionary Activities

15.4(d) This rule relates to the new medium density residential rules and it is my opinion that this activity should be a controlled activity, not discretionary. The existing controlled infill rules have been altered in the review to reduce their extent by increasing the minimum lot size from 250m² to 330m². This has been done to restrict higher density development outside of the proposed medium density areas, which is reasonable provided the higher density "medium density" areas allow controlled activities of that nature.

To make this activity controlled will better promote new development in these areas and will be more in line with a clear desire by Central Government to enable lower cost housing by enabling lower cost development in these areas.

In my opinion this activity needs to be moved into the controlled activity section of the residential zone.

15.6 Conditions for Permitted Activities

15.6.9 Fencing

15.6.9(a)(i) In my opinion there are many examples of fences at 2.0m of height which greatly enhance the street scape and to restrict the permitted height to 1.5 or the top 0.5m of a 2.0m fence is unduly restrictive.



The intent of the rule appears to be to ensure the openness of the street scape by using the amenity values of the private land adjoining the streets. In some cases where the properties are attractive and well kept it may well be desirable to visually link front yards to the street scape and this may include full height fencing of an attractive nature. There are many ways to create a front fence with high amenity value. One maybe to use a variety of materials or to grow such things as climbing plants.

It would seem very restrictive to require a property owner to obtain consent in order to demonstrate their creativeness on their own property. For this reason I am of the opinion that this rule is unnecessary and should be removed.

15.7.5 Subdivision of Land (Refer to Rule 15.2(d))

(a) Matters of Control (i)

This rule is very restrictive and is partly covered by other rules. The size, shape and position of any lot is already controlled by shape factors, minimum and average lot size rules in the Plan and additional controls for these aspects is not need. There are also controls on sight configuration and amenity for each lot which are more relevant, in my opinion.

The location of building sites, separation distances are both controlled by the bulk and location requirements of the Plan such as side yards requirement and the minimum separation rules that already exist.

The orientation of a building at the time of subdivision cannot be determined or controlled without the use of consent notices and as the orientation of most houses in New Zealand is dictated by contour and the sun it seems relativity meaningless to attempt to control it at the time of subdivision. Basic subdivisional design considers all of a site attributes at the time of initial design so as to maximise the potential of each lot created.

Screening and Landscaping are also matters which are addressed at time of dwelling construction and are based on the type, scale, nature of developed as well as by the owner at that time.

To control such matters at the time of subdivision would require the creation of a consent notice which would require on going monitoring by the local authority and it would remove any flexibility of the owner.

In my opinion this rule needs to be removed.

Table 15-3: Standards Applying to Subdivision and Residential Dwelling Units

- a) Infill subdivision is one of the key tools that enables redevelopment to occur within the settlements of the Horowhenua. There are now a large number of old green field developments in the district and in particular in Levin. The infill rules allow for a minimum lot size of 330m² with the 250m² join unit rule being removed.



4.

This is consistent with the introduction of the medium density rules but it leaves all of the area outside of the medium density areas with more restrictive rules to work with. The aim of this is to not doubt drive medium density infill development into the centre of the settlements.

In order to get more uniform standard infill development in the settlements the title issue date should be related to a standard cool off period and not a specific date as is the current situation.

The date that is currently in the rule is 1/3/91, as far as I am aware is related to the transition between the old District Scheme and the newer District Plan under the RMA. In my opinion a fixed date as opposed to a running fixed period does not fit with aging dwellings or environmental change.

A more relevant option would be to have a running cool off period of 10 years from the date of a title issue. If this period is considered in relation to green field development then it would be 10 years before any infill could occur. If a site in a green fields development was still available 10 years after original development then it would be reasonable that infill could be considered as an alternative to utilise the site.

The second part of the rule deals with parent title size. There are two sizes depending on whether or not there is an existing dwelling on the site. In most cases infill development involves a site that has an existing dwelling on it and when the subdivision and development is actually done that dwelling is removed which effectively changes the assessment criteria after consent.

In my opinion there should only be one parent title size of 2025m² in order to make the rule clear and unambiguous.

b) **Ohau and Manakau**

There is an inconsistency in the residential lot sizes in this area of the table.

In Ohau West and Manakau the minimum lot area is 2000m² where sewage disposal is not available and in Ohau East the minimum area is 8000m². These two areas should be the same, as the rule appears to be based on sewage disposal to ground and in the case of Ohau East the minimum area is considerably more than the green belt residential minimum area which is adjacent to it.

In my opinion the minimum area should be in the order of 4000m² to 5000m² where a sewage disposal system is not available.

15.8.9 Medium Density Development within Levin, Foxton Beach and Waitarere Beach (refer to Rule 15.3(e))

The rule is a significant and new rule for the district. However it should be considered as a controlled activity in relation to subdivision and or development.



In section (a) matters of control, matters that relate to monitoring after the completion of the consent should be removed as the cost and ability of council to do this on an on going basis will be prohibitive and off putting to residents and developers.

Section 15.8.9 (b) Conditions.

- (i) It is my opinion that a minimum lot area is not needed as the proposed zone will carry requirements under site coverage and amenity for each site that will result in the desired site size.

The purpose of this zone is to allow redevelopment of the area surrounding the centres of the three settlements in a higher density formation, which will not require or necessitate open spaces to the same degree as the normal residential zone.

The people who are most likely to utilise this are the aged population who can have a smaller more compact, lower cost and lower maintenance property to live in. Due to the range of parent title sizes in the three areas it is my opinion that a minimum area should be avoided in order that clusters with appropriate amenity may be developed.

Conditions (ii) to (x) apart from (viii) control the lot size. All that is needed to for the applicant to show that a sensible permitted dwelling can be accommodated within each lot along with the other site amenities.

(viii) is not required as many people will not want an outside shed and if they do then it is a personal choice.

Wellington City does not have any minimum lot areas in its residential zones and it uses the controls of site coverage and amenity to achieve development. These controls work well and by requiring specific amenity spaces as do Palmerston North City, a well controlled zone without minimum areas will be achieved, allowing imagination with the proper relationship between buildings and amenity.

In terms of areas to be zoned I am of the opinion that they are too small and that they should be enlarged to promote redevelopment in the existing settlement centres rather than large scale green fields that require continual extension of council's infrastructure.

In Levin the area should be extended to that area shown in green on the attached print. This area is all well serviced at present and will help slow the spread of the residential development further out from the centre of town.

It is worth noting that only a small proportion of the existing lots within the area will actually be redeveloped under the new rule so there needs to be a good coverage in order to offer the opportunity for the new development.

Waitarere Beach and Foxton Beach are the same apart from the fact that much of these two settlements contain very old run down dwellings.



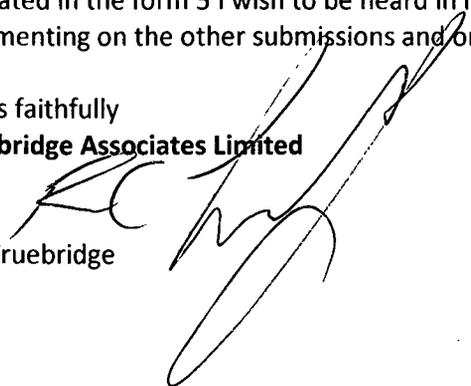
I propose enlarging both of these areas in order to give the opportunity for redevelopment on the oldest areas of the settlements.

As mentioned above a medium density zone to allow smaller lots and thus smaller capital outlay and smaller dwellings is the only way to produce the opportunity for lower cost housing in the community, which is in line with the current thinking within Central Government. It will also enable council to introduce more land for development without the need to extend the utility networks.

As stated in the form 5 I wish to be heard in relation to this submission. I also look forward to commenting on the other submissions and once gain commend the work to date on the review.

Yours faithfully
Truebridge Associates Limited

R C Truebridge



LEGEND
ZONES

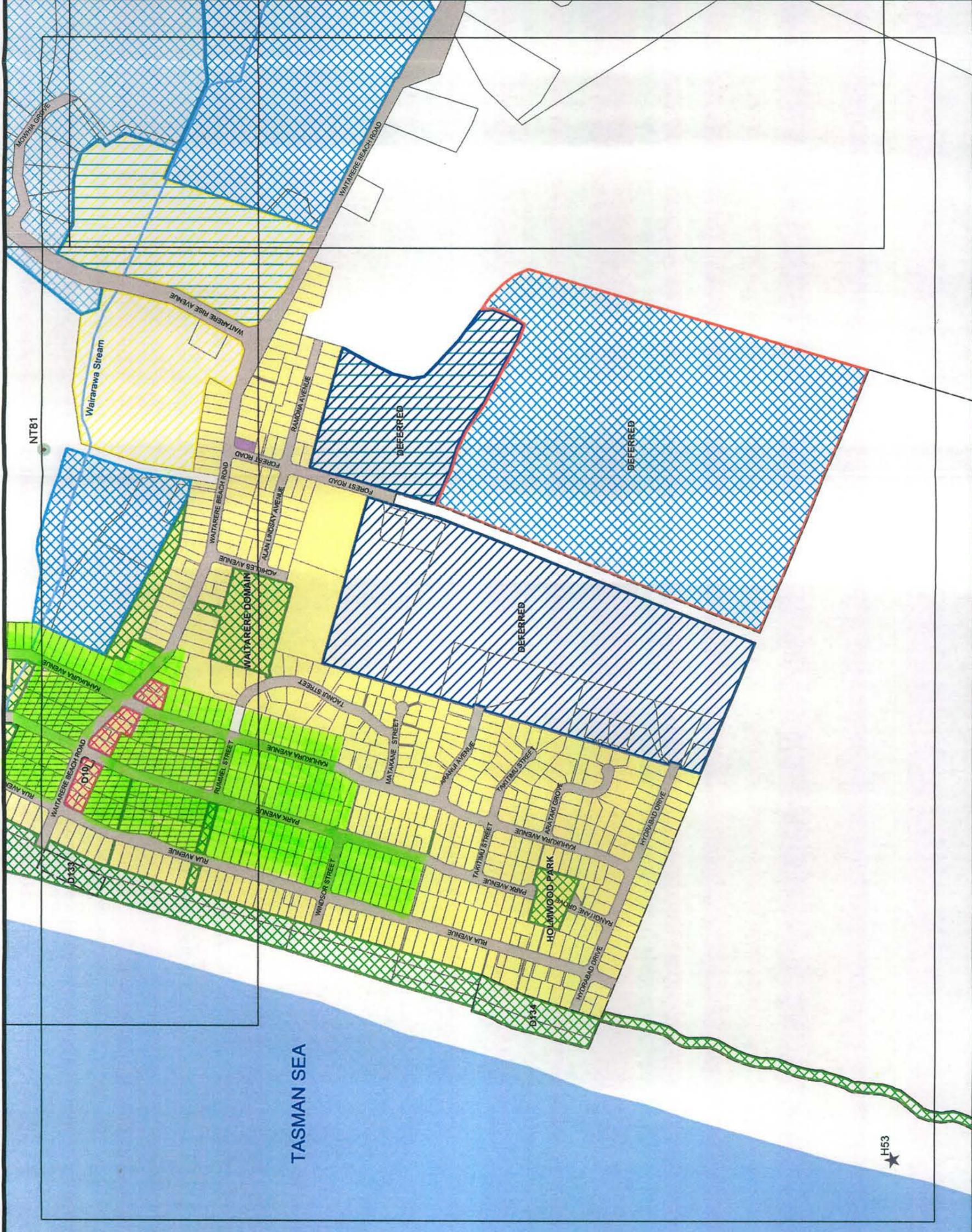
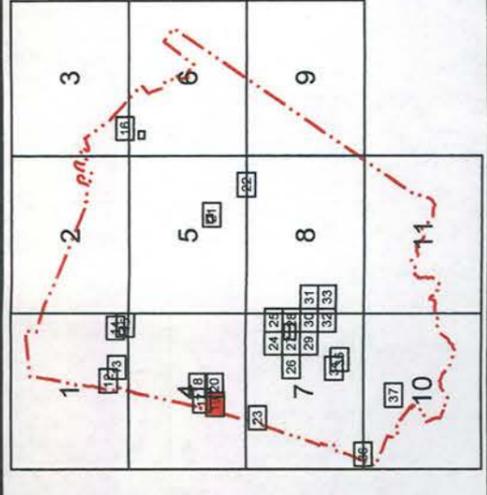
- Commercial Zone
- Industrial Zone
- Residential Zone
- Rural Zone
- Proposed Commercial Zone
- Proposed Greenbelt Residential Zone (part of PC 21)
- Proposed Greenbelt Residential Deferred Zone (part of PC 21)
- Proposed Industrial Zone
- Proposed Open Space Zone
- Proposed Residential Zone
- Proposed 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)

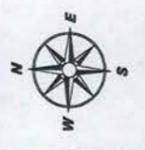
FEATURES

- Notable Tree
- Historic Heritage Building, Structure or Site
- Designation
- Road



PROPOSED HOROWHENUA DISTRICT PLAN
WAITARERE BEACH

Scale 1 : 7,500



Planning Map 19

LEGEND
ZONES

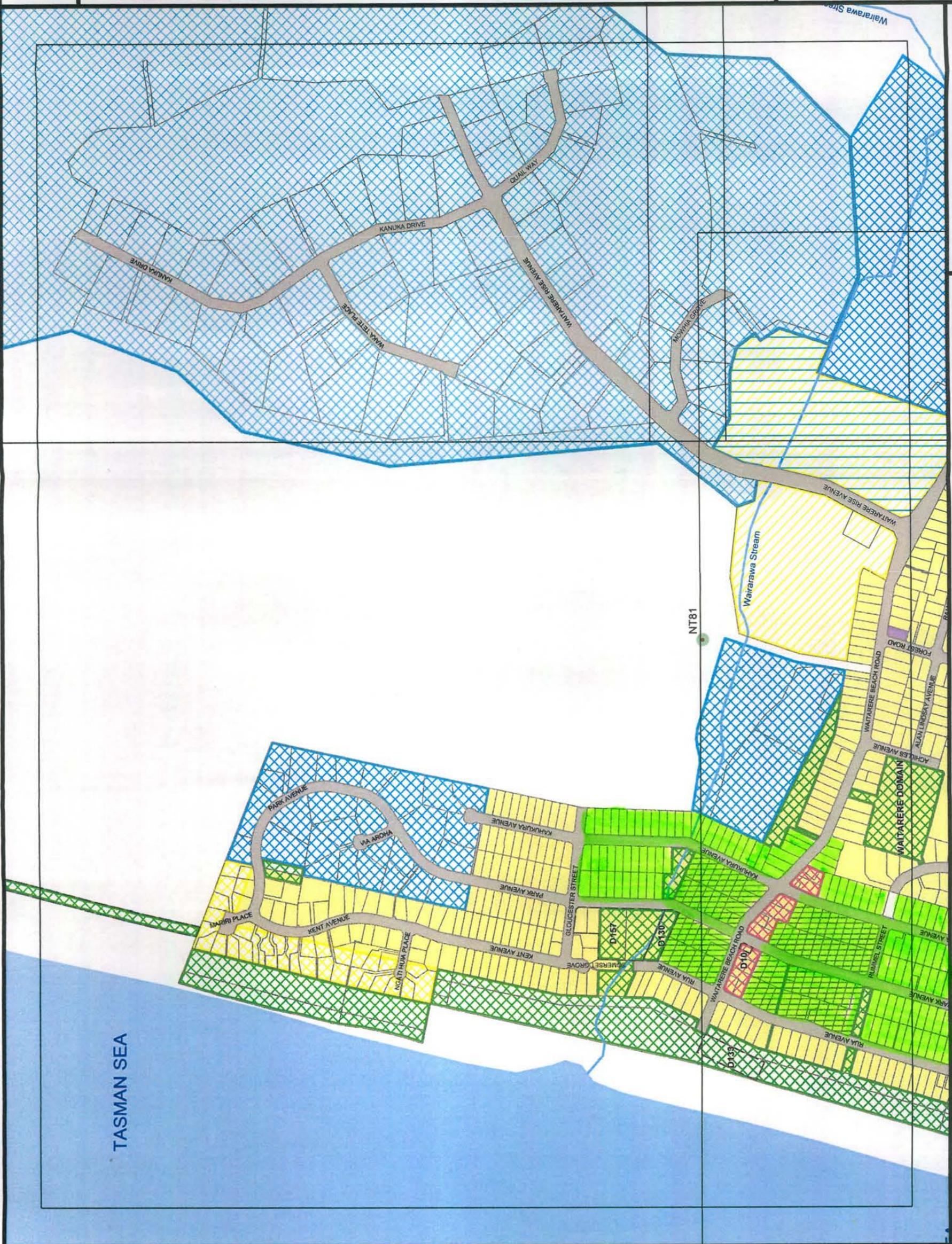
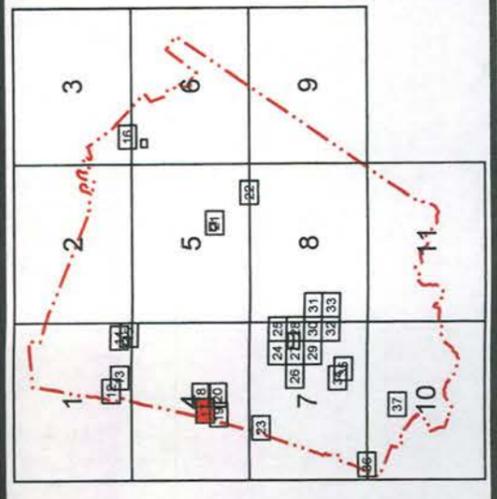
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FEATURES

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PROPOSED HOROWHENUA DISTRICT PLAN
WAITARE BEACH

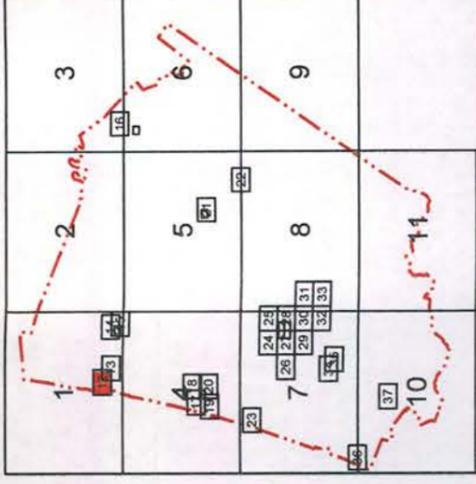
Planning Map 17

Scale 1 : 7,500



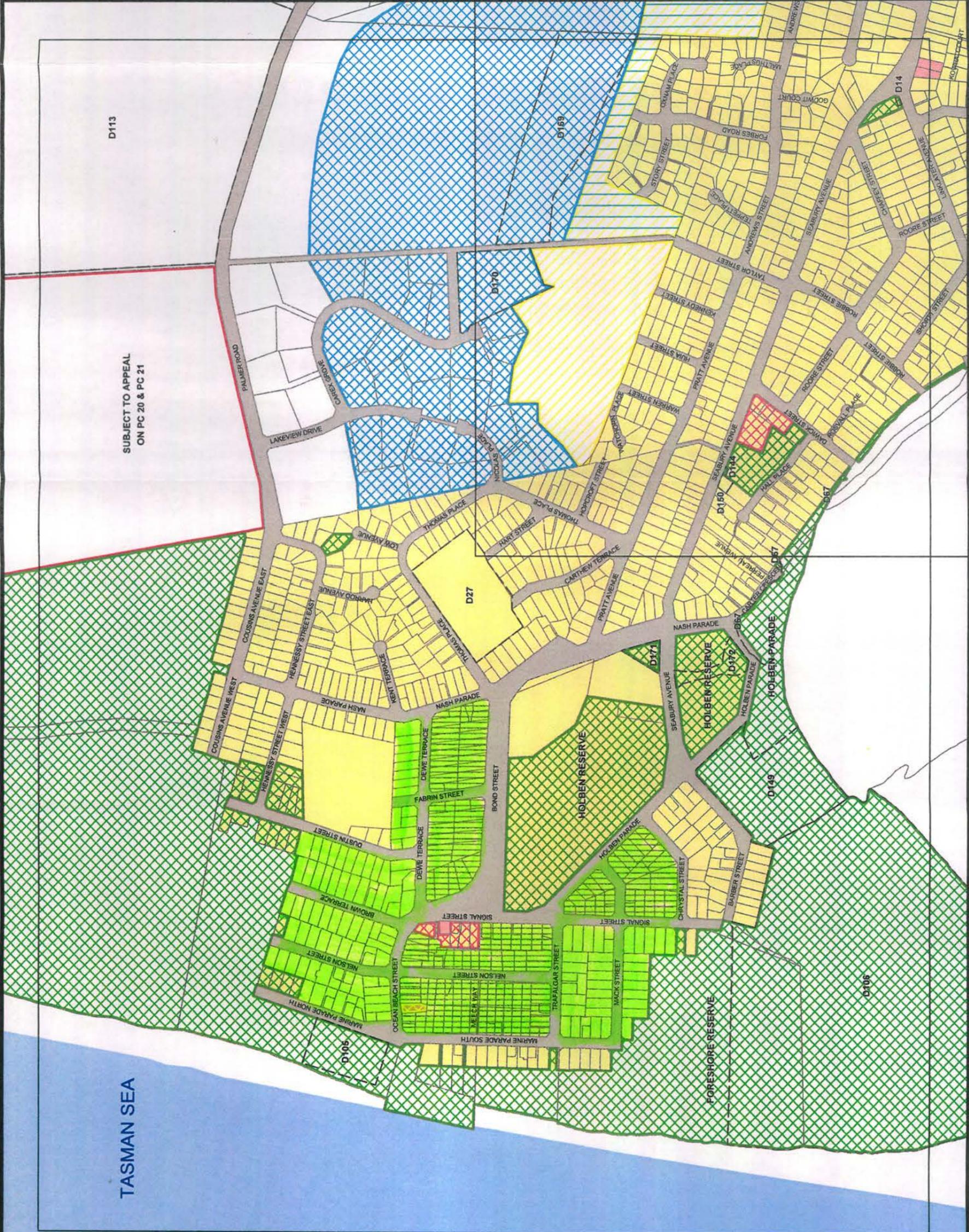
LEGEND

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- FEATURES**
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 - Historic Heritage Building, Structure or Site
 - Designation
 - Road



D113

SUBJECT TO APPEAL
ON PC 20 & PC 21



TASMAN SEA

PROPOSED HOROWHENUA DISTRICT PLAN
FOXTON BEACH

Planning Map 12

N
W E S
Scale 1 : 7,500

15 RULES: Residential Zone

15. RESIDENTIAL ZONE

Note:

The "grey-out" highlighted text indicates the Proposed Plan Change 20 – 22 provisions. These provisions are not operative and do not form part of the Proposed District Plan. "Grey-out" text is not open for submission.

15.1 PERMITTED ACTIVITIES

The following activities are permitted activities in the Residential Zone provided activities comply with all relevant conditions in Rule 15.6 and Chapters 21, 22, 23 and 24.

- (a) Residential activities.
- (b) Accessory buildings.
- (c) Visitor accommodation for up to four persons within a residential dwelling unit.
- (d) Home occupations.
- (e) Open space.
- (f) The construction, alteration of, and addition to, and demolition of buildings and structures for any permitted activity.
- (g) 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.
- (h) The following types of signs:
 - (i) Advertising signs located on the site to which the activity relates, including public facility or information signs identifying a building, property or business.
 - (ii) Official signs.
 - (iii) Temporary signs.
 - (iv) Signs advertising sale or auction of land or premises.
- (i) The following network utilities and energy activities:
 - (i) The construction, operation, maintenance and upgrading of network utilities.
 - (ii) Domestic scale renewable energy devices.
- (j) Within the Flood Hazard Overlay Areas only, the following activities:
 - (i) Soil conservation, erosion protection, river control or flood protection works undertaken by, or supervised by, Horizons Regional Council.

15 RULES: Residential Zone

- (ii) Maintenance or minor upgrading of existing network utilities.

Notes:

- For the definitions of „maintenance“ and „minor upgrading“ refer to Rules 22.1.10(a) and (b) in relation to existing network utilities.
- 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 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.

- (k) Where a building or structure is listed in Schedule 2 – Historic Heritage, the following are permitted activities:

- (i) The maintenance, redecoration and repair of the interior and exterior of a Group 1 or 2 building or structure.
- (ii) Internal alteration of a Group 2 building.

Note: Rule 15.1(k) has immediate legal effect from 14th September 2012.

- (l) Where a site is listed in Schedule 2 – Historic Heritage, the following are permitted activities:

- (i) Maintenance and repair of existing lawns, gardens, structures (including fences), buildings and signage on any site.
- (ii) Removal of vegetation on any site.

Note: Rule 15.1(l) has immediate legal effect from 14th September 2012.

- (m) 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.

- (n) Temporary activities.
- (o) Temporary military training activities.
- (p) State Integrated Schools listed in Schedule 4.
- (q) Earthworks (Refer to Rule 15.4(i)(v) Earthworks within the heritage setting of a Group 1 or 2 building or structure and Rule 15.4(j)(ii) Earthworks within a site that is listed in Schedule 2 – Historic Heritage).

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National Environmental Standards:

- For any activities on contaminated or potentially contaminated land, refer to the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health Regulations 2011.
- For any Telecommunication or Radiocommunication facilities / activities that are located within a legal road reserve, refer to the Resource Management (National Environmental Standard for Telecommunications Facilities) Regulations 2008.
- For any activities involving the operation, maintenance, upgrading, relocation, or removal of an existing transmission line that is part of the national grid, as defined in the regulation, refer to the National Environmental Standards for Electricity Transmission Activities Regulations 2009. The regulations contain a separate code of rules for those activities listed. Except as provided for by the regulation, no rules in this District Plan apply to such activities.

15.2 CONTROLLED ACTIVITIES

The following activities are controlled activities in the Residential Zone provided activities comply with all relevant conditions in Rule 15.7 and Chapters 21, 22, 23 and 24. Refer to Rule 15.7 for matters of control and conditions:

- (a) The placement of any Relocated building and/or accessory building on any site. (Refer Rule 15.7.1).
- (b) Earthquake strengthening of any Group 2 building listed in Schedule 2 - Historic Heritage. (Refer Rule 15.7.2)

Note: Rule 15.2(b) has immediate legal effect from 14th September 2012.

- (c) Any temporary filming activity that does not comply with the permitted activity duration conditions in Rule 15.6.30(b)(i). (Refer Rule 15.7.3)
- (d) Any temporary military training activity that does not comply with the permitted activity conditions in Rule 15.6.31. (Refer Rule 15.7.4)
- (e) Any subdivision of land, except within the Tararua Road Growth Area Overlay. (Refer Rule 15.7.5)
- (f) Any boundary adjustment subdivision within a Flood Hazard Overlay Area. (Refer Rule 15.7.6)
- (g) Any dwelling within the Fairfield Road Special Residential Overlay Area. (Refer Rule 15.7.7)

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15.3 RESTRICTED DISCRETIONARY ACTIVITIES

The following activities are restricted discretionary activities in the Residential Zone provided activities comply with all relevant conditions in Rule 15.8. Refer to Rule 15.8 for matters of discretion and conditions.

- (a) Any permitted activity which does not comply with any conditions in Rule 15.6 and Chapters 21, 22, 23 and 24. (Refer Rule 15.8.1)
- (b) Any controlled activity which does not comply with any conditions in Rule 15.7. (Refer Rule 15.8.2)
- (c) Within Flood Hazard Overlay Areas any permitted activities that do not comply with the permitted activity conditions in Rule 15.6.14. (Refer Rule 15.8.6)
- (d) Any subdivision of land within the Tararua Road Growth Area Overlay. (Refer Rule 15.8.7)
- (e) Any Medium Density Development within the Medium Density Overlay Area in Levin, Foxton Beach and Waitare Beach. (Refer Rule 15.8.9)
- (f) Earthquake strengthening of any Group 1 building listed in Schedule 2 - Historic Heritage. (Refer Rule 15.8.11)

Note: Rule 15.3(f) has immediate legal effect from 14th September 2012.

- (g) Any signs attached to, or within the heritage setting of, a building, structure or site listed in Schedule 2 – Historic Heritage that do not comply with the relevant permitted activity conditions. (Refer Rule 15.8.12)

Note: Rule 15.3(g) has immediate legal effect from 14th September 2012.

- (h) Remote advertising signs. (Refer Rule 15.8.13)
- (i) Community Entrance signs. (Refer Rule 15.8.13)

Note: Refer to Chapter 25 for Assessment Criteria as a guide for preparing an assessment of environmental effects to accompany a resource consent application for any of the above activities.

15.4 DISCRETIONARY ACTIVITIES

The following activities are discretionary activities in the Residential Zone:

- (a) Any activity that is not a permitted, controlled, restricted discretionary or a non-complying activity.
- (b) Any subdivision that is not in accordance with the requirements as specified in a Structure Plan in Schedule 8.
- (c) Two or more residential dwelling units per site.

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- (d) Any Medium Density Development within the Medium Density Overlay in Levin, Foxton Beach and Waitare Beach that does not comply with the restricted discretionary activity conditions in Rule 15.8.9.
- (e) 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.
- (f) Community Entrance signs that do not comply with the restricted discretionary activity conditions in Rule 15.8.13(b)(i).
- (g) Lines and support structures (including towers, masts and poles) for conveying electricity at a voltage exceeding 110kV.
- (h) Any activities within the Flood Hazard Overlay Areas that are not listed as a permitted or restricted discretionary activities, including but not limited to the following:
- (i) Any erection, placement, alteration of, or addition to, any habitable building or structure.
 - (ii) Any new network utilities.
 - (iii) Any subdivision of land (except for boundary adjustments which are a controlled activity under Rule 15.2(f)).
 - (iv) Any activity involving storage of hazardous substances.
 - (v) Visitor accommodation.
- (i) Where a building or structure is listed in Schedule 2 – Historic Heritage the following are discretionary activities:
- (i) Alteration to, or relocation of, a Group 1 or 2 building or structure.
 - (ii) Demolition of a Group 2 building or structure.
 - (iii) Subdivision within the heritage setting of a Group 1 or 2 building or structure.
 - (iv) New building or additions to an unlisted building located within the heritage setting of a Group 1 or 2 building or structure.
 - (v) Earthworks within the heritage setting of a Group 1 or 2 building or structure.

Note: Rule 15.4(i) has immediate legal effect from 14th September 2012.

- (j) 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.
 - (ii) Earthworks.
 - (iii) Subdivision of land.

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Note: Rule 15.4(j) has immediate legal effect from 14th September 2012.

- (k) Any permitted work to a listed tree in Schedule 3 - Notable Trees, or any activity within the drip line of a listed Notable Tree, that does not comply with the permitted activity conditions in Rule 15.6.28.

15.5 NON-COMPLYING ACTIVITIES

The following activities are non-complying activities in the Residential Zone:

- (a) Any new vehicular access to State Highway 57 within the Tararua Road Growth Area Overlay.
- (b) Any Medium Density Development outside the Medium Density Overlay Area.
- (c) Demolition or destruction of a Group 1 building, structure or a site listed in Schedule 2 – Historic Heritage.

Note: Rule 15.5(c) has immediate legal effect from 14th September 2012.

15.6 CONDITIONS FOR PERMITTED ACTIVITIES

The following conditions shall apply to all permitted activities:

15.6.1 Number of Residential Dwelling Units and Family Flats

- (a) One residential dwelling unit per site.
- (b) One family flat of up to 50m² in maximum gross floor area plus a covered verandah up to 10m² per site.

15.6.2 Maximum Building Height

- (a) No part of any building shall exceed a height of 8.5 metres.

Except

No part of any accessory building or family flat shall exceed 4.5 metres in height.

15.6.3 Daylight Setback Envelope

- (a) No part of any building shall encroach outside an envelope created, in relation to each site boundary except a boundary with a street, 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) inwards from that point.

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15.6.4 Building Setback From Boundaries

(a) No building shall be located closer than 4 metres from any road boundary, except that a 5 metre long vehicle standing space shall be provided between the road boundary and any structure housing a vehicle where the vehicle takes direct access to the structure from the road.

(b) No building shall be located closer than 1.5 metres from any other site boundary.

Except

Accessory buildings shall be located no closer than 1 metre from any other site boundary unless adjoining landowners' written consent is obtained.

(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.

(d) Within the Fairfield Road Special Residential Overlay Area the following additional building setback applies:

(i) No building shall be located closer than 3 metres from any other site boundary.

Note: Refer to Rule 15.6.22 for vehicle access space requirements.

Side yard diagrams

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15.6.5 Separation Distance Between Detached Residential Dwelling Units

- (a) No detached residential dwelling unit shall be located closer than 3 metres from any other detached residential dwelling unit.

15.6.6 Private Outdoor Living Area

- (a) All residential dwelling units shall have a private outdoor living area which is at least 40m² in area and capable of containing a circle 4 metres in diameter.

15.6.7 Maximum Building Coverage

- (a) On sites greater than 500m² the proportion of any net site area covered by buildings shall not exceed 35%.
- (b) On sites 500m² or smaller the proportion of any net site area covered by buildings shall not exceed 40%.
- (c) There shall be no building coverage requirements for network utilities on sites less than 200m².

15.6.8 Accessory Buildings

- (a) On sites less than 710m² the total maximum gross floor area of all accessory buildings shall not exceed 60m².
- (b) On sites between 710m² and 1,000m² the total maximum gross floor area of all accessory buildings shall not exceed 8.5% of the net site area.
- (c) On sites greater than 1,000m² the total maximum gross floor area of all accessory buildings shall not exceed 85m².
- (d) Accessory buildings shall not project forward of a principal residential dwelling unit;

Except

Where there is no demonstrable area to the side or rear of a principal residential dwelling unit to accommodate an accessory building, an accessory building with a maximum gross floor area of 36m² is permitted forward of the principal residential unit.

15.6.9 Fencing

- (a) Front Road Boundary
 - (i) The maximum height of a fence or wall sited on the boundary or within 1 metre from the boundary shall comply with at least one of the following:
 - 1.5 metres where the fence or wall fronts a front road boundary; or
 - 2 metres where the fence or wall fronts a front road boundary and at least the upper 0.5 metres of the fence is at least 50% transparent.
- (b) Other Boundaries

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- (i) The maximum height of a fence or wall sited on the boundary or within 1 metre from the boundary shall not exceed 2 metres.

15.6.10 Home Occupations

- (a) A home occupation shall not exceed 50m² of total floor area dedicated to this activity.

15.6.11 Noise

- (a) Noise from any activity shall not exceed the following limits when measured at, or within, any point within any other site:
 - (i) On any day -
 - 7.00am – 7.00pm: 55dB LAeq (15mins)
 - 7.00pm – 10.00pm: 50dB LAeq (15mins)
 - 10.00pm – 7.00am: 40dB LAeq (15mins)
 - 10.00pm – 7.00am: 65dB (Lmax)
- (b) 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.
- (c) Construction, maintenance and demolition works shall be measured, assessed, managed and controlled in accordance with the provisions of NZS 6803:1999 Acoustics – Construction noise.
- (d) The noise limits in Rule 15.6.11(a) shall not apply to the following activities:
 - (i) Fire and civil emergency sirens.
 - (ii) Construction, maintenance and demolition work.
 - (ii) 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.
 - (iv) Temporary military training activities.
 - (v) Temporary events.

Notwithstanding the above rules, Section 16 of the RMA imposes a duty on every occupier of land and any person carrying out an activity in, on or under a water body to adopt the best practicable option to avoid unreasonable noise.

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15.6.12 Vibration

- (a) No activity shall create any vibration which exceeds the limits in the following standards:
- (i) AS 2670.1-2001 Evaluation of human exposure to whole-body vibration – General requirements.
 - (ii) AS 2670.2-1990 Evaluation of human exposure to whole-body vibration - Continuous and Shock-Induced Vibration in Buildings (1 to 80 Hz).
 - (iii) DIN 4150-3:1999 Effects of vibration on structures.
 - (iv) NZS 4403:1976 – Code of Practice for Storage, Handling, and Use of Explosives, and any subsequent amendments.

15.6.13 Odour

- (a) No activity shall give rise to offensive odours able to be detected at the boundary of any adjoining residential property or at the boundary of any property in the Residential Zone. For the purpose of this condition, an offensive odour is that odour which can be detected and is considered to be offensive by at least two independent observers; including at least one Council officer.

15.6.14 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.
- (b) Within a Flood Hazard Overlay Area, the erection, placement, alteration of, or addition to any non-habitable structure, with an unsealed or permeable floor shall not exceed a gross floor area of 40m² per site.

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.

15.6.15 Storage of Goods and Materials

- (a) All areas used for the storage of goods, materials or waste products shall be maintained in a tidy condition and shall be screened from view from adjoining residential properties and from roads.

15.6.16 Unsightly Buildings

- (a) No building shall be left unfinished, or constructed, or become in such a state so that its external appearance is a distraction from the amenities of the neighbourhood in which it is situated.

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15.6.17 Wrecked Motor Vehicles

- (a) No wrecked and/or unroadworthy vehicle or vehicles shall be placed or located on a residential property where any such vehicle may be viewed from any public place or road.

For the purpose of this condition:

- "Vehicle" shall include any car, bus, truck, van, motorcycle, trailer or house bus or caravan, and
- "Wrecked and Unroadworthy" shall include any of the above which is unregistered and/or unwarranted and/or beyond reasonable repair and includes vehicles being stripped for sale or disposal of parts.

15.6.18 Water Supply

- (a) All sites shall be provided with a water supply to meet the capacity and quality requirements of the activities undertaken on the site in accordance with Chapter 24.

15.6.19 Wastes Disposal

- (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 any significant adverse effects or nuisance for adjoining properties.

15.6.20 Surfacewater Disposal

- (a) All activities shall make provision for the management of stormwater as means of dealing with water quantity and water quality to avoid significant adverse effects or nuisance.

15.6.21 Engineering Works

- (a) All activities, subdivisions and developments shall comply with the permitted activity conditions in Chapter 24.

15.6.22 Vehicle Access

- (a) All activities shall be provided with practicable vehicle access from a public road in accordance with the permitted activity conditions in Chapter 21.
- (b) Where no garage or carport exists, space shall be retained to enable the future development of vehicle access no less than 2.5 metres wide between the road and the rear of the site.

15.6.23 Vehicle Parking, Manoeuvring, and Loading

- (a) 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.

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15.6.24 Safety and Visibility at Road and Rail Intersection

- (a) 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 1 (Chapter 21 - Traffic Sight Lines at Road and Rail Intersections).

15.6.25 Network Utilities and Energy

- (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 specified in this part of the District Plan shall also apply to any network utility or associated structures.

15.6.26 Hazardous Substances

- (a) All activities using or storing hazardous substances shall comply with the Hazardous Substances Classification parameters for the Residential Zone in Chapter 23 and shall comply with the permitted activity conditions in that Chapter.

15.6.27 Signs

- (a) All signs shall comply with the Maximum Face Area set out in Table 15.1.

Table 15-1: Maximum Face Area for Signs

Type of Sign	Maximum Face Area (m ²) per site
Official signs	N/A
Temporary signs	3m ²
Signs advertising the sale or auction of land or premises	2m ² (combined total area of signs)
Public information 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
A permanent free standing sign which may be double sided, for each frontage of the site	1m ² (on one side)
Public facility signs including any church, school or hall	2m ²

- (b) Any temporary sign shall be displayed for no longer than two (2) calendar months in 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.
- (c) Signs advertising the sale or auction of land or premises shall be removed within 10 days of the property being sold, leased or withdrawn from the market.

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- (d) All signs shall comply with the height, and where applicable, recession plane requirements, but shall not be required to comply with rules relating to setbacks from road boundaries.
- (e) No sign shall be illuminated.
- (f) No signs attached to a building shall exceed the highest point of the roof.
- (g) No sign shall be erected on or adjacent to a road which will:
 - (i) obstruct the line of sight of any corner, bend, intersection or vehicle crossing;
 - (ii) obstruct, obscure or impair the view of any traffic sign or signal;
 - (iv) physically obstruct or impede traffic or pedestrians;
 - (iv) resemble or be likely to be confused with any traffic sign or signal;
 - (v) use reflective materials that may interfere with a road user's vision;
 - (vi) use flashing or revolving lights; or
 - (vii) project light onto the road so as to cause a hazard or distraction to users of the road (including pedestrians).
- (h) The minimum lettering sizes in Table 15-2 below shall apply to all signs located within 15 horizontal metres of a road:

Table 15-2: Minimum Lettering Sizes for Signs

	Posted speed limit 70kph and above
Maximum number of words	6 or symbols
Maximum number of characters	40
Minimum lettering height	160mm

15.6.28 Notable Trees

- (a) Any removal or partial removal of a tree listed in Schedule 3 - Notable Trees shall comply with the following conditions:
 - (i) Council has confirmed the tree is dead; or
 - (ii) Removal or partial removal is required as an emergency work to safeguard life or habitable buildings from immediate danger (as confirmed by a qualified arborist).
- (b) Within the drip line of any tree listed in Schedule 3 - Notable Trees, any activities shall not involve the following works:
 - (i) The construction of any building or structure.
 - (ii) The laying of overhead or underground services.

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- (iii) Any sealing, paving, soil compaction, or any other impervious surfaces.
 - (iv) The alteration of existing ground levels by excavation or deposition of soil including thrust boring and directional drilling.
 - (v) The discharge of any toxic hazardous substance.
- (c) Any trimming and maintenance of a tree listed in Schedule 3 - Notable Trees shall be limited to:
- (i) Minor trimming necessary to maintain the health of the tree 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.
 - (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 those overhead wires or utility networks.
 - (iii) The removal of broken branches, dead wood or diseased vegetation (as confirmed by a qualified arborist).
 - (iv) Required as an emergency work.

15.6.29 Sites of Significance to Tangata Whenua

- (a) 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 Council prior to the time that any activity or development is proposed.

15.6.30 Temporary Activities

- (a) In addition to the other permitted activity conditions, temporary events, including, but not limited to, festivals, sports events, and markets; shall comply with the following conditions:
- (i) the duration of any temporary event shall not exceed seven (7) consecutive days. For the purpose of this rule, „day“ means a whole day, or part of a day;
 - (ii) any temporary event shall operate between the hours of 7.00am – 10.00pm;
 - (iii) the duration of a series of temporary events shall not exceed a cumulative period of 30 days in a calendar year;
 - (iv) all temporary buildings and structures are exempt from the maximum height and maximum building coverage standards set out in 15.6.2 and 15.6.7; and
 - (iv) noise from any temporary events shall not exceed the following noise levels, at any site in the Residential Zone, at the notional boundary of any noise sensitive activity within the Rural Zone, or anywhere within the site boundary of any noise sensitive activity within the Commercial, Industrial, Open Space or Greenbelt Residential Zones:
 - Amplified Sound including sound testing: 80dB LAeq (10 mins).

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- Activities other than amplified sound: 70dB LAeq (10 mins).
 - Crowd noise is exempt from these limits.
- (b) In addition to the other permitted activity conditions, temporary filming activities, shall comply with the following:
- (i) The total occupation of the site for filming activities shall not exceed seven (7) consecutive days.
 - (ii) All temporary buildings and structures are exempt from the maximum height and maximum building coverage standards set out in 15.6.2 and 15.6.7.

15.6.31 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 shall not exceed the limits as set out in Table 2 of NZS 6803:1999 Acoustics - Construction noise when applied at any noise sensitive activity.
 - (iv) 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 8.00pm and 7.00am the following day and shall otherwise comply with Section 8.1.4 of NZS 6803:1999.

15.7 MATTERS OF CONTROL AND CONDITIONS FOR CONTROLLED ACTIVITIES

The matters over which Council has reserved its control and the conditions are detailed below for each controlled activity:

15.7.1 Relocated Buildings (Refer to Rule 15.2(a))

- (a) Matters of Control
- (i)- The length of time taken to re-construct, repair, or refurbish the building.
 - (ii) Conditions for upgrading the exterior of the building and upgrading and reinstating the site, including any one or more of the following:
 - redecoration or reinstatement of any roof or exterior cladding;
 -

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- reinstatement of any porches, terraces, baseboards and steps;
 - replacement of broken window panes, broken or rotten timber, guttering, drainpipes;
 - reinstatement of that part of a dwelling where a chimney has been removed;
 - reinstatement of the site and access to the site; or
 - details and length of time to complete site landscaping.
- (iii) A bond, of the nature provided for in the RMA, further secured by deposits of cash with the District Council, bank guarantee, or otherwise, to the satisfaction of the District Council, to ensure compliance with consent conditions. The bond shall be paid prior to the movement of the building to its new site, and shall be to the value of the work required, as assessed by a suitably qualified person approved by the Environmental Services Manager at the cost of the applicant. The required work will be expected to be completed within a 12 month period. Portions of the bond may be refunded as substantial portions of the work are completed.
- (b) Conditions
- (i) Relocated buildings shall comply, in all respects, with the relevant permitted activity conditions in other parts of the District Plan.

15.7.2 Historic Heritage – Buildings (Refer to Rule 15.2(b))

(a) Matters of Control

- (i) The potential effects of earthquake strengthening work on the heritage values associated with the building.

Note: Rule 15.7.2 has immediate legal effect from 14th September 2012.

15.7.3 Temporary Filming Activities (Refer to Rule 15.2(c))

(a) Matters of Control

- (i) The hours of operation of the temporary filming activity.
- (ii) The size and positioning of temporary buildings and structures.
- (iii) The provisions of safe and efficient vehicular access and car parking for staff, service delivery and customers or the public.
- (iv) Where appropriate, the provision of safe pedestrian entry and exit.
- (iv) The provision for waste collection, storage and site cleanup.
- (v) The actual and potential adverse effects on the amenity of the surrounding environment, and any measures to avoid, remedy or mitigate these effects.

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- (vi) The actual and potential adverse effects on the safety and efficiency of the road network, and any measures to avoid, remedy or mitigate these effects.
- (viii) The actual and potential adverse effects on recreation, heritage or cultural values, and any measures to avoid, remedy or mitigate these effects.
- (b) Conditions
 - (i) The duration of the temporary filming activity shall not exceed 31 consecutive days. For the purpose of this rule, „day“ means a whole day, or part of a day.
 - (ii) Submit a draft management plan demonstrating how the temporary filming activity avoids, remedies or mitigates adverse effects on local amenity. The scale and detail of this draft management plan is to be commensurate with the scale of the temporary filming activity and the nature of the potential effects on local amenity.

15.7.4 Temporary Military Training Activities (Refer to Rule 15.2(d))

- (a) Matters of Control
 - (i) The avoidance, remedying or mitigating any adverse effects on the environment.

15.7.5 Subdivision of Land (Refer to Rule 15.2(e))

- (a) Matters of Control
 - (i) The design and layout of the subdivision, including the size, shape and position of any lot, including the future land use and development of each lot. In addition, the location of building sites, separation distances, orientation of buildings, and screening/landscape treatment.
 - (ii) The amalgamation of any proposed allotments or balance areas to existing titles of land.
 - (iii) The provision of any new roads, cycleways, footpaths, provision of linkages to existing roads, access over or under railway lines, the diversion or alteration of any existing roads, the provision of access, passing bays, parking and manoeuvring areas, and any necessary easements.
 - (iv) The provision of servicing, including water supply, wastewater systems, stormwater management and disposal, streetlighting, telecommunications and electricity.
 - (iv) Provision of reserves, esplanade reserves, esplanade strips and access strips, including connections to existing and future reserves.
 - (v) Effects on significant sites and features, including natural, cultural and historical sites.
 - (viii) Site contamination remediation measures and works.

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- (ix) Avoidance or mitigation of natural hazards.
 - (ix) Management of construction effects, including traffic movements, hours of operation, noise, earthworks and erosion and sediment control.
 - (x) Staging of the subdivision. (xi) In accordance with any applicable Structure Plan in Schedule 8.
 - (xi) Compliance with the Council's Subdivision and Development Principles and Requirements (2012).
 - (xiii) Those matters described in Sections 108 and 220 of the RMA.
- (b) Conditions
- (i) Minimum Allotment Area and Shape

Each allotment shall comply with the following site area and shape factor standards for each settlement set out in below.

Table 15-3: 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
Levir, Foxton, Foxton Beach and Shannon			
Residential Allotments (other than infill subdivision allotments)	Nil	330m ² provided that the average area of all allotments which are available for residential purposes shall be not less than 600 square metres. In calculating this averaged area, any allotment or balance area having an area larger than 680 square metres shall be counted as having 680 square metres. Averaging applies only to subdivisions creating more than 2 new allotments.	18 metres diameter
Residential Infill Allotments	The allotment being subdivided shall be contained in a Certificate of Title issued before 1.3.91; and Shall have no more than 1200 square metres area and contain no buildings; or	330m ²	13 metres diameter

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Shall have no more than 2025 square metres area and shall contain a residential building or buildings.

Subdivisions shall not create more than 3 infill allotments.

Shannon Special Residential Zone Thomson Street/ Nathan Terrace	Nil	2,000m ²	20 metres diameter
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Fairfield Road Special Residential Overlay	Nil	1,000m ² provided that the average area of all allotments which are available for residential purposes shall be not less than 1500m ²	20 metres diameter
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Residential Allotments Within the Low Density Overlay	Nil	1,000m ² provided that the average area of all allotments which are available for residential purposes shall be not less than 2,000m ² .	18 metres diameter
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Waitarere Beach, Mangaore and Tokomaru

Residential Allotments	Where reticulated sewerage disposal is available	800m ²	18 metres diameter
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Low Density Area	Where reticulated sewerage disposal is available	1,000m ² Minimum average site area of 2,000m ²	18 metres diameter
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Hokio Beach and Waikawa Beach

Residential Allotments	Where reticulated sewerage disposal is not available	800m ²	18 metres diameter
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Low Density Area	Where reticulated sewerage disposal is not available	1,000m ² Minimum average site area of 2,000m ²	18 metres diameter
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Ohau and Manakau

Residential Allotments (Ohau West and Manakau)	Where reticulated sewerage disposal is not available	2,000m ²	18 metres diameter
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Residential Allotments (Ohau East)	Where reticulated sewerage disposal is not available	8,000m ²	18 metres diameter
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Note: In calculating the minimum average site area, any allotment or balance area having an area larger than 5000m² shall be counted as having 5000m².

15 RULES: Residential Zone

- (ii) Water Supply Disposal, Wastewater and Other Services

All subdivisions shall comply with the requirements as specified set out in Chapter 24.

- (iii) Roads and Access

All subdivisions shall comply with the requirements as specified in Chapter 21.

- (iv) Network Utilities

There shall be no minimum site area requirements for lots for network utility purposes.

- (v) Structure Plans

Where any land is within a Structure Plan area in Schedule 8, all subdivisions shall be in accordance with the requirements as specified in the Structure Plan.

15.7.6 Boundary Adjustment - Flood Hazard Overlay Areas (Refer Rule 15.2(f))

- (a) Matters of Control

- (i) 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.
- (ii) The location, nature, scale and design of the allotments, their intended use, and the degree to which people or property are put at risk as a result of the subdivision.
- (iii) Avoidance or mitigation measures to address the risks from natural hazards.
- (iv) The effects of the mitigation measures in terms of any increasing the likelihood of erosion, inundation or any other hazard event occurring, or increasing its magnitude on the site and to other properties which may or may not currently be at risk from the effects of the natural hazards.

15.7.7 Fairfield Road Special Residential Overlay Area (Refer Rule 15.2(g))

- (a) Matters of Control

- (i) The protection of the seventeen Phoenix Palms and yew hedge on the site, including in relation to the siting of any dwelling, except where the palms and the hedge have to be removed to accommodate one single road (including road reserve) into the property.

15 RULES: Residential Zone

15.8 MATTERS OF DISCRETION AND CONDITIONS FOR RESTRICTED DISCRETIONARY ACTIVITIES

The matters over which Council has restricted its discretion for each restricted discretionary activity, and the conditions for each activity, are detailed below:

15.8.1 Non-compliance with Permitted Activity Conditions (Rule 15.6) and Permitted Activity Conditions in Chapters 21, 22, 23 and 24. (Refer to Rule 15.3(a)):

- (a) Matters of Discretion
 - (i) Avoiding, remedying or mitigating of any effects deriving from non-compliance with the particular condition(s) that is not met, except where specifically identified in other rules below.

15.8.2 Non-Compliance with Controlled Activity Conditions Rule 15.7 (Refer to Rule 15.3(b))

- (a) Matters of Discretion
 - (i) Avoiding, remedying or mitigating of any effects deriving from non-compliance with the particular condition(s) that is not met, except where specifically identified in other rules below.

15.8.3 Non-Compliance with Road Setback Rule 15.6.4(a) (Refer to Rule 15.3(a))

- (a) Matters of Discretion
 - (i) The effect of the design and appearance of the building on the overall streetscape, amenities and character of the locality.
 - (ii) The effect of the proposal on the safety, efficiency, or convenience of any adjoining road or footpath.
 - (iii) Where the building is intended to house vehicles, the ability to gain access into and out of the building from the road without interfering with the safety or convenience of any road or footpath user.
 - (iv) The effect of the building's location on opportunities for access to the rear of the site.
 - (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.

15.8.4 Non-Compliance with Fencing Rule 15.6.9 (Refer to Rule 15.3(a))

- (a) Matters of Discretion
 - (i) The height, design and visual appearance of the fence
 - (ii) The impact of the fence on the existing street character

15 RULES: Residential Zone

- (iii) The visual contribution the fence makes to the streetscene
 - (iv) The impact that the fence may have on the perceived safety of motorists and pedestrians
- (b) Non-Notification
- (i) Under Section 77D of the RMA, an activity requiring resource consent under Rule 15.8.4 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)).

15.8.5 Non-Compliance with Home Occupations Rule 15.6.10 (Refer to Rule 15.3(a))

- (a) Matters of Discretion
- (i) Avoiding, remedying or mitigating of any effects deriving from non-compliance with the particular condition(s) that are not met.
- (b) Conditions
- (i) A home occupation shall not exceed 70m² of total gross floor area dedicated to this activity.

15.8.6 Flood Hazard Overlay Areas (Refer to Rule 15.3(c))

- (a) Matters of Discretion
- (i) 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.
 - (ii) The location, nature, scale and design of the buildings, earthworks or allotments, its intended use, including whether the building, earthworks or use is temporary or permanent, and the degree to which people or property are put at risk as a result of the activity.
 - (iii) Avoidance or mitigation measures to address the risks from natural hazards.
 - (iv) The effects the mitigation measures in terms of increasing the likelihood of erosion, inundation or any other hazard event occurring, or increasing its magnitude, including to other properties which may or may not currently be at risk from the effects of the natural hazards.
 - (v) The effects on the effectiveness of existing flood hazard avoidance or mitigation measures, including works and structures within river and drainage schemes, natural landforms that protect against inundation, and overland stormwater flow paths.

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15.8.7 Subdivision within the Tararua Road Growth Area Overlay (Refer Rule 15.3(d))

- (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.
 - (iv) The amenity effects caused by noise, vibration and air pollution effects of State Highway 57.
 - (v) 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).
 - (vi) 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 non-compliance 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.

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15.8.9 Medium Density Development within Levin, Foxton Beach and Waitarere Beach (Refer to Rule 15.3(e))

(a) Matters of Discretion

- (i) Matters in Schedule 10 - Medium Density Residential Design Guide.
- (ii) The site layout and configuration of residential units.
- (iii) The provision of quality on-site amenity.
- (iv) The management of stormwater, wastewater, water supply and other servicing.
- (v) The design and appearance of buildings, fencing and hard surfacing, and their maintenance.
- (vi) The maintenance of amenity values at the site boundary and management of adverse effects on adjoining and adjacent properties.
- (vii) The potential visual effects of the development and level of change to the character of the existing urban environment.
- (viii) The design and ongoing maintenance of landscaping within the site.
- (ix) The provision of adequate carparking, manoeuvring and safe access to the site.
- (x) The management of traffic generated and potential adverse effects on the safety and efficiency of the street network.
- (xi) The contribution to the range and type of residential dwelling units to the settlement.

(b) Conditions

- (i) Minimum average net site area of 225m² per residential dwelling unit.
- (ii) Compliance with the Permitted Activity Standards, except where specifically identified in other rules below.
- (iii) Building Setback From Boundaries:
 - no building shall be located closer than 4 metres from any road boundary, except that a 5 metres long vehicle standing space shall be provided between the road boundary and any structure housing a vehicle where the vehicle takes direct access to the structure from the road; and
 - no building shall be located closer than 3 metres on one external side (or rear) site boundary and 1.5 metres on all other remaining site boundaries.
- (iv) Separation Distance Between Detached Residential Dwelling Units:

15 RULES: Residential Zone

- no detached residential dwelling unit shall be located closer than 3 metres from any other detached residential dwelling unit on the site.
- (v) No more than two residential dwelling units shall share a common side wall.
- (vi) All ground floor residential dwellings units shall have private outdoor living area which meets the following requirements:
 - minimum area: 20m²;
 - minimum dimension: 2.5 metres diameter circle;
 - directly accessible from the main living area of the residential dwelling unit; and
 - kept free of access to other units, driveways, manoeuvring areas, parking spaces, dedicated utility space and accessory buildings.
- (vii) All above ground residential dwelling units shall have a balcony or deck for a private outdoor living area which meets the following requirements:
 - minimum areas: 15m²;
 - minimum dimension: 2.5 metres diameter circle;
 - directly accessible from the main living area of the residential unit; and
 - kept free of access to other units and dedicated utility space.
- (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 unit"s driveways, manoeuvring areas, parking spaces, private outdoor space and accessory buildings.
- (ix) The proportion of any site covered by buildings shall not exceed 50%.
- (x) A concurrent subdivision application for a fee simple or unit title mechanism is required to provide for the individual titles and the collective management of the common areas.
- (c) Non-Notification
 - (i) Under Section 77D of the RMA, an activity requiring resource consent under Rule 15.8.9 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)).

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15.8.10 Non-Compliance with Allotment Size (Rule 15.7.5(b)(i)) Within Tokomaru, Mangaore, Waitarere Beach, Hokio Beach, Ohau, Waikawa Beach and Manakau (Refer Rule 15.3(b))

- (a) Matters of Discretion
 - (i) Where the area of any allotment is reduced to less than the minimum standard:
 - The soil conditions of the allotment(s) and capacity for satisfactory drainage from existing or anticipated effluent soakage fields; and
 - Whether or not the overall low-density character of the area will be compromised by the proposed subdivision and subsequent development, having regard to the topography of the locality and the proposed configuration of allotments.
 - Additional traffic generated by subdivision relative to capacity of existing roads.

15.8.11 Historic Heritage – Buildings (Refer Rule 15.3(f))

- (a) Matters of Discretion
 - (i) The potential effects of earthquake strengthening work on the heritage values associated with the building.

Note: Rule 15.8.11 has immediate legal effect from 14th September 2012.

15.8.12 Historic Heritage – Signs (Refer Rule 15.3(g))

- (a) Matters of Discretion
 - (i) The colour and materials of any sign.
 - (ii) The design of any sign.
 - (iii) The location of any sign.
 - (iv) The size of any sign.
 - (iv) The number of any signs.

Note: Rule 15.8.12 has immediate legal effect from 14th September 2012.

15.8.13 Signs (Refer Rule 15.3(h) and 15.3(i))

- (a) Matters of Discretion
 - (i) The size, siting, design and content of the sign.
 - (ii) The effects on character and amenity values.
 - (iii) The likely duration that the sign will be in place.

15 RULES: Residential Zone

- (iv) The impact of the sign on traffic safety and the efficiency of the transport network.
- (iv) The approval of NZTA where the sign fronts a State Highway.
- (vi) Cumulative effects arising from other signs in the vicinity.
- (b) Conditions
 - (i) The maximum face area of a Community Entrance sign is 9.0m².
- (c) Non-Notification:
 - (i) Under Section 77D of the RMA, an activity requiring resource consent under Rule 15.8.13 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)).

Note: For consent applications involving activities close to State Highways, NZTA may be an affected party for the purposes of limited notification.

15.8.14 Temporary Activities (Refer Rule 15.3(a) and 15.3(b))

- (a) Matters of Discretion
 - (i) The duration of the temporary activity, including daily hours of operation.
 - (ii) The size and positioning of temporary buildings and structures.
 - (iii) The provisions of safe and efficient vehicular access and car parking for staff, service delivery and customers or the public.
 - (iv) Where appropriate, the provision of safe pedestrian entry and exit.
 - (iv) The provision for waste collection, storage and site cleanup.
 - (v) The actual and potential adverse effects on the amenity of the surrounding environment, and any measures to avoid, remedy or mitigate these effects;
 - (vi) The actual and potential adverse effects on the safety and efficiency of the road network, and any measures to avoid, remedy or mitigate these effects.
 - (viii) The actual and potential adverse effects on the recreation, heritage or cultural values, and any measures to avoid, remedy or mitigate these effects.
- (b) Conditions
 - (i) Submit a draft management plan demonstrating how the temporary activity avoids, remedies or mitigates adverse effects generated by the activity.

15 RULES: Residential Zone

15.9 RESIDENTIAL (DEFERRED) ZONE

Areas of Residential (Deferred) Zone are identified on the Planning Maps.

Until such time that deferred status is uplifted, the rules of the Rural Zone shall apply within any area identified as Residential (Deferred) Zone on the Planning Maps.

Residential (Deferred) Zone will cease to have effect and the Residential Zone provisions will apply when either of the following occurs:

- For an area not covered by a Structure Plan in the District Plan, a District Plan Change is approved incorporating a Structure Plan for the area; or
- For an area covered by a Structure Plan in the District Plan, the passing of a Council resolution that there is adequate capacity in a local-authority operated reticulated infrastructure to service the particular area of land subject to the Residential (Deferred) Zones



12 November 2012

HP 33002-076

Horowhenua District Council
Private Bag 4002
Levin 5540

Attention: David McCorkindale

Tena koe,

**Submission of New Zealand Historic Places Trust Pouhere Taonga on
the Horowhenua Proposed District Plan 2012**

Thank you for sending a copy of the Horowhenua District Council's proposed District Plan 2012 to the New Zealand Historic Places Trust (NZHPT). We appreciate being consulted on the proposed new District Plan. NZHPT's submission relates to matters historic heritage matters

Overall the NZHPT supports the intent of the district plan review to update the plan that reflect amendments to the Resource Management Act (RMA), that have occurred, to ensure the plan is consistent with changes to legislation. This includes the elevation of the protection of historic heritage from inappropriate subdivision, use and development (section 6(f) RMA) and the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, wahi tapu and other taonga, as matters of national importance (section 6(e) RMA).

NZHPT is particularly supportive of the proposed new listings to the District Plan bringing it more in line with the NZHPT register and the new provisions and listings of which historic heritage values are a component.

The protection of historic heritage, including historic sites and Maori heritage is an important issue for New Zealand. Regional and district plans are the primary regulatory mechanisms to protect historic heritage under the RMA. Territorial authorities are required to establish, implement and review objectives, policies and methods to achieve integrated management of the effects of the use, development, or protection of land and associated natural and physical resources of the district. Historic heritage is a physical resource and the primary document for achieving integrated management is the District Plan.¹

NZHPT supports the proposed plan change with the following amendments.

NZHPT requests a **number of changes** to the proposed plan change with the NZHPT's proposed changes indicated as: to be deleted is ~~struck through~~ and new text is underlined.

NZHPT acknowledges the significant amount of work that Council has undertaken in heritage and credits Council with the inclusive face-to-face engagement with NZHPT.

In addition, NZHPT commends Council for undertaking this work towards a heritage strategy to probe and facilitate further discussion that has, in turn, provided the platform for this District Plan review.

Heritage Schedules

Heritage schedules are an important method of providing a list of significant historic heritage in district plans. The central purpose of a heritage schedule is to provide information about specific places that are protected by the rules in the district plan. Section 74(2)(b)(iia) of the RMA requires Councils to have regard to relevant entries on the Historic Places Register when preparing or changing their District.

We commend HDC for listing all of the NZHPT registered sites within the heritage schedule with the exception of one. The NZHPT Register includes a house that was at 41 Bath Street, Levin and this has been relocated to 947 Koputaroa Rd Levin. The house is a Category 2 registered historic place. NZHPT seeks that the Horowhenua District Council carries out more research in partnership with NZHPT to determine an additional inclusion for the Heritage Schedule.

NZHPT has recently changed all of our category referenced buildings and structures to be now referenced as Category 1 or 2 in accordance with the legislation. Therefore we seek that the nomenclature of Category I and II items is amended to Category 1 and 2..

¹ AA McFarlane Family Trust v Christchurch City Council, EC, C46/99

In addition a number of sites proposed on the schedule are currently being revisited through NZHPT's registration process. While the research has been completed and indicates that most will continue to have heritage merit worthy of registration, their registration has not yet been finalised or confirmed by the NZHPT Board. NZHPT therefore requests that the following scheduled sites be updated as follows:

Site Name	Location	New NZHPT Category
Duncan House	11A Ladys Mile Foxton	Under consideration and will confirm at hearing
All Saints Church	53 Main Street Foxton	Under consideration and will confirm at hearing
Nye Homestead Sunnyside	64 Newth Road, Foxton	Under consideration and will confirm at hearing
Dwelling	31 Robinson Street, Foxton	Under consideration and will confirm at hearing
Opiki Suspension Bridge	Rangitane Road near State Highway 56, Opiki	Under consideration and will confirm at hearing
Tane Flaxmill remains	Rangitane Road, Opiki	Under consideration and will confirm at hearing

Volume 1 - Objectives/Policies

Matters of Importance to Tangata Whenua Chapter

NZHPT would like to credit Council for the future investigative cultural heritage survey with Iwi and NZHPT to ensure that cultural and historic heritage will be captured in the District Plan. In relation to this chapter, NZHPT has the following to comment on in relation to Page 1-19 where it states "*Council holding silent files of Wahi Tapu....*". Legal case law has determined that holding silent files could be ultra vires and it is possible that this method could be challenged.

As part of the cultural heritage survey, the NZHPT is hopeful that all of the historic marae of the district can be recognised.

Open Space Chapter

NZHPT requests that the Open Space policy also reflects heritage values of parks, namely parks that contain heritage values for example parks with memorials and parks like the Levin Public Gardens/Remembrance Park at Corner of Cambridge and Bath Streets, Levin.

Historic Heritage Chapter

NZHPT commends and supports the objectives, policies and methods contained within the Historic Heritage Policy chapter. We also support enhanced provisions relating to earthquake strengthening of heritage buildings.

NZHPT requests that in view of identification of historic heritage that an additional policy be inserted to be in line with the ICOMOS Charter that would assist in the identification of Historic Heritage Values. The ICOMOS Charter is appended in Appendix 1.

NZHPT requests the insertion of the following policy:

Policy 13.1.4 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.

In relation to the heritage strategy, NZHPT recommends cross referencing the heritage policy chapter to the heritage strategy, especially in light of its action plans. We suggest that the heritage strategy action plans be listed as methods for this particular chapter.

Volume 2 – Rules

General Rules Chapter

NZHPT supports the heritage rules as outlined in Volume 2. These rules are in close alignment with the NZHPT's model rules outlined in the Sustainable Management of Historic Heritage Guidance Series. The NZHPT commends Council for the development of these heritage rules.

In relation to 16.6.9 – Unsightly Buildings. *No building shall be left unfinished or become in such a state...so that its external appearance is a detraction from the amenities of the neighbourhood.....* The NZHPT considers that this rule may be potentially ultra vires as it could not be enforced.

Rules – Subdivision of Land

NZHPT is supportive of the inclusion of subdivision rules and of the matters of control but in addition seeks the inclusion of archaeological sites as not all archaeological sites are deemed as cultural sites. We therefore request the following changes:

Subdivision of Land – Matters of Control and conditions for controlled activities (all zones)

- Effects on significant sites and features, including natural, cultural, archaeological and historical sites

As the subdivision status is controlled for all of the zones, NZHPT is also concerned that there is no scope to notify subdivisions on the basis of effects on heritage. NZHPT request a discretionary activity status is created for those subdivisions that negatively impact on heritage values of the listed sites on the heritage schedule.

Rules - Earthworks

NZHPT notes that there are no standards for earthworks within the residential zone. If any proposed earthworks rules are indeed permissive then earthworks of this scale can significantly change the lay and look of the land, and affect the heritage values of sites. NZHPT is concerned that this level of permitted earthworks in relation to heritage sites will lead to a loss of heritage values and a potential loss of important archaeological material.

Like the proposed earthworks rules as set aside for the '*Specific Landscape Domains*' area, NZHPT requests that earthworks rules also apply for historic heritage sites. Any earthworks for these historic heritage sites should be restricted discretionary or discretionary activities, dependent on the effects of the proposed earthworks on the heritage values of the sites.

Cultural Heritage

NZHPT is interested in a collaborative approach to new listings that includes Council, Iwi and NZHPT involvement to identify new listings that could also inform possibilities for registration under the Historic Places Act. NZHPT recommends that when conducting the cultural heritage survey that the New Zealand Archaeological Association Archsite be used as a tool for capturing sites. Archsite has many recorded archaeology and cultural heritage sites.

NZHPT also recommends that HDC engages a historian and works together with local Iwi and NZHPT for the cultural heritage identification process. Kapiti Coast District Council has been undertaking a similar survey and may be able to provide examples of their methodology.

As part of the survey we seek that Council has strategies in place to record and list archaeological sites and to adopt layers around archaeologically sensitive areas. The NZHPT has recently partnered with Greater Wellington Regional Council to produce a GIS based predictive model of archaeology for the entire Wellington Region. We are now being asked to work with other Regional Councils and Territorial Authorities to assist development of the same information tool.

Archaeology

Many archaeological sites in Horowhenua are located on farmland, within the coastal dunes, and around wetlands and streams. Horowhenua District has some of the most significant wetland archaeological sites in New Zealand which are often repositories for preserved organic material such as carved wooden artefacts. Drainage of wetlands or redirection of streams can have a significant impact on the preservation of such sites even though the sites themselves might not be exposed. Furthermore earthworks for subdivision within the dune belt routinely results in the destruction and loss of significant archaeological landscapes.

NZHPT notes that in addition to the significant number of recorded archaeological sites listed on the New Zealand Archaeological Association database there are also a high number of unrecorded archaeological sites. In relation to this archaeology we note that the plan has no issues, objectives, policies or rules to better manage significant archaeological sites other than broadly under historic heritage.

As part of the cultural heritage survey, we recommend that best practice rules for significant archaeological sites are developed in close consultation with tangata whenua and the NZHPT. Consultation should also occur with landowners.

Resource consent and archaeological advice notes – Additional Assessment Matters – Part D

While we acknowledge the forthcoming cultural heritage survey, the NZHPT seeks enhanced recognition of archaeological sites in the District Plan. We commend that Council implement archaeological advice notes as part of advice to applicants for resource consent information where the potential for archaeology is moderate to high.

NZHPT requests the following provisions are inserted into Part D assessment matters as follows: 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.

Information requirements for resource consents that outline information that must accompany a resource consent application affecting a historic building or site. This also includes circumstances where consultation with NZHPT and/or with Iwi is required.

Advice Notes identifying consultation requirements with iwi and/or the New Zealand Historic Places Trust 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 Māori.

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 Places Trust if the presence of an archaeological site is suspected. Work affecting archaeological sites is subject to a consenting process under the Historic Places Act (1993). If any 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

In summary, the NZHPT seeks the following changes to the proposed District Plan:

1. The NZHPT Register includes a house that was at 41 Bath Street, Levin and this has been relocated to 947 Koputaroa Rd Levin. This is not proposed for inclusion on the heritage schedule. NZHPT therefore seeks that the Horowhenua District Council carries out more research in partnership with NZHPT to determine an additional inclusion for the Heritage Schedule.
2. NZHPT has recently changed the reference to registered places and sites to Category 1 or 2 in accordance with the legislation. Therefore we seek that the Category I and II items be amended to Category 1 and 2.
3. In addition a number of sites proposed on the schedule are currently being revisited through NZHPT's registration process and their registration categories have not yet been confirmed. NZHPT therefore requests that the NZHPT status of these places is amended accordingly (refer to page 3 of this submission)
4. Legal case law has determined that holding silent files could be *ultra vires*. NZHPT recommends omitting this statement.
5. NZHPT requests that the Open Space policy also reflects heritage values of parks, namely parks that contain heritage values for example parks with memorials and parks like the Levin Public Gardens/Remembrance Park at Corner of Cambridge, Bath Streets, Levin and Kowhai Park.
6. NZHPT requests that in light of identification of Historic Heritage that an additional policy be inserted to align with the ICOMOS Charter that would assist in the identification of Historic Heritage Values. The charter is attached in Appendix 1.

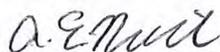
7. NZHPT requests cross referencing the Heritage Policy chapter to the heritage strategy, especially in light of its action plans. We suggest that the heritage strategy action plans be listed as methods for this particular chapter.
8. In relation to 16.6.9 – Unsightly Buildings. *No building shall be left unfinished or become in such a state...so that its external appearance is a detraction from the amenities of the neighbourhood.....* The NZHPT considers that this rule be potentially ultra vires as it could not be enforced.
9. NZHPT is supportive of the inclusion of subdivision rules and of the matters of control but in addition seeks the inclusion of archaeological sites as not all archaeological sites are deemed as cultural sites. We therefore request the following changes:
 - Subdivision of Land – Matters of Control and conditions for controlled activities (all zones)
 - Effects on significant sites and features, including natural, cultural, archaeological and historical sites
10. NZHPT requests discretionary activity status is created for those subdivisions that negatively impact on heritage values of the listed sites on the heritage schedule.
11. Like the proposed earthworks rules as set aside for the ‘*Specific Landscape Domains*’ area, NZHPT requests that earthworks rules also apply for on historic heritage sites. Any earthworks for these historic heritage sites should be restricted discretionary or discretionary activities, dependent on the proposed earthworks effects on heritage values of the sites.
12. As part of the cultural heritage survey we seek that Council has strategies in place to record and list significant 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.
13. NZHPT requests the following provisions are inserted into Part D - assessment matters chapter as follows:
 - 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.

- Information requirements for resource consents that outline information that must accompany a resource consent application affecting a historic building or site. This also includes circumstances where consultation with NZHPT and/or with Iwi is required.
- Advice Notes identifying consultation requirements with Iwi and/or the New Zealand Historic Places Trust 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 Māori.
- **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 Places Trust if the presence of an archaeological site is suspected. Work affecting archaeological sites is subject to a consenting process under the Historic Places Act (1993). If any 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

The NZHPT **may** wish to be heard in support of our submission.

Please contact the undersigned if you would like to discuss any matters raised in the NZHPT submission.

Yours faithfully,



Ann Neill
General Manager Central Region,
New Zealand Historic Places Trust,
Pouhere Taonga

Address for service:

Sonia Dolan
Heritage Adviser - Planning
New Zealand Historic Places Trust Pouhere Taonga
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Appendix 1 – ICOMOS CHARTER 2010

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ICOMOS New Zealand Charter for the Conservation of Places of Cultural Heritage Value

Revised 2010

Preamble

New Zealand retains a unique assemblage of **places of cultural heritage value** relating to its indigenous and more recent peoples. These areas, **cultural landscapes** and features, buildings and **structures**, gardens, archaeological sites, traditional sites, monuments, and sacred **places** are treasures of distinctive value that have accrued meanings over time. New Zealand shares a general responsibility with the rest of humanity to safeguard its cultural heritage **places** for present and future generations. More specifically, the people of New Zealand have particular ways of perceiving, relating to, and conserving their cultural heritage **places**.

Following the spirit of the International Charter for the Conservation and Restoration of Monuments and Sites (the Venice Charter - 1964), this charter sets out principles to guide the **conservation of places of cultural heritage value** in New Zealand. It is a statement of professional principles for members of ICOMOS New Zealand.

This charter is also intended to guide all those involved in the various aspects of **conservation** work, including owners, guardians, managers, developers, planners, architects, engineers, craftspeople and those in the construction trades, heritage practitioners and advisors, and local and central government authorities. It offers guidance for communities, organisations, and individuals involved with the **conservation** and management of cultural heritage **places**.

This charter 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.

Each article of this charter must be read in the light of all the others. Words in bold in the text are defined in the definitions section of this charter.

This revised charter was adopted by the New Zealand National Committee of the International Council on Monuments and Sites at its meeting on 4 September 2010.

Purpose of conservation

1. The purpose of conservation

The purpose of **conservation** is to care for **places of cultural heritage value**.

In general, such **places**:

- (i) have lasting values and can be appreciated in their own right;
- (ii) inform us about the past and the cultures of those who came before us;
- (iii) provide tangible evidence of the continuity between past, present, and future;
- (iv) underpin and reinforce community identity and relationships to ancestors and the land; and
- (v) provide a measure against which the achievements of the present can be compared.

It is the purpose of **conservation** to retain and reveal such values, and to support the ongoing meanings and functions of **places of cultural heritage value**, in the interests of present and future generations.

Conservation principles

2. Understanding cultural heritage value

Conservation of a **place** should be based on an understanding and appreciation of all aspects of its **cultural heritage value**, both **tangible** and **intangible**. All available forms of knowledge and evidence provide the means of understanding a **place** and its **cultural heritage value** and **cultural heritage significance**. **Cultural heritage value** should be understood through consultation with **connected people**, systematic documentary and oral research, physical investigation and **recording** of the **place**, and other relevant methods.

All relevant **cultural heritage values** should be recognised, respected, and, where appropriate, revealed, including values which differ, conflict, or compete.

The policy for managing all aspects of a **place**, including its **conservation** and its **use**, and the implementation of the policy, must be based on an understanding of its **cultural heritage value**.

3. Indigenous cultural heritage

The indigenous cultural heritage of **tangata whenua** relates to **whanau**, **hapu**, and **iwi** groups. It shapes identity and enhances well-being, and it has particular cultural meanings and values for the present, and associations with those who have gone before. Indigenous cultural heritage brings with it responsibilities of guardianship and the practical application and passing on of associated knowledge, traditional skills, and practices.

The Treaty of Waitangi is the founding document of our nation. Article 2 of the Treaty recognises and guarantees the protection of **tinu rangatiratanga**, and so empowers **kaitiakitanga** as customary trusteeship to be exercised by **tangata whenua**. This customary trusteeship is exercised over their **taonga**, such as sacred and traditional **places**, built heritage, traditional practices, and other cultural heritage resources. This obligation extends beyond current legal ownership wherever such cultural heritage exists.

Particular **matauranga**, or knowledge of cultural heritage meaning, value, and practice, is associated with **places**. **Matauranga** is sustained and transmitted through oral, written, and physical forms determined by **tangata whenua**. The **conservation** of such **places** is therefore conditional on decisions made in associated **tangata whenua** communities, and should proceed only in this context. In particular, protocols of access, authority, ritual, and practice are determined at a local level and should be respected.

4. Planning for conservation

Conservation should be subject to prior documented assessment and planning.

All **conservation** work should be based on a **conservation plan** which identifies the **cultural heritage value** and **cultural heritage significance** of the **place**, the **conservation** policies, and the extent of the recommended works.

The **conservation plan** should give the highest priority to the **authenticity** and **integrity** of the **place**.

Other guiding documents such as, but not limited to, management plans, cyclical **maintenance** plans, specifications for **conservation** work, interpretation plans, risk mitigation plans, or emergency plans should be guided by a **conservation plan**.

5. Respect for surviving evidence and knowledge

Conservation maintains and reveals the **authenticity** and **integrity** of a **place**, and involves the least possible loss of **fabric** or evidence of **cultural heritage value**. Respect for all forms of knowledge and existing evidence, of both **tangible** and **intangible values**, is essential to the **authenticity** and **integrity** of the **place**.

Conservation recognises the evidence of time and the contributions of all periods. The **conservation** of a **place** should identify and respect all aspects of its **cultural heritage value** without unwarranted emphasis on any one value at the expense of others.

The removal or obscuring of any physical evidence of any period or activity should be minimised, and should be explicitly justified where it does occur. The **fabric** of a particular period or activity may be obscured or removed if assessment shows that its removal would not diminish the **cultural heritage value** of the **place**.

In **conservation**, evidence of the functions and intangible meanings of **places** of **cultural heritage value** should be respected.

6. Minimum intervention

Work undertaken at a **place** of **cultural heritage value** should involve the least degree of **intervention** consistent with **conservation** and the principles of this charter.

Intervention should be the minimum necessary to ensure the retention of **tangible** and **intangible values** and the continuation of **uses** integral to those values. The removal of **fabric** or the alteration of features and spaces that have **cultural heritage value** should be avoided.

7. Physical investigation

Physical investigation of a **place** provides primary evidence that cannot be gained from any other source. Physical investigation should be carried out according to currently accepted professional standards, and should be documented through systematic **recording**.

Invasive investigation of **fabric** of any period should be carried out only where knowledge may be significantly extended, or where it is necessary to establish the existence of **fabric** of **cultural heritage value**, or where it is necessary for **conservation** work, or where such **fabric** is about to be damaged or destroyed or made inaccessible. The extent of invasive investigation should minimise the disturbance of significant **fabric**.

8. Use

The **conservation** of a **place** of **cultural heritage value** is usually facilitated by the **place** serving a useful purpose.

Where the **use** of a **place** is integral to its **cultural heritage value**, that **use** should be retained.

Where a change of **use** is proposed, the new **use** should be compatible with the **cultural heritage value** of the **place**, and should have little or no adverse effect on the **cultural heritage value**.

9. Setting

Where the **setting** of a **place** is integral to its **cultural heritage value**, that **setting** should be conserved with the **place** itself. If the **setting** no longer contributes to the **cultural heritage value** of the **place**, and if **reconstruction** of the **setting** can be justified, any **reconstruction** of the **setting** should be based on an understanding of all aspects of the **cultural heritage value** of the **place**.

10. Relocation

The on-going association of a **structure** or feature of **cultural heritage value** with its location, site, curtilage, and **setting** is essential to its **authenticity** and **integrity**. Therefore, a **structure** or feature of **cultural heritage value** should remain on its original site.

Relocation of a **structure** or feature of **cultural heritage value**, where its removal is required in order to clear its site for a different purpose or construction, or where its removal is required to enable its **use** on a different site, is not a desirable outcome and is not a **conservation** process.

In exceptional circumstances, a **structure** of **cultural heritage value** may be relocated if its current site is in imminent danger, and if all other means of retaining the **structure** in its current location have been exhausted. In this event, the new location should provide a **setting** compatible with the **cultural heritage value** of the **structure**.

11. Documentation and archiving

The **cultural heritage value** and **cultural heritage significance** of a **place**, and all aspects of its **conservation**, should be fully documented to ensure that this information is available to present and future generations.

Documentation includes information about all changes to the **place** and any decisions made during the **conservation** process.

Documentation should be carried out to archival standards to maximise the longevity of the record, and should be placed in an appropriate archival repository.

Documentation should be made available to **connected people** and other interested parties. Where reasons for confidentiality exist, such as security, privacy, or cultural appropriateness, some information may not always be publicly accessible.

12. Recording

Evidence provided by the **fabric** of a **place** should be identified and understood through systematic research, **recording**, and analysis.

Recording is an essential part of the physical investigation of a **place**. It informs and guides the **conservation** process and its planning. Systematic **recording** should occur prior to, during, and following any **intervention**. It should include the **recording** of new evidence revealed, and any **fabric** obscured or removed.

Recording of the changes to a **place** should continue throughout its life.

13. Fixtures, fittings, and contents

Fixtures, fittings, and **contents** that are integral to the **cultural heritage value** of a **place** should be retained and conserved with the **place**. Such fixtures, fittings, and **contents** may include carving, painting, weaving, stained glass, wallpaper, surface decoration, works of art, equipment and machinery, furniture, and personal belongings.

Conservation of any such material should involve specialist **conservation** expertise appropriate to the material. Where it is necessary to remove any such material, it should be recorded, retained, and protected, until such time as it can be reinstated.

Conservation processes and practice

14. Conservation plans

A **conservation plan**, based on the principles of this charter, should:

- (i) be based on a comprehensive understanding of the **cultural heritage value** of the **place** and assessment of its **cultural heritage significance**;
- (ii) include an assessment of the **fabric** of the **place**, and its condition;
- (iii) give the highest priority to the **authenticity** and **integrity** of the **place**;
- (iv) include the entirety of the **place**, including the **setting**;
- (v) be prepared by objective professionals in appropriate disciplines;
- (vi) consider the needs, abilities, and resources of **connected people**;
- (vii) not be influenced by prior expectations of change or development;
- (viii) specify **conservation** policies to guide decision making and to guide any work to be undertaken;
- (ix) make recommendations for the **conservation** of the **place**; and
- (x) be regularly revised and kept up to date.

15. Conservation projects

Conservation projects should include the following:

- (i) consultation with interested parties and **connected people**, continuing throughout the project;
- (ii) opportunities for interested parties and **connected people** to contribute to and participate in the project;
- (iii) research into documentary and oral history, using all relevant sources and repositories of knowledge;
- (iv) physical investigation of the **place** as appropriate;
- (v) use of all appropriate methods of **recording**, such as written, drawn, and photographic;
- (vi) the preparation of a **conservation plan** which meets the principles of this charter;
- (vii) guidance on appropriate **use** of the **place**;
- (viii) the implementation of any planned **conservation** work;
- (ix) the **documentation** of the **conservation** work as it proceeds; and
- (x) where appropriate, the deposit of all records in an archival repository.

A **conservation** project must not be commenced until any required statutory authorisation has been granted.

16. Professional, trade, and craft skills

All aspects of **conservation** work should be planned, directed, supervised, and undertaken by people with appropriate **conservation** training and experience directly relevant to the project.

All **conservation** disciplines, arts, crafts, trades, and traditional skills and practices that are relevant to the project should be applied and promoted.

17. Degrees of intervention for conservation purposes

Following research, **recording**, assessment, and planning, **intervention** for **conservation** purposes may include, in increasing degrees of **intervention**:

- (i) **preservation**, through **stabilisation**, **maintenance**, or **repair**;
- (ii) **restoration**, through **reassembly**, **reinstatement**, or removal;
- (iii) **reconstruction**; and
- (iv) **adaptation**.

In many **conservation** projects a range of processes may be utilised. Where appropriate, **conservation** processes may be applied to individual parts or components of a **place** of **cultural heritage value**.

The extent of any **intervention** for **conservation** purposes should be guided by the **cultural heritage value** of a **place** and the policies for its management as identified in a **conservation plan**. Any **intervention** which would reduce or compromise **cultural heritage value** is undesirable and should not occur.

Preference should be given to the least degree of **intervention**, consistent with this charter.

Re-creation, meaning the conjectural **reconstruction** of a **structure** or **place**; replication, meaning to make a copy of an existing or former **structure** or **place**; or the construction of generalised representations of typical features or **structures**, are not **conservation** processes and are outside the scope of this charter.

18. Preservation

Preservation of a **place** involves as little **intervention** as possible, to ensure its long-term survival and the continuation of its **cultural heritage value**.

Preservation processes should not obscure or remove the patina of age, particularly where it contributes to the **authenticity** and **integrity** of the **place**, or where it contributes to the structural stability of materials.

i. Stabilisation

Processes of decay should be slowed by providing treatment or support.

ii. Maintenance

A **place** of **cultural heritage value** should be maintained regularly. **Maintenance** should be carried out according to a plan or work programme.

iii. Repair

Repair of a **place** of **cultural heritage value** should utilise matching or similar materials. Where it is necessary to employ new materials, they should be distinguishable by experts, and should be documented.

Traditional methods and materials should be given preference in **conservation** work.

Repair of a technically higher standard than that achieved with the existing materials or construction practices may be justified only where the stability or life expectancy of the site or material is increased, where the new material is compatible with the old, and where the **cultural heritage value** is not diminished.

19. Restoration

The process of **restoration** typically involves **reassembly** and **reinstatement**, and may involve the removal of accretions that detract from the **cultural heritage value** of a **place**.

Restoration is based on respect for existing **fabric**, and on the identification and analysis of all available evidence, so that the **cultural heritage value** of a **place** is recovered or revealed. **Restoration** should be carried out only if the **cultural heritage value** of the **place** is recovered or revealed by the process.

Restoration does not involve conjecture.

i. Reassembly and reinstatement

Reassembly uses existing material and, through the process of **reinstatement**, returns it to its former position. **Reassembly** is more likely to involve work on part of a **place** rather than the whole **place**.

ii. Removal

Occasionally, existing **fabric** may need to be permanently removed from a **place**. This may be for reasons of advanced decay, or loss of structural **integrity**, or because particular **fabric** has been identified in a **conservation plan** as detracting from the **cultural heritage value** of the **place**.

The **fabric** removed should be systematically **recorded** before and during its removal. In some cases it may be appropriate to store, on a long-term basis, material of evidential value that has been removed.

20. Reconstruction

Reconstruction is distinguished from **restoration** by the introduction of new material to replace material that has been lost.

Reconstruction is appropriate if it is essential to the function, **integrity**, **intangible value**, or understanding of a **place**, if sufficient physical and documentary evidence exists to minimise conjecture, and if surviving **cultural heritage value** is preserved.

Reconstructed elements should not usually constitute the majority of a **place** or **structure**.

21. Adaptation

The **conservation** of a **place** of **cultural heritage value** is usually facilitated by the **place** serving a useful purpose. Proposals for **adaptation** of a **place** may arise from maintaining its continuing **use**, or from a proposed change of **use**.

Alterations and additions may be acceptable where they are necessary for a **compatible use** of the **place**. Any change should be the minimum necessary, should be substantially reversible, and should have little or no adverse effect on the **cultural heritage value** of the **place**.

Any alterations or additions should be compatible with the original form and **fabric** of the **place**, and should avoid inappropriate or incompatible contrasts of form, scale, mass, colour, and material.

Adaptation should not dominate or substantially obscure the original form and **fabric**, and should not adversely affect the **setting** of a **place** of **cultural heritage value**. New work should complement the original form and **fabric**.

22. Non-intervention

In some circumstances, assessment of the **cultural heritage value** of a **place** may show that it is not desirable to undertake any **conservation intervention** at that time. This approach may be appropriate where undisturbed constancy of **intangible values**, such as the spiritual associations of a sacred **place**, may be more important than its physical attributes.

23. Interpretation

Interpretation actively enhances public understanding of all aspects of **places** of **cultural heritage value** and their **conservation**. Relevant cultural protocols are integral to that understanding, and should be identified and observed.

Where appropriate, interpretation should assist the understanding of **tangible** and **intangible values** of a **place** which may not be readily perceived, such as the sequence of construction and change, and the meanings and associations of the **place** for **connected people**.

Any interpretation should respect the **cultural heritage value** of a **place**. Interpretation methods should be appropriate to the **place**. Physical **interventions** for interpretation purposes should not detract from the experience of the **place**, and should not have an adverse effect on its **tangible** or **intangible values**.

24. Risk mitigation

Places of **cultural heritage value** may be vulnerable to natural disasters such as flood, storm, or earthquake; or to humanly induced threats and risks such as those arising from earthworks, subdivision and development, buildings works, or wilful damage or neglect. In order to safeguard **cultural heritage value**, planning for risk mitigation and emergency management is necessary.

Potential risks to any **place** of **cultural heritage value** should be assessed. Where appropriate, a risk mitigation plan, an emergency plan, and/or a protection plan should be prepared, and implemented as far as possible, with reference to a conservation plan.

Definitions

For the purposes of this charter:

Adaptation means the process(es) of modifying a **place** for a **compatible use** while retaining its **cultural heritage value**. **Adaptation** processes include alteration and addition.

Authenticity means the credibility or truthfulness of the surviving evidence and knowledge of the **cultural heritage value** of a **place**. Relevant evidence includes form and design, substance and **fabric**, technology and craftsmanship, location and surroundings, context and **setting, use** and function, traditions, spiritual essence, and sense of place, and includes **tangible** and **intangible values**. Assessment of **authenticity** is based on identification and analysis of relevant evidence and knowledge, and respect for its cultural context.

Compatible use means a **use** which is consistent with the **cultural heritage value** of a **place**, and which has little or no adverse impact on its **authenticity** and **integrity**.

Connected people means any groups, organisations, or individuals having a sense of association with or responsibility for a **place** of **cultural heritage value**.

Conservation means all the processes of understanding and caring for a **place** so as to safeguard its **cultural heritage value**. **Conservation** is based on respect for the existing **fabric**, associations, meanings, and **use** of the **place**. It requires a cautious approach of doing as much work as necessary but as little as possible, and retaining **authenticity** and **integrity**, to ensure that the **place** and its values are passed on to future generations.

Conservation plan means an objective report which documents the history, **fabric**, and **cultural heritage value** of a **place**, assesses its **cultural heritage significance**, describes the condition of the **place**, outlines **conservation** policies for managing the **place**, and makes recommendations for the **conservation** of the **place**.

Contents means moveable objects, collections, chattels, documents, works of art, and ephemera that are not fixed or fitted to a **place**, and which have been assessed as being integral to its **cultural heritage value**.

Cultural heritage significance means the **cultural heritage value** of a **place** relative to other similar or comparable **places**, recognising the particular cultural context of the **place**.

Cultural heritage value/s means possessing aesthetic, archaeological, architectural, commemorative, functional, historical, landscape, monumental, scientific, social, spiritual, symbolic, technological, traditional, or other **tangible** or **intangible values**, associated with human activity.

Cultural landscapes means an area possessing **cultural heritage value** arising from the relationships between people and the environment. **Cultural landscapes** may have been designed, such as gardens, or may have evolved from human settlement and land use over time, resulting in a diversity of distinctive landscapes in different areas. Associative **cultural landscapes**, such as sacred mountains, may lack **tangible** cultural elements but may have strong **intangible** cultural or spiritual associations.

Documentation means collecting, **recording**, keeping, and managing information about a **place** and its **cultural heritage value**, including information about its history, **fabric**, and meaning; information about decisions taken; and information about physical changes and **interventions** made to the **place**.

Fabric means all the physical material of a **place**, including subsurface material, **structures**, and interior and exterior surfaces including the patina of age; and including fixtures and fittings, and gardens and plantings.

Hapu means a section of a large tribe of the **tangata whenua**.

Intangible value means the abstract **cultural heritage value** of the meanings or associations of a **place**, including commemorative, historical, social, spiritual, symbolic, or traditional values.

Integrity means the wholeness or intactness of a **place**, including its meaning and sense of **place**, and all the **tangible** and **intangible** attributes and elements necessary to express its **cultural heritage value**.

Intervention means any activity that causes disturbance of or alteration to a **place** or its **fabric**.
Intervention includes archaeological excavation, invasive investigation of built **structures**, and any **intervention** for **conservation** purposes.

Iwi means a tribe of the **tangata whenua**.

Kaitiakitanga means the duty of customary trusteeship, stewardship, guardianship, and protection of land, resources, or **taonga**.

Maintenance means regular and on-going protective care of a **place** to prevent deterioration and to retain its **cultural heritage value**.

Matauranga means traditional or cultural knowledge of the **tangata whenua**.

Non-intervention means to choose not to undertake any activity that causes disturbance of or alteration to a **place** or its **fabric**.

Place means any land having **cultural heritage value** in New Zealand, including areas; **cultural landscapes**; buildings, **structures**, and monuments; groups of buildings, **structures**, or monuments; gardens and plantings; archaeological sites and features; traditional sites; sacred **places**; townscapes and streetscapes; and settlements. **Place** may also include land covered by water, and any body of water. **Place** includes the **setting** of any such **place**.

Preservation means to maintain a **place** with as little change as possible.

Reassembly means to put existing but disarticulated parts of a **structure** back together.

Reconstruction means to build again as closely as possible to a documented earlier form, using new materials.

Recording means the process of capturing information and creating an archival record of the **fabric** and **setting** of a **place**, including its configuration, condition, **use**, and change over time.

Reinstatement means to put material components of a **place**, including the products of **reassembly**, back in position.

Repair means to make good decayed or damaged **fabric** using identical, closely similar, or otherwise appropriate material.

Restoration means to return a **place** to a known earlier form, by **reassembly** and **reinstatement**, and/or by removal of elements that detract from its **cultural heritage value**.

Setting means the area around and/or adjacent to a **place** of **cultural heritage value** that is integral to its function, meaning, and relationships. **Setting** includes the **structures**, outbuildings, features, gardens, curtilage, airspace, and accessways forming the spatial context of the **place** or used

in association with the **place**. **Setting** also includes **cultural landscapes**, townscapes, and streetscapes; perspectives, views, and viewshafts to and from a **place**; and relationships with other **places** which contribute to the **cultural heritage value** of the **place**. **Setting** may extend beyond the area defined by legal title, and may include a buffer zone necessary for the long-term protection of the **cultural heritage value** of the **place**.

Stabilisation means the arrest or slowing of the processes of decay.

Structure means any building, standing remains, equipment, device, or other facility made by people and which is fixed to the land.

Tangata whenua means generally the original indigenous inhabitants of the land; and means specifically the people exercising **kaitiakitanga** over particular land, resources, or **taonga**.

Tangible value means the physically observable **cultural heritage value** of a **place**, including archaeological, architectural, landscape, monumental, scientific, or technological values.

Taonga means anything highly prized for its cultural, economic, historical, spiritual, or traditional value, including land and natural and cultural resources.

Tino rangatiratanga means the exercise of full chieftainship, authority, and responsibility.

Use means the functions of a **place**, and the activities and practices that may occur at the **place**. The functions, activities, and practices may in themselves be of **cultural heritage value**.

Whanau means an extended family which is part of a **hapu** or **iwi**.

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This revised text replaces the 1993 and 1995 versions and should be referenced as the *ICOMOS New Zealand Charter for the Conservation of Places of Cultural Heritage Value* (ICOMOS New Zealand Charter 2010).

This revision incorporates changes in conservation philosophy and best practice since 1993 and is the only version of the ICOMOS New Zealand Charter approved by ICOMOS New Zealand (Inc.) for use.

Copies of this charter may be obtained from

ICOMOS NZ (Inc.)
P O Box 90 851
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SUBMISSION FORM

Proposed Horowhenua District Plan

Resource Management Act 1991

Form 5 of Resource Management

(Forms, Fees, Procedure) Regs 2003

Council Use Only
 Date Received:/...../.....
 Submission No: 118.....



Submissions can be:
 Delivered to: Horowhenua District Council Offices, 126 Oxford Street, Levin
 Posted to: Shaping Horowhenua, Horowhenua District Council, Private Bag 4002, Levin 5540
 Faxed to: (06) 366 0983
 Emailed to: districtplan@horowhenua.govt.nz

Submissions must be received no later than 4:00pm 12 November 2012

1. Submitter Contact Details

Full Name: PETER JOHN WEBB and SUEAN FRANCES WEBB
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Note: you must fill in all sections of this form.

2. Trade Competition

I could gain an advantage in trade competition through this submission? Yes No

I am directly affected by an effect of the subject matter that
 (a) adversely affects the environment; and
 (b) does not relate to trade competition or the effects of trade competition? Yes No

Please note that if you are a person who could gain an advantage in trade competition through the submission, your right to make a submission may be limited by Clause 6 of Schedule 1 of the Resource Management Act 1991.

3. The specific provisions of the Proposed District Plan that my submission relates to are as follows: (Please specify the Rule, Policy or Map number your submission relates to)

The times within which bird-scaring devices are permitted by the proposed district plan to be used on rural properties.

.....

.....

.....

.....

.....

(Continue on a separate sheet if necessary)

4. My submission is that: (Clearly state whether you SUPPORT or OPPOSE specific parts of the Proposed District Plan or wish to have amendments made, giving reasons for your views)

We together with Timothy Peter Cookes as Trustees of the Wicks Family Trust have been the owners and occupiers of the rural property at 354 Mahuroa East Road, Ohau, for the past 13 1/2 years. We understand that under the current rules, bird-scaring devices on rural properties are not permitted to operate before 7.00 am and after 7.00 pm. Under the new proposed district plan these devices will be permitted to operate from sunrise to sundown. We strongly oppose this change.

- see attached additional page -

(Continue on a separate sheet if necessary)

5. I/We seek the following decision from the Horowhenua District Council: (Give precise details of what amendments you wish to see and your reasons)

For the reasons set out in para. 4 above we ask that the times within which bird-scaring devices are permitted to operate on rural properties remain the same as under the current rules - that is between 7.00 am and 7.00 pm.

We also ask that there be a right to object to any use of bird-scaring devices who employs the devices in a manner which is unreasonable.

(Continue on a separate sheet if necessary)

6. Proposed District Plan Hearing

Do you wish to attend the Council hearing for the Proposed District Plan? Yes No

Do you wish to be speak in support of your submission at the hearing? Yes No

If others make a similar submission would you be prepared to consider presenting a joint case at the hearing? Yes No

I have attached additional pages to this submission.

Signature of Submitter:

[Handwritten Signature]

Date:

7 Nov 2012

(Or person authorised to sign on behalf of submitter)

Note: A signature is not required if you make your submission by electronic means.

Submissions must be received no later than 4:00pm 12 November 2012

Further Information

If you require further information about the Proposed District Plan please visit the Council website www.horowhenua.govt.nz or email districtplan@horowhenua.govt.nz or phone (06) 366 0999.

Privacy Act 1993

Please note that submissions are public information. Information on this form including your name and submission will be accessible to the media and public as part of the decision making process. Council is required to have this by the Resource Management Act 1991. Your contact details will only be used for the purpose of the Proposed District Plan process. The information will be held by the Horowhenua District Council, 126 Oxford Street, Levin. You have the right to access the information and request its correction.

Para. 4 (continued)

According to the website timeanddate.com, a United States based organisation providing information on (among other matters) sunrise and sunset times worldwide, sunrise in Wellington in midsummer from 6 December to 12 December is 5:41 am and sunset between 8:43 pm and 8:48 pm. There is no reason to believe that the times in The Hoonahunga will be materially different. Obviously, the times for the days on either side of these dates will be later for sunrises and earlier for sunsets but these changes will be gradual.

Several worker gardens adjoin our property. In the recent past bird-scaring devices on one of these gardens have been going off like loud gunshots or cannons at intervals of less than one minute. These are hearing, incessant sounds are bad enough starting around 7:00 am but starting at sunrise as proposed they will be intolerable, resulting in ~~interruptions~~^{disruptions} to sleep and rest with consequential detrimental effects on the health and well-being of ourselves and also that of our neighbours up to well over a kilometre away. Cessation of the operation of these devices on sundays will also severely interfere with our and our neighbours' quality of life.

There can also be ambiguity over the exact times when sunrise and sunset occurs. Is this when the sun appears from behind the Tararua Ranges and disappears into the Tasman Sea, or some other official determination, or what?

We recognise that in rural areas, a balance needs to be kept between the interests of commercial and non-commercial activities but in extending the times within which bird-scaring devices can operate, as is proposed in the new district plan, we believe that this balance has got completely out of kilter.

